

AGENDA
MANDAN CITY COMMISSION
APRIL 2, 2013
ED "BOSH" FROEHLICH MEETING ROOM,
MANDAN CITY HALL
5:00 P.M. (SPECIAL TIME)
www.cityofmandan.com

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- A. ROLL CALL:
1. Roll call of all City Commissioners and Department Heads.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:
1. Consider approval of the minutes from the March 19, 2013 Board of City Commission meeting
- E. PUBLIC HEARING:
1. Consider adopting a Planned Unit Development or "PUD" zoning classification in section 21-03-01 of the Mandan Code of Ordinances relating to division of city into zoning districts.
- F. BIDS:
1. Consider award of bid for Water and Sewer Improvement District No. 60, Project 2012-21(McKenzie Drive SE). (See Resolution No. 4).
2. Consider award of bid for 2013 Annual Sidewalk Project(Project No. 2013-03)
3. Consider award of bids for Street Improvement Project 2012-01District 163, Storm Sewer Project 2012-23 District 32 and Water and Sewer Improvement Project 2012-24 District 61(Sunset Drive NW). (See Resolution No. 8).
- G. CONSENT AGENDA:
1. Consider approval of games of chance for Pride Manchester House at Dean's Steakhouse on April 7, 2013.
2. Consider amending the fire department 2013 Equipment Reserve budget.
3. Consider proclaiming April 22, 2013 Earth Day in the City of Mandan.
4. Consider appointment of Miles Mehlhoff to the Planning and Zoning Commission.
5. Consider approval of Special Sunday openings for O.N.E. for April 14, 2013 and June 9, 2013.

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6. Consider appointment of Carl Jacobsen to the Special Assessment Commission.
7. Consider contract amendment for administration of State Small Business Credit Initiative loan program
8. Consider for approval Amendment No. 1 to the Engineering agreement with AE2S for 2013 Central Alarm System Upgrade.
9. Consider approval of a site authorization for the Fort Abraham Lincoln Foundation at the Round up Sports Bar from May 1, 2013 through June 30, 2013.
10. Consider the following abatements/exemptions:
 - i. Homestead Credit – Virginia Athaus-Davis
 - ii. Wheelchair exemption – Curtis Klein
 - iii. Fire Damage to Mobile Home – Jared Ohlhauser
11. Consider out of state travel for City Administrator to attend Great Open Spaces City Management Association conference.

H. OLD BUSINESS:

I. NEW BUSINESS:

1. Introduction of new Public Works employees:
 - i. Jason Weigelt, Street Department
 - ii. Chauntel Sullivan, Street Department
 - iii. Chris Webber, Utility Department.
2. Discussion regarding multifamily and new single family home exemptions.

J. RESOLUTIONS AND ORDINANCES:

1. Youth Commission Resolutions:
 - i. Adult Playground Equipment
 - ii. Recycling
2. Consider Resolution Authorizing Issuance of \$1,675,000 Refunding Improvement Bonds of 2013, Series A.
3. Consider Resolution Authorizing Issuance of \$1,400,000 Refunding Improvement Bonds of 2013, Series B.
4. Consider Resolution Approving Contract and Contractor's Bond for Water and Sewer Improvement District No. 60, Project 2012-21(McKenzie Drive SE).
5. Consider second consideration and final passage of Ordinance No.1143 Zone Change for Terra Vallee 6th Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.
6. Consider second consideration and final passage of Ordinance 1144 - An ordinance to amend Sections 21-04-18 relating to the purpose in the Gateway and Memorial Highway Overlay Districts.
7. Consider Resolution establishing rates and charges for Commercial/non-resident services related to the Solid Waste Utility Fund.

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- 8. Consider Resolution of Concurrence to award Projects SU-1-988(033)044, PCN 18334 – Mandan Sunset Drive from 7th St. N to 500' north of 15th St. NW to the low bidder.

- K. OTHER BUSINESS:

- L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:
 - 1. April 16, 2013
 - 2. May 7, 2013
 - 3. May 21, 2013

- 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.

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

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The Mandan City Commission met in regular session at 5:30 p.m. on March 19, 2013 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, and Braun. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development and Communications Director Huber, Engineering Project Manager Kim Fettig, and City Assessor Barta. Absent: Commissioner Frank.

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

C. PUBLIC COMMUNICATIONS:

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission meeting held on March 5, 2013 Regular Board Meeting.* Commissioner Tibke moved to approve the minutes from the Board of City Commission meeting held on March 5, 2013 Regular Board Meeting. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

1. *Consider approval of Terra Vallee 6th Addition Zone Change. (First consideration of ordinance #1143)(See Ordinance No. 5):* Engineering Project Manager Kim Fettig presented a request for the approval of Terra Vallee 6th Addition Zone Change. (First consideration of ordinance #1143). She explained how the project would result in a cleanup of the zoning on the Northwest Corner of 8th Avenue Northwest and 27th Street Northwest. Legal notices have been published. The Planning Office recommends approval.

Mayor Van Beek announced that this is a public hearing and invited anyone to come forward to comment on the request for Terra Vallee 6th Addition Zone Change. A second announcement was made. Hearing none, this portion of the public hearing was closed. (See Ordinance No. 5)

F. BIDS:

G. CONSENT AGENDA:

1. *Consider approval of monthly bills.* The Board approve of the monthly bills.
2. *Consider games of chance for National Multiple Sclerosis Society at Vision Source Mandan from April 1, 2013 through May 1, 2013.*
3. *Consider approval of Expenditure Budget amendments for Fiscal Year 2012.*
4. *Consider approval of the 2013 Fire Hydrant Painting agreement with HIT Inc.*
5. *Consider transfer of unexpended funds from the Police/Information Technology Department 2012 Budget to the 2013 Budget*

6. *Consider transfer of unexpended funds from the Wastewater Treatment Plant 2012 Budget to the 2013 Budget.*
7. *Consider transfer of unexpended funds from the Planning Department 2012 Budget to the 2013 Budget.*
8. *Consider transfer of unexpended funds from the Water Treatment Plant 2012 Budget to the 2013 Budget.*
9. *Consider finalization and acceptance of completed projects: Lincoln Ridge 5th (2009-12), Keidel's South Heart Terrace (2012-03) and Meadow Ridge 1st & 2nd (2012-05).*
10. *Consider transfer of unexpended funds from Growth Fund 2012 Budget to the 2013 Budget.*
11. *Consider transfer with conditions of Class A Liquor License from BKNP Inc (Round Up Bar & Grill) to Edgar Oliveira.*
12. *Consider the following abatements/exemptions: (i) Blind exemption – Elsie Friesz; (ii) Wheelchair exemption: a) Lynette Lipp; b) Wanda Fetch; c) Leonard Leingang; (iii) Homestead Credit exemption – Allen Wanner; (iv) 2-Year exemption: a) Louis Schmidt; b) Kurt Stoner; c) Kent Ronholdt; (v) Street Appraisal abatement – Kimberly McIver.*

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

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Presentation of retirement watch to Richard Barta.* Mayor Van Beek presented Richard Barta with a retirement watch in appreciation of his 36 years of service to the City of Mandan in the City Assessor's office. A Retirement Event is planned for Friday, March 22, 2013, from 2–5 p.m. to extend congratulations to Richard on his retirement.
2. *Presentation by Mike Manstrom, Dougherty & Company LLC, regarding the sale of \$1,675,000 Refunding Improvement Bonds of 2013, Series A. (See Resolutions #1)* Mike Manstrom, presented information regarding the sale of two Refunding Improvement bonds with good results. He provided copies of the most recent Moody's Reports and an A-1 rating was reissued on both. Both issues 2006 Series B and 2003 Series A are non-callable. The structure or maturity levels were not changed – only reduced the interest on both bond issues. Both bonds were reduced and money will be in the bank on April 10, 2013. Manstrom recommended approval of the bond resolution.
3. *Presentation by Mike Manstrom, Dougherty & Company LLC, regarding the sale of \$1,410,000 Refunding Improvement Bonds of 2013, Series B. (See Resolutions #2)* Mike Manstrom, presented information regarding the sale of two Refunding Improvement bonds stating there were good results. He provided copies of the most recent Moody's Reports and an A-1 rating was reissued on both. Both issues 2006 Series

B and 2003 Series A are non-callable. The structure or maturity levels were not changed – only reduced the interest on both bond issues. Both bonds were reduced and money will be in the bank on April 10, 2013. Manstrom recommended approval of the bond resolution.

4. *Consider approving the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Heart Ridge 2nd Addition, Project 2013-02. (See Resolutions No. 6).* Engineering Project Manager Kim Fetting stated that Lance Wachter requested that the City of Mandan enter into a 3-way agreement with Markwed Excavating, Inc., Wachter, and the City of Mandan for the water and sewer in Heart Ridge 2nd Addition, north of 19th Street, along Heart Ridge 1st Addition, along 8th Avenue. They have provided a letter of credit and the 3-way agreement is awaiting signature if agreed upon. The project is to start this spring and finish by early summer.

Commissioner Tibke moved to approve the plans and specifications and to authorize the execution of a 3-way agreement for the installation of water & sewer in Heart Ridge 2nd Addition, Project 2013-02. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

5. *Discussion regarding multifamily and new single family home exemptions.* City Administrator Neubauer reviewed with the Board for consideration the city's policy on any incentive for multi-family or high-density housing and single-family home exemption. Neubauer provided several options for the Board's consideration. Commissioner Tibke commented that Commissioner Frank has been very involved in the previous discussions on this matter over the last several months. She recommended that this matter be tabled for a future meeting in which Commissioner Frank is in attendance for discussion.

Commissioner Tibke moved to table the discussion regarding multifamily and new single family home exemptions for a future meeting in which Commissioner Frank is in attendance for discussion. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *Consider Resolution Awarding Sale of \$1,675,000 Refunding Improvement Bonds of 2013, Series A.* Commissioner Rohr moved to approve the Resolution Awarding Sale of a \$1,675,000 Refunding Improvement Bonds of 2013, Series A. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider Resolution Awarding Sale of \$1,410,000 Refunding Improvement Bonds of 2013, Series B.* Commissioner Rohr moved to approve the Resolution Awarding

Sale of a \$1,410,000 Refunding Improvement Bonds of 2013, Series B. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider Resolution authorizing filing of application with the North Dakota Department of Health for a loan under the Safe Drinking Water Act.* Finance Director Welch stated that the reason this item is on the Agenda is to make application with the State Health Department for a State Revolving Fund (SRF) Program loan. The amount of the loan is approximately \$1.2 million @ 2.5% interest for a 20-year payback debt service. The City has already adjusted the water rates to coincide with the 2013 budget Master Plan. Commissioner Tibke moved to approve the Resolution authorizing filing of application with the North Dakota Department of Health for a loan under the Safe Drinking Water Act. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Consider Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Clean Water Act.* Finance Director Welch stated this is similar to the previous Resolution for a 2.5% interest loan at a 20-year payback debt service. The amount of the loan is approximately \$2.23 million. The plan is to fund Master Plan improvements on the sewer side of the City utilities specifically for Waste Water Treatment Plant Outfall Rehabilitation Project and a Roughrider Estates Sanitary Sewer Extension Project and Lift Station Central Alarm Project. The City has already adjusted the water rates to coincide with the 2013 budget Master Plan. This is similar to previous SRF loans the City has taken out for the Water Plant and Waste Water Plant.

Commissioner Rohr moved to approve the Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Clean Water Act. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

5. *Consider first consideration of Ordinance No.1143 Zone Change for Terra Vallee 6th Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.* Commissioner Rohr moved to approve the first consideration of Ordinance No.1143 Zone Change for Terra Vallee 6th Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

6. *Consider Resolution approving plans and specifications and authorizing execution of 3-way agreement for water and sewer Improvement Project 2013-02.*

Commissioner Rohr moved to approve the Resolution approving plans and specifications and authorizing execution of 3-way agreement for water and sewer Improvement Project 2013-02. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

7. *Consider first consideration of Ordinance 1144 - An ordinance to amend Sections 21-04-18 relating to the purpose in the Gateway and Memorial Highway Overlay Districts.* Bob Vayda, President of the Mandan Architectural Review Commission came forward to explain why MARC is being pro-active to extend the Gateway Overlay District. He explained that with so much construction occurring in northwest Mandan, it will be important that construction is conducted in an orderly fashion. The Mandan Architectural Review Committee proposes changes to the zoning section of the Municipal Code Book and to extend the Gateway Overlay District to Hwy. 1806 or County 38th Street North.

Commissioner Braun moved to approve the first consideration of Ordinance 1144 - An ordinance to amend Sections 21-04-18 relating to the purpose in the Gateway and Memorial Highway Overlay Districts. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

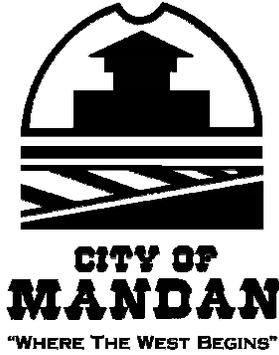
K. OTHER BUSINESS

1. Mayor Van Beek again invited everyone to attend the retirement party for Richard Barta, City Assessor, on Friday, March 22, 2013.

There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 6:05 p.m. Commissioner Rohr 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 2, 2013
PREPARATION DATE: March 26, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Kim Fettig, Project Manager
PRESENTER: Kim Fettig, Project Manager
SUBJECT: Consider adopting a Planned Unit Development or “PUD” zoning classification.

STATEMENT/PURPOSE: Consider adopting a Planned Unit Development or “PUD” zoning classification in section 21-03-01 of the Mandan Code of Ordinances relating to division of city into zoning districts.

BACKGROUND/ALTERNATIVES: A developer in the area approached Dave Patience, Swenson Hagen, in doing a project in Mandan using the Planned Unit Development or “PUD” zoning and discovered Mandan does not have a Planned Unit Development classification. The PUD zoning allows the city and developer to specify details of a development allowing flexibility in all aspects of design and layout. The city can place conditions on the development and has control on all details. All major cities in North Dakota and many throughout the United States use the Planned Unit Development zoning. Planning and Zoning Commission put together this draft after reviewing the City of Bismarck’s PUD. On February 25th the Planning and Zoning Commission made the motion to recommend adopting the PUD Zoning to the City Commission.

ATTACHMENTS: 1. Draft of Planned Unit Developments ordinance
2. Example of PUD

FISCAL IMPACT: Minimal

STAFF IMPACT: Minimal

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

SUGGESTED MOTION: To approve the adoption of a Planned Unit Development classification.

(21-03-01) Planned Unit Developments

It is the intent of this section to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space.

1. Processing of Planned Unit Development (PUD) Applications

- a. Intent: Establish land development standards that result in more efficient development, while also maintaining safeguards to effectively mitigate impacts on adjacent land uses.
- b. Rezone to Planned Unit Development District Required: In order to take advantage of the flexibility provided an applicant shall be required to submit a rezone application to a PUD District. Each PUD District shall have a unique rezone PUD District Number that shall be recorded on the zoning map.
- c. All planned units shall be considered by the Planning and Zoning Commission and the City Council in the same manner as a zoning change. The City Council may grant the proposed planned unit in whole or in part, with or without modifications and conditions, or deny it.
- d. The ordinance establishing the new PUD District shall:
 - 1) Specify the PUD Rezone Ordinance Number,
 - 2) All land development standards that shall apply to The PUD District,
 - 3) Specify finds of fact and conclusions of law that substantiates the benefit of any and all deviations from existing City land development regulations.
 - 4) Shall specify that all land development shall be in compliance with the adopted PUD Rezone Ordinance.
- e. Requested amendments or changes to an approved planned unit development shall be processed by the City based on the nature, scope and magnitude of the requested change(s). Major changes to an approved planned unit development shall be processed as though it were a first or original Planned unit development. The following shall be considered major changes to an approved planned unit development:

- 1) A change in the land area of the planned unit development in excess of 5% of the approved land area.
- 2) A change in the residential density or number of residential dwelling units in excess of 10% of the approved number of residential dwelling units.
- 3) A change in the aggregate square footage of non-residential building in excess of 10% of the approved aggregate square footage of non-residential building(s).
- 4) Any change to a condition of approval that appears in the ordinance conditionally approving the planned unit development.
- 5) Any change in the location, type or size of a building located within 100 feet of a property line that abuts an existing or planned residential use, or residential zoning district.
- 6) A significant departure from the approved alignment of a major thru-street.

All other changes to an approved planned unit development shall be considered "administrative" and processed and acted upon by City staff.

2. Planned Unit Development Review Criteria. The City Council must be satisfied that the proposed planned unit development has met each of the following criteria:

- a. Proposal conforms to the comprehensive plan.
- b. The character and nature of the proposal contains a planned and coordinated land use or mix of land uses which are compatible and harmonious with adjacent land areas. Any and all potential land use incompatibilities have been satisfactorily mitigated.
- c. All existing and proposed streets and other transportation system improvements are designed to adequately accommodate the expected amount and type of traffic generated from the proposed planned unit development.
- d. The planned unit development is in compliance with the following development standards:
 - 1) Land use intensity: The maximum density of residential uses and the maximum intensity of non-residential uses shall not exceed that allowed by the underlying zoning district(s).
 - 2) Mixed Uses: A planned unit development may have a mix of land uses, provided that any one land use type shall not comprise more than 70%, nor less than 30% of the total land area and/or total square footage of the planned unit development; and further provided that the planned unit development be designed to maximize the compatibility of all adjacent land uses, both within and outside the planned unit development.

3. Site plan, written statement and architectural drawings. The application must be accompanied by a site plan, a written statement and architectural drawings:

a. Site plan. A complete site plan of the proposed planned unit prepared at a scale of not less than one (1) inch equals one hundred (100) feet shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the planned unit. The site plan must contain, insofar as applicable, the following minimum information.

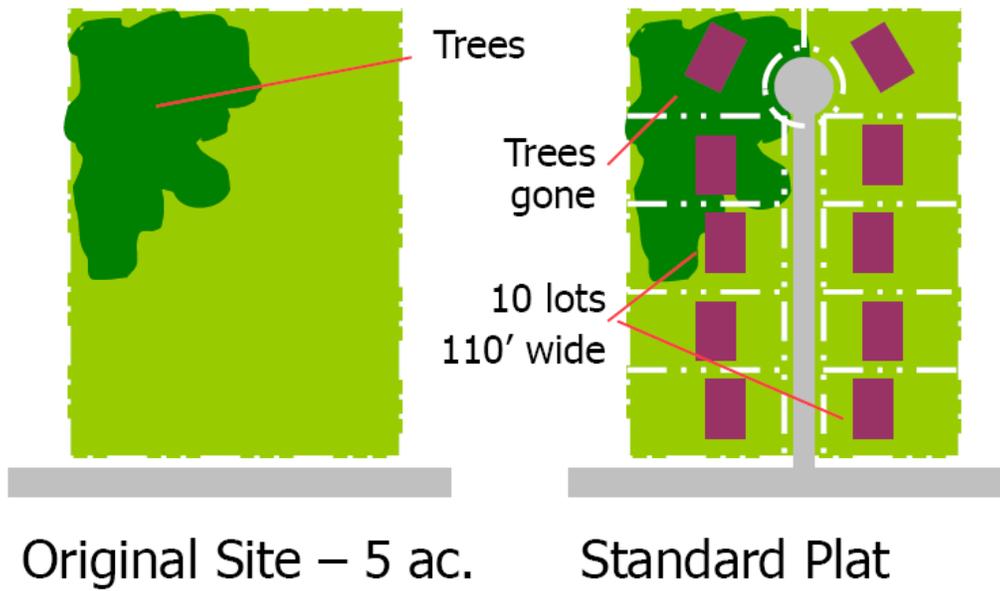
- 1) The existing topographic character of the land;
- 2) Existing and proposed land uses;
- 3) The location of all existing and proposed buildings, structures and improvements;
- 4) A phasing plan for the planned unit development, including all public improvements such as improvements to or new streets, water system infrastructure, sewer system infrastructure, parks and recreational facilities, etc.
- 4) The maximum height of all buildings;
- 5) The density and type of dwelling;
- 6) The internal traffic and circulation systems, off-street parking areas, and major points of access to public right-of-way;
- 7) Areas which are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas; and as public roadway right-of-way;
- 8) Proposed interior buffer areas between uses as well as landscape buffers, including the width and landscaping specifications for all buffer areas abutting adjacent properties.
- 9) Acreage of PUD;
- 10) Utility service plan showing existing utilities in place and all existing and proposed easements;
- 11) Landscape plan; including the location, size and type of all landscape buffer areas; and
- 12) Surrounding land uses, zoning and ownership.

b. Written statement. The written statement to be submitted with the planned unit application must contain the following information:

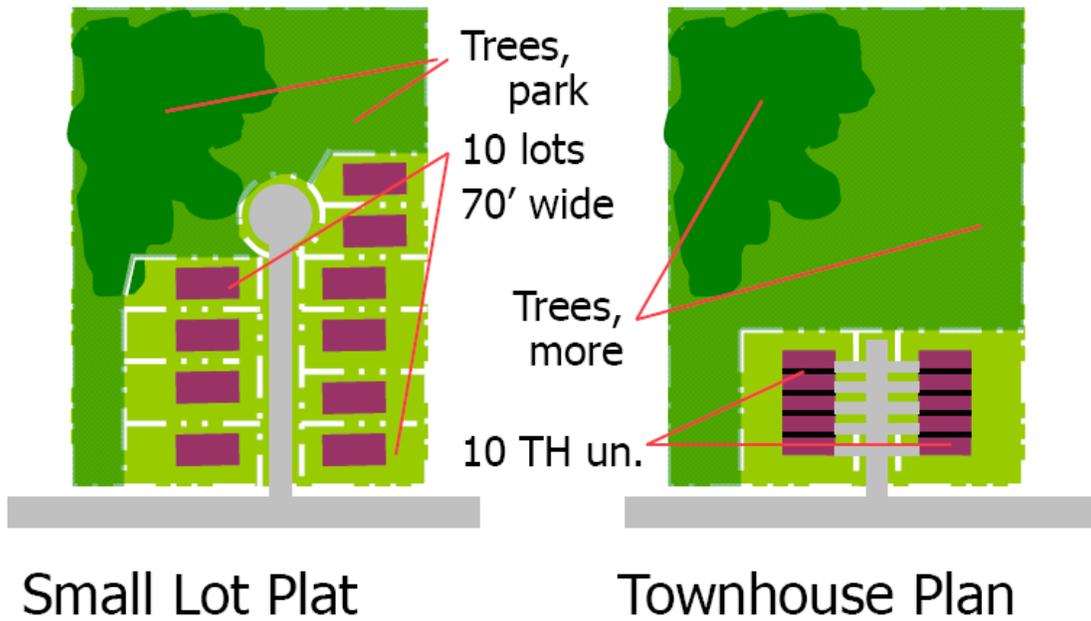
- 1) A statement of the present ownership and a legal description of all the land included in the planned unit including any abutting or adjacent land owned by the applicant or others;
- 2) An explanation of the objectives to be achieved by the planned unit, including the functional interaction of all proposed and adjacent existing land uses and how potential land use incompatibilities will be successfully mitigated.

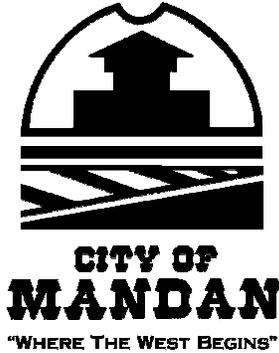
- 3) The designation of all common areas and assurances of how the common areas will be adequately maintained.
- c. Architectural renderings – unless waived by City staff, architectural renderings of proposed buildings shall be submitted in sufficient detail to allow evaluation of building form, massing, and primary architectural features. The renderings shall be of the front and one side elevation of the proposed building(s).

PUD Planned Unit Development



PUD Planned Unit Development





BID #1

Board of City Commissioners

Agenda Documentation

MEETING DATE: April 2, 2013
PREPARATION DATE: March 25, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Kim Fettig, Project Manager
PRESENTER: Kim Fettig, Project Manager
SUBJECT: Consider award of bids for Water & Sewer Improvement District No. 60, Project 2012-21(McKenzie Drive SE).

STATEMENT/PURPOSE: This is a review and possible award of bids for Water & Sewer Improvement District No. 60, Project 2012-21 (McKenzie Drive SE).

BACKGROUND/ALTERNATIVES: Bids were received on March 26 for the project and Cofell's Plumbing and Heating, Inc. was the low bidder. The bid amount was \$289,600. The Engineer's estimate was \$281,548.

ATTACHMENTS: Letter to Recommend
Bid Tabulation
Opinion of Probable Cost
Preliminary Assessment Schedules
District Map
Resolution to Award Bid

FISCAL IMPACT: The Project will be paid for by special assessments from the benefiting properties within the District. See page 6 for the Preliminary Assessment Schedule before the Bid and to Page 7 for the Preliminary Assessment Schedule with the Bid.

STAFF IMPACT: Minimal

LEGAL REVIEW: These documents have been forwarded to the City Attorney for his review.

RECOMMENDATION: I would recommend awarding the project.

Board of City Commissioners

Agenda Documentation

Meeting Date: December 4, 2012

Subject: Award of Bids for Water & Sewer Improvement District 60, Project 2012-21
(McKenzie Drive SE)

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SUGGESTED MOTION: I move to award the bid to Cofell's Plumbing and Heating, Inc. as the low bidder of Water and Sewer Project 2012-21 District 60 (McKenzie Drive SE) in the amount of \$289,600.

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



◇ March 27, 2013

James Neubauer
City Administrator
City of Mandan
205 2nd Avenue NW
Mandan, ND 58554

Re: Recommendation of Award

Bids on the referenced project were opened on March 26, 2013. A total of four bids were received. The bids were checked for mathematical accuracy and two discrepancies were found. A complete tabulation of all bids received is attached.

The low bidder is Cofell's Plumbing & Heating, Inc. and we recommend a contract be awarded.

We are returning all bid bonds and original bid forms for filing. The bid bonds should be returned to the bidders once the formal contract has been awarded.

We are attaching three (3) sets of the *Notice of Award* for your approval. Please sign all three (3) sets, keep one for your files and return the other two (2) to our office. We will send a set to the contractor for their records.

The contractor will then prepare the contract documents and send them to our office. We will forward the contracts to you after our review. Upon your attorney's review and approval, you should sign all three (3), keep one copy and return the remainder to this office for distribution.

If you have any questions, please contact our office.

Sincerely,

Kadrmas, Lee & Jackson, Inc.

A handwritten signature in black ink, appearing to read 'B. White', is written over the typed name of Benjamin D. White.

Benjamin D. White, PE/LS
Project Manager

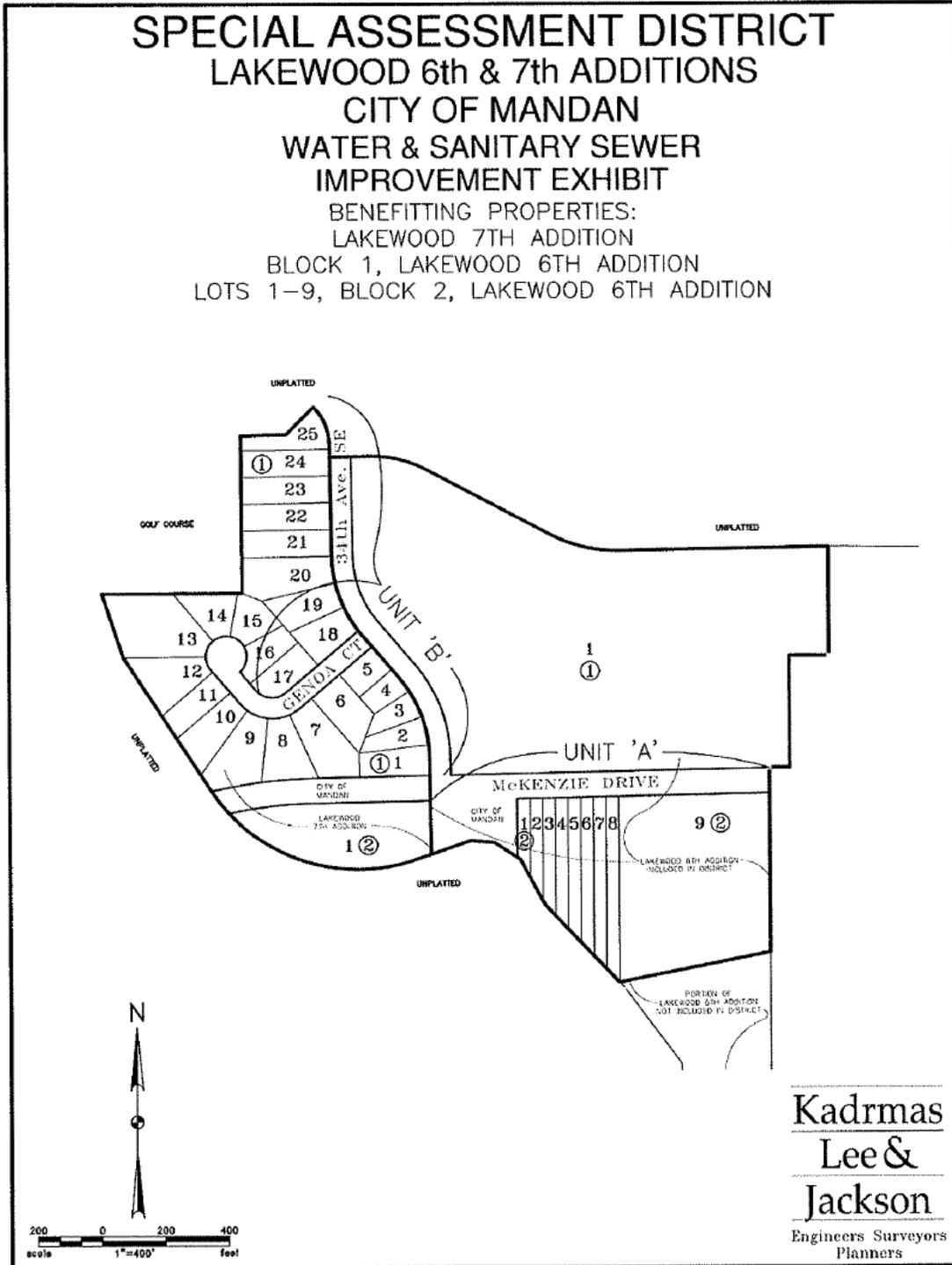
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Enclosure Bid Summary, Tabulation of Bids

