

**AGENDA**  
**MANDAN CITY COMMISSION**  
**JUNE 21, 2016**  
**ED "BOSH" FROEHLICH MEETING ROOM,**  
**MANDAN CITY HALL**  
**5:30 P.M.**  
**[www.cityofmandan.com](http://www.cityofmandan.com)**

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- A. ROLL CALL:  
1. Roll call of all City Commissioners.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:  
1. Consider approval of the following Board of City Commission minutes:  
i. May 20, 2016 – Working Session  
ii. June 7, 2016 - Regular Meeting  
iii. June 15, 2016 – Special Meeting
- E. PUBLIC HEARING:
- F. BIDS:  
1. Consider concurrence with DOT to award downtown ADA curb ramp construction to low bidder, Knife River.
- G. CONSENT AGENDA:  
1. Consider approval of monthly bills.  
2. Engineering Service Agreement with AE2S for Collins Reservoir Inspection  
3. ~~Engineering Service Agreement with AE2S for Sunset Booster Station and Distribution Control Improvements – Removed~~  
4. Lakewood Harbor 3<sup>rd</sup> Addition First Replat of Block 1  
5. Consider approval of annual Liquor Licenses for July 1, 2016 to June 30, 2017. (Revised June 21, 2016)  
6. Consider approval of Special Sunday Openings for all annual Liquor Licenses. (Revised June 21, 2016)  
7. Consider approval of authorized check signers.  
8. Consider approval of a road closure for Starion Financial  
9. 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 1<sup>st</sup> Addition
- H. OLD BUSINESS:

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I. NEW BUSINESS:

1. Presentation of plaques to businesses donating \$500 or more to the community boulevard tree-planting program (Revised 6/20/16)
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).

J. RESOLUTIONS AND ORDINANCES:

1. Second consideration of Ordinance 1240 related to building and lot numbering
2. First consideration of Ordinance 1244 annexing property at 2300 14<sup>th</sup> Ave. SE

K. OTHER BUSINESS:

1. Presentation of awards to Mayor Van Beek and Commissioner Tibke
2. Consider for approval the Abstract of Votes cast by the Voters of City Mandan in the Consolidated Primary Election held the 14th day of June A.D. 2016.
3. Consider motion for Vice President of the Board of City Commissioners.

L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. ~~June 28, 2016 Special Meeting~~
2. July 5, 2016
3. July 19, 2016
4. August 2, 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.

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The Mandan City Commission met in a working session at noon on May 20, 2016 in the Veterans' Conference Room at Mandan City Hall, 205 2<sup>nd</sup> Ave NW, Mandan, ND. Commissioners present were Van Beek, Tibke, Rohr, Laber, and Braun. City Department Heads present were City Administrator Neubauer, City Attorney Brown, Finance Director Welch, Business Development and Communications Director Huber, and Program Coordinator Krista Harju. Others present: Morton County Commissioner Cody Schulz, Mandan Growth Fund Member David Lehman, Bismarck-Mandan Development Association (BMDA) President/CEO Brian Ritter, BMDA member Nathan Schneider, Lewis & Clark Regional Development Council (LRDC) Executive Director Brent Ekstrom, LRDC Loan Officer Matt Burthold, Mandan Citizens Shannon Reichenberg and Jessica Petrick.

### NEW BUSINESS:

1. *Discussion regarding Economic Development Strategies:*

i. *City of Mandan Business Development & Communications Director, Ellen Huber, BMDA President/CEO Brian Ritter and Lewis & Clark Regional Development Council Executive Director Brent Ekstrom discuss programs and how they work together.*

Areas covered include, the 3 SOURCES OF BUSINESS DEVELOPMENT, Retaining & growing existing businesses, fostering business start-ups and attracting new businesses. Also included were the 4 Ps of marketing: product, price, place and promotion.

The Business Development Marketing includes The PRODUCT and Community improvement. Making sure Mandan is a product that businesses want and enhancing strengths, addressing weaknesses so businesses increasingly want to be in Mandan. Community improvement includes planning & zoning, land use and redevelopment recommendations & plans, infrastructure (roads, water, sewer), developable land & available buildings, community beautification, cleanup activities, streetscape enhancements, renaissance zone, storefront improvement, and public-private partnerships. Sometimes this is leading w/ public investment to leverage private investment for anchors, traffic generators or to otherwise meet resident, business & visitor needs. The PRICE includes, value and quality & quantity of property (land & buildings) for the dollar, public benefit of projects, incentives and helping prospects avoid unforeseen costs. Predictability includes a community with review & approval processes, standards for development, etc. The PLACE, includes our community, our available sites, tracking land & buildings for sale & lease, tracking business openings, expansions, remodels (& changes in ownership, management, closures), our community, our available sites, population, demographics, daytime populations, traffic counts, access & visibility, proximity to other retail & services, insights about upcoming developments & projects. The PROMOTION portion includes branding & community image for recruitment/retention of businesses, residents & visitors. Marketing & public relations includes website, social media, paid advertising and communicating news of growth & progress. Programs include "Shop local" – existing businesses, outreach & recruitment, response to inquiries, coordination/facilitation with various departments & boards/committees for project permitting & approvals.

The City of Mandan's Business Development Office provides: Information & Services to include, market intelligence, available properties, traffic counts, demographics and retail gap analysis; Development news including information/contacts for uses allowed by

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zoning, infrastructure planning, building & fire codes (review recommended for a change in ownership/change in use), permits – business signs, liquor, etc., business incentive programs, outreach suggestions for new businesses and news media list, news release template & more.

Mandan's investment in economic development includes, 1% local sales tax approved by voters in 1991 for property tax reduction, economic development, infrastructure & debt reduction. The historical expenditures are: 23% which has been used for economic development \$250,000 annually to Mandan Growth Fund (from 1% local sales tax, has remained the same for 25 years; this covers economic development projects plus O&M for business development & communications; \$100,000 to BMDA, \$25,000 to Mandan Progress Organization, \$20,000 community event grants (as recommended by MPO), and \$5,000 to Chamber (1% local sales tax). Other related funds & investments; 2% hotel occupancy tax, \$56,000 to Bismarck-Mandan Convention & Visitors Bureau (90% of collections), 1% restaurant and lodging tax and the Visitors Capital Promotion Fund.

Economic development investments by other ND cities include their operating budgets: Fargo - \$1.4M, Bismarck - \$900,000, Grand Forks - \$900,000, Williston - \$500,000, Jamestown - \$435,000, Dickinson - \$300,000, Mandan - \$201,850 (includes public information), W. Fargo - \$186,368, Wahpeton - \$175,000, Devil's Lake - \$165,000 Valley City - \$150,000.

Local community-wide incentive tools include gap financing, other financing assistance (interest-rate buy-downs), property tax breaks, new construction and expansion of buildings for primary sector businesses, commercial remodeling exemption, retail & restaurant incentive and restaurant rewards – 1% sales tax rebate & interest buy down. Local downtown incentive tools include Renaissance Zone property & state income tax benefits, Downtown and Memorial Highway which include Storefront Improvement matching funds, Extraordinary projects that provide significant public benefit, obstacles to development, etc.), land/property buy down, sales tax rebate and tax increment financing and payments in lieu of taxes (PILOT). Other business assistance tools include Partnering with the Lewis & Clark Regional Development Council (LCRDC), two \$1 million revolving loan pools for businesses in Mandan & a 10-mile radius in Morton County Formed two times with \$250,000 in Mandan sales tax money to secure \$750,000 loan through USDA Rural Development Intermediary Relending Program, \$9.7 million secured for loan participation program through U.S. Treasury Small Business Credit Initiative N.D. Opportunity Fund, Bank of ND PACE & Flex PACE Loans, interest buy – down programs which leverages Bank of North Dakota funds, Primary sector projects - up to \$300,000 (Minimum 1 job for every \$100,000 of loan proceeds), regular projects – up to \$100,00 Affordable housing – up to \$500,000, childcare – up to \$300,000 (requires a 35% local match, approval depends on project benefits and generally provided as a low-interest loan, buy-down period generally 5 years or less.

**PROPERTY TAX EXEMPTION FOR NEW & EXPANDING BUSINESSES:** must be primary sector (unless a vote of citizens would allow retail, per 2013 state legislation), criteria include jobs creation, jobs quality (wages/benefits), diversification, synergies w/ existing businesses through a tiered system. 100% for 2 years; 100% years 1-2, 75% year 3, 50% year 4, 25% year 5; 100% for 5 years.

COMMERCIAL REMODELING EXEMPTION: commercial properties are eligible for an exemption for up to 3 years for any value added due to certain remodeling projects or additions. The exemption is limited to value added by for completed remodeling or additions.

RETAIL & RESTAURANT INCENTIVE PROGRAM : for businesses that fill a gap in Mandan's market profile, more niche retail & eateries welcomed, up to \$5 psf of operating space (maximum \$20,000 per project/property)

RESTAURANT REWARDS PROGRAM: Available thru March 31, 2017, 1% local sales tax rebate for 5 years, \$162,000 set aside for interest buy downs (first come, first served).

- Renaissance Zone, entices investment in constructing & rehabbing buildings in 28-block area, 5-year property tax exemption on value of building 5-year state income tax exemption.
- Storefront Improvement Program for the Downtown core & fringe 35 projects to date, \$30,000 per building available in matching funds, up to double for a downtown corner building, Memorial Highway program established in 2014, also encourages landscaping 2 projects to date

PARTNERS IN ECONOMIC DEVELOPMENT: include business organizations of the Bismarck Mandan Development Association, Bismarck-Mandan Chamber of Commerce, Bismarck Mandan Convention & Visitors Bureau, Mandan Progress Organization, Lewis & Clark Regional Development Council, Startup, Entrepreneurial Assistance, Small Business Development Center, SCORE, Center for Technology & Business, Start Bismarck (Million Cups, etc.), NDSU Extension, SBA, USDA Rural Development, N.D. Commerce Department, Innovate ND, Primary sector certification, N.D. Development Fund, N.D. Tourism, Private sector, Lenders, Real estate agents and accountants.

REPRESENTATION & INVOLVEMENT: Economic Development Association of North Dakota – current vice president, Small Business Development Center Advisory Council, N.D. Opportunity Fund Steering Committee Chair & Lead Municipality, Lewis & Clark Certified Development Corporation (SBA 504 loans) – current vice chair; City & community committees, Mandan Growth Fund – staff liaison, Renaissance Zone – lead staff, Community Beautification Committee – appointed voting member, Mandan Tomorrow – Leadership, Pride & Image Committee – lead staff, Mandan Tomorrow – Economic Opportunity & Prosperity Committee – staff liaison w/ BMDA as lead, Mandan Progress Organization – non-voting, ex-officio board member, Chamber Excellence in Business Committee. Memberships include; International Economic Development Council and International Council of Shopping Centers.

BISMARCK MANDAN DEVELOPMENT ASSOCIATION: \$100,000 annually - was 4 mills until about 2005; approximately \$116,000, Voting rights, seat at the table/voice in initiatives and activities for regional & metro area collaboration. This leverages private investment & involvement and is important for initiatives larger than one city can address. BMDA also works on primary sector development, trade shows and responses to N.D. Commerce Request for Proposals, workforce attraction, targeted industries study,

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Services for Mandan that need to occur: Business retention & expansion visits (BRE), Primary sector plus retail/service, Assistance w/ attaining jobs verification reports and preparation of annual grantor report (required by state law), Retail recruitment (phone calls, e-mails, etc.), Assistance w/ obtaining annual demographic statistics & retail gap analysis, assistance w/ Mandan Tomorrow Economic Opportunity & Prosperity Committee including business education workshops

ALTERNATIVES FOR ADDITIONAL FUNDING:

More money for Growth Fund economic development projects such as interest buy downs. Retail recruitment consultant/contract for services, Buxton - \$50,000 annually for 3 years; hired by Williston & Grand Forks, Retail Strategies - \$110,000 in 4 installments over 36 months Retail Coach , Retail fee development (targeting big boxes)  
Examples: Similar to Jamestown Menards project w/ Woodsonia or other similar entity (\$100,000 initial fee; if secure project, then 5% of project cost); Other uses include; Industrial park – feasibility study, planning, property acquisition; infrastructure, Additional in-house staff for business development, areas of emphasis within business sectors, Geographic areas of emphasis, Approach to retail & restaurants, New development & redevelopment. Obstacles include lack of a retail/commercial land developer for agglomeration/clustering to create a retail district.

*ii. Commission Discussion:* The information presented was very comprehensive and information to the Commission. Future commissions should hone in on a path forward. Methods of distributing this info to the board on a regular basis will be discussed further.

