



AGENDA
MANDAN CITY COMMISSION
JANUARY 19, 2016
ED "BOSH" FROEHLICH MEETING ROOM,
MANDAN CITY HALL
5:00 P.M. (SPECIAL TIME)
www.cityofmandan.com

-
- A. ROLL CALL:
1. Roll call of all City Commissioners.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:
1. Consider approval of the minutes from the January 5, 2016 Board of City Commission Regular Meeting.
- E. PUBLIC HEARING:
1. Consider Approving Special Assessment Policy.
- F. BIDS:
1. Consider low bid for South Side Pump Station Emergency Generator.
- G. CONSENT AGENDA:
1. Consider approval of monthly bills.
2. Consider approval of pledge of securities reports as required by NDCC 21-04.
3. Consider advertisement for Wastewater Treatment Facilities purchase of a new skid-steer type machine.
4. Consider approval of an assignment and consent agreement with EVI Mandan Apartments LLC for TIF exemption for 200 W Main Street
5. Consider approval of first replat of Block 2, Sharon Heights Fourth Addition
6. Consider approval of the following abatements:
i. Correction in 2015 True & Full Value for Clifford Mund – 4404 Highland Road NW.
ii. Correction in 2015 True & Full Value for Dave & Kathleen Kottsick – 1704 Canyon Road SW.
7. Information item, Wastewater Treatment Facility Change Orders.
8. Consider the request from the Finance Department to dispose old records in accordance with the North Dakota Records Management Program.

*Agenda
Mandan City Commission
January 19, 2016
Page 2 of 3*

9. Consider appointing Attorney Patrick Brooke as additional alternate judge for Municipal Court.
10. Consider a correction in 2015 True & Full Value for HIT, INC for property used as Group Home for Disabled Persons.
11. Consider Agreement for Cost-Share Reimbursement for Mandan Water System Improvements Project 2015.
12. Consider the Amendment to Traffic Safety Contract from the North Dakota Department of Transportation, Traffic Safety Office.
13. Consider Public Comment letter to EPA concerning chemical applicator training rule change.

H. OLD BUSINESS:

I. NEW BUSINESS:

1. Consider Growth Fund Committee recommendations:
 - i. Policy changes for Storefront Improvement programs
 - ii. Storefront Improvement Application for Schmidt Car Sales at 3420 Memorial Highway
2. Consider appointment of Shadd Piehl to the Dakota Media Access Board of Directors.
3. Consider request to advertise for Request for Proposals for Professional Architectural Services for Public Works Expansion.

J. RESOLUTIONS AND ORDINANCES:

1. First consideration of Ordinance 1233 related to water meter installation.
2. Second Consideration and Final Passage of Ordinance No. 1224 renaming street in Lakewood Commercial Park Fourth Addition.
3. Second Consideration and Final Passage of Ordinance No. 1225 amending Section 105-4-4 of the municipal code relating to floodplains.
4. First consideration of Ordinance 1234 An Ordinance to Amend and Re-enact Sections 4-1-3, 4-2-20(c) and 4-2-20(d)(2) of the Code of Ordinances of the City of Mandan relating to hours of alcohol sales.
5. Consider for approval the Resolution amending fees and charges administered by the Public Works Department.

K. OTHER BUSINESS:

1. Corridor improvements study public involvement meeting in the Veteran's Memorial Conference Room of City Hall on January 26th from 5:30-7:30 with a presentation at 6.

L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. February 2, 2016
2. February 16, 2016 (5 p.m.)
3. March 1, 2016

M. ADJOURN

Public Communication

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

(Page intentionally left blank)

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

Mayor Van Beek welcomed everyone to the meeting and opened the meeting with the following three announcements:

(1) Police Chief: Chief Jason Ziegler was sworn in and started in his new position on Monday, January 4, 2016. On behalf of the City Commission and the Mandan Community, a welcome was extended to Chief Ziegler.

(2) 911 Communications Center Update: As of 9:00 a.m. today, calls for emergency services (911) from Mandan locations are being routed through the newly formed Central Dakota Communications Center (CenCom). This cooperative effort between Bismarck, Burleigh County, and Mandan will ensure our needs for emergency communications are met for many years to come.

(3) Recycle Update: Congratulations to Mandan recyclers on this project. On Monday 1/4/16, recycling kept over 7 tons of reusable items out of the landfill. A courtesy reminder was provided to citizens to be sure to check the recycling calendar for designated recycling pick up dates. The cardboard and newspaper collection bins by the Dog Park have been removed since those items can now be put in the recycling totes. Retaining the collection bins would have come with additional costs. A collection bin for larger cardboard items can be taken to TransTrash at 1800 40th Ave. SE. (East of Kist Livestock.) Information on this bin can be obtained by calling TransTrash at 701.204.8184.

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

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

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission of December 15, 2015 regular meeting.* Commissioner Laber 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:

1. *Consider concurrence with NDDOT to award Memorial Highway Signals project to low bidder, Strata Corporation (R&O #4).* Planning & Engineering Director Froseth said that in 2013 the NDDOT studied Memorial Highway Intersections at 40th Ave. and 46th Avenue Southeast to determine if signalization was warranted. They also studied the intersection of 3rd Street by McDonalds on Memorial Highway to determine if signalization was needed there as well. They concluded in 2013 that permanent signalization was warranted at the 46th Avenue and Memorial Highway intersection. Signalization was also warranted at 40th Avenue and Memorial Highway. But it wasn't warranted at the 3rd Street and Memorial Highway intersection. Because those signalizations were warranted, a project was programmed in to receive federal and state funding to accomplish this signalization project. The project was bid on December 16, 2015. The project will include permanent signalization at 46th Avenue where the existing is temporary span wire traffic signals. It will also include span wire traffic signals at 40th Avenue Southeast where currently there is no signalization. The low bid was submitted by Strata Corporation, Grand Forks, ND, in the amount of \$417,560.20 and the City is expected to pay its cost share of 10% of total project amount which comes to approximately \$64,464 and will be paid for by City Sales Tax Funds. It was noted that the bid came in about 22% lower than the engineer's estimate for this project.

Commissioner Rohr commented that the intersection at Kist Livestock, (40th and Memorial Highway), is in need of signalization. Director Froseth replied that the DOT indicated that straightening the skewed angle of that intersection with this signalization construction project wouldn't be favorable. Instead, creating a 90 degree angle at the intersection could be part of the full reconstruction of the Memorial Highway Corridor project. Mayor Van Beek concurred with the recommendations for the signalization projects at 40th and 46th Avenues because those two areas are in need of it.

Commissioner Rohr moved to approve the concurrence of the Memorial Highway Traffic Signal Improvements project award to the low bidder, Strata Corporation (R&O #4). 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.

G. CONSENT AGENDA

1. *Consider Native American Training Institute Games of Chance at Baymont Inn and Suites Jan. 6-Feb. 19, 2016.*
2. *Consider agreements with Lewis and Clark Regional Development Council for origination and servicing of loans associated with Bank of North Dakota Flex PACE interest buy-downs: (i) BBCS Properties, LLC (Prairie Rose Family Dentists); (ii) Gramma Brauns Inc. (Classic Rock Coffee).*
3. *Consider approval of Residential Remodeling Exemption for Eric & Carisa Upton.*
4. *Consider Pucks 4 People games of chance at Mandan All Seasons Arena on Feb. 13, 2016.*

-
5. *Consider designation of depositories for City's funds as required by NDCC 21-04.*
 6. *Consider approval of Missed Renaissance Zone Exemption for 2015 – Eye Care Professionals.*
 7. *Consider approval of Reassessment 2015 Value – Robert & Theresia Fode.*
 8. *Consider approval of correction in 2015 True & Full Value Reassessment for Jessara Properties LLC.*
 9. *Consider selling of 3' wide strip of property to NDDOT for downtown sidewalk to be fully within right-of-way.*
 10. *Consider approval of reassessment 2015 Value for Wayne & Carol Friesz.*
 11. *Consider approval of the following games of chance: (i) Bis-Man Reel N Rec at Mandan Moose on March 12, 2016; (ii) Women of the Moose (Mandan Chapter) from February 1 - March 19, 2016.*
 12. *Consider approval of Pre-Approved 2 Year Tax Exemption Missed for 2015 Assessment year – Jessara Properties LLC. (Removed from agenda.)*

Commissioner Laber moved to approve the Consent Agenda as presented. 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.

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Consider approval of MPO Bicycle Friendly Community Application.*

Will Hutchings, Transportation Planner for the Metropolitan Planning Organization (MPO), indicated that the MPO contacted their jurisdictions to garner interest in applying for the "Bicycle Friendly Community Designation" last Fall. He said there was interest shown in the program and there wasn't any opposition. A regional task force was created to start the process to put together an application to become a bicycle friendly community. Fargo and Grand Forks have been recognized as members of the program. There is no cost to participate. He reviewed the highlights of the program that included Engineering, Education, Encouragement, Enforcement and Evaluation/Planning. He reviewed the draft application and explained that the MPO has been visiting with all the commissions and City Councils to explain this program. It will be presented to the MPO Policy Board on January 19, 2016 for approval before submitting it to the League of American Bicyclists on February 12, 2016. He encouraged anyone with input to be sure to bring that information forward in order for the MPO to accurately portray our community. This is an informational item wherein no approval is required at this time.

2. *Presentation, Native American Development Center, Lorraine Davis.* Lorraine Davis, Executive Director of the Native American Development Center (NADC), came forward and stated that she is here to give a brief presentation on this non-profit organization. The NADC was developed in 2012 having been established to assist the Native Americans in the Bismarck-Mandan metro area to strengthen and advance Native American individuals and families. They provide support and resources to promote

economic security and preserve its culture. Her purpose for coming here tonight is to inform the City of Mandan of the presence of the Native American Development Center. Their goal is to assist Native Americans by providing direct services in key areas such as affordable housing, financial education, home buyer education, cultural activities and community referrals. She said they have partnerships with the Bismarck City Commission, ND Dept. of Commerce, ND Dept. of Corrections and Rehab, ND Job Service, Youth Works, ND Indian Affairs and many others. This is an informational item wherein no approval is required at this time. Lorraine Davis can be contacted for further information at execdir@nativectr.com or telephone number 701.595.5181.

3. *Consider Renaissance Zone Committee recommendation for reappointment of committee member.* Business Development Communications Director Huber informed the Board that the Renaissance Zone Committee (RZC) met on December 17, 2015 to consider Letters of Interest for positions on the committee. The term for the real estate sector representative was from 2013 to 2015. Pat Vannett from Alliance Realty was appointed to fill the expired term for this position in February 2015 with that being the term expiring in 2015. The term expirations were included in a November news release. Letters of interest were received from Rev. Michael Evans, Gene Modin, and Pat Vannett seeking reappointment. The Renaissance Zone Committee recommended the reappointment of Pat Vannett for the term 2016 thru 2018.

Commissioner Rohr moved to approve the reappointment of Pat Vannett to the Renaissance Zone Committee for the term 2016 to 2018 or until filled. 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.

4. *Consider recommendations of appointment to Mandan Architectural Review Commission (MARC).* Doug Lalim, Building Official stated that a position recently opened up on the Board and notices were posted to solicit a prospective new member. Three letters of interest were received from Bob Vayda, (who was on the Board for two terms); Rev. Michael Evans; and James Jeromchek. Those individuals were interviewed by MARC in December, 2015. After reviewing the applicants, the MARC recommended that James Jeromchek be appointed for a three-year term commencing January 1, 2016.

Commissioner Braun moved to approve the appointment of James Jeromchek to the Mandan Architectural Review Commission to fill a three-year term commencing January 1, 2016 to end January 1, 2019. 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.

5. *Consider appointment to the Mandan Airport Authority.* Jim Lawler, Mandan Municipal Airport Manager, stated that a position recently opened up on the Mandan Airport Authority Board and notices were posted to solicit prospective new member(s). Letters of interest were received from Chris Brown and Kathye Spilman and those individuals were interviewed. The Airport Board recommended that Chris Brown be

appointed to the open position on the Airport Board for a five-year term ending December 31, 2020. There will also be another opening on the Mandan Airport Authority Board the end of this year. Another round of applications and interviews will be held for that position at a later time.

Commissioner Laber moved to approve the appointment of Chris Brown to the Mandan Airport Board Authority for a five-year term ending December 31, 2020. 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.

6. *Consider request to advertise a Request for Proposals for Professional Architectural Services.* Fire Chief Nardello stated that as a follow-up to the Board's recent approval of Fire Station 3 in the City of Mandan, he requests approval to commence advertising for architectural service selection process. He explained that the specifications will ask for very basic building necessities so the price of the project would be kept within reasonable costs. Included is one site for consideration which is property already owned by the City of Mandan that would be a good spot for Fire Station No. 3. He mentioned that the Fire Station 3 needs will be similar to Fire Station No. 2. But it will be slightly smaller in that it will only have two bays rather than three bays. He said that the architectural firm that designed Fire Station No. 2 is very interested in designing Fire Station No. 3. There could be consideration of a reduced cost because they've already designed Fire Station No. 2.

Commissioner Laber moved to approve the request to advertise a Request for Proposals for Professional Architectural Services needed for the construction of Fire Station No. 3. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

7. *Consider pavement bid options for the Old Red Trail reconstruction project.* Planning & Engineering Director Froseth stated that the design of the Old Red Trail construction project has progressed since the last discussion occurred in October, 2015. The DOT, Kadrmas Lee and Jackson, and City Staff met in early December to review the plans and specifications at a state of about 90% complete. Since that time, KLJ has revised the plans and specs based on those comments to bring them to nearly 100% complete for submittal to the NDDOT by Friday, January 8, 2016. This will allow the project to be bid through the NDDOT bidding system in March 2016. At the discussion in October, this Commission, at staff's recommendation, approved pursuing both concrete and asphalt pavement types through to the bid and to choose the lowest based on a life cycle cost analysis of each pavement type. A concern has come up about the City's desire to bid with an option for both asphalt and concrete by the DOT. The NDDOT has not yet been able to definitely accept the life cycle cost analysis rules that have been laid out for this project. NDDOT wants the City to choose one specific pavement type. Since it's not possible to bid both options, and the engineering estimate shows the two pavement options to be relatively close in cost with a total project estimate about 8%

more for concrete than for asphalt; (and because of the nature of concrete lending itself to a longer life cycle with less maintenance costs for higher volumes of traffic), the City staff recommends that consideration be given to do the construction project with concrete for this section of Old Red Trail. Commissioner Rohr commented that in the long-run, concrete is the better choice of the two options. It comes down to whether we go with what is best for the future, with the expectation that the City will save money by going with a better product. Commissioner Laber commented that it is understandable that the NDDOT would press for only one type. She believes that these roads such as Old Red Trail and Memorial Highway need to be constructed well so they do not need continuous maintenance in the future years.

Commissioner Laber moved to approve of concrete as the method of reconstruction if bidding pavement types as an option is not approved by NDDOT. 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.

J. RESOLUTIONS AND ORDINANCES:

1. *Second consideration and final passage of Ordinance 1228 related to animal waste.* Commissioner Tibke moved to approve the Second consideration and final passage of Ordinance 1228 related to animal waste. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Second consideration and final passage of Ordinance 1229 related to noxious weeds and tall grass.* Commissioner Laber moved to approve the Second consideration and final passage of Ordinance 1229 related to noxious weeds and tall grass. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Second consideration and final passage of Ordinance 1230 related to storm water management penalties.* Commissioner Tibke moved to approve the Second consideration and final passage of Ordinance 1230 related to storm water management penalties. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Consider resolution of concurrence with NDDOT to award Memorial Highway Traffic Signals project to low bidder.* Commissioner Laber moved to approve the resolution of concurrence with NDDOT to award the Memorial Highway Traffic Signal Improvements project to the low bidder, Strata Corporation. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS:

1. Commissioner Tibke noted that with the presence of the new Police Chief Ziegler, that she would like to discuss the pension matter again. She asked Chief Ziegler to research Defined Benefit Pension including the pros, the cons, etc., including retention and recruitment within the department in comparison to Morton County, Burleigh County and the City of Bismarck. Commissioner Rohr clarified that the Commission is looking for up-to-date information on this matter and would like to revisit this issue at a later time. He noted that nothing is pressing at this time, but it could be looked at within the next couple months.

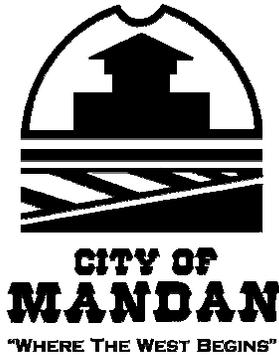
Commissioner Tibke motioned to request Police Chief Ziegler to research Defined Benefit Pension and impact on retention and recruitment for the City of Mandan in comparison to the other entities in the region. In addition, a report is to be provided to the City Commission in March 2016. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

2. Commissioner Laber extended a thank you to the successful rollout of the recycling program to Director of Public Works Wright and staff, and City Administrator Neubauer, who all did an excellent job getting this program up and running.

There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 6:17 p.m. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

James Neubauer,
City Administrator

Arlyn Van Beek,
President, Board of City
Commissioners



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 19, 2016
PREPARATION DATE: January 12, 2016
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Consider approving Special Assessment Policy

STATEMENT/PURPOSE: To consider approving the City of Mandan Special Assessment policy.

BACKGROUND/ALTERNATIVES: During the 2015 legislative session, the Legislature added a new section to the NDCC that requires the governing body of each city with a population exceeding 10,000 people to adopt written assessment policies.

City staff has worked on this task as time has allowed since the legislature mandated this order to create an assessment policy last year. Phyllis Hager, who has worked on special assessments for the city for over 20 years and Kim Fettig who has been with the city for over 10 years working with special assessments in some capacity did the leg-work on this effort. Their efforts included reaching out to other larger cities within the state to understand their policies. Also, they reviewed what the City of Mandan has typically done for past assessment projects and drew on their own experience and recollection of those projects. The written policy attached is a formal reiteration of the methods that the city currently uses to assess costs of projects to the benefiting projects.

In addition to Phyllis and Kim's efforts, department heads of Administration, Finance, Engineering, and the City Attorney have all met a couple times during this process to review and have approved of the policy.

The Legislative mandate was to have a policy in place by February 1st of 2016. If the document is substantially agreeable to commission, we request it be approved at this time. If minor edits are necessary, they may be part of the motion at this time, or changes can be made after the adoption of this policy.

ATTACHMENTS: Draft of Special Assessment Policy

FISCAL IMPACT: Staff time to create policy.

STAFF IMPACT: Minimal

LEGAL REVIEW: Meetings were held to review the policy. The city attorney was included.

RECOMMENDATION: Approve the Special Assessment Policy

SUGGESTED MOTION: Move to approve the City of Mandan Special Assessment Policy.

DRAFT



**CITY OF
MANDAN**
"WHERE THE WEST BEGINS"

SPECIAL ASSESSMENT POLICY

**BENEFIT DETERMINATION AND
DISTRIBUTIONS**

Adopted by the Mandan City Commission on January 19, 2016

<u>Table of Contents:</u>	<u>Page</u>
General Policies and Procedures:	2
Background of 2015 Legislative Requirements:.....	2
Determination and Distribution of Assessments:.....	3
Special Assessment Districts:.....	4
1. Storm Sewer	4
2. Street Lights	4
3. Streets (local, collector and arterial) and Alleys	4
4. Sidewalks, driveways	5
5. Water Mains.....	5
6. Sanitary Sewer Mains	6
7. Weed Cutting, Snow Removal, Building Demolition, Delinquent Bills, and Health and Safety.....	7
8. Flood Protection	7

GENERAL POLICIES AND PROCEDURES

Special Assessments are the method the City of Mandan uses to defray the cost of public improvements as power given by the North Dakota Century Code (NDCC) Chapter 40-22. The costs of the improvements are allocated to parcels or lots that directly benefit from these improvements. The policies and procedures are an effective tool for the management of municipal resources which support a highly functional and well maintained system of infrastructure that promotes economic development and growth. They also provide for and ensure consistent, uniform, fair and equitable treatment, insofar as is practical, lawful and possible for all property owners in regards to the assessment of cost for benefits to properties for the qualifying improvements as listed in the NDCC.

Special assessments respond to the community needs and desires for health, safety, welfare, accessibility and mobility thus reducing the burden on the property tax levy as provided by new infrastructure and the maintenance of existing assets. Property owners benefiting from public improvements have the opportunity for involvement with the Special Assessment Commission and City Commission through Public Hearings.

The majority of the improvement district types the City special assesses are water and sewer districts as approved by the City Commission, street paving districts for new development, reconstruction and rehabilitation of existing streets, storm sewer districts, street lighting districts and/or district type as outlined and allowable according to NDCC 40-22-01. The City of Mandan follows requirements of Chapter 40-22 in the creation of all special assessment districts.

BACKGROUND ON 2015 LEGISLATIVE REQUIREMENTS

The Sixty-fourth Legislative Assembly of North Dakota in their regular session which commenced on Tuesday, January 6, 2015 passed House Bill No. 1392. This bill became effective August 1, 2015.

Reference House Bill No. 1392

AN ACT to create and enact a new section to Chapter 40-22 of the North Dakota Century Code (NDCC), relating to adoption of municipal policy establishing special assessment determination methods for allocation of assessments among and within classes of property.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 40-22 of the North Dakota Century Code is created and enacted as follows:

40-22-01.2 Municipal policy providing special assessment determination methods for allocation of assessments among and within classes of property.

“Within five months of this section becoming applicable to a city, the governing body of each city with a population exceeding ten thousand shall adopt written policies, after a public hearing for consideration of the policies, which can be applied for cost allocation among properties benefited by a special assessment project. Policies established under this section must provide separately the policy that can be applied for cost allocation for each kind of special assessment and the cost allocation method for residential, commercial and agricultural property and for any property subject to separate or special assessment factors or assessment rates.”

DISCLAIMER: The following policies, procedures and methods of determining benefits serve as a guide used for the City of Mandan’s special assessment process as set forth by North Dakota Century Code 40-23. The City Commission has the authority to alter, apply exceptions or discontinue any policy as deemed necessary at any time.

DETERMINATION AND DISTRIBUTION OF BENEFITS

The determination of benefits for each lot or parcel within the improvement district is the jurisdiction of the Special Assessment Commission (three-member committee appointed by the City Commission) as stated in NDCC Chapter 40-23. Municipality personnel provide the Special Assessment Commission with information, advice and assistance as it may request or deem necessary. The methods of distribution indicates a typical distribution of benefits; however, there may be additional methods that may be applied to a project to distribute the benefit if deemed necessary. The basic methods of assessments are per lot or parcel unit cost, front footage, lot area or a combination of these methods. Unique or unusual circumstances may justify special consideration.

Special Assessment Districts

1. Storm Sewer

- 1.1. The district boundaries are determined by the watershed areas.
- 1.2. The preferred method of distributing benefits for single-family, multi-family, commercial, industrial and agricultural properties is by using the area of each property draining into the system. Each property is generally recognized as receiving a benefit in proportion to the size of the lot.
- 1.3. For unannexed parcels of land receiving benefit from the construction of a new storm sewer, the cost is held in abeyance and assessed when the parcel and/or parcels are included within a district as the land is annexed to the City. The City Commission may defer assessments for the period of years in which the original assessments were spread.