NATIONAL PERSPECTIVE
REGIONAL EXPERTISE
TRUSTED ADVISOR

Item No.	Description	Unit	Quantity	Engineer's Opinion		Cofell's Plumbing & Heating		Insulation N Coatings Inc		Basarabs Excavating		Kvremedal Construction	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Mobilization	LS	1	\$ 40,000.00	\$ 40,000.00	\$ 94,772.00	\$ 94,772.00	\$ 24,500.00	\$ 24,500.00	\$ 9,700.00	\$ 9,700.00	\$ 39,000.00	\$ 39,000.00
2	AC Patch (Class B)	SY	235	\$ 60.00	\$ 14,100.00	\$ 15.00	\$ 3,525.00	\$ 60.00	\$ 14,100.00	\$ 60.00	\$ 14,100.00	\$ 110.00	\$ 25,850.00
3	Contract Bond	LF	1	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 29,000.00	\$ 29,000.00	\$ 6,000.00	\$ 6,000.00	\$ 3,200.00	\$ 3,200.00
4	Clearing and Grubbing	SY	1	\$ 7,500.00	\$ 7,500.00	\$ 1,300.00	\$ 1,300.00	\$ 7,000.00	\$ 7,000.00	\$ 10,000.00	\$ 10,000.00	\$ 4,000.00	\$ 4,000.00
5	Curb & Gutter Removal	CY	20	\$ 10.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 5.00	\$ 100.00	\$ 5.00	\$ 100.00	\$ 10.00	\$ 200.00
6	Standard Curb & Gutter	CY	20	\$ 30.00	\$ 600.00	\$ 400.00	\$ 400.00	\$ 30.00	\$ 600.00	\$ 30.00	\$ 600.00	\$ 60.00	\$ 1,200.00
7	Subcut Gravel	LF	300	\$ 30.00	\$ 9,000.00	\$ 0.01	\$ 3.00	\$ -	\$ -	\$ 35.00	\$ 10,500.00	\$ 20.00	\$ 6,000.00
8	8" PVC Sanitary Sewer	M GAL	1,115	\$ 95.00	\$ 105,925.00	\$ 60.00	\$ 66,900.00	\$ 140.00	\$ 156,100.00	\$ 180.00	\$ 200,700.00	\$ 140.00	\$ 156,100.00
9	Telephone Sewer Main	TON	1,115	\$ 2.00	\$ 2,230.00	\$ 2.00	\$ 2,230.00	\$ 1.00	\$ 1,115.00	\$ 2.00	\$ 2,230.00	\$ 1.60	\$ 1,784.00
10	6" PVC Water Main	GAL	33	\$ 35.00	\$ 1,155.00	\$ 35.00	\$ 1,155.00	\$ 30.00	\$ 990.00	\$ 30.00	\$ 990.00	\$ 49.00	\$ 1,617.00
11	8" PVC Water Main	TON	1,055	\$ 40.00	\$ 42,200.00	\$ 30.00	\$ 31,650.00	\$ 34.00	\$ 35,870.00	\$ 29.00	\$ 30,595.00	\$ 51.50	\$ 54,332.50
12	12" PVC Water Main	TON	2	\$ 1,200.00	\$ 2,400.00	\$ 45.00	\$ 225.00	\$ 75.00	\$ 375.00	\$ 75.00	\$ 375.00	\$ 58.00	\$ 280.00
13	6" Gate Valve & Box	TON	2	\$ 1,500.00	\$ 3,000.00	\$ 2,000.00	\$ 4,000.00	\$ 2,400.00	\$ 4,800.00	\$ 2,400.00	\$ 4,800.00	\$ 1,400.00	\$ 2,800.00
14	8" Gate Valve & Box	SY	3	\$ 3,500.00	\$ 10,500.00	\$ 5,000.00	\$ 15,000.00	\$ 3,900.00	\$ 11,700.00	\$ 3,400.00	\$ 10,200.00	\$ 3,970.00	\$ 11,910.00
15	6" Hydrant	LS	3	\$ 4,500.00	\$ 13,500.00	\$ 7,000.00	\$ 21,000.00	\$ 4,000.00	\$ 12,000.00	\$ 4,500.00	\$ 13,500.00	\$ 5,100.00	\$ 15,300.00
16	Concrete Manhole w/ Monolithic Base	SY	320	\$ 25.00	\$ 8,000.00	\$ 40.00	\$ 12,800.00	\$ 35.00	\$ 11,200.00	\$ 21.00	\$ 6,720.00	\$ 31.00	\$ 9,920.00
17	4" Sewer Service Pipe	SY	16	\$ 50.00	\$ 800.00	\$ 30.00	\$ 480.00	\$ 300.00	\$ 4,800.00	\$ 10.00	\$ 160.00	\$ 145.00	\$ 2,320.00
18	4" Sewer Pipe Bend	LF	544	\$ 22.00	\$ 11,968.00	\$ 40.00	\$ 21,760.00	\$ 20.00	\$ 10,880.00	\$ 18.00	\$ 9,792.00	\$ 30.00	\$ 16,320.00
19	1" Water Service Line	SY	8	\$ 140.00	\$ 1,120.00	\$ 100.00	\$ 800.00	\$ 200.00	\$ 1,600.00	\$ 125.00	\$ 1,000.00	\$ 320.00	\$ 2,560.00
20	1" Water Service Connection	SY	8	\$ 175.00	\$ 1,400.00	\$ 1,400.00	\$ 1,400.00	\$ 200.00	\$ 1,600.00	\$ 165.00	\$ 1,320.00	\$ 420.00	\$ 3,360.00
21	1" Curb Stop & Box	EA	1	\$ 1,250.00	\$ 1,250.00	\$ 1,000.00	\$ 1,000.00	\$ 3,500.00	\$ 3,500.00	\$ 1,500.00	\$ 1,500.00	\$ 7,000.00	\$ 7,000.00
22	Traffic Control	EA	1	\$ 1,250.00	\$ 1,250.00	\$ 1,000.00	\$ 1,000.00	\$ 3,500.00	\$ 3,500.00	\$ 1,500.00	\$ 1,500.00	\$ 7,000.00	\$ 7,000.00
TOTAL OF ALL CONSTRUCTION					\$ 281,548.00	\$ 289,860.00	\$ 331,330.00	\$ 337,432.00	\$ 370,523.50				

True Tabulations Of Bids Received on 03/26/2013
There were 4 Bids Received and 0 Bids Rejected

[Signature]
Project Manager's Signature
Date: 03/26/2013



RESOLUTION
APPROVING CONTRACT AND CONTRACTOR'S BOND FOR
WATER & SEWER IMPROVEMENT DISTRICT NO. 60
(Project No. 2012-21)(McKenzie Drive SE)

BE IT RESOLVED by the governing body of the City of Mandan, North Dakota (the "City"), as follows:

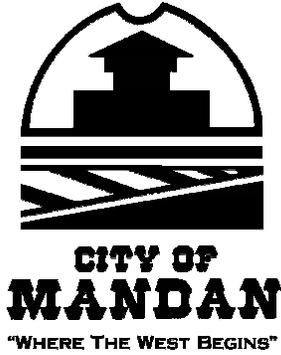
1. It is hereby found and determined that this Board has heretofore caused Notice for Advertisement for Bids to be made for an improvement Water & Sewer Improvement District No. 60 of said City, and has duly and publicly opened and considered said bids received pursuant to said Notice.
2. Said improvement is hereby ordered to be constructed in accordance with the plans and specifications therefore as heretofore adopted by this Board pursuant to a resolution duly adopted by this Board.
3. It is hereby found and determined that the lowest responsible bidder for various categories of the work, material and skill required for said improvement is Cofell's Plumbing and Heating whose bid provides for the construction of said improvement at a total estimated base price of \$289,600.00.
4. The President of the Board of City Commissioners of the City of Mandan and City Auditor are hereby authorized and directed to make and enter into a contract with said bidder on the part of the City, in the form prescribed by Sections 40-22-35 and 40-22-35, N.D.C.C. as amended, provided that said bidder shall within ten (10) days from this date execute said contract and a construction bond conditioned in accordance with the provisions of Sections 40-22-30 and 40-22-32 of said Code.

Dated this 2nd day of April, 2013

Arlyn Van Beek, President of the
Board of City Commissioners

Attest:

James Neubauer, City Administrator



Bid No. 2

Board of City Commissioners

Agenda Documentation

MEETING DATE: April 2, 2013
PREPARATION DATE: March 25, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Engineering & Planning
PRESENTER: Kim Fettig, Project Manager
SUBJECT: Consider the award of bids for Sidewalk Improvement Project 2013-03.

STATEMENT/PURPOSE: To award a contract for bids received for the 2013 sidewalk construction throughout the City.

BACKGROUND/ALTERNATIVES: Bids will be opened at 10:00 April 1, 2013. Information will be made available with recommendation from our office after bid opening.

ATTACHMENTS:

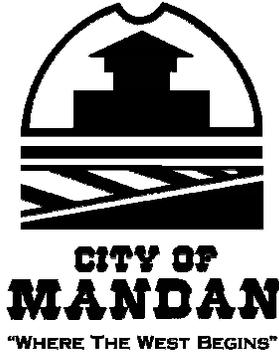
FISCAL IMPACT: This contract is open to the public for use and costs special assessed to the benefitting properties

STAFF IMPACT: Minimal

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

RECOMMENDATION:

SUGGESTED MOTION:



Bid No. 3

Board of City Commissioners

Agenda Documentation

MEETING DATE: April 2, 2013
PREPARATION DATE: March 25, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Kim Fettig, Project Manager
PRESENTER: Kim Fettig, Project Manager
SUBJECT: Consider the bid for Street Improvement District 163 Project # 2012-01, Water and Sewer Improvement District 61 Project# 2012-24 and Storm Sewer District 32 Project 2012-23. (Sunset Drive NW).

STATEMENT/PURPOSE: To consider the bid for Street Improvement District 163 Project # 2012-01, Water and Sewer Improvement District 61 Project# 2012-24 and Storm Sewer District 32 Project 2012-23. (Sunset Drive NW).

BACKGROUND/ALTERNATIVES:

1. The Cost Participation, Construction, and Maintenance Agreement from NDDOT approved by the Board of City Commissioners on October 16, 2012.
2. The Board of City Commissioners approved the Resolutions creating the Districts, Resolution declaring the necessity of the improvements, Resolutions approving the Engineer's Report and authorizing the preparation of the detailed plans and specifications, Resolutions approving the plans and specifications, Reports for the feasibility and evaluation of the improvements, and the District maps on November 6, 2012.
3. Letters were sent out to the property owners on November 16, 2012 for the Street Improvement District 163, November 16, 2012 for the Storm Sewer District 32 and on November 29, 2012 for the Water and Sewer Improvement District 61.
4. NDDOT received the bids on November 16, 2012.
5. The Street and Storm Sewer combined Bid was 21% under the Engineer's Estimate, the Water and Sanitary Sewer Bid was 48% over the Engineer's Estimate, and the total Bid for all the work was 8% under the Engineer's Estimate. There are 3 separate Special Assessment Districts (Street, Storm Sewer, and Water and Sanitary Sewer). According to NDCC 40-22-29: Before adopting or rejecting any bid filed under the provisions of this chapter, the governing body shall require the engineer for the municipality to make a careful and detailed statement of the estimated cost of the work for which proposals were advertised

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the bid for Street Improvement District 163 Project # 2012-01, Water and Sewer Improvement District 61 Project# 2012-24 and Storm Sewer District 32 Project 2012-23. (Sunset Drive NW).

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under section 40-22-19. The governing body may not award the contract to any bidder if the engineer's estimate prepared pursuant to this section exceeds the engineer's estimate of the cost of the work prepared pursuant to subsection 1 of section 40-22-10 by forty percent or more. As a result, the Bid for the Water and Sanitary Sewer portion of this Project exceeded this statutory limitation by 8% (48% vs. 40%).

6. The Public Hearing to determine the sufficiency of protests for the Street Project was held on December 18, 2012. The Board of City Commissioners approved the Resolution determining the insufficiency of protests.
7. Meeting with City officials, City Attorney, and representatives with the NDDOT was held on December 20, 2012 to discuss the Bids.
8. Recommendation to reject the Bids and request the Project to be re-bid with revised Engineer's Estimates.
9. NDDOT received the bids on March 15, 2013

10. The overall bid came in at \$4,036,180 (\$2,541,399 eligible for Federal Funds) . With the added construction contingency and administrative costs of \$1,413,913 the project total will be \$5,455,093. Of this total, the amount to be special assessed for all three projects is \$1,937,160. (See attachment for difference in assessed amounts from the November bid to the March bid).

11. The Storm Sewer Improvement OPC has option 1 and option 2. The bid reflects option 2 which is for flexible pipe. It is recommended that we go with option 1 which is reinforced concrete pipe for a difference in cost of \$15,606. City policy to have concrete pipe under streets that are main arterials.

ATTACHMENTS:

1. Resolution to concur award
2. NDDOT letter with Contract Detail Estimate and Abstract of Bids
3. Engineer's Opinion of Probable Costs
4. Comparison sheet
5. Sunset Drive Improvement Project Finance Department Summary

FISCAL IMPACT:

1. See the Sunset Drive Improvement Project Finance Department Summary for breakdown of costs.

2. The Sunset Drive Storm Sewer OPC difference of \$15,606 will be funded as follows:

- City Sales Tax Fund (50%) = \$7,803
- Water and Sewer Utility Capital Improvement Fund (50%) = \$7,803

STAFF IMPACT:

LEGAL REVIEW: Reviewed by City Attorney.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the bid for Street Improvement District 163 Project # 2012-01, Water and Sewer Improvement District 61 Project# 2012-24 and Storm Sewer District 32 Project 2012-23. (Sunset Drive NW).

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RECOMMENDATION: This office supports approving awarding the bid. Our office also supports the OPC option 1 for the Storm Sewer Improvement.

SUGGESTED MOTION: Motion 1. I move to approve the bid for Street Improvement District 163 Project # 2012-01, Water and Sewer Improvement District 61 Project# 2012-24 and Storm Sewer District 32 Project 2012-23. (Sunset Drive NW) contingent on approval of the NDDOT to award the project.

Motion 2. I move to approve option 1 (reinforced concrete pipe) for the Storm Sewer Improvement contingent on approval of the NDDOT to award the project.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the bid for Street Improvement District 163 Project # 2012-01, Water and Sewer Improvement District 61 Project# 2012-24 and Storm Sewer District 32 Project 2012-23. (Sunset Drive NW).

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RESOLUTION OF CONCURRENCE TO AWARD PROJECT SU-1-988(033)044, PCN 18334 – MANDAN SUNSET DRIVE FROM 7TH ST NW TO 500' NORTH OF 15TH ST NW TO THE LOW BIDDER

BE IT RESOLVED By the Board of City Commissioners of the City of Mandan, North Dakota, that the governing body of the City of Mandan, concurs with the North Dakota Department of Transportation in recommending the award of the above referenced project to the low bidder.

This resolution shall become effective upon the date of its adoption.

Dated and adopted this 2nd day of April, 2013.

Arlyn Van Beek, President of the Board of City Commissioners

Attest:

Jim Neubauer, City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the bid for Street Improvement District 163 Project # 2012-01, Water and Sewer Improvement District 61 Project# 2012-24 and Storm Sewer District 32 Project 2012-23. (Sunset Drive NW).

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Engineer's Opinion of
 Probable Cost for Street Improvements
 Sunset Drive NW Reconstruction
 Project: SU-1-988(033)044 Part: 1 of 3
 March 20th, 2013

Item No.	SPEC	CODE	ITEM DESCRIPTION	UNIT	Quantity		Engineer's Estimate UNIT PRICE	Participating		Non-Participating		March 15th Bid UNIT PRICE	Participating		Non-Participating	
					PARTICIPATING	NON-PARTICIPATING		Amount	Amount	Amount	Amount		Amount	Amount		
1	103	0100	CONTRACT BOND	LSUM	0.66	0.00	\$50,000.00	\$3,000.00				\$18,000.00	\$11,880.00			\$0.00
2	201	0330	CLEARING & GRUBBING	LSUM	1	0	\$18,500.00	\$18,500.00				\$20,000.00	\$20,000.00			\$0.00
3	201	0380	REMOVAL OF TREES 18IN	EA	3	0	\$1,500.00	\$4,500.00				\$1,500.00	\$4,500.00			\$0.00
4	202	0112	REMOVAL OF CONCRETE	SY	4,723	0	\$14.75	\$69,664.25				\$7.00	\$33,061.00			\$0.00
5	202	0119	SAW CONCRETE	LF	1,137	0	\$10.00	\$11,370.00				\$7.28	\$8,254.62			\$0.00
6	202	0130	REMOVAL OF CURB & GUTTER	LF	7,653	0	\$7.00	\$53,571.00				\$3.88	\$29,081.40			\$0.00
7	202	0132	REMOVAL OF BITUMINOUS SURFACING	SY	16,744	0	\$6.50	\$108,836.00				\$2.88	\$48,222.72			\$0.00
8	202	0153	SAW BITUMINOUS SURFACING-FULL DEPTH	LF	527	0	\$7.50	\$3,952.50				\$8.28	\$4,321.40			\$0.00
9	203	0101	COMMON EXCAVATION-TYPE A	CY	8,038	0	\$7.50	\$60,285.00				\$4.82	\$38,582.40			\$0.00
10	203	0109	TOPSOIL	CY	1,110	0	\$20.00	\$22,200.00				\$15.00	\$16,650.00			\$0.00
11	203	0113	COMMON EXCAVATION-WASTE	CY	6,568	0	\$12.00	\$78,816.00				\$6.00	\$39,408.00			\$0.00
12	216	0100	WATER	M GAL	91	0	\$22.00	\$2,002.00				\$18.00	\$1,638.00			\$0.00
13	230	0301	SUBGRADE PREPARATION-TYPE A	MILE	0.63	0	\$60,000.00	\$37,800.00				\$45,000.00	\$28,350.00			\$0.00
14	802	0100	SALVAGED BASE COURSE	TON	8,363	0	\$25.00	\$209,075.00				\$18.00	\$150,534.00			\$0.00
15	401	0150	SSLH OR CSS1H OR MS1 EMULSIFIED ASPHALT	GAL	70	0	\$5.00	\$350.00				\$2.50	\$175.00			\$0.00
16	405	0100	PREPARE STOCKPILE SITE	LSUM	1	0	\$4,700.00	\$4,700.00				\$1,500.00	\$1,500.00			\$0.00
17	408	0185	HOT BITUMINOUS PAVEMENT CL 29	TON	804	0	\$180.00	\$144,720.00				\$146.50	\$117,536.00			\$0.00
18	550	0300	SR NON-REINF CONCRETE P/MT CL AE-DOWELED	SY	16,157	0	\$70.30	\$1,135,837.10				\$56.00	\$904,792.00			\$0.00
19	602	1125	CLASS AE-3 CONCRETE STAIRWAY	CY	5	0	\$1,000.00	\$5,000.00				\$700.00	\$3,500.00			\$0.00
20	702	0100	MOBILIZATION	LSUM	0.66	0.00	\$275,000.00	\$181,500.00				\$330,000.00	\$217,800.00			\$0.00
21	704	1000	TRAFFIC CONTROL SIGNS	UNIT	2,083	0	\$3.41	\$7,103.03				\$3.00	\$6,249.00			\$0.00
22	704	1052	TYPE III BARRICADE	EA	41	0	\$120.00	\$4,920.00				\$100.00	\$4,100.00			\$0.00
23	706	0300	FIELD LABORATORY-TYPE C	EA	0.80	0	\$12,000.00	\$9,600.00				\$7,800.00	\$6,240.00			\$0.00
24	706	0400	FIELD OFFICE	EA	0.60	0	\$12,000.00	\$7,200.00				\$6,500.00	\$3,900.00			\$0.00
25	708	1322	SILT FENCE UNSUPPORTED	LF	650	0	\$5.69	\$3,698.50				\$3.00	\$1,950.00			\$0.00
26	708	1430	FIBER ROLLS 12IN	LF	1,690	0	\$6.26	\$10,579.40				\$5.50	\$9,295.00			\$0.00
27	708	2130	SEEDING-TYPE A-CL 1	ACRE	1.60	0.00	\$5,500.00	\$8,800.00				\$24,200.00	\$38,720.00			\$0.00
28	722	6240	ADJUST UTILITY APPURTENANCE	EA	21	0	\$550.00	\$11,550.00				\$330.00	\$6,930.00			\$0.00
29	748	0140	CURB & GUTTER-TYPE I	LF	7,581	0	\$25.00	\$189,525.00				\$14.25	\$108,029.25			\$0.00
30	750	0115	SIDEWALK CONCRETE AIN	SY	3,747	0	\$55.00	\$206,085.00				\$45.00	\$168,615.00			\$0.00
31	750	1010	DRIVEWAY CONCRETE-HIGH EARLY STRENGTH	SY	1,712	0	\$62.00	\$106,144.00				\$50.00	\$85,600.00			\$0.00
32	750	2115	DETECTABLE WARNING PANELS	SF	240	0	\$60.00	\$14,400.00				\$55.00	\$13,200.00			\$0.00
33	752	0911	TEMPORARY SAFETY FENCE	LF	2,000	0	\$5.00	\$10,000.00				\$3.00	\$6,000.00			\$0.00
34	752	0922	FENCE REMOVE AND RESET	LF	125	0	\$35.00	\$4,375.00				\$30.50	\$3,812.50			\$0.00
35	754	0117	FLAT SHEET FOR SIGNS-TYPE 3A REFL SHEETING	SF	225	0	\$18.20	\$4,095.00				\$16.00	\$3,600.00			\$0.00
36	754	0206	STEEL GALV POSTS-TELESCOPING PERFORATED TUBE	LF	332	0	\$22.50	\$7,470.00				\$17.00	\$5,644.00			\$0.00
37	762	0122	PREFORMED PATTERNED P/MT MK-MESSAGE (GROOVE	SF	16	0	\$30.00	\$480.00				\$26.00	\$416.00			\$0.00
38	762	1305	PREFORMED PATTERNED P/MT MK 4IN LINE-GROOVED	LF	5,745	0	\$5.00	\$28,725.00				\$3.88	\$22,090.80			\$0.00
39	762	1309	PREFORMED PATTERNED P/MT MK 8IN LINE-GROOVED	LF	37	0	\$10.00	\$370.00				\$6.00	\$222.00			\$0.00
40	762	1325	PREFORMED PATTERNED P/MT MK 24IN LINE-GROOVED	LF	271	0	\$35.00	\$9,485.00				\$30.00	\$8,130.00			\$0.00
41	770	0001	LIGHTING SYSTEM	EA	3	0	\$250,000.00	\$750,000.00				\$43,000.00	\$129,000.00			\$0.00
42	970	0070	STONE MULCH	SF	1,820	0	\$10.00	\$18,200.00				\$7.50	\$13,650.00			\$0.00
43	970	0075	WOOD MULCH	SF	564	0	\$5.00	\$2,820.00				\$3.25	\$1,833.00			\$0.00
44	970	0300	BENCH	EA	2	0	\$3,000.00	\$6,000.00				\$2,000.00	\$4,000.00			\$0.00
45	970	0365	SHELTER	EA	1	0	\$15,000.00	\$15,000.00				\$2,000.00	\$2,000.00			\$0.00
46	970	1020	REPLANT SHRUBS	EA	2	0	\$360.00	\$720.00				\$300.00	\$600.00			\$0.00
47	970	2330	BUR OAK	EA	4	0	\$725.00	\$2,900.00				\$650.00	\$2,600.00			\$0.00
48	970	3600	BLACK HILLS SPRUCE	EA	3	0	\$575.00	\$1,725.00				\$25.00	\$75.00			\$0.00
49	970	6016	DAYLILIES-CONTAINER	EA	12	0	\$35.00	\$420.00				\$30.00	\$360.00			\$0.00
50	970	7050	KARL FOERSTER	EA	2	0	\$35.00	\$70.00				\$30.00	\$60.00			\$0.00
								Total Base Bid =	\$3,038,138.78	\$0.00	Total Base Bid=	\$2,280,481.85	\$0.00			

Improvements Total= \$3,038,138.78 Improvements Total= \$2,280,481.85

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the bid for Street Improvement District 163 Project # 2012-01, Water and Sewer Improvement District 61 Project# 2012-24 and Storm Sewer District 32 Project 2012-23. (Sunset Drive NW).

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Engineer's Opinion of
 Probable Cost for Water and Sanitary Sewer Improvements
 Sunset Drive NW Reconstruction
 Project: SU-1-988(033)044 Part: 2 of 3
 March 20th, 2013

Item No.	SPEC	CODE	ITEM DESCRIPTION	UNIT	Quantity		UNIT PRICE	Participating Amount	Non-Participating Amount	March 15th Bid UNIT PRICE	Participating Amount	Non-Participating Amount
					PARTICIPATING	NON-PARTICIPATING						
1	303	0100	CONTRACT BOND	LSUM	0	0.20	\$50,000.00		\$10,000.00	\$18,000.00		\$3,600.00
2	202	0174	REMOVAL OF PIPE ALL TYPES AND SIZES	LF	0	2,384	\$18.00		\$43,092.00	\$4.50		\$10,773.00
3	202	0210	REMOVAL OF MANHOLES	EA	0	7	\$820.00		\$5,740.00	\$400.00		\$2,800.00
4	216	0100	WATER	M GAL	0	26	\$22.00		\$572.00	\$18.00		\$468.00
5	702	0100	MOBILIZATION	LSUM	0	0.2	\$275,000.00		\$55,000.00	\$330,000.00		\$66,000.00
6	706	0300	FIELD LABORATORY-TYPE C	EA	0.00	0.10	\$12,000.00		\$1,200.00	\$7,800.00		\$780.00
7	706	0400	FIELD OFFICE	EA	0.00	0.20	\$12,000.00		\$2,400.00	\$6,500.00		\$1,300.00
8	714	7040	SANITARY SEWER SERVICE CONNECTION	EA	0	99	\$800.00		\$47,700.00	\$450.00		\$26,550.00
9	722	0300	MANHOLE SANITARY	EA	0	13	\$7,200.00		\$93,600.00	\$6,120.00		\$79,560.00
10	722	3291	ABANDON SANITARY SEWER MANHOLE	EA	0	7	\$1,000.00		\$7,000.00	\$355.00		\$2,485.00
11	724	0300	GATE VALVE & BOX 6IN	EA	0	4	\$1,800.00		\$7,200.00	\$1,620.00		\$6,480.00
12	724	0314	GATE VALVE & BOX 12IN	EA	0	8	\$3,500.00		\$28,000.00	\$3,520.00		\$28,160.00
13	724	0411	GIN HYDRANT	EA	0	4	\$5,100.00		\$20,400.00	\$4,500.00		\$18,000.00
14	724	0430	REMOVE HYDRANT	EA	0	5	\$800.00		\$4,000.00	\$450.00		\$2,250.00
15	724	0610	WATER SERVICE LINE 1IN COPPER	LF	0	2,059	\$61.00		\$125,599.00	\$61.00		\$125,599.00
16	724	0810	WATERMAIN 6IN PVC	LF	0	18	\$100.00		\$1,800.00	\$250.00		\$4,500.00
17	724	0850	WATERMAIN 12IN PVC	LF	0	2,559	\$120.00		\$307,080.00	\$88.00		\$225,192.00
18	724	0891	WATERMAIN MODIFICATIONS	LSUM	0	1	\$33,000.00		\$33,000.00	\$64,000.00		\$64,000.00
19	724	0905	CURB STOP & BOX 1IN	EA	0	53	\$550.00		\$29,150.00	\$245.00		\$12,985.00
20	724	0940	RELOCATE CURB STOP & BOX	EA	0	3	\$850.00		\$2,550.00	\$170.00		\$510.00
21	724	0955	WATER SERVICE CONNECTION 1IN	EA	0	55	\$650.00		\$35,750.00	\$1,225.00		\$67,375.00
22	724	1100	SANITARY SEWER 4IN	LF	0	2,173	\$50.00		\$108,650.00	\$49.50		\$107,563.50
23	724	1110	8IN SANITARY SEWER PIPE	LF	0	81	\$80.00		\$6,480.00	\$225.00		\$18,225.00
24	724	1121	18IN SANITARY SEWER PIPE	LF	0	3,317	\$92.00		\$305,164.00	\$93.70		\$310,802.90
Total Base Bid =								\$0.00	\$1,280,627.00	Total Base Bid=	\$0.00	\$1,185,958.40

Improvements Total= \$1,280,627.00 Improvements Total= \$1,185,958.40

Engineer's Opinion of
 Probable Cost for Storm Sewer Improvements
 Sunset Drive NW Reconstruction
 Project: SU-1-988(033)044 Part: 3 of 3
 March 25th, 2013

Item No.	SPEC	CODE	ITEM DESCRIPTION	UNIT	Quantity		UNIT PRICE	Participating Amount	Non-Participating Amount	March 15th Bid UNIT PRICE	Participating Amount	Non-Participating Amount
					PARTICIPATING	NON-PARTICIPATING						
1	303	0100	CONTRACT BOND	LSUM	0.14	0	\$50,000.00	\$7,000.00		\$18,000.00		\$2,520.00
2	202	0174	REMOVAL OF PIPE ALL TYPES AND SIZES	LF	765	0	\$18.00	\$13,770.00		\$4.50	\$3,442.50	
3	202	0210	REMOVAL OF MANHOLES	EA	1	0	\$820.00	\$820.00		\$400.00	\$400.00	
4	202	0230	REMOVAL OF INLETS	EA	15	0	\$500.00	\$7,500.00		\$275.00	\$4,125.00	
5	216	0100	WATER	M GAL	13	0	\$72.00	\$936.00		\$18.00	\$234.00	
6	702	0100	MOBILIZATION	LSUM	0.14	0	\$275,000.00	\$38,500.00		\$330,000.00	\$46,200.00	
7	706	0300	FIELD LABORATORY-TYPE C	EA	0.10	0	\$12,000.00	\$1,200.00		\$7,800.00	\$780.00	
8	706	0400	FIELD OFFICE	EA	0.20	0	\$12,000.00	\$2,400.00		\$6,500.00	\$1,300.00	
9	708	1531	INLET PROTECTION-FIBER ROLL 12IN	EA	17	0	\$250.00	\$4,250.00		\$100.00	\$1,700.00	
10	722	0100	MANHOLE 48IN	EA	5	0	\$4,000.00	\$20,000.00		\$3,320.00	\$16,600.00	
11	722	0110	MANHOLE 60IN	EA	2	0	\$6,000.00	\$12,000.00		\$5,120.00	\$10,240.00	
12	722	0120	MANHOLE 72IN	EA	1	0	\$7,200.00	\$7,200.00		\$7,120.00	\$7,120.00	
13	722	0130	MANHOLE 84IN	EA	2	0	\$8,500.00	\$17,000.00		\$8,320.00	\$16,640.00	
14	722	0140	MANHOLE 96IN	EA	5	0	\$13,000.00	\$65,000.00		\$12,120.00	\$60,600.00	
15	722	3510	INLET-TYPE 2	EA	7	0	\$3,500.00	\$24,500.00		\$3,270.00	\$22,890.00	
16	722	3520	INLET-TYPE 2 DOUBLE	EA	11	0	\$6,000.00	\$66,000.00		\$5,100.00	\$56,100.00	
17	722	3541	INLET SHALLOW-TYPE 2 DOUBLE	EA	3	0	\$4,500.00	\$13,500.00		\$4,320.00	\$12,960.00	
Total Base Bid =								\$300,926.00	\$0.00	Total Base Bid=	\$263,851.50	\$0.00

Option 1: REINFORCED CONCRETE PIPE

Item No.	SPEC	CODE	ITEM DESCRIPTION	UNIT	Quantity		UNIT PRICE	Participating Amount	Non-Participating Amount	March 15th Bid UNIT PRICE	Participating Amount	Non-Participating Amount
					PARTICIPATING	NON-PARTICIPATING						
18	714	4101	PIPE CONDUIT 18IN-STORM DRAIN	LF	1,550	0	\$91.50	\$141,325.00		\$70.00	\$108,500.00	
19	714	4107	PIPE CONDUIT 24IN-STORM DRAIN	LF	1,138	0	\$125.00	\$142,250.00		\$75.00	\$85,350.00	
20	714	4112	PIPE CONDUIT 30IN-STORM DRAIN	LF	1,284	0	\$130.00	\$166,920.00		\$91.00	\$116,844.00	
21	714	4126	PIPE CONDUIT 48IN-STORM DRAIN	LF	48	0	\$275.00	\$13,200.00		\$225.00	\$10,800.00	
Option 1 Total =								\$448,695.00	\$0.00	Option 1 Total=	\$321,494.00	\$0.00

Option 2: FLEXIBLE PIPE (See Section S1 for allowable materials)

Item No.	SPEC	CODE	ITEM DESCRIPTION	UNIT	Quantity		UNIT PRICE	Participating Amount	Non-Participating Amount	March 15th Bid UNIT PRICE	Participating Amount	Non-Participating Amount
					PARTICIPATING	NON-PARTICIPATING						
22	714	4103	PIPE CONDUIT 18IN-STORM DRAIN	LF	1,550	0	\$75.00	\$116,250.00		\$70.00	\$108,500.00	
23	714	4107	PIPE CONDUIT 24IN-STORM DRAIN	LF	1,138	0	\$85.00	\$96,730.00		\$72.00	\$81,936.00	
24	714	4112	PIPE CONDUIT 30IN-STORM DRAIN	LF	1,284	0	\$110.00	\$141,240.00		\$83.00	\$106,572.00	
25	714	4126	PIPE CONDUIT 48IN-STORM DRAIN	LF	48	0	\$200.00	\$9,600.00		\$185.00	\$8,880.00	
Option 2 Total =								\$363,820.00	\$0.00	Option 2 Total=	\$305,888.00	\$0.00
Base Bid Total =								\$300,926.00	\$0.00	Base Bid Total=	\$263,851.50	\$0.00
Option 1 Total =								\$448,695.00	\$0.00	Option 1 Total=	\$321,494.00	\$0.00
Option 2 Total =								\$363,820.00	\$0.00	Option 2 Total=	\$305,888.00	\$0.00

Base Bid plus Option 1=	\$749,621.00	Base Bid plus Option 1=	\$585,345.50
Base Bid plus Option 2=	\$664,746.00	Base Bid plus Option 2=	\$569,739.50
		Difference =	\$15,606.00

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the bid for Street Improvement District 163 Project # 2012-01, Water and Sewer Improvement District 61 Project# 2012-24 and Storm Sewer District 32 Project 2012-23. (Sunset Drive NW).

Page 7 of 8

Sunset Project	November costs Calculated for sending out letters	March Costs Calculated after bids	Difference from November to March	Old costs per unit or square foot	New costs per unit or square foot	Increase or decrease in special assessments
Street	\$ 664,180.00	\$ 524,249.00	\$ (139,931.00)			
Storm Sewer	\$ 147,776.00	\$ 130,975.00	\$ (16,801.00)			
Water & Sanitary sewer	\$ 1,267,417.14	\$ 1,280,835.00	\$ 13,417.86			
Total Special Assessed	\$ 2,079,373.14	\$ 1,936,059.00	\$ (143,314.14)			
Street	\$ 664,180.00	\$ 524,249.00	\$ (139,931.00)	\$ 1,097.82	\$ 866.53	\$ (231.29)
Storm Sewer	\$ 147,776.00	\$ 130,975.00	\$ (16,801.00)	\$ 212.69	\$ 188.51	\$ (24.18)
Sanitary sewer	\$ 628,283.04	\$ 636,575.00	\$ 8,291.95	\$ 2,564.42	\$ 2,598.27	\$ 33.85
Water	\$ 639,134.10	\$ 644,260.01	\$ 5,125.91	\$ 682.84	\$ 688.31	\$ 5.47
Total Special Assessed	\$ 2,079,373.14	\$ 1,936,059.00	\$ (143,314.14)			\$ (216.15)

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the bid for Street Improvement District 163 Project # 2012-01, Water and Sewer Improvement District 61 Project# 2012-24 and Storm Sewer District 32 Project 2012-23. (Sunset Drive NW).

