

AGENDA
MANDAN CITY COMMISSION
DECEMBER 3, 2013
ED "BOSH" FROEHLICH MEETING ROOM,
MANDAN CITY HALL
5:30 P.M.
www.cityofmandan.com

-
- A. ROLL CALL:
1. Roll call of all City Commissioners.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:
1. Consider approval of the minutes from the November 19, 2013 Board of City Commission meeting.
- E. PUBLIC HEARING:
- F. BIDS:
- G. CONSENT AGENDA:
1. Consider for approval the final Replat of Terra Vallee 2nd Addition.
 2. Consider authorizing a work change order on Street Improvement District No. 179, Project No. 2013-10 (Meadow Ridge 3rd Addition).
 3. Consider approval of the following Special Sunday Openings for Coborn's Inc. dba Bill's Liquor and dba Captain Jack's Mandan for December 8, 2013 through June 29, 2014:
- H. OLD BUSINESS:
- I. NEW BUSINESS:
1. Consider discontinuing annual Sidewalk Project for new construction.
 2. Presentation by Mike Manstrom, Dougherty & Company LLC, regarding the sale of \$4,015,000 Refunding Improvement Bonds of 2013, Series C. (See Resolutions #3)
 3. Introduction of new Police Officer Matthew Graves.
 4. Discussion relative to activities of the Morton Mandan Combined Communications Center.
- J. RESOLUTIONS AND ORDINANCES:
1. Second consideration and final passage of Ordinance 1178, An Ordinance to Amend and Re-enact Chapter 20-15-03(2) of the Mandan Code of Ordinances Relating to All-Terrain Vehicles.

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2. Second consideration and final passage of Ordinance 1177, An Ordinance to change the street name West View Place SE to 25th Street SE.
3. Consider Resolution Awarding Sale of Warrants and Bonds for \$4,015,000 Refunding Improvement Bonds of 2013, Series C.

K. OTHER BUSINESS:

L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. December 17, 2013
2. January 7, 2014
3. January 21, 2014 – 5 p.m. start time

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.

The Mandan City Commission met in regular session at 5:30 p.m. on November 19, 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, Director of Public Works Wright, Fire Chief Nardello, Planning & Engineering Director Froseth, Planner Decker, Engineering Project Manager Fettig, and Assessor/Building Official Lalim. Absent: Business Development and Communications Director Huber.

B. APPROVAL OF AGENDA: Commissioner Frank 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: No one came forward. This portion of the public communications was closed.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission regular meeting held November 5, 2013.* Commissioner Rohr moved to approve the minutes as presented. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

1. *Consider approval of vacation of storm sewer easement in Lot 9, Block 2, Lakewood 6th Addition. (See Resolution No. 9).* Planning and Engineering Director Froseth reviewed with the Board the vacation of storm sewer easement in Lot 9, Block 2, Lakewood 6th Addition. Director of Public Works Wright, the Project Manager from Icon Architects and Froseth met to discuss Edgewood Vista’s plan to expand. Froseth said that their plan is to install a new storm sewer system to run mostly to the west to a dead loop portion of the Heart River at their cost. Both the Public Works office and Engineering Department were in agreement with the plan. Froseth stated that the proper notices were published and the City has received no objections to the vacation of storm sewer easement in Lot 9, Block 2, Lakewood 6th Addition.

Mayor Van Beek announced this is a public hearing and asked for comments from the commissioners or the public for or against the vacation of storm sewer easement in Lot 9, Block 2, Lakewood 6th Addition. A second announcement was made by Mayor Van Beek to come forward. Hearing none, this portion of the public hearing was closed.

Commissioner Rohr moved to approve the vacation of storm sewer easement in Lot 9, Block 2, Lakewood 6th 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.

F. BIDS

G. CONSENT AGENDA

1. *Consider approval of monthly bills.*
4. *Consider request from the Human Resources Department to destroy old documents in accordance with the Records Retention Schedule.*
5. *Consider amendment to Engineering agreement with AE2S to rebid the Lift Station Central Alarm System.*

Commissioner Frank moved to approve the Consent Agenda Items No. 1, 4, 5 as presented. 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.

Commissioner Frank requested the following Consent Agenda items be removed for discussion:

2. *Consider approval of street name change from West View Place SE to 25th Street SE. (First consideration of ordinance 1177)(Resolutions and Ordinances: No. 7).*

Commissioner Frank stated that address changes have been discussed at prior meetings. She asked if the Police and Fire Departments have been notified and if their acknowledgement for this request covers the 911 operating system? Planner Decker stated that this was already addressed as “25th” so this is not trying to change the addresses of the houses as they were addressed originally. The curve is what caused the mix-up of the street naming.

Commissioner Frank moved to approve the street name change from West View Place SE to 25th Street SE. 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 request from Builders for Christ for a waiver of the requirements set forth in Mandan Code of Ordinances Section 14-12-02.* Commissioner Frank requested additional information regarding the work that will be done and the number of trailers that will be on the lot. She stated her concern is that there are 14 campers and according to the Ordinance it is 1 unit per thousand square feet. How many would be permitted with this lot in mind at that Ordinance Number? What is the overage? Are they one camper over? Thirteen campers? City Administrator Neubauer stated that there is probably 70,000 sq. ft. which would accommodate 7 campers so the overage would be 7 units. Commissioner Frank questioned whether there is a fee associated with this such as \$200 per month per unit? She inquired if other Commissioners have thoughts regarding this? Commissioner Rohr asked if this would be considered as non-profit and if so, what would that entail?

The building project director for the Redeemer Lutheran Church’s addition, (Rod Mulske), came forward and explained that the Child Care Center will be part of the addition with the church itself. The child care addition will be in the basement with a walk-out entrance. Commissioner Tibke stated that any groups that come and work for free are treated equally. She stated she is comfortable granting the variance.

Commissioner Frank stated that she was looking for the Commissioners to put some thought behind this decision and recognize that it could be something that comes around again.

Commissioner Tibke moved to approve Consent Agenda item No. 3 request from Builders for Christ for a waiver of the requirements set forth in Mandan Code of Ordinances Section 14-12-02. 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:

1. *Consider granting Northern Improvement Company a time extension for unmet contract dates for each of the following projects. (i) SID – 176; McKenzie Drive SE, 34th Avenue SE, and Genoa Court SE (ii) SID – 177; Meadows 6th Addition (iii) SID – 178; Keidel's South Heart Terrace 2nd Addition (iv) SID – 181; Meadows 7th Addition (v) SID – 185; Heart Ridge 2nd Addition.* Planning and Engineering Director Froseth stated that this construction season started off with being abnormally wet. In addition to that problem, the development of land has been increasing and contractors have been difficult to find. That has resulted in the pushback of rough grading and underground construction work to late September and a couple projects until October. The October 4th and 5th rainfalls dropped over 2.5 inches of moisture. Following that storm October brought more moisture and below average temperatures. The weather conditions have not been conducive to asphalt, pavement and installation work late into the construction season. Because of the weather conditions the Engineering Office recommends an extension for unmet contract dates until May 31, 2014. The Commission has authority to extend all projects together or each project individually. City Attorney Brown confirmed that all projects could be addressed at once or they could be separated out. Mayor Van Beek recommended considering all projects as one. Commissioner Frank questioned whether these projects are all under one contractor? Froseth indicated they were all under Northern Improvement Company. Froseth stated that the City met with Northern Improvement Company shortly after the deadline of completion and that the City relies on the engineering company that does the project observation to contact the contractor. There was some discussion prior to the due date deadlines. However, the discussion regarding that the projects will not be completed this year did not happen until late October.

Commissioner Frank inquired if the City has options available to impose penalties? Froseth indicated that there is a cease period for penalties that is an option from the date of November 15th to when conditions are favorable to resume construction activities as determined by the City Engineer's office in the spring. The penalties for each project are \$100 per day with keeping that cease period in mind. If the City were to impose penalties starting May 1st, that would be approximately 30 days if they did not finish the first lift by May 30th. That would be approximately 30 days at \$100 per day or \$3,000 of penalty. Commissioner Frank pointed out that there are times when the City is encouraged to operate like a business and this is an opportunity for the City to do so. The contract has a deadline to have a project completed. This is an opportunity to hold contractors

accountable and impose a fee that is part of a contract that the company signed to begin with. Commissioner Braun concurred with Commissioner Frank's recommendation to hold the firm accountable under the terms of the contract for non-completion of the projects.

Mayor Van Beek indicated that it is important to give consideration for the rain days that made it impossible for them to work over the summer months in addition to the rain days up to November 15th. He inquired if there have been problems in the past with Northern Improvement? Consideration should be given to the (bad weather) conditions that occurred during this construction period. Froseth commented that should there have been communication earlier that even after the October 4th rain event there was still hope that it would have dried out enough to get the streets in. But there was rain for 14 days after that time thereby conditions never became optimal. Commissioner Frank summarized that the penalties will amount to \$4,500 per project based on that \$100 per day fine? Froseth clarified that is making the assumption that they would finish 30 days after the City Engineer's office deems conditions appropriate to resume construction activities. The 31st of May is the date chosen by the City Engineer's Office to reasonably expect that they can perform the completion of the project by that time. Froseth explained that mid-April to early May is the general expected timeframe to resume construction activities indicating that 30 days from that date is what the City is willing to give them to complete all projects. Penalties would be assessed after May 31st. Froseth indicated that he believes there are justifications for their requests for the time extensions which are reasonable.

Commissioner Tibke pointed out that the City struggled with the Airport reconstruction project completion timeline as far as the weather conditions were concerned. Commissioner Rohr questioned what obligations the developers have under these situations? Froseth replied that the City has met with some developers who are in agreement to put in temporary roads in order to allow access to these lots. Commissioner Frank asked what the intent is of "penalties" on these projects. Froseth replied that the intent is to penalize the contractor for not completing a project on a contract time which is the fault of the contractor. That is what the debate appears to be in these situations being discussed. He said that the City Engineer's office is in a position to say that the fault was not one of the contractors but rather one of weather conditions. Commissioner Braun indicated it appears the responsibility in these projects is on Northern Improvement. Mayor Van Beek pointed out that consideration should be given in the decision of this matter due to the fact that it is difficult to obtain anyone to complete these projects due to the lack of contractors even submitting bids in the first place. Froseth mentioned that September rainfall was 4.3 inches wherein normal is 1.6 and October brought 4.5 inches where normal is 1.25 inches.

Commissioner Tibke pointed out that this is a consist theme throughout the community as to how weather has impacted projects. She stated that she is comfortable with granting an extension on the basis of that and on the recommendation of the Engineering Department. However, she would encourage Commissioner Rohr and the Engineering Department to

review the communication processes with these projects to assure that they are flowing appropriately and report to the Commission level in a timely manner.

Commissioner Tibke moved to authorize a change order on granting Northern Improvement Company a time extension for unmet contract dates for each of the following projects. (i) SID – 176; McKenzie Drive SE, 34th Avenue SE, and Genoa Court SE (ii) SID – 177; Meadows 6th Addition (iii) SID – 178; Keidel’s South Heart Terrace 2nd Addition (iv) SID – 181; Meadows 7th Addition (v) SID – 185; Heart Ridge 2nd Addition. Commissioner Braun seconded the motion.

Commissioner Braun indicated that this action should be a lesson to the bids coming in to error on the side of safety. That if a contractor does not feel they will complete a project, they should come forward to deal with the circumstances surrounding any concerns thus avoiding any penalties that may be imposed. Commissioner Frank questioned whether that due to allowing the date to be extended into May 2014, would it be to the City’s advantage to start developing the neighborhoods. To instead of having so many days to the date of completion? To indicate within an “x” number of days of construction season? Would that be beneficial to the community? Froseth replied that it would be possible to designate so many days into the season when construction could resume.

Commissioner Frank moved to create an amendment to the first Motion, to have at staff’s discretion to set the completion date at a number of days after the start of construction season which is deemed by the Engineering Department or no later than May 31st at their discretion. If they can come up with a date prior to that but no later than May 31st as a completion date. Froseth agreed with the recommendation as presented. City Attorney Brown stated that it would be appropriate that the Commission determine the number of days from the start of the construction season rather than leave it up to the Engineering Department. The contractor does not get paid until they are completely finished with the project. Commissioner Frank modified the amendment to the motion to set the deadline at 45 days from the commencement of the construction season as determined by the Engineering Department. Commissioner Tibke seconded the amendment to the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

Mayor Van Beek returned to the original motion made by Commissioner Tibke and seconded by Commissioner Braun as follows: To approve the authorization for a change order on granting Northern Improvement Company a time extension for unmet contract dates for each of the following projects. (i) SID – 176; McKenzie Drive SE, 34th Avenue SE, and Genoa Court SE (ii) SID – 177; Meadows 6th Addition (iii) SID – 178; Keidel’s South Heart Terrace 2nd Addition (iv) SID – 181; Meadows 7th Addition (v) SID – 185; Heart Ridge 2nd Addition. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: No; Commissioner Van Beek: Yes. The motion passed.

I. NEW BUSINESS:

1. *Consider the creation of, approval of the feasibility report for, approve the plans and specifications, approve engineer's report and approve sufficiency of petition for Street Improvement District No. 186, Project No. 2013-22 (Macedonia Hills 1st Addition).* (See Resolution No. 8). Engineering Project Manager Fettig reviewed with the Board a request to create and allow the assessments of specials related to and approve the required paperwork for the requested project. The developer is requesting that the City allow the special assessment of street costs to the benefiting properties for the development of Lena Court, SE, Mia Court SE, Will Court SE, Mario Court SE, Philip Court SE and Macedonia Avenue SE. The property is located south of 19th street and west of Ft. Lincoln Elementary School. The cost of the project is \$666,696.00 with engineering and administration costs of \$233,343.60 bringing the total to \$900,039.60. There are 44 lots in the area that will be assessed \$20,455.45 each. Lots in this area are zoned R3.2 which allows single family and two family dwellings on each lot. The lots that are developed with 2 units will be splitting the cost of the lot at \$10,227.73 each. Fettig explained that what is dictating the size of the lots is the topography. There is a lot of unbuildable space on the lots.

