

**AGENDA**  
**MANDAN CITY COMMISSION**  
**AUGUST 6, 2013**  
**ED "BOSH" FROEHLICH MEETING ROOM,**  
**MANDAN CITY HALL**  
**5:30 P.M.**  
**[www.cityofmandan.com](http://www.cityofmandan.com)**

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- A. ROLL CALL:
1. Roll call of all City Commissioners and Department Heads.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:
1. Consider approval of the following minutes:
    - i. July 16, 2013 – Regular Board Meeting
    - ii. July 30, 2013 – Special Joint Meeting w/Planning & Zoning Commission
- E. PUBLIC HEARING:
1. Consider the annexation of a tract of land owned by Kevin Christianson, being a part of Government Lots 3 & 4 of Section 3, Township 138N, Range 81W. (Proposed Keidel's South Heart Terrace 3<sup>rd</sup> Addition. (First consideration of ordinance #1162) (See *Ordinances No. 6*).
  2. Consider approving Vacation of Utility Easement of the southerly 5' of the existing 15' utility easement less the easterly 60' of Lot 2, Block 1, Hoovestol's 2<sup>nd</sup> Addition. (See Resolutions and Ordinances No. 7)
  3. Public Hearing to consider a two-year tax exemption for Edgewood Management Group, LLC. (See *New Business No. 2.*)
- F. BIDS:
1. Consider award of bid for Street Improvement District 180 Project 2013-12(Plainview Heights 14<sup>th</sup> Addition). (See Resolution No. 2)
  2. Consider award of bid for Street Improvement District 181 Project 2013-15(Meadows 7<sup>th</sup> Addition). (See Resolution No. 3)
  3. Consider rejecting Mandan Lift Station Central Alarm System bids
- G. CONSENT AGENDA:
1. Consider out of state travel for Chief Nardello to attend the International Code Conference.
  2. Consider approving amended Engineer's Report and authorizing a call for bids on Street Improvement District No. 177, Project 2012-22 (Meadows 6<sup>th</sup> Addition)(Resolution No. 5).

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3. Consider for approval the final plat of West Hills Estates 3rd Addition.
4. Consider authorizing a work change order on Street Improvement District No. 174, Project No. 2012-16 (Plainview Heights 13th Addition).
5. Consider authorizing a work change order on Street Improvement District No. 187, Project No. 2013-23 (Mandan Municipal Golf Course and Adjacent Alleys).
6. Consider authorizing a work change order on Street Improvement District No. 161, Project No. 2010-03 (Dianes).
7. Consider entering into a Cost Participation & Maintenance Agreement with North Dakota Dept. of Transportation for landscaping improvements from Memorial Bridge Interchange to the Expressway Bridge.
8. Consider the following abatements/exemptions:
  - i. Street Appraisal (Reduction in Market Value) – Monte Binstock
  - ii. Disabled Veteran – Roger Anderson
  - iii. Homestead Credit – Kurt Pflieger (Lot 1)
  - iv. Homestead Credit – Kurt Pflieger (Lot 2)
9. Consider proclaiming September 28, 2013 as National Public Lands Day in the City of Mandan.

H. OLD BUSINESS:

1. Consider action related to the proposed annexation of certain lands in the general vicinity north of Mandan Middle School and Tesoro Refinery, and north and west of Highway 1806.

I. NEW BUSINESS:

1. Presentation of the final report on the North Mandan Subarea Transportation Study
2. Consider Growth Fund Committee recommendation regarding application for property tax exemption by Edgewood Management Group, LLC (*See Public Hearing No. 3*)
3. Bismarck-Mandan Development Association Mid-Year Report
4. Consider approving the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Replat of Lot 10B Block 2 Lakewood 6<sup>th</sup> Addition, Project 2013-17. (*See Resolutions No. 9*).
5. Consider approving the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Meadow Ridge 3<sup>rd</sup> Addition, Project 2013-09. (*See Resolutions No. 10*).
6. Consider the creation of, approval of the feasibility report for, approve the plans and specifications, approve engineer's report, direct advertisement for bids and approve sufficiency of petition for

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Street Improvement District No. 179, Project No. 2013-10 (Meadow Ridge 3<sup>rd</sup> Addition). (See Resolution No. 4).

J. RESOLUTIONS AND ORDINANCES:

1. *Second consideration and final passage of Ordinance No. 1157 Zone Change for proposed West Hills Estates 3<sup>rd</sup> Addition – An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.*
2. Consider Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 180, Project 2013-12(Plainview Heights 14<sup>th</sup> Addition).
3. Consider Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 181, Project 2013-15(Meadows 7<sup>th</sup> Addition).
4. Consider the Resolutions creating district, approving engineer's report, determining sufficiency of protest, approving the plans and specifications and directing advertisement for bids for Street Improvement District No. 179, Project No. 2013-10 (Meadow Ridge 3<sup>rd</sup> Addition).
5. Consider Resolution approving Amended Engineer's Report and Resolution Directing Advertisement for Bids for Street Improvement District No. 177, Project 2012-22 (Meadows 6<sup>th</sup> Addition).
6. *Consider first consideration of Ordinance No. 1162, An ordinance annexing certain adjoining lands to the City of Mandan, North Dakota, and extending the corporate boundaries thereof (tract of land being a part of S3-T138N-R81W).*
7. Consider Resolution approving Vacation of Utility Easement of the southerly 5' of the existing 15' utility easement less the easterly 60' of Lot 2, Block 1, Hoovestol's 2<sup>nd</sup> Addition.
8. Consider ordinance to relating to authorization for the off-sale of alcohol from a tapped keg in a defined container
9. Consider Resolution approving plans and specifications and authorizing execution of 3-way agreement for water and sewer Improvement Project 2013-17.(Replat of Lot 10B Block 2 Lakewood 6<sup>th</sup> Addition).
10. Consider Resolution approving plans and specifications and authorizing execution of 3-way agreement for water and sewer Improvement Project 2013-09 (Meadow Ridge 3<sup>rd</sup> Addition).

K. OTHER BUSINESS:

L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. August 20, 2013
2. September 3, 2013 – 5 p.m. start
3. September 17, 2013 – 5 p.m. start

M. ADJOURN

**Public Communication**

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

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

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The Mandan City Commission met in regular session at 5:30 p.m. on July 16, 2013 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Frank, and Braun. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Fire Chief Nardello, Business Development and Communications Director Huber, Planning & Engineering Director Froseth, Engineering Project Manager Fettig, and Assessor/Building Official Lalim. Absent: Director of Public Works Wright.

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

C. PUBLIC COMMUNICATIONS:

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission meeting held on June 25, 2013, Working Session and July 2, 2013, Regular Board Meeting.* Commissioner Tibke moved to approve the minutes from the Board of City Commission meetings of June 25, 2013, Working Session and July 2, 2013, Regular Board Meeting. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

1. *Consider approval of a zone change for a part of the SE ¼ in Section 7, Township 139N, Range 81 West, proposed West Hills Estates 3<sup>rd</sup> Addition.* (First consideration of Ordinance #1157)(See Ordinances No. 1). Engineering Project Manager Fettig stated that this is a request from Nathan Lamoureux for a zone change from A (Agricultural) to R3.2 (Two-Family Residential). Fettig stated that the plat has preliminary approval and the final plat will go to Planning and Zoning in July. In order to keep the project going the zone change is being requested.

Mayor Van Beek invited anyone interested to speak for or against the zone change for a part of the SE ¼ in Section 7 to come forward. A second announcement was made to come forward to speak. Hearing none, this portion of the public hearing was closed.

2. *Determine the sufficiency of protest concerning the annexation of certain lands in the general vicinity north of Mandan Middle School and Tesoro Refinery, and north and west of Highway 1806.* City Administrator Neubauer stated this is the time and place set for the public hearing to determine the sufficiency of protest concerning the annexation of certain lands in the general vicinity north of Mandan Middle School and Tesoro Refinery, and north and west of Highway 1806. Neubauer stated that on May 21<sup>st</sup> a proposed resolution was brought before this Board for resolution on the annexation. On June 4<sup>th</sup> the annexation was approved by the City Commission. Tonight is the public hearing to determine sufficiency protest. Neubauer stated that to date, 32.39% of the land area has protested the annexation. In order to move forward we needed 25% or less to

protest the annexation; therefore, there are two options: (1) Drop the annexation, (2) Ask the Governor to appoint a mediator in an attempt to find some resolution to the matter. This matter is brought here because there are several residents in that area who are requesting water, sewer and streets be put in.

Mayor Van Beek invited anyone interested to speak for or against the annexation of certain lands in the general vicinity north of Mandan Middle School and Tesoro Refinery, and north and west of Highway 1806 to come forward.

Don Weisz came forward and stated he is representing one of the landowners who want to develop the area called Sunrise View Estates. A preliminary plat has been approved. He indicated he and his partners see a growth in north Mandan and encouraged the Commission to vote in favor of the annexation.

Eric Belanger came forward and indicated that he owns 266 acres of land in the annexation area with 200 more acres under contract that he plans to purchase in February 2014. He mentioned that, like Bismarck, the City of Mandan needs to grow to the north and expand. He commented that this is the best area of Mandan to grow over the next ten years. He plans to develop an area that will make everyone in Mandan proud and that will include green space, biking and walking paths. He said there are preliminary plans to develop commercial property below Sunset Drive. He recommended all the area be annexed to the City at this point. He strongly encouraged that there be a solution to this annexation and stated that the timing for the expansion of the property is now.

Boyd Addy came forward to speak. He stated he was made aware of this annexation approximately two weeks ago having been told that there was going to be a meeting. He stated that he and several others have not been made aware of what the plans are for development of this property thus the reason for bringing forward signed petitions against the annexation. He said they are concerned about the Heskett Station Road residents too. He voiced concern that he has horses on his property and what the future would hold for the horses if the annexation goes through. He requested information on the proposals and requested the Commission advise homeowners what the plans are before moving forward. He did not think the Mandan News was a sufficient way to provide notice.

Nick Renner came forward to speak and commented that many of the residents in this area have been upset regarding this issue. He suggested the City get together with the landowners in the area, (not the developers), and re-draw the lines and come up with a compromise with input from the landowners in the area.

Dean Beehler, a resident on 38<sup>th</sup> Street, Heskett Station Road, came forward to speak. He stated that he believes no one will ever build around his property due to the location of his home. Thus he does not believe he should be included in on the assessment. He concurred with Renner that it would be easiest to re-draw the lines. He voiced concern for all the residents in the area who are on fixed incomes and will not be able to afford the assessments.

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Mayor Van Beek provided a second announcement to come forward to speak for or against the project. Hearing none, this portion of the public hearing was closed.

Commissioner Tibke commented that she reads the Mandan News every week and encouraged others to do so. Commissioner Frank indicated that this is an important matter and stated that communication is important with everyone. She pointed out that the voters have elected the Mandan News as the official county paper and voters have the opportunity to change that. She stated that notices are mailed to homeowners about these subjects. She requested Administrator Neubauer comment on cost and pets or animals on recreational land on designated zone AG. Neubauer replied that zoning would stay AG and remain agricultural as it would be brought into the City and all the regulations that apply to AG land would be in effect. Regarding horses, the City zoning policy would have to be reviewed.

Commissioner Frank questioned what the project costs are for the next several years for that part of town? Neubauer replied that a sanitary lift station will be required; extending 8<sup>th</sup> Avenue to the north that will be done in the next five years; the extension on Sunset Drive past the middle school is planned in the next five years. He stated that it would depend on what development will be done over the next several years in order to determine what the costs will be. Sunset Drive will be a major artery that will qualify for state and federal assistance. Neubauer explained that special assessments do not occur on street projects without a public protest period. Water and sewer can be done under health and safety code which can be done non-protest able but generally the City does not like to do that because it will add costs and special assessments. Commissioner Rohr commented that when a property goes into special assessment the property owner will ask what they will gain and what they will lose.

Neubauer reviewed how the Heskett Station area would be affected with the installation of a water line, noting that the City would want to share the costs with Heskett. There is a 30-inch water line in that area; however, that cannot be tapped into. Neubauer stated two letters were sent to landowners regarding notification and an opportunity to protest, one prior to the north Mandan sub-area meeting notifying all the residents in the annexation area and a certified letter was sent out June 27<sup>th</sup>. Commissioner Frank inquired of the 32.9% how much of that percent is county property? Neubauer stated he attended the County Commission meeting on July 5, 2013 and only a small amount of the land area in the is under the purview of the county to protest. The residents brought up the additional taxes that would be due from the City's mill levy and the unknown special assessments were two of the issues discussed.

Neubauer explained the process of mediation would be one wherein the Governor would appoint a mediator, noting that a prior experience with mediation did not resolve the issue at the end of the day. However, Neubauer pointed out that there are new residents that are requesting city services in the area now. The City would pay for the mediator and an administrative law judge if the process were to be followed which would cost the City approximately \$5,000. He indicated that the landowners would not have to hire a lawyer, but rather they could have a couple people serve as representatives to work with the City.

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City Attorney Brown commented that there was a representative from the landowners group that is willing to work with the City to compromise or mediate. The City has to request the mediator, which can be done and the Governor could appoint a mediator but with such a diverse group of landowners and no unified representation we could have a meeting and nobody would show up. Or how do you mediate with 100 different landowners? Commissioner Tibke called for a point of order and stated that the commission has to problem-solve. Attorney Brown clarified that he did not mean to be rude but there is no requirement that any landowner participate in the mediation. There is no legal requirement to do that. If the Commission wishes to go that route, it could be organized. Commissioner Tibke suggested that if the Commission wishes to move forward with a mediator to be involved because everyone has different perspectives. An outside mediator may focus from the outside after seeing the history of what's going on and may see something the involved participants don't. That's only if the Commission would decide that.

Commissioner Braun inquired as to why Heskett and the Refinery would not be assessed. Neubauer replied that the City has worked out an agreement with the Refinery several years ago on an annexation that took roughly 200 feet of their property off of Hwy 1806 and Old Red Trail. There was a mill and overlay last year so we could special assess part of that cost to the Refinery abuts the road and therefore does benefit from an improved street on that property. If improvements need to be made on Hwy 1806 the same kind of arrangement would be made and also on 37<sup>th</sup> Street going to the east to the Water Treatment Plant. It was more of an agreement with the Refinery and the City is hoping to continue that agreement. Commissioner Braun made a point that the Agreement the City has with the Refinery, could result into another agreement and have an option that way, correct? Neubauer replied that would be possible and stated that the last time an annexation with the Refinery property was done 35 years ago and went to an Administrative Law Judge at that time. The Refinery has Missouri West Water and they have their own sanitary sewer system in addition to their own fire squad. They assist us with hazardous waste material training, etc.

Mayor VanBeek extended a thank-you to everyone who participated in this public hearing and stated that this matter will be taken under advisement and will be on the Agenda for the August 6, 2013 meeting.

Commissioner Frank suggested that staff prepare some documentation, such as a fact sheet that indicates some of the benefits and services available to the homeowners should they be annexed.

F. BIDS:

G. CONSENT AGENDA

1. *Consider approval of monthly bills.*
2. *Consider approval of games of chance for Taylor Hogue Benefit at Stage Stop from July 16, 2013 to July 27, 2013.*
3. *Consider approval of the pledge of securities reports as required by NDCC 21-04.*

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4. *Update the Commission on the mill and overlay projects.*
  5. *Consider change order for water main extension on Sunset Dr.*

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

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Consider approving the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Meadows 6th Addition, Project 2013-13. (See Resolutions No. 2).* Engineering Project Manager Fettig reviewed with the Board a request to approve the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Meadows 6th Addition, Project 2013-13. The property is located east of 37<sup>th</sup> Avenue NW and north of 45<sup>th</sup> Street NW. The proposed utility is only serving the developer of the benefiting land, therefore this would be done under a 3-way agreement and a letter of credit has been secured for the project.

Commissioner Frank moved to approve the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Meadows 6th Addition, Project 2013-13. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider revisions to the property tax exemption policy for new and expanding businesses.* Business Development and Communications Director Huber reviewed with the Board a revised policy for property tax exemption for new and expanding businesses that was discussed at the Working Session on June 24, 2013. Key revisions included: (1) Tying consideration of any exemption for a retail sector business to a more targeted approach which might also apply to services missing in the community if the Commission were to consider payments in lieu of taxes (PILOT); (2) Elimination of consideration for speculative commercial building projects with a possible exception for a major retail center. The revisions to the property tax exemption policy tie it back to if it is retail sector being within an area of gap within the community. The previous policy adopted in late 2012 and effective 2013 was for the first businesses targeted for restaurants, hardware, clothing, shoes, department stores and some services that came out of the 2008 community survey. SB 2314 was discussed in terms of an effective date of August 1<sup>st</sup>. The State clarified that the project must be operational in calendar year 2013 in order not to be subject to this new restriction. Huber reviewed with the Board the revisions that were proposed from the working session, summarized as follows: Anything that would be retail sector would need to fit into that targeted group of businesses subject to verification of data and would be used in conjunction with the three tiers used in the past with Tier 1 @ 100% for 2 years; Tier 2 @ 100% for years 1 & 2,

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75% year 3, 50% year 4, 25% year 5; Tier 3 @ 100% for 5 years. Huber summarized the other potential impacts (positive and negative); additional limitations and standards; improvements to commercial; payments in lieu of taxes; sale to non-profit; and other claw back provisions. Huber reviewed (four) options for consideration to handle applications for property tax exemption by new and expanding businesses going forward for consideration by the Board. Huber commented that SB 2314 is confusing based on the effective dates based on the exemption being granted within a calendar year and an effective date the following year. A building will have to be at least 50% complete for taxable value for the tax year otherwise it holds and goes forward to the tax year.

Commissioner Tibke asked whether the Commission would move forward with a city-wide vote and if that passes, use that as an option. Or does the Commission want to end it now because there will not be anyone coming in unless they are really quick and they pass all the qualifications discussed at the last retreat. Options would be: (1) Put a moratorium on for consideration of applications for non-sector businesses until after a possible November 2014 vote of the citizens regarding the use of the tool for retail sector businesses; (2) Consider applications by non-primary sector businesses, noting a contingency on any approvals of the need for a passing vote in a November 2013 election; (3) Consider revisions to policies for the use of payments in lieu of taxes for non-primary sector businesses that meet targeted goals and/or generate significant public benefits; (4) Consider alternatives should situations arise where an incentive is needed to attract or foster growth of non-primary sector businesses that meet targeted goals and/or generate significant public benefits. Commissioner Tibke requested Huber clarify putting a moratorium on and going into further discussion regarding different things such as infrastructure costs, etc.

From her perspective, the City has reached a tipping point considering the changes seen in the economy in the western part of the state. Commissioner Rohr concurred with Commissioner Tibke and said he would like to hear from the public on this matter and one way to find out the consensus of the public would be through a vote. Commissioner Braun concurred with Commissioner Rohr and agreed that going to a vote would be a good choice. Commissioner Frank stated that she has hesitation with the moratorium and would like to see the recommendations from the workgroup and adopt them as part of this policy. She is hesitant towards the moratorium due to the fact that this is for new and expanding businesses. Huber clarified that SB 2314 requires that cities adopt either through ordinance or resolution very specific criteria as to how property tax exemption will be used for non-primary sector or in this case retail types of uses so that could take the Commission in that direction. Criteria would be needed of moving toward a vote of the people and retaining the use of the property tax exemption tool for new and expanding retail if you wish to pursue. Commissioner Rohr clarified that if the Board goes with the policy and then has it in place. Then if the voters do decide to allow for it that part is completed and ready. Huber stated that is correct. Huber indicated that this does change the criteria in the proposed document for primary sector which the City can continue to consider. SB 2314 does not limit that as long as there is certified primary sector by the North Dakota Department of Commerce.

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Commissioner Frank motioned to adopt the revisions as presented to the property tax exemption policy for new and expanding businesses and that staff continue to investigate presenting this in the form of an ordinance so the City can begin to anticipate a vote of the public regarding the ability to grant exemptions. Commissioner Rohr seconded the motion.

Mayor Van Beek commented that he does not want to see the City go into a moratorium because that would send another mixed signal to the citizens. He suggested this issue continue to be work in progress and then take it to vote in November 2014. Commissioner Tibke clarified that the point of the moratorium is so they don't get mixed messages and her concern is how to provide education to them. Business Development Director Huber recommended that this be discussed at a future working session or future meeting regarding the use of payments in lieu of taxes options which accomplishes the same thing as a tax exemption.

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

J. RESOLUTIONS AND ORDINANCES:

1. *First consideration of Ordinance No. 1157 Zone Change for proposed West Hills Estates 3<sup>rd</sup> Addition – An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.*

Commissioner Rohr moved to approve the First consideration of Ordinance No. 1157 Zone Change for proposed West Hills Estates 3<sup>rd</sup> Addition – An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider Resolution approving plans and specifications and authorizing execution of 3-way agreement for water and sewer Improvement Project 2013-13. (Meadows 6<sup>th</sup> Addition).* Commissioner Tibke moved to approve the Resolution approving plans and specifications and authorizing execution of 3-way agreement for water and sewer Improvement Project 2013-13. (Meadows 6<sup>th</sup> Addition). Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider Resolution Authorizing Undertaking for Municipal Improvement Consisting of Water Treatment Facility.* Finance Director Welch stated that Resolutions No. 3 and No. 4 together relate to improvements, optimization of improvements at the Water Treatment Plant. On 3/19/13 this Board approved a resolution authorizing filing application with the ND Department of Health for a loan under the Safe Drinking Water Act. Commissioner Braun moved to approve the Resolution Authorizing Undertaking for Municipal Improvement Consisting of Water Treatment Facility. Commissioner Frank

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

4. *Consider Resolution Authorizing the Issuance of Water Improvement Interim Certificates of 2013, Series A and Water Improvement Revenue Bonds of 2013, Series A.* Commissioner Braun moved to approve the Resolution Authorizing the Issuance of Water Improvement Interim Certificates of 2013, Series A and Water Improvement Revenue Bonds of 2013, Series A. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

5. *Consider Resolution Authorizing Undertaking for Municipal Improvement Consisting of Wastewater System Improvements.* Finance Director Welch stated that Resolutions No. 5 and No. 6 pertain to financing that is required for a number of projects at the Waste Water Treatment Plant as described in detail in the Mandan Wastewater and Collection System Master Plan. On 3/19/13 this Board approved a resolution authorizing filing application with the ND Department of Health under the Clean Water Act and on April 23, 2013, the City was approved by the Industrial Commission in the amount of \$2,230,000 loan to assist in these improvements. Commissioner Tibke moved to approve The Resolution Authorizing Undertaking for Municipal Improvement Consisting of Wastewater System Improvements. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

6. *Consider Resolution Authorizing the Issuance of Sewer Improvement Interim Certificates of 2013, Series A and Sewer Improvement Revenue Bonds of 2013, Series A.* Commissioner Braun moved to approve the Resolution Authorizing the Issuance of Sewer Improvement Interim Certificates of 2013, Series A and Sewer Improvement Revenue Bonds of 2013, Series A. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS

1. Additional Meeting Date: Added to the future meeting dates will be July 30, 2013, at 6:00 p.m. for the joint meeting with the Planning and Zoning Commission and to hear from Stantec on the Comprehensive Land Use and Transportation Plan.

There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 6:56 p.m. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

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James Neubauer,  
City Administrator

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Arlyn Van Beek,  
President, Board of City  
Commissioners

The Mandan City Commission and the Mandan Planning & Zoning Commission met in a Joint Special Meeting at 6:00 p.m. on July 30, 2013 at Mandan City Hall, 205 2<sup>nd</sup> Ave NW, in the Ed “Bosh” Froehlich Meeting Room. In attendance for the Mandan City Commission were Mayor Van Beek, Commissioners Tibke, Rohr, and Braun. City Department Heads present were City Attorney Brown, City Administrator Neubauer, Business Development & Communications Director Huber, Director of Public Works Wright, Planning & Engineering Director Froseth, Engineering Project Manager Fettig, and Assessor/Building Official Lalim. Absent: Commissioner Frank. Also in attendance for the Mandan Planning & Zoning Commission were Fleischer, Hilfer, Robinson, Klein, Knoll, Leingang, Laber, Mehlhoff, Zachmeier, Kelly, and Wetch. Representing Stantec was Phil Carlson. Also present in the audience was J.D. Nash with Kadrmas, Lee & Jackson.

NEW BUSINESS:

1. *Update on Mandan Comprehensive Land Use and Transportation Plan.* Phil Carlson from Stantec presented an update on the eight goals that were outlined in the Plan. They are: 1) Promote a well-planned community balancing land uses and expansion of services; 2) Provide a variety of housing types, densities and choices to meet the life cycle housing needs of residents; 3) Support, enhance and expand existing businesses and promote new businesses to Mandan; 4) Coordinate transportation with land use planning; 5) Provide safe and functional roadways that serve automobiles, trucks, transit, bicycles, and pedestrians; 6) Promote redevelopment of existing corridors and downtown to enhance Mandan’s character and identity; 7) Ensure that the City’s aesthetic character for residents, visitors and business patrons is enhanced through high quality development and infrastructure and the visual attractiveness of key corridors; 8) Continue to work with Mandan Parks & Recreation to provide for the park, recreation, trail, and open space needs of the Mandan community.

The consensus of the Commissions was that Stantec was on the right path and to carry on.

ADJOURN

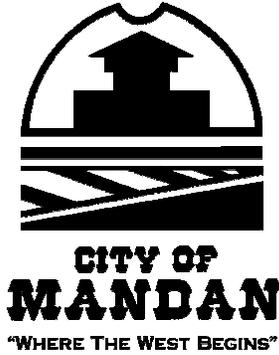
There being no further actions to come before the Board, Commissioner Rohr moved to adjourn the meeting. Commissioner Braun seconded the motion. The motion received unanimous approval of the Board members present and the meeting adjourned at 7:03 p.m.

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James Neubauer,  
City Administrator

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Arlyn Van Beek  
President, Board of City  
Commissioners



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** August 6, 2013  
**PREPARATION DATE:** July 29, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth, Engineering & Planning Director  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider the annexation of a tract of land being a part of Government Lots 3 & 4 of Section 3, Township 138N, Range 81W being the proposed Keidel's South Hearth Terrace 3<sup>rd</sup> Addition.

---

**STATEMENT/PURPOSE:** To annex subject lands as requested by the owner.

**BACKGROUND/ALTERNATIVES:** Request by Kevin Christianson to annex part of Government Lots 3 & 4 in Section 3, Township 138N, Range 81W (the proposed Keidel's South Heart Terrace 3<sup>rd</sup> Addition).

**ATTACHMENTS:** 1. Ordinance  
2. Vicinity Map

**FISCAL IMPACT:** Minimal.

**STAFF IMPACT:** Minimal.

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

**RECOMMENDATION:** This office supports the approval of the annexation.

**SUGGESTED MOTION:** I move to approve Ordinance No. 1162, annexing a part of Government Lots 3 & 4 in Section 3, Township 138N, Range 81W (the proposed Keidel's South Heart Terrace 3<sup>rd</sup> Addition).

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider the annexation of part of Government Lots 3 & 4 in Section 3,  
Township 138N, Range 81W(the proposed Keidel's South Heart Terrace 3<sup>rd</sup> Addition).

Page 2 of 4

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**ORDINANCE NO. 1162**

AN ORDINANCE ANNEXING CERTAIN ADJOINING LANDS TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, AND EXTENDING THE CORPORATE BOUNDARIES THEREOF.

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

WHEREAS, the City of Mandan, Morton County, North Dakota has determined it to be its interests to annex the hereinafter described property, which is contiguous to the City of Mandan, Morton County, North Dakota, but not embraced within the limits thereof, and has met all requirements as directed by Section 40-51.2-03 of the North Dakota Century Code.

**SECTION 1. Property Annexed.** The following described land is situated in the County of Morton, State of North Dakota, and contiguous to the corporate limits of the City of Mandan, North Dakota, is hereby added to, taken into, annexed and made part of the City of Mandan, namely:

A tract of land being a part of Government Lots 3 & 4 of Section 3, Township 138 North, Range 81 West of the 5<sup>th</sup> Principal Meridian, Morton County, North Dakota, being more particularly described as follows:

Commencing at the northwest corner of Section 3, Township 138N, Range 81W; thence South 00°25'37" West along the west boundary line of said Section 3 for 55.00 feet to the Point of Beginning, said point also being on the south Right of Way line of 19<sup>th</sup> Street SW; thence along said south Right of Way line the following seven (7) courses; thence North 89°47'30" East for 550.65 feet; thence North 0°12'30" West for 5.00 feet; thence North 89°47'30" East for 1550.00 feet; thence South 00°12'30" East for 10.00 feet; thence North 89°47'30" East for 450.00 feet; thence North 00°12'30" West for 10.00 feet; thence North 89°47'30" East for 90.49 feet to a point on the east boundary line of Government Lot 3 of said Section 3; thence South 00°08'11" West along said east boundary line for 876.17 feet; thence South 89°47'30" West for 2645.48 feet to a point on the west boundary line of said Section 3; thence North 00°25'37" East along said west boundary line for 871.21 to the Point of Beginning. Said tract of land containing 53.00 Acres, more or less.

**SECTION 2. Corporate Boundary Extended.** Upon the taking effect of this Ordinance, the corporate limits and boundary lines of the City of Mandan shall thereafter include said lands.

By: \_\_\_\_\_  
Arlyn Van Beek, President,  
Board of City Commissioners

Attest

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

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider the annexation of part of Government Lots 3 & 4 in Section 3,  
Township 138N, Range 81W(the proposed Keidel's South Heart Terrace 3<sup>rd</sup> Addition).

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First Consideration: August 6, 2013

Second Consideration  
and Final Passage: August 20, 2013

Date of Recording: \_\_\_\_\_

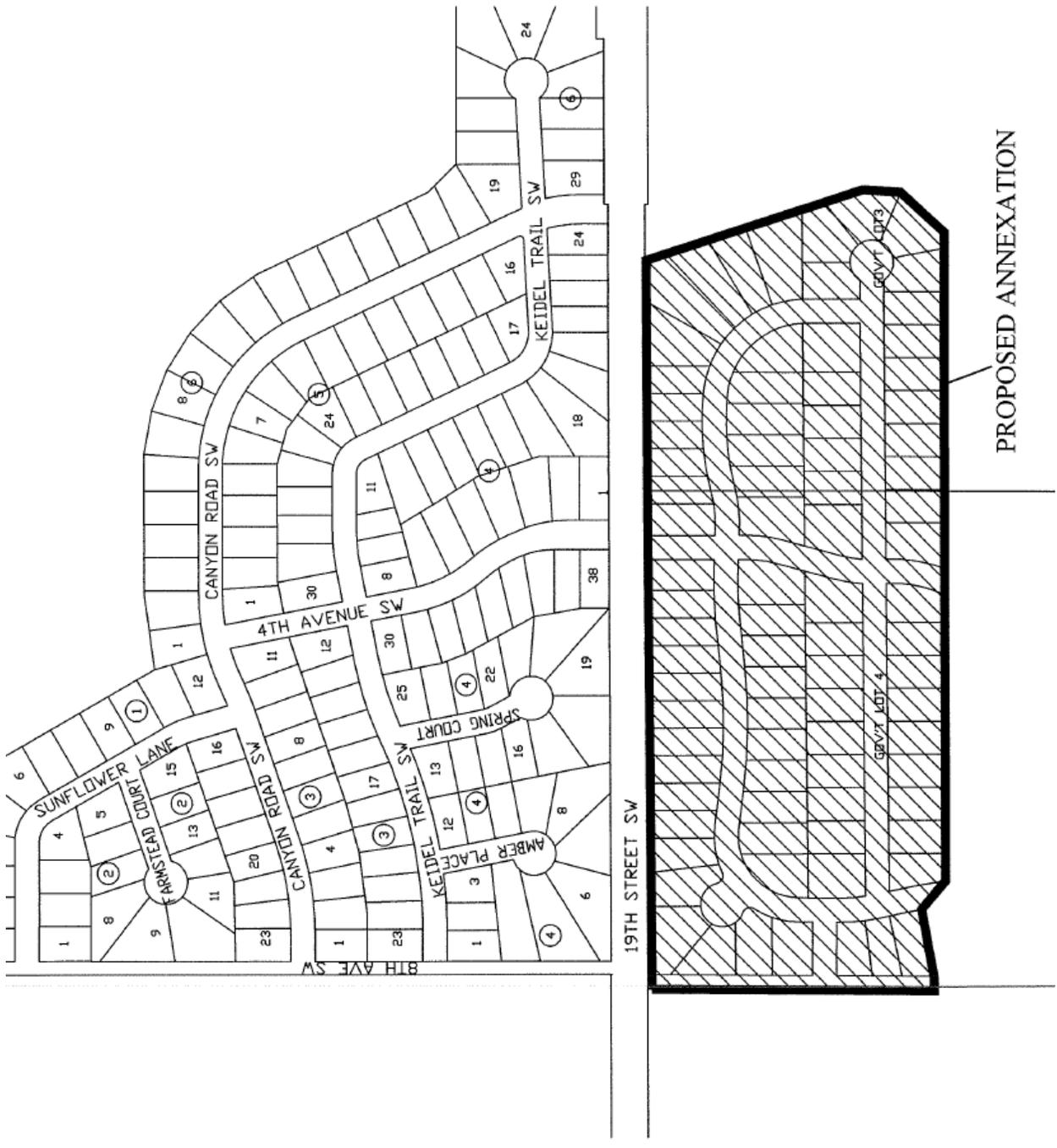
Board of City Commissioners

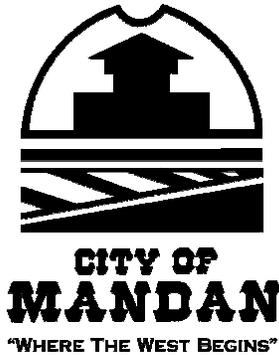
Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider the annexation of part of Government Lots 3 & 4 in Section 3,  
Township 138N, Range 81W (the proposed Keidel's South Heart Terrace 3<sup>rd</sup> Addition).

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## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** August 6, 2013  
**PREPARATION DATE:** July 30, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth, Engineering & Planning Director  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider the vacation of the utility easement of the southerly 5' of the existing 15' utility easement less the easterly 60' of Lot 2, Block 1, Hoovestol's 2<sup>nd</sup> Addition.

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**STATEMENT/PURPOSE:** To consider the vacation of the utility easement of the southerly 5' of the existing 15' utility easement less the easterly 60' of Lot 2, Block 1, Hoovestol's 2<sup>nd</sup> Addition.

**BACKGROUND/ALTERNATIVES:** Request from David Mees, Heart River Storage. All Utilities were notified for comments and all were okay with vacating 5' of the 15' of the utility easement.

**ATTACHMENTS:** 1. Map  
2. Resolution

**FISCAL IMPACT:** N/A

**STAFF IMPACT:** Minimal.

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

**RECOMMENDATION:** I would move to approve the vacation of the utility easement of the southerly 5' of the existing 15' utility easement less the easterly 60' of Lot 2, Block 1, Hoovestol's 2<sup>nd</sup> Addition.

**SUGGESTED MOTION:** I would move to approve the vacation of the utility easement of the southerly 5' of the existing 15' utility easement less the easterly 60' of Lot 2, Block 1, Hoovestol's 2<sup>nd</sup> Addition.

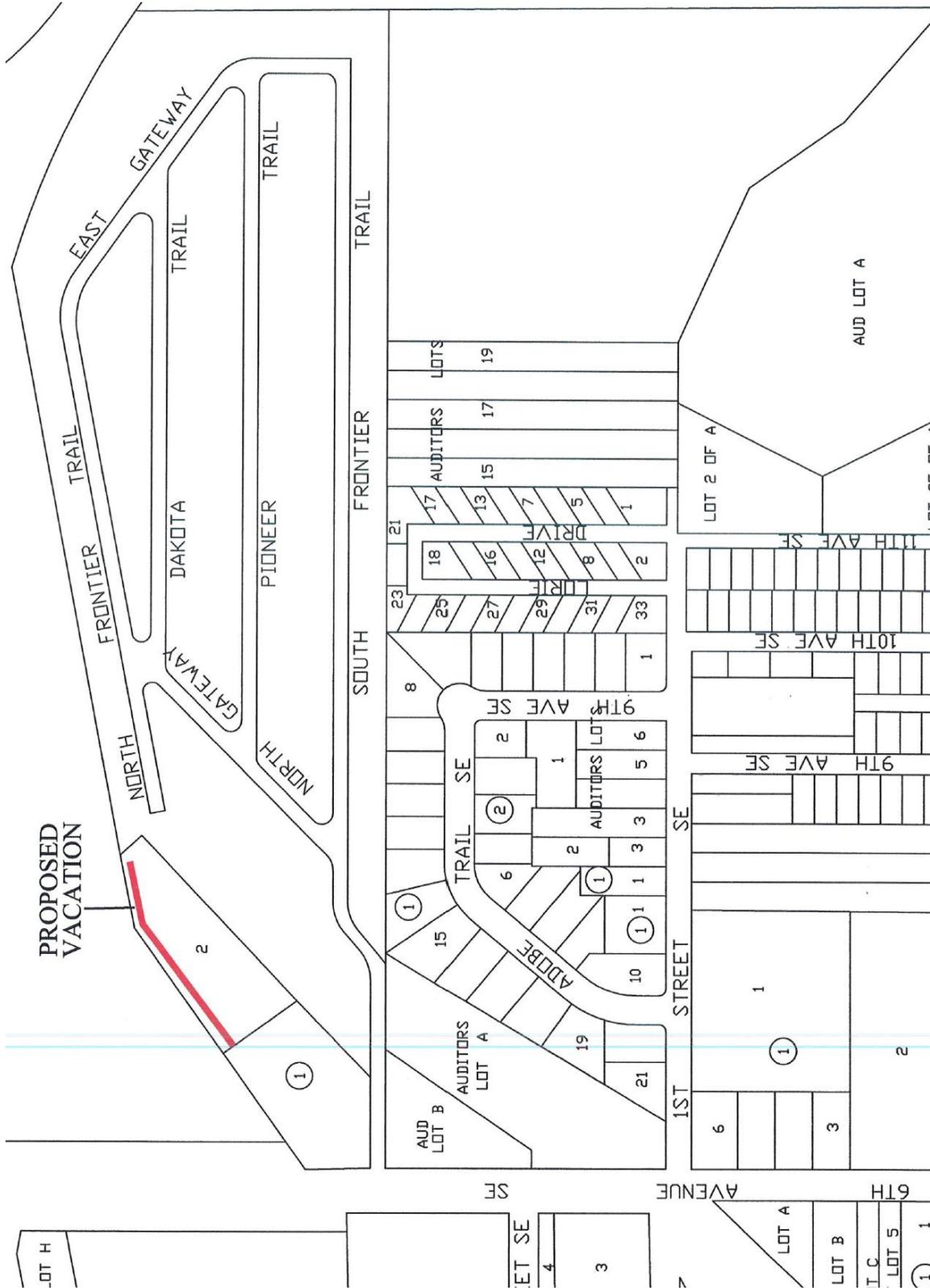
Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider the vacation of the southerly 5' of the existing 15' utility easement less the easterly 60' of Lot 2, Block 1, Hoovestol's 2<sup>nd</sup> Addition.

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Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider the vacation of the southerly 5' of the existing 15' utility easement less the easterly 60' of Lot 2, Block 1, Hoovestol's 2<sup>nd</sup> Addition.

Page 3 of 4

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

WHEREAS, David Mees, Heart River Storage, has submitted to the Board of City Commissioners of the City of Mandan a verified petition asking that a utility easement located on the southerly 5' of the existing 15' utility easement less the easterly 60' of Lot 2, Block 1, as platted in Hoovestol's 2<sup>nd</sup> Addition in Section 26, Township 139N, Range 81W of the 5<sup>th</sup> Principal Meridian, City of Mandan, Morton County, North Dakota. The property is located at 6<sup>th</sup> Avenue SE.

WHEREAS, The Board having deemed it expedient to consider such petition and having ordered that said petition be heard by the Board at its regular meeting held at City Hall in the City of Mandan, Morton County, North Dakota, on August 6, 2013, at 5:30 o'clock p.m., CDT, and the City Administrator having published notice of the filing of the petition and the object therein in the official newspaper once each week for four (4) consecutive weeks, as required by law, which notice stated that the petition would be heard and considered on the date and time aforesaid, at which time any persons interested might appear and be heard, and proof of such publication of the notice having been made and filed; and

WHEREAS, on the 6<sup>th</sup> of August, at 5:30 o'clock p.m., CDT, being not less than thirty days after the first publication of the notice aforesaid, the Board of City Commissioners proceeded to hear the testimony and evidence of persons interested and no one having appeared against said petition of vacation, and it appearing to the satisfaction of the Board of City Commissioners that said petitioners are the owners in fee simple of the property adjoining the utility easement to be vacated; that no objections by the immediately adjoining landowner to the requested vacation were raised at the public hearing, that said petition was accompanied by a map of the area proposed to be vacated; which map is on file in the office of the City Administrator of Mandan; and the facts and reason for the vacation of such area as established by the petition and the testimony and evidence are good and sufficient to justify the vacation of such area;

NOW, THEREFORE, BE IT RESOLVED By the Board of City Commissioners of the City of Mandan, Morton County, North Dakota, that the above described utility easement located on the southerly 5' of the existing 15' utility easement less the easterly 60' of Lot 2, Block 1, as platted in Hoovesol's 2<sup>nd</sup> Addition in Section 26, Township 139N, Range 81W of the 5<sup>th</sup> Principal Meridian, City of Mandan, Morton County, North Dakota be and the same are hereby vacated.

BE IT FURTHER RESOLVED, That the within and foregoing Resolution shall become

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider the vacation of the southerly 5' of the existing 15' utility easement less the easterly 60' of Lot 2, Block 1, Hoovestol's 2<sup>nd</sup> Addition.

Page 4 of 4

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effective from the time of its passage and publication.

Approved and passed August 6, 2013, by at least two-thirds vote of all the members of the Board of City Commissioners.

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President, Board of City Commissioners

ATTEST:

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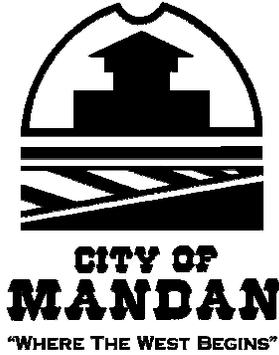
City Administrator

Public Notice Dates: June 28, July 5, 12 & 19, 2013

Public Hearing: August 6, 2013

Final Passage: August 6, 2013

Publication Date: \_\_\_\_\_



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** August 6, 2013  
**PREPARATION DATE:** July 30, 2013  
**SUBMITTING DEPARTMENT:** Assessing Dept.  
**DEPARTMENT DIRECTOR:** Doug Lalim, Building Official/Assessor  
**PRESENTER:** Doug Lalim, Building Official/Assessor  
**SUBJECT:** Property Tax Incentives for New or Expanding  
Businesses for Edgewood Management Group,  
LLC

---

**STATEMENT/PURPOSE:** To consider a 100% two-year tax exemption for a commercial structure pursuant to North Dakota Century Code 40-57.1.

**BACKGROUND/ALTERNATIVES:** Edgewood Management Group, LLC is asking for an exemption for the construction of a new commercial structure. The Notice to Competitors was published in the July 5<sup>th</sup> and July 12<sup>th</sup> of the Mandan News and no competitors have submitted a written protest. Notices were also sent via email to Morton County, Mandan School District and Mandan Park District July 1 & July 30, 2013.

**SHORT DESCRIPTION OF PROJECT:** Edgewood Management Group, LLC is proposing an Assisted Living Facility with an additional 72 Units (Phase 2) slab on grade, Wood frame structure.

**# OF JOBS TO BE CREATED:** 25-35

This parcel is also known as Parcel # 6408 at 2801 39<sup>th</sup> Ave SE on Lot 9 Block 2 Lakewood 6<sup>th</sup> Addition

**ATTACHMENTS:** Application

**FISCAL IMPACT:** \$88,650 per year

**STAFF IMPACT:** N/A

**LEGAL REVIEW:** N/A

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Property Tax Incentives for New or Expanding Businesses for Edgewood  
Management Group, LLC

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RECOMMENDATION: The board will be conducting a hearing. At time of this memo, we have not received any written or verbal protests.

SUGGESTED MOTION:

**Application For Property Tax Incentives For  
New or Expanding Businesses**

Pursuant to N.D.C.C. Chapter 40-57.1

Project Operator's Application To Mandan, ND  
City or County

File with the City Auditor for a project located within a city; County Auditor for locations outside of city limits.

A representative of each affected school district and township is included as a non-voting member in the negotiations and deliberation of this application.

This application is a public record

**Identification Of Project Operator**

1. Name of project operator Edgewood Management Group LLC

2. Address of project Lot 9, Block 2 of Lakewood Sixth Addition (39th St SE and McKenzie Drive)  
City Mandan County Morton

3. Mailing address of project operator 322 Demers Ave, Suite 500  
City Grand Forks State ND Zip 58201

4. Type of ownership of project  
 Partnership  Subchapter S corporation  Individual proprietorship  
 Corporation  Cooperative  Limited liability company

5. Federal Identification No. or Social Security No. \_\_\_\_\_

6. North Dakota Sales and Use Tax Permit No. \_\_\_\_\_

7. If a corporation, specify the state and date of incorporation N/A

8. Name and title of individual to contact Rex Carlson, Treasurer  
Mailing address 322 Demers Ave, Suite 500  
City, State, Zip Grand Forks, ND 58201 Phone No. \_\_\_\_\_

**Project Operator's Application For Tax Incentives**

9. Indicate the tax incentives applied for and terms. Be specific.

<input checked="" type="checkbox"/> <b>Property Tax Exemption</b>	<input type="checkbox"/> <b>Payments In Lieu of Taxes</b>
<u>2</u> Number of years	Beginning year _____ Ending year _____
Tier <u>1</u> Percent of exemption	Amount of annual payments (attach schedule if payments will vary)

10. Which of the following would better describe the project for which this application is being made:  
 New business project  Expansion of a existing business project

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Property Tax Incentives for New or Expanding Businesses for Edgewood Management Group, LLC

Page 4 of 10

Description of Project Property

11. Legal description of project real property <u>Lot 9, Block 2 Lakewood Sixth Addition to the City of Mandan, Morton County, North Dakota</u>	
12. Will the project property be owned or leased by the project operator? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Leased If the answer to 12 is leased, will the benefit of any incentive granted accrue to the project operator? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If the property will be leased, attach a copy of the lease or other agreement establishing the project operator's benefits.	
13. Will the project be located in a new structure or an existing facility? <input checked="" type="checkbox"/> New construction <input type="checkbox"/> Existing facility If existing facility, when was it constructed? _____ If new construction, complete the following: a. Estimated date of commencement of construction of the project covered by this application    August 15, 2013 b. Description of project to be constructed including size, type and quality of construction <u>Assisted Living Facility, Phase 2. The project will be an additional 72 units, slab on grade, wood frame</u> c. Projected number of construction employees during the project construction    25-35	
14. Approximate date of commencement of operations for this project <u>July 1, 2014</u>	
15. Estimated market value of the property used for this project: a. Land..... \$ _____ b. Existing buildings and structures for which an exemption is claimed..... \$ <u>3,500,000</u> c. Newly constructed buildings and structures when completed ..... \$ <u>5,500,000</u> d. Total..... \$ <u>9,000,000</u> e. Machinery and equipment ..... \$ <u>500,000</u>	16. Estimate taxable valuation of the property eligible for exemption by multiplying the market values by 5 percent: a. Land (not eligible) .....  b. Eligible existing buildings and structures..... \$ <u>1,750,000</u> c. Newly constructed buildings and structures when completed..... \$ <u>2,750,000</u> d. Total taxable valuation of property eligible for exemption (Add lines b and c)..... \$ <u>4,500,000</u> e. Enter the consolidated mill rate for the appropriate taxing district ..... <u>394.00</u> f. Annual amount of the tax exemption (Line d multiplied by line e) ..... \$ <u>88,650</u>

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Property Tax Incentives for New or Expanding Businesses for Edgewood Management Group, LLC

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Description of Project Business

Note: "project" means a newly established business or the expansion portion of an existing business. Do not include any established part of an existing business.

17. Type of business to be engaged in:  Ag processing  Manufacturing  Retailing  
 Wholesaling  Warehousing  Services

18. Describe in detail the activities to be engaged in by the project operator, including a description of any products to be manufactured, produced, assembled or stored (attach additional sheets if necessary).

Assisted Living and Memory Care facility providing care and services to seniors including housing, meals and activities. This facility will draw residents from surrounding communities and western North Dakota to the City of Mandan.