ADJOURN

There being no further actions to come before the Board, Commissioner Rohr moved and Commissioner Laber seconded to adjourn at 1:35 p.m. The motion received unanimous approval of the Board members present and the meeting adjourned.

/s/ James Neubauer

James Neubauer,  
City Administrator

/s/ Arlyn Van Beek

Arlyn Van Beek  
President, Board of City  
Commissioners

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The Mandan City Commission met in regular session at 5:30 p.m. on June 7, 2016 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota.

Commissioners present were Van Beek, Rohr, Braun, and Laber. Department Heads present were Police Chief Ziegler, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development & Communications Director Huber, Planning & Engineering Director Froseth, Planner Decker, Assessor Shaw, and Building Official Lalim. Absent: Commissioner Tibke, Finance Director Welch and City Attorney Brown.

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

C. PUBLIC COMMUNICATIONS: Mayor Van Beek invited anyone interested to speak for or against any items on the Agenda to come forward.

Debbie Holter came forward to speak about the recycling program. She requested to opt out of the program because she has never used the service and she does not have a recycle bin. She said she is located about a quarter mile from the designated pick up point on the street and she cannot move the bin by herself. She said there has not been a garbage truck to her home for 30-40 years. She currently hauls her garbage to the street to be picked up. Her second concern is that when the recycle bin was initially delivered to her place, she requested that they take it back, which they did not and then it was then stolen from her premises. That is a common problem in that area of the city.

Dot Frank came forward to speak on behalf of the Bismarck-Mandan Home Builders Association regarding New Business Item No. 4 having to do with new home construction and the \$75,000 exemption. She extended an invitation to the City Commission and those specific portfolio holders to meet with their Association in conjunction with the Bismarck-Mandan Board of Realtors to discuss this issue whether it be left status quo or the opportunity to changing it. Commissioner Laber requested that further discussion be held when the item is addressed on the agenda.

A second and third 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 minutes from the May 9, 2016 Board of City Commission Joint Meeting with Park Board and Board of City Commission May 17, 2016 regular meeting minutes.* Commissioner Laber moved to approve the minutes as presented. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

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F. BIDS:

1. *Consider bids for 301 E Main Street.* City Administrator Neubauer presented a request to consider awarding the bid received for the property at 301 East Main. On May 17, 2016 the Commission authorized an action to proceed with the sale of a parcel of City owned property located at 301 E Main Street. The minimum bid required was set at the assessed value of \$61,200 and bids were to be submitted by Tuesday, June 7, 2016 at 10:00 a.m. Prior interest in the purchase of the parcel had been expressed by two parties. The advertisement for sale was in the Mandan News on May 20<sup>th</sup> and May 27<sup>th</sup>. One bid offer was received in the amount of \$65,000 from Kent Schwartz in the form of a cashier's check. Administrator Neubauer recommended that the City accept the bid of \$65,000 from Kent Schwartz and to approve the draft Purchase Agreement that has been prepared by City Attorney Brown that was subsequently sent to Kent Schwartz for his review before this meeting.

Commissioner Braun moved to accept the high bid of \$65,000 for the City owned parcel of land located at 301 East Main Street and to execute the Purchase Agreement to sell the property to Kent Schwartz. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider award of architectural services for the fire station 3.* Battalion Chief Mitch Bitz of the Mandan Fire Department, on behalf of Fire Chief Nardello, presented a request to award the bid for architectural services for Fire Department Station No. 3. The Mandan Fire Department advertised for the request of proposals for architectural services of Fire Station 3 to be received no later than 3:00 pm CST on Friday, February 26, 2016. Proposals were received from six vendors, Architectural Concepts, Al Fitterer Architect, EAPC Architects, GT Architecture, JLG, and TL Stroh. The six proposals were then given to a selection committee consisting of Mayor Van Beek, Police Chief Ziegler, Building Official Lalim, Director of Public Works Wright and Fire Chief Nardello. The firms were rated on fire station design experience, professional fees, proposal and presentation, project team, and references. After the committee scored all six proposals, interviews were then conducted on May 26<sup>th</sup> with the top two scoring firms (TL Stroh Architect & Interior Design and EAPC). TL Stroh submitted a proposal of \$115,000 that included bidding process, construction administration and equipment design.

Recommendation was made to accept the bid from TL Stroh for services of the construction phase for \$82,500 and to continue with the remaining services as the project progresses towards construction. TL Stroh architectural design fees are \$82,500 with funding provided through the HUB City funds. The proposed design fees would move the project to the construction document phase and not through the bidding process until such time when the City of Mandan is ready to complete the entire construction project. The submitted proposals did not include a site survey or storm water plans therefore those costs would be included in the total project at the time of bidding. Fire Station No. 3 will be comparable to the South Fire Station and will use some of the plans that were used for Fire Station South. It was recommended to award the architectural services for Fire

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Station No. 3 for the design, excluding construction or bidding, to TL Stroh Architect & Design in the amount of \$82,500.

Commissioner Laber moved to approve the bid award for architectural services for Fire Station No. 3 for the design, excluding construction or bidding, to TL Stroh Architect & Design in the amount of \$82,500. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider award of contract for multi-use trail along 3<sup>rd</sup> Street and 1806 to Northern Improvement Company.* Planning and Engineering Director Froseth stated that the Mandan Parks and Recreation Department identified a trail improvement project in southeast Mandan. The trail to be improved would be from the trolley station off of 3rd Street to the west at 11<sup>th</sup> Avenue Southeast. The second segment would start at 1806 near the intersection of 8<sup>th</sup> Avenue and would continue south and east to 19<sup>th</sup> Street which would end the project. Because of the two separate segments there are two separate project numbers. However, it will be referred to as one project. Bids were received by the DOT on May 13, 2016 and the only bid received was from Northern Improvement Company at \$253,997.80 which is 8% below the engineer's estimate. The City of Mandan is considered a sponsoring agent for the Parks and Recreation Department for all NDDOT agreements. The City must approve of awarding the contract even though the City does not have any cost participation responsibility. Director Froseth recommended approval of the agreement.

Commissioner Rohr moved to approve the Agreement between Owner and Contractor, Northern Improvement Company, for Construction Contract for projects TAU-LCT-1-806(049)068 & TAU-LCT-1-988(041)052, Millennium Trail resurfacing. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

#### G. CONSENT AGENDA

1. *Consider approval of the following site authorizations for the Mandan Hockey Club, Inc. from July 1, 2016 through June 30, 2017: (i) Old Town Tavern; (ii) Ridge Motel; (iii) Silver Dollar; (iv) Vicky's Sports Bar.*

2. *Consider approval of special assessment for Snow Removal of 2016.*

Commissioner Laber requested city staff develop a minimum amount to be charged for snow removal similar to the minimum amount assessed for mowing. City Administrator Neubauer stated that this was the first one we have had to do in quite a while. But it will be reviewed during the upcoming budget process.

3. *Consider for approval for repairs to the Law Enforcement Center, (LEC) funding from the LEC Building Fund.*

4. *Consider for approval of the Landfill Compactor lease option and adopt authorization resolution.*

5. *Consider approval of the following site authorizations for the Cystic Fibrosis Association of ND from July 1, 2016 through June 30, 2017: (i) Stage Stop; (ii) Colonial*

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Lounge.

6. *Consider approval of final plat for Shoreline Addition.*
7. *Consider approval of final plat for NISC Addition.*
8. *Consider request to auction a 2002 Ford Taurus assigned to the police fleet.*
9. *Consider amendments to City of Mandan retirement plan related to the sworn officers in ND PERS Law Enforcement Plan.*
10. *Consider the contract for services for the City's Employee Assistance Program.*
11. *Consider Portability Enhancement Provision agreements for ND PERS Law Enforcement Plan.* Deputy Chief Bier explained the monthly reporting of the pre-taxed money will be done by the HR Department. There is no staff time by the police department required.
12. *Consider Towing Contacts for 2016.*
13. *Consider proclaiming June, 2016 as National Homeownership Month in the City of Mandan.*

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

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Consider appointment of Dot Frank to Planning and Zoning Commission.* Principal Planner Decker stated that Miles Mehlhoff has resigned from the Planning and Zoning Commission due to the fact that he's moving out of the city. His term on the Commission runs through 2017. Notices were posted on the City web site and city staff contacted people who had expressed in interest in serving on committees in the past. Dot Frank was the only applicant for this open position. The P & Z Commission voted unanimously to recommend that Dot Frank be appointed to the Planning and Zoning Commission to fill the vacant position.

Commissioner Rohr moved to approve the appointment of Dot Frank to the Planning and Zoning Commission vacant position with a term ending December 31, 2017.

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

2. *Consider Growth Fund Committee recommendation regarding Storefront Improvement application for 301 E Main Street.* Business Development & Communications Director Huber presented a request from the Mandan Growth Fund Committee (MGF) for the approval of a Downtown Storefront Improvement Program application from Dr. Kent Schwartz. The MGF Committee met on May 26, 2016 and considered the application request from Kent Schwartz. He currently is under a purchase agreement for the building at 301 E Main Street and he has expressed interest in acquiring the parcel of land from the City.

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Director Huber said that this property is located at the site of the former Dollar Store. And that Schwartz plans to renovate both the interior and exterior portions of the building. About 4,000 sf will be leased to Schwartz Family Chiropractic Center which has been in business in Mandan for over 19 years. About 1,500 sf will be available for lease. Dr. Schwartz is seeking a tenant in the health supplement retail sales. The estimated cost of the proposed storefront improvement project is \$64,590, with future plans for plantings, a screening fence and signage. This application request is for the maximum amount of \$30,000 in matching funds. The application also outlines plans to re-face the street sides of the building with a dryvit or stucco-like treatment. The parapet or roof on the Main Street facing side of the building is to be extended to the building's west side and two windows are being added to the Main Street side. The exterior walls will be a combination of decorative stone and dryvit siding and an automatic door is included in the plans for the main building. Plans include removal a blighted metal building at the rear or south side to create additional parking. They will be adding shrubs along the east side and there are plans to place a fence at the south side of the property. The building design and site plan has received approval from the Mandan Architectural Review Commission. Sign plans are not included with the application and will need to be approved by the Mandan Architectural Review Commission prior to permitting and installation. The applicant is planning an additional investment of approximately \$186,889 for interior building renovation and other project components that are not eligible for the Storefront Improvement program.

The request is for \$30,000 in matching funds. An amount of \$12,805 remains set aside in the Mandan Growth Fund (sales tax generated) for the Downtown Storefront Improvement Program. The balance of \$17,195 for the match sought in this application, if approved, would need to come from unallocated funds for economic development projects in which there is \$139,376 available. Dr. Schwartz is also applying for Renaissance Zone property and state income tax exemptions. His level of investment in building improvements meets and exceeds the minimum requirements for each program with no overlap from one to the other in funds used to meet minimum or matching requirements. A business incentive agreement is also required for projects exceeding \$25,000 in public assistance. The MGF Committee voted 5-0 (4 members absent) to recommend approval of the application for up to \$30,000 in matching funds for the storefront improvement project by Kent Schwartz at 301 East Main Street, contingent upon him obtaining the property which occurred earlier in this meeting.

Commissioner Braun moved to approve providing up to \$30,000 in matching funds for the storefront improvement project by Kent Schwartz at 301E Main Street, contingent upon him obtaining control of the property. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider Renaissance Zone Committee recommendations for the following project applications* Business Development Communications Director Huber reviewed the following:

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(i) *Approval of an application for purchase with improvements of 301 E Main Street by Dr. Kent Schwartz.* Director Huber explained that the Mandan Renaissance Zone Committee met May 31, 2016, to review an application from Dr. Schwartz to invest an estimated \$246,279 in improvements to the building, both interior and exterior. He plans to lease about 4,000 square feet in the building for his business, Schwartz Family Chiropractic Center, and has about 1,500 square feet of additional space for lease. As the clinic is being relocated from the 500 block of East Main Street, also within the Renaissance Zone, this project meets the requirement in that it is also an expansion of the business, going from 3,300 square feet to 4,000 square feet.

Exterior improvements are to include re-facing the building with a dryvit or stucco-like treatment. The parapet or roof screening on the Main Street side of the building will be extended to the building's west end and two windows will be added to the north side. The west building will be partially demolished and rebuilt for structural integrity. An automatic door will be installed on the building's east side. The metal building on the south side by the railroad tracks will be removed, which will create additional off-street parking. Shrubs or rose bushes are to be planted along the east property line to screen a guard rail from an adjacent property and a box is to be added around the pole sign for plantings. Schwartz has also committed to placing a fence similar to that behind Family Dollar and O'Reilly Auto Parts along the south side of the property.

Interior renovations include a build-out of walls for clinic spaces, woodwork, renovation of two existing bathrooms and creation of an additional bathroom; new ductwork for an existing furnace to create three zones, electrical and lighting components, floor covering, and cabinetry.

