

AGENDA
MANDAN CITY COMMISSION
JANUARY 20, 2015
ED "BOSH" FROEHLICH MEETING ROOM,
MANDAN CITY HALL
5:00 P.M. (SPECIAL TIME)
www.cityofmandan.com

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- A. ROLL CALL:
1. Roll call of all City Commissioners.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:
1. Consider approval of the minutes from the January 6, 2015 Board of City Commission meeting.
- E. PUBLIC HEARING:
- F. BIDS:
1. Consider bid opening results for Street Improvement District #196, Mandan Industrial Park.
 2. Consider bid opening results for Wastewater Treatment Facility Optimization project.
- G. CONSENT AGENDA:
1. Consider approval of monthly bills.
 2. Consider approval of the pledge of securities reports as required by NDCC 21-04.
 3. Consider engineering service agreement amendment with AE2S for construction engineering services for Wastewater Facility Optimization Project.
 4. Consider the following abatements/exemptions:
 - i. 2-Yr. Exemption Extension for Diamond Bend Apartments, LLC.
 - ii. Complete reassessment for 2014 – Deloris Palmer.
 - iii. Complete reassessment for 2014- Craig Withey
 5. Consider NDDOT agreements and easements relative to Main Street ADA Project 9-999(304), PCN 20268.
 6. Consider request from the Finance Department to destroy old documents in accordance with the North Dakota Records Management Program.
 7. Consider appointments to the MARC Commission.
 8. Consider sale of City of Mandan property with an estimated value over \$1,000.

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9. Consider request from Darlene Forderer, Utility Billing Coordinator, to carryover approximately 25 to 33 hours of annual leave for six months.
10. Consider Sunday Openings for Bar M Steakhouse LLC – Jan. 25th, Feb. 8th, and April 26, 2015.

H. OLD BUSINESS:

1. Consider request from Police Officers to have City of Mandan join the ND PERS Law Enforcement Retirement Plan.

I. NEW BUSINESS:

1. Community marketing update about online video
2. Consider Growth Fund Committee recommendation for appointment of four positions for a 2015-2017 term
3. Consider approval of TIP (Transportation Improvement Program) road project submittals.
4. Consider Revisions to the 5-year Remodeling Exemptions on Existing Commercial and Residential Structures.
5. Introduction of Morton Mandan Public Library Assistant Director Sarah Warneke.

J. RESOLUTIONS AND ORDINANCES:

1. Consider adoption of Ordinance 1197 modifying the requirements for sidewalks and driveway aprons.
2. Introduction and first consideration of Ordinance 1199, An Ordinance to Amend and Re-enact Chapter 4-07 of the Mandan Code of Ordinances Relating to Sick Leave.

K. OTHER BUSINESS:

L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. February 3, 2015
2. February 17, 2015 – 5 p.m. start time
3. March 3, 2015

M. ADJOURN

Public Communication

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

The Mandan City Commission met in regular session at 5:30 p.m. on January 6, 2015 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Laber, and Braun. Department Heads present were City Administrator Neubauer, Police Chief Bullinger, City Attorney Brown, Director of Public Works Wright, Business Development & Communications Director Huber, Planning & Engineering Director Froseth, Planner Decker, and Assessor Shaw. Absent were Finance Director Welch, Fire Chief Nardello, and Building Official Lalim.

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

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

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission special meeting held on December 8, 2014 and regular meeting held December 16, 2014.* Commissioner Tibke moved to approve the minutes as presented. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

F. BIDS:

G. CONSENT AGENDA

1. *Consider appointments to Mandan Community Beautification Committee.*
2. *Increasing the Animal Control Officer Position from Thirty-Five Hours, Three Quarter Time to Forty Hours, Full Time.*
3. *Consider \$500 budget amendment to the 2014 Street Department Capital Outlay budget.*
4. *Consider the following abatements/exemptions:*
 - i. *Correction – Change to reflect exempt status for land owned by Mandan Park District.*
 - ii. *Complete Reassessment – Value change on land – Michael Martin.*
 - iii. *Assessor Error – Missed 2-Year Tax exemption – Jamie & Carina Friesz.*
 - iv. *Correction to a 5-Year New & Expanding Business Property Tax Exemption – High Plains Apache.*
 - v. *Correction to a 5-Year New & Expanding Business Property Tax Exemption – Spence Koenig.*
 - vi. *Missed 5-Year Tax Exemption for Wind River Properties (WW Ranch) for 2013*
 - vii. *Complete Reassessment – reduction in Market value – Lloyd Motl.*

viii. *Correction – Assessing Error for Property Tax Exemption for Improvements to Commercial Building – Kevin Ressler.*

ix. *Complete Reassessment – Reduction in Market Value – Lorraine Carlson.*

5. *Consider approval of Change Order #8 for SID # 176 (Lakewood 6th and 7th).*

6. *Consider approval of Change Order #9 for SID # 176 (Lakewood 6th and 7th).*

Commissioner Laber moved to approve the Consent Agenda as presented excepting item No. 4 (i) *Correction – Change to reflect exempt status for land owned by Mandan Park District.* Commissioner Rohr 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.

No. 4(i): Correction – Change to reflect exempt status for land owned by Mandan Park District. Shirley Shaw, City Assessor, stated that the parcel that is in question was sub-platted last year. It was split into Auditor's Lot A of Lot 5 West Bay Estates 2nd Replat Addition lots 3-5 of Block 1. When the transfer and split were done the land value was not removed for the Park District. The Mandan Park District is an exempt status and is not required to pay property taxes. Commissioner Laber commented that she thought this was the area where the new YMCA will be and inquired if the YMCA will be Park District property or a private entity? City Administrator Neubauer stated that the Park District owns the property and that they have entered into a lease for the Sanford YMCA project.

Commissioner Laber moved to approve Consent Agenda item No. 4(i): *Correction – Change to reflect exempt status for land owned by Mandan Park District.* Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Introduction of new Police Officer Tricia Schmeichel.* Police Chief Bullinger introduced new Police Officer Tricia Schmeichel. She is a 2014 Law Enforcement graduate of the Law Enforcement Training Academy in Bismarck. She has successfully completed the field training program and she has been assigned to a uniform patrol position with the Mandan Police Department Patrol Division. Tricia has an Associate degree in Criminal Justice from BSC. She also just recently received a Bachelor's Degree from Minot State University in Criminal Justice with a minor in Psychology. Mayor Van Beek extended a welcome to Officer Schmeichel to her new position.

2. *Consider appointments to Planning and Zoning Commission.* Principal Planner Decker stated that there were two positions that expired on the Planning & Zoning Commission in 2014. Requests for applications were published and five responses were received. One response was from a resident in the extraterritorial area and that response was forwarded to the county who appoints persons to the extraterritorial area. Bill

Robinson, the current Planning & Zoning president expressed interest in being reappointed for another term. The applicants were invited to make statements of interest to serve on the P & Z Commission. The P & Z Commission conducted a ballot vote in December 2014 and now comes before this Board with recommendations to appoint Bill Robinson and Chris Breach to the P & Z Commission for 5 year terms commencing 1/1/15.

Commissioner Rohr moved to approve the appointments of Bill Robinson and Chris Breach to the Planning & Zoning Commission for 5 year terms commencing 1/1/15. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider changes to sick leave accrual and addition of long term disability coverage.* Kevin Wilson, Human Resources, presented a request to consider amendments to the sick leave accrual buyback policy and to add a long term disability coverage plan to the City of Mandan benefit package. Mr. Wilson presented a power point presentation proposal outlining (1) Long Term Disability Coverage (2) Maximum Hour Accumulation Policy and (3) Sick Hour Buyback Policy. Highlights included:

- ~ Social Security and Disability facts and figures
- ~ Graphic of 2013 Federal Poverty Levels
- ~ What is a PDQ (Personal Disability Quotient)?
- ~ Factors that increase the risk of disability
- ~ Factors that decrease the risk of disability
- ~ Mandan employee sick pay average accrual balance
- ~ Proposed Sick Policy Bank A
- ~ Proposed Sick Policy Bank B
- ~ Proposed Eligible Employee 40% Sick Hour Payout
- ~ Proposed Long Term Disability Insurance Benefits
- ~ Disability Benefit Summary Proposal
- ~ Estimated Monthly LTD Cost of \$1,564.85 or \$12.62 per employee per month

Commissioner Laber inquired who would pay the \$15,000 per year. Mr. Wilson stated that the City of Mandan would pay the cost of the full premium and clarified that the only plan the City of Mandan has for the employees is the sick pay plan. The carrier is the group life carrier and it is within their proposal for a 2-year rate guarantee.

Commissioner Tibke moved to approve the suggested changes to the sick leave policy and to establish a long term disability policy as part of the City of Mandan's benefit package, and to have City Attorney Brown draft the necessary Ordinance amendments to implement the change. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *For information item Addendum No. 2 was issued this morning for the Mandan Wastewater Treatment Facility Interim Optimization project. Most notably, the addendum changes the bid date from Thursday, January 8th to Tuesday, January 13th.* Planning & Engineering Director Froseth stated this is an informational item wherein the City released Addendum No. 2 for the Wastewater Treatment Plant Optimization project. A project walkthrough occurred on 1/5/15 which typically occurs about a week before the bid date. Director Froseth stated that there were clarification questions that came up on this project that were taken care of. There is no cost impact to the project itself as a result of this clarification and this is also a notification to the Commission that the bid opening date was changed from January 8, 2015 to January 13, 2015. It is anticipated that this change will allow the bid results to come forward at the January 20, 2015 Commission meeting. This is an informational item and no action is required.

J. RESOLUTIONS AND ORDINANCES:

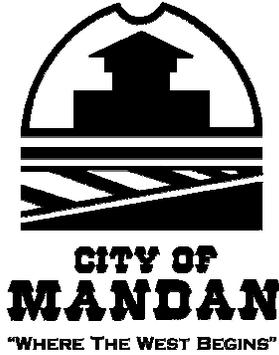
1. *Second Consideration and final passage of Ordinance 1196 to amend and re-enact Chapter 12-02 of the Mandan Code of Ordinances relating to a Class WB (Winery / Brewery) liquor license.* Commissioner Tibke moved to approve the Second Consideration and final passage of Ordinance 1196 to amend and re-enact Chapter 12-02 of the Mandan Code of Ordinances relating to a Class WB (Winery/Brewery) liquor license. 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.

K. OTHER BUSINESS:

There being no further actions to come before the Board of City Commissioners, Commissioner Rohr moved to adjourn the meeting at 5:59 p.m. Commissioner Tibke 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 20, 2015
PREPARATION DATE: January 15, 2015
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Review of Bid Opening for Street Improvement District 196, Mandan Industrial Park

STATEMENT/PURPOSE: To review the bid opening results for Street Improvement District No. 196, Project 2014-14 (Mandan Industrial Park).

BACKGROUND/ALTERNATIVES: On March 4, 2014 the Mandan City Commission approved the creation of Street Improvement District No. 196 and approved the Engineer's Report and the Resolution of Necessity. On April 15th the Mandan City Commission approved the Resolution determining insufficiency of protest. Our office consulted with Wenck Associates, Inc. (Wenck) to create plans and specifications for the project which called for concrete reconstruction of the two major roads in the district, 34th Street and 37th Street NW. The project was originally set for a bid opening of May 27th. That bid opening yielded no submitted bids. It was decided at that time to address the issues heard by the contractors as to why they did not bid the project, and bring forward a bid opening later in the year.

After some changes were made to the project bid documents to address concerns, another bid opening was held on December 23rd. Three bids were received with the low bidder being Northern Improvement Company with a bid of \$4,155,661.20 for the base, and \$3,930,477.70 for the alternate. Though the alternate bid is about 27% over the final engineer's estimate, it is 129% over the original engineer's estimate, created by city staff, for this project of \$1,717,000, therefore it cannot be accepted as it would need to be within 40% by ND Century Code rules. Although a post bid review of the project has identified potential areas of savings, they are not enough to proceed with the project as bid.

In order to sufficiently address subbase concerns and provide a useful life of 20 years or more, our consulting engineers have concluded that a reconstruction project is needed. Given the current condition of these roads and the industrial use for this area, any project

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that addresses the surface only, such as a mill and overlay, would not satisfactorily address the subsurface problems.

Going forward, the engineering department plans to investigate multiple alternative methods of construction to ensure no cost efficient means of addressing the roadway issues are being missed. The engineering department does not plan to advertise for bids again this year, and believes that it would be best to wait until the Old Red Trail reconstruction project, planned to begin in 2016 in this area, is done first.

ATTACHMENTS:

1. Bid Tab Sheets
2. District Map

FISCAL IMPACT: Consulting Engineering Fees have totaled \$107,301.24, which was approximately the agreed upon amount. Any of this work done may be assessed to a future project in this district if useful to that project. If not, it will have to be paid for by the general fund. It is not known at this time how much of this may be used for a future project since a future project scope has not yet been identified.

STAFF IMPACT: Minimal

LEGAL REVIEW: This item has been forwarded to the city attorney for his review.

RECOMMENDATION: The engineering office recommends rejecting the bids for SID 196, Mandan Industrial Park, based on the lowest bid being more than 40% over the engineer's estimate.

SUGGESTED MOTION: I move to reject all bids for SID 196, Mandan Industrial Park.

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City of Mandan, ND
 Street Improvement District 196
 Mandan Project No. 2014-24
 Bid Opening: 12/23/2014

Bid Item	Spec.	Type	Estimated Quantity	Unit	Engineer's Estimate		Mariner Construction Inc. (Bismarck, ND)		Knife River - Central ND Division (Bismarck, ND)		Northern Improvement Company - Bismarck (Bismarck, ND)	
					Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
1	202-4.1	UNCLASSIFIED EXCAVATION	10,340	CY	4.25	\$ 43,945.00	\$	\$	\$	\$	\$	\$
2	204-3.1A	SUBGRADE PREPARATION (1 FOOT DEEP)	19,828	SY	1.00	\$ 19,828.00	\$	\$	\$	\$	\$	\$
3	205-3.3	WEIGHTED FIBER ROLL	160	LF	11.00	\$ 1,760.00	\$	\$	\$	\$	\$	\$
4	301-4.0	SAND SUBBASE	7,931	TON	35.00	\$ 276,585.00	\$	\$	\$	\$	\$	\$
5	302-4.1	STABILIZED GRAVEL BASE	7,491	TON	21.00	\$ 157,311.00	\$	\$	\$	\$	\$	\$
6	401-3.2	AC SURFACE COURSE (CLASS B)	1,189	TON	100.00	\$ 118,900.00	\$	\$	\$	\$	\$	\$
7	401-3.3	AC PAVEMENT (CLASS B)	10,663	SY	2.30	\$ 24,514.50	\$	\$	\$	\$	\$	\$
8	403-4.2	BLOTTER SAND	21	TON	45.00	\$ 945.00	\$	\$	\$	\$	\$	\$
9	409-4.1	MILLING PAVEMENT SURFACE	5,448	SY	3.00	\$ 16,344.00	\$	\$	\$	\$	\$	\$
10	409-4.1	ASPHALT REMOVAL	17,103	SY	4.00	\$ 68,412.00	\$	\$	\$	\$	\$	\$
11	501-4.1	PCC PAVEMENT (8 INCH)	151,302	SF	7.75	\$ 1,172,590.50	\$	\$	\$	\$	\$	\$
12	501-4.3	SAW AND SEAL JOINTS	23,938	LF	1.50	\$ 35,907.00	\$	\$	\$	\$	\$	\$
13	602-4.2	8-INCH CONCRETE DRIVEWAY	14,059	SF	10.50	\$ 147,619.50	\$	\$	\$	\$	\$	\$
14	602-4.1	6-INCH CONCRETE VALLEY GUTTER	565	SF	6.60	\$ 3,729.00	\$	\$	\$	\$	\$	\$
15	603-5.1	CURB AND GUTTER REPAIR	305	LF	36.00	\$ 11,000.00	\$	\$	\$	\$	\$	\$
16	603-5.3	STANDARD CURB AND GUTTER	8,801	LF	18.00	\$ 158,418.00	\$	\$	\$	\$	\$	\$
17	603-5.4A	MOUNTABLE CURB AND GUTTER	250	LF	19.00	\$ 4,750.00	\$	\$	\$	\$	\$	\$
18	603-5.6	CURB AND GUTTER REMOVED	9,051	LF	8.00	\$ 72,408.00	\$	\$	\$	\$	\$	\$
19	802-4.81	(4 INCH) PERFORATED PIPE	7,741	LF	9.00	\$ 69,669.00	\$	\$	\$	\$	\$	\$
20	1202-4.2	SEEDING CLASS II	4,167	EACH	700.00	\$ 2,918,900.00	\$	\$	\$	\$	\$	\$
21	1205-4.1	ADJUST MANHOLE CASTING IN ASPHALT PAVEMENT	1	EACH	400.00	\$ 400.00	\$	\$	\$	\$	\$	\$
22	1205-4.14	ADJUST VALVE BOX IN CONCRETE	17	EACH	500.00	\$ 8,500.00	\$	\$	\$	\$	\$	\$
23	1205-4.15	ADJUST MANHOLE CASTING IN CONCRETE	16	EACH	1,000.00	\$ 16,000.00	\$	\$	\$	\$	\$	\$
24	1206-4.4	FURNISH AND ADJUST TYPE 24" INLET CASTING	1	EACH	75,000.00	\$ 75,000.00	\$	\$	\$	\$	\$	\$
25	1211-4.6	TRAFFIC CONTROL	1	EA	50.00	\$ 50.00	\$	\$	\$	\$	\$	\$
26	SP-02	FABRIC PETROMAT OR APPROVED EQUAL	10,663	SY	6.00	\$ 63,978.00	\$	\$	\$	\$	\$	\$
27	SP-03	CONCRETE REMOVAL ALL THICKNESSES	1,625	EA	13.00	\$ 21,125.00	\$	\$	\$	\$	\$	\$
28	SP-04	CONCRETE PERFORATED PIPE TO EXISTING CATCH BASIN	4	EACH	350.00	\$ 1,400.00	\$	\$	\$	\$	\$	\$
29	SP-05	TEMPORARY ROCK CONSTRUCTION ENTRANCE	13	EACH	400.00	\$ 5,200.00	\$	\$	\$	\$	\$	\$
30	SP-06	TEMPORARY SALVAGE AND RESET SIGN ASSEMBLY	3	EACH	200.00	\$ 600.00	\$	\$	\$	\$	\$	\$
31	SP-07	TEMPORARY TRAFFIC CONTROL	19,829	SY	2.00	\$ 39,658.00	\$	\$	\$	\$	\$	\$
32	SP-08	TEMPORARY TRAFFIC CONTROL	15,690	SY	25.00	\$ 392,250.00	\$	\$	\$	\$	\$	\$
33	SP-09	TEMPORARY TRAFFIC CONTROL	2013	LF	20.00	\$ 40,260.00	\$	\$	\$	\$	\$	\$
34	SP-10	TEMPORARY CHAINLINK FENCE (6 FOOT)	16	EACH	800.00	\$ 12,800.00	\$	\$	\$	\$	\$	\$
35	SP-11	TEMPORARY CHAINLINK FENCE (8 FOOT)	215	LF	16.00	\$ 3,440.00	\$	\$	\$	\$	\$	\$
36	SP-12	REMOVE AND RESET CHAINLINK FENCE					\$	\$	\$	\$	\$	\$
37	SP-13	REMOVE AND RESET CHAINLINK FENCE					\$	\$	\$	\$	\$	\$
38						\$ 3,308,318.90		No Bid		\$ 4,287,593.15		\$ 4,155,661.20



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City of Mandan, ND
 Street Improvement District 196
 Mandan Project No. 2014-14
 Bid Opening: 12/23/2014