19. Indicate the type of machinery and equipment that will be installed

Kitchen and activity equipment

20. Projected annual revenue, expense, and net income of the project for each year for the first five years.

Year	2014	2015	2016	2017	2018
Annual revenue	940000	2050000	2625000	2700000	2800000
Annual expense	1200000	1600000	1875000	1950000	2050000
Net income	-260000	450000	750000	750000	750000

21. Projected annual average number of persons to be employed by the project at the project location for each year for the first five years and the estimated annual payroll.

Year	2014	2015	2016	2017	2018
No. of Employees	(1) 18	25	30	30	30
Estimated payroll	(1) 625000	875000	1025000	1075000	1150000

(1) - full time  
 (2) - part time

Previous Business Activity

22. Is the project operator succeeding someone else in this or a similar business?  Yes  No

23. Has the project operator conducted this business at this or any other location either in or outside of the state?

Yes  No

24. Has the project operator or any officers of the project received any prior property tax incentives?  Yes  No

If the answer to 22, 23, or 24 is yes, give details including locations, dates, and name of former business (attach additional sheets if necessary).

We received an exemption on Phase 1 of this project (100, 100, 75, 50, 25)

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Property Tax Incentives for New or Expanding Businesses for Edgewood Management Group, LLC

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**Business Competition**

25. Is any similar business being conducted by other operators in the municipality?  Yes  No

If YES, give name and location of competing business or businesses

Lakewood Landing Assisted Living

**Property Tax Liability Disclosure Statement**

26. Does the project operator own real property in North Dakota which has delinquent property tax levied against it?  Yes  No

27. Does the project operator own a greater than 50% interest in a business that has delinquent property tax levied against any of its North Dakota real property?  Yes  No

If the answer to 26 or 27 is Yes, list and explain

**Use Only When Reapplying**

28. The project operator is reapplying for property tax incentives for the following reason(s):

- To present additional facts or circumstances which were not presented at the time of the original application
- To request continuation of the present property tax incentives because the project has:
  - moved to a new location
  - had a change in project operation or additional capital investment of more than twenty percent
  - had a change in project operators
- To request an additional annual exemption for the year of \_\_\_\_\_ on structures owned by a governmental entity and leased to the project operator. (See N.D.C.C. § 40-57.1-04.1)

**Notice to Competitors of Hearing**

Prior to the hearing, the applicant must present to the governing body of the county or city a copy of the affidavit of publication giving notice to competitors unless the municipality has otherwise determined there are no competitors.

I, Rex Carlson, do hereby certify that the answers to the above questions and all of the information contained in this application, including attachments hereto, are true and correct to the best of my knowledge and belief and that no relevant fact pertaining to the ownership or operation of the project has been omitted.

Rex Carlson Signature Title Treasurer Date 6/20/13

In compliance with the Federal Privacy Act of 1974, Public Law 93-579, the disclosure of the individual's social security number on this form is mandatory pursuant to North Dakota Century Code §§ 40-57.1-03 and 40-57.1-07. An individual's social security number is used as an identification number by the Office of State Tax Commissioner for the control purposes and record keeping.

**Certification of Governing Body (To be completed by the Auditor of the City or County)**

The municipality shall, after granting any property tax incentives, certify the findings to the State Tax Commissioner and Director of Tax Equalization by submitting a copy of the project operator's application with the attachments. The governing body, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, granted the following:

- Property Tax Exemption**
  - \_\_\_\_\_ Number of years
  - \_\_\_\_\_ Percent of exemption
- Payments in lieu of taxes**
  - \_\_\_\_\_ Beginning year \_\_\_\_\_ Ending year
  - \_\_\_\_\_ Amount of annual payments (Attach schedule if payments will vary)

Auditor

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Property Tax Incentives for New or Expanding Businesses for Edgewood Management Group, LLC

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APPLICATION FOR PROPERTY TAX INCENTIVES  
FOR NEW OR EXPANDING BUSINESSES

City of Mandan Supplemental Application — Adopted Dec. 18, 2012

Name of project operator Edgewood Management Group LLC

Address of project Lot 9, Block 2, Lakewood Sixth Addition  
(39th and mckenzie drive)

Based on the City of Mandan's commercial property tax exemption policy and guidelines (see separate document), please indicate the level of exemption being sought.

Level of Exemption

- Tier 1 — 100% exemption for 2 years  
 Tier 2 — 100% exemption years 1-2, 75% year 3, 50% year 4, and 25% year 5  
 Tier 3 — 100% exemption for 5 years

Please indicate all significant public benefits to be provided by the subject project. These are the factors that should serve as the basis for your request. Please check all that apply and please be sure that you provide justification for each claimed benefit through information provided in the "Application for Property Tax Incentives For New and Expanding Businesses" and through this supplemental form. Attach additional sheets and information as needed. If a question is not applicable to the subject project, please indicate such with an "n/a" in the blank.

Public Benefits

- Creation and retention of job opportunities within the community (factors to be considered include numbers of jobs, average wages and benefits)  
 Increased local use taxes (sales, hotel and restaurant, or occupancy)  
 Filling a gap in the community or region's retail market profile (based on Nielsen Claritas or other published market data) N/A  
 Diversification of economic base N/A  
 Ability of the project to attract people from other communities (typically for destination purchases for services)  
 Synergies with existing businesses in the community (Examples: enhancing an industry sector important to the local economy, filling a gap in the supply chain for a core industry or business sector, providing a product or service needed by other businesses in the region)  
 Growth potential of company and industry and potential spin-off benefits N/A  
 Adding value to local resources  
 Making use of an underutilized asset (either facilities or land) N/A

APPLICATION FOR PROPERTY TAX INCENTIVES FOR NEW OR EXPANDING BUSINESSES  
City of Mandan Supplemental Application  
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**Project Development**

Please describe the overall impact of the expansion, relocation, additional location or new business on the City of Mandan and the surrounding economic base. Please note any necessary investment beyond the building in site or infrastructure improvements.

*This project will have a very large and positive impact on the city of Mandan by attracting residents from other surrounding communities to live in Mandan. In addition, the additional employees will spend dollars in Mandan that would not otherwise.*

Current assessed land value per square foot: 2.50

Cost of land (if purchased as part of this project) per square foot: 2.50

Estimated added land value (per square foot): \_\_\_\_\_

Estimated annual end-of-the year inventory: \_\_\_\_\_

Sites being considered: 39th & McKenzie

Is this business relocating from another North Dakota site? no

If yes ...

Where is the business relocating from? \_\_\_\_\_

Please explain the reason for the relocation including details of any expansion in square footage, employment, products or service offerings: \_\_\_\_\_

**Employment**

Total number of permanent employees in full-time equivalents: 30

Total number of permanent employees estimated to live within 50 miles of proposed site: 30

Hourly wage range by key positions or categories of positions Management - \$50,000

Hourly wages \$15-16

Please describe the benefits offered to employees (retirement, health insurance, dental, etc.) and the eligibility requirements for participation. Indicate value of benefits on an hourly basis.

Health, Dental, Life Insurance, Disability, \$125 plan, 401k offered to all full-time employees.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Property Tax Incentives for New or Expanding Businesses for Edgewood Management Group, LLC

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APPLICATION FOR PROPERTY TAX INCENTIVES FOR NEW OR EXPANDING BUSINESSES  
City of Mandan Supplemental Application  
Page 3 of 4

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**Impact on Local Use Taxes**

Estimated value of annual purchases for project location \_\_\_\_\_

Percentage of purchases for project location subject to local sales or use tax \_\_\_\_\_

Estimated value of annual sales to be generated from project location 3,000,000 for Phase 2

Percentage of sales subject to local sales or use tax 0%

**Market Context (for retail-oriented businesses only)**

General retail category (check category that best applies)

- Motor Vehicle & Parts Dealers
- Furniture & Home Furnishing Stores
- Electronics & Appliance Stores
- Building Materials & Garden Equipment
- Food and Beverage Stores
- Health & Personal Care Stores
- Gas Stations
- Clothing & Accessories
- Sporting Goods, Hobby, Book, Music Stores
- General Merchandise Stores
- Foodservice and Drinking Places
- Miscellaneous (please indicate) \_\_\_\_\_

Please use Nielsen Claritas, ESRI or Buxton market analyses as references for the following:

Estimated consumer expenditures in city or county \_\_\_\_\_

Estimated retail sales in city of county \_\_\_\_\_

Estimated surplus or gap \_\_\_\_\_

**Importance of Incentive (use a separate sheet as needed)**

Please describe why an incentive is necessary for the success of this project and how the improvements will benefit the property at the conclusion of the abatement.

*The incentive will place this facility on a level playing ground with competitors who have been granted exemptions. Without this incentive, our competitors will be able to cut prices using the incentive.*

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Property Tax Incentives for New or Expanding Businesses for Edgewood Management Group, LLC

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APPLICATION FOR PROPERTY TAX INCENTIVES FOR NEW OR EXPANDING BUSINESSES  
City of Mandan Supplemental Application  
Page 4 of 4

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**Future Expansion Plans (use a separate sheet as needed)**

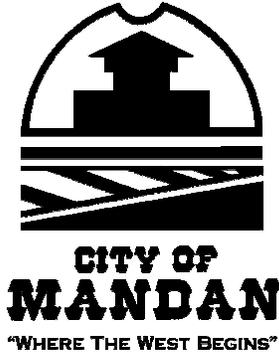
Please describe any plans for future expansion beyond the initial development. Describe investments and employment associated with those plans on a year-to-year basis.

*Phase II is the second and final phase of this project. When complete, we will have a total project value of \$18,000,000 generating approximately \$6,000,000 in annual revenue.*

I, Rex Carlson do hereby certify that the answers to the questions above and all of the information contained in this application, including attachments hereto, are true and correct to the best of my knowledge and belief and that no relevant fact pertaining to the ownership or operation of the project has been omitted.

I further agree that I have read the requirement for installation of an automatic door per Mandan Municipal Code 14-02-15 if the building project that is subject of this application is approved for a property tax exemption and if the building is used for a purpose described in the following sections of 21-03-07 of the Mandan Municipal Code: Retail Group A; Retail Group B; Service Group A; Office Bank Group; Commercial Recreation Group; Health Medical Group and Education Group.

*Rex Carlson*                      Treasurer                      6/20/13  
Signature                                      Title                                      Date



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** August 6, 2013  
**PREPARATION DATE:** July 31, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth, Engineering & Planning Director  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider award of bids for Street Improvement District No. 180, Project 2013-12(Plainview Heights 14th Addition).

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**STATEMENT/PURPOSE:** This is a review and possible award of bids for Street Improvement District No. 180, Project 2013-12 (Plainview Heights 14th Addition).

**BACKGROUND/ALTERNATIVES:** Bids were received on July 19 for the project and Northern Improvement Company was the low bidder. The bid amount was \$434,997.79. The original Engineer's estimate was \$322,148.63 and the revised Engineer's estimate is \$452,390.50. The bid is 35% higher than the original Engineer's estimate. KLJ amended the Engineer's estimate after the approval to go out for bid, therefore the original Engineer's estimate was used in calculating the percentage.

**ATTACHMENTS:**

1. Bid Tabulation
2. Engineer's Estimate
3. District Map
4. Resolution to Award Bid

**FISCAL IMPACT:** The Project will be paid for by special assessments from the benefiting properties within the District. The construction cost of the project is \$434,997.79 plus the engineering and administrative cost of \$108,749.45 totaling \$543,747.24. The special assessments will be assessed to the 27 benefitting lots and will receive approximately \$20,138.79.

**STAFF IMPACT:** Minimal

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

**RECOMMENDATION:** I would recommend awarding the project.

**SUGGESTED MOTION:** I move to award the bid to Northern Improvement Company as the low bidder of Street Improvement District 180 Project 2013-12 in the amount of \$434,997.79.

KLJ		DETAILED TABULATION OF BIDS		Plainview Heights 14th Addition Street Improvement District No. 180 1413173		Bid 1	
Item No.	Description	Unit	Quantity	Engineer's Opinion Unit Price Total	Northern Improvement Unit Price Total		
1	MOBILIZATION	LS	1	\$ 20,000.00	\$ 20,000.00		
2	FLAT SHEET FOR SIGNS-TYPE 3A REFL SHEETING	SF	12	\$ 25,000.00	\$ 300,000.00		
3	REVERSE FEED POINT	LS	1	\$ 2,500.00	\$ 2,500.00		
4	SUBGRADE PREPARATION	SY	7,009	\$ 3.00	\$ 21,027.00		
5	CLASS 5 BASE COURSE	TON	2,334	\$ 26.00	\$ 60,684.00		
6	2" AC BASE COURSE (CLASS 2B)	TON	550	\$ 85.00	\$ 46,750.00		
7	2.5" AC SURFACE COURSE (CLASS 2B)	TON	786	\$ 85.00	\$ 66,810.00		
8	PG 58-28 ASPHALT CEMENT (6.0%)	TON	83	\$ 650.00	\$ 53,950.00		
9	SAW CUT ASPHALT	LF	111	\$ 5.00	\$ 555.00		
10	BITUMINOUS TACK COAT	GAL	597	\$ 2.50	\$ 1,492.50		
11	BITUMINOUS FILLER COAT	SY	5,802	\$ 2.50	\$ 14,505.00		
12	CONCRETE CURB	LF	2,838	\$ 20.00	\$ 56,760.00		
13	BUTTER SAND	SY	65	\$ 27.00	\$ 1,755.00		
14	ASPHALT REMOVAL	SF	100	\$ 27.00	\$ 2,700.00		
15	ADA CURB RAMP	SY	153	\$ 85.00	\$ 13,005.00		
16	6" CONCRETE VALLEY GUTTER	LF	153	\$ 20.00	\$ 3,060.00		
17	STANDARD CURB & GUTTER	EA	9	\$ 6,000.00	\$ 54,000.00		
18	TYPE B STREET LIGHT UNIT	LF	1,355	\$ 5.00	\$ 6,775.00		
19	TRENCHING - 27" INCH DEPTH	LF	110	\$ 2.25	\$ 247.50		
20	2" INCH CONDUIT - PVC LAID IN TRENCH	LF	4,245	\$ 1.50	\$ 6,367.50		
21	#4 AWG RHW/USE	LF	1,465	\$ 1.00	\$ 1,465.00		
22	#6 AWG GROUND	EA	1	\$ 450.00	\$ 450.00		
23	STREET NAME POST WITH 4 SIGNS	CY	449	\$ 20.00	\$ 8,980.00		
24	TOPSOILING	SF	1,258	\$ 2.40	\$ 3,022.80		
25	SEEDING	SF	1,258	\$ 1.25	\$ 1,572.50		
26	MULCHING	EA	2	\$ 2,000.00	\$ 4,000.00		
27	ADJUST MANHOLE CASTING	EA	1	\$ 500.00	\$ 500.00		
<b>TOTAL OF ALL CONSTRUCTION</b>				<b>\$ 452,390.50</b>	<b>\$ 434,997.79</b>		

True Tabulations Of Bids Received on 7/19/2013  
There were 1 Bids Received and 0 Bids Rejected

*Andy Wilson*  
Project Manager's Signature  
Date: 7/19/2013

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Award of Bids for Street Improvement District 180, Project 2013-12  
(Plainview Heights 14th Addition).

Page 3 of 6

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Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Award of Bids for Street Improvement District 180, Project 2013-12  
(Plainview Heights 14th Addition).

Page 4 of 6

Plainview Heights 14th Addition  
Street Improvement District  
Opinion of Probable Cost  
June 3rd, 2013

Item No.	Spec. No.	Item	Unit	Quantity	Unit Price	Total Amount
1	125	MOBILIZATION	LS	1	\$ 12,000.00	\$ 12,000.00
2	SP	CONTRACT BOND	LS	1	\$ 3,000.00	\$ 3,000.00
3	204	SUBGRADE PREPARATION	SY	6,667	\$ 2.50	\$ 16,666.67
4	300	CLASS 5 GRAVEL BASE	TON	1,389	\$ 27.00	\$ 37,500.00
5	400	2.5" AC BASE COURSE (CLASS 29)	TON	794	\$ 90.00	\$ 71,468.33
6	400	2.0" AC SURFACE COURSE (CLASS 29)	TON	635	\$ 90.00	\$ 57,166.67
7	400	PG 58-28 ASPHALT CEMENT (6.0%)	TON	9	\$ 675.00	\$ 5,788.13
8	400	TACK COAT	GAL	1,944	\$ 7.50	\$ 14,577.50
9	403	SEAL COAT	GAL	572	\$ 3.50	\$ 2,000.83
10	403	COVER AGGREGATE	TON	51	\$ 55.00	\$ 2,829.75
11	403	BLOTTER SAND	TON	6	\$ 15.00	\$ 85.75
12	600	CONCRETE CURB & GUTTER	LF	2,650	\$ 18.00	\$ 47,700.00
13	1100	STREET NAME POST WITH 2 SIGNS	EA	3	\$ 375.00	\$ 1,125.00
14	1001	STREET LIGHTS	EA	5	\$ 3,750.00	\$ 18,750.00
15	1200	TOP SOIL - streets	CY	293	\$ 15.00	\$ 4,388.89
16	1201	SEEDING - streets	SY	1,756	\$ 10.00	\$ 17,556.56
17	1201	MULCH - streets	SY	1,756	\$ 10.00	\$ 17,556.56
18	403	STREET SWEEPING	LS	1	\$ 3,500.00	\$ 3,500.00
19	1211	TRAFFIC CONTROL	LS	1	\$ 500.00	\$ 500.00
<b>TOTAL ESTIMATED CONSTRUCTION COST</b>						<b>\$ 322,148.63</b>
City Admin., Design, Survey, Const. Observation (25%)				25%		\$ 80,537.16
Contingency				10%		\$ 32,214.86
<b>ESTIMATED TOTAL COST</b>						<b>\$ 434,900.64</b>

NOTES:

- All quantities were measured from preliminary Grading, Water, Sewer Plans prepared in April of 2013
- Subgrade preparation was based on a measurement from 1-foot behind curb to 1-foot behind curb.
- Class 5 Gravel Base is estimated at 1.875 Tons per Cubic Yard, 1' behind curb
- AC pavement units were estimated using two tons per cubic yard and a 4" Depth
- Asphalt cement units were estimated at 6.0% of the AC tonnage.
- Tack coat units were estimated using a 0.1 gallon to SY conversion
- Seal Coat units were estimated using 0.34 gallon to SY conversion
- Cover aggregate units were estimated using a 18 pounds per SY conversion
- Blotter sand units were estimated using a 2 pounds per SY conversion

In providing an estimate of probable construction cost, the Client understands that the Consultant has no Control over the cost or availability of labor, equipment or materials, or over market conditions or the contractor's method of pricing, and that the Consultant's estimates of probable construction bids or the negotiated cost of the Work will not vary from the Consultant's estimate of probable construction cost. The Client assumes all liability if using this Probable Construction Cost for determining project feasibility or securing project funding/financing.

Average Cost per Lot \$16,107.43  
Cost per LF \$164.11

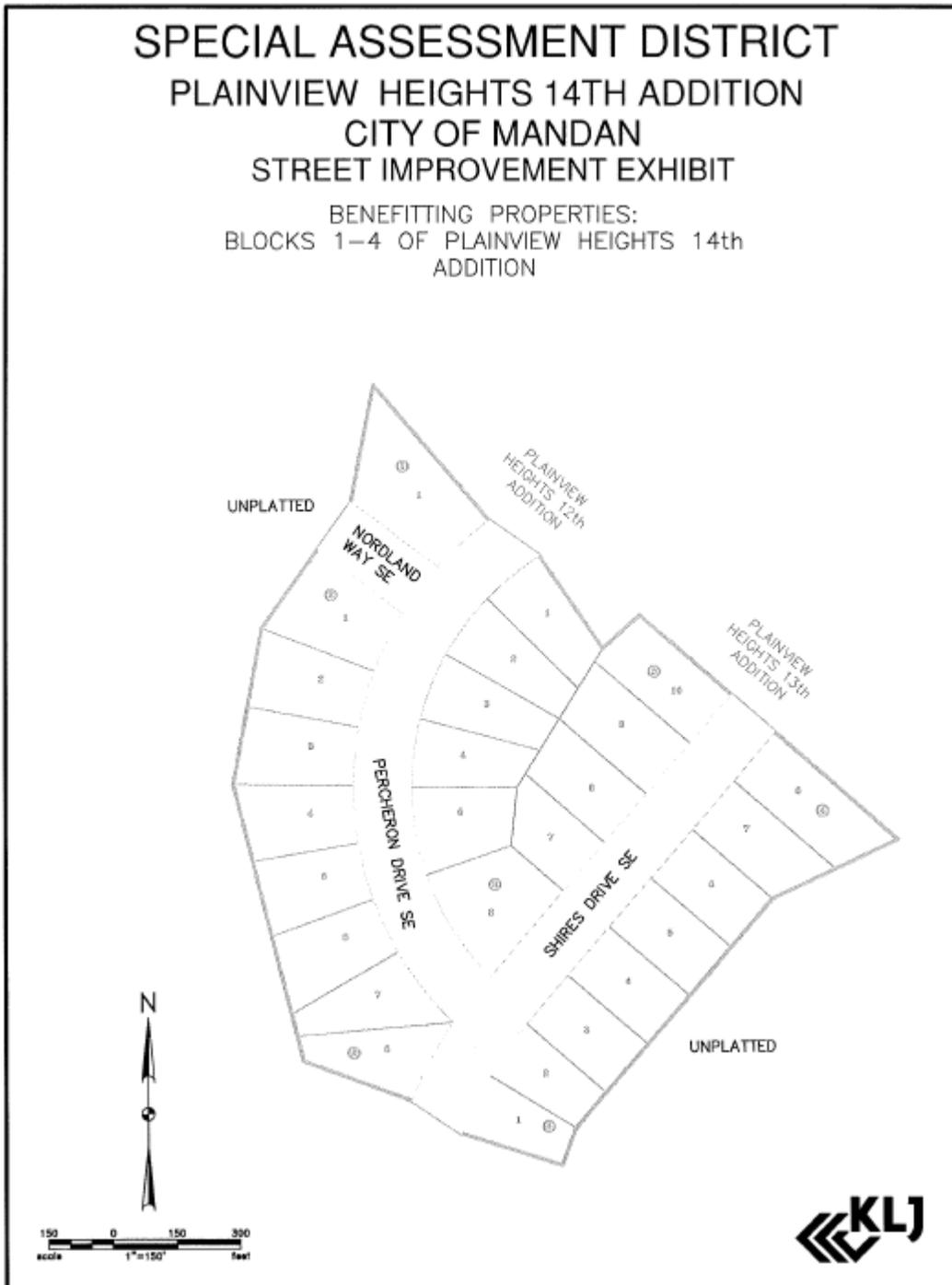
Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Award of Bids for Street Improvement District 180, Project 2013-12  
(Plainview Heights 14th Addition).

Page 5 of 6



Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Award of Bids for Street Improvement District 180, Project 2013-12  
(Plainview Heights 14th Addition).

Page 6 of 6

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**RESOLUTION**  
**APPROVING CONTRACT AND CONTRACTOR'S BOND FOR**  
**STREET IMPROVEMENT DISTRICT NO. 180**

(Project No. 2013-12)

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

1. It is hereby found and determined that this Board has heretofore caused Notice for Advertisement for Bids to be made for an improvement Street Improvement District No. 180 of said City, and has duly and publicly opened and considered said bids received pursuant to said Notice.
2. Said improvement is hereby ordered to be constructed in accordance with the plans and specifications therefore as heretofore adopted by this Board pursuant to a resolution duly adopted by this Board.
3. It is hereby found and determined that the lowest responsible bidder for various categories of the work, material and skill required for said improvement is Northern Improvement Company whose bid provides for the construction of said improvement at a total estimated base price of \$434,997.79.
4. The President of the Board of City Commissioners of the City of Mandan and City Auditor are hereby authorized and directed to make and enter into a contract with said bidder on the part of the City, in the form prescribed by Sections 40-22-35 and 40-22-35, N.D.C.C. as amended, provided that said bidder shall within ten (10) days from this date execute said contract and a construction bond conditioned in accordance with the provisions of Sections 40-22-30 and 40-22-32 of said Code.

Dated this 6<sup>th</sup> day of August, 2013

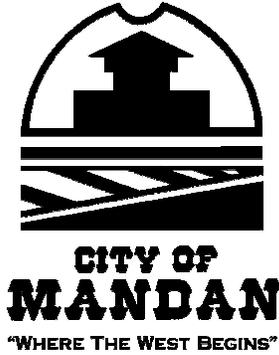
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Arlyn Van Beek, President of the  
Board of City Commissioners

Attest:

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James Neubauer,  
City Administrator



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** August 6, 2013  
**PREPARATION DATE:** July 31, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth, Engineering & Planning Director  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider award of bids for Street Improvement District No. 181, Project 2013-15 (Meadows 7th Addition).

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**STATEMENT/PURPOSE:** This is a review and possible award of bids for Street Improvement District No. 181, Project 2013-15 (Meadows 7th Addition).

**BACKGROUND/ALTERNATIVES:** Bids were received on July 19 for the project and Northern Improvement Company was the low bidder. The bid amount was \$288,599.92. The original Engineer's estimate was \$243,640.52 and the revised Engineer's estimate is \$295,850.50. The bid is 18.4% higher than the original Engineer's estimate. KLJ amended the Engineer's estimate after the approval to go out for bid, therefore the original Engineer's estimate was used in calculating the percentage.

**ATTACHMENTS:**

1. Bid Tabulation
2. Engineer's Estimate
3. District Map
4. Resolution to Award Bid

**FISCAL IMPACT:** The Project will be paid for by special assessments from the benefiting properties within the District. The construction cost of the project is \$288,599.92 plus the engineering and administrative cost of \$101,009.97 totaling \$389,609.89. The special assessments will be assessed to the 20 benefitting lots and will receive approximately \$19,480.50.

**STAFF IMPACT:** Minimal

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

**RECOMMENDATION:** I would recommend awarding the project.

**SUGGESTED MOTION:** I move to award the bid to Northern Improvement Company as the low bidder of Street Improvement District 181 Project 2013-15 in the amount of \$288,599.92.

Item No.	Description	Unit	Quantity	Engineer's Opinion		Northern Improvement	
				Unit Price	Total	Unit Price	Total
1	MOBILIZATION	LS	1	\$ 20,000.00	\$ 20,000.00	\$ 28,286.31	\$ 28,286.31
2	REMOVE TYPE III BARRICADE	EA	2	\$ 250.00	\$ 500.00	\$ 84.75	\$ 169.50
3	SUBGRADE PREPARATION	SY	4,566	\$ 3.00	\$ 13,698.00	\$ 3.18	\$ 14,519.88
4	CLASS 5 BASE COURSE	TON	1,427	\$ 26.00	\$ 37,102.00	\$ 30.51	\$ 43,537.77
5	2" AC BASE COURSE (CLASS 29)	TON	548	\$ 85.00	\$ 46,580.00	\$ 102.31	\$ 44,934.09
6	2.5" AC SURFACE COURSE (CLASS 29)	TON	59	\$ 650.00	\$ 38,350.00	\$ -	\$ 56,065.88
7	PG 58-28 ASPHALT CEMENT (6.0%)	GAL	395	\$ 2.50	\$ 987.50	\$ 2.14	\$ 845.30
8	BITUMINOUS TACK COAT	SY	3,945	\$ 27.00	\$ 106,515.00	\$ 11.43	\$ 45,172.15
9	BLOTTER SAND	TON	4	\$ 20.00	\$ 80.00	\$ 2.87	\$ 11.48
10	ADA CURB RAMP	SF	50	\$ 85.00	\$ 4,250.00	\$ 27.12	\$ 1,356.00
11	6" CONCRETE VALLEY GUTTER	LF	1,727	\$ 20.00	\$ 34,540.00	\$ 18.85	\$ 32,553.95
12	STANDARD CURB & GUTTER	EA	5	\$ 6,000.00	\$ 30,000.00	\$ 4,746.00	\$ 23,730.00
13	TYPE B STREET LIGHT UNIT	LF	846	\$ 5.00	\$ 4,230.00	\$ 4.86	\$ 4,111.56
14	TRENCHING - 27" INCH DEPTH	LF	67	\$ 2.25	\$ 150.75	\$ 2.37	\$ 158.79
15	2" INCH CONDUIT - PVC/LD IN TRENCH	LF	2,567	\$ 1.25	\$ 3,208.75	\$ 1.86	\$ 4,774.62
16	#6 AWG RHV/USE	EA	916	\$ 1.00	\$ 916.00	\$ 1.02	\$ 934.32
17	#8 AWG GROUND	EA	3	\$ 450.00	\$ 1,350.00	\$ 632.80	\$ 632.80
18	STREET NAME POST WITH 4 SIGNS	EA	392	\$ 20.00	\$ 7,840.00	\$ 32.77	\$ 9,896.54
19	SEWAGE CLASS III	SY	1,286	\$ 1.25	\$ 1,607.50	\$ 1.70	\$ 2,186.20
20	MULCHING	EA	1,286	\$ 1.00	\$ 1,286.00	\$ 561.26	\$ 2,285.04
21	ADJUST MANHOLE CASTING	EA	1	\$ 1,000.00	\$ 1,000.00	\$ 685.30	\$ 685.30
22	TRAFFIC CONTROL	LS	1	\$ 1,000.00	\$ 1,000.00	\$ -	\$ -
23	TOTAL OF ALL CONSTRUCTION			\$ 295,850.00	\$ 295,850.00	\$ 288,599.92	\$ 288,599.92

True Tabulations Of Bids Received on 7/19/2013  
There were 1 Bids Received and 0 Bids Rejected

*Andrew Walker*  
Project Manager's Signature

Date: 7/19/2013

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Award of Bids for Street Improvement District 181, Project 2013-15  
(Meadows 7th Addition).

Page 3 of 6

**Meadows 7th Addition  
Street Improvement District  
Opinion of Probable Cost  
June 3rd, 2013**

Item No.	Spec. No.	Item	Unit	Quantity	Unit Price	Total Amount
1	125	MOBILIZATION	LS	1	\$ 12,000.00	\$ 12,000.00
2	SP	CONTRACT BOND	LS	1	\$ 3,000.00	\$ 3,000.00
3	204	SUBGRADE PREPARATION	SY	4,566	\$ 2.50	\$ 11,415.00
4	300	CLASS 5 GRAVEL BASE	TON	951	\$ 27.00	\$ 25,683.75
5	400	2.5" AC BASE COURSE (CLASS 29)	TON	552	\$ 90.00	\$ 49,715.28
6	400	2.0" AC SURFACE COURSE (CLASS 29)	TON	442	\$ 90.00	\$ 39,772.22
7	400	PG 58-28 ASPHALT CEMENT (6.0%)	TON	6	\$ 675.00	\$ 4,026.94
8	400	TACK COAT	GAL	1,352	\$ 7.50	\$ 10,141.92
9	403	SEAL COAT	GAL	398	\$ 3.50	\$ 1,392.03
10	403	COVER AGGREGATE	TON	36	\$ 55.00	\$ 1,968.73
11	403	BLOTTER SAND	TON	4	\$ 15.00	\$ 59.66
12	600	CONCRETE CURB & GUTTER	LF	1,770	\$ 18.00	\$ 31,860.00
13	1100	STREET NAME POST WITH 2 SIGNS	EA	3	\$ 375.00	\$ 1,125.00
14	1001	STREET LIGHTS	EA	5	\$ 3,750.00	\$ 18,750.00
15	1200	TOP SOIL - streets	CY	213	\$ 15.00	\$ 3,192.22
16	1201	SEEDING - streets	SY	1,277	\$ 10.00	\$ 12,768.89
17	1201	MULCH - streets	SY	1,277	\$ 10.00	\$ 12,768.89
18	403	STREET SWEEPING	LS	1	\$ 3,500.00	\$ 3,500.00
19	1211	TRAFFIC CONTROL	LS	1	\$ 500.00	\$ 500.00
<b>TOTAL ESTIMATED CONSTRUCTION COST</b>						<b>\$ 243,640.52</b>
City Admin., Design, Survey, Const. Observation (25%)				25%		\$ 60,910.13
Contingency				10%		\$ 24,364.05
<b>ESTIMATED TOTAL COST</b>						<b>\$ 328,914.70</b>

**NOTES:**

1. All quantities were measured from preliminary Street Improvement Plans prepared in May of 2013
2. Subgrade preparation was based on a measurement from 1-foot behind curb to 1-foot behind curb.
3. Class 5 Gravel Base is estimated at 1.875 Tons per Cubic Yard, 1' behind curb
4. AC pavement units were estimated using 2 tons per cubic yard conversion
5. Asphalt cement units were estimated at 6.0% of the AC tonnage.
6. Tack coat units were estimated using a 0.1 gallon to SY conversion
7. Seal Coat units were estimated using 0.34 gallon to SY conversion
8. Cover aggregate units were estimated using a 18 pounds per SY conversion
9. Blotter sand units were estimated using a 2 pounds per SY conversion

In providing an estimate of probable construction cost, the Client understands that the Consultant has no Control over the cost or availability of labor, equipment or materials, or over market conditions or the contractor's method of pricing, and that the Consultant's estimates of probable construction bids or the negotiated cost of the Work will not vary from the Consultant's estimate of probable construction cost. The Client assumes all liability if using this Probable Construction Cost for determining project feasibility or securing project funding/financing.

Average Cost per Lot	\$16,445.73
Cost per LF	\$185.63

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

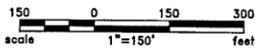
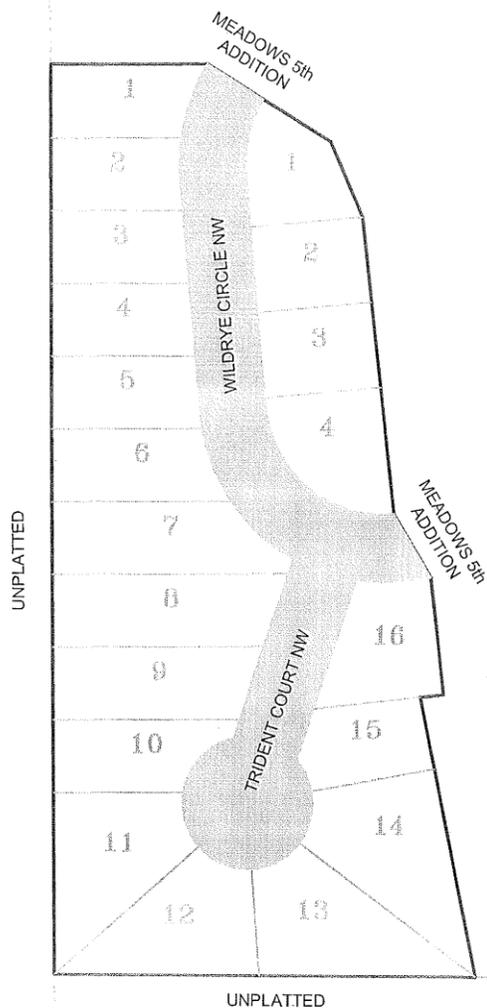
Subject: Award of Bids for Street Improvement District 181, Project 2013-15  
(Meadows 7th Addition).

Page 4 of 6

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# SPECIAL ASSESSMENT DISTRICT MEADOWS 7TH ADDITION CITY OF MANDAN STREET IMPROVEMENT EXHIBIT

BENEFITTING PROPERTIES:  
BLOCKS 1&2 OF MEADOWS 7th ADDITION



Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Award of Bids for Street Improvement District 181, Project 2013-15  
(Meadows 7th Addition).

Page 6 of 6

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**APPROVING CONTRACT AND CONTRACTOR'S BOND FOR  
STREET IMPROVEMENT DISTRICT NO. 181**

(Project No. 2013-15)

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

1. It is hereby found and determined that this Board has heretofore caused Notice for Advertisement for Bids to be made for an improvement Street Improvement District No. 181 of said City, and has duly and publicly opened and considered said bids received pursuant to said Notice.
2. Said improvement is hereby ordered to be constructed in accordance with the plans and specifications therefore as heretofore adopted by this Board pursuant to a resolution duly adopted by this Board.
3. It is hereby found and determined that the lowest responsible bidder for various categories of the work, material and skill required for said improvement is Northern Improvement Company whose bid provides for the construction of said improvement at a total estimated base price of \$288,599.92.
4. The President of the Board of City Commissioners of the City of Mandan and City Auditor are hereby authorized and directed to make and enter into a contract with said bidder on the part of the City, in the form prescribed by Sections 40-22-35 and 40-22-35, N.D.C.C. as amended, provided that said bidder shall within ten (10) days from this date execute said contract and a construction bond conditioned in accordance with the provisions of Sections 40-22-30 and 40-22-32 of said Code.

Dated this 6<sup>th</sup> day of August, 2013

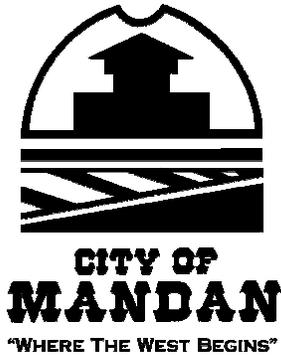
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Arlyn Van Beek, President of the  
Board of City Commissioners

Attest:

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James Neubauer,  
City Administrator



## Board of City Commissioners

### Agenda Documentation

MEETING DATE: August 6, 2013  
 PREPARATION DATE: July 31, 2013  
 SUBMITTING DEPARTMENT: Public Works  
 DEPARTMENT DIRECTOR: Jeff Wright  
 PRESENTER: Jeff Wright, Public Works Director  
 SUBJECT: Consider rejecting Mandan Lift Station Central Alarm System bids

**STATEMENT/PURPOSE:** Reject the bids received July 9, 2013 due to high costs. We received 2 bids, they were reviewed and verified for accuracy and found to be excessively high.

**BACKGROUND/ALTERNATIVES:** The proposed project is a project taken from the City Master Plan to upgrade the alarm system for our existing lift stations. We received two bids in the amount of \$696,902.45 and \$826,610.00, the Engineer's Estimate for the total project was \$350,000. The increase in cost can be attributed to the lack of competition and scheduling requirements of the project. It has been determined by the engineer and City Staff that the low bid is in excess of the project estimate and budget. We are looking at alternative designs, potential re-scoping of the project and evaluating the options before recommending going out for re-bid. AE2S will be putting costs together for the Commission before moving forward with project.

**ATTACHMENTS:** Recommendation letter from AE2S, Bid Tab Summary Sheet.

**FISCAL IMPACT:** The project is part of a multi-project State Revolving Fund low interest loan.

**STAFF IMPACT:** Minimal.

**LEGAL REVIEW:** N/A

**RECOMMENDATION:** Reject the low submitted bid of \$696,902.45 by Integrated Process Solutions which exceeds the engineer's estimate of \$350,000 and have AE2S bring back recommendations and costs for proceeding with this project.

**SUGGESTED MOTION:** Move to reject the low submitted bid of \$696,902.45 by Integrated Process Solutions which exceeds the engineer's estimate of \$350,000 and have AE2S bring back recommendations and costs for proceeding with this project.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider awarding the Roughrider Estates Collection System Extension project to Kvamsdal Construction, Inc.

Page 2 of 4

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July 29, 2013

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

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

Honorable Commissioners:

Bids for the referenced Project were opened on Tuesday, July 9, 2013. Two General Contractors submitted Bids for the Work. The Contractors submitted the required Bid Bonds, Contractor's Licenses, acknowledged the Addenda, and signed their Bid. The Bids were examined for errors and irregularities. One Bid did contain errors and did result in a change to the Bid results. The corrected numbers are reflected on the attached bid tabulation. A copy of the Bid tabulation summary is attached.

The Bids submitted by Integrated Process Solutions and Moorhead Electric were in the amount of \$696,902.45 and \$826,610.00 respectively. The engineers estimate for the project was \$350,000. Several factors resulted in the high bids for this project, including lack of competition and schedule requirements. The bid results have been reviewed in detail with City staff and consensus is that the lowest responsible bid of \$696,902.45 from Integrated Process Solutions is in excess of the project budget. **As such, we recommend not awarding the referenced project due to high bids, and rebidding the project in late fall 2013 to obtain more competitive, balanced bids.**

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

Submitted in Service,

AE2S

A handwritten signature in black ink that reads "Mike A. Chome".

Michael Chome  
Project Manager

Enclosures (Bid Tabulation Summary, Two Certified Bid Packages)

Cc. Dave Bergsagel, NDDH

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider awarding the Roughrider Estates Collection System Extension project to Kvamsdal Construction, Inc.

Page 3 of 4

Central Lift Station Monitoring System Improvements  
Mandan, ND  
P00510-2012-27  
Bid Opening 4:00 PM, July 9, 2013

Contractor	Acknowledge Addendum 1 of 1	Bid Bond	Contractor's License	Certificate Regarding Department MBE/WBE Sub. Sol. Information	Bid Form	Contract No. 1
1 Integrated Process Solutions	✓	✓	✓	✓	✓	\$696,902.45*
2 Moorhead Electric	✓	✓	✓	✓	✓	\$826,610.00
3						
4						
5						
Engineer's Estimate						\$350,000.00

\*Different from "As Read" results because of math error.

Respectfully Submitted by:



Michael Chorne



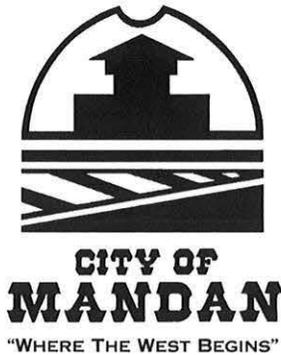
Advanced Engineering and Environmental Services, Inc.  
1815 Schafer Street Suite 301  
Bismarck ND 58501  
Tel: 701-221-0530  
Fax: 701-221-0531

Subject: Consider awarding the Roughrider Estates Collection System Extension project to Kvamsdal Construction, Inc.

Central Lift Station Monitoring System Improvements  
 Mandan, ND  
 P00510-2012-27  
 Detailed Bid Tab

<u>No.</u>	<u>Description</u>	<u>Qty.</u>	<u>Unit</u>	<u>Integrated Process Solutions</u>		<u>Moorhead Electric</u>	
				<u>Unit Price</u>	<u>Extended Price</u>	<u>Unit Price</u>	<u>Extended Price</u>
<b>CONTRACT NO. 1</b>							
<b>A. Contract Requirements</b>							
1	Mobilization/Bonds/Insurance	1	LS	12,000.00	12,000.00	12,500.00	12,500.00
<b>B. Individual Site Improvements</b>							
1	19 <sup>th</sup> St.	1	LS	14,688.06	14,688.06	18,960.00	18,960.00
2	40 <sup>th</sup> Ave.	1	LS	21,822.80	21,822.80	23,580.00	23,580.00
3	Big Sky	1	LS	17,637.04	17,637.04	21,740.00	21,740.00
4	Fire Department Tower	1	LS	21,851.97	21,851.97	39,065.00	39,065.00
5	Football	1	LS	15,631.67	15,631.67	18,865.00	18,865.00
6	Highland Road	1	LS	21,885.51	21,885.51	23,300.00	23,300.00
7	Hwy 1806	1	LS	20,456.23	20,456.23	25,060.00	25,060.00
8	Kinsella	1	LS	20,864.60	20,864.60	24,400.00	24,400.00
9	Kist Livestock	1	LS	18,604.00	18,604.00	23,090.00	23,090.00
10	Lakewood Dr.	1	LS	21,644.87	21,644.87	26,170.00	26,170.00
11	Marina Bay	1	LS	19,070.70	19,070.70	23,520.00	23,520.00
12	Master	1	LS	77,273.09	77,273.09	76,390.00	76,390.00
13	McKenzie Dr.	1	LS	18,363.35	18,363.35	25,580.00	25,580.00
14	Midway Lanes	1	LS	18,458.15	18,458.15	22,950.00	22,950.00
15	Office	1	LS	51,213.50	51,213.50	52,210.00	52,210.00
16	Old Red Trail	1	LS	18,458.15	18,458.15	23,380.00	23,380.00
17	Pirates Loop	1	LS	19,664.29	19,664.29	22,300.00	22,300.00
18	Porsborg	1	LS	17,126.59	17,126.59	24,065.00	24,065.00
19	River Bend	1	LS	56,538.30	56,538.30	56,210.00	56,210.00
20	Riverwood Dr.	1	LS	20,281.22	20,281.22	24,315.00	24,315.00
21	Roughrider	1	LS	21,739.67	21,739.67	23,130.00	23,130.00
22	State Industrial School (SIS)	1	LS	18,628.79	18,628.79	23,740.00	23,740.00
23	Speedway	1	LS	21,302.13	21,302.13	24,910.00	24,910.00
24	Terra Valley	1	LS	22,760.58	22,760.58	25,510.00	25,510.00
25	Twin City Dr.	1	LS	18,458.15	18,458.15	23,590.00	23,590.00
26	Via Duct	1	LS	18,458.15	18,458.15	23,320.00	23,320.00
27	Weeda	1	LS	20,281.22	20,281.22	23,600.00	23,600.00
28	Whey To Go	1	LS	21,739.67	21,739.67	26,160.00	26,160.00
<b>C. Site Work</b>							
1	Erosion Control	1	LS	10,000.00	10,000.00	25,000.00	25,000.00
<b>Total Unit Price CONTRACT No. 1</b>					696,902.45*		826,610.00

\*Different from "As Read" results because of math error.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** August 6, 2013  
**PREPARATION DATE:** July 18, 2013  
**SUBMITTING DEPARTMENT:** Fire  
**DEPARTMENT DIRECTOR:** Steve Nardello, Fire Chief  
**PRESENTER:** Steve Nardello, Fire Chief  
**SUBJECT:** International Code Conference Scholarship

---

STATEMENT/PURPOSE: To consider out of state travel for Chief Nardello.

BACKGROUND/ALTERNATIVES: Chief Nardello applied for a scholarship, with the North Dakota Building Officials Association (NDBOA), to attend the 2013 International Code Conference (ICC). The ICC develops the regulations for the building & fire codes that we use in Mandan therefore attendance to the ICC is very valuable to the fire department and City of Mandan.

The NDBOA approved the scholarship request. The Conference being held September 29<sup>th</sup> - October 2<sup>nd</sup> in Atlantic City, NJ.

ATTACHMENTS: Scholarship application

FISCAL IMPACT: Amend the 2013 training budget to include an expenditure of approximately 2013.60 for travel, lodging, and food. We would also need to include the reimbursement of approximately 2013.60 from the scholarship. The net cost to the City of Mandan is zero.

STAFF IMPACT: Chief Nardello would be out of state for several days

LEGAL REVIEW: None

RECOMMENDATION: It is my recommendation to accept the NDBOA scholarship and allow Chief Nardello to attend the 2013 International Code Conference held in Atlantic City, NJ.

SUGGESTED MOTION: Motion to accept the NDBOA scholarship and allow Chief Nardello to attend the 2013 International Code Conference.



**NORTH DAKOTA  
 BUILDING OFFICIALS' ASSOCIATION**  
 www.ndboa.com

Todd Johnson  
 President  
[toddj@wahpeton.com](mailto:toddj@wahpeton.com)  
 701-642-6565

Christine Rose  
 Vice President  
[crose@cityoffargo.com](mailto:crose@cityoffargo.com)  
 701-476-6753

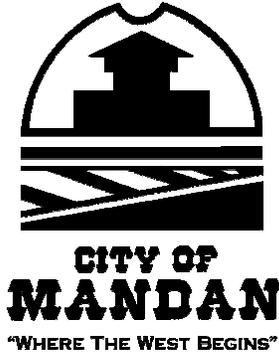
Steve Johnson  
 Secretary/Treasurer  
[sjohnson@grandforksgov.org](mailto:sjohnson@grandforksgov.org)  
 701-746-2632

Bruce Taralson  
 Past President  
[btaralson@cityoffargo.com](mailto:btaralson@cityoffargo.com)  
 701-476-4147



If a city or county is interested in sending one representative to The International Code Council Annual Business Meeting in September of 2013, please complete this application and return it to Steve Johnson or e-mail the information before July 1, 2013 to [stevejohnson@grandforksgov.org](mailto:stevejohnson@grandforksgov.org). If you have further questions please contact a member of the NDBOA Executive Committee.

NORTH DAKOTA BUILDING OFFICIALS' ASSOCIATION SCHOLARSHIP APPLICATION	
Name of Person Attending Training Steve Nardello	Telephone Number 701-667-3288 Ext. 100
City or County Represented City of Mandan	City or County Contact Person Jim Nuebauer, City Administrator
Address 205 2 <sup>nd</sup> Avenue NW Mandan, ND 58554	Telephone Number 701-667-3214
	E-Mail Address <a href="mailto:jnuebauer@cityofmandan.com">jnuebauer@cityofmandan.com</a>
<p><i>Brief Justification of Financial Assistance</i>            The Mandan Fire Department currently reviews all commercial building plans and inspects all commercial buildings for life safety requirements however; our department has no provisions for continued training or participation of code development of the International Codes. It would be very beneficial for a representative of our department to be more involved with the International Code Council for both code development and code enforcement. Because our office does not have financial provisions to attend the Code Council Annual Business Meeting, this scholarship would now allow for the attendance of such an important part of the code process. We ask that you please give consideration to our application.</p>	
Signature of Requesting Local Official 	Title City Administrator



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** August 6, 2013  
**PREPARATION DATE:** August 1, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth, Planning & Engineering Director  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider approval of the amended engineer's report and authorize advertisement for bids for Street Improvement District No. 177, Project No. 2012-22 (Meadows Sixth Addition).