Commissioner Frank moved to approve the creation of, approval of the feasibility report for, approve the plans and specifications, approve engineer's report and approve sufficiency of petition for Street Improvement District No. 186, Project No. 2013-22 (Macedonia Hills 1st Addition). Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *Second consideration and final passage of Ordinance No. 1172, An Ordinance to Amend and Re-enact Chapter 7-01 of the Mandan Code of Ordinances Relating to Fire Code.* Commissioner Tibke moved to approve the Second consideration and final passage of Ordinance No. 1172, An Ordinance to Amend and Re-enact Chapter 7-01 of the Mandan Code of Ordinances Relating to Fire Code. Commissioner Rohr seconded the motion. Commissioner Frank commented that the modification was made to be "charcoal burners and open flame devices" under 308.1.4. Her question was if "or decks" was removed from this version? Considering decks, (but then also patios), what she was thinking most was apartment complexes. Would you be allowed with this language to have an open flame device near the structure if it is on a patio? Or a deck? If you are on a lower level walk-out should that stay in there? Fire Chief Nardello explained that within the Code it is not allowed within ten (10) feet of combustible. Nardello clarified that "or decks" should stay within the policy (not stricken). Mayor Van Beek noted that fireworks were added to this as December 31st, 5:00 p.m. until January 1st, 1:00 a.m.

Commissioner Frank motioned to amend the Motion to the amendment under Section 308.1.4, that the verbiage be added back in "or decks". Commissioner Tibke seconded the Amended motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

Mayor Van Beek returned to the Motion for Ordinance 1172, the second consideration as amended. Commissioner Tibke pointed out that the fireworks on December 31/January 1 could be another event that could be expanded upon to promote Mandan. Commissioner Frank provided a reminder that at the last meeting there was an attempt to ban the Memory Lantern Fireworks item which failed to be banned. Commissioner Rohr commented that if the fireworks permitted on New Year's Eve should become a problem, it can be addressed at a future meeting. Chief Nardello stated that he has contacted other cities and found that the majority of the cities do not allow fireworks within city limits. However, with the sale of fireworks during this time of year when it is cold out, their concern is that we advocate the use of them and the sale of them. But how are they going to keep the tents warm and will there be potential for major catastrophe?

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

2. *Second consideration and final passage of Ordinance 1173, An Ordinance to Amend and Re-enact Section 12-02-11 of the Mandan Code of Ordinances Relating to Alcoholic Beverage License Expiration.* Commissioner Frank moved to approve the second consideration and final passage of Ordinance 1173, An Ordinance to Amend and Re-enact Section 12-02-11 of the Mandan Code of Ordinances Relating to Alcoholic Beverage License Expiration. 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. *Second consideration and final passage of Ordinance 1174, An Ordinance to Create a New Section 12-02-08(4) of the Mandan Code of Ordinances Relating to Transfers of Licenses Limited.* Commissioner Frank moved to approve the Second consideration and final passage of Ordinance 1174, An Ordinance to Create a New Section 12-02-08(4) of the Mandan Code of Ordinances Relating to Transfers of Licenses Limited. 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.

4. *Second consideration and final passage of Ordinance 1175, An Ordinance to Amend and Re-enact Section 4-06-10 of the Mandan Code of Ordinances Relating to Administration of Salary Plan.* Commissioner Tibke moved to approve the Second consideration and final passage of Ordinance 1175, An Ordinance to Amend and Re-enact Section 4-06-10 of the Mandan Code of Ordinances Relating to Administration of Salary Plan. 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. *Second consideration and final passage of Ordinance 1176, An Ordinance to Amend and Re-enact Section 4-09-05 of the Mandan Code of Ordinances Relating to Pension Contributions of the City.* Commissioner Frank moved to approve the

second consideration and final passage of Ordinance 1176, An Ordinance to Amend and Re-enact Section 4-09-05 of the Mandan Code of Ordinances Relating to Pension Contributions of the City. 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.

6. *Introduction and first consideration of Ordinance 1178, An Ordinance to Amend and Re-enact Chapter 20-15-03(2) of the Mandan Code of Ordinances Relating to All-Terrain Vehicles.* City Attorney Brown stated that this matter is related to a proofreading error. The ordinance was passed changing the “all-terrain” section. But in the last sentence it was missed and this corrects that proofreading error. Commissioner Frank moved to approve the Introduction and first consideration of Ordinance 1178, An Ordinance to Amend and Re-enact Chapter 20-15-03(2) of the Mandan Code of Ordinances Relating to All-Terrain Vehicles. 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.

7. *Introduction and first consideration of Ordinance 1177, An Ordinance to change the street name West View Place SE to 25th Street SE.* Commissioner Rohr moved to approve the Introduction and first consideration of Ordinance 1177, An Ordinance to change the street name West View Place SE to 25th Street SE. 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.

8. *Consider the Resolutions creating district, approving engineer’s report, approve sufficiency of petition, approving the plans and specifications for Street Improvement District No. 186, Project No. 2013-22 (Macedonia Hills 1st Addition).* Commissioner Tibke moved to approve the Resolutions creating district, approving engineer’s report, approve sufficiency of petition, approving the plans and specifications for Street Improvement District No. 186, Project No. 2013-22 (Macedonia Hills 1st Addition). 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.

9. *Consider the Resolution approving Vacation of Storm Sewer Easement on Lot 9, Block 2 Lakewood 6th Addition.* Commissioner Frank moved to approve the Resolution approving Vacation of Storm Sewer Easement on Lot 9, Block 2 Lakewood 6th Addition. 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.

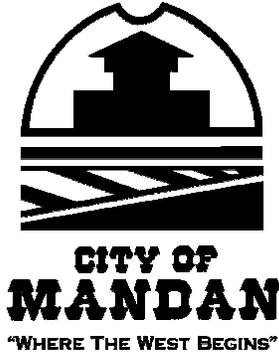
K. OTHER BUSINESS

1. Mayor Van Beek reminded everyone to get out on November 30, 2013, Small Business Saturday to support the Small Businesses located in Mandan.

There being no further actions to come before the Board of City Commissioners, Commissioner Frank moved to adjourn the meeting at 6:27 p.m. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

James Neubauer,
City Administrator

Arlyn Van Beek,
President, Board of City
Commissioners



Board of City Commissioners

Agenda Documentation

MEETING DATE: December 3, 2013
PREPARATION DATE: November 26, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Robert Decker, Principal Planner
SUBJECT: Consider for approval the final Replat of Terra Vallee 2nd Addition

STATEMENT/PURPOSE: To consider for approval the final Replat of Terra Vallee 2nd Addition.

BACKGROUND/ALTERNATIVES: Request from MFRA, agent for Wal-Mart Real Estate Business Trust, for final plat approval to divide existing lot into 2 lots. The recent construction of the new Wal-Mart is complete and the store does not need all the land within the existing parcel. Wal-Mart wishes to divide off a small area in the northwest corner in order to potentially sell it for development.

The Planning & Zoning Commission voted unanimously to approve the plat on November 25, 2013.

ATTACHMENTS:

1. Vicinity Map
2. Staff Report
3. Final Plat

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 Replat of Terra Vallee 2nd Addition.

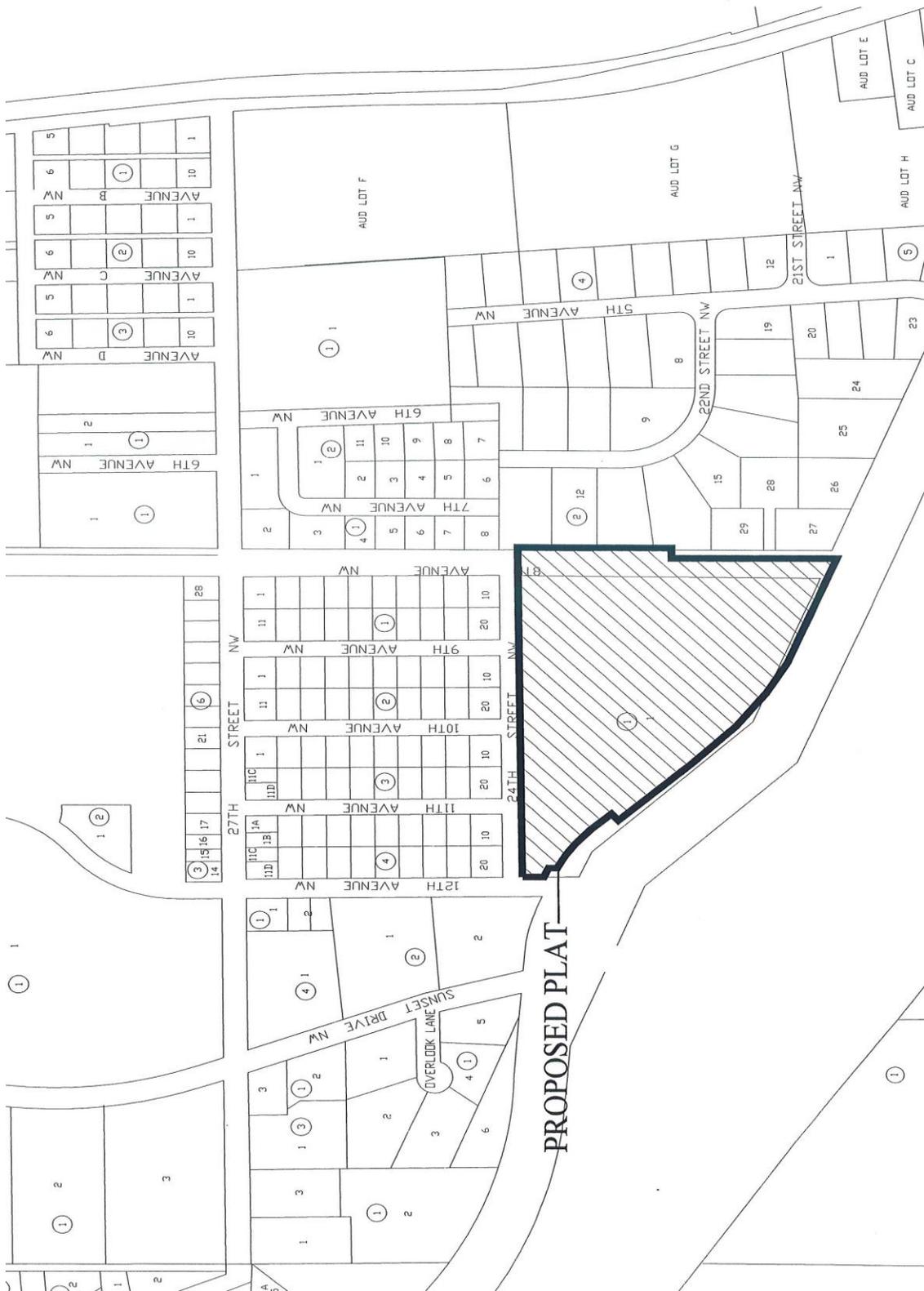
Board of City Commissioners

Agenda Documentation

Meeting Date: December 3, 2013

Subject: Consider for approval the final Replat of Terra Valle 2nd Addition.

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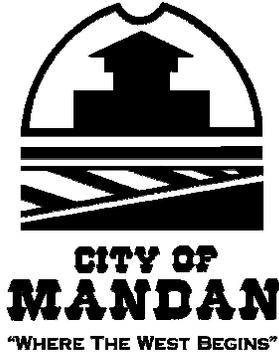
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Meeting Date: December 3, 2013

Subject: Consider for approval the final Replat of Terra Vallee 2nd Addition.

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Mandan Planning and Zoning Commission Agenda Item For Meeting on November 25, 2013 Mandan Engineering and Planning Office Report Replat of Terra Vallee 2nd Addition (Wal-Mart) Requested Action Final Plat for lot split to create new small lot in NW corner for sale since land not needed for Wal-Mart store				
Applicant MFRA	Owner Wal-Mart Real Estate Business Trust	Subdivision Terra Vallee 2 rd Addition	Legal Description Terra Vallee 2 rd Addition	
Location 8 th Avenue NW, Old Red Trail NW, Sunset Drive NW & 24 th Street NW (Wal-Mart)		Proposed Land Use commercial	Parcel Size 18.92 acres	Number of Lots 2
Existing Land Use Wal-Mart	Adjacent Land Uses Residential & commercial	Current Zoning CC	Proposed Zoning CC	Adjacent Zoning R3.2, RM & CB
Fees \$250	Date Paid 10/4/2013	Adjacent Property Notification Sent 11/14/2013		Legal Notices Published 11/15 & 11/22
Agency & Staff Comments				
USPS No Comments		NDDOT No Comments		
Morton County Assessor/Recorder/Auditor Description still needs changes		Morton County Emergency Management No Comments		
Morton County Engineer No Comments		Morton County Planning No Comments		
Mor-gran-sou No Comments		Montana Dakota Utilities No Comments		
Mandan Public School District No Comments		Park District No Comments		
MPO No Comments		Fire Department No Comments		
Building & Assessing No Comments		Police Department No Comments		
Water Water tap is from Old Red Trail.		Wastewater There is a line going through the abandoned portion of Sunset Drive that will likely require an adjustment in the location of the utility easement. Sewer tap is from 24 th St. NW. When drainage inlet is abandoned, the nearby sewer manhole needs to be adjusted to grade.		
Streets When site plan is developed, drainage needs to be adjusted to eliminate old drainage inlet to 24 th St. NW.		Solid Waste No Comments		
Engineering & Planning This is simply the final submittal that was approved as a preliminary submittal at the last meeting.				
Engineering & Planning Recommendation Recommend approval with adjustments as noted.				
Proposed Motion Because all questions have been satisfactorily addressed, move to recommend to the City Commission that they approve the final plat.				



Board of City Commissioners

Agenda Documentation

MEETING DATE: December 3, 2013
PREPARATION DATE: November 25, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth, Planning and Engineering Director
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Consider authorizing a work change order on Street Improvement District No. 179, Project No. 2013-10 (Meadow Ridge 3rd Addition).

STATEMENT/PURPOSE: To authorize a change order to extend the contract date of October 31, 2013 to May 31st for first lift of asphalt and Final Completion of June 15, 2014 excluding seal coat which is August 15, 2014.

BACKGROUND/ALTERNATIVES: The water and sewer improvements were not completed until October 22nd according to project's consulting engineer. Then the rain, moisture, and temperature conditions prevented the work from being done by the original contract date.

ATTACHMENTS:

1. District Map
2. Change Order Request.
3. Change Order Form

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. 179, Project No. 2013-10 for first lift of asphalt completion date to the earlier of 45 days after start of construction season as determined by Engineering Department or May 31st, and for for completion date of June 15th, 2014 excluding the seal coat.

