

**AGENDA**  
**MANDAN CITY COMMISSION**  
**JANUARY 6, 2015**  
**ED "BOSH" FROELICH MEETING ROOM,**  
**MANDAN CITY HALL**  
**5:30 P.M.**  
**[www.cityofmandan.com](http://www.cityofmandan.com)**

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- A. ROLL CALL:  
1. Roll call of all City Commissioners.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:  
1. Consider approval of the following minutes:  
i. December 8, 2014 – Special Board Meeting  
ii. December 16, 2014 – Regular Board Meeting
- E. PUBLIC HEARING:
- F. BIDS:
- G. CONSENT AGENDA:  
1. Consider appointments to Mandan Community Beautification Committee.  
2. Increasing the Animal Control Officer Position from Thirty-Five Hours, Three Quarter Time to Forty Hours, Full Time.  
3. Consider \$500 budget amendment to the 2014 Street Department Capital Outlay budget.  
4. Consider the following abatements/exemptions:  
i. Correction – Change to reflect exempt status for land owned by Mandan Park District.  
ii. Complete Reassessment – Value change on land – Michael Martin.  
iii. Assessor Error – Missed 2-Year Tax exemption – Jamie & Carina Friesz  
iv. Correction to a 5-Year New & Expanding Business Property Tax Exemption – High Plains Apache  
v. Correction to a 5-Year New & Expanding Business Property Tax Exemption – Spence Koenig  
vi. Missed 5-Year Tax Exemption for Wind River Properties (WW Ranch) for 2013  
vii. Complete Reassessment – reduction in Market value – Lloyd Motl (Revised)

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- viii. Correction – Assessing Error for Property Tax Exemption for Improvements to Commercial Building – Kevin Ressler.
  - ix. Complete Reassessment – Reduction in Market Value – Lorraine Carlson
  - 5. Consider approval of Change Order #8 for SID # 176 (Lakewood 6<sup>th</sup> and 7<sup>th</sup>)
  - 6. Consider approval of Change Order #9 for SID # 176 (Lakewood 6<sup>th</sup> and 7<sup>th</sup>)
- H. OLD BUSINESS:
- I. NEW BUSINESS:
- 1. Introduction of new Police Officer Tricia Schmeichel
  - 2. Consider appointments to Planning and Zoning Commission.
  - 3. Consider changes to sick leave accrual and addition of long term disability coverage.
  - 4. For information item. Addendum No. 2 was issued this morning for the Mandan Wastewater Treatment Facility Interim Optimization project. Most notably, the addendum changes the bid date from Thursday, January 8<sup>th</sup> to Tuesday, January 13<sup>th</sup>.
- J. RESOLUTIONS AND ORDINANCES:
- 1. Second Consideration and final passage of Ordinance 1196 to amend and re-enact Chapter 12-02 of the Mandan Code of Ordinances relating to a Class WB (Winery/Brewery) liquor license.
- K. OTHER BUSINESS:
- L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:
- 1. January 20, 2015 – 5 p.m. start
  - 2. February 3, 2015
  - 3. February 17, 2015 – 5 p.m. start
- 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.

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The Mandan City Commission met in a Special Meeting at 6:30 p.m. on December 8, 2014 at Mandan City Hall, 205 2<sup>nd</sup> Ave NW, in the Ed “Bosh” Froehlich Meeting Room. In attendance for the Mandan City Commission were Mayor Van Beek, Commissioners Tibke, Rohr, Laber and Braun. City Department Heads present were City Attorney Brown, City Administrator Neubauer, Finance Director Welch, and Business Development & Communications Director Huber. Also in attendance were Mandan Park Board Members, Arenz, Knoll, Allen and Keller. Amanda Lantz was present representing Dakota Star Gymnastics.

NEW BUSINESS:

1. *Consider a sales tax for the purpose of public and recreational facilities to be constructed in the City of Mandan to be voted on in June 2015.* Jason Arenz, President of the Mandan Park District, explained the process regarding this project. They met with all the user groups throughout the previous 18 months. The consensus was that they need to address hockey. Mandan is one of two communities in the state that only have one sheet of ice. They are trying to find ways to bring a facility that meets the needs of kids in the hockey program as well as adult and recreational hockey. Business owners throughout the community would like to see facilities in the city that attract employees to their community. The number one struggle in our community today from a commercial side is employment and to have a pool of employees available for working within our business community. Arenz is here tonight to offer what the Park District approved, subject to the City approval, which they believe is hopefully a solution to this problem.

Hockey and gymnastics are two of the priorities that the Park District feels need to be addressed. The State Committee may not allow the city to host any more gymnastics events due to the conditions of the present location. These are huge money makers for the gymnastics club. At their meeting tonight the Park Board motioned and approved requesting the City of Mandan increase the city sales tax that is collected on an annual basis. It would be an amount no less than \$15 million to be used to fund construction of recreational facilities such as a two sheet hockey rink, gymnastics and the recreational facilities as they see fit. The cost of facilities would depend on land acquisition. It would be more economical and efficient to have two sheets of ice and gymnastics in one location. They want to be good partners and hopefully make it work for everyone involved.

Commissioner Tibke inquired whether the Park District had a Facility Study done. Arenz replied that they hadn't officially had one done. The cost estimates for the hockey arena as it sits today is roughly about \$10 – \$10.5 million for a basic two sheet arena. Commissioner Tibke questioned where they came up with the \$15 million. What does that cost estimate include? It would be approximately \$10.4 million for the facility alone, and depending on land purchases and what they need that could be a wide range. The gymnastics area would be roughly \$700,000 to \$1 million dollars which would add up to about \$12 million with the land purchase. In addition there could be the cost overruns which are usually standard at 10% which would bring it to about \$13 million. The rest would be in case something else comes up. Land acquisition is the main uncertainty as to what it is going to cost. Their other needs might be to update or relocate the football and track fields which might be a good fit for \$2.5-\$3 million which might take them to the \$15 million and then they are out as far as the dollar amount goes.

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Commissioner Tibke mentioned that she would like a little more comprehensive package to include all that is needed and to project further down the road perhaps 15-20 years rather than the next 3-5 years.

Arenz brought up that some difficulties that they have come up with are that schools cannot benefit from sales tax dollars. They, (the Park District), have been trying to make it work for the school system by the Park District owning the property but yet abiding by the state statutes. Commissioner Tibke agrees with abiding with state statutes but the taxpayers and the community members appreciate collaboration and maximizing facilities, space, anything to maximize our dollars but provide facilities and needs for 20 years.

Mayor Van Beek indicated that if we are going to do it we need to do it right and concurred with Commissioner Tibke regarding a comprehensive plan. Arenz replied that they also wanted to present something that they know will be able to get on the ballot. That's why they have been trying to bring it in a little.

Amanda Lantz, program director/head coach of Dakota Star Gymnastics, came forward to explain details of the current location which included the negative concerns such as the number of stairs, lack of handicap accessibility, and the lack of floor space for the gymnasts and spectators at their events. Lack of running water at their concession area is a health issue. The actual gymnasium area has areas that can't be utilized due to awkwardly placed walls or the balcony stairs that come over the children. The building is aging and has there have been roof leaks in the past. With the help of the School Board, and fundraisers, DSG purchased a new vault table and yet it is in jeopardy of being ruined by the water.

Cole Higlin, Park District Director, presented information regarding the existing facility at the All Seasons Arena which is located on school property. They would like to expand onto that facility but they are landlocked. There are parking issues. The main thing is that it's a 1985 compressor and chiller system that was "used" when it was installed. It is undersized for the facility. They have had problems with the compressor over the last five years. At the same time they did cost estimates with JLG@25 Architects, they hired a consultant who did a thorough exam of the complete compressor system, piping and concrete. At this time an average size compressor unit is about \$800,000. To get the high end level compressor unit is about \$1-1.2 million which doesn't include replacing the concrete in the arena.

Does it make sense to spend \$1 million at the existing All Seasons Arena knowing that you cannot address the needs for the skaters from today and in the future? If we were to build a second sheet in another location then we would be duplicating staff, equipment, and all the things that, if we had one all-inclusive facility, would not be duplicated. The motion that the Park Board made tonight was to make sure we can address and do things right, not less than the \$15 million. Doesn't mean that we can't partner with the city with some of the needs that the City has. There have been discussions throughout whether it's City Hall, a fire station, or Public Works. Both government entities have needs. We all have an issue of how do to fund them. They are just trying to say that this is the dollar amount that they need to accomplish their goals and do it right. Hopefully the Park District can partner with the City of Mandan for the long term vision of what the city's

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needs are going to be. What it really comes down to is what can be funded with sales tax and if what dollar amount would be passable.

With the motion in this evening's Park Board meeting they can execute with JLG@25 to do the site plan, the special assessments of the infrastructure costs, and actually get construction designs. They did a lot of research in advance and it's given them some construction costs. They were revised in July and August to get more up-to-date figures and the numbers have been coming in higher. Talking about visionary, from a Park District standpoint, what they have presented at numerous public meetings is that if money was no option, it would be to add a 2-sheet arena; to add a football and track; share the parking lots in a brand new area of our community that can develop with an increase in homes, retail and commercial interests. All the things that will bring people in to the community that are going to fill our schools, fill our property taxes and increase our sales tax. That's their job is to bring the people in to town by hosting local, regional, state, or national tournaments.

The Park District can go after these types of tournaments with a two sheet arena. They are limited by only having one sheet of ice due to how long it takes to run a tournament. The current gym shortage of space was another topic he expanded on regarding the School physical education and athletic needs, as well as the Park District youth and adult programs. If money wasn't an option and the Park District had a multipurpose facility, they could get the kids in at a more reasonable time and spread some of the responsibilities out at the All Seasons Arena. The School District could use the facility during the day for their school hours for their physical education or high school programs. The Park District could use it during the evening. They would be reaching a lot of people in the big vision of things.

Commissioner Tibke commented that they should plan smartly as far as what needs are to be added on. Whether the needs are right now, immediate or last year? Construction costs only go up. What packaging makes sense? If we are going up to \$20 million does that cover what needs to be done? Is there a public/private partnership that we can put together? The point being that if there are immediate needs last year that we need to address now, and we're going to put this to a vote; there's an appetite in the community with education for people to decide if that's what they want. To spend a little more to do it right now instead of coming back in 5 years with the needs that were needed last year. It saves money to do it right the first time. If we could address the immediate issues now and couple it with the very strong needs of the hockey, and the very strong needs of the gymnastics.

Higlin questioned how many years a sales tax may need to be in place? It's easier to do it for 10 years because the results are easy to see at that point. There's a small percentage of what the Park District's needs are. He knows that the City has its needs. There can be a collaborated effort put together and we can address everyone's needs. It's good government even though the School can't directly benefit. All three entities are all going to be involved in some component. The Park District package just has to be put together with what options the city is willing to participate, if any. What's the dollar amount? The Park District by law can only be in debt by \$6.2 million. So if they were to do it on their own, they would either have to do a revenue bond issue and to back that on property taxes. They are capped at 37.84 mils. They are around 37 mils today so they only have

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room to go up about 1-1 ½ mils. To go above that they are going to have to go to the vote of the people.

Commissioner Laber brought up the Sports Economic model. They are different than regular community facility needs like housing, education, and policing. A lot of communities have done partnerships where the community kicks in ¾ of the cost and the rest is done by fundraising and other methods for the remaining ¼ to make sure the community is involved and really wants it. She was wondering if that was something they were looking into or just going for 100% funding with this sales tax initiative. Higlin replied that all the Park District projects require some contribution from the user groups. He gave some examples of previous projects and how they were funded. However, none of those projects were over a million dollars. This is the first project that is in the \$10-\$12 million dollar range. They already have a commitment from the Hockey Club for \$1 million. A portion of the funding could be done for some of the amenities internally and the rest would have to be pledged over time. In his tenure he doesn't recall a fundraiser or drive this large as far as from the Park District's standpoint of this dollar amount. Along with the building of the facility, the maintenance would also be a key component that would have to be factored in. They are requiring lease agreements with the main users and that's the Hockey Club, the High School, and the adult leagues.

Commissioner Laber indicated that she always liked to request the "no action alternative". What does it cost if we don't do anything? Does the Park District have a "rainy day" fund or a set-aside fund if we don't pay \$10 million for a new facility? The Park District will be coming to the taxpayers for the \$800,000 plus or minus. Higlin mentioned what he had stated earlier how they had a \$6.2 mil debt ceiling and how they still have 3-3.2 left. They have been putting funds aside over the last couple of years and have half a million dollars set aside knowing that they are going to have to replace the compressor/chiller system. They might have to take a loan out for the remaining \$300,000. The Mandan Hockey Club has already been partnered with and is aware that if the Park District has to make the improvements to the existing All Seasons Arena, they are going to be having some financial contribution to that.

Denae Johnson came forward to speak. She is on the Mandan Hockey Board. She has been involved with the Hockey Board for eight years. The Hockey Club has grown and their biggest need right now is ice for practice time. She expanded on the random times for practice as well as the large amount of kids on the ice during those times. Because of the lack of a second sheet of ice they are unable to host tournaments. She indicated that by having the second sheet of ice they could bring people in who would put money into the community by staying at our hotels, shopping in our area, and eating at our restaurants. This would contribute back into this fund to make this ice arena available to all of us. The Hockey Club brings revenue into the community by having hockey here. Same thing goes for Gymnastics. She also said that they don't want to go too big because we don't want it to fail; and if it fails, then they aren't bringing this revenue to town either.

Commissioner Rohr questioned the number of participants they have in hockey. Ms. Johnson stated that she thought there were about 225 kids in the hockey program. There are also 60 from high school. Plus there are adult leagues and open skating. She mentioned that it is so congested during these open skates that people might get injured.

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Commissioner Rohr asked if she could give a rough figure as to how many people are using the ice and she agreed with 400-500 people using it.

Mayor Van Beek thanked the Park Board for bringing this to the City Commission and speaking out on it. At this time the City is entering into its own Facility Study Needs and it will be taken under advisement and bring it back at one of our next City Commission meetings.

City Administrator Neubauer commented that right now the City is under its own Facility Needs Analysis looking at City Hall and north side Fire Station. Included in our contract with JLG@25 Architects are public input meetings for January and February. Within the next 30-60 days we should have a better picture on what those two projects will be looking at. At our next Facilities meeting which is the Dec.16 with JLG and internal staff we should have a very broad cost estimates of some of the options we are looking at.

Commissioner Tibke asked Administrator Neubauer what the timeline would be if this was to go through to a public vote. Neubauer will check with State law but he believes it is 70 days prior to a vote. This would bring it to March or April. Hopefully we would be further along because there would be some discussions with the Park District on ballot language, polling places, etc. which we would do before February or March. The discussions would also include the priorities from the Park District and the City's point of view.

Commissioner Rohr brought up that the key is that we look into what the projected revenue that a ½ cent sales tax trade over a certain period of time would be generated and how that is going to be split up. The sales tax is only going to generate "x" amount of dollars and only certain projects can be paid for. The crucial thing is knowing how much revenue is going to be coming in and what does the taxpayer want to pay for. Mayor Van Beek indicated that this will all be discussed when this is brought back again at another City Commission meeting. This will all be taken under advisement.

Wayne Papke came forward and asked whether there was any public input at this meeting. He questioned why this was a special meeting. Mr. Papke also brought up the sales tax and asked about the public getting information on it. Commissioner Tibke stated that there wasn't a Public Comment section on this agenda. But it's up to the Mayor as to whether to let anyone speak. Commissioner Tibke indicated she had the information Mr. Papke gave to them. Mayor Van Beek indicated that this issue will be brought up in future public meetings. This meeting was basically an information meeting for the City Commissioners to learn what the Park Board was requesting. Those people who presented information this evening were invited to by the Commissioners to speak.

#### ADJOURN

There being no further actions to come before the Board of City Commissioners, Commissioner Braun moved to adjourn the meeting at 7:25 p.m. Commissioner Laber seconded the motion. The motion received unanimous approval of the members present. The motion passed.

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/s/ James Neubauer  
James Neubauer,

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/s/ Arlyn Van Beek  
Arlyn Van Beek

City Administrator

President, Board of City  
Commissioners

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The Mandan City Commission met in regular session at 5:30 p.m. on December 16, 2014 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Laber, and Braun. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development & Communications Director Huber, Planning & Engineering Director Froseth, Planner Decker, Assessor Shaw, and Building Official Lalim.

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

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

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission regular meeting held December 2, 2014.* Commissioner Laber moved to approve the minutes as presented. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

F. BIDS:

1. *Consider awarding bids for the construction of the new Grounds Maintenance Building at the Cemetery and consider a 2014 Cemetery Budget Amendment to construct.* Director of Public Works Wright presented a request for a new Grounds Maintenance Building. The 2015 Budget includes a Grounds Maintenance Department. He explained the reorganization of various part-time positions indicating those positions were combined with three existing fulltime employees. The fulltime positions included two from the cemetery and one from the forestry department. Thus, all equipment and personnel have been combined into one group. He presented the problems with the existing building. He also provided an outline of the construction plans for the new building which was developed by Toman Engineering and Al Fitterer Architects who did the site-plans and designed the building.

Director Wright said bids were opened on November 13, 2014. Three single prime bids were received that combined general contracting, mechanical and electrical work into one bid. Those bids came in higher than individual bids as they were broken out. The low bidder for each phase of work was Dakota West Contracting, Bismarck, with the low general contractor at \$618,950 which includes all alternatives. Denny’s Electric, Dickinson, was the low bidder at \$61,530; the low bidder for the mechanical contractor was Central Mechanical, Mandan, at \$101,800 for a total construction cost of \$782,280.

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Additional necessary miscellaneous costs determined by Al Fitterer Architect's came to \$107,700 for a total estimated project cost of \$890,000. The existing budget for 2014 for the Cemetery Maintenance Building was \$600,000. The request before the Commission is for a budget Amendment of \$290,000 with a recommendation to split the costs at \$245,000 from the General Fund and \$45,000 from the Sales Tax Fund. Director Wright reviewed the Project Timeline which would start with an approval by this Board. Ground breaking is scheduled for April 2015 with a completion date of September 1, 2015.

Commissioner Laber moved to approve the award of bids for the construction of the new Grounds Maintenance Building at the Cemetery to the low general contractor bidder Dakota West Contracting, Bismarck, ND at \$618,950 and to Denny's Electric, Dickinson, ND at \$61,530; and to Central Mechanical, Inc., Mandan, ND at \$101,800 and to approve the budget amendment to the 2014 Cemetery budget for \$290,000. 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 2015 salary market adjustments.*
3. *Consider approval of Professional Services Agreement with Stantec for assistance in planning and designing a downtown Street Improvement District.*
4. *Consider 2014 fire department budget amendment to accept grant and purchase breathing air bottles.*
5. *Consider approval of annual Maintenance Certification agreement with NDDOT.*
6. *Consider approval of PE Reimbursement Agreement for Memorial Highway Signals project.*
7. *Consider approval of NDDOT Transportation Alternatives Program (TAP) application on behalf of the City Parks and Recreation department as a sponsoring agency.*
8. *Consider for approval games of chance for Miss Rodeo ND Organization at the Seven Seas/Baymont Inn from January 3, 2015 through February 27, 2015.*

Commissioner Rohr moved to approve the Consent Agenda as presented. Commissioner Tibke seconded the motion and the amended 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. *Report on U.S. Treasury Office of Inspector General Audit of the SSBCI Loan Participation Program.* Business Development & Communications Director Huber explained that the purpose of this matter is to share an audit report with the Commission from the Office of Inspector General of the Department of Treasury for the State Small Business Credit Initiative and the Mandan, ND, consortium's use of federal funds.

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Director Huber stated that considerable work is done with checks and balances to ensure compliance with the US Treasury program expectations. The U.S. Treasury Office of Inspector General Department has determined that the North Dakota Mandan Consortium has appropriately loaned funds to small businesses and accurately reported administrative costs through the period of the audit which ended March 31, 2014 accounting for use of \$9.7 million that was either loaned out or committed as Small Business Loans and for administrative expenditures. In summary, it was a clean audit by the Inspector General.

2. *Update on current Street Improvement Projects.* Planning & Engineering Director Froseth stated that this is an update on street improvement projects currently under contract. He said there are 16 projects still in progress with six of them started in 2014. The list of projects was provided to the Commission. With regard to District 163 (Sunset Drive), the City staff did a walk-through of that project in June and several deficiencies were found along with other corrections. Those problems should be completed soon. A walkthrough of the final project will be done when completed.

3. *Update on forthcoming changes to the city's sidewalk and driveway standard specifications, details, and ordinance sections.* Robert Decker, Principal Planner, stated that a list has been developed of the items that need modification for next year. One key concern is that work is being done in a public right-of-way so a requirement will be implemented that a contractor will have to have a state license and will be required to have proper insurance and bonding. A list of licensed and bonded contractors was obtained from the City of Bismarck. Going forward contractors will have to have a current state license, provide proof of adequate insurance, and bond their work. Stamping the work in the concrete will be required. Planner Decker reviewed a list of several standards that will be required and monitored during the course of the project. These standards address new sidewalks; however, a standard will be developed wherein property owners will be notified about concerns with existing sidewalks.

4. *Consider recommendation from Mandan Airport Authority for new member.* Jim Lawler, Mandan Municipal Airport Manager reported that there is one Airport Authority Committee position open due to a resignation. An advertisement was published in the Mandan News for the vacancy. Six applications were received with one applicant withdrawing his application near the end of the period. Five individuals were interviewed by the Board and the Airport Manager. After completion of the interviews they recommend the appointment of Chris Brown, who scored the highest amongst those interviewed.

Commissioner Laber moved to approve the appointment Chris Brown for the period of one year, ending 12/31/15 to the Mandan Airport Authority. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *Consider Financing Resolution for Storm Sewer Improvement District #32, Water and Sewer Improvement District #61, and Street Improvement Districts #161,*

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*#163, #174, #180, #187 Definitive Improvement Warrants. (Note: Bond sale was approved by the Board on December 2, 2014).* Finance Director Welch stated these resolutions are necessary to complete the bond sale into the formal bond issue. He stated that all cities are required to sell municipal bonds.

Commissioner Laber moved to approve the Financing Resolution for Storm Sewer Improvement District #32, Water and Sewer Improvement District #61, and Street Improvement Districts #161, #163, #174, #180, #187 Definitive Improvement Warrants. (Note: Bond sale was approved by the Board on December 2, 2014). 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.

2. *Consider Resolution Authorizing Issuance of \$6,095,000 Refunding Improvement Bonds of 2014, Series B. (Note: Relates to Agenda item J.1.)*

Commissioner Tibke moved to approve the Resolution Authorizing Issuance of \$6,095,000 Refunding Improvement Bonds of 2014, Series B. (Note: Relates to Agenda item J.1.) 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.

3. *Second consideration and final passage of Ordinance No. 1188, an Ordinance to amend Title 21 of the Mandan Code of Ordinances related to Landscaping.*

Commissioner Tibke moved to approve the Second consideration and final passage of Ordinance No. 1188, an Ordinance to amend Title 21 of the Mandan Code of Ordinances related to Landscaping. 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.

4. *Second consideration and final passage of Ordinance 1195, An Ordinance to Amend and Re-enact Chapter 4-09 of the Mandan Code of Ordinances Relating to City Employee Pension Plan.*

Commissioner Tibke moved to approve the Second consideration and final passage of Ordinance 1195, An Ordinance to Amend and Re-enact Chapter 4-09 of the Mandan Code of Ordinances Relating to City Employee Pension Plan. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

5. *Consider Resolution establishing NSF charge for returned payments resulting from public utilities and services supplied, provided or furnished by the City of Mandan.*

City Finance Director Welch stated that this is a Resolution to raise the current NSF charge from \$10 for each returned item to \$20. This would cover returned checks, declined ACH payments, declined credit cards, and closed checking and savings accounts. The purpose for the increase is to cover the costs assessed by financial institutions that will incrementally increase costs that affect our costs in contacting the customer and re-depositing the funds, which have also increased.

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Commissioner Laber moved to approve the Resolution establishing NSF charge for returned payments resulting from public utilities and services supplied, provided or furnished by the City of Mandan to be increased to \$20 per item. 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.

6. *First consideration of Ordinance 1196 to amend and re-enact Chapter 12-02 of the Mandan Code of Ordinances relating to a Class WB (Winery/Brewery) liquor license.* Business Development & Communications Director Huber stated this Ordinance will foster the local Winery/Brewery industry in Mandan. Currently there is one Brewery, Buffalo Commons, in operation and another one, Birddog Brewing Company, is working on getting established. The current Municipal Code had limits on the amount of product that could be sold off sale, for example, that were no longer in sync with the NDCC and this Ordinance will accomplish that.

Commissioner Rohr moved to approve the First consideration of Ordinance 1196 to amend and re-enact Chapter 12-02 of the Mandan Code of Ordinances relating to a Class WB (Winery/Brewery) liquor license. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

7. *Consider Resolution adopting the Morton County Multi-Hazard Mitigation Plan.* Tom Doering, Morton County Emergency Manager stated that Morton County has a multi-hazard plan that started over a year ago in which some of the Mandan City officials played a part in helping with the planning process with a mitigation plan. FEMA supports the plan indicating it is a good use of taxpayer money in that it helps prevent damage from occurring rather than waiting until after all the damage has occurred. Manager Doering explained the 5-step process involved in the plan. He stated the plan has been approved by FEMA and is tentatively approved until all the resolutions from all the participating jurisdictions throughout the county are sent to FEMA and then it will be finally approved. There is one pretty significant project that hangs in the balance right now. He's been working with Jeff Wright on that. It's for an emergency generator for the Plainview reservoir that would also power up the pump station for the reservoir. It's a cost share so it wouldn't be at the full amount.

Commissioner Braun moved to approve the Resolution adopting the Morton County Multi-Hazard Mitigation Plan. 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.

K. OTHER BUSINESS

There being no further actions to come before the Board of City Commissioners, Commissioner Rohr moved to adjourn the meeting at 6:25 p.m. Commissioner Braun

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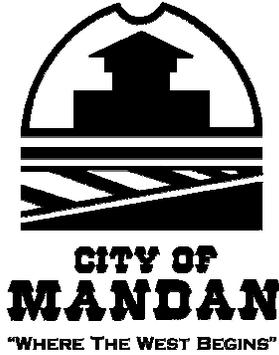
seconded the motion. The motion received unanimous approval of the members present.  
The motion passed.

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James Neubauer,  
City Administrator

---

Arlyn Van Beek,  
President, Board of City  
Commissioners



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** January 6, 2015  
**PREPARATION DATE:** December 22, 2014  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** Consider Community Beautification Committee (CBC) recommendation for appointees

---

**STATEMENT/PURPOSE:** The CBC passes recommendations for committee member appointees for consideration to the City Commission.

**BACKGROUND/ALTERNATIVES:**

The CBC has three positions open. Committee openings were advertised in November 2014 via our website, facebook page, and news release. The deadlines for interested parties to submit their letters of interest was December 15, 2014.

Two individuals submitted letters of interest by the deadline. Tammy Lapp-Harris and Amy Schmidt, current members, expressed their interest in continuing to serve on the committee.

**ATTACHMENTS:** Letters of interest from 2014 are available upon request.

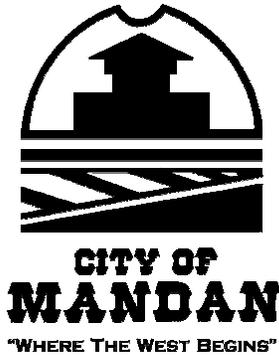
**FISCAL IMPACT:** N/A

**STAFF IMPACT:** N/A

**LEGAL REVIEW:** N/A

**RECOMMENDATION:** As the CBC recently (Aug. 2014) recommended these two individuals be appointed to fulfill the remaining terms of members who resigned, therefore, the Chair and Vice Chair did not feel it necessary to interview them again and are comfortable recommending they be appointed to fulfill full three year terms ending December 31, 2017

**SUGGESTED MOTION:** I move to appoint Amy Schmidt and Tammy Lapp-Harris for full three year terms to the Community Beautification Committee.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** January 6, 2015  
**PREPARATION DATE:** December 31, 2014  
**SUBMITTING DEPARTMENT:** Police  
**DEPARTMENT DIRECTOR:** Chief Dennis A. Bullinger  
**PRESENTER:** Chief Dennis A. Bullinger  
**SUBJECT:** Increasing the Animal Control Officer Position from Thirty-Five Hours, Three Quarter Time to Forty Hours, Full Time.

---

**STATEMENT/PURPOSE:** Requesting Commission approval to increase the allocated 1,820 hours for 2015 or the thirty-five hour work week, to a forty hour work week for the Animal Control Officer position.

**BACKGROUND/ALTERNATIVES:** The Mandan Police Department has enforcement responsibilities of investigating and enforcement of ordinances as it pertains to animals within the City of Mandan. The position of the Animal Control Officer is currently a three quarter-time position of thirty five hours. In addition to fulfilling the responsibilities of the Animal Control Officer, it is used as a support position with parking enforcement in the Downtown Business District and scheduling and performing maintenance for police department vehicles. While hiring and training officers and other staff positions during the year 2014, the Animal Control Officer provided support to Admin and Patrol in many areas. That support will continue as we work towards filling additional vacant positions.

Unexpended funds from salary and benefits in the 2014 budget would be used with the funding increase estimated at \$5,600, for FY 2015.

**ATTACHMENTS:**

**FISCAL IMPACT:** \$5,600 carry-over from the 2014 budget.

**STAFF IMPACT:** Increasing the number of hours of the position from 1,820 hours to 2,080 hours for an increase of 260 hours.

**LEGAL REVIEW:** N/A

Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 2015

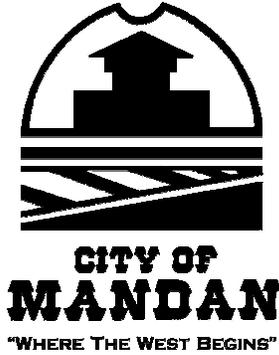
Subject: Increasing the Animal Control Officer Position from Thirty-Five Hours, Three Quarter Time to Forty Hours, Full Time.

Page 2 of 2

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RECOMMENDATION: Approve the request to increase the Animal Control Officer position to forty hours per week.

SUGGESTED MOTION: Move to approve the request of the Police Department to increase the number of hours per week from thirty five hours to forty hours for the Animal Control Officer position.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** January 6, 2015  
**PREPARATION DATE:** December 29, 2014  
**SUBMITTING DEPARTMENT:** Public Works  
**DEPARTMENT DIRECTOR:** Jeff Wright  
**PRESENTER:** Jeff Wright, Public Works Director  
**SUBJECT:** Consider \$500 budget amendment to the 2014 Street Department Capital Outlay budget.

---

**STATEMENT/PURPOSE:** Consider amending the 2014 Street Department Capital Outlay budget for \$500 to purchase new power broom for Skid Steer.

**BACKGROUND/ALTERNATIVES:** The existing power broom was damaged while sweeping the Memorial Bridge after a snow storm in November. While sweeping, the broom caught an opening in the concrete Jersey Barrier causing damage beyond repair. The broom damage was turned into insurance and a check for replacing the broom was sent to the City, minus the \$500 deductible. The proposed budget amendment for \$500 will cover the total cost of the broom of \$6,200.

**ATTACHMENTS:** Invoice for broom, Insurance check for old broom

**FISCAL IMPACT:** \$500, the 2014 Capital Outlay for Machinery and Equipment can support this expenditure. The balance is approximately \$100,550.

**STAFF IMPACT:** N/A

**LEGAL REVIEW:** N/A

**RECOMMENDATION:** I recommend amending the 2014 Street Department Capital Outlay budget for \$500 to purchase new power broom for Skid Steer.

**SUGGESTED MOTION:** I move to amend the 2014 Street Department Capital Outlay budget for \$500 to purchase new power broom for Skid Steer.



Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 2015

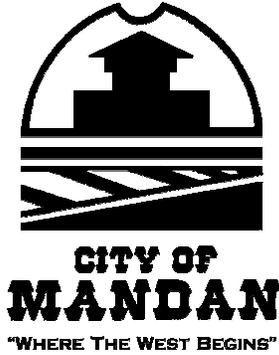
Subject: Consider \$500 budget amendment to the 2014 Street Department Capital Outlay budget.

Page 3 of 3

<b>NDIRF</b> NORTH DAKOTA INSURANCE RESERVE FUND		P.O. BOX 2258 BISMARCK, ND 58502	55181 NUMBER 9055181
POLICY NUMBER IM 0000108 24	CLAIM NUMBER 000004507714	DATE ISSUED 12/10/2014	DATE OF LOSS 11/18/2014
PAY TO THE ORDER OF	MANDAN, CITY OF		
FIVE THOUSAND SEVEN HUNDRED & 00/100 DOLLARS		PAY \$	*****5,700.00
FINAL PAYMENT	FOR COLLISION (EQUIPMENT)		
77-1 Wells Fargo Bank North Dakota 913 Bismarck, North Dakota 58506		 AUTHORIZED SIGNATURE	
⑈0 5 5 1 8 1 ⑈ ⑆0 9 1 3 0 0 0 1 0 ⑆ 1 3 6 0 6 7 7 0 1 ⑈			

-----  
MCO POLICY NUMBER CLAIM NUMBER LOSS DATE EFF DATE EXP DATE PAYMENT  
-----  
01 IM 0000108 24 000004507714 11/18/2014 01/01/2014 01/01/2015 5,700.00  
AGENT: HUB INTERNATIONAL OF ND-MANDAN INSURED: MANDAN, CITY OF  
6637585 205 2ND AVENUE NW  
200 1ST AVE NW STE #50 MANDAN ND 58554  
MANDAN ND 58554  
PAY TO:  
MANDAN, CITY OF  
CLAIMANT: 0001 MANDAN, CITY OF  
ADJUSTER: 000999 NO ADJUSTER  
CAUSE: CL COLLISION (EQUIPMENT)  
ACCIDENT: 8. ACCIDENT W/STATIONARY OBJCT

MAIL TO: HUB INTERNATIONAL OF ND-MANDAN  
200 1ST AVE NW STE #50  
MANDAN ND 58554



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** January 6, 2015  
**PREPARATION DATE:** December 17, 2014  
**SUBMITTING DEPARTMENT:** Assessing  
**DEPARTMENT DIRECTOR:** Shirley Shaw/Assessor  
**PRESENTER:** Shirley Shaw/Assessor  
**SUBJECT:** Correction – Change to reflect exempt status for land owned by the Mandan Park District

---

STATEMENT/PURPOSE: To change data to reflect exempt status for land owned by the Mandan Park District for 2014.

BACKGROUND/ALTERNATIVES: This parcel is also known as Parcel #1425, Lot 5, Block 1, West Bay Est. 2<sup>nd</sup> - Replat Addition.

Reason for abatement: To remove the land value for the 2014 year from \$813,200 to \$0 due to exempt status.

ATTACHMENTS: Application for abatement, tax statement and plat.

FISCAL IMPACT: Approximately \$13,465.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend a motion to approve to remove the land value due to the Mandan Park District's exempt status for 2014.

SUGGESTED MOTION: A motion to approve removing the land value due to the Mandan Park District's exempt status for 2014.

Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 2015

Subject: Correction – Change to reflect exempt status for land owned by the Mandan Park District

Page 2 of 5

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. 65-5393740
Name Mandan Park District Telephone No.
Address 2600 46th Ave SE

Legal description of the property involved in this application:
Aud. Lot A of Lots
West Bay Est. 2nd Replat

Table with 2 columns: (1) Total true and full value of the property described above for the year 2014 is: Land \$ 813,200, Improvements \$ 0, Total \$ 813,200; (2) Total true and full value of the property described above for the year 2014 should be: Land \$ 0, Improvements \$ 0, Total \$ 0.

- The difference of \$ 813,200 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
[X] 5. Claimant 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)(a))
[ ] 8. Error in noting payment of taxes, taxes erroneously paid
[ ] 9. Property qualifies for Homestead Credit according to N.D.C.C. § 57-02-08.1. Attach a copy of Homestead Credit Application
[ ] 10. Other (explain):

The following facts relate to the market value of the residential or commercial property described above. For agricultural property, go directly to question #5
1. Purchase price of property \$ Date of purchase
Forms: 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 production value of this property is excessive because of the following conditions:

Applicant asks that Changes be made to reflect exempt status for land owned by Park District.

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 Applicant: [Signature] Date: 12-17-14

2014 Morton County Real Estate Tax Statement

Parcel Number: 65-6393740  
 MANDAN PARK DIST  
 Legal Description: LOT: 5 BLK:001 WEST BAY ESTATES 2ND REPEAT LOTS 3-5 B 1 AUD LOT A OF LOT 6 5.25 ACRES  
 Jurisdiction: CITY OF MANDAN  
 Physical Location: 2700 46TH AVE SE

No. 3429 P. 1  
 Statement No: 11946

**2014 TAX BREAKDOWN**

Net consolidated tax	11,236.97
Plus: Special assessments	3,548.99
Total tax due	14,785.96
Less: 5% discount if paid by Feb. 17th	561.84
<b>Amount due by Feb. 17th</b>	<b>14,224.12</b>

Or pay in two installments (with no discount):  
 Payment 1: Pay by Mar. 2nd 9,167.48  
 Payment 2: Pay by Oct. 15th 5,618.48

Legislative tax relief (3-year comparison):

	2012	2013	2014
State school levy reduction	350.62	5,082.50	5,082.50
12% state-paid tax credit	.00	519.40	1,532.31
Total legislative tax relief	<u>350.62</u>	<u>5,601.90</u>	<u>6,614.81</u>

Special Assessment Balance  
 Please call 701-667-3271

Please Indicate Address Change, If Any

Providing a check or payment, you authorize us either to use information from your check to make a automatic electronic fund transfer from your account or process the payment as a check transaction. To advise please call 701-667-3310. Information from your check is used to make an electronic fund transfer. Funds can be withdrawn from your account as soon as the same day you make your payment and you will not receive your check back from your financial institution.

Tax distribution (3-year comparison):

	2012	2013	2014
True and full value	93,500	813,200	813,200
Taxable value	4,675	40,660	40,660
Less: Homestead credit			
Veterans' credit			
Net taxable value	<u>4,675</u>	<u>40,660</u>	<u>40,660</u>
Total mill levy	<u>394.460</u>	<u>331.160</u>	<u>314.050</u>

Taxes By District (In dollars):

State	4.68	40.66	40.66
County	453.57	3,696.40	3,470.74
City/Twp	437.35	3,325.17	3,050.72
School	730.42	4,520.58	4,391.69
CO WIDE	22.53	208.59	191.51
CITY PARKS 05	176.72	1,523.53	1,462.32
WATER RES 2	18.84	150.04	162.64

Penalty on 1st Installment & Specials	
March 31	3%
May 1	5%
July 1	9%
October 15	13%
Penalty on 2nd Installment	
October 15	6%

FOR ASSISTANCE, CONTACT:

Office: Morton County Treasurer  
 Phone: 701-667-3310  
 Website: www.co.morton.nd.us

Credit cards and Visa debit cards will be accepted at the office or www.co.morton.nd.us. To pay by phone: 1-888-272-9829 (Code 4402) Service Fees will apply to all credit/debit card payments

Consolidated Tax	<u>1,844.11</u>	<u>13,464.97</u>	<u>13,769.28</u>
Less: 12% state-paid credit	<u>00</u>	<u>519.40</u>	<u>1,532.31</u>
Net consolidated tax	<u>1,844.11</u>	<u>12,945.57</u>	<u>11,236.97</u>
Net effective tax rate	<u>1.97%</u>	<u>1.59%</u>	<u>1.38%</u>

Detach here and mail with your payment

2014 Morton County Real Estate Tax Statement

Your canceled check is your receipt for your payment  
 No receipt will be issued.

Parcel Number: 65-5393740 MP # 8648  
 Statement Number: 11946 Taxpayer # 8648

Total tax due 14,785.96  
 Less: 5% discount 561.84  
**Amount due by Feb. 17th 14,224.12**

Or pay in two installments (with no discount):  
 Payment 1: Pay by Mar. 2nd 9,167.48  
 Payment 2: Pay by Oct. 15th 5,618.48

MAKE CHECK PAYABLE TO:

MORTON COUNTY TREASURER  
 210 2ND AVE NW  
 MANDAN ND 58554

MANDAN PARK DIST  
 2600 46TH AVE SE  
 MANDAN ND 58554

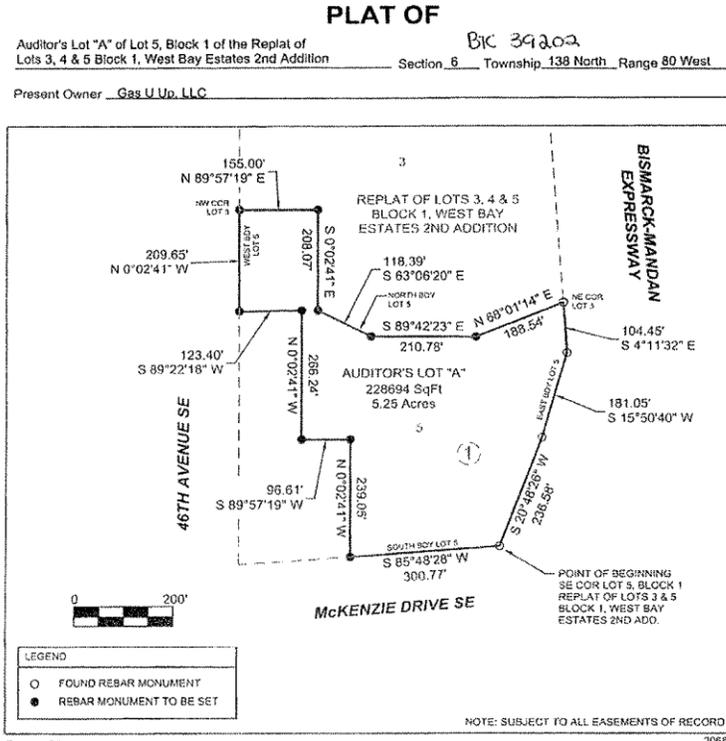
Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 2015

Subject: Correction – Change to reflect exempt status for land owned by the Mandan Park District

Page 4 of 5



Traverse PC	DESCRIPTION
Auditor's Lot "A" of Lot 5, Block 1 of the Replat of Lots 3, 4 & 5, Block 1, West Bay Estates 2nd Addition	( ) of N 1/2 Section 6 Township 138 North Range 80 West

Range 80 West, described as follows: A tract of land being a part of Lot 5 of the Replat of Lots 3, 4 & 5, Block 1, West Bay Estates 2nd Addition of the City of Mandan, Morton County, North Dakota, being more particularly described as follows:

*65-5393740*

Beginning at the southeast corner of Lot 5, Block 1 of the Replat of Lots 3, 4 & 5, Block 1, West Bay Estates 2nd Addition of the City of Mandan, Morton County, North Dakota; thence South 85° 48' 28" West along the south boundary line of said Lot 5 for 300.77 feet; thence North 00° 02' 41" West for 239.05 feet; thence South 89° 57' 19" West for 96.61 feet; thence North 00° 02' 41" West for 268.24 feet; thence South 89° 22' 18" West for 123.40 feet to a point on the west boundary line of said Lot 5; thence North 00° 02' 41" West along said west boundary line for 209.65 feet to the northwest corner of said Lot 5; thence along the north boundary line of said Lot 5 the following five (5) courses; thence North 89° 57' 19" East for 155.00 feet; thence South 00° 02' 41" East for 208.07 feet; thence South 63° 06' 20" East for 118.39 feet; thence South 89° 42' 23" East for 210.78 feet; thence North 68° 01' 14" East for 188.54 to the northeast corner of said Lot 5; thence along the east boundary line of said Lot 5 the following three (3) courses; thence South 04° 11' 32" East for 104.45 feet; thence South 15° 50' 40" West for 181.05 feet; thence South 20° 48' 26" West for 236.58 feet to the Point of Beginning. Said tract of land containing 5.25 Acres, more or less.

Auditor's Office, Morton Co., ND  
Delinquent Taxes and Special Assessments  
or instruments of Special Assessments.  
Paid and Transfer Accepted  
*7-23-13*  
DAWN R. RHONE County Auditor  
By *Kim Pittman* Deputy  
Approved by the Morton County Auditor's  
Office, Dawn R. Rhone, Auditor.  
By *Kim Pittman*  
Date *7-23-13*

COUNTY RECORDER, MORTON COUNTY, ND **451529**  
I certify that this instrument was filed and recorded.  
Carroll Schaner, County Recorder Fee \$13.00  
By *Carroll Schaner* July 23, 2013 4:31:40 PM  
Return to: *Book-14* County Recorder **451529**  
BISMARCK TITLE *Page 83* Morton County  
207 S WASHINGTON Mandan ND 58554  
BISMARCK ND 58505 Page 1 of 2



Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 2015

Subject: Correction – Change to reflect exempt status for land owned by the Mandan Park District

Page 5 of 5

12/16/14  
AS1057

Mandan Assessing Dept  
Property Data Sheet

Page 1

MANDAN PARK DISTRICT  
2600 46 AVE SE  
MANDAN ND 58554

City Parcel No. 01425 01  
County No. 65-005393740  
Assessment Year 2014

Property Address: 2600 46 AVE SE

Property Type: VACANT

Legal Description  
AUD LOT A OF LOT 5

Lot Block 1 Addition 0312 WEST BAY EST 2ND-REPLAT

**Total Property - Land**

Area Factor	40 RESIDENTIAL & COMMERCIAL
Zoning	CB
Lot Width	0 Ft
Lot Depth	0 Ft
Lot Sq Ft	228694 SqFt
Irregular Shape	Yes
Alley	No
Cul-De-Sac	No
Corner	Yes
Utilities	Yes
Underground Util	Yes
Street	Hard Surface
Sidewalk	Yes
Location	Restricted Access
Flood Plain Degree	
Acres	5.25
Lot Sale Price	1730403
Lot Sale Date	07/23/2013

Interior Walls	
Interior Finish	
Fireplace	No
Floors	
Apartment	None

**Garage**

None 0 Stall with 0 SqFt	
Quality	None

**Additional Data**

Electronics	No
Home Theater	No
Smart Home	No
Swimming Pool	No
Sump Pump	No

**Additional Area**

**Other Area**

Listing Date	
Listing Price	0
Review Date	
Final App. Date	
2014 Mrkt Value	0 Land 0
	Bldg 0
2012 Mrkt Value	93500 Land 93500
	Bldg 0
Selling Price Includes Special Assessments	
Current Sale Price	
Current Sale Date	

Previous Sale Price	0
Previous Sale Date	

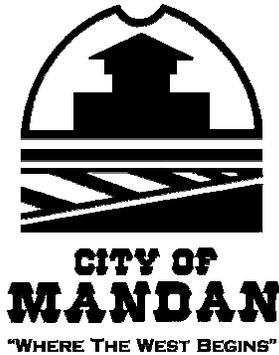
Data Sheet Printed By: Shirley Shaw

**Building Data**

Year Built	0
Effective Year	0
Basement Walls	
Condition	
Quality	None
Construction Type	
Stories	None
Roof Cover	
Roof Type	
Heating Fuel	
Heating Type	
Air Conditioning	None
Flr Tot Rms Bed Bath	
Tot Finished Area 0 SqFt	
Basement	None
Dining Room Area	
Kitchen Cabinets	
Built-Ins	No

*New*

*Zone 11*



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** January 6, 2015  
**PREPARATION DATE:** December 17, 2014  
**SUBMITTING DEPARTMENT:** Assessing  
**DEPARTMENT DIRECTOR:** Shirley Shaw/Assessor  
**PRESENTER:** Shirley Shaw/Assessor  
**SUBJECT:** Complete Reassessment – Value Change on Land for Michael Martin

---

**STATEMENT/PURPOSE:** A reduction in the land value for the 2014 year for Mr. Martin’s property, due to a complete reassessment that was done to reflect value change as this is located on the hill of 8<sup>th</sup> Ave. NE.

**BACKGROUND/ALTERNATIVES:** This parcel is also known as Parcel #1330, Lots 19-22 & E ½ Vac 8<sup>th</sup> Ave NE & S ½ Vac 3<sup>rd</sup> St. NE, Block 17, Helmsworth-McLean 1<sup>st</sup> Addition.

Reason for abatement: To lower the land value for the 2014 year from \$5,000 to \$1,100 to reflect value change for reassessment as this is located on the hill 8<sup>th</sup> Ave. NE.

**ATTACHMENTS:** Abatement form along with GIS maps.

**FISCAL IMPACT:** Approximately \$18.

**STAFF IMPACT:** N/A

**LEGAL REVIEW:** N/A

**RECOMMENDATION:** I recommend a motion to approve to lower the land value for the 2014 year to \$1,100 for Mr. Martin’s property.

**SUGGESTED MOTION:** A motion to approve a reduction for Mr. Martin’s property in the 2014 year to a land value of \$1,100.

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

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

State of North Dakota Assessment District City of Mandan  
 County of Morton Property I.D. No. 65-1452000  
 Name Michael Martin Telephone No. \_\_\_\_\_  
 Address 910 2nd St. NE Mandan

Legal description of the property involved in this application:  
Lot 19 Block 17 (310 8th Ave NE)  
Helmsworth & McClean's Addition

Total true and full value of the property described above for the year <u>2014</u> is:		Total true and full value of the property described above for the year <u>2014</u> should be:	
Land	\$ <u>5000</u>	Land	\$ <u>1100</u>
Improvements	\$ <u>0</u>	Improvements	\$ <u>0</u>
Total	\$ <u>5000</u> (1)	Total	\$ <u>1100</u> (2)

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

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

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

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

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

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

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

Applicant asks that Change be made to 2014 value to reflect value change for Reassessment as this on the hill 8th Ave NE.

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

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

Signature of Preparer (if other than applicant) \_\_\_\_\_ Date \_\_\_\_\_ Signature of Applicant Michael Martin Date 12/12/14

Board of City Commissioners  
Agenda Documentation  
Meeting Date: January 6, 2015  
Subject: Complete Reassessment – Value Change on Land for Michael Martin  
Page 3 of 4

Morton County, ND | Map Print

<http://mortonnd.mygisonline.com/print/?extent=1873124.34021678,42...>



Board of City Commissioners

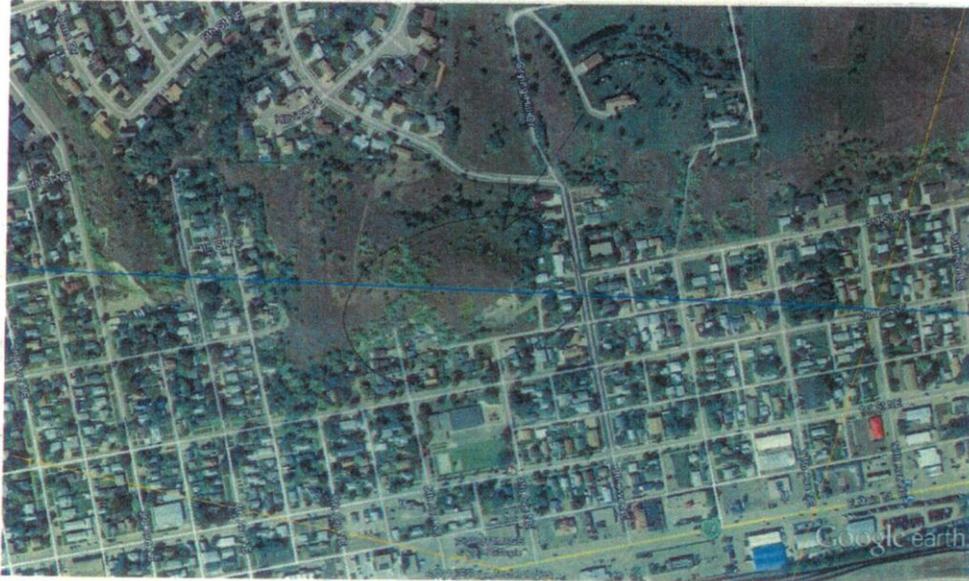
Agenda Documentation

Meeting Date: January 6, 2015

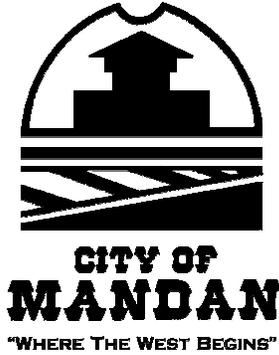
Subject: Complete Reassessment – Value Change on Land for Michael Martin

Page 4 of 4

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*on the hill going up 8<sup>th</sup> Ave NE*



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** January 6, 2015  
**PREPARATION DATE:** December 22, 2014  
**SUBMITTING DEPARTMENT:** Assessing Dept  
**DEPARTMENT DIRECTOR:** Shirley Shaw, City Assessor  
**PRESENTER:** Shirley Shaw, City Assessor  
**SUBJECT:** Assessor Error - Missed 2-Year Tax Exemption for Jamie & Carina Friesz for 2014

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STATEMENT/PURPOSE: Missed due to assessor error the first 2-year tax exemption for new construction of a residential structure for the year 2014.

BACKGROUND/ALTERNATIVES: Mr. & Mrs. Friesz qualify for an exemption of the first \$75,000 of structure value on a new single family dwelling.

This parcel is also known as Lot 5, Block 2, Keidel's South Heart Terrace 2nd Addition at 700 Farmstead Court SW on Parcel #11096.

ATTACHMENTS: Application and Abatement form.

FISCAL IMPACT: Approximately \$1,060

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval of the requested exemption for the first \$75,000 of structure value for the year 2014 on a newly constructed single family dwelling due to all qualifications being met.

SUGGESTED MOTION: I recommend a motion to approve the missed 2-year property tax exemption due to assessor error of the first \$75,000 exemption of structure value for the year 2014 on a newly constructed single family dwelling.

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. 65611245
Name Jamie + Carina Friesz Telephone No.
Address 700 Farmshead Court, Mandan, ND

Legal description of the property involved in this application:
Lot 5, Block 2, Keidel's South Heart Terrace 2nd Addn.

Total true and full value of the property described above for the year 2014 is:
Land \$ 32,700
Improvements \$ 319,300
Total \$ 352,000

Total true and full value of the property described above for the year 2014 should be:
Land \$ 32,700
Improvements \$ 244,300
Total \$ 277,000

The difference of \$ 75,000 true and full value between (1) and (2) above is due to the following reasons:

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-23-27.1
2. Residential or commercial property 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. Compliance 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. § 57-23-24.1 et seq.)
8. Error in posting payment of taxes, taxes erroneously paid
9. Property qualifies for Homestead Credit according to N.D.C.C. § 57-23-08.1. Attach a copy of Homestead Credit Application
10. Other (explain): qualified for the 2-year tax exemption on a new single family home

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 we abate the \$75,000 value off of the structure value for 2014.

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. § 57-23-03.1

I declare under the penalties of N.D.C.C. § 13-1-11-02, 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 Proprietor (if other than applicant) Date Signature of Applicant Date
Carina Friesz 12-28-14

Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 2015

Subject: Assessor Error - Missed 2-Year Tax Exemption for Jamie & Carina Friesz for 2014

Page 3 of 3

PARCEL # 65-611245

**APPLICATION FOR TAX EXEMPTION FOR NEWLY BUILT HOMES**

I hereby make application for a tax exemption for the years 14 and 15 on the property described below (exclusive of the land on which it is situated or any special assessments). I certify that this request is in compliance with North Dakota Century Code 57-02-08(35). This exemption is for single family dwelling, condo or townhome only.

NAME OF APPLICANT: Jamie + Carina Friesz  
MAILING ADDRESS: 700 Farmstead CT  
STATUS OF APPLICANT: Builder \_\_\_\_\_ First owner after builder: X  
ADDRESS OF PROPERTY TO BE EXEMPT: 700 Farmstead CT  
LEGAL DESCRIPTION: LOT 5 BLK -002  
Keidels South Heart Terrace 2nd Addition (11096)  
DATE PERMIT ISSUED: \_\_\_\_\_ BUILDING PERMIT #: \_\_\_\_\_  
CONTRACT DATE: 2-28-13 DATE OCCUPIED: 11-10-2013  
EXEMPTION CLAIMED: Single Family X Townhouse \_\_\_\_\_ Condo \_\_\_\_\_  
COST OR VALUE OF STRUCTURE (Purchase Price): \$300,000  
OWNER'S EST. MARKET VALUE (Lot and Structure): \$335,000  
APPRAISAL VALUE \$350,000

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

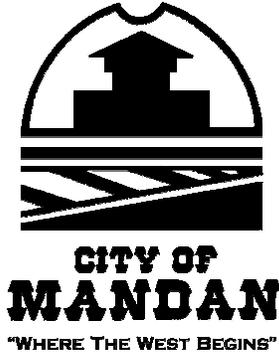
DATE: 12-17-14 SIGNATURE: Carina Friesz

**FOR OFFICE USE ONLY**

APPROVED: X

DENIED: \_\_\_\_\_ Reason for Denial: \_\_\_\_\_

Assessor's Signature: [Signature] Date: 12-30-14



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** January 6, 2015  
**PREPARATION DATE:** December 12, 2014  
**SUBMITTING DEPARTMENT:** Assessing Dept  
**DEPARTMENT DIRECTOR:** Shirley Shaw, City Assessor  
**PRESENTER:** Shirley Shaw, City Assessor  
**SUBJECT:** Correction to a 5-Year New & Expanding Business Property Tax Exemption for High Plains Apache

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STATEMENT/PURPOSE: Correction to the New & Expanding Business Property Tax Exemption due to supplying verification of jobs created which meets the minimum requirements to qualify for 100% property tax exemption in year 3 of its exemption, which is 2014.

BACKGROUND/ALTERNATIVES: High Plains Apache was approved for the 5-Year New & Expanding Business Property Tax Exemption back on August 16, 2011. This 5-Year tax exemption was replaced by a tier system: 100% the first 2 years; Year 3 would be 75%; Year 4 at 50% and Year 5 at 25%. However, there is an exemption to be able to get 100% for Years 3-5 if there is some job creation after Year 2. High Plains Apache qualifies for the 100% property tax exemption in year 3, which is in 2014, due to meeting the requirements of the creation of jobs in the 5-year Business Property Tax Exemption. High Plains Apache received 75% exemption in the 2014 year but due to supplying verification of jobs created, they should receive the 100% exemption on the structure instead.

This parcel is also known as Lot 1, Block 1, Eastside Commercial Park – 1<sup>st</sup> Replat Addition, Address of 1701 Eastside Court SE; Parcel #10146.

ATTACHMENTS: Mandan Economic Development Annual Jobs Verification & copy of City of Mandan Commissioner's Meeting August 16, 2011.

FISCAL IMPACT: Approximately \$1700

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 2015

Subject: Correction to a 5-Year New & Expanding Business Property Tax Exemption for High Plains Apache

Page 2 of 10

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**RECOMMENDATION:** Approval of adjusting the New & Expanding Business Property Tax exemption from 75% to 100% in the year 2014 due to meeting the minimum requirements of jobs creation at the end of 2013.

**SUGGESTED MOTION:** I recommend a motion to approve the adjustment of the New & Expanding Business Property Tax exemption from 75% to 100% on the structure value in the year 2014 due to meeting the minimum requirements of jobs creation at the end of 2013.



# 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 11, 2014

Shirley Shaw  
Assessor  
City of Mandan  
205 Second Avenue NW  
Mandan, ND 58554

RE: New & Expanding Business Property Tax Exemption — High Plains Apache, 1701 Eastside Court SE

The purpose of this letter is to document in writing that the above-referenced business has supplied verification of jobs created at the end of 2013 indicating it meets the minimum requirement to qualify for 100% property tax exemption in year 3 of its exemption, which is 2014.

Assessing records received in June 2014 indicate it was recorded for a 75% exemption. An abatement may be needed. Please let me know if you need anything additional from the City Business Development Department or Mandan Growth Fund to further this process. Following is the background:

- The project was approved for a five year 100% exemption subject to jobs verification at the end of year 2. Approval by the Mandan City Commission took place on Aug. 16, 2011. Records show the project received a certificate of occupancy on March 8, 2012.
- The requirement is for at least one full-time job for every \$100,000 of structural value subject to exemption. Assessing records show the value of the building is \$409,800. High Plains Apache submitted the attached verification form indicating it had 4 full-time positions in 2013.
- High Plains Apache will need to retain at the minimum number of FTEs based on structural value subject to continue receiving an exemption at the 100% rate in years 4 and 5. Should it fall short, the fallback is 50% in year 4 (2015) and 25% in year 5 (2016).

If you have questions or need additional information, please let me know.

Sincerely,

Ellen Huber  
Business Development Director

Attachments

**Mandan Economic Development  
 Annual Jobs Verification**

Company Name: HIGH PLAINS APACHE  
 Person Completing Report: CHRIS OTTM  
 Title: GENERAL MANAGER  
 Year(s) Funded/Approved: 2011

**JOBS**

Please indicate the total number of jobs as of December 31, 2012 & 2013 by category:

	2012	2013		2012	2013
Professional:	_____	_____	Skilled:	<u>2</u>	<u>4</u>
Managerial:	<u>2</u>	<u>2</u>	Semi-Skilled:	<u>4</u>	_____
Technical:	<u>4</u>	<u>2</u>	Un-Skilled:	_____	_____
Full-Time:	<u>6</u>	<u>4</u>	Part-Time:	_____	_____
Total: 2012 <u>6</u>			2013 <u>4</u>		

**BENEFITS**

Please check (X) the benefits which your company offers to employees:

	YES	NO	Percentage Paid By Employer
Health:	<u>X</u>	_____	<u>65%</u>
Dental:	<u>X</u>	_____	<u>0%</u>
Life Insurance:	<u>X</u>	_____	<u>\$20,000 paid by employee</u>
Retirement:	<u>X</u>	_____	<u>14% used to 45% by employee</u>

Do part-time employees receive the benefits indicated above?

Yes \_\_\_\_\_ No X

Total benefits paid to all employees for the year ending December 31, 2013:

\$ 1,687.59

**WAGES**

Please indicate the average wage of your employees by category:

Full-Time: 60,000.00

Part-Time: 0

Total Employees: 4

Total wages paid to all employees for the year ending December 31, 2013 as reported on your W-3 Transmittal report to the IRS:

\$ 407,546.00

**SEASONALITY**

Does the number of your employees fluctuate by more than 10% within the year due to the seasonality of your products or services? [ ]

Yes \_\_\_\_\_

No X

If yes, what is the average number of employees (FTE's) for the Year? \_\_\_\_\_

**AGREEMENT**

By making application to and accepting funding and/or a business incentive from the Bismarck-Mandan Development Association and/or the City of Mandan and by its signature on this Annual Job Verification Form, the Applicant authorizes the Bank of North Dakota, Job Service North Dakota, Small Business Development Center, Lewis & Clark Regional Development Council, the Small Business Administration or other agencies with information relevant to the jobs created by the Applicant, to release to the Bismarck-Mandan Development Association any information of the Applicant necessary or useful to verify the Applicant's employment levels and costs.

[Signature]  
Authorized Signature

3/5/2014  
Date

Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 2015

Subject: Correction to a 5-Year New & Expanding Business Property Tax Exemption for High Plains Apache

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## HIGH PLAINS APACHE

Year Approved: 2011

Incentive: New/Expanding Business Property Tax Exemption (5 Years)

Amount: \$14,329 annually for 5 years

Number of jobs created/retained:

	Full-Time	Part-Time	Total
2011	5	0	5
2012	6	0	6
2013	4	0	4

Average Compensation:

	Full-Time	Part-Time
2011	\$51,000 / annually	N/A
2012	\$49,364 / annually	N/A
2013	\$60,000 / annually	N/A

Benefits Listed:

- Health
- Dental
- Life Insurance
- Retirement

Mayor Helbling asked for further comments from the public to determine the sufficiency of protests for Flood Improvement Project 2011-06 District #1. Hearing none, this portion of the public hearing was closed.

Commissioner Tibke moved to approve the insufficiency of protests Flood Improvement Project 2011-06 District #1. Commissioner Jackson seconded the motion. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

2. *A Public Hearing to consider a five-year Ad Valorem Tax Exemption for High Plains Apache Sales and Service LLC.* City Assessor Barta reviewed with the Board a request to consider a five-year Ad Valorem Tax Exemption for High Plains Apache Sales and Service LLC. Barta stated that the Mandan Growth Fund met and determined the following: To recommend approval for High Plains Apache Sales & Service LLC the base exemption @100% for Y1 and Y2; @ 75% for Y3; @ 50% for Y4; @ 25% for Y5 – subject to jobs verification and meeting the employment goals outlined in the City's property tax exemption policy by the end of Y2 that the business would then receive the 100% exemption in Y3, Y4 and Y5. The School District and Park District were notified of the proposed exemption.

Mayor Helbling announced that this is a public hearing and invited citizens to come forward to comment regarding the request for a five-year Ad Valorem Tax Exemption for High Plains Apache Sales and Service LLC. Mayor Helbling extended a second invitation for comments to the ad valorem tax exemption request. Hearing none, this portion of the public hearing was closed.

3. *A Public Hearing to consider a five-year Ad Valorem Tax Exemption for Shorestone Development Inc.* City Assessor Barta reviewed with the Board a request to consider a five-year Ad Valorem Tax Exemption for Shorestone Development Inc. Barta stated that Shorestone Development Inc. is requesting an exemption on three 32-unit apartment buildings. Barta stated that the Mandan Growth Fund met and determined the following: To recommend approval for a two-year exemption of 100% with each building being contingent upon commencement of construction occurring within one year of the City Commission approval and being completed within two years as outlined in the policy. The School District and Park District were notified of the proposed exemption.

Mayor Helbling announced that this is a public hearing and invited citizens to come forward to comment regarding the request for a five-year Ad Valorem Tax Exemption for Shorestone Development Inc.

Mark Payne, a representative from Shorestone Development came forward. Payne stated that he discussed with the MGF the two year tax exemption and he stated that two years would be sufficient; explaining that the critical part of an apartment complex is within the first two years. He indicated that the two year exemption would provide some relief and would help move the project forward. If approved, he stated that he would do the project

Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

2. Consider Mandan Growth Fund Committee recommendations:

i. *Application for property tax exemption by High Plains Apache Sales and Service at 1701 Eastside Court.* Commissioner Jackson moved to approve the 5-year Ad Valorem Tax Exemption for High Plains Apache Sales and Service at 1701 Eastside Court. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

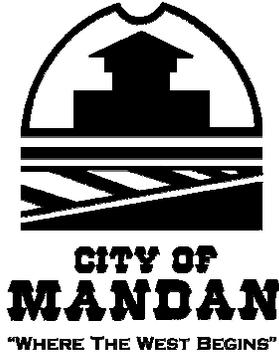
ii. *Application for property tax exemption by Shorestone Development, Inc at 4400 21<sup>st</sup> Street SE.* Commissioner Rohr stated that at the beginning of his term as City Commissioner he favored apartment complex construction. However, he stated that in regards to this request, he would agree that a 2-year Ad Valorem Tax Exemption would be appropriate rather than a 5-year exemption for the two 32-unit apartment complexes referenced in this matter. He commented that he would not favor approving the third 32-unit complex unit associated with this request based on a “not-for-sure” type of situation at this time. Mayor Helbling stated that all three units could be approved at this time and if the third one does not happen, it does not qualify for the exemption. There would have to be a re-application process in the future if that is the case.

Commissioner Tibke moved to approve for *Shorestone Development, Inc at 4400 21<sup>st</sup> Street SE*, a 2-year exemption of 100% for each of the three apartment complexes contingent upon commencement of construction occurring within one year of the City Commission approval and being completed within two years as per policy. Commissioner Frank seconded the motion.

Commissioner Jackson commented that there has been much discussion regarding these apartment complexes in the past. The policy that is in place currently is a compromised policy that was agreed to at one of the working sessions. Pursuant to that compromise, Jackson stated that he supports the request today before the Commission; however, he recommended the Commission revisit the policy. Many newspaper and/or news publications are currently commenting on the lack of housing in North Dakota and based on that, he does not think that the City is under any obligation to continue offering such excellent incentives to bring these high density type properties into the city. He stated that previously when these matters came before the City Commission requesting an Ad Valorem exemption, there was an understanding that when requested there would be a commercial component for these types of tax exemptions. There is no commercial component attached to this request. He stated that he does not believe these types of requests should be included within the ad valorem request process. He stated he disagrees that this will add to the tax base and encouraged the City Commission to reconsider that policy. Commissioner Rohr concurred with Commissioner Jackson about reviewing the policy and stated that he believes the intent is to look at businesses that will provide community growth in Mandan. Commissioner Tibke commented that the Commission needs to keep in mind that the car counts are what drives business.







## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** January 6, 2015  
**PREPARATION DATE:** December 12, 2014  
**SUBMITTING DEPARTMENT:** Assessing Dept  
**DEPARTMENT DIRECTOR:** Shirley Shaw, City Assessor  
**PRESENTER:** Shirley Shaw, City Assessor  
**SUBJECT:** Correction to a 5-Year New & Expanding Business Property Tax Exemption for Spence Koenig

---

STATEMENT/PURPOSE: Correction to the New & Expanding Business Property Tax Exemption due to supplying verification of jobs created which meets the minimum requirements to qualify for 100% property tax exemption in year 3 of its exemption, which is 2014.

BACKGROUND/ALTERNATIVES: Mr. Koenig was approved for the 5-Year New & Expanding Business Property Tax Exemption back on June 21, 2011. This 5-Year tax exemption was replaced by a tier system: 100% the first 2 years; Year 3 would be 75%; Year 4 at 50% and Year 5 at 25%. However, there is an exemption to be able to get 100% for Years 3-5 if there is some job creation after Year 2. Mr. Koenig qualifies for the 100% property tax exemption in year 3, which is in 2014, due to meeting the requirements of the creation of jobs in the 5-year Business Property Tax Exemption. Mr. Koenig received 75% exemption in the 2014 year but due to supplying verification of jobs created, he should receive the 100% exemption on the structure instead.

This parcel is also known as Lot 7 & W 55.66' of S 287.11' of Lot 6, Block 1, Lakewood Commercial Park 3<sup>rd</sup> Addition, Address of 2120 40<sup>th</sup> Ave. SE; Parcel #10111.

ATTACHMENTS: Mandan Economic Development Annual Jobs Verification & copy of City of Mandan Commissioner's Meeting June 21, 2011.

FISCAL IMPACT: Approximately \$1527

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 2015

Subject: Correction to a 5-Year New & Expanding Business Property Tax Exemption for Spence Koenig

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**RECOMMENDATION:** Approval of adjusting the New & Expanding Business Property Tax exemption from 75% to 100% in the year 2014 due to meeting the minimum requirements of jobs creation at the end of 2013.

**SUGGESTED MOTION:** I recommend a motion to approve the adjustment of the New & Expanding Business Property Tax exemption from 75% to 100% on the structure value in the year 2014 due to meeting the minimum requirements of jobs creation at the end of 2013.



# 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 11, 2014

Shirley Shaw  
Assessor  
City of Mandan  
205 Second Avenue NW  
Mandan, ND 58554

RE: New & Expanding Business Property Tax Exemption — Spence Koenig, 4100 21<sup>st</sup> Street SE (Now addressed as 2120 40<sup>th</sup> Ave SE)

The purpose of this letter is to document in writing that the above-referenced business has supplied verification of jobs created at the end of 2013 indicating it meets the minimum requirement to qualify for 100% property tax exemption in year 3 of its exemption, which is 2014.

Assessing records received in June 2014 indicate it was recorded for a 75% exemption. An abatement may be needed. Please let me know if you need anything additional from the City Business Development Department or Mandan Growth Fund to further this process. Following is the background:

- The project was approved for a five year 100% exemption subject to jobs verification at the end of year 2. Approval by the Mandan City Commission took place on June 21, 2011. Records show the project received a certificate of occupancy on Jan. 9, 2012.
- The requirement is for at least one full-time job for every \$100,000 of structural value subject to exemption. Assessing records show the value of the building is \$368,600. Mr. Koenig of Pioneer Seed Sales submitted the attached verification form indicating it had 5 full-time positions in 2013.
- Koenig will need to retain at the minimum number of FTEs based on structural value subject to continue receiving an exemption at the 100% rate in years 4 and 5. Should it fall short, the fallback is 50% in year 4 (2015) and 25% in year 5 (2016).

If you have questions or need additional information, please let me know.

Sincerely,

Ellen Huber  
Business Development Director

Attachments

### Mandan Economic Development Annual Jobs Verification

Company Name: Pioneer Seed Sales

Person Completing Report: SPENCE KOENIG

Title: PRESIDENT

Year(s) Funded/Approved: 2011

#### JOBS

Please indicate the total number of jobs as of December 31, 2012 & 2013 by category:

	2012	2013		2012	2013
Professional:	<u>1</u>	<u>3</u>	Skilled:	_____	_____
Managerial:	<u>1</u>	<u>1</u>	Semi-Skilled:	_____	_____
Technical:	_____	<u>1</u>	Un-Skilled:	_____	_____
Full-Time:	<u>2</u>	<u>5</u>	Part-Time:	_____	_____
Total:		2012 <u>2</u>	2013 <u>5</u>		

#### BENEFITS

Please check ( X ) the benefits which your company offers to employees:

	YES	NO	Percentage Paid By Employer
Health:	<u>X</u>	_____	<u>100%</u>
Dental:	_____	_____	_____
Life Insurance:	_____	_____	_____
Retirement:	_____	_____	_____

Do part-time employees receive the benefits indicated above?

Yes X No \_\_\_\_\_

Total benefits paid to all employees for the year ending December 31, 2013:

\$ 7405.20

**WAGES**

Please indicate the average wage of your employees by category:

Full-Time: 5

Part-Time: 0

Total Employees: 5

Total wages paid to all employees for the year ending December 31, 2013 as reported on your W-3 Transmittal report to the IRS:

\$ 182,371.93

**SEASONALITY**

Does the number of your employees fluctuate by more than 10% within the year due to the seasonality of your products or services?1

Yes \_\_\_\_\_

No X

If yes, what is the average number of employees (FTE's) for the Year? \_\_\_\_\_

**AGREEMENT**

By making application to and accepting funding and/or a business incentive from the Bismarck-Mandan Development Association and/or the City of Mandan and by its signature on this Annual Job Verification Form, the Applicant authorizes the Bank of North Dakota, Job Service North Dakota, Small Business Development Center, Lewis & Clark Regional Development Council, the Small Business Administration or other agencies with information relevant to the jobs created by the Applicant, to release to the Bismarck-Mandan Development Association any information of the Applicant necessary or useful to verify the Applicant's employment levels and costs.

Spence Koenig  
Authorized Signature

1-25-14  
Date

Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 2015

Subject: Correction to a 5-Year New & Expanding Business Property Tax Exemption for Spence Koenig

Page 6 of 7

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**PIONEER SEED SALES (formerly PIONEER SALES)**

Year Approved: 2011

Incentive: New/Expanding Business Property Tax Exemption (5 Years)

Amount: \$11,275 annually for 5 years

Number of jobs created/retained:

	Full-Time	Part-Time	Total
2012	2	0	2
2013	5	0	5

Average Compensation:

	Full-Time	Part-Time
2012	\$45,000 / annually	N/A
2013	*\$65,000 / annually	N/A

Benefits Listed:

**Health**

\*Confirmed with Spence Koenig on March 19, 2014.

Commissioner Rohr motioned to approve the resolution to vacate the public right-of-way along 4<sup>th</sup> Street NE, as platted on the north boundary of Block 30, Helmsworth-McLean Addition. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Absent. The motion passed.

2. *Public Hearing to consider a 5-year Ad Valorem tax exemption for Spence Koenig.* City Assessor Barta presented a request to consider a 5-year Ad Valorem tax exemption for Spence Koenig. The property is located at 4100 21<sup>st</sup> Street Southeast, south of Kist Livestock. The structure will house a retail and repair site for agricultural irrigation equipment. The county and school have been notified; however because of the flooding situation going on, the Mandan Growth Fund has not been made aware of the request yet. Barta recommends approval of the request pending approval of the Mandan Growth Fund's approval. Commissioner Frank pointed out that the tier-system is now in place for tax exemption requests. The 5-year tax exemption has been replaced by a tier system: 100% the first 2 years; Year 3 would be 75%; Year 4 at 50% and Year 5 at 25%. However, there is an exemption to be able to get to the 100% for Years 3-5 if there is some job creation after Year 2. Barta stated he is not aware of any plans in the future to address that.

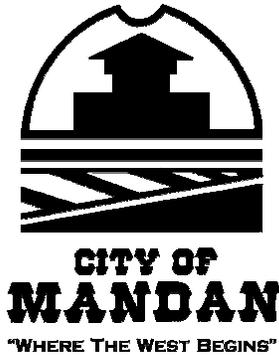
Commissioner Tibke stated this is a public hearing and invited anyone to come forward to speak.

Spence Koenig came forward to speak and stated that the plan is to construct a 12,000 square foot building to house a retail and repair site for agricultural irrigation equipment. He stated that he has lived in Mandan for several years and the business is currently located in a rental building in Bismarck. He wishes to extend the business in Mandan and there are plans to increase the number of employees. He estimates that the business should have up to ten employees by the end of 5 years.

Commissioner Tibke announced that this is a public hearing and invited citizens to come forward to comment. A second invitation was extended to anyone wishing to speak on this matter. Hearing none, Commissioner Tibke closed this portion of the public hearing.

City Attorney Brown commented that between the City Assessor's office and the Business Development Office there is a system in place after the first two years to inquire and verify if there have been any increases in employment to determine if they would or would not get the additional exemption.

Commissioner Frank motioned to approve the request for a 5-year Ad Valorem tax exemption for Spence Koenig for a newly construction commercial building due to meeting all criteria under the N.D.C.C. Section 40-57.1 contingent upon approval from the Mandan Growth Fund Committee. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Absent. The motion passed.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** January 6, 2015  
**PREPARATION DATE:** December 16, 2014  
**SUBMITTING DEPARTMENT:** Assessing Dept  
**DEPARTMENT DIRECTOR:** Shirley Shaw, City Assessor  
**PRESENTER:** Shirley Shaw, City Assessor  
**SUBJECT:** Missed 5-Year Tax Exemption for Wind River Properties (WW Ranch) for 2013

---

STATEMENT/PURPOSE: Missed due to assessor error the second year of the 5-year tax exemption for new construction of a commercial structure for the year 2013.

BACKGROUND/ALTERNATIVES: Mr. Wachter qualified for the 5-Year Property Tax Exemption for New or Expanding Business on June 1, 2010. He received the exemption in 2012; however, his tax statement did not reflect receiving it for the 2013 year.

This parcel is also known as Lot 3, Block 1, Sylvester's Industrial Park 2nd Addition at 1816 40<sup>th</sup> Ave. SE on Parcel #8253.

ATTACHMENTS: Minutes from June 1, 2010 and other supporting documentation

FISCAL IMPACT: Approximately \$20,226

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval of the requested 100% exemption for the newly built structure for the second year of the 5-Year Property Tax Exemption for New or Expanding Business.

SUGGESTED MOTION: I recommend a motion to approve the missed property tax exemption due to assessor error of the second year of the 5-Year Property Tax Exemption for New or Expanding Business for the 2013 year.

78253

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. 65-5083000
Name Wind River Properties Telephone No.
Address 1816 40th Ave SE

Legal description of the property involved in this application:
Lot 3 Block 1 Sylvester's Industrial Park 2nd

Total true and full value of the property described above for the year 2013 is:
Land \$ 116,600
Improvements \$ 1,457,700
Total \$ 1,574,300

Total true and full value of the property described above for the year 2013 should be:
Land \$ 116,600
Improvements \$ 145,800
Total \$ 262,400

The difference of \$ 1,311,900 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 netting 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) New Business 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? yes/no If yes, how long?
Asking price: \$ Terms of sale:
3. The property was independently appraised: yes/no Purpose of appraisal:
Market value estimate: \$
Appraisal was made by whom?
4. The applicant's estimate of market value of the property involved in this application is \$
5. The estimated agricultural productive value of this property is excessive because of the following condition(s):

Applicant asks that be abated for 2013 tax year as they had New Business Exemption that was not 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 (if other than applicant) Date Signature of Applicant Date

Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 2015

Subject: Missed 5-Year Tax Exemption for Wind River Properties (WW Ranch) for 2013

Page 3 of 6

12/15/14  
AS1057

Mandan Assessing Dept  
Property Data Sheet

Page 1

WIND RIVER PROPERTIES  
P O BOX 838  
BISMARCK ND 58502-0838

City Parcel No. 08253  
County No. 65-005083000  
Assessment Year 2013

Property Address: 1816 40 AVE SE

Property Type: COMMERCIAL  
HEATED SHOPS

Legal Description

Lot 0003 Block 001 Addition 0106 SYLVESTERS IND PARK 2ND

Total Property - Land

Area Factor 40 RESIDENTIAL & COMMERCIA  
Zoning MD  
Lot Width 275 Ft  
Lot Depth 275 Ft  
Lot Sq Ft 76021 SqFt  
Irregular Shape No  
Alley No  
Cul-De-Sac No  
Corner No  
Utilities Yes  
Underground Util Yes  
Street Hard Surface  
Sidewalk Yes  
Location Inland  
Flood Plain Degree  
Acres 1.75  
Lot Sale Price 0  
Lot Sale Date

Interior Walls Combination  
Interior Finish Combination  
Fireplace No  
Floors  
Apartment None

Garage  
None 0 Stall with 0 SqFt  
Quality None

Additional Data

Electronics No  
Home Theater No  
Smart Home No  
Swimming Pool No  
Sump Pump No

Additional Area

Other Area

Building Data

Year Built 0  
Effective Year 2008  
Basement Walls Poured Concrete  
Condition  
Quality None  
Construction Type Steel Frame  
Stories One Story  
Roof Cover Metal  
Roof Type Flat  
Heating Fuel Gas  
Heating Type Co Ray Vac  
Air Conditioning None  
Flr Tot Rms Bed Bath 0 12.00 35360 SqFt  
Tot Finished Area 35360 SqFt  
Exterior Walls Metal Siding  
Basement None  
Dining Room Area  
Kitchen Cabinets  
Built-Ins No

Listing Date 06/27/2003  
Listing Price 120000  
Review Date 12/27/2011 JULIEF  
Final App. Date 02/28/2011 JONB

2013 Mrkt Value 1574300 Land 116600  
Bldg 1457700  
Adjusted Market 262400

2012 Mrkt Value 1669600 Land 113200  
Bldg 1556400

Selling Price Includes Special Assessments  
Current Sale Price 429100  
Current Sale Date 09/17/2007

Previous Sale Price 34700  
Previous Sale Date 12/19/2000  
Data Sheet Printed By: Shirley Shaw

**2014 Morton County Real Estate Tax Statement**

Statement No: 20744

Parcel Number: 65-5083000  
 Jurisdiction: CITY OF MANDAN  
 WIND RIVER PROPERTIES, LLC  
 Physical Location: 1816 40TH AVE SE

Legal Description  
 LOT- 3 BLK-001  
 SYLVESTER'S INDUSTRIAL PARK 2ND  
 (8253)

ACRES: 1.75

**2014 TAX BREAKDOWN**

Net consolidated tax	4,102.63
Plus: Special assessments	4,653.95
Total tax due	8,756.58
Less: 5% discount if paid by Feb. 17th	205.13
<b>Amount due by Feb. 17th</b>	<b>8,551.45</b>

Or pay in two installments (with no discount):  
 Payment 1: Pay by Mar. 2nd 6,705.27  
 Payment 2: Pay by Oct. 15th 2,051.31

Special Assessment Balance  
 Please call 701-667-3271

**Please Indicate Address Change, If Any**

Providing a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or process the payment as a check transaction. Inquiries please call 701-667-3310. Information from your check is used to make an electronic fund transfer. Funds can be withdrawn from your account as soon as the same day you make your payment and you will not receive your check back from your financial institution.

Legislative tax relief (3-year comparison):

	2012	2013	2014
State school levy reduction	6,261.00	9,839.38	1,855.63
12% state-paid tax credit	.00	3,128.07	559.45
Total legislative tax relief	<u>6,261.00</u>	<u>12,967.45</u>	<u>2,415.08</u>

Tax distribution (3-year comparison):

	2012	2013	2014
True and full value	268,800	1,574,300	296,900
Taxable value	13,440	78,715	14,845
Less: Homestead credit			
Veterans' credit			
Net taxable value	<u>13,440</u>	<u>78,715</u>	<u>14,845</u>
Total mill levy	<u>394.460</u>	<u>331.160</u>	<u>314.050</u>

Taxes By District (in dollars):

	2012	2013	2014
State	13.44	78.72	14.85
County	1,303.95	7,155.98	1,267.17
City/Twp	1,257.31	6,437.31	1,113.82
School	2,099.87	8,751.53	1,603.41
CO WIDE	64.78	403.81	69.92
CITY PARKS 65	508.03	2,949.45	533.53
WATER RES 2	54.16	290.46	59.38

Consolidated Tax	5,301.54	26,067.26	4,662.08
Less: 12% state-paid credit	.00	3,128.07	559.45
<b>Net consolidated tax</b>	<u>5,301.54</u>	<u>22,939.19</u>	<u>4,102.63</u>
<b>Net effective tax rate</b>	<u>1.97%</u>	<u>1.46%</u>	<u>1.38%</u>

Penalty on 1st Installment & Specials	
March 3	3%
May 1	6%
July 1	9%
October 15	12%
Penalty on 2nd Installment	
October 16	6%

**FOR ASSISTANCE, CONTACT:**

Office: Morton County Treasurer  
 Phone: 701-667-3310  
 Website: www.co.morton.nd.us

Credit cards and Visa debit cards will be accepted at the office or www.co.morton.nd.us. To pay by phone: 1-888-272-9829 (Code 4402) Service Fees will apply to all credit/debit card payments

Detach here and mail with your payment

**2014 Morton County Real Estate Tax Statement**

Your canceled check is your receipt for your payment  
 No receipt will be issued.

Parcel Number: 65-5083000 MP # 58990  
 Statement Number: 20744 Taxpayer # 58990

Total tax due	8,756.58
Less: 5% discount	205.13
<b>Amount due by Feb. 17th</b>	<b>8,551.45</b>

Or pay in two installments (with no discount):  
 Payment 1: Pay by Mar. 2nd 6,705.27  
 Payment 2: Pay by Oct. 15th 2,051.31

**MAKE CHECK PAYABLE TO:**

MORTON COUNTY TREASURER  
 210 2ND AVE NW  
 MANDAN ND 58554

WIND RIVER PROPERTIES, LLC  
 PO BOX 838  
 BISMARCK ND 58502

like to see a plan developed that would offer a 100% exemption the 1<sup>st</sup> year; a 75% exemption the 2<sup>nd</sup> year; a 50% exemption the 3<sup>rd</sup> year; a 25% exemption the 4<sup>th</sup> year and then on the 5<sup>th</sup> year, the business goes on the tax roll. Commissioner Serhienko said that he is not opposed to granting a tax exemption to Mandan Steel Fabrication, however, he is unsure if it warrants a full 5-year tax exemption.

Acting President Gangl asked for further comments from the Board or the public and hearing none, this part of the public hearing was closed. Commissioner Jackson moved to approve the request for a 5-Year Ad Valorem Tax Exemption for Mandan Steel Fabricators as allowed under NDCC 40-57.1. Commissioner Serhienko seconded the motion. The motion received two votes in favor and one in opposition. The motion passed 2-1.

2. *Consider 5-Year Ad Valorem Tax Exemption for WW Ranch.* City Assessor Barta reviewed with the Board a request from the WW Ranch for a 5-year Ad Valorem Tax Exemption. City Assessor Barta presented a request for a 5-year Ad Valorem Tax Exemption for WW Ranch, which is at 40<sup>th</sup> Avenue Southeast. He stated that Mr. Wachter is requesting to build a 60 x 200 multi-unit commercial building. The Growth Fund Committee has approved of the request and there have been no oppositions received.

Acting President Gangl asked for comments from the board or the public.

Susan Beehler, a Mandan resident, came forward to speak. She stated that this is nothing against the Wachter family or the Steel company. Her point is to make sure the public is aware of the tax exemptions and that the city commission looks long and hard at what they are granting. On the application for this project she pointed out that questions No. 24 and 25 were not completed in entirety. The NDCC states that when granting a tax exemption it says that the taxes are suppose to be, if they owe any taxes, and I believe on this application it says "no". Wachter Ranch does own some property with a tenant on it and that tenant does owe property taxes currently. She requested the City Commission review this matter before granting the application request. Mr. Wachter was present and stated he is not aware of any taxes being owed on any property. Commissioner Serhienko requested City Attorney Brown review the NDCC to validate what Beehler reported.

Commissioner Jackson asked Mr. Wachter what previous tax exemptions he has received. Wachter replied that 2-3 years ago he constructed two 16-unit rental shops and those properties are still exempt from the tax rolls. Commissioner Jackson inquired of Mr. Wachter what the current units are that he is requesting to build. Wachter replied that they are units used for different businesses, such as service-master, shop supplies being stored, a motorcycle repair facility, etc. He said he will be building 8 units; none of them are rented out yet. The units range in size from 600 sq. ft. to 1,500 sq. ft. The tax exemption is passed on to the renters in order to keep the rent lower in order to attract renters from Bismarck.

City Attorney Brown reported that NDCC 40-57.1-04.4 provides that a project operator is not eligible for the income tax exemption unless all state and local tax property income sales or use taxes have been paid. He stated that this is not a request for income tax exemption. You will note that one of the other applications that the Board is considering tonight is for an income tax exemption on a Renaissance Zone Project. In your packet there is a letter from the State Tax Commissioner indicating that that entity has no unpaid state sales or use income taxes. So, on the property tax exemption it doesn't apply. The form prepared by the state is used for all kinds of income tax exemption applications.

Debbie Holter, a Mandan resident who introduced herself as an attorney in town who owns a small business downtown, came forward to speak. She stated her concern is that part of the tax exemption is that it does not compete with presently existing businesses that do not get that exemption. She stated she is not clear that Mr. Wachter understands that his business competes with other businesses that are downtown. Mr. Barta replied that the application Mr. Wachter is requesting is for a small business for service-type businesses. He said other businesses have the right to protest; however, no one has filed a protest in this matter.

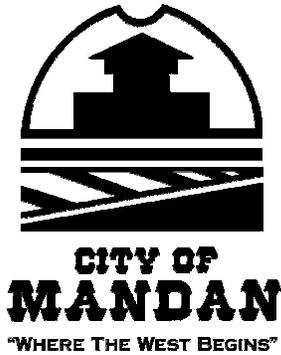
Commissioner Jackson commented that this is not a primary sector project but rather is a project similar to an apartment complex type of project wherein the units will be rented. He questioned if now would be an appropriate time to alter the tax exemption time frame from the full 100% to something that would be a tier step-down such as Commissioner Serhienko has referenced today and at previous meetings. He again reiterated that the MGF Committee has been charged with reviewing and making decisions about the granting of these applications when they are submitted and hence, submit their recommendations to this Board for final approval. He requested Business Development Director Huber to comment on this matter.

Huber commented that the property tax exemption should be regarded as an economic and business development recruitment tool. She stated that other cities within the state offer these types of tax exemptions and some of those have come up with a tiered-system wherein certain conditions have to be met. Others have left the decisions up to their city council with each project standing on its own merits.

Commissioner Jackson inquired of Mr. Wachter if this matter were to be delayed until the next commission meeting for further discussion, if that would set his project back. Wachter replied that he has a contract with Northwest Contracting and they are waiting for this Board's decision and the outcome. They are scheduled to start in a week or so.

Commissioner Jackson moved to approve the request for a 5-Year Ad Valorem Tax Exemption for WW Ranch for a newly constructed commercial building as allowed for under NDCC 40-57.1. Commissioner Serhienko seconded the motion. The motion received two votes in favor and one in opposition. The motion passed 2-1.

3. *Public Hearing to Consider for approval the resolution to vacate the utility easement located on the western 3 feet of the 9 foot utility easement located along the*



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** January 6, 2015  
**PREPARATION DATE:** December 31, 2014  
**SUBMITTING DEPARTMENT:** Assessing  
**DEPARTMENT DIRECTOR:** Shirley Shaw/Assessor  
**PRESENTER:** Shirley Shaw/Assessor  
**SUBJECT:** Complete Reassessment - Reduction in market value for Lloyd Motl

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STATEMENT/PURPOSE: To consider a reduction in the structure value for the 2013 year for Mr. Motl's property, due to a complete reassessment that was done to reflect accurate information.

BACKGROUND/ALTERNATIVES: This parcel is also known as Parcel #4556, Lot 2, Block 93, N.P. 1st Addition.

Reason for abatement: To lower the structure value for the 2014 year from \$99,000 to \$73,900. After the final walk through of Mr. Motl's property to determine accuracy of our data and conducting a market analysis, I have arrived at a true and full value of \$86,300 for the 2014 year rather than ~~\$86,300~~, \$111,400 a difference in true and full value of \$25,100.

ATTACHMENTS: Application for 2014, market analysis and data sheet.

FISCAL IMPACT: Approximately \$355.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend a motion to approve to lower the true and full value for the 2014 year to \$86,300 for Motl's property.

SUGGESTED MOTION: A motion to approve a reduction for Motl's property in the 2014 year with a true and full value to \$86,300.

**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. 65-3497000  
 Name Lloyd Motl Telephone No. \_\_\_\_\_  
 Address 809 4th Ave NW Mandan, ND 58554

Legal description of the property involved in this application:

Lot 2 Block 93  
N.P. 1st Addition

Total true and full value of the property described above for the year 2014 is:

Land \$ 12,400  
 Improvements \$ 99,000  
 Total \$ 111,400  
(1)

Total true and full value of the property described above for the year 2014 should be:

Land \$ 12,400  
 Improvements \$ 73,900  
 Total \$ 86,300  
(2)

The difference of \$ 25,100 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) \_\_\_\_\_

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 he be Abated due to complete Re-assessment of property & changes be made to Reflect correct Value.

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

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

Signature of Preparer (if other than applicant) \_\_\_\_\_ Date \_\_\_\_\_ Signature of Applicant [Signature] Date 12-31-14



Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 2015

Subject: Complete Reassessment - Reduction in market value for Lloyd Motl

Page 4 of 6

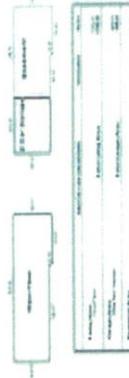
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Year	Value Type	Location	Class	Land Value	Dwelling Value	Improvement Value	M & E Value	Total Value
1981	Import	Urban	Res	\$10,100	\$29,200	\$0	\$0	\$39,300
1982	Import	Urban	Res	\$10,200	\$29,500	\$0	\$0	\$39,700
1983	Import	Urban	Res	\$10,200	\$30,700	\$0	\$0	\$40,900
1984	Import	Urban	Res	\$9,800	\$32,200	\$0	\$0	\$42,000
1985	Import	Urban	Res	\$9,500	\$35,800	\$0	\$0	\$45,300
1986	Import	Urban	Res	\$9,500	\$36,600	\$0	\$0	\$46,100
1987	Import	Urban	Res	\$9,500	\$39,100	\$0	\$0	\$48,600
1988	Import	Urban	Res	\$9,500	\$44,600	\$0	\$0	\$54,100
1989	Import	Urban	Res	\$9,500	\$49,100	\$0	\$0	\$58,600
2000	Import	Urban	Res	\$9,500	\$48,100	\$0	\$0	\$57,600
2001	Import	Urban	Res	\$9,400	\$47,400	\$0	\$0	\$56,800
2002	Import	Urban	Res	\$9,200	\$50,400	\$0	\$0	\$59,600
2003	Import	Urban	Res	\$9,800	\$53,700	\$0	\$0	\$63,500
2004	Import	Urban	Res	\$10,000	\$54,800	\$0	\$0	\$64,800
2005	Import	Urban	Res	\$10,000	\$54,000	\$0	\$0	\$64,000
2006	Import	Urban	Res	\$10,000	\$54,800	\$0	\$0	\$64,800
2007	Import	Urban	Res	\$9,900	\$61,400	\$0	\$0	\$71,300
2008	Import	Urban	Res	\$10,400	\$64,300	\$0	\$0	\$74,700
2009	Import	Urban	Res	\$10,700	\$69,000	\$0	\$0	\$79,700
2010	Import	Urban	Res	\$10,700	\$71,100	\$0	\$0	\$81,800
2011	Import	Urban	Res	\$11,100	\$70,000	\$0	\$0	\$81,100
2012	Import	Urban	Res	\$11,300	\$91,500	\$0	\$0	\$102,800
2013	Import	Urban	Res	\$11,300	\$96,100	\$0	\$0	\$107,400



Photo 1 of 2 12/04/2013

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Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 2015

Subject: Complete Reassessment - Reduction in market value for Lloyd Motl

Page 5 of 6

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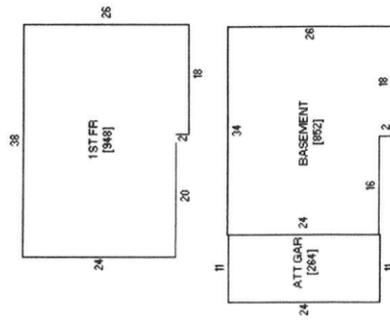
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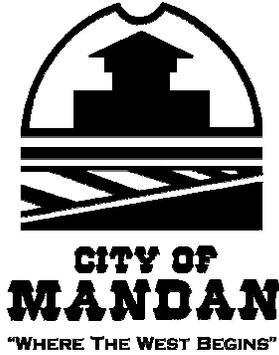
Notes:

Note Title: Original AS400 Notes

2014 - AREA FACTOR 56 CHANGED TO 55 ON 11/15/2005 RE-ASSESS COMPLETE 10-12-10

Wed, 12/31/2014, 10:40 AM Page 4





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** January 6, 2015  
**PREPARATION DATE:** December 31, 2014  
**SUBMITTING DEPARTMENT:** Assessing  
**DEPARTMENT DIRECTOR:** Shirley Shaw/Assessor  
**PRESENTER:** Shirley Shaw/Assessor  
**SUBJECT:** Complete Reassessment - Reduction in market value for Lloyd Motl

---

STATEMENT/PURPOSE: To consider a reduction in the structure value for the 2013 year for Mr. Motl's property, due to a complete reassessment that was done to reflect accurate information.

BACKGROUND/ALTERNATIVES: This parcel is also known as Parcel #4556, Lot 2, Block 93, N.P. 1st Addition.

Reason for abatement: To lower the structure value for the 2014 year from \$99,000 to \$73,900. After the final walk through of Mr. Motl's property to determine accuracy of our data and conducting a market analysis, I have arrived at a true and full value of \$86,300 for the 2014 year rather than \$86,300, a difference in true and full value of \$25,100.

ATTACHMENTS: Application for 2014, market analysis and data sheet.

FISCAL IMPACT: Approximately \$355.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend a motion to approve to lower the true and full value for the 2014 year to \$86,300 for Motl's property.

SUGGESTED MOTION: A motion to approve a reduction for Motl's property in the 2014 year with a true and full value to \$86,300.

**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  
 County of Morton  
 Name Lloyd Motl  
 Address 809 4th Ave NW Mandan, ND 58554

Assessment District City of Mandan  
 Property I.D. No. 65-3497000  
 Telephone No. \_\_\_\_\_

Legal description of the property involved in this application:

Lot 2 Block 93  
N.P. 1st Addition

Total true and full value of the property described above for the year 2014 is:

Land	\$ <u>12,400</u>
Improvements	\$ <u>99,000</u>
Total	\$ <u>111,400</u>

Total true and full value of the property described above for the year 2014 should be:

Land	\$ <u>12,400</u>
Improvements	\$ <u>73,900</u>
Total	\$ <u>86,300</u>

The difference of \$ 25,100 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) \_\_\_\_\_

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 he be Abated due to complete Re-assessment of property & changes be made to Reflect correct Value.

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

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

Signature of Preparer (if other than applicant) \_\_\_\_\_ Date \_\_\_\_\_ Signature of Applicant [Signature] Date 12-31-14



Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 2015

Subject: Complete Reassessment - Reduction in market value for Lloyd Motl

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PDF+PIN\_001+65-3497000 Wed, 12/31/2014, 10:40 AM Page 3

Year	Comment	Value Type	Location	Class	Land Value	Dwelling Value	Improvement Value	M & E Value	Total Value
1981		Import	Urban	Res	\$10,100	\$29,200	\$0	\$0	\$39,300
1982		Import	Urban	Res	\$10,200	\$29,500	\$0	\$0	\$39,700
1983		Import	Urban	Res	\$10,200	\$30,700	\$0	\$0	\$40,900
1984		Import	Urban	Res	\$9,800	\$32,200	\$0	\$0	\$42,000
1985		Import	Urban	Res	\$9,500	\$35,800	\$0	\$0	\$45,300
1986		Import	Urban	Res	\$9,500	\$36,600	\$0	\$0	\$46,100
1987		Import	Urban	Res	\$9,500	\$39,100	\$0	\$0	\$48,600
1988		Import	Urban	Res	\$9,500	\$44,600	\$0	\$0	\$54,100
1989		Import	Urban	Res	\$9,500	\$49,100	\$0	\$0	\$58,600
2000		Import	Urban	Res	\$9,500	\$48,100	\$0	\$0	\$57,600
2001		Import	Urban	Res	\$9,400	\$47,400	\$0	\$0	\$56,800
2002		Import	Urban	Res	\$9,200	\$50,400	\$0	\$0	\$59,600
2003		Import	Urban	Res	\$9,800	\$53,700	\$0	\$0	\$63,500
2004		Import	Urban	Res	\$10,000	\$54,800	\$0	\$0	\$64,800
2005		Import	Urban	Res	\$10,000	\$54,000	\$0	\$0	\$64,000
2006		Import	Urban	Res	\$10,000	\$54,800	\$0	\$0	\$64,800
2007		Import	Urban	Res	\$9,900	\$61,400	\$0	\$0	\$71,300
2008		Import	Urban	Res	\$10,400	\$64,300	\$0	\$0	\$74,700
2009		Import	Urban	Res	\$10,700	\$69,000	\$0	\$0	\$79,700
2010		Import	Urban	Res	\$10,700	\$71,100	\$0	\$0	\$81,800
2011		Import	Urban	Res	\$11,100	\$70,000	\$0	\$0	\$81,100
2012		Import	Urban	Res	\$11,300	\$91,500	\$0	\$0	\$102,800
2013		Import	Urban	Res	\$11,300	\$96,100	\$0	\$0	\$107,400

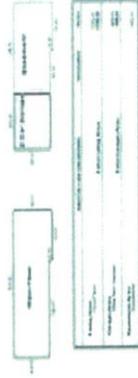


Photo 2 of 2 12/04/2013

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Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 2015

Subject: Complete Reassessment - Reduction in market value for Lloyd Motl

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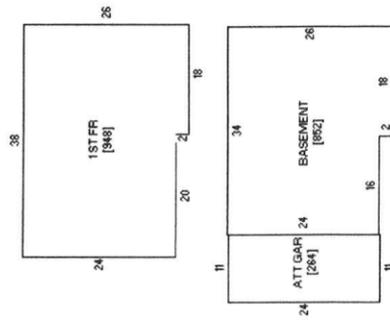
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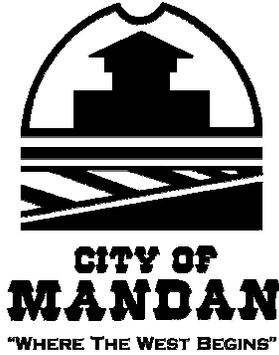
Notes:

Note Title: Original AS400 Notes

2014 - AREA FACTOR 56 CHANGED TO 55 ON 11/15/2005 RE-ASSESS COMPLETE 10-12-10

Wed, 12/31/2014, 10:40 AM Page 4





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** January 6, 2015  
**PREPARATION DATE:** December 24, 2014  
**SUBMITTING DEPARTMENT:** Assessing Dept  
**DEPARTMENT DIRECTOR:** Shirley Shaw, City Assessor  
**PRESENTER:** Shirley Shaw, City Assessor  
**SUBJECT:** Correction – Assessing Error for Property Tax Exemption for Improvements to Commercial Building for Kevin Ressler

---

**STATEMENT/PURPOSE:** To correct a 5-year tax exemption for Improvements to a Commercial Building pursuant to North Dakota Century Code 57-02.2. The state guideline states if the renovation, remodeling, alteration or addition qualifies, the last assessment on the building prior to the start of making the improvement remains for the prescribed period unless equalization or reevaluation of building values is necessary. The abatement procedure is available to the property owner with regard to the value of the building prior to the renovation, remodeling, alteration or addition.

The property tax exemption that was given in 2013 and 2014 was only a partial exemption (18%) and Mr. Ressler should have received 100% exemption on the remodeling structure value for those two years, which will continue until 2017.

**BACKGROUND/ALTERNATIVES:**

The building has 8,240 square feet known as Farmers Union, The Cakery, and Pack and Ship. The renovation was for the entire building.

The assessed value in 2012 on the property was \$430,500, which is the last assessment on the building prior to the start of making the improvements. This exemption is effective beginning with the first assessment date following the date of commencement, which would be February 1, 2013. In 2013, we had a building value of \$452,100 and it should have remained the same value as it was prior to the improvement, which was \$430,500. Therefore, since there was only a partial exemption (18%) given in 2013 and the value was incorrect, we have made the correction for 2013 to show a true and full value of \$432,100 rather than \$508,000, a difference of \$75,900.

Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 2015

Subject: Correction – Assessing Error for Property Tax Exemption for Improvements to Commercial Building for Kevin Ressler

Page 2 of 8

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For the 2014 year, again, there was only a partial exemption (18%) given and the value was incorrect. We have made the correction for 2014 to show a true and full value of \$451,100 rather than \$578,900, a difference of \$127,800.

The original partial exemption that was given was done incorrectly as it was given as if all these three businesses were in separate buildings. The exemption should have been 100% on the remodeling structure value starting in 2013.

This property is also known as Parcel #1483 at 3801 Memorial Hwy. SE on Lot 3, Block 1, Midway 10th addition.

ATTACHMENTS: Application for property tax exemption for improvements to commercial building, sketch, building permits, ND state guidelines, data sheet showing exemption percentage given and abatement application.

FISCAL IMPACT: Approximately \$1,257 for 2013 year and approximately \$2,007 for the 2014 year.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approve the correction of the 5-year property tax exemption for Mr. Kevin Ressler for 2013 and 2014 due to meeting all criteria under State Statute 57-02.2.

SUGGESTED MOTION: A motion to approve the correction of the 5-year remodeling tax exemption by Mr. Kevin Ressler for 2013 and 2014 with the project location of 3801 Memorial Hwy. SE, due to meeting all criteria under the State Statute 57-02.2.

Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 2015

Subject: Correction – Assessing Error for Property Tax Exemption for Improvements to Commercial Building for Kevin Ressler

Page 3 of 8

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

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

State of North Dakota, County of Morton, Assessment District City of Mandan, Property L.D. No. 05-3155965, Name Kevin Ressler, Address 3801 Memorial Hwy SE, Mandan, Telephone No., Legal description of the property involved in this application: Lot 3, Block 1, Midway 10th

Table with 2 columns: 'Total true and full value of the property described above for the year 2013 is:' and 'Total true and full value of the property described above for the year 2013 should be:'. Rows include Land, Improvements, and Total values.

The difference of \$ 75,900 (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 Complaintant 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 making payment of taxes, taxes erroneously paid
9 Property qualifies for Homestead Credit according to N.D.C.C. § 57-02-08.4. Attach a copy of Homestead Credit Application.
10 Other (explain): 2-yr tax exemption for commercial bldg @ 100% of structure value for 2013-2017

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?, 2 Has the property been offered for sale on the open market?, 3 The property was independently appraised, 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 due to receiving his full remodeling exemption that was granted for 2013-2017. He only received a partial 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. § 11-1-11-02, 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 Proprietor (if other than applicant), Date, Signature of Applicant, Date 12-29-14

Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 2015

Subject: Correction – Assessing Error for Property Tax Exemption for Improvements to Commercial Building for Kevin Ressler

Page 4 of 8

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

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

State of North Dakota Assessment District City of Mandan
County of Morton Property I.D. No. 265-3155905
Name Kevin Ressler Telephone No.
Address 3801 Memorial Hwy SE, Mandan, ND
Legal description of the property involved in this application: Lot 3, Block 1, Midway 10th

Table with 2 columns: Total true and full value of the property described above for the year 2014, is: and Total true and full value of the property described above for the year 2014 should be:
Rows: Land, Improvements, Total

- The difference of \$ 127,800 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 making 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): 5 yr. Tax exemption for commercial bldg @ 100% of structure value for 2013-2017

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. Has property been 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 conditions:

Applicant asks that Corrections be made due to receiving his full remodeling exemption that was granted for 2013-2017. He only received a partial 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 Applicant: [Signature] Date: 12-29-14

Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 2015

Subject: Correction – Assessing Error for Property Tax Exemption for Improvements to Commercial Building for Kevin Ressler

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12/24/14 Assessing Department 2014 AS1015  
SHIRLEYS Legal Description Master File Inquiry SCRNO8

AS3065	ASSESSING DEPARTMENT					AS3065FM
Commercial Exemptions						CSFL
From Year	Thru Year	% of Exempt	Comm Meet Date	Code	NDCC Statute	
2013	2017	18	0/00/00	030	40-57.1-03	
Exemption of new business project						
0000	0000	.00	0/00/00	135	57-02.2-03	
Remodeling, renovation, alteration of existing buildings						
						Bottom
						F12-Previous

% Comm: .00

Tax Amount: \$8,083.62

F2-Selection  
F3-Exit

F6-Print Data Sheet  
F8-Sales Dates

F14-Exemptions

F7-Document Mgmt System  
F12-Previous

**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)

OK

2013-2017

**Property Identification**

1. Legal description of the property for which exemption is claimed Lot 3 BK-001  
Midway 10th

2. Address of Property 3801 Memorial Hwy SE MANASSAS, ND

3. Parcel Number 65-3155965

4. Name of Property Owner Kevin Ressler Phone No. \_\_\_\_\_

5. Mailing Address of Property Owner \_\_\_\_\_

**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). Converted to existing office spaces  
a part of dollar store into 3420 sq. ft of office space for  
North Dakota Fairness Union

7. Building permit No. 702-17 8. Year built (residential property) \_\_\_\_\_

9. Date of commencement of making the improvements 10-15-12

10. Estimated market value of property before the improvements \$ 430,500

11. Cost of making the improvement (all labor, material and overhead) \$ 70,000

12. Estimated market value of property after the improvements \$ 455,000

**Applicant's Certification And Signature**

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant Kevin Ressler Date 12-30-12

**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): \_\_\_\_\_

Assessor/Director of Tax Equalization Sherley Shaw Date 8-19-13

**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 2013, 2014, 2015, 2016, 2017.

Chairperson \_\_\_\_\_ Date 8-19-13



*Cory Fong*  
Tax Commissioner

July 2007

### **Requirements**

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

### **Improvements that Qualify**

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

24874

G-8

**Improvements that Do Not Qualify**

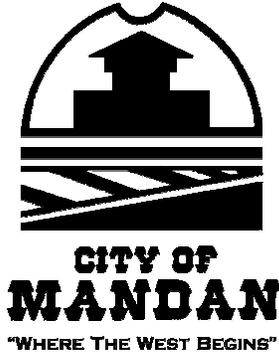
8. Improvements begun before the governing body passed the resolution do not qualify for exemption.
9. The complete replacement of one building with another building does not qualify for exemption.
10. A separate structure that is not attached to the existing building does not qualify for exemption.

**Procedures**

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

**Appeal, Correction and Abatement**

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



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** January 6, 2015  
**PREPARATION DATE:** December 31, 2014  
**SUBMITTING DEPARTMENT:** Assessing  
**DEPARTMENT DIRECTOR:** Shirley Shaw/Assessor  
**PRESENTER:** Shirley Shaw/Assessor  
**SUBJECT:** Complete Reassessment - Reduction in market value for Lorraine Carlson

---

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

**BACKGROUND/ALTERNATIVES:** This parcel is also known as Parcel #5747, Lot 29, Block 1, Sharon Heights 1st Addition.

Reason for abatement: To lower the structure value for the 2014 year from \$132,100 to \$103,600. After the final walk through of Ms. Carlson's property to determine accuracy of our data and conducting a market analysis, I have arrived at a true and full value of \$118,300 for the 2014 year rather than \$146,800, a difference in true and full value of \$13,800.

**ATTACHMENTS:** Application for 2014, market analysis and data sheet.

**FISCAL IMPACT:** Approximately \$195.

**STAFF IMPACT:** N/A

**LEGAL REVIEW:** N/A

**RECOMMENDATION:** I recommend a motion to approve to lower the true and full value for the 2014 year to \$118,300 for Carlson's property.

**SUGGESTED MOTION:** A motion to approve a reduction for Carlson's property in the 2014 year with a true and full value to \$118,300.

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. 65-458300
Name Lorraine Carlson Telephone No.
Address 1205 Monte Dr. NW Mandan

Legal description of the property involved in this application:

Lot 29 Block 1
Sharon Heights 1st

Total true and full value of the property described above for the year 2014 is:
Land \$ 14,700
Improvements \$ 122,100
Total \$ 136,800

Total true and full value of the property described above for the year 2014 should be:
Land \$ 14,700
Improvements \$ 103,600
Total \$ 118,300

The difference of \$ 13,800 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 Compliant 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)(a)(ii))
8 Error in noting payment of taxes, taxes erroneously paid
9 Property qualifies for Homestead Credit according to N.D.C.C. § 57-02-08.1. Attach a copy of Homestead Credit Application.
10 Other (explain):

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

Applicant asks that she be abated, had property review and sales market review; Re-assessment completed 2014 New Values.

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

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

Signature of Preparer (if other than applicant) Date Signature of Applicant Date
Lorraine J Carlson 12/31/14

**PDF 3 WORKING**

**Parcel Summary** City of Mandan

PIN 65-4883000 Deeded Acres 0.170  
 Deed CARLSON LORRAINE I Lot 0029  
 Contract Block 001  
 Address 1205 MONTE DR NW, MANDAN Section Urban / Residential  
 Map Area Zone 3 - Res Range  
 Route Number 000-000-000 Loc. / Class  
 Legal Plat Map

Land Basis	Front	Rear	Side 1	Side 2	R. Lot	SF	Acres
Lump Sum						7,200.00	0.165
Grand Total						7,200.00	0.165



**Residential Dwelling**

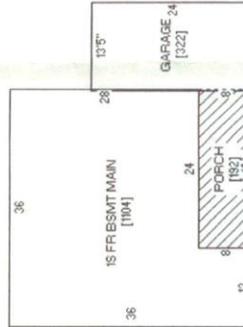
Occupancy Single-Family / Owner Occupied  
 Year Built 1964  
 TLA/CLA 1,104 / 1,104 Ttl Rms 5  
 Bsmt/Attic Full / None  
 Heat/AC FHA - Gas / No AC  
 Bsmt Finish 500 / 0 / 0  
 Ttl Bdrms 2  
 Ttl Fireplaces 2

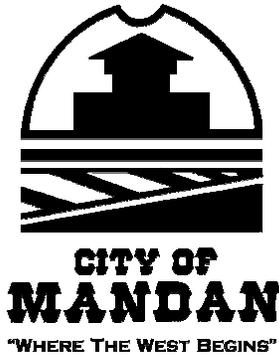
**Plumbing**

	Garage	Alt Frame	322 SF
Full Bath	1		
Sink		1	

**Board of Review**

Appraised	Board of Review	State Equalized	with Exemption
Lnd	\$14,700		
LdC			
Dwl	\$103,600		
Impr			
Total	\$118,300		





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** January 6, 2014  
**PREPARATION DATE:** January 2, 2014  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Justin Froseth, Planning and Engineering Director  
**SUBJECT:** Consider approval of change order for Street Improvement District No. 176, Project 2012-20 (Lakewood 6th & 7th Additions).

---

**STATEMENT/PURPOSE:** Consider approval of change order for Street Improvement District No. 176, Project 2012-20 (Lakewood 6th & 7th Additions)

**BACKGROUND/ALTERNATIVES:** Change Order No. 8 will effectively increase the contract amount to reflect relatively small overruns in quantities for a few bid items. The extra gravel was used to repair some subgrade under the pavement in areas where it was deemed to be subpar. The overruns in pavement quantities reflect pavement that was laid just a bit thicker than planned thickness, but within the 1/4" tolerance allowed. Engineering met with KLJ regarding these overrun quantities and agree with their recommendation to approve.

**ATTACHMENTS:**

1. Change order No. 8
2. District map

**FISCAL IMPACT:** This Project is being paid for by special assessments from the benefiting properties within the District. This change order represents about 2.7% of the total original contract amount. This change order along with previous ones within the assessment district still keep the project cost within the estimated amount when factoring in contingency.

**STAFF IMPACT:** Minimal

**LEGAL REVIEW:** These documents have been forwarded to the City Attorney for his review.

Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 201

Subject: Consider approval of change order for Street Improvement District 176, Project 2012-20 (Lakewood 6th & 7th Additions).

Page 2 of 5

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RECOMMENDATION: Our office recommends approving the change order.

SUGGESTED MOTION: I move to approve the change order No. 8 for Street Improvement District 176 Project 2012-20 in the amount of \$33,166.05.

Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 201

Subject: Consider approval of change order for Street Improvement District 176, Project 2012-20 (Lakewood 6th & 7th Additions).

Page 3 of 5

CHANGE ORDER NO. 8 - BALANCING DRAFT

Date of Issuance: 12/22/2014

Effective Date: 6/30/2014

<b>PROJECT TITLE</b> <i>McKenzie Drive SE, 34th Ave SE &amp; Genoa Court SE- Street &amp; Storm Sewer Improvements District No. 176 Project 2012-20</i>
<b>OWNER</b> <i>City of Mandan</i>
<b>CONTRACTOR</b> <i>Northern Improvement, Co</i>
<b>ORIGINAL CONTRACT DATE</b> <i>6/4/2013</i>

THE CONTRACT DOCUMENTS ARE MODIFIED AS FOLLOWS UPON EXECUTION OF THIS CHANGE ORDER

1. ADDITIONS OR DELETIONS TO THE CONTRACT AND ASSOCIATED COSTS						
Spec. No.	Item	Description of Addition or Deletion	Unit	Quantity	Unit Price	Affect On Contract Price
	8	Stabilized Gravel Base - Class 5	TON	525	\$25.40	\$13,335.00
	9	AC Stabilized Base (Class A)	TON	-24	\$65.60	(\$1,574.40)
	10	AC Stabilized Base (Class B)	TON	126	\$61.20	\$7,711.20
	11	AC Surfacing Course (Class A)	TON	85	\$65.60	\$5,576.00
	12	AC Surfacing Course (Class B)	TON	19	\$61.20	\$1,162.80
	13	Asphalt Cement	TON	12.74	\$610.00	\$7,771.40
	14	Bituminous Tack Coat	GAL	-95	\$2.10	(\$199.50)
	23	Rip Rap (Type L)	TON	-10	\$61.60	(\$616.00)
<b>TOTAL COST FOR THESE CONTRACT ADDITIONS</b>						<b>\$33,166.50</b>

<b>2. JUSTIFICATION FOR ADDITIONS OR DELETIONS TO CONTRACT</b> <i>Balancing Change Order to reflect the difference in quantities installed in the field relative to the estimated plan quantities</i>
--

<b>3. CHANGE TO CONTRACT AMOUNT</b>	ORIGINAL CONTRACT AMOUNT:	\$1,240,657.70
	NET INCREASE/DECREASE FROM PREVIOUS CHANGE ORDER(S):	\$334,134.50
	CONTRACT AMOUNT PRIOR TO THIS CHANGE ORDER:	\$1,574,792.20
	INCREASE FROM THIS CHANGE ORDER:	\$33,166.50
	<b>NEW CONTRACT AMOUNT INCLUDING THIS CHANGE ORDER:</b>	<b>\$1,607,958.70</b>

<b>4. CHANGE TO CONTRACT TIMES</b>	
<b>Original Contract Times:</b> <input type="checkbox"/> Working Days <input checked="" type="checkbox"/> Calendar Days	
Substantial Completion (Days or Date):	9/15/2012
Ready For Final Payment (Days or Date):	9/30/2013
<b>Contract Times from previously Approved Change Orders</b>	
Substantial Completion (Days or Date):	8/15/2014
Ready For Final Payment (Days or Date):	9/1/2014
<b>Contract Times will be Increased/Decreased because of this Change Order</b>	
<b>Contract Times including this Change Order</b>	
Substantial Completion (Days or Date):	8/15/2014
Ready For Final Payment (Days or Date):	9/1/2014

Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 201

Subject: Consider approval of change order for Street Improvement District 176, Project 2012-20 (Lakewood 6th & 7th Additions).

Page 4 of 5

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<p><b>5. REQUIRED SIGNATURES - Not valid until signed by Owner. Signature of Contractor indicates agreement herewith, including any</b></p> <p><b>ACCEPTED:</b></p> <p>By: _____ OWNER (Authorized Signature)</p> <p>Name: _____ Title: _____ Date: _____</p> <p><b>ACCEPTED:</b></p> <p>By: _____ CONTRACTOR (Authorized Signature)</p> <p>Name: _____ Title: _____ Date: _____</p> <p><b>RECOMMENDED:</b></p> <p>By: _____ ENGINEER (Authorized Signature)</p> <p>Name: <b>Andrew Werder</b> Title: <b>Project Manager</b> Date: _____</p>
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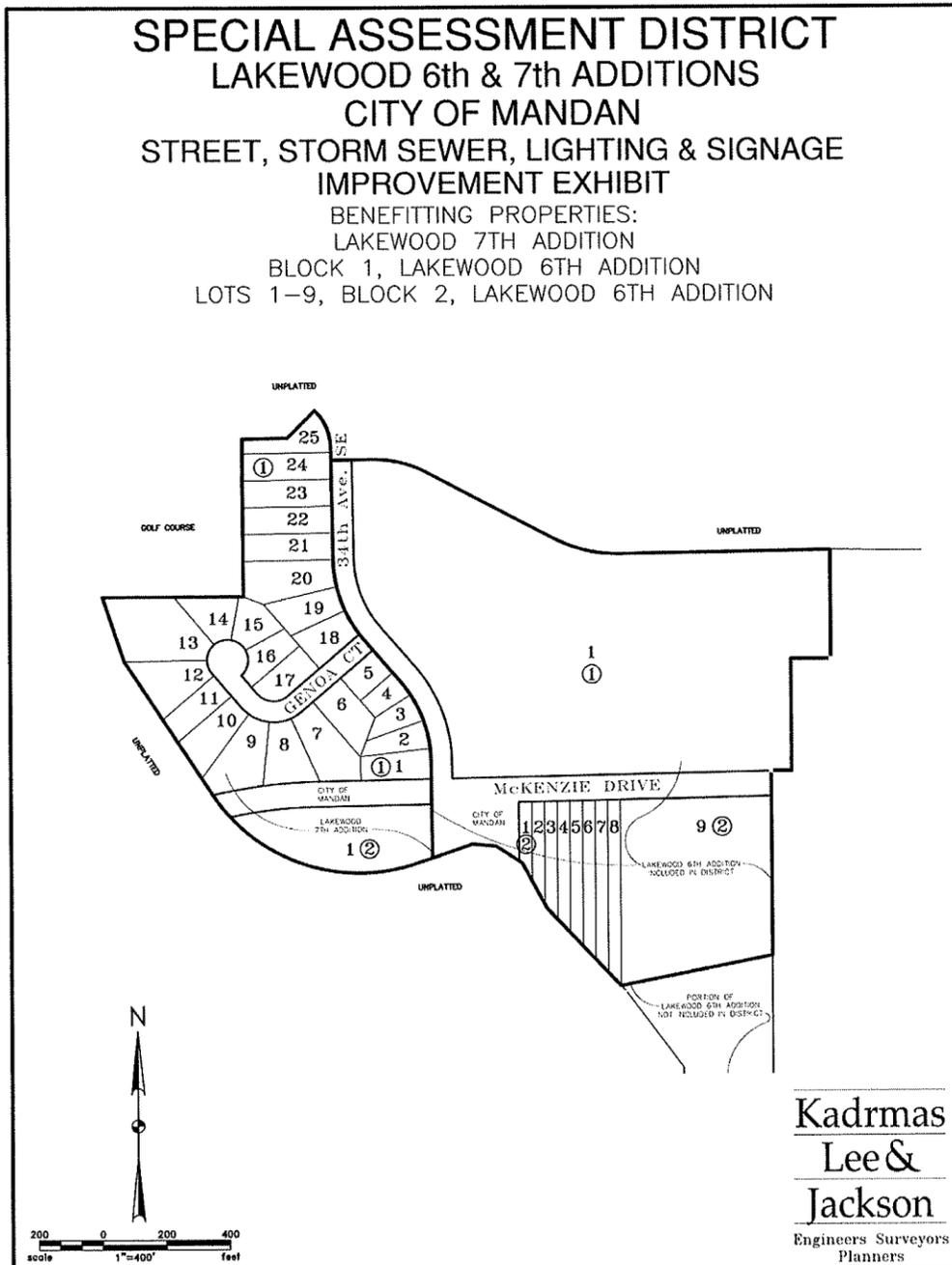
Board of City Commissioners

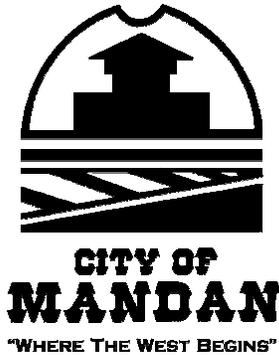
Agenda Documentation

Meeting Date: January 6, 201

Subject: Consider approval of change order for Street Improvement District 176, Project 2012-20 (Lakewood 6th & 7th Additions).

Page 5 of 5





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** January 6, 2014  
**PREPARATION DATE:** January 2, 2014  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Justin Froseth, Planning and Engineering Director  
**SUBJECT:** Consider approval of change order for Street Improvement District No. 176, Project 2012-20 (Lakewood 6th & 7th Additions).

---

**STATEMENT/PURPOSE:** Consider approval of change order for Street Improvement District No. 176, Project 2012-20 (Lakewood 6th & 7th Additions)

**BACKGROUND/ALTERNATIVES:** Change Order No. 9 will effectively increase the contract amount to reflect overruns in quantities for a few bid items. This overrun change order is to address items that were added to the contract as part of change order No. 5 and will not be assessed to this district. The work done associated with this change order was not done within this district, but rather was done to make necessary repairs to the roads near the new Red Trail elementary school.

**ATTACHMENTS:**  
1. Change order No. 9

**FISCAL IMPACT:** The amount within this change order is not to be assessed to this project, but rather paid for by highway distribution tax funding. There is money in the highway distribution tax account to cover this change order.

**STAFF IMPACT:** Minimal

**LEGAL REVIEW:** These documents have been forwarded to the City Attorney for his review.

**RECOMMENDATION:** Our office recommends approving the change order.

Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 2015

Subject: Consider approval of change order for Street Improvement District 176, Project 2012-20 (Lakewood 6th & 7th Additions).

Page 2 of 4

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**SUGGESTED MOTION:** I move to approve the change order No. 9 for Street Improvement District 176 Project 2012-20 in the amount of \$32,655.87.

Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 2015

Subject: Consider approval of change order for Street Improvement District 176, Project 2012-20 (Lakewood 6th & 7th Additions).

Page 3 of 4

CHANGE ORDER NO. 9 - BALANCING EMERGENCY REPAIR DRAFT

Date of Issuance: 12/22/2014

Effective Date: 6/30/2014

<b>PROJECT TITLE</b> <i>McKenzie Drive SE, 34th Ave SE &amp; Genoa Court SE- Street &amp; Storm Sewer Improvements District No. 176 Project 2012-20</i>
<b>OWNER</b> <i>City of Mandan</i>
<b>CONTRACTOR</b> <i>Northern Improvement, Co</i>
<b>ORIGINAL CONTRACT DATE</b> <i>6/4/2013</i>

THE CONTRACT DOCUMENTS ARE MODIFIED AS FOLLOWS UPON EXECUTION OF THIS CHANGE ORDER

1. ADDITIONS OR DELETIONS TO THE CONTRACT AND ASSOCIATED COSTS						
Spec. No.	Item	Description of Addition or Deletion	Unit	Quantity	Unit Price	Affect On Contract Price
CO5-2		Unclassified Excavation 24"	CY	-27	\$16.70	(\$450.90)
CO5-4		Pit Run Gravel 18"	TON	614.83	\$21.70	\$13,341.81
CO5-5		Asphalt Pavement 4 1/2" w/ AC	TON	216.69	\$99.40	\$21,538.99
CO5-8		2" Asphalt Overlay	TON	-37.84	\$89.43	(\$3,384.03)
CO5-10		Flagging	HRS	46	\$35.00	\$1,610.00
<b>TOTAL COST FOR THESE CONTRACT ADDITIONS</b>						<b>\$32,655.87</b>

<b>2. JUSTIFICATION FOR ADDITIONS OR DELETIONS TO CONTRACT</b> <i>Balancing Change Order to reflect the difference in quantities installed in the field relative to the estimated plan quantities for the emergency repair work.</i>
---

<b>3. CHANGE TO CONTRACT AMOUNT</b>	ORIGINAL CONTRACT AMOUNT:	\$1,240,657.70
	NET INCREASE/DECREASE FROM PREVIOUS CHANGE ORDER(S):	\$367,301.00
	CONTRACT AMOUNT PRIOR TO THIS CHANGE ORDER:	\$1,607,958.70
	INCREASE FROM THIS CHANGE ORDER:	\$32,655.87
	<b>NEW CONTRACT AMOUNT INCLUDING THIS CHANGE ORDER:</b>	<b>\$1,640,614.57</b>

<b>4. CHANGE TO CONTRACT TIMES</b>	
<b>Original Contract Times:</b> <input type="checkbox"/> Working Days <input checked="" type="checkbox"/> Calendar Days	
Substantial Completion (Days or Date):	9/15/2012
Ready For Final Payment (Days or Date):	9/30/2013
<b>Contract Times from previously Approved Change Orders</b>	
Substantial Completion (Days or Date):	8/15/2014
Ready For Final Payment (Days or Date):	9/1/2014
<b>Contract Times will be Increased/Decreased because of this Change Order</b>	
<b>Contract Times including this Change Order</b>	
Substantial Completion (Days or Date):	8/15/2014
Ready For Final Payment (Days or Date):	9/1/2014

Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 2015

Subject: Consider approval of change order for Street Improvement District 176, Project 2012-20 (Lakewood 6th & 7th Additions).

Page 4 of 4

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**5. REQUIRED SIGNATURES - Not valid until signed by Owner. Signature of Contractor indicates agreement herewith, including any adjustments in the Contract Amount or Contract Times**

**ACCEPTED:**

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

OWNER (Authorized Signature)

Name: \_\_\_\_\_

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

Date: \_\_\_\_\_

**ACCEPTED:**

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

CONTRACTOR (Authorized Signature)

Name: \_\_\_\_\_

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

Date: \_\_\_\_\_

**RECOMMENDED:**

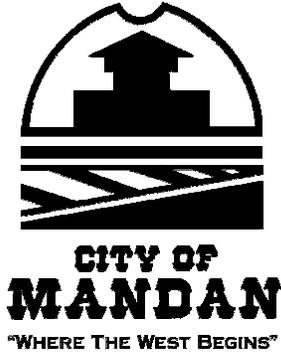
By: \_\_\_\_\_

ENGINEER (Authorized Signature)

Name: **Andrew Werder**

Title: **Project Manager**

Date: \_\_\_\_\_



New Business No. 1

## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** January 6, 2015  
**PREPARATION DATE:** December 18, 2014  
**SUBMITTING DEPARTMENT:** Police  
**DEPARTMENT DIRECTOR:** Chief Dennis A. Bullinger  
**PRESENTER:** Chief Dennis A. Bullinger  
**SUBJECT:** Introduction of Police Officer

---

STATEMENT/PURPOSE:

Introduction of Police Officer Tricia Schmeichel

BACKGROUND/ALTERNATIVES:

Tricia is a 2014 graduate of the ND Law Enforcement Training Academy in Bismarck. She has successfully completed her field training with the police department and presently is assigned to a uniform patrol position. Tricia earned her AS/AA Degree in Criminal Justice from Bismarck State College. Currently she is working on a BS Degree in Criminal Justice through Minot State University.

Prior to attending the training academy Tricia work security with the ND Highway Patrol providing security of buildings on the Capitol Grounds and the Law Enforcement Training Academy.

ATTACHMENTS:

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION:N/A

SUGGESTED MOTION:



# Board of City Commissioners

## Agenda Documentation

MEETING DATE: January 6, 2015  
 PREPARATION DATE: December 23, 2014  
 SUBMITTING DEPARTMENT: Engineering & Planning  
 DEPARTMENT DIRECTOR: Justin Froseth  
 PRESENTER: Robert Decker, P.E., Principal Planner  
 SUBJECT: Consider appointments to Planning and Zoning Commission

### **STATEMENT/PURPOSE.**

Two positions expired in 2014. New appointments are needed.

### **BACKGROUND/ALTERNATIVES.**

Notice was given requesting that persons submit letters of interest to serve on the Planning and Zoning Commission. A total of 5 responses were received. One response was from a resident in the extraterritorial area. The county appoints persons from the extraterritorial area.

Bill Robinson, current P&Z president expressed interest in being reappointed for another term. The other three applicants were Curtis Patzell, Robert Vayda and Chris Beach.

The applicants were invited to make statements of interest at the October meeting and again at the December meeting.

The Planning and Zoning Commission conducted a ballot at the December meeting. There were 7 members present and the votes were:

Bill Robinson	7
Chris Beach	3
Bob Vayda	2
Curtis Patzell	2

The Planning and Zoning Commission then took formal action to recommend that Bill Robinson and Chris Beach be appointed to the Planning and Zoning Commission for 5 year terms beginning January 1, 2015.

### **ATTACHMENTS:**

1. P&Z meeting agenda documentation

Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 2015

Subject: Recommendation for appointment of members of the Planning and Zoning Commission

Page 2 of 3

---

**FISCAL IMPACT:** minimal

**STAFF IMPACT:** minimal

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

**RECOMMENDATION:**

Appoint applicants to Planning and Zoning Commission as recommended by P&Z Commission.

**SUGGESTED ACTION:**

Move to appoint Bill Robinson and Chris Beach to 5 year terms on the Planning and Zoning Commission with a term of office beginning January 1, 2015.



## Planning and Zoning Commission Agenda Documentation

MEETING DATE: December 22, 2014  
PRESENTER: Robert Decker, Principal Planner  
SUBJECT: Recommend applicants for appointment to Planning and Zoning Commission

**STATEMENT/PURPOSE.** There are two positions that have terms expiring in 2014. The city commission has asked the Planning and Zoning Commission to recommend two people to be appointed to serve on the Planning and Zoning Commission for 5 year terms beginning January 1, 2015.

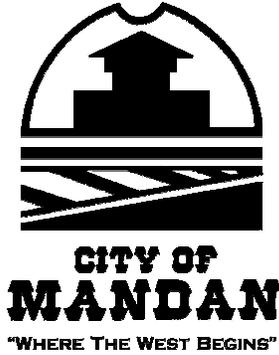
**BACKGROUND/ALTERNATIVES.**

Notice was given requesting that persons submit letters of interest to serve on the Planning and Zoning Commission. A total of 5 responses were received. One response was from a resident in the extraterritorial area. The county appoints persons from the extraterritorial area.

Bill Robinson, current P&Z president expressed interest in being reappointed for another term. The other three applicants are Curtis Patzell, Robert Vayda and Chris Beach.

- Bill has been a member of P&Z since 1995 and works at Northland Financial.
- Curtis recently retired from Wal-Mart where he was a store manager in Bismarck.
- Bob is retired. He worked for Basin Electric Power Coop. He currently serves on the Architectural Review Commission and the Renaissance Zone Committee.
- Chris Beach recently moved to Mandan and has experience with planning activities where he formerly lived in Minnesota.

All applicants are well qualified to serve. Bill has the experience of chairing the P&Z. Curtis has years of experience in the metropolitan area in a retail environment which is one of the types of activities we would like to encourage within the city. Bob is already serving on two committees for the city so he is familiar with city government. Chris has experience in another state with similar activities.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** January 6, 2015  
**PREPARATION DATE:** January 2, 2015  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Kevin Wilson, Human Resources  
**SUBJECT:** Proposed Change in Sick Leave and Long Term Disability

---

STATEMENT/PURPOSE: To consider amendments to the sick leave accrual and add long term disability to our benefit package.

BACKGROUND/ALTERNATIVES: In essence current Mandan Code of Ordinances provides for sick leave as follows:

- 8 hours accrual per month
- Unlimited carryover
- Employee reaches age 62-65 and terminates employment; payout of unused sick leave is 1/3 of the hours accumulated with a 480 hour maximum payout.
- Employee reached age 65 and terminates employment; payout of unused sick leave is hour for hour with a 480 hour maximum payout.

Opportunities exist to improve our sick leave policy for the following reasons:

- Most employees do not have sufficient accumulated hours to ensure income through periods of a disability. Average hours of accrued sick leave per employee is 652 or 8 pay periods (4 months)
- Employees that terminate employment prior to age 62 receive no benefit for hours accrued.
- Significant liability for unused sick leave absences.
- City is lacking Long Term Disability (LTD) coverage for employees

Proposal: Take into consideration our current employees and plans they may have made under the current policy, provide a LTD policy for all employees, provide a benefit for healthy lifestyles by paying out a portion of unused sick leave, and ensure that no one loses in any change in policy.

- Create Sick Bank A – Freeze (Grandfather in Accrual Balances as of December 31, 2014)

- Balance is available for future employee needs until exhausted
- Upon retirement, employee's ages 62 through 64 will be compensated for one-third of their accumulated sick leave up to 480 hours.
- An employee age 65 or older will be compensated for all accumulated sick leave not exceeding 480 hours.
- An employee age 65 or older will be compensated for all accumulated sick leave not exceeding 480 hours.
  
- Create Sick hour Bank B. Set Bank B accrual hour maximum at 960 for employees and 1320 for firefighters.
  - No carryover.
  - When Bank A balance is exhausted Bank B balances will be utilized.
  - Existing employee accrual rate of 3.69 and 5.07 for firefighters would apply to Bank B. (in essence the 8 hour / month benefit)
  - Employees hired after January 1, 2015 are not eligible for retirement benefit. (because after max of 960 is reached a payout of 40% of unused over 960 is available)
  
- Propose Long Term Disability Insurance Benefit
  - Benefits are designed to pay eligible employees for a maximum benefit period which can last to social security normal retirement age.
  - Based on proposed benefits, an eligible employees receives 66.67% of monthly income (Max \$6,000 monthly benefit) if they cannot work due to sickness or nonworking related disabling injury.
  - There is an elimination period (no benefit until 180, roughly 960 hours, days of disability have occurred)

We have requested input from management staff and employees as follows:

- Several discussion at management team meetings
- Provided presentation to employees via email requesting input
- Held two information sessions for employees to hear/see the presentation requesting input and answering questions

The proposal has received positive feedback.

ATTACHMENTS: See attached presentation

FISCAL IMPACT: Estimated LTD Cost \$1,564.85/month based on 124 employees, or \$12.62/month per employee.

STAFF IMPACT: minimal

LEGAL REVIEW: To City Attorney for Review

Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 2014

Subject: Proposed Change in Sick Leave and Long Term Disability

Page 3 of 3

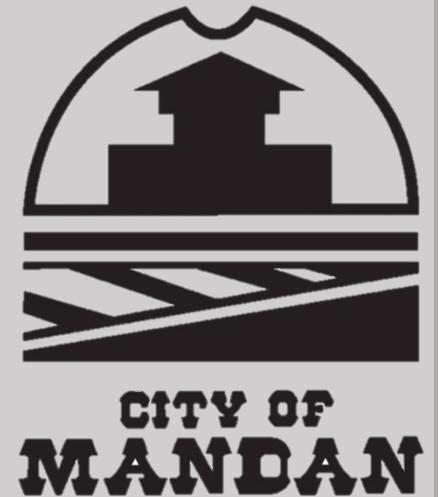
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RECOMMENDATION: I recommend approval of the suggested changes to the sick leave policy and to establish a long term disability policy as part of the City of Mandan's benefit package.

SUGGESTED MOTION: I move to approve the suggested changes to the sick leave policy and to establish a long term disability policy as part of the City of Mandan's benefit package, and to have City Attorney Brown draft the necessary ordinance amendments to implement such change.

# Sick Time & LTD Coverage

Proposal For Establishing:  
Long Term Disability Coverage  
Maximum Hour Accumulation Policy  
& Sick Hour Buyback Policy

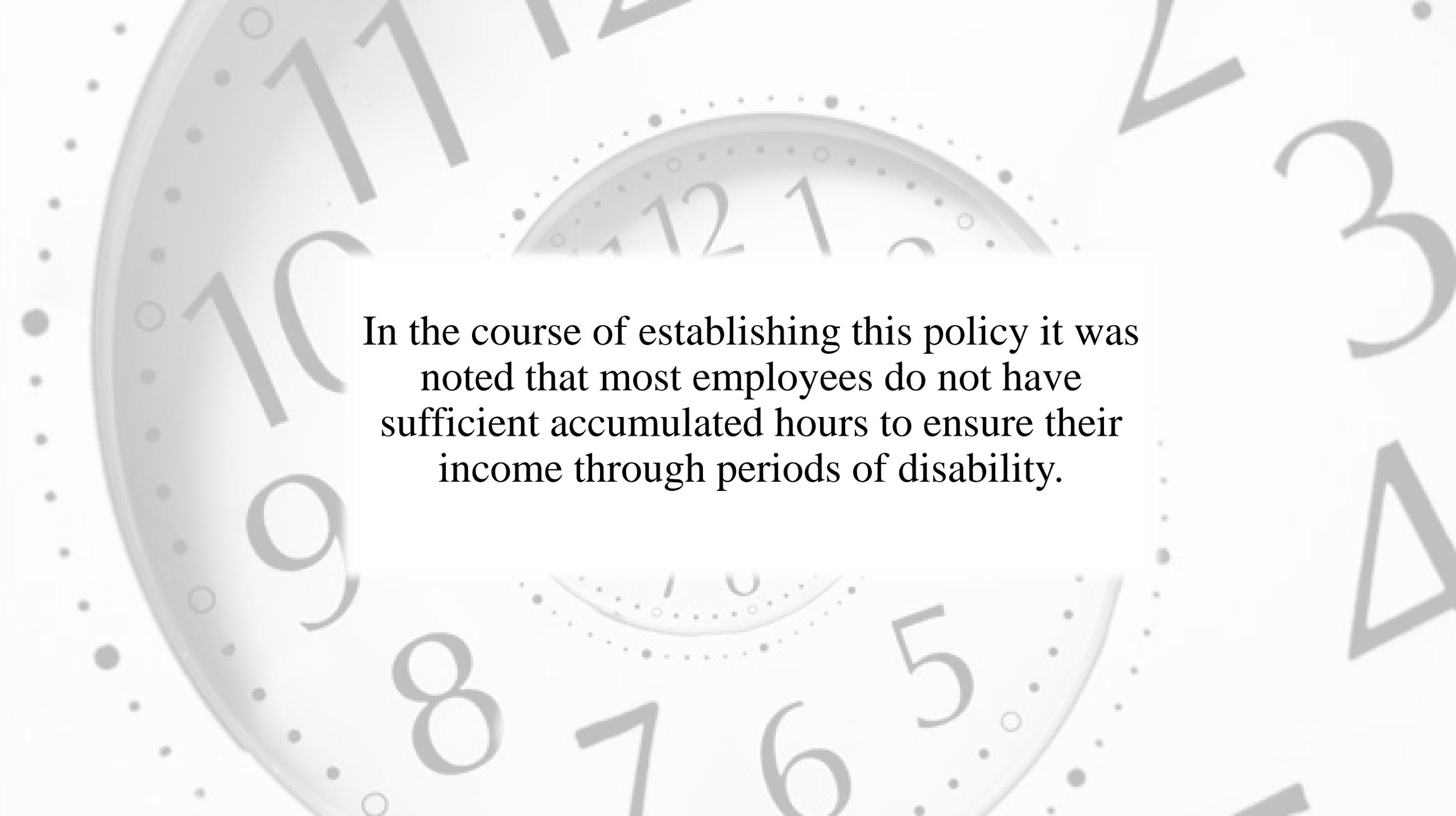


In the past few years a number of employees have had medical conditions requiring extensive use of their accumulated sick and vacation hours to get through a period when they could not work.



In 2014, the city established a policy whereby employees could donate hours to a stricken employee to help continue a paycheck when an employee hour balance was low, due to a medical condition.