The plan received approval from the Mandan Architectural Review Commission. The components meet and exceed the requirement that at least 80 percent of the minimum investment be in capital improvements. The total investment will also far exceed the overall minimum financial requirement, which is to invest at least 50 percent of the building's value back into it in improvements. The building is valued at \$224,900, so the minimum investment is \$112,450. Dr. Schwartz also applied for the Storefront Improvement Program's \$30,000 in matching funds, but the investment levels exceed the requirements for both programs without overlap.

The City Assessor estimates the value of the building with improvements to be \$303,300. Using the current mill levy, which may change with the 2017 budgeting process, the annual property tax on the building is estimated at \$3,154.32 for a five-year total of \$15,772. The estimated state income tax exemption is \$1,764 annual for a five-year total of \$8,820.

Huber stated that the Renaissance Zone Committee had voted unanimously to recommend approval of the application by Kent Schwartz for the purchase with improvements of 301 E Main Street as a Renaissance Zone Project, contingent upon obtaining control of the property, with the five-year 100% property and state income tax exemptions.

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Huber noted control of the land was secured earlier in the meeting with the approval of the award of bid by Dr. Schwartz for the purchase of the land at 301 E Main Street. He also has a purchase agreement with the current building owner that he can now execute with control of the land.

Commissioner Laber asked if even a minimal expansion of square footage would meet the requirements for relocation within the Renaissance Zone. Director Huber noted that she had misspoke, that the expansion requirement for relocation is only pertinent to the lease application, the next item on the agenda, and that there is also an expansion in terms of employees and services.

Commissioner Laber moved to approve the application by Kent Schwartz for the purchase with improvements of 301 E Main Street as a Renaissance Zone Project, contingent upon obtaining control of the property, with the five-year 100% property and state income tax exemptions. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

*3 (ii) Approval of an application for lease of 301 E Main Street by Schwartz Family Chiropractic Center PC.* Director Huber reported that Schwartz Family Chiropractic Center plans to relocate from 503 E Main Street to this building for expanded operations of the clinic. Expansion is required for a re-location within the zone. The square footage for the business will be expanding from 3,300 square feet at present to 4,000 square feet of clinic space. The business currently has 3 employees. Plans are to add 2-3 additional support staff in the next five years as well as subcontractors such as two more chiropractors, a physical therapist and massage therapist.

The estimated state income tax exemption for Schwartz Family Chiropractic Center is \$2,100 annually or \$10,500 over the five years.

The Renaissance Zone Committee voted unanimously to recommend approval of the application by Schwartz Family Chiropractic Center, PC, for lease of space at 301 E Main Street, contingent upon obtaining control of the property, a building to be improved as a Renaissance Zone project, with a 100% five-year state income tax exemption.

Commissioner Rohr asked about the property control issue. Director Huber explained that in addition to securing ownership for the lease, that Schwartz must also complete the rehab of the building and submit a signed lease for Schwartz Chiropractic prior to receiving any tax exemptions.

Commissioner Braun moved to approve the recommendation approve the application by Schwartz Family Chiropractic Center, PC, for lease of space at 301 E Main Street, with a 100% five-year state income tax exemption, contingent upon obtaining control of the property. Commissioner Laber seconded the motion. Roll call vote: Commissioner

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Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Discussion regarding new home construction first \$75,000 exemption.* City Administrator Neubauer presented a request to consider options relative to the \$75,000 tax exemption for new residential construction. He said that with declining revenues related to State Aid Distribution, one of the exemptions that has been discussed 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 offered under the First Time Homebuyers Program.

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

Administrator Neubauer said that there are pros and cons to this issue in that removing the exemption increases the cost of new home ownership and that may have an effect on new home sales. By offering this exemption, potential buyers may choose Mandan rather than elsewhere. On the other hand, when the exemption was first enacted, the price of a new home was 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. The buyer is the only individual to receive the exemption (the builder does not get an exemption).

Administrator Neubauer presented the following options for consideration:

- a) Continue with the exemption as it is
- b) Discontinue the exemption
- c) Limit the exemption to buyers that take the opportunity afforded by the First Time Home Buyers Program
- d) Allow the exemption for homes with a purchase price under \$200,000-\$300,000
- e) Phase out the exemption over the next several years

Dot Frank with the Bismarck-Mandan Home Builders Association came forward and stated that she has had the opportunity to discuss this matter with several construction builders and the Bismarck-Mandan Board of Realtors to get input on the tax exemption process. She said this program is unique to the City of Mandan. She provided comments from builders regarding this matter. The consensus of the builders is that the tax exemption is an advantage for the City of Mandan. She provided statistics that she received from the National Association of Home Builders that ties to the impact and pointed out that this helps individuals become home owners in the community whereas they otherwise may not be able to do so. Mayor Van Beek asked Ms. Frank if it would be

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possible to coordinate meetings with the Commissioners and the Board of Realtors at a later time to discuss the issues recognized. Ms. Frank replied that she would be willing to organize the meetings in the near future. Commissioner Rohr suggested that the meetings take place after the upcoming election so that new commissioners are included in the discussions and decisions that will need to be made regarding tax exemption process. Commissioner Laber commented that if this was for moderate income-type mid-range housing so that we could get people into base-line housing that is affordable and achievable, that is worthy of discussion.

Mayor Van Beek stated that it should be noted as to who takes most advantage of the program whether it be first time home buyers or is it everyone? He indicated that he is interested in seeing what there is to offer to the residents. Commissioner Rohr stated this has been discussed many times and there is not a very large learning curve involved. Commissioner Braun commented that the budget will be affected by the shortfalls. He stated that it helped him to get him into his first home, but after that 3-year period it was a very noticeable (tax) increase for him. He does not think it will be doable to raise it from the \$75,000 to \$150,000 and that it should be discussed. Commissioner Laber requested this matter be placed on the July 5, 2016 Agenda for further discussion. Mayor Van Beek requested Ms. Frank email the information that is available regarding this issue to Administrator Neubauer and/or City Commission members for their review; and then subsequently arrange for meetings with the commissioners, home builders and realtors.

5. *Consider various recycling items.*

Director of Public Works Wright provided an update on the recycling program. In January 2016, Dakota Sanitation began collecting single sort recycling material. Collection schedules vary and the recyclables are collected once every other week. As of May 31<sup>st</sup>, Dakota Sanitation has collected over 431.25 tons of recyclables and the City has seen a household garbage reduction at the landfill of about 393.28 tons which is a cost savings of about \$22,000 in landfill disposal costs. Participation rates, based on number of totes collected and total number of totes on a route, is about 49.64% with 7,614 totes in service, Dakota Sanitation reported that 1,181 totes have never been picked up. (This would indicate only 15.5% of the residents have not participated.) On February 2, 2016, the Commission discussed some of the items of concern from residents on recycling issues. A total of 10 medical exemptions have been granted for those who cannot get their tote out to the curb, and that sharing totes was also approved for some situations. Dakota Sanitation assists those residents with the process. Director Wright said the following items are phone calls from individuals expressing concern:

*Pickup unwanted totes, do not want to participate. (130).*

Director Wright recommended leaving the totes at the residence. There are 130 requests on the list, but that number could grow into the 1,181. Collecting these totes would be an added expense to pick up and an added expense to deliver these totes as these residents change hands down the road. Storing the totes by Dakota Sanitation would be a problem.

Director Wright explained that there are several reasons people do not want to participate in the recycling program. Some simply do not want to participate and others don't have a

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place to put them. But they still have to pay for the service. Most people accept that. Commissioner Rohr said that he does not favor forcing residents to use the totes. Commissioner Braun agreed that sharing the totes is a good thing when the individuals are able to work out an arrangement. Commissioner Laber disagreed with the above stating that if the City provides totes for garbage and totes for recycling, then the residents can decide should they want to participate or not. She believes it is difficult to manage if some want to recycle and some do not. Recycling should be uniform and treated the same as garbage pickup. She stated that the totes should stay with the property. Mayor Van Beek agreed with Commissioner Laber stating that it is still early in the process having just started in January. He suggested doing a better job of education and promoting what recycling does for the environment. He agreed that it is a nightmare for City staff to keep track of the totes, and they should stay with the property. Commissioner Braun stated that you cannot force people to come up with recycling items. Commissioner Laber clarified that this is not mandatory program participation just that it has to stay with the property.

Commissioner Laber moved to leave the totes with the residents and they should not be required to participate in the program. There was no second so the motion died.

Commissioner Braun moved to allow residents the option to share the tote and if that is their agreement, the 2nd tote will be picked up by Dakota Sanitation. Commissioner Rohr seconded the motion.

Mayor Van Beek clarified that the City already allows the sharing of totes. The problem is from the 130 people who do not want to participate in the program and want their totes picked up. The recommendation is that the tote stays with the property because it will be a tracking problem for city staff when circumstances come up that the residence is sold. Then we would have to bring a tote back to the home for the next resident. Public Works Director Wright said that Dakota Sanitation may charge a fee to pick up and re-deliver a tote and it would be their responsibility to keep track of the totes. It may create a burden on the City to re-track the taken-back totes. It may create problems if totes were missed during the pickup. Dakota Sanitation has stated that it will be difficult to store over 1,100 totes.

Commissioner Braun withdrew his motion to allow residents the option to share a tote and Commissioner Rohr withdrew his second on the motion.

Commissioner Braun clarified that the totes will stay at the residences due to creating a burden to Dakota Sanitation and the City of Mandan to store the totes.

Commissioner Rohr inquired as to Deb Holter's request to have her tote retrieved as she outlined above.

Debbie Holter came forward to speak and stated she does not have a tote because it was stolen. Her actual pickup point is one-half mile from her home and she cannot even push the tote on her gravel road to the pickup point. She has never used the recycle service but

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she has been charged for it. She suggested that there be an exemption put into place for those who cannot use the service. The City will work with Dakota Sanitation to assist with the process.

Director Wright stated that Ms. Holter is one of two residents that have similar problems and the City will work with those individuals to resolve them.

Commissioner Laber moved to leave the totes with the residents. Commissioner Braun seconded the motion.

Rick Anderson from Dakota Sanitation came forward and stated that he would like to discuss some important facts in this matter. He indicated that the State Health Department is not issuing any permits to open up new landfills. This will affect the next generation. If the City requires recycling and then it is removed, it would be difficult to put a mandatory requirement back in place. He recommended that on-going education be provided to residents regarding the importance of current and future recycling.

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

*Supplying a smaller tote to those requesting one. (12)*

Director of Public Works Wright recommended leaving the current 95 gallon totes at the residences. The smaller totes are lighter but they are narrower and less stable, giving them a higher chance of tipping over in high winds. Some of these requests could be looked at and taken care of with the already approved medical exemption which requires assistance from Dakota Sanitation to collect the totes. Director Wright would prefer to work with these individuals and work out their needs.

Commissioner Laber moved to leave the current 95 gallon totes at the 12 residences, contingent that staff contacts each of the 12 individuals to work out an alternate plan for getting the tote to the curb. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

*Condos.*

Director Wright stated that if the condos had individual garbage containers, they received a recycling tote and the totes should stay intact. Condos and townhomes with individual totes do not have a common area accessible to place and collect the larger recycling totes. As the city looks into providing recycling to apartment complexes, accessible areas are needed to provide the recycling service and the larger totes, so these condos and townhomes would probably have to be provided the current totes anyway. There is one 24-unit complex that is not participating in recycling due to a complaint that there isn't room for the totes. Director Wright recommended that the townhome be required to keep the totes that were provided to them.

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Commissioner Rohr commented that he viewed that residential area and stated that it is one of those areas that it is not conducive to having individual totes there. It is not practical to have all those totes at those apartments. Commissioner Laber commented that she would be comfortable deferring a decision on this matter until the apartment totes issue is resolved. The City should figure out how to encourage recycling for all living units within the community. She requested that City staff look into a plan for the multi-units that can be executed in January 2017. Mayor Van Beek concurred that the exemption will only be honored until the City comes up with a resolution for the multi-unit complexes. Commissioner Rohr indicated that there needs to be additional education provided on the recycling program and when a plan is established, then education on contamination should also be addressed.

Commissioner Laber motioned that the condo-townhome referenced can be treated as an apartment. At such time as the apartments are rolled into the recycling program, this condo-townhome unit will be expected to participate at the same level and with the same caveats as the apartments. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

#### *Apartments.*

Director Wright explained that providing recycling to apartments has been challenging because of the minimal access to a common area to place and collect the larger recycling totes at those complexes. They also present a higher chance of contamination, which was one reason the drop-off sites were discontinued. We need to continue to work out the kinks in the residential recycling program before moving forward with apartments.

