



AGENDA
MANDAN CITY COMMISSION
SEPTEMBER 18, 2012
ED "BOSH" FROELICH MEETING ROOM
5:00 P.M. (SPECIAL TIME)
www.cityofmandan.com

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- A. ROLL CALL:
1. Roll call of all City Commissioners and Department Heads.
- B. MINUTES:
1. Consider approval of the minutes from the September 4, 2012 Board of City Commission meeting.
- C. PUBLIC HEARING:
1. Public Hearing scheduled at 6:00 p.m. to review and discuss the Preliminary 2013 Budget. (See Ordinances and Resolutions #1 thru #3)
- D. BIDS:
1. Consider bids for the purchase of the former water reservoir property and demolition of the structure off 8th Avenue NW
 2. Consider bids for the Outfall Rehabilitation.
- E. CONSENT AGENDA:
1. Consider approval of monthly bills.
 2. Consider approval of street names Wildrye Street and Meadow View Drive changed to Wildrye Circle NW. (*First consideration of ordinance 1130*).
 3. Consider approval of a site authorization for the ND Cowboy Hall of Fame from October 1, 2012 through July 31, 2013.
 4. Consider approval of out-of-state travel for U.S. Treasury Small Business Credit Initiative Conference
 5. Consider budget amendment to the 2012 Cemetery Fund Budget for the purchase of a used pickup.
 6. Consider Change Orders for Residual Management Facility Project.
 7. Consider Change Orders for Southside Pump Station Project.
- F. OLD BUSINESS:
1. Vacation of the south 40' of 4th Street NE public right-of-way of the east quadrant of the intersection of 9th Avenue NE and 6th Avenue NE, as platted in Helmsworth-McLean Addition.
- G. NEW BUSINESS:
1. Consider appointment to the Board of Directors of the Bismarck Mandan Development Association.

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2. Consider making Collins & Main property available for sale and redevelopment
3. Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6th & 7th Additions).
4. Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Water & Sewer Improvement District No. 60, Project No. 2012-21 (Lakewood 6th & 7th Additions).
5. Consider approval for a change order on Project 2010-13 D161 (North Mandan street project).
6. Consider residential trash collection agreement.

H. RESOLUTIONS & ORDINANCES:

1. Consider the second and final consideration of Ordinance No. 1129 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2013, and ending December 31, 2013, and making the annual tax levy for the year 2012.
2. Consider Resolution establishing rates and charges for services from the Water and Sewer Utility Fund.
3. Consider Resolution establishing rates and charges for services from the Street Light Utility Fund.
4. *Consider resolution to vacate public right-of way as platted in Helmsworth-McLean Addition.*
5. *Consider first consideration of Ordinance No. 1130 to change street names Wildrye Street and Meadow View Drive to Wildrye Circle NW. –An Ordinance changing the names of certain streets or parts thereof situated within the City of Mandan, Morton County, North Dakota.*
6. Consider a Resolution of Amendment Authorizing the Issuance of Sewer Improvement Interim Certificates of 2008, Series B and Sewer Improvement Revenue Bonds of 2008, Series B, and the State Revolving Fund Program Loan Agreement with the North Dakota Public Finance Authority for Improvements at the Highway 1806 Sanitary Sewer Force Main.
7. Consider resolution establishing new rates for police and fire emergency response to false alarms.

I. OTHER BUSINESS:

J. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. October 2, 2012
2. October 16, 2012
3. October 22, 2012 (Special Meeting)
4. November 6, 2012

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K. ADJOURN

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

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The Mandan City Commission met in regular session at 5:00 p.m. on September 4, 2012 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Frank, and Braun. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development and Communications Director Huber, and Engineering Project Manager Bechtel. Absent: City Attorney Brown and City Assessor Barta.

MINUTES: *Consider approval of the minutes for August 21, 2012 regular meeting minutes.* Commissioner Tibke moved to approve the minutes as presented of the August 21, 2012 regular meeting minutes. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

PUBLIC HEARING:

1. *Public Hearing to consider an Ad Valorem tax exemption for Novaspect Holdings, Inc.* In the absence of City Assessor Barta, Business Development and Communications Director Huber presented for consideration a tax exemption for Novaspect Holdings, Inc. Novaspect is proposing to construct a 20,000 sq. ft. building at 2813 37th Street Northwest on a portion of Lot 2, Block 2, Mandan Industrial Park First Addition, Mandan, North Dakota. The building will house 3,000 sq. ft. office space and the remainder will be shop/service space. Within five (5) years they anticipate employing 35 fulltime employees. The structural value of the building is estimated at approximately \$1.6 million. The Mandan Growth Fund Committee (MGF) reviewed this project and recommended approval by a unanimous vote to recommend 100% for five years with verification of the minimum number of jobs requirement by the end of year two, sustained through year five. The recommendation also included a contingency upon receipt of lease agreement documentation indicating the benefit will pass to the tenant. There was no input or opposition to this application. Huber stated that the Park and School Districts and Morton County have been notified. Michael Franz, CFO for Novaspect Holdings was present for discussion.

Michael Franz, CFO for Novaspect Holdings came forward to comment. He stated that Novaspect is a privately owned company that has been in business for 76 years, based out of Minneapolis. Commissioner Frank asked what percentage of the business operation is taxable. Franz replied that the amount of sales vs. services in North Dakota is a 60/40 split. The product sold is industrial equipment, control valves, and control systems and the adjunct services come afterwards. The business is basically product driven with services afterwards which will employ more people.

Mark Bitz, Morton County Commissioner came forward and commented that the Morton County Commission has reviewed the application. He stated that it appears it is a very strong company and they pay good benefits and good wages to the employees. In review of the application, in years 3, 4, and 5, this company is very profitable. Also on the application, “warehouse” is checked and he pointed out that “warehouses” are not subject

to tax exemptions. He stated that the Morton County Commission voted to support a full two year tax exemption for the reasons stated.

Mayor Van Beek once again stated this is a public hearing and invited anyone interested to come forward to speak. Hearing none, this portion of the public hearing was closed.

Commissioner Rohr commented that this is the type of business sector that the City of Mandan looks forward to bringing to the city.

Commissioner Rohr motioned to approve a three year 100% tax exemption and then a 75% and 50% thereafter. Commissioner Braun seconded the motion.

Commissioner Frank commented that the motion by Commissioner Rohr indicates inconsistency when addressing these matters and that deviating from the policy shows that inconsistency. She stated she feels it is important that businesses who are interested in bringing a business to the community are able to rely on consistency when these matters are addressed. She reiterated that it was discussed at the last meeting that the MGF consider minimizing the exemption to a certain extent. She recommended that this project be voted on under the current guidelines and after that, conversations occur regarding moving forward with future requests.

Commissioner Rohr motioned to amend the original motion to approve a two year 100% tax exemption, 75% year three, 50% year four and 25% year five. Commissioner Braun seconded the Amended Motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: No; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

Mayor Van Beek invited discussion on the motion that was just passed. Commissioner Tibke pointed out the importance of a business opportunity and from her perspective it would be appropriate to grant the five year exemption at 100%.

Commissioner Braun asked for clarification from Mr. Franz that the business is not a manufacturer but rather that they buy the pieces and then they put them in? Mr. Franz concurred that is correct, that they do not manufacture the original product; however, the company will remanufacture after it has been in service for a while.

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

2. *Public Hearing to consider the vacation of the south 40' of 4th Street NE public right-of-way of the east quadrant of the intersection of 9th Avenue NE and 6th Avenue NE, as platted in Helmsworth-McLean Addition.* Engineering Project Manager Bechtel reviewed with the Commission a request to vacate from Sanela Alagic, the south 40' of 4th Street NE public right-of-way of the east quadrant of the intersection of 9th Avenue NE and 6th Avenue NE. He provided a photo of a map of the area and also indicated that

the owners started renovations in the area which are to include building a garage to the existing home. They found out they were encroaching on the right-of-way and thus the request for the vacation in order to move forward with the renovation of their home. He stated that the request is not to vacate the entire 80' right-of-way. Bechtel stated that he supports the vacation due to the fact that there will never be a street through that area due to the elevation of the land.

Mayor Van Beek stated this is a public hearing and invited anyone interested to come forward to speak.

Richard Ames came forward and stated that he lives just an angle away across from that property. He said he supports the vacation of the right-of-way as requested by the property owner, indicating that it would be very expensive to construct a street in that area. He also supported the construction the homeowner is planning, stating that it will improve the property.

Tom Bair came forward to speak stating that he is representing DeNae Kautzmann, an adjacent owner of the land of the proposed vacation. He indicated that in North Dakota there is only one way to vacate a street that is set forth by statute and that cities just do not go forward with vacating a street. NDCC Section 40-39-05 addresses Vacating of Streets. It states: "No public street shall be vacated except on a petition signed by all of the owners of the property adjoining the plat to be vacated". He explained that Ms. Kautzmann has never signed the petition. State law prohibits this body from vacating that right-of-way. One other item for consideration is the ownership of land when a street runs across it. Section 47-10-10 addresses that: "Title to highway street alley and public right-of-way." It says that the public has a right-of-way and that adjoining landowners own property to the midpoint of the right-of-way, to the mid-point of the street. Ms. Kautzmann and her husband own the north half of that street and therefore they are adjoining land owners and they have not consented to the petition. If this were granted it would be an illegal vacation of a public right-of-way. Bair requested this Commission pass a motion to deny the request to vacate the south 40' of 4th Street NE public right-of-way of the east quadrant of the intersection of 9th Avenue NE and 6th Avenue NE, as platted in Helmsworth-McLean Addition. He said that Section 40-39-04 states that if there is any type of public utility in that right-of-way it cannot be vacated. He indicated that would also prohibit a vacation of the right-of-way.

Engineering Project Manager Bechtel spoke on behalf of City Attorney Brown who wasn't present at the meeting, stating that this matter was reviewed and Attorney Brown gave his opinion on those sections of the century code addressed by Mr. Bair. Attorney Brown has indicated that the City of Mandan has followed procedure and the procedure has been followed correctly.

Sanela Alagic came forward to speak. She stated she is the landowner requesting the vacation of the right-of-way. She indicated that when they purchased the property there was a garage on the property and they removed it because it was in really bad condition. She remarked that no one said anything about it then. She said that since this matter

came to this Board a couple months ago, she has had discussions with Bechtel who said that there would never be a street there and no one uses the area for anything because it is inaccessible for use. She said that she talked to all the neighbors and there were no objections and she feels that legally what is being proposed is fine. She requested the Commission consider approval to pass the request to vacate the right-of-way.

Debbie Holter came forward and mentioned that she is one of the adjoining landowners to the subject property. She stated she owns the lots to the east of the property and that the non-vacated street is the only access to that property and there is a water line in that easement. She reviewed her version of access to the lots. She indicated that there are two homes on top of the hill without access to the property. She stated that the problem is an easement over private property. She pointed out that 10th Avenue was vacated because it is straight up a hill. She mentioned that when she bought her property the street was there and not vacated. If vacated, it would almost double their property and her street access would be taken away. She requested the Commission not grant the request to vacate the right-of-way.

Mr. Bair returned to the podium and stated that he believes the law is clear on this and that City Attorney Brown is wrong. He read the following statutes verbatim: Section 47-01-16: An owner of land bounded by a road or street is presumed to own to the center of the way but the contrary may be shown. Section 40-39-05: No public grounds, streets, alleys, or parts thereof within a municipality maybe vacated or discontinued by the governing body except on a petition signed by all of the owners of the property adjoining the plat to be vacated. Mr. Bair once again requested the Commission deny the request to vacate the right-of-way.

Debbie Holter returned to the podium and pointed out that Mr. Brown is not present and Mr. Bechtel is not an attorney as he indicated. There are three attorneys present in the audience that agree that the proper law is not being followed.

Commissioner Rohr suggested leaving out the legal part of the matter and looking at the practical side of it for the moment. If it has been said that it is never going to be a street for many many years, that it's not going to be anything; is your only contention of what it might be as opposed to what it is right now, is that what would be an impingement on your property? But that's never going to be a street. Where is your concern? (Addressing the landowners in opposition to the vacation of the right-of-way.)

DeNae Kautzmann came forward and indicated that her concern goes back to approximately 1986 when the Wetzstein's who owned the majority of that property vacated every right-of-way so she is landlocked except for this section of land. To say that a street will never be put there is presumptuous. She would have no access to a city street in the City of Mandan other than by use of a road that she has an easement to use. It is not on her property. The road is in very bad shape. It is not maintained by the Wetzstein's and she will not be putting money into a road that is not on her property. Commissioner Frank asked if Kautzmann is concerned that the easement she is using is a perpetual easement or if she concerned that the easement will go away and then she

would ultimately have to use the easement requested to be vacated? Kautzmann replied that she cannot project the future but that Mike Wetzstein once told her that the road may not be available. Right now she does not have a problem with that, but if that section of property is vacated then essentially the Commission has made Kautzmann's property an island within the City of Mandan. Commissioner Frank questioned what kind of easement is in place now with the Wetzstein's. Kautzmann replied that she would have to review the deed. Commissioner Frank said that if the property owners have a request in front of this Board to obtain a vacation on 40 feet of the 80 foot easement, could she not put in a request for the second half of the 80 foot? Kautzmann replied that there is no case law that supports taking one-half of a right-of-way. Kautzmann's argument is that she owns up to the center of the right of way so she is an adjoining landowner and as such under the law she has the right to say whether she agrees or does not agree with that vacation. Kautzmann said the south half of the road is the flattest so it does not make sense to vacate that if the road were to logically be placed there.

Commissioner Rohr inquired if Division Street went through to access the top area would a road be put down in the Kautzmann area? Kautzmann stated that back in 1986 the City Commission vacated the whole right of way in that area and so if the Commission wants to put in Division Street they will have to go through a condemnation process, go through eminent domain and she stated she does not know how long the Wetzstein's will stretch that out.

Commissioner Frank inquired: With the vacation of the 40 ft. of the south half of that 80 ft. easement in the scenario that Ms. Kautzmann would have to use that access to her yard there would have to be some heavy demolition of all the trees and shrubbery in that area, but if a roadway were needed would it be an option to have that road slightly to the north? Bechtel stated that the City would have to acquire some additional right of way if it wanted to do a full size city street, in which the streets are 42 ft. but it could accommodate a smaller street if needed. He stated that by looking at the terrain, it would require huge excavations and additional easements into the hill to the north. It would be cost prohibitive (hundreds of thousands of dollars to get 150'). Bechtel stated that the terrain in that area does not dictate conditions for a road to be in there and that is probably why those right-of-ways were vacated. Commissioner Rohr stated that questions such as these can be posed to the League of Cities and that may be an option. Commissioner Tibke stated that she is not comfortable making a decision without the City's legal counsel present and in the absence of written documentation. Commissioner Frank stated that she is confident that Attorney Brown has provided his opinion after review of the matter and indicated that everything has been done correctly. Based on that, Commissioner Frank recommended that this Board approve the vacation of the south 40' of 4th Street NE public right-of-way of the east quadrant of the intersection of 9th Avenue NE and 6th Avenue NE, as platted in Helmsworth-McLean Addition.

Bechtel stated that on behalf of City Attorney Brown and their review of this matter, they also reviewed the same statutes that Attorney Bair cited and that the opinion of Attorney Brown is that the City has done everything correctly.

Debbie Holter approached the podium again and stated that Bechtel had the driveway that's been in use ever since she can remember and the area that is being requested to be vacated is level with the driveway so there could be a street put through there all the way to her lot because the driveway is already being used half way. So it is not as hilly as other parts of it.

Commissioner Braun extended appreciation to those speaking to this matter and addressing the law; however he stated that the law is open to interpretation. He does not think a decision has to be made tonight and he would like to hear from City Attorney Brown before moving forward with a resolution.

Mayor Van Beek stated this is a public hearing and invited anyone who is interested come forward to speak. Hearing none, this portion of the public hearing was closed.

Commissioner Frank motioned to approve the vacation of the south 40' of 4th Street NE public right-of-way of the east quadrant of the intersection of 9th Avenue NE and 6th Avenue NE, as platted in Helmsworth-McLean Addition. There was no second to the motion. The motion died for lack of a second.

Commissioner Tibke motioned to table this matter until September 18, 2012, the vacation of the south 40' of 4th Street NE public right-of-way of the east quadrant of the intersection of 9th Avenue NE and 6th Avenue NE, as platted in Helmsworth-McLean Addition. Commissioner Braun seconded the motion.

Commissioner Rohr requested clarification that the public hearing has occurred and the matter tabled is limited to clarifying the facts and making a decision, correct? Mayor Van Beek confirmed that was correct.

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

BIDS:

1. *Consider bid for new Fire Truck.* Fire Chief Nardello reviewed with the Commission a date-related technicality on the advertising for the new fire truck and subsequently received a legal opinion from City Attorney Brown that all bids received on August 13, 2012 and August 14, 2012, could be considered. Nardello stated that a total of six bids were received and that Front Range was the low bidder on the base bid for a demo unit. However there were exceptions to that bid that did not meet the specifications. Spartan ERV was the base bidder meeting all the specifications in the amount of \$399,471; however, there were some duplication in equipment and items that exceeded the specifications which allowed for a reduction in the bid proposal. In addition, ERV allows for a prepayment discount if 50% of the vehicle is paid for at the time of the contract signing. With these additional cost savings, the cost of the new fire truck has been reduced to \$385,329. There are funds available in the budget to cover the costs outlined. Nardello recommended selling the 1989 truck rather than trading it in. He

recommended awarding the new fire truck to the low bidder, Spartan ERV in the amount of \$385,329 and also amending the 2012 Fire Reserve Budget to allow for the 50% prepayment for a total of \$193,886 to the 2012 budget.

Commissioner Frank motioned to award the bid for a new fire truck to Spartan ERV in the amount of \$385,329 with a 50% payment due at contract signing and the other 50% due upon vehicle delivery and also to amend the 2012 Fire Reserve Budget to allow for the 50% prepayment for a total of \$193,886 to the 2012 budget. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

CONSENT AGENDA:

1. *Consider games of chance for the following: (i) Vietnam/Legacy Vets Motorcycle Club of ND at Colonial Lounge from September 15, 2012 through December 14, 2012; and (ii) Mandan Girls Swim and Dive at the Braves Center from September 4, 2012 through November 23, 2012.* The Board approved of the games of chance for the following: (i) Vietnam/Legacy Vets Motorcycle Club of ND at Colonial Lounge from September 15, 2012 through December 14, 2012; and (ii) Mandan Girls Swim and Dive at the Braves Center from September 4, 2012 through November 23, 2012.

2. *Consider for approval the final plat of Skinners 1st Addition.* The Board approved of the final plat of Skinners 1st Addition.

3. *Consider Permit Tech revision and Bldg. Insp. Position requirement.* The Board approved of the Permit Tech revision and Bldg. Insp. Position requirement.

Commissioner Frank moved to approve the Consent Agenda as presented.

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

OLD BUSINESS:

NEW BUSINESS:

1. *Introduction of employees to new or vacant positions within the City Staff:*
(i) Street Department Equipment Operators: Jeff Wright, Director of Public Works introduced the following: Clayton Maloney, Alan Fleck and Pete Finck; and *(ii) Wastewater Treatment Plant:* Steve Himmelpach, WWTP Superintendent introduced the following: Rodney Knoll, Ryan Malsam.

2. *Consider bidding process for Class A Liquor License.* City Administrator Jim Neubauer reviewed with members a request to determine the process for issuing an existing Class A General Retail on and off premise liquor license. Currently there is one Class A license available and there are two interested parties. He recommended using a sealed bid process similar to the process used previously. He requested the Commission provide guidance if they wish to issue the Class A General Retail license and if so what

process would be appropriate to issue the license. Commissioner Frank commented that consistency of the process for distribution should take place and she felt that the sealed bid process worked well in the past. She inquired if staff has recommendations for minimum bid amounts and if input from other communities would be helpful.

Administrator Neubauer stated he has not received input from other communities as to what their minimum bid is. He stated that a Class D license is more valuable because it is just off sale and Class A is both on and off sale. He suggested somewhere between the \$7,500 and the \$40,000 for consideration. Neubauer stated there has been one letter of interest received, however, there have been several verbal requests.

Commissioner Frank motioned that the minimum bid be set at \$25,000. 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.

Commissioner Frank motioned to put one Class A General retail on and off premise liquor license up for public bids in accordance with the schedule and the minimum bid of \$25,000 as proposed. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider a change order to have Northern Improvement do the emergency street repairs on 37th Ave NW and 34th Ave NW.* Director of Public Works Wright reviewed with the Board a request to consider a change order on street repairs on 37th Avenue NW and 34th Avenue NW. He explained that these roads were put in in 2006/2007 but repairs are needed due to the result of high ground water conditions over the past two or three years in addition to the increased truck traffic in that area causing damages along with increased pot holes. Wright stated that Toman and Wenck Engineering have completed water studies in this area and recommended that the deteriorating areas of 37th and 34th Avenues be torn out, which will include 18" of sub base material and the existing asphalt and an under drain system installed along both sides of the curb. He explained that the under drain system will be installed by the street department due to high contractor prices and the street crews ability to do the work. He then explained that Northern Improvement will then replace the saturated sub base material and a geo-textile fabric and then finish with asphalt.

Commissioner Tibke inquired if the road damage is a result of the wet years or the topography to begin with? Wright stated that prior to 2009 there were many residents that had zero ground water problems. He indicated that 2009 was a year with a lot of snow and rain and residents that lived there for 30 years for the first time ever got ground water that year coming into their basements. The water problems got worse in 2010 and 2011 and eventually the water was running above ground. Prior to that there was no problem with sub base or water problems. Commissioner Frank inquired if drain tile systems that are proposed would be over aggressive? Wright replied that he did not want to go through replacing all the sub-base replacement with no underground system in place. According to the estimates, the under drain and installation will cost over

\$160,000 to have a contractor do it. Wright priced out the one foot trench by having city staff do the work stating that it could be done for approximately \$20,000.

Commissioner Rohr motioned to approve the Change Order for Northern Improvement to do the street repairs on 37th and 34th Avenues Northwest with the funding split 50% General Fund and 50% Sales Tax and have the Street Department install the under drain system with funding from the Water and Sewer Utility Fund. 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.

RESOLUTIONS & ORDINANCES:

OTHER BUSINESS:

1. *Update on Mandan Growth Fund Committee discussion on Commercial Property Tax Exemption Policy.* City Administrator Neubauer reviewed with the Board an update from the MGF Committee related to the policy on tax exemption for commercial property. As a result it was recommended to have a work-in-session with members of the Mandan Growth Fund and the City Commission to discuss the matter in one group. As an alternative, the City Commission could appoint some commissioners to meet with the Growth Fund Committee. Commissioner Tibke recommended the City Commission meet with the MGF Committee. The Commission requested Administrator Neubauer to schedule a meeting to include all City Commission members and all Mandan Growth Fund Committee members to discuss the Commercial Property Tax Exemption Policy.

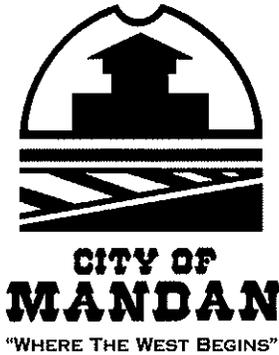
2. *Update on North Mandan Street Maintenance Project.* Engineering Project Manager Bechtel reviewed with the Board the street maintenance project that took effect after Measure 2 wherein Northern Improvement was the contractor on the project. A link has been attached to the City of Mandan's homepage (www.cityofmandan.com) for residents to access. Bechtel gave an overview of what the contents of the link contains in relation to street projects going on. There are six areas within the project and each of them is defined and can be accessed by clicking on them individually. The reports are updated at least weekly. A timeline of the construction project is located on the report and will outline when the project is due to be completed.

3. *Mandan Fire Department Through the Smoke Road Race Event.* Commissioner Tibke announced that on October 6th the Fire Department will be sponsoring an event called "Through the Smoke Road Race" that will include a 10K run and 5K run/walk at Raging Rivers. She encouraged the Mayor and all Commissioners to participate in the 5K run/walk.

There being no further actions to come before the Board of City Commissioners, Commissioner Rohr moved to adjourn the regular meeting at 6:30 p.m. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present. The motion passed.

James Neubauer,
City Administrator

Arlyn Van Beek,
President, Board of City
Commissioners



Board of City Commissioners

Agenda Documentation

MEETING DATE: September 18, 2012
PREPARATION DATE: September 12, 2012
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch
SUBJECT: Preliminary 2013 Budget

PURPOSES

1. To conduct a Public Hearing to review and discuss the Preliminary 2013 Budget.
2. To consider the second and final consideration of Ordinance No. 1129 adopting the 2013 Budget.
3. To consider the Resolution establishing rates and charges for services from the Water and Sewer Utility Fund.
4. To consider the Resolution establishing rates and charges for services from the Street Light 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, contracts 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 2013 Budget is in compliance with these legal requirements and City Policies.

The proposed Budget for 2013 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 21, 2012 - The Board of City Commissioners passed the introduction and first consideration of Ordinance No. 1129 adopting the 2013 Budget.

The Preliminary 2013 Budget has been posted on the City's website at cityofmandan.com.

ATTACHMENTS

- Notice of Public Hearing
- Important Notice to City of Mandan Taxpayers (requirement under NDCC 57-15-02.1)
- Preliminary 2013 Budget
- Ordinance No. 1129
- Certificate of Levy
- Resolution establishing rates and charges for services from the Water and Sewer Utility Fund
- Resolution establishing rates and charges for services from the Street Light Utility Fund

FISCAL IMPACT

See Preliminary 2013 Budget

The annual cost for City services for an existing \$175,000 residential home with an average valuation increase of 0.1% (Board of Equalization) and using 8 units of water per month, excluding special assessments:

Property Taxes:

- 2012 Budget = \$769
- 2013 Budget = \$738
- Annual decrease = \$31

Utility Bill:

- 2012 Budget = \$790
- 2013 Budget = \$836
- Annual increase = \$46

Total:

- 2012 Budget = \$1,560
- 2013 Budget = \$1,574
- Annual increase = \$14

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, contracts and agreements.

RECOMMENDATIONS

1. To approve the second and final consideration of Ordinance No. 1129 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2013, and ending December 31, 2013, and making the annual tax levy for the year 2012.
2. To approve the Resolution establishing rates and charges for services from the Water and Sewer Utility Fund.
3. To approve the Resolution establishing rates and charges for services from the Street Light Utility Fund.

SUGGESTED MOTIONS

1. Move to approve the second and final consideration of Ordinance No. 1129 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2013, and ending December 31, 2013, and making the annual tax levy for the year 2012.
2. Move to approve the Resolution establishing rates and charges for services from the Water and Sewer Utility Fund.
3. Move to approve the Resolution establishing rates and charges for services from the Street Light Utility Fund.

**NOTICE OF FILING OF THE CITY OF MANDAN, NORTH DAKOTA
PRELIMINARY 2013 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, 2013 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 18, 2012 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	\$8,542,000
Highway Distribution Fund	1,201,550
City's Share of Special Assessments Fund	165,700
Cemetery Fund	148,700
City Visitors' Promotion Fund	74,200
Alarm-Equipment Reserve Fund	22,700
City Sales Tax Fund	1,310,850
Public Transportation System Fund	100,000
Fire Equipment Reserve Fund	345,000
Mandan Growth Fund	162,100
Narcotics Task Force Grant Fund	86,500
Police Equipment Reserve Fund	7,000
Traffic Safety Grants Fund	10,100
Underage Drinking Enforcement Grant Fund	1,000
Narcotics Task Force Grant Fund-HIDTA	49,200
BNSF Settlement Fund	1,500
Mandan SEP Trust Fund	1,750
Downtown Redevelopment Fund	67,300
Mandan Community Center Revenue Bonds of 2005 Fund	138,750
Liberty Memorial Bridge General Obligations Bonds Fund	64,700
Refunding Improvement Bonds Fund	5,935,550
City Visitors' Promotion Capital Construction Fund	8,350
Water and Sewer Utility Fund	6,071,800
Solid Waste Utility Fund	1,362,450
Street Light Utility Fund	393,550
City Shop Fund	406,650
Morton Mandan Public Library	665,300
Mandan Airport Authority	5,282,932

Greg Welch, Finance Director
Dated: August 31, 2012

**IMPORTANT
NOTICE TO
CITY OF MANDAN
TAXPAYERS**

A public hearing to consider decreasing the 2012 City of Mandan property tax levy by **0.6%** will be held at the City Hall, 205 2nd Avenue NW, Mandan, North Dakota, on Tuesday, September 18, 2012, at 6:00 p.m. Citizens will have an opportunity to present oral or written comments regarding the property tax levy.

Taxable valuation increase = 3.7%
Mill levy = 93.65 mills



**CITY OF
MANDAN**

“WHERE THE WEST BEGINS”

**PRELIMINARY
2013 BUDGET**



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

September 12, 2012

TO: Board of City Commissioners

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 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

The following is a summary of the 2013 Budget:

Annual Cost for City Services

The annual cost for City services for an existing \$175,000 residential home with an average valuation increase of 0.1% (Board of Equalization) and using 8 units of water per month, excluding special assessments:

Property Taxes:

- 2012 Budget = \$769
- 2013 Budget = \$738
- Annual decrease = \$31

Utility Bill:

- 2012 Budget = \$790
- 2013 Budget = \$836
- Annual increase = \$46

Total:

- 2012 Budget = \$1,560
- 2013 Budget = \$1,574
- Annual increase = \$14

Ordinance (pages 1 to 2)

August 21, 2012 - The Board of City Commissioners passed the introduction and first consideration, and called for a public hearing of Ordinance No. 1129 adopting the 2013 Budget.

September 18, 2012 - The Board of City Commissioners to conduct a public hearing and consider the second and final consideration of Ordinance No. 1129 adopting the 2013 Budget. In addition, the Board will consider the Resolutions establishing rates and charges for services from the Water and Sewer Utility Fund and the Street Light Utility Fund.

Summary (pages 3 to 5)

Revenues (before Transfers):

- Property Taxes = \$3,656,350
- 1% City Sales Taxes = \$1,928,050
- Other Taxes = \$733,450
 - 1% Restaurant and Lodging Taxes
 - 2% Occupancy Taxes
- Licenses and Permits = \$619,850
- Intergovernmental = \$3,307,150
 - State Aid Distribution
 - Highway Tax Distribution
- Water, Sewer, Solid Waste, Street Light Utility Charges = \$8,009,800
- Other Charges for Services = \$503,200
 - Fuel (City Shop to departments)
 - Grave Opening and Closing (Cemetery)
- Fines and Forfeits = \$182,700
- Special Assessments = \$5,368,950
- Miscellaneous = \$386,200
 - Interest
 - Loan Repayments (Mandan Growth Fund)
 - Sale of Lots (Cemetery)
- Total = \$24,695,700

Expenditures (before Transfers):

- Salaries and Benefits = \$7,573,450
- Operations and Maintenance = \$6,366,650
- Debt Service-Principal and Interest = \$8,327,900
- Capital Outlay = \$1,854,550
- Total = \$24,122,550

Excess of Revenues over Expenditures = \$573,150

Estimated Fund Balances (pages 6 to 7)

The purpose of this schedule is to summarize the City's funds and to indicate the estimated change in Fund Balances from January 1, 2012 to December 31, 2013 for each fund.

General Fund (pages 8 to 9)

This Fund is the principal operating Fund of the City. The purpose of this Fund is to account for all financial resources that are not accounted for in other Funds. Included are transactions for services such as general government, public safety, and public works.

Revenues = \$8,451,050

Expenditures = \$7,864,900

Capital Outlay = \$677,100

Estimated Fund Balance at December 31, 2013:

- Reserved (17%) = \$1,378,492
- Capital Improvement = \$2,200,891
- Total = \$3,579,383

Cemetery Fund (page 10)

The purpose of this Fund is to account for a specific annual property tax levy, charges for services, and sale of lots to be used exclusively for the care, maintenance, and improvement of the Cemetery.

Revenues = \$185,200

Expenditures = \$146,700

Capital Outlay = \$2,000

Estimated Fund Balance at December 31, 2013:

- Reserved (17%) = \$26,093
- Capital Improvement = \$110,858
- Total = \$136,951

No increase in Fees and Charges.

City Visitors' Promotion/Capital Construction Fund (page 11)

The purposes of this Fund are: 1) to account for the 2% City Occupancy Tax to promote, encourage, and attract visitors to come to the City and use the travel and tourism facilities within the City, and 2) to account for the 1% City Restaurant and Lodging Tax for the purchase, equipping, improving, construction, maintenance, repair, and acquisition of buildings or property consistent with visitor attraction and promotion.

Revenues:

- 2% Occupancy Taxes = \$82,450
- 1% Restaurant and Lodging Taxes = \$356,150

Occupancy Tax revenues are distributed as follows:

- Bismarck-Mandan Convention and Visitors Bureau (90%) = \$74,200

The Visitors' Committee recommends funding for projects from the 1% City Restaurant and Lodging Tax revenues.

City Visitors' Promotion/Capital Construction Fund (page 11), continued

Estimated Fund Balance at December 31, 2013:

- 2% Tax = \$25,016
- 1% Tax:
 - Unreserved = \$1,345,948
 - Reserved (17%) = \$63,937
 - Total = \$1,409,885

City Sales Tax Fund (pages 12 to 13)

The purpose of this Fund is to account for the 1% City Sales Tax for reducing property taxes and municipal debt, street, water and sewer improvements, and for job and economic development.

1% City Sales Taxes = \$1,928,050

40% of the annual Sales Tax revenues are transferred to the General Fund for property tax reduction = \$771,250 or 16.56 Mills

Estimated Fund Balance at December 31, 2013:

- Unreserved = \$2,042,146
- Reserved = \$500,000
- Total = \$2,542,146

Historically, the City has expended the Sales Tax revenues as follows:

- Property Tax Reduction = 42%
- Job and Economic Development = 27%
- Street, Water and Sewer Improvements = 25%
- Municipal Debt Reduction = 6%

Mandan Growth Fund (page 14)

The purpose of this Fund is to account for the activities of the City's business development, communications, and economic development and assistance provided to various businesses.

The Fund generally receives \$250,000 from the City Sales Tax Fund annually for Job and Economic Development.

Revenues:

- Business Development and Communications Director = \$162,100
- Economic Development = \$156,850
- Storefront Improvement Program = \$0
- Retail and Restaurant Incentive Program = \$0
- Total = \$318,950

Expenditures:

- Business Development and Communications Director = \$162,100
- Economic Development = \$0
- Storefront Improvement Program = \$0
- Retail and Restaurant Incentive Program = \$0
- Total = \$162,100

Mandan Growth Fund (page 14), continued

The funding for Economic Development projects are recommended by the Mandan Growth Fund Committee.

Estimated Fund Balance at December 31, 2013:

- Business Development and Communications Director = \$0
- Economic Development = \$395,096
- Storefront Improvement Program = \$87,896
- Retail and Restaurant Incentive Program = \$29,318
- Total = \$512,311

Refunding Improvement Bonds Fund (page 15)

The purpose of this Fund is to account for, by district, the financing of the City's special assessment bonds for the construction of infrastructure improvements such as for Sidewalk, Curb and Gutter, Street, and Water and Sewer Utility projects.

Revenues = \$5,023,800

Expenditures = \$5,935,550

Estimated Fund Balance at December 31, 2013:

- Sidewalk, Curb and Gutter = \$255,684
- Street = \$4,168,483
- Water and Sewer Utility = \$285,871
- Total = \$4,710,038

Water and Sewer Utility Fund (pages 16 to 19)

The purpose of this Fund is to account for the activities of the City's Water and Sewer operations.

Revenues:

- Water = \$4,352,761
- Sewer = \$1,941,189
- Total = \$6,293,950

Expenses:

- Water = \$3,629,317
- Sewer = \$1,668,032
- Total = \$5,297,350

Capital Outlay:

- Water = \$510,200
- Sewer = \$264,250
- Total = \$774,450

Estimated Fund Balance at December 31, 2013:

- Reserved (25%) = \$799,312
- Capital Improvement = \$383,473
- Revenue Bonds = \$2,026,212
- Total = \$3,208,997

Water and Sewer Utility Fund (pages 16 to 19), continued

Fees and Charges:

- Base Rate increase:
 - Residential = \$1.70 per month
 - Commercial and Industrial = \$3.40 per month
 - Apartment (3+ units) = \$5.10 per month
 - Purpose: Debt Service for \$4.1M of improvement projects financed through the State Revolving Fund (SRF) Program.
- Service Rate increase:
 - Water = \$.10 per 100 cubic feet/per month
 - Sewer = \$.05 per 100 cubic feet/per month
 - Missouri West Water System = \$.07 per 1000 gallons/per month
 - Purpose: Operations and Maintenance costs of Water and Sewer services.
- The annual increase in the Utility Bill for an average customer using 8 units (6,000 gallons or 800 cubic feet) of water per month:
 - Residential = \$34.80
 - Commercial and Industrial = \$55.20
 - Apartment (3+ units) = \$75.60

Solid Waste Utility Fund (page 20)

The purpose of this Fund is to account for the activities of the City's Solid Waste operations.

Revenues = \$1,458,950

Expenses = \$1,362,450

Capital Outlay = \$0

Estimated Fund Balance at December 31, 2013:

- Reserved (25%) = \$353,739
- Landfill and Transfer Station Improvements = \$1,000,000
- Capital Improvement = \$361,562
- Total = \$1,715,301

No increase in Fees and Charges for residential accounts.

Service contracts:

- Garbage collection agreement with Dakota Sanitation Plus, Inc. expires on October 31, 2012.
- Disposal agreement with Waste Management of North Dakota, Inc. expires on June 30, 2015.

Street Light Utility Fund (pages 21 to 22)

The purpose of this Fund is to account for the activities of the City's Street Light operations.

Revenues = \$377,650

Expenses = \$339,550

Capital Outlay = \$54,000

Estimated Fund Balance at December 31, 2013:

- Reserved (25%) = \$87,699
- Capital Improvement = \$2,061
- Total = \$89,760

Fees and Charges:

- Base Rate increase = \$0.90 per month
- Purpose: Operations and Maintenance costs of Street Light services, and LED lights replacement project.
- The annual increase in the Utility Bill for a residential customer = \$10.80

City Shop Fund (page 23)

The purpose of this Fund is to account for the salaries and benefits of the City's Mechanic, purchase of fuel, and for repairs and maintenance of City vehicles, and machinery and equipment.

The Fund charges the departments for services provided and for reimbursement of expenditures.

Revenues = \$406,650

Expenditures = \$406,650

Estimated Fund Balance at December 31, 2013 = \$6

Taxable Valuation, Mill Levy, and Property Taxes (pages 24 to 31)

Taxable Valuation (estimated) = \$46,569,228

- Increase from Tax Year 2011 (2012 Budget) = 3.7%
- 1 Mill = \$46,569

Mill Levy:

- City operations = 82.65 Mills
 - General Fund = 72.60 Mills
- Airport operations = 4.00 Mills
- Library operations = 7.00 Mills
- Total = 93.65 Mills
 - Decrease from Tax Year 2011 (2012 Budget) = 4.06 Mills
 - Average city levy of the 11 largest cities (excluding Mandan) for Tax Year 2011 (2012 Budget) = 93.65 Mills
- City's share of 1 Mill for Tax Year 2011 (2012 Budget) = 24%

Taxable Valuation, Mill Levy, and Property Taxes (pages 24 to 31), continued

Property Taxes:

- City operations = \$3,848,929
 - General Fund = \$3,380,926
- Airport operations = \$186,277
- Library operations = \$325,985
- Total = \$4,361,191
 - Decrease from Tax Year 2011 (2012 Budget) = \$26,476

The decrease in the City property taxes for an existing residential home valued at \$175,000 with an average valuation increase of 0.1% (Board of Equalization) in the true and full value, excluding special assessments = \$31.24

Salaries and Benefits (pages 32 to 34)

Salaries:

- Salaries = \$5,673,150
 - Cost of Living Adjustment (COLA) = 2.5%
 - Consumer Price Index (Midwest urban less than 50,000)
 - Merit or step increase = 2.5%
 - Last merit or step increase was 2010 Budget.
 - New Full Time positions:
 - General Fund:
 - Appraiser/Inspector
 - Principal Planner
 - Engineering Technician
 - Police Officer (School Resource) - Mandan Public School District Share = 75%
 - (2) Equipment Operator I
 - Water and Sewer Utility Fund:
 - Utility Operator I - Street Light Utility Fund Share = 5%
 - Existing Full Time positions:
 - General Fund:
 - Additional 50 hours (1560 hours to 1610 hours) for the Permit Technician position in the Assessing/Building Inspection department.
 - Upgrade position in the Street department to Street Maintenance Assistant Superintendent.
 - Overtime decrease = \$18,050
 - Part Time increase:
 - Volunteer Firefighters = \$10,800
 - Additional 581 departmental hours (net) = \$12,500
 - Increase from 2012 Budget (revised) = \$457,050 or 8.8%

Benefits:

- Benefits = \$1,900,300
 - Health Insurance increase (estimated), effective July 2013 = 10%
 - Increase from 2012 Budget (revised) = \$139,950 or 8.0%

Salaries and Benefits (pages 32 to 34), continued

Salaries and Benefits = \$7,573,450

- Increase from 2012 Budget (revised) = \$597,000 or 8.6%
- Personnel requests = \$367,669

Capital Outlay (pages 35 to 36)

Capital Outlay:

- General Fund = \$677,100
- Cemetery Fund = \$2,000
- Fire Equipment Reserve Fund = \$345,000
- Police Equipment Reserve Fund = \$2,000
- Water and Sewer Utility Fund = \$774,450
- Street Light Utility Fund = \$54,000
- Total = \$1,854,550

Debt Service (pages 37 to 38)

Debt Service-Principal and Interest = \$8,327,900

Bonded Indebtedness:

- General Obligation Bonds-Liberty Memorial Bridge = \$928,320
- Special Assessment Bonds-Sidewalk, Curb and Gutter = \$982,577
- Special Assessment Bonds-Street = \$30,083,055
- Special Assessment Bonds-Water and Sewer Utility = \$10,671,783
- Revenue Bonds-Mandan Community Center = \$979,893
- Revenue Bonds-Water Utility = \$26,013,280
- Revenue Bonds-Sewer Utility = \$5,087,000
- Total Principal and Interest:
 - Principal = \$61,785,188
 - Interest = \$12,960,718
 - Total = \$74,745,906

Amortization:

- % of Debt Service retired in 10 years = 84%
- % of Debt Service retired in 15 years = 97%

Bond Rating = A1

Transfers (page 39)

The purpose of this schedule is to indicate the Transfers in/out between funds and to provide a description for each transfer.

Transfers = \$2,556,400

Statistical

The purpose of this information is to provide a general overview of the City's demographic and economic statistics:

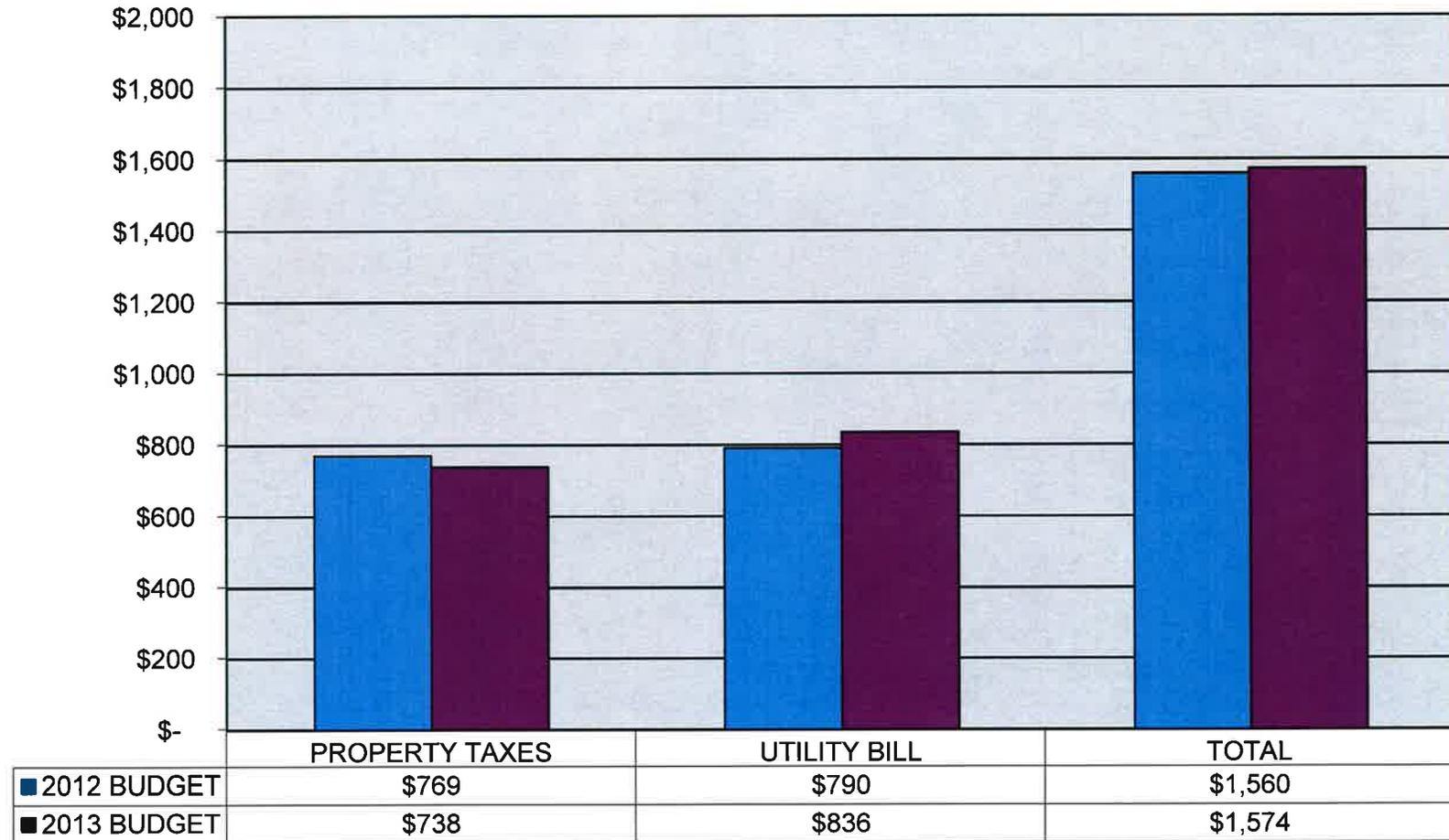
- Bismarck-Mandan MSA Economy-at-a-Glance (July 2012)
- Bismarck-Mandan Community Profile

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "G Welch". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Greg Welch
Finance Director

ANNUAL COST FOR CITY SERVICES



**EXISTING \$175,000 RESIDENTIAL HOME
(WITH AN AVERAGE VALUATION INCREASE OF 0.1% AND USING 8 UNITS OF WATER PER MONTH,
EXCLUDING SPECIAL ASSESSMENTS)**

**CITY OF MANDAN
2013 BUDGET
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Bismarck-Mandan Community Profile

ORDINANCE NO. 1129

AN ORDINANCE MAKING THE ANNUAL APPROPRIATIONS FOR EXPENDITURES OR EXPENSES OF THE CITY OF MANDAN, NORTH DAKOTA, FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2013, AND ENDING DECEMBER 31, 2013, AND MAKING THE ANNUAL TAX LEVY FOR THE YEAR 2012.

