

AGENDA
MANDAN CITY COMMISSION
AUGUST 16, 2016
ED "BOSH" FROEHLICH MEETING ROOM,
MANDAN CITY HALL
5:30 P.M.
www.cityofmandan.com

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- A. ROLL CALL:
1. Roll call of all City Commissioners.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:
1. Consider approval of the following Board of City Commission meetings:
 - i. July 19, 2016 - Regular Meeting
 - ii. August 2, 2016 – Regular Meeting
- E. PUBLIC HEARING:
- F. BIDS:
- G. CONSENT AGENDA:
1. Consider approval of monthly bills.
 2. Consider road closure request of 15th Street NW, adjacent to Mandan Golden Age Services Senior Center
 3. Consider authorization to offer for public sale a 1993 Pierce fire truck.
 4. Consider road closed to through traffic request at 3rd Street NE, adjacent to St. Joseph Church.
 5. Info item, change orders for Wastewater Treatment Facility Optimization project to extend final project completion.
- H. OLD BUSINESS:
1. Consider appointing committee members to the Off Highway Vehicle (OHV) Committee to update the city ordinances regarding these vehicles.
- I. NEW BUSINESS:
1. Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement

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- District No. 207, Project No. 2016-20 (8th Ave NW north of 27th Street NW)
2. Consider approving the Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition and approving Resolution directing advertisement for bids for Water & Sewer Improvement District No. 62, Project No. 2016-17 (Collins Avenue)
 3. Update regarding Growth Fund finances and procedures
 4. Consider Growth Fund Committee recommendations:
 - i. Uncommitting funds for Gramma Brauns, Inc. (dba Classic Rock Coffee) interest buy down
 - ii. Application by Profloor, LLP (dba Imagine Home Center) for interest buy down
 - iii. Application by Profloor, LLP (dba Imagine Home Center) for Retail Incentive
 - iv. Application by Pit Masters, LLC (dba Dickey's Barbecue) for Restaurant Rewards sales tax rebate
 - v. Application by Pit Masters, LLC (dba Dickey's Barbecue) for Restaurant Rewards interest buy down
 5. Consider the Mandan Airport Authority's 2017 Budget.
 6. Consider the appointment of Morton Mandan Public Library Board of Trustees.

J. RESOLUTIONS AND ORDINANCES:

K. OTHER BUSINESS:

L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. August 16, 2016 (following the regular meeting)
2. September 6, 2016 (5 p.m.)
3. September 20, 2016 (5 p.m.)
4. October 4, 2016

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, Veterans' Conference Room. Please notify the city administrator by 8:30 a.m. that Monday if you plan on attending. If more than two commissioners plan on attending, proper public notice must be given.

The Mandan City Commission met in regular session at 5:30 p.m. on July 19, 2016 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Helbling, Rohr, Braun, Davis, and Laber. Department Heads present were Finance Director Welch, Police Chief Ziegler, City Attorney Brown, City Administrator Neubauer, Fire Chief Nardello, Business Development & Communications Director Huber, Planning & Engineering Director Froseth, Principal Planner Decker, and Building Official Lalim. Absent: Director of Public Works Wright, and Assessor Shaw.

B. MINUTES:

1. *Consider for approval the minutes from the July 5, 2016 Board of City Commission regular meeting.* Commissioner Braun moved to approve the minutes as presented. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

C. PUBLIC HEARING:

D. BIDS:

E. CONSENT AGENDA

1. *Consider approval of the monthly bills.*
2. *Consider for approval replat of Lots 10 and 11, Block 1, Keidel’s South Heart Terrace Second Addition.*
3. *Consider approval of We Got Hope games of chance at The Drink from August 1, 2016 through October 1, 2016.*
4. *Consider approval of pledge of securities reports as required by NDCC 21-04.*
5. *Consider Police Department transfer of funds in 2016 budget.*

Commissioner Laber moved to approve the Consent Agenda as presented. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

F. OLD BUSINESS:

1. *Consider signing contract with TL Stroh Architects for architectural services of Mandan Fire Station 3.* Chief Nardello presented a request for the approval of a contract with TL Stroh for the architectural services of Fire Station No. 3. He said that the Mandan Fire Department advertised and received proposals for architectural services for Fire Station 3 in February 2016. An architectural selection committee recommended TL Stroh for the design of Fire Station No. 3 and the Mandan City Commission previously awarded the project on June 7, 2016. TL Stroh submitted a contract for architectural services and City Attorney Brown has reviewed the proposed contract. It is now recommended to enter into a contractual agreement for Fire Station 3 with TL Stroh of Fargo, ND. The architectural design fees are \$82,500 with funding provided through the Mandan City allocation of Oil Impact Fund for "Hub Cities". There was discussion at the

Department Head Meeting on July 18, 2016, and there was confirmation that the funding for this is still available for the architectural services. The proposed design fees will move the project to the construction document phase wherein the bidding process will wait until such time when the City of Mandan is ready to complete the entire construction project. Chief Nardello recommended entering into the contract with TL Stroh Architect & Design for the amount of \$82,500.

Mayor Helbling commented that Commissioner Davis and he were not members of the City Commission at the time this was originally discussed. He would like to see this item removed based on looking at the main fire station and the south fire station. Neither is currently fully staffed. He said that constructing another fire station and not being able to staff it is of no benefit to the City. In addition, it will cause the City more expenses for upkeep, maintenance, equipment, etc. without being able to staff it. He recommended finding solutions to staffing at the other stations and to increase the response time out of those stations before building a third fire station. Commissioner Rohr commented that this fire station was approved based on the expected monies that were to come in. However, that has now become questionable as to what the future of those monies will be. A primary deciding factor was that all these funds would be available from the state and federal funding sources, and if not, that will make a difference if this is affordable into the future anymore. Commissioner Laber concurred with Mayor Helbling that the timing of this project was during impact funding which is the reason why the fire station was selected. The Commission all agreed at that time that it would be a good use of money due to the growth in the City and wanting to make sure there was adequate fire protection. Commissioner Laber suggested tabling this matter until there is discussion about what funds are available, currently, and what our current stance is regarding this matter.

Commissioner Laber moved to table this matter until there is definite information on impact funding and the money is in the City accounts and to make sure this is what needs to be done for the City of Mandan. Commissioner Rohr seconded the motion.

City Attorney Brown commented that the matter before the Commission is a proposal to enter into a contract with the architect. He stated he does not believe it would be appropriate to table it indefinitely. They made a proposal and if you want to defer it indefinitely, then a motion should be made to not enter into the contract. Mayor Helbling inquired if the City is financially obligated to enter into an agreement once it is made. Attorney Brown stated there was an RFP and several firms responded and they were selected. But there is no contract in which we are obligated to pay them any consideration. If the City's intention is to not enter into a contract, the motion should be to not do so. Chief Nardello did not think there was a deadline to enter into the contract.

Commissioner Laber amended the motion to not approve a contract with TL Stroh Architects and Design at this time. Commissioner Rohr seconded the motion. Commissioner Davis commented that there has been discussion on the Hub City funds for this project, keeping in mind that the money will sunset next year (2017). With the

current state of our state there is a lot out there on hold and he agreed with the motions on the floor.

Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

G. NEW BUSINESS:

1. *Consider Young Professionals Network commitment to develop park concepts for expansion of Richard M. Longfellow Veteran's Park.* City Administrator Neubauer presented a request from the Bismarck-Mandan Young Professionals Network (YPN) to develop a park concept for the expansion of Mandan's Longfellow Veteran's Park to create a green space on the 2 acres of land along the river. He said this matter was discussed at the March 3, 2015 City Commission meeting and provided a recap of that information to the Commission. He noted that it was discussed at that time that should the Commission approve of this amendment, the planning improvements to the area would bring with it the potential funding which would come from the Visitors Fund.

A member of the YPN, Dave Lehman, contacted the City of Mandan looking for a project they could become involved in. Administrator Neubauer suggested the idea of having the YPN involved in developing a park concept for this 2 acre site. The YPN, through its diverse membership and skillsets available would be committed to leading and / or supporting the project from concept to completion. The YPN would assemble a committee to move this project forward. In addition to the YPN leading this effort it has been suggested to include representation from adjacent property owners, (Pirates Cove, Bridgeview Bay Homeowners Assn.), along with City of Mandan and Mandan Park District, (as the Mandan Park District has agreed to the maintenance of the area). A draft schedule of the project and letter from Stacey Thomas, YPN President, was reviewed and the following timeline was suggested: (i) 2016 Summer/Fall develop concepts and make a proposal to Visitors Committee for funding; (ii) 2016 Fall/Winter develop plans and specs, and (iii) 2017 Spring/Summer to advertise for a bid and start construction.

City Administrator Neubauer recommended that the YPN lead efforts on developing park concepts for the expansion of Richard M. Longfellow Veterans' Park. Members of the YPN were present to answer questions on this project. Mayor Helbling extended a thank you to the YPN for volunteering to do something on the Mandan side of the river.

Commissioner Braun moved to approve the YPN lead the efforts on developing park concepts for the expansion of Richard M. Longfellow Veterans' Park. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

2. *Lower Heart Water Resource District (LHWRD) update on levee system.* Bill Robinson, from the Lower Heart Water Resource District, came forward to discuss this matter and referred to a memo provided to the City Commission in February 2016 related

to the current levee system. The LHWRD met on Thursday, July 14, 2016. Mr. Robinson provided an update from that meeting. The levee system was created in Mandan in 1950 and currently provides 100 year flood protection. He explained that it is currently undergoing a study by FEMA for recertification with concentration on ice-jam effects which was not included in the original design. He said they have been working with Kevin Bittner, an engineer from the Bolton & Menk Engineering firm out of Marshall, MN who has worked with State Water Commission and the Corps of Engineers. They are doing a hydraulic analysis and a number of changes were brought to the table to accommodate this. A draft has been provided to the Water Commission, the Corps of Engineers and FEMA. The Mandan levee system is set up into 3 systems: the Sunny unit, (which is the Highway 10 Bridge out to basically the bridge of Arnie Kuhn on the west end of town); from the Highway 10 Bridge to the Trolley Bridge (known as the Mandan unit); and the Trolley Bridge to the Confluence which is the Lower Unit. The major issue with the Sunny Unit is that it's part of the operating and maintenance agreement with the Corps. That's a big part of the cost going forward. He said he is looking to get it reclassified or sever it from the flood protection system. The cost to getting this up to standards would be financially impossible for the LHWRD. When that is completed, the inner system, the Mandan unit, could be addressed. He explained which residents would be affected by this. The options to regain certification include: (i) Do nothing; (ii) Decrease future commercial and residential developments in the plain; (iii) Raise the levee entirely; (iv) Expand the flood plain storage. The project plans would include starting at the Highway 10 Bridge, (actually the Railroad Bridge), and the 2nd step would be to widen the channel between Highway 6 and 1806 bridges of about 30-35 yds.

The goal would be to provide an overflow channel that would accommodate the water flow and the sand bar that poses a concern for moving ice. The overflow enhancement would assist in moving ice out to the north side of the sandbar. He said meetings occur with the Corps on a monthly basis in hopes to make progress over a 12 month period. This project does not address the Missouri River, only the Heart River at this time. The FEMA studies included the cities of Fargo, Minot and Mandan. Mayor Helbling questioned what if FEMA decides to include the Missouri River? If so, financially one or both may not be feasible for the City of Mandan to handle. Until the status of the Missouri River is determined, it may not be wise to move ahead with this project. Mr. Robinson said the Missouri River was not included in the study with these other cities. When he wrote this plan, the state cost share program was 60/40 and that is now expected to change. If they don't change, it could cost the City up to approximately \$14.5 million.

Mayor Helbling said that without some state funding, the City will not be able to go ahead with this project. Mr. Robinson said that LHWRD is working with the State Water Commission for 60% of the funding. There is also a possibility of applying for a FEMA mitigation grant for \$3 or \$4 million that would be pursued. Mayor Helbling commented that if the City were to say "no", the LHWRD has the ability to levy on their own without the city's approval. Mr. Robinson replied that in the big picture, the City can't afford to say no. Commissioner Laber offered the City's resources, if needed, when applying for funding for any of these projects so that might mitigate passing it on to the citizens. Mr.

Robinson explained that LHWRD is a subdivision of Morton County and up to this point the county has not been involved in any decisions. The LHWRD budgeting is done through Morton County which is the primary relationship with the county. A county commissioner is assigned to sit on the LHWRD board. Mayor Helbling stated that if this does come to fruition, the county will be requested to be involved to some extent.

3. *Consider recommendations from the Community Beautification Committee (CBC) regarding advertising benches in the downtown area.* City Administrator Neubauer presented a recommendation from the Community Beautification Committee (CBC) regarding the advertising benches located in the downtown area. He said the CBC has formed a subcommittee to review enhancements for the downtown area and some of those include additional decorative street lights, trees, brick kiosks, benches, trash receptacles. As the subcommittee reviewed the benches for the downtown area, many of which are in the state of disrepair, the 1988 contract with Signs and Wonders was reviewed. Contact was made with Rick Knodel of Signs and Wonders for him to appear at the April 14, 2016 CBC meeting. A review of the minutes from that meeting was done followed by another discussion held on May 19, 2016 wherein clarification was made to require the removal of any of the advertising benches not under an existing contract within 60 days from first notice. There are about 5 or 6 benches with advertising on in the downtown area.

Commissioner Laber moved to approve the contract between the City of Mandan and Signs and Wonders be terminated as of March 31, 2017. In the meantime, any benches being used for advertising (advertisement for Signs & Wonders is not considered advertising) be removed within 60 days of first notice. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

4. *Consider Growth Fund Committee recommendations:* Ellen Huber, Business Development & Communications Director presented:
(i) Storefront Improvement application for 122 E Main St by HB Properties:
The Mandan Growth Fund Committee met July 14, 2016 to consider this application. The estimated cost of the proposed storefront improvement project is \$82,920. The application is for the maximum \$30,000 in matching funds. The application outlines plans to replace all windows in the building including two openings presently boarded up on the building's north side, adding stucco to the exterior in a tan color, and brick about 3 feet high around the building's base. The garage doors will be painted. A landscaping wall and planter will extend from the building's west wall to the sidewalk, eventually to feature vines once growth is established; but initially hanging plants. A pole sign for Dakota Crop Insurance is planned for the corner of the lot at Main Street and First Ave. NE to include a landscaped area at its base with a rock between the sign poles for the business Rocks That Talk.

To help assure that all signs of blight are addressed on the site, the applicant is also going to improve a portion of the lot on the north side of the parcel that is currently graveled.

The plan is to install a cedar screening fence immediately behind the building (for the storage of boulders for the rock engraving business) and hard surfacing the remainder of the area for overflow parking. The owners may add on to the building's north side shop area in the future. The building will be leased to two businesses, Holly's Dakota Crop Insurance and Rocks that Talk.

The applicant is planning additional investments within the interior building renovation and other project components not eligible for the Storefront Improvement program such as new concrete and the hard surfacing of the non-fenced portion of the gravel lot. These costs will likely exceed \$20,000.

The site and building renovation plan received approval from the Mandan Architectural Review Commission on July 12, 2016. The placement of the pole sign and rock need further review to be sure they do not intrude on the sight triangle as per the sign policy.

Director Huber stated that the request is for \$30,000 in matching funds. All funds previously earmarked within the Mandan Growth Fund for the Downtown Storefront Improvement program are expended and committed. Funding for this application would need to come from unallocated funds for economic development projects as a whole. The balance of uncommitted dollars is at \$122,718.

City Attorney Brown has reviewed the application. An automatic door is required and will be installed. A business incentive agreement has been signed which is required for projects exceeding \$25,000 in assistance. The Mandan Growth Fund Committee voted to recommend approval of the application for up to \$30,000 in matching funds for the storefront improvement project by HB Properties at 122 E Main Street. Dave Layman from the Mandan Growth Fund Committee was available to answer questions, as were the property owners Holly Campbell & Brandon Brandt.

Commissioner Laber moved to approve providing up to \$30,000 in matching funds for the storefront improvement project by HB Properties at 122 E Main Street. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

(ii) Updates to the Restaurant Rewards program overview:

The following is the Mandan Growth Fund Committee recommendation to update and clarify the Restaurant Rewards Program Overview. The Mandan Growth Fund Committee met July 14, 2016. Among agenda items was the review of some language that had been flagged as pending in the Restaurant Rewards Program description. Specifically, under the section called "Conditions", the following statement still exists: *First-time restaurant operators or applicants that have been in business for less than one year must submit applications to the local N.D. Small Business Development Center office and after start-up participate in quarterly consultations with the SBDC or another approved business consultant.* Director Huber explained that this item was flagged after

a conversation with a commercial real estate agent who inquired about the program and asked if that was a requirement.

The MGF Committee determined that this requirement is not needed given that the Restaurant Rewards Program components are low risk, so the MGF Committee does not need to be highly involved in assessing an applicant's probability for success. This is because (i) The sales tax rebate is performance-based, meaning there's no reward unless there are sales; and (ii) The interest buy-down component requires approval of the base loan by a lead commercial lender and the Bank of North Dakota.

The Committee reviewed additional proposed changes in verbiage to put the program description in present tense instead of future tense or a hypothetical context, which was approved. City Attorney Brown has reviewed the proposed changes and the Mandan Growth Fund Committee voted to recommend approval of the program overview updates. The MGF recommended unanimously voted to update the Restaurant Rewards Program Overview.

Commissioner Braun moved to approve the updates as proposed to the Restaurant Rewards Program Overview. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

5. *Consider an expedited emergency to fix a segment of sanitary sewer that is not properly graded.* Justin Froseth, Planning and Engineering Director presented a request to fix a section of sanitary sewer that is improperly sloped. He explained that during the installation of the sewer main to serve the Lakewood 8th Addition, it was observed that the 8-inch sewer main stubbed to the west of 40th Avenue along 24th Street corridor (formerly Shoal Loop), is not at proper grade to drain towards the 40th Avenue sewer main. This was verified using survey instruments that showed the west side connection point invert to be 0.45 feet lower than the invert at the 40th Avenue manhole. It should actually be 0.6 feet or more above in order to properly drain towards 40th Avenue.

There were two projects for which this segment of sanitary sewer was constructed. The first 40 feet from the 40th Avenue main was constructed in 2005 by Robert Gibb and Sons with Swenson-Hagen Engineering involved as the engineer for both design and inspection. The next 110 ft. were constructed by Bowers Excavating with Toman Engineering as the engineer for both the design and inspection projects that were installed in 2012.

The Engineer's office has sent notice letters to all four entities involved with these projects to give them a chance to correct at no cost to the city. Three of the four have agreed to dedicate their resources to do the fixes. Robert Gibb and Sons responded stating that they will not participate and do not feel responsible for this issue.

This fix comes with urgency due to the following reasons:

- (1) There are apartment buildings to the south of this sewer main that are using the

existing sewer line and have been since 2012. To our knowledge they have not backed up, but they do run an increased risk of sewer backup in the sewer lines current state of improper sloping.

(2) A relatively large apartment complex is being built just north of this segment that will need to tie into this main. The apartment's targeted move in date is August 15th. The goal would be to get this fixed by August 5th in order to beat the August 15th date.

(3) The Lakewood 8th Street Improvement project, currently under contract, cannot be finished until this problem is resolved.