Director Wright suggested moving forward with a notification to the Planning and Zoning Committee that if there is a new building under construction, that they be required to provide a larger area for the garbage and recycling dumpsters.

#### *Mobile Home Parks.*

Director Wright said that participation in the Mobile Home parks is slightly lower than the rest of the residential areas with being at 36.95% with a high rate in January of 43.04% and a low rate in April of 31.51%. These are private entities so mandatory recycling is difficult. These numbers are based on picked up totes vs. total totes in each park and that number will vary with how often residents need to put their tote out for collection. Collection schedules have been included on the new calendars because collection in mobile home parks does not go by the odd and even house number system for their pick up schedule, with the exception of Woodlands Mobile Home Park.

Director Wright recommended approving leaving the mobile home parks as is at this time. However he will continue to encourage recycling by non-participants. Rick Anderson, Dakota Sanitation, commented that what is good for one is good for all. He agreed that the more information that can be disseminated is the best practice.

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Commissioner Laber moved to continue with the recycling program in the mobile home parks as presented. Commissioner Rohr seconded the motion. Roll call vote:

Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes;

Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

6. *Consider approving the Resolution creating district, approving Resolution approving Engineer's Report and approving feasibility report for Water & Sewer Improvement District No. 62, Project No. 2016-17 (Collins Avenue).* Planning and Engineering Director Froseth reviewed with the Commission a request to create and allow the assessments of specials related to, authorize the required documents for the requested project, and allow for the project to be bid. He said that the Engineering office was approached by Toman Engineering who has been working with the property owners within this proposed district to come up with a plan to better serve these properties with sanitary sewer. When discussing the options with the project engineer and the properties within this district that would benefit, staff has come to the conclusion that this sewer main would benefit the City and the property owners at the same time. In allowing this district and subsequent project, the new sewer main would be much more accessible to both the lots and the city when needed to maintain or execute a fix. It would reduce the potential for other utility conflicts during service installation and would eliminate the need to remove Collins Avenue roadway surface for future installation or fixes. Currently the service lines do need to span a significant distance across Collins Avenue to tie into the nearest sewer main. That is a non-ideal situation that this project would resolve. The district properties are unanimously requesting that the City allow the special assessment of water and sewer costs to the benefitting properties as shown by the petition of non-protest. The existing properties have had problems with their lines and had to have the lines cleaned periodically.

Based on the estimate of costs included in the documentation, the cost of the project is estimated to be \$52,962 and the engineering and administration will add \$18,536.88, bringing the total project cost to \$71,499. These items would be special assessed to the benefitting four properties within this special assessment district which would be assessed approximately \$17,874.85 per lot in specials. Director Froseth recommended moving forward with the project. The landowners have signed off on the project.

Commissioner Laber moved to approve the Resolution creating district, approve the Resolution approving Engineer's Report and approve feasibility report for Street Improvement District No. 62, Project No. 2016-17 (Collins Avenue).

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

J. RESOLUTIONS AND ORDINANCES:

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

Planner Decker stated that this is an update of the existing language to conform to what really transpires when issuing building and lot numbers. This has been reviewed by city

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staff and they recommend approval. The changes require numbering and identification of buildings to what the fire department requires and includes the grid system used.

Commissioner Braun moved to approve the First consideration of Ordinance 1240 related to building and lot numbering. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider Resolution approving joining NDPERS Portability Enhancement Provision effective July 1, 2016.* City Administrator Neubauer stated this is an item that was acted on in the Consent Agenda Item No. 11. Commissioner Laber moved to approve the Resolution approving joining NDPERS Portability Enhancement Provision effective July 1, 2016. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS:

1. Commissioner Rohr commented that he periodically receives calls regarding why the City does not have any areas designated for the pickup of branches and trees. He said there was an abuse of what was offered previously of what items were dumped there. It was unreasonable to continue with these services based on what happened in the past. There were problems found and in the long run it did not prove to be beneficial to the city considering the man hours spent in cleaning up or disposing of the materials at the sites.

2. Mayor Van Beek announced that this weekend is the Buggies-n-Blues events in downtown Mandan on Saturday, June 11<sup>th</sup> and Sunday, June 12<sup>th</sup>.

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

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James Neubauer,  
City Administrator

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Arlyn Van Beek,  
President, Board of City  
Commissioners

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The Mandan City Commission met in a Special Meeting at 5:00 p.m. on Wednesday, June 15, 2016 in the Veterans' Conference Room at Mandan City Hall, 205 2<sup>nd</sup> Ave NW, Mandan, ND. City Commissioners present were Van Beek, Rohr, Braun, and Laber (via teleconference call). City Department Heads present were City Administrator Neubauer, City Attorney Brown, Finance Director Welch, Planning & Engineering Director Froseth, Program Coordinator Krista Harju, Police Chief Ziegler, and Deputy Police Chief Bier. Absent: Commissioner Tibke. Also in attendance: Parks & Recreation Director Cole Higlin, Mike Manstrom from Dougherty & Company LLC, and Scott Wegner from Arntson Stewart Wegner PC.

NEW BUSINESS:

1. *Consider resolution approving the issuance of City of Mandan, North Dakota Park Facilities Sales Tax Revenue Bonds \$15,275,000 Series 2016A, \$1,000,000 Series 2016A-T (Taxable) and \$6,000,000 Series 2016B.*

Mike Manstrom, Dougherty & Company LLC indicated that 3.12% was an excellent rate.

Commissioner Laber moved to approve the issuance of City of Mandan North Dakota Park Facilities Sales Tax Revenue Bonds of \$15,275,000 Series 2016A, \$1,000,000 Series 2016A-T (Taxable) and \$6,000,000 Series 2016B bonds. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider an application for street dance and beer gardens license, July 2, Rock Point (location former Party on the Prairie East Division Street).* Police Chief Ziegler introduced the request by Rock Point for a Street Dance and Beer Gardens license for July 2<sup>nd</sup> at the former Party on the Prairie East Division Street location. Chief Ziegler reviewed the concerns he had about the event application. He, along with Deputy Police Chief Bier, had a meeting with Chris Volk and Bill Kramer from Rock Point who are in charge of the event. The details of the planning were reviewed at that meeting regarding the contingencies to make this a safe event.

Discussion was held among the Commissioners, city staff and Rock Point officials on the details of the security, health issues, and traffic flow. City Attorney Brown recommended a \$100,000 bond which would be 10% of the total insurance Rock Point had anticipated incurring.

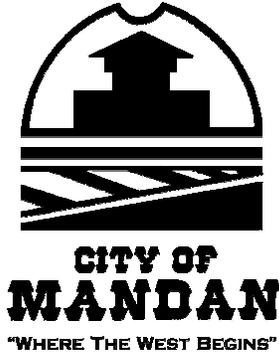
Commissioner Rohr moved to approve the application for the street dance event known as "Party on the Prairie", a liquor license permit for July 2<sup>nd</sup> for Rock Point (providing the event organizers fulfill all required contingencies), as well as a bond of \$100,000 in favor of the city. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

ADJOURN

There being no further actions to come before the Board Commissioner Rohr moved and Commissioner Laber seconded to adjourn at 5:26 p.m. The motion received unanimous approval of the Board members present and the meeting adjourned.

/s/ James Neubauer  
James Neubauer,  
City Administrator

/s/ Arlyn Van Beek  
Arlyn Van Beek  
President, Board of City  
Commissioners



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 21, 2016  
**PREPARATION DATE:** June 16, 2016  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Justin Froseth, Planning and Engineering Director  
**SUBJECT:** East Main Street ADA Improvements, Award Concurrence

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**STATEMENT/PURPOSE:** To consider approval of the East Main Street ADA Curb Ramp Improvements project award concurrence with NDDOT

**BACKGROUND/ALTERNATIVES:** The DOT annually identifies and addresses corridors in the state that are not in compliance with the most recent ADA standards for handicap accessibility. There has been ongoing planning to make those improvements to the east side of Mandan's Main Street with construction this year. The west side of Mandan's Main Street was done in 2015.

The DOT opened bids for this project on June 10<sup>th</sup>. They received six bids with the low bid being received by Knife River Corp. At \$364,897.48, the low bid received came in about 31% under the engineer's estimate.

**ATTACHMENTS:**

- 1) NDDOT Concurrence Letter
- 2) Bid Results
- 3) Resolution of Concurrence

**FISCAL IMPACT:** The city's cost share of this project is 10% of the total cost which should be \$60,944.68 as stated in the letter. The local share will be paid for by the city sales tax fund.

**STAFF IMPACT:** Minimal

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

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

**SUGGESTED MOTION:** I move to approve the concurrence of East Main Street ADA Ramp Improvements to Knife River Corp., low bidder.



## North Dakota Department of Transportation

Grant Levi, P.E.  
*Director*

Jack Dalrymple  
*Governor*

June 10, 2016

Mr. James Neubauer  
City Administrator  
205 2<sup>nd</sup> Avenue NW  
Mandan, ND 58554

**PROJECT: SS-9-999(307), PCN 20269 – I-94B, MANDAN MAIN ST FROM 1<sup>ST</sup> AVE NE TO MANDAN AVE**

Bids for the construction on the above noted project were taken at our bid opening of June 10, 2016. A copy of the Contract Detail Estimate is enclosed.

The low bid for ADA Curb & Ramp Improvements was submitted by Knife River Corp. – North Central of Sauk Rapids, MN in the amount of \$364,897.48. According to the agreement with the City of Mandan, the City's 10 percent share is estimated to be \$60,944.68.

Before we can award to the low bidder, we need the City of Mandan to **concur**, in writing, in the estimated amount as soon as possible.

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

A handwritten signature in black ink, appearing to read "Cal J. Gendreau".

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

80/cjg/lp  
Enclosure

Board of City Commissioners

Agenda Documentation

Meeting Date: June 21, 2016

Subject: East Main Street ADA Improvements, Award Concurrence

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6/10/2016

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

Page 1 of 3

North Dakota **FEDERAL AID**

Project Number: **SS-9-999(307)**

PCN: **20269**

Bid Opening Date: **6/10/2016**

Job Number: **11**

English/Metric: **ENGLISH**

Contract with **KNIFE RIVER CORPORATION - NORTH CENTRAL SAUK RAPIDS, MN**

Signed Date:

County(s): **MORTON**

Location: **I-94B - MANDAN MAIN ST FROM 1ST AVE NE TO MANDAN AVE**

Board of City Commissioners  
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 Subject: East Main Street ADA Improvements, Award Concurrence  
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6/10/2016

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

Page 2 of 3

North Dakota FEDERAL AID  
 Project Number: SS-9-999(307)

PCN: 20269  
 Job Number: 11

Bid Opening Date: 6/10/2016

English/Metric: ENGLISH

Roadway: URBAN  
 RP 916.210 TO RP 917.957  
 Type: ADA CURB RAMP IMPROVEMENTS

Participating: Y

Spec	Code	Item Description	Quantity	Unit	Unit Price	Amount
103	0100	CONTRACT BOND	1.000	L SUM	\$1,191.00	\$1,191.00
202	0114	REMOVAL OF CONCRETE PAVEMENT	1,677.000	SY	\$21.00	\$35,217.00
202	0131	REMOVAL OF CURB-TYPE 1	1,980.000	LF	\$4.10	\$8,118.00
202	0132	REMOVAL OF BITUMINOUS SURFACING	155.000	SY	\$18.00	\$2,790.00
203	0109	TOPSOIL	36.000	CY	\$60.00	\$2,160.00
216	0100	WATER	7.000	M GAL	\$234.39	\$1,640.73
252	0100	SOD	216.000	SY	\$20.00	\$4,320.00
261	0106	FIBER ROLLS 6IN	477.000	LF	\$3.50	\$1,669.50
261	0107	REMOVE FIBER ROLLS 6IN	477.000	LF	\$2.50	\$1,192.50
302	0100	SALVAGED BASE COURSE	348.000	TON	\$76.50	\$26,622.00
430	0500	COMMERCIAL GRADE HOT MIX ASPHALT	35.000	TON	\$175.00	\$6,125.00
702	0100	MOBILIZATION	1.000	L SUM	\$30,000.00	\$30,000.00
704	0100	FLAGGING	200.000	MHR	\$54.00	\$10,800.00
704	1000	TRAFFIC CONTROL SIGNS	2,037.000	UNIT	\$5.00	\$10,185.00
704	1052	TYPE III BARRICADE	20.000	EA	\$155.00	\$3,100.00
704	1060	DELINEATOR DRUMS	150.000	EA	\$35.00	\$5,250.00
704	1087	SEQUENCING ARROW PANEL-TYPE C	1.000	EA	\$2,500.00	\$2,500.00
704	1500	OBLITERATION OF PAVEMENT MARKING	1,689.000	SF	\$2.00	\$3,378.00
708	1540	INLET PROTECTION-SPECIAL	39.000	EA	\$54.00	\$2,106.00
708	1541	REMOVE INLET PROTECTION-SPECIAL	39.000	EA	\$38.00	\$1,482.00
722	6140	ADJUST GATE VALVE BOX	5.000	EA	\$117.50	\$587.50
722	6160	ADJUST INLET	17.000	EA	\$432.75	\$7,356.75
748	0140	CURB & GUTTER-TYPE I	1,960.000	LF	\$25.00	\$49,000.00
748	0540	CURB	190.000	LF	\$30.00	\$5,700.00
750	0100	SIDEWALK CONCRETE	1,653.000	SY	\$45.00	\$74,385.00
750	0150	SIDEWALK TRENCH DRAIN	1.000	EA	\$2,000.00	\$2,000.00
750	2115	DETECTABLE WARNING PANELS	604.000	SF	\$35.75	\$21,593.00
754	0592	RESET SIGN PANEL	18.000	EA	\$100.00	\$1,800.00
754	0593	RESET SIGN SUPPORT	18.000	EA	\$200.00	\$3,600.00
762	0420	SHORT TERM 4IN LINE-TYPE R	5,460.000	LF	\$1.00	\$5,460.00
762	0422	SHORT TERM 6IN LINE-TYPE R	3,679.000	LF	\$1.50	\$5,518.50
762	1304	PREFORMED PATTERNED PVMT MK 4IN LINE	100.000	LF	\$10.00	\$1,000.00
762	1307	PREFORMED PATTERNED PVMT MK 6IN LINE-GROOVED	1,557.000	LF	\$12.00	\$18,684.00
762	1325	PREFORMED PATTERNED PVMT MK 24IN LINE-GROOVED	208.000	LF	\$32.00	\$6,656.00
970	0008	LANDSCAPE PREPARATION	18.000	SY	\$95.00	\$1,710.00
					Subtotal	\$364,897.48