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, 2013, and ending December 31, 2013.

General Fund	\$8,542,000
Highway Distribution Fund	1,201,550
City's Share of Special Assessments Fund	165,700
Cemetery Fund	148,700
City Visitors' Promotion Fund	74,200
Alarm-Equipment Reserve Fund	22,700
City Sales Tax Fund	1,310,850
Public Transportation System Fund	100,000
Fire Equipment Reserve Fund	345,000
Mandan Growth Fund	162,100
Narcotics Task Force Grant Fund	86,500
Police Equipment Reserve Fund	7,000
Traffic Safety Grants Fund	10,100
Underage Drinking Enforcement Grant Fund	1,000
Narcotics Task Force Grant Fund-HIDTA	49,200
BNSF Settlement Fund	1,500
Mandan SEP Trust Fund	1,750
Downtown Redevelopment Fund	67,300
Mandan Community Center Revenue Bonds of 2005 Fund	138,750
Liberty Memorial Bridge General Obligations Bonds Fund	64,700
Refunding Improvement Bonds Fund	5,935,550
City Visitors' Promotion Capital Construction Fund	8,350
Water and Sewer Utility Fund	6,071,800
Solid Waste Utility Fund	1,362,450
Street Light Utility Fund	393,550
City Shop Fund	406,650
Morton Mandan Public Library	665,300
Mandan Airport Authority	5,282,932

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 2012 for the purpose of paying expenditures or expenses of the City of Mandan, North Dakota.

General Fund	\$3,380,926
City's Share of Special Assessments Fund	165,700
Cemetery Fund	93,138
Public Transportation System Fund	93,138
General Obligation Bonds Fund:	
Liberty Memorial Bridge	69,892
Refunding Improvement Bonds Fund:	
Street Improvement District #145	33,508
Street Improvement District #148	12,626
Mandan Airport Authority	186,277
Morton Mandan Public Library	325,985

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 21, 2012
Second Consideration: September 18, 2012
Final Passage and Adoption: September 18, 2012

**CITY OF MANDAN
2013 BUDGET
SUMMARY**

REVENUES:

TAXES:

PROPERTY	\$ 3,656,350
1% CITY SALES	\$ 1,928,050
1% RESTAURANT AND LODGING	\$ 356,150
2% OCCUPANCY	\$ 82,450
OTHER	\$ 294,850
LICENSES AND PERMITS	\$ 619,850

INTERGOVERNMENTAL:

STATE AID DISTRIBUTION	\$ 1,649,800
HIGHWAY TAX DISTRIBUTION	\$ 1,201,550
OTHER	\$ 455,800

CHARGES FOR SERVICES:

WATER, SEWER, SOLID WASTE, STREET LIGHT UTILITY	\$ 8,009,800
FUEL	\$ 300,850
GRAVE OPENING AND CLOSING	\$ 61,550
OTHER	\$ 140,800
FINES AND FORFEITS	\$ 182,700
SPECIAL ASSESSMENTS	\$ 5,368,950
INTEREST	\$ 82,600
LOAN REPAYMENTS	\$ 56,800
SALE OF CEMETERY LOTS	\$ 28,750
MISCELLANEOUS	\$ 218,050

TOTAL BEFORE TRANSFERS \$ 24,695,700

TRANSFERS \$ 2,556,400

TOTAL AFTER TRANSFERS \$ 27,252,100

EXPENDITURES:

SALARIES AND BENEFITS \$ 7,573,450

OPERATIONS AND MAINTENANCE:

PROFESSIONAL FEES AND SERVICES	\$ 1,765,800
INSURANCE	\$ 143,950
RENTALS	\$ 159,650
TRAVEL AND TRAINING	\$ 63,950
UTILITIES	\$ 902,050
PUBLISHING AND PRINTING	\$ 84,500
DUES AND MEMBERSHIPS	\$ 23,650
SUPPLIES AND MAINTENANCE	\$ 1,197,850
REPAIRS AND MAINTENANCE	\$ 784,600
CITY SHARE OF SPECIAL ASSESSMENTS	\$ 165,700
DEBT SERVICE-CHARGES AND FEES	\$ 141,400
MISCELLANEOUS	\$ 65,500
SUBSIDIES	\$ 868,050
DEBT SERVICE-PRINCIPAL AND INTEREST	\$ 8,327,900

TOTAL \$ 22,268,000

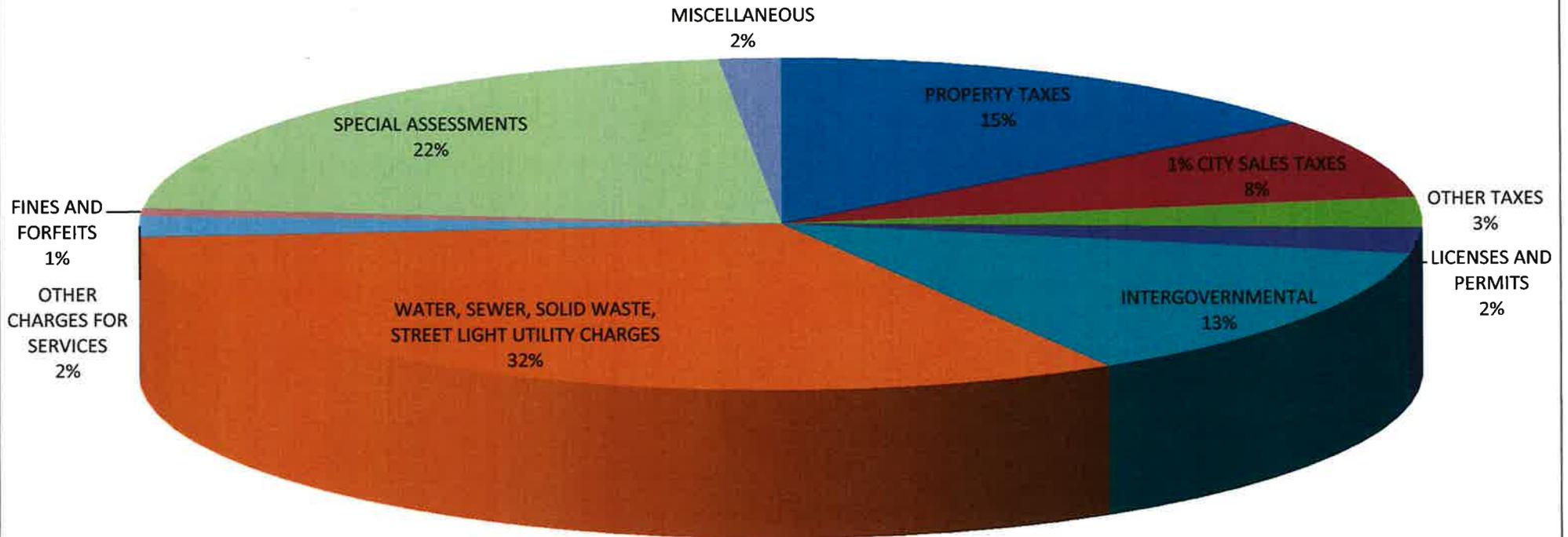
CAPITAL OUTLAY \$ 1,854,550

TOTAL BEFORE TRANSFERS \$ 24,122,550

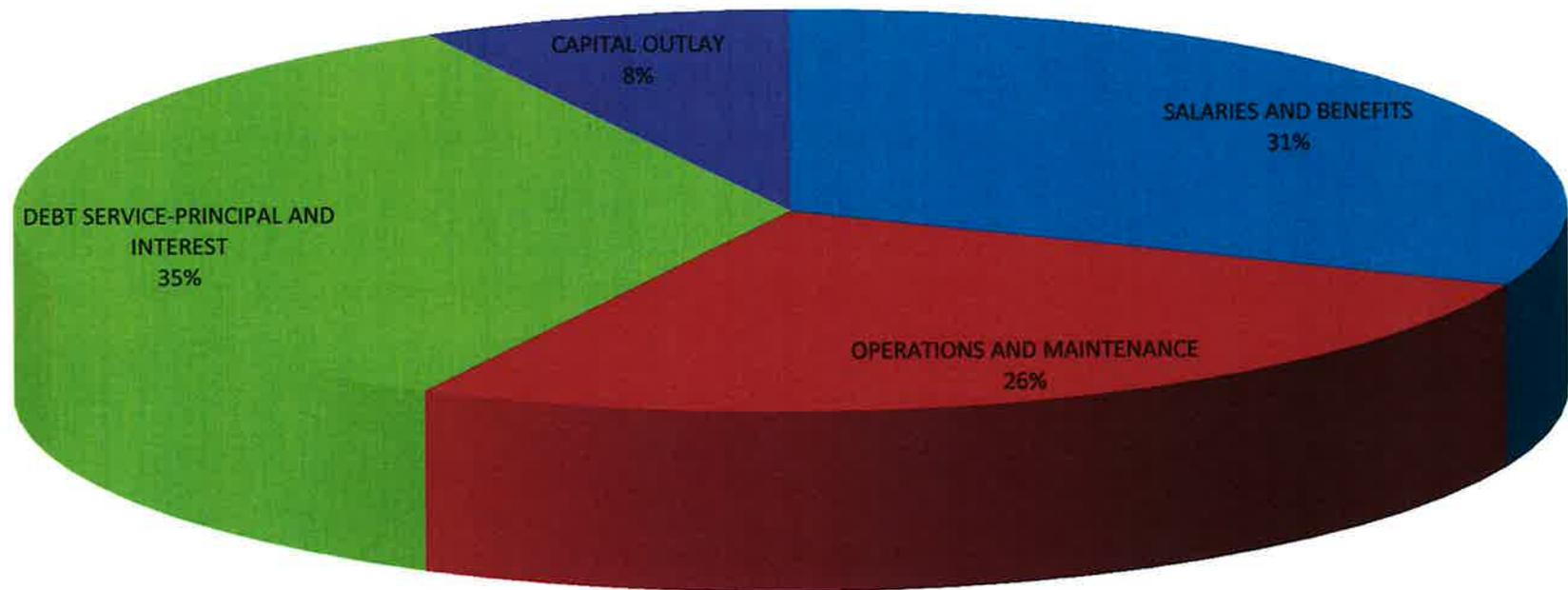
TRANSFERS \$ 2,556,400

TOTAL AFTER TRANSFERS \$ 26,678,950

CITY OF MANDAN 2013 BUDGET REVENUES



CITY OF MANDAN 2013 BUDGET EXPENDITURES



**CITY OF MANDAN
2013 BUDGET
ESTIMATED FUND BALANCES**

FUND	ACTUAL FUND BALANCE 1-1-2012	REVISED 2012 BUDGET REVENUES	REVISED 2012 BUDGET EXPENDITURES	ESTIMATED FUND BALANCE 12-31-2012	2013 BUDGET REVENUES	2013 BUDGET EXPENDITURES	ESTIMATED FUND BALANCE 12-31-2013
GENERAL	\$ 2,366,433.21	\$ 8,980,950	\$ 7,677,050	\$ 3,670,333	\$ 8,451,050	\$ 8,542,000	\$ 3,579,383
HIGHWAY DISTRIBUTION	\$ 127,150.49	\$ 1,513,450	\$ 1,640,600	\$ 0	\$ 1,201,550	\$ 1,201,550	\$ 0
CITY'S SHARE OF SPECIAL ASSESSMENTS	\$ 58,008.62	\$ 474,350	\$ 320,550	\$ 211,809	\$ 467,150	\$ 165,700	\$ 513,259
CEMETERY	\$ 112,501.12	\$ 175,700	\$ 187,750	\$ 100,451	\$ 185,200	\$ 148,700	\$ 136,951
CITY VISITORS' PROMOTION	\$ 9,565.90	\$ 72,400	\$ 65,200	\$ 16,766	\$ 82,450	\$ 74,200	\$ 25,016
ALARM-EQUIPMENT RESERVE	\$ 45,114.50	\$ 8,700	\$ 39,800	\$ 14,015	\$ 8,700	\$ 22,700	\$ 15
CITY SALES TAX	\$ 702,896.05	\$ 2,578,150	\$ 1,356,100	\$ 1,924,946	\$ 1,928,050	\$ 1,310,850	\$ 2,542,146
PUBLIC TRANSPORTATION SYSTEM	\$ (134.61)	\$ 102,600	\$ 100,000	\$ 2,465	\$ 97,550	\$ 100,000	\$ 15
FIRE EQUIPMENT RESERVE	\$ 193,191.26	\$ 112,800	\$ -	\$ 305,991	\$ 109,300	\$ 345,000	\$ 70,291
MANDAN GROWTH	\$ 313,960.69	\$ 288,600	\$ 247,100	\$ 355,461	\$ 318,950	\$ 162,100	\$ 512,311
POLICE EQUIPMENT RESERVE	\$ 23,469.13	\$ -	\$ 12,400	\$ 11,069	\$ -	\$ 7,000	\$ 4,069
BNSF SETTLEMENT	\$ 496,133.19	\$ 2,400	\$ 1,500	\$ 497,033	\$ 2,400	\$ 1,500	\$ 497,933
MANDAN SEP TRUST	\$ 1,571,686.75	\$ 9,700	\$ 1,750	\$ 1,579,637	\$ 9,700	\$ 1,750	\$ 1,587,587
HEALTH AND SAFETY	\$ (134,020.84)	\$ 32,200	\$ -	\$ (101,821)	\$ 30,150	\$ -	\$ (71,671)
MANDAN COMMUNITY CENTER REVENUE BONDS	\$ 141,500.00	\$ 142,500	\$ 142,500	\$ 141,500	\$ 138,750	\$ 138,750	\$ 141,500
LIBERTY MEMORIAL BRIDGE GENERAL OBLIGATIONS BONDS	\$ 18,385.35	\$ 72,850	\$ 66,050	\$ 25,185	\$ 71,450	\$ 64,700	\$ 31,935
REFUNDING IMPROVEMENT BONDS	\$ 6,998,288.03	\$ 8,123,250	\$ 9,499,750	\$ 5,621,788	\$ 5,023,800	\$ 5,935,550	\$ 4,710,038
BUILDING RESERVE	\$ 132,874.18	\$ -	\$ 24,600	\$ 108,274	\$ -	\$ -	\$ 108,274
CITY VISITORS' PROMOTION CAPITAL CONSTRUCTION	\$ 754,335.46	\$ 352,650	\$ 57,350	\$ 1,049,635	\$ 368,600	\$ 8,350	\$ 1,409,885
WATER AND SEWER UTILITY	\$ 2,407,496.92	\$ 7,261,450	\$ 6,682,100	\$ 2,986,847	\$ 6,293,950	\$ 6,071,800	\$ 3,208,997
SOLID WASTE UTILITY	\$ 1,618,550.66	\$ 1,375,600	\$ 1,375,350	\$ 1,618,801	\$ 1,458,950	\$ 1,362,450	\$ 1,715,301

**CITY OF MANDAN
2013 BUDGET
ESTIMATED FUND BALANCES**

FUND	ACTUAL FUND BALANCE 1-1-2012	REVISED 2012 BUDGET REVENUES	REVISED 2012 BUDGET EXPENDITURES	ESTIMATED FUND BALANCE 12-31-2012	2013 BUDGET REVENUES	2013 BUDGET EXPENDITURES	ESTIMATED FUND BALANCE 12-31-2013
STREET LIGHT UTILITY	\$ 119,960.10	\$ 315,650	\$ 329,950	\$ 105,660	\$ 377,650	\$ 393,550	\$ 89,760
CITY SHOP	\$ 5,406.10	\$ 389,350	\$ 394,750	\$ 6	\$ 406,650	\$ 406,650	\$ 6

**CITY OF MANDAN
2013 BUDGET
GENERAL FUND
(BY DEPARTMENT)**

ESTIMATED FUND BALANCE-DECEMBER 31, 2012 \$ 3,670,333

REVENUES:

TAXES:

PROPERTY \$ 3,211,850

OTHER \$ 269,650

LICENSES AND PERMITS \$ 619,850

INTERGOVERNMENTAL:

STATE AID DISTRIBUTION \$ 1,649,800

OTHER \$ 240,750

CHARGES FOR SERVICES \$ 130,850

FINES AND FORFEITS \$ 182,700

MISCELLANEOUS \$ 169,100

TRANSFERS \$ 1,976,500

TOTAL \$ 8,451,050

EXPENDITURES:

GOVERNING BOARD \$ 68,300

MUNICIPAL COURT \$ 132,900

AUDITOR \$ 1,073,050

ADMINISTRATION AND FINANCE \$ 244,750

ATTORNEY \$ 103,150

ASSESSOR \$ 279,650

PLANNING AND ZONING \$ 176,000

ENGINEERING \$ 185,750

MEMORIAL BUILDING \$ 99,800

INFORMATION TECHNOLOGY \$ 113,950

POLICE \$ 2,661,900

LAW ENFORCEMENT CENTER \$ 87,550

TRAFFIC CONTROL \$ 17,700

PARKING AUTHORITY \$ 38,650

FIRE \$ 1,001,300

CORRECTIONS \$ 52,500

BUILDING INSPECTION \$ 216,600

ANIMAL PROTECTION \$ 44,800

STREET \$ 1,000,250

STREET SIGNS \$ 33,950

HEALTH INSPECTOR \$ 12,450

FORESTER \$ 153,900

WEED CONTROL \$ 66,050

TOTAL \$ 7,864,900

EXCESS OF REVENUES OVER (UNDER)

EXPENDITURES \$ 586,150

CAPITAL OUTLAY

\$ (677,100)

INCREASE (DECREASE) IN FUND BALANCE

\$ (90,950)

ESTIMATED FUND BALANCE-DECEMBER 31, 2013

\$ 3,579,383

ESTIMATED FUND BALANCE-DECEMBER 31, 2013

RESERVED \$ 1,378,492

CAPITAL IMPROVEMENT \$ 2,200,891

TOTAL \$ 3,579,383

**CITY OF MANDAN
2013 BUDGET
GENERAL FUND
(BY SOURCE AND OBJECT)**

ESTIMATED FUND BALANCE-DECEMBER 31, 2012	\$ 3,670,333
REVENUES:	
TAXES:	
PROPERTY	\$ 3,211,850
OTHER	\$ 269,650
LICENSES AND PERMITS	\$ 619,850
INTERGOVERNMENTAL:	
STATE AID DISTRIBUTION	\$ 1,649,800
OTHER	\$ 240,750
CHARGES FOR SERVICES	\$ 130,850
FINES AND FORFEITS	\$ 182,700
MISCELLANEOUS	\$ 169,100
TRANSFERS	\$ 1,976,500
TOTAL	<u>\$ 8,451,050</u>
EXPENDITURES:	
SALARIES AND BENEFITS	\$ 5,327,000
OPERATIONS AND MAINTENANCE:	
PROFESSIONAL FEES AND SERVICES	\$ 718,950
INSURANCE	\$ 68,200
RENTALS	\$ 12,000
TRAVEL AND TRAINING	\$ 46,200
UTILITIES	\$ 147,550
PUBLISHING AND PRINTING	\$ 31,350
DUES AND MEMBERSHIPS	\$ 19,200
SUPPLIES AND MAINTENANCE	\$ 343,350
REPAIRS AND MAINTENANCE	\$ 385,300
MISCELLANEOUS	\$ 57,300
SUBSIDIES	\$ 543,850
TRANSFERS	\$ 164,650
TOTAL	<u>\$ 7,864,900</u>
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	<u>\$ 586,150</u>
CAPITAL OUTLAY	<u>\$ (677,100)</u>
INCREASE (DECREASE) IN FUND BALANCE	<u>\$ (90,950)</u>
ESTIMATED FUND BALANCE-DECEMBER 31, 2013	<u>\$ 3,579,383</u>
<u>ESTIMATED FUND BALANCE-DECEMBER 31, 2013</u>	
RESERVED	\$ 1,378,492
CAPITAL IMPROVEMENT	\$ 2,200,891
TOTAL	<u>\$ 3,579,383</u>

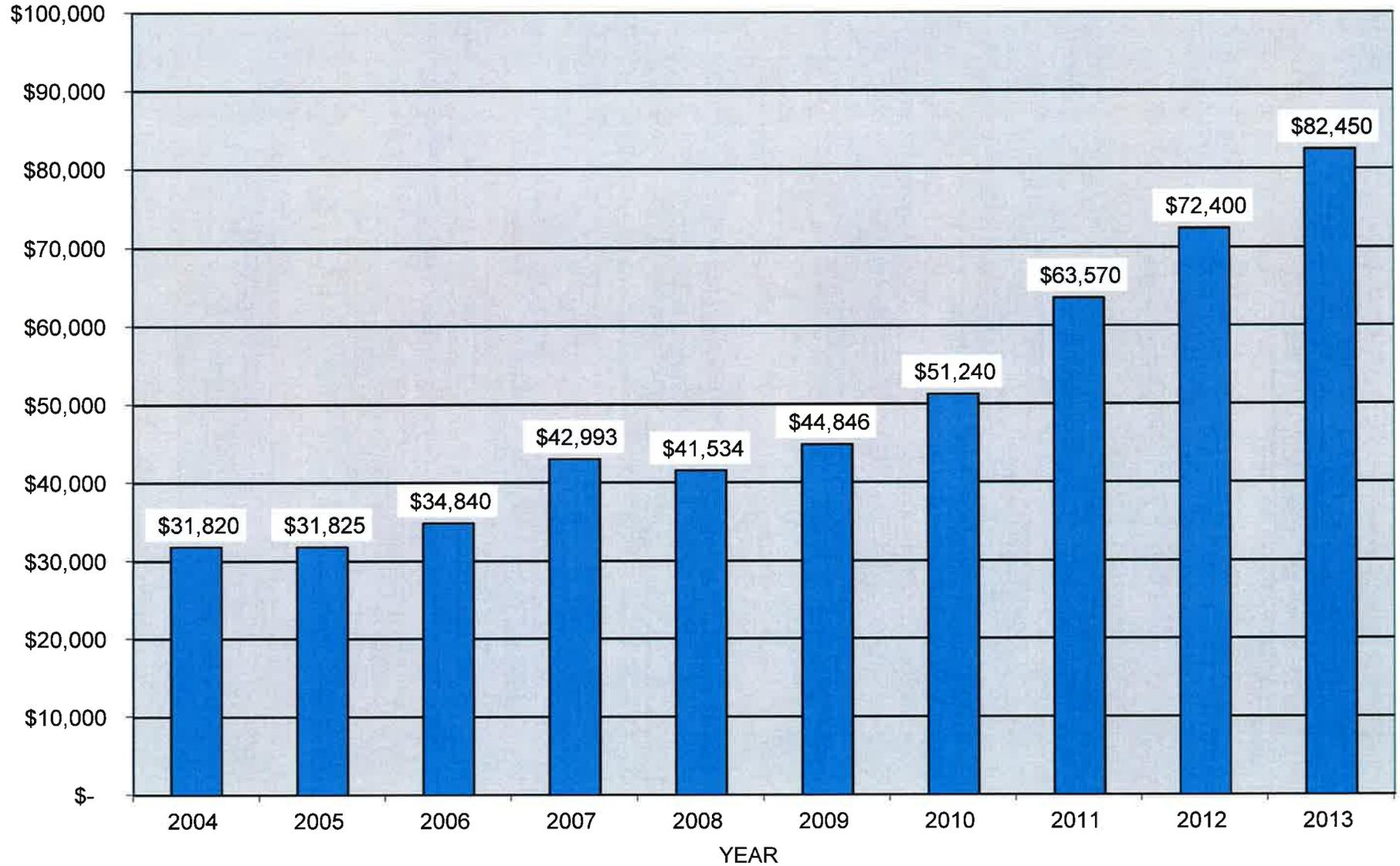
**CITY OF MANDAN
2013 BUDGET
CEMETERY FUND**

ESTIMATED FUND BALANCE-DECEMBER 31, 2012	\$	100,451
REVENUES:		
TAXES:		
PROPERTY	\$	88,450
OTHER	\$	4,650
INTERGOVERNMENTAL	\$	1,400
CHARGES FOR SERVICES:		
GRAVE OPENING AND CLOSING	\$	61,550
SALE OF CEMETERY LOTS	\$	28,750
MISCELLANEOUS	\$	400
TOTAL	\$	<u>185,200</u>
EXPENDITURES:		
SALARIES AND BENEFITS	\$	133,600
OPERATIONS AND MAINTENANCE:		
INSURANCE	\$	500
RENTALS	\$	100
UTILITIES	\$	3,650
SUPPLIES AND MAINTENANCE	\$	5,950
REPAIRS AND MAINTENANCE	\$	2,900
TOTAL	\$	<u>146,700</u>
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	\$	<u>38,500</u>
CAPITAL OUTLAY	\$	<u>(2,000)</u>
INCREASE (DECREASE) IN FUND BALANCE	\$	<u>36,500</u>
ESTIMATED FUND BALANCE-DECEMBER 31, 2013	\$	<u><u>136,951</u></u>
<u>ESTIMATED FUND BALANCE-DECEMBER 31, 2013</u>		
RESERVED	\$	26,093
CAPITAL IMPROVEMENT	\$	<u>110,858</u>
TOTAL	\$	<u><u>136,951</u></u>

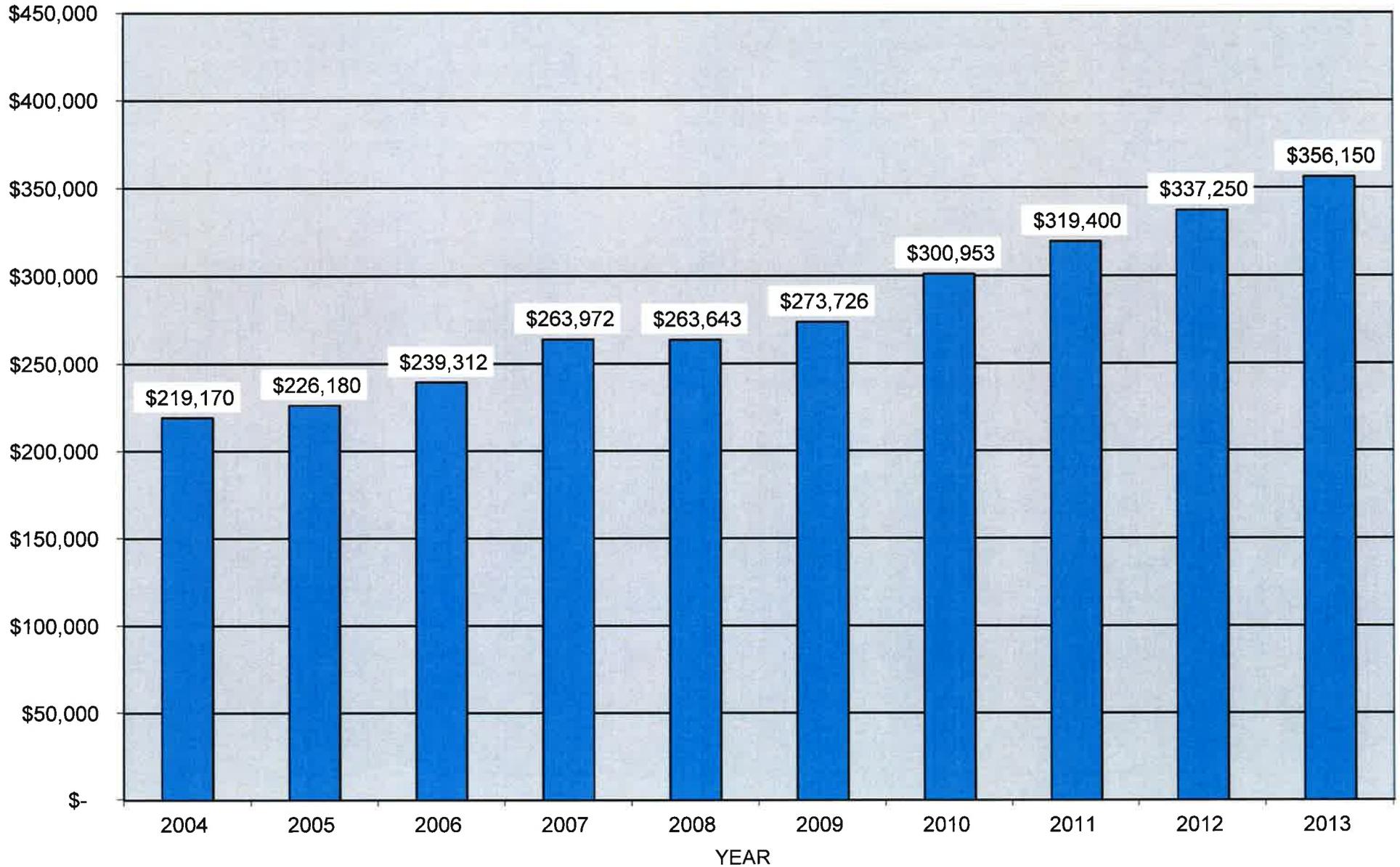
**CITY OF MANDAN
2013 BUDGET
CITY VISITORS' PROMOTION/CAPITAL CONSTRUCTION FUND**

	2% TAX	1% TAX
ESTIMATED FUND BALANCE-DECEMBER 31, 2012	\$ 16,766	\$ 1,049,635
REVENUES:		
TAXES:		
OCCUPANCY	\$ 82,450	
RESTAURANT AND LODGING		\$ 356,150
MISCELLANEOUS		\$ 12,450
TOTAL	\$ 82,450	\$ 368,600
EXPENDITURES:		
INSURANCE		\$ 1,350
UTILITIES		\$ 600
REPAIRS AND MAINTENANCE		\$ 6,400
SUBSIDIES:		
BISMARCK-MANDAN CVB (90%)	\$ 74,200	
TOTAL	\$ 74,200	\$ 8,350
EXCESS OF REVENUES OVER (UNDER)		
EXPENDITURES	\$ 8,250	\$ 360,250
ESTIMATED FUND BALANCE-DECEMBER 31, 2013	\$ 25,016	\$ 1,409,885
ESTIMATED FUND BALANCE-DECEMBER 31, 2013		
UNRESERVED		\$ 1,345,948
RESERVED		\$ 63,937
TOTAL		\$ 1,409,885

CITY OF MANDAN OCCUPANCY TAXES



CITY OF MANDAN RESTAURANT & LODGING TAXES



**CITY OF MANDAN
2013 BUDGET
CITY SALES TAX FUND**

ESTIMATED FUND BALANCE-DECEMBER 31, 2012 \$ 1,924,946

REVENUES:

TAXES:

1% CITY SALES

\$ 1,928,050
TOTAL \$ 1,928,050

EXPENDITURES:

PUBLISHING AND PRINTING

\$ 150

DUES AND MEMBERSHIPS

\$ 700

TRANSFERS AND SUBSIDIES:

GENERAL FUND

\$ 771,250

MANDAN GROWTH FUND

\$ 250,000

MCC REVENUE BONDS OF 2005 FUND

\$ 138,750

BISMARCK-MANDAN CHAMBER OF COMMERCE

\$ 5,000

MANDAN PROGRESS ORGANIZATION FUNDING COMMITTEE

\$ 20,000

BISMARCK-MANDAN DEVELOPMENT ASSOCIATION

\$ 100,000

MANDAN PROGRESS ORGANIZATION

\$ 25,000

TOTAL \$ 1,310,850

EXCESS OF REVENUES OVER (UNDER) EXPENDITURES \$ 617,200

ESTIMATED FUND BALANCE-DECEMBER 31, 2013 \$ 2,542,146

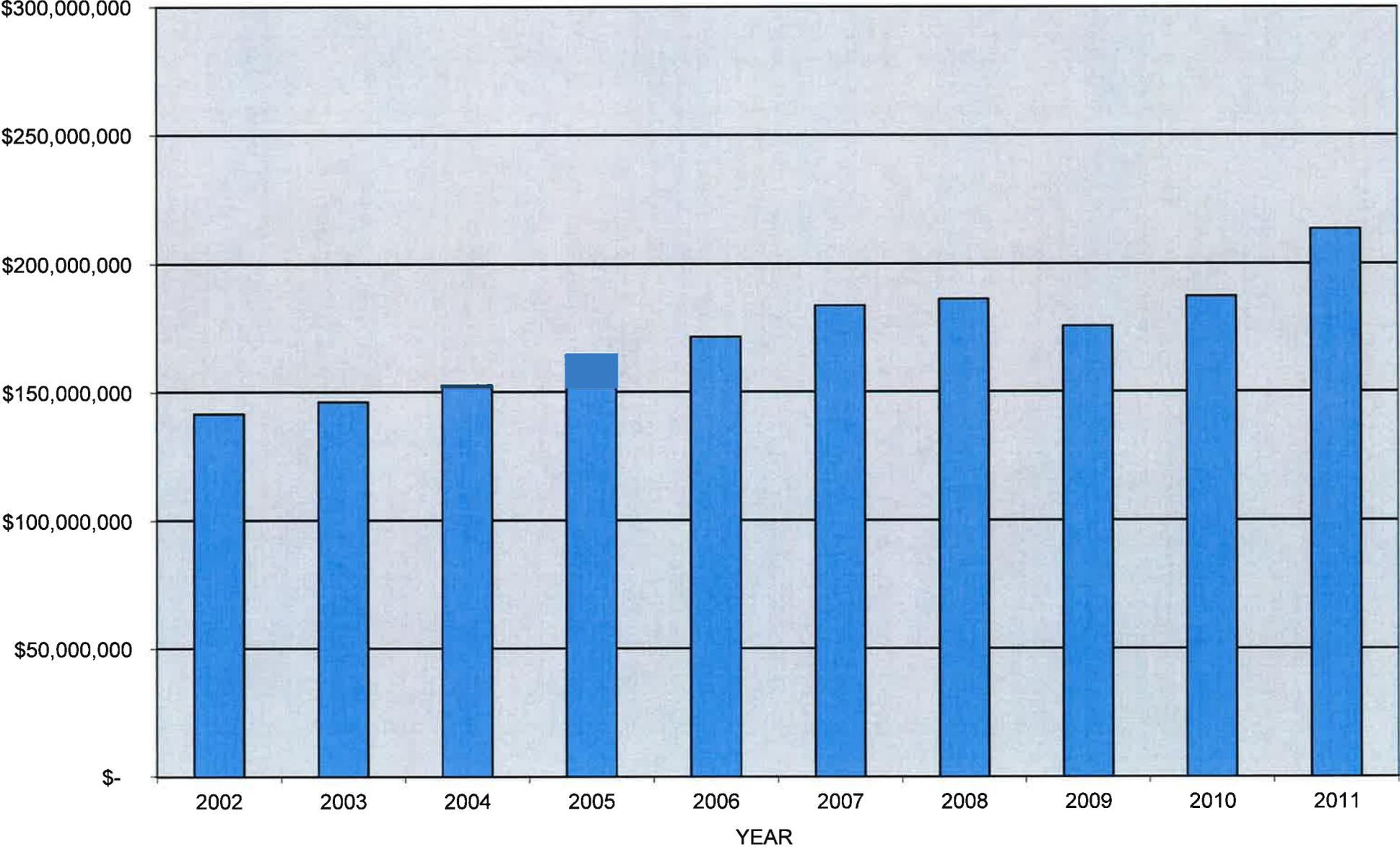
ESTIMATED FUND BALANCE-DECEMBER 31, 2013

UNRESERVED \$ 2,042,146

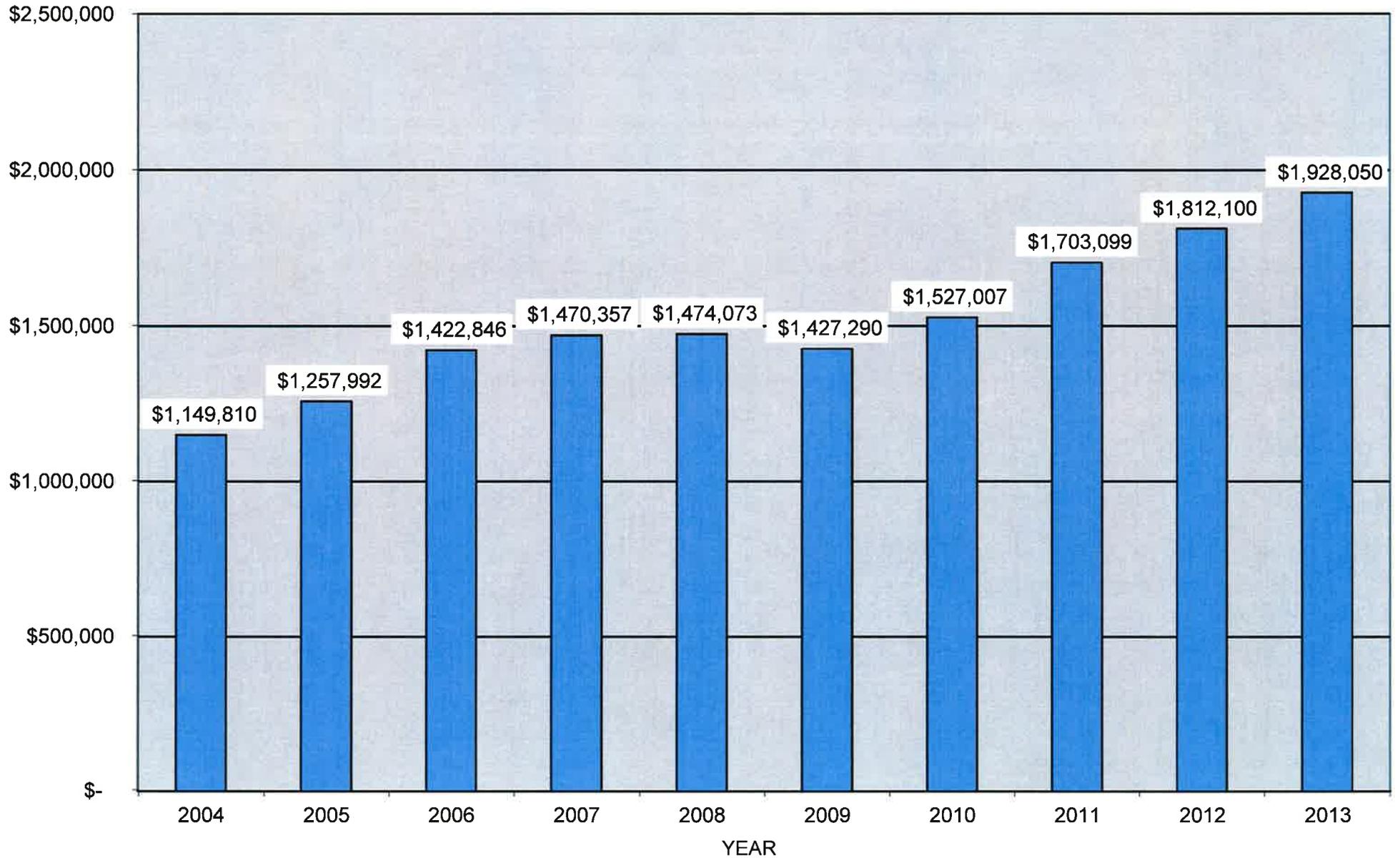
RESERVED \$ 500,000

TOTAL \$ 2,542,146

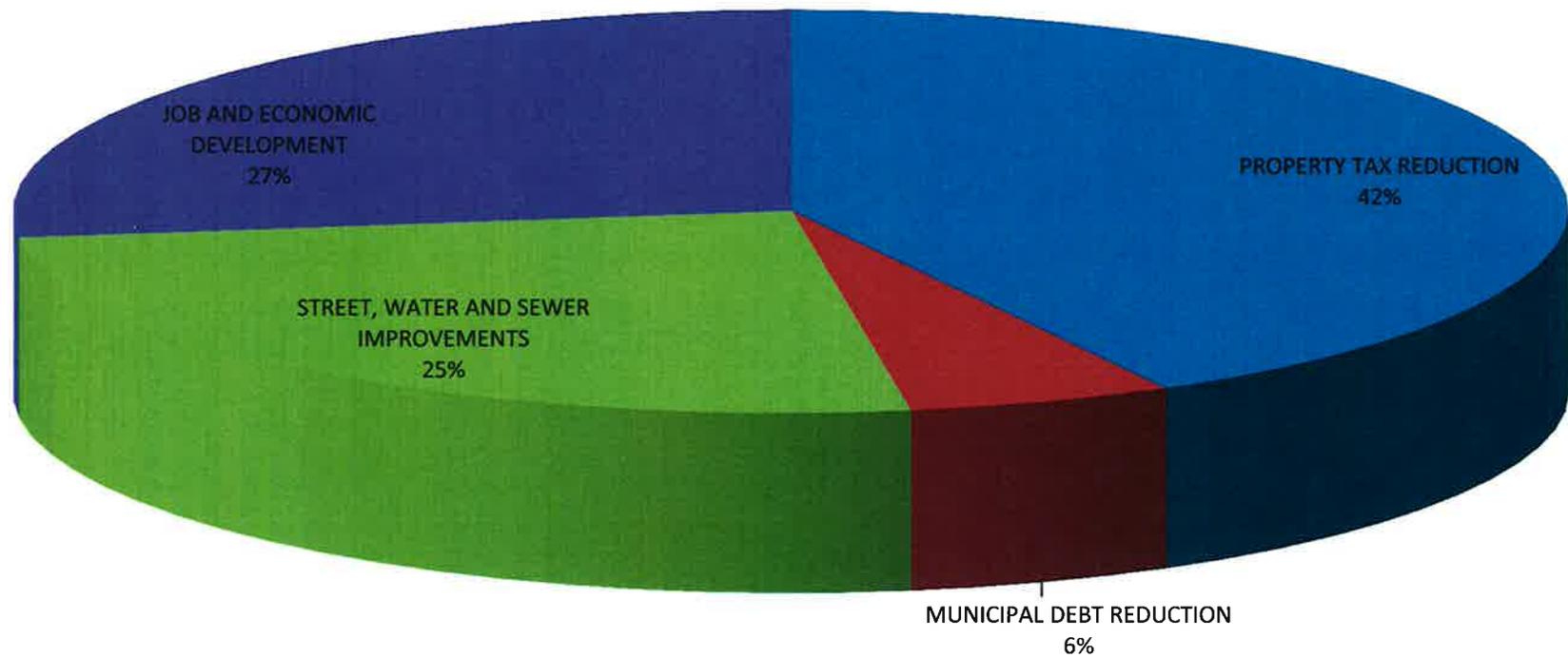
CITY OF MANDAN TAXABLE SALES AND PURCHASES