---

**STATEMENT/PURPOSE:** To consider approving the amended engineer's report and authorizing the advertisement for bids for Street Improvement District No. 177, Project No. 2012-22 (Meadows Sixth Addition).

**BACKGROUND/ALTERNATIVES:** The first Engineer's Estimate was approved in January and since that time there has been a substantial increase in costs. There are 15 lots that would be benefitting from this.

**ATTACHMENTS:**

1. Amended Engineer's Report
2. Resolution for advertisement for bids
3. District map

**FISCAL IMPACT:** Based on the estimate of cost included with your documentation, the cost of the project would be \$337,328.00, engineering and administration will add \$101,198.40, bringing the total to \$438,526.40. These costs would be entirely special assessed to the 15 single family residential lots. The costs per lot are approximately \$29,235.09.

**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 6, 2013

Subject: Consider approval of the amended engineer's report and authorize advertisement for bids for Street Improvement District No. 177, Project No. 2012-22 (Meadows Sixth Addition).

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SUGGESTED MOTION: I move to approve the amended engineer's report and authorize the advertisement for bids for Street Improvement District No. 177, Project No. 2012-22 (Meadows Sixth Addition).

**RESOLUTION APPROVING AMENDED ENGINEER'S REPORT AND  
AUTHORIZING PREPARATION OF THE DETAILED PLANS  
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE  
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 177**

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. 177 (Project # 2012-22), 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:	\$337,328.00
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:	101,198.40
c. Total estimated costs of the improvement:	\$438,526.40

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

Dated this 6 day of August, 2013.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider approval of the amended engineer's report and authorize advertisement for bids for Street Improvement District No. 177, Project No. 2012-22 (Meadows Sixth Addition).

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

ATTEST:

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

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider approval of the amended engineer's report and authorize advertisement for bids for Street Improvement District No. 177, Project No. 2012-22 (Meadows Sixth Addition).

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MEADOWS 6TH ADDITION STREET IMPROVEMENT PROJECT NO. 2012-22 DISTRICT 177  
 OPINION OF PROBABLE COST  
 DATE 07/12/13



Item No.	Spec Section	Description	Unit	Estimated Quantity	Unit Price	Total Price
1	SP	MOBILIZATION	LS	1	\$ 20,000.00	\$ 20,000.00
2	SP	REVISE FEED POINT	LS	1	\$ 2,500.00	\$ 2,500.00
3	SP	RELOCATE TYPE III BARRICADES	EA	2	\$ 100.00	\$ 200.00
4	302	SUBGRADE PREPARATION	SY	4,967	\$ 3.00	\$ 14,901.00
5	401	CLASS 5 BASE COURSE	TON	1,539	\$ 26.00	\$ 40,014.00
6	401	2.5" AC BASE COURSE (CLASS 29)	TON	598	\$ 85.00	\$ 50,830.00
7	401	2" AC SURFACE COURSE (CLASS 29)	TON	478	\$ 85.00	\$ 40,630.00
8	401	PG 58-28 ASPHALT CEMENT (6.0%)	TON	65	\$ 650.00	\$ 42,250.00
9	402	BITUMINOUS TACK COAT	GAL	430	\$ 2.50	\$ 1,075.00
10	403	BITUMINOUS SEAL COAT	SY	4,302	\$ 2.50	\$ 10,755.00
11	403	BLOTTER SAND	TON	4	\$ 20.00	\$ 80.00
12	501	STANDARD CURB & GUTTER	LF	1,880	\$ 20.00	\$ 37,600.00
13	601	ADA CURB RAMP TYPE 1304 C1	SF	100	\$ 27.00	\$ 2,700.00
14	1001	TYPE B STREET LIGHT UNIT	EA	7	\$ 6,000.00	\$ 42,000.00
15	1001	2 - INCH CONDUIT - PVC LAID IN TRENCH	LF	1,097	\$ 5.00	\$ 5,485.00
16	1001	TRENCHING - 27 INCH DEPTH	LF	137	\$ 2.25	\$ 308.25
17	1001	#2 AWG RHW	LF	2,194	\$ 5.00	\$ 10,970.00
18	1001	#4 AWG GROUND	LF	1,097	\$ 1.75	\$ 1,919.75
19	1100	STREET NAME POST WITH 4 SIGNS	EA	1	\$ 450.00	\$ 450.00
20	1201	TOPSOILING	CY	185	\$ 20.00	\$ 3,700.00
21	1202	SEEDING CLASS III	SY	1,664	\$ 1.25	\$ 2,080.00
22	1204	MULCHING	SY	1,664	\$ 1.25	\$ 2,080.00
23	1206	ADJUST MANHOLE CASTING IN ASPHALT PAVEMENT	EA	6	\$ 500.00	\$ 3,000.00
24	1206	ADJUST TYPE 24" INLET CASTING	EA	1	\$ 150.00	\$ 150.00
25	1206	ADJUST TYPE 72" INLET CASTING	EA	1	\$ 150.00	\$ 150.00
26	1206	ADJUST VALVEBOX IN ASPHALT PAVEMENT	EA	1	\$ 500.00	\$ 500.00
27	1211	TRAFFIC CONTROL	LS	1	\$ 1,000.00	\$ 1,000.00
<b>SUB-TOTAL CONSTRUCTION COST</b>						<b>\$ 337,328.00</b>
<b>CONTINGENCY (5%)</b>						<b>\$ 16,866.40</b>
<b>TOTAL ESTIMATED CONSTRUCTION COST</b>						<b>\$ 354,194.40</b>

In providing estimates of probable construction cost, the Client understands that the Consultant has no control over the cost or availability of labor, equipment or materials, or over market conditions or the Contractor's method of pricing and that the Consultant's estimates of probable construction costs are made on the basis of the Consultant's professional judgment and experience. The Consultant makes no warranty, express or implied, that the bids or the negotiated cost of the Work will not vary from the Consultant's estimate of probable construction cost. The Client assumes all liability if using this Probable Construction Cost for determining project feasibility or securing project funding/financing.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider approval of the amended engineer's report and authorize advertisement for bids for Street Improvement District No. 177, Project No. 2012-22 (Meadows Sixth Addition).

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**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS  
FOR STREET IMPROVEMENT DISTRICT NO. 177**

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. 177 (Project # 2012-22) 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 6<sup>th</sup>, 2013, and in the plans and specifications for said improvement now on file in the office of the City Engineer.

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

**“ADVERTISEMENT FOR BIDS FOR  
STREET IMPROVEMENT DISTRICT NO. 177  
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 August 23, 2013, at 10:00 a.m., local time for the purpose of furnishing of materials, labor and skill needed for the new construction of storm sewer mains, asphalt streets, concrete curb and gutter and street lights and related work in accordance with the plans and specifications for Street Improvement District No. 177 (Project # 2012-22), for the City of Mandan. The Work consists of all labor, skill, and materials required to properly construct the improvement.

Plans and Specifications are on file in the office of the City Administrator and the City Engineer. Plans may be obtained at this office of the City Engineer, 205 2<sup>nd</sup> Avenue Northwest, Mandan, North Dakota 58554, upon a non-refundable deposit of

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider approval of the amended engineer's report and authorize advertisement for bids for Street Improvement District No. 177, Project No. 2012-22 (Meadows Sixth Addition).

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\$25.00. 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, August 23, 2013 and shall be sealed and endorsed "Proposal for Street Improvement District No 177. Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2<sup>nd</sup> Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:00 a.m., local time, on August 23, 2013. All bidders are invited to be present at the public opening of the Bids.

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

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

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

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

AC Base Course shall be installed on or before October 31, 2013.

Street Lights shall be installed on or before November 29, 2013.

AC Surface Course shall be installed on or before June 28, 2014.

Chip Seal shall be installed on or before July 31, 2014.

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

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider approval of the amended engineer's report and authorize advertisement for bids for Street Improvement District No. 177, Project No. 2012-22 (Meadows Sixth Addition).

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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 2014 and continue to accumulate until final project acceptance. The Contractor and his surety shall be liable for any excess. Such payments shall be deducted from the final payment and shall be charged as liquidated damages and not as a penalty.

The Board of City Commissioners will meet on Tuesday, September 3, 2013, at 5:00 PM, local time, to determine the sufficiency of protests, to review the Bids submitted, consider the engineer's recommendation, and to award the contract to the successful Bidder, if protests have been deemed insufficient. The contract will be awarded on the basis of the low Bid submitted, on eligible areas, by a responsible and responsive Bidder deemed most favorable to the City's interest.

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

Dated this 6<sup>th</sup> day of August, 2013

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

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

4. The Board of City Commissioners shall meet on Tuesday, September 3, 2013 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.

ATTEST:

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President, Board of City Commissioners

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider approval of the amended engineer's report and authorize advertisement for bids for Street Improvement District No. 177, Project No. 2012-22 (Meadows Sixth Addition).

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City Administrator

Passed: August 6<sup>th</sup>, 2013

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider approval of the amended engineer's report and authorize advertisement for bids for Street Improvement District No. 177, Project No. 2012-22 (Meadows Sixth Addition).

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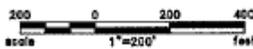
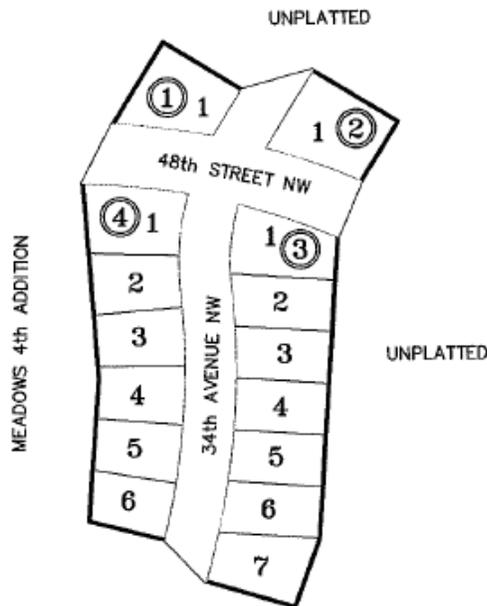
# SPECIAL ASSESSMENT DISTRICT

## MEADOWS 6TH ADDITION

### CITY OF MANDAN

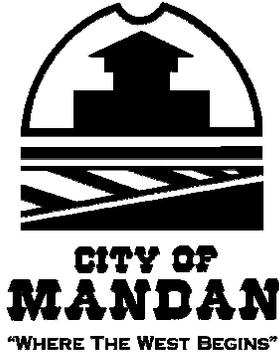
#### STREET IMPROVEMENT EXHIBIT

BENEFITTING PROPERTIES:  
BLOCKS 1-4 OF MEADOWS 6TH ADDITION



**Kadmas  
Lee &  
Jackson**

Engineers Surveyors  
Planners



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** August 6, 2013  
**PREPARATION DATE:** August 1, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth, Planning & Engineering Director  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider for approval the final plat of West Hills Estates 3rd Addition

---

**STATEMENT/PURPOSE:** To consider for approval the final plat of West Hills Estates 3rd Addition.

**BACKGROUND/ALTERNATIVES:** Request from Nathan Lamoureux. The Planning & Zoning Commission approved the final plat on July 22, 2013.

**ATTACHMENTS:** 1. Office Report  
2. Final Plat  
3. Vicinity Map

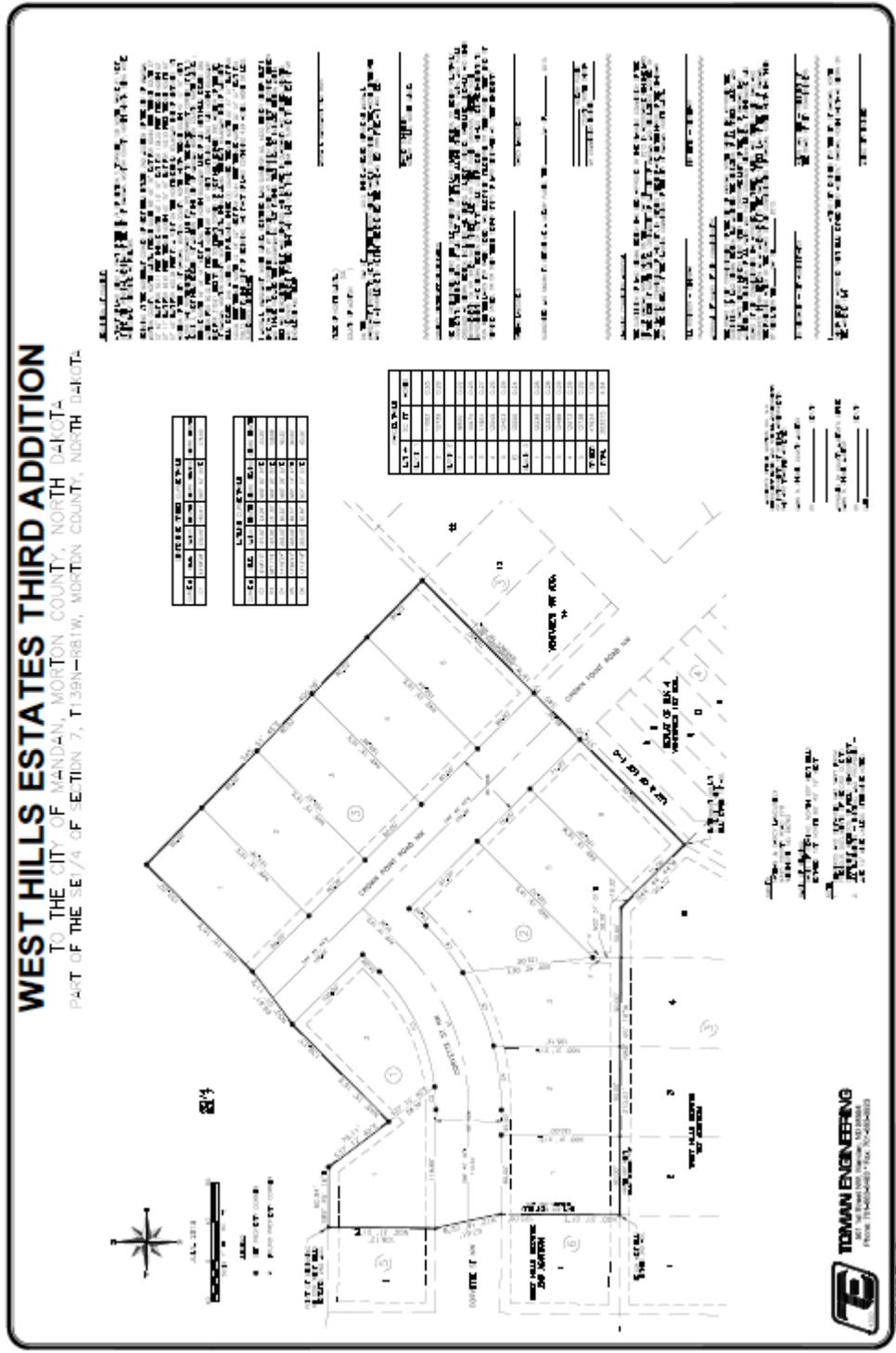
**FISCAL IMPACT:** minimal

**STAFF IMPACT:** minimal

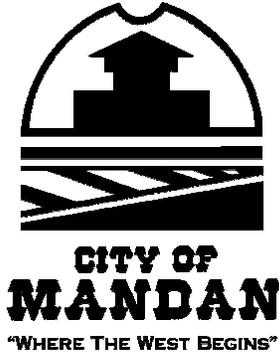
**LEGAL REVIEW:** All of my commission data has been forwarded to the City Attorney for his review.

**RECOMMENDATION:** This office supports the approval of the subject plat.

**SUGGESTED MOTION:** I move to approve the final plat of West Hills Estates 3rd Addition.







## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** August 6, 2013  
**PREPARATION DATE:** August 1, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth, Planning and Engineering Director  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider authorizing a work change order on Street Improvement District No. 174, Project No. 2012-16 (Plainview Heights 13<sup>th</sup> Addition).

---

**STATEMENT/PURPOSE:** To authorize a change order to extend the contract date of November 14, 2012 to Final Completion of August 24, 2013.

**BACKGROUND/ALTERNATIVES:** Weather conditions prevented the work from being done by the original contract date.

**ATTACHMENTS:**

1. District Map
2. Change Order Request.

**FISCAL IMPACT:** None

**STAFF IMPACT:** Minimal

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

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

**SUGGESTED MOTION:** I move to authorize a change order on Street Improvement District No. 174, Project No. 2012-16 for completion date of August 24, 2013.

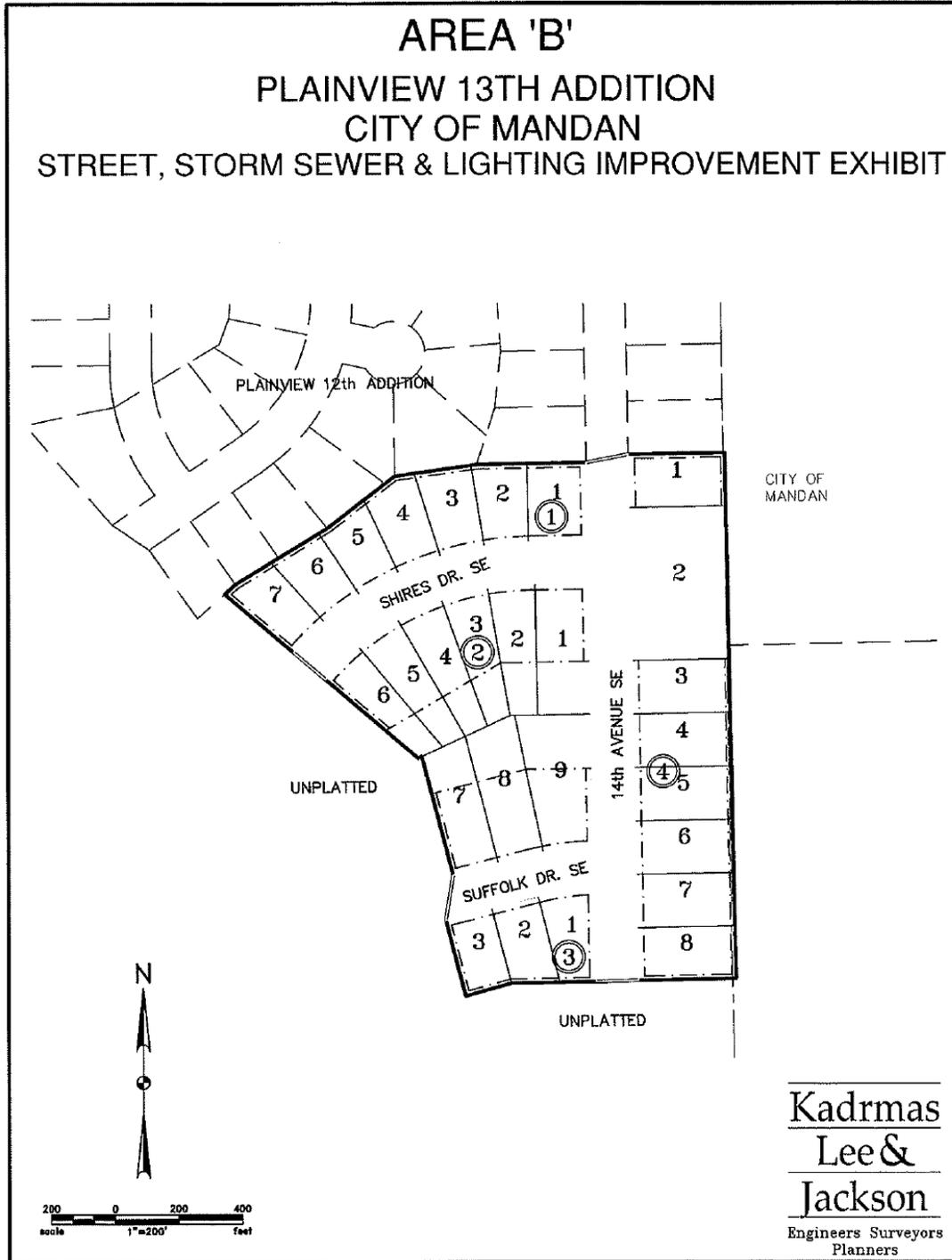
Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

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

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Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

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

Page 3 of 4

**CHANGE ORDER NO. 15**

Date of Issuance: 8/1/2013

Effective Date: 8/1/2013

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

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

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

<b>2. JUSTIFICATION FOR ADDITIONS OR DELETIONS TO CONTRACT</b> <i>Weather delayed project commencement date and the additional storm sewer items were delayed in delivery to the underground utilities contractor, further delaying installation.</i>
--

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

<b>4. CHANGE TO CONTRACT TIMES</b>	
<b>Original Contract Times:</b>	<input type="checkbox"/> Working Days <input checked="" type="checkbox"/> Calendar Days
Substantial Completion (Days or Date):	10/31/2012
Ready For Final Payment (Days or Date):	11/14/2012
<b>Contract Times from previously Approved Change Orders</b>	
Substantial Completion (Days or Date):	7/31/2013
Ready For Final Payment (Days or Date):	7/31/2013
<b>Contract Times will be Increased/Decreased because of this Change Order</b>	24 days (substational completion) 24 days (final completion)
<b>Contract Times including this Change Order</b>	
Substantial Completion (Days or Date):	8/24/2013
Ready For Final Payment (Days or Date):	8/24/2013

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

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

Page 4 of 4

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**5. REQUIRED SIGNATURES - Not valid until signed by Owner. Signature of Contractor indicates agreement herewith, including any adjustments in the Contract Amount or Contract Times**

**ACCEPTED:**

By: \_\_\_\_\_  
OWNER (Authorized Signature)

Name: Kim Fettig  
Title: Engineering Project Manager  
Date: \_\_\_\_\_

**ACCEPTED:**

By: Jason Irey  
CONTRACTOR (Authorized Signature)

Name: Jason Irey  
Title: Project Manager  
Date: 8/1/13

**RECOMMENDED:**

By: Andrew Werder  
ENGINEER (Authorized Signature)

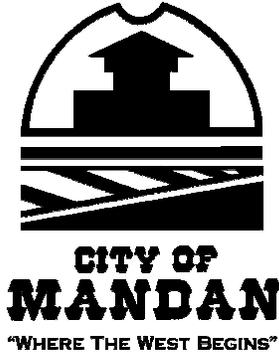
Name: Andrew Werder  
Title: Project Manager  
Date: 8/1/13

**ACCEPTED:**

Funding Agency (if applicable)

By: \_\_\_\_\_  
FUNDING AGENCY (Authorized Signature)

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** August 6, 2013  
**PREPARATION DATE:** August 1, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth, Planning & Engineering Director  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider approving change order for Street Improvement District No.187 Project # 2013-23 (Mandan Municipal Golf Course and adjacent alleys).

---

**STATEMENT/PURPOSE:** To approve the change order for Mandan Municipal Golf Course and adjacent Alleys(Project 2013-23).

**BACKGROUND/ALTERNATIVES:** This project was approved at the June 18<sup>th</sup> City Commission meeting and it was approved to change order the project onto the Diane's Street Improvement Project. I have attached the change order for your final approval.

**ATTACHMENTS:** 1. Change Order

**FISCAL IMPACT:** The Engineers Estimate for the project is \$108,569.30 with engineering and administration costs at \$32,570.79 totaling \$141,140.09.

**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 change order for Street Improvement District No.187 Project # 2013-23 (Mandan Municipal Golf Course and adjacent alleys).

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider approving change order for Street Improvement District No.187

Project # 2013-23 (Mandan Municipal Golf Course and adjacent alleys).

Page 2 of 4

CHANGE ORDER NO. 5

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

BRIEF DESCRIPTION OF CHANGE ORDER # Five

Mandan Municipal Golf Course parking lot and alleyway paving.  
\_\_\_\_\_  
\_\_\_\_\_

ENGINEER: Toman Engineering Company  
501 1<sup>st</sup> Street NW  
Mandan, North Dakota 58554

OWNER: City of Mandan DATE: 7-31-13

CONTRACTOR: Northern Improvement Co.

CONTRACT DATE: 6-20-2012

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

	WORK OR DOCUMENT	NET (DEDUCT)	NET ADD+
NET ADD +			\$ <u>108,569.30</u>
ORIGINAL CONTRACT AMOUNT:		\$ <u>8,978,372.48</u>	
PRIOR CHANGE ORDERS (+,-):		\$ <u>110,297.08</u>	
REVISED CONTRACT AMOUNT:		\$ <u>9,088,669.56</u>	
THIS CHANGE ORDER (+,-):		\$ <u>108,569.30</u>	
CONTRACT ADJUSTED AMOUNT:		\$ <u>9,197,238.86</u>	

TIME EXTENSION/REDUCTION Parking lot only Completion Date November 15, 2013  
OTHER CONTRACTS AFFECTED N/A

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider approving change order for Street Improvement District No.187

Project # 2013-23 (Mandan Municipal Golf Course and adjacent alleys).

Page 3 of 4

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PROJECT: Mandan Street Improvement Dist. #161  
City Project # 2010-03 TECo. # 2181

CHANGE ORDER NO. Five

Description of Change Order Work

Mandan Municipal Golf Course Parking Lot and Alleyway Paving.

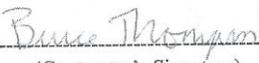
Estimate of Quantities (see attached)

TOTAL CONSTRUCTION COSTS

ADD \$108,569.30

SUBMITTED BY:  DATE: 8-1-13  
(Engineer's Signature)

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
(Owner's Signature)

ACCEPTED BY:  DATE: 8-1-13  
(Contractor's Signature)

RECOMMENDED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

DISTRIBUTION: Owner, Contractor, Engineer, Field Representative;

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider approving change order for Street Improvement District No.187

Project # 2013-23 (Mandan Municipal Golf Course and adjacent alleys).

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**Estimate of Quantities**

Municipal Golf Course Parking Lot and Alley  
Street Improvement District No. 187  
City Project # 2013-23  
Mandan, ND  
Teco # 2181B

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ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PR.	TOTAL
202-4.1	UNCLASSIFIED EXCAVATION	CY	300	\$ 14.50	\$ 4,350.00
203-3.1	WATERING	M GAL	10	\$ 13.10	\$ 131.00
204-3.1	SUBGRADE PREPARATION	SY	3,600	\$ 2.30	\$ 8,280.00
302-4.1	STABILIZED GRAVEL BASE	TON	150	\$ 21.50	\$ 3,225.00
304-6.1B	AC STABILIZED BASE (CLASS B)	TON	520	\$ 89.20	\$ 46,384.00
401-6.2B	AC SURFACE COURSE (CLASS B)	TON	420	\$ 91.30	\$ 38,346.00
402-4.2	BITUMINOUS TACK COAT	GAL	200	\$ 2.50	\$ 500.00
601-4.1	4" CONCRETE SIDEWALK	SF	0	\$ 6.30	\$ -
602-4.1	6" CONCRETE	SF	0	\$ 8.70	\$ -
603-5.3	STANDARD CURB & GUTTER	LF	0	\$ 18.50	\$ -
1202-4.2	SEEDING CLASS II	SY	1000	\$ 4.90	\$ 4,900.00
1206-4.1	ADJ MANHOLE CASTING-ASPH PVMT	EA	1	\$ 482.10	\$ 482.10
1206-4.11	ADJUST VALVE BOX-ASPH PVMT	EA	1	\$ 471.20	\$ 471.20
1206-4.14	ADJUST VALVE BOX IN CONCRETE	EA	0	\$ 11.60	\$ -
1211-4.B	TRAFFIC CONTROL	LS	1	\$ 1,500.00	\$ 1,500.00

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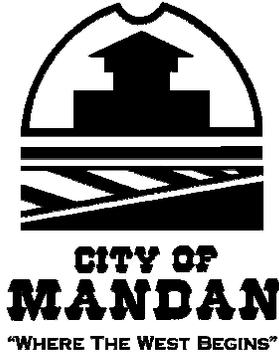
TOTAL CONSTRUCTION= \$ 108,569.30  
Legal, Administration, Engineering, and Contingency= \$ 32,570.79

GRAND TOTAL= \$ 141,140.09

This estimate does not include the following:

Parking Lot Striping

Boulevard topsoil and seeding



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** August 6, 2013  
**PREPARATION DATE:** August 1, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth, Planning and Engineering Director  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider authorizing a work change order on Street Improvement District No. 161, Project No. 2010-03(Dianes).

---

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

**BACKGROUND/ALTERNATIVES:** Weather conditions prevented the work from being done by the original contract date.

**ATTACHMENTS:**

1. Change Order No. 6
2. Change Order Request

**FISCAL IMPACT:** None

**STAFF IMPACT:** Minimal

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

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

**SUGGESTED MOTION:** I move to authorize a change order on Street Improvement District No. 161, Project No. 2010-03 for completion date of September 30, 2013.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 161,  
Project No. 2010-03.

Page 2 of 5

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**CHANGE ORDER NO. 6**

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

BRIEF DESCRIPTION OF CHANGE ORDER # SIX

Request for Time extension.  
\_\_\_\_\_  
\_\_\_\_\_

ENGINEER: Toman Engineering Company  
501 1<sup>st</sup> Street NW  
Mandan, North Dakota 58554

OWNER: City of Mandan DATE: 7-31-13

CONTRACTOR: Northern Improvement Co.

CONTRACT DATE: 6-20-2012

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

	<u>WORK OR</u> <u>DOCUMENT</u>	<u>NET</u> <u>(DEDUCT)</u>	<u>NET</u> <u>ADD+</u>
NET ADD +			\$ <u>0</u>
ORIGINAL CONTRACT AMOUNT:		\$ <u>8,978,372.48</u>	
PRIOR CHANGE ORDERS (+,-):		\$ <u>218,866.38</u>	
REVISED CONTRACT AMOUNT:		\$ <u>9,197,238.86</u>	
THIS CHANGE ORDER (+,-):		\$ <u>0</u>	
CONTRACT ADJUSTED AMOUNT:		\$ <u>9,197,238.86</u>	

TIME EXTENSION/REDUCTION See Attached DAYS

OTHER CONTRACTS AFFECTED N/A

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 161,  
Project No. 2010-03.

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PROJECT: Mandan Street Improvement Dist. #161  
City Project # 2010-03 TECo. # 2181

CHANGE ORDER NO. SIX

Description of Change Order Work

Time extension Request: New Completion Date September 30<sup>th</sup> -2013

Attached: Letter from Northern Improvement Company requesting time extension  
Recommendation letter from Toman Engineering for time extension.

SUBMITTED BY:  DATE: 8-1-13  
(Engineer's Signature)

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
(Owner's Signature)

ACCEPTED BY: Bruce Thompson DATE: 8-1-13  
(Contractor's Signature)

RECOMMENDED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

DISTRIBUTION: Owner, Contractor, Engineer, Field Representative;

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 161,  
Project No. 2010-03.

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

OFFICE AT  
BISMARCK, NORTH DAKOTA  
58502-1254  
P.O. Box 1254  
Phone 701-223-6695  
Fax 701-224-0937

OFFICE AT  
DICKINSON, NORTH DAKOTA  
58602-1035  
P.O. Box 1035  
Phone 701-225-5197  
Fax 701-225-0207

**NORTHERN IMPROVEMENT COMPANY**

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

June 25, 2013

Mr. Abe Ulmer  
Toman Engineering  
501 1st St NW  
Mandan, ND 58554

RE: MANDAN SID #161

Northern Improvement Company is requesting a time extension for the above referenced project to September 30, 2013. Due to the above average amount of rainfall received the past six weeks we have less than expected progress on the project. Since road restrictions have lifted in mid May we have received upwards of thirteen inches of rain, causing us to prepare and dry outs streets numerous times prior to paving.

We are requesting a six week extension in the hope that the wet cycle we are in changes to more normal pattern. Your positive consideration is greatly appreciated. If there are any questions please let me know, thank you.

Sincerely,

NORTHERN IMPROVEMENT COMPANY

  
Bruce Thompson  
VP/Estimator

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 161,  
Project No. 2010-03.

Page 5 of 5

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City of Mandan  
Jim Neubauer  
City Administrator

RE: SID #161  
Mandan, ND

Reference is made to the June 25<sup>th</sup>, 2013 correspondence received from Northern Improvement Co.

Northern Improvement has, and is working on a continuous basis on the projects as stated in the letter, including nights and weekends.

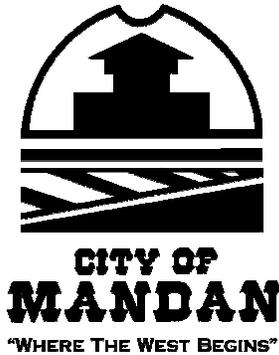
The above average rainfall this year has caused delays in the progress of this project.

Based on the meetings and the letter from Northern Improvement Co. we recommend a time extension as requested to September 30<sup>th</sup>, 2013.

Sincerely,



Abraham E. Ulmer  
Project Engineer  
Toman Engineering Co. and Wenck & Associates



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** August 6, 2013  
**PREPARATION DATE:** August 2, 2013  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** Cost Participation & Maintenance Agreement  
(CPM) Landscaping Memorial Bridge  
Interchange to Expressway Bridge

---

**STATEMENT/PURPOSE:** Consider an amendment to a cost maintenance agreement with the NDDOT for landscaping improvements from Memorial Bridge Interchange to Expressway Bridge.

**BACKGROUND/ALTERNATIVES:** There are three major parts of the project:

- 1) From the Crown Point Road/Red Trail area east to the Sunset Drive Interchange trees will be installed along the north side of I-94. This project provides screening from I-94 for the residential area and enhances from the roadway of the industrial area. 566 trees are planned to be installed. The NDDOT will pay all the costs of this portion of the project.
- 2) The median area between Exits 155 and 156. This project involves replacing trees that were lost due to the 2011 flood, installing additional trees, and providing screening along Twin City Drive. 207 trees are planned to be installed. The NDDOT will pay all the costs of this portion of the project.
- 3) Memorial Bridge to the Missouri River. This project involves screening for the residents along Marina Road, the residential area on the west side of 810, and filling in some gaps along the east side of 810 from McKenzie Drive to the river. In this area it is planned to install 109 trees. The City of Mandan is responsible for the matching funds for this portion of the project. (maps of the plantings are available upon request)

**ATTACHMENTS:** CPM Agreement

**FISCAL IMPACT:** Total cost of the project is \$82,766 with the City's estimated share (19.07%) \$15,783; Sales Tax Fund

Board of City Commissioners  
Agenda Documentation  
Meeting Date: October 16, 2012  
Subject: Cost Participation Agreement Landscaping Memorial Bridge to Expressway  
Bridge  
Page 2 of 8

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STAFF IMPACT: Minimal

LEGAL REVIEW: Amendment to the CPM has been reviewed by City Attorney Brown

RECOMMENDATION: I recommend approval of the CPM Agreement.

SUGGESTED MOTION: I move to approve the cost maintenance agreement with the NDDOT for landscaping improvements from Memorial Bridge Interchange to Expressway Bridge.

NDDOT Contract No. 38131203

**North Dakota Department of Transportation  
COST PARTICIPATION AND MAINTENANCE AGREEMENT**

**Federal Award Information – to be provided by NDDOT**

CFDA No: 20.205	CFDA Title: Highway Planning & Construction
Award Name: Federal Aid Highway Program	Awarding Fed. Agency: Federal Highway Admin
NDDOT Program Mgr: Bennett Kubischta	Telephone: 701-328-3555

Notice to Subrecipients: Federal awards may have specific compliance requirements. If you are not aware of the specific requirements for your award, please contact your NDDOT Program Manager.

**Project No. S-TNU-1-810(023)000**

WHEREAS, the North Dakota Department of Transportation intends to proceed with the construction of the following-described street improvement:

**Location: ND 810 from the Memorial Bridge Interchange to the Expressway Bridge as shown on the attached map.**

**Type of Improvement: Landscaping**

NOW, THEREFORE, in consideration of the mutual benefits to be derived therefrom, it is agreed between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and the city of Bismarck, North Dakota, hereinafter referred to as the City, that NDDOT will construct the project in accordance with the current edition of NDDOT's *Standard Specifications for Road and Bridge Construction* and with the plans approved by the City, identified as project S-TNU-1-810(023)000, and incorporated into this agreement by reference.

1. The City
  - a. Will pay 19.07 percent of the total cost of all items which are determined eligible for federal aid participation. This total cost will include the actual construction cost and the actual preliminary and construction engineering costs; and
  - b. Will pay 100 percent of the construction costs plus 10 percent for the preliminary and construction engineering of all items not eligible for federal aid participation.
2. The City will pay to NDDOT as the work progresses or when completed its share of the total cost of the project as defined in paragraph 1.
3. It is specifically agreed that if at any time the City fails to pay the amount billed to NDDOT within 60 days after billings, this document shall constitute an assignment of funds derived from the State Highway Tax Distribution Fund now or hereafter coming into the hands of the State Treasurer to the credit of the City, and the State Treasurer is hereby directed to deliver and pay over to NDDOT all funds credited to the City until the total thereof equals the sum billed pursuant to this



Board of City Commissioners

Agenda Documentation

Meeting Date: October 16, 2012

Subject: Cost Participation Agreement Landscaping Memorial Bridge to Expressway Bridge

Page 4 of 8

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agreement. The preliminary cost estimate of the project is \$82,766, with the City's estimated share being \$15,783.

4. All signs, signals, markings, and other protective structures erected on or in connection with the project, including those installed at the sole cost and expense of the City or by others, shall be approved by NDDOT. All traffic control devices will be in conformance with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways.
5. Appendix A of the Title VI Assurances, attached, is hereby incorporated into and made a part of this agreement.
6. The Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.
7. Audits must be in accordance with the most current version of OMB Cir. A-133. The City shall submit copies of audits covering the terms of this agreement to NDDOT. This requirement is applicable to counties, cities, state agencies, Indian tribes, colleges, hospitals, and non-profit businesses.
8. The City is advised that its signature on this contract or agreement certifies that any person associated therewith is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency within the past three years; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction on any matter involving fraud or official misconduct within the past three years.
9. NDDOT is not responsible for any Property Taxes or Special Assessments on property which has been acquired as part of the roadway reconstruction project. The City is responsible to make arrangements for deferral or payment of such Taxes and/or Special Assessments.
10. The NDDOT will, at its own expense, maintain or cause to be maintained, all portions of the project unless otherwise noted in this paragraph. Exact limits of the project are shown on the attached map.



Board of City Commissioners  
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Meeting Date: October 16, 2012  
Subject: Cost Participation Agreement Landscaping Memorial Bridge to Expressway  
Bridge  
Page 5 of 8

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Executed by the city of \_\_\_\_\_, at \_\_\_\_\_,  
North Dakota, the last date below signed.

APPROVED:

City of \_\_\_\_\_

\_\_\_\_\_  
CITY ATTORNEY (TYPE OR PRINT)

\_\_\_\_\_  
NAME (TYPE OR PRINT)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\*  
\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

ATTEST:

\_\_\_\_\_  
CITY AUDITOR (TYPE OR PRINT)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

Executed for the North Dakota Department of Transportation by the Director at Bismarck, North Dakota,  
the last date below signed.

APPROVED as to substance by:

NORTH DAKOTA  
DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
DIVISION DIRECTOR (TYPE OR PRINT)

\_\_\_\_\_  
DIRECTOR (TYPE OR PRINT)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE

\*Mayor or President City Commission

CLA 17058 (Div. 38)  
L.D. Approved 11-07; 4-11; J.K. 07/15/2013



**AUTHORIZATION**

At a \_\_\_\_\_ meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the attached certification and agreement be approved, and that the \* \_\_\_\_\_ and City Auditor be authorized to execute in behalf of the City of \_\_\_\_\_ and that two executed copies be returned to the NDDOT Director.

Adopted on a vote of \_\_\_\_ aye, \_\_\_\_ nay, \_\_\_\_\_ absent.

ATTEST:

APPROVED:

\_\_\_\_\_  
CITY AUDITOR (TYPE OR PRINT)

City of \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
NAME (TYPE OR PRINT)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

\*  
 \_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

**CERTIFICATION**

It is hereby certified that the City of \_\_\_\_\_ will issue improvement warrants to finance the amounts that the City is obligated to pay under terms of the attached agreement with the North Dakota Department of Transportation and that authority to do so has been obtained in accordance with the Section 40-22-06 of the North Dakota Century Code.

Executed at \_\_\_\_\_, North Dakota, the last date below signed.

ATTEST:

APPROVED:

\_\_\_\_\_  
CITY AUDITOR (TYPE OR PRINT)

City of \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
NAME (TYPE OR PRINT)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

\*  
 \_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

\*Mayor or President City Commission



**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
APPENDIX A OF THE TITLE VI ASSURANCES**

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor), agrees as follows:

1. Compliance with Regulations: The Contractor shall comply with the regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, sex, age, disability/handicap, or income status\*\*, in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate, either directly or indirectly, in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding or negotiation, made by the Contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, disability/handicap, or income status.\*\*
4. Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the North Dakota Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the North Dakota Department of Transportation, or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the North Dakota Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to:
  - a. withholding of payments to the Contractor under the contract until the Contractor complies, and/or
  - b. cancellation, termination, or suspension of the contract, in whole or in part.
6. Incorporation of Provisions: The Contractor shall include the provisions of paragraphs 1 through 6 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto.

The Contractor shall take such action with respect to any subcontract or procurement as the North Dakota Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions, including sanctions for noncompliance provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation by a subcontractor or supplier as a result of such direction, the Contractor may request the North Dakota Department of Transportation to enter into such litigation to protect the interests of the State; and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

\*\*The Act governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability/handicap, 29 U.S.C. 790; and low income, E.O. 12898.



#### Risk Management Appendix

##### Routine\* Service Agreements With Sovereign Entities and Political Subdivisions of the State of North Dakota:

**Parties:** State – State of North Dakota, its agencies, officers and employees

**Governmental Entity** – The Governmental Entity executing the attached document, its agencies, officers and employees

**Governments** – State and Government Entity, as defined above

Each party agrees to assume its own liability for any and all claims of any nature including all costs, expenses and attorney's fees which may in any manner result from or arise out of this agreement.

Each party shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds, authorized to do business in North Dakota, the following insurance coverages:

- 1) **Commercial general liability and automobile liability insurance** – minimum limits of liability required of the Governmental Entity are **\$250,000 per person and \$500,000 per occurrence**. The minimum limits of liability required of the State are **\$250,000 per person and \$1,000,000 per occurrence**.
- 2) **Workers compensation insurance** meeting all statutory limits.
- 3) The policies and endorsements may not be canceled or modified without **thirty (30) days prior written notice** to the undersigned State representative.

**The State reserves the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time.**

Each party that hires subcontractors shall require any non-public subcontractors, prior to commencement of work set out under an agreement between that party and the non-public subcontractor, to:

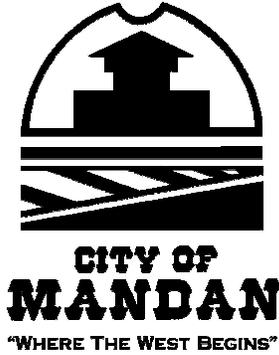
Defend, indemnify, and hold harmless the Governments, its agencies, officers and employees, from and against claims based on the vicarious liability of the Governments or its agents, but not against claims based on the Government's contributory negligence, comparative and/or contributory negligence or fault, sole negligence, or intentional misconduct. The legal defense provided by the Subcontractor to the Governments under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for the Governments is necessary. Subcontractor also agrees to defend, indemnify, and hold the Governments harmless for all costs, expenses and attorneys' fees incurred if the Governments prevail in an action against Subcontractor in establishing and litigating the indemnification coverage provided herein. This obligation shall continue after the termination of this agreement.

Subcontractor shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds authorized to do business in North Dakota: 1) commercial general liability; 2) automobile liability; and 3) workers compensation insurance all covering the Subcontractor for any and all claims of any nature which may in any manner arise out of or result from this agreement. The minimum limits of liability required are \$250,000 per person and \$1,000,000 per occurrence for commercial general liability and automobile liability coverages, and statutory limits for workers compensation. The Governments shall be endorsed on the commercial general liability policy and automobile liability policy as additional insureds. Said endorsement shall contain a "Waiver of Subrogation" waiving any right of recovery the insurance company may have against the Governments as well as provisions that the policy and/or endorsement may not be canceled or modified without thirty (30) days prior written notice to the undersigned representatives of the Governments, and that any attorney who represents the State under this policy must first qualify as and be appointed by the North Dakota Attorney General as a Special Assistant Attorney General as required under N.D.C.C. Section 54-12-08. Subcontractor's insurance coverage shall be primary (i.e., pay first) as respects any insurance, self-insurance or self-retention maintained by the Governments. Any insurance, self-insurance or self-retention maintained by the Governments shall be excess of the Contractor's insurance and the Subcontractor's insurance and shall not contribute with them. The insolvency or bankruptcy of the insured Subcontractor shall not release the insurer from payment under the policy, even when such insolvency or bankruptcy prevents the insured Subcontractor from meeting the retention limit under the policy. Any deductible amount or other obligations under the Subcontractor's policy(ies) shall be the sole responsibility of the Subcontractor. This insurance may be in policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and be placed with insurers rated "A-" or better by A.M. Best Company, Inc. The Governments will be indemnified, saved, and held harmless to the full extent of any coverage actually secured by the Subcontractor in excess of the minimum requirements set forth above. The Government Entity that hired the Subcontractor shall be held responsible for ensuring compliance with the above requirements by all Subcontractors. The Governments reserve the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time.

\*See *North Dakota Risk Management Manual*, section 5.1 for discussion of "unique" and "routine" agreements.

RM Consulted 2007  
Revised 5-09





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** August 2, 2013  
**PREPARATION DATE:** July 18, 2013  
**SUBMITTING DEPARTMENT:** Assessing/Bldg Inspections  
**DEPARTMENT DIRECTOR:** Doug Lalim, Building Official/Assessor  
**PRESENTER:** Doug Lalim, Building Official/Assessor  
**SUBJECT:** Street Appraisal - Reduction in market value for Monte Binstock

---

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

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

Reason for abatement: To lower the structure value for the 2013 year from \$280,000 to \$213,200. After the final walk through of Mr. Binstock's property to determine accuracy of our data and conducting a market analysis, I have arrived at a true and full value of \$228,200 for the 2013 year rather than \$295,500, a difference in true and full value of \$67,300.

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

FISCAL IMPACT: Approximately \$1195.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

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

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

**Application For Abatement And Settlement Of Taxes**

North Dakota Century Code § 57-23-04

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

State of North Dakota

County of Morton

Property ID Number

Name BINSTOCK MONTE & CRYSTAL

City 5436

Address 2204 8 AVE SE

County 65-4170000

Legal Description of the property involved in this application

Lot: 0002

Block: 011

PLAINVIEW HTS 1ST

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

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

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

Land \$15,000  
 Improvements \$213,200  
 Total (2) \$228,200

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

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

DONE JUNE 2013.

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

1. Purchase price of property: \$ \_\_\_\_\_ Date of Purchase: \_\_\_\_\_  
 Terms: Cash \_\_\_\_\_ Contract \_\_\_\_\_ Trade \_\_\_\_\_ Other (explain) \_\_\_\_\_  
 Was there personal property involved in the purchase price? \_\_\_\_\_ Estimated value: \$ \_\_\_\_\_

2. Has the property been offered for sale on the open market? \_\_\_\_\_ If yes, how long? \_\_\_\_\_  
 Asking price: \$ \_\_\_\_\_ Terms of sale: \_\_\_\_\_

3. The property was independently appraised: \_\_\_\_\_ Purpose of appraisal: \_\_\_\_\_  
 Market value estimate: \$ \_\_\_\_\_  
 Appraisal was made by whom? \_\_\_\_\_

4. The applicant's estimate of market value of the property involved in this application is \$ \_\_\_\_\_

5. The estimated agricultural productive value of this property is excessive because of the following condition(s): \_\_\_\_\_

The Applicant asks that NEW VALUE BE PUT ON HOME DUE TO REASSESSMENT WAS COMPLETED FOR 2013.