Page 8 of 8

SUNSET DRIVE IMPROVEMENT PROJECT

	ENGINEER'S ESTIMATE (1/7/2013)	NDDOT BID (3/16/2013)
COST		
STREET	\$ 3,038,139	\$ 2,280,482
STORM SEWER	\$ 742,121	\$ 589,740
WATER AND SANITARY SEWER	\$ 1,280,627	\$ 1,185,958
SPECIAL ITEMS	\$ -	\$ 5,000
CONSTRUCTION CONTINGENCY (10%)	\$ 506,089	\$ 403,618
ADMINISTRATION (25%)	\$ 1,265,222	\$ 1,010,295
TOTAL	<u>\$ 6,832,197</u>	<u>\$ 5,455,093</u>
FUNDING		
FEDERAL SHARE	\$ 3,365,301	\$ 2,541,399
CITY WIDE PROPERTY TAXES	\$ 349,211	\$ 262,492
CITY SALES TAX FUND	\$ 607,397	\$ 488,083
WATER AND SEWER UTILITY FUND	\$ 258,186	\$ 225,959
DISTRICT WIDE SPECIAL ASSESSMENTS	\$ 2,252,102	\$ 1,937,160
TOTAL	<u>\$ 6,832,197</u>	<u>\$ 5,455,093</u>
STREET		
COST		
CONSTRUCTION	\$ 3,038,139	\$ 2,280,482
CONSTRUCTION CONTINGENCY (10%)	\$ 303,814	\$ 228,048
ADMINISTRATION (25%)	\$ 759,535	\$ 570,120
TOTAL	<u>\$ 4,101,487</u>	<u>\$ 3,078,651</u>
FUNDING		
FEDERAL SHARE	\$ 2,704,642	\$ 2,030,153
CITY WIDE PROPERTY TAXES	\$ 349,211	\$ 262,124
CITY SALES TAX FUND	\$ 349,211	\$ 262,124
DISTRICT WIDE SPECIAL ASSESSMENTS	\$ 698,423	\$ 524,249
TOTAL	<u>\$ 4,101,487</u>	<u>\$ 3,078,651</u>
STORM SEWER		
COST		
CONSTRUCTION	\$ 742,121	\$ 589,740
CONSTRUCTION CONTINGENCY (10%)	\$ 74,212	\$ 58,974
ADMINISTRATION (25%)	\$ 185,530	\$ 142,435
TOTAL	<u>\$ 1,001,863</u>	<u>\$ 789,148</u>
FUNDING		
FEDERAL SHARE	\$ 680,658	\$ 507,199
CITY SALES TAX FUND	\$ 85,301	\$ 65,487
WATER AND SEWER UTILITY FUND	\$ 85,301	\$ 65,487
DISTRICT WIDE SPECIAL ASSESSMENTS	\$ 170,802	\$ 130,975
TOTAL	<u>\$ 1,001,863</u>	<u>\$ 789,148</u>
WATER AND SANITARY SEWER		
COST		
CONSTRUCTION	\$ 1,280,627	\$ 1,185,958
CONSTRUCTION CONTINGENCY (10%)	\$ 128,063	\$ 118,596
ADMINISTRATION (25%)	\$ 320,157	\$ 296,490
TOTAL	<u>\$ 1,728,846</u>	<u>\$ 1,601,044</u>
FUNDING		
CITY SALES TAX FUND	\$ 172,885	\$ 160,104
WATER AND SEWER UTILITY FUND	\$ 172,885	\$ 160,104
DISTRICT WIDE SPECIAL ASSESSMENTS	\$ 1,383,077	\$ 1,280,835
TOTAL	<u>\$ 1,728,846</u>	<u>\$ 1,601,044</u>
SPECIAL ITEMS		
COST		
SPECIAL ITEMS	\$ -	\$ 5,000
ADMINISTRATION (25%)	\$ -	\$ 1,250
TOTAL	<u>\$ -</u>	<u>\$ 6,250</u>
FUNDING		
FEDERAL SHARE	\$ -	\$ 4,047
CITY WIDE PROPERTY TAXES	\$ -	\$ 367
CITY SALES TAX FUND	\$ -	\$ 367
WATER AND SEWER UTILITY FUND	\$ -	\$ 367
DISTRICT WIDE SPECIAL ASSESSMENTS	\$ -	\$ 1,102
TOTAL	<u>\$ -</u>	<u>\$ 6,250</u>



North Dakota Department of Transportation

Grant Levi, P.E.
Interim Director

Jack Dalrymple
Governor

March 18, 2013

Mr. James Neubauer
City Administrator
205 2nd Avenue NW
Mandan, ND 58554

PROJECT: SU-1-988(033)044, PCN 18334 – MANDAN SUNSET DRIVE FROM 7TH ST NW
TO 500' NORTH OF 15TH ST NW

Bids for the construction on the above noted project were received by the NDDOT on March 15, 2013. Copies of the Contract Detail Estimate and Abstract of Bids are enclosed.

The low bid for Grading, Salvaged Base Course, HBP, Concrete Pavement, Curb & Gutter, Sidewalks, Driveways, Signing, Marking, Lighting, Landscaping, Storm Sewer, Sanitary Sewer, Watermain, & Incidentals was submitted by Knife River Corp. – North Central of Sauk Rapids, MN in the amount of \$4,036,179.79. According to the agreement with the City of Mandan, the City's share is estimated to be \$1,903,398.68. Federal funds obligated for this project shall not exceed 80.93 percent of the eligible project cost up to a maximum of \$5,120,000. The balance of the project cost is the obligation of the City.

The Department will review the low bidder's proposal to assure that the Disadvantaged Business Enterprise Program requirements have been met. Upon review of the contractor's Disadvantaged Business Enterprise Program, the Department will advise you whether this project may be awarded.

Questions should be addressed to the Construction Services Division at 328-2566.

CAL J. GENDREAU, P.E. - CONSTRUCTION SERVICES ENGINEER

80/cg/lp
Enclosure

3/15/2013

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
CONTRACT DETAIL ESTIMATE UPON WHICH PROJECT AGREEMENT IS TO BE BASED

Page 1 of 5

North Dakota **FEDERAL AID**

Bid Opening Date: **3/15/2013**

Project Number: **SU-1-988(033)044**

PCN: **18334**

Job Number: **39**

English/Metric: **ENGLISH**

Contract with **KNIFE RIVER CORPORATION - NORTH CENTRAL SAUK RAPIDS, MN**

Signed Date:

County(s): **MORTON**

Location: **MANDAN SUNSET DRIVE FROM 7 STREET NW TO APPROXIMATELY 500 FEET NORTH OF 15TH STREET NW**

North Dakota **FEDERAL AID**Bid Opening Date: **3/15/2013**Project Number: **SU-1-988(033)044**PCN: **18334**Job Number: **39**English/Metric: **ENGLISH**Roadway: **URBAN****STA 0+66 TO STA 33+80**Type: **GRADING, SALVAGED BASE COURSE, HOT BITUMINOUS PAVEMENT, CONCRETE PAVEMENT, CURB & GUTTER, SIDEWALKS, DRIVEWAYS, SIGNING, MARKING, LIGHTING, LANDSCAPING, STORM SEWER, SANITARY SEWER, WATERMAIN AND INCIDENTALS**Participating: **Y**

Spec	Code	Item Description	Quantity	Unit	Unit Price	Amount
103	0100	CONTRACT BOND	0.800	L SUM	\$18,000.00	\$14,400.00
201	0330	CLEARING & GRUBBING	1.000	L SUM	\$20,000.00	\$20,000.00
201	0380	REMOVAL OF TREES 18IN	3.000	EA	\$1,500.00	\$4,500.00
202	0112	REMOVAL OF CONCRETE	4,723.000	SY	\$7.00	\$33,061.00
202	0119	SAW CONCRETE	1,137.000	LF	\$7.26	\$8,254.62
202	0130	REMOVAL OF CURB & GUTTER	7,653.000	LF	\$3.80	\$29,081.40
202	0132	REMOVAL OF BITUMINOUS SURFACING	16,744.000	SY	\$2.88	\$48,222.72
202	0153	SAW BITUMINOUS SURFACING-FULL DEPTH	527.000	LF	\$8.20	\$4,321.40
202	0174	REMOVAL OF PIPE ALL TYPES AND SIZES	765.000	LF	\$4.50	\$3,442.50
202	0210	REMOVAL OF MANHOLES	1.000	EA	\$400.00	\$400.00
202	0230	REMOVAL OF INLETS	15.000	EA	\$275.00	\$4,125.00
203	0101	COMMON EXCAVATION-TYPE A	8,038.000	CY	\$4.80	\$38,582.40
203	0109	TOPSOIL	1,110.000	CY	\$15.00	\$16,650.00
203	0113	COMMON EXCAVATION-WASTE	6,568.000	CY	\$6.00	\$39,408.00
216	0100	WATER	104.000	M GAL	\$18.00	\$1,872.00
230	0301	SUBGRADE PREPARATION-TYPE A	0.630	MILE	\$45,000.00	\$28,350.00
302	0100	SALVAGED BASE COURSE	8,363.000	TON	\$18.00	\$150,534.00
401	0150	SS1H OR CSS1H OR MS1 EMULSIFIED ASPHALT	70.000	GAL	\$2.50	\$175.00
405	0100	PREPARE STOCKPILE SITE	1.000	L SUM	\$1,500.00	\$1,500.00
408	0185	HOT BITUMINOUS PAVEMENT CL 29	304.000	TON	\$146.50	\$44,536.00
550	0300	8IN NON-REINF CONCRETE PVMT CL AE-DOWELED	16,157.000	SY	\$56.00	\$904,792.00
602	1125	CLASS AE-3 CONCRETE STAIRWAY	5.000	CY	\$700.00	\$3,500.00
702	0100	MOBILIZATION	0.800	L SUM	\$330,000.00	\$264,000.00
704	1000	TRAFFIC CONTROL SIGNS	2,083.000	UNIT	\$3.00	\$6,249.00
704	1052	TYPE III BARRICADE	41.000	EA	\$100.00	\$4,100.00
706	0300	FIELD LABORATORY-TYPE C	0.900	EA	\$7,800.00	\$7,020.00
706	0400	FIELD OFFICE	0.800	EA	\$6,500.00	\$5,200.00
708	1322	SILT FENCE UNSUPPORTED	650.000	LF	\$3.00	\$1,950.00
708	1430	FIBER ROLLS 12IN	1,690.000	LF	\$5.50	\$9,295.00
708	1531	INLET PROTECTION-FIBER ROLL 12IN	17.000	EA	\$100.00	\$1,700.00
708	2130	SEEDING-TYPE A-CL I	1.600	ACRE	\$24,200.00	\$38,720.00
722	0100	MANHOLE 48IN	5.000	EA	\$3,320.00	\$16,600.00
722	0110	MANHOLE 60IN	2.000	EA	\$5,120.00	\$10,240.00
722	0120	MANHOLE 72IN	1.000	EA	\$7,120.00	\$7,120.00
722	0130	MANHOLE 84IN	2.000	EA	\$8,320.00	\$16,640.00
722	0140	MANHOLE 96IN	5.000	EA	\$12,120.00	\$60,600.00
722	3510	INLET-TYPE 2	7.000	EA	\$3,270.00	\$22,890.00
722	3520	INLET-TYPE 2 DOUBLE	11.000	EA	\$5,100.00	\$56,100.00
722	3541	INLET SHALLOW-TYPE 2-DOUBLE	3.000	EA	\$4,320.00	\$12,960.00
722	6240	ADJUST UTILITY APPURTENANCE	21.000	EA	\$330.00	\$6,930.00
748	0140	CURB & GUTTER-TYPE I	7,581.000	LF	\$14.25	\$108,029.25
750	0115	SIDEWALK CONCRETE 4IN	3,747.000	SY	\$45.00	\$168,615.00
750	1010	DRIVEWAY CONCRETE-HIGH EARLY STRENGTH	1,712.000	SY	\$50.00	\$85,600.00

North Dakota **FEDERAL AID**

Bid Opening Date: **3/15/2013**

Project Number: **SU-1-988(033)044**

PCN: **18334**

Job Number: **39**

English/Metric: **ENGLISH**

Spec	Code	Item Description	Quantity	Unit	Unit Price	Amount
750	2115	DETECTABLE WARNING PANELS	240.000	SF	\$55.00	\$13,200.00
752	0911	TEMPORARY SAFETY FENCE	2,000.000	LF	\$3.00	\$6,000.00
752	0922	FENCE REMOVE & RESET	125.000	LF	\$30.50	\$3,812.50
754	0117	FLAT SHEET FOR SIGNS-TYPE 3A REFL SHEETING	225.000	SF	\$16.00	\$3,600.00
754	0206	STEEL GALV POSTS-TELESCOPING PERFORATED TUBE	332.000	LF	\$17.00	\$5,644.00
762	0122	PREFORMED PATTERNED PVMT MK-MESSAGE(GROOVED)	16.000	SF	\$26.00	\$416.00
762	1305	PREFORMED PATTERNED PVMT MK 4IN LINE-GROOVED	5,745.000	LF	\$3.88	\$22,290.60
762	1309	PREFORMED PATTERNED PVMT MK 8IN LINE-GROOVED	37.000	LF	\$8.00	\$296.00
762	1325	PREFORMED PATTERNED PVMT MK 24IN LINE-GROOVED	271.000	LF	\$30.00	\$8,130.00
770	0001	LIGHTING SYSTEM	1.000	EA	\$143,000.00	\$143,000.00
970	0070	STONE MULCH	1,820.000	SF	\$7.50	\$13,650.00
970	0075	WOOD MULCH	564.000	SF	\$3.25	\$1,833.00
970	0300	BENCH	2.000	EA	\$2,500.00	\$5,000.00
970	0365	SHELTER	1.000	EA	\$2,000.00	\$2,000.00
970	1020	REPLANT SHRUBS	2.000	EA	\$300.00	\$600.00
970	2330	BUR OAK	4.000	EA	\$650.00	\$2,600.00
970	3600	BLACK HILLS SPRUCE	3.000	EA	\$525.00	\$1,575.00
970	6016	DAYLILIES-CONTAINER	12.000	EA	\$30.00	\$360.00
970	7050	KARL FOERSTER	2.000	EA	\$30.00	\$60.00
Subtotal						\$2,544,333.39

Type: **OPTION 2**

FLEXIBLE PIPE (SEE SECTION 51 FOR ALLOWABLE MATERIALS)

Spec	Code	Item Description	Quantity	Unit	Unit Price	Amount
714	4101	PIPE CONDUIT 18IN-STORM DRAIN	1,550.000	LF	\$70.00	\$108,500.00
714	4107	PIPE CONDUIT 24IN-STORM DRAIN	1,138.000	LF	\$72.00	\$81,936.00
714	4112	PIPE CONDUIT 30IN-STORM DRAIN	1,284.000	LF	\$83.00	\$106,572.00
714	4126	PIPE CONDUIT 48IN-STORM DRAIN	48.000	LF	\$185.00	\$8,880.00
Subtotal Option 2						\$305,888.00
Subtotal						\$2,850,221.39
Eng and Contg						\$285,022.14
Total						\$3,135,243.53

Length **0.6300 Miles** **MORTON** **0.6300 Miles**

		<u>Construction</u>
Estimated Cost		\$3,135,243.53
SU FEDERAL FUNDS	80.93%	\$2,537,352.59
CITY FUNDS	19.07%	\$597,890.94

North Dakota **FEDERAL AID**

Bid Opening Date: **3/15/2013**

Project Number: **SU-1-988(033)044**

PCN: **18334**

Job Number: **39**

English/Metric: **ENGLISH**

Roadway: **URBAN**

STA 0+66 TO STA 33+80

Type: **CITY FUNDS ITEMS**

Participating: **N**

Spec Code	Item Description	Quantity	Unit	Unit Price	Amount
103 0100	CONTRACT BOND	0.200	L SUM	\$18,000.00	\$3,600.00
202 0174	REMOVAL OF PIPE ALL TYPES AND SIZES	2,394.000	LF	\$4.50	\$10,773.00
202 0210	REMOVAL OF MANHOLES	7.000	EA	\$400.00	\$2,800.00
216 0100	WATER	26.000	M GAL	\$18.00	\$468.00
702 0100	MOBILIZATION	0.200	L SUM	\$330,000.00	\$66,000.00
706 0300	FIELD LABORATORY-TYPE C	0.100	EA	\$7,800.00	\$780.00
706 0400	FIELD OFFICE	0.200	EA	\$6,500.00	\$1,300.00
714 7040	SANITARY SEWER SERVICE CONNECTION	59.000	EA	\$450.00	\$26,550.00
722 0300	MANHOLE SANITARY	13.000	EA	\$6,120.00	\$79,560.00
722 3291	ABANDON SANITARY SEWER MANHOLE	7.000	EA	\$355.00	\$2,485.00
724 0300	GATE VALVE & BOX 6IN	4.000	EA	\$1,620.00	\$6,480.00
724 0314	GATE VALVE & BOX 12IN	8.000	EA	\$3,520.00	\$28,160.00
724 0411	6IN HYDRANT	4.000	EA	\$4,500.00	\$18,000.00
724 0430	REMOVE HYDRANT	5.000	EA	\$450.00	\$2,250.00
724 0610	WATER SERVICE LINE 1IN COPPER	2,059.000	LF	\$61.00	\$125,599.00
724 0810	WATERMAIN 6IN PVC	18.000	LF	\$250.00	\$4,500.00
724 0850	WATERMAIN 12IN PVC	2,559.000	LF	\$88.00	\$225,192.00
724 0891	WATERMAIN MODIFICATIONS	1.000	L SUM	\$64,000.00	\$64,000.00
724 0905	CURB STOP & BOX 1IN	53.000	EA	\$245.00	\$12,985.00
724 0940	RELOCATE CURB STOP & BOX	3.000	EA	\$170.00	\$510.00
724 0955	WATER SERVICE CONNECTION 1IN	55.000	EA	\$1,225.00	\$67,375.00
724 1100	SANITARY SEWER 4IN	2,173.000	LF	\$49.50	\$107,563.50
724 1110	8IN SANITARY SEWER PIPE	81.000	LF	\$225.00	\$18,225.00
724 1121	18IN SANITARY SEWER PIPE	3,317.000	LF	\$93.70	\$310,802.90
Subtotal					\$1,185,958.40
Eng and Contg					\$118,595.84
Total					\$1,304,554.24

Length **0.6300 Miles**

		<u>Construction</u>
Estimated Cost		\$1,304,554.24
CITY FUNDS	100.00%	\$1,304,554.24

North Dakota **FEDERAL AID**

Bid Opening Date: **3/15/2013**

Project Number: **SU-1-988(033)044**

PCN: **18334**

Job Number: **39**

English/Metric: **ENGLISH**

Type: **SPECIAL ITEMS**

Item Description	Amount
ESTIMATED COST OF REPAIR AND RESTORATION OF HAUL ROADS	\$5,000.00
Funding Splits: SU FEDERAL FUNDS	80.93% \$4,046.50
CITY FUNDS	19.07% \$953.50

Summary for Project

Length **0.6300 Miles** **MORTON** **0.6300 Miles**

Estimated Total Construction Cost: **\$4,036,179.79**

Estimated Total Eng and Contg: **\$403,617.98**

	Construction	Special Items	Total
Estimated Cost	\$4,439,797.77	\$5,000.00	\$4,444,797.77
SU FEDERAL FUNDS	\$2,537,352.59	\$4,046.50	\$2,541,399.09
CITY FUNDS	\$1,902,445.18	\$953.50	\$1,903,398.68

NDDOT TO MAKE CONTRACTOR PAYMENTS. SU FEDERAL FUNDS ARE LIMITED TO \$5,120,000. ANY COST OVER THIS LIMITED AMOUNT WILL BE CITY RESPONSIBILITY.

ND DEPARTMENT OF TRANSPORTATION

SHEET NO 1 OF 4

ABSTRACT OF BIDS RECEIVED

PROJECT NO. SU-1-988(033)044	NO. 39	BIDDER ENGINEERS ESTIMATE	BIDDER KNIFE RIVER CORPORAT ION - NORTH CENTRAL	BIDDER MEYER CONTRACTING IN C DBA MEYER CON INC
COUNTY & DATE MORTON (059) MAR 15, 2013 09:30AM			SAUK RAPIDS, MN	MAPLE GROVE, MN
LENGTH & TYPE 0.630 SUNSET DR (7TH ST-500' N OF 15TH ST)		c.c. CHECK RANK 00	c.c. BOND RANK 01	c.c. BOND RANK 02
COMPLETION TIME 10/31/13 GRADING, SALVAGED BASE FOURSE, HOT BIT				

SPEC. NO.	ITEM DESCRIPTION	UNIT	QUANTITY	BID PRICE	AMOUNT	BID PRICE	AMOUNT	BID PRICE	AMOUNT
103	CONTRACT BOND	L SUM	1000	50000000	50000000	18000000	18000000	37468900	37468900
201	CLEARING & GRUBBING	L SUM	1000	18500000	18500000	20000000	20000000	7500000	7500000
201	REMOVAL OF TREES 18IN	EA	3000	1500000	4500000	1500000	4500000	635840	190752
202	REMOVAL OF CONCRETE	SY	4723000	14750	6966425	7000	3306100	13570	6409111
202	SAW CONCRETE	LF	1137000	10000	11370000	7260	825462	4770	542349
202	REMOVAL OF CURB & GUTTER	LF	7653000	7000	5357100	3800	2908140	5330	4079049
202	REMOVAL OF BITUMINOUS SURFACING	SY	16744000	6500	108836000	2880	4822272	5340	8941296
202	SAW BITUMINOUS SURFACING-FULL DEPTH	LF	527000	7500	3952500	8200	432140	2860	150722
202	REMOVAL OF PIPE ALL TYPES AND SIZES	LF	3159000	18000	56862000	4500	1421550	17110	5405049
202	REMOVAL OF MANHOLES	EA	8000	820000	6560000	400000	3200000	1556600	1245280
202	REMOVAL OF INLETS	EA	15000	500000	7500000	275000	4125000	482530	723795
203	COMMON EXCAVATION-TYPE A	CY	8038000	7500	60285000	4800	3858240	2260	1816588
203	TOPSOIL	CY	1110000	20000	22200000	15000	16650000	41750	4634250
203	COMMON EXCAVATION-WASTE	CY	6568000	12000	78816000	6000	39408000	14180	9313424
216	WATER	M GAL	1300000	22000	28600000	18000	2340000	59360	771680
230	SUBGRADE PREPARATION-TYPE A	MILE	630	60000000	37800000	45000000	28350000	13645490	859666
302	SALVAGED BASE COURSE	TON	8363000	25000	209075000	18000	150534000	8680	7259084
401	SS1H OR CSS1H OR MS1 EMULSIFIED ASPHALT	GAL	70000	3000	350000	2500	175000	2820	19740
405	PREPARE STOCKPILE SITE	L SUM	1000	4700000	4700000	1500000	1500000	27793520	2779352
408	HOT BITUMINOUS PAVEMENT CL 29	TON	304000	180000	54720000	146500	44536000	163090	5018736
550	8IN NON-REINF CONCRETE PVMT CL AE-DOWELED	SY	16157000	70300	113583710	56000	90479200	51830	83741731
602	CLASS AE-3 CONCRETE STAIRWAY	CY	5000	1000000	5000000	700000	3500000	1134640	567320
702	MOBILIZATION	L SUM	1000	275000000	275000000	330000000	330000000	205000000	205000000
704	TRAFFIC CONTROL SIGNS	UNIT	2083000	3410	7103030	3000	6249000	5350	1114405
704	TYPE III BARRICADE	EA	41000	120000	4920000	100000	4100000	166750	683675
706	FIELD LABORATORY-TYPE C	EA	1000	12000000	12000000	7800000	7800000	14089580	1408958
706	FIELD OFFICE	EA	1000	12000000	12000000	6500000	6500000	33107150	3310715
708	SILT FENCE UNSUPPORTED	LF	650000	5690	3698500	3000	1950000	4690	304850
708	FIBER ROLLS 12IN	LF	1690000	6260	10579400	5500	9295000	4690	792610
708	INLET PROTECTION-FIBER ROLL 12IN	EA	17000	250000	4250000	100000	1700000	168100	285770
708	SEEDING-TYPE A-CL I	ACRE	1600	5500000	8800000	24200000	38720000	4800000	7680000
714	SANITARY SEWER SERVICE CONNECTION	EA	59000	800000	47200000	450000	26550000	2223020	13115818
722	MANHOLE 48IN	EA	5000	4000000	20000000	3320000	16600000	4779300	2389650
722	MANHOLE 60IN	EA	2000	6000000	12000000	5120000	10240000	7008440	1401688
722	MANHOLE 72IN	EA	1000	7200000	7200000	7120000	7120000	9908440	990844
722	MANHOLE 84IN	EA	2000	8500000	17000000	8320000	16640000	11410220	2282044
722	MANHOLE 96IN	EA	5000	13000000	65000000	12120000	60600000	14719640	7359820
722	MANHOLE SANITARY	EA	13000	7200000	93600000	6120000	79560000	9536430	12397359
722	ABANDON SANITARY SEWER MANHOLE	EA	7000	1000000	7000000	355000	2485000	2029190	1420433
722	INLET-TYPE 2	EA	7000	3500000	24500000	3270000	22890000	3417070	2391949
722	INLET-TYPE 2 DOUBLE	EA	11000	6000000	66000000	5100000	56100000	5426810	5969491
722	INLET SHALLOW-TYPE 2-DOUBLE	EA	3000	4500000	13500000	4320000	12960000	4443420	1333026
722	ADJUST UTILITY APPURTENANCE	EA	21000	550000	11550000	330000	6930000	534050	1121463
724	GATE VALVE & BOX 6IN	EA	4000	1800000	7200000	1620000	6480000	2363490	945396
724	GATE VALVE & BOX 12IN	EA	8000	3500000	28000000	3520000	28160000	4758520	3806816
724	6IN HYDRANT	EA	4000	5100000	20400000	4500000	18000000	6561530	2624612
724	REMOVE HYDRANT	EA	5000	800000	4000000	450000	2250000	1308690	654345

ACTION TAKEN BY DEPARTMENT OF TRANSPORTATION DIRECTOR: _____ AWARD TO: KNIFE RIVER CORPORATION - NORTH CENTRAL WHEN PRELIMINARY ARRANGEMENTS ARE COMPLETED.

ND DEPARTMENT OF TRANSPORTATION

SHEET NO 2 OF 4

ABSTRACT OF BIDS RECEIVED

PROJECT NO. SU-1-988(033)044	NO. 39	BIDDER ENGINEERS ESTIMATE	BIDDER KNIFE RIVER CORPORAT ION - NORTH CENTRAL	BIDDER MEYER CONTRACTING IN C DBA MEYER CON INC
COUNTY & DATE MORTON (059) MAR 15, 2013 09:30AM			SAUK RAPIDS, MN	MAPLE GROVE, MN
LENGTH & TYPE 0.630 SUNSET DR (7TH ST-500' N OF 15TH ST)		c.c. CHECK RANK 00	c.c. BOND RANK 01	c.c. BOND RANK 02
COMPLETION TIME 10/31/13 GRADING, SALVAGED BASE FOURSE, HOT BIT				

SPEC. NO.	ITEM DESCRIPTION	UNIT	QUANTITY	BID PRICE	AMOUNT	BID PRICE	AMOUNT	BID PRICE	AMOUNT
724	WATER SERVICE LINE IIN COPPER	LF	2059000	61000	12559900	61000	12559900	32290	6648511
724	WATERMAIN 6IN PVC	LF	18000	100000	1800000	250000	4500000	67030	120654
724	WATERMAIN 12IN PVC	LF	2559000	120000	307080000	88000	225192000	94960	24300264
724	WATERMAIN MODIFICATIONS	L SUM	1000	3300000	3300000	6400000	6400000	26963490	2696349
724	CURB STOP & BOX IIN	EA	53000	550000	29150000	245000	12985000	566900	3004570
724	RELOCATE CURB STOP & BOX	EA	3000	850000	2550000	170000	510000	777620	233286
724	WATER SERVICE CONNECTION IIN	EA	55000	650000	35750000	1225000	67375000	963370	5298535
724	SANITARY SEWER 4IN	LF	2173000	50000	108650000	49500	107563500	31290	6799317
724	8IN SANITARY SEWER PIPE	LF	81000	80000	6480000	225000	18225000	125530	1016793
724	18IN SANITARY SEWER PIPE	LF	3317000	92000	305164000	93700	310802900	90910	30154847
748	CURB & GUTTER-TYPE I	LF	7581000	25000	189525000	14250	108029250	14960	11341176
750	SIDEWALK CONCRETE 4IN	SY	3747000	55000	206085000	45000	168615000	47810	17914407
750	DRIVEWAY CONCRETE-HIGH EARLY STRENGTH	SY	1712000	62000	106144000	50000	85600000	61430	10516816
750	DETECTABLE WARNING PANELS	SF	240000	60000	14400000	55000	13200000	57720	1385280
752	TEMPORARY SAFETY FENCE	LF	2000000	5000	10000000	3000	6000000	2010	402000
752	FENCE REMOVE & RESET	LF	125000	35000	4375000	30500	3812500	36710	458875
754	FLAT SHEET FOR SIGNS-TYPE 3A REFL SHEETING	SF	225000	18200	4095000	16000	3600000	16860	379350
754	STEEL GALV POSTS-TELESCOPING PERFORATED TUBE	LF	332000	22500	7470000	17000	5644000	19120	634784
762	PREFORMED PATTERNED PVMT MK-MESSAGE(GROOVED)	SF	16000	30000	480000	26000	416000	30410	48656
762	PREFORMED PATTERNED PVMT MK 4IN LINE-GROOVED	LF	5745000	5000	28725000	3880	22290600	4540	2608230
762	PREFORMED PATTERNED PVMT MK 8IN LINE-GROOVED	LF	37000	10000	370000	8000	296000	9360	34632
762	PREFORMED PATTERNED PVMT MK 24IN LINE-GROOVED	LF	271000	35000	9485000	30000	8130000	35090	950939
770	LIGHTING SYSTEM	EA	1000	250000000	250000000	143000000	143000000	170075150	17007515
970	STONE MULCH	SF	1820000	10000	18200000	7500	13650000	7500	1365000
970	WOOD MULCH	SF	564000	5000	2820000	3250	1833000	3250	183300
970	BENCH	EA	2000	3000000	6000000	2500000	5000000	2733430	546686
970	SHELTER	EA	1000	15000000	15000000	2000000	2000000	5928840	592884
970	REPLANT SHRUBS	EA	2000	360000	720000	300000	600000	300000	600000
970	BUR OAK	EA	4000	725000	2900000	650000	2600000	650000	2600000
970	BLACK HILLS SPRUCE	EA	3000	575000	1725000	525000	1575000	525000	1575000
970	DAYLILIES-CONTAINER	EA	12000	35000	420000	30000	360000	30000	360000
970	KARL FOERSTER	EA	2000	35000	70000	30000	60000	30000	60000
	SUBTOTAL				461969178		373029179		384827757
	OPTION 2								
714	PIPE CONDUIT 18IN-STORM DRAIN	LF	1550000	75000	116250000	70000	108500000	60250	9338750
714	PIPE CONDUIT 24IN-STORM DRAIN	LF	1138000	85000	96730000	72000	81936000	73470	8360886
714	PIPE CONDUIT 30IN-STORM DRAIN	LF	1284000	110000	141240000	83000	106572000	87250	11202900
714	PIPE CONDUIT 48IN-STORM DRAIN	LF	48000	200000	9600000	185000	8880000	132330	635184
	SUBTOTAL				36382000		30588800		29537720
	TOTAL				543220678		403617979		414365477
						NO LIMIT		NO LIMIT	

ACTION TAKEN BY DEPARTMENT OF TRANSPORTATION DIRECTOR: AWARD TO: KNIFE RIVER CORPORATION - NORTH CENTRAL WHEN PRELIMINARY ARRANGEMENTS ARE COMPLETED.