Board of City Commissioners  
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6/10/2016 NORTH DAKOTA DEPARTMENT OF TRANSPORTATION Page 3 of 3  
 CONTRACT DETAIL ESTIMATE UPON WHICH PROJECT AGREEMENT IS TO BE BASED  
 North Dakota FEDERAL AID Bid Opening Date: 6/10/2016  
 Project Number: SS-9-999(307) PCN: 20269  
 Job Number: 11 English/Metric: ENGLISH  
 Eng and Contg \$36,489.75  
 Total \$401,387.23

Length 0.8580 Miles MORTON 0.8580 Miles

		<u>Construction</u>
Estimated Cost		\$401,387.23
SS FEDERAL FUNDS	80.93%	\$324,842.69
STATE FUNDS	9.07%	\$36,405.82
CITY FUNDS	10.00%	\$40,138.72

Type: SPECIAL ITEMS

Item Description			Amount
<b>ESTIMATED COST OF RIGHT OF WAY</b>			<b>\$70,000.00</b>
Funding Splits:			
SS FEDERAL FUNDS	80.93%	\$56,651.00	
STATE FUNDS	9.07%	\$6,349.00	
CITY FUNDS	10.00%	\$7,000.00	
<b>PRELIMINARY ENGINEERING</b>			<b>\$138,059.64</b>
Funding Splits:			
SS FEDERAL FUNDS	80.93%	\$111,731.67	
STATE FUNDS	9.07%	\$12,522.01	
CITY FUNDS	10.00%	\$13,805.96	

Summary for Project

Length 0.8580 Miles MORTON 0.8580 Miles

Estimated Total Construction Cost: \$364,897.48  
 Estimated Total Eng and Contg: \$36,489.75

	<u>Construction</u>	<u>Special Items</u>	<u>Total</u>
Estimated Cost	\$401,387.23	\$208,059.64	\$609,446.87
SS FEDERAL FUNDS	\$324,842.69	\$168,382.67	\$493,225.36
STATE FUNDS	\$36,405.82	\$18,871.01	\$55,276.83
CITY FUNDS	\$40,138.72	\$20,805.96	\$60,944.68

QUANTITIES REVISED PER ADDENDUM 1

Board of City Commissioners

Agenda Documentation

Meeting Date: June 21, 2016

Subject: East Main Street ADA Improvements, Award Concurrence

Page 6 of 6

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RESOLUTION OF CONCURRENCE TO AWARD PROJECT SS-9-999(307), PCN 20269 – I-94B, MANDAN MAIN ST FROM 1<sup>ST</sup> AVE NE TO MANDAN AVE TO THE LOW BIDDER

BE IT RESOLVED By the Board of City Commissioners of the City of Mandan, North Dakota, that the governing body of the City of Mandan, concurs with the North Dakota Department of Transportation in recommending the award of the above referenced project to the low bidder.

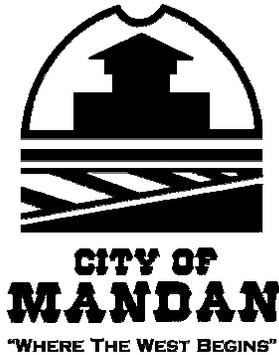
This resolution shall become effective upon the date of its adoption.

Dated and adopted this 21st day of June, 2016.

\_\_\_\_\_  
Arlyn Van Beek, President of the Board of City Commissioners

Attest:

\_\_\_\_\_  
Jim Neubauer, City Administrator



## Board of City Commissioners

### Agenda Documentation

<b>MEETING DATE:</b>	June 21, 2016
<b>PREPARATION DATE:</b>	June 16, 2016
<b>SUBMITTING DEPARTMENT:</b>	Water Treatment Facility
<b>DEPARTMENT DIRECTOR:</b>	Justin Froseth, Planning and Engineering Director; Duane Friesz, Facility Superintendent
<b>PRESENTER:</b>	Justin Froseth, Planning and Engineering Director
<b>SUBJECT:</b>	Consider entering into an Engineering Service Agreement with AE2S for Collins Reservoir Inspection and Report

**STATEMENT/PURPOSE:** To hire AE2S firm to provide engineering services for Collins reservoir inspection.

**BACKGROUND/ALTERNATIVES:** Observations of the Collins reservoir by the water treatment facility staff and consultants have revealed some deterioration issues. It is anticipated that some roof work will need to be done to protect the integrity of the reservoir. To what extent is not yet known. The general plan would be to wait until early fall, after the peak watering season, then drain down the Collins reservoir for about a week so that a specialized inspection can be done. This inspection will set out to reveal the scope and extent of project needed to properly address the roof.

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 reservoir already, we would recommend to select AE2S for this effort without another selection process.

Select attachments are provided. The full agreement and associated attachments are available upon request (16 pages).

**ATTACHMENTS:**

- Agreement pages 1 and 12 (Includes Owner Responsibilities and signature sheet)
- Exhibit A – Engineer’s Services (Includes Engineer’s Basic Services Provided)

Board of City Commissioners

Agenda Documentation

Meeting Date: June 21, 2016

Subject: Consider entering into an Engineering Service Agreement with AE2S for Collins Reservoir Inspection and Report

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FISCAL IMPACT: The agreement for the inspection and corresponding scoping report estimates the cost to be \$43,500 which has been budgeted for out of the utility fund. 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.

STAFF IMPACT: Coordination with inspection. Will need to drain the tank down.

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 Engineering Services Agreement with AE2S for the Collins reservoir inspection and following scoping report.

**AGREEMENT  
BETWEEN OWNER AND ENGINEER  
FOR STUDY AND REPORT  
PROFESSIONAL SERVICES**

THIS IS AN AGREEMENT effective as of June 21, 2106 ("Effective Date") between The City of Mandan, North Dakota ("Owner") and Advanced Engineering and Environmental Services, Inc. (AE2S) ("Engineer"). Owner retains Engineer to perform professional services, in connection with The Collins Avenue Reservoir Evaluation ("Assignment"). Engineer's services under this Agreement are a part of a more extensive project of the Owner; such project is generally identified as follows: Collins Avenue Reservoir Improvements ("Project").

Owner and Engineer further agree as follows:

**ARTICLE 1 – SERVICES OF ENGINEER**

1.01 *Scope*

- A. Engineer shall provide, or cause to be provided, the services set forth herein and in Exhibit A.

**ARTICLE 2 – OWNER'S RESPONSIBILITIES**

2.01 *General*

- A. Owner shall pay Engineer as set forth in Article 4.
- B. Owner shall provide Engineer with all criteria and full information as to Owner's requirements for the Assignment, including design objectives and constraints, space, capacity and performance requirements, flexibility, and expandability, and any anticipated funding sources and budgetary limitations.
- C. Owner shall furnish to Engineer all existing studies, reports, and other available data pertinent to the Assignment, obtain or authorize Engineer to obtain or provide additional reports and data as required, and furnish to Engineer such services of others as may be necessary for the performance of Engineer's services.
- D. Owner shall 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.
- E. Owner shall be responsible for, and Engineer may rely upon, the accuracy and completeness of all requirements, instructions, reports, data, and other information Owner-furnished by Owner to Engineer pursuant to this Agreement. Engineer may use such requirements, instructions, reports, data, and information in performing or furnishing services under this Agreement.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 21, 2016

Subject: Consider entering into an Engineering Service Agreement with AE2S for  
Collins Reservoir Inspection and Report

Page 4 of 6

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

Owner: _____	Engineer: _____
By: <u>Mayor Arlyn Van Beek</u>	By: <u>Lisa Ansley PE</u>
Title: <u>President of City Commission</u>	Title: <u>Operations Director</u>
Date _____	Date _____
Signed: _____	Signed: _____
Address for giving notices:	Address for giving notices:
<u>City of Mandan</u>	<u>Advanced Engineering and Environmental Services, Inc.</u>
<u>205 2<sup>nd</sup> Avenue NW</u>	<u>4050 Garden View Drive, Suite 200</u>
<u>Mandan, ND 58554-3125</u>	<u>Grand Forks, ND 58201</u>
Designated Representative (Paragraph 8.03.A):	Designated Representative (Paragraph 8.03.A):
Name: <u>Duane Friesz</u>	Name: <u>Kenneth J. Weber PE</u>
Title: <u>WTP Superintendent</u>	Title: <u>Senior Project Manager</u>
Phone Number: <u>701-667-3275</u>	Phone Number: <u>701-221-0530</u>
Facsimile Number: <u>701-667-1680</u>	Facsimile Number: <u>701-221-0531</u>
E-Mail Address: <u>mandanwtp@midconetwork.com</u>	E-Mail Address: <u>Ken.weber@ae2s.com</u>

This is EXHIBIT A, Engineer's Services, referred to in and part of the Agreement between Owner and Engineer for Study and Report Professional Services dated June 21, 2106

Engineer's Services

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Article 1 of the Agreement is supplemented to include the following agreement of the parties:

Engineer shall provide Basic and Additional Services as set forth below.

**PART 1 – BASIC SERVICES**

**A1.01 Study and Report Phase**

A. Engineer shall:

1. Consult with Owner regarding fulfillment of Owner's responsibilities under Article 2.
2. Advise Owner of any need for Owner to provide other data or services.
3. Utilize concrete restoration specialty company for assessment of reservoir condition and recommendation for repair methodology.
4. Evaluate concrete restoration company's assessment and recommendations. Utilize evaluation information to determine reservoir rehabilitation costs, and dome rehabilitation costs.
5. Identify and evaluate three potential solutions available to Owner and, after consultation with Owner, recommend to Owner those solutions that in Engineer's judgment meet Owner's requirements.
6. Prepare a report (the "Report") which will, as appropriate, contain schematic layouts, sketches, and conceptual design criteria with appropriate exhibits to indicate the agreed-to requirements, considerations involved, and those potential solutions available to Owner that Engineer recommends. For each recommended solution Engineer will provide the following, which will be separately itemized: opinion of probable Construction Cost; proposed allowances for contingencies; the estimated total costs of design, professional, and related services to be provided by Engineer and other design professionals; and a projection of Total Project Costs, based in part on information furnished by Owner for other items and services included within the definition of Total Project Costs.
7. Perform or provide the following additional Study and Report tasks or deliverables: none

**A1.02 Times for Rendering Services**

- A. Furnish ten (10) review copies of the Report to Owner within ninety (120) calendar days of the Effective Date and review it with Owner.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 21, 2016

Subject: Consider entering into an Engineering Service Agreement with AE2S for Collins Reservoir Inspection and Report

Page 6 of 6

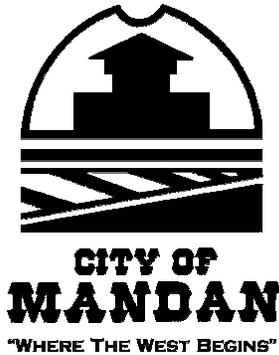
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- B. Revise the Report in response to Owner's and other parties' comments, as appropriate, and furnish ten (10) final copies of the revised Report to the Owner within thirty (30) calendar days after completion of reviewing it with Owner.
- C. Engineer's Assignment will be considered complete when all deliverables set forth in Exhibit A are submitted to Owner.

