



**AGENDA**  
**MANDAN CITY COMMISSION**  
**DECEMBER 2, 2014**  
**ED "BOSH" FROELICH MEETING ROOM,**  
**MANDAN CITY HALL**  
**5:30 P.M.**  
**[www.cityofmandan.com](http://www.cityofmandan.com)**

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- A. ROLL CALL:  
1. Roll call of all City Commissioners.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:  
1. Consider approval of the minutes from the November 18, 2014 Board of City Commission meeting.
- E. PUBLIC HEARING:  
1. Conduct a public hearing to consider adoption of Ordinance 1188, an Ordinance to amend Title 21 of the Mandan Code of Ordinances related to Landscaping
- F. BIDS:
- G. CONSENT AGENDA:  
1. Consider for approval replat of Lot 1, Block 1, Midway 12<sup>th</sup> Addition  
2. Consider approval of games of chance for 957 MWR Committee at the Seven Seas Inn on Dec. 6, 2014.  
3. Consider the request for approval of Ambulance Service Agreement.
- H. OLD BUSINESS:  
1. Consider approval of negotiation with Stantec to enter into a contract for design engineering and pre-bid services for downtown street improvement district.
- I. NEW BUSINESS:  
1. Presentation by Mike Manstrom, Dougherty & Company LLC, regarding the sale of \$6,095,000 Refunding Improvement Bonds of 2014, Series B. (See Resolutions #3)  
2. Consider authorization of ad for bid for Mandan Wastewater Treatment Plant Optimization project

*Agenda  
Mandan City Commission  
December 2, 2014  
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J. RESOLUTIONS AND ORDINANCES:

1. First consideration of Ordinance No. 1188, an Ordinance to amend Title 21 of the Mandan Code of Ordinances related to Landscaping.
2. Consider Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Clean Water Act.
3. Consider Resolution Awarding Sale of Warrants and Bonds for \$6,095,000 Refunding Improvement Bonds of 2014, Series B.
4. Introduction and first consideration of Ordinance 1195, An Ordinance to Amend and Re-enact Chapter 4-09 of the Mandan Code of Ordinances Relating to City Employee Pension Plan.

K. OTHER BUSINESS:

L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. December 8, 2014 – Special Meeting – Monday 6:30 p.m.
2. December 16, 2014
3. January 6, 2015
4. January 20, 2015

M. ADJOURN

**Public Communication**

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

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

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The Mandan City Commission met in regular session at 4:00 p.m. on November 18, 2014 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Laber, 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, Assessor Shaw, and Building Official Lalim. Absent: Business Development and Communications Director Huber.

2. *Employee Service Awards:* Mayor Van Beek extended a thank you to employees for their years of service and presented the following awards:

40 YEARS OF SERVICE:

John Charvat            Firefighter

35 YEARS OF SERVICE:

Leatrice Miller        Reference/Interlibrary Loan Assistant

Henry Hurst            Street Maintenance Superintendent

30 YEARS OF SERVICE:

Karri Motl              Senior Accounting Technician

25 YEARS OF SERVICE:

Scott Stromsodt       Police Lieutenant

20 YEARS OF SERVICE:

Kelly Steckler        Library Director

Cheryl Kroh            Records Technician

Tim Meidinger        Utility Operator I

Jim Jeromchek        Firefighter

Steve Kilen            Fire Captain

15 YEARS OF SERVICE:

Adam Mork             Firefighter

10 YEARS OF SERVICE:

DeNae Kautzmann    Municipal Judge

Jason Bier             Police Lieutenant

Shane Weltikol        Firefighter

Kevin Vetter           Mechanic

5 YEARS OF SERVICE:

Larry Ripplinger     Building & Grounds Worker

Matthew Hennessy    Firefighter

Joshua Hoffer         Firefighter

Jared Gregor          Firefighter

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Kayla Steinwand	Library Page
Rick Widicker	Police Officer

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

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

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission regular meeting held November 4, 2014.* Commissioner Tibke moved to approve the minutes as presented. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

F. BIDS:

G. CONSENT AGENDA

1. *Consider approval of monthly bills.*
2. *Consider approval of liquor license for Birddog Brewing LLC at 1005 E. Main Street (within Main Street Liquor).*
3. *Consider for approval WCD No. 2 to Thirkettle Corporation for the Woodlands Estates Master Meter Installation and miscellaneous installation changes.*
4. *Consider approval for sale of obsolete audio visual equipment.*

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

H. OLD BUSINESS:

1. *Approval of Plans and Specifications and Advertisement for Bid for Street Improvement District No. 196, Mandan Industrial Park. (Resolution and Ordinances No. 3 and 4).* Planning & Engineering Director Froseth stated that on March 4, 2014, the City Commission approved the creation of Street Improvement District No. 196 and approved the Engineer's report and resolution of necessity for that district. On April 15, 2014, the Mandan City Commission approved the Resolution determining insufficiency for protest for that district. This project was put out for bids in May and no bids were received. A number of feedbacks were provided from potential bidders addressing various concerns. All those concerns have been addressed including the timing which is why the bid request comes before you now in order to get ahead of other projects that will come forward in

the spring for contractors to bid on. Director Froseth stated that all property owners have been invited to a meeting to discuss temporary access and put forward a plan that will work for them. The anticipated bid opening would be December 23, 2014; approval to award bid at the City Commission meeting on January 6, 2015; substantial completion of the project by October 31, 2015 and seal coat of asphalt paved streets by July 7, 2016.

I. NEW BUSINESS:

1. *Consider Growth Fund Committee recommendation for Storefront Improvement application at 1000 E Main St (Dairy Queen).* City Administrator Neubauer presented a request for a storefront improvement matching funds from Mike Wieland of Casecon Properties and MKDQ, Inc., dba Mandan Dairy Queen. Mr. Wieland is planning exterior improvements to the building in the amount of \$150,721 and he is seeking \$30,000 in matching funds, not to exceed 50% of actual expenditures. The Mandan Growth Fund and the Mandan Architectural Review Commission have both met and recommend approval of this amount. Administrator Neubauer provided photos of the project for review by the Commission. Mr. Wieland was present to answer any questions.

Commissioner Laber moved to approve the Storefront Improvement application at 1000 E Main St (Dairy Queen) at a 50% match rate to the actual investment for up to \$30,000 in matching funds to be provided as a forgivable loan upon project completion.

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

2. *Consider Renaissance Zone Committee recommendations:* City Administrator Neubauer stated that these matters are related to the Mandan Dairy Queen:

(i) *Rehab of 1000 E Main St by Casecon Properties, Inc.*

Mike Wieland is planning a project on the interior of the building that will bring the total amount of the project to \$179,541. Administrator Neubauer explained how the Renaissance Zone Project and pertinent tax exemptions pertain to the applicant's request. The total exemption amount for the 5-year property tax exemption is estimated to be \$4,000 per year for a 5-year total of \$20,000. The state income tax exemption is estimated to be \$5,500 annually or \$27,500 for 5-year total. The Renaissance Zone Committee voted 6-0 for the exemption for Casecon Properties for rehabilitation of 1000 East Main Street as a Renaissance Zone project with a 5-year 100% property tax exemption and a 5-year 100% state income tax exemption.

(ii) *Lease of 1000 E Main St. by MKDQ, Inc. (dba Dairy Queen)* - this is a 5-year income tax exemption.

Commissioner Laber inquired if the ADA automatic door is part of the plan? City Administrator Neubauer stated the door will be installed on the east side of the building.

Commissioner Rohr moved to approve the application by Casecon Properties for rehabilitation of 1000 East Street as a Renaissance Zone project with the 5-year 100% property tax exemption and the 5-year 100% state income tax exemption. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner

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Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

Commissioner Rohr moved to approve the application by MKDQ, Inc. for lease of space at 1000 East Main Street, a building being rehabilitated as a Renaissance Zone project, with a 100% 5-year 100% state income tax exemption. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *Second consideration and final passage of Ordinance 1192 amending the language contained in Mandan Code of Ordinances relating to minor subdivision procedures.* Commissioner Tibke moved to approve the Second consideration and final passage of Ordinance 1192 amending the language contained in Mandan Code of Ordinances relating to minor subdivision procedures. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Second consideration and final passage of Ordinance 1193 amending the language c contained in the Mandan Code of Ordinances relating to terms of office for members of the Planning and Zoning Commission and clarifying who can be appointed to the Planning and Zoning Commission by the mayor.* Commissioner Laber moved to approve the Second consideration and final passage of Ordinance 1193 amending the language c contained in the Mandan Code of Ordinances relating to terms of office for members of the Planning and Zoning Commission and clarifying who can be appointed to the Planning and Zoning Commission by the mayor. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Resolution approving plans and specifications for Street Improvement District No. 196, Mandan Industrial Park.* Commissioner Rohr moved to approve the Resolution approving the Plans and Specifications for Street Improvement District No. 196, Project No. 2014-14, Mandan Industrial Park. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Resolution approving advertisement for bid for Street Improvement District No. 196, Mandan Industrial Park.* Commissioner Rohr moved to approve the Resolution approving the Advertisement for Bid for Street Improvement District No. 196, Project No. 2014-14, Mandan Industrial Park. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

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K. OTHER BUSINESS

There being no further actions to come before the Board of City Commissioners, Commissioner Braun moved to adjourn the meeting at 4:26 p.m. Commissioner Laber seconded the motion. The motion received unanimous approval of the members present. The motion passed.

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James Neubauer,  
City Administrator

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Arlyn Van Beek,  
President, Board of City  
Commissioners



# Board of City Commissioners

## Agenda Documentation

MEETING DATE: December 2, 2014  
 PREPARATION DATE: November 25, 2014  
 SUBMITTING DEPARTMENT: Engineering & Planning  
 DEPARTMENT DIRECTOR: Justin Froseth  
 PRESENTER: Robert Decker, P.E., Principal Planner  
 SUBJECT: Conduct a public hearing to consider adoption of Ordinance 1188, an Ordinance to amend Title 21 of the Mandan Code of Ordinances related to Landscaping

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**STATEMENT/PURPOSE.** Current landscaping requirements are limited to certain zones or specific uses. The proposed language establishes landscaping requirements for all properties within the city.

**BACKGROUND/ALTERNATIVES.**

There are landscaping requirements for some uses and certain zones such as the Gateway Overlay Zone. It has been recommended that there be a universal requirement for landscaping on all property within the city.

The Mandan Community Beautification Committee has prepared Ordinance 1188 for consideration.