ND DEPARTMENT OF TRANSPORTATION

SHEET NO 3 OF 4

ABSTRACT OF BIDS RECEIVED

PROJECT NO. SU-1-988(033)044		NO. 39		BIDDER NORTHERN IMPROVEMENT COMPANY		BIDDER JMAC RESOURCES INC		BIDDER STRATA CORPORATION	
COUNTY & DATE MORTON (059) MAR 15, 2013 09:30AM				FARGO, ND		WILLISTON, ND		GRAND FORKS, ND	
LENGTH & TYPE 0.630 SUNSET DR (7TH ST-500' N OF 15TH ST)				C.C. BOND RANK 03		C.C. BOND RANK 04		C.C. BOND RANK 05	
COMPLETION TIME 10/31/13 GRADING, SALVAGED BASE FOURSE, HOT BIT									
SPEC. NO.	ITEM DESCRIPTION	UNIT	QUANTITY	BID PRICE	AMOUNT	BID PRICE	AMOUNT	BID PRICE	AMOUNT
103	CONTRACT BOND	L SUM	1000	10297500	10297500	34793740	34793740	48000000	48000000
201	CLEARING & GRUBBING	L SUM	1000	4095300	4095300	2832440	2832440	6500000	6500000
201	REMOVAL OF TREES 18IN	EA	3000	412000	1236000	955710	2867130	1000000	3000000
202	REMOVAL OF CONCRETE	SY	4723000	5900	2786570	9410	4444343	11750	5549525
202	SAW CONCRETE	LF	1137000	4000	4548000	8530	947121	10000	1137000
202	REMOVAL OF CURB & GUTTER	LF	7653000	5600	4285680	2460	1882638	7000	5357100
202	REMOVAL OF BITUMINOUS SURFACING	SY	16744000	5600	9376640	3470	5810168	6500	10883600
202	SAW BITUMINOUS SURFACING-FULL DEPTH	LF	527000	2400	126480	1670	88009	10000	527000
202	REMOVAL OF PIPE ALL TYPES AND SIZES	LF	3159000	11500	3632850	32650	10314135	17000	5370300
202	REMOVAL OF MANHOLES	EA	8000	419000	335200	1313780	1051024	600000	480000
202	REMOVAL OF INLETS	EA	15000	366600	549900	737590	1106385	350000	525000
203	COMMON EXCAVATION-TYPE A	CY	8038000	7600	6108880	5680	4565584	13200	10610160
203	TOPSOIL	CY	1110000	33400	3707400	16020	1778220	21000	2331000
203	COMMON EXCAVATION-WASTE	CY	6568000	7800	5123040	11270	7402134	8000	5254400
216	WATER	M GAL	130000	12600	1638000	22660	294580	40000	520000
230	SUBGRADE PREPARATION-TYPE A	MILE	630	57270000	3608010	59432750	3744263	7500000	4725000
302	SALVAGED BASE COURSE	TON	8363000	22700	18984010	18840	15755892	22000	18398600
401	SS1H OR CSS1H OR MS1 EMULSIFIED ASPHALT	GAL	70000	2500	175000	2830	19810	2500	17500
405	PREPARE STOCKPILE SITE	L SUM	1000	100	10	2265950	226595	1000000	100000
408	HOT BITUMINOUS PAVEMENT CL 29	TON	304000	146500	4453600	165980	5045792	138000	4195200
550	8IN NON-REINF CONCRETE PVMT CL AE-DOWELED	SY	16157000	72800	117622960	55810	90172217	59000	95326300
602	CLASS AE-3 CONCRETE STAIRWAY	CY	5000	733000	366650	1019680	509840	3000000	1500000
702	MOBILIZATION	L SUM	1000	374450400	37445040	303883530	30388353	775000000	775000000
704	TRAFFIC CONTROL SIGNS	UNIT	2083000	3100	645730	3400	708220	3000	624900
704	TYPE III BARRICADE	EA	41000	104800	429680	113300	464530	100000	410000
706	FIELD LABORATORY-TYPE C	EA	1000	11838000	11838000	16994660	1699466	10000000	10000000
706	FIELD OFFICE	EA	1000	11195000	11195000	23792530	2379253	17000000	17000000
708	SILT FENCE UNSUPPORTED	LF	650000	4500	292500	3120	202800	5000	325000
708	FIBER ROLLS 12IN	LF	1690000	4500	760500	5120	527280	5500	929500
708	INLET PROTECTION-FIBER ROLL 12IN	EA	17000	157900	268430	300810	511377	150000	255000
708	SEEDING-TYPE A-CL I	ACRE	1600	11137100	1781936	5438290	870126	24200000	3872000
714	SANITARY SEWER SERVICE CONNECTION	EA	59000	736800	4347120	618660	3650094	600000	3540000
722	MANHOLE 48IN	EA	5000	3613900	1806950	3131270	1565635	3700000	1850000
722	MANHOLE 60IN	EA	2000	5394600	1078920	4690120	938024	4700000	940000
722	MANHOLE 72IN	EA	1000	7227800	722780	6654120	665412	6700000	670000
722	MANHOLE 84IN	EA	2000	8484800	1696960	7764450	1552890	7500000	1500000
722	MANHOLE 96IN	EA	5000	11627300	5813650	10841990	5420995	11000000	5500000
722	MANHOLE SANITARY	EA	13000	5447000	7081100	6319360	8215168	6500000	8450000
722	ABANDON SANITARY SEWER MANHOLE	EA	7000	523800	366660	1393090	975163	750000	525000
722	INLET-TYPE 2	EA	7000	3142500	2199750	2547960	1783572	3300000	2310000
722	INLET-TYPE 2 DOUBLE	EA	11000	4399500	4839450	4061260	4467384	4800000	5280000
722	INLET SHALLOW-TYPE 2-DOUBLE	EA	3000	3718600	1115580	2954410	886323	3300000	990000
722	ADJUST UTILITY APPURTENANCE	EA	21000	595000	1249500	453190	951699	500000	1050000
724	GATE VALVE & BOX 6IN	EA	4000	1309400	523760	1315050	526020	1500000	600000
724	GATE VALVE & BOX 12IN	EA	8000	3142500	2514000	3142830	2514264	3300000	2640000
724	6IN HYDRANT	EA	4000	40852500	16341000	4520340	1808156	3800000	1520000
724	REMOVE HYDRANT	EA	5000	314300	157150	537040	268520	400000	200000

ACTION TAKEN BY DEPARTMENT OF TRANSPORTATION DIRECTOR: _____ AWARD TO: KNIFE RIVER CORPORATION - NORTH CENTRAL WHEN PRELIMINARY ARRANGEMENTS ARE COMPLETED.

ND DEPARTMENT OF TRANSPORTATION

SHEET NO 4 OF 4

ABSTRACT OF BIDS RECEIVED

PROJECT NO. SU-1-988(033)044	NO. 39	BIDDER NORTHERN IMPROVEMENT COMPANY	BIDDER JMAC RESOURCES INC	BIDDER STRATA CORPORATION
COUNTY & DATE MORTON (059) MAR 15, 2013 09:30AM		FARGO, ND	WILLISTON, ND	GRAND FORKS, ND
LENGTH & TYPE 0.630		c.c. BOND RANK 03	c.c. BOND RANK 04	c.c. BOND RANK 05
COMPLETION TIME 10/31/13 GRADING, SALVAGED BASE FOURSE, HOT BIT				

SPEC. NO.	ITEM DESCRIPTION	UNIT	QUANTITY	BID PRICE	AMOUNT	BID PRICE	AMOUNT	BID PRICE	AMOUNT
724	WATER SERVICE LINE 1IN COPPER	LF	2059000	28300	5826970	54620	11246258	33000	6794700
724	WATERMAIN 6IN PVC	LF	18000	35600	64080	95160	171288	90000	162000
724	WATERMAIN 12IN PVC	LF	2559000	63900	16352010	84020	21500718	62000	15865800
724	WATERMAIN MODIFICATIONS	L SUM	1000	15712500	1571250	23025060	2302506	17000000	1700000
724	CURB STOP & BOX 1IN	EA	53000	419000	2220700	410580	2176074	475000	2517500
724	RELOCATE CURB STOP & BOX	EA	3000	419000	125700	696040	208812	1100000	330000
724	WATER SERVICE CONNECTION 1IN	EA	55000	419000	2304500	655090	3602995	500000	2750000
724	SANITARY SEWER 4IN	LF	2173000	25100	5454230	53850	11701605	30000	6519000
724	8IN SANITARY SEWER PIPE	LF	81000	42900	347490	81380	659178	37000	299700
724	18IN SANITARY SEWER PIPE	LF	3317000	60800	20167360	103100	34198270	75000	24877500
748	CURB & GUTTER-TYPE I	LF	7581000	15800	11977980	16150	12243315	19000	14403900
750	SIDEWALK CONCRETE 4IN	SY	3747000	43200	16187040	50990	19105953	48000	17985600
750	DRIVEWAY CONCRETE-HIGH EARLY STRENGTH	SY	1712000	59700	10220640	56650	9698480	85000	14552000
750	DETECTABLE WARNING PANELS	SF	2400000	42100	10104000	62320	1495680	60000	1440000
752	TEMPORARY SAFETY FENCE	LF	2000000	1500	260000	3400	680000	3000	600000
752	FENCE REMOVE & RESET	LF	125000	32100	401250	34530	431625	30480	381000
754	FLAT SHEET FOR SIGNS-TYPE 3A REFL SHEETING	SF	225000	17100	384750	18410	414225	16000	360000
754	STEEL GALV POSTS-TELESCOPING PERFORATED TUBE	LF	332000	18700	620840	20340	675288	17000	564400
762	PREFORMED PATTERNED PVMT MK-MESSAGE(GROOVED)	SF	16000	27100	43360	29460	47136	26000	41600
762	PREFORMED PATTERNED PVMT MK 4IN LINE-GROOVED	LF	5745000	4000	2298000	4400	2527800	3880	2229060
762	PREFORMED PATTERNED PVMT MK 8IN LINE-GROOVED	LF	37000	8300	30710	9060	33522	8000	29600
762	PREFORMED PATTERNED PVMT MK 24IN LINE-GROOVED	LF	271000	31300	848230	33990	921129	30000	813000
770	LIGHTING SYSTEM	EA	1000	150641300	15064130	178443960	17844396	186500000	18650000
970	STONE MULCH	SF	1820000	7800	1419600	8500	1547000	7500	1365000
970	WOOD MULCH	SF	564000	3400	191760	3680	207552	3250	183300
970	BENCH	EA	2000	2643400	528680	3056200	611240	3260000	652000
970	SHELTER	EA	1000	4672500	467250	1629220	162922	1750000	1750000
970	REPLANT SHRUBS	EA	2000	312800	62560	339900	67980	300000	60000
970	BUR OAK	EA	4000	677600	271040	736430	294572	650000	260000
970	BLACK HILLS SPRUCE	EA	3000	547300	164190	594820	178444	525000	157500
970	DAYLILIES-CONTAINER	EA	12000	31300	37560	33990	40788	30000	36000
970	KARL FOERSTER	EA	2000	31300	6260	33990	6798	30000	6000
	SUBTOTAL				395978826		390152340		441075245
	OPTION 2								
714	PIPE CONDUIT 18IN-STORM DRAIN	LF	1550000	58800	9114000	97980	15186900	93000	14415000
714	PIPE CONDUIT 24IN-STORM DRAIN	LF	1138000	68100	7749780	108640	12363232	99000	11266200
714	PIPE CONDUIT 30IN-STORM DRAIN	LF	1284000	77500	9951000	134760	17303184	125000	16050000
714	PIPE CONDUIT 48IN-STORM DRAIN	LF	48000	123600	593280	291300	1398240	193000	926400
	SUBTOTAL				27408060		46251556		42657600
	TOTAL				423386886		436403896		483732845
				NO LIMIT		NO LIMIT		NO LIMIT	

ACTION TAKEN BY DEPARTMENT OF TRANSPORTATION DIRECTOR: _____ AWARD TO: KNIFE RIVER CORPORATION - NORTH CENTRAL WHEN PRELIMINARY ARRANGEMENTS ARE COMPLETED.



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

Consent No. 1

Type: Local Permit * Charity Local Permit

Permit Number
2013-23

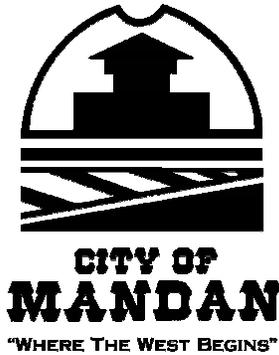
Name of Organization Pride Manchester House		Date(s) Authorized (Read instruction 2)	
Contact Person Charles Bisnett	Business Phone Number (701) 258-7838	4/7/2013 Beginning	to 4/7/2013 Ending
Mailing Address P.o. Box 4086	City Bismarck	State ND	Zip Code 58502-0000
Site Name Dean's Steakhouse	Site Address 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 type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input checked="" type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels*			
Restriction:			
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor and Office of Attorney General within 30 days of the event.			
Date 3/14/2013	Signature of: <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor <i>Jay Gruebele</i>	Printed Name of City or County Auditor Jay Gruebele	Auditor Telephone Number (701) 667-3250

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

cut along this line

INFORMATION REQUIRED TO BE PREPRINTED ON A STANDARD RAFFLE TICKET:

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



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 2, 2013
PREPARATION DATE: March 19, 2013
SUBMITTING DEPARTMENT: Fire Department
DEPARTMENT DIRECTOR: Steve Nardello, Fire Chief
PRESENTER: Steve Nardello, Fire Chief
SUBJECT: 2013 Budget Amendment

STATEMENT/PURPOSE: The Mandan Fire Department would like to amend the Fire Equipment Reserve Fund 2013 Budget to include additional items for the new fire truck.

BACKGROUND/ALTERNATIVES: The new fire department pumper needs some additional tools and existing trucks need re-numbering. Tools needed are as follows:

- 1- MSA Self Contained Breathing Apparatus @ \$4,465.00
- 1- Back-Up camera @ \$918.49
- 1- Halligan Bar @ \$200.00
- 3- Streamlight Flashlights @ \$375.00
- 1- Shovel @ \$50.00
- 1- Fire Pick-Axe @ \$175.00
- 1- Task Force Tip Nozzle @ \$750.00
- 1- Truck Re-Numbering @ \$750.00

ATTACHMENTS: None

FISCAL IMPACT: Amend the Fire Equipment Reserve Fund 2013 Budget to include \$7,683 for the purpose of tools and numbering in preparation of the new fire truck. The approximate Fund balance of the Fire Equipment Reserve after final truck payment of \$191,443 will be \$29,040. Our request of \$7,683 would still maintain our vehicle replacement master plan with an approximate balance of \$21,357.

STAFF IMPACT: Our request will provide of firefighters with the necessary tools to perform their jobs.

LEGAL REVIEW: None

Board of City Commissioners

Agenda Documentation

Meeting Date: April 2, 2013

Subject: Consider amending the fire department 2013 Equipment Reserve budget.

Page 2 of 2

RECOMMENDATION: That the Mandan City Board of Commissioners approves the fire department request to amend the Fire Equipment Reserve Fund 2013 Budget in the amount of \$7,683 to provide for tools needed for the new fire truck.

SUGGESTED MOTION: Motion to amend the Fire Equipment Reserve Fund 2013 Budget in the amount of \$7,683 for the purchase of tools and equipment for the new fire truck.

EARTH DAY PROCLAMATION

Earth Day 2013

- 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 diversity 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;

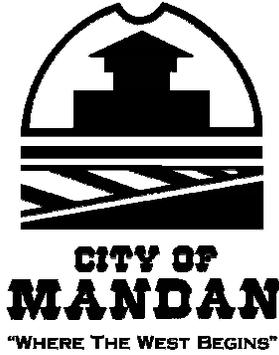
NOW THEREFORE BE IT RESOLVED that I, Arlyn Van Beek, President of the Board of City Commissioners of the City of Mandan, do hereby pledge this Earth Day, April 22, 2013, to support green economy initiatives in Mandan, ND and to encourage others to undertake similar actions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Mandan to be affixed on April 2, 2013.

Arlyn Van Beek, President Board of City Commissioners

Attest:

James Neubauer, City Administrator



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 2, 2013
PREPARATION DATE: March 26, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Kim Fettig, Project Manager
PRESENTER: Kim Fettig, Project Manager
SUBJECT: Consider the appointment for the Planning & Zoning Commission.

STATEMENT/PURPOSE: To consider the appointment of Miles Mehlhoff for the open seat on the Mandan Planning and Zoning Commission.

BACKGROUND/ALTERNATIVES: On January 11, 2013 an advertisement was released seeking letters of interest for a member to take the open seat on the Planning and Zoning Commission. The application deadline closed January 25, 2013 and 4 letters of interest were received. During the February 25, 2013 Planning and Zoning Commission meeting the commission narrowed the selection to two applicants whom they invited to the March 25, 2013 meeting to meet and ask questions of them. The Planning and Zoning Commission made the motion to recommend Miles Mehlhoff for the position. Miles is a lifelong resident of Mandan. He has been employed at Ulteig Engineers in Bismarck for the past 15 years as a Civil Engineering Technician, Drafter and CADD Manager. He has worked on several street projects, the new Memorial Bridge and its plaza's and parks and the downtown remediation project.

ATTACHMENTS: None

FISCAL IMPACT: None

STAFF IMPACT: Minimal

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

RECOMMENDATION: This office supports the appointment of Miles Mehlhoff to the Planning & Zoning Commission.

SUGGESTED MOTION: I move to appoint Miles Mehlhoff to the Planning & Zoning Commission.

SUNDAY ALCOHOLIC BEVERAGE PERMIT

Date of Application: 3/26/13

Name of Licensee: O.W.E.

Address of Licensee: 210 W. Main St.

Address of public facility if used: _____

State the purpose of organization: Blues Concert and
Scenty - Buggies & Blue Car Show

Date(s) of requested Sunday(s): April 14 2013
June 9, 2013

Time of day which the applicant desires the permit to be in effect: 11am - 11pm

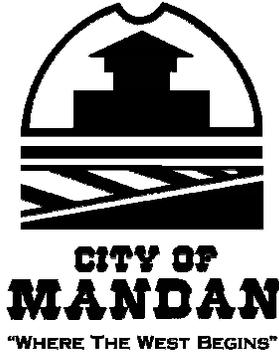
Description of the rooms on the premises, which have been specifically reserved, for the dispensing of alcoholic beverages and dancing during the term of the permit:
Dining Area - Food, Beer, and wine will
be served.

State whether the applicant requests permission to open to the general public, and if so an explanation of the reasons for the request: General public. Blues Concert
Scenty convention

If applicable, estimated number of police officers necessary to provide security at the dance to be open to the public: N/A

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.



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 2, 2013
PREPARATION DATE: March 26, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Kim Fettig, Project Manager
PRESENTER: Kim Fettig, Project Manager
SUBJECT: Consider the appointment for the Special Assessment Commission.

STATEMENT/PURPOSE: To consider the appointment of Carl Jacobsen for the open seat on the Mandan Special Assessment Commission.

BACKGROUND/ALTERNATIVES: On March 15th, 2013 an advertisement was released seeking letters of interest for a member to take the open seat on the Special Assessment Commission (SAC) which was due to Carl Jacobsen's term being up in April. The application deadline closed March 20th and no letters of interest were received. Carl Jacobsen was contacted and has consented to remaining on the Special Assessment Commission for the time being.

ATTACHMENTS: None

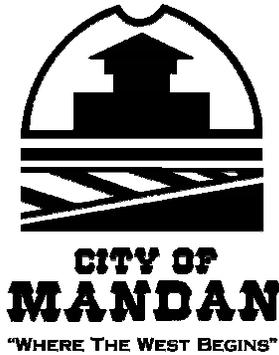
FISCAL IMPACT: None

STAFF IMPACT: Minimal

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

RECOMMENDATION: This office supports the appointment of Carl Jacobsen to the Special Assessment Commission for another term.

SUGGESTED MOTION: I move to appoint Carl Jacobsen to the Special Assessment Commission for another term.



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 2, 2013
PREPARATION DATE: March 27, 2013
SUBMITTING DEPARTMENT: Business Development & Communications
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: SSBCI Administrative Contract Amendment

STATEMENT/PURPOSE: To consider an amendment to a contract with the Lewis and Clark Regional Development Council for administrative services for the U.S. Treasury State Small Business Credit Initiative.

BACKGROUND/ALTERNATIVES: Mandan is the lead municipality in a consortium with 36 other municipalities and the Standing Rock Sioux Tribe, which entered into an agreement dated Aug. 31, 2012, to receive a \$9.7 million allocation for operation of a loan participation program to assist new and expanding businesses in the participating municipalities. The consortium members have each entered into a contract with the Lewis and Clark Regional Development Council (“LCRDC”) to provide administrative services for the revolving loan program (dubbed the N.D. Opportunity Fund).

Initially, LCRDC planned to hire an additional loan administrator to assist the current Director of Commercial Lending to provide these services. However, LCRDC was presented with the opportunity to hire Matt Burthold. Matt comes to the Council after 27 years with USDA. LCRDC had worked with Matt for many years in his role as USDA in which he oversaw the intermediary relending program (IRP). Matt also handled Business and Industry Loan Guarantees at USDA. The addition of Matt to the LCRDC team greatly increases the effectiveness of the N.D. Opportunity Fund and allows it to accelerate the program much more quickly than initially anticipated.

We had not expected to have the opportunity to hire someone with Matt’s skill level and as such when the contract was written Exhibit B – Compensation of Council – did not include a category for “Loan Officer.”

ATTACHMENTS: Amendment to contract

FISCAL IMPACT: Administrative expenses are covered through the Treasury allocation, capped at 5% in the initial one-third disbursement and at 3% in subsequent disbursements.

STAFF IMPACT: n/a

LEGAL REVIEW: The contract amendment has been submitted to Attorney Brown for review.

RECOMMENDATION: I recommend approval of the amendment to the administrative services contract with the Lewis and Clark Regional Development Council.

SUGGESTED MOTION: I move to approve the amendment to the administrative services contract with the Lewis and Clark Regional Development Council.

AMENDMENT TO
CONTRACT FOR ADMINISTRATIVE SERVICES

WHEREAS, the Consortium of Cities led by the City of Mandan (hereinafter the “Consortium”) contracted with Lewis and Clark Regional Development Council (hereinafter the “Council”) for Administrative Services on August 31, 2012.

WHEREAS, the Council has employed a staff position that is not contained in Exhibit B, Compensation of Council, of the contract.

WHEREAS, it is the desire of the Consortium and the Council to amend the contract.

NOW THEREFORE, for good and valuable consideration, the Consortium and the Council covenant and agree as to amend Exhibit B of the contract to add the staff position and compensation as follows:

Position	Billable Rate
Loan Officer Duties: Marketing, underwriting, packaging, closing, servicing, liquidation, other duties as necessary	\$90.00

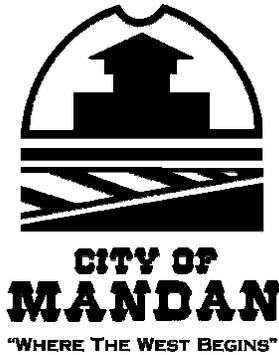
Counterparts

This Agreement may be executed in separate counterparts, each of which shall constitute an original but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement.

Dated this 1st day of February, 2013.

PARTICIPATING MUNICIPALITY: City of _____
By: _____
Name: _____
Title: _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 2, 2013
 PREPARATION DATE: March 27, 2013
 SUBMITTING DEPARTMENT: Public Works
 DEPARTMENT DIRECTOR: Jeff Wright, Public Works Director
 PRESENTER: Jeff Wright
 SUBJECT: Consider for approval Amendment No. 1 to the Engineering agreement with AE2S for 2013 Central Alarm System Upgrade.

STATEMENT/PURPOSE: Approve Amendment No. 1 to the existing Engineering agreement with AE2S for the Lift Station Central Alarm System Upgrade.

BACKGROUND/ALTERNATIVES: In December of 2012, the City Commission approved the agreement with AE2S for the Preliminary Design Phase of the proposed project. Due to the uncertainty of which type of system to use for this project, additional engineering costs for the project were not available at that time. Since the project has moved past the preliminary design, the attached amendment outlines those final costs.

This project is part of the Capital Improvement Plan in the Sewer Master Plan and was part of our 2013 Budget. On the March 19th Commission Meeting, the Commission approved the SRF application to apply for the funding for this project, the amendment costs were included in the application and were confirmed by Finance Director Welch.

ATTACHMENTS: Copies of the proposed contracts showing cost and related services associated with the project.

FISCAL IMPACT: The proposed project is part of SRF funding and has been built into the utility rates for 2013.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

Board of City Commissioners

Agenda Documentation

Meeting Date: April 2, 2013

Subject: Consider for approval Amendment No. 1 to the Engineering agreement with AE2S for 2013 Central Alarm System Upgrade.

Page 2 of 7

RECOMMENDATION: We recommend approval of Amendment No. 1 to the Agreement for professional services for the Lift Station Central Alarm project with AE2S.

SUGGESTED MOTION: Move to approve Amendment No. 1 to the Agreement for professional services for the Lift Station Central Alarm project with AE2S.

Board of City Commissioners

Agenda Documentation

Meeting Date: April 2, 2013

Subject: Consider for approval Amendment No. 1 to the Engineering agreement with AE2S for 2013 Central Alarm System Upgrade.

Page 3 of 7



March 22, 2013

To the President and Commissioners
of the Mandan Board of City Commission
c/o Jeff Wright, Public Works Director
205 2nd Avenue NW
Mandan, ND 58554-3125

**Re: Mandan Lift Station Central Alarm System
City of Mandan, North Dakota**

Dear Jeff:

Enclosed are two copies of the Engineering Services Agreement Amendment #1 for the above referenced project. We respectfully request your inclusion of this engineering agreement amendment on the April 2nd, 2013 City Commission Agenda. The intent of this amendment is to provide an opportunity for the City to continue to utilize the services of AE2S as they relate to the design and implementation of the Lift Station Central Monitoring System improvements.

Under the current Engineering Services Agreement AE2S conducted field investigations for the existing SCADA system at all 25 lift station sites. We also conducted desktop evaluations of communication sight lines, alternate communications methods and the viability of these methods. The results were used to identify the service tasks included in this amendment. The amendment appends the current Engineering Services Agreement dated December 19, 2012 to include services for final design, bidding assistance, construction services and post construction services. The amendment also includes instrumentation and control related services including, HMI programming, PLC programming, telemetry programming, network communications setup, onsite implementation and setup, and final system tests.

If acceptable please sign both copies; keep for City record and sent to other copy back to AE2S, attention Ken Weber. Thank you for the continued opportunity to provide professional engineering services to the City of Mandan. Should you have any questions or concerns, please do not hesitate to contact us.

Submitted in Service,

AE2S

Kenneth J. Weber, PE
Project Manager

Enclosures

**AMENDMENT NO. 1
TO
AGREEMENT BETWEEN OWNER AND
ENGINEER FOR PROFESSIONAL SERVICES
DATED
April 2, 2013**

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

The document amends the Agreement between Owner and Engineer for Professional Services (the Agreement) dated December 19, 2012 for:

Mandan Lift Station Central Alarm (Project).

All provisions not amended remain in full effect.

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

1. Exhibit C:

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

"3. The total compensation for services under paragraph C4.01 is estimated to be \$213,700.00 based on the following assumed distribution of compensation:

a. Preliminary Design Phase 020	\$	19,200
b. Design Phase 040	\$	62,000*
c. Bidding Phase 050	\$	7,500*
d. Construction Phase 060	\$	20,000*
e. Post Construction Phase 070	\$	5,000*
f. I&C Programming and Commissioning Phase 080	\$	100,000*

*Added this Amendment

2. Exhibit E:

Add the following major elements to the Project Description

FINAL DESIGN PHASE 040

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

- I. Plans, Specifications, and Bid Documents – Prepare plans, specifications, and bid documents for the installation of a new lift station SCADA system. Final design will include:
- Using the information obtained during the Preliminary Design phase, the project shall generally consist of the following: Demolition of existing radio telemetry system, design of new communication system, and design of existing control panel integration to a new communication system.
 - Radio path field study. Contract and coordinate with subconsultant.
 - Prepare plans and specifications to outline work necessary to receive bids for SCADA System as described above.
 - Submit plans and specifications to reviewing agencies. Respond as required.

Board of City Commissioners

Agenda Documentation

Meeting Date: April 2, 2013

Subject: Consider for approval Amendment No. 1 to the Engineering agreement with AE2S for 2013 Central Alarm System Upgrade.

Page 5 of 7

2. Opinion of Probable Construction Cost: ENGINEER will prepare Opinions of Probable Construction Cost and revise as required for 60%, 90% and 100% plan and specification reviews.
3. Environmental Assessment
 - a. Preparation and distribution of Environmental Solicitation letters to various reviewing agencies.
 - b. Review Solicitation responses and address concerns as necessary.
4. Summary of Deliverables
 - a. 60% Plans and Specifications
 - b. 90% Plans and Specifications
 - c. 100% Plans and Specifications
5. Summary of Design Phase Meetings
 - a. 60% Plan and Specification Review.
 - b. 90% Plan and Specification Review.
 - c. 100% Plan and Specification Review.

BIDDING PHASE 050

The Bidding Phase is comprised of the primary tasks identified below:

1. Advertisement: ENGINEER to coordinate with the OWNER for the advertisement of one bid in the official newspaper and regional construction plan exchanges.
2. Interpretation and Clarifications: ENGINEER to communicate with prospective bidders and issue addenda as required.
3. Meetings: ENGINEER to arrange and conduct one Pre-bid meeting and attend bid opening. Attend City Commission for recommendation of Bid Award.
4. Bid Evaluation and Recommendations: ENGINEER to prepare Bid Tab and Recommendations for City.
5. Notice of Award: ENGINEER will coordinate the execution of Notice of Award.

CONSTRUCTION PHASE 060

The Construction Phase is comprised of the primary tasks identified below:

1. Contracts: ENGINEER will coordinate the execution of Contracts and Notice to Proceed.
2. Shop Drawing Review: ENGINEER shall administer the submittal process, and provide review of product submittals for the project.
3. Construction Observations: ENGINEER to provide construction administration and construction observation, maintain records and provide assistance to manage project progress, problems, and potential scope changes, and complete project closeout procedures and Final Inspection and Acceptance for the project.
4. Project Administration: ENGINEER will administer and process project activities such a pay requests, change order, funding reimbursements, Davis Bacon Wage Reviews and Interviews and resource allocation.
5. Project Management: ENGINEER will provide project management services to monitor construction progress, work quality and project costs.

POST-CONSTRUCTION PHASE 070

The Post-Construction Phase is comprised of the primary tasks identified below:

1. Warranty: ENGINEER shall coordinate warranty items, monitor warranty period, and provide an end of warranty inspection.
2. Record Drawings: ENGINEER shall revise drawings and provide final deliverables including Operation and Maintenance Manuals and as-built record drawings.

INSTRUMENTATION AND CONTROL PHASE 080

The Instrumentation and Control Phase is comprised of the primary tasks identified below:

1. Programming: ENGINEER shall perform all control system programming necessary to fully integrate new systems into the existing Supervisory Control and Data Acquisition (SCADA) system, provide programming of PLCs to accommodate operation modes, including automatic control and various automatic or semi-automated operational sequences. ENGINEER shall provide HMI system software for operator interface, data acquisition, and alarm annunciation and computer and printer hardware.
2. Commissioning: ENGINEER shall provide all field startup coordination for contractor installations.

Board of City Commissioners

Agenda Documentation

Meeting Date: April 2, 2013

Subject: Consider for approval Amendment No. 1 to the Engineering agreement with AE2S for 2013 Central Alarm System Upgrade.

Page 7 of 7

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

OWNER:

By: Mayor Arlyn Van Beek

Title: President of Board of City Commissioners

Date Signed:

ATTEST:

Name: Jim Neubauer

Title: City Administrator

Address for giving notices:

City of Mandan

205 2nd Avenue NW

Mandan, ND 58544-3125

Designated Representative (paragraph 6.02.A):

Jim Neubauer

Title: City Administrator

Phone Number: (701) 667-3210

Facsimile Number: (701) 667-3223

E-Mail Address: jneubauer@cityofmandan.com

ENGINEER:

By: Brett M. Jochim, PE

Title: Chief Operating Officer

Date Signed: 3-12-13

ATTEST:

Name: Kenneth Weber, PE

Title: Senior Project Manager

Address for giving notices:

Advanced Engineering and Environmental Services, Inc.

1815 Schafer Street, Suite 301

Bismarck, ND 58501

Designated Representative (paragraph 6.02.A):

Kenneth Weber, PE

Title: Project Manager

Phone Number: (701) 221-0530

Facsimile Number: (701) 221-0531

E-Mail Address: Ken.Weber@ae2s.com



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

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

Fort Abraham Lincoln Foundation is hereby authorized to conduct games of
(Full, Legal Name of Gaming Organization)

chance under the license granted by the Attorney General of the State of North Dakota at the following
location: Round up Sports Bar the address of which is:

412 West Main Street Mandan 58554 Morton
(Street) (City) (Zip Code) (County)

Date(s) Authorized: Beginning 5/1/13 Ending 6/30/13

Specific location where games of chance will be conducted and played at the site (required):
Entire bar area, excluding the restrooms

Number of twenty-one tables (required) (if zero, enter "0") : 1

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) Round Up, LLC		Site Name Round Up Sports Bar		Site Phone Number 751 4393
Site Address 412 W MAIN ST.		City MANDAN	State ND	Zip Code 58554
Organization (Lessee) Fort Abraham Lincoln Foundation		Rental Period 5/1/2013 to 6/30/2013		County MORTON
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.				Monthly Rent Amount \$
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes				
2. Is a raffle drawing going to be conducted at this site?				\$
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				
3. Is Prize Boards involving a dispensing device conducted at this site?				\$
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				
4. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____				\$
<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes				
Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>300.00</u>				\$ 300.00
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 7 & 8.				\$ 200.00
<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes				
7. Is Pull Tabs involving only a jar bar conducted at this site?				\$
<input type="checkbox"/> No <input type="checkbox"/> Yes				
8. Is Pull Tabs involving only a dispensing device conducted at this site?				\$
<input type="checkbox"/> No <input type="checkbox"/> Yes				
TERMS OF RENTAL AGREEMENT:				Total Monthly Rent \$ 500.00

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

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

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

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

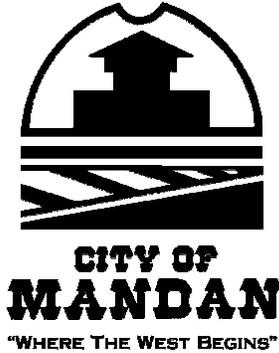
If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.