The Engineer's Office believes this fix qualifies as an emergency situation. Given the emergency classification, we believe it is necessary to have an abbreviated request for quotes with several contractors familiar with the area being asked for quotes to do the work. The Engineer's office has invited contractors to submit lump sum quotes to make this fix. We estimated the fix to be approximately \$50,000. We have asked that the contractors submit their quote by 4:00 on Tuesday, July 19, 2016. One bid was received from Basaraba Excavating in the amount of \$175,000. The contractor stated that the depth of the sewer is approximately 20 ft. to make this connection. We could remove the resurfacing at 40th Avenue and discuss that project with Public Works. Director Froseth recommended rejecting this bid due to the high nature, and negotiating with Basaraba and probably Bowers Excavating. Negotiations are warranted going forward to get the price down. The Engineer's Office will work with the City Attorney to recoup the cost from the original installer not willing to participate in the fix. Director Froseth recommended that after the fix is completed that the City pursues reimbursement from the original contractor for the costs incurred to do the fix.

City Attorney Brown stated the issues that need to be addressed in this matter are the segment of the section of 40 ft. which was installed 11 years ago and that until the 110 ft. extension was put on, the 40 ft. section did work. Director Froseth stated that the City was not aware of that since it was never used. The first 40 ft. was a stub-out beyond the pavement of 40th Avenue curb line and in order for ease of connection in the future. That future was the 110 ft. that was put in to serve those apartments south of that segment. Attorney Brown suggested addressing this when this matter is concluded.

Commissioner Laber moved to reject the low bid at a high cost and to allow engineering staff to proceed with negotiations with various contractors to get this done expeditiously. Commissioner Davis seconded the motion.

Finance Director Welch stated that according to the City's procurement policy, normally an item like this would reach the threshold where you would have to obtain competitive bids; and after consultation with Director Froseth and City Attorney Brown, the recommendation is that the Board should declare an emergency so then it allows the City to negotiate in a situation with a contractor. Therefore, we can forego the competitive bidding process. That should be part of the motion.

Commissioner Laber amended the motion to state that due to the emergency nature of fixing this section at 40th Avenue and 24th Street, that the low bid be rejected and that the

engineering department be allowed to negotiate for the work to be done with contractors rather than going through competitive bids. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

H. RESOLUTIONS AND ORDINANCES:

1. *Second consideration of Ordinance No. 1248 creating Chapter 26 of the Mandan Municipal Code related to code enforcement.* Planner Decker stated that after the last meeting some questions were brought up; and based on those, there are recommendations to the text. One would be to bring an action against the property so that it is on record indicating there is an action in process in the event the property is offered for sale. The second item would be that the members of the Board of Appeals, (noting that the preference would be to have 5 members because 3 is a quorum), then you could have a majority vote on an item. But if there were only 3 members, there could still be an action to move forward and the quorum would be 2.

Commissioner Laber moved to approve the Second consideration of Ordinance No. 1248, creating Chapter 26 of the Mandan Municipal Code related to code enforcement as amended. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

2. *First consideration of Ordinance 1245 adding and enacting Article 5 to Chapter 18 of the Mandan Municipal Code related to abandoned, found, recovered and unclaimed property.* Planner Decker stated this matter was brought forward by the Mandan Police Department to clarify issues that came up regarding recovering things found on the street. This revision will clarify the code to align to what they do and does not change the typical things they do.

Commissioner Laber moved to approve the First consideration of Ordinance 1245 creating and enacting Article 5 to Chapter 18 of the Mandan Municipal Code related to abandoned, found, recovered and unclaimed property. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

3. *Second consideration of Ordinance 1246 rezoning Lot 3, Block 1 Sylvester's Industrial Park 3rd Addition.* Planner Decker stated this area was rezoned with conditions many years ago and those conditions were fairly onerous. Those conditions were removed on the property adjacent to this property which is a Tire Store. Commissioner Laber moved to approve the Second consideration of Ordinance 1246 rezoning Lot 3, Block 1 Sylvester's Industrial Park 3rd Addition. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

4. *Second consideration of Ordinance No. 1247 amending and reenacting Sections 18-2-2 through 18-2-5 of the Mandan Code of Ordinances related to juvenile curfew.* Planner Decker explained this revision pertains to corrective wording because the current code does not have any enforcement provisions. Commissioner Laber moved to approve the Second consideration of Ordinance No. 1247 amending and reenacting Sections 18-2-2 through 18-2-5 of the Mandan Code of Ordinances related to juvenile curfew. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

I. OTHER BUSINESS:

Commissioner Laber requested the following items for discussion:

1. *Request for Special Meeting on Hub City Funds:* Commissioner Laber requested a Special Meeting be scheduled by City Administrator Neubauer for the City Commission to discuss the Hub City Funds. What is the balance? Where does the City Commission want to go with the funds? If we get all the funding or if there is a shortfall, what will be the procedure so that issues such as the Fire Station 3 has a backup plan. She requested the meeting be scheduled no later than August 31, 2016.

2. *Business Development & Communications Director Huber's Position.* Commissioner Laber said that the Mayor and the Commissioners were sent a letter (via email) from Business Development & Communications Director Huber dated July 10, 2016 wherein the contents of the communication stated that she wanted to clarify her position regarding her salary and how she felt that negotiation went. On May 3, 2016, the City Commission members at that time made that position from a contract position to a civil service position and increased her salary to \$82,000. On May 2, 2016 a working session for budgeting was held and it was known to everyone at the meeting, including Ms. Huber, that there were budgetary constraints. Employees have been told the possibility of receiving pay raises this year is very low with the possibility of freezing police department positions. The City has to budget for what they can pay employees.

Commissioner Laber moved that no additional salary be considered for the Business Development & Communications Director position and to accept Ellen Huber's resignation effective immediately. Commissioner Davis seconded the motion (for discussion). He stated that he agrees that the Hub City Funds requires further discussion as to what the funds are to be utilized for. With regard to Director Huber's position, reference should be made to the previous City Commission action that took place on May 3, 2016. He feels they should stay the course on that vote.

Mayor Helbling stated that it is his opinion that the City has not received an official resignation from Director Huber. It is his belief that the contract should have been handled on or before its renewal date in February, 2016. He further stated that it is his opinion that this is not the proper time or place to discuss this matter. He indicated that without an official resignation letter, this matter should not be discussed at this time. City Attorney Brown clarified that he believes that the correspondence received from Director Huber on July 10th should not be considered as a formal resignation. He stated

that everything regarding this matter is to be guided by legal counsel, is to be done correctly and is fair to both the employee and the City.

Commissioner Laber stated that Director Huber's position was discussed and it was the previous Commission's opinion on May 3, 2016, that a position was offered and an increased salary was offered and given to Director Huber and the issue was closed. She refused that.

Attorney Brown stated that he read the email that Director Huber sent out on July 10, 2016. He viewed that email as the response, albeit late, to the May 3, 2016, action of the Commission. The May 3, 2016, action of the commission was to change her status from a contract employee to a civil service employee and to offer her a salary of \$82,000 a year. Her response with her email is considered to be a response to that offer, which was civil service and salary, and several pages of justification from her perspective about the job she was doing and why she felt she deserved an increased salary. Attorney Brown stated that he does not consider that email to be a resignation. He said her status today is that of a contract employee albeit a contract that has technically expired by its terms. But she has to have a status and he believes her status today is still a contract employee.

Commissioner Rohr stated that this matter goes back to the fact that the contract should have been completed by February 1, 2016. There was a similar situation with the City Administrator's position. He said that the portfolio holder has to make it a point to make sure these matters are followed up on. He stated he did not consider Director Huber's email to be an official resignation to be the intent of the email. It needs to be resolved if she is to be a contractual employee or a classified employee. The primary point of argument was the pay and that goes back to comparisons. In addition when the City looked at upgrading pay scales to those similar in Bismarck City positions, this position was not reviewed at that time because of its contractual nature. He recommended that this matter be discussed again and that the City Commission is more specific as to what it wants this position to be due to the varying perceptions. The City Commission needs to discuss and resolve this and do what is right so this does not occur in the future.

Mayor Helbling concurred with Commissioner Rohr's comments and reiterated that this process should have occurred 6 or 8 months ago. He again stated that this is not the time and proper forum, to discuss this.

Commissioner Laber stated that her motion was that due to the budgetary and salary constraints that are being imposed on all other department heads, that no additional salary is to be considered for this position and if that results in her resignation then we should accept her resignation. The previous City Commission offered her \$82,000 for a civil service position.

Commissioner Rohr indicated that this position is not paid out of the General Fund budget - it is paid out of the Mandan Growth Fund, which is a different funding mechanism. She is currently being paid the salary amount under the old contract.

Commissioner Davis said that there has to be a defined difference to the position of the status of any employee whether they are contract or an FTE. Going back to the May 3, 2016 vote, it was voted on. He voiced concern that the City should not break its own rules. He requested clarification of the status of this position if it is contractual or city employee.

Mayor Helbling requested clarification from City Attorney Brown as to how to move forward with the motion (since it is not a formal resignation).

City Attorney Brown stated there is a motion and a second on the floor whether it comports with the facts is up to the City Commission, the decision makers. Unless there is further debate, the motion should be addressed.

Mayor Helbling recommended clarifying the issues that have been discussed before acting on this motion and that it should be addressed fairly.

Commissioner Braun commented that based on the discussion held thus far along with Attorney Brown's input, he said that his viewpoint of the email received from Director Huber, based on the meeting held in May, was that the Commission agreed to move her to a civil service position and offer her this pay. She did not sign the old contract nor has she signed the new one. So she is still a contract employee. The email basically explained her qualifications and what she wanted for pay. He said he views the issue as it is still in limbo.

Commissioner Laber moved to amend her motion that no additional salary be considered for this position and to accept Director Huber's resignation if that is the result of the fact that we will not increase her salary.

Attorney Brown stated the motion to amend is a 2-step process. It is one thing to say to reaffirm the salary offer but then to condition it on the acceptance that may or may not happen and then something else happens that goes beyond the appropriateness of a motion.

Commissioner Davis said that for clarification of the motion, his second for the motion was for discussion on the floor. The limbo status that Commissioner Braun is referring to is not just for the present. But for the future when there is a contract for anyone and it is not signed off, it's not agreed to and that person or entity continues to work on behalf of the City, the City business, or whatever would be constructed. There is a huge liability here for leaving something in limbo for such a long time.

Mayor Helbling asked for a second to the motion. Hearing none, the amended motion died for lack of a second.

Mayor Helbling referred back to the original motion which was to accept the resignation of Director Huber.

Commissioner Laber moved to amend her previous motion so that no additional salary will be considered for the business development position of \$82,000 that was approved at the May 3, 2016, City Commission meeting.

Commissioner Davis stated he still goes back to the May vote and looking at that vote that was taken. However, since that was passed, how can we legally go back and change something that was voted on in the past?

Attorney Brown explained it is not like an ordinance that is needed to enforce the law. The action that was taken at the May 3rd meeting was the action taken and it is effective until it is changed. This body can rescind that motion, it can change it, and it can do anything.

Commissioner Davis stated he believes the status needs clarification. He would like to have more discussion on how to handle that.

Mayor Helbling stated there is an Amended motion on the table that Commissioner Davis did not second or agree to second the motion for a second time so that motion dies.

Commissioner Laber recommended setting a salary so Director Huber knows what she is negotiating. Mayor Helbling indicated he could be available via teleconference or he is willing to call a special meeting to resolve this matter. He stated that the action needs to be fair, legal and done correctly when it is acted upon.

Director Huber came forward to voice her concerns on perspective of the matter. Even though the position was to be renewed on 2/1/16, the first time it was addressed was on May 15, 2016. It was tabled and revisited on May 3rd. She said she was misled on the salary offering that night because it was about contract renewal that shifted into discussion about civil service. The dollar amount that was approved that evening was not the amount that had been agreed upon. There was no opportunity on May 3rd to respond to that offer of that salary amount and the civil service position. She told City Administrator Neubauer that evening that she was not sure she wanted to accept it, asked for time to think about it and asked for additional information. From her perspective, she was blind-sighted on the salary and did not mean to delay her response until July 10th because it took time to receive the information that was requested. She said that prior to the motions being made this evening that it was her understanding that this was still in negotiations.

Mayor Helbling stated there is a motion and a second on the table to accept the resignation of Director Huber.

Roll call vote: Commissioner Rohr: No; Commissioner Davis: No; Commissioner Laber: Yes; Commissioner Braun: No; Commissioner Helbling: No. The motion failed.

Mayor Helbling extended an apology to Director Huber and the rest of the City staff in the way this matter was brought forward at this meeting stating that it should not have

been discussed in this fashion.

There being no further actions to come before the Board of City Commissioners, Commissioner Rohr moved to adjourn the meeting at 7:13 p.m. Commissioner Davis seconded the motion. The motion received unanimous approval of the members present. The motion passed.

James Neubauer,
City Administrator

Timothy A. Helbling,
President, Board of City
Commissioners

The Mandan City Commission met in regular session at 5:30 p.m. on August 2, 2016 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. In the absence of Mayor Helbling, Vice-President Rohr called the meeting to order. Commissioners present were Rohr, Braun, Davis, and Laber. Department Heads present were Finance Director Welch, Deputy Police Chief Bier, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development & Communications Director Huber, Planning & Engineering Director Froseth, Planner Decker, Assessor Shaw, and Building Official Lalim. Absent: Mayor Helbling and Police Chief Ziegler.

B. APPROVAL OF AGENDA:

Commissioner Braun moved to approve the Agenda. Commissioner Laber seconded the motion. The motion received unanimous approval of the members present. The motion passed.

B. MINUTES:

C. PUBLIC HEARING:

D. BIDS:

E. CONSENT AGENDA

1. *Consider approval of Musicians Association games of chance at Dykshoorn Park on August 19, 2016.*
3. *Consider approval of Ad for bid for WTP high service pump and building improvements project.*

Commissioner Laber moved to approve the Consent Agenda items No 1 and No. 3 and remove No. 2 and No. 4 for discussion. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

Consent Agenda Item No. 2. Consider out-of-state travel for business development director to attend International Economic Development Council annual conference. Commissioner Laber explained that this item has been budgeted for and is within Ms. Huber’s job scope to attend such conferences. She explained that this conference is for professionals that require certain educational credits and experience and to connect with others within the same field of work. This request is within the budget and within the needs of what the City of Mandan requires of the Business Development Director in order for her to fulfill her job requirements. Commissioner Davis asked for clarification as to whether all requests for travel come to the City Commission for pre-approval or if they are approved internally. City Attorney Brown stated that the policy has been that when a department schedules out-of-state travel for employees, as long as it has been budgeted for and has been approved, the actual approval of that request will take place on the Consent Agenda.

Commissioner Laber moved to approve out-of-state travel for the Business Development and Communications Director to attend International Economic Development Council annual conference. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Absent. The motion passed.

Consent Agenda Item No. 4. Consider creating/appointing a committee to review the current city ordinances regarding Off Highway Vehicles (OHVs) and make recommendations to city staff on potential changes and updates to city ordinance.

Commissioner Laber asked Deputy Chief Bier to present this request. Deputy Chief Bier came forward and stated that he is requesting the appointment of a committee to review and update the City's Off Highway Vehicle and Snowmobile ordinances and also to consider creating an ordinance for golf carts. He said the current ordinance is confusing and in some areas conflicting. At the present time there isn't an ordinance in place regarding golf carts being allowed on roadways. Over the years, residents have asked permission to use OHV's on the streets. A committee could explore some of these possibilities for use on roadways and look at safety, licensing and other topics pertaining to this issue. He recommended the committee include representation from the Police Department, the Engineering Department, the City Commission and, if interested, members of the public. The goal of the committee would be to bring recommended changes to the ordinances to city staff and then to the City Commission for approval. Commissioner Laber said that the recommendation for committee membership could include a member of the Mandan Police Department, a representative from the Engineering Department, Craig Ohlhauser, a Mandan resident and Karl Liepitz, an attorney who is on the Planning and Zoning Commission. She suggested leaving this discussion open for a couple days to see if there is interest from anyone else.

City Attorney Brown stated that the policy for establishing committees such as this has been to advertise via a notice on the City website. That would include a description of the committee that is going to be formed and then any interested person would be invited to apply. The City Commission will review the list of names and they would specifically appoint individuals; thus no appointments can be made at this meeting. Deputy Chief Bier will field any phone calls to answer questions about this new committee and he will start the process for advertising for interested parties to serve on the committee.

Commissioner Laber moved to approve the request to form a committee to review the Off Highway Vehicle Ordinances. Commissioner Davis seconded the motion. The motion received unanimous approval of the members present. The motion passed.

F. OLD BUSINESS:

G. NEW BUSINESS:

1. *Low Cost Corridor Improvements study presentation for information and adoption.* Planning & Engineering Director Froseth stated that the Metropolitan Planning Organization (MPO) selected this study to focus on certain corridors throughout the cities

of Mandan and Bismarck to come up with recommendations for primarily low cost ways to improve the function and safety of those corridors. The study also looked at heavy truck traffic observed on Main Street to see what alternatives are available to reduce the truck traffic on that street.

Rick Stoppelmoor, Project Lead and Associate Vice President of HDR Engineering Consultant Group presented the study's objectives and findings for consideration of the adoption of the plan. He provided a power point presentation, and started his presentation with Mandan's Main Street area, in particular the re-routing of the truck traffic. The study and public meetings started in August 2015. The MPO pays for 80% of the study through Federal Highway dollars while the local jurisdictions pay for the remaining 20%. Mandan's share of this approximately \$180,000 will come out to about \$21,000.

This document summarizes the results of the Mandan-Bismarck Corridor Improvement Study Final Report. The Bismarck-Mandan Metropolitan Planning Organization (MPO), the City of Mandan, and the City of Bismarck requested a transportation planning study be developed to evaluate 20 total corridors and a possible truck route within the Mandan and Bismarck city limits. Project oversight was provided by the North Dakota Department of Transportation (NDDOT), Federal Highway Administration (FHWA), and the Federal Transit Administration (FTA). The corridors selected for this project were selected by the MPO and project entities. The corridors included in this study provide mobility for high volumes of traffic daily and are vital for connecting major activity centers. This transportation study evaluates the selected corridors and develops low-cost alternatives for each that will address both safety and operational concerns to help them function as the arterial roadways they are intended to be. The objective of the study was to develop low-cost solutions to aid in improving traffic operations, as well as enhancing safety by reducing crashes along each selected corridor.

A secondary objective was to determine the need for a truck route in the City of Mandan to alleviate heavy vehicle traffic along Main Street/Business I-94 between ND Highway 25 to Twin City Drive. The Mandan corridors are listed in order of highest priority (1) to lowest priority (11) below, with explanations of the improvements for:

1. Main Street /Business I-94 (ND Highway 25 to Twin City Drive)
2. Collins Avenue (Main Street to Oil Red Trail)
3. 3rd Street (ND Highway 6 to Memorial Highway)
4. Sunset Drive/6th Avenue NW (Main Street to Oil Red Trail)
5. ND Highway 1806 South (Main Street to 19th Street)
6. ND Highway 6 (Main Street to 19th Street NW)
7. Old Red Trail (Mandan Avenue to Sunset Drive)
8. Mandan Avenue/ND Highway 1806 (Main Street to Old Red Trail)
9. ND Highway 1806 North (Old Red Trail to 38th Street)
10. 19th Street (ND Highway 6 to ND Highway 1806)
11. Division Street (Sunset Avenue to 8th Avenue NE)

In conclusion, based on the safety analysis and the existing and forecasted LOS results, various recommended alternatives were developed for each corridor within the study

area. Some alternatives focus more on traffic operations and efficiency, while others are meant to mitigate safety concerns and crashes. Project stakeholders were included in the development of the preliminary alternatives and provided helpful insight. Utilizing various aspects of each of the proposed recommendations will be beneficial in improving traffic operations along each corridor and will also improve the overall safety at major intersections by reducing either the frequency of crashes or severity of crashes. Ultimately, these recommendations are intended to assist the corridors in functioning as the high-volume, high-mobility arterial roadways they should be. With regard to the truck route traffic study, with a significant reduction of truck traffic on Main Street imminent due to the relocation of the aggregate pit and asphalt plant west of Mandan, and the high cost of improving an alternative route for a small number of trucks, it was recommended to utilize the no-build alternative because that will subside in about 3-5 years and will no longer be the quickest route for trucks to use.

