

AGENDA
MANDAN CITY COMMISSION
JANUARY 5, 2016
ED "BOSH" FROELICH MEETING ROOM,
MANDAN CITY HALL
5:30 P.M.
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 December 15, 2015 Board of City Commission Regular Meeting.
- E. PUBLIC HEARING:
- F. BIDS:
1. Consider concurrence with NDDOT to award Memorial Highway Signals project to low bidder, Strata Corporation (R&O #4).
- G. CONSENT AGENDA:
1. Consider Native American Training Institute Games of Chance at Baymont Inn and Suites Jan. 6-Feb. 19, 2016.
 2. Consider agreements with Lewis and Clark Regional Development Council for origination and servicing of loans associated with Bank of North Dakota Flex PACE interest buy-downs
 - i. BBCS Properties, LLC (Prairie Rose Family Dentists)
 - ii. Gramma Brauns Inc. (Classic Rock Coffee)
 3. Consider approval of Residential Remodeling Exemption for Eric & Carisa Upton.
 4. Consider Pucks 4 People games of chance at Mandan All Seasons Arena on Feb. 13, 2016.
 5. Consider designation of depositories for City's funds as required by NDCC 21-04.
 6. Consider approval of Missed Renaissance Zone Exemption for 2015 – Eye Care Professionals.
 7. Consider approval of Reassessment 2015 Value – Robert & Theresia Fode.
 8. Consider approval of correction in 2015 True & Full Value Reassessment for Jessara Properties LLC.
 9. Consider selling of 3' wide strip of property to NDDOT for downtown sidewalk to be fully within right-of-way.

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10. Consider approval of reassessment 2015 Value for Wayne & Carol Friesz.
11. Consider approval of the following games of chance:
 - i. Bis-Man Reel N Rec at Mandan Moose on March 12, 2016
 - ii. Women of the Moose (Mandan Chapter) from February 1 - March 19, 2016.
- ~~12. Consider approval of Pre-Approved 2 Year Tax Exemption Missed for 2015 Assessment year—Jessara Properties LLC.~~

H. OLD BUSINESS:

I. NEW BUSINESS:

1. Consider approval of MPO Bicycle Friendly Community Application.
2. Presentation, Native American Development Center, Lorraine Davis
3. Consider Renaissance Zone Committee recommendation for reappointment of committee member
4. Consider recommendations of appointment to Mandan Architectural Review Commission.
5. Consider appointment to the Mandan Airport Authority.
6. Consider request to advertise a Request for Proposals for Professional Architectural Services.
7. Consider pavement bid options for the Old Red Trail reconstruction project.

J. RESOLUTIONS AND ORDINANCES:

1. Second consideration and final passage of Ordinance 1228 related to animal waste
2. Second consideration and final passage of Ordinance 1229 related to noxious weeds and tall grass
3. Second consideration and final passage of Ordinance 1230 related to stormwater management penalties
4. Consider resolution of concurrence with NDDOT to award Memorial Highway Traffic Signals project to low bidder.

K. OTHER BUSINESS:

L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. January 19, 2016 (5 p.m.)
2. February 2, 2016
3. February 16, 2016 (5 p.m.)

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 December 15, 2015 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Braun and Laber, (via teleconference call). Department Heads present were Finance Director Welch, Deputy Police Chief Leingang, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development & Communications Director Huber, Planning & Engineering Director Froseth, Planner Decker, Assessor Shaw, and Building Official Lalim.

B. APPROVAL OF AGENDA: Commissioner Braun moved to approve the Agenda. 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 interested to speak for or against any items on the Agenda to come forward. A second announcement was made for anyone to come forward to speak on the Agenda. Hearing none, this portion of the Public Communications was closed.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission of December 1, 2015 Regular Meeting.* Commissioner Braun moved to approve the minutes as presented. Commissioner Laber seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

F. BIDS:

1. Consider award of fire truck bid. (See Res. & Ord. No. 8). Fire Chief Nardello stated that the Fire Department advertised and opened bids for a new fire truck on November 23, 2015. There were five (5) bids received and the bid tabulations were provided within the documentation for review. After initially reviewing the five (5) bids, they went back and thoroughly reviewed them again. The two lowest bids were from Toyne with a base bid in the amount of \$519,000 and from Pierce Manufacturing with a base bid in the amount of \$530,437. It was determined that there were several allowable deductions from Pierce’s base bid and that there were no deductions from Toyne. There was a deduction of \$7,557 on the Pierce bid for a 50% prepayment of the truck chassis for a total of \$505,554. They also had a deduct because they added a foam system that we did not request. Thus, Pierce became the low bidder. Chief Nardello stated that there were some options added back on the truck bringing the truck total to \$516,343. The recommended option is to lease purchase the fire truck with a down payment due at contract signing of \$240,000. The funds will come out of the equipment reserves which have sufficient funds for the down payment. It will also have sufficient funds for the payment(s) over the five (5) year period. The Leasing Company also requires that a resolution is passed for the lease option.

Chief Nardello explained that the truck is somewhat higher in cost than anticipated because it was felt necessary to add extra equipment to fully equip this truck. With the talks of a Fire Station No. 3, the Fire Department is now going to need a reserve engine. So we have equipment specs within this truck. We also elected not to trade the 1993 Pierce that we were originally going to trade because of the anticipated addition of Station No. 3 because the department may need that as a reserve engine. Chief Nardello stated that the National Fire Protection Association (NFPA) periodically changes its recommendations on the useable life span of a fire truck. In the past it was thought to be 10-20 years, depending on use. Chief Nardello's rule-of-thumb for life expectancy of a new fire truck is approximately 20 years. However, the NFPA changed that based on the use of the vehicle to approximately 10 years. He said he still believes that 20 years is an approximate life expectancy of a new fire truck.

Commissioner Laber mentioned that both lease and lease-purchase were included in the documentation. She asked for a clarification as to whether this would be a lease-purchase where at the end of the lease period, the City will have an option to purchase it when making the final payment? Chief Nardello stated that is correct. It will be a lease-purchase. The lease terminology is used in case we decide to trade it in. They will then guarantee us a value at the end of the trade, if it is traded in. But the City will not be doing that, so we will own the truck at the end of the five (5) years.

Commissioner Braun moved to approve the following:

- (1) Award the bid for a new fire truck to Pierce Manufacturing for a total amount of \$516,343, with a down payment due at contract signing of \$240,000 with the balance to be in the form of a five year lease and to amend the 2015 fire equipment reserve to include a \$240,000 down payment.
- (2) Approve a five year annual \$57,289 payment lease agreement with PNC Equipment Finance, LLC for a new fire truck.
- (3) Approve a resolution establishing lease agreement terms with PNC Equipment Finance LLC, for a new fire truck.

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.

G. CONSENT AGENDA

1. *Consider approval of monthly bills.*
2. *Consider approval of the City of Mandan Voting Locations for the June 14, 2016 Election.*
3. *Consider for approval plat for Old Red Trail Commercial Addition (Sports Complex site).*
4. *Consider Change Order #4 for SID #199.*
5. *Consider for approval the assessment of Delinquent Alarm Fees for 2015.*
6. *Consider CPM agreement for Main Street ADA project.*
7. *Consider Engineering Service Agreement with Toman Engineering for design and pre-bid services for Big Sky Street Improvement District.*

8. *Consider lease of home at Water Treatment Plant.*
9. *Consider contract for engineering and design services for wayfinding signage with Berberich Designs and KLJ.*
10. *Consider 2015 budget amendments for various departments within Public Works.*
11. *Consider replat of Lot 3, Block 5, Meadows Fifth Addition.*
12. *Consider approval of games of chance for First Lutheran Church Mandan on January 9, 2016 at Mandan Middle School.*
13. *Consider approval of Special Sunday openings for Lukes Bar LLC dba Silver Dollar Bar – January through March, 2016.*

Commissioner Laber moved to approve the Consent Agenda as presented. 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. ~~*Presentation, Native American Development Center, Lorraine Davis.*~~

2. *Presentation by Mike Manstrom, Dougherty & Company LLC, regarding the sale of \$9,025,000 Refunding Improvement Bonds of 2015, Series B. (See Resolutions #4i, #4ii, #4iii).* Mike Manstrom, Dougherty & Company LLC presented the results of the public sale that occurred at their offices on December 15, 2015, at 10:30 a.m. for the \$9,025,000 Refunding Improvement Bonds of 2015, Series B for the City of Mandan. This consists of a number of street improvement districts throughout the city. Mr. Manstrom shared the results of the bond sale with the Commission members. He indicated that the City's bond rating was reaffirmed as A1 by Moody's. This is a very good rating which is needed to continue in getting the aggressive competitive bond sales. These aggressive competitive bonds in turn result in low interest rates. The lower the interest rate, the lower the impact on the taxpayers and the lower the assessments rates will be. He said that three (3) bids were received: (i) FTN Financial Capital Markets out of New York submitted a 2.69 NIC for a 15 year issue; (ii) Robert W. Baird & Co. Inc. out of Milwaukee submitted a 2.70 NIC; (iii) Hutchinson, Shockey, Erley & Co. from Chicago submitted a 3.16 NIC. Mr. Manstrom recommended the City of Mandan approve the resolutions prepared by bond counsel for FTN's Capital Markets bid of 2.698 NIC. When approved, the interest rates will be locked in and the money will be transferred in on December 30, 2015. Mr. Manstrom explained that once the resolutions are passed these rates are firm.

3. *Consider approval of RFQ for engineering services for Water Treatment Facility and Water Distribution System work.* Planning & Engineering Director Froseth stated the City of Mandan was successful in getting State Water Commission grant money to start construction on three projects during the 2015-2017 biennium. Those projects are (i) Water Treatment Plant high service pump optimization, Phase 1; (ii) Sunset Booster Station Pump Improvements; and (iii) Distribution system Instrumentation and Control

Improvements. All these projects are part of the City's Capital Improvement Plan (CIP) and have been included in the planning process for many years. In order to follow the State Water Commission cost share policies to accept the grant money, the City must do several things including advertising for engineering services, establish methods for evaluation of respondents, conduct interview processes, and select an engineering company to hire as the systems consultant. A draft of an advertisement for the request for qualifications has been prepared for the advertisement with plans to publish on December 25, 2015. The proposal deadline would be scheduled for January 22, 2016.

Commissioner Rohr moved to approve the RFQ for engineering services for Water Treatment Facility and Water Distribution System work. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 202, Project No. 2015-13 (Lakewood 8th Addition).* Planning & Engineering Director Froseth stated these are all the necessary resolutions to advertise for bids, for the development of Lakewood 8th Addition. The engineer's estimate of costs is \$1.25 million dollars for the construction and with the engineering and administration costs of \$439,013.75 for a total approximate cost of \$1.7 million for this project. Opening bid would be set for January 26, 2016 so the bids will be in the spring of 2016. The School District is located within Lakewood 8th as indicated on the project map. Director Froseth noted that the majority of the land owners in this district signed a waiver of protest. There was one property that didn't sign, but that would be less than 10% of the property area. So the project will move forward without a protest period.

Commissioner Tibke moved to approve the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 202, Project No. 2015-13 (Lakewood 8th Addition). Commissioner Laber seconded the motion. Commissioner Braun commented that in the past this Board has discussed passing the costs on to the developers. He recommended discussing that again and that the Board make decisions on how to handle these requests in the future. Commissioner Rohr concurred with Commissioner Braun and recommended that the Board develop a feasibility plan for the developers to follow. Mayor Van Beek requested this matter be put on the schedule for future discussion and resolution.

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

5. *Consider Growth Fund Committee recommendations:* Business Development

Communications Director Huber presented on behalf of the MGF Committee:

(i) *Appointment of 3 committee members for 2016-2018 terms:* This is a recommendation from the MGF Committee for the appointments for three positions with terms expiring at the end of December 2015. The positions were held by Don Boehm, Tim Spilman and Mike Schaff. Committee openings were advertised for in November and Letters of Interest were due by December 4th or until the positions were filled. There were four (4) Letters of Interest by that date from Don Boehm who was seeking reappointment and from new potential appointments for Mike Evans, Dave Lehman and Lee Weisbeck. The MGF Committee recommended the reappointment of Don Boehm to a second term and for the appointments of Dave Lehman and Lee Weisbeck for the three year period from 2016-2018.

Commissioner Tibke moved to approve the reappointment of Don Boehm and the appointments of Dave Lehman and Lee Weisbeck to the Mandan Growth Fund Committee for three-year terms from 2016 through 2018. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

On behalf of the City Commission, Mayor Van Beek extended a thank you to all the individuals who serve on the various Boards and Committees for the City of Mandan.

(ii) *Application for Flex PACE interest buy-down by Gramma Braun's Stores, Inc. (dba Classic Rock Coffee):* This is a request for local share of interest buy-down through the Bank of North Dakota Flex PACE program. The application is from Gramma Braun's Stores, Inc., (dba Classic Rock Coffee). They plan to open in the Memorial Square Shopping Center on the east end of the strip. They are seeking an interest buy-down from the City of Mandan that would be no greater than \$9,448.20 for a total buy-down of approximately \$27,000. The Bank of North Dakota will provide the other 65%. This is an interest buy down towards the principal amount of no greater than \$225,000, a loan through Choice Financial with participation by the Bank of North Dakota. The total project will include lease-hold improvements and equipment for Classic Rock Coffee for a total investment of \$310,000.

The business owners are Kim Ressler and Steve Fergel. Steve Fergel was available to answer questions about the application. The business anticipates employing between 13 and 15 people, primarily part-time. There will be both indoor and outdoor seating areas, a meeting room and a drive-through. There is a possibility that they will apply with the City Commission at a later date for a beer and wine license. The Growth Fund Committee recommended approval of the local match in the amount of \$9,448.20 to be structured as an unsecured loan. The loan is for a 44-month time period and would then be repayable within 4 years thereafter. Interest is at 2% and would begin accruing at the start of the loan period of the buy-down and all loan origination and filing fees would need to be paid by the borrower.

Commissioner Laber moved to approve the interest buy-down for Gramma Braun's Stores Inc. dba Classic Rock Coffee with a local match of up to \$9,448.20 to be structured as a loan with the terms and rate as recommended. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

(iii) Updates to interest buy-down policy: These are updates to the interest buy-down policy through the Bank of North Dakota programs. The Bank of North Dakota changed its PACE Loan Program that was approved by the ND Industrial Commission in July 2015 that said "On the community's share of the interest buy-down, if the community does a side note for repayment of this amount, interest may accrue; however, repayment cannot begin until the PACE buy down has been fully expended". Previously the interest could not begin accruing until after the buy-down period ended. The Mandan Growth Fund Committee has been considering the commencement of the interest accrual on a case-by-case basis since that change was made. They voted to recommend that the interest does begin accruing with commencement of the buy-down period and they wish to formalize the practice with an updated policy. The second item was loan security provisions. The Mandan Growth Fund Committee and the City of Mandan had not done many interest buy-downs with the Bank of North Dakota prior to this past year and those done previously were generally structured as grants. The committee is now recommending use of the program more frequently and those buy-downs generally are structured as loans. Discussion ensued if there should be a flat policy for requirement of security provisions. In discussing the dynamics, the Committee recommended that the policy security requirements be considered on a case-by-case basis for each applicant. Director Huber stated that those are the two policy change recommendations from the Mandan Growth Fund.

Commissioner Braun moved to approve the proposed updates to the Mandan Growth Fund interest buy-down policy. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

6. *Consider the letter of intent and Rule G-17 letter from Dougherty & Company LLC, as the Underwriter for the Sales Tax Revenue Bonds of 2016.* Mike Manstrom, Dougherty & Company LLC, explained the purpose of the Rule G-17 and the letter of intent. As a result of the 2008-2009 financial meltdown, a bill was passed in 2010 called the Dodd-Frank Bill. That bill's purpose is to increase regulations in the securities industry. Because of the Dodd-Frank Bill and the new regulations all we are required to do is present the letter of intent to the issuer and in this case it would be the City of Mandan. Dougherty would not be acting as financial advisors to the City for this specific issue because we would be the underwriter. Rather Dougherty & Company would be the firm buying the bonds. The G-17 letter outlines the responsibilities of myself (Mike Manstrom) and Dougherty & Company when we underwrite the bonds to the City. He explained that as an underwriter, Dougherty & Company may provide advice to the City on the structure, timing, terms and other similar matters concerning bonds. The City's

intention is that Dougherty & Company underwrite the bonds, subject to satisfaction of applicable laws, formal approval by the City finalizing the structure of the bonds and the executive of a mutually agreed upon purchase agreement.

While the City presently engages Dougherty & Company as the underwriter for bonds, this engagement letter is preliminary and does not restrict the City from entering into the proposed or any other municipal security transactions with other underwriters or selecting an underwriting syndicate that does not include Dougherty & Company. Due to the long standing working relationship between the City and Dougherty & Company, the City should consider waiving the competitive bidding requirement. He said that the approval of the letter of intent and the Rule G-17 letter is necessary before Dougherty & Company can further communicate with the City regarding the bond financing proposal. Manstrom stated that in the past no documentation was necessary and this is a result of an increase in regulations. Dougherty will buy the bonds and will find a market for the bonds. He said that this is the method used for the majority of the wellness centers in North Dakota. Manstrom provided the necessary documents to the Board that outlined the proposal from Dougherty and Company LLC.

Finance Director Welch explained that upon approval of this matter the next step would be for the City to work with Dougherty and Company to develop a financial package proposal for the bond sale. The proposal will then be submitted to the City's Budget and Finance Committee for their review and then a recommendation will come back to the Board at a date in the near future for consideration and approval. This matter will come back to the Board as far as the actual bond sale.

Commissioner Braun moved to waive the competitive bidding requirement and approve the letter of intent and Rule G-17 letter from Dougherty & Company LLC, as the Underwriter for the Sales Tax Revenue Bonds of 2016. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

7. *Consider Community Beautification Committee recommendation for committee appointment.* City Administrator Neubauer stated that the Beautification Committee has two openings. Advertisements were posted in November with a closing date of December 4, 2015. We did not receive any letters of interest. However, at the meeting on December 10th, Brian Dehnert, a current member of the Committee agreed to submit his name for reconsideration for reappointment. The recommendation from the Beautification Committee is to reappoint Brian Dehnert to a 3-year term through 12/31/18. The other position will remain open and will be advertised until it is filled.

Commissioner Laber moved to approve the re-appointment of Brian Dehnert to the Beautification Committee for another 3-year term through 12/31/18. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:**1. *First consideration of Ordinance 1228 related to animal waste.***

Planner Decker stated that in working with Joe Camisa, our Code Enforcement Officer, they discovered there was an issue identified with the Nuisance Ordinance whereby there was no specific language identifying animal waste. So a new section was created to address animal waste on a private property that would allow the Code Enforcement Officer to work with the property owner to clean up the property. The second issue would address when a pet owner is walking an animal in a public area and does not properly clean up the animal waste. This will allow the officer to get the owner to clean up the animal waste in a proper manner. Commissioner Laber moved to approve the First consideration of Ordinance 1228 related to animal waste. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *First consideration of Ordinance 1229 related to noxious weeds and tall grass.*

Director of Public Works Wright stated that the North Dakota Century Code authorizes the Board of City Commissioners to establish a Noxious Weed Control Program overseen by a City Weed Board. It also sets the criteria for the Weed Board. The state maintains a list of noxious weeds that are subject to control. The duties of the weed control officer were transferred from the Fire Chief to the Code Enforcement officer. On 10/29/15 a meeting was held to reorganize the Weed Board. Attending were Joe Camisa, Weed Control Officer, Jeff Wright, Steve Nardello, Mike Zerr, Nancy Moser and Justin Froseth who recently became a member of the Weed Board. NDCC 4.1-47-18 sets the criteria for the Weed Board. He said that language was added to allow the Weed Board to hear appeals by the Weed Control Officer. Several changes were presented by Director Wright that will update the wording and clarify requirements. The Community Beautification Committee recommends approval of the changes. The staff recommended adoption of the ordinance and the appointment of Weed Board members with the designated terms of office: Joe Camisa, 4 years; Jeff Wright-Chairman, 3 years; Steve Nardello, 2 years; Mike Zerr-Vice Chair, 1 year; and Justin Froseth, 1 year.

Commissioner Tibke moved to approve the appointment of members to the Weed Board with the terms of office as presented and moved to approve the First consideration of Ordinance 1229 amending and reenacting Chapter 16, Article 5, of the Mandan Code of Ordinances. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider for adoption resolution setting fees for alarm systems.* Planner Decker stated that the alarm system technology has been changing over the last several years because of different types of alarms now being used. This is a proposal to update the resolution language to recognize the different types of alarms, such as the health/safety emergency alarms. These are now with the person rather than the actual property. The fee amounts will remain the same. We are just recognizing the changes in the industry.

Commissioner Tibke moved to approve the adoption of the resolution setting fees for alarm systems. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Consider Resolutions for Refunding Improvement Bonds of 2015, Series B:*

i. *Resolution Awarding Sale of Warrants and Bonds for \$9,025,000 Refunding Improvement Bonds of 2015, Series B.* Commissioner Laber moved to approve the Resolution Awarding Sale of Warrants and Bonds for \$9,025,000 Refunding Improvement Bonds of 2015, Series B. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

ii. *Financing Resolution for Street Improvement Districts #176, #177, #178, #179, #181, #182, #185, #186, #189, #190, #191, #192, #193, #195 Definitive Improvement Warrants.* Commissioner Laber moved to approve Financing Resolution for Street Improvement Districts #176, #177, #178, #179, #181, #182, #185, #186, #189, #190, #191, #192, #193, #195 Definitive Improvement Warrants. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

iii. *Resolution Authorizing Issuance of \$9,025,000 Refunding Improvement Bonds of 2015, Series B.* Commissioner Laber moved to approve the Resolution Authorizing Issuance of \$9,025,000 Refunding Improvement Bonds of 2015, Series B. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

5. *First consideration of Ordinance 1230 related to storm water management penalties.* Planner Decker summarized this matter as a previous issue on storm water management on a property. When they looked at the way the Code was written, it was quite a cumbersome effort to initiate a mitigation effort so this draft language modifies that. The current code says that the City Attorney must initiate and the City Commission authorizes. Most of the actions that come up that address compliance are initiated by City Staff. This is a recommendation to change this to be more consistent with our normal administrative process. He reviewed the three options that would be available. The City would be able to issue a citation in Municipal Court for a Class B misdemeanor. We could take action to correct the problem and bill the property owner or assess the property. The City also has the option to seek injunctive action and a court order to cease and desist. The revision is to allow City Staff to initiate the action so corrective action can be taken. City Attorney Brown commented that if injunctive action or court order were to be taken; the matter would still come before the City Commission first. The intent here is to clean up other parts of the Code that can be done more efficiently by staff. It is intended that the offense is a Class B Misdemeanor for a violation related to the storm water management chapter.

Commissioner Braun moved to approve the First consideration of Ordinance 1230 amending and reenacting Sections 107-2-1, 107-2-3 and 107-2-6 of the Mandan Code of Ordinances. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

6. — ~~First consideration of Ordinance 1231 related to solid waste.~~

7. — ~~First consideration of Ordinance 1232 related to refuse, rubbish and outdoor storage.~~

8. Consider approval of lease and Resolution for leasing agency for award of fire truck bid. (See Bids No. 1). Commissioner Braun moved to approve the following (See Bids No.1):

(1) Award the bid for a new fire truck to Pierce Manufacturing for a total amount of \$516,343, with a down payment due at contract signing of \$240,000 with the balance to be in the form of a five year lease and to amend the 2015 fire equipment reserve to include a \$240,000 down payment.

(2) Approve a five year annual \$57,289 payment lease agreement with PNC Equipment Finance, LLC for a new fire truck.

(3) Approve a resolution establishing lease agreement terms with PNC Equipment Finance LLC, for a new fire truck.

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

K. OTHER BUSINESS:

1. Consider the call for a Public Hearing on Special Assessment Policy on January 19, 2016 at 5 p.m. Planning & Engineering Director Froseth provided a brief explanation of this proposed hearing. During the 2015 legislative session the legislature added a new section to the NDCC that requires the governing body of each city with a population of 10,000 or more to adopt written assessment policies. City Staff have been working on a Special Assessment Policy to present at the public hearing for comment on January 19, 2016. Public hearings on policies are required with the adoption of the policies only after that public hearing is held.

Commissioner Laber moved to approve the call for a Public Hearing on Special Assessment Policy on January 19, 2016 at 5 p.m. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

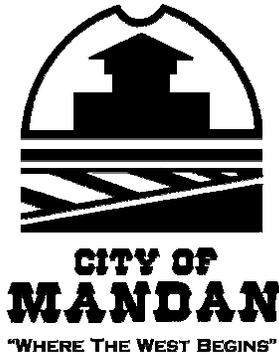
2. *Recycling Program:* Commissioner Rohr commented that the new recycling bins have been distributed and some people are very pleased with the implementation of the program. There were also some people that are not as pleased. He encouraged residents to try to adjust and work with the program so we can see what's working and what's fair

at this time and look at that as we go in the future. Managing waste isn't an easy task. There are long term considerations that affect the landfills and also the cost of handling wastes. (As well as there being environmental issues.) There are long term things that we are looking at that affect the city. We're asking for patience and we'll try to work through and see if we can make it work and address any difficulties.

There being no further actions to come before the Board of City Commissioners, Commissioner Rohr moved to adjourn the meeting at 6:35 p.m. Commissioner Braun 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 5, 2016
PREPARATION DATE: December 31, 2015
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Memorial Highway Traffic Signal Improvements,
Award Concurrence

STATEMENT/PURPOSE: To consider approval of the Memorial Highway Signal Improvements project award concurrence with NDDOT

BACKGROUND/ALTERNATIVES: In 2013, the NDDOT studied the Memorial Highway intersections at 40th and 46th Avenue SE. In both cases, the NDDOT concluded that signalization is warranted. Because of those signalization warrants, a project was programmed in to receive federal and state funding to accomplish. Over the past year the project has been designed and was bid on December 16th of 2015. The project will include permanent signalization at 46th Avenue where the existing is temporary span wire traffic signals. It will also include span wire traffic signals at 40th Avenue SE where currently there is no signalization.

ATTACHMENTS: 1) NDDOT Concurrence Letter
2) Bid Results

FISCAL IMPACT: The city's cost share of this project is 10% of the total cost which should be \$64,464.12 as stated in the letter. The local share will be paid for by the city sales tax fund. This project bid came in about 22% below the engineer's cost estimate.

STAFF IMPACT: Minimal

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

RECOMMENDATION: I recommend the board approve concurrence with the low bid.

SUGGESTED MOTION: I move to approve the concurrence of Memorial Highway Traffic Signal Improvements project award to the low bidder, Strata Corporation.



North Dakota Department of Transportation

Grant Levi, P.E.
Director

Jack Dalrymple
Governor

December 16, 2015

Mr. James Neubauer
City Administrator
205 2nd Avenue NW
Mandan, ND 58554

PROJECT: SU-1-094(170)919, PCN 20591 – I-94B MEMORIAL HIGHWAY FROM I-194
EAST RAMP TO 40TH AVENUE

Bids for the construction on the above noted project were taken at our bid opening of
December 16, 2015. A copy of the Contract Detail Estimate is enclosed.

The low bid for Traffic Signals was submitted by Strata Corporation of Grand Forks, ND in
the amount of \$417,560.20. According to the agreement with the City of Mandan, the City's
share is estimated to be \$64,464.12.

Before we can award to the low bidder, we need the City of Mandan to **concur**, in writing, in
the estimated amount by January 6, 2016, if possible.

Questions should be addressed to the Construction Services Division at (701)328-2566.


CAL J. GENDREAU, P.E. - CONSTRUCTION SERVICES ENGINEER

80/cjg/lp
Enclosure

Board of City Commissioners

Agenda Documentation

Meeting Date: January 5, 2016

Subject: Memorial Highway Traffic Signal Improvements, Award Concurrence

Page 3 of 5

12/16/2015

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
CONTRACT DETAIL ESTIMATE UPON WHICH PROJECT AGREEMENT IS TO BE BASED

Page 1 of 3

North Dakota **FEDERAL AID**

Bid Opening Date: **12/16/2015**

Project Number: **SU-1-094(170)919**

PCN: **20591**

Job Number: **3**

English/Metric: **ENGLISH**

Contract with **STRATA CORPORATION GRAND FORKS, ND**

Signed Date:

County(s): **MORTON**

Location: **I-94B MEMORIAL HWY FROM I-194 EAST RAMP TO 40TH AVENUE**

Board of City Commissioners
 Agenda Documentation
 Meeting Date: January 5, 2016
 Subject: Memorial Highway Traffic Signal Improvements, Award Concurrence
 Page 4 of 5

12/16/2015

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
 CONTRACT DETAIL ESTIMATE UPON WHICH PROJECT AGREEMENT IS TO BE BASED

Page 2 of 3

North Dakota FEDERAL AID

Bid Opening Date: 12/16/2015

Project Number: SU-1-094(170)919

PCN: 20591

Job Number: 3

English/Metric: ENGLISH

Roadway: URBAN

RP 919.872 AND RP 920.332

Type: TRAFFIC SIGNALS

Participating: Y

Spec Code	Item Description	Quantity	Unit	Unit Price	Amount
103 0100	CONTRACT BOND	1.000	L SUM	\$6,200.00	\$6,200.00
202 0112	REMOVAL OF CONCRETE	29.000	SY	\$52.50	\$1,522.50
202 0132	REMOVAL OF BITUMINOUS SURFACING	25.500	SY	\$40.90	\$1,042.95
261 0112	FIBER ROLLS 12IN	200.000	LF	\$6.50	\$1,300.00
302 0120	AGGREGATE BASE COURSE CL 5	80.720	TON	\$92.00	\$7,426.24
430 0500	COMMERCIAL GRADE HOT MIX ASPHALT	24.780	TON	\$280.80	\$6,958.22
430 1000	CORED SAMPLE	1.000	EA	\$325.00	\$325.00
702 0100	MOBILIZATION	1.000	L SUM	\$30,000.00	\$30,000.00
704 0100	FLAGGING	60.000	MHR	\$45.00	\$2,700.00
704 1000	TRAFFIC CONTROL SIGNS	1,175.000	UNIT	\$2.00	\$2,350.00
704 1060	DELINEATOR DRUMS	41.000	EA	\$25.00	\$1,025.00
704 1067	TUBULAR MARKERS	11.000	EA	\$10.00	\$110.00
704 1087	SEQUENCING ARROW PANEL-TYPE C	1.000	EA	\$825.00	\$825.00
704 1500	OBLITERATION OF PAVEMENT MARKING	370.000	SF	\$2.00	\$740.00
748 0140	CURB & GUTTER-TYPE I	40.500	LF	\$98.00	\$3,969.00
750 0115	SIDEWALK CONCRETE 4IN	27.300	SY	\$27.30	\$745.29
750 2115	DETECTABLE WARNING PANELS	30.000	SF	\$30.00	\$900.00
754 0110	FLAT SHEET FOR SIGNS-TYPE XI REFL SHEETING	60.000	SF	\$39.00	\$2,340.00
754 0112	FLAT SHEET FOR SIGNS-TYPE IV REFL SHEETING	86.000	SF	\$35.00	\$3,010.00
754 0206	STEEL GALV POSTS-TELESCOPING PERFORATED TUBE	29.000	LF	\$18.00	\$522.00
754 0592	RESET SIGN PANEL	1.000	EA	\$30.00	\$30.00
762 0110	EPOXY PVMT MK 4IN LINE-GROOVED	1,251.000	LF	\$3.00	\$3,753.00
762 0131	EPOXY PVMT MK 6IN LINE-GROOVED	193.000	LF	\$5.00	\$965.00
762 0132	EPOXY PVMT MK 8IN LINE-GROOVED	576.000	LF	\$6.00	\$3,456.00
762 0135	EPOXY PVMT MK 24IN LINE-GROOVED	204.000	LF	\$20.00	\$4,080.00
762 0136	EPOXY PVMT MK MESSAGE-GROOVED	257.000	SF	\$20.00	\$5,140.00
770 0001	LIGHTING SYSTEM	1.000	EA	\$15,400.00	\$15,400.00
772 0001	TRAFFIC SIGNALS SYSTEM	1.000	EA	\$190,225.00	\$190,225.00
772 2790	TRAFFIC SIGNAL SYSTEM - SPAN WIRE MOUNTED	1.000	EA	\$115,500.00	\$115,500.00
772 3125	REMOVE TRAFFIC SIGNAL SYSTEM	1.000	EA	\$5,000.00	\$5,000.00
Subtotal					\$417,560.20

Board of City Commissioners
 Agenda Documentation
 Meeting Date: January 5, 2016
 Subject: Memorial Highway Traffic Signal Improvements, Award Concurrence
 Page 5 of 5

12/16/2015 NORTH DAKOTA DEPARTMENT OF TRANSPORTATION Page 3 of 3
 CONTRACT DETAIL ESTIMATE UPON WHICH PROJECT AGREEMENT IS TO BE BASED

North Dakota **FEDERAL AID** Bid Opening Date: **12/16/2015**
 Project Number: **SU-1-094(170)919** PCN: **20591**
 Job Number: **3** English/Metric: **ENGLISH**
 Eng and Contg **\$41,756.02**
 Total **\$459,316.22**

Length **0.3650 Miles** **MORTON** **0.3650 Miles**

		<u>Construction</u>
Estimated Cost		\$459,316.22
SU FEDERAL FUNDS	80.93%	\$371,724.62
STATE FUNDS	9.07%	\$41,659.98
CITY FUNDS	10.00%	\$45,931.62

Type: **SPECIAL ITEMS**

Item Description				Amount
PRELIMINARY ENGINEERING				\$185,325.00
Funding Splits:	SU FEDERAL FUNDS	80.93%	\$149,983.52	
	STATE FUNDS	9.07%	\$16,808.98	
	CITY FUNDS	10.00%	\$18,532.50	

Summary for Project

Length **0.3650 Miles** **MORTON** **0.3650 Miles**

Estimated Total Construction Cost: **\$417,560.20**

Estimated Total Eng and Contg: **\$41,756.02**

	<u>Construction</u>	<u>Special Items</u>	<u>Total</u>
Estimated Cost	\$459,316.22	\$185,325.00	\$644,641.22
SU FEDERAL FUNDS	\$371,724.62	\$149,983.52	\$521,708.14
STATE FUNDS	\$41,659.98	\$16,808.98	\$58,468.96
CITY FUNDS	\$45,931.62	\$18,532.50	\$64,464.12

NDDOT TO MAKE CONTRACTOR PAYMENTS.