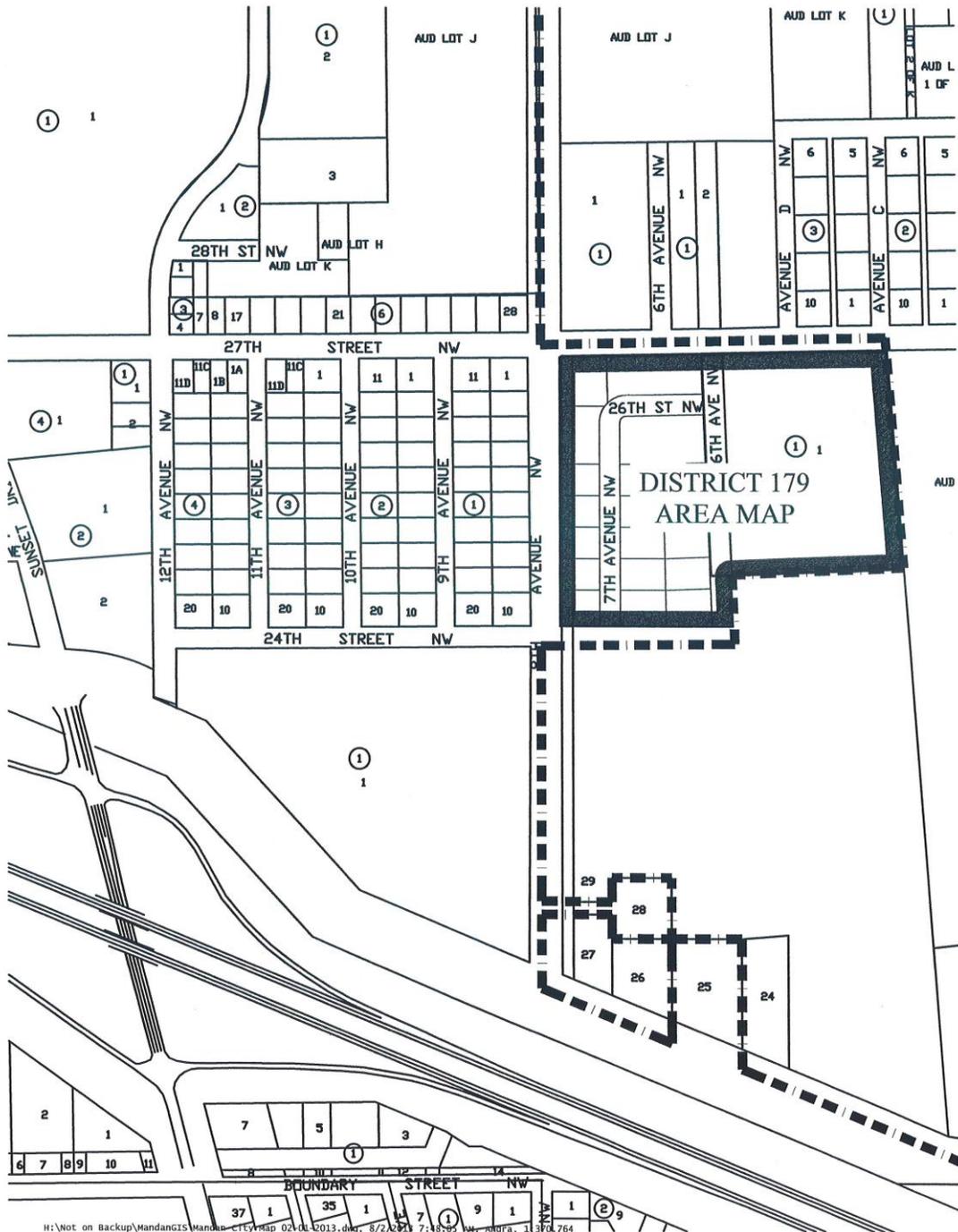
Board of City Commissioners

Agenda Documentation

Meeting Date: December 3, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 179,
Project No. 2013-10 (Meadow Ridge 3rd Addition).

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Board of City Commissioners

Agenda Documentation

Meeting Date: December 3, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 179,
Project No. 2013-10 (Meadow Ridge 3rd Addition).

Page 3 of 7

11-25-2013

City of Mandan
Jim Neubauer
City Administrator



RE: SID #179
City Project # 2013-10
Mandan, ND

Reference is made to the November 25th, 2013 correspondence letter received from Tand Construction.

I can confirm that Tand Construction has been delayed on starting the Meadow Ridge 3rd Street Improvement project due to the fact that the Meadow Ridge 3rd Water & Sewer improvement construction was not substantially completed till October 22th, 2013. Also, the weather conditions have been unfavorable for construction this past month.

Based on the delays, weather conditions, and the time extension letter from Tand Construction, I recommend a time extension as requested, with a new completion date of June 15th, 2014.

Sincerely,



Abraham E. Ulmer
Project Engineer
Toman Engineering Co.

701-663-6483 | Fax: 701-663-0923 |
501 1st St NW | Mandan, ND 58554 |

TOMAN ENGINEERING
C O M P A N Y
Civil Engineers & Land Surveyors

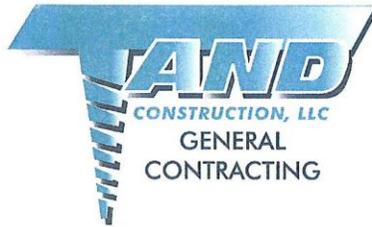
Board of City Commissioners

Agenda Documentation

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November 25, 2013

CITY OF MANDAN C/O
TOMAN ENGINEERING CO
501 1st Street NW
Mandan, ND 58554

ATTN: ABE ULMER, PE

sent via email

RE: Meadow Ridge 3rd. Street Improvement

Dear Mr. Ulmer,

Please accept this letter to respectfully request the City of Mandan to allow TAND CONSTRUCTION LLC an extension of time to start the aforementioned project next Spring of 2014, when the ground has thawed from winter weather conditions. Since we have no idea what we can expect this winter in terms of weather conditions we cannot give a specific date in Spring 2014 on which we can start. This of course would be weather dependent. The reason we could not start this project in 2013 was due to the fact that the Water & Sewer improvement portion didn't get done till middle of October 2013, and with the rain, moisture and temperature conditions the project could not get underway.

We appreciate your time and favorable consideration in this matter.

Regards,

Lori Spina
Managing Member
TAND CONSTRUCTION LLC

1800 40th Ave. SE
Mandan, ND 58554
ND Lic. #39458 Class A

Board of City Commissioners

Agenda Documentation

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CONTRACT CHANGE ORDER FORM

DEPARTMENT

Contract between the City of Mandan and Tand Construction, LLC

Contract Number: City Project # 2013-10 Change Order Number: No. One

Project/Subproject: Meadow Ridge 3rd Street Imp. project Original Contract Amt: \$334,275.00

Project Description: Street Improvement District # 179

Previous Contract Amount: \$334,275.00

Change Order Amount: \$ 0

Original Contract Date: 9-10-13 Change in Contract Timeline: YES

Within Project Scope: Yes Within Project Funding: _____

Type of Change Order:

Non Design-related Change Order: These change orders include unforeseen conditions, code-related issues, and building inspector changes.

Design-related Change Order: These change orders include unforeseen conditions that affect the appearance, layout, functionality, dimensions, and/or quality of the project.

Emergency Field Condition Change Orders: These change orders include any condition that causes an emergency situation where safety or other immediate losses may occur.

Other: Contractor request time extension for completion date New Completion date June 15th, 2014

Project Manager (Department Head) Signature (<\$25,000): _____
Date

ADMINISTRATION

City Administrator Signature (<\$50,000): _____
Date

Add to Commission Consent Agenda

COMMISSION APPROVAL

Commission Approval Date: _____

Attach Minutes for Commission Approval

Fiscal

Comments: _____

TO ALL DEPARTMENTS: Please attach a copy of the change order.

Board of City Commissioners

Agenda Documentation

Meeting Date: December 3, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 179,
Project No. 2013-10 (Meadow Ridge 3rd Addition).

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CHANGE ORDER NO. 1

PROJECT: Mandan Street Improvement Dist. #179 City Project # 2013-10

BRIEF DESCRIPTION OF CHANGE ORDER # ONE

Completion Date time extension

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

OWNER: City of Mandan DATE: 11-25-13

CONTRACTOR: Tand Construction, LLC

CONTRACT DATE: 9-10-13

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>334,275.00</u>	
PRIOR CHANGE ORDERS (+,-):		\$ <u>0.00</u>	
REVISED CONTRACT AMOUNT:		\$ <u>334,275.00</u>	
THIS CHANGE ORDER (+,-):		\$ <u>0</u>	
CONTRACT ADJUSTED AMOUNT:		\$ <u>334,275.00</u>	

TIME EXTENSION/REDUCTION See Description DAYS

OTHER CONTRACTS AFFECTED N/A

Board of City Commissioners

Agenda Documentation

Meeting Date: December 3, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 179,
Project No. 2013-10 (Meadow Ridge 3rd Addition).

Page 7 of 7

PROJECT: Mandan Street Improvement Dist. #179 CHANGE ORDER NO. ONE
City Project # 2013-10 TECo. # 2189

Description of Change Order Work

Time Extension Request by Contractor:

New Completion Date of June 15th, 2014

SUBMITTED BY: [Signature] DATE: 11-26-13
(Engineer's Signature)

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

ACCEPTED BY: [Signature] DATE: 11-25-13
(Contractor's Signature)

Managing Member Tand Construction LLC

RECOMMENDED BY: _____ DATE: _____

DISTRIBUTION: Owner, Contractor, Engineer, Field Representative;

Other _____

Consent No. 3 -
Added 12-2-2013

CITY OF MANDAN
SUNDAY ALCOHOLIC BEVERAGE PERMIT
(OFF-SALE)

Date of Application: 11/27/2013

Name of Licensee: Coborn's, Incorporated, dba Bill's Liquor #7050

Address of Licensee: 111 4th Ave NW, Mandan, ND 58554

I the applicant will abide to the following conditions:

- a. The applicant shall furnish written acknowledgement of its application to have the state tax department impose the city lodging and restaurant tax upon the gross receipts from permit tee's "off-sale" sales of alcoholic beverages and that thereafter the permit tee must supply copies of the most recent six month's filings of the city lodging and restaurant taxes and shall allow the city to verify with the state tax department that said tax payments have been and continue to be made throughout the term of the license;
- b. The applicant as a condition to the issuance of such permit consents and agrees that any City police officer may enter upon and inspect the licensed premises or any part thereof at any time for the purpose of determining compliance with the conditions of the permit;
- c. The permit issued under this section may not expand the scope of the class of alcohol license held by the applicant;
- d. The permit tee shall comply with all other applicable ordinances and laws relating to the use and sale of alcoholic beverages in the City.

Christopher Coborn
Signature of Applicant

Karen Mattel

Received by:

Date Received: 11-27-13

Commission Approval: _____

Auditor Approval: _____

Copy to be filed with Mandan Police Department

CITY OF MANDAN
SUNDAY ALCOHOLIC BEVERAGE PERMIT
(OFF-SALE)

Date of Application: 11/27/2013

Name of Licensee: Coborn's, Incorporated, dba Captain Jack's Mandan #7049

Address of Licensee: 101 6th Ave NE, Mandan, ND 58554

I the applicant will abide to the following conditions:

- a. The applicant shall furnish written acknowledgement of its application to have the state tax department impose the city lodging and restaurant tax upon the gross receipts from permit tee's "off-sale" sales of alcoholic beverages and that thereafter the permit tee must supply copies of the most recent six month's filings of the city lodging and restaurant taxes and shall allow the city to verify with the state tax department that said tax payments have been and continue to be made throughout the term of the license;
- b. The applicant as a condition to the issuance of such permit consents and agrees that any City police officer may enter upon and inspect the licensed premises or any part thereof at any time for the purpose of determining compliance with the conditions of the permit;
- c. The permit issued under this section may not expand the scope of the class of alcohol license held by the applicant;
- d. The permit tee shall comply with all other applicable ordinances and laws relating to the use and sale of alcoholic beverages in the City.

Christopher Coborn

Signature of Applicant

Kanimat P

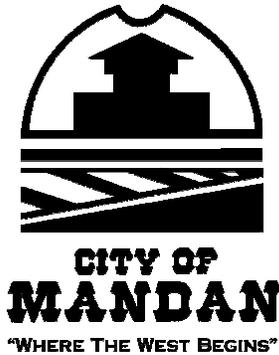
Received by:

Date Received: 11-27-13

Commission Approval: _____

Auditor Approval: _____

Copy to be filed with Mandan Police Department



Board of City Commissioners

Agenda Documentation

MEETING DATE: December 3, 2013
PREPARATION DATE: November 25, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth, Planning and Engineering Director
PRESENTER: Kim Fettig, Project Manager
SUBJECT: Consider discontinuing annual Sidewalk Project for new construction.

STATEMENT/PURPOSE: To consider discontinuing the annual sidewalk project.

BACKGROUND/ALTERNATIVES: At the May 7th City Commission meeting it was decided not to have a sidewalk project this year for new construction. This came about by the City not receiving a bid to award for this work and due to the time frame needed to rebid again putting us into the situation of not having adequate time for the work to be done. At that time our office had 89 residents on the list for sidewalks and or aprons to be done. Out of that list there are 19 that have not completed the work. Some of the remaining homes are waiting to see if we are going to have a new construction Sidewalk Project for 2014. Our office has had 249 permits issued for sidewalk/apron work this year. This indicates to our office that there has not been an issue in not having the project this year. We would still have our annual Sidewalk Project for the remove and replace on existing properties.

ATTACHMENTS: None

FISCAL IMPACT: None

STAFF IMPACT: Minimal

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

RECOMMENDATION: This office supports discontinuing the annual sidewalk project for new construction.

SUGGESTED MOTION: I move to authorize discontinuing the annual sidewalk project for new construction.



Board of City Commissioners

Agenda Documentation

MEETING DATE: December 3, 2013
PREPARATION DATE: November 26, 2013
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Mike Manstrom, Dougherty & Company LLC
SUBJECT: Sale of \$4,015,000 Refunding Improvement Bonds of 2013, Series C.

PURPOSES

1. To authorize the sale of \$4,015,000 Refunding Improvement Bonds of 2013, Series C.
2. To approve the Resolution awarding the sale of warrants and bonds.