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

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

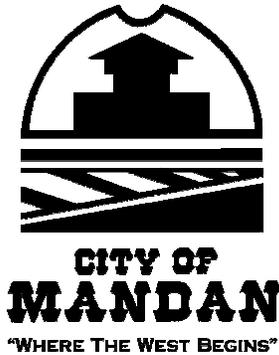
Signature of Preparer (if other than applicant) \_\_\_\_\_ Date \_\_\_\_\_

*Monte Binstock*, *Capital Binstock 7/10/13*  
 Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_



06/25/13		RESIDENTIAL ASSESSMENTS FOR CITY OF MANDAN										PAGE
APPRAISAL OF IMPROVED PROPERTY												
SEQUENCE NUMBER	SUBJECT	ADJ FACTOR	COMPARABLE SALE #1	COMPARABLE SALE #2	COMPARABLE SALE #3	COMPARABLE SALE #4	ADJ	ADJ	ADJ	ADJ	ADJ	ADJ
REPAIRS, ETC	06/24/2013		006220	07587	05452	10376	10/07/2010	10/07/2010	06/13/2012	09/19/2011	258600	1800-
SALE PRICE	145700	200	201576	204900	221300	258600	1976	1993	1992	1992	2008	2327-
YEAR BUILT	1999	1	1976	1993	1992	2008	4600	1250	1250	1400	2008	1800-
REPECTIVE YEAR	1999	7	1976	1993	1992	2008	4636	1259	1259	1549	2008	2327-
QUALITY	5	7	1976	1993	1992	2008	4636	1259	1259	1549	2008	2327-
STORIES	4	7.5	6	6	6	6	1410	14343	15491	1660	18102	18102
EXTERIOR WALLS	20	51.1	6	6	6	6	2822	410	410	413	2845	2845
EXTERIOR DOORS	10	500	2	2	2	2	2000	1500	1500	1500	500	500
BATHS/PATIOS	10	500	1	1	1	1	200	200	200	200	500	500
NO. OF FIREPLACES	1	1500	1	1	1	1	5024-	5024-	5024-	5024-	500	500
FLOOR PLAN QUALITY	2	100	4	4	4	4	100-	100-	100-	100-	3879-	3879-
BASEMENT	3	1.5	2	2	2	2	4250	4250	4250	4250	100-	100-
BASEMENT FINISH	2	200	5	5	5	5	100-	100-	100-	100-	200-	200-
NO. OF STALLS	3	400	5	5	5	5	100-	100-	100-	100-	200-	200-
GARAGE QUALITY	4	300	5	5	5	5	100-	100-	100-	100-	200-	200-
NO. OF STALLS	4	300	5	5	5	5	100-	100-	100-	100-	200-	200-
TOPICAL LOT	0	0	0	0	0	0	0	0	0	0	0	0
1ST FLOOR AREA	1463	0	1540	1332	5461	7955	1297	1297	1297	1297	7138	7138
2ND FLOOR AREA	0	0	0	0	0	0	0	0	0	0	0	0
3RD FLOOR AREA	0	0	0	0	0	0	0	0	0	0	0	0
COVERED PATIO COST	0	1500	0	0	0	0	0	0	0	0	0	0
AREA FACTOR	96	1500	96	96	96	96	726	11638	20128	7436	4344	4344
ADJUSTED VALUE	199972	1500	201291	201158	11638	20128	726	11638	20128	7436	4344	4344
PROPERTY LOCATION	830/05	4890	830/05	675/05	6130	1340/05	4890	6130	1340/05	1610	1199/06	460-
BSMT FNSH AREA/CLTY	1153/06		242,224	247,721	261,244	286,803	242,224	247,721	261,244	286,803	286,803	286,803
ADJUSTED SALE												
RETIRED NET VALUE	253,487	AS OF 2-1-2013	MEAN ADJUSTED SALE	259,498	STD DEV	17,216	COEF OF VAR	6.6%				
PREVIOUS NET VALUE	232,500	LISTING PRICE	12,900	DATE 11/25/1996	VALUE PER SQ FT	173.27						

*Called with Bob*  
 $\$253,500 - 10\% = \$228,200$



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** August 6, 2013  
**PREPARATION DATE:** July 30, 2013  
**SUBMITTING DEPARTMENT:** Assessing Dept  
**DEPARTMENT DIRECTOR:** Doug Lalim, Building Official/Assessor  
**PRESENTER:** Doug Lalim, Building Official/Assessor  
**SUBJECT:** Disabled Veteran Exemption for Roger Anderson

---

STATEMENT/PURPOSE: To consider a 50% disabled veteran exemption for the year 2012.

BACKGROUND/ALTERNATIVES: Mr. Anderson meets all criteria according to North Dakota Century Code 57-02-08 (20)(b) to receive a 50% disabled veteran exemption.

This property is also known as Lot 11, Block 2, Riverbend 1st Addition at 1509 River Dr. NE on Parcel #5574.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$1,065 for the year 2012. Please note that this amount is reimbursed by the State and the City is not actually losing any revenue.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval to receive a 50% disabled veteran exemption for the year 2012.

SUGGESTED MOTION: I recommend a motion to approve the application from Mr. Anderson to receive a 50% disabled veteran exemption for the year 2012 by meeting all criteria according to North Dakota Century Code 57-02-08(20)(b).

**Application For Abatement And Settlement Of Taxes**

North Dakota Century Code § 57-23-04

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

State of North Dakota

County of Morton

Name ANDERSON ROGER & JUDITH

Address 1509 RIVER DR NE

Legal Description of the property involved in this application

Lot: 0011

Block: 002

RIVERBEND 1ST

Property ID Number

City 5574

County 65-4304000

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

Land \$42,500  
 Improvements \$169,500  
 Total (1) \$212,000

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

Land \$42,500  
 Improvements \$169,500  
 Total (2) \$212,000

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

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

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

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

The Applicant asks that **HE BE REIMBURSED THE DIFFERENCE DUE TO THE QUALIFICATION OF THE VETERAN'S EXEMPTION @ 50% FOR THE YEAR 2012.**

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

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

Signature of Preparer (if other than applicant) \_\_\_\_\_ Date \_\_\_\_\_

*Roger Anderson* 29 Jul 2013  
 Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of Mandan City Commissioners

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

\_\_\_\_\_

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

Action by the Board of County Commissioners

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

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

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

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

Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

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

Application For Abatement  
 And Settlement Of Taxes

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

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

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

### Application for Property Tax Exemption

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

Property Numbers:	5574 65- 4304000	Legal Description
Property Owner:	ANDERSON ROGER & JUDITH	Lot: 0011 Block: 002
Property Address:	1509 RIVER DR NE	RIVERBEND 1ST
Telephone Number:		

Date property was acquired: 4/07/1999 Market value of property claimed exempt: \$ \_\_\_\_\_

**Exemption Claimed Pursuant to One of the Following Section of the North Dakota Century Code:**

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

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

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

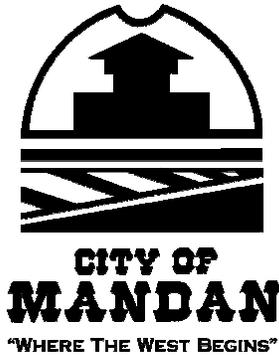
(1) Provide a current copy of organizational documents supporting claim (e.g., articles of incorporation and by-laws, etc.) if claiming exemption for first time upon request.  
 (2) Provide an affidavit or physician's certificate if claiming exemption for first time.  
 (3) Provide an annual statement that previous year's income did not exceed the amount provided in N.D.C.C. § 57-02-08.1.  
 (4) Provide a copy of the DD Form 214 showing veteran's honorable discharge from active military service if claiming exemption for first time.  
 (5) Provide a certificate from the Department of Veterans Affairs certifying to the percentage of disability when claiming exemption for the first time, or if the veteran receives a change in the percentage of certified rated service-connected disability.  
 (6) Provide evidence from the Department of Veterans Affairs showing award of specially adapted housing if claiming exemption for this status for first time.  
 (7) Exemption is automatically renewed each following year, but the veteran or veteran's unmarried surviving spouse must refile if that person sells the property or no longer claims it as a primary place of residence, or if the veteran dies or receives a change in the percentage of the certified rated service-connected disability.

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

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

Roger H. Anderson 7-29-13  
 Applicant Date  
Amel Anderson 7-29-13  
 Assessor or Director of Tax Equalization Date

Application is: Approved  Disapproved   
 Percentage approved (4.b.) 50 %



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** August 2, 2013  
**PREPARATION DATE:** July 23, 2013  
**SUBMITTING DEPARTMENT:** Assessing Dept  
**DEPARTMENT DIRECTOR:** Doug Lalim/Building Official/Assessor  
**PRESENTER:** Doug Lalim/Building Official/Assessor  
**SUBJECT:** Homestead Credit Exemption for Kurt Pflieger

---

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

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

This parcel is also known as Lot 2, Block 1, Twin City Estates 2nd Addition at 106 B Schlosser Ave SE on Parcel #10934. Mr. Pflieger received the Homestead Credit for 2012 on Parcel #10933 already, which is where his home sets but missed including his two adjoining lots to his home. This is one of his adjoining lots.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$253. Please note that this amount is reimbursed by the State and the City is not actually losing any revenue.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

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

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

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Homestead Credit Exemption for Kurt Pflieger (Lot No. 1)

Page 2 of 4

Application For Abatement And Settlement Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

County of Morton

Name PFLEGER KURT D

Address 106 B SCHLOSSER AVE SE

Legal Description of the property involved in this application

LOT: 2

Block: 1

TWIN CITY ESTATES 2ND

Property ID Number

City 10934

County 65-5263815

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

Land \$12,800
Improvements \$0
Total (1) \$12,800

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

Land \$12,800
Improvements \$0
Total (2) \$12,800

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

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

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

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

The Applicant asks that BE REIMBURSED THE DIFFERENCE DUE TO QUALIFICATION OF THE HOMESTEAD CREDIT. THIS PARCEL ADJOINS #10933 & 10935.

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

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

Signature of Preparer (if other than applicant) \_\_\_\_\_ Date \_\_\_\_\_

Signature of Applicant \_\_\_\_\_

Date \_\_\_\_\_

Handwritten signature of Kurt Pflieger and date 7-22-13

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of Mandan City Commissioners

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

\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
 City Auditor or Township Clerk

Action by the Board of County Commissioners

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

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

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

\_\_\_\_\_  
 \_\_\_\_\_

Dated \_\_\_\_\_, \_\_\_\_\_.

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

\_\_\_\_\_  
 Chairperson

Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

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

\_\_\_\_\_  
 Date

Application For Abatement  
 And Settlement Of Taxes

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

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

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

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Homestead Credit Exemption for Kurt Pflieger (Lot No. 1)

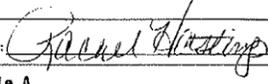
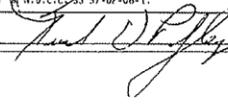
Page 4 of 4

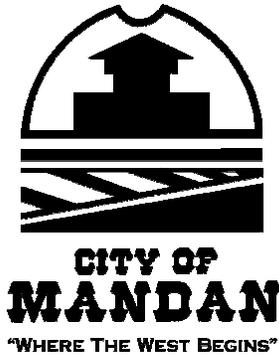
HOMESTEAD CREDIT APPLICATION FOR SENIOR CITIZENS & DISABLED PERSONS  
OFFICE OF STATE TAX COMMISSIONER  
74757 (5/2009)

For the Year of 2012

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

To: (Assessor)	Shirley Shaw
City or Town:	City of Mandan
County:	Morton County

Applicant Information		City Seq No: <u>10934</u>	
Name:	PFLEGER KURT D	Date of Birth: <u>0000</u>	
Address:	106 A SCHLOSSER AVE SE	Phone No: _____	
Legal Description of Applicant's Property:		County No: 65-5263800	
Lot: <u>1</u>	Block: <u>1</u>	Addition: <u>0316</u>	
		City: <u>MANDAN</u>	
1. Which of the following would best describe the type of ownership of the homestead property (check only one): A. Is recorded in your (and spouse's) name as owner <input checked="" type="checkbox"/> D. Is held under a life estate in property <input type="checkbox"/> B. Is being purchased by you under a contract for deed <input type="checkbox"/> E. Is held in a revocable trust <input type="checkbox"/> C. Is held in joint tenancy with one other than spouse <input type="checkbox"/>			
2. Is the above-described property exempt as a farm residence?      Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
3. Do you have assets in excess of \$500,000 including the value of any assets gifted or otherwise divested within the last three years, and including the market value of your homestead?      Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
<b>Complete Schedule A</b>			
To Be Completed By The Assessor			
Application is: Approved <input checked="" type="checkbox"/> Denied <input type="checkbox"/> <u>100%</u> reduction allowed this applicant or a maximum of \$ _____			
Reason for Denial: _____			
Date: _____	Signature of Assessor: 		
Schedule A			
The Following is an Accurate Account of Total Income for the Preceding Calendar Year			
4. Applicant's and spouse's income from Social Security benefits (excluding Medicare):	\$ _____		
5. Applicant's and spouse's income from salary and wages:	\$ _____		
6. Applicant's and spouse's income from interest:	\$ _____		
7. Applicant's and spouse's income from other sources:	\$ _____		
8. Dependents' total income from all sources:	\$ _____		
9. Total income from all sources (add lines 4, 5, 6, 7 and 8):	\$ _____		
Medical expenses actually paid during the year and not paid for by insurance:			
Total amount of health and hospital insurance premiums (exclude Medicare):			
Medicine and drugs:	\$ _____		
Doctor, dentist and hospital costs:	\$ _____		
Hearing aids, eyeglasses, dentures, etc.:	\$ _____		
Transportation costs for medical care: (51 cents per mile through April 16, 2012 and 55.5 cents per mile beginning April 17, 2012)	\$ _____		
Nursing home care costs and/or home nursing care costs:	\$ _____		
10. Total medical expenses:	\$ _____		
11. Income from all sources excluding medical expenses (line 9 less line 10):	\$ _____		
Applicant Signature			
I declare that this application, including Schedule A, has been examined by me and to the best of my knowledge and belief is a true and correct application. I am willing to furnish proof of age, income, and assets if requested to do so by someone authorized to administer this assessment credit. I reside on the property described in this application and I hereby claim the Homestead Credit on this property as provided for in N.D.C.F. 57-02-08-1.			
Date: <u>7-23-12</u>	Signature of Applicant: 		



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** August 2, 2013  
**PREPARATION DATE:** July 23, 2013  
**SUBMITTING DEPARTMENT:** Assessing Dept  
**DEPARTMENT DIRECTOR:** Doug Lalim/Building Official/Assessor  
**PRESENTER:** Doug Lalim/Building Official/Assessor  
**SUBJECT:** Homestead Credit Exemption for Kurt Pflieger

---

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

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

This parcel is also known as Lot 3, Block 1, Twin City Estates 2nd Addition at 106 C Schlosser Ave SE on Parcel #10935. Mr. Pflieger received the Homestead Credit for 2012 on Parcel #10933 already, which is where his home sets, but missed including his two adjoining lots to his home. This is the other adjoining lot, which includes a cold storage building.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$1775. Please note that this amount is reimbursed by the State and the City is not actually losing any revenue.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

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

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

**Application For Abatement And Settlement Of Taxes**

North Dakota Century Code § 57-23-04

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

State of North Dakota

County of Morton

Name PFLEGER KURT D

Address 106 C SCHLOSSER AVE SE

Legal Description of the property involved in this application

LOT: 3

Block: 1

TWIN CITY ESTATES 2ND

Property ID Number

City 10935

County 65-5263830

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

Land	\$26,600
Improvements	\$76,900
Total (1)	\$103,500

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

Land	\$26,600
Improvements	\$76,900
Total (2)	\$103,500

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

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

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

1. Purchase price of property: \$ \_\_\_\_\_ Date of Purchase: \_\_\_\_\_  
 Terms: Cash \_\_\_\_\_ Contract \_\_\_\_\_ Trade \_\_\_\_\_ Other (explain) \_\_\_\_\_  
 Was there personal property involved in the purchase price? \_\_\_\_\_ Estimated value: \$ \_\_\_\_\_

2. Has the property been offered for sale on the open market? \_\_\_\_\_ If yes, how long? \_\_\_\_\_  
 Asking price: \$ \_\_\_\_\_ Terms of sale: \_\_\_\_\_

3. The property was independently appraised: \_\_\_\_\_ Purpose of appraisal: \_\_\_\_\_  
 \_\_\_\_\_ Market value estimate: \$ \_\_\_\_\_  
 Appraisal was made by whom? \_\_\_\_\_

4. The applicant's estimate of market value of the property involved in this application is \$ \_\_\_\_\_

5. The estimated agricultural productive value of this property is excessive because of the following condition(s): \_\_\_\_\_

The Applicant asks that **HE BE REIMBURSED FOR THE DIFFERENCE DUE TO THE QUALIFICATION OF HOMESTEAD CREDIT. ADJOINS 10933 & 10933.**

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

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

Signature of Preparer (if other than applicant) \_\_\_\_\_

Date \_\_\_\_\_

Signature of Applicant *Kurt Pflieger*

Date *7-22-13*

**Recommendation of the Governing Body of the City or Township**

Recommendation of the governing board of Mandan City Commissioners

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

\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
 City Auditor or Township Clerk

**Action by the Board of County Commissioners**

Application was \_\_\_\_\_ by action of \_\_\_\_\_ County Board of Commissioners.

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

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

\_\_\_\_\_

Dated \_\_\_\_\_, \_\_\_\_\_.

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

\_\_\_\_\_  
 Chairperson

**Certification of County Auditor**

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

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

\_\_\_\_\_  
 Date

Application For Abatement  
 And Settlement Of Taxes

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

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

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

HOMESTEAD CREDIT APPLICATION FOR SENIOR CITIZENS & DISABLED PERSONS  
 OFFICE OF STATE TAX COMMISSIONER  
 24757 (5/2009)

For the Year of 2012

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

To: (Assessor)	Shirley Shaw
City or Town:	City of Mandan
County:	Morton County

Applicant Information				City Seq No:	10935
Name:		PFLEGER KURT D		Date of Birth:	--0000
Address:		106 A SCHLOSSER AVE SE		Phone No:	
Legal Description of Applicant's Property:				County No:	65-5263800
Lot:	1	Block:	1	Addition:	0316
				City:	MANDAN
1. Which of the following would best describe the type of ownership of the homestead property (check only one):					
A. Is recorded in your (and spouse's) name as owner		<input checked="" type="checkbox"/>		D. Is held under a life estate in property	
B. Is being purchased by you under a contract for deed		<input type="checkbox"/>		E. Is held in a revocable trust	
C. Is held in joint tenancy with one other than spouse		<input type="checkbox"/>			
2. Is the above-described property exempt as a farm residence? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>					
3. Do you have assets in excess of \$500,000 including the value of any assets gifted or otherwise divested within the last three years, and including the market value of your homestead? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>					
<b>Complete Schedule A</b>					
To Be Completed By The Assessor					
Application is: Approved <input checked="" type="checkbox"/> Denied <input type="checkbox"/> <u>100%</u> reduction allowed this applicant or a maximum of \$ _____					
Reason for Denial: _____					
Date: _____		Signature of Assessor: <i>Shirley Shaw</i>			
Schedule A					
The Following is an Accurate Account of Total Income for the Preceding Calendar Year					
4. Applicant's and spouse's income from Social Security benefits (excluding Medicare):	\$	_____			
5. Applicant's and spouse's income from salary and wages:	\$	_____			
6. Applicant's and spouse's income from interest:	\$	_____			
7. Applicant's and spouse's income from other sources:	\$	_____			
8. Dependents' total income from all sources:	\$	_____			
9. Total income from all sources (add lines 4, 5, 6, 7 and 8):	\$	_____			
Medical expenses actually paid during the year and not paid for by insurance:					
Total amount of health and hospital insurance premiums (exclude Medicare):		\$			
Medicine and drugs:		\$			
Doctor, dentist and hospital costs:		\$			
Hearing aids, eyeglasses, dentures, etc.:		\$			
Transportation costs for medical care: (51 cents per mile through April 16, 2012 and 55.5 cents per mile beginning April 17, 2012)		\$			
Nursing home care costs and/or home nursing care costs:		\$			
10. Total medical expenses:	\$	_____			
11. Income from all sources excluding medical expenses (line 9 less line 10):	\$	_____			
Applicant Signature					
I declare that this application, including Schedule A, has been examined by me and to the best of my knowledge and belief is a true and correct application. I am willing to furnish proof of age, income, and assets if requested to do so by someone authorized to administer this assessment credit. I reside on the property described in this application and I hereby claim the Homestead Credit on this property as provided for in N.D.C.S. 57-02-08-1.					
Date: <u>7-23-12</u>		Signature of Applicant: <i>Kurt D. Pfleger</i>			



# CITY OF MANDAN

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

701-667-3215 • FAX: 701-667-3223 • www.cityofmandan.com

ADMINISTRATION	667-3215
ASSESSING/BUILDING INSPECTION	667-3230
BUSINESS DEVELOPMENT	667-3485
CEMETERY	667-6044
ENGINEER/PLANNING & ZONING	667-3225
FINANCE	667-3213
FIRE	667-3208
HUMAN RESOURCES	667-3217
LANDFILL	667-0184
MUNICIPAL COURT	667-3270
POLICE	667-3455
PUBLIC WORKS	667-3240
WASTEWATER TREATMENT	667-3278
SPECIAL ASSESSMENTS	667-3271
UTILITY BILLING	667-3219
WATER TREATMENT	667-3275

## National Public Lands Day Proclamation September 28, 2013

**WHEREAS**, America's system of public lands includes parks, unique landscapes, forests, wildlife refuges, historic trails, natural streams and wetlands, nature centers, community gardens and other landmarks throughout the nation that individually and collectively represent our shared irreplaceable national resources; and

**WHEREAS**, Public lands provide locally accessible natural and cultural resources for environmental learning, wildlife appreciation and recreation; and

**WHEREAS**, Public lands promote civic ideals that include shared stewardship and recognition of public ownership; and

**WHEREAS**, Shared stewardship requires the goodwill, cooperation and active support of citizens, community, local and state officials, business leaders, youth and adults; and

**WHEREAS**, Recreation opportunities offered by public lands help families and individuals lead an active lifestyle and reduce the incidence of childhood obesity; and

**WHEREAS**, Land conservation efforts improve access to public lands for urban residents and work to break down the barriers that prevent Americans from actively utilizing their public lands; and

**WHEREAS**, A collaboration among state and local residents, land managers and community leaders improves the condition of publicly held lands for the greater enjoyment and enrichment of all Americans; and

**WHEREAS**, National Public Lands Day, now celebrating its 20<sup>th</sup> Anniversary, is the nation's largest, single-day volunteer effort for public lands and is coordinated by the National Environmental Education Foundation. The Bureau of Land Management, Department of Defense, Environmental Protection Agency, National Park Service, U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service and U.S. Forest Service serve as federal agency partners. This effort has become an annually anticipated celebration for local participation on publicly held lands in Mandan.

**NOW, THEREFORE**, I, Arlyn Van Beek, Mayor of the City of Mandan, ND, do

hereby proclaim, September 28, 2013, **NATIONAL PUBLIC LANDS DAY** in the City of Mandan, North Dakota.

Signed this 6<sup>th</sup> day of August, in the year 2013.

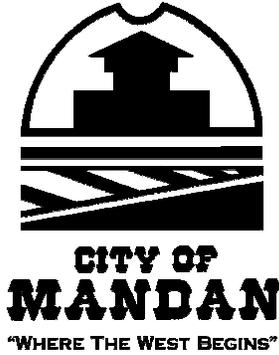
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Arlyn Van Beek, President  
Board of City Commissioners

Attest:

---

James Neubauer, City Administrator



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** August 6, 2013  
**PREPARATION DATE:** August 2, 2013  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** North Annexation Public Hearing

---

STATEMENT/PURPOSE: To consider results from the North Annexation proposal.

BACKGROUND/ALTERNATIVES:

- May 21, 2013, proposed resolution for annexation presented to the City Commission for their consideration
- June 4, 2013, resolution for annexation was approved by the City Commission
- July 8, 2013, 4:30 p.m. deadline for protests to the annexation
- July 16, 2013, 5:30 p.m. Public Hearing regarding sufficiency of protests

Several large pieces of property have changed hands over the past few years and new owners have requested city services (water, sanitary sewer, streets) in order to develop their property into urban commercial and residential areas. In order to serve these areas, an annexation of approximately 1,000 acres was proposed.

As of July 16, 2013, protests of the annexation amounted to 32.93% of the land area in the proposed annexation. Therefore, there is sufficient protest (above 25%) to stop the proposed annexation.

The Commission has the following options:

- 1) Drop the annexation
- 2) Ask the Governor to appoint a mediator in an attempt to find some resolution to the matter.

ATTACHMENTS: Map of the annexation area, protested in green, not protested in yellow. (Please note the areas are very close, however, we are still matching protests, we received some letters and some via petition, to the map)

FISCAL IMPACT: uncertain at this time

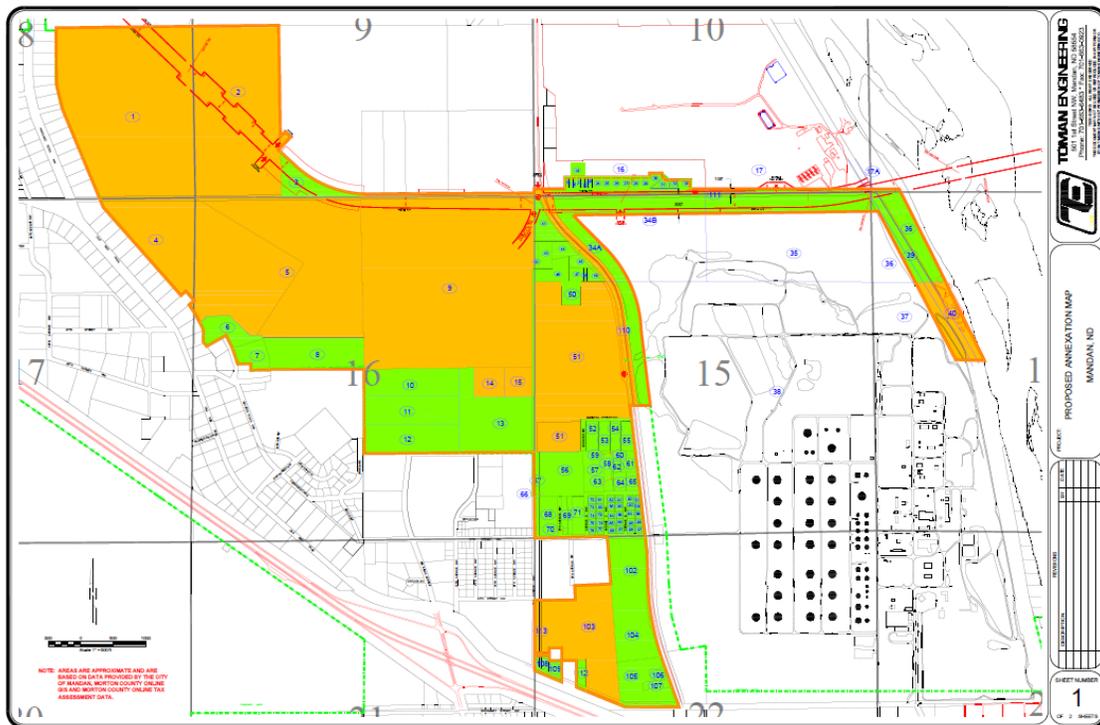
STAFF IMPACT:

LEGAL REVIEW:

RECOMMENDATION:

- I recommend withdrawing the current annexation proposal.
- I recommend revising the boundaries to exclude the “panhandle” from highway 1806 east along 38<sup>th</sup> street, amounts to approximately 878 acres.
- Board authorize City Attorney Brown to prepare the appropriate resolution for the city commission to consider at its August 20, 2013 City Commission Meeting.

SUGGESTED MOTION: I move to withdraw the current annexation proposal, authorize City Attorney Brown to prepare a resolution and map which redraws the boundaries of the annexation area to exclude the area along 38<sup>th</sup> street.



# North Mandan Subarea Transportation Study

## *Executive Summary - DRAFT*

*Report Version 1*

**Bismarck-Mandan Metropolitan Planning Organization**

July 16, 2013

# Executive Summary

## Introduction

The purpose of completing the North Mandan Subarea Transportation Study is to identify multimodal transportation improvements needed to support the current and proposed levels of development within and influencing the study area. Figure 1 displays the study area limits which encompass areas within and outside the city from north of I-94 to Square Butte Drive (north end of the Schlosser Addition) and from the Missouri River to approximately 47<sup>th</sup> Avenue NW.

Figure 1: Study Area Boundaries



Through the 2040 planning horizon, approximately 60 percent of the anticipated urban residential development and 65 percent of the commercial increment of development

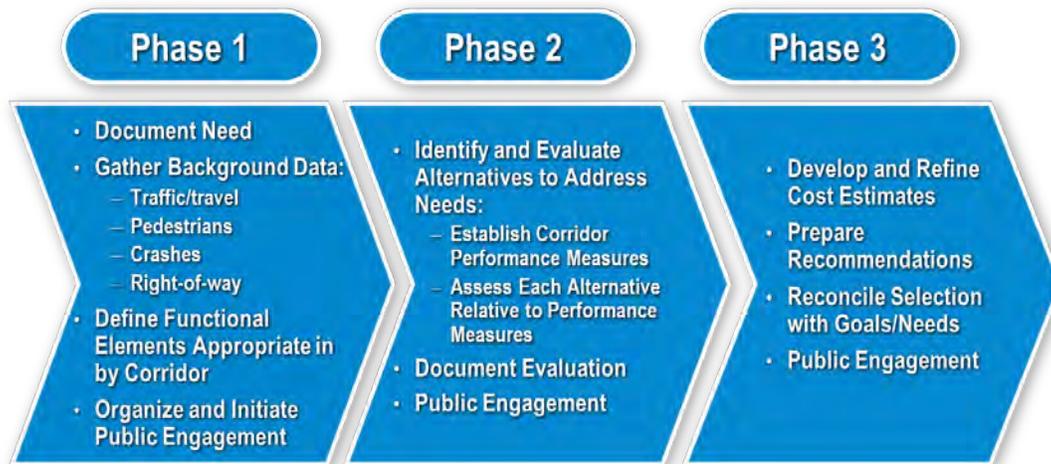
anticipated to occur in Mandan and Morton County has been allocated to the North Mandan study area.

Development in the study area cannot continue at the current pace without additional investment into the transportation infrastructure. Looking again at developments over the last five years, the vast majority have come onboard with very little expansion of the transportation infrastructure. To this point in time, the reserve capacity drawdown has not resulted in a substantial increase in congestion across the study area, however, traffic volumes at a number of intersections adjacent to the interstate are approaching their acceptable capacity. Unless system/network expansion is coordinated with developments coming on line, the increasing congestion levels observed at intersections adjacent to the interstate will spread outward to other areas, reducing the quality of service for travelers.

## Corridor Study Process

Analysis of the North Mandan subarea was divided into three inter-related phases/stages, displayed in Figure 2.

Figure 2: Corridor Study Process



## Purpose and Need for Action in the Study Area

The purpose of conducting the North Mandan Subarea Study, and subsequently identifying multimodal improvements is to support the orderly investment into transportation infrastructure to meet the following goals:

- Provide a safe transportation system.
- Provide a transportation system that meets the demand.
- Support the forecasted level of development through the planning horizon (2040).

- Promote a multimodal transportation system.
- Balance maintaining the current system with expansion that supports new development in the study area.

Study area needs were identified through a combination of the outreach/engagement program (Figure 3) and technical analysis of a range of data collected. Meeting with and discussing travel in the North Mandan study area with local, state and federal agency staff, stakeholders with an interest in the study area and the public at large was an initial step in the overall study process. Technical assessment of traffic operations, roadway geometrics and crashes supplemented the information gathered from various local sources to provide a complete picture of the current conditions. The results of the current conditions technical assessments are displayed in Figure 4.

## Household and Employment Growth (2010 to 2040)

Over the most recent three years, the level of new housing starts, new commercial business construction and expansion of the industrial sector has far outpaced the historical growth. The MPO Policy Board recognized in approving the 2040 population and employment projections that the next 20 to 25 years is more likely to reflect the recent trends than it is to reflect the longer term and pre-oil production forecasts. Table 1 provides documentation of the base year (2010), intermediate year (2025) and 2040 horizon estimates of growth for the region and the North Mandan Subarea Study limits.

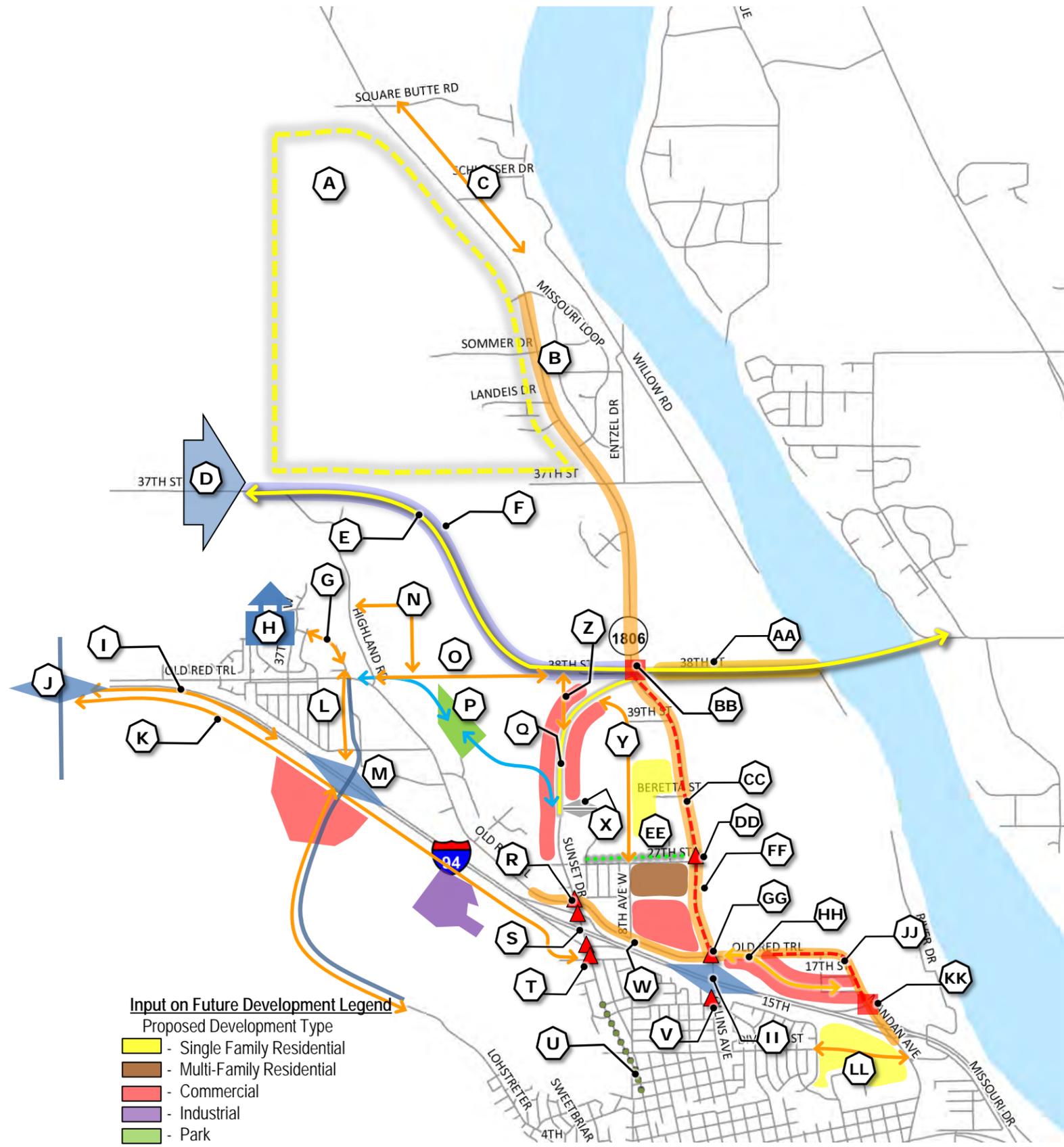
**Table 1. Change in Socioeconomic Data Estimates**

Variable	Period					
	2010		2025		2040	
	Region	Study Area	Region	Study Area	Region	Study Area
Population	108,600	2,280	159,000		191,600	
Households	41,800	1,080	64,400	2,670	73,100	3,890
Employment	64,300	2,270	99,900	5,440	124,500	8,290

Source: Bismarck-Mandan MPO

## 2040 Peak Hour Traffic and Traffic Operations

The projected increases in traffic along the arterial and collector corridors in the study area will change dramatically the relatively uncongested conditions observed today. Figure 5 displays the forecasted morning and afternoon peak hour intersection operations with 2040 forecasted volume on what is essentially the current roadway system.



Item	Description	Priority Hierarchy Preference Votes			
		Highest	2nd Highest	3rd Highest	4th Highest
A	Low density development – Not much traffic				
B	ND 1806 – Congested in peaks (need more lanes)			1	
C	Develop a Truck Route Away from School/Residential				3
D	Need to address traffic from developments outside study area		1		
E	What are impacts/costs of Northern Bridge improvements?			1	1
F	Consider west portion of Northern Bridge as separate project	1		2	
G	Provide collector connection				
H	Need to address pedestrian and bus impacts of new school				
I	Need truck by-pass				
J	Add New Interchange at 56th Avenue		1		
K	Frontage road needed to provide access to potential development sites				
L	Consider new Interstate grade crossing (not interchange)		2		1
M	Need a new interchange at 30th Avenue W		1	2	1
N	Additional Access to/from Highland Road			1	
O	Create new arterial corridor from Highland Rd to ND 1806			1	2
P	Trail connections needed to new park area			1	
Q	Extend Sunset Drive North to ND 1806		3	1	
R	Old Red Trail/Sunset Drive – Highly congested	3			
S	Interchange ramp intersections congested	10	3		
T	Sunset Drive/Boundary Road – Congested				
U	Reconstructing Sunset Drive, but no added capacity/signals – Hard getting out of driveways				
V	Collins Avenue/14th Street – Congested	2			
W	Old Red Trail– Widen to 4 Lanes for Safety and Capacity	1			
X	Need to consider land uses between Middle School and commercial (transition buffer)				
Y	Extend 8th Avenue W as collector to extended Sunset Drive (as develops)				
Z	Sunset Drive extension should go directly north to 38th Street				
AA	38th Street – Widen to 4 Lanes			1	
BB	Configuration/Safety at Future ND 1806/Sunset/Northern Bridge Crossing intersection?			1	3
CC	Need access management along ND 1806 – As more development comes in				
DD	ND 1806/27th Street Add a Signal			2	
EE	27th Street – Need to address pedestrian access from Middle School to neighborhood				
FF	Collins Avenue – Congested: Needs to be 5-lanes		1	1	
GG	Old Red Trail/Collins Avenue – Congested	1	1	2	2
HH	Alternate alignment of Old Red Trail – Opens are for development, reduces auto-truck conflicts, closely spaced Mandan to I-94 intersection	2	1		
II	Need new interchange at Collins Avenue	2	1		
JJ	Safety concern with auto-truck mixing along Old Red Trail			1	
KK	Safety (Intersection Skew)/Congestion At Mandan Avenue/I-94		2	1	1
LL	Division Street Should be Extended to Mandan Avenue		1		

People attending the meetings were asked to:

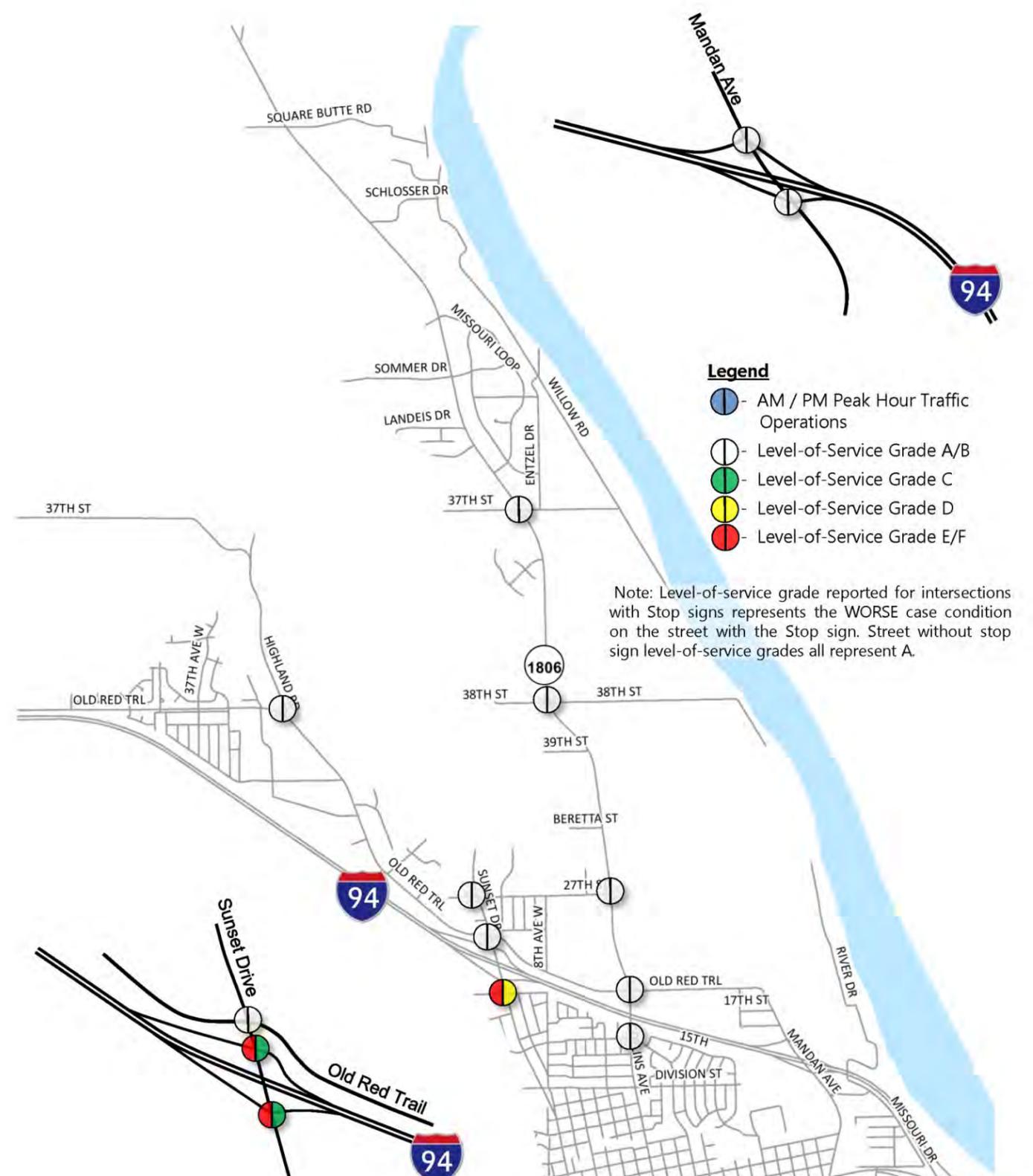
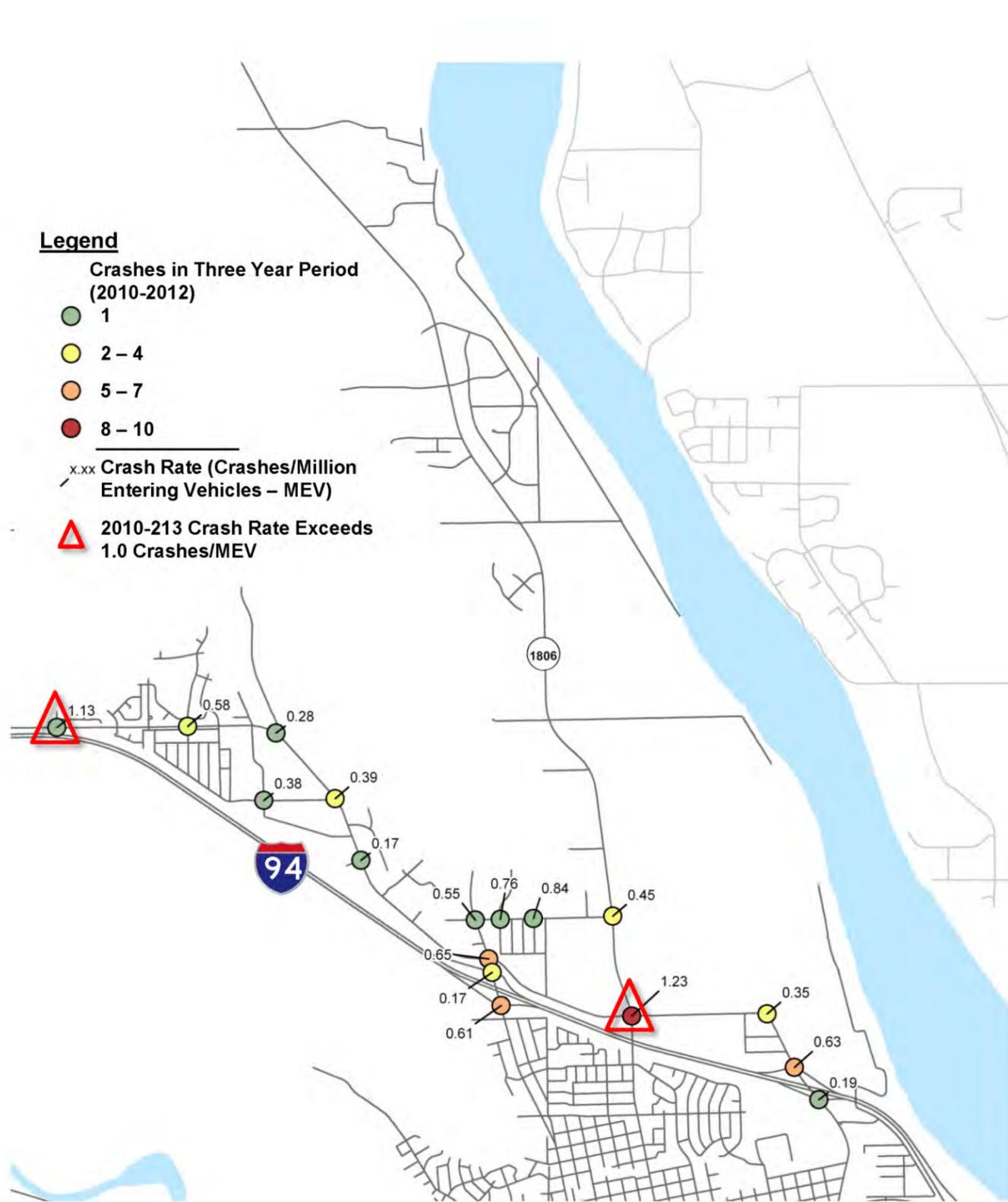
- Identify issues/needs they see in the study area.
- Rank by importance to them resolution of the need/issue relative all identified..