Consent No. 1



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

Type: Local Permit * Charity Local Permit

Permit Number
2016-01

Name of Organization Native American Training Institute		Date(s) Authorized (Read instruction 2)		
Contact Person Sandra Bercier	Business Phone Number (701) 255-6374	1/6/2016 to 2/19/2016 Beginning Ending		
Mailing Address 3333 Broadway Ave, Suite 1210		City Bismarck	State ND	Zip Code 58501-0000
Site Name Baymont Inn And Suites		Site Address 2611 Olod Red Trail		
City Mandan	State ND	ZIP Code 58554-0000	County Morton	
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.				
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels*				
Restriction:				
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor and Office of Attorney General within 30 days of the event.				
Date 12/18/2015	Signature of <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor		Printed Name of City or County Auditor Patrick B Haug	
			Auditor Telephone Number (701) 667-3250	

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

cut along this line

INFORMATION REQUIRED TO BE PREPRINTED ON A STANDARD RAFFLE TICKET:

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



APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT
 OFFICE OF ATTORNEY GENERAL
 SFN 9338 (10/2015)

Application for: Local Permit * Charity Local Permit (one event per year)

Name of Non-profit Organization Native American Training Institute (nati)		Date(s) of Activity 12/16/2015 to		For a raffle, provide drawing date(s): 02/19/16	
Person Responsible for the Gaming Operation and Disbursement of Net Income Sandra Bercier		Title Interim Dir		Business Phone Number (701) 255-6374	
Business Address 3333 Broadway, Suite 1210		City Bismarck		State ND	Zip Code 58501-3386
Mailing Address (if different)		City		State	Zip Code
Name of Site Where Game(s) will be Conducted Baymont Inn & Suites		Site Address 2611 Old Red Trail Nw, Mandan, Nd 58554			
City Mandan		State ND	Zip Code 58554-0000	County Morton	
Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit. <input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Raffle Board <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker * <input type="checkbox"/> Twenty-one * <input type="checkbox"/> Paddlewheels *					

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize	Game Type	Description of Prize	Retail Value of Prize
Raffle	Satin Star Quilt	\$400.00			
Total:					\$ 400.00

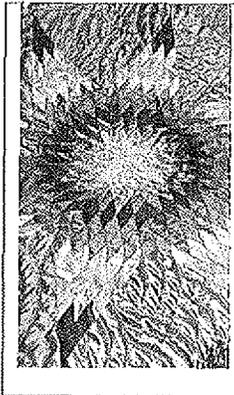
Intended uses of gaming proceeds: ND Indian Child Welfare & Wellness Conference Costs

Does the organization presently have a state gaming license? No Yes - If "Yes," the organization is not eligible for a local permit or charity local permit and should call the Office of Attorney General at 1-800-326-9240.

Has the organization received a charity local permit from this or another city or county for the fiscal year July 1 through June 30? No Yes - If "Yes," the organization does not qualify for a local permit or charity local permit.

Has the organization received a local permit from this or another city or county for the fiscal year July 1 through June 30? No Yes - If "Yes," indicate the total value of all prizes previously awarded: \$ _____. This amount is part of the total prize limit of \$12,000 per year.

Signature of Organization's Top Executive Official <i>Sandra Bercier</i>	Date 12/17/2015	Title Interim Director	Business Phone Number (701) 255-6374
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Star Quilt

**R
A
F
F
L
E**

Native American Training Institute

Presents Quilt Raffle

GRAND PRIZE:

Satin Star Quilt

February 19, 2016

Raffle Draw @ 12:00 p.m.

Proceeds to benefit

2016 NDICW Conference

1 ticket for
\$5.00

3 tickets for
\$10.00

Permit #

NO. 0001



Name

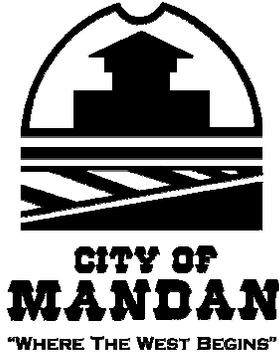
Address

Phone

Email

Need not be present to win

NO. 0001



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 5, 2016
PREPARATION DATE: December 30, 2015
SUBMITTING DEPARTMENT: Business Development & Communications Department
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: LCRDC agreements for loan origination & servicing

STATEMENT/PURPOSE: To consider proposed agreements with the Lewis and Clark Regional Development Council (LCRDC) for origination and servicing of two loans recently approved for Flex PACE interest buy-down.

BACKGROUND/ALTERNATIVES: The LCRDC has agreed to help the City of Mandan Growth Fund with origination and servicing of loans for the local share of Bank of North Dakota interest buy-downs. The City Commission on Oct. __, 2016, approved a loan for a buy-down for BBCS Properties, LLC, for construction of a clinic for Prairie Rose Family Dentists and on Dec. 15, 2015, approved a loan for a buy-down for Gramma Brauns Inc. for leasehold improvements and equipment for Classic Rock Coffee.

Under the proposed agreements, same as for other buy-downs approved in 2015, the LCRDC will charge a 1% origination fee and all hard costs such as the mortgage filing fee, credit report, UCC filing and would collect a 1% servicing fee on payments collected after the buy-down period ends.

ATTACHMENTS: Proposed agreements

FISCAL IMPACT: None

STAFF IMPACT: None

LEGAL REVIEW: The agreements have been submitted to Attorney Brown for review.

RECOMMENDATION: I recommend approval of the proposed agreements with the Lewis and Clark Regional Development Council for origination and servicing of loans associated with Bank of North Dakota Flex PACE interest buy-downs for BBCS Properties LLC and Gramma Brauns Inc.

SUGGESTED MOTION: I move to approve the proposed agreements with the Lewis and Clark Regional Development Council for origination and servicing of loans associated with Bank of North Dakota Flex PACE interest buy-downs for BBCS Properties LLC and Gramma Brauns Inc.

CONTRACT FOR COLLECTION SERVICES

This agreement is made this _____ day of _____, 2015, by and between the City of Mandan, 205 2nd Avenue, NW, Mandan, North Dakota, (hereinafter referred to as "City"), and Lewis and Clark Regional Development Council, 200 1st Avenue NW, Mandan, North Dakota, (hereinafter referred to as "Council").

WHEREAS, it is the desire of the City to have Council perform certain origination, collection, and administrative functions with respect to the loan provided by the City to BBCS Properties, LLC (hereinafter referred to as "Borrower").

WHEREAS, the Council has prior knowledge and experience relating to the Borrower, revolving loan fund management, origination of loan documents collection, administration and servicing of loan programs.

NOW THEREFORE, for aforementioned consideration, the sufficiency of which is hereby acknowledged, the undersigned hereby covenant and agree as follows:

The Council will provide the following services:

1. Council will prepare all loan and security documents as required by the terms and conditions set forth by the City of Mandan. Borrower will be assessed one percent (1%) for origination fees and will be required to pay any hard costs, including but not limited to security filing fees, lien searches, and credit report fees.
2. Council will maintain all security filings, collateral listings, insurance documents and other documents and filings as may be required in the loan documents.
3. Council will prepare and deliver to the Borrower a "AUTHORIZATION AGREEMENT FOR PREAUTHORIZED PAYMENTS" indicating dates payments are due and from which account of the borrower the payments will be taken.
4. Borrower will make all payments payable to Council.
5. All loan payments received from the Borrower shall be deposited by Council in a FDIC-insured institution. Payments received from the Borrower will be tracked separately from payments received from other borrowers.
6. Council will mail or deliver to the City a check for the full amount received from the Borrowers less the amount allowable to be retained by the Council under terms of this agreement. Council shall send to City documentation of payments made. Payments received from Borrowers between the 1st and 31st of the previous month will be submitted to the City prior to the 15th of the subsequent month.

7. Council shall receive from and review all reports from the Borrower, such as financial reports, as may be required by the loan documents and by the City for purposes of the loan, and shall deliver copies of said reports to the City as may be required.
8. Council shall provide Grantee with periodic reports, at least annually, of the status of the loan and shall provide such necessary information and account statuses to any legal representative retained by the city for purposes of collection of any loans.
9. Council shall provide limited assistance with respect to the collection of past-due loan payments. Said limited assistance may be as follows:
 - a. As soon as is practical after payments are ten (10) days late, Council will send a reminder notice to the Borrower.
 - b. A late fee of 15% of the payment amount shall be assessed to the Borrower upon the payment being ten (10) days past due. Collection of late fees shall be at the sole discretion of the Council. Council shall retain all late fees collected.
 - c. As soon as is practical after payments are thirty (30) days past due, Council will attempt to contact the Borrower by telephone or other means to determine the cause of late payment and if any assistance is needed.
 - d. If not already done, and as soon as is practical after payments are sixty (60) days late, Council will attempt to visit with the Borrower in-person.
 - e. The Grantee will be informed by Council in writing if the Borrower is more than ninety (90) days past due.
 - f. At any time during the life of the loan, Council will attempt to provide the technical assistance to the Borrower as may be request by the Borrower or as may be determined by the Council or by the City.
 - g. If situations arise that may require any changes or amendments to the loan agreements, Council will confer with the Borrower and present to the City its recommendations, including terms for work-out agreements and other, as may be advisable. If approved by the City, Council will assist in preparing or presenting such proposed changes to the City for its approval. If such changes or amendments are approved by the City, Council will prepare all necessary documents.
 - h. The City shall be responsible to determine when, or if, legal action shall be initiated on any loan for default or breach of contract and for all costs and expenses related to or incurred in such legal proceedings. If legal action is initiated, Council will make available to the City or to any legal representative retained by the Grantee for purposes of collection on any loans all documents and other information it may have related to the loan.

10. As compensation for its services, Council shall charge a fee of 1% per annum of the outstanding principal to the borrower. In the event this agreement is terminated by either or both parties, Council shall be entitled to receive compensation based on the interest paid from the date of the agreement to the date of termination.
11. The City accepts all risks with the enforceability and collectability of the loan, and it shall have sole responsibility for program evaluation, approval and accountability.
12. Servicing and collection responsibilities of the Council shall commence upon the date of closing and terminate automatically once the loan is repaid in full or, unless otherwise mutually agreed upon by both parties, at such time as any unpaid principal balance has been referred by the City for formal legal proceedings. Upon termination, Council shall provide the City with a report of the status of the loan payments made thereupon.
13. This agreement may be amended or terminated for cause or by mutual consent according to the following:
 - a. If the City believes that Council is in breach of the terms of this agreement, the City shall provide Council with written notice specifying all defaults. Council shall have thirty (30) days to cure such defaults or to establish that no default exists. If the defaults are not cured with 30 days, the City may terminate this agreement.
 - b. By mutual consent, this contract may be amended or terminated by instrument and signatures of both parties.
14. Council has, or will secure at its own expense, all personnel required in performing services under this contract. Such personnel shall not be employees of or have any contractual relationship with the City. None of the work or services covered by this contract shall be sub-contracted without prior written approval of the City.
15. Council will maintain and make available all records pertaining to the above services and activities in accordance with and for periods of time as required by the City and federal law and regulations. During such time, and for sixty (60) days thereafter, the City may take possession of said records upon written request.
16. This agreement shall not be deemed to create a joint venture relationship or principal-agent relationship between the City and Council. At all times material, Council shall be deemed an independent contractor of the City.
17. This agreement shall be construed under the laws of the State of North Dakota.

APPROVED:

By: Arlyn Van Beek, Mayor

Date

By: Jim Neubauer, City Administrator

Date

By: Brent Ekstrom, Executive Director

Date

CONTRACT FOR COLLECTION SERVICES

This agreement is made this _____ day of _____, 2015, by and between the City of Mandan, 205 2nd Avenue, NW, Mandan, North Dakota, (hereinafter referred to as "City"), and Lewis and Clark Regional Development Council, 200 1st Avenue NW, Mandan, North Dakota, (hereinafter referred to as "Council").

WHEREAS, it is the desire of the City to have Council perform certain origination, collection, and administrative functions with respect to the loan provided by the City to Gramma Brauns, Inc. dba Classic Rock Coffee (hereinafter referred to as "Borrower").

WHEREAS, the Council has prior knowledge and experience relating to the Borrower, revolving loan fund management, origination of loan documents collection, administration and servicing of loan programs.

NOW THEREFORE, for aforementioned consideration, the sufficiency of which is hereby acknowledged, the undersigned hereby covenant and agree as follows:

The Council will provide the following services:

1. Council will prepare all loan and security documents as required by the terms and conditions set forth by the City of Mandan. Borrower will be assessed one percent (1%) or at a minimum of \$100.00 for origination fees and will be required to pay any hard costs, including but not limited to security filing fees, lien searches, and credit report fees.
2. Council will maintain all security filings, collateral listings, insurance documents and other documents and filings as may be required in the loan documents.
3. Council will prepare and deliver to the Borrower a "AUTHORIZATION AGREEMENT FOR PREAUTHORIZED PAYMENTS" indicating dates payments are due and from which account of the borrower the payments will be taken.
4. Borrower will make all payments payable to Council.
5. All loan payments received from the Borrower shall be deposited by Council in a FDIC-insured institution. Payments received from the Borrower will be tracked separately from payments received from other borrowers.
6. Council will mail or deliver to the City a check for the full amount received from the Borrowers less the amount allowable to be retained by the Council under terms of this agreement. Council shall send to City documentation of payments made. Payments received from Borrowers between the 1st and 31st of the previous month will be submitted to the City prior to the 15th of the subsequent month.

7. Council shall receive from and review all reports from the Borrower, such as financial reports, as may be required by the loan documents and by the City for purposes of the loan, and shall deliver copies of said reports to the City as may be required.
8. Council shall provide Grantee with periodic reports, at least annually, of the status of the loan and shall provide such necessary information and account statuses to any legal representative retained by the city for purposes of collection of any loans.
9. Council shall provide limited assistance with respect to the collection of past-due loan payments. Said limited assistance may be as follows:
 - a. As soon as is practical after payments are ten (10) days late, Council will send a reminder notice to the Borrower.
 - b. A late fee of 15% of the payment amount shall be assessed to the Borrower upon the payment being ten (10) days past due. Collection of late fees shall be at the sole discretion of the Council. Council shall retain all late fees collected.
 - c. As soon as is practical after payments are thirty (30) days past due, Council will attempt to contact the Borrower by telephone or other means to determine the cause of late payment and if any assistance is needed.
 - d. If not already done, and as soon as is practical after payments are sixty (60) days late, Council will attempt to visit with the Borrower in-person.
 - e. The Grantee will be informed by Council in writing if the Borrower is more than ninety (90) days past due.
 - f. At any time during the life of the loan, Council will attempt to provide the technical assistance to the Borrower as may be request by the Borrower or as may be determined by the Council or by the City.
 - g. If situations arise that may require any changes or amendments to the loan agreements, Council will confer with the Borrower and present to the City its recommendations, including terms for work-out agreements and other, as may be advisable. If approved by the City, Council will assist in preparing or presenting such proposed changes to the City for its approval. If such changes or amendments are approved by the City, Council will prepare all necessary documents.
 - h. The City shall be responsible to determine when, or if, legal action shall be initiated on any loan for default or breach of contract and for all costs and expenses related to or incurred in such legal proceedings. If legal action is initiated, Council will make available to the City or to any legal representative retained by the Grantee for purposes of collection on any loans all documents and other information it may have related to the loan.

10. As compensation for its services, Council shall charge a fee of 1% per annum of the outstanding principal to the borrower. In the event this agreement is terminated by either or both parties, Council shall be entitled to receive compensation based on the interest paid from the date of the agreement to the date of termination.
11. The City accepts all risks with the enforceability and collectability of the loan, and it shall have sole responsibility for program evaluation, approval and accountability.
12. Servicing and collection responsibilities of the Council shall commence upon the date of closing and terminate automatically once the loan is repaid in full or, unless otherwise mutually agreed upon by both parties, at such time as any unpaid principal balance has been referred by the City for formal legal proceedings. Upon termination, Council shall provide the City with a report of the status of the loan payments made thereupon.
13. This agreement may be amended or terminated for cause or by mutual consent according to the following:
 - a. If the City believes that Council is in breach of the terms of this agreement, the City shall provide Council with written notice specifying all defaults. Council shall have thirty (30) days to cure such defaults or to establish that no default exists. If the defaults are not cured with 30 days, the City may terminate this agreement.
 - b. By mutual consent, this contract may be amended or terminated by instrument and signatures of both parties.
14. Council has, or will secure at its own expense, all personnel required in performing services under this contract. Such personnel shall not be employees of or have any contractual relationship with the City. None of the work or services covered by this contract shall be sub-contracted without prior written approval of the City.
15. Council will maintain and make available all records pertaining to the above services and activities in accordance with and for periods of time as required by the City and federal law and regulations. During such time, and for sixty (60) days thereafter, the City may take possession of said records upon written request.
16. This agreement shall not be deemed to create a joint venture relationship or principal-agent relationship between the City and Council. At all times material, Council shall be deemed an independent contractor of the City.
17. This agreement shall be construed under the laws of the State of North Dakota.

APPROVED:

By: Arlyn Van Beek, Mayor

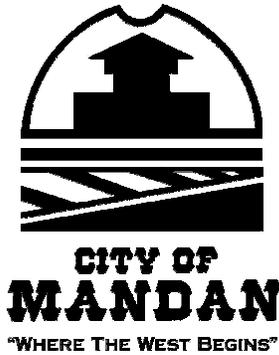
Date

By: Jim Neubauer, City Administrator

Date

By: Brent Ekstrom, Executive Director

Date



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 5, 2016
PREPARATION DATE: December 23, 2015
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Shirley Shaw
PRESENTER: Shirley Shaw
SUBJECT: Residential Remodeling Exemption:
305 2nd Ave NW - Eric & Carisa Upton

STATEMENT/PURPOSE: To consider a 3 Year Residential Remodeling Exemption for Eric & Carisa Upton at 205 2nd Ave NW. The property owners have obtained a building permit for a basement remodeling project, adding a 3 fixture bathroom and walk-in closet. Estimated cost for project is \$22,000.

BACKGROUND/ALTERNATIVES: This parcel is also known as Parcel #65-2704000 Lot 4 Block 38 Mandan Proper (OT)

ATTACHMENTS: Application for Property Tax Exemption for Improvements to Commercial and Residential Buildings; ND State Guidelines & City of Mandan Policy; Photos of basement area to be remodeled; Building Permit; Property Record Data Sheet for residence.

FISCAL IMPACT: Approximately \$275 a year for 3 years.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend a motion to approve the remodeling exemption as the property owners meet all the requirements as set forth by ND State Guidelines and the City of Mandan's policy on remodeling exemptions.

SUGGESTED MOTION: A motion to approve the remodeling exemption as the property owners meet all the requirements as set forth by ND State Guidelines and the City of Mandan's policy on remodeling exemptions.

**Application For Property Tax Exemption For Improvements
 To Commercial And Residential Buildings**

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

Property Identification

1. Legal description of the property for which exemption is claimed UB/P 4-38 Mandan Proper (3634)

2. Address of Property 305 2nd Ave NW, Mandan ND

3. Parcel Number 65-2704000

4. Name of Property Owner Eric Upton Phone No. _____

5. Mailing Address of Property Owner 305 2nd Ave NW, Mandan ND 58554

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Add 3 fixture bath & walking closet adding concrete floor in 1 room New plumbing & electrical work. painting

7. Building permit No. 15-1414 8. Year built (residential property) 1883

9. Date of commencement of making the improvements 12-22-15

10. Estimated market value of property before the improvements \$ ~~141,300.00~~ 141,300.00

11. Cost of making the improvement (all labor, material and overhead) \$ 20,000

12. Estimated market value of property after the improvements \$ 161,300.00

Applicant's Certification And Signature

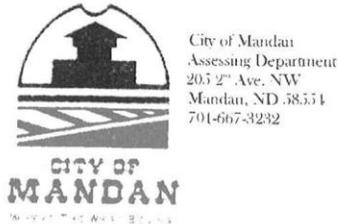
13. I certify that the information contained in this application is correct to the best of my knowledge.
 Applicant Eric Upton Date 12-22-15

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do do not meet the qualifications for exemption for the following reason(s): meets all requirements as set forth by ND Guidelines and City of Mandan remodeling policy.
 Assessor/Director of Tax Equalization Shirley Shaw Date 12-23-15

Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved Denied
 Approval is subject to the following conditions: _____
 Exemption is allowed for years 2016, 2017, 2018, 20 , 20 .
 Chairperson _____ Date _____



2015 CITY OF MANDAN
GUIDELINES FOR PROPERTY TAX EXEMPTION OF IMPROVEMENTS TO
COMMERCIAL & RESIDENTIAL BUILDINGS

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.

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.

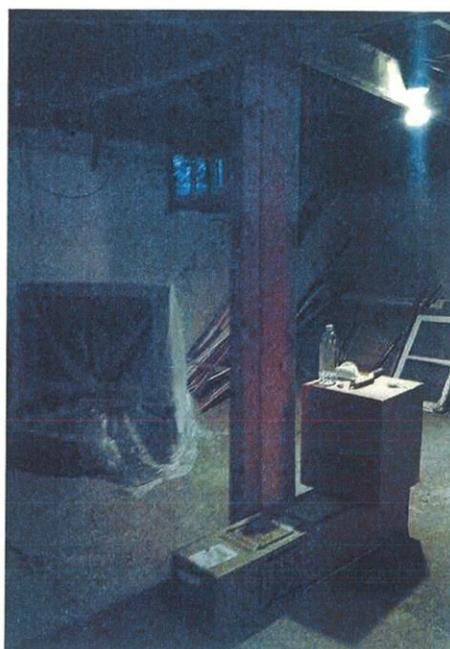
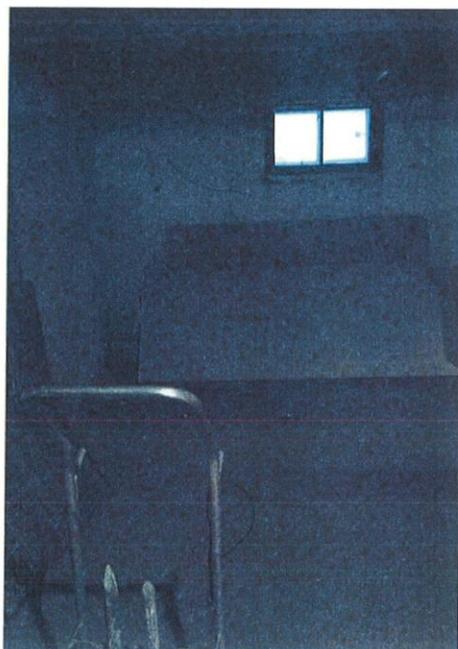
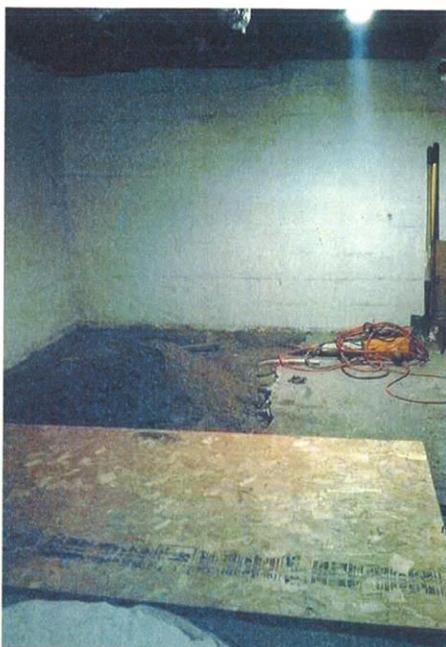
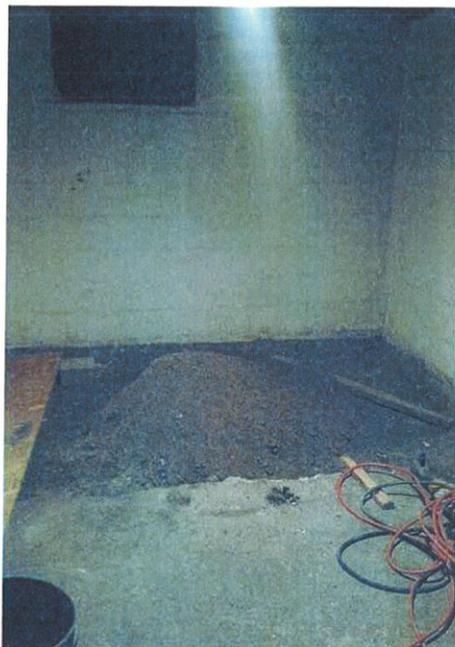
Procedures:

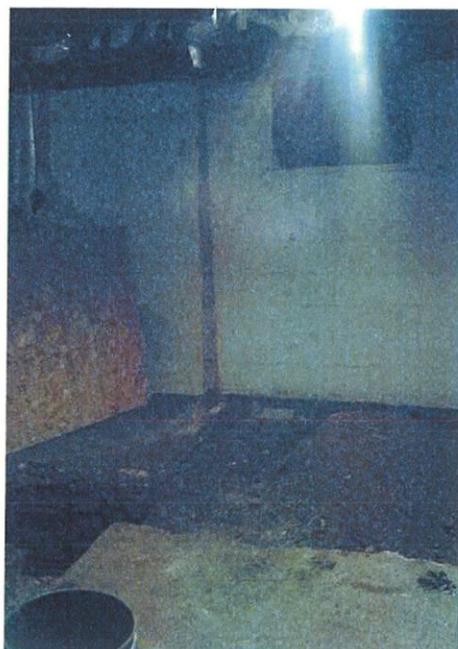
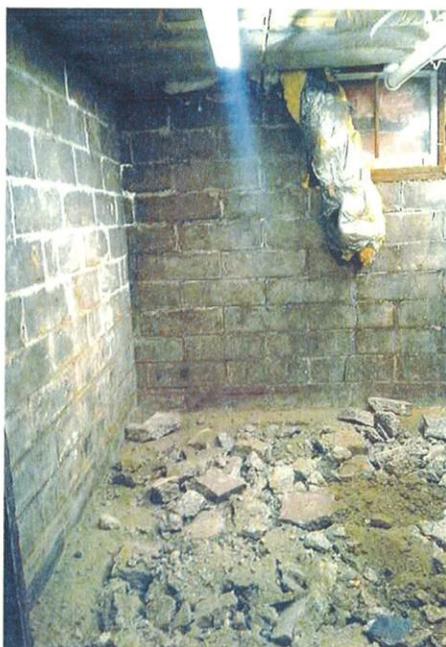
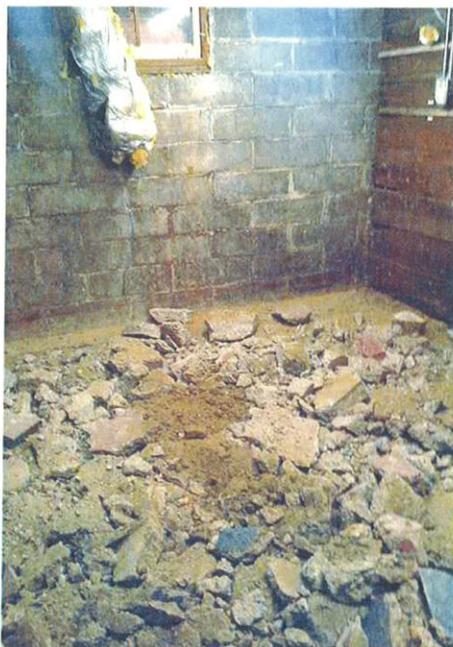
11. The property owner files an application with the assessor of the assessment district where the property is located.
12. The assessor determines if the improvements qualify for exemption. The governing body of the county or city must approve the exemption before it becomes effective.
13. If the renovation, 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.

City of Mandan Policy:

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.
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.

*Approved by the Mandan City Commission
January 20, 2015*







City of Mandan

205 2nd Ave NW
 Mandan, ND 58554
 (701) 667-3230 Voice
 (701) 667-3481 Fax

RESIDENTIAL - ADDITIONS / REMODELS

Issue Date: December 22, 2015

PROJECT DESCRIPTION: BASEMENT FINISH 700 SQ AND BATHROOM FINISH

PROJECT # (701) 667-3230
 RESR-15-1414 Inspections

LOCATION LEGAL
 305 2 AVE NW MANDAN PROPER (OT) Blk 38 Lot 4
 Mandan, ND 58554

CONTRACTOR

KILEN ENTERPRISE INC
 State ID #
 2115 MISSOURI LOOP N
 MANDAN, ND 58554-5432

OWNER

Upton Eric & Carisa
 305 2 AVE NW
 Mandan, ND 58554

AVAILABLE INSPECTIONS

- ▶ Building Framing (required)
- ▶ Building Final (required)

NOTICES

- 1) All work must be done in compliance with the current North Dakota Building Code. This permit was reviewed and approved by the Building Official according to local jurisdiction, zoning ordinances and building codes. The owner is hereby notified that private covenants and encumbrances may exist on said property. It is the responsibility of the owner to follow these covenants and encumbrances. The property owner is responsible for having all existing utility lines located on said property.
- 2) Approval is not to be construed as an assumption of any legal responsibility for the design or construction of the dwelling or building component. This permit creates

INFORMATION

City Property ID 3634
 Valuation 22000

FEES TOTAL = \$ 235.75

Residential Alteration Permit Fee \$ 235.75

PAYMENTS TOTAL = \$ 235.75

KILEN ENTERPRISE INC (kilen)
 Other on 12/22/2015 (\$235.75)
 Note: VISA

OWNER / AGENT

12/23/2015
 Owner / Agent Signature Date

no warranties with regard to construction or code compliance. The inspections under this permit are for the benefit of the public and not the Permittee and the inspections do not create a duty to the Permittee, the owner or to a subsequent purchaser with regard to quality of construction or code compliance. The party doing the work under this permit is responsible for all code compliance and quality of work.