Bid Item	Spec.	Type	Estimated Quantity	Unit	Engineer's Estimate		Mariner Construction Inc. (Bismarck, ND)		Knife River - Central ND Division (Bismarck, ND)		Northern Improvement Company - Bismarck (Bismarck, ND)	
					Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
1	202-4.1	UNCLASSIFIED EXCAVATION	5923	CY	4.25	\$ 25,172.75	43.09	\$ 255,232.07	23.40	\$ 138,696.20	16.60	\$ 98,321.80
2	205-3.3	WEIGHTED FIBER ROLL	160	LF	11.00	\$ 1,760.00	15.00	\$ 2,400.00	6.00	\$ 960.00	17.50	\$ 2,800.00
3	302-4.1	STABILIZED GRAVEL BASE	7491	TON	21.00	\$ 157,311.00	33.13	\$ 248,716.83	40.58	\$ 303,864.78	35.20	\$ 268,701.20
4	401-8.2	AC SURFACE COURSE (CLASS B)	1185	TON	110.00	\$ 13,080.00	104.03	\$ 12,323.55	111.52	\$ 132,151.20	105.50	\$ 125,521.00
5	401-9.3	AC PATCH (CLASS B)	68	TON	190.00	\$ 30,600.00	215.00	\$ 40,275.00	93.85	\$ 18,366.60	89.50	\$ 16,106.40
6	403-4.1	BITUMEN SEAL COAT	183	SY	45.00	\$ 2,025.00	40.00	\$ 1,800.00	13.82	\$ 2,559.60	13.00	\$ 2,397.00
7	403-4.2	BLOTTER SAND	21	TON	3.00	\$ 9.00	4.00	\$ 12.00	4.18	\$ 12,585.60	4.00	\$ 11,730.00
8	404-1.1	MILLING PAVEMENT SURFACE	5548	SY	3.00	\$ 16,644.00	4.00	\$ 22,192.00	4.18	\$ 23,190.64	4.00	\$ 22,182.00
9	404-1.1	ASPHALT REMOVAL	17103	SY	4.00	\$ 68,412.00	6.31	\$ 107,919.93	5.62	\$ 96,118.85	4.20	\$ 71,832.60
10	501-4.1	PCC PAVEMENT (8 INCH)	151302	SF	7.75	\$ 1,172,590.50	7.58	\$ 1,146,869.16	8.19	\$ 1,239,163.38	7.90	\$ 1,195,295.80
11	501-4.1	SAW AND SEAL JOINTS	23938	LF	1.50	\$ 35,907.00	3.00	\$ 71,814.00	1.46	\$ 34,949.48	1.50	\$ 35,907.00
12	501-4.1.1	PORTLAND CEMENT	540	TON	220.00	\$ 118,800.00	182.00	\$ 88,280.00	167.34	\$ 90,363.60	162.00	\$ 87,480.00
13	602-4.2	8-INCH CONCRETE DRIVEWAY	14059	SF	10.50	\$ 147,619.50	7.67	\$ 107,832.53	13.89	\$ 192,467.71	10.00	\$ 140,590.00
14	602-4.1	6-INCH CONCRETE VALLEY GUTTER	565	SF	6.60	\$ 3,729.00	10.00	\$ 5,650.00	14.19	\$ 8,017.35	9.50	\$ 5,367.50
15	603-5.1	CURB AND GUTTER REPAIR	305	LF	36.00	\$ 11,560.00	47.78	\$ 14,572.90	56.52	\$ 16,833.60	28.40	\$ 8,967.00
16	603-5.3	STANDARD CURB AND GUTTER	8801	LF	18.00	\$ 158,418.00	23.50	\$ 206,823.50	28.77	\$ 253,204.77	20.80	\$ 183,060.80
17	603-5.4	MOUNTABLE CURB AND GUTTER	250	LF	19.00	\$ 4,750.00	24.44	\$ 6,110.00	45.61	\$ 11,402.50	30.60	\$ 7,650.00
18	603-5.6	CURB AND GUTTER REMOVED	9051	LF	8.00	\$ 72,408.00	6.00	\$ 54,306.00	4.54	\$ 41,091.54	3.40	\$ 30,773.40
19	802-4.81	(4 INCH) PERFORATED PIPE	7741	LF	9.00	\$ 69,669.00	15.00	\$ 116,115.00	12.90	\$ 99,859.90	14.30	\$ 110,696.30
20	1202-4.2	SEEDING CLASS II	4167	SY	40.00	\$ 1,666,800.00	8.65	\$ 36,044.55	8.11	\$ 33,794.37	8.40	\$ 35,002.80
21	1206-4.1	ADJUST MANHOLE CASTING IN ASPHALT PAVEMENT	7	EACH	700.00	\$ 4,900.00	800.00	\$ 5,600.00	359.88	\$ 2,519.16	830.00	\$ 5,810.00
22	1206-4.14	ADJUST VALVE BOX IN CONCRETE	1	EACH	400.00	\$ 4,000.00	450.00	\$ 4,500.00	77.00	\$ 2,770.00	231.00	\$ 2,310.00
23	1206-4.15	ADJUST MANHOLE CASTING IN CONCRETE	17	EACH	500.00	\$ 5,000.00	1,300.00	\$ 13,000.00	154.26	\$ 2,622.42	590.00	\$ 5,900.00
24	1206-4.4	FURNISH AND ADJUST TYPE 24" INLET CASTING	16	EACH	1,000.00	\$ 16,000.00	957.09	\$ 15,313.44	1,027.70	\$ 17,584.68	1,037.00	\$ 17,590.00
25	611-6.8	TRAFFIC CONTROL	1	SY	75.00	\$ 3,375.00	310,217.00	\$ 3,102,170.00	37,589.68	\$ 37,589.68	1,830.00	\$ 18,300.00
26	SP-05	AC TASK	2666	GAL	6.00	\$ 53,316.00	3.50	\$ 37,520.50	8.88	\$ 20,046.44	2.80	\$ 19,184.00
27	SP-06	CONCRETE REMOVAL ALL THICKNESSES	10863	SF	13.00	\$ 1,396,500.00	25.00	\$ 40,625.00	12.25	\$ 19,906.25	11.10	\$ 18,037.50
28	SP-04	CONCRETE PERFORATED PIPE TO EXISTING CATCH BASIN	1625	EACH	350.00	\$ 14,000.00	8,500.00	\$ 34,000.00	1,095.26	\$ 4,381.04	675.00	\$ 2,700.00
29	SP-05	TEMPORARY ROCK CONSTRUCTION ENTRANCE	4	EACH	3,500.00	\$ 14,000.00	8,500.00	\$ 34,000.00	7,399.33	\$ 29,597.32	2,677.00	\$ 10,708.00
30	SP-06	TEMPORARY ROCK CONSTRUCTION ENTRANCE	13	EACH	400.00	\$ 5,200.00	400.00	\$ 5,200.00	381.85	\$ 4,964.05	297.00	\$ 3,861.00
31	SP-07	SALVAGE AND RESET MAILBOX ASSEMBLY	3	EACH	200.00	\$ 6,000.00	400.00	\$ 1,200.00	209.23	\$ 627.69	297.00	\$ 891.00
32	SP-08	SALVAGE AND RESET SIGN ASSEMBLY	15690	SY	25.00	\$ 392,250.00	73.75	\$ 1,157,137.50	64.35	\$ 1,009,651.50	69.40	\$ 1,098,886.00
33	SP-10	TEMPORARY TRAFFIC ACCESS MAT	2013	LF	20.00	\$ 40,260.00	12.50	\$ 25,162.50	11.51	\$ 23,169.63	11.90	\$ 23,954.70
34	SP-11	TEMPORARY CHAINLINK FENCE (6 FOOT)	16	EACH	800.00	\$ 12,800.00	1,246.58	\$ 19,945.44	\$ 1,147.94	\$ 18,962.24	1,185.00	\$ 18,960.00
35	SP-12	TEMPORARY CHAINLINK GATE	215	LF	16.00	\$ 3,440.00	45.45	\$ 9,771.75	41.85	\$ 8,997.75	45.20	\$ 9,288.00
36	SP-13	REMOVE AND RESET CHAINLINK FENCE	18928	SY	1.70	\$ 33,707.60	6.25	\$ 123,925.00	4.70	\$ 83,191.60	5.70	\$ 113,019.60
37	SP-18	SOIL STABILIZATION (1 FOOT)				\$ 3,097,064.25		\$ 4,204,256.56		\$ 4,029,386.71		\$ 3,690,477.70



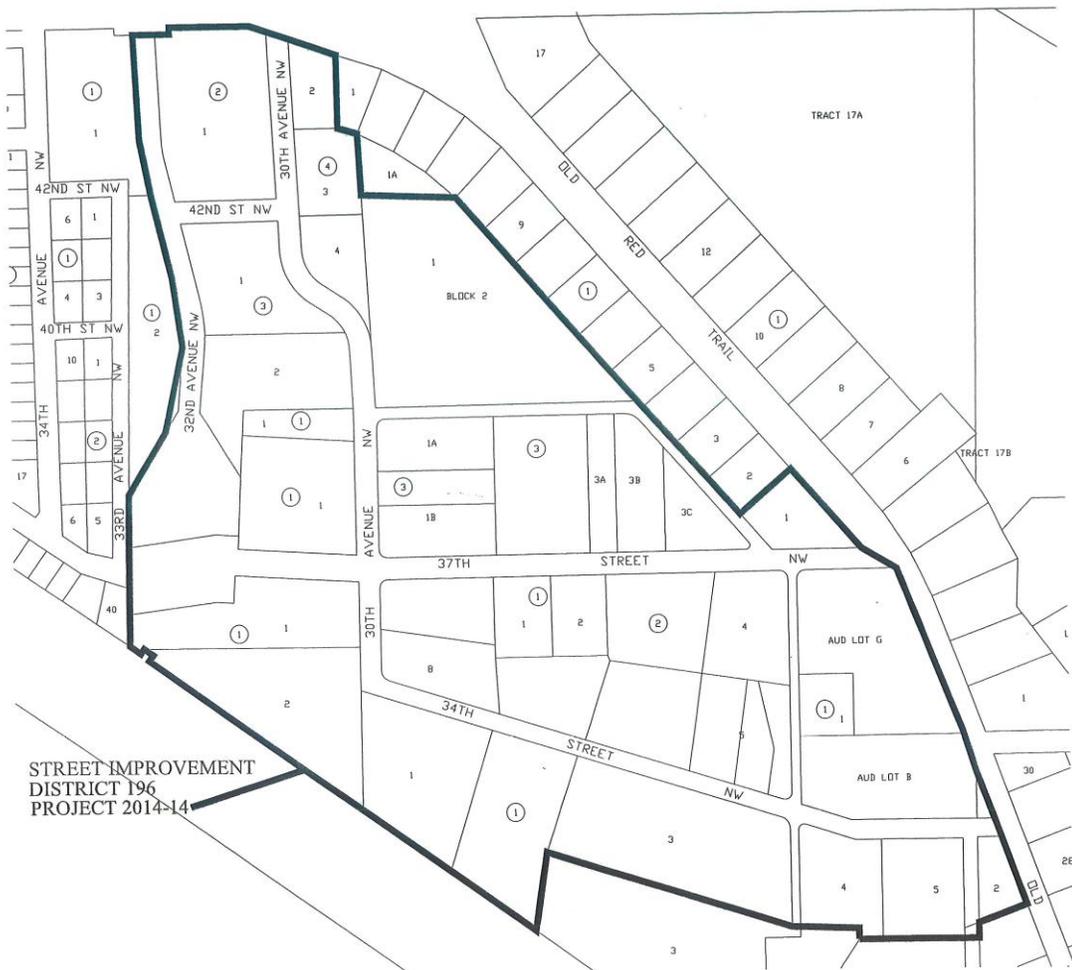
Board of City Commissioners

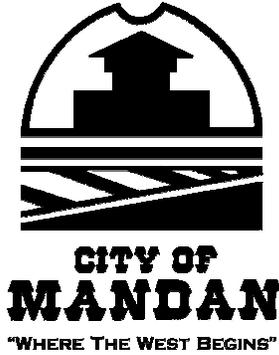
Agenda Documentation

Meeting Date: January 20, 2015

Subject: Review of Bid Opening for Street Improvement District 196, Mandan Industrial Park

Page 5 of 5





Board of City Commissioners

Agenda Documentation

MEETING DATE: January 20, 2014
PREPARATION DATE: January 16, 2014
SUBMITTING DEPARTMENT: Engineering, Wastewater Treatment Plant
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning and Engineering Director
Steve Himmelspach, Wastewater Treatment Facility Superintendent
SUBJECT: Review of Bid Opening for Wastewater Treatment Facility Optimization Project

STATEMENT/PURPOSE:

To review and consider approval of low bids for the Wastewater Treatment Facility Optimization Project.

BACKGROUND/ALTERNATIVES:

The Wastewater Treatment Facility Optimization Project includes rehabilitation of the existing pretreatment building (i.e. new electrical, process, mechanical, and odor control equipment), expansion of blower capacity along with modifications to the existing blower building, new ultra violet disinfection equipment and channel modifications, underground yard piping modifications, and miscellaneous aeration improvements. All of these components are due to be improved to ensure the plants efficiency and dependability of operation. This project was identified in the 2012 Wastewater Collection System Master Plan as a short-term need.

REFER TO ATTACHED RECOMMENDATION LETTER BY AE2S

ATTACHMENTS:

- 1) AE2S Recommendation Letter
- 2) Bid Tab

FISCAL IMPACT:

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

The total SRF loan request and project cost estimate was \$5,300,000. With the updated project costs coming in at about \$948,000 under estimate after bids were received, as outlined in AE2S recommendation letter, awarding this low bid keeps the city well within budget for this project.

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

STAFF IMPACT:

Minimal

LEGAL REVIEW:

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

RECOMMENDATION:

The engineering office recommends to approve the low bids and issue the Notice of Awards for Contract No. 1, including Alternate No. 1 and 2, Contract No. 2, and contract No. 3, including Alternate No. 1 to Swanberg Construction, Inc., Central Mechanical, Inc., and Edling Electric, Inc. respectively, contingent on NDDH (North Dakota Department of Health) review of and concurrence with the bids.

SUGGESTED MOTION:

I move approve the low bids and issue the Notice of Awards for Contract No. 1, including Alternate No. 1 and 2, Contract No. 2, and contract No. 3, including Alternate No. 1 to Swanberg Construction, Inc., Central Mechanical, Inc., and Edling Electric, Inc. respectively, contingent on NDDH (North Dakota Department of Health) review of and concurrence with the bids.

Board of City Commissioners

Agenda Documentation

Meeting Date: January 20, 2015

Subject: Review of Bid Opening for Wastewater Treatment Facility Optimization Project

Page 3 of 5



January 14, 2015

To the President and Commissioners
of the Mandan Board of City Commissioners
c/o Justin Froseth, Planning and Engineering Director
205 2nd Avenue NW
Mandan, ND 58554-3125

**Re: Waste Water Treatment Plant – Interim Optimization Improvements
City of Mandan, North Dakota**

Honorable Commissioners:

Bids for the referenced Project were opened on Tuesday January 13, 2015. Seven Contractors submitted Bids for the Work. The Contractors submitted the required Bid Bonds, Contractor's Licenses, required SRF documents, 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.

The apparent low bids for Contract No. 1 – General Construction, including Alternate No. 1 and Alternate No. 2, Contract No. 2 - Mechanical Construction, Contract No. 3 – Electrical Construction with Alternate No 1 were submitted by Swanberg Construction, Inc., Central Mechanical Inc., and Edling Electric, Inc., respectively. All three Contractors, Swanberg Construction, Central Mechanical Inc. and Edling Electric are known, reputable Contractors who have completed many facility projects for AE2S and the City of Mandan. As such, we recommend award of Contract 1 – General Construction, including Alternate No. 1 and Alternate 2 to Swanberg Construction, Inc. for \$2,399,000.00; award of Contract No. 2 Mechanical Construction to Central Mechanical for \$424,000.00; and award of Contract No. 3 – Electrical Construction to Edling Electric, Inc. including Alternate No. 1, for \$421,400.00.

The low bids received result in project costs to be notably less than the Engineer's opinion of probable costs. The adjusted total project cost after bids is approximately \$948,000 below the engineer's opinion of probable project costs including alternate bids and the already pre-procured UV and sludge mixing equipment.

Advanced Engineering and Environmental Services, Inc.

1815 Schafer Street Suite 301 • Bismarck, ND 58501 • (t) 701-221-0530 • (f) 701-221-0531

Board of City Commissioners

Agenda Documentation

Meeting Date: January 20, 2015

Subject: Review of Bid Opening for Wastewater Treatment Facility Optimization Project

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President and Commissioners
of the Mandan Board of City Commissioners
Re: Mandan Water Treatment Facility Optimization Improvements
January 14, 2015
Page 2 of 2

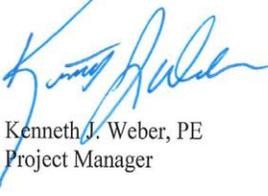
Included herewith are copies of the three certified Bid proposals, with corresponding Bid Bonds, SRF documents, and Contractors' Licenses, and four (4) copies of the Notice of Award for each Contract for review by the City Attorney and execution, if acceptable.

As per the North Dakota Department of Health and CWSRF funding requirement, award of the contracts is contingent on department review and concurrence with the bids. Once the City receives bid and award approval from the NDDH, the Notices of Award can be executed and returned to our office. We will forward the Notices of Award and the Construction Agreements to the Contractors. The successful Contractors are required to acknowledge the Awards, execute the Agreements (on their part), and return all documents with the required supporting documentation (Performance and Payment Bonds, insurance certificates, tax clearances, 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 to the City contingent upon having obtained final approval from the North Dakota Department of Health. 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 Notices to Proceed.

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



Kenneth J. Weber, PE
Project Manager

Enclosures (Bid Tabulation Summary, Three Certified Bid Packages, Notices of Award)

C: Elizabeth Tokach-Duran, North Dakota Department of Health

Board of City Commissioners

Agenda Documentation

Meeting Date: January 20, 2015

Subject: Review of Bid Opening for Wastewater Treatment Facility Optimization Project

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WWTF Interim Optimization Improvements
Mandan, ND
P00510-2012-006
Bid Opening 4:00 PM, January 13, 2015

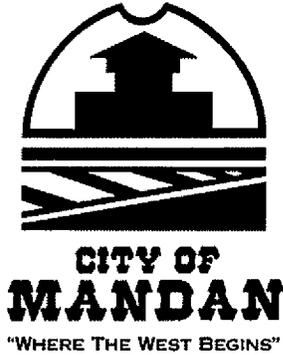
Contractor	Bid Security Envelope				Contract No. 1 - General Construction	Contract No. 2 - HVAC and Plumbing Construction	Contract No. 3 - Electrical, Instrumentation and Controls Construction	Contract No. 4 - Combined General, HVAC and Plumbing, and Electrical, Instrumentation and Controls Construction	Alternate No. 1 for Contract No. 1	Alternate No. 1 for Contract No. 3	Alternate No. 1 for Contract No. 4	Alternate No. 2 for Contracts No. 1 and 4	Alternate No. 3 for Contracts No. 1 and 4
	Acknowledge Address 2 of 2	Bid Bond	Contractor's License	WBE/DBE Solicitation Form									
1 Swenberg Construction, Inc.	✓	✓	✓	✓	\$2,250,000.00	NO BID	\$3,090,000.00	\$119,000.00	NO BID	NO BID	\$129,000.00	\$30,000.00	NO BID
2 John T. Jones Construction, Inc.	✓	✓	✓	✓	\$2,788,434.00	NO BID	\$3,690,766.00	\$114,593.00	NO BID	NO BID	\$125,579.00	\$22,095.00	NO BID
3 Rice Lake Construction Group	✓	✓	✓	✓	\$3,081,600.00	NO BID	\$4,181,500.00	\$108,000.00	NO BID	NO BID	\$116,000.00	\$54,000.00	NO BID
4 Central Mechanical, Inc.	✓	✓	✓	✓	NO BID	\$424,000.00	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
5 City Air Mechanical, Inc.	✓	✓	✓	✓	NO BID	\$468,650.00	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
6 Edling Electric Inc.	✓	✓	✓	✓	NO BID	NO BID	\$415,400.00	NO BID	NO BID	\$6,000.00	NO BID	NO BID	NO BID
7 Denny's Electric & Motor Repair	✓	✓	✓	✓	NO BID	NO BID	\$660,000.00	NO BID	NO BID	\$5,500.00	NO BID	NO BID	NO BID
Engineer's Estimate					\$3,150,000.00	\$410,000.00	\$4,320,000.00	\$115,000.00	\$6,000.00	\$121,000.00	\$25,000.00	--	--

Respectfully Submitted by:


Kenneth J. Weber, PE



Advanced Engineering and Environmental Services, Inc.
1815 Schaler Street, Suite 301
Bismarck ND 58501
Tel: 701-221-0630
Fax: 701-221-0531



Board of City Commissioners Agenda Documentation

MEETING DATE: January 20, 2015
PREPARATION DATE: January 14, 2015
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch, Finance Director
PRESENTER: Greg Welch, Finance Director
SUBJECT: Pledge of securities reports.

PURPOSE

The City of Mandan is required semiannually to approve pledges of securities reports.

BACKGROUND

Except for the Bank of North Dakota, financial institutions must pledge security for all public deposits at a ratio of \$1.10 for every \$1.00 above the FDIC coverage amount.

ATTACHMENTS

- Pledge of securities report from Wells Fargo Bank
- Pledge of securities report from 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 : 12/31/2014
Account :

ACCOUNT DETAIL

Investment : Repurchase Agreement

From Date : 12/31/2014
To Date : 01/02/2015

Rate : .02000000 %
Principal : \$ 3,559,746.97
Interest : \$ 3.96

REPURCHASE AGREEMENT DETAIL

→ Collateralized By : \$ 3,855,613.05
FN-30 : AT9419
% Due : 3.00 %
Maturity Date : 06/01/2043

CUSIP : 3138WVK99
Sequence : 123114
Price : 101.309007
Accrued Interest : \$ 9,639.03

INVESTMENTS NOT FDIC INSURED



BNY MELLON

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

Date: 12/31/14

**000129 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: 12/31/14

The collateral segregated on your behalf on 12/31/14 is as follows:

CUSIP	DESCRIPTION	QUANTITY	MARKET VALUE
3138AUL96	FNMA FNMS 4.000% 10/01/41	345,000.00	126,277.61
3138W9BD1	FNMA FNMS 3.500% 07/01/43	275,000.00	266,348.28
TOTAL MKT VALUE			392,625.89

Starion FINANCIAL

109 1st St. NW Mandan, ND 58554

FAX

To:	Greg Welch	From:	Janice Richter
Company:	City of Mandan	Pages:	X 4
Fax #:	701-667-3223	Date:	12-31-14
RE:	Pledge Report		

The following is the pledge report for the month of December 2014. *This report lists all securities currently pledged for your deposit account(s).*

The pledges are reviewed and approved on a monthly basis by the Starion Financial Asset/Liability Management Committee and presented to the Board of Directors.

** If there is an increase in the balance of your account(s) prior to the month end check, please contact us, so that we may increase the amount of pledging if necessary.

If you have any questions, please feel free to contact me at

Thank you.

IMPORTANT: This message intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you receive this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the United States Postal Service. Thank you.

Pledges By Pledgee And Maturity

BBA

DEC/31/2014 WED 01:50 PM STARION-OPS-ADMIN FAX No. 7016671619 P. 003

Pledged To: City of Mandan
Starion Financial - Mandan, ND

Page 12 of 46

As Of 12/31/2014

Receipt# Safekeeping Location	CUSIP Location	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	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	1,235,837.50
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	946,397.48	962,878.82	943,470.49
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	1,450,614.69	1,481,539.04	1,439,542.68
WELL: WELLS FARGO	31419GSJ4	AFS	FNMA 15YR 10/01/25	AE5920 3.50		1,725,000.00 100.00%	1,725,000.00	688,672.77	720,541.94	729,048.34
WELL: WELLS FARGO	3138ASS94	AFS	FNMA 15YR 09/01/26	AJ1443 4.00		1,075,000.00 100.00%	1,075,000.00	629,194.07	677,556.29	681,765.03
WELL: WELLS FARGO	3138E0KF5	AFS	FNMA 15YR 12/01/26	AJ7493 3.00		1,000,000.00 100.00%	1,000,000.00	584,162.71	606,101.24	608,610.61
WELL: WELLS FARGO	31417AM30	AFS	FNMA 15YR 12/01/26	AB3977 4.00		1,500,000.00 100.00%	1,500,000.00	742,327.10	787,399.50	808,496.10
WELL: WELLS FARGO	31417ARL5	AFS	FNMA 15YR 12/01/26	AB4090 3.00		2,421,513.00 100.00%	2,421,513.00	1,307,211.30	1,343,559.26	1,361,329.85
WELL: WELLS FARGO	3138E7TW4	AFS	FNMA 15YR 02/01/27	AK3264 3.00		1,000,000.00 100.00%	1,000,000.00	584,733.09	604,476.68	608,794.86
WELL: WELLS FARGO	3138EMMJ7	AFS	FNMA 15YR 04/01/28	AL4860 2.50		1,500,000.00 100.00%	1,500,000.00	1,354,364.19	1,359,176.97	1,382,575.60
WELL: WELLS FARGO	36225EZC9	AFS	GNMA II 5x1 05/20/40	82538 3.50		1,300,000.00 100.00%	1,300,000.00	459,355.45	488,646.01	478,950.35
WELL: WELLS FARGO	3137AMNN3	AFS	FHR 4012 JK 12/15/40	3.50		1,000,000.00 100.00%	1,000,000.00	669,399.03	699,210.82	702,474.42
WELL: WELLS FARGO	3138AGPP1	AFS	FNR 2013-105 PJ 11/25/41	3.50		1,575,000.00 100.00%	1,575,000.00	1,317,243.58	1,377,362.46	1,381,303.47

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

Pledges By Pledgee And Maturity



Pledged To: City of Mandan

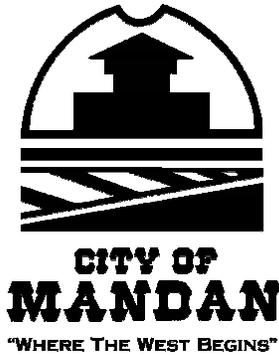
Starion Financial - Mandan, ND

As Of 12/31/2014

Receipt#	CUSIP	ASC 320	Description	Pool/Type	Moody	Original Face	Pledged			
							Safekeeping Location	Maturity	Prerfund	Coupon
13 Securities Pledged To: 170 - City of Mandan							17,840,186.00	11,983,678.46	12,358,451.03	12,362,199.30

DEC/31/2014 WED 01:50 PM STARION-OPS-ADMIN FAX No. 7016671619 P. 004

Although the information in this report has been obtained from sources believed to be reliable, its accuracy cannot be guaranteed.
12/30/2014 1:57 PM - JHK / BISM



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 20, 2015
PREPARATION DATE: January 16, 2015
SUBMITTING DEPARTMENT: Wastewater Treatment Plant
DEPARTMENT DIRECTOR: Justin Froseth, Planning and Engineering Director
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Consider amending the Engineering Service Agreement with AE2S for Wastewater Treatment Facility Optimization Project

STATEMENT/PURPOSE:

To amend our agreement with AE2S to provide construction engineering services in addition to the design engineering services for the Wastewater Treatment Facility Optimization Project.

BACKGROUND/ALTERNATIVES:

The Wastewater Treatment Facility Optimization Project includes rehabilitation of the existing pretreatment building (i.e. new electrical, process, mechanical, and odor control equipment), expansion of blower capacity along with modifications to the existing blower building, new ultra violet disinfection equipment and channel modifications, underground yard piping modifications, and miscellaneous aeration improvements. All of these components are due to be improved to ensure the plants efficiency and dependability of operation.

