



AGENDA
MANDAN CITY COMMISSION
JULY 5, 2016
ED "BOSH" FROEHLICH MEETING ROOM,
MANDAN CITY HALL
5:30 P.M.
www.cityofmandan.com

-
- A. ROLL CALL:
1. Ceremonial Swearing in of Mayor Helbling and Commissioner Davis
 2. Roll call of all City Commissioners.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:
1. Consider approval of the minutes from the June 21, 2016 Board of City Commission Regular Meeting.
- E. PUBLIC HEARING:
- F. BIDS:
- G. CONSENT AGENDA:
1. Consider approval of the following games of chance:
 - i. Catholic Foundation for the People of Bismarck Diocese games of chance at Prairie West Golf Course on July 18, 2016.
 - ii. Dakota Zoological Society at Prairie West Golf Course on August 5, 2016
 2. Consider for approval plat of Big Sky 6th Addition.
 3. Consider approval of previously provided land acquisition support as local match for Flex PACE interest buydown for Family Wellness
 4. Consider approval to auction Planning and Engineering Department's 1996 GMC Yukon.
 5. Consider employment contract between Board of City Commissioners & City Administrator.
- H. OLD BUSINESS:
1. Discussion regarding new home construction first \$75,000 exemption
- I. NEW BUSINESS:
1. Consider approval of amendment to the Dakota Central Communications Joint Powers Agreement.

*Agenda
Mandan City Commission
July 5, 2016
Page 2 of 2*

2. Presentation for information on Bismar Transit revised routes.
3. Consider approval of Engineering Service Agreement with AE2S for Sunset Booster Station and Distribution Control Improvements.
4. Consider commission portfolio and committee assignments.
5. Consider Reappointment of Sue Balcom & Cameo Skager to the Dakota Media Access Board of Directors.

J. RESOLUTIONS AND ORDINANCES:

1. Second consideration of Ordinance 1244 annexing property at 2300 14th Ave. SE.
2. First consideration of Ordinance 1246 rezoning Lot 3, Block 1 of Sylvester's Industrial Park 3rd Addition.
3. First consideration of Ordinance 1247 amending and reenacting Sections 18-2-2 through 18-2-5 of the Mandan Municipal Code related to juvenile curfew.
4. First consideration of Ordinance 1248 adding and enacting Chapter 26 of the Mandan Municipal Code related to code enforcement

K. OTHER BUSINESS:

L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. July 19, 2016
2. August 2, 2016
3. August 16, 2016

M. ADJOURN

Public Communication

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

The Mandan City Commission met in regular session at 5:30 p.m. on June 21, 2016 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Braun, and Laber (via teleconference call). Department Heads present were Finance Director Welch, Police Chief Ziegler, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Planning & Engineering Director Froseth, Planner Decker, and Building Official Lalim. Absent: Assessor Shaw and Business Development & Communications Director Huber.

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

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

D. MINUTES:

1. *Consider for approval the Board of City Commission minutes from the May 20, 2016 Board of City Commission Working Session; the June 7, 2016, Regular Meeting Minutes and the June 15, 2016 Special Meeting Minutes.* Commissioner Braun moved to approve the minutes as presented. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

F. BIDS:

1. *Consider concurrence with NDDOT to award downtown ADA curb ramp construction to low bidder, Knife River.* Planning & Engineering Director Froseth presented a request for the approval of the East Main Street ADA Curb Ramp Improvements project award concurrent with NDDOT. He stated that the NDDOT annually reviews and addresses any of the corridors in the state that are not in compliance with the recent ADA standards for handicap accessibility. There has been ongoing planning to make improvements to the east side of Mandan’s Main Street with construction scheduled this year. The west side of Mandan’s Main Street was done in 2015. The DOT opened bids for this project on June 10th and 5 bids were received. The low bid came from Knife River Corp. at \$364,897.48, about 31% under the engineer’s estimate. The City’s cost share of this project is 10% of the total cost which is approximately \$61,000 and would be paid for by the city sales tax fund. The low bid was approximately \$365,000 plus costs including the NDDOT 10% construction costs, the right of way costs and consultant engineering costs for a total project cost of \$609,000. This figure also includes the engineering work costs and the costs for the consultant fees. The DOT may have already paid the costs for the consulting engineer but those costs are not outside of the scope of the project and may be attributed towards the project design. Director Froseth recommended approving the bid to Knife River.

Commissioner Braun moved to approve the concurrence of East Main Street ADA ramp improvements bid award to the low bidder, Knife River in the amount of \$364,897.48. 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. *Engineering Service Agreement with AE2S for Collins Reservoir Inspection.*
3. *Lakewood Harbor 3rd Addition First Replat of Block 1.*
4. *Consider approval of annual Liquor Licenses for July 1, 2016 to June 30, 2017.*
5. *Consider approval of Special Sunday Openings for all annual Liquor Licenses.*
6. *Consider approval of authorized check signers.*
7. *Consider approval of a road closure for Starion Financial.*
8. *Consider agreement with Lewis and Clark Regional Development Council for origination and servicing of loan to SSWII, LLP for a Bank of North Dakota Flex PACE interest buy-down.*
10. *Consider for approval replat of Block 5, Macedonia Hills 1st Addition.*

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

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Presentation of plaques to businesses donating \$500 or more to the community boulevard tree-planting program. City Arborist Kaiden Straabe stated that earlier this year the Forestry Department solicited donations from local businesses for the community boulevard tree-planting program. As of June 1st, the City has received \$5,000 in donations and the businesses donating \$500 or more were presented with a plaque. Businesses donating \$1,000 or more will also have their names included on a perpetual plaque that will be displayed in the Ed “Bosh” Froehlich Meeting Room at Mandan City Hall.*

Mayor Van Beek extended a thank you and presented plaques to the businesses donating \$1,000 or more, (Armstrong Sanitation, Bollinger Tree Service, Starion Financial); and the businesses donating \$500 or more, (Gate City Bank, and Prairie View Landscaping). Other contributions were also received from the Bismarck Mandan Home Builders Association and Capitol Credit Union.

2. *Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for water & sewer improvement Project 2016-18(Lakewood 8th Addition First Replat). Planning & Engineering Director Froseth*

presented a request to authorize the installation of water and sewer for the development of a project that is located at 24th Street SE and Gale Circle, between 34th Avenue SE and 40th Avenue SE. The proposed utilities will only serve the developer of the benefiting land; therefore, this project is being paid for by the developer under a 3-way agreement. The need for this smaller 3-way agreement stems from a re-plat project done within Lakewood 8th due to the reconfiguration of lots. Those lot adjustments require some corresponding adjustments to the water and sewer service lines. All the original water and sewer installation in Lakewood 8th was done last fall that had a completion date of June 10th. The work has not been completed due to other construction work that needs to be done before it can be completed. The completion date of this project will be pushed back to allow a reasonable time for the street project completion dates. A Letter of Credit has not been received, so the approval of the 3-way agreement would be contingent on receipt of that letter of credit. Director Froseth recommended approving the resolution and approving the plans and specifications and authorizing execution of 3-way agreement for this project.

Commissioner Laber moved to approve the resolution approving the plans and specifications and authorizing execution of 3-way agreement for water and sewer improvement Project 2016-18 (Lakewood 8th Addition First Replat) contingent on receiving Letter of Credit. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *Second consideration of Ordinance 1240 related to building and lot numbering.*

Commissioner Laber moved to approve the Second consideration of Ordinance 1240 amending and re-enacting Article 12, Chapter 111 of the Mandan Municipal Code related to building and lot numbering. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *First consideration of Ordinance 1244 annexing property at 2300 14th Ave. SE.*

Planner Decker stated that the owners of this property have requested annexation. They are on a street that is mostly located within the City; however, this portion of the property remains outside the City. Water and sewer are available for this street. The assessment for the water and sewer will be paid by the property owners once they are annexed. They are requesting the annexation because they currently have well water that is poor water quality. The sewer system on the property is functioning correctly as confirmed by Custer Health and the City will work on connecting it over to the sewer line sometime in the future. The majority of the properties along this street are within city limits. This is a voluntary request so there is no protest option requirement. City Attorney Brown stated that the City has a separate agreement with the property owners in the event their septic tank fails to work. If it fails, they must connect to the city sanitation system and if they don't, the City will have the option to terminate their water services.

Commissioner Tibke moved to approve the First consideration of Ordinance 1244 annexing property at 2300 14th Ave. SE. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS:

1. Presentation of awards to Mayor Van Beek and Commissioner Tibke.

Mayor Van Beek stated that during the years that Commissioner Tibke has served on the City Commission, the community witnessed significant growth, a stable decline to the mill levy and the revitalization and redevelopment of the downtown area. He reviewed many of the projects Commissioner Tibke assisted with throughout her tenure with the City of Mandan from 2003 to present. On behalf of the City of Mandan, Mayor Van Beek extended a thank you to Commissioner Tibke for serving as a City Commissioner and also for serving as the Vice-President of the Commission.

Commissioner Tibke commented that it was interesting to read through the years of accomplishments of the many city government projects that she had been active in pursuing and noted that many of the items were very challenging.

Commissioner Tibke then presented a watch to Mayor Van Beek and thanked him for his service to the City of Mandan over the past four years.

2. Consider for approval the Abstract of Votes cast by the voters of City of Mandan in the Consolidated Primary Election held the 14th day of June A.D. 2016. Commissioner Tibke moved to approve the Abstract of Votes cast by the voters of City of Mandan in the Consolidated Primary Election held the 14th day of June A.D. 2016. 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.

3. Consider motion for Vice-President of the Board of City Commissioners.

Commissioner Tibke moved to approve the appointment of Commissioner Rohr to serve as the new Vice-President of the Board of City Commissioners. 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.

This is Mayor Van Beek's last City Commission meeting serving as the mayor. He extended a thank you to the residents of City of Mandan for allowing him to serve as their Mayor.

There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 6:00 p.m. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

James Neubauer,
City Administrator

Arlyn Van Beek,
President, Board of City
Commissioners



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

Type: Local Permit * Charity Local Permit

Permit Number
2016-37

Name of Organization Catholic Foundation For The People Of Bismarck Diocese		Date(s) Authorized (Read instruction 2) 7/18/2016 to 7/18/2016 Beginning Ending		
Contact Person Kim M Dvorak	Business Phone Number			
Mailing Address 520 N Washington St	City Bismarck	State ND	Zip Code 58502-0000	
Site Name Golf Prairie West Golf Course	Site Address 2709 Longspur Trail			
City Mandan	State ND	ZIP Code 58554-0000	County Morton	
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.				
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels*				
Restriction:				
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor and Office of Attorney General within 30 days of the event.				
Date 6/22/2016	Signature of <input checked="" type="checkbox"/> City Auditor <input checked="" type="checkbox"/> County Auditor	Printed Name of City or County Auditor Patrick B Haug		Auditor Telephone Number (701) 667-3250

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

cut along this line

INFORMATION REQUIRED TO BE PREPRINTED ON A STANDARD RAFFLE TICKET:

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



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

Type: Local Permit * Charity Local Permit

Permit Number
2016-38

Name of Organization Dakota Zoological Society		Date(s) Authorized (Read Instruction 2)		
Contact Person Barb Schmitcke	Business Phone Number	8/5/2016 Beginning	to 8/5/2016 Ending	
Mailing Address 600 S 7th St	City Bismarck	State ND	Zip Code 58504-0000	
Site Name Prairie West Golf Course	Site Address 2709 Longspur Trail Se			
City Mandan	State ND	ZIP Code 58554-0000	County Morton	
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.				
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels*				
Restriction:				
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor <u>and</u> Office of Attorney General within 30 days of the event.				
Date 6/29/2016	Signature of <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor	Printed Name of City or County Auditor Patrick B Haug		Auditor Telephone Number

Please see the instructions on the backside of this form on how to complete the Permit.

For a raffle or calendar raffle, read "Information Required to be Preprinted on a Standard Raffle Ticket" below.

cut along this line

INFORMATION REQUIRED TO BE PREPRINTED ON A STANDARD RAFFLE TICKET:

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

2016-58

\$10.00
6-29-16



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

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

Name of Non-profit Organization Dakota Zoological Society		Date(s) of Activity Aug 5 to Aug 5	
Person Responsible for the Gaming Operation and the Disbursement of Net Income Barb Schmitz/ce		Title Chairman	Business Phone Number
Business Address 600 S. 7th St.	City Bismarck	State ND	Zip Code 58504
Mailing Address (if different)	City	State	Zip Code
Name of Site Where Game(s) will be Conducted Prairie West Golf Course		Site Address 2709 Longspur trail	
City Mandan	State ND	Zip Code 58554	County Morton
Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.			
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker * <input type="checkbox"/> Twenty-one * <input type="checkbox"/> Paddlewheels *			

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize	Game Type	Description of Prize	Retail Value of Prize
Single ticket	2-Bills	\$200			
	Necklace	\$150			
	Pass	\$600			
Total:					\$(Limit \$12,000 per year)

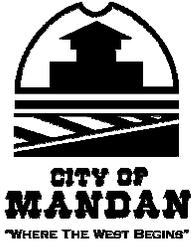
Intended uses of gaming proceeds: Donation to Dakota Zoo

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

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

Has the organization received a local permit from this or another city or county for the fiscal year July 1 through June 30? No Yes - If "Yes," indicate the total value of all prizes previously awarded: \$ 690.00 This amount is part of the total prize limit of \$12,000 per year.

Signature of Organization's Top Executive Official 	Date 6/10/16	Title Chairman	Business Phone Number
--	------------------------	--------------------------	-----------------------



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 5, 2016
PREPARATION DATE: July 1, 2016
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Robert Decker, P.E., Principal Planner
SUBJECT: Consider for approval plat of Big Sky Estates 6th Addition

STATEMENT/PURPOSE:

This request is to consolidate 3 lots into 1.

BACKGROUND/ALTERNATIVES:

This plat is needed in order to allow extension of city potable water and sanitary sewer service to this lot.

The combination of the lots allows connection to the existing utility lines located in Hillside Road.

ATTACHMENTS:

1. plat

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION:

Recommend approval.

SUGGESTED ACTION:

Move to approve plat of Big Sky 6th Addition.

Board of City Commissioners Agenda Documentation

Meeting Date: July 5, 2016

Subject: Plat of big Sky 6th Addition

Page 2 of 3

Existing lot layout





Board of City Commissioners

Agenda Documentation

MEETING DATE: July 5, 2016
PREPARATION DATE: June 30, 2016
SUBMITTING DEPARTMENT: Business Development and Communications
DEPARTMENT DIRECTOR: Ellen Huber, Business Development and Communications Director
PRESENTER: Ellen Huber, Business Development and Communications Director
SUBJECT: Local match for Family Wellness Interest Buy-Down

STATEMENT/PURPOSE: To consider supporting a Bank of North Dakota Flex PACE interest buy down for the Family Wellness project using a previous contribution for land acquisition as the local match.

BACKGROUND/ALTERNATIVES: Starion Financial, on behalf of the Missouri Valley Family YMCA and Family Wellness Bismarck Mandan, LLC, is seeking partnership with the Bank of North Dakota through its Flex PACE program for permanent financing and interest buy down for the Family Wellness project, currently under construction at 2620 46th Avenue SE in Mandan.

The applicant is seeking the maximum buy down amount of \$153,846. The Bank of North Dakota will provide 65 percent or \$100,000 of the amount, with the local community required to provide 35 percent or \$53,846. The buy-down is on a principal amount of \$1 million. The buy down will reduce the interest rate from an estimated 4 percent (rate to be fixed at time of closing) to 1.0% for approximately the first 42 months of the loan.

Bank of North Dakota community match requirements indicate “the community may meet its matching requirement through direct cash, loans, equity, investments, land, property or infrastructure, and any combination of these.”

The Mandan City Commission previously approved a total of \$1.5 million of support for this project via a motion voted on at a meeting held June 18, 2013. The Commission approved a recommendation from the Mandan Visitors Committee related to Mandan Park District land acquisition that \$1.5 be committed from the Visitors Fund to assist the Mandan Park District in acquiring the property necessary to bring a YMCA project to Mandan. The commitment of \$1.5 million was for \$750,000 as negotiations were

completed with the remaining \$750,000 to be granted to the Park District in increments of \$150,000 per year for the following 5 years. The first payment of \$750,000 was provided on July 9, 2013. Documentation of this commitment and expenditure has been provided to the Bank of North Dakota and approved as the local match, subject to approval of the community participating in the Flex PACE request.

ATTACHMENTS: Amortization schedule and *Mandan Messenger* article providing additional background on the project and funding relationship. Loan committal letter available upon request.

FISCAL IMPACT: No additional funding beyond that already committed is required.

STAFF IMPACT: Minimal.

LEGAL REVIEW: Family Wellness will need to enter into a business incentive agreement with the Bank of North Dakota and City of Mandan and will need to submit an annual jobs verification report for five years after receipt of the interest buy-down.

RECOMMENDATION: I recommend support of the Family Wellness application for interest buy-down through the Bank of North Dakota Flex PACE program with the previous contribution for land acquisition to serve as the local match.

SUGGESTED MOTION: I move to approve support of the Family Wellness application for interest buy-down through the Bank of North Dakota Flex PACE program with the previous contribution for land acquisition to serve as the local match.

Board of City Commissioners
 Agenda Documentation
 Meeting Date: July 5, 2016
 Subject: Family Wellness Interest Buy-Down
 Page 3 of 6

EXHIBIT "A"

NOTE: THE BORROWER AND ORIGINATING LENDER SHOULD BE AWARE THAT PACE WILL PROVIDE A SET STREAM OF SUBSIDY PAYMENTS (INTEREST EXPENSE DIFF. DUE TO BUYDOWN) BASED UPON THE PAYMENT SCHEDULE BELOW. THE AMOUNT OF THE BORROWER'S MONTHLY PAYMENT, THE PAYMENT AMOUNT APPLIED TO PRINCIPAL AND INTEREST, AND THE AMORTIZATION OF THE LOAN SHALL BE GOVERNED BY THE PROMISSORY NOTE. THE BALANCES SHOWN BELOW, OTHER THAN THE SPECIFIC BUYDOWN AMOUNTS, ARE INTENDED FOR ILLUSTRATIVE PURPOSES ONLY.