**Input by Issue Type legend**

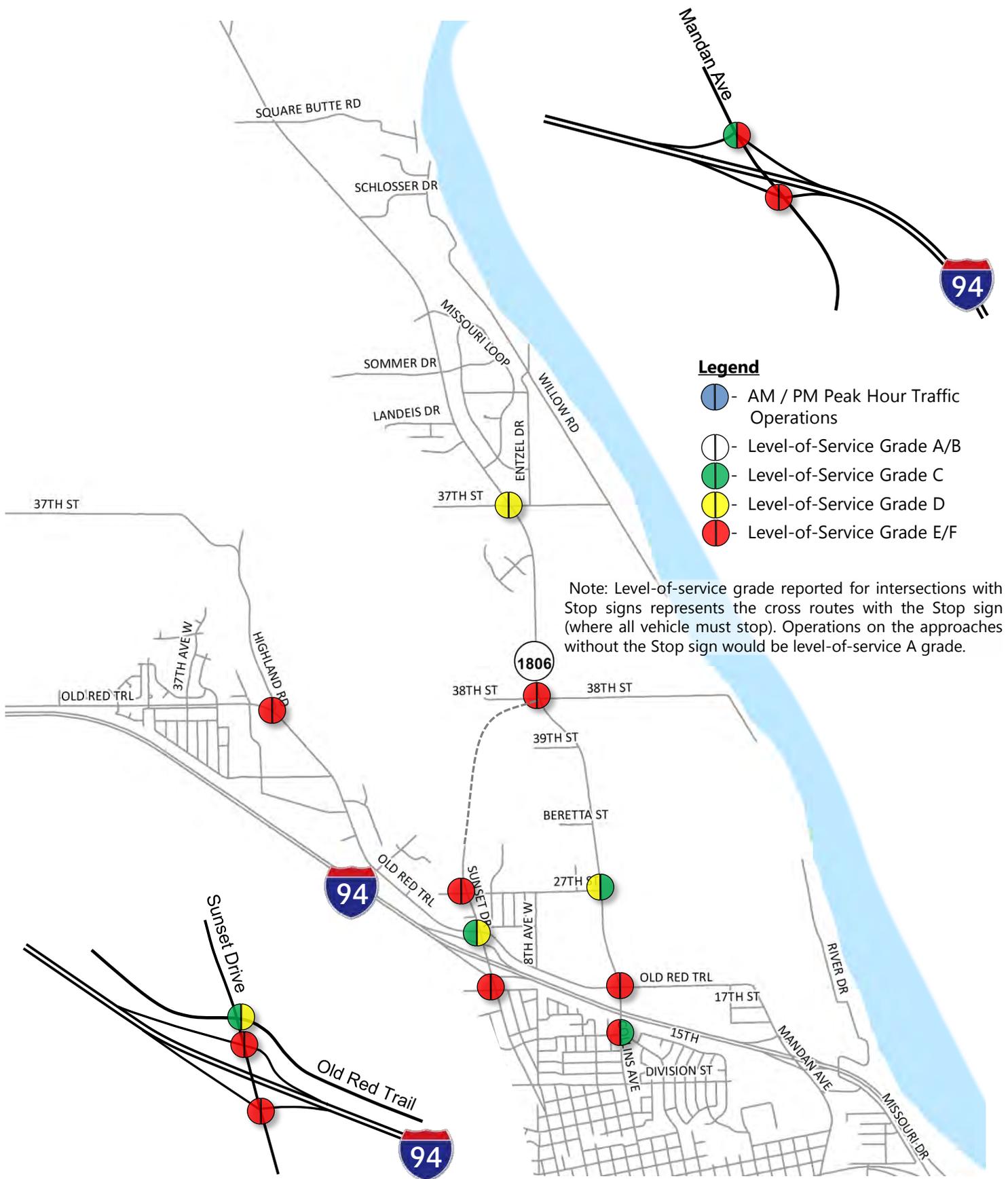
- Congested Intersection
- Congested Corridor
- Need for New Vehicle Connection
- New Interchange/Connection Desired
- Safety Concerns in Corridor
- Intersection Safety Concern (No Capacity Issue)
- New Corridor Discussed in LRTP or Other Studies

- Highest Priority/Most Important to Address
- Second Most Important
- Third Most Important
- Fourth Most Important

**Figure 3**  
**Transportation System Needs and/or Issues Identified by Stakeholders Committee and/or Public**  
 (Information from meetings held on November 27 and 28, 2012)



**Figure 4**  
Current Conditions Crash Analysis and Traffic Operations Analysis Results



**Figure 5**  
**Forecasted 2040 Conditions Morning and Afternoon Peak Traffic**  
**Intersection Operations (Existing Plus Committed Network)**



## Alternatives to Address Current and Future Issues/Needs

Alternatives developed as part of this study include the following range of concepts:

- **Transportation System Management (TSM) Alternatives:** These alternatives include intersection improvements such as additional turn lanes, traffic signal improvements, and corridor access management.
- **Transportation System Expansion:** These concepts are larger-scale improvements that increase capacity and/or address safety concerns in the study area by adding through lanes to an existing roadway corridor, adding a new interchange or crossing of the interstate or adding an entirely new corridor
- **Non-Motorized Facilities:** These alternatives include new or improved pedestrian and bicycle facilities within and crossing the study area.

The alternatives retained at the conclusion of the screening assessment are displayed in Figure 6.

## Conclusions

The North Mandan Subarea Study is an initial stage of a multi-step process for identifying, designing, approving and implementing multimodal transportation system improvements that meet identified needs in the focus area. Two critical elements of next steps in the short and longer term planning process are:

- Develop a program for integrating a traffic impact study process into project development.
- Advance the list of technically feasible projects through the planning and funding process, whether it be a local/county/state funded or a federally funded project.

## Traffic Impact Study Process

A traffic impact analysis is a study through which the effects of a particular development, or group of developments, have on the transportation network in the community. The primary goal of a traffic impact study is to identify what type of transportation improvements may be necessary to accommodate site generated traffic. Traffic impact studies should accompany developments which have the potential to impact the transportation network and should be considered an important tool in assisting the City in making land use decisions.

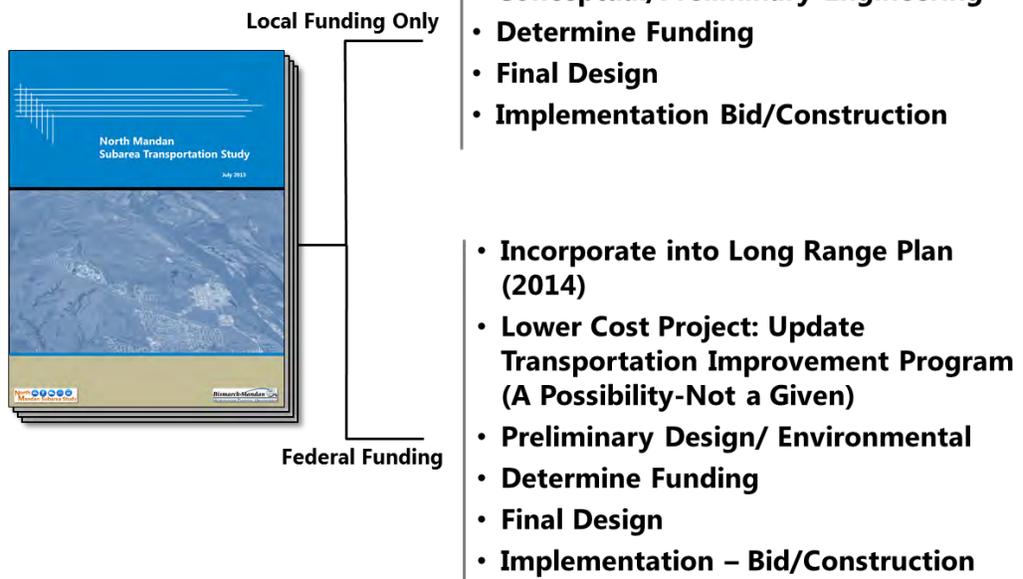


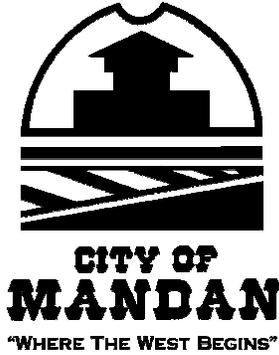
## Project Development Steps

The path the city, county or NDDOT take to selecting and implementing the preferred alternative will depend on a number of factors, with “how is the project being funded” as one of the critical determinants to the path to implementation. Figure 7 highlights the alternate next step paths for projects identified as technically feasible in the North Mandan Subarea Study.

Figure 7: Alternate Next Steps in Project Development Process

### Implementation Path





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** August 6, 2013  
**PREPARATION DATE:** August 2, 2013  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** Consider recommendation from Mandan Growth Fund (MGF) related to Property Tax Incentive Request, Edgewood Management Group LLC

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**STATEMENT/PURPOSE:** To consider application for property tax incentives for new or expanding businesses.

**BACKGROUND/ALTERNATIVES:** Edgewood Management Group LLC has completed an application for a property tax incentive for or expanding businesses. The applicant has applied for a Tier I exemption, 100% for two years.

The MGF met on Thursday, August 1, 2013 to consider the application.

The project, as described as Phase 2, consists of an additional 72 units to Phase 1 of Edgewood's assisted living facility. Applicant projects the addition of 18 full time employees in the first year of operation and up to 30 in year three. When complete with Phase 1 and 2, a total of 144 units will be available.

Mr. Rex Carlson, informed the MGF that Phase 2 consists of Wing B and C of the facility and he is confident a certificate of occupancy can be issued on Wing B (which consists of 30 units) by February 1, 2014. Mr. Carlson also indicated that they would work hard to complete Wing B and C, if C is not complete by Feb. 1 there is not much they can do.

The February 1<sup>st</sup> date holds importance as that is the date property values are completed that go to the City Board of Equalization.

The City Commission held a working session on June 25, 2013 to discuss possible changes to the Property Tax Exemption Policy; those changes were brought forward and adopted by the Commission on July 16, 2013. The changes to the exemption policy in essence tightened up the policy on what businesses may meet the criteria for exemptions.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider recommendation from Mandan Growth Fund related to Property Tax Incentive Request, Edgewood Management Group LLC

Page 2 of 2

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The MGF discussed recent changes (July 16, 2013) to the Property Tax Exemption Policy and how they specifically affect this project, as the application was dated June 20, 2013.

The MGF questioned whether or not the policy that was effective on June 20, the date the application was dated, would be governing or the policy as amended July 16, 2013.

Lacking a decision on that question the recommendation from the MGF is as follows: Should the policy in affect at the time the application was dated govern, recommend a two year 100% exemption. If the amended policy as adopted on July 16, 2013 governs, recommend denial as the application does not meet a targeted area of services nor is it in one of the targeted geographic areas as outlined in the amended policy.

ATTACHMENTS: The application is contained with the agenda documentation related to the Public Hearing on said topic.

FISCAL IMPACT: \$88,650 / year for 2 years

STAFF IMPACT: n/a

LEGAL REVIEW: City Attorney Brown was unable to attend the MGF Meeting, however, will be reviewing the question.

RECOMMENDATION: The MGF recommends should the policy in affect at the time the application was dated govern; a two year 100% exemption would be approved. If the amended policy as adopted on July 16, 2013 governs, recommend denial as the application does not meet a targeted area of services nor is it in one of the targeted geographic areas as outlined in the amended policy.

SUGGESTED MOTION: The City Commission has discretion in granting property tax exemptions and the motion of the MGF is listed above. Based on the policy amendments adopted by the City Commission on July 16, 2013 I would recommend denial as the application does not meet a targeted area of services nor is it in one of the targeted geographic areas as outlined in the amended policy.

# Mandan Industrial Site Ranking

	Size	Access	Utilities	Zoning / Surrounding Uses	Availability	Average	RANK	Staff Consensus
1. Kist	4	4	4	2	2	3.2	T-6	
2. Magilke	2	2	4	3	2	2.6	T-13	
3. Laubner	2	2	3	3	3	2.6	T-13	
4. ORT Commercial Park	3	3	4	4	5	3.8	4	1
5. ORT & 1806	2	5	4	2	1	2.8	T-10	
6. <i>Mandan Industrial Park*</i>								
7. I-94 Properties	5	1	1	4	4	3	T-8	
8. Vogel	4	3	2	3	2	2.8	T-10	
9. Ed Boehm	4	5	3	5	1	3.6	5	2
10. Boehm & Landeis	5	3	2	3	1	2.8	T-10	
11. Kotke	2	3	2	4	5	3.2	T-6	
12. Cloverdale	1	5	5	5	5	4.2	1	
13. Former Cheese Plant	1	4	5	5	5	4	T-2	
14. Sunnyside	1	3	2	5	4	3	T-8	3
15. Riverwood	1	5	5	4	5	4	T-2	

**METHODOLOGY:** Each site was ranked on five criteria: size, access, utilities, zoning/surrounding uses & availability **as though the site was to be developed as an industrial park**. Sites were assigned a value of 1 - 5 with 1 being poor and 5 being excellent in each category with the totals then tabulated and ranked.

**\*NOTE:** Those sites in italics have been sold and consequently not ranked

Mandan Site Inventory

**June 2013**

Prepared by the Bismarck-Mandan Development Association (BMDA)

## Background

Beginning in 2011, the Bismarck-Mandan Development Association (BMDA) has assembled inventories of prospective industrial, office and retail development sites in and around the City of Mandan. In addition, BMDA staff then ranked each site in the respective inventories on criteria pertinent to that particular use, i.e. access, visibility, etc. In 2012, BMDA staff combined each inventory into one inventory with sections devoted to industrial, office and retail development sites.

It should be noted that: some sites may be suitable for more than one use, but for the purposes of this inventory will only be included in one section and not be repeated. Also, the respective rankings of sites are subjective to the BMDA staff that produced the ranking.

## Minimum Requirements

- Office
  - Current zoning status of CA (Light Commercial & Services), CB (Heavy Commercial), CC (Heavy Commercial)) OR
  - Identification in Bismarck-Mandan Regional Future Land Use Plan as General Commercial, Mixed Use – Commercial/Residential, Mixed Use – Commercial/Industrial or Neighborhood Commercial
  - Access to a major roadway or thoroughfare which provides an adequate amount of visibility desirable for office locations
  
- Industrial
  - Current zoning status of A (Agricultural), MA (Light Industrial/Heavy Commercial), MB (Heavy Industrial/Heavy Commercial), MC (Light Industrial/Heavy Commercial) or MD (Heavy Industrial/Heavy Commercial) OR
  - Identification in Bismarck-Mandan Regional Future Land Use Plan as potential industrial or mixed use industrial/heavy commercial site.
  - Access to major roadway.
  
- Retail
  - Current zoning status of CA (Light Commercial & Services), CB (Heavy Commercial), CC (Heavy Commercial), MA (Light Non-nuisance Industrial/Heavy Commercial), OR
  - Identification in Bismarck-Mandan Regional Future Land Use Plan as General Commercial, Mixed Use – Commercial/Residential, Mixed Use – Commercial/Industrial or Neighborhood Commercial
  - Access to a major roadway or thoroughfare which provides an adequate amount of visibility desirable for retail locations
  - Ability to develop a minimum of a 10,000 square foot building and associated off-street parking (if required)



	1. Kist	2. Magilke	3. Laubner	4. ORT Commercial Park	5. Old Red Trail & Highway 1806	6. Mandan Industrial Park - SOLD	7. Interstate 94 Properties
<b>Location</b>	SE Mandan	The Strip	Twin City Drive	NW Mandan	NE Mandan	NW Mandan	NW Mandan
<b>Size</b>	Approximately 100 acres	Approximately 20 acres	18 acres	60 acres	34 acres	1 - 2.16 acres 2 - 5.80 acres	Approximately 2100 acres
<b>Zoning</b>	MD (Heavy Industrial) & A (Agricultural)	MA (light industrial)	A (Agricultural)	<i>Current</i> - MA (Light Industrial/Heavy Commercial) <i>Future Land Use</i> - General Commercial	<i>Current</i> - Light Industrial/Heavy Commercial <i>Future Land Use</i> - Urban Residential	MC (Light Industrial/Heavy Commercial)	<i>Current</i> - Agricultural <i>Future Land Use</i> - Industrial
<b>Ownership</b>	Kist Family	Marlene Magilke	Laubner Family	Mandan 94 Investors	Melvin Heck	Scott & Julie Porsberg	1 - Mandan Development Co 2 - Swanberg Construction 3 - BREI Estates 4 - Jon McCreary
<b>Municipal Water/Sewer</b>	On-site at 40 <sup>th</sup> Ave SE	On-site at 40th Ave. SE	<i>Water</i> - on-site at southern edge <i>Sewer</i> - northwest of property	<i>Water</i> - On-site at all sides of property <i>Sewer</i> - On-site at south edge of property	<i>Water</i> - on-site at south edge of property <i>Sewer</i> - south at I-94	On-site at all sides	North of Interstate 94
<b>Power Provider</b>	MDU	MDU	MDU	MDU	MDU	Mor Gran Sou	MDU
<b>Primary Road Access</b>	Memorial Highway & 40 <sup>th</sup> Ave SE	Memorial Highway	Memorial Highway & Twin City Drive	Interstate 94 & Old Red Trail	Old Red Trail	Old Red Trail	Interstate 94
<b>Total Price</b>	Unknown	Unknown	Unknown	Variable	Unknown	1 - \$122,350 2 - \$277,778	Variable
<b>Price / Square Foot</b>	Unknown	Unknown	Unknown	\$2.50 for the entire parcel / \$5 for smaller parcels	Unknown	1 - \$1.30 / sq ft. 2 - \$1.10 / sq ft.	Variable
<b>Contact</b>	Billy Kist	Marlene Magilke	Laubner Family	Matt Reichert	Melvin Heck	Bill Daniel	1 - Kevin Christianson 2 - Mark Swanberg 3 - Randy Bakke 4 - Jon McCreary

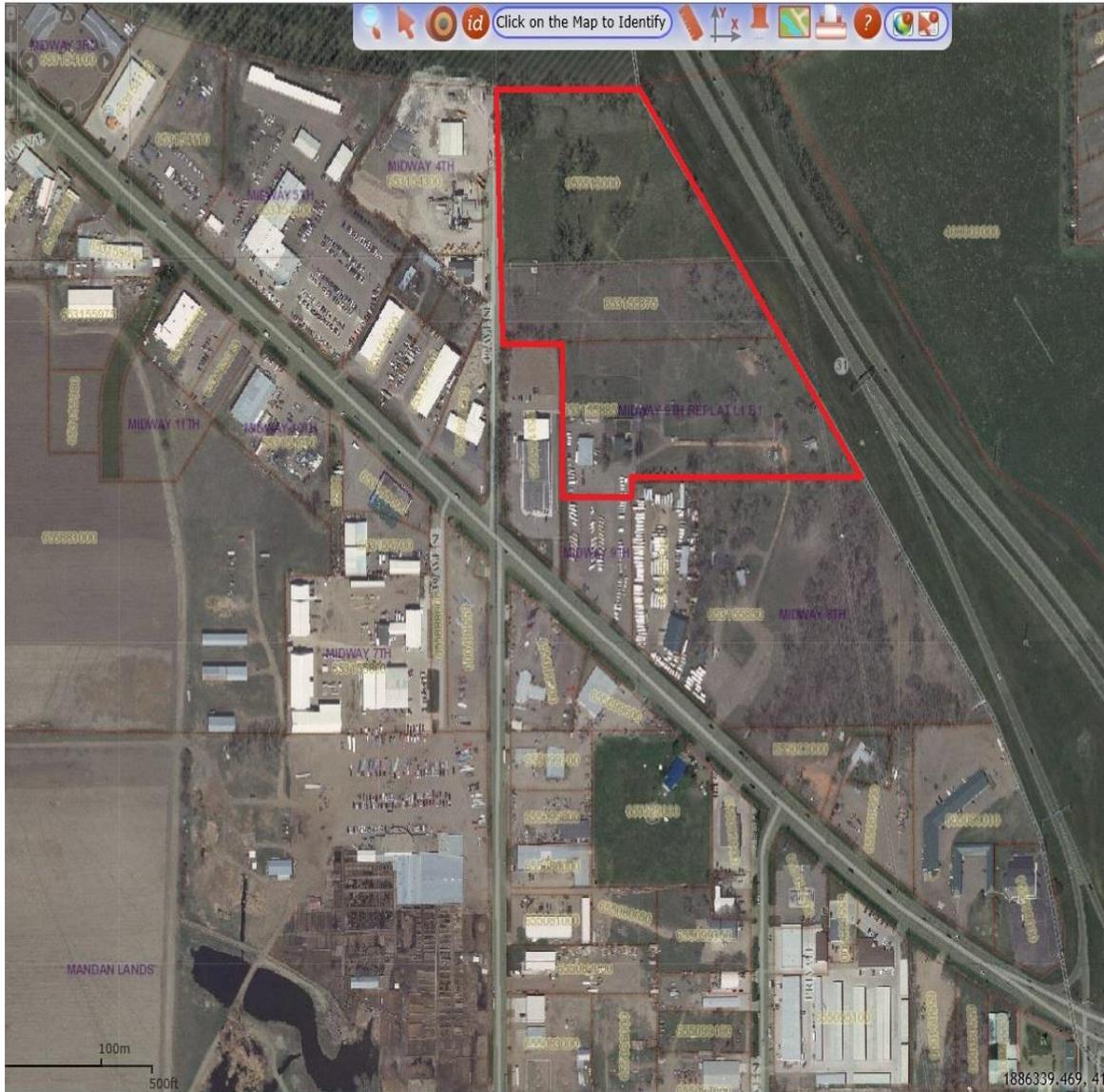
	<b>8.Vogel – Section14</b>	<b>9.Ed Boehm</b>	<b>10.Boehm &amp; Landeis</b>	<b>11. Kotke</b>	<b>12.Cloverdale Industrial Park</b>	<b>13.Former Cheese Plant</b>	<b>14.Sunnyside Feeds</b>	<b>15.Riverwood Commercial Park</b>
<b>Location</b>	2 miles west of Mandan	2 miles west of Mandan	2 miles west of Mandan	8 miles west of Mandan	NW Mandan	SE Mandan	West of Mandan	SE Mandan
<b>Size</b>	100 acres	Approximately 125 acres	1 - 250 acres 2- 160 acres	16.62 acres	1+ acre	7.55 acres	Approximately 10 acres	Site 1 - 2.1 acres Site 2 - 2.015 acres
<b>Zoning</b>	<i>Current - A (Agricultural) Future Land Use - Mixed Use Industrial</i>	A (Agricultural)	<i>Current - A (Agricultural) Future Land Use- Industrial &amp; Mixed Use Industrial/ Commercial</i>	<i>Current - Industrial Future Land Use Plan - not included</i>	MA (Light Industrial)	MC (light Industrial)	MB (Heavy Industrial / Heavy Commercial_	Site 1 - MB (Heavy Industrial & Heavy Commercial) Site 2 - MA (Light Industrial)
<b>Ownership</b>	Joseph, Jr. & Jan Vogel Trust	Ed Boehm	1- Boehm Family 2 - Landeis Family	Boutros & Knutson	TJ Russell	Johnson Family	Knife River Corporation	Riverwood Commercial Park, LLC
<b>Municipal Water/Sewer</b>	1.5 miles east	2 miles east	1.5 miles east	6.5 miles east	On-Site	On-Site	2 miles east	On-Site
<b>Power Provider</b>	Mor Gran Sou	Mor Gran Sou	Mor Gran Sou	Mor Gran Sou	Mor-Gran-Sou	MDU	Mor Gran Sou	MDU
<b>Primary Road Access</b>	Interstate 94	Interstate 94 & Highway 25	Interstate 94	Interstate 94	34 <sup>th</sup> ST NW	Twin City Drive	I-94 Business (Highway 10)	Riverwood Drive
<b>Total Price</b>	Unknown	Unknown	1 - Unknown 2 - Unknown	\$1,447,934	Not for Sale (build-to-suit)	\$1,400,000	Unknown	Site 1 - \$503,118 Site 2 - \$702,216
<b>Price / Square Foot</b>	Unknown	Unknown	1 - Unknown 2 - Unknown	\$2.00	Not for Sale (Build-to-suit)	\$4.25	Unknown	Site 1 - \$5.50 Site 2 - \$8.00
<b>Contact</b>	Esther Vogel	Ed Boehm	1 -Marvin Boehm 2- Keith Landeis	Matt Reichert	Kyle Holwagner	Kyle Holwagner	Knife River or Bill Price	Tom Friedt

## 1. Kist Property



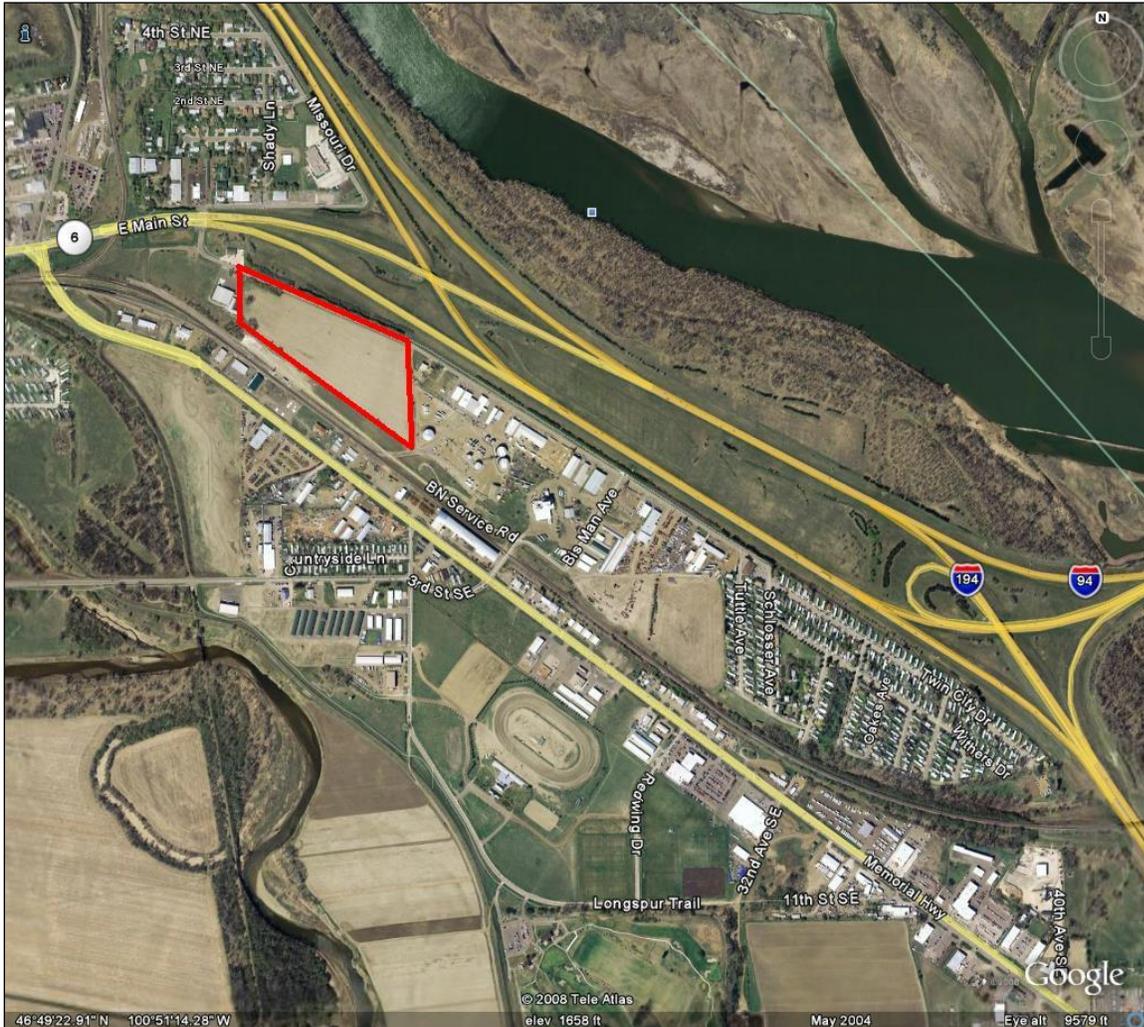
<b>Location:</b> Southeast Mandan, south of Kist Livestock	<b>Power Provider:</b> MDU
<b>Size:</b> Approximately 100 acres	<b>Primary Road Access:</b> Memorial Highway & 40th Ave. SE
<b>Zoning:</b> MD (Heavy Industrial) and A (Agricultural)	<b>Total Price:</b> Unknown
<b>Ownership:</b> Kist Family	<b>Price / Square Foot:</b> Unknown
<b>Municipal Water/Sewer:</b> On-site at 40th Ave. SE	<b>Contact:</b> Billy Kist. The owners have no current plans to sell the property, but would listen to offers.

## 2. Magilke Property



<b>Location:</b> Southeast Mandan near the east end of Memorial Highway and Interstate 94.	<b>Power Provider:</b> MDU
<b>Size:</b> Approximately 20 acres	<b>Primary Road Access:</b> Memorial Highway
<b>Zoning:</b> MA (Light Industrial)	<b>Total Price:</b> Unknown
<b>Ownership:</b> Marlene Magilke	<b>Price / Square Foot:</b> Unknown
<b>Municipal Water/Sewer:</b> At 40 <sup>th</sup> Avenue SE.	<b>Contact:</b> Marlene Magilke. Marlene has no plans to sell or develop her property at this time, but may in the future.

### 3. Laubner Property



<p><b>Location:</b> Southeast Mandan near the West End of Memorial Highway &amp; 1-94 Exit 155</p>	<p><b>Power Provider:</b> MDU</p>
<p><b>Size:</b> Approximately 18 acres</p>	<p><b>Primary Road Access:</b> Memorial Highway and Twin City Drive</p>
<p><b>Zoning:</b> A (Agricultural)</p>	<p><b>Price:</b> Unknown</p>
<p><b>Ownership:</b> Laubner Family</p>	<p><b>Price / Square Foot:</b> Unknown</p>
<p><b>Municipal Water/Sewer:</b> <i>Water</i> - on-site at southern edge of property <i>Sewer</i> - northwest of property (need extension)</p>	<p><b>Contact:</b> Laubner Family. Per Pat Maddock of Oaktree Realtors, the owners of the property have rejected a previous offer for the property.</p>

#### 4. Old Red Trail Commercial Park



<b>Location:</b> Northwest Mandan along Interstate 94, Exit 153	<b>Power Provider:</b> MDU
<b>Size:</b> 59.25 acres	<b>Primary Road Access:</b> Interstate 94 & Old Red Trail
<b>Zoning:</b> <i>Current</i> - MA (Light Industrial/Heavy Commercial) <i>Future Land Use Plan</i> - General Commercial	<b>Total Land Price:</b> \$9,033,255
<b>Ownership:</b> Mandan 94 Investors	<b>Price / Square Foot:</b> \$3.50
<b>Municipal Water/Sewer:</b> <i>Water</i> - On-site at all sides of property <i>Sewer</i> - On-site at south edge of property	<b>Contact:</b> Matt Reichert, Aspen Group

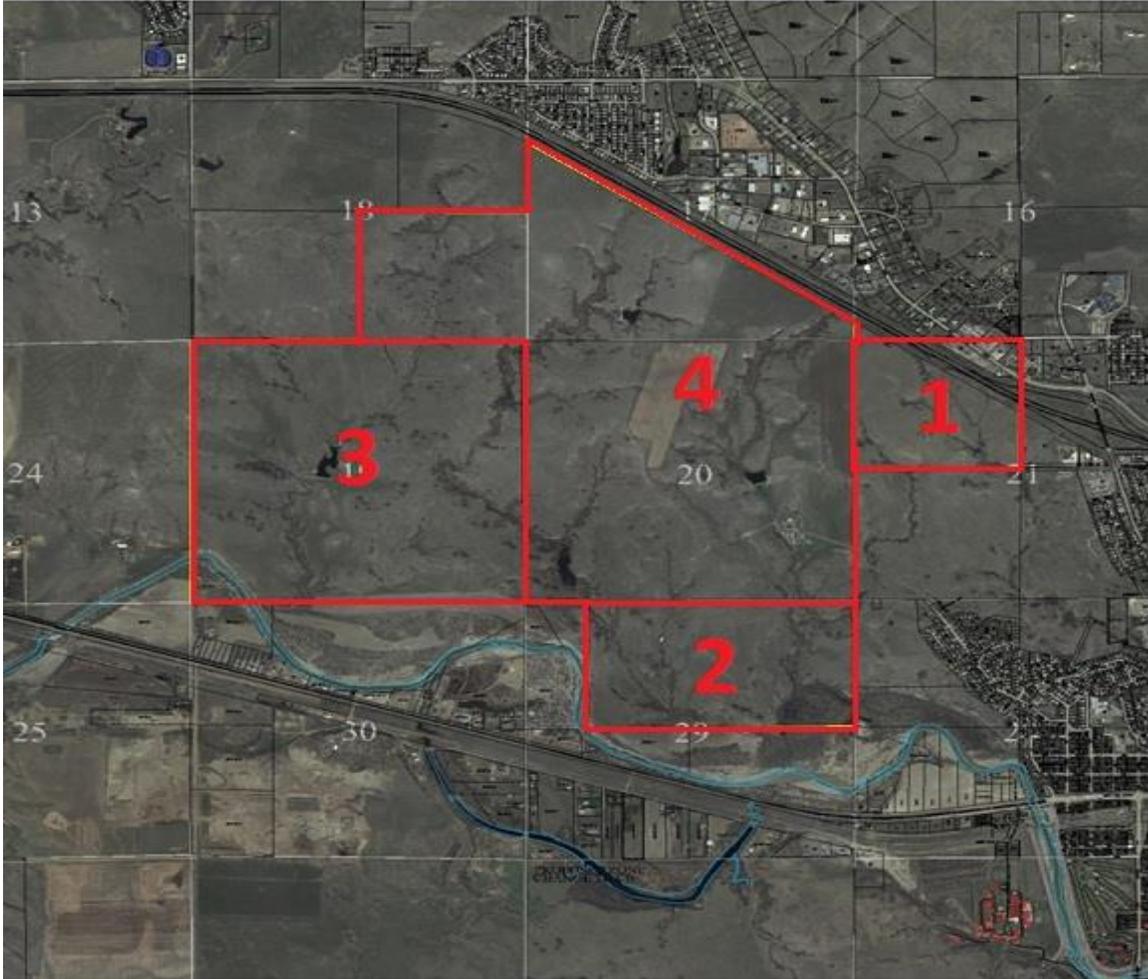


**6. Mandan Industrial Park 7<sup>th</sup> Addition SOLD**



<p><b>Location:</b> Northwest Mandan between Old Red Trail and Interstate 94 (4310 34<sup>th</sup> Ave. NW &amp; 4304 32<sup>nd</sup> Ave. NW)</p>	<p><b>Power Provider:</b> Mor Gran Sou</p>
<p><b>Size:</b> Site 1 (2.15 acres) Site 2 (5.80 acres)</p>	<p><b>Primary Road Access:</b> Old Red Trail</p>
<p><b>Zoning:</b> MC (Light Industrial/Heavy Commercial)</p>	<p><b>Total Land Price:</b> Site 1 (\$121,482) Site 2 (\$277,866)</p>
<p><b>Ownership:</b> Scott &amp; Julie Porsberg</p>	<p><b>Price / Square Foot:</b> Site 1 (\$1.30 / sq. ft.) Site 2 (\$1.10 / sq. ft.)</p>
<p><b>Municipal Water/Sewer:</b> On-site at all sides of property</p>	<p><b>Contact:</b> Bill Daniel / Kyle Holwagner, Daniel Companies</p>

## 7. Interstate 94 Properties



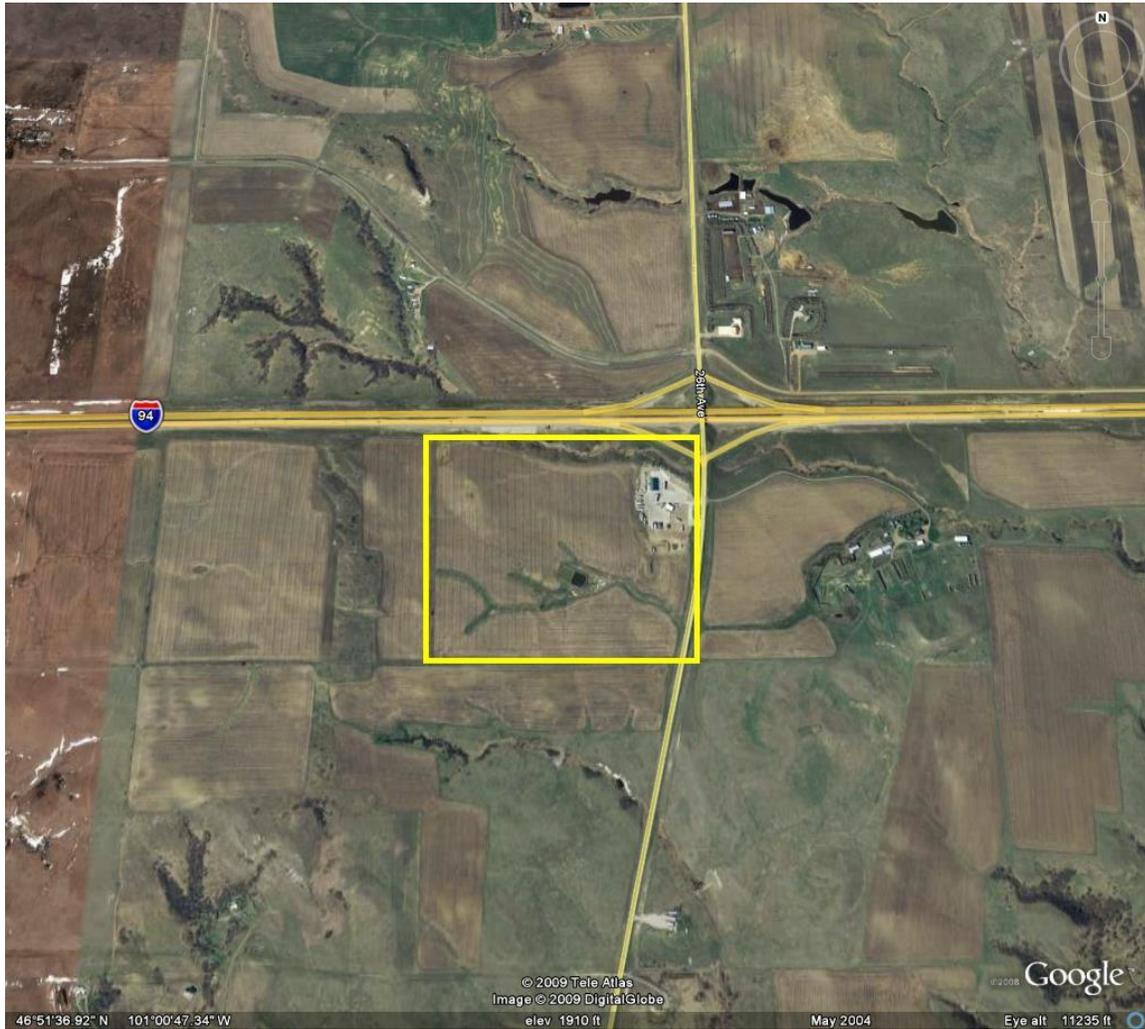
<b>Location:</b> Northwest Mandan along Interstate 94	<b>Power Provider:</b> MDU sections 17,20,21,29 MGS sections 18 & 19
<b>Size:</b> Site 1 – 160 acres Site 2 – 260 acres Site 3 – 629 acres Site 4 – 1,050 acres	<b>Primary Road Access:</b> Interstate 94
<b>Zoning:</b> <i>Current – A (Agricultural) Future Land Use Plan – Industrial</i>	<b>Total Land Price:</b> Variable
<b>Ownership:</b> Site 1 – Mandan Development Co Site 2 – Swanberg Construction Site 3 – BREI Estates Site 4 – Jon McCreary	<b>Price / Square Foot:</b> Variable
<b>Municipal Water/Sewer:</b> North of Interstate 94	<b>Contact:</b> Site 1 – Kevin Christianson Site 2 – Mark Swanberg Site 3 – Randy Bakke Site 4 – Jon McCreary

## 8. Vogel Property - Section 14



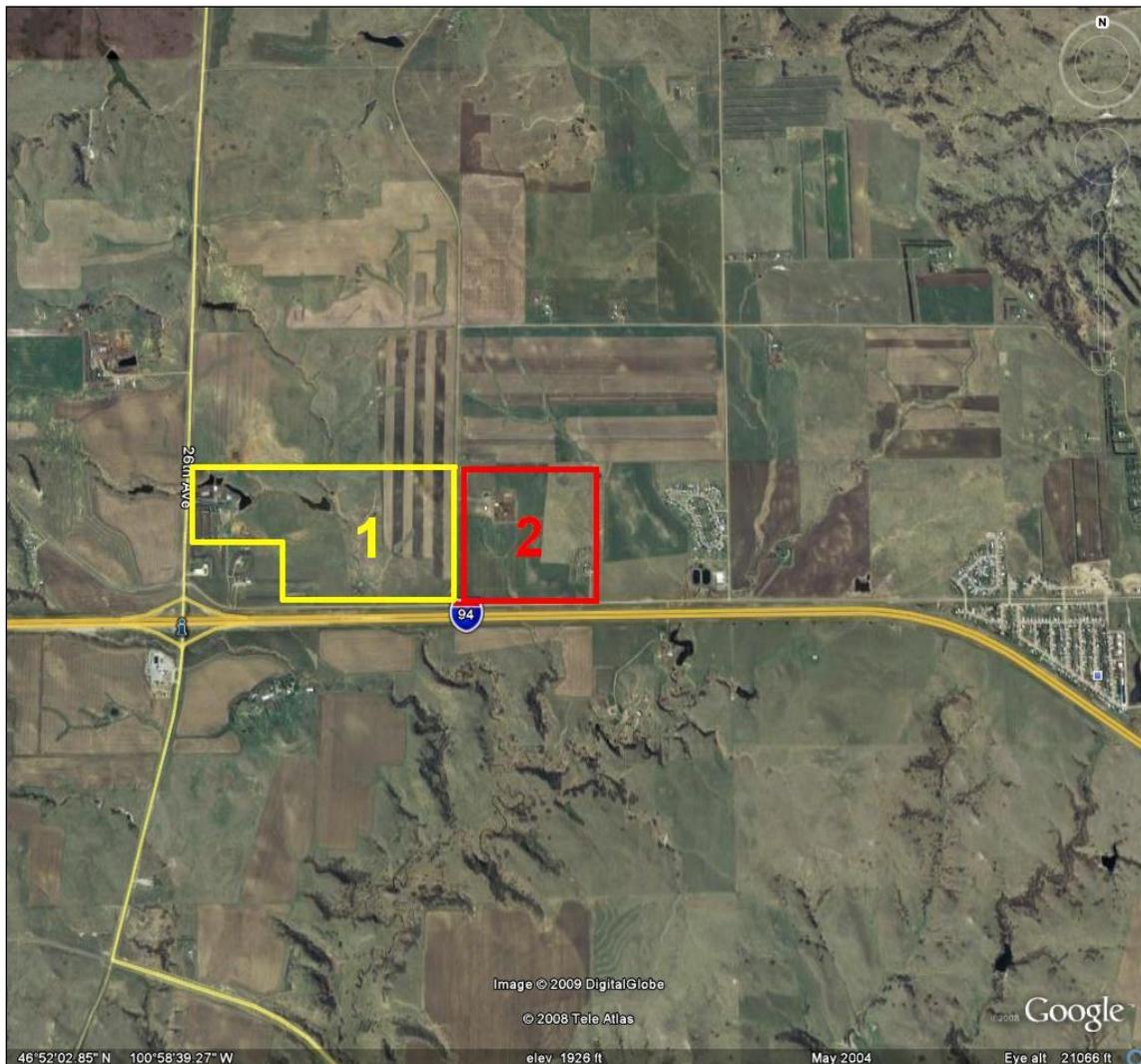
<b>Location:</b> I-94 Exit 147. Approximately 2 miles west of Mandan; across from the truck stop	<b>Power Provider:</b> Mor Gran Sou
<b>Size:</b> Approximately 100 acres	<b>Primary Road Access:</b> Interstate 94 and Highway 25
<b>Zoning:</b> <i>Current</i> - A (Agricultural) <i>Future Land Use Plan</i> - Industrial and Mixed Use Commercial	<b>Total Price:</b> Unknown
<b>Ownership:</b> Joseph, Jr. & Jan Vogel Trust	<b>Price / Square Foot:</b> Unknown
<b>Municipal Water/Sewer:</b> Approximately 1.5 miles east	<b>Contact:</b> Esther Vogel. Attempts to reach Mrs. Vogel were unsuccessful.

## 9. Ed Boehm Property



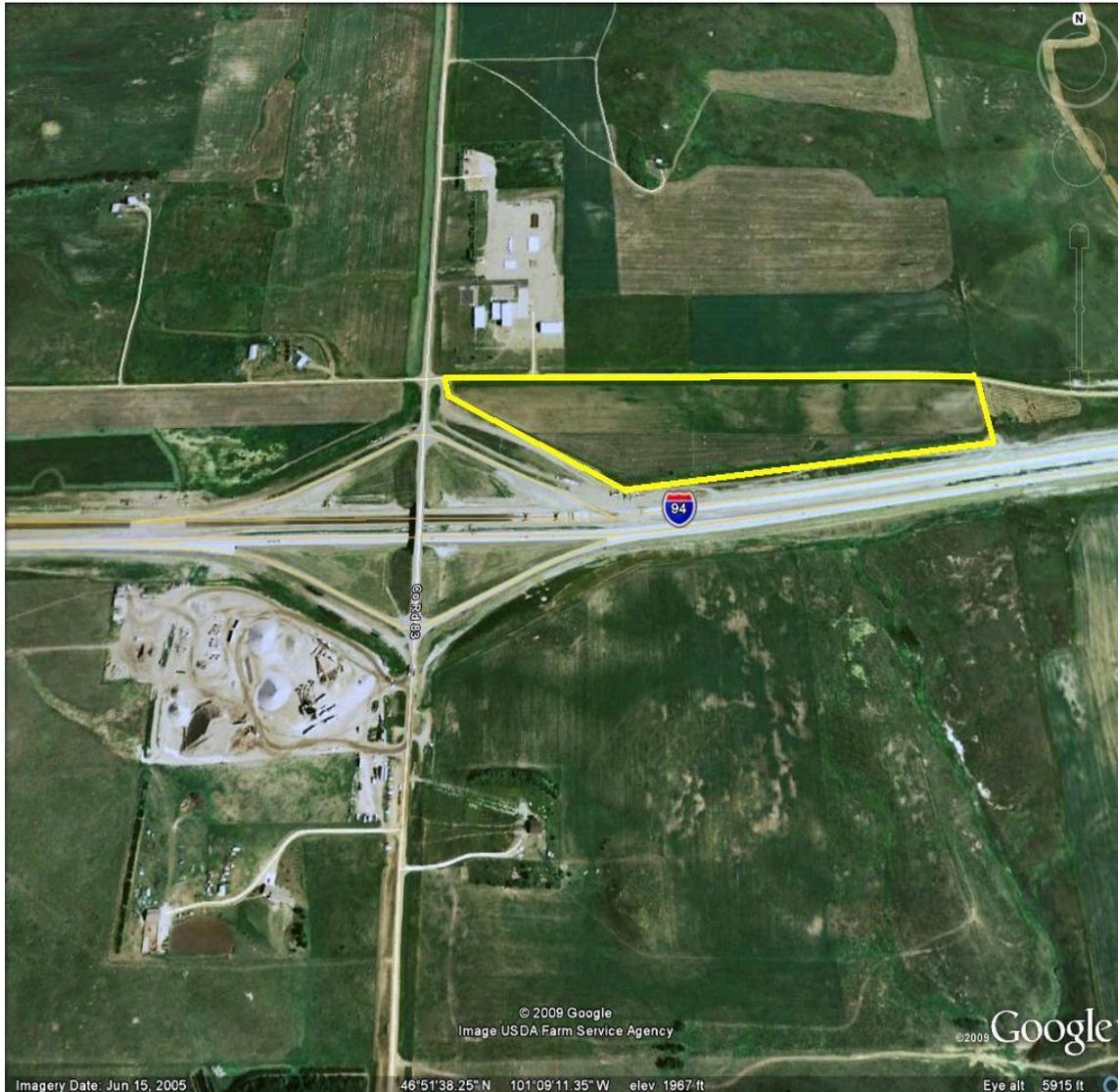
<b>Location:</b> Approximately 2 miles west of Mandan	<b>Power Provider:</b> Mor Gran Sou
<b>Size:</b> Approximately 125 acres	<b>Primary Road Access:</b> Interstate 94 and Highway 25
<b>Zoning:</b> A (Agricultural)	<b>Total Price:</b> Unknown
<b>Ownership:</b> Edward Boehm	<b>Price / Square Foot:</b> Unknown
<b>Municipal Water/Sewer:</b> Approximately 2 miles east	<b>Contact:</b> Ed Boehm. Staff was unable to contact Ed, but he has indicated in prior conversations with staff and others that he has no plans for further development of the property.