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

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

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

Signature of Lessor <i>[Signature]</i>	Title OWNER	Date 3/26/13
Signature of Lessee (Top Executive Official) <i>[Signature]</i>	Title PRESIDENT	Date 3/26/13



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 2, 2013
PREPARATION DATE: March 27, 2013
SUBMITTING DEPARTMENT: Assessing Dept
DEPARTMENT DIRECTOR: Richard L Barta
PRESENTER: Richard L Barta
SUBJECT: Homestead Credit Exemption for Virginia Althaus-Davis

STATEMENT/PURPOSE: To consider a 100% Homestead Credit exemption for the year 2012 due to meeting all criteria.

BACKGROUND/ALTERNATIVES: Virginia meets all qualifications according to the guidelines established by the State for a 100% exemption through the Homestead Credit program.

This parcel is also known as W 45' Lots 9-12, Block 6, Meads Addition at 1206 1st St NW on Parcel #3961.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$824. Please note that this amount is reimbursed by the State and the City is not actually losing any revenue.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval of the requested 100% Homestead Credit exemption for the year 2012.

SUGGESTED MOTION: I recommend a motion to approve the request by Virginia Althaus-Davis to receive a 100% Homestead Credit exemption for the year 2012 due to meeting all criteria according to the guidelines established through the State.

Application For Abatement And Settlement Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

County of Morton

Name ALTHAUS VIRGINIA

Address 1206 1 ST NW

Legal Description of the property involved in this application
 W 45' LOTS 9-12

Property ID Number

City 3961

County 65-2994000

Block: 006
 MEADS

Total true and full value of the property described above for the year 2012 is:		Total true and full value of the property described above for the year 2012 should be:	
Land	\$5,200	Land	\$5,200
Improvements	\$41,200	Improvements	\$41,200
Total (1)	\$46,400	Total (2)	\$46,400

The difference of \$0 true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- 2. Residential or commercial property's true and full value exceeds the market value
- 3. Error in property description, entering the description, or extending the tax
- 4. Nonexisting improvement assessed
- 5. Complainant or property is exempt from taxation (Attach a copy of Application for Property Tax Exemption)
- 6. Duplicate assessment
- 7. Property improvement was damaged by fire, flood or tornado (see N.D.C.C. § 57-23-04(1)(g))
- 8. Error in noting payment of taxes, taxes erroneously paid
- 9. Property qualifies for Homestead Credit According to N.D.C.C. § 57-02-08.1 (Attach a copy of Homestead Credit Application)
- 10. Other (Explain) NDCC HOMESTEAD CREDIT 100%

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

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

The Applicant asks that WE ABATE THE TAXES DUE TO THE QUALIFICATION OF THE HOMESTEAD CREDIT 100%

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

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

Signature of Preparer (if other than applicant) _____ Date _____
 Signature of Applicant Virginia Althaus Davis Date 3-18-13

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of Mandan City Commissioners

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

Dated this _____ day of _____, _____.

 City Auditor or Township Clerk

Action by the Board of County Commissioners

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

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

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

Dated _____, _____.

 County Auditor

 Chairperson

Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

 County Auditor

 Date

Application For Abatement
 And Settlement Of Taxes

Name of Applicant _____

County Auditor's File No. _____

Date Application Was Filed With The County Auditor _____

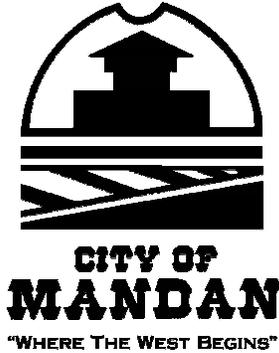
** Use 2011 Income & Medical Expenses*
HOMESTEAD CREDIT APPLICATION FOR SENIOR CITIZENS & DISABLED PERSONS
 OFFICE OF STATE TAX COMMISSIONER
 24757 (5/2009)

For the Year of 2012

File application with the local assessor prior to February 1 of the year for which the credit is requested.

To: (Assessor)	Richard Barta
City or Twn:	City of Mandan
County:	Morton County

Applicant Information		City Seq No:	03961
Name:	ALTHAUS VIRGINIA	Date of Birth:	0000
Address:	1206 1 ST NW	Phone No:	
Legal Description of Applicant's Property:	W 45' LOTS 9-12	County No:	65-2994000
Lot:	Block: 006	Addition:	0017
		City:	MANDAN
1. Which of the following would best describe the type of ownership of the homestead property (check only one): A. Is recorded in your (and spouse's) name as owner <input checked="" type="checkbox"/> D. Is held under a life estate in property <input type="checkbox"/> B. Is being purchased by you under a contract for deed <input type="checkbox"/> E. Is held in a revocable trust <input type="checkbox"/> C. Is held in joint tenancy with one other than spouse <input type="checkbox"/>			
2. Is the above-described property exempt as a farm residence? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
3. Do you have assets in excess of \$75,000 including the value of any assets gifted or otherwise divested within the last three years, and excluding the unencumbered value of your homestead up to \$100,000? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
Complete Schedule A			
To Be Completed By The Assessor			
Application is: Approved <input checked="" type="checkbox"/> Denied <input type="checkbox"/> <u>100</u> % reduction allowed this applicant or a maximum of \$ _____			
Reason for Denial: _____			
Date:	<u>3-19-13</u>	Signature of Assessor:	<i>Richard Barta</i>
Schedule A			
The Following is an Accurate Account of Total Income for the Preceding Calendar Year (See Attachment for an explanation of income from other sources)			
4. Applicant's and spouse's income from Social Security benefits (excluding Medicare):	\$		
5. Applicant's and spouse's income from salary and wages:	\$	/	
6. Applicant's and spouse's income from interest:	\$		
7. Applicant's and spouse's income from other sources:	\$		
8. Dependents' total income from all sources:	\$		
9. Total income from all sources (add lines 4, 5, 6, 7 and 8):	\$		
Medical expenses actually paid during the year and not paid for by insurance:			
Total amount of health and hospital insurance premiums (exclude Medicare):	\$		
Medicine and drugs:	\$		
Doctor, dentist and hospital costs:	\$		
Hearing aids, eyeglasses, dentures, etc.:	\$		
Transportation costs for medical care: .50 Cents Per Mile	\$		
Nursing home care costs and/or home nursing care costs:	\$		
10. Total medical expenses:	\$		
11. Income from all sources excluding medical expenses (line 9 less line 10):	\$		
Applicant Signature			
I declare that this application, including Schedule A, has been examined by me and to the best of my knowledge and belief is a true and correct application. I am willing to furnish proof of age, income, and assets if requested to do so by someone authorized to administer this assessment credit. I reside on the property described in this application and I hereby claim the Homestead Credit on this property as provided for in N.D.C.C. SS 57-02-08-1.			
Date:	<u>3-18-13</u>	Signature of Applicant:	<i>Virginia Althaus Davis</i>



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 2, 2013
PREPARATION DATE: February 20, 2013
SUBMITTING DEPARTMENT: Assessing Department
DEPARTMENT DIRECTOR: Richard L Barta
PRESENTER: Richard L Barta
SUBJECT: Wheelchair Exemption for Curtis Klein

STATEMENT/PURPOSE: To consider a wheelchair exemption for the year 2012.

BACKGROUND/ALTERNATIVES: Mr. Klein has completed the necessary paperwork and meets all criteria, according to North Dakota Century Code 57-02-08(20)(c), to receive a wheelchair exemption for the year 2012.

The wheelchair exemption exempts structure up to \$100,000; therefore he should only be taxed on the structure of \$ 40,800 and on the land value of \$10,600. Morton County tax statement shows he was taxed for \$55,300 of the structure value and \$10,600 of land value.

This parcel is also known as #9607 D, N 107' Lot 2 (Less E 6' & Less Out Lot 1, Blk 2, Lakewood 1st Addition at 2800 Bay Shore Bend SE, Unit 1.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$257.58.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval of the request by Curtis Klein to receive a wheelchair exemption for the year 2012.

SUGGESTED MOTION: I recommend a motion to approve the request by Curtis Klein to receive a wheelchair exemption for the year 2012 by meeting all requirements according to North Dakota Century Code 57-02-08(20) (c).

Application For Abatement And Settlement Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

County of Morton

Name KLEIN CURTIS A

Property ID Number

City 9607 D

Address 2800 BAY SHORE BEND SE UNIT 1

County 65-1804333

Legal Description of the property involved in this application

N 107' LOT 2 (LESS E 6' & LESS OUT LOT 1 9

38 SQ FT) UNIT 1

Block: 2

LAKEWOOD 1ST

Total true and full value of the property described above for the year 2012 is:

Land \$10,600
 Improvements \$140,800
 Total (1) \$151,400

Total true and full value of the property described above for the year 2012 should be:

Land \$10,600
 Improvements \$40,800
 Total (2) \$51,400

The difference of \$100,000 true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- 2. Residential or commercial property's true and full value exceeds the market value
- 3. Error in property description, entering the description, or extending the tax
- 4. Nonexisting improvement assessed
- 5. Complainant or Property is exempt from taxation (Attach a copy of Application for Property Tax Exemption)
- 6. Duplicate assessment
- 7. Property improvement was damaged by fire, flood or tornado (see N.D.C.C. § 57-23-04(1)(g))
- 8. Error in noting payment of taxes, taxes erroneously paid
- 9. Property qualifies for Homestead Credit According to N.D.C.C. § 57-02-08.1 (Attach a copy of Homestead Credit Application)
- 10. Other (Explain) NDCC 57-02-08 WHEELCHAIR EXEMPTION

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

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

The Applicant asks that WE ABATE THE DIFFERENCE IN ERROR DUE TO QUALIFICATION OF THE WHEELCHAIR EXEMPTION FOR 2012.

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

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

Signature of Preparer (if other than applicant)

Date

Curtis A Klein
 Signature of Applicant

3-18-13
 Date

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of Mandan City Commissioners

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

Dated this _____ day of _____, _____.

 City Auditor or Township Clerk

Action by the Board of County Commissioners

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

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

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

Dated _____, _____.

 County Auditor

 Chairperson

Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

 County Auditor

 Date

Application For Abatement
 And Settlement Of Taxes

 Name of Applicant

 County Auditor's File No.

 Date Application Was Filed
 With The County Auditor

Application for Property Tax Exemption

This application must be filed with the assessor every year by February 1st of the year for which the exemption is claimed, except as stated in note (7) below.

Property Numbers: 9607 D 65-1804333 Legal Description
 Property Owner: KLEIN CURTIS A Lot: Block: 2
 Property Address: 2800 BAY SHORE BEND SE UNIT 1 N 107' LOT 2 (LESS E 6' & LESS OUT LOT 1
 Telephone Number: 2800 BAY SHORE BEND SE UNIT 1

Date property was acquired: 5/21/2004 Market value of property claimed exempt: \$ _____

- Exemption Claimed Pursuant to One of the Following Section of the North Dakota Century Code:
- 1. N.D.C.C. § 57-02-08(7)(9), property used exclusively for public workshop or property belonging to a religious organization and used for religious purposes: Church Parsonage Other(attach explanation)
 - 2. N.D.C.C. § 57-02-08(9), property owned by an institution of public charity and used for the charitable purposes for which it was organized: Public Hospital (1) Nursing Home (1) Other(attach explanation) (1)
 - 3. N.D.C.C. § 57-02-08(11), property owned by nonprofit lodges, clubs, etc. and used for their meetings and ceremonies:
 - a. If licensed to sell alcoholic beverages, describe each area of the building where these beverages are sold or consumed.
 - b. If food is sold, describe each area of the building where the food is sold or consumed.
 - 4. N.D.C.C. § 57-02-08(20), buildings owned and occupied as a homestead by one of the following:
 - a. Paraplegic Disabled Veteran or Veteran awarded specially adapted housing (2)(4)(5)(6)(7)
 - b. Disabled Veteran (50% or greater disability) (2)(4)(5)(7)
 - c. Permanently and Totally Disabled Person Confined to a Wheelchair (2)
 - 5. N.D.C.C. § 57-02-08(22), buildings owned and occupied as a home by a blind person or spouse. (2)
 - 6. N.D.C.C. § 57-02-08(26), buildings owned and occupied as a homestead by a paraplegic disabled person (2)(3)
 - 7. N.D.C.C. § 57-02-08(31), group homes owned by nonprofit corporations.
 - 8. N.D.C.C. § 57-55-10, mobile home is exempt or the provisions of N.D.C.C. ch. 57-55 apply.
 - 9. N.D.C.C. § _____ Subsection _____

For what purpose(s) was the property used during the 12-month period prior to the year for which this exemption is claimed? (Note: Be specific. If there were several types of use, indicate such usages by square foot areas of the building and floor location. If additional space is needed, attach another sheet.)

Is any income derived from the use of any portion of this property by other individuals or groups, whether considered as rent or reimbursement for expenses or services rendered? Yes No If Yes, give details.

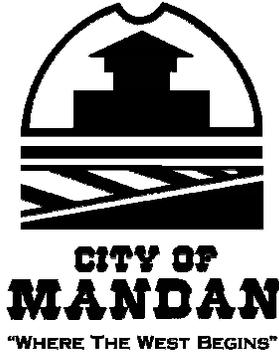
- (1) Provide a current copy of organizational documents supporting claim (e.g., articles of incorporation and by-laws, etc.) if claiming exemption for first time upon request.
- (2) Provide an affidavit or physician's certificate if claiming exemption for first time.
- (3) Provide an annual statement that previous year's income did not exceed the amount provided in N.D.C.C. § 57-02-06.1.
- (4) Provide a copy of the DD Form 214 showing veteran's honorable discharge from active military service if claiming exemption for first time, or if the veteran receives a change in the percentage of certified rated service-connected disability.
- (5) Provide a certificate from the Department of Veterans Affairs showing award of specially adapted housing if claiming exemption for this status for first time.
- (6) Provide evidence from the Department of Veterans Affairs showing award of specially adapted housing if claiming exemption for this status for first time.
- (7) Exemption is automatically renewed each following year, but the veteran or veteran's unmarried surviving spouse must refile if that person sells the property or no longer claims it as a primary place of residence, or if the veteran dies or receives a change in the percentage of the certified rated service-connected disability.

I (We) make application for real property tax exemption for the year 2012 on the property described above and, in compliance with North Dakota Century Code § 57-02-14.1, certify the information is accurate to the best of my(our) knowledge and belief.

Note: N.D.C.C. § 12.1-11-02 provides that making a false statement in a governmental matter is punishable as a Class A misdemeanor.

Application is: Approved Disapproved
 Percentage approved(4.b) _____ %

Curtis A. Klein 2-9-12
 Applicant Date
Beckend to South / AKM 2-9-12
 Assessor or Director of Tax Equalization Date



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 2, 2013
PREPARATION DATE: March 27, 2013
SUBMITTING DEPARTMENT: Assessing/Bldg Inspections
DEPARTMENT DIRECTOR: Richard L Barta
PRESENTER: Richard L Barta
SUBJECT: Fire Damage to Mobile Home – Jared Ohlhauser

STATEMENT/PURPOSE: To consider abatement on taxes for a mobile home due to fire that destroyed the home on July 27, 2012. Pro-rate for five months for the 2012 tax year.

BACKGROUND/ALTERNATIVES: This parcel is also known as Parcel #5014 on Lot 9, Block 1, Nicola’s 1st.

Reason for abatement: To abate the taxes on this mobile home due to a fire on July 27, 2012 that completely destroyed the home. Abate the taxes for 5 months for the 2012 year.

ATTACHMENTS: Application for abatement and fire report.

FISCAL IMPACT: Approximately \$90.00

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend a motion to approve to abate the taxes on the mobile home for five months of 2012.

SUGGESTED MOTION: A motion to approve to abate the taxes on the mobile home for five months of 2012.

Application For Abatement And Settlement Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

County of Morton

Name OHLHAUSER JARED

Address 1216 7 AVE SE

Legal Description of the property involved in this application

Lot: 0009

Block: 001

NICOLA'S 1ST

Property ID Number

City 5014

County 65-3807000

Total true and full value of the property described above for the year 2012 is:

Land \$12,100
 Improvements 50,700
 Total (1) 62,800

Total true and full value of the property described above for the year 2012 would be:

Land \$12,100
 Improvements 50,700
 Total (2) 62,800

The difference of \$0 true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- 2. Residential or commercial property's true and full value exceeds the market value
- 3. Error in property description, entering the description, or extending the tax
- 4. Nonexisting improvement assessed
- 5. Complainant or property is exempt from taxation (Attach a copy of Application for Property Tax Exemption)
- 6. Duplicate assessment
- 7. Property improvement was damaged by fire, flood or tornado (see N.D.C.C. § 57-23-04(1)(g))
- 8. Error in noting payment of taxes, taxes erroneously paid
- 9. Property qualifies for Homestead Credit According to N.D.C.C. § 57-02-08.1 (Attach a copy of Homestead Credit Application)
- 10. Other (Explain) FIRE DAMAGE - ON JULY 30, 2012 mobile home

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

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

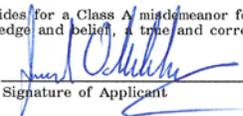
The Applicant asks that WE ABATE HIS TAXES FOR 2012 - PRO-RATE 5 MONTHS.

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

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

Signature of Preparer (if other than applicant) _____

Date _____

Signature of Applicant 

Date 03-25-13

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of Mandan City Commissioners

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

Dated this _____ day of _____, _____.

 City Auditor or Township Clerk

Action by the Board of County Commissioners

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

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

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

Dated _____, _____.

 County Auditor

 Chairperson

Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

 County Auditor

 Date

**Application For Abatement
 And Settlement Of Taxes**

Name of Applicant _____

County Auditor's File No. _____

Date Application Was Filed With The County Auditor _____



Mandan Fire Department

Station: **1**
 Shifts Or Platoon: **Administration**

Location: 1216 7th AVE SE Mandan ND 58554	Incident Type: 121 - Fire in mobile home used as fixed residence
Lat/Long: N 46° 48' 50.22" W 100° 52' 54.14"	FDID: 30213 Incident #: 2012-752 Exposure ID: 4759333 Exposure #: 0 Incident Date: 07/27/2012
Zone: SE - Southeast Location Type: 1 - Street address	

Report Completed by:	Bitz, Mitchell L.	ID: 9	Date: 07/30/2012
Report Reviewed by:	Bitz, Mitchell L.	ID: 9	Date: 07/30/2012
Report Printed by:	Nardello, Steve J	ID: 2	Date: 8/2/2012 Time: 09:49

Structure Type: Fixed portable or mobile structure	Property Use: 419 - 1 or 2 family dwelling		
Automatic Extinguishment System Present: <input type="checkbox"/>	Detectors Present: <input type="checkbox"/> Cause of Ignition: Unintentional		
Aid Given or Received: None	Primary action taken: 11 - Extinguishment by fire service personnel		
Additional actions: 12 - Salvage & overhaul, -			
Losses	Pre-Incident Values	Civilian Injuries: 0	Fire Service Injuries: 0
Property: \$7,000.00	Property: \$7,000.00	Civilian Fatalities: 0	Fire Service Fatalities: 0
Contents: \$7,000.00	Contents: \$7,000.00	Total Casualties: 0	Total Fire Service Casualties: 0
Total: \$14,000.00	Total: \$14,000.00		
Total # of apparatus on call: 6	Total # of personnel on call: 17		

NARRATIVE

The Mandan Fire Department was dispatched to 1216 7th Avenue SE for the report of an air conditioner fire. Chief 1 arrived on location to find a 14' x 28' mobile home with fire coming from windows on the Delta side. Engine 15 arrived on location and began to extinguish the fire, entering from the door on Bravo side, with an 1-3/4" hose line. Engine 27 arrived on location established a water supply using a five inch hose from engine 15 to a fire hydrant located on the west side of 1200 block of 7th Avenue SE. Engine 27 also placed a positive pressure fan at the Bravo side door. Ladder 14 arrived on location and was directed to initiate a second 1-3/4" hose line to the Bravo door. Interior 1 reported the fire being extinguished and the crew from engine 27 opened windows on the Delta side of the home. Additional crews from Brush 1 and Engine 16 were used to replace interior crews whose breathing air tanks were low. Overhaul began immediately upon majority of fire being extinguished.

Chief Nardello and Battalion Chief Bitz investigated for cause and origin of fire. Noting less fire damage to Bravo side with more damage to Delta side, it was determined that the fire originated in the kitchen area. Occupants stated that there was no electric to the kitchen area as fuses were removed due to electrical problems. It was also stated that an electrical extension cord was being used to energize the refrigerator in the kitchen area. Investigators found the extension cord to the refrigerator and noted that one area of the cord had all insulation missing and low burns to the floor and cabinets in the same area. Finding no other source for ignition, it was determined that the extension cord used to energize the refrigerator caused the fire.

Two family pets were found deceased within the structure.

Board of City Commissioners
 Agenda Documentation
 Meeting Date: April 2, 2013
 Subject: Fire Damage to Mobile Home – Jared Ohlhauser
 Page 5 of 8

3/19/13
 AS1057

Mandan Assessing Dept
 Property Data Sheet

Page 1

OHLHAUSER JARED -
 1216 7 AVE SE
 MANDAN ND 58554

City Parcel No. 05014
 County No. 65-003807000
 Assessment Year 2013

Property Address: 1216 7 AVE SE

Property Type: RESIDENTIAL

Legal Description

Lot 0009 Block 001 Addition 0040 NICOLA'S 1ST

Total Property - Land

Area Factor 10 ANY M/H < 1977
 Zoning LSD
 Lot Width 60 Ft
 Lot Depth 95 Ft
 Lot Sq Ft 5700 SqFt
 Irregular Shape No
 Alley No
 Cul-De-Sac No
 Corner No
 Utilities Yes
 Underground Util Yes
 Street Hard Surface
 Sidewalk No
 Location Inland
 Flood Plain Degree
 Acres .13
 Lot Sale Price 3832
 Lot Sale Date 08/15/1985

Fireplace No
 Floors
 Floor Covering Carpet
 Apartment None

Garage
 None 0 Stall with 0 SqFt
 Quality None

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

Additional Area

Other Area

Shed 120 SqFt
 Shed 80 SqFt

Building Data

Year Built 0
 Effective Year 0
 Basement Walls
 Condition
 Quality None
 Construction Type
 Stories None
 Roof Cover
 Roof Type
 Heating Fuel
 Heating Type
 Air Conditioning None
 Flr Tot Rms Bed Bath
 Tot Finished Area 0 SqFt
 Exterior Walls Wood Siding
 Basement None
 Dining Room Area Dining Area
 Kitchen Cabinets
 Built-Ins No
 Interior Walls
 Interior Finish

Listing Date
 Listing Price 0
 Review Date 09/07/2011 GEORGER
 Final App. Date 01/01/2011 GEORGER

2013 Mrkt Value 12100 Land 12100
 Bldg 0

2012 Mrkt Value 62800 Land 12100
 Bldg 50700

2013 Est Tax Amount 214.98

Selling Price Includes Special Assessments
 Current Sale Price
 Current Sale Date

Previous Sale Price 0

Previous Sale Date

Data Sheet Printed By: CAROLYNR

APPARATUS			
Unit:	C-1	Unit:	E-15
Type:	Chief officer car	Type:	Engine
Use:	Other	Use:	Suppression
Response Mode:	Lights and Sirens	Response Mode:	Lights and Sirens
# of People	1	# of People	4
Injury Or Onset	-- / -- / -- -- : -- : --	Injury Or Onset	-- / -- / -- -- : -- : --
Alarm	07 /27/2012 08:11:00	Alarm	07 /27/2012 08:11:00
Dispatched	07 /27/2012 08:11:00	Dispatched	07 /27/2012 08:11:00
Enroute	07 /27/2012 08:13:00	Enroute	07 /27/2012 08:16:00
Arrived	07 /27/2012 08:16:00	Arrived	07 /27/2012 08:19:00
Cancelled	-- / -- / -- -- : -- : --	Cancelled	-- / -- / -- -- : -- : --
Cleared Scene	07 /27/2012 10:05:00	Cleared Scene	07 /27/2012 10:05:00
In Quarters	-- / -- / -- -- : -- : --	In Quarters	-- / -- / -- -- : -- : --
In Service	07 /27/2012 10:05:00	In Service	07 /27/2012 10:05:00
Unit:	E-27	Unit:	L-14
Type:	Engine	Type:	Truck or aerial
Use:	Suppression	Use:	Suppression
Response Mode:	Lights and Sirens	Response Mode:	Lights and Sirens
# of People	2	# of People	5
Injury Or Onset	-- / -- / -- -- : -- : --	Injury Or Onset	-- / -- / -- -- : -- : --
Alarm	07 /27/2012 08:11:00	Alarm	07 /27/2012 08:11:00
Dispatched	07 /27/2012 08:11:00	Dispatched	07 /27/2012 08:11:00
Enroute	07 /27/2012 08:16:00	Enroute	07 /27/2012 08:19:00
Arrived	07 /27/2012 08:20:00	Arrived	07 /27/2012 08:22:00
Cancelled	-- / -- / -- -- : -- : --	Cancelled	-- / -- / -- -- : -- : --
Cleared Scene	07 /27/2012 10:05:00	Cleared Scene	07 /27/2012 10:05:00
In Quarters	-- / -- / -- -- : -- : --	In Quarters	-- / -- / -- -- : -- : --
In Service	07 /27/2012 10:05:00	In Service	07 /27/2012 10:05:00
Unit:	E-16	Unit:	B-1
Type:	Engine	Type:	Brush truck
Use:	Suppression	Use:	Suppression
Response Mode:	Lights and Sirens	Response Mode:	Initial Lights and Sirens, Downgraded to No Lights or Sirens
# of People	2	# of People	3
Injury Or Onset	-- / -- / -- -- : -- : --	Injury Or Onset	-- / -- / -- -- : -- : --
Alarm	07 /27/2012 08:11:00	Alarm	07 /27/2012 08:11:00
Dispatched	07 /27/2012 08:11:00	Dispatched	07 /27/2012 08:11:00
Enroute	07 /27/2012 08:28:00	Enroute	07 /27/2012 08:35:00
Arrived	07 /27/2012 08:31:00	Arrived	07 /27/2012 08:40:00
Cancelled	-- / -- / -- -- : -- : --	Cancelled	-- / -- / -- -- : -- : --
Cleared Scene	07 /27/2012 10:05:00	Cleared Scene	07 /27/2012 10:05:00
In Quarters	-- / -- / -- -- : -- : --	In Quarters	-- / -- / -- -- : -- : --
In Service	07 /27/2012 10:05:00	In Service	07 /27/2012 10:05:00

Number Of People not on apparatus: 0

INCIDENT IMAGES

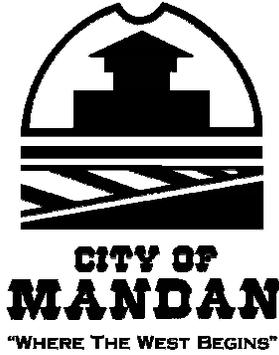






Member Making Report (Battalion Chief Mitchell L Bitz): _____

Supervisor (Battalion Chief Mitchell L Bitz): _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 2, 2013
PREPARATION DATE: March
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Out of State Travel

STATEMENT/PURPOSE: To consider approval of out of state travel and

BACKGROUND/ALTERNATIVES: The Great Open Spaces City Management Association (GOSCMA) Conference is in Jackson WY on May 8, 9 and 10th. There are five education sessions which include local government and social media, succession planning, energy and sustainability, local government leadership in the next 100 years and Jackson Hole Air.

As the current President of the North Dakota Chapter of GOSCMA, and Mandan will be hosting the annual meeting in 2014 I feel the education opportunities available at this conference are worthwhile.

I summarized two travel options, flying and driving. I am currently unsure which direction I will take and am asking for out of state travel approval up to approximately \$1,500 in expenses to attend this conference. Variables would include driving as weather may prove to be an unknown factor in arrangements.

ATTACHMENTS: Fare details and mileage details are available upon request.

FISCAL IMPACT: \$1,500

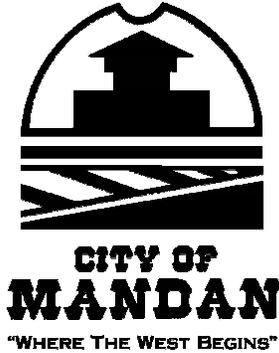
STAFF IMPACT: n/a

LEGAL REVIEW: n/a

RECOMMENDATION: I recommend approval of out of state travel for Mr. Neubauer to attend the GOSCMA Annual Conference.

SUGGESTED MOTION: I move to approve out of state travel for Mr. Neubauer to attend the GOSCMA Annual Conference.

Date		Costs
May 7	Depart 1:01 p.m.(no flights into Jackson prior to 4:30 p.m. from Bis) Round Trip Airfare Hotel Food, Supper (Jackson \$56/day x 50%)	\$557.60 \$125.00 \$28.00
May 8	Conf. begins 1:30 p.m. Hotel Breakfast Lunch	\$125.00 \$11.20 \$16.80
May 9	Conference Hotel	\$125.00
May 10	Conference concludes 11:15 p.m. No flights out until following day 7:15 a.m. Hotel Lunch Dinner	\$125.00 \$11.20 \$16.80
May 11	Depart 7:15 a.m. arrive Bis 12:41 p.m. Breakfast Lunch	\$11.20 \$16.80
	GOSCMA Dues	\$100.00
	Conference Fee	\$200.00
	Total Travel via Air	\$1,469.60
	Auto	
	Remove Airfare	\$-557.60
	Add Mileage	
	Mandan to ND Border (round trip) \$.565 x (153miles x2)	\$172.89
	ND Border to Jackson (614 miles x 2) x \$.18	\$221.04
	Total Auto	1,305.93



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 2, 2013
PREPARATION DATE: March 27, 2013
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Jeff Wright
PRESENTER: Jeff Wright, Director of Public Works
SUBJECT: Introduction of new Public Works employees.

STATEMENT/PURPOSE: Introduction of new Public Works employees, Jason Weigelt, Street Department, Chauntel Sullivan, Street Department and Chris Webber, Utility Department.

BACKGROUND/ALTERNATIVES: All three employees are additional employees to both departments. These positions were budgeted for 2013 to take on increased maintenance duties brought on by the healthy economy and steady growth this area has and is experiencing. We are glad to have all three on board.

ATTACHMENTS: N/A

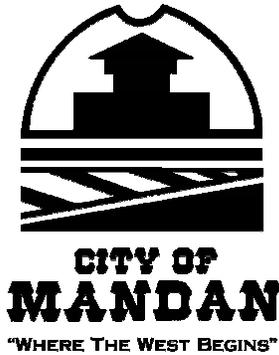
FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: N/A

SUGGESTED MOTION: N/A



Board of City Commissioners

Agenda Documentation

MEETING DATE: ~~March 19, 2013~~ April 2, 2013
PREPARATION DATE: March 15, 2013
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, Administrator
PRESENTER: Jim Neubauer, Administrator
SUBJECT: Multi-Family Housing Exemption Policy & New Single Family Home Exemption

STATEMENT/PURPOSE: To review and consider the City's policy on any incentive for multi-family or high-density housing & New Single Family Home Exemption.

BACKGROUND/ALTERNATIVES: Informally since June 2010 and formally since February 2011, the City of Mandan has considered applications for a two-year 100% exemption for new construction of multi-family housing of 24 units or greater. *Note: This policy has been for projects outside of the Renaissance Zone. The benefit period for RZ projects is five years.*

Among rationale for the multi-family high density exemption policy when it began was to encourage greater investment on a fixed amount of land thereby increasing future property tax revenues per parcel while reducing the investment in street, water and sewer lines in terms of lineal feet. More recently, a benefit considered has been the need for affordable housing to accommodate the need for workforce as demanded by new and growing businesses in the region.

Since the policy was adopted, four development groups have applied and been approved for the exemption. These comprise 10 buildings and 306 to 330 units. Additionally, there were two assisted living projects. Two to three of these approved projects have not yet begun construction, but must do so within 1 year of the original City Commission approval to receive the exemption.

During working sessions held this fall, the City Commission and Growth Fund Committee determined that the consideration of any housing incentive policy was beyond the Growth Fund Committee's core economic and business development focus. Also there was discussion by a commissioner about offering an incentive for any multi-family limited to the first \$75,000 in value per unit for two years. If this were to occur, there could be many more applications from 4-, 8-, and 12-plexes or other smaller

configurations. For this reason, it was determined that any housing incentive policy and/or applications be considered directly by the City Commission without prior review and recommendation by the Growth Fund Committee.