COMPANY NAME: _____
 LOAN NUMBER: _____
 NUMBER PAYMENTS PER YEAR: 12 (MONTHLY PAYMENTS)
 LOAN PARTICIPATION PERCENTAGES: 80% BND - 50%
 BND INTEREST BUYDOWN % FACTOR: 100% LEAD BANK - 65%
 COMMUNITY % FACTOR IN-KIND: 65%
 DATE: 6/14/2016
 DISCOUNT RATE - 0.50%

NOTE: BORROWER'S RATE SHALL IN NO EVENT FALL BELOW 1% OR 5% BELOW PRIME DUE TO A DOWNWARD ADJUSTMENT IN THE YIELD RATE. THE BUYDOWN AMOUNT MAY BE ADJUSTED IF THE BORROWING FLOOR COMES INTO EFFECT.

COMMUNITY IN-KIND CALCULATION	
PRINCIPAL:	1,000,000
YIELD RATE: (SEE NOTE)	4.07%
BORROWING RATE:	1.00%
TERM (YEARS):	20
TOTAL PACE BENEFIT AMOUNT:	153,846.15
BND BUYDOWN AMOUNT:	100,000.00
COMMUNITY COMMITMENT AMOUNT:	53,846.15
	65.00% BND BUYDOWN
	35.00% COMMUNITY IN-KIND COMMITMENT

INTEREST BUYDOWN CALCULATION	
PRINCIPAL:	1,000,000
YIELD RATE: (SEE NOTE)	4.07%
BORROWING RATE:	1.00%
TERM (YEARS):	20
INTEREST BUYDOWN AMOUNT:	100,000.00
BND BUYDOWN AMOUNT:	100,000.00
PRESENT VALUE BND:	99,139.00
	100.00% BND @ 100% due to in-kind contribution

*** LENDERS LOAN WITHOUT BUYDOWN ***

PRINCIPAL 1,000,000
 YIELD RATE 4.07%
 BORROWING RATE 20.00
 TERM (YEARS) 6,086.75
 PAYMENT

PRINCIPAL 1,000,000
 BORROWING RATE 1.00%
 TERM (YEARS) 20
 NOTE: YIELD RATE IS

*** BORROWER'S LOAN WITH BUYDOWN ***

PRINCIPAL 1,000,000
 BORROWING RATE 1.00%
 TERM (YEARS) 20
 NOTE: YIELD RATE IS

"FOR ILLUSTRATIVE PURPOSES ONLY"

PAY NUM	PAYMENT	PRINCIPAL	INTEREST	OUTSTANDING BALANCE	PAY NUM	PAYMENT	PRINCIPAL	INTEREST	OUTSTANDING BALANCE	INTEREST EXPENSE TO BUYDOWN	BND'S %	COMMUNITY %
1	6,096.75	2,705.08	3,391.67	1,000,000.00	1	3,536.41	2,705.08	833.33	997,264.52	2,558.34	2,558.34	0.00
2	6,096.75	2,714.26	3,382.49	994,580.66	2	3,545.34	2,714.26	831.08	994,580.66	2,551.41	2,551.41	0.00
3	6,096.75	2,723.46	3,373.29	989,167.20	3	3,552.28	2,723.46	828.82	991,657.20	2,544.47	2,544.47	0.00
4	6,096.75	2,732.70	3,364.05	983,753.74	4	3,559.25	2,732.70	826.55	989,124.50	2,537.50	2,537.50	0.00
5	6,096.75	2,741.97	3,354.78	978,340.28	5	3,566.24	2,741.97	824.27	986,582.53	2,530.51	2,530.51	0.00
6	6,096.75	2,751.27	3,345.48	972,926.82	6	3,573.26	2,751.27	821.99	983,031.26	2,523.49	2,523.49	0.00
7	6,096.75	2,760.60	3,336.15	967,513.36	7	3,580.29	2,760.60	819.69	980,470.66	2,516.46	2,516.46	0.00
8	6,096.75	2,769.96	3,326.79	978,100.70	8	3,587.35	2,769.96	817.39	978,100.70	2,509.40	2,509.40	0.00
9	6,096.75	2,779.36	3,317.39	975,221.34	9	3,594.44	2,779.36	815.08	975,221.34	2,502.31	2,502.31	0.00

"FOR ILLUSTRATIVE PURPOSES ONLY"

PAY NUM	PAYMENT	PRINCIPAL	INTEREST	OUTSTANDING BALANCE	PAY NUM	PAYMENT	PRINCIPAL	INTEREST	OUTSTANDING BALANCE	INTEREST EXPENSE TO BUYDOWN	BND'S %	COMMUNITY %
1	6,096.75	2,705.08	3,391.67	1,000,000.00	1	3,536.41	2,705.08	833.33	1,000,000.00	2,558.34	2,558.34	0.00
2	6,096.75	2,714.26	3,382.49	994,580.66	2	3,545.34	2,714.26	831.08	994,580.66	2,551.41	2,551.41	0.00
3	6,096.75	2,723.46	3,373.29	989,167.20	3	3,552.28	2,723.46	828.82	991,657.20	2,544.47	2,544.47	0.00
4	6,096.75	2,732.70	3,364.05	983,753.74	4	3,559.25	2,732.70	826.55	989,124.50	2,537.50	2,537.50	0.00
5	6,096.75	2,741.97	3,354.78	978,340.28	5	3,566.24	2,741.97	824.27	986,582.53	2,530.51	2,530.51	0.00
6	6,096.75	2,751.27	3,345.48	972,926.82	6	3,573.26	2,751.27	821.99	983,031.26	2,523.49	2,523.49	0.00
7	6,096.75	2,760.60	3,336.15	967,513.36	7	3,580.29	2,760.60	819.69	980,470.66	2,516.46	2,516.46	0.00
8	6,096.75	2,769.96	3,326.79	978,100.70	8	3,587.35	2,769.96	817.39	978,100.70	2,509.40	2,509.40	0.00
9	6,096.75	2,779.36	3,317.39	975,221.34	9	3,594.44	2,779.36	815.08	975,221.34	2,502.31	2,502.31	0.00

BUYDOWN AMOUNT IS SET AT CLOSING UNLESS OTHERWISE AGREED & WILL REMAIN FIXED AS INDICATED BELOW.

Board of City Commissioners
 Agenda Documentation
 Meeting Date: July 5, 2016
 Subject: Family Wellness Interest Buy-Down
 Page 4 of 6

6,096.75	10	3,307.96	2,788.79	3,601.56	2,788.79	812.77	972,532.55	2,495.19	2,495.19	0.00
6,096.75	11	2,998.51	2,798.24	3,608.68	2,798.24	810.44	966,734.31	2,488.07	2,488.07	0.00
6,096.75	12	3,289.02	2,807.73	3,615.84	2,807.73	808.11	966,926.58	2,480.91	2,480.91	0.00
6,096.75	13	3,279.49	2,817.26	3,623.03	2,817.26	805.77	961,109.32	2,473.72	2,473.72	0.00
6,096.75	14	3,269.94	2,826.81	3,630.23	2,826.81	803.42	961,282.51	2,466.52	2,466.52	0.00
6,096.75	15	3,260.35	2,836.40	3,637.47	2,836.40	801.07	958,446.11	2,459.28	2,459.28	0.00
6,096.75	16	3,250.73	2,846.02	3,644.73	2,846.02	798.71	955,600.09	2,452.02	2,452.02	0.00
6,096.75	17	3,241.08	2,855.67	3,652.00	2,855.67	796.33	952,744.42	2,444.75	2,444.75	0.00
6,096.75	18	3,231.39	2,865.36	3,659.31	2,865.36	793.95	949,879.96	2,437.44	2,437.44	0.00
6,096.75	19	3,221.67	2,875.08	3,666.65	2,875.08	791.57	947,003.98	2,430.10	2,430.10	0.00
6,096.75	20	3,211.92	2,884.83	3,674.00	2,884.83	789.17	944,118.15	2,422.75	2,422.75	0.00
6,096.75	21	3,202.14	2,894.61	3,681.38	2,894.61	786.77	941,224.54	2,415.37	2,415.37	0.00
6,096.75	22	3,192.32	2,904.43	3,688.78	2,904.43	784.35	938,320.11	2,407.97	2,407.97	0.00
6,096.75	23	3,182.47	2,914.28	3,696.21	2,914.28	781.93	935,405.83	2,400.54	2,400.54	0.00
6,096.75	24	3,172.58	2,924.17	3,703.67	2,924.17	779.50	932,481.66	2,393.08	2,393.08	0.00
6,096.75	25	3,162.67	2,934.08	3,711.15	2,934.08	777.07	929,547.58	2,385.60	2,385.60	0.00
6,096.75	26	3,152.72	2,944.03	3,718.65	2,944.03	774.62	926,603.55	2,378.10	2,378.10	0.00
6,096.75	27	3,142.73	2,954.02	3,726.19	2,954.02	772.17	923,649.53	2,370.56	2,370.56	0.00
6,096.75	28	3,132.71	2,964.04	3,733.75	2,964.04	769.71	920,685.49	2,363.00	2,363.00	0.00
6,096.75	29	3,122.66	2,974.09	3,741.33	2,974.09	767.24	917,711.40	2,355.42	2,355.42	0.00
6,096.75	30	3,112.57	2,984.18	3,748.94	2,984.18	764.76	914,727.22	2,347.81	2,347.81	0.00
6,096.75	31	3,102.45	2,994.30	3,756.57	2,994.30	762.27	911,732.92	2,340.18	2,340.18	0.00
6,096.75	32	3,092.29	3,004.46	3,764.24	3,004.46	759.78	908,728.46	2,332.51	2,332.51	0.00
6,096.75	33	3,082.10	3,014.65	3,771.92	3,014.65	757.27	905,713.81	2,324.83	2,324.83	0.00
6,096.75	34	3,071.88	3,024.87	3,779.63	3,024.87	754.76	902,688.94	2,317.12	2,317.12	0.00
6,096.75	35	3,061.62	3,035.13	3,787.37	3,035.13	752.24	899,653.81	2,309.38	2,309.38	0.00
6,096.75	36	3,051.33	3,045.42	3,795.13	3,045.42	749.71	896,608.39	2,301.62	2,301.62	0.00
6,096.75	37	3,041.00	3,055.75	3,802.92	3,055.75	747.17	893,552.64	2,293.83	2,293.83	0.00
6,096.75	38	3,030.63	3,066.12	3,810.75	3,066.12	744.63	890,486.52	2,286.00	2,286.00	0.00
6,096.75	39	3,020.23	3,076.52	3,818.59	3,076.52	742.07	887,410.00	2,278.16	2,278.16	0.00
6,096.75	40	3,009.80	3,086.95	3,826.46	3,086.95	739.51	884,323.05	2,270.29	2,270.29	0.00
6,096.75	41	2,999.33	3,097.42	3,834.36	3,097.42	736.94	881,225.63	2,262.39	2,262.39	0.00
6,096.75	42	2,988.82	3,107.93	3,842.30	3,107.93	734.36	878,117.70	1,041.60	1,041.60	0.00
256,064		134,161	121,882	156,064	121,882	34,161	100,000.00	100,000.00	100,000.00	0.00



mandan messenger

AUGUST 2013 • VOLUME 7 • ISSUE 2

September meetings

City Commission, Sept. 3 and 17, 5 p.m. (early start), City Hall

School Board, Sept. 3 and 17, 7 p.m., City Hall

Park Board, Sept. 9, 5:30 p.m., City Hall

County Commission, Sept. 10, 4 p.m., Morton County Courthouse

City Planning and Zoning Commission, Sept. 23, 5:15 p.m., City Hall

Sept. 14 movie in the park

The Mandan Park District will host an outdoor movie night Saturday, Sept. 14, at Memorial Ballpark, 501 Third Street SW. Admission is free. Gates open at 8:30 p.m. The movie begins at 9 p.m. Bring lawn chairs or blankets. Dress warm as temperatures may drop when the sun goes down. Concessions will be available. The movie will be "42," featuring the story of baseball great Jackie Robinson.

Farmers market sets up Tuesdays & Saturdays

Vendors are selling fresh produce in Heritage Park on the 300 block of west Main on Tuesdays from 10 a.m. until sell-out and Saturdays from 8 a.m. until sell-out. For info, call Diane Schmidt at 391-0506.

Planning for Oktoberfest

The Mandan Progress Organization will hold a new community event Sept. 28-29 in Dykshoorn Park on Main Street. The event will include German food, games, beer tasting and live music. Stay tuned to www.mandanprogress.org for more info. Volunteer by calling 751-2983.

City budget development underway

Public hearing is Sept. 17

City of Mandan elected officials and staff are in the midst of creating the 2014 budget. The budget process began this spring. Departments submitted budget requests in June.

The Budget and Finance Committee has been meeting with department managers, supervisors and portfolio commissioners throughout July to review requests. The committee consists of City Commission Finance portfolio holder Sandy Tibke, City Administrator Jim Neubauer and Finance Director Greg Welch.

The Finance committee's recommendations will be presented to the City Commission at its Aug. 20 meeting. The City will publish a notice of a public hearing in the *Mandan News* on Aug. 30. The budget will be available upon request in the Finance office at City Hall at this point and posted at www.cityofmandan.com.

The public hearing at a meeting of the City Commission is planned for Sept. 17. The meeting will begin at 5 p.m. at City Hall. For more info, call the Finance Department at 667-3213. Notices of all budget related meetings are posted on the city website.

Morton County, the Mandan Public School District and the Mandan Park District each have their own separate budget processes.

Park Board, City & YMCA advance rec center concept

A public-private partnership may help make a 41,000 square-foot recreational center a reality in Mandan within a few years — without a tax levy increase.

The Mandan City Commission in June approved a request for a commitment of \$1.5 million from the Visitor's Fund to assist the Mandan Park District in acquiring property adjacent to Raging Rivers Waterpark to establish a recreation center. The commitment was for \$750,000 as negotiations are completed with the remainder to be granted in increments of \$150,000 per year for the next five years.

The Visitors Fund is generated by the City's 1 percent restaurant and lodging tax. By state law, the fund is for the purchase, equipping, improving, construction, maintenance, repair, and acquisition of buildings or property consistent with visitor attraction and promotion.

Budget policies guide process

The City of Mandan has several budget policies. Among them:

- ✓ Minimum fund balance reserve operating percentages,
- ✓ City sales tax fund - 40% transferred to general fund for property tax reduction,
- ✓ Operations and maintenance expenditures based on the consumer price index for Midwest cities less than 50,000 population,
- ✓ City share of the consolidated mill levy for Mandan property owners will not exceed the average city mill levy for the prior year of the other 11 largest cities in the state.

see *Rec Center* page 2



Mandan Visitors Promotion Fund

The restaurant and lodging tax generated a record \$371,266 in 2012 for the Visitor's Fund. This was up 16 percent.

The fund must be used for projects consistent with visitor attraction and promotion

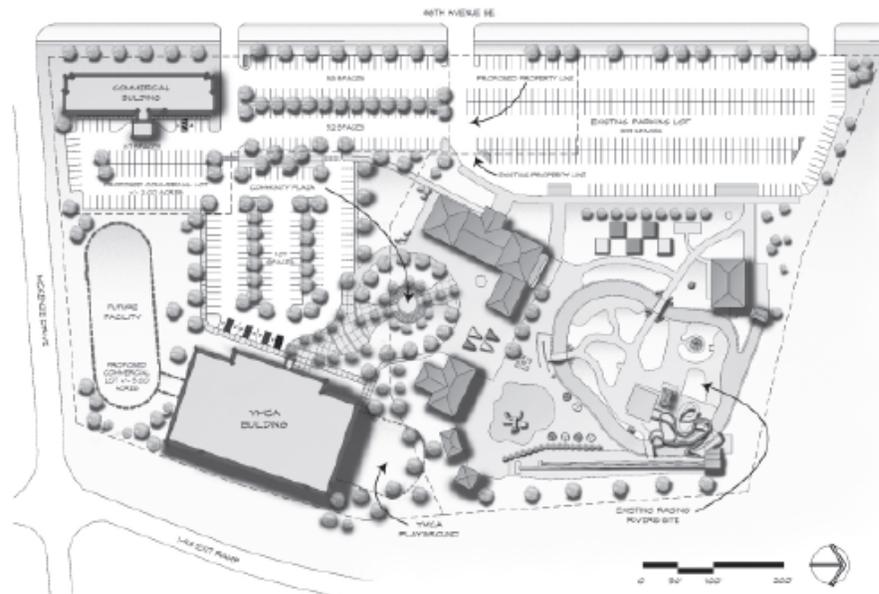
Visitors funding was approved in 2013 toward replacement of the Mandan High School gymnasium floor and bleachers.

Past projects include:

- electronic message center and welcome monument on East Main Street,
- renovations to Veterans Memorial Ballpark,
- creation of the Richard M. Longfellow Veterans Park,
- Harmon Lake improvements,
- improvements to the commissary at Ft. Abraham Lincoln State Park,
- a grant for the Mandan Historical Society's heritage home tour,
- renovations to the former railroad beanery building at 411 W Main, now the home of the Mandan Progress Organization.

Recreational center

from page 1

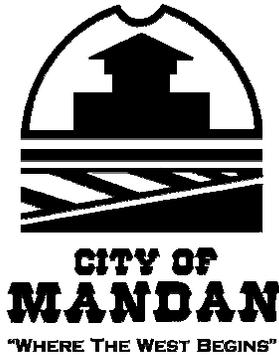


The conceptual site plan for the recreational center to the south of Raging Rivers Water Park would make the facility highly visible and easily accessible from the Expressway.

In July, the Mandan Park Board and YMCA approved a memorandum of understanding for the land purchase, construction and operation of the recreational facility. Here's a summary of important aspects of the partnership plan:

- The Park District has purchased 5.25 acres of property next to the water park for \$1.7 million. The Park District will lease necessary acreage for the facility to the YMCA for 50 years at \$1 per year. Lessees pay special assessments and liability insurance for the property. The YMCA has the option of purchasing the land for fair market value.
- The YMCA will build, own and operate a 41,000 square-foot facility with a full-sized gym, suspended running track, wellness/fitness center, fitness studios for classes such as aerobics and cycling, child care classrooms, a child watch program, locker rooms, meeting rooms and offices.
- The YMCA will need to raise an anticipated \$10.5 million through naming rights or other financing strategies as well as through fundraising to commence in 2014. The agreement may terminate if half of the fundraising goal is not met by July 1, 2014, or if the full fundraising goal is not met and construction commenced by July 1, 2015.
- If the land is sold, the Park District will pay the City of Mandan 88 percent of the net sale in keeping with the pro-rata investment for the land purchase.