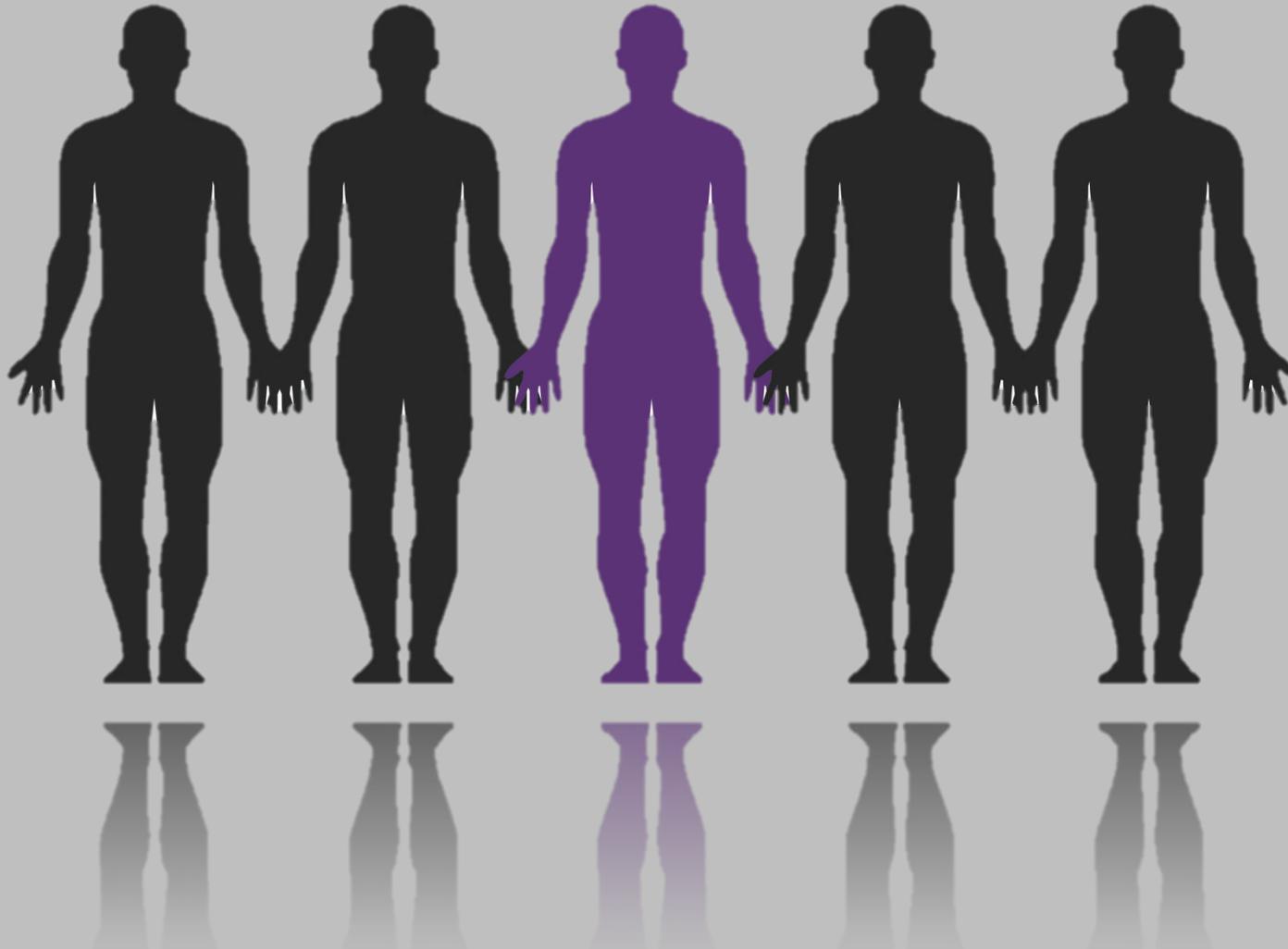
In the course of establishing this policy it was noted that most employees do not have sufficient accumulated hours to ensure their income through periods of disability.

# Proposal

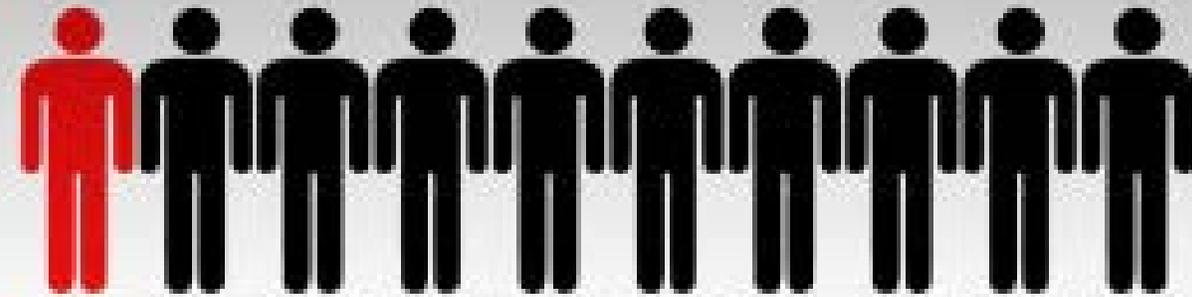
The city is proposing to secure Long Term Disability (LTD) coverage for its employees, and establish a sick hour buyback and maximum hour accumulation policy.

# Social Security and Disability

According to the Social Security Administration, fifty-six million Americans, or 1-in-5, live with disabilities.



# Social Security and Disability



**ONE<sup>OUT</sup> OF TEN**

Thirty-eight million disabled Americans,  
or 1-in-10, live with severe disabilities.

Disability is something many Americans, especially younger people, read or hear about happening to others.



# Social Security and Disability

Statistics show, before reaching retirement age, more than 1-in-4 of disability insured 20-year-olds become disabled. As a result, they may need to rely on the Social Security disability benefits for income support.



At the beginning of 2014, Social Security paid an average monthly disability benefit of \$1,146. That is exactly the 2013 poverty level (\$11,490 annually) for an individual. For many beneficiaries, their monthly disability payment represents most of their income.

### Graphic 1: 2013 Federal Poverty Levels

	Individual	Family of Two	Family of Four
<b>100%</b>	\$11,490	\$15,510	\$23,550
<b>138%</b>	\$15,856	\$21,404	\$32,499
<b>200%</b>	\$22,980	\$31,020	\$47,100
<b>300%</b>	\$34,470	\$46,530	\$70,650
<b>400%</b>	\$45,960	\$62,040	\$94,200

Source: U.S. Department of Health and Human Services.

# WHAT'S MY PDQ?

(Personal Disability Quotient)

*Calculate yours at: [www.whatsmypdq.org](http://www.whatsmypdq.org)*



An average American female, age 35, 5'4", 125 pounds, non-smoker, who works mostly an office job, with some outdoor physical responsibilities, and who leads a healthy lifestyle has the following risks:

A **24%** chance of becoming disabled for **3 months** or longer during her working career; with a **38%** chance that the disability would last **5 years** or longer, and with her average disability lasting **82 months**.

If this same person used tobacco and weighed 160 pounds, the risk would increase to a **41%** chance of becoming disabled for **3 months** or longer.



## WHAT'S MY PDQ? (Personal Disability Quotient)

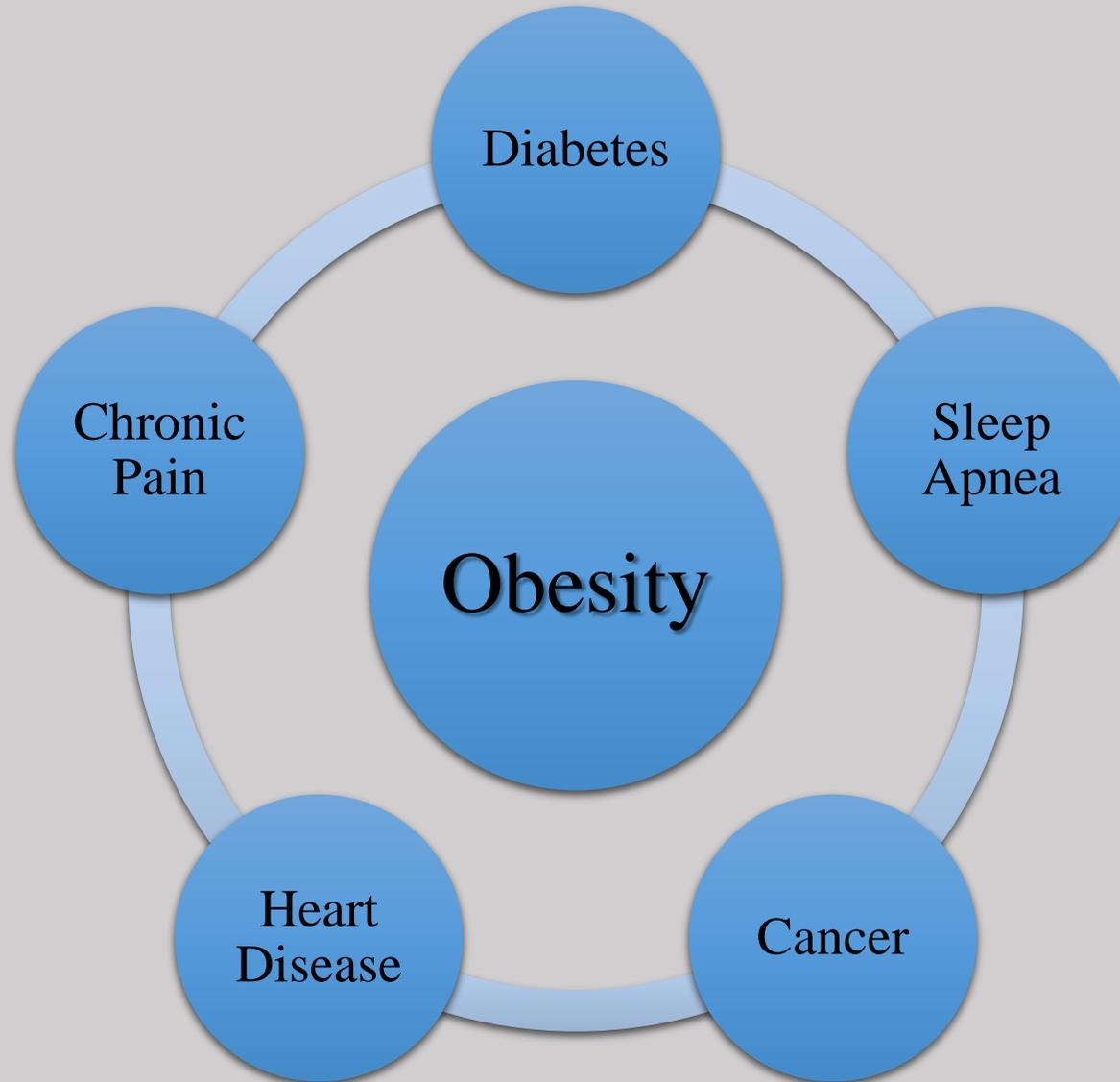
*Calculate yours at: [www.whatsmypdq.org](http://www.whatsmypdq.org)*

An average American male, age 35, 5'10", 170 pounds, non-smoker, who works an office job, with some outdoor physical responsibilities, and who leads a healthy lifestyle has the following risks:

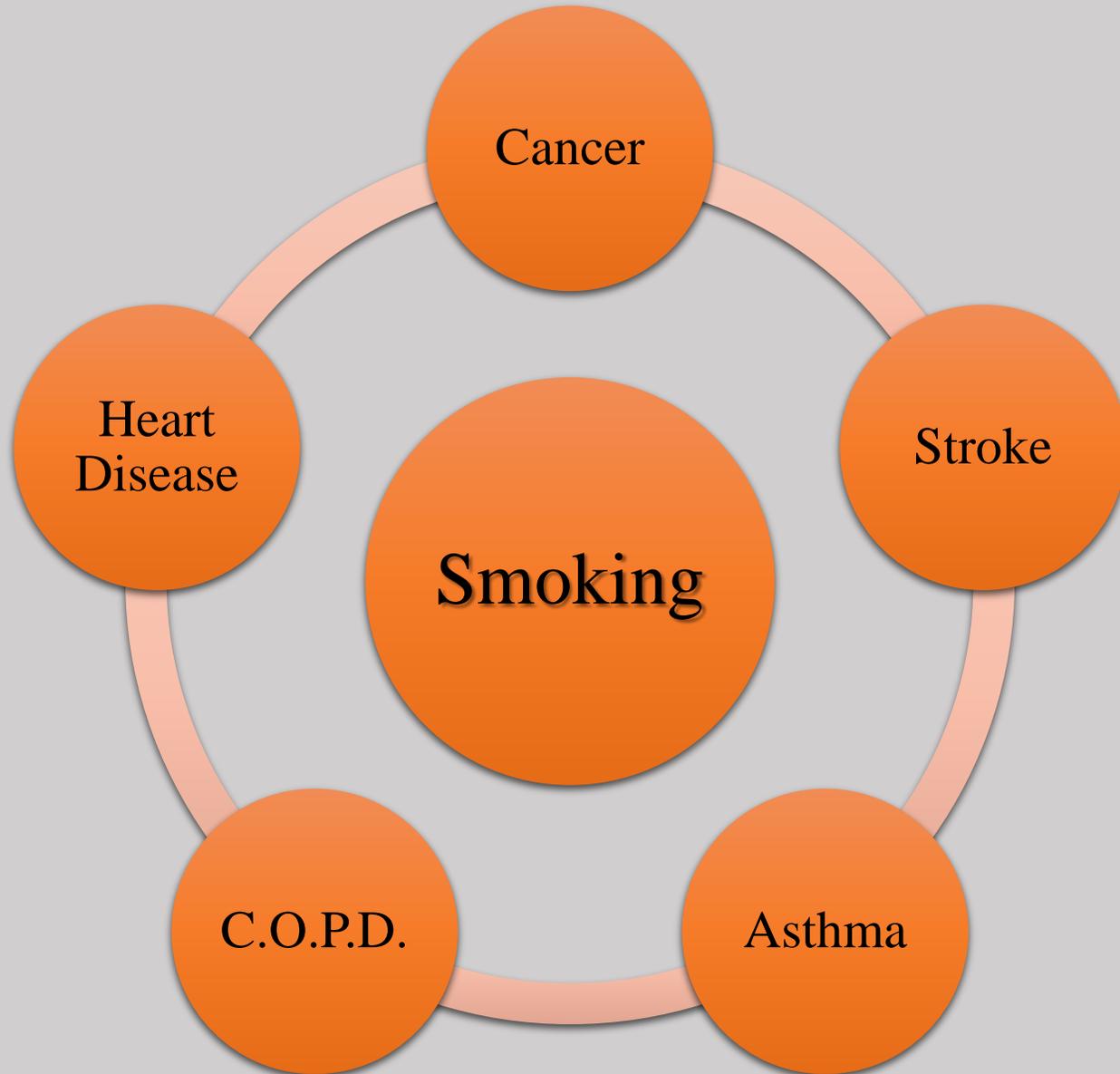
A **21%** chance of becoming disabled for **3 months** or longer during his working career; With a **38%** chance that the disability would last **5 years** or longer, with his average disability lasting **82 months**.

If this same person used tobacco and weighed 210 pounds, the risk would increase to a **45%** chance of becoming disabled for **3 months** or longer.

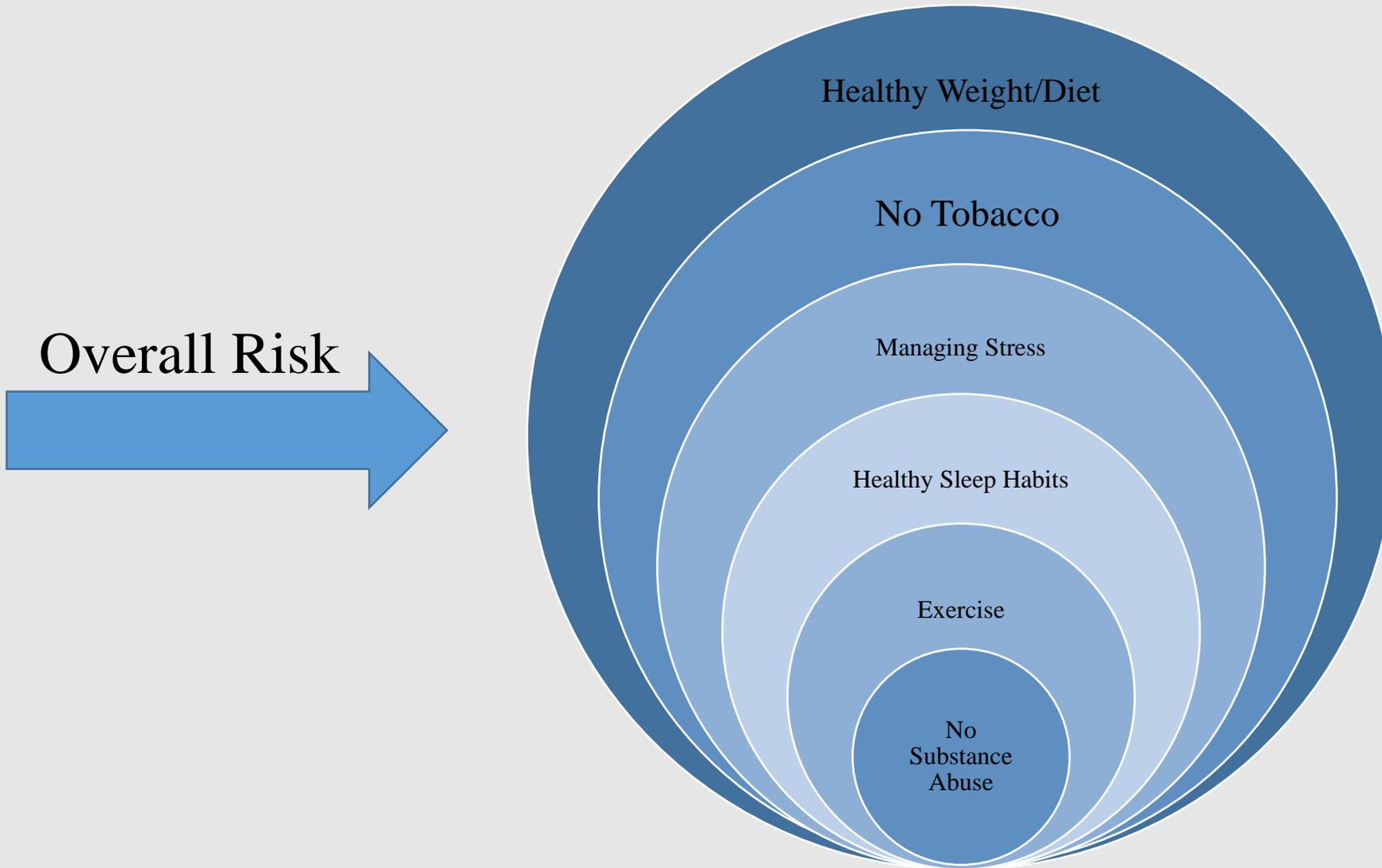
# Factors that increase the risk of disability



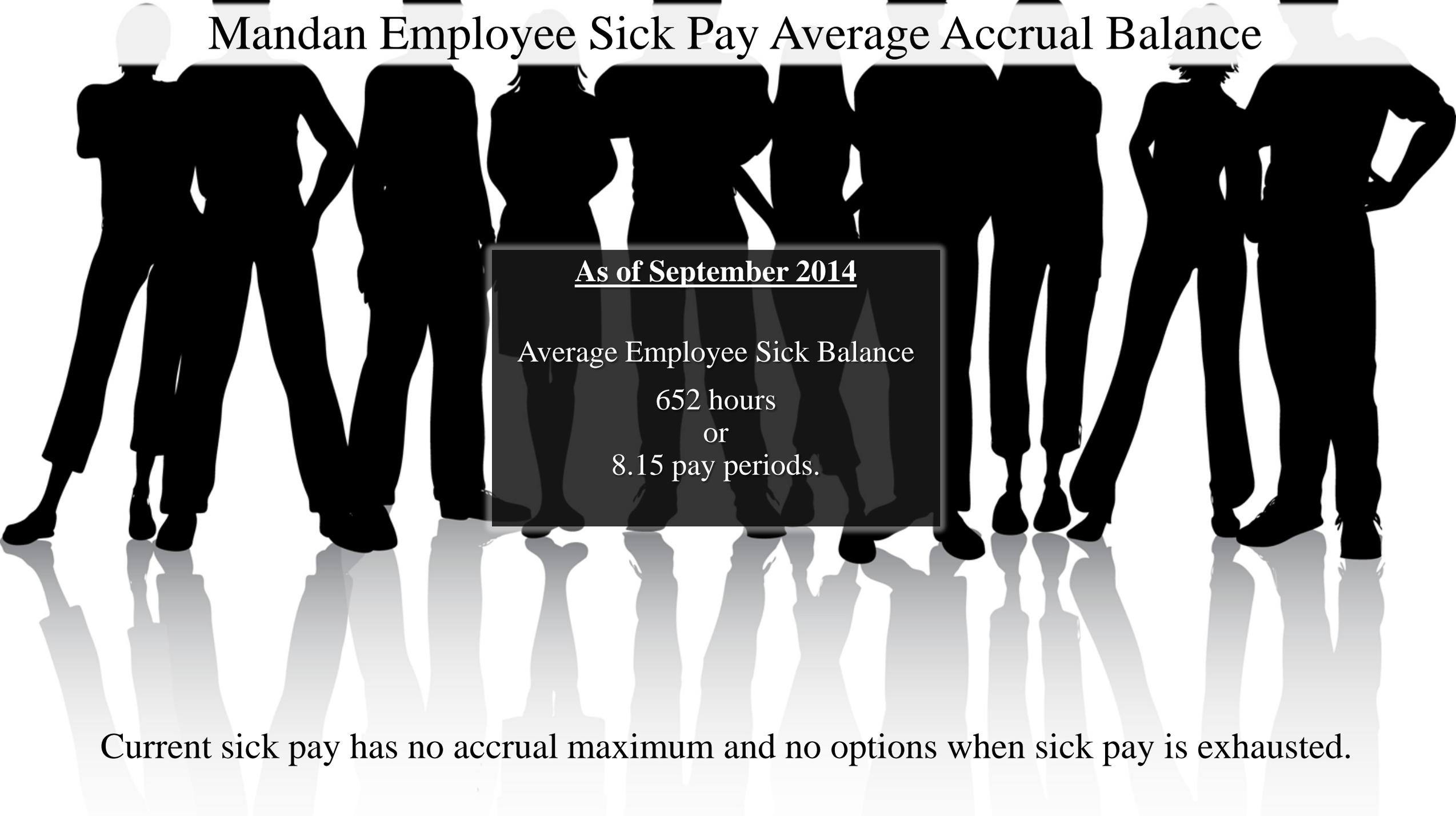
# Factors that increase the risk of disability



# Factors that decrease the overall risk of disability



# Mandan Employee Sick Pay Average Accrual Balance



As of September 2014

Average Employee Sick Balance

652 hours

or

8.15 pay periods.

Current sick pay has no accrual maximum and no options when sick pay is exhausted.

# Propose Sick Policy Bank (A) Freeze (Grandfather) Accrual Balance

Effective December 31,  
2014.

- Freeze employee earned and accrued sick hour's balances

- Balance is available for future employee needs until exhausted

- Upon retirement, employees ages 62 through 64 will be compensated for one-third of their accumulated sick leave up to 480 hours.

- An employee age 65 or older will be compensated for all accumulated sick leave not exceeding 480 hours.

- Bank A and Bank B balances will be combined to compute this benefit.