This attached amendment is for construction phase engineering including construction inspection, post construction closeout, Instrumentation & Controls set up and training, as well as funding administration.

Note, in the interest of keeping this agenda item concise, attached to this item is the 3 page amendment only. To view the original 32 page agreement, refer to the April 1st, 2014 commission packet, or it can be provided by the engineering department upon request.

ATTACHMENTS:

1. Amendment No. 1 to Agreement Between Owner and Engineer for Professional Services

Board of City Commissioners

Agenda Documentation

Meeting Date: January 20, 2015

Subject: Consider amending the Engineering Service Agreement with AE2S for Wastewater Treatment Facility Optimization Project

Page 2 of 5

FISCAL IMPACT:

The Agreement for professional services is based on standard hourly rates and not to exceed \$400,000, and is included as part of the total project cost under SRF loan.

STAFF IMPACT:

Minimal

LEGAL REVIEW:

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

RECOMMENDATION:

The engineering office recommends to approve amendment No. 1 to Engineering Service Agreement with AE2S for Wastewater Treatment Facility Optimization Project

SUGGESTED MOTION:

I move to approve amendment No. 1 to Engineering Service Agreement with AE2S for Wastewater Treatment Facility Optimization Project

Board of City Commissioners

Agenda Documentation

Meeting Date: January 20, 2015

Subject: Consider amending the Engineering Service Agreement with AE2S for Wastewater Treatment Facility Optimization Project

Page 3 of 5

**AMENDMENT NO. 1
TO
AGREEMENT BETWEEN OWNER AND
ENGINEER FOR PROFESSIONAL SERVICES
DATED
January 20, 2015**

This Amendment No. 1 is effective as of January 20, 2015 ("Effective Date") between City of Mandan, 205 2nd Avenue NW, Mandan, ND 58554-3125 ("OWNER") and Advanced Engineering and Environmental Services, Inc., 1815 Schafer Street, Suite 301, Bismarck, ND 58501 ("ENGINEER").

The document amends the Agreement between Owner and Engineer for Professional Services (the Agreement) dated April 1, 2014 for:

Mandan WWTF Interim Optimization (Project).

All provisions not amended remain in full effect.

OWNER and ENGINEER, in consideration of their mutual covenants as set forth herein, agree to amend the following portions of the Agreement:

1. Exhibit C:

a. Replace Paragraph C4.01-A-3 with the following:

"3. The total compensation for services under paragraph C4.01 is estimated to be \$849,800 based on the following assumed distribution of compensation:

a. Preliminary Design Phase 030	\$	132,300
b. Design Phase 040	\$	256,500
c. Bidding Phase 050	\$	51,000
d. Construction Phase 060	\$	310,000*
e. Post Construction Phase 070	\$	40,000*
f. I&C Programming and Commissioning Phase 080	\$	42,000*
g. Funding Administration Phase 090	\$	8,000*
h. Financial Assistance Phase 120	\$	10,000

*Added this Amendment

2. Exhibit E:

Add the following major elements to the Project Description

CONSTRUCTION PHASE 060

The Construction Phase is comprised of the primary tasks identified below:

1. Contracts: ENGINEER will coordinate the execution of Contracts and Notice to Proceed.
2. Shop Drawing Review: ENGINEER shall administer the submittal process, and provide review of product submittals for the project.

Board of City Commissioners

Agenda Documentation

Meeting Date: January 20, 2015

Subject: Consider amending the Engineering Service Agreement with AE2S for Wastewater Treatment Facility Optimization Project

Page 4 of 5

3. Construction: ENGINEER to provide adequate construction administration and construction observation, maintain records, provide assistance to manage project progress, problems, and potential scope changes, equipment startup assistance and complete project closeout procedures and Final Inspection and Acceptance for the project.
4. Construction Progress Meeting: ENGINEER to coordinate and attend pre-construction meeting including preparation and distribution of meeting agenda and minutes. ENGINEER to coordinate and attend periodic construction progress meetings. Periodic construction meetings will be conducted not more than once a week and not less than once a month during times of construction and as mutually agreed. ENGINEER will maintain meeting agendas and minutes.
5. Project Administration: ENGINEER will administer and process project activities such as pay requests, change order, shop drawing processing, and resource allocation.
6. Project Management: ENGINEER will provide project management services to monitor construction progress, work quality and project costs.

POST-CONSTRUCTION PHASE 070

The Post-Construction Phase is comprised of the primary tasks identified below:

1. Warranty: ENGINEER shall coordinate warranty items, monitor warranty period, assist owner with warranty items that might arise, and provide an end of warranty inspection.
2. Record Drawings: ENGINEER shall revise contract drawings and provide final as-built record drawings.
3. O&M Manuals: ENGINEER shall provide final Operation and Maintenance Manuals and shop drawings.

INSTRUMENTATION AND CONTROL PHASE 080

The Instrumentation and Control Phase is comprised of the primary tasks identified below:

1. Programming: ENGINEER shall perform all control system programming necessary to fully integrate new systems into the existing Supervisory Control and Data Acquisition (SCADA) system, provide programming of PLCs to accommodate operation modes, including automatic control and various automatic or semi-automated operational sequences. ENGINEER shall provide HMI system software for operator interface, data acquisition, and alarm annunciation and computer and printer hardware.
2. Commissioning: ENGINEER shall provide all field startup coordination for contractor installations.

FUNDING ADMINISTRATION PHASE 090

The Funding Assistance Phase is comprised of the primary tasks identified below:

1. CWSRF Construction Compliance Requirements
 - a. Conduct Davis Bacon wage interviews during Construction Phase at appropriate intervals.
 - b. Review weekly Contractor certified payrolls and compare with wage interviews.
2. Reimbursement Requests
 - a. Prepare and submit reimbursement requests to NDDH

Board of City Commissioners

Agenda Documentation

Meeting Date: January 20, 2015

Subject: Consider amending the Engineering Service Agreement with AE2S for Wastewater Treatment Facility Optimization Project

Page 5 of 5

IN WITNESS WHEREOF, the parties hereto have executed this Amendment, the Effective Date of which is indicated on page 1.

OWNER:

By: Mayor Arlyn Van Beek

Title: President of Board of City Commissioners

Date Signed: _____

ATTEST: _____

Name: Jim Neubauer

Title: City Administrator

Address for giving notices:

City of Mandan

205 2nd Avenue NW

Mandan, ND 58544-3125

Designated Representative (paragraph 6.02.A):

Justin Froseth

Title: Director of Engineering

Phone Number: (701) 667-32227

Facsimile Number: (701) 667-3623

E-Mail Address: jfroseth@cityofmandan.com

ENGINEER:

By: Brett M. Jochim, PE

Title: Chief Operating Officer

Date Signed: 1/12/15

ATTEST: _____

Name: Kenneth Weber, PE

Title: Senior Project Manager

Address for giving notices:

Advanced Engineering and Environmental Services, Inc.

1815 Schafer Street, Suite 301

Bismarck, ND 58501

Designated Representative (paragraph 6.02.A):

Kenneth Weber, PE

Title: Senior Project Manager

Phone Number: (701) 221-0530

Facsimile Number: (701) 221-0531

E-Mail Address: Ken.Weber@ae2s.com



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 20, 2015
PREPARATION DATE: January 9, 2015
SUBMITTING DEPARTMENT: Assessing Dept
DEPARTMENT DIRECTOR: Shirley Shaw, City Assessor
PRESENTER: Mark Payne
SUBJECT: Extension of a 2-Year Property Tax Exemption for New or Expanding Businesses for Diamond Bend Apartments, LLC

STATEMENT/PURPOSE: To ask the City Commission to extend the already approved 2-year property tax exemption for new or expanding business that is soon to lapse and would become invalid due to not completing the 78-unit apartment building within the two-year timeframe.

BACKGROUND/ALTERNATIVES: Diamond Bend Apartments, LLC qualified and was approved for a 2-year property tax exemption for a new or expanding business back on February 19, 2013. This 2-year property tax exemption will soon expire according to the city policy as the 78-unit apartment building was to be permitted within one year and completed within two years or the exemption would become invalid. The building permit was taken out on October 4, 2013 and if not completed by February 19, 2015, they will lose the exemption that had been granted.

Mark Payne, President/Owner of Shorestone Development is here today to ask the City Commission to extend the two-year completion requirement for this property tax exemption for the construction of the 78-unit apartment building that they currently have in progress for six months for Diamond Bend Apartments, LLC. Original plans to begin were delayed by about six months due to not finding qualified labor and then the unusual brutal cold winter temperatures of 2013 contributed to not completing the project as planned. The anticipated completion date would be August 19, 2015. (See attached letter).

This parcel is also known as Lot 5B, Blk 1, of Lakewood Commercial Park 3rd. Parcel #101110. Address: 4430 21st St. SE.

Board of City Commissioners

Agenda Documentation

Meeting Date: January 20, 2015

Subject: Extension of a 2-Year Property Tax Exemption for New or Expanding
Businesses for Diamond Bend Apartments, LLC

Page 2 of 9

ATTACHMENTS: Copy of original application for Property Tax Incentives for New or Expanding Businesses, February 19, 2013 Minutes, City of Mandan Commercial Property Tax Exemption Policy and Guidelines, Building Permits and Letter from Mark Payne formally requesting an extension.

FISCAL IMPACT: \$118,200 per year for a two-year total of \$236,400.

STAFF IMPACT: N/A

LEGAL REVIEW:

RECOMMENDATION: Denial of the extension of the 2-Year Property Tax Exemption for New or Expanding Businesses for Diamond Bend Apartments, LLC.

SUGGESTED MOTION: A motion to deny the extension of the 2-Year Property Tax Exemption for New or Expanding Businesses for Diamond Bend Apartments, LLC.

Application For Property Tax Incentives For New or Expanding Businesses

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

Project Operator's Application To Mandan
City or County

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

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

This application is a public record

Identification Of Project Operator

1. Name of project operator Diamond Bend Apts LLC

2. Address of project 500 of Lot 5 Bk 1 Lakewood Commerce Park 3rd Fl.
4300 2nd St. N.
City Mandan County Morton

3. Mailing address of project operator 4654 - Amber Valley Parkway
City Fargo State N.D. Zip 58104

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

5. Federal Identification No. or Social Security No. 46 0973186

6. North Dakota Sales and Use Tax Permit No. _____

7. If a corporation, specify the state and date of incorporation _____

8. Name and title of individual to contact Mick Payne
Mailing address 4654 Amber Valley Parkway
City, State, Zip Fargo N. Dak 58104 Phone No. _____

Project Operator's Application For Tax Incentives

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

Property Tax Exemption **Payments In Lieu of Taxes**
2 Number of years _____ Beginning year _____ Ending year
100% Percent of exemption _____ Amount of annual payments (attach schedule if payments will vary)

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

Board of City Commissioners

Agenda Documentation

Meeting Date: January 20, 2015

Subject: Extension of a 2-Year Property Tax Exemption for New or Expanding Businesses for Diamond Bend Apartments, LLC

Description of Project Property

11. Legal description of project real property
5th of LOT 5 Block 1 LAKEWOOD COMMERCIAL PARK
320 APARTMENT

12. Will the project property be owned or leased by the project operator? Owned Leased

If the answer to 12 is leased, will the benefit of any incentive granted accrue to the project operator?
 Yes No

If the property will be leased, attach a copy of the lease or other agreement establishing the project operator's benefits.

13. Will the project be located in a new structure or an existing facility? New construction Existing facility

If existing facility, when was it constructed? _____

If new construction, complete the following:

a. Estimated date of commencement of construction of the project covered by this application May 2013

b. Description of project to be constructed including size, type and quality of construction
3,000 SQ UNIT APARTMENT
116,964 SQ FT OF APARTMENT LIVING AREA
WITH 30,958 SQ FT PARKING 78 UNITS

c. Projected number of construction employees during the project construction _____

14. Approximate date of commencement of operations for this project December 2013

15. Estimated market value of the property used for this project:

a. Land..... \$ 250,000

b. Existing buildings and structures for which an exemption is claimed..... \$ _____

c. Newly constructed buildings and structures when completed..... \$ 6,000,000

d. Total..... \$ 6,250,000

e. Machinery and equipment..... \$ _____

16. Estimate taxable valuation of the property eligible for exemption by multiplying the market values by 5 percent:

a. Land (not eligible)..... 

b. Eligible existing buildings and structures..... \$ 300,000

c. Newly constructed buildings and structures when completed..... \$ 300,000

d. Total taxable valuation of property eligible for exemption (Add lines b and c)..... .394 \$ 300,000

e. Enter the consolidated mill rate for the appropriate taxing district..... .394 110,200

f. Annual amount of the tax exemption (Line d multiplied by line e)..... \$ 110,200

Board of City Commissioners

Agenda Documentation

Meeting Date: January 20, 2015

Subject: Extension of a 2-Year Property Tax Exemption for New or Expanding Businesses for Diamond Bend Apartments, LLC

Page 5 of 9

Description of Project Business

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

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

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

(94) - 2A, (12) 3-A, (12) 1-A = 78 units

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

N/A

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

Year	1	2	3	4	5
Annual revenue	415,000	650,000	850,000	825,000	925,000
Annual expense	600,000	625,000	650,000	675,000	675,000
Net income	(250,000)	25,000	200,000	24,000	225,000

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

Year	1	2	3	4	5
No. of Employees (1)					
(2)					
Estimated payroll (1)					
(2)					

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

Previous Business Activity

22. Is the project operator succeeding someone else in this or a similar business? Yes No
23. Has the project operator conducted this business at this or any other location either in or outside of the state?
 Yes No
24. Has the project operator or any officers of the project received any prior property tax incentives? Yes No
- If the answer to 22, 23, or 24 is yes, give details including locations, dates, and name of former business (attach additional sheets if necessary).

Board of City Commissioners

Agenda Documentation

Meeting Date: January 20, 2015

Subject: Extension of a 2-Year Property Tax Exemption for New or Expanding Businesses for Diamond Bend Apartments, LLC

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Business Competition

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

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

The answer is UNKNOWN NEXT Door

Property Tax Liability Disclosure Statement

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

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

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

Use Only When Reapplying

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

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

Notice to Competitors of Hearing

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

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

Mark Payne Signature Title PRESIDENT Date 1-17-2013

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

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

The municipality shall, after granting any property tax incentives, certify the findings to the State Tax Commissioner and Director of Tax Equalization by submitting a copy of the project operator's application with the attachments. The governing body, on the 19 day of FEBRUARY 2013, granted the following:

- Property Tax Exemption Payments in lieu of taxes
- 2 Number of years 100% Beginning year _____ Ending year _____
- _____ Percent of exemption _____ Amount of annual payments (Attach schedule if payments will vary)

Jan Newbauer
Auditor

Board of City Commissioners

Agenda Documentation

Meeting Date: January 20, 2015

Subject: Extension of a 2-Year Property Tax Exemption for New or Expanding Businesses for Diamond Bend Apartments, LLC

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City of Mandan – Board of City Commissioners
Minutes of February 19, 2013

Page 1 of 10

The Mandan City Commission met in regular session at 5:00 p.m. on February 19, 2013 in the Ed "Bosh" Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Rohr, Frank, and Braun. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Fire Chief Nardello (arrived at 5:12 pm), Business Development and Communications Director Huber, Engineering Project Manager Fettig, and City Assessor Barta. Absent: Commissioner Tibke, and Director of Public Works Wright.

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

C. PUBLIC COMMUNICATIONS:

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission meetings held on January 29, 2013 Special Board Meeting w/Morton Co.; February 5, 2013 Regular Board Meeting and February 12, 2013 Special Board Meeting.* Commissioner Frank moved to approve the minutes from the following Board meetings: January 29, 2013 Special Board Meeting w/Morton Co; February 5, 2013 Regular Board Meeting and February 12, 2013 Special Board Meeting. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed

E. PUBLIC HEARING:

1. *Public Hearing to Consider Property Tax Incentives for New or Expanding Businesses for Diamond Bend Apartments, LLC.* City Assessor Barta reviewed with the Board a request to consider a 100% 2-year tax exemption for a new apartment building pursuant to NDCC 40-57.1 from Diamond Bend Apartments LLC. Notices were published on 1/25/13 and 2/1/13 and there were no objections submitted by competitors. Morton County, Mandan School District and the Mandan Park Board were also notified. The proposal includes underground parking; (54) 2-bedroom, (12) 3-bedroom, and (12) 1-bedroom apartments. It will be located at 4300 21st Street Southeast, Mandan.

Mayor Van Beek announced that this is a public hearing and asked for comments.

Susan Beehler, Mandan City Resident, came forward to speak. She stated she is opposed to the tax incentive request from Diamond Bend Apartments LLC. She said that she considers apartments not as a business, but as homes. There is nothing new about the project of building apartments in Mandan. That is something that occurs all the time. In this case, and according to the Morton County Auditor, the homeowners are picking up the tax exemption tab. Beehler questioned why the City of Mandan is incentivizing apartment dwellers over home ownership? She believes the property tax issue is a problem and if neither the legislature nor the City of Mandan addresses it, it will continue

Board of City Commissioners

Agenda Documentation

Meeting Date: January 20, 2015

Subject: Extension of a 2-Year Property Tax Exemption for New or Expanding Businesses for Diamond Bend Apartments, LLC

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City of Mandan – Board of City Commissioners
Minutes of February 19, 2013

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to be a problem. She stated she would like to see Mandan stop giving tax incentives to apartment buildings stating there is no need to pad the pocket book of apartment developers.

Mark Payne, a developer, came forward and indicated that he had come before this Board previously and provided a brief summary of the project. He mentioned that this is a higher end project. He explained that it is very helpful to a developer to have the 2-year exemption. He stated that the incentives allow him to reduce the rents in order to fill up the property. He reiterated that he prefers to build in Mandan and commented that City Assessor Barta provided a good description of the project. He explained that the tax exemption is ultimately a “deferral” of paying taxes rather than an exemption, stating that the property will be taxed as a \$6 million dollar property and those taxes will eventually be forthcoming after the 2-year period expires.

Commissioner Frank questioned what the anticipated rents were for the units. Payne “guesstimated” \$1,000 to \$1,150 for the 2 bedrooms and \$1,250 for the 3 bedrooms. He stated he has some properties in Fargo with the underground parking and 9 ft. ceiling features, as well as others in Mandan. In Fargo he has done Crossing at Waters Edge which is a similar project to this one. Payne gave a short history of the projects he has in Mandan and Fargo.

Mayor Van Beek again announced that this is a public hearing and asked for any other comments. A final opportunity to come forward to speak was given. Hearing none, this portion of the public hearing was closed.

Commissioner Frank addressed Susan Beehler’s testimony and extended a thank-you to Ms. Beehler for her comments. She stated that the School District and Park District are given the opportunity to protest against these actions, noting that neither entity is present to do so. Since they are not protesting it is assumed that they approve of the exemption request as presented. Commissioner Frank commented on the term “deferral” as alluded to by Mr. Payne. She agreed that essentially it is a deferral for a short period of time and that taxes will be paid after the deferral period ends after two years. Commissioner Frank responded to Ms. Beehler’s concern for the multi-family housing indicating that she feels there is a need for this type of housing in the community. In previous similar actions, the Board has been granting the 2-year 100% tax exemption for such requests and she stated she is in favor of this request as presented.

Commissioner Frank moved to approve the Property Tax Incentives for New or Expanding Businesses for Diamond Bend Apartments, LLC at 100% for a 2-year tax exemption. Commissioner Braun seconded the motion. Commissioner Rohr mentioned that an apartment complex, due to its value, will bring in a higher tax than a single family home. He pointed out that if something is built on there and the city does not collect tax for the first 2 years, (but after that and for the next several years), taxes will be collected. He agreed that it is a deferral. Commissioner Braun noted that it is a slow process. However, it will benefit the Mandan community now and into the future. He mentioned that he concurs with what has been said by Commissioner Frank and Commissioner

Board of City Commissioners

Agenda Documentation

Meeting Date: January 20, 2015

Subject: Extension of a 2-Year Property Tax Exemption for New or Expanding Businesses for Diamond Bend Apartments, LLC

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City of Mandan – Board of City Commissioners
Minutes of February 19, 2013
Page 3 of 10

Rohr. Commissioner Frank asked about the green-space plans for this project. Mr. Payne provided a blueprint of the structure indicating the green-space and playground backyard areas. It was suggested that the developer commit to a green-space and/or playground area within the project final plan. Payne committed to an area of green-space as depicted on the blueprint plan. (Option A). He stated the completion of the project is estimated for the summer of 2014. City Attorney Brown reminded the Board and Mr. Payne that per policy, there will be a claw-back clause written into the agreement in the event it would be sold to a non-profit.

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

F. BIDS:

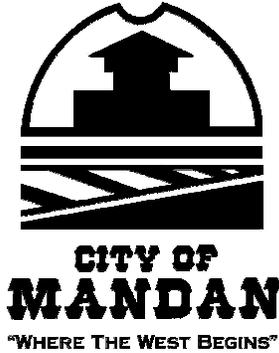
1. *Consider award of bid for Water and Sewer Improvement District No. 60, Project 2012-21(34th Avenue SE & Genoa Court SE). See Resolution No. 1.* Engineering Project Manager Fettig presented a request to award the bid for Water and Sewer Improvement District No. 60, Project 2012-21(34th Avenue SE & Genoa Court SE) to the low bidder, Cofell's Plumbing and Heating in the amount of \$272,600. The engineer's estimate was \$421,276. The project will be paid for by special assessments from the benefiting properties within the district.

Commissioner Frank motioned to recommend the bid award for Water and Sewer Improvement District No. 60, Project 2012-21(34th Avenue SE & Genoa Court SE) to Cofell's Plumbing and Heating in the amount of \$272,600. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider awarding bid for 2013 Utility Backhoe to RDO Equipment Co. of Bismarck.* City Administrator Neubauer presented a request to award the bid for a 2013 Utility Backhoe to the low bidder, RDO Equipment Co. of Bismarck in the amount of \$72,800. He recommended the bid award to RDO Equipment as presented. Commissioner Frank inquired if leasing would be an option. Neubauer replied that leasing options are considered. Since the old backhoe has been in use since 2002, Public Works recommended an outright buy on this equipment. There is a 5-year warranty on this equipment.

Commissioner Rohr moved to approve the bid award for a 2013 Utility Backhoe to the low bidder, RDO Equipment Co. of Bismarck in the amount of \$72,800. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider awarding bid for 2013 Utility Pickup to Kupper Chevrolet, Mandan.* City Administrator Neubauer presented a request to award the bid for 2013 Utility Pickup



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 20, 2015
PREPARATION DATE: December 31, 2014
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Shirley Shaw/Assessor
PRESENTER: Shirley Shaw/Assessor
SUBJECT: Complete Reassessment - Reduction in market value for Deloris Palmer

STATEMENT/PURPOSE: To consider a reduction in the structure value for the 2014 year for Ms. Palmer's property, due to a complete reassessment that was done to reflect accurate information.

BACKGROUND/ALTERNATIVES: This parcel is also known as Parcel #6026, Lot 7, Block 1, Siegel's 3rd Addition.

Reason for abatement: To lower the structure value for the 2014 year from \$118,900 to \$85,200. After the final walk through of Ms. Palmer's property to determine accuracy of our data and conducting a market analysis, I have arrived at a true and full value of \$99,100 for the 2014 year rather than \$132,800; a difference in true and full value of \$33,700.

ATTACHMENTS: Application for 2014 and data sheet.

FISCAL IMPACT: Approximately \$476.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend a motion to approve to lower the true and full value for the 2014 year to \$99,100 for Palmer's property.

SUGGESTED MOTION: A motion to approve a reduction for Palmer's property in the 2014 year with a true and full value of \$99,100.