**PART 2 – ADDITIONAL SERVICES**

*A2.01 Additional Services Requiring Owner's Written Authorization*

- A. If authorized in writing by Owner, Engineer shall furnish or obtain from others Additional Services of the types listed below.
  - 1. Preparation of applications and supporting documents (in addition to those furnished under Basic Services) for private or governmental grants, loans, or advances in connection with the Assignment or Project; preparation of environmental assessments and impact statements; and assistance in obtaining approvals of authorities having jurisdiction over the anticipated environmental impact of the Project.
  - 2. Services to make measured drawings of or to investigate existing conditions or facilities, or to verify the accuracy of drawings or other information furnished by Owner or others.
  - 3. Services resulting from significant changes in the scope, extent, or character of the of the Assignment including, but not limited to, changes in size, complexity, Owner's schedule, character of construction, or method of financing; and revising previously accepted studies and reports when such revisions are required by changes in Laws and Regulations enacted subsequent to the Effective Date or are due to any other causes beyond Engineer's control.
  - 4. Services resulting from Owner's request to evaluate additional potential solutions beyond those identified in Paragraph A1.01.A.5.
  - 5. Services required as a result of Owner providing incomplete or incorrect information to Engineer.
  - 6. Providing renderings or models for Owner's use.
  - 7. Undertaking investigations and studies including, but not limited to, detailed consideration of operations, maintenance, and overhead expenses; the preparation of financial feasibility and cash flow studies, rate schedules, and appraisals; assistance in obtaining financing for the Project; evaluating processes available for licensing, and assisting Owner in obtaining process licensing; detailed quantity surveys of materials, equipment, and labor; and audits or inventories required in connection with construction performed by Owner.
  - 8. Providing assistance in responding to the presence of any Constituent of Concern at the Site, in compliance with current Laws and Regulations.
  - 9. Preparing to serve or serving as a consultant or witness for Owner in any litigation, arbitration, or other dispute resolution process related to the Assignment.
  - 10. Other services performed or furnished by Engineer not otherwise provided for in this Agreement.



## Board of City Commissioners

### Agenda Documentation

<b>MEETING DATE:</b>	June 21, 2016
<b>PREPARATION DATE:</b>	June 16, 2016
<b>SUBMITTING DEPARTMENT:</b>	Water Treatment Facility
<b>DEPARTMENT DIRECTOR:</b>	Justin Froseth, Planning and Engineering Director; Duane Friesz, Facility Superintendent
<b>PRESENTER:</b>	Justin Froseth, Planning and Engineering Director
<b>SUBJECT:</b>	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 37<sup>th</sup> 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.

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 design and bidding services for this project estimates the cost to be \$116,350. 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 preliminary design and 60% for construction design and bidding. Therefore the city's share based on this estimate would be  $\$32,600 \times 65\% + \$83,750 \times 40\% = \mathbf{\$54,690}$ . 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 Engineering Services Agreement with AE2S for the Sunset Booster Station and Distribution Control Improvements project.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 21, 2016

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

Page 3 of 10

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AGREEMENT  
BETWEEN OWNER AND ENGINEER  
FOR  
PROFESSIONAL SERVICES

THIS IS AN AGREEMENT effective as of June 21, 2016 ("Effective Date") between City of Mandan, 205 2<sup>nd</sup> 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: June 21, 2016

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

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

OWNER: \_\_\_\_\_

Mayor Arlyn Van Beek

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 2<sup>nd</sup> 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 June 21, 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: June 21, 2016

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

Page 6 of 10

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J. Advise ENGINEER of the identity and scope of services of any independent consultants employed by OWNER so that ENGINEER may 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: June 21, 2016

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

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This is EXHIBIT C, consisting of one page, referred to in and part of the Agreement between OWNER and ENGINEER for Professional Services dated June 21, 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 \$116,350 based on the following assumed distribution of compensation.

a. Preliminary Design Ph. 030	\$ 32,600.00
b. Design Ph. 040	\$ 69,750.00
c. Bidding Ph. 050	\$ 14,000.00
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.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 21, 2016

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

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This is EXHIBIT E, consisting of five pages, referred to in and part of the Agreement between OWNER and ENGINEER for Professional Services dated June 21, 2016

Project Description

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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. 8<sup>th</sup> 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: June 21, 2016

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

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F. Schedule

1. Preliminary Engineering deliverables ready on or around July 21, 2016

II. **FINAL DESIGN PHASE 040**

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

A. Design Elements –Sunset Booster Station

1. Domestic Pump replacement
2. Process Pipe Modifications
3. Building for Electrical/Mechanical Expansion
4. Electrical System
5. Mechanical Systems
6. I&C SCADA Improvements
7. Site work modifications
8. Underground process pipe modifications

B. Design Elements –Distribution I&C System

1. South Side Pump Station Radio System Upgrade
2. Collins Avenue –New PLCs, OITs, and Radio System
3. Sharon Heights - New PLCs, OITs, and Radio System
4. 8<sup>th</sup> Avenue – New mini PLC and Radio System

C. Design Disciplines

1. Civil
2. Process
3. Electrical/I&C
4. Mechanical
5. Architectural
6. Structural

D. Plans, Specifications, and Bid Documents – ENGINEER will prepare plans, specifications, and bid documents for the Sunset Booster Station and Distribution Control Improvements. Final design will include:

1. Using the information obtained during the Preliminary Design phase, the project shall generally consist of the items identified as design elements above.
2. Prepare plans and specifications to outline work necessary to receive bids for the project as described above.

E. Plan Submittal - ENGINEER will submit plans and specifications to the North Dakota Department of Health for review, comment and approval.

F. Opinion of Probable Construction Cost: ENGINEER will prepare Opinions of Probable Construction Cost and revise as required for 60%, 90%, and 100% plan and specification reviews.

G. Summary of Deliverables

- a. 60% Plans and Specifications and cost opinions.
- b. 90% Plans and Specifications and cost opinions.
- c. 100% Plans and Specifications and cost opinions.

H. Summary of Design Phase Meetings

- a. 60% Plan and Specifications Review
- b. 90% Plan and Specifications Review
- c. 100% Plans and Specifications Review

I. Schedule

1. Final Plans and Specifications for remainder of design elements ready for a late September 2016 Bid.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 21, 2016

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

Page 10 of 10

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**III. BIDDING PHASE 050**

The Bidding Phase will be conducted for the project and related improvements. Bidding Phase is comprised of the primary tasks identified below:

- A. Bidding: ENGINEER will prepare bid documents for and conduct the following bid packages:
  - general, mechanical, and electrical bid package process
  - pump procurement bid process.
- B. Advertisement: ENGINEER to coordinate with the OWNER for the advertisement of Bids in the official newspaper and regional construction plan exchanges for each bid.
- C. Interpretation and Clarifications: ENGINEER to communicate with prospective bidders and issue addenda as required.
- D. Meetings: ENGINEER to arrange and conduct one Pre-bid meeting and attend bid opening for the project.
- E. Bid Evaluation and Recommendations: ENGINEER to prepare Bid Tabs and Recommendations for City.
- F. Notice of Award: ENGINEER will coordinate the execution of Notice of Awards
- G. Improvement Bid Schedule: Bid scheduled for early September.
- H. Procurement Bid Schedule: Pump procurement scheduled early August.

**IV. CONSTRUCTION PHASE 060**

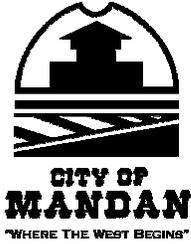
The Construction Phase is to be determined.

**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.



# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** June 21, 2016  
**PREPARATION DATE:** June 9, 2016  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Robert Decker, P.E., Principal Planner  
**SUBJECT:** Consider for approval Lakewood Harbor 3rd  
Addition First Replat of Block 1

---

STATEMENT/PURPOSE:

This request is to replat 2 lots.

BACKGROUND/ALTERNATIVES:

The proposal is to adjust the lot line between Lots 1 and 2 of Block 1.

No other changes are proposed

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:

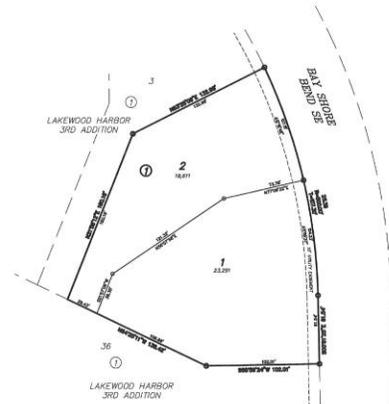
Move to approve Lakewood 3rd Addition First Replat of Block 1.



**LAKWOOD HARBOR 3RD ADDITION  
 FIRST REPLAT OF BLOCK 1**  
 BRING A REPLAT OF LOTS 1 AND 2 BLOCK 1 LAKWOOD HARBOR 3RD ADDITION  
 PART OF THE NW 1/4 OF SECTION 7, TOWNSHIP 138 NORTH, RANGE 80 WEST  
 TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA



**NOTES**  
 NORTH POINT OF SECTION 7  
 SECTION AND TOWNSHIP ARE NOT TO BE  
 RECONSIDERED AND ARE TO REMAIN AS  
 INDICATED



**DESCRIPTION**  
 BEING A REPLAT OF LOTS 1 AND 2, BLOCK 1, LAKWOOD HARBOR 3RD ADDITION, PART OF THE NW 1/4 OF SECTION 7, TOWNSHIP 138 NORTH, RANGE 80 WEST TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, AS SHOWN ON PLAT.

**SURVEYOR'S CERTIFICATE**  
 I, THE UNDERSIGNED, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE FOREGOING PLAT IS A TRUE COPY OF THE RECORD OF THE SURVEY AS PERFORMED BY ME AND CORRECTED TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE UNDERSIGNED HAS REVIEWED THE RECORD, THAT ALL NECESSARY MEASUREMENTS HAVE BEEN MADE, AND THAT ALL DIMENSIONS AND ANGLES ARE CORRECT.

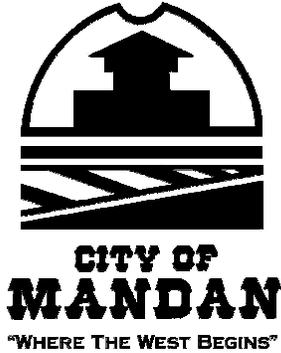
**UNDERSIGNED SURVEYOR**  
 STATE OF NORTH DAKOTA: [Signature]  
 COUNTY OF BURLINGTON: [Signature]

**APPROVAL OF BOARD OF CITY COMMISSIONERS**  
 I, THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, DO HEREBY APPROVE THE SURVEY AND REPLAT OF LOTS 1 AND 2, BLOCK 1, LAKWOOD HARBOR 3RD ADDITION, PART OF THE NW 1/4 OF SECTION 7, TOWNSHIP 138 NORTH, RANGE 80 WEST, AND THE CITY OF MANDAN, NORTH DAKOTA, HAS ADOPTED THE REPLAT OF LOTS 1 AND 2, BLOCK 1, LAKWOOD HARBOR 3RD ADDITION, PART OF THE NW 1/4 OF SECTION 7, TOWNSHIP 138 NORTH, RANGE 80 WEST, AS SHOWN ON PLAT.

**OWNER'S CERTIFICATE & DEDICATION**  
 I, THE UNDERSIGNED, OWNER OF THE SURVEYED LAND, HEREBY CERTIFY THAT THE SURVEYED LAND IS THE PROPERTY OF THE CITY OF MANDAN, NORTH DAKOTA, AND THAT THE SURVEYED LAND IS BEING DEDICATED TO THE CITY OF MANDAN, NORTH DAKOTA, AS SHOWN ON PLAT.

**APPROVAL OF**  
 STATE OF NORTH DAKOTA: [Signature]  
 COUNTY OF BURLINGTON: [Signature]

**NOTES**  
 ON THIS PLAT, I, THE UNDERSIGNED, HAVE PERSONALLY OBSERVED THE SURVEY, AND I HEREBY CERTIFY THAT THE SURVEY IS CORRECT AND THAT THE DIMENSIONS AND ANGLES ARE CORRECT, AND THAT THE SURVEYED LAND IS THE PROPERTY OF THE CITY OF MANDAN, NORTH DAKOTA, AND THAT THE SURVEYED LAND IS BEING DEDICATED TO THE CITY OF MANDAN, NORTH DAKOTA, AS SHOWN ON PLAT.