One issue that was discussed is whether or not there should be a requirement that the owner of each lot in a new subdivision plant at least 1 tree. Bismarck requires landscaping for multi-family (3 or more units), commercial, institutional, industrial and parking. There are detailed requirements for number and type of trees and shrubs. The language in the proposed ordinance does not require trees or shrubs until the area to be landscaped exceeds 5,000 square feet.

Since the proposed ordinance amends Title 21, the Planning and Zoning Commission was asked to review and comment on the ordinance. The ordinance was presented at the October 27, 2014, P & Z meeting. The ordinance was well received and there were no suggestions for any language changes. The Planning and Zoning Commission took formal action to recommend that Ordinance 1188 be adopted.

The Mandan Architectural Review Commission was also asked to review and comment on the ordinance. The ordinance was discussed at their October 28, 2014 meeting. They were supportive of the ordinance as drafted.

The Mandan Community Beautification Committee voted at their November 13, 2014 meeting to recommend approval of Ordinance 1188.

**Close public hearing and move to agenda item Resolutions and Ordinances No. 1**

**ORDINANCE NO. 1188**

**DRAFT FOR CONSIDERATION**

***Proposed New Language***

**Section 21-03-11 Landscaping.** In addition to the requirements contained elsewhere in this title related to specific uses or districts, the following requirements shall apply to all property within the city. If these requirements conflict with the requirements for specific uses or districts, the requirements for specific uses or districts shall apply.

**1. Time limit.** Each lot or parcel of land shall be landscaped within one year of issuance of a certificate of occupancy or within 2 years of issuance of a building permit if a certificate of occupancy has not been issued.

**2. Landscaping includes but is not limited to:**

- a. Grass that is maintained in a healthy condition;
- b. Trees, shrubs, flowers, ground cover and other cultivated vegetation that are maintained in a healthy condition;
- c. Walking paths or maintained trails;
- d. Decorative walls or retaining walls; and
- e. Rocks, ornamental structures or seating.

**3. Landscaping does not include:**

- a. Unmaintained areas containing weeds or grasses;
- b. Paved parking and driveway areas;
- c. Gravel or dirt surfaces; and
- d. Areas used for the display of merchandise.

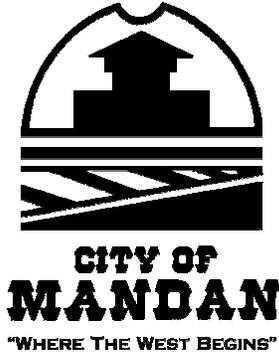
**4. Zoning district criteria.**

- a. For lots with residential structures containing 1 to 4 dwelling units, the requirement applies to every area of the lot not covered by structures or paving.
- b. For lots containing multi-family (greater than 4 dwelling units), commercial and industrial structures, a landscaping plan shall be submitted to and approved by the MARC prior to issuance of a grading or building permit.
- c. For lots within multi-family and commercial districts containing multi-family structures with more than 4 dwelling units or commercial structures, the requirement applies to the front yard setback and the rear yard or side yard setback bordering a residential zoned property. The requirement is the lesser of:
  - (1) At least 50% of the yard setback areas must be landscaped; or
  - (2) At least 10% of the developable lot area must be landscaped.When determining developable area, areas with steep slopes or low areas subject to constant or frequent inundation may be excluded from the calculation.

- d. For lots in industrial districts the requirement applies to the front yard setback and the rear yard or side yard setback bordering a residential zoned property. The requirement is the lesser of:
  - (1) At least 25% of the yard setback areas must be landscaped; or
  - (2) At least 5% of the developable lot area must be landscaped. When determining developable area, areas with steep slopes or low areas subject to constant or frequent inundation may be excluded from the calculation.
- e. Large commercial and industrial lots. For commercial and industrial lots where the landscaping area requirement exceeds 5,000 square feet, trees or shrubs must be included in the landscaped area per the requirements of Chapter 14-01 administered by the Mandan Architectural Review Commission.

**5. Enforcement.**

- a. Any authorized city employee or agent of the city may issue a notice of violation to a property owner. The notice of violation shall state the requirements to bring the property into compliance and shall set a time limit for accomplishing compliance.
- b. Once the property owner has brought the property into compliance, the property owner shall contact the city and arrange for an inspection to document compliance.
- c. When the city is satisfied that the lot has been brought into compliance, the city will issue a written letter acknowledging compliance and rescinding the notice of violation.
- d. Should the property owner fail to bring the property into compliance within the specified timeframe, the city may grant a time extension for good cause or cite the property owner into municipal court.
- e. Once the city has cited the property owner into municipal court, each day that the property remains in non-compliance is considered a separate violation.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** December 2, 2014  
**PREPARATION DATE:** November 25, 2014  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Robert Decker, P.E., Principal Planner  
**SUBJECT:** Consider for approval replat of Lot 1, Block 1, Midway 12th Addition

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STATEMENT/PURPOSE:

Request is to split lot so eastern portion can be combined with lot to the north.

BACKGROUND/ALTERNATIVES:

New shop condos have been constructed on the western portion of this lot. Bill Barth Ford will use the eastern portion of the lot for parking.

This replat meets the criteria recently approved for a minor plat that allows staff to review and then forward the plat to the city commission for approval. Staff has reviewed the submittal along with Interstate Engineering staff. Additional details are as follows:

1. Not all easements are shown but the document contains a note stating that the replat is subject to all easements of record.
2. There are no utility facilities crossing the northern boundary of the eastern portion of this plat so there are no restrictions on access between this parcel and the parcel to the north.
3. The engineer has provided a statement that the proposed owner of the eastern portion of this property is the owner of the lot to the north (Lot 1, Block 1, Ramblewood 6<sup>th</sup> Addition). These lots will be linked in county records so that they cannot be sold separately.
4. The engineer has provided an updated drainage plan.
5. Lot 2B, Block 2 of Midway 12<sup>th</sup> Addition will also be sold to the owner of the lot to the north. These lots will also be linked.

ATTACHMENTS:

1. Location Map
2. Plat Map

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

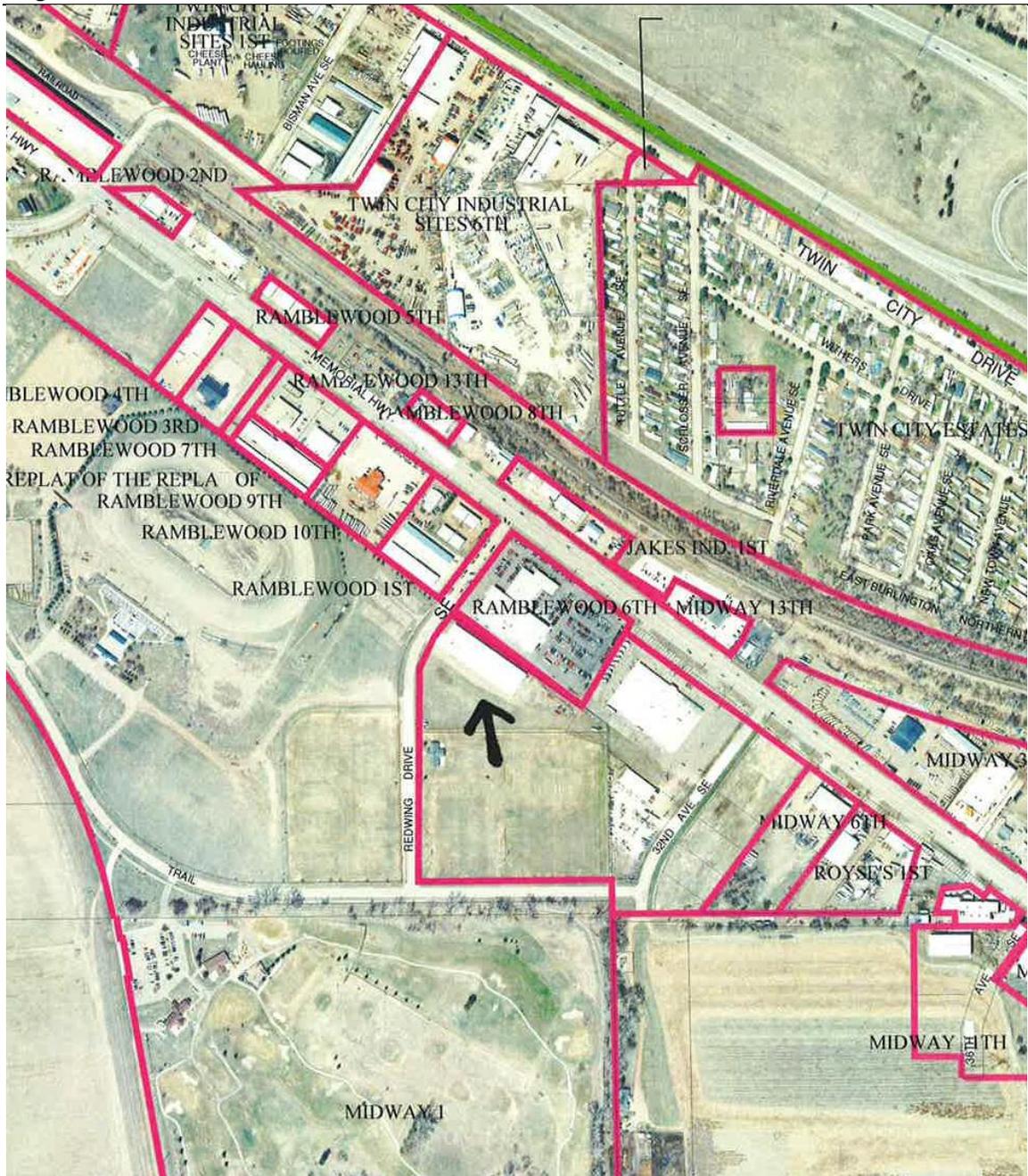
LEGAL REVIEW: All of my commission data has been forwarded to the City Attorney for his review.

RECOMMENDATION:

Recommend approval.