Surveys conducted in 2011 showed that location and convenience are the biggest reasons people don't currently join the YMCA. The Raging Rivers location is perceived as convenient and is expected to become a destination. The YMCA's conservatively estimates that 2,200 membership units, representing 6,500 individuals, from Mandan and Bismarck would patronize a new YMCA in the southeast Mandan location. Total annual visits to the Mandan center are pegged at 240,000. YMCA members ultimately will be able to use either the Bismarck or Mandan recreational facilities.



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 5, 2016
PREPARATION DATE: July 1, 2016
SUBMITTING DEPARTMENT: Planning and Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Auction off 1996 GMC Yukon

STATEMENT/PURPOSE: A request to auction a 1996 GMC Yukon that is currently part of the planning and engineering staff's small fleet.

BACKGROUND/ALTERNATIVES: The 1996 Yukon has a list of problems that includes:

- Front driver's seat is broken and is no longer fully bolted to the base. Public Works shop staff took a look and said that to fix correctly, it would require an all new seat.
- The vehicle has stalled out at stop lights and stop signs when idling for some time.
- Driver's side electric windows no longer work.
- Air conditioning unit is slow to cool vehicle.
- All tire treads are worn down. One tire has a slow leak.

Our department believes that given the vehicle is 20 years old, and the condition of it is fair at best aside from the issues listed above, the best path forward is to sell the vehicle at auction. Our office plans to find a replacement vehicle but will make due without until we find that replacement. Our office does have a 2004 Chevy Tahoe that we use as well.

ATTACHMENTS:

- 1) Yukon's Title
- 2) Pictures of Yukon
- 3) Kelly Blue Book Price Report

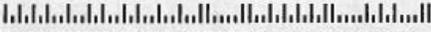
FISCAL IMPACT: Kelly Blue Book has the value in fair condition at \$2,248. A grade of fair condition is generous.

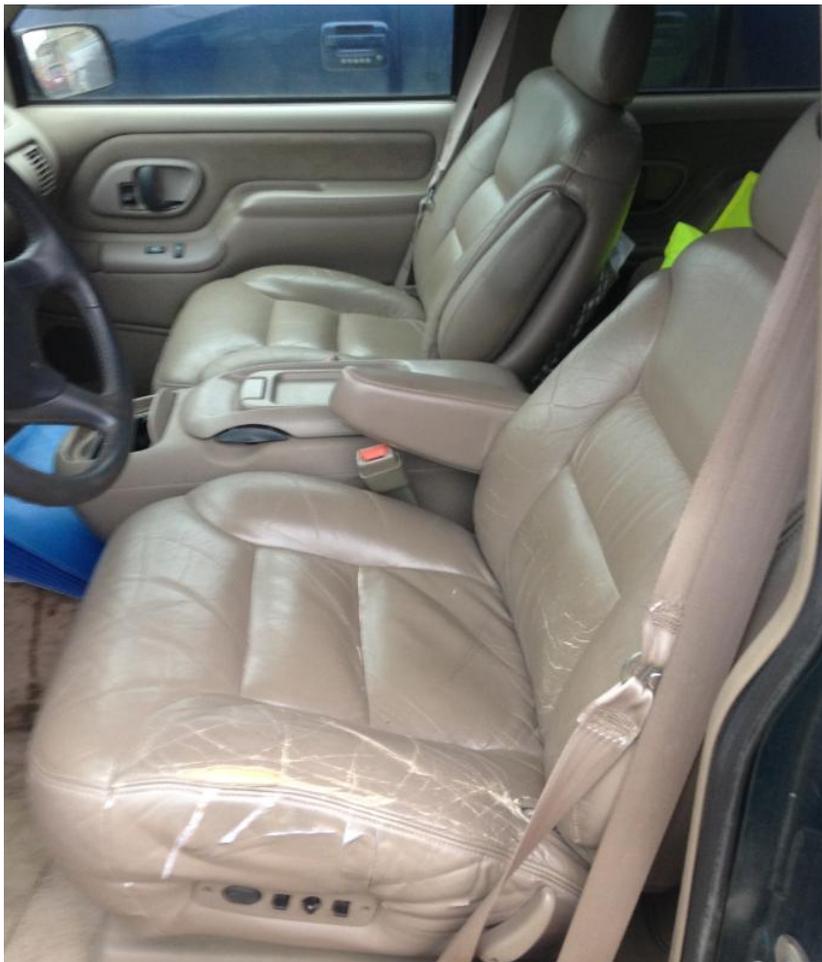
STAFF IMPACT: Staff is making due with one vehicle. Two vehicles would be more appropriate so that we would not need to schedule trips around when that vehicle is available.

LEGAL REVIEW: None

RECOMMENDATION: It is recommended to approve the 1996 Yukon be auctioned off.

SUGGESTED MOTION: Move to approve the auctioning of the 1996 GMC Yukon.

LEGAL DOCUMENT - KEEP IN A SAFE PLACE																	
CERTIFICATE OF TITLE FOR A VEHICLE NORTH DAKOTA DEPARTMENT OF TRANSPORTATION SFN 2875 (Rev. 01-01)				MOTOR VEHICLE DIVISION ND DEPT. OF TRANSPORTATION 608 E. BOULEVARD AVENUE BISMARCK, ND 58505-0780 PHONE (701) 328-2725													
VIN	YEAR MODEL	YEAR REGISTERED	MAKE	BODY STYLE	MODEL												
1GKEK13R2TJ749417	1996	1996	GMC	4 DOOR WAGON	YUKON												
OWNER(S) NAME	TITLE NUMBER		VEHICLE TYPE	SHIPPING WEIGHT	DATE ISSUED												
CITY OF MANDAN*	3808462		TRUCK	5,134	12/19/2003												
				ODOMETER READING	ODOMETER STATUS												
				65,969 MI	ACTUAL												
MAIL TO: CITY OF MANDAN* 205 2ND AVE NW MANDAN ND 58554-3125																	
																	
FOR MVD USE ONLY																	
DECAL NUMBER		LICENSE NUMBER															
DFU MO-YR	PRORATE	<input type="checkbox"/> YTLF															
TOTAL \$		<table border="1" style="width:100%;"> <tr><td>PLATE NUMBER</td><td></td></tr> <tr><td>PLATE FEE</td><td>\$5.00</td></tr> <tr><td>CREDIT</td><td>\$</td></tr> </table>		PLATE NUMBER		PLATE FEE	\$5.00	CREDIT	\$	<table border="1" style="width:100%;"> <tr><td>TAX</td><td>\$</td></tr> <tr><td>TITLE</td><td>\$</td></tr> <tr><td>LICENSE</td><td>\$</td></tr> </table>		TAX	\$	TITLE	\$	LICENSE	\$
PLATE NUMBER																	
PLATE FEE	\$5.00																
CREDIT	\$																
TAX	\$																
TITLE	\$																
LICENSE	\$																
PART 1. SELLER'S - ASSIGNMENT AND WARRANTY OF TITLE (DELIVER TITLE TO BUYER WITHIN 15 DAYS FROM DATE OF SALE)																	
Name of Buyer(s) First, Middle, Last			<input type="checkbox"/> Check if Joint Tenants with Right of Survivorship is desired	Selling Price	Daytime Phone #												
Address		City	State	Zip Code	County												
ODOMETER DISCLOSURE: Federal and State laws require that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment. I certify to the best of my knowledge the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked: <input type="checkbox"/> 1-The mileage stated is in excess of its mechanical limits. <input type="checkbox"/> 2-The odometer reading is not the actual mileage. (WARNING*ODOMETER DISCREPANCY)			Odometer Reading	NO TENTHS	Date of Sale												
Signature of Seller		Date (Mo., Day, Year)	Signature of Buyer		Date (Mo., Day, Year)												
X			X														
Signature of Seller		Date (Mo., Day, Year)	Signature of Buyer		Date (Mo., Day, Year)												
X			X														
Hand Printed (Not Typed) Name(s) of Seller(s)		Daytime Phone #	Hand Printed (Not Typed) Name(s) of Buyer(s)														
LEGAL TITLE OWNER (LIENHOLDER)			I certify that the applicant has complied with the requirements of Title 39 of the North Dakota Century Code relative to the issuance of a certificate of title for a vehicle. Any lien recorded in the office of the Department of Transportation is shown below and the lienholder named is and shall remain legal owner of the vehicle until the encumbrance is released or satisfied.														
J218553			 Deputy Director for Driver and Vehicle Services														
			LIEN RELEASE														
			ALL INTERESTS IN THE ABOVE DESCRIBED VEHICLE ARE RELEASED.														
			Lienholder Name														
			<input checked="" type="checkbox"/> Signature of Agent _____ Date _____														
THE DEPARTMENT OF TRANSPORTATION IS NOT RESPONSIBLE FOR FALSE OR FRAUDULENT STATEMENTS MADE IN THE ASSIGNMENT OF THE CERTIFICATE OF TITLE.																	
ERASURES, ALTERATIONS OR MUTILATIONS VOID THIS TITLE																	





Kelley Blue Book The Trusted Resource®



Advertisement

Used 1996 GMC Yukon Pricing Report



Style: Sport Utility 4D
 Mileage: 91,000

Vehicle Highlights

- City 18 Highway 24 Combined 18 MPG
- Doors: 4
- Drivetrain: 4WD
- Class: Sport Utility Vehicles
- Country of Origin: United States
- Seating: 6
- Engine: V8 5.7 Liter
- Transmission: Automatic
- Body Style: Sport Utility
- Country of Assembly: United States

Buy from a Private Party



Private Party Values valid for your area through 7/7/2016

Your Configured Options

Our pre-selected options, based on typical equipment for this car.
 ✓ Options that you added while configuring this car.

- | | | |
|---|--|---|
| <p>Engine
V8, 5.7 Liter</p> <p>Transmission
Automatic</p> <p>Drivetrain
4WD</p> <p>Accessory Packages
SLE</p> | <p>Braking and Traction
ABS (4-Wheel)</p> <p>Comfort and Convenience
Air Conditioning
✓ Power Windows
Power Door Locks</p> <p>Steering
Power Steering</p> <p>Entertainment and Instrumentation
AM/FM Stereo
✓ CD (Single Disc)</p> | <p>Seats
✓ Power Seat
✓ Leather</p> <p>Exterior
✓ Running Boards</p> <p>Wheels and Tires
Steel Wheels</p> <p>Exterior Color
✓ Green</p> |
|---|--|---|

Glossary of Terms

Suggested Retail Price - Suggested Retail Price is representative of dealers' asking prices. It assumes that the vehicle has been fully reconditioned and takes into account the dealers' profit and costs for advertising. The final sale price will likely be less, depending on the car's actual condition, popularity, warranty and local market factors.

Kelley Blue Book® Fair Purchase Price (Used Car) - This is the price people are typically paying a dealer for a used car with typical mileage in good condition or better. This price is based on actual used-car transactions and adjusted regularly as market conditions change.

Tip:

Kelley Blue Book pricing is based on actual transactions and adjusted regularly as market conditions change.

Fair Market Range (Used Car) - The Fair Market Range is Kelley Blue Book's estimate of what you can reasonably expect to pay this week for a vehicle with typical mileage and configured with your selected options, excluding taxes, title and fees when purchasing from a dealer. Each dealer sets and controls its own pricing.

Kelley Blue Book® Certified Pre-Owned (CPO) Price - This is the dealer's asking price of a car that meets the manufacturer's CPO program, which includes an additional warranty beyond the original factory warranty. It includes certification program costs, dealer profits and retail costs. The final price depends on the car's actual condition, popularity, warranty and local market factors.

Fair Market Range (CPO) - The Fair Market Range is Kelley Blue Book's estimate of what you can reasonably expect to pay this week for this year, make and model Certified Pre-Owned vehicle with typical mileage configured with your selected options, excluding taxes, title and fees. Each dealer sets and controls its own pricing.

Kelley Blue Book® Private Party Price - This is the starting point for negotiation of a used-car sale between a private buyer and seller. This is an estimate that does not include any warranties. The final price depends on the car's actual condition and local market factors.

Private Party Range - The Private Party Range is Kelley Blue Book's estimate of what you can reasonably expect to pay this week for a vehicle with typical mileage in the selected condition and configured with your selected options, excluding taxes, title and fees when purchasing from a private party.

Excellent Condition - 10% of all cars we value. This car looks new and is in excellent mechanical condition. It has never had paint or bodywork and has an interior and body free of wear and visible defects. The car is rust-free and does not need reconditioning. Its clean engine compartment is free of fluid leaks. It also has a clean title history, has complete and verifiable service records and will pass safety and smog inspection.

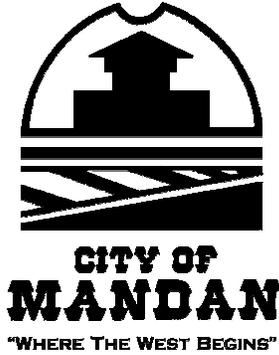
Very Good Condition - 25% of all cars we value. This car has minor wear or visible defects on the body and interior but is in excellent mechanical condition, requiring only minimal reconditioning. It has little to no paint and bodywork and is free of rust. Its clean engine compartment is free of fluid leaks. The tires match and have 75% or more of tread. It also has a clean title history, with most service records available, and will pass safety and smog inspection.

Good Condition - 54% of all cars we value. This car is free of major mechanical problems but may need some reconditioning. Its paint and bodywork may require minor touch-ups, with repairable cosmetic defects, and its engine compartment may have minor leaks. There are minor body scratches or dings and minor interior blemishes, but no rust. The tires match and have 50% or more of tread. It also has a clean title history, with some service records available, and will pass safety and smog inspection.

Fair Condition - 18% of all cars we value. This car has some mechanical or cosmetic defects and needs servicing, but is still in safe running condition and has a clean title history. The paint, body and/or interior may need professional servicing. The tires may need replacing and there may be some repairable rust damage.

© 1995 Kelley Blue Book Co., Inc. All rights reserved.

© 2016 Kelley Blue Book Co., Inc. All rights reserved. 7/1/2016-7/7/2016 Edition for North Dakota 58554. The specific information required to determine the value for this particular vehicle was supplied by the person generating this report. Vehicle valuations are opinions and may vary from vehicle to vehicle. Actual valuations will vary based upon market conditions, specifications, vehicle condition or other particular circumstances pertinent to this particular vehicle or the transaction or the parties to the transaction. This report is intended for the individual use of the person generating this report only and shall not be sold or transmitted to another party. Kelley Blue Book assumes no responsibility for errors or omissions. (v.16070)



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 5, 2016
PREPARATION DATE: June 30, 2015
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Tim Helbling, Mayor
SUBJECT: Employment Contract City Administrator

STATEMENT/PURPOSE: To consider an employment contract for the City Administrator between the City of Mandan and Jim Neubauer.

BACKGROUND/ALTERNATIVES: Mr. Neubauer has been employed as the City Administrator since February 1, 2000. The proposed contract would run through December 31, 2017 which would put it back on a three year rotation.

ATTACHMENTS: Proposed contract

FISCAL IMPACT: n/a as salary remains constant unless there is a salary study or salary adjustments are allowed via the budget in 2017.

STAFF IMPACT: n/a

LEGAL REVIEW: Agreement is similar in nature to previous agreements.

RECOMMENDATION: I recommend approval of the employment contract between the Board of City Commissioner and Jim Neubauer.

SUGGESTED MOTION: I move to approve the proposed employment contract between the Board of City Commissioners and Jim Neubauer

Employment Contract for City Administrator
City of Mandan, North Dakota

THE PARTIES to this Agreement are:

1. City of Mandan, North Dakota, party of the first part (hereafter Mandan).
2. James Neubauer, 801 25th Street SE, Mandan, ND (hereafter Neubauer).

Terms and Conditions of Employment Contract

The following recitals shall be deemed a part of this Agreement, and the parties agree that they accurately set forth the circumstances and basis upon which this Agreement has been executed:

1. Mandan, by resolution of the Board of City Commissioners, has appointed James Neubauer as its City Administrator for a period of three (3) years beginning January 1, 2015 and ending December 31, 2017. The annual salary for 2015 will be \$102,482, for 2016 the annual salary will be \$102,482, the 2017 salary would be the previous years' salary plus any Cost of Living Adjustment (COLA) as approved in the 2017 budget and if merit adjustments are applicable to other city employees the merit adjustment would range from 0% to the maximum other city employees are eligible for based on job performance. The contract may be renewed for a like or longer term by vote of the majority of the Board of City Commissioners. Should the Board of City Commissioners enter into a salary study for all employees the position of City Administrator shall be included and participate in any adjustments recommended in the plan as approved the Board of City Commissioners.
2. The position of the City Administrator is not part of the Mandan's civil service system, and the City Administrator is an employee at will, serving at the pleasure of the Board of City Commissioners and is subject to dismissal with or without cause, upon notice.
3. A written performance review shall be conducted by each member of the Board and returned to the Mayor on an annual basis and the results reviewed with the city administrator and board members as outlined in the performance review.
4. Neubauer shall receive the same benefits relating to sick leave, sick family leave, funeral leave, personal leave, vacation, health insurance, term insurance, long term disability insurance, pension eligibility, holidays, and travel reimbursement as any other employee in accordance with his/her year of employment with the City of Mandan. The benefit package and continuing education reimbursement may be renegotiated at any time during the contract term as determined by Mandan and Neubauer.

5. In the event, Mandan cancels the terms of this Agreement at any time during the contract term, Neubauer shall be entitled to a severance payment equal to six months salary, payable on the last day of employment, and the City of Mandan will continue to pay the premium cost of health insurance and term insurance for the coverage in effect at the time of termination of employment for a period of six months.

A termination for cause, including by not limited to conduct specified below will not entitle Neubauer to either severance pay or insurance benefits post termination.

- a) Unlawful use of any drugs, narcotic or other controlled substance while on duty, or reporting to work when under the influence of intoxicants or any narcotic or controlled substance;
- b) Continued failure to perform the assigned work in a satisfactory manner;
- c) Conviction of a felony or conviction of a misdemeanor involving dishonesty or moral turpitude;
- d) Engaging in criminal, infamous, dishonest or notoriously disgraceful conduct, or other conduct prejudicial to the government;
- e) Engaging in conduct or making public statements which adversely affect the confidence of the public in the integrity of the board of city commissioners, the department heads or city government or which directly or indirectly condemns or criticizes the policies of the city or any of its departments;
- f) Taking any action which might prejudice the city's interest in a criminal or civil action.

Duties and Responsibilities of City Administrator

Neubauer, in his capacity as City Administrator of the City of Mandan shall exercise and perform the following duties and responsibilities:

1. Initiate a long and short term strategic planning process which identifies specific goals, objectives, and projects for Mandan in order to better deliver services to its citizens.
2. Serve in the legal capacity as auditor, although specific duties and responsibilities of the auditor's office may be assigned to others, as the city administrator determines is best for the operation of the office.
3. Direct the daily administration of the City of Mandan.
 1. Develop and expedite public policies and programs.
 2. Work with department heads to promote efficient and effective operations.

4. Make recommendations to the Board of City Commissioners and administer policies and guidelines adopted by the Board.
5. Attend all regular and special meetings of the Board and meetings of the department heads.
 1. Deliver administrative and operational reports to the Board.
 2. Develop and expedite the most economical and responsible achievement of public policy.
6. Direct, coordinate, prioritize and assign work to department heads and division managers as necessary in order to solve problems and accomplish specific operational goals, objectives and special projects.
7. Serve as Mandan's chief administrative officer and human resource manager which includes:
 1. Managing personnel issues;
 2. Developing and implementing Mandan's human resource manual; and
 3. Serving as clerk of the Mandan Civil Service Commission.
8. Prepare studies for the Board related to operational procedures, capital expenditures and strategic plan; prepare meeting memos and background reports for the Board on current issues facing the Board and Mandan.
9. Serve as Mandan's representative on the governing boards of community organizations, including the Mandan Growth Fund, and attend various meetings and group functions as deemed necessary by the Board and/or the city administrator.
10. Coordinate preparation of the annual budget and capital plan, and present proposed budgets and plans to the Board.
11. Participate in the selection process for department heads and other upper level administrative employee positions, and make hiring recommendations to the Board.
12. Conduct annual performance appraisals of department heads in cooperation with the portfolio city commissioner.
13. Perform such other duties as deemed necessary by the Board or the city administrator.

This written Agreement supercedes and merges all previous written and oral negotiations and commitments of the Parties with respect to the matters addressed. This Agreement may be waived or amended only in writing.

THIS AGREEMENT shall be binding upon and inure to the benefit of the Parties hereto, their successors and assigns, and is executed by the Parties.
CITY OF MANDAN

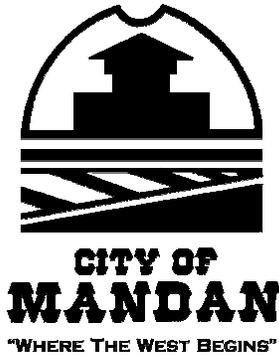
By: _____ Date: _____
Tim Helbling, President
Board of City Commissioners

ATTEST:

_____ Date: _____
Malcolm Brown, City Attorney

PARTY OF THE SECOND PART

_____ Date: _____
James Neubauer
801 25th Street SE, Mandan, North Dakota



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 7, 2016
PREPARATION DATE: June 3, 2016
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: New home construction 1st \$75k exemption

STATEMENT/PURPOSE: To consider options relative to the \$75,000 exemption for new residential construction.

BACKGROUND/ALTERNATIVES: As we look at declining revenues related our State Aid Distribution, one of the exemptions that Mandan currently provides is the first \$75,000 for two years on the purchase of new homes or condominiums. Morton County and Bismarck do not currently offer this exemption, Lincoln recently eliminated the exemption and Burleigh County offers a similar exemption if the purchaser takes the opportunities afforded the First Time Homebuyers Program.

Based upon the 2015 mill levy, and 204 exemptions at \$75,000 each would amount to an additional \$46,000 in the City's General Fund. Other taxing districts (County, Schools, Park, etc.) would also see their general fund revenue increase. The effect of the exemption on a home valued more than \$75k to the city is \$225/year. When including the other taxing districts the effect is \$944/year (based upon the 2015 mill levy). The total increase in revenue for all taxing districts would have amounted to \$192,608/year. (Based upon the 2015 mill levy)

There are certainly pros and cons to this issue. It could be argued that removing the exemption increases the cost of new home ownership and thus may have an effect on new home sales. By Mandan offering this exemption, potential buyers may chose Mandan rather than elsewhere. On the other hand, when the exemption was first enacted, the price of a new home may have been in the \$75,000 range and with today's entry level home priced between \$200 - \$300,000 the effect of the exemption is minimal. There is no limit (other than \$75,000) to the price of the home under the current exemption.

Options for consideration:

- a) Continue with the exemption
- b) Discontinue the exemption

- c) Limit the exemption to buyers that take the opportunity afforded by the First Time Home Buyers Program (currently in Burleigh County, seldom used)
- d) Allow the exemption for homes with a purchase price of equal to or less than \$----
- e) Phase out the exemption over time

This item is placed on the agenda for discussion and possible direction to staff.

ATTACHMENTS: n/a

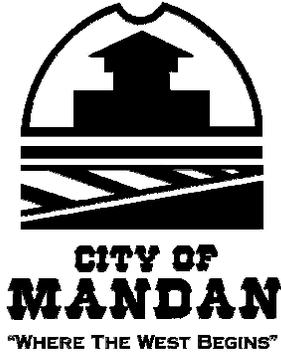
FISCAL IMPACT:

STAFF IMPACT:

LEGAL REVIEW:

RECOMMENDATION:

SUGGESTED MOTION:



New Business No. 1

Board of City Commissioners

Agenda Documentation

MEETING DATE: July 5, 2016
PREPARATION DATE: June 23, 2016
SUBMITTING DEPARTMENT: Fire/Police
DEPARTMENT DIRECTOR: Steve Nardello, Fire Chief
PRESENTER: Steve Nardello, Fire Chief
SUBJECT: Amendment to Joint Powers Agreement

STATEMENT/PURPOSE: To consider an amendment to the Central Dakota Communications Center (CenCom) current Joint Powers Agreement (JPA).

BACKGROUND/ALTERNATIVES: A large portion of funding needed for operations of CenCom comes from the \$1.00 911 fee collected from cellular and landline telephone users. For every \$1.00 collected, 15% is currently retained by the North Dakota Association of Counties (NDAC). The 9-1-1 Strategic Technology Planning Subcommittee met on April 20, 2016 and voted to reduce the NDAC obligation of 911 fees from 15% to 10% that will result in an additional 5% allocation of 911 fees toward the CenCom operational budget. The current CenCom JPA provides 15% of 911 fees to be allocated to the NDAC and the JPA needs to change to reflect the proposed 10% allocation effective January 1, 2017.

ATTACHMENTS: Memorandum received from Mike Dannenfelzer, Director of CenCom.

FISCAL IMPACT: The additional funding towards the CenCom operational budget should reduce the general fund obligation for the City of Mandan.

STAFF IMPACT: None

LEGAL REVIEW: The proposed change to the CenCom JPA has been sent to City Attorney Brown.

RECOMMENDATION: I recommend the Commission approve the proposed amendment to the CenCom JPA

SUGGESTED MOTION: Move to approve the proposed amendment to the CenCom JPA changing NDAC contribution from 15% to 10%.



Memorandum

Date: June 21, 2016
From: Mike Dannenfelzer, Communications Director 
To: Jim Neubauer, Assistant City Administrator
Re: 1st Amendment to Agreement for Joint Exercise of Governmental Powers

Please schedule this item for consideration of the Board of City Commissioners at their scheduled meeting on Tuesday July 5, 2016 at 5:30 PM in the Ed "Bosh" Froehlich Meeting Room.

The 9-1-1 Strategic Technology Planning Subcommittee (STEPS), the governing body for the Statewide NG911 Joint Powers Agreement, met on April 20, 2016 at 1:15 PM. At that meeting a unanimous decision was made to reduce each individual county's obligation of 9-1-1 taxes in support of the program from 15% to 10% of the first \$1.00 collected. This change will take effect on January 1, 2017.

Attached you will find an amendment to the Joint Powers Agreement dated November 20, 2015, which formed the Central Dakota 9-1-1 Authority and the Central Dakota Communications Center (CenCom). The amendment allocates the 5% retained 9-1-1 taxes to the CenCom annual operating budget. This has the effect of reducing the general fund obligation of each party.

The Board of Directors met on May 31, 2016 to review and did approve the attached language and recommends its passage by each party's respective Commission.

I will be available to answer any questions.

**FIRST AMENDMENT TO AGREEMENT FOR JOINT EXERCISE OF
GOVERNMENTAL POWERS**

Paragraph 6 of the Agreement for Joint Exercise of Governmental Powers dated November 20, 2015, between the Bismarck City Commission, the Mandan City Commission and the Burleigh County Commission is amended to read as follows:

6. **Funding of the Central Dakota Communications Center.** The Central Dakota Communications Center, through the Authority, shall establish a budgeting process inclusive of fiscal agents from each of the **Parties**. The process shall coincide with the budgeting process of the **Parties** and annual budget management shall be accomplished through the **City of Bismarck**, complying with its ordinances, policies and procedures.

After revenue and that portion of 911 fees allocated for the annual operating budget, the remainder of the budget responsibility shall initially be split by the **Parties**:

<u>80%</u> - Burleigh County	<	35% - Burleigh County
		65% - City of Bismarck

20% - City of Mandan

The allocated split shall be subject to review during the second year of operation and subsequent review and re-negotiation shall be every five (5) years thereafter, or as determined necessary by the Authority. Specialized grants that apply to specialized equipment, training or processes are excluded from this formula.

The **Parties** agree that the 911 fees collected under 57-40.6-02 shall be remitted to Burleigh County for management under the Authority but be accounted for as one fund. Any investment interest accrued on 911 fees shall remain within that fund. Fees collected will be allocated as follows:

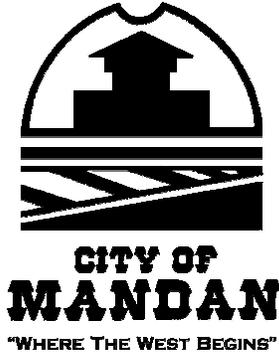
75% - Central Dakota Communications Center annual operating budget revenue
15% - 911 Capital Improvement Fund
10% - North Dakota Association of Counties

A copy of each 911 fee remittance receipt shall be provided to the Director of the Central Dakota Communications Center for tracking, planning and budgeting purposes.

Each of the **Parties** agrees to make financial allocations based on the adopted Authority budget.

The **City of Bismarck**, Finance Department shall bill each of the **Parties** no less than quarterly for their share of budgetary obligations under this Agreement.

Approved this ____ day of July, 2016.



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 5, 2016
PREPARATION DATE: July 1, 2016
SUBMITTING DEPARTMENT: Planning and Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Roy Rickert, Bis-Man Transit Director
SUBJECT: Bis-Man Transit Proposed Revisions

STATEMENT/PURPOSE: To inform commission of the proposed route and other changes to the Bis-Man Transit System.

BACKGROUND/ALTERNATIVES: The Bis-Man Transit saw a need for revisions to increase ridership and thus make the system more economically viable. Roy Ricker, Bis-Man Transit Director, has spearheaded this effort and will present the proposed changes and why the changes are necessary.

ATTACHMENTS:
1) Proposed Fixed Route, Paratransit Revisions

FISCAL IMPACT: None to the city of Mandan

STAFF IMPACT: Minimal

LEGAL REVIEW: None

RECOMMENDATION: Presentation as an information item.

SUGGESTED MOTION: None, for information.



Proposed Fixed Route, Paratransit Revisions

June 2016

Bis-Man Transit delivers valued public transportation, linking people, jobs and communities.

3750 East Rosser Avenue, Bismarck, ND 58501 • P: (701) 258-6817 • F: (701) 258-6752 • www.bismantransit.com

Table of Contents

Introduction

The Need for Revisions	3
Background Summary	3

Fixed Route System Revisions

Overview of Fixed Route Service	6
Route Examination	6
<i>Black Route</i>	6
<i>Blue Route</i>	6
<i>Green Route</i>	6
<i>Red Route</i>	7
<i>Brown Route (Mandan)</i>	7
<i>Purple Route (Mandan)</i>	7
Bismarck Proposed Revisions Map	8
Black Route	9
Blue Route	10
Green Route	11
Red Route	12
Mandan Proposed Revisions Map	13
Brown Route	14
Purple Route	15
Fixed Route Schedule	16
Demand Response System Revisions	
Overview of Paratransit Service	17
Overview of Extended Hours Service	17
Overview of Sunday Service	18

Introduction

The Need for Revisions

Due to federal and state funding cuts over the past year, concern has been expressed about the sustainability of the public transportation systems provided by Bis-Man Transit. These concerns have prompted the organization to take a critical look at its structure and at how resources are dedicated within that structure.

Bismarck-Mandan's fixed route system, Capital Area Transit, began providing service in 2004. Presently the system is comprised of 12 routes totaling about 123 miles of service. Of those dozen routes, 10 exclusively serve Bismarck, while two routes link Mandan and Bismarck. Service begins Monday through Saturday at about 6 a.m. and is concluded by 7 p.m., depending on the route. At peak transportation times, as many as seven fixed route buses are in service.

The demand response system has been providing door-to-door service to up to two miles outside the corporate city limits of Bismarck, Mandan, Lincoln and the University of Mary since 1990. The system operates 24/7/365. During peak travel times, as many as 17 paratransit vehicles are in service. This service currently employs liberal eligibility standards resulting in a 'membership' of over 13,000 riders.

Ridership between the two systems has been relatively stagnant for the past five years, and decreased about 8 percent from the end of 2014 to the conclusion of 2015. The two systems provided 283,263 rides in 2015, with Capital Area Transit delivering 133,348 rides while the paratransit system accounted for 149,915 rides.

Bis-Man Transit is proposing a number of revisions to improve how the fixed route service, as well as the demand response system, provides service to the community. These changes have taken into account comments and suggestions from the public through listening sessions, as well as the Mobility 2017 study that was performed in 2012. This document is intended to give an overview of those changes, as well as try to answer initial questions that may arise from the alterations.

The goal of the proposed revisions is to make the fixed route system easier and more convenient for the areas producing the most ridership and transitioning as many capable riders from paratransit to fixed route service. Paratransit service is a variable expense which increases with ridership, as opposed to the fixed route service which has a flat cost based on service hours, regardless of ridership. By switching riders from one mode of service to the other, overall operating costs will eventually reduce by as much as 20% and those who truly need paratransit service will receive a higher quality service.

Background Summary

In October 2015, a fixed route ridership survey was conducted. The following list includes some of the priorities that ridership felt the system needed to address:

- 28% of individuals surveyed wanted earlier or later hours for the fixed route system.
- 15% of individuals surveyed wanted higher route frequency for the fixed route system.

- 52% of individuals surveyed said the time it takes to reach a destination on the fixed route system was “good”.
- 53% of individuals surveyed said the fixed route was a “good” use of their time.
- 47% of individuals surveyed said the overall stress of using the fixed route was good.

Some suggestions gathered from individuals participating in the survey included the following:

- More direct routes.
- Go to the University of Mary.

In January 2016 Bis-Man Transit held the first of three listening sessions to give the organization another chance to gather input from advocacy groups, current stakeholders, current riders, and the community at large. Both staff and Bis-Man Transit Board members attended these listening sessions, listening to the inquiries and comments from attendees and answering questions. The listening sessions were held at locations in Bismarck and Mandan:

- January 29, 2016, at Bis-Man Transit Center.
- February 3, 2016, at Mandan City Hall.
- February 10, 2016, at Bismarck Veteran’s Memorial Public Library.

The listening sessions also provided a number of opportunities for input from the general public. Some public responses included the following:

- Fixed route service to the University of Mary.
- Frequency of fixed route service is inconsistent and needs to be higher.
- The paratransit needs to be more streamline and efficient.
- Paratransit needs to be more consistent with pickup times and the duration until clients are dropped off.
- There needs to be balance between the fixed route and paratransit systems that doesn’t currently exist.

Based on all of the input provided by the community well as recommendations from the Mobility 2017 study, Bis-Man Transit staff created a draft proposal for a new transit system structure to replace what is in place currently. This proposal would include a new route structure for the fixed route system, eligibility changes for the paratransit system, revised hours of service for both the fixed route and paratransit systems, and the creation of a third service that would be available for night and Sunday service.

A Community Public Transportation Task Force was pulled together that included a collection of community leaders and professionals to provide additional suggestions and recommendations for improvements to the overall system and review the draft of existing revisions. The initial meeting on March 10, 2016, resulted a great deal of discussion and the task force requesting more information about how the present system is constructed and to see the completed proposal. The task force would

meet a second time on May 25, 2016, and subsequently voted to support the proposed revisions to the public transportation system.

Following this endorsement, several advocacy agencies were approached to discuss the revisions and how they might affect their clientele. Overall, the responses were positive. Those agencies that serve the disabled community thought that the proposed revisions would result in higher quality service with only a few minor drawbacks. One agency that serves the aging population determined that the revisions would most likely impact negatively on their organization but conceded that they were probably beneficial to the transit system and the overall community.

At its monthly meeting on May 26, 2016, the Bis-Man Transit Board voted to approve the proposed system revisions, and take them to the Bismarck City Commission for a public hearing and opportunity to implement changes if given the Commission's approval.

Between now and that potential July public hearing, Bis-Man Transit will also host another public listening session to answer questions and address any concerns of the community. Implementation of the proposed revisions is able to begin on September 1, 2016, to allow for dissemination of new rider information.

Fixed Route System Changes

Overview of Fixed-Route Service

The most significant revision for the fixed route will be the philosophical switch from utilizing a large geographic footprint to cover the greatest possible area, that of higher frequency within the core ridership areas. This alteration will allow for more consistent and convenient runs along major ridership corridors by providing greater bus frequency.

- Routes are being reconfigured to reduce the geographical footprint of the service and focusing them on higher usage areas.
- The 12 circuitous interlined routes will be replaced with six direct routes.
- Fixed Route service will operate Monday through Friday, 6:30 a.m. to 7:00 p.m. and Saturday, 8:00 a.m. to 7:00 p.m.
- Five routes will have one hour headways with one being a pilot route to service U-Mary and there will be one circulator with a two-hour headway.
- A “My Ride” pilot program for Student Fares will begin, allowing for six month Semester passes good from July 1 to December 31 and January 1 to June 30. This will be a sponsored program and rates will be based on the number of pre-sold passes, with the option to extend to private sector.
- Passengers that are 65 years of age or older and passengers that are ADA qualified or receiving Medicare will be able to ride the Fixed Route service for free, with an appropriate Transit-issued ID.
- Overall revenue hour increase will be negligible and offset by reduced maintenance and deadhead cost savings.

Route Examination

Black Route – Kirkwood Mall to Gateway Mall

This route follows the center-most corridor of Bismarck, streamlining one of our top-performing routes and moving customers to the north and south parts of the city. It will also provide service to St. Alexius, Bismarck High School and the State Capitol grounds.

Blue Route – Kirkwood Mall to Bismarck State College

This route will connect individuals coming from, and going to, Mandan with Bismarck, as well as people utilizing Bismarck State College with Kirkwood Mall. Other areas highlighted on the route will be Dan’s Supermarket, Dakota Zoo, Riverside Education Center, High Rise, Arrowhead Plaza, and YMCA.

Green Route – Kirkwood Mall to University of Mary

This route will connect the University of Mary with Kirkwood Mall and ultimately Bismarck. Other highlights along the route include United Tribes Technical College, intermodal options through Bismarck Municipal Airport, south Super Wal-Mart, and Cash Wise Foods.

7

Red Route – Kirkwood Mall to Gateway Mall, Gateway Mall to Bismarck State College

This route will provide service from Bismarck State College to north Bismarck, as well as connect customers in the eastern portion of town with north and south Bismarck. Other highlighted areas on the route includes Burleigh County Senior Center, Simle School, Ruth Meiers, Bismarck Veterans Memorial Library, Sanford, Bismarck Event Center, Gateway Mall, Pinehurst Shopping Center, north Dan's Supermarket and north Super Wal-Mart.

Brown Route (Mandan) – Dan's Supermarket to Kirkwood Mall

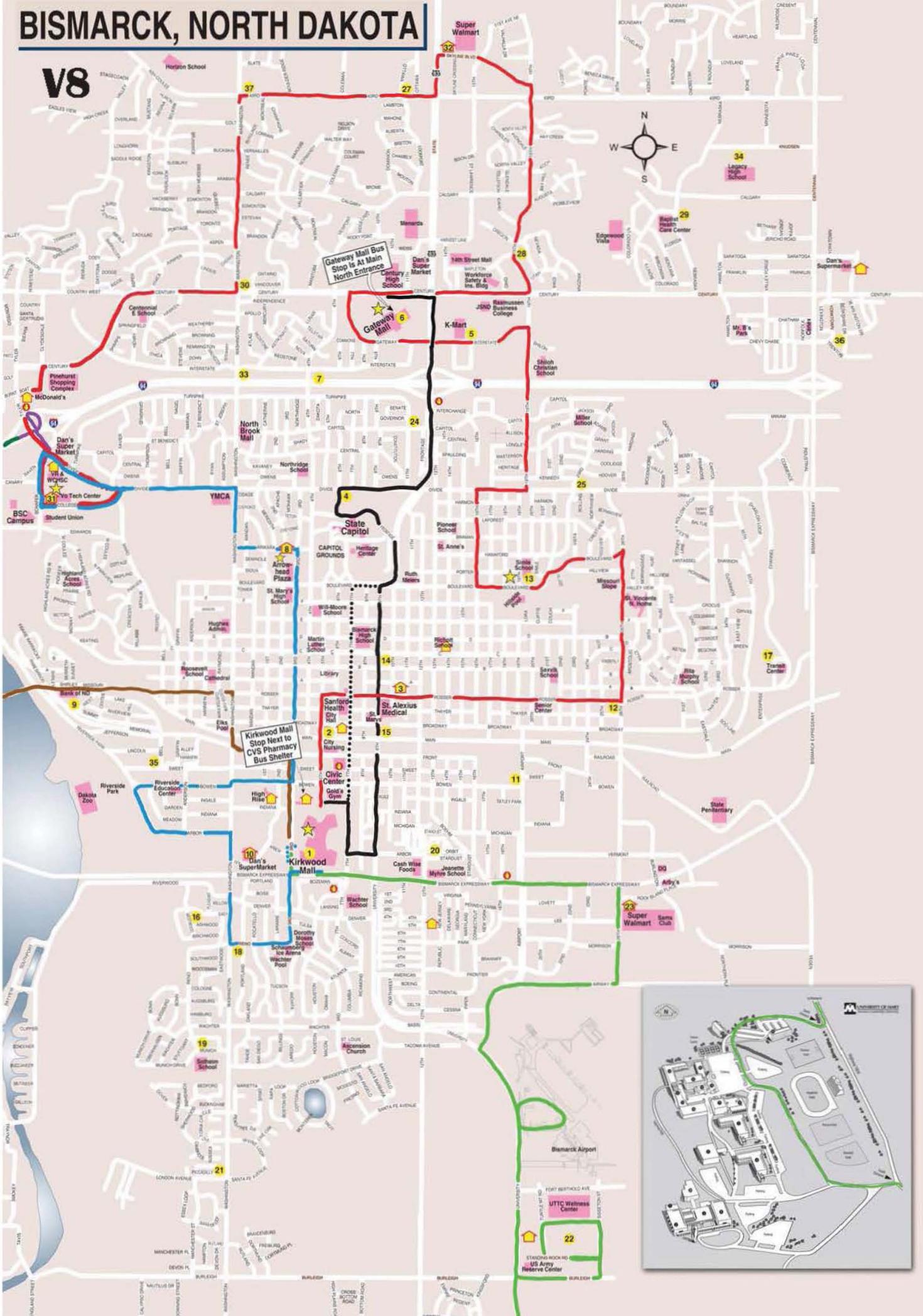
This route will provide service to South Mandan and connect Mandan with Bismarck. Service will also be provided to the Fort Lincoln Trolley, a number of businesses along the Strip, as well as Raging Rivers Water Park and the soon-to-be-built YMCA.

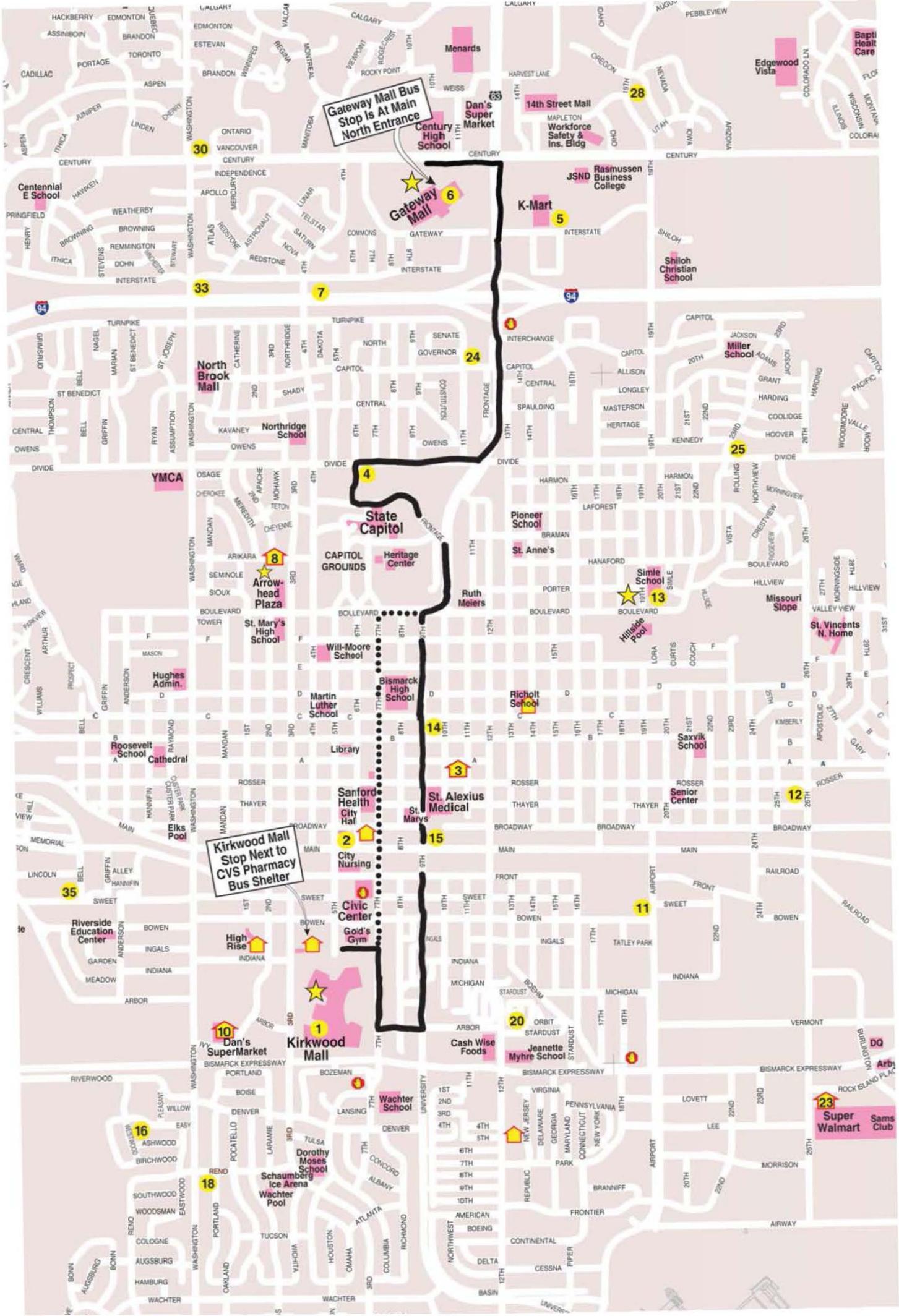
Purple Route (Mandan) – Dan's Supermarket to Bismarck State College

This route will provide service to North Mandan and connect Mandan with Bismarck. Service will also be provided to the Mandan Braves Center, Sanford Health Sunset Drive Continuing Care Center, Super Wal-Mart, Liberty Heights, and Sanford East Mandan Clinic.

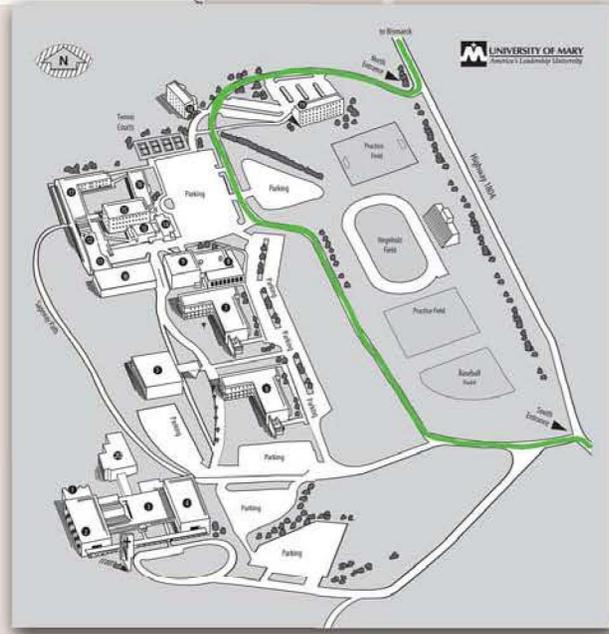
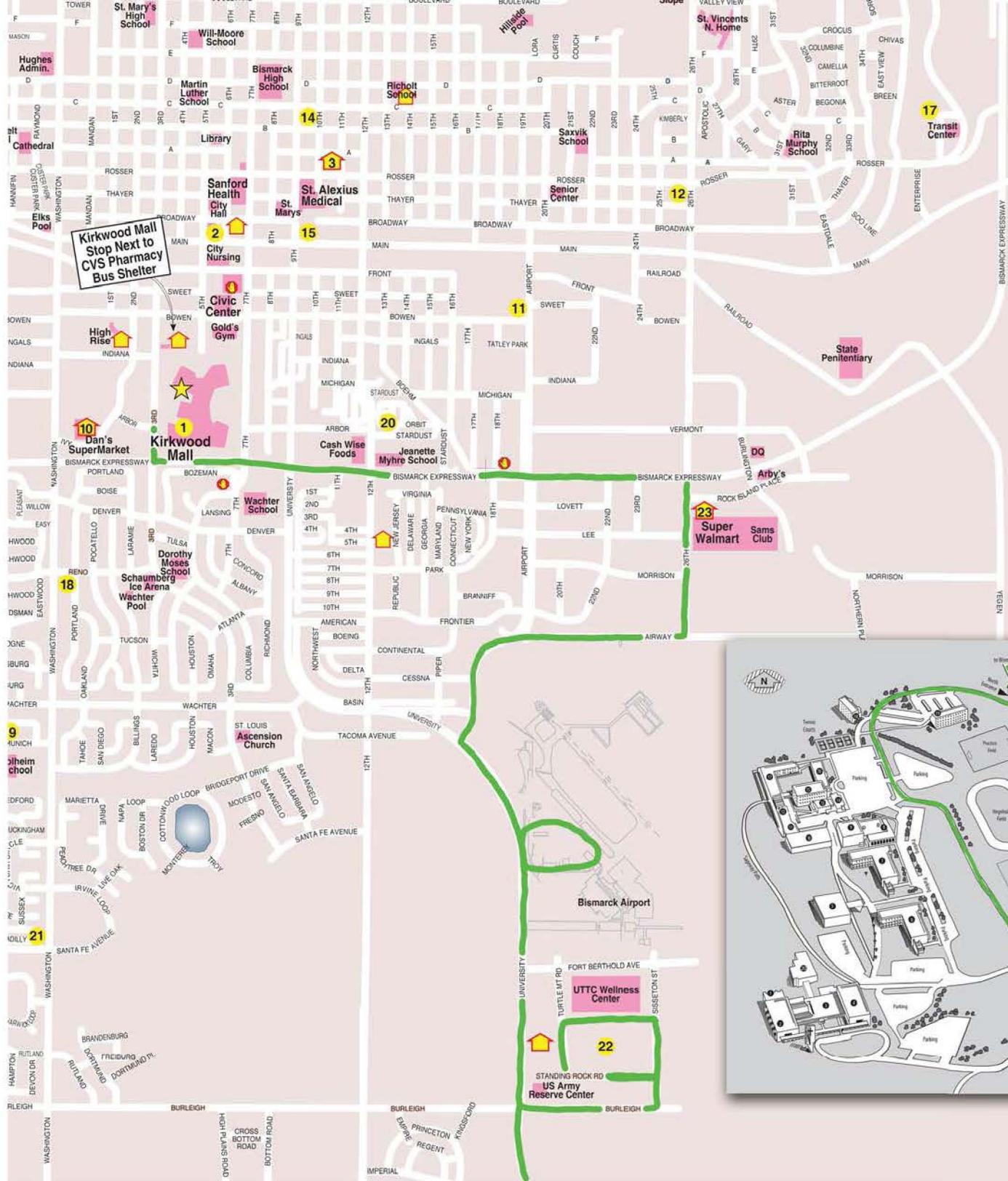
BISMARCK, NORTH DAKOTA

V8









Kirkwood Mall Stop Next to CVS Pharmacy Bus Shelter

MANDAN, NORTH DAKOTA

V6





Morton Mandan Public Library

Dan's Supermarket
Burlington Mall

Centre, Inc.

Spirit of Life

Fort Lincoln Trolley

McDonald's

Rodeo Grounds and Race Track

Dakota Centennial Park

Prairie West Golf Course

Ft. Lincoln School

75

71

76

70

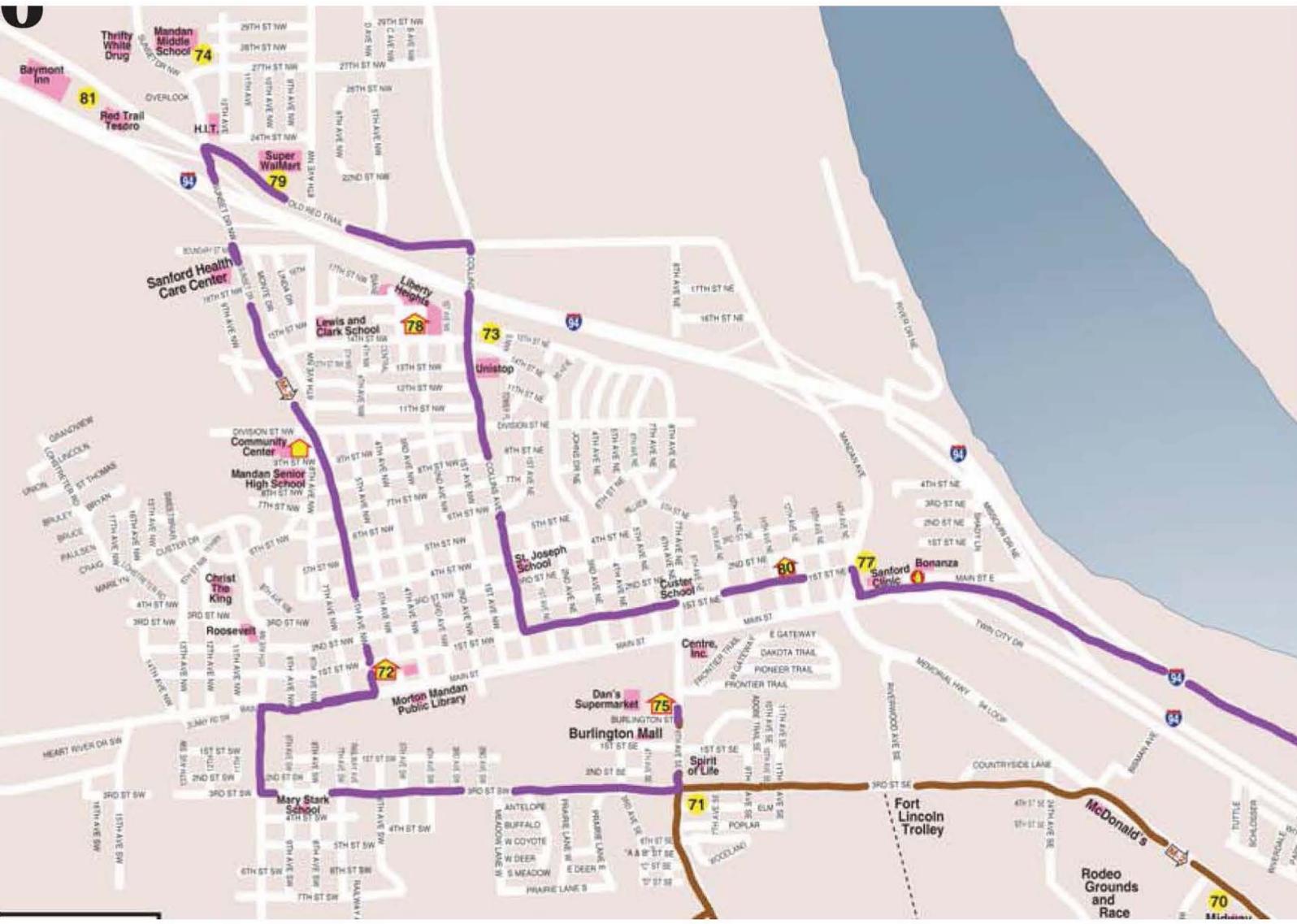
1806

810

94

94

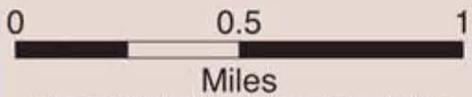
94



- Express Gateway to Kirkwood E-2
- E Bismarck - Route A-1
- E Bismarck - Route A-2
- SW Bismarck - Route B-1
- SW Bismarck - Route B-2
- Bismarck & Mandan M-1
- Mandan & Bismarck M-2
- Indicates Timing Point #'s
- 🏠 Shelter
- 🚫 No Stop Zone
- 🛑 Indicates Stop Permitted
- ★ Transfer Point



Printed By:



This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated here-in.

Fixed Route Schedule

Weekdays	Start Time	Mandan	Kirkwood	BSC	Gateway	U-Mary	End Time
Purple	7:00	:00		:30			7:00
Brown	6:30	:30	:00				6:30
Blue	7:00		:00	:30			6:30
Black	7:00		:00		:30		7:00
Green	7:00		:00			:30	7:00
Red (2hr Headway)	7:30		Even Hr :30	Odd hour :30	:00		7:00

Saturdays	Start Time	Mandan	Kirkwood	BSC	Gateway	U-Mary	End Time
Purple	8:00	:00		:30			7:00
Brown	8:30	:30	:00				6:30
Blue	8:00		:00	:30			6:30
Black	8:00		:00		:30		7:00
Green	8:00		:00			:30	7:00
Red (2hr Headway)	8:00		Even Hr :30	Odd hour :30	:00		7:00

Demand Response System Changes

Overview of Paratransit Service

The paratransit system will be altered to a curb-to-curb service with an origin-to-destination option upon request. Service hours will be close to the fixed route system, beginning at 5:30 a.m. and completing at 7 p.m., Monday through Friday, and from 7 a.m. to 7 p.m. on Saturdays. Service will be provided within the city limits of Bismarck and Mandan, or within $\frac{3}{4}$ of a mile from a fixed route. For passengers outside of that area, West River Transit is available to address their needs.

ADA standards require service to be comparable to that provided by the fixed route system. The paratransit system is not intended to be a transportation service that meets every need of the population it serves. Instead, it serves as a safety net for persons whose disabilities prevent them from using the accessible fixed route system. Eligibility will be based on ADA standards, and age alone, will no longer be a qualifier for the paratransit system.

The cost for a one-way trip on the paratransit system will remain at \$2.50. The system will observe the same holidays as the fixed-route system, and not provide service New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day.

- ADA paratransit service is provided to complement the fixed route service as required by law. This ADA regulated service will be operated at a minimum of the same hours as the fixed routes. It is a curb-to-curb service with origin-to-destination upon request.
- Eligibility for the service will adhere strictly to ADA standards based solely on a customer's physical and/or mental inability to ride on the accessible fixed route service.
- Eligibility of customers will be renewed every 3 years, or as needed, if accepted on a conditional basis.
- The service area for complementary ADA service will be within the boundaries of Bismarck and Mandan or within $\frac{3}{4}$ of a mile of a fixed route.
- Complementary ADA service will be provided Monday through Friday, 5:30 a.m. to 7:00 p.m. and Saturday, 7:00 a.m. to 7:00 p.m.
- Areas currently served by Bis-Man Transit that do not fall within the new service area can obtain service through West River Transportation.
- There will be no service on holidays that the fixed route does not operate.

Overview of Extended Hours Service

To address the needs of individuals who require transportation options later in the evening, such as 2nd and 3rd shift employees, a new service will be created to complement the paratransit and fixed route systems, after those services have concluded for the day. This curb-to-curb, ride-share service will begin providing service at 7 p.m., Monday through Saturday, and conclude at midnight. The system will observe the same holidays as the fixed-route system, and not provide service New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day.

- Extended Hour Service will be available as a curb-to-curb service only.

- Service will be available to the general public on a first-come first-served basis.
- Fare per trip will be \$5.00.
- Service Hours will be Monday through Saturday, 7:00 p.m. to 12:00 a.m. and Sundays, 7:30 a.m. to 2:30 p.m.
- The service area will remain the same as the ADA paratransit service.
- There will be no service on holidays that the fixed route does not operate.
- The number of buses available will be determined by both budget and demand.

Overview of Sunday Service

To address the need for transportation services on Sundays to get clients to and from services such as religious worship, a demand response service will be available to the general public on Sundays from 7:30 a.m. to 2:30 p.m. Four cutaway buses will be utilized to provide service.

Similar to the Extended Hours Service, this will be a curb-to-curb service with origin-to-destination available upon request. Rides must be scheduled at least a day in advance, but no more than a week ahead of time. Automatically-populated rides are not available with this service.

The cost per ride is \$5. The system will observe the same holidays as the fixed route system, and not provide service New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas Day.



Proposed Revisions Addendum

Why do we need to modify service?

The available resources for public transportation need to be rebalanced between the two modes that we provide. Fixed route service is viewed as a fixed cost since the cost to run the service is the same if there is one passenger on the bus or 20. Comparatively, paratransit service is charged on a per ride basis. Currently 62% of all operating funds are spent on the paratransit service which served 2270 unique riders in the past year. As seen in the chart below, the figures for our area are opposite of what is typical in a community of this size.

City	Population 2014 Estimate	Population over 65	Population with a disability	Population over 65 with a disability	Fixed Route Rides	Fixed Route Rides Per Capita	Paratransit Rides	Paratransit Rides Per Capita
Billings	106,704	15%	11%	32%	620,739	5.82	51,168	0.48
Fargo	115,503	10.10%	10.50%	42.70%	1,741,524	15.08	53,921	0.47
Grand Forks	53,407	10.10%	9.80%	32.70%	346,673	6.49	54,336	1.02
Rapid City	67,869	14.50%	14.30%	37.10%	287,623	4.24	79,261	1.17
Sioux Falls	158,301	10.90%	9.90%	33.30%	955,357	6.04	132,387	0.84
Bismarck/Mandan	83,957	15.15%	11.65%	35.10%	138,610	1.65	164,718	1.96

(Based on 2014 National Transit Database and the Census Bureau's American Community Survey)

With the continuing rise in operational costs and changes in federal and state funding sources, the public transportation system is no longer sustainable under the current operating policies. The following chart depicts the projected revenues and expenses through 2020, both leaving the service as it is, as well as if the proposed revisions are implemented. The savings estimated over the next four years average \$900,000 per year and allows for further improvements to both infrastructure and operations of the system.

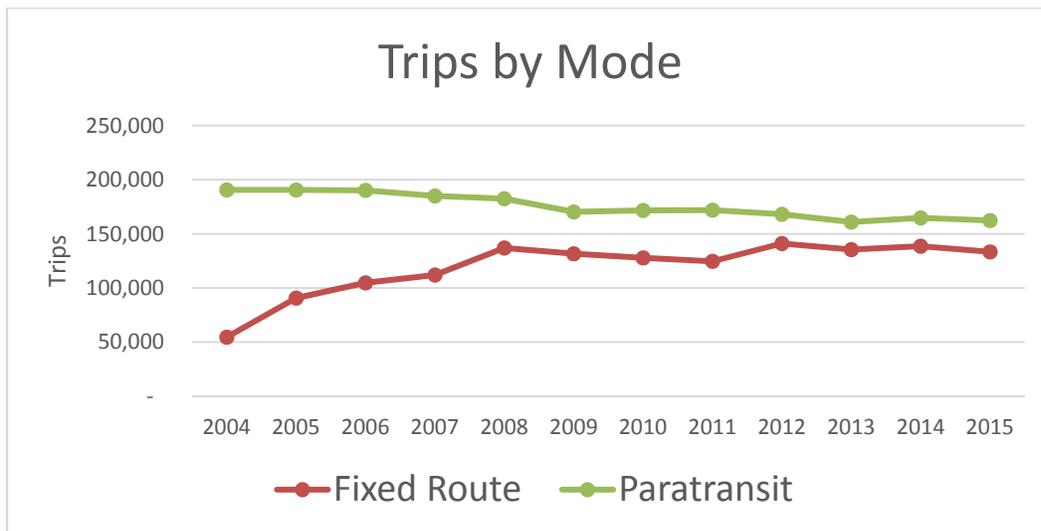
Revenue vs. Expense Projection

Revenue - Expenses	2016	2017	2018	2019	2020
No Changes (service remains as is)	-\$535,953	-\$537,500	-\$644,600	-\$709,400	-\$805,800
With Proposed Changes	-\$527,553	\$234,600	\$268,500	\$235,300	\$164,300

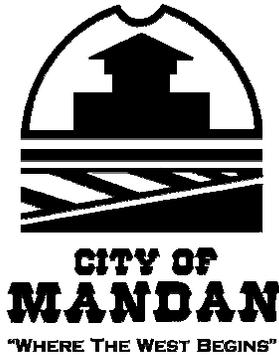
Not only will the proposed revisions ensure financial stability of the system, they will also enhance the overall service provided. By optimizing the route structure to focus on where ridership is the greatest and increasing the overall frequency, the fixed route service will see an increase in both revenue hours and revenue miles provided to the community. The routes will be less confusing and each will have a bus on the route throughout the entire service day.

By ensuring that the paratransit service remains focused on those passengers that are either physically or mentally incapable of utilizing the fixed route service on their own, the number of rides provided on that service is expected to decrease dramatically which will allow for an improved customer experience in regard to wait times, travel times, and customer service.

Overall growth of the system has remained at a standstill for the past eight years despite a growth in the size of the community. Because of this, many of these revisions have been discussed since the Mobility 2017 Report was completed in 2012. The catalyst for these revisions to be implemented now was the loss of approximately \$500,000 in federal and state funding as well an overall change in the Bis-Man Transit Board and the Executive Director approach to management of the system.



The public transportation system has proved itself to be a valuable benefit for the community. The services provided up to this point has become a solid foundation for the future evolution of the system.



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 5, 2016
PREPARATION DATE: July 1, 2016
SUBMITTING DEPARTMENT: Water Treatment Facility
DEPARTMENT DIRECTOR: Justin Froseth, Planning and Engineering Director;
Duane Friesz, Facility Superintendent
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Consider entering into an Engineering Service Agreement with AE2S for Sunset Booster Station and Distribution Control Improvements

STATEMENT/PURPOSE: To hire AE2S firm to provide engineering services for Sunset Booster Station and Instrumentation and Controls (I&C) Improvements.

BACKGROUND/ALTERNATIVES: This project has two main components. These components have enough relatability to warrant one project and take advantage of economies in bidding one larger project;

- 1) The Sunset Booster Pump Station is located just off of Old Red Trail near 37th St. NW and serves the northwest area of the City. This area is experiencing rapid growth increasing demands on the water system. There are periods of time when the pumps see high demands and it was determined an upgrade will ensure system demands are met. Phase I will allow the pump station to meet all current peak flow demands from new growth areas.
- 2) Growth in the Mandan system has resulted in new demands being placed on the distribution system. To provide better operational data and meet the growing service needs, the I&C system needs to be upgraded to match I&C upgrade include with the water treatment facility improvements. The water system demand increases have created the need for the pump stations, meters, and check points to operate in a more complex manner in order to accurately monitor and adjust system variables. Five remote pump stations/reservoir sites currently are not properly equipped to handle the new system challenges spurred by growth. This project will upgrade their current I&C equipment and integrate it into the overall system.

AE2S is already familiar with the facility needs to be addressed with this project as they were instrumental in applying for and receiving a State Water Commission grant for this project of 60%. AE2S was selected earlier this year as the water system consultant for the

next three years. Because of that selection process and because of their familiarity with the project already, we would recommend to select AE2S for this effort without another selection process.

In assessing what the city may need as part of the project, AE2S has increased the preliminary estimate from what was thought to be needed last fall. Last fall's estimate was used to submit to the SWC for the grant request that the city was successful in getting. Because of this increase, staff is recommending that we only agree to preliminary design at this time. The agreement would be adjusted later in add final design and bidding after that preliminary design hones in on the scope of the project.

Select attachments are provided. The full agreement and associated attachments are available upon request (32 pages).

ATTACHMENTS:

- Agreement pages 1 and 12 (Includes cover sheet and signature sheet)
- Exhibit B – Owners Responsibilities
- Exhibit C – Payments to Engineer
- Exhibit E – Project Description

FISCAL IMPACT: The agreement for the preliminary design services for this project estimates the cost to be \$32,600. The city will pay AE2S hourly up to that amount and will have to bring back to commission for approval if the amount is expected to exceed that. The SWC grant assumes the funding responsibility for 35% of design and 60% for construction. Therefore the city's share based on this estimate would be \$32,600x65% **\$21,190** for this agreement. This amount is budgeted out of the utility fund.

STAFF IMPACT: Planning and Design Coordination

LEGAL REVIEW: All commission data has been forwarded to the City Attorney for review

RECOMMENDATION: Enter into the agreement with AE2S.

SUGGESTED MOTION: I move to approve the Preliminary Design Engineering Services Agreement with AE2S for the Sunset Booster Station and Distribution Control Improvements project.

Board of City Commissioners

Agenda Documentation

Meeting Date: July 5, 2016

Subject: Consider entering into an Engineering Service Agreement with AE2S for
Sunset Booster Station and Distribution Control Improvements

Page 3 of 9

AGREEMENT
BETWEEN OWNER AND ENGINEER
FOR
PROFESSIONAL SERVICES

THIS IS AN AGREEMENT effective as of July 5, 2016 ("Effective Date") between City of Mandan, 205 2nd Avenue NW, Mandan, ND 58554-3125 ("OWNER") and Advanced Engineering and Environmental Services, Inc., 1815 Schafer Street, Suite 301, Bismarck, ND 58501 ("ENGINEER").

OWNER intends to construct the following improvements: Sunset Booster Station and Distribution Control Improvements ("Project") for the City of Mandan, as further described in Exhibit E. OWNER and ENGINEER in consideration of their mutual covenants as set forth herein agree as follows:

Board of City Commissioners

Agenda Documentation

Meeting Date: July 5, 2016

Subject: Consider entering into an Engineering Service Agreement with AE2S for
Sunset Booster Station and Distribution Control Improvements

Page 4 of 9

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

OWNER: _____

Mayor Tim Helbling

By: _____

Title: President of Board of City Commissioners

Date Signed: _____

ENGINEER: _____

Lisa Ansley (AE2S)

By: _____

Title: Operations Director

Date Signed: _____

ATTEST: _____

Name: Jim Neubauer

Title: City Administrator

ATTEST: _____

Name: Kenneth J. Weber, PE

Title: Senior Project Manager

Address for giving notices:

City of Mandan

205 2nd Avenue NW

Mandan, ND 58554-3125

Address for giving notices:

Advanced Engineering and Environmental Services, Inc.

1815 Schafer Street, Suite 301

Bismarck, ND 58501

Designated Representative (paragraph 6.02.A):

Duane Friesz

Title: WTP Superintendent

Phone Number: (701) 667-3275

Facsimile Number: (701) 667-1680

E-Mail Address: mandanwtp@midconetwork.com

Designated Representative (paragraph 6.02.A):

Laith Hintz, PE

Title: Project Manager

Phone Number: (701) 221-0530

Facsimile Number: (701) 221-0531

E-Mail Address: laith.hintz@ae2s.com

This is EXHIBIT B, consisting of two pages, referred to in and part of the Agreement between OWNER and ENGINEER for Professional Services dated July 5, 2016.

OWNER's Responsibilities

Article 2 of the Agreement is amended and supplemented to include the following agreement of the parties.

B2.01 In addition to other responsibilities of OWNER as set forth in this Agreement, OWNER shall:

A. Provide ENGINEER with all criteria and full information as to OWNER's requirements for the Project, including design objectives and constraints, space, capacity and performance requirements, flexibility, and expandability, and any budgetary limitations; and furnish copies of all design and construction standards which OWNER will require to be included in the Drawings and Specifications; and furnish copies of OWNER's standard forms, conditions, and related documents for ENGINEER to include in the Bidding Documents, when applicable.

B. Furnish to ENGINEER any other available information pertinent to the Project including reports and data relative to previous designs, or investigation at or adjacent to the Site.

C. Following ENGINEER's assessment of initially-available Project information and data and upon ENGINEER's request, furnish or otherwise make available such additional Project related information and data as is reasonably required to enable ENGINEER to complete its Basic and Additional Services.

D. Give prompt written notice to ENGINEER whenever OWNER observes or otherwise becomes aware of a Hazardous Environmental Condition or of any other development that affects the scope or time of performance of ENGINEER's services, or any defect or nonconformance in ENGINEER's services or in the work of any Contractor.

E. Authorize ENGINEER to provide Additional Services as set forth in Part 2 of Exhibit A of the Agreement as required.

F. Arrange for safe access to and make all provisions for ENGINEER to enter upon public and private property as required for ENGINEER to perform services under the Agreement.

G. Examine all alternate solutions, studies, reports, sketches, Drawings, Specifications, proposals, and other documents presented by ENGINEER (including obtaining advice of an attorney, insurance counselor, and other advisors or consultants as OWNER deems appropriate with respect to such examination) and render in writing timely decisions pertaining thereto.

H. Provide reviews, approvals, and permits from all governmental authorities having jurisdiction to approve all phases of the Project designed or specified by ENGINEER and such reviews, approvals, and consents from others as may be necessary for completion of each phase of the Project.

I. Provide, as required for the Project:

1. Accounting, bond and financial advisory, independent cost estimating, and insurance counseling services.
2. Legal services with regard to issues pertaining to the Project as OWNER requires, Contractor raises, or ENGINEER reasonably requests.
3. Such auditing services as OWNER requires to ascertain how or for what purpose Contractor has used the moneys paid.
4. Placement and payment for advertisement for Bids in appropriate publications.

Board of City Commissioners

Agenda Documentation

Meeting Date: July 5, 2016

Subject: Consider entering into an Engineering Service Agreement with AE2S for
Sunset Booster Station and Distribution Control Improvements

Page 6 of 9

J. Advise ENGINEER of the identity and scope of services of any independent consultants employed by OWNER to perform or furnish services in regard to the Project, including, but not limited to, cost estimating, project peer review, value engineering, and constructability review.

K. Furnish to ENGINEER data as to OWNER's anticipated costs for services to be provided by others for OWNER so that ENGINEER may make the necessary calculations to develop and periodically adjust ENGINEER's opinion of Total Project Costs.

L. OWNER designated Construction Manager: **Not Used.**

M. If more than one prime contract is to be awarded for the Work designed or specified by ENGINEER, designate a person or entity to have authority and responsibility for coordinating the activities among the various prime Contractors, and define and set forth the duties, responsibilities, and limitations of authority of such individual or entity and the relation thereof to the duties, responsibilities, and authority of ENGINEER as an attachment to this Exhibit B that is to be mutually agreed upon and made a part of this Agreement before such services begin.

N. Attend the pre-bid conference, bid opening, pre-construction conference, construction progress and other Project related meetings, and Substantial Completion and final payment inspections.

O. Provide the services of an independent testing laboratory, as Owner deems necessary to perform additional inspections, tests, and approvals of Samples, materials, and equipment, or to evaluate the performance of materials, equipment, and facilities of OWNER, prior to their incorporation into the Work with appropriate professional interpretation thereof.

P. Provide inspection or monitoring services by an individual or entity other than ENGINEER (and disclose the identity of such individual or entity to ENGINEER) as OWNER determines necessary to verify:

1. That Contractor is complying with any Laws and Regulations applicable to Contractor's performing and furnishing the Work.

2. That Contractor is taking all necessary precautions for safety of persons or property and complying with any special provisions of the Contract Documents applicable to safety. Provide ENGINEER with the findings and reports generated by the entities providing services pursuant to paragraphs B.2.01.O and P.

Q. Provide ENGINEER with the findings and reports generated by the entities providing services pursuant to paragraph B.2.01.O. and P.

R. Perform or provide the following additional services: None identified on the Effective Date of this Agreement.

Board of City Commissioners

Agenda Documentation

Meeting Date: July 5, 2016

Subject: Consider entering into an Engineering Service Agreement with AE2S for Sunset Booster Station and Distribution Control Improvements

Page 7 of 9

This is EXHIBIT C, consisting of one page, referred to in and part of the Agreement between OWNER and ENGINEER for Professional Services dated July 5, 2016.

Payments to ENGINEER for Services and Reimbursable Expenses

Article 4 of the Agreement is amended and supplemented to include the following agreement of the parties:

ARTICLE 4 -- PAYMENTS TO THE ENGINEER

C4.01 *For Basic Services*

A. OWNER shall pay ENGINEER for Basic Services as set forth in Exhibit A as follows:

1. An amount equal to the cumulative hours charged to the Project by each class of ENGINEER's employees times Standard Hourly Rates for each applicable billing class for all services performed on the Project, plus Reimbursable Expenses and ENGINEER's Consultant's charges, if any.

2. ENGINEER's Reimbursable Expenses Schedule and Standard Hourly Rates are attached to this Exhibit C as Appendix 1.

3. The total compensation for services under Paragraph C4.01 is \$32,600.00 based on the following assumed distribution of compensation.

a. Preliminary Design Ph. 030	\$ 32,600.00
b. Design Ph. 040	\$ TBD
c. Bidding Ph. 050	\$ TBD
d. Construction Ph. 060	\$ TBD
e. Post Construction Ph. 070	\$ TBD
f. I&C Services Ph.080	\$ TBD

4. ENGINEER may alter the distribution of compensation between individual phases noted herein to be consistent with services actually rendered, but shall not exceed the total compensation amount unless approved in writing by OWNER.

5. The amounts billed for ENGINEER's services under paragraph C4.01 will be based on the cumulative hours charged to the Project during the billing period by each class of ENGINEER's employees times Standard Hourly Rates for each applicable billing class, plus

Reimbursable Expenses and ENGINEER's Consultant's charges.

6. The Standard Hourly Rates and Reimbursable Expenses Schedule may be adjusted annually (as of January 1) to reflect equitable changes in the compensation payable to ENGINEER.

C4.02 *For Additional Services Requiring OWNER's Authorization in Advance*

A. OWNER shall pay ENGINEER for services and reimbursable expenses for Additional Services set forth in Article A2.01 per the Hourly Fee and Expense Schedule included in Appendix 1 of Exhibit C.

C4.03 *For Required Additional Services*

Not Used.

This is EXHIBIT E, consisting of five pages, referred to in and part of the Agreement between OWNER and ENGINEER for Professional Services dated July 5, 2016

Project Description

The project consists of improvements to the Sunset Booster Station including upgrades to the domestic pumps, electrical systems, control replacement, pipe modifications, electrical room expansion, and site work modifications along with upgrades to the distribution system pumping facilities control systems. In general, the project related professional services consist of the following major tasks:

I. PRELIMINARY DESIGN 030

The Preliminary Design Phase is comprised of the primary tasks identified below:

- A. Project Kick-Off Meeting
- B. Regulatory and Permitting
 - 1. Assist the City in securing the necessary permits to construct project.
 - 2. Interface with NDDH to coordinate proposed project with regulatory requirements.
- C. Sunset Booster Station
 - 1. Pump and Control Evaluation
 - a. Evaluate capacity of existing domestic pumps.
 - b. Determine future flow requirements for basis of new design
 - c. Development pumping scenarios for pump capacities
 - 2. Domestic Service Pump Replacement
 - a. Replace domestic pumps based on evaluation results
 - b. Add VFDs for new pump system to maximize flexibility of operation and minimize water hammer concerns
 - c. Modify process piping to accommodate new pumping
 - 3. Building Electrical Expansion
 - a. Evaluate and present two or three facility expansion options to house electrical control, electrical gear and VFDs
 - 4. Mechanical Systems
 - a. Evaluate mechanical HVAC and Plumbing systems to accommodate electrical expansion.
 - b. Evaluate mechanical HVAC and Plumbing systems to accommodate building modifications.
- D. Distribution system Control and Instrumentation Improvements
 - 1. Evaluate the following sites
 - a. Collins Avenue Reservoir
 - b. Sharon Heights Reservoir
 - c. 8th Avenue Booster Station
 - 2. Review Master plan to incorporate appropriate provisions for future generators and growth flexibility.
 - 3. Prepare upgrade recommendations
- E. Summary of Deliverables
 - 1. 30% Plans and Specifications
 - 2. 30% Preliminary Cost Estimate to verify project budgets.
 - 3. Preliminary Design Technical Memorandum: Summarize evaluations and recommendations for improvements. Form the basis of final design.

Board of City Commissioners

Agenda Documentation

Meeting Date: July 5, 2016

Subject: Consider entering into an Engineering Service Agreement with AE2S for
Sunset Booster Station and Distribution Control Improvements

Page 9 of 9

F. Schedule

1. Preliminary Engineering deliverables ready on or around August 11, 2016

II. **FINAL DESIGN PHASE 040**

The Final Design Phase is to be determined.

III. **BIDDING PHASE 050**

The Bidding Phase is to be determined.

IV. **CONSTRUCTION PHASE 060**

The Construction Phase is to be determined.

V. **POST CONSTRUCTION PHASE 070**

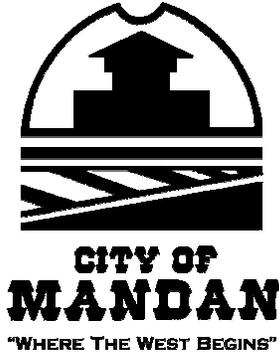
The Post-Construction Phase is to be determined.

VI. **INSTRUMENTATION AND CONTROL PHASE 080**

The Instrumentation and Control Phase is to be determined.

New Business No. 4
- Revised 7-5-16

<u>Portfolio</u>	<u>6/15/2016</u>	<u>6/28/2016</u>
Health Inspection	Braun, Mike	Braun Mike
Cemetery	Braun, Mike	Braun, Mike
Mandan Airport Authority	Braun, Mike	Braun, Mike
Engineering	Rohr, Dennis	Braun, Mike
Water and Sewer Treatment	Rohr, Dennis	Braun, Mike
Morton Mandan Public Library	Tibke, Sandy	Braun, Mike
Planning & Zoning	Laber, Shauna	Braun, Mike
Safety & Wellness Committee	Tibke, Sandy	Davis, Scott
Assessing	Laber, Shauna	Davis, Scott
Building Inspection	Laber, Shauna	Davis, Scott
Business Development	Braun, Mike	Helbling, Tim
Public Buildings	Laber, Shauna	Helbling, Tim
Finance	Tibke, Sandy	Helbling, Tim
Municipal Court	Laber, Shauna	Laber, Shauna
Streets forestry	Rohr, Dennis	Laber, Shauna
Waterline & Sewerline Maintenance	Rohr, Dennis	Laber, Shauna
Solid Waste Utility	Rohr, Dennis	Laber, Shauna
Street Light Utility	Rohr, Dennis	Laber, Shauna
Mandan Parking Authority	Rohr, Dennis	Rohr, Dennis
Fire	Van Beek, Arlyn	Rohr, Dennis
Police	Van Beek, Arlyn	Rohr, Dennis
<u>Committees</u>		
Cemetery Advisory Committee	Tibke, Sandy	Braun, Mike
Law Enforcement Center Advisory Committee	Van Beek, Arlyn	Davis, Scott
CennCom	Alternate, Rohr, Dennis	Davis, Scott - Alternate
City Planning & Zoning	Van Beek, Arlyn	Helbling, Tim
Renaissance Zone	Braun, Mike	Helbling, Tim
Mandan Growth Fund	Braun, Mike	Helbling, Tim
Mandan Visitors Committee	Van Beek, Arlyn	Helbling, Tim
BMDA Board of Directors	Braun, Mike	Helbling, Tim
Finance Committee	Tibke, Sandy	Helbling, Tim
Dakota Media Access	Laber, Shauna	Laber, Shauna
City Planning & Zoning - as a resident	Laber, Shauna	Laber, Shauna
County Planning & Zoning	Rohr, Dennis	Laber, Shauna
Law Enforcement Center Advisory Committee	Braun, Mike	Rohr, Dennis
CennCom	Van Beek, Arlyn	Rohr, Dennis
County Planning & Zoning	Laber, Shauna	Rohr, Dennis
Mandan Progress Organization	Van Beek, Arlyn	



New Business No. 4

Board of City Commissioners

Agenda Documentation

MEETING DATE: July 5, 2016
PREPARATION DATE: June 30, 2016
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Tim Helbling, Mayor
SUBJECT: Commission Portfolio & Committee Assignments

STATEMENT/PURPOSE: To consider portfolio and committee assignments for the Board of City Commissioners.

BACKGROUND/ALTERNATIVES: At the time newly elected commissioners are seated portfolio and committee assignments are determined. Mayor Helbling has made initial recommendations which are attached and presented to the Board for discussion.

ATTACHMENTS: suggested assignments

FISCAL IMPACT: n/a

STAFF IMPACT: n/a

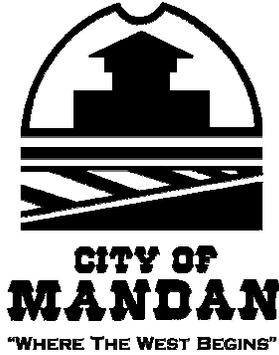
LEGAL REVIEW: n/a

RECOMMENDATION: I recommend the attached portfolio and committee assignments be approved.

SUGGESTED MOTION: I move to approve the portfolio and committee assignments as discussed.

<i>Portfolio</i>	<u>6/15/2016</u>	<u>6/28/2016</u>
Health Inspection	Braun, Mike	Braun Mike
Cemetery	Braun, Mike	Braun, Mike
Mandan Airport Authority	Braun, Mike	Braun, Mike
Engineering	Rohr, Dennis	Braun, Mike
Water and Sewer Treatment	Rohr, Dennis	Braun, Mike
Morton Mandan Public Library	Tibke, Sandy	Braun, Mike
Planning & Zoning	Laber, Shauna	Braun, Mike
Safety & Wellness Committee	Tibke, Sandy	Davis, Scott
Assessing	Laber, Shauna	Davis, Scott
Building Inspection	Laber, Shauna	Davis, Scott
Business Development	Braun, Mike	Helbling, Tim
Public Buildings	Laber, Shauna	Helbling, Tim
Finance	Tibke, Sandy	Helbling, Tim
Municipal Court	Laber, Shauna	Laber, Shauna
Streets forestry	Rohr, Dennis	Laber, Shauna
Waterline & Sewerline Maintenance	Rohr, Dennis	Laber, Shauna
Solid Waste Utility	Rohr, Dennis	Laber, Shauna
Street Light Utility	Rohr, Dennis	Laber, Shauna
Mandan Parking Authority	Rohr, Dennis	Rohr, Dennis
Fire	Van Beek, Arlyn	Rohr, Dennis
Police	Van Beek, Arlyn	Rohr, Dennis

	06/15/2016	06/28/2016
<i>Committees</i>		
Cemetery Advisory Committee	Tibke, Sandy	Braun, Mike
Law Enforcement Center Advisory Committee	Van Beek, Arlyn	Davis, Scott
CennCom	Alternate, Rohr, Dennis	Davis, Scott - Alternate
City Planning & Zoning	Van Beek, Arlyn	Helbling, Tim
Renaissance Zone	Braun, Mike	Helbling, Tim
Mandan Growth Fund	Braun, Mike	Helbling, Tim
Mandan Visitors Committee	Van Beek, Arlyn	Helbling, Tim
BMDA Board of Directors	Braun, Mike	Helbling, Tim
Dakota Media Access	Laber, Shauna	Laber, Shauna
City Planning & Zoning - as a resident	Laber, Shauna	Laber, Shauna
County Planning & Zoning	Rohr, Dennis	Laber, Shauna
Law Enforcement Center Advisory Committee	Braun, Mike	Rohr, Dennis
CennCom	Van Beek, Arlyn	Rohr, Dennis
County Planning & Zoning	Laber, Shauna	Rohr, Dennis
Mandan Progress Organization	Van Beek, Arlyn	



New Business No. 5

Board of City Commissioners

Agenda Documentation

MEETING DATE: July 5, 2016
PREPARATION DATE: June 30, 2016
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Reappointments to Dakota Media Access Board

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

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

DMA President, Jack McDonald, is requesting Morton County resident Sue Balcom, and Mandan resident Cameo Skager, be reappointed to the DMA Board as Mandan representatives to a term ending July 1, 2020.

ATTACHMENTS: Attached letter from Mary Van Sickle & Mr. McDonald

FISCAL IMPACT: n/a

STAFF IMPACT: n/a

LEGAL REVIEW: n/a

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

SUGGESTED MOTION: I move to reappoint Sue Balcom and Cameo Skager to the DMA Board of Directors to a term ending July 1, 2020.



June 30, 2016

Honorable Mayor Tim Helbling
Mandan City Commissioners
Mandan City Hall
205 Second Ave. NW
Mandan, ND 58554

Dear Mayor Helbling and Mandan City Commissioners:

Dakota Media Access (DMA) requests the following Mandan residents be considered for reappointment to serve on the DMA Board of Directors.

Sue Balcom, Charity Lutheran Church (reappointment to 7/1/20)
Cameo Skager, Mandan Public Schools & Bismarck Library Foundation (reappointment to 7/1/20)

Current DMA Board Members include:

Mandan Appointees:

Shadd Piehl, Rasmussen College (2020)
Shauna Laber, Mandan City Commission Liaison

Bismarck Appointees:

Jack McDonald, Wheeler Wolf Attorneys (2018)
Richard Torrance, Retired (2018)
Tom Ackerman, University of Mary (2019)
Rick Kuhn, Edward Jones (2017)
Tanna Kincaid, Bismarck Public Schools (2019)
Robin Thorstenson, Starion Bank College (pending reappointment to 7/1/20)
Greg Wheeler, Basin Electric (pending new appointment to 7/1/19)
Jeanne Bischke, retired pending (new appointment to 7/1/17)
Shawn Oban, Bismarck City Commission Liaison

Thank you for your consideration.

Sincerely,

Mary Van Sickle, Executive Director
Dakota Media Access

Jack McDonald, President
Dakota Media Access

ORDINANCE NO. 1244

AN ORDINANCE ANNEXING LAND INTO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

WHEREAS, the owners of land described as Lot 2, Block 3, Bahms First Addition located in Section 2, Township 138 North, Range 81 West with a Morton County Parcel Number of 30-0304000 and a physical address of 2300 14th Ave. SE have requested in writing that their property be annexed to the City of Mandan; and

WHEREAS, North Dakota Century Code Section 40-51.2-03 provides that if the owners of at least three-fourths of the assessed value of the property being requested for annexation request such action in writing; and

WHEREAS, notice was published in a newspaper of general circulation within the City of Mandan on 6/17/2016 and a certified letter announcing the intent to annex was delivered by the USPS to Morton County on 6/15/2016 as required by North Dakota Century Code 40-51.2-05.

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

Section 1. Description of Parcel of Land being Annexed. All that land not currently within the corporate limits of the City of Mandan that is described as Lot 2, Block 3, Bahms First Addition.

Section 2. Notice. The proper officials of the city are hereby directed to publish a copy of this ordinance in the Mandan News, the official newspaper, for two successive weeks and take such further action as they may deem necessary or desirable.

President, Board of City Commissioners

Attest:

City Administrator

First Consideration:

June 21, 2016

Second Consideration and Final Passage:

July 5, 2016

Recording Date:





Board of City Commissioners

Agenda Documentation

MEETING DATE: July 5, 2016
PREPARATION DATE: July 1, 2016
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth, P.E.
PRESENTER: Robert Decker, P.E., Principal Planner
SUBJECT: First consideration of Ordinance 1246 rezoning Lot 3, Block 1, Sylvester's Industrial Park 3rd Addition

STATEMENT/PURPOSE:

Previous action restricted uses allowed in this CC zoning district. This proposed ordinance removes those restrictions.

BACKGROUND/ALTERNATIVES:

In 2008 restrictions were placed on the uses that could be developed in this area. The intent was to limit uses to less intense commercial uses rather than more intense industrial uses. However, the categories of uses that were excluded were so broad that commercial uses that were considered appropriate for the area were excluded.

In 2013 the use restrictions were removed from the adjoining properties in order to allow commercial uses. This request is to remove the use restrictions from this property in order to allow development of a national chain tire sales and auto repair store.

This use is part of Service Group B. This is an allowed use in the CC district.

Business Development and Communications Director Huber has discussed this proposed development with the developer and is in favor of this rezoning.

The use is compatible with neighboring uses.

The Land Use and Transportation Plan recommends that this area be developed with commercial uses and this is a commercial use.

ATTACHMENTS:

1. Ordinance

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION:

The Planning and Zoning Commission voted at their 6/27/16 meeting to recommend approval.

SUGGESTED ACTION:

Move to approve first consideration of Ordinance 1246 rezoning Lot 3, Block 1 Sylvester's Industrial Park 3rd Addition.

ORDINANCE NO. 1246

AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP.

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

SECTION 1. AMENDMENT. Section 21-03-02 of the Mandan Code of Ordinances is amended to read as follows:

The following described property located within the City of Mandan, Morton County, North Dakota shall be excluded from the CC Restricted zoning district (no railroad trackage, auto laundry, auto repair as a primary use, commercial parking lot/garage, off-premise advertising sign, steam bath, tire/battery repair, storage building/warehouse or any of the wholesale group) and shall be included in the CC zoning district:

Lot 3, Block 1, Sylvester's Industrial Park 3rd Addition in Section 31, Township 139N, Range 80W in the City of Mandan, Morton County, North Dakota

SECTION 2. RE-ENACTMENT. Section 21-03-02 of the Mandan Code of Ordinances is hereby re-enacted as amended. The city principal planner is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

Tim Helbling, President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

Public Hearing: _____
First Consideration: _____
Second Consideration and Final Approval: _____
Recording Date: _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 5, 2016
PREPARATION DATE: July 1, 2016
SUBMITTING DEPARTMENT: Police
DEPARTMENT DIRECTOR: Jason Zeigler, Chief
PRESENTER: Robert Decker, P.E., Principal Planner
SUBJECT: First consideration of Ordinance No. 1247 amending and reenacting Sections 18-2-2 through 18-2-5 of the Mandan Municipal Code related to juvenile curfew.

STATEMENT/PURPOSE:

A review of existing language has identified some needed revisions.

BACKGROUND/ALTERNATIVES:

- The violation statements contained in 18-2-4 have been moved to 18-2-2. The current language only applies to 18-2-4 and is meaningless.
- 18-2-5 has been renumbered 18-2-4.
- The word offense has been replaced with violation. An offense is a type of violation.

ATTACHMENTS:

1. Ordinance

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION:

This draft was circulated among department directors and other senior staff for review and comment. This version incorporates all comments received. Staff recommends adoption of this ordinance.

SUGGESTED ACTION:

Move to approve the first consideration of Ordinance No. 1247 amending and reenacting Sections 18-2-2 through 18-2-5 of the Mandan Code of Ordinances related to juvenile curfew.

ORDINANCE NO. 1247

An Ordinance to Amend and Reenact Sections 18-2-2 through 18-2-5 of the Mandan Municipal Code Related to Juvenile Curfew

Be it ordained by the Board of City Commissioners:

An Ordinance to amend and reenact Sections 18-2-2 through 18-2-5 of the Mandan Municipal Code related to juvenile curfew is hereby enacted as follows:

Sec. 18-2-2. - Curfew hours.

- (a) It is unlawful for persons 14 years of age or less to loiter, idle, wander, stroll, play in or upon, or drive or ride about in a vehicle or be in or upon, the public streets, highways, roads, alleys, or public buildings, places or grounds between the hours of 10:30 p.m. and 5:00 a.m.
- (b) It is unlawful for persons 15 years of age to loiter, idle, wander, stroll, play in or upon, or drive or ride about in a vehicle or be in or upon, the public streets, highways, roads, alleys, or public buildings, places or grounds between the hours of 12:00 midnight and 5:00 a.m.
- (c) It is unlawful for a person at least 16 years of age but not yet 18 years of age to loiter, idle, wander, stroll, play in or upon, or drive or ride about in a vehicle or be in or upon, the public streets, highways, roads, alleys or public buildings, places or grounds between the hours of 1:00 a.m. and 5:00 a.m.

(ad) A violation of any person violating this section is guilty of an infraction. Each violation of this section shall constitute a separate offense.

(be) Any minor who violates any of the provisions of this section shall be subject to arrest by any police officer without process.

Sec. 18-2-3. - Defense to prosecution.

- (a) It is a defense to prosecution that the minor was:
 - (1) Accompanied by the minor's parent or guardian;
 - (2) On an errand at the direction of the minor's parent or guardian without any detour or stop;
 - (3) In a motor vehicle involved in interstate travel;
 - (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - (5) Involved in an emergency;
 - (6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence, except that this defense does not apply to a violation of the curfew hours;
 - (7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;
 - (8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
 - (9) Married or had been married, or had disabilities of minority removed in accordance with law.

- (b) It is a defense to prosecution that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

Sec. 18-2-4. - Penalty.

- ~~(a) Any person violating this section is guilty of an infraction. Each violation of this section shall constitute a separate offense.~~
- ~~(b) Any minor who violates any of the provisions of this section shall be subject to arrest by any police officer without process.~~

Sec. 18-2-5. -- Responsibility of parents and persons owning or managing public places or businesses.

No parent, guardian or other adult having the care and custody of a minor shall knowingly permit such minor to be abroad, loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots, or any retail or wholesale business establishment, during the curfew hours, provided that the provisions of this section do not apply when the juvenile is accompanied by his parent, guardian or other adult having the care and custody of the minor. Each violation of the provisions of this section shall constitute a separate offense.

By: _____
Tim Helbling, President
Board of City Commissioners

ATTEST:

James Neubauer, City Administrator

First Consideration:
Second Consideration and Final Passage:
Publication Date:

July 5, 2016



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 5, 2016
PREPARATION DATE: July 1, 2016
SUBMITTING DEPARTMENT: Police
DEPARTMENT DIRECTOR: Jason J. Ziegler, Chief of Police
PRESENTER: Joseph A. Camisa Jr., Code Enforcement Officer
SUBJECT: First consideration of Ordinance No. 1248 adding Chapter 26 to the Mandan Municipal Code related to code enforcement

STATEMENT/PURPOSE: The Code Enforcement Officer enforces provisions of various chapters of the code. This proposed ordinance establishes uniform procedures for enforcing the code.

BACKGROUND/ALTERNATIVES: Code enforcement currently involves working with several department directors. Duties will expand over time to include additional departments. It is appropriate to create a separate code enforcement chapter that establishes uniform procedures for dealing with violations of the municipal code.

ATTACHMENTS: Ordinance

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION: Staff recommends adoption of this ordinance.

SUGGESTED MOTION: Move to approve the first consideration of Ordinance No. 1248 creating Chapter 26 of the Mandan Municipal Code related to code enforcement.

ORDINANCE NO. 1248

An Ordinance to Add and Enact Chapter 26 of the Mandan Municipal Code related to code enforcement

WHEREAS, The Mandan Municipal Code has multiple requirements that periodically require enforcement actions, and

WHEREAS, The city has employed a code enforcement officer to provide enforcement of city code requirements, and

WHEREAS, It is necessary to establish a standard set of requirements and procedures for dealing with enforcement issues.

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

Section 1. Chapter 26 is created to read.

Chapter 26: Municipal Code Enforcement

Article 1. - Administration

Sec. 26-1-1. – Authority and Powers, right of entry

- (a) *Authority and powers.* The Code Enforcement Officer or designee shall have the authority and powers necessary to gain compliance with this code. These powers include issuing violation notices and citations, inspecting public and private property and using whatever administrative and judicial remedies are available under this code or state and federal law.
- (b) *Right of entry.* The Code Enforcement Officer or designee is authorized to enter any building or premises for the purpose of making an inspection or to enforce any ordinance, subject to constitutional limitations and the procedures described in Section 2-2-1 of this code.

Sec. 26-1-2. – Areas of Responsibility

The code enforcement program is responsible for the enforcement of those requirements of this code deemed appropriate by the city administrator and city commission in order to ensure the protection of the public's health, safety, welfare and quality of life. The code enforcement officer shall work with department directors to develop an enforcement procedure in the following areas of responsibility:

- (1) Municipal nuisance
- (2) Building and property maintenance
- (3) Zoning and land use
- (4) Public places and rights-of-way

Sec. 26-1-3. – Duties

- (a) *Investigation and action.*
 - (1) The code enforcement officer or designee shall investigate complaints received by the city concerning potential violations on public or private property. If a violation is found, the Code Enforcement Officer or designee shall notify the violator and grant reasonable time to correct the violation.

- (2) The code enforcement officer or designee shall monitor activity within the city and, if a possible violation is identified, verify the validity of the violation. Once the violation has been verified, the code enforcement officer or designee shall take appropriate action to correct the violation.
 - (3) Depending on the nature of the violation, the code enforcement officer or designee shall issue a notice of violation and demand for corrective action for a non-criminal violation or issue a citation into municipal court for a criminal violation of city code. The code enforcement officer or designee may also seek a civil penalty or other judicial relief to recoup city costs for mitigation of the violation or to obtain a court order to force the property owner to mitigate the violation.
 - (4) Should a violation present an immediate threat to public health or safety or when there is a declared emergency, the code enforcement officer or designee may take immediate action to mitigate any threat to public health or safety caused by the violation.
- (b) *Notification.* Notification of violation shall be delivered in person or by regular mail, unless otherwise stated in this code or state or federal law, rule or regulation. The letter shall indicate:
- (1) Location of the violation
 - (2) Nature of the violation
 - (3) Reference to applicable code
 - (4) Time in which to correct the violation
 - (5) How to request a reasonable extension of time to correct the violation
 - (6) Potential penalties for noncompliance

Article 2. – Enforcement

Sec. 26-2-1. – Options

- (a) *Selection.* The code enforcement officer or designee may enforce this code through administrative, criminal or civil processes. The Code Enforcement Officer shall use discretion in determining the appropriate course of enforcement and shall, whenever possible, attempt to obtain compliance through personal contact and explanation of the issue before resorting to issuance of a formal notice of violation.

- (b) *Administrative.* The Code Enforcement Officer or designee is authorized to enforce provisions of this Code by initiating administrative proceedings to correct a violation.
- (1) The code enforcement officer or designee may issue a notice of violation and order the correction of the violation by a specified date. The person to whom the notice of violation is being directed may be contacted by any means available including personal contact, email, social media account, telephone, posting a notice on the property or mailing a notice utilizing the United States Postal Service. The date specified for correction of the violation shall be reasonable based on the nature and severity of the violation. Violations that present an imminent threat to public health or safety may be ordered to be corrected within as short a period as several hours. Violations that do not present an imminent threat to public health or safety shall be given at least 5 days to be corrected. A notice to the effect that daily penalties of up to \$500 per day may be assessed if compliance is not accomplished within the time specified and that any penalty can be assessed against the property if unpaid.
 - (2) Except for violations that present an imminent threat to public health or safety, the person receiving the notice of violation may contact the code enforcement officer or designee and request an extension of time to mitigate the violation or file a written appeal challenging the order citing the specific grounds for reversal or modification of the order. A request for a time extension or an appeal must be filed with the code enforcement officer or other designated city representative before the date of compliance specified in the notice of violation. In the absence of a timely appeal, the findings of the Code Enforcement Officer or designee contained in the notice of violation shall be deemed true and final.
 - (3) When a request for more time to comply is received, the code enforcement officer or designee may either grant or deny the request for an extension of time. Should the request for an extension of time be denied, the person who received the notice of violation may appeal to the appeals board within 15 days of the denial of a request for time extension.
 - (4) If the violation is not corrected within the specified time, the code enforcement officer or designee shall issue a second notice of violation and specify that after the period allowed for compliance that a penalty of up to five hundred dollars (\$500.00) a day will be imposed for each day any violation is permitted to exist beyond the time for compliance. The code enforcement officer or designee may extend the time of compliance stated in the first notice of violation or state that daily penalties will commence on the date of issuance of the second notice of violation.

- (5) Failure of the person issued a notice of violation to comply within the time specified may result in the city, at its option, taking action to mitigate the violation or referring the matter to municipal court.
 - (6) If the city elects to take direct action to correct the violation the person will be billed for the actual costs incurred by the city plus administrative overhead and a penalty amount equal to the per day penalty assessment. Any bill remaining unpaid shall be assessed against the property in the manner used by the city for other unpaid bills.
- (c) *Criminal.*
- (1) *City options.* Depending on the seriousness of the violation, the city may seek corrective action and penalties in any court of competent jurisdiction.
 - (2) *Term of violation.* Each day that a violation is allowed to continue shall constitute a separate violation that may be cited and prosecuted as a separate action before the court.
 - (3) *Prosecution of Criminal Violation.* At the request of the code enforcement officer or designee, the city prosecutor or designee shall bring action in any court of competent jurisdiction to charge the violator and mitigate the violation.
- (d) *Civil.* In addition to the authority to commence administrative proceedings for the purpose of imposing civil penalties, a judicial action seeking a civil penalty may be commenced by the City Attorney, who may also seek any other relief available to the City. Any judicial action for a civil penalty may seek an award for attorney's fees, costs, expenses and disbursements.

Sec. 26-2-2. – Court Action

- (a) Taking any action to mitigate the violation using city resources or city contractors shall not preclude the city from taking any other action concurrently.
- (b) When a judgment is obtained by the City in an action for civil penalties, in addition to the appropriate methods of enforcement of the judgment established in the North Dakota Century Code and North Dakota Rules of Civil Procedure, such judgment for penalties shall be assessed and collected in the same manner as other unpaid bills or assessments.
- (c) The City Attorney may maintain an action in a court of competent jurisdiction to compel compliance with this code or to restrain by injunction the violation of this code.

Article 3. – Modifications to notice of violation

Sec. 26-3-1. – Time Extension

(a) The person receiving a notice of violation may request and the code enforcement officer or designee may grant a time extension for compliance during the period of compliance specified in the first notice of violation.

(b) Once the deadline for compliance stated in the first notice of violation or any extension granted by the code enforcement officer or designee has passed, no additional time extension may be granted unless authorized by the board of appeals after hearing an appeal.

Sec. 26-3-2 - Appeal

(a) *Stay of enforcement.* Unless there is an imminent threat to public health or safety, receipt of an appeal shall stay any enforcement action by the city.

(b) *Action by code enforcement officer.* Upon receipt of an appeal, the code enforcement officer or designee shall forward the appeal to the chairman of the board of appeals.

(c) *Action by the board of appeals.* Upon receiving an appeal from the code enforcement officer or designee, the board of appeals shall schedule a hearing on the appeal. The hearing shall be held and a decision rendered no later than 30 days after receipt of the appeal by the board of appeals. Scheduling of the hearing shall be coordinated with the person filing the appeal. If the board of appeals fails to act within 30 days, the appeal shall be forwarded to the board of city commissioners for action.

Sec. 26-3-3. - Board of Appeals

(a) *Composition.* The board of appeals shall consist of three (3) or five (5) members appointed for 3 year terms with the initial appointments staggered so individual member's terms expire in different years. The city administrator shall recommend appointments to the board of appeals. The board of city commissioners shall appoint the members of the board of appeals.

(b) *Powers and Duties.*

(1) The board of appeals shall address all questions of interpretation and enforcement of city code arising from a notice of violation issued by the code enforcement officer or designee.

(2) The board of appeals shall adopt rules necessary to the conduct of its affairs.

(3) Meetings shall be held at the call of the chairman or acting chairman.

(4) Meetings shall be open public meetings.

- (5) Minutes shall be kept that record all actions taken by the board of appeals. The minutes shall document how each board member voted on any action taken. The minutes shall be open to public inspection.
- (4) The board of appeals, at its discretion and based on the nature of the violation, may individually notify neighboring property owners or others of the appeal hearing.
- (5) The board of appeals, at its discretion, may call expert witnesses to address technical issues regarding the notice of violation being appealed.
- (6) The board of appeals, at its discretion, may allow neighbors or other residents of the city to speak at the hearing.
- (7) The person filing the appeal may have legal and technical representation at the hearing. Those persons shall be allowed to speak at the hearing.

Sec. 26-3-4. – Appeal Board Decisions Reviewable

A decision of the board of appeals may be appealed to the board of city commissioners by either the aggrieved applicant or by any officer, department, or board of the city. The appeal must be filed with the city administrator within fifteen (15) days after notice of the decision of the board of appeals. The board of city commissioners shall fix a time, within thirty (30) days, for the hearing of the appeal and shall give due notice of the hearing to the parties. The board of city commissioners shall decide the appeal within a reasonable time. Any party may appear in person or by agent or by attorney at the hearing of the board of city commissioners on the appeal. The board of city commissioners may reverse the decision of the board of appeals, in whole or in part, or modify the order, decision, or determination appealed.

Section 2. Chapter 26 is enacted as presented.

 Tim Helbling, President
 Board of City Commissioners

Attest:

 Jim Neubauer
 City Administrator

First Consideration:
 Second Consideration and Final Passage:
 Publication Date:

July 5, 2016