Commissioner Rohr extended a thank you to Mr. Stoppelmoor for his presentation. Commissioner Braun commented that if the City Commission approves this plan, it does not mean the City of Mandan is obligated to move forward with every part of that plan. Mr. Stoppelmoor concurred with Commissioner Braun's comment. Commissioner Rohr clarified that the City of Mandan is adopting a plan, not a project.

Commissioner Laber moved to approve the final report plan of the Mandan-Bismarck Corridor Improvements Study. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Absent. The motion passed.

H. RESOLUTIONS AND ORDINANCES:

1. *Second consideration of Ordinance No. 1245 creating and enacting Article 5, Chapter 18 of the Mandan Municipal Code related to abandoned, found, recovered and unclaimed property.* City Planner Decker stated this is the second consideration of this ordinance. This will update the code so that the Police Department has a defined regulation with regard to the objects they collect daily.

Commissioner Laber moved to approve the Second consideration of Ordinance No. 1245 creating and enacting Article 5, Chapter 18 of the Mandan Municipal Code related to abandoned, found, recovered and unclaimed property. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Absent. The motion passed.

I. OTHER BUSINESS:

1. Lawrence Edland, 1400 9th Avenue Northwest, Mandan, came forward and voiced concern about the water drainage that comes down 9th Avenue. He said that about 3 years ago they reconstructed when they were putting in new curb and gutter. At the end of his cul-de-sac between his home and Mitch Helbling's house, there used to be a dip. There is a 12 or 18 inch culvert there that collects the water that comes down 9th Avenue and goes down and out of Sunset Park. When they reconstructed they took the dip out

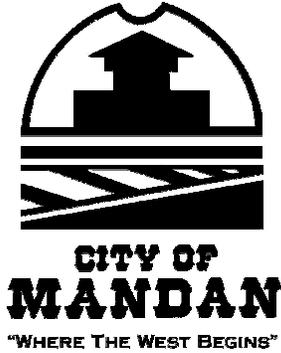
and replaced it with a panel over the top. It was not a good design but when they put the new one in it created an opening that allows for that water to come down there. That is 24 in. wide and 4 in. high. He said he told the engineer when they were putting it in: “That will never handle the water that comes down this cul-de-sac.” The water is now running along the side of Mitch’s house and water is going into Mr. Helbling’s basement. Mr. Edland has spoken with the engineer and suggested that rather than having a solid panel on top of the culvert, that it should be slotted or something to allow more water to drain. He said he has a video of water that runs there and how much runs between the houses. The opening cannot handle it. He mentioned that both he and his neighbors clean out the culvert at Sunset Park, and at the head, in the fall of the year. As far as safety concerns, it is better than it was. The water is getting worse and is eroding along his house and Mitch’s house.

Director Froseth stated he has visited these properties and went down to view the outlet of this particular storm sewer. He said he noticed it was about 70% plugged. He removed the debris. But since then, he has been told the problem still remains. He said he will check the inlet for its condition since all this has been done. Mr. Edland said he has cleaned the outlet twice already this summer. Commissioner Rohr stated that the engineering office will have to look at this problem and see what remedy is recommended to correct it.

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

James Neubauer,
City Administrator

Dennis Rohr,
Vice-President, Board of City
Commissioners



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 16, 2016
PREPARATION DATE: August 12, 2016
SUBMITTING DEPARTMENT: Planning and Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Mandan Golden Age Senior Center Road Closure Requests

STATEMENT/PURPOSE: To consider allowing temporary road closure and parking at the Mandan Senior Center on September 12th.

BACKGROUND/ALTERNATIVES: Our office received a request by the Mandan Golden Age Senior Center to allow them to close 15th Street NW for 2.5 hours on the evening of September 12th for a classic car show. More details are attached on the request letter. Only the Mandan Golden Age Senior Center and the Liberty Heights community is directly affected by this closure. Both approve the plan to temporarily close. This is consistent with a closure request approved last year.

ATTACHMENTS:

- 1) Mandan Golden Age Senior Center closure request letter with map

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

LEGAL REVIEW: n/a

RECOMMENDATION: Our office recommends approving the temporary closure.

SUGGESTED MOTION: I move to approve closure of 15th St. NW as described from 6-8:30PM on September 12, 2016.



Telephone (701) 663-6528 • Fax (701) 663-6171

People Caring
For People

COUNTY SITES:

ALMONT
843-8472

CENTER
794-8867

FLASHER
597-3358

GLEN ULLIN
348-3838

HEBRON
878-4457

NEW SALEM
843-8854

301 N.W. 15th Street • P.O. Box 267 • Mandan, North Dakota 58554

July 14, 2016

Justin Froseth, City Engineer
City of Mandan
205 2nd Avenue NW
Mandan ND 58554

Dear Justin:

Liberty Heights and the Mandan Senior Center are hosting another car show this fall on Monday, September 12, 2016, from 5:30-8:00 P.M. If you recall, last year's car show was held on September 21st. We had a great turnout with 39 classic cars and about 250 people attending.

This letter is to request permission to rope off the Liberty Heights one-way street, which is 15th Street NW; both the entrance (on 3rd Avenue NW) and the exit (on 2nd Avenue NW). The street would be roped off from 5:00 to 8:30 P.M.

I am including a map depicting the area where the cars will be parked and the roped off streets.

I appreciate you taking the time to review our request and if more information is needed or you have questions, I can be reached at 663-6528.

Sincerely,

Billie Yantzer
Activities Coordinator

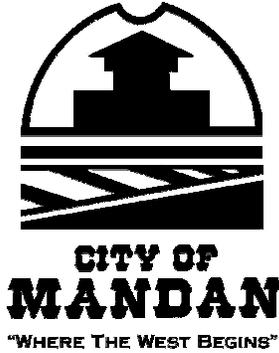
Concurrence:

Rick Horn, Director
Morton County Housing

Enclosure







Board of City Commissioners

Agenda Documentation

MEETING DATE: August 9, 2016
PREPARATION DATE: August 5, 2016
SUBMITTING DEPARTMENT: Fire
DEPARTMENT DIRECTOR: Steve Nardello, Fire Chief
PRESENTER: Steve Nardello, Fire Chief
SUBJECT: Sale of 1993 Ford Fire Truck

STATEMENT/PURPOSE: The fire department requests authorization to offer our 1993 Pierce fire truck, being replaced with a new truck, for public sale.

BACKGROUND/ALTERNATIVES: The City of Mandan will be taking delivery of a new fire truck this fall which provides the city with an extra reserve truck. It was originally planned to add a third fire station in which the 1993 Pierce would have been needed to properly equip the new station. The Mandan City Commission recently voted to eliminate the construction of station 3 therefore we no longer need nor do we have the space to house the 1993 Pierce. We would reserve the right to reject any and all bids or to accept the bid that may be deemed in the best interest of the City.

ATTACHMENTS: None

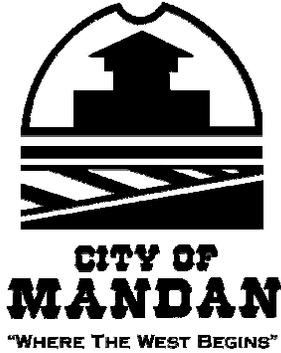
FISCAL IMPACT: Proceeds from the sale of the truck would be placed into the fire department equipment reserve.

STAFF IMPACT: Minimal time will be spent on creating the advertisement and providing information to potential buyers.

LEGAL REVIEW: None

RECOMMENDATION: It is my recommendation to allow the advertisement for public sale of our 1993 Pierce fire truck.

SUGGESTED MOTION: Motion to allow the advertisement for public sale a 1993 Pierce fire truck.



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 16, 2016
PREPARATION DATE: August 12, 2016
SUBMITTING DEPARTMENT: Planning and Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Saint Joseph's Road Closed to Through Traffic Request

STATEMENT/PURPOSE: To consider allowing temporary road closed to through traffic and parking at the St. Joseph's church on August 28, 2016.

BACKGROUND/ALTERNATIVES: Our office received a request by the Church of Saint Joseph to close 3rd Street NE between Collins and 1st Avenues for four hours on Sunday, August 28th for a classic car show. More details are attached on the request letter. Only the church and a residential property across the street, 107 3rd Street NE has their main access directly affected by this closure. Both approve the plan to temporarily close as indicated on the attached letter.

ATTACHMENTS:

- 1) Church of Saint Joseph road closed to through traffic request letter with map

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

LEGAL REVIEW: n/a

RECOMMENDATION: Our office recommends approving the temporary closure.

SUGGESTED MOTION: I move to approve the road closed to through traffic of 3rd Street NE as described from 1-5 pm on Sunday, August 28th, 2016.

CHURCH of SAINT JOSEPH

Established 1879

August 8, 2016

Justin Froseth, City Engineer
City of Mandan
205 2nd Ave NW
Mandan, ND 58554

Dear Justin,

St. Joseph Church is hosting a car show and parish celebration on Sunday, August 28, 2016, from 1:00-5:00 PM.

This letter is to request permission to restrict traffic on 3rd street NE to allow for the classic cars to be displayed on the street in front of the church. We are requesting to restrict traffic from 12:30-5:00 PM. We may also need to restrict traffic thru the alley on the east side of the Post Office. We would just use cones as a means to control the traffic to the classic cars and neighbors.

I am including a map of the area where the cars will be parked and the streets that will have restricted traffic flow.

Thank you for considering our request. If you require any further information please feel free to call me at 663-9562.

Sincerely,



Randy Frohlich
Director of Administration &
Parish Stewardship


107 3rd St. NE

AFFECTED PROPERTY INDICATION OF APPROVAL

108 Third Street, NE • Mandan, ND 58554 • 701-663-9562 • Fax 701-663-6522

Website: www.stjosephmandan.com Email: office@stjosephmandan.com

We are a family that fosters spiritual guidance, service, and fellowship through the ministry of the Sacraments of Jesus Christ to all of God's people, seen and unseen.



Imagery ©2016 Google, Me

*I have indicated in red where the cars
will be parked and streets blocked off.*



Board of City Commissioners Agenda Documentation

MEETING DATE: August 16, 2016
PREPARATION DATE: August 12, 2016
SUBMITTING DEPARTMENT: Engineering/Wastewater Treatment Facility
DEPARTMENT DIRECTOR: Justin Froseth/Steve Himmelspach, Facility Superintendent
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Inform of approved C.O.s M-2, E-3, and G-5 for Wastewater Treatment Facility Optimization Project

STATEMENT/PURPOSE: In accordance with city change order policy, change orders of time increase more than 15 days must be brought to city commission as an information item.

BACKGROUND/ALTERNATIVES: The purpose of these three change orders is to extend the project completion deadline to October 1, 2016 for all three contracts; 1) Mechanical 2) Electrical 3) General. The project is physically complete with just a few miscellaneous correction items that are minor in nature. Extending this deadline will allow for those items to be addressed and will also allow for closeout paperwork to all be finalized to call the project administratively complete.

There is no price increase from these three change orders, there is however a \$10,000 deduct from the general contract to remove a cash allowance for network hardware that is no longer needed as part of the project.

City staff has reviewed these requests with our consulting engineers AE2S and we believe they are necessary for the project and have approved the M-2 and E-3 change orders. The G-5 change order will be approved as soon as the city receives a signed original from the contractor which is anticipated the week of August 15th.

The change order forms are available upon request.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 16, 2016

Subject: Inform of approved C.O.s M-2, E-3, and G-5 for Wastewater Treatment Facility Optimization Project

Page 2 of 2

ATTACHMENTS:

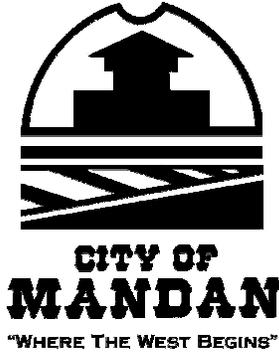
FISCAL IMPACT: Deduct \$10,000 for a network hardware allowance that is no longer needed.

STAFF IMPACT: Minimal

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

RECOMMENDATION: None. This item is for informational purposes.

SUGGESTED MOTION: No motion necessary, for informational purposes.



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 2, 2016
PREPARATION DATE: August 16, 2016
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Deputy Chief Jason Bier
PRESENTER: Deputy Chief Jason Bier
SUBJECT: Off Highway Vehicles (ATVs)

STATEMENT/PURPOSE: I am looking for the City Commission to appoint committee members to the Off Highway Vehicle committee to update the city ordinances regarding these vehicles.

BACKGROUND/ALTERNATIVES: At the last commission meeting, it was approved to form a committee to review and update the Off Highway Vehicle Ordinances, also including snowmobiles and golf carts. The city advertised to the public that the committee was being formed and asked for interested people to contact me at the Police Department. I received response from 2 people and I also contacted 2 others whom I was told were interested in being on the committee. Dana Aitchison works for Open Road Honda in Mandan. He is an Off Highway Vehicle Safety Instructor and has years of experience with these vehicles and knowledge regarding their safety and the manufacture recommendations. Steve Pletan works with Action Motor Sports in Mandan. He also has extensive knowledge of Off Highway Vehicles and is interested to help safely classify OHVs in city ordinance. Commissioner Labor had mentioned that Karl Leipitz and Craig Ohlhauser were interested in being on the committee. I contacted them both and confirmed they are interested in being part of the committee. They are residents of the city and would like to provide input on this issue.

ATTACHMENTS: Letter from Steve Pletan

FISCAL IMPACT: None

STAFF IMPACT: Minimal. City staff on the committee would attend several meetings.

LEGAL REVIEW: None at this time.

RECOMMENDATION: I recommend the OHV Committee consist of Dana Aitchison, Steve Pletan, Karl Leipitz, and Craig Ohlhauser, and Jason Bier.

SUGGESTED MOTION: Move to approve appointing Deputy Chief Jason Bier, Dana Aitchison, Steve Pletan, Karl Leipitz, and Craig Ohlhauser to the OHV Committee.

Steven Pletan
Action Motor Sports
1400 Action Dr SE
Mandan, ND 58554
August 10, 2016

Jason Bier
Deputy Police Chief
205 1st Ave NW
Mandan, ND 58554

Chief Jason Bier,

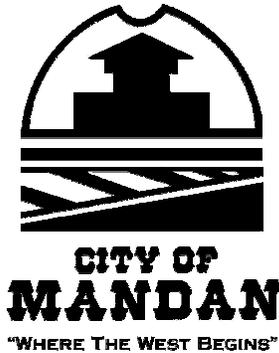
I would like to volunteer to be a member of the ad hoc committee related to off-highway vehicles. I believe that my background in the power sports industry and involvement with a local business would be very helpful to the committee.

As being part of our family owned business Action Motor Sports, I have been around power sports all my life. My father started the business in 1993 when I was only three years old. I have worked for the company since I was a kid and know a lot about the industry. My knowledge of model specifications like horsepower, top speed and safety features would bring a lot of information to the committee. I was also involved this last year in helping the ND DOT properly classify the new Polaris Slingshot. Originally the Slingshot was not legal to register in the state of North Dakota. I testified in front of several committees along with representatives and lawyers from Polaris Industries. I am a 2008 graduate of Mandan High School and a 2012 Graduate of the University of Mary with a bachelor of science in business administration.

I am interested in being on the committee to help properly and safely classify off-highway vehicles. I also have a lot of input from the community/customers that I talk to at our business. As a resident of Mandan I have very strong ties to the city and I am also very proud of what our city has to offer. I also understand that certain guidelines need to be set in place for the overall safety of the community and that not all off-highway vehicles belong on the street.

I appreciate your consideration of this letter and look forward to hearing from you.

Steven Pletan
1400 Action Dr Se
Mandan, ND 58554
701-667-4524 701-202-8143
steve@actionssportspolaris.com



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 16, 2016
PREPARATION DATE: August 11, 2016
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 207, Project No. 2016-20 (8th Ave NW north of 27th Street NW).

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

BACKGROUND/ALTERNATIVES: The developer is requesting that the City allow the special assessment of street costs to the benefitting properties for the development of 8th Avenue NW north of 27th Street NW. The approach to this street design for assessment district approval is fundamentally different from our typical requests in that the section planned is to be rural. Staff is recommending approval of a rural section for this specific corridor for the following reasons;

- 1) We see this corridor as a future collector road on the functional classification system. As such it would be eligible for federal funding in the future when higher traffic demands warrant a more robust section. The process used to select projects for federal funding consideration looks more favorably upon improving an existing roadway than it does building an all new roadway.
- 2) This road would serve as a secondary access to the Eagle Ridge development. Currently, the development's only in and out access is through 12th Avenue which is also an access road commonly used by the Middle School as it is between the two properties. This road would relieve the expected congestion and conflicts with the Middle School and would most likely not be pursued by the developer if required to be a full urban section roadway.
- 3) The only two connections to this roadway would be on the north end which would be in and out of the development and the access road to the city's lift station on

Board of City Commissioners

Agenda Documentation

Meeting Date: August 16, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 207, Project No. 2016-20 (8th Ave NW north of 27th Street NW).

Page 2 of 18

the east side. There wouldn't be a reasonable need to have on-street parking within this segment.

Though it would be a rural type section if approved, it would still be built structurally adequate to sufficiently handle traffic loads over the next 15 years which was stressed by city staff to the design engineer. The road structure is to be 8" of gravel base with 5" of asphalt pavement. By comparison, our typical local road sections are built with 6" gravel base and 4.5" of asphalt pavement.

There is currently no plan to reconstruct 8th Avenue south of 27th Street which is currently in poor shape. In its current state, maintenance has minimal impact to improve, it needs to be reconstructed. The city has applied for this be considered for federal funding given the collector nature of this roadway but it has not been selected as a Transportation Improvement Program (TIP) project yet.

A full set of project plans and specifications are available to commissioners upon request.

ATTACHMENTS:

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

FISCAL IMPACT: Based on the estimate of cost included with your documentation, the cost of the project would be \$331,361.95, engineering and administration will add \$115,976.68, bringing the total to \$447,338.63. These items would be entirely 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: This office supports moving forward with the project.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 16, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 207, Project No. 2016-20 (8th Ave NW north of 27th Street NW).

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SUGGESTED MOTION: I move to approve the Resolution creating district, approve Resolution approving Engineer's Report, approve Resolution of Plans and Specifications, approve Resolution determining sufficiency of petition, approve feasibility report and approve Resolution directing advertisement for bids for Street Improvement District No. 207, Project No. 2016-20 (8th Ave NW north of 27th Street NW).

Board of City Commissioners

Agenda Documentation

Meeting Date: August 16, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 207, Project No. 2016-20 (8th Ave NW north of 27th Street NW).

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**RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NO. 207**

Project No. 2016-20

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

1. There is hereby created Street Improvement District No. 207 (the "District")(Project# 2016-20) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, 8th Avenue NW north of 27th Street NW, and includes street construction, installation of storm sewer, asphalt street, chip seal and related work.

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

The following lots and blocks are included in said District:

Lots 1-7 Block 1, Eagle Ridge First Addition

A tract of land being all of Eagle Ridge First Addition of the City of Mandan, North Dakota.

Commencing at the southeast corner of said Southeast Quarter; thence North 00 degrees 05 minutes 41 seconds West on the east line of said Southeast Quarter for a distance of 157.51 feet to the easterly extension of the north line of Lots 17-28, Block 6 of Terra Vallee Fourth Addition to the City of Mandan and the point of beginning; thence South 89 degrees 20 minutes 16 seconds West on the north line of said Lots 17-28 and the north line of Lots 3, 7 and 8, Block 3 of Terra Vallee Third Addition to the City of Mandan for a distance of 1194.01 feet to the easterly right of way line of 12th Avenue NW; thence North 00 degrees 39 minutes 44 seconds West on said easterly right of way line for distance of 21.96 feet; thence northeasterly 127.53 feet on said easterly right of way line on the arc of a curve concave to the southeast, said curve having a central angle of 17 degrees 31 minutes 19 seconds, a radius of 417.00 feet and a chord length of 127.03 feet which bears North 08 degrees 05 minutes 55 seconds East to the centerline of vacated

Board of City Commissioners

Agenda Documentation

Meeting Date: August 16, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 207, Project No. 2016-20 (8th Ave NW north of 27th Street NW).

Page 5 of 18

28th Avenue NW; thence North 89 degrees 20 minutes 16 seconds East on said centerline for a distance of 270.19 feet to the southerly extension of the east line of Lot 1, Block 2 of School District 5th Addition to the City of Mandan; thence North 00 degrees 10 minutes 51 seconds West on said east line and the southerly and northerly extensions thereof for a distance 389.03 feet to the easterly right of way line of 12th Avenue NW; thence northeasterly 179.57 feet on said easterly right of way line on the arc of a curve concave to the northwest, said curve having a central angle of 21 degrees 18 minutes 06 seconds, a radius of 483.00 feet and a chord length of 178.54 which bears North 10 degrees 33 minutes 33 seconds East; thence North 00 degrees 05 minutes 30 seconds West on said easterly right of way line for a distance of 365.50 feet; thence northeasterly 88.11 feet on said easterly right of way line on the arc of a curve concave to the southeast, said curve having a central angle of 12 degrees 06 minutes 21 seconds, a radius of 417.00 feet and a chord length of 87.94 feet which bears north 05 degrees 57 minutes 40 seconds East to the northeast corner of said School District 5th Addition; thence North 89 degrees 21 minutes 54 seconds East for a distance of 864.21 feet to the northeast corner of the Southeast Quarter of the Southeast Quarter of said Section 16; thence South 00 degrees 05 minutes 41 seconds East on the east line of said Southeast Quarter for a distance of 1164.14 feet to the point of beginning.

Containing 24.75 acres, more or less.

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

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

President, Board of City Commissioners

ATTEST:

City Administrator

Date of Passage: August 16, 2016

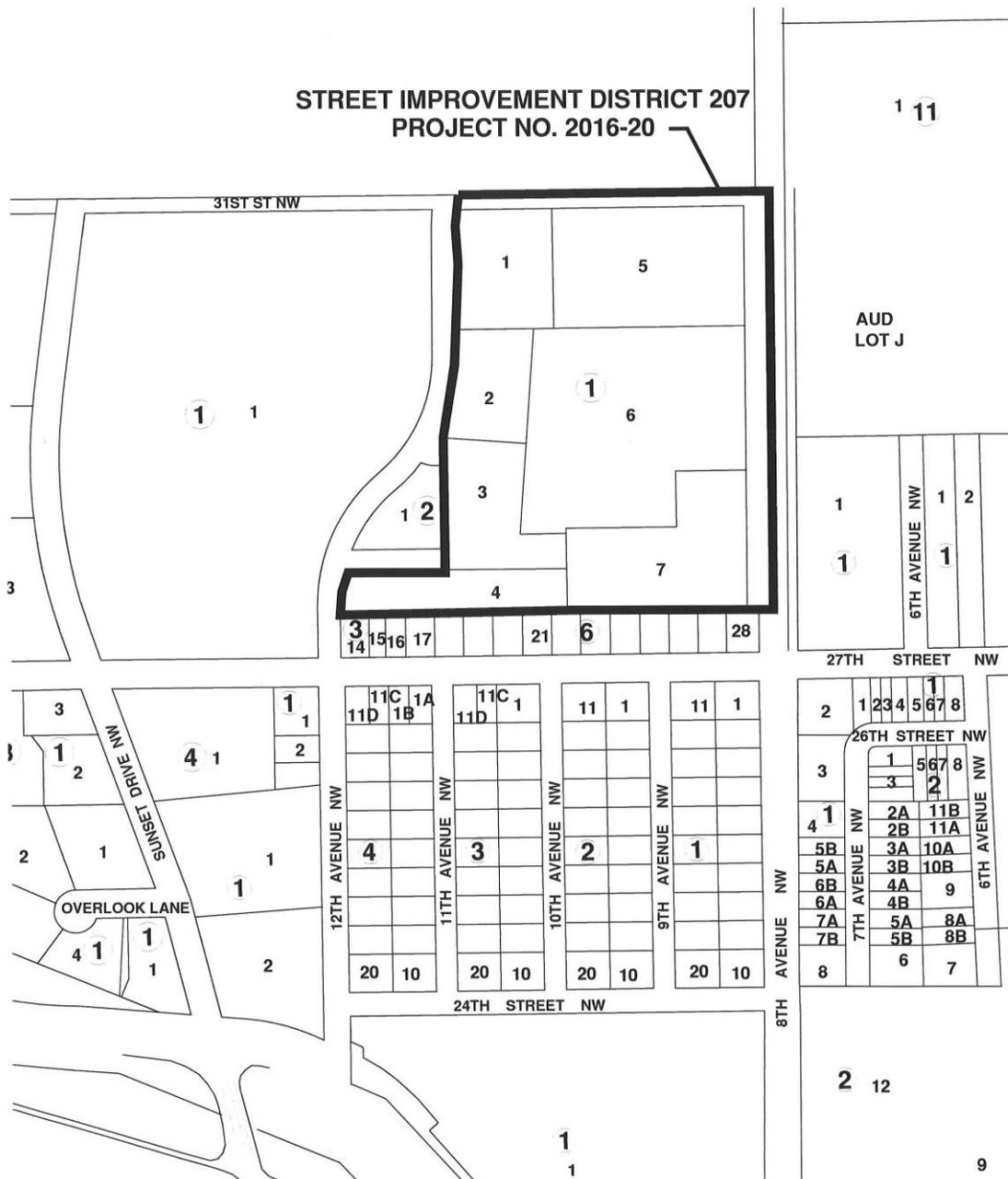
Board of City Commissioners

Agenda Documentation

Meeting Date: August 16, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 207, Project No. 2016-20 (8th Ave NW north of 27th Street NW).

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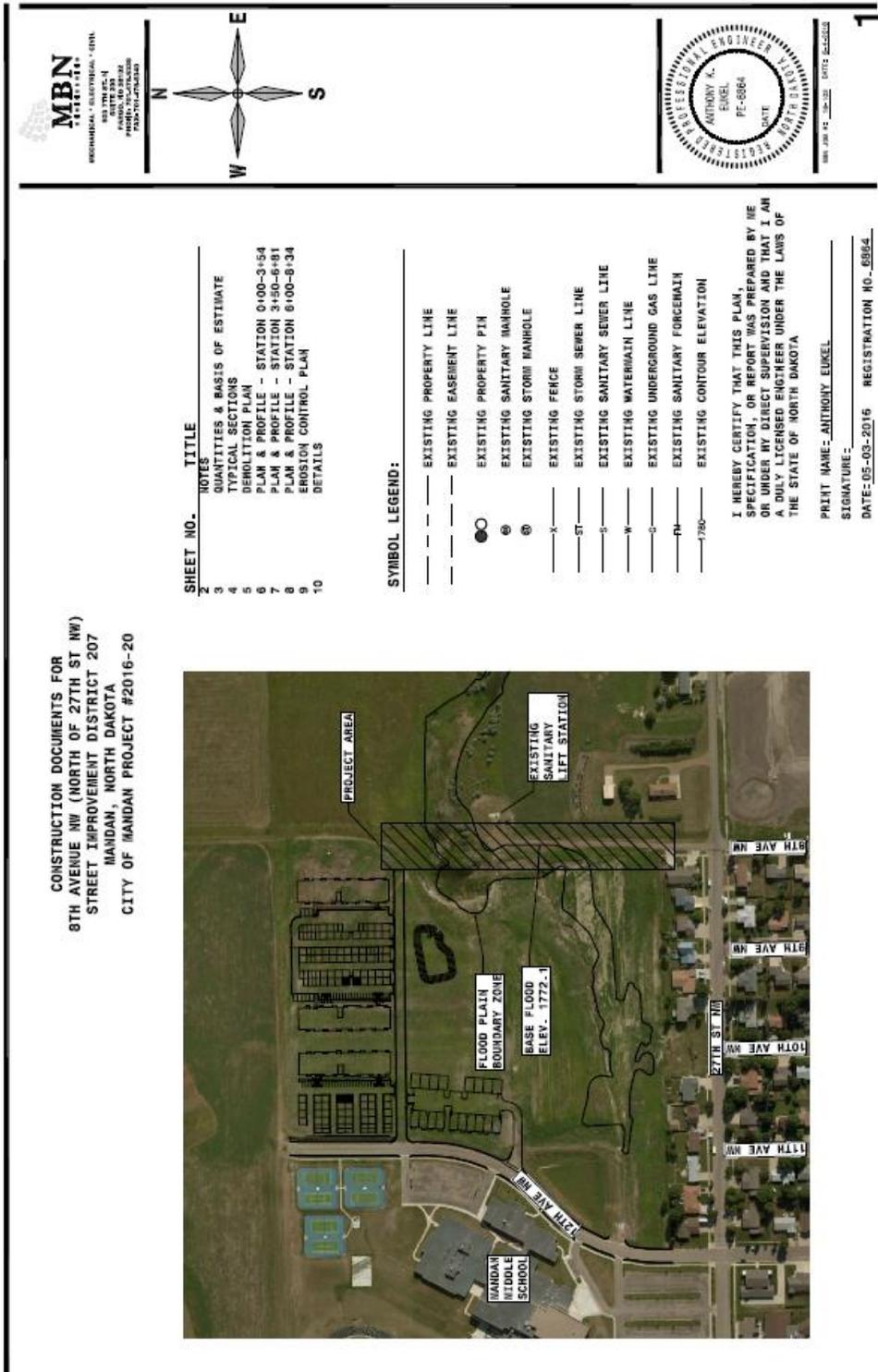
Board of City Commissioners

Agenda Documentation

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Board of City Commissioners

Agenda Documentation

Meeting Date: August 16, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 207, Project No. 2016-20 (8th Ave NW north of 27th Street NW).

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Probable Construction Cost							
		Division of Work:		Date: 8/5/2016	Project No:		
		Civil		By: Eukel	16-102		
		Project Name:		Phase:	SD	Page 1 of 1	
		8th Ave NW (North of 27th St NW)			DD		
Location:			X	CD			
Mandan, ND				VE			
Sect. No.	Spec	Item Description	Quantity	Units	Unit Cost	Total	
103	1.1	Contract Bond	1	EA	\$10,000.00	\$10,000.00	
125	1.1	Mobilization	1	EA	\$20,000.00	\$20,000.00	
200	1.1	Erosion Blanket	4,144	SY	\$4.00	\$16,576.00	
200	1.2	Geotextile Fabric	2,681	SY	\$2.25	\$6,032.25	
201	3.2	Clearing & Grubbing	1	LS	\$2,000.00	\$2,000.00	
202	4.1	Unclassified Excavation	2,275	CY	\$5.00	\$11,375.00	
202	4.1	Borrow Excavation	7,903	CY	\$12.00	\$94,836.00	
203	3.1	Watering	225	MGAL	\$20.00	\$4,500.00	
204	3.1A	Subgrade Preparation (1 Foot Deep)	6,825	SY	\$2.00	\$13,650.00	
205	3.1	Silt Fence	2,100	LF	\$2.50	\$5,250.00	
205	3.5	Rock Construction Entrance	1	EA	\$1,750.00	\$1,750.00	
302	4.1	Stabilized Gravel Base	1,151	TON	\$20.00	\$23,020.00	
401	6.2	AC Surface Course Class C	700	TON	\$125.00	\$87,500.00	
401	6.4	Asphalt Cement (PG 58-28)	42	TON	\$150.00	\$6,300.00	
402	4.2	Bituminous Tack Coat (SS-1 or S-1H)	126	TON	\$3.00	\$378.00	
406	4.1	Asphalt Removal	35	SY	\$12.00	\$420.00	
802	4.1	54 Inch Storm Sewer Pipe	60	LF	\$85.00	\$5,100.00	
802	4.51	54 Inch Flared End Section	2	EA	\$1,500.00	\$3,000.00	
802	4.94	Scour Stop	15	EA	\$500.00	\$7,500.00	
1201	4.1	Topsolling	1,381	CY	\$5.50	\$7,595.50	
1202	4.1	Seeding Class I	4,144	SY	\$0.25	\$1,036.00	
1204	4.1	Hydro-Mulching	4,144	SY	\$0.30	\$1,243.20	
1205	4.1	F&A Manhole Casting in Asphalt	2	EA	\$750.00	\$1,500.00	
1206	4.11	Adjust Valve Box in Asphalt	2	EA	\$400.00	\$800.00	
Construction Total						\$331,361.95	

**RESOLUTION APPROVING ENGINEER'S REPORT AND
AUTHORIZING PREPARATION OF THE DETAILED PLANS
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 207**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 207 (Project # 2016-20), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

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

a. Construction costs:	\$331,361.95
b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$115,976.68
c. Total estimated costs of the improvement:	\$447,338.63

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

Board of City Commissioners

Agenda Documentation

Meeting Date: August 16, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 207, Project No. 2016-20 (8th Ave NW north of 27th Street NW).

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

Dated this 16th day of August, 2016.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: August 16, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 207, Project No. 2016-20 (8th Ave NW north of 27th Street NW).

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**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR STREET IMPROVEMENT DISTRICT NO. 207
PROJECT # 2016-20**

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project in Street Improvement District No. 207 (Project # 2016-20) of said City be and the same are hereby approved, ratified and confirmed as the plans and specifications in accordance with which said improvement project will be constructed, except as modified by this Board in accordance with law, and the City Administrator shall file the same in his office, open for public inspection.

Dated this 16th day of August, 2016.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: August 16, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 207, Project No. 2016-20 (8th Ave NW north of 27th Street NW).

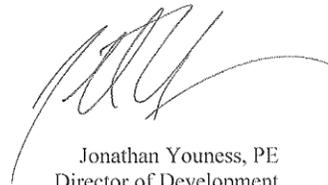
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August 4, 2016

PETITION

To the Honorably Board of City Commissioners of the City of Mandan, North Dakota.

The undersigned, being the developer of Eagle Ridge First Addition, Mandan, North Dakota, hereby petitions the City of Mandan to create a Special Assessment District for the purpose of performing improvements consisting of asphalt paving, storm sewer, earthwork, and all work and material incidental thereto on a portion of 8th Avenue NW from the south boundary line of Eagle Ridge First Addition northly to approximately 40 feet north of the south property line of Lot 5 Block 1 of the Eagle Ridge First Addition.



Jonathan Youness, PE
Director of Development

Board of City Commissioners

Agenda Documentation

Meeting Date: August 16, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 207, Project No. 2016-20 (8th Ave NW north of 27th Street NW).

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**RESOLUTION DETERMINING SUFFICIENCY OF FORMS OF PETITION, WAIVER
AND CONSENT TO ASSESSMENT FOR STREET IMPROVEMENT
DISTRICT NO. 207**

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

1. The City having received and filed executed written forms of Petition, Waiver and Consent to Assessment executed by Eagle Ridge Companies, the owners of a majority of property area, for the improvement in and for Street Improvement District No. 207, Project No. 2016-20 ("the District"), and true and correct copies of said executed forms being attached hereto, it is hereby determined that said forms are signed by the owners of a majority of the area of property included within the District.

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

Dated this 16th day of August, 2016

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: August 16, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 207, Project No. 2016-20 (8th Ave NW north of 27th Street NW).

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**FEASIBILITY AND EVALUATION OF IMPROVEMENTS
FOR STREET IMPROVEMENT DISTRICT #207, PROJECT #2016-20**

1.) General Nature of Project

The District has been created to allow for new street 8th Avenue NW north of 27th Street NW. Installation of asphalt street, storm sewer, & chip seal will take place with this project.

2.) Location of Proposed Construction

The proposed construction will take place on 8th Avenue NW north of 27th Street NW.

3.) Environmental Impact

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

4.) Feasibility of Project

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

5.) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$331,361.95. Other costs of making the improvement including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; publication of legal notices printing of warrants; and all expenses incurred in the making of the improvement and levy of assessments therefore are estimated at \$115,976.68. The total cost for the improvement is estimated at \$447,338.63.



Justin Froseth
Planning and Engineering Director

Board of City Commissioners

Agenda Documentation

Meeting Date: August 16, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 207, Project No. 2016-20 (8th Ave NW north of 27th Street NW).

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**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS
FOR STREET IMPROVEMENT DISTRICT NO. 207**

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

1. The City Administrator, Deputy Auditor and City Engineer shall meet at the time and place specified in the notice authorized in paragraph 2 hereof, for the purpose of opening sealed bids for the work and material needed for the improvement project to be made in Street Improvement District No. 207 (Project # 2016-20) of the City of Mandan, as more fully described and referred to in the resolution creating said improvement district passed and approved by the Board on August 16, 2016 and in the plans and specifications for said improvement now on file in the office of the City Engineer.

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

**“ADVERTISEMENT FOR BIDS FOR
STREET IMPROVEMENT DISTRICT NO. 207
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota will receive sealed bids at the office of the City Administrator until September 13, 2016 at 10:30 a.m., local time for the purpose of furnishing of materials, labor and skill needed for the new construction of storm sewer, asphalt streets, and related work in accordance with the plans and specifications for Street Improvement District No. 207 (Project # 2016-20), for the City of Mandan. The Work consists of all labor, skill, and materials required to properly construct the improvement.

Contractors and vendors desiring plans and specifications for personal use may secure digital copies from www.questcdn.com for a fee of \$25.00. These documents may be downloaded by selecting this project from the “Bid Documents”

Board of City Commissioners

Agenda Documentation

Meeting Date: August 16, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 207, Project No. 2016-20 (8th Ave NW north of 27th Street NW).

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tab and by entering Quest Project Number #4627560 on the "Search Projects" page. For assistance and the free membership registration, contact QuestCDN at (952)233-1632 or info@questcdn.com. Paper copies of the bid documents may be obtained from the City of Mandan Engineering office, 205 2nd Avenue Northwest, Mandan, North Dakota 58554 upon non-refundable payment of \$50.00 for each set. If Plans are mailed out an additional fee of \$15.00 will be added for postage and handling.

The bid proposals must be submitted to the City Administrator by 10:30 a.m., local time, Tuesday, September 13th, 2016 and shall be sealed and endorsed "Proposal for Street Improvement District No 207. Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2nd Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:30 a.m., local time, on September 13, 2016. All bidders are invited to be present at the public opening of the Bids.

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

Each bid shall be accompanied by a separate envelope containing a bidder's bond in the amount of five (5) percent of the highest amount of the bids as required by Section 48-01.2-05, North Dakota Century Code, as amended, and executed by the Bidder as principal and by a surety, conditioned that if the principal's bid is accepted and the contract awarded to the principal, the principal, within ten days after Notice of Award, shall execute and effect a contract in accordance with the terms of the bid, and a Contractor's Bond as required by law. No bid may be read or considered if it does not fully comply with the requirements of Section 48-01.2-05 of the North Dakota Century Code and any deficient bid must be resealed and returned to the bidder immediately.

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

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

All construction work on Project #2016-20 is to be completed no later than August 18, 2017.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 16, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 207, Project No. 2016-20 (8th Ave NW north of 27th Street NW).

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Liquidated damages of \$500.00 per day will be assessed if any completion dates are exceeded.

Should the contractor fail to complete all of the work in a District according to the above date, or within such additional time as may have been granted by formal extensions of time approved by the City Engineer, there shall be deducted from any money due the contractor, the above mentioned sum for each calendar day the completion of the Work is delayed, for each District. Liquidated damages will continue to accumulate until the City Engineer determines winter weather prevents further construction. Liquidated damages will restart on the first day of construction in the Spring of 2018 and continue to accumulate until final project acceptance. The Contractor and his surety shall be liable for any excess. Such payments shall be deducted from the final payment and shall be charged as liquidated damages and not as a penalty.

The Board of City Commissioners will meet on Tuesday, September 20th, 2016, at 5:00 PM, local time, to review the Bids submitted, consider the engineer's recommendation, and to award the contract to the successful Bidder. The contract will be awarded on the basis of the low Bid submitted, on eligible areas, by a responsible and responsive Bidder deemed most favorable to the City's interest.

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

Dated this 16th day of August, 2016

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

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

4. The Board of City Commissioners shall meet on Tuesday, September 20, 2016 at 5:00 pm, local time, to review the bids submitted, consider the engineer's

Board of City Commissioners

Agenda Documentation

Meeting Date: August 16, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 207, Project No. 2016-20 (8th Ave NW north of 27th Street NW).

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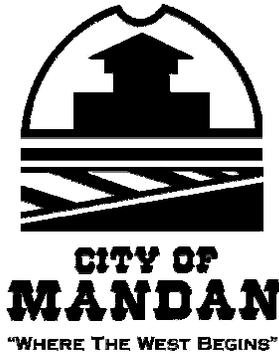
recommendation, and to award the contract to the successful bidder, subject to the Board finding that filed protests are insufficient to bar the work.

President, Board of City Commissioners

ATTEST:

City Administrator

Passed: August 16th, 2016



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 16, 2016
PREPARATION DATE: August 11, 2016
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Consider approving the Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition and approving Resolution directing advertisement for bids for Water & Sewer Improvement District No. 62, Project No. 2016-17 (Collins Avenue).

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

BACKGROUND/ALTERNATIVES: The engineering office was approached by Toman Engineering who has been working with the property owners within this proposed district to come up with a plan to better serve these properties with sanitary sewer. In discussing the options with the project engineer and the properties within this district that stand to benefit, staff has come to the conclusion that this sewer main would benefit the city and the property owners at the same time. In allowing this district and subsequent project, the new sewer main would be much more accessible to both the lots and the city when needed to maintain or execute a fix. It would greatly reduce the potential for other utility conflict during service installation and would eliminate the need to remove Collins Avenue roadway surface for future installation or fixes. Currently the service lines do need to span a significant distance across Collins avenue to tie into the nearest sewer main. That is a non-ideal situation that this project would resolve.

The district properties are unanimously requesting that the City allow the special assessment of water and sewer costs to the benefitting properties as evidenced by the petition of non-protest.

A full set of project plans and specifications are available to commissioners upon request.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 16, 2016

Subject: Consider approving the Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition and approving Resolution directing advertisement for bids for Water & Sewer Improvement District No. 62, Project No. 2016-17 (Collins Avenue).

Page 2 of 11

ATTACHMENTS:

1. Resolution approving plans and specifications
2. District Map
3. Resolution determining sufficiency of Petition
4. Petition
5. Resolution directing advertisement for bids

FISCAL IMPACT: Based on the estimate of cost included with your documentation, the cost of the project would be \$52,962.50, engineering and administration will add \$18,536.88, bringing the total to \$71,499.38. These items would be entirely special assessed to the benefitting properties. There are 4 lots within this special assessment district which would be approximately \$17,874.85 per lot in specials. Consistent with most street projects, we would move forward with an assessment period of 15 years.

STAFF IMPACT: Minimal

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

RECOMMENDATION: This office supports moving forward with the project.

SUGGESTED MOTION: I move to approve the Resolution approving Plans and Specifications, approve Resolution determining sufficiency of petition and approve Resolution directing advertisement for bids for Water & Sewer Improvement District No. 62, Project No. 2016-17 (Collins Avenue).

Board of City Commissioners

Agenda Documentation

Meeting Date: August 16, 2016

Subject: Consider approving the Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition and approving Resolution directing advertisement for bids for Water & Sewer Improvement District No. 62, Project No. 2016-17 (Collins Avenue).

Page 3 of 11

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR WATER AND SEWER IMPROVEMENT DISTRICT NO. 62**
Project No. 2016-17

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project (Project No. 2016-17) in Water and Sewer Improvement District No. 62 of said City be and the same are hereby approved, ratified and confirmed as the plans and specifications in accordance with which said improvement project will be constructed, except as modified by this Board in accordance with law, and the City Auditor shall file the same in his office, open for public inspection.

Dated this 16th day of August, 2016

President, Board of City Commissioners

ATTEST:

City Administrator

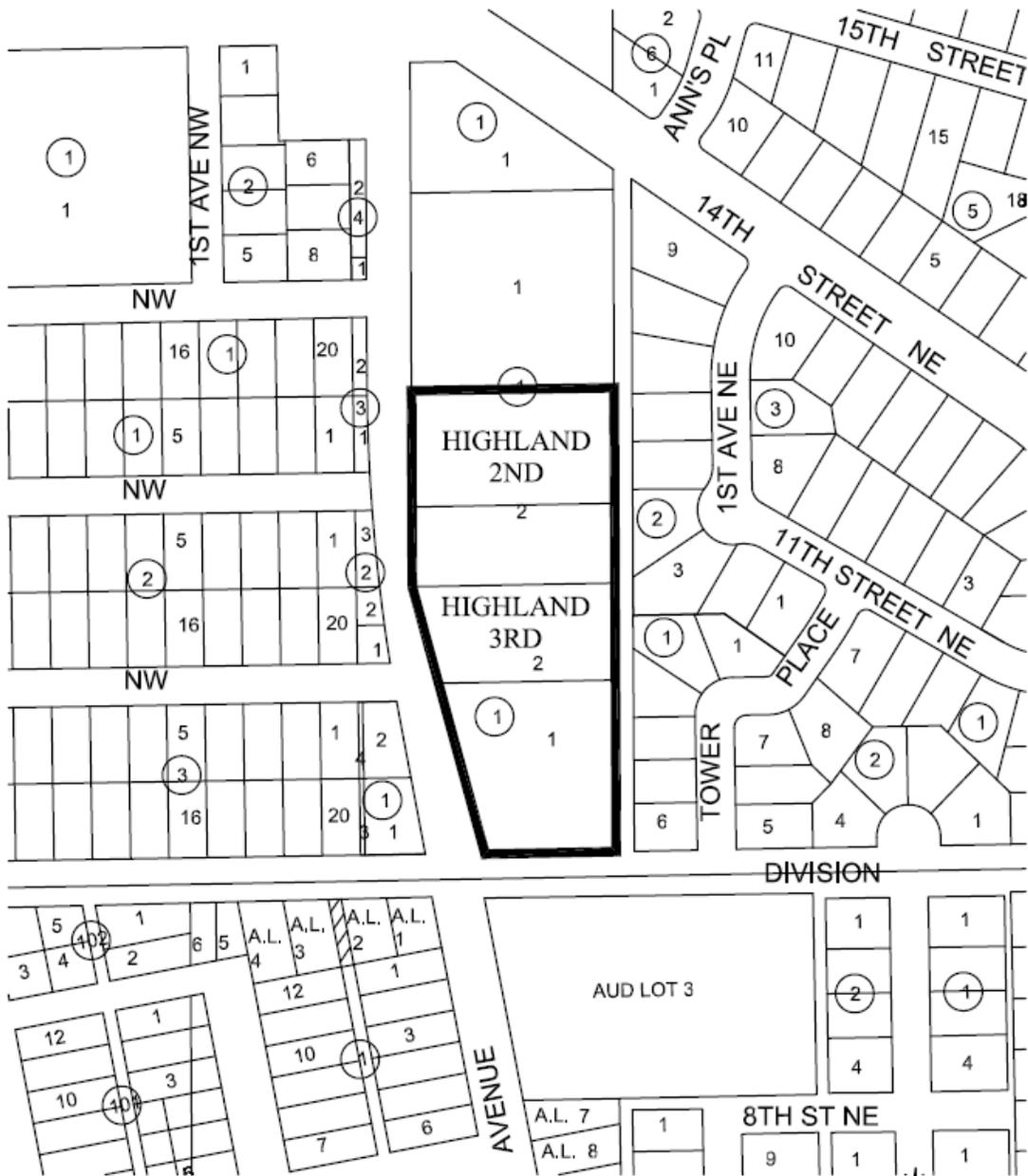
Board of City Commissioners

Agenda Documentation

Meeting Date: August 16, 2016

Subject: Consider approving the Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition and approving Resolution directing advertisement for bids for Water & Sewer Improvement District No. 62, Project No. 2016-17 (Collins Avenue).

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**WATER AND SEWER DISTRICT #62
PROJECT 2016-17**

1" = 100'

Board of City Commissioners

Agenda Documentation

Meeting Date: August 16, 2016

Subject: Consider approving the Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition and approving Resolution directing advertisement for bids for Water & Sewer Improvement District No. 62, Project No. 2016-17 (Collins Avenue).

Page 5 of 11

**RESOLUTION DETERMINING SUFFICIENCY OF FORMS OF PETITION, WAIVER
AND CONSENT TO ASSESSMENT FOR WATER AND SEWER
IMPROVEMENT DISTRICT NO. 62**

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

1. The City having received and filed executed written forms of Petition, Waiver and Consent to Assessment executed by L.B. Family Properties LLC, CJF Properties LLC, First Baptist Church of Mandan the owners of a majority of property area, for the improvement in and for Water and Sewer Improvement District No. 62, Project No. 2016-17 ("the District"), and true and correct copies of said executed forms being attached hereto, it is hereby determined that said forms are signed by the owners of a majority of the area of property included within the District.

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

Dated this 16th day of August, 2016

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: August 16, 2016

Subject: Consider approving the Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition and approving Resolution directing advertisement for bids for Water & Sewer Improvement District No. 62, Project No. 2016-17 (Collins Avenue).

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7973

PETITION
FOR
SEWERMAIN IMPROVEMENTS

To the Honorable Board of City Commissioners of the City of Mandan, North Dakota .

The undersigned petitioners, being the Owners of the property situated within the area of the proposed project,

Hereby petition the City of Mandan to create a Special Assessment District for the purpose of installing a sanitary sewermain complete and operational for the properties listed below.

See Exhibit "A" showing proposed project

Lonnie Barth
L.B. Family Properties, LLC
PO Box 698
Bismarck, ND 58502
Lot 2, Less South 125' Highland 2nd Replat

5/ /2016



Cody Fleck
CJF Properties, LLC
2020 3rd Street SE #F2
Mandan, ND 58554
South 125' of Lot 2 Highland 2nd Replat

5/ /2016



Trustee
First Baptist Church of Mandan
Box 96
Mandan, ND 58554
Lot 1, Block 1, Highland 3rd Addition

5/ /2016



Trustee
First Baptist Church of Mandan
Box 96
Mandan, ND 58554
Lot 2, Block 1, Highland 3rd Addition

5/ /2016

Board of City Commissioners

Agenda Documentation

Meeting Date: August 16, 2016

Subject: Consider approving the Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition and approving Resolution directing advertisement for bids for Water & Sewer Improvement District No. 62, Project No. 2016-17 (Collins Avenue).

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7973

PETITION
FOR
SEWERMAIN IMPROVEMENTS

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Lonnie Barth
L.B. Family Properties, LLC
PO Box 698
Bismarck, ND 58502
Lot 2, Less South 125' Highland 2nd Replat

5/11/2016

Cody Fleck
CJF Properties, LLC
2020 3rd Street SE #F2
Mandan, ND 58554
South 125' of Lot 2 Highland 2nd Replat

5/ /2016

Trustee
First Baptist Church of Mandan
Box 96
Mandan, ND 58554
Lot 1, Block 1, Highland 3rd Addition

5/ /2016

Michael J. Remboldt, CEO
HIT, Inc.
1007 18th Street NW
Mandan, ND 58554
Lot 2, Block 1, Highland 3rd Addition

5/ /2016

Board of City Commissioners

Agenda Documentation

Meeting Date: August 16, 2016

Subject: Consider approving the Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition and approving Resolution directing advertisement for bids for Water & Sewer Improvement District No. 62, Project No. 2016-17 (Collins Avenue).

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**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS
FOR WATER AND SEWER IMPROVEMENT DISTRICT NO. 62**

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

1. The City Administrator, Deputy Auditor and City Engineer shall meet at the time and place specified in the notice authorized in paragraph 2 hereof, for the purpose of opening sealed bids for the work and material needed for the improvement project to be made in Water and Sewer Improvement District No. 62 (Project # 2016-17) of the City of Mandan, as more fully described and referred to in the resolution creating said improvement district passed and approved by the Board on August 16, 2016 and in the plans and specifications for said improvement now on file in the office of the City Engineer.

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

**“ADVERTISEMENT FOR BIDS FOR
WATER & SEWER DISTRICT NO. 62
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota will receive sealed bids at the office of the City Administrator until September 13, 2016 at 10:00 a.m., local time for the purpose of furnishing of materials, labor and skill needed for the new construction of sanitary sewer main, and related work in accordance with the plans and specifications for Water & Sewer District No. 62 (Project # 2016-17), for the City of Mandan. The Work consists of all labor, skill, and materials required to properly construct the improvement.

Contractors and vendors desiring plans and specifications for personal use may secure digital copies from www.questcdn.com for a fee of \$25.00. These documents may be downloaded by selecting this project from the “Bid Documents” tab and by entering Quest Project Number #4636363 on the “Search Projects” page.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 16, 2016

Subject: Consider approving the Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition and approving Resolution directing advertisement for bids for Water & Sewer Improvement District No. 62, Project No. 2016-17 (Collins Avenue).

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For assistance and the free membership registration, contact QuestCDN at (952)233-1632 or info@questcdn.com. Paper copies of the bid documents may be obtained from the City of Mandan Engineering office, 205 2nd Avenue Northwest, Mandan, North Dakota 58554 upon non-refundable payment of \$50.00 for each set. If Plans are mailed out an additional fee of \$15.00 will be added for postage and handling.

The bid proposals must be submitted to the City Administrator by 10:00 a.m., local time, Tuesday, September 13th, 2016 and shall be sealed and endorsed "Proposal for Street Improvement District No 207. Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2nd Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:00 a.m., local time, on September 13, 2016. All bidders are invited to be present at the public opening of the Bids.

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

Each bid shall be accompanied by a separate envelope containing a bidder's bond in the amount of five (5) percent of the highest amount of the bids as required by Section 48-01.2-05, North Dakota Century Code, as amended, and executed by the Bidder as principal and by a surety, conditioned that if the principal's bid is accepted and the contract awarded to the principal, the principal, within ten days after Notice of Award, shall execute and effect a contract in accordance with the terms of the bid, and a Contractor's Bond as required by law. No bid may be read or considered if it does not fully comply with the requirements of Section 48-01.2-05 of the North Dakota Century Code and any deficient bid must be resealed and returned to the bidder immediately.

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

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

Substantial completion of construction work on Project #2016-17 is to be no later than November 1, 2016. Final completion date of May 15, 2017 for seeding.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 16, 2016

Subject: Consider approving the Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition and approving Resolution directing advertisement for bids for Water & Sewer Improvement District No. 62, Project No. 2016-17 (Collins Avenue).

Page 10 of 11

Liquidated damages of \$500.00 per day will be assessed if any completion dates are exceeded.

Should the contractor fail to complete all of the work in a District according to the above date, or within such additional time as may have been granted by formal extensions of time approved by the City Engineer, there shall be deducted from any money due the contractor, the above mentioned sum for each calendar day the completion of the Work is delayed, for each District. Liquidated damages will continue to accumulate until the City Engineer determines winter weather prevents further construction. Liquidated damages will restart on the first day of construction in the Spring of 2017 and continue to accumulate until final project acceptance. The Contractor and his surety shall be liable for any excess. Such payments shall be deducted from the final payment and shall be charged as liquidated damages and not as a penalty.

The Board of City Commissioners will meet on Tuesday, September 20th, 2016, at 5:00 PM, local time, to review the Bids submitted, consider the engineer's recommendation, and to award the contract to the successful Bidder. The contract will be awarded on the basis of the low Bid submitted, on eligible areas, by a responsible and responsive Bidder deemed most favorable to the City's interest.

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

Dated this 16th day of August, 2016

City of Mandan, North Dakota

BY: /s/ James Neubauer

City Administrator"

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

4. The Board of City Commissioners shall meet on Tuesday, September 20, 2016 at 5:00 pm, local time, to review the bids submitted, consider the engineer's recommendation, and to award the contract to the successful bidder, subject to the Board finding that filed protests are insufficient to bar the work.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 16, 2016

Subject: Consider approving the Resolution approving Plans and Specifications, approving Resolution determining sufficiency of petition and approving Resolution directing advertisement for bids for Water & Sewer Improvement District No. 62, Project No. 2016-17 (Collins Avenue).

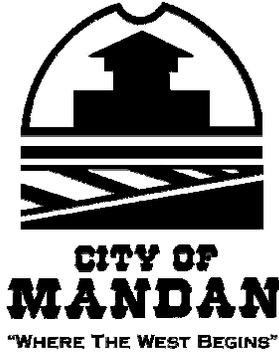
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President, Board of City Commissioners

ATTEST:

City Administrator

Passed: August 16th, 2016



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 16, 2016
PREPARATION DATE: August 11, 2016
SUBMITTING DEPARTMENT: Business Development and Communications
DEPARTMENT DIRECTOR: Ellen Huber, Business Development and Communications Director
PRESENTER: Ellen Huber, Business Development and Communications Director
SUBJECT: Update on MGF Finances & Procedural Recommendations

STATEMENT/PURPOSE: To provide an update about the level of funding available in the Mandan Growth Fund to assist in providing best guidance to future applicants.

BACKGROUND/ALTERNATIVES: At its meeting on Aug. 11, 2016, the Mandan Growth Fund Committee reviewed the financial statement ending July 31, 2016. The balance for undesignated economic development projects is \$93,259.96. A staff update pointed out the following potential future revenue and expense streams for the fund:

Revenue Impacts

- A Carter Chiropractic loan has a balloon payment of \$46,249 due Jan. 1, 2017.
- Loans approved for the local share of PACE and Flex PACE interest buy downs will be repaid in the future, helping to replenish the fund. The first of these will payments will begin in the summer of 2017.
- If City Business Development and Communications Department O&M costs remain similar in 2017 to the 2016 level, approximately \$50,000 (of the \$250,000 annual allocation) will be added to the economic development project line item on Jan. 1, 2017.
- The MGF Committee requested an increase in annual funding for the Growth Fund to \$350,000 for 2017, as compared to the current funding level of \$250,000, which has been in place since the 1% local sales tax was approved by voters in 1991. This would add another \$100,000 for economic development projects, if approved as part of budget discussions.

Expense Impacts

- Applications are pending for about \$90,000 for storefront improvement projects and about \$375,000 for Flex PACE interest buy downs within the next six months. This does not include restaurants, for which money is set aside.

Business Development and Communications Director Huber offered the following recommendations, a consensus reached through discussions with City Administrator Neubauer, Finance Director Greg Welch and Mayor Tim Helbling, with regard to fund management and future procedures:

- 1) The MGF should retain unallocated funds for projects where assistance beyond a repayable loan is warranted. Examples would include forgivable loans for Storefront Improvement projects, retail incentives, or projects offering public benefits that merit an interest buy down with the local share structured as a forgivable loan or at 0% interest.
- 2) The MGF should consider removing an earmark on any funds not approved for specific projects under the Memorial Highway Storefront Improvement Program as of Dec. 31, 2016. This line item currently has \$140,000 in uncommitted funds. These dollars could be moved to the overall economic development projects column. The program could remain available, like the downtown version, but without guaranteed funding, recognizing it would compete with other programs and projects with applicants considered on a first-come, first-served basis.
- 3) Any amounts approved for interest buy down under Bank of North Dakota PACE and Flex PACE programs could be paid annually, rather than upfront and placed in escrow with the BND. There is a net present value discount for providing full funding upfront, but it is not significant. For example, with a maximum local match for Flex PACE of \$53,846, the net present value would be \$53,614; a savings of \$232. Making annual payments, rather than full payments at the time of closing, could help with MGF cash flow.
- 4) The MGF and City of Mandan Business Development Department should collaborate with the Lewis and Clark Regional Development Council for the sourcing of funds for the local share of standard projects applying for a Bank of North Dakota Flex PACE interest buy down.
 - a) LCRDC Executive Director Brent Ekstrom explained at the meeting that businesses may apply directly to the LCRDC for the local share of a buy down through the Mandan intermediary relending program (IRP) revolving loan pools. These loan pools were established in 2007 and 2009 with a \$250,000 match each time from the Mandan Growth Fund to obtain long-term loans of \$750,000 each time from the USDA Rural Development Program. The loan pools are specifically for new and expanding businesses in Mandan and a 10-mile radius in Morton County. The use of loan proceeds must comply with the IRP program requirements.
 - b) A motion of City Commission support would be needed if the source were to be the N.D. Opportunity Fund, another revolving loan fund managed by the LCRDC. This is because the funds were allocated to a consortium led by Mandan with 37 other participating municipalities. The NDOF loan committee has a policy requiring evidence of support from the participating municipality because some cities, counties or regions have policies in place that don't allow for incentives for retail, service or other projects beyond primary sector employers. The source of

- funding for the NDOF was an allocation of \$9.7 million to the consortium from the U.S. Treasury Department's State Small Business Credit Initiative (SSBCI).
- c) Interest rates and terms would be determined by the LCRDC capital fund board for the IRP funds and by the NDOF loan committee for the SSBCI funds. Ekstrom expected that interest rates, at least in the near term, would be at a rate of 4% or less.

ATTACHMENTS: MGF financial statement ending July 31, 2016.

FISCAL IMPACT: Explained above.

STAFF IMPACT: None

LEGAL REVIEW: City Attorney Malcolm Brown was not available to attend the MGF meeting.

RECOMMENDATION: The MGF did not take specific action with regard to the recommendations at the Aug. 11, 2016, meeting due to the meeting running over time, but will likely take up the topic again at a meeting planned for Aug. 29, 2016.

SUGGESTED MOTION: No action required at this time.

Board of City Commissioners
 Agenda Documentation
 Meeting Date: August 16, 2016
 Subject: Update Regarding MGF funding & procedures
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CITY OF MANDAN
 MANDAN GROWTH FUND
 JULY 31, 2016

	BUSINESS DEVELOPMENT AND COMMUNICATIONS DIRECTOR	ECONOMIC DEVELOPMENT	STOREFRONT IMPROVEMENT PROGRAM	RETAIL AND RESTAURANT INCENTIVE PROGRAM	MEMORIAL HIGHWAY STOREFRONT AND LANDSCAPE IMPROVEMENT PROGRAM	RESTAURANT REWARDS PROGRAM	TOTAL
CASH BALANCE-JANUARY 1, 2016	\$ -	\$ 538,149.88	\$ 13,505.88	\$ 23,312.50	\$ 200,000.00	\$ -	\$ 774,968.26
RECEIPTS:							
STATE GRANTS:							
ND DEPARTMENT OF COMMERCE-2016 MARKETING	\$ -						\$ -
PAYMENTS FROM LOCAL GOVERNMENTS:							
PARK DISTRICT-COMMUNITY MARKETING	\$ 4,500.00						\$ 4,500.00
SCHOOL DISTRICT-COMMUNITY MARKETING	\$ -						\$ -
STATE SMALL BUSINESS CREDIT INITIATIVE CHARGES	\$ 813.65						\$ 813.65
OTHER:							
MPO-JOINT MARKETING ACTIVITY	\$ 500.00						\$ 500.00
LOAN REPAYMENTS:							
CARTER CHIROPRACTIC CLINIC		\$ 2,756.43					\$ 2,756.43
COFFEES AND KITCHENS		\$ 660.45					\$ 660.45
HUFF HILLS SKI AREA		\$ 5,520.17					\$ 5,520.17
LINDY SUE'S CANDIES & SODA FOUNTAIN		\$ 350.00					\$ 350.00
ND SMALL BUSINESS INVESTMENT COMPANY		\$ 800.79					\$ 800.79
TRANSFERS IN-1% CITY SALES TAX FUND	\$ 197,200.00	\$ 52,800.00					\$ 250,000.00
TOTAL RECEIPTS	\$ 203,013.65	\$ 62,887.84	\$ -	\$ -	\$ -	\$ -	\$ 265,901.49
EXPENSES:							
SALARIES AND BENEFITS	\$ 79,073.98						\$ 79,073.98
PROFESSIONAL FEES AND SERVICES	\$ -						\$ -
TRAVEL/MEALS	\$ 5,151.89						\$ 5,151.89
TRAINING	\$ 365.00						\$ 365.00
TELEPHONE	\$ 515.39						\$ 515.39
ADVERTISING/PUBLIC RELATIONS	\$ 20,647.98						\$ 20,647.98
LEGAL NOTICES	\$ 89.62						\$ 89.62

Board of City Commissioners
 Agenda Documentation
 Meeting Date: August 16, 2016
 Subject: Update Regarding MGF funding & procedures
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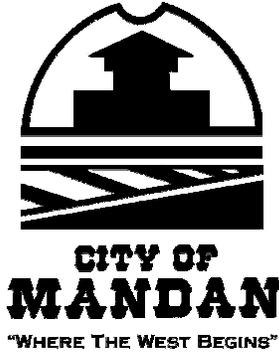
CITY OF MANDAN
 MANDAN GROWTH FUND
 JULY 31, 2016

	BUSINESS DEVELOPMENT AND COMMUNICATIONS DIRECTOR	ECONOMIC DEVELOPMENT	STOREFRONT IMPROVEMENT PROGRAM	RETAIL AND RESTAURANT INCENTIVE PROGRAM	MEMORIAL HIGHWAY STOREFRONT AND LANDSCAPE IMPROVEMENT PROGRAM	RESTAURANT REWARDS PROGRAM	TOTAL
PRINTING	\$ 10,371.63						\$ 10,371.63
DUES AND MEMBERSHIPS	\$ 1,154.00						\$ 1,154.00
OFFICE SUPPLIES	\$ 1,426.29						\$ 1,426.29
BOOKS AND SUBSCRIPTIONS	\$ -						\$ -
EQUIPMENT UNDER \$5,000	\$ 750.00						\$ 750.00
SUBSIDIES:							
ECONOMIC DEVELOPMENT:							
MEMORIAL SQUARE SHOPPING CENTER-4524 EAST MEMORIAL HIGHWAY	\$ -	\$ -					\$ -
NATIONAL INFORMATION SOLUTIONS COOPERATIVE-3201 NYGREN DRIVE NW	\$ -	\$ -					\$ -
MALLOY ELECTRIC-1439 ACTION DRIVE SE	\$ 53,389.00	\$ -					\$ 53,389.00
PRAIRIE ROSE FAMILY DENTISTS-OVERLOOK LANE NW	\$ -	\$ -					\$ -
CLASSIC ROCK COFFEE-4524 EAST MEMORIAL HIGHWAY, SUITE 101	\$ -	\$ -					\$ -
STOCKMEN'S SUPPLY WEST-1440 ACTION DRIVE SE	\$ -	\$ -					\$ -
ROCKS THAT TALK-122 EAST MAIN STREET	\$ -	\$ -					\$ -
STOREFRONT IMPROVEMENT PROGRAM:							
BEARSCAT BAKEHOUSE-111 5TH AVENUE NE			\$ 160.00				\$ 160.00
SCHWARTZ FAMILY CHIROPRACTIC CENTER-301 EAST MAIN STREET			\$ -				\$ -
RETAIL AND RESTAURANT INCENTIVE PROGRAM:							
BEARSCAT BAKEHOUSE-111 5TH AVENUE NE				\$ 4,375.00			\$ 4,375.00
DAKOTA PROMOTIONS & PRINTING-105 3RD AVENUE NW				\$ 354.00			\$ 354.00
MEMORIAL HIGHWAY STOREFRONT AND LANDSCAPE IMPROVEMENT PROGRAM:							
EVENT MOTORWAY-4018 EAST MEMORIAL HIGHWAY					\$ 30,000.00		\$ 30,000.00
SCHMIDT SALES-3420 EAST MEMORIAL HIGHWAY					\$ -		\$ -
RESTAURANT REWARDS PROGRAM							
TOTAL EXPENSES	\$ 119,545.78	\$ 53,389.00	\$ 160.00	\$ 4,729.00	\$ 30,000.00	\$ -	\$ 207,823.78
CASH TRANSFERS:							
CITY COMMISSION APPROVED APRIL 5, 2016	\$ -	\$ (162,000.00)	\$ -	\$ -	\$ -	\$ 162,000.00	\$ -
CITY COMMISSION APPROVED JUNE 7, 2016	\$ -	\$ (17,195.00)	\$ 17,195.00	\$ -	\$ -	\$ -	\$ -
CASH BALANCE-JULY 31, 2016	\$ 83,467.87	\$ 368,453.72	\$ 30,540.88	\$ 18,583.50	\$ 170,000.00	\$ 162,000.00	\$ 833,045.97

Board of City Commissioners
 Agenda Documentation
 Meeting Date: August 16, 2016
 Subject: Update Regarding MGF funding & procedures
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CITY OF MANDAN
 MANDAN GROWTH FUND
 JULY 31, 2016

	BUSINESS DEVELOPMENT AND COMMUNICATIONS DIRECTOR	ECONOMIC DEVELOPMENT	STOREFRONT IMPROVEMENT PROGRAM	RETAIL AND RESTAURANT INCENTIVE PROGRAM	MEMORIAL HIGHWAY STOREFRONT AND LANDSCAPE IMPROVEMENT PROGRAM	RESTAURANT REWARDS PROGRAM	TOTAL
COMMITMENTS:							\$ -
ECONOMIC DEVELOPMENT:							
MEMORIAL SQUARE SHOPPING CENTER-4524 EAST MEMORIAL HIGHWAY		\$ 53,846.18					\$ 53,846.18
NATIONAL INFORMATION SOLUTIONS COOPERATIVE-3201 NYGREN DRIVE NW		\$ 74,207.24					\$ 74,207.24
PRAIRIE ROSE FAMILY DENTISTS-OVERLOOK LANE NW		\$ 53,846.14					\$ 53,846.14
CLASSIC ROCK COFFEE-4524 EAST MEMORIAL HIGHWAY, SUITE 101		\$ 9,448.20					\$ 9,448.20
STOCKMEN'S SUPPLY WEST-1440 ACTION DRIVE SE		\$ 53,846.00					\$ 53,846.00
ROCKS THAT TALK-122 EAST MAIN STREET		\$ 30,000.00					\$ 30,000.00
STOREFRONT IMPROVEMENT PROGRAM:							
BEARSCAT BAKEHOUSE-111 5TH AVENUE NE			\$ 540.71				\$ 540.71
SCHWARTZ FAMILY CHIROPRACTIC CENTER-301 EAST MAIN STREET			\$ 30,000.00				\$ 30,000.00
RETAIL AND RESTAURANT INCENTIVE PROGRAM:							
BEARSCAT BAKEHOUSE-111 5TH AVENUE NE				\$ 3,125.00			\$ 3,125.00
DAKOTA PROMOTIONS & PRINTING-105 3RD AVENUE NW				\$ 3,899.00			\$ 3,899.00
MEMORIAL HIGHWAY STOREFRONT AND LANDSCAPE IMPROVEMENT PROGRAM:							
SCHMIDT SALES-3420 EAST MEMORIAL HIGHWAY					\$ 30,000.00		\$ 30,000.00
RESTAURANT REWARDS PROGRAM						\$ -	\$ -
TOTAL COMMITMENTS		\$ 275,193.76	\$ 30,540.71	\$ 7,024.00	\$ 30,000.00	\$ -	\$ 342,758.47



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 16, 2016
PREPARATION DATE: August 11, 2016
SUBMITTING DEPARTMENT: Business Development and Communications
DEPARTMENT DIRECTOR: Ellen Huber, Business Development and Communications Director
PRESENTER: Ellen Huber, Business Development and Communications Director
SUBJECT: MGF Recommendation on Status of Interest Buydown for Gramma Brauns, Inc.

STATEMENT/PURPOSE: To consider a recommendation by the Mandan Growth Fund (MGF) Committee regarding the status of funding committed for an interest buy down for Gramma Brauns, Inc. (dba Classic Rock Coffee).

BACKGROUND/ALTERNATIVES: Gramma Brauns received approval from the City Commission on Dec. 15, 2015, for the local share toward a Bank of North Dakota Flex PACE interest buy down. The local share was approved as a repayable loan in the amount of \$9,448.20.

Owners Kevin and Kim Ressler have since indicated in e-mail correspondence with Business Development and Communications Director Huber that they paid off their loan that was to be subject to the interest buy down. The MGF reviewed the situation at its Aug. 11, 2016, meeting and recommended that funds committed to this buy down be uncommitted and returned to the balance available for economic development projects.

ATTACHMENTS: Copies of correspondence available upon request.

FISCAL IMPACT: The Growth Fund balance as of July 31, 2016, for undesignated economic development projects is \$93,259.96. The action herein recommended will increase this balance to \$102,708.13.

STAFF IMPACT: None

LEGAL REVIEW: City Attorney Malcolm Brown was not available to attend the MGF meeting.

Board of City Commissioners

Agenda Documentation

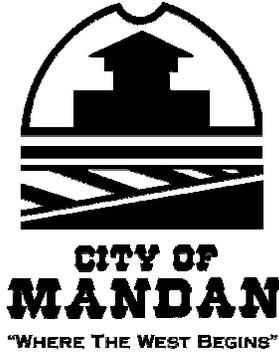
Meeting Date: August 16, 2016

Subject: MGF Recommendation about Gramma Brauns funding

Page 2 of 2

RECOMMENDATION: The MGF voted 5-0 (with four members absent) to recommend that funds previously committed to Gramma Brauns be uncommitted.

SUGGESTED MOTION: I move to remove a commitment on \$9,448.20 previously approved for an interest buy down for Gramma Brauns since owners chose not to obtain longer-term financing for the project.



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 16, 2016
PREPARATION DATE: August 11, 2016
SUBMITTING DEPARTMENT: Business Development and Communications
DEPARTMENT DIRECTOR: Ellen Huber, Business Development and Communications Director
PRESENTER: Ellen Huber, Business Development and Communications Director
SUBJECT: MGF Recommendation on Interest Buy-Down for Profloor, LLP

STATEMENT/PURPOSE: To consider a recommendation by the Mandan Growth Fund (MGF) Committee regarding an application for an interest buy-down by Profloor, LLP.

BACKGROUND/ALTERNATIVES: At a meeting on Aug. 11, 2016, the MGF reviewed an application for an interest buy down of permanent financing for an expansion project utilizing the Bank of North Dakota (BND) Flex PACE program.

The project is an expansion of Profloor, LLP, from an existing 1,200 sf space at 2010 46th Ave SE, Unit C, to a new location with 4,200 sf at 4710 19th St SE. Financing eligible for a BND interest buy down totals \$400,000. Of this amount, \$200,000 is for leasehold improvements including construction of an enhanced storefront, retail showroom, and shop space. The other \$200,000 is for buy-out of a partner by an employee seeking ownership in the business. Total project financing is \$550,000.

The buy down on the \$400,000 principal with a 10-year term is \$111,561.81 with 65 percent or \$72,515.15 that would come from BND and 35 percent or \$39,046.67 required as the local community share.

ATTACHMENTS: The application is available upon request.

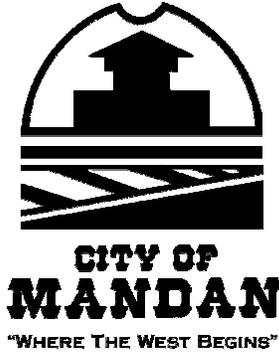
FISCAL IMPACT: The Growth Fund balance as of July 31, 2016, for undesignated economic development projects is \$93,259.96. The MGF committee recognized the importance of retaining these funds for projects requiring flexibility with the approach to assistance beyond a loan repayable with interest. Examples are the storefront improvement forgivable loans and any application for interest buy down that has a public benefit meriting a forgivable loan structure or 0% interest rate.

STAFF IMPACT: Minimal.

LEGAL REVIEW: City Attorney Malcolm Brown was not available to attend the MGF meeting.

RECOMMENDATION: The MGF voted 5-0 (with four members absent) to recommend approval of the interest buy-down on a principal of \$400,000 with a request that the local share of the buy down be sought from and favorably considered by the Lewis and Clark Regional Development Council through revolving loan pools established for new and expanding businesses in Mandan. Any Flex PACE buy down is contingent upon approval of the financing by the lead lender and the Bank of North Dakota.

SUGGESTED MOTION: I move to approve the Growth Fund Committee's recommendation of support for the Profloor, LLP, expansion project with a request that the local share of the interest buy down be deferred to the Lewis and Clark Regional Development Council.



New Business No. 4iii

Board of City Commissioners

Agenda Documentation

MEETING DATE: August 16, 2016
PREPARATION DATE: August 11, 2016
SUBMITTING DEPARTMENT: Business Development and Communications
DEPARTMENT DIRECTOR: Ellen Huber, Business Development and Communications Director
PRESENTER: Ellen Huber, Business Development and Communications Director
SUBJECT: MGF Recommendation on Profloor, LLP
Application for a Retail Incentive

STATEMENT/PURPOSE: To consider a recommendation by the Mandan Growth Fund (MGF) Committee regarding an application for the Retail Incentive Program by Profloor, LLP (dba Imagine Home Center).

BACKGROUND/ALTERNATIVES: At a meeting on Aug. 11, 2016, the MGF reviewed an application for an expansion project. Profloor is planning to do business in its new and expanded location under the name of Imagine Home Center. In business for nearly eight years, the company has expanded from selling and installing flooring to covering cabinets, fixtures, lighting and other items needed in home construction and remodeling.

The project is an expansion of Profloor, LLP, from an existing 1,200 sf space at 2010 46th Ave SE, Unit C, to a new location with 4,200 sf at 4710 19th St SE. The new showroom will be 2,800 sf larger. Profloor applied for a stipend of \$5 psf on the expansion.

Estimated expansion costs are in excess of \$600,000. The business has a five-year lease agreement on the new space. The business partners are planning to make modifications to the newly constructed building (Flecks Furniture warehouse at 4710 19th St SE) to replace one of the overhead doors leading into their space with storefront glass and a customer door with glass. These modifications, as well as the business signage, do still require presentation to the Mandan Architectural Review Commission for consideration. The retail showroom will include complete kitchen set-ups along with other displays of products sold. The business has 9 employees and expects to add 2 to 6 more in the next three years.

The rating system for the Retail and Restaurant Incentive Program has 13 different criteria. The average rating by five of nine MGF members present at the meeting was a 3.8 on a scale of 1 to 5 with 5 being the highest. This score warrants an incentive at three-fourths of the maximum \$5-per-square-foot-rate, equal to \$3.75 psf.

**Mandan Growth Fund - Retail & Restaurant Incentive Program
 Application Evaluation - Tabulation Form**

Profloor, LLP (dba Imagine Home Center)

Criteria	GF 1	GF 2	GF 3	GF 4	GF 5	Average
1. Fills gap	4	4	4	4	3	3.8
2. Needed by other businesses	4	3	4	4	4	3.8
3. Tax potential	3	3	3	4	3	3.2
4. Jobs	3	2	3	4	3	3
5. Incentive use	2	3	4	4	1	2.8
6. Customer base	5	3	4	4	5	4.2
7. Hours	4	3	4	4	4	3.8
8. Qualifications	4	4	5	4	4	4.2
9. Potential viability	3	4	5	5	4	4.2
10. Curb appeal	3	4	5	5	4	4.2
11. Investment	4	3	4	5	4	4
12. Business plan	4	3	4	4	5	4
13. Financial history	4	3	4	5	4	4
Total	47	42	53	56	48	49.2

Average rating	3.78
Dollar amount of assistance psf based on average rating	\$3.75
Square footage	2,800
Total stipend	\$10,500.00
Monthly stipend	\$875.00

ATTACHMENTS: Application available upon request.

FISCAL IMPACT: The Growth Fund balance as of July 31, 2016, for undesignated economic development projects is \$93,259.96. Without including other actions recommended at this meeting that affect the MGF balance, if this stipend is approved, the new uncommitted balance will be \$82,759.96.

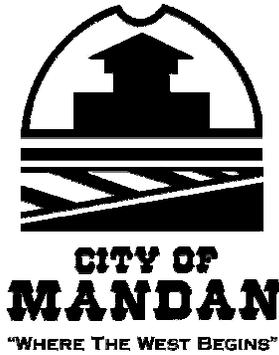
STAFF IMPACT: Some monitoring and reporting is necessary.

LEGAL REVIEW: City Attorney Malcolm Brown was not available to attend the MGF meeting. The lease space will have an automatic door installed as per application requirements.

RECOMMENDATION: The MGF voted 5-0 (with four members absent) to recommend approval of an incentive for Profloor, LLP, for expansion of a retail showroom. The incentive rate based on committee scoring is recommend at \$3.75 per square foot totaling \$10,500 in assistance over 12 months to begin one month after opening of the new showroom.

SUGGESTED MOTION: I move to approve \$10,500 as an incentive for Profloor, LLP, payable in 12 equal monthly installments after start of retail operations in the expanded showroom.





Board of City Commissioners

Agenda Documentation

MEETING DATE: August 16, 2016
PREPARATION DATE: August 12, 2016
SUBMITTING DEPARTMENT: Business Development and Communications
DEPARTMENT DIRECTOR: Ellen Huber, Business Development and Communications Director
PRESENTER: Ellen Huber, Business Development and Communications Director
SUBJECT: MGF Recommendation on Restaurant Rewards Sales Tax Rebate for Pit Masters, LLC

STATEMENT/PURPOSE: To consider a recommendation by the Mandan Growth Fund (MGF) Committee regarding an application for a Restaurant Rewards Program sales tax rebate for Pit Masters, LLC, which will do business as Dickey’s Barbecue Pit.

BACKGROUND/ALTERNATIVES: At a meeting on Aug. 11, 2016, the MGF reviewed the first application received under the Restaurant Rewards Program sales tax rebate. Restaurant principals are Randy and Lisa Rhone and Ben and Amanda Zachmeier. The restaurant will be located in the Memorial Square Shopping Center at 4524 Memorial Highway, Suite 103. Plans are for it to be 2,240 sf. The Rhones and Zachmeiers also operate a Dickey’s Barbecue in Minot and have other food service experience.

Dickey’s Barbecue operates as a limited service restaurant where customers order at a counter. There will be seating for 50 people. Other sales will occur via take-out orders and off-site catering. The owners intend to apply for a Class F restaurant beer and wine only liquor license. The restaurant is to be open seven days a week from 10:30 a.m. to 10 p.m. The owners expect to have five full-time and 20 part-time employees and they project customer traffic to be 300 daily. The anticipated opening is December 2016.

ATTACHMENTS: Application available upon request. Draft sales tax rebate agreement attached.

FISCAL IMPACT: The sales tax rebate does not come from any existing revenue, but rather forgoes future revenue that will result from the opening and sales that occur at Dickey’s Barbecue Pit. Annual sales are estimated at \$1.3 million, which would result in an annual rebate of \$13,000 in collections from the 1% local sales tax that is authorized under this program for a projected five-year benefit of \$65,000. There is no cap on the

amount of the rebate, so the restaurant is more successful or less successful, this rebate number could vary.

The restaurant ownership group is also applying for the component of the Restaurant Rewards Program that provides for an interest buy down on financing for the new eatery.

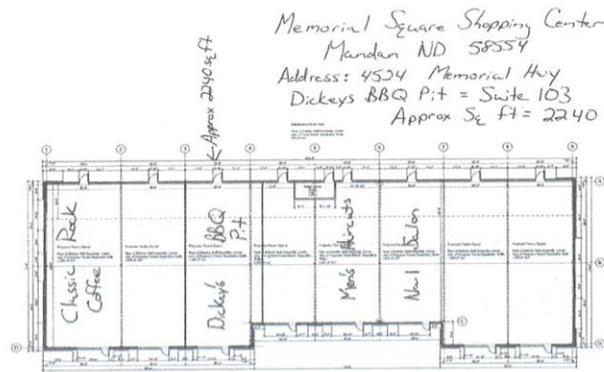
STAFF IMPACT: Minimal.

LEGAL REVIEW: City Attorney Malcolm Brown was not available to attend the MGF meeting. He has previously drafted a recipient agreement for the sales tax rebate that may take more review and research to be certain it is in harmony with N.D. Tax Department procedures. The draft agreement also needs to be updated to reflect the change in Mandan's mayor. The draft agreement is attached. A business incentive agreement is also required.

RECOMMENDATION: The MGF voted 5-0 (with four members absent) to recommend approval of the rebate of the 1% local sales tax for the first five years of operation for Pit Masters, LLC.

SUGGESTED MOTION: I move to approve rebating the 1% local sales tax for the first five years of operation for Pit Masters, LLC, subject to approval of a sales tax rebate recipient agreement.

Appendix



SALES TAX REBATE INCENTIVE AGREEMENT

THIS AGREEMENT, entered into this _____ day of _____, 2016, by and between the City of Mandan, a North Dakota municipal corporation, Morton County, North Dakota, having an address of 205 Second Avenue NW, Mandan, ND 58554, (the “City”), and _____, having an address of _____, (“Developer”).

WHEREAS, The City desires to attract a restaurant business in the City of Mandan in order to enhance commercial development and increase the sales tax revenue of the City; and

WHEREAS, to induce Developer to locate or expand into the City, the City is prepared to offer Developer a sales tax rebate incentive; and

WHEREAS, The intent of the City and Developer is that a portion of the sales and use tax proceeds to the City generated from the restaurant business would be used to reduce the costs of Developer in the business; and

WHEREAS, The City and Developer desire to set out in this Agreement the actual incentive being offered by the City to Developer for bringing its restaurant business into the City.

NOW, THEREFORE, BE IT AGREED between the parties as follows:

1. Restaurant Required. As a condition to Developer’s receipt of the incentive contemplated in this Agreement, Developer must build a restaurant in the City which would open by _____.

2. Developer Reimbursement. Pursuant to the terms of this Agreement, Developer will receive reimbursement from a portion of the sales tax proceeds generated by Developer’s restaurant business as reimbursement to Developer for a partial cost associated with the restaurant.

3. Access to Sales Tax Records. As a condition to Developer’s receipt of the incentive contemplated herein, Developer agrees that it will either provide the City access to the state’s sales tax records for the restaurant business to allow the City to track the amount of sales tax generated from the restaurant business on a quarterly basis during the period of this Agreement, or furnish to the City a copy of the sales tax remittance report to the North Dakota Tax Commissioner. The City will give Developer prompt notice of any request by the City made pursuant to NDCC Chapter 44-04 to disclose such sales tax information generated by Developer and of any suit filed under NDCC Chapter 44-04 seeking the disclosure of such information. The City will not disclose such

information pursuant to the provisions of NDCC Chapter 44-04 or similar statute without Developer's prior written permission, unless required by a court of competent jurisdiction or an Attorney General Opinion.

4. Imposition of Sales and Use Tax. The parties agree that the City has imposed by ordinance a one percent (1%) sales and use tax upon the gross receipts of retailers from all retail sales (the "sales tax ordinance"). Developer agrees and acknowledges that the sales tax ordinance sets forth the definitions, procedures, and exemptions regulating both the collection and calculation of sales and use tax revenue ("sales tax revenue"). The Developer further agrees and acknowledges that the amount of city sales tax proceeds received by the City is established and limited by the sales tax ordinance. Throughout the term of this Agreement, the City shall take all necessary and appropriate action to authorize, maintain, and enforce a City sales tax and use tax imposing a one percent (1%) sales and use tax upon the gross receipts of retailers from all retail sales within the City and dedicating the sales tax proceeds as set forth above.

5. Sales Tax Proceeds. The portion of city sales tax proceeds from and attributable to Developer's restaurant business available to pay incentives to Developer will be 100% of the sales tax proceeds ***generated solely from the 1% sales tax on the restaurant business*** ("dedicated city sales tax proceeds") in the first five (5) full calendar years of operation, as well as any partial initial year of operation.

6. Remittance of Dedicated City Sales Tax Proceeds. The dedicated city sales tax proceeds will be remitted to Developer by the City as partial reimbursement for the costs of the restaurant project, subject to the following terms and conditions:

(a) The sales tax reimbursement from the City will be 100% of the city sales tax proceeds generated solely from the 1% sales tax on the restaurant business.

(b) The City will be obligated to make the payments required pursuant to this paragraph only from and to the extent of dedicated city sales tax proceeds actually received from the restaurant business for any tax year, and such payments will never be considered to be a general obligation of indebtedness of the City.

(c) Payments will be made annually to Developer on or before February 1 of each year.

7. Commencement of Payment. The first date upon which Developer may receive a payment toward this incentive is February 1 following the first full calendar year the business operates on the property. This will provide the City with a minimum of one year's history or sales

tax proceeds. After the receipt by the City of the first full calendar year sales tax proceeds, the City will calculate the dedicated city sales tax proceeds and transfer such amount to Developer. Each February 1 thereafter, the City will make the same calculation and pay Developer on the same formula until the February 1 after the five (5) full calendar year of sales tax proceeds.

8. Business Incentive Agreement. The restaurant must enter into a Business Incentive Agreement using State Form Number (SFN) 59686 in which the goals are to assist with community development by bringing additional restaurant businesses into the City to help close a retail gap between local demand and supply. The goal for the incentive is to realize operations of new and expanded restaurants for a minimum of five (5) years. In the event the restaurant is not operable within one year of the date of this agreement, the City shall have the right to terminate this Agreement. If the restaurant ceases operations or moves to another city before completion of the minimum five year period, the restaurant will be required to reimburse the City for the amount of incentive received to date. The restaurant agrees to complete an annual employment verification form as requested by the City of Mandan Business Development Office to provide statistics on full-time and part-time employment.

(a) Automatic Door Requirement. As a condition to the restaurant's application for the incentive agreed upon herein, the restaurant agrees to comply with Mandan Municipal Code Section 111-2-9 which stipulates, "Every building open to public use that has received the benefit of public funds from the city shall provide for the installation of an automatic door for at least one main entrance to the building.

(b) Fiscal Responsibility. To remain current on all municipally applied taxes, special assessments, utility bills, or loans. In lease situations, the landlord must also remain current on these obligations. Rebates will be held in abeyance for a period of no longer than 90 days if either party fails to be current on these obligations until such time as obligations are paid in full, and if still delinquent thereafter, payments shall cease.

(c) Regulatory Compliance. To comply with any and all building, fire, health or zoning codes or regulations applicable to the business, recognizing that rebates will be held in abeyance for a period of no longer than 90 days until such time as the business is compliant, and if still in violation thereafter, payments shall cease.

9. Failure to Meet Requirements, Exceptional. Delay or failure of Developer to meet the requirements contained in this Agreement resulting from a cause over which Developer does

not have control and which cannot or could not have been avoided by the exercise of reasonable cause, including, but not limited to, acts of God, accidents, war, civil unrest, embargoes, strikes, unavailability of raw materials or manufactured goods, litigation, or terrorism will be an exception for which compliance with the terms of this Agreement will not be required for a time period equal to the period of delay caused by such events.

10. Change in Law. If at any time during the duration of this Agreement, the State of North changes the procedure for how it reports and pays the local sales tax to the City, the February 1 date referred to throughout the agreement will be adjusted so that the calculation to determine the incentive payment to Developer captures the dedicated city sales tax proceeds received for a full calendar year. If any change of law results in the invalidation of any part of this Agreement, then the parties shall cooperate to enter into replacement agreements to ensure that the parties enjoy the benefits contemplated by this Agreement.

11. Modification of Agreement. This Agreement cannot be altered, modified, cancelled or amended without the written consent of all parties to this Agreement.

12. Notice. All notices, certificates or other communications required under this Agreement will be deemed sufficiently given when delivered or deposited in the United States mail in certified form with postage fully prepared and addressed as follows:

If to the City: City Administrator
 City of Mandan
 205 Second Avenue NW
 Mandan, ND 58554

If to Developer: _____

13. Binding effect. This Agreement will inure to the benefit of and will be binding upon the City and Developer, their respective successors and assigns, and no party under this Agreement may assign their interest in the Agreement to any other person or entity without the written consent of all other parties.

14. Severability. If any court of competent jurisdiction finds any provision or part of this Agreement invalid, illegal, or unenforceable, that portion will be deemed severed from this Agreement, and all remaining terms and provisions of this Agreement will remain binding and enforceable; however, the parties agree that this Agreement will be reformed to replace any invalid,

illegal, or unenforceable provision or portion of this Agreement with an alternative provision that is enforceable and bears as close resemblance as possible to any provision determined to be invalid, illegal, or unenforceable.

15. Execution Counterparts. This Agreement may be simultaneously executed in several counterparts, each of which will be an original and all of which will constitute but one and the same instrument.

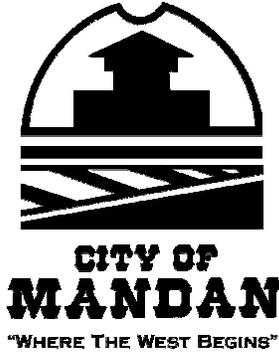
16. Applicable Law. This Agreement will be governed and construed in accordance with the laws of the State of North Dakota.

CITY OF MANDAN

DEVELOPER:

By: _____
Arlyn Van Beek, Mayor

By: _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 16, 2016
PREPARATION DATE: August 11, 2016
SUBMITTING DEPARTMENT: Business Development and Communications
DEPARTMENT DIRECTOR: Ellen Huber, Business Development and Communications Director
PRESENTER: Ellen Huber, Business Development and Communications Director
SUBJECT: MGF Recommendation on Interest Buy-Down for Pit Masters, LLC

STATEMENT/PURPOSE: To consider a recommendation by the Mandan Growth Fund (MGF) Committee regarding an application for a Restaurant Rewards Program interest buy-down by Pit Masters, LLC, doing business as Dickey's Barbecue Pit.

BACKGROUND/ALTERNATIVES: At a meeting on Aug. 11, 2016, the MGF reviewed an application for an interest buy down of permanent financing utilizing the Bank of North Dakota (BND) Flex PACE program from restaurant owners Randy and Lisa Rhone and Ben and Amanda Zachmeier. The total project cost for leasehold improvements and purchase of equipment for the restaurant to be located at Memorial Square Shopping Center, 4524 Memorial Highway, is \$615,000. Of this amount, the owners are financing \$400,000. The loan has a seven-year term. The total interest buy down is \$58,202.52 with 65 percent or \$37,831.66 that would come from BND and 35 percent or \$20,370.86 required as the local community share.

ATTACHMENTS: The application is available upon request.

FISCAL IMPACT: The Growth Fund has set aside for the Restaurant Rewards Program interest buy downs an amount of \$162,000. If this application for \$20,370.86 is approved, the uncommitted balance will be \$141,629 remaining for other restaurant applicants.

As adopted by the City Commission in April 2016, the Restaurant Rewards Program allows for the local share of the interest buy down to be provided in the form of a forgivable loan. The loan will be forgiven in accordance with the amortization schedule. If for any reason a restaurant would default on its loan payments, the Bank of North Dakota would cease the interest buy down.

The applicant is also seeking the Restaurant Rewards sales tax rebate.

STAFF IMPACT: Minimal.

LEGAL REVIEW: City Attorney Malcolm Brown was not available to attend the MGF meeting. Automatic doors are already installed for each unit of Memorial Square Shopping Center.

A business incentive agreement is required because the total assistance, if both applications for incentives by Pit Masters, LLC, are approved, will exceed \$25,000.

RECOMMENDATION: The MGF voted 5-0 (with four members absent) to recommend approval of the interest buy down for Pit Masters, LLC, with a local share of \$20,370.86 to be provided as a forgivable loan. Any Flex PACE buy down is contingent upon approval of a lead lender and the Bank of North Dakota.

SUGGESTED MOTION: I move to approve an interest buy down for Pit Masters, LLC, with a local share of \$20,370.86 to be provided as a forgivable loan.



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 16, 2016
PREPARATION DATE: August 11, 2016
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch, Finance Director
PRESENTER: Jim Lawler, Airport Manager
SUBJECT: Mandan Airport Authority's 2017 Budget

PURPOSE

To consider the Mandan Airport Authority's 2017 Budget.

BACKGROUND

The Mandan Airport Authority manages the local airport facility. The Airport's five-member board is appointed by the City Commission. The Airport is fiscally dependent upon the City because the City Commission levies taxes and must approve any debt issuances. The Airport is reported as a component unit in the City of Mandan's audited financial statements.

The Airport's Board approved the 2017 Budget on July 11, 2016.

ATTACHMENT

Mandan Airport Authority's 2017 Budget

FISCAL IMPACT

The City of Mandan will levy the maximum of 4 Mills or \$321,848 as requested by the Mandan Airport Authority for the 2017 Budget. The City also provides \$5,600 annually to the Airport for their share of the City's State Aid Distribution revenue from the State of ND.

STAFF IMPACT

None

LEGAL REVIEW

N/A

Board of City Commissioners
Agenda Documentation
Meeting Date: August 16, 2016
Subject: Mandan Airport Authority's 2017 Budget
Page 2 of 2

RECOMMENDATION

To consider the Mandan Airport Authority's 2017 Budget.

SUGGESTED MOTION

Move to consider the Mandan Airport Authority's 2017 Budget.

Mandan Airport Authority 2017 Budget

	Jan - Dec 17
Ordinary Income/Expense	
Income	
800.31.101 Property Tax	\$ 321,848
800.34.418 Fuel Sale	\$ 300,000
800.34.418 Jet Fuel	\$ 30,000
800.36.602 Hangar Rent	\$ 114,900
800.36.602 Land Lease	\$ 18,000
800.36.603 Spray Permit	\$ 3,000
Total Income	\$ 787,748
Gross Profit	\$ 787,748
Expense	
51001 Payroll Expenses	
51001 Payroll	\$ 75,000
Health	\$ 6,000
LTD Insurance	\$ 100
Pension	\$ 6,500
Social/Medicare	\$ 6,700
Term Life	\$ 52
Unemployment	\$ 100
Workers Comp	\$ 500
Total 51001 Payroll Expenses	\$ 94,952
52001 Fees & Services Charges	
Audit Fees	\$ 1,200
Postage Fees	\$ 600
Spray Fee Refund	\$ 2,000
Web Page	\$ 300
Total 52001 Fees & Services Charges	\$ 4,100
53001 Insurance	
Automobile	\$ 300
Building	\$ 750
Fuel Tank	\$ 200
Inland Marine	\$ 1,500
Liability	\$ 2,200
Total 53001 Insurance	\$ 4,950
55001 Travel & Training	
Mileage	\$ 5,500
55001 Travel & Training - Other	\$ 600
Total 55001 Travel & Training	\$ 6,100

Mandan Airport Authority 2017 Budget

	Jan - Dec 17
56001 Utilities	
Cable TV	\$ 750
Electric	\$ 15,000
Internet	\$ 800
Propane	\$ 6,000
Telephone	\$ 6,000
Water	\$ 1,500
Total 56001 Utilities	\$ 30,050
 57001 Publishing & Printing	
Advertising Other	\$ 300
Advertising/Public Relations	\$ 1,500
Clothing	\$ 1,000
Printing	\$ 500
Total 57001 Publishing & Printing	\$ 3,300
 58001 Dues and Subscriptions	 \$ 2,500
59001 Supplies & Maintenance	
AWOS Maintenance	\$ 5,000
Building Repairs	
Electrical Repairs	\$ 1,000
Building Repairs - Other	\$ 5,000
Total Building Repairs	\$ 6,000
Chemical Supplies	\$ 1,000
Diesel Fuel	\$ 3,000
Electrical Supplies	\$ 5,000
Equipment Maintenance	\$ 2,500
Fly In	\$ 5,000
Gas, Oil, Grease	\$ 300
Grounds Supplies	\$ 8,000
Hardware	\$ 100
Janitorial Supplies	\$ 750
Motor Vehicle Supplies	\$ 400
Office Supplies	\$ 2,500
Runway Ice Maintenance	\$ 5,000
Safety	\$ 500
Security	\$ 20,000
Shop Supplies	\$ 200
Signage	\$ 2,000
Total 59001 Supplies & Maintenance	\$ 67,250
 59002 Airplane Fuel	
Avgas	

Mandan Airport Authority 2017 Budget

	Jan - Dec 17
Bank Fees	\$ 5,000
Federal Excise Tax	\$ 1,000
Federal Lust Tax	\$ 50
Federal Oil Spill Tax	\$ 100
ND Excise Tax	\$ 4,000
Avgas - Other	\$ 250,000
Total Avgas	\$ 260,150
Fuel System	\$ 20,000
Jet Fuel	\$ 20,000
Total 59002 Airplane Fuel	\$ 300,150
60001 Repairs & Maintenance	
Asphalt	\$ 25,000
Computer Repairs	\$ 2,500
Equipment Repairs	\$ 5,000
Fire Ext.	\$ 150
Plumbing & Septic System	\$ 1,000
Total 60001 Repairs & Maintenance	\$ 33,650
62001 Capitol Outlay	
Future Projects	\$ -
Machinery and Equipment	\$ 25,000
62001 Capitol Outlay - Other	\$ 50,000
Total 62001 Capitol Outlay	\$ 75,000
63001 Debt Service	
Interest Revenue Bonds	\$ 25,000
Total 63001 Debt Service	\$ 25,000
64001 Misc	
Possessory Leasehold Tax	\$ 15,000
Total 64001 Misc	\$ 15,000
Principal Revenue Bonds	\$ 85,000
Total Expense	\$ 747,002
Net Ordinary Income	\$ 40,746
Other Income/Expense	
Other Income	
800.33.301 Federal Grants	\$ 150,000
800.33.303 State Aid	\$ 13,100
Total Other Income	\$ 163,100

Mandan Airport Authority 2017 Budget

	<u>Jan - Dec 17</u>
Other Expense	
FAA Grant	\$ 150,000
• Other Expenses	\$ 7,500
State Grant	\$ 7,500
Total Other Expense	<u>\$ 165,000</u>
Net Other Income	<u>\$ (1,900)</u>
Net Income	<u><u>\$ 38,846</u></u>

**Supplement to
2017 Mandan Airport Authority Budget**

The Mandan Municipal Airport has experienced incredible growth in the last five years, going from 30 aircraft based at the airport to over 90 aircraft. Individuals and/or private companies have invested their own funds to construct 12 hangars. Three new businesses have opened and four fixed base operator hangar buildings and one office building have been constructed to support those businesses. There are currently three agricultural spraying businesses operating at the Airport. The Airport has become the one of the busiest general aviation airports in North Dakota for visual and instrument flight rule traffic.

Our airport is a public-use general aviation airport. It is open and accessible to all. Much like our interstate road system is to ground transportation, airports including the Mandan Airport are part of an integral interstate air-transportation system. Accordingly, the Mandan Airport annually receives \$150,000 from the Federal Aviation Administration (FAA). In addition to that, matching funds are generally available. That is, with most capital expenditures, the federal government (through the FAA) provides 90% of the necessary funding, the state of North Dakota (through the North Dakota Aeronautics Commission [NDAC]) provides 5%, and the City of Mandan provides the remaining 5%. Regularly, there are also discretionary and state apportionment FAA funds granted to the Mandan Airport.

It is quite common for the FAA to announce the availability of funds for airport projects, and provide 90%+ of the total funding, contingent upon the remaining 10% being funded through other sources, such as state or local governments. Unless the airport has those funds readily available, it would be impossible to obtain the 90% FAA funding. Accordingly, it is very important to have matching funds available.

There have been occasions when the Airport has been able to obtain 90+% funding by having a project plan prepared and ready to submit to the FAA. While the ND Aeronautics Commission normally matches the local share at 5%, there have been times when the state has not been able to provide the match, so the

local match could be 10%. The Airport has the ability to bank these funds for four years for large projects.

Example: The Runway project was originally to be funded at 95% federal, 2.5% State and 2.5% Airport. Project was actually funded at 90% federal, 5% state, and 5% local. Estimated to cost \$5,000,000, actual cost \$6,200,000. The cost of the changes to the airport from the change in percentage was an additional \$125,000 on estimate, actual was \$155,000. The airport was able to fund the project through use of 2 budget cycles.

The Airport has been informed by the FAA funds may be harder to compete for on lower priority projects, such as aircraft parking areas or hangar access areas. The Airport must then maintain these with its own funds.

To help offset increased costs since 2011, the Airport has increased hangar rent by 21%, land rent by 20%, and fuel prices by 50%.

The cost of projects has also increased whether it is due to inflation, increased regulation, and changes in specifications from the FAA or other entities.

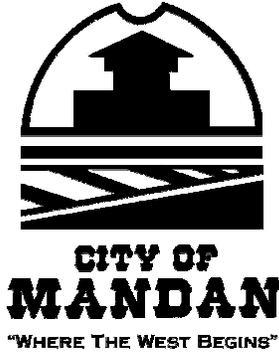
The Airport has used the mill levy funds as well as the revenue generated from operations, to leverage approximately \$8,000,000 in Federal and State aid for improvements to the Airport since 2011. These moneys are injected back into the local economy through the use of local contractors.

The Mandan Airport Authority believes the historical 4 mills is necessary and justified to be able to be ready for and obtain FAA and NDAC grants. In essence, with respect to capital improvements, a decrease in local funding of \$5,000 would have the effect of decreasing overall funding by \$95,000. Such funding is a major part of maintaining the Mandan Municipal Airport.

The Airport has some large projects scheduled in the near future when funds become available, including wetland mitigation, a wildlife fence, and ramp/taxi lane replacement (3 to 5 Million). While we hope to secure state and federal funds with respect to these projects, it is not guaranteed. The Airport would like to bank funds to fund such projects in the event additional funding is not available.

FAA, State, and Local Funding

<u>Year</u>	<u>Grant #</u>	<u>Project</u>	<u>FAA Funds</u>	<u>State Funds</u>	<u>Airport Funds</u>
	15	Taxiway & Electrical	\$196,537.00	\$10,288.43	\$56.37
2011	16	Line of Sight Imp.	\$194,423.00	Part of 15	\$10,233.71
2011-2012	17	Safety	\$324,596.00	\$8,612.00	\$8,612.00
2012-2014	18	Runway	\$5,743,476.00	\$319,082.03	\$319,082.71
2014-2015	19	Environmental	\$115,513.00	\$6,417.39	\$6,425.95
2014-2015	State	Master Plan	\$0.00	\$93,208.55	\$9,300.00 State Grant Only
2015-2016	20	Taxiway	\$1,164,609.00	\$64,700.54	\$64,701.75
		Totals	\$7,739,154.00	\$492,020.51	\$8,231,174.51
					\$418,412.49
2016	21	Snow Removal Equip.	\$238,000.00	\$13,500.00	\$13,500.00 Pending



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 16, 2016
PREPARATION DATE: August 12, 2016
SUBMITTING DEPARTMENT: Morton Mandan Public Library
DEPARTMENT DIRECTOR: Kelly Steckler, Director
PRESENTER: Sarah Warneke, Assistant Library Director
SUBJECT: Appoint Trustees

STATEMENT/PURPOSE: To have the Board of City Commissioners appoint one City representative and the Board of County Commissioners appoint one County Representative to the Morton Mandan Public Library (MMPL) Board of Trustees.

BACKGROUND/ALTERNATIVES: Per the Memorandum of Understanding (MOU) signed by both Commissions, MMPL operates with an equal number of city and county representatives. Since the joint board has equal representation per the MOU, both the City and County Commissions should approve MMPL trustee appointments.

The MMPL had two positions open as of July 2016; one County and one City vacancy. The positions have been advertised since June using the Library's website, Facebook page, news release, and posting within the Library. Two responses were received; one for each. Trustee terms are for a three-year period and may be renewed once, thus serving a total of six years maximum.

ATTACHMENTS: Letters of interest: Linda Ehreth (Mandan)/Robin Doll (New Salem)

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: The MMPL Board of Trustees recommends appointing Linda Ehreth (Mandan) to her first term as a new trustee on the Morton Mandan Public Library Board of Trustees. She was appointed to her first term by the MMPL Board of Trustees at their July 25, 2016 meeting. She will serve July 2016-June 2019.

SUGGESTED MOTION: 1. To appoint Linda Ehreth to the Morton Mandan Public Library Board of Trustees to a three-year term to be held July 2016-June 2019.

8/5/2015

Ms. Steckler,

I would like to be considered for the open position on the Morton Mandan Public Library Board of Trustees. On a personal level, I am a life-long, avid reader and enjoy belonging to a book club. Professionally, as a veteran teacher at New Salem Almont High School I utilize both the NSA school library and the Morton Mandan Public Library to prepare lessons and demonstrate the resources available through the library. Over the years I have become distressed to see our school library's budget shrink. I would like to be in a position as a Trustee to advocate for a strong Morton County Library for all our communities.

Thank you for considering me for this position. You may reach me at 843- 8043 or rs.doll@hotmail.com

Sincerely,

Robin Doll (New Salem)

july 8, 2016

Morton Mandan Public Library
609 W. Main Street
Mandan, ND 58554

Attn: Kelly Steckler:

My name is Linda Ehreth and would like you to consider my application for the volunteer position being advertised for the Morton Mandan Library Board of Trustees. I have been a resident of Mandan for forty-one years and have been a patron of the Mandan Public Library for as many years.

I have reviewed your website and found the library's mission statement is to provide the hub for community education, enrichment, and entertainment. As I read through the many services and programs the library offers for kids, teens, and adults it is obvious that the mission statement connects to and supports your work.

My contact information:
Linda Ehrath
PO Box 955 (3409 37th Street NW)
Mandan ND 58554

701.391.2179 (cell phone)
lehreth1@gmail.com

Attachment: resume

Linda Ehreth

P.O. Box 955 • Maandan, ND 58554
701-391-2179 lehreth1@gmail.com

AREAS OF EXPERIENCE

Curriculum Development	Education Specialist
Program Development	Public Presentations
Program Training	Public Information

EDUCATION

- Masters Degree of Education in Curriculum and Instruction
 - Bachelors Degree in Elementary Education
 - Associate of Arts Degree
- City U (Bellevue, WA)
University of Mary (Bismarck, ND)
University of North Dakota (Grand Forks)
Bismarck State College (Bismarck, ND)

PROFESSIONAL EXPERIENCE

Curriculum Development

- Development team member and activities contributor for *North Dakota: People Living on the Land*, a web-based Grade Eight North Dakota Studies Curriculum project sponsored by the State Historical Society of North Dakota
- Member of North Dakota Standards Awareness Team sponsored by the North Dakota Department of Public Instruction
- Design and coordination of summer institute on curriculum integration strategies for educators and teaching artists
- Project developer for curriculum and resource materials for an arts educational outreach trunk – Arts Resources for Teaching Standards (ARTS)
- Co-ordination with Department of Public Instruction in development of the North Dakota Fine Arts Content and Performance Standards
- Development of curriculum materials to accompany State Historical Society of North Dakota exhibits
- Management and coordination of on-line curriculum development with *NatureShift!* program staff
- Consultant for North Dakota Social Studies Standards committee sponsored by Department of Public Instruction
- Native American curriculum planning and development with Department of Public Instruction
- Consultant for American Indian dance interpretation curriculum project
- Consultant for *The North Star Dakotan*, a middle school North Dakota Studies curriculum project, sponsored by the North Dakota Humanities Council and North Dakota Department of Public Instruction

Program Development

- Planning and coordination for statewide implementation of a school reform model called A+ Schools that uses the arts, curriculum mapping, thematic unit instruction, and authentic assessment as a method to achieve student proficiency
- Initiation and ongoing coordination of a statewide arts education task force that meets quarterly to promote implementation of the state arts standards and facilitate professional development opportunities
- Team member on the Lewis and Clark Resource Coalition, facilitated by EduTech, providing ongoing professional development opportunities for teachers
- Coordination of *NatureShift!* project to increase public access to State Historical Society collections and exhibitions through Internet programming for students
- Coordination and expansion of North Dakota History Day as a statewide program for sixth- to twelve-grade students
- Coordination of cooperative programming with educational institutions, museums, historical organizations, and community organizations
- Management of docent, gallery, children's, school, and family programs for the State Historical Society of North Dakota
- Consultant for program development at state historic sites
- Chairperson for a ten-state museum conference "Museums: The Core of Discovery"

Linda Blureth resume - page 2

Program Training

- Development team member and presenter for *North Dakota: People Living on the Land* workshops to introduce the web-based Grade Eight North Dakota Studies Curriculum to educators
- Development and implementation of curriculum integration and assessment workshops for educators and teaching artists
- Coordination and implementation of training programs for teaching artists
- Development and administration of workshops and graduate courses for educators
- Planning and management of training workshops for docents and historic site interpreters
- Management of monthly professional training workshops for docents
- Supervision and training for divisional staff

Education Specialist

- Grants administration for arts education programming
- Management and development of an educational outreach truck program for educators and students - *Suitcase Exhibits for North Dakota (SEND)*
- Development of educational materials to accompany international folk art exhibit
- Education consultant for National Interpretation Best Practices Project sponsored by the American Association of Museums
- Community representative on Curriculum Advisory Committee for Bismarck Public Schools.
- Participation on Goals 2000 (Educate America Act) Networking and Community Efforts subcommittee; and Goals 2000 (Educate America Act) Lewis and Clark Educational Resource Coalition steering committee
- Consultant for Capstone Press on an educational publication for elementary students
- Classroom instructor

Public Presentations

- Presenter at state, regional, and national conferences
- Conference and workshop presentations for interpreters, educators, teaching artists and organizations
- In-service programs for educators and university students

Public Information

- Preparation of annual educator catalog describing programs educational resources
- Project manager for development of CD-ROM promotional advertisement for state museums association
- Preparation of promotional materials - press releases, flyers, and newsletter articles

EMPLOYMENT

• Education Consultant	Self-employed	2011-Present
• Arts Education Director	North Dakota Council on the Arts	2000-2011
• Adjunct Teaching Staff	Dickinson State University	2005-2009
• Educational Programs Coordinator	State Historical Society of North Dakota	1993-2000
• Historical Assistant	State Historical Society of North Dakota	1983-1993
• Elementary School Teacher	Christ the King School, Mandan	1985-1988
• Teacher's Aide	Mary Stark Elementary School, Mandan	1980-1981

PAST PROFESSIONAL AFFILIATIONS

- Association for Supervision and Curriculum Development (ASCD)
- Museums in North Dakota (MIND)
- North Dakota Association for Supervision and Curriculum Development (NDASCD)
- State Historical Society of North Dakota Foundation

BOARD OF DIRECTOR AFFILIATIONS

- North Dakota Teacher Resource Coalition 2001-2011
- Keep North Dakota Clean 2000-2011
- Vision Council/High Prairie Arts and Science Complex 2008-2010

PUBLICATIONS

- *Where History Happens*: award winning children's coloring book, 1999

RESUME ADDENDUM
Past Professional Responsibilities

- Served as a regional liaison for a nine state region to the National Assembly of State Arts Agencies (NASAA) Arts Education Advisory Group. The advisory group designs and implements professional development activities within the framework of State Arts Agency arts education managers' leadership development plan.
- Member of a design team charged with shaping the Resource Exchange section of the *Teaching Artist Journal*. The *Teaching Artist Journal* is a quarterly journal that is distributed internationally and provides valuable resources about the arts and education to teaching artists. Members of the design team for the Resource Exchange section are responsible for writing reviews, selecting resources suitable for review, coming up with new ideas for the Resource Exchange section, and engaging in further refinement of the journal.
- ND State Assessment Bias Reviewer for North Dakota Department of Public Instruction. The bias review process ensures that for test items selected the topic and language are appropriate; items containing nothing that is inflammatory or insensitive; items contain no stereotypes, and students of a particular group, background, or region do not have a distinct advantage or disadvantage that cannot be accommodated.
- Former adjunct teaching position for Dickinson State University to teach Art Methods for Elementary Education majors. The course focused on methods of teaching art in the elementary school and was designed for the prospective elementary educator or art specialist.
- Reviewer for Robert C. Byrd Scholarship Program administered by the ND Department of Public Instruction. Byrd Scholars are selected on the basis of demonstrated outstanding academic achievement and promise of continued academic achievement. Leadership, co-curricular involvement, and community and public service activities are also considered. The program will provide selected scholars with a \$1,500 scholarship renewable for up to the first four years of study at an institute of higher education of their choice. At least one scholarship will be awarded in each of the Governor's Eight Planning Regions. This program is highly competitive; historically, North Dakota winners have had ACT scores above 30.
- Curriculum representative for The North Dakota Curriculum Initiative (NDCI) which is a long-term professional development program for North Dakota public and non-public school curriculum administrators and teachers. Funded by the North Dakota Department of Public Instruction and located on the campus of North Dakota State University, Fargo. This collaborative professional development brings together key curricular leaders and professional organizations to build a consensus on what is expected of all North Dakota students in essential academic content areas.