An application has been received by the Assessing Department and is slated for public hearing before the Commission on Feb. 19. The Commission approved this request.

Current Policy:

Consider applications for a two-year 100% exemption for new construction of multi-family housing of 24 units or greater

Alternative Options (in no particular order)

Option A:

Consider applications for a two-year 100% exemption for new construction of multi-family housing of 24 units or greater limited to the first \$75,000 of value.

Option B:

Consider applications for a two-year 100% exemption for new construction of multi-family housing of 4 units or greater limited the first \$75,000 of value.

Option C:

Eliminate this exemption from consideration via a phased out approach. Any applications received on or before June 30 will be considered for a 2 year 100% exemption. Those received between July 1, 2013 – December 31, 2013 would be considered for a 1 year exemption and no consideration for those applications received after December 31, 2013.

Option D:

Keep the current policy in place. If this were the decision, you may wish to add caveats to the exemption such as additional onsite parking requirements, green space and children's play area.

Option E:

Keep the current policy in place, pending the outcome of SB 2314 which may affect the ability to provide the exemption.

Current ordinance regarding new single family home/townhome/condo construction is to provide an exemption for two years on the first \$75,000 of value.

This has not been changed for many years. State law would provide an option for the City of Mandan to up that amount to \$150,000. Options available to consider would be:

- Leave the exemption as is

- Eliminate the exemption
- Adjust it from \$75,000 higher or lower.

With the strong housing market we are currently in, I would recommend leaving the exemption as is.

We have had discussions with the Bismarck Mandan Board of REALTORS and their Board of Directors has decided to remain neutral on the exemption issue.

ATTACHMENTS: n/a

FISCAL IMPACT: unknown

STAFF IMPACT: minimal

LEGAL REVIEW:

RECOMMENDATION: It is advisable for the City Commission to determine how they would like to proceed on such applications, which in turn will provide investors with some degree of certainty on what to expect.

My recommendation or preference on the multifamily housing exemption would be to leave it in place, but add conditions relative to additional parking requirements, green space and play areas.

I would also recommend leaving the existing ordinance in place providing for the first \$75,000 in value be exempt on new single family homes.

SUGGESTED MOTION:

**Mandan Youth Commission
Young Adult Playground Proclamation
March 18, 2013**

WHEREAS, The Mandan Youth Commission believes in the health of our community; and,

WHEREAS, The percentage of adult/students overweight or obese in North Dakota in 2011 was 63.8%; and,

WHEREAS, A young adult's academics and job performances are affected by their lifestyle choices; and,

WHEREAS, An adequate amount of exercise helps your overall health of mind, body, and sound; and,

NOW BE IT HEREWITH RESOLVED on this 18th day of March, 2013, the Mandan Youth Commission encourages the Mandan Park Board and the City of Mandan to invest in young adult playground equipment in the City of Mandan, North Dakota.

Courtney Goetz
President

Taylor Mikkelson
Vice-President

Members of the Mandan Youth Commission: Kiara Aman, Casey Beck, Kaycee Fry, Cole Garman, Colton Justice, Ashley Doll, Connor Leingang, Hannah Fishbeck, Taylor Glass.

**Mandan Youth Commission
Recycling Proclamation
March 18, 2013**

WHEREAS, The Mandan Youth Commission is concerned with helping make Mandan more environmentally friendly; and,

WHEREAS, Recycling helps reduce the amount of waste going to landfills; and,

WHEREAS, The average person generates over 4 pounds of trash every day and about 1.5 tons of solid waste every year; and,

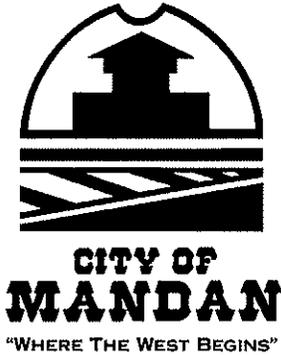
WHEREAS, If every American recycled just one-tenth of their newspapers, we could save about 25 million trees each year; and,

NOW BE IT HEREWITH RESOLVED on this 18th day of March 2013, the Mandan Youth Commission encourages the Mandan School Board, the Mandan City Commission, and the Mandan Park Board to actively participate in recycling community wide in the City of Mandan, North Dakota.

Courtney Goetz
President

Taylor Mikkelson
Vice-President

Members of the Mandan Youth Commission: Kiara Aman, Casey Beck, Kaycee Fry, Cole Garman, Colton Justice, Ashley Doll, Connor Leingang, Hannah Fishbeck, Taylor Glass.



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 2, 2013
PREPARATION DATE: March 27, 2013
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch
SUBJECT: Resolution Authorizing Issuance of
\$1,675,000 Refunding Improvement Bonds of
2013, Series A.

PURPOSE

To consider Resolution Authorizing Issuance of \$1,675,000 Refunding Improvement Bonds of 2013, Series A for the purpose of refunding the City's Refunding Improvement Bonds of 2006, Series B.

This Resolution completes the refinancing of the old Bonds.

BACKGROUND

On March 19, 2013 the Board of City Commissioners awarded the sale of \$1,675,000 Refunding Improvement Bonds of 2013, Series A.

The following special assessment districts are affected as a result of the refinancing:

- Storm Sewer #27
- Sanitary Sewer #29
- Street #124
- Street #129
- Street #130

ATTACHMENT

Resolution Authorizing Issuance of \$1,675,000 Refunding Improvement Bonds of 2013, Series A.

Board of City Commissioners

Agenda Documentation

Meeting Date: April 2, 2013

Subject: Resolution Authorizing Issuance of \$1,675,000 Refunding Improvement Bonds of 2013, Series A.

Page 2 of 2

FISCAL IMPACT

The total Net Present Value Benefit savings of \$178,531 or 10.659% from the refinancing will be passed on to the balances owed by the special assessment districts indicated above through lower interest rates, effective April 10, 2013.

STAFF IMPACT

None

LEGAL REVIEW

Steve Vogelpohl, Bond Counsel, will prepare the legal opinion.

RECOMMENDATION

To approve the Resolution Authorizing Issuance of \$1,675,000 Refunding Improvement Bonds of 2013, Series A.

SUGGESTED MOTION

Move to approve the Resolution Authorizing Issuance of \$1,675,000 Refunding Improvement Bonds of 2013, Series A.

STEVEN L. VOGELPOHL
ATTORNEY AT LAW

Suncrest Office Park
1120 College Drive, Suite 207
P.O. Box 7068
Bismarck, ND 58507-7068

Phone: (701) 258-9847
FAX: (701) 258-9854
E-Mail: slv@slvlaw.net

March 25, 2013

Greg Welch
City of Mandan
205 2nd Ave. NW
Mandan, ND 58554

Re: Mandan Refunding Improvement Bonds of 2013, Series A and Series B

Dear Greg:

Enclosed for adoption by the City Commission on April 2 is a Resolution Authorizing Issuance for each of the above bond Series.

If you could fax me the voting record information for each (pages 11 and 10, respectively), I'll then prepare execution copies of the Resolutions.

Thank you for your assistance and please contact me if you've any questions.

Sincerely,



Steven L. Vogelwohl
Attorney at Law

SLV/dl
13-003, 004/032513.ltr

Encs

c: Malcolm H. Brown (w/Encs)

CITY OF MANDAN
COUNTY OF MORTON
STATE OF NORTH DAKOTA

**RESOLUTION AUTHORIZING ISSUANCE OF
\$1,675,000
REFUNDING IMPROVEMENT BONDS OF 2013, SERIES A**

WHEREAS, the City of Mandan, North Dakota (the "City") by resolution duly adopted August 1, 2006 (the "2006 Resolution") authorized the issuance of its Refunding Improvement Bonds of 2006, Series B (the "2006 Bonds") payable from the City of Mandan Refunding Improvement Bonds of 2006, Series B Fund (the "2006 Fund"), a portion of which 2006 Bonds are outstanding as of the date of this Resolution Authorizing Issuance of \$1,675,000 Refunding Improvement Bonds of 2013, Series A (the "Resolution");

WHEREAS, there are not at the present time sufficient moneys in the 2006 Fund to pay and discharge all outstanding 2006 Bonds; and

WHEREAS, the 2006 Bonds were issued pursuant to North Dakota Century Code Chapter 40-27, and through the issuance of new refunding improvement bonds for the purpose of refunding all 2006 Bonds having stated maturities in 2014 and thereafter (the "Refunded Bonds"), the City can reduce debt service thereon;

NOW, THEREFORE, be it resolved by the governing body of the City as follows:

Section 1. Authorization and Sale. There is hereby authorized to be issued a series of bonds designated "City of Mandan Refunding Improvement Bonds of 2013, Series A", in the total principal amount set forth in Section 2 below (the "Bonds") for the purpose of refunding the Refunded Bonds. The sale of the Bonds was awarded on March 19, 2013, to Dougherty & Company LLC, Minneapolis, Minnesota (the "Purchaser"), on the terms and conditions set forth herein and at a purchase price of \$1,654,062.50 plus accrued interest, and such sale of the Bonds for said purpose is hereby in all things ratified, approved and confirmed.

Section 2. Terms. The Bonds are issued pursuant to North Dakota Century Code Chapter 40-27 and shall be issued according to the following terms:

- (a) Principal Amount of Issue - The total principal amount of Bonds shall be \$1,675,000.
- (b) Book Entry Registration -

(1) The Bonds shall be issued as book entry bonds as required by The Depository Trust Company, New York, New York ("DTC") in the aggregate principal amount equal to the principal amount of the Bonds. The Bonds shall be registered in the name of Cede & Co., as nominee of DTC, and the Bond Registrar and Paying Agent named in Section 2(e) hereof (the "Bond Registrar and Paying Agent") shall treat the record owner as the absolute owner of the Bonds. So long as Cede & Co. is the registered owner of the Bonds, references herein to the Bondholder, owner, etc. shall mean Cede & Co. and shall not mean the beneficial owners of the Bonds. Sales by purchasers of the Bonds of beneficial interest participations in the Bonds to beneficial owners will be limited to minimum denominations of \$5,000 or any integral multiple in excess thereof.

(2) With respect to the Bonds registered in the registration books kept by the Bond Registrar and Paying Agent in the name of Cede & Co., as nominee of DTC, the City and the Bond Registrar and Paying Agent shall have no responsibility or obligation to any Participant (as referenced in the Blanket Issuer Letter of Representations a copy of which is attached hereto as Attachment 4) or to any person on behalf of which a Participant holds an interest in the Bonds. Without limiting the immediately preceding sentence, the City and the Bond Registrar and Paying Agent shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any Participant or any other person, other than a Bondholder, as shown in the registration books kept by the Bond Registrar and Paying Agent, of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any Participant or any other person, other than a Bondholder, as shown in the registration books kept by the Bond Registrar and Paying Agent, of any amount with respect to principal of, premium, if any, or interest on the Bonds. The City and the Bond Registrar and Paying Agent may treat and consider the person in whose name each Bond is registered in the registration books kept by the Bond Registrar and Paying Agent as the holder and absolute owner of such Bond for the purpose of payment of principal, premium, if any, and interest with respect to such Bond, for the purpose of giving notices of redemption and other matters with respect to such Bond, for the purpose of registering transfers with respect to such Bond, and for all other purposes whatsoever. The Bond Registrar and Paying Agent shall pay all principal of, premium, if any, and the interest on the Bonds only to or upon the order of the respective Bondholders, as shown in the registration books kept by the Bond Registrar and Paying Agent, or their

respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of principal of, premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. No person other than a Bondholder, as shown in the registration books kept by the Bond Registrar and Paying Agent, shall receive a certificated Bond evidencing the obligation of the City to make payments of principal, premium, if any, and interest pursuant to this Resolution. Upon delivery by DTC to the Bond Registrar and Paying Agent of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions herein with respect to record dates, the word "Cede & Co." shall refer to such new nominee of DTC.

(3) The Blanket Issuer Letter of Representations, a copy of which is attached hereto as Attachment 4, has been executed by the City and has been filed with DTC. The Bond Registrar and Paying Agent shall take all actions necessary to at all times comply with DTC's Operational Arrangements, as same may be amended from time to time.

(4) (i) DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and the Bond Registrar and Paying Agent.

(ii) The City may terminate the services of DTC with respect to the Bonds if the City determines that:

(A) DTC is unable to discharge its responsibilities with respect to the Bonds, or

(B) A continuance of the requirement that all of the outstanding Bonds be registered in the registration books kept by the Bond Registrar and Paying Agent in the name of Cede & Co., or any other nominee of DTC, is not in the best interest of the beneficial owners of the Bonds.

(iii) Upon the termination of the services of DTC with respect to the Bonds, or upon the discontinuance or termination of the services of DTC with respect to any portion of the Bonds pursuant to either Section 2(b)(4)(i) or Section 2(b)(4)(ii) hereof after which no substitute bond depository willing to undertake the functions of DTC hereunder can be found which, in the opinion of the City, is willing and able to undertake such functions upon reasonable and customary terms, the City is obligated to deliver Bond

certificates to the Bondholders and the Bonds shall no longer be restricted to being registered in the registration books kept by the Bond Registrar and Paying Agent in the name of Cede & Co. as nominee of DTC, but may be registered in whatever name or names the Bondholders transferring or exchanging Bonds shall designate, in accordance with the provisions of this Resolution.

(5) Notwithstanding any other provision of this Resolution to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in accordance with the Blanket Issuer Letter of Representations.

- (c) Numbering - The Bonds shall be numbered in consecutive numerical order from R-1 upwards as issued.
- (d) Date of Bonds - The Bonds shall initially be dated April 10, 2013. Bonds issued upon exchanges and transfers of Bonds shall also be dated April 10, 2013 if issued prior to November 1, 2013, and if issued upon such exchanges and transfers on or after November 1, 2013, shall be dated as of May 1 or November 1 next preceding their issuance, or if the date of issuance shall be a May 1 or November 1, as of such date; provided, however, that if interest on the Bonds shall be in default, the Bonds shall be dated as of the date to which interest has been paid in full on the Bonds being transferred.
- (e) Payment - Interest on the Bonds and, upon presentation and surrender thereof, the principal thereof shall be payable in lawful money of the United States of America by check, draft or wire transfer by Starion Bond Services, Bismarck, North Dakota, as Bond Registrar and Paying Agent, or its successor. In the event the Bonds are no longer registered as book-entry bonds pursuant to Section 2(b) hereof, such Bond Registrar and Paying Agent is hereby appointed the sole paying agent for the Bonds.
- (f) Principal Maturities - The Bonds shall mature serially and shall on May 1 in the years and in the amounts set forth in the Schedule of Maturities and Interest Rates attached hereto as Attachment 1.
- (g) Optional Redemption - Bonds maturing in the years 2014 through 2018 are payable on their respective stated maturity dates without option of prior payment. Bonds maturing in the years 2019 and thereafter shall be subject to redemption and prepayment in whole or in part at the option

of the City, in inverse order of maturities and by lot, assigned in proportion to their principal amount, within any maturity, on May 1, 2018, and on any date thereafter selected by the City, at a price equal to the principal amount thereof plus accrued interest. Not less than 30 days nor more than 60 days prior to the date specified for prepayment and redemption of any Bonds the City will cause notice of the call thereof to be mailed to the registered owner and to the paying agent at which principal and interest are then payable. Upon partial redemption of any Bond, a new Bond or Bonds will be delivered to the owner without charge, representing the remaining principal amount outstanding.

- (h) Type and Denomination of Bonds - The Bonds shall be in fully registered form in denominations of \$5,000 or any integral multiple thereof, of single maturities.
- (i) Form, Preparation, Execution and Delivery - The Bonds shall be reproduced in substantially the form attached to this Resolution as Attachment 2. The Bonds shall be prepared under the supervision and at the direction of the City Administrator, executed by the manual or facsimile signature of the President of the Board of City Commissioners (or in the absence or inability of the President to act, by the manual or facsimile signature of the Vice President) and attested to by the manual or facsimile signature of the City Administrator and delivered to the owner at closing upon receipt of the purchase price plus any accrued interest. The Bonds shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under this Resolution until the Certificate of Authentication thereon shall have been executed by the Bond Registrar by manual signature of one of its authorized representatives.
- (j) Interest - The Bonds shall bear interest at the annual rates set forth in the Schedule of Maturities and Interest Rates attached hereto as Attachment 1. Interest shall be payable on May 1 and November 1 in each year, commencing November 1, 2013, to the person in whose name each Bond is registered on the close of the 15th day (whether or not a business day) of the immediately preceding month. Interest shall be computed on a 30-day month and 360-day year basis. Interest on the Bonds shall cease at maturity or on a date prior thereto on which they have been duly called for redemption unless the holder thereof shall present the same for payment and payment is refused.
- (k) Source of Payment/Security - The Bonds shall be payable from the City of Mandan Refunding Improvement Bonds of 2013, Series A Fund into

which will be deposited payments of principal and interest on the definitive improvement warrants referred to in Section 5 hereof (the "Warrants"), which Warrants are payable from the funds of various improvement districts specified in the 2006 Resolution which derive their revenues from the levy and collection of special assessments against benefited property.

- (l) Registration - The Bonds shall be registered as to both principal and interest and the Bond Registrar shall establish and maintain a register for the purposes of recording the names and addresses of the registered owners or assigns, the dates of such registration and the due dates and amounts for payment of principal and interest on the Bonds; and the City and the Bond Registrar may deem and treat the person in whose name any Bond is registered as the absolute owner thereof, whether the Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Bond Registrar shall be affected by any notice to the contrary.
- (m) Assignment - The Bonds are transferable upon the books of the City at the principal office of the Bond Registrar, by the registered owner thereof in person or by his attorney duly authorized in writing upon surrender thereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or his attorney; and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange the City will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange. No transfer of Bonds shall be required to be made during the fifteen days next preceding an interest payment date, nor during the forty-five days next preceding the date fixed for redemption of Bonds.
- (n) Discharge - When all of the Bonds, and the interest thereon have been defeased and discharged as provided in this Section 2(n), all pledges, covenants and other rights granted by this Resolution shall cease. The City may defease and discharge all Bonds and interest due on any date by depositing with the Paying Agent on or before that date a sum sufficient for the payment thereof in full; or if any Bond or interest thereon should not be paid when due, the same may nevertheless be defeased and discharged by depositing with the Paying Agent a sum sufficient for the payment thereof in full with interest accrued from the

due date to the date of such deposit. The City may also defease and discharge all prepayable Bonds called for redemption on any date when they are prepayable according to their terms, by depositing with the Paying Agent on or before that date a sum sufficient for the payment thereof in full, provided that notice of the redemption thereof has been duly given as provided herein. The City may also defease and discharge all Bonds at any time by irrevocably depositing in escrow with an escrow agent, for the purpose of paying all principal and interest due on such Bonds prior to a date upon which all of the same will be payable or prepayable according to their terms, and paying all remaining Bonds on that date, a sum of cash and securities of the types described in North Dakota Century Code Section 40-27-13 in such aggregate amount, bearing interest at such rates and maturing or callable at the holder's option on such dates as shall be required to provide funds sufficient for this purpose; provided that notice of the redemption of all prepayable Bonds on or before such date has been duly given as required herein.

Section 3. Establishment of Refunding Fund. There is hereby created City of Mandan Refunding Improvement Bonds of 2013, Series A Fund (the "Refunding Fund") which shall be maintained by the City Administrator as a separate and special fund for the sole purpose of payment of principal and interest on any outstanding Bonds and shall be maintained until all balances of principal and interest on the Bonds are fully paid. Any proceeds received from the sale of the Bonds remaining after discharge of the Refunded Bonds and payment of costs of issuance pursuant to Section 4 hereof are hereby appropriated and shall be credited to the Refunding Fund. There is also hereby appropriated to the Refunding Fund on discharge of all 2006 Bonds all of the funds heretofore appropriated for the payment of the 2006 Bonds, and payments shall be made on the Warrants in the same manner as though none of the Refunded Bonds had been refunded. All earnings from investment of the Refunding Fund and all payments of principal and interest made on the Warrants shall be credited to the Refunding Fund and shall be used and applied in payment of the principal and interest on the Bonds as such principal and interest become due.

Section 4. Payment of Costs and Redemption of Refunded Bonds. The proceeds received from the sale of the Bonds (net of any accrued interest) together with any investment earnings on such proceeds and such amounts as needed from the 2006 Fund shall be used and applied to pay and redeem the principal of the Refunded Bonds on May 1, 2013 and interest accrued thereon to such redemption date and to pay costs of issuance of the Bonds. The City Administrator is hereby authorized and directed, if not already having caused the same to be done, to cause Notice of Redemption, in substantially the form as attached to this Resolution as Attachment 3, to be timely mailed to the registered owners of the Refunded Bonds and to the paying agent therefor. The City Administrator is further authorized and directed, in

conjunction with the City's financial consultant, to cause the aforementioned payments and deposits, and such transfers necessary therefor, to be timely made.

Section 5. Transfer of Warrants. It is hereby found, determined and declared that the Warrants held as assets of the 2006 Fund pursuant to the 2006 Resolution shall, simultaneously with discharge of the Refunded Bonds herein authorized, be immediately transferred and deposited into the Refunding Fund created hereby, and shall be held as assets in trust for the holders of the Bonds.

Section 6. Covenants and Agreements of the City. The City hereby covenants and agrees with the holders from time to time of the Bonds:

- (a) That the Warrants are validly issued and that special assessments are validly levied for the payment of the costs of the improvements defrayed thereby and are payable in years and amounts required by law and that the City will use due diligence to pay the Warrants and to levy and collect the special assessments.
- (b) That it will preserve and enforce for the security of the Bonds all of the rights, powers and privileges reserved to holders of the Warrants and all of the covenants of the City as provided in the original financing resolution authorizing the same.
- (c) That the City recognizes its obligations under the provisions of Section 40-26-08 of the North Dakota Century Code that whenever all special assessments, utility revenues and taxes, if any, appropriated and theretofore collected for the improvements for which the Warrants were issued are insufficient to pay principal or interest then due on such Warrants, this governing body is required by law to levy a tax upon all taxable property within the City for the payment of such deficiency. The City is also authorized, in its discretion, to levy such a tax if at any time a deficiency is deemed likely to occur within one year. Such taxes may be levied without limitation as to rate or amount, and the City covenants and agrees that all collections thereof will be credited to the Refunding Fund.
- (d) In the event the monies in the Refunding Fund should at any time be insufficient to make payments of principal and interest then due on the Bonds, said moneys shall be applied as follows: First, to the payment to the persons entitled thereto of all installments of interest then due on the Bonds (including any interest on overdue principal) in the order of the maturity of such installments, earliest maturities first, and, if the amounts available shall not be sufficient to pay in full any installments of interest

maturing on the same date, then to the payment thereof ratably, according to the amount due thereon, to the persons entitled thereto; and Second, to the payment to the persons entitled thereto of the unpaid principal and premium, if any, due and unpaid on the Bonds at the time of such payment, ratably, according to the amounts due respectively for principal and redemption premium, to the persons entitled thereto without any discrimination or preference. The City reserves the right and privilege of refunding any of such matured Bonds for the payment of which moneys are not at the time available by issuing new refunding improvement bonds pursuant to Chapter 40-27 of the North Dakota Century Code.

Section 7. Arbitrage. The City covenants that (i) it will restrict the use of the proceeds of the Bonds in such manner and to such extent as may be necessary, in view of the City's reasonable expectations at the time of issuance of the Bonds, so that the Bonds will not constitute "arbitrage bonds" under Section 148 of the Internal Revenue Code of 1986 and regulations applicable thereto, and (ii) it will take all actions that may be required of it (including, without implied limitation, the timely filing of a federal information return with respect to the Bonds and the payment of required rebate, if any) so that the interest on the Bonds will be and remain excluded from gross income for federal income tax purposes, and will not take any actions which would adversely affect such exclusion.

Section 8. Qualified Tax-Exempt Obligations. Pursuant to Code Section 265(b)(3)(D)(ii), the Bonds are treated as "qualified tax-exempt obligations" under Code Section 265 relating to the deduction allowed financial institutions for interest expense allocable to tax exempt interest. The City represents that: (1) the Bonds are not "private activity bonds" as defined in the Code; (2) the Bonds are obligations described in clause (ii)(III) of Code Section 265(b)(3)(C); (3) the Refunded Bonds are qualified tax-exempt obligations under Code Section 265; and (4) the maturity date of the Bonds is not later than 30 years after the date the Refunded Bonds were issued and, as shown on Attachment 5 hereto, the average maturity date of the Bonds is not later than the average maturity date of the Refunded Bonds.

Section 9. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the holders of the Bonds, to enter into a written undertaking (the "Undertaking") required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. This Undertaking shall be enforceable by the holders of the Bonds, or by the Purchaser on behalf of such holders (provided that the rights of the holders and the Purchaser to enforce the Undertaking shall be limited to a right to

obtain specific enforcement of the obligations thereunder and any failure by the City to comply with the provision of this Undertaking shall not be an event of default with respect to the Bonds). The City Administrator and President of the Board of City Commissioners shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 10. Other Proceedings. The officers of the City and Morton County are authorized and directed to prepare and furnish to the attorneys passing on the legality of the Bonds, certified copies of all proceedings, ordinances, resolutions and records and all such certificates and affidavits and other instruments as may be required to evidence the legality and marketability of the Bonds and the tax-exempt status of interest payable thereon, and all certified copies, certificates, affidavits and other instruments so furnished shall constitute representations of the City as to the correctness of all facts stated or recited therein.

Section 11. Official Statement. The Final Official Statement, dated March 19, 2013, relating to the Bonds is hereby approved and the City Administrator is authorized to certify to its correctness and completeness.

Section 12. Amendment. All prior resolutions and other acts or proceedings of this governing body which are in any way inconsistent with the terms of this Resolution are hereby amended to the extent necessary to give full force and effect to this Resolution.

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Adopted this 2nd day of April, 2013.

ATTEST:

CITY OF MANDAN, NORTH DAKOTA

City Administrator

President, Board of City Commissioners

(S E A L)

The governing body of the political subdivision acted on the foregoing resolution on April 2, 2013, as follows:

Adoption moved by _____ Seconded by _____

Roll Call Vote (List Last Names)

"Aye" _____

"Nay" _____

Absent _____

and after vote the presiding officer declared the resolution adopted.

CITY OF MANDAN
COUNTY OF MORTON
STATE OF NORTH DAKOTA

\$1,675,000
REFUNDING IMPROVEMENT BONDS OF 2013, SERIES A

SCHEDULE OF MATURITIES AND INTEREST RATES

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Rate</u>
2014	\$235,000	0.35%	2018	\$205,000	1.00%
2015	225,000	0.45	2019	200,000	1.25
2016	220,000	0.60	2020	195,000	1.50
2017	215,000	0.80	2021	180,000	1.75

UNITED STATES OF AMERICA
STATE OF NORTH DAKOTA
COUNTY OF MORTON
CITY OF MANDAN

REFUNDING IMPROVEMENT BOND OF 2013, SERIES A

No. R-

<u>RATE</u>	<u>MATURITY</u>	<u>DATE OF ORIGINAL ISSUE</u>	<u>CUSIP</u>
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April 10, 2013

REGISTERED OWNER: Cede & Co.

PRINCIPAL AMOUNT:

DOLLARS

KNOW ALL PERSONS BY THESE PRESENTS that the City of Mandan, North Dakota (the "City"), acknowledges itself specially indebted and for value received hereby promises to pay to the registered owner specified above or registered assigns, the principal amount specified above, but only from the City of Mandan Refunding Improvement Bonds of 2013, Series A Fund (the "Refunding Fund") on the maturity date specified above, with interest thereon from the date hereof at the annual rate specified above, payable on May 1 and November 1 in each year, commencing November 1, 2013, to the person in whose name this Bond is registered on the close of the 15th day (whether or not a business day) of the immediately preceding month, all subject to the provisions referred to herein with respect to the redemption of the principal of this Bond before maturity. The interest hereon and, upon presentation and surrender hereof, the principal hereof are payable in lawful money of the United States of America by Starion Bond Services, Bismarck, North Dakota, as Bond Registrar and Paying Agent, or its successor.

This book-entry Bond is one of a single series of Bonds (the "Bonds") issued in the aggregate principal amount of \$1,675,000.00, all of like date of original issue and tenor except as to serial number, denomination, interest rate, redemption privilege and maturity date, issued, pursuant to a Resolution Authorizing Issuance of \$1,675,000 Refunding Improvement Bonds of 2013, Series A, adopted by the Board of City Commissioners (the "Resolution"), for the purpose of refunding the Refunded Bonds as defined and described in the Resolution (the "Refunded Bonds"), in full conformity with the Constitution and laws of the State of North Dakota and the ordinances and resolutions of the City duly adopted and approved prior to the issue hereof. The Bonds are issued with a single book-entry bond for each of the principal maturities of the Bonds and shall be initially registered in the name of Cede & Co., as nominee of The

Depository Trust Company, New York, New York, and the Bond Registrar and Paying Agent shall treat the record owner as the absolute owner of the Bonds. So long as Cede & Co. is the registered owner of the Bonds, references herein to the Bondholder, owner, etc. shall mean Cede & Co. and sales by purchasers of the Bonds of beneficial interest participations in the Bonds to beneficial owners will be limited to minimum denominations of \$5,000 or any integral multiple in excess thereof.

Unless this Bond is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the City or its agent for registration of transfer, exchange, or payment, and any Bond issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

Notwithstanding any other provisions herein set out, so long as Cede & Co. is the registered owner hereof, the provisions of and requirements referenced in the Blanket Issuer Letter of Representations filed by the City with DTC with regard to the Bonds shall be controlling as to the matters addressed therein and all the terms and provisions therein are incorporated herein as though herein fully set out.

Bonds maturing in the years 2014 through 2018 are payable on their respective stated maturity dates without option of prior payment. Bonds maturing in the years 2019 and thereafter shall be subject to redemption and prepayment in whole or in part at the option of the City, in inverse order of maturities and by lot, assigned in proportion to their principal amount, within any maturity, on May 1, 2018, and on any date thereafter selected by the City, at a price equal to the principal amount thereof plus accrued interest. Not less than 30 days nor more than 60 days prior to the date specified for prepayment and redemption of any Bonds the City will cause notice of the call thereof to be mailed to the registered owner and to the paying agent at which principal and interest are then payable. Upon partial redemption of any Bond, a new Bond or Bonds will be delivered to the owner without charge, representing the remaining principal amount outstanding.

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the City at the principal office of the Bond Registrar, by the registered owner hereof in person or by his attorney duly authorized in writing upon surrender hereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or his attorney; and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange the City will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the

same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange.

The City and the Bond Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Bond Registrar shall be affected by any notice to the contrary.

Interest on this Bond shall cease at maturity or on a date prior thereto on which it has been duly called for redemption unless the holder hereof shall present the same for payment and payment is refused.

It is hereby certified, recited, covenanted and agreed that all acts, conditions and things required by the Constitution and laws of the State of North Dakota to be done, to exist, to happen and to be performed precedent to and in the valid issuance of this Bond, have been done, do exist, have happened and have been performed in regular and due form, time and manner as so required; that the City has duly created the Refunding Fund as a separate and special fund and has appropriated thereto all of the funds heretofore appropriated for the payment of the Refunded Bonds; that the City has appropriated proceeds of the Bonds of this issue and other available funds to pay and redeem the Refunded Bonds at their earliest redemption date; that the assets appropriated to the Refunding Fund, all as more fully specified in the Resolution, consist of definitive improvement warrants (the "Warrants") validly issued and collections of special assessments validly levied for the payment of the cost of improvements benefiting various improvement districts within the City, which Warrants and assessments are payable in the years and amounts required by law; that the City shall use due diligence to pay the Warrants and to collect such special assessments and, in the event of a deficiency in any of the improvement district funds for the payment of the Warrants issued thereon, the City is further required to levy a tax on all taxable property within the City for the payment and discharge of such deficiency, without limitation as to rate or amount; and that all collections of such special assessments, and any deficiency taxes, are required to be credited to the Refunding Fund and applied in payment of the principal of and interest on the Bonds of this issue, all as more fully stated in the Resolution, to which reference is hereby made for further details and other covenants of the City with respect thereto.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon shall have been executed by the Bond Registrar by manual signature of one of its authorized representatives.

IN WITNESS WHEREOF, the City has caused this Bond to be executed on its behalf by the signatures of the President of its Board of City Commissioners and its City Administrator, and has caused this Bond to be dated as of the date set forth below.

DATED:

CERTIFICATE OF AUTHENTICATION

CITY OF MANDAN, NORTH DAKOTA

This is one of the Bonds delivered pursuant to the Resolution mentioned within.