CITY OF MANDAN SALES TAXES



CITY OF MANDAN CITY SALES TAX FUND HISTORICAL EXPENDITURES-BY CATEGORY



**CITY OF MANDAN
2013 BUDGET
MANDAN GROWTH FUND**

	BUSINESS DEVELOPMENT AND COMMUNICATIONS DIRECTOR	ECONOMIC DEVELOPMENT	STOREFRONT IMPROVEMENT PROGRAM	RETAIL AND RESTAURANT INCENTIVE PROGRAM	TOTAL
ESTIMATED FUND BALANCE-DECEMBER 31, 2012	\$ -	\$ 238,246	\$ 87,896	\$ 29,318	\$ 355,461
REVENUES:					
INTERGOVERNMENTAL	\$ 9,000				\$ 9,000
MISCELLANEOUS:					
LOAN REPAYMENTS		\$ 56,800			\$ 56,800
OTHER	\$ 1,750	\$ 1,400			\$ 3,150
TRANSFERS	\$ 151,350	\$ 98,650			\$ 250,000
TOTAL	<u>\$ 162,100</u>	<u>\$ 156,850</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 318,950</u>
EXPENDITURES:					
SALARIES AND BENEFITS	\$ 93,300				\$ 93,300
OPERATIONS AND MAINTENANCE:					
PROFESSIONAL FEES AND SERVICES	\$ 17,950				\$ 17,950
TRAVEL AND TRAINING	\$ 4,500				\$ 4,500
UTILITIES	\$ 1,300				\$ 1,300
PUBLISHING AND PRINTING	\$ 40,300				\$ 40,300
DUES AND MEMBERSHIPS	\$ 600				\$ 600
SUPPLIES AND MAINTENANCE	\$ 4,150				\$ 4,150
SUBSIDIES:					
ECONOMIC DEVELOPMENT		\$ -			\$ -
STOREFRONT IMPROVEMENT PROGRAM			\$ -		\$ -
RETAIL AND RESTAURANT INCENTIVE PROGRAM				\$ -	\$ -
TOTAL	<u>\$ 162,100</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 162,100</u>
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	<u>\$ -</u>	<u>\$ 156,850</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 156,850</u>
ESTIMATED FUND BALANCE-DECEMBER 31, 2013	<u>\$ -</u>	<u>\$ 395,096</u>	<u>\$ 87,896</u>	<u>\$ 29,318</u>	<u>\$ 512,311</u>

**CITY OF MANDAN
2013 BUDGET
REFUNDING IMPROVEMENT BONDS FUND**

ESTIMATED FUND BALANCE-DECEMBER 31, 2012 \$ 5,621,788

REVENUES:

TAXES:

PROPERTY	\$ 43,800
OTHER	\$ 2,600
INTERGOVERNMENTAL	\$ 750
SPECIAL ASSESSMENTS	<u>\$ 4,976,650</u>

TOTAL \$ 5,023,800

EXPENDITURES:

DEBT SERVICE:

PRINCIPAL	\$ 4,686,600
INTEREST	\$ 1,228,400
SERVICE CHARGES	<u>\$ 20,550</u>

TOTAL \$ 5,935,550

EXCESS OF REVENUES OVER (UNDER)

EXPENDITURES \$ (911,750)

ESTIMATED FUND BALANCE-DECEMBER 31, 2013 \$ 4,710,038

ESTIMATED FUND BALANCE-DECEMBER 31, 2013

SIDEWALK, CURB AND GUTTER	\$ 255,684
STREET	\$ 4,168,483
WATER AND SEWER UTILITY	<u>\$ 285,871</u>
TOTAL	<u>\$ 4,710,038</u>

**CITY OF MANDAN
2013 BUDGET
WATER AND SEWER UTILITY FUND
(BY DEPARTMENT)**

	<u>WATER</u>	<u>SEWER</u>	<u>TOTAL</u>
ESTIMATED FUND BALANCE-DECEMBER 31, 2012			\$ 2,986,847
REVENUES:			
TAXES	\$ 2,194	\$ 1,056	\$ 3,250
CHARGES FOR SERVICES	\$ 4,273,854	\$ 1,903,196	\$ 6,177,050
MISCELLANEOUS	\$ 58,826	\$ 28,324	\$ 87,150
TRANSFERS	\$ 17,888	\$ 8,613	\$ 26,500
TOTAL	<u>\$ 4,352,761</u>	<u>\$ 1,941,189</u>	<u>\$ 6,293,950</u>
EXPENSES:			
REVENUE BONDS	\$ 1,805,300	\$ 525,000	\$ 2,330,300
AUDITOR	\$ 145,960	\$ 87,790	\$ 233,750
UTILITY BILLING	\$ 138,915	\$ 66,885	\$ 205,800
WATER TREATMENT	\$ 1,051,400		\$ 1,051,400
SEWER TREATMENT		\$ 538,500	\$ 538,500
WATERLINE MAINTENANCE	\$ 337,150		\$ 337,150
SEWERLINE MAINTENANCE		\$ 377,350	\$ 377,350
METER READING	\$ 150,593	\$ 72,508	\$ 223,100
TOTAL	<u>\$ 3,629,317</u>	<u>\$ 1,668,032</u>	<u>\$ 5,297,350</u>
EXCESS OF REVENUES OVER (UNDER) EXPENSES	<u>\$ 723,444</u>	<u>\$ 273,157</u>	<u>\$ 996,600</u>
CAPITAL OUTLAY	<u>\$ (510,200)</u>	<u>\$ (264,250)</u>	<u>\$ (774,450)</u>
INCREASE (DECREASE) IN FUND BALANCE	<u>\$ 213,244</u>	<u>\$ 8,907</u>	<u>\$ 222,150</u>
ESTIMATED FUND BALANCE-DECEMBER 31, 2013			<u>\$ 3,208,997</u>
	<u>ESTIMATED FUND BALANCE-DECEMBER 31, 2013</u>		<u>TOTAL</u>
		RESERVED	\$ 799,312
		CAPITAL IMPROVEMENT	\$ 383,473
		REVENUE BONDS	\$ 2,026,212
		TOTAL	<u>\$ 3,208,997</u>

**CITY OF MANDAN
2013 BUDGET
WATER AND SEWER UTILITY FUND
(BY SOURCE AND OBJECT)**

	WATER	SEWER	TOTAL
ESTIMATED FUND BALANCE-DECEMBER 31, 2012			\$ 2,986,847
REVENUES:			
TAXES	\$ 2,194	\$ 1,056	\$ 3,250
CHARGES FOR SERVICES	\$ 4,273,854	\$ 1,903,196	\$ 6,177,050
MISCELLANEOUS	\$ 58,826	\$ 28,324	\$ 87,150
TRANSFERS	\$ 17,888	\$ 8,613	\$ 26,500
TOTAL	\$ 4,352,761	\$ 1,941,189	\$ 6,293,950
EXPENSES:			
SALARIES AND BENEFITS	\$ 881,868	\$ 627,133	\$ 1,509,000
OPERATIONS AND MAINTENANCE:			
PROFESSIONAL FEES AND SERVICES	\$ 103,220	\$ 117,980	\$ 221,200
INSURANCE	\$ 43,309	\$ 20,141	\$ 63,450
RENTALS	\$ 400	\$ 500	\$ 900
TRAVEL AND TRAINING	\$ 4,901	\$ 3,649	\$ 8,550
UTILITIES	\$ 227,308	\$ 208,592	\$ 435,900
PUBLISHING AND PRINTING	\$ 7,948	\$ 3,753	\$ 11,700
DUES AND MEMBERSHIPS	\$ 2,068	\$ 833	\$ 2,900
SUPPLIES AND MAINTENANCE	\$ 383,401	\$ 65,049	\$ 448,450
REPAIRS AND MAINTENANCE	\$ 161,564	\$ 91,536	\$ 253,100
DEBT SERVICE-SERVICE CHARGES	\$ 97,900	\$ 21,000	\$ 118,900
MISCELLANEOUS	\$ 5,535	\$ 2,665	\$ 8,200
DEBT SERVICE-PRINCIPAL AND INTEREST	\$ 1,707,400	\$ 504,000	\$ 2,211,400
TRANSFERS	\$ 2,498	\$ 1,203	\$ 3,700
TOTAL	\$ 3,629,317	\$ 1,668,032	\$ 5,297,350
EXCESS OF REVENUES OVER (UNDER) EXPENSES	\$ 723,444	\$ 273,157	\$ 996,600
CAPITAL OUTLAY	\$ (510,200)	\$ (264,250)	\$ (774,450)
INCREASE (DECREASE) IN FUND BALANCE	\$ 213,244	\$ 8,907	\$ 222,150
ESTIMATED FUND BALANCE-DECEMBER 31, 2013			\$ 3,208,997
<u>ESTIMATED FUND BALANCE-DECEMBER 31, 2013</u>			<u>TOTAL</u>
		RESERVED	\$ 799,312
		CAPITAL IMPROVEMENT	\$ 383,473
		REVENUE BONDS	\$ 2,026,212
		TOTAL	\$ 3,208,997

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) ~~\$16.10~~ \$17.80 for each single family dwelling
- 2) ~~\$16.10~~ \$17.80 for each mobile home
- 3) ~~\$32.20~~ \$35.60 for each duplex unit
- 4) ~~\$48.30~~ \$53.40 for all other multiple family units
- 5) ~~\$32.20~~ \$35.60 for all commercial and industrial enterprises
- 6) ~~\$48.30~~ \$53.40 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 ~~\$2.70~~ \$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 ~~\$1.75~~ \$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 ~~\$1.55~~ \$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 ~~\$1.55~~ \$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.

BE IT FURTHER RESOLVED that the rates and charges for services from the Water and Sewer Utility Fund shall be effective as of the first billing after January 1, 2013.

Dated this 18th day of September, 2012.

President, Board of City Commissioners

Attest:

City Administrator

**CITY OF MANDAN
2013 BUDGET
STATE REVOLVING FUND PROGRAM PROJECTS**

	TOTAL
<u>WATER AND SEWER UTILITY FUND</u>	
WATER TREATMENT PLANT FINAL OPTIMIZATION	\$ 1,143,000
WATER METER/MXU REPLACEMENT PROJECT	\$ 1,800,000
LIFT STATION ALARM SYSTEM	\$ 264,839
ROUGH RIDER LIFT STATION/ABANDON SEWER PONDS	\$ 635,634
ENERGY INFRASTRUCTURE AND IMPACT OFFICE GRANTS MATCH	<u>\$ 1,000,000</u>
TOTAL	<u>\$ 4,843,473</u>
<u>LESS PROJECT SAVINGS</u>	
WATER TREATMENT PLANT RESIDUALS MANAGEMENT FACILITY	\$ (63,805)
SOUTH SIDE RESERVOIR	<u>\$ (691,415)</u>
TOTAL	<u>\$ (755,221)</u>
TOTAL	<u><u>\$ 4,088,252</u></u>

**CITY OF MANDAN
2013 BUDGET
SOLID WASTE UTILITY FUND**

ESTIMATED FUND BALANCE-DECEMBER 31, 2012		\$ 1,618,801
REVENUES:		
CHARGES FOR SERVICES:		
GARBAGE		\$ 1,027,600
LANDFILL		\$ 402,700
OTHER		\$ 27,550
MISCELLANEOUS		<u>\$ 1,100</u>
	TOTAL	<u>\$ 1,458,950</u>
EXPENSES:		
SALARIES AND BENEFITS		\$ 357,350
OPERATIONS AND MAINTENANCE:		
PROFESSIONAL FEES AND SERVICES		\$ 805,500
INSURANCE		\$ 4,850
RENTALS		\$ 30,000
TRAVEL AND TRAINING		\$ 1,000
UTILITIES		\$ 14,350
PUBLISHING AND PRINTING		\$ 1,000
DUES AND MEMBERSHIPS		\$ 250
SUPPLIES AND MAINTENANCE		\$ 82,300
REPAIRS AND MAINTENANCE		\$ 46,000
TRANSFERS		<u>\$ 19,850</u>
	TOTAL	<u>\$ 1,362,450</u>
EXCESS OF REVENUES OVER (UNDER) EXPENSES		<u>\$ 96,500</u>
CAPITAL OUTLAY		<u>\$ -</u>
INCREASE (DECREASE) IN FUND BALANCE		<u>\$ 96,500</u>
ESTIMATED FUND BALANCE-DECEMBER 31, 2013		<u>\$ 1,715,301</u>
<u>ESTIMATED FUND BALANCE-DECEMBER 31, 2013</u>		
RESERVED		\$ 353,739
LANDFILL AND TRANSFER STATION IMPROVEMENTS		\$ 1,000,000
CAPITAL IMPROVEMENT		<u>\$ 361,562</u>
	TOTAL	<u>\$ 1,715,301</u>

**CITY OF MANDAN
2013 BUDGET
STREET LIGHT UTILITY FUND**

ESTIMATED FUND BALANCE-DECEMBER 31, 2012	\$	105,660
 REVENUES:		
CHARGES FOR SERVICES:		
STREET LIGHT	\$	374,450
OTHER	\$	450
MISCELLANEOUS	\$	<u>2,750</u>
TOTAL	\$	<u>377,650</u>
 EXPENSES:		
SALARIES AND BENEFITS	\$	53,100
OPERATIONS AND MAINTENANCE:		
PROFESSIONAL FEES AND SERVICES	\$	400
INSURANCE	\$	2,200
RENTALS	\$	250
TRAVEL AND TRAINING	\$	200
UTILITIES	\$	221,350
SUPPLIES AND MAINTENANCE	\$	2,600
REPAIRS AND MAINTENANCE	\$	52,800
TRANSFERS	\$	<u>6,650</u>
TOTAL	\$	<u>339,550</u>
 EXCESS OF REVENUES OVER (UNDER) EXPENSES	 \$	 <u>38,100</u>
 CAPITAL OUTLAY	 \$	 <u>(54,000)</u>
 INCREASE (DECREASE) IN FUND BALANCE	 \$	 <u>(15,900)</u>
 ESTIMATED FUND BALANCE-DECEMBER 31, 2013	 \$	 <u>89,760</u>
 <u>ESTIMATED FUND BALANCE-DECEMBER 31, 2013</u>		
RESERVED	\$	87,699
CAPITAL IMPROVEMENT	\$	<u>2,061</u>
TOTAL	\$	<u>89,760</u>

RESOLUTION ESTABLISHING RATES AND CHARGES FOR SERVICES FROM THE STREET LIGHT 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 Street Light Utility Fund:

- 1) For each improved single-family dwelling, apartment house and multi-unit residential property, not within 300 feet on a lighted street the sum of ~~\$2.50~~ \$3.40 per month for general city-wide street lighting service.
- 2) For an improved single-family and multi-family residential property, within 300 feet on a lighted street the sum of ~~\$2.50~~ \$3.40 for providing lighting illuminating the premises, plus an additional \$1.00 for each dwelling unit for providing the general city-wide street lighting service.
- 3) For trailer courts, the sum of ~~\$2.50~~ \$3.40 for providing lighting illuminating the property area plus an additional \$1.00 for each trailer unit.
- 4) For each business, commercial and industrial property the sum of ~~\$4.50~~ \$5.40 for general city-wide street lighting service, plus an additional \$1.00 up to a maximum of three units for each business, commercial and industrial enterprise situated on the property.

BE IT FURTHER RESOLVED that the rates and charges for services from the Street Light Utility Fund shall be effective as of the first billing after January 1, 2013.

Dated this 18th day of September, 2012.

President, Board of City Commissioners

Attest:

City Administrator

**CITY OF MANDAN
2013 BUDGET
CITY SHOP FUND**

ESTIMATED FUND BALANCE-DECEMBER 31, 2012	\$	6
REVENUES:		
CHARGES FOR SERVICES:		
FUEL	\$	300,850
TRANSFERS	\$	<u>105,800</u>
TOTAL	\$	<u>406,650</u>
EXPENDITURES:		
SALARIES AND BENEFITS	\$	70,500
OPERATIONS AND MAINTENANCE:		
SUPPLIES AND MAINTENANCE	\$	300,850
REPAIRS AND MAINTENANCE	\$	<u>35,300</u>
TOTAL	\$	<u>406,650</u>
EXCESS OF REVENUES OVER (UNDER)		
EXPENDITURES	\$	<u>-</u>
ESTIMATED FUND BALANCE-DECEMBER 31, 2013	\$	<u><u>6</u></u>

**CITY OF MANDAN
TAXABLE VALUATIONS
LAST TEN YEARS**

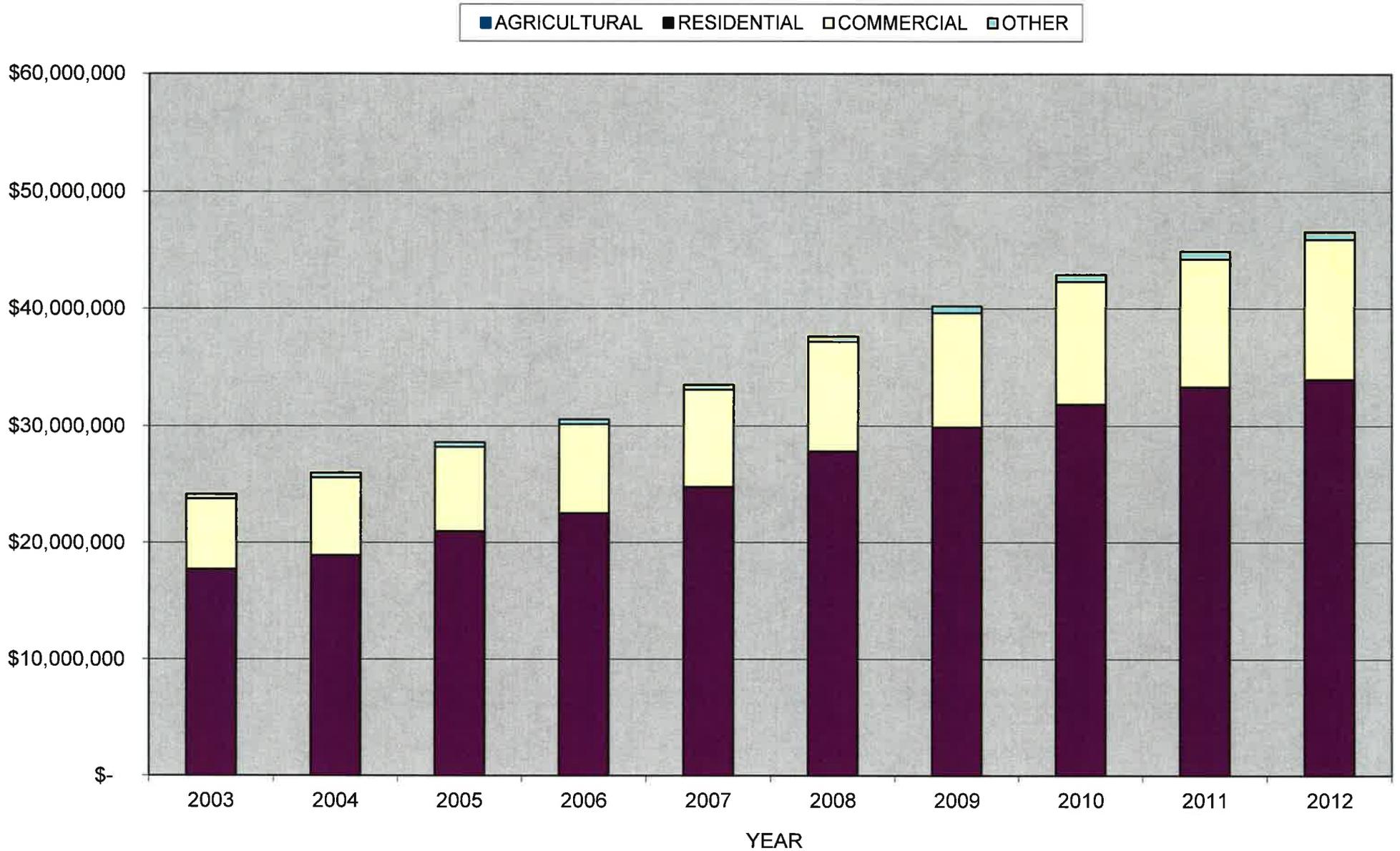
<u>YEAR</u>	<u>AGRICULTURAL</u>	<u>RESIDENTIAL</u>	<u>COMMERCIAL</u>	<u>OTHER (1)</u>	<u>TOTAL (2)</u>
2003	\$ 7,005	\$ 17,714,482	\$ 6,068,456	\$ 387,535	\$ 24,177,478
2004	\$ 7,005	\$ 18,898,565	\$ 6,672,882	\$ 404,739	\$ 25,983,191
2005	\$ 6,245	\$ 20,966,809	\$ 7,242,017	\$ 388,516	\$ 28,603,587
2006	\$ 4,970	\$ 22,521,162	\$ 7,635,737	\$ 399,828	\$ 30,561,697
2007	\$ 4,947	\$ 24,766,284	\$ 8,333,597	\$ 403,335	\$ 33,508,163
2008	\$ 3,880	\$ 27,826,574	\$ 9,351,991	\$ 469,202	\$ 37,651,647
2009	\$ 4,720	\$ 29,905,676	\$ 9,725,971	\$ 573,841	\$ 40,210,208
2010	\$ 5,285	\$ 31,844,568	\$ 10,457,501	\$ 596,524	\$ 42,903,878
2011	\$ 6,140	\$ 33,317,244	\$ 10,920,177	\$ 661,427	\$ 44,904,988
2012	\$ 15,000	\$ 33,938,335	\$ 11,954,466	\$ 661,427	\$ 46,569,228

NOTES:

(1) - CONSISTS OF RAILROADS, PIPELINES, AND HEAT, LIGHT, POWER, GAS UTILITIES

(2) - YEAR 2012 IS BASED ON BOARD OF EQUALIZATION ON MAY 15, 2012

CITY OF MANDAN TAXABLE VALUATIONS



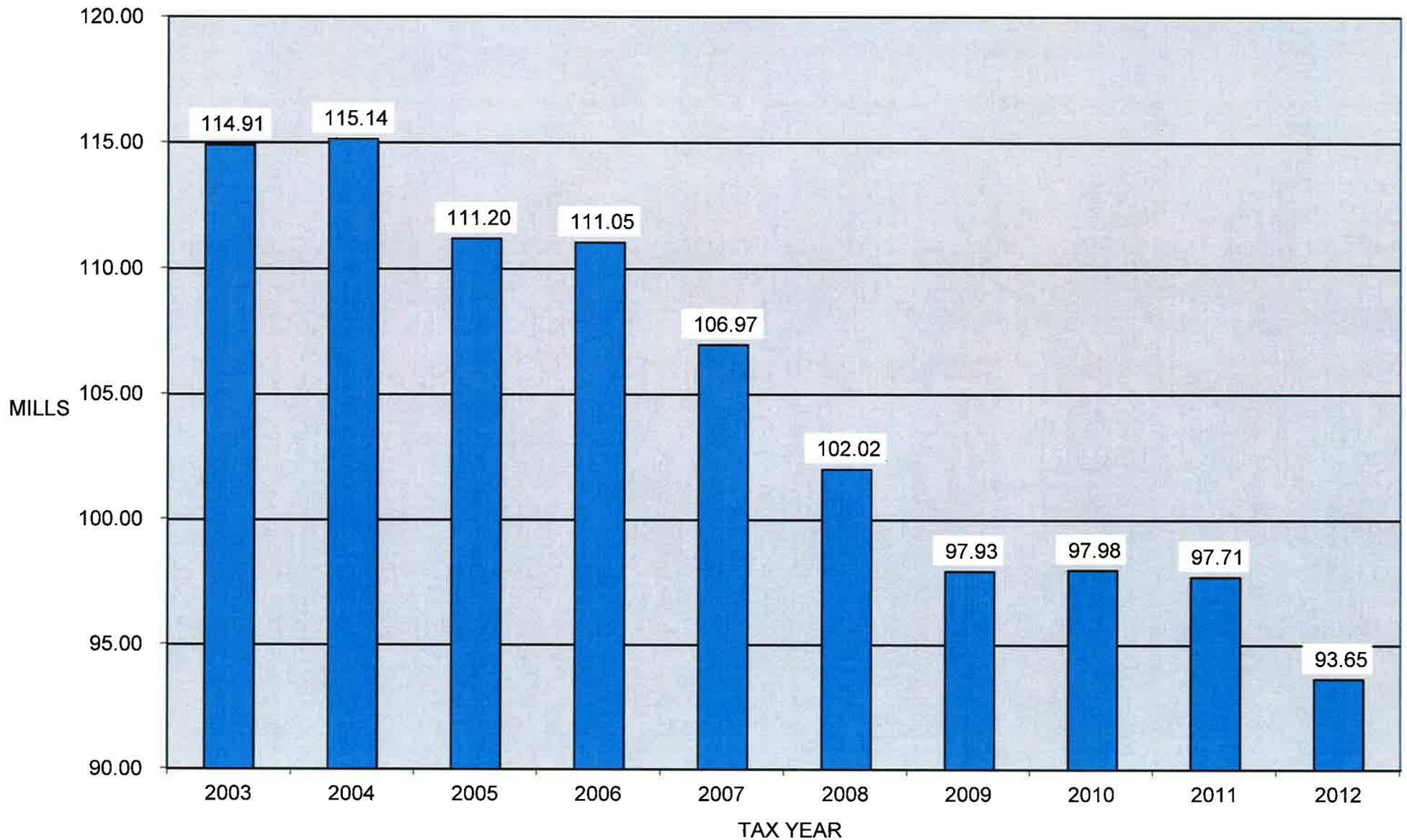
**CITY OF MANDAN
2013 BUDGET
MILL LEVY AND PROPERTY TAXES**

FUND	MILL LEVY	PROPERTY TAXES
GENERAL	72.60	\$ 3,380,926
SPECIAL REVENUE FUNDS:		
CITY'S SHARE OF SPECIAL ASSESSMENTS	3.56	\$ 165,700
CEMETERY	2.00	\$ 93,138
PUBLIC TRANSPORTATION SYSTEM	2.00	\$ 93,138
DEBT SERVICE FUNDS:		
GENERAL OBLIGATION BONDS:		
LIBERTY MEMORIAL BRIDGE	1.50	\$ 69,892
REFUNDING IMPROVEMENT BONDS:		
STREET IMPROVEMENT DISTRICT #145	0.72	\$ 33,508
STREET IMPROVEMENT DISTRICT #148	0.27	\$ 12,626
MANDAN AIRPORT AUTHORITY	4.00	\$ 186,277
MORTON MANDAN PUBLIC LIBRARY	7.00	\$ 325,985
TOTAL	<u>93.65</u>	<u>\$ 4,361,191</u>

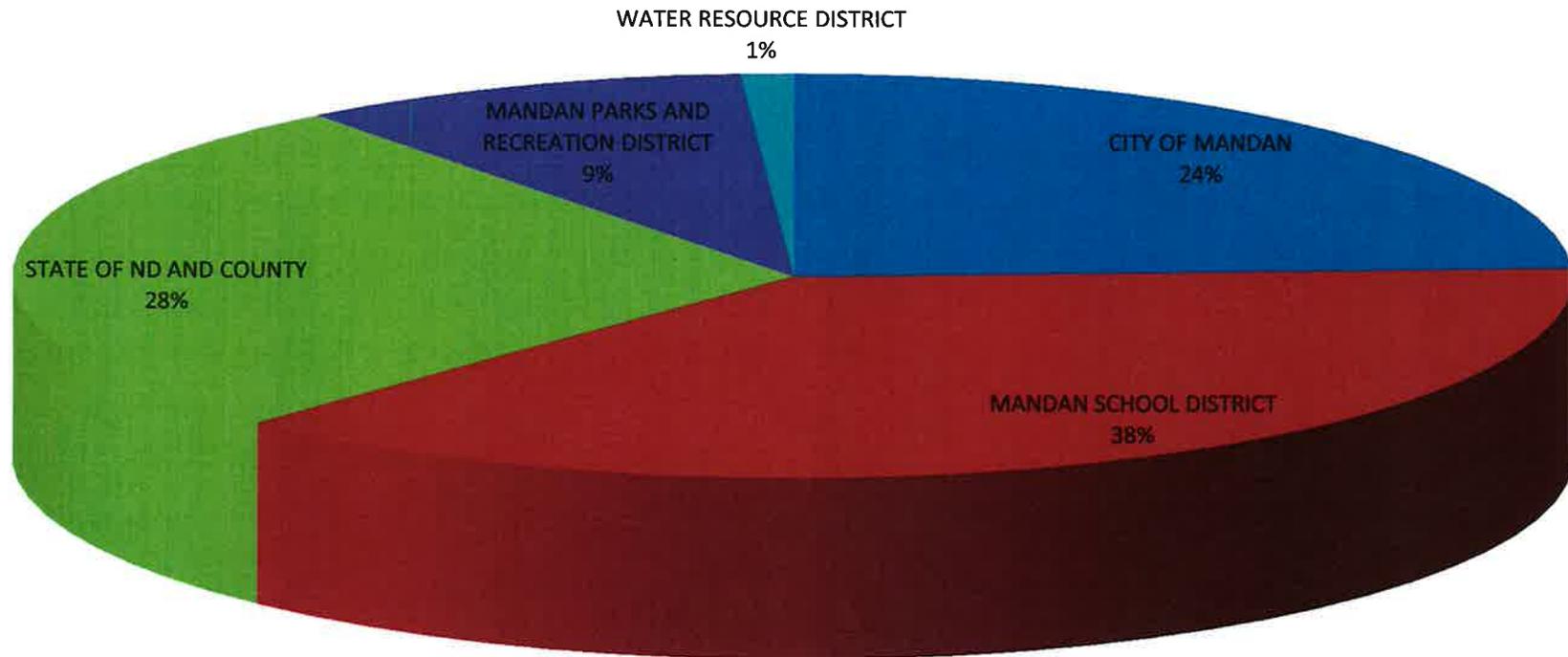
**CITY OF MANDAN
PROPERTY TAX RATES
LAST TEN YEARS**

<u>TAX YEAR</u>	<u>BUDGET YEAR</u>	<u>CITY OF MANDAN</u>	<u>MANDAN PUBLIC SCHOOL DISTRICT</u>	<u>STATE OF ND AND MORTON COUNTY</u>	<u>MANDAN PARKS AND RECREATION DISTRICT</u>	<u>WATER MANAGEMENT RESOURCE DISTRICT</u>	<u>TOTAL</u>
2002	2003	115.00	212.10	122.77	43.09	5.70	498.66
2003	2004	114.91	218.76	125.42	38.26	5.62	502.97
2004	2005	115.14	221.10	129.67	38.18	5.22	509.31
2005	2006	111.20	249.10	129.32	40.11	4.95	534.68
2006	2007	111.05	236.56	128.85	40.05	5.00	521.51
2007	2008	106.97	232.57	120.29	40.10	4.78	504.71
2008	2009	102.02	233.94	119.36	37.84	4.45	497.61
2009	2010	97.93	157.17	116.81	37.77	4.39	414.07
2010	2011	97.98	155.69	113.31	37.91	4.50	409.39
2011	2012	97.71	152.45	110.96	37.83	4.43	403.38
		24.2%	37.8%	27.5%	9.4%	1.1%	100%

CITY OF MANDAN PROPERTY TAX RATES



PROPERTY TAX RATES TAX YEAR 2011



**CITY OF MANDAN
2013 BUDGET
PROPERTY TAX DECREASE**

EXISTING RESIDENTIAL HOME VALUED AT \$175,000

	2012 BUDGET	2013 BUDGET
TRUE AND FULL VALUE	\$ 175,000	\$ 175,000
TRUE AND FULL VALUE INCREASE-0.1%		\$ 175
ADJUSTED TRUE AND FULL VALUE		\$ 175,175
ASSESSED VALUATION-50% OF TRUE AND FULL VALUE	\$ 87,500	\$ 87,588
TAXABLE VALUATION-9% OF ASSESSED VALUATION	\$ 7,875	\$ 7,883
 TAXABLE VALUATION	 \$ 7,875	 \$ 7,883
X MILL LEVY	97.71	93.65
TOTAL PROPERTY TAXES	<u>\$ 769.47</u>	<u>\$ 738.23</u>
	PROPERTY TAX DECREASE	\$ (31.24)
	% DECREASE	-4.1%



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

TO: MAYOR HELBLING & MANDAN CITY COMMISSIONERS

FROM: RICHARD L BARTA/CITY ASSESSOR

DATE: MAY 10, 2011

SUBJECT: 2012 ANNUAL ASSESSMENT REPORT

This 2012 annual report of the Mandan Assessing Division is a summary of the 2012 assessment roll and a review of what has occurred in terms of real estate value and appraisal activity of this division through December 2011. The market value of taxable real property, property transfers, sales, new construction and annexations all combine to give a tax base for Mandan's 2012 property tax year. This condensed report is a summary of the final assessment roll. Any changes in value that the Local, County or State Boards of Equalization may make will be reflected in the final assessment.

The 2012 assessment roll total market value is \$1,002,758,200. This is an increase from the 2011 assessment roll total of \$33,215,600 or 3.4%. Of this increase, new construction contributed \$24,482,600; existing property values contributed \$8,733,000; the balance is attributed to pro-rations, abatements and changes in assessments. Existing commercial properties saw an average increase of 3.4%; existing residential properties saw an average increase of 0.1%. Adjustments have been made to many individual properties within all classes of real estate.

When the Notices of Increase were mailed, we had a total of 375 street appraisals. And, as of May 10, 2012, we have 340 parcels that we were not able to walk through and verify the data.

I would like to personally express my gratitude to the residents of Mandan for their cooperation during this re-assessment process.

Procedures of assessment and appraisal are conducted under guidance from the North Dakota Tax Commissioner's Office, the North Dakota Century Code and nationally recognized standards of mass appraisal of real property. The Mandan Assessing Division respectfully recommends that the assessment roll be approved as submitted. Should anyone appear before

**CITY OF MANDAN
2013 BUDGET
SALARIES AND BENEFITS**

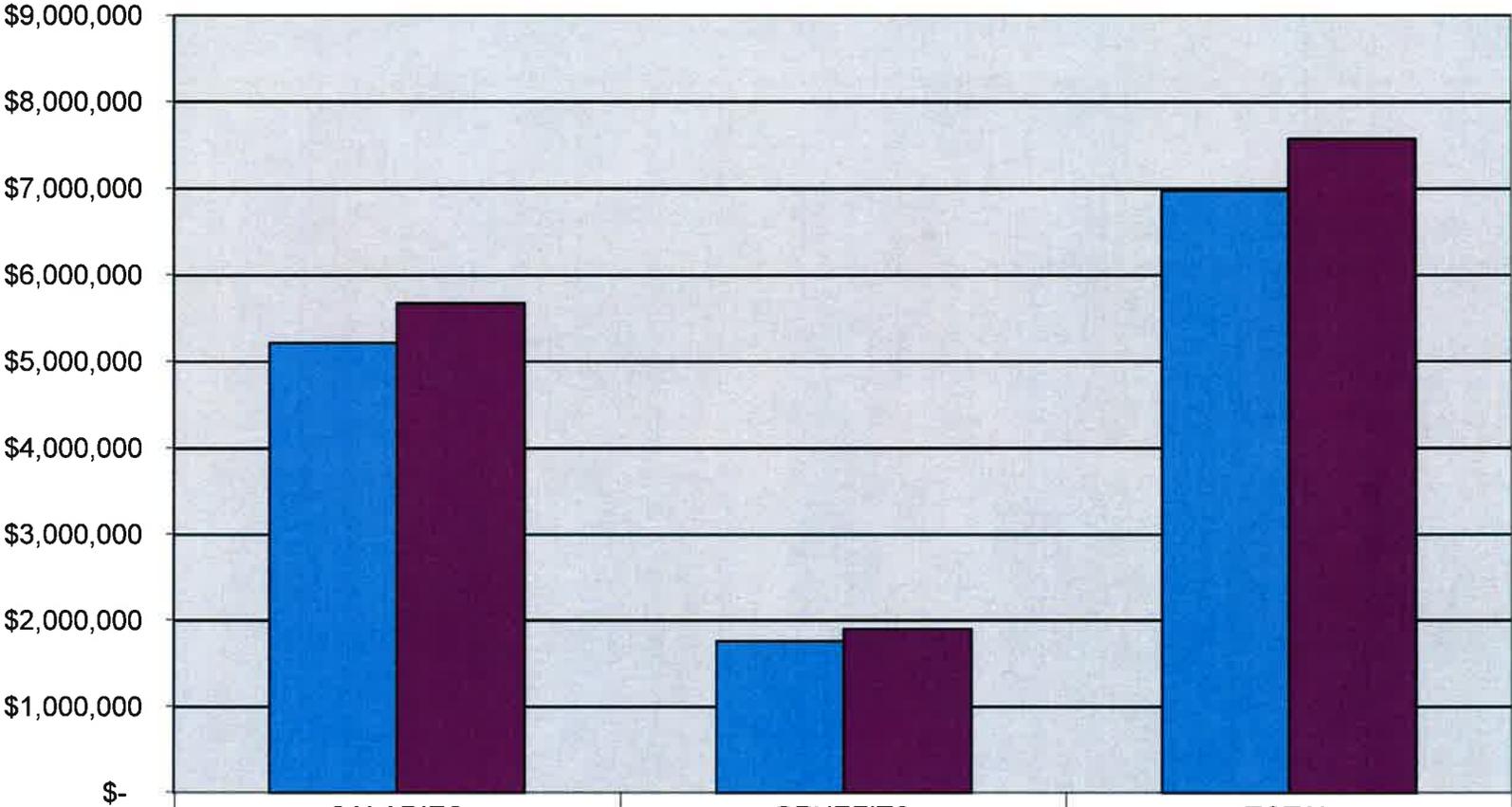
SALARIES:

REGULAR	\$	5,253,600
OVERTIME	\$	205,350
OVERTIME-GRANTS	\$	29,600
PART TIME	\$	184,600
TOTAL	\$	<u>5,673,150</u>

BENEFITS:

SOCIAL SECURITY AND MEDICARE	\$	432,000
PENSION	\$	377,650
UNEMPLOYMENT COMPENSATION	\$	3,900
WORKERS' COMPENSATION	\$	40,750
HEALTH INSURANCE	\$	1,035,350
TERM LIFE INSURANCE	\$	7,500
EMPLOYEES ASSISTANCE PROGRAM	\$	3,000
DENTAL ADMINISTRATION FEES	\$	150
TOTAL	\$	<u>1,900,300</u>
TOTAL	\$	<u><u>7,573,450</u></u>

CITY OF MANDAN SALARIES AND BENEFITS



	SALARIES	BENEFITS	TOTAL
2012 BUDGET (REVISED)	\$5,216,100	\$1,760,350	\$6,976,450
2013 BUDGET	\$5,673,150	\$1,900,300	\$7,573,450

**CITY OF MANDAN
2013 BUDGET
PERSONNEL REQUESTS**

<u>GENERAL FUND</u>	<u>TOTAL</u>	
<u>ASSESSOR/BUILDING INSPECTION</u>		
PERMIT TECHNICIAN	\$ 1,199	ADDITIONAL 50 HOURS
APPRAISER/INSPECTOR	\$ 53,355	
 <u>PLANNING AND ZONING/ENGINEERING</u>		
PRINCIPAL PLANNER	\$ 66,680	
ENGINEERING TECHNICIAN	\$ 46,839	
 <u>POLICE</u>		
POLICE OFFICER (SCHOOL RESOURCE)	\$ 52,444	MANDAN PUBLIC SCHOOL DISTRICT SHARE = 75%
 <u>STREET</u>		
STREET MAINTENANCE ASSISTANT SUPERINTENDENT	\$ 5,962	INTERNAL POSITION UPGRADE
EQUIPMENT OPERATOR I	\$ 42,930	
EQUIPMENT OPERATOR I	\$ 42,930	
 <u>WEED CONTROL</u>		
GROUNDS MAINTENANCE	\$ 11,960	PART-TIME (TRANSFERRED FROM UTILITY MAINTENANCE)
TOTAL	<u>\$ 324,300</u>	
 <u>CEMETERY FUND</u>		
GROUNDS MAINTENANCE	\$ 2,637	PART-TIME
 <u>WATER AND SEWER UTILITY FUND</u>		
<u>WATER TREATMENT</u>		
MAINTENANCE OPERATOR	\$ 861	PART-TIME
 <u>SEWER TREATMENT</u>		
MAINTENANCE	\$ 1,238	PART-TIME
BIOSOLIDS DRIVER	\$ 6,513	PART-TIME
 <u>UTILITY MAINTENANCE</u>		
GROUNDS MAINTENANCE	\$ (11,960)	PART-TIME (TRANSFERRED TO WEED CONTROL)
UTILITY OPERATOR I	\$ 42,930	STREET LIGHT UTILITY FUND SHARE = 5%
WATERLINE MAINTENANCE	\$ (5,657)	ELIMINATE PART-TIME POSITION
TOTAL	<u>\$ 33,925</u>	
 <u>SOLID WASTE UTILITY FUND</u>		
LANDFILL	\$ 6,808	PART-TIME
TOTAL	<u>\$ 367,669</u>	

NOTE: TOTAL INCLUDES SALARY AND BENEFITS

**CITY OF MANDAN
2013 BUDGET
CAPITAL OUTLAY**

<u>FUND</u>	<u>DEPARTMENT</u>	<u>TOTAL</u>
GENERAL	AUDITOR-PUBLIC SAFETY	\$ 128,600
GENERAL	INFORMATION TECHNOLOGY	\$ 36,700
GENERAL	POLICE	\$ 61,500
GENERAL	FIRE	\$ 4,000
GENERAL	STREET	\$ 381,300
GENERAL	FORESTER	\$ 55,000
GENERAL	WEED CONTROL	\$ 10,000
CEMETERY	CEMETERY	\$ 2,000
FIRE EQUIPMENT RESERVE	FIRE	\$ 345,000
POLICE EQUIPMENT RESERVE	POLICE	\$ 2,000
WATER AND SEWER UTILITY	WATER TREATMENT	\$ 52,500
WATER AND SEWER UTILITY	SEWER TREATMENT	\$ 32,500
WATER AND SEWER UTILITY	WATERLINE MAINTENANCE	\$ 423,950
WATER AND SEWER UTILITY	SEWERLINE MAINTENANCE	\$ 215,500
WATER AND SEWER UTILITY	METER READING	\$ 50,000
STREET LIGHT UTILITY	UTILITY MAINTENANCE	<u>\$ 54,000</u>
	TOTAL	<u><u>\$ 1,854,550</u></u>

**CITY OF MANDAN
2013 BUDGET
CAPITAL OUTLAY
(BY DEPARTMENT)**

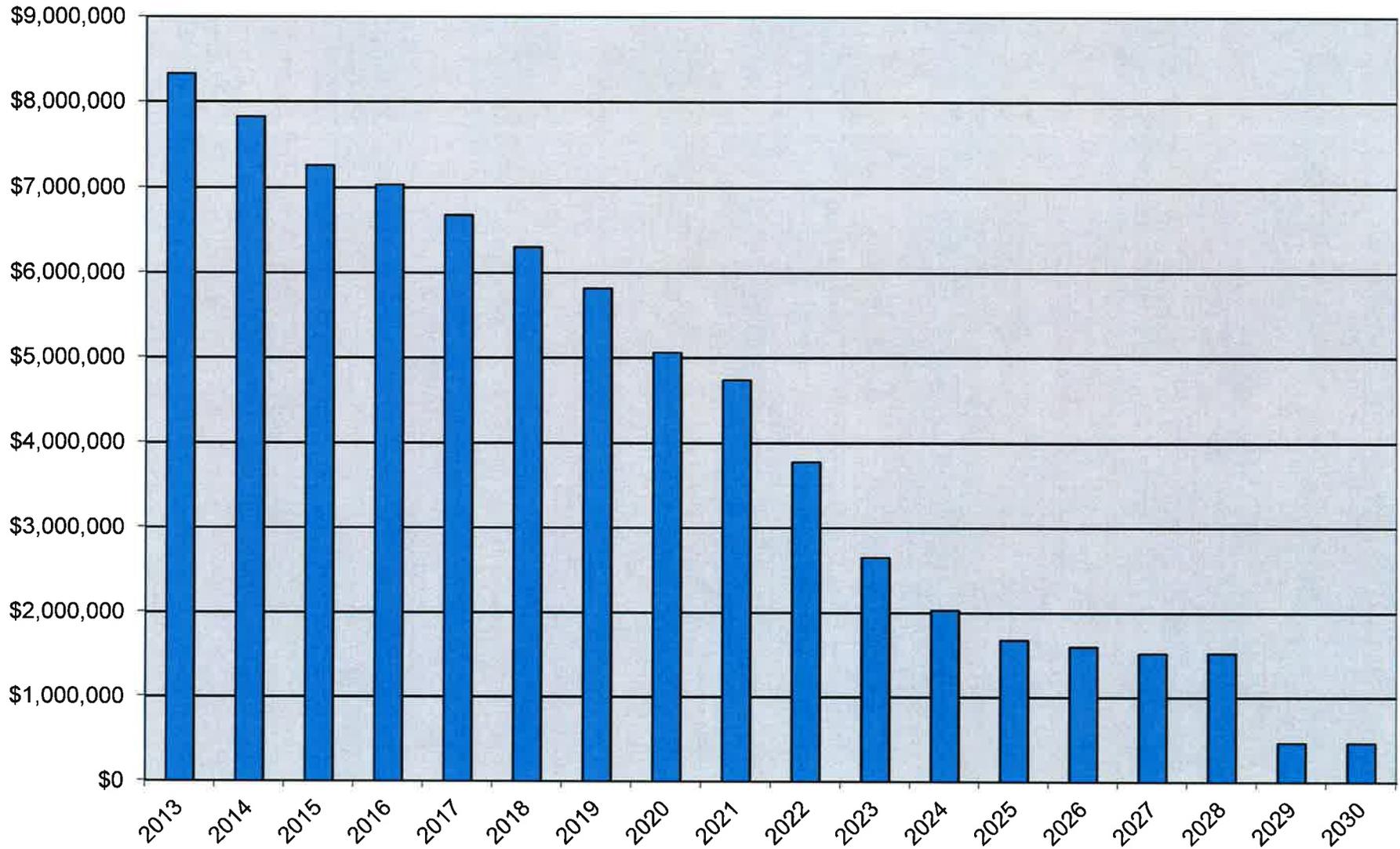
<u>GENERAL FUND</u>	<u>TOTAL</u>
<u>AUDITOR-FIRE</u>	
EMERGENCY OUTDOOR WARNING SIREN SYSTEM	\$ 128,600
<u>INFORMATION TECHNOLOGY</u>	
VARIOUS COMPUTER HARDWARE AND SOFTWARE	\$ 36,700
<u>POLICE</u>	
PATROL VEHICLE	\$ 30,750
PATROL VEHICLE	\$ 30,750
<u>FIRE</u>	
PAINT OVERHEAD DOORS (STATION NO. 1)	\$ 4,000
<u>STREET</u>	
96" SNOW PLOW FOR SKID STEER LOADER	\$ 3,200
3 TON DUMP TRUCK	\$ 71,000
173 HP FRONT END LOADER	\$ 137,800
173 HP FRONT END LOADER	\$ 154,800
14' REVERSIBLE SNOW PLOW	\$ 14,500
<u>FORESTER</u>	
BUCKET TRUCK WITH CHIP BOX	\$ 55,000
<u>WEED CONTROL</u>	
ZERO TURN MOWER	\$ 10,000
TOTAL	<u>\$ 677,100</u>
 <u>CEMETERY FUND</u>	
RIDING MOWER	\$ 2,000
 <u>FIRE EQUIPMENT RESERVE FUND</u>	
1500 GALLON PER MINUTE FIRE ENGINE	\$ 345,000
 <u>POLICE EQUIPMENT RESERVE FUND</u>	
POLICE BALLISTICS SHIELD	\$ 2,000
 <u>WATER AND SEWER UTILITY FUND</u>	
<u>WATER TREATMENT</u>	
PRESSURE TRANSMITTER	\$ 4,000
AUTOMATIC EMERGENCY GENERATOR SWITCH	\$ 6,500
PUMP	\$ 7,000
SKID STEER LOADER	\$ 35,000
 <u>WATERLINE MAINTENANCE</u>	
BACKHOE LOADER	\$ 73,950
WATER MAINTENANCE PROJECT (MASTER PLAN)	\$ 350,000
 <u>SEWERLINE MAINTENANCE</u>	
3/4 TON PICKUP	\$ 27,500
SEWER MAINTENANCE PROJECT (MASTER PLAN)	\$ 188,000
 <u>SEWER TREATMENT</u>	
BIOCHEMICAL OXYGEN DEMAND INCUBATOR	\$ 5,500
1/2 TON PICKUP	\$ 27,000
 <u>METER READING</u>	
WATER METERS (NEW CONSTRUCTION)	<u>\$ 50,000</u>
TOTAL	<u>\$ 774,450</u>
 <u>STREET LIGHT UTILITY FUND</u>	
LED LIGHTS REPLACEMENT PROJECT	<u>\$ 54,000</u>
TOTAL	<u>\$ 1,854,550</u>

**CITY OF MANDAN
DEBT SERVICE**

AMORTIZATION SCHEDULE

YEAR	GENERAL OBLIGATION BONDS LIBERTY MEMORIAL BRIDGE	SPECIAL ASSESSMENT BONDS SIDEWALK, CURB AND GUTTER	SPECIAL ASSESSMENT BONDS STREET	SPECIAL ASSESSMENT BONDS WATER AND SEWER UTILITY	REVENUE BONDS MANDAN COMMUNITY CENTER	REVENUE BONDS-WATER OF 2002 TREATMENT PLANT	SRF LOANS-WATER OF 2008 TREATMENT PLANT	SRF LOANS-WATER OF 2010 TREATMENT PLANT	REVENUE BONDS-WATER AND SEWER OF 2005 WATERMAIN	SRF LOANS-WATER OF 2008 SOUTH SIDE WATER RESERVOIR	REVENUE BONDS-SEWER OF 1997 TREATMENT PLANT	SRF LOANS-SEWER OF 2008 TREATMENT PLANT	SRF LOANS-SEWER OF 2008 SOUTH SIDE SEWERMAIN	TOTAL
2013	\$ 63,538	\$ 205,401	\$ 4,187,201	\$ 1,522,354	\$ 137,933	\$ 282,325	\$ 289,550	\$ 463,464	\$ 78,490	\$ 593,547	\$ 332,750	\$ 105,250	\$ 66,000	\$ 8,327,802
2014	\$ 62,155	\$ 199,588	\$ 3,832,895	\$ 1,388,743	\$ 139,100	\$ 281,675	\$ 289,675	\$ 465,512	\$ 76,600	\$ 591,938	\$ 330,750	\$ 103,500	\$ 64,875	\$ 7,827,006
2015	\$ 60,755	\$ 178,724	\$ 3,430,460	\$ 1,243,439	\$ 139,975	\$ 281,900	\$ 289,675	\$ 462,276	\$ 79,580	\$ 590,003	\$ 333,625	\$ 106,750	\$ 63,750	\$ 7,260,912
2016	\$ 64,255	\$ 148,471	\$ 3,287,176	\$ 1,187,786	\$ 140,548	\$ 282,975	\$ 289,550	\$ 463,898	\$ 77,430	\$ 592,740	\$ 331,250	\$ 104,875	\$ 62,625	\$ 7,033,579
2017	\$ 67,533	\$ 114,304	\$ 3,073,738	\$ 1,070,201	\$ 140,868	\$ 282,875	\$ 289,300	\$ 465,236	\$ 75,255	\$ 589,987	\$ 333,750	\$ 108,000	\$ 66,500	\$ 6,677,547
2018	\$ 65,688	\$ 76,440	\$ 2,835,790	\$ 977,953	\$ 140,868	\$ 281,625	\$ 288,925	\$ 461,290	\$ 77,945	\$ 591,907	\$ 331,000	\$ 106,000	\$ 65,250	\$ 6,300,681
2019	\$ 68,740	\$ 40,004	\$ 2,497,755	\$ 862,654	\$ 140,603	\$ 282,250	\$ 288,425	\$ 462,202	\$ 75,498	\$ 593,337	\$ 333,125	\$ 109,000	\$ 64,000	\$ 5,817,592
2020	\$ 66,665	\$ 19,644	\$ 2,307,168	\$ 792,300		\$ 283,700	\$ 287,800	\$ 462,830	\$ 77,910	\$ 594,276		\$ 106,875	\$ 62,750	\$ 5,061,918
2021	\$ 69,460		\$ 2,082,928	\$ 695,874		\$ 284,950	\$ 291,050	\$ 463,174	\$ 80,000	\$ 594,724		\$ 109,750	\$ 66,500	\$ 4,738,411
2022	\$ 67,123		\$ 1,534,632	\$ 577,516			\$ 291,075	\$ 463,234	\$ 76,880	\$ 594,682		\$ 107,500	\$ 65,125	\$ 3,777,767
2023	\$ 69,650		\$ 740,324	\$ 243,803			\$ 289,950	\$ 463,010	\$ 78,640	\$ 594,150		\$ 110,250	\$ 63,750	\$ 2,653,526
2024	\$ 67,040		\$ 263,013	\$ 109,159			\$ 288,700	\$ 462,502	\$ 75,280	\$ 593,127		\$ 107,875	\$ 62,375	\$ 2,029,070
2025	\$ 69,290		\$ 9,974				\$ 291,325	\$ 461,710	\$ 76,800	\$ 591,613		\$ 110,500	\$ 66,000	\$ 1,677,212
2026	\$ 66,430						\$ 290,725	\$ 465,634		\$ 594,609		\$ 113,000	\$ 64,500	\$ 1,594,898
2027							\$ 288,975	\$ 464,132		\$ 591,951		\$ 110,375	\$ 63,000	\$ 1,518,433
2028							\$ 291,100	\$ 462,346		\$ 593,803		\$ 112,750	\$ 61,500	\$ 1,521,499
2029								\$ 465,276						\$ 465,276
2030								\$ 462,780						\$ 462,780
TOTAL	\$ 928,320	\$ 982,577	\$ 30,083,055	\$ 10,671,783	\$ 979,893	\$ 2,544,275	\$ 4,635,800	\$ 8,340,506	\$ 1,006,308	\$ 9,486,391	\$ 2,326,250	\$ 1,732,250	\$ 1,028,500	\$ 74,745,906
SUMMARY														
PRINCIPAL	\$ 695,000	\$ 888,636	\$ 25,409,854	\$ 9,046,699	\$ 840,000	\$ 2,253,000	\$ 3,782,000	\$ 6,460,000	\$ 755,000	\$ 7,295,000	\$ 2,110,000	\$ 1,410,000	\$ 840,000	\$ 61,785,188
INTEREST	\$ 233,320	\$ 93,941	\$ 4,673,202	\$ 1,625,084	\$ 139,893	\$ 291,275	\$ 853,800	\$ 1,880,506	\$ 251,308	\$ 2,191,391	\$ 216,250	\$ 322,250	\$ 188,500	\$ 12,960,718
TOTAL	\$ 928,320	\$ 982,577	\$ 30,083,055	\$ 10,671,783	\$ 979,893	\$ 2,544,275	\$ 4,635,800	\$ 8,340,506	\$ 1,006,308	\$ 9,486,391	\$ 2,326,250	\$ 1,732,250	\$ 1,028,500	\$ 74,745,906

CITY OF MANDAN DEBT SERVICE



**CITY OF MANDAN
2013 BUDGET
TRANSFERS**

<u>FUND</u>	<u>TRANSFER IN</u>	<u>FUND</u>	<u>TRANSFER OUT</u>	<u>TOTAL</u>	<u>DESCRIPTION</u>
215	PUBLIC TRANSPORTATION SYSTEM	100.103	GENERAL-AUDITOR	\$ 2,150	BIS-MAN TRANSIT BOARD
703	CITY SHOP	100.103	GENERAL-AUDITOR	\$ 105,800	INTERDEPARTMENTAL SERVICES
228	NARCOTICS TASK FORCE GRANT	100.121	GENERAL-POLICE	\$ 6,700	GRANT MATCH
219	FIRE EQUIPMENT RESERVE	100.126	GENERAL-FIRE	\$ 50,000	APPARATUS REPLACEMENT
100	GENERAL	201	HIGHWAY DISTRIBUTION	\$ 1,201,550	STREET DEPARTMENT-MAINTENANCE
100	GENERAL	214	CITY SALES TAX	\$ 771,250	PROPERTY TAX REDUCTION
224	MANDAN GROWTH	214	CITY SALES TAX	\$ 250,000	BUSINESS AND ECONOMIC DEVELOPMENT
431	MCC REVENUE BONDS OF 2005	214	CITY SALES TAX	\$ 138,750	DEBT SERVICE
100	GENERAL	601.656	WATER AND SEWER UTILITY-AUDITOR	\$ 3,700	MEMORIAL BUILDING
601	WATER AND SEWER UTILITY	620	SOLID WASTE UTILITY	\$ 19,850	ADMINISTRATION/FINANCE=15%
601	WATER AND SEWER UTILITY	630	STREET LIGHT UTILITY	\$ 6,650	ADMINISTRATION/FINANCE=5%
			TOTAL	<u>\$ 2,556,400</u>	



Bismarck-Mandan ND MSA Economy-at-a-Glance July 2012

Workforce *(Source: Job Service North Dakota)*

	May-12	May-11	Apr-12	Apr-11
Bismarck-Mandan MSA non-farm employment	66,500	63,700	66,400	63,300
MSA unemployment rate	2.5%	3.0%	2.8%	3.2%
ND unemployment rate	2.7%	3.2%	3.1%	3.5%
US unemployment rate	7.9%	8.7%	7.7%	8.7%
Fargo MSA unemployment rate	3.0%	3.6%	3.3%	3.9%
Grand Forks MSA unemployment rate	3.7%	4.2%	4.2%	4.5%

City Sales Tax Collections *(Source: Office of ND State Treasurer)*

	Jun-12	Jun-11	YTD Jun-12	YTD Jun-11
Bismarck	\$950,744	\$1,151,883	\$7,497,645	\$6,536,190
Mandan	135,360	130,509	883,734	786,245

Taxable Sales & Purchases *(Source: Office of ND State Tax Commissioner)*

	Q-1 2012	Q-1 2011	2011 Annual	2010 Annual
Bismarck-Mandan MSA	\$443,515,121	\$344,344,003	\$1,896,565,575	\$1,598,649,943
Bismarck	386,319,728	301,731,297	1,637,465,740	1,375,909,752
Burleigh County	388,798,874	303,446,421	1,659,026,165	1,391,955,295
Mandan	50,317,126	36,934,019	213,545,401	187,281,367
Morton County	54,716,247	40,897,582	237,539,410	206,694,648

Real Estate *(Source: Bismarck-Mandan Board of Realtors)*

	Jun-12	Jun-11	YTD Jun-12	YTD Jun-11
# of single family units sold	109	129	551	538
Average sale price - single family	\$230,150	\$190,363	\$199,761	\$180,671

Residential New Construction *(Source: City of Bismarck, City of Mandan, Morton County)*

	Jun-12	Jun-11	YTD Jun-12	YTD Jun-11
Bismarck MSA # of permits				
Total permits	118	81	553	291
Single family permits	102	80	484	257
Bismarck MSA valuation				
Total valuation	\$23,729,636	\$14,714,659	\$127,005,912	\$56,096,948
Single family valuation	21,614,744	14,553,019	94,746,101	48,312,740

Transportation *(Source: Bismarck Airport)*

	Jun-12	Jun-11	YTD Jun-12	YTD Jun-11
Passenger boardings	21,140	16,055	109,857	91,696

www.bmda.org -- info@bmda.org -- 701-222-5530

The Bismarck-Mandan MSA (metropolitan statistical area) includes all of Burleigh and Morton Counties.

Bismarck-Mandan, North Dakota

Community Profile



Community

Population

	2000 Census	2010 Census	2011 Census Estimates
Bismarck-Mandan MSA	94,719	108,779	110,879
Bismarck	55,532	61,272	
Burleigh County	69,416	81,308	83,145
Mandan	16,718	18,331	
Morton County	25,303	27,471	27,734

U.S. Census

Climate

Average Daily Temperature (degree F)

	High	Low	Average
Annual	54.1	28.4	41.4
January	22.3	-1.8	10.3
July	84.5	54.3	69.4
Average rainfall per year in inches			16.5
Average snowfall per season in inches			35.5

Location

South Central North Dakota. Bismarck is located on the east side and Mandan on the west side of the Missouri River.

Latitude:	46 degrees, 46 minutes north
Longitude:	100 degrees, 45 minutes west
Elevation:	1,647 feet (average)
Area:	Bismarck 30.8 square miles Mandan 11.03 square miles

Housing

Average real estate selling price 2011

	Bismarck	Mandan
Single Family		
All	\$188,305	\$161,638
2 or less bedroom	154,858	115,904
3-bedroom	165,915	144,505
4 or more bedroom	206,877	183,381
Condos & Town/Twin Homes	151,981	141,371

Apartment rental rates 2012

2-bedroom	\$750 - \$1,100
3-bedroom	\$850 - \$1,300

Bismarck-Mandan Board of Realtors

Crime Rate

Crime rates in Bismarck-Mandan are consistently ranked among the lowest in the nation. The state of North Dakota regularly ranks as "America's Safest State" and FBI crime statistics consistently place Bismarck-Mandan among the MSAs with the lowest rate of violent and property crimes of all metropolitan areas. In addition, Bismarck ranks #2 in a national survey conducted by a Harvard University professor to measure "community attitudes and relative levels of civic engagement." Among the findings is that "social trust" among residents inclines them to rate their community as an excellent place to live.

Crime	Bismarck MSA Rate (per 100,000 population)	National Rate (per 100,000 population)
Violent Crime	228.5	403.6
Property Crime	1,774.9	2,941.9
Forcible Rape	33.2	27.5
Robbery	17.0	119.1
Aggravated Assault	176.5	252.3
Burglary	219.5	699.6
Larceny theft	1,453.2	2,003.5
Motor vehicle theft	102.1	238.8

Federal Bureau of Investigation, Index of Crime, 2010



Education

Bismarck-Mandan K-12

2011-12 Enrollment

	Bismarck Public Schools	Mandan Public Schools	Bismarck/Mandan Private Schools	2012 Graduates (total)
K-8	7,574	2,259	1,151	
9-12	3,382	984	423	1,090

Higher Education

Bismarck State College —

Community college with an enrollment of nearly 4,000 students and 1,300 graduates in 2012. Provides 40 technical programs and transfer degrees, online classes and programs, corporate and continuing education, and workforce training. Home to the National Energy Center of Excellence (NECE).

United Tribes Technical College —

2-year institution with a 2012 enrollment of 1,000+ and more than 100 graduates. Offers associate degrees and certificate programs.

University of Mary —

Private college with an enrollment of approximately 3,150 and 1,110 degrees granted in 2012. Offers 44 undergraduate programs, seven master's degrees and one doctoral program.

Rasmussen College —

Private degree-granting college with a 2012 enrollment of over 300 and 100 graduates.

Medcenter One College of Nursing —

Offers an upper division professional nursing program.

UND Graduate Center —

Offers master degree programs through the ND Interactive Video Network.

UND School of Medicine —

Third and fourth year students train at the Bismarck clinical campus.

St. Alexius Medical Center —

Home to ND School of Respiratory Care, St. Alexius School of Radiological Technology, and EMT-Paramedic Technology Program in conjunction with Bismarck State College.



Healthcare

Two regional medical centers, Medcenter One Health Systems and St. Alexius Medical Center, as well as a wide array of clinics are located in Bismarck. In addition, Triumph Hospital Central Dakotas in Mandan offers long-term acute care, and an array of options are available for assisted living and long-term nursing care in the greater community. The hospitals and clinics are state-of-the-art, with 575+ beds available, over 350 physicians and more than 7,000 total healthcare professionals to serve you. At the Bismarck Cancer Center, St. Alexius and Medcenter One combine to form a team of highly-skilled healthcare professionals with cutting-edge equipment.

Medcenter One Health Systems is an integrated health system that consists of a 232-bed hospital, a multi-specialty clinic, a college of nursing, six primary-care clinics, three kidney dialysis centers and four long-term care facilities in western and central North Dakota. Medcenter One has been recognized by Thomson Reuters as one of the 100 Top Hospitals for Cardiovascular Care.

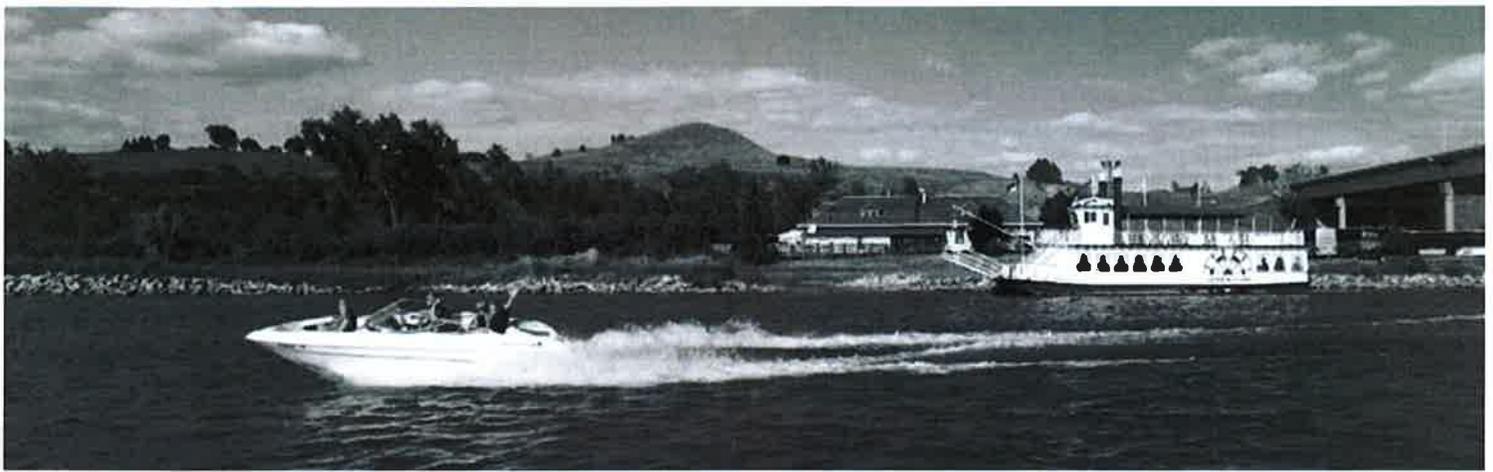
St. Alexius Medical Center is a 306-bed, full-service, acute-care medical center offering a full line of inpatient and outpatient medical services, including primary and specialty physician clinics, home health and hospice services, durable medical equipment services and a fitness and human performance center. St. Alexius has been awarded HealthGrades Distinguished Hospital Award for Clinical Excellence and for Excellence in Patient Safety.

Government

The cities of Bismarck and Mandan both utilize a city commission structure. Both cities have adopted Home Rule Charters and are official Home Rule Cities under the North Dakota Constitution and North Dakota State Law.

Bismarck is the state capital, and serves as the center of government for most agencies, Burleigh County, and most of the federal agencies serving North Dakota. Mandan is the Morton County seat.





Recreation

Recreational activities abound in Bismarck-Mandan. From theater, ballet and symphony performances to golf, boating, fishing and hunting, Bismarck-Mandan has something to entertain you.

To mention a few:

- :: A vibrant arts community provides opportunities for participants, students and spectators alike.
- :: Bismarck-Mandan boasts over 50 miles of paved trails for walking, running, biking or roller blading.
- :: Excellent golf courses – seven of them – await you in Bismarck-Mandan.
- :: Bismarck and Mandan’s Parks and Recreation Departments provide a wealth of activities to choose from year round for all ages, and maintain a top-notch park system throughout the cities.
- :: The Missouri River and Lake Sakakawea provide every opportunity for water sports.
- :: Frontier history is alive and well in Bismarck-Mandan and throughout the region. Fort Abraham Lincoln, where Lt. Col. George Armstrong Custer and the 7th Cavalry rode out on their ill-fated expedition to Little Big Horn, and the On-A-Slant Indian Village’s reconstructed earthlodges offer visitors a trip back in time.
- :: Bismarck-Mandan is home to basketball champions Dakota Wizards and AWWHL’s Bismarck Bobcats.





Transportation

Bismarck and Mandan are centrally located in North America. North Dakota is located at the US-Canada border, an ideal location for companies looking for a central North American location that allows access to markets in the United States and Canada. A combined system of air, rail, and ground transportation provides the connections needed for your business to anywhere in North America and the world.

- :: Daily service to Minneapolis and Denver, plus additional flights to Las Vegas and Phoenix, provide connections to anywhere within the United States, or worldwide.
- :: Rail service by Burlington Northern Santa Fe Railroad Company and the Dakota, Missouri Valley and Western Rail provides a high level of service and access to markets.
- :: Bismarck-Mandan is located on U.S. Interstate 94 (I-94) and U.S. Highway 83, the backbones of a system of high quality, toll free roads.



Labor

Major Employers

State of North Dakota :: 4,400
Medcenter One Health Systems :: 3,064
St. Alexius Medical Center :: 2,215
Bismarck Public School District :: 1,804
City of Bismarck :: 845
MDU Resources Group :: 816
Aetna :: 600
Mandan Public School District :: 584
Missouri Slope Lutheran Care Center :: 530
Mid-Dakota Clinic :: 530
Housing Industry Training (HIT) :: 521
Dan's Supermarkets :: 515
University of Mary :: 503
Coventry Health Care, Inc. :: 460
Basin Electric Power Cooperative :: 455
National Information Solutions Cooperative (NISC) :: 425
Burlington Northern Railroad :: 398
Pride, Inc. :: 365
Walmart South :: 350
Walmart North :: 350
Bismarck State College :: 332
Bismarck-Mandan Parochial Schools :: 320
United Tribes Technical College :: 319
Target :: 270
Tesoro Petroleum :: 253
Missouri Valley YMCA :: 250
Burleigh County :: 250
Cloverdale Foods :: 240
Kadrmars, Lee & Jackson :: 200
Central Market :: 195
Unisys Corporation :: 192
Laducer & Associates :: 177
Bismarck Tribune :: 175
Bobcat Company :: 162
Sykes Enterprises :: 100

Wage Rates

Title	Hourly Median
Accountants and Auditors	\$25.53
Administrative Service Managers	33.41
Automotive Service Tech and Mechanics	16.82
Bookkeeping, Accounting and Audit Clerks	15.23
Cashiers	8.18
Claims Adjuster, Examiner and Investigators	20.37
Computer Operators	13.18
Computer Support Specialists	19.09
Computer Systems Analysts	28.09
Counter and Rental Clerks	8.28
Customer Service Representatives	14.63
Financial Managers	43.91
Heating, Air Cond and Refrig Mechanics	23.33
Executive Secretaries & Administrative Assistants	17.21
Loan Officers	22.13
Machinists	18.09
Maintenance and Repair Worker (Machinery)	17.47
Network and Computer Systems Admin	24.55
Plumbers, Pipefitters and Steamfitters	12.24
Receptionists and Information Clerks	11.99
Retail Salespersons	10.98
Sheet Metal Workers	20.60
Stock Clerks and Order Fillers	9.48
Surveying and Mapping Technicians	17.13

*Job Service North Dakota Occupational Employment Survey,
2012 Edition*

April 2012



Utilities / Energy

Utilities

Bismarck and Mandan are fortunate to have an almost unlimited supply of high quality water from aquifers and the Missouri River. Capacities of treated water and waste-water treatment facilities exceed current demands in order to stay ahead of projected residential and commercial/industrial needs.

Water Treatment

	Bismarck	Mandan
Rated Capacity (mgd)	30	12
Average Daily Demand (mgd)	8.3	2.7
Peak Demand (mgd)	16.3	7.3

Waste-Water Treatment

Type of Service	Bismarck Secondary treatment - trickling filters	Mandan Extended aeration activated sludge
Rated Capacity (mdg)	7.5	2.2
Average Daily Demand (mgd)	7.1	1.6
Peak Demand (mgd)	8.2	1.95

Sanitation

Method of solid waste disposal in the two city area is landfill.

Telecommunications

Bismarck-Mandan enjoys state-of-the-art telecommunications services. Local service providers include AT&T, CenturyLink, Dakota Carrier Network and Midcontinent Communications. Services available include digital switch technology, fiber service, remote and on-site monitoring, ISDN and DSL available from the switch, central offices on self-healing fiber rings, and dual fiber feed.





Energy Resources

The large reserves of lignite coal, natural gas and oil in the Bismarck-Mandan area make North Dakota a net exporter of natural gas and electricity. Our energy is competitively priced, often with reduced industrial rates for large energy users.

Western North Dakota is part of a region that contains over a 1,000-year supply of lignite that is economically feasible to recover. The region northwest of Bismarck-Mandan is home to four lignite coal mines that produce over 30 million tons annually. Seven power plants use that lignite coal to generate 4,000 megawatts of low-cost, abundant and reliable electricity used by over 2 million homes, farms and businesses. Power plants using lignite coal generate electricity 24 hours a day.

About 13.5 percent of the lignite coal produced is used to generate synthetic natural gas. The only commercial-size coal gasification plant in the United States is the Great Plains Synfuels Plant near Beulah, North Dakota (80 miles northwest of Bismarck). The Great Plains Synfuels Plant supplies synthetic natural gas made from lignite to 225,000 homes and businesses in the eastern United States. Bismarck-Mandan's natural gas supplier is Montana-Dakota Utilities.

North Dakota is also home to vast oil resources. The names Bakken Formation and Three Forks Formation have become recognizable nationwide. Technological advances have made the once unreachable crude in these shale formations obtainable. In February 2012, North Dakota became the third largest producer of crude oil when it reached an average production of 558,000 barrels per day. This puts it behind only Texas and Alaska in oil production. Experts in the industry believe that a potentially staggering 1,500,000 BOPD may be in the future in oil production in North Dakota.

Tesoro Corporation, a Fortune 150 company and an independent refiner and marketer of petroleum products, operates one of its seven refineries in Mandan, North Dakota. The Tesoro Mandan Refinery also happens to be the only refinery in the state. In 2011, Tesoro announced two major expansions of its Mandan Refinery, each representing a \$35 million dollar investment into the plant. The first will increase crude production by 10,000 barrels per day, from 58,000 to 68,000; the second will expand their Distillate Desulfurization Unit by 5,000 barrels of diesel per day, bringing the total number of barrels per day to 22,000.

Bismarck-Mandan also has an abundant supply of water — the Missouri River flows between the two cities, and there's even more water in an immense, nearly untapped aquifer. In addition, Lake Sakakawea (the third largest man-made reservoir in the U.S. in terms of storage volume) and the Garrison Dam (with a storage capacity of 23.8 million acre-feet and five turbines) are within an hour's drive of Bismarck-Mandan.

Economy

Worksites

2002	3,138
2004	3,564
2006	3,822
2008	3,913
2010	3,964

*Job Service North Dakota
Bismarck-Mandan Area Profile*

Annual Average Employment

2001	52,100
2003	53,700
2005	56,800
2007	60,000
2009	61,500
2011	64,100

*Current Employment Statistics (CES),
Job Service North Dakota*

Bismarck-Mandan MSA Income

	2007	2008	2009	2010
Per Capita Income	\$36,658	\$38,454	\$39,015	\$40,227

US Bureau of Economic Analysis

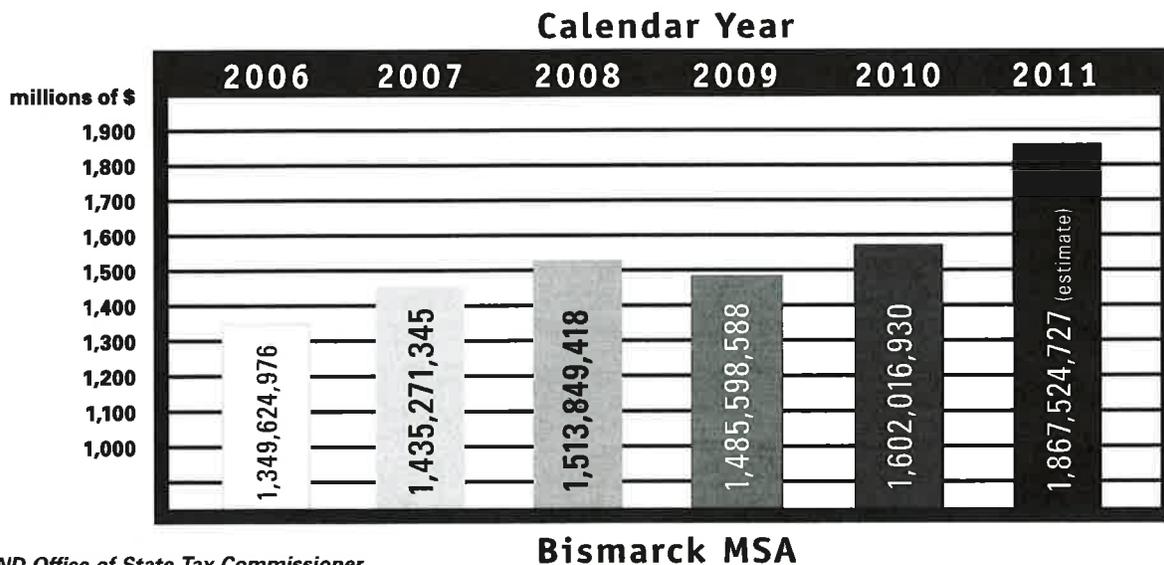
City Sales Tax Collected

	2005	2007	2009	2011
Bismarck	\$9,607,321	\$11,698,846	\$11,756,546	\$13,955,767
Mandan	\$1,257,992	\$1,470,357	\$1,427,286	\$1,703,099

The cities of Bismarck and Mandan collect a 1% sales tax with a maximum of \$25 collected per purchase.

ND Treasurer's Office

Taxable Sales & Purchases



ND Office of State Tax Commissioner



Construction Activity

	2011 Total Value	Single Family	Other Residential	Commercial	Public
2011 Total Value	\$226,053,180	\$106,406,224	\$41,720,332	\$26,072,036	\$51,854,588
Bismarck	160,411,435	68,133,358	26,382,792	16,166,503	49,728,782
Bismarck ETA	18,267,864	17,437,801	0	319,000	511,064
Burleigh County	2,626,032	2,321,290	0	0	304,742
Mandan (includes ETA)	41,532,219	15,298,146	15,337,540	9,586,533	1,310,000
Morton County	3,215,629	3,215,629	0	0	0

Bismarck-Mandan MSA New Construction Activity Summary

	2009		2010		2011	
	Permits	Total Value	Permits	Total Value	Permits	Total Value
Single family	310	\$56,765,500	475	\$86,272,873	577	\$106,406,224
Other residential	42	12,107,500	65	17,162,173	111	41,720,332
Commercial	83	44,825,825	63	46,500,729	52	26,072,036
Public	21	22,691,823	7	1,981,683	14	51,854,588
Total	456	136,390,314	610	151,917,458	754	226,053,180



Tax Structure

North Dakota has clear, concise tax codes and a competitive state tax structure for corporate and individual income tax as well as sales and use tax.

Individual Income Tax

Individual income tax rates from 1.51% to 3.99%. In FY 2009, North Dakota ranked 36th of the 43 states that levy an individual income tax with an average per capita collection of \$572. *US Dept. of Commerce, Bureau of the Census*

Sales & Use Tax

State sales and use tax rate of 5%, plus local rate of 1%. Restaurants charge an additional 1% hospitality tax while hotels and motels charge an additional 3% lodging tax. *Office of State Tax Commissioner*

Corporate Income Tax

Corporate income tax rates of 1.68% to 5.15%. *Office of State Tax Commissioner*

Property Tax Rate in Mills, 2011

	Bismarck	Mandan		Bismarck	Mandan
City (includes park)	118.67	135.54	Assessment Ratio (%)		
County	55.32	114.39	Commercial Property	50%	50%
School District	140.99	152.45	Effective Rate per \$100	1.56%	1.95%
State (special medical)	1.00	1.00	Assessment Ratio (%)		
Total Mill Rate	315.98	403.38	Residential Property	50%	50%
			Effective Rate per \$100	1.39%	1.73%

City of Bismarck, City of Mandan

Incentives for Business

Financial Incentives

The Bismarck Vision Fund and the Mandan Growth Fund are city sales tax supported funds that provide assistance to businesses that wish to locate or expand in Bismarck or Mandan. The Bismarck Vision Fund and the Mandan Growth Fund can offer a flexible assortment of financing opportunities, such as interest buy downs, reduced interest loans, equity positions, grants, and other individually tailored financial incentives and exemptions.



In addition, North Dakota is the only state in the nation to own, control, and operate its own development bank. The capacity to arrange financing was a benefit when the bank was established in 1919, and it remains so today. The Bank of North Dakota and other state and local programs can offer an array of financing opportunities, such as interest buy downs, reduced interest loans, equity positions, and other individually tailored financial incentives and exemptions.

Bismarck Industries, Inc. — A private, for-profit stock corporation offering supporting participation in construction/leasing of buildings and equipment purchases.

PACE/Flex PACE Programs — Accessible through the Bank of North Dakota (BND). BND participation in the buydown may be between 65% and 85% with the balance coming from community sources. Qualifying projects must request BND participation in 50% to 80% of the loan as well.

CAPITAL Funds — Available to for-profit businesses in Mandan and rural areas. Loan limits are \$5,000 to \$150,000.

Community Development Loan Fund (CDLF) — Capitalized from a portion of CDBG funds. Available to Mandan and rural areas to assist in finance infrastructure needed for economic development, or loans and/or equity investments needed by businesses creating jobs. \$15,000 to \$500,000 loan limits for primary sector businesses.

North Dakota Development Fund — Provides flexible gap financing through debt and equity investments for new or expanding primary sector businesses. The fund makes investments through direct loans, participation loans, and subordinated debt and equity investments.

MATCH Program — Accessible through the Bank of North Dakota (BND). Qualifying borrowers must have a long term credit rating of "A" or better as determined by a recognized rating agency, or an equivalent credit enhancement acceptable to BND. Financing of up to \$15 million may be available at the U.S. Treasury rate plus .25% to .50%.

New Venture Capital Fund — The Bank of North Dakota may provide funding for early stage companies which can show clear proof of completed product development and market acceptance as evidenced by growing sales.

Beginning Entrepreneur Loan Guarantee Program — The Bank of North Dakota may provide an 85% loan guarantee to a financial institution to assist qualified applicants in business start-up financing.

SBA 504 Loan Program — Long term, fixed-rate financing. SBA contributes up to 40%, the borrower provides 10% in cash equity, and remaining fund requirements are obtained from local lending.

Renaissance Zones — Businesses and individuals may qualify for income and property tax exemptions and credits for purchasing, leasing or making improvements to real property located in a North Dakota renaissance zone. Both Bismarck and Mandan offer established renaissance zones.

IRP Loan Program — Loans available to qualified applicants for up to 75% of an eligible project, up to \$150,000.

Build-to-Suit Capabilities — If a building that meets your specific needs is not readily available, the Bismarck-Mandan Development Association can assist in building a facility to your exact specifications.

The built-to-suit facility can be constructed and owned by the company, or constructed and leased by a local investment group. Depending on the specifics of the building, the construction of the building could take approximately 180 days or less from the date that appropriate arrangements are in place and all design work is completed.

Tax Exemptions and Credits

- :: Exemption of up to 100% of local real estate property taxes can be obtained for up to five years for non-agriculture projects, and up to ten years for projects involving processing of ag products.
- :: A 5-year exemption on property taxes related to improvements on existing commercial properties is available to qualified projects.
- :: A North Dakota corporate income tax exemption of up to 100% can be obtained for qualified projects for up to five years.
- :: If the previously noted tax exemption is not claimed, a new business or industry may claim a state income tax credit equivalent to 1% of all wages and salaries paid for the first three years of operation and 1/2 of 1% of wages and salaries paid in the fourth and fifth year of operation.
- :: Machinery or equipment used solely and directly in a new and expanding manufacturing or agricultural processing plant is exempt from sales and use taxes.
- :: Computer and telecommunications equipment for new or expanding primary sector business is exempt from sales and use taxes.
- :: There is no warehouse tax in North Dakota. Inventory stored in or transferred through the state is not taxed.

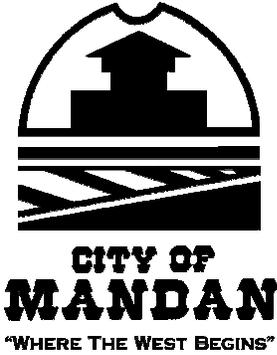


Job Training

Job Service North Dakota administers many federally funded workforce training programs and two North Dakota state funded training programs. The type of training provided through these funding sources is company specific customized training, classroom training, on-the-job training, occupational upgrading, Workforce 20/20 new technology or new work methods training, North Dakota New Jobs Training and Work Opportunity Tax Credits. In addition, the community of Bismarck-Mandan is home to Rasmussen College, Bismarck State College, the University of Mary, and United Tribes Technical College. Each of these institutions participate with the community to provide comprehensive training programs responding to the needs of area business and industry. Bismarck State College and the University of Mary are two of the most active, industry focused colleges in North Dakota. These institutions are recognized for their relationship with private industry for education or training programs directed to meet industry needs. Both the University of Mary and Bismarck State College have provided scholarships and grants to expanding companies for employee training utilization.

Programs offered by Job Service North Dakota to employers include:

- :: **North Dakota New Jobs Training Program** — The program is available to new or existing primary sector businesses for training newly hired employees. The program provides a mechanism for companies to recapture state income tax withholdings to help offset the cost of training new employees for business expansion and/or start-up. Training costs may include training which is deemed necessary by the employer. A company must meet a special wage requirement in order to access the funds.
- :: **Workforce 20/20** — A North Dakota funded program designed to help upgrade the skills of current or future workers when new technology and/or new production work methods are introduced.
- :: **On-The-Job-Training** — On-the-job training provides Bismarck-Mandan businesses with an alternative to the high cost of training new employees. Employers who hire eligible employees for such training will be compensated for up to 50% of the trainees wage during the training period.



Board of City Commissioners

Agenda Documentation

MEETING DATE: September 18, 2012
PREPARATION DATE: September 13, 2012
SUBMITTING DEPARTMENT: Business Development & Communications
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: Bids for Sale & Demo of Former Water Reservoir Property

STATEMENT/PURPOSE: To consider the award of bid for the sale of the former water reservoir property and demolition of the reservoir structure, all located northeast of the intersection of Old Red Trail and 8th Avenue NW.

BACKGROUND/ALTERNATIVES: An invitation for bids was approved at the July 17 meeting of the City Commission with a deadline for sealed bids by Aug. 22 at 11 a.m. An advertisement for bids appeared twice in the Mandan News as required by local ordinance and also was posted on the city website. Two bids were received by the deadline.

City of Mandan

Aug 22, 2012 – 11 a.m.

Bid Opening for the Purchase of City-Owned Property & Demolition of a Former Water Reservoir Adjacent to 8th Avenue NW

Bidder	Amount	Other Notes
1 Leslie Volochenko	\$1,000.00	None
2 Harmony Properties, LLC (Mike & Pat Wachter, Partners)	\$5,000.00	Requesting no landfill charge

Additionally, Leslie Volochenko submitted a written offer on Sept. 11 to purchase the property and retain the reservoir for use as a shop and storage building. This is a non-conforming bid.

ATTACHMENTS: Invitation for bids and bid documents received.

FISCAL IMPACT: Public Works Director Jeff Wright estimates that demolition of the reservoir will result in approximately 989 ton of material (concrete with rebar and piping, vault with

pipng and valves) for disposal at the landfill. The commercial landfill fee is \$20 per ton which equates to approximately \$19,600 in soft costs. The high bidder is requesting a waiver of these fees. The low bidder has indicated that he does not wish to demolish the structure as required by the bid document.

An alternative to awarding the sale of the property and demolition of the structure to the high bidder would be for the City of Mandan to demolish the structure or issue a request for bids for demolition. Such work is estimated to cost \$50,000 to \$100,000. The impact on the landfill would be the same. If the City were to go this route, it would then need to sell the property for roughly \$2-3 per square foot to recoup its investment.

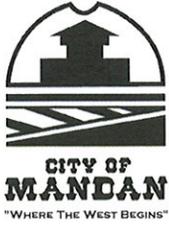
Leaving the structure as is likely to squelch the potential for retail, office and other commercial development of adjacent property that might otherwise occur due to its proximity to the Walmart supercenter site, Old Red Trail and I-94.

STAFF IMPACT: Minimal.

LEGAL REVIEW: Attorney Brown has reviewed the bids.

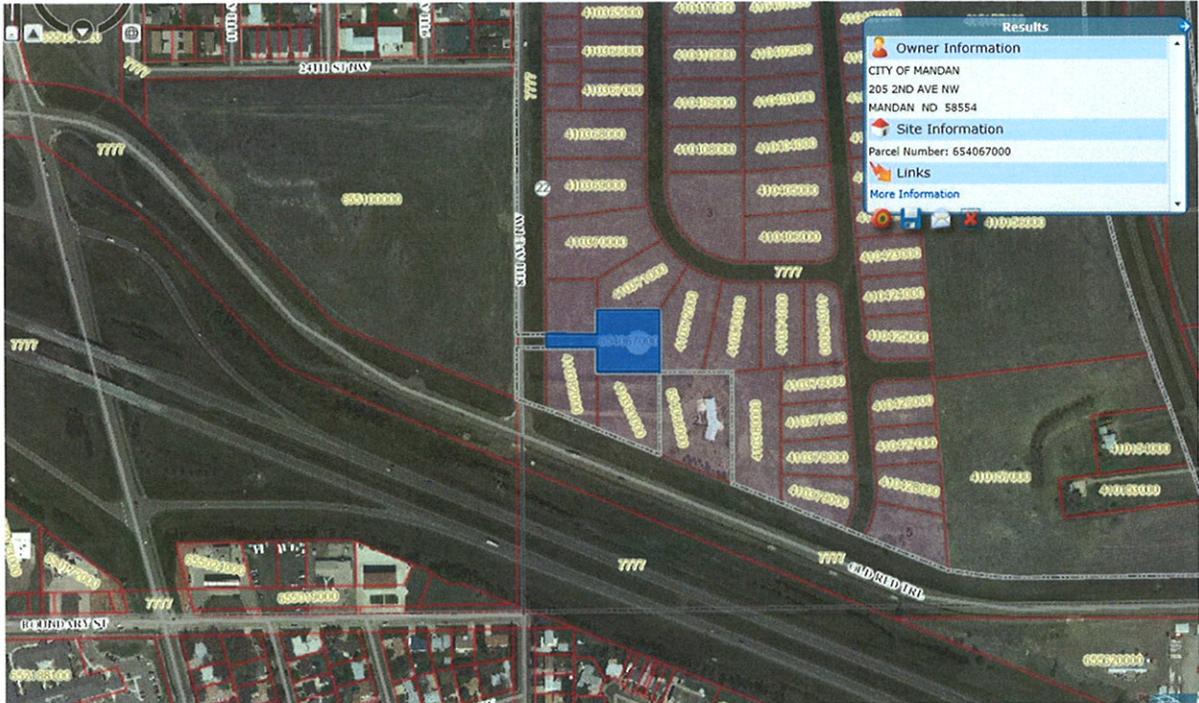
RECOMMENDATION: I recommend awarding the bid for the sale of the city-owned property to include demolition of the former water reservoir to the high bidder of Harmony Properties, LLC, to include the waiver of landfill fees.

SUGGESTED MOTION: I recommend awarding the bid for the sale of the city-owned property to include demolition of the former water reservoir to the high bidder of Harmony Properties, LLC, to include the waiver of landfill fees.



Invitation for Bids

SALE OF PROPERTY & DEMOLITION OF FORMER WATER RESERVOIR



The City of Mandan is accepting sealed bids for the sale of city-owned property located at northeast of the intersection of Old Red Trail and 8th Avenue NW. **Bids must be submitted by 11 a.m. on Wednesday, August 22, 2012**, at which time they will be publicly opened and read aloud. If no proposals are received by that date and time, offers may be considered subject to City Commission approval. Submit bids to City Administrator Jim Neubauer, City Hall, 205 Second Avenue NW, Mandan.

The subject property is the site of a former water reservoir that has been out of service and disconnected for many years. It is further identified as City Parcel 08416. The legal description is Lot 28, Block 2, Pioneer Industrial Park. The property is 43,599 square feet, approximately 192 feet square. The City will be reserving all the oil, gas and other mineral rights. Current zoning is MC (light nuisance industrial/heavy commercial). The property is near a single-family residence to the south. The owner of other adjacent property to the north and east has indicated an intent to rezone to commercial.

To enable this property to achieve its highest and best use, the City is requiring the buyer to demolish the reservoir structure with one year of the award of bid. Bids for the purchase of the property should reflect or be inclusive of the buyer's estimated cost of demolition. The successful bidder will be required to make a \$5,000 deposit in addition to payment of the purchase price. In the event the buyer fails to demolish the reservoir structure within one year, the security deposit will be retained by the City of Mandan as an agreed amount of liquidated damages.

Any questions regarding this property should be directed to City Administrator Jim Neubauer, phone 701-667-3215 or e-mail jneubauer@cityofmandan.com. To access the site, contact Water Treatment Plant Superintendent Duane Friesz, phone 701-667-3275.

City staff will review proposals and determine a successful bidder based on the purchase price. All bids are public documents upon their receipt. The city reserves the right to accept or reject any or all bids and to waive any informality in bids.

Bid for August 22 2012 11:00 am

Bid for the Water Tower, City Parcel 08416 Legal Description is Lot 28 , Block 2 Pioneer Industrial Park, the property is 43599 square feet, approximately 192 feet square Zoned MC (light Nuisance industrial /heavy commercial,

My bid for the property \$1000.00 One Thousand dollars for the parcel 08416

thank you


Aug 22, 2012

Leslie Volochenko
506 Collins Avenue
Mandan North Dakota 58554

bid submitted to Jim Neubauer office
August 22 2012

Harmony Properties
PO Box 838
Bismarck, ND 58502
(701) 663-2600

August 17, 2012

Mayor, City Commissioners, Jim Neubauer and Ellen Huber;

The enclosed site plan is a concept of how we, and hopefully you, would like to see your water reservoir lot and our adjacent property developed.

This particular area is currently zoned *Industrial* and we would propose re-zoning this area for *Commercial uses* and annexing it to the City of Mandan. We will also work with the City on improving 8th Avenue NW to better serve this entire area.

Given the limited size of the reservoir lot, we feel that the full potential of this lot would be better served by incorporating your lot with our adjacent land. This would benefit the City of Mandan by offering more potential building options to businesses looking to locate in this area. We feel this will be a better long-term benefit to the City of Mandan by potentially creating more jobs and future property and sales tax revenues.

As you are probably aware, there is no existing water or sewer service to this property. We are estimating the cost to install these services to exceed \$2.00 / sq ft. Our estimated cost to demolish, remove, and restore the water reservoir site (into a buildable lot) will be \$1.50 - \$2.00 / sq. ft. This will put our total cost for this lot between \$3.50 - \$4.00 / sq ft. Based on recent sales, this total value is at or above comparable sales.

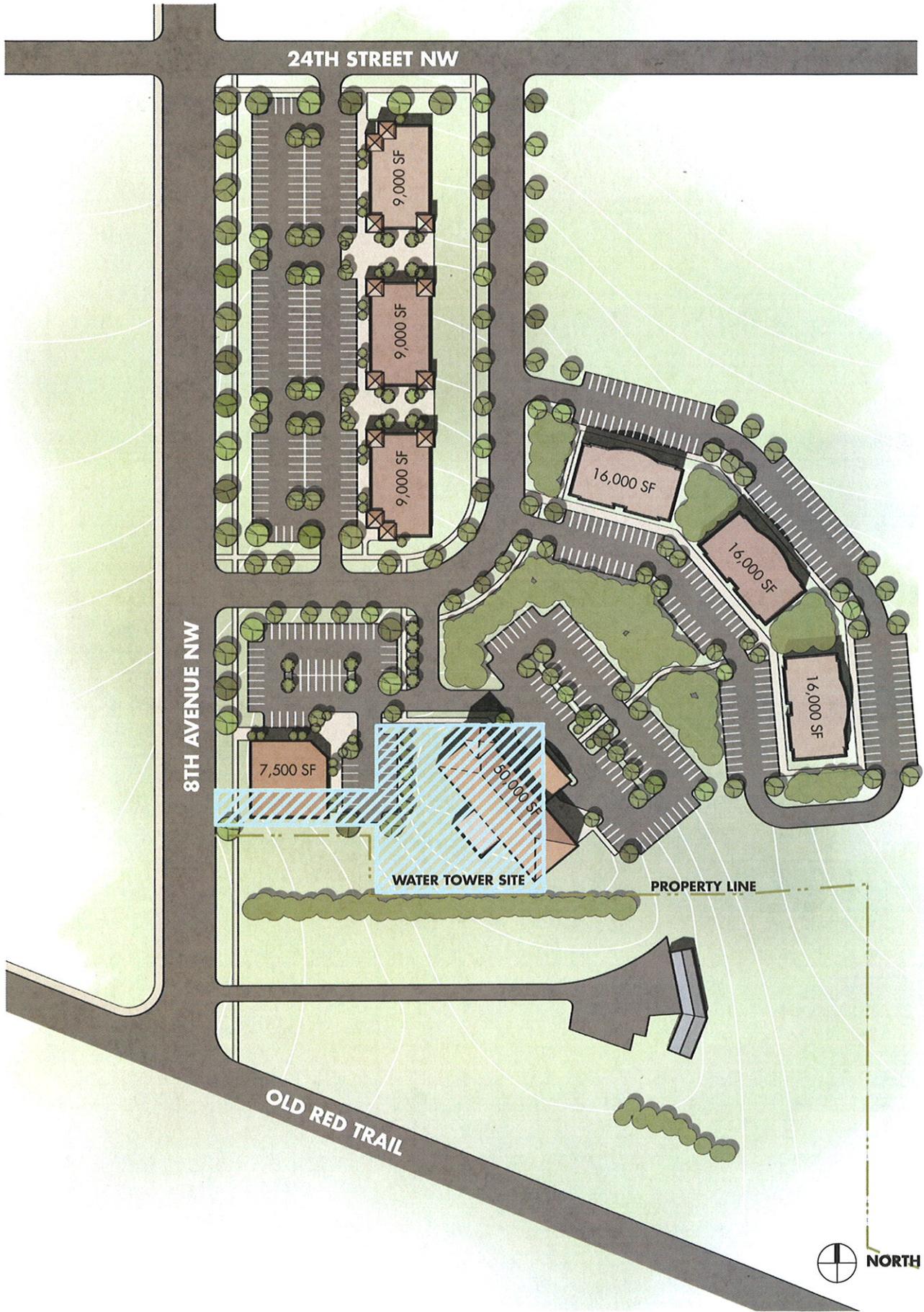
Our proposal would be to pay \$5,000.00 to the City of Mandan for this property. We would request that we be allowed to dispose of the water reservoir debris at the City of Mandan landfill at no additional charge. Upon completion of the project, according to your requirements, the deed to the property would be transferred to Harmony Properties LLC.

We thank you for your consideration in this regard and we look forward to working with the City of Mandan to make this a very successful endeavor for the community.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Wachter". The signature is written in a cursive, flowing style with some loops and flourishes.

Mike and Pat Wachter, Partners
Harmony Properties, LLC



To the City Commissioners of the City Of Mandan

Property Offer

Purchase of the property City of Mandan Parcel 08416 the Legal Description Lot 28, Block 2 Pioneer Industrial Park the property is 43599 square feet approximately 192 feet square

I plan using it for shop and storage building. Leaving the water tower intact and repairing any problems. Cutting holes for a big overhead door way plus small walk doors.

I have enclosed a check for the amount of \$ 16,000

Please consider is offer
thank you

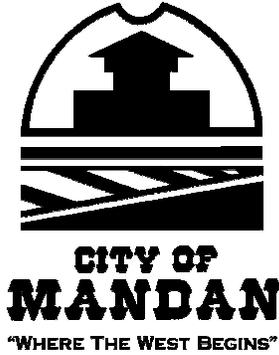
Handwritten signature of Leslie Volochenko and the date Sept 11, 12.

Leslie Volochenko

I will be at the city commission meeting September 18 2012 for other questions

Leslie Volochenko
506 Collins Avenue
Mandan North Dakota 58554
701 390 4760

Reserve the right to change my bid or remove it.



Board of City Commissioners

Agenda Documentation

MEETING DATE: September 18, 2012
PREPARATION DATE: September 11, 2012
SUBMITTING DEPARTMENT: Wastewater Treatment Plant
DEPARTMENT DIRECTOR: Steve Himmelspach, Superintendent WWTP
PRESENTER: Steve Himmelspach, Superintendent WWTP
SUBJECT: Outfall Rehabilitation Bids

STATEMENT/PURPOSE: Bids for the referenced Project were opened on Thursday, September 6, 2012. Five General Contractors submitted Bids for the work. The Board of City Commissioners consider award of contract.

BACKGROUND/ALTERNATIVES: Currently the WWTP outfall normally flows under gravity conditions. The WWTP elevation is such that when the Missouri River reaches a certain elevation, an existing effluent lift station is required to lift the WWTP effluent to a higher elevation to allow for the Plant discharge to flow under gravity conditions. As the elevation of the Missouri River increases, the WWTP discharge does not function properly. The additional river elevation causes the discharge to force out the top of the manholes along the outfall and effluent escapes through separated pipe joints.

In December of 2011, AE2S completed the Mandan Wastewater and Collection System Master Plan. The outfall rehabilitation improvements were identified in the master planning process; however, during the 2011 flooding the need for improvements was further emphasized when the existing pumping facility could not perform as intended due to the condition of the existing outfall pipeline and manholes. To address the issues, the outfall pipeline and manholes will be sealed to perform during high river level events. The lined outfall pipe will prevent further structural degradation of the existing pipe and will increase the hydraulic capacity of the pipeline to accommodate future flow increases.

ATTACHMENTS: Flood Photos, Copy of Grant Award, Final Opinion of Costs, Bid Opening tab sheets, AE2S recommendation.

FISCAL IMPACT: Funding for a portion of this project was secured through a Flood-Impacted Political Subdivision Infrastructure Grant administered by the Energy Infrastructure and Impact Office. This is a 50% local match program. The opinion of probable project cost was estimated at \$1,400,000. The final opinion of costs for the project was \$1,329,359. The estimated project construction costs and contingencies was

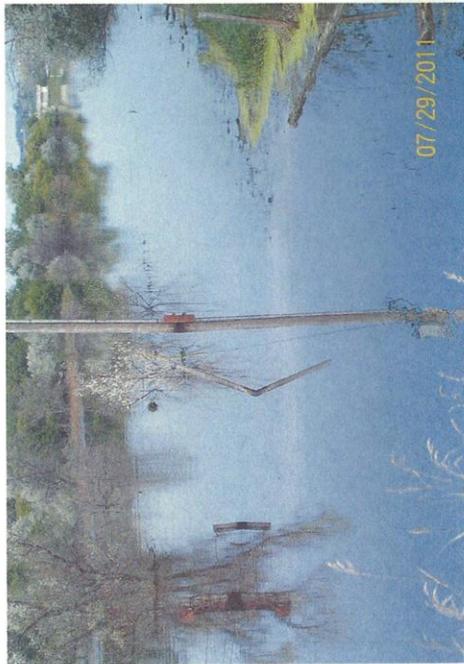
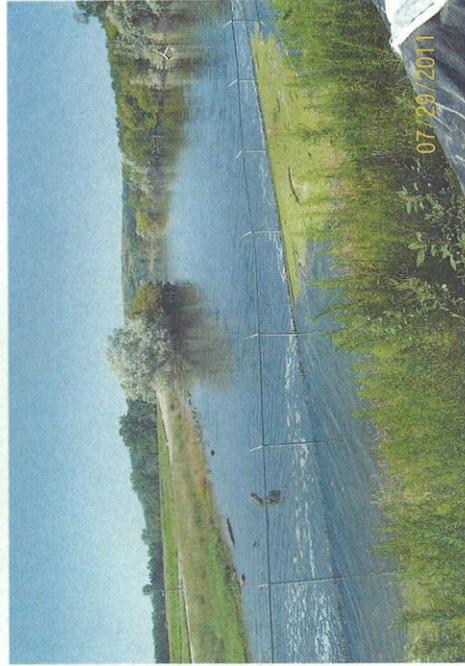
\$1,134,359 and legal, administration & engineering costs were \$195,000; of which \$672,938 has been secured through the grant. At the March 15, 2012 City Commission meeting the Board of Commissioners approved the commitment of \$1,000,000 local funding match for the City's fifty percent match through a SRF loan. The City's portion of the project \$664,679 is included in the 2013 Water and Sewer Utility Base Rate.

STAFF IMPACT: Minimal

LEGAL REVIEW: City Attorney, Malcolm Brown, has reviewed the Bid Proposals, Bid Tabulation, and the Notice of Award.

RECOMMENDATION: That the Mandan City Board of Commissioners award the Contract to Swanberg Construction Inc. for a total amount of \$986,399.10

SUGGESTED MOTION: Move to award the contract to Swanberg Construction Inc. for a total amount of \$ 986,399.10 for the Wastewater Treatment Plant Outfall Rehabilitation Project. Contingent upon review and approval by the North Dakota Department of Health.



Board of City Commissioners
Agenda Documentation
Meeting Date: September 18, 2012
Subject: Outfall Rehabilitation Bids
Page 4 of 8

Bismarck, ND 58506-5523
Phone: (701) 328-2800
Fax: (701) 328-3650

ENERGY INFRASTRUCTURE
AND IMPACT OFFICE
www.nd.gov/energyimpact



www.land.nd.gov

Lance D. Gaebe, Commissioner

April 30, 2012

Jim Neubauer
City of Mandan
205 2nd Av NW
Mandan, ND 58554

Grant Award Number: F120400
Project: Repair Wwtp Outfall Pipe
Grant Award Amount: \$672,938

Dear Mr. Neubauer,

I am writing to inform you that the State Land Board has approved the above-referenced grant based on an application submitted for a Flood-Impacted Political Subdivision Infrastructure Development Grant. The award is for up to 50% of approved project costs. Changes in scope or use of funds should be approved prior to project work or reimbursement requests. Funds will only be provided for completed projects.

Please assess whether the amount awarded can be utilized for your project. An indication from you if the grant awarded to your political subdivision cannot be put to work is requested so funds might be redirected to other worthy applicants.

In an effort to conserve resources and to provide quick and secure payments, Grant funds will be distributed electronically. **Each Political Subdivision is required to fill out the enclosed ACH (Direct Deposit) Authorization form.** The legal name should be the name of the Political Subdivision registered with the IRS and used to receive its Federal Employer Identification Number. The account information should be the checking account in which the Flood Impact Grant monies should be deposited. Payments will not be made by paper check.

An internet based grants management system will be used to assist grant recipients with managing grant funds. For you to access this system, you will need to acquire a State of North Dakota Vendor Number. The number will be provided once your completed ACH Authorization form is received and processed. This number will be used to log into the online grants management system allowing you to submit your request to receive payments. Instructions for the online system will be provided in the near future.

This grant is subject to all applicable federal, state, and local laws. Reimbursements will be made only on actual project costs incurred up to the amount awarded. Please acknowledge receipt of this letter and your acceptance of its terms, by signing and returning one of the two enclosed copies. Not returning this form by May 11, 2012 may result in the award being made available to other applicants.

City of Mandan concurs with the amount, timing, and terms of this grant as indicated herein.

Name and Title

Date

If you have any questions, feel free to call me at 701-328-2800.

Sincerely,

Lance D. Gaebe
Director

WWTF Outfall Rehabilitation
 Mandan, ND
 P00510-2012-01 050
 Bid Opening 4:00 PM, September 6, 2012

Contractor	Acknowledge Addenda 2 of 2	Bid Bond	Contractor's License MBE/WBE Subcontractor Solicitation Info	CNSRF Certification Regarding Debarment	Bid Form	Contract No. 1
1 Swanberg Construction Inc	✓	✓	✓	✓	✓	\$986,399.10
2 SAK Construction LLC	✓	✓	✓	✓	✓	\$1,004,254.00
3 Olander Contracting Co	✓	✓	✓	✓	✓	\$1,091,517.90
4 Kindred Plumbing & Heating	✓	✓	✓	✓	✓	\$1,287,751.50
5 Insituform Tech. USA LLC	✓	✓	✓	✓	✓	\$1,358,430.70
6						
7						
8						
9						
10						
11						
12 Engineer's Estimate						\$1,200,000.00



Advanced Engineering and Environmental Services, Inc.
 1815 Schafer St Ste 301
 Bismarck ND 58501
 Tel: 701-221-0530
 Fax: 701-221-0531

Respectfully Submitted by:

Kenneth J. Weber

 Kenneth J. Weber, PE



September 10, 2012

To the President and Commissioners
of the Mandan Board of City Commissioners
c/o Steve Himmelspach, Wastewater Treatment Plant Superintendent
205 2nd Avenue NW
Mandan, ND 58554-3125

**Re: Mandan Waste Water Treatment Facility
Outfall Rehabilitation
City of Mandan, North Dakota**

Honorable Commissioners:

Bids for the referenced Project were opened on Thursday, September 6, 2012. Five General Contractors submitted Bids for the Work. The Contractors submitted the required Bid Bonds, Contractor's Licenses, acknowledged the Addenda, and signed their Bid. The Bids were examined for errors and irregularities and none were found. A copy of the bid tabulation summary is attached.

The apparent low bid was submitted by Swanberg Construction, Inc., for \$986,399.10. The engineer's estimate for the Construction was \$1,200,000.00. Swanberg Construction, Inc. is a known, reputable Contractor who has successfully completed similar projects. **As such, we recommend award of the Contract to Swanberg Construction, Inc., contingent upon review and approval by the North Dakota Department of Health.**

Included herewith are copies of the three low certified Bid proposals, with corresponding Bid Bonds and Contractors' Licenses, and four (4) copies of the Notice of Award for review by the City Attorney and execution, if acceptable. Also attached, please find one (1) copy of the Detailed Bid Tabulation.

Once the City executes the Notices of Award, please return them to AE2S. We will forward the Notices of Award and the Construction Agreements to the Contractor. The successful Contractor is required to acknowledge the Award, execute the Agreement (on their part), and return all documents with the required supporting documentation (Performance and Payment Bonds, insurance certificates, tax clearances, etc.) within fifteen days. Upon receipt of the returned documentation, they will be reviewed and forwarded to the City for review and final execution, if acceptable to the City contingent upon having obtained final approval from the North Dakota

Board of City Commissioners
Agenda Documentation
Meeting Date: September 18, 2012
Subject: Outfall Rehabilitation Bids
Page 8 of 8

President and Commissioners
of the Mandan Board of City Commissioners
Re: **Mandan Wastewater Treatment Facility Outfall Rehabilitation**
September 10, 2012
Page 2 of 2

Department of Health. Once the Agreements are fully executed, we will assemble and distribute complete Contract Document sets to all parties, schedule and administer a pre-construction conference, and issue the Notices to Proceed.

Thank you for the continued opportunity to provide professional engineering services to the City of Mandan. Should you have any questions or concerns, please do not hesitate to contact us.

Submitted in Service,

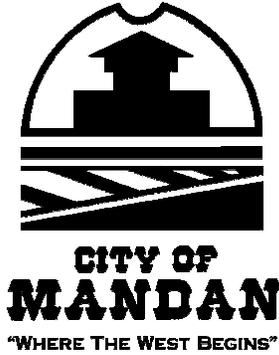
AE2S



Kenneth J. Weber, PE
Project Manager

Enclosures (Bid Tabulation Summary, Three Low Certified Bid Packages, Notices of Award, Detailed Bid Tabulation)

Cc. Dave Bechtel, City of Mandan
Susan Hazelett, NDDH



Consent No. 2 & Ord. No. 5

Board of City Commissioners

Agenda Documentation

MEETING DATE: September 18, 2012
PREPARATION DATE: September 10, 2012
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR:
PRESENTER: Dave Bechtel
SUBJECT: Consider a change of street names from Wildrye Street and Meadow View Drive to Wildrye Circle NW.

STATEMENT/PURPOSE: To change the street names of Wildrye Street and Meadow View Drive to Wildrye Circle NW.

BACKGROUND/ALTERNATIVES: Meadows 5th Addition had Wildrye Street on the west side of 39th Avenue NW and Meadow View Drive on the east side. This street should share the same name. Future plans call for the street to loop back to 39th Avenue NW. Adding Circle to the name fits the street description.

ATTACHMENTS: 1. Vicinity Map
2. Ordinance

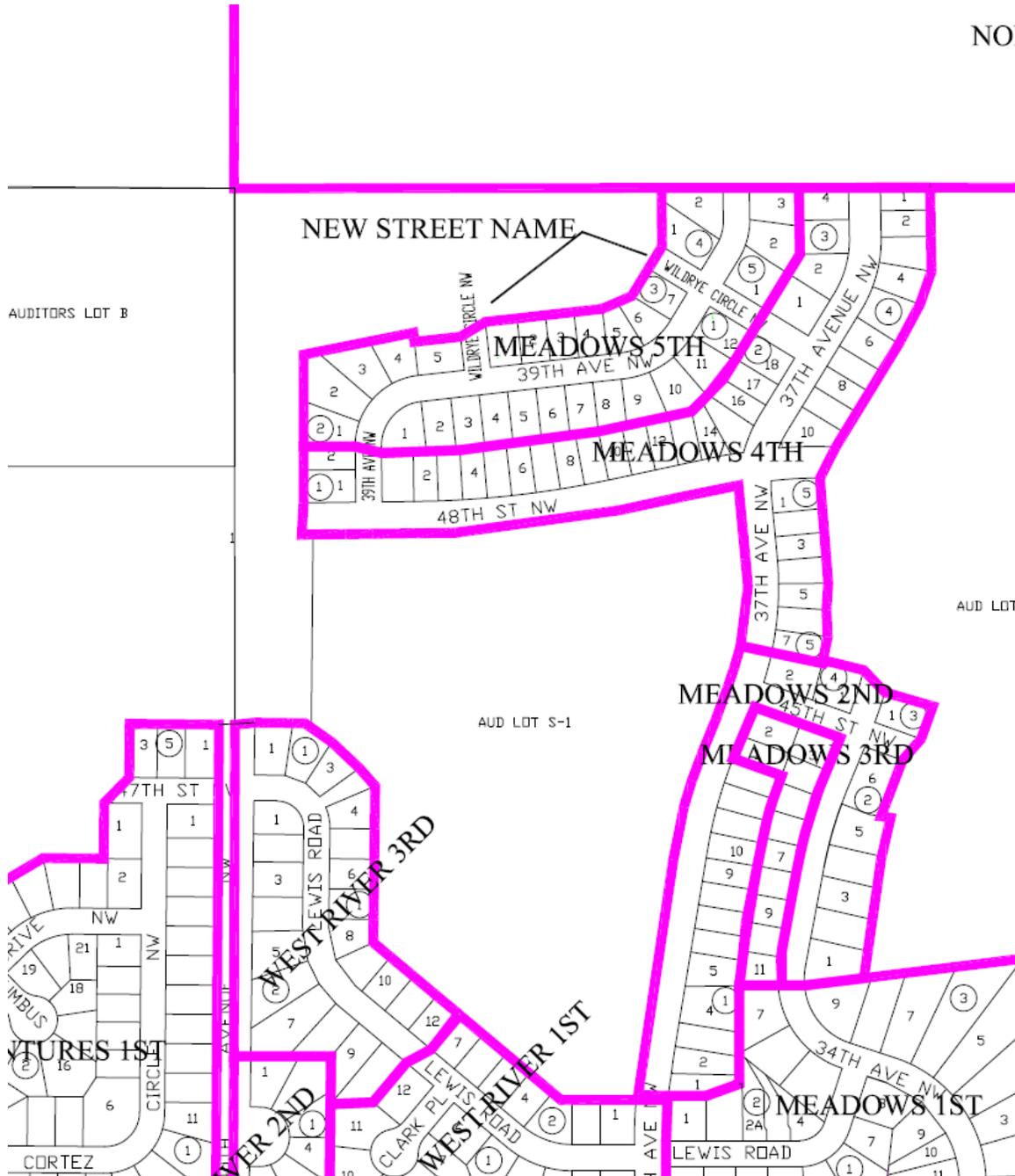
FISCAL IMPACT: Minimal

STAFF IMPACT: Minimal

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

SUGGESTED MOTION: To approve the name change from Wildrye Street and Meadow View Drive to Wildrye Circle NW.

NO





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

Consent No. 3

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

North Dakota Cowboy Hall of Fame is hereby authorized to conduct games of
 (Full, Legal Name of Gaming Organization)

chance under the license granted by the Attorney General of the State of North Dakota at the following
 location: City of Mandan in Morton County the address of which is:

105 3rd Avenue NW Mandan 58554 Morton
 (Street) (City) (Zip Code) (County)

Date(s) Authorized: Beginning 10-1-12 Ending 7-31-13

Specific location where games of chance will be conducted and played at the site (required): The raffle drawing will be done at the NDCHF corporate office in Mandan. The tickets will be sold across the state.

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

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

1. Days of week of gaming operations _____

2. Hours of gaming _____

3. List each specific game type prohibited _____

 Attorney General Date Signature of City/County Auditor Date

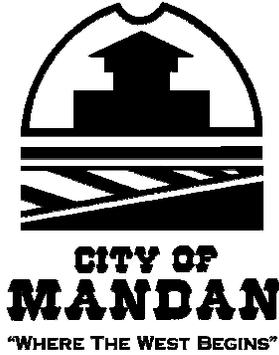
PRINT Name / Official Position of person signing above

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



Board of City Commissioners

Agenda Documentation

MEETING DATE: September 18, 2012
PREPARATION DATE: September 13, 2012
SUBMITTING DEPARTMENT: Business Development & Communications
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: Out-of-state travel for U.S. Treasury Small Business Credit Initiative Conference

STATEMENT/PURPOSE: To consider out-of-state travel for representation at the U.S. Treasury Small Business Credit Initiative conference in Chicago on Oct. 1-2, 2012.

BACKGROUND/ALTERNATIVES: The City of Mandan is the lead municipality for a consortium of 37 cities and the Standing Rock Sioux Tribe, which was recently approved for a \$9.7 million allocation for a loan participation program under the U.S. Department of Treasury's State Small Business Credit Initiative..

ATTACHMENTS: SSBCI conference overview

FISCAL IMPACT: Expenses will be covered or reimbursable from the allocation as an allowed SSBCI administrative expense.

STAFF IMPACT: 3 days out of the office

LEGAL REVIEW: n/a

RECOMMENDATIONS: I recommend the City of Mandan, as the lead municipality for the SSBCI consortium, send a representative to the U.S. Treasury Small Business Credit Initiative conference in October.

SUGGESTED MOTION: I move to approve travel by Business Development & Communications Director Ellen Huber to the U.S. Treasury Small Business Credit Initiative conference in October.

DRAFT

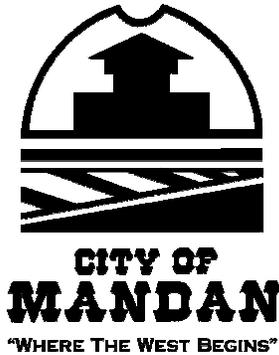
SSBCI CONFERENCE
Federal Reserve Bank of Chicago
Monday, October 1, 2012

- 8:00-8:30 Registration
- 8:30-9:50 Plenary
Welcome and Introductions
- 10:00-11:20 Plenary
- Venture Capital Program Implementation
- 11:30-12:50 LUNCH
Bankers Panel Discussion
- 1:00-2:20 3 Concurrent Breakout Sessions:
1. Venture Capital Deployment Models – Program Profiles & Lessons Learned
 2. Marketing SSBCI to Lenders – A State Approach
 3. Regulatory Panel Discussion
- 2:30-3:50 2 Concurrent Breakout Sessions:
1. Loan Participation Programs
 2. VC Effective Reporting & Telling the SSBCI Story
- 4:00-4:30 Plenary
- Remarks Don Graves, Deputy Assistant Secretary for Small Business, Community Development and Housing Policy
- 4:30-5:00 Network Session

DRAFT

SSBCI CONFERENCE
Federal Reserve Bank of Chicago
Tuesday, October 2, 2012

- 9:00-10:00 State Small Business Updates
- 10:00-11:20 Plenary
- Audit Findings
- 11:30-12:50 LUNCH
- 1:00- 2:20 3 Concurrent Breakout Sessions:
1. SSBCI & CDFI – An Interesting Partnership
 2. SSBCI Loan Guarantee Programs
 3. Hot Topics of SSBCI VC Programs
- 2:30-3:50 2 Concurrent Sessions
1. Popular Collateral Support Programs
 2. Compliance 101 Refresher



Board of City Commissioners

Agenda Documentation

MEETING DATE: September 18, 2012
PREPARATION DATE: September 7, 2012
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Jeff Wright
PRESENTER: Jeff Wright, Public Works Director
SUBJECT: Consider budget amendment to the 2012 Cemetery Fund Budget for the purchase of a used pickup.

STATEMENT/PURPOSE: Consider amending the 2012 Cemetery Fund Budget to replace the existing 1981 pickup with a 2002 pickup with a 2 year warranty.

BACKGROUND/ALTERNATIVES: The existing pickup at the Cemetery is no longer usable and it can no longer pass safety inspections. To continue to stick money into the pickup is not practical, and should be placed up for auction this fall.

The Cemetery proposed a new pickup for the 2013 Budget; but during the 2013 Budget Committee discussions, it was determined a pickup was needed now. It was determined that the Cemetery Fund could support a new pickup in the 2012 Budget. We obtained 3 quotes for a new 2 wheel-drive pickup with a regular cab and an 8' box; the two low quotes are attached. We also looked at 2 used pickups, a 2002 Chevy with all of the above specifications and a 2001 Dodge Ram with an extended cab and 6' box; copies of quotes and pictures are attached.

Taking in consideration that the use of the pickup is on the grounds of the Cemetery, with an occasional parts run; a good used pickup makes the most sense. Mike and I really liked the 2002 Chevy Pickup; with mileage at 68,500, which runs, handles, and looks great. As an additional incentive, the dealership is able to put a 24 month/20,000 mile warranty on the drive train of this vehicle to take care of any major repairs. The total cost, including the warranty is \$9,150, which is a savings of \$9,000 over a new pickup. A \$500 deposit was put down to hold the pickup until Commission approval.

ATTACHMENTS: Quotes for new and used pickups, picture and quote of used pickups.

FISCAL IMPACT: \$9,150, supported by the Cemetery Fund.

Board of City Commissioners

Agenda Documentation

Meeting Date: September 18, 2012

Subject: Consider budget amendment to the 2012 Cemetery Fund Budget for the purchase of a used pickup.

Page 2 of 6

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend amending the 2012 Cemetery Fund Budget for the purchase of the 2002 Chevy pickup at a cost of \$9,150.

SUGGESTED MOTION: Move to amend the 2012 Cemetery Fund Budget for the purchase of the 2002 Chevy pickup at a cost of \$9,150.

Board of City Commissioners

Agenda Documentation

Meeting Date: September 18, 2012

Subject: Consider budget amendment to the 2012 Cemetery Fund Budget for the purchase of a used pickup.

Page 3 of 6



Board of City Commissioners

Agenda Documentation

Meeting Date: September 18, 2012

Subject: Consider budget amendment to the 2012 Cemetery Fund Budget for the purchase of a used pickup.

Page 4 of 6

2001 Dodge Ram

112,000 miles, 2 wheel drive, extended cab, 6' box, No warranty available, \$6,999.



2002 Chevy Silverado

68,500 miles, 2 wheel drive, regular cab, 8' box, warranty available, \$7,000.

With 24mo/20,000mi warranty, \$9,150.



Board of City Commissioners

Agenda Documentation

Meeting Date: September 18, 2012

Subject: Consider budget amendment to the 2012 Cemetery Fund Budget for the purchase of a used pickup.

Page 6 of 6

BARS Reprint Documents

Page 1 of 1

2013 SILVERADO 1500 2WD REG CAB WT	GENERAL MOTORS LLC
50U SUMMIT WHITE /V8G	
88B DARK TITANIUM	
ORDER NO. QKFTWN/TRE	RENAISSANCE CENTER
VIN 1GC NCPE 07 DZ133189	DETROIT MI 48243-1114
*****	VEHICLE INVOICE 1AD76638161
*****	*****13*10140S
MODEL & FACTORY OPTIONS	MSRP
CC10903 SILVERADO 1500 2WD REG CA	22985.00
C7H GVW RATING - 6,400 LBS	N/C
FE9 FEDERAL EMISSIONS	N/C
GU6 REAR AXLE 3.42 RATIO	N/C
K05 ENGINE BLOCK HEATER	90.00
LMG VORTEC 5.3L V8 SFI ENGINE	1770.00
W/ACTIVE FUEL MANAGEMENT	
& FLEX-FUEL CAPABILITY &	
6-SPEED AUTO TRANSMISSION	
MYC 6-SPEED AUTOMATIC TRANSMISSION	N/C
Z82 HD TRAILERING EQUIPMENT PKG:	920.00
*LOCKING REAR DIFFERENTIAL	
*HANDLING/TRAILERING SUSPENSION	
*HEAVY DUTY COOLING	

A/C, Hi Wheel & Cruise is standard
AM-FM radio

INV AMT	22065.61	RETAIL - STOCK
INVOICE	08/09/12	
SHIPPED	08/09/12	
EXP I/T	08/21/12	
INT COM	08/21/12	
PRC EFF	08/09/12	
KEYS	XXXXX XXXXX	
WFP-S QTR	OPT-1	
BANK: ALLY	- 021	
CHG-TO	10-140	
SHIP WT:	4609	
HP:	45.7	
GVWR:	6400	
GAWR.FT:	3300	
GAWR.RR:	3750	
PREFER:	25952.32	
MRM:	26760.00	
NTR:	1/2	
DAN:	CC101	
ALLOW:	200.91	

Bid Price \$19,834

TOTAL MODEL & OPTIONS	25765.00	24512.01	ACT 237	24734.06
DESTINATION CHARGE	995.00	995.00	H/B 261	772.95
DEALER IMR CONTRIBUTION		257.65	ADV 261	257.65
LMA GROUP CONTRIBUTION		128.83	EXP 65A	128.83

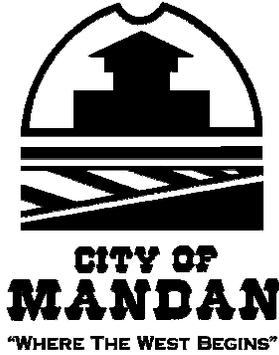
TOTAL	26760.00	25893.49	PAY 310	25893.49
MEMO: TOTAL LESS HOLDBACK AND				
APPROX WHOLESALE FINANCE CREDIT		24775.76		

 INVOICE DOES NOT REFLECT DEALER'S ULTIMATE COST BECAUSE OF MANUFACTURER
 REBATES, ALLOWANCES, INCENTIVES, HOLDBACK, FINANCE CREDIT AND RETURN TO
 DEALER OF ADVERTISING MONIES, ALL OF WHICH MAY APPLY TO VEHICLE.

 THIS MOTOR VEHICLE IS SUBJECT TO A SECURITY INTEREST HELD BY ALLY.

KUPPER CHEVROLET INC.

REMIT TO ALLY NO. 021
 VIN 1GCNCPE07DZ133189
 \$ 25893.49 INV 1AD76638161
 DUE 08/21/12 DEALER 10-140



Board of City Commissioners

Agenda Documentation

MEETING DATE: September 18, 2012
PREPARATION DATE: September 12, 2012
SUBMITTING DEPARTMENT: Water Treatment Plant
DEPARTMENT DIRECTOR: Duane Friesz, WTP Superintendent
PRESENTER: Duane Friesz, WTP Superintendent
SUBJECT: Change Orders for Residual Management Facility Project

STATEMENT/PURPOSE: Pursuant to our change order policies, the city commission must consider the request as it adds an extension of time exceeding fifteen working days.

BACKGROUND/ALTERNATIVES: Delays to the project were encountered to allow for chip seal when weather permitted.

- The G-7 Change order increases the contract substantial completion date from January 13, 2012 to May 1, 2012 and final completion date from July 6, 2012 to August 9, 2012.
- The M-5 Change order increases the final completion date from January 27, 2012 to June 6, 2012.
- The E-2 Change order increases the contract substantial completion date from October 31, 2012 to January 19, 2012 and final completion date from December 30, 2011 to May 8, 2012 and gives the City of Mandan a credit of \$2,224.00.

ATTACHMENTS:

1. Contract No. 1 Project Closeout Documents
2. Contract No. 2 Project Closeout Documents
3. Contract No. 3 Project Closeout Documents

FISCAL IMPACT: The change orders are for time extensions and a credit of \$2,224.00 and therefore, the credit will reduce the electrical contract price of \$544,895.00 to a new electrical contract price of \$542,671.00 for the Residual Management Facility Project.

STAFF IMPACT: N/A

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

RECOMMENDATION: To approve the contract change orders G-7, M-5 and E-2 for the Residual Management Facility Project.

SUGGESTED MOTION: Move to approve the contract change orders G-7, M-5 and E-2 for the Residual Management Facility Project.

Board of City Commissioners
Agenda Documentation
Meeting Date: September 18, 2012
Subject: Change Orders for Residual Management Facility Project
Page 3 of 11



September 6, 2012

To the President and Commissioners
of the Mandan Board of City Commission
c/o Duane Friesz, Water Treatment Plant Superintendent
205 2nd Avenue NW
Mandan, ND 58554-3125

**Re: Mandan Residuals Management Facility – Contract No. 1
Project Closeout Documents**

Dear Duane:

The above referenced project has been successfully completed and all punch list items have been finished by Swanberg Construction. The final inspection of the project was held on May 1, 2012, the funding agency walk through has been completed and the contractor record drawings were turned in.

Enclosed herewith please find the request for Final Payment for the referenced project and accompanying original Application for Payment from the Contractor. We recommend Final Payment to Swanberg Construction in the amount of \$119,002.00.

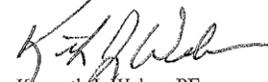
We have enclosed the FINAL INSPECTION AND ACCEPTANCE form and included four (4) copies for final execution. Please sign all four (4) copies in the spaces indicated and return all copies to this office.

Enclosed herewith please find four (4) copies of Change Order No. G-7 for Swanberg Construction for final execution. The Change Order extends the Project completion times per actual completion dates. If this Change Order is acceptable, please sign all four copies in the spaces indicated and return all copies to this office.

We sincerely appreciate the opportunity to provide professional engineering services to the City of Mandan and look forward to the successful completion of this Project. Should you have any questions or concerns, please do not hesitate to contact us.

Respectfully Submitted,

AE2S



Kenneth J. Weber, PE
Project Manager

Enclosure(s)

C: Swanberg Construction
Dave Bechtel, Engineering Department
Lisa Ansley, AE2S

FINAL INSPECTION AND ACCEPTANCE

Contractor: SWANBERG CONSTRUCTION, INC.
Address: PO BOX 728, VALLEY CITY ND 58072
Project: Mandan Water Treatment Plant Residuals Management Facility
Mandan, North Dakota
Contract No. 1 – General Construction

On this date, **May 1, 2012**, a final inspection of the Project as constructed has been made.

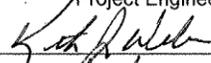
The Contractor hereby certifies that the construction has been performed in accordance with the plans and specifications, approved Change Orders, and terms of the contract. The Contractor further certifies that there are no unpaid bills or labor disputes in connection with this contract and that the amount of **\$4,087,783.00** shown on the final estimate is the total amount due him for all work completed for the project.

The Owner does hereby agree that all construction and engineering work on the project is complete and does satisfy all terms of appropriate construction or engineering agreements.

The Project Engineer has observed the construction and to the best of his knowledge the construction has been performed in accordance with the plans, specifications, approved change orders, and terms of the contract and that the facility has been inspected and approved by all agencies having jurisdiction.

Owner and Contractor do hereby acknowledge that the one year warranty period will begin on **May 1, 2012**.

The undersigned give approval of acceptance of the work construction under the conditions and guarantee of the contract.

**Advanced Engineering and
Environmental Services, Inc. (AE2S)**
Project Engineer
By: 
Date: 9/10/2012

City of Mandan, North Dakota
Owner
By: _____
Date: _____

Swanberg Construction, Inc.
Contractor
By: 
Date: 9/7/12

Board of City Commissioners
 Agenda Documentation
 Meeting Date: September 18, 2012
 Subject: Change Orders for Residual Management Facility Project
 Page 5 of 11

**Change Order
 No. G-7**

Date of Issuance: August 20, 2012 Effective Date: July 6, 2012

Project: <u>Mandan Water Treatment Residuals Management Facility</u>	Owner: <u>City of Mandan</u>
Contract: <u>General Construction</u>	Date of Contract: <u>June 28, 2010</u>
Contractor: <u>Swanberg Construction Incorporated</u>	Owner's Contract No.: <u>2008-21</u>
Engineer: <u>Advanced Engineering and Environmental Services</u>	Engineer's Project No.: <u>P00510-2008-01</u>

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Provide labor, equipment, and materials for the following: Change in Contract Price
 1. Adjust contract times per actual completion dates for substantial completion and final completion. N/A

Total \$0.00

Attachments: None.
 (List documents supporting change):

CHANGE IN CONTRACT PRICE: CHANGE IN CONTRACT TIMES:

Original Contract Price: <u>\$ 3,939,000.00</u>	Original Contract Times: <input type="checkbox"/> Working days <input checked="" type="checkbox"/> Calendar days Substantial completion (days or date): <u>October 31, 2011</u> Ready for final payment (days or date): <u>December 30, 2011</u>
Increase (Decrease) from previously approved Change Orders: No. <u>G-1</u> to No. <u>G-6</u> : <u>\$ 148,783.00</u>	Increase (Decrease) from previously approved Change Orders No. <u>G-1</u> to No. <u>G-6</u> : Substantial completion (days): <u>74</u> Ready for final payment (days): <u>189</u>
Contract Price prior to this Change Order: <u>\$ 4,087,783.00</u>	Contract Times prior to this Change Order: Substantial completion (days or date): <u>January 13, 2012</u> Ready for final payment (days or date): <u>July 6, 2012</u>
Increase (Decrease) of this Change Order: <u>\$ 0.00</u>	Increase (Decrease) Time of this Change Order: Substantial completion (days or date): <u>109</u> Ready for final payment (days or date): <u>34</u>
Contract Price incorporating this Change Order: <u>\$ 4,087,783.00</u>	Contract Times with all approved Change Orders: Substantial completion (days or date): <u>May 1, 2012</u> Ready for final payment (days or date): <u>August 9, 2012</u>

RECOMMENDED: By: <u>[Signature]</u> Engineer (Authorized Signature) Date: <u>8/20/2012</u>	ACCEPTED: By: _____ Owner (Authorized Signature) Date: _____	ACCEPTED: By: <u>[Signature]</u> Contractor (Authorized Signature) Date: <u>8/20/12</u>
Approved by Funding Agency (if applicable): _____	_____	Date: _____

Board of City Commissioners
Agenda Documentation
Meeting Date: September 18, 2012
Subject: Change Orders for Residual Management Facility Project
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September 10, 2012

To the President and Commissioners
of the Mandan Board of City Commission
c/o Duane Friesz, WTP Superintendent
205 2nd Avenue NW
Mandan, ND 58554-3125

**Re: Mandan Water Treatment Residuals Management Facility
City of Mandan, North Dakota
Contract No. 2 – Project Closeout**

Dear Duane:

The above referenced project has been successfully completed and all punch list items have been finished by Central Mechanical, Inc. The final inspection of the project was held on June 6, 2012, the funding agency walk through has been completed, and the contractor as-built drawings were turned in.

Enclosed herewith please find the Periodical Estimate for Partial Payment No. 13 - FINAL for the referenced project and accompanying copy of Application for Payment from the Mechanical Contractor. We recommend Final Payment to Central Mechanical Inc. for Work performed during the pay period and release of all retainage in the amount of \$36,999.22.

We have enclosed the FINAL INSPECTION AND ACCEPTANCE form and included four (4) copies for final execution. Please sign all four (4) copies in the spaces indicated and return all copies to this office.

Enclosed herewith please find four (4) copies of Change Order No. M-5 for Central Mechanical, Inc for final execution. This Change Order extends the Project completion times per actual completion dates. If this Change Order is acceptable, please sign all four copies in the spaces indicated and return all copies to this office.

We sincerely appreciate the opportunity to provide professional engineering services to the City of Mandan and look forward to the successful completion of this Project. Should you have any questions or concerns, please do not hesitate to contact us.

Respectfully submitted,

AE2S

A handwritten signature in black ink, appearing to read "Ken Weber", is written over a circular, textured stamp.

Kenneth J. Weber, PE
Project Manager

Enclosure(s)

C: Central Mechanical Inc.
Dave Bechtel, City of Mandan
Lisa Ansley, AE2S

FINAL INSPECTION AND ACCEPTANCE

Contractor: CENTRAL MECHANICAL, INC.
Address: PO BOX 682, MANDAN ND 58554
Project: Mandan Water Treatment Plant Residuals Management Facility
Mandan, North Dakota
Contract No. 2 – Mechanical Construction

On this date, **June 6, 2012**, a final inspection of the Project as constructed has been made.

The Contractor hereby certifies that the construction has been performed in accordance with the plans and specifications, approved Change Orders, and terms of the contract. The Contractor further certifies that there are no unpaid bills or labor disputes in connection with this contract and that the amount of **\$687,700.97** shown on the final estimate is the total amount due him for all work completed for the project.

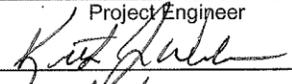
The Owner does hereby agree that all construction and engineering work on the project is complete and does satisfy all terms of appropriate construction or engineering agreements.

The Project Engineer has observed the construction and to the best of his knowledge the construction has been performed in accordance with the plans, specifications, approved change orders, and terms of the contract and that the facility has been inspected and approved by all agencies having jurisdiction.

Owner and Contractor do hereby acknowledge that the one year warranty period will begin on **June 6, 2012**.

The undersigned give approval of acceptance of the work construction under the conditions and guarantee of the contract.

**Advanced Engineering and
Environmental Services, Inc. (AE2S)**
Project Engineer

By: 
Date: 8/20/2012

City of Mandan, North Dakota
Owner

By: _____
Date: _____

Central Mechanical, Inc.
Contractor

By: 
Date: 8-22-12

Board of City Commissioners
 Agenda Documentation
 Meeting Date: September 18, 2012
 Subject: Change Orders for Residual Management Facility Project
 Page 8 of 11

**Change Order
 No. M-5 - FINAL**

Date of Issuance: July 12, 2012

Effective Date: January 27, 2012

Project: Mandan Water Treatment Residuals Management Facility	Owner: City of Mandan
Contract: Mechanical Construction	Date of Contract: June 28, 2010
Contractor: Central Mechanical, Inc.	Owner's Contract No.: 2008-21
Engineer: Advanced Engineering and Environmental Services	Engineer's Project No.: P00510-2008-01

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Provide labor, equipment, and materials for the following:	Change in Contract Price
1. Time adjustment to correspond with actual completion of project.	N/A
Total	\$ -

Attachments:
 (List documents supporting change):

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$ 660,800.00	Original Contract Times: <input type="checkbox"/> Working days <input checked="" type="checkbox"/> Calendar days Substantial completion (days or date): <u>October 31, 2011</u> Ready for final payment (days or date): <u>December 30, 2011</u>
Increase (Decrease) from previously approved Change Orders: No. <u>1</u> to No. <u>4</u> : \$ 26,900.97	Increase (Decrease) from previously approved Change Orders No. <u>1</u> to No. <u>4</u> : Substantial completion (days): <u>74</u> Ready for final payment (days): <u>28</u>
Contract Price prior to this Change Order: \$ 687,700.97	Contract Times prior to this Change Order: Substantial completion (days or date): <u>January 13, 2012</u> Ready for final payment (days or date): <u>January 27, 2012</u>
Increase (Decrease) of this Change Order: \$ 0.00	Increase (Decrease) Time of this Change Order: Substantial completion (days or date): <u>0</u> Ready for final payment (days or date): <u>131</u>
Contract Price incorporating this Change Order: \$ 687,700.97	Contract Times with all approved Change Orders: Substantial completion (days or date): <u>January 13, 2012</u> Ready for final payment (days or date): <u>June 6, 2012</u>

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u>[Signature]</u> Engineer (Authorized Signature)	By: _____ Owner (Authorized Signature)	By: <u>[Signature]</u> Contractor (Authorized Signature)
Date: <u>July 12, 2012</u>	Date: _____	Date: <u>7-13-12</u>
Approved by Funding Agency (if applicable): _____	_____	Date: _____

Board of City Commissioners
Agenda Documentation
Meeting Date: September 18, 2012
Subject: Change Orders for Residual Management Facility Project
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September 10, 2012

To the President and Commissioners
of the Mandan Board of City Commission
c/o Duane Friesz, Water Treatment Plant Superintendent
205 2nd Avenue NW
Mandan, ND 58554-3125

**Re: Mandan Residuals Management Facility – Contract No. 3
Project Closeout Documents**

Dear Duane:

The above referenced project has been successfully completed and all punch list items have been finished by John's Refrigeration & Electric Inc. The final inspection of the project was held on May 8, 2012, the funding agency walk through has been completed and the contractor record drawings were turned in.

Enclosed herewith please find the request for Final Payment for the referenced project and accompanying original Application for Payment from the Contractor. We recommend Final Payment to John's Refrigeration & Electric Inc. in the amount of \$31,670.75.

We have enclosed the FINAL INSPECTION AND ACCEPTANCE form and included four (4) copies for final execution. Please sign all four (4) copies in the spaces indicated and return all copies to this office.

Enclosed herewith please find four (4) copies of Change Order No. E-2 for John's Refrigeration & Electric Inc. for final execution. This Change Order covers various items including WCD E-2 with regard to frame press coordination items, deduct for not installing junction boxes and conduit to old press area, condensate heaters for SLPCP-2 and VFDs for PFP-1, -2, and -3, and a credit for a scheduled UPS that is no longer required. The Change Order decreases the Contract Price (\$2,224.00) for an overall contract price of \$542,671.00. There is also an adjustment to the Final Completion date to May 8, 2012 to coincide with project closeout. If this Change Order is acceptable, please sign all four copies in the spaces indicated and return all copies to this office.

We sincerely appreciate the opportunity to provide professional engineering services to the City of Mandan and look forward to the successful completion of this Project. Should you have any questions or concerns, please do not hesitate to contact us.

Respectfully Submitted,

AE2S



Kenneth J. Weber, PE
Project Manager

Enclosure(s)

C: John's Refrigeration & Electric Inc.
Dave Bechtel, Engineering Department
Lisa Ansley, AE2S

FINAL INSPECTION AND ACCEPTANCE

Contractor: JOHN'S REFRIGERATION AND ELECTRIC, INC.
Address: PO BOX 251, VALLEY CITY ND 58072
Project: Mandan Water Treatment Plant Residuals Management Facility
Mandan, North Dakota
Contract No. 3 – Electrical Construction

On this date, **May 8, 2012**, a final inspection of the Project as constructed has been made.

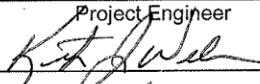
The Contractor hereby certifies that the construction has been performed in accordance with the plans and specifications, approved Change Orders, and terms of the contract. The Contractor further certifies that there are no unpaid bills or labor disputes in connection with this contract and that the amount of **\$542,671.00** shown on the final estimate is the total amount due him for all work completed for the project.

The Owner does hereby agree that all construction and engineering work on the project is complete and does satisfy all terms of appropriate construction or engineering agreements.

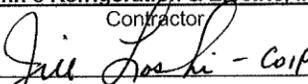
The Project Engineer has observed the construction and to the best of his knowledge the construction has been performed in accordance with the plans, specifications, approved change orders, and terms of the contract and that the facility has been inspected and approved by all agencies having jurisdiction.

Owner and Contractor do hereby acknowledge that the one year warranty period will begin on **May 8, 2012**.

The undersigned give approval of acceptance of the work construction under the conditions and guarantee of the contract.

<u>Advanced Engineering and Environmental Services, Inc. (AE2S)</u> Project Engineer	<u>City of Mandan, North Dakota</u> Owner
By: <u></u>	By: _____
Date: <u>8/20/2012</u>	Date: _____

John's Refrigeration & Electric, Inc.
Contractor

By:  - Corp. Secretary

Date: 9-5-12

**Change Order
 No. E-2 FINAL**

Date of Issuance: July 12, 2012 Effective Date: December 30, 2011

Project: Mandan Water Treatment Residuals Management Facility	Owner: City of Mandan
Contract: Electrical Construction	Date of Contract: June 28, 2010
Contractor: John's Refrigeration & Electric, Inc.	Owner's Contract No.: 2008-21
Engineer: Advanced Engineering and Environmental Services	Engineer's Project No.: P00510-2008-01

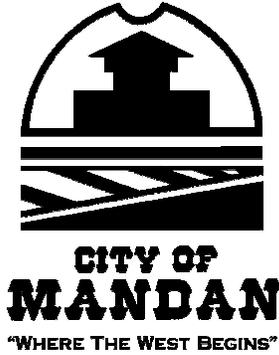
The Contract Documents are modified as follows upon execution of this Change Order:

Description:		Change in Contract Price
1. Work Change Directive E-2: Siemens Coordination items.	Add	\$ 1,500.00
2. Deduct for not installing junction boxes and 4-inch conduit for future service to old press area	Deduct	\$ (5,039.00)
3. Add condensate heaters for SLPCP-2, PFP-2 VFD, PFP-3 VFD, and PFP-1 VFD	Add	\$ 1,600.00
4. Credit for scheduled UPS that was not required.	Deduct	\$ (285.00)
	Total	\$ (2,224.00)

Attachments: Change Directive E-2 and quote from John's Refrigeration & Electric
 (List documents supporting change):

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: <u>\$ 538,000.00</u>	Original Contract Times: <input type="checkbox"/> Working days <input checked="" type="checkbox"/> Calendar days
Increase (Decrease) from previously approved Change Orders: No. <u>0</u> to No. <u>1</u> : <u>\$ 6,895.00</u>	Substantial completion (days or date): <u>October 31, 2011</u> Ready for final payment (days or date): <u>December 30, 2011</u>
Contract Price prior to this Change Order: <u>\$ 544,895.00</u>	Increase (Decrease) from previously approved Change Orders: No. <u>0</u> to No. <u>1</u> : Substantial completion (days): <u>0</u> Ready for final payment (days): <u>0</u>
Increase (Decrease) of this Change Order: <u>\$ (2,224.00)</u>	Contract Times prior to this Change Order: Substantial completion (days or date): <u>October 31, 2011</u> Ready for final payment (days or date): <u>December 30, 2011</u>
Contract Price incorporating this Change Order: <u>\$ 542,671.00</u>	Increase (Decrease) Time of this Change Order: Substantial completion (days or date): <u>80</u> Ready for final payment (days or date): <u>130</u>
	Contract Times with all approved Change Orders: Substantial completion (days or date): <u>January 19, 2012</u> Ready for final payment (days or date): <u>May 8, 2012</u>

RECOMMENDED: By: <u><i>Kurt D. White</i></u> Engineer (Authorized Signature) Date: <u>July 12, 2012</u>	ACCEPTED: By: _____ Owner (Authorized Signature) Date: _____	ACCEPTED: By: <u><i>John Lamb</i></u> Contractor (Authorized Signature) Date: <u>7-21-2012</u>
Approved by Funding Agency (if applicable): _____		Date: _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: September 18, 2012
PREPARATION DATE: September 12, 2012
SUBMITTING DEPARTMENT: Water Treatment Plant
DEPARTMENT DIRECTOR: Duane Friesz, WTP Superintendent
PRESENTER: Duane Friesz, WTP Superintendent
SUBJECT: Change Orders for Southside Pump Station Project

STATEMENT/PURPOSE: Pursuant to our change order policies, the city commission must consider the request as it adds an extension of time exceeding fifteen working days.

BACKGROUND/ALTERNATIVES: Delays to the project were encountered due to late delivery of process pumps and also to allow for chip seal and snow guard installation when weather permitted.

- The G-3 Change order increases the contract substantial completion date from December 14, 2011 to March 16, 2012 and final completion date from July 6, 2012 to August 1, 2012.
- The M-3 Change order increases the final completion date from November 18, 2011 to March 16, 2012.
- The E-2 Change order increases the contract substantial completion date from October 28, 2011 to January 19, 2012 and final completion date from November 18, 2011 to March 16, 2012.

ATTACHMENTS:

1. Contract No. 1 Project Closeout Documents
2. Contract No. 2 Project Closeout Documents
3. Contract No. 3 Project Closeout Documents

FISCAL IMPACT: The change orders are for time extension only and therefore, no fiscal impact.

STAFF IMPACT: N/A

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

RECOMMENDATION: To approve the contract change orders G-3, M-3 and E-2 for the Southside Pump Station Project.

SUGGESTED MOTION: Move to approve the contract change orders G-3, M-3 and E-2 for the Southside Pump Station Project.

Board of City Commissioners
Agenda Documentation
Meeting Date: September 18, 2012
Subject: Change Orders for Southside Pump Station Project
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August 22, 2012

To the President and Commissioners
of the Mandan Board of City Commission
c/o Duane Friesz, Water Treatment Plant Superintendent
205 2nd Avenue NW
Mandan, ND 58554-3125

**Re: Mandan South Side Pump Station – Contract No. 1
Project Closeout Documents**

Dear Duane:

The above referenced project has been successfully completed and all punch list items have been finished by John T. Jones Construction. The final inspection of the project was held on January 6, 2012, the funding agency walk through has been completed and the contractor record drawings were turned in.

Enclosed herewith please find the request for Final Payment for the referenced project and accompanying original Application for Payment from the Contractor. We recommend Final Payment to John T. Jones Construction in the amount of \$9,711.00.

We have enclosed the FINAL INSPECTION AND ACCEPTANCE form and included four (4) copies for final execution. Please sign all four (4) copies in the spaces indicated and return all copies to this office.

Enclosed herewith please find four (4) copies of Change Order No. G-3 for John T. Jones Construction for final execution. The Change Order extends the Project completion times per actual completion dates. If this Change Order is acceptable, please sign all four copies in the spaces indicated and return all copies to this office.

We sincerely appreciate the opportunity to provide professional engineering services to the City of Mandan and look forward to the successful completion of this Project. Should you have any questions or concerns, please do not hesitate to contact us.

Respectfully Submitted,

AE2S

A handwritten signature in black ink, appearing to read "L. Hutz", is written over the printed name of the Project Engineer.

Laith D. Hutz, PE
Project Engineer

Enclosure(s)

C: John T. Jones Construction
Dave Bechtel, Engineering Department
Lisa Ansley, AE2S

FINAL INSPECTION AND ACCEPTANCE

Contractor: John T. Jones Construction

Address: PO Box 2424, Fargo, ND 58108

Project: Mandan South Side Pump Station
City of Mandan, North Dakota
Contract No. 1 – General Construction

On this date, **January 6, 2012**, a Final Inspection of the Project as constructed has been made.

The Contractor hereby certifies that the construction has been performed in accordance with the Drawings and Specifications, approved Change Orders, and terms of the Contract. The Contractor further certifies that there are no unpaid bills or labor disputes in connection with this Contract and that the amount of **\$925,093.00** shown on the Final Pay Estimate is the total amount due him for all Work completed for the Project. The Contractor hereby certifies all haul road post-construction inspections are complete and the governing entities have released the Contractor from any liabilities.

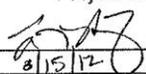
The Owner does hereby agree that all construction and engineering work on the Project is complete and does satisfy all terms of appropriate construction or engineering Agreements.

The Project Engineer has observed the construction and to the best of his knowledge the construction has been performed in accordance with the Plans, Specifications, approved Change Orders, and terms of the Contract and that the facility has been inspected and approved by all agencies having jurisdiction.

Owner and Contractor do hereby acknowledge that the one-year warranty period will begin on **March 16, 2012**. **Chip seal one-year warranty period will begin on August 1, 2012.**

The undersigned give approval of acceptance of the Work under the conditions and guarantee of the Contract.

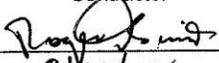
**Advanced Engineering and
Environmental Services, Inc. (AE2S)**
Project Engineer

By: 
Date: 8/15/12

City of Mandan, ND
Owner

By: _____
Date: _____

John T. Jones Construction
Contractor

By: 
Date: 8/20/12

Board of City Commissioners
 Agenda Documentation
 Meeting Date: September 18, 2012
 Subject: Change Orders for Southside Pump Station Project
 Page 5 of 11

RECEIVED

Change Order
 No. G-3

AUG 17 2012

Date of Issuance: August 13, 2012

Effective Date: July 6, 2012

Project: Mandan South Side Pump Station	CONSTRUCTION	Owner: City of Mandan
Contract: Contract No. 1 - General Construction		Date of Contract: December 8, 2010
Contractor: John T. Jones Construction		Owner's Contract No.: 2010-04
Engineer: Advanced Engineering and Environmental Services		Engineer's Project No.: P00510-2008-00 064

The Contract Documents are modified as follows upon execution of this Change Order:

Description:	Change in Contract Price
Provide labor, equipment, and materials for the following:	
1. Adjust contract times per actual completion dates for substantial completion and final completion.	N/A
	\$0.00

Attachments: JTJ letter dated 8/11/12.
 (List documents supporting change):

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$ 906,700.00	Original Contract Times: <input type="checkbox"/> Working days <input checked="" type="checkbox"/> Calendar days Substantial completion (days or date): August 19, 2011 Ready for final payment (days or date): September 30, 2011
Increase (Decrease) from previously approved Change Orders: No. G-1 to No. G-2: \$ 18,393.00	Increase (Decrease) from previously approved Change Orders: No. G-1 to No. G-2: Substantial completion (days): 117 Ready for final payment (days): 280
Contract Price prior to this Change Order: \$ 925,093.00	Contract Times prior to this Change Order: Substantial completion (days or date): December 14, 2011 Ready for final payment (days or date): July 6, 2012
Increase (Decrease) of this Change Order: \$ 0.00	Increase (Decrease) Time of this Change Order: Substantial completion (days or date): 93 Ready for final payment (days or date): 26
Contract Price incorporating this Change Order: \$ 925,093.00	Contract Times with all approved Change Orders: Substantial completion (days or date): March 16, 2012 Ready for final payment (days or date): August 1, 2012

RECOMMENDED: By:  Engineer (Authorized Signature) Date: 8/13/12	ACCEPTED: By: _____ Owner (Authorized Signature) Date: _____	ACCEPTED: By:  Contractor (Authorized Signature) Date: 8-17-12
Approved by Funding Agency (if applicable): _____	_____	Date: _____

Board of City Commissioners
Agenda Documentation
Meeting Date: September 18, 2012
Subject: Change Orders for Southside Pump Station Project
Page 6 of 11



August 22, 2012

To the President and Commissioners
of the Mandan Board of City Commission
c/o Duane Friesz, Water Treatment Plant Superintendent
205 2nd Avenue NW
Mandan, ND 58554-3125

**Re: Mandan South Side Pump Station – Contract No. 2
Project Closeout Documents**

Dear Duane:

The above referenced project has been successfully completed and all punch list items have been finished by Central Mechanical Inc. The final inspection of the project was held on October 27, 2011, the funding agency walk through has been completed and the contractor record drawings were turned in.

Enclosed herewith please find the request for Final Payment for the referenced project and accompanying original Application for Payment from the Contractor. We recommend Final Payment to Central Mechanical Inc. in the amount of \$2,205.00.

We have enclosed the FINAL INSPECTION AND ACCEPTANCE form and included four (4) copies for final execution. Please sign all four (4) copies in the spaces indicated and return all copies to this office.

Enclosed herewith please find four (4) copies of Change Order No. M-3 for Central Mechanical Inc. for final execution. The Change Order extends the Project completion times per actual completion dates. If this Change Order is acceptable, please sign all four copies in the spaces indicated and return all copies to this office.

We sincerely appreciate the opportunity to provide professional engineering services to the City of Mandan and look forward to the successful completion of this Project. Should you have any questions or concerns, please do not hesitate to contact us.

Respectfully Submitted,

AE2S



Laith D. Hintz, PE
Project Engineer

Enclosure(s)

C: Central Mechanical Inc.
Dave Bechtel, Engineering Department
Lisa Ansley, AE2S

FINAL INSPECTION AND ACCEPTANCE

Contractor: Central Mechanical, Inc.

Address: PO Box 682, Mandan, ND 58554

Project: Mandan South Side Pump Station
City of Mandan, North Dakota
Contract No. 2 – Mechanical Construction

On this date, **October 27, 2011**, a Final Inspection of the Project as constructed has been made.

The Contractor hereby certifies that the construction has been performed in accordance with the Drawings and Specifications, approved Change Orders, and terms of the Contract. The Contractor further certifies that there are no unpaid bills or labor disputes in connection with this Contract and that the amount of **\$41,081.27** shown on the Final Pay Estimate is the total amount due him for all Work completed for the Project. The Contractor hereby certifies all haul road post-construction inspections are complete and the governing entities have released the Contractor from any liabilities.

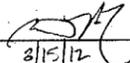
The Owner does hereby agree that all construction and engineering work on the Project is complete and does satisfy all terms of appropriate construction or engineering Agreements.

The Project Engineer has observed the construction and to the best of his knowledge the construction has been performed in accordance with the Plans, Specifications, approved Change Orders, and terms of the Contract and that the facility has been inspected and approved by all agencies having jurisdiction.

Owner and Contractor do hereby acknowledge that the one-year warranty period will begin on **March 16, 2012**.

The undersigned give approval of acceptance of the Work under the conditions and guarantee of the Contract.

**Advanced Engineering and
Environmental Services, Inc. (AE2S)**
Project Engineer

By: 
Date: 3/15/12

City of Mandan, ND
Owner

By: _____
Date: _____

Central Mechanical, Inc.
Contractor

By: 
Date: 5/16/12

Board of City Commissioners
 Agenda Documentation
 Meeting Date: September 18, 2012
 Subject: Change Orders for Southside Pump Station Project
 Page 8 of 11

**Change Order
 No. M-3 - FINAL**

Date of Issuance: August 15, 2012 Effective Date: November 18, 2011

Project: <u>Mandan South Side Pump Station</u>	Owner: <u>City of Mandan</u>
Contract: <u>Contract No. 2 - Mechanical Construction</u>	Date of Contract: <u>December 8, 2010</u>
Contractor: <u>Central Mechanical, Inc.</u>	Owner's Contract No.: <u>2010-04</u>
Engineer: <u>Advanced Engineering and Environmental Services</u>	Engineer's Project No.: <u>P00510-2008-00 064</u>

The Contract Documents are modified as follows upon execution of this Change Order:

Description: <u>Provide labor, equipment, and materials for the following:</u>	Change in Contract Price
1. Adjust contract times per actual completion dates for substantial completion and final completion.	N/A

Total \$0.00

Attachments: None.
 (List documents supporting change)

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: <u>\$ 44,100.00</u>	Original Contract Times: <input type="checkbox"/> Working days <input checked="" type="checkbox"/> Calendar days Substantial completion (days or date): <u>August 19, 2011</u> Ready for final payment (days or date): <u>September 30, 2011</u>
Increase (Decrease) from previously approved Change Orders: No. <u>1</u> to No. <u>2</u> : <u>\$ (3,018.73)</u>	Increase (Decrease) from previously approved Change Orders No. <u>1</u> to No. <u>2</u> : Substantial completion (days): <u>70</u> Ready for final payment (days): <u>49</u>
Contract Price prior to this Change Order: <u>\$ 41,081.27</u>	Contract Times prior to this Change Order: Substantial completion (days or date): <u>October 28, 2011</u> Ready for final payment (days or date): <u>November 18, 2011</u>
Increase (Decrease) of this Change Order: <u>\$ 0.00</u>	Increase (Decrease) Time of this Change Order: Substantial completion (days or date): <u>0</u> Ready for final payment (days or date): <u>119</u>
Contract Price incorporating this Change Order: <u>\$ 41,081.27</u>	Contract Times with all approved Change Orders: Substantial completion (days or date): <u>October 28, 2011</u> Ready for final payment (days or date): <u>March 16, 2012</u>

RECOMMENDED: By: <u>[Signature]</u> Engineer (Authorized Signature) Date: <u>8/15/12</u>	ACCEPTED: By: _____ Owner (Authorized Signature) Date: _____	ACCEPTED: By: <u>[Signature]</u> Contractor (Authorized Signature) Date: <u>8-16-12</u>
Approved by Funding Agency (if applicable): _____	_____	Date: _____

Board of City Commissioners
Agenda Documentation
Meeting Date: September 18, 2012
Subject: Change Orders for Southside Pump Station Project
Page 9 of 11



August 22, 2012

To the President and Commissioners
of the Mandan Board of City Commission
c/o Duane Friesz, Water Treatment Plant Superintendent
205 2nd Avenue NW
Mandan, ND 58554-3125

**Re: Mandan South Side Pump Station – Contract No. 3
Project Closeout Documents**

Dear Duane:

The above referenced project has been successfully completed and all punch list items have been finished by Edling Electric, Inc. The final inspection of the project was held on January 19, 2012, the funding agency walk through has been completed and the contractor record drawings were turned in.

Enclosed herewith please find the request for Final Payment for the referenced project and accompanying original Application for Payment from the Contractor. We recommend Final Payment to Edling Electric, Inc. in the amount of \$15,770.00.

We have enclosed the FINAL INSPECTION AND ACCEPTANCE form and included four (4) copies for final execution. Please sign all four (4) copies in the spaces indicated and return all copies to this office.

Enclosed herewith please find four (4) copies of Change Order No. E-2 for Edling Electric, Inc. for final execution. The Change Order extends the Project completion times per actual completion dates. If this Change Order is acceptable, please sign all four copies in the spaces indicated and return all copies to this office.

We sincerely appreciate the opportunity to provide professional engineering services to the City of Mandan and look forward to the successful completion of this Project. Should you have any questions or concerns, please do not hesitate to contact us.

Respectfully Submitted,

AE2S



Laith D. Hintz, PE
Project Engineer

Enclosure(s)

C: Edling Electric, Inc.
Dave Bechtel, Engineering Department
Lisa Ansley, AE2S

FINAL INSPECTION AND ACCEPTANCE

Contractor: Edling Electric, Inc.

Address: PO Box 1451, Bismarck, ND 58502

Project: Mandan South Side Pump Station
City of Mandan, North Dakota
Contract No. 3 – Electrical Construction

On this date, **January 19, 2012**, a Final Inspection of the Project as constructed has been made.

The Contractor hereby certifies that the construction has been performed in accordance with the Drawings and Specifications, approved Change Orders, and terms of the Contract. The Contractor further certifies that there are no unpaid bills or labor disputes in connection with this Contract and that the amount of **\$315,400.00** shown on the Final Pay Estimate is the total amount due him for all Work completed for the Project. The Contractor hereby certifies all haul road post-construction inspections are complete and the governing entities have released the Contractor from any liabilities.

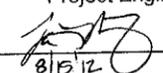
The Owner does hereby agree that all construction and engineering work on the Project is complete and does satisfy all terms of appropriate construction or engineering Agreements.

The Project Engineer has observed the construction and to the best of his knowledge the construction has been performed in accordance with the Plans, Specifications, approved Change Orders, and terms of the Contract and that the facility has been inspected and approved by all agencies having jurisdiction.

Owner and Contractor do hereby acknowledge that the one-year warranty period will begin on **March 16, 2012**.

The undersigned give approval of acceptance of the Work under the conditions and guarantee of the Contract.

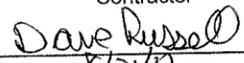
**Advanced Engineering and
Environmental Services, Inc. (AE2S)**
Project Engineer

By: 
Date: 8/15/12

City of Mandan, ND
Owner

By: _____
Date: _____

Edling Electric, Inc.
Contractor

By: 
Date: 8/21/12

Board of City Commissioners
 Agenda Documentation
 Meeting Date: September 18, 2012
 Subject: Change Orders for Southside Pump Station Project
 Page 11 of 11

**Change Order
 No. E-2 FINAL**

Date of Issuance: August 15, 2012 Effective Date: November 18, 2011

Project: <u>Mandan South Side Pump Station</u>	Owner: <u>City of Mandan</u>
Contract: <u>Contract No. 3 - Electrical Construction</u>	Date of Contract: <u>October 8, 2010</u>
Contractor: <u>Edling Electric, Inc.</u>	Owner's Contract No.: <u>2010-04</u>
Engineer: <u>Advanced Engineering and Environmental Services</u>	Engineer's Project No.: <u>P00510-2008-00 064</u>

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Provide labor, equipment, and materials for the following: Change in Contract Price

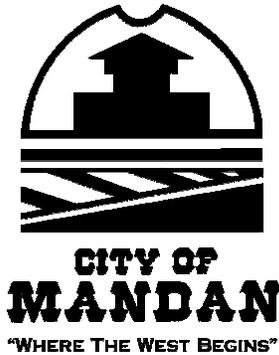
Adjust contract times per actual completion dates for substantial completion and final completion. N/A

Total \$0.00

Attachments: None.
 (List documents supporting change):

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: <u>\$ 315,400.00</u>	Original Contract Times: <input type="checkbox"/> Working days <input checked="" type="checkbox"/> Calendar days Substantial completion (days or date): <u>August 19, 2011</u> Ready for final payment (days or date): <u>September 30, 2011</u>
Increase (Decrease) from previously approved Change Orders: No. <u>0</u> to No. <u>1</u> ; <u>\$ 0.00</u>	Increase (Decrease) from previously approved Change Orders No. <u>0</u> to No. <u>1</u> ; Substantial completion (days): <u>70</u> Ready for final payment (days): <u>49</u>
Contract Price prior to this Change Order: <u>\$ 315,400.00</u>	Contract Times prior to this Change Order: Substantial completion (days or date): <u>October 28, 2011</u> Ready for final payment (days or date): <u>November 18, 2011</u>
Increase (Decrease) of this Change Order: <u>\$ 0.00</u>	Increase (Decrease) Time of this Change Order: Substantial completion (days or date): <u>83</u> Ready for final payment (days or date): <u>119</u>
Contract Price incorporating this Change Order: <u>\$ 315,400.00</u>	Contract Times with all approved Change Orders: Substantial completion (days or date): <u>January 19, 2012</u> Ready for final payment (days or date): <u>March 16, 2012</u>

RECOMMENDED: By: <u>[Signature]</u> Engineer (Authorized Signature) Date: <u>8/15/12</u>	ACCEPTED: By: _____ Owner (Authorized Signature) Date: _____	ACCEPTED: By: <u>[Signature]</u> Contractor (Authorized Signature) Date: <u>8/21/12</u>
Approved by Funding Agency (if applicable): _____	_____	_____



Board of City Commissioners

Agenda Documentation

MEETING DATE: September 18, 2012
PREPARATION DATE: September 11, 2012
SUBMITTING DEPARTMENT: Engineering/Planning
DEPARTMENT DIRECTOR: Dave Bechtel
PRESENTER: Dave Bechtel
SUBJECT: South 40' of 4th Street NE public right-of-way of the east quadrant of the intersection of 9th Avenue NE and 6th Avenue NE

STATEMENT/PURPOSE: To vacate the south 40' of 4th Street NE public right-of-way of the east quadrant of the intersection of 9th Avenue NE and 6th Avenue NE, as platted in Helmsworth-McLean Addition.

BACKGROUND/ALTERNATIVES: Request from Sanela Alagic. This item was tabled at the September 4th City Commission meeting.

ATTACHMENTS: Office Report
Vicinity Map
Resolution

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

LEGAL REVIEW:

RECOMMENDATION: Based on Attorney Malcolm Browns opinion, I recommend not to approve the requested vacation.

SUGGESTED MOTION: I move to deny the vacation request.

Board of City Commissioners

Agenda Documentation

Meeting Date: September 18, 2012

Subject: Vacation of the south 40' of 4th Street NE public right-of-way of the east quadrant of the intersection of 9th Avenue NE and 6th Avenue NE, as platted in Helmsworth-McLean Addition

Page 2 of 5

MANDAN PLANNING OFFICE REPORT

September 4, 2012

Applicant(s): Sanela Alagic

Owner(s): Sanela Alagic

Requested Action: vacate the south 40' of 4th Street NE public right-of-way of the east quadrant of the intersection of 9th Avenue NE and 6th Avenue NE

Name of Subdivision: Helmsworth-McLean Addition

Located: the south 40' of 4th Street NE public right-of-way of the east quadrant of the intersection of 9th Avenue NE and 6th Avenue NE of Helmsworth-McLean Addition

Proposed Land Use: build a garage

Adjacent Land Use: residential

Fee(s) Required: \$150.00 Date Received: July 10, 2012

Adjacent Property Owner Notification: Letters were sent August 23, 2012

Dates of Legal Notices: August 10th, 17th, 24th, 31st, 2012

Recommendations: The Planning Office recommends approval.

Board of City Commissioners

Agenda Documentation

Meeting Date: September 18, 2012

Subject: Vacation of the south 40' of 4th Street NE public right-of-way of the east quadrant of the intersection of 9th Avenue NE and 6th Avenue NE, as platted in Helmsworth-McLean Addition

Page 3 of 5



Board of City Commissioners

Agenda Documentation

Meeting Date: September 18, 2012

Subject: Vacation of the south 40' of 4th Street NE public right-of-way of the east quadrant of the intersection of 9th Avenue NE and 6th Avenue NE, as platted in Helmsworth-McLean Addition

Page 4 of 5

**RESOLUTION OF VACATION
Board of City Commissioners
City of Mandan, North Dakota**

WHEREAS, Sanela Alagic, has submitted to the Board of City Commissioners of the City of Mandan a verified petition asking that a public right-of-way as platted in Helmsworth-McLean Addition, to the City of Mandan, Morton County, North Dakota be vacated. Said tract of land being the south 40' of 4th Street NE public right-of-way of the east quadrant of the intersection of 9th Avenue NE and 6th Avenue NE, as platted in Helmsworth-McLean Addition, lying in Section 26, Township 139N, Range 81W of the 5th Principal Meridian, City of Mandan, Morton County, North Dakota, more fully described as follows:

Beginning at the northwest lot corner of Lot 24, Block 29, Helmsworth- McLean Addition; thence north 11 degrees 28 minutes 48 seconds west a distance of 80.00 feet; thence south 78 degrees 31 minutes 12 seconds west a distance of 140.00 feet; thence south 11 degrees 28 minutes 48 seconds east a distance of 80.00 feet; thence south 78 degrees 31 minutes 12 seconds east a distance of 140.00 feet to the point of beginning.

WHEREAS, The Board having deemed it expedient to consider such petition and having ordered that said petition be heard by the Board at its regular meeting held at City Hall in the City of Mandan, North Dakota, on September 4th, 2012, at 5:00 o'clock p.m., CT, and the City Administrator having published notice of the filing of the petition and the object therein in the official newspaper once each week for four (4) consecutive weeks, as required by law, which notice stated that the petition would be heard and considered on the date and time aforesaid, at which time any persons interested might appear and be heard, and proof of such publication of the notice having been made and filed; and

WHEREAS, on the 4th day of September, 2012, at 5:00 o'clock p.m., CT, being not less than thirty days after the first publication of the notice aforesaid, the Board of City Commissioners proceeded to hear the testimony and evidence of persons interested, and it appearing to the satisfaction of the Board of City Commissioners that said petitioners are the owners in fee simple of the property adjoining the street to be vacated; that objections to the requested vacation were addressed at the public hearing, that said petition was accompanied by a map of the area proposed to be vacated; which map is on file in the office of the City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: September 18, 2012

Subject: Vacation of the south 40' of 4th Street NE public right-of-way of the east quadrant of the intersection of 9th Avenue NE and 6th Avenue NE, as platted in Helmsworth-McLean Addition

Page 5 of 5

of Mandan; that by vacating the street described above, the property can be developed; and the facts and reason for the vacation of such area as established by the petition and the testimony and evidence are good and sufficient to justify the vacation of such area;

NOW, THEREFORE, BE IT RESOLVED By the Board of City Commissioners of the City of Mandan, North Dakota, that the south 40' of 4th Street NE public right-of-way of the east quadrant of the intersection of 9th Avenue NE and 6th Avenue NE, as platted in Helmsworth McLean Addition, City of Mandan, Morton County, North Dakota be and the same are hereby vacated.

BE IT FURTHER RESOLVED, That the within and foregoing Resolution shall become effective from the time of its passage and publication.

Approved and passed September 18th, 2012, by at least two-thirds vote of all the members of the Board of City Commissioners.

President, City Commission
City of Mandan, North Dakota

Attest:

City Administrator

Public Notice Dates: August 10, 17, 24, 31, 2012

Public Hearing: September 4, 2012

First Reading: September 18, 2012

Board of City Commissioners

Agenda Documentation



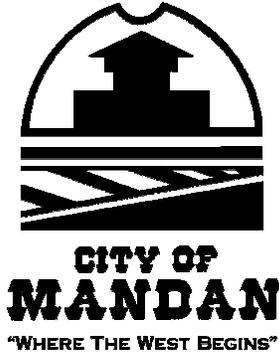
**TO: MANDAN CITY COMMISSION
FROM: MALCOLM H. BROWN
SUBJECT: STREET VACATION/4th
STREET NORTHEAST
MEETING DATE: SEPTEMBER 18, 2012**

STATEMENT/PURPOSE: A petition was filed to vacate the S. 40' of 4th Street NE public right-of-way, the East quadrant of the intersection of 9th Avenue NE and 6th Avenue Northeast. The request was made by Sanela Alagic. Opposition to the vacation was presented by the owner of property abutting the N. 40' of 4th Street NE. The position taken was that the public right-of-way can be vacated only if all adjoining landowners join in the petition to vacate.

DISCUSSION:

Section 40-39-05, NDCC, provides that a public street can be vacated only on a petition "... signed by all of the owners of the property adjoining the plat to be vacated." Section 47-01-16, NDCC, provides that "an owner of land bounded by a road or street is presumed to own to the center of the way, but the contrary may be shown." And, finally, Section 47-10-10, NDCC, a transfer of land bounded by a street passes the title to the person whose estate is transferred to the seller of the street in front to the center thereof.

In other words, because the owner of the property on the north side of 4th Street NE owns to the center of the street, that owner "adjoins" the 40' proposed to be vacated and in the absence of that property owner's consent, the vacation cannot take place.



New Business No. 1

Board of City Commissioners

Agenda Documentation

MEETING DATE: September 18, 2012
PREPARATION DATE: September 13, 2012
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: BMDA Board Appointment

STATEMENT/PURPOSE: To consider appointment to the Bismarck Mandan Development Association (BMDA) Board of Directors.

BACKGROUND/ALTERNATIVES: The by-laws of the BMDA were amended at the BMDA Board meeting September 6, 2012 to include the following:

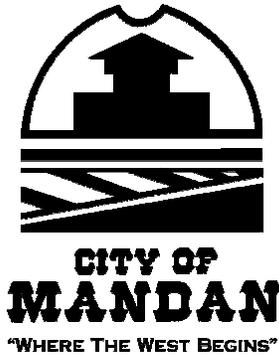
One elected official appointed by a government entity providing annual funding to the corporation shall also hold a voting position on the Board. The government representative positions on the Board are limited to four representatives, one from each of the following: 1) Bismarck City Commission; 2) Mandan City Commission; Burleigh County Commission, and Morton county Commission.

The BMDA Board typically meets once a quarter at 7:30 a.m. for an hour. The appointment would last until the City Commission determines to make another appointment.

ATTACHMENTS: n/a
FISCAL IMPACT: n/a
STAFF IMPACT: n/a
LEGAL REVIEW: n/a

RECOMMENDATION:

SUGGESTED MOTION: I move to appoint _____ to the BMDA Board of Directors.



Board of City Commissioners

Agenda Documentation

MEETING DATE: September 18, 2012
PREPARATION DATE: September 14, 2012
SUBMITTING DEPARTMENT: Business Development & Communications
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: Consider making Collins & Main property available for sale & redevelopment

STATEMENT/PURPOSE: To consider making available for sale and redevelopment the city-owned land parcels at the corner of Collins Avenue and Main Street (100 Collins, 104 E Main, 106 E Main, 108 E Main).

BACKGROUND/ALTERNATIVES: The City of Mandan Business Development and Communications Office has received an offer for city-owned property at Collins and Main that meets the previous asking price of \$10 per square foot.

The interested entity indicates plans of building an approximate 3,000 sf single-story building on the 16,250 sf site with the remainder of the property used for a drive-thru and off-street parking. The use would be professional services. Conceptual site and building plans may not meet all standards within the Downtown Core zoning overlay ordinance (Title 21-04-17.1) with respect to the continuity of zero setback and alignment with adjoining facades, and the average height of buildings occupying adjacent corners. Incidentally, this ordinance nearly mirrors Bismarck's downtown core zoning overlay requirements.

Although promoted via signage, the City's website and via recruitment and outreach efforts on an ongoing basis, the Collins and Main property is not currently formally on the public market and thus for any offers to be formally considered, the property needs to be offered through one of these options:

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

There are pros and cons to each alternative. The bidding process may not prompt much information beyond the price being offered such as the planned scope of a redevelopment project, level of investment, use, site and building plans, and other public benefits. Re-listing the property with a real estate agent could result in additional assistance with marketing but there would also be a commission fee, likely 6% of the gross selling price. A previous contract required a minimum \$2,500 commission. An RFP process brings forth more information for the Commission to consider but generally requires more time and investment in plans from potentially interested parties.

The downtown redevelopment plan for Mandan issued in 2003 recommend increased density in the downtown area through more vertical and mixed-use redevelopment projects. For these reasons, past preferences indicated in sales or RFP documents have been for a project of at least two to three stories with a minimum footprint of 6,000 to 10,000 sf, main floor commercial space and a targeted value of about \$3 million value with a commitment to beginning construction within 1 year and completion in roughly 2 years.

ATTACHMENTS: Draft property information document for use as and RFP with dates and deadlines to be added upon approval.

FISCAL IMPACT: To be determined.

STAFF IMPACT: To be determined.

LEGAL REVIEW: Attorney Brown has reviewed the information.

RECOMMENDATION: I recommend the City issue a Request for Proposals for the purchase and redevelopment of the Collins and Main property with a 45-day deadline for responses.

SUGGESTED MOTION: I recommend the City issue a Request for Proposals for the purchase and redevelopment of the Collins and Main property with a 45-day deadline for responses.

Map of Downtown Redevelopment Site



PROPERTY INFORMATION

For parties interested in Acquisition & Redevelopment
of Downtown Site in Mandan, North Dakota

City-owned parcels on 100 Block of East Main Street



**CITY OF
MANDAN**

"WHERE THE WEST BEGINS"

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

Seeking Buyers Interested in Redevelopment of Prime Downtown Parcels

The City of Mandan is seeking a buyer or buyers interested in redevelopment and construction of commercial/retail facilities on a prime area of city-owned property in downtown Mandan. Such facilities may include upper level residential components. The property is located on Main Street, at the corner of Collins Avenue. It consists of four parcels totaling 125 feet by 130 feet (16,250 sf).

The properties are part of our city’s central business district, near city hall, the county courthouse, professional services and niche retail. The available site offers a unique opportunity in downtown revitalization. The successful purchase proposal will build upon significant prior public and private investment in infrastructure improvements, environmental remediation, rehabilitation of existing properties, enhancement of public gathering and parking areas, and the creation of pedestrian-friendly streetscapes.

Submit proposals included offered price to:

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

REQUIREMENTS

Asking price — \$10 psf or \$162,500

Deposit — In addition to the purchase price, a deposit of \$25,000 will be required to be made at closing and refundable upon completion of construction (certificate of occupancy for at least main level).

Minimum investment in construction on parcels (combined) — \$750,000

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

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

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

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

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

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

<u>Section</u>	<u>Page</u>
Downtown Vision	4
Project Considerations	
• Downtown Overview.....	4
• Site Profile.....	5
• Other Site Facts	6
○ Site Control	
○ Property Taxes	
○ Special Assessments	
○ Zoning	
○ Parking	
○ Historic District	
○ Lot Coverage	
○ Utilities	
○ Soil Conditions	
○ Site Access	
○ Liability Protection	
○ Institutional Control Ordinance	
• Development Incentives	8
• Contact Information & Resources.....	9

A complete copy of all property information, including supporting documentation and maps, is available on the City of Mandan website at www.cityofmandan.com.

DOWNTOWN VISION

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

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

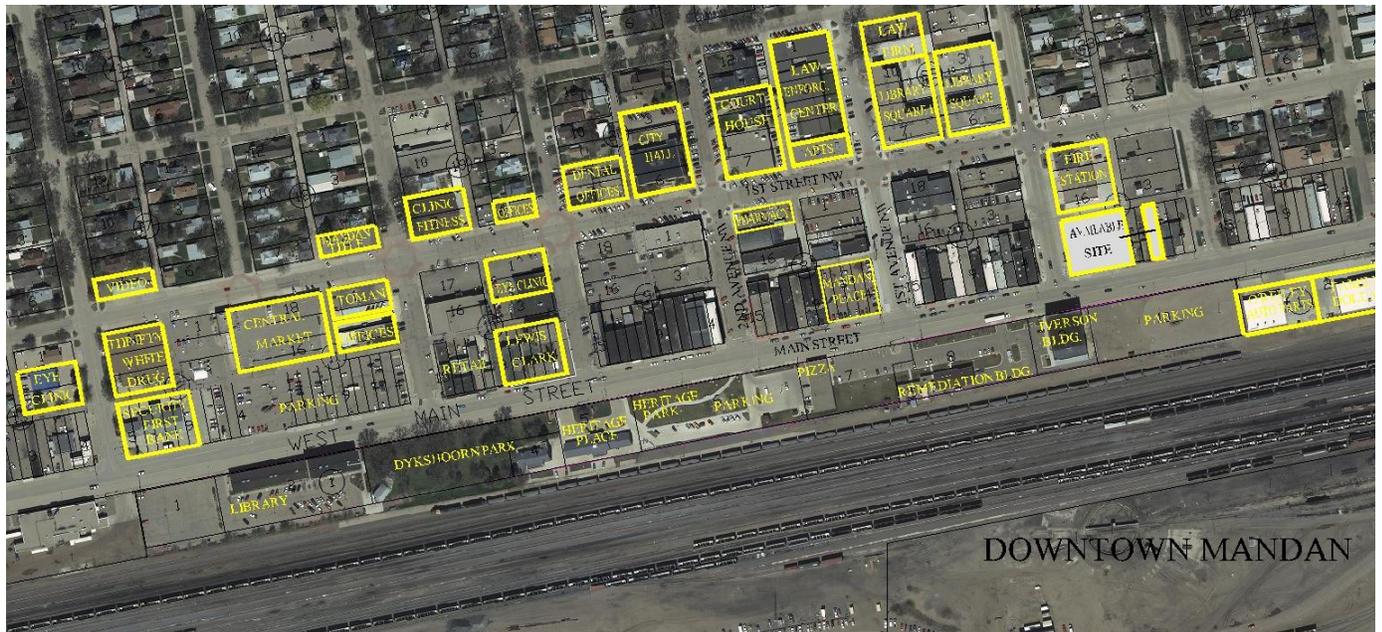
The redevelopment plan calls for mixed uses including new offices and professional services, dense housing, niche retail and casual/family dining. Goals are as follows:

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

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

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

PROJECT CONSIDERATIONS



Downtown Overview

Downtown Mandan is revitalizing. Nearly 20 years after discovery of an underground fuel spill in an approximate six-block area, the city reached a settlement in 2004 with Burlington Northern Santa Fe Railway for \$30.25 million, which included \$1.2 million in property and buildings and

\$29 million held in trust for remediation and redevelopment. Construction and installation of a comprehensive remediation system was completed in 2007. The system is now fully operational and effectively removing the contaminants. With state law enacted to relieve property owners and private lenders of liability concerns, the City's is now focusing squarely on redevelopment.

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

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

New site and building design standards have been implemented for downtown core and fringe districts. Renaissance Zone tax incentives, storefront improvement and low interest loan programs are successfully enticing commercial property owners to show pride in their businesses and back it with investment.

- Since the Renaissance Zone and Storefront Improvement programs were established in 2005 and 2006, 37 commercial properties have been newly constructed, expanded or rehabilitated. Another six projects are in process including renovation of the three-story building across the street. The owner plans to invest approximately \$3.6 million to make 101 E Main a professional office center.

Site Profile

100 Block of East Main

These properties are on a city block that includes the Mandan Fire Station, an insurance agency, hair salon, home construction and apartment management firm, vacant building, and city-owned parking lot. Average daily traffic volume according to a N.D. Department of Transportation 2009 count is 14,745 vehicles on Main Street, 5,085 vehicles on Collins Avenue and 4,980 to 5,380 vehicles traveling on First Street to the west and east of Collins Avenue.

1. 100 Collins Avenue and 104, 106, 108 East Main Street
 - Block 6, Lots 11-15, Mandan Proper
 - 16,250 ft² (125' X 130')

Former buildings on site demolished in 2007 and 2008; all debris, footings and foundations removed from the lot itself up to the property line, but not from beneath the sidewalk's surface; fill compacted to construction standards. Soil tests on compaction of fill by Midwest Testing Laboratories are available.

Other Site Facts

Site control

The City of Mandan owns the redevelopment parcels. In order to facilitate a larger-scale development, the developer may identify and propose strategic partnerships with adjacent property owners.

Property Tax Estimates (2011 levy of 403 mills equal to 2.02% of value

Full and true value followed by annual property tax payment

- 100 Collins Avenue — land, \$31,900; \$643 annually
- 104 E Main Street — land, \$16,300; \$328 annually
- 106 E Main Street — land, \$15,700; \$316 annually
- 108 E Main Street — land, \$15,300; \$308 annually

Special Assessments

Payoff balances figured to 2/28/2012

- 100 Collins Avenue — payoff of \$11,631.86; annual payment of \$1719.21
- 104 E Main Street — payoff of \$2,410.30; annual payment of \$368.36
- 106 E Main Street — payoff of \$2,410.30; annual payment of \$368.36
- 108 E Main Street — payoff of \$2,410.30; annual payment of \$368.36

Zoning

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

Lot coverage

Proposed developments should fill in the open space between existing buildings (i.e. be constructed from lot line to lot line or include a landscaping plan that proposes an acceptable use of space).

Architectural standards

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

- A minimum height of two stories or 20 feet. Corner buildings are to be within the average height of buildings occupying adjacent corners. In this case, the adjacent buildings are each three stories (historic Kelsch Law Firm, Fire Station and Iverson buildings).
- Colors and materials are to be compatible with or complementary to those used for buildings on adjoining parcels.
- Regarding building materials, the ordinance states “all walls visible from the street shall be primarily faced with brick, stone, architectural or pre-cast concrete, EFIS, stucco, or an equivalent or better. The use of plain surface concrete or block shall be prohibited (i.e. the surface must be dimensional). Non-transparent glass shall be prohibited from covering more than 40 percent of the exterior walls.”
- No set backs are required on this property and 100% lot coverage is allowed. As such, the Mandan Architectural Review Commission is apt to discourage a visual break between a building on this set of parcels and the adjacent Main Street building. Regarding alignment, the ordinance states, “New infill development in the Downtown District shall maintain the continuity of setback and alignment of adjoining facades at the property line.”

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

Ingress/egress

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

Parking

Off-street parking is not required for properties within the Downtown Parking District (Mandan Municipal Code 21-03-10.6), but provision in plans for some parking may be favored, depending upon uses, in consideration of any City business incentive programs.

Customer parking restricted to 90 minutes is available on Main Street and the avenues. Parking is enforced Mondays through Fridays during daytime hours. A courtesy ticket is issued to those who park overtime in a time-restricted area if the vehicle has not been associated with a violation in the previous 180 days.

Public parking areas are located in close proximity to the parcels. Following is their status:

- Lot C (south of Main Street between Collins Avenue and First Avenue NW) — 52 spaces with 7 for public parking restricted to 90 minutes, 4 spaces designated for Papa Murphy's parking, and 41 available free of charge for all-day parking with exception of no overnight parking allowed two to three nights a week.
- Lot D (west of Collins Avenue) — contains 26 spaces including 17 spaces available to the public with a 90-minute restriction and 9 spaces rented for all-day parking.
- Lot E (south side of Fire Station) — 11 spaces; all currently rented at \$20 per month.
- Lot F (east side of Fire Station) — 11 spaces reserved for firefighters; 46 spaces available for rent at \$20 per month; only 20 spaces are currently rented. Removal of a shed on the lot could free up a couple more spaces. A request for a long-term lease arrangement of parking spaces could be considered by the Parking Authority.
- Additionally, 90-minute customer parking is available on Main Street and the avenues. Lots on the south side of Main and west of Collins Avenue are free and available for use by the public.

A parking map is available.

Historic district

The properties are located in the vicinity of historic buildings. The preferred redevelopment projects will be of a classical architectural character that is sensitive to the defining features of buildings in the district.

Utilities

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

Site remediation

The City originally acquired the site for the purpose of remediating an underground fuel spill with redevelopment as the ultimate goal. Remediation has been occurring on the site since 2007 with eight monitoring and extraction wells located within the property lines. Monitoring wells have shown no measurable product for some time. The Mandan Remediation Trust is likely to allow removal of the wells and associated pipes contingent upon final approval by the N.D. Health Department.

Per the city's environmental institutional control ordinances, new construction must be slab on grade, but elevators and underground parking are permissible with appropriate designs. A

contingency plan is required that may need to incorporate vapor barriers or a venting system as determined by a professional engineer. Plans are subject to City of Mandan Building Inspection and N.D. Health Department approval.

Site Access

Periodic access to the extraction wells in the sidewalk adjacent to the lots on quarterly basis will be required for the duration of the remediation and monitoring process.

Liability Protection

North Dakota Century Code 23-20.3-03.1 as amended during the 2005 state legislative session provides that a purchaser of property cannot be held liable for the cleanup of an environmental condition as long as the party does not contribute to or worsen the condition. Pursuant to this legislation, property owners, prospective owners, lenders, and tenant/operators may submit a Request for Responsibility Exemption and Regulatory Assurance (SFN 59226) from the North Dakota Health Department.

Institutional Control Ordinance

The properties are within the city's Environmental Institutional Control District as defined by the Mandan Code of Ordinances Chapter 21-10 (created by Ordinance 1002) which establishes requirements for liability assurances. New construction must be slab on grade. A contingency plan is also required that may need to incorporate vapor barriers, a venting system, groundwater suppression/collection, and specialized HVAC as determined by a professional engineer.

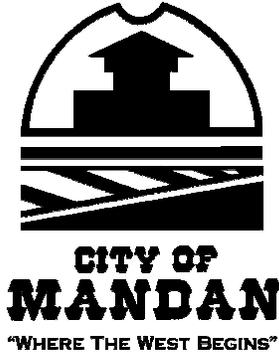
Development Incentives

The City of Mandan offers several incentive tools to assist with business start-ups and expansions. Programs for development projects and businesses locating downtown include the Renaissance Zone, which provides 100% five-year property and state income tax exemptions for qualified projects. A full or partial extended exemption through Tax Increment Financing may be considered for projects of at least \$1.25 million that meet program objectives. These incentives are subject to application, review and approval by the appropriate decision-making bodies.

Resource Contact Information

<u>Title</u>	<u>Name</u>	<u>Phone</u>
City Staff		
City Administrator	Jim Neubauer	701-667-3215
Business Development Director	Ellen Huber	701-667-3485
Engineering and Planning -Project Director	Dave Bechtel	701-667-3225
Building Inspection and Assessing	Richard Barta	701-667-3230
Finance Director	Greg Welch	701-667-3213
Public Works	Jeff Wright	701-667-3240
Fire Chief	Steve Nardello	701-667-3288
Advisors/Consultants		
Economic Development	Bismarck-Mandan Development Association Richard Mower	701-222-5530
Environmental Remediation	Leggette, Brashears & Graham Tim Kenyon Ken Kytta	605-334-6000 906-523-6028
	N.D. Health Dept. Scott Radig	701-328-5166
Mandan Remediation Trust	Francis "Fritz" Schwindt	701-471-9899

For additional information such as the City of Mandan's Downtown Redevelopment Plan, site plan and building design requirements, and remediation reports, visit www.cityofmandan.com. If you have other questions not answered here, please contact Ellen Huber, City of Mandan Business Development & Communications Director at 701-667-3485 or ehuber@cityofmandan.com.



Board of City Commissioners

Agenda Documentation

MEETING DATE: September 18, 2012
PREPARATION DATE: September 13, 2012
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR:
PRESENTER: Dave Bechtel
SUBJECT: Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6th & 7th Additions).

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

BACKGROUND/ALTERNATIVES: The developer is requesting that the City allow the special assessment of street costs to the benefitting properties for the development of an additional subdivision of the Lakewood area, specifically along McKenzie Drive west of 40th Avenue SE. This project would construct the streets of McKenzie Drive (extension), Oxbow Drive SE and Genoa Court SE. The addition would bring approximately another 35 lots online for building. The developer would also be asking for the Water and Sewer to be installed by special assessment also to provide City services to all the lots.

ATTACHMENTS:

1. Letter of Request
2. District Map
3. estimated special assessment

FISCAL IMPACT: Based on the estimate of cost included with your documentation, the cost of the project would be \$881,988.25, engineering and administration will add \$220,497.06, bring the total to \$1,102,485.31. These items would be entirely special assessed to the benefitting properties. The City of Mandan would not participate in any costs as there is no oversizing or over depth utilities with this project. The new school location purchased by the school district will be highly affected by these specials. See the attached documentation for special assessment breakouts.

STAFF IMPACT: Minimal

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

Board of City Commissioners

Agenda Documentation

Meeting Date: September 18, 2012

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

Page 2 of 9

RECOMMENDATION: This office supports moving forward with the project.

SUGGESTED MOTION: I move to approve the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Street Improvement District No. 176, Project No. 2012-20.

Board of City Commissioners

Agenda Documentation

Meeting Date: September 18, 2012

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

Page 3 of 9

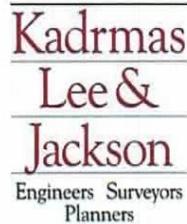
Board of City Commissioners

Agenda Documentation

Meeting Date: September 18, 2012

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

Page 4 of 9



September 13, 2012

City Commissioners
C/O Mr. Dave Bechtel
City of Mandan, ND
205 Second Avenue NW
Mandan, ND 58554

Re: Street and Utility Improvement Petitions for Lakewood 6th and 7th Addition

Dear Honorable Commissioners:

On behalf of Mitzel Builders Inc. we hereby request an amendment to our original petition seeking one Special Assessment District for Lakewood 6th and 7th Additions to now include two separate Special Assessment Districts for the public improvements within the right-of-way in the Lakewood 6th and 7th Additions to the City of Mandan, ND.

On August 30th, 2012 we submitted a similar request for a single district to cover all costs related to the streets, storm, sanitary sewer and water for the aforementioned streets. Subsequent to this request, and with conversations with City staff related to the seasonal end of road construction, we are amending our prior request for a single district with this request for two districts; one for lighting, signs, paving and storm sewer, and the other for potable water and sanitary sewer.

The scope of work remains the same, only separated into two districts to make bidding and the timing of construction more convenient. Attached you will find engineers opinions of probable costs that correlate to the Street Improvements and Utility Improvement Districts.

Thank you for your time and consideration of this amendment to the initial petition. Please feel free to contact our office with any questions or concerns.

Sincerely,

Kadrmas, Lee & Jackson, Inc.

JD Nash
Planner II

701 355 8400
128 Soo Line Drive
PO Box 1157
Bismarck, ND 58502-1157
Fax 701 355 8781
kljeng.com

Board of City Commissioners

Agenda Documentation

Meeting Date: September 18, 2012

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

Page 5 of 9

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

Date: July 30, 2012

To the Honorable Board of City Commissioners
Mandan, North Dakota

Commissioners:

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

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

Mackenzie Drive
Oxbow Avenue
Genoa Court

SIGNATURE (Property Owner/s)



PROPERTY DESCRIPTION

Lakewood 6th Lot 1 Block 1

Lakewood 6th Lots 1-8, Block 2

Lakewood 6th Lot 9, block 2

Lakewood 7th Lots 1-5, Block 1, Lots 18-25, Block 1

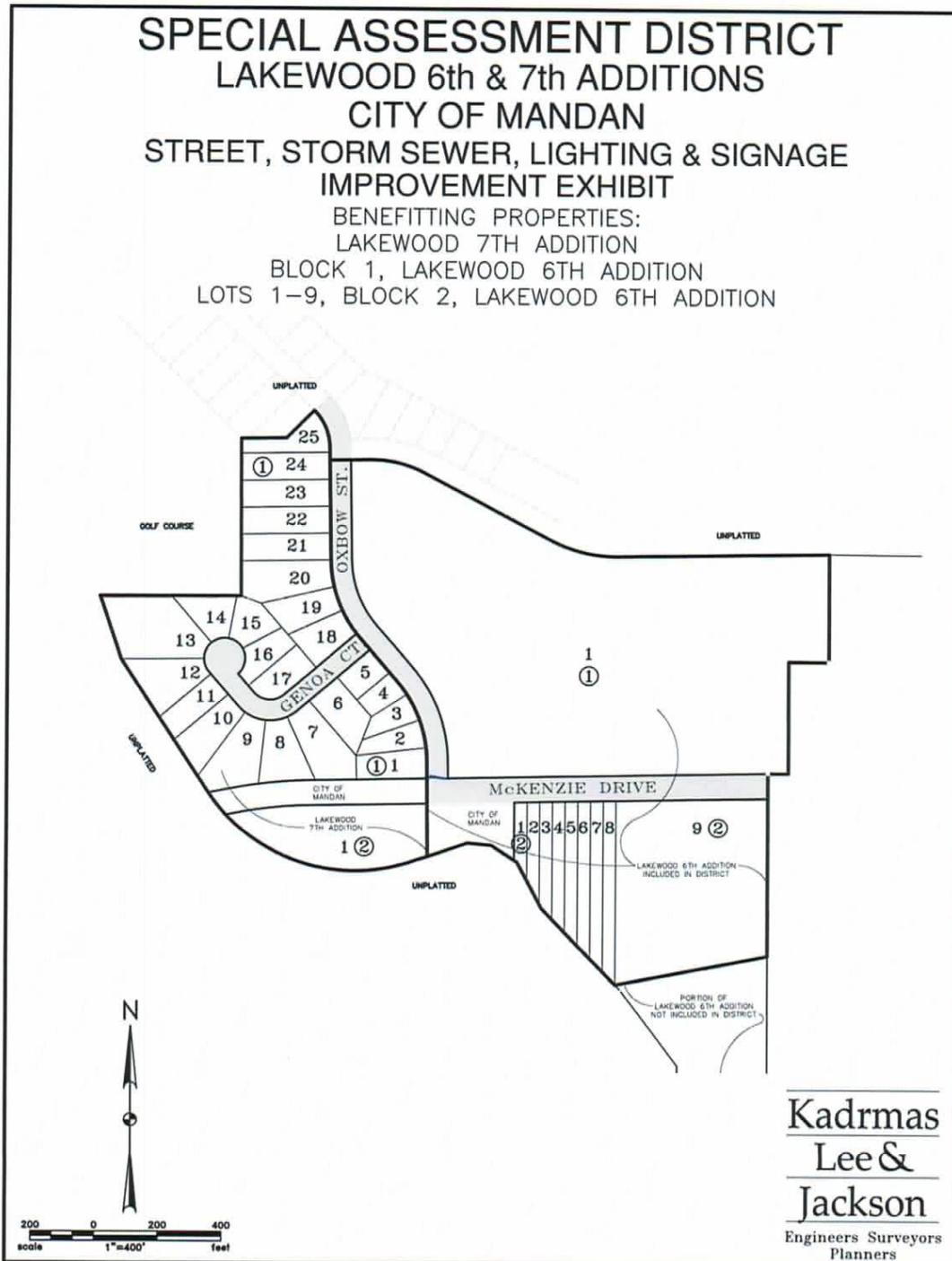
Board of City Commissioners

Agenda Documentation

Meeting Date: September 18, 2012

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

Page 6 of 9



Board of City Commissioners

Agenda Documentation

Meeting Date: September 18, 2012

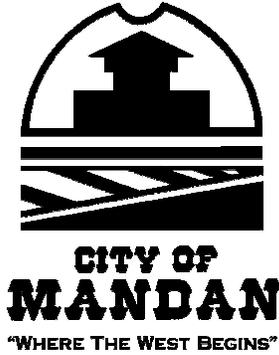
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Page 9 of 9

Genoa - Street Improvements
Street Improvement District (Lakewood 6th and 7th Additions)
Preliminary Assessment Schedule
September 13, 2012

Estimated Project Cost \$ 214,214.18
Assessable Front Footage 1189
Assessment per Lineal Foot (CL Length) \$ 180.11

Addition	Lot	Block	Feet	Assessment
Lakewood 7th	5	1	65.0	\$ 11,707.37
Lakewood 7th	6	1	116.1	\$ 20,918.36
Lakewood 7th	7	1	86.3	\$ 15,538.38
Lakewood 7th	8	1	69.9	\$ 12,589.92
Lakewood 7th	9	1	69.9	\$ 12,589.92
Lakewood 7th	10	1	78.5	\$ 14,146.10
Lakewood 7th	11	1	85.0	\$ 15,309.63
Lakewood 7th	12	1	54.7	\$ 9,844.99
Lakewood 7th	13	1	57.4	\$ 10,329.50
Lakewood 7th	14	1	57.4	\$ 10,329.50
Lakewood 7th	15	1	57.4	\$ 10,329.50
Lakewood 7th	16	1	136.9	\$ 24,652.11
Lakewood 7th	17	1	175.0	\$ 31,519.83
Lakewood 7th	18	1	80.0	\$ 14,409.07
			1189.33	\$ 214,214.18



Board of City Commissioners

Agenda Documentation

MEETING DATE: September 18, 2012
PREPARATION DATE: September 13, 2012
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR:
PRESENTER: Dave Bechtel
SUBJECT: Consider the creation of, approve the feasibility report, approve the plans and specifications for authorize a call for bids on Water & Sewer Improvement District No. 60, Project 2012-21 (Lakewood 6th & 7th Additions).

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

BACKGROUND/ALTERNATIVES: The developer has requested the consideration to special assess the water and sewer for the above referenced project. The project would be to extend the water and sewer from its current location to the west and north to the new developments of Lakewood 6th and 7th. McKenzie Drive is a proposed main arterial and the need for a district arises with the property north of this street being owned by the School District. As the School owns a very large tract it also borders the mentioned developments to the east as well. The district would facilitate the developer to assign costs to the other benefitting properties not owned by him. Typically this work is done via 3 way agreement with the developer footing the entire costs for the project. In that case the developer is able to adjust his costs to facilitate that work. In this situation he is unable to assign costs to the School lot as he is not the owner, and would have to bear a more than average cost per lot than is typical, which would make the development not feasible to construct. This procedure allows for that distribution of cost.

ATTACHMENTS:

1. Request by the developer
2. District Map
3. Estimated special assessment

FISCAL IMPACT: The estimate of cost for the project would be \$506,701.50, engineering and administration will add \$126,675.38, bringing the total to \$633,376.88.

Board of City Commissioners

Agenda Documentation

Meeting Date: September 18, 2012

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

Page 2 of 9

These items would be entirely special assessed to the benefitting properties. The City of Mandan would not participate in any costs as there is no oversizing or over depth utilities with this project. The new school location purchased by the school district will be highly affected by these specials. See the attached documentation for special assessment breakouts.

STAFF IMPACT: Minimal

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 for the creation of, approve the feasibility report, approve the plans and specifications for authorize a call for bids on Water & Sewer Improvement District No. 60, Project 2012-21.

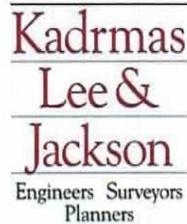
Board of City Commissioners

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Meeting Date: September 18, 2012

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

Page 3 of 9



September 13, 2012

City Commissioners
C/O Mr. Dave Bechtel
City of Mandan, ND
205 Second Avenue NW
Mandan, ND 58554

Re: Street and Utility Improvement Petitions for Lakewood 6th and 7th Addition

Dear Honorable Commissioners:

On behalf of Mitzel Builders Inc. we hereby request an amendment to our original petition seeking one Special Assessment District for Lakewood 6th and 7th Additions to now include two separate Special Assessment Districts for the public improvements within the right-of-way in the Lakewood 6th and 7th Additions to the City of Mandan, ND.

On August 30th, 2012 we submitted a similar request for a single district to cover all costs related to the streets, storm, sanitary sewer and water for the aforementioned streets. Subsequent to this request, and with conversations with City staff related to the seasonal end of road construction, we are amending our prior request for a single district with this request for two districts; one for lighting, signs, paving and storm sewer, and the other for potable water and sanitary sewer.

The scope of work remains the same, only separated into two districts to make bidding and the timing of construction more convenient. Attached you will find engineers opinions of probable costs that correlate to the Street Improvements and Utility Improvement Districts.

Thank you for your time and consideration of this amendment to the initial petition. Please feel free to contact our office with any questions or concerns.

Sincerely,

Kadmas, Lee & Jackson, Inc.

A handwritten signature in black ink that reads 'J.D. Nash'.

JD Nash
Planner II

701 355 8400
128 Soo Line Drive
PO Box 1157
Bismarck, ND 58502-1157
Fax 701 355 8781
kljeng.com

Board of City Commissioners

Agenda Documentation

Meeting Date: September 18, 2012

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

Page 4 of 9

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

Date: July 30, 2012

To the Honorable Board of City Commissioners
Mandan, North Dakota

Commissioners:

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

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

Mackenzie Drive
Oxbow Avenue
Genoa Court

SIGNATURE (Property Owner/s)	PROPERTY DESCRIPTION
	Lakewood 6 th Lot 1 Block 1
	Lakewood 6 th Lots 1-8, Block 2
	Lakewood 6 th Lot 9, block 2
	Lakewood 7 th Lots 1-5, Block 1, Lots 18-25, Block 1

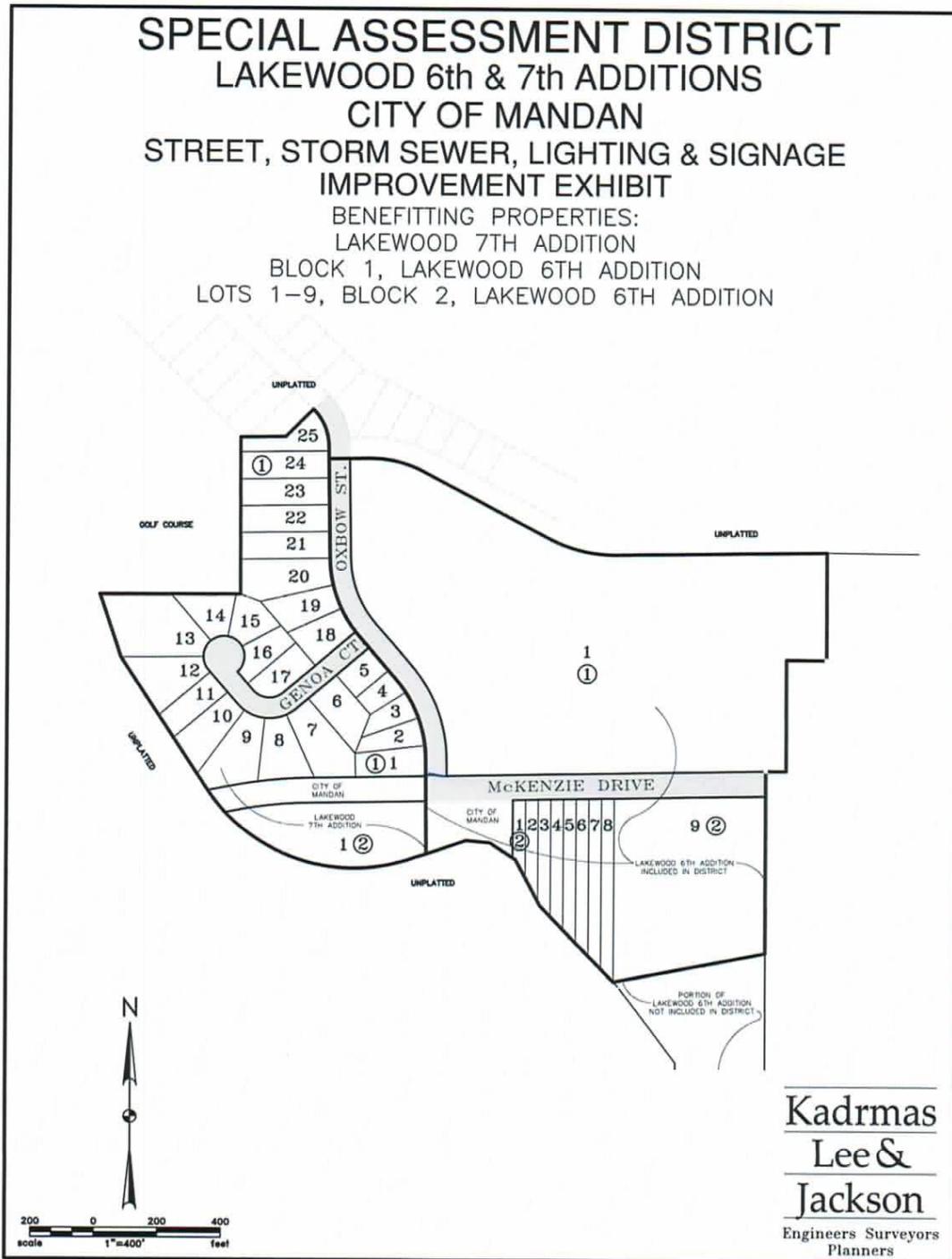
Board of City Commissioners

Agenda Documentation

Meeting Date: September 18, 2012

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

Page 5 of 9



Board of City Commissioners

Agenda Documentation

Meeting Date: September 18, 2012

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

Page 8 of 9

Genoa - Street Improvements
Street Improvement District (Lakewood 6th and 7th Additions)
Preliminary Assessment Schedule
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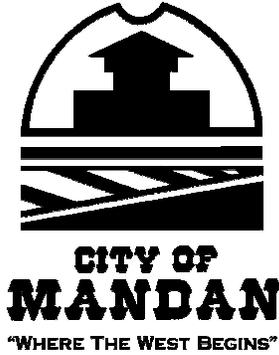
Board of City Commissioners

Agenda Documentation

Meeting Date: September 18, 2012

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

Page 9 of 9



Board of City Commissioners

Agenda Documentation

MEETING DATE: September 18, 2012
PREPARATION DATE: September 13, 2012
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR:
PRESENTER: Dave Bechtel
SUBJECT: Consider approval for a change order on Project 2010-13 D161 (North Mandan street project).

STATEMENT/PURPOSE: To consider allowing for a change order to provide extra funding for services on the above mention project.

BACKGROUND/ALTERNATIVES: Part of the above mentioned project was for work being done at the request and expense of the Mandan High School. The school requested some additional work not shown within the plans or in the original scope of the project. The work requested was for a loading/parking area on the south side of the school to be replaced. The work has already been done. The cost of their requested work was for \$65,200.92. With this change order there is one item related to the project not specific to the school project and it is for additional under drain work and installation to the total of \$1325.00. As the change order is in excess of \$50,000, the Commission has the final say in approving the change order.

ATTACHMENTS: 1. Change order agreement

FISCAL IMPACT: The change order is for the amount of \$66,525.92 and the majority of that cost is a direct benefit by request to the Mandan High School in the amount of \$65,200.92, which would be special assessed to them. The overall project hard cost increase would be in the amount of \$1325.00.

STAFF IMPACT: Minimal

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

RECOMMENDATION: As the action is brought about by request and becomes a direct cost to the property benefitting, I would recommend allowing for the change order on this project.

Board of City Commissioners

Agenda Documentation

Meeting Date: September 18, 2012

Subject: Consider approval for a change order on Project 2010-13 D161 (North Mandan street project).

Page 2 of 4

SUGGESTED MOTION: I move to allow the requested change order in the amount of \$66,525.92.

Board of City Commissioners

Agenda Documentation

Meeting Date: September 18, 2012

Subject: Consider approval for a change order on Project 2010-13 D161 (North Mandan street project).

Page 3 of 4

CHANGE ORDER NO. 1

PROJECT: Mandan Street Improvement Dist. #161 City Project # 2010-03

BRIEF DESCRIPTION OF CHANGE ORDER # ONE

Area 1- Added 2 foot wide trench drain on 9th Ave. NW.

MHS Parking Lot -Added Electrical Work, Pavement Marking Removal, South Parking Lot Improvement

Area 2 - Cost for Rock Bedding per Ton to facilitate Storm Sewer Installation

ENGINEER: Toman Engineering Company
501 1st Street NW
Mandan, North Dakota 58554

OWNER: City of Mandan

DATE: 8/6/12

CONTRACTOR: Northern Improvement Co.

CONTRACT DATE: 6-20-2012

TO THE CONTRACTOR: You are hereby authorized, conforming to Contract provisions, to make the Changes described on the reverse side of this sheet.

	WORK OR DOCUMENT	NET (DEDUCT)	NET ADD+
NET ADD +			\$ <u>66,525.92</u>
ORIGINAL CONTRACT AMOUNT:	\$	<u>8,978,372.48</u>	
PRIOR CHANGE ORDERS (+,-):	\$	<u>0.00</u>	
REVISED CONTRACT AMOUNT:	\$	<u>8,978,372.48</u>	
THIS CHANGE ORDER (+,-):	\$	<u>66,525.92</u>	
CONTRACT ADJUSTED AMOUNT:	\$	<u>9,044,898.40</u>	

TIME EXTENSION/REDUCTION N/A DAYS

OTHER CONTRACTS AFFECTED N/A

Board of City Commissioners

Agenda Documentation

Meeting Date: September 18, 2012

Subject: Consider approval for a change order on Project 2010-13 D161 (North Mandan street project).

Page 4 of 4

PROJECT: Mandan Street Improvement Dist. #161 CHANGE ORDER NO. ONE
City Project # 2010-03 TECo. # 2181

Description of Change Order Work

Area 1:

A) Added 8 LF of a 2 foot wide trench drain on 9th Ave. NW @
\$165.00/LF = \$1325.00

MHS Parking Lot:

B) Electrical Work- Relocated pull box, installed new wire to new pull box location, and lowered existing conduit through parking lot area. Lump Sum of \$1,072.52
D) Pavement Marking Removal on existing parking lot. Lump Sum of \$ 440.00
E) South Parking Lot Improvement (See Attached Bid Schedule) \$63,688.40

Area 2:

Added Rock Bedding Bid Items for Storm Sewer Installation

F) Class 43 Rock @ \$38.50/TON
G) 5/8" Crushed Rock @ \$32.45/TON

Change Order # 1 Approximate Total= \$66,525.92

SUBMITTED BY:  DATE: 8-27-12
(Engineer's Signature)

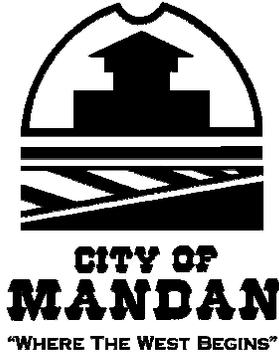
APPROVED BY: _____ DATE: _____
(Owner's Signature)

ACCEPTED BY: Bruce Thompson DATE: 8-27-12
(Contractor's Signature)

RECOMMENDED BY: _____ DATE: _____

DISTRIBUTION: Owner, Contractor, Engineer, Field Representative;

Other _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: September 18, 2012
PREPARATION DATE: September 14, 2012
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Residential Trash Collection Agreement

STATEMENT/PURPOSE: The contract residential waste collection contract has an option to extend the contract 5 additional years at a set price. Commission action is necessary to exercise the option of so chosen.

BACKGROUND/ALTERNATIVES: On April 3, 2012 the City Commission exercised an option to extend residential trash collection agreement with at the time, Dakota Sanitation, which has no changes its name to Armstrong Sanitation (Armstrong). In Exhibit A, the Board approved language proposed by Armstrong "Please note Article #1 of the Agreement. Dakota Plus wishes to extend this agreement for the next 5 years with the option to extend the term for an additional 5 years..."

The option to extend for the next five years would be \$.05/household/month and increase each year by \$.05

The contract is due to expire on October 31, 2012. Options available to the Board are as follows:

1. Exercise the option to extend the contract for 5 years
2. Rebid for the services provided
3. Take this under consideration and act on it next meeting.

Relatively speaking, there have been few complaints regarding the service provided by Armstrong. When complaints arise, Peggy Becker has been more than willing to deal with them in a prompt fashion.

Based on what I have seen other cities charge for residential trash collection (many in the \$15-\$17 range charge to residents, we are currently \$10.05) I believe the contract to be fair and would recommend extending the term of the contract for an addition five years.

ATTACHMENTS: May 4, 2007 letter to Ms. Becker along with related attachment

FISCAL IMPACT: There are approximately 5,664 household accounts which equates to 8,447 units. The \$.05/household/month/year increase amounts to roughly \$5,068/year. The increase per year amounts to roughly 1% per year. We do have that increase projected into the 2013 budget and 2014 & 2015 projections.

STAFF IMPACT: n/a

LEGAL REVIEW: n/a

RECOMMENDATION: I would recommend approving an additional five years to the contract with Armstrong Sanitation.

SUGGESTED MOTION: I move to approve an additional five years to the contract with Armstrong Sanitation.



"WHERE THE WEST BEGINS"
May 4, 2007

CITY OF MANDAN

MANDAN CITY HALL - 205 2nd Avenue NW
MANDAN, NORTH DAKOTA 58554

CITY DEPARTMENTS

ADMINISTRATION	667-3215
ASSESSING/BUILDING INSPECTION	667-3230
ENGINEER/PLANNING	667-3225
FINANCE	667-3213
FIRE	667-3288
PERSONNEL	667-3217
POLICE	667-3250
PUBLIC WORKS	667-3240
SPECIAL ASSESSMENTS	667-3211
WASTE WATER PLANT	667-3278
WATER BILLING	667-3219
FAX	667-3223

Ms. Peggy Becker, President
Dakota Sanitation Plus, Inc
3009 North Shore Loop SE
Mandan, ND 58554

Re: Residential Trash Collection Agreement

Dear Ms. Becker:

The Board of City Commissioner met on April 3, 2007 to consider your request to extend our agreement for an additional five years as outlined in Section 1, of the existing contract.

Section 1. Term of Agreement

1.1 This agreement shall be in full force and effect retroactively for the period commencing November 1, 2002, and ending October 31, 2007, with a unilateral option of the City to extend the term for an additional five (5) years as provided herein, unless sooner terminated by mutual agreement of the parties or terminated due to a default of either of the parties in the performance of this Agreement.

The Board approved your request thereby extending the contract from November 1, 2007 through October 31, 2012, with the option to extend for an additional five years.

Section 8, of the original agreement is amended as follows:

<u>Period Beginning</u>	<u>Period Ending</u>	<u>Rate</u>
November 1, 2007	October 31, 2008	\$4.05/Month/Household
November 1, 2008	October 31, 2009	\$4.10/Month/Household
November 1, 2009	October 31, 2010	\$4.15/Month/Household
November 1, 2010	October 31, 2011	\$4.20/Month/Household
November 1, 2011	October 31, 2012	\$4.25/Month/Household

I have enclosed, for future reference your request for the contract extension as Exhibit A, along with the original Agreement as Exhibit B.

If you should have any questions, please feel free to contact me at your convenience.

Sincerely,

Jim Neubauer

City Administrator

Voice: 701.667.3215

Email: jneubauer@cityofmandan.com

Web: www.cityofmandan.com

Dakota Sanitation Plus Inc.
3009 North Shore Lp. SE
Mandan, ND 58554

March/20, '2007

City Mandan
Board Members

Mr Jim Neubaum.

Please Note Article #1 of The Agreement. Dakota Plus Wishes
To Extend This Agreement For The Next 5/Years with The
Option To Extend The Term For An Additional 5/Years

Starting Nov/2007 Thru Oct/31 '2012 with only a .05 Increase
Per Year

Nov '2007 Thru Oct '2008	\$ 4.05
Nov/2008 Thru Oct/2009	\$ 4.10
Nov/2009 Thru Oct/2010	\$ 4.15
Nov/2010 Thru Oct/2011	\$ 4.20
Nov/2011 Thru Oct/2012	\$ 4.25

Apr. 1^{3rd}
~~Commission~~

Dakota Sanitation Plus Inc
Peggy Becker President

Peggy Becker

City Mandan

Dakota Sanitation Plus Inc.
3009 North Shore Lp. SE
Mandan, ND 58554

	1997-1998	\$ 3.60
	1998-1999	\$ 3.60
5/ year's	1999-2000	\$ 3.65
	2000-2001	\$ 3.70
	2001-2002	\$ 3.75
	2002- 2003	\$ 3.80
	2003-2004	\$ 3.85
	2004-2005	\$ 3.90
	2005-2006	\$ 3.95
10 Year's	2006-2007	\$ 4.00
	2007-2008	\$ 4.05
	2008-2009	\$ 4.10
	2009-2010	\$ 4.15
	2010-2011	\$ 4.20
15 Year's	2011-2012	\$ 4.25
	2012-2013	\$ 4.30
	2013-2014	\$ 4.35
	2014-2015	\$ 4.40
	2015-2016	\$ 4.45
20 year's	2016-2017	\$ 4.50
	2017-2018	\$ 4.55
	2018-2019	\$ 4.60
	2019-2020	\$ 4.65
	2020-2021	\$ 4.70
25 year's	2021-2022	\$ 4.75
	2022-2023	\$ 4.80
	2023-2024	\$ 4.85
28/ Year's	2024-2025	\$ 4.90

RESIDENTIAL TRASH COLLECTION AGREEMENT

THIS AGREEMENT, Made and entered into as of the 6 day of April, 2004, by and between the CITY OF MANDAN, a municipal corporation, party of the first part, hereinafter called "City"; and Dakota Sanitation Plus, Inc., a corporation of the State of North Dakota, party of the second part, hereinafter called "Company".

Section 1. Term of Agreement

1.1 This agreement shall be in full force and effect retroactively for the period commencing November 1, 2002, and ending October 31, 2007, with a unilateral option of the City to extend the term for an additional five (5) years as provided herein, unless sooner terminated by mutual agreement of the parties or terminated due to a default of either of the parties in the performance of this Agreement.

Section 2. Provisions of Specific Performance by Company

During the term of this agreement and in consideration of the payment received, the Company agrees to perform the following tasks:

2.1 To collect from the entire residential section of the City of Mandan, North Dakota, and from all residences, dwellings and apartment houses therein all garbage and refuse as the same are defined by the ordinances of the city and amendments thereto, and all rubbish, which shall mean and includes bottles, glass, scraps of iron or rubber, and other similar accumulations when the same is disposed in a garbage can or other container of similar size.

2.2 To deliver such garbage and rubbish to the City's Solid Waste Transfer Station, and to unload the same at such points therein as may be designated by the city employees in charge thereof. In the event the City should move the location of its Solid Waste Transfer Station, it is agreed that the parties will renegotiate those terms of this contract which directly relate to location of the transfer station.

2.3 To make such residential collections at least once each week unless holidays, weather or street conditions make it impossible to do so. In the event holidays, weather or street conditions prevent the weekly trash collection or require a change in the day of the week on which the trash collection will occur, the Company will provide notice to the public

of the change by the means of newspaper, radio or television, whichever is most apt due to the reason for the delay to provide adequate notice to the citizens of the City.

2.4 To furnish all labor, equipment, fuel and supplies required in connection with the rendering of said service and to furnish and provide at least two (2) reliable garbage trucks therefor, fully enclosed to prevent the loss or leakage of any such garbage and rubbish therefrom while such equipment is in operation on the streets and alleys of the City.

2.5 To keep up and maintain trucks and equipment in good repair and operating condition and to replace the same with other equipment if necessary for the full performance of this agreement.

2.6 To rectify all complaints concerning garbage collections within twenty-four (24) hours of notice of such complaint given by the City or by any resident thereof.

2.7 To comply with all laws of the state and the rules and regulations or the state or local health authorities and directions from the city officials of the City relative to operation and maintenance of the services to be provided hereunder.

Section 3. Notice of Change in Schedule of Trash Collection

3.1 The Company must file with the City Administrator at least thirty (30) days in advance of the date thereof, a schedule of times or any change in the time at which garbage will be collected within the various sections of the City and to make such collections within a reasonable time after the time set for such collections in said schedule and to notify the City Administrator thirty (30) days in advance of any deviation from said schedule and the reason therefor.

3.2 The Company must provide a written notice to the occupants of property within any area of the City affected by a change in scheduling at least fifteen (15) days prior to the effective date of the scheduling change.

Section 4. Performance Bond Required of Company

4.1 The Company must furnish the City with a performance bond in the amount of \$150,000.00 to guarantee that the Company shall fully perform the provisions of this agreement and to indemnify the City against any loss or damages which may result from a breach of contract by the Company or which result from the Company's operations under the terms of this agreement.

Section 5. Insurance Coverage

5.1 The Company shall carry and maintain comprehensive Commercial General Liability (CGL) insurance containing standard CGL coverages, subject to the following:

- 5.1.1 The coverages shall not be less than \$1 million combined single limit coverage for each occurrence of bodily injury or property damage. The policy shall include coverage for blanket contractual liability.
- 5.1.2 The insurance coverage shall name the City and its commissioners, officers, employees, and agents as additional insureds for all claims arising out of the Company's performance of its obligations under this Agreement and its drilling and other work activities within the City of Mandan. The coverage shall also waive any claim of premium or commissions against the City. Finally, the coverage provided to the City as an additional insured shall be independent of and not limited by any contractual indemnity running in favor of the City.
- 5.1.3 The insurance coverage shall be primary without right of contribution from any other insurance carried by the City.
- 5.1.4 The Company shall provide to the City, a certificate of insurance, indicating the amount and coverage requirements noted above, including the naming of the City and its commissioners, officers, employees, and agents as an additional insureds. The City's receipt of an insurance certificate containing terms and conditions different from that specified above shall not be deemed a waiver of any of the foregoing insurance requirements.

Section 6. Indemnification of City

6.1 The Company shall fully defend, indemnify, and hold harmless the City from and against any and all claims, liability, damages, or loss to persons or property caused or alleged to have been caused directly or indirectly by any act or omission on the part of the Company, any of its contractors, employees, or agents arising out of or in any way connected with the Company's performance of the terms of this Agreement.

Section 7. Location of Pickup by Company

7.1 The Company shall make pick-up in the alleys behind the residence or at the curbside in front of the residence. A map has been provided to indicate where alley pick-ups shall be made within the City.

Section 8. Payment by City for Services under Agreement

8.1 The City agrees to pay the Company monthly for the service performed by it during the term of this Agreement, for each residence receiving such service in accordance with the following schedule, namely:

<u>Period Beginning</u>	<u>Period Ending</u>	<u>Rate</u>
November 1, 2002	October 31, 2003	\$3.80/Month/Household
November 1, 2003	October 31, 2004	\$3.85/Month/Household
November 1, 2004	October 31, 2005	\$3.90/Month/Household
November 1, 2005	October 31, 2006	\$3.95/Month/Household
November 1, 2006	October 31, 2007	\$4.00/Month/Household

8.2 For the purpose of this agreement it is agreed that as of November, 2002, it is estimated that there will be approximately 7,000 locations receiving such service. That as of November 1, 2002, and quarterly thereafter, the City Administrator shall determine the number of residences then receiving such service, which number shall be used to compute the total payment the Company shall receive each month for the ensuing three month period.

8.3 If the City exercises its option to renew this Agreement, payment for services performed during the term of the option will be based upon the rate paid during the last year of this Agreement.

Section 9. Penalty for Failure to Collect Trash

9.1 In the event the Company through neglect, mechanical failure or other cause, except weather and street conditions, shall fail to collect the garbage and rubbish from the entire residential section at least once each week, the sum of \$7,500.00 shall be deducted from the monthly payment set forth above as a penalty for each such failure to make any required collecting during such month, or if the Company should fail to make such collections within any section of the City, the sum of \$10.00 per block or fraction thereof shall be deducted from such monthly sum for each time any block or fraction thereof shall not receive garbage service as required hereunder.

Section 10. Notice by City of Penalty Imposed

10.1 The City shall notify the Company in writing within fifteen (15) days of the occurrence of any event, neglect or other cause for which the City may impose a penalty on

the Company within the preview of Section 10 hereof, such notice setting forth the time, location and nature of the City's complaint.

Section 11. Arbitration of Claim by City for Penalties

11.1 It is agreed that the Company may submit any claim by the City for penalties as set forth in Section 3(a) hereof to arbitration, each party hereto to appoint one arbitrator and the two so appointed to appoint a third, and that such arbitrators shall then determine whether any such claims for penalty and the amount thereof made by the City is fair and equitable under the circumstances. Notice of the Company's election to submit such claim to arbitration shall be made in writing to the City Administrator within thirty (30) days of any notice given by the City pursuant to Section 7 hereof.

Section 12. Agreement Not Assignable Without Notice and Acceptance by City

12.1 This Agreement shall not be assignable by the Company without the written consent of the City, nor shall the Company sublet any part of the work or services agreed to be performed for the City without such consent.

Section 13. Termination of Agreement

13.1 This Agreement may be terminated by the City at any time for just cause.

Section 14. Compliance with Applicable Laws

14.1 The Company shall comply with all applicable federal, state and local laws, rules, regulations and ordinances relating to its performance under the terms of the Agreement.

Section 15. Entire Agreement

15.1 This Agreement constitutes the entire agreement between the parties and supersedes any and all prior negotiations, undertakings, notices, memoranda, and agreements between the parties, whether oral or written in respect of the subject matter hereof.

Section 16. Notices

16.1 All notices required or permitted by this Agreement shall be deemed given when delivered to the receiving party in person or by United States Certified Mail, return receipt requested, postage prepaid, to the last known address of the party.

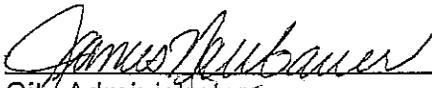
IN WITNESS THEREOF, The parties hereto have caused this Agreement to be executed as of the date first above written.

CITY OF MANDAN



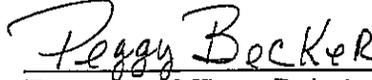
President, Board of City Commissioners

ATTEST:



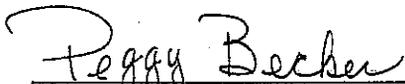
City Administrator

DAKOTA SANITATION PLUS, INC.

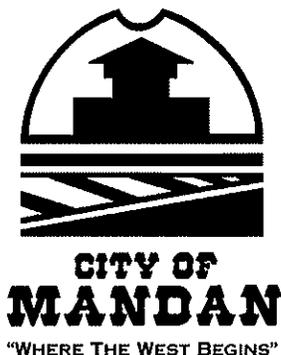


Executive Officer, Dakota Sanitation Plus, Inc.

ATTEST:



Secretary, Dakota Sanitation Plus, Inc.



Board of City Commissioners

Agenda Documentation

MEETING DATE: September 18, 2012
PREPARATION DATE: September 12, 2012
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch
SUBJECT: Preliminary 2013 Budget

PURPOSES

1. To conduct a Public Hearing to review and discuss the Preliminary 2013 Budget.
2. To consider the second and final consideration of Ordinance No. 1129 adopting the 2013 Budget.
3. To consider the Resolution establishing rates and charges for services from the Water and Sewer Utility Fund.
4. To consider the Resolution establishing rates and charges for services from the Street Light 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, contracts 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 2013 Budget is in compliance with these legal requirements and City Policies.

The proposed Budget for 2013 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 21, 2012 - The Board of City Commissioners passed the introduction and first consideration of Ordinance No. 1129 adopting the 2013 Budget.

The Preliminary 2013 Budget has been posted on the City's website at cityofmandan.com.

ATTACHMENTS

- Notice of Public Hearing
- Important Notice to City of Mandan Taxpayers (requirement under NDCC 57-15-02.1)
- Preliminary 2013 Budget
- Ordinance No. 1129
- Certificate of Levy
- Resolution establishing rates and charges for services from the Water and Sewer Utility Fund
- Resolution establishing rates and charges for services from the Street Light Utility Fund

FISCAL IMPACT

See Preliminary 2013 Budget

The annual cost for City services for an existing \$175,000 residential home with an average valuation increase of 0.1% (Board of Equalization) and using 8 units of water per month, excluding special assessments:

Property Taxes:

- 2012 Budget = \$769
- 2013 Budget = \$738
- Annual decrease = \$31

Utility Bill:

- 2012 Budget = \$790
- 2013 Budget = \$836
- Annual increase = \$46

Total:

- 2012 Budget = \$1,560
- 2013 Budget = \$1,574
- Annual increase = \$14

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, contracts and agreements.

RECOMMENDATIONS

1. To approve the second and final consideration of Ordinance No. 1129 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2013, and ending December 31, 2013, and making the annual tax levy for the year 2012.
2. To approve the Resolution establishing rates and charges for services from the Water and Sewer Utility Fund.
3. To approve the Resolution establishing rates and charges for services from the Street Light Utility Fund.

SUGGESTED MOTIONS

1. Move to approve the second and final consideration of Ordinance No. 1129 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2013, and ending December 31, 2013, and making the annual tax levy for the year 2012.
2. Move to approve the Resolution establishing rates and charges for services from the Water and Sewer Utility Fund.
3. Move to approve the Resolution establishing rates and charges for services from the Street Light Utility Fund.

ORDINANCE NO. 1129

AN ORDINANCE MAKING THE ANNUAL APPROPRIATIONS FOR EXPENDITURES OR EXPENSES OF THE CITY OF MANDAN, NORTH DAKOTA, FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2013, AND ENDING DECEMBER 31, 2013, AND MAKING THE ANNUAL TAX LEVY FOR THE YEAR 2012.

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, 2013, and ending December 31, 2013.

General Fund	\$8,542,000
Highway Distribution Fund	1,201,550
City's Share of Special Assessments Fund	165,700
Cemetery Fund	148,700
City Visitors' Promotion Fund	74,200
Alarm-Equipment Reserve Fund	22,700
City Sales Tax Fund	1,310,850
Public Transportation System Fund	100,000
Fire Equipment Reserve Fund	345,000
Mandan Growth Fund	162,100
Narcotics Task Force Grant Fund	86,500
Police Equipment Reserve Fund	7,000
Traffic Safety Grants Fund	10,100
Underage Drinking Enforcement Grant Fund	1,000
Narcotics Task Force Grant Fund-HIDTA	49,200
BNSF Settlement Fund	1,500
Mandan SEP Trust Fund	1,750
Downtown Redevelopment Fund	67,300
Mandan Community Center Revenue Bonds of 2005 Fund	138,750
Liberty Memorial Bridge General Obligations Bonds Fund	64,700
Refunding Improvement Bonds Fund	5,935,550
City Visitors' Promotion Capital Construction Fund	8,350
Water and Sewer Utility Fund	6,071,800
Solid Waste Utility Fund	1,362,450
Street Light Utility Fund	393,550
City Shop Fund	406,650
Morton Mandan Public Library	665,300
Mandan Airport Authority	5,282,932

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 2012 for the purpose of paying expenditures or expenses of the City of Mandan, North Dakota.

General Fund	\$3,380,926
City's Share of Special Assessments Fund	165,700
Cemetery Fund	93,138
Public Transportation System Fund	93,138
General Obligation Bonds Fund:	
Liberty Memorial Bridge	69,892
Refunding Improvement Bonds Fund:	
Street Improvement District #145	33,508
Street Improvement District #148	12,626
Mandan Airport Authority	186,277
Morton Mandan Public Library	325,985

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 21, 2012
Second Consideration: September 18, 2012
Final Passage and Adoption: September 18, 2012

CITY OF MANDAN, NORTH DAKOTA
Annual Budget for the Year Ended December 31, 2013
CERTIFICATE OF LEVY

COUNTY AUDITOR
COUNTY OF MORTON

You are hereby notified on the 18th day of September, 2012, the governing body of the City of Mandan, North Dakota, levied a tax of \$4,361,190, upon all the taxable property in the City for the calendar year ended December 31, 2013, which levy is itemized as follows:

<u>FUND</u>	<u>AMOUNT</u> <u>LEVIED</u>
General	\$3,380,926
City's Share of Special Assessments	165,700
Cemetery	93,138
Public Transportation System	93,138
General Obligation Bonds:	
Liberty Memorial Bridge	69,892
Refunding Improvement Bonds:	
Street Improvement District #145	33,508
Street Improvement District #148	12,626
Mandan Airport Authority	186,277
Morton Mandan Public Library	<u>325,985</u>
TOTAL AMOUNT LEVIED	<u>\$4,361,190</u>

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 18th day of September, 2012.

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) ~~\$16.10~~ \$17.80 for each single family dwelling
- 2) ~~\$16.10~~ \$17.80 for each mobile home
- 3) ~~\$32.20~~ \$35.60 for each duplex unit
- 4) ~~\$48.30~~ \$53.40 for all other multiple family units
- 5) ~~\$32.20~~ \$35.60 for all commercial and industrial enterprises
- 6) ~~\$48.30~~ \$53.40 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 ~~\$2.70~~ \$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 ~~\$1.75~~ \$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 ~~\$1.55~~ \$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 ~~\$1.55~~ \$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.

BE IT FURTHER RESOLVED that the rates and charges for services from the Water and Sewer Utility Fund shall be effective as of the first billing after January 1, 2013.

Dated this 18th day of September, 2012.

President, Board of City Commissioners

Attest:

City Administrator

RESOLUTION ESTABLISHING RATES AND CHARGES FOR SERVICES FROM THE STREET LIGHT 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 Street Light Utility Fund:

- 1) For each improved single-family dwelling, apartment house and multi-unit residential property, not within 300 feet on a lighted street the sum of ~~\$2.50~~ \$3.40 per month for general city-wide street lighting service.
- 2) For an improved single-family and multi-family residential property, within 300 feet on a lighted street the sum of ~~\$2.50~~ \$3.40 for providing lighting illuminating the premises, plus an additional \$1.00 for each dwelling unit for providing the general city-wide street lighting service.
- 3) For trailer courts, the sum of ~~\$2.50~~ \$3.40 for providing lighting illuminating the property area plus an additional \$1.00 for each trailer unit.
- 4) For each business, commercial and industrial property the sum of ~~\$4.50~~ \$5.40 for general city-wide street lighting service, plus an additional \$1.00 up to a maximum of three units for each business, commercial and industrial enterprise situated on the property.

BE IT FURTHER RESOLVED that the rates and charges for services from the Street Light Utility Fund shall be effective as of the first billing after January 1, 2013.

Dated this 18th day of September, 2012.

President, Board of City Commissioners

Attest:

City Administrator

**RESOLUTION OF VACATION
Board of City Commissioners
City of Mandan, North Dakota**

WHEREAS, Sanela Alagic, has submitted to the Board of City Commissioners of the City of Mandan a verified petition asking that a public right-of-way as platted in Helmsworth-McLean Addition, to the City of Mandan, Morton County, North Dakota be vacated. Said tract of land being the south 40' of 4th Street NE public right-of-way of the east quadrant of the intersection of 9th Avenue NE and 6th Avenue NE, as platted in Helmsworth-McLean Addition, lying in Section 26, Township 139N, Range 81W of the 5th Principal Meridian, City of Mandan, Morton County, North Dakota, more fully described as follows:

Beginning at the northwest lot corner of Lot 24, Block 29, Helmsworth- McLean Addition; thence north 11 degrees 28 minutes 48 seconds west a distance of 80.00 feet; thence south 78 degrees 31 minutes 12 seconds west a distance of 140.00 feet; thence south 11 degrees 28 minutes 48 seconds east a distance of 80.00 feet; thence south 78 degrees 31 minutes 12 seconds east a distance of 140.00 feet to the point of beginning.

WHEREAS, The Board having deemed it expedient to consider such petition and having ordered that said petition be heard by the Board at its regular meeting held at City Hall in the City of Mandan, North Dakota, on September 4, 2012, at 5:30 o'clock p.m., CT, and the City Administrator having published notice of the filing of the petition and the object therein in the official newspaper once each week for four (4) consecutive weeks, as required by law, which notice stated that the petition would be heard and considered on the date and time aforesaid, at which time any persons interested might appear and be heard, and proof of such publication of the notice having been made and filed; and

WHEREAS, on the 4th day of September, 2012, at 5:30 o'clock p.m., CT, being not less than thirty days after the first publication of the notice aforesaid, the Board of City Commissioners proceeded to hear the testimony and evidence of persons interested, and it appearing to the satisfaction of the Board of City Commissioners that said petitioners are the owners in fee simple of the property adjoining the street to be vacated; that objections to the requested vacation were addressed at the public hearing, that said petition was accompanied by a map of the area proposed to be vacated; which map is on file in the office of the City Administrator of Mandan; that by vacating the street described above, the property can be developed; and the facts and reason for the vacation of such area as established by the petition and the testimony and evidence are good and sufficient to justify the vacation of such area;

NOW, THEREFORE, BE IT RESOLVED By the Board of City Commissioners of the City of Mandan, North Dakota, that the south 40' of 4th Street NE public right-of-way of the east quadrant of the intersection of 9th Avenue NE and 6th Avenue NE, as platted in Helmsworth McLean Addition, City of Mandan, Morton County, North Dakota be and the same are hereby vacated.

BE IT FURTHER RESOLVED, That the within and foregoing Resolution shall become effective from the time of its passage and publication.

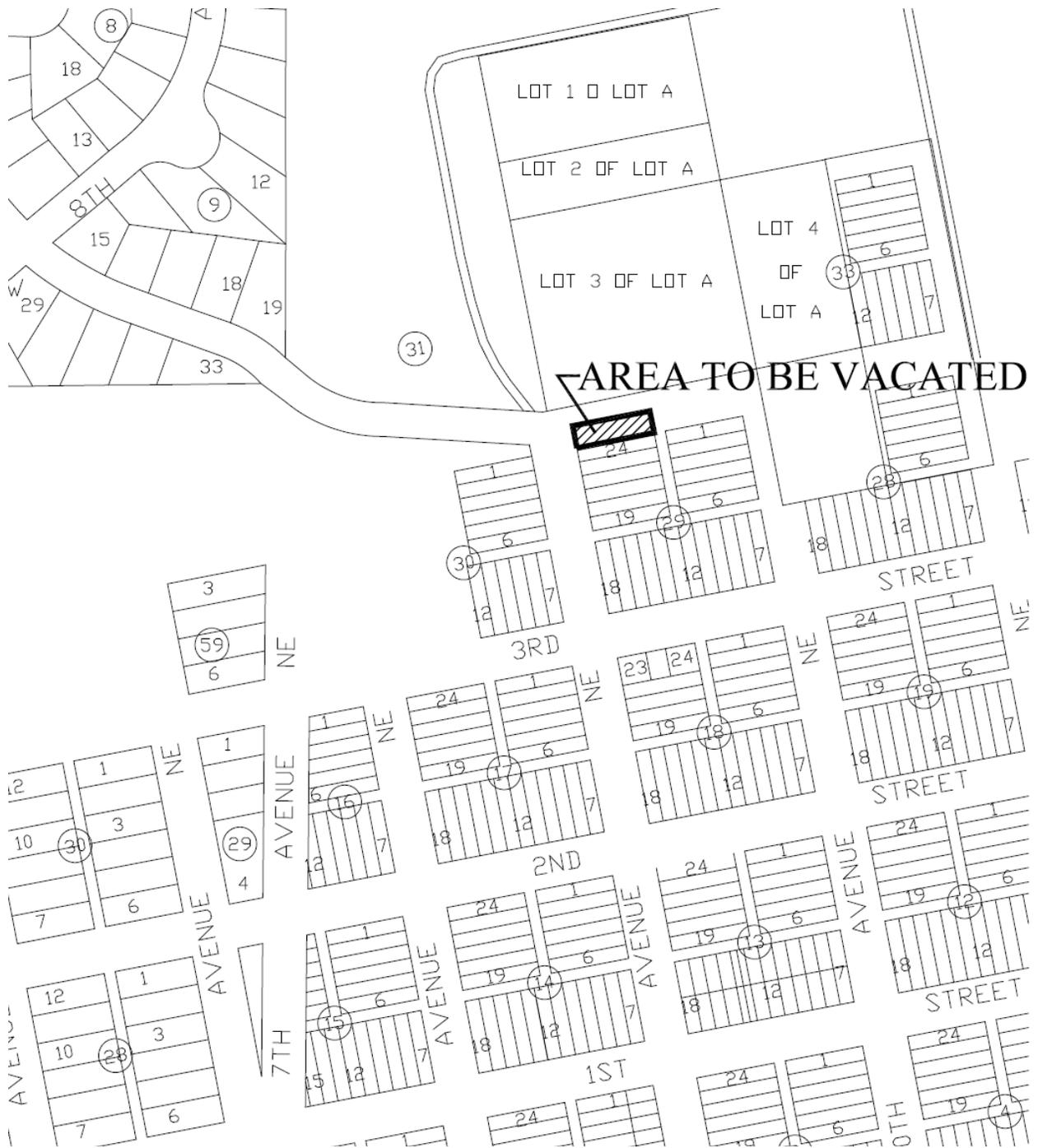
Approved and passed September 18th, 2012, by at least two-thirds vote of all the members of the Board of City Commissioners.

President, Board of City Commissioners
City of Mandan, North Dakota

Attest:

City Administrator

Public Notice Dates: August 10, 17, 24, 31, 2012
Public Hearing: September 4, 2012
First Consideration: September 18, 2012



STATE OF NORTH DAKOTA)
COUNTY OF MORTON)
CITY OF MANDAN) ss. **CERTIFICATE**

James Neubauer, the duly appointed city administrator and city auditor of the City of Mandan, Morton County, State of North Dakota, does hereby certify that attached hereto is a true and correct copy of a Resolution of Vacation of the City of Mandan, which was duly and finally passed and adopted by said Board of City Commissioners after notice of the public hearing on the request for vacation of the public right-of-way described therein had been duly published in the official newspaper of said City prior to the public hearing and final passage of said Resolution.

I do further certify that notice of the Board's approval to vacate said public right-of-way has been published and the original copy of said Resolution is on file in the office of the City Administrator of the City of Mandan.

Dated at Mandan, North Dakota, this 18th day of September, 2012.

James Neubauer, City Administrator
City of Mandan, North Dakota

**PUBLIC NOTICE OF
STREET VACATION**

Notice is hereby given that the Mandan City Commission, on Tuesday, September 18, 2012, following a public hearing, approved a resolution vacating the following public right-of-way namely, the south 40' of 4th Street NE public right-of-way of the east quadrant of the intersection of 9th Avenue NE and 6th Avenue NE, as platted in Helmsworth McLean Addition, lying in Section 26, Township 139N, Range 81W of the 5th Principal Meridian, City of Mandan, Morton County, North Dakota more fully described in the resolution.

This resolution is available for inspection and copying during normal working hours in the office of the City Administrator.

Dated this 18th day of September, 2012.

By: James Neubauer, City Administrator

Please Note: The city administrator is to cause the above notice to be published once following adoption of the street vacation resolution.

ORDINANCE NO. 1130

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

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

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

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

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

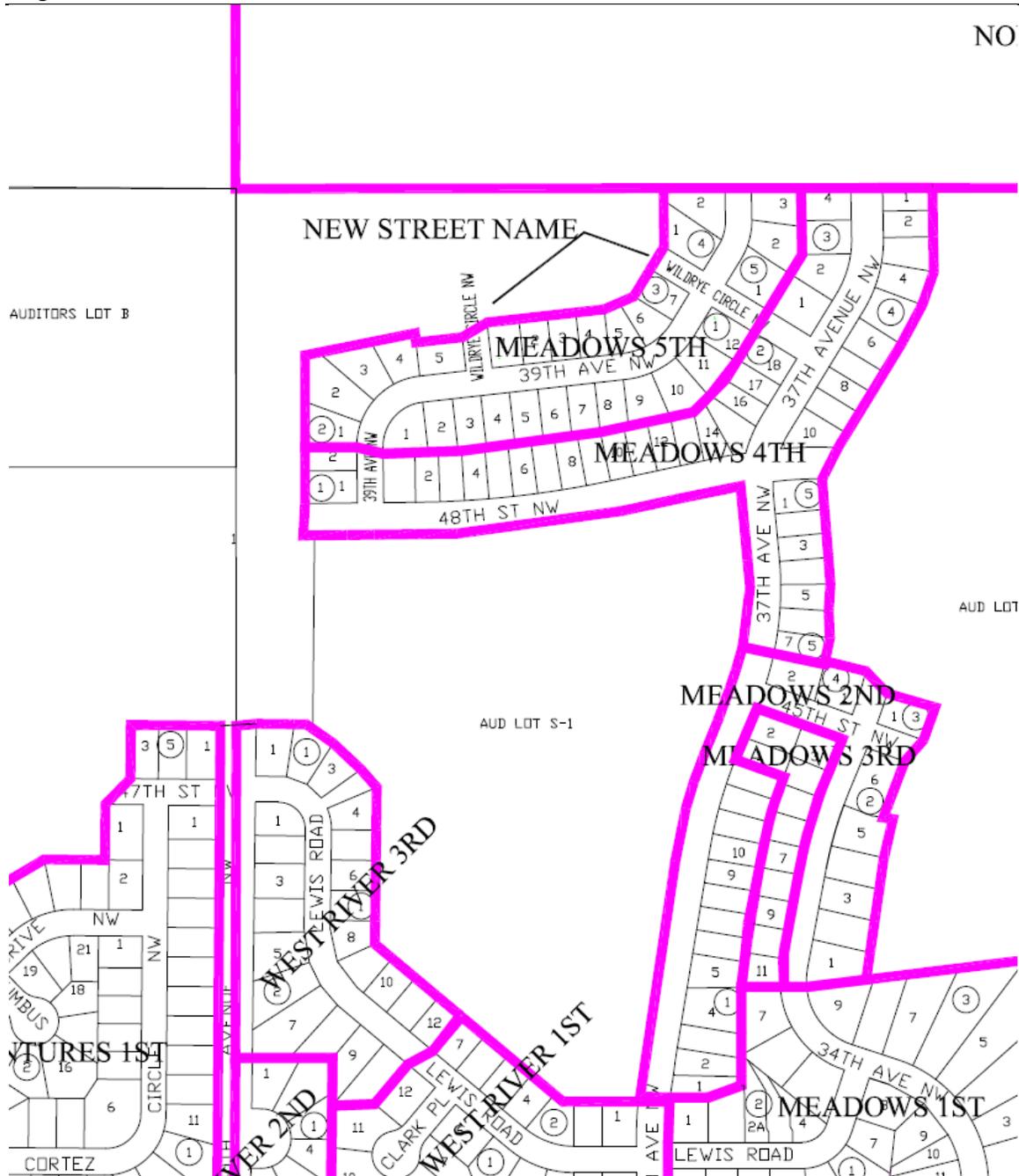
President, Board of City Commissioners

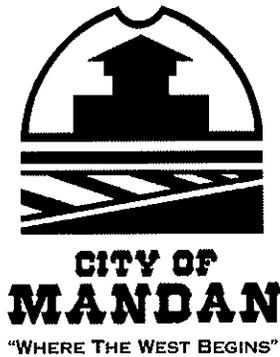
Attest:

City Administrator

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

NO





Board of City Commissioners

Agenda Documentation

MEETING DATE: September 18, 2012
PREPARATION DATE: September 12, 2012
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch
SUBJECT: Resolution of Amendment Authorizing the Issuance of Sewer Improvement Interim Certificates of 2008, Series B and Sewer Improvement Revenue Bonds of 2008, Series B, and the State Revolving Fund Program Loan Agreement with the North Dakota Public Finance Authority for Improvements at the Highway 1806 Sanitary Sewer Force Main.

PURPOSE

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

BACKGROUND

On August 19, 2008, the Board of City Commissioners approved a Resolution Authorizing Undertaking for Municipal Improvement Consisting of Sanitary Sewer Force Main Improvements on Highway 1806.

On September 16, 2008, the Board of City Commissioners approved a Resolution Authorizing the Issuance of Sewer Improvement Interim Certificates of 2008, Series B and Sewer Improvement Revenue Bonds of 2008, Series B to finance the cost of the Improvements at the Highway 1806 Sanitary Sewer Force Main through the State Revolving Fund (SRF) Program.

On August 2, 2011, the Board of City Commissioners approved to use the remaining funds (\$344,449) from the Loan for Phase I - Interim Improvements (Sewer Utility Rate Modeling, Grit System and Isolation Valves) at the Wastewater Treatment Plant.

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

The approved Loan amount was for \$1,000,000. The Loan was fully funded on September 4, 2012. Currently, the outstanding principal balance on the Loan is \$840,000 due to the City making annual debt service payments on the Loan since 2009. The final maturity date for the Bonds is September 1, 2028.

ATTACHMENT

Resolution of Amendment

FISCAL IMPACT

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

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

STAFF IMPACT

None

LEGAL REVIEW

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

RECOMMENDATION

To approve the Resolution of Amendment.

SUGGESTED MOTION

Move to approve the Resolution of Amendment.

STEVEN L. VOGELPOHL
ATTORNEY AT LAW

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

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

September 11, 2012

Greg Welch
City of Mandan
205 2nd Ave. NW
Mandan, ND 58554

Re: CWSRF Financing - Sewer Force Main Project

Dear Greg:

Pursuant to our earlier conversation, I enclose the Resolution of Amendment for adoption by the Commission at its September 18 meeting. As we discussed, the Resolution makes certain changes to the earlier issuance resolution to reflect the final SRF maturity terms for the revenue bonds to be issued for the financing.

If you could fax me the filled in voting record page (*i.e.*, page 5), I will prepare copies of the Resolution for execution at the time of signing of the balance of the final financing documents.

Thank you for your assistance and please contact me if you've any questions.

Sincerely,



Steven L. Vogelwohl
Attorney at Law

SLV/dl
08-013/091112.ltr

Enc.

c: Malcolm H. Brown (w/Enc)

CITY OF MANDAN, NORTH DAKOTA

RESOLUTION OF AMENDMENT

WHEREAS, the City of Mandan, North Dakota (the "City") has authorized and made certain improvements to its water and sewer utility, including, but not limited to, construction and installation of a sanitary sewer force main, as well as all other items of work and materials reasonably necessary or incidental to the completion of such improvements (the "Project");

WHEREAS, the City, pursuant to resolution of its governing body adopted September 16, 2008, entitled "Resolution Authorizing the Issuance of Sewer Improvement Interim Certificates of 2008, Series B and Sewer Improvement Revenue Bonds of 2008, Series B" (the "Resolution Authorizing Issuance") authorized its Sewer Improvement Interim Certificates of 2008, Series B (the "Interim Certificates") and its Sewer Improvement Revenue Bonds of 2008, Series B (the "Bonds") to finance the costs of the Project and authorized the State Revolving Fund Program Loan Agreement dated as of September 16, 2008 (the "Loan Agreement") entered pursuant thereto between the City and the North Dakota Public Finance Authority (the "Authority");

WHEREAS, pursuant to the Resolution Authorizing Issuance, the City issued Interim Certificates which are presently outstanding;

WHEREAS, the Project is complete and the City desires to exchange Interim Certificates for Bonds pursuant to the Resolution Authorizing Issuance;

WHEREAS, amendment of the Resolution Authorizing Issuance and the Loan Agreement is necessary; and

WHEREAS, the City desires to effect such amendments with the concurrence of the Authority;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the governing body of the City as follows:

1. That the second "WHEREAS" paragraph on page 1 of the Resolution Authorizing Issuance is amended to read as follows:

WHEREAS, improvements are made to the Utility including, but not limited to, construction and installation of a sanitary sewer force main, as well as all other items of work and materials reasonably necessary or

incidental to the completion of such project (the "Project") at a total cost of not less than \$1,000,000;

2. That the fourth "WHEREAS" paragraph on page 1 of the Resolution Authorizing Issuance is amended to read as follows:

WHEREAS, the City has heretofore issued and has outstanding its Sewer Improvement Revenue Bonds of 1997 (the "1997 Bonds"), its Water Improvement Revenue Bonds of 2002 (the "2002 Bonds"), its Water and Sewer Revenue Bonds, Series 2005 (the "2005 Bonds") and its Sewer Improvement Revenue Bonds of 2008, Series A (the "2008 Series A Sewer Bonds"), which 1997 Bonds, 2002 Bonds, 2005 Bonds and 2008 Series A Sewer Bonds pursuant to the respective resolutions authorizing issuance thereof are payable from net revenues of the Utility as defined in Subsection 3 of Section 9-01-06 of the Ordinance (the "Net Revenues");

3. That the fifth "WHEREAS" paragraph on page 1 of the Resolution Authorizing Issuance is amended to read as follows:

WHEREAS, other than the 1997 Bonds, the 2002 Bonds, the 2005 Bonds and the 2008 Series A Sewer Bonds (together, the "Outstanding Bonds"), the City has no outstanding bonds or evidences of indebtedness payable from the Revenue Bond Account (the "Revenue Bond Account") of the Water and Sewer Utility Fund (the "Fund") as described and defined in the Ordinance;

4. That Section 3 of the Resolution Authorizing Issuance is amended to read as follows:

Section 3. Terms of the Bonds . The Bonds delivered for the purpose of redeeming the Interim Certificates shall be initially dated the last date to which interest has been paid in full on the Interim Certificates redeemed. Bonds issued upon exchanges and transfers of Bonds before the first interest payment date of the Bonds shall also be dated as of the date of initial issuance. Bonds issued upon exchanges or transfers after the first interest payment date of the Bonds shall be dated as of March

1 or September 1 next preceding their issuance, or if the date of issuance shall be a March 1 or September 1, as of such date; provided, however, that if interest on the Bonds shall be in default, the Bonds shall be dated as of the date to which interest has been paid in full on the Bonds being transferred. The Bonds shall be issued in fully registered form in denominations of \$1,000 or any integral multiple thereof or as otherwise agreed by the Authority and the President of the Board of City Commissioners and City Administrator, of single maturities. The Bonds shall be numbered in consecutive numerical order from R-1 upwards as issued and shall mature on September 1 in the years and in the amounts and shall bear interest at the rate as set forth in Attachment 1 to this Resolution.

Interest on the Bonds and, upon presentation and surrender thereof to the Bank of North Dakota as paying agent and registrar of the Bonds (the "Paying Agent" or "Registrar") or its successor, the principal thereof, shall be payable in lawful money of the United States of America by check or draft or by deposit to the registered owner's account at the Bank of North Dakota. Interest shall be payable on March 1 and September 1 in each year, commencing on the next March 1 or September 1 after the date upon which the Bonds commenced the accrual of interest, to the person in whose name the bond is registered at the close of business on the 15th day (whether or not a business day) of the immediately preceding month. Interest on the Bonds shall cease at maturity or on a date prior thereto on which they have been duly called for redemption unless the holder thereof shall present the same for payment and payment is refused.

The Bonds shall be payable from the Revenue Bond Account, as set out in Section 8 hereof.

5. That ATTACHMENT 1 to the Resolution Authorizing Issuance is amended to read as provided in ATTACHMENT B to this Resolution of Amendment.
6. That ATTACHMENT 3 to the Resolution Authorizing Issuance is amended to read in substantially the form as ATTACHMENT C to this Resolution of Amendment.
7. That the word "Resolution" as used in the Resolution Authorizing Issuance and in the Bonds thereby authorized and the term "Municipal Bond Resolution" as used in the Loan Agreement shall, without further requirement of any change to such documents and upon the taking effect of this Resolution of Amendment,

mean the Resolution Authorizing Issuance as amended by this Resolution of Amendment.

8. That this Resolution of Amendment shall be in full force and effect upon execution of the North Dakota Public Finance Authority Consent attached hereto as ATTACHMENT A.

Dated this 18th day of September, 2012.

CITY OF MANDAN, NORTH DAKOTA

Attest:

President, Board of City Commissioners

City Administrator

(S E A L)

The governing body of the City of Mandan, North Dakota acted on the foregoing resolution on September 18, 2012, as follows:

Adoption moved by _____ Seconded by _____

"Aye" _____

"Nay" _____

Absent _____

and after vote the presiding officer declared the resolution adopted.

NORTH DAKOTA PUBLIC FINANCE AUTHORITY CONSENT

The North Dakota Public Finance Authority (the "Authority") hereby approves and consents to adoption of the annexed Resolution of Amendment and the amendments made thereby to the Resolution Authorizing Issuance referred to therein.

Dated as of the _____ day of _____, 2012.

NORTH DAKOTA PUBLIC FINANCE AUTHORITY

By _____

Title _____

CITY OF MANDAN, NORTH DAKOTA
SEWER IMPROVEMENT
INTERIM CERTIFICATES OF 2008, SERIES B

AND

SEWER IMPROVEMENT
REVENUE BONDS OF 2008, SERIES B

SCHEDULE OF MATURITIES AND INTEREST RATES

The principal amount of Sewer Improvement Revenue Bonds of 2008, Series B (the "Bonds"), as finally determined pursuant to the terms of the annexed resolution, will mature in annual amounts payable on September 1 in each year as agreed by the Authority and the President of the Board of City Commissioners and City Administrator at the date of original issuance, commencing in 2013, with final maturity in 2028. The interest on the outstanding principal amount of the Bonds shall be payable at an annual rate of 2.5% on each March 1 and September 1 during which the Bonds are outstanding. The principal maturing in each of the years shall be determined as of the date of issuance of the Bonds for the redemption of the Sewer Improvement Interim Certificates of 2008, Series B (the "Interim Certificates") by determining, to the nearest denomination of \$1,000 or other amount agreed to by the Authority and the President of the Board of City Commissioners and City Administrator, the closest amount to equal annual payment of principal and interest on the Bonds as agreed to by the Authority and the President of the Board of City Commissioners and City Administrator.

The Interim Certificates shall bear interest at an annual rate of 2.5% from their date of authentication until the date of their redemption which accrued interest shall be payable on each March 1 and September 1 until the date of redemption.

(BOND FORM)

UNITED STATES OF AMERICA
STATE OF NORTH DAKOTA
COUNTY OF MORTON
CITY OF MANDAN

SEWER IMPROVEMENT REVENUE BOND OF 2008, SERIES B

No. R-

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATE OF ORIGINAL ISSUE</u>
2.50%		September 1, 2012

REGISTERED OWNER: North Dakota Public Finance Authority, Bismarck, North Dakota

PRINCIPAL AMOUNT:

KNOW ALL PERSONS BY THESE PRESENTS that the City of Mandan, Morton County, North Dakota (the "Issuer"), a duly organized and existing municipal corporation, acknowledges itself specially indebted and for value received hereby promises to pay to the registered owner specified above or registered assigns, the principal amount specified above, but only from the Revenue Bond Account (the "Revenue Bond Account") of its Water and Sewer Utility Fund (the "Fund") on the maturity date specified above, with interest thereon from the date hereof at the annual rate specified above, payable on March 1 and September 1 in each year, commencing March 1, 2013, to the person in whose name this Bond is registered at the close of business on the 15th day (whether or not a business day) of the immediately preceding month, all subject to the provisions referred to herein with respect to the redemption of the principal of this Bond before maturity. The interest hereon and, upon presentation and surrender hereof, the principal hereof are payable in lawful money of the United States of America by the Bank of North Dakota, Bismarck, North Dakota, as Registrar and Paying Agent or its successor, by check or draft or by deposit to the registered owner's account at the Bank of North Dakota.

This Bond is one of a single series of Bonds authorized for issuance in the aggregate principal amount of not to exceed \$840,000.00, all of like date of original issue, and tenor except as to serial number, denomination, interest rate and maturity date, issued for the purpose of providing funds for construction and installation of a sanitary sewer force main for the Issuer's Water and Sewer Utility (the "Utility"), and

is issued pursuant to and in full conformity with the Constitution and laws of the State of North Dakota, including North Dakota Century Code Chapter 40-35, and pursuant to and in full conformity with ordinances and resolutions duly adopted by the City, including Mandan Code of Ordinances Chapter 9-01 (the "Ordinance") and the Resolution Authorizing the Issuance of Sewer Improvement Interim Certificates of 2008, Series B and Sewer Improvement Revenue Bonds of 2008, Series B adopted by Issuer's Board of City Commissioners on September 16, 2008 and amended by such Board of City Commissioners on September 18, 2012 (the "Resolution"). This Bond, including interest hereon, is payable solely from the net revenue of the Utility pledged pursuant to the Ordinance and the Resolution to the payment thereof and does not constitute a debt of the City within the meaning of any constitutional or statutory limitation. The Bonds of this series are issuable only as registered bonds in the denominations as provided in the Resolution, of single maturities.

The Bonds of this series are subject to redemption and prepayment prior to maturity only with the written consent of the North Dakota Public Finance Authority. Upon partial redemption of any Bond, a new Bond or Bonds will be delivered to the owner without charge, representing the remaining principal amount outstanding.

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the Issuer at the principal office of the Registrar by the registered owner hereof in person or by his attorney duly authorized in writing upon surrender hereof together with a written instrument of transfer satisfactory to the Registrar, duly executed by the registered owner or his attorney; and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange, the Issuer will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange.

The Issuer and the Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the Issuer nor the Registrar shall be affected by any notice to the contrary.

It is hereby certified, recited, covenanted and agreed that all acts, conditions and things required by the Constitution and laws of the State of North Dakota to be done, to exist, to happen and to be performed precedent to and in the valid issuance of this Bond, have been done, do exist, have happened and have been performed in regular and due form, time and manner as so required; that the Issuer has duly established the Revenue Bond Account as a separate and special account of the Fund and will credit and pay into the Revenue Bond Account as received, out of the net revenues of the Utility as defined in the Ordinance, sums sufficient to pay the principal and interest when due on each and all of the Bonds of this series and all other bonds

payable from the Revenue Bond Account, and to create and maintain a reserve securing such payments, and will use the moneys in the Revenue Bond Account for no other purposes; that the Issuer has fixed and established, and will collect reasonable rates, charges and rentals for all services, facilities, commodities and benefits furnished by the Utility and by any improvements, betterments, extensions and enlargements thereof and will amend and revise the same from time to time to the extent required to produce net revenues sufficient to pay into the Revenue Bond Account the sums herein agreed; that in and by the Resolution and the Ordinance the Issuer has made the Bonds of this series subject to all of the terms and provisions contained in the Ordinance and has made other and further covenants and agreements with the holders from time to time of each and all of the Bonds, which covenants and agreements will be fully and promptly complied with by the Issuer and each and all of its officers and agents at all times until this Bond and interest hereon have been fully paid or the obligation of the Issuer hereon has been otherwise defeased and discharged as provided in the Resolution; and that the Bonds of this series are issued payable on a parity with the Issuer's Sewer Improvement Revenue Bonds of 1997, Water Improvement Revenue Bonds of 2002, Water and Sewer Revenue Bonds, Series 2005 and Sewer Improvement Revenue Bonds of 2008, Series A and that no additional obligations will be issued or incurred and made payable from the aforementioned net revenues of the Utility on a parity with the Bonds of this series except as set forth in the Ordinance, to which reference is hereby made for details and covenants and recitals of the City with respect thereto.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon shall have been executed by the Registrar by manual signature of one of its authorized representatives.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be executed on its behalf by the signatures of the President of its Board of City Commissioners and its City Administrator and has caused this Bond to be dated as of the date set forth below.

DATED: September 1, 2012

ATTEST:

CITY OF MANDAN, NORTH DAKOTA

City Administrator

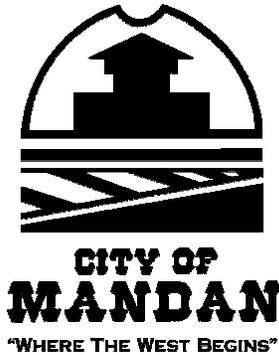
President, Board of City Commissioners

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds delivered pursuant to the within-mentioned Resolution.

Bank of North Dakota
Bismarck, North Dakota, as Registrar

By _____
Authorized Representative



Board of City Commissioners

Agenda Documentation

MEETING DATE: September 18, 2012
PREPARATION DATE: September 12, 2012
SUBMITTING DEPARTMENT: Police & Fire
DEPARTMENT DIRECTOR: Chief Nardello, & Chief Bullinger
PRESENTER: Steve Nardello, Fire Chief
SUBJECT: Alarm Fees and Charges

STATEMENT/PURPOSE: The consideration of establishing new rates for police and fire emergency response to false alarms.

BACKGROUND/ALTERNATIVES: The City of Mandan established alarm system registration fees and false alarm charges in January of 1988. The current resolution allows for \$15.00 registration fee, per alarm, that allows each property to receive three false alarms annually. Properties exceeding three false alarms per year are charged \$25.00 for each additional false alarm received for the remainder of the calendar year. The average fire department response to an alarm is ten firefighters and we currently pay each firefighter twelve dollars per hour therefore the City incurs a minimum of \$120.00 for personnel only that does not include fuel costs.

As of August 21, 2012 from January 1, 2012, the current proposed fee change would affect six businesses Terra Vallee Group Home 4 alarms, Mulligans 4 alarms, Spirit of Life 4 alarms, Mitzel Car Museum 4 alarms, Big Willies 5 alarms, and ND Teen Challenge 10 alarms.

It is our hope that the higher false alarm charges will encourage property owners to repair and maintain their alarm systems to reduce the number of false alarms and recoup some of the costs associated with response.

ATTACHMENTS: Resolutions establishing fees and charges for the alarm fund.

FISCAL IMPACT: Based on the responses as of August 21, 2012, there would be an increase to the alarm fund of \$1,100.00.

STAFF IMPACT: We are anticipating a lower number of false alarms that we receive in which personnel and fuel costs could be reduced.

LEGAL REVIEW: City Attorney, Malcolm Brown, has reviewed the proposed resolution.

RECOMMENDATION: That the Mandan City Board of Commissioners pass the proposed resolution establishing alarm fees and charges for the Alarm Fund.

SUGGESTED MOTION: Move to approve the resolution establishing fees and charges for the Fire Alarm Fund

RESOLUTION ESTABLISHING FEES FOR ALARM REGISTRATION AND POLICE OR
FIRE RESPONSES TO FALSE ALARMS

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 fees and charges are hereby established for services from the Alarm-Equipment Reserve Fund.

That the following fee schedule be assessed to the owner of each fire, medical, and security alarm systems used in summoning police and fire response.

Annual Fee Any person, organization, business or establishment who establishes, installs or connects any system designed to notify the Mandan Police or Fire Department's, of an emergency shall be assessed an annual fee of \$15.00 for each type of alarm.

False Alarms Defined as an alarm system activation causing emergency response from police or fire departments that prove to be unfounded due to malfunction, lack of maintenance, or neglect of equipment. Any alarm site which has more than three false alarms in a one-year period from January 1st through December 31st, shall be assessed a fee for each false alarm in excess of three.

1-3	False Alarms	No Charge
4-6	False Alarms	150.00
7-9	False Alarms	300.00
More than 10	False Alarms	500.00

BE IT FURTHER RESOLVED that the fees and charges for responses to false alarms by the police and fire departments shall be effective as of January 1, 2013.

Dated this 18th day of September, 2012.

President, Board of City Commissioners

Attest:

City Administrator