2. Street Lights

- 2.1. Costs for street lighting are generally included within the construction of street improvement districts.
- 2.2. If a street lighting district is created by the City Commission or by petition, the cost allocations can be distributed by a per lot/parcel unit cost. For large odd shaped commercial or industrial parcels, the unit factor may be increased to reflect the benefit these properties receive.
- 2.3. A corner lot would receive one-half unit cost for a street light assessment should the other side benefit from street lighting that resides within a different district.

3. Streets (local, collector and arterial) and Alleys

New Pavement/reconstruction/resurfacing-patch, level, mill and overlay. Improvements may also include chip seal, curb and gutter, and street lights.

- 3.1. The district boundaries are drawn to include all properties benefiting from the improvement.
- 3.2. Typical benefit allocations on single-family, residential properties can be assessed by determining a unit cost. The allocation is based on a unit cost, if similar in size, by applying an equal cost share to each parcel/lot within the district. A unit cost may be

determined by taking the total project costs and dividing by the total lots within the district.

- 3.3. If the single-family residential properties vary greatly in size or front footage, the units may be increased or a combination of allowable methods may be used. For calculations purposes, all effective areas and front footages for all properties are provided by the City Assessor's Office.
 - 3.4. Multi-family property may be special assessed at a greater number of units proportionate to the properties use of the benefits (apartments, duplexes, condominiums, twinhomes and/or townhomes, mobile home parks/ manufactured homes).
 - 3.5. In districts containing strictly commercial and industrial zoning (no residential or multi-family) special assessments are determined by the area of the lot/parcel.
 - 3.6. Corner lots are assessed at a rate of one-half the unit cost if only one street abutting the lot/parcel is constructed or improved. When the second street is constructed, one-half the unit cost can be assigned to the lot or parcel abutting that street thus allowing equality amongst the surrounding properties.
 - 3.7. Benefits for agriculturally zone lands within a district may be determined based on the area of the parcel/tract of land.
 - 3.8. The full cost to pave, resurface, or reconstruct public alleys can be assessed to properties that either abut the alley or have access to their property via the public alley.
4. Sidewalks and driveways
- 4.1. If the sidewalk or driveway is removed and replaced for an individual parcel/lot the total cost can be directly assessed to that parcel/lot.
 - 4.2. If sidewalks or driveways are removed in order to construct a project, these costs are included within the project and assessed to the properties within that district.

5. Water Mains

- 5.1. Cost allocations are based on lot/parcel usage as to zoning of properties by residential (single or multiple), commercial and industrial.
- 5.2. Computations for single-family residential properties can be assessed by unit. A unit cost may be determined by taking the total project costs and dividing by the total lots within the district.
- 5.3. The benefits for multi-family, commercial and industrial lots/parcels are the product of the property's zoning and computations are determined by increasing the units based upon size, location and land use.
- 5.4. The assessments for agricultural lands may be determined based on the best and highest use of the property. The number of lots that could be platted for future development can be determined by using the area of the property. This provides the basis for assigning the number of assessable units of cost to the property.
- 5.5. Under certain circumstances the City may assume cost of oversize main installation.

6. Sanitary Sewer Mains

- 6.1. Cost allocations are based on lot/parcel usage according to zoning of the properties by residential (single or multiple), commercial and industrial.
- 6.2. Computations for single-family residential properties can be assessed by unit. A unit cost may be determined by taking the total project costs and dividing by the total lots within the district.
- 6.3. The benefits for multi-family, commercial, industrial and/or agricultural lots/parcels are the product of the property's zoning and computations are made by increasing the units as based upon size, location and land usage.
- 6.4. The assessments for agricultural lands may be determined based on the best and highest use of the property. The number of lots that could be platted for future development can be determined by using the area of the property. This provides the basis for assigning the number of assessable units of cost to the property.
- 6.5. Under certain circumstances the City may assume cost of oversize main installation.

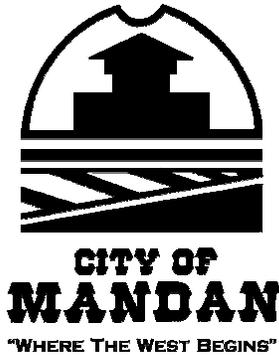
7. Noxious Weeds and Tall Grass, Snow Removal, Building Demolition, Delinquent Bills, and Health & Safety

7.1. The costs to perform these services may be assessed against the properties receiving the benefit from any of these activities.

8. Flood Protection

8.1. The benefits would typically be determined by using the area of all properties within the district as approved by the City Commission.

DRAFT



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 19, 2016
PREPARATION DATE: January 15, 2016
SUBMITTING DEPARTMENT: Public Works/Engineering Departments
DEPARTMENT DIRECTOR: Jeff Wright, Public Works Director
Justin Froseth, Engineering/Planning Director
PRESENTER: Jeff Wright, Public Works Director
SUBJECT: Consider approving the low bid for the Emergency Generator Project

STATEMENT/PURPOSE: Consider moving forward with the Emergency Generator Project and awarding the project to the low bidder.

BACKGROUND/ALTERNATIVES: The emergency generator installation at the Plainview Heights Water Reservoir and Pump Station location was approved by the City Commission on August 18, 2015.

The generator will supply emergency power to the pump station and the Emergency 911 Communications tower located on site, the generator power will continue to supply potable water/fire protection to the Plainview area residents and communications between emergency responders during a power outage.

The project is part of the FEMA Mitigation program from which funding assistance was applied for and approved once the Morton County Mitigation Plan was completed.

The bid has been advertised over the past month. Five bids were received on January 12th. The low bid was submitted by Bismarck based Skeel's Electric who submitted a bid of \$210,075 for the construction of the project. This bid comes in \$4,925 below the estimate of \$215,000.

ATTACHMENTS:

1. Bid Tab
2. AE2S Letter to Recommend Award
3. Notice of Award Document

Board of City Commissioners

Agenda Documentation

Meeting Date: January 19, 2016

Subject: Consider approving the low bid for the Emergency Generator Project

Page 2 of 7

<u>FISCAL IMPACT:</u>	Project Cost Estimate:	\$266,933
	Federal Funding (75%):	\$199,933
	State Funding (10%):	\$ 26,658
	Local Funding (15%):	\$ 39,986

STAFF IMPACT: Minimal

LEGAL REVIEW: All Commission information has been forwarded to the City Attorney for his review

RECOMMENDATION: Recommend accepting the low bid.

SUGGESTED MOTION: I move to award the project to the low bidder, Skeel's Electric.

Board of City Commissioners

Agenda Documentation

Meeting Date: January 19, 2016

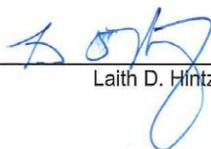
Subject: Consider approving the low bid for the Emergency Generator Project

Page 3 of 7

South Side Pump Station Emergency Generator
 Mandan, ND
 P00510-2015-005 050
 Bid Opening 4:00 PM, January 12, 2016

Contractor		Acknowledge Addendum 1	Bid Bond	Contractor's License	Bid Form	Contract No. 1 Electrical Construction
1	Skeels Electric Company	✓	✓	✓	✓	\$210,075.00
2	Denny's Electric & Motor Repair, Inc.	✓	✓	✓	✓	\$211,840.00
3	Edling Electric, Inc.	✓	✓	✓	✓	\$232,800.00
4	E&I Global Energy Services	✓	✓	✓	✓	\$296,420.00
5	Simco Electric, LLC	✓	✓	✓	✓	\$332,952.00
	<i>Engineer's Estimate</i>					\$215,000.00

Respectfully Submitted by:



 Laith D. Hintz, PE



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



January 14, 2016

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

**Re: Mandan South Side Pump Station Emergency Generator
Award Recommendation Letter**

Honorable President and Commissioners:

Bids for the referenced Project were opened on Tuesday, January 12th, 2016 with five Contractors submitting Bids for the Work. The Contractors submitted the required Bid Bonds, Contractor's Licenses, acknowledged the Addenda, and signed their Bids. The Bids were examined for errors and irregularities, and none were found. A copy of the Bid tabulation summary is attached.

Skeels Electric Company submitted the apparent low bid for Contract No. 1 – Electrical Construction. Skeels Electric Company is a known, reputable Contractor who has completed facility projects for AE2S and clients in the surrounding Bismarck-Mandan area. **As such, we recommend award of Contract 1 – Electrical Construction to Skeels Electric Company in the amount of \$210,075.00.** Note that the low bid received is slightly below the Engineer's opinion of probable construction cost.

Included herewith are copies of the low Bidder proposal, corresponding Bid Bond, Contractor's License, and three copies of the Notice of Award for review by the City Attorney and execution, if acceptable.

Once the Notices of Award are executed by the City, please return all documents to AE2S. We will forward the Notices of Award and the Agreements to the low bidder and return unsuccessful Bids to the appropriate Contractors. The successful bidder is required to acknowledge their Award, execute the Agreements (on their part), and return both with the required supporting documentation (Performance Bonds, insurance certificates, etc.) within fifteen days. Upon receipt of the returned documentation, they will be reviewed and forwarded to the City for review and final execution, if acceptable. Once the Agreements are fully executed, we will assemble and distribute complete Contract Document sets to all parties, schedule and administer a pre-construction conference, and issue the Notice to Proceed.

Board of City Commissioners

Agenda Documentation

Meeting Date: January 19, 2016

Subject: Consider approving the low bid for the Emergency Generator Project

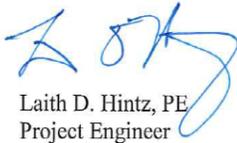
Page 5 of 7

President and Commissioners
of the Mandan Board of City Commissioners
**Re: Mandan South Side Pump Station Emergency Generator
Award Recommendation Letter**
January 14, 2016
Page 2 of 2

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

Submitted in Service,

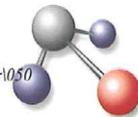
AE2S



Laith D. Hintz, PE
Project Engineer

Enclosures: Bid Tabulation Summary
One Certified Bid Packages
Notices of Award

C: Justin Froseth, City of Mandan



NOTICE OF AWARD

DATE: JANUARY 19, 2016

TO: SKEELS ELECTRIC COMPANY
217 NORTH 23RD STREET
BISMARCK, ND 58501

PROJECT: Mandan South Side Pump Station Emergency Generator
City of Mandan, North Dakota

CONTRACT FOR: CONTRACT NO. 1 – ELECTRICAL CONSTRUCTION

You are notified that your Bid dated JANUARY 12, 2016 for the above Contract has been considered. You are the apparent Successful Bidder and have been awarded a contract for all work under the above referenced project.

The Contract Price of your contract is Two Hundred Ten Thousand Seventy-Five dollars and Zero cents (\$ 210,075.00).

Three (3) copies of the proposed Agreement accompany this Notice of Award.

You must comply with the following conditions precedent within fifteen (15) days of the date of this Notice of Award, that is by FEBRUARY 3, 2016.

1. You must, immediately, deliver to the ENGINEER three (3) signed copies of this Notice acknowledging it's receipt.
2. You must deliver to the ENGINEER three (3) fully executed counterparts of the Agreement including all the Contract Documents.
3. You must deliver with each executed Agreement, Performance and Payment Bonds as specified in the Instructions to Bidders (paragraph 19), and General Conditions (paragraph 5.1).
4. You must deliver with each executed Agreement, Certificates of Insurance as specified in the General Conditions (paragraph 5.04) and Supplementary Conditions (paragraph SC-5.04).

Please note the requirements of Article 5 of the General Conditions. The Certificate of Insurance **MUST** include provision for 30 days prior written notice prior to cancellation. "Will Endeavor to Mail" is not acceptable. Crossing out or X-ing over the words "endeavor to" will not be acceptable. Failure to comply with the required cancellation provision will cause the contracts to be rejected and will delay Notice to Proceed.

Board of City Commissioners

Agenda Documentation

Meeting Date: January 19, 2016

Subject: Consider approving the low bid for the Emergency Generator Project

Page 7 of 7

5. You must deliver with each executed Agreement, Current Workmen's Compensation Certificate of Premium Paid.
6. You must deliver with each executed Agreement, Contractor's Certificate of North Dakota Income and Sales Tax Clearance.

After execution of the Agreement, please send all copies of the Contract, along with the above items to the Engineer, **Advanced Engineering and Environmental Services, Inc. (AE2S)**, 1815 Schafer Street, Suite 301, Bismarck, ND 58501.

Failure to comply with these conditions within the time specified will entitle Owner to consider your bid in default, to annul this Notice of Award, and to declare your Bid Security Forfeited.

Within 10 days after you comply with the above conditions, OWNER will return to you one fully signed counterpart of the Agreement with the Contract Documents attached.

City of Mandan, ND
Owner

By: _____
Authorized Signature

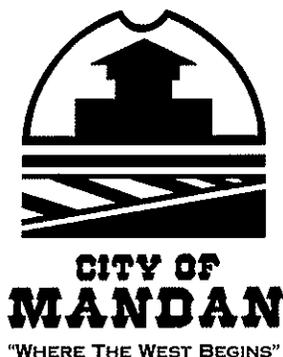
ACCEPTANCE OF AWARD

Skeels Electric Company
Contractor

By: _____

Title: _____

Date: _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 19, 2016
PREPARATION DATE: January 13, 2016
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch, Finance Director
SUBJECT: Pledge of Securities Reports

PURPOSE

To consider approval of pledge of securities reports.

BACKGROUND

The board of any public corporation may accept from any financial institution, as security for repayment of deposits, a pledge of securities in lieu of a personal or surety bond. When securities are so pledged to the board of any public corporation, the board shall require security in the amount of one hundred ten dollars for every one hundred dollars of public deposits (NDCC 21-04-09).

The board of the public corporation, upon the acceptance of any securities as a pledge for repayment of deposits, shall make a complete and detailed record of such acceptance and approval and shall preserve the same with its other records. Such securities must be reapproved by the board at least semiannually (NDCC 21-04-11).

The City of Mandan currently utilizes the following financial institutions for banking services which meet the pledge of security requirements:

- Wells Fargo Bank
- Starion Financial

ATTACHMENTS

Pledge of securities reports:

- Wells Fargo Bank
- Starion Financial

FISCAL IMPACT

None

STAFF IMPACT

None

LEGAL REVIEW

In accordance with the provisions of NDCC 21-04.

RECOMMENDATION

To approve the following pledge of securities reports:

- Wells Fargo Bank
- Starion Financial

SUGGESTED MOTION

Move to approve the following pledge of securities reports:

- Wells Fargo Bank
- Starion Financial

STAGECOACH SWEEP
WELLS FARGO BANK, N.A.
Confirmation
Repurchase Agreement

CITY OF MANDAN
ATTN: GREG WELCH
205 2ND AVE NW
MANDAN ND 58554-3125

ACCOUNT SUMMARY

Date : 12/31/2015
Account :

ACCOUNT DETAIL

Investment : Repurchase Agreement

From Date : 12/31/2015
To Date : 01/04/2016

Rate : .01000000 %
Principal : \$ 11,331,195.83
Interest : \$ 12.59

REPURCHASE AGREEMENT DETAIL

Collateralized By : \$ 1,351,818.92
FHG-3 : G08636
% Due : 3.50 %
Maturity Date : 04/01/2045

CUSIP : 3128MJV64
Sequence : 123115
Price : 103.022617
Accrued Interest : \$ 3,942.81

REPURCHASE AGREEMENT DETAIL

Collateralized By : \$ 10,712,646.09
FHG-3 : G08636
% Due : 3.50 %
Maturity Date : 04/01/2045

CUSIP : 3128MJV64
Sequence : 123115
Price : 103.022617
Accrued Interest : \$ 31,245.22

INVESTMENTS NOT FDIC INSURED



BNY MELLON

Broker/Dealer Services
One Wall Street, Fourth Floor
New York, NY 10286

Date: 12/31/15

000436 XBGSC301
ATTN: GREG WELCH, FINANCE DIRECTOR
CITY OF MANDAN
205 2ND AVE NW
MANDAN, ND 58554

Account Id: Tax Id Number:

This advice is supplied as part of the Tri-Party Collateral agreement among the Customer, Wells Fargo Bank, N.A. and The Bank of New York Mellon. Any questions should be directed to Minnette Frater, Senior Associate, BDS/Tri-Party Services,

As agent we confirm the following collateralized deposit information received from Wells Fargo Bank, N.A. as of close of business the last business day of the month.

Date: 12/31/15

The collateral segregated on your behalf on 12/31/15 is as follows:

Table with 4 columns: CUSIP, DESCRIPTION, QUANTITY, MARKET VALUE. It lists various financial instruments like FMAC FGPC, FNMA FNMS, etc., with their respective quantities and market values, ending with a total market value of 398,481.04.

Pledges By Pledgee And Maturity



JAN/04/2016/MON 04:11 PM STARION FINANCIAL 20

Pledged To: City of Mandan

Starion Financial - Mandan, ND

As Of 12/31/2015

Page 12 of 46

Receipt# Safekeeping Location	CUSIP	ASC 320	Description Maturity Prerfund	Pool/Type Coupon	Moody S&P	Original Face Pledged Percent	Pledged			
							Original Face	Par	Book Value	Market Value
WELL: WELLS FARGO	952718KH6	AFS	W FARGO-REF-IMPT ND 16 05/01/16	3.00	A1	295,000.00 100.00%	295,000.00	295,000.00	295,229.70	297,312.80
WELL: WELLS FARGO	091608MH9	AFS	BISMARCK SD #1-REF ND 17 05/01/17	3.00	Aa2	550,000.00 100.00%	550,000.00	550,000.00	550,000.00	553,839.00
WELL: WELLS FARGO	3136G1F53	AFS	FNMA AGENCY - 1X 08/28/18	1.25	AA+	1,250,000.00 100.00%	1,250,000.00	1,250,000.00	1,250,000.00	1,244,231.25
WELL: WELLS FARGO	31381U4F1	AFS	FNMA Conv <7 Act/360 Balloon 07/01/19	471622 1.86		993,673.00 100.00%	993,673.00	925,017.45	937,579.61	924,091.89
WELL: WELLS FARGO	3138L3AC9	AFS	FNMA Conv <7 Act/360 Balloon 03/01/20	AM2702 1.94		1,500,000.00 100.00%	1,500,000.00	1,420,871.28	1,445,457.88	1,416,575.25
WELL: WELLS FARGO	892864DN6	AFS	TRAILL WTR RES DIST ND 21 05/01/21	1.55		300,000.00 100.00%	300,000.00	300,000.00	300,000.00	301,836.00
WELL: WELLS FARGO	31419GSJ4	AFS	FNMA 15YR 10/01/25	AE5920 3.50		1,725,000.00 100.00%	1,725,000.00	512,402.56	534,530.00	538,759.96
WELL: WELLS FARGO	3138ASS94	AFS	FNMA 15YR 09/01/26	AJ1443 4.00		1,075,000.00 100.00%	1,075,000.00	489,529.42	525,089.81	519,844.04
WELL: WELLS FARGO	3138E0KF5	AFS	FNMA 15YR 12/01/26	AJ7493 3.00		1,000,000.00 100.00%	1,000,000.00	491,303.83	508,547.48	509,926.12
WELL: WELLS FARGO	31417AM30	AFS	FNMA 15YR 12/01/26	AB3977 4.00		1,500,000.00 100.00%	1,500,000.00	536,848.61	567,894.48	573,008.79
WELL: WELLS FARGO	31417ARL5	AFS	FNMA 15YR 12/01/26	AB4090 3.00		2,421,513.00 100.00%	2,421,513.00	1,054,704.40	1,082,240.81	1,094,440.39
WELL: WELLS FARGO	3138E7TW4	AFS	FNMA 15YR 02/01/27	AK3264 3.00		1,000,000.00 100.00%	1,000,000.00	480,711.70	495,986.70	498,823.59
WELL: WELLS FARGO	3138EMMJ7	AFS	FNMA 15YR 04/01/28	AL4860 2.50		1,500,000.00 100.00%	1,500,000.00	1,146,092.13	1,149,773.27	1,166,932.66

Although the information in this report has been obtained from sources believed to be reliable, its accuracy cannot be guaranteed.

P. 003/004

Pledges By Pledgee And Maturity



JAN/04/2016/MON 04:11 PM STARION FINANCIAL 20

Pledged To: City of Mandan

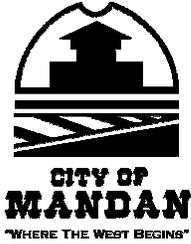
Starion Financial - Mandan, ND

As Of 12/31/2015

Page 13 of 46

Receipt# Safekeeping Location	CUSIP	ASC 320	Description Maturity Prerefund	Pool/Type Coupon	Moody S&P	Original Face Pledged Percent	Pledged			
							Original Face	Par	Book Value	Market Value
WELL: WELLS FARGO	3138ELYF4	AFS	FNMA 15YR 10/01/28	AL4309 4.00		1,077,457.00 100.00%	1,077,457.00	672,226.22	715,773.93	711,467.80
WELL: WELLS FARGO	3137AMNN3	AFS	FHR 4012 JK 12/15/40	3.50		1,000,000.00 100.00%	1,000,000.00	536,784.24	558,970.93	560,804.48
WELL: WELLS FARGO	3136AGPP1	AFS	FNR 2013-105 PJ 11/25/41	3.50		1,575,000.00 100.00%	1,575,000.00	1,096,059.97	1,141,086.19	1,148,634.13
16 Securities Pledged To: 170 - City of Mandan							18,762,643.00	11,757,551.81	12,058,160.79	12,060,528.15

Although the information in this report has been obtained from sources believed to be reliable, its accuracy cannot be guaranteed.



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 19, 2016
PREPARATION DATE: January 15, 2016
SUBMITTING DEPARTMENT: Engineering & Planning/ Wastewater Treatment Plant
DEPARTMENT DIRECTOR: Justin Froseth/Steve Himmelspach, WWTP Superintendent
PRESENTER: Justin Froseth
SUBJECT: Consider for approval issuing request for bid for skid-steer loader for Wastewater Treatment Plant

STATEMENT/PURPOSE:

The existing loader is old and certain parts have failed.

BACKGROUND/ALTERNATIVES:

The cost to repair the loader is high. Due to age and wear, the reliability of the loader is questionable.

The request for bid is to replace the existing loader with a new loader and offer the old loader as a trade-in.

This is an approved capital item in the budget.

ATTACHMENTS:

1. Advertisement for Bids

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 issuing request for bid for skid-steer loader for Wastewater Treatment Plant.

Advertisement for Bid

Skid-Steer Loader

The City of Mandan Wastewater Treatment Plant will receive sealed bids at the Mandan City Hall located at 205 2nd avenue NW, Mandan, ND 58554 until Tuesday, February 23, 2016 at 2:00 p.m. CST.

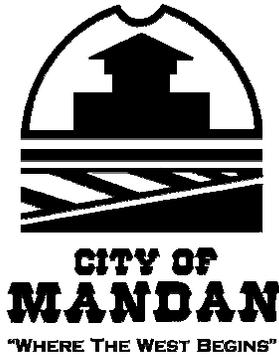
All bids shall be sealed and endorsed “**Skid-Steer Loader**”. Bids must be submitted on forms provided by the City of Mandan and in accordance with detailed specifications and conditions therein contained. Copies of the bid proposal forms and detailed specifications may be obtained from the Engineering and Planning Department at Mandan City Hall or by contacting Quest at www.questcdn.com and specifying Project No. 4228538. The cost for a set of plans is \$40 if picked up at City Hall or \$20 if obtained through Quest.

The City of Mandan reserves the right to hold all bids for a period of thirty (30) days after the date fixed for opening thereof and to reject any and or all bids and to waive irregularities whenever it is for the best interest of the City of Mandan.

Date: January 19, 2016

City of Mandan
Jim Neubauer
City Administrator

Legal Publications: January 29, 2016 and February 5, 2016



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 19, 2016
PREPARATION DATE: January 15, 2016
SUBMITTING DEPARTMENT: Business Development and Communications Department
DEPARTMENT DIRECTOR: Ellen Huber, Business Development and Communications Director
PRESENTER: Ellen Huber, Business Development and Communications Director
SUBJECT: Assignment & Consent Agreement for 200 W Main Street

STATEMENT/PURPOSE: Consider approval of an assignment and consent agreement regarding Tax Increment Financing (TIF) for 200 W Main Street.

BACKGROUND/ALTERNATIVES: The apartment portion of the building at 200 W Main Street was approved for TIF in the form of an extended property tax exemption in years 6 to 15 of the building by the City Commission on Sept. 1, 2009. The purpose of the TIF exemption was to help keep rents affordable for the apartments and to offset redevelopment costs. The building had a Renaissance Zone exemption for years 1 to 5.

Building background. The building has about 6,780 square feet of commercial space at street level plus the entry and commons area with 28 one- and two-bedroom apartments on the second through fourth stories. The building was constructed on property that the Mandan Remediation Trust had acquired for remediation and later turned over to the City. The structure that previously stood on the property was demolished because petroleum had infiltrated its rock foundation. Remediation extraction wells and pipelines have operated on the property. Some relocation of equipment was needed to accommodate the footprint of the building and layout of the first floor.

Property transfer. CRT Investments, LLC, has sold the property to EVI Mandan Apartments LLC, which is now requesting that the rights and responsibilities under the previously existing TIF agreement be transferred to it. CRT Investments, LLC has concurred.

EVI Mandan Apartments LLC has submitted payment in the amount of \$9,909 which was the remaining balance of a 5% administrative fee due prior to implementation of the TIF exemption in year 6 for the property, which is 2016.

ATTACHMENTS: Assignment and Consent Agreement

FISCAL IMPACT: The TIF exemption was previously approved. In 2009, based on an anticipated mill levy of 425 and an estimated value of the property of \$2,150,000 with \$1,750,000 attributable to the apartments, the exemption was projected to be \$37,188 per year in the agreement. Based on its preliminary 2016 structural value of \$2,865,500 with 80% or \$2,276,500 attributable to the apartments, and the 2015 levy of 280 mills, the property tax exemption is currently estimated at \$31,871. This value will fluctuate annually with changes in the mill levy and property value.

STAFF IMPACT: Minimal

LEGAL REVIEW: Attorney Brown prepared the proposed agreement.

RECOMMENDATION: I recommend approval of the Assignment and Consent Agreement to transfer rights and responsibilities to EVI Mandan Apartments LLC for the TIF exemption for the apartment portion of 200 W Main Street.

SUGGESTED MOTION: I move to approve the Assignment and Consent Agreement to transfer rights and responsibilities to EVI Mandan Apartments LLC for the TIF exemption for the apartment portion of 200 W Main Street.

ASSIGNMENT AND CONSENT

This Assignment and Consent made and entered into this 5 day of January, 2016, by and between CRT Investments, LLC, of P.O. Box 14010, Grand Forks, ND 58208 ("Seller") and EVI Mandan Apartments, LLC, of 322 DeMers Avenue, Grand Forks, ND 58208 ("Assignee"), and the City of Mandan of 205 Second Avenue NW, Mandan, ND 58554 ("City").

WHEREAS, Seller and the City entered into a Tax Increment Financing Agreement providing for the construction of a three story retail, office and market rate housing on the following described real property located in the City of Mandan, Morton County, ND:

Lot 1, the North 34 feet of Lot 2 and Lots 4, 5, 6, 7 and 8, Block 8, Original Town of the City of Mandan

WHEREAS, Seller has conveyed said property to Buyer and Seller intends to assign its rights and obligations under said Tax Increment Financing Agreement to Assignee.

NOW, THEREFORE, For good and valuable consideration, Seller hereby assigns to Assignee, all of its rights and obligations to said Tax Increment Financing Agreement; and

Assignee agrees to be bound by all of the obligations in said Tax Increment Financing Agreement; and

The City of Mandan consents to said assignment by Seller and assumption by Assignee for said Tax Increment Financing Agreement.

SELLER:

CITY:

CRT INVESTMENTS, LLC

CITY OF MANDAN

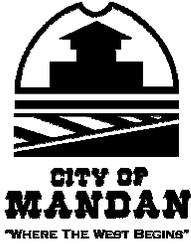
By: 
Its President

By: _____
Its _____

ASSIGNEE:

EVI MANDAN APARTMENTS, LLC

By: 
Its Treasurer



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 19, 2016
PREPARATION DATE: January 15, 2016
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Robert Decker, P.E., Principal Planner
SUBJECT: Consider for approval first replat of Block 2, Sharon Heights Fourth Addition

STATEMENT/PURPOSE:

Request is to replat a portion of Block 2 to create two lots from one existing lot.

BACKGROUND/ALTERNATIVES:

This block was split using Auditor's plat descriptions. Auditor's plats cannot be used to pull a building permit.

The existing lot has a house that is on the northern 2/3 of the lot. This proposal is to create a separate lot south of the existing house.

ATTACHMENTS:

1. Aerial photo
2. Sharon Heights Fourth Addition plat
3. Proposed replat

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 2, Block 2, North Prairie Second Subdivision



SHARON HEIGHTS 4TH ADDITION FIRST REPLAT OF BLOCK 2

BEING AUDITOR'S LOT C OF BLOCK 2 SHARON HEIGHTS 4TH ADDITION
 PART OF THE SE 1/4 OF SECTION 21,
 TOWNSHIP 139 NORTH, RANGE 81 WEST
 MANDAN, MORTON COUNTY, NORTH DAKOTA

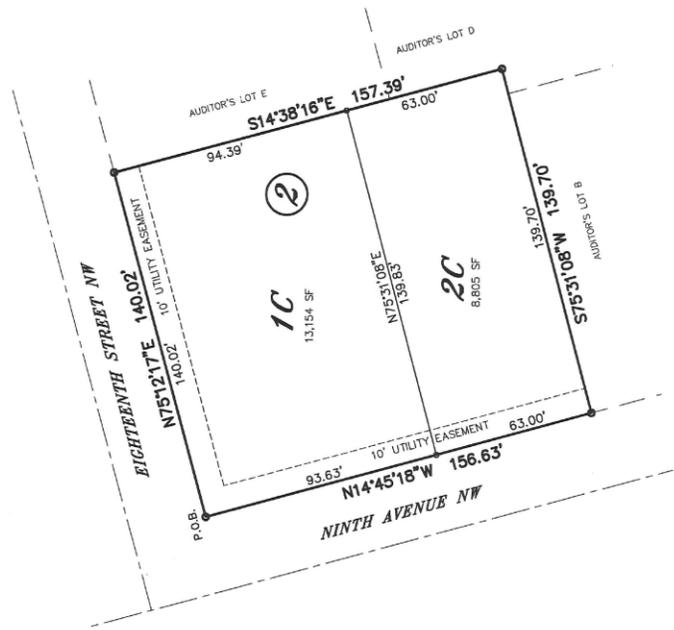


SCALE - 1" = 20'
 VERTICAL DATUM: NGVD 29

NOVEMBER 10, 2015

- UNIMPROVED IN PLACE
- IMPROVED IN PLACE

NOTES
 NORTH DAKOTA STATE PLANNING ZONE
 RECORDS AND REFERENCES MAY VARY FROM
 PREVIOUS PAGES OF THIS PLAT



DESCRIPTION
 BEING AUDITOR'S LOT C OF BLOCK 2 SHARON HEIGHTS 4TH ADDITION, PART OF THE SE 1/4 OF SECTION 21,
 TOWNSHIP 139 NORTH, RANGE 81 WEST, MORTON COUNTY, NORTH DAKOTA, AS SHOWN ON THE
 ORIGINAL PLAT OF SAID ADDITION, BEING RECORDS 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33,
 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62,
 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90,
 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113,
 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134,
 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154,
 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174,
 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194,
 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214,
 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234,
 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254,
 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274,
 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294,
 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314,
 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334,
 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354,
 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374,
 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394,
 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414,
 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434,
 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454,
 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474,
 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494,
 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514,
 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534,
 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554,
 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574,
 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594,
 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614,
 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634,
 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654,
 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674,
 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694,
 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714,
 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734,
 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754,
 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774,
 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794,
 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814,
 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834,
 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854,
 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874,
 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894,
 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914,
 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934,
 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954,
 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974,
 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994,
 995, 996, 997, 998, 999, 1000.

SURVEYOR'S CERTIFICATE
 I, TERRY WALTERS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY
 THAT I HAVE PERSONALLY EXAMINED THE RECORDS AND PLAT OF SAID ADDITION, AND THAT THE
 BEARINGS AND DISTANCES THEREON ARE TRUE AND CORRECT, AND THAT ALL DIMENSIONAL AND GEOMETRIC
 REQUIREMENTS HAVE BEEN MET, AND THAT ALL DIMENSIONAL AND GEOMETRIC DETAILS ARE CORRECT.
 TERRY WALTERS, S.D. P.C.
 3000 SW 10TH AVENUE, SUITE 100
 BISMARCK, NORTH DAKOTA
 PROFESSIONAL LAND SURVEYOR
 N.D. REGISTRATION NO. 3085

ON THIS DAY OF _____, 2015, BEFORE ME PERSONALLY APPEARED TERRY WALTERS, KNOWN TO
 ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING CERTIFICATE, AND HE
 ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.
 EDWARD PATRICK, NOTARY PUBLIC
 1000 W. 10TH AVENUE, SUITE 100
 BISMARCK, NORTH DAKOTA 58104

APPROVAL OF BOARD OF CITY COMMISSIONERS
 THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE
 REPLAT OF SAID ADDITION, AND HAS APPROVED THE BEARINGS AND DISTANCES THEREON AS SHOWN ON THE
 ORIGINAL PLAT OF SAID ADDITION, AND HAS APPROVED THE BEARINGS AND DISTANCES THEREON AS SHOWN
 ON THIS PLAT, AND HAS APPROVED THE BEARINGS AND DISTANCES THEREON AS SHOWN ON THIS PLAT,
 WITHIN THE BOUNDARIES OF THE SAID ADDITION, AND HAS APPROVED THE BEARINGS AND DISTANCES
 THEREON AS SHOWN ON THIS PLAT, AND HAS APPROVED THE BEARINGS AND DISTANCES THEREON AS SHOWN
 ON THIS PLAT, AND HAS APPROVED THE BEARINGS AND DISTANCES THEREON AS SHOWN ON THIS PLAT,
 BY RESOLUTION APPROVED THE DAY OF _____, 2015.
 AILEEN WANDER-WAVER
 CITY COMMISSIONER

APPROVAL OF ENGINEER
 I, _____, A PROFESSIONAL ENGINEER IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY
 THAT I HAVE PERSONALLY EXAMINED THE RECORDS AND PLAT OF SAID ADDITION, AND THAT THE
 BEARINGS AND DISTANCES THEREON ARE TRUE AND CORRECT, AND THAT ALL DIMENSIONAL AND GEOMETRIC
 REQUIREMENTS HAVE BEEN MET, AND THAT ALL DIMENSIONAL AND GEOMETRIC DETAILS ARE CORRECT.

 PROFESSIONAL ENGINEER
 N.D. REGISTRATION NO. _____

OWNER'S CERTIFICATE & ACKNOWLEDGMENT
 I, _____, OWNER OF THE PROPERTY
 DESCRIBED IN THE FOREGOING CERTIFICATE, HEREBY CERTIFY THAT I HAVE PERSONALLY EXAMINED THE
 RECORDS AND PLAT OF SAID ADDITION, AND THAT THE BEARINGS AND DISTANCES THEREON ARE TRUE
 AND CORRECT, AND THAT ALL DIMENSIONAL AND GEOMETRIC REQUIREMENTS HAVE BEEN MET, AND
 THAT ALL DIMENSIONAL AND GEOMETRIC DETAILS ARE CORRECT, AND THAT I HAVE READ AND UNDERSTOOD
 THE FOREGOING CERTIFICATE, AND I HEREBY ACKNOWLEDGE THAT THE BEARINGS AND DISTANCES
 THEREON ARE TRUE AND CORRECT, AND THAT ALL DIMENSIONAL AND GEOMETRIC DETAILS ARE CORRECT,
 AND THAT I HAVE READ AND UNDERSTOOD THE FOREGOING CERTIFICATE, AND I HEREBY ACKNOWLEDGE
 THAT THE BEARINGS AND DISTANCES THEREON ARE TRUE AND CORRECT, AND THAT ALL DIMENSIONAL
 AND GEOMETRIC DETAILS ARE CORRECT.

 OWNER

 COUNTY OF _____
 STATE OF NORTH DAKOTA

ON THIS DAY OF _____, 2015, BEFORE ME PERSONALLY APPEARED TERRY WALTERS, KNOWN
 TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING CERTIFICATE, AND HE
 ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

 NOTARY PUBLIC
 COUNTY OF _____
 STATE OF NORTH DAKOTA
 BY COMMISSION EXPIRES _____





Board of City Commissioners

Agenda Documentation

MEETING DATE: January 19, 2016
PREPARATION DATE: January 5, 2016
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Shirley Shaw
PRESENTER: Shirley Shaw
SUBJECT: Reassessment 2015 Value – Clifford Mund

STATEMENT/PURPOSE: To consider a correction in 2015 True & Full Value for Clifford Mund.

BACKGROUND/ALTERNATIVES: This parcel is also known as Parcel #65-0220000 Lot 2 Block 1 Debbie's Acres 1st Addition; City ID #8057

Reason for abatement: To lower the 2015 structure value from \$228300 to \$180,700. Values should be at; Land: \$35,000 Structure \$180,700 Total: \$215,700 Had reassessment and new market analysis ran for 2015.

ATTACHMENTS: Abatement Application, Property Record Sheet

FISCAL IMPACT: Approximately \$600.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend a motion to approve to lower the true and full value for the 2015 year for Clifford Mund.

SUGGESTED MOTION: A motion to approve a reduction for the Clifford Mund property for the 2015 assessment year.

Application For Abatement Or Refund Of Taxes
 North Dakota Century Code § 57-23-04

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

State of North Dakota _____ Assessment District City of Mandan
 County of Morton Property I.D. No. 65-0220000
 Name Clifford Mund Telephone No. _____
 Address 4404 Highland Rd NW

Legal description of the property involved in this application:
Lot 2 Block 1
Debbie's Acres 1st Addition

Total true and full value of the property described above for the year <u>2015</u> is:	Total true and full value of the property described above for the year <u>2012</u> should be:
Land \$ <u>35,000</u>	Land \$ <u>35,000</u>
Improvements \$ <u>228,300</u>	Improvements \$ <u>180,700</u>
Total \$ <u>263,300</u>	Total \$ <u>215,700</u>

- The difference of \$ 47,600 true and full value between (1) and (2) above is due to the following reason(s):
- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
 - 2. Residential or commercial property's true and full value exceeds the market value
 - 3. Error in property description, entering the description, or extending the tax
 - 4. Nonexisting improvement assessed
 - 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
 - 6. Duplicate assessment
 - 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
 - 8. Error in noting payment of taxes, taxes erroneously paid
 - 9. Property qualifies for Homestead Credit according to N.D.C.C. § 57-02-08.1. Attach a copy of Homestead Credit Application.
 - 10. Other (explain) _____

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

1. Purchase price of property: \$ _____ Date of purchase: _____
 Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
 Was there personal property involved in the purchase price? yes/no Estimated value: \$ _____

2. Has the property been offered for sale on the open market? yes/no If yes, how long? _____
 Asking price: \$ _____ Terms of sale: _____

3. The property was independently appraised: yes/no Purpose of appraisal: _____
 Market value estimate: \$ _____
 Appraisal was made by whom? _____

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

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

Applicant asks that corrections be made to reflect current 2015 values due to reassessment and new market analysis.

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

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

Clifford C. Mund Signature of Proprietor (if other than applicant) _____ Date 1-4-16 Signature of Applicant _____ Date _____

Board of City Commissioners

Agenda Documentation

Meeting Date: January 19, 2016

Subject: Consider a correction in 2015 True & Full Value for Clifford Mund

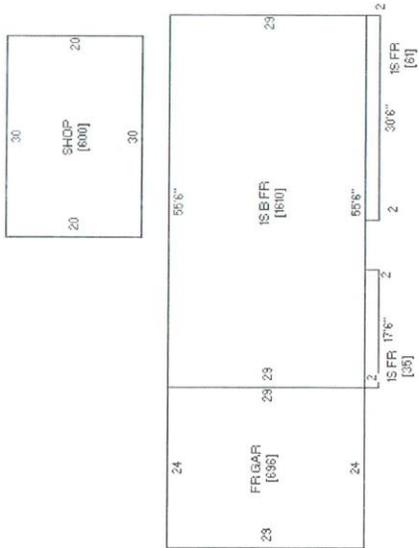
Page 5 of 7

PDF+PIN: 006+65-0220000

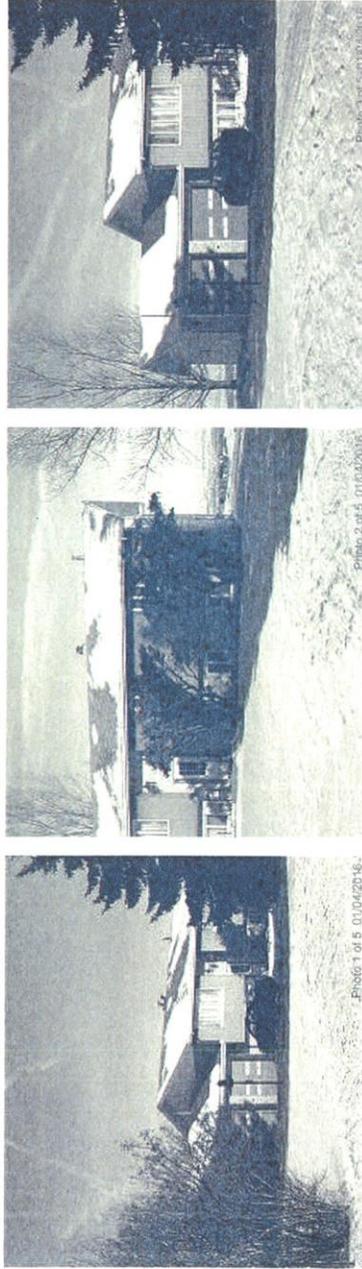
Tue, 1/15/2016, 9:16 AM Page 3

Price Year	Comment	Value Type	Location	Class	Land Value	Dwelling Value	Improvement Value	M & E Value	Total Value
1991		Import	Urban	Res	\$15,600	\$65,300	\$0	\$0	\$80,900
1992		Import	Urban	Res	\$15,600	\$65,300	\$0	\$0	\$80,900
1993		Import	Urban	Res	\$15,600	\$60,100	\$0	\$0	\$75,700
1994		Import	Urban	Res	\$15,000	\$60,200	\$0	\$0	\$75,200
1995		Import	Urban	Res	\$14,500	\$67,700	\$0	\$0	\$82,200
1996		Import	Urban	Res	\$14,500	\$77,500	\$0	\$0	\$92,000
1997		Import	Urban	Res	\$14,500	\$79,000	\$0	\$0	\$93,500
1998		Import	Urban	Res	\$14,500	\$78,200	\$0	\$0	\$92,700
1999		Import	Urban	Res	\$14,500	\$85,100	\$0	\$0	\$99,600
2000		Import	Urban	Res	\$14,300	\$83,100	\$0	\$0	\$97,600
2001		Import	Urban	Res	\$14,300	\$87,700	\$0	\$0	\$102,000
2002		Import	Urban	Res	\$14,000	\$90,300	\$0	\$0	\$104,300
2003		Import	Urban	Res	\$14,900	\$95,200	\$0	\$0	\$110,100
2004		Import	Urban	Res	\$15,200	\$97,100	\$0	\$0	\$112,300
2005		Import	Urban	Res	\$15,200	\$116,600	\$0	\$0	\$131,800
2006		Import	Urban	Res	\$15,200	\$118,300	\$0	\$0	\$133,500
2007		Import	Urban	Res	\$15,000	\$125,100	\$0	\$0	\$140,100
2008		Import	Urban	Res	\$15,700	\$137,900	\$0	\$0	\$153,600
2009		Import	Urban	Res	\$16,200	\$151,100	\$0	\$0	\$167,300
2010		Import	Urban	Res	\$16,200	\$156,000	\$0	\$0	\$172,200
2011		Import	Urban	Res	\$16,800	\$153,500	\$0	\$0	\$170,300
2012		Import	Urban	Res	\$17,200	\$143,000	\$0	\$0	\$160,200
2013		Import	Urban	Res	\$17,200	\$153,100	\$0	\$0	\$170,300
2014		Import	Urban	Res	\$18,800	\$160,900	\$0	\$0	\$179,700
2015		Appr	Urban	Res	\$35,000	\$228,300	\$0	\$0	\$263,300

Import from County file.



Sketch 1 of 1



Board of City Commissioners

Agenda Documentation

Meeting Date: January 19, 2016

Subject: Consider a correction in 2015 True & Full Value for Clifford Mund

Page 7 of 7

PDF+PIN: 006+65-0220000

Tue, 1/5/2016, 9:16 AM Page 5

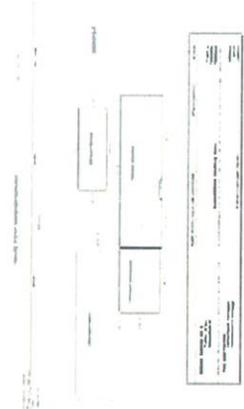


Photo 5 of 6: 12/04/2013

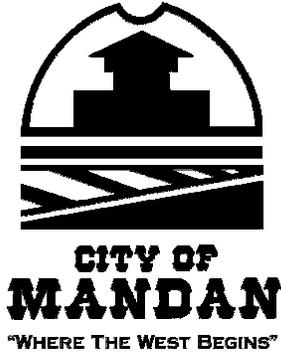
Imported by Photo/Doc Import

Notes:

2015 HOMESTEAD CREDIT 60%
2014 HOMESTEAD CREDIT 10%
LIFE ESTATE

Land Depreciation Notes:

Land basis 1: 175 X 350, UTIL, UNDRGRND UTIL, SIDMLK, VIEW



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 19, 2016
PREPARATION DATE: January 11, 2016
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Shirley Shaw
PRESENTER: Shirley Shaw
SUBJECT: Reassessment 2015 Value – Dave & Kathleen Kottsick

STATEMENT/PURPOSE: To consider a correction in 2015 True & Full Value for Dave & Kathleen Kottsick.

BACKGROUND/ALTERNATIVES: This parcel is also known as Parcel #65-6106045 Lot 13 Block 6 Keidel's Southheart Terrace 1st; City ID #10846

Reason for abatement: To lower the 2015 structure value from \$391,100 to \$370,700. Values should be at; Land: \$49,500 Structure \$370,700 Total: \$420,200 Had reassessment and new market analysis ran for 2015.

ATTACHMENTS: Abatement Application, Property Record Sheet

FISCAL IMPACT: Approximately \$257.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend a motion to approve to lower the true and full value for the 2015 year for Dave & Kathleen Kottsick.

SUGGESTED MOTION: A motion to approve a reduction for the Dave & Kathleen Kottsick property for the 2015 assessment year.

Board of City Commissioners

Agenda Documentation

Meeting Date: January 19, 2016

Subject: Consider a correction in 2015 True & Full Value for Dave & Kathleen Kottsick

Page 2 of 6

Application For Abatement Or Refund Of Taxes
North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District City of Mandan
County of Morton Property I.D. No. 65-6106045
Name Dave & Kathleen Kottsick Telephone No. _____
Address 1704 Canyon Rd SW Mandan

Legal description of the property involved in this application:

Lot 13 Block 6
Keidel's Southheart Terrace 1st

Total true and full value of the property described above for the year 2015 is:

Land \$ 49,500
Improvements \$ 391,100
Total \$ 440,600

Total true and full value of the property described above for the year 2015 should be:

Land \$ 49,500
Improvements \$ 370,700
Total \$ 420,200
(2)

The difference of \$ 20,400 true and full value between (1) and (2) above is due to the following reason(s):

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

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

1. Purchase price of property: \$ _____ Date of purchase: _____
 Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
 Was there personal property involved in the purchase price? yes/no _____ Estimated value: \$ _____

2. Has the property been offered for sale on the open market? yes/no _____ If yes, how long? _____
 Asking price: \$ _____ Terms of sale: _____

3. The property was independently appraised: yes/no _____ Purpose of appraisal: _____
 Market value estimate: \$ _____
 Appraisal was made by whom? _____

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

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

Applicant asks that Corrections be made to 2015 Value to reflect reassessment and Market analysis completed.

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

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

Shirley Shaw 1-11-16
Signature of Preparer (if other than applicant) Date Signature of Applicant

Board of City Commissioners

Agenda Documentation

Meeting Date: January 19, 2016

Subject: Consider a correction in 2015 True & Full Value for Dave & Kathleen Kottsick

Page 4 of 6

PDF+PIN: 009+65-6106045

RCN \$368,083

101 - Single-Family / Owner Occupied

Mon, 1/11/2016, 9:42 AM Page 2

Blk# / Addn	Description	Units	Price	Base Value	Guide Mult	Year	Phys%	Fobse%	Ebose%	Other%	Depreciated Total (Rd nearest dollar)	Map	Appraised Value (Rd nearest \$100)
#1	1 Story Frame	1,907		\$138,960									
	Bsmt Fin - Living Qtrs. (Mult) (Avg)	1,900 Tbl	\$21.50	\$40,860									
	Base Heat: FHA - Gas			\$3,110									
	Add Central Air	1,907	\$3,110.00	\$4,800									
	Deck #1: Wood Deck-High	240 SF	\$20.00	\$1,400									
	Veneer #1 1 Story Brick	20.0 LF	\$70.00	\$1,400									
	Plumbing	5	N/A	\$11,400									
	B.I. Appliances	2	N/A	\$0									
	Fireplaces: Gas-Vertical, 1 Story	2	\$3,700.00	\$7,400									
	Garage: Att Frame	1,016 SF	\$22,132	\$22,132	1,600	2013	0.00						
	Building Sub Total			\$230,052	1,600	2013	0.00	0	0	0	\$368,083		
	Garage: Det Frame	0' X 0'		\$12,350	3	2013	2.00	0	0	0	\$12,103		
	Building TOTAL Value										\$380,186	1,000	\$380,200

Board of City Commissioners

Agenda Documentation

Meeting Date: January 19, 2016

Subject: Consider a correction in 2015 True & Full Value for Dave & Kathleen Kottsick

Page 5 of 6

PDF+PIN: 009+65-6106045

Prior Year	Comment	Value Type	Location	Class	Land Value	Dwelling Value	Improvement Value	M & E Value	Total Value
2009		Import	Urban	Other	\$7,400	\$0	\$0	\$0	\$7,400
2010		Import	Urban	Other	\$10,300	\$0	\$0	\$0	\$10,300
2011		Import	Urban	Other	\$10,600	\$0	\$0	\$0	\$10,600
2012		Import	Urban	Res	\$29,800	\$0	\$0	\$0	\$29,800
2013		Import	Urban	Res	\$45,200	\$221,700	\$0	\$0	\$266,900
2014	Import from County file.	Import	Urban	Res	\$49,400	\$285,500	\$0	\$0	\$334,900
2015		Appr	Urban	Res	\$49,500	\$391,100	\$0	\$0	\$440,600

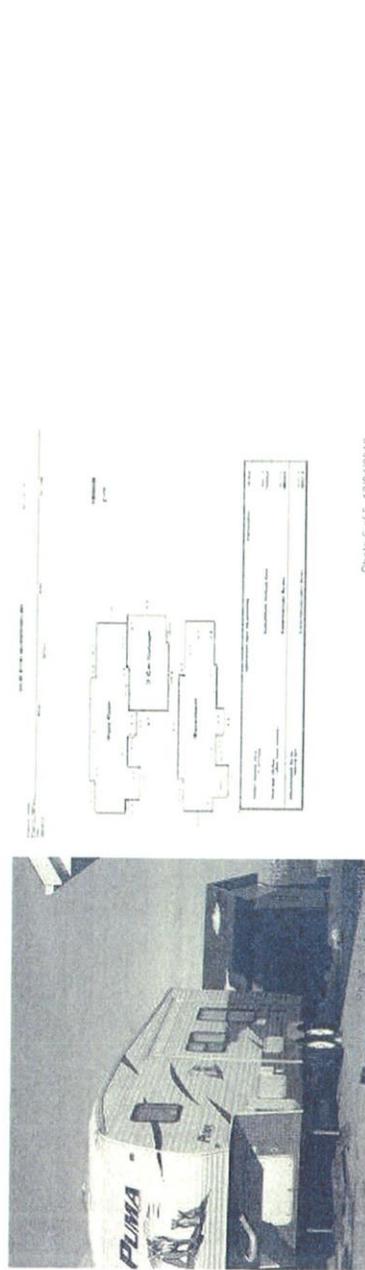
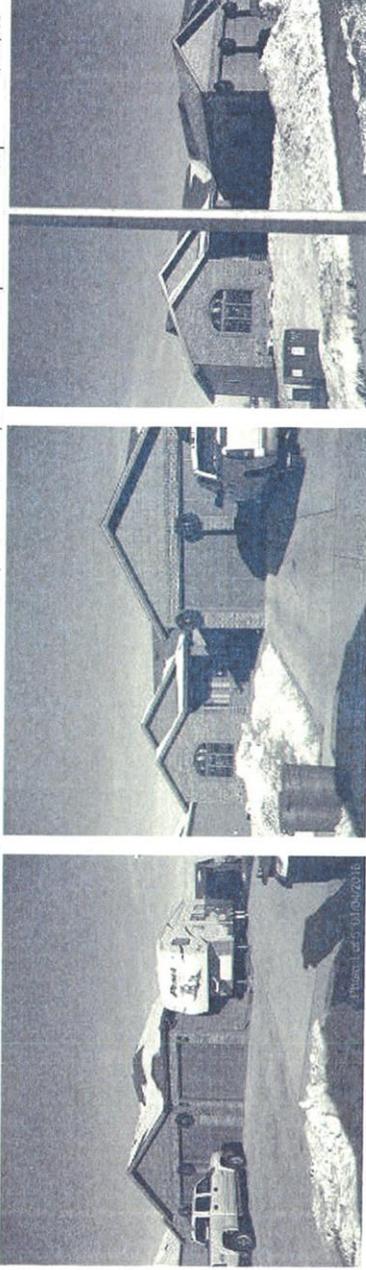


Photo 5 of 5 12/04/2013

Imported by PhotoDoc Import

Board of City Commissioners

Agenda Documentation

Meeting Date: January 19, 2016

Subject: Consider a correction in 2015 True & Full Value for Dave & Kathleen Kottsick

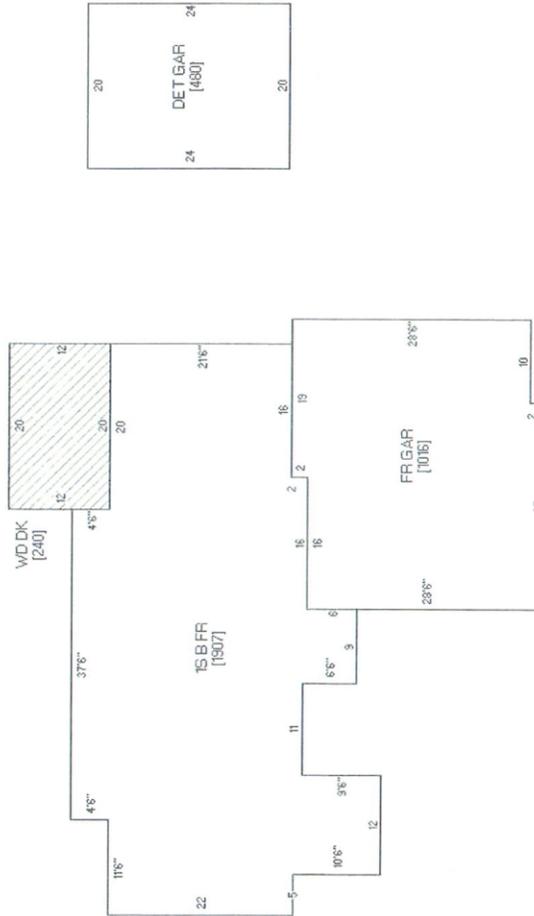
Page 6 of 6

Mon, 1/11/2016, 9:42 AM Page 4

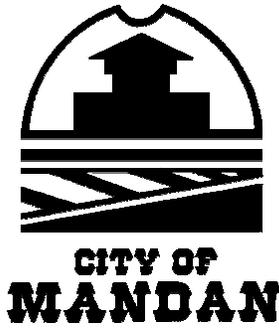
PDF-PIN:009*65-6106045

Land Depreciation Notes:

Land basis 1: 90 X 150, UTIL, UNDERGRND UTIL, SIDWALK, VIEW



Sketch 1 of 1



"WHERE THE WEST BEGINS"

Board of City Commissioners Agenda Documentation

MEETING DATE: January 19, 2016
PREPARATION DATE: January 15, 2016
SUBMITTING DEPARTMENT: Engineering/Wastewater Treatment Facility
DEPARTMENT DIRECTOR: Justin Froseth/Steve Himmelspach, Facility Superintendent
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Inform of approved C.O.s M-1 and E-1 for Wastewater Treatment Facility Optimization Project

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

BACKGROUND/ALTERNATIVES: For the M-1 change order, the request is to extend the mechanical contract completion date by 28 days to mirror the general contract completion date.

For the E-1 change order, the request is to extend the electrical contract completion date by 28 days to mirror the general contract completion date as well as to implement a couple of minor changes in the electrical scope. The changes include adding two exterior lights on facility buildings as well as increasing the cable and conduit sizes for work within the UV treatment building.

City staff has reviewed these requests with our consulting engineers AE2S and we believe they are necessary for the project and have approved.

ATTACHMENTS:

1. City Form of Change Order No. M-1
2. City Form of Change Order No. E-1

FISCAL IMPACT: Adds \$4,416.21 to the contract amount with Edling Electric. Project is still well within budget and approved SRF loan amount.

STAFF IMPACT: Minimal

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

RECOMMENDATION: None. This item is for informational purposes.

SUGGESTED MOTION: No motion necessary, for informational purposes.

CONTRACT CHANGE ORDER FORM

DEPARTMENT

Contract between the City of Mandan and Central Mechanical Inc.

Contract Number: 2014-22 Change Order Number: M-1

Project/Subproject: WWTF Interim Optimization Original Contract Amt: \$424,000

Project Description: Various work to optimize WWTF Operations

Previous Contract Amount: \$424,000

Change Order Amount: \$0

Original Contract Date: 1/26/2015 Change in Contract Timeline: 28 days

Within Project Scope: Y N Within Project Funding: Y N

Type of Change Order:

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

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

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

Other: _____
(describe)

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

ADMINISTRATION

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

Add to Commission Consent Agenda

COMMISSION APPROVAL

Commission Approval Date: N/A

Attach Minutes for Commission Approval

Fiscal

Comments: _____

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

CONTRACT CHANGE ORDER FORM

DEPARTMENT

Contract between the City of Mandan and Edling Electric

Contract Number: 2014-22 Change Order Number: E-1

Project/Subproject: WWTF Interim Optimization Original Contract Amt: \$421,400

Project Description: Various work to optimize WWTF Operations

Previous Contract Amount: \$421,400

Change Order Amount: Increase of \$4,416.21

Original Contract Date: 1/26/2015 Change in Contract Timeline: 28 days

Within Project Scope: (Y) N Within Project Funding: (Y) N

Type of Change Order:

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

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

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

 Other: _____
(describe)

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

ADMINISTRATION

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

Add to Commission Consent Agenda

COMMISSION APPROVAL

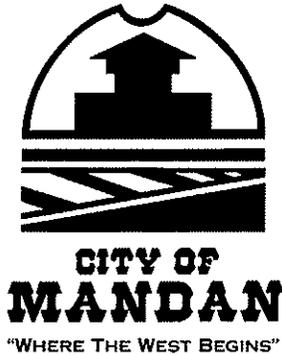
Commission Approval Date: N/A

Attach Minutes for Commission Approval

Fiscal

Comments: _____

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



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 19, 2016
PREPARATION DATE: January 14, 2016
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch, Finance Director
SUBJECT: Dispose old Records

PURPOSE

Consider the request from the Finance Department to dispose old records in accordance with the North Dakota Records Management Program.

BACKGROUND

According to the City's Records Management Policy, departments are required to retain and dispose records in connection with their department's Records Management and Retention Plan based on the North Dakota Records Management Program.

ATTACHMENT

Request from Julie Frye, Records Management Coordinator

FISCAL IMPACT

None

STAFF IMPACT

None

LEGAL REVIEW

In accordance with the provisions of the North Dakota Records Management Program.

RECOMMENDATION

To approve the request from the Finance Department to dispose old records in accordance with the North Dakota Records Management Program.

SUGGESTED MOTION

Move to approve the request from the Finance Department to dispose old records in accordance with the North Dakota Records Management Program.

Date: January 19, 2016

To: Jim Neubauer
City Administrator

From: Julie Frye
Records Management Coordinator

Re: Commission Consent Agenda Item for January 19, 2016
Request permission to dispose Payroll Records, Accounting Records and Tax Reporting Records in accordance with the records retention schedule.

Please schedule this item for consideration by the Board of Commissioners at their meeting on Tuesday, January 19, 2016

1. The Records Management Department has identified Payroll Records and Accounting Records and Tax Reporting Records for disposal in accordance with the Records Retention Plan. The items to be disposed are inventoried as follows:

4 Boxes 2000 through 2010

Payroll Records

The retention schedule for records and reports that summarize payroll information, including, but not limited to JSND quarterly wage report, unemployment compensation reports, and social security reports is retain for 6 years.

Accounting Records

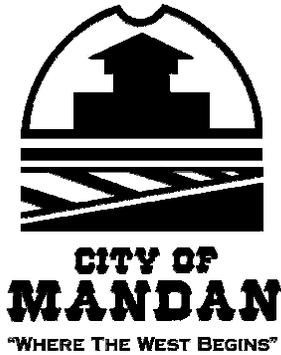
The retention schedule for bank statements/deposits including statement records, deposit records, and canceled checks for accounts maintained by the office is retain for 6 years.

The retention schedule for trial balance adjustments including account number, actual balance, year-to-date debits, year-to-date credits, and the adjustment work papers is retain 4 years after the city's fiscal year.

Tax Reporting Records

The retention schedule for documents and associated records that summarize tax reporting is thirteen years.

Julie Frye
Records Management Coordinator



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 19, 2016
PREPARATION DATE: January 14, 2016
SUBMITTING DEPARTMENT: Municipal Court
DEPARTMENT DIRECTOR: Judge DeNae Kautzmann
PRESENTER:
SUBJECT: Alternate Judge

STATEMENT/PURPOSE: The Court is requesting that Attorney Patrick Brooke be appointed as an additional alternate attorney for Municipal Court. Bismarck Municipal Judge Bill Severin and Lincoln Municipal Judge Chuck Isakson serve as alternate Judges for the City of Mandan. There are times when they are unable to hear cases due to their schedules or because they have a conflict of interest. It is preferable to have a third alternate who is flexible with his schedule and is consistently available.

BACKGROUND/ALTERNATIVES: Attorney Patrick Brooke has the necessary qualifications to perform Alternate Judge duties. He has served as alternate Judge for Dickinson Municipal Bob Keogh and has recently moved to the Bismarck-Mandan area.

ATTACHMENTS: None

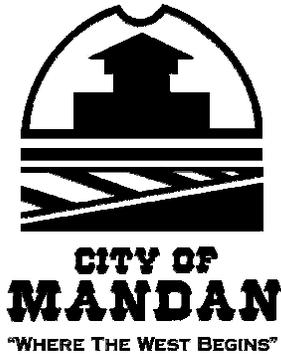
FISCAL IMPACT: Municipal Court allocates funds in its budget for the occasional use of alternate Judges.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: That Attorney Patrick Brooke is appointed as an alternate Judge for Municipal Court.

SUGGESTED MOTION: Move to appoint Patrick Brooke as an alternate Judge for Mandan Municipal Court.



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 19, 2016
PREPARATION DATE: January 14, 2016
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Shirley Shaw
PRESENTER: Shirley Shaw
SUBJECT: HIT, INC Exempt Status for Group Home

STATEMENT/PURPOSE: To consider a correction in 2015 True & Full Value for HIT, INC for property used as Group Home for Disabled Persons.

BACKGROUND/ALTERNATIVES: This parcel is also known as Parcel #65-5263030; S68.92' of Lot 2 Block 1 Terra Vallee 5th Addition; City ID #1237

Reason for abatement: To add Exempt starting in 2015 status to this property which is used as a group home for disabled persons, according to N.D.C.C. 57-02-08 (31) HIT, Inc purchased this home on June 23, 2014 and applied for exempt status in 2015. Since they owned the property as of February 1, 2015 exemption should have been applied for 2015.

ATTACHMENTS: Abatement Application, Application for Property Tax Exemption, Property Record Sheet, Copy of Warranty Deed showing purchase date, Printout of Morton County Tax Statement

FISCAL IMPACT: Approximately \$2,700.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend a motion to approve the 2015 Exempt Status to the HIT, Inc property located at 2703 12th Ave NW in Mandan.

SUGGESTED MOTION: A motion to approve the 2015 Exempt Status to the HIT, Inc property located at 2703 12th Ave NW in Mandan.

Board of City Commissioners

Agenda Documentation

Meeting Date: January 19, 2016

Subject: Consider a correction in 2015 True & Full Value for HIT, INC for property used as Group Home for Disabled Persons

Page 2 of 10

Application For Abatement Or Refund Of Taxes
North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District City of Mandan
County of Morton Property L.D. No. 65-5363030
Name HIT Inc. c/of Mike Remboldt Telephone No.
Address 2703 12th Ave NW Mandan

Legal description of the property involved in this application:
S 68.92' Lot 2 Block 1 Terra Vailee 5th Addition

Table with 2 columns: Total true and full value of the property described above for the year 2015 is; and Total true and full value of the property described above for the year 2015 should be. Rows include Land, Improvements, and Total.

The difference of \$ 244,000 true and full value between (1) and (2) above is due to the following reason(s):

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

The following facts relate to the market value of the residential or commercial property described above. For agricultural property, go directly to question #5.
1. Purchase price of property: \$ Date of purchase:
Terms: Cash Contract Trade Other (explain)
Was there personal property involved in the purchase price? yes/no Estimated value: \$
2. Has the property been offered for sale on the open market? yes/no If yes, how long?
Asking price: \$ Terms of sale:
3. The property was independently appraised: yes/no Purpose of appraisal:
Market value estimate: \$
Appraisal was made by whom?
4. The applicant's estimate of market value of the property involved in this application is \$
5. The estimated agricultural productive value of this property is excessive because of the following condition(s):

Applicant asks that Corrections be made and Exempt Status put on property as they qualify for N.D.C.C. 57-02-08(31) Non profit corporation - group home for Disabled persons.

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

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

Signature of Preparer (other than applicant) Shirley Shaw Date 1-14-16 Signature of Applicant Date

Board of City Commissioners

Agenda Documentation

Meeting Date: January 19, 2016

Subject: Consider a correction in 2015 True & Full Value for HIT, INC for property used as Group Home for Disabled Persons

Page 3 of 10

COPY

Application for Property Tax Exemption

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

Property Numbers:	1237 65-5263030	Legal Description	
Property Owner:	HIT INC	Lot:	Block: 1
Property Address:	2703 12 AVE NW	S 68.92' LOT 2 A/K/A TRACT C	
Telephone Number:		TERRA VALLEE 5TH	

Date property was acquired: 6/23/2014 Market value of property claimed exempt: \$ 360,000

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

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

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

Provides housing to people with disabilities

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

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

I(We) make application for real property tax exemption for the year 2015 on the property described above and, in compliance with North Dakota Century Code § 57-02-14.1, certify the information is accurate to the best of my(our) knowledge and belief.

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

HIT Inc by Quan Miller 7/16/15
Applicant Date

Application is: Approved Disapproved
Percentage approved(4.b) 100%

Quantina Miller 3-23-15
Assessor or Director of Tax Equalization Date

Board of City Commissioners

Agenda Documentation

Meeting Date: January 19, 2016

Subject: Consider a correction in 2015 True & Full Value for HIT, INC for property used as Group Home for Disabled Persons

PDF+PIN: 005+65-5263030	Description (RCN \$203,724) 101 — Single-Family / Owner Occupied	Units	Price	Base Value	Grade Multi	Year	Phys%	Fbbe%	Ebas%	Other%	Thu, 1/14/2016, 1:08 PM Depreciated Total (Rd nearest dollar)	Map	Page 2 Appraised Value (Rd nearest \$100)
#1	1 Story Brick Bsmnt Fin - Living Qtrs. (Multi) (Avg) Base Heat: FHA - Gas Add Central Air	1,466 1,000 Tbl	\$21.50	\$128,730 \$21,500									
#1	Porch: 1S Frame Open	1,466	\$2,620.00	\$2,620									
#2	Porch: 1S Frame Enclosed	54 SF	\$2,220.00	\$2,220									
	Frame Quarters Over Adjustment	10 SF	\$860.00	\$860									
	Central Air Adjustment	10 SF	\$650.00	\$650									
	Deck #1: Wood Deck-Med	144 SF	\$16.00	\$2,304									
	Plumbing	3	N/A	\$4,800									
	B.I. Appliances	2	N/A	\$0									
#1	Fireplace: Gas-Vertical, 1 Story Garage: Att Brick	1	\$3,700.00	\$3,700	1.100	2006	4.00						
	Building Sub Total	528 SF		\$17,810	1.100	2006	4.00	0	0	0	\$195,575	1,000	\$195,600
	Building TOTAL Value			\$185,204							\$195,575		\$195,600

Board of City Commissioners

Agenda Documentation

Meeting Date: January 19, 2016

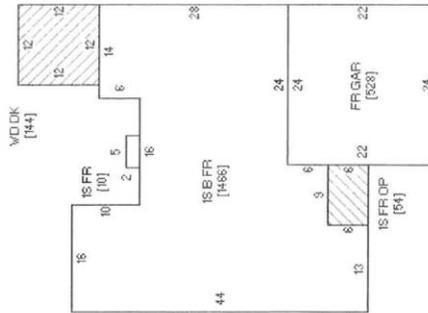
Subject: Consider a correction in 2015 True & Full Value for HIT, INC for property used as Group Home for Disabled Persons

Page 6 of 10

PDF+PIN: 005+65-5263030

Thu, 1/14/2016, 1:08 PM Page 3

Prior Year	Comment	Value Type	Location	Class	Land Value	Dwelling Value	Improvement Value	M & E Value	Total Value
2004		Import	Urban	Other	\$1,700	\$0	\$0	\$0	\$1,700
2005		Import	Urban	Other	\$3,400	\$0	\$0	\$0	\$3,400
2006		Import	Urban	Other	\$3,400	\$0	\$0	\$0	\$3,400
2007		Import	Urban	Res	\$13,900	\$129,400	\$0	\$0	\$143,300
2008		Import	Urban	Res	\$14,500	\$150,300	\$0	\$0	\$164,800
2009		Import	Urban	Res	\$14,900	\$152,300	\$0	\$0	\$167,200
2010		Import	Urban	Res	\$14,900	\$155,600	\$0	\$0	\$170,500
2011		Import	Urban	Res	\$15,400	\$161,900	\$0	\$0	\$177,300
2012		Import	Urban	Res	\$15,800	\$151,600	\$0	\$0	\$167,400
2013		Import	Urban	Res	\$15,800	\$178,100	\$0	\$0	\$193,900
2014	Import from County file.	Import	Urban	Res	\$17,300	\$183,400	\$0	\$0	\$200,700
2015		Appr	Urban	Res	\$20,000	\$224,000	\$0	\$0	\$244,000



Sketch 1 of 1

Board of City Commissioners

Agenda Documentation

Meeting Date: January 19, 2016

Subject: Consider a correction in 2015 True & Full Value for HIT, INC for property used as Group Home for Disabled Persons

Page 7 of 10

PDF+PIN: 005+65-5263030

Thu, 1/14/2016, 1:08 PM Page 4

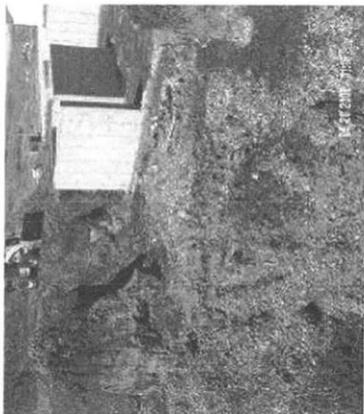
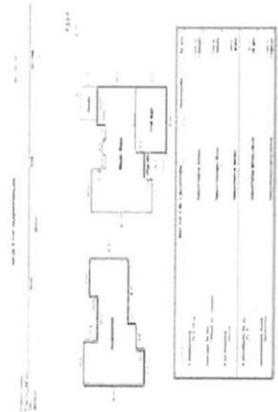
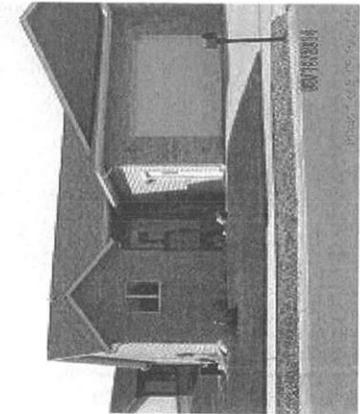
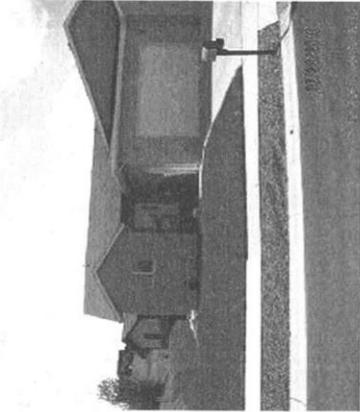
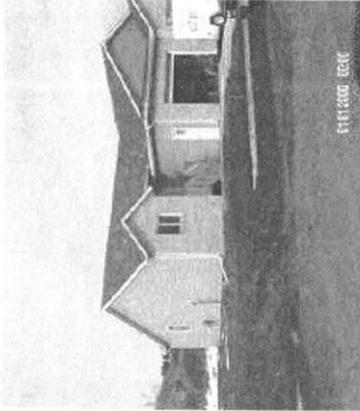


Photo 5 of 5 12/04/2013

Imported by PhotoDoc Import

Notes:

2014 SS; THIS PROPERTY WAS PURCHASED BY HIT, INC TO BE USED AS A GROUP HOME. THEY APPLIED FOR AND QUALIFY FOR EXEMPT STATUS STARTING IN 2015.

2014 MLS LISTING: Better than a new ranch style twin home in NW Mandan. Located close to the Mandan Middle School & soon to be built elementary school & new Wal-Mart shopping Center, with easy access to main traffic routes. As you enter the home, it has an open efficient floor plan with a nice foyer to greet your family & guests. The kitchen has ample cabinets with Whirlpool appliances, breakfast bar, & island. It has a spacious master bedroom suite, with a walk-in closet & a full master bath, with a whirlpool tub. Take the chill out on those cool & damp days, with a main floor FP. Yes, there is a main floor laundry room off of the garage. The basement is finished with 2 qualifying bedrooms, full bath & a large family room. You will enjoy the nice private backyard, that has a concrete patio & deck off of the dining room, yard shed & water fountain. Other features include 6 panel doors, vaulted ceilings, high energy efficient furnace & lots of storage. Come take a look you will not be disappointed.

Board of City Commissioners

Agenda Documentation

Meeting Date: January 19, 2016

Subject: Consider a correction in 2015 True & Full Value for HIT, INC for property used as Group Home for Disabled Persons

Page 8 of 10



COUNTY RECORDER, MORTON COUNTY, ND
I certify that this instrument was filed and recorded.
Carrole Schaner, County Recorder Fee \$13.00

457849

By [Signature]

6/24/2014 10:51:44 AM

Return To:
North Dakota Guaranty & Title Co.-
400 East Broadway Ave. Suite
Bismarck, ND 58501

Morton County

457849

County Recorder
Mandan ND 58554
Page 1 of 2

File No. M116401

WARRANTY DEED

THIS INDENTURE, made this 23 day of June, 2014, by and between Dennis R. Rohr and Vesta M. Rohr, individually and as husband and wife, hereinafter referred to as Grantors, and HIT, Inc., a nonprofit corporation under the laws of the State of North Dakota of 1007 18th St NW, Mandan, ND 58554 hereinafter referred to as Grantee(s);

WITNESSETH, For and in consideration of the sum of One Dollar and other good valuable consideration paid by Grantee(s) to Grantors, the receipt and sufficiency of which is hereby acknowledged, Grantors do hereby sell, grant and convey to the said Grantee(s), all of the following real property lying and being in the County of Morton, North Dakota, described as follows:

Property Address: 2703 12th Ave NW, Mandan, North Dakota Parcel ID: 65-5263030

A tract of land being a part of Lot 2, Block 1, of the Corrective Plat of Terra Vallee 5th Addition to the City of Mandan, Morton County, North Dakota, being more particularly described as follows: Beginning at the southeast corner of Lot 2, Block 1, of the Corrective Plat of Terra Vallee 5th Addition to the City of Mandan, Morton County, North Dakota; thence South 84°23'35" West along the south boundary line of said Lot 2 a distance of 124.38 feet to the southwest corner of said Lot 2; thence North 00°38'51" West along the west boundary line of said Lot 2 a distance of 80.68 feet; thence North 89°49'09" east a distance of 123.99 feet to a point on the east boundary line of said Lot 2; thence South 00°35'10" East along said east boundary line a distance of 68.92 feet to the point of beginning (also known as Tract C).

The above legal description was obtained from previously recorded instrument(s)

I CERTIFY THAT THE FULL CONSIDERATION PAID FOR THE PROPERTY CONVEYED IS \$ 248,000; OR

I CERTIFY THAT A REPORT OF THE FULL CONSIDERATION PAID FOR THE PROPERTY CONVEYED HAS BEEN FILED WITH THE STATE BOARD OF EQUALIZATION

[Signature] (Grantee or agent)

And the said Grantors for themselves and their successors and assigns, do covenant with the Grantee(s) that they are well-seized in fee of the land and premises aforesaid and have good right to sell and convey the same in the manner and form aforesaid; that the same are free from all encumbrances,

Board of City Commissioners

Agenda Documentation

Meeting Date: January 19, 2016

Subject: Consider a correction in 2015 True & Full Value for HIT, INC for property used as Group Home for Disabled Persons

Page 10 of 10

Parcel Search Results

<http://ndpropertytax.org/tax/Parcel.asp?pid=65-5263030&tid=1&ci...>

As of :
1/14/2016

Parcel Number: **65-5263030**

Payable Year: 2015

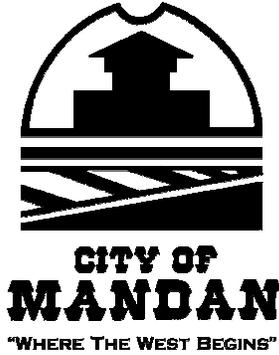
[General Info](#) | [Tax Info](#) | [Current Receipts](#) | [Special Asmts](#) | [Unpaid Tax](#) | [History](#) | [View Maps](#)

General

Receipt #	8207	Name	HIT, INC
ASMT	201 RESIDENTIAL	MP#	59306
Homestead	0 NON HOMESTEAD	MP Name	HIT, INC
HS Percent	.00		

Market/Tax		Tax State	10.98	Gross Tax	3,071.67
T & F Land	20,000	Tax County	885.87	ST PD Cred	368.60
T & F Building	224,000	Tax Twp/Cty	731.93	Special Asmt	459.67
Total T & F	244,000	Tax School	1,060.56	Tax Due	3,162.74
Assessed	122,000	Tax Cnty.WD	17.35	Disc Avail	135.15
Taxable	10,980	Tax Increm	0.00	Net Tax Due	3,027.59
HSTD Credit	0	Fire	0.00		
Net Taxable	10,980	Park	330.72		
Mill Rate	279.75	Water	34.26	Tax AB/Adds	0.00
Statement #	8207			S A AB/Adds	0.00
		Tax Penalty	0.00	Adj.NT.Due	3,027.59
		Tax Interest	0.00	Total Receipts	0.00
		SA Penalty	0.00	Disc Taken	0.00
		SA Interest	0.00	Remain Due	3,027.59
		Cost			

[Another Search](#) | [Back to ParcelList](#) |



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 19, 2016
PREPARATION DATE: January 14, 2016
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Cost-Share Reimbursements Mandan Water System Improvements Project 2015

STATEMENT/PURPOSE: Consider Agreement for Cost-Share Reimbursement for Mandan Water System Improvements Project 2015.

BACKGROUND/ALTERNATIVES: The State Water Commission awarded the city of Mandan a grant of 35% of actual eligible costs on pre-construction engineering and 60% construction engineering costs not to exceed \$2,290,175.

The three projects are the High Service Optimization Phase I, Instrumentation and Control Upgrades and the Sunset Booster Station Pumps. We currently have a request for qualifications out for engineering services for these and other water projects.

ATTACHMENTS: Agreement for Cost-Share Reimbursement Mandan Water System Improvements Project 2015

FISCAL IMPACT: Total estimated cost of these three projects is \$3.9M less \$2.3M grant funds, balance, \$1.6M to be paid either through existing or increased water rates

STAFF IMPACT: Engineering & Water Plant personnel will be involved in the design etc.

LEGAL REVIEW: Information has been submitted to Attorney Brown for his review.

RECOMMENDATION: I recommend approval of the attached Cost-Share agreement

SUGGESTED MOTION: I move to approve Cost-Share Reimbursements Mandan Water System Improvements Project 2015.

Board of City Commissioners

Agenda Documentation

Meeting Date: January 19, 2016

Subject: Cost-Share Reimbursements Mandan Water System Improvements Project 2015

Page 2 of 7



North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850
701-328-2750 • TTY 800-366-6888 • FAX 701-328-3696 • INTERNET: <http://swc.nd.gov>

January 7, 2016

Mr. Arlyn Van Beek, Mayor
City of Mandan
205 2nd Ave. N.W.
Mandan, ND 58554

RE: City of Mandan Water System Improvements Project 2015

Dear Mayor Beek:

The enclosed agreement for Cost-Share Reimbursement Mandan Water System Improvements Project 2015 is to provide a grant of 35 percent of actual eligible costs of pre-construction engineering and 60 percent construction engineering and engineering costs, not to exceed \$2,290,175. Please sign, date, and make a copy of the agreement for your records before returning the original to this office. The signed agreement is necessary to proceed with reimbursements to Mandan Water System Improvements Project 2015 based on claim vouchers documenting the actual eligible costs.

Prior to issuing reimbursements, provide a copy of the certificate of insurance and all endorsements to State Water Commission and the selection process used to obtain a general engineering services agreement.

If you have any questions, please call me at 328-4952.

Sincerely,



Jeffrey Mattem, P.E.
Engineer Manager

JNM:jpt/2050-MAN

JACK DALRYMPLE, GOVERNOR
CHAIRMAN

TODD SANDO, P.E.
CHIEF ENGINEER AND SECRETARY

SWC Project No. 2050-MAN
Project Manager: JMattern
January 2016

**Agreement for Cost-Share Reimbursement
Mandan Water System Improvements Project 2015**

1. PARTIES. This agreement is between the State of North Dakota (State), by and through the State Water Commission (Commission), and city of Mandan (Sponsor).

2. COMMISSION'S RESPONSIBILITY AND INTENT. Commission will provide Sponsor with cost share, not to exceed \$2,290,175, as approved by Commission on October 6, 2015, to reimburse actual eligible costs for 35 percent of pre-construction engineering and 60 percent of construction engineering and construction costs incurred in Sponsor's Water System Improvements Project 2015 (Project), contingent on availability of funds and conditions of this agreement. Commission's intent in providing this funding to Sponsor is merely to help Sponsor financially afford Project. Sponsor retains sole and absolute discretion in the manner and means of carrying out Project, except to the extent specified in this agreement.

3. SPONSOR'S RESPONSIBILITIES. Sponsor must:

- a. Complete Project.
- b. Provide continued maintenance for Project.
- c. Ensure all applicable permits (federal, state, and local) are obtained.
- d. Acquire all title to land and easements for Project.
- e. Comply with all North Dakota laws governing the requirements for competitive bids, advertising, and awarding of contracts for construction of Project.
- f. Provide written certification to the Commission that the Project does not duplicate the service area or affect another water service provider's users.
- g. Provide a water service agreement if the Project is located within extraterritorial jurisdiction.
- h. Maintain a Project file containing relevant documents and correspondence generated during the course of Project. State is not responsible for maintaining a Project file.
- i. Prior to signature, inform Commission and any other relevant party regarding Project of any errors, misinterpretations, changes, modifications, miscalculations, incorrect Project descriptions, or any other information stated herein that is inaccurate.
- j. Provide assurance of sustainable operation, maintenance, and replacement plan of Project facilities.

4. PROJECT DESCRIPTION AND LOCATION. Project includes constructing three water supply infrastructure improvements to address the continued population growth. The estimated cost is \$3,942,333 for the following improvements:

- a. High Service Optimization Phase 1.
- b. Instrumentation and Controls Upgrades.
- c. Sunset Booster Station Pumps.

5. ELIGIBLE COSTS. Commission has sole discretion to determine eligible costs and availability of Commission funds. Additional information is outlined in Commission's cost-share policy.

6. PAYMENT. Commission will make partial payments upon receipt and approval of Sponsor's written request. Sponsor must provide Commission verification of actual costs and a Project status report with each payment request. A Commission representative may inspect Project to determine whether the work satisfies Commission's cost share requirements before Commission makes payment(s) to Sponsor. Request for final payment must include documents or record drawings features constructed.

7. INDEMNIFICATION. Sponsor must require all subcontractors, other than state employed subcontractors, before commencement of an agreement between Sponsor and the subcontractor, to defend, indemnify, and hold harmless the State, from and against claims based on the vicarious liability of the State or its agents, but not against claims based on the State's negligence or intentional misconduct. The legal defense provided by subcontractor to the State under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for the State is necessary. Subcontractor also agrees to defend, indemnify, and hold the State harmless for all costs, expenses, and attorneys' fees incurred if the State prevails in an action against subcontractor in establishing and litigating the indemnification coverage required herein. This obligation continues after the termination of this agreement.

8. INSURANCE. State and Sponsor each must secure and keep in force during the term of this agreement, from an insurance company, government self-insurance pool, or government self-retention fund authorized to do business in North Dakota, commercial general liability with minimum limits of liability of \$250,000 per person and \$500,000 per occurrence.

In addition, Sponsor must require all subcontractors, other than state employed subcontractors, before commencement of an agreement between Sponsor and the subcontractor, to secure and keep in force during the term of this agreement, from insurance companies authorized to do business in North Dakota, the following insurance coverages:

- a. Commercial general liability, including premises or operations, contractual, and products or completed operations coverages (if applicable), with minimum liability limits of \$250,000 per person and \$1,000,000 per occurrence.
- b. Automobile liability, including Owned (if any), Hired, and Non-owned automobiles, with minimum liability limits of \$250,000 per person and \$1,000,000 per occurrence.
- c. Workers compensation coverage meeting all statutory requirements. The policy must provide coverage for all states of operation that apply to the performance of this contract.

- d. If subcontractor is domiciled outside the State of North Dakota, employer's liability or "stop gap" insurance of not less than \$1,000,000 as an endorsement on the workers compensation or commercial general liability insurance.

The insurance coverages listed above must meet the following additional requirements:

- e. Any deductible or other similar obligation under the policies is the sole responsibility of the subcontractor. The amount of any deductible is subject to approval by the State.
- f. This insurance may be in policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form, and must be placed with insurers rated "A-" or better by A.M. Best Company, Inc., provided any excess policy follows form for coverage. Less than an "A-" rating must be approved by the State. The policies must be in form and terms approved by the State.
- g. The duty to defend, indemnify, and hold harmless the State under this agreement is not limited by the insurance required in this agreement.
- h. The State must be endorsed on the commercial general liability policy, including any excess policies, as additional insured. The State must have all the benefits, rights, and coverages of an additional insured under these policies that are not limited to the minimum limits of insurance required by this agreement or by the contractual indemnity obligations of Sponsor.
- i. The insurance required in this agreement, through a policy or endorsement, must include:
 - (1) A "Waiver of Subrogation" waiving any right to recovery the insurance company may have against the State;
 - (2) A provision that subcontractor's insurance coverage is primary (i.e., pay first) as respects any insurance, self-insurance, or self-retention maintained by the State and that any insurance, self-insurance, or self-retention maintained by the State must be in excess of the subcontractor's insurance and must not contribute with it;
 - (3) Cross liability/severability of interest for all policies and endorsements;
 - (4) The legal defense provided to the State under the policy and any endorsements must be free of any conflicts of interest, even if retention of separate legal counsel for the State is necessary;
 - (5) The insolvency or bankruptcy of the insured subcontractor must not release the insurer from payment under the policy, even when such insolvency or bankruptcy prevents the insured subcontractor from meeting the retention limit under the policy.
- j. The subcontractor must furnish a certificate of insurance to the Commission before commencement of this agreement. All endorsements must be provided as soon as practicable.

- k. Failure to provide insurance as required in this agreement is a material breach of contract entitling the State to terminate this agreement immediately.
- l. The subcontractor must provide at least 30 days' notice of any cancellation or material change to the policies or endorsements.

9. BREACH. Violation of any provision of this agreement by Sponsor constitutes breach of this agreement. A breach obligates Sponsor to reimburse Commission for all funds paid to Sponsor and relieves Commission of all obligations under this agreement.

10. AGREEMENT BECOMES VOID. This agreement is void if not signed and returned by Sponsor within 60 days of Commission's signature.

11. TERMINATION.

- a. Commission may terminate this agreement effective upon delivery of written notice to Sponsor, or a later date as may be stated in the notice, under any of the following conditions:
 - (1) If Commission determines an emergency exists.
 - (2) If funding from federal, state, or other sources is not obtained and continued at levels sufficient to provide the funds necessary to comply with this agreement. The parties may modify this agreement to accommodate a reduction in funds.
 - (3) If federal or state laws or rules are modified or interpreted in a way that the services are no longer allowable or appropriate for purchase under this agreement or are no longer eligible for the funding proposed for payments authorized by this agreement.
 - (4) If any license, permit, or certificate required by law, rule, or this agreement is denied, revoked, suspended, or not renewed.
 - (5) If Commission determines that continuing the agreement is no longer necessary or would not produce beneficial results commensurate with the further expenditure of public funds.
- b. Any termination of this agreement is without prejudice to any obligations or liabilities of either party already accrued prior to termination.
- c. The rights and remedies of any party provided in this agreement are not exclusive.

12. APPLICABLE LAW AND VENUE. This agreement is governed by and construed under the laws of the State of North Dakota. Any action to enforce this agreement must be adjudicated exclusively in the District Court of Burleigh County, North Dakota.

13. SEVERABILITY. If any term of this agreement is declared by a court having jurisdiction to be illegal or unenforceable, the validity of the remaining terms is unaffected, and if possible, the rights and obligations of the parties are to be construed and enforced as if the agreement did not contain that term.

Board of City Commissioners

Agenda Documentation

Meeting Date: January 19, 2016

Subject: Cost-Share Reimbursements Mandan Water System Improvements Project 2015

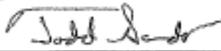
Page 7 of 7

14. SPOILIATION – PRESERVATION OF EVIDENCE. Sponsor agrees to promptly notify Commission of all potential claims that arise or result from this agreement. Sponsor must also take all reasonable steps to preserve all physical evidence and information that may be relevant to the circumstances surrounding a potential claim, while maintaining public safety, and grants to Commission the opportunity to review and inspect the evidence, including the scene of an accident.

15. MERGER AND MODIFICATION. This agreement constitutes the entire agreement between the parties. There are no understandings, agreements, or representations, oral or written, not specified within this agreement. This agreement may not be modified, supplemented, or amended in any manner except by written agreement signed by both parties.

**NORTH DAKOTA STATE WATER
COMMISSION**

By:



TODD SANDO, P.E.
Chief Engineer and Secretary

Date: 1/6/15

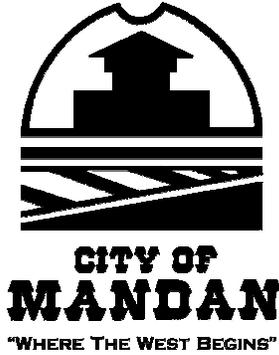
CITY OF MANDAN

By:



ARLYN VAN BEEK
Mayor

Date: _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 19, 2016
PREPARATION DATE: January 14, 2016
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Amendment to Contract from North Dakota
Department of Transportation Traffic Safety Office

STATEMENT/PURPOSE: To consider amendments to Contract No. 12151996 Traffic Safety Grant.

BACKGROUND/ALTERNATIVES: The original grant was approved by the City Commission on October 20, 2015. In agreement with the North Dakota Department of Transportation Traffic Safety Office, the Mandan Police Department would receive reimbursement of cost in conducting extra patrols during state wide campaigns efforts with reducing the number of people killed in motor vehicle crashes. The grant/contract identifies reimbursement funding of \$8,700, for overtime and mileage. The grant/contract period is October 1, 2015 through September 30, 2016.

Amendments to the original contract correct the third enforcement period for occupant protection; and the dates for the third enforcement period.

ATTACHMENTS: Amendments to Contract No 12151996.

FISCAL IMPACT: n/a

STAFF IMPACT: Off duty officers will be working overtime hours on a voluntary basis.

LEGAL REVIEW: n/a

RECOMMENDATION: Approve the amendments to Contract 12151996

SUGGESTED MOTION: I move to approve the amendments to Traffic Safety Contract 12151996.

Board of City Commissioners
Agenda Documentation
Meeting Date: January 19, 2016
Subject: Amendment to Contract from North Dakota Department of Transportation
Traffic Safety Office
Page 2 of 6



North Dakota Department of Transportation Safety Division

Grant Levi, P.E.
Director

Jack Dalrymple
Governor

January 6, 2016

Mandan Police Department
Attention: Sgt. Brent Wilmeth
205 First Avenue, Northwest
Mandan, ND 58554

TRAFFIC SAFETY CONTRACT NO. 12151996

The amendment to the above contract is enclosed. (**Note:** the amendment shows the contract number as 12151996A. This is not an error – our electronic contract management system adds a letter after the contract number for each amendment.)

1. The amendment must be signed by a person with contracting authority.
2. A witness must sign to the left of the contractor's signature.
3. Return the signed amendment.
4. A complete and fully-executed copy will be returned to you.

If you have any questions, please call me at 328-2402.

A handwritten signature in cursive script that reads "Lory Harsche".

LORY HARSCHÉ – CONTRACT MANAGER

12/lah
Enclosure

NDDOT Contract No. 12151996A

North Dakota Department of Transportation
AMENDMENT TO CONTRACT NO. 12151996
Project No. NOT APPLICABLE

THIS AMENDMENT to the above-referenced contract is entered into by and between the State of North Dakota, acting through its Director of Transportation, hereinafter known as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and Mandan Police Department, hereinafter known as the Contractor, whose address is 205 First Avenue, Northwest, Mandan, North Dakota 58554.

WHEREAS, the parties entered into a contract on October 1, 2015; and

WHEREAS, Appendix A and Attachment 1 of the contract contain errors relative to the dates for the third enforcement period for occupant protection; and

WHEREAS, the dates for the third enforcement period have been corrected, and revised pages are attached hereto and made a part of this amendment; and

WHEREAS, the revised pages shall supersede the corresponding pages in Appendix A and Attachment 1 of the original contract; and

NOW THEREFORE, the Contractor and NDDOT agree that Appendix A and Attachment 1 of the contract contain errors relative to the dates for the third enforcement period for occupant protection, and the revised pages supersede the corresponding pages in the original contract.



MUST BE SIGNED BY CITY MAYOR  **CLERK**

All other terms and conditions of the above-referenced contract are incorporated herein by reference and remain in full force and effect.

EXECUTED the date last below signed.

WITNESS:

CONTRACTOR:

NAME (TYPE OR PRINT)

COMPANY NAME

SIGNATURE

OFFICER'S NAME (TYPE OR PRINT)

To be signed by Owner, Partner, Corp. Pres., Vice Pres., or other authorized Corp. Officer. (If signed by other authorized Corp. Officer, please attach copy of Power of Attorney or other documentation showing authority to sign.)

SIGNATURE

TITLE

DATE

WITNESS:

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

NAME (TYPE OR PRINT)

DIRECTOR (TYPE OR PRINT)

SIGNATURE

SIGNATURE

DATE

APPROVED as to substance by:

Karin Mongeon
 DIVISION DIRECTOR (TYPE OR PRINT)

Karin Mongeon
 SIGNATURE

1-5-16
 DATE

CLA 52494 (Div. 06)
 L.D. Approved 5-19-00; 5-03



OCCUPANT PROTECTION (OP) ENFORCEMENT

PROJECT NO. PHSP0P1605-05-12

SCOPE OF WORK

The *Click It or Ticket (CIOT)* enforcement campaign exists to increase OP use for both adults and children through heightened enforcement of OP laws in the state. The campaign's success is built upon the strategy that education, along with highly visible and consistent enforcement, is an effective means to change driver behavior and increase OP use.

Participating law enforcement agencies are required to work overtime during scheduled CIOT campaigns to achieve high visibility within their jurisdictions to deter motorists from driving or riding in a motor vehicle without the appropriate use of an OP device (i.e., seat belt or child passenger safety seat).

The Contractor is encouraged to use speed as a trigger violation to stop vehicles for seat belt and child passenger safety seat compliance.

The Contractor may only work during the following scheduled CIOT enforcement periods. Contractor may not work outside the scheduled efforts.

<u>Enforcement Dates</u>	<u>Log Sheet Due Dates</u>	<u>Voucher Due Date</u>
November 1 – 30, 2015	December 2, 2015	December 31, 2015
January 1 – 31, 2016	February 3, 2016	February 28, 2016
May 23 – June 5, 2016	June 8, 2016	June 30, 2016
July 1 – 31, 2016	August 3, 2016	August 31, 2016

During each enforcement period, the Contractor must:

- Conduct high visibility enforcement within corridors and at times (including nighttime) where the occurrence of unbelted serious injury and fatal crashes is greatest. When possible, the Safety Division will coordinate with the Contractor to determine these locations based on ND crash data.
- Issue Citations – *not warnings* – for failure or improper use of an OP device. This is to assure the integrity of the *CIOT* message to the public. Each stop is an opportunity to educate the public on taking personal responsibility on driving behaviors and safety measures.
- Ensure that all officers working the overtime grant funding for OP have received the Traffic Occupant Protection Strategies (TOPS) training. The Contractor must be able to provide verification of completed training upon request for each officer who is conducting overtime enforcement through the grant.
- Coordinate with the Safety Division to complete earned media requirements (e.g., ensuring that each overtime shift log sheet statistics are timely submitted based on log sheet due date schedule from the enforcement period for a post-enforcement news release, etc.).

REVISED Attachment 1

ENFORCEMENT OVERTIME CALENDAR FFY 2016

OCCUPANT PROTECTION (OP) / CLICK IT OR TICKET (CIOT) (Specific Dates Only)

<u>Enforcement Dates</u>	<u>Log Sheet Due Dates</u>	<u>Voucher Due Date</u>
November 1 – 30, 2015	December 2, 2015	December 31, 2015
January 1 – 31, 2016	February 3, 2016	February 28, 2016
May 23 – June 5, 2016	June 8, 2016	June 30, 2016
July 1 – 31, 2016	August 3, 2016	August 31, 2016

IMPAIRED DRIVING (ID) / DRIVE SOBER OR GET PULLED OVER (DSOGPO)

<u>Enforcement Dates</u>	<u>Log Sheets Due Date</u>	<u>Voucher Due Date</u>
October 1 – 31, 2015	November 4, 2015	November 30, 2015
March 1 – 31, 2016	April 6, 2016	April 30, 2016
June 1 – 30, 2016	July 6, 2016	July 15, 2016
<u>*National Drive Sober or Get Pulled Over</u>		
August 19 – September 5, 2016	September 7, 2016	September 30, 2016
<u>Additional ID Enforcement Option</u>		
December 18 – 31, 2015	January 6, 2016	January 31, 2016

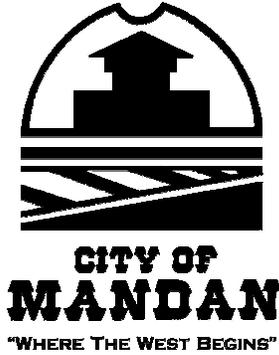
Occupant Protection can only be worked during the specified time frames.

*National DSOGPO campaign requires each agency to work a minimum of four shifts that are at least four hours in length.

All other Impaired Driving campaigns require two shifts to be worked. There is no minimum requirement on the number of hours worked per shift.

Please keep in mind that if it is extremely quiet and there is little or no productivity, you can cut the shift short and work the program on another day. Please note the reason for shortening the shift.

Impaired Driving can be worked outside of the mandatory time frames providing you have adequate funding to fulfill the contracted required time frames.



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 19, 2016
PREPARATION DATE: January 13, 2016
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Jeff Wright, Public Works Director and Weed Board Chairman
PRESENTER: Jeff Wright
SUBJECT: Public Comment Concerning EPA Rule Changes

STATEMENT/PURPOSE:

The letter is to serve as public comment on behalf of the City of Mandan concerning the proposed US Environment Protection Agency rule change regarding chemical applicator training. Public comment is sent electronically to the EPA through the regulations.gov website.

Comment Website Address:

<http://www.regulations.gov/#!docketDetail;D=EPA-HQ-OPP-2011-0183>

BACKGROUND/ALTERNATIVES:

On August 24th, 2015, the US Environmental Protection Agency issued a proposed rule change concerning how states regulate the certification progress for applicators of restricted use pesticides. Currently, the City of Mandan has a number of employees required to hold this certification within the Public Works Department and the Mandan City Weed Board. Proposed changes would increase required training hours, restrict how these training hours can be taken, and impose new federal reporting mandates.

A study concerning the potential impact of these changes on applicators was conducted by the North Dakota State University Extension Service. The study highlighted the top five training impacts on applicators:

1. Commercial / public applicators and dealers will have their training hours go from approximately 6-9 hours every three years, to 12-15 hours. (Another 6 or more hours would be added with multiple categories.)

2. Private applicators will go from 3.5 to 6 hours every three years. (Another 3 to 6 hours could be added if specialized categories are adopted for grain fumigation, aerial application and soil fumigation.)
3. All certified applicators / dealers will need to accumulate at least 50% of their training hours in the first 18 months of the three year certification cycle.
4. Exams will be closed book, applicators will not be able to bring reference material into the examination room.
5. Non-certified (supervised) applicators, mixers, and loaders will need annual safety training by their certified supervisor and this will need to be documented and the records would be subject to inspection.

The NDSU Extension Service estimates the total cost of implementing the proposed rule changes to be between \$7.5 million to \$15.6 million in North Dakota alone, as compared to the EPA estimated \$1.12 million in new costs. EPA data estimates North Dakota would only achieve approximately \$185,150 in benefits from the new rule. NDSU 2014 data indicates the state achieved over 84% safety compliance rate and has not endured a pesticide death since the early 1990s. North Dakota has one of the highest pesticide compliance rates in the United States.

NDSU also notes additional concerns that the proposed changes “WILL” reduce applicator competence in the following ways:

1. Reducing participation in trainings and increasing the use of examination as a means of renewing a certificate. Fewer applicators will receive continuing education and the NDPA will not be able to convey important enforcement related information to most applicators as easily.
2. The cost of training, coupled with more stringent examination requirements will lead to fewer people participating in the C&T process.
3. The North Dakota legislature may cede back their authority to EPA. Thus EPA may be tasked with the entire cost and applicators would no longer have access to localized and customized training examinations.
4. The North Dakota legislature may eliminate the training component entirely allowing for exam only recertification.

EPA proposed rule change will have potential adverse effect on City expenditures and personnel. The attached letter was prepared by Joseph Camisa, Mandan City Weed Board member and City Weed Control Officer, and the Mandan City Weed Board recommends approval of the letter to be included with the EPA public comment process which closes on January 23rd, 2016 at 11:59 pm ET.

ATTACHMENTS: 1. Letter

FISCAL IMPACT: Minimal

STAFF IMPACT: Minimal

LEGAL REVIEW: Letter was forward to City Attorney Brown for his review.

RECOMMENDATION:

Staff recommends approval of the letter to be included as part of public comment concerning the EPA's proposed "Pesticides; Certification of Pesticide Applicators" rule change.

SUGGESTED MOTION:

Move to approve that the letter be sent to the US Environmental Protection Agency prior to the closing of the public comment period.



CITY OF MANDAN

MANDAN CITY HALL - 205 2nd Avenue NW
MANDAN, NORTH DAKOTA 58554
701-667-3215 • FAX: 701-667-3223 • www.cityofmandan.com

January 11, 2016

CITY DEPARTMENTS	
ADMINISTRATION	667-3215
ASSESSING/BUILDING INSPECTION	667-3230
BUSINESS DEVELOPMENT	667-3485
CEMETERY	667-6044
ENGINEER/PLANNING & ZONING	667-3225
FINANCE	667-3213
FIRE	667-3288
HUMAN RESOURCES	667-3217
LANDFILL	667-0184
MUNICIPAL COURT	667-3270
POLICE	667-3455
PUBLIC WORKS	667-3240
WASTEWATER TREATMENT	667-3278
SPECIAL ASSESSMENTS	667-3271
UTILITY BILLING	667-3219
WATER TREATMENT	667-3275

Hon. Gina McCarthy, Administrator
US Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator McCarthy,

The City of Mandan appreciates the EPA's willingness to extend the comment period and for the opportunity to provide feedback on the proposed rule changes: "Pesticides; Certification of Pesticide Applicators." After review of the proposed rule and supporting documents, the City of Mandan believes the suggested changes are unnecessary and will place undue logistical and financial burdens upon services offered to the residents of Mandan.

Located a few miles west of the North Dakota capitol, the City of Mandan is one of seven municipalities in the state with an established weed control program. Each and every day the City strives to maintain the highest level of professionalism and safety for our applicators. Currently, the City of Mandan adheres to the North Dakota State University administered core ground and category exams, participates in training courses, and abides by state reporting mandates. State certification and record keeping requirements are combined with thorough enforcement by the North Dakota Department of Agriculture to ensure safety and compliance with the program.

The EPA's proposed rule will cause City applicators to endure a substantial increase in the number of training hours required to recertify and costs associated with participating in those valuable courses. Additional costs to the State of North Dakota and to the North Dakota State University Extension Service will likely be passed onto public, commercial, and private applicators by way of increased training fees, study material costs, and licensure charges. It is also a concern that higher costs to certify individual applicators will likely cause institutions to decrease the number of certified applicators in favor of uncertified employees, which is an important element to consider when contractors apply chemicals within larger municipal populations.

Every tax dollar is essential to providing our residents with City services. Enduring higher costs to the noxious weed program will require the City of Mandan and other municipalities throughout North Dakota to reassess the priority of the program in times of stressed budget conditions. If costs become



CITY OF MANDAN

MANDAN CITY HALL - 205 2nd Avenue NW
MANDAN, NORTH DAKOTA 58554
701-667-3215 • FAX: 701-667-3223 • www.cityofmandan.com

CITY DEPARTMENTS

ADMINISTRATION	667-3215
ASSESSING/BUILDING INSPECTION	667-3230
BUSINESS DEVELOPMENT	667-3485
CEMETERY	667-6044
ENGINEER/PLANNING & ZONING	667-3225
FINANCE	667-3213
FIRE	667-3288
HUMAN RESOURCES	667-3217
LANDFILL	667-0184
MUNICIPAL COURT	667-3270
POLICE	667-3455
PUBLIC WORKS	667-3240
WASTEWATER TREATMENT	667-3278
SPECIAL ASSESSMENTS	667-3271
UTILITY BILLING	667-3219
WATER TREATMENT	667-3275

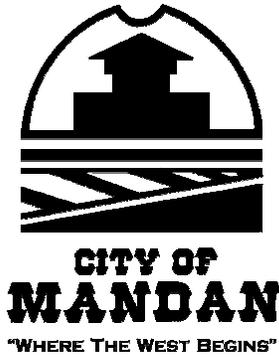
too great, municipal programs could face difficulties covering these additional costs and potentially discontinue the program. Ceasing municipal weed programs would create additional burdens to the counties in which they are located.

The City of Mandan strongly urges the Environmental Protection Agency to consider each and every public comment when drafting the final proposed rule. Considering the dynamic impact these changes will have on municipal weeds boards can have broad consequences on program operations.

Thank you for your consideration of our comments in this matter. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

Joseph A. Camisa, Jr.
City Weed Control Officer



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 19, 2016
PREPARATION DATE: January 14, 2016
SUBMITTING DEPARTMENT: Business Development & Communications Department
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: MGF Storefront Improvement Program Policies & Procedures

STATEMENT/PURPOSE: To consider Mandan Growth Fund Committee recommendations regarding updates to policies and procedures for the Storefront Improvement Program, both for the downtown area and Memorial Highway.

BACKGROUND/ALTERNATIVES: The Mandan Growth Fund Committee met Jan. 13, 2016. Among agenda items was discussion regarding compliance with the Business Incentive Accountability Law (N.D.C.C. Chapter 54-60.1) with regard to the Storefront Improvement Program. This law requires that all political subdivision grantors enter into a business incentive agreement (BIA) with any businesses that receive an incentive of \$25,000 or more within a year. This matter arose because the level of matching funds for the Storefront Improvement projects was increased in October 2013 from a maximum of \$10,000 per property to a ceiling of \$30,000 with a provision for consideration of as much as \$60,000 for larger downtown corner properties with multiple stories.

City Attorney Malcolm Brown has noted that the potential exception to the requirement for a BIA in 54-60.1-01(2)(d) , which states, “Assistance provided for the sole purpose of renovating old or decaying building stock or bringing such building stock up to code...” At the same time, he has advised erring on the side of caution as not all properties in the program have been “old and decaying.”

Matching funds for completed storefront projects are provided in the form of a forgivable loan. The interest-free loans have been pro-rated and forgiven over the course of 3 years contingent upon the project completion and the building and improvements remaining intact during this period. Attorney Brown recommended extending this loan or clawback period to 5 years.

ATTACHMENTS: Business Incentive Agreement (state form 59686) and proposed update to the Mandan Growth Fund Recipient Agreement.

FISCAL IMPACT: n/a

STAFF IMPACT: Minimal.

LEGAL REVIEW: Attorney Brown has reviewed all information.

RECOMMENDATION: The Mandan Growth Fund Committee voted 7-0 to require use of the state business incentive agreement (SFN 59686) for Storefront Improvement recipients and to increase the forgivable loan period for the associated matching funds to 5 years.

SUGGESTED MOTION: I move to approve the recommended changes in policies and procedures for the Storefront Improvement Program.

BUSINESS INCENTIVE AGREEMENT
NORTH DAKOTA DEPARTMENT OF COMMERCE
 SFN 59686 (06/2015)

(For office use only) Project Number	File Number
--------------------------------------	-------------

The RECIPIENT specified below has been approved to receive a business incentive from the state of North Dakota. Therefore, in fulfillment of the requirements of North Dakota Century Code § 54-60.1-03, the grantor of the business incentive (**GRANTOR**) and the entity to receive the business incentive (**RECIPIENT**) must enter into a **Business Incentive Agreement**. This Business Incentive Agreement provides project data and specifies the goals the RECIPIENT has agreed to meet in order to receive the state business incentive.

Should the value of this incentive be less than \$25,000, and should the RECIPIENT receive no additional incentives to bring the total to \$25,000 or more within twelve months, the reporting requirements outlined in North Dakota Century Code § 54-60.1-05 and in this agreement, will not go into effect.

Grantor

Name of GRANTOR/GRANT ADMINISTRATOR	On Behalf Of		
Address	City	State	ZIP Code

Recipient

Name of RECIPIENT Business	Also known as	<input type="checkbox"/> Business <input type="checkbox"/> Individual	
Mailing Address	City	State	ZIP Code
Street Address	City	State	ZIP Code
Location of Project (street address, city)			
Business Classification of RECIPIENT (3 digit NAICS Code)			
Parent Company of RECIPIENT (if any)			
Street Address	City	State	ZIP Code

Recipient Contact Information

Main Contact Person	Email Address
Title	Telephone Number

Location of Recipient PRIOR to receiving this business incentive (if relocating)

Street Address	City	State	ZIP Code
----------------	------	-------	----------

Business Owners or Shareholders

List the names and addresses of all individuals or shareholders owning twenty percent (20%) or more of this business.

Owner or Shareholder	Mailing Address	City	State	ZIP Code

Project Information

Benefit Date	Incentive Value
Project Description	
Incentive Description	
Is this incentive tax increment financing? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain the type of district	

Incentive Type (check only one)

<input type="checkbox"/>	Direct cash transfer, loan, or equity investment
<input type="checkbox"/>	Contribution of property or infrastructure
<input type="checkbox"/>	Reduction or deferral of tax or fee
<input type="checkbox"/>	Guarantee of payment under loan, lease, or other obligation
<input type="checkbox"/>	Preferential use of a government facility
<input type="checkbox"/>	Interest buy-down

Public Purpose (check only one)

<input type="checkbox"/>	Assisting community development
<input type="checkbox"/>	Increasing tax base
<input type="checkbox"/>	Directly creating employment opportunities
<input type="checkbox"/>	Indirectly creating employment opportunities through increased economic activity
<input type="checkbox"/>	Job Retention (only in cases where job loss is specific and demonstrable)

Is this a new business or a business with no full-time employees? Yes No
If yes, please enter '0' for the current number of jobs, average hourly wage, and average hourly benefits below.
If no, please enter the current number of jobs, average hourly wage and average hourly benefits below.

Current Employment, Wages, Benefits and Compensation

Current Number of Full Time Equivalent Employees (FTE's) ¹	Average Hourly Wage ²	Average Hourly Benefits ³	Average Hourly Compensation (Wage plus Benefits) ⁴
<input type="checkbox"/> Seasonal Please explain:			

Goal Information

In exchange for the incentive provided by the GRANTOR, the RECIPIENT agrees to, within 2 years, (check only one)			
<input type="checkbox"/> Create Jobs <input type="checkbox"/> Retain Jobs <input type="checkbox"/> Neither create nor retain jobs ⁵			
Number of jobs (FTE's) to be created or retained	Average Hourly Wage	Average Hourly Benefits	Average Hourly Compensation (Wage plus Benefits)

¹ Full time equivalent employees (FTE's) work 32 hours per week or greater. The exception is when a single position is filled by two people. In this instance each person needs to work 20 hours per week or greater to be considered an FTE. Please round job numbers to the nearest 0.5 FTE.

²Wage includes wages, salary, bonuses and commissions.

³ Benefits include health, disability, life and retirement benefits or insurance premiums paid by the employer; an employee's share of payroll taxes paid by the employer; and other fringe benefits such as housing allowance and transportation expense.

⁴Wage plus benefits.

⁵If 'Neither create nor retain jobs' is checked, please enter '0' for number of jobs, wage and benefits goals. All RECIPIENTS must file recipient reports as described on page 3 of this document, including those with no job, wage or benefits goals.

In addition to meeting the goals outlined in this document, the RECIPIENT agrees to the following terms as specified by N.D.C.C. §54-60.1:

1. The RECIPIENT shall continue operation in the jurisdiction in which the business incentive is used for five years or more after the benefit date.
2. RECIPIENT reports requesting current job, wage and benefit information will be mailed to the RECIPIENT by the GRANTOR. The RECIPIENT shall complete, sign and return this annual recipient report to the GRANTOR within 60 days of the annual anniversary of the benefit date for a period of two years or until the goals specified in the Business Incentive Agreement have been met, whichever is later.

If the recipient report is not received within those 60 days, the GRANTOR shall mail the RECIPIENT a warning letter. The RECIPIENT then has 14 days from the postmarked date of that warning letter to file a report. If the recipient report is still not received, the RECIPIENT may be charged one hundred dollars (\$100) from the GRANTOR for each subsequent day until the report is received. The maximum penalty under this section may not exceed one thousand dollars (\$1,000).

3. If, after 2 years, the job and compensation goals listed in the Business Incentive Agreement are not met, the RECIPIENT shall continue to provide recipient reports to the grantor until the incentive is repaid to the grantor. At a minimum, a recipient that fails to meet business incentive agreement goals shall pay back the value of the incentive to the GRANTOR prorated to reflect any partial fulfillment of the job and compensation goals. There is an exception to this financial obligation for any unmet goals that result from an act of God or terrorism.
4. The Business Incentive Agreement shall only be modified or extended by the GRANTOR pursuant to N.D.C.C. §54-60.1-04.
5. If the terms of the Business Incentive Agreement are not met, RECIPIENT, including all individuals or shareholders owning twenty percent (20%) or more of the business, will not be eligible to receive a business incentive from any GRANTOR for a period of five years from the date of failure or until RECIPIENT satisfies its repayment obligation.

By signing this document, RECIPIENT agrees to the terms noted herein, verifies that it has not failed to meet the terms of any business incentive agreement in the last five years and confirms that it has disclosed, in Attachment "A" of this agreement, all additional financial assistance received from state or political subdivision GRANTORS for this project.

GRANTOR

Title	Authorized Signature	Date
-------	----------------------	------

RECIPIENT

Title	Authorized Signature	Date
-------	----------------------	------

Each person signing this Agreement represents and warrants that he or she is duly authorized and has legal capacity to execute and deliver this Agreement. Each party represents and warrants to the other that the execution and delivery of the Agreement and the performance of such party's obligation hereunder have been duly authorized and that the Agreement is a valid and legal agreement binding on such party and enforceable in accordance with its terms.

ATTACHMENT "A"

RECIPIENT verifies it has received additional financial assistance from state or political subdivision GRANTORS from the following entities for this project since its inception. A listing of incentives from past projects (i.e. past expansions) is not required.

GRANTOR		On Behalf Of
Benefit/Pending Benefit Date	Value of Assistance	Type of Incentive
Description of Assistance		

GRANTOR		On Behalf Of
Benefit/Pending Benefit Date	Value of Assistance	Type of Incentive
Description of Assistance		

GRANTOR		On Behalf Of
Benefit/Pending Benefit Date	Value of Assistance	Type of Incentive
Description of Assistance		

GRANTOR		On Behalf Of
Benefit/Pending Benefit Date	Value of Assistance	Type of Incentive
Description of Assistance		

GRANTOR		On Behalf Of
Benefit/Pending Benefit Date	Value of Assistance	Type of Incentive
Description of Assistance		

MANDAN GROWTH FUND STOREFRONT REHAB PROGRAM RECIPIENT AGREEMENT

Recipient Name (person/entity to receive forgivable loan): _____

Property Owner (if different) : _____

Property Address: _____

AGREEMENT

By making application to and accepting funding from the Mandan Growth Fund and by signature on this Storefront Rehab Program Recipient Agreement, the Recipient agrees:

1. to execute the rehab project as described in its approved application within 12 months from the application approval date of _____.
2. To install an automatic door for at least one main entrance to the building,
3. to provide verification of actual expenditures to the City of Mandan,
4. to allow the City of Mandan building inspections staff to review the completed project to determine that actual work performed was the work approved.

The City of Mandan agrees to provide the Recipient with a loan equal to 50 percent of actual expenditures not to exceed \$_____ (or the agreed upon amount), whichever is lower) for the approved rehabilitation project upon validation of actual expenditures and inspection of the completed improvements. The interest-free loan shall be pro-rated and forgiven over the course of five (5) years contingent upon the building and improvements remaining intact during this period.

The Recipient acknowledges that the City of Mandan will issue a notice of potential lien on the subject property which will require repayment of the loan to the City within 5 years of project finalization if the subject structure ceases to remain intact during this period.

RECIPIENT

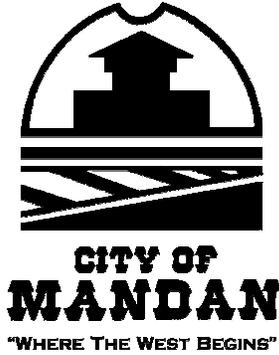
Authorized Signature

Date

CITY OF MANDAN

Authorized Signature

Date



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 19, 2016
PREPARATION DATE: January 13, 2016
SUBMITTING DEPARTMENT: Business Development & Communications Department
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: Schmidt Sales LLP Application for Memorial Highway Storefront Improvement Program

STATEMENT/PURPOSE: To consider a Mandan Growth Fund Committee recommendation for approval of a Memorial Highway Storefront and Landscape Improvement Program application.

BACKGROUND/ALTERNATIVES: The Mandan Growth Fund Committee met Jan. 13, 2016. Among agenda items was consideration an application by Schmidt Sales LLP. Owner Dustin Schmidt is planning to purchase the property at 3420 E Memorial Highway. This is the site of the former Rohrich Auto Sales. Schmidt plans to renovate the building, both interior and exterior, for a new business, Schmidt Auto Sales, which will sell previously-owned vehicles.

The estimated cost of the proposed storefront improvement project is nearly \$132,000. The application is for the maximum \$30,000 in matching funds. The application outlines plans to replace damaged siding with new metal sheeting and colored stucco, install additional windows including front display windows, exterior lighting, an automatic door, and the addition of landscaping components.

The applicant is planning additional investment in interior building renovation with the total project cost estimated at \$275,000.

The building design and site plan received approval from the Mandan Architectural Review Commission on Jan. 12, 2016.

ATTACHMENTS: Key excerpts of application. Full application available upon request.

FISCAL IMPACT: The request is for \$30,000 in matching funds. An amount of \$200,000 was set aside in the Mandan Growth Fund (sales tax generated) for the Memorial Highway program upon approval in September 2014. Of this amount, \$170,000 remains uncommitted to date.

STAFF IMPACT: Minimal staff time is required for application processing and finalization.

LEGAL REVIEW: Attorney Brown has reviewed the application. Per local ordinance, an automatic door is required on at least one entrance to the building. A business incentive agreement is also required for projects exceeding \$25,000 in assistance.

RECOMMENDATION: The Mandan Growth Fund Committee voted 7-0 (with two members absent) to recommend approval of the application for up to \$30,000 in matching funds for the storefront improvement project by Schmidt Sales LLP at 3420 Memorial Highway.

SUGGESTED MOTION: I move to approve providing up to \$30,000 in matching funds for the storefront improvement project by Schmidt Sales LLP at 3420 Memorial Highway.



STOREFRONT & LANDSCAPE IMPROVEMENT APPLICATION

PRIMARY CONTACT INFORMATION FOR THIS APPLICATION

Name: Dustin Schmidt - Schmidt Sales LLP
Address: 718 Brome Ave. Bismarck, ND 58503
Phone: 701-527-2349 Fax: _____
E-mail: gotserta@hotmail.com

Applicant Name:
(name of person/entity to receive grant) Schmidt Sales LLP
Property Owner: Pending Owner - Dustin Schmidt (Schmidt Sales LLP)
Property Address: 3420 Memorial Hwy Mandan, ND 58554
Architect/Firm:
(if applicable) Tobias Marman Construction LLC

Description of Property

Current tenant(s): Commercial Vehicle Dealership
Building History (if available): Previously used as a vehicle dealership as well.

Total Cost of Exterior Renovation & Landscaping:	<u>\$ 131,906.00</u>	Forgivable Loan Amount of Requested:	<u>\$ 30,000.00</u>
--	----------------------	--------------------------------------	---------------------

Is the façade renovation part of a larger project?

Yes No, the façade is the only work I am doing

If yes, please describe comprehensive project.

Renovation work to be done on the interior.

Total Estimated Project Cost - \$275,000.00

Summary of Existing Condition of Façade and Site: (please attach pictures – Attachment 1)
The existing building is run down and the exterior materials need to be updated and brought to code. The parking lot needs to have more light for security. The overhead power line that run from the pole to the building can be a hazard for any oversized vehicles passing through on the east side or any thing that is below the line if it becomes disconnected.

Summary of Proposed Scope of Work: (materials, color schemes, etc.) **Please attach colorized drawings that include pre- and post- rehab detail, and site plan if applicable, indicating specifically what will be modified and how (Attachment 2). Bids or official estimates from licensed commercial contractors or other providers of needed services and materials are required. If you have more than three components or separate contractor bids, please include a summary of costs. (Attachment 3)**
Work to consist of replacing the damaged siding materials with new, updated metal sheeting and colored stucco, installing a gutter system to help with drainage away from the building, installing electric handicap accessible entrance doors, installing additional windows for more natural lighting, moving the overhead door to the back of the building for better accessibility, opening up the front of the building by installing large windows for items on display, trenching the overhead power lines in the parking lot from the power pole underground to the building, adding three new exterior LED light poles and LED strip lighting on the sides of the building for better lighting and security purposes and adding landscaping around the building and power pole.

How will your project complement Memorial Highway development and redevelopment efforts?
This project will help bring the existing building issues to code and keep the Memorial Highway business strip looking modern and up to date.

For more information, call Business Development Director Ellen Huber at 701-667-3485.

Signature of applicant: _____  Date: 01/08/2016

Signature of property owner: _____ Date: _____
(if different than applicant)

Special Notices

- 1) Properties are eligible only once to receive Storefront & Landscape Improvement funds.
- 2) Voters in the Nov. 4, 2008, election in the City of Mandan approved an initiated ordinance that states, "Installation of electric handicap accessible entrance doors are required on every building open to the public that has received public funds in any form whatsoever." Any property receiving Storefront Improvement funds since Nov. 14, 2008, is subject to the requirement. Include an estimate for an automatic door at least for the main entrance if you do not have one.

Board of City Commissioners
 Agenda Documentation
 Meeting Date: January 19, 2016
 Subject: Storefront Improvement Application
 Page 5 of 9

TOBIAS MARMAN CONSTRUCTION LLC
 701.751.4330

3307 Hamilton St. Unit i Bismarck, ND 58503
 office@tmc-build.com

B. Existing Exterior Building Photos



North (Back)



West (Side)



East (Side)



South (Front)



East - Power Line View (Side)



Northeast Corner - Power Line View (Back/Side)

TOBIAS MARMAN CONSTRUCTION LLC
 701.751.4330

3307 Hamilton St. Unit i Bismarck, ND 58503
 office@tmc-build.com

B. Existing Surrounding Area Photos



Southeast Corner (Front of East Lot)
 Power Line and Existing Lighting



East Side
 Power Line View



Northeast Corner (Back of Lot)
 Power Line and Existing Lighting



Northeast Corner (Back of East Lot)
 Power Line View



Northwest Corner (Back of Lot)
 Power Line View



South Side (Front of Lot/Front of West Lot)
 Easement View



PROPOSED COLOR & MATERIAL OPTION 2

BUILDING PERSPECTIVE WITH LANDSCAPING AROUND BUILDING

This is a preliminary drawing not to be used for construction purposes. Dimensions need to be verified and approved.

© This plan is published by tobias morman construction, LLC. Dimensions shown are approximate and subject to change without notice. All rights reserved, including the rights of reproduction in whole or in part, in any form, without permission of tobias morman construction, LLC.

DATE:	1/11/2016
SCALE:	1/8" = 1'-0"
SHEET:	A-12

PROJECT INFORMATION:
Schmidt Auto Center
3420 Memorial Hwy
Dustin 527-2349

DESIGNED BY:
Tobias Morman
Dustin, MO 65021 701-771-0232

PROPOSED COLOR & MATERIAL OPTION 2

EXTERIOR MATERIAL LEGEND:

- DRYVIT, SHERWIN WILLIAMS SW6920- CENTER STAGE
- CORRUGATED METAL SHEETING
- ALUMINUM METAL SHEETING

This is a preliminary drawing not to be used for construction purposes. Dimensions need to be verified and approved.

© This plan is published by tobias morman construction, LLC. Dimensions shown are approximate and subject to change without notice. All rights reserved, including the rights of reproduction in whole or in part, in any form, without permission of tobias morman construction, LLC.

DATE: 1/11/2016
 SCALE: 1/8" = 1'-0"
 SHEET: A-10

PROJECT INFORMATION: Schmidt Auto Sales, 3420 Memorial Hwy, Dustin 527-2349
 DRAWING PREPARED BY: Tobias Morman Construction, LLC, 701-251-0200

PROPOSED COLOR & MATERIAL OPTION 2

EXTERIOR MATERIAL LEGEND:

- DRYVIT, SHERWIN WILLIAMS SW6920- CENTER STAGE
- CORRUGATED METAL SHEETING
- ALUMINUM METAL SHEETING

This is a preliminary drawing not to be used for construction purposes. Dimensions need to be verified and approved.

© This plan is published by tobias morman construction, LLC. Dimensions shown are approximate and subject to change without notice. All rights reserved, including the rights of reproduction in whole or in part, in any form, without permission of tobias morman construction, LLC.

DATE: 1/11/2016
 SCALE: 1/8" = 1'-0"
 SHEET: A-11

PROJECT INFORMATION: Schmidt Auto Center, 3420 Memorial Hwy, Dustin 527-2349
 DRAWING PREPARED BY: Tobias Morman Construction, LLC, 701-251-0200



***STOREFRONT & LANDSCAPE
IMPROVEMENT APPLICATION***

ATTACHMENT 3: BIDS & COST ESTIMATES

Summary of Proposed Expenditures		
Source of Estimate or Bid	Purpose	Estimated Cost
Tobias Marman Construction LLC	General Contractor	131,906.00
Total		\$ 131,906.00

EXTERIOR RENOVATION SCOPE OF WORK

January 8th, 2016

Between the Owner: **Schmidt Auto**
Dustin Schmidt
718 Brome Ave
Bismarck, ND 58503

And the Contractor: **Tobias Marman Construction L.L.C.**
215 Airport Road, Suite 302
Contractor License Number #30256
701-751-4330

For the Project: **Exterior Renovation**

SCOPE OF WORK:

- 1.1. Materials and labor to renovate the exterior of the building located at 3420 Memorial Hwy in Mandan, ND. Work to consist of replacing the damaged siding materials with new, updated metal sheeting and colored stucco, installing a gutter system to help with drainage away from the building, installing electric handicap accessible entrance doors, installing additional windows for more natural lighting, moving the overhead door to the back of the building for better accessibility, opening up the front of the building by installing large windows for items on display, trenching the overhead power lines in the parking lot from the power pole underground to the building, adding three new exterior LED light poles and LED strip lighting on the sides of the building for better lighting and security purposes and adding landscaping around the building and power pole.

SPECIAL CONDITIONS:

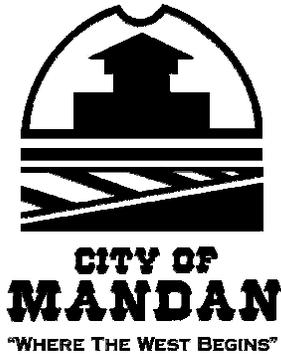
- 1.2. This estimate was based interpretation of the customers' idea for finishing the exterior portion of the renovation and is only a preliminary estimate. There may be unseen issues that were not clearly visible at the initial site visit. Unseen conditions will affect the price of this project. Mandan City Building and Fire Inspections may require items that are not accounted for on this estimate.

BASE PRICE INCLUDES:

- 1.3. Design and architectural service, demolition, and removal.
- 1.4. Accessible door, window, and glass. (Note: Bid came back at \$16,500.00 -- See attached proposal)
- 1.5. Exterior electrical, exterior siding materials, windows, glass, gutters, overhead garage doors, exterior service doors.
- 1.6. Landscaping and signs.

TOTAL EXTERIOR BASE PRICE: \$ 131,906.00

All bids valid for 60 days, after which time they would be subject to review.



New Business No. 2

Board of City Commissioners

Agenda Documentation

MEETING DATE: January 19, 2016
PREPARATION DATE: January 12, 2016
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Shauna Laber, City Commissioner
SUBJECT: Appointment to Dakota Media Access Board

STATEMENT/PURPOSE: To consider the appointment of a Mandan resident to the Dakota Media Access (DMA) Board of Directors.

BACKGROUND/ALTERNATIVES: DMA serves both Bismarck and Mandan and is represented on their Board of Directors by residents of both communities.

DMA President, Jack McDonald, is requesting Mandan resident Shadd Piehl be appointed to the DMA Board to a term ending July 2, 2020.

ATTACHMENTS: Attached letter from Mr. McDonald

FISCAL IMPACT: n/a

STAFF IMPACT: n/a

LEGAL REVIEW: n/a

RECOMMENDATION: I recommend approving the request from DMA President, Jack McDonald.

SUGGESTED MOTION: I move to appoint Shadd Piehl to the DMA Board of Directors to a term ending July 1, 2020.



January 11, 2016

Honorable Mayor Arlyn Van Beek
Mandan City Commissioners
Mandan City Hall
205 Second Avenue NW
Mandan, ND 58554

Dear Mayor Van Beek and Mandan City Commissioners:

Dakota Media Access (DMA) requests the following individual be considered for appointment to serve on the DMA Board of Directors to 7/1/2020.

Shadd Piehl, Academic Dean for National Online with Rasmussen College, Mandan Resident.

Current DMA Board Members include:

Bismarck Appointees:

Jack McDonald, Wheeler Wolf Attorneys
Tom Ackerman, University of Mary
Richard Torrance, Retired
Robin Thorstenson, Starion Financial
Rick Kuhn, Edward Jones
Mary Miller, Basin Electric
Tanna Kincaid, Bismarck Public Schools

Mandan Appointees:

Sue Balcom, Charity Lutheran Church
Cameo Skager, Mandan Public Schools, Bismarck Library Foundation,
Cameo Communications

Thank you for your consideration.

Sincerely,

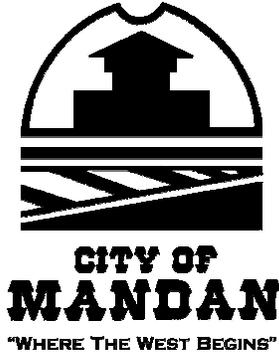

Jack McDonald, President
Dakota Media Access

307 North 4th Street

Bismarck, ND 58501
email: info@freetv.org

701-258-8767
www.freetv.org

Fax: 701-258-8871



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 19, 2015
PREPARATION DATE: January 7, 2015
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Jeff Wright
PRESENTER: Jeff Wright, Public Works Director
SUBJECT: Consider advertising a Request for Professional Architectural Services.

STATEMENT/PURPOSE: Consider advertising a Request for Professional Architectural Services for the expansion of the existing Public Works Facility located at 411 6th Ave SW.

BACKGROUND/ALTERNATIVES: The Commission approved the partial use of HUB City funds for the construction of additional storage, office and mechanic space and a salt/sand storage building at the existing Public Works Facility. The first step in moving forward with the expansion of Public Works is to advertise for Professional Architectural Services. The proposed timeline for securing these services is:

- January 22 & 29 – Advertise for Architectural Services
- February 5 – deadline for “Intent to Respond”
- February 16 – deadline for “Vendor Questions”
- February 19 – deadline to “Respond to Questions”
- February 26 – deadline to “Receive Proposals”
- March 15 – present selected firm to Commission

ATTACHMENTS: Advertisement, Request for Professional Architectural Services

FISCAL IMPACT: Cost of Advertisement

STAFF IMPACT: N/A

LEGAL REVIEW: Attorney Brown has reviewed the documents.

RECOMMENDATION: I recommend the approval to advertise for Professional Architectural Services for the expansion of the existing Public Works Facility.

SUGGESTED MOTION: Move to approve to advertise for Professional Architectural Services for the expansion of the existing Public Works Facility.

**ADVERTISEMENT FOR
REQUEST FOR PROPOSALS
FOR ARCHITECTURAL SERVICES
CITY OF MANDAN**

The City of Mandan is requesting written proposals from professional architectural firms for Schematic Design, Design Development, Construction Documents, Bid/Negotiation, and Construction Administration services for the following project:

DESIGN AND CONSTRUCTION OF THE PUBLIC WORKS FACILITY EXPANSION

The successful firm should be prepared to:

- Develop schematic designs and rendered drawings for the existing facility expansion;
- Present the design(s) to local governing boards and/or the public;
- Work with a design team throughout the design and construction process.

Written proposals shall address the firm's ability to perform the services required. The primary items for consideration of the firm are spelled out in the Request for Proposal documents.

The selection of the successful firm will be based on an evaluation of the written proposals and interviews. A detailed scope of work will be developed and the final fees will be negotiated with the successful firm. An architectural agreement will be executed with a single firm.

Written proposals from qualified firms will be accepted until 3:00 pm CST on Friday, February 26, 2016. For additional information contact Jeff Wright at 701-667-3240.

Submit five (5) copies of proposals to:

City of Mandan
Attn: Jeff Wright, Public Works Director
205 2nd Avenue NW
Mandan, ND 58554

Dated: 01/19/16

Ad Dates: *January 22 & 29, 2016*

Board of City Commissioners

Agenda Documentation

Meeting Date: January 19, 2016

Subject: Consider advertising a Request for Professional Architectural Services.

Page 3 of 10

Architectural and Engineering Design Services



Public Works Department
411 6th Ave SW
Mandan, ND 58554

1.0 Reason for Request for Proposal

The City of Mandan requests qualified Architectural firms to submit a proposal for full Architectural and Engineering design services associated with the Public Works Facility Expansion.

1.1. Scope of Project

1.1.1 Size

Storage Building – 150 x 60 (Estimated)

Heated storage building to include 6-25' bays with a 16'x16' insulated door in each bay. No separation walls between bays. Equipment to be stored: 9-front end loaders, buckets, plows/blowers, 2-motor graders, 1-sewer jetter/vacuum truck, 1-sewer camera trailer. Building shall be a pre-engineered metal building.

Office Building – 60' x 40' (Estimated)

Office building to have reception area, conference/safety room with tables/chairs for 30 employees and storage cabinets, 4 office rooms to include desks, chairs and storage cabinets, 2 unisex bathrooms and a printer/file storage room with cabinets. Building shall be pre-engineered metal building or approved alternative construction.

Mechanic Area – 60' x 100' (Estimated)

Mechanic area with 4-25' bays with no separation walls between bays. Bays needed: 1-welding bay, 1-portable jack bay, 1- pickup drive-on lift bay and 1 oil change bay. Area to have supply room, office area, automated oil dispenser to cover all bays and air supply to each bay. Minimum height of 20' for truck lifts. Building shall be pre-engineered metal building.

Utility Storage and Wash Bay – 75' x 50' (Estimated)

Utility storage and wash bay is to be added onto the existing utility maintenance building and consist of 3-25' bays with 5-14'x16' insulated doors. Wash bay would have a separated wall and contain proper floor drains and washing equipment. Equipment to be stored: 3-dump trucks and 2-pickups. Accommodations for the existing water salesman will be needed. Building shall be concrete block construction similar to existing building or approved alternative construction.

Salt/Sand Storage Building – 75' x 100' (Estimated)

Salt/Sand clear span fabric structure to hold 3,000-4,000 ton of material. Building to have minimum of 6' concrete side walls, poured concrete or pre-fabricated concrete blocks and hard surface floor, asphalt will be considered.

1.1.2 Site

The proposed site is located at 411 6th Ave SW. All off street parking and building aprons shall be concrete and driving areas to be asphalt. Fencing and gates to be reconstructed where removed or relocated. The site plans shall include signage and flag pole.

1.1.3 Furnishings

A minimum of thirty personal lockers shall be provided. Cabinets/counter tops shall be provided in break room, conference/safety room and copier/file room. The City will provide appliances, copier and telephone system.

1.1.4 HVAC

Office space shall include forced hot air along with central air conditioning and storage areas will use infrared type heating. The existing HVAC is to be abandoned. The mechanic area shall contain a system to remove Carbon Monoxide and Nitrogen Dioxide

1.1.5 Emergency Power

An emergency generator designed to adequately power components needed for critical building functions and fueling system.

1.2. Instructions to Vendors

1.2.1. General Terms and Conditions

Definitions:

- The terms "Vendor" and "Submitter" means the business firm submitting the proposal
- The terms "City" means the City of Mandan
- The term "Contractor" means the vendor receiving the award

Any contracts resulting from this RFP:

- shall be governed under, and the rights and obligations of the parties hereto be determined in accordance with, the laws of the State of North Dakota; and
- shall incorporate this document and the responses of the successful vendor and such responses shall constitute material terms of the contracts; and
- is dependent upon approval by the City of Mandan.

1.2.2. Communications between the City and Submitters.

Any and all communication with the City shall be accomplished as designated below and through the Public Works Department as designated in 1.1.2. Any vendors that deviate from this requirement will be subject to disqualification.

Vendors, who receive this and wish to respond, are requested to reply with their "intent to respond" by **3:00PM, Friday, February 5, 2016**. A vendor's intent to respond must be sent to Jeff Wright by e-mail at jwright@cityofmandan.com. The "Intent to Respond" must include the name of a contact person, phone and fax numbers, and an e-mail address.

1.2.3. Vendor Questions

Any questions regarding interpretation or intent must be made in written form. E-mail questions to Jeff Wright, Public Works Director, at jwright@cityofmandan.com by **3:00PM, Tuesday, February 16, 2016**.

Vendors who have indicated intent to respond will be e-mailed answers to all questions received by **5:00PM, Friday, February 19, 2016**.

1.2.4. Method of Response

All vendors must respond with a written proposal that corresponds to the information requests of this RFP and provide five (5) copies of said proposal. Vendors must follow the format of the RFP using the section titles and numbers of each information request (e.g., 1.1.11 – Warranty). If a reference to an attached document is used as part of the response to an information request, the reference must be specific. For example: "See page "8", paragraph three." **Note: Proposals that do not follow the format of this RFP and do not provide their responses to information requested per specification of this format will not be considered.**

1.2.5. Proposal Submission

The official sealed copy of your proposal must be received at the City of Mandan no later than **3:00PM, Friday, February 26, 2016**. RFP proposals must be clearly marked **Architectural and Engineering & Design Services for Public Works Facility Expansion**

Mail responses to:

City of Mandan
Attn: Jeff Wright, Public Works Director
205 2nd Avenue NW
Mandan, ND 58554

The City will not consider or examine late proposals. Amended proposals will not be considered unless they are received in the City on or before the above time and date. The official copy must contain the complete proposal and related materials.

1.2.6. Addenda to the Request for Quote

In the event it becomes necessary to revise any part of this RFP, an addendum will be provided to all vendors who have indicated intent to respond as outlined in section 1.2.2.

1.3. Evaluation

The City will determine which responses are to be considered for evaluation and will determine the successful vendor. A team led by the Public Works Department will conduct the evaluation process.

The City reserves the right to reject any and all proposals, wholly or in part, and waive any irregularities in the RFP process.

The evaluation of responses will be based on, but not limited to:

Evaluation Criteria	Weight
Breadth of Capabilities	35%
Complete Cost	40%
Complete Compliance with RFP specifications	20%
References/Availability	5%

2.0 Information

Submitted proposals will be used by the Selection Committee for the purpose of evaluating professional Architectural firms interested in providing full services for design and construction administration of Public Works Facility Expansion.

This RFP can be downloaded from the City web page at www.cityofmandan.com under the Bid Opportunities link.

3.0 Requirements

The City intends to sign an AIA contract with the selected Architectural firm.

Article 3 - Basic Services:

- 3.1 Scope of Basic Services
- 3.2 Schematic Design Phase
- 3.3 Design Development Phase
- 3.4 Construction Documents Phase
- 3.5 Bidding or Negotiation Phase
- 3.6 Construction Phase Services

Article 4 – Additional Services:

- 4.1 List of Services
- 4.2 Description of Services
- 4.3 Services after Execution of Agreement

Typically the City employs the following additional services. Therefore, include them in your BASE FEE:

- 4.1.1 Multiple Preliminary Designs
- 4.1.2 Measured Drawings
- 4.1.3 Architectural Interior Design
- 4.1.4 As-Designed Record Drawings
- 4.1.5 As-Built Record Drawings
- 4.1.6 Furniture, Furnishings, and Equipment Design

Other additional services will be employed as project conditions, priorities and goals dictate.

4.0 Presentations

- 4.1 Vendors whose proposals are determined by the evaluation team to meet or exceed the requirements of this RFP may be requested to provide a presentation to provide an overview of their proposal(s) and respond to questions from the evaluation team. The presentation will be done in a format agreeable to the vendor and the City.

5.0 Quality and Performance Standards

- 5.1 Provide a description of quality program including complaint resolution and corrective action procedures.
- 5.2 Lists at least two projects of similar scope that best illustrate your firm's capabilities. Briefly describe the size of each project and the approximate start and completion dates. Indicate the initial budget and final budget for each project. Describe your firm's responsibility or role in the projects. List client contact name, title, and telephone number
- 5.3 Provide brief resumes of all key personnel expected to participate on this project. Care should be taken to limit resumes to only those personnel and specialists who will have major project responsibilities.
- 5.4 Describe the mechanical and electrical engineering capabilities of your firm. Describe the interior design capabilities of your firm. Are these services performed in-house or contracted? If contracted, who do you propose to use?
- 5.5 Indicate your firm's present workload by both number of projects and dollar values for each of the following types: (a) projects in design, (b) projects in construction, and (c) new projects-not yet started

6.0 Cancellation/Non-Performance Evaluations

- 6.1 The City reserves the right to terminate this agreement within thirty (30) days of written notice and prior to any Contract termination date, if either service or Contract performance and conduct, as judged by the City, does not meet acceptable standards.

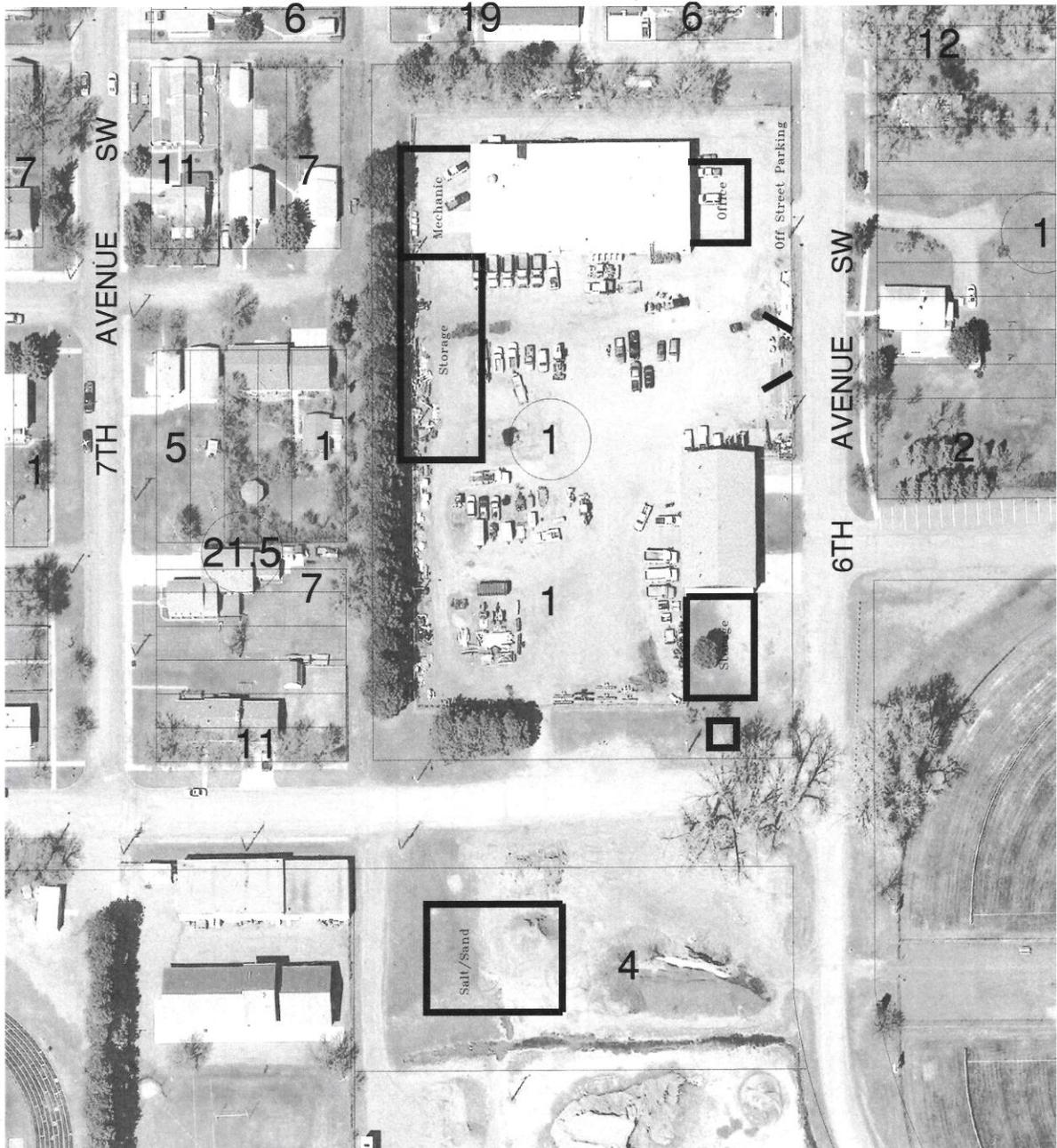
7.0 Pricing

- 7.1 Vendors must provide with their proposal a total project cost estimate.

- 7.2 Vendors must provide detailed pricing for their proposals making certain to itemize/detail the costs for all proposed products and services.
- 7.3 Any items, products or services that would result in additional charges must be clearly presented and explained
- 7.4 Vendors must indicate what items have warranties and what the duration of the warranties are. Any quotas or limits of service must be clearly identified and remedies or additional costs explained.
- 7.5 In addition to what has been specified, Suppliers are encouraged to provide "expressive bid" alternate pricing by suggesting alternate specifications, technology, terms and conditions, etc. that could result in flexibility and cost savings for the City. Vendors must insure that their alternate proposal meets or exceeds requirements and specifications as detailed throughout this RFP.
- 7.6 Payment terms will be net 30 days upon delivery of products and following completion of any services and receipt of invoice.

8.0 Taxes

- 8.1 The City of Mandan is exempt from Sales Tax and will furnish a tax exempt certificate upon request.





Board of City Commissioners

Agenda Documentation

MEETING DATE: January 19, 2016
PREPARATION DATE: January 15, 2016
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch, Finance Director
PRESENTER: Robert Decker, Principal Planner
SUBJECT: First consideration of Ordinance No. 1233 voiding Ordinance No. 1218 and amending and reenacting Section 117-1-4 related to water meters

STATEMENT/PURPOSE:

Some issues arose regarding the installation of water meters. A sentence was added to a section of the old code requiring that contractors installing water meters follow city installation requirements.

The timing of the revision was during the adopting process for the new coded and language in the new code did not capture the revised wording.

This proposed ordinance corrects the oversight and adds appropriate wording to the new code.

BACKGROUND/ALTERNATIVES:

- The old ordinance is voided so there is no confusion over wording in the code.
- The new language is more detailed than the old language so there is no ambiguity over what is required of a contractor who installs a water meter.

ATTACHMENTS:

1. Ordinance

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION:

Staff recommends adoption of this ordinance.

SUGGESTED ACTION:

Move to approve the first consideration of Ordinance No. 1233 voiding Ordinance No. 1218 and amending and reenacting Section 117-1-4 related to water meters.

ORDINANCE NO. 1233

An Ordinance to Void Ordinance No. 1218 and Amend and Reenact
Section 117-1-4 related to water meters

WHEREAS, Ordinance No. 1218 added language to the code requiring that water meters be installed according to installation instructions provided by the city, and

WHEREAS, subsequent amendments were made to the code that did not incorporate the language contained in Ordinance No. 1218, and

WHEREAS, this ordinance provides language that replaces the language added with Ordinance No. 1218.

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

Section 1. Ordinance No 1218 is voided.

Section 2. Section 117-1-4 is amended to read:

Sec. 117-1-4. - Ownership and control of water meter and turn on and off of service.

- (a) All water meters shall be owned and controlled of the city and may, at the sole discretion of the city, be installed, inspected, maintained, repaired, removed or replaced. The city may contract for the installation, inspection, maintenance, repair, removal or replacement of water meters. The city may authorize private contractors, hired by a developer or builder, to install water meters.
- (b) Only employees of the city or authorized contractors may turn on or off water service to a property. Should an unauthorized person turn on or off water service to a property or otherwise tamper with a water system valve, that person is subject to the penalty provisions of section 117-67-4.
- (c) Prior to installing a water meter, a contractor shall obtain a current copy of the water meter installation instructions from the city. Water meters must be installed according to the detailed installation instructions provided by the city. Any deviation from the specified installation instructions must be approved in advance in writing by the city.

Section 3. Section 117-1-4 is readopted as amended.

President, Board of City Commissioners

Attest:

City Administrator

First Consideration:
Second Consideration and Final Passage:

January 19, 2016

ORDINANCE NO. 1224

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

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

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

1. Shoal Loop SE as platted in Lakewood Commercial Park Fourth Addition in Section 1, Township 138 North, Range 81 West of the City of Mandan, Morton County, North Dakota is hereby changed to 24th Street SE.

Section 2. Notice. The proper officials of the city are hereby directed to take such action as they may deem necessary or desirable to notify city residents of this change.

President, Board of City Commissioners

Attest:

City Administrator

First Consideration:

November 3, 2015

Second Consideration:

January 19, 2016

ORDINANCE NO. 1225

An Ordinance to Amend and Reenact Subsection (d) (2) of
Sec. 105-4-4 of the Mandan Code of Ordinances Relating
to Floodplains

Be it ordained by the Board of City Commissioners:

An Ordinance to amend Subsection (d) (2) of Sec. 105-4-4 of the Mandan Code of Ordinances relating to floodplains is hereby enacted as follows:

Sec. 105-4-4 (d).

- (2) *Designation of the flood administrator.* The building official is appointed to administer and implement this section~~city administrator shall designate a city staff person or contract with a qualified company or person to administer and implement this section.~~ The name and contact information for the flood administrator shall be posted on the city web site. The flood administrator shall be responsible for granting or denying development permit applications in accordance with the provisions of this section.

By: _____
Arlyn Van Beek, President
Board of City Commissioners

ATTEST:

James Neubauer, City Administrator

First Consideration:
Second Consideration and Final Passage:

November 3, 2015
January 19, 2016

ORDINANCE NO. 1234

An Ordinance to Amend and Re-enact
Sections 4-1-3, 4-2-20(c) and 4-2-20(d)(2) of the
Code of Ordinances of the City of Mandan
Relating to Hours of Alcohol Sales

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

Section 4-1-3. Hours and time of sale of the Code of Ordinances of the City of Mandan relating to hours of alcohol sales is hereby amended and re-enacted to read as follows:

Section 4-1-3. **Hours and time of sale.**

A person may not sell or dispense, or permit the sale, dispensation or consumption, of alcoholic beverages on licensed premises at any time when prohibited by state law or city ordinances, unless otherwise permitted by the decision of a court of competent jurisdiction. A person may not dispense or permit the consumption of alcoholic beverages on a licensed premises between 1:00 a.m. and 11:00 a.m. on Sundays, and between the hours of 1:00 a.m. and 8:00 a.m. of all other days of the week. All drinks, glasses and beverage containers must be collected and emptied or disposed of as soon as practicable at the legally required time of closing or immediately thereafter.

Section 4-2-20. **Sunday alcoholic beverage permit.**

(c) *Application.* An eligible applicant may make written application to the city administrator for such a permit to authorize the applicant to dispense alcoholic beverages and to conduct a dance on its premises between the hours of ~~12:00 noon~~ 11:00 a.m. on the specified Sunday and 1:00 a.m. on the following Monday. The applicant shall furnish such information as may be required by the city administrator upon forms furnished by the city. The application must be accompanied by a fee of five dollars as established by resolution for each requested Sunday.

Section 4-2-20(d)(2).

(d) *Conditions.* All Sunday alcoholic beverage permits are subject to the following restrictions and conditions:

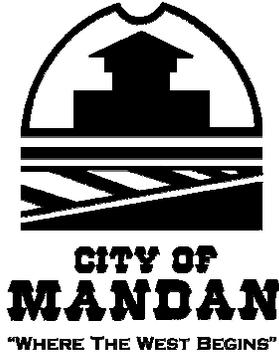
- (2) Dancing and the dispensing of alcoholic beverages shall be permitted only between the hours of ~~12:00 noon~~ 11:00 a.m. on Sunday and 1:00 a.m. on the following Monday. The general public may be permitted to participate in the consumption of alcoholic beverages distributed under the authority of this permit.

By: _____
President, Board of City Commissioners

Attest:

City Administrator

First Consideration: January 19, 2016
Second Consideration _____
and Final Passage: _____
Publication Date: _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 19, 2016
PREPARATION DATE: January 11, 2016
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Jeff Wright
PRESENTER: Jeff Wright, Public Works Director
SUBJECT: Consider for approval the Resolution amending fees and charges administered by the Public Works Department

STATEMENT/PURPOSE: Consider the approval of the resolution amending the fees and charges by the Public Works Department.

BACKGROUND/ALTERNATIVES: Made some minor changes to hourly rates for equipment as needed to keep up with local contractor costs and City of Bismarck. Major changes were in weed control/grass cutting and cleanup fees for private lots. The new fees include a \$150 fee plus \$150 per hour charge with a minimum of 1 hour. These new fees will go into effect prior to the mowing season and enforced and monitored by the Grounds Maintenance Department and Code Enforcement Officer.

ATTACHMENTS: Resolution and fee list

FISCAL IMPACT: Increased fees will help support the Grounds Maintenance Department.

STAFF IMPACT: N/A

LEGAL REVIEW: Attorney Brown has reviewed my agenda documents.

RECOMMENDATION: This office supports the amended fees and charges.

SUGGESTED MOTION: I move to approve the amended fees and charges.

Board of City Commissioners

Agenda Documentation

Meeting Date: January 19, 2016

Subject: Consider for approval the Resolution amending fees and charges administered by the Public Works Department

Page 2 of 4

RESOLUTION AMENDING FEES ADMINISTERED BY THE PUBLIC WORKS DEPARTMENT FOR THE CITY OF MANDAN, NORTH DAKOTA

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

WHEREAS, the City of Mandan is empowered to charge fees relating to Public Works Department services and material; and

WHEREAS, the City of Mandan has provided by Ordinance the fees for such services and materials may be determined from time to time by resolution of the Board of City Commissioners; and

WHEREAS, it is the desire of the Board of City Commissioners to establish such fees as may be necessary for the orderly cost effective administration of services and materials;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, AS FOLLOWS;

1. The fees for services and materials administered and regulated by the City of Mandan Public Works Department, shall be amended as denoted on the attached schedules, and as so amended shall be adopted.
2. The amended fee schedule shall be in full force and effect from and after the 1st day of February, 2016.
3. A copy of the amended fee schedule shall be filed in the office of the city auditor.

Dated this 19th day of January, 2016.

President, Board of City Commissioners

Attest:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: January 19, 2016

Subject: Consider for approval the Resolution amending fees and charges administered by the Public Works Department

Page 3 of 4

**2016
CITY OF MANDAN
DEPARTMENT OF PUBLIC WORKS
FEES AND SERVICES**

<u>Machine/Manpower</u>		<u>Cost</u>
2 Ton Truck		\$ 85 per hour
Tandem Truck		\$110 per hour
Backhoe		\$150 per hour
Backhoe with Jackhammer		\$175 per hour
Bucket Truck		\$150 per hour
Utility Pickup		\$ 40 per hour
Sewer Jetter		\$275 per hour
Maintainer		\$120 per hour
Loader		\$100 per hour
Blower with Loader		\$180 per hour
Bobcat		\$ 80 per hour
Winch Truck		\$120 per hour
Sweeper		\$100 per hour
Generator		\$ 50 per hour
		\$375 per day
Tractor/Mower		\$75 per hour
Riding Mower		\$45 per hour
Equip. Operator	Reg	\$31 per hour
	O.T.	\$47 per hour
Street Superintendent	Reg	\$38 per hour
	O.T.	\$57 per hour
Asphalt Repair		\$150 per ton/includes Roller and Manpower
Utility Operator	Reg	\$33 per hour
	O.T.	\$49 per hour

Board of City Commissioners

Agenda Documentation

Meeting Date: January 19, 2016

Subject: Consider for approval the Resolution amending fees and charges administered by the Public Works Department

Page 4 of 4

Utility Superintendent	Reg	\$44 per hour
	O.T.	\$66 per hour
Administrative Fee		\$50

Water Taps	1" - \$55 ea.
	1 1/2" - \$70 ea.
	2" - \$90 ea.

Turn on/off Curb Stops	Regular Hours - \$50
	After Hours-\$50 + \$75 Call out

<u>Service</u>	<u>Summer Cost</u>	<u>Winter Cost</u>
Replace Curb Stop	Per Hour - \$2,000 Maximum	Per Hour - \$2,500 Maximum
Replace Box/Rod	Per Hour - \$1,000 Maximum	Per Hour - \$1,200 Maximum
Adjust Curb Stop	Per Hour - \$ 250 Maximum	Per Hour - \$ 400 Maximum

Hydrant Meter Hookup	\$40
Hydrant Meter	\$350 Deposit
	1-7 days - \$25 + water usage
	8 + days - \$50 + water usage

Weed Control	
Light duty mowing (developed lots)	\$150 Fee + \$150 per hour, 1 hour Minimum
Heavy duty mowing (undeveloped lots)	\$150 Fee + \$150 per hour, 1 hour minimum
Lot Cleanup	\$ 150 Fee + Labor & Equipment, 1 hour minimum