President, Board of City Commissioners

STARION BOND SERVICES
BISMARCK, NORTH DAKOTA
as Bond Registrar and Paying Agent

Attest:

By: _____
Authorized Representative

City Administrator

\$1,675,000
City of Mandan, North Dakota
Refunding Improvement Bonds of 2013, Series A

I have acted as bond counsel in connection with the issuance by the City of Mandan, North Dakota (the "Issuer") of \$1,675,000 Refunding Improvement Bonds of 2013, Series A, initially dated as of April 10, 2013 (the "Bonds") pursuant to a resolution entitled "Resolution Authorizing Issuance of \$1,675,000 Refunding Improvement Bonds of 2013, Series A" adopted by the Board of City Commissioners of the Issuer (the "Resolution"). The Bonds are issuable as book-entry bonds in fully registered form in the denominations of \$5,000 or any integral multiple thereof, of single maturities. The Bonds mature on May 1 in the years and amounts set forth below, and Bonds maturing in such years and amounts bear interest from date of issue until paid at the annual rates set forth opposite such years and amounts, respectively:

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Rate</u>
2014	\$235,000	0.35 %	2018	\$205,000	1.00 %
2015	225,000	0.45	2019	200,000	1.25
2016	220,000	0.60	2020	195,000	1.50
2017	215,000	0.80	2021	180,000	1.75

Interest is payable on May 1 and November 1 in each year, commencing November 1, 2013, to the holder of record on the close of the 15th day of the immediately preceding month. Bonds maturing in the years 2019 and thereafter are subject to redemption and prepayment in whole or in part at the option of the Issuer, in inverse order of maturities, and by lot, assigned in proportion to their principal amount, within any maturity, on May 1, 2018, and on any date thereafter selected by the Issuer, at a price equal to the principal amount thereof plus accrued interest. Capitalized terms used in this opinion and not defined herein shall have the same meaning as given to such terms in the Resolution.

I have examined the law and such certified proceedings and other papers as I deem necessary to render this opinion. As to questions of fact material to my opinion, I have relied upon the certified proceedings and other certifications of public officials furnished to me without undertaking to verify the same by independent investigation.

I have not been engaged or undertaken to review the accuracy, completeness or sufficiency of any Official Statement or other offering material relating to the Bonds and I express no opinion relating thereto.

Based on my examination, I am of the opinion, as of the date hereof and under existing law, as follows:

1. The Bonds are valid and binding special obligations of the Issuer payable from the City of Mandan Refunding Improvement Bonds of 2013, Series

A Fund (the "Refunding Fund") in which, as specified in the Resolution, the Issuer holds, in trust for the owners of the Bonds, definitive improvement warrants (the "Warrants") issued on the funds of various improvement districts (the "Districts") of the Issuer.

2. The Warrants have been duly authorized, executed and delivered in anticipation of the collection of special assessments levied to pay for improvements for the Districts.
3. All taxable property in the territory of the Issuer is subject to ad valorem taxation without limitation as to rate or amount to pay any deficiency on the Warrants. The Issuer is required by law to include in its annual tax levy the principal and interest coming due on the Warrants to the extent the necessary funds are not provided from special assessments or other sources.
4. All payments made on the Warrants are to be credited to the Refunding Fund and applied in payment of the principal and interest on the Bonds.
5. The Issuer has directed proceeds of the Bonds and other available funds to be deposited with the paying agent for the Refunded Bonds for the purpose of paying and redeeming the Refunded Bonds at their earliest redemption date.
6. The interest on the Bonds is excluded from gross income of the owners for federal and North Dakota income tax purposes and is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; however, it should be noted that for the purpose of computing the alternative minimum tax imposed on corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted current earnings. The opinions set forth in the preceding sentence are subject to the condition that the Issuer comply with all requirements of the Internal Revenue Code of 1986 (the "Code") that must be satisfied subsequent to the issuance of the Bonds in order that interest thereon be, or continue to be, excluded from gross income for federal income tax purposes. Failure to comply with certain of such requirements could cause the interest on the Bonds to be so included in gross income retroactive to the date of issuance of the Bonds. The Issuer has covenanted to comply with all such requirements. The Bonds are "qualified tax-exempt obligations" under Section 265 of the Code. Interest on the Bonds is subject to the tax imposed on financial institutions under Chapter 57-35.3 of the North Dakota Century Code. I express no opinion regarding other state or federal tax consequences arising with respect to the Bonds.

It is to be understood that the rights of the owner or owners of the Bonds and the enforceability thereof may be subject to bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors' rights heretofore or hereafter enacted and that their enforcement may be subject to the exercise of judicial discretion in accordance with general principles of equity.

STEVEN L. VOGELPOHL
Bismarck, North Dakota

We certify that the foregoing is a full and correct copy of the text of the legal opinion of bond counsel on the issue of Bonds of the City of Mandan which includes the within Bond, rendered as of the date of the original delivery of and payment for the Bonds.

City Administrator

President, Board of City Commissioners

NOTICE OF REDEMPTION
CITY OF MANDAN

STATE OF NORTH DAKOTA
Refunding Improvement Bonds of 2006, Series B
Dated August 1, 2006

NOTICE IS HEREBY GIVEN that the City of Mandan, North Dakota, has called for redemption and will redeem and pay on May 1, 2013, the 2014-2021 maturities (\$1,675,000) of the Refunding Improvement Bonds of 2006, Series B.

<u>Maturity</u>	<u>Principal Amount</u>	<u>Rate</u>	<u>CUSIP</u>
2014	\$210,000	4.125%	562570 WB3
2015	\$210,000	4.125%	562570 WC1
2016	\$210,000	4.125%	562570 WD0
2017	\$210,000	4.125%	562570 WE7
2018	\$210,000	4.150%	562570 WF4
2019	\$210,000	4.200%	562570 WG2
2020	\$210,000	4.200%	562570 WH0
2021	\$205,000	4.250%	562570 WJ6

The Bonds so called for redemption will become due and payable on May 1, 2013, at a redemption price equal to its face value plus accrued interest thereon to May 1, 2013. The said Bonds due after May 1, 2013, should be presented at Starion Bond Services, 333 North 4th Street, 2nd Floor, Bismarck ND 58501. The said Bonds will cease to bear interest after May 1, 2013, whether or not so presented.

City of Mandan
North Dakota
Greg Welch, City Auditor

Blanket Issuer Letter of Representations
(To be Completed by Issuer)

CITY OF HAMDAN, NORTH DAKOTA
(Name of Issuer)

November 2, 1999
(Date)

Attention: Underwriting Department — Eligibility
The Depository Trust Company
55 Water Street, 50th Floor
New York, NY 10041-0089

Ladies and Gentlemen:

This letter sets forth our understanding with respect to all issues (the "Securities") that Issuer shall request be made eligible for deposit by The Depository Trust Company ("DTC").

To induce DTC to accept the Securities as eligible for deposit at DTC, and to act in accordance with DTC's Rules with respect to the Securities, Issuer represents to DTC that Issuer will comply with the requirements stated in DTC's Operational Arrangements, as they may be amended from time to time.

Note:

Schedule A contains statements that DTC believes accurately describe DTC, the method of effecting book-entry transfers of securities maintained through DTC, and certain related matters.

Very truly yours,

City of Hamdan, North Dakota
(Issuer)

By: Phyllis Graner
(Authorized Officer's Signature)

Phyllis Graner, Acting City Auditor
(Type name & title)

205 2nd Avenue NW
(Street Address)

Hamdan, ND 58554
(City) (Street) (Zip)

701-667-3215
(Phone Number)

Received and Accepted:

THE DEPOSITORY TRUST COMPANY

By: [Signature]

SCHEDULE A

SAMPLE OFFERING DOCUMENT LANGUAGE
DESCRIBING BOOK-ENTRY-ONLY ISSUANCE

(Prepared by DTC—bracketed material may be applicable only to certain issues)

1. The Depository Trust Company ("DTC"), New York, NY, will act as securities depository for the securities (the "Securities"). The Securities will be issued as fully-registered securities registered in the name of Cede & Co. (DTC's partnership nominee). One fully-registered Security certificate will be issued for [each issue of] the Securities, [each] in the aggregate principal amount of such issue, and will be deposited with DTC. [If, however, the aggregate principal amount of [any] issue exceeds \$200 million, one certificate will be issued with respect to each \$200 million of principal amount and an additional certificate will be issued with respect to any remaining principal amount of such issue.]

2. DTC is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds securities that its participants ("Participants") deposit with DTC. DTC also facilitates the settlement among Participants of securities transactions, such as transfers and pledges, in deposited securities through electronic computerized book-entry changes in Participants' accounts, thereby eliminating the need for physical movement of securities certificates. Direct Participants include securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is owned by a number of its Direct Participants and by the New York Stock Exchange, Inc., the American Stock Exchange, Inc., and the National Association of Securities Dealers, Inc. Access to the DTC system is also available to others such as securities brokers and dealers, banks, and trust companies that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). The Rules applicable to DTC and its Participants are on file with the Securities and Exchange Commission.

3. Purchases of Securities under the DTC system must be made by or through Direct Participants, which will receive a credit for the Securities on DTC's records. The ownership interest of each actual purchaser of each Security ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase, but Beneficial Owners are expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Securities are to be accomplished by entries made on the books of Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Securities, except in the event that use of the book-entry system for the Securities is discontinued.

4. To facilitate subsequent transfers, all Securities deposited by Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co. The deposit of Securities with DTC and their registration in the name of Cede & Co. effect no change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Securities; DTC's records reflect only the identity of the Direct Participants to whose accounts such Securities are credited, which may or may not be the Beneficial Owners. The Participants will remain responsible for keeping account of their holdings on behalf of their customers.

5. Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time.

[6. Redemption notices shall be sent to Cede & Co. If less than all of the Securities within an issue are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.]

7. Neither DTC nor Cede & Co. will consent or vote with respect to Securities. Under its usual procedures, DTC mails an Omnibus Proxy to the Issuer as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts the Securities are credited on the record date (identified in a listing attached to the Omnibus Proxy).

8. Principal and interest payments on the Securities will be made to DTC. DTC's practice is to credit Direct Participants' accounts on payable date in accordance with their respective holdings shown on DTC's records unless DTC has reason to believe that it will not receive payment on payable date. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC, the Agent, or the Issuer, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of principal and interest to DTC is the responsibility of the Issuer or the Agent, disbursement of such payments to Direct Participants shall be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners shall be the responsibility of Direct and Indirect Participants.

[9. A Beneficial Owner shall give notice to elect to have its Securities purchased or tendered, through its Participant, to the [Tender/Remarketing] Agent, and shall effect delivery of such Securities by causing the Direct Participant to transfer the Participant's interest in the Securities, on DTC's records, to the [Tender/Remarketing] Agent. The requirement for physical delivery of Securities in connection with a demand for purchase or a mandatory purchase will be deemed satisfied when the ownership rights in the Securities are transferred by Direct Participants on DTC's records.]

10. DTC may discontinue providing its services as securities depository with respect to the Securities at any time by giving reasonable notice to the Issuer or the Agent. Under such circumstances, in the event that a successor securities depository is not obtained, Security certificates are required to be printed and delivered.

11. The Issuer may decide to discontinue use of the system of book-entry transfers through DTC (or a successor securities depository). In that event, Security certificates will be printed and delivered.

12. The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that the Issuer believes to be reliable, but the Issuer takes no responsibility for the accuracy thereof.

\$1,675,000

City of Mandan, North Dakota
 Refunding Improvement Bonds of 2013
 Refunding of Series 2006B

Refunding Summary

Dated 04/10/2013 | Delivered 04/10/2013

Sources Of Funds

Par Amount of Bonds	\$1,675,000.00
City Funds	35,000.00

Total Sources	\$1,710,000.00
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Uses Of Funds

Deposit to Current Refunding Fund	1,675,000.00
Total Underwriter's Discount (1.250%)	20,937.50
Costs of Issuance	14,062.50

Total Uses	\$1,710,000.00
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Flow of Funds Detail

State and Local Government Series (SLGS) rates for
 Date of OMP Candidates

Current Refunding Escrow Solution Method	Gross Funded
Total Cost of Investments	\$1,675,000.00
Total Draws	\$1,675,000.00

Issues Refunded And Call Dates

Mandan RIB 2006B	5/01/2013
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PV Analysis Summary (Net to Net)

Net PV Cashflow Savings @ 1.661%(AIC)	213,530.99
Total Cash contribution	(35,000.00)
Net Present Value Benefit	\$178,530.99

Net PV Benefit / \$1,675,000 Refunded Principal	10.659%
Net PV Benefit / \$1,675,000 Refunding Principal	10.659%

Bond Statistics

Average Life	4.378 Years
Average Coupon	1.1662358%
Net Interest Cost (NIC)	1.4517715%
Bond Yield for Arbitrage Purposes	1.1611429%
True Interest Cost (TIC)	1.4581314%
All Inclusive Cost (AIC)	1.6605784%

Ref13 Mandan RIB 06B 3 19 | Ref 2006B | 3/19/2013 | 9:23 AM

Dougherty & Company LLC
 Public Finance

\$1,675,000

City of Mandan, North Dakota

Refunding Improvement Bonds of 2006, Series B

Total Refunded Debt Service

Date	Principal	Coupon	Interest	Total P+I
05/01/2014	210,000.00	4.125%	69,717.50	279,717.50
05/01/2015	210,000.00	4.125%	61,055.00	271,055.00
05/01/2016	210,000.00	4.125%	52,392.50	262,392.50
05/01/2017	210,000.00	4.125%	43,730.00	253,730.00
05/01/2018	210,000.00	4.150%	35,067.50	245,067.50
05/01/2019	210,000.00	4.200%	26,352.50	236,352.50
05/01/2020	210,000.00	4.200%	17,532.50	227,532.50
05/01/2021	205,000.00	4.250%	8,712.50	213,712.50
Total	\$1,675,000.00	-	\$314,560.00	\$1,989,560.00

Yield Statistics

Base date for Avg. Life & Avg. Coupon Calculation	4/10/2013
Average Life	4.548 Years
Average Coupon	4.1293259%
Weighted Average Maturity (Par Basis)	4.548 Years

Refunding Bond Information

Refunding Dated Date	4/10/2013
Refunding Delivery Date	4/10/2013

\$1,675,000

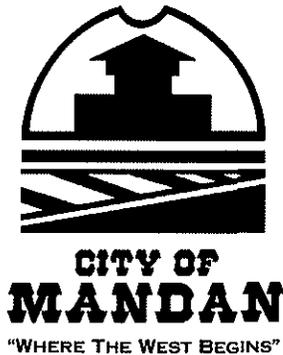
City of Mandan, North Dakota
Refunding Improvement Bonds of 2013
Refunding of Series 2006B

Derivation Of Form 8038 Yield Statistics

Maturity	Issuance Value	Price	Issuance Price	Exponent	Bond Years
04/10/2013	-	-	-	-	-
05/01/2014	235,000.00	100.000%	235,000.00	1.0583333x	248,708.33
05/01/2015	225,000.00	100.000%	225,000.00	2.0583333x	463,125.00
05/01/2016	220,000.00	100.000%	220,000.00	3.0583333x	672,833.33
05/01/2017	215,000.00	100.000%	215,000.00	4.0583333x	872,541.67
05/01/2018	205,000.00	100.000%	205,000.00	5.0583333x	1,036,958.33
05/01/2019	200,000.00	100.000%	200,000.00	6.0583333x	1,211,666.67
05/01/2020	195,000.00	100.000%	195,000.00	7.0583333x	1,376,375.00
05/01/2021	180,000.00	100.000%	180,000.00	8.0583333x	1,450,500.00
Total	\$1,675,000.00	-	\$1,675,000.00	-	\$7,332,708.33

IRS Form 8038

Weighted Average Maturity = Bond Years/Issue Price	4.378 Years
Total Interest from Debt Service	85,516.67
Total Interest	85,516.67
NIC = Interest / (Issue Price * Average Maturity)	1.1662358%
Bond Yield for Arbitrage Purposes	1.1611429%



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 2, 2013
PREPARATION DATE: March 27, 2013
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch
SUBJECT: Resolution Authorizing Issuance of
\$1,400,000 Refunding Improvement Bonds of
2013, Series B.

PURPOSE

To consider Resolution Authorizing Issuance of \$1,400,000 Refunding Improvement Bonds of 2013, Series B for the purpose of refunding the City's Refunding Improvement Bonds of 2003, Series A.

This Resolution completes the refinancing of the old Bonds.

BACKGROUND

On March 19, 2013 the Board of City Commissioners awarded the sale of \$1,400,000 Refunding Improvement Bonds of 2013, Series B.

The following special assessment districts are affected as a result of the refinancing:

- Sanitary Sewer #22
- Street #96
- Street #97
- Street #100
- Water and Sewer #40
- Water and Sewer #41

ATTACHMENT

Resolution Authorizing Issuance of \$1,400,000 Refunding Improvement Bonds of 2013, Series B.

Board of City Commissioners

Agenda Documentation

Meeting Date: April 2, 2013

Subject: Resolution Authorizing Issuance of \$1,400,000 Refunding Improvement Bonds of 2013, Series B.

Page 2 of 2

FISCAL IMPACT

The total Net Present Value Benefit savings of \$77,208 or 5.515% from the refinancing will be passed on to the balances owed by the special assessment districts indicated above through lower interest rates, effective April 10, 2013.

STAFF IMPACT

None

LEGAL REVIEW

Steve Vogelpohl, Bond Counsel, will prepare the legal opinion.

RECOMMENDATION

To approve the Resolution Authorizing Issuance of \$1,400,000 Refunding Improvement Bonds of 2013, Series B.

SUGGESTED MOTION

Move to approve the Resolution Authorizing Issuance of \$1,400,000 Refunding Improvement Bonds of 2013, Series B.

STEVEN L. VOGELPOHL
ATTORNEY AT LAW

Suncrest Office Park
1120 College Drive, Suite 207
P.O. Box 7068
Bismarck, ND 58507-7068

Phone: (701) 258-9847
FAX: (701) 258-9854
E-Mail: slv@slvlaw.net

March 25, 2013

Greg Welch
City of Mandan
205 2nd Ave. NW
Mandan, ND 58554

Re: Mandan Refunding Improvement Bonds of 2013, Series A and Series B

Dear Greg:

Enclosed for adoption by the City Commission on April 2 is a Resolution Authorizing Issuance for each of the above bond Series.

If you could fax me the voting record information for each (pages 11 and 10, respectively), I'll then prepare execution copies of the Resolutions.

Thank you for your assistance and please contact me if you've any questions.

Sincerely,



Steven L. Vogelwohl
Attorney at Law

SLV/dl
13-003, 004/032513.ltr

Encs

c: Malcolm H. Brown (w/Encs)

CITY OF MANDAN
COUNTY OF MORTON
STATE OF NORTH DAKOTA

**RESOLUTION AUTHORIZING ISSUANCE OF
\$1,400,000
REFUNDING IMPROVEMENT BONDS OF 2013, SERIES B**

WHEREAS, the City of Mandan, North Dakota (the "City") by resolution duly adopted May 20, 2003 (the "2003 Resolution") authorized the issuance of its Refunding Improvement Bonds of 2003, Series A (the "2003 Bonds") payable from the City of Mandan Refunding Improvement Bonds of 2003, Series A Fund (the "2003 Fund"), a portion of which 2003 Bonds are outstanding as of the date of this Resolution Authorizing Issuance of \$1,400,000 Refunding Improvement Bonds of 2013, Series B (the "Resolution");

WHEREAS, there are not at the present time sufficient moneys in the 2003 Fund to pay and discharge all outstanding 2003 Bonds; and

WHEREAS, the 2003 Bonds were issued pursuant to North Dakota Century Code Chapter 40-27, and through the issuance of new refunding improvement bonds for the purpose of refunding all 2003 Bonds having stated maturities in 2014 and thereafter (the "Refunded Bonds"), the City can reduce debt service thereon;

NOW, THEREFORE, be it resolved by the governing body of the City as follows:

Section 1. Authorization and Sale. There is hereby authorized to be issued a series of bonds designated "City of Mandan Refunding Improvement Bonds of 2013, Series B", in the total principal amount set forth in Section 2 below (the "Bonds") for the purpose of refunding the Refunded Bonds. The sale of the Bonds was awarded on March 19, 2013, to Dougherty & Company LLC, Minneapolis, Minnesota (the "Purchaser"), on the terms and conditions set forth herein and at a purchase price of \$1,393,618.95 plus accrued interest, and such sale of the Bonds for said purpose is hereby in all things ratified, approved and confirmed.

Section 2. Terms. The Bonds are issued pursuant to North Dakota Century Code Chapter 40-27 and shall be issued according to the following terms:

- (a) Principal Amount of Issue - The total principal amount of Bonds shall be \$1,400,000.
- (b) Book Entry Registration -

(1) The Bonds shall be issued as book entry bonds as required by The Depository Trust Company, New York, New York ("DTC") in the aggregate principal amount equal to the principal amount of the Bonds. The Bonds shall be registered in the name of Cede & Co., as nominee of DTC, and the Bond Registrar and Paying Agent named in Section 2(e) hereof (the "Bond Registrar and Paying Agent") shall treat the record owner as the absolute owner of the Bonds. So long as Cede & Co. is the registered owner of the Bonds, references herein to the Bondholder, owner, etc. shall mean Cede & Co. and shall not mean the beneficial owners of the Bonds. Sales by purchasers of the Bonds of beneficial interest participations in the Bonds to beneficial owners will be limited to minimum denominations of \$5,000 or any integral multiple in excess thereof.

(2) With respect to the Bonds registered in the registration books kept by the Bond Registrar and Paying Agent in the name of Cede & Co., as nominee of DTC, the City and the Bond Registrar and Paying Agent shall have no responsibility or obligation to any Participant (as referenced in the Blanket Issuer Letter of Representations a copy of which is attached hereto as Attachment 4) or to any person on behalf of which a Participant holds an interest in the Bonds. Without limiting the immediately preceding sentence, the City and the Bond Registrar and Paying Agent shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any Participant or any other person, other than a Bondholder, as shown in the registration books kept by the Bond Registrar and Paying Agent, of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any Participant or any other person, other than a Bondholder, as shown in the registration books kept by the Bond Registrar and Paying Agent, of any amount with respect to principal of, premium, if any, or interest on the Bonds. The City and the Bond Registrar and Paying Agent may treat and consider the person in whose name each Bond is registered in the registration books kept by the Bond Registrar and Paying Agent as the holder and absolute owner of such Bond for the purpose of payment of principal, premium, if any, and interest with respect to such Bond, for the purpose of giving notices of redemption and other matters with respect to such Bond, for the purpose of registering transfers with respect to such Bond, and for all other purposes whatsoever. The Bond Registrar and Paying Agent shall pay all principal of, premium, if any, and the interest on the Bonds only to or upon the order of the respective Bondholders, as shown in the registration books kept by the Bond Registrar and Paying Agent, or their

respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of principal of, premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. No person other than a Bondholder, as shown in the registration books kept by the Bond Registrar and Paying Agent, shall receive a certificated Bond evidencing the obligation of the City to make payments of principal, premium, if any, and interest pursuant to this Resolution. Upon delivery by DTC to the Bond Registrar and Paying Agent of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions herein with respect to record dates, the word "Cede & Co." shall refer to such new nominee of DTC.

(3) The Blanket Issuer Letter of Representations, a copy of which is attached hereto as Attachment 4, has been executed by the City and has been filed with DTC. The Bond Registrar and Paying Agent shall take all actions necessary to at all times comply with DTC's Operational Arrangements, as same may be amended from time to time.

(4) (i) DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and the Bond Registrar and Paying Agent.

(ii) The City may terminate the services of DTC with respect to the Bonds if the City determines that:

(A) DTC is unable to discharge its responsibilities with respect to the Bonds, or

(B) A continuance of the requirement that all of the outstanding Bonds be registered in the registration books kept by the Bond Registrar and Paying Agent in the name of Cede & Co., or any other nominee of DTC, is not in the best interest of the beneficial owners of the Bonds.

(iii) Upon the termination of the services of DTC with respect to the Bonds, or upon the discontinuance or termination of the services of DTC with respect to any portion of the Bonds pursuant to either Section 2(b)(4)(i) or Section 2(b)(4)(ii) hereof after which no substitute bond depository willing to undertake the functions of DTC hereunder can be found which, in the opinion of the City, is willing and able to undertake such functions upon reasonable and customary terms, the City is obligated to deliver Bond

certificates to the Bondholders and the Bonds shall no longer be restricted to being registered in the registration books kept by the Bond Registrar and Paying Agent in the name of Cede & Co. as nominee of DTC, but may be registered in whatever name or names the Bondholders transferring or exchanging Bonds shall designate, in accordance with the provisions of this Resolution.

(5) Notwithstanding any other provision of this Resolution to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in accordance with the Blanket Issuer Letter of Representations.

- (c) Numbering - The Bonds shall be numbered in consecutive numerical order from R-1 upwards as issued.
- (d) Date of Bonds - The Bonds shall initially be dated April 10, 2013. Bonds issued upon exchanges and transfers of Bonds shall also be dated April 10, 2013 if issued prior to November 1, 2013, and if issued upon such exchanges and transfers on or after November 1, 2013, shall be dated as of May 1 or November 1 next preceding their issuance, or if the date of issuance shall be a May 1 or November 1, as of such date; provided, however, that if interest on the Bonds shall be in default, the Bonds shall be dated as of the date to which interest has been paid in full on the Bonds being transferred.
- (e) Payment - Interest on the Bonds and, upon presentation and surrender thereof, the principal thereof shall be payable in lawful money of the United States of America by check, draft or wire transfer by Starion Bond Services, Bismarck, North Dakota, as Bond Registrar and Paying Agent, or its successor. In the event the Bonds are no longer registered as book-entry bonds pursuant to Section 2(b) hereof, such Bond Registrar and Paying Agent is hereby appointed the sole paying agent for the Bonds.
- (f) Principal Maturities - The Bonds shall mature serially and shall on May 1 in the years and in the amounts set forth in the Schedule of Maturities and Interest Rates attached hereto as Attachment 1.
- (g) No Prepayment* - The Bonds are not subject to redemption prior to maturity.

- (h) Type and Denomination of Bonds - The Bonds shall be in fully registered form in denominations of \$5,000 or any integral multiple thereof, of single maturities.
- (i) Form, Preparation, Execution and Delivery - The Bonds shall be reproduced in substantially the form attached to this Resolution as Attachment 2. The Bonds shall be prepared under the supervision and at the direction of the City Administrator, executed by the manual or facsimile signature of the President of the Board of City Commissioners (or in the absence or inability of the President to act, by the manual or facsimile signature of the Vice President) and attested to by the manual or facsimile signature of the City Administrator and delivered to the owner at closing upon receipt of the purchase price plus any accrued interest. The Bonds shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under this Resolution until the Certificate of Authentication thereon shall have been executed by the Bond Registrar by manual signature of one of its authorized representatives.
- (j) Interest - The Bonds shall bear interest at the annual rates set forth in the Schedule of Maturities and Interest Rates attached hereto as Attachment 1. Interest shall be payable on May 1 and November 1 in each year, commencing November 1, 2013, to the person in whose name each Bond is registered on the close of the 15th day (whether or not a business day) of the immediately preceding month. Interest shall be computed on a 30-day month and 360-day year basis. Interest on the Bonds shall cease at maturity unless the holder thereof shall present the same for payment and payment is refused.
- (k) Source of Payment/Security - The Bonds shall be payable from the City of Mandan Refunding Improvement Bonds of 2013, Series B Fund into which will be deposited payments of principal and interest on the definitive improvement warrants referred to in Section 5 hereof (the "Warrants"), which Warrants are payable from the funds of various improvement districts referenced in the 2003 Resolution which derive their revenues from the levy and collection of special assessments against benefited property.
- (l) Registration - The Bonds shall be registered as to both principal and interest and the Bond Registrar shall establish and maintain a register for the purposes of recording the names and addresses of the registered owners or assigns, the dates of such registration and the due dates and amounts for payment of principal and interest on the Bonds; and the City

and the Bond Registrar may deem and treat the person in whose name any Bond is registered as the absolute owner thereof, whether the Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Bond Registrar shall be affected by any notice to the contrary.

- (m) Assignment - The Bonds are transferable upon the books of the City at the principal office of the Bond Registrar, by the registered owner thereof in person or by his attorney duly authorized in writing upon surrender thereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or his attorney; and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange the City will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange. No transfer of Bonds shall be required to be made during the fifteen days next preceding an interest payment date, nor during the forty-five days next preceding the date fixed for redemption of Bonds.
- (n) Discharge - When all of the Bonds, and the interest thereon have been defeased and discharged as provided in this Section 2(n), all pledges, covenants and other rights granted by this Resolution shall cease. The City may defease and discharge all Bonds and interest due on any date by depositing with the Paying Agent on or before that date a sum sufficient for the payment thereof in full; or if any Bond or interest thereon should not be paid when due, the same may nevertheless be defeased and discharged by depositing with the Paying Agent a sum sufficient for the payment thereof in full with interest accrued from the due date to the date of such deposit. The City may also defease and discharge all prepayable Bonds called for redemption on any date when they are prepayable according to their terms, by depositing with the Paying Agent on or before that date a sum sufficient for the payment thereof in full, provided that notice of the redemption thereof has been duly given as provided herein. The City may also defease and discharge all Bonds at any time by irrevocably depositing in escrow with an escrow agent, for the purpose of paying all principal and interest due on such Bonds prior to a date upon which all of the same will be payable or prepayable according to their terms, and paying all remaining Bonds on that date, a sum of cash and securities of the types described in North Dakota Century Code Section 40-27-13 in such aggregate amount,

bearing interest at such rates and maturing or callable at the holder's option on such dates as shall be required to provide funds sufficient for this purpose; provided that notice of the redemption of all prepayable Bonds on or before such date has been duly given as required herein.

Section 3. Establishment of Refunding Fund. There is hereby created City of Mandan Refunding Improvement Bonds of 2013, Series B Fund (the "Refunding Fund") which shall be maintained by the City Administrator as a separate and special fund for the sole purpose of payment of principal and interest on any outstanding Bonds and shall be maintained until all balances of principal and interest on the Bonds are fully paid. Any proceeds received from the sale of the Bonds remaining after discharge of the Refunded Bonds and payment of costs of issuance pursuant to Section 4 hereof are hereby appropriated and shall be credited to the Refunding Fund. There is also hereby appropriated to the Refunding Fund on discharge of all 2003 Bonds all of the funds heretofore appropriated for the payment of the 2003 Bonds, and payments shall be made on the Warrants in the same manner as though none of the Refunded Bonds had been refunded. All earnings from investment of the Refunding Fund and all payments of principal and interest made on the Warrants shall be credited to the Refunding Fund and shall be used and applied in payment of the principal and interest on the Bonds as such principal and interest become due.

Section 4. Payment of Costs and Redemption of Refunded Bonds. The proceeds received from the sale of the Bonds (net of any accrued interest) together with any investment earnings on such proceeds and such amounts as needed from the 2003 Fund shall be used and applied to pay and redeem the principal of the Refunded Bonds on May 1, 2013 and interest accrued thereon to such redemption date and to pay costs of issuance of the Bonds. The City Administrator is hereby authorized and directed, if not already having caused the same to be done, to cause Notice of Redemption, in substantially the form as attached to this Resolution as Attachment 3, to be timely mailed to the registered owners of the Refunded Bonds and to the paying agent therefor. The City Administrator is further authorized and directed, in conjunction with the City's financial consultant, to cause the aforementioned payments and deposits, and such transfers necessary therefor, to be timely made.

Section 5. Transfer of Warrants. It is hereby found, determined and declared that the Warrants held as assets of the 2003 Fund pursuant to the 2003 Resolution shall, simultaneously with discharge of the Refunded Bonds herein authorized, be immediately transferred and deposited into the Refunding Fund created hereby, and shall be held as assets in trust for the holders of the Bonds.

Section 6. Covenants and Agreements of the City. The City hereby covenants and agrees with the holders from time to time of the Bonds:

- (a) That the Warrants are validly issued and that special assessments are validly levied for the payment of the costs of the improvements defrayed thereby and are payable in years and amounts required by law and that the City will use due diligence to pay the Warrants and to levy and collect the special assessments.
- (b) That it will preserve and enforce for the security of the Bonds all of the rights, powers and privileges reserved to holders of the Warrants and all of the covenants of the City as provided in the original financing resolution authorizing the same.
- (c) That the City recognizes its obligations under the provisions of Section 40-26-08 of the North Dakota Century Code that whenever all special assessments, utility revenues and taxes, if any, appropriated and theretofore collected for the improvements for which the Warrants were issued are insufficient to pay principal or interest then due on such Warrants, this governing body is required by law to levy a tax upon all taxable property within the City for the payment of such deficiency. The City is also authorized, in its discretion, to levy such a tax if at any time a deficiency is deemed likely to occur within one year. Such taxes may be levied without limitation as to rate or amount, and the City covenants and agrees that all collections thereof will be credited to the Refunding Fund.
- (d) In the event the monies in the Refunding Fund should at any time be insufficient to make payments of principal and interest then due on the Bonds, said moneys shall be applied as follows: First, to the payment to the persons entitled thereto of all installments of interest then due on the Bonds (including any interest on overdue principal) in the order of the maturity of such installments, earliest maturities first, and, if the amounts available shall not be sufficient to pay in full any installments of interest maturing on the same date, then to the payment thereof ratably, according to the amount due thereon, to the persons entitled thereto; and Second, to the payment to the persons entitled thereto of the unpaid principal and premium, if any, due and unpaid on the Bonds at the time of such payment, ratably, according to the amounts due respectively for principal and redemption premium, to the persons entitled thereto without any discrimination or preference. The City reserves the right and privilege of refunding any of such matured Bonds for the payment of which moneys are not at the time available by issuing new refunding improvement bonds pursuant to Chapter 40-27 of the North Dakota Century Code.

Section 7. Arbitrage. The City covenants that (i) it will restrict the use of the proceeds of the Bonds in such manner and to such extent as may be necessary, in view of the City's reasonable expectations at the time of issuance of the Bonds, so that the Bonds will not constitute "arbitrage bonds" under Section 148 of the Internal Revenue Code of 1986 and regulations applicable thereto, and (ii) it will take all actions that may be required of it (including, without implied limitation, the timely filing of a federal information return with respect to the Bonds and the payment of required rebate, if any) so that the interest on the Bonds will be and remain excluded from gross income for federal income tax purposes, and will not take any actions which would adversely affect such exclusion.

Section 8. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the holders of the Bonds, to enter into a written undertaking (the "Undertaking") required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. This Undertaking shall be enforceable by the holders of the Bonds, or by the Purchaser on behalf of such holders (provided that the rights of the holders and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific enforcement of the obligations thereunder and any failure by the City to comply with the provision of this Undertaking shall not be an event of default with respect to the Bonds). The City Administrator and President of the Board of City Commissioners shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 9. Other Proceedings. The officers of the City and Morton County are authorized and directed to prepare and furnish to the attorneys passing on the legality of the Bonds, certified copies of all proceedings, ordinances, resolutions and records and all such certificates and affidavits and other instruments as may be required to evidence the legality and marketability of the Bonds and the tax-exempt status of interest payable thereon, and all certified copies, certificates, affidavits and other instruments so furnished shall constitute representations of the City as to the correctness of all facts stated or recited therein.

Section 10. Official Statement. The Final Official Statement, dated March 19, 2013, relating to the Bonds is hereby approved and the City Administrator is authorized to certify to its correctness and completeness.

Section 11. Amendment. All prior resolutions and other acts or proceedings of this governing body which are in any way inconsistent with the terms of this Resolution are hereby amended to the extent necessary to give full force and effect to this Resolution.

Adopted this 2nd day of April, 2013.

ATTEST:

CITY OF MANDAN, NORTH DAKOTA

City Administrator

President, Board of City Commissioners

(S E A L)

The governing body of the political subdivision acted on the foregoing resolution on April 2, 2013, as follows:

Adoption moved by _____ Seconded by _____

Roll Call Vote (List Last Names)

"Aye" _____

"Nay" _____

Absent _____

and after vote the presiding officer declared the resolution adopted.

CITY OF MANDAN
COUNTY OF MORTON
STATE OF NORTH DAKOTA

\$1,400,000
REFUNDING IMPROVEMENT BONDS OF 2013, SERIES B

SCHEDULE OF MATURITIES AND INTEREST RATES

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Rate</u>
2014	\$295,000	0.50%	2017	\$270,000	2.00%
2015	295,000	1.00	2018	260,000	1.35
2016	280,000	0.85			

UNITED STATES OF AMERICA
 STATE OF NORTH DAKOTA
 COUNTY OF MORTON
 CITY OF MANDAN

REFUNDING IMPROVEMENT BOND OF 2013, SERIES B

No. R-

<u>RATE</u>	<u>MATURITY</u>	<u>DATE OF ORIGINAL ISSUE</u>	<u>CUSIP</u>
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April 10, 2013

REGISTERED OWNER: Cede & Co.

PRINCIPAL AMOUNT: DOLLARS

KNOW ALL PERSONS BY THESE PRESENTS that the City of Mandan, North Dakota (the "City"), acknowledges itself specially indebted and for value received hereby promises to pay to the registered owner specified above or registered assigns, the principal amount specified above, but only from the City of Mandan Refunding Improvement Bonds of 2013, Series B Fund (the "Refunding Fund") on the maturity date specified above, with interest thereon from the date hereof at the annual rate specified above, payable on May 1 and November 1 in each year, commencing November 1, 2013, to the person in whose name this Bond is registered on the close of the 15th day (whether or not a business day) of the immediately preceding month. The interest hereon and, upon presentation and surrender hereof, the principal hereof are payable in lawful money of the United States of America by Starion Bond Services, Bismarck, North Dakota, as Bond Registrar and Paying Agent, or its successor.

This book-entry Bond is one of a single series of Bonds (the "Bonds") issued in the aggregate principal amount of \$1,400,000.00, all of like date of original issue and tenor except as to serial number, denomination, interest rate and maturity date, issued, pursuant to a Resolution Authorizing Issuance of \$1,400,000 Refunding Improvement Bonds of 2013, Series B, adopted by the Board of City Commissioners (the "Resolution"), for the purpose of refunding the Refunded Bonds as defined and described in the Resolution (the "Refunded Bonds"), in full conformity with the Constitution and laws of the State of North Dakota and the ordinances and resolutions of the City duly adopted and approved prior to the issue hereof. The Bonds are issued with a single book-entry bond for each of the principal maturities of the Bonds and shall be initially registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York, and the Bond Registrar and Paying Agent shall treat the record owner as the absolute owner of the Bonds. So long as Cede & Co. is the registered owner of the Bonds, references herein to the Bondholder, owner, etc. shall mean Cede & Co. and sales by purchasers of the Bonds of beneficial interest

participations in the Bonds to beneficial owners will be limited to minimum denominations of \$5,000 or any integral multiple in excess thereof.

Unless this Bond is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the City or its agent for registration of transfer, exchange, or payment, and any Bond issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

Notwithstanding any other provisions herein set out, so long as Cede & Co. is the registered owner hereof, the provisions of and requirements referenced in the Blanket Issuer Letter of Representations filed by the City with DTC with regard to the Bonds shall be controlling as to the matters addressed therein and all the terms and provisions therein are incorporated herein as though herein fully set out.

The Bonds of this series are not subject to redemption and prepayment prior to maturity.

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the City at the principal office of the Bond Registrar, by the registered owner hereof in person or by his attorney duly authorized in writing upon surrender hereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or his attorney; and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange the City will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange.

The City and the Bond Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Bond Registrar shall be affected by any notice to the contrary.

Interest on this Bond shall cease at maturity unless the holder hereof shall present the same for payment and payment is refused.

It is hereby certified, recited, covenanted and agreed that all acts, conditions and things required by the Constitution and laws of the State of North Dakota to be done, to exist, to happen and to be performed precedent to and in the valid issuance of this Bond, have been done, do exist, have happened and have been performed in regular and due form, time and manner as so required; that the City has duly created the Refunding Fund as a separate and special fund and has appropriated thereto all of

the funds heretofore appropriated for the payment of the Refunded Bonds; that the City has appropriated proceeds of the Bonds of this issue and other available funds to pay and redeem the Refunded Bonds at their earliest redemption date; that the assets appropriated to the Refunding Fund, all as more fully specified in the Resolution, consist of definitive improvement warrants (the "Warrants") validly issued and collections of special assessments validly levied for the payment of the cost of improvements benefiting various improvement districts within the City, which Warrants and assessments are payable in the years and amounts required by law; that the City shall use due diligence to pay the Warrants and to collect such special assessments and, in the event of a deficiency in any of the improvement district funds for the payment of the Warrants issued thereon, the City is further required to levy a tax on all taxable property within the City for the payment and discharge of such deficiency, without limitation as to rate or amount; and that all collections of such special assessments, and any deficiency taxes, are required to be credited to the Refunding Fund and applied in payment of the principal of and interest on the Bonds of this issue, all as more fully stated in the Resolution, to which reference is hereby made for further details and other covenants of the City with respect thereto.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon shall have been executed by the Bond Registrar by manual signature of one of its authorized representatives.

IN WITNESS WHEREOF, the City has caused this Bond to be executed on its behalf by the signatures of the President of its Board of City Commissioners and its City Administrator, and has caused this Bond to be dated as of the date set forth below.

DATED:

CERTIFICATE OF AUTHENTICATION

This is one of the Bonds delivered pursuant to the Resolution mentioned within.

STARION BOND SERVICES
BISMARCK, NORTH DAKOTA
as Bond Registrar and Paying Agent

CITY OF MANDAN, NORTH DAKOTA

President, Board of City Commissioners

Attest:

By: _____
Authorized Representative

City Administrator

\$1,400,000
City of Mandan, North Dakota
Refunding Improvement Bonds of 2013, Series B

I have acted as bond counsel in connection with the issuance by the City of Mandan, North Dakota (the "Issuer") of \$1,400,000 Refunding Improvement Bonds of 2013, Series B, initially dated as of April 10, 2013 (the "Bonds") pursuant to a resolution entitled "Resolution Authorizing Issuance of \$1,400,000 Refunding Improvement Bonds of 2013, Series B" adopted by the Board of City Commissioners of the Issuer (the "Resolution"). The Bonds are issuable as book-entry bonds in fully registered form in the denominations of \$5,000 or any integral multiple thereof, of single maturities. The Bonds mature on May 1 in the years and amounts set forth below, and Bonds maturing in such years and amounts bear interest from date of issue until paid at the annual rates set forth opposite such years and amounts, respectively:

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Rate</u>
2014	\$295,000	0.50 %	2017	\$270,000	2.00 %
2015	295,000	1.00	2018	260,000	1.35
2016	280,000	0.85			

Interest is payable on May 1 and November 1 in each year, commencing November 1, 2013, to the holder of record on the close of the 15th day of the immediately preceding month. The Bonds are not subject to redemption prior to maturity. Capitalized terms used in this opinion and not defined herein shall have the same meaning as given to such terms in the Resolution.

I have examined the law and such certified proceedings and other papers as I deem necessary to render this opinion. As to questions of fact material to my opinion, I have relied upon the certified proceedings and other certifications of public officials furnished to me without undertaking to verify the same by independent investigation.

I have not been engaged or undertaken to review the accuracy, completeness or sufficiency of any Official Statement or other offering material relating to the Bonds and I express no opinion relating thereto.

Based on my examination, I am of the opinion, as of the date hereof and under existing law, as follows:

1. The Bonds are valid and binding special obligations of the Issuer payable from the City of Mandan Refunding Improvement Bonds of 2013, Series B Fund (the "Refunding Fund") in which, as specified in the Resolution, the Issuer holds, in trust for the owners of the Bonds, definitive improvement warrants (the "Warrants") issued on the funds of various improvement districts (the "Districts") of the Issuer.
2. The Warrants have been duly authorized, executed and delivered in anticipation of the collection of special assessments levied to pay for improvements for the Districts.

3. All taxable property in the territory of the Issuer is subject to ad valorem taxation without limitation as to rate or amount to pay any deficiency on the Warrants. The Issuer is required by law to include in its annual tax levy the principal and interest coming due on the Warrants to the extent the necessary funds are not provided from special assessments or other sources.
4. All payments made on the Warrants are to be credited to the Refunding Fund and applied in payment of the principal and interest on the Bonds.
5. The Issuer has directed proceeds of the Bonds and other available funds to be deposited with the paying agent for the Refunded Bonds for the purpose of paying and redeeming the Refunded Bonds at their earliest redemption date.
6. The interest on the Bonds is excluded from gross income of the owners for federal and North Dakota income tax purposes and is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; however, it should be noted that for the purpose of computing the alternative minimum tax imposed on corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted current earnings. The opinions set forth in the preceding sentence are subject to the condition that the Issuer comply with all requirements of the Internal Revenue Code of 1986 (the "Code") that must be satisfied subsequent to the issuance of the Bonds in order that interest thereon be, or continue to be, excluded from gross income for federal income tax purposes. Failure to comply with certain of such requirements could cause the interest on the Bonds to be so included in gross income retroactive to the date of issuance of the Bonds. The Issuer has covenanted to comply with all such requirements. The Bonds are not "qualified tax-exempt obligations" under Section 265 of the Code. Interest on the Bonds is subject to the tax imposed on financial institutions under Chapter 57-35.3 of the North Dakota Century Code. I express no opinion regarding other state or federal tax consequences arising with respect to the Bonds.

It is to be understood that the rights of the owner or owners of the Bonds and the enforceability thereof may be subject to bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors' rights heretofore or hereafter enacted and that their enforcement may be subject to the exercise of judicial discretion in accordance with general principles of equity.

STEVEN L. VOGELPOHL
Bismarck, North Dakota

We certify that the foregoing is a full and correct copy of the text of the legal opinion of bond counsel on the issue of Bonds of the City of Mandan which includes the within Bond, rendered as of the date of the original delivery of and payment for the Bonds.

City Administrator

President, Board of City Commissioners

NOTICE OF REDEMPTION
CITY OF MANDAN

STATE OF NORTH DAKOTA
Refunding Improvement Bonds of 2003, Series A
Dated May 1, 2003

NOTICE IS HEREBY GIVEN that the City of Mandan, North Dakota, has called for redemption and will redeem and pay on May 1, 2013, the 2014-2018 maturities (\$1,380,000) of the Refunding Improvement Bonds of 2003, Series A.

<u>Maturity</u>	<u>Principal Amount</u>	<u>Rate</u>	<u>CUSIP</u>
2014	\$285,000	3.50%	562570 SC6
2015	\$280,000	3.60%	562570 SD4
2016	\$275,000	3.70%	562570 SE2
2017	\$270,000	3.80%	562570 SF9
2018	\$270,000	3.875%	562570 SG7

The Bonds so called for redemption will become due and payable on May 1, 2013, at a redemption price equal to its face value plus accrued interest thereon to May 1, 2013. The said Bonds due after May 1, 2013, should be presented at Starion Bond Services, 333 North 4th Street, 2nd Floor, Bismarck ND 58501. The said Bonds will cease to bear interest after May 1, 2013, whether or not so presented.

City of Mandan
North Dakota
Greg Welch, City Auditor



Blanket Issuer Letter of Representations
(To be Completed by Issuer)

CITY OF MANDAN, NORTH DAKOTA
(Name of Issuer)

November 2, 1999
(Date)

Attention: Underwriting Department — Eligibility
The Depository Trust Company
35 Water Street, 50th Floor
New York, NY 10041-0099

Ladies and Gentlemen:

This letter sets forth our understanding with respect to all issues (the "Securities") that Issuer shall request be made eligible for deposit by The Depository Trust Company ("DTC").

To induce DTC to accept the Securities as eligible for deposit at DTC, and to act in accordance with DTC's Rules with respect to the Securities, Issuer represents to DTC that Issuer will comply with the requirements stated in DTC's Operational Arrangements, as they may be amended from time to time.

Note:

Schedule A contains statements that DTC believes accurately describe DTC, the method of effecting book-entry transfers of securities distributed through DTC, and certain related matters.

Very truly yours,

City of Mandan, North Dakota
(Issuer)

By: Phyllis Graner
(Authorized Officer's Signature)

Phyllis Graner, Acting City Auditor
(Type name & title)

205 2nd Avenue NW
(Street Address)

Mandan, ND 58554
(City) (State) (Zip)

701-667-3215
(Phone Number)

Received and Accepted:

THE DEPOSITORY TRUST COMPANY

By: [Signature]

SCHEDULE A

SAMPLE OFFERING DOCUMENT LANGUAGE
DESCRIBING BOOK-ENTRY-ONLY ISSUANCE

(Prepared by DTC—bracketed material may be applicable only to certain issues)

1. The Depository Trust Company ("DTC"), New York, NY, will act as securities depository for the securities (the "Securities"). The Securities will be issued as fully-registered securities registered in the name of Cede & Co. (DTC's partnership nominee). One fully-registered Security certificate will be issued for [each issue of] the Securities, [each] in the aggregate principal amount of such issue, and will be deposited with DTC. [If, however, the aggregate principal amount of [any] issue exceeds \$200 million, one certificate will be issued with respect to each \$200 million of principal amount and an additional certificate will be issued with respect to any remaining principal amount of such issue.]

2. DTC is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds securities that its participants ("Participants") deposit with DTC. DTC also facilitates the settlement among Participants of securities transactions, such as transfers and pledges, in deposited securities through electronic computerized book-entry changes in Participants' accounts, thereby eliminating the need for physical movement of securities certificates. Direct Participants include securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is owned by a number of its Direct Participants and by the New York Stock Exchange, Inc., the American Stock Exchange, Inc., and the National Association of Securities Dealers, Inc. Access to the DTC system is also available to others such as securities brokers and dealers, banks, and trust companies that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). The Rules applicable to DTC and its Participants are on file with the Securities and Exchange Commission.

3. Purchases of Securities under the DTC system must be made by or through Direct Participants, which will receive a credit for the Securities on DTC's records. The ownership interest of each actual purchaser of each Security ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase, but Beneficial Owners are expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Securities are to be accomplished by entries made on the books of Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Securities, except in the event that use of the book-entry system for the Securities is discontinued.

4. To facilitate subsequent transfers, all Securities deposited by Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co. The deposit of Securities with DTC and their registration in the name of Cede & Co. effect no change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Securities; DTC's records reflect only the identity of the Direct Participants to whose accounts such Securities are credited, which may or may not be the Beneficial Owners. The Participants will remain responsible for keeping account of their holdings on behalf of their customers.

5. Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time.

[6. Redemption notices shall be sent to Cede & Co. If less than all of the Securities within an issue are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.]

7. Neither DTC nor Cede & Co. will consent or vote with respect to Securities. Under its usual procedures, DTC mails an Omnibus Proxy to the Issuer as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts the Securities are credited on the record date (identified in a listing attached to the Omnibus Proxy).

8. Principal and interest payments on the Securities will be made to DTC. DTC's practice is to credit Direct Participants' accounts on payable date in accordance with their respective holdings shown on DTC's records unless DTC has reason to believe that it will not receive payment on payable date. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC, the Agent, or the Issuer, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of principal and interest to DTC is the responsibility of the Issuer or the Agent, disbursement of such payments to Direct Participants shall be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners shall be the responsibility of Direct and Indirect Participants.

[9. A Beneficial Owner shall give notice to elect to have its Securities purchased or tendered, through its Participant, to the [Tender/Remarketing] Agent, and shall effect delivery of such Securities by causing the Direct Participant to transfer the Participant's interest in the Securities, on DTC's records, to the [Tender/Remarketing] Agent. The requirement for physical delivery of Securities in connection with a demand for purchase or a mandatory purchase will be deemed satisfied when the ownership rights in the Securities are transferred by Direct Participants on DTC's records.]

10. DTC may discontinue providing its services as securities depository with respect to the Securities at any time by giving reasonable notice to the Issuer or the Agent. Under such circumstances, in the event that a successor securities depository is not obtained, Security certificates are required to be printed and delivered.

11. The Issuer may decide to discontinue use of the system of book-entry transfers through DTC (or a successor securities depository). In that event, Security certificates will be printed and delivered.

12. The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that the Issuer believes to be reliable, but the Issuer takes no responsibility for the accuracy thereof.

RESOLUTION
APPROVING CONTRACT AND CONTRACTOR'S BOND FOR
WATER & SEWER IMPROVEMENT DISTRICT NO. 60
(Project No. 2012-21)(McKenzie Drive SE)

BE IT RESOLVED by the governing body of the City of Mandan, North Dakota (the "City"), as follows:

1. It is hereby found and determined that this Board has heretofore caused Notice for Advertisement for Bids to be made for an improvement Water & Sewer Improvement District No. 60 of said City, and has duly and publicly opened and considered said bids received pursuant to said Notice.
2. Said improvement is hereby ordered to be constructed in accordance with the plans and specifications therefore as heretofore adopted by this Board pursuant to a resolution duly adopted by this Board.
3. It is hereby found and determined that the lowest responsible bidder for various categories of the work, material and skill required for said improvement is Cofell's Plumbing and Heating whose bid provides for the construction of said improvement at a total estimated base price of \$289,600.00.
4. The President of the Board of City Commissioners of the City of Mandan and City Auditor are hereby authorized and directed to make and enter into a contract with said bidder on the part of the City, in the form prescribed by Sections 40-22-35 and 40-22-35, N.D.C.C. as amended, provided that said bidder shall within ten (10) days from this date execute said contract and a construction bond conditioned in accordance with the provisions of Sections 40-22-30 and 40-22-32 of said Code.

Dated this 2nd day of April, 2013

Arlyn Van Beek, President of the
Board of City Commissioners

Attest:

James Neubauer,
City Administrator

ORDINANCE NO. 1143

AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF ORDINANCE 1088 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP.

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

SECTION 1. AMENDMENT. Section 21-03-02 of the Mandan Code of Ordinances is amended to read as follows:

The following described property located within the City of Mandan, Morton County, North Dakota shall be excluded from R3.2 (Two-Family Residential) and RM (Multi-Family Residential) and shall be included in the **R7 (Single-Family Residential)** zoning namely,

Lots 2-12, Block 1; Lots 2-9 and 12-19, Block 2; Lots 2-9 and 12-19, Block 3; Lots 2-9 and 12-19, Block 4; of Terra Vallee 6th Addition of Section 16, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota

The following described property located within the City of Mandan, Morton County, North Dakota shall be excluded from R7 (Single-Family Residential) and RM (Multi-Family Residential) and shall be included in the **R3.2 (Single-Family Residential)** zoning namely,

Lots 1 & 13, Block 1; Lots 1 & 20, Block 2; Lot 1, Block 3; Lots 1 & 20, Block 4; of Terra Vallee 6th Addition of Section 16, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota

The following described property located within the City of Mandan, Morton County, North Dakota shall be excluded from R7 (Single-Family Residential) and R3.2 (Two-Family Residential) and shall be included in the **RM (Multi-Family Residential)** zoning namely,

Lots 10 & 11, Block 2; Lots 10 & 11, Block 3; Lots 10 & 11, Block 4; of Terra Vallee 6th Addition of Section 16, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota

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

President, Board of City Commissioners

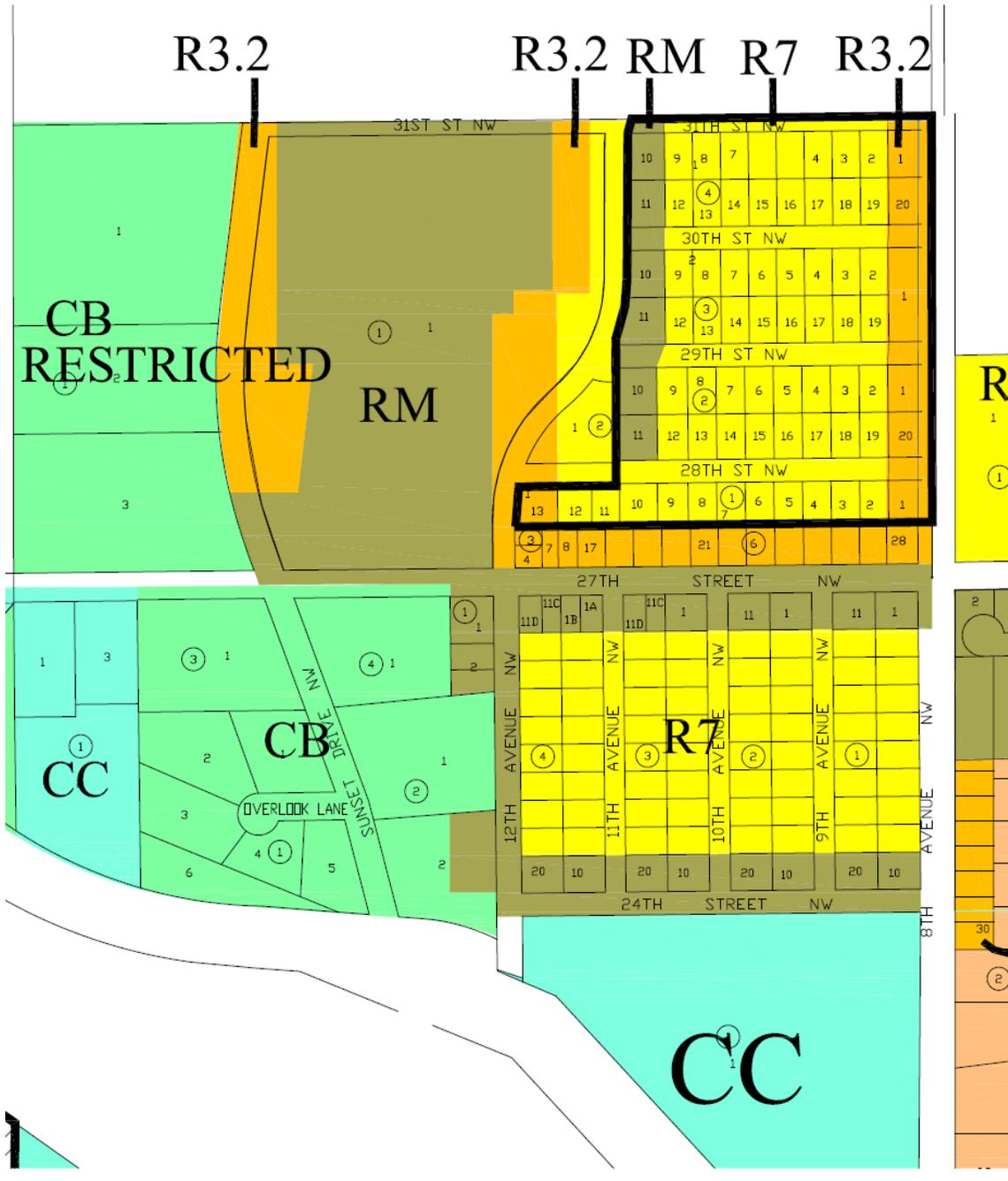
Attest:

City Administrator

Public Hearing:
 First Consideration:
 Second Consideration
 and Final Reading:
 Publication Date:
 Recording Date:

March 19, 2013
March 19, 2013

April 2, 2013
April 26, 2013



ORDINANCE NO. 1144

An Ordinance to Amend Sections 21-04-18 relating to the purpose in the Gateway and Memorial Highway Overlay Districts.

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

SECTION 1. AMENDMENT to Section 21-04-18.1 of the Mandan Code of Ordinances is hereby amended and reenacted to read as follows:

The following described area of the extraterritorial jurisdiction shall be extended in the Gateway Overlay District:

1: PURPOSE:

The Gateway Overlay district provides a higher standard of appearance for corridors that serve as the main entrances to the community. The Gateway Overlay district includes properties partially or fully within 200 feet of the Right-of-Ways of the following corridors: I-94 and its ramps within Mandan’s city limits and extraterritorial jurisdiction; Main Street west from 10th Avenue W to the western edge of the extraterritorial jurisdiction and from Mandan Avenue east to I-94; Highway 6 south from Main St to the edge of the extraterritorial jurisdiction; Highway 1806 south from Main St to the edge of the extraterritorial jurisdiction and north from Old Red Trail to the edge of the extraterritorial jurisdiction; and Sunset Ave NW north from Old Red Trail to Highway 1806 or County 38th St. North and within the extraterritorial jurisdiction.

The Memorial Highway Overlay district provides a higher standard of appearance for heavily traveled and highly visible areas of the community. The Memorial Highway Overlay district includes properties partially or fully within 200 feet of the Right-of-Ways of the following corridors: Memorial Highway, McKenzie Drive, 40th Avenue SE from Memorial Highway to McKenzie Drive, and 46th Avenue SE from Memorial Highway to McKenzie Drive.

SECTION 13. EFFECTIVE DATE. The provisions of this ordinance shall be in full force and effect from and after the date of publication of a notice of adoption.

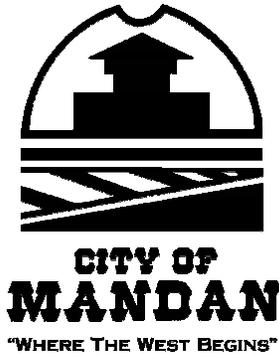
Dated this _____ day of _____, 2013

President, Board of City Commissioners

ATTEST:

City Administrator

First Consideration: March 19, 2013
Second Consideration
and Final Passage: April 2, 2013
Date of Publication: April 26, 2013



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 2, 2013
PREPARATION DATE: March 26, 2013
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Jeff Wright
PRESENTER: Jeff Wright, Public Works Director
SUBJECT: Resolution establishing rates and charges for Commercial/non-resident services related to the Solid Waste Utility Fund.

STATEMENT/PURPOSE: To consider the following rate adjustment for the disposal of Inert Waste for Commercial/non-resident accounts.

BACKGROUND/ALTERNATIVES: Commercial/non-resident disposal of inert materials continues to rise causing added costs of disposal, including the cost to create space, cost of covering the garbage and the need to replace equipment sooner than expected. In 2012 the landfill saw record amounts of commercial garbage, but failed to show a profit in operations and maintenance, in fact, according to Finance Director Welch the fund lost \$95,214.90. A concerning thought when the replacement costs of the compactor and front end loader continue to soar.

The proposed rate increase for Commercial/non-resident inert waste disposal from \$20 to \$30 per ton and using the 2012 year end tonnage of 24,000 would generate an additional \$240,000 to be used to cover increased costs and start building the equipment replacement fund. The residential costs at the landfill will remain at \$15 per ton.

Notices will be sent to major contributors prior to the proposed implementation date of June 1, 2013. Also, the opportunity for contractors to recycle the burnable wood from construction sites will be available by separating the burnable wood which has a current charge of \$15 per ton, half the cost of placing it in the inert material site to be buried. This is a win/win situation for both the contractor and the City's landfill future.

ATTACHMENTS: Resolution establishing rates and charges for services relating to the Solid Waste Utility Fund.

Board of City Commissioners

Agenda Documentation

Meeting Date: April 2, 2013

Subject: Resolution establishing rates and charges for Commercial/non-resident services related to the Solid Waste Utility Fund.

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FISCAL IMPACT: Anticipated increase in revenue is estimated at \$240,000 using last year's tonnage. Revenue increases will be used to cover increased costs of O&M at the landfill and new equipment purchases in the future.

STAFF IMPACT:

LEGAL REVIEW:

RECOMMENDATION: To approve the Resolution establishing rates and charges for Commercial/non-resident services related to the Solid Waste Utility Fund.

SUGGESTED MOTION: Move to approve the Resolution establishing rates and charges for Commercial/non-resident services related to the Solid Waste Utility Fund.

RESOLUTION ESTABLISHING RATES AND CHARGES FOR SERVICES FROM THE SOLID WASTE 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 rates and charges are hereby established for services from the Solid Waste Utility Fund:

- 1) Residential area. For garbage and rubbish collection and disposal services for residential areas, there shall be a charge of \$10.05 per month, per family living unit. Residents who deliver garbage and rubbish, excluding inert materials, to the Mandan Municipal Landfill Facility will be charged \$37.00 per ton.
- 2) Non-residential area. For garbage and rubbish disposal services for non-residential establishments, there shall be a charge of \$37.00 per ton. Non-residents who deliver garbage and rubbish, excluding inert materials, to the Mandan Municipal Landfill Facility will be charged a minimum of \$7.00.

3) <u>Other disposal charges:</u>	<u>Resident</u>	<u>Commercial/ Non-resident</u>
a) Major appliances and furniture	\$7.00	\$10.00
b) Refrigerated appliances	\$20.00	\$25.00
c) Tires:		
Auto	\$2.00	\$4.00
Truck	\$5.00	\$7.00
Tractor	\$10.00	\$15.00
d) Minimum charge (includes scale usage)	\$3.00	\$5.00
e) Minimum monthly charge for services billed on account (includes scale usage)	\$5.00	\$5.00
f) Untarped and unsecured garbage	\$5.00	\$10.00

Grass clippings and leaves are exempt from all charges.

- 4) Inert materials. For disposal of inert materials there shall be a charge of \$15.00 per ton for Mandan Residents and ~~\$20.00~~ **\$30.00** per ton for Commercial and Non-Residents. Inert materials shall be materials so defined by the North Dakota State Department of Health including trees, lumber, demolition lumber, wooden furniture, metal, bricks, concrete, bottom ash from coal fired boilers and asphalt roofing. **For separated, burnable wood materials there shall be a charge of \$15.00 per ton for Commercial and Non-Residents, this does not include painted, stained or sealed wood or railroad ties.**

Board of City Commissioners

Agenda Documentation

Meeting Date: April 2, 2013

Subject: Resolution establishing rates and charges for Commercial/non-resident services related to the Solid Waste Utility Fund.

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- 5) No motor vehicle bodies or dangerous, flammable or hazardous material may be deposited at the Mandan Municipal Landfill Facility.

BE IT FURTHER RESOLVED that the rates and charges for services from the Solid Waste Utility Fund shall be effective as of the first billing after January 1, 2012 for Utility services and as of **June 1, 2013** for Landfill services.

Dated this 2nd day of April, 2013.

President, Board of City Commissioners

Attest:

City Administrator

RESOLUTION OF CONCURRENCE TO AWARD PROJECT SU-1-988(033)044, PCN 18334
– MANDAN SUNSET DRIVE FROM 7TH ST NW TO 500' NORTH OF 15TH ST NW TO THE
LOW BIDDER

BE IT RESOLVED By the Board of City Commissioners of the City of Mandan, North Dakota, that the governing body of the City of Mandan, concurs with the North Dakota Department of Transportation in recommending the award of the above referenced project to the low bidder.

This resolution shall become effective upon the date of its adoption.

Dated and adopted this 2nd day of April, 2013.

Arlyn Van Beek, President of the Board of City Commissioners

Attest:

Jim Neubauer, City Administrator