- 3) Attention is particularly called to the cutting of streets, making sewer and water connections, driveways and curbs. Before you start work, get the sidewalk, sewer and grades for your location from the City Engineer or Department of Public Works. Your service walks and driveways shall conform to City Street and Sidewalk grades as established by the Department of Public Works. The City cannot be held responsible for property location. If property lines have to be located, it will be necessary to hire a licensed land surveyor at owner's expense. Unless construction is started within six months, this permit is void. It must then be renewed or replaced at the Building Department office.
- 4) A copy of the signed permit and approved plans must be on site at all times.
- 5) The project address must be clearly posted at the job site.
- 6) BUILDING PERMIT FEES
NONREFUNDABLE



City of Mandan, ND

205 2nd Ave NW
 Mandan, ND 58554
 (701) 667-3230 Voice
 (701) 667-3481 Fax

INSPECTION RECORD

Issue Date: December 22, 2015

PURPOSE: RESIDENTIAL - ADDITIONS / REMODELS

PROJECT DESCRIPTION: BASEMENT FINISH 700 SQ AND BATHROOM FINISH

PROJECT #
 RESR-15-1414

(701) 667-3230
 Inspections

LOCATION
 305 2 AVE NW
 Mandan, ND 58554

LEGAL
 MANDAN PROPER (OT) Blk 38 Lot 4

CONTRACTOR

KILEN ENTERPRISE INC
 State ID #
 2115 MISSOURI LOOP N
 MANDAN, ND 58554-5432

OWNER

Upton Eric & Carisa
 305 2 AVE NW
 Mandan, ND 58554

TYPE OF INSPECTION	APPROVAL	DATE	REMARKS
Building Framing			
Building Final			

**DO NOT COVER ANY WORK BEFORE IT HAS BEEN INSPECTED
 THIS CARD MUST BE POSTED ON THE JOB**

Board of City Commissioners
 Agenda Documentation
 Meeting Date: January 5, 2016
 Subject: Residential Remodeling Exemption – Eric & Carisa Upton
 Page 10 of 15

PDF#PIN: 001-465-2704000
 305 2 AVE NW, MANDAN

City of Mandan
 WORKING Wed, 12/23/2015, 9:36 AM Page 1

Deed: UPTON ERIC & CARISA
 Contract: 03634
 CID#: 03634
 DBA:
 M.L.S:

Map Area: Zone 1 - Res
 Route: 000-000-000
 Tax Dist: M1
 Plat Page:
 Subdiv: MANDAN PROPER (OT)

Checks/Tags: RH, 07/21/2015
 Review/Date: SS, 07/22/2015
 Entry Status: Estimated

Urban/Residential
 Legal: LOT 4 BLOCK 38 MANDAN PROPER (OT)

Land Basis		Front	Rear	Side 1	Side 2	R. Lot	SF	Acres	Depth	EFF	Qual./Land	Unit Price	Total	Topo	Econ	Other	\$Adj	Land Total (Est. Market)
Lump Sum							7,000.00	0.161					\$18,200	0%	0%	0%	\$0	\$18,200
Grand Total							7,000.00	0.161					\$18,200	0%	0%	0%	\$0	\$18,200

Date	Sales	Recording		Date	Number	Tag	\$ Amount	Reason	Values		
		NUTC	Recording						Appraised	B of R	
06/01/2007	D000	408963		11/25/2013	30413	Y	\$0	Misc	Land	\$18,200	\$0
06/11/1999	D021	356380		5/14/1998	18598	N	\$5,808	Garage	Dwlg Impr	\$125,300	\$0
04/16/1997	D004	344338							Total	\$143,500	\$0

Occ. Code	Occ. Descr.	Res. Structure		Finish		Plumbing		Additions		Garage
		Tl Rooms Above #	Tl Rooms Below #	Bdrms Above #	Bdrms Below #	Full Bath	Shower Stall	Year Built	No Additions	
	Single-Family / Owner Occupied	101	0	8	0					1 of 1 Det Firm 0' X 0'
Year Built		1883								W X L
EFA / EBYr		132 / 1883								Area (SF) 484
Arch. Dsgn	A-Frame									Year Built 1998
Style	2 Story Frame									EFA
Area\$7TLA		926 / 1,852								EFF Year 1998
GLA 1st/2nd		926 / 926								Grade
Grade		4+5								Condition
Grade Mult.		1,210								Bmnt (SF) 3
Condition		A NML								NoBmnt Ft(SF)
Phy-Depr. %		35%								Heat
Basement		Full								AC
No Bmnt Fr.		0								Attic (SF)
Heat		HW - Baseboard								%Phy/Foob/Ech
AC		No Jennair								Door Opns
Attic		None Security System								Bmnt Stairs



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Board of City Commissioners
 Agenda Documentation
 Meeting Date: January 5, 2016
 Subject: Residential Remodeling Exemption – Eric & Carisa Upton
 Page 11 of 15

PDF#-PIN: 001-65-270-4000

Wed, 12/23/2015, 9:36 AM Page 2

Bagg / Addr	Description (RCN \$177,512)	Units	Price	Base Value	Grade Mult	Year	Phys%	Fabri%	Ebbn%	Other%	Depreciated Total (find nearest dollar)	Map	Appraised Value (find nearest \$100)
	101 — Single-Family / Owner Occupied	926		\$135,440									
	2 Story Frame												
	Base Heat: HW - Baseboard												
#1	Porch: 1S Frame Open	135 SF	\$3,670.00	\$3,670									
#2	Porch: 1S Frame Open	84 SF	\$2,880.00	\$2,880									
	Deck #1: Wood Deck-Med	144 SF	\$16,000	\$2,304									
	Plumbing	2	N/A	\$2,400									
	Building Sub Total			\$146,704	1.210	1883	35.00	0	0	0	\$115,383		
	Garage: Det Frame	484 SF		\$12,000	3	1998	17.00	0	0	0	\$9,860		
	Building TOTAL Value										\$125,343	1.000	\$125,300

Board of City Commissioners
 Agenda Documentation
 Meeting Date: January 5, 2016
 Subject: Residential Remodeling Exemption – Eric & Carisa Upton
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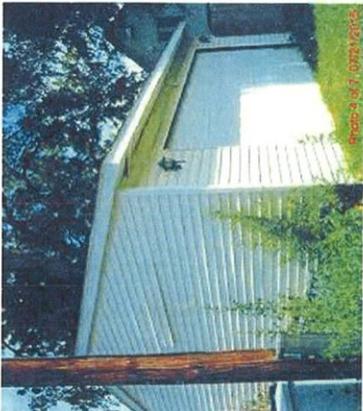
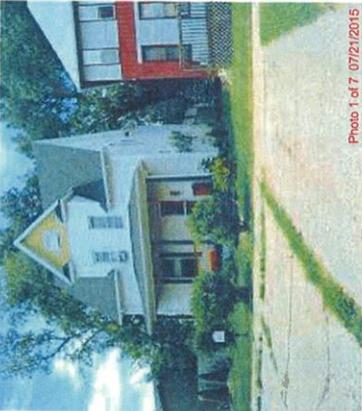
Wed, 12/23/2015, 9:36 AM Page 3

PDF#PIN: 001+65-2704000	Year	Comment	Value Type	Location	Class	Land Value	Dwelling Value	Improvement Value	M & E Value	Total Value
1991	1991		Import	Urban	Res	\$9,800	\$24,300	\$0	\$0	\$34,100
1992	1992		Import	Urban	Res	\$9,900	\$24,500	\$0	\$0	\$34,400
1993	1993		Import	Urban	Res	\$9,900	\$25,500	\$0	\$0	\$35,400
1994	1994		Import	Urban	Res	\$9,500	\$28,200	\$0	\$0	\$37,700
1995	1995		Import	Urban	Res	\$9,200	\$32,400	\$0	\$0	\$41,600
1996	1996		Import	Urban	Res	\$9,200	\$37,300	\$0	\$0	\$46,500
1997	1997		Import	Urban	Res	\$9,200	\$42,400	\$0	\$0	\$51,600
1998	1998		Import	Urban	Res	\$9,200	\$45,800	\$0	\$0	\$55,000
1999	1999		Import	Urban	Res	\$9,200	\$52,900	\$0	\$0	\$62,100
2000	2000		Import	Urban	Res	\$9,200	\$62,900	\$0	\$0	\$92,100
2001	2001		Import	Urban	Res	\$9,100	\$87,900	\$0	\$0	\$97,000
2002	2002		Import	Urban	Res	\$8,900	\$91,800	\$0	\$0	\$100,700
2003	2003		Import	Urban	Res	\$9,500	\$97,600	\$0	\$0	\$107,100
2004	2004		Import	Urban	Res	\$9,700	\$99,600	\$0	\$0	\$109,300
2005	2005		Import	Urban	Res	\$9,700	\$98,100	\$0	\$0	\$107,800
2006	2006		Import	Urban	Res	\$9,700	\$99,500	\$0	\$0	\$109,200
2007	2007		Import	Urban	Res	\$9,600	\$112,300	\$0	\$0	\$121,900
2008	2008		Import	Urban	Res	\$10,100	\$124,300	\$0	\$0	\$134,400
2009	2009		Import	Urban	Res	\$10,400	\$118,400	\$0	\$0	\$128,800
2010	2010		Import	Urban	Res	\$10,400	\$122,400	\$0	\$0	\$132,800
2011	2011		Import	Urban	Res	\$10,800	\$124,500	\$0	\$0	\$135,300
2012	2012		Import	Urban	Res	\$11,300	\$124,500	\$0	\$0	\$135,800
2013	2013		Import	Urban	Res	\$11,300	\$124,500	\$0	\$0	\$135,800
2014	2014		Import	Urban	Res	\$12,400	\$128,200	\$0	\$0	\$140,600
2015	2015	Import from County file.	Appr	Urban	Res	\$18,200	\$123,100	\$0	\$0	\$141,300

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PDF+PIN: 001+65-2704000



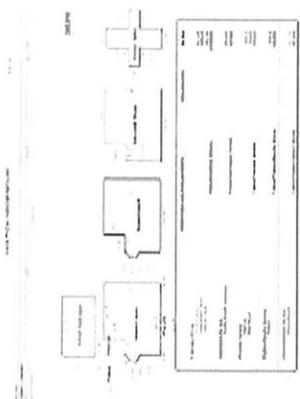


Photo 7 of 7 12/04/2013

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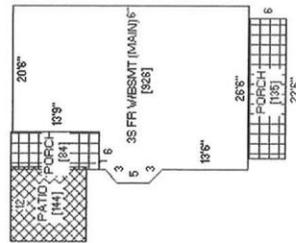
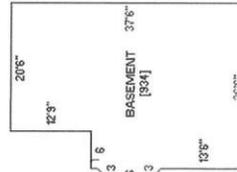
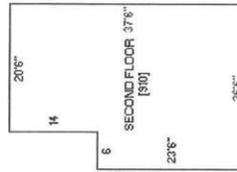
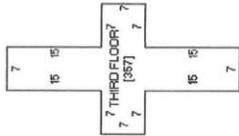
Notes:

Note Title: Original AS400 Notes

2011 - ORIGINAL TRIM, DOORS, HARDWOOD FLOORS, AND FURNACE. STEEP STEPS TO 3RD FLOOR UNFINISHED USED FOR STORAGE. CHANGE AF FROM 1939 TO 1935 6-11

Land Depreciation Notes:

Land basis 1: 50 X 140, ALLEY, UTIL, UNDRGRND UTIL, SIDWALK, INLAND





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

Type: Local Permit * Charity Local Permit

Permit Number
 2016-02

Name of Organization Pucks 4 People		Date(s) Authorized (Read instruction 2)		
Contact Person Richard Zander	Business Phone Number (701) 595-1732	2/13/2016 Beginning	to 2/13/2016 Ending	
Mailing Address 905 8 Ave Nw	City Mandan	State ND	Zip Code 58554-0000	
Site Name Mandan All Seasons Arena	Site Address 905 9 St Nw			
City Mandan	State ND	ZIP Code 58554-0000	County Morton	
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.				
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels*				
Restriction:				
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor <u>and</u> Office of Attorney General within 30 days of the event.				
Date 12/23/2015	Signature of: <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor	Printed Name of City or County Auditor Patrick B Haug		Auditor Telephone Number (701) 667-3250

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

cut along this line

INFORMATION REQUIRED TO BE PREPRINTED ON A STANDARD RAFFLE TICKET:

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



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 5, 2016
PREPARATION DATE: December 30, 2015
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch, Finance Director
SUBJECT: Depositories of Public Funds

PURPOSE

To designate depositories of public funds which meet the pledge of security requirements.

BACKGROUND

Public funds belonging to or in the custody of any public corporation must be deposited in the Bank of North Dakota or in financial institutions which have been duly designated as depositories in the manner prescribed in this chapter (NDCC 21-04-03).

Any financial institution duly incorporated in this state under and pursuant to the laws governing the incorporation of financial institutions, and any financial institution situated and doing business within this state, and the Bank of North Dakota, may be designated a depository of public funds by the proper board as herein defined. The board may select two or more financial institutions in the same county as depositories, but if more than one financial institution is designated, the board shall deal with the financial institutions selected and designated impartially, both as to the deposit of funds and the withdrawal of funds and the requirement as to bonds. The board shall take into consideration, in selecting and designating the depository or depositories, the condition of each financial institution and the capital, surplus, and general credit thereof (NDCC 21-04-05).

The governing board of any public corporation, except the board of supervisors of any township and the school board of any common school district, at its regular meeting in January of each even-numbered year, shall assemble and examine all outstanding bonds and require new bonds whenever necessary in order to comply with the provisions of this chapter. If no regular meeting of the board in January is required by any other law, the board shall assemble for said purpose not later than the third Tuesday in January. At such meeting, the board shall designate depositories of public funds in accordance with the provisions of this chapter (NDCC 21-04-13).

The City of Mandan currently utilizes the following financial institutions for banking services:

- Wells Fargo Bank
- Starion Financial
- Bank of North Dakota

ATTACHMENTS

Proposals for deposit:

- Wells Fargo Bank
- Starion Financial

FISCAL IMPACT

None

STAFF IMPACT

None

LEGAL REVIEW

In accordance with the provisions of NDCC 21-04.

RECOMMENDATION

To designate the following depositories for the City's funds:

- Wells Fargo Bank
- Starion Financial
- Bank of North Dakota

SUGGESTED MOTION

Move to designate the following depositories for the City's funds:

- Wells Fargo Bank
- Starion Financial
- Bank of North Dakota



400 East Broadway Avenue
Post Office Box 5502
Bismarck ND 58506-5502

Wells Fargo Bank North Dakota, N.A.

December 15, 2015

Mr. Greg Welch
City of Mandan
205 2nd Avenue N.W.
Mandan, ND 58554

RE: City of Mandan Depository Account

Dear Greg:

Thank you for the opportunity to submit a proposal in regards to the designation of depositories for public funds. Wells Fargo Bank, N.A., is fully capable of meeting the depository needs for the City of Mandan.

We have numerous depository products ranging from checking accounts, savings accounts, and certificates of deposit. In addition, we have a wide array of Treasury Management products to assist you in the managing of funds, along with being able to pledge for additional deposits. We also have various Wells Fargo affiliations that can assist you with your investment and financing needs.

In addition, I am enclosing the 2014 annual report of Wells Fargo and Company for your review, and will send 2015 year-end information when it becomes available.

If I can be of further assistance or if you have any questions regarding the information above, please contact me at . Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Glas", written over a horizontal line.

Jeff Glas
Business Banking Manager

JG/gs

Enclosures



Banking | Mortgage | Investments | Insurance

starionfinancial.com

December 10, 2015

Greg Welch
Finance Director
City of Mandan
205 2nd Ave NW
Mandan 58554

Dear Mr. Welch:

I want to thank the City of Mandan for their past year's business and the opportunity to serve as a depository for the city's public funds.

Our banking services include but are not limited to checking, savings, certificates of deposits, ACH, cash management, direct payroll deposits, E deposits, mobile check deposit and wire transfers. Deposit rates can be fixed or variable with the variable rates tied to in-house or Treasury Bill indexed rates.

Starion Financial has the capacity to pledge appropriate assets towards the city's public deposits. We are affiliated with LPL Financial to handle your investment needs. Starion Financial, through our insurance agency is also capable of handling the City of Mandan's insurance needs.

Enclosed is a September 30, 2015 call report. If you should have any questions or desire further information, please feel free to call.

Sincerely,

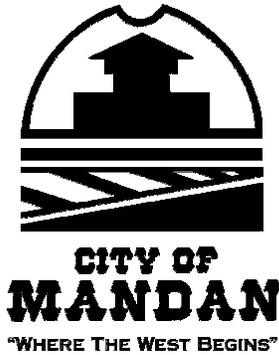
STARION FINANCIAL – MANDAN

A handwritten signature in black ink, appearing to read "Landon Feil", written over a light blue horizontal line.

Landon Feil
Business Banking Officer/AVP

Enclosure





Board of City Commissioners

Agenda Documentation

MEETING DATE: January 5, 2016
PREPARATION DATE: December 29, 2015
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Shirley Shaw
PRESENTER: Shirley Shaw
SUBJECT: Missed Renaissance Zone Exemption for 2015

STATEMENT/PURPOSE: To add the already approved Renaissance Zone Exemption for 2015 to the Property at 103 3rd Ave NW; otherwise known as Eye Care Professionals

BACKGROUND/ALTERNATIVES: This parcel is also known as Parcel #65-2353000 Lots 2 & 3 Block 10 Mandan Proper (OT) City ID #3263

Reason for abatement: In 2010 this property was approved for 100% property exemption on the building as improved for 50% of square footage that was leased by Dr. Tom Grube for years 2011-2015
In 2013 this property was approved for 100% property tax exemption on the building as improved for 50% of the 2nd 50% of square footage.
When Assessment totals were transferred to the County Tax Director, we didn't have this exemption included at the time.

ATTACHMENTS: Copies of approved Renaissance Zone Exemptions, Property Record sheet, tax statement showing the exemption was not applied.

FISCAL IMPACT: Approximately \$3,600

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend a motion to approve adding the missed Renaissance Zone exemption that was previously approved in prior years.

SUGGESTED MOTION: A motion to approve adding the missed Renaissance Zone exemption that was previously approved in prior years.

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. 65-235300
 Name Commercial Properties LLP Telephone No. _____
 Address 113 3rd Ave NW

Legal description of the property involved in this application:
Lots 2 & 3 Block 10
Mandan Proper (OT)

Total true and full value of the property described above for the year <u>2015</u> is:	Total true and full value of the property described above for the year <u>2015</u> should be:
Land \$ <u>32,200</u>	Land \$ <u>32,200</u>
Improvements \$ <u>261,300</u>	Improvements \$ <u>0</u>
Total \$ <u>293,500</u>	Total \$ <u>32,200</u>

The difference of \$ 261,300 true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- 2. Residential or commercial property's true and full value exceeds the market value
- 3. Error in property description, entering the description, or extending the tax
- 4. Nonexisting improvement assessed
- 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- 6. Duplicate assessment
- 7. Property improvement was destroyed or damaged by fire, flood, (tornado, or other natural disaster (see N.D.C.C. § 57-23-04 1(g))
- 8. Error in acting 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): Had Renaissance Zone Exemption

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? _____ If yes, how long? _____
 Asking price: \$ _____ Terms of sale: _____

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

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

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

Applicant asks that corrections be made to 2015 Tax statement to reflect the already approved Renaissance Zone Exemption.

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: Shirley Shaw Date: 12-29-15
 Signature of Applicant: _____ Date: _____

Board of City Commissioners
 Agenda Documentation
 Meeting Date: January 5, 2016
 Subject: Missed Renaissance Zone Exemption for 2015
 Page 3 of 14

Parcel Search Results

<http://ndpropertytax.org/tax/Parcel.asp?pid=65-2352000&tid=1&ci...>

As of :
12/29/2015

Parcel Number: **65-2352000**

Payable Year: 2015

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

General

Receipt #	2929	Name	COMMERCIAL PROPERTIES LLP
ASMT	233 COMMERCIAL	MP#	19144
Homestead	0 NON HOMESTEAD	MP Name	COMMERCIAL PROPERTIES LLP
HS Percent	.00		

Market/Tax

T & F Land	32,200	Tax State	14.68	Gross Tax	4,105.35
T & F Building	261,300	Tax County	1,183.98	ST PD Cred	492.64
Total T & F	293,500	Tax Twp/Cty	978.24	Special Asmt	278.13
Assessed	146,750	Tax School	1,417.46	Tax Due	3,890.84
Taxable	14,675	Tax Cnty.WD	23.19		
HSTD Credit	0	Tax Increm	0.00	Disc Avail	180.63
Net Taxable	14,675	Fire	0.00	Net Tax Due	3,710.21
Mill Rate	279.75	Park	442.01		
Statement #	2929	Water	45.79	Tax AB/Addds	0.00
				S A AB/Addds	0.00
		Tax Penalty	0.00	Adj.NT.Due	3,710.21
		Tax Interest	0.00	Total Receipts	0.00
		SA Penalty	0.00	Disc Taken	0.00
		SA Interest	0.00	Remain Due	3,710.21
		Cost			

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

* 1st: Structure should be on parcel # 65-2353000

* 2nd: Has 100% Renaissance Zone Exemption for 2015.
 50% for each Leasee

(Eye Care Prof Bldg) Part 19 Bldg # 32622 + # 32623



CITY OF MANDAN

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

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

December 30, 2010

2011 - 2015

Dr. Tom Grube
Grube Retina Clinic
P.O. Box 68
Mandan, ND 58554

RE: Mandan Renaissance Zone Project - #39 - Leasehold improvements at 107 Third Avenue NW

Dear Dr. Grube:

The purpose of this letter is to document in writing that the above-referenced Renaissance Zone project has received final approval from both the City of Mandan and the North Dakota Department of Commerce - Division of Community Services.

The City of Mandan has verified that the project had been completed as of July 20, 2010. The five-year property tax exemption will begin with the property tax statements distributed in 2011. This project receives a 100% property tax exemption on the building as improved for the 50% of square footage that you are leasing. The exemption period is for five years beginning in 2011. However, there will still be property taxes on the land, which will be reflected in the property tax statement. Please note, special assessments for street, water, sewer or other public improvement projects are also excluded.

As indicated in the attached letter, the North Dakota Department of Commerce - Division of Community Services granted final approval to this project on Dec. 23, 2010. The five-year business income tax exemption period is July 2010 through June 2015. In order to claim the Renaissance Zone business income tax exemption, you will need to file Schedule RZ with your North Dakota tax returns. A copy of the Schedule RZ booklet is enclosed. A fill-in PDF version is posted online at: <http://www.nd.gov/tax/genforms/schedule-rz09.pdf>.

If you have any questions or need additional information, please call me at 667-3485 or send an e-mail to ehuber@cityofmandan.com. Thank you for bring your business to Mandan and for your investment in improving your lease space. We wish you much success!

Sincerely,

Ellen Huber
Business Development Director

Cc: Building Inspections and Assessing



Community Services Economic Development & Finance Tourism Workforce Development

December 23, 2010

Ellen Huber, Business Development Director
City of Mandan
205 2nd Avenue NW
Mandan, ND 58554

Dear Ms. Huber:

The purpose of this letter is to give final approval to Project 39-MN-Leasehold Improvement by The Grube Retina PC of the Space at 107 3rd Ave. This final approval is based on your email of December 22, 2010, indicating completion as of July 20, 2010.

Based on your email, the five-year business income tax exemption period is July 2010 through June 2015.

Please give this letter to the taxpayers and remind them of the Schedule RZ tax forms.

Sincerely,


Zachary Weis
State Energy Engineer
Division of Community Services

sk

"We lead North Dakota's efforts to attract, retain and expand wealth."

1600 E. Century Avenue, Suite 2 • P.O. Box 2057 • Bismarck, ND 58502-2057
Phone: 701-328-5300 • 1-866-4DAKOTA • Fax: 701-328-5320 • www.ndcommerce.com
Relay North Dakota: 1-800-366-6888 TTY • 1-800-366-6889 Voice



CITY OF MANDAN

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

13263

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

August 8, 2013

Jim Helmers
Commercial Properties
113 Third Avenue NW
Mandan, ND 58554

2014-2018

RE: Mandan Renaissance Zone Project — #50 Rehab of 113 Third Avenue NW

Dear Jim:

The purpose of this letter is to document in writing that the above-referenced Renaissance Zone project has received final approval from both the City of Mandan and the North Dakota Department of Commerce – Division of Community Services.

The City of Mandan has verified that the project had been completed with a certificate of occupancy issued July 30, 2013. The five-year property tax exemption will begin with the property tax statement distributed in 2014. This project receives a 100% property tax exemption on the building as improved for 50% of the square footage. The other 50% of the square footage is already subject to exemption under the Renaissance Zone program as a result of the Grube Retina Clinic leasehold improvement project for the period of 2011 to 2015.

The property tax exemption period for Commercial Properties is for five years, from 2014 to 2018. Please know there will still be property taxes on the land, which will be reflected in the property tax statement. Special assessments for street, water, sewer or other public improvement projects are also excluded from the exemption.

As indicated in the attached letter, the North Dakota Department of Commerce – Division of Community Services granted final approval to this project on Aug. 7, 2013. The five-year business income tax exemption period is July 2013 to June 2018. This is for business income generated through Commercial Properties, which would essentially be lease income. Continuation of the lease of the building by Eyecare Professionals is a separate project and to finalize it, I will need a copy of your renewed lease agreement.

To claim the Renaissance Zone business income tax exemption, an entity needs to file Schedule RZ with its North Dakota tax returns. A copy of the Schedule RZ booklet is enclosed. A fill-in PDF version is posted online at: <http://www.nd.gov/tax/genforms/renaissance.html>.

If you have any questions or need additional information, please call me at 667-3485 or send an e-mail to ehuber@cityofmandan.com. Thank you for helping to strengthen the vitality of Mandan's central business district!

Sincerely,


Ellen Huber
Business Development Director

Cc: Assessing and Building Inspection Department



Community Services | Economic Development & Finance | Tourism | Workforce Development

August 7, 2013

Ellen Huber
Business Development & Communications Director
City of Mandan
205 2nd Avenue NW
Mandan, ND 58554

Dear Ms. Huber:

The purpose of this letter is to give final approval to Project 49-MN: Rehabilitation by Commercial Properties at 113 Third Avenue NW. This final approval is based on your email dated August 5, 2013, indicating a completion date of July 30, 2013.

Based on your email, the five-year business or investment income exemption period is July 2013 through June 2018.

Please give this letter to the taxpayers and remind them of the Schedule RZ tax forms.

Sincerely,

A handwritten signature in cursive script, appearing to read "Andrea Holl Pfennig".

Andrea Holl Pfennig
Renaissance Zone Manager
Division of Community Services

sk

"We lead North Dakota's efforts to attract, retain and expand wealth."

1600 E. Century Avenue, Suite 2 • P.O. Box 2057 • Bismarck, ND 58502-2057 • Phone: 701-328-5300 • Toll-Free: 1-866-4DAKOTA
Fax: 701-328-5320 • ND Relay TTY: 1-800-366-6888 • Voice: 1-800-366-6889 • NDCommerce.com

PDF#PIN:001+66-2353000

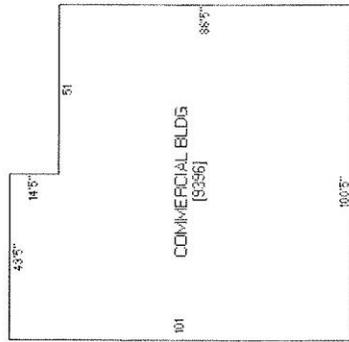
Bldg / Asst	Description	Units	Price	Base Value	Grade Mult	Year	Phys%	Fobs%	Eobs%	Cher%	Depreciated Total (not nearest dollar)	Map	Appraised Value (not nearest \$100)
	(RCN \$893,606)												
Bldg	O 502 —Office - Medical / Dental												
Pre	P 502 —Office - Medical / Dental	9,396	\$82.70	\$777,049	1.150	1980	35	0	0	0	\$590,844	1.000	\$590,800
	Building Sub Total			\$777,049				0	0	0	\$590,844	1.000	\$590,800
	Commercial Building TOTAL Value			\$777,049				0	0	0	\$590,844	1.000	\$590,800

Board of City Commissioners
 Agenda Documentation
 Meeting Date: January 5, 2016
 Subject: Missed Renaissance Zone Exemption for 2015
 Page 10 of 14

Tue, 12/29/2015, 10:15 AM Page 3

Prior Year	Comment	Value Type	Location	Class	Land Value	Dwelling Value	Improvement Value	M & E Value	Total Value
1984		Import	Urban	Comm	\$56,000	\$0	\$70,000	\$0	\$126,000
1995		Import	Urban	Comm	\$56,000	\$0	\$70,000	\$0	\$126,000
1996		Import	Urban	Comm	\$56,000	\$0	\$70,000	\$0	\$126,000
1997		Import	Urban	Comm	\$56,000	\$0	\$70,000	\$0	\$126,000
1998		Import	Urban	Comm	\$56,000	\$0	\$70,000	\$0	\$126,000
1999		Import	Urban	Comm	\$56,000	\$0	\$70,000	\$0	\$126,000
2000		Import	Urban	Comm	\$56,000	\$0	\$70,000	\$0	\$126,000
2001		Import	Urban	Comm	\$56,000	\$0	\$70,000	\$0	\$126,000
2002		Import	Urban	Comm	\$56,000	\$0	\$70,000	\$0	\$126,000
2003		Import	Urban	Comm	\$56,000	\$0	\$70,000	\$0	\$126,000
2004		Import	Urban	Comm	\$56,000	\$0	\$70,000	\$0	\$126,000
2005		Import	Urban	Comm	\$56,000	\$0	\$70,000	\$0	\$126,000
2006		Import	Urban	Comm	\$56,000	\$0	\$70,000	\$0	\$126,000
2007		Import	Urban	Comm	\$58,800	\$0	\$73,500	\$0	\$132,300
2008		Import	Urban	Comm	\$62,300	\$0	\$77,900	\$0	\$140,200
2009		Import	Urban	Comm	\$64,200	\$0	\$77,900	\$0	\$142,100
2010		Import	Urban	Comm	\$64,200	\$0	\$79,400	\$0	\$143,600
2011		Import	Urban	Comm	\$63,800	\$0	\$268,300	\$0	\$332,100
2012		Import	Urban	Comm	\$65,300	\$0	\$277,000	\$0	\$342,300
2013		Import	Urban	Comm	\$67,300	\$0	\$250,400	\$0	\$317,700
2014		Import	Urban	Comm	\$69,000	\$0	\$0	\$0	\$69,000
2015		Import	Urban	Comm	\$67,300	\$0	\$493,700	\$0	\$561,000

Import from County file.
 w/Ex: \$67,300 Total; \$67,300 Land; \$0 Dwg; Eq

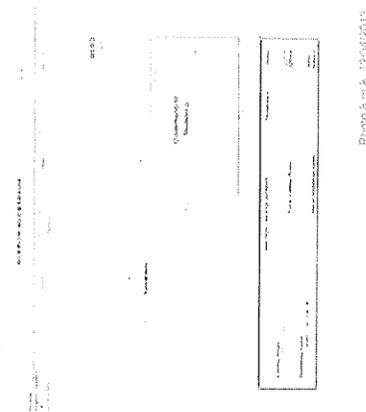
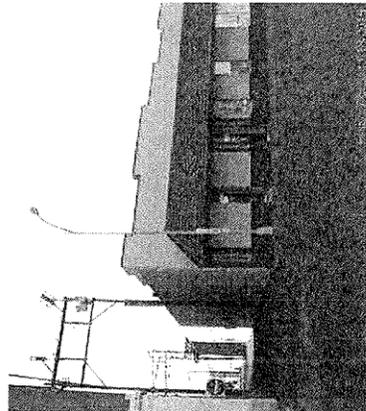
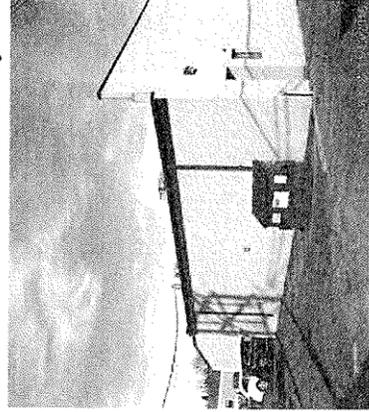


Sketch 1 of 1



PDF+PIN: 001+65-2353000

Tue, 12/29/2015, 10:15 AM Page 5



Notes:
 Note Title: Original AS400 Notes
 2013 PROPERTY APPROVED FOR FOR 100% RENAISSANCE EXEMPTION TO 50% OF STRUCTURE OWNED BY COMMERCIAL PROPERTIES. 2014-2018

2 YR BUSINESS RENAISSANCE EXEMPTION @ 100% FOR 2011-2015 ON 50% OF BLDG LEASED BY GRUBE RETINA CLINIC
 2014 2015 100% 35 RENAISSANCE 14 & 15 @ 100% EYECARE PROFESSIONALS/GRUBE RETINA CLINIC

imported by PhotoDoc Import
 Photo Doc # 1307412012

PDF+PIN:001+65-2353000
Notes:

THIS BUILDING HAS 2 ADDRESSES 107 & 113 3RD AVE NW.
2012 - THREE INDIVIDUAL RENTAL SPACES. 25X49.5 BF UNDER GRUBE CLINIC STORAGE

Land Depreciation Notes:

Land basis 1: 100 X 140, ALLEY, SIDWALK, INLAND

PDF+PIN: 01+65-2353000

Exempt Reason

RENAISSANCE ZONE EXEMPTION

Total Exempt Values

Start Year End Date	Base Land Value Exempt Land Value	Base Other Value Exempt Other Value	Base Impr. Value Exempt Impr. Value	Base Other Value Exempt Other Value	Base Other Value Exempt Other Value	Exempt Acres CSR Points
2013 01/01/2019	\$0 \$0	\$0 \$0	\$550,800 \$550,800	\$0 \$0	\$0 \$0	0.000 0.000

Tue, 12/29/2015, 10:15 AM Page 7



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 5, 2016
PREPARATION DATE: December 28, 2015
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Shirley Shaw
PRESENTER: Shirley Shaw
SUBJECT: Reassessment 2015 Value

STATEMENT/PURPOSE: To consider a correction in 2015 True & Full Value for Robert & Theresia Fode.

BACKGROUND/ALTERNATIVES: This parcel is also known as Parcel #65-6105915 Lot 30 Block 5 Keidel's Southheart Terrace 1st.

Reason for abatement: To lower the 2015 structure value from \$380,400 before 2 year Tax Exemption to \$304,100 before 2 year Tax Exemption. This is a new construction home that sold in 2014, qualified for 2 Year New Home Exemption, wrong values were applied for 2015.

Values should be at; Land: \$32,500 Structure \$304,100 Total: \$336,600
Then apply \$75,000 exemption to Structure value: should be; \$229,100
Land: \$32,500 Structure: \$229,100 Total: \$261,600

ATTACHMENTS: Property Record Sheet, 2 Yr Tax Exemption Application

FISCAL IMPACT: Approximately \$1000.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend a motion to approve to lower the true and full value for the 2015 year for Robert & Theresia Fode.

SUGGESTED MOTION: A motion to approve a reduction for the Robert & Theresia Fode property for the 2015 assessment year.

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

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

State of North Dakota Assessment District City of Mandan
 County of Morton Property L.D. No. 65-6105915
 Name Robert & Theresia Keidel Telephone No. _____
 Address 420 Keidel Trl Sht

Legal description of the property involved in this application:

Lot 30 Block 5
Keidels South heart Terrace 1st

Total true and full value of the property described above for the year 2015 is:
 Land \$ 32,500
 Improvements \$ 380,700
 Total \$ 413,200

Total true and full value of the property described above for the year 2015 should be:
 Land \$ 32,500 32,500
 Improvements \$ 304,100 229,100
 Total \$ 336,600 261,600

The difference of \$ 76,300 true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- 2. Residential or commercial property's true and full value exceeds the market value
- 3. Error in property description, entering the description, or extending the tax
- 4. Nonexisting improvement assessed
- 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption
- 6. Duplicate assessment
- 7. Property improvement was 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): Missed 2 yr tax exemption 2015-2016

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 estimator: \$ _____
 Appraisal was made by whom? _____

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

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

Applicant asks that corrections be made to New Construction 2015 values and 2 year tax exemption be applied

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 Shirley Shaw Date 12-28-15 Signature of Applicant _____ Date _____

PDF#PIN: 009+65-6105915
 Mon, 12/28/2015, 10:22 AM Page 3

Prior Year	Comment	Value Type	Location	Class	Land Value	Dwelling Value	Improvement Value	M & E Value	Total Value
2009		Import	Urban	Other	\$7,400	\$0	\$0	\$0	\$7,400
2010		Import	Urban	Other	\$10,300	\$0	\$0	\$0	\$10,300
2011		Import	Urban	Other	\$10,600	\$0	\$0	\$0	\$10,600
2012		Import	Urban	Other	\$5,000	\$0	\$0	\$0	\$5,000
2013		Import	Urban	Other	\$11,800	\$0	\$0	\$0	\$11,800
2014	Import from County file.	Import	Urban	Res	\$32,700	\$304,100	\$0	\$0	\$336,800
2015	w/Ex: \$337,900 Total; \$32,500 Land; \$305,400	Appr	Urban	Res	\$32,500	\$380,400	\$0	\$0	\$412,900

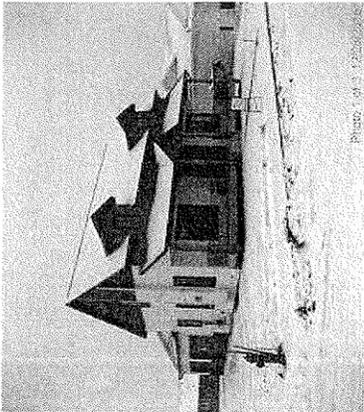
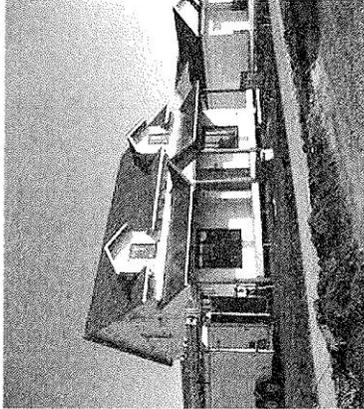


Photo 1 of 3 12/28/2015
 Photo 2 of 3 12/28/2015
 Photo 3 of 3 12/28/2015

Imported by Photo/Doc Import

Land Depreciation Notes:

Land basis 1: 85 X 163, CRNR, UTIL, UNDERGRND UTIL, SIDWALK, RESTRICTED ACCESS

PDF-PIN: 009465-6105915

Exempt Reason	Start Year End Date	Base Land Value Exempt Land Value	BaseDwg Value Exempt Dwg Value	Base Impr. Value Exempt Impr. Value	Base Other Value Exempt Other Value	Exempt Acres CSR Points
NEW CONSTRUCTION 2 YEAR EXEMPTION	2015 01/01/2017	\$0 \$0 \$0	\$75,000 \$75,000 \$75,000	\$0 \$0 \$0	\$0 \$0 \$0	0.000 0.000 0.000
Total Exempt Values		\$0	\$75,000	\$0	\$0	0.000

City of Mandan
Assessing Dept
245 2nd Ave NW
Mandan, ND 58521

COPY

65-6105915
PARCEL # 10833

APPLICATION FOR TAX EXEMPTION FOR NEWLY BUILT HOMES

I hereby make application for a tax exemption for the years ²⁰¹⁵ ~~14~~ and ²⁰¹⁶ ~~15~~ on the property described below (exclusive of the land on which it is situated or any special assessments). I certify that the request is in compliance with HB1369, approved by the 50th Legislative Assembly and certify the following in support of my request.

NAME OF APPLICANT: Robert Fode & Theresia M Fode
MAILING ADDRESS: See below
STATUS OF APPLICANT: Builder _____ First Owner After Builder: X
ADDRESS OF PROPERTY TO BE EXEMPT: 420 Keibel Hill SW
LEGAL DESCRIPTION: CCT 30 Bks Keibel Southheart

DATE PERMIT ISSUED: 4-11-2013 BUILDING PERMIT #: 181-13
CONTRACT DATE: 14 Aug 14 DATE OCCUPIED: 15 Aug 14
EXEMPTION CLAIMED: Single Family X Townhouse _____ Condo _____
COST OR VALUE OF STRUCTURE (Purchase Price): \$345,000
OWNER'S EST. MARKET VALUE (Lot and Structure): \$365,000
APPRAISAL VALUE: \$360,000

I hereby certify that there are no delinquent taxes or special assessments on the above described property.

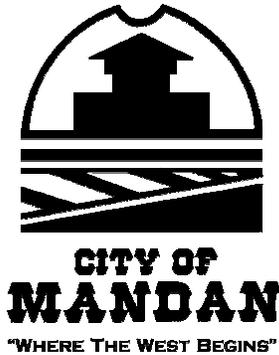
DATE: 17 Aug 14 SIGNATURE: Robert Fode

FOR OFFICE USE ONLY

APPROVED: X
DENIED: _____ Reason for Denial: _____

County Auditor or Treasurer's confrontation on taxes: Date _____
Delinquent taxes _____ No Delinquent taxes _____ By _____
Rebecca Hirston 8-21-14
Assessor's Signature Date

ADDITIONAL REMARKS: _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 5, 2016
PREPARATION DATE: December 29, 2015
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Shirley Shaw
PRESENTER: Shirley Shaw
SUBJECT: Reassessment

STATEMENT/PURPOSE: To consider a correction in 2015 True & Full Value for Jessara Properties LLC

BACKGROUND/ALTERNATIVES: This parcel is also known as Parcel #65-6112580 Lot 1 Block 1 Meadow Ridge 1st Addition. City ID #37

Reason for abatement: To lower the 2015 structure value from \$6,982,000 for 3 Apartment Buildings as the original Bldg Permit showed to \$5,908,400 to reflect the 2 completed Apartment buildings. 2015 Values should be; Land: \$391,400 Structure \$5,908,400 Total: \$6,299,800

ATTACHMENTS: Tax Statement showing T&F value; Corrected Property Data Sheet

FISCAL IMPACT: Approximately \$15,000

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend a motion to approve to lower the true and full value for the 2015 year for Jessara Properties LLC

SUGGESTED MOTION: A motion to approve a reduction for the Jessara Properties LLC to reflect the correct assessed amount of apartment buildings fully completed on the property

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

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

State of North Dakota Assessment District City of Mandan
 County of Morton Property L.D. No. 65-6112580
 Name Jessara Properties LLC Telephone No. _____
 Address 600 Meadow Ridge Ln NW

Legal description of the property involved in this application:
Lot 1 Block 1
Meadow Ridge 1st Addition

Total true and full value of the property described above for the year <u>2015</u> is:	Total true and full value of the property described above for the year <u>2015</u> should be:
Land \$ <u>391,400</u>	Land \$ <u>391,400</u>
Improvements \$ <u>6,982,000</u>	Improvements \$ <u>5,908,400</u>
Total \$ <u>7,373,400</u> (1)	Total \$ <u>6,299,800</u> (2)

The difference of \$ 1,073,600 true and full value between (1) and (2) above is due to the following reason(s):

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

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 estimator: \$ _____
 Appraisal was made by whom? _____

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

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

Applicant asks that Corrections be made to reflect that there are only 2 Apartment Bldg. and not 3.

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

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

Shirley Shaw 12-29-15
 Signature of Proprietor (if other than applicant) Date Signature of Applicant Date

Board of City Commissioners
 Agenda Documentation
 Meeting Date: January 5, 2016
 Subject: Reassessment for Jessara Properties LLC
 Page 3 of 13

Parcel Search Results

<http://ndpropertytax.org/tax/Parcel.asp?pid=65-6112580&tid=1&ci...>

As of :
12/29/2015

Parcel Number: **65-6112580**

Payable Year: 2015

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

General

Receipt #	9141	Name	JESSARA PROPERTIES LLC
ASMT	233 COMMERCIAL	MP#	64046
Homestead	0 NON HOMESTEAD	MP Name	JESSARA PROPERTIES LLC
HS Percent	.00		

Market/Tax		Tax State	368.67	Gross Tax	102,847.90
T & F Land	391,400	Tax County	29,744.30	ST PD Cred	12,341.75
T & F Building	6,982,000	Tax Twp/Cty	24,575.54	Special Asmt	14,306.40
Total T & F	7,373,400	Tax School	35,609.84	Tax Due	104,812.50
Assessed	3,686,700	Tax Cnty.WD	582.50	Disc Avail	4,525.30
Taxable	368,670	Tax Increm	0.00	Net Tax Due	100,287.20
HSTD Credit	0	Fire	0.00		
Net Taxable	368,670	Park	11,104.34		
Mill Rate	278.97	Water	862.69	Tax AB/Addds	0.00
Statement #	9141			S A AB/Addds	0.00
		Tax Penalty	0.00	Adj.NT.Due	100,287.20
		Tax Interest	0.00	Total Receipts	0.00
		SA Penalty	0.00	Disc Taken	0.00
		SA Interest	0.00	Remain Due	100,287.20
		Cost			

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

PDF+PIN: 005+65-6112580
 600 MEADOW RIDGE LP NW, MANDAN
 City of Mandan
 Deed: JESSARA PROPERTIES LLC
 Contract: 00037
 DBA: M1
 MLS: MEADOW RIDGE 1ST

WORKING
 Map Area: Zone 5 - Com
 Route: 000-000-000
 Tax Dist: M1
 Plat Page: Estimated
 Subdiv: MEADOW RIDGE 1ST

Tue, 12/29/2015, 3:13 PM Page 1
 Checks/Tags: E
 Lister/Date:
 Review/Date: GEO, 05/08/2013
 Entry Status: Estimated

Land Basis		Front	Rear	Side 1	Side 2	R. Lot	SF	Acres	Depth	EFF	Qual./Land	Unit Price	Total	Topo	Econ	Other	\$Adj	Land Total (Inc. Imp)
Lump Sum							380,565.00	8.737					\$391,400	0%	0%	0%	\$0	\$391,400
Grand Total							380,565.00	8.737					\$391,400	0%	0%	0%	\$0	\$391,400

Street		Gravel
Lump Sum	\$ Amount	

Utilities		None
Lump Sum	\$ Amount	

Zoning		RM
Lump Sum	\$ Amount	

Building Permits		RM
Date	\$ Amount	

Sales		NUTC
Date	\$ Amount	

Values		B of R	St. Equalized	Pr. Yr. 1991
Land	\$391,400		\$0	\$2,500
Dwlg	\$6,200,400		\$0	\$0
Impr	\$6,591,800		\$0	\$2,500
Total				

Precomputed Structure		702	702	2012	2012	3/	7	NML	1,260	5	24 UNIT APARTMENT	BLDG	2	24	4+10	17,188	720	1,402	33656
Occ. Descr.	Apartment																		
Price Code	Apartment																		
Year Built																			
EFF Age/Yr																			
Depr. Table																			
Condition																			
Grade Mult.																			
Phys. Descr.																			
Description																			
Style																			
Stories																			
Units																			
Grade																			
Base																			
Basement																			
1st Flr Inset Adj																			
Calc Ave. SF Unit																			
GBA																			

Verticals		8"	0	0	0	0
Fir & Fatn	enforced Concrete w/o Bsmt					
Exterior wall	Vinyl - Frame					
Interior wall	Drywall or Equiv.					
Plasters						
Wall facing	Wood/Vinyl Casement					
Windows						
Fronts/Doors						

Horizontals		1	1	1	1	1	1	1	1
Basement	Asph. Shingle/ Wood Dk								
Roof	Drywall - Textured								
Ceiling	4" R/Concrete								
Struct. Floor	Carpet								
Floor Cover	Drywall								
Partitions	Wood - Heavy								
Framing	Combination FHA - AC								
HVAC	Incl. w/ Base								
Lighting	Exposed Welf								
Sprinkler									

Obsolescence		Economic:	Other:
Functional:			

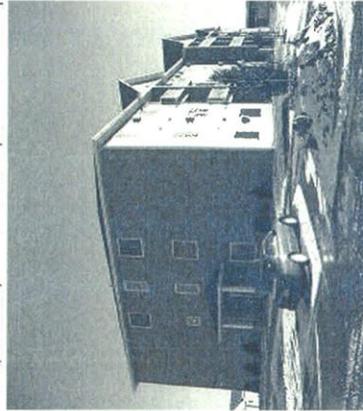
Adjustments		34,380	576	576
Sprinkler - exposed w/	AVG			
Balcony	576			
Concrete patio	576			

Board of City Commissioners
 Agenda Documentation
 Meeting Date: January 5, 2016
 Subject: Reassessment for Jessara Properties LLC
 Page 9 of 13

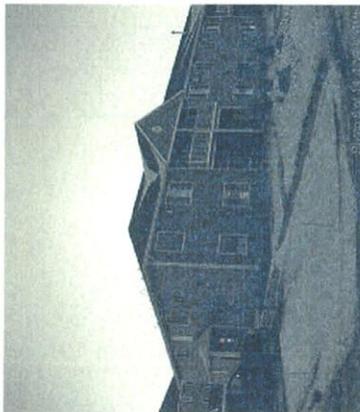
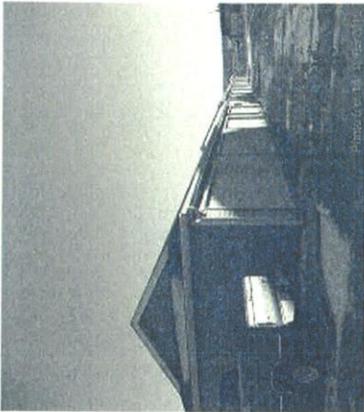
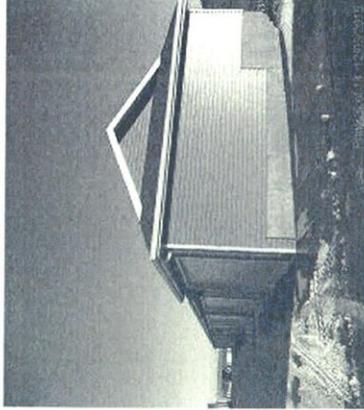
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Tue, 12/29/2015, 3:13 PM Page 6

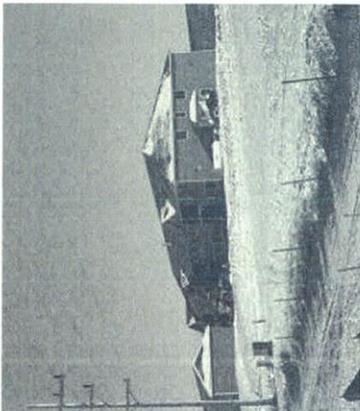
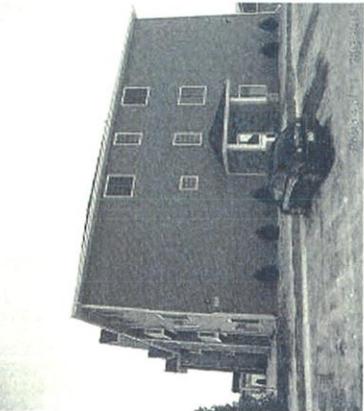
Prior Year	Comment	Value Type	Location	Class	Land Value	Dwelling Value	Improvement Value	M & E Value	Total Value
1991		Import	Urban	Res	\$2,500	\$0	\$0	\$0	\$2,500
1992		Import	Urban	Res	\$2,500	\$0	\$0	\$0	\$2,500
1993		Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
1994		Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
1995		Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
1996		Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
1997		Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
1998		Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
1999		Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
2000		Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
2001		Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
2002		Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
2003		Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
2004		Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
2005		Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
2006		Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
2007		Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
2008		Import	Urban	Other	\$2,700	\$0	\$0	\$0	\$2,700
2009		Import	Urban	Other	\$2,800	\$0	\$0	\$0	\$2,800
2013		Import	Urban	Comm	\$391,400	\$0	\$1,010,800	\$0	\$1,402,200
2014		Import	Urban	Comm	\$391,400	\$0	\$0	\$0	\$391,400
2015	Import from County file.	Eq	Urban	Comm	\$391,400	\$0	\$6,982,000	\$0	\$7,373,400



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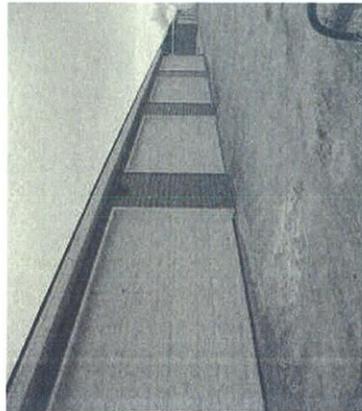
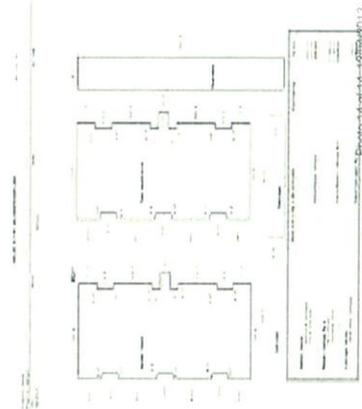
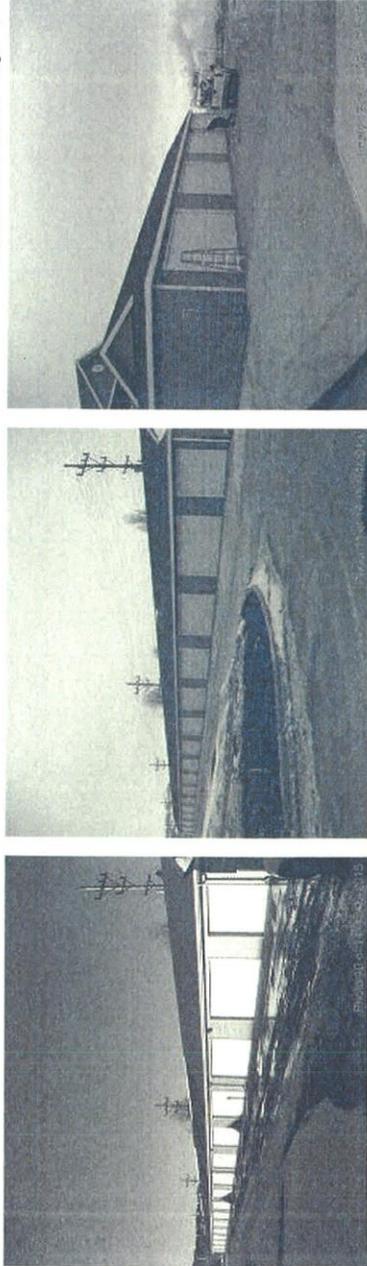


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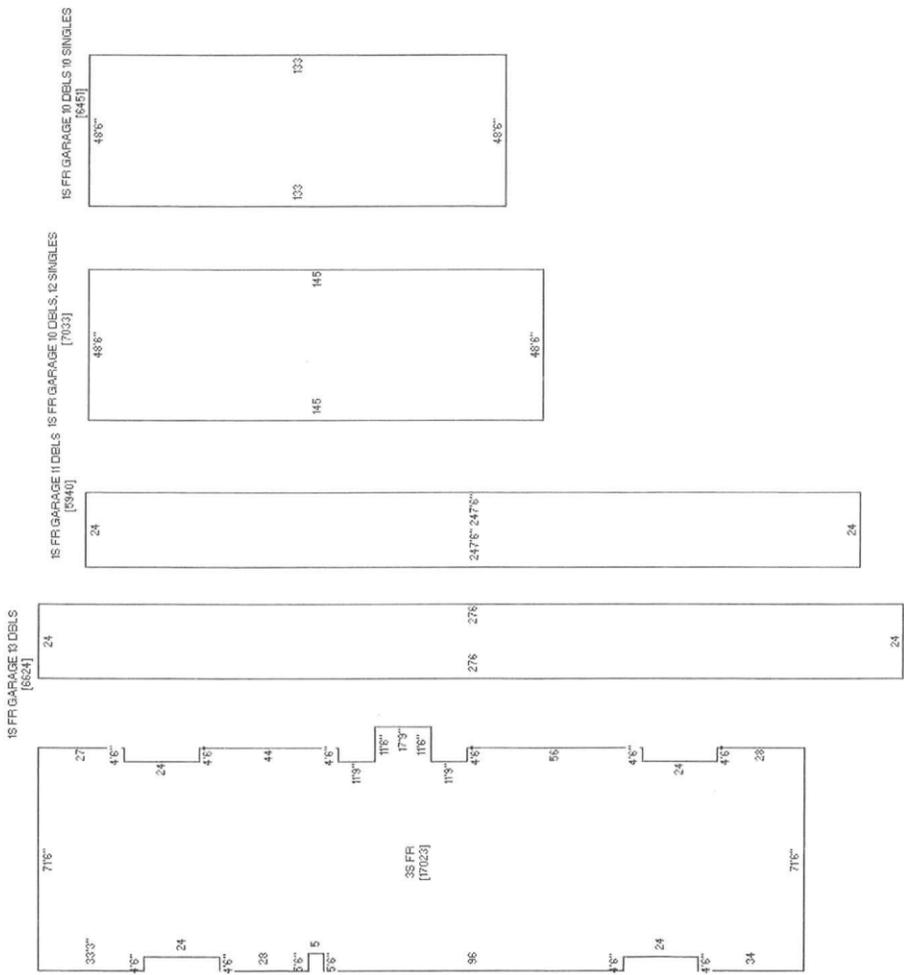


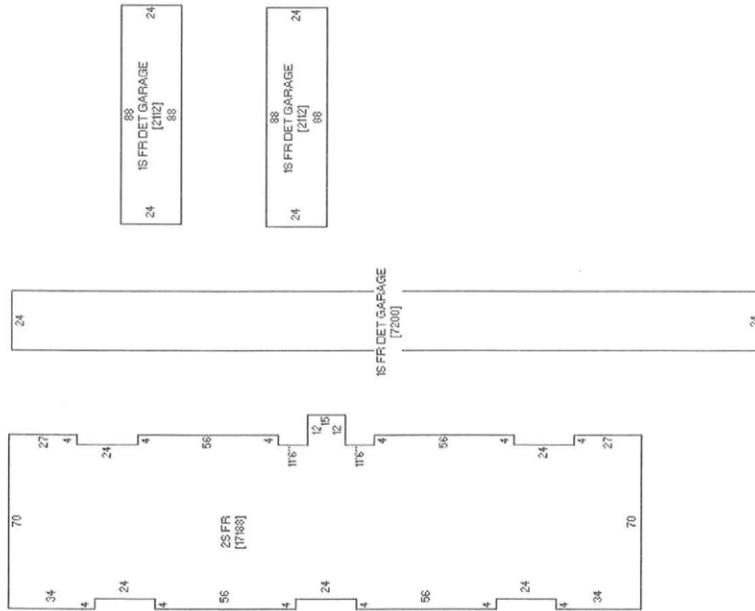
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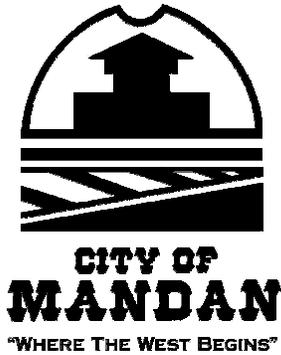
Tue, 12/29/2015, 3:13 PM Page 8



Notes:
Note Title: Original AS400 Notes
2015: LOST EXEMPTION ON BUILDING #2 AS THIS BUILDING WAS NOT COMPLETED IN TIME. BUILDING #3 WAS NEVER BUILT. BUILDING #1 EXEMPTION WAS ENDED 2014.
2014 SS; THIS IS ONE LOT WITH 3 APARTMENT BUILDINGS. BLDG #1 & 2 GET EXEMPTIONS; #3 LOST EXEMPTION.
ANNEXED & PLATTED (2012) BUILDING HAS INTERIOR SPRINKLERS







Board of City Commissioners

Agenda Documentation

MEETING DATE: January 5, 2016
PREPARATION DATE: December 30, 2015 REVISED 1/5/2016
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Sale of Small Strip of Property Along Main Street to NDDOT

STATEMENT/PURPOSE: To consider executing the Warranty Deed, W-9 submittal, Notification and Appraisal Waiver, Agreement for Entry and Construction, and Memorandum Agreement in order to sell a small strip of property that the city currently owns to the NDDOT.

BACKGROUND/ALTERNATIVES: NOTE; The engineering department received a call from a representative from Houston Engineering on January 4th. They stated that an error was made with the offer and that the actual offer amount was based on \$11.75/SF instead of the flat \$600 as previously stated. Changes to this document are underlined.

The NDDOT, in consulting with Houston Engineering, has substantially completed plans and specifications for construction of ADA accessible ramps along Main Street from Collins Avenue east to Mandan Avenue. This follows the 2015 construction project that constructed the accessible ramps from Collins Avenue to the west.

During design of this project, it was noticed that some of the sidewalk along the Main Street corridor exists on private and public property in areas and is not within the corridor's right of way. When noticed, the NDDOT's standard process is to offer compensation to obtain those strips of property that the sidewalk is on into the corridor's right of way so that it is included within the functional corridor.

The city owns the parcel of Lot 3, Block 1 of BNSF Commercial Park 1st Addition for which this acquisition effort applies. The proposal is for the NDDOT to acquire 3'x131' for a total of 393 Square Feet for which the city would be compensated at a rate of \$11.75/SF for a total of \$4,617.75.

ATTACHMENTS:

1. Memorandum of Offer to Landowner (Not for execution, for file only)
2. Warranty Deed
3. W-9 Form
4. Notification and Appraisal Waiver
5. Agreement for Entry and Construction
6. Memorandum Agreement
7. Location Map

FISCAL IMPACT: Receive \$4,617.75 for sale of 393 square foot strip of property.

STAFF IMPACT: n/a

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

RECOMMENDATION: I recommend approval of said documents.

SUGGESTED MOTION: I move to approve the Warranty Deed, W-9 submittal, Notification and Appraisal Waiver, Agreement for Entry and Construction, and Memorandum Agreement.

Board of City Commissioners

Agenda Documentation

Meeting Date: January 5, 2016

Subject: Sale of Small Strip of Property Along Main Street to NDDOT

Page 3 of 15

MEMORANDUM OF OFFER TO LANDOWNER

North Dakota Department of Transportation
 Environmental & Transportation Services
 DOT 6777 (Rev. 01-2015)

Project	SS-9-999(307)
County	MORTON
Parcel(s)	2-2

PCN

2	0	2	6	9
---	---	---	---	---

Landowner(s)	City of Mandan
Mailing Address	205 2nd Ave NW, Mandan, ND 58554

The following-described real property and/or related temporary easement areas are being acquired for highway purposes:
 Parcel 2-2 (WD) 393 SF. Per the value from the DOT basic data book, \$11.75 per sq. ft x 393 sq ft= \$4,617.75

I, as right of way agent of the North Dakota Department of Transportation, am hereby authorized to offer the approved amount of \$ <u>4,617.75</u> as full compensation for the fee and/or temporary taking of the above-identified parcels and all damages incidental thereto. This offer is based on <input checked="" type="checkbox"/> a Waiver Valuation <input type="checkbox"/> an appraisal, reviewed and approved by NDDOT. A breakdown of this offer is as described herein:	Land	\$	4,617.75
	Easement & Access Control	\$	
	*Improvements on Right of Way	\$	
	Fencing	\$	
	Damages	\$	
	Other	\$	
Total:		\$	4,617.75

*Description of improvements on right of way are as follows:

Additional Notes:

The following are separately-held interests of the landowner(s) or tenant(s)/lessee(s), which are within the right of way limits of the above-described real property and/or related temporary easement areas that are not covered by this offer:

Right of Way Agent (Type or Print) <i>Serry Haas</i>	Agency <i>Houston Engineering</i>	NDDOT Approval (Type or Print)	
Signature 	Date <i>1-4-2016</i>	Signature	Date

WARRANTY DEED

North Dakota Department of Transportation
 Environmental & Transportation Services
 DOT 2255 (Rev. 01-2015)

PCN

2	0	2	6	9
---	---	---	---	---

Project SS-9-999(307)
Parcel(s) 2-2

Grantor(s) City of Mandan			
Grantor(s) Address 205 2nd Ave NW	City Mandan	State ND	ZIP Code 58554
Grantor(s)			
Grantor(s) Address	City	State	ZIP Code

This deed, made this _____ day of _____, 20____, between Grantor(s) listed above whose address is also listed above and state of North Dakota for the use and benefit of the North Dakota Department of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700.

WITNESSETH, that the Grantor(s), for and in consideration of the sum of one dollar and other valuable consideration to them in hand paid by NDDOT, the receipt whereof is hereby acknowledged, hereby convey unto NDDOT, its successors and assigns, forever, all the _____ tract _____ or parcel _____ of land lying and being in _____ county, state of North Dakota, and more specifically described as follows, to wit:

Parcel Number 2-2

A portion of Lot 3, Block 1, BNSF Commercial Park 1st Addition, situated in the SE 1/4 of section 27, Township 139 N, Range 81 W, of the 5th Principal Meridian, in the City of Mandan, County of Morton, State of North Dakota, described as follows and as shown on plat 2 of 8:

A strip of land 3 feet wide, the northerly and southerly lines of which are parallel. The northerly line of said strip being 37.50 feet southerly of and parallel with the following described survey centerline as surveyed.

Commencing at the SE corner of section 27, thence northerly along the east line of the SE 1/4 of section 27, N 00 deg. 02 min. 46 sec. W a distance of 2244.50 feet to a point on the survey centerline of Main Street. Thence southwesterly along the survey centerline of Main Street, S 79 deg. 03 min. 45 sec. W a distance of 1325.69 feet to the beginning of the 3 foot strip. Thence S 79 deg. 03 min. 45 sec. W along the survey centerline of Main Street, a distance of 131.00 feet to the end of the 3 foot strip.

Said strip is shown on the plat as parcel 2-2 and contains 393 SF more or less, and is subject to any easements or rights of way previously acquired.

END OF DESCRIPTION.

The legal description was prepared by James A. Schlieman, Houston Engineering, Inc., 1401 21st Avenue North, Fargo, North Dakota 58102.

DOT 2255
 (Rev. 01-2015)

Page 2 of 3

hereinafter referred to as the Property;
 NDDOT is acquiring the right of way described in this deed for use as a public highway.

Excepting and reserving to the Grantor(s) herein, their successors and assigns, all oil, oil rights, natural gas, natural gas rights, and other fluid minerals that may be within or under the property of land herein described without, however, the right ever to drill, dig, or mine through the surface of said land therefore or otherwise in such manner as to endanger or interfere in any way with the safety or use of any highway that may be constructed on or near the lands hereby conveyed.

TO HAVE AND TO HOLD THE SAME, together with all the hereditaments and appurtenances running with or related to the Property, to NDDOT, its successors and assigns, forever; and the Grantor(s), for their heirs, executors, and administrators, do covenant with NDDOT, its successors and assigns, that the Grantor(s), are well seized in fee of the Property that the Grantor(s) have good right to sell and convey the Property in manner and form provided above; that the Property is free from all encumbrances, whatsoever; other than the easements, prior reservations and rights of way previously granted; and that the Grantor(s) shall warrant and defend NDDOT's quiet and peaceable possession and use of the Property against all persons lawfully claiming interest in the whole or any part of the property.

This Agreement may be executed in several counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument.

EXECUTED the date last signed below.

GRANTOR(S):

Name (Type or Print)	
Signature	Date

Name (Type or Print)	
Signature	Date

Name (Type or Print)	
Signature	Date

Name (Type or Print)	
Signature	Date

ACKNOWLEDGEMENT

STATE OF _____)
) ss
 COUNTY OF _____)

On this _____ day of _____, 20____, personally appeared before me

known to me to be the person__ named in and who executed the foregoing instrument and acknowledged that _____ executed the same.

(Seal or Stamp)

Print, Type or Stamp of Notary
My commission expires

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Form W-9 (Rev. 12-2014)

Page 2

Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States:

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1994) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

Backup Withholding

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),

3. The IRS tells the requester that you furnished an incorrect TIN,

4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code* on page 3 and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships* above.

What is FATCA reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code* on page 3 and the Instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$600 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account, list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9.

a. **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

Note. ITIN applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. **Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. **Partnership, LLC that is not a single-member LLC, C Corporation, or S Corporation.** Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(ii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

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Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

Line 3

Check the appropriate box in line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box in line 3.

Limited Liability Company (LLC). If the name on line 1 is an LLC treated as a partnership for U.S. federal tax purposes, check the "Limited Liability Company" box and enter "P" in the space provided. If the LLC has filed Form 8832 or 2553 to be taxed as a corporation, check the "Limited Liability Company" box and in the space provided enter "C" for C corporation or "S" for S corporation. If it is a single-member LLC that is a disregarded entity, do not check the "Limited Liability Company" box; instead check the first box in line 3 "Individual/sole proprietor or single-member LLC."

Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space in line 4 any code(s) that may apply to you.

Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$500 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 5 ²
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

- A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)
- B—The United States or any of its agencies or instrumentalities
- C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)
- E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(ii)
- F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state
- G—A real estate investment trust
- H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

- I—A common trust fund as defined in section 584(a)
- J—A bank as defined in section 581
- K—A broker
- L—A trust exempt from tax under section 664 or described in section 4947(a)(1)
- M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

Note. You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns.

Line 6

Enter your city, state, and ZIP code.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on this page), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at www.ssa.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/businesses and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting IRS.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

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Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, or 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code* earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee ¹ The actual owner ²
5. Sole proprietorship or disregarded entity owned by an individual	The owner ²
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor ²
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity ⁴
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(ii)(B))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or D/B/A name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 2.

*Note. Grantor also must provide a Form W-9 to trustee of trust.

Note. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN.
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, *Identity Theft Prevention and Victim Assistance*.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/IDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes. Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: spam@ftc.gov or contact them at www.ftc.gov/idtheft or 1-877-IDTHEFT (1-877-438-4338).

Visit IRS.gov to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

NOTIFICATION AND APPRAISAL WAIVER

North Dakota Department of Transportation
 Environmental & Transportation Services
 SFN60794 (03-2015)

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Project Number SS-9-999(307)
County MORTON
Parcel(s) 2-2

PCN

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Landowner(s) City of Mandan			
Mailing Address 205 2nd Ave NW	City Mandan	State ND	ZIP Code 58554

LEGAL DESCRIPTION: Please refer to attached plat(s) for legal description

Section 323, Title 23, United States Code, states that no provision of law shall prevent a person, whose real property is being acquired for a federally-aided highway project, from making a gift or donation of such property, or any part hereof, or of any of the compensation paid therefore, after such person has been fully informed of their right to receive just compensation for the acquisition of their property.

The purpose of this document is to provide you with a written explanation of your right to receive just compensation for the acquisition of your property for the above-named federal-aid highway project.

If you elect to receive just compensation for your property, federal and state law require that your property be Appraised and an amount be established which is believed to be just compensation prior to the initiation of negotiations. The law also requires that a prompt offer be made to acquire your property for the full amount so established. In no event will the amount offered be less than the state's approved appraisal of the fair market value of the property appraised.

Should you desire to receive compensation for your property; the state will provide you with a written statement of a summary of the basis of the amount established as just compensation.

I/we, the undersigned, understand that we are entitled to receive just compensation for our property being acquired by the North Dakota Department of Transportation (NDDOT) to construct the above-named federal-aid project.

- I/we do not wish to receive just compensation, but to donate the area, or a portion thereof, necessary for construction as shown on the plat(s).
- I/we wish to waive our rights to an appraisal on our property and receive the minimum payment as per NDDOT policy, which is \$300 for temporary acquisition or \$600 for permanent acquisition.
- I/we wish to waive our rights to an appraisal on our property and receive the payment based on Waiver Valuation.
- I/we do wish to have my property interest appraised. In compliance with the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (Public Law 91-646), the owner or their designated representative shall be given an opportunity to accompany the appraiser during the inspection of the property.
 I/we do do not wish to accompany the appraiser during the inspection of the property.

It is understood that any changes in these plans, adverse to our property, will make this agreement null and void.

This Agreement may be executed in several counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument.

Name (Type or Print)	
Signature	Date

Name (Type or Print)	
Signature	Date

Right of Way Agent (Type or Print)	Agency
Signature	Date

AGREEMENT FOR ENTRY AND CONSTRUCTION

North Dakota Department of Transportation
 Environmental & Transportation Services
 DOT 10047 (Rev. 01-2009)

PCN

2	0	2	6	9
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Project SS-9-999(307)	Parcel(s) 2-2
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This agreement, between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and City of Mandan

hereinafter referred to as the Landowner(s), whose mailing address is 205 2nd Ave NW, Mandan, ND 58554

WITNESSETH that for and in consideration of the sum of one dollar, the receipt of which is hereby acknowledged, the Landowner(s) does hereby release to NDDOT the right to enter upon the property of the Landowner(s) for the purpose of constructing a highway as shown on plans on file with NDDOT and as shown on right of way plats on file in the Recorder's Office in Morton county wherein this parcel of land is located. Said parcel of land being located in the SE/4 Sec. 27 Twp. 139 N., Rge. 81 W.