# Propose Sick Policy Bank (B)

## Employee 960 Hour & Firefighter 1320 Hour Maximums

Establish January 1, 2015

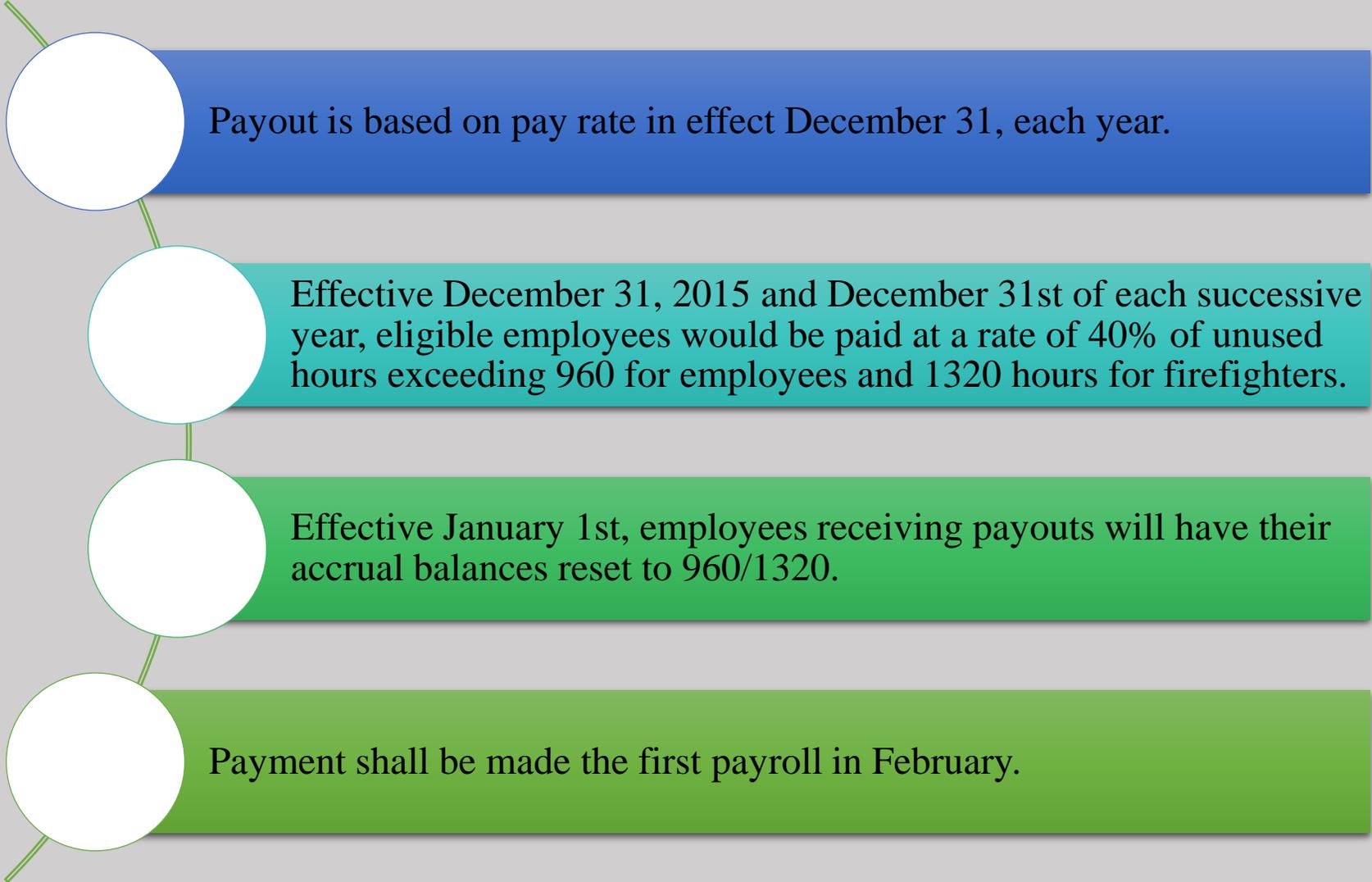
- Sick hour Bank B. Set Bank B accrual hour maximum at 960 for employees and 1320 for firefighters.

- No carryover.
- When Bank A balance is exhausted Bank B balances will be utilized.

- Existing employee accrual rate of 3.69 and 5.07 for firefighters would apply to Bank B.

- Employees hired after January 1, 2015 are not eligible for retirement benefit.

# Propose Eligible Employee 40% Sick Hour Payout



Payout is based on pay rate in effect December 31, each year.

Effective December 31, 2015 and December 31st of each successive year, eligible employees would be paid at a rate of 40% of unused hours exceeding 960 for employees and 1320 hours for firefighters.

Effective January 1st, employees receiving payouts will have their accrual balances reset to 960/1320.

Payment shall be made the first payroll in February.

# Propose Long Term Disability Insurance Benefit

Long Term Disability insurance (LTD) is insurance that protects an employee from loss of income in the event they're unable to work for a long period of time, due to illness, injury, or accident.

Bank B 960 hour maximum represents 12 pay periods, employee sick accrual (October 2014) average equals 8.15 pay periods and the CDA cites a 38% chance of a disability lasting 5 years or longer or 130 pay periods,

LTD insurance is part of a comprehensive benefit package but does not provide insurance for work-related accidents or injuries covered by workers' compensation insurance.

# Disability Benefit Summary Proposal

- 
- Benefits (LTD) are designed to pay eligible employees for a maximum benefit period which can last to social security normal retirement age (SSNRA).

- 
- Normal Retirement Age (NRA), also referred to as "Full Retirement Age," varies from age 65 to age 67 by year of birth.

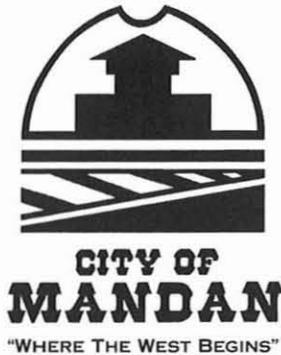
- 
- Based on proposed benefits an eligible employee receives 66.67% of monthly income (maximum \$6000 monthly benefit) if they cannot work due to sickness or nonworking related disabling injury.

- 
- Elimination Period 180 days or 13 pay periods.
  - This means no benefit until 180 days of disability have occurred.

# Disability Benefit Summary Proposal

- Monthly benefits are determined by the average 12 month preceding period.
- Benefit Integration Primary and Family.
- Most group plans assume disability benefits or payments from other sources (SSDI, Workers' Compensation, etc.) may be received by the claimant and construct policies so that the amount payable may be reduced by the amounts payable by other plans.
- This is an important claims management tool because return to work efforts stand to be compromised if the disabled worker earns more in disability than in active work.





ADDED New Business #4

## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** January 6, 2015  
**PREPARATION DATE:** January 6, 2015  
**SUBMITTING DEPARTMENT:** Engineering, Wastewater Treatment Plant  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Justin Froseth, Planning and Engineering Director  
**SUBJECT:** Addendum #2 for Wastewater Treatment Facility Interim Optimization Project

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#### STATEMENT/PURPOSE:

This item is to inform commission of the Addendum #2, which was issued this morning, for the Wastewater Treatment Facility Project. In addition to many clarification items, this addendum will change the bid opening from Thursday, January 8<sup>th</sup> to Tuesday, January 13<sup>th</sup>.

#### BACKGROUND/ALTERNATIVES:

An advertised walk through of the project was held on Monday, January 5<sup>th</sup>. Ideally a project walk through is held about a week before bid opening date, but in this case, the holiday season would have likely affected attendance, so it was decided to conduct after. As a result of the well attended walk through clarification type questions were raised of the project which have been addressed by AE2S in addendum #2. Though addendum #2 is not needed to address any significant scope changes, it does address a relatively substantial amount of clarifications. It was decided that in order for all potential bidders to be able to give addendum #2 items proper review, and ultimately realize the best bid price for the city, it would be prudent to postpone the bid opening until Tuesday, January 13<sup>th</sup>. It is anticipated that this change will still allow the bid results to come forward at the January 20<sup>th</sup> commission meeting, the original schedule.

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

Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 2015

Subject: Addendum #2 for Wastewater Treatment Facility Interim Optimization Project

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ATTACHMENTS:

- 1) Addendum #2

FISCAL IMPACT:

No direct fiscal impact resulting from Addendum #2.

STAFF IMPACT:

Minimal

LEGAL REVIEW:

Attorney Brown was consulted on this item and suggested it be brought before commission as an informational item.

RECOMMENDATION:

None. For Information.

SUGGESTED MOTION:

None. For Information

**ADDENDUM NO. 2**

**January 6, 2014**

**TO**

**PROJECT MANUAL**

**FOR**

**MANDAN WWTF INTERIM OPTIMIZATION**

**FOR**

**CITY OF MANDAN**

**MANDAN, NORTH DAKOTA**

**DECEMBER 2014**

This document was originally issued and sealed by Kenneth J. Weber, PE, Registration Number 6427 on January 6, 2015 and the original documents are stored at the office of Advanced Engineering & Environmental Services, Inc.

The following changes, additions, and deletions are hereby made a part of the Bidding Documents for the **MANDAN WWTF INTERIM OPTIMIZATION** project as fully and completely as if the same were set forth therein. Acknowledge receipt of this addendum in the space provided on the Bid Form and also on the outside of the Bid envelope. **FAILURE TO DO SO MAY RESULT IN REJECTION OF BID.**

This addendum consists of Seven (7) pages and one (1) attachments (3 pages).

**SPECIFICATIONS**

**SECTION 00 11 13 – ADVERTISEMENT FOR BIDS**

1. Page 00 11 13-1. **Remove** the bid date of "January 8, 2015" **and Replace** with "January 13, 2015". The bid time and location will remain the same.

**SECTION 00 41 00 – BID FORM – ADDENDUM NO. 1**

1. Page 00 41 00 – 3: **Clarification** Contract No. 1 – General Construction bid to include UV Disinfection Equipment user tax as part of base bid for "All Other General Construction Work".
2. Page 00 41 00 – 4: **Clarification** Contract No. 4 – Combined Construction bid to include UV Disinfection Equipment user tax as part of base bid for "All Other Work".

**SECTION 00 30 05 – SPECIAL PROVISIONS**

1. Page 00 30 05 – 5. **Add** Paragraph 1.19:  
"1.19. OWNER FURNISHED EQUIPMENT  
1. UV Disinfection Equipment per 46 66 05

The City of Mandan has pre-procured and will supply the UV disinfection equipment as outline in Section 46 66 05. The equipment supplier's price includes shipping, submittals, supplier sponsored trips, installation support, startup, and warranty site visits. The General Contractor is required to include sales tax for the equipment, labor, materials, equipment, and appurtenances as needed for installation. The City has purchased the equipment for **\$169,300.00**, as detailed in the supplier's bid in Attachment 1 of the referenced section. Contractor is required to include in his bid **all sales tax** for the full purchase amount."

SECTION 23 05 90 – BASIC RESULTS FOR HVAC TESTING, ADJUSTING, AND BALANCING – ADDENDUM NO. 2

1. **ADD** and SECTION 23 05 90 BASIC RESULTS FOR HVAC TESTING, ADJUSTING, AND BALANCING – ADDENDUM NO. 2 to the specifications.

SECTION 23 31 00 – HVAC DUCTS AND CASINGS

1. Paragraph 3.02.A - **Add** "Spunstrand" as an approved manufacturer.
2. Paragraph 3.03.A - **Add** "Norlock" as an approved manufacturer.

SECTION 23 33 00 – AIR DUCT ACCESSORIES

1. Paragraph 2.03.A - **Add** "Greenheck" as an approved manufacturer.

SECTION 23 63 13 – AIR COOLED CONDENSING UNITS

1. Paragraph 2.01.A - **Add** "Lennox" as an approved manufacturer.

SECTION 23 82 19 – FAN COIL UNITS

1. Paragraph 2.01.A - **Add** "Lennox" as an approved manufacturer.

SECTION 23 98 50 – HVAC SEQUENCES OF OPERATION

1. **Replace** Paragraph 3.02.B in entirety with the following:

"B. ODOR CONTROL BUILDING HEATING & VENTILATION SYSTEM:

Make-up air unit OC-MAU-1 and exhaust fan OC-EF-1:

The make-up air unit shall have a control panel with an ON-OFF-AUTO fan switch, burner, blower and dirty filter lights and a space temperature controller. A low limit stat located in the discharge of MAU-1 shall shut down system whenever discharge temperature drops below 35 degrees (adjustable). The control panel will be mounted where indicated in the adjacent Pump Room. Control sequence shall be as follows:

Fan switch in the "ON" position:

1. The make-up air unit shall operate and run continuously at 100% outside air unless shut-down by a safety feature. The outside air damper shall fully

open and the return air damper shall fully close.

Fan switch in the "AUTO" position:

2. When the space is "Occupied" as dictated by an interlock with the space lighting circuit, the make-up air unit shall operate at 100% outside air with the return damper fully closed. The unit will run continuously at 100% outside air until the space lighting circuit is turned off and the space is no longer "Occupied" at which point the outside air damper shall close to 25% outside air and the return air damper shall be at 75% return air.
3. When the Combustible Gas Detector senses a LEL of 10 percent or greater level of gases in the space an interlock shall operate at 100% outside air with the return damper fully closed. The unit will run continuously at 100% outside air until the space gas detector level falls below a safe level at which point the outside air damper shall close to 25% outside air and the return air damper shall be at 75% return air.

System in the WINTER mode:

4. The make-up air unit burner shall modulate as required to maintain the space temperature set-point, as set by the air temperature controller mounted on the control panel.

A manual reset, stainless steel freeze stat in the discharge of the make-up unit shall shut the unit off if supply air temperature is below set point, 35 degrees.

All sensors and control devices in the make-up air unit airstream shall be constructed of corrosion resistant stainless steel.

The intake air damper should fully close and the return air damper shall fully open whenever the make-up air unit is shut down by any safety device.

The exhaust fan, OC-EF-1 shall be interlocked to operate and open whenever the make-up air unit is operating at 100% outside air.

The Combustible Gas Detector shall be furnished and installed by Division 26.

Make-up air unit vender shall provide one, 2 pole interposing relay to be energized upon combustible gas or H<sub>2</sub>S detection (Detector/ control circuitry by others). Mechanical contractor to wire 1 set of dry contacts to the make-up air unit control panel, and the other set of dry contacts shall be available and labeled to be circuited to the customers SCADA control panel (by others).

The space temperature controller, contacts for exhaust fan, contacts for "Occupied/Unoccupied", contacts for "On" operation and unit mounted damper actuators and control panel shall be furnished with the make-up air unit and installed by Mechanical contractor.

All interlocks and control wiring to be furnished and installed by the Mechanical contractor. Coordinate control wiring termination point with Division 26. All control wiring to be routed in a dedicated conduit in accordance to the Division 26 standards. All power wiring to be by Division 26."

2. **Replace** Paragraph 3.02.D in entirety with the following:

"D. SCREENING ROOM HEATING & VENTILATION SYSTEM:

Make-up air unit PTB-MAU-1 with 2-position discharge air dampers, exhaust fan PTB-EF-1 with 120V explosion-proof motorized dampers and Odor Control Fan:

The make-up air unit to be provided with a VFD for 2-speed control and the exhaust fan PTB-EF-1 shall be provided with a VFD for balancing.

The make-up air unit shall have a control panel with an ON-OFF fan switch, burner, blower and dirty filter lights and discharge air temperature selector. An air temperature sensor, in the intake plenum, shall automatically switch the unit between Winter and Summer mode whenever the outside air temperature is below/above 50 degrees (adjustable). The control panel will be mounted where indicated on the plans. Control sequence shall be as follows:

System switch in the ON position:

1. When the Room is "Occupied" as dictated by an interlock with the space lighting circuit, the make-up air unit shall operate at "High" speed. The unit will run continuously at "High speed" until the space lighting circuit is turned off and the space is no longer "Occupied". When the Room is "Unoccupied" the make-up air unit will return to "Low speed" operation.
2. When the Combustible Gas Detector senses a LEL of 10 percent or greater level of gases in the space an interlock shall operate the make-up air unit at "High" speed. The unit will run continuously at "High speed" until the space gas detector level falls below a safe level at which point the make-up air unit will return to "Low speed" operation.

System in the WINTER mode:

3. A temperature selector mounted on the make-up air unit control panel shall modulate the burner in make-up air unit MAU-1 as required to maintain the discharge air temperature set point, (adjustable from 40 to 80 degrees).

System in the SUMMER mode:

4. The make-up air unit shall operate as indicated above except the burners will be "off" and no heating will be provided.

A manual reset, stainless steel freeze stat in the discharge of the make-up unit shall shut the unit off if supply air temperature is below set point, (35 degrees). The alarm light shall be energized when the unit shuts down on low temperature, a relay for remote indication of alarm shall be provided.

All sensors and control devices in the make-up air unit airstream shall be constructed of corrosion resistant stainless steel.

The discharge air damper should fully open when-ever the unit is energized and

fully close when-ever the make-up air unit is shut down by any safety device.

The Odor Control exhaust fan shall be interlocked to operate whenever the make-up air unit is operating.

The exhaust fan, PTB-EF-1, and its associated motorized damper with explosion-proof actuator shall be interlocked to operate and open whenever the make-up air unit is operating on "High speed".

A low limit alarm shall be provided by Division 26, which will signal whenever the space temperature falls below set point, 35 degrees.

The Combustible Gas Detector shall be furnished and installed by Division 26.

Make-up air unit vender shall provide one, 2 pole interposing relay to be energized upon combustible gas or H2S detection (Detector/ control circuitry by others). Mechanical contractor to wire 1 set of dry contacts to the make-up air unit control panel, and the other set of dry contacts shall be available and labeled to be circuited to the customers SCADA control panel (by others).

The temperature set-point controller, contacts for "Occupied/Unoccupied", contacts for exhaust fan, unit damper actuators, VFD controller and all other control devices required to operate as described and control panel shall be furnished with the make-up air unit and installed by the Mechanical Contractor.

The exhaust fan VFD, all interlocks, relays, damper actuators and control wiring to be furnished and installed by the Mechanical Contractor. Coordinate control wiring termination point with Division 26. All control wiring to be routed in a dedicated conduit in accordance to the Division 26 standards. All power wiring to be furnished and installed by Division 26."

SECTION 33 31 19 – SITE PIPING

1. Page 33 31 19 – 8. **Add** Paragraph D to 2.03:

"D. Buried Watermain 1" - 3" Diameter:

1. As specified in the Construction Drawings, or:
2. Pipe, fittings, and valves shall be gasketed joint, IPS 200 Pressure Class PVC.
3. Pipe, fittings, and valves shall be installed in compliance with manufacturer's recommendations and in accordance with ASTM D2274. And shall be restrained joint."

**PROJECT DRAWINGS**

**CHANGES TO DRAWINGS – GEN**

1. Drawing GEN-P1: **Remove** and **Replace** process note 6 as follows.

"6. PROVIDE 1/2" THICK DIAMOND INTERLOCKING RUBBER MAT OVER CHANNEL GRATING EXTENDING 6" (MINIMUM) BEYOND CHANNEL WIDTH AND LENGTH (TYPICAL). COORDINATE WITH MECHANICAL DUCT CONNECTIONS"

**CHANGES TO DRAWINGS – SW**

1. Drawing SW-C4: **Remove** and **Replace** general note 2 as follows.

"2. ANY PROPOSED PIPE WITH LESS THAN 4' OF COVER SHALL BE INSULATED ACCORDING TO THE SPECIFICATIONS. (DOES NOT APPLY TO FOOTING DRAINS AND STORMWATER PIPE)"

2. Drawing SW-C5: **Remove** and **Replace** general note 2 as follows.

"2. ANY PROPOSED PIPE WITH LESS THAN 4' OF COVER SHALL BE INSULATED ACCORDING TO THE SPECIFICATIONS. (DOES NOT APPLY TO FOOTING DRAINS AND STORMWATER PIPE)"

3. Drawing SW-E1: **Add** Conduit ID 1014 from the UV building to the pull box. **Add** conduit ID 1015 from the pull box to the odor control building.

**CHANGES TO DRAWINGS – PTB**

1. Drawing PTB-E2: **Revise** Construction note 7: LPT transformer from 10KVA 480:120/208-3P to 15KVA 480:120/208-3P.

2. Drawing PTB-E2: **Remove** and **Replace** Construction note 7 as follows.

"EXISTING FLOW INDICATOR AND TRANSMITTER TO REMAIN. PROVIDE NEW CIRCUITRY (CABLE AND CONDUIT) TO THE EXISTING FLOWMETER LE-1 AND ALL OTHER CIRCUITRY ASSOCIATED WITH THE FLOW INDICATOR AND TRANSMITTER WITHIN THE ELECTRICAL ROOM."

**CHANGES TO DRAWINGS – OC**

1. Drawing OC-S1- FOUNDATION PLAN: **Revise** the overhang of the mat slab of the biofilter from 6-inches to 18-inches.
2. Drawing OC-S3-BIOFILTER LONGIT BUILDING SECTION: **Revise** the overhang of the mat slab of the biofilter from 6-inches to 18-inches.
3. Drawing OC-S4-BIOFILTER TRANSV BUILDING SECTION: **Revise** the overhang of the mat slab of the biofilter from 6-inches to 18-inches.

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4. Drawing OC-E1: **Revise** Cable and conduit tag pertaining to PH SENSOR in manhole. **Revise** conduit ID 1141 running to the PH SENSOR from the PH TRANSMITTER to be 1142. **Remove** conduit ID 1143 adjacent PH sensor.

CHANGES TO DRAWINGS – BB

1. Drawing BB-A2 – Door Schedule: **Remove** lock "ND70PD+ND25D" for door 100.2 and **Replace** with "99-L + 99-EO".
2. Drawing BB-E2: **Add** General note 3: All new exposed conduit shall be rigid aluminum unless noted otherwise.
3. Drawing BB-E2: **Revise** indication of construction note 9 adjacent to conduit ID 1031 and 1032 for the harmonic filters on the east wall south of the double doors **Revise** from construction note 9 to construction note 1.

CHANGES TO DRAWINGS – SD

1. Drawings SD-E2: **Revise** fixture schedule to **Add** approved manufacturers and catalog numbers for given fixture type as follows:
  - a) **Add** approved equipment for type A – Manufacturer Indatech Lighting – Catalog number HXPFL4-80-U-35K-SMK.
  - b) **Add** approved equipment for type AE – Manufacturer Indatech Lighting – Catalog number HXPFL4-80-U-35K-EM-SMK.
  - c) **Add** approved equipment for type B – Manufacturer Columbia Lighting – Catalog number LXEM4-35LW-DFA-EU.
  - d) **Add** approved equipment for type C – Manufacturer Spaulding Lighting – Catalog number TRP-30L4K-053-3-U-DB-PC.
  - e) **Add** approved equipment for type EX – Manufacturer DualLite – Catalog number XPEWSREI.
  - f) **Add** approved equipment for type EX2 – Manufacturer Compass – Catalog number CCR Series.
2. Drawings SD-E3: **Remove** conduit ID 1008 from cable and conduit schedule.
3. Drawings SD-E3: **Revise** conduit ID 1012 from 12-1/C-#14 to 6-1/C-#14.

ATTACHMENT LIST TO THIS ADDENDUM

1. SECTION 23 05 90 – BASIC RESULTS FOR HVAC TESTING, ADJUSTING, AND BALANCING – ADDENDUM NO. 2- (3 Pages)

**ORDINANCE NO. 1196**

An Ordinance to Amend and Re-enact  
Chapter 12-02 of the Mandan Code of Ordinances  
Relating to Class WB License

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

Section 12-02-04.1 of the Mandan Code of Ordinances is hereby amended and re-enacted to read as follows:

1. A Class WB license may be issued only to a domestic winery or brewery owner or operator who obtains a license from the Office of the Attorney General allowing the production of wine or beer.

2. A Class WB license will authorize the licensee to sell, on the winery or brewery premises, wine or beer produced by that winery or brewery on the premises at on-sale or off-sale, in retail lots, and not for resale, in total quantities not in excess of ~~10,000 barrels in a calendar year~~ that permitted by N.D.C.C. § 5-01-21 and amendments thereto. In the absence of another appropriate license, sales or delivery of on-sale or off-sale wine, or any other alcoholic beverage produced off the premises shall not be permitted. Licenses under this section entitle the licensee to sell beer manufactured on the premises for off-premises consumption, in brewery-sealed containers ~~of not less than one half gallon [1.89 liters] and not more than three gallons [11.36 liters]~~ in quantities permitted by N.D.C.C. § 5-01-21 and amendments thereto

3. A Class WB license will authorize the licensee to utilize special event permits issued by the Office of the Attorney General.

4. A Class WB license holder may:

- (a) Sell and deliver beer produced by the brewery to licensed beer wholesalers.
- (b) Dispense free samples of beer offered for sale. Complimentary samples of beer may not be in an amount exceeding that permitted by N.D.C.C. § 5-01-21 and amendments thereto, per patron.
- (c) Sell and deliver beer produced by the brewery to licensed retailers within the state, but only if:
  - (1) The brewer uses the brewer's own equipment, trucks, and employees to deliver the beer;
  - (2) Individual deliveries, other than draft beer, are limited to the case equivalent of that permitted by N.D.C.C. § 5-01-21 and amendments thereto, to each licensed retailer;
  - (3) The total amount of beer sold or delivered directly to all retailers does not exceed that permitted by N.D.C.C. § 5-01-21 and amendments thereto; and

(4) A common carrier is not used to ship or deliver the brewery's product to the public or to licensed retailers. All other sales and deliveries of beer to licensed retailers in this state may be made only through a wholesaler licensed in this state.

~~4. 5.~~ The Class WB license shall be governed by all the provisions of this chapter generally applicable to all license qualifications.

~~5. 6.~~ The fee for a Class WB license shall be as determined by resolution of the Board of City Commissioners.

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

Attest:

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

First Consideration: December 16, 2014

Second Consideration

and Final Passage: January 6, 2015