## 10. Boehm & Landeis Properties



<b>Location:</b> Approximately 2 miles west of Mandan on Interstate 94, Exit 147	<b>Power Provider:</b> Mor Gran Sou
<b>Size:</b> Site 1 (250 acres) Site 2 (160 acres)	<b>Primary Road Access:</b> Interstate 94
<b>Zoning:</b> <i>Current</i> - A (Agricultural) <i>Future Land Use Plan</i> - Industrial & Mixed Use Industrial/Commercial	<b>Total Land Price:</b> Unknown
<b>Ownership:</b> Site 1 (Boehm Family) Site 2 (Landeis Family)	<b>Price / Square Foot:</b> Unknown
<b>Municipal Water/Sewer:</b> 0.5 miles east from Site 2	<b>Contact:</b> 1. Marvin Boehm 2. Keith Landeis

## 11. Kotke Property



<b>Location:</b> Approximately 8 miles west of Mandan on Interstate 94, Exit 140	<b>Power Provider:</b> Mor Gran Sou
<b>Size:</b> 16.62 acres	<b>Primary Road Access:</b> Interstate 94 & County Highway 83
<b>Zoning:</b> <i>Current - Industrial Future Land Use Plan - not included</i>	<b>Total Land Price:</b> \$1,447,934.40
<b>Ownership:</b> Boutros & Knutson	<b>Price / Square Foot:</b> \$2.00
<b>Municipal Water/Sewer:</b> Approximately 6 miles east	<b>Contact Person:</b> Matt Reichert, Aspen Group

## 12. Cloverdale Industrial Park



<b>Location:</b> NW Mandan	<b>Power Provider:</b> Mor Gran Sou
<b>Size:</b> Approximately 1+ acre that could accommodate a 20,000 - 30,000 sq ft building	<b>Primary Road Access:</b> 34 <sup>th</sup> St NW
<b>Zoning:</b> MA (Light Industrial)	<b>Total Land Price:</b> Not for sale (build-to-suit)
<b>Ownership:</b> TJ Russell	<b>Price / Square Foot:</b> Not for sale (build-to-suit)
<b>Municipal Water/Sewer:</b> on-site	<b>Contact Person:</b> Kyle Holwagner, Daniel Companies

**13. Former Cheese Plant**



<b>Location:</b> SE Mandan	<b>Power Provider:</b> MDU
<b>Size:</b> 7.55 acres	<b>Primary Road Access:</b> Twin City Drive
<b>Zoning:</b> MC (Light Industrial)	<b>Total Land Price:</b> \$1,400,000
<b>Ownership:</b> Johnson Family	<b>Price / Square Foot:</b> \$4.25
<b>Municipal Water/Sewer:</b> on-site	<b>Contact Person:</b> Kyle Holwagner, Daniel Companies

**14. Sunnyside Feeds**



<b>Location:</b> West of Mandan	<b>Power Provider:</b> Mor Gran Sou
<b>Size:</b> Approximately 10 acres	<b>Primary Road Access:</b> Interstate 94 Business (Highway 10)
<b>Zoning:</b> MB (Heavy Industrial / Heavy Commercial)	<b>Total Land Price:</b> Unknown
<b>Ownership:</b> Knife River Corporation	<b>Price / Square Foot:</b> Unknown
<b>Municipal Water/Sewer:</b> 2 miles	<b>Contact Person:</b> Knife River Corporation or Bill Price

## 15. Riverwood Commercial Park



<b>Location:</b> Southeast Mandan	<b>Power Provider:</b> MDU
<b>Size:</b> Site 1 - 2.1 acres / Site 2 – 2.015 acres	<b>Primary Road Access:</b> Riverwood Ave.
<b>Zoning:</b> Site 1 - MB (Heavy Industrial & Heavy Commercial) Site 2 – MA (Light Industrial)	<b>Total Land Price:</b> Site 1 - \$503,118 / Site 2 - \$702,216
<b>Ownership:</b> Riverwood Commercial Park LLC	<b>Price Per Square Foot:</b> Site 1 - \$5.50 psf / Site 2 - \$8.00
<b>Municipal Water/Sewer:</b> On-Site	<b>Contact:</b> Site 1- Tom Friedt / Site 2 – Kyle Holwagner



# Mandan Retail Site Ranking

	Size	Access	Visibility	Traffic Counts	Proximity to Other Retail	Average	RANK	Staff Consensus
1. Interstate 94 Properties	2	1	4	4	3	2.8	18	
2. ORT Commercial Park	4	2	5	5	3	3.8	T-11	
3. Perry Funeral Home	5	5	4	4	4	4.4	T-2	
4. Rivertree Inn	4	5	4	4	4	4.2	T-5	
5. Wachter Property	5	5	4	4	4	4.4	T-2	3
6. <i>Feland Property*</i>				4				
7. Pletan Property	4	4	3	4	4	3.8	T-11	
8. Magilke Property	3	3	3	4	3	3.2	17	
9. Missouri Drive	4	4	4	5	3	4	T-8	
10. <i>2500 46th Ave SE*</i>								
11. 2700 46th Ave SE	5	4	4	2	3	3.6	T-13	
12. 2701 Memorial Highway	4	5	4	4	4	4.2	T-5	
13. <i>Midway Lanes*</i>								
14. Century Motors Site	4	4	4	4	4	4	T-8	
15. 4631 Memorial Highway	5	5	4	4	4	4.4	T-2	
16. Collins Place	2	5	4	4	5	4	T-8	
17. Twin City Drive	2	4	4	5	3	3.6	T-13	
18. Marina Road Lots	5	3	2	1	2	2.6	19	
19. Riverwood	5	4	3	3	3	3.6	T-13	
20. River Garden	5	5	4	4	5	4.6	1	1
21. Meadow Ridge	3	5	4	1	5	3.6	T-13	
22. Missouri Valley Addition	3	5	4	4	5	4.2	T-5	2

**METHODOLOGY:** Each site was ranked on five criteria: size, access, utilities, zoning/surrounding uses & availability **as though the site was to be developed for a 10,000 - 20,000 square foot retail outlet**. Sites were assigned a value of 1 - 5 with 1 being poor and 5 being excellent in each category with the totals then tabulated and ranked.

**\*NOTE:** Those sites in italics have been sold and consequently not ranked

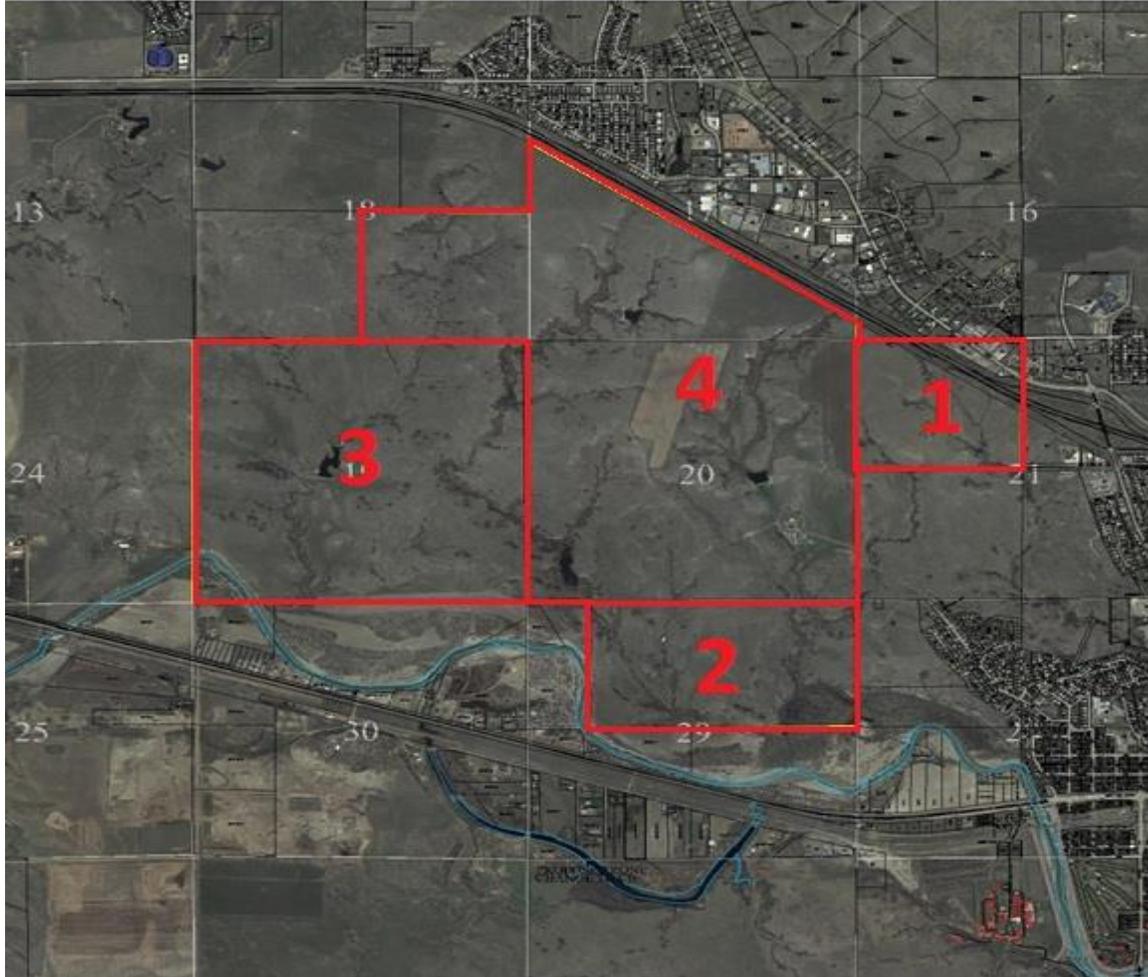
	<b>1. Interstate 94 Properties</b>	<b>2. ORT Commercial Park</b>	<b>3. Perry Funeral Home</b>	<b>4. Rivertree Inn – UNDER CONTRACT</b>	<b>5. Wachter Property</b>	<b>6. Feland Property – SOLD</b>	<b>7. Pletan Property</b>
<b>Location</b>	NW Mandan	NW Mandan	The Strip	The Strip	The Strip	The Strip	The Strip
<b>Size</b>	Approximately 2100 acres	59.25 acres	1.6 acres	4.33 acres	1.64 acres	1.87 acres	9.26 acres
<b>Zoning</b>	<i>Current - Agricultural Future Land Use - Industrial</i>	MA (Light Industrial / Heavy Commercial)	CC Restricted	CC Restricted	CC Restricted	CC Restricted	CC Restricted
<b>Ownership</b>	1 - Mandan Development Co 2 - Swanberg Construction 3 - BREI Estates 4 - Jon McCreary	Mandan 94 Investors	Joe Perry	Jim Helm	Windriver Properties	Marshal Feland	Dwight Pletan
<b>Municipal Water / Sewer</b>	North of Interstate 94	On-Site	On-Site	On-Site	On-Site	On-Site	On-Site
<b>Power Provider</b>	MDU	MDU	MDU	MDU	MDU	MDU	MDU
<b>Primary Road Access</b>	Interstate 94	Interstate 94 & Old Red Trail	Memorial Highway	Memorial Highway	Memorial Highway	Memorial Highway	Memorial Highway
<b>Total Price</b>	Variable	\$9,033,255	Negotiable	\$1,750,000	Unknown	Unknown	Negotiable
<b>Price / Square Foot</b>	Variable	\$3.50	Negotiable	\$9.28	\$10.00 psf lease price for planned strip center	Unknown	Negotiable
<b>Contact</b>	1 - Kevin Christianson 2 - Mark Swanberg 3 - Randy Bakke 4 - Jon McCreary	Matt Reichert	Joe Perry	Steve Ilse	Pat Wachter	Marshal Feland	Dwight Pletan
<b>Traffic Counts</b>	12,950 ADTC	16,775 ADTC	13,510 ADTC	13,510 ADTC	13,510 ADTC	13,510 ADTC	13,510 ADTC

	8. Magilke Property	9. Missouri Drive	10. 2500 46 <sup>th</sup> Ave SE - SOLD	11. 2700 46 <sup>th</sup> Ave SE	12. 2701 Memorial Highway	13. Midway Lanes - SOLD	14. Century Motors Site
<b>Location</b>	The Strip	NE Mandan	SE Mandan	SE Mandan	SE Mandan	SE Mandan	SE Mandan
<b>Size</b>	20 acres	8.79 acres	8.65 acres	2 acres	4 acres	3.5 acres	3.54 acres
<b>Zoning</b>	MA (Light Industrial)	CC (Heavy Commercial)	MA Restricted	CB (Heavy Commercial)	CC (Heavy Commercial)	CC (Heavy Commercial)	CB (Heavy Commercial)
<b>Ownership</b>	Marlene Magilke	Leslie Volochenko	HMH Investments	Tracy Tooz	Randy Horner	Jim Mellon	Water Front Investment Group
<b>Municipal Water / Sewer</b>	At 40 <sup>th</sup> Ave SE	On-Site	On-Site	On-Site	On-Site	On-Site	On-Site
<b>Power Provider</b>	MDU	MDU	MDU	MDU	MDU	MDU	MDU
<b>Primary Road Access</b>	Memorial Highway	Mandan Ave & Missouri Drive	46 <sup>th</sup> Ave SE	46 <sup>th</sup> Ave SE	Memorial Highway	Memorial Highway	Memorial Highway & 46 <sup>th</sup> Ave
<b>Total Price</b>	Unknown	\$1,340,123	Unknown	\$12.00	Negotiable; for lease	Variable	\$1,079,416
<b>Price / Square Foot</b>	Unknown	\$3.50	Unknown	\$1,045,440	Negotiable; for lease	\$10 for lots w/ frontage & \$8 for deeper lots	\$7.00
<b>Contact</b>	Marlene Magilke	Leslie Volochenko	Brett Albrecht	Matt Reichert	Randy Horner	Kyle Holwagner	Don Goetz
<b>Traffic Counts</b>	13,510 ADTC	19,120 ADTC	3,015 ADTC	2,340 ADTC	14,990 ADTC	14,990 ADTC	13,510 ADTC

	15. 4631 Memorial Highway	16. Collins Place	17. Twin City Drive	18. Marina Road Lots	19. Riverwood Commercial Park	20. River Garden Addition	21. Meadow Ridge	22. Missouri Valley Addition
<b>Location</b>	SE Mandan	Downtown Mandan	E Mandan	SE Mandan	SE Mandan	NW Mandan	NW Mandan	NW Mandan
<b>Size</b>	3.42 acres	0.37 acres	0.43 acres	Lot 1 - 2.14 acres Lot 2 - 1.72 acres Lot 3 - 1.85 acres	2.015 acres	0.85 acres	30 acres	19 acres
<b>Zoning</b>	CC Restricted	CB (Heavy Commercial)	CB (Heavy Commercial)	Lot 1 - CB Lot 2 - CB Lot 3 - RM	MA (Light Industrial)	CB (Heavy Commercial)	CB (Heavy Commercial)	CB Restricted
<b>Ownership</b>	Jason Bauer	Dakota Commercial	Al Leingang	Carbon Tech, Inc.	Riverwood Commercial Park, LLC	RiverWest Development, LLC	WW Ranch	Don McGuire, John Schulz
<b>Municipal Water / Sewer</b>	On-Site	On-Site	On-Site	On-Site	On-Site	On-Site	On-Site	On-Site
<b>Power Provider</b>	MDU	MDU	MDU	MDU	MDU	MDU	MDU	MDU
<b>Primary Road Access</b>	Memorial Highway & 46 <sup>th</sup> Ave SE	Main Street	Twin City Drive	McKenzie Drive & Marina Road	Riverwood Ave.	Sunset Drive	Old Red Trail	Sunset Drive
<b>Total Price</b>	Negotiable	Negotiable	\$149,000	Lot 1 - \$1,396,710 Lot 2 - \$825,00 Lot 3 - \$1,045,226	\$702,216	\$400,000	Negotiable	Negotiable
<b>Price / Square Foot</b>	Negotiable	\$12 NNN lease rate w/ tenant allowance	\$7.97	Lot 1 - \$15.00 Lot 2 - \$11.00 Lot 3 - \$13.00	\$8.00	\$10.78	Negotiable	Negotiable
<b>Contact</b>	Jason Bauer	Kevin Ritterman	Pat Maddock	Matt Reichert	Kyle Holwagner	Kathleen Spillman	Pat Wachter or Pat Maddock	Kyle Holwagner
<b>Traffic Counts</b>	13,510 ADTC	11,915 ADTC	18,595 ADTC	1,035 ADTC	6,765 ADTC	9,465 ADTC	1,805 ADTC	9,465 ADTC



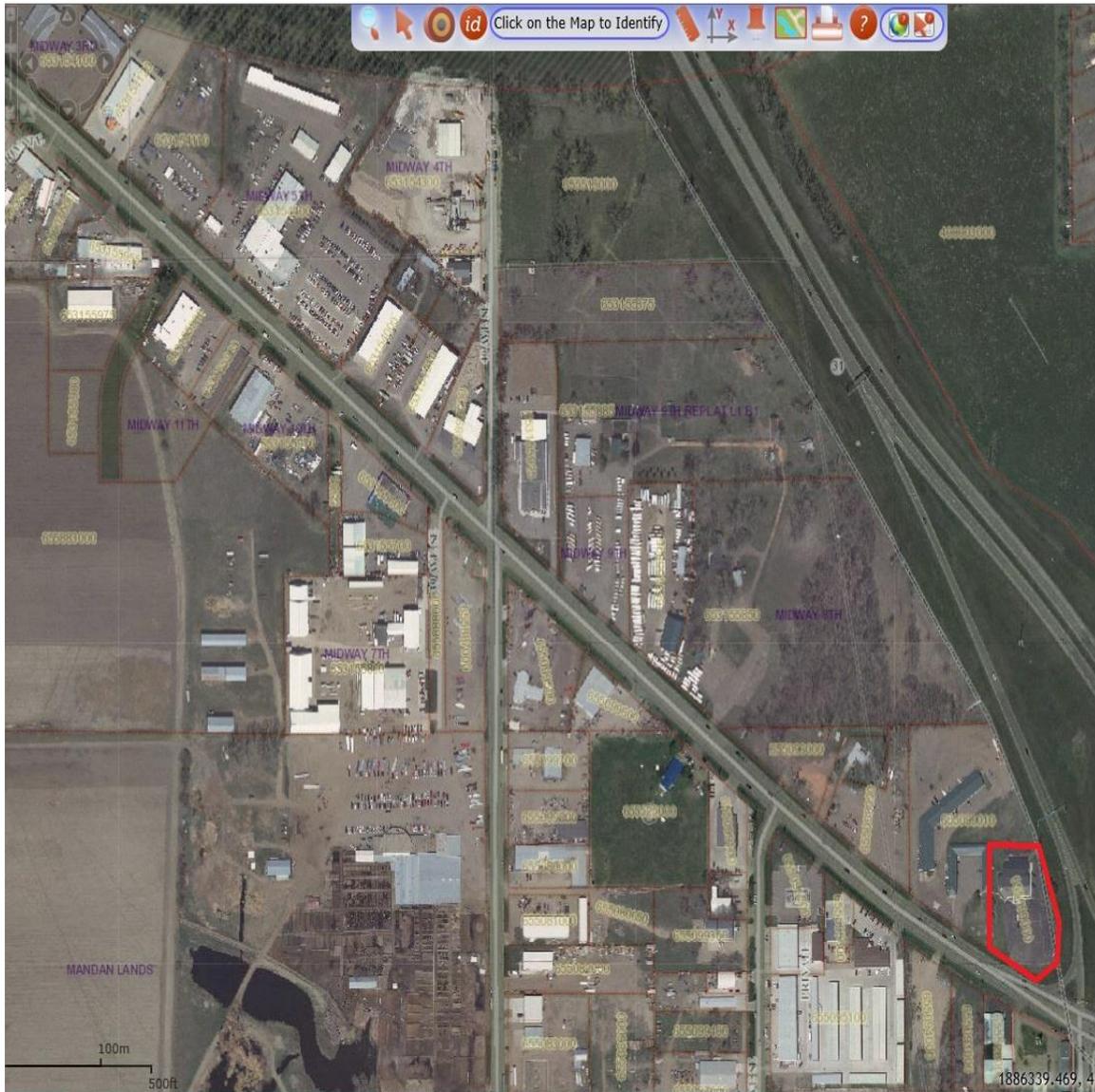
## 1. Interstate 94 Properties



<b>Location:</b> Northwest Mandan along Interstate 94	<b>Power Provider:</b> MDU sections 17,20,21,29 MGS sections 18 & 19
<b>Size:</b> Site 1 – 160 acres Site 2 – 260 acres Site 3 – 629 acres Site 4 – 1,050 acres	<b>Primary Road Access:</b> Interstate 94
<b>Zoning:</b> <i>Current – A (Agricultural) Future Land Use Plan – Industrial</i>	<b>Total Land Price:</b> Variable
<b>Ownership:</b> Site 1 – Mandan Development Co Site 2 – Swanberg Construction Site 3 – BREI Estates Site 4 – Jon McCreary	<b>Price / Square Foot:</b> Variable
<b>Municipal Water/Sewer:</b> North of Interstate 94	<b>Contact:</b> Site 1 – Kevin Christianson Site 2 – Mark Swanberg Site 3 – Randy Bakke Site 4 – Jon McCreary

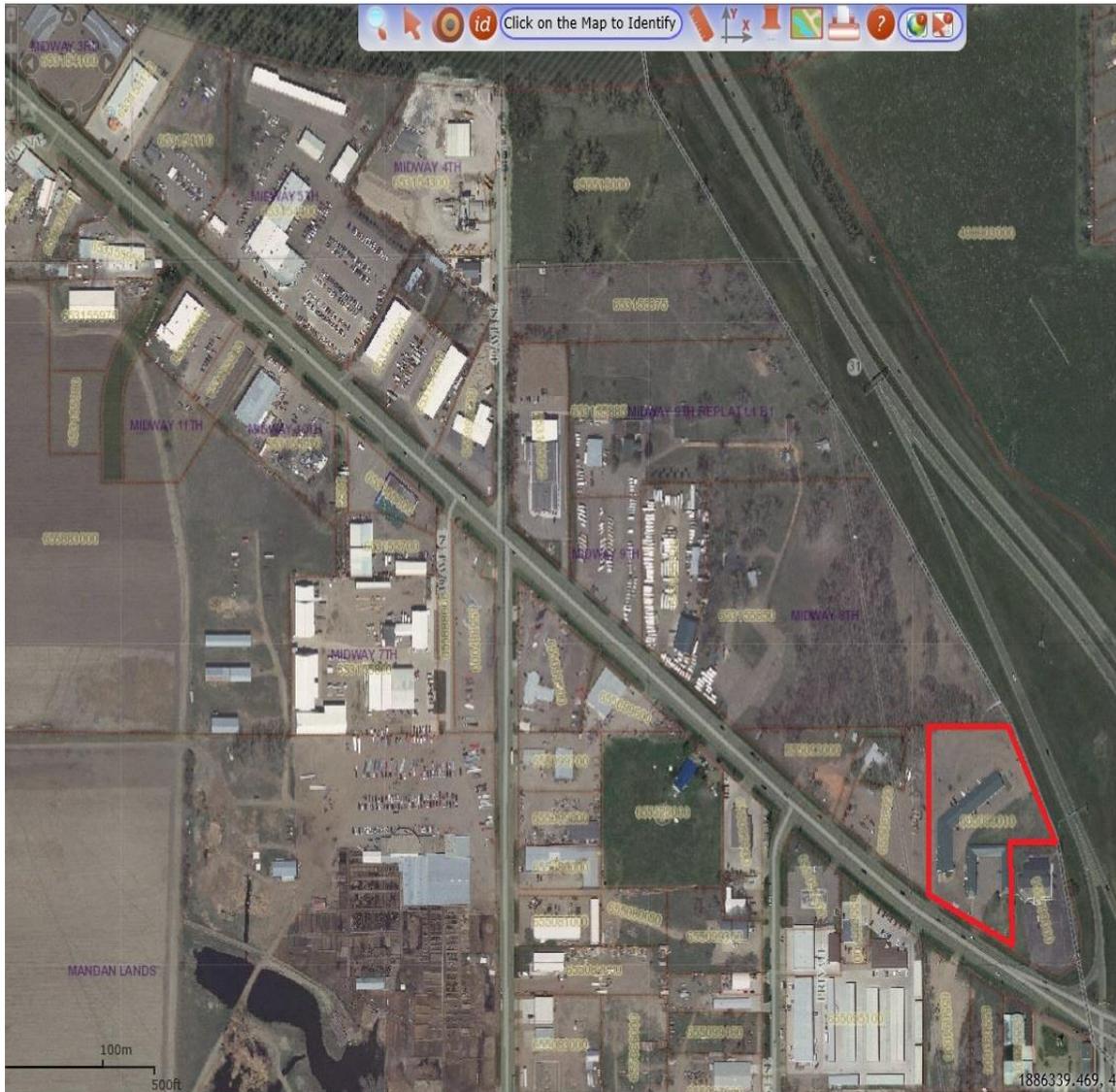


### 3. Perry Funeral Home



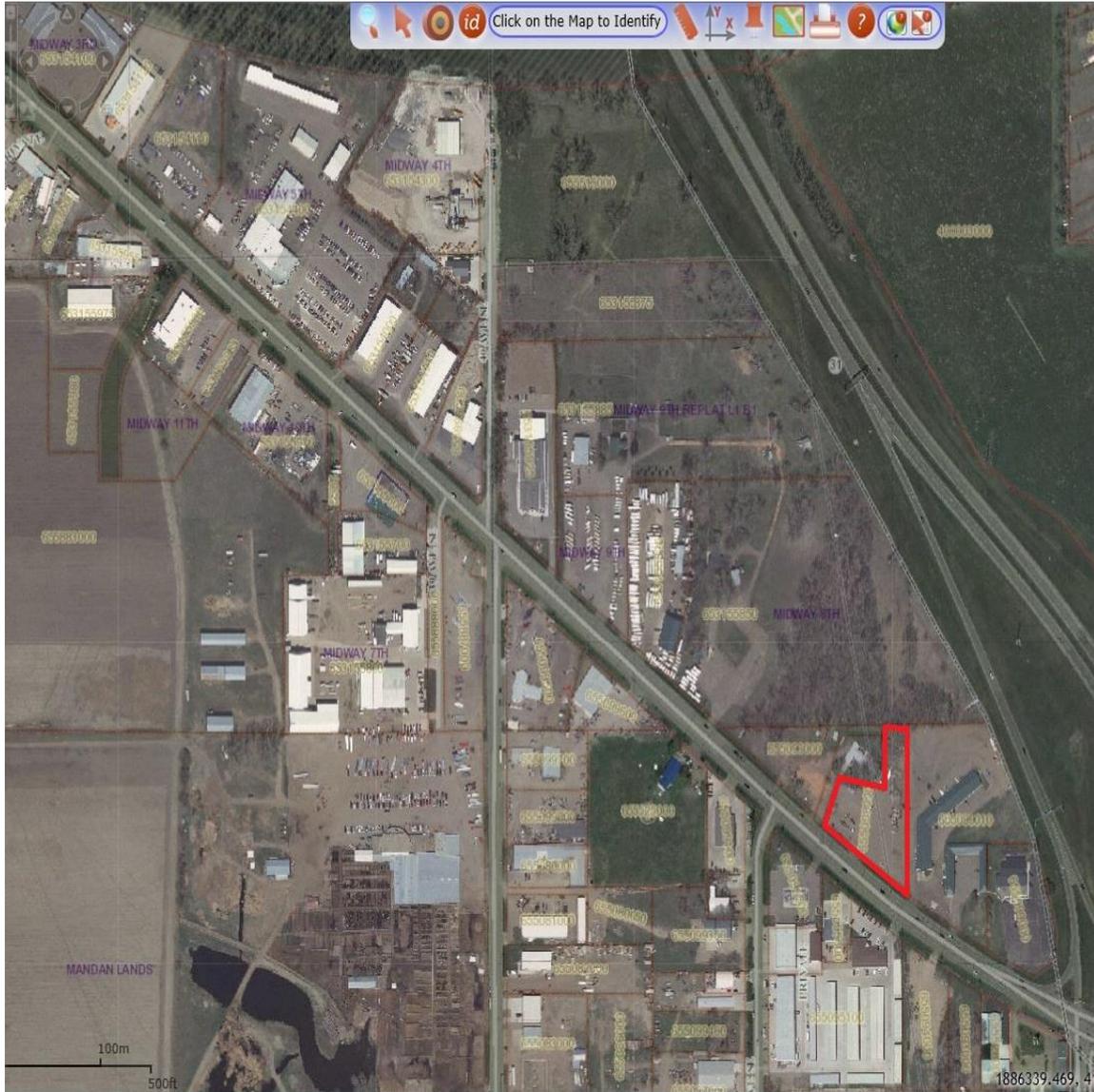
<b>Location:</b> The Strip	<b>Power Provider:</b> MDU
<b>Size:</b> 1.6 acres	<b>Primary Road Access:</b> Memorial Highway
<b>Zoning:</b> CC Restricted	<b>Total Land Price:</b> Negotiable
<b>Ownership:</b> Joe Perry	<b>Price / Square Foot:</b> Negotiable
<b>Municipal Water/Sewer:</b> On-Site	<b>Contact:</b> Joe Perry

#### 4. Rivertree Inn – UNDER CONTRACT



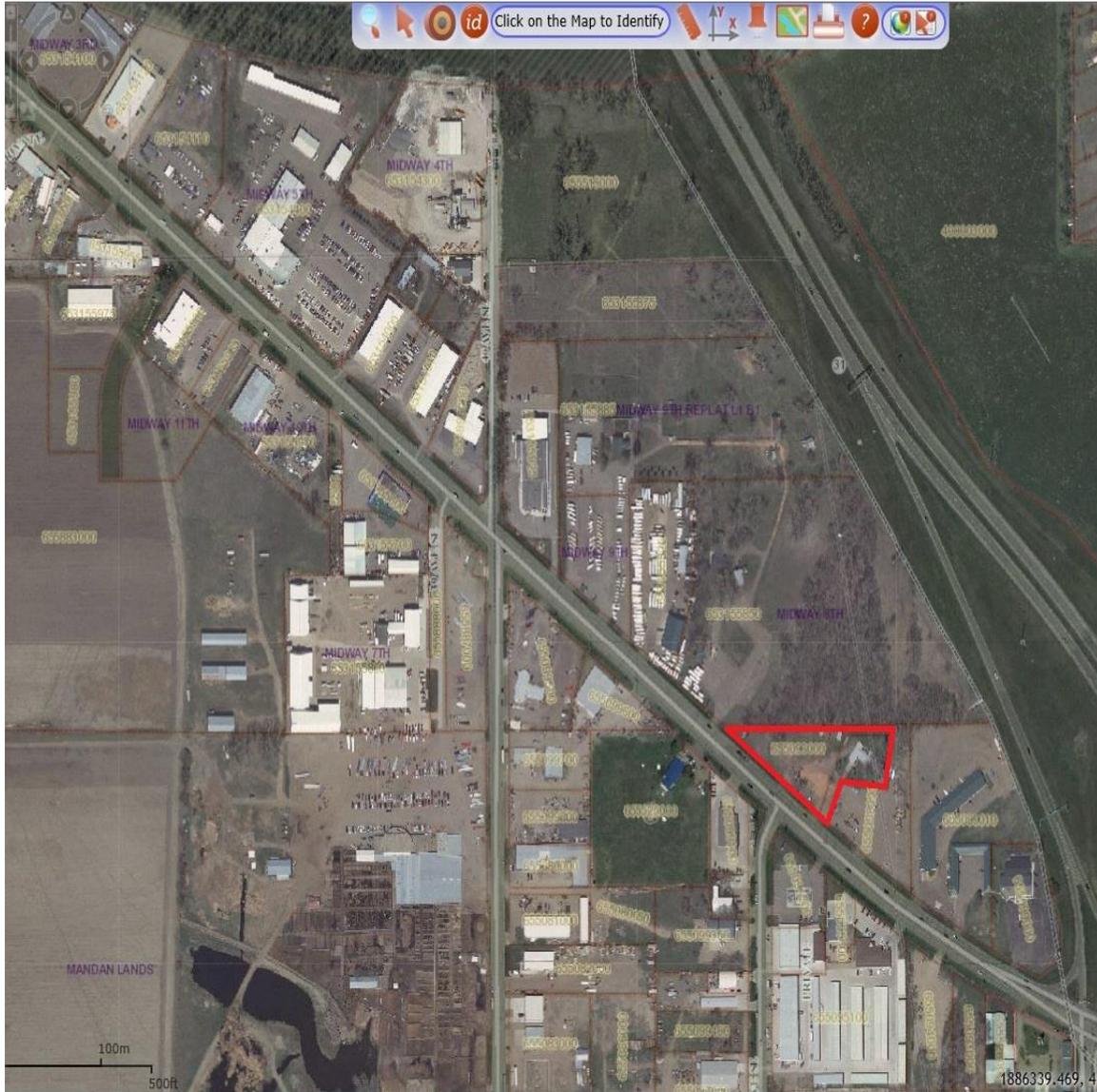
<b>Location:</b> The Strip	<b>Power Provider:</b> MDU
<b>Size:</b> 4.33 acres	<b>Primary Road Access:</b> Memorial Highway
<b>Zoning:</b> CC Restricted	<b>Total Land Price:</b> \$1,750,000
<b>Ownership:</b> Jim Helm	<b>Price / Square Foot:</b> \$9.28
<b>Municipal Water/Sewer:</b> On-Site	<b>Contact:</b> Steve Ilse

## 5. Wachter Property



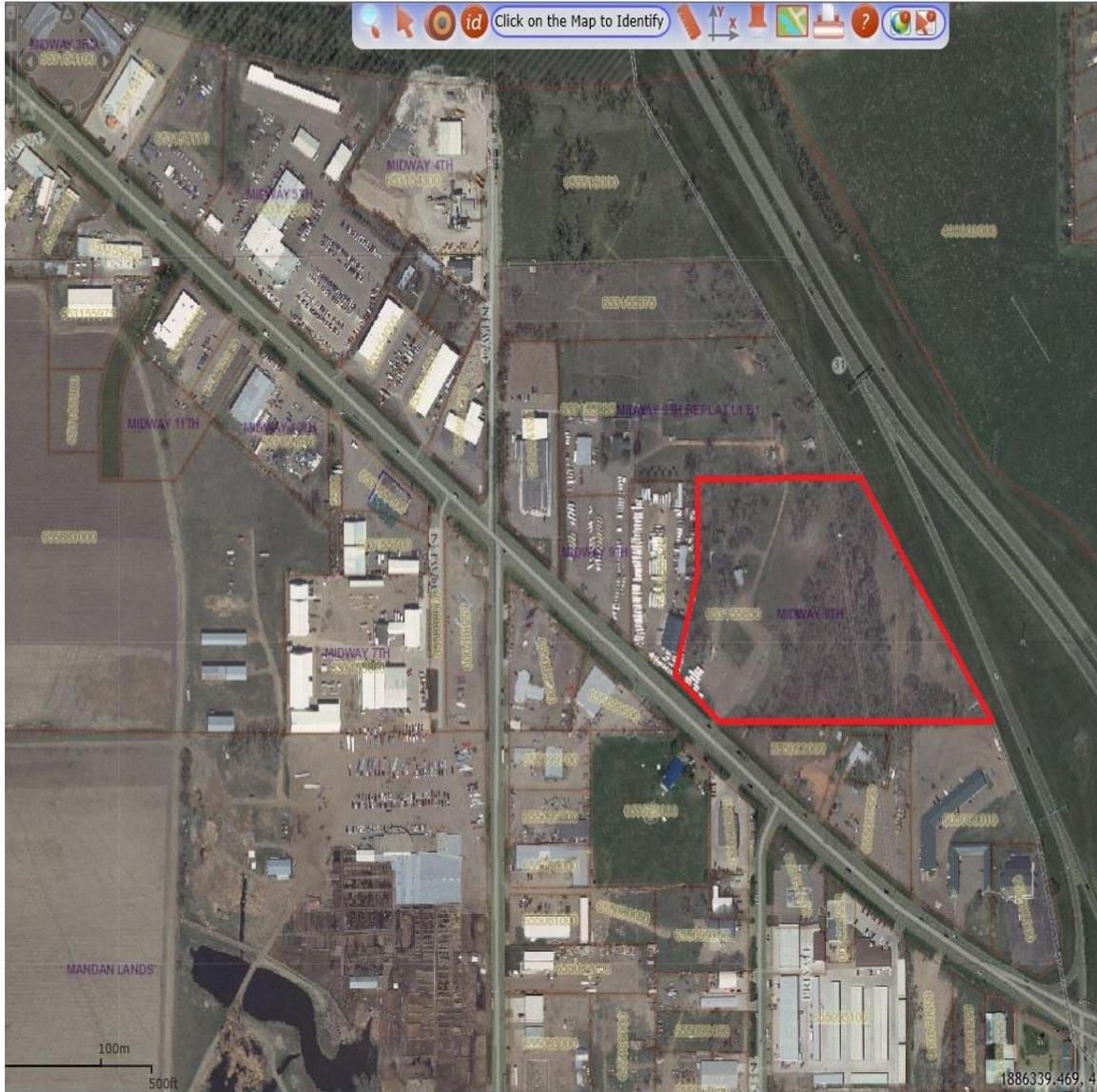
<b>Location:</b> The Strip	<b>Power Provider:</b> MDU
<b>Size:</b> 1.64 acres	<b>Primary Road Access:</b> Memorial Highway
<b>Zoning:</b> CC Restricted	<b>Total Land Price:</b> Unknown
<b>Ownership:</b> Windriver Properties	<b>Lease Price / Square Foot:</b> \$10.00 for planned 12,000 sq ft strip center
<b>Municipal Water/Sewer:</b> On-Site	<b>Contact:</b> Pat Wachter

## 6. Feland Property SOLD



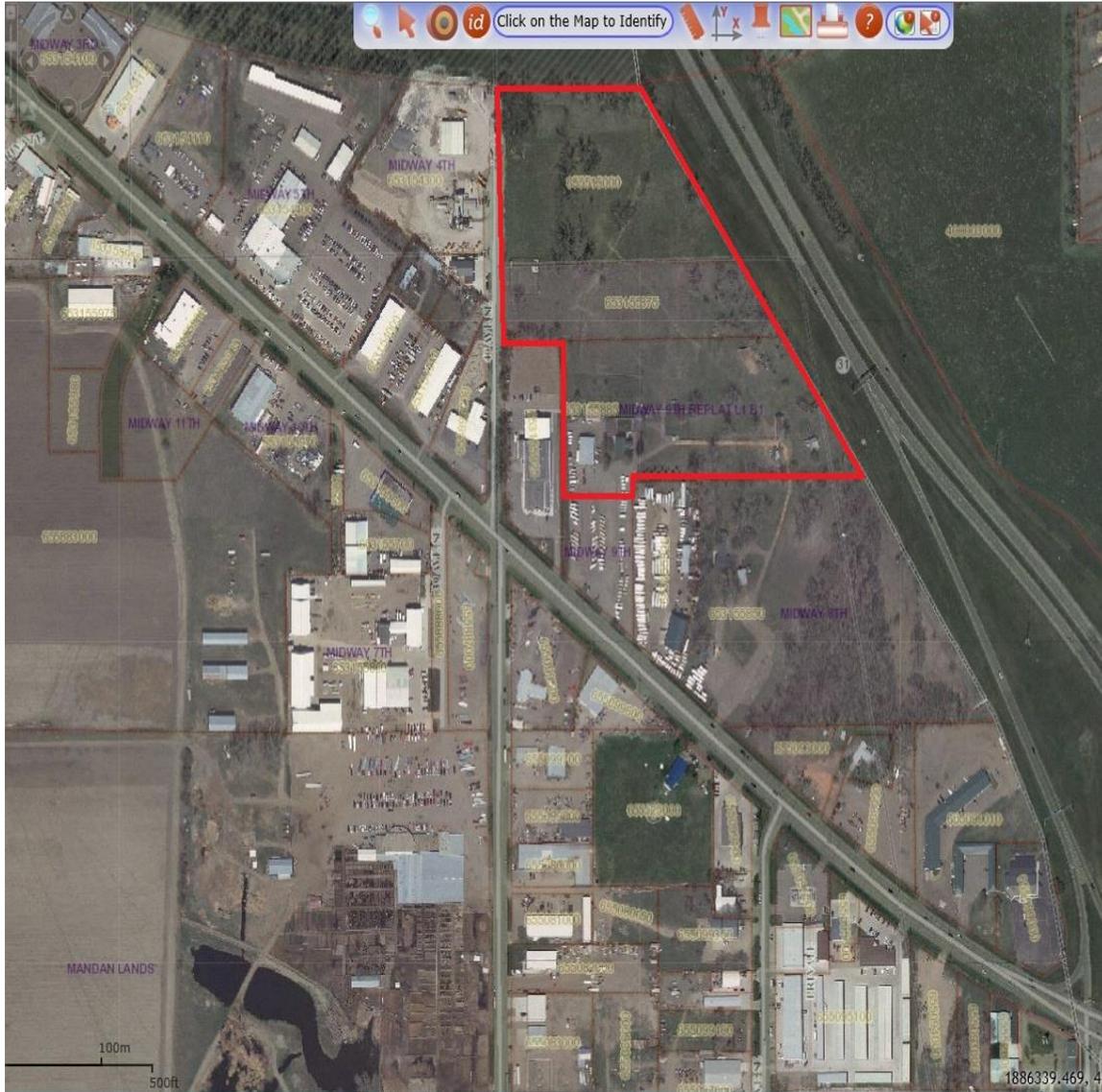
<b>Location:</b> The Strip	<b>Power Provider:</b> MDU
<b>Size:</b> 1.87 acres	<b>Primary Road Access:</b> Memorial Highway
<b>Zoning:</b> CC Restricted	<b>Total Land Price:</b> Unknown
<b>Ownership:</b> Marshal Feland	<b>Price / Square Foot:</b> Unkown
<b>Municipal Water/Sewer:</b> On-Site	<b>Contact:</b> Marshal Feland

## 7. Pletan Property



<b>Location:</b> The Strip	<b>Power Provider:</b> MDU
<b>Size:</b> 9.26 acres	<b>Primary Road Access:</b> Memorial Highway
<b>Zoning:</b> CC (Heavy Commercial)	<b>Total Land Price:</b> Negotiable
<b>Ownership:</b> Dwight Pletan	<b>Price / Square Foot:</b> Negotiable
<b>Municipal Water/Sewer:</b> On-Site	<b>Contact:</b> Dwight Pletan

## 8. Magilke Property



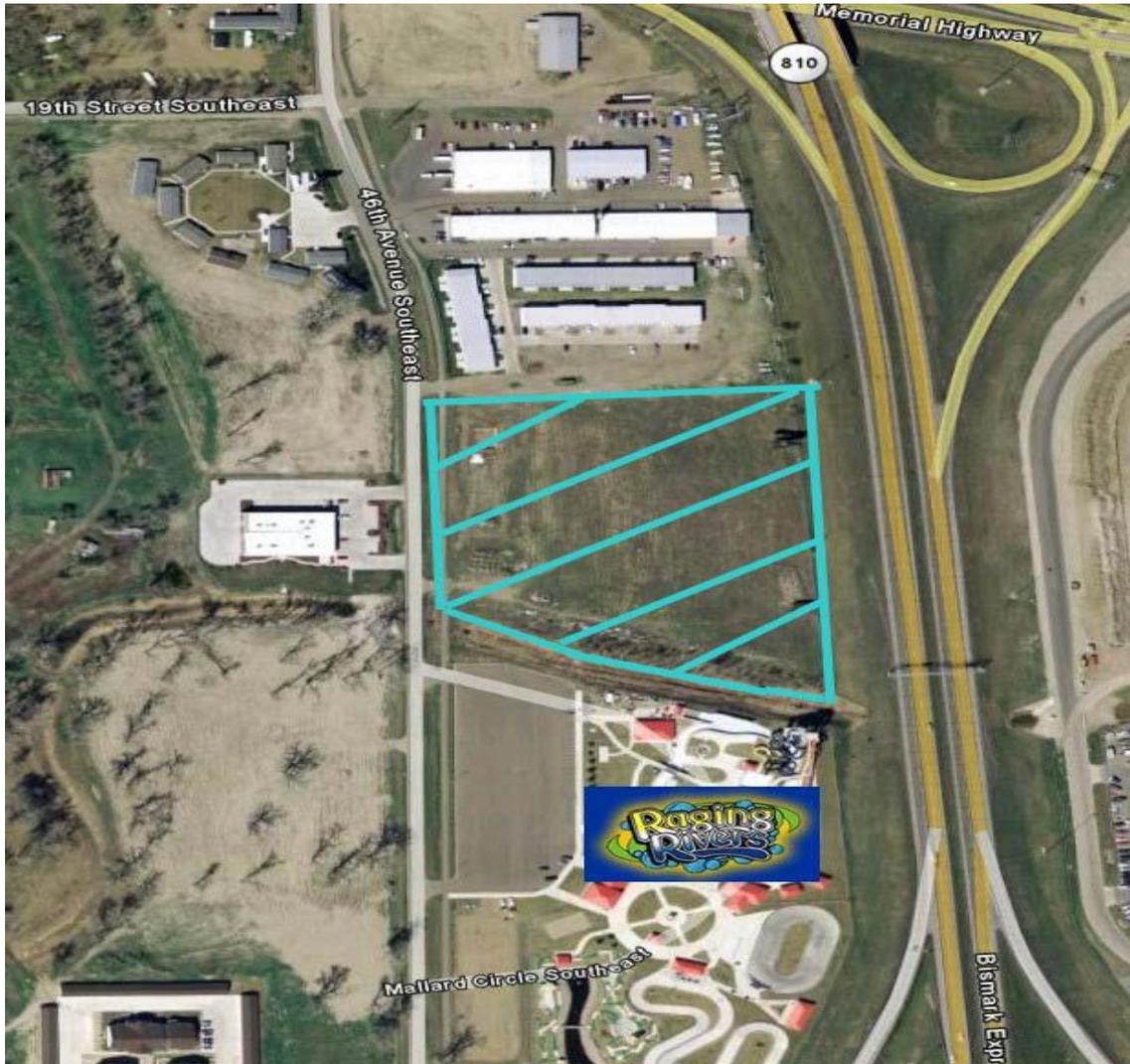
<b>Location:</b> Southeast Mandan near the east end of Memorial Highway and Interstate 94.	<b>Power Provider:</b> MDU
<b>Size:</b> Approximately 20 acres	<b>Primary Road Access:</b> Memorial Highway
<b>Zoning:</b> MA (Light Industrial)	<b>Total Price:</b> Unknown
<b>Ownership:</b> Marlene Magilke	<b>Price / Square Foot:</b> Unknown
<b>Municipal Water/Sewer:</b> At 40 <sup>th</sup> Avenue SE.	<b>Contact:</b> Marlene Magilke. Marlene has no plans to sell or develop her property at this time, but may in the future.

**9. Missouri Drive off of Mandan Avenue Exit**



<p><b>Location:</b> Northeast Mandan Fronting Interstate 94 at the Mandan Avenue Exit #153</p>	<p><b>Power Provider:</b> MDU</p>
<p><b>Size:</b> 8.79 acres</p>	<p><b>Primary Road Access:</b> Mandan Avenue / Missouri Dr.</p>
<p><b>Zoning:</b> CC (Heavy Commercial) and CC Restricted</p>	<p><b>Total Land Price:</b> \$1,340,123</p>
<p><b>Ownership:</b> Leslie Volochenko</p>	<p><b>Price / Square Foot:</b> \$3.50</p>
<p><b>Municipal Water/Sewer:</b> On-Site</p>	<p><b>Contact:</b> Leslie Volochenko</p>

**10. 2500 46<sup>th</sup> Ave SE - SOLD**



<p><b>Location:</b> Southeast Mandan along Memorial Highway and 46<sup>th</sup> Ave SE</p>	<p><b>Power Provider:</b> MDU</p>
<p><b>Size:</b> 8.65 acres</p>	<p><b>Primary Road Access:</b> 46<sup>th</sup> Ave SE</p>
<p><b>Zoning:</b> MA Restricted (Light Non-Nuisance Industrial/Heavy Commercial)</p>	<p><b>Total Land Price:</b> Unknown</p>
<p><b>Ownership:</b> HMH Investments</p>	<p><b>Price / Square Foot:</b> Unknown</p>
<p><b>Municipal Water/Sewer:</b> On-Site</p>	<p><b>Contact:</b> Brett Albrecht</p>

11. 2700 46<sup>th</sup> Ave SE



<b>Location:</b> Southeast Mandan	<b>Power Provider:</b> MDU
<b>Size:</b> 2 acres	<b>Primary Road Access:</b> 46 <sup>th</sup> Ave SE
<b>Zoning:</b> CB (Heavy Commercial)	<b>Total Land Price:</b> \$1,045,440
<b>Ownership:</b> Tracy Tooz	<b>Price / Square Foot:</b> \$12.00
<b>Municipal Water/Sewer:</b> On-Site	<b>Contact:</b> Matt Reichert

## 12. 2701 Memorial Highway



<b>Location:</b> 2701 Memorial Highway	<b>Power Provider:</b> MDU
<b>Size:</b> 4 acres	<b>Primary Road Access:</b> 46 <sup>th</sup> Ave SE
<b>Zoning:</b> CC (Heavy Commercial)	<b>Total Land Lease Price:</b> Negotiable
<b>Ownership:</b> Randy Horner	<b>Price / Square Foot:</b> Negotiable
<b>Municipal Water/Sewer:</b> On-Site	<b>Contact:</b> Randy Horner

**13. Midway Lanes (32<sup>nd</sup> Ave SE) SOLD**



<b>Location:</b> South side of Memorial Highway (the Strip)	<b>Power Provider:</b> MDU
<b>Size:</b> 3.5 acres over 5 lots or combined	<b>Primary Road Access:</b> Memorial Highway & 32 <sup>nd</sup> Ave SE
<b>Zoning:</b> CC (Heavy Commercial)	<b>Total Land Price:</b> variable
<b>Ownership:</b> Jim Mellon	<b>Price / Square Foot:</b> \$10 for lots w/ frontage and \$8 for deeper lots
<b>Municipal Water/Sewer:</b> On-Site	<b>Contact:</b> Kyle Holwagner / Daniel Companies

**14. 4720 19<sup>th</sup> Street SE**



<b>Location:</b> Southwest Corner of Bismarck Expressway and Memorial Highway	<b>Power Provider:</b> MDU
<b>Size:</b> 3.54 acres over 3 lots	<b>Primary Road Access:</b> Memorial Highway & 46 <sup>th</sup> Ave SE
<b>Zoning:</b> CB (Heavy Commercial)	<b>Total Land Price:</b> \$1,079,416.80
<b>Ownership:</b> Water Front Investment Group	<b>Price / Square Foot:</b> \$7.00
<b>Municipal Water/Sewer:</b> On-Site	<b>Contact:</b> Don Goetz, 520-405-2215

**15. 4631 Memorial Highway**



<b>Location:</b> Southwest Corner of Bismarck Expressway and Memorial Highway	<b>Power Provider:</b> MDU
<b>Size:</b> 3.42 acres	<b>Primary Road Access:</b> Memorial Highway & 46 <sup>th</sup> Ave SE
<b>Zoning:</b> CC Restricted	<b>Total Land Price:</b> Negotiable
<b>Ownership:</b> Jason Bauer	<b>Price / Square Foot:</b> Negotiable
<b>Municipal Water/Sewer:</b> On-Site	<b>Contact:</b> Jason Bauer

**16. Collins Place**



<p><b>Location:</b> Downtown Mandan at the Intersection of Collins &amp; Main</p>	<p><b>Power Provider:</b> MDU</p>
<p><b>Size:</b> 0.37 acres (16,250 square feet)</p>	<p><b>Primary Road Access:</b> Main Street</p>
<p><b>Zoning:</b> CB (Heavy Commercial)</p>	<p><b>Total Lease Space:</b> 3,000 square feet for office or retail</p>
<p><b>Ownership:</b> Dakota Commercial</p>	<p><b>Price / Square Foot:</b> \$12 NNN w/ tenant allowances available.</p>
<p><b>Municipal Water/Sewer:</b> On-Site</p>	<p><b>Contact:</b> Kevin Ritterman</p>

**17. 821 Twin City Drive**



<b>Location:</b> East Mandan	<b>Power Provider:</b> MDU
<b>Size:</b> 0.43 acres	<b>Primary Road Access:</b> Twin City Drive
<b>Zoning:</b> CB (Heavy Commercial)	<b>Total Land Price:</b> \$149,000
<b>Ownership:</b> Al Leingang	<b>Price / Square Foot:</b> \$7.97
<b>Municipal Water/Sewer:</b> On-Site	<b>Contact:</b> Pat Maddock

## 18. Marina Road Lots



<b>Location:</b> SE Mandan	<b>Power Provider:</b> MDU
<b>Size:</b> Lot 1: 2.14 acres Lot 2: 1.72 acres Lot 3: 1.85 acres	<b>Primary Road Access:</b> McKenzie Drive & Marina Road
<b>Zoning:</b> Lot 1: CB (Heavy Commercial) Lot 2: CB (Heavy Commercial) Lot 3: RM (Multi-Family Residential)	<b>Total Land Price:</b> Lot 1: \$1,396,710 Lot 2: \$825,000 Lot 3: \$1,045,226
<b>Ownership:</b> Carbon Tech, Inc.	<b>Price / Square Foot:</b> Lot 1: \$15.00 PSF Lot 2: \$11.00 PSF Lot 3: \$13.00 PSF
<b>Municipal Water/Sewer:</b> On-Site	<b>Contact:</b> Matt Reichert

## 19. Riverwood Site



<b>Location:</b> Southeast Mandan	<b>Power Provider:</b> MDU
<b>Size:</b> 2.015 acres	<b>Primary Road Access:</b> Riverwood Ave.
<b>Zoning:</b> MA (Light Industrial)	<b>Total Land Price:</b> \$702,216
<b>Ownership:</b> Riverwood Commercial Park LLC	<b>Price Per Square Foot:</b> \$8.00 psf
<b>Municipal Water/Sewer:</b> On-Site	<b>Contact:</b> Kyle Holwagner

## 20. River Garden Addition



<b>Location:</b> NW Mandan (Lot 2)	<b>Power Provider:</b> MDU
<b>Size:</b> 0.85 acres	<b>Primary Road Access:</b> Sunset Drive
<b>Zoning:</b> CB (Heavy Commercial)	<b>Total Land Price:</b> \$400,000
<b>Ownership:</b> RiverWest Development, LLC	<b>Price / Square Foot:</b> \$10.78
<b>Municipal Water/Sewer:</b> On-Site	<b>Contact:</b> Kathleen Spillman

## 21. Meadow Ridge



<b>Location:</b> NW Mandan	<b>Power Provider:</b> MDU
<b>Size:</b> Approximately 30 acres	<b>Primary Road Access:</b> Old Red Trail
<b>Zoning:</b> CB (Heavy Commercial)	<b>Total Land Price:</b> Negotiable
<b>Ownership:</b> WW Ranch	<b>Price / Square Foot:</b> Negotiable
<b>Municipal Water/Sewer:</b> On-Site	<b>Contact:</b> Pat Wachter or Pat Maddock

**22. Missouri Valley Addition**



<b>Location:</b> NW Mandan	<b>Power Provider:</b> MDU
<b>Size:</b> 19 acres	<b>Primary Road Access:</b> Sunset Drive
<b>Zoning:</b> CB Restricted	<b>Total Land Price:</b> Negotiable
<b>Ownership:</b> Don McGuire, John Schulz	<b>Price / Square Foot:</b> Negotiable
<b>Municipal Water/Sewer:</b> On-Site	<b>Contact:</b> Kyle Holwagner



# Mandan Office Site Inventory

	Size	Access	Visibility	Surrounding Uses	TOTAL	RANK	Staff Consensus
1. ORT Commercial Park	4	2	5	3	3.5	T-8	
2. 2500 46th Ave SE*							
3. Midway Lanes*							
4. South Lakewood Commercial	5	4	4	4	4.25	2	1
5. 2700 46th Ave SE	5	4	4	3	4	T-3	
6 I-94 Properties	2	1	4	2	2.25	11	
7. Twin City Drive	2	4	4	3	3.25	10	
8. Riverbend Centre	4	3	4	4	3.75	T-6	
9. Collins Place	2	5	4	4	3.75	T-6	
10. Sunset Commercial Park*							
11. Missouri Drive	4	4	4	2	3.5	T-8	
12. River Garden	5	5	4	4	4.5	1	
13. Meadow Ridge	3	5	4	4	4	T-3	2
14. Missouri Valley Addition	3	5	4	4	4	T-3	3

**METHODOLOGY:** Each site was ranked on four criteria: size, access, visibility & zoning/surrounding uses as though the site was to be developed for a 10,000 - 20,000 square foot office building. Sites were assigned a value of 1 - 5 with 1 being poor and 5 being excellent in each category with the totals then tabulated and ranked.

**\*NOTE:** Those sites in italics have been sold and consequently not ranked

	1. ORT Commercial Park	2. 2500 46 <sup>th</sup> Ave SE - SOLD	3. Midway Lanes - SOLD	4. South Lakewood Commercial Lots	5. 2700 46 <sup>th</sup> Ave SE	6. Interstate 94 Properties	7. Twin City Drive
<b>Location</b>	NW Mandan	SE Mandan	SE Mandan	SE Mandan	SE Mandan	NW Mandan	E Mandan
<b>Size</b>	59.25 acres	8.65 acres	3.5 acres	Lot 2 (164,696 sq ft) Lot 3 (187,745 sq ft) Lot 4 (137,012 sq ft)	2 acres	Approximately 2100 acres	0.43 acres
<b>Zoning</b>	MA (Light Industrial / Heavy Commercial)	MA Restricted	CC (Heavy Commercial)	MA (Light Industrial / Heavy Commercial)	CB (Heavy Commercial)	<i>Current - Agricultural</i>  <i>Future Land Use - Industrial</i>	CB (Heavy Commercial)
<b>Ownership</b>	Mandan 94 Investors	HMH Investments	Bill Barth	Rich Farnsworth	Tracy Tooz	1 - Mandan Development Co 2 - Swanberg Construction 3 - BREI Estates 4 - Jon McCreary	Al Leingang
<b>Municipal Water/Sewer</b>	On-Site	On-Site	On-Site	On-Site	On-Site	North of Interstate 94	On-Site
<b>Power Provider</b>	MDU	MDU	MDU	MDU	MDU	MDU	MDU
<b>Primary Road Access</b>	Interstate 94 & Old Red Trail	46 <sup>th</sup> Ave SE	Memorial Highway	46 <sup>th</sup> Ave SE	46 <sup>th</sup> Ave SE	Interstate 94	Twin City Drive
<b>Total Price</b>	\$9,033,255	Unknown	Variable	Variable	\$12.00	Variable	\$149,000
<b>Price / Square Foot</b>	\$3.50	Unknown	\$10 frontage lots / \$8 deeper lots	\$7.90	\$1,045,440	Variable	\$7.97
<b>Contact</b>	Matt Reichert	Brett Albrecht	Kyle Holwagner	Bill Daniel	Matt Reichert	1 - K. Christianson 2 - Mark Swanberg 3 - Randy Bakke 4 - Jon McCreary	Pat Maddock

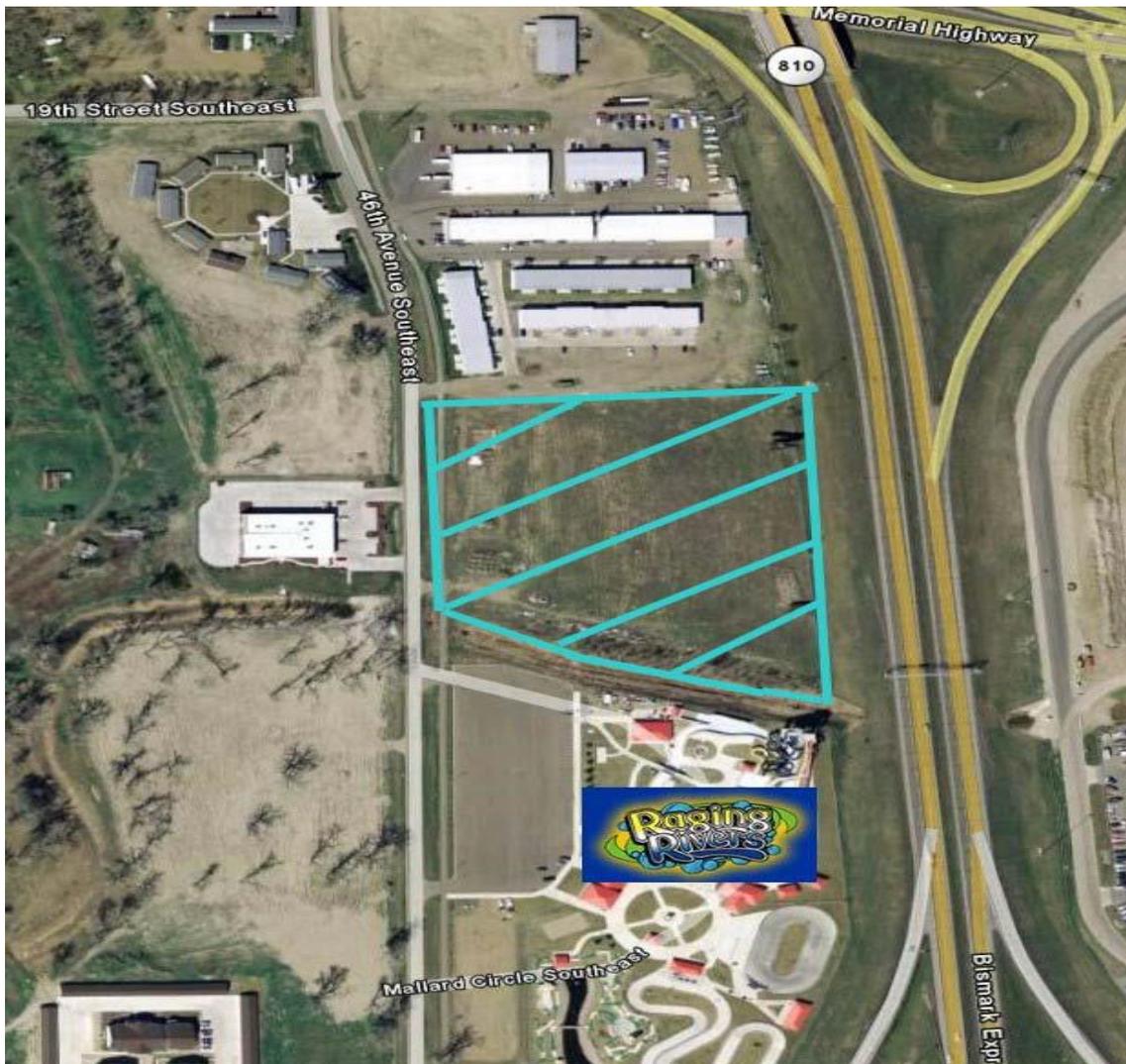
	8. Riverbend Centre	9. Collins Place	10. Sunset Commercial Park - SOLD	11. Missouri Drive	12. River Garden Addition	13. Meadow Ridge	14. Missouri Valley Addition
<b>Location</b>	SE Mandan	Downtown Mandan	NW Mandan	NE Mandan	NW Mandan	NW Mandan	NW Mandan
<b>Size</b>	0.9 acres	0.37 acres	3.86 acres	8.79 acres	0.85 acres	30 acres	19 acres
<b>Zoning</b>	CA (Light Commercial & Services)	CB (Heavy Commercial)	CB (Heavy Commercial)	CC (Heavy Commercial)	CB (Heavy Commercial)	CB (Heavy Commercial)	CB Restricted
<b>Ownership</b>	Mike & Geris Hopfauf	Dakota Commercial	Steve Thilmony	Leslie Volochenko	RiverWest Development, LLC	WW Ranch	Don McGuire, John Schulz
<b>Municipal Water/Sewer</b>	On-Site	On-Site	On-Site	On-Site	On-Site	On-Site	On-Site
<b>Power Provider</b>	MDU	MDU	MDU	MDU	MDU	MDU	MDU
<b>Primary Road Access</b>	East Main Street	Main Street	Sunset Drive	Mandan Ave & Missouri Drive	Sunset Drive	Old Red Trail	Sunset Drive
<b>Total Price</b>	Negotiable	Negotiable	\$607,662	\$1,340,123	\$400,000	Negotiable	Negotiable
<b>Price / Square Foot</b>	Negotiable	\$12 NNN w/ tenant allowance	\$4.50	\$3.50	\$10.78	Negotiable	Negotiable
<b>Contact</b>	Mike & Geris Hopfauf	Kevin Ritterman	Steve Thilmony	Leslie Volochenko	Kathleen Spillman	Pat Wachter or Pat Maddock	Kyle Holwagner

1. Old Red Trail Commercial Park



<p><b>Location:</b> Northwest Mandan along Interstate 94, Exit 153</p>	<p><b>Power Provider:</b> MDU</p>
<p><b>Size:</b> 59.25 acres</p>	<p><b>Primary Road Access:</b> Interstate 94 &amp; Old Red Trail</p>
<p><b>Zoning:</b> <i>Current</i> - MA (Light Industrial/Heavy Commercial) <i>Future Land Use Plan</i> - General Commercial</p>	<p><b>Total Land Price:</b> \$9,033,255</p>
<p><b>Ownership:</b> Mandan 94 Investors</p>	<p><b>Price / Square Foot:</b> \$3.50</p>
<p><b>Municipal Water/Sewer:</b> <i>Water</i>- On-site at all sides of property <i>Sewer</i>- On-site at south edge of property</p>	<p><b>Contact:</b> Matt Reichert, Aspen Group</p>

**2. 2500 46<sup>th</sup> Ave SE - SOLD**



<b>Location:</b> Southeast Mandan along Memorial Highway and 46 <sup>th</sup> Ave SE	<b>Power Provider:</b> MDU
<b>Size:</b> 8.65 acres	<b>Primary Road Access:</b> 46 <sup>th</sup> Ave SE
<b>Zoning:</b> MA Restricted (Light Non-Nuisance Industrial/Heavy Commercial)	<b>Total Land Price:</b> Unknown
<b>Ownership:</b> HMH Investments	<b>Price / Square Foot:</b> Unknown
<b>Municipal Water/Sewer:</b> On-Site	<b>Contact:</b> Brett Albrecht

### 3. Midway Lanes (32<sup>nd</sup> Ave SE) SOLD



<b>Location:</b> South side of Memorial Highway (the Strip)	<b>Power Provider:</b> MDU
<b>Size:</b> 3.5 acres over 5 lots or combined	<b>Primary Road Access:</b> Memorial Highway & 32 <sup>nd</sup> Ave SE
<b>Zoning:</b> CC (Heavy Commercial)	<b>Total Land Price:</b> variable
<b>Ownership:</b> Jim Mellon	<b>Price / Square Foot:</b> \$10 for lots w/ frontage and \$8 for deeper lots
<b>Municipal Water/Sewer:</b> On-Site	<b>Contact:</b> Kyle Holwagner / Daniel Companies

#### 4. South Lakewood Commercial Lots



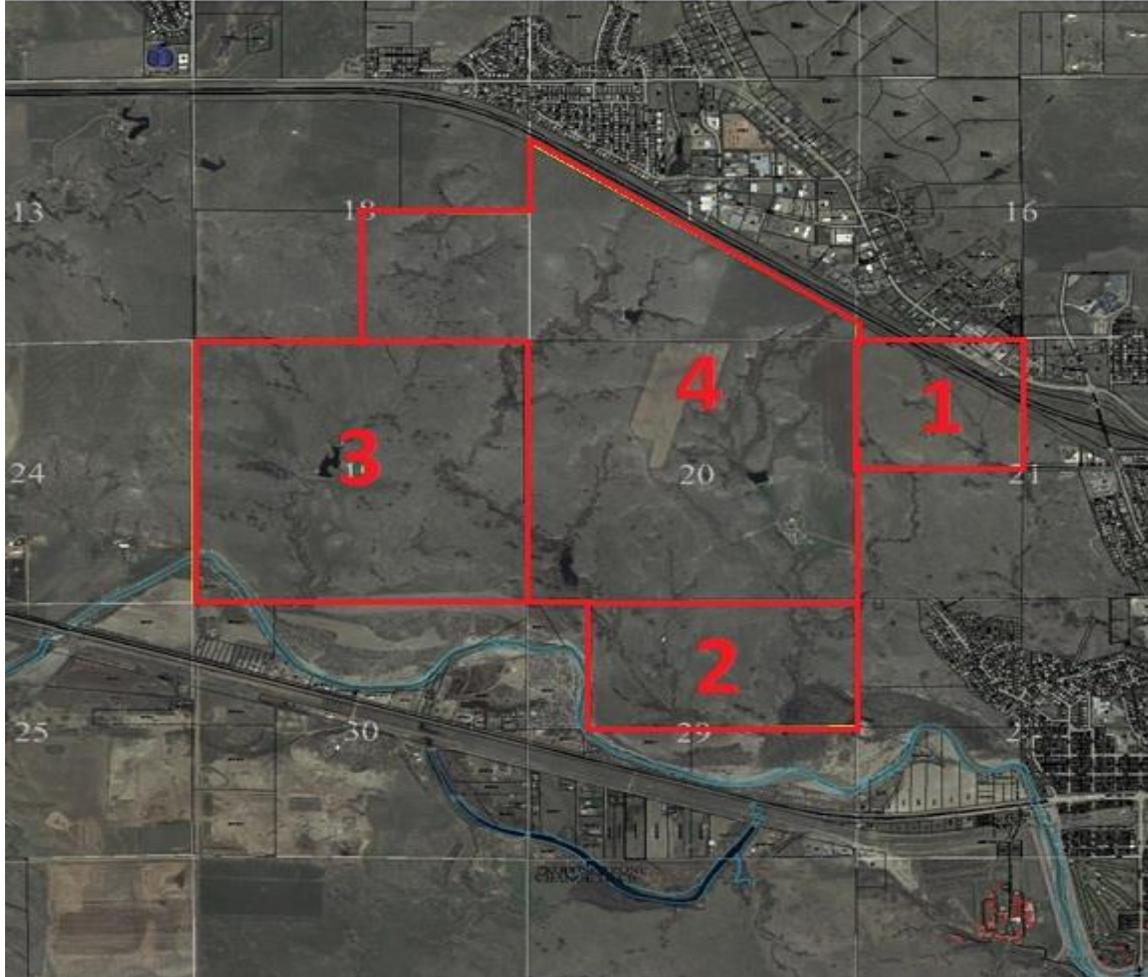
<b>Location:</b> South Mandan along Memorial Highway & 46 <sup>th</sup> Ave SE	<b>Power Provider:</b> MDU
<b>Size:</b> Lot 2 (164,696 square feet) Lot 3 (187,745 square feet) Lot 4 (137,012 square feet)	<b>Primary Road Access:</b> 46 <sup>th</sup> Ave SE
<b>Zoning:</b> MA (Light Industrial/Heavy Commercial)	<b>Total Land Price:</b> variable
<b>Ownership:</b> Rich Farnsworth	<b>Price / Square Foot:</b> \$7.90 psf
<b>Municipal Water/Sewer:</b> On-Site	<b>Contact:</b> Bill Daniel, Daniel Companies

5. 2700 46<sup>th</sup> Ave SE



<b>Location:</b> Southeast Mandan	<b>Power Provider:</b> MDU
<b>Size:</b> 2 acres	<b>Primary Road Access:</b> 46 <sup>th</sup> Ave SE
<b>Zoning:</b> CB (Heavy Commercial)	<b>Total Land Price:</b> \$1,045,440
<b>Ownership:</b> Tracy Tooz	<b>Price / Square Foot:</b> \$12.00
<b>Municipal Water/Sewer:</b> On-Site	<b>Contact:</b> Matt Reichert

## 6. Interstate 94 Properties



<b>Location:</b> Northwest Mandan along Interstate 94	<b>Power Provider:</b> MDU sections 17,20,21,29 MGS sections 18 & 19
<b>Size:</b> Site 1 – 160 acres Site 2 – 260 acres Site 3 – 629 acres Site 4 – 1,050 acres	<b>Primary Road Access:</b> Interstate 94
<b>Zoning:</b> <i>Current – A (Agricultural) Future Land Use Plan – Industrial</i>	<b>Total Land Price:</b> Variable
<b>Ownership:</b> Site 1 – Mandan Development Co Site 2 – Swanberg Construction Site 3 – BREI Estates Site 4 – Jon McCreary	<b>Price / Square Foot:</b> Variable
<b>Municipal Water/Sewer:</b> North of Interstate 94	<b>Contact:</b> Site 1 – Kevin Christianson Site 2 – Mark Swanberg Site 3 – Randy Bakke Site 4 – Jon McCreary

## 7. 821 Twin City Drive



<b>Location:</b> East Mandan	<b>Power Provider:</b> MDU
<b>Size:</b> 0.43 acres	<b>Primary Road Access:</b> Twin City Drive
<b>Zoning:</b> CB (Heavy Commercial)	<b>Total Land Price:</b> \$149,000
<b>Ownership:</b> Al Leingang	<b>Price / Square Foot:</b> \$7.97
<b>Municipal Water/Sewer:</b> On-Site	<b>Contact:</b> Pat Maddock

## 8. Riverbend Centre



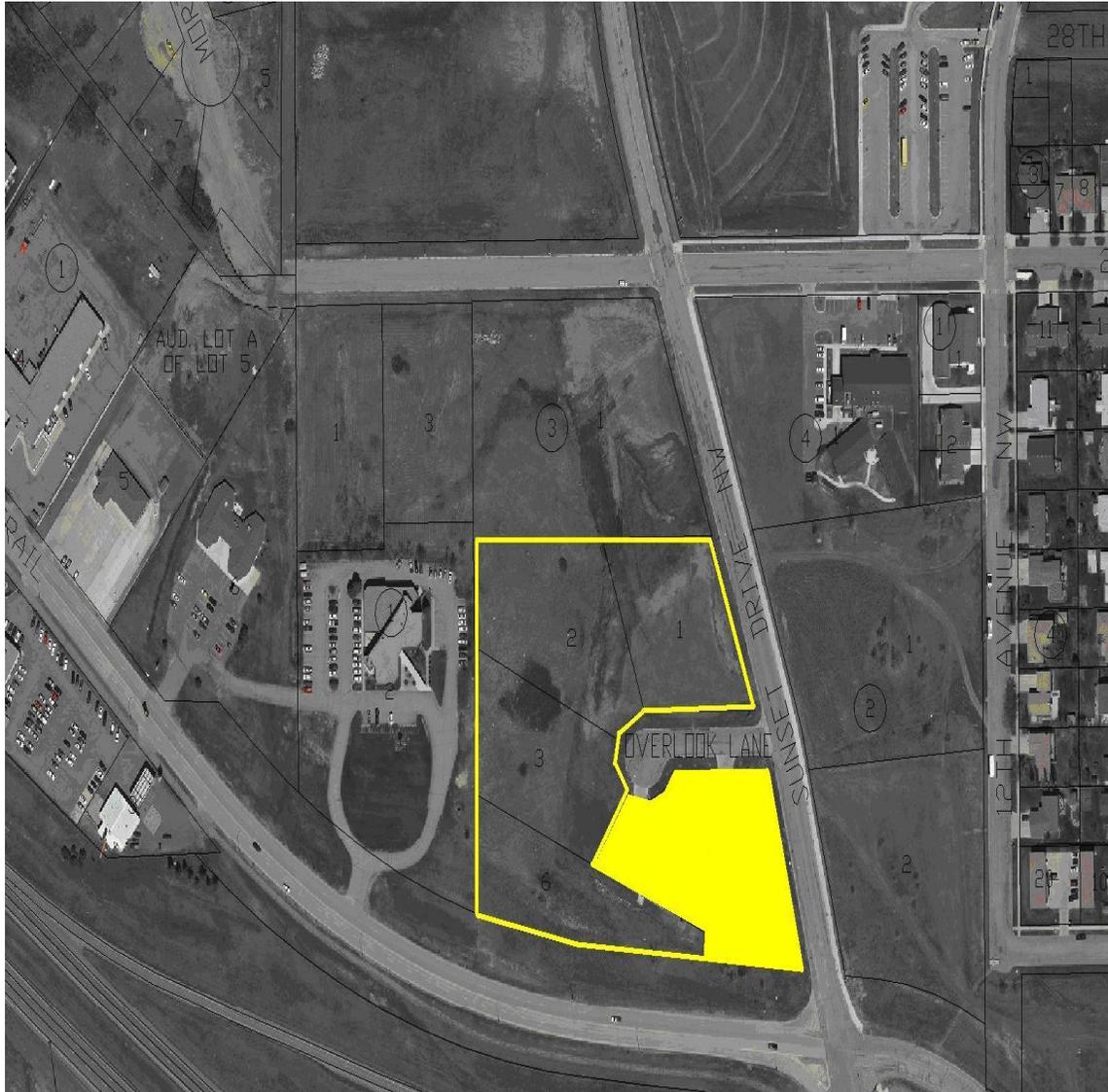
<b>Location:</b> East Mandan	<b>Power Provider:</b> MDU
<b>Size:</b> Approximately 0.9 acres (40,000 sq feet)	<b>Primary Road Access:</b> Interstate 94 & East Main Street
<b>Zoning:</b> CA (Light Commercial & Services)	<b>Total Land Price:</b> Negotiable
<b>Ownership:</b> Mike & Geris Hopfauf	<b>Price / Square Foot:</b> Negotiable
<b>Municipal Water/Sewer:</b> On-Site	<b>Contact:</b> Mike & Geris Hopfauf

## 9. Collins Place



<p><b>Location:</b> Downtown Mandan at the Intersection of Collins &amp; Main</p>	<p><b>Power Provider:</b> MDU</p>
<p><b>Size:</b> 0.37 acres (16,250 square feet)</p>	<p><b>Primary Road Access:</b> Main Street</p>
<p><b>Zoning:</b> CB (Heavy Commercial)</p>	<p><b>Total Lease Space:</b> 3,000 square feet for office or retail</p>
<p><b>Ownership:</b> Dakota Commercial</p>	<p><b>Price / Square Foot:</b> \$12 NNN w/ tenant allowances available.</p>
<p><b>Municipal Water/Sewer:</b> On-Site</p>	<p><b>Contact:</b> Kevin Ritterman</p>

**10. Sunset Commercial Park - SOLD**



<b>Location:</b> NW Mandan	<b>Power Provider:</b> MDU
<b>Size:</b> 3.86 acres	<b>Primary Road Access:</b> Sunset Ave.
<b>Zoning:</b> CB (Heavy Commercial)	<b>Total Land Price:</b> \$607,662
<b>Ownership:</b> Steve Thilmony	<b>Price / Square Foot:</b> \$4.50
<b>Municipal Water/Sewer:</b> On-Site	<b>Contact:</b> Steve Thilmony

**11. Missouri Drive off of Mandan Avenue Exit**



<p><b>Location:</b> Northeast Mandan Fronting Interstate 94 at the Mandan Avenue Exit #153</p>	<p><b>Power Provider:</b> MDU</p>
<p><b>Size:</b> 8.79 acres</p>	<p><b>Primary Road Access:</b> Mandan Avenue / Missouri Dr.</p>
<p><b>Zoning:</b> CC (Heavy Commercial) and CC Restricted</p>	<p><b>Total Land Price:</b> \$1,340,123</p>
<p><b>Ownership:</b> Leslie Volochenko</p>	<p><b>Price / Square Foot:</b> \$3.50</p>
<p><b>Municipal Water/Sewer:</b> On-Site</p>	<p><b>Contact:</b> Leslie Volochenko</p>

## 12. River Garden Addition



<b>Location:</b> NW Mandan (Lot 2)	<b>Power Provider:</b> MDU
<b>Size:</b> 0.85 acres	<b>Primary Road Access:</b> Sunset Drive
<b>Zoning:</b> CB (Heavy Commercial)	<b>Total Land Price:</b> \$400,000
<b>Ownership:</b> RiverWest Development, LLC	<b>Price / Square Foot:</b> \$10.78
<b>Municipal Water/Sewer:</b> On-Site	<b>Contact:</b> Kathleen Spillman

### 13. Meadow Ridge



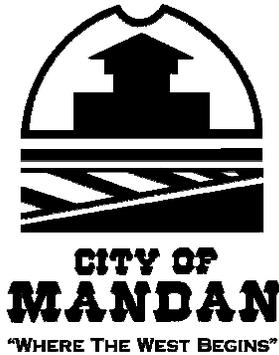
<b>Location:</b> NW Mandan	<b>Power Provider:</b> MDU
<b>Size:</b> Approximately 30 acres	<b>Primary Road Access:</b> Old Red Trail
<b>Zoning:</b> CB (Heavy Commercial)	<b>Total Land Price:</b> Negotiable
<b>Ownership:</b> WW Ranch	<b>Price / Square Foot:</b> Negotiable
<b>Municipal Water/Sewer:</b> On-Site	<b>Contact:</b> Pat Wachter or Pat Maddock

## 14. Missouri Valley Addition



<b>Location:</b> NW Mandan	<b>Power Provider:</b> MDU
<b>Size:</b> 19 acres	<b>Primary Road Access:</b> Sunset Drive
<b>Zoning:</b> CB Restricted	<b>Total Land Price:</b> Negotiable
<b>Ownership:</b> Don McGuire, John Schulz	<b>Price / Square Foot:</b> Negotiable
<b>Municipal Water/Sewer:</b> On-Site	<b>Contact:</b> Kyle Holwagner





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** August 6, 2013  
**PREPARATION DATE:** July 31, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth, Planning & Engineering Director  
**PRESENTER:** Justin Froseth, Planning & Engineering Director  
**SUBJECT:** Consider approving the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Replat of Lot 10B Block 2 Lakewood 6th Addition(Oxbow Trail SE) Project 2013-17.

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**STATEMENT/PURPOSE:** To authorize the installation of water and sewer for the development of Replat of Lot 10B Block 2 Lakewood 6th Addition(Oxbow Trail SE) .

**BACKGROUND/ALTERNATIVES:** The Replat of Lot 10B Block 2 Lakewood 6th Addition plat is located south of 39<sup>th</sup> Ave. SE. The proposed utilities only serve the developer of the benefiting land; therefore, this is being paid for under a 3-way agreement. A letter of credit has been secured for the project.

**ATTACHMENTS:**

1. 3 way agreement
2. Resolution Approving Plans and Specifications and Authorizing Execution of 3-way Agreement

**FISCAL IMPACT:** The entire cost of the project is being paid by the developer as part of the 3 way agreement.

**STAFF IMPACT:** Minimal

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

**RECOMMENDATION:** This office supports the authorization to move forward with this project.

**SUGGESTED MOTION:** I move to authorize the execution of the 3-way agreement for the construction of the subject project.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider for approval the plans and specifications for and the execution of a 3-way agreement for the installation of water & sewer in Replat of Lot 10B Block 2 Lakewood 6th Addition Project 2013-17.

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**AGREEMENT  
SANITARY SEWER & WATER IMPROVEMENT PROJECT #2013-17  
LAKEWOOD 6<sup>TH</sup> ADDITION, LOT 10B, BLOCK 2 REPLAT**

THIS AGREEMENT, made on the 30<sup>th</sup> day of July, 2013 between the City of Mandan, a municipal corporation, hereinafter called the City, Easy Living, LLC, hereinafter called the Developer, and Bowers Excavating, LLC, hereinafter called the Contractor. The Engineer mentioned in this contract shall be Swenson, Hagen & Co.

WHEREAS, the Developer wishes to enter upon the public streets and right-of-way to construct under private contract the following improvements:

Watermains  
 Sanitary Sewermains  
 Streets  
 Others:

for property to be developed and offered for sale by the Developer, and

WHEREAS, The City wishes to safeguard the public interest in assuring that said construction work will be in accordance with plans, specifications and requirements of the City and will be completed in a proper and safe manner in accordance with the City approved plans and specifications for the work. The Contractor and the Developer through the Contractor, represent and agree that they shall have sole and exclusive responsibility to ensure that said work is completed in accordance with all plans and specifications and pursuant to any requirements of the City. The Contractor warrants that the work will be conducted in a proper and safe manner, and

WHEREAS, The Developer has filed a petition to the Board of City Commissioners to permit the Developer to contract directly for said improvements;

NOW, THEREFORE, it is agreed between the parties for the considerations herein named, as follows:

(1) LICENSE TO CONSTRUCT.

The City grants to the Developer the right, privilege, and license to enter upon and construct in the public rights-of-way of the City the above improvements in the following streets:

- Oxbow Trail SE – from 165 feet south of the south line of 29<sup>th</sup> Street SE.

which license shall continue so long as the Developer performs the agreements assumed by it herein.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider for approval the plans and specifications for and the execution of a 3-way agreement for the installation of water & sewer in Replat of Lot 10B Block 2 Lakewood 6th Addition Project 2013-17.

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(7) PAYMENT.

The Developer shall provide an irrevocable letter of credit or a certificate of deposit in an escrow account from a bona fide bank in the amount of the project cost including engineering, testing and inspection. The money in such account shall be used only for the payment of the project costs. The Developer will be responsible to pay the Contractor for all of the contract work in accordance with the plans, specifications, and proposal prepared by the Engineer made a part of this contract. The contract proposal amount is \$\_\_\_\_\_. The proposal, attached, shall become a part of this agreement.

(8) CONTENTS OF DEVELOPER'S CONTRACT.

All contracts made by the Developer with any person, firm, or corporation in connection with or in carrying out the contract work shall provide: "This contract is subject to all the terms and conditions of a contract dated July 30, 2013 between the City, the Developer and the Contractor."

(9) OWNERSHIP OF WORK-LINES.

All contract work, except utility stub out, furnished or placed in the public streets, alleys, or rights-of-way shall become the property of the City of Mandan. The placing and furnishing of all contract work by the Contractor, its subcontractors, if any, and by any person, firm or corporation, as labor or material or otherwise, shall be under the provisions of this contract and with the express waiver of any right to claim against the City, or to make any claims or lien against the contract work.

(10) WARRANTY.

The Contractor shall guarantee all work against faulty materials and workmanship for a period of one year from the date of final payment and the performance bond of the contract shall remain in full force and effect for that period.

(11) VERBAL AGREEMENTS.

No verbal agreements or conversation with any officer, agent, or employee of the City before or after the execution of this contract shall affect or modify any of their terms or obligations contained in the documents comprising the contract.

(12) PROTECTION OF PUBLIC AND WORK.

The Contractor shall provide and maintain all necessary watchmen, barricades, lights, and warning signs and take all necessary precautions for protection of the public, and shall further maintain at all times adequate protection of the work from damage. The Contractor shall also take out and furnish general liability insurance to protect itself and the City with an insurer licensed to do business in North Dakota, in the sum of \$1,000,000 for one accident, against and from all suits, actions, or claims of any character, name and description brought for or on account of any injuries or damages received or sustained by any person or persons or property on account of any negligent act or fault of the Contractor, its officers, agents or employees in the execution of the contract, or on account of its failure to provide necessary barricades, warning lights, or signs, and as will protect the City from any contingent liability under this contract. In no case shall the liability insurance be less than that specified in Section 100-33 of the specifications for this project.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider for approval the plans and specifications for and the execution of a 3-way agreement for the installation of water & sewer in Replat of Lot 10B Block 2 Lakewood 6th Addition Project 2013-17.

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(13) UTILITIES.

It shall be the responsibility of the Contractor to familiarize itself with the location of all existing sewer, water mains and service lines, gas mains and service lines, telephone cable, power, light, and telephone poles, guys, valve boxes, stop boxes and all utilities installations that might be affected in the performance of the work. The Contractor shall notify all utility companies 48 hours in advance of any construction affecting said utilities, and shall work out with said utilities any conflicts or changes.

(14) CHANGES.

The Board of City Commissioners reserves the right to make any necessary changes in the alignment, grade, or design of the proposed work deemed by them advisable.

(15) CLEAN UP.

Extra materials, tools and temporary structures shall be removed by the Contractor and all dirt, rubbish, and excess earth from excavations shall be disposed of and the construction area left clean to the satisfaction of the City Engineer. The Contractor shall maintain for a period of three months after completion of the work the surface of unpaved trenches, adjacent curbs and gutters, sidewalks, driveways, shrubbery, fences, sod or other surfaces disturbed. The Contractor shall conduct its operations in such manner as to cause minimum inconvenience to adjoining property owners and the public.

The Developer will be required to replace paving or gravel surface adjacent to the project site that is damaged in the construction work.

(16) ASSURANCE OF PERFORMANCE AND PAYMENT OF BILLS.

The Contractor shall furnish a performance bond in an amount at least equal to one hundred percent (100%) of the total contract amount as security for the faithful performance of the contract and also a payment bond in an amount of not less than one hundred percent (100%) of the total contract amount as security for the payment of all persons performing labor on the project under the contract and furnishing materials in connection with the contract.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider for approval the plans and specifications for and the execution of a 3-way agreement for the installation of water & sewer in Replat of Lot 10B Block 2 Lakewood 6th Addition Project 2013-17.

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IN WITNESS WHEREOF, the parties have executed the within and forever contract.

**CITY OF MANDAN**

\_\_\_\_\_  
Kenneth D. LaMont, President  
Board of City Commissioners

Attest:

\_\_\_\_\_  
Jim Neubauer, City Administrator

**DEVELOPER**

Easy Living, LLC

  
\_\_\_\_\_  
712 N. 32<sup>nd</sup> Street  
Bismarck, ND 58503

**CONTRACTOR**

Bowers Excavating, LLC

  
\_\_\_\_\_  
160 Riverwood Avenue SE  
PO Box 145  
Bismarck, ND 58504

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider for approval the plans and specifications for and the execution of a 3-way agreement for the installation of water & sewer in Replat of Lot 10B Block 2 Lakewood 6th Addition Project 2013-17.

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SANITARY SEWER & WATER IMPROVEMENT PROJECT NO. 2013-17  
LAKEWOOD 6<sup>TH</sup> ADDITION - LOT 10B, BLOCK 2 REPLAT

<u>WATERMAIN ITEMS</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>TOTAL PRICE</u>
Bedding Material	50 TON	\$ 15.00	\$ 750.00
Rock Excavation	5 CY	\$ 20.00	\$ 100.00
Ductile Iron Fittings	incidental		\$
6" PVC Watermain	10 LF	\$ 35.00	\$ 350.00
8" PVC Watermain	143 LF	\$ 38.00	\$ 5,434
8" Gate Valve and Box	1 EA	\$ 2,500	\$ 2,500
8" Hydrant	1 EA	\$ 4,500	\$ 4,500

WATERMAIN SUBTOTAL \$ 13,634

<u>SANITARY SEWER ITEMS</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>TOTAL PRICE</u>
8" Sanitary Sewer	149 LF	\$ 25.00	\$ 3,725.00
Television Sewer Main	149 LF	\$ 3.00	\$ 447.00
Bedding Material	35 TON	\$ 15.00	\$ 525.00
Rock Excavation	5 CY	\$ 20.00	\$ 100.00
Concrete Manhole	1 EA	\$ 4,500	\$ 4,500.00
6" Sewer Service Pipe	25 LF	\$ 20.00	\$ 500.00
6" 45 Degree Bend	1 EA	\$ 250.00	\$ 250.00
8" Cleanout	1 EA	\$ 250.00	\$ 250.00

SANITARY SEWER SUBTOTAL \$ 10,297

TOTAL COST \$ 23,931  
5% contingency 1,196.50  
25,127.50

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider for approval the plans and specifications for and the execution of a 3-way agreement for the installation of water & sewer in Replat of Lot 10B Block 2 Lakewood 6th Addition Project 2013-17.

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**RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND  
AUTHORIZING EXECUTION OF 3-WAY AGREEMENT FOR WATER AND  
SEWER IMPROVEMENT PROJECT NO. 2013-17**

(Replat of Lot 10B Block 2 Lakewood 6<sup>th</sup> Addition – Oxbow Trail SE)

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

1. That the plans and specifications for the Water and Sewer Project No. 2013-17 serving Replat of Lot 10B Block 2 Lakewood 6<sup>th</sup> Addition in the City of Mandan, as presented by Easy Living, LLC., on behalf of themselves, are hereby approved, ratified and confirmed as the plans and specifications for said project, in accordance with which said improvement project will be constructed, subject to any further modifications of the plans and specifications by the Board as provided by law. The plans and specifications shall be filed in the Office of the City Administrator and City Engineer and open for public inspection. The named streets within the subdivision to receive the improvements are: Oxbow Trail SE.

2. That the President of the Board is hereby authorized to enter into a 3-way agreement between the City of Mandan; the developer, Easy Living LLC., and the developer's contractor, contingent upon the City's receipt of an irrevocable escrow account covering construction costs.

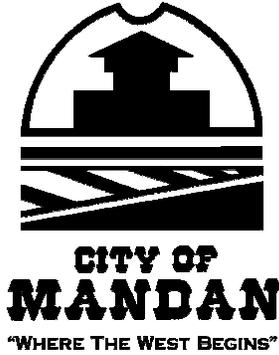
3. This resolution shall be in full force and effect from the date of its passage.

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

ATTEST:

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

Date of Passage: August 6, 2013



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** August 6, 2013  
**PREPARATION DATE:** July 31, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth, Planning & Engineering Director  
**PRESENTER:** Justin Froseth, Planning & Engineering Director  
**SUBJECT:** Consider approving the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Meadow Ridge 3rd Project 2013-09.

---

**STATEMENT/PURPOSE:** To authorize the installation of water and sewer for the development of Meadow Ridge 3rd Addition.

**BACKGROUND/ALTERNATIVES:** The Meadow Ridge 3rd Addition plat is located east of 24<sup>th</sup> Ave. NW and south of 27<sup>th</sup> Street NW. The proposed utilities only serve the developer of the benefiting land; therefore, this is being paid for under a 3-way agreement. A letter of credit has been secured for the project.

**ATTACHMENTS:**

1. 3 way agreement
2. Resolution Approving Plans and Specifications and Authorizing Execution of 3-way Agreement

**FISCAL IMPACT:** The entire cost of the project is being paid by the developer as part of the 3 way agreement.

**STAFF IMPACT:** Minimal

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

**RECOMMENDATION:** This office supports the authorization to move forward with this project.

**SUGGESTED MOTION:** I move to authorize the execution of the 3-way agreement for the construction of the subject project.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider for approval the plans and specifications for and the execution of a 3-way agreement for the installation of water & sewer in Meadow Ridge 3<sup>rd</sup> Addition Project 2013-09.

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AGREEMENT

THIS AGREEMENT, Made on the 1 day of August, 2013, between the City of Mandan, a municipal corporation, hereinafter called the City and WW Ranch, hereinafter called the Developer, and Bowers Excavating, hereinafter called the Contractor.

WHEREAS, The Developer wishes to enter upon the public streets and right-of-way to construct under private contract the following improvements:

- X   Watermains
- X   Sanitary Sewermains
- Streets
- X   Others: Water and Sewer Services

for property to be developed and offered for sale by the Developer, and

WHEREAS, The City wishes to safeguard the public interest in assuring that said construction work will be in accord with plans, specifications and requirements of the City and will be completed in a proper and safe manner in accord with said City plans and specifications for said type of work, and

WHEREAS, The Developer has filed a petition to the Board of City Commissioners to permit the Developer to contract directly for said improvements;

NOW, THEREFORE, It is agreed between the parties, for the considerations herein named, as follows:

(1) LICENSE TO CONSTRUCT.

The City grants to the Developer the right, privilege, and license to enter upon and construct in the proposed public streets of the City the above improvements in the following streets:

7<sup>th</sup> Ave. NW from 24<sup>th</sup> St. NW to 26<sup>th</sup> St. NW

26<sup>th</sup> St. NW from 6<sup>th</sup> Ave. NW to 7<sup>th</sup> Ave. NW

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider for approval the plans and specifications for and the execution of a 3-way agreement for the installation of water & sewer in Meadow Ridge 3<sup>rd</sup> Addition Project 2013-09.

Page 3 of 7

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(2) SCOPE OF WORK.

The Developer will through a contractor licensed under the laws of North Dakota, to do said work, furnish all materials, and all equipment and labor, necessary to perform all of the work shown on the plans and specifications prepared by a Licensed Professional Engineer, which are hereby referred to and made part of this Agreement. Construction staking and testing as required by the engineer shall be done by the Developer's contractor at the expense of the Developer. The Developer shall complete all stub-outs to the property line on utilities to be constructed under this contract.

All work incidental to the project, such as grading, taps to the watermain, seeding, chlorine, clean up, and any other usual charges as determined by the Engineer shall be borne by the Developer.

(3) TIME OF COMPLETION.

The work to be performed under this Agreement shall be commenced within 30 days of the date of the execution of this Agreement, and shall be completed within \_\_\_\_ calendar days of the date of the execution of this Agreement. But no later than August 312, 2013.

(4) SUPERVISION AND INSPECTION OF WORK.

The City and the City Engineering Department shall at all times have access to the work, in its preparation and progress. The licensed professional engineer and his authorized representatives will give all grades or locations for all work and no work depending upon such grades or locations shall be commenced until the same have been established. Upon all questions concerning the interpretation and compliance with the plans and specifications and the performance and execution of the work called for by them, the decisions of the City Engineer shall be final and binding upon the Developer and its contractors, servants, employees or agents.

(5) ENGINEER'S DECISIONS.

The City Engineer shall have general supervision and direction of the work. He has authority to stop the work when such stoppage may in his opinion be necessary to insure proper execution of the contract. He shall also have the authority to reject all work and materials which do not conform to the plans and specifications and to decide all questions which arise in the execution of the work. All such decision of the City Engineer shall be final.

(6) PAYMENT.

The Developer shall provide a \$181,447.00 letter of credit from a bona fide bank

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider for approval the plans and specifications for and the execution of a 3-way agreement for the installation of water & sewer in Meadow Ridge 3<sup>rd</sup> Addition Project 2013-09.

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and pay the contractor upon completion. The Developer will be responsible to pay the Contractor for all of the contract work in accord with the plans, and specifications prepared by the City made a part of this contract. The Developer shall, where over size mains are required, be responsible to construct and pay for the same unless it is practical and possible to separate the proposed construction work requiring extra size, and separately bid the same through public bidding.

(7) CONTENTS OF DEVELOPER'S CONTRACT.

All contracts made by the Developer with any person, firm or corporation in connection with or in carrying out this contract work shall provide: "This contract is subject to all the terms and conditions of a contract dated August 1, 2013, between the Developer and the Contractor."

(8) OWNERSHIP OF WORK-LINES.

All contract work, except utility stub-outs, furnished or placed in the public street, alleys, or right-of-way shall become the property of the City of Mandan. The placing and furnishing of all contract work by the Developer, its contractor, its subcontractors, if any, and by an person, firm, or corporation, as labor or material or otherwise, shall be under the provisions of this contract and with the express waiver of any right to claim against the City, or to make any claims or lien against the contract work.

(9) WARRANTY.

The Developer shall guarantee all work against faulty materials and the contractor on workmanship for a period of one year from the date of final payment and the performance bond of the contract shall remain in full force and effect for that period.

(10) VERBAL AGREEMENTS.

No verbal agreements or conversations with any officer, agent, or employee of the City before or after the execution of this contract shall affect or modify any of their terms or obligations contained in the documents comprising the contract.

(11) PROTECTION OF PUBLIC AND WORK.

The Developer shall provide and maintain all necessary watchmen, barricades, lights, and warning signs and take all necessary precautions for protection of the public, and shall further maintain at all times adequate protection of the work from damage. The Developer shall also take out and furnish general liability insurance to protect itself and the City with an insurer licensed to do business in North Dakota, in the sum of \$1,000,000.00 for one accident, against and from all suits, actions, or claims of any character, name and description brought for or an

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account of any injuries or damages received or sustained by any person or persons or property on account of any negligent act or fault of the Developer, its contractor, or officers, agents or employees in execution of the contract or on account of its failure to provide necessary barricades, warning lights, or signs, and as will protect the City from any contingent liability under this contract. In no case shall the liability insurance be less than specified in Section 100-33 of the City of Mandan Construction Specifications for Municipal Improvements.

(12) UTILITIES.

It shall be the responsibility of the Developer and Contractor to familiarize itself with the location of all existing sewer, and water mains and service lines, gas mains and service lines, telephone cable, power, light and telephone poles, guy wires, valve boxes, and stop boxes and all utilities installations that might be affected in the performance of the work. The Developer shall notify all utility companies 48 hours in advance of any construction affecting said utilities, and shall work out with said utilities any conflicts or changes.

(13) CHANGES.

The Board of City Commissioners reserves the right to make any necessary changes in the alignment, grade, or design of the proposed work deemed by them advisable.

(14) CLEAN UP.

Extra materials, tools, and temporary structures shall be removed by the Developer and all dirt, rubbish, and excess earth from excavations shall be disposed of and the construction area left clean to the satisfaction of the City Engineer. The Developer shall maintain for a period of three months after completion of the work the surface of unpaved trenches, adjacent curbs and gutters, sidewalks, driveways, shrubbery, fences, sod and other surfaces disturbed. The Developer shall conduct its operations in such manner as to cause minimum inconvenience to adjoining property owners and the public.

Street surfacing in unpaved areas shall be restored to as good as or better than prior to construction by the Developer. The Developer will be required to replace paving or gravel surface removed or damaged in the construction work or repair any area disturbed as a result of construction work.

(15) ASSURANCE OF PERFORMANCE AND PAYMENT OF BILLS.

The Contractor shall furnish a performance bond in an amount at least equal to one hundred percent (100%) of the total contract amount as security for the faithful performance of the contract and also a payment bond in an amount of not less than one hundred percent (100%) of the total contract amount as security for the payment of all persons performing labor on the payment of all persons

Board of City Commissioners

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performing labor on the project under the contract and furnishing materials in connection with the contract.

- (16) The ENGINEER for this project will be Toman Engineering Company acting through its duly qualified representatives or properly designated qualified successors acting on behalf of the OWNER.
- (17) The OWNER will pay the CONTRACTOR in the manner and at such times as set forth in the GENERAL CONDITIONS, and related Sections, such amounts and in a manner required by the CONTRACT DOCUMENTS in accordance with the attached BID SCHEDULES.
- (18) This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors and assigns.
- (19) Retainage shall be as stipulated in Chapter 40-22-37 NDCC as amended.
- (20) The CONTRACTOR shall pay to the OWNER the amount of \$500.00 per day for liquidated damages for time in excess of authorized or adjusted completion time.

Board of City Commissioners

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**RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND  
AUTHORIZING EXECUTION OF 3-WAY AGREEMENT FOR WATER AND  
SEWER IMPROVEMENT PROJECT NO. 2013-09  
(Meadow Ridge 3<sup>rd</sup> Addition)**

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

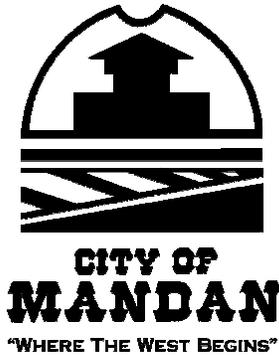
1. That the plans and specifications for the Water and Sewer Project No. 2013-09 serving Meadow Ridge 3<sup>rd</sup> Addition in the City of Mandan, as presented by Pat Wachter, Harmony Properties, LLC, on behalf of themselves, are hereby approved, ratified and confirmed as the plans and specifications for said project, in accordance with which said improvement project will be constructed, subject to any further modifications of the plans and specifications by the Board as provided by law. The plans and specifications shall be filed in the Office of the City Administrator and City Engineer and open for public inspection. The named streets within the subdivision to receive the improvements are: 7<sup>th</sup> Avenue NW and 26<sup>th</sup> Street NW.
2. That the President of the Board is hereby authorized to enter into a 3-way agreement between the City of Mandan; the developer, Pat Wachter, Harmony Properties, LLC., and the developer's contractor, contingent upon the City's receipt of an irrevocable escrow account covering construction costs.
3. This resolution shall be in full force and effect from the date of its passage.

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

ATTEST:

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

Date of Passage: August 6, 2013



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** August 6, 2013  
**PREPARATION DATE:** August 1, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth, Planning & Engineering Director  
**PRESENTER:** Justin Froseth, Planning & Engineering Director  
**SUBJECT:** Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 179, Project No. 2013-10 (Meadow Ridge 3<sup>rd</sup> Addition).

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

**BACKGROUND/ALTERNATIVES:** The developer is requesting that the City allow the special assessment of street costs to the benefitting properties for the development of 7th Avenue NW north of 24th Street NW and 26th Street west of 6th Avenue NW.

**ATTACHMENTS:**

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

**FISCAL IMPACT:** Based on the estimate of cost included with your documentation, the cost of the project would be \$326,413.00, engineering and administration will add \$97,923.90, bringing the total to \$424,336.90. These items would be entirely special assessed to the benefitting properties.

**STAFF IMPACT:** Minimal

Board of City Commissioners

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

RECOMMENDATION: This office supports moving forward with the project.

SUGGESTED MOTION: I move to approve the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, and approve feasibility report and advertisement for bids for Street Improvement District No. 179, Project No. 2013-10 (Meadow Ridge 3rd Addition).

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 179, Project No. 2013-10 (Meadow Ridge 3rd Addition).

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**RESOLUTION CREATING  
STREET IMPROVEMENT DISTRICT NO. 179  
Project No. 2013-10**

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. 179 (the "District")(Project# 2013-10) 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, 7<sup>th</sup> Avenue NW and 26<sup>th</sup> Street NW, and includes street construction, installation of curb and gutter, asphalt street, storm sewer, street lights, chip seal and related work.

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

The following lots and blocks are included in said District:  
All lots & blocks, Meadow Ridge 1<sup>st</sup> Addition  
All lots & blocks, Meadow Ridge 3<sup>rd</sup> Addition

The legal description of the district boundary is as follows:

A tract of land being all of Meadow Ridge 1<sup>st</sup> Addition, Meadow Ridge 3<sup>rd</sup> Addition and part of the NW1/4 of Section 22, Township 139 North, Range 81 West of the City of Mandan, Morton County, North Dakota, being more particularly described as follows: Beginning at the northeast corner of Lot 44, Block 1, Pioneer Industrial Park of the City of Mandan, North Dakota, said point also being on the south Right-of-Way line of 27<sup>th</sup> Street NW; thence North 88° 50' 27" East along said south Right-of-Way line for 1053.60 feet to the northeast corner of Meadow Ridge 1<sup>st</sup> Addition of the City of Mandan, Morton County, North Dakota; thence South 04° 24' 52" East along the east boundary line of said Meadow Ridge 1<sup>st</sup> Addition for 694.25 feet to the southeast corner of said Meadow Ridge 1<sup>st</sup> Addition; thence South 87° 42' 57" West along the south boundary line of said Meadow Ridge 1<sup>st</sup> Addition for 557.47 feet to the southwest corner of said Meadow Ridge 1<sup>st</sup> Addition; thence South 02° 17' 03" East for 144.86 feet to the P.C. (Point of Curvature) of a curve to the Left having a radius of 217.00 feet; thence along said curve to the Left (the chord of which bears South 04° 30' 44" East for 16.88 feet) an arc length

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of 16.88 feet; thence South 89° 57' 56" West for 557.81 feet to a point on the east boundary line of said Lot 44; thence North 00° 03' 39" East along said east boundary line for 855.00 feet to the Point of Beginning. Said tract of land containing 19.39 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.

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President, Board of City Commissioners

ATTEST:

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City Administrator

Date of Passage: August 6th, 2013

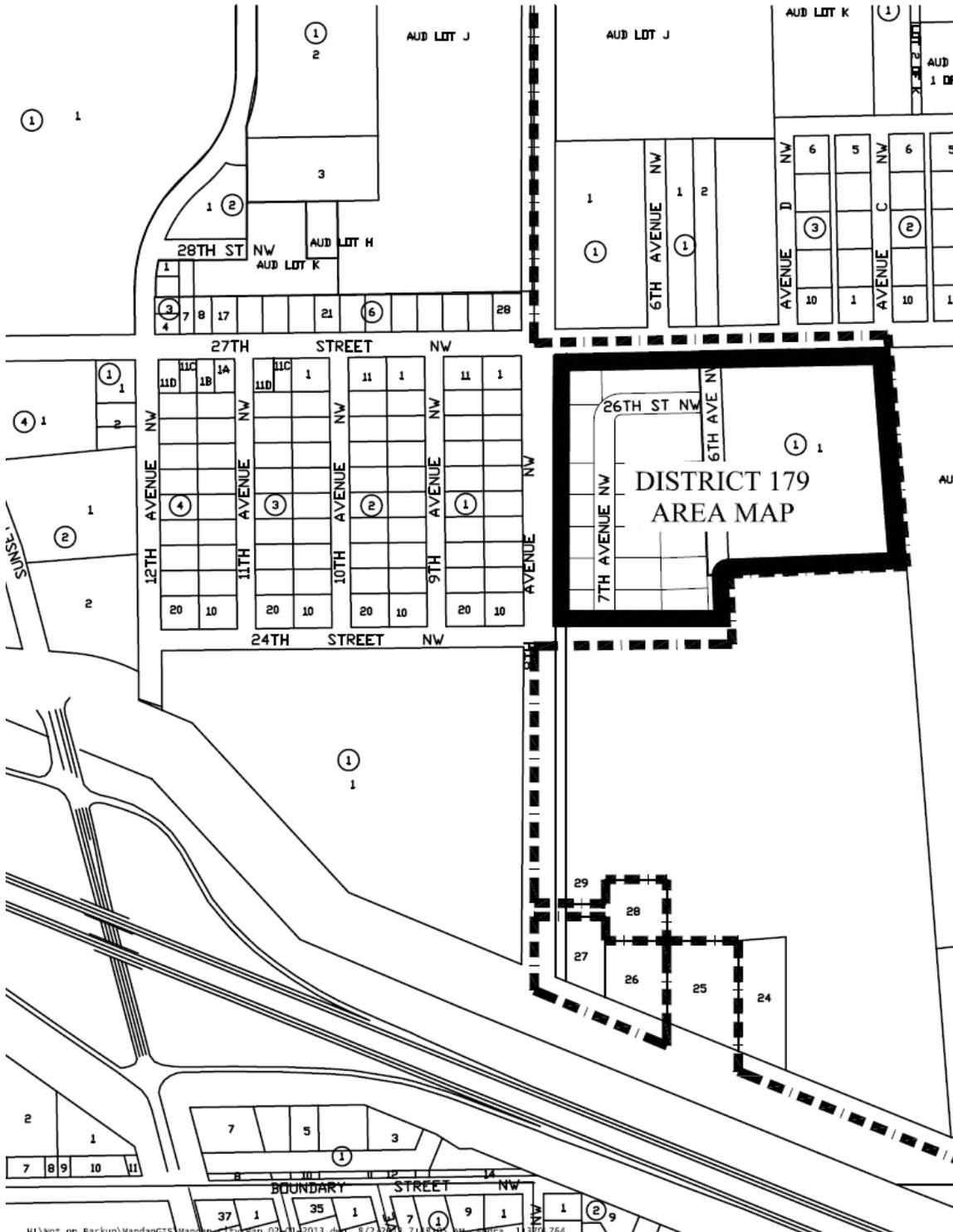
Board of City Commissioners

Agenda Documentation

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**ENGINEER'S ESTIMATE  
MEADOW RIDGE 3RD ADDITION  
STREET IMP. DISTRICT NO. 179  
CITY PROJECT NO. 2013-10  
TECO #2189**

SPEC NO.	DESCRIPTION	UNIT	QUAN.	UNIT PRICE	TOTAL
202-4.1	UNCLASSIFIED EXCAVATION	CY	750	\$ 10.00	\$ 7,500.00
203-3.1	WATERING	M GAL	15	\$ 15.00	\$ 225.00
204-3.1	SUBGRADE PREPARATION	SY	4500	\$ 3.00	\$ 13,500.00
205-3.1	SILT FENCE	LF	100	\$ 10.00	\$ 1,000.00
205-3.3	WEIGHTED FIBER ROLL	LF	200	\$ 12.00	\$ 2,400.00
302-4.1	STABILIZED GRAVEL BASE	TON	1400	\$ 28.00	\$ 39,200.00
304-6.1B	AC STABILIZED BASE (CLASS B )2-1/2"	TON	575	\$ 105.00	\$ 60,375.00
401-6.2B	AC SURFACE COURSE (CLASS B)2"	TON	460	\$ 105.00	\$ 48,300.00
402-4.2	BITUMINOUS TACK COAT	GAL	210	\$ 3.00	\$ 630.00
403-4.1	BITUMINOUS SEAL COAT	SY	4045	\$ 3.00	\$ 12,135.00
603-5.3	STANDARD CURB & GUTTER	LF	1932	\$ 19.00	\$ 36,708.00
802-4.3	18" RCP STORM SEWER PIPE	LF	78	\$ 70.00	\$ 5,460.00
802-4.5	24" RCP STORM SEWER PIPE	LF	149	\$ 80.00	\$ 11,920.00
802-4.7	30" RCP STORM SEWER PIPE	LF	41	\$ 90.00	\$ 3,690.00
801-4.60	BEDDING MATERIAL	TON	130	\$ 18.00	\$ 2,340.00
802-4.5	30" RCP FLARED END SECTION	EA	1	\$ 2,000.00	\$ 2,000.00
1201-4.1	4" TOPSOILING TO INCLUDE SEEDING & HYDROMULCH	Acre	1.1	\$ 25,000.00	\$ 27,500.00
1205-4.2	60" CONCRETE MANHOLE (STORM)	EA	2	\$ 6,000.00	\$ 12,000.00
1205-4.8	TYPE 72" INLET	EA	2	\$ 4,500.00	\$ 9,000.00
1205-4.9	TYPE 108" INLET	EA	2	\$ 6,000.00	\$ 12,000.00
1206-4.1	ADJ MANHOLE CASTING	EA	5	\$ 450.00	\$ 2,250.00
1206-4.19	ADJUST VALVE BOX-UNPAVED AREA	EA	10	\$ 400.00	\$ 4,000.00
1206-4.7	ADJUST INLET CASTING ALL SIZES	EA	4	\$ 700.00	\$ 2,800.00
SP8	STREET NAME SIGN 1 POST	EA	2	\$ 500.00	\$ 1,000.00
SP9	ROAD CLOSED, BARRICADE	EA	1	\$ 600.00	\$ 600.00
SP12	EROSION CONTROL BLANKET	SY	192	\$ 15.00	\$ 2,880.00
SP13	RELAY EXISTING STORM SEWER PIPE	LS	1	\$ 5,000.00	\$ 5,000.00

**TOTAL CONSTRUCTION= \$ 326,413.00**

**Legal, Administration, Engineering, and Contingency= \$97,923.90**

**GRAND TOTAL= \$424,336.90**

**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. 179**

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. 179 (Project # 2013-10), 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:	\$326,413.00
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:	\$97,923.90
c. Total estimated costs of the improvement:	\$424,336.90

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 6, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 179, Project No. 2013-10 (Meadow Ridge 3rd Addition).

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

Dated this 6<sup>th</sup> day of August, 2013.

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President, Board of City Commissioners

ATTEST:

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City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 179, Project No. 2013-10 (Meadow Ridge 3rd Addition).

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**RESOLUTION APPROVING PLANS AND SPECIFICATIONS  
FOR STREET IMPROVEMENT DISTRICT NO. 179  
PROJECT # 2013-10**

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. 179 (Project # 2013-10) 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 6 day of August, 2013.

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President, Board of City Commissioners

ATTEST:

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City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 179, Project No. 2013-10 (Meadow Ridge 3rd Addition).

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**RESOLUTION DETERMINING SUFFICIENCY OF FORMS OF PETITION, WAIVER  
AND CONSENT TO ASSESSMENT FOR STREET IMPROVEMENT DISTRICT NO.  
179**

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 Pat Wachter, Harmony Properties, LLC, the owners of a majority of property area, for the improvement in and for Street Improvement District No. 179, Project No. 2013-10 ("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 6th day of August, 2013

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

ATTEST:

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

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

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July 31, 2013

TECO # 2189

**PETITION**

City of Mandan  
Board of City Commissioners  
City Administrator Jim Neubauer  
205 2<sup>nd</sup> Ave. NW  
Mandan, ND 58554

RE: Meadow Ridge 3<sup>rd</sup> Addition  
Pavement, Curb & Gutter, Earthwork, and Storm Sewer  
TECO # 2189

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

The undersigned, being the Developer of Meadow Ridge 3rd 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, curb & gutter, earthwork, storm sewer, and all work and material incidental thereto on a portion of 26<sup>th</sup> Street NW from 6<sup>th</sup> Ave NW to 7th Ave NW, and a portion of 6<sup>th</sup> Ave from 26<sup>th</sup> Street NW to 24<sup>th</sup> Street NW.



Pat Wachter

Harmony Properties, LLC

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 179, Project No. 2013-10 (Meadow Ridge 3rd Addition).

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**FEASIBILITY AND EVALUATION OF IMPROVEMENTS  
FOR STREET IMPROVEMENT DISTRICT #179, PROJECT #2013-10**

1.) General Nature of Project

The District has been created to allow for new street 7<sup>th</sup> Avenue NW between 24<sup>th</sup> Street NW to 27<sup>th</sup> Street NW and on 26<sup>th</sup> Street NW to the west of 6<sup>th</sup> Avenue NW. Installation of new curb & gutter, asphalt street, storm sewer, street lights & chip seal will take place with this project.

2.) Location of Proposed Construction

The proposed construction will take place on 7<sup>th</sup> Avenue NW and 26<sup>th</sup> 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 \$326,413.00. 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 \$97,923.90. The total cost for the improvement is estimated at \$424,336.90.



**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS  
FOR STREET IMPROVEMENT DISTRICT NO. 179**

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. 179 (Project # 2013-10) 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 6th, 2013, and in the plans and specifications for said improvement now on file in the office of the City Engineer.

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

**“ADVERTISEMENT FOR BIDS FOR  
STREET IMPROVEMENT DISTRICT NO. 179  
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 August 26, 2013, at 10:00 a.m., local time for the purpose of furnishing of materials, labor and skill needed for the new construction of storm sewer mains, asphalt streets, concrete curb and gutter and street lights and related work in accordance with the plans and specifications for Street Improvement District No. 179 (Project # 2013-10), for the City of Mandan. The Work consists of all labor, skill, and materials required to properly construct the improvement.

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

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 179, Project No. 2013-10 (Meadow Ridge 3rd Addition).

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The bid proposals must be submitted to the City Administrator by 10:00 a.m., local time, August 26, 2013 and shall be sealed and endorsed "Proposal for Street Improvement District No 179. Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2<sup>nd</sup> Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:00 a.m., local time, on August 26, 2013. All bidders are invited to be present at the public opening of the Bids.

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

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

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

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

October 31<sup>st</sup>, 2013 for substantial completion date with seal coat by August 15<sup>th</sup>, 2014.

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

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

Board of City Commissioners

Agenda Documentation

Meeting Date: August 6, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 179, Project No. 2013-10 (Meadow Ridge 3rd Addition).

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

The Board of City Commissioners will meet on Tuesday, September 3, 2013, at 5:00 PM, local time, to determine the sufficiency of protests, to review the Bids submitted, consider the engineer's recommendation, and to award the contract to the successful Bidder, if protests have been deemed insufficient. The contract will be awarded on the basis of the low Bid submitted, on eligible areas, by a responsible and responsive Bidder deemed most favorable to the City's interest.

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

Dated this 6 day of August, 2013

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

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

4. The Board of City Commissioners shall meet on Tuesday, September 3, 2013 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.

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

ATTEST:

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

Passed: August 6th, 2013

**ORDINANCE NO. 1157**

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

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

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

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

A part of the SE ¼ in Section 7, Township 139N, Range 81W (the proposed West Hills Estates 3<sup>rd</sup> Addition)

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

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

Attest:

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

Public Hearing:	<u>July 16, 2013</u>
First Consideration:	<u>July 16, 2013</u>
Second Consideration and Final Passage:	<u>August 6, 2013</u>
Publication Date:	<u>August 30, 2013</u>
Recording Date:	_____

# PROPOSED ZONE CHANGING

AUDITORS LCT A



**RESOLUTION**  
**APPROVING CONTRACT AND CONTRACTOR'S BOND FOR**  
**STREET IMPROVEMENT DISTRICT NO. 180**

(Project No. 2013-12)

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

1. It is hereby found and determined that this Board has heretofore caused Notice for Advertisement for Bids to be made for an improvement Street Improvement District No. 180 of said City, and has duly and publicly opened and considered said bids received pursuant to said Notice.
2. Said improvement is hereby ordered to be constructed in accordance with the plans and specifications therefore as heretofore adopted by this Board pursuant to a resolution duly adopted by this Board.
3. It is hereby found and determined that the lowest responsible bidder for various categories of the work, material and skill required for said improvement is Northern Improvement Company whose bid provides for the construction of said improvement at a total estimated base price of \$434,997.79.
4. The President of the Board of City Commissioners of the City of Mandan and City Auditor are hereby authorized and directed to make and enter into a contract with said bidder on the part of the City, in the form prescribed by Sections 40-22-35 and 40-22-35, N.D.C.C. as amended, provided that said bidder shall within ten (10) days from this date execute said contract and a construction bond conditioned in accordance with the provisions of Sections 40-22-30 and 40-22-32 of said Code.

Dated this 6<sup>th</sup> day of August, 2013

\_\_\_\_\_  
Arlyn Van Beek, President of the  
Board of City Commissioners

Attest:

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

**RESOLUTION**  
**APPROVING CONTRACT AND CONTRACTOR'S BOND FOR**  
**STREET IMPROVEMENT DISTRICT NO. 181**

(Project No. 2013-15)

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

1. It is hereby found and determined that this Board has heretofore caused Notice for Advertisement for Bids to be made for an improvement Street Improvement District No. 181 of said City, and has duly and publicly opened and considered said bids received pursuant to said Notice.
2. Said improvement is hereby ordered to be constructed in accordance with the plans and specifications therefore as heretofore adopted by this Board pursuant to a resolution duly adopted by this Board.
3. It is hereby found and determined that the lowest responsible bidder for various categories of the work, material and skill required for said improvement is Northern Improvement Company whose bid provides for the construction of said improvement at a total estimated base price of \$288,599.92.
4. The President of the Board of City Commissioners of the City of Mandan and City Auditor are hereby authorized and directed to make and enter into a contract with said bidder on the part of the City, in the form prescribed by Sections 40-22-35 and 40-22-35, N.D.C.C. as amended, provided that said bidder shall within ten (10) days from this date execute said contract and a construction bond conditioned in accordance with the provisions of Sections 40-22-30 and 40-22-32 of said Code.

Dated this 6<sup>th</sup> day of August, 2013

\_\_\_\_\_  
Arlyn Van Beek, President of the  
Board of City Commissioners

Attest:

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

**RESOLUTION CREATING  
STREET IMPROVEMENT DISTRICT NO. 179**  
Project No. 2013-10

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. 179 (the "District")(Project# 2013-10) 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, 7<sup>th</sup> Avenue NW and 26<sup>th</sup> Street NW, and includes street construction, installation of curb and gutter, asphalt street, storm sewer, street lights, chip seal and related work.

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

The following lots and blocks are included in said District:  
All lots & blocks, Meadow Ridge 1<sup>st</sup> Addition  
All lots & blocks, Meadow Ridge 3<sup>rd</sup> Addition

The legal description of the district boundary is as follows:

A tract of land being all of Meadow Ridge 1<sup>st</sup> Addition, Meadow Ridge 3<sup>rd</sup> Addition and part of the NW1/4 of Section 22, Township 139 North, Range 81 West of the City of Mandan, Morton County, North Dakota, being more particularly described as follows:  
Beginning at the northeast corner of Lot 44, Block 1, Pioneer Industrial Park of the City of Mandan, North Dakota, said point also being on the south Right-of-Way line of 27<sup>th</sup> Street NW; thence North 88° 50' 27" East along said south Right-of-Way line for 1053.60 feet to the northeast corner of Meadow Ridge 1<sup>st</sup> Addition of the City of Mandan, Morton County, North Dakota; thence South 04° 24' 52" East along the east boundary line of said Meadow Ridge 1<sup>st</sup> Addition for 694.25 feet to the southeast corner of said Meadow Ridge 1<sup>st</sup> Addition; thence South 87° 42' 57" West along the south boundary line of said Meadow Ridge 1<sup>st</sup> Addition for 557.47 feet to the southwest corner of said Meadow Ridge 1<sup>st</sup> Addition; thence South 02° 17' 03" East for 144.86 feet to the P.C. (Point of Curvature) of a curve to the Left having a radius of 217.00 feet; thence along said curve to the Left (the chord of which bears South 04° 30' 44" East for 16.88 feet) an arc length of 16.88 feet; thence South 89° 57' 56" West for 557.81 feet to a point on the east boundary line of said Lot 44; thence North 00° 03' 39" East along said east boundary line for 855.00 feet to the Point of Beginning. Said tract of land containing 19.39 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.

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President, Board of City Commissioners

ATTEST:

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City Administrator

Date of Passage: August 6th, 2013

**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. 179**

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. 179 (Project # 2013-10), 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:	\$326,413.00
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:	\$97,923.90
c. Total estimated costs of the improvement:	\$424,336.90

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

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

Dated this 6<sup>th</sup> day of August, 2013.

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

ATTEST:

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

**RESOLUTION DETERMINING SUFFICIENCY OF FORMS OF PETITION,  
WAIVER AND CONSENT TO ASSESSMENT FOR STREET IMPROVEMENT  
DISTRICT NO. 179**

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 Pat Wachter, Harmony Properties, LLC, the owners of a majority of property area, for the improvement in and for Street Improvement District No. 179, Project No. 2013-10 ("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 6th day of August, 2013

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

ATTEST:

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

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS  
FOR STREET IMPROVEMENT DISTRICT NO. 179  
PROJECT # 2013-10**

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. 179 (Project # 2013-10) 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 6 day of August, 2013.

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

ATTEST:

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

**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS  
FOR STREET IMPROVEMENT DISTRICT NO. 179**

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. 179 (Project # 2013-10) 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 6th, 2013, and in the plans and specifications for said improvement now on file in the office of the City Engineer.

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

**“ADVERTISEMENT FOR BIDS FOR  
STREET IMPROVEMENT DISTRICT NO. 179  
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 August 26, 2013, at 10:00 a.m., local time for the purpose of furnishing of materials, labor and skill needed for the new construction of storm sewer mains, asphalt streets, concrete curb and gutter and street lights and related work in accordance with the plans and specifications for Street Improvement District No. 179 (Project # 2013-10), for the City of Mandan. The Work consists of all labor, skill, and materials required to properly construct the improvement.

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

The bid proposals must be submitted to the City Administrator by 10:00 a.m., local time, August 26, 2013 and shall be sealed and endorsed “Proposal for Street Improvement District No 179. Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2<sup>nd</sup> Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:00 a.m., local time, on August 26, 2013. All bidders are invited to be present at the public opening of the Bids.

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

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

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

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

October 31<sup>st</sup>, 2013 for substantial completion date with seal coat by August 15<sup>th</sup>, 2014.

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

Should the contractor fail to complete all of the work in a District according to the above date, or within such additional time as may have been granted by formal extensions of time approved by the City Engineer, there shall be deducted from any money due the contractor, the above mentioned sum for each calendar day the completion of the Work is delayed, for each District. Liquidated damages will continue to accumulate until the City Engineer determines winter weather prevents further construction. Liquidated damages will restart on the first day of construction in the Spring of 2014 and continue to accumulate until final project acceptance. The Contractor and his surety shall be liable for any excess. Such payments shall be deducted from the final payment and shall be charged as liquidated damages and not as a penalty.

The Board of City Commissioners will meet on Tuesday, September 3, 2013, at 5:00 PM, local time, to determine the sufficiency of protests, to review the Bids submitted, consider the engineer's recommendation, and to award the contract to the successful Bidder, if protests have been deemed insufficient. The contract will be awarded on the basis of the low Bid submitted, on eligible areas, by a responsible and responsive Bidder deemed most favorable to the City's interest.

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

Dated this 6 day of August, 2013

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

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

4. The Board of City Commissioners shall meet on Tuesday, September 3, 2013 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.

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President, Board of City Commissioners

ATTEST:

City Administrator

Passed: August 6th, 2013

**RESOLUTION APPROVING AMENDED ENGINEER'S REPORT AND  
AUTHORIZING PREPARATION OF THE DETAILED PLANS  
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE  
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 177**

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. 177 (Project # 2012-22), 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:	\$337,328.00
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:	101,198.40
c. Total estimated costs of the improvement:	\$438,526.40

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

Dated this 6 day of August, 2013.

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

ATTEST:

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

**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS  
FOR STREET IMPROVEMENT DISTRICT NO. 177**

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. 177 (Project # 2012-22) 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 6<sup>th</sup>, 2013, and in the plans and specifications for said improvement now on file in the office of the City Engineer.

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

**“ADVERTISEMENT FOR BIDS FOR  
STREET IMPROVEMENT DISTRICT NO. 177  
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 August 23, 2013, at 10:00 a.m., local time for the purpose of furnishing of materials, labor and skill needed for the new construction of storm sewer mains, asphalt streets, concrete curb and gutter and street lights and related work in accordance with the plans and specifications for Street Improvement District No. 177 (Project # 2012-22), for the City of Mandan. The Work consists of all labor, skill, and materials required to properly construct the improvement.

Plans and Specifications are on file in the office of the City Administrator and the City Engineer. Plans may be obtained at this office of the City Engineer, 205 2<sup>nd</sup> Avenue Northwest, Mandan, North Dakota 58554, upon a non-refundable deposit of \$25.00. If Plans are mailed out 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, August 23, 2013 and shall be sealed and endorsed “Proposal for Street Improvement District No 177. Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2<sup>nd</sup> Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:00 a.m., local time, on August 23, 2013. All bidders are invited to be present at the public opening of the Bids.

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

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

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

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

AC Base Course shall be installed on or before October 31, 2013.  
Street Lights shall be installed on or before November 29, 2013.  
AC Surface Course shall be installed on or before June 28, 2014.  
Chip Seal shall be installed on or before July 31, 2014.

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

Should the contractor fail to complete all of the work in a District according to the above date, or within such additional time as may have been granted by formal extensions of time approved by the City Engineer, there shall be deducted from any money due the contractor, the above mentioned sum for each calendar day the completion of the Work is delayed, for each District. Liquidated damages will continue to accumulate until the City Engineer determines winter weather prevents further construction. Liquidated damages will restart on the first day of construction in the Spring of 2014 and continue to accumulate until final project acceptance. The Contractor and his surety shall be liable for any excess. Such payments shall be deducted from the final payment and shall be charged as liquidated damages and not as a penalty.

The Board of City Commissioners will meet on Tuesday, September 3, 2013, at 5:00 PM, local time, to determine the sufficiency of protests, to review the Bids submitted, consider the engineer's recommendation, and to award the contract to the successful Bidder, if protests have been deemed insufficient. The contract will be awarded on the basis of the low Bid submitted, on eligible areas, by a responsible and responsive Bidder deemed most favorable to the City's interest.

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

Dated this 6<sup>th</sup> day of August, 2013

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

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

4. The Board of City Commissioners shall meet on Tuesday, September 3, 2013 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.

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President, Board of City Commissioners

ATTEST:

City Administrator

Passed: August 6<sup>th</sup>, 2013

**ORDINANCE NO. 1162**

AN ORDINANCE ANNEXING CERTAIN ADJOINING LANDS TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, AND EXTENDING THE CORPORATE BOUNDARIES THEREOF.

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

WHEREAS, the City of Mandan, Morton County, North Dakota has determined it to be its interests to annex the hereinafter described property, which is contiguous to the City of Mandan, Morton County, North Dakota, but not embraced within the limits thereof, and has met all requirements as directed by Section 40-51.2-03 of the North Dakota Century Code.

**SECTION 1. Property Annexed.** The following described land is situated in the County of Morton, State of North Dakota, and contiguous to the corporate limits of the City of Mandan, North Dakota, is hereby added to, taken into, annexed and made part of the City of Mandan, namely:

A tract of land being a part of Government Lots 3 & 4 of Section 3, Township 138 North, Range 81 West of the 5<sup>th</sup> Principal Meridian, Morton County, North Dakota, being more particularly described as follows:

Commencing at the northwest corner of Section 3, Township 138N, Range 81W; thence South 00°25'37" West along the west boundary line of said Section 3 for 55.00 feet to the Point of Beginning, said point also being on the south Right of Way line of 19<sup>th</sup> Street SW; thence along said south Right of Way line the following seven (7) courses; thence North 89°47'30" East for 550.65 feet; thence North 0°12'30" West for 5.00 feet; thence North 89°47'30" East for 1550.00 feet; thence South 00°12'30" East for 10.00 feet; thence North 89°47'30" East for 450.00 feet; thence North 00°12'30" West for 10.00 feet; thence North 89°47'30" East for 90.49 feet to a point on the east boundary line of Government Lot 3 of said Section 3; thence South 00°08'11" West along said east boundary line for 876.17 feet; thence South 89°47'30" West for 2645.48 feet to a point on the west boundary line of said Section 3; thence North 00°25'37" East along said west boundary line for 871.21 to the Point of Beginning. Said tract of land containing 53.00 Acres, more or less.

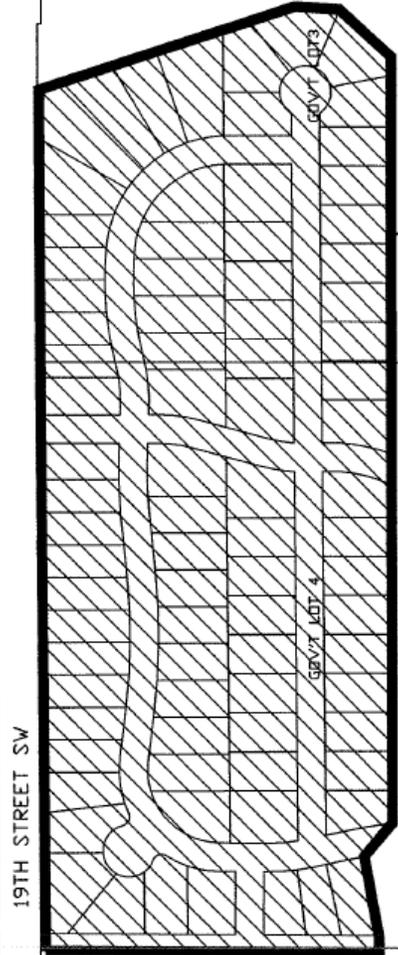
**SECTION 2. Corporate Boundary Extended.** Upon the taking effect of this Ordinance, the corporate limits and boundary lines of the City of Mandan shall thereafter include said lands.

By: \_\_\_\_\_  
Arlyn Van Beek, President,  
Board of City Commissioners

Attest

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

First Consideration: August 6, 2013  
Second Consideration  
and Final Passage: August 20, 2013  
Date of Recording: \_\_\_\_\_



PROPOSED ANNEXATION

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

WHEREAS, David Mees, Heart River Storage, has submitted to the Board of City Commissioners of the City of Mandan a verified petition asking that a utility easement located on the southerly 5' of the existing 15' utility easement less the easterly 60' of Lot 2, Block 1, as platted in Hoovestol's 2<sup>nd</sup> Addition in Section 26, Township 139N, Range 81W of the 5<sup>th</sup> Principal Meridian, City of Mandan, Morton County, North Dakota. The property is located at 6<sup>th</sup> Avenue SE.

WHEREAS, The Board having deemed it expedient to consider such petition and having ordered that said petition be heard by the Board at its regular meeting held at City Hall in the City of Mandan, Morton County, North Dakota, on August 6, 2013, at 5:30 o'clock p.m., CDT, and the City Administrator having published notice of the filing of the petition and the object therein in the official newspaper once each week for four (4) consecutive weeks, as required by law, which notice stated that the petition would be heard and considered on the date and time aforesaid, at which time any persons interested might appear and be heard, and proof of such publication of the notice having been made and filed; and

WHEREAS, on the 6<sup>th</sup> of August, at 5:30 o'clock p.m., CDT, being not less than thirty days after the first publication of the notice aforesaid, the Board of City Commissioners proceeded to hear the testimony and evidence of persons interested and no one having appeared against said petition of vacation, and it appearing to the satisfaction of the Board of City Commissioners that said petitioners are the owners in fee simple of the property adjoining the utility easement to be vacated; that no objections by the immediately adjoining landowner to the requested vacation were raised at the public hearing, that said petition was accompanied by a map of the area proposed to be vacated; which map is on file in the office of the City Administrator of Mandan; and the facts and reason for the vacation of such area as established by the petition and the testimony and evidence are good and sufficient to justify the vacation of such area;

NOW, THEREFORE, BE IT RESOLVED By the Board of City Commissioners of the City of Mandan, Morton County, North Dakota, that the above described utility easement located on the southerly 5' of the existing 15' utility easement less the easterly 60' of Lot 2, Block 1, as platted in Hoovesol's 2<sup>nd</sup> Addition in Section 26, Township 139N, Range 81W of the 5<sup>th</sup> Principal Meridian, City of Mandan, Morton County, North Dakota be and the same are hereby vacated.

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

Approved and passed August 6, 2013, by at least two-thirds vote of all the members of the Board of City Commissioners.

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President, Board of City Commissioners

ATTEST:

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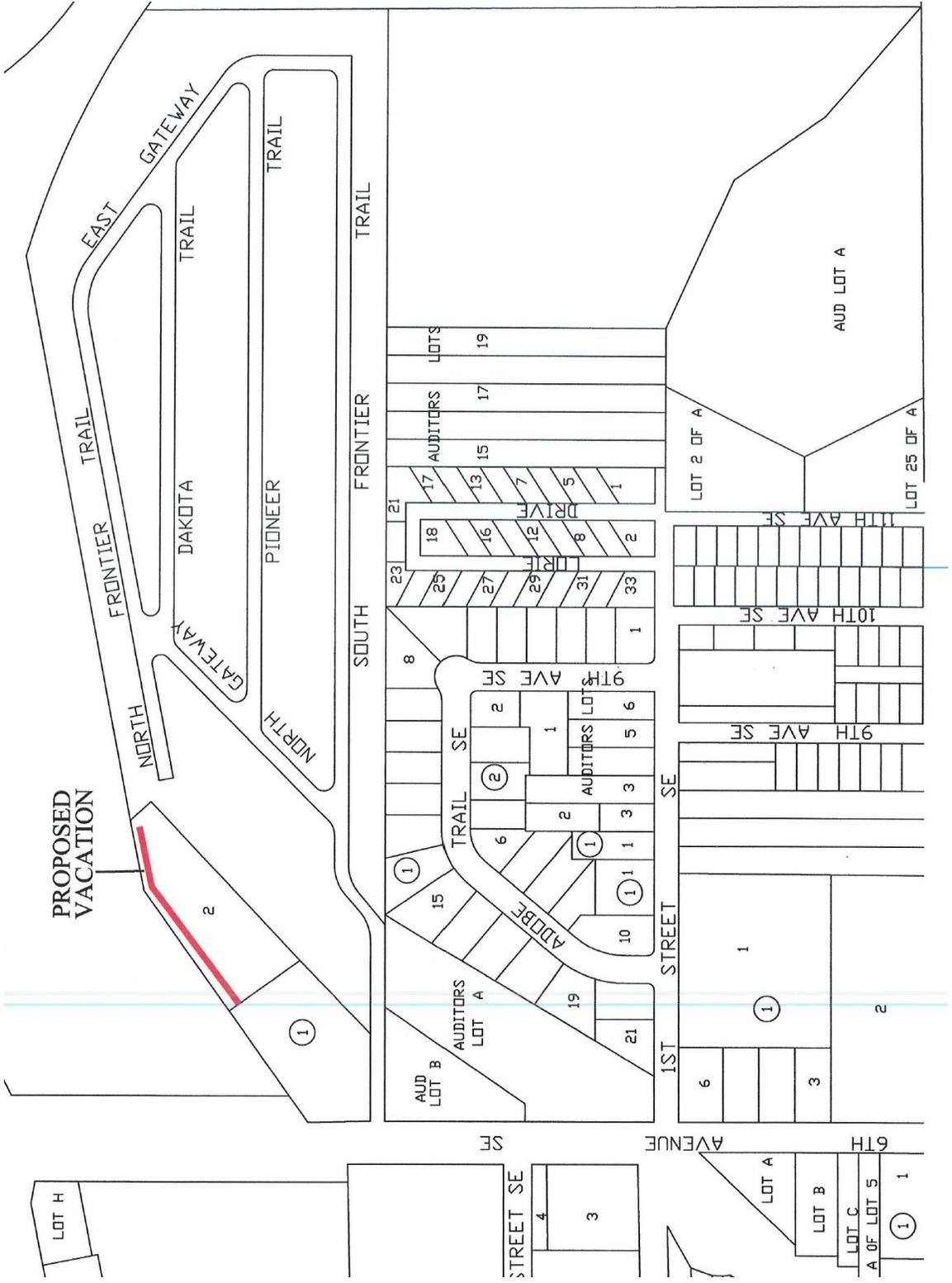
City Administrator

Public Notice Dates: June 28, July 5, 12 & 19, 2013

Public Hearing: August 6, 2013

Final Passage: August 6, 2013

Publication Date: \_\_\_\_\_

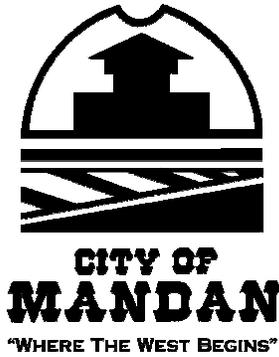


LOT H

STREET SE  
4  
3

AVENUE  
LOT A  
LOT B  
LOT C  
A OF LOT 5  
1 1

SF



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** August 6, 2013  
**PREPARATION DATE:** August 1, 2013  
**SUBMITTING DEPARTMENT:** Business Development & Communications  
**DEPARTMENT DIRECTOR:** Business Development & Communications  
Director Ellen Huber  
**PRESENTER:** Business Development & Communications  
Director Ellen Huber  
**SUBJECT:** Ordinance related to off-sale from a tapped keg

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**STATEMENT/PURPOSE:** To allow for the off-sale of beverages from a tapped keg without stipulating where it has to be produced.

**BACKGROUND/ALTERNATIVES:** The environment for the production of craft beers in North Dakota is changing. The legislature and other cities have taken actions in recent years to better accommodate local breweries. Montana has a strong local brewing industry. With more friendly state and local laws, the industry is starting to take off in North Dakota.

There are now two businesses brewing beer in Mandan and distributing it through a wholesaler. These are Edwington Brewery and Buffalo Commons Brewery. Neither of these have on-site retail options. A third business, Bird Dog Brewery, is seeking its federal licensing for operations at the location of Main Street Drive Thru Liquor. Presently these locally brewed beers are offered at some of Mandan's on-sale establishments.

The locally brewed beers cannot be sold for off-sale in the form of a container known as a "growler" without a change in ordinance. Mandan's current ordinance only allows for such sale if the beverage is produced on-site. The Business Development Department received a request that the Mandan City Commission consider adopting an ordinance similar to Bismarck that would allow for off-sale even if the beverage is produced elsewhere.

**ATTACHMENTS:** Ordinance 1161

**FISCAL IMPACT:** None

STAFF IMPACT: Minimal

LEGAL REVIEW: Attorney Brown drafted the proposed ordinance.

RECOMMENDATION: I recommend approval of ordinance 1161 as proposed.

SUGGESTED MOTION: I move to approve the first consideration of ordinance 1161 as proposed.

**ORDINANCE NO. 1161**

An Ordinance to Create a New  
Section 12-01-01 of the Mandan Code of Ordinances  
Relating to Definitions

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

A new addition to Section 12-01-01 of the Mandan Code of Ordinances, Definitions, is hereby created to read as follows:

Section 12-01-01.

“Growler” means a glass bottle not to exceed 64 ounces that is filled with beer by a licensee or an employee of a licensee with beer from a keg. The sale of Growlers, in compliance with this Chapter, is authorized only for licensees approved to sell alcoholic beverages both on-sale and off-sale. The filling of Growlers by means of tapped keg shall not constitute the breaking of a package as defined in this Chapter. Growlers may only be filled from kegs procured by the licensee from a duly licensed wholesaler or produced by the licensee pursuant to applicable laws. Only professionally sanitized and sealed Growlers may be filled and made available for retail sale. The sale of a filled Growler shall be considered off-sale. A Growler with a broken seal shall be considered an open container for the purposes of City Ordinance.

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

Attest:

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

First Consideration: August 6, 2013  
Second Consideration \_\_\_\_\_  
and Final Passage: \_\_\_\_\_  
Publication Date: \_\_\_\_\_

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
EXECUTION OF 3-WAY AGREEMENT FOR WATER AND SEWER IMPROVEMENT  
PROJECT NO. 2013-17**

(Replat of Lot 10B Block 2 Lakewood 6<sup>th</sup> Addition – Oxbow Trail SE)

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

1. That the plans and specifications for the Water and Sewer Project No. 2013-17 serving Replat of Lot 10B Block 2 Lakewood 6<sup>th</sup> Addition in the City of Mandan, as presented by Easy Living, LLC., on behalf of themselves, are hereby approved, ratified and confirmed as the plans and specifications for said project, in accordance with which said improvement project will be constructed, subject to any further modifications of the plans and specifications by the Board as provided by law. The plans and specifications shall be filed in the Office of the City Administrator and City Engineer and open for public inspection. The named streets within the subdivision to receive the improvements are: Oxbow Trail SE.

2. That the President of the Board is hereby authorized to enter into a 3-way agreement between the City of Mandan; the developer, Easy Living LLC., and the developer's contractor, contingent upon the City's receipt of an irrevocable escrow account covering construction costs.

3. This resolution shall be in full force and effect from the date of its passage.

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

ATTEST:

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

Date of Passage: August 6, 2013

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
EXECUTION OF 3-WAY AGREEMENT FOR WATER AND SEWER IMPROVEMENT  
PROJECT NO. 2013-09  
(Meadow Ridge 3<sup>rd</sup> Addition)**

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

1. That the plans and specifications for the Water and Sewer Project No. 2013-09 serving Meadow Ridge 3rd Addition in the City of Mandan, as presented by Pat Wachter, Harmony Properties, LLC, on behalf of themselves, are hereby approved, ratified and confirmed as the plans and specifications for said project, in accordance with which said improvement project will be constructed, subject to any further modifications of the plans and specifications by the Board as provided by law. The plans and specifications shall be filed in the Office of the City Administrator and City Engineer and open for public inspection. The named streets within the subdivision to receive the improvements are: 7<sup>th</sup> Avenue NW and 26<sup>th</sup> Street NW.

2. That the President of the Board is hereby authorized to enter into a 3-way agreement between the City of Mandan; the developer, Pat Wachter, Harmony Properties, LLC., and the developer's contractor, contingent upon the City's receipt of an irrevocable escrow account covering construction costs.

3. This resolution shall be in full force and effect from the date of its passage.

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

ATTEST:

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

Date of Passage: August 6, 2013