Board of City Commissioners

Agenda Documentation

Meeting Date: January 20, 2015

Subject: Complete Reassessment - Reduction in market value for Deloris Palmer

Page 2 of 8

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. 69-4537000
Name Deloris Palmer Telephone No. _____
Address 1406 6th Ave NW Mandan, ND 58554

Legal description of the property involved in this application:

Lot 7 Block 1
Siegel's 3rd Addition

Total true and full value of the property described above for the year 2014 is:
Land \$ 13,900
Improvements \$ 118,900
Total \$ 132,800

Total true and full value of the property described above for the year 2014 should be:
Land \$ 13,900
Improvements \$ 85,200
Total \$ 99,100

The difference of \$ 33,700 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 be Abated and corrections made to reflect correct values for 2014 due to reassessment and comparable sales review completed 12/31/14.

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 (if other than applicant) _____ Date X Deloris P. Palmer 1-4-2015
Signature of Applicant _____ Date _____

City of Mandan										WORKING		Wed, 12/31/2014, 11:02 AM		Page 1	
Deed: PALMER, HAROLD & DELORIS										Map Area: Zone 3 - Res		Checks/Tags:		SS, 12/31/2014	
Contract: 06026										Route: 000-000-000		Lister/Date:		SS, 12/31/2014	
CID#: 06026										Tax Dist: M1		Review/Date:		GEO, 03/20/2013	
DBA:										Plat Page:		Entry Status:		Estimated	
MLS:										Subdiv: SIEGEL'S 3RD					
Urban/Residential															
Legal: None															

Land										Land Use		Values		Garage	
Front	Rear	Side 1	Side 2	R. Lot	SF	Acres	Depth	EFF	Qual./Land	Unit Price	Total	Topo Econ	Other	\$Adj	Land Total (Revised)
					8,432.00	0.194					\$13,900	0%	0%	\$0	\$13,900
					8,432.00	0.194					\$13,900	0%	0%	\$0	\$13,900
Grand Total											\$13,900	0%	0%	\$0	\$13,900

Zoning										Values			
Street	Utilities	None	Building Permits	Date	Number	Tag	\$ Amount	Reason	Type	B of R	Exempt Amount	Net Assmt	Pr Yr: 1991
				1/7/2008	208	N	\$0	Plumb/Elec	Land	\$12,800	\$0	\$0	\$11,500
				5/23/1997	7397	N	\$0	Plumb/Elec	Dwlg	\$115,400	\$0	\$0	\$31,800
									Impr	\$0	\$0	\$0	\$0
									Total	\$128,200	\$0	\$0	\$43,300

Sales										Plumbing		Addition		Garage	
Date	\$ Amount	NUTC	Recording	Date	Number	Tag	\$ Amount	Reason	Type	Year Built	No Additions	Year Built	Style	Area (SF)	Pr Yr: 1991
									Land	EFA		EFA	W X L	352	
									Dwlg	EFA		EFA	Area (SF)	1957	
									Impr					54	
									Total					1957	

Finish										Fireplace		Appliances					
Occ. Code	Ttl Rooms Above #	Bdrms Above #	Bdrms Below #	Table	Non-base Heating	Floor/Wall #	Pipeless #	Hand Fired (Y/N)	Space Heat #	Range Unit	Oven - Single	Oven - Double	Dishwasher	Microwave	Trash Compactor	Jennair	Security System
	5	3	500	Table	0	0	0	No	0	1			1				
	3	3	500	Table	0	0	0	No	0	1			1				
	500	Table															
	54 / 1957																
	1 Story Frame																
	816 / 816																
	4+5																
	1.050																
	NML																
	22%																
	Full																
	0																
	FHA - Gas																
	Yes																
	None																

Plumbing										Addition		Garage											
Full Bath	Shower Stall/Tub	Toilet Room	Lavatory	Water Closet	Sink	Shower Stall/Tub	Mtl St Sh Bath	Mtl Stall Shower	No Bathroom	Wet Bar	Whirlpool Bathroom	Whirlpool Tub	No Hot Water Tank	No Plumbing	Sewer & Water Only	Water Only w/Sink	Hot Tub	Bidet	Fbgl Service Sink	Urinal	Sauna	W/Pool Bath w/Shower	

Values										Addition		Garage						
Functional %	Economic %	Other %	None	Functional %	Economic %	Other %	None	None	None	None	None							



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Vanguard Appraisals, Inc.

Board of City Commissioners

Agenda Documentation

Meeting Date: January 20, 2015

Subject: Complete Reassessment - Reduction in market value for Deloris Palmer

Page 6 of 8

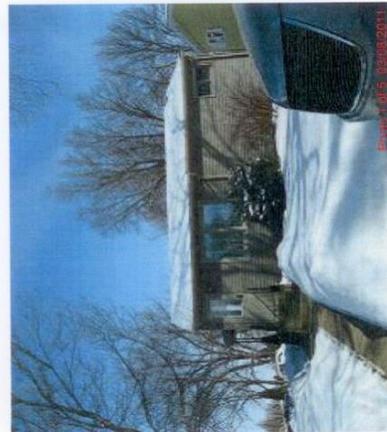
Wed, 12/31/2014, 11:02 AM Page 4

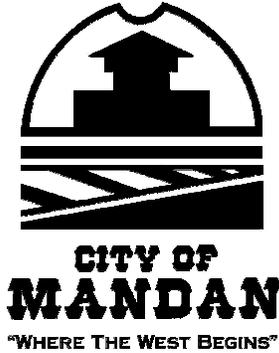
Prior Year	Comment	Value Type	Location	Class	Land Value	Dwelling Value	Improvement Value	M & E Value	Total Value
1991		Import	Urban	Res	\$11,500	\$31,800	\$0	\$0	\$43,300
1992		Import	Urban	Res	\$11,500	\$31,800	\$0	\$0	\$43,300
1993		Import	Urban	Res	\$11,500	\$33,700	\$0	\$0	\$45,200
1994		Import	Urban	Res	\$11,000	\$38,400	\$0	\$0	\$49,400
1995		Import	Urban	Res	\$10,700	\$39,900	\$0	\$0	\$50,600
1996		Import	Urban	Res	\$10,700	\$43,700	\$0	\$0	\$54,400
1997		Import	Urban	Res	\$10,700	\$44,900	\$0	\$0	\$55,600
1998		Import	Urban	Res	\$10,700	\$44,200	\$0	\$0	\$54,900
1999		Import	Urban	Res	\$10,700	\$50,500	\$0	\$0	\$61,200
2000		Import	Urban	Res	\$10,700	\$55,500	\$0	\$0	\$66,200
2001		Import	Urban	Res	\$10,600	\$58,500	\$0	\$0	\$69,100
2002		Import	Urban	Res	\$10,300	\$58,800	\$0	\$0	\$69,100
2003		Import	Urban	Res	\$10,900	\$62,500	\$0	\$0	\$73,400
2004		Import	Urban	Res	\$11,100	\$63,800	\$0	\$0	\$74,900
2005		Import	Urban	Res	\$11,100	\$61,600	\$0	\$0	\$72,700
2006		Import	Urban	Res	\$11,100	\$62,500	\$0	\$0	\$73,600
2007		Import	Urban	Res	\$11,000	\$70,900	\$0	\$0	\$81,900
2008		Import	Urban	Res	\$11,600	\$78,200	\$0	\$0	\$89,800
2009		Import	Urban	Res	\$11,900	\$79,200	\$0	\$0	\$91,100
2010		Import	Urban	Res	\$11,900	\$79,200	\$0	\$0	\$91,100
2011		Import	Urban	Res	\$12,400	\$82,700	\$0	\$0	\$95,100
2012		Import	Urban	Res	\$12,800	\$88,900	\$0	\$0	\$101,700
2013		Import	Urban	Res	\$12,800	\$115,400	\$0	\$0	\$128,200

GARAGE [352]	16
22	

1S FRBSMT/MAIN [916]	24
34	

Sketch 1 of 1





Board of City Commissioners

Agenda Documentation

MEETING DATE: January 20, 2015
PREPARATION DATE: December 23, 2014
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Shirley Shaw/Assessor
PRESENTER: Shirley Shaw/Assessor
SUBJECT: Complete Reassessment – Craig Withey

STATEMENT/PURPOSE: To consider a reduction in the structure value for the 2014 year for Mr. Withey's property, due to a complete reassessment that was done to reflect accurate information.

BACKGROUND/ALTERNATIVES: This parcel is also known as Parcel #4905, S ½ Lot 15 & All Lot 16, Block 8, N.P. 2nd Addition.

Reason for abatement: To lower the structure value for the 2014 year from \$77,300 to \$46,300. After the final walk through of Mr. Withey's property to determine accuracy of our data and conducting a market analysis, I have arrived at a true and full value of \$53,100 for the 2014 year rather than \$84,100, a difference in true and full value of \$31,000. The structure had been gutted out and sold "As Is", uninhabital condition.

ATTACHMENTS: Abatement application for 2014, Property Worksheet and data sheet.

FISCAL IMPACT: Approximately \$438.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend a motion to approve to lower the true and full value for the 2014 year to \$53,100 for Withey's property.

SUGGESTED MOTION: A motion to approve a reduction for Withey's property in the 2014 year with a true and full value to \$53,100.

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. 65-3707000
 Name Craig Withey _____ Telephone No. _____
 Address 9410 Plainview DR. Bismarck, ND 58503

Legal description of the property involved in this application:

S/2 Lot 15 & All of Lot 6 Block 8
N. P. 2nd Addition 302 6th Ave SW

Total true and full value of the property described above for the year 2014 is:
 Land \$ 6800
 Improvements \$ 77300
 Total \$ 84,100
 (1)

Total true and full value of the property described above for the year 2014 should be:
 Land \$ 6800
 Improvements \$ 46300
 Total \$ 53,100
 (2)

The difference of \$ 31,000 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? _____ Estimated value: \$ _____
 yes/no

2. Has the property been offered for sale on the open market? _____ If yes, how long? _____
 yes/no

Asking price: \$ _____ Terms of sale: _____

3. The property was independently appraised: _____ Purpose of appraisal: _____
 yes/no _____ 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 Changes be made to 2014 value as a reassessment was 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.

Signature of Preparer (if other than applicant) _____

Date _____

Signature of Applicant Craig J. Withey

Date 12-20-14

Parcel Summary City of Mandan PDF 8 WORKING

PIN 65-3707000
 Deed WITHEY, CRAIG
 Contract 302.6 AVE SW, MANDAN
 Address Zone 8 - Res
 Map Area 000-000-000 Plat Map
 Route Number S 1/2 LOT 15 & ALL LOT 16
 Legal



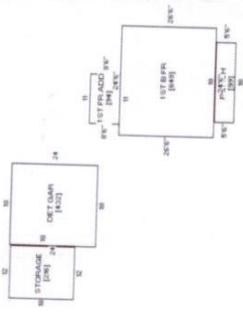
Section Township Range Loc. / Class Deeded Acres Lot Block
 0.110 008
 Urban / Residential

Land Basis	Front	Rear	Side 1	Side 2	R. Lot	SF	Acres
Lump Sum						4,837.00	0.111
Grand Total						4,837.00	0.111

Residential Dwelling
 Occupancy Single-Family / Owner Occupied
 Year Built 1920
 TLA/GLA 743 / 743 Ttl Rms 7
 Bsmt/Attic Full / None
 Heat/AC HW - Baseboard / No AC
 Bsmt Finish 649/ 0/ 0
 Ttl Bdrms 2 2
 Ttl Fireplaces
Plumbing 1 Garage Det Frame
Full Bath 1 432 SF

2014 New Value
 Land: 6800
 Structure: 46300
 Total: 53100

2014 Old Value
 Land: 6800
 Structure: 77300
 Total: 84100



	PrYr 2013	PrYr 2012	PrYr 2011
Land	\$0	\$0	\$0
Land C	\$0	\$0	\$0
Dwelling	\$75,000	\$75,000	\$75,000
Impr	\$0	\$0	\$0
Total	\$81,200	\$81,200	

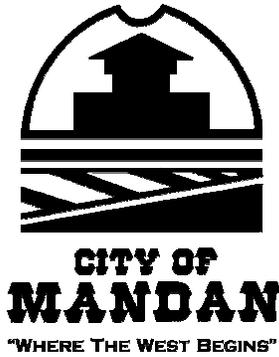
Sale Amount	Sale Date	Recording	NUT Code
\$65,389	07/15/2014	459132	D006
\$75,000	04/07/2005	394307	D000
\$66,000	05/20/2002	373045	D021
\$36,400	05/09/1994	330607	D000

Partially Completed Residential Property Worksheet

Name Craig Withey Date 12-17-14
 Address 302 6th Ave SW Inspector George R.
 Parcel # 4905 65-3707000

	% Total	Completed	Date
FOUNDATION (footings, foundation, excavation & backfill)	15%	✓	
BASEMENT FLOOR	5%	✓	
BASEMENT STAIRS	1%	✓	
FLOOR (joist & deck)	7%	✓	
FLOOR COVERING	5%		
EXTERIOR WALLS (studs, sheathing & building wrap)	6%	✓	
SIDING	3%		
WALL INSULATION	1%	✓	
WINDOWS & DOORS	9%		
ROOF (trusses, deck, & shingles)	9%	✓	
ROOF INSULATION	1.5%		
INTERIOR STUDDING	2%	✓	
INTERIOR DRYWALL (untaped)	5.5%		
DRYWALL FINISHING (paint, trim & interior doors)	8%	✓	
ROUGH PLUMBING	3%	✓	
PLUMBING FIXTURES	4%		
ROUGH ELECTRICAL	3%		
ELECTRICAL FIXTURES	3%		
HEATING INSTALLED	4%		
KITCHEN & BATHROOM CABINETS	5%		
Total Percent Completed.....		49%	

Comments: Structure had been gutted and sold "As Is",
uninhabital condition.



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 20, 2015
PREPARATION DATE: January 15, 2015
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Easements for Main Street ADA Construction

STATEMENT/PURPOSE: To consider Memorandum Agreement, Entry and Construction Agreement, Notification and Appraisal Waiver and Temporary Easement for City of Mandan properties on Main Street in order to facilitate the construction of ADA ramps.

BACKGROUND/ALTERNATIVES: Main Street reconstruction took place roughly 20 years ago. The North Dakota Department of Transportation is planning upgrades to many, if not all the intersections sidewalks in order to bring them into compliance. The Memorandum Agreement, Entry and Construction Agreement, Notification and Appraisal Waiver and Temporary Easement are necessary to facilitate the construction. ND DOT representatives are also obtaining similar documents from private property owners.

Similar documents were signed in Oct. 2014, however, these documents were signed prior to receiving authorization to proceed with the right of way acquisition. Thus documents were resigned. In addition payment for temporary construction easement will be received of \$.75/sq ft.

ATTACHMENTS: Standard ND DOT agreements for Project 9-999(304), PCN 20268 are available upon request

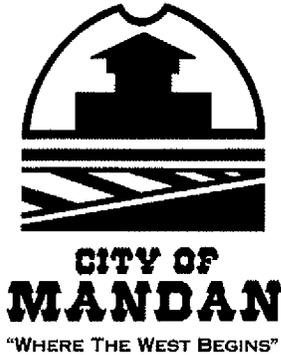
FISCAL IMPACT: Receive \$2,718.75 for temporary construction easements.

STAFF IMPACT: n/a

LEGAL REVIEW: n/a

RECOMMENDATION: I recommend approval of said documents.

SUGGESTED MOTION: I move to approve the Memorandum Agreement, Entry and Construction Agreement, Notification and Appraisal Waiver and Temporary Easement.



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 20, 2015
PREPARATION DATE: January 15, 2015
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch, Finance Director
PRESENTER: Greg Welch, Finance Director
SUBJECT: Disposal of old records

STATEMENT/PURPOSE:

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

BACKGROUND/ALTERNATIVES:

Julie Frye, Records Management, prepared a Records Management and Retention Plan for the Finance Department based on the North Dakota Records Management Program.

ATTACHMENT:

Request from Julie Frye, Records Management.

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

In compliance with the North Dakota Records Management Program.

RECOMMENDATION:

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

SUGGESTED MOTION:

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

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.

Water Utility Records

The retention schedule for records that contain revenues and expenditures for water and sewer including account numbers, descriptions, and year-to-date amounts is 4 years after the city's fiscal year.

Accounts Payable Records

The retention schedule for records that contain claims for payment, expense reports and other supporting documents pertaining to disbursement of funds for expenditures is 4 years after the city's fiscal year.

Liquor Permit Records

The retention schedule for records that contain applications for beer and/or liquor permits including type of license or permit, person applying, date and license fee is 4 years after license expiration.

Julie Frye
Administrative Assistant
Records Management

Date: January 20, 2015

To: Jim Neubauer
City Administrator

From: Julie Frye
Records Management

Re: Commission Consent Agenda Item for January 20, 2015
Request for permission to Destroy Tax Reporting Records, Accounting Records, Payroll Records, Water Utility Records, Accounts Payable Records and Liquor Permit 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 20, 2015

1. The Records Management Department has identified Tax Reporting Records, Accounting Records, Payroll Records, Water Utility Records, Accounts Payable Records and Liquor Permit Records for destruction in accordance with the Records Retention Plan. The items to be destroyed are inventoried as follows:

22 Boxes 2000 through 2010

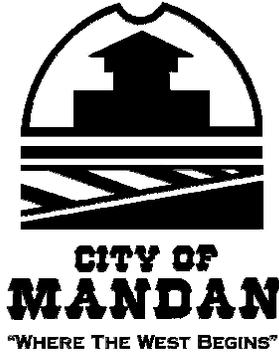
Tax Reporting Records

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



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 20, 2015
PREPARATION DATE: January 13, 2015
SUBMITTING DEPARTMENT: Building Inspections
DEPARTMENT DIRECTOR: Doug Lalim, Building Official
PRESENTER: Doug Lalim, Building Official
SUBJECT: Recommendations of Leonard Bullinger and Katie Wiedrich to MARC

STATEMENT/PURPOSE: To consider the recommendations of Leonard Bullinger and Katie Wiedrich to Mandan Architectural Review Commission (MARC) for three (3) year terms each, commencing as of January 1, 2015.

BACKGROUND/ALTERNATIVES: The Mandan Architectural Review Commission (MARC) consists of nine members who are Miles Mehlhoff, Robert Vayda, Doug Lalim, Kim Fettig, and Steve Nardello. There are currently four positions up for appointment. In order to solicit interested parties, announcements were placed in the Mandan News and also posted on the City of Mandan's website.

Two letters of interest were received. The Mandan Architectural Review Commission (MARC) interviewed both applicants.

ATTACHMENTS: Letters of interest from applicants.

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: We, the Mandan Architectural Review Commission (MARC), approve of the recommended applicants, Leonard Bullinger and Katie Wiedrich, to MARC.

SUGGESTED MOTION: To appoint Leonard Bullinger and Katie Wiedrich for a three (3) year term commencing as of January 1, 2015.

Board of City Commissioners

Agenda Documentation

Meeting Date: January 20, 2015

Subject: Recommendations of Leonard Bullinger and Katie Wiedrich to MARC.

Page 2 of 3



4101 33rd Ave.
Mandan, ND 58554
Tel: 701.663.5121

December 10, 2014

City of Mandan
Carolyn Reisenauer, Administrative Assistant
205 2 Avenue NW
Mandan, ND 58554

Dear Ms. Reisenauer,

The City of Mandan currently has openings for the Architectural Review Commission. As a current member of the Commission, I understand that there are not an abundant number of candidates for this Commission. I would be interested in doing another term on this Commission. Please consider me for this appointment to the Architectural Review Commission.

Sincerely,

A handwritten signature in cursive script that reads "Leonard Bullinger".

Leonard Bullinger
Bullinger Tree Service

www.bullingertreeservice.com



Board of City Commissioners

Agenda Documentation

Meeting Date: January 20, 2015

Subject: Recommendations of Leonard Bullinger and Katie Wiedrich to MARC.

Page 3 of 3

Katie Wiedrich
2633 Douglas Place SE
Mandan, ND 58554
(701) 426-2189

December 15, 2014

City of Mandan
205 Second Ave NW
Mandan, ND 58554

Letter of Interest

Dear Mr. Jim Neubauer,

I would like to submit my letter of interest for the open commission seat on the City of Mandan Architectural Review Committee. As an office manager for a local custom home builder, I feel that I have firsthand experience and knowledge of the importance of a commission such as this. I have been working in the home building industry for over four years now, and have developed an understanding as to what specific aspects can help or hinder the overall desirability of prospective homebuyers and new business to want to move to Mandan. Also as a new Mandan homeowner, my interest in the City of Mandan and its overall look and feel has a direct impact on my investment, therefore encouraging me to take an active part in the City of Mandan Architectural Review Commission.

Please except this letter as an application to join the city of Mandan Architectural Review Commission and I look forward to speaking with you at your earliest convenience.

Sincerely,

Katie Wiedrich



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 20, 2015
PREPARATION DATE: January 15, 2015
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Jeff Wright
PRESENTER: Jeff Wright, Director of Public Works
SUBJECT: Consider sale of City of Mandan property with an estimated value over \$1,000.

STATEMENT/PURPOSE: Consider sale of the following City of Mandan property through public auction, sealed bids or trade in value:

- 1990 Ford F70 3 Ton Truck Chassis – Street Dept – Mechanical issues
- 2002 Chevy Tahoe – Street Dept – Mechanical issues
- 1989 Root RB-9 Snow Blower – Street Dept – Mechanical issues
- 2001 Chevy S-10 Blazer – Police Dept – Mechanical issues
- 1994 Chevy S-10 LS Pickup – Memorial Building Maintenance Dept – mechanical issues

BACKGROUND/ALTERNATIVES: The listed equipment/vehicles have been replaced or are no longer mechanically sound. City Departments will be given the chance to look at these items prior to any sale or trade.

By City of Mandan Ordinance, items with an estimated value of over \$1,000 require City Commission approval to sell.

ATTACHMENTS: N/A

FISCAL IMPACT: Revenues from sale will be distributed into the proper fund.

STAFF IMPACT: Minimal

LEGAL REVIEW: N/A

RECOMMENDATION: Recommend allowing sale of the listed equipment/vehicles through public auction, sealed bids or as a trade in.

Board of City Commissioners

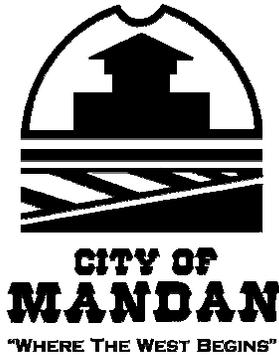
Agenda Documentation

Meeting Date: May 6, 2014

Subject: Approve sale of 1987 Sludge Truck and transfer \$1960 of total sale for new dump truck.

Page 2 of 2

SUGGESTED MOTION: Move to allow the sale of the listed equipment/vehicles through public auction, sealed bids or as a trade in.



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 20, 2015
PREPARATION DATE: January 15, 2015
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Jeff Wright
PRESENTER: Jeff Wright, Director of Public Works
SUBJECT: Consider sale of City of Mandan property with an estimated value over \$1,000.

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By City of Mandan Ordinance, items with an estimated value of over \$1,000 require City Commission approval to sell.

ATTACHMENTS: N/A

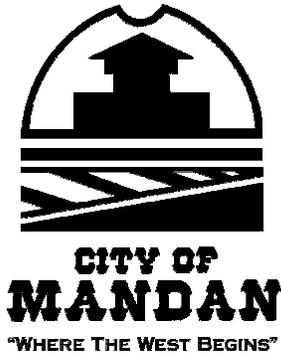
FISCAL IMPACT: Revenues from sale will be distributed into the proper fund.

STAFF IMPACT: Minimal

LEGAL REVIEW: N/A

RECOMMENDATION: Recommend allowing sale of the listed equipment/vehicles through public auction, sealed bids or as a trade in.

SUGGESTED MOTION: Move to allow the sale of the listed equipment/vehicles through public auction, sealed bids or as a trade in.



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 20, 2015
PREPARATION DATE: January 20, 2015
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch, Finance Director
PRESENTER: Greg Welch, Finance Director
SUBJECT: Carryover of annual leave

STATEMENT/PURPOSE: To consider the request from Darlene Forderer, Utility Billing Coordinator, to carryover approximately 25 to 33 hours of annual leave for six months.

BACKGROUND/ALTERNATIVES: Due to the significant amount of time that Darlene worked during 2014 to implement a new utility billing software program (Banyon Data Systems) and a bill payment system (Payment Service Network) only to revert back to the City's previous utility billing software program (AS/400), Darlene has until February 13, 2015 to use approximately 25 to 33 hours of annual leave before losing it since an employee can only carryover no more than 120 hours of annual leave as of the hire date. In addition, since the Utility Billing Department will be receiving on-site training from Sensus for the City's new water meter reading system, the use of additional annual leave would not be convenient for the City or the employee at this time.

ATTACHMENTS: None

FISCAL IMPACT: None

STAFF IMPACT: None

LEGAL REVIEW: N/A

RECOMMENDATION: To approve the request from Darlene Forderer, Utility Billing Coordinator, to carryover approximately 25 to 33 hours of annual leave for six months.

SUGGESTED MOTION: Move to approve the request from Darlene Forderer, Utility Billing Coordinator, to carryover approximately 25 to 33 hours of annual leave for six months.

CITY OF MANDAN

SUNDAY ALCOHOLIC BEVERAGE PERMIT

Date of Application: 1-15-15

Name of Licensee: Bar M Steakhouse LLC

Address of Licensee: 2815 Memorial Hwy Mandan NO 58554

Address of public facility if used: _____

State the purpose of organization: _____

Date(s) of requested Sunday(s): JAN 25, 2015- Feb 8 2015,
April 26th 2015,

Time of day which the applicant desires the permit to be in effect: NOON

Description of the rooms on the premises, which have been specifically reserved, for the dispensing of alcoholic beverages and dancing during the term of the permit: poker Tournament

State whether the applicant requests permission to open to the general public, and if so an explanation of the reasons for the request: poker Tournament

If applicable, estimated number of police officers necessary to provide security at the dance to be open to the public: _____

I the applicant will abide to the following conditions:

- a. Alcoholic beverages may be distributed for consumption on the premises and Dancing may be permitted only in those rooms specifically reserved for event activities;
- b. Dancing and the dispensing of alcoholic beverages shall be permitted only between the hours of twelve noon on the date specified in the permit and one a.m. on the following Monday;
- c. Any conditions or circumstances delineated by the Board relating to the conduct of the event or to the admission of the general public to the event.

- d. The applicant as a condition to the issuance of such permit consents and agrees that any City police officer may enter upon and inspect the licensed premises or any part thereof at any time for the purpose of determining compliance with the conditions of the permit;
- e. The permit issued under this section may not expand the scope of the class of alcohol license held by the applicant;
- f. An applicant which holds a Class A liquor license must supply copies of the most recent six month's filings of the City food and lodging taxes and allow the City to verify with the ND State Tax Department that said tax payments have been made.
- g. The permittee shall comply with all other applicable ordinances and laws relating to the use and sale of alcoholic beverages in the City.

Marcia Berger
Signature of Applicant

Karin Matt
Received by:

Date Received: 1-20-15

Commission Approval: _____

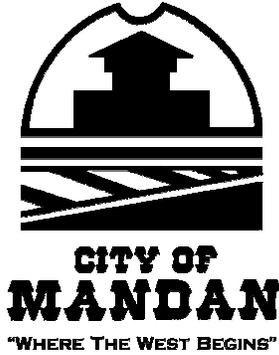
Auditor Approval: _____

\$5.00 Fee per Sunday-Amount paid \$ 15⁰⁰ Receipt # _____

Copy to be filed with Mandan Police Department

Eligible Applicants. Pursuant to the provisions of NDCC 05-02-05.1 only the following alcohol licensees or facilities are eligible to apply for a Sunday Event Alcoholic Beverage Permit:

- a. A "qualified alcoholic beverage licensee," which is defined to mean any licensee who has paid the city lodging and restaurant tax imposed by the city and who continues to pay such tax thereafter. Any alcoholic beverage licensee, except the Class B and Special Class B licensee, may become a "qualified alcoholic beverage licensee" by voluntarily paying the city's lodging and restaurant tax prior to the filing of the permit application but the licensee must also continuously pay the tax throughout the license year.
- b. Any publicly owned or operated facility.



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 20, 2015
PREPARATIONDATE: January 16, 2015
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
Dennis Bullinger, Police Chief
SUBJECT: Law Enforcement Retirement Plan

STATEMENT/PURPOSE: Mandan Police Officers have asked that the City of Mandan adopt the North Dakota Law Enforcement PERS retirement system for the sworn officers in an effort to attract, hire and retain qualified police officers.

BACKGROUND/ALTERNATIVES: Various Law Enforcement agencies in the area, have some form of defined benefit plan, whether it be their own or one of the plans administered by ND PERS.

Currently employees of the City of Mandan must contribute a minimum of 2% to the retirement account and the City will contribute 8% for a total of 10%. As of January 1, 2015, if sworn officers and firefighters contribute a minimum of 4% the City will contribute 10% for a total of 14% into their retirement account.

Also as of January 1, 2015, we amended the retirement plan documents to allow for police and fire to take withdrawals from the existing plan at age 55.

This issue was before you on October 21, 2014. Additional information was obtained from ND PERS related specifically to our employees.

Information regarding the differences between Defined Benefit Plans (DB) and Defined Contribution Plans (DC) are well summarized within a document prepared by the ND Legislative Council for the Government & Finance Interim Committee. That document is attached for your convenience.

Questions that arose was the ability to withdraw funds at age 55 without the 10% tax on the withdrawal. As stated above we have amended out plan to allow for police and fire to take draws at 55. IRS Publication 575, page 34 states, "In general, an eligible state or

local government section 457 deferred compensation plan is not a qualified retirement plan and any distribution from such plan is not subject to the 10% additional tax on early distributions.” Thus it would be our opinion that that a withdrawal from the City’s plan at 55 or over would not be subject to the 10% tax. However, we would encourage employees seek their own guidance prior to making such decisions. Follow up questions have been asked about turnover rates in the Mandan Police Department as compared to other cities in North Dakota.

Chief Bullinger has gathered information related to turnover rates from 2010 through 2014. Reasons for turnover are difficult to ascertain (retirement, termination, taken other jobs within and without the law enforcement world, pay, benefits, health insurance) as some departments may track and others do not. Therefore, what is presented below is simply based on folks leaving:

City	Staffing Level	2010	2011	2012	2013	2014	Total	5 year T/O
Bismarck	113	9	9	8	19	14	59	52%
Devils Lake	16						11	69%
Dickinson	37						9	24%
Fargo	149	6	5	10	7	15	43	29%
Mandan	35	0	2	6	4	8	20	57%
Minot	75	6	12	11	4	8	41	55%
Wahpeton	13						2	15%
Watford City	13						6	46%
West Fargo	39						10	26%
Williston	45						5	11%

Turnover rates are significant in most of the jurisdictions that were polled.

Chief Bullinger has consistently held that in order to minimize employee turnover three major components are salary, health insurance and retirement plans. We have made significant adjustments in our salary plan within the past 18 months, have also increased amounts the city contributes to police retirement plan, along with requiring the employee to increase their contribution. Health insurance remains and issue as the City pays for a single policy at time of hire, and over a period of 7 years will increase its contribution in paying for a family health insurance policy. After 7 years, and employee will have 100% of their family health insurance paid. Chief Bullinger continues to hold that increasing the amount the City of Mandan pays for a family health insurance plan would in that 0-7 year range would do more to reduce turnover than switching retirement plans at this time. The police department competes for the same pool of applicants as does Bismarck, Burleigh, Morton and the Attorney general’s office who are all paying more towards health insurance premiums. Bismarck and the AG’s office 100%. Burleigh County 95% and Morton County 80%.

Issues that we see in joining a DB plan for Law Enforcement is the loss of control over what the City's employer share of the plan will be in the future. If we were to join the plan, it would be up to the plan administrator to determine the employers share the City of Mandan would not control this part of its budget. In times of market downturns it most likely would be the employer being asked to increase its contribution to the plan in order to keep it actuarial sound. In addition, part of the analysis when determining a borrowing rate for the City, its raters have asked if we have a DB or DC plan. A DC plan is favorable as DB plans have the potential for unfunded liabilities and if that were the case it may have a negative impact on the interest rates in which we borrow money at. We have asked if that impact can be quantified, but, the response has been "it is difficult to quantify without knowing what size the liability is...". The plan, if the City were to join, as of July 2014, has minimal unfunded (Market Value \$2.2M vs \$2.263M) liability with 83 participants in the plan.

The cost of training new officers is high, and turnover rates are high in the law enforcement field and we certainly want to do what we can to hire and maintain the professional workforce we currently have in the Mandan Police Department. It is the how we do that, which is at question and Chief Bullinger maintains that adjustments in the way we pay for health insurance may do more to retain officers than changing the retirement plan.

ATTACHMENTS: Retirement Plan Component Comparisons (Prepared by Legislative Council)

FISCAL IMPACT: From purely financial impact, the City is currently budgeting contributions from police and fire employees at 10%. The estimated employer contribution based upon preliminary analysis by PERS would be 7.93% plus an additional health insurance benefit of 1.14%; bringing the total to 9.07% therefore there would be minimal impact upon the budget today. Employees would be required to pay 5.5 percent. Bringing the total dollars to the plan of 14.57%

STAFF IMPACT: undeterminable

LEGAL REVIEW: None at this time

RECOMMENDATION:

SUGGESTED MOTION:

RETIREMENT PLAN COMPONENT COMPARISONS

Retirement plans are generally categorized as one of the following types: defined benefit retirement plans, defined contribution retirement plans, or hybrid retirement plans. Most hybrid plans, including cash balance plans, have been created by adopting selected components of defined benefit plans and defined contribution plans. This memorandum describes components of each type of retirement plan and potential advantages and disadvantages of each type of retirement plan.

DEFINED BENEFIT RETIREMENT PLANS

Defined benefit retirement plans are traditional pension plans that provide a lifelong annuity upon retirement, usually based on final average salary and length of service. Major components of defined benefit retirement plans include:

- Both the employer and employee may be required to contribute, but the benefits are not based on employee contributions.
- The employer, through a pension fund, determines how funds are invested and managed.
- A predetermined formula defines contributions and benefits to be paid out in advance.
- Some plans may include postretirement benefit adjustments, disability and life insurance, and retiree health insurance.
- Some plans may provide cost-of-living adjustments (COLAs).

The calculation used for the defined benefit retirement plan formula is generally an employee's years of service multiplied by a benefits factor multiplied by the employee's final average salary during a specified number of months. The funds in defined benefit retirement plans are controlled by the employer, and any investment risk or any investment rewards are assumed by the employer rather than the employee.

Advantages of defined benefit plans include:

- Guaranteed lifetime income to retired employees.
- More retirement income for career employees.
- Investment management fees are usually lower than defined contribution plans.
- Investment returns, on average, are higher than defined contribution plans.
- Potential inflation protection for employees during career.
- Employer incentive for potential investment gains.

Disadvantages of defined benefit plans include:

- Noncareer employees generally benefit less than career employees.
- Cost of plan can fluctuate each year.
- Benefits are not as portable as defined contribution plans.
- Employer is at risk for potential investment losses.

DEFINED CONTRIBUTION RETIREMENT PLANS

Defined contribution retirement plans provide individual retirement accounts into which both the employer and the employee make contributions and, with accumulated investment returns, provide the basis for a retirement benefit. Major components of defined contribution retirement plans include:

- Employer and employee both contribute to the account.
- Generally, the employee determines how funds are invested (the investment options may be limited to certain indexes or funds as determined by the employer).
- Employer contributions to the account are guaranteed, but not the future benefits.
- Employer and employee contributions are defined and known in advance, but the benefits to be paid out are not known until retirement.

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Government Finance Committee

Defined contribution retirement plans are generally established to contribute a certain percentage based on an employee's salary or to match a certain percentage based on an employee's salary in relation to the percentage an employee contributes. At retirement, the balance of the fund is the basis of the employee's retirement benefit. The employer does not guarantee a benefit and usually does not provide postretirement benefit increases or any COLAs. The funds in defined contribution retirement plans are controlled by the employee, and any investment risk or any investment rewards are assumed by the employee rather than the employer.

Advantages of defined contribution plans include:

- Contribution amount is easy to determine, understood, and usually constant.
- More retirement income to noncareer employees.
- Retirement account balances can transfer from one employer to another.
- Costs are fully funded.
- Employee incentive for potential investment gains.

Disadvantages of defined contribution plans include:

- Less retirement income for career employees.
- Benefits are not related to preretirement working pay.
- Employee risks potentially outliving accumulated assets.
- Employee risks potential investment losses.
- Less incentive to retain employees.

HYBRID RETIREMENT PLANS (COMBINATION OF THE TWO PLANS)

Hybrid retirement plans combine elements of defined benefit retirement plans and defined contribution retirement plans. Generally, employees may be eligible for both a defined benefit plan component and a defined contribution plan component, or both components may be mandatory. Employer contributions generally finance the defined benefit plan component to provide an annuity at retirement, and employee contributions accumulate in an individual retirement account under the components of defined contribution plans.

Any formulas for calculating benefits, control of funds, or any investment risks or investment rewards would be based on how the hybrid plan is structured and what components are included from defined benefit retirement plans and defined contribution retirement plans.

Depending on which components are adopted from defined benefit or defined contribution plans, hybrid plans would share similar advantages and disadvantages of these plans.

Advantages of hybrid retirement plans include:

- More flexibility to meet both employee and employer goals.
- More options for employees at retirement, including lifetime payments or a lump sum payment.
- More portable than traditional defined benefit retirement plans.
- Less investment risk to employees than defined contribution retirement plans.
- Less investment risk to employers than defined benefit retirement plans.

Disadvantages of hybrid retirement plans include:

- May be more complicated than defined benefit retirement plans or defined contribution retirement plans.

CASH BALANCE PLANS

Cash balance retirement plans are a form of a hybrid plan. Like defined contribution retirement plans, they provide each employee with an individual retirement account into which both the employer and employee make contributions. Funds in the employee retirement account are pooled for investment purposes, employee balances are guaranteed, and the employee is guaranteed an annual rate of return. Major components of cash balance plans include:

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Government Finance Committee

- Each employee has an individual retirement account.
- Employer and employee both contribute to the account.
- The employee does not choose how the retirement funds are invested.
- The employee accounts are all managed in one commingled fund, and employees are guaranteed a specified return on their accounts.
- The employee may receive additional amounts above the guaranteed annual rate of return depending on the actual rate of return on the commingled fund.
- Upon retirement, the employee receives an annuity based on the account balance and may have additional benefit options, including COLAs.

Advantages of cash balance plans include:

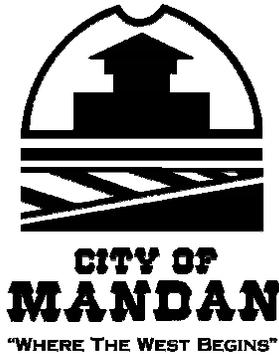
- Plan calculation is easy to determine, understood, and usually constant.
- If the employee leaves before retirement, the employee can take a lump sum payment and roll over to an individual retirement account (IRA).
- Employee can choose between a lifetime annuity or a lump sum payment upon retirement.
- Employees are guaranteed a certain rate of return, and may receive additional amounts if the actual rate of return on pool of funds is higher.
- Employer's potential for investment loss risk is limited.

Disadvantages of cash balance plans include:

- Employer is at a limited risk for potential investment losses.
- Employee does not have ability to control the investment of funds.

The following schedule provides a comparison of the major components of each type of retirement plan:

Features	Defined Benefit Retirement Plan	Defined Contribution Retirement Plan	Cash Balance Retirement Plan	Hybrid Retirement Plan
Employer obligation to make payments end	Lifetime of the employee, and perhaps a survivor	Employee's tenure on the job	Employee's tenure on the job	Depends on how the plan is structured
Cost-of-living adjustment	Most plans offer, depending on an actuarial estimation	No	Most plans offer, depending on fund's overall annual rate of return	Depends on how the plan is structured
What employee receives upon retirement	Promise of a fixed monthly payment	A lump sum that may be converted to an annuity or drawn down, as with an IRA.	Promise of a fixed monthly payment	Depends on how the plan is structured
Investment control	Employer	Employee acting within limits established by the employer	Employer	Depends on how the plan is structured
Benefit calculation	Years of service, benefit multiplier, final average salary	Percentage of salary deposited over time, with earnings and possibly employer matching funds	Percentage of salary credited to a commingled account, plus an interest rate set by the employer	Depends on how the plan is structured
Does plan reward longevity or mobility	Longevity (generally)	Mobility (generally)	Either	Depends on how the plan is structured
Can employee supplement money contributed by the employer	No (generally)	Yes	No (generally)	Depends on how the plan is structured
At risk or reward for investment gains or losses	Employer	Employee	Employer, but limited	Depends on how the plan is structured



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 20, 2015
PREPARATION DATE: January 15, 2015
SUBMITTING DEPARTMENT: Business Development & Communications
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: Community Marketing Update

STATEMENT/PURPOSE: To share information about a new project being executed as part of the joint community marketing initiative.

BACKGROUND/ALTERNATIVES: Mandan has a new business attraction and image enhancement tool in the form of an online video that features local business people speaking about their positive entrepreneurial experiences in Mandan.

The video is available on YouTube on a “Great Things: Made in Mandan” channel (www.youtube.com/c/cityofmandan). It is also on the city website, www.cityofmandan.com, a Linked In page for the City of Mandan, and Facebook pages for the City of Mandan and “Made in Mandan,” a source of news about community progress, events, citizen achievements and sources of fun.

The video’s purpose is to share information about Mandan as place to do business with people who are looking to start or locate a business including individuals who influence this process, like real estate agents and commercial lenders. The video is also intended as a tool to help strengthen Mandan’s image as a place to do business and to communicate the economic opportunity available in the growing city.

Exposure to the video is being boosted with publicity and online advertising in two to three flights: January, March and potentially May.

Here are statistics on the video’s reach and viewership since its launch on Jan. 7:

- Facebook (through Jan. 15) — Reach of 25,770 in total with 16,946 being an organic audience and 8,824 reached via paid advertising (targeted to entrepreneurship and real estate interests in a five-state area). Views of 10,936 with 8,716 being unique and 2,220 repeat. Among these, 2,333 views were for at

- least 30 seconds or to the end of the video. The post has resulted in active engagement of 632 actions (463 likes, 89 shares, 80 comments).
- YouTube (through Jan. 13) — 543 views with an average duration of 1:51 minutes or 73% of the video. More statistics will be available in the future after the video has been posted for a longer time period.
 - Google video and search ads are also planned.

ATTACHMENTS: None

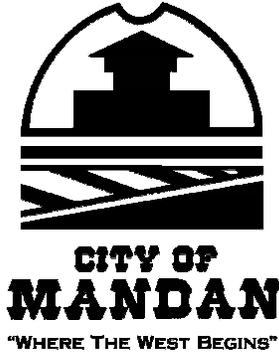
FISCAL IMPACT: The video was part of community marketing activities in 2014 funded jointly by the City of Mandan, Mandan Park Board and Mandan School Board with additional leverage from private sector partners.

STAFF IMPACT: The video was created at the direction of the Mandan Business Development and Communications Department and Mandan Tomorrow — Leadership, Pride and Image Committee, which oversees community marketing.

LEGAL REVIEW: Attorney Brown reviewed the contract for production of the video.

RECOMMENDATION: This is an informational update.

SUGGESTED MOTION: No action is required.



Board of City Commissioners

Agenda Documentation

MEETING DATE:	January 20, 2015
PREPARATION DATE:	January 15, 2015
SUBMITTING DEPARTMENT:	Administration
DEPARTMENT DIRECTOR:	Jim Neubauer, City Administrator
PRESENTER:	Jim Neubauer, City Administrator
SUBJECT:	Mandan Growth Fund Recommendation –Appointment

STATEMENT/PURPOSE: The Mandan Growth Fund (MGF) passes recommendations for funding assistance to the Board of City Commissioners for consideration and final approval. The MGF recommends approval of the action outlined below; therefore, their recommendation is before the Board of City Commissioners.

BACKGROUND/ALTERNATIVES: The MGF had four positions for which terms expired on December 31, 2014. Those members are:

- Jeff Erickson, Security First Bank, 1st Term, Jan. 2009 – Dec. 2011; 2nd Term Jan. 2012 – Dec. 2014
- Rick Horn, Morton County Housing Corp, 1st Term, Jan. 2009 – Dec. 2011; 2nd Term Jan. 2012 – Dec. 2014
- Mark Weide, Bank of North Dakota; has served previous terms, took some time off and was appointed Jan. 2012 – Dec. 2014
- Annette Behm-Caldwell, Open Road Honda; 1st Term, Feb. 2008 – Dec. 2008, 2nd Term, Jan. 2009 – Dec. 2011, 3rd Term, Jan. 2012 – Dec. 2014.

A public announcement calling for interested members was issued in November with letters of interest due in December 2014. Among the positions with terms expiring, two were representing the financial sector, one representing Memorial Highway and the remaining position representing the community at large.

We received interest from 5 individuals looking to serve on the MGF. Those individuals are, Dan Anderson, Susan Beehler, Jeff Erickson, Rick Horn and Mark Weide. Their letters of interest are attached.

The MGF met on January 9, 2015 with the candidates to consider appointments to the MGF.

The MGF strives to have representation from the Downtown, Memorial Highway, Northwest (Industrial Park) and Financial Institutions. In order to achieve this, the MGF is recommending that Dan Anderson (Northwest Mandan), Jeff Erickson and Mark Weide (Financial Institutions) and Rick Horn, past experiences and housing knowledge, be appointed to three year terms beginning in January 2015 thru December 2017.

The MGF expressed their appreciation to the other candidate and encouraged her to express interest in December 2015 as there will be additional terms expiring.

ATTACHMENTS:

- Current listing of MGF Members
- Letters of interest

FISCAL IMPACT: n/a

STAFF IMPACT: n/a

LEGAL REVIEW: n/a

RECOMMENDATION: The MGF recommends appointing Dan Anderson, Jeff Erickson, Mark Weide and Rick Horn to the MGF for terms ending December 31, 2017 or until appointments are made to their positions.

SUGGESTED MOTION: I move to appoint Dan Anderson, Jeff Erickson, Mark Weide and Rick Horn to the MGF for terms ending December 31, 2017 or until appointments are made to their positions.

December 31, 2015	December 31, 2016	December 31, 2017 (Suggested appointments)
Don Boehm	Jeremy Bauer	Mark Weide (Financial Institution)
Michael J.B. Schaff (Downtown)	Curtis Patzell	Jeff Erickson (Financial Institution)
Timothy Spilman		Dan Anderson (NW Mandan)
		Rick Horn

Daniel A. Anderson
Andrew J. Q. Weiss



2610 Old Red Trail, Ste C
Box 835
Mandan, ND 58554

December 15, 2014

Jim Neubauer
205 2nd Ave. NW
Mandan, ND 58554

Re: Letter of Interest for Mandan Growth Committee vacancy.

Mr. Neubauer,

Please accept this as my "Letter of Interest" for the vacant position in the Growth fund Committee.

I grew up in Mandan and received my law degree from The University of North Dakota School of Law. After working for an independent oil company and a regional engineering firm, I opened Legacy Law Firm, located in Mandan. My practice involves business and real estate law. When deciding to open the law firm, I considered the formation, location and target market for the firm and after my research, I found Mandan to be a great opportunity for a new legal practice.

I am interested in becoming a member of the Growth Fund Committee to attract other companies to Mandan while helping current Mandan companies thrive. My experience opening a company in Mandan allows me to assist the committee and businesses about capital investments, entrepreneurship, and employment opportunities in the Mandan area.

Thank you for your time and consideration.

A handwritten signature in blue ink, appearing to read 'Dan Anderson', is written over a horizontal line.

Dan Anderson
Legacy Law Firm
2610 Old Red Trail, Suite C
Mandan, ND 58554
dan.anderson@legacylawfirmpllp.com
701-354-4004

From: Susan Beehler [mailto:suzybbuzz@gmail.com]
Sent: Thursday, January 08, 2015 12:38 PM
To: Jim Neubauer
Subject: For growth committee

To the Mandan Growth Committee:

Community involvement is important to me. I would love the opportunity to serve Mandan residents and businesses on the Mandan Growth Committee. As a growing city we need to ensure we have diversity represented, on all of our city's committees. As a woman business owner I bring another perspective when making decisions and recommendations. I can be contacted at 701 220-2297 or email suzybbuzz@gmail.com

Here is a list of current and past experience:

Work Experience

Current:

Owner of Suzy Shuze n Starz, a Pride of Dakota fashion accessory company selling retail and wholesale located in Mandan ND.

Participant in the Innovate ND program through the ND State Commerce Department.

Presenter at One Million Cups, a business start up community in Bismarck.

Over 9 years at a International Corporate office headquartered out of Bloomington Minnesota

Past:

Over 15 years in retail management and sales; sales and display awards

Over 6 years as a Professional Wedding Photographer; former liason to the Professional Photographers of America; work published in America [24/7](#) North Dakota book

Over 10 years experience in the hospitality industry

Over 5 years experience in the shipping and mailing industry

Over 5 years as Church Youth and Camp Director

Over 7 years direct marketing sales

Volunteer Experience

Current:

Morton County Representative on the West Central Regional Council of Human Services

Board of City Commissioners

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Subject: Mandan Growth Fund Recommendation – Appointment to the MGF

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Vice President of Membership of the Bismarck-Mandan Business Professional Women Club
Member of the Women Entrepreneurs Group

Marketing Committee member of Urban Harvest
Moms Demand Action for Gun Sense of America

Past:

- Past Retail Chairman of the Mandan Chamber of Commerce
- Busy Committee (Building Up Schools for Mandan Youth)
- Mandan Progress Organization
- Mandan Historical Society
- Old Red Old Ten Scenic Byway Committee
- National Trust for Historic Preservation Main Street Revitalization training program
- Committee member of the Mandan Event Center Committee
- Crisis Call Advocate for Abused Adult Resource Committee
- Advocate for the Arthritis foundation
- Minimum wage Task force for the labor commission
- Founding member of the Mandan Historical Society
- Founding member and lobbyist for RKIDS (Remembering Kids in Divorce Settlements)
- Secretary of Empower the Taxpayer
- Over 8 years as a Girl Scout Leader and Camp leader
- Jumpstart Read for the Record
- Rural Carriers Association
- web site designer and blogger

Awards, Achievements:

My Suzy Starz jewelry was presented to each contestant of the 2014 Miss America Pageant

Instrumental in writing the transportation grant for the Mandan Heritage Homes

Instrumental in bringing pop singer Debbie Gibson to Mandan in the late 80's with Dance USA

Costume designer for many dignitaries in the Centennial Celebration in 1989

Successful campaign and passage of the initiated measure for handicap accessibility electric doors in Mandan

Successful passage of child abuse legislation

Best Mother's Day display in National competition at Walmart

Board of City Commissioners

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Highest nationally in quarterly Sales at Woolco

Outstanding Sales for Avon Products (In the top 10 in jewelry sales in region which included Montana, North Dakota, and Wyoming)

Outstanding Volunteer Award for the Arthritis Foundation

Best Outdoor display at Syndey Montana County Fair

Sent from my iPhone
Susan Beehler 701 220-2297

Board of City Commissioners

Agenda Documentation

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Subject: Mandan Growth Fund Recommendation – Appointment to the MGF

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From: Jeff Erickson
Sent: Thursday, January 08, 2015 4:50 PM
To: Susan Bauer
Subject: FW: Mandan Growth Fund

I have been a resident of rural Mandan for 14 years and employed by Security First Bank of North Dakota as vice president-commercial lending for over 10 years. As a member of this community and depended on its economic strength, I have a strong interest in economic development and is why I have served the Growth Fund in previous years. Through my banking experience, I have seen how the growth fund programs benefited the community by attracting new businesses and retaining existing ones. My lending experience helps with understanding companies financial statements along with their financing needs. I would be honored to serve another term on this committee.

Sincerely,

Jeff Erickson
Vice President Commercial Lending
614 West Main Street
Mandan, ND 58554
jeff@securityfirstbank.com
701-667-7000
701-663-1711


Security First Bank
BY NORTH DAKOTA

Rick Horn, CPA
2090 Missouri Loop North
Mandan, ND 58554
(701) 202-1543

EDUCATION

Bachelor of Accountancy December 1993	University of North Dakota Grand Forks, ND *Certified Public Accountant
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WORK EXPERIENCE

President/Owner Public Housing Manager 8/2008 – Present	HJL Management Company *Director Liberty Heights Retirement Community *Director Morton County Housing Authority *Director Mercer County Housing Authority *Director Emmons County Housing Authority *Administering the housing voucher assistance program for 7 counties in western North Dakota. *Manage day to day operations of elderly and family housing units. *Report to 4 separate Board of Directors for the above entities.
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CPA, Manager 11/95 – 8/2008	Brady, Martz and Associates 207 E. Broadway Avenue Bismarck, ND 58501 *Manage financial audits and consulting of governmental, non-profit, and small business entities *Manage compliance audits of governmental and non-profit entities *Test and document internal controls compliance with laws and regulations *Prepare financial statements including consolidated financial statements *Prepare and review individual, corporate, partnership, and non-profit tax returns
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Accountant 7/94 - 10/95	Black Magic Motorsports, Inc. Thief River Falls, MN 56701 *Managed accounts payable and receivable *Assisted with bi-weekly payroll *Monitored parts and product inventory
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Administrative Secretary 11/93 - 7/94	Hillcrest Nursing Home Red Lake Falls, MN 56750 *Managed accounts receivable *Managed all billings and collections *Extensive use of Benchmark computer system
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PROFESSIONAL AFFILIATIONS

Member 3/98 – present	North Dakota Society of CPA's *CPE Committee Chair
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Member 8/98 – present	American Institute of CPA's
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COMMUNITY ORGANIZATIONS/VOLUNTEER POSITIONS

Board Member 9/2014 - Present	Mandan Public School District
Board Member/Treasurer 5/2013 – Present	Mandan Hockey Club *Volunteer hockey coach for the past 2 years *Team Coordinator for the past 3 years
Board Member/Treasurer 9/2011 – Present	Dakota United Soccer Club *Team Coordinator for the past 3 years
Board Member/Treasurer 2012 & 2013 seasons	Mandan Motion Middle School Dance Team
Board Member/Treasurer 2011, 2012, & 2013 seasons	Mandan Kachina's High School Dance Team
Board Member 2009-2012	North Dakota Society of CPA's
Treasurer 2008-2011 Vice President 2012 President 2013-Present	ND Chapter of the National Association of Housing and Redevelopment Officials
Member 2008 – Present	Mandan Public Schools Finance Committee
Member 12/2008 – Present	Mandan Growth Fund – City of Mandan
Board Member/Treasurer 2008-2013	Mandan Soccer Club *Volunteer soccer coach for the past 5 years – both fall and spring season
Board Member 1999 - 2009	Mandan Kiwanis Club
Board Member 1999 – 2001	Bismarck Downtown Business Association

Ellen Huber

From: Weide, Mark A. <markweide@nd.gov>
Sent: Thursday, November 13, 2014 2:25 PM
To: Jim Neubauer
Cc: Ellen Huber
Subject: Mandan Growth Fund board member

Jim and Ellen,

I would like the opportunity to continue to serve as a board member for Mandan Growth Fund. I have enjoyed working with the Growth Fund and being part of helping grow our community. In 1996 we built our home in Mandan and still reside there today. Our two children, Jeremy and Amber, graduated from Mandan High School.

My employment history should be part of your records from my application in 2012. Should that be missing here is my current status and a brief history of my work experience:

I started my banking career in Aberdeen, South Dakota in 1979 moved to North Dakota in 1982 to join what is now known as Starion Financial. I spent 27 ½ of those years with Starion Financial in which I held numerous positions including Senior Vice President-Lending. In 2010 I joined Bank of North Dakota and currently serve as the manager of the Agriculture Department and Special Asset. I have worked in areas of consumer, commercial and agriculture lending.

I would be honored to serve another term on the board of the Mandan Growth Fund.

If you have any further questions please feel free to contact me.

Thank you...



Mark Weide
Ag. Lending/Special Asset Manager
1-701-328-5790 office
1-701-390-7998 cell
1-701-328-5731 fax

Bank of North Dakota
1200 Memorial Highway
PO Box 5509
Bismarck ND 58506-5509

markweide@nd.gov



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 20, 2015
 PREPARATION DATE: January 14, 2015
 SUBMITTING DEPARTMENT: Engineering & Planning
 DEPARTMENT DIRECTOR: Justin Froseth
 PRESENTER: Justin Froseth, Planning and Engineering Director
 SUBJECT: Update and Endorsement of NDDOT TIP (Transportation Improvement Program) Eligible Projects

STATEMENT/PURPOSE.

The MPO (Metropolitan Planning Organization) coordinates funding requests for NDDOT TIP roadway projects. Below is a briefing of projects applied for in 2019 as well as an update of projects that are in the program for 2015-2018.

BACKGROUND/ALTERNATIVES

Staff has met recently with MPO and NDDOT staff to discuss and prioritize funding requests for various roadway projects. Engineering staff is seeking endorsement of the 2019 projects submitted to the MPO.

2019 Urban Roads Applications. These projects are eligible for approximately 80% federal funding with about a 20% local match required.

1. Intersection of McKenzie Dr. SE and 46th Ave. SE. (**Project L** on attached 2019 URP Map)
 The purpose of this project is to improve the functioning and safety of this intersection. This is the primary route to the interstate system for the southeastern portion of the city. There is rapid ongoing development occurring in this area. In addition, the water park is just north of this intersection with a gas station across the street. A new YMCA facility is planned to open adjacent to the intersection in 2016. During the summer there is heavy pedestrian and bicycle (mostly children) traffic at and north of this intersection.

2. Reconstruction of 8th Ave. NW from Old Red Trail to 27th St. NW. (**Project H**)
 The purpose of this project is to provide an alternate route to the new middle school that allows traffic coming from the east to avoid the intersection of Sunset and Old Red Trail that is already heavily congested. The existing roadway is not a full width section and is badly deteriorated.

3. Extension of Sunset Drive NW. (**Project G**)
 The purpose of the project is to link the Sunset interchange on I-94 to the proposed northern bridge corridor at 38th St. NW with a connection to 1806. This project might be built in two phases depending on the pace of development. Developer funding of a rural section road as a first phase is likely with the requested Urban Road Program funding a second phase upgrade to an urban arterial roadway section.

4. Extension of Division Street east from 8th Ave. NE to Mandan Avenue. **(Project I)**

The purpose of this project is to provide an alternate route from the central portion of Mandan to I-94 in order to relieve congestion at Sunset. In addition, when the Sunset interchange is rebuilt, this road will be a critical part of the required detour.

5. Extension of Division Street west from Sunset to Lohstreter. **(Project J)**

The purpose of this project is to provide an alternate route from Sunset to the west into a developing area. All existing street options are narrow residential streets. Once linked to Lohstreter this will provide an alternate route to the high school and Sunset from existing neighborhoods and planned new development.

6. Extension of 8th Ave. NW from 27th St. to 38th St. NW and then east to 1806. **(Project K)**

The purpose of this project is to provide a link from 1806 to Sunset using the future bridge corridor. A primary water transmission line is in this alignment. This project may be built in two phases depending on the pace of new development. Developer funding of a rural section road as a first phase is likely with the requested Urban Road Program funding a second phase upgrade to an urban arterial roadway section.

2019 Urban Regional Applications. These projects are eligible for approximately 80% federal funding and 10% state funding with about a 10% local match required.

1. 1806 from Old Red Trail to 27th St. NW.

The purpose of this project is to improve traffic capacity and safety at the intersection of 1806(Collins) and Old Red Trail as well as improvements to the stretch of 1806 from that intersection to just north of the 27th St. intersection. The main components would include traffic signalization and turning lane improvements at the 1806(Collins) and Old Red Trail intersection as well as a northbound left turning lane on to 27th. St. Also included would be shoulder widening for this stretch.

2. Memorial Highway, Phase 1.

This is a project that has been in the works for some time including a project study done in 2010 to guide. Because of the large size of the project, it is planned to break it into 3 phases so it would more easily fit within the funds available during each funding cycle. Each phase may be done in 3 year increments so that the entire corridor from Main St. to 46th Ave. SE would take about 9 years once initiated. The project would include a full reconstruct of the roadway with a new typical section to implement safety and pedestrian friendly elements including a multi-use path. Also it would address drainage issues, and replace other utilities as necessary.

2015-2018 TIP Update. These projects are in the TIP program meaning that the DOT has allocated funds they are expected to receive from the FHWA (Federal Highway Administration) for them.

2016 Projects

1. Regional Project - Traffic signals on Memorial Highway at 40th Ave. SE and 46th Ave. SE. The project consists of adding a new traffic signal at 40th and replacing the temporary signal with a permanent signal at 46th. This project is currently in design.
2. Regional Project – Traffic signal improvement at Main St. and Twin Cities Drive. This is an old signal that is scheduled for replacement and upgrade.
3. Regional Project – Concrete pavement repair on 10th Ave. SW from Heart River Bridge to Main Street. This is a maintenance project to prevent further deterioration of the roadway.
4. Urban Roads Program – Reconstruct Old Red Trail from Highland Ave. NW to 47th Ave. NW. This project will widen the roadway and add curb and gutter as well as other improvements to this section of roadway.

2018 Projects

1. Regional Project – Replace and upgrade traffic signals on Main Street. This project will improve the functioning of the traffic signals and provide pedestrian control of the walk cycle.
2. Urban Roads Program – Reconstruct and widen 27th St. NW from 1806 to 8th Ave. NW. This project will widen as well as add curb and gutter along this stretch of 27th St. to provide better access to the new middle school and nearby developing areas.

Note: Full applications available from the engineering office upon request.

ATTACHMENTS:

- 1) 2019 URP (Urban Roads Program) Applications Map
- 2) 2015-2018 TIP Projects List and Associated Map

FISCAL IMPACT:

The city will need to come up with the local match as these projects come to fruition. The local match would most likely include a combination of general fund tax dollars and special assessments to benefiting properties as has been done on previous projects.

STAFF IMPACT:

Minimal

Board of City Commissioners

Agenda Documentation

Meeting Date: January 20, 2015

Subject: Update and Endorsement of NDDOT TIP (Transportation Improvement Program)

Eligible Projects

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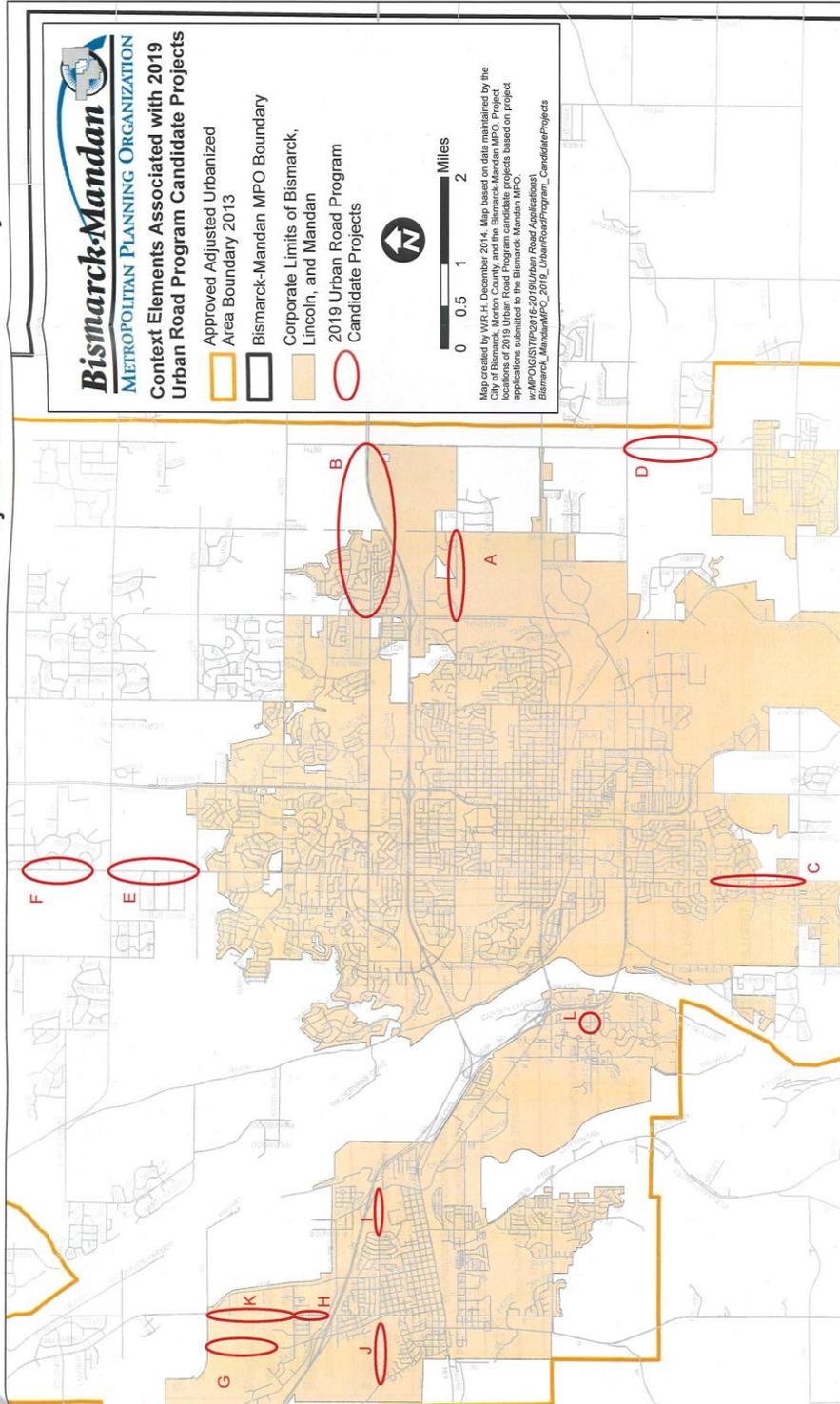
RECOMMENDED ACTION:

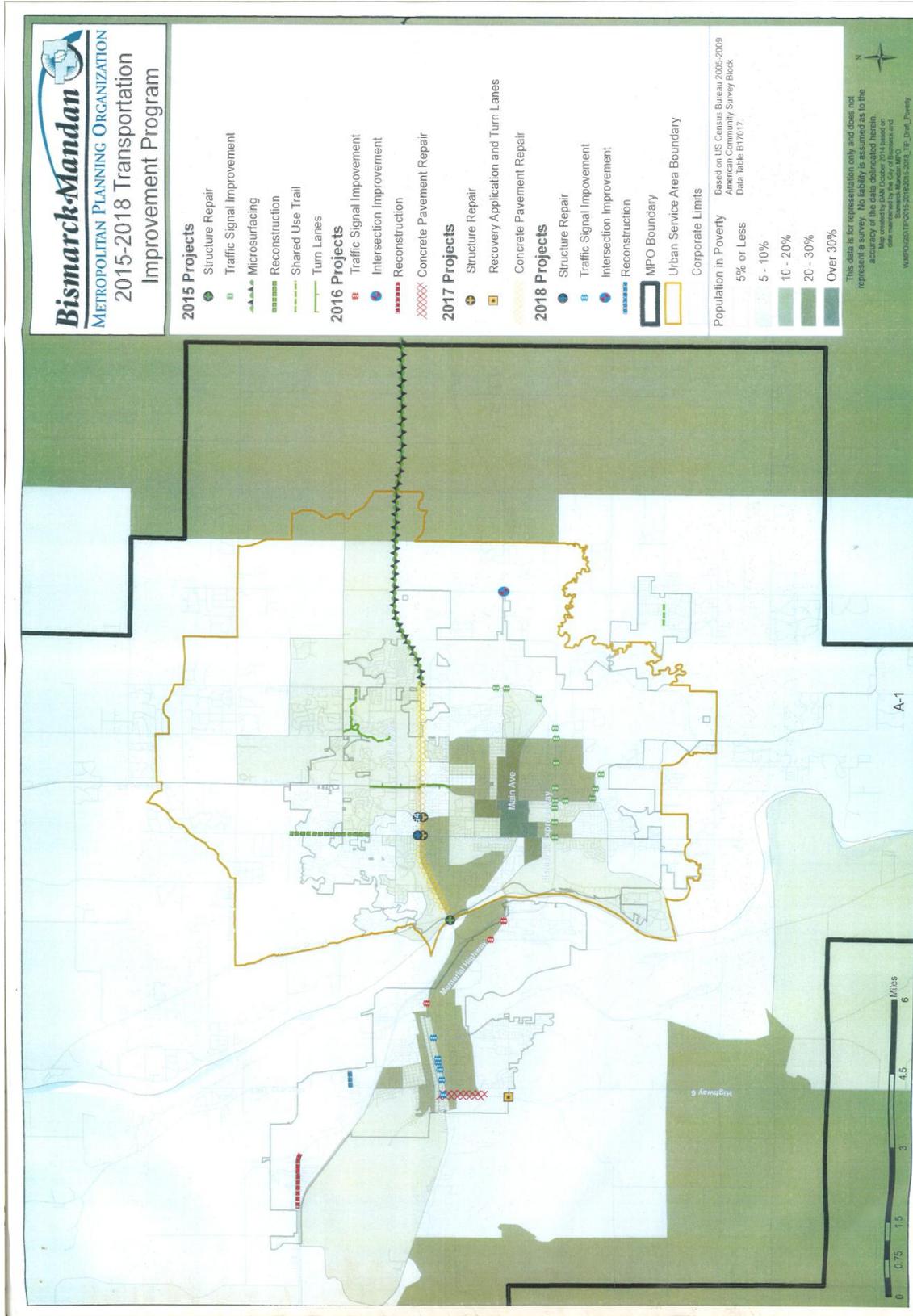
Approve of TIP projects sent to the MPO for their consideration and forwarding to the NDDOT.

SUGGESTED MOTION:

I move to approve of TIP projects sent to the MPO for their consideration and forwarding to the NDDOT.

Bismarck-Mandan MPO 2019 Urban Road Program Project Candidate Projects





Board of City Commissioners
 Agenda Documentation
 Meeting Date: January 20, 2015
 Subject: Update and Endorsement of NDDOT TIP (Transportation Improvement Program)
 Eligible Projects
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PROJECT YEAR 2015
 ESTIMATED COST IN DOLLARS

LEAD AGENCY	PROJECT DESCRIPTION	FEDERAL	STATE	LOCAL	TOTAL	FEDERAL PROGRAM SOURCE	PC#
BISMARCK	*URBAN ROADS - North Washington Street (Calgary Ave. to 57th Ave.) (Reconstruction)	\$10,000,000		\$2,500,000	\$12,500,000	STP/Urban	
BISMARCK	URBAN ROADS - Signalization Bismarck Expressway and University Drive (Traffic signal improvements at various intersections)	\$1,618,600	\$181,400	\$200,000	\$2,000,000	STP/Urban	
BISMARCK	TAP - Edgwood Trail (Existing trail to Legacy High School) (Bikeway/ Walkway)	\$264,000		\$108,000	\$370,000		
NDDOT	SAFETY - US 83/ State Street (I-94 to Calgary Ave.) (Turn Lanes)	\$2,003,000	\$223,000		\$226,000		
NDDOT	SAFETY - US 83/ State Street (Divide Ave. to I-94) (Turn Lanes)	\$1,800,000	\$100,000	\$100,000	\$2,000,000		
LINCOLN	TAP - North Side of Lincoln Road (Bentzen Dr to McDougall Dr) (Bikeway/ Walkway)	\$200,000		\$62,000	\$262,000		
NDDOT	*SAFETY - Districtwide Retroreflectivity	\$1,000,000	\$111,000		\$1,111,000		
NDDOT	BRIDGE - I-94 Grant Marsh Bridge (3 miles west of Junction of US 83 and I-94) (Structural Repair and Paint)	\$2,525,000	\$281,000		\$2,806,000	Bridge	10482
NDDOT	RURAL - I-94, East Bound Lane (161 Interchange to Sterling) (Microsurfacing)	\$2,173,000	\$241,000		\$2,414,000		
NDDOT	RURAL - I-94, West Bound Lane (161 Interchange to Sterling) (Microsurfacing)	\$2,173,000	\$241,000		\$2,414,000		

* Represents an "Expansion" project. An expansion project is focused on improving traffic flow or safety through efforts such as adding through lanes or turn lanes, new streets/roads, upgrading an intersection to a roundabout or adding traffic signals, or resurfaced interchanges.
 * The current MAP-21 Transportation Authority has developed a new funding program titled Transportation Alternatives Program (TAP) which has taken the place of the Transportation Enhancement Program (T.E.).
 * The project will occur throughout the NDDOT Bismarck District. Only a portion of the total project cost will occur within the Bismarck-Mandan MPO boundaries. The cost represents the total cost of the project and is not apportioned to the Bismarck-Mandan MPO boundaries.

PROJECT YEAR 2016
 ESTIMATED COST IN DOLLARS

LEAD AGENCY	PROJECT DESCRIPTION	FEDERAL	STATE	LOCAL	TOTAL	FEDERAL PROGRAM SOURCE	PC#
BURLEIGH	* COUNTY PROGRAM - 66th St. and Highway 10 Intersection (Intersection Improvement)	\$690,000		\$165,000	\$825,000		
BISMARCK	URBAN ROADS PROGRAM - Traffic Signals (City Wide)	\$256,000		\$64,000	\$320,000	STP/Urban	
MANDAN	REGIONAL PROJECT - Traffic Signals Improvement (Memorial Highway Intersections at 40th Ave SE and 46th Ave SE) (New Signals at 40th Ave SE and Temporary Signals at 46 Ave SE)	\$758,719	\$85,031	\$93,750	\$937,500		
MANDAN	REGIONAL PROJECT - Traffic Signal Improvement (Intersection of Main and Twin City Drive)	\$202,325	\$22,675	\$25,000	\$250,000		
MANDAN	REGIONAL PROJECT - 10th Ave SW (Heart River Bridge to Main) (Concrete Pavement Repair)	\$202,325	\$47,675		\$250,000		
MANDAN	*URBAN ROADS PROGRAM - Old Red Trail (Highland Road NW to 47th Ave NW) (Reconstruction)	\$3,200,000		\$800,000	\$4,000,000	STP/Urban	

* Represents an "Expansion" project. An expansion project is focused on improving traffic flow or safety through efforts such as adding through lanes or turn lanes, new streets/roads, upgrading an intersection to a roundabout or adding traffic signals, or resurfaced interchanges.
 * This project will use Urban Roads Program Funds in 2016. The County Program will advance funds for the project in 2016.

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 Eligible Projects
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BISMARCK-MANDAN MPO TRANSPORTATION IMPROVEMENT PROGRAM 2015-2018 Page 2 of 2

PROJECT YEAR 2017
 ESTIMATED COST IN DOLLARS

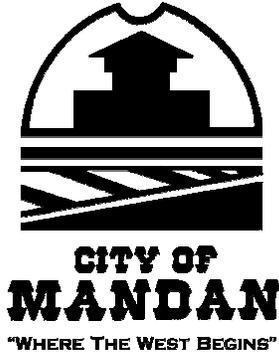
LEAD AGENCY	PROJECT DESCRIPTION	FEDERAL	STATE	LOCAL	TOTAL	FEDERAL PROGRAM SOURCE	PCN
NDDOT	RURAL - I-94, East Bound Lane (Grant Marsh Bridge to 161 Interchange) (Concrete Pavement Repair and Structural Overlay)	\$4,244,000	\$472,000		\$4,716,000		
NDDOT	RURAL - I-94, West Bound Lane (Grant Marsh Bridge to 161 Interchange) (Concrete Pavement Repair and Structural Overlay)	\$4,244,000	\$472,000		\$4,716,000		
NDDOT	BRIDGE - I-94, East Bound Lane (Bridge over Washington Street) (Structural Repair)	\$1,752,000	\$195,000		\$1,947,000		
NDDOT	BRIDGE - I-94, East Bound Lane (Bridge over 4th Street) (Structural Repair)	\$1,752,000	\$195,000		\$1,947,000		
NDDOT	*SAFETY - Recovery Application and Turn Lanes (Intersection of ND Highway 6 and 19th Street SW)	\$458,000	\$51,000		\$509,000		

* Represents an "Expansion" project. An expansion project is focused on improving traffic flow or safety through efforts such as adding through lanes or turn lanes, new streets/roads, upgrading an intersection to a roundabout or adding traffic signals, or new/improved interchanges.

PROJECT YEAR 2016
 ESTIMATED COST IN DOLLARS

LEAD AGENCY	PROJECT DESCRIPTION	FEDERAL	STATE	LOCAL	TOTAL	FEDERAL PROGRAM SOURCE	PCN
NDDOT	BRIDGE - I-94, West Bound Lane (Bridge over Washington Street) (Structural Repair)	\$1,822,000	\$202,000		\$2,024,000		
NDDOT	BRIDGE - I-94, West Bound Lane (Bridge over 4th Street) (Structural Repair)	\$1,822,000	\$202,000		\$2,024,000		
NDDOT	*URBAN ROADS PROGRAM - 66th St. and Highway 10 Intersection (Intersection Improvement)	\$660,000		\$165,000	\$825,000		
MANDAN	*REGIONAL PROJECT - Main Street (ND 6 to ND 1806) (Traffic Signal Upgrades)	\$1,213,950	\$136,050	\$150,000	\$1,500,000		
MANDAN	*URBAN ROADS PROGRAM - 27th Street (ND Highway 1806 to 8th Ave. NW) (Reconstruction)	\$809,300		\$190,700	\$1,000,000		

* Represents an "Expansion" project. An expansion project is focused on improving traffic flow or safety through efforts such as adding through lanes or turn lanes, new streets/roads, upgrading an intersection to a roundabout or adding traffic signals, or new/improved interchanges.
 *This project will use Urban Roads Program Funds in 2016. The County Program will advance funds for the project in 2016.



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 20, 2015
PREPARATION DATE: January 12, 2015
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Shirley Shaw, City Assessor
PRESENTER: Shirley Shaw, City Assessor
SUBJECT: Proposal to City Commission for Revisions to the 5-Year Remodeling Exemptions on Existing Commercial and Residential Structures

STATEMENT/PURPOSE: A proposal to the City Commission for revisions to the 5-Year Remodeling Exemptions' City Policy on existing Commercial and Residential structures.

BACKGROUND/ALTERNATIVES: The Assessing Department has reviewed the current policy of the 5-Year Remodeling Exemption for improvements to existing commercial and residential structures. Assessing has identified changes to help streamline the process and focus the policy on specific exemptions and requirements.

ATTACHMENTS: State Guideline Requirements, summary of current requirements and proposed recommendations.

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: The proposed policy was reviewed by City Assessor, Shirley Shaw; Economic Development Director, Ellen Huber; Finance Director, Greg Welch; City Administrator, Jim Neubauer, and The Growth Fund Committee. The consensus is to make the requested changes to the 5-Year Remodeling Exemption on Existing Commercial and Residential Structures.

SUGGESTED MOTION: I recommend a motion to approve the revisions to the 5-Year Remodeling Exemptions on Existing Residential and Commercial Structures.

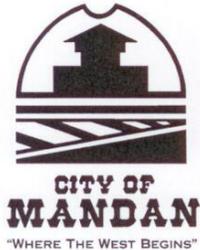
Board of City Commissioners

Agenda Documentation

Meeting Date: January 20, 2015

Subject: Proposal to City Commission for Revisions to the 5-Year Remodeling Exemptions on Existing Commercial and Residential Structures

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City of Mandan
Assessing Department
205 2nd Ave. NW
Mandan, ND 58554
701-667-3232

In 2014, the City of Mandan had adopted a resolution for the 5-Year Remodeling Exemptions. The Assessing Department has reviewed the current policy of the 5-Year Remodeling Exemption for residential and commercial properties and would like to recommend some policy changes to it for consideration. Below is the background on the current policy along with the proposed recommended revisions to the current policy.

State Guideline Requirements: N.D.C.C. 57-02.2

1. The governing body of the county, for property outside city limits, or the governing body of the city, for property within city limits, must pass a resolution to allow the exemption.
2. The governing body may limit or impose conditions upon exemptions, including limitations on the length of time during which an exemption is allowed, not exceeding five years. The requirements must be applied equitably to all applicants.
3. The exemption is valid for the prescribed period and does not terminate upon the sale or exchange of the property. It is transferable to subsequent owners.
4. The resolution may be rescinded or amended at any time by the governing body of the county or city.

Improvements that Qualify:

5. Improvements to commercial or residential buildings or structures by renovation, remodeling, alteration or an addition to residential may qualify for exemption:
 - a. Renovation- Restoring to a previous condition or to a good state of repair.
 - b. Remodeling- Changing the plan, form or style of a building, to correct functional deficiencies.
 - c. Alteration- Changing, modifying or varying; changing materially.
 - d. Addition- A structure attached to an existing building to increase its size.
6. A residential building must be 25 years old or older on the assessment date to qualify for the exemption. This provision does not apply to commercial buildings.
7. The renovation, remodeling or alteration of an apartment or residential building into a commercial building or structure is eligible for exemption, whether or not the apartment or residential building is 25 years old. However, if a commercial building is renovated, remodeled, or altered into an apartment or residential building, the commercial building must be 25 years old or older to qualify for the exemption.

Board of City Commissioners

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Improvements that Do Not Qualify:

8. Improvements begun before the governing body passed the resolution do not qualify for exemption.
9. The complete replacement of one building with another building does not qualify for exemption.
10. A separate structure that is not attached to the existing building does not qualify for exemption.

Procedures:

11. The property owner files an application with the assessor of the assessment district where the property is located.
12. The assessor determines if the improvements qualify for exemption. The governing body of the county or city must approve the exemption before it becomes effective.
13. If the renovation, remodeling, or alteration or addition qualifies, the last assessment on the building prior to the start of making the improvement remains for the prescribed period unless equalization or reevaluation of building values is necessary.
14. The exemption is effective beginning with the first assessment date following the date of commencement of making the improvements.
15. Land values may be changed on any assessment date when justified.

This exemption provides an incentive to property owners to invest private capital to remodel and rehabilitate structures to prevent from decay. It is at the discretion of the City whether to grant this exemption or not. This exemption also encourages the investment of private capital to improve properties and as a result encourages production of wealth, improves the employment numbers as well as enhances living conditions while preserving and increasing the property tax base.

The Assessing Department would like to propose changes to the requirements that the City allows for the exemptions.

We queried Bismarck, Fargo, West Fargo, Grand Forks, Jamestown and Minot last year as to what their policies were for the requirements of the exemption. We determined that most of them had varying degrees of requirements.

We review these properties annually and do inspections several times during the course of the exemption. From our review, Assessing has identified changes to help streamline the process and focus the policy on specific exemptions.

The Growth Fund Committee also reviewed the commercial policy at their January 9, 2015 meeting and received recommendation for approval with the inclusion of the words "or other insurable events" under the #5 item that also referenced flood, fire and tornado damages.

The proposed policy was reviewed by City Assessor, Shirley Shaw; Economic Development Director, Ellen Huber; Finance Director, Greg Welch; and City Administrator, Jim Neubauer. The consensus is to make the following changes to the 5-Year Remodeling Exemption:

Proposed Recommendations for Consideration:

1. The exemption will be for a maximum of 3 years.
2. Additions to commercial properties could qualify for the exemption upon approval by the city commissioners if the project qualifies or meets the criteria requirements.

Board of City Commissioners

Agenda Documentation

Meeting Date: January 20, 2015

Subject: Proposal to City Commission for Revisions to the 5-Year Remodeling Exemptions on Existing Commercial and Residential Structures

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3. The property owner must apply for the exemption and be approved with the Assessor's office once a complete reassessment is done and final approval made by city commissioners prior to the commencement of the improvement. Commencement of the improvement means the start of any remodeling, pouring of footings or foundations. The moving of dirt is not considered the commencement of improvement.
4. A permit must be issued prior to commencement of the improvement.
5. The exemption will not be allowed for repairs due to flood, fire, or tornado damages, or other insurable events.
6. A property may be allowed one exemption per property per assessment year. The first remodeling exemption must be complete and expired prior to the approval of the 2nd application for the remodeling exemption. This would include Renaissance, store front improvement matching funds, or new business exemptions.

The requirements would become effective for the 2015 Assessment year upon the approval by the Mandan City Commissioners.



Guideline

Property Tax Exemption of Improvements to Commercial & Residential Buildings

North Dakota Century Code § 57-02.2

Cory Fong
Tax Commissioner

July 2007

Requirements

1. The governing body of the county, for property outside city limits, or the governing body of the city, for property within city limits, must pass a resolution to allow the exemption.
2. The governing body may limit or impose conditions upon exemptions, including limitations on the length of time during which an exemption is allowed, not exceeding five years. The requirements must be applied equitably to all applicants.
- *3. The exemption is valid for the prescribed period and does not terminate upon the sale or exchange of the property. It is transferable to subsequent owners.
4. The resolution may be rescinded or amended at any time by the governing body of the county or city.

Improvements that Qualify

5. Improvements to commercial or residential buildings or structures by renovation, remodeling, alteration or an addition may qualify for exemption.
 - a. Renovation - Restoring to a previous condition or to a good state of repair.
 - b. Remodeling - Changing the plan, form or style of a building, to correct functional deficiencies.
 - c. Alteration - Changing, modifying or varying; changing materially.
 - d. Addition - A structure attached to an existing building to increase its size.
6. A residential building must be 25 years old or older on the assessment date to qualify for the exemption. This provision does not apply to commercial buildings.
7. The renovation, remodeling or alteration of an apartment or residential building into a commercial building or structure is eligible for exemption, whether or not the apartment or residential building is 25 years old. However, if a commercial building is renovated, remodeled, or altered into an apartment or residential building, the commercial building must be 25 years old or older to qualify for the exemption.

24874

G-8

North Dakota Office of State Tax Commissioner

600 E Boulevard Ave, Dept 127
Bismarck ND 58505-0599

701.328.3127
nd.gov/tax

taxinfo@nd.gov
www.nd.gov

Improvements that Do Not Qualify

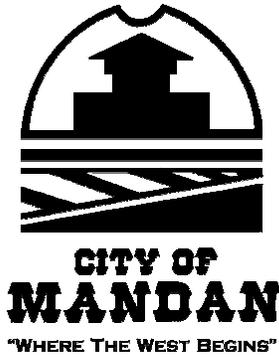
8. Improvements begun before the governing body passed the resolution do not qualify for exemption.
9. The complete replacement of one building with another building does not qualify for exemption.
10. A separate structure that is not attached to the existing building does not qualify for exemption.

Procedures

11. The property owner files an application with the assessor of the assessment district where the property is located.
12. The assessor determines if the improvements qualify for exemption. The governing body of the county or city must approve the exemption before it becomes effective.
13. If the renovation, remodeling, alteration or addition qualifies, the last assessment on the building prior to the start of making the improvement remains for the prescribed period unless equalization or reevaluation of building values is necessary.
14. The exemption is effective beginning with the first assessment date following the date of commencement of making the improvements.
15. Land values may be changed on any assessment date when justified.

Appeal, Correction and Abatement

16. The decision of the governing body regarding the exemption is subject to appeal, correction and abatement in the manner provided by law.
17. Appeal, correction and abatement procedures are available to the property owner even though an application for exemption was not filed prior to the current assessment date.
18. The abatement procedure is available to the property owner with regard to the value of the building prior to the renovation, remodeling, alteration or addition.



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 20, 2015
PREPARATION DATE: January 15, 2015
SUBMITTING DEPARTMENT: Library
DEPARTMENT DIRECTOR: Kelly Steckler
PRESENTER: Kelly Steckler
SUBJECT: Introduction of Assistant Director

STATEMENT/PURPOSE:

Introduction of Assistant Director Sarah Warneke

BACKGROUND/ALTERNATIVES:

Sarah was born and raised in Norfolk, NE. She attended the University of Nebraska-Omaha from 2006-2012 where she majored in library science with a minor in English. She received her Master's degree in Library and Information Science from the University of Missouri-Columbia in 2012.

From 2006-2012, Sarah was an employee of the Omaha Public Library as a library aide and a library clerk. She also held summer internships at the University of Nebraska-Omaha's Criss Library and the University of Nebraska Medical Center's McGoogan Library of Medicine. In 2012, she became the director of the Northeast Library System, located in Columbus, NE, where she provided consulting services and continuing education and training opportunities for the over 200 member libraries of the Northeast Library System. She has ongoing membership in American Library Association and the Nebraska Library Association.

ATTACHMENTS:

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION:N/A

SUGGESTED MOTION:



Board of City Commissioners Agenda Documentation

MEETING DATE: January 20, 2015
PREPARATION DATE: December 24, 2014
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Robert Decker, P.E., Principal Planner
SUBJECT: Consider for approval Ordinance 1197 modifying the requirements for sidewalks and driveway aprons.

STATEMENT/PURPOSE.

Changes are needed to update requirements for the installation of sidewalks and driveway aprons within the public rights-of-way.

BACKGROUND/ALTERNATIVES.

During the last construction season there were numerous issues dealing with people constructing sidewalks and driveway aprons.

Staff has developed recommended changes to the code and will be presenting companion updates to the specifications and details should these recommended ordinance changes be approved.

ATTACHMENTS:

1. Ordinance 1197 showing new language.
2. Ordinance 1197 showing proposed revisions.

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION:

Approve Ordinance 1197

SUGGESTED ACTION:

Move to approve first consideration of Ordinance 1197.

NEW LANGUAGE

ORDINANCE NO. 1197

An Ordinance to Amend Title 10 of the Mandan Code of Ordinances Related to Sidewalks and Driveway Aprons

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS THAT:

Title 10 of the Mandan Code of ordinances is hereby amended and re-enacted to read as follows:

SECTION 1. AMENDMENT. The Mandan Code of Ordinances is hereby amended to revise Chapter 10-02 and Chapter 10-05.

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SECTION 10-02-01 DUTY OF OWNER TO CONSTRUCT SIDEWALK.	2
SECTION 10-02-02 DUTY OF OWNER TO MAINTAIN SIDEWALK.	2
SECTION 10-02-03 BUILDING OFFICIAL TO REQUIRE OWNER TO CONSTRUCT SIDEWALK.	3
SECTION 10-02-04 CITY ENGINEER'S RESPONSIBILITY FOR SIDEWALKS.	3
SECTION 10-02-05 PERMITS REQUIRED FOR CONSTRUCTION AND REPAIR OF SIDEWALKS.	3
SECTION 10-02-06 APPLICATION FOR SIDEWALK PERMIT.	3
SECTION 10-02-07 STANDARDS FOR ISSUANCE OF SIDEWALK PERMIT.	4
SECTION 10-02-08 SIDEWALK SPECIFICATIONS.	4
SECTION 10-02-09 SIDEWALKS BUILT TO GRADE.	4
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SECTION 10-05-03 PERMIT APPLICATION AND ISSUANCE.	5
SECTION 10-05-04 DRIVEWAY APRON CONSTRUCTION STANDARDS.	6
SECTION 10-05-05 REMOVAL OR RELOCATION OF PUBLIC UTILITIES AT OWNER'S EXPENSE.	7

Section 10-02-01 Duty of owner to construct sidewalk.

It shall be the duty of property owners within the city to construct a sidewalk in the public right-of-way adjacent to their property, unless there is an approved plan or agreement that specifies that no sidewalk is required.

Section 10-02-02 Duty of owner to maintain sidewalk.

It shall be the duty of the property owner, of any property along which a sidewalk has been constructed, to maintain the same in good repair and a safe condition. Should any such property owner fail to maintain such sidewalk, the city engineer shall direct the property owner to make repairs as may be necessary to restore such sidewalk to a safe condition. Should the property owner fail, in a reasonable time, to follow these directions, the city engineer shall report the facts to the board of city commissioners who shall then proceed, as authorized by state law,

to make such sidewalk safe. Any costs incurred by the city in repairing the sidewalk may be assessed to the property.

Section 10-02-03 Building official to require owner to construct sidewalk.

Unless the city engineer has granted a waiver in writing for good cause to allow a specified time delay in installing a sidewalk, the sidewalk shall be completed to the satisfaction of the city engineer prior to issuance of an occupancy permit. Before issuing any occupancy permit, the building official shall verify that a sidewalk has been constructed adjoining the property for which an occupancy permit has been applied for and that the same is in a good state of repair. If the building official shall find there is no sidewalk adjacent to such property, or if the sidewalk is not in a state of good repair, the building official shall issue a written order to the property owner that requires a sidewalk be constructed or repaired by the property owner. If the building official, for any valid reason, feels that the property owner cannot or will not comply in a reasonable period of time, the building official may arrange to have the work done by a contractor hired by the city. The city may assess that work under a one-time full cost assessment to the property.

Section 10-02-04 City engineer's responsibility for sidewalks.

All construction, maintenance and repair of sidewalks within the public rights-of-way shall be under the supervision of the city engineer. The city engineer shall be charged with the enforcement of all ordinance provisions relating to such activities and is authorized to enforce such ordinances. If the city engineer determines that not installing sidewalk adjacent to a property is detrimental to public safety, the city engineer may order the property owner to construct a sidewalk within a specified period of time. If the property owner does not comply, the city engineer may order the work done by a contractor hired by the city. The city may assess that work under a one-time full cost assessment to the property.

Section 10-02-05 Permits required for construction and repair of sidewalks.

Unless performed by a city contractor, the construction, repair or relocation of any sidewalk within the city shall require the issuance of a permit from the city engineer. Application for permits shall be accompanied by the fee established by resolution of the board of city commissioners. Such permit shall be issued by the city engineer and shall include an expiration date. A record of all such permits shall be kept in the office of the city engineer, the fees therefrom to be accounted for and deposited in the sidewalk construction fund.

Section 10-02-06 Application for sidewalk permit.

An applicant for a permit under this chapter shall file with the city engineer an application showing:

1. Name, address and contact information of the owner or agent in charge of the property abutting the proposed work area;
2. Name, address, contact information, state license number and expiration date, insurance carrier and amount, and bonding company and amount of the contractor doing the work;

3. Location of the work area;
4. Plans or sufficient sketches showing the details of the proposed work;
5. Estimated cost of the work;
6. Such other information as the city engineer shall find reasonably necessary to the determination of whether or not a permit should be issued hereunder.

Section 10-02-07 Standards for issuance of sidewalk permit.

The city engineer shall issue a permit under this chapter upon a finding that:

1. The work will be done according to the standard specifications of the city for public work of like character;
2. The operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of ingress and egress to and from the property affected and adjacent property; and
3. The health, welfare and safety of the public will not be unreasonably impaired.

Section 10-02-08 Sidewalk specifications.

Construction, maintenance and repair of sidewalks shall be made in conformity with specifications laid down or approved from time to time by the board of city commissioners.

Section 10-02-09 Sidewalks built to grade.

All sidewalks shall be constructed in accordance with the elevation and grade therefore approved by the city engineer.

Section 10-02-10 Location of sidewalks.

All sidewalks shall be laid with the edge parallel to and one foot from the property line, unless otherwise directed by the city engineer.

Section 10-02-11 Structures under sidewalks.

Any person desirous of utilizing the underside of the sidewalk in front of any building shall, before commencing such work, obtain a permit therefore from the board of city commissioners after review and recommendation by the city engineer. A sufficient brick or concrete wall shall be constructed to retain the roadway of the street; and the division or party walls of such building shall be extended under the sidewalk to such curb wall. The sidewalks in all such cases shall be incombustible materials entirely, supported by walls or iron beams and columns of sufficient strength to safely carry a load of not less than one hundred pounds to the square foot, exclusive of the weight of materials used in the construction of such walk.

Section 10-02-12 Sidewalk safety regulations.

In the interest of public safety the following regulations applying to the construction and repair of sidewalks shall apply:

1. **Barriers.** Every person doing any such work as is herein provided for shall guard the portions of the street where the sidewalk is torn out or obstructed with suitable barriers by

day and barriers with red lights by night so as to prevent injury to persons lawfully upon the streets.

2. ***Stairways Extending Into Sidewalk Prohibited--Exceptions.*** No person shall construct or maintain any stairway or open area, opening from, extending into, or upon any sidewalk located in a public right-of-way or public ground within the city; except in the case of any basement stairway or open area appurtenant to a building which was constructed prior to the effective date of the ordinance codified in this subsection. The owner may continue to maintain such stairway or open space provided it meets the requirements of this section. All stairways serving below-grade entryways on public rights-of-way shall be protected with guardrails and a self-closing gate of not less than forty-two inches in height. Open guardrails and gates shall have intermediate rails or ornamental patterns which comply with the horizontal and vertical spacing requirements of the building code. The gate must be approved by the building official and be installed on the open end of the stairway.

3. ***Openings into the Sidewalk.*** Openings in such walks, for admission of coal or light, shall be covered with prismatic lights in iron frames or with iron covers having a rough surface, and in no case will a smooth surface be tolerated on such cover.

Section 10-02-13 Private crossings prohibited.

It is unlawful for any person to put across any boulevard or sidewalk within the city any private or other crossing for the use of vehicles, or for any purpose whatever, except by and with the consent of the board of city commissioners, and then only in conformity with the specifications to be prescribed by the city engineer.

Section 10-05-01 Driveway defined.

Driveway means a privately maintained vehicular access within a property from a public right-of-way to a building or vehicular parking area that is owned and maintained by the property owner.

Driveway apron means the area from the public street to a driveway.

Section 10-05-02 Permit required to construct, repair, alter or widen a driveway apron.

Unless performed by a city contractor, a permit is required to construct, repair, alter or widen a driveway apron within any public right-of-way.

Section 10-05-03 Permit application and issuance.

1. Permit applications for the construction, repair, alteration or widening of any driveway apron shall be submitted to the city engineer and shall contain the following information:

- a. Name, address and contact information of the property owner or agent in charge of the property abutting the proposed work area;
- b. Name, address, contact information, state license number and expiration date, insurance carrier and amount, and bonding company and amount of the contractor doing the work;
- c. Estimated cost and location of the work;

- d. Plans or sufficient sketches showing the details of the proposed work; and
 - e. Such other information as the city engineer finds reasonably necessary to determine whether or not a permit may be issued hereunder.
2. The application shall be accompanied by a fee as determined from time to time by resolution of the board.
 3. The city engineer shall issue a permit if he determines that:
 - a. The work will be done according to the standard specifications of the city for public work of like character;
 - b. The work will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of ingress and egress to and from the property affected and adjacent properties; and
 - c. The health, welfare and safety of the public will not be unreasonably impaired.

Section 10-05-04 Driveway apron construction standards.

All driveway aprons, including existing driveway aprons for which a permit to repair, alter or widen is sought, must be constructed to meet the following standards:

1. ***Conflict with Nonaccess Lines Prohibited.*** A driveway or driveway apron may not be constructed so as to be in conflict with the nonaccess lines shown on the plat or the street right-of-way plan on which the proposed driveway or driveway apron is to be located.
2. ***Connection to Paved Roadway.*** All driveway aprons which connect to a paved roadway must also be paved.
3. ***Fire Hydrant.*** A driveway apron may not be built closer than four feet to a fire hydrant.
4. ***Removal of Existing Curb and Gutter.*** Whenever any driveway apron is constructed to connect with the roadway of any street on which curb or curb and gutter is already in place, the curb or curb and gutter must be removed to the first construction joint past the limits of the driveway apron flare. As an alternate, the curb portion of a curb and gutter section may be removed with appropriate concrete sawing equipment leaving the gutter section intact. A triangular-shaped wedge of concrete must be constructed on both sides of the driveway apron measuring four feet along the curbline and extending to a maximum of eight and one half feet along the driveway apron between the roadway and the sidewalk or sidewalk line, and varying in slope from curb height to sidewalk height as further detailed in the standard specifications at the office of the city engineer. Such work must be done at the owner's expense.
5. ***Residential Lots.*** Each lot may have one or two driveways. The combined total width of the driveway or driveways shall be no greater than thirty-six feet, plus any required flares, measured at the curb line. If there are two driveways, they must be separated by a distance of at least twenty-four feet measured at the curb line. If there is a fire hydrant located between the driveways, the twenty-four feet shall be measured from the fire hydrant to the edge of a driveway apron not counting any required apron flare. Except for properties with adjoining driveways that are built up to the property line, the driveway apron must be placed a distance from the property line sufficient to allow for construction of a flare.

6. *Nonresidential Lots.* Any lot not used for residential purposes may have a maximum of two driveways, each not to exceed forty feet in width, separated by a distance of not less than twenty-four feet measured at the curblineline of each side of the lot that fronts upon a public street.

Section 10-05-05 Removal or relocation of public utilities at owner's expense.

If the repair, alteration or widening of a driveway apron will necessitate the removal or relocation of public utilities, street lights or fire hydrants, or the adjustment of manhole castings or valve boxes, such work must be done at the property owner's expense and the work must conform to standard specifications of the city for public work of like character.

President, Board of City Commissioners

Attest:

City Administrator

First Consideration:

Second Consideration and Final Passage:

Recording Date:

PROPOSED REVISIONS

ORDINANCE NO. 1197

An Ordinance to Amend Title 10 of the Mandan Code of Ordinances Related to Sidewalks and Driveway Aprons

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS THAT:

Title 10 of the Mandan Code of ordinances is hereby amended and re-enacted to read as follows:

SECTION 1. AMENDMENT. The Mandan Code of Ordinances is hereby amended to revise Chapter 10-02 and Chapter 10-05.

<i>Plain font text remains</i>	<i>Strike through text deleted</i>	<u><i>Underlined text added</i></u>
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Section 10-02-01 Duty of owner to construct sidewalk.

It shall be the duty of property owners ~~or occupants of such property~~ within the city to construct a sidewalk in the public right-of-way adjacent to their property, unless there is an approved plan or agreement that specifies that no sidewalk is required.

Section 10-02-02 Duty of owner to maintain sidewalk.

It shall be the duty of the property owner, ~~of any property along with which~~ a sidewalk has been constructed, to maintain the same in good repair and a safe condition. Should any such property owner fail ~~so to~~ maintain such sidewalk, the city engineer shall direct ~~them~~ the property owner to make repairs as may be necessary to restore such sidewalk to a safe condition. Should ~~he the property owner~~ fail, in a reasonable time, to follow these directions, the city engineer shall report the facts to the board of city commissioners who shall then proceed, as ~~provided in the laws of the~~ authorized by state of North Dakota law, to make such sidewalk safe. Any costs incurred by the city in repairing the sidewalk may be assessed to the property.

Section 10-02-03 Building inspector/official to require owner to construct sidewalk before issuing occupancy permit.

Unless the city engineer has granted a waiver in writing for good cause to allow a specified time delay in installing a sidewalk, the sidewalk shall be completed to the satisfaction of the city engineer prior to issuance of an occupancy permit. Before issuing any occupancy permit, the building ~~inspector/official~~ shall ~~ascertain whether~~ verify that a sidewalk has been constructed adjoining the property for which an occupancy permit has been applied for, ~~and that then whether~~ the same is in a good state of repair. If the building ~~inspector/official~~ shall find there is no sidewalk adjacent to such property, or if the sidewalk is not in a state of good repair, ~~he the building official~~ shall issue a written order to the property owner that requires a sidewalk be constructed or repaired by the property owner. ~~if~~ If the building official, for any valid reason, feels that the property owner compliance cannot or will not comply be made in a reasonable period of time, a cash bond shall be posted for the work to be completed within a reasonable period of time as determined by the building inspector or his authorized representative the building inspector/official may order arrange to have the work done under the by a contractor hired by the city's concrete contract. The city may assess that work under a one-time full cost assessment to the property.

Section 10-02-04 City engineer's responsibility for sidewalks.

All construction, maintenance and repair of sidewalks within the public rights-of-way shall be under the supervision of the city engineer. ~~He~~ The city engineer shall be charged with the enforcement of all ordinance provisions relating to such public places (except traffic ordinances) activities and is authorized to enforce such ordinances. Any property not built upon is required to construct sidewalk if a bordering property has sidewalk constructed on it within one year of that bordering property's occupancy permit. If the city engineer determines that not installing sidewalk adjacent to a property is detrimental to public safety, the city engineer may order the property owner to construction of a sidewalk within 90 days of notice a specified period of time. If the property owner cannot does not comply, the city engineer may order the work done

~~under the~~ by a contractor hired by the city's ~~concrete contract~~. The city may assess that work under a one-time full cost assessment to the property.

Section 10-02-05 Permits required for construction and repair of sidewalks.

Unless performed by ~~the a~~ city contractor, the construction, repair or relocation of any sidewalk within the city shall require the issuance of a permit from the city engineer. ~~Application for such permit shall be made to the auditor and shall state the location of the intended pavement or repair, the extent thereof, and the person or firm who is to do the actual construction work. In the case that the work is to be performed by a person other than the owner, such person or firm must be licensed as a sidewalk contractor by the city.~~ Application for permits shall be accompanied by the fee established by resolution of the board of city commissioners ~~to cover the expense of preparing plans, establishing grades, inspection and supervision.~~ Such permit shall be issued by the city engineer ~~and shall state the location of the work to be done and the name of the person or firm engaged to perform such work and shall expire thirty days from date of issuance~~ include an expiration date. A record of all such permits shall be kept in the office of the city engineer, the fees there from to be accounted for and deposited in the sidewalk construction fund. ~~If the work is to be performed by a person other than the owner, no permit shall be issued unless such person shall have a sidewalk contractor's license issued by the city.~~

Section 10-02-06 Application for sidewalk permit.

An applicant for a permit under this chapter shall file with the city engineer an application showing:

1. Name, ~~and~~ address and contact information of the owner or agent in charge of the property abutting the proposed work area;
2. Name, ~~and~~ address, contact information, state license number and expiration date, insurance carrier and amount, and bonding company and amount of the ~~party contractor~~ doing the work;
3. Location of the work area;
4. ~~P~~Attach plans or sufficient sketches showing the details of the proposed ~~alterations~~ work;
5. Estimated cost of the ~~alterations~~ work;
6. Such other information as the city engineer shall find reasonably necessary to the determination of whether or not a permit should be issued hereunder.

Section 10-02-07 Standards for issuance of sidewalk permit.

The city engineer shall issue a permit under this chapter ~~when he finds~~ upon a finding that:

1. ~~That~~ the work will be done according to the standard specifications of the city for public work of like character;
2. ~~That~~ the operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of ingress and egress to and from the property affected and adjacent property; and
3. ~~That~~ the health, welfare and safety of the public will not be unreasonably

impaired.

Section 10-02-08 Sidewalk specifications.

~~All~~ Construction, maintenance and repair of sidewalks shall be made in conformity with specifications laid down or approved from time to time by the board of city commissioners.

Section 10-02-09 Sidewalks built to grade.

All sidewalks shall be constructed in accordance with the elevation and grade therefore to be furnished ~~approved~~ by the city engineer.

Section 10-02-10 Location of sidewalks.

~~All sidewalks and shall be constructed under his direction and supervision, and unless modified by him shall be laid with the inner edge parallel to and one foot from the property line, unless otherwise directed by the city engineer.~~

Section 10-02-1011 ~~Materials and manner of sidewalk construction.~~

~~No sidewalk within the city shall be constructed, repaired, rebuilt, located or relocated except in accordance with the plans as may be adopted by resolution of the board of city commissioners and in accordance with the following minimum specifications:~~

- ~~1. Aggregate shall consist of the following:~~
 - ~~a. Sand for the construction of sidewalks shall be clean, washed material free of any delirious and organic matter. The sand shall be a type commonly used in the mixing of a portland cement concrete.~~
 - ~~b. Gravel shall be clean, washed material, free of any delirious and organic matter. Maximum allowable size for sidewalk mix shall be three fourths inch. The type of aggregate to be used is that which is commonly incorporated in concrete construction.~~
 - ~~c. Cement for the mixture shall be portland cement of the standard type as accepted by the American Society of Testing Materials for concrete mixtures.~~
- ~~2. The subgrade shall be thoroughly prepared and compacted before any sidewalk is laid or concrete is placed. Where the sidewalk will rest on fill, said fill shall be compacted in six inch layers and shall be tamped with mechanical devices, or similar devices, to a density that allows to settling. In lieu of compaction of soil, gravel may be used and it shall be thoroughly compacted and rolled to assure no further settling.~~
- ~~3. Expansion joints shall be placed in the sidewalk proper and shall be of a premolded type one half inch thick. Expansion joints shall be placed at uniform intervals, but in no case shall the distance between expansion joints be twenty five feet. Where the sidewalk will be laid next to an existing curb, or where it shall be poured separate from the curb, or any other concrete structure, to include driveways and existing sidewalks, expansion joints shall be placed between the existing structure and the newly poured mixture.~~
- ~~4. There shall be provided in all sidewalks at five foot intervals contraction joints which shall be struck to a depth of at least three sixteenths of an inch and shall not exceed one eighth of an inch in width. These shall be true and at right angles to the edges of the sidewalk. The sidewalk shall slope at the rate of one fourth inch per foot of width from the property edge~~

~~toward the street side of the sidewalk.~~

~~5. Strength of concrete mixture shall be three thousand pounds per square inch of concrete and the finish shall be a wood floated finish, broom finish, or belted finish.~~

Section 10-02-11 Structures under sidewalks.

Any person desirous of utilizing the underside of the sidewalk in front of any building ~~owned by him~~ shall, before commencing such work, obtain a permit therefore from the board of city commissioners after review and recommendation by the city engineer. A sufficient brick or concrete wall shall be constructed to retain the roadway of the street; and the division or party walls of such building shall be extended under the sidewalk to such curb wall. The sidewalks in all such cases shall be incombustible materials entirely, supported by walls or iron beams and columns of sufficient strength to safely carry a load of not less than one hundred pounds to the square foot, exclusive of the weight of materials used in the construction of such walk.

Section 10-02-12 Sidewalk safety regulations.

In the interest of public safety the following regulations applying to the construction and repair of sidewalks shall apply:

1. **Barriers.** Every person doing any such work as is herein provided for shall guard the portions of the street where the sidewalk is torn out or obstructed with suitable barriers by day and barriers with red lights by night ~~to so~~ as to prevent injury to persons lawfully upon the streets.

2. **Stairways Extending Into Sidewalk Prohibited--Exceptions.** No person shall construct or maintain any stairway or open area, opening from, extending into, or upon any sidewalk located in a public right-of-way or public ground within the city; except in the case of any basement stairway or open area appurtenant to a building which was constructed prior to the effective date of the ordinance codified in this subsection. T, the owner may continue to maintain such stairway or open space provided it meets the requirements of this section. ~~That prior to June 1, 1989, all~~ All stairways serving below-grade entryways on public rights-of-way shall be protected with guardrails and a self-closing gate of not less than forty-two inches in height. Open guardrails and gates shall have intermediate rails or ornamental patterns which comply with the horizontal and vertical spacing requirements of the ~~Uniform Building Code~~. The gate must be approved by the building ~~inspector~~ official and be installed on the open end of the stairway.

3. **Openings ~~into~~ into the Sidewalk.** Openings in such walks, for admission of coal or light, shall be covered with prismatic lights in iron frames or with iron covers having a rough surface, and in no case will a smooth surface be tolerated on such cover.

Section 10-02-13 Private crossings prohibited.

It is unlawful for any person to put across any boulevard or sidewalk within the city any private or other crossing for the use of vehicles, or for any purpose whatever, except by and with the consent of the board of city commissioners, and then only in conformity with the specifications to be prescribed by the city engineer.

Section 10-05-01 Driveway defined.

~~1. "Driveway" means a~~ A privately maintained vehicular access ~~to within a residential, commercial or industrial properties property used to provide access from a public right-of-way to a building or vehicular parking area and that is owned and maintained by an individual or group the property owner. "Driveway" also includes the area between the property line and any garage or area used or to be used for the parking, driving or storage of vehicles.~~

~~2. "Driveway Apronapron" means t~~ The sloping transition area from the public street to a private driveway which falls between the street and the sidewalk at the front of the property (aka driveway approach). All driveways must be constructed in conformance with the provisions of this chapter.

Section 10-05-02 Permit required to construct, repair, alter or widen any driveway apron.

~~Unless performed by a city contractor, a~~ A permit is required to construct, repair, alter or widen any driveway apron within, on or along any public right-of-way, except a permit is not required of the city contractor doing work under contract with the city.

Section 10-05-03 Permit application and issuance.

1. Permit applications for the construction, repair, alteration or widening of any driveway apron shall be submitted to the city engineer and shall contain the following information:

- a. Name, and address and contact information of the property owner or agent in charge of the property abutting the proposed work area and the legal description of the property on which the work is to be performed;
 - b. Name, and address, contact information, state license number and expiration date, insurance carrier and amount, and bonding company and amount of the contractor doing the work;
 - c. Estimated cost and location of the work;
 - d. Plans or sufficient sketches showing the details of the proposed work ~~Address and legal description of the property abutting the work; and~~
 - e. Such other information as the city engineer finds reasonably necessary to determine whether or not a permit may be issued hereunder.
2. The application shall be accompanied by a fee ~~for inspection and engineering work provided by the city~~ as determined from time to time by resolution of the board.
3. The city engineer shall issue a permit if he determines that:
- a. ~~That~~ the work will be done according to the standard specifications of the city for public work of like character;
 - b. ~~That the operation-work~~ will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of ingress and egress to and from the property affected and adjacent properties; and
 - c. ~~That~~ the health, welfare and safety of the public will not be unreasonably impaired.

Section 10-05-04 Driveway apron construction standards.

All driveway aprons, including existing driveway aprons for which a permit to repair, alter or widen is sought, must be constructed to meet the following standards:

1. ***Conflict with Nonaccess Lines Prohibited.*** A driveway or driveway apron may not be constructed so as to be in conflict with the nonaccess lines shown on the ~~addition~~ plat or the street right-of-way plan on which the proposed driveway or driveway apron is to be located.

2. ***Connection to Paved Roadway.*** All driveway aprons which connect to a paved roadway must also be paved ~~without expense to the city.~~

3. ***Encroachment of Roadway Prohibited.*** ~~Driveways may not be constructed within the limits of any street, unless at right angles to the street and approved by the city engineer.~~

4. ***Fire Hydrant.*** A driveway apron may not be built closer than four feet to a fire hydrant.

54. ***Removal of Existing Curb and Gutter.*** Whenever any driveway apron is ~~opened~~ constructed ~~up~~ to connect with the roadway of any street on which curb or curb and gutter is already in place ~~or where vertical face curbing is installed~~, the curb or curb and gutter must be removed ~~for the full width of the driveway and for four feet beyond on either side thereof, and back to the first construction joint of the curb past the limits of the driveway apron flare.~~ As an alternate, the curb portion of a curb and gutter section may be removed with appropriate concrete sawing equipment leaving the gutter section intact. A triangular-shaped wedge of concrete must be constructed on both sides of the driveway apron measuring four feet along the curblin and extending to a maximum of eight and one half feet along the driveway apron between the roadway and the sidewalk or sidewalk line, and varying in slope from curb height to sidewalk height as further detailed in the standard specifications at the office of the city engineer. Such work must be done at the owner's expense.

65. ***Residential Lots.*** ~~Each lot occupied or to be occupied for residential purposes may have one or two driveways.~~ The combined total width of the driveway or driveways shall be no greater than thirty-six feet, plus any required flares, measured at the curb line. If there are two driveways, they which must be separated by a distance of at least twenty-four feet measured at the front property curb line. If there is a fire hydrant located between the driveways, the twenty-four feet shall be measured from the fire hydrant to the edge of a driveway apron not counting any required apron flare. Except for properties with adjoining driveways that are built up to the property line, the driveway apron must be placed a distance from the property line sufficient to allow for construction of a flare.

~~The width of the driveway shall be not less than ten feet nor more than twenty four feet measured at the property line. Provided, however, that any lot having more than a two vehicle-stall garage may add an additional twelve feet to the driveway for each additional stall. In addition to the above, any lot having a two or more stall garage with an adjoining twelve foot hard surface parking slab may add an additional twelve feet to the driveway width.~~

76. ***Nonresidential Lots.*** Any lot not used for residential purposes may have a maximum of two driveways, each not to exceed forty feet in width, separated by a distance of

not less than twenty-four feet measured at the curbline of each side of the lot that fronts upon a public street.

Section 10-05-05 Removal or relocation of public utilities at owner's expense.

| If the repair, alteration or widening of a driveway apron will necessitate the removal or relocation of public utilities, street lights or fire hydrants, or the adjustment of manhole castings
| or valve boxes, such work must be done at the property owner's expense and the work must conform to standard specifications of the city for public work of like character.

President, Board of City Commissioners

Attest:

City Administrator

First Consideration: _____

Second Consideration and Final Passage: _____

Recording Date: _____

ORDINANCE NO. 1199

An Ordinance to Amend and Re-enact
Chapter 4-07 of the Mandan Code of Ordinances
Relating to Sick Leave

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

Section 4-07-04 and Section 4-07-05 of the Mandan Code of Ordinances are hereby amended and re-enacted to read as follows:

Section 4-07-04 Sick leave.

2. ~~There shall be no restriction as to the number of sick leave days which can be accumulated by an employee.~~ As of December 31, 2014, all existing sick leave balances shall be frozen. As of January 1, 2015, based on the standard forty-hour workweek, sick leave will accrue on the following basis:

- a. Eight hours (one working day) per month for all full-time employees with ~~unlimited accumulation~~ a maximum accumulation of 960 hours for employees and 1320 hours for career firefighters.

Section 4-07-05 Payback of annual and unused sick leave for pre-January 1, 2015 employees.

2. Upon retirement, employees employed as of December 31, 2014, who are age sixty-two through sixty-four will be compensated for one-third of their accumulated sick leave up to ~~sixty days~~ 480 hours. An employee who is age sixty-five or older will be compensated for all accumulated sick leave not exceeding ~~sixty days~~ 480 hours.

A new section to Chapter 4-07 of the Mandan Code of Ordinances, Long Term Disability Insurance Benefit, is hereby created to read as follows:

Section 4-07-20 Long Term Disability Insurance Benefit.

Effective January 1, 2015, the City shall provide a Long Term Disability Insurance Benefit for all eligible employees.

By: _____
President, Board of City Commissioners

Attest:

City Administrator

First Consideration: January 20, 2015
Second Consideration
and Final Passage: February 3, 2015