BACKGROUND

The sale of warrants and bonds are necessary to finance the improvements for the following infrastructure projects:

- Water and Sewer Improvement District #57 (7th Avenue SE-HIT 1st Addition) = \$98,979.92
- Water and Sewer Improvement District #60 (McKenzie Drive SE, 34th Avenue SE, and Genoa Court SE) = \$381,456.49
- Street Improvement District #158 (3rd Street SW-10th Avenue SW to Memorial Highway) = \$73,685.64
- Street Improvement District #159 (Terra Vallee) = \$428,526.17
- Street Improvement District #162 (7th Avenue SE-HIT 1st Addition) = \$109,440.34
- Street Improvement District #167 (Keidel's South Heart Terrace Addition-Phase II) = \$555,480.93
- Street Improvement District #168 (Heart Ridge 1st Addition) = \$449,668.13
- Street Improvement District #169 (Lincoln Ridge 5th Addition-Phase II) = \$277,671.87
- Street Improvement District #170 (Keidel's South Heart Terrace Addition-Phase III) = \$750,675.73

Board of City Commissioners

Agenda Documentation

Meeting Date: December 3, 2013

Subject: Sale of \$4,015,000 Refunding Improvement Bonds of 2013, Series C

Page 2 of 2

- Street Improvement District #171 (Heart Ridge 1st Addition-Phase II) = \$373,664.84
- Street Improvement District #173 (Meadows 5th Addition) = \$515,749.94

ATTACHMENTS

- Estimated Funding Required
- Official Statement
- Moody's Investors Service
- Official Bid Form
- Resolution Awarding Sale of Warrants and Bonds

FISCAL IMPACT

The proceeds from the sale of warrants and bonds are summarized as follows:

- \$4,977,548.35 for legal, engineering, testing and inspection, construction, and other expenditures.
- \$82,143.68 for bonding and financing related costs.
- Less \$590,149.98 from federal funds.
- Less \$314,247.88 anticipated from the Mandan Public School District.
- Less \$140,294.17 from City funds.

The City assessed these Districts in 2013 for certification to the County by November 1, 2013 for collection to begin in 2014. The assessment period for these Districts will be 15 years to match the term of the Bonds. The interest rate on the assessments is projected to be 4.0%, no interest the first year.

STAFF IMPACT

None

LEGAL REVIEW

Steve Vogelpohl, Bond Counsel, prepared the Resolution.

RECOMMENDATION

To approve the Resolution Awarding Sale of Warrants and Bonds for \$4,015,000 Refunding Improvement Bonds of 2013, Series C.

SUGGESTED MOTION

Move to approve the Resolution Awarding Sale of Warrants and Bonds for \$4,015,000 Refunding Improvement Bonds of 2013, Series C.

**City of Mandan, North Dakota
Refunding Improvement Bonds of 2013**

Estimated Funding Required:

	<u>Street #158</u>	<u>Street #159</u>	<u>Street #162</u>	<u>Street #167</u>	<u>Street #168</u>	<u>Street #169</u>	<u>Street #170</u>	<u>Street #171</u>	<u>Street #173</u>	<u>W&S #57</u>	<u>W&S #60</u>	<u>Total</u>
Construction	\$705,729.86	\$486,590.76	\$89,731.03	\$509,618.29	\$436,919.58	\$234,068.24	\$683,855.06	\$365,724.41	\$459,014.82	\$75,337.68	\$572,063.51	\$4,618,653.24
Engineering	\$70,254.74	\$0.00	\$15,577.75	\$31,678.27	\$0.00	\$33,500.00	\$47,600.00	\$0.00	\$43,034.66	\$20,550.00	\$63,626.89	\$325,822.31
Legal	\$391.96	\$385.60	\$404.84	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$151.20	\$1,000.00	\$5,333.60
Testing & Inspection	\$1,810.70	\$3,432.00	\$1,648.00	\$3,133.50	\$3,707.50	\$2,245.50	\$4,462.25	\$343.00	\$3,404.25	\$1,061.00	\$0.00	\$25,247.70
Other	\$0.00	\$407.50	\$0.00	\$0.00	\$0.00	\$2,084.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,491.50
Capitalized Interest	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Financial Consultant	\$161.86	\$1,033.89	\$240.41	\$1,220.22	\$987.78	\$609.96	\$1,649.00	\$820.83	\$1,132.94	\$217.43	\$1,425.69	\$9,500.00
Bond Attorney	\$161.86	\$1,033.89	\$240.41	\$1,220.22	\$987.78	\$609.96	\$1,649.00	\$820.83	\$1,132.94	\$217.43	\$1,425.69	\$9,500.00
Bond Rating	\$161.86	\$1,033.89	\$240.41	\$1,220.22	\$987.78	\$609.96	\$1,649.00	\$820.83	\$1,132.94	\$217.43	\$1,425.69	\$9,500.00
Official Statement Print	\$25.56	\$163.25	\$37.96	\$192.67	\$155.97	\$96.31	\$260.37	\$129.60	\$178.89	\$34.33	\$225.11	\$1,500.00
Bond P&R	\$15.33	\$97.95	\$22.78	\$115.60	\$93.58	\$57.79	\$156.22	\$77.76	\$107.33	\$20.60	\$135.07	\$900.00
Bond Discount (1.25%)	\$855.11	\$5,461.91	\$1,270.04	\$6,446.29	\$5,218.34	\$3,222.35	\$8,711.50	\$4,336.33	\$5,985.21	\$1,148.65	\$7,531.77	\$50,187.50
Misc.	\$18.00	\$114.94	\$26.73	\$135.66	\$109.82	\$67.81	\$183.33	\$91.26	\$125.96	\$24.17	\$158.50	\$1,056.18
Less: Federal/State	(\$563,463.38)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$563,463.38)
Less: FEMA	(\$26,686.60)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$26,686.60)
Less: School dist.	(\$4,555.80)	(\$42,130.65)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$267,561.43)	(\$314,247.88)
Less: City Funds	<u>(\$111,195.42)</u>	<u>(\$29,098.75)</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>(\$140,294.17)</u>						
Total Bond Issue	\$73,685.65	\$428,526.17	\$109,440.34	\$555,480.93	\$449,668.13	\$277,671.87	\$750,675.73	\$373,664.84	\$515,749.94	\$98,979.92	\$381,456.49	\$4,015,000.00

- (1) Principal assessed in 2013 for collection in 2014
- (2) Interest assessed 1/1/2014 through 12/31/2014 for collection in 2015
- (3) Beginning cash balance (Capitalized interest).

*Special Assessment Interest is to be charged as illustrated.
 *All costs and funded interest included in the financing
 *Payments to be made May 1, and November 1, beginning May 1, 2014
 *Dated Date 12/15/13

Dougherty & Co.

New Issue/Book Entry Only

This Document does not constitute an offer to sell the Bonds in any State or other jurisdiction to any person to whom it is unlawful to make such offer in such State or jurisdiction. No dealer, salesperson, or any other person has been authorized to give any information or to make any representation other than those contained herein in connection with the offering of the Bonds, and if given or made, such information or representation must not be relied upon.

NEAR FINAL OFFICIAL STATEMENT
(Dated November 19, 2013)

**CITY OF MANDAN
MORTON COUNTY, NORTH DAKOTA**

\$4,015,000 Refunding Improvement Bonds of 2013, Series C

Bonds Dated: December 15, 2013
Minimum Bid \$ _____

Principal Due: May 1, as below
(Required of Purchaser Only)

Rating has been applied for.

Interest will be payable on May 1 and November 1, commencing May 1, 2014. The Bonds will be issued as fully registered Bonds without coupons and, when issued, will be registered in the name of Cede & Co., as nominee of The Depository Trust Company ("DTC"). DTC will act as securities depository of the Bonds. Individual purchases may be made in book entry form only, in the principal amount of \$5,000 and integral multiples thereof. Purchasers will not receive certificates representing their interest in the Bonds purchased. See ("Book Entry System" herein.) Starion Bond Services of Bismarck, North Dakota will serve as registrar. *The City of Mandan reserves the right to adjust the issue size after bid opening by 10% in total and 10% per maturity.*

<u>Year</u>	<u>Amount</u>
2014	\$150,000*
2015	\$305,000*
2016	\$285,000*
2017	\$285,000*
2018	\$285,000*
2019	\$285,000*
2020	\$275,000*
2021	\$275,000*
2022	\$275,000*
2023	\$275,000*
2024	\$265,000*
2025	\$265,000*
2026	\$265,000*
2027	\$265,000*
2028	\$260,000*

* Bidders may aggregate the 2014-2028 maturities of the Refunding Improvement Bonds of 2013, Series C into any combination of Term Bonds, subject to mandatory sinking fund redemption in accordance with the above schedule.

Bonds maturing in 2021 and thereafter shall be subject to redemption and prepayment, at the option of the City, on May 1, 2020 and any date thereafter, in inverse order of maturities and by lot within any maturity, at par plus accrued interest.

In the opinion of Steven L. Vogelpohl, Bond Counsel, the interest to be paid on the Bonds will not be includable in gross income of the recipient for United States or North Dakota income tax purposes (other than the privilege tax imposed on financial institutions by North Dakota Century Code, Chapter 57-35.3). Interest on the Bonds will not be treated as a preference item in calculating the federal alternative minimum taxable income of individuals and corporations (see Tax-Exemption herein). The Bonds are "qualified tax-exempt obligations" under Section 265 (b)(3) of the Internal Revenue Code of 1986.

BID OPENING:

**TUESDAY, DECEMBER 3, 2013
10.30 A.M. CST
BID AWARD:
TUESDAY, DECEMBER 3, 2013
5:30 P.M. CST**

**DOUGHERTY & COMPANY LLC
PO Box 2157
Bismarck, North Dakota 58502
Telephone – 701/222-1616**

Greg Welch

From: MOODY'S EPI <epi@moody.com>
Sent: Tuesday, November 26, 2013 6:12 PM
To: Greg Welch
Subject: MANDAN (CITY OF) ND

Moody's assigns A1 to Mandan ND's \$4M Refunding Bonds Series C

A1 applies to \$40.7M post-sale GO debt

MANDAN (CITY OF) ND
Cities (including Towns, Villages and Townships) North Dakota

Moody's Rating

Issue	Rating
Refunding Improvement Bonds of 2013, Series C	A1
Sale Amount \$4,015,000	
Expected Sale Date 12/03/13	
Rating Description General Obligation	

Moody's Outlook - NOO

NEW YORK, November 26, 2013 -- Moody's Investors Service has assigned an A1 rating to the City of Mandan's (ND) \$4.0 million Refunding Improvement Bonds of 2013, Series C. Proceeds from the bonds will finance infrastructure improvements throughout various improvement districts of the city. Debt service on the Series C refunding improvement bonds is expected to be paid from special assessments levied against benefiting properties, though is ultimately secured by its GO unlimited tax (GOULT) pledge to levy for any deficiencies special assessment revenue that is anticipated to occur within one year. Concurrently, Moody's has affirmed the A1 rating on the city's outstanding general obligation (GO) bonds and refunding improvement bonds that are rated on parity with the city's GO bonds.

SUMMARY RATINGS RATIONALE

The A1 rating reflects the city's moderately sized favorably located adjacent to the state capital, Bismarck (Aa1); rapidly growing community driven largely by oil industry boom; sound financial profile supported by healthy General Fund reserves and positive growth in major revenue streams; and an elevated debt and fixed cost burden with future debt plans.

STRENGTHS:

- Strong regional economy marked by low unemployment rates, growing valuations, and strong residential and commercial building activity
- Healthy reserve levels with revenue raising flexibility

CHALLENGES:

- Rapid pace of growth may pose significant capital and infrastructure challenges
- Elevated debt burden and high level of fixed costs

DETAILED CREDIT DISCUSSION

MODERATELY SIZED TAX BASE LOCATED NEAR STATE CAPITAL AND BENEFITING FROM ENERGY SECTOR EXPANSION

The City of Mandan's tax base will continue to grow given the elevated demand for housing and commercial properties, low unemployment rate, and proximity to both the state capital and energy exploration in the state. The city covers nearly 12 square miles and sits directly across the Missouri River from the state capital, Bismarck. Mandan's economy is agriculturally focused with some light manufacturing, commercial, and retail sectors. In contrast to national trends, the city's tax base has seen continued growth throughout the economic downturn. The moderately sized \$1.2 billion tax base has grown at an average annual rate of 8.8% since 2008, which includes a sizable 23.4% increase in 2013. Management expects this spike in valuation to be a one-time event, driven by a full reassessment of all taxable property conducted by the county auditor, which typically occurs once every seven years. In interim years, valuation changes are driven by property sale data and values of new property construction. Outside of 2013, the last five years saw valuation gains ranging from 1.6% to 10% annually. We expect this moderate rate of valuation growth to continue in the medium term. During the last decade, the city annexed a significant amount of land which became available for development and much of that development has materialized in recent years. However, Moody's notes that this rapid pace of growth may temper in the long-run as the energy sector transitions from a more labor intensive exploratory phase to a less labor intensive production phase.

The city of Mandan continues to benefit from the expansion of the energy industry in western North Dakota, with energy companies seeking additional office space and new residential development for workers who commute to oil fields in the western part of the state. The Tesoro Corporation's (Ba1/stable) refinery is not within the city's tax base, but recently completed a \$35 million expansion project to increase crude oil and diesel fuel production which is expected to generate 20 new jobs for the region. Building permit activity has increased dramatically, growing from \$47.3 million in 2011 to \$129 million in 2012, reflecting the demand for both residential and commercial properties. Through the third quarter of 2013, permit activity has eclipsed \$111 million and is on pace to exceed 2012's record year. In addition, Wal-Mart Stores Inc. (Aa2/stable) opened a 150,000 square foot Super Wal-Mart in northwest Mandan in the fall of 2013 and hired 150 employees. The store is projected to generate between \$400,000 and \$500,000 in additional sales tax revenue annually. Initial collections through the fourth quarter of 2013 support these initial estimates. City officials also report increased interest in retail development on the parcels of land near the proposed Wal-Mart. In August 2013, the unemployment rate in Morton County of 3.1% was slightly higher than the state at 2.7%, but significantly lower than the national rate of 7.3%. The city's resident income profile tracks slightly lower than the nation with per capita income at 97% of the state and 91% of the nation and median family income at 97% of both the state and the US.