AND it is further agreed upon between the Landowner(s) and NDDOT that the terms of this instrument shall in no way effect the amount of damage to be awarded to the Landowner(s), nor shall they be in any way construed as limiting or restricting the right of the Landowner(s) to appeal from the award of damage which is to be made.

EXECUTED the date last below signed.

WITNESS(S):

NAME (TYPE OR PRINT) _____
 SIGNATURE _____
 NAME (TYPE OR PRINT) _____
 SIGNATURE _____
 NAME (TYPE OR PRINT) _____
 SIGNATURE _____
 NAME (TYPE OR PRINT) _____
 SIGNATURE _____

LANDOWNER(S):

NAME (TYPE OR PRINT) _____
 SIGNATURE _____
 DATE _____
 NAME (TYPE OR PRINT) _____
 SIGNATURE _____
 DATE _____
 NAME (TYPE OR PRINT) _____
 SIGNATURE _____
 DATE _____
 NAME (TYPE OR PRINT) _____
 SIGNATURE _____
 DATE _____
 RIGHT OF WAY AGENT, NDDOT (TYPE OR PRINT) _____
 SIGNATURE _____
 TITLE _____
 DATE _____

ADDITIONALLY:

Board of City Commissioners
 Agenda Documentation
 Meeting Date: January 5, 2016
 Subject: Sale of Small Strip of Property Along Main Street to NDDOT
 Page 13 of 15

MEMORANDUM AGREEMENT
 North Dakota Department of Transportation
 Environmental & Transportation Services
 DOT 6776 (Rev. 01-2015)

PCN

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Project SS-9-999(307)
Parcel(s) 2-2

On this _____ day of _____, 20____, City of Mandan,
 205 2nd Ave NW, Mandan, ND 58554
 hereinafter referred to as Landowner(s), did execute a: (check those applicable) Warranty Deed, Subordination of Rights,
 Temporary Construction Easement, Other Easement type(s) _____
 conveying to the state of North Dakota for the use and benefit of the North Dakota Department of Transportation, hereinafter
 referred to as (NDDOT), the above-identified parcel(s) of property in _____ county, consisting of
 393 _____ acres or square feet, more or less, as shown on the right of way plats.

This agreement is now made and entered as a memorandum of all of the terms, and the only terms agreed upon in connection with the above settlement.

1. The state assumes ownership of all trees within the right of way excepting that the Landowner(s) may remove or use said trees with the written permission of the district engineer.
2. _____ feet of fence to be moved by the owner **prior** to construction of the highway.
3. The Landowner(s) will be permitted to use any cattle pass or drainage structure installed for a cattle or stock pass at their own risk. The state will provide the necessary maintenance for highway purposes. The Landowner(s) will provide the necessary maintenance for use as a stock pass.
4. NDDOT will not maintain any service road except those shown on the plat attached hereto and made a part thereof.
5. Access control is being acquired and the abutting Landowner(s) shall reserve the right of access at temporary points to be designated by the NDDOT director as shown on the right of way plat.
6. The Landowner(s) agree(s) to joint payment with mortgagee, if requested by the mortgagee.
7. The Landowner(s) shall inform any and all tenant(s) of proposed work.

8. Additionally:
 value from the NDDOT basic data book is \$11.75 per sq. ft
 X 393 sq. ft= \$4,617.75

Land	\$ 4,617.75
Easement & Access Control	\$
*Improvements on Right of Way	\$
Fencing	\$
Damages	\$
Other	\$
Total:	\$ 4,617.75

The NDDOT director must approve all settlements. NDDOT will notify the Landowner(s) in writing if this settlement is **not** approved. Payment by the state must await approval of title and processing of a voucher and warrant through the offices of the state auditor and treasurer. Now, therefore, as a memorandum agreement of the parties, the undersigned do hereby execute and deliver this document. This agreement was reached without coercion, or promises other than those shown in the agreement, or threats of any kind whatsoever by, or to, either party. The right of way agent has no direct or indirect present or contemplated future personal interest in the parcels or in any benefit from the acquisition of such property.

This Agreement may be executed in several counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument.

Landowner/Lessee (Type or Print)	Landowner/Lessee (Type or Print)
Signature _____ Date _____	Signature _____ Date _____
Witness (Type or Print)	Witness (Type or Print)
Signature _____ Date _____	Signature _____ Date _____
Right of Way Agent (Type or Print)	NDDOT Approval (Type or Print)
Signature _____ Date _____	Signature _____ Date _____

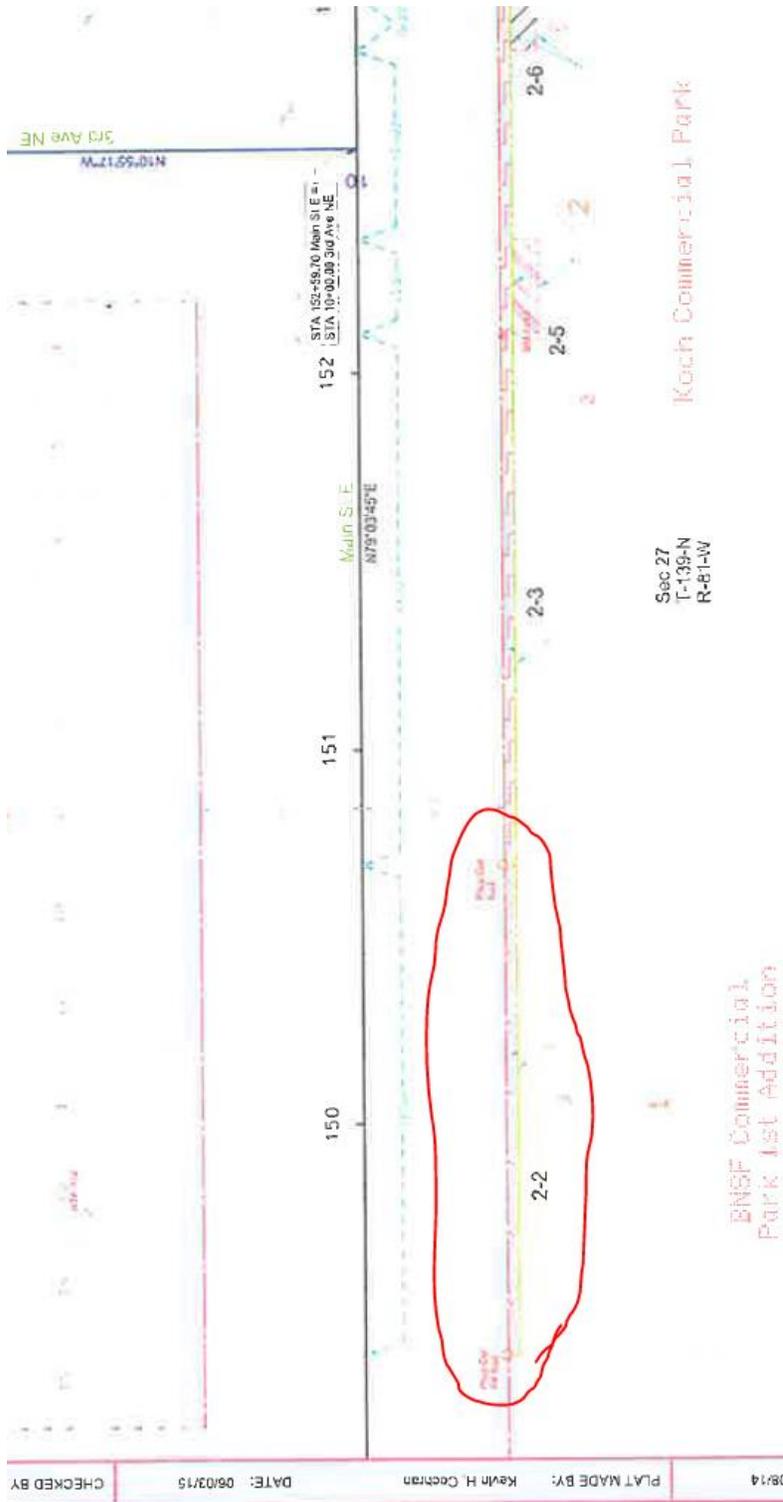
Board of City Commissioners

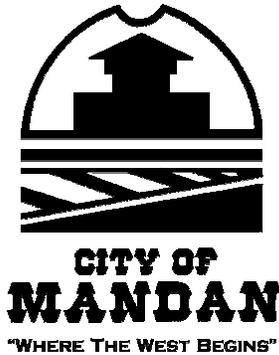
Agenda Documentation

Meeting Date: January 5, 2016

Subject: Sale of Small Strip of Property Along Main Street to NDDOT

Page 15 of 15





Board of City Commissioners

Agenda Documentation

MEETING DATE: January 5, 2016
PREPARATION DATE: December 30, 2015
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Sale of Small Strip of Property Along Main Street to NDDOT

STATEMENT/PURPOSE: To consider executing the Warranty Deed, W-9 submittal, Notification and Appraisal Waiver, Agreement for Entry and Construction, and Memorandum Agreement in order to sell a small strip of property that the city currently owns to the NDDOT.

BACKGROUND/ALTERNATIVES: The NDDOT, in consulting with Houston Engineering, has substantially completed plans and specifications for construction of ADA accessible ramps along Main Street from Collins Avenue east to Mandan Avenue. This follows the 2015 construction project that constructed the accessible ramps from Collins Avenue to the west.

During design of this project, it was noticed that some of the sidewalk along the Main Street corridor exists on private and public property in areas and is not within the corridor's right of way. When noticed, the NDDOT's standard process is to offer compensation to obtain those strips of property that the sidewalk is on into the corridor's right of way so that it is included within the functional corridor.

The city owns the parcel of Lot 3, Block 1 of BNSF Commercial Park 1st Addition for which this acquisition effort applies. The proposal is for the NDDOT to acquire 3'x131' for a total of 393 Square Feet for which the city would be compensated \$600.

ATTACHMENTS:

1. Memorandum of Offer to Landowner (Not for execution, for file only)
2. Warranty Deed
3. W-9 Form
4. Notification and Appraisal Waiver
5. Agreement for Entry and Construction
6. Memorandum Agreement

7. Location Map

FISCAL IMPACT: Receive \$600 for sale of 393 square foot strip of property.

STAFF IMPACT: n/a

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

RECOMMENDATION: I recommend approval of said documents.

SUGGESTED MOTION: I move to approve the Warranty Deed, W-9 submittal, Notification and Appraisal Waiver, Agreement for Entry and Construction, and Memorandum Agreement.

MEMORANDUM OF OFFER TO LANDOWNER

North Dakota Department of Transportation
 Environmental & Transportation Services
 DOT 6777 (Rev. 01-2015)

Project SS-9-999(307)
County MORTON
Parcel(s) 2-2

PCN

2	0	2	6	9
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Landowner(s) City of Mandan
Mailing Address 205 2nd Ave NW, Mandan, ND 58554

The following-described real property and/or related temporary easement areas are being acquired for highway purposes:
 Parcel 2-2 (WD) 393 SF= \$600

I, as right of way agent of the North Dakota Department of Transportation, am hereby authorized to offer the approved amount of \$ <u>600.00</u> as full compensation for the fee and/or temporary taking of the above-identified parcels and all damages incidental thereto. This offer is based on <input checked="" type="checkbox"/> a Waiver Valuation <input type="checkbox"/> an appraisal, reviewed and approved by NDDOT. A breakdown of this offer is as described herein:	Land	\$	600.00
	Easement & Access Control	\$	
	*Improvements on Right of Way	\$	
	Fencing	\$	
	Damages	\$	
	Other	\$	
	Total:		\$

*Description of improvements on right of way are as follows:

Additional Notes:

The following are separately-held interests of the landowner(s) or tenant(s)/lessee(s), which are within the right of way limits of the above-described real property and/or related temporary easement areas that are not covered by this offer:

Right of Way Agent (Type or Print) <i>Jerry Haas</i>	Agency <i>Hawton Engineering</i>	NDDOT Approval (Type or Print)	
Signature <i>Jerry Haas</i>	Date <i>12-17-2015</i>	Signature	Date

WARRANTY DEED

North Dakota Department of Transportation
 Environmental & Transportation Services
 DOT 2255 (Rev. 01-2015)

PCN

2	0	2	6	9
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Project SS-9-999(307)
Parcel(s) 2-2

Grantor(s) City of Mandan			
Grantor(s) Address 205 2nd Ave NW	City Mandan	State ND	ZIP Code 58554
Grantor(s)			
Grantor(s) Address	City	State	ZIP Code

This deed, made this _____ day of _____, 20____, between Grantor(s) listed above whose address is also listed above and state of North Dakota for the use and benefit of the North Dakota Department of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700.

WITNESSETH, that the Grantor(s), for and in consideration of the sum of one dollar and other valuable consideration to them in hand paid by NDDOT, the receipt whereof is hereby acknowledged, hereby convey unto NDDOT, its successors and assigns, forever, all the _____ tract _____ or parcel _____ of land lying and being in _____ county, state of North Dakota, and more specifically described as follows, to wit:

Parcel Number 2-2

A portion of Lot 3, Block 1, BNSF Commercial Park 1st Addition, situated in the SE 1/4 of section 27, Township 139 N, Range 81 W, of the 5th Principal Meridian, in the City of Mandan, County of Morton, State of North Dakota, described as follows and as shown on plat 2 of 8:

A strip of land 3 feet wide, the northerly and southerly lines of which are parallel. The northerly line of said strip being 37.50 feet southerly of and parallel with the following described survey centerline as surveyed.

Commencing at the SE corner of section 27, thence northerly along the east line of the SE 1/4 of section 27, N 00 deg. 02 min. 46 sec. W a distance of 2244.50 feet to a point on the survey centerline of Main Street. Thence southwesterly along the survey centerline of Main Street, S 79 deg. 03 min. 45 sec. W a distance of 1325.69 feet to the beginning of the 3 foot strip. Thence S 79 deg. 03 min. 45 sec. W along the survey centerline of Main Street, a distance of 131.00 feet to the end of the 3 foot strip.

Said strip is shown on the plat as parcel 2-2 and contains 393 SF more or less, and is subject to any easements or rights of way previously acquired.

END OF DESCRIPTION.

The legal description was prepared by James A. Schlieman, Houston Engineering, Inc., 1401 21st Avenue North, Fargo, North Dakota 58102.

DOT 2255
 (Rev. 01-2015)

Page 2 of 3

hereinafter referred to as the Property;
 NDDOT is acquiring the right of way described in this deed for use as a public highway.

Excepting and reserving to the Grantor(s) herein, their successors and assigns, all oil, oil rights, natural gas, natural gas rights, and other fluid minerals that may be within or under the property of land herein described without, however, the right ever to drill, dig, or mine through the surface of said land therefore or otherwise in such manner as to endanger or interfere in any way with the safety or use of any highway that may be constructed on or near the lands hereby conveyed.

TO HAVE AND TO HOLD THE SAME, together with all the hereditaments and appurtenances running with or related to the Property, to NDDOT, its successors and assigns, forever; and the Grantor(s), for their heirs, executors, and administrators, do covenant with NDDOT, its successors and assigns, that the Grantor(s), are well seized in fee of the Property that the Grantor(s) have good right to sell and convey the Property in manner and form provided above; that the Property is free from all encumbrances, whatsoever; other than the easements, prior reservations and rights of way previously granted; and that the Grantor(s) shall warrant and defend NDDOT's quiet and peaceable possession and use of the Property against all persons lawfully claiming interest in the whole or any part of the property.

This Agreement may be executed in several counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument.

EXECUTED the date last signed below.

GRANTOR(S):

Name (Type or Print)	Name (Type or Print)
Signature	Signature
Date	Date
Name (Type or Print)	Name (Type or Print)
Signature	Signature
Date	Date

ACKNOWLEDGEMENT

STATE OF _____)
) ss
 COUNTY OF _____)

On this _____ day of _____, 20____, personally appeared before me

known to me to be the person__ named in and who executed the foregoing instrument and acknowledged that _____ executed the same.

(Seal or Stamp)

Print, Type or Stamp of Notary
My commission expires

DOT 2255
 (Rev. 01-2015)

Page 3 of 3

GRANTOR(S):

Name (Type or Print)	Name (Type or Print)
Signature	Signature
Date	Date
Name (Type or Print)	Name (Type or Print)
Signature	Signature
Date	Date

ACKNOWLEDGEMENT

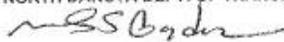
STATE OF _____)
) ss
 COUNTY OF _____)

On this _____ day of _____, 20____, personally appeared before me

known to me to be the person__ named in and who executed the foregoing instrument and acknowledged that _____ executed the same.

(Seal or Stamp)

Print, Type or Stamp of Notary
My commission expires

<p>NDDOT Use Only</p> <p>I certify that the requirements for a report or statement of full consideration paid does not apply because this deed is for one of the transactions exempted by subdivision e of subsection 7 of NDCCSS 11-18-02.2(7).</p> <p>NORTH DAKOTA DEPT. OF TRANSPORTATION</p> <p></p> <p>MARK S. GAYDOS Director of Environmental & Transportation Services Grantee or Agent Date _____</p>
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For Recording Purposes Only

Form W-9 (Rev. December 2014) Department of the Treasury Internal Revenue Service	Request for Taxpayer Identification Number and Certification	Give Form to the requester. Do not send to the IRS.
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Print or type See Specific Instructions on page 2.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; padding: 2px;"> 1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. </td> <td style="width: 30%;"></td> </tr> <tr> <td style="padding: 2px;"> 2 Business name/disregarded entity name, if different from above </td> <td></td> </tr> <tr> <td style="padding: 2px;"> 3 Check appropriate box for federal tax classification; check only one of the following seven boxes: <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner. <input type="checkbox"/> Other (see instructions) ▶ _____ <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate </td> <td style="padding: 2px;"> 4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ (Applies to accounts maintained outside the U.S.) </td> </tr> <tr> <td style="padding: 2px;"> 5 Address (number, street, and apt. or suite no.) </td> <td style="padding: 2px;"> Requester's name and address (optional) </td> </tr> <tr> <td style="padding: 2px;"> 6 City, state, and ZIP code </td> <td></td> </tr> <tr> <td style="padding: 2px;"> 7 List account number(s) here (optional) </td> <td></td> </tr> </table>	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.		2 Business name/disregarded entity name, if different from above		3 Check appropriate box for federal tax classification; check only one of the following seven boxes: <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner. <input type="checkbox"/> Other (see instructions) ▶ _____ <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ (Applies to accounts maintained outside the U.S.)	5 Address (number, street, and apt. or suite no.)	Requester's name and address (optional)	6 City, state, and ZIP code		7 List account number(s) here (optional)	
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5 Address (number, street, and apt. or suite no.)	Requester's name and address (optional)												
6 City, state, and ZIP code													
7 List account number(s) here (optional)													

Part I Taxpayer Identification Number (TIN)																																																													
Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i> on page 3.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">Social security number</td> </tr> <tr> <td style="width: 40%; text-align: center;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"> </td><td style="width: 5%;"> </td> </tr> <tr> <td style="text-align: center;">-</td><td style="text-align: center;">-</td> </tr> </table> </td> <td style="width: 60%;"></td> </tr> <tr> <td colspan="2" style="text-align: center;">or</td> </tr> <tr> <td colspan="2" style="padding: 2px;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">Employer identification number</td> </tr> <tr> <td style="width: 40%; text-align: center;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"> </td><td style="width: 5%;"> </td> </tr> <tr> <td style="text-align: center;">-</td><td style="text-align: center;">-</td> </tr> </table> </td> <td style="width: 60%;"></td> </tr> </table> </td> </tr> </table>	Social security number		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"> </td><td style="width: 5%;"> </td> </tr> <tr> <td style="text-align: center;">-</td><td style="text-align: center;">-</td> </tr> </table>													-	-	-	-	-	-	-	-	-	-	-	-		or		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">Employer identification number</td> </tr> <tr> <td style="width: 40%; text-align: center;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"> </td><td style="width: 5%;"> </td> </tr> <tr> <td style="text-align: center;">-</td><td style="text-align: center;">-</td> </tr> </table> </td> <td style="width: 60%;"></td> </tr> </table>		Employer identification number		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"> </td><td style="width: 5%;"> </td> </tr> <tr> <td style="text-align: center;">-</td><td style="text-align: center;">-</td> </tr> </table>													-	-	-	-	-	-	-	-	-	-	-	-	
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Part II Certification	
Under penalties of perjury, I certify that:	
1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and	
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and	
3. I am a U.S. citizen or other U.S. person (defined below); and	
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.	
Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.	

Sign Here	Signature of U.S. person ▶	Date ▶
------------------	----------------------------	--------

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fw9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (Interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

Board of City Commissioners
Agenda Documentation
Meeting Date: January 5, 2016
Subject: Sale of Small Strip of Property Along Main Street to NDDOT
Page 8 of 15

Form W-9 (Rev. 12-2014)

Page 2

Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States:

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1994) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

Backup Withholding

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),

3. The IRS tells the requester that you furnished an incorrect TIN,

4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code* on page 3 and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships* above.

What is FATCA reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code* on page 3 and the Instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$600 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account, list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9.

a. **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

Note. ITIN applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. **Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. **Partnership, LLC that is not a single-member LLC, C Corporation, or S Corporation.** Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(ii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

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Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

Line 3

Check the appropriate box in line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box in line 3.

Limited Liability Company (LLC). If the name on line 1 is an LLC treated as a partnership for U.S. federal tax purposes, check the "Limited Liability Company" box and enter "P" in the space provided. If the LLC has filed Form 8832 or 2553 to be taxed as a corporation, check the "Limited Liability Company" box and in the space provided enter "C" for C corporation or "S" for S corporation. If it is a single-member LLC that is a disregarded entity, do not check the "Limited Liability Company" box; instead check the first box in line 3 "Individual/sole proprietor or single-member LLC."

Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space in line 4 any code(s) that may apply to you.

Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$500 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 5 ²
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

- A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)
- B—The United States or any of its agencies or instrumentalities
- C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)
- E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(ii)
- F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state
- G—A real estate investment trust
- H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940
- I—A common trust fund as defined in section 584(a)
- J—A bank as defined in section 581
- K—A broker
- L—A trust exempt from tax under section 664 or described in section 4947(a)(1)
- M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

Note. You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns.

Line 6

Enter your city, state, and ZIP code.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on this page), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at www.ssa.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/businesses and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting IRS.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

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Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, or 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code* earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee ¹ The actual owner ²
5. Sole proprietorship or disregarded entity owned by an individual	The owner ²
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor ²
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity ⁴
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(ii)(B))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or D/B/A name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 2.

*Note. Grantor also must provide a Form W-9 to trustee of trust.

Note. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN.
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, *Identity Theft Prevention and Victim Assistance*.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes. Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: spam@ftc.gov or contact them at www.ftc.gov/idtheft or 1-877-IDTHEFT (1-877-438-4338).

Visit IRS.gov to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

NOTIFICATION AND APPRAISAL WAIVER

North Dakota Department of Transportation
 Environmental & Transportation Services
 SFN60794 (03-2015)

Page ____ of ____

Project Number SS-9-999(307)
County MORTON
Parcel(s) 2-2

PCN

2	0	2	6	9
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Landowner(s) City of Mandan			
Mailing Address 205 2nd Ave NW	City Mandan	State ND	ZIP Code 58554

LEGAL DESCRIPTION: Please refer to attached plat(s) for legal description

Section 323, Title 23, United States Code, states that no provision of law shall prevent a person, whose real property is being acquired for a federally-aided highway project, from making a gift or donation of such property, or any part hereof, or of any of the compensation paid therefore, after such person has been fully informed of their right to receive just compensation for the acquisition of their property.

The purpose of this document is to provide you with a written explanation of your right to receive just compensation for the acquisition of your property for the above-named federal-aid highway project.

If you elect to receive just compensation for your property, federal and state law require that your property be Appraised and an amount be established which is believed to be just compensation prior to the initiation of negotiations. The law also requires that a prompt offer be made to acquire your property for the full amount so established. In no event will the amount offered be less than the state's approved appraisal of the fair market value of the property appraised.

Should you desire to receive compensation for your property; the state will provide you with a written statement of a summary of the basis of the amount established as just compensation.

I/we, the undersigned, understand that we are entitled to receive just compensation for our property being acquired by the North Dakota Department of Transportation (NDDOT) to construct the above-named federal-aid project.

- I/we do not wish to receive just compensation, but to donate the area, or a portion thereof, necessary for construction as shown on the plat(s).
- I/we wish to waive our rights to an appraisal on our property and receive the minimum payment as per NDDOT policy, which is \$300 for temporary acquisition or \$600 for permanent acquisition.
- I/we wish to waive our rights to an appraisal on our property and receive the payment based on Waiver Valuation.
- I/we do wish to have my property interest appraised. In compliance with the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (Public Law 91-646), the owner or their designated representative shall be given an opportunity to accompany the appraiser during the inspection of the property.
 I/we do do not wish to accompany the appraiser during the inspection of the property.

It is understood that any changes in these plans, adverse to our property, will make this agreement null and void.

This Agreement may be executed in several counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument.

Name (Type or Print)	
Signature	Date

Name (Type or Print)	
Signature	Date

Right of Way Agent (Type or Print)	Agency
Signature	Date

AGREEMENT FOR ENTRY AND CONSTRUCTION

North Dakota Department of Transportation
 Environmental & Transportation Services
 DOT 10047 (Rev. 01-2009)

PCN

2	0	2	6	9
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Project SS-9-999(307)	Parcel(s) 2-2
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This agreement, between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and City of Mandan

hereinafter referred to as the Landowner(s), whose mailing address is 205 2nd Ave NW, Mandan, ND 58554

WITNESSETH that for and in consideration of the sum of one dollar, the receipt of which is hereby acknowledged, the Landowner(s) does hereby release to NDDOT the right to enter upon the property of the Landowner(s) for the purpose of constructing a highway as shown on plans on file with NDDOT and as shown on right of way plats on file in the Recorder's Office in Morton county wherein this parcel of land is located. Said parcel of land being located in the SE/4 Sec. 27 Twp. 139 N., Rge. 81 W.

AND it is further agreed upon between the Landowner(s) and NDDOT that the terms of this instrument shall in no way effect the amount of damage to be awarded to the Landowner(s), nor shall they be in any way construed as limiting or restricting the right of the Landowner(s) to appeal from the award of damage which is to be made.

EXECUTED the date last below signed.

WITNESS(S):

NAME (TYPE OR PRINT) _____
 SIGNATURE _____
 NAME (TYPE OR PRINT) _____
 SIGNATURE _____
 NAME (TYPE OR PRINT) _____
 SIGNATURE _____
 NAME (TYPE OR PRINT) _____
 SIGNATURE _____

LANDOWNER(S):

NAME (TYPE OR PRINT) _____
 SIGNATURE _____
 DATE _____
 NAME (TYPE OR PRINT) _____
 SIGNATURE _____
 DATE _____
 NAME (TYPE OR PRINT) _____
 SIGNATURE _____
 DATE _____
 NAME (TYPE OR PRINT) _____
 SIGNATURE _____
 DATE _____
 RIGHT OF WAY AGENT, NDDOT (TYPE OR PRINT) _____
 SIGNATURE _____
 TITLE _____
 DATE _____

ADDITIONALLY:

MEMORANDUM AGREEMENT

North Dakota Department of Transportation
 Environmental & Transportation Services
 DOT 6776 (Rev. 01-2015)

PCN

2	0	2	6	9
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Project SS-9-999(307)
Parcel(s) 2-2

On this _____ day of _____, 20____, City of Mandan,
 205 2nd Ave NW, Mandan, ND 58554

hereinafter referred to as Landowner(s), did execute a: (check those applicable) Warranty Deed, Subordination of Rights,
 Temporary Construction Easement, Other Easement type(s) _____

conveying to the state of North Dakota for the use and benefit of the North Dakota Department of Transportation, hereinafter referred to as (NDDOT), the above-identified parcel(s) of property in Morton _____ county, consisting of 393 _____ acres or square feet, more or less, as shown on the right of way plats.

This agreement is now made and entered as a memorandum of all of the terms, and the only terms agreed upon in connection with the above settlement.

1. The state assumes ownership of all trees within the right of way excepting that the Landowner(s) may remove or use said trees with the written permission of the district engineer.
2. _____ feet of fence to be moved by the owner **prior** to construction of the highway.
3. The Landowner(s) will be permitted to use any cattle pass or drainage structure installed for a cattle or stock pass at their own risk. The state will provide the necessary maintenance for highway purposes. The Landowner(s) will provide the necessary maintenance for use as a stock pass.
4. NDDOT will not maintain any service road except those shown on the plat attached hereto and made a part thereof.
5. Access control is being acquired and the abutting Landowner(s) shall reserve the right of access at temporary points to be designated by the NDDOT director as shown on the right of way plat.
6. The Landowner(s) agree(s) to joint payment with mortgagee, if requested by the mortgagee.
7. The Landowner(s) shall inform any and all tenant(s) of proposed work.

8. Additionally:

Land	\$ 600.00
Easement & Access Control	\$
*Improvements on Right of Way	\$
Fencing	\$
Damages	\$
Other	\$
Total:	\$ 600.00

The NDDOT director must approve all settlements. NDDOT will notify the Landowner(s) in writing if this settlement is **not** approved. Payment by the state must await approval of title and processing of a voucher and warrant through the offices of the state auditor and treasurer. Now, therefore, as a memorandum agreement of the parties, the undersigned do hereby execute and deliver this document. This agreement was reached without coercion, or promises other than those shown in the agreement, or threats of any kind whatsoever by, or to, either party. The right of way agent has no direct or indirect present or contemplated future personal interest in the parcels or in any benefit from the acquisition of such property.

This Agreement may be executed in several counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument.

Landowner/Lessee (Type or Print)	
Signature	Date
Witness (Type or Print)	
Signature	Date

Landowner/Lessee (Type or Print)	
Signature	Date
Witness (Type or Print)	
Signature	Date

Right of Way Agent (Type or Print)	Agency
Signature	Date

NDDOT Approval (Type or Print)	
Signature	Date



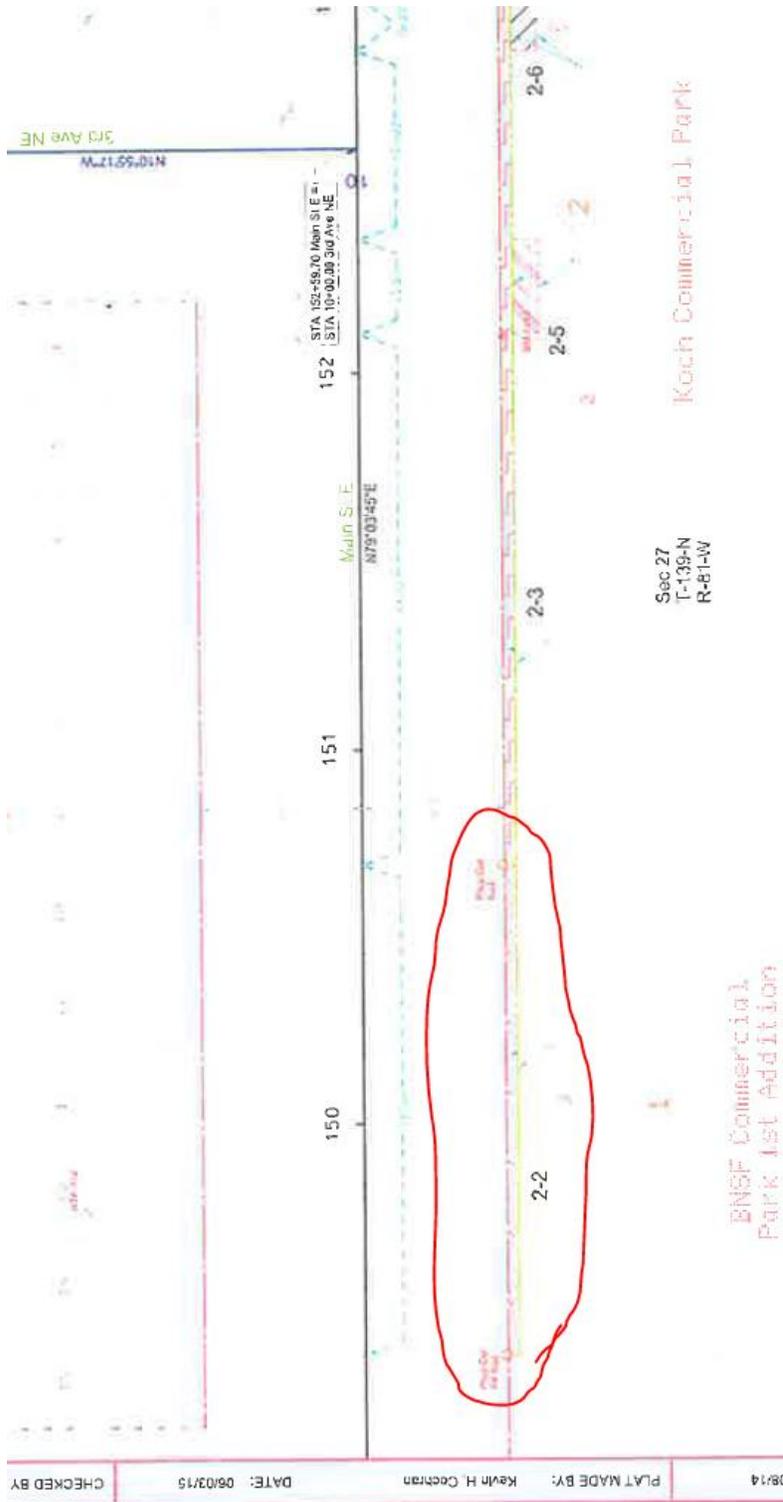
Board of City Commissioners

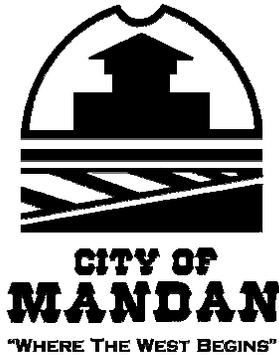
Agenda Documentation

Meeting Date: January 5, 2016

Subject: Sale of Small Strip of Property Along Main Street to NDDOT

Page 15 of 15





Board of City Commissioners

Agenda Documentation

MEETING DATE: January 5, 2016
PREPARATION DATE: December 30, 2015
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Shirley Shaw
PRESENTER: Shirley Shaw
SUBJECT: Reassessment 2015 Value

STATEMENT/PURPOSE: To consider a correction in 2015 True & Full Value for Wayne & Carol Friesz.

BACKGROUND/ALTERNATIVES: This parcel is also known as Parcel #65-6106015 Lot 10 Block 6 Keidel's Southheart Terrace 1st.

Reason for abatement: To lower the 2015 structure value from \$446,300 to reflect the new 2015 structure value of \$423,600
Home was reassessed and had a new sales analysis completed, and it was determined that it was over valued for 2015.

ATTACHMENTS: Property Record Sheet, Copy of Tax printout showing 2015 value
FISCAL IMPACT: Approximately \$285

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend a motion to approve to lower the true and full value for the 2015 year for Wayne & Carol Friesz.

SUGGESTED MOTION: A motion to approve a reduction for the Wayne & Carol Friesz property for the 2015 assessment year.

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

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

State of North Dakota Assessment District City of Mandan
 County of Morton Property L.D. No. 65-6106015
 Name Wayne & Carol Friesz Telephone No. _____
 Address 1612 Canyon Rd SW Mandan ND

Legal description of the property involved in this application:
Lot 10 Block 6
Keidel's Southheart Terrace 1st

Total true and full value of the property described above for the year <u>2015</u> is:		Total true and full value of the property described above for the year <u>2015</u> should be:	
Land	\$ <u>449,500</u>	Land	\$ <u>449,500</u>
Improvements	\$ <u>446,300</u>	Improvements	\$ <u>483,600</u>
Total	\$ <u>895,800</u>	Total	\$ <u>933,100</u>

- The difference of \$ 22,700 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. Complaisant 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 listing payment of taxes, taxes erroneously paid
 - 9. Property qualifies for Homestead Credit according to N.D.C.C. § 57-02-08.1. Attach a copy of Homestead Credit Application.
 - 10. Other (explain): _____

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

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

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

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

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

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

Applicant asks that Corrections be made to reflect the correct Market Value for 2015 due to ReAssessment 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: Shirley Shaw (Other than applicant) Date: 12-30-15 Signature of Applicant: _____ Date: _____

Board of City Commissioners

Agenda Documentation

Meeting Date:

Subject: Reassessment 2015 Value for Wayne & Carol Friesz

Page 3 of 8

PDF#PIN:009+65-6106015
 1612 CANYON RD SW, MANDAN
 Deed: FRIESZ W A & SCHMIDT CAROL
 Contract: 10843
 CID#: DBA:
 MLS:
 Urban/Residential
 Legal: LOT 10 BLOCK 6 KEIDEL'S SOUTH HEART TERRACE 1ST

City of Mandan
 WORKING
 Map Area: Zone 9 - Res
 Route: 000-900-000
 Tax Dist: M1
 Plat Page: KEIDEL'S SOUTHHEART TERR

Wed, 12/30/2015, 1:40 PM Page 1
 Checks/Tags:
 Lister/Date: MA, 12/18/2015
 Review/Date: MA, 12/21/2015
 Entry Status: Inspected

Land Basis		Front	Rear	Side 1	Side 2	R. Lot	SF	Acres	Depth	EFF	Quat./Land	Unit Price	Total	Topo	Econ	Other	\$Adj	Land Total
Lump Sum							15,477.00	0.355					\$40,000	0%	0%	0%	\$0	\$40,000
Grand Total							15,477.00	0.355					\$40,000	0%	0%	0%	\$0	\$40,000

Street		Zoning		Values	
Paved	City	R7	Reason	Appraised	B of R
				\$40,000	
				\$423,600	
				\$463,600	

Sales		Building Permits		Reason	
Date	NUJC	Recording	Number	Amount	Reason
06/01/2011	D000	435587	9/30/2013 89113	\$0/660	Land
			11/6/2012 79512	\$3,000/130	Dwlg
			11/6/2012 79612	\$3,000/130	Impr
			11/2/2012 21612	\$0/640	Total

Res. Structure		Finish		Plumbing		Addition		Garage	
Occ. Code	Occ. Descr.	Ttl Rooms Above #	Bdrms Above #	Full Bath	Shower Stall Bath	No Additions	Year Built	Year Built	Att Frm
101	Single-Family / Owner Occupied	5	4	2	2	3	2012	2012	1 of 1
		1619	Table	\$26.00		1	0' X 0'		
3 / 2012	Conventional	Composite	Conc				EFA Year		
1 Story Frame		Gable/Asph Comp	Drwl				EFA Year		
1,905 / 1,905		Linoleum					Style		
		Non-base Heating					Area (SF)		
		Fireplace					EFF Year		
		Gas-Vertical, 1 Sty					Condition		
		2+					Phys-Over %		
		1,790					Bent (SF)		
		NML					No Bent Fin (SF)		
		2%					Heat		
		Full					AC		
		0					Air-Cond (SF)		
		FHA - Gas					Attic (SF)		
		Yes					Phys/Floor/Eq		
		None					Door Opnrs		
							Bent Stairs		

Appliances		Fireplace		Obsolences	
Range Unit	Built-in Vacuums	Non-base Heating	Fireplace	Functional %	Economic %
Full	Intercom System	Gas-Vertical, 1 Sty	Gas-Vertical, 1 Sty	0%	0%
0	Oven - Single	0	0	0%	0%
0	Oven - Double	0	0	None	None
1	Dishwasher	0	0	None	None
1	Microwave	0	0	None	None
1	Trash Compactor	0	0	None	None
1	Jennair	0	0	None	None
1	Security System	0	0	None	None

Board of City Commissioners

Agenda Documentation

Meeting Date:

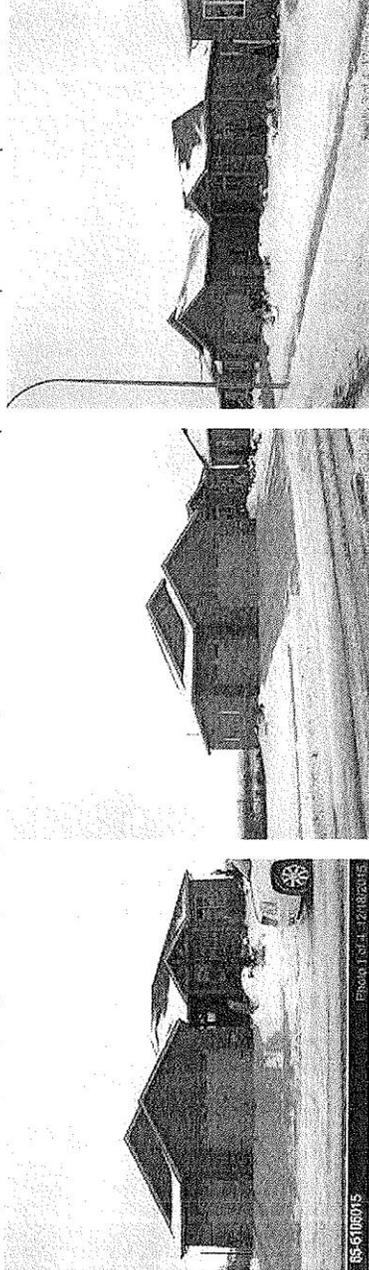
Subject: Reassessment 2015 Value for Wayne & Carol Friesz

Page 5 of 8

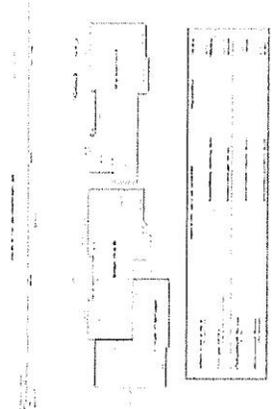
PDF-PIN: 009+65-6106015

Prior Year	Value Type	Location	Class	Land Value	Dwelling Value	Improvement Value	M & E Value	Total Value
2009	Import	Urban	Other	\$7,400	\$0	\$0	\$0	\$7,400
2010	Import	Urban	Other	\$10,300	\$0	\$0	\$0	\$10,300
2011	Import	Urban	Other	\$10,600	\$0	\$0	\$0	\$10,600
2012	Import	Urban	Other	\$29,800	\$0	\$0	\$0	\$29,800
2013	Import	Urban	Res	\$45,200	\$270,800	\$0	\$0	\$316,000
2014	Import	Urban	Res	\$49,400	\$203,900	\$0	\$0	\$253,300
2015	Appr	Urban	Res	\$49,500	\$446,300	\$0	\$0	\$495,800

Import from County file.



65-6106015 Photo 1 of 4 - 12/30/2015



65-6106015 Photo 4 of 4 - 12/30/2015

Imported by Photo/Doc Import

Board of City Commissioners

Agenda Documentation

Meeting Date:

Subject: Reassessment 2015 Value for Wayne & Carol Friesz

Page 6 of 8

PDF#PIN:009+65-6106015

Wed, 12/30/2015, 1:40 PM Page 4

Notes:

12/18/2015-COMPLETED A REASSESSMENT OF PROPERTY. FULL FIN HTD GAR, MAIN 9' CLGS, KIT: ISLAND, PANTRY, CUST TILE BKSPLSH, BUILT IN MICR/DISHWASHER, CUST MAPLE CABS, GRANITE CTOPS, DINRM, 1/2 BATH, UTILITY RM, LIVRM HAS FP & COFF CLG, MSTR BEDRM W/COFF CLG, 3 FIX MSTR BATH HAS CUST TILE SHWR, BSMT 8' CLGS: WET BAR W/WRAP AROUND ISLAND, FAMRM W FP, REC RM, 2 BEDRMS, 3 FIX BATH W/GRANITE 8X11 UNFIN, 18X11 UNFIN AREAS, THOUGHOUT;SURREND SOUND, WIDE SM ALDER TRIM, 3 PNL WD DRS, TREX DECK ON REAR PATIO;CONC PAT BELOW, HOME WARRANTS THE 2+10 GRADE FOR SIZE AND CUSTOM BUILD-I DID REMOVE THE ABOVE QUALITY COND TO THE HOUSE AND GARAGE-MA

Land Depreciation Notes:

Land basis 1: 90 X 150, IRR, UTIL, UNDERGRND UTIL, SIDEWALK, VIEW

Board of City Commissioners

Agenda Documentation

Meeting Date:

Subject: Reassessment 2015 Value for Wayne & Carol Friesz

Page 8 of 8

Parcel Search Results

<http://ndpropertytax.org/tax/Parcel.asp?pid=65-6106015&tid=1&ci...>

As of :
12/29/2015

Parcel Number: **65-6106015**

Payable Year: 2015

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

General

Receipt #	5644	Name	WAYNE A & CAROL A FRIESZ
ASMT	201 RESIDENTIAL	MP#	69324
Homestead	0 NON HOMESTEAD	MP Name	WAYNE A & CAROL A FRIESZ
HS Percent	.00		

Market/Tax		Tax State	22.31	Gross Tax	6,241.50
T & F Land	49,500	Tax County	1,800.05	ST PD Cred	748.98
T & F Building	446,300	Tax Twp/Cty	1,487.25	Special Asmt	0.00
Total T & F	495,800	Tax School	2,155.02	Tax Due	5,492.52
Assessed	247,900	Tax Cnty.WD	35.25	Disc Avail	274.62
Taxable	22,311	Tax Increm	0.00	Net Tax Due	5,217.90
HSTD Credit	0	Fire	0.00		
Net Taxable	22,311	Park	672.01	Tax AB/Adds	0.00
Mill Rate	279.75	Water	69.61	S A AB/Adds	0.00
Statement #	5644				
		Tax Penalty	0.00	Adj.NT.Due	5,217.90
		Tax Interest	0.00	Total Receipts	0.00
		SA Penalty	0.00	Disc Taken	0.00
		SA Interest	0.00	Remain Due	5,217.90
		Cost			

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



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

Type: Local Permit * Charity Local Permit

Permit Number
 2016-04

Name of Organization Bis-man Reel N Rec		Date(s) Authorized (Read instruction 2)		
Contact Person Errol Behm	Business Phone Number (701) 223-2331	3/12/2016 to 3/12/2016 Beginning Ending		
Mailing Address Po Box 2525	City Bismarck	State ND	Zip Code 58554-0000	
Site Name Mandan Moose	Site Address 111 11 Ave Ne			
City Mandan	State ND	ZIP Code 58554-0000	County Morton	
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.				
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddiewheels*				
Restriction:				
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor <u>and</u> Office of Attorney General within 30 days of the event.				
Date 12/29/2015	Signature of <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor	Printed Name of City or County Auditor Patrick B Haug		Auditor Telephone Number (701) 667-3250

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

cut along this line

INFORMATION REQUIRED TO BE PREPRINTED ON A STANDARD RAFFLE TICKET:

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

2016-07



APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT
OFFICE OF ATTORNEY GENERAL
SFN 9338 (9-2009)

Application for: Local Permit * Charity Local Permit (one event per year)

Name of Non-profit Organization Bis-man Reel n Rec		Date(s) of Activity 3/12/16 to 3/12/16	
Person Responsible for the Gaming Operation and the Disbursement of Net Income Don Schrick / ERROL Behm		Title Treasurer	Business Phone Number 223-2331
Business Address PO Box 2525	City Bismarck	State ND	Zip Code 58502
Mailing Address (if different)	City	State	Zip Code
Name of Site Where Game(s) will be Conducted Mandan Moose Club		Site Address	
City mandan N	State ND	Zip Code 58554	County Morton
Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.			
<input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker * <input type="checkbox"/> Twenty-one * <input type="checkbox"/> Paddlewheels *			



RETAIL VALUE OF PRIZES TO BE AWARDED

Description of Prize	Retail Value of Prize	Game Type	Description of Prize	Retail Value of Prize
rod & Reel	100 ⁰⁰	Cutting Board	Cutting Board	45 ⁰⁰
Fishing Net	25 ⁰⁰		Binoculars	100 ⁰⁰
Gift Cards	50 ⁰⁰		rod & Reel	100 ⁰⁰
meat grinder	175 ⁰⁰		rod Holders	50 ⁰⁰
Vacuum Sealer	125 ⁰⁰		Battery	115 ⁰⁰
Lawn chairs	100 ⁰⁰		Tackle Box	50 ⁰⁰
Filet Knife	75 ⁰⁰		Deep Fryer	50 ⁰⁰
Can Cooker	75 ⁰⁰		Rain Suit	100 ⁰⁰
rod & Reel	50 ⁰⁰		Tackle Box	25 ⁰⁰
				Total: (Limit \$12,000 per year) \$ 1460⁰⁰

Intended uses of gaming proceeds: Take a Kid Fishing, Boat Ramp improvements

Does the organization presently have a state gaming license? No Yes - If "Yes," the organization is not eligible for a local permit or charity local permit and should call the Office of Attorney General at 1-800-326-9240.

Has the organization received a charity local permit from this or another city or county for the fiscal year July 1 through June 30? No Yes - If "Yes," the organization does not qualify for a local permit or charity local permit.

Has the organization received a local permit from this or another city or county for the fiscal year July 1 through June 30? No Yes - If "Yes," indicate the total value of all prizes previously awarded: \$ 2100⁰⁰. This amount is part of the total prize limit of \$12,000 per year.

Signature of Organization's Top Executive Official Don Schrick	Date 12/29/15	Title President	Business Phone Number 214-9832
--	-------------------------	---------------------------	--

↑ call this #



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

Type: Local Permit * Charity Local Permit

Permit Number
 2016-03

Name of Organization Woman Of The Moose (mandan Chapter)		Date(s) Authorized (Read instruction 2) 2/1/2016 Beginning to 3/19/2016 Ending		
Contact Person Judy Hugelen	Business Phone Number (701) 220-4628			
Mailing Address Po Box 178	City Mandan	State ND	Zip Code 58554-0000	
Site Name Mandan Moose	Site Address 111 11 Ave Ne			
City Mandan	State ND	ZIP Code 58554-0000	County Morton	
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.				
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels*				
Restriction:				
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor <u>and</u> Office of Attorney General within 30 days of the event.				
Date 12/29/2015	Signature of <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor	Printed Name of City or County Auditor Patrick B Haug		Auditor Telephone Number (701) 667-3250

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

cut along this line

INFORMATION REQUIRED TO BE PREPRINTED ON A STANDARD RAFFLE TICKET:

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

2016-03

Rec
12-28-15



APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT
OFFICE OF ATTORNEY GENERAL
SFN 9338 (9-2009)

Application for: Local Permit * Charity Local Permit (one event per year)

Name of Non-profit Organization <u>Women of the Moose #1374</u>		Date(s) of Activity <u>Feb 1st 2016 to March 19th 2016</u>	
Person Responsible for the Gaming Operation and the Disbursement of Net Income <u>Jody M Hugelen</u>		Title <u>Co-Worker</u>	Business Phone Number <u>701-220-4628</u>
Business Address <u>#</u>	City	State	Zip Code
Mailing Address (if different) <u>Po Box 178</u>	City <u>Mandan</u>	State <u>ND</u>	Zip Code <u>58554</u>
Name of Site Where Game(s) will be Conducted <u>Mandan Moose</u>	Site Address <u>111 11th Ave NE</u>		
City <u>Mandan</u>	State <u>ND</u>	Zip Code <u>58554</u>	County <u>Morton</u>
Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.			
<input type="checkbox"/> Bingo	<input checked="" type="checkbox"/> Raffle	<input type="checkbox"/> Calendar Raffle	<input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker * <input type="checkbox"/> Twenty-one * <input type="checkbox"/> Paddlewheels *

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize	Game Type	Description of Prize	Retail Value of Prize
100 Raffle Tickets	Lifetime Member to woman ship	5000 1000 ⁰⁰			
Sold for \$10 each					
Total:					(Limit \$12,000 per year) \$ 1

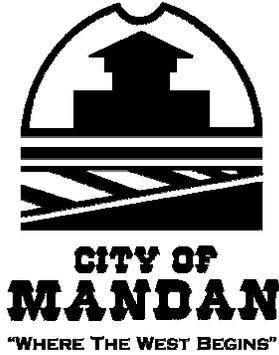
Intended uses of gaming proceeds: Charities

Does the organization presently have a state gaming license? No Yes - If "Yes," the organization is not eligible for a local permit or charity local permit and should call the Office of Attorney General at 1-800-326-9240.

Has the organization received a charity local permit from this or another city or county for the fiscal year July 1 through June 30? No Yes - If "Yes," the organization does not qualify for a local permit or charity local permit.

Has the organization received a local permit from this or another city or county for the fiscal year July 1 through June 30? No Yes - If "Yes," indicate the total value of all prizes previously awarded: \$ _____ . This amount is part of the total prize limit of \$12,000 per year.

Signature of Organization's Top Executive Official <u>Jody M Hugelen</u>	Date <u>12/28/15</u>	Title <u>Co-Worker</u>	Business Phone Number <u>701 220 4628</u>
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Board of City Commissioners

Agenda Documentation

MEETING DATE: January 5, 2016
PREPARATION DATE: December 30, 2015
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Shirley Shaw
PRESENTER: Shirley Shaw
SUBJECT: Pre-Approved 2 Year Tax Exemption Missed for 2015 Assessment year

STATEMENT/PURPOSE: To consider a correction in 2015 True & Full Value for Jessara Properties LLC

BACKGROUND/ALTERNATIVES: This parcel is also known as Parcel #65-6112580 Lot 1 Block 1 Meadow Ridge 1st Addition. City ID #37

Reason for abatement: To remove the 2015 Structure value on Building #2 that received a 100% 2 year New or Expanding Businesses thru the March 6, 2012 City Commission meeting. This project was originally planned for 3 Apartment buildings, to be completed in phases, each structure to be exempted as completed. Building #1 was completed in 2013, and received 100% exemption for 2013-2014, and is now fully assessed for 2015. Building #2 was completed in August 2014 and should have started receiving the 100% exemption in 2015, for 2015 & 2016.

They will still be assessed fully on the land value, on building # 1 and the 3 garage structures that are all located on the same parcel.

Structure #2 Value: \$3,549,100

ATTACHMENTS: Abatement form, Building #2 Permit, Building #2 Certificate of Occupancy, Minutes from March 6, 2012 Commission meeting, Original Application for 2 year Exemption presented to March 6, 2012 meeting, Property Data Sheet, Tax Statement printout of 2015 values

FISCAL IMPACT: Approximately \$49,600

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

Board of City Commissioners

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RECOMMENDATION: I recommend a motion to approve to add the pre-approved 2 year tax exemption to 2015 year for Jessara Properties LLC

SUGGESTED MOTION: A motion to approve to add the pre-approved 2 year tax exemption to 2015 year for Jessara Properties LLC

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. 65-6119830
 Name Jessava Properties LLC Telephone No. _____
 Address 600 Meadow Ridge Ln NW

Legal description of the property involved in this application:
Lot 1 Block 1 Building #2
Meadow Ridge 1st Addition

Total true and full value of the property described above for the year <u>2015</u> is:		Total true and full value of the property described above for the year <u>2015</u> should be:	
Land	\$ <u>391,400</u>	Land	\$ <u>391,400</u>
Improvements	\$ <u>5908,400</u>	Improvements	\$ <u>2,354,300</u>
Total	\$ <u>6,299,800</u>	Total	\$ <u>2,745,700</u>

The difference of \$ 3,554,100 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) 2 yr Tax Exemption on Building #2

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 estimator: \$ _____
 Appraisal was made by whom? _____

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

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

Applicant asks that Corrections be made to reflect the pre-Approved 2yr Tax Exemptions on Structure #2 for 2015

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

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

Shirley Shaw 12.3.15 Michael E. Wankter
 Signature of Property Owner Date Signature of Applicant Date

Board of City Commissioners

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BUILDING PERMIT CITY PERMIT #: 92-13-010

CITY OF MANDAN/MORTON COUNTY, NORTH DAKOTA

PHONE 667-3230 PERMIT DATE: 3/05/2013
ID #: 00037

JOB ADDRESS: 601 MEADOW RIDGE LOOP NW BUILDING 2
LEGAL DESCR: LOT 1 BLOCK 1 MEADOW RIDGE 1ST Addition
OWNER NAME: JESSARA PROPERTIES LLC PHONE:
ADDRESS: 601 MEADOW RIDGE LOOP NW BUILDING 2, BISMARCK ND 5850
CONTRACTOR: HARMONY PROPERTIES LLC LICENSE #: 31161 PHONE:
ADDRESS: PO BOX 838, BISMARCK ND 58502-0838

COPY

CLASS OF WORK: NEW

DESCR OF WORK: APARTMENT BUILDINGS
37 UNIT APARTMENT BUILDING WITH GARAGES
17518 SF PER FLOOR 52554 TOTAL SF

ZONING : RM
LOT SIZE : 380,565
LOT COVERAGE : .00%

VALUATION OF WORK: \$2,304,000
NO. UNITS : 37
PERMIT FEE : 12,011.00 BILLED
SPECIAL CONDITIONS/MISCELLANEOUS:

* IF VALUATION OF WORK IS UNDER-
* ESTIMATED, AN ADDITIONAL FEE MAY
* BE CHARGED.
* SMOKE DETECTORS: REQUIRED IN ALL
* NEW CONSTRUCTION.
* NOTIFY UTILITY COMPANIES FOR
* LOCATION OF SERVICE LINES FOR
* ALL CONSTRUCTION
* CALL FOR INSPECTION BEFORE ANY
* CONCRETE IS POURED, WHEN FRAMING
* IS DONE, AND WHEN JOB IS
* COMPLETED.

* PLEASE CALL BEFORE DIGGING
* NORTH DAKOTA ONE - CALL
* 1-800-795-0555

APPROVED FOR ISSUANCE BY:

THE ABOVE STATED PROPERTY (IS OR IS NOT)
IN THE 100 YEAR FLOOD ZONE.

**** N O T I C E ****

- * NO SURVEY IS REQUIRED, BUT THE CONTRACTOR OR OWNER IS RELIABLE TO MEET ALL SETBACK REQUIREMENTS PER ZONING OR PLAT REQUIREMENTS. THIS MUST BE SURVEYED IF YOU ARE UNABLE TO ESTABLISH PROPERTY LINES.
- * NO SURVEY IS REQUIRED FOR GAS, ELECTRICAL AND PLUMBING.
- * SEPARATE PERMITS ARE REQUIRED FOR GAS, ELECTRICAL, PLUMBING OR SIDEWALK/DRIVEWAY.
- * THIS PERMIT BECOMES NULL AND VOID IF WORK ON CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 120 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS COMMENCED.
- * I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

CONTRACTOR /OWNER SIGNATURE DATE

* ALL PERMITS MUST HAVE AN ACCURATE PLOT PLAN OR HAVE A WAITING PERIOD OF 24 HOURS FOR APPROVAL.

* ACCURATE PLOT PLAN (YES/NO) _____

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R110 Certificate of Occupancy

City of Mandan, North Dakota
Department of Building Inspection

This certificate issued pursuant to the requirements of Section 110 of the International Residential Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the city regulating building construction or use. For the following:

Use Class: 1240
APARTMENT BUILDINGS

Building Permit No.: 0092-13-010

Group: R-2
Fire Zone: N/A

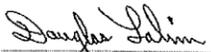
Type Construction: FRAME
Use Zone: RM

Building Owner: JESSARA PROPERTIES LLC
Owner Address: 601 MEADOW RIDGE LOOP NW

Building Address: 601 MEADOW RIDGE LOOP NW

Legal: BUILDING #2 Lot 1 Block 1

By: Jon Benz
Date: 8/04/2014



Douglas Lalim
Building Official

Retain For Your Records

The Mandan City Commission met in regular session at 5:30 p.m. on March 6, 2012 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Helbling, Rohr, Frank, and Jackson. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Fire Chief Nardello, Business Development and Communications Director Huber, Engineering Project Manager Bechtel, and City Assessor Barta. Absent: Commissioner Tibke and Director of Public Works Wright.

MINUTES: Consider approval of the minutes for February 21, 2012 regular meeting. Commissioner Jackson moved to approve the minutes of the February 21, 2012 regular meeting. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present.

PUBLIC HEARING:

1. Public Hearing to consider an Ad Valorem tax exemption for Jessara Properties, LLC. City Assessor Barta stated that this project was at one time going to be on 40th Avenue; however they, (Jessara Properties, LLC), have moved it to 27th Street Northwest in the area of Terra Vallee. There have been no protests received by the City Assessor’s Office. The other public entities have been notified and there has been no response received from them. Barta stated that he recommends approving the project based on the Mandan Growth Fund (MGF) recommendation. The MGF has requested that the Board rescind the request that was passed last year and that there be a repayment provision if the facility would be sold to a tax exempt entity within five years from expiration of the exemption period.

Mayor Helbling announced that this is a public hearing and asked for comments from the public.

Mark Bitz, an apartment complex owner, came forward and requested that the Commission vote “No” on this matter. As he previously pointed out, apartment buildings do not create jobs or create any sales taxes which are two of the “main ingredients” for property tax exemptions to be granted. He commented on the Mayor’s statement at the last meeting regarding changing the policy. He clarified that the group he was with was not requesting any change in policy but merely to grant the exemption, do nothing, or somewhere in between. The request is to deny the request for tax exemption. The other comment that was made was that it wouldn’t be fair to the staff if the Commission voted no on this. The process leading up to the public hearing has to go through the staff. There is no other opportunity for anyone to support or protest tax exemptions if the process is not followed. Bitz again requested that the Ad Valorem tax exemption for Jessara Properties, LLC be rejected.

Susan Beehler, a resident at 702 14th St NW, Mandan ND 58554, came forward and stated: I object to a tax exemption being given for these reasons:

1. The exemption needs to be done in the county or city it is in: if this land is not already annexed into the city then this application is premature. The city does not have

jurisdiction until the annexation is done. Bring back at the next meeting when the annexation is done.

2. If you are putting off roads because of Measure 2 then why not a moratorium on tax exemptions. Dot Frank and Jim Neubauer both were in attendance when hearing from the communities in Glen Ullin what they would have done differently if they would have known what they know now. We were told don't give away your land, your services, and it is okay to declare a moratorium on whatever, till you get a handle on how this boom will affect you.

3. Century Code 40-57.1 clearly states there must be a declaration and finding of public purpose. It is questionable whether housing is a public purpose. It is the intent of the legislative assembly that political subdivisions and the state board of equalization in their determination of whether the tax exemptions authorized by this chapter shall be granted shall give due weight to their impact and effect upon existing industry and business to the end that an unfair advantage shall not be given to new or expanded enterprises which is to the substantial detriment of existing enterprises.

Later on tonight you will receive a BMDA report one of the lowest scoring items for businesses was the assessing of their property taxes, this is not good for businesses to shoulder the cost of housing in the form of their property tax increases.

1. The funding of housing will cast the tax burden to other property tax paying properties in our community. It would not just be the \$116,000 lost in revenue from the exemption it could be increased cost to the taxpayers if these 96 apartments bring in families with 1 to 2 children this will cost the tax payer about 5,000 per school age child each year so if we have an additional 100 children attending our schools this could end up being \$500,000 in taxes needed to pay for their school and if we don't have room it will be another 18 mils to finance a school, their rent will not be paying for the use of the schools even after the tax exemption expires the rest of the property owners are left to pick up the tab. This would be like raising our mil levy by 10 mils (if a mil is worth about \$60,000) for 96 units, when we have streets in need of desperate repair? It will take an additional 300 \$100,000 homes* to equal the amount of cost this could be for the taxpayers to support these multi units. These buildings the way I look at it could cost us 28mils. Will they build without the exemption? My guess is yes. Why give an incentive when the demand for housing is already here?

2. Does multi-unit housing meet the definition of public purpose?

3. At what cost are we as taxpayers supposed to support growth and when is it unfair?

4. Every dollar taken out of my pocket to subsidize another business is one less dollar I have to invest in my business and my property.

*If \$100,000 home brings in \$2000 in taxes it would take 300 homes to make up the lost revenue for the exemption and the increase cost if they have children using our school system.

Mike Wachter, Jessara Properties, LLC, came forward to speak in support of the request for a property tax exemption for Jessara Properties, LLC. He stated that the annexation and the platting is on the Agenda and will be voted on tonight. He stated that this matter was looked at last year and was voted on as two 24-unit apartment buildings in Lakewood and due to the flood the project was put on hold. He stated that consideration was given to building the complex in Bismarck but because of the tax incentive he decided to build in Mandan instead. The goal is to get a higher density on the taxes on the land. In summary, the City will get more tax revenue out of the 24/36 unit building as opposed to an 8/10 unit building.

Commissioner Frank commented that by bringing in green space as part of the development plan as an important aspect of the project stating that by accommodating families it will bring retail and eventually population growth to the community.

Mayor Helbling announced that this is a public hearing and invited anyone in favor or opposition to come forward. A second announcement was made and hearing none, this portion of the hearing was closed.

Mayor Helbling asked City Attorney Brown about the Susan Beehler testimony No. 1: *The exemption needs to be done in the county or city it is in; if this land is not already annexed into the city then this application is premature. The city does not have jurisdiction until the annexation is done.* City Attorney Brown concurred and stated that Resolutions and Ordinances No. 3 is on the Agenda for review and discussion and final passage which is the annexation of this area. He suggested that if the Commission is inclined to grant the exemption that it is acted upon after the adoption and final passage of that Ordinance.

Mayor Helbling asked for clarification from City Attorney Brown regarding Susan Beehler's testimony No. 3: *Century Code 40-57.1 clearly states there must be a declaration and finding of public purpose.* Brown stated that the chapter on granting exemptions is very broad and he believes that any city or county entity has plenty of leeway to grant or deny. It is consistent with the policy that the Commission adopted previously.

Commissioner Jackson stated that for apartment complexes, he understands the policy that has been adopted by the City and this request is in line with the policy. In previous action, when the Wachters brought the Lakewood area forward it passed unanimously. He stated that the Commission has set the policy, thus this request should be approved

Board of City Commissioners

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Meeting Date: January 5, 2016

Subject: Pre-Approved 2 Year Tax Exemption Missed for 2015 Assessment year

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Minutes of March 6, 2012

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even though he is not in total agreement with the terms of the policy as written for apartment complexes.

Commissioner Rohr stated that he recalls voting in favor of the action brought last year when the Wachters requested the exemption in the Lakewood area. He agreed with Commissioner Jackson's view on allowing these exemptions for apartments; however, it is policy that has been established by the Commission.

Commissioner Jackson noted:

- (1) Although he does not agree with the policy he agrees with the purpose of the policy.
- (2) At this point the policy exists and Jessara Properties is looking at developing the property in part because of the policy that the Commission passed. If the Commission were to deny the request based on the policy that exists, which is free for everyone to read, and that is where his concern lies with this particular request.

Mayor Helbling stated that the third point of reference from Ms. Beehler's testimony is related to Measure 2, infrastructure and roads. The City's stance to this point is telling all the developers not to look for the City to special assess in these developments for streets, roads, etc. until we know the outcome of Measure No. 2. There is one exception and that is the Chad Wachter property south of town because that had already started and all laws have to be followed accordingly.

* Commissioner Jackson moved to approve the two-year Ad Valorem Tax exemption for Jessara Properties LLC and rescind the previous Ad Valorem Tax exemption that was granted to Jessara Properties in approximately June 2011 subject to repayment if the facility would be sold to a tax exempt entity within five years from the expiration of the exemption period. Commissioner Frank seconded the motion.

* Commissioner Frank commented on Ms. Beehler's comment on Measure 2: We need to keep in mind that incentives such as this are what make sense for Mandan right now since Mandan is a community that is in competition; knowing that there may be a possibility of the elimination of property taxes and we should take advantage of marketing in our community while the opportunity exists. Roll call vote: Commissioner Rohr: No; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

2. *Public Hearing to consider the vacation of the Pioneer Industrial Park Plat.* Engineering Project Manager Bechtel reviewed with the Board a request from WW Ranch, Mike and Pat Wachter, to vacate portions of Pioneer Industrial Park. Bechtel provided an overhead view of the request. He stated there was a request from the

COPY

Public Hearing No. 1



Board of City Commissioners

Agenda Documentation

MEETING DATE:	March 6, 2012
PREPARATION DATE:	February 22, 2012
SUBMITTING DEPARTMENT:	Assessing Dept
DEPARTMENT DIRECTOR:	Richard L Barta
PRESENTER:	Richard L Barta
SUBJECT:	Property Tax Incentives for New or Expanding Businesses for Jessara Properties, LLC

STATEMENT/PURPOSE: To consider a tax exemption for Jessara Properties, LLC pursuant to North Dakota Century Code 40-57.1.

BACKGROUND/ALTERNATIVES: Jessara Properties, LLC is asking for an exemption on the construction of three (3) multiple unit structures/complex. The Notice to Competitors was published in the February 2nd and the February 10th editions of the Mandan News and no competitors have submitted a written protest.

The Mandan Growth Fund Committee reviewed this project on February 28th. The project was recommended for approval as a 100% exemption for two years by unanimous vote with the condition that all three buildings must be started within one year, that their previous exemption for 2401 40th Ave. SE be rescinded (that project was not started) based on this new application and subject to repayment if the facility would be sold to a tax-exempt entity within five years from expiration of the exemption period.

Morton County, the School District and the Park District were given notification of this exemption on January 25th and again on February 22nd.

This parcel is currently in the process of being annexed into the City's limits as Meadow Ridge 1st Addition.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$116,173 per year if all three buildings are constructed.

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Subject: 5-Year Ad Valorem Tax Exemption for Jessara Properties, LLC
Page 2 of 6

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval of a 100% exemption for two years for Jessara Properties, LLC in accordance with the recommendation from the Mandan Growth Fund Committee due to meeting all criteria under the City of Mandan's Commercial Property Tax Exemption Policy and Guidelines and also under State Statute; subject to repayment if the facility would be sold to a tax-exempt entity within five years from expiration of the exemption period.

SUGGESTED MOTION: A motion to approve the Jessara Properties, LLC tax exemption of 100% for two years in accordance with the recommendation from the Mandan Growth Fund Committee due to meeting all criteria under the City of Mandan's Commercial Property Tax Exemption Policy and Guidelines and also under State Statute; subject to repayment if the facility would be sold to a tax-exempt entity within five years from expiration of the exemption period.

Board of City Commissioners
 Agenda Documentation
 Meeting Date: March 6, 2012
 Subject: 5-Year Ad Valorem Tax Exemption for Jessara Properties, LLC
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**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	<u>Jessara Properties LLC</u>		
2. Address of project	<u>27th Street NW</u>		
	City <u>Mandan</u>	County <u>Morton</u>	
3. Mailing address of project operator	<u>PO Box 838</u>		
	City <u>Bismarck</u>	State <u>ND</u>	Zip <u>58502</u>
4. Type of ownership of project	<input type="checkbox"/> Partnership <input type="checkbox"/> Subchapter S corporation <input type="checkbox"/> Individual proprietorship <input type="checkbox"/> Cooperative <input checked="" type="checkbox"/> Limited liability company		
5. Federal Identification No. or Social Security No.	<u>20-4789206</u>		
6. North Dakota Sales and Use Tax Permit No.			
7. If a corporation, specify the state and date of incorporation	<u>December 1999 ND</u>		
8. Name and title of individual to contact	<u>Michael Wachter</u>		
Mailing address	<u>PO Box 838</u>		
City, State, Zip	<u>Bismarck</u>	<u>ND</u>	<u>58502</u>
Phone No.	<u>(603) 2600</u>		

Project Operator's Application For Tax Incentives

9. Indicate the tax incentives applied for and terms. Be specific.	<input type="checkbox"/> Property Tax Exemption _____ Number of years _____ Percent of exemption		<input type="checkbox"/> Payments In Lieu of Taxes _____ Beginning year _____ Ending year _____ 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:	<input checked="" type="checkbox"/> New business project <input type="checkbox"/> Expansion of a existing business project			

Description of Project Property

11. Legal description of project real property Sec 22 Twp 139 Range 81 Process Industrial Park to be replatted annexed to city	
12. Will the project property be owned or leased by the project operator? <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased If the answer to 12 is leased, will the benefit of any incentive granted accrue to the project operator? <input type="checkbox"/> Yes <input type="checkbox"/> No If the property will be leased, attach a copy of the lease or other agreement establishing the project operator's benefits.	
13. Will the project be located in a new structure or an existing facility? <input checked="" type="checkbox"/> New construction <input type="checkbox"/> Existing facility If existing facility, when was it constructed? _____ If new construction, complete the following: a. Estimated date of commencement of construction of the project covered by this application <u>May 1, 2012</u>	
b. Description of project to be constructed including size, type and quality of construction Apartment Building #1 1 building #2 Building #3 24 units 24-36 units 24-36 units 70' x 243' 2 story 70' x 243' 2-3 story 70' x 243' 2-3 story	
c. Projected number of construction employees during the project construction _____	
14. Approximate date of commencement of operations for this project _____	
15. Estimated market value of the property used for this project: a. Land \$ <u>280,000</u> b. Existing buildings and structures for which an exemption is claimed \$ <u>0</u> c. Newly constructed buildings and structures when completed \$ <u>5,760,000</u> d. Total <u>96 units</u> \$ <u>6,040,000</u> 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 \$ <u>0</u> c. Newly constructed buildings and structures when completed \$ <u>288,000</u> d. Total taxable valuation of property eligible for exemption (Add lines b and c) \$ <u>288,000</u> e. Enter the consolidated mill rate for the appropriate taxing district <u>40338</u> f. Annual amount of the tax exemption (Line d multiplied by line e) \$ <u>116,173</u>

Board of City Commissioners

Agenda Documentation

Meeting Date: January 5, 2016

Subject: Pre-Approved 2 Year Tax Exemption Missed for 2015 Assessment year

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Meeting Date: March 6, 2012

Subject: 5-Year Ad Valorem Tax Exemption for Jessara Properties, LLC

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Description of Project Business

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

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

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

# 1 Apt	# 2	# 3
24 units	24-36 units	24-36 units
4-3 Bedrooms	2-3 story	2-3 story
20-2 Bedrooms		

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

# 1	# 2	# 3
2 boilers	1 elevator	1 elevator
	2 boilers	2 boilers

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

Year	2013	2014	2015		
Annual revenue	2,000,000	2,400,000	1,800,000		
Annual expense	1,975,000	2,100,000			
Net income	225,000	300,000			

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	2013	2014			
No. of Employees (1)	1	2			
Estimated payroll (1)	25,000	50,000			

(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).

Windsor Properties	Heated Shops Strip Mall
--------------------	----------------------------

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

other similar Apt.

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, Michael Winkler, 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.

Michael Winkler Signature President Title 1-26-2012 Date

In compliance with the Federal Privacy Act of 1974, Public Law 93-519, 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 _____ day of _____, 20____, granted the following:

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

Auditor

Wed, 12/30/2015, 2:36 PM Page 3

Plumbing

Est 20

3-Fixture Bathroom

Adjustments

Sprinkler - exposed w/ 34,380 AVG

Balcony 576 AVG

Concrete patio 576 AVG

© 1995-2015 Vanguard Appraisals, Inc.

Bldg #2

Occ. Code	Occ. Descr.	Phase Code	Phase Descr.	Year Built	EFF Age/Yr	Desk. Table	Condition	Grade Mult.	Phys-Desk.	Description	Style	Stories	Units	Grade	Base	Basement	1st Flr. Inset Aft.	Calc. Ave. SF Inset	GBA	Functional:	Economic:	Other:	Obsolescence
702	Apartment	702	Apartment	2013	2/	7	NML	1.260	3	Basement Roof Ceiling Struct Floor Floor Cover Partitions Framing HVAC Lighting Sprinkler	Frame - Wood	3	37	4+10	17,518	0	720	1,401	51834				
<p style="text-align: center;">Verticals</p> <p style="text-align: center;">Horizontals</p>																							
<p style="text-align: center;">Adjustments</p> <p style="text-align: center;">Sprinkler - exposed w/ 34,380 AVG</p> <p style="text-align: center;">Balcony 576 AVG</p> <p style="text-align: center;">Concrete patio 576 AVG</p>																							

Board of City Commissioners

Agenda Documentation

Meeting Date: January 5, 2016

Subject: Pre-Approved 2 Year Tax Exemption Missed for 2015 Assessment year

Page 20 of 26

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Garages

Description	Yrd	Units	Price	Base Value	Cond	Year	Phys%	Fob%	Eob%	Ob%	Depreciated Total (Rtd market value)	Map	Appraised Value (Rtd market \$100)
1 - Garage	1	1	\$20.50	\$177,120	NMIL	2012	6.00	0	0	0	\$166,483	1.000	\$166,500
3,640 SF, Frame, Avg Pricing													
2 - Garage	1	1	\$20.50	\$86,582	NMIL	2013	4.00	0	0	0	\$83,128	1.000	\$83,100
2,112 SF, Frame, Avg Pricing													
1 - Garage	1	1	\$20.50	\$43,296	NMIL	2014	2.00	0	0	0	\$42,430	1.000	\$42,400
2,112 SF, Frame, Avg Pricing													
Yard Extras TOTAL Value													\$282,000

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Page 5

Board of City Commissioners

Agenda Documentation

Meeting Date: January 5, 2016

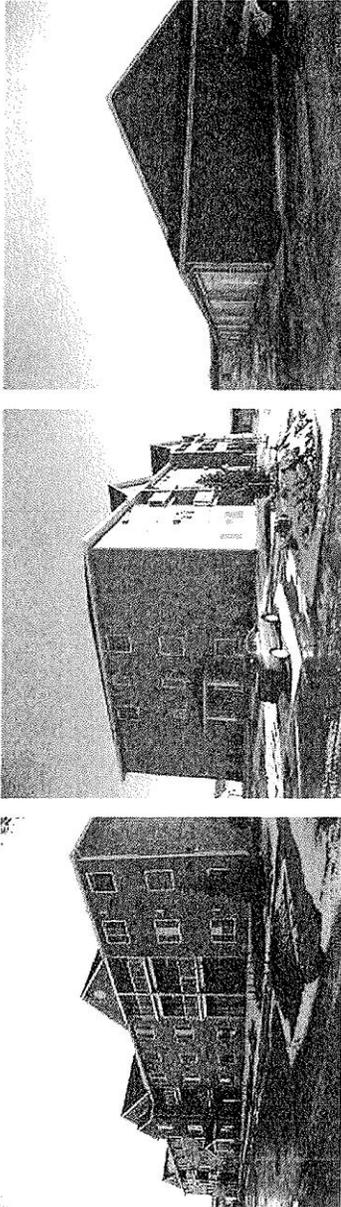
Subject: Pre-Approved 2 Year Tax Exemption Missed for 2015 Assessment year

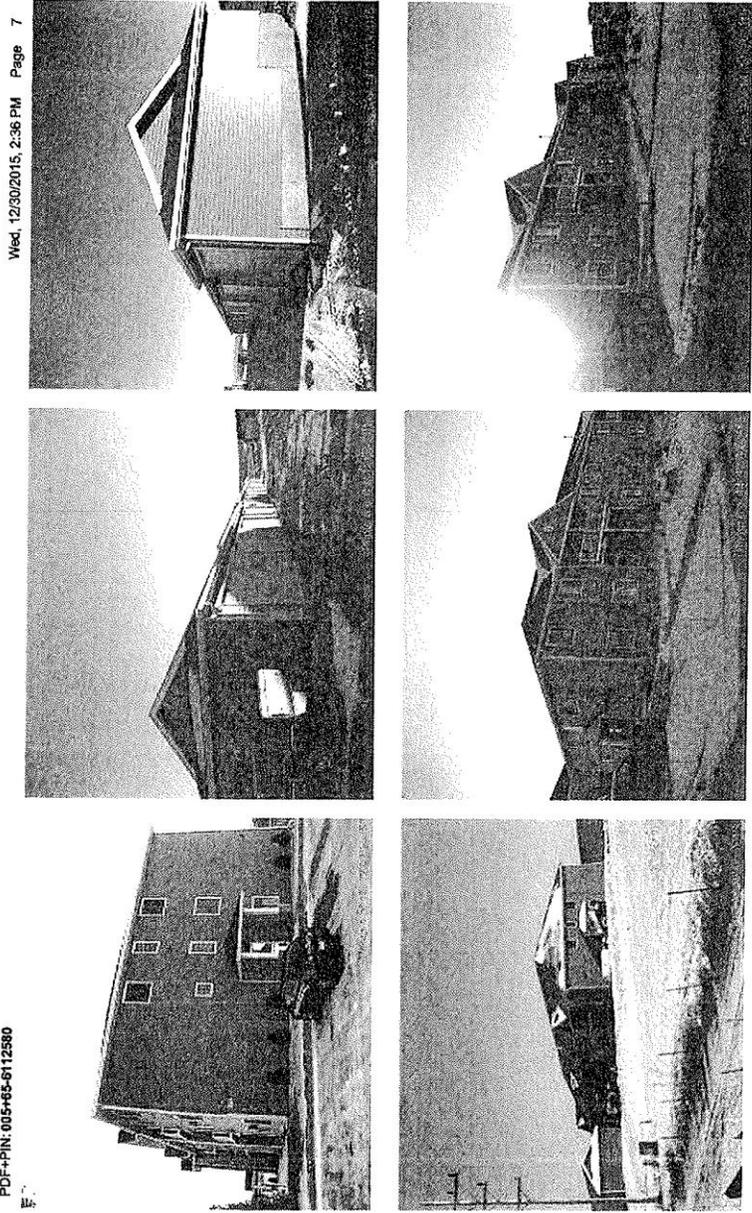
Page 21 of 26

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 Comment:
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Prior Year	Value Type	Location	Class	Land Value	Dwelling Value	Improvement Value	M & E Value	Total Value
1991	Import	Urban	Res	\$2,500	\$0	\$0	\$0	\$2,500
1992	Import	Urban	Res	\$2,500	\$0	\$0	\$0	\$2,500
1993	Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
1994	Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
1995	Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
1996	Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
1997	Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
1998	Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
1999	Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
2000	Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
2001	Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
2002	Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
2003	Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
2004	Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
2005	Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
2006	Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
2007	Import	Urban	Other	\$2,500	\$0	\$0	\$0	\$2,500
2008	Import	Urban	Other	\$2,700	\$0	\$0	\$0	\$2,700
2009	Import	Urban	Other	\$2,800	\$0	\$0	\$0	\$2,800
2013	Import	Urban	Comm	\$391,400	\$0	\$1,010,800	\$0	\$1,402,200
2014	Import	Urban	Comm	\$391,400	\$0	\$6,982,000	\$0	\$391,400
2015	Eq	Urban	Comm	\$391,400	\$0	\$0	\$0	\$7,373,400

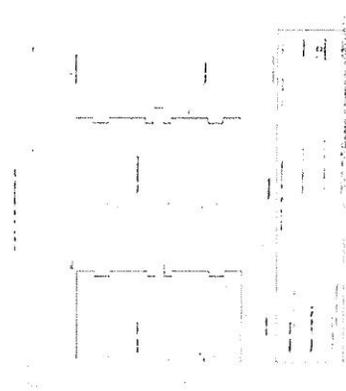
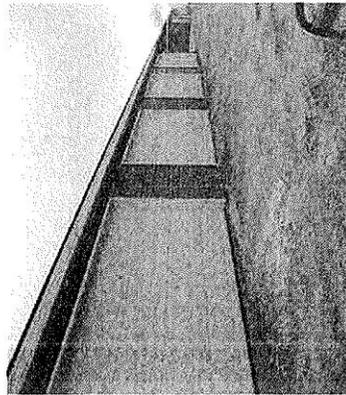
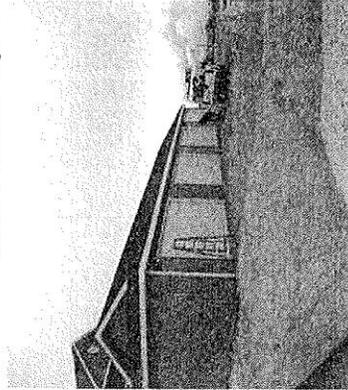
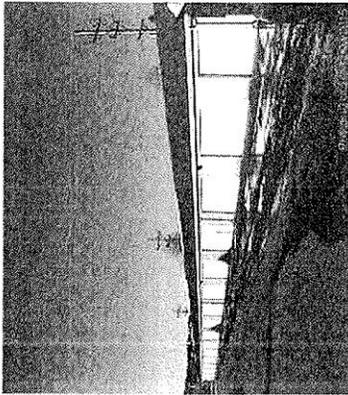
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Notes:
Note Title: Original AS/00 Notes

2015: PROPERTY RECEIVED ABATEMENT DECEMBER 2013 FOR THE YEAR TO GIVE EXEMPTION. PROPERTY RECEIVED 100% EXEMPTION FOR 2013 & 2014 ON BOTH STRUCTURES; 2015 BUILDING #1 WAS FULLY ASSESSED. BUILDING #2 EXEMPT 2015-2016. SS

2014 SS: THIS IS ONE LOT WITH 3 APARTMENT BUILDINGS. BLDG #1 & 2 GET EXEMPTIONS; #3 LOST EXEMPTION.

ANNEXED & PLATTED (2012) BUILDING HAS INTERIOR SPRINKLERS

Board of City Commissioners
 Agenda Documentation
 Meeting Date: January 5, 2016
 Subject: Pre-Approved 2 Year Tax Exemption Missed for 2015 Assessment year
 Page 26 of 26

Parcel Search Results

<http://ndpropertytax.org/tax/Parcel.asp?pid=65-6112580&tid=1&ci...>

As of :
12/29/2015

Parcel Number: **65-6112580**

Payable Year: 2015

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

General

Receipt #	9141	Name	JESSARA PROPERTIES LLC
ASMT	233 COMMERCIAL	MP#	64046
Homestead	0 NON HOMESTEAD	MP Name	JESSARA PROPERTIES LLC
HS Percent	.00		

Market/Tax

T & F Land	391,400	Tax State	368.67	Gross Tax	102,847.90
T & F Building	6,982,000	Tax County	29,744.30	ST PD Cred	12,341.75
Total T & F	7,373,400	Tax Twp/Cty	24,575.54	Special Asmt	14,306.40
Assessed	3,686,700	Tax School	35,609.84	Tax Due	104,812.50
Taxable	368,670	Tax Cnty.WD	582.50		
HSTD Credit	0	Tax Increm	0.00	Disc Avail	4,525.30
Net Taxable	368,670	Fire	0.00	Net Tax Due	100,287.20
Mill Rate	278.97	Park	11,104.34		
Statement #	9141	Water	862.69	Tax AB/Adds	0.00
				S A AB/Adds	0.00
		Tax Penalty	0.00		
		Tax Interest	0.00	Adj.NT.Due	100,287.20
		SA Penalty	0.00	Total Receipts	0.00
		SA interest	0.00	Disc Taken	0.00
		Cost		Remain Due	100,287.20

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



P.O. Box 5503 • 221 North 5th Street
Bismarck, North Dakota 58506
Telephone 701 355 1840
TDD Dial 711
Fax 701 222 6450
Email cobplan@nd.gov
Web www.bismarck.org

MEMORANDUM

TO: Mandan City Commission

FROM: Will Hutchings, Metropolitan Planning Organization

DATE: December 23, 2015

SUBJECT: Application for Bicycle Friendly Community Recognition

A regional task force, assembled by the Bismarck-Mandan MPO, has prepared an application to the League of American Bicyclists to recognize the cities of Bismarck, Mandan, and Lincoln and the counties of Burleigh and Morton as a **Bicycle Friendly Community**. The complete draft of this application is available upon request and on the MPO's website. The application will be submitted to the MPO Policy Board on January 19, 2016 for consideration and to the League of American Bicyclists the following month for their evaluation.

The League of American Bicyclists is a national bicycling advocacy and education organization. They offer a Bicycle Friendly Community program which awards Bronze, Silver and Gold designations as well as an Honorable Mention based on an application and review process. Over 350 communities nationwide have been recognized, including the Fargo and Grand Forks regions. This would be the first application from the Bismarck-Mandan region. There is no cost to participate in the program and the application is free of charge. Based on the evaluation, the organization will report on ways to improve conditions for bicycling in the region.

The task force believes our application makes a strong case for our community, and we would like to share a few of the highlights that will be included, organized by the "5 E's" of bicycle friendly communities:

Engineering

- The Bismarck, Lincoln and Mandan urbanized area has over a hundred miles of off-street multiuse paths and the network is expanding at pace with the growth of the community.
- There are six over or underpasses in the region that allow cyclists to safely cross busy roadways as well as two protected Missouri river crossings.

- All Capital Area Transit buses are equipped to transport bicycles.

Education

- Police departments from Bismarck, Mandan, and Lincoln all offer bicycle safety and helmet use seminars in uniform to elementary schools students.
- The Bismarck/Mandan Safety Council organizes an annual Bike Rodeo that provides bicycle safety education, bicycle inspections, and raffles.
- Public and private schools have invested in infrastructure, bicycle parking, crossing guards, and programs to ensure safe access to school for students who walk or bike.

Encouragement

- An official “Bike to Work Week” is held region-wide every May to promote bicycling as a viable means of transportation.
- Dakota Media Access runs public service announcements that provide motorist and bicyclist education and promote safe bicycling.
- United Tribes Technical College promotes bicycle use through a wellness program offering free bicycle rentals, a bike share system, and a new pathway encircling the campus.
- A number of bicycle events and races are held every year, including the Burleigh County Cup, Harmon Lake triathlon, and regularly scheduled mountain bike and cyclocross events.

Enforcement

- Police officers are trained on the rules of the road for motorists and cyclists, and maintain a database of bicycle-related incidents.
- Officers in both Bismarck and Mandan are certified for bike patrol, and have lead training sessions for other officers.
- The City of Bismarck and Mandan have ordinances that effectively establish rules of the road for interactions between cyclists and motorists.

Evaluation/Planning

- According to census data, the Bismarck-Mandan region is in the top 25% of all small cities in the United States for share of commuters who bike to work, and there are four times as many bicycle commuters in the community now than there were in the year 2000.
- Recent region-wide and city transportation plans include strong sections on cycling including recommended infrastructure improvements needed to enhance safety and access for cyclists.

- According to a recent survey, over half of all residents in the community have ridden a bicycle in the last year, and approximately 1.5% of all utilitarian trips in the community are made by bicycle.

The application is currently in draft form, and we welcome any input you may have over the next few weeks to allow us to accurately portray our community.

NATIVE AMERICAN DEVELOPMENT CENTER



WHY WE EXIST

"To strengthen and advance Native American individuals and families by providing supportive services and resources designed to preserve culture and promote economic security."

OUR VISION

"We are Native Americans living and working in the Bismarck-Mandan-Lincoln area. We are respected and appreciated. We have prosperous, healthy families and are proud of our Native American heritage. We are respected political and civic leaders. We are well known for our athleticism and healthy life styles. Our languages and lifestyles link current generations to the ancient indigenous people who lived in harmony with the earth.

Our ancestors' ancient wisdom instructs us today. We are a courageous people telling the truth about a history of conflict yet willing to forgive and to reconcile with brothers and sisters. We are a welcoming people, sharing with those new to the community and those who cannot meet their basic needs. We are respectful and generous, and we stand in solidarity with those who seek to improve their lives. Our Center helps transform those who feel helpless despair into strong people full of hope."

OUR VISION

"We are Native Americans living and working in the Bismarck-Mandan-Lincoln area. We are respected and appreciated. We have prosperous, healthy families and are proud of our Native American heritage. We are respected political and civic leaders. We are well known for our athleticism and healthy life styles. Our languages and lifestyles link current generations to the ancient indigenous people who lived in harmony with the earth.

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OUR FOCUS AREAS

- **FINANCIAL LITERACY & ASSET BUILDING**
- **CAREER DEVELOPMENT**
- **SUPPORT SERVICES FOR PEOPLE & FAMILIES**
- **COMMUNITY EVENTS & ACTIVITIES
PEOPLE & FAMILIES**

OUR CORE SERVICES

- **MENTORING**
- **SUPPORTIVE SERVICES**
- **FINANCIAL EDUCATION**
- **FINANCIAL COUNSELING**
- **HOME BUYER EDUCATION**
- **HOMEOWNERSHIP COUNSELING**
- **CULTURAL ACTIVITIES**
- **COMMUNITY REFERRALS**

CORE PARTNERS

- **ND DEPT. OF COMMERCE**
- **ND DEPT. OF CORRECTIONS & REHABILITATION**
- **BISMARCK CITY & MAYOR**
- **BISMARCK-MANDAN DEVELOPMENT ASSOCIATION**
- **ND JOB SERVICE & COMMUNITY OPTIONS**
- **MISSOURI VALLEY COALITION FOR HOMELESS PEOPLE**
- **USDA**

CORE PARTNERS

- **ND HOUSING FINANCE AGENCY**
- **AMERICAN BANK CENTER**
- **1ST TRIBAL LENDING**
- **NATIVE CDFI NETWORK**
- **CFED & ELSIE MEEKS**
- **NDIBA**
- **AGENCY MABU**
- **SD NATIVE HOMEOWNERSHIP
COALITION/CIHAND**

CORE PARTNERS

- **UTTC**
- **ND INDIAN AFFAIRS**
- **BOYS & GIRLS CLUB**
- **MHA SATELLITE OFFICE**
- **YOUTH WORKS**
- **BHS NEW DIRECTIONS**
- **KAT COMMUNICATIONS**

OUR CURRENT NEEDS

- **ADVISORY OF FUNDRAISING**
- **ADVISORY OF MARKETING & COMMUNICATIONS**
- **ADVISORY OF FINANCE**
- **ADVISORY OF PROGRAM DEVELOPMENT**
- **ADVISORY OF GRANT PRIORITIZATION**

WHERE ARE WE NOW

1. 501C3 APPLICATION SUBMITTAL

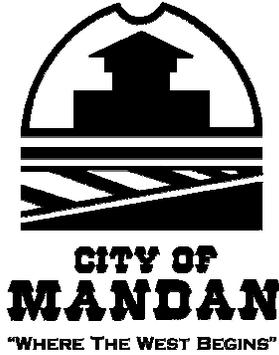
2. COMMITTEE IMPLEMENTATION

- **EXECUTIVE**
- **FINANCE**
- **FUNDRAISING**
- **PARENT & YOUTH**
- **FINANCIAL LITERACY & ASSET BLDG**
- **CAREER DEVELOPMENT**

3. STRATEGIC PLANNING

4. GRANT PRIORITIES

QUESTIONS FOR ME



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 5, 2016
PREPARATION DATE: December 21, 2015
SUBMITTING DEPARTMENT: Business Development & Communications Department
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: Renaissance Zone Committee Appointment

STATEMENT/PURPOSE: To consider a recommendation by the Mandan Renaissance Zone Committee for an appointment to the committee.

BACKGROUND/ALTERNATIVES: The Mandan Renaissance Zone Committee met Dec. 17 to consider letters of interest for the committee. The term for the real estate sector representative was from 2013 to 2015. Pat Vannett of Alliance Realty and member of the Bismarck-Mandan Board of Realtors had been appointed to fill an unexpired term for this position in February 2015.

Notice of the expiration of term was included in a November news release. Letters of interest were requested by Dec. 4, 2015. Three letters of interest were received as follows:

- Michael Evans
- Gene Modin
- Pat Vannett

The seven-person Renaissance Zone Committee makes recommendations to the City Commission regarding applications for investment in the purchase, rehabilitation, new construction and lease of commercial and residential properties in a 28-block area of downtown Mandan in accordance with state and local regulations. Benefits of being approved for a Renaissance Zone project are property tax and state income tax exemptions, ranging from 50 to 100 percent depending upon the extent of the improvements and investment. The Renaissance Zone Committee meets a few times throughout the year or as needed to consider applications received.

ATTACHMENTS: Letters of interest

FISCAL IMPACT: None

STAFF IMPACT: None

LEGAL REVIEW: n/a

RECOMMENDATION: The Mandan Renaissance Zone Committee voted to recommend re-appointment of Pat Vannett for a term of 2016 to 2018.

SUGGESTED MOTION: I move to re-appoint Pat Vannett to the Renaissance Zone Committee for a term of 2016 to 2018 or until filled.

From: patvannett@gmail.com [mailto:patvannett@gmail.com] **On Behalf Of** Pat Vannett
Sent: Tuesday, November 17, 2015 9:16 AM
To: Ellen Huber
Subject: Re: FW: NEWS RELEASE: Letters of Interest Welcomed for Appointments to Mandan City Boards

Good morning Ellen,

Sorry to take so long to reply. I have been in Chicago for the past 5 days instructing at an Advanced Lions Leadership Institute and was focused on that.

YES, I would be happy to serve our community on this board. Thank you for the invitation.

Pat

Pat Vannett, REALTOR®
ALLIANCE REAL ESTATE
www.alliancre.net
pvannett@alliancere.net
Cell: 701-426-8132
We Don't Just List 'em, We Sell 'em.

Board of City Commissioners
Agenda Documentation
Meeting Date: January 5, 2016
Subject: RZ Committee Appointment
Page 3 of 5

January 31, 2014

Mr. Jim Neubauer, City Administrator
City of Mandan
205 2nd Ave NW
Mandan, ND 58554

RE: Letter of Interest, Renaissance Zone Committee

Dear Mr. Neubauer,

This letter is my notification of interest in completing the unexpired term until 2015 from the Realtor segment on the Renaissance Zone Committee for the City of Mandan.

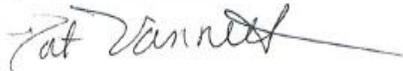
My qualifications for this position include being a Mandan resident since 2003. I have been a licensed Realtor in the State of North Dakota since 2007 under the brokerage of Alliance Real Estate. During 2013, I opened a Branch Office at 320 West Main Street, Mandan.

I am currently serving a three year term on the Board of Directors for the Bismarck/Mandan Board of Realtors. I have also served that board on the RPAC Committee, chair 2013 and the Education Committee.

Kevin and I are both members of the Mandan Progress Organization and long time Lions Club members in Mandan.

I believe both my community service and real estate experience would be an asset to the Renaissance Zone Committee in reviewing applications for investment in the purchase, rehabilitation, new construction and lease of commercial and residential properties in the 28-block area of Main Street and downtown Mandan and making recommendations to the City Commission.

Thank you for your consideration.



Pat Vannett, Realtor®
Alliance Real Estate Branch Office
320 West Main Street
Mandan, ND 58554
pvannett@alliancere.net
Office: 557-3433
Cell: 426-8132

From: Michael Evans [mailto:michaele@tc4hope.org]
Sent: Monday, November 16, 2015 9:54 AM
To: Jim Neubauer
Subject: Appointments to Mandan City Boards

Dear Mr. Neubauer,

I am writing to express my interest in serving on one of the different boards that assist with city governance and community development.

I believe I could be an asset to either the Renaissance Zone Committee, Mandan Growth Fund Committee, or the Mandan Architectural Review Commission (MARC). I have lived in Mandan now for almost 2 years and believe that it is a wonderful city. I first came to North Dakota a little over 30 years ago and soon married a North Dakota native from Dickinson. While I have not lived in North Dakota long, we have spent much time in the state over the years because of a strong family connection. I have always been a community minded individual, for, as a minister of the gospel I believe that we have a responsibility as people to be the best citizens possible and to do everything we can to better our communities for the good of all. I have a history in the construction business that goes back to the time I was a teenager. I attended carpentry classes in trade school and over the years, I have worked in various labor positions in the construction business. I have also functioned as the general contractor in several nonprofit and church expansions through the years. At present, I serve as the Executive Director of North Dakota Teen Challenge which is located in

South West Mandan.

If you feel that I can be of service on any of the committees mentioned please consider my appointment.

Because of the Cross,

Rev. Michael Evans

Executive Director
North Dakota Teen Challenge
1406 2nd St NW, Mandan, ND. 58554
Phone: 701-667-2131; Cell: 701-202-8696

www.TC4Hope.org | [Facebook.com/NorthDakotaTeenChallenge](https://www.facebook.com/NorthDakotaTeenChallenge)

From: [Jim Neubauer](#)
To: [Ellen Huber](#)
Subject: FW: Renaissance Zone Committee
Date: Tuesday, December 08, 2015 12:09:52 PM

From: Gene Modin [mailto:genemodin@gmail.com]
Sent: Friday, December 04, 2015 10:23 AM
To: Jim Neubauer
Subject: Renaissance Zone Committee

Dear City Administrator Jim Neubauer,
I am interested in getting an understanding of the utilization of the downtown buildings. Particularly the old Central Market building and the Thrifty White Drug building, I think, either one, would be a good location for a hangout for the Mandan High School students. Either one would be ideal because they are so close to the Mandan High School. I would like to see the books from Huntington Books used book store brought there and made available for browsing and purchase. Another reason it would be such an ideal location is because it is right across the street from the Morton Mandan Public Library.

Along with the hangout area there could be space allocated to local entrepreneurs such as they have in Bismarck. The Idea Center, which is located in Bismarck is like a business incubator.

I wonder serving on the Renaissance Zone Committee would give me a better understanding of the possibility and the politics of making it happen or would it be "better" to join the Mandan Progress Organization. I thought you might help me determine which or both I might be advantaged to join.

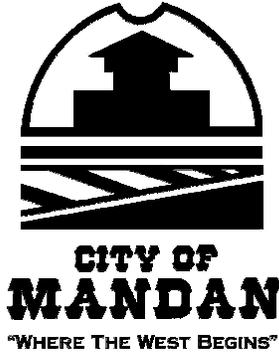
In any case, I am offering my letter of interest in the position of Renaissance Zone Committee.

A bit about myself: I have served in the North Dakota National Guard at Minot (1970-1975). I served in the United State Air Force at Offutt AFB in Nebraska (1975-1979). I have a Computer Science Degree from NDSU (1981) as well as MBA from NDSU (1987).

I graduated from Minot High School in 1969. None of my jobs would particularly qualify me for the position. My most recent position in Minot was with the Dakotah Rose Bed and Breakfast which is a Queen Victorian house built in 1903 converted to a Bed and Breakfast. I helped with maintenance. I was displaced from Minot in 2011 because of the flood. I decided to move to Mandan. I am currently full time employee at Hit, Inc. I have been employed with Hit, Inc since January 2013 (nearly three years).

Please call me if you need more information.
701-751-4376

Sincerely,
Gene Modin



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 5, 2016
PREPARATION DATE: December 22, 2015
SUBMITTING DEPARTMENT: Building Inspections
DEPARTMENT DIRECTOR: Doug Lalim, Building Official
PRESENTER: Doug Lalim, Building Official
SUBJECT: Recommendations of appointment to MARC

STATEMENT/PURPOSE: To consider the recommendation of James Jeromchek to the Mandan Architectural Review Commission (MARC). James would be filling a 3 year term starting January 1, 2016.

BACKGROUND/ALTERNATIVES: The Mandan Architectural Review Commission (MARC) consists of nine members who are Miles Mehlhoff, Doug Lalim, Kim Fettig, Leonard Bullinger, Katie Wiedrich, Amber Larson, Lee Pierce and Steve Nardello. There are currently one position up for appointment. In order to solicit interested parties, announcements were posted on the City of Mandan's website and social media.

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

ATTACHMENTS: Letter of interest from three applicants.

LEGAL REVIEW: N/A

RECOMMENDATION: We, the Mandan Architectural Review Commission (MARC), approve of the recommended applicant, James Jeromchek to MARC.

SUGGESTED MOTION: To appoint James Jeromchek to fill a 3 year term starting January 1, 2016 to end January 1, 2019.

Board of City Commissioners
Agenda Documentation
Meeting Date: January 5, 2016
Subject: Recommendation of Appointment to MARC.
Page 2 of 4

Re: Mandan Architectural Review Commission Position Appointment

James Jeromchek

James.Jeromchek@gmail.com

Greetings,

I would like to take this opportunity to introduce myself, James Jeromchek, as I feel my experience combined with my personal characteristics and interests make me uniquely qualified for a position on the Mandan Architectural Review Commission.

My background starts where I was raised in Mandan, where I graduated from Mandan High School in 2002. I then went off to the University of North Dakota (UND) where I received a bachelor's degree in Marketing and Management in 2007 before earning my Master's in Business Administration. While attending graduate school at UND I worked as Coordinator for Intramurals where I gained experience in organization, management, and accountability. These traits have helped me grow not only as an individual but also as a professional. After graduation in 2009 I worked as Lead Collector for the collection agency I.C. System in Fargo, ND. In 2011 I moved to Lincoln, NE where I opened and managed a retail clothing store. In August of 2012 my wife, a Mandan native, and I moved back to Mandan where I started my current career as a REALTOR with Bianco Realty.

My profession as a REALTOR allows me to study the growing Mandan real estate market. I currently own rental properties in Mandan and a personal home in Mandan. I want to see the best for Mandan and help grow this amazing community, and I have no plans to ever move away. As a Mandan MAR Club Booster sponsor I attend Mandan High sporting events, I do business with Mandan businesses, and I am looking for a way to help Mandan grow.

My loyalty to Mandan has never been stronger. After leaving Mandan for college I knew I would always come back to raise my family.

I believe that my background, experience, and desire to grow Mandan make me an ideal candidate for this position. I look forward to meeting you and the commissioners and hope you consider me for this position.

Thank you for your consideration,

James Jeromchek

Board of City Commissioners
Agenda Documentation
Meeting Date: January 5, 2016
Subject: Recommendation of Appointment to MARC.
Page 3 of 4

From: Michael Evans [mailto:michael@tc4hope.org]
Sent: Monday, November 16, 2015 9:54 AM
To: Jim Neubauer
Subject: Appointments to Mandan City Boards

B.

Dear Mr. Neubauer,

I am writing to express my interest in serving on one of the different boards that assist with city governance and community development.

I believe I could be an asset to either the Renaissance Zone Committee, Mandan Growth Fund Committee, or the Mandan Architectural Review Commission (MARC). I have lived in Mandan now for almost 2 years and believe that it is a wonderful city. I first came to North Dakota a little over 30 years ago and soon married a North Dakota native from Dickinson. While I have not lived in North Dakota long, we have spent much time in the state over the years because of a strong family connection. I have always been a community minded individual, for, as a minister of the gospel I believe that we have a responsibility as people to be the best citizens possible and to do everything we can to better our communities for the good of all. I have a history in the construction business that goes back to the time I was a teenager. I attended carpentry classes in trade school and over the years, I have worked in various labor positions in the construction business. I have also functioned as the general contractor in several nonprofit and church expansions through the years. At present, I

serve as the Executive Director of North Dakota Teen Challenge which is located in South West Mandan.

If you feel that I can be of service on any of the committees mentioned please consider my appointment.

Because of the Cross,

Rev. Michael Evans

Executive Director

North Dakota Teen Challenge

1406 2nd St NW, Mandan, ND. 58554

Phone: 701-667-2131; Cell: 701-202-8696

www.TC4Hops.org | [Facebook.com/NorthDakotaTeenChallenge](https://www.facebook.com/NorthDakotaTeenChallenge)

November 16, 2015

To: City Administrator Mr. Jim Neubauer
Mandan City Hall
205 Second Avenue NW
Mandan, ND 58554

Dear Mr. Neubauer:

My name is Robert (Bob) Vayda and I am very pleased to renew my MARC application. The reasons for my renewal are I love the work that I am currently doing and I am committed to serving the residents and the City of Mandan.

I have a very strong background in Engineering and Construction. I have worked many years in design and engineering of buildings, powerhouses and various steel and concrete structures. Modifications to existing structures also require detail investigation of engineering principals as well as building codes. I also had to be cognizant in the redesign in order to meet the pleasing eye.

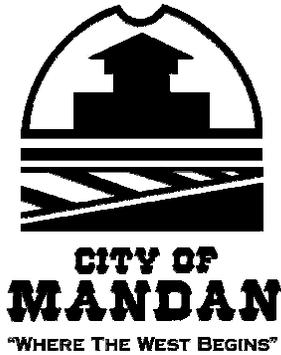
Previously, I have worked in an engineering office responsible for designing and constructing new and existing facilities and my experience spans further into structural steel (Basin Electric Power Cooperative).

Two very prominent jobs that I have worked for in the past 8 years was the renovation of the United States Archives in Washington, D.C. and the other was a brand-new building in Philadelphia, Pennsylvania which is now called The National Constitution Center.

Another reason why I am renewing my MARC application is that I can bring to the table a background in Architectural Design, Modifications and a knowledge of old/enduring construction techniques. With this in mind, I can help in future projects for the City of Mandan and bring forward accurate and valuable information to the review commission.

Sincerely yours,

Robert (Bob) Vayda



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 5, 2016
PREPARATION DATE: December 30, 2015
SUBMITTING DEPARTMENT: Mandan Airport
DEPARTMENT DIRECTOR: Jim Lawler, Manager Mandan Municipal Airport
PRESENTER: Jim Lawler, Manager, Mandan Airport Authority
SUBJECT: Appointment to the Mandan Airport Authority

STATEMENT/PURPOSE: The Board of City Commissioners makes appointments to the Mandan Airport Authority.

BACKGROUND/ALTERNATIVES: The Mandan Airport Authority consists of 5 members who are Mike Wagner, Mike Braun, Marc Taylor, Lee Weinhandl and Chris Brown. The Airport Authority is tasked with managing the affairs of Mandan Airport. There is currently one position up for appointment due term expiration. The term would be January 1, 2016 through December 2020. In order to solicit interested parties announcements were placed in the Mandan News on November, 2015, on the Mandan Airport and City of Mandan's website and word of mouth.

Two letters of interest were received, which are attached.

The Mandan Airport Authority met on December 21, 2015 and interviewed 2 applicants and through motion, recommends the appointment of Chris Brown. The term of the position on Mandan Airport Authority will be January 1, 2016, through December 31, 2020.

The Board interviewed Ms. Spliman, who is a Mandan business woman who manages her own businesses, including Keitu Engineers and is an aircraft owner, is qualified to serve.

Mr. Brown, a current Mandan Airport Authority Board member, brings years of experience as a pilot, a current Bismarck Mandan Chamber Board member, has Chief Financial Officer experience, currently runs his own business, a national business in Information Technology service, is involved in local and national aviation groups and organizations and has committed time to the Airport Authority Board and aviation issues during his current board tenure.

ATTACHMENTS: Letters of Interest:
Chris Brown
Kathye Spilman

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: The Mandan Airport Authority recommends the appointment of Chris Brown to a 5 year term ending December 31, 2020.

SUGGESTED MOTION: I move to appoint Chris Brown to the Mandan Airport Authority for a 5 year ending December 31, 2020.

Board of City Commissioners
Agenda Documentation
Meeting Date: January 5, 2016
Subject: Consider Airport Authority Board Appointment
Page 3 of 4

November 6, 2015

3433 Heartwood Cir SE
Mandan, ND 58554

Mr. Jim Lawler
Mandan Municipal Airport
PO Box 250
Mandan, ND 58554-0250

Dear Jim

Please consider this letter as my notification of interest to continue to serve on the Mandan Airport Authority.

Having spent the last year filling the remainder of Dr. Klein's term, has given me "on the job training" that can serve the Authority well in the coming years.

Working on the Minimum Standards as well as the Fueling policy/permit process, has been a rewarding accomplishment, as we move the Airport forward. There is much work to be done in the future as the airport continues to grow. Working to balance the requirements of the FAA, along with our budgetary constraints will be challenges were I can add value to the process.

My business experience over the last 28+ years, mostly in finance, is an asset the Authority should continue to leverage.

Thank you for your consideration on this appointment. I appreciate it!

Sincerely



Chris Brown

1122 24th St NW
Mandan, ND 58554
November 27, 2015

Jim Lawler, Airport Manager
Mandan Municipal Airport
PO Box 250
Mandan, ND 58554

Mandan Airport Authority Position

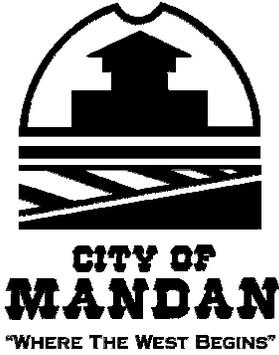
I noted with interest your posting in the Mandan News of an upcoming position on the Mandan Airport Authority. I understand it would be a five year commitment.

I am a Mandan resident, and a Mandan business owner (Keitu Engineers & Consultants, Inc.). I am also a licensed aircraft pilot, single engine land with instrument rating. I also own a 1970 Piper Arrow (N2988R). I would expect that this experience qualifies me as having "knowledge of aviation."

I would be available to interview for the position on December 7, 2015, if desired. I can be contacted during the work day at 667-1808 x100 or via email at kspilman@keitu.com. My cell number is 527-0277.



Kathleen M. Spilman



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 5, 2016
PREPARATION DATE: December 11, 2015
SUBMITTING DEPARTMENT: Fire
DEPARTMENT DIRECTOR: Steve Nardello, Fire Chief
PRESENTER: Steve Nardello, Fire Chief
SUBJECT: Request to Advertise a Request for Proposals for Professional Architectural Services

STATEMENT/PURPOSE: The Mandan Fire Department would like to advertise the request for proposals of professional architectural services relating to fire station 3.

BACKGROUND/ALTERNATIVES: The Mandan City Commission approved the partial use of HUB funds for the construction of fire station 3 and I would like to begin the architectural service selection process. I estimate that this issue will be proposed back to the Commission in February for consideration of awarding architectural services.

ATTACHMENTS: Legal ad and request for proposal specifications.

FISCAL IMPACT: We will incur a cost for publication of the legal ad.

STAFF IMPACT: None.

LEGAL REVIEW: Attorney Brown has reviewed the documents

RECOMMENDATION: I recommend that the Mandan City Commission allow for the advertisement of request for proposals of professional architectural services needed for the construction of fire station 3.

SUGGESTED MOTION: Motion to approve the fire department's request to advertise for request for proposals of professional architectural services needed for the construction of fire station 3.

**LEGAL AD
REQUEST FOR PROPOSALS
FOR ARCHITECTURAL SERVICES**

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

Design and construction of a new Fire sub-station in Mandan, ND

The successful firm should be prepared to:

- develop schematic designs and rendered drawings for up to (2) two potential sites;
- present the design(s) to local governing boards and/or the public;
- work with a design team throughout the design and construction process.

Written proposals shall address the firm's ability to perform the services required. The primary items for consideration of the firm will be, as required in the Request for Proposal documents.

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

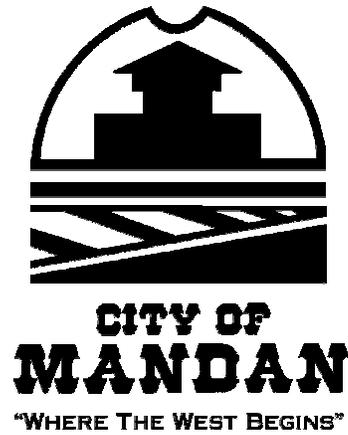
Written proposals from qualified firms will be accepted until 3:00 pm CST on Friday, February 26, 2016. For additional information contact Steve Nardello at 701-667-3288.

Submit five (5) copies of proposals to:

Steve Nardello, Fire Chief
Attn: Architectural Services Proposal
205 2nd Avenue NW
Mandan, ND 58554

Dated: 12/11/15

Ad Dates: *January 8 & 15 2016*



**Architectural and Engineering
Design Services**

**Fire Administration
110 Collins Avenue
Mandan, ND 58554**

1.0 Reason for Request for Proposal

The City of Mandan requests qualified Architecture/Engineering (A/E) firms to submit a proposal for full Architectural and Engineering design services associated with construction of a new fire station.

1.1.Scope of Project

1.1.1 Size

New fire station shall be designed to have minimums of 4,429 square feet of Office/Living space and 2,500 square feet of apparatus space consisting of two bays. Office living area shall include a minimum of three work station area, four bunk/sleep area(s), kitchen, living room, fitness room, two unisex bathrooms, shop area, storage areas, laundry room, and one office

1.1.2 Construction Type

Building shall be Type V construction with brick veneer and apparatus bay all masonry block. All project construction shall meet or exceed the 2015 International Building and Fire Code standards.

1.1.3 Site

One proposed site owned by the City of Mandan is located at 3600 Old Red Trail NW. All parking and driving areas shall be concrete and include proper illumination. The site plans shall include signage, flag pole(s) and exterior concrete apron for apparatus bays shall be a minimum of fifty feet in length

1.1.6 Furnishings

A minimum of twenty five fire gear lockers and twelve personal lockers shall be provided. Cabinets shall be provided in kitchen, work areas, shop, and apparatus bay watch desk. The City will provide appliances, telephone system, radios, and furniture

1.1.7 HVAC

Office/living space shall include forced hot air along with central air conditioning and apparatus bays will use infrared type heating. The apparatus bay shall contain a system to remove Carbon Monoxide and Nitrogen Dioxide

1.1.8 Emergency Power

An emergency generator, located inside the building, shall be included adequately to supply critical operating power in the event of a power outage.

1.2. Instructions to Vendors

1.2.1. General Terms and Conditions

Definitions:

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

Any contracts resulting from this RFP:

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

1.2.2. Communications between the City and Submitters.

Any and all communication with the City shall be accomplished as designated below and through the Fire Department as designated in 1.1.3. Any vendors that deviate from this requirement will be subject to disqualification.

Vendors, who receive this and wish to respond, are requested to reply with their "intent to respond" by **3:00PM, Friday, January 22, 2016**. A vendor's intent to respond must be sent to Steve Nardello by e-mail at snardello@nd.gov. The "Intent to Respond" must include the name of a contact person, phone and fax numbers, and an e-mail address.

1.2.3. Vendor Questions

Any questions regarding interpretation or intent must be made in written form. E-mail questions to Steve Nardello, Fire Chief, at snardello@nd.gov by **3:00PM, Friday, February 5, 2016**.

Vendors who have indicated intent to respond will be e-mailed answers to all questions received by **3:00PM, Friday, February 12, 2016.**

1.2.4. Method of Response

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

1.2.5. Proposal Submission

The official sealed copy of your proposal must be received at the City of Mandan no later than 3:00PM, Friday, February 19, 2016. RFQ proposals must be clearly marked Architectural and Engineering & Design Services Fire Station

Mail responses to:

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

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

1.2.6. Addenda to the Request for Quote

In the event it becomes necessary to revise any part of this RFP, an addendum will be provided to all vendors who have indicated intent to respond as outlined in section 1.1.2.

1.3.Evaluation

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

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

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

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

2.0 Information

Submitted proposals will be used by the Selection Committee for the purpose of evaluating professional A/E firms interested in providing full services for design and construction administration of fire station number 3.

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

3.0 Requirements

The City intends to sign an AIA contract with the selected A/E firm.

Article 3 - Basic Services:

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

Article 4 - Additional Services:

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

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

4.1.1 Multiple Preliminary Designs

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

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

4.0 Presentations

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

5.0 Quality and Performance Standards

- 5.1 Provide a description of quality program including complaint resolution and corrective action procedures.
- 5.2 Lists at least two (2) fire stations of similar scope that best illustrate your firm's capabilities. Briefly describe the size of each project and the approximate start and completion dates. Indicate the initial budget and final budget for each project. Describe your firm's responsibility or role in the projects. List client contact name, title, and telephone number
- 5.3 Provide brief resumes of all key personnel expected to participate on this project. Care should be taken to limit resumes to only those personnel and specialists who will have major project responsibilities.
- 5.4 Describe the mechanical and electrical engineering capabilities of your firm. Describe the interior design capabilities of your firm. Are these services performed in-house or contracted? If contracted, who do you propose to use?
- 5.5 Indicate your firm's present workload by both number of projects and dollar values for each of the following types: (a) projects in design, (b) projects in construction, and (c) new projects-not yet started

6.0 Cancellation/Non-Performance Evaluations

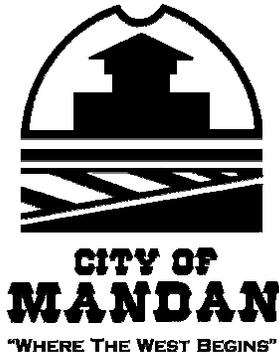
- 6.1 The City reserves the right to terminate this agreement within thirty (30) days of written notice and prior to any Contract termination date, if either service or Contract performance and conduct, as judged by the City, does not meet acceptable standards.

7.0 Pricing

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

8.0 Taxes

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



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 5, 2016
PREPARATION DATE: December 31, 2015
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Old Red Trail Update and Pavement Type Option Discussion

STATEMENT/PURPOSE: To update on project design progress and to discuss pavement type option.

BACKGROUND/ALTERNATIVES: The design of the reconstruction project has been going well since we last touched base in October. NDDOT, KLJ, and city staff all meet a couple weeks ago to review the plans and specifications at a state of about 90% complete. Since then, KLJ has revised the plans and specs based on those comments to bring them to nearly 100% complete for submittal to the NDDOT by Friday the 8th of January. This schedule will allow the project to be bid through the NDDOT bidding system in March.

Back in October, city commission approved, at staff's recommendation, to pursue both concrete and asphalt pavement types through to the bid and chose the lowest based on a life cycle cost analysis of each pavement type. The reasoning behind bidding both options is to take advantage of more contractors competing for the project as well as fluctuations in oil prices that have a good deal of impact on construction costs, especially for asphalt pavement.

Currently there is concern about the city's desire to bid with an option for both asphalt and concrete as the main surface type. The NDDOT has not yet been able to definitively accept the life cycle cost analysis rules that have been laid out for this project. It is possible that they will not accept the bid option approach and some indications have been that the city may need to choose one over the other soon and for that pavement type to be the only that moves forward in the bidding process.

Because the engineering estimate shows the two pavement options to be reasonably close in cost with the total project estimate about 8% more for concrete than for asphalt. And because the nature concrete lends itself to a longer life cycle with less maintenance costs, especially for a higher volume road with expected truck traffic such as this. Staff

Board of City Commissioners

Agenda Documentation

Meeting Date: January 5, 2016

Subject: Old Red Trail Update and Pavement Type Option Discussion

Page 2 of 2

recommends that if the desired method of bidding options and performing a life cycle analysis isn't approved, we switch to a focus on concrete only.

ATTACHMENTS:

FISCAL IMPACT: Minimal

STAFF IMPACT: Minimal

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

RECOMMENDATION: Select concrete as the method of reconstruction if bidding pavement types as an option is not approved by NDDOT.

SUGGESTED MOTION: I move to approve of concrete as the method of reconstruction if bidding pavement types as an option is not approved by NDDOT.

ORDINANCE NO. 1228

An Ordinance to Add and Enact Sec. 6-2-13 of the Mandan
Code of Ordinances Relating to Animal Waste

Be it ordained by the Board of City Commissioners:

An Ordinance to add Sec. 6-2-13 of the Mandan Code of Ordinances relating to animal waste is hereby enacted as follows:

Sec. 6-2-13. Waste.

(a) Pet waste that is on the pet owner’s property must not be allowed to accumulate to the extent that odors generated from the waste migrate off the property. Pet waste shall not be allowed to remain in an unenclosed front yard where it can be encountered by delivery workers or neighborhood residents. The code enforcement officer or any other authorized agent of the city may issue a citation to a pet owner who fails to clean up pet waste on the pet owner’s property after being notified by the city that a complaint has been received regarding the pet waste.

(b) Waste from dogs, cats and other pets that is deposited beyond the boundaries of the pet owner’s property must be immediately removed. The code enforcement officer or any other authorized agent of the city may issue a citation to a pet owner who fails to immediately clean up after a pet when the pet deposits solid waste on public property or private property not owned, rented, leased or managed by the pet owner.

(c) Citations issued for violations of this section are infractions.

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

ATTEST:

James Neubauer, City Administrator

First Consideration:
Second Consideration and Final Passage:
Publication:

December 15, 2015
January 5, 2016
January 29, 2016

ORDINANCE NO. 1229

An Ordinance to Amend and Reenact Chapter 16, Article 5 of the Mandan Code of Ordinances Relating to Noxious Weeds and Tall Grass

Be it ordained by the Board of City Commissioners:

An Ordinance to amend Chapter 16, Article 5 of the Mandan Code of Ordinances relating to Noxious Weeds and Tall Grass is hereby enacted as follows:

ARTICLE 5. ~~NOXIOUS~~ WEEDS AND TALL GRASS

Deleted: -

Sec. 16-5-1. - Authority.

North Dakota Century Code §4.1-47-17 authorizes the board of city commissioners to establish a noxious weed control program overseen by an appointed city weed board. The city has also determined that control of tall grasses is necessary for the health and safety of city residents.

(1) ~~Noxious~~ weeds and tall grasses exceeding six inches in height growing within the limits of the city are hereby declared to be a public nuisance, and it shall be the duty of every person owning, occupying, or in charge of any premises, lot or parcel of land in the city to keep that premises, parcel or lot, including the adjacent rights-of-way, free from ~~noxious~~ weeds and ~~tall~~ grasses by cutting, eradicating, or controlling them at all times during the growing season. Medians separating street sections shall not be included in the requirements of this ~~article~~.

Deleted: (a) The city weed control officer shall have the duties and authority as provided by this section.¶
Deleted: b
Deleted: All
Deleted: ,
Deleted: one half of street or road, berms, and boulevards

(2) Definitions. The following words, terms and phrases, when used in this ~~article~~, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Deleted: all
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Noxious weeds means all weeds defined by state law as "noxious weeds" and any other weeds declared as noxious weeds by action of the weed board.

Deleted: ¶
Deleted: c

means all varieties of grasses and all weeds not defined by state law or the weed board as noxious weeds, in excess of six inches in height,

Deleted: section
Deleted: ¶
Deleted: Tall grasses

Sec. 16-5-2. - ~~City weed board~~.

Deleted: contained in North Dakota Administrative Code § 7-06-01-02

(a) The weed board shall consist of 3, 5 or 7 members appointed by the board of city commissioners that are qualified electors residing within the city. Terms for all members of the board are for four years or until a successor is appointed and qualified. Terms of appointment shall be staggered so as to allow no more than two to expire each year. Terms of office shall begin on January 1. Board members shall assume office at the first regular board meeting following the beginning of their term or at the first regular board

Deleted: and all grasses in excess of six inches in height
Deleted: ¶
Deleted: Weeds includes all weeds contained in North Dakota Administrative Code § 7-06-01-02 as it defines "noxious weeds."¶
Deleted: Control; duty

meeting following their appointment if filling a vacancy. The board officers shall consist of a chairman, vice chairman, secretary and treasurer. The secretary and treasurer need not be voting members of the board. The weed control officer may serve as a voting member of the board if the weed control officer is qualified to do so.

(b) The weed board shall hear any appeal of a notice from the weed control officer. Timing of the hearing and hearing procedures shall be determined by the weed board. Any decision rendered by the weed board may be appealed to the board of city commissioners.

Sec. 16-5-3. - Powers and duties of weed board.

The weed board shall exercise the powers and duties authorized by the North Dakota Century Code including:

- (1) Meet at least once each year.
- (2) Establish the time and place of regular board meetings.
- (3) Call special meetings as needed.
- (4) Keep minutes of its meetings and a complete record of all official acts.
- (5) Implement a program for the control of noxious weeds.
- (6) Implement a program for the control of tall grasses.
- (7) Prepare budget recommendations for the use of all moneys received by the city from any source for noxious weed control.

Sec. 16-5-4. - Noxious weed list.

The weed board shall enforce the noxious weed list maintained by the state.

(b) The weed board may designate as noxious certain weeds that are not on the state noxious weed list, provided the board first consults with the North Dakota State University extension service and the designation is approved by the state agricultural commissioner.

(c) The weed board shall review the noxious weed list every five years starting from January 1, 2010, and by majority vote, may remove any weed from its list. The city weed board shall provide the state agricultural commissioner with at least a 14 day notice of the review and provide the commissioner with written notice of any changes to the city list.

(d) The weed board shall immediately remove any noxious weed from the city's noxious weed list when directed to do so by the state agricultural commissioner.

Sec. 16-5-5. - Weed control officer.

Deleted: It is the duty of every person owning, occupying or in charge of any premises, lot, or parcel of land to cut, eradicate, or control any weeds or tall grasses exceeding six inches in height to prevent them from becoming a public nuisance and or unsightly.¶

Deleted: Notice by publication of ordinance

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Deleted: It shall be the duty of the city weed control officer to cause a notice of the contents of this article to be published in the official newspaper of the city once within three days of April 15, May 15, June 15, July 15, August 15 and September 15. These publications shall serve as notice to all landowners, occupants, or persons in charge of maintaining any parcel of land within the city limits to comply with the requirements of this article. These publications shall also serve as the official notice to property owners to cut weeds and tall grass. Other methods of notification, such as the media and the city's website, may also be used to notify landowners, occupants, or persons in charge to control tall grass and weeds.¶

Deleted: Eradicating, cutting, or control of weeds and tall grasses

Deleted: (a)

Deleted: At a minimum, all property shall be mowed at least once per month by May 1, June 1, July 1, August 1, September 1 and October 1 of each year. In addition to the minimum requirements, the city weed control officer may order more frequent cuttings, eradication, or controlling of noxious weeds, tall grasses, or any other unhealthy vegetation if necessary for compliance with this article and such notice shall be given in person, via telephone or by letter

Deleted: Whenever any person owning, occupying or in charge of any premises, lot, or parcel of land within the city, shall fail, neglect, or refuse to mow the property at least once by May 1, June 1, July 1, August 1, September 1 and October 1 of each year in accordance with the provisions of this section or shall fail to eradicate, cut or control weeds, tall grasses or any other unhealthy vegetation exceeding six inches in height within seven days of receipt of notice from the city weed control officer, the city weed control officer shall order the nuisance to be abated by eradicating, cutting or controlling the weeds, tall grasses or any other unhealthy vegetation exceeding six inches in height in a manner as specified by the city weed control officer, if th...

Deleted: A person notified of impending city action may cause the eradication, cutting, or control of weeds, tall grasses, or any other unhealthy vegetation exceeding six inches in height at any time before the city weed control...

Deleted: Costs assessed against property

The city, with advice from the weed board, shall designate a weed control officer. The designated weed control officer shall execute the duties and meet the requirements outlined in North Dakota Century Code §4.1-47-24. The weed control officer's duties include.

Deleted: When the city has effected the eradication, cutting or control of weeds, tall grasses or any other unhealthy vegetation exceeding six inches in height, the actual cost thereof, if not paid by the owner, must be charged and assessed against the property upon which the weeds, tall grasses, or any other unhealthy vegetation exceeding six inches in height were eradicated, cut or controlled. An assessment list showing the costs against each lot or tracts to be assessed shall be prepared as are other special assessment lists and shall be approved by the board of city commissioners. All procedures under state law for certification, appeal, payment, and collection of special assessments shall apply

- (1) The weed control officer shall cause a notice of the requirements of this article to be published in the official newspaper of the city once within three days of April 15, May 15, June 15, July 15, August 15 and September 15. These publications shall serve as notice to all landowners, occupants, or persons in charge of maintaining any parcel of land within the city limits to comply with the requirements of this article. These publications shall also serve as the official notice to property owners to cut weeds and tall grass. Other methods of notification, such as the media and the city's website, may also be used to notify landowners, occupants, or persons in charge to control tall grass and weeds.
- (2) Whenever any person owning, occupying or in charge of any premises, lot, or parcel of land within the city, shall fail, neglect, or refuse to mow the property at least once each month by May 1, June 1, July 1, August 1, September 1 and October 1 of each year in accordance with the provisions of this article, the weed control officer shall arrange for the nuisance to be abated.
- (3) If the weed control officer determines that land within the city jurisdiction contains noxious weeds, the weed control officer may serve upon the landowner written notice, either personally or by certified mail, requiring the landowner to control the noxious weeds within the time period prescribed by the weed control officer in the notice. The notice shall contain at least the following items:
 - a. The minimum remedial requirements.
 - b. The time within which the landowner must meet the minimum remedial requirements.
 - c. That the landowner may be subject to penalties provided under state law and city code if the landowner fails to comply with the remedial requirements.
 - d. A statement of costs if the landowner fails to control the noxious weeds.
 - e. That the landowner may challenge the notice of the weed control officer by submitting to the city in writing within 7 days of the date of the notice a request that the city weed board hold a hearing on the matter in accordance with this article.
- (4) Should the landowner fail to control the noxious weeds within the time period specified in the notice sent by the weed control officer, the weed control officer may cause the noxious weeds to be controlled in the absence of a written appeal by the landowner or if any appeal has been denied.

(5) When the city has affected the eradication, cutting or control of noxious weeds or tall grasses, the actual cost thereof including allowable city administrative expenses and any penalties approved by the city commission, if not paid by the owner, must be charged and assessed against the property upon which the noxious weeds or tall grasses were eradicated, cut or controlled. The weed control officer shall prepare and the weed board shall approve an assessment list showing the costs against each lot or tract to be assessed. The assessment list shall be forwarded to the board of city commissioners for official action. All procedures under state law for certification, appeal, payment and collection of special assessments shall apply.

Sec. 16-5-6. - Cooperation.

noxious weed and tall grass control or prevent the city from contracting with or cooperating with any other board or jurisdiction for the control of noxious weeds or tall grasses. The weed control officer may delegate all or some of the duties required under this section to other city staff. The city may contract with any person or company to perform services for the city in the control of noxious weeds and tall grasses.

Deleted: Nothing in this article shall in any way affect the city's ability to levy for

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Sec. 16-5-7. – Property owner responsibility.

Except as noted below, it is the duty of every person owning, occupying or in charge of any premises, lot or parcel of land to cut, eradicate, or control any noxious weeds or tall grasses to prevent them from becoming a public nuisance, a fire hazard and/or unsightly.

- (1) Steep slopes exceeding 30 degrees (2 horizontal feet to 1 vertical foot) that are difficult or hazardous to mow, as an option, may be planted with selected grass varieties used by the North Dakota Department of Transportation to control erosion. The property owner must apply to the city for a waiver of the grass control requirements for each property where this alternative is to be used. Control of noxious weeds is mandated by state law and no waiver for control of noxious weeds is allowed. A waiver request shall be submitted to the weed control officer or other designated official. The city official shall review the request, inspect the site and either approve or deny the request.
- (2) The city has no jurisdiction over the control of grass and weeds on property or easements owned or controlled by state and federal agencies.
- (3) State law limits city action related to grass and weeds on agriculturally zoned land to the control of noxious weeds.

By: _____

Board of City Commissioners Agenda Documentation

Meeting Date: January 5, 2016

Subject: Ord. 1229 Noxious Weeds and Tall Grass

Page 5 of 5

Arlyn Van Beek, President
Board of City Commissioners

ATTEST:

James Neubauer, City Administrator

First Consideration:

12/15/2015

Second Consideration and Final Passage:

01/05/2016

Publication Date:

01/29/2016

ORDINANCE NO. 1230

An Ordinance to Amend and Reenact Sections 107-2-1, 107-2-3 and 107-2-6 of the Mandan Code of Ordinances Relating to Stormwater Management

Be it ordained by the Board of City Commissioners:

An Ordinance to amend and reenact Sections 107-2-1, 107-2-3 and 107-2-6 of the Mandan Code of Ordinances relating to stormwater management is hereby enacted as follows:

Sec. 107-2-1. - Legal action.

If any person commences any land disturbing activities which result in increased stormwater quantity or stormwater quality degradation into the city stormwater management system, contrary to the provisions of this chapter, federal or state requirements or any order of the city, the city engineer, building official, code enforcement officer or other designated agent of the city may commence action for appropriate legal and/or equitable relief. Actions available to the city include:

Deleted: attorney
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- (1) Issuance of a citation into municipal court for a Class B Misdemeanor violation of this chapter.
- (2) Action by the city to correct the problem and billing the property owner or assessing the property for the costs incurred by the city plus legal and administrative overhead.
- (3) Action by the city to obtain an injunction and court order to cease and desist plus remediate the problem.

Sec. 107-2-3. - Penalty.

A violation of an order of the city made in accordance with this chapter, or any failure to comply with any provision of this chapter and the orders, rules, regulations and permits issued under this article, is an offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

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Sec. 107-2-6. - Falsifying information.

Any person who knowingly makes any false statements, representations or certification in any applicable record, report, plan or other document filed or required to be maintained pursuant to this chapter, or stormwater management permit, or who knowingly falsifies, tampers with, or knowingly renders inaccurate any monitoring devices or method required under this chapter, shall be charged with a class B misdemeanor.

Deleted: shall be guilty of an offense

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

Board of City Commissioners Agenda Documentation
Meeting Date: January 5, 2016
Subject: Ord. No. 1230 stormwater
Page 2 of 2

ATTEST:

James Neubauer, City Administrator

First Consideration:	<u>December 15, 2015</u>
Second Consideration and Final Passage:	<u>January 5, 2016</u>
Publication Date:	<u>January 29, 2016</u>

RESOLUTION OF CONCURRENCE TO AWARD PROJECT SU-1-094(170)919, PCN 20591
– I-94B MEMORIAL HIGHWAY FROM I-194 EAST RAMP TO 40TH AVENUE TO THE
LOW BIDDER

BE IT RESOLVED By the Board of City Commissioners of the City of Mandan, North Dakota, that the governing body of the City of Mandan, concurs with the North Dakota Department of Transportation in recommending the award of the above referenced project to the low bidder.

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

Dated and adopted this 5th day of January, 2016.

Arlyn Van Beek, President of the Board of City Commissioners

Attest:

Jim Neubauer, City Administrator