Consent #5  
-Revised 6/21/16

## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 21, 2016  
**PREPARATION DATE:** June 17, 2016  
**SUBMITTING DEPARTMENT:** City Administrator  
**DEPARTMENT DIRECTOR:** Jim Neubauer  
**PRESENTER:**  
**SUBJECT:** Annual Liquor License Renewals

---

STATEMENT/PURPOSE: All liquor licenses must be approved by the Board of City Commissioners on an annual basis.

BACKGROUND/ALTERNATIVES: All applications and fees have been received by all liquor license applicants.

ATTACHMENTS: List of all liquor license applicants and classes are attached.

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval contingent upon the establishment meeting all Fire Code, Health & Safety Code, Building Inspections and all property taxes paid.

SUGGESTED MOTION: I move to approve all Liquor Licenses for the year of July 1, 2016 – June 30, 2017. Contingent upon the establishment meeting all Fire Codes, Health & Safety Code, Building Inspection Codes and all property taxes are paid.

This is the list of applications for Annual Liquor License for July 1, 2016 – June 30, 2017

<u>Names</u>	<u>Class</u>
<b>Clubs</b>	
1. Mandan Eagles	B
2. Mandan Moose	B
<b>Corporations</b>	
1. Stage Stop	A
2. Lonesome Dove	A
3. BW-SS dba Seven Seas	C
4. B & B Inc. dba Broken Oar	A
5. Midway Lanes, Inc.	A
6. Hidden Inc. dba The Hide Away	A
7. Old Town Tavern, Inc.	A
8. The Ridge Motel	C
9. Coborn's Inc. – Bill's Liquor	D
10. Coborn's Inc. – Ski's Liquor	D
11. Colonial Lounge, Inc.	C
12. A & B Pizza	F
13. Missouri Valley Pet.dba Southside MVP	D1
14. Miller & Homes, Inc.	D1
15. NPC International Inc. dba Pizza Hut	F
16. Petro Serve USA #79	D1
17. J & C Investment dba Powerhouse Bar & Grill	A
18. Last Call Bar Inc.	A
19. Superpumper	D1
20. Ten Spot Lanes, Inc.	F
21. Captain Freddy's	A
22. Lakewood Bar & Grill LLC dba The Drink	A
23. Vicky's Sports Bar & Grill	A
24. Lukes Bar LLC dba Silver Dollar Bar	A
<del>25. Captains Galley Inc. dba Captain Freddy Restaurant</del>	<del>E</del>
26. Red Carpet Car Wash Inc.	D1
27. Petro Serve USA #78	D1
28. Missouri Valley Pet.dba Sunset Tesoro	D1
29. Stryker Enterprises, LLC/Main Street Drive Thru	A
30. Tri Energy Cooperative (Cenex)	D1
31. Lynco Enterprises, Co. LTD	F

**Individual & Partnerships**

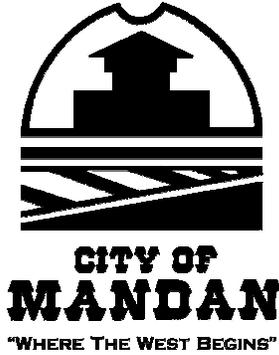
- |                                       |   |
|---------------------------------------|---|
| 1. Ozark Spirits LLC/Walmart          | D |
| 2. Strawberry                         | A |
| 3. Round Up LLC/Station West          | A |
| 4. Harvest LLC dba Harvest Restaurant | E |
| 5. Bayside LLC                        | D |
| 6. Taqueria El Guero LLC              | F |

**Special B's**

- |                             |           |
|-----------------------------|-----------|
| 1. Prairie West Golf Course | Special B |
| 2. Mandan Municipal Golf    | Special B |

**Wine or Brewery**

- |                                   |    |
|-----------------------------------|----|
| 1. Buffalo Commons Brewing Co LLC | WB |
| 2. Bird Dog Brewing LL C          | WB |



Consent #5

## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 21, 2016  
**PREPARATION DATE:** June 17, 2016  
**SUBMITTING DEPARTMENT:** City Administrator  
**DEPARTMENT DIRECTOR:** Jim Neubauer  
**PRESENTER:**  
**SUBJECT:** Annual Liquor License Renewals

---

STATEMENT/PURPOSE: All liquor licenses must be approved by the Board of City Commissioners on an annual basis.

BACKGROUND/ALTERNATIVES: All applications and fees have been received by all liquor license applicants.

ATTACHMENTS: List of all liquor license applicants and classes are attached.

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval contingent upon the establishment meeting all Fire Code, Health & Safety Code, Building Inspections and all property taxes paid.

SUGGESTED MOTION: I move to approve all Liquor Licenses for the year of July 1, 2016 – June 30, 2017. Contingent upon the establishment meeting all Fire Codes, Health & Safety Code, Building Inspection Codes and all property taxes are paid.

This is the list of applications for Annual Liquor License for July 1, 2016 – June 30, 2017

<u>Names</u>	<u>Class</u>
<b>Clubs</b>	
1. Mandan Eagles	B
2. Mandan Moose	B
<b>Corporations</b>	
1. Stage Stop	A
2. Lonesome Dove	A
3. BW-SS dba Seven Seas	C
4. B & B Inc. dba Broken Oar	A
5. Midway Lanes, Inc.	A
6. Hidden Inc. dba The Hide Away	A
7. Old Town Tavern, Inc.	A
8. The Ridge Motel	C
9. Coborn's Inc. – Bill's Liquor	D
10. Coborn's Inc. – Ski's Liquor	D
11. Colonial Lounge, Inc.	C
12. A & B Pizza	F
13. Missouri Valley Pet.dba Southside MVP	D1
14. Miller & Homes, Inc.	D1
15. NPC International Inc. dba Pizza Hut	F
16. Petro Serve USA #79	D1
17. J & C Investment dba Powerhouse Bar & Grill	A
18. Last Call Bar Inc.	A
19. Superpumper	D1
20. Ten Spot Lanes, Inc.	F
21. Captain Freddy's	A
22. Lakewood Bar & Grill LLC dba The Drink	A
23. Vicky's Sports Bar & Grill	A
24. Lukes Bar LLC dba Silver Dollar Bar	A
25. Captains Galley Inc. dba Captain Freddy Restaurant	E
26. Red Carpet Car Wash Inc.	D1
27. Petro Serve USA #78	D1
28. Missouri Valley Pet.dba Sunset Tesoro	D1
29. Stryker Enterprises, LLC/Main Street Drive Thru	A
30. Tri Energy Cooperative (Cenex)	D1
31. Lynco Enterprises, Co. LTD	F

**Individual & Partnerships**

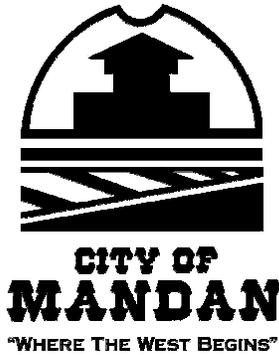
- |                                       |   |
|---------------------------------------|---|
| 1. Ozark Spirits LLC/Walmart          | D |
| 2. Strawberry                         | A |
| 3. Round Up LLC/Station West          | A |
| 4. Harvest LLC dba Harvest Restaurant | E |
| 5. Bayside LLC                        | D |
| 6. Taqueria El Guero LLC              | F |

**Special B's**

- |                             |           |
|-----------------------------|-----------|
| 1. Prairie West Golf Course | Special B |
| 2. Mandan Municipal Golf    | Special B |

**Wine or Brewery**

- |                                   |    |
|-----------------------------------|----|
| 1. Buffalo Commons Brewing Co LLC | WB |
| 2. Bird Dog Brewing LL C          | WB |



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 21, 2016  
**PREPARATION DATE:** June 17, 2016  
**SUBMITTING DEPARTMENT:** City Administrator  
**DEPARTMENT DIRECTOR:** Jim Neubauer  
**PRESENTER:**  
**SUBJECT:** Annual Special Sunday Openings Renewal

---

STATEMENT/PURPOSE: All Special Sunday Opening must be approved annually by the Board of City Commissioners.

BACKGROUND/ALTERNATIVES: All Special Sunday applications have been received and 1% Restaurant and Lodging taxes have been paid.

ATTACHMENTS: List of all Special Sunday Openings that have applied.

FISCAL IMPACT: \$260.00

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval contingent upon applications and fees are all up to date.

SUGGESTED MOTION: I move that all annual Special Sunday Openings be approved contingent on meeting all necessary requirements.

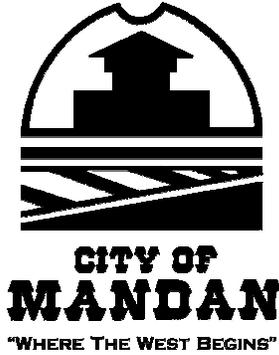
This is a list of all applications for Special Sunday Opening.

**Special Sunday Opening On-Sale**

1. The Hide Away (Hidden Inc.)
2. Mandan Mun. Golf (July -Oct) **(don't need to pay 1% Rest. & Lodging)**
3. Prairie West Golf (July to Oct) **(don't need to pay 1% Rest. & Lodging)**
4. A & B Pizza Inc.
5. Colonial Lounge Inc.
6. Ten Spot Lanes
7. Old Town Tavern
8. Lonesome Dove Inc.
9. Midway Lanes Inc.
10. BW-SS, Inc./Baymont Inn & Suites (Montana Mike's)
11. Broken Oar (B & B Inc.)
12. Vicky's Bar & Grill
13. The Ridge Motel Corporation
14. Pizza Hut (NPC International Inc.)
15. Last Call Bar Inc.
16. Captain Freddy's
17. The Drink (Lakewood Bar & Grill LLC)
18. Stryker Enterprise dba Main Street Drive Thur Liquor
19. Silver Dollar Bar
- ~~20. Captains Galley~~
21. Strawberry LLC
22. Station West (Roundup LLC)
23. Harvest LLC
24. Rice Bowl (Lynco Enterprises)
25. Mandan Eagles
26. Mandan Moose

**Special Sunday Opening Off-Sale**

1. Petro Serve USA #78
2. Southside MVP (Missouri Valley Petroleum)
3. Superpumper Licensing Inc.
4. M & H (Miller & Holmes Inc)
5. Red Carpet Car Wash
6. Petro Serve USA # 79
7. Coborn's/Captain Jacks
8. Wal-Mart (Ozark Spirits, LLC)
9. Tri Engery Cenex
10. Bayside LLC



Consent #6

## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 21, 2016  
**PREPARATION DATE:** June 17, 2016  
**SUBMITTING DEPARTMENT:** City Administrator  
**DEPARTMENT DIRECTOR:** Jim Neubauer  
**PRESENTER:**  
**SUBJECT:** Annual Special Sunday Openings Renewal

---

STATEMENT/PURPOSE: All Special Sunday Opening must be approved annually by the Board of City Commissioners.

BACKGROUND/ALTERNATIVES: All Special Sunday applications have been received and 1% Restaurant and Lodging taxes have been paid.

ATTACHMENTS: List of all Special Sunday Openings that have applied.

FISCAL IMPACT: \$260.00

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval contingent upon applications and fees are all up to date.

SUGGESTED MOTION: I move that all annual Special Sunday Openings be approved contingent on meeting all necessary requirements.

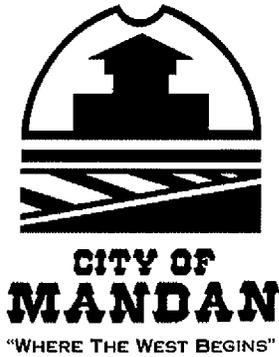
This is a list of all applications for Special Sunday Opening.

**Special Sunday Opening On-Sale**

1. The Hide Away (Hidden Inc.)
2. Mandan Mun. Golf (July -Oct) **(don't need to pay 1% Rest. & Lodging)**
3. Prairie West Golf (July to Oct) **(don't need to pay 1% Rest. & Lodging)**
4. A & B Pizza Inc.
5. Colonial Lounge Inc.
6. Ten Spot Lanes
7. Old Town Tavern
8. Lonesome Dove Inc.
9. Midway Lanes Inc.
10. BW-SS, Inc./Baymont Inn & Suites (Montana Mike's)
11. Broken Oar (B & B Inc.)
12. Vicky's Bar & Grill
13. The Ridge Motel Corporation
14. Pizza Hut (NPC International Inc.)
15. Last Call Bar Inc.
16. Captain Freddy's
17. The Drink (Lakewood Bar & Grill LLC)
18. Stryker Enterprise dba Main Street Drive Thur Liquor
19. Silver Dollar Bar
20. Captains Galley
21. Strawberry LLC
22. Station West (Roundup LLC)
23. Harvest LLC
24. Rice Bowl (Lynco Enterprises)
25. Mandan Eagles
26. Mandan Moose

**Special Sunday Opening Off-Sale**

1. Petro Serve USA #78
2. Southside MVP (Missouri Valley Petroleum)
3. Superpumper Licensing Inc.
4. M & H (Miller & Holmes Inc)
5. Red Carpet Car Wash
6. Petro Serve USA # 79
7. Coborn's/Captain Jacks
8. Wal-Mart (Ozark Spirits, LLC)
9. Tri Engery Cenex
10. Bayside LLC



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 21, 2016  
**PREPARATION DATE:** June 15, 2016  
**SUBMITTING DEPARTMENT:** Finance  
**DEPARTMENT DIRECTOR:** Greg Welch  
**PRESENTER:** Greg Welch, Finance Director  
**SUBJECT:** Authorize Check Signers

---

#### PURPOSE

To consider approval of authorized check signers.