SOUND FINANCIAL OPERATIONS CHARACTERIZED BY HEALTHY AND GROWING RESERVES

We expect the city's financial profile to remain sound due to the presence of healthy reserves and revenue raising flexibility. At the close of fiscal 2011, the General Fund balance stood at \$2.5 million, or a healthy 30.5% of General Fund revenues. While the city's original fiscal 2011 budget included a draw on reserves of \$472,900, the city ended the year with an operating surplus of \$774,000 due to significant growth in state aid. For fiscal 2012, management initially anticipated a \$1.3 million operating surplus driven by increased state aid funding as well as higher than budgeted sales tax revenues but audited results reflected a higher year-end surplus of nearly \$2.0 million. This positive variance is attributable to higher than budgeted state aid, sales tax and building permit revenues. The surplus increased reserves to \$4.4 million, or an ample 44% of 2012 General Fund Revenues. Based on year to date results, fiscal 2013 is expected to close with a \$1 million surplus which would bring reserves up to \$5.3 million or 55% of estimated revenues. The positive variances were again driven by better-than-expected state aid and sales tax performance. The fiscal 2014 budget reflects a \$1 million draw, a deficit resulting solely from capital expenditures, but we note that the city's historical budgeted deficits have resulted in operating balance or surpluses. Management's formal policy is to maintain 17% of expenditures in its unassigned fund balance. Though reserve levels are well in excess of management's policy, management does not project materially reducing reserves in the medium term.

The city retains revenue generating flexibility as it currently levies approximately 40 mills below the cap allowed by its home rule charter. Property taxes are the largest source of revenue for the city and comprised 34% of General Fund revenues in fiscal 2012. Transfers in, which are made up of state highway tax and sales tax revenues, comprised the second highest revenue source at 27.7% of General Fund revenues followed by intergovernmental aid which accounted for 21%. Special assessment revenue is primarily used to pay debt service, which is the city's largest operating expenditure at 42.2% of operating expenditures. While this is an exceptionally high proportion of spending, this high fixed cost is somewhat mitigated by the direct offset of timely special assessment collections and prepayments. The city collects a 1% sales tax, of which 40% was historically transferred to the General Fund for property tax relief. Going forward, as approved by council, the city is reallocating 50% of the city's sales tax to the General Fund. Annual sales tax revenue has been growing, with fiscal 2012 collections nearing \$2 million, over a 17% increase from 2011. Through the first three quarters of 2013, the city has collected \$1.7 million in sales tax receipts, which is on pace to exceed 2012 levels.

HIGH DEBT BURDEN SUPPORTED PRIMARILY BY SPECIAL ASSESSMENTS; EXPECTED TO REMAIN ELEVATED

At 3.3% of full valuation, the city's debt burden is higher than both state and national medians. Approximately 98% of the city's general obligation debt is supported by special assessments. The city's overall debt burden, at 4.8% of full valuation, is also high due to borrowing by overlapping entities, including Mandan Public School District 1 (Aa3). At the close of fiscal 2012, the city had approximately \$6.7 million in reserves in its debt service fund resulting from prepaid assessments from property owners. The city typically issues bonds to improve infrastructure for newly created improvement districts in anticipation of future development. Thus far, development has materialized as expected and special assessment revenues have been sufficient to cover debt service. All special assessment debt is also backed by the full taxing authority of the city, which mitigates the risks posed by potential deficiencies in special assessment collections. The city has not utilized the tax levy to support debt service in nearly two decades. The city expects to issue additional debt to build infrastructure on undeveloped land to accommodate the rapid growth in the city. The city's ability to monitor and collect sufficient special assessment revenues, and manage debt and fixed costs at reasonable levels will be important credit factors going forward.

Going forward, we expect that debt will remain elevated given future borrowing needs. Management plans to borrow an additional \$8 million in 2014

which are expected to be supported by special assessments, and approximately \$6 million in state loans for water and sewer needs. Principal amortization is above average with 82.4% of general obligation debt retired in ten years. All of the city's debt is fixed rate and the city is not a party to any interest rate swap agreements.

The city maintains a defined contribution employee retirement plan. Under Moody's methodology, the city's adjusted net pension liability is nonexistent given the absence of a defined benefit liability.

WHAT COULD CHANGE THE RATING UP:

- Significant reduction in debt levels
- Substantial reduction in fixed costs
- Improvement in the city's resident income profile

WHAT COULD CHANGE THE RATING DOWN:

- Material further leveraging of the tax base
- Deterioration in General Fund reserves or liquidity
- Unmanageable growth that leads to increased debt or pressures finances
- Increase in fixed costs

KEY STATISTICS

2010 Census population: 18,331 (9.6% increase since 2000)

2013 Full valuation: \$1.3 billion (8.8% average annual increase since 2008)

2013 Estimated full value per capita: \$66,886

2006-2010 Per Capita Income (American Community Survey 5-Year Estimates):
\$24,960 (96.7% of ND; 91.3% of US)

2006-2010 Median Family Income (American Community Survey 5-Year Estimates):
\$61,184 (97.2% of ND; 97.1% of US)

Morton County unemployment rate (August 2013): 3.1% (ND at 2.7%; US at 7.3%)

Fiscal 2012 General Fund balance: \$4.4 million (44% of General Fund revenues)

Direct debt burden: 3.3%

Overall debt burden: 4.8%

Principal amortization (10 years): 82.4%

Post-sale general obligation debt: \$40.7 million

The principal methodology used in this rating was General Obligation Bonds Issued by US Local Governments published in April 2013. Please see the Credit Policy page on www.moody.com for a copy of this methodology.

REGULATORY DISCLOSURES

For ratings issued on a program, series or category/class of debt, this announcement provides certain regulatory disclosures in relation to each

rating of a subsequently issued bond or note of the same series or category/class of debt or pursuant to a program for which the ratings are derived exclusively from existing ratings in accordance with Moody's rating practices. For ratings issued on a support provider, this announcement provides certain regulatory disclosures in relation to the rating action on the support provider and in relation to each particular rating action for securities that derive their credit ratings from the support provider's credit rating. For provisional ratings, this announcement provides certain regulatory disclosures in relation to the provisional rating assigned, and in relation to a definitive rating that may be assigned subsequent to the final issuance of the debt, in each case where the transaction structure and terms have not changed prior to the assignment of the definitive rating in a manner that would have affected the rating. For further information please see the ratings tab on the issuer/entity page for the respective issuer on www.moodys.com.

Regulatory disclosures contained in this press release apply to the credit rating and, if applicable, the related rating outlook or rating review.

Please see www.moodys.com for any updates on changes to the lead rating analyst and to the Moody's legal entity that has issued the rating.

Please see the ratings tab on the issuer/entity page on www.moodys.com for additional regulatory disclosures for each credit rating.

ANALYSTS:

Chandra Ghosal, Lead Analyst, Public Finance Group, Moody's Investors Service
Soo Yun Chun, Additional Contact, Public Finance Group, Moody's Investors Service

CONTACTS:

Journalists: (212) 553-0376
Research Clients: (212) 553-1653

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250 Greenwich Street
New York, NY 10007
USA

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OFFICIAL BID FORM

**CITY OF MANDAN
MORTON COUNTY, NORTH DAKOTA**

\$4,015,000

Refunding Improvement Bonds of 2013, Series C

December 3, 2013

Honorable Mayor, City Commission and City Officials
City of Mandan
Morton County, North Dakota

HONORABLE MAYOR, CITY COMMISSION AND OFFICIALS:

For the City's Refunding Improvement Bonds of 2013, Series C, dated December 15, 2013, we will pay you \$ _____, plus accrued interest to the date of delivery for Bonds paying interest on May 1, 2014, and each May 1 and November 1, thereafter, and maturing on May 1 as follows:

<u>Year</u>	<u>Amount</u>	<u>Rate</u>
2014	\$150,000*	_____%
2015	\$305,000*	_____%
2016	\$285,000*	_____%
2017	\$285,000*	_____%
2018	\$285,000*	_____%
2019	\$285,000*	_____%
2020	\$275,000*	_____%
2021	\$275,000*	_____%
2022	\$275,000*	_____%
2023	\$275,000*	_____%
2024	\$265,000*	_____%
2025	\$265,000*	_____%
2026	\$265,000*	_____%
2027	\$265,000*	_____%
2028	\$260,000*	_____%

* *Bidders may aggregate the 2014-2028 maturities of the Refunding Improvement Bonds of 2013, Series 2013, Series C into any combination of Term Bonds, subject to mandatory sinking fund redemption in accordance with the above schedule.*

This proposal is subject to the approving legal opinion of Steven L. Vogelpohl, Attorney at Law, Bismarck, North Dakota. We understand that the said legal opinion will be provided to us without cost.

This proposal is for prompt acceptance and for anticipated delivery of said Bonds within 30 days (anticipated delivery December __, 2013.)

Respectfully,

Account Manager

By: _____
_____ (print name)

Account Members on Back.....

<p align="center">FOR INFORMATIONAL PURPOSES:</p> <p>Total Net Interest Cost \$ _____</p> <p>Net Effective Rate _____%</p>

The foregoing proposal is hereby accepted by and on behalf of the CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, this 3rd day of December, 2013.

President

ATTEST:

City Administrator

CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

Account Members:

Greg Welch

From: Steven Vogelpohl <slv@slvlaw.net>
Sent: Monday, November 25, 2013 2:36 PM
To: Greg Welch
Cc: Brown, Malcolm H.; Manstrom, Mike
Subject: Resolution Awarding Sale of Warrants and Bonds
Attachments: Resolution Awarding Sale of Warrants and Bonds.pdf

Greg,

Attached is the form of Resolution Awarding Sale of Warrants and Bonds for the December 3 Commission meeting.

I will complete the Resolution upon receiving the tabulation of bids from Mike.

Please contact me if you've any questions.

Thank you.

Steve

CITY OF MANDAN
COUNTY OF MORTON
STATE OF NORTH DAKOTA

RESOLUTION AWARDING SALE OF WARRANTS AND BONDS

\$98,979.92
WATER AND SEWER IMPROVEMENT DISTRICT NO. 57
\$381,456.49
WATER AND SEWER IMPROVEMENT DISTRICT NO. 60
\$73,685.64
STREET IMPROVEMENT DISTRICT NO. 158
\$428,526.17
STREET IMPROVEMENT DISTRICT NO. 159
\$109,440.34
STREET IMPROVEMENT DISTRICT NO. 162
\$555,480.93
STREET IMPROVEMENT DISTRICT NO. 167
\$449,668.13
STREET IMPROVEMENT DISTRICT NO. 168
\$277,671.87
STREET IMPROVEMENT DISTRICT NO. 169
\$750,675.73
STREET IMPROVEMENT DISTRICT NO. 170
\$373,664.84
STREET IMPROVEMENT DISTRICT NO. 171
\$515,749.94
STREET IMPROVEMENT DISTRICT NO. 173
DEFINITIVE IMPROVEMENT WARRANTS
\$4,015,000
REFUNDING IMPROVEMENT BONDS OF 2013, SERIES C

RECITALS

1. Pursuant to direction of the City of Mandan, North Dakota (the "Issuer") calling for bids on the sale of Issuer's \$98,979.92 Water and Sewer Improvement District No. 57 Definitive Improvement Warrant, \$381,456.49 Water and Sewer Improvement District No. 60 Definitive Improvement Warrant, \$73,685.64 Street Improvement District No. 158 Definitive Improvement Warrant, \$428,526.17 Street Improvement District No. 159 Definitive Improvement Warrant, \$109,440.34 Street Improvement District No. 162 Definitive Improvement Warrant, \$555,480.93 Street Improvement District No. 167 Definitive Improvement Warrant, \$449,668.13 Street Improvement District No. 168 Definitive Improvement Warrant, \$277,671.87 Street Improvement District No.

169 Definitive Improvement Warrant, \$750,675.73 Street Improvement District No. 170 Definitive Improvement Warrant, \$373,664.84 Street Improvement District No. 171 Definitive Improvement Warrant, and \$515,749.94 Street Improvement District No. 173 Definitive Improvement Warrant (the "Warrants") to be simultaneously exchanged for \$4,015,000 Refunding Improvement Bonds of 2013, Series C (the "Bonds"), notice of such sale has been duly given.

2. At the time and place fixed for receiving such bids, such bids were received and opened, examined and declared, and thereafter considered by this the governing body of the Issuer.
3. The City Administrator announced that ___ bids had been received and found to be as follows:

<u>Name of Bidder</u>	<u>Bid for Principal</u>	<u>Interest Rates</u>	<u>Net Interest Cost</u>	<u>Net Interest Rate</u>
-----------------------	--------------------------	-----------------------	--------------------------	--------------------------

See attached tabulation.

Now, therefore, the governing body of the Issuer resolves and orders:

1. All written bids received for the purchase of the Warrants and Bonds, excepting the bid herein stated, are hereby rejected, and the Warrants and Bonds are hereby sold to _____, as the best responsible and most favorable bidder therefor, the sale to be subject to all of the terms and conditions set forth in the official notice of sale of the Warrants and Bonds and in the accepted bid.
2. The President of the Board of City Commissioners and City Administrator are hereby authorized and directed to endorse an acceptance of said bid on a copy thereof, and to return such copy to the bidder.
3. The City Administrator is hereby directed to have the Warrants and Bonds printed, signed and, upon receipt of the purchase price therefor and on performance of the conditions in the written offer, delivered, all in accordance with this resolution and subsequent resolutions setting forth the terms and form therefor.
4. The interest rates of the Warrants and Bonds are hereby fixed at the rates stated in the bid, a copy of which is ordered attached hereto and incorporated herein.

Adopted this 3rd day of December, 2013.

CITY OF MANDAN, NORTH DAKOTA

President, Board of City Commissioners

ATTEST:

City Administrator

(S E A L)

The governing body of the political subdivision acted on the foregoing resolution on December 3, 2013, as follows:

Adoption moved by _____ Seconded by _____

"Aye" _____

"Nay" _____

Absent _____

and after vote the presiding officer declared the resolution adopted.

Greg Welch

From: Steven Vogelpohl <slv@slvlaw.net>
Sent: Tuesday, December 03, 2013 2:39 PM
To: Greg Welch
Cc: Brown, Malcolm H.; Manstrom, Mike
Subject: Resolution Awarding Sale of Warrants and Bonds
Attachments: Resolution Awarding Sale of Warrants and Bonds.pdf

Greg,

Attached for today's City Commission meeting is the completed Resolution Awarding Sale of Warrants and Bonds.

If you would please provide voting record information (page 3 of the Resolution), I will prepare and provide execution copies of the Resolution.

Thank you for your assistance.

Steve

CITY OF MANDAN
COUNTY OF MORTON
STATE OF NORTH DAKOTA

RESOLUTION AWARDING SALE OF WARRANTS AND BONDS

\$98,979.92
WATER AND SEWER IMPROVEMENT DISTRICT NO. 57
\$381,456.49
WATER AND SEWER IMPROVEMENT DISTRICT NO. 60
\$73,685.64
STREET IMPROVEMENT DISTRICT NO. 158
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STREET IMPROVEMENT DISTRICT NO. 171
\$515,749.94
STREET IMPROVEMENT DISTRICT NO. 173
DEFINITIVE IMPROVEMENT WARRANTS
\$4,015,000
REFUNDING IMPROVEMENT BONDS OF 2013, SERIES C

RECITALS

1. Pursuant to direction of the City of Mandan, North Dakota (the "Issuer") calling for bids on the sale of Issuer's \$98,979.92 Water and Sewer Improvement District No. 57 Definitive Improvement Warrant, \$381,456.49 Water and Sewer Improvement District No. 60 Definitive Improvement Warrant, \$73,685.64 Street Improvement District No. 158 Definitive Improvement Warrant, \$428,526.17 Street Improvement District No. 159 Definitive Improvement Warrant, \$109,440.34 Street Improvement District No. 162 Definitive Improvement Warrant, \$555,480.93 Street Improvement District No. 167 Definitive Improvement Warrant, \$449,668.13 Street Improvement District No. 168 Definitive Improvement Warrant, \$277,671.87 Street Improvement District No.

169 Definitive Improvement Warrant, \$750,675.73 Street Improvement District No. 170 Definitive Improvement Warrant, \$373,664.84 Street Improvement District No. 171 Definitive Improvement Warrant, and \$515,749.94 Street Improvement District No. 173 Definitive Improvement Warrant (the "Warrants") to be simultaneously exchanged for \$4,015,000 Refunding Improvement Bonds of 2013, Series C (the "Bonds"), notice of such sale has been duly given.

2. At the time and place fixed for receiving such bids, such bids were received and opened, examined and declared, and thereafter considered by this the governing body of the Issuer.
3. The City Administrator announced that 7 bids had been received and found to be as follows:

<u>Name of Bidder</u>	<u>Bid for Principal</u>	<u>Interest Rates</u>	<u>Net Interest Cost</u>	<u>Net Interest Rate</u>
-----------------------	--------------------------	-----------------------	--------------------------	--------------------------

See attached tabulation.

Now, therefore, the governing body of the Issuer resolves and orders:

1. All written bids received for the purchase of the Warrants and Bonds, excepting the bid herein stated, are hereby rejected, and the Warrants and Bonds are hereby sold to Raymond James & Associates, Inc., as the best responsible and most favorable bidder therefor, the sale to be subject to all of the terms and conditions set forth in the official notice of sale of the Warrants and Bonds and in the accepted bid.
2. The President of the Board of City Commissioners and City Administrator are hereby authorized and directed to endorse an acceptance of said bid on a copy thereof, and to return such copy to the bidder.
3. The City Administrator is hereby directed to have the Warrants and Bonds printed, signed and, upon receipt of the purchase price therefor and on performance of the conditions in the written offer, delivered, all in accordance with this resolution and subsequent resolutions setting forth the terms and form therefor.
4. The interest rates of the Warrants and Bonds are hereby fixed at the rates stated in the bid, a copy of which is ordered attached hereto and incorporated herein.

Adopted this 3rd day of December, 2013.

CITY OF MANDAN, NORTH DAKOTA

President, Board of City Commissioners

ATTEST:

City Administrator

(S E A L)

The governing body of the political subdivision acted on the foregoing resolution on December 3, 2013, as follows:

Adoption moved by _____ Seconded by _____

"Aye" _____

"Nay" _____

Absent _____

and after vote the presiding officer declared the resolution adopted.

DOUGHERTY & COMPANY LLC

City of Mandan Morton County, North Dakota

\$4,015,000 Refunding Improvement Bonds of 2013, Series C

Bid Opening December 3, 2013

<u>Account Managers</u>	<u>Bid Price</u>	<u>Interest Rates</u>	<u>Total Net Interest Cost</u>	<u>Net Effective Rate</u>
Raymond James & Associates, Inc.	\$4,024,326.35	2.00%-3.50%	\$798,879.04	2.672571%
Piper Jaffray	\$4,025,893.25	2.00%-3.375%	\$803,281.19	2.687298%
FTN Financial Capital Markets	\$4,002,769.75	1.00%-3.15%	\$813,374.97	2.721066%
Robert W. Baird & Co., Inc.	\$4,110,781.25	2.00%-3.50%	\$816,216.53	2.730572%
D. A. Davidson & Co.	\$4,238,662.10	2.00%-4.00%	\$906,674.57	3.033191%
Hutchinson, Shockey, Erley & Co.	\$3,976,540.60	2.00%-3.50%	\$930,571.84	3.113136%
BOSC, Inc.	\$4,083,030.80	2.00%-4.00%	\$994,897.26	3.328331%

120 NORTH THIRD STREET • SUITE 125 • PO BOX 2157 • BISMARCK, NORTH DAKOTA 58502

701.222.1616 • 866.793.8618

MEMBER SIPC & FINRA

OFFICIAL BID FORM

CITY OF MANDAN
MORTON COUNTY, NORTH DAKOTA

\$4,015,000

Refunding Improvement Bonds of 2013, Series C

December 3, 2013

Honorable Mayor, City Commission and City Officials
City of Mandan
Morton County, North Dakota

HONORABLE MAYOR, CITY COMMISSION AND OFFICIALS:

For the City's Refunding Improvement Bonds of 2013, Series C, dated December 15, 2013, we will pay you \$4,024,326.35, plus accrued interest to the date of delivery for Bonds paying interest on May 1, 2014, and each May 1 and November 1, thereafter, and maturing on May 1 as follows:

<u>Year</u>	<u>Amount</u>	<u>Rate</u>
2014	\$150,000	2.00%
2015	\$305,000	2.00%
2016	\$285,000	2.00%
2017	\$285,000	2.00%
2018	\$285,000	2.00%
2019	\$285,000	2.00%
2020	\$275,000	2.00%
2021	\$275,000	2.10%
2022	\$275,000	2.30%
2023	\$275,000	2.55%
2024	\$265,000	2.75%
2025	\$265,000	3.00%
2026	\$265,000	3.10%
2027	\$265,000	3.25%
2028	\$260,000	3.50%

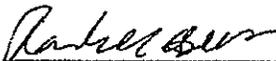
This proposal is subject to the approving legal opinion of Steven L. Vogelpohl, Attorney at Law, Bismarck, North Dakota. We understand that the said legal opinion will be provided to us without cost.

This proposal is for prompt acceptance and for anticipated delivery of said Bonds within 30 days (anticipated delivery December 19, 2013.)

Respectfully,

Account Manager

Raymond James & Associates, Inc.

By: 
Randall Hawkins, First Vice President

FOR INFORMATIONAL PURPOSES:

Total Net Interest Cost \$798,879.04

Net Effective Rate 2.672571%

The foregoing proposal is hereby accepted by and on behalf of the CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, this 3rd day of December, 2013.

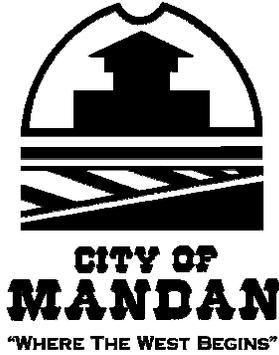
President

ATTEST:

City Administrator

CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

Account Members: None



New Business No. 3

Board of City Commissioners

Agenda Documentation

MEETING DATE: December 3, 2013
PREPARATION DATE: November 22, 2013
SUBMITTING DEPARTMENT: Police
DEPARTMENT DIRECTOR: Chief Dennis A. Bullinger
PRESENTER: Chief Dennis A. Bullinger
SUBJECT: Introduction of Police Officer

STATEMENT/PURPOSE:

Introduction of Police Officer Matthew Graves

BACKGROUND/ALTERNATIVES:

Matthew is a 2012 graduate of Minot State University, where he received his Bachelor's Degree in Criminal Justice and a 2004 graduate of Lake Region State College where successfully completing the Law Enforcement Training Program. Matthew is an Iraqi veteran where he served with the 191st Military Police Co. Matthew joins the Mandan Police department after working as a Customs and Border Protection Officer.

ATTACHMENTS: N/A

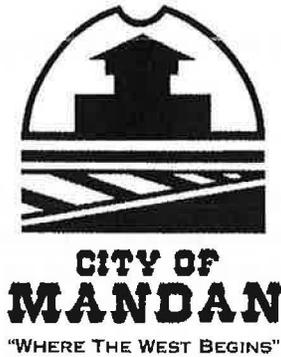
FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: N/A

SUGGESTED MOTION: N/A



Board of City Commissioners

Agenda Documentation

MEETING DATE: 12/3/2013

PREPARATION DATE: 11/27/2013

SUBMITTING DEPARTMENT: Morton/Mandan Combined Communications Center

DEPARTMENT DIRECTOR: Tom Doering

PRESENTER: Tom Doering

SUBJECT: Use Bismarck/Burleigh's Computer Aided Dispatch

STATEMENT/PURPOSE:

Present information relevant to:

- Approval of revisions to the Memorandum of Understanding establishing the Morton/Mandan Combined Communications Center (MMCCC)
- MMCCC use of the Computer Aided Dispatch (CAD) system now operated by the Bismarck/Burleigh Combined Communications Center (BBCCC).

BACKGROUND/ALTERNATIVES:

Background

At the last Morton County Commission meeting on November 12, 2013, the commission by official action appointed a representative from Metro Ambulance Service to the MMCCC's, Communications Advisory Committee. This action requires revision to the MOU establishing MMCCC and approval of the City of Mandan Commission.

MMCCC has been operating without a CAD since discontinuing use of Archonix in 2011. Cop Desk is the Records Management System (RMS) currently used by the Mandan Police Department (MPD) and Morton County Sheriff's Office (MSO). Cop Desk is no longer supported by the developer, getting very large and may be prone to failure.

Both Mandan Police Department (MPD) and Morton County Sheriff's Office (MCSO) have been waiting to learn which RMS the State/Criminal Justice Information Sharing (CJIS) will contract with in hopes of becoming a user of the State's RMS. Motorola's Premier1 RMS received the state contract and has a tentative April 2014 go-live date. Now that the State's RMS is known research can determine a compatible CAD system.

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Research has begun to determine if an interface is feasible between BBCCC's SunGard CAD and Premier1. Molly Brooks with CJIS is working the technicalities and estimated \$2,000 would be the cost of an interface. Ms. Brooks also stated that CJIS may pick up the interface cost. User fees are a local cost and the user's fee for the State's RMS is \$25.00 per month per sworn officer. The 911 fund could be used to augment 50% of the user fees.

MPD and MCSO are not interested in expending funds for mobile licenses and annual maintenance until an interface is in-place from a CAD system to the State's RMS (Motorola's Premier1).

The Mandan Fire Department is in the process of expanding operational capabilities and it is Mandan Fire Chief (Steve Nardello's) belief that a CAD is essential for dispatching Mandan Fire resources safely and efficiently. Chief, Steve Nardello approached BBCCC's Communications Director (Mike Dannenfelzer) and Mr. Dannenfelzer has been proactive in researching issues associated with bringing MMCCC on as a user of BBCCC's CAD. Emergency Reporting is the RMS currently being used by the Mandan Fire Department and a suitable CAD must be compatible/interface with Emergency Reporting. Becoming a user of BBCCC's CAD is in Chief Nardello's words "a temporary solution".

BBCCC uses Geo-Blade for mapping and MMCCC uses Bulberry Mapping. Bulberry (our data) must be continued in order for mapping to be useful for all responders in Morton County, i.e. Almont, Flasher, Glen Ullin, Hebron, Mandan and New Salem. Thus an interface will be required between SunGard and Bulberry.

Alternatives

Although not endorsed by the Communications Advisory Committee, waiting until interfaces are in-place between BBCCC's SunGard CAD, Emergency Reporting, Bulberry and Premier1 would support a more seamless transition.

Also not endorsed by the Communications Advisory Committee another alternative would be development of a Request for Proposal (RFP) for a CAD vendor that offers RMS and mapping compatibility. Currently the only quote we have is as a spoke of State Radio and Intergraph CAD @ approximately \$250,000. Motorola is in the process of putting together a quote.

Note: it was decided by the Communications Advisory Committee that BBCCC should be included in all CAD vendor demonstrations, since BBCCC is also scheduling demonstrations in which we will participate.

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ATTACHMENTS:

#1 Revised MOU (Establishes the Morton/Mandan Combined Communications Center)

#2 Fiscal Impact (Costs associated with using BBCC's SunGard CAD)

#3 Draft BBCCC Agreement

FISCAL IMPACT:

See Attachment

STAFF IMPACT:

Until interfaces are finished and interoperability exists between SunGard and Emergency Reporting and Premier1, dispatchers will be required to complete additional data system entries. Dispatchers typically keep a pen and ink call log. Currently, data from the log is transferred to Cop Desk (for Law Enforcement). Until an interface is in place and on-line from SunGard to Premier1 (State/CJIS RMS), dispatchers will need to input log entry data to the SunGard CAD and again into Cop Desk. Premier1 will not be on-line until April of 2014. Currently dispatch transfers information from Fire/EMS log entries to a slip of paper that is faxed to the Mandan Fire Department. Until an interface is in place between SunGard and Emergency Reporting (Mandan Fire's RMS) dispatchers will need to transfer Fire/EMS log entry information to SunGard and then to Emergency Reporting.

It is the opinion of the Communications Director (Tom Doering) and the Communications Supervisors (Lynette Johnson and Krista Hartman) that the extra required work will not be in the best interest of Public Safety. In essence, personnel who will work with the system the most (Communications Specialists) bear the brunt of the work to carry out premature use of BBCCC's CAD.

Some are of the opinion that dispatch is not always busy. This is true; dispatchers cannot create their own calls for service. But it is when dispatch is busy that all the duplicate entries will be required. It is when dispatch is busy that making emergency notifications and safety take precedence over timely data entries.

LEGAL REVIEW:

The Morton County State's Attorney (Allen Kopyy) has reviewed the draft agreement prepared by BBCCC and identifies the agreement as a contract of adhesion which basically means the seller sets the terms.

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RECOMMENDATION:

Note: Understand that if MPD desires mobile capability of CAD a 2015 expenditure of \$10,608.10 would be required for mobile costs – see fiscal attachment – blue highlighted, plus \$3,062 for Premier1 user fees for a total of \$13,670.

Carefully review all of the issues from both a system ready prospective and a premature go-live prospective (premature meaning - before all interfaces are in-place).

(Note: To the best of my knowledge, the cost of gaining CAD availability through BBCCC is significantly less than any other vendor would charge.)

The recommendation of the Communications Advisory Committee is to move forward to become a user of BBCCC's CAD system.

SUGGESTED MOTION(s):

Motion #1 – Approve the revised MOU as written or make additional revisions and motion to approve.

Motion #2 – Approve the agreement and become a user of BBCCC's CAD (SunGard):

#2a. Establish a time frame for becoming a user of BBCCC's CAD – go live when the interface between SunGard, Emergency Reporting and Bulberry is system ready. We would likely be looking at March of 2014.

#2b. Establish a time frame for becoming a user of BBCCC's CAD – go live when the interface between SunGard, Emergency Reporting, Bulberry *and Premier1* is system ready. We would likely be looking at June of 2014.

#2c. Commit to the 2014 expenditure of \$3,562.00 (Premier1 interface and user fees – see fiscal attachment – yellow highlighted):

Board of City Commissioners

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Attachment # 1

MEMORANDUM OF UNDERSTANDING
BETWEEN
MORTON COUNTY COMMISSION
AND
THE CITY OF MANDAN COMMISSION

This agreement entered into by and between The City of Mandan and Morton County, initiates a policy of cooperation with respect to the planning, development and operation of a combined E-9-1-1 Emergency Communications and Dispatch Center. The combined center will be known as the Morton County Communications Center (Center).

1. Morton County Communications provider of E-9-1-1 agrees to provide E-9-1-1 and dispatch service to the City of Mandan.
2. Morton County E-9-1-1 Coordinator/ Communications Director for Morton County will to serve as Coordinator for the Center.
3. Morton County E-9-1-1 Coordinator/ Communications Director will work with responders Fire, Medical and Law Enforcement in the City of Mandan to maintain the emergency service areas.
4. Morton County E-9-1-1 Coordinator/ Communications Director will maintain the Emergency Phone System.
5. Morton County E-9-1-1 Coordinator/ Communications Director will work with telephone companies and radio vendors for coordination of trunking and voice communications. Costs for database, trunking, paging and radio voice communications, non-recurring and monthly rate will be included in the Center's budget to be presented to the Morton County Commission and City of Mandan Commission for approval.
6. Seven day, twenty four hour dispatch service will be provided by the Morton County Communication Center.
7. An ~~a~~Advisory ~~e~~Committee will be formed consisting of the Mandan Fire Chief, Mandan Police Chief and the Morton County Sheriff to oversee the operations of the Center.
8. ~~The Advisory Committee may deem it appropriate to add or remove members subject to approval by the Morton County Commission and Mandan City Commission.~~
9. ~~Recommendations formed by this the Advisory C~~ommittee will be presented by the ~~Morton County E-9-1-1 Coordinator/Communications Director to the Morton County Commission and the City of Mandan Commission for approval when appropriate.~~
- 7.10. ~~Quarterly progress reports will also be provided to both commissions by the Morton County E-9-1-1 Coordinator/Communications Director.~~
8. ~~Morton County E-9-1-1 Coordinator/ Communications Director will assume the responsibility of the current City of Mandan Communications Employees with their salaries and benefits to be retained by the City of Mandan if they choose to do so, until January 1, 2012. Any current City of Mandan Communications employee may change to the County salary and benefits on January 1, 2009, January 1, 2010, or January 1, 2011. Any successor to any of the communications positions will be a county employee and will not be provided city benefits.~~

- 9.11. Morton County and the City of Mandan are to approve and have financial responsibility of fifty percent (50%) each of the Center's approved yearly budget. E-9-1-1 funds collected by Morton County are to be utilized to offset the operations of the Center pursuant to NDCC 57-40.6-02 and to establish an equipment reserve fund for the Center.
- 10.12. All vouchers expended from the E-9-1-1 landline and wireless accounts will be signed only by the Morton County E-9-1-1 Coordinator/ Communications Director or appointee by direction of the aAdvisory eCommittee for all expenditures. Monthly revenue and expenditure reports shall be presented to the Morton County E-9-1-1 Coordinator/ Communications Director by the Morton County Auditor/ Treasurer
- 11.13. If the Center contracts with other counties for dispatching services, that revenue will be added to the existing revenue before the cost sharing occurs between the City of Mandan and Morton County.
- 12.14. Nothing contained in this agreement shall be deemed or construed by the parties hereto, or by any third party to create the relationship of principal and agent, or a partnership, or of joint venture, or of any other associations, it being expressly understood that neither this agreement, nor any acts of the parties hereto shall be deemed to create any relationship between the parties other than that of independent contractors.
- 13.15. This agreement will be in full force and in effect for 3 years from the date of this agreement ~~and automatically renewed on a yearly basis unless either party gives 180 day notice of termination and then renewable by either party.~~
- 14.16. If for any reason this agreement is dissolved, the current equipment in the communications center is the property of Morton County with the exception of any equipment solely purchased by the City of Mandan included on the inventory list to be provided by the Morton County E-9-1-1 Coordinator/ Communications Director and signed by the Mandan Chief of Police.

DATED THIS _____ DAY OF _____ 2013.

Chairman
Morton County Commission

Mayor
City of Mandan

Cost Categories		911 Fund	Mandan Fire Department	Mandan Police Department	Morton County Sheriff's Office
15% Central Maintenance Share		\$5,670.00			
Bismarck IT Dept. @ \$28.25 per Month		\$339.00			
Bulberry & Emergency Reporting Interface		\$15,000.00			
Annual Maintenance Bulberry & Emergency Reporting Interface		\$1,500.00			
SunGard to Premier1 Interface		\$1,000.00		\$500.00	\$500.00
State/CJIS User's Fee @ \$25.00 per sworn officer per month	MSO - 27 * \$25 * 7 / 50%				\$2,362.00
	MPD - 35 * \$25 * 7 / 50%			\$3,062.00	
	50% 911 Fund Share	\$5,424.00			
Mobile License @ \$950 & Annual Maintenance @ \$190 per year	MSO - 20 * \$1,060.81		\$4,243.24	\$6,364.86	\$21,216.20
	MPD - 6 * \$1,060.81				
	MFD - 4 * \$1,060.81				
Wireless Head Sets	3 @ \$700 & 9 @ \$350	\$5,250			
Sub Totals		\$34,183.00	\$4,243.24	\$9,926.86	\$24,078.20
				Total	\$72,431.30
LEGEND					
		2014 Cost - City of Mandan			
		2015 Cost - City of Mandan			

CAD Services and Use Agreement

Agreement

The Bismarck/Burleigh Combined Communications Center (hereinafter referred to as "**BBCCC**") has entered into this Agreement (hereinafter referred to as "**Agreement**") with the Morton/Mandan Communications Center (hereinafter referred to as "**MMCC**") to provide to **MMCC** the use of **BBCCC**'s computer aided dispatch system (hereinafter referred to as "**CAD**") for the purpose of dispatching, monitoring and recording emergency and non-emergency law enforcement, fire, and emergency medical services incidents and activities, and other incidents as deemed necessary by **MMCC** and permitted as allowable by **BBCCC**. This **Agreement** refers only to services outlined in this **Agreement** and does not include equipment, software, hardware or any support of equipment, software or hardware, unless specifically noted within this **Agreement**. This **Agreement** is limited to services provided in supporting the CAD operation by the **MMCC** and its' user agencies and does not include provisions for information technology support by the City of Bismarck. Information technology support by the City of Bismarck shall be governed under a separate agreement.

BBCCC and **MMCC**, when used together will be referred to as "**Parties**".

General Information

A. Term of the CAD Services and Use Agreement

The initial term of this **Agreement** is for five (5) years, beginning January 1, 2014 and ending December 31, 2018. The **Agreement** may be renewed for additional one (1) year terms with no limit, subject to the **Parties** agreement on fee adjustments for the continued provision of services outlined in this **Agreement**.

B. Payment of Annual Fee.

BBCCC, through the City of Bismarck Finance Department, shall invoice **MMCC** for its share of the central maintenance fee, within 30 days prior to December 31st. **MMCC** shall be responsible to pay its share of the central maintenance fee on an annual basis, within 30 days after the 1st of each year, beginning in 2015. Payment of the invoice to the City of Bismarck Finance Department indicates that **MMCC** has renewed and agrees with the ongoing terms of this **Agreement**.

For specifics on fees, see subsection G.

C. Renewal and Termination of Dispatching Services Agreement.

1. Renewal/Termination.

This **Agreement** shall be in effect through December 31, 2018. Review of fees will take place before March 31 of each year for the following budget year. Any adjusted fee will be in effect on January 1st of the following year.

This **Agreement** may be terminated for convenience in writing by either party on or before May 1 of each year. Such written notice of termination shall be effective on December 31 of the year received.

MMCC's written notice of termination shall be mailed to:

Bismarck/Burleigh Combined Communications Center
Attention: Communications Director
P.O. Box 5503
221 N 5th St
Bismarck, ND 58506-5503

BBCCC's written notice of termination shall be mailed to:

Morton County Emergency Manager,
210 2nd Ave NW
Mandan, ND, 58554

2. Renewal Effective Date.

Renewal of the Agreement will occur on January 1, 2019 upon payment of **MMCC's** share of the central maintenance fee.

D. Cancellation of Dispatching Services Agreement for cause.

1. Cancellation by the **MMCC**: **MMCC** may cancel the **Agreement** for any material breach of this **Agreement** upon 30 day's notice to **BBCCC**. **BBCCC** shall have the 30 days to cure the breach, in which case the breach will be deemed cured that the cancellation will be rescinded. If **BBCCC** fails to cure a material breach of this **Agreement** within the allotted time, any payments made by **MMCC** will be refunded on a prorated basis. In the event of cancellation by **MMCC**, all access to **BBCCC's** systems will be suspended as of the termination date and associated software will be removed from **MMCC** equipment.
2. Cancellation by **BBCCC**: **BBCCC** may cancel this **Agreement** upon 30 calendar days notice to **MMCC**, if **MMCC** or one of its user agencies is in material breach of its obligations under this **Agreement**. In the event of cancellation by **BBCCC** regarding a security breach or threat to **BBCCC's** systems, all access by **MMCC** to **BBCCC's** systems will be immediately suspended until the threat is resolved, and may include the removal of associated software from **MMCC** equipment.

E. **MMCC** Responsibilities: **MMCC** shall:

1. Be responsible for receiving, processing and dispatching 9-1-1 and non-emergency incidents occurring in Morton County.
2. Pay all fees, including fees for interface development billed by SunGard and for maintenance support for any interface developed for **MMCC**, as well as any support or maintenance fees under separate agreement relating to services provided under this **Agreement**. **MMCC** shall also be responsible for any billable information technology support services provided by the City of Bismarck.
3. Ensure law enforcement personnel comply with all necessary requirements for access to criminal justice information records.
4. Coordinate any changes in response configuration, systems access, and unit or assignment changes with the **BBCCC** Communications Director.
5. Maintain entries for the personnel module in the SunGard system for unit assignment.
6. Timely provide the **BBCCC** Communications Director any changes in corporate boundaries to include new developments, additions, annexations or roadway vacations in Morton County, or within the corporate limits of any city or town within Morton County. **MMCC** shall also ensure electronic data is available to Geographic Information Systems (GIS) personnel in the City of Bismarck, with **MMCC** ensuring appropriate adjustments are made to fit new data within existing boundaries.
7. Require **MMCC** personnel to participate in initial CAD training provided by **BBCCC**. **MMCC** shall consider requiring a minimum number of hours of practice by **MMCC** operator personnel in the CAD training module prior to the go-live date.

8. Maintain as confidential, any addresses, telephone numbers and/or any other information relating to personnel information found within CAD files to include the personnel module, unit assignment information, special premise information, rolodex, or any other module containing information relating to personnel of any Burleigh County response agency.
9. Maintain responsibilities for MSAG and 9-1-1 database provisioning for Morton County.
10. Observe and follow any **BBCCC** security protocols or policies regarding use of the **BBCCC** systems. **MMCC** will immediately notify **BBCCC** of any suspected breach of security or other misuse of the **BBCCC** systems.
11. Comply with this **Agreement** and any software licensing agreement(s) entered into by **BBCCC** that is used by **MMCC**.

F. **BBCCC** Responsibilities: **BBCCC** shall:

1. Be responsible for receiving, processing and dispatching 9-1-1 and non-emergency incidents occurring in Burleigh County.
2. Provide for the initial training of **MMCC** operators in use of CAD. The format shall be determined by **BBCCC** and the schedule will be upon agreement of the **Parties**. No more than four courses will be provided and each course will not exceed four hours.
3. Build and maintain all files associated with the configuration for **MMCC** operations, except for entry into, or maintenance of, the personnel module specific to law enforcement agency.
4. Consider development of unique codes for use by **MMCC**, if deemed necessary.
5. Assist **MMCC** on the targeted go-live date to help answer questions or resolve immediate problem issues. After the go-live date, on-duty **BBCCC** personnel will assist in providing telephone assistance through the **BBCCC** if needed.
6. Coordinate the relationship between SunGard Public Sector and the provider of any interfaced systems through this **Agreement**.
7. Keep **MMCC** apprised as to the status of **BBCCC**'s relationship with SunGard, its products and the ongoing use of those products. **BBCCC** will attempt to include **MMCC** in future product discussions aimed at identifying a timeframe for total system replacement.
8. Maintain as confidential, any addresses, telephone numbers and/or any other information relating to personnel information found within CAD files to include the personnel module, unit assignment information, special premise information, rolodex, or any other module containing information relating to personnel of any Morton County response agency.

G. Fees

The **MMCC** shall be responsible for the following:

- 15% of central maintenance costs, annually, for systems used by **MMCC**.
- 100% of development or maintenance costs for any billable SunGard support for interfaces to Morton/Mandan systems (ex. mapping, records management systems, billing systems, etc).
- 100% of any licensed mobile data services software and any support or maintenance fees associated with that software installed to be used by **MMCC** or its user agencies. *

* **Note:** Information technology support services provided by the City of Bismarck in specific support of mobile data services software, if implemented, will be billed under separate agreement.

A review of annual maintenance fees will be completed by BBCCC each spring and provided to all system users for use in agency budgeting for the following budget year.

Complaints and/or Level of Service Maintenance

Any complaints regarding the services provided by **BBCCC** to **MMCC** under this **Agreement** shall be directed to the **BBCCC** Communications Director. Any complaints regarding the **MMCC** or its user agencies' use under this **Agreement** shall be referred to the Morton County Emergency Manager. If resolution is not found between the **BBCCC** Communications Director and the Morton County Emergency Manager, a meeting will be held with the **BBCCC** User Board Chairman and the Morton County Commissioner holding the **MMCC** portfolio, inclusive of the Department Heads to determine final resolution.

Liability

Each **Party** to this **Agreement** represents and warrants to the other that it has and shall maintain in effect adequate liability insurance, workforce safety, and other appropriate forms of insurance coverage sufficient to generally protect the respective **Parties** to this **Agreement** and their employees in carrying out the objectives of this **Agreement**. Each **Party** to this **Agreement** agrees to be responsible for its own negligent acts and the negligent acts of its respective officers, officials, employees or agents.

General Terms and Conditions

- A. **Modification of CAD Services and Use Agreement:** No alteration or other modification of this **Agreement** shall be effective unless the modification is in writing and signed by the **Parties**.
- B. **Binding Effect:** This **Agreement** shall be binding on and shall inure to the benefit of the parties and their successors and assigns. This **Agreement** may not be assigned by **MMCC** without the written consent of **BBCCC**.
- C. **Integration:** This **Agreement** contains the entire agreement of the **Parties**, and supersedes and merges any and all prior verbal or written agreements.
- D. **Governing Law:** This **Agreement** shall be construed in accordance with and governed by the laws of the State of North Dakota. If any provision of this contract is held to be unenforceable by a court of competent jurisdiction, the remainder of this **Agreement** shall remain in full force and effect.
- E. **Status of Employees:** In the performance of the services to be rendered under this **Agreement** **BBCCC** employees shall always be considered to be the employees of **BBCCC** and not of **MMCC**. Employees of **MMCC** shall at no time or under any circumstances be considered to be an employee or agent of **BBCCC**, and are not authorized to undertake or engage in any acts on behalf of **BBCCC**.

MORTON COUNTY, Morton/Mandan Communications Center

Dated this _____ day of December, 2013.

Attest:

By: _____
Morton County Auditor

By: _____
Chairman
Morton County Commission

By: _____
Mandan City Administrator

By: _____
Mayor
Mandan City Commission

BURLEIGH COUNTY, Bismarck/Burleigh Combined Communications Center

Dated this _____ day of December, 2013.

Attest:

By: _____
Burleigh County Auditor

By: _____
Chairman
Burleigh County Commission

By: _____
Bismarck City Administrator

By: _____
Mayor
Bismarck City Commission

BISMARCK/BURLEIGH COMBINED COMMUNICATIONS CENTER USER BOARD

Dated this _____ day of December, 2013.

By: _____
Chairman

Communications Advisory Committee
Meeting

(Minutes in italics and blue print)

November 26, 2013

Agenda:

1. Review/Discuss Memorandum of Understanding
 2. Advisory Committee vote to approve or amend MOU and present to City of Mandan Commission the addition of a Metro Ambulance representative to the Advisory Committee
 3. Allowable 911 Fund Expenditures
 4. Discuss Emergency Reporting and Bulberry Mapping Interface
 5. Discuss being a user of the State/CJIS Records Management System (Motorola's Premier1)
 6. Discuss mobile licensing and maintenance costs
 7. Miscellaneous Costs
 8. Total Costs
 9. Dispatch Impact
 10. Review and discuss PROS & CONS of:
 - a. Become a user of BBCCC's CAD
 - b. Go through a Request for Proposal process for a CAD system
 11. Advisory Committee vote to become a user of BBCCC's SunGard CAD or go through a Request for Proposals process to identify a CAD system for adoption
-
1. Review & Discuss Memorandum of Understanding – Morton/Mandan Combined Communications Center:
 7. An aAdvisory eCommittee will be formed consisting of the Mandan Fire Chief, Mandan Police Chief and the Morton County Sheriff to oversee the operations of the Center.
 8. The Advisory Committee may deem it appropriate to add or remove members subject to approval by the Morton County Commission and Mandan City Commission.
 9. Recommendations formed by this the Advisory eCommittee will be presented by the Morton County E-9-1-1 Coordinator/Communications Director to the Morton County Commission and the City of Mandan Commission for approval when appropriate.

10. Quarterly progress reports will also be provided to both commissions by the [Morton County E-9-1-1 Coordinator](#)/Communications Director.

15. This agreement will be in full force and in effect for 3 years from the date of this agreement and automatically renewed on a yearly basis unless either party gives 180 day notice of termination and then renewable by either party.

2. Advisory Committee vote to approve or amend/revise wording of MOU and present to City of Mandan Commission the addition of a Metro Ambulance representative to the Advisory Committee:

Yes – *Fire Chief Steve Nardello, Police Chief Dennis Bullinger and Sheriff Dave Shipman*

3. Allowable 911 Fund Expenditures:

p. The apportioned share of costs, based on emergency services communications use, of commercial and custom software, hardware, maintenance, and programming for database provisioning, addressing, geographical information systems (GIS), computer-aided dispatch (CAD), time synchronization, or automatic location identification within the PSAP and responding vehicles.

- In talking to Terry Traynor, NDACO & ESC3 Board Member, cost of interfaces would fall under “Custom Software” and eligible.
- Cost of a maintenance share would be covered under “CAD”.
- Cost of IT Support to CAD is eligible.
- Cost of being a user of the state’s Premier1 Records Management (\$25.00 per officer per month) eligible at a 50% cost share.
- Cost of mobile licenses, maintenance and air cards would not be eligible for expenditure from the 911 Fund.

4. Bulberry & Emergency Reporting Interface:

Interface = \$15,000

Annual Maintenance = \$1,500

911 Fund Expenditure - \$16,500

5. Discuss being a user of the State/CJIS Records Management System (Motorola’s Premier1):

Does the Morton County Sheriff’s Office and Mandan Police Department desire to

become a user of the State/CJIS Records Management System (Motorola's Premier1) and could you obtain 50% of the needed funding (\$25.00 per officer per month) prior to the 2015 budget cycle for April 2014 – but allow time for the interface – so June - December 2014?

Morton County Sheriff's Office – 25 Officers *\$25 *7 / 50% = \$2,187

Mandan Police Department – 35 Officers *\$25 *7 / 50% = \$3,062

911 Fund = \$5,250

Total User Costs for Motorola's Premier1 RMS = \$10,499

(Both Police Chief Bullinger and Sheriff Shipman want to become users of the State's Records Management System (RMS) (Motorola's Premier1)

6. Mobile Licensing and Maintenance Costs:

Mobile costs will be assumed by the users i.e., Morton County Sheriff's Office, Mandan Police Department and Mandan Fire Department.

SunGard Mobile License = \$950

SunGard Annual Maintenance = \$190 per year (pro-rated for 7 months = \$110.81)

Total startup and one year = \$1,060.81

Morton County S.O. (20 * \$1,060.81 = \$21,216.20)

Mandan P.D. (6 * \$1,060.81 = \$6,364.86)

Mandan Fire Department (4 * \$1060.81 = \$4,243.24)

Total = \$31,824.30

7. Miscellaneous Costs:

Annual Maintenance Share (911 Fund) = \$5,670

Bismarck IT Department (911 Fund)

\$28.25 * 12 = \$339.00

8. Totals:

a. 911 Fund - \$28,759

b. City of Mandan - \$14,170.10

c. Morton County - \$23,903.20

Total = \$66,832.30

9. Dispatch Impact:

If we were to go live with a CAD, how would you propose information from a CAD, system i.e., SunGard or other system be transferred to Cop Desk?

All three committee members believe that dispatchers can do all three programs: 1) SunGard CAD, 2) Cop Desk and 3 Emergency Reporting. I injected - it is when dispatch becomes busy that three programs would need to be managed. The committee's response was that dispatch could do the input when activity slows.

(Note: Dispatch management of three systems would be necessary until interfaces are done and compatibility is established from SunGard to Emergency Reporting, Premier 1 and Bulberry.)

Sheriff Shipman offered to assume responsibility for and have office staff input Cop Desk complaint screens for the 24/7 Program.

It was unknown whether incoming administrative phone calls would auto-populate the SunGard CAD and it was assumed that 911 phone calls would auto-populate an incident screen. Upon following up with Mike Dannenfelzer it was learned that nothing auto-populates and that dispatchers do all the data entry.

Would the Morton County Sheriff's Office and Mandan Police Department rather wait until Premier1 was on-line (April 2014) before adopting a CAD system?

Steve Nardello was adamant that the Mandan Fire Department needs a CAD sooner than April, that going with BBCCC's CAD is a temporary fix and that he is not intent on using SunGard but that they could start using it soon.

Chief Bullinger and Sheriff Shipman would not expend funds for mobile units until the interface is ready with Premier1 and possibly not then due to budget constraints.

It was discussed that Mike Dannenfelzer should be invited to planned CAD demonstrations.

10. a. BBCCC SunGard - PROs & CONs

PROs

*IMMEDIATE – NOW
DATA SHARING W/BBCCC
COST LOWER THAN OTHER OPTIONS
CAN TRAIN DISPATCH W/ON-LINE SYSTEM
SAVE TIME ON COMPLAINT SCREENS AND E-REPORTING (WHEN INTERFACES IN-PLACE)
GOOD EXPERIENCE FOR FUTURE CAD ADOPTION*

CONS

*OLDER SYSTEM
DOUBLE INPUTS FROM CAD TO COP DESK*

*A DOS SYSTEM - FILL IN FIELDS INSTEAD OF DROP DOWNS
WOULD NOT BUY MOBILE CAPABILITY*

10. b. Request for Proposals - PROs & CONs

PROs

*WOULD BE A NEWER SYSTEM
FEAR OF MERGING WOULD GO AWAY – MAYBE
CORE REQUIREMENTS FOR ALL MORTON/MANDAN RESPONDERS WOULD BE MET
LONGER TERM – WONT REQUIRE INTERIM TRANSITIONS*

CONs

*HIGHER COST
LOSE DATA THAT WOULD BE SHARED BETWEEN BISMARCK AND MANDAN
REQUIRE INCREASED CAPITAL OUTLAY*

11. Advisory Committee vote to become a user of BCCCC's SunGard CAD or go through a Request for Proposals process to identify a CAD system for adoption

The vote was unanimous to pursue becoming a user of BCCCC's SunGard CAD.

As Communications Director it is my responsibility and I will present proposals to the Morton County Commission on December 10, 2013 and the City of Mandan Commission on December 3, 2013.

The morning after the meeting Mike Dannenfelzer stated his intention to present the proposal to both the Bismarck and Burleigh Commissions on 16 – 17 December.

Once the Agreement is approved, Mike Dannenfelzer will be ordering the Bulberry interface and the Emergency Reporting interface so maintenance begins right away as work with SunGard will be required immediately to resolve system issues.

Approximate startup costs and other costs for 2014.

2. *Bulberry & Emergency Reporting Interface:*

Interface = \$15,000

Annual Maintenance = \$1,500

911 Fund Expenditure - \$16,500

3. *Law Enforcement use of the State's/CJIS RMS (Motorola's Premier1)*

*Morton County Sheriff's Office – 25 Officers *\$25 *7 / 50% = \$2,187*

*Mandan Police Department – 35 Officers *\$25 *7 / 50% = \$3,062*

911 Fund = \$5,250

4. Interface from SunGard to Premier1

Morton County Sheriff's Office = \$500.00

Mandan Police Department - \$500.00

911 Fund = \$1,000

5. Mobile Licensing and Maintenance

SunGard Mobile License = \$950

SunGard Annual Maintenance = \$190 per year (pro-rated for 7 months = \$110.81)

Total startup and one year = \$1,060.81

*Morton County S.O. (20 * \$1,060.81 = \$21,216.20)*

*Mandan P.D. (6 * \$1,060.81 = \$6,364.86)*

*Mandan Fire Department (4 * \$1060.81 = \$4,243.24)*

Total = \$31,824.30

6. Miscellaneous Costs

Annual Maintenance Share (911 Fund) = \$5,670

*Bismarck IT Department (911 Fund - \$28.25 * 12 = \$339.00)*

7. Cost Breakdown by Funding Source

a. 911 Fund - \$28,759

b. City of Mandan - \$14,170.10

c. Morton County - \$23,903.20

ORDINANCE NO. 1178

An Ordinance to Amend and Re-enact
Chapter 20-15-03(2) of the Mandan Code of Ordinances
Relating to ~~All Terrain~~ Off-Highway Vehicles

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

Chapter 20-15-03(2) of the Mandan Code of Ordinances is hereby amended and re-enacted to read as follows:

2. ~~All terrain~~ Off-highway vehicles owned by the state or any of its political subdivisions are exempt from the registration fees in NDCC § 39-29-03.

By: _____
President, Board of City Commissioners

Attest:

City Administrator

First Consideration: November 19, 2013
Second Consideration
and Final Passage: December 3, 2013
Publication Date: December 27, 2013

ORDINANCE NO. 1177

AN ORDINANCE CHANGING THE NAMES OF CERTAIN STREETS OR PARTS THEREOF SITUATED WITHIN THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA.

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

Section 1. Name of Street. The name of the following street is hereby changed as set forth below, namely;

1. West View Place SE as platted in Lincoln Ridge Estates 5th Addition in Section 3, Township T138N, Range R81W within the City of Mandan, Morton County, North Dakota is hereby changed to “25th Street SE”.

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

President, Board of City Commissioners

Attest:

City Administrator

Publication Dates:	_____
Public Hearing:	_____
First Consideration:	<u>November 19, 2013</u>
Second Consideration	_____
And Final Passage:	<u>December 3, 2013</u>
Publication Dates:	<u>December 27, 2013</u>
Recording Date:	_____

Board of City Commissioners

Agenda Documentation

Meeting Date: December 3, 2013

Subject: Street name change West View Place SE to 25th Street SE.

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