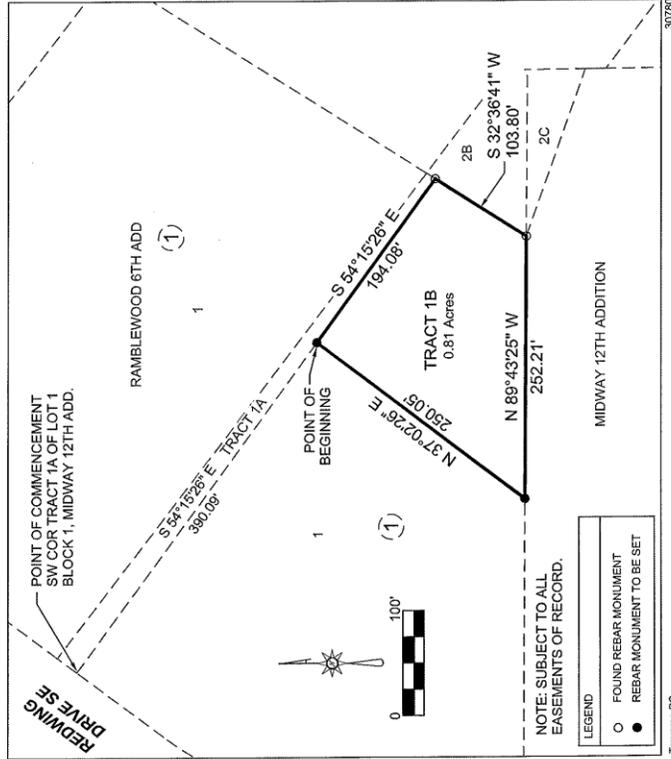
SUGGESTED ACTION:

Move to approve replat of Lot 1, Block 1, Midway 12<sup>th</sup> Addition.



### PLAT OF IRREGULAR DESCRIPTION

Tract 1B of Lot 1, Block 1  
 Midway 12th Addition, NW1/4 Section 36, Township 139 North, Range 81 West  
 Present Owner: Redwing Drive, LLC



Tract 1B of Lot 1, Block 1  
 Midway 12th Addition, NW1/4 Section 36, Township 139 North, Range 81 West, described as follows: A tract of land being a part of Lot 1, Block 1, Midway 12th Addition of the City of Mandan, Morton County, North Dakota being more particularly described as follows:

Commencing at the southwest corner of Tract 1A of Lot 1, Block 1, Midway 12th Addition of the City of Mandan, Morton County, North Dakota; thence South 54° 15' 26" East along the south boundary line of said Tract 1A, for 390.09 feet to the Point of Beginning; thence South continuing 54° 15' 26" East along said south boundary line for 194.08 feet to the southeast corner of said Tract 1A, said point also being on the east boundary line of said Lot 1; thence South 32° 36' 41" West along said east boundary line for 103.80 feet to the southeast corner of said Lot 1; thence North 89° 43' 25" West along the south boundary line of said Lot 1 for 252.21 feet; thence North 37° 02' 26" East for 250.05 feet to the Point of Beginning. Said tract of land containing 35319 SqFt (0.81 Acres), more or less.

Board of City Commissioners  
 Agenda Documentation  
 Meeting Date: December 2, 2014  
 Subject: Replat of Lot 1, Block 1, Midway 12<sup>th</sup> Addition  
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**THE UNDERSIGNED**, Owners of the within described property in accordance with the provisions of Sec. 57-0239, Revised Code of 1943, and upon demand of the County Auditor of Morton County, North Dakota have caused to be made the within and foregoing plat of said land with the lots as herein described, and have caused the same to be placed on record as provided by law.

Ryan Beck  
 Ryan Beck

STATE OF NORTH DAKOTA )  
 County of Morton ) ss

I, Cheryl A. Miller, a notary public within and for said County, do hereby certify that on this 12<sup>th</sup> day of November, 2014, personally appeared before me Ryan Beck, to me well known to be the same person described in and who executed the within and foregoing instrument and acknowledged that he executed the same freely and voluntarily.

Cheryl A. Miller  
 Cheryl A. Miller  
 Notary Public  
 State of North Dakota  
 My Commission Expires Sept. 14, 2018  
 9.14.2019

I, Andra L. Marquardt, North Dakota Registered Land Surveyor No. 4623, hereby certify that I have caused to be surveyed by forces under my supervision the property described hereon and I have prepared the accompanying plat; further, that distances indicated hereon are in feet and hundredths thereof, and bearings are indicated in quadrants and degrees, minutes, and seconds thereof; further, that said plat does truly show the survey to the best of my knowledge and belief.

Andra L. Marquardt  
 Andra L. Marquardt  
 LAND SURVEYOR  
 No. 4623  
 NORTH DAKOTA

State of North Dakota )  
 County of Morton ) ss

On this 12<sup>th</sup> day of November, 2014, there appeared before me Andra L. Marquardt, known to me to be the person whose name is subscribed to the above certified and did acknowledge to me that she executed the same as her own free act and deed.

Ronald W. Manchester  
 Ronald W. Manchester  
 Notary Public  
 State of North Dakota  
 My Commission Expires July 6, 2019

**CERTIFICATE OF APPROVAL**

I, Erin K. Koe, City Engineer for the City of Mandan, North Dakota, hereby approves "Tract 1B of Lot 1, Block 1, Midway 12th Addition," City of Mandan, North Dakota as shown on the annexed plat.

Dated: 11/2/14 City Engineer

Erin K. Koe  
 ERIN K. KOE  
 REGISTERED PROFESSIONAL ENGINEER  
 FE - 5837  
 11/2/14  
 NORTH DAKOTA



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

Consent No. 2

Type:  Local Permit \*  Charity Local Permit

Permit Number  
2014-64

Name of Organization 957 Mwr Committee		Date(s) Authorized (Read instruction 2)		
Contact Person Lorna Meidinger	Business Phone Number (970) 218-0042	12/6/2014 to 12/6/2014		
Mailing Address 4200 East Divide Avenue		City Bismarck	State ND	Zip Code 58501-0000
Site Name Seven Seas Inn		Site Address 2611 Old Red Trail		
City Mandan	State ND	ZIP Code 58554-0000	County Morton	
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.				
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels*				
Restriction:				
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor <u>and</u> Office of Attorney General within 30 days of the event.				
Date 11/24/2014	Signature of: <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor <i>Jay Gruebele</i>	Printed Name of City or County Auditor Jay Gruebele		Auditor Telephone Number (701) 667-3250

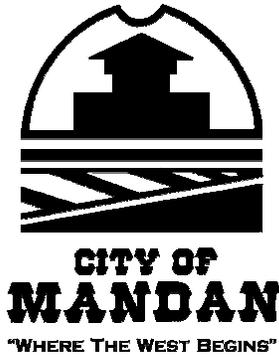
Please see the instructions on the backside of this form on how to complete the Permit.  
 For a raffle or calendar raffle, read "Information Required to be Preprinted on a Standard Raffle Ticket" below.

cut along this line

**INFORMATION REQUIRED TO BE PREPRINTED ON A STANDARD RAFFLE TICKET:**

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





# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** December 2, 2014  
**PREPARATION DATE:** November 25, 2014  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** Ambulance Service Agreement

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**STATEMENT/PURPOSE:** To consider extending the Ambulance Service Agreement by a period of 5 years pursuant to language in the agreement. The purpose of the agreement is to contract for emergency medical services to be provided to the public within the respective jurisdictions.

**BACKGROUND/ALTERNATIVES:** The parties to this agreement are the cities of Bismarck, Mandan and the counties of Morton and Burleigh along with Metro-Area Ambulance.

The agreement calls for Bismarck, Mandan, Burleigh, and Morton to exclusively assign emergency medical calls to Metro as the primary responder. Similar previous agreements have been entered into without issue.

Term of the agreement is for five years commencing January 1, 2015, terminating December 31, 2020 with a five year extension to December 31, 2015 upon mutual consent of all parties. Termination may occur with 180 day notice.

The City of Bismarck on Tuesday, November 11, approved this contract and is being considered by Burleigh and Morton Counties.

**ATTACHMENTS:** Ambulance Service Agreement

**FISCAL IMPACT:** n/a

**STAFF IMPACT:** n/a

**LEGAL REVIEW:** City Attorney Brown has reviewed in conjunction with the other entities and found no issues.

RECOMMENDATION: Police Chief Bullinger, Fire Chief Nardello and City Attorney Brown have reviewed the agreement and recommend its approval.

SUGGESTED MOTION: I move to approve the Ambulance Service Agreement as presented.

## **AMBULANCE SERVICE AGREEMENT**

The City of Bismarck, North Dakota; the City of Mandan, North Dakota; the County of Burleigh, North Dakota; and the County of Morton, North Dakota, hereby agree to jointly and cooperatively exercise their powers for the purpose of establishing, maintaining, contracting for, or otherwise providing for emergency medical service. This Agreement is made pursuant to all sections of the North Dakota Century Code relating to the provision of emergency medical services.

The City of Bismarck ("Bismarck"), the City of Mandan ("Mandan"), the County of Burleigh ("Burleigh"), the County of Morton ("Morton"), and Metro-Area Ambulance, Inc. ("Contractor") agree as follows:

1. **Scope of Agreement.** This Agreement governs the provision of emergency medical services by Contractor, within the jurisdictions of the political subdivisions that are parties to this Agreement, and the rights, duties, and obligations of the parties with respect to emergency medical service during the term of this Agreement.
2. **Relationship.** Contractor is an independent contractor and is not engaged in a joint venture with any of the political subdivisions, nor is Contractor an employee of any of the political subdivisions.
3. **Emergency Agreement.** In order to provide the public with and maintain adequate emergency medical service, Bismarck, Mandan, agree to exclusively assign emergency calls to Contractor as the primary responder and transportation for such calls. Burleigh, Morton emergency calls are exclusively assigned to Contractor, as per agreed upon boundaries of Contractor's service area.
4. **Dispatch.** Attachment A must be approved at a regularly convened Combined Communications Center User Board Meeting and signed by the Chairman or Vice- Chairman of the User Board. Attachment A must be approved by the Mandan Police Commissioner and signed.
5. **Services of Contractor.** Contractor agrees to:
  - a) Furnish prompt and efficient emergency medical service to all persons in need of and desiring such service on a 24-hour per day, 7 days per week schedule.

- b) Maintain an emergency medical services license issued by the State of North Dakota at all times, and comply with all laws, rules, and regulations of the State of North Dakota.
  - c) Transport all patients to the hospital of their choice, or, should a patient be unable or unwilling to indicate a preference, to the nearest appropriate hospital.
6. **Contractor's Fees.** Contractor's fees and charges to the political subdivisions for services shall be billed based on the current Medicaid fee schedule.
  7. **Liability Insurance.** Contractor shall maintain liability insurance, including professional malpractice insurance for bodily injury or death, property damage or any other loss, damage, injury, claim, or suit by any person arising out of the Contractor's operations, in the minimum amount of \$1,000,000.00 for injury or death to one person, \$2,000,000.00 for injury or death to two or more persons for each occurrence, and \$1,000,000.00 for property damage, at all times during the term of this Agreement.
  8. **Complaint Resolution.** Contractor agrees to establish and maintain procedures to resolve user complaints. Contractor must respond, in writing, to all written complaints or grievances within 30 days.
  9. **Term.** The term of this Agreement is for 5 years commencing January 1, 2015 and terminating December 31, 2020 with a five-year extension to December 31, 2025 upon mutual consent of all parties.
  10. **Prior Agreements.** This Agreement supersedes and replaces all prior agreements between any of the political subdivisions that are parties to the Agreement and Contractor, which are hereby rescinded.
  11. **Assignment.** Contractor may assign the Agreement only with the prior approval of all of the political subdivisions that are parties to the Agreement.
  12. **Termination.** This Agreement may be terminated, without cause, by any party with 180 days advanced, written notice to the other parties.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement on \_\_\_\_\_  
day of \_\_\_\_\_ 2014.

**Metro-Area Ambulance Service,  
Inc.**

By: \_\_\_\_\_  
Title: \_\_\_\_\_

**City of Bismarck:**

Attest: \_\_\_\_\_  
City Administrator  
(SEAL)

By: \_\_\_\_\_  
President  
Board of City Commissioners

**City of Mandan:**

Attest: \_\_\_\_\_  
City Administrator  
(SEAL)

By: \_\_\_\_\_  
President  
Board of City Commissioners

**Burleigh County:**

Attest: \_\_\_\_\_  
Auditor  
(SEAL)

By: \_\_\_\_\_  
President  
Board of County Commissioners

**Morton County:**

Attest: \_\_\_\_\_  
Auditor  
(SEAL)

By: \_\_\_\_\_  
President  
Board of County Commissioners

### **Attachment A**

1. Bismarck, Mandan, Burleigh, and Morton agree to provide at no charge, emergency dispatching to the Contract on a 24-hour a day basis.
2. Metro-Area Ambulance Service shall be responsible for its own radio pagers, ~~and~~ two-way radio equipment, mobile computing devices and associated maintenance.
3. Communications Centers shall receive and dispatch 911 emergency medical services calls to Contractor as per agreed upon boundaries of Contractor's service area.
4. Communications Centers shall provide two-way radio dispatching services utilizing the local ambulance frequency or other frequencies as required by Metro-Area Ambulance Service as approved through local communications protocols.
5. Bismarck/Burleigh Combined Communications Center shall provide Metro-Area Ambulance Service emergency paging for on-duty ambulances, standby crews, and administration.
6. Communications Centers shall provide the necessary record keeping information required by Metro-Area Ambulance Service for emergency calls such as:
  - a. Time call received for emergency ambulance service.
  - b. Time ambulance service responded to the emergency.
  - c. Time ambulance service arrived at scene of the emergency call and mileage.
  - d. Time ambulance service left scene of the emergency enroute to the medical facility.
  - e. Time ambulance service arrived at medical facility.
  - f. Time ambulance service completed call and back in service.
7. Communications Centers shall be responsible for the dispatch equipment maintenance located in respective communications facilities. Bismarck/Burleigh shall maintain a direct control connection to the Metro-Area Ambulance Service two-way base station.
8. Contractor agrees to coordinate in disaster planning with the parties to this Agreement.

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Chairman  
Combined Communications Center Board

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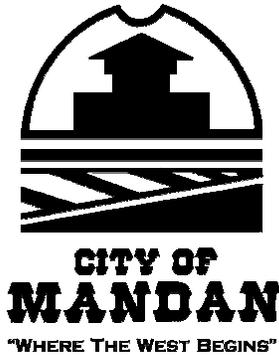
Date

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Mandan Police Commissioner

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Date



## Board of City Commissioners

### Agenda Documentation

<b>MEETING DATE:</b>	December 2, 2014
<b>PREPARATION DATE:</b>	November 25, 2014
<b>SUBMITTING DEPARTMENT:</b>	Engineering
<b>DEPARTMENT DIRECTOR:</b>	Justin Froseth
<b>PRESENTER:</b>	Justin Froseth, Planning and Engineering Director
<b>SUBJECT:</b>	Selection of Engineer for Design and Pre-bid Services for downtown Street Improvement District Project

**STATEMENT/PURPOSE:** To allow the engineering department to negotiate a contract for design engineering and pre-bid services for downtown street improvement district.

**BACKGROUND/ALTERNATIVES:** The engineering department has identified an area in downtown Mandan to conduct a street improvement district project. The boundaries of this project are generally defined at this point as the areas between 4<sup>th</sup> Avenue NE on the west, and Mandan Avenue on the east, and north of Main Street to about 4<sup>th</sup> Street (bottom of hill). This area was chosen for a couple main reasons; 1) The majority of the area's streets are categorized as unsatisfactory on the 2012 pavement condition index assessment study. 2) The Public Works department has targeted this area for its annual watermain replacements, meaning that they will already need to remove a fair amount of asphalt within this area in order to accomplish.

In October, the city advertised for solicitation of Requests for Proposals for design engineering and pre-bid services. Eight (8) proposals were submitted to the city by November 14<sup>th</sup>. Upon receiving, city staff reviewed and then scored the proposals. Upon that review and scoring, city staff is recommending to select Stantec to perform design engineering and pre-bid services for this project.

Future expected schedule of project milestones is as follows:

- December 16<sup>th</sup> – Approve engineering service agreement with selected engineer
- January 20<sup>th</sup>, 2015 – Approve assessment district and resolution of necessity followed by publishing and protest period
- March 3<sup>rd</sup> – Public hearing to determine sufficiency of protests
- April 7<sup>th</sup> – Approval of plans and specs and invitation to bid
- April 29<sup>th</sup> - Bid opening
- May 5<sup>th</sup> - Approval of low bid
- Start construction in 2015

ATTACHMENTS:

1. Map of General Area of Improvements

FISCAL IMPACT: The finance department has set aside \$75,000 in the city sales tax fund for planning of downtown SID projects given the nature of higher volumes of through traffic in downtown areas. The construction of the streets, however, would be paid for by special assessment method and assessed to benefiting properties.

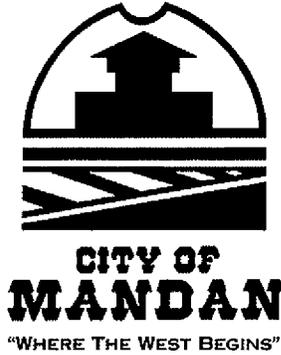
STAFF IMPACT: Will work with selected firm in all aspects of project.

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

RECOMMENDATION: Authorize engineering department to negotiate terms of agreement with Stantec for design engineering and pre-bid services for downtown street improvement district project.

SUGGESTED MOTION: I move to authorize engineering department to negotiate terms of agreement with Stantec for design engineering and pre-bid services for downtown street improvement district project.





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** December 2, 2014  
**PREPARATION DATE:** November 26, 2014  
**SUBMITTING DEPARTMENT:** Finance  
**DEPARTMENT DIRECTOR:** Greg Welch, Finance Director  
**PRESENTER:** Mike Manstrom, Dougherty & Company LLC  
**SUBJECT:** Sale of \$6,095,000 Refunding Improvement Bonds of 2014, Series B.

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#### PURPOSES

1. To authorize the sale of \$6,095,000 Refunding Improvement Bonds of 2014, Series B.
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:

- Storm Sewer Improvement District #32 (Sunset Drive NW – 8<sup>th</sup> Street NW to 14<sup>th</sup> Street NW) = \$129,844.09
- Water and Sewer Improvement District #61 (Sunset Drive NW and 6<sup>th</sup> Avenue NW – 8<sup>th</sup> Street NW to 18<sup>th</sup> Street NW ) = \$1,179,246.39
- Street Improvement District #161 (Diane’s – Various Areas) = \$3,194,051.17
- Street Improvement District #163 (Sunset Drive NW – 7<sup>th</sup> Street NW to 18<sup>th</sup> Street NW) = \$522,759.78
- Street Improvement District #174 (Plainview Heights 13<sup>th</sup> Addition – Shires Drive SE, Suffolk Drive SE, and 14<sup>th</sup> Avenue SE) = \$462,819.99
- Street Improvement District #180 (Plainview Heights 14<sup>th</sup> Addition – Shires Drive SE, Nordland Way SE, and Percheron Drive SE) = \$494,964.41
- Street Improvement District #187 (Mandan Municipal Golf Course Parking Lot and adjacent alleys in Block 47 of Southside Addition) = \$111,314.17

On November 20, 2014, Moody's Investors Service assigned an A1 rating to the City of Mandan's \$6,095,000 Refunding Improvement Bonds of 2014, Series B. Additionally, Moody's maintained the A1 rating on the City's outstanding bonds.

#### ATTACHMENTS

- Official Statement:
  - Cover Page
  - Summary
  - Notice of Sale
  - 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:

- \$15,146,092.58 for construction, engineering, legal, testing and inspection, and other expenditures.
- \$104,667.44 for bonding and financing related costs.
- Less \$2,436,771.60 from federal/state funds.
- Less \$1,563,988.42 from City funds.
- Less \$5,155,000.00 from prior financing.

The City assessed these Districts in 2014 for certification to the County by November 1, 2014 and for collection to begin in 2015. The assessment period for these Districts will be 15 years to match the term of the Bonds. The interest rate on the bonds is projected to be 2.3846% and the interest rate on the assessments is projected to be 3.8846%, no assessment 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 \$6,095,000 Refunding Improvement Bonds of 2014, Series B.

#### SUGGESTED MOTION

Move to approve the Resolution Awarding Sale of Warrants and Bonds for \$6,095,000 Refunding Improvement Bonds of 2014, Series B.

-NEW ISSUE

RATING: Moody's "\_\_\_\_"  
See "Rating" herein

*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 AND NOTICE OF SALE**

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

**\$6,095,000\* Refunding Improvement Bonds of 2014, Series B**

**Bonds Dated: December 15, 2014**  
**Minimum Bid: \$6,027,955.00**

**Principal Due: May 1, as shown below**  
**Good Faith Deposit: \$67,045.00**  
*Required of Purchaser Only*

The Bonds will be in fully registered form in the denominations of \$5,000 or any whole multiple thereof. Interest will be payable on May 1 and November 1, commencing May 1, 2015. 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-Only 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>May 1</u> <u>Maturity</u>	<u>Principal</u> <u>Amount*</u>	<u>May 1</u> <u>Maturity</u>	<u>Principal</u> <u>Amount*</u>
2015	\$ 200,000	2023	\$ 425,000
2016	450,000	2024	420,000
2017	450,000	2025	400,000
2018	450,000	2026	400,000
2019	425,000	2027	400,000
2020	425,000	2028	400,000
2021	425,000	2029	400,000
2022	425,000		

*Including Accrued Interest from December 15 until Settlement*

*\*Bidders may aggregate all or a portion of the Refunding Improvement Bonds of 2014, Series B, maturing in the years 2015-2029 into any combination of Term Bonds, subject to mandatory sinking fund redemptions 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, at par plus accrued interest.