#### BACKGROUND

The City of Mandan's cash management policy is to designate the Mayor/Board President and the City Administrator as the City's authorized check signers.

Currently, Arlyn Van Beek (Mayor/Board President) and Jim Neubauer (City Administrator) are the City's authorized check signers. Since Tim Helbling is the newly elected Mayor/Board President, the City needs to designate Tim Helbling and Jim Neubauer as authorized check signers, effective June 28, 2016.

#### ATTACHMENT

None

#### FISCAL IMPACT

None

#### STAFF IMPACT

None

#### LEGAL REVIEW

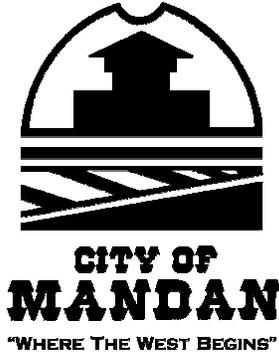
None

RECOMMENDATION

To approve Tim Helbling (Mayor/Board President) and Jim Neubauer (City Administrator) as the City's authorized check signers, effective June 28, 2016.

SUGGESTED MOTION

Move to approve Tim Helbling (Mayor/Board President) and Jim Neubauer (City Administrator) as the City's authorized check signers, effective June 28, 2016.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 21, 2016  
**PREPARATION DATE:** June 16, 2016  
**SUBMITTING DEPARTMENT:** Planning and Engineering  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Justin Froseth, Planning and Engineering Director  
**SUBJECT:** Starion Financial Picnic Road Closure Request

---

**STATEMENT/PURPOSE:** To consider allowing temporary road closure of 1<sup>st</sup> Avenue NW on July 1<sup>st</sup> from 8am-2pm.

**BACKGROUND/ALTERNATIVES:** Our office received a request Starion Financial to allow them to close 1<sup>st</sup> Avenue NW from south of 1<sup>st</sup> Street to north of the alley adjacent to their parking lot for their annual 4<sup>th</sup> of July picnic to be held this year on July 1<sup>st</sup> between 8am-2pm. More details are attached on the request letter. The closure would limit access to one other business, Old Town Tavern. Starion Financial has reached out to Old Town Tavern and they have indicated no objection to the temporary closure. Other emergency services and public works departments have been notified and have no objection. It will be up to the event organizers to properly sign and barricade.

**ATTACHMENTS:**

- 1) Starion Financial Closure Request with Map

**FISCAL IMPACT:** minimal

**STAFF IMPACT:** minimal

**LEGAL REVIEW:** n/a

**RECOMMENDATION:** Our office recommends approving the temporary closure.

**SUGGESTED MOTION:** I move to approve closure of 1<sup>st</sup> Avenue NW from south of 1<sup>st</sup> Street to north of the alley adjacent to Starion's parking lot.



To Whom It May Concern,

Starion Financial is planning to host our annual 4<sup>th</sup> of July Picnic on July 1<sup>st</sup> from 8a – 2p to give our customers an appreciation lunch.

This letter is to request permission to close from the intersection south of 1<sup>st</sup> ST NW and 1<sup>st</sup> Ave NW to South of our parking lot before the alley way.

I years past we have been provided orange cones for such event, is this something that would still be provided for us?

I am including a map depicting the area on were we will be having the picnic.

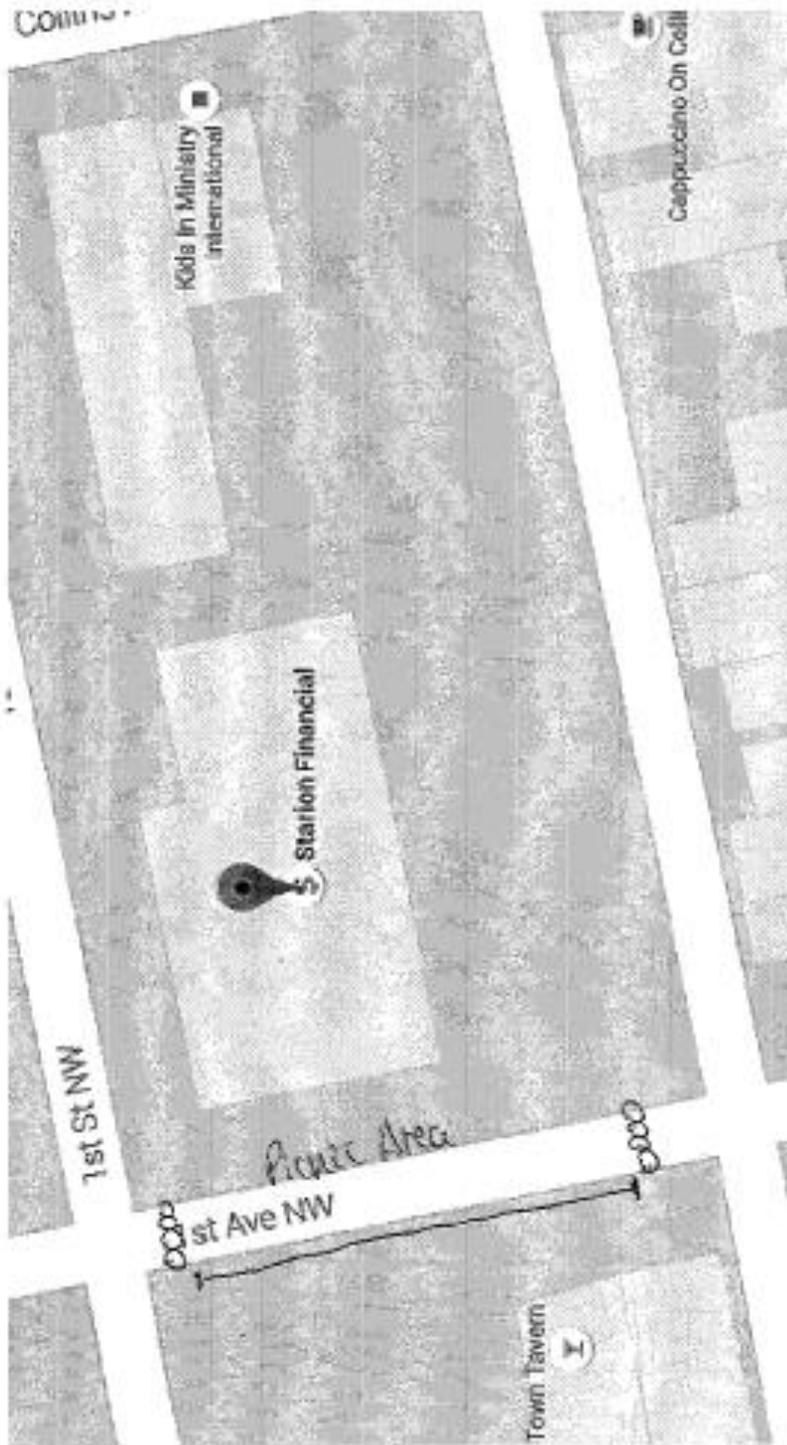
I have also spoken with Tanya Johnson of Old Town Tavern and she is aware of the closing and has informed us that it will be ok to close the street

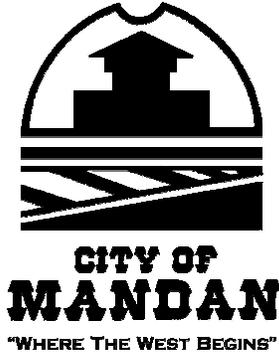
Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Leonard", written in a cursive style.

Jonathan Leonard

Personal Banking Officer





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 21, 2016  
**PREPARATION DATE:** June 17, 2015  
**SUBMITTING DEPARTMENT:** Business Development & Communications Department  
**DEPARTMENT DIRECTOR:** Ellen Huber, Business Development & Communications Director  
**PRESENTER:** Ellen Huber, Business Development & Communications Director  
**SUBJECT:** LCRDC agreement for loan origination & servicing

---

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

**BACKGROUND/ALTERNATIVES:** The LCRDC has agreed to help the City of Mandan Growth Fund with origination and servicing of loans for the local share of Bank of North Dakota interest buy-downs. The City Commission on May 3, 2016, approved a loan for a buy-down for SSWII, LLP, for construction of a new building for Stockman's Supply West.

Under the proposed agreement, same as for other buy-downs approved in 2015-2016, the LCRDC will charge a 1% origination fee and all hard costs such as the mortgage filing fee, credit report, UCC filing and would collect a 1% servicing fee on payments collected after the buy-down period ends.

**ATTACHMENTS:** Proposed agreement

**FISCAL IMPACT:** None

**STAFF IMPACT:** None

**LEGAL REVIEW:** The agreement has been submitted to Attorney Brown for review.

RECOMMENDATION: I recommend approval of the proposed agreement with the Lewis and Clark Regional Development Council for origination and servicing of a loan associated with a Bank of North Dakota Flex PACE interest buy-down for SSWII, LLP.

SUGGESTED MOTION: I move to approve the proposed agreement with the Lewis and Clark Regional Development Council for origination and servicing of a loan associated with a Bank of North Dakota Flex PACE interest buy-down for SSWII, LLP.

## **CONTRACT FOR COLLECTION SERVICES**

This agreement is made this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between the City of Mandan, 205 2<sup>nd</sup> Avenue, NW, Mandan, North Dakota (hereinafter referred to as "City"), and Lewis and Clark Regional Development Council, 200 1<sup>st</sup> Avenue NW, Mandan, North Dakota, North Dakota (hereinafter referred to as "Council").

WHEREAS, it is the desire of the City to have Council perform certain origination, collection, and administrative functions with respect to the loan provided by the City to SSWII, LLP (herein after referred to as "Borrower");

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

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

### **The Council will provide the following services:**

1. Council will prepare all loan and security documents as required by the terms and conditions set forth by the City of Mandan. Borrower will be assessed one percent (1%) of the loan amount for origination fees and will be required to pay any hard costs, including but not limited to security filing fees, lien searches, and credit report fees.
2. Council will maintain all security filings, collateral listings, insurance documentation and other documents and filings as may be required in the loan documents.
3. Council will prepare and deliver to the Borrower a "coupon book" indicating dates payments are due and the amount due or provide monthly billing statement to the Borrower based upon the preference of the Borrower.
4. Borrower will make all payments payable to Council.
5. All loan payments received from the Borrower shall be deposited by Council in a FDIC-insured institution. Payments received from the Borrower will be tracked separately from payments received from other borrowers.
6. Council will mail or deliver to the City a check for the full amount received from the Borrowers less the amount allowable to be retained by the Council under terms of this agreement. Council shall send to City documentation of payments made. Payments received from Borrowers between the 1<sup>st</sup> and 31<sup>st</sup> of the previous month will be submitted to the City prior to the 15<sup>th</sup> of the month subsequent month.
7. Council shall receive from and review all reports from the Borrower, such as financial reports, as may be required by the loan documents and by the City for purposes of the loan, and shall deliver copies of said reports to the City as may be required.

8. Council shall provide Grantee with periodic reports, at least annually, of the status of the loan and shall provide such necessary information and account status to any legal representative retained by the City for purposes of collection of any loans.
9. Council shall provide limited assistance with respect to the collection of past-due loan payments. Said limited assistance may be as follows:
  - a. As soon as is practical after payments are ten (10) days late, Council will send a reminder notice to the Borrower.
  - b. A late fee of 15% of the payment amount shall be assessed to the Borrower upon the payment being ten (10) days past due. Collection of late fees shall be at the sole discretion of the Council. Council shall retain all late fees collected.
  - c. As soon as is practical after payments are thirty (30) days past due, Council will attempt to contact the Borrower by telephone or other means to determine the cause of late payment and if any assistance is needed.
  - d. If not already done, and as soon as is practical after payments are sixty (60) days late, Council will attempt to visit with the Borrower in-person.
  - e. The Grantee will be informed by Council in writing if the Borