

AGENDA
MANDAN CITY COMMISSION
APRIL 15, 2014
ED "BOSH" FROEHLICH MEETING ROOM,
MANDAN CITY HALL
5:30 P.M.
www.cityofmandan.com

City Board of Equalization meeting at 7:00 p.m. on April 15, 2014

- A. ROLL CALL:
1. Roll call of all City Commissioners.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:
1. Consider approval of the minutes from the April 1, 2014 Board of City Commission meeting.
- E. PUBLIC HEARING:
1. Consider the approval of the Resolution of Insufficiency of Protest for Street Improvement District 194 Project 2014-12(Developers West Acres, Ventures and Crown Point).
 2. Consider the approval of the Resolution of Insufficiency of Protest for Street Improvement District 195 Project 2014-13(Roughriders).
 3. Consider the approval of the Resolution of Insufficiency of Protest for Street Improvement District 196 Project 2014-14(Mandan Industrial Park).
- F. BIDS:
- G. CONSENT AGENDA:
1. Consider approval of monthly bills.
 2. Consider the following games of chance:
 - i. ND Mounted Shooters Association at Dean's Steak House from Apr. 15, 2014 to Oct. 7, 2014.
 - ii. Pearl Larson Benefit at the Stage Stop on April 26, 2014.
 3. Consider approval of annual Liquor License, Special B Liquor Permit and Special Sunday Permit for Dacotah Speedway from May 1, 2014 through October 30, 2014.
 4. Consider proclaiming April 22, 2014 Earth Day in the City of Mandan.
 5. Consider entering into a profession services agreement with Hepper Olson Architects for services related to the Depot and Beanery.

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6. Consider approval of the following Site Authorizations:
 - i. American Foundation for Wildlife at The Lakewood Bar and Grill from July 1, 2014 through June 30, 2015
 - ii. American Foundation for Wildlife at the Last Call Bar from July 1, 2014 through June 30, 2015.
7. Consider advertising for construction engineering services related a safe routes to school grant.

H. OLD BUSINESS:

I. NEW BUSINESS:

1. Consider approval of 2014 Budget Amendment – Mandan Fire Department.

J. RESOLUTIONS AND ORDINANCES:

1. Second consideration and final passage of Ordinance 1181 related to Shared Leave Policy.
2. Second consideration and final passage of Ordinance 1182 annexing Collins Substation property.
3. Consider Resolution establishing rates and charges for services from the Street Light Utility Fund.

K. OTHER BUSINESS:

L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. April 21, 2014 – 7:00 p.m. – Jail Presentation – Tom Baker Rm. (Bismarck) - Potential quorum
2. April 29, 2014 – 6:00 p.m. – Working Session
3. May 6, 2014
4. May 20, 2014
5. June 3, 2014

M. ADJOURN

Public Communication

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

The Mandan City Commission met in regular session at 5:30 p.m. on April 1, 2014 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Frank and Braun. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, Director of Public Works Wright, Fire Chief Nardello, Business Development and Communications Director Huber, Planning & Engineering Director Froseth, Planner Decker, and Building Official Lalim. Absent: City Administrator Neubauer, Assessor Shaw.

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

C. PUBLIC COMMUNICATIONS: Mayor Van Beek invited anyone to come forward to address items on the Agenda. A second announcement was made to speak for or against items on the Agenda. Hearing none, this portion of the Public Communications forum was closed.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission regular meeting held March 18, 2014.* Commissioner Braun moved to approve the minutes as presented. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

F. BIDS:

1. *Consider award of Mandan Lift Station Central Alarm System bid contract to Edling Electric, Inc.* Director of Public Works Wright provided a brief background on this project stating that in August 2013 the City Commission rejected the bids received for a radio communications alarm system. The bids came in higher than the engineer’s estimate and subsequently City staff and Advanced Engineering staff reviewed the alternative designs changing the work for the scope of the project. A wireless communication alarm system was studied at that point and Verizon Wireless was considered. Based on that, a project was designed and two bids were received. Edling Electric submitted a bid for \$246, 800 and Integrated Process Solutions submitted a bid for \$253,638.19. The Engineer’s estimate was at \$217,600. After reviewing all the bids and proposals, Wright stated that it was felt that these were reasonable bids. He recommended accepting the bid proposed by Edling Electric.

Commissioner Rohr moved to approve the bid award to Edling Electric, Inc. in the amount of \$246,800 for the Mandan Lift Station Central Alarm System contingent upon the Department of Health’s approval.

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

G. CONSENT AGENDA

1. *Consider approval of beer garden street dance application for Buggies-n-Blues, all Class Reunion, Wild West Grill Fest and Oktoberfest all for Mandan Progress Organization.*
2. *Consider approval of 2014 Police Budget Amendment of funds.*
3. *Consider approval of Missouri Valley Addition Replat.*
4. *Consider for approval Collins Substation final plat and request to annex remainder of property. (Res. & Ord. No. 2)*
5. *Consider approval of Site Authorization for Abate of ND at the Hideaway Bar from July 1, 2014 through June 30, 2015.*
6. *Consider the following proclamations: (i) Designating May 2, 2014 as Arbor Day in the City of Mandan. (ii) Designating the week of May 5-9, 2014 as project HOPE Week in Mandan, ND.*
7. *Consider budget amendment for purchase of utility tractor for Wastewater Treatment Plant.*
8. *Consider approval of out-of-state training/conferences for Business Development & Communications Director.*
9. *Consider Approval of Engineering Services Agreement for Wastewater Treatment Plant Optimization Project.*
10. *Consider games of chance for Lynn Freeman Independent Consultant for Cancer Benefit at Stage Stop on April 26, 2014.*

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

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Consider approval of Resolution approving plans and specs and approval of Resolution directing advertisement for bids for Street Improvement District No. 194, Project 2014-12 (Developer's West Acres, Ventures and Crown Point). Planning & Engineering Director Froseth stated that on March 4, 2014, the City Commission approved of the creation of Street Improvement District No. 194 and approved the resolution of the Engineer's Report and resolution of necessity. The Engineering Department is requesting that the City move forward with approving the plans and specifications and approve the resolution directing Advertisement for Bids for this project. The project is scheduled for the 30-day protest period to end on April 8, 2014. The public hearing to determine the sufficiency of those protests would be held at the next City Commission meeting on April 15, 2014. If it is deemed there are insufficient protests for this project the bid opening is tentatively scheduled for April 29, 2014,*

pending approval of the plans and specs, which would be brought to the City Commission on May 6, 2014 for approval and award for the bids of this project. October 31, 2014 is the date set for substantial completion of the project.

Commissioner Tibke moved to approve the Resolution approving the plans and specs and approval of Resolution directing advertisement for bids for Street Improvement District No. 194, Project 2014-12. 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.

2. *Consider approval of Resolution approving plans and specs and approval of Resolution directing advertisement for bids for Street Improvement District No. 195, Project 2014-13 (Roughrider's).* Planning & Engineering Director Froseth stated that on March 4, 2014, the City Commission approved of the creation of Resolution directing advertisement for bids for Street Improvement District No. 195 and the Engineer's feasibility report and necessity for this area commonly known as Roughrider's Development in the northwest area of Mandan. The Engineer's Department with the City Commission's approval moved forward with hiring Wenck Associates to outline plans and specifications for the construction design. Based on the deterioration of the pavement it was recommended that a "Mine and Blend" project scope instead of the "Mill and Overlay" as previously proposed, be pursued. The "Mine and Blend" will be more expensive by approximately 30%. The Engineer's Department proposes that street lighting be removed from the project resulting in the new scope's estimate to be near the original project estimate with the street lighting. If the optional street lighting bid would be low enough, that could still be part of the project scope.

The Engineering Department is requesting to move forward by approving plans and specs and approving the resolution directing advertising for bids for this project. The cost for the mill and overlay construction costs would be approximately \$424,000 plus the street lighting project for a total cost of approximately \$586,000. Commissioner Frank asked whether, if the street lighting portion of the project is an option, who makes the determination if the option is acted upon and how that would play out? Planning & Engineering Director Froseth clarified that the mine and blend portion would cost a little less than the mill and overlay plus the street lighting brought forward previously. He stated that the Engineering Department would bring the option forward to the City Commission once the bids come back and at that point it would be decided if the street lighting option would be acted upon. Mayor Van Beek stressed the importance of considering all aspects of the project to make sure it is done right to avoid having to address the same problems coming back up in a couple years.

Commissioner Frank moved to approve the plans and specifications and the resolution directing advertisement for bids for Street Improvement District No. 195, Project 2014-13. 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.

J. RESOLUTIONS AND ORDINANCES:

1. *First consideration of Ordinance 1181 related to Shared Leave Policy.* Finance Director Welch stated that this Ordinance is a result of what was approved by the Board at the last meeting to have the city attorney prepare an ordinance regarding to the City shared leave policy providing for the sharing of annual and sick leave among City employees.

Commissioner Frank moved to approve the First consideration of Ordinance 1181 related to Shared Leave Policy. 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.

2. *First consideration of Ordinance 1182 annexing Collins Substation property.* This is an action to annex the remainder of the site as petitioned by Montana Dakota Utilities and that Tesoro Refinery (seller of the property) has no objection to the request for annexation.

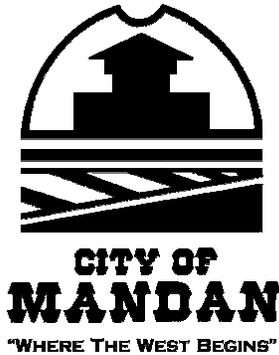
Commissioner Frank moved to approve the First consideration of Ordinance 1182 annexing Collins Substation property. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS

There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 6:00 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: April 15, 2014
PREPARATION DATE: April 10, 2014
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Consider Resolution determining insufficiency of protests for Street Improvement District No. 194, Project No. 2014-12 (Developer's West Acres, Ventures and Crown Point area).

STATEMENT/PURPOSE: To consider resolution determining insufficiency of protests for Street Improvement District No. 194, Project No. 2014-12 (Developer's West Acres, Ventures and Crown Point area).

BACKGROUND/ALTERNATIVES: On March 4, 2014 the Mandan City Commission approved the creation of Street Improvement District No. 194 and approved the resolution of Engineer's Report and the Resolution of Necessity. On April 1, 2014 the Mandan City Commission approved the plans and specifications and approved the resolution directing advertisement for bids.

The City of Mandan Engineering Department has received 168 written protests out of 320 parcels (52.5%) for this project. Therefore the project has enough protest to ban us from moving forth with this project. Some of the main concerns raised and mentioned in the protest letters are:

- Why isn't Old Red Trail included in the scope of this Street Improvement District?
 - Response; Old Red Trail is in need of reconstruction in that area. Old Red Trail qualifies for Federal Highway Administration funding assistance as administered through the state Department of Transportation. It has been programmed in by the DOT to receive funding to reconstruct in 2016. Until then, the city will employ maintenance type projects to keep it in operating condition.

- Our street isn't in that bad of shape. Why is this project even necessary?
 - Response; The City Engineering and Public Works departments are focused on addressing streets that have not gotten to the point of extensive reconstruction, and that would benefit from a resurfacing project to prolong the life another 15+ years. The longer a project waits, the faster the rate of degradation becomes. If degraded too far, a resurfacing project may not be enough and a full road reconstruct will be necessary.

- Why is the assessment amount so expensive?
 - Response; City Engineering in collaboration with Public Works and a Consulting Engineering firm have put together estimates for a mill and overlay project for this district that is expected to last another 15+ years. That estimate is based on the cost of recent actual projects. The city's only funding source for local streets is to assess benefiting properties. All properties were looked at as having similar use for the purpose of assessment estimates. The final assessment amount will be determined based on fairness as perceived by the city assessment committee. If the streets get to a point where reconstruction is necessary, the assessment amounts will likely be much more than this amount.

ATTACHMENTS: 1. Pavement Condition Index Map
 2. District map with protest areas

FISCAL IMPACT: Consulting Engineering Fees at over \$32,000 for design and pre-bid services of project. With not project, fees will need to be paid for by general fund. Information gathered and created may go towards a future project in this district.

STAFF IMPACT: Time for planning and administrative duties.

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

RECOMMENDATION: Due to the percentage of protests we recommend denying the resolution determining sufficiency of protest for Street Improvement District 194, Project 2014-12(Developer's West Acres, Ventures and Crown Point Area)..

SUGGESTED MOTION: I move to deny the resolution determining sufficiency of protests for Street Improvement District No. 194, Project No. 2014-12 (Developer's West Acres, Ventures and Crown Point area).

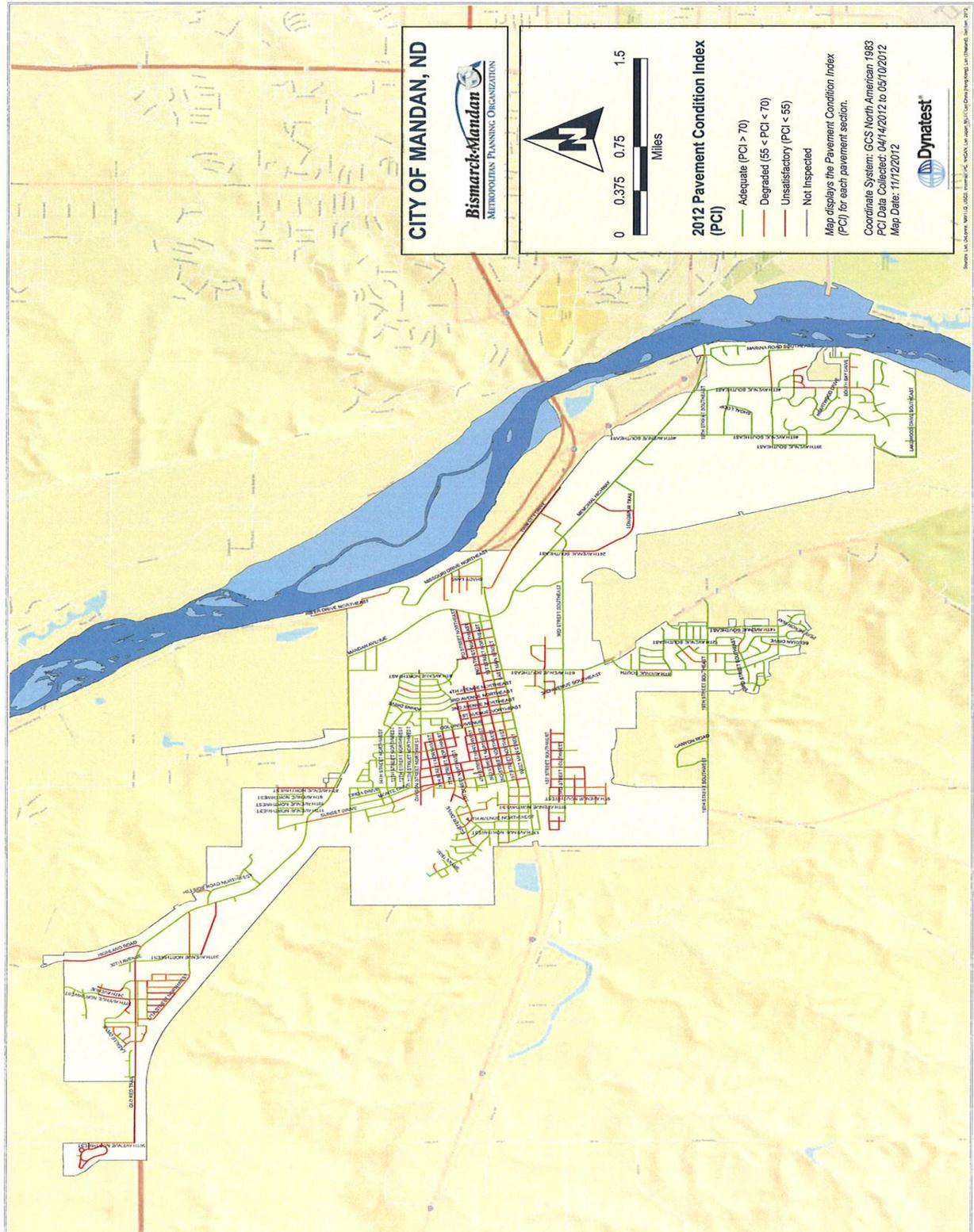
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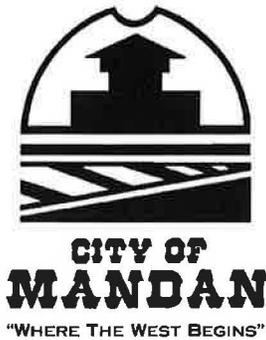
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MEETING DATE: April 15, 2014
PREPARATION DATE: April 10, 2014
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Consider Resolution determining insufficiency of protests for Street Improvement District No. 195, Project No. 2014-13 (Roughriders).

STATEMENT/PURPOSE: To consider resolution determining insufficiency of protests for Street Improvement District No. 195, Project No. 2014-13 (Roughriders).

BACKGROUND/ALTERNATIVES: On March 4, 2014 the Mandan City Commission approved the creation of Street Improvement District No. 195 and approved the resolution of Engineer's Report and the Resolution of Necessity. On April 1, 2014 the Mandan City Commission approved the plans and specifications and approved the resolution directing advertisement for bids.

The City of Mandan Engineering Department has received a petition of over 60 protests (out of 81 properties) for the street lights that were an option for this project. Therefore we are asking to move forth with the street improvements for this project without an option for streetlights.

Going forward, the intended project schedule is as follows:

- Bid opening on April 29th.
- Approval to award bid at May 6th City Commission meeting.
- Substantial completion of project, minus chip seal, by October 31st, 2014.
- Chip Seal of street by July 15th of 2015.

ATTACHMENTS:

1. Petition to Protest Street Lighting portion of project
2. Pavement Condition Index Map
3. District Map
4. Resolution Determining Insufficiency of Protests.

FISCAL IMPACT: All project costs, including engineering and administration, to be included in property assessments.

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STAFF IMPACT: Time for planning and administrative duties.

LEGAL REVIEW: The City Attorney's opinion was taken in to consideration for the Engineering Departments decision to recommend to move forward with the street improvement portion of project without the street light option based on the petition of protests received.

RECOMMENDATION: Due to lack of protests for the street portion of the project we recommend approving the resolution determining insufficiency of protest for Street Improvement District 195, Project 2014-13(Roughriders).

SUGGESTED MOTION: I move to approve the resolution determining insufficiency of protests for Street Improvement District No. 195, Project No. 2014-13 (Roughriders) with the street lighting option being removed from project.

ROUGH RIDER ESTATES STREET IMPROVEMENT DISTRICT 195 PROJECT NO. 2014-13

APR 07 2014

I/AW NDCC Section 40-22-18 for Protest to bar proceedings for Improvements by Special Assessment, We the residents of Roughrider Estates submit this Petition to Protest the portion of the Street Light Option for Street Improvement District 195 Project No. 2014-13. Previous plans for Option A for Mill and Overlay and Option Z for Installation of Street Lights was approved by Mandan City Commission on 4 March 2014 for estimated cost of \$761,591.21 with estimated special assessment cost of \$9402.36 per parcel with advisement of NDCC Section 40-22-29 allows approval of bids up to 40% over the estimated cost, which City of Mandan may consider for award of bid. Initial intent of this Petition was to protest Option Z for Installation of Street Lights with Option A to remain in effect. Due to project repair plans being recently revised after testing showed street pavement was failing below the road surface, the estimated street repair of Roughrider streets costs for a Mine and Blend Process for remilled asphalt, Mill and Overlay of 56th Ave NW, and to repair 6 street areas to move water more efficiently within development rose extensively to \$736,158.00 without installation of street lights. New cost estimates of revised street repairs with street lights may rise to over \$1,000,000.00. The estimated special assessment costs of \$9088.27 per parcel without street lighting vs. the \$12959.38 per parcel with street lighting special assessment has definite financial impact on Roughrider residents, with the advisement that the City of Mandan may approve bids to 40% over estimated costs. We, the residents of Roughrider Estates do not want the street light option included in the Street Improvement District 195 Project No. 2014-13, the City of Mandan is proposing, but want to proceed with the necessary street repairs.

NO.	NAME PRINTED	NAME SIGNATURE	ADDRESS
1	Dorothy Proffitts	<i>Dorothy Proffitts</i>	4815 E. Roughrider Circle
2	Eric Peller	<i>Eric Peller</i>	4301 E. Roughrider
3	Charles Bauer	<i>Charles Bauer</i>	4803 E. Roughrider Circle
4	Rochelle Jessen-Dull	<i>Rochelle Jessen-Dull</i>	4804 E. Roughrider Circle
5	Jeff Dell	<i>Jeff Dell</i>	4804 E. Roughrider Circle
6	Rebecca Seehaver	<i>Rebecca Seehaver</i>	4715 E. Roughrider Circle
7	Loren Gordon	<i>Loren Gordon</i>	7802 E. Roughrider Circle
8	Kenny Jessen	<i>Kenny Jessen</i>	4905 W. Roughrider Circle
9	J. Landis	<i>J. Landis</i>	5001 HUNTSIDE ROAD
10	David Rummel	<i>David Rummel</i>	4602 Roughrider Cir
11	John Beershard	<i>John Beershard</i>	4602 Roughrider Cir
12	Judie Schmidt	<i>Judie Schmidt</i>	5817 Roughrider Cir
13	Margie Pulkrabek	<i>Margie Pulkrabek</i>	4434 Roughrider
14	Loon Grove	<i>Loon Grove</i>	4701 Roughrider Cir

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District No. 195, Project No. 2014-13 (Roughriders).

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Print	Sign	Address	City	State	Zip
15	George Kuppel	617 Horseshoe Bend	Mandan	ND	58542
16	Flora Forst	6008 Horse shoe Bend	Mandan	ND	58542
17	Karen Linnell	6004 Horshoe Bend	Mandan	ND	58542
18	DANIEL ZAHN	5912 Horshoe Bend	Mandan	ND	58542
19	Chen Shun	5500 Horse Shoe Bend	Mandan	ND	58542
20	Rick Dill	4904 W. Roughriders Circle	Mandan	ND	58542
21	Danna Alvarez	4900 W. Roughriders Circle	Mandan	ND	58542
22	Joe Holie	4916 W. Roughriders Circle	Mandan	ND	58542
23	Casey Weatherly	4909 W. Roughriders Circle	Mandan	ND	58542
24	Heidi West	4807 W. Roughriders Circle	Mandan	ND	58542
25	Albert Sherman	4800 W. Roughriders Circle	Mandan	ND	58542
26	Charlene Todd	4772 W. Roughriders Circle	Mandan	ND	58542
27	Diane Wilberson	4751 W. Roughriders Circle	Mandan	ND	58542
28	Mikelle Peterson	4716 Roughriders Circle	Mandan	ND	58542
29	Janettha Kuntz	Kathie Peterson			
30	Karina Peterson	6009 Horseshoe Bend			
31	Tom Kraft	5916 Horse shoe Bend			
32	Shane Himmelpant	5913 E. Roughriders Circle			
33	Jacob DeLoedt	4907 E. Roughriders Cir.	Mandan	ND	58542
34	Roy Francis	4903 E. Roughriders Cir.	Mandan	ND	58542
35	Daniel Soule	4710 Roughriders			
36	Imogene Haas	4817 Kowalski			
37	Brian C Kraft	5917 HORSESHOE BEND			
38	Priscilla Tuogard	4806 Roughriders			
39	AMY JONATHAN	4809 Roughriders			
40	DINGE SAPPES	5005 Wilson Wheel Circle			
41	Raymond Beckenack	5007 Wilson Wheel Circle			
42	Jim & Carla Messer	5008 Wilson Wheel Cir.			
43	Mike Goldade	4913 E. Roughriders			
44	George N. Summerfield				
45	Deby Sanger				

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	Print name	Signature / Photo	Address
46	Tiffany Oxman	Tiffany Oxman	4908 W. Roughriders Circle Mandan ND
47	Amber Himmelspach	Amber Himmelspach	6009 Horsehoe Bend Mandan
48	Aaron McFerran	Aaron McFerran	5009 Wagonwheel Circle Mandan ND
49	Megan Neubauer	Megan Neubauer	4905 E. Roughriders Circle Mandan ND
50	Tara Strifield	Tara Strifield	5016 Wagonwheel Circle Mandan ND
51	Andy R. Fiedram	Andy R. Fiedram	5012 Wagonwheel Circle Mandan ND
52	SHARON T. LINDSLEY	SHARON T. LINDSLEY	4414 Roughriders Circle Mandan ND
53	Verick Gusterson	Verick Gusterson	4709 E. R.O.M. Circle
54	Kyle Dera	Kyle Dera	5000 Horsehoe Bend PI New
55	Joey Doll	Joey Doll	5004 Wagonwheel Circle
56	Wendy Kraus	Wendy Kraus	4901 W. Roughriders Cir
57	Mada Soverese	Mada Soverese	4605 E. Roughriders Cir
58	Kathy Wolt	Kathy Wolt	4909 E. Roughriders Cir
59	Raymond Johnson	Raymond Johnson	4812 E. Roughriders Cir. Mandan
60	Raymond Johnson	Raymond Johnson	4711 W. Roughriders Cir Mandan
61	Brenda Haether	Brenda Haether	4401 Roughriders Cir. Mandan ND 58554
62	June Sorenson	June Sorenson	4405 S. Roughriders Circle Mandan ND
63	Kelly Dillman	Kelly Dillman	4603 E. Roughriders Circle Mandan ND
64	Dwayne Earl	Dwayne Earl	6012 Horsehoe Bend, Mandan ND
65	James R. Hutton	James R. Hutton	4611 E. Roughriders Cir. Mandan, ND
66	Brenda Hoerner	Brenda Hoerner	
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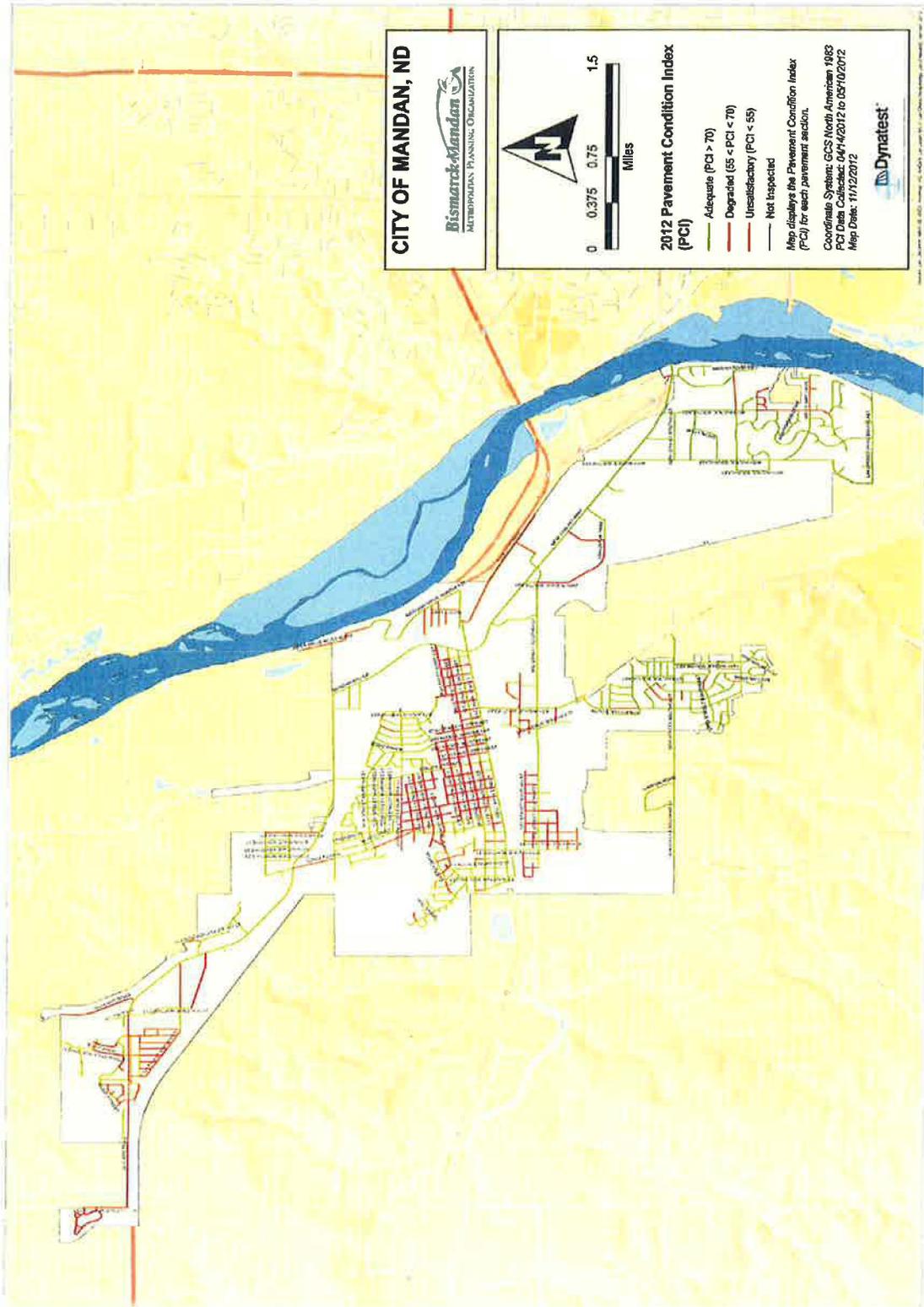
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Subject: Consider Resolution determining sufficiency of protests for Street Improvement
District No. 195, Project No. 2014-13 (Roughriders).

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Subject: Consider Resolution determining sufficiency of protests for Street Improvement District No. 195, Project No. 2014-13 (Roughriders).

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**RESOLUTION DETERMINING INSUFFICIENCY OF PROTESTS FOR
STREET IMPROVEMENT DISTRICT NO. 195**

Whereas, the governing body of the City of Mandan, North Dakota (the "City") adopted a Resolution of Necessity Declaring the Necessity of a Special Assessment District for Street Improvement District No. 195, on March 4, 2014 (the "Resolution"); and

Whereas, the Resolution was published in the City's official newspaper on March 7, 2014 and March 14, 2014; and

Whereas, more than thirty days have passed since the March 7, 2014 publication; and

BE IT HEREWITH RESOLVED AND DETERMINED by the governing body of the City as follows:

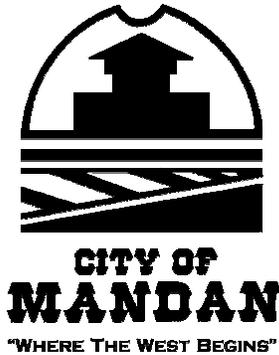
1. That written protests filed with the City Administrator, within 30 days after March 7, 2014 publications, did not represent a majority of the property included within Street Improvement District No. 195
2. That proceedings under the Resolution are NOT barred.

Dated and adopted this 15th day of April, 2014
City of Mandan, North Dakota

Arlyn VanBeek, President
Board of City Commissioners

Attest:

James Neubauer, City Administrator



Board of City Commissioners

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MEETING DATE: April 15, 2014
PREPARATION DATE: April 10, 2014
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Consider Resolution determining insufficiency of protests for Street Improvement District No. 195, Project No. 2014-13 (Roughriders).

STATEMENT/PURPOSE: To consider resolution determining insufficiency of protests for Street Improvement District No. 195, Project No. 2014-13 (Roughriders).

BACKGROUND/ALTERNATIVES: On March 4, 2014 the Mandan City Commission approved the creation of Street Improvement District No. 195 and approved the resolution of Engineer's Report and the Resolution of Necessity. On April 1, 2014 the Mandan City Commission approved the plans and specifications and approved the resolution directing advertisement for bids.

The City of Mandan Engineering Department has received a petition of 66 protests for the street lights that were an option for this project. Therefore we are asking to move forth with the street improvements for this project without an option for streetlights.

Going forward, the intended project schedule is as follows:

- Bid opening on April 29th.
- Approval to award bid at May 6th City Commission meeting.
- Substantial completion of project, minus chip seal, by October 31st, 2014.
- Chip Seal of street by July 15th of 2015.

ATTACHMENTS:

1. Pavement Condition Index Map
2. District Map
3. Resolution determining insufficiency of protests.

FISCAL IMPACT: All project costs, including engineering and administration, to be included in property assessments.

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Subject: Consider Resolution determining sufficiency of protests for Street Improvement District No. 195, Project No. 2014-13 (Roughriders).

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STAFF IMPACT: Time for planning and administrative duties.

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

RECOMMENDATION: Due to lack of protests for the street portion of the project we recommend approving the resolution determining insufficiency of protest for Street Improvement District 195, Project 2014-13(Roughriders).

SUGGESTED MOTION: I move to approve the resolution determining insufficiency of protests for Street Improvement District No. 195, Project No. 2014-13 (Roughriders).

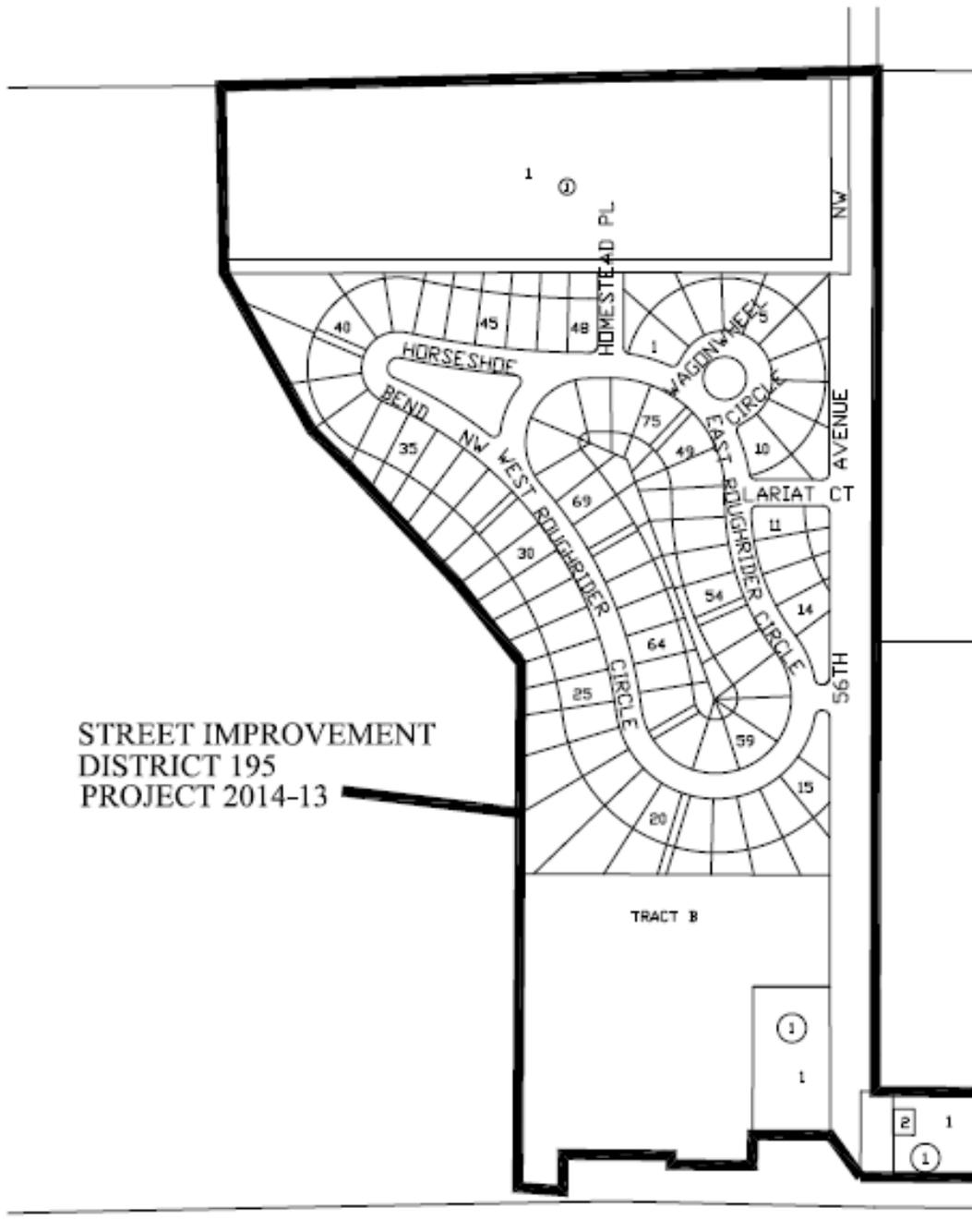
Board of City Commissioners

Agenda Documentation

Meeting Date: April 15, 2014

Subject: Consider Resolution determining sufficiency of protests for Street Improvement District No. 195, Project No. 2014-13 (Roughriders).

Page 4 of 5



Board of City Commissioners

Agenda Documentation

Meeting Date: April 15, 2014

Subject: Consider Resolution determining sufficiency of protests for Street Improvement District No. 195, Project No. 2014-13 (Roughriders).

Page 5 of 5

**RESOLUTION DETERMINING INSUFFICIENCY OF PROTESTS FOR
STREET IMPROVEMENT DISTRICT NO. 195**

Whereas, the governing body of the City of Mandan, North Dakota (the "City") adopted a Resolution of Necessity Declaring the Necessity of a Special Assessment District for Street Improvement District No. 195, on March 4, 2014 (the "Resolution"); and

Whereas, the Resolution was published in the City's official newspaper on March 7, 2014 and March 14, 2014; and

Whereas, more that thirty days have passed since the March 7, 2014 publication; and

BE IT HEREWITH RESOLVED AND DETERMINED by the governing body of the City as follows:

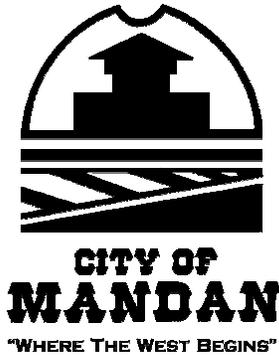
1. That written protests filed with the City Administrator, within 30 days after March 7, 2014 publications, did not represent a majority of the property included within Street Improvement District No. 195
2. That proceedings under the Resolution are NOT barred.

Dated and adopted this 15th day of April, 2014
City of Mandan, North Dakota

Arlyn Van Beek, President
Board of City Commissioners

Attest:

James Neubauer, City Administrator



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 15, 2014
PREPARATION DATE: April 10, 2014
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Consider resolution determining insufficiency of protests for Street Improvement District No. 196, Project No. 2014-14 (Mandan Industrial Park area).

STATEMENT/PURPOSE: To consider approving the resolution determining insufficiency of protests for Street Improvement District No. 196, Project No. 2014-14 (Mandan Industrial Park area).

BACKGROUND/ALTERNATIVES: On March 4, 2014 the Mandan City Commission approved the creation of Street Improvement District No. 194 and approved the resolution of Engineer's Report and the Resolution of Necessity.

The City of Mandan Engineering Department has received written protests of 47.33% for this project. Therefore the project has insufficient amount of protests. Some of the main concerns raised and mentioned in the protest letters are:

- Why is 30th avenue part of the project scope when in "Adequate" condition?
 - Response; All of the streets in and out of the Mandan Industrial Park are seen as serving all of the properties within the Mandan Industrial Park. 30th Avenue is the most logical route for nearly all businesses within the Industrial Park to head west. As such, it is our opinion that work should be done at this time to improve the streets life expectancy while the contractor is there reconstructing the streets in worse shape, 34th and 37th Streets.
- Why is the assessment amount so expensive?
 - The City of Mandan has opted to reconstruct 34th and 37th streets using concrete. Concrete does cost more, roughly 40% for this application, but is expected to have approximately double the life-cycle. Concrete should especially shine given this kind of use, heavy truck traffic and many turning movements. The city's only funding source for local streets is to

Board of City Commissioners

Agenda Documentation

Meeting Date: April 15, 2014

Subject: Consider resolution determining the insufficiency of protests for Street Improvement District No. 196, Project No. 2014-14 (Mandan Industrial Park).

Page 2 of 5

assess benefiting properties. For this use, the Engineering Department has recommended that the assessment amount be divided by square foot of lot. The reasoning for that being that the size of the lot best determines how much activity that a business may generate and in turn how much the streets in the district may be used by them. The final assessment amount will be determined based on fairness as perceived by the city assessment committee.

The City of Mandan Engineering Department is requesting that we move forth with this project to allow for the street improvements to roads within the Mandan Industrial Park District.

Going forward, the intended project schedule is as follows:

- Approval of plans and specifications as well as approval of directing advertisement for bids at May 6 City Commission meeting.
- Bid opening on May 27th.
- Approval to award bid at June 3rd City Commission meeting.
- Substantial completion of project, minus chip seal, by October 31st, 2014.
- Chip Seal of paved streets by July 15th of 2015.

ATTACHMENTS:

1. Pavement Condition Index Map
2. District Map with protest areas
3. Resolution determining insufficiency of protests

FISCAL IMPACT: All project costs, including engineering and administration, to be included in property assessments.

STAFF IMPACT: Minimal

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

RECOMMENDATION: This office supports moving forward with the project.

SUGGESTED MOTION: I move to approve the resolution determining insufficiency of protests for Street Improvement District No. 196, Project No. 2014-14 (Mandan Industrial Park area).

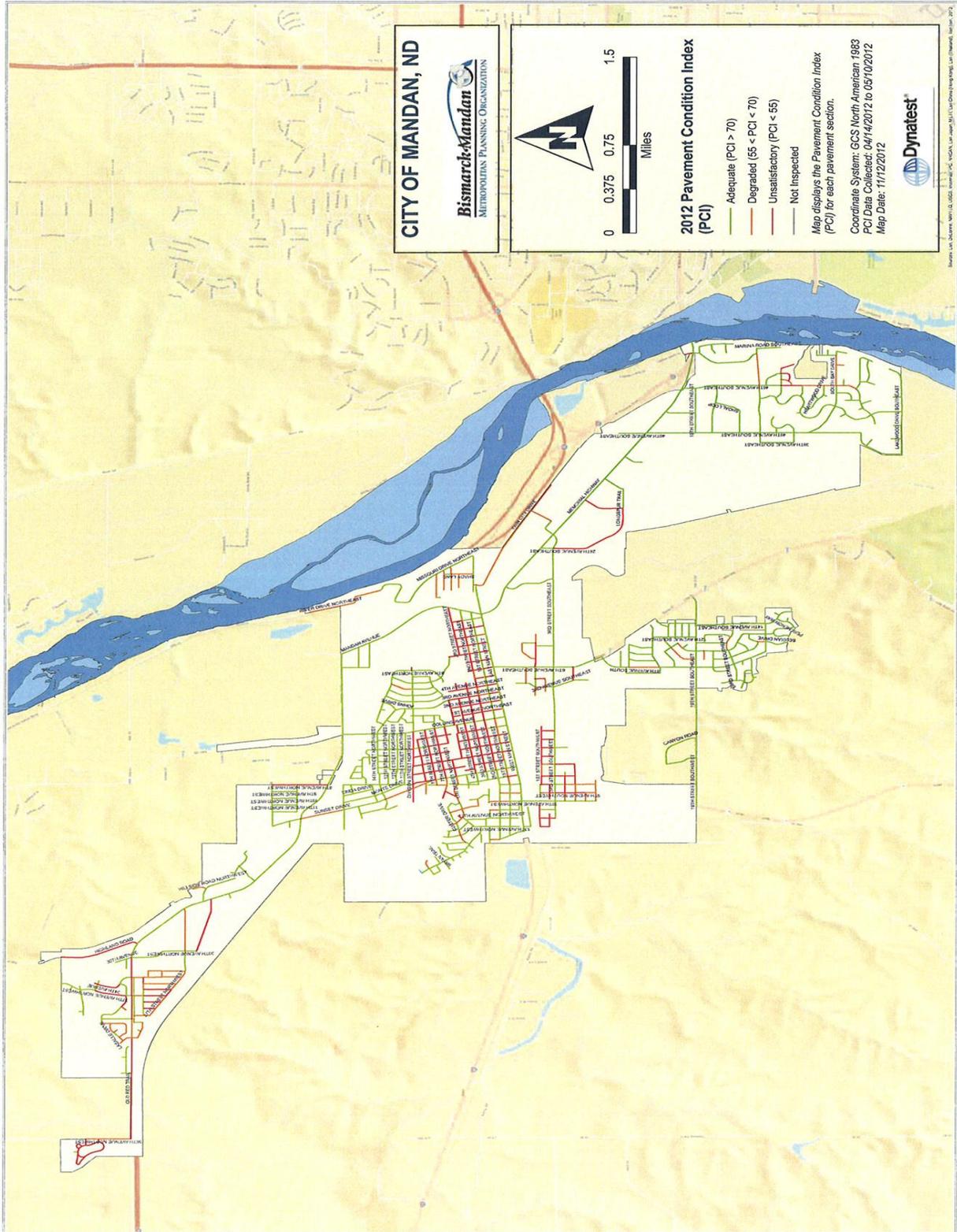
Board of City Commissioners

Agenda Documentation

Meeting Date: April 15, 2014

Subject: Consider resolution determining the insufficiency of protests for Street Improvement District No. 196, Project No. 2014-14 (Mandan Industrial Park).

Page 3 of 5



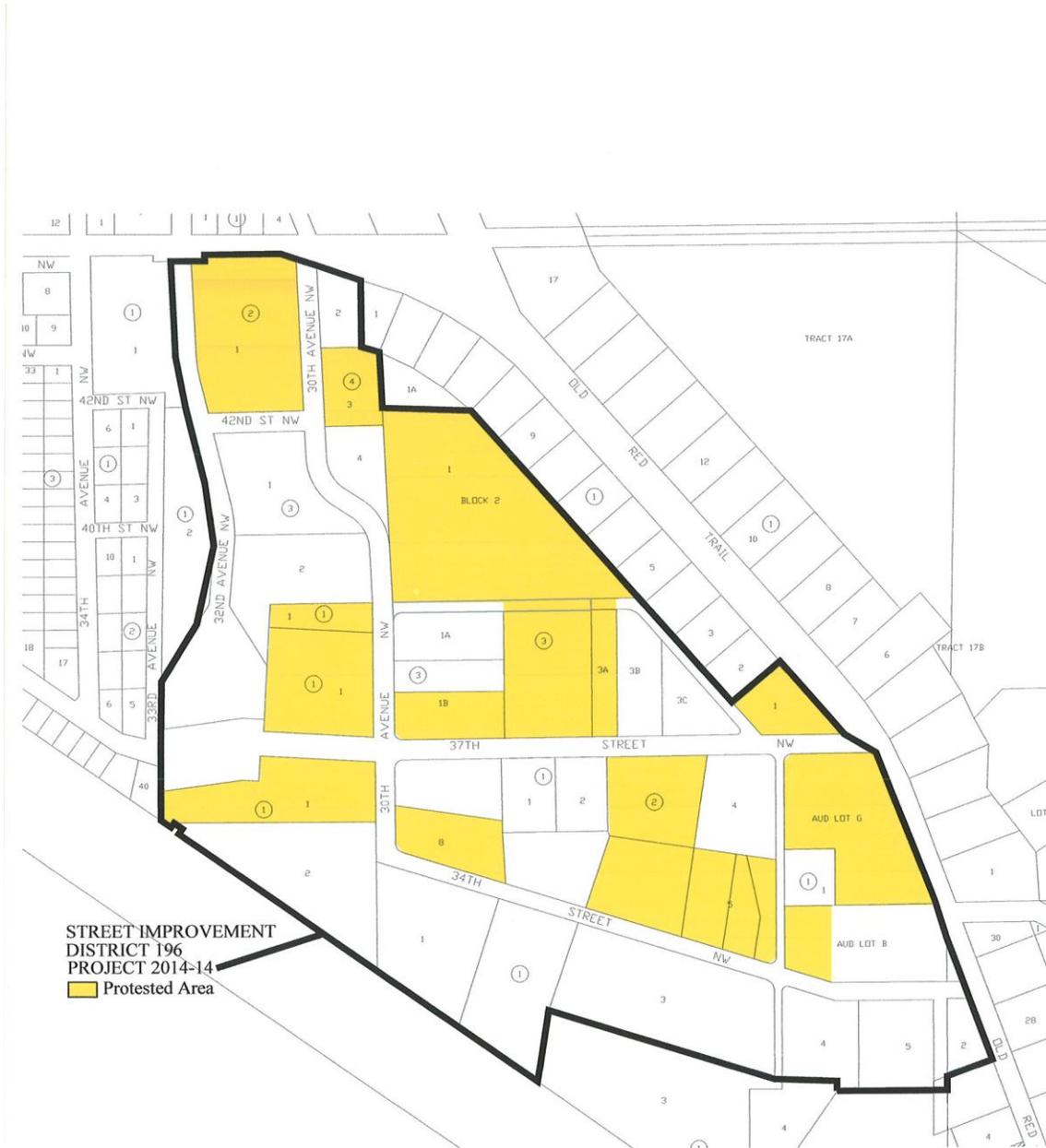
Board of City Commissioners

Agenda Documentation

Meeting Date: April 15, 2014

Subject: Consider resolution determining the insufficiency of protests for Street Improvement District No. 196, Project No. 2014-14 (Mandan Industrial Park).

Page 4 of 5



Board of City Commissioners

Agenda Documentation

Meeting Date: April 15, 2014

Subject: Consider resolution determining the insufficiency of protests for Street Improvement District No. 196, Project No. 2014-14 (Mandan Industrial Park).

Page 5 of 5

**RESOLUTION DETERMINING INSUFFICIENCY OF PROTESTS FOR
STREET IMPROVEMENT DISTRICT NO. 196**

Whereas, the governing body of the City of Mandan, North Dakota (the "City") adopted a Resolution of Necessity Declaring the Necessity of a Special Assessment District for Street Improvement District No. 196, on March 4, 2014 (the "Resolution"); and

Whereas, the Resolution was published in the City's official newspaper on March 7, 2014 and March 14, 2014; and

Whereas, more that thirty days have passed since the March 7, 2014 publication; and

BE IT HEREWITH RESOLVED AND DETERMINED by the governing body of the City as follows:

1. That written protests filed with the City Administrator, within 30 days after March 7, 2014 publications, did not represent a majority of the property included within Street Improvement District No. 196

2. That proceedings under the Resolution are NOT barred.

Dated and adopted this 15th day of April, 2014
City of Mandan, North Dakota

Arlyn Van Beek, President
Board of City Commissioners

Attest:

James Neubauer, City Administrator



LOCAL PERMIT OR CHARITY LOCAL PERMIT
 NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 17926 (10/2012)

Consent No. 2i

Type: Local Permit * Charity Local Permit

Permit Number
2014-26

Name of Organization North Dakota Mounted Shooters Association		Date(s) Authorized (Read instruction 2)		
Contact Person Pat Huber	Business Phone Number (701) 391-9574	4/15/2014 Beginning	to	10/7/2014 Ending
Mailing Address 4205 Burnt Creek Loop	City Bismarck	State ND	Zip Code 58503-9113	
Site Name Dean's Steak House	Site Address 2815 Memorial Highway			
City Mandan	State ND	ZIP Code 58554-0000	County Morton	
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.				
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels*				
Restriction:				
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor <u>and</u> Office of Attorney General within 30 days of the event.				
Date 4/2/2014	Signature of: <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor	Printed Name of City or County Auditor Jay Gruebele		Auditor Telephone Number (701) 667-3250

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

cut along this line

INFORMATION REQUIRED TO BE PREPRINTED ON A STANDARD RAFFLE TICKET:

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



LOCAL PERMIT OR CHARITY LOCAL PERMIT
 NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 17926 (10/2012)

Consent No. 2ii

Type: Local Permit * Charity Local Permit

Permit Number
2014-25

Name of Organization Pearl Larson Benefit		Date(s) Authorized (Read instruction 2)		
Contact Person Tyler Rohde	Business Phone Number (701) 202-7221	4/26/2014 Beginning	to	4/26/2014 Ending
Mailing Address 1304 6th Avenue Ne	City Mandan	State ND	Zip Code 58554-0000	
Site Name Stage Stop Saloon	Site Address 611 6th Avenue Se			
City Mandan	State ND	ZIP Code 58554-0000	County Morton	
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.				
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels*				
Restriction:				
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor <u>and</u> Office of Attorney General within 30 days of the event.				
Date 4/1/2014	Signature of: <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor <i>Jay Gruebele</i>	Printed Name of City or County Auditor Jay Gruebele		Auditor Telephone Number (701) 667-3250

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

cut along this line

INFORMATION REQUIRED TO BE PREPRINTED ON A STANDARD RAFFLE TICKET:

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

2014-25



APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT
 OFFICE OF ATTORNEY GENERAL
 SFN 9338 (9-2009)

Application for: Local Permit * Charity Local Permit (one event per year)

Name of Non-profit Organization Pearl Larson Benefit		Date(s) of Activity April 26 2014	
Person Responsible for the Gaming Operation and the Disbursement of Net Income Tyler Rohde		Title	Business Phone Number 701-202-7221
Business Address		City	State Zip Code
Mailing Address (if different) 1304 6th AVE NE Mandan		City Mandan	State Zip Code ND 58554
Name of Site Where Game(s) will be Conducted Stage stop Saloon upstairs		Site Address 611 6th AVE SE	
City Mandan		State ND	Zip Code County 58554 Morton
Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.			
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker * <input type="checkbox"/> Twenty-one * <input type="checkbox"/> Paddlewheels *			

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize	Game Type	Description of Prize	Retail Value of Prize
Raffle	Rifle	500			
Raffle	Gift card to	250			
Raffle	Mandan	150			
Raffle	Sporting	50			
	goods	50			
	mit	50			
Raffle	Midway Games	50			
Raffle	Raging Rivers	50			
Total: (Limit \$12,000 per year)					\$ 1100

intended uses of gaming proceeds: donated to Pearl Larson cancer benefit

Does the organization presently have a state gaming license? No Yes - If "Yes," the organization is not eligible for a local permit or charity local permit and should call the Office of Attorney General at 1-800-326-9240.

Has the organization received a charity local permit from this or another city or county for the fiscal year July 1 through June 30? No Yes - If "Yes," the organization does not qualify for a local permit or charity local permit.

Has the organization received a local permit from this or another city or county for the fiscal year July 1 through June 30? No Yes - If "Yes," indicate the total value of all prizes previously awarded: \$ _____ . This amount is part of the total prize limit of \$12,000 per year.

Signature of Organization's Top Executive Official <i>Tyler Rohde</i>	Date 4-1-14	Title SPONSOR	Business Phone Number 701-202-7221
--	-----------------------	-------------------------	--

Corporation Liquor License Application

1. Type of License:

Liquor On-Sale X Off-Sale _____ Class: A B C D DI E F WB MP DY
(Circle One)

Beer On-Sale X Off-Sale _____ Class: A B C D DI E F WB MP DY

2. Duration of License: Annual: (July 1, _____ to June 30, _____)
Part of Year from: _____, 20 To _____, 20 .

3. Name of Business Establishment at which license will be used: Dacota Speedway

4. Corporate Identification Information: Please complete all of the following:

- a. Name of Corporation: Bismarck-Mandan Stock CAR Assoc Inc.
- b. Date of Incorporation: 1988
- c. State of Incorporation: N. D.
- d. Amount of Authorized Capital Stock: ---
- e. Amount of Paid Capital: ---
- f. If, subsidiary, Name of Parent Corporation: ---
- g. Purpose of Incorporation: Promote Auto Racing

5. Description of Licensed Premises: Address: 2500 Longspur Trail - Mandan

Legal Description: (Lot & Block): Lot 1, Bl. 2, Midway 1st Add.
(Also Submit on an attached page a Diagram of the physical layout of the licenses premises including, A minimum: doors, storage areas, & areas where liquor/beer is purchased and consumed.)

6. List Names, Current Addresses, and Dates of Birth, ages & citizenship of all the Officers, Directors, Managers, Agents, and all Persons Holding 1% or more of the Capital Stock in the Corporation. (Note: Separate Notarized List of each individual's Name, Social Security Number and Addresses for last 5 years is required, the Privacy of which will be maintained by City but is required for Background Check:

NA

7. List Names, Current Addresses, Dates of Birth, ages & citizenship of All Persons Who will have charge, management or control of the establishment for which the license is requested. (Note: Separate Notarized List of each individual's Name, Social Security Number and Addresses for last 5 years is Required, the Privacy of which will be maintained by City but is required for Background Check:

See Attached Board of Directors

8. Name of Individual who is to be in Charge of the Day-to-Day Operations and management of the licensed premises: and will be responsible for complying with the municipal ordinances and state laws covering the operation of the premises:

Name: Teresa Seeman Address: 4645 24th Ave

City: Mandan State: ND Age: _____ DOB: _____ Citizenship: _____

If naturalized, give date and Place of Naturalization: _____

List all Other Places of Residence within last 5 Years: _____

9. List the occupations and employers of each of the individuals listed in answer to questions 6, 7 and 8 during the last 5 years. (Use a separate page to answer this question). See Attachments

10. Ownership/Lease: If licensed premises is owned by Applicant, provide date of purchase. _____ (If licensed premises is leased, attach copy of executed and dated Lease.)

11. Does Applicant certify that all property taxes have been paid to date on the licenses premises?
Yes _____ No _____ NA

12. Have any of the individuals identified in answer to Questions 6, 7, and 8 ever engaged in the sale or distribution of alcoholic beverages (as an owner, manager, or employee) at a location other than in the City of Mandan at any time prior to this application. Yes: _____ No: X (If yes, explain in detail on a separate page location, type of business and dates of license or employment).

13. Have any of the individuals identified in answer to Questions 6, 7 and 8 ever had a license of any kind (including alcoholic beverage license, other business licenses or motor vehicle license) suspended, revoked or non-renewed by any political subdivision, state or federal agency. Yes: _____ No: X (If yes, explain in detail on a separate page)

14. Have any of the individuals identified in answer to Questions 6, 7 and 8 ever been convicted of a violation of any law of the United States, or of any state or political subdivision, other than minor traffic violations, (but including reckless driving or driving under the influence). Yes _____ No: X (If yes, explain the violation in detail on a separate page.)

15. Do any of the individuals named in answer to questions 5, 6 or 7 have any interest whatsoever in any other liquor establishment, either at wholesale or retail, within or without the state of North Dakota. (The interest which must disclose also includes a right of inheritance by law or by will). Yes _____ No: X If, yes please explain in detail on a separate page.

16. Does anyone other than the Corporation applying for this alcoholic beverage license or the business owning the premises have any right, estate, or interest in the lease hold, building, or furniture, fixtures or equipment, in the premises for which the license is requested. Yes _____ No: X (If yes, explain in detail on a separate page).

17. Does the Corporation applying for this alcoholic beverage license have any agreement, contract, understanding or intention to have any agreement, contract or understanding, with any person, partnership, or corporation to obtain for any other person, partnership or corporation, or to transfer to any other person, partnership or corporation the license for which this applications is made or to obtain for any other person, partnership or corporation, for any other purpose other than for the specified use of the applicant. Yes _____ No: X (If yes, explain in detail on a separate page).

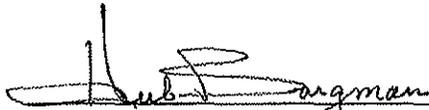
CITY OF MANDAN
SPECIAL "B" LIQUOR PERMIT

Date of Application: April 2, 2014
Name of Licensee: Bismarck-Mandan Stock Car Assoc. Inc.
Address of Licensee: Box 6272 Bis. N. D. 58506
Address of public facility if used: 2500 Longspur Trail
State the purpose for which this permit will be used: Mandan Rodeo

Date(s) of requested (not to exceed 3 day) July 2, 3, 4, 2014
Time of day which the applicant desires the permit to be in effect: 8:00 A.M. To midnight

Does this organization have approval of the Mandan Park District for this application?

Yes No


Signature of Applicant


Received by:

Date Received: 4-6-14

Commission Approval: _____

\$100.00 per Event - Amount paid \$ 100.⁰⁰

CITY OF MANDAN

SUNDAY ALCOHOLIC BEVERAGE PERMIT

Date of Application: April 2, 2014

Name of Licensee: Bismarck-Mandan Stock CAR Assoc. Inc.

Address of Licensee: Box 6272 Bis. N.D 58504

Address of public facility if used: 2500 Longspur Trail

State the purpose of organization: Promote Auto Racing

Date(s) of requested Sunday(s): June 8, July 27, Aug 3, Aug 10

Time of day which the applicant desires the permit to be in effect: 12:00 Noon To 12:00 Midnight

Description of the rooms on the premises, which have been specifically reserved, for the dispensing of alcoholic beverages and dancing during the term of the permit: Main Concessions and Pit Concessions

State whether the applicant requests permission to open to the general public, and if so an explanation of the reasons for the request: yes

If applicable, estimated number of police officers necessary to provide security at the dance to be open to the public: None

I the applicant will abide to the following conditions:

- a. Alcoholic beverages may be distributed for consumption on the premises and Dancing may be permitted only in those rooms specifically reserved for event activities;
- b. Dancing and the dispensing of alcoholic beverages shall be permitted only between the hours of twelve noon on the date specified in the permit and one a.m. on the following Monday;
- c. Any conditions or circumstances delineated by the Board relating to the conduct of the event or to the admission of the general public to the event.



**Earth Day Proclamation
Earth Day 2014**

WHEREAS the global community now faces extraordinary challenges, such as global health issues, food and water shortages, and economic struggles; and

WHEREAS all people, regardless of race, gender, income, or geography, have a moral right to a healthy, sustainable environment with economic growth; and

WHEREAS it is understood that the citizens of the global community must step forward and take action to create a green economy to combat the aforementioned global challenges; and

WHEREAS a green economy can be achieved on the individual level through educational efforts, public policy, and consumer activism campaigns; and

WHEREAS it is necessary to broaden and diversify this global movement to achieve maximum success; and

FURTHERMORE, let it be known that Mandan, ND hereby encourages its residents, businesses and institutions to use **EARTH DAY** to celebrate the Earth and commit to building a sustainable and green economy;

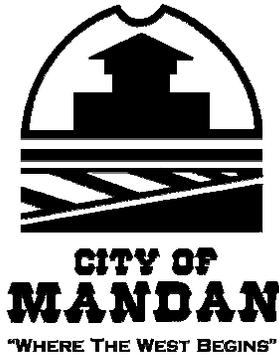
NOW THEREFORE BE IT RESOLVED that I, Arlyn Van Beek, President of the Board of City Commissioners of the City of Mandan, do hereby pledge this Earth Day, April 22, 2014, to support green economy initiatives in Mandan, ND and to encourage others to undertake similar actions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Mandan to be affixed on April 15, 2014.

Arlyn Van Beek, President Board of City Commissioners

Attest:

James Neubauer, City Administrator



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 15, 2014
PREPARATION DATE: April 10, 2014
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT:

STATEMENT/PURPOSE: To consider entering into professional services agreement for architectural services related to the Depot and Beanery,

BACKGROUND/ALTERNATIVES: The City of Mandan in cooperation with the Mandan Progress Organization applied for a grant from the North Dakota Department of Transportation for improvements to the Depot and Beanery. The application was for panels that depict the history of the two buildings along with much needed window replacement or repair and insulation. A grant has been awarded of approximately \$77,000. In order to move forward with the project an architect must be on board along with public bidding requirements. We have met with the ND DOT and MPO on site and with Hepper Olson Architects. Bobbi Hepper Olson has a great deal of experience working on projects of this nature, in addition has worked successfully with the ND Historical Society and ND DOT on several projects.

The timeline for this project:
Complete Design Phase, June 1
Complete Construction Docs, August 1
Start Construction, August 1

In addition an optional fee for master planning the area would be possible under this contract however we are not recommending it at this time.

ATTACHMENTS: proposed contract

FISCAL IMPACT: 10% of construction costs, plus mileage to be paid from the Visitors Fund as part of a previously approved project.

STAFF IMPACT: minimal

LEGAL REVIEW: Contract has been forwarded to Attorney Brown for his review.

RECOMMENDATION: I recommend entering into the contract as proposed with Hepper Olson Architects for work related to a ND DOT TAPS grant for the Depot and Beanery.

SUGGESTED MOTION: I recommend entering into the contract as proposed with Hepper Olson Architects for work related to a ND DOT TAPS grant for the Depot and Beanery.



Proposal for Architectural Services

To: City of Mandan
Attn: Jim Neubauer/City Administrator
205 2nd Ave NW, Mandan, ND58554
701-667-3215
jneubauer@cityofmandan.com

PROPOSAL DATE: Tuesday, April 1, 2014
PROJECT: Mandan Depot and Beanery – NDDOT TAP Funds

PROJECT DESCRIPTION:
Complete final design and construction documents to meet the NDDOT TAP funds requirements for design submittal, bidding procurement, and construction administration.

FEE FOR SERVICES:
The Architect's Basic Services Fee will be 10% of the cost of the construction work, plus mileage.
For example project estimated improvement costs of \$110,000 would be \$110,000 x 10% = \$11,000.

SCOPE OF ARCHITECT'S BASIC SERVICES:
The Architect's Basic Services consist of the following services. Any mechanical, electrical, structural engineering and/or environmental consultants would be in addition to the Architect's fee.

DESIGN PHASE SERVICES

- 1 The Architect shall review the program and other information furnished by the Owner.
- 2 The Architect shall discuss with the Owner the Owner's program, schedule, budget for the Cost of the Work, Project site, and alternative approaches to design and construction of the Project, including the feasibility of incorporating environmentally responsible design approaches. The Architect shall reach an understanding with the Owner regarding the Project requirements.
- 3 Based on the Project requirements, the Architect shall prepare Design Documents for the Owner's approval consisting of drawings and other documents appropriate for the Project and the Architect shall prepare and submit to the Owner a preliminary estimate.
- 4 The Architect shall submit the Design Documents to the Owner, and request the Owner's approval.

CONSTRUCTION DOCUMENTS PHASE SERVICES

- 1 Based on the Owner's approval of the Design Documents, the Architect shall prepare for the Owner's approval Construction Documents consisting of Drawings and Specifications setting forth in detail the requirements for the construction of the Work. The Owner and Architect acknowledge that in order to construct the Work the Contractor will provide additional information, including Shop Drawings, Product Data, Samples and other similar submittals, which the Architect shall review during the Construction Services.
- 2 The Architect shall submit the Construction Documents to the Owner, advise the Owner of any adjustments to the estimate of the Cost of the Work, take any action required, and request the Owner's approval.
- 3 The Architect, following the Owner's approval of the Construction Documents and of the latest preliminary estimate of Construction Cost, shall assist the Owner in negotiating/bidding, awarding, and preparing contracts for construction.

hepperolson.com

BUXTON OFFICE

429 Broadway Street, PO Box 147, Buxton, ND 58218
P 701 841 1000 F 701 841 1001

GRAND FORKS

2617 S Columbia Road, Suite 3, Grand Forks, ND 58201
P 701 746 6820 F 701 841 1001



CONSTRUCTION PHASE SERVICES

1 The Architect shall provide administration of the Contract between the Owner and the Contractor as set forth in AIA Document A101™-2007, Standard Form of Agreement Between Owner and Contractor. These services include but are not limited to:

- Evaluation of the construction work
- Review of contractor's pay requests
- Review of contractor's submittals.
- Review in any changes to the work.
- Assist with project completion and close-out.
- Prepare final report for the NDDOT TAP Fund Reimbursement

AGREEMENT:

A formal AIA Agreement will be drafted (if owner requires) upon the acceptance of this proposal.

TENTATIVE SCHEDULE:

Complete Design Phase – June 1, 2014
Complete Construction Documents Phase – August 1, 2014.
Start Construction – August 15, 2014.

OPTIONAL ADDITIONAL SERVICE - MASTERPLANNING

PROJECT DESCRIPTION:

Complete a masterplan for a phased approach for site improvements to be used for fund raising, grant opportunities, and long term development of this historic site. To be completed concurrently with the NDDOT TAP Funds.

Fee for Masterplanning..... Lump Sum \$10,000.

Offered by:
Hepper Olson Architects, Ltd.

Bobbi J. Hepper Olson, Architect

Accepted by:

Name of Client

Signature

Print Name/Title

Date



2014 Rates

HOURLY

Principal Architect (Bobbi).....	\$125
Architect – Level I (Kent).....	\$110
Architect – Level II (Erin).....	\$90
Architect – Level III.....	\$80
Architectural Intern (Ben).....	\$70
Student Intern.....	\$40
Interior Designer (Julie).....	\$70
Estimating (Steve).....	\$100
CADD Technician – Level I (Greg).....	\$80
CADD Technician – Level II.....	\$70
CADD Technician – Level III.....	\$60
CADD Technician – Level IV (Julie).....	\$50
Clerical (Jessica).....	\$40

REIMBURSABLE EXPENSES

1. Reproduction Costs
 - Black & White
 - 24x36 Bond Paper Plots \$3.00
 - 11x17 Copies \$0.35
 - 8-1/2x11 Copies \$0.15
 - Color Copies
 - 24x36 \$25.00
 - 11x17 \$0.70
 - 8-1/2x11 \$0.30
 - Misc. Copies actual cost + 10%
2. Travel Expense..... actual cost + 10%
(airfare, ground transportation, lodging, meals)
3. Mileage \$0.55 / mile (adjusts with federal rate)
4. Postage actual cost + 10%
5. AIA Contract Documents Usage Fee
 - Contracts..... \$25.00
 - All other documents \$1.00
6. Consultants..... Invoice + 25%
7. Others..... actual cost + 10%

Terms & Conditions

Project: Mandan Depot & Beanery

Date: April 1, 2014

General Conditions:

The Firm shall perform the services outlined in this agreement for the stated fee arrangement. Where applicable, proposed fees constitute our best estimate of the charges required to perform the services as defined. Except as provided otherwise, the project scope will not be modified without written mutual agreement. Where project scope is expanded by the Client, Client will be responsible for payment for all services resulting therefrom. For those projects involving conceptual or process development services, activities often cannot be fully defined during initial planning. As the project progresses, if facts are uncovered which may alter the scope, the Firm will inform the Client of such situation so that changes in scope and compensation can be negotiated as required. The Firm will provide all services in accordance with generally accepted professional practices. The Firm will not provide or offer to provide services inconsistent with or contrary to such practices, nor make any warranty or guarantee, expressed or implied, nor have any agreement or contract for services subject to the provisions of any uniform commercial code.

When only conceptual drawings are requested, the Firm assumes no liability for implications of the concept drawings, the Client is then responsible to verify compliance with all applicable building codes, standards, health maintenance, and adherence to City building regulations.

When services are completed only through construction documents the owner is aware that every condition cannot be detailed on paper and changes will arise during construction. When the owner completes construction administration himself or contracts with another entity for such services, architect is not responsible for changes and/or deviations that occur during construction.

Dispute Resolution:

The parties hereto specifically agree that any disputes arising under this agreement shall be submitted to arbitration. The award rendered by the arbitrator(s) shall be final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof. The parties further agree the arbitrator's award is binding on all parties and is not subject to an appeal in a court of law. Client and Firm agree to include a similar mediation with all contractors, subcontractors, suppliers and fabricators, thereby providing for mediation as the primary method for dispute resolution between all parties.

Access to Site:

Unless otherwise stated, the Firm will have access to the site for activities necessary for the performance of the services. The Firm will take precautions to minimize damage due to these activities, but has not included in the fee the cost of restoration of any resulting damage.

Billings/Payments:

Invoice for the Firm's services shall be submitted, at the Firm's option, either upon completion of such services or on a monthly basis. Invoices shall be payable within 30 days after the invoice date. If the invoice is not paid within 30 days, the Firm may, without waiving any claim or right against the Client, and without liability whatsoever to the

Client, terminate the performance of the service. Retainers, when requested, shall be credited on the final statement.

Late Payments:

Accounts unpaid 30 days after the invoice date may be subject to a monthly service charge of 1.5% on the then unpaid balance. In the event any portion or all of an account remains unpaid for a period of 45 days after the invoice date the account will be subject to a mechanics lien and collection action by any legal action deemed appropriate. In the event of mediation, late payments, interest, and subject liens shall not apply.

Indemnification:

The Client shall, to the fullest extent permitted by law, indemnify and hold harmless the Firm, his or her officers, director, employees, agents and sub-consultants from and against damage, liability and cost, including reasonable attorney's fees and defense costs, arising out of or in any way connected with the performance by any of the parties above named of the services under this agreement, excepting only those damages liabilities or costs attributed to the sole negligence or willful misconduct of the Firm.

Certifications:

Guarantees and Warranties: The Firm shall not be required to execute any document that would result in product certification or certifying, guaranteeing or warranting the existence of conditions whose existence the Firm cannot ascertain.

Limitation of Liability:

In recognition of the relative risks, rewards and benefits of the project to both the Client and the Firm, the risks have been allocated such that the Client agrees that, to the fullest extent permitted by law, the Firm's total liability to the Client for any and all injuries, claims, losses, expenses, damages or claim expenses arising out of this agreement from any cause or causes, shall not exceed the Firm's total fee for the services rendered, or \$10,000 whichever is greater. Such causes include, but are not limited to, the Firm's negligence, error, omissions, strict liability, breach of contract or breach of warranty.

Termination of Services:

This agreement may be terminated, in writing, by the Client or the Firm should the other fail to perform its obligations hereunder. In the event of termination, the Client shall pay the Firm (subject to mediation) for all services rendered to the date of termination, all reimbursable expenses, and reimbursable termination expenses.

Ownership of Documents:

All documents produced by the Firm under this agreement shall remain the property of the Firm and may not be used by either party for any other endeavor without the written consent of the Firm and the Client. Client and Architect agree that said plans may be displayed at Architect's discretion.

Owner initial and date: _____



HEPPER OLSON architects

Consent No. 6i



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

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

AMERICAN FOUNDATION FOR WILDLIFE
(Full, Legal Name of Gaming Organization)

is hereby authorized to conduct games of

chance under the license granted by the Attorney General of the State of North Dakota at the following

location: LAKELWOOD BAR AND GRILL the address of which is:

4007 SOUTH BAY DR STE MANDAN 58554 MORTON
(Street) (City) (Zip Code) (County)

Date(s) Authorized: Beginning JULY 1, 2014 Ending JUNE 30, 2015

Specific location where games of chance will be conducted and played at the site (required): GAMING EAST
WIND CENTER OF BSN ONE MANDAN SOUTH WALL

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

RESTRICTIONS: (to be completed ONLY if restrictions are set by the local governing body)
1. Days of week of gaming operations _____
2. Hours of gaming _____
3. List each specific game type prohibited _____

Attorney General Date Signature of City/County Auditor Date

PRINT Name / Official Position of person signing above

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



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

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

Site Owner (Lessor) LAKELWOOD BAR + GRILL LLC	Site Name LAKELWOOD BAR + GRILL	Site Phone Number 751-2898
Site Address 4007 SOUTH BAY DR. SE	City MANDAN	State ND
	Zip Code 58554	County MORTON
Organization (Lessee) AMERICAN FOUNDATION FOR WILDLIFE	Rental Period JULY 1, 2013 to JUN 30, 2015	Monthly Rent Amount

1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$
2. Is a raffle drawing going to be conducted at this site?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$
3. Is Prize Boards involving a dispensing device conducted at this site?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$
4. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>150</u>	<input type="checkbox"/> No <input type="checkbox"/> Yes	\$ <u>150</u>
5. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$
6. Is Pull Tabs involving both a jar bar and dispensing device conducted at this site? If "Yes," skip questions 6 & 7.	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	\$ <u>125</u>
7. Is Pull Tabs involving only a jar bar conducted at this site?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$
8. Is Pull Tabs involving only a dispensing device conducted at this site?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$

TERMS OF RENTAL AGREEMENT:	Total Monthly Rent \$ <u>275</u>
----------------------------	-------------------------------------

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

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

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

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

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

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

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

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

Signature of Lessor <i>[Signature]</i>	Title <i>[Signature]</i>	Date 2-8-2013
Signature of Lessee (Top Executive Official) <i>[Signature]</i>	Title PRESIDENT	Date 2-8-13

(over)



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

Consent No. 6ii

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

AMERICAN FOUNDATION FOR WILD LIFE
 (Full, Legal Name of Gaming Organization)

Is hereby authorized to conduct games of

chance under the license granted by the Attorney General of the State of North Dakota at the following

location: LAST CALL BAR the address of which is:

118 W MAIN (Street) MANDAN (City) 58554 (Zip Code) MORTON (County)

Date(s) Authorized: Beginning JULY 1, 2014 Ending JUNE 30, 2015

Specific location where games of chance will be conducted and played at the site (required): MACH CROWDEN OF BAR WEST WALL BT JARS EAST WALL CROWDEN OF BAR

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

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

1. Days of week of gaming operations _____

2. Hours of gaming _____

3. List each specific game type prohibited _____

 Attorney General Date Signature of City/County Auditor Date

PRINT Name / Official Position of person signing above

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



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

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

Site Owner (Lessor) LAST CALL BAR INC		Site Name LAST CALL BAR		Site Phone Number 663-9211	
Site Address 118 W MAIN ST		City MANDAN	State ND	Zip Code 58554	County MANDAN
Organization (Lessee) AMERICAN FOUNDATION FOR WILDLIFE			Rental Period 7-1-14 to 6-30-15		Monthly Rent Amount

1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, Is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$
2. Is a raffle drawing going to be conducted at this site?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$
3. Is Prize Boards involving a dispensing device conducted at this site?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$
4. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>300</u>	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	\$ <u>300</u>
5. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$
6. Is Pull Tabs involving both a jar bar and dispensing device conducted at this site? If "Yes," skip questions 6 & 7.	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	\$ <u>200</u>
7. Is Pull Tabs involving only a jar bar conducted at this site?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$
8. Is Pull Tabs involving only a dispensing device conducted at this site?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$

TERMS OF RENTAL AGREEMENT:	Total Monthly Rent \$ <u>500</u>
----------------------------	-------------------------------------

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

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

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

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

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

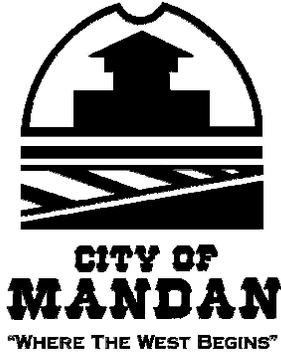
The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

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

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

Signature of Lessor <i>[Signature]</i>	Title <i>President</i>	Date 3-24-14
Signature of Lessee (Top Executive Official) <i>[Signature]</i>	Title <i>President</i>	Date 3-24-14

(over)



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 15, 2014
PREPARATION DATE: April 15, 2014
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Request for Proposals Construction Engineering Services, Safe Routes to Schools Grant (SRTS)

STATEMENT/PURPOSE: To consider issuing a Request for Proposals for construction engineering services for a SRTS.

BACKGROUND/ALTERNATIVES: Mandan Public School District applied and has been awarded a SRTS grant for construction of sidewalk and crossings in the vicinity of Old Red Trail to the new Red Trail Elementary School.

The project funding is capped at \$184,800 and the lowest bid came in well below that amount. Therefore, there is ample budget to have the Construction Engineering work totally reimbursed with SRTS funds given the following information:

In order to receive reimbursement for the construction engineering costs, the city would need to do a Request for Proposal (RFP) for a construction engineer. The construction engineering firm that is selected would need to have a NDDOT Construction Engineering Services Agreement between the city, the engineering consultant, and DOT.