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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. 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 not "qualified tax-exempt obligations" under Section 265 (b)(3) of the Internal Revenue Code of 1986.

**BID OPENING: TUESDAY, DECEMBER 2, 2014**  
**10:30 A.M. CDT**

**BID AWARD: TUESDAY, DECEMBER 2, 2014**  
**5:00 P.M. CDT**

**DOUGHERTY & COMPANY LLC**

120 N 3<sup>rd</sup> Street  
Bismarck, North Dakota 58501  
Telephone-701/222-1616  
Fax -701/222-4455

\*Subject to change

The Date of this Near Final Official Statement is November \_\_, 2014.

**SUMMARY**

- Authority: The Bonds are issued pursuant to the terms and provisions of the North Dakota Century Code, Chapters 40-22 and 40-27, and related chapters, as amended.
- Purpose: The purpose of the Refunding Improvement Bonds of 2014, Series B is for improvements in Street Districts (*Districts: 161, 163 174 180 and 187*); improvements in Storm District 32 and improvements in Water and Sewer District 61.
- Security: The Bonds are payable from warrants held in trust for the bondholders, which warrants are in turn payable from special assessments levied against benefited properties and any taxes or other revenues levied for that purpose. In the event special assessments are insufficient to meet principal and interest payments on the warrants, the governing body is required to levy a general tax upon all taxable property within the City for the payment of the deficiency, and may levy such tax whenever a deficiency is anticipated to occur within one year.
- Rating: “\_\_\_” Moody’s Investors Service (applied)

Bank Qualification: The Bonds will *NOT* be designated as "qualified tax-exempt obligations."

**2014 Property Values: As of December 1, 2014**

Full and True Value (100%)	\$ 1,248,739,672
Assessed Value (50%)	\$ 624,369,836
Taxable Value	\$ 57,387,850

Total Direct General Obligation Debt:	\$ 630,942
Total Special Assessment Debt, including this issue:	\$41,395,000
Total Revenue Bonded Debt:	21,926,000
Overlapping G.O. Tax Supported Bonded Debt:	<u>13,867,248</u>
Total of outstanding Debt listed:	\$77,819,190

**Population (2013 estimates): 19,887**  
**Area (square miles): 11.03**

	<b><u>Per Capita Debt</u></b>
Net Direct G.O. Debt	\$ 31.73
Net Special Assessment Debt	2,081.51
Overlapping G.O. Debt	<u>697.30</u>
Total	\$2,810.54

**PROFESSIONAL SERVICES**

**Bond Counsel**

Steven L. Vogelpohl  
 Attorney at Law  
 P.O. Box 7068  
 Bismarck, North Dakota 58507-7068  
 701/258-98479

**Financial Advisor**

Mike Manstrom  
 Dougherty & Company LLC  
 P.O. Box 2157  
 Bismarck, North Dakota 58502  
 701/222-1616

**NOTICE OF SALE**

**\$6,095,000\* REFUNDING IMPROVEMENT BONDS OF 2014, SERIES B**

**CITY OF MANDAN  
MORTON COUNTY, NORTH DAKOTA  
(Book Entry Only)**

NOTICE IS HEREBY GIVEN that these Bonds will be offered for sale according to the following terms:

**TIME AND PLACE**

Proposals will be opened by the City's Auditor, or designee, on Tuesday, December 2, 2014, at 10:30 AM CDT, at the offices of Dougherty & Company LLC, 120 North 3<sup>rd</sup> Street, Bismarck, ND 58501. Consideration of the Proposals for award of the sale will be by the City Commission at its meeting at 205 2<sup>nd</sup> Ave NW, Mandan, North Dakota beginning Tuesday, December 2, 2014 at 5:00 PM CDT.

**SUBMISSION OF PROPOSALS**

Neither the City nor Dougherty & Company LLC will assume any liability for the inability of the bidder to reach Dougherty & Company LLC prior to the time of sale specified above. All bidders are advised that each proposal shall be deemed to constitute a contract between the bidder and the City to purchase the Bonds regardless of the manner in which the proposal is submitted.

***(1) Telephone Bidding.***

Telephone Dougherty & Company LLC at (701) 222-1616.

**OR**

***(2) Submit Electronically.***

Notice is hereby given that electronic bids will be received via PARITY®. For purposes of the electronic bidding process, the time as maintained by PARITY® shall constitute the official time with respect to all bids submitted to PARITY®. *Each bidder shall be solely responsible for making necessary arrangements to access PARITY® for purposes of submitting its electronic bid in a timely manner and in compliance with the requirements of this Notice of Bond Sale (the "Notice").* The City, its agents and PARITY® shall not have any duty or obligation to undertake registration to bid for any prospective bidder or to provide or ensure electronic access to any qualified prospective bidder, and the City, its agents and PARITY® shall not be responsible for a bidder's failure to register to bid or for any failure in the proper operation of, or have any liability for any delays or interruptions of or any -damages caused by the services of PARITY®. The City is using the services of PARITY® solely as a communication mechanism to conduct the electronic bidding for the Bonds, and PARITY® is not an agent of the City.

If any provisions of this Notice conflict with information provided by PARITY®, this Notice shall control. Further information about PARITY®, including any fee charged, may be obtained from: PARITY®, 1359 Broadway, 2nd Floor, New York, New York 10018, Customer Support, (212) 849-5000.

Neither the City nor Dougherty & Company LLC assumes any liability if there is a malfunction of PARITY™ or its successor. All bidders are advised that each Proposal shall be deemed to constitute a contract between the bidder and the City to purchase the Bonds regardless of the manner in which the Proposal is submitted.

*\*Preliminary, Subject to Change*

SALE DATE Tuesday, December 2, 2014

**OFFICIAL BID FORM**  
**\$6,095,000\* REFUNDING IMPROVEMENT BONDS OF 2014, SERIES B**  
**CITY OF MANDAN**  
**MORTON COUNTY, NORTH DAKOTA**

Honorable Mayor and City Officials  
City of Mandan, North Dakota  
221 North 5th Street, City/County Office Building  
Mandan ND 58502

Honorable Mayor and City Officials:

We offer a purchase price of \$\_\_\_\_\_. (Note: This amount may not be less than \$6,027,955.00.) This bid is made subject to all the terms and conditions of the Official Notice of Sale heretofore received which is incorporated herein by reference and is made a part of the bid described herein.

**Terms of the Bonds.** The Bonds shall bear interest at the following rate or rates per annum (on a 360-day basis), from the date of delivery. The Bonds shall bear interest as follows:

<u>Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>CUSIP</u>	<u>Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>CUSIP</u>
05/01/2015	_____	_____	_____	_____	05/01/2023	_____	_____	_____	_____
05/01/2016	_____	_____	_____	_____	05/01/2024	_____	_____	_____	_____
05/01/2017	_____	_____	_____	_____	05/01/2025	_____	_____	_____	_____
05/01/2018	_____	_____	_____	_____	05/01/2026	_____	_____	_____	_____
05/01/2019	_____	_____	_____	_____	05/01/2027	_____	_____	_____	_____
05/01/2020	_____	_____	_____	_____	05/01/2028	_____	_____	_____	_____
05/01/2021	_____	_____	_____	_____	05/01/2029	_____	_____	_____	_____
05/01/2022	_____	_____	_____	_____					

*Including Accrued Interest from December 15 until Settlement*

\*The City reserves the right to adjust the issue size immediately following the opening of bids.

Our calculation of the net interest cost rate, computed in accordance with the Official Notice of Sale but not a part of the above bid, is:

Total Net Interest Cost \_\_\_\_\_ Net Effective Rate \_\_\_\_\_

Account Members:

Respectfully submitted,

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

Firm Name \_\_\_\_\_

Direct Contact and Phone Number \_\_\_\_\_

By: \_\_\_\_\_

The foregoing offer is hereby accepted this \_\_th day of December, 2014, by the City and in recognition therefore is signed by the Officers empowered and authorized to make such acceptance.

\_\_\_\_\_  
Mayor, City of Mandan

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

**Good-Faith Deposit.** In accordance with the terms of the Official Notice of Sale, we agree to wire as directed by Dougherty & Company LLC the amount of \$67,045.00 as a good-faith deposit if this bid accepted as the lowest bid.

*Continued on the next page*

The lowest bidder for the Bonds is required to submit such Deposit payable to the order of the City of Mandan in the form of a wire transfer as instructed by Dougherty & Company LLC not later than 2:00 P.M. Central Daylight Time on the day of the sale of the Bonds. If the Deposit is not so received, the bid of the lowest bidder will be rejected and the City may direct the next lowest bidder to submit a Deposit and thereafter may award the sale of the Bonds to the same. No interest on a Deposit will accrue to the successful bidder (the "Purchaser"). Deposits will be applied to the purchase price of the Bonds. In the event a Purchaser fails to honor its accepted bid proposal, the Deposit will be retained by the City. If this bid is accepted by the City, the proceeds of the good-faith deposit are to be retained by the City to be applied to the purchase price of the Bonds or in the event that we should fail to take up and pay for the Bonds in compliance with the bid described herein, the good-faith deposit will be retained by the City as full and complete liquidated damages. The amount of the good-faith deposit is to be returned to us on the failure on the part of the City to perform in accordance with the terms of the Official Notice of Sale and this bid.

**Closing and Delivery.** We agree to accept delivery of and pay for the Bonds awarded to us in federal funds or other immediately available funds on or about December 18, 2014.

**Certification of Price.** Simultaneously or before delivery of the Bonds we agree to furnish the City a certificate, in a form satisfactory to Bond Counsel, containing information sufficient to enable the City to determine the "issue price(s)" of the Bonds as defined in Section 1273 or 1274 of the Internal Revenue Code of 1986, as amended.

*(The remainder of this page has intentionally been left blank)*

CITY OF MANDAN  
COUNTY OF MORTON  
STATE OF NORTH DAKOTA

**RESOLUTION AWARDING SALE OF WARRANTS AND BONDS**

**\$129,844.09**  
**STORM SEWER IMPROVEMENT DISTRICT NO. 32**  
**\$1,179,246.39**  
**WATER AND SEWER IMPROVEMENT DISTRICT NO. 61**  
**\$3,194,051.17**  
**STREET IMPROVEMENT DISTRICT NO. 161**  
**\$522,759.78**  
**STREET IMPROVEMENT DISTRICT NO. 163**  
**\$462,819.99**  
**STREET IMPROVEMENT DISTRICT NO. 174**  
**\$494,964.41**  
**STREET IMPROVEMENT DISTRICT NO. 180**  
**\$111,314.17**  
**STREET IMPROVEMENT DISTRICT NO. 187**  
**DEFINITIVE IMPROVEMENT WARRANTS**

**\$6,095,000**  
**REFUNDING IMPROVEMENT BONDS OF 2014, SERIES B**

RECITALS

1. Pursuant to direction of the City of Mandan, North Dakota (the "Issuer") calling for bids on the sale of Issuer's \$129,844.09 Storm Sewer Improvement District No. 32 Definitive Improvement Warrant, \$1,179,246.39 Water and Sewer Improvement District No. 61 Definitive Improvement Warrant, \$3,194,051.17 Street Improvement District No. 161 Definitive Improvement Warrant, \$522,759.78 Street Improvement District No. 163 Definitive Improvement Warrant, \$462,819.99 Street Improvement District No. 174 Definitive Improvement Warrant, \$494,964.41 Street Improvement District No. 180 Definitive Improvement Warrant, and \$111,314.17 Street Improvement District No. 187 Definitive Improvement Warrant (the "Warrants") to be simultaneously exchanged for \$6,095,000 Refunding Improvement Bonds of 2014, Series B (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 2nd day of December, 2014.

ATTEST:

CITY OF MANDAN, NORTH DAKOTA

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

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

( S E A L )

The governing body of the political subdivision acted on the foregoing resolution on December 2, 2014, as follows:

Adoption moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

"Aye" \_\_\_\_\_

"Nay" \_\_\_\_\_

Absent \_\_\_\_\_

and after vote the presiding officer declared the resolution adopted.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** December 2, 2014  
**PREPARATION DATE:** November 26, 2014  
**SUBMITTING DEPARTMENT:** Engineering, Wastewater Treatment Plant  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Justin Froseth, Planning and Engineering Director  
Steve Himmelspach, Wastewater Treatment Plant Superintendent  
**SUBJECT:** Authorization to advertise invitation to bid  
Wastewater Treatment Plant Optimization Project

---

STATEMENT/PURPOSE:

To request the authorization to advertise invitation to bid Wastewater Treatment Plant Optimization Project.

BACKGROUND/ALTERNATIVES:

The Wastewater Treatment Facility Optimization Project includes rehabilitation of the existing pretreatment building (i.e. new electrical, process, mechanical, and odor control equipment), expansion of blower capacity along with modifications to the existing blower building, new ultra violet disinfection equipment and channel modifications, underground yard piping modifications, installation of solar powered aeration equipment in sludge storage facility and miscellaneous aeration improvements.

On April 1, 2014 the Board of City Commissioners approved to enter into an agreement with Advanced Engineering and Environmental Services (AE2S) for engineering services for the project.

On August 5, 2014 the Board of City Commissioners approved to award the bid for the UV disinfection equipment to Trojan Technologies.

On October 7, 2014 the Board of City Commissioners approved the purchase of two SolarBee mixers and accessories for the project, which were installed at the plant on November 6<sup>th</sup>.

The bulk of the project remains with this project and is scheduled to begin in February of 2015 with a substantial completion date of February 2016.

To finance this project, the city will apply for a loan from the State Revolving Fund (SRF) program through the North Dakota Public Finance Authority. The loan will be for a period of 20 years at an interest rate of 2.5%, which includes a 0.5% administrative fee. The loan will be repaid from the user fees. The city is only obligated for the loan draw requests.

ATTACHMENTS:

- 1) Invitation to Bid Wastewater Treatment Plant Optimization project

FISCAL IMPACT:

The total SRF loan request and project cost estimate - \$5,300,000

- Construction and Equipment = \$4,240,000
- Engineering = \$840,000
- Contingency = \$220,000
- Total = \$5,300,000

The city included this project in the 2015 budget and adjusted the water and sewer base rate to service the debt on the loan.

STAFF IMPACT:

Minimal

LEGAL REVIEW:

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

RECOMMENDATION:

To approve the advertisement of "Mandan Wastewater Treatment Facility Interim Optimization Improvements".

SUGGESTED MOTION:

I move to approve the advertisement of "Mandan Wastewater Treatment Facility Interim Optimization Improvements"

SECTION 00 11 13  
ADVERTISEMENT FOR BIDS

MANDAN WASTEWATER TREATMENT FACILITY INTERIM OPTIMIZATION IMPROVEMENTS  
CITY OF MANDAN, NORTH DAKOTA

**RECEIPT AND OPENING OF BIDS:** NOTICE IS HEREBY GIVEN, that the City of Mandan, North Dakota, will receive sealed Bids at Office of the City Administrator, until January 8, 2015 at the hour of 4:00 p.m. CT for the purpose of furnishing all materials, labor, equipment and skill required for the completion of the Mandan Wastewater Treatment Facility Interim Optimization Improvements, and incidental items, for said City, as is more fully described and set forth in the Plans and Specifications which are on file in the office of the City Engineering Department. Bids will be opened at the City Commission Chambers at 4:15 p.m. local time, 205 Second Avenue NW, Mandan, ND 58554, and read aloud.

Bids shall be mailed or delivered to Office of the City Administrator, City of Mandan, 205 Second Avenue NW, Mandan, ND 58554.

**DESCRIPTION OF WORK:** The Work consists of all labor, skill, and materials required to properly construct the Improvements. Major components of the Project include:

Contract No. 1 – GENERAL CONSTRUCTION (LUMP SUM): Work generally consists of mobilization, bonding, insurance for all Project work shown on the civil, process, architectural, structural drawings and as contained in the specifications, furnish and installing one (1) pre-procured UV disinfection system, removing three (3) existing positive displacement blowers, relocating one (1) positive displacement blower, two (2) turbo blowers, removing one (1) existing cylindrical bar screen, one (1) cylindrical bar screen, one (1) micro strainer screen, precast concrete scrubber building, cast in place biofilter tank, odor control system equipment and biofilter media, remove two (2) existing vertical driven mixers, two (2) new submersible mixers, site grading, excavation, filling and backfilling, erosion and sediment control, landscaping, yard piping modifications, installing new utilities to new odor control system, replacing aerator support bollards, constructing new access road to the odor control system, sidewalks, interior painting, replacing doors and windows, membrane roof replacement, equipment pads, roof access ladders and hatches, replacing corroded metals, exterior wall patching and recoating, and all related appurtenances.

Contract No. 2 – MECHANICAL CONSTRUCTION (LUMP SUM): Work generally consists of mobilization, bonding, and insurance for all Project work shown on the mechanical drawings and contained in the Divisions 22, 23 and specifications, including furnish and install four (4) pressure regulators to air lift pumps in the existing clarifiers, removing existing odor control and ventilation equipment, new ventilation equipment, ducts, louvers, makeup air units, fans, plumbing, fixtures, heaters, air-conditioning, gauges, thermostats, pipe, fittings, valves, controls, drains, supports, anchors, vents, and all related appurtenances.

Contract No. 3 – ELECTRICAL CONSTRUCTION (LUMP SUM): Work generally consists of mobilization, bonding, and insurance for all Project work shown on the electrical drawings and contained in the Division 26 specifications, including electrical labor, service-entrance equipment, secondary termination/CT cabinet, grounding, trenching, excavation, cables, conductors, wiring, disconnect switches, lighting, lighting control systems, conduits, raceways, fittings, boxes, devices, motor starters, panelboards, distribution transformers, motor control centers, variable frequency drives, power monitoring modules, control panels, programmable logic controllers, radio and radio antenna system, instrumentation and control devices, level sensors, pressure transmitters, float switches, door position switches, thermostats, and all related electrical, instrumentation and control appurtenances as indicated.

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**Contract No. 4 – COMBINED CONSTRUCTION (LUMP SUM):** Mobilization, bonding, and insurance for all general construction, mechanical construction, and electrical construction as described in Contracts No. 1 through 3.

**OBTAINING BID DOCUMENTS:** Complete digital project bidding documents are available at [www.AE2S.com](http://www.AE2S.com) or [www.questcdn.com](http://www.questcdn.com). You may download the digital plan documents for Thirty Dollars (\$30.00) by inputting Quest project #3610330 on the website's Project Search page. Please contact QuestCDN.com at 952-233-1632 or [info@questcdn.com](mailto:info@questcdn.com) for assistance in free membership registration, downloading, and working with this digital project information. Copies of the Plans and Specifications and other Bidding and Contract Documents may be obtained from Advanced Engineering and Environmental Services, Inc. (AE2S), 3101 South Frontage Road, Moorhead, MN 56560 for a **NON-REFUNDABLE** charge of Two Hundred Dollars (\$200.00) for each paper set of documents requested or Fifty Dollars (\$50.00) for each CD.

**EXAMINATION OF BID DOCUMENTS:** Copies of the Bidding Documents may be seen and examined at the office of Advanced Engineering and Environmental Services, Inc. (AE2S), 1815 Schafer Street Suite 301, Bismarck, ND 58501 (701 221-0530). All bidding document interpretations and clarifications should be directed to the office of AE2S at (763) 463-5036.

**BIDDING REQUIREMENTS:** All Bids are to be submitted on the basis of cash payment for the Work and materials, and each Bid shall be accompanied by a SEPARATE ENVELOPE containing a Bidder's Bond, payable to the City of Mandan, in a sum equal to five percent (5%) of the full amount of the Bid, executed by the Bidder as principal and by a surety company authorized to do business in the State of North Dakota, conditioned that if the principal's Bid be accepted and the contract awarded, principal, within fifteen (15) days after Notice of Award, will execute and effect a Contract in accordance with the terms of the principal's Bid and a Contractor's Bond as required by the laws of the State of North Dakota and the regulations and determinations of the City Commission of the City of Mandan, North Dakota. All bidders shall provide a North Dakota Contractor's License in the SEPARATE ENVELOPE as described and listed in the instructions to bidders. Bid security of the three lowest Bidders will be retained until the contract has been awarded and executed, but not longer than sixty (60) days from the date of the bid opening.

All Bids shall be contained in a sealed envelope plainly marked showing that such envelope contains a Bid for the Project. In addition, the Bidder shall place upon the exterior of such envelope the following information:

1. The Work covered by the Bidder (General, Mechanical, Electrical, or Combined Contracts).
2. The name of the Bidder.
3. A Separate Envelope containing Bid Bond, a copy of Contractor's License, Certificate of Debarment, and MBE/WBE Subcontractor Solicitation Information.
4. Acknowledgement of all Addenda.

Bids shall be delivered or mailed to:

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

All Bidders shall have a valid North Dakota Contractor's license of the appropriate Class for the work, as required by Section 43-07-05 (NDCC). Bidders shall enclose a copy of their license or Certificate of Renewal in the same envelope as the Bidders Bond, as required under 43-07-12 (NDCC). No Bid will be read or considered unless it fully complies with the Bond and license requirements. Any deficient Bid will be resealed and returned to the Bidder.

Bidders on this Work will be required to comply with Title 40 CFR 35.3145(d). The requirements for Bidders and Contractors under this regulation concerning utilization of Minority Business Enterprises (MBE), Women's Business Enterprises (WBE), and Small Business Enterprises (SBE) are explained in

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the Specifications. The goal for MBE is 2% of the total dollar value of the Project. The goal for WBE is 3% of the total dollar value of the Project.

Bidders on this work will be required to comply with the President's Executive Order No. 11246, as amended. The requirements for Bidders and Contractors under this Order are explained in the Specifications.

Bidders are notified that all applicable provisions of the Copeland Act (29CFR Part 3) and the Davis-Bacon Act (29 CFR Parts 1, 3, and 5) are in force on this project.

The Work shall be completed and ready for Final Payment no later than February 28, 2016. Should the Contractor fail to complete the Work within the time required, as set forth in the Agreement, or within such extra time as may have been granted by formal extensions approved by the City and Engineer, there shall be deducted from any amount due him the sum of \$500.00 per day as compensation to the City for each day and every day that the completion of the Work is delayed. The Contractor and his surety shall be liable for any excess. Such payment shall be as and for liquidated damages and not as a penalty.

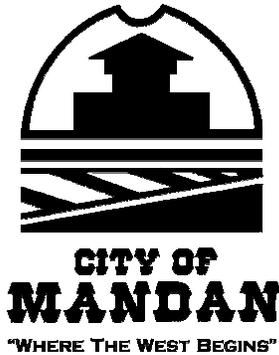
**PRE-BID CONFERENCE:** A pre-Bid conference is tentatively scheduled for January 5, 2015 at 10:00 a.m. CT at the Mandan Wastewater Treatment Facility. A memorandum to all Plan Holders will be sent formally establishing the final date and time.

All Bidders are invited to be present at the public opening of the Bids.

**OWNER'S RIGHTS RESERVED:** Contracts shall be awarded on the basis of the low Bid submitted by a responsible and responsive Bidder deemed most favorable to the City's interest. The Owner reserves the right to reject any and all bids and to waive any irregularities or informalities therein and to award the Contract in the best interests of the Owner. No Bidder may withdraw their bid for a period of sixty (60) days after the bid opening.

Dated this 5<sup>th</sup> day of December 2014  
Publish, 12/5/14, 12/12/14, 12/19/14

By: /s/ Jim Neubauer, City Administer  
Mandan, North Dakota



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** December 2, 2014  
**PREPARATION DATE:** November 25, 2014  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Robert Decker, P.E., Principal Planner  
**SUBJECT:** First consideration of Ordinance No. 1188, an Ordinance to amend Title 21 of the Mandan Code of Ordinances related to Landscaping

---

**STATEMENT/PURPOSE:** Current landscaping requirements are limited to certain zones or specific uses. The proposed language establishes landscaping requirements for all properties within the city.

**BACKGROUND/ALTERNATIVES:** There are landscaping requirements for some uses and certain zones such as the Gateway Overlay Zone. It has been recommended that there be a universal requirement for landscaping on all property within the city.

The Mandan Community Beautification Committee has prepared Ordinance 1188 for consideration.

One issue that was discussed is whether or not there should be a requirement that the owner of each lot in a new subdivision plant at least 1 tree. Bismarck requires landscaping for multi-family (3 or more units), commercial, institutional, industrial and parking. There are detailed requirements for number and type of trees and shrubs. The language in the proposed ordinance does not require trees or shrubs until the area to be landscaped exceeds 5,000 square feet.

Since the proposed ordinance amends Title 21, the Planning and Zoning Commission was asked to review and comment on the ordinance. The ordinance was presented at the October 27, 2014, P & Z meeting. The ordinance was well received and there were no suggestions for any language changes. The Planning and Zoning Commission took formal action to recommend that Ordinance 1188 be adopted.

The Mandan Architectural Review Commission was also asked to review and comment on the ordinance. The ordinance was discussed at their October 28, 2014 meeting. They were supportive of the ordinance as drafted.

The Mandan Community Beautification Committee voted at their November 13, 2014 meeting to recommend approval of Ordinance 1188.

**SUGGESTED MOTION:** Move to approve the first consideration of Ordinance 1188, an Ordinance to amend Title 21 of the Mandan Code of Ordinances related to Landscaping.

ORDINANCE NO. 1188

An Ordinance to Amend Title 21 of the Mandan Code of  
Ordinances Related to Landscaping

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS THAT:

Title 21 of the Mandan Code of ordinances is hereby amended and re-enacted to read as follows:

**SECTION 1. AMENDMENT.** The Mandan Code of Ordinances is hereby amended to add Section 21-03-11.

*Plain font text remains*

~~*Strike through text deleted*~~

*Underlined text added*

**Section 21-03-11 Landscaping.** In addition to the requirements contained elsewhere in this title related to specific uses or districts, the following requirements shall apply to all property within the city. If these requirements conflict with the requirements for specific uses or districts, the requirements for specific uses or districts shall apply.

1. ***Time limit.*** Each lot or parcel of land shall be landscaped within one year of issuance of a certificate of occupancy or within 2 years of issuance of a building permit if a certificate of occupancy has not been issued.

2. ***Landscaping includes but is not limited to:***

- a. ***Grass that is maintained in a healthy condition;***
- b. ***Trees, shrubs, flowers, ground cover and other cultivated vegetation that are maintained in a healthy condition;***
- c. ***Walking paths or maintained trails;***
- d. ***Decorative walls or retaining walls; and***
- e. ***Rocks, ornamental structures or seating.***

3. ***Landscaping does not include:***

- a. ***Unmaintained areas containing weeds or grasses;***
- b. ***Paved parking and driveway areas;***
- c. ***Gravel or dirt surfaces; and***
- d. ***Areas used for the display of merchandise.***

4. ***Zoning district criteria.***

- a. ***For lots with residential structures containing 1 to 4 dwelling units, the requirement applies to every area of the lot not covered by structures or paving.***
- b. ***For lots containing multi-family (greater than 4 dwelling units), commercial and industrial structures, a landscaping plan shall be submitted to and approved by the MARC prior to issuance of a grading or building permit.***

- c. For lots within multi-family and commercial districts containing multi-family structures with more than 4 dwelling units or commercial structures, the requirement applies to the front yard setback and the rear yard or side yard setback bordering a residential zoned property. The requirement is the lesser of:
  - (1) At least 50% of the yard setback areas must be landscaped;  
or
  - (2) At least 10% of the developable lot area must be landscaped. When determining developable area, areas with steep slopes or low areas subject to constant or frequent inundation may be excluded from the calculation.
- d. For lots in industrial districts the requirement applies to the front yard setback and the rear yard or side yard setback bordering a residential zoned property. The requirement is the lesser of:
  - (1) At least 25% of the yard setback areas must be landscaped;  
or
  - (2) At least 5% of the developable lot area must be landscaped. When determining developable area, areas with steep slopes or low areas subject to constant or frequent inundation may be excluded from the calculation.
- e. Large commercial and industrial lots. For commercial and industrial lots where the landscaping area requirement exceeds 5,000 square feet, trees or shrubs must be included in the landscaped area per the requirements of Chapter 14-01 administered by the Mandan Architectural Review Commission.

**5. Enforcement.**

- a. Any authorized city employee or agent of the city may issue a notice of violation to a property owner. The notice of violation shall state the requirements to bring the property into compliance and shall set a time limit for accomplishing compliance.
- b. Once the property owner has brought the property into compliance, the property owner shall contact the city and arrange for an inspection to document compliance.
- c. When the city is satisfied that the lot has been brought into compliance, the city will issue a written letter acknowledging compliance and rescinding the notice of violation.
- d. Should the property owner fail to bring the property into compliance within the specified timeframe, the city may grant a time extension for good cause or cite the property owner into municipal court.
- e. Once the city has cited the property owner into municipal court, each day that the property remains in non-compliance is considered a separate violation.

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**SECTION 2. RE-ENACTMENT.** The Mandan Code of Ordinances is hereby re-enacted as amended.

Attest:

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President, Board of City Commissioners

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City Administrator

First Consideration:

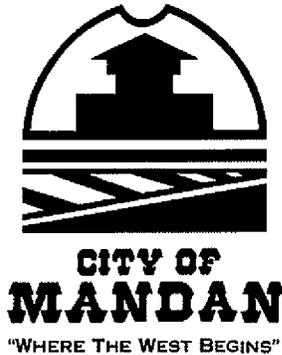
Second Consideration and Final Passage:

Recording Date:

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## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** December 2, 2014  
**PREPARATION DATE:** November 26, 2014  
**SUBMITTING DEPARTMENT:** Finance  
**DEPARTMENT DIRECTOR:** Greg Welch, Finance Director  
**PRESENTER:** Justin Froseth, Planning and Engineering Director  
Steve Himmelspach, Wastewater Treatment Plant Superintendent  
**SUBJECT:** Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Clean Water Act.

---

#### PURPOSE

To consider a Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Clean Water Act.

#### BACKGROUND

The Wastewater Treatment Facility Interim Optimization Project includes rehabilitation of the existing pretreatment building (i.e. new electrical, process, mechanical, and odor control equipment), expansion of blower capacity along with modifications to the existing blower building, new ultra violet disinfection equipment and channel modifications, underground yard piping modifications, installation of solar powered aeration equipment in sludge storage facility and miscellaneous aeration improvements.

On April 1, 2014 the Board of City Commissioners approved to enter into an Agreement with Advanced Engineering and Environmental Services for engineering services for the Mandan Wastewater Treatment Plant Interim Optimization Project.

On August 5, 2014 the Board of City Commissioner approved to award the Bid to Trojan Technologies for the UV Disinfection Equipment Procurement for the Mandan Wastewater Treatment Plant Interim Optimization Project.

Board of City Commissioners

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On October 7, 2014 the Board of City Commissioners approved the purchase of two SolarBee Mixers and accessories for the Mandan Wastewater Treatment Plant Interim Optimization Project.

Construction will begin February 2015 and will be completed December 2016.

To finance these Projects, the City will apply for a Loan from the State Revolving Fund Program (SRF) through the North Dakota Public Finance Authority. The Loan will be for a period of 20 years at an interest rate of 2.5%, which includes a 0.5% administrative fee. The Loan will be repaid from user fees. The City is only obligated for the Loan draw requests.

ATTACHMENTS

- North Dakota Public Finance Authority's summary of the State Revolving Fund Program.
- North Dakota Clean Water State Revolving Fund Program (CWSRF) Loan Application Package cover page and list of Contents and Instructions.
- Budget Sheet
- Resolution

FISCAL IMPACT

The total SRF Loan request and Projects cost estimate = \$5,300,000

- Construction and Equipment = \$4,240,000
- Engineering = \$840,000
- Contingency = \$220,000
- Total = \$5,300,000

The City included this Project in the 2015 Budget and adjusted the Water and Sewer Base Rate to service the debt on the Loan.

STAFF IMPACT

None

LEGAL REVIEW

The Resolution is in accordance with the requirements of the North Dakota Department of Health and the North Dakota Public Finance Authority.

RECOMMENDATION

To approve the Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Clean Water Act.

Board of City Commissioners

Agenda Documentation

Meeting Date: December 2, 2014

Subject: Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Clean Water Act.

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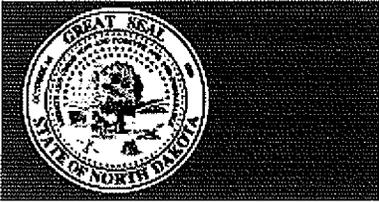
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SUGGESTED MOTION

Move to approve the Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Clean Water Act.

North Dakota

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# ND Public Finance Authority

- » STATE REVOLVING FUND
- » CAPITAL FINANCING
- » DISASTER FINANCING
- » SCHOOL FINANCING
- » INDUSTRIAL DEVELOPMENT
- » OFFICIAL STATEMENTS
- » FINANCIAL INFORMATION
- » FEEDBACK
- » LINKS
- » HOME

1200 Memorial Highway  
 PO Box 5509  
 Bismarck, ND 58506-5509

701.328.7100 : phone  
 800.526.3509 : toll-free  
 701.328.7130 : fax  
[ndpfa@nd.gov](mailto:ndpfa@nd.gov)

Search:



## State Revolving Fund Program

The State Revolving Fund Program (SRF) was established in 1990 to enable North Dakota to receive federal capitalization grants as authorized under the Clean Water Act. In 1998, the SRF was amended to enable the State to receive capitalization grants as authorize under the Safe Drinking Water Act. The SRF grants, received from the United States Environmental Protection Agency, are to be used to make below-market interest rate loans to political subdivisions for the purpose of financing authorized projects, to establish reserve funds, and for other purposes allowed under the Clean Water and Safe Drinking Water Acts. Authorized projects under the SRF include wastewater treatment facilities, non-point source pollution control projects, and public water systems. The North Dakota Department of Health and the Authority jointly administer the SRF.

The interest rates on SRF loans are set by the Department of Health in consultation with the Authority. The interest rates are fixed for a term up to 20 years. Currently, the interest rate for all SRF loans is 2.5%, which includes a .5% administrative fee.

The SRF Program has been assigned a rating of "AAA" by Moody's Investors Service, Inc.

## Loan Applications

- » [Clean Water State Revolving Fund](#) (340kb rtf)
- » [Drinking Water State Revolving Fund](#) (374kb rtf)

## Bond Counsel

- » [Bond Counsel](#) (19kb pdf)

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**NORTH DAKOTA CLEAN WATER  
STATE REVOLVING FUND PROGRAM  
(CWSRF)**

**Loan Application Package**

**North Dakota Department of Health  
Division of Municipal Facilities**

**and**

**North Dakota Public Finance Authority**

**Bismarck, North Dakota**

# CONTENTS AND INSTRUCTIONS

## CONTENTS OF APPLICATION PACKAGE

1. SRF Program Application
2. Budget Sheet
3. Debarment and Suspension Certification
4. Preaward Compliance Review Report
5. Resolution of Governing Body

## APPLICATION SUBMISSION

Complete items 1-5 and submit to:

North Dakota Department of Health  
Division of Municipal Facilities  
918 East Divide Avenue, Third Floor  
Bismarck, ND 58501-1947

## APPLICATION PROCESS

1. Project must be on the Department of Health's Intended Use Plan (IUP)
2. Application reviewed by ND Public Finance Authority (PFA)
3. Application reviewed by PFA's Advisory Committee
4. Application reviewed by the ND Industrial Commission
5. Political subdivision's bond counsel prepares bond documents
6. Bond documents are filed with the PFA
7. Political subdivision may submit loan draw requests to the Department of Health

## IMPORTANT REMINDERS

- The political subdivision is responsible for selecting and retaining bond counsel.
- SRF loans are Federal Funds and subject to specific auditing procedures. Please alert your auditor.
- Revenue bonds require 120% coverage and a reserve fund.
- Audit reports or financial statements must be filed annually with the PFA.

## QUESTIONS

Completing pages 1 – 7 of the application:

**ND Public Finance Authority**  
**Phone:** 1.800.526.3509 or 701.328.7100  
**Fax:** 701.328.7130  
**Email:** [ndpfa@nd.gov](mailto:ndpfa@nd.gov)  
**Website:** [www.nd.gov/pfa](http://www.nd.gov/pfa)

Project Approval & IUP  
**ND Department of Health**  
**Phone:** 701.328.5211  
**Fax:** 701.328.5200  
**Email:** [dbergsag@nd.gov](mailto:dbergsag@nd.gov)  
**Website:** <http://www.ndhealth.gov/MF/>

## BUDGET SHEET

COST CLASSIFICATION	SRF	CDBG	LOCAL	OTHER	TOTAL
1. Administrative expenses	\$	\$	\$	\$	\$
2. Land, structures, rights-of-way	0				
3. Engineering basic fees	670,000				670,000
4. Other engineering fees					
5. Project inspection fees	170,000				170,000
6. Land development	0				
7. Relocation expenses	0				
8. Construction and project improvement	2,727,000				2,727,000
9. Equipment	1,513,000				1,513,000
10. Capitalized interest					
11. Other (describe)					
12. Miscellaneous					
13. <b>SUBTOTAL</b>	\$ 5,080,000	\$	\$	\$	\$ 5,080,000
14. Contingencies	220,000				220,000
15. <b>TOTAL</b>	\$ 5,300,000	\$	\$	\$	\$ 5,300,000

16. SRF Funds .....	\$ 5,300,000			
17. CDBG Funds .....	\$			
18. LOCAL Funds .....	\$			
19. OTHER Funds .....	\$			
20. <b>TOTAL All Funds .....</b>	<b>\$ 5,300,000</b>			

**RESOLUTION AUTHORIZING FILING OF APPLICATION WITH THE NORTH DAKOTA  
DEPARTMENT OF HEALTH FOR A LOAN UNDER THE CLEAN WATER ACT**

WHEREAS, under the terms of the Clean Water Act, the United States of America has authorized the making of Loans to authorized applicants to aid in the construction of specific public projects: Now, Therefore, Be It Resolved by the **Board of City Commissioners of the City of Mandan, North Dakota:**

1. That **Arlan Van Beek, President**, be and is hereby authorized to execute and file an application on behalf of the **City of Mandan** with the North Dakota Department of Health for a Loan to aid in the construction of the **Wastewater Treatment Facility Interim Optimization Project**.
  
2. That **Jim Neubauer, City Administrator**, be and is hereby authorized and directed to furnish such information as the North Dakota Department of Health may reasonably request in connection with the application which is herein authorized to be filed, to sign all necessary documents, and, on behalf of city, to accept Loan offer and receive payment of Loan funds.

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

Dated and adopted this \_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
**Arlan Van Beek, President of the Board of City Commissioners**

Attest:

\_\_\_\_\_  
**Jim Neubauer, City Administrator**

CERTIFICATE OF RECORDING OFFICER

The undersigned duly qualified and acting as **City Administrator** of the **City of Mandan** does hereby certify: That the attached resolution is a true and correct copy of the resolution, authorizing the filing of application with the North Dakota Department of Health, as regularly adopted at a legally convened meeting of the **Board of City Commissioners** duly held on the \_\_\_ day of \_\_\_\_\_, 2014; and further that such resolution has been fully recorded in the journal of proceedings and records in my office.

In Witness Whereof, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
**Jim Neubauer, City Administrator**

## ORDINANCE NO. 1195

An Ordinance to Amend and Re-enact  
Chapter 4-09 of the Mandan Code of Ordinances  
Relating to City Employee Pension Plan

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

Section 4-09-01 of the Mandan Code of Ordinances is hereby amended and re-enacted to read as follows:

Section 4-09-01 Participation and employee contribution.

1. Participation. On October 9, 1977, by resolution of the board of city commissioners, the city established a pension plan for the employees of the city. This plan was amended effective January 1, 1989 in order to comply with TRA-86 IRS requirements. All full-time employees with six months' service to the city as of the date of the adoption of the city employee pension plan became participants in the plan. ~~Any~~ All employees who meets the plan's eligibility requirements ~~may~~ shall participate in the city employee pension plan, unless at the time of employment the employee elects in writing not to participate. Any employee who elects to join the plan will be unable to terminate or withdraw from the plan unless he resigns, retires or dies.

2. Eligible Employee. All full-time and regular part-time employees of the City of Mandan, Morton Mandan Public Library, Mandan Park District and Mandan Airport Authority, who are eighteen years of age or older and who have completed the probationary period are eligible to participate in the plan at their discretion.

4. Sworn Police Officers and Career Firefighters eligible contribution levels.
- a. Sworn Police Officers and Career Firefighters are eligible for an 8% contribution to the Plan when a participant's salary reduction contribution to the 457 Plan is 2% or 3%.
  - b. Sworn Police Officers and Career Firefighters are eligible for a 10% contribution to the Plan when a participant's salary reduction contribution to the 457 Plan is 4% or greater.
  - c. Sworn Police Officers and Career Firefighters are eligible for a 0% contribution to the Plan when a participant's salary reduction contribution to the 457 Plan is less than 2%.

Section 4-09-05 Contributions of city.

The city shall each year pay to the trustee an amount for allocation, which amount shall be eight percent of the compensation of the employees, except for employees defined in Section 4-09-01(4).

Section 4-09-08 Computation of benefit distributions.

4. Normal Participant Retirement Age:
  - a. A Participant attains Normal Retirement Age under the Plan when the Participant attains age 65.
  - b. Plan designates attainment of age 55 for Sworn Police Officers and Career Firefighters.

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

Attest:

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

First Consideration: December 2, 2014  
Second Consideration  
and Final Passage: December 16, 2014