It must be advertised for 21 days and 3 times consecutively in which we will target the following schedule:

Ad 1: Friday 4-18-14

Ad 2: Friday 4-25-14

Ad 3: Friday 5-02-14

RFP Due to City of Mandan: Friday 5-9-14

City Award of Consultant: Tuesday 5-20-14 at CC meeting

ATTACHMENTS: Request for Proposals

FISCAL IMPACT: Zero, this project is funded through the Mandan Public School District and the SRTS Grant program. The City is simply the authorized applicant.

STAFF IMPACT: minimal

LEGAL REVIEW: n/a

RECOMMENDATION: I recommend that the City of Mandan issue advertisement for construction engineering services be placed in the Mandan News for the next three weeks for Project: SRU-1-988(036)047 ~ Concrete Sidewalks, Storm Drain, Flashing Beacon, Signing, Marking & Incidentals – City of Mandan Safe Routes to School Project (Red Trail Elementary) 37th Ave NW from 43rd ST NW to 48th ST NW.

SUGGESTED MOTION: I move that the City of Mandan issue advertisement for construction engineering services be placed in the Mandan News for the next three weeks for Project: SRU-1-988(036)047 ~ Concrete Sidewalks, Storm Drain, Flashing Beacon, Signing, Marking & Incidentals – City of Mandan Safe Routes to School Project (Red Trail Elementary) 37th Ave NW from 43rd ST NW to 48th ST NW.

REQUEST FOR PROPOSALS CONSTRUCTION ENGINEERING SERVICES

The City of Mandan is requesting proposals for construction engineering services for the following projects:

Project: SRU-1-988(036)047 ~ Concrete Sidewalks, Storm Drain, Flashing Beacon, Signing, Marking & Incidentals – City of Mandan Safe Routes to School Project (Red Trail Elementary) 37th Ave NW from 43rd ST NW to 48th ST NW

Please provide the following information:

- A. **FIRMS CAPABILITY**
 - 1. Resume of key personnel with particular references to similar projects.
 - 2. In house engineering expertise and/or need for outside consultants (testing, etc...)
- B. **RECORD AND PERFORMANCE**
 - 1. Submit list of similar projects completed within the last three years. (list owner, type of work, and construction cost)
 - 2. Submit references of four clients and/or individuals, one shall be a financial reference.
- C. **GENERAL INFORMATION**
 - 1. Ownership. Verify if minority owned.
 - 2. Firms headquarters where work would be performed and from which expenses and mileage would be charged.

Board of City Commissioners

Agenda Documentation

Meeting Date: April 15, 2014

Subject: Request for Proposals Construction Engineering Services, Safe Routes to Schools Grant

Page 3 of 3

3. Name and phone number of the consultant's contact person.

Each firm will be judged on a basis of values as shown above. Those firms not selected will be advised in writing. Proposals shall be limited to no more than 6 pages. The City of Mandan reserves the right to reject any and/or all proposals.

If deemed necessary, the City of Mandan may elect one or more firms for the interview portion of the selection process. One consultant will be chosen to complete all work for the project listed above.

49 Code of Federal Regulations Part 26 (CFR) states that the consultant, sub recipient, or sub consultant shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. Consultants shall carry out applicable requirements of 49 CFR Part 26 in the solicitation, award, and administration of USDOT-assisted contracts. Failure by the consultant, to carry out these requirements is a material breach of the contract, which may result in the termination of the contract or such other remedy as the recipient deems appropriate.

In addition, Title VI assures that no person or group of persons may, on the grounds of race, color, national origin, sex, age, or handicap or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs or activities administered by the County.

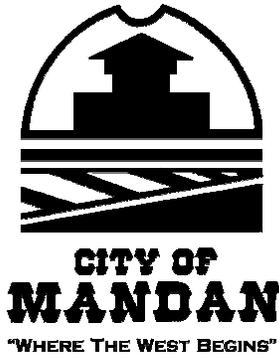
Proposals will be accepted until **3:00 pm on May 9, 2014** at the City of Mandan Engineering and Planning Dept.

Please submit 6 copies of Proposals to:

ENGINEERING SERVICES

c/o City of Mandan Engineering & Planning Dept.
Attn: Justin Froseth, Engineering & Planning Director
205 Second Ave NW
Mandan, ND 58554

Please publish: 4-18-14, 4-25-14 & 5-02-14



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 15, 2014
PREPARATION DATE: April 8, 2014
SUBMITTING DEPARTMENT: Fire
DEPARTMENT DIRECTOR: Steve Nardello, Fire Chief
PRESENTER: Steve Nardello, Fire Chief
SUBJECT: 2014 Budget Amendment

STATEMENT/PURPOSE: The Mandan Fire Department would like to apply for a Ergonomic Grant, through ND WSI, for the purchase of ergonomic office equipment for stations 1&2.

BACKGROUND/ALTERNATIVES: While receiving information for new training room chairs, that are within the 2014 budget, vendors noted that our current office chairs and desk equipment are not the correct items for desk station use. I was advised that ND WSI has an ergonomic grant program with a 25% local match. I have applied for the initial phase and received authorization to proceed with phase II. My request is to amend the 2014 fire department equipment reserve to purchase six desk chairs, six sit-to-stand work stations, six wireless mouse & keyboards, and six document holders.

ATTACHMENTS: Grant application and action plan available upon request.

FISCAL IMPACT: Amend the 2014 fire equipment budget for the purchase of ergonomic office equipment with for a total of \$7,281.12 with a 75% reimbursement from ND WSI for a total incurred cost of \$1,820.28 from the equipment reserve fund.

STAFF IMPACT: This purchase is intended to prevent staff injury resulting from prolonged use of non-ergonomic office equipment. Training will be provided to all staff for proper chair adjustment from St. Alexius Occupational Health and Wellness.

LEGAL REVIEW: None

RECOMMENDATION: I recommend that we accept the ND WSI Ergonomic Grant and purchase the suggested office equipment for the prevention of work related injury.

SUGGESTED MOTION: Motion to amend the fire department 2014 budget to include \$7,281.12 for the purchase of six office chairs, six sit-to-stand work stations, six document holders, and six wireless mouse & keyboards. The 75% ND WSI grant reimbursement shall be placed back into the fire department equipment reserve account.

ORDINANCE NO. 1181

An Ordinance to Amend Section 4-07-04 of the Mandan Code of Ordinances
Relating to Shared Leave Policy

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

A new sub-section to Section 4-07-04 of the Mandan Code of Ordinances, relating
to Shared Leave Policy, is hereby created to read as follows:

8. The City Commission may adopt a shared leave policy providing for the
sharing of annual and sick leave among city employees.

By: _____
President, Board of City Commissioners

Attest:

City Administrator

First Consideration: 4/1/2014
Second Consideration and Final Passage: 4/15/2014

ORDINANCE NO. 1182

AN ORDINANCE ANNEXING LAND INTO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

WHEREAS, Montana Dakota Utilities has acquired part of the Tesoro Refinery property along Old Red Trail for the purpose of building an electric substation; and

WHEREAS, this action will require the recording of a new plat; and

WHEREAS, the southern portion of the property is within the corporate limits of the City of Mandan, and

WHEREAS, all of a property must be within one corporate jurisdiction in order to record a plat; and

WHEREAS, North Dakota Century Code Section 40-51.2-03 provides that if the owners of at least three-fourths of the assessed value of the property being requested for annexation request such action in writing; and

WHEREAS, Montana Dakota Utilities has petitioned the City to annex the remainder of property; and

WHEREAS, Tesoro Refining and Marketing Company LLC, the seller of the property, does not object to this request for annexation; and

WHEREAS, notice was published in a newspaper of general circulation within the City of Mandan on 3/21/2014 and a certified letter announcing the intent to annex was delivered by the USPS to Morton County on 3/17/2014 as required by North Dakota Century Code 40-51.2-05.

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

Section 1. Description of Parcel of Land being Annexed. All that land not currently within the corporate limits of the City of Mandan located along Old Red Trail east of Collins Avenue NW that is described as follows:

Part of the Northeast Quarter of Section 22, Township 139 North, Range 81 West of the Fifth Principal Meridian, Morton County, North Dakota beginning at the Southwest corner of said Northwest Quarter of Section 22 and running thence North 00 degrees 10 minutes 20 seconds West on and along the West line of said Northeast Quarter a distance of 300.00 feet to a point, thence North 89 degrees 11 minutes 03 seconds East a distance of 300.00 feet to a point, thence South 00 degrees 10 minutes 20 seconds East a distance of 300.00 feet to a point on the South line of said Northeast Quarter, thence South 89 degrees 11 minutes 03 seconds West on and along said South line a distance of 300.00 feet to the point of beginning containing 2.07 acres more or less.

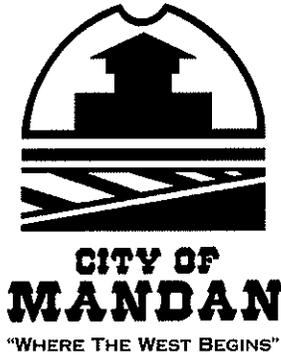
Section 2. Notice. The proper officials of the city are hereby directed to publish a copy of this ordinance in the Mandan News, the official newspaper, for two successive weeks and take such further action as they may deem necessary or desirable.

President, Board of City Commissioners

Attest:

City Administrator

Publication Date:	<u>3/21/2014</u>
First Consideration:	<u>4/1/2014</u>
Second Consideration and Final Passage:	<u>4/15/2014</u>
Publication Dates:	_____
Recording Date:	_____



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 15, 2014
PREPARATION DATE: April 9, 2014
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch
SUBJECT: Resolution establishing rates and charges for services from the Street Light Utility Fund.

STATEMENT/PURPOSE:

Consider Resolution establishing rates and charges for services from the Street Light Utility Fund.

BACKGROUND/ALTERNATIVES:

During the file conversion process from the City's current Utility Billing Software to the new Utility Billing Software (Banyon Data Systems) it was determined that a portion of the billing criteria found in the City's Resolution establishing rates and charges for services from the Street Light Utility Fund is not compatible with the new Utility Billing Software without additional programming and ongoing file maintenance. Specifically, item #4 of the Resolution states: "*For each business, commercial and industrial property the sum of \$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.*" The compatibility issue is with the wording "*...up to a maximum of three units...*" since this billing criterion is not supported in Banyon Data Systems' standard Software setup for street light charges. Currently, the City has 22 accounts that are classified in the category. For example, if one of these accounts has 5 units, only 3 of the 5 units are charged an additional \$1.00. For these 22 accounts, there are a total of 146 units of which only 66 are charged the additional \$1.00 and the remaining 80 units are not charged. To solve the Software compatibility issue for street light charges, it is recommended to amend item #4 in the Resolution as follows: "*For each business, commercial and industrial property the sum of \$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 unit situated on the property.*" As a result, the remaining 80 units will be charged the additional \$1.00 per month.

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ATTACHMENT:

Resolution establishing rates and charges for services from the Street Light Utility Fund.

FISCAL IMPACT:

Additional \$80 in revenue per month in the Street Light Utility Fund.

STAFF IMPACT:

None

LEGAL REVIEW:

Submitted to Malcolm Brown, City Attorney.

RECOMMENDATION:

To approve the Resolution establishing rates and charges for services from the Street Light Utility Fund.

SUGGESTED MOTION:

Move to approve the Resolution establishing rates and charges for services from the Street Light Utility Fund.

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 \$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 \$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 \$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 \$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 unit 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~~ May 1, 2014.

Dated this 15th day of April, 2014.

President, Board of City Commissioners

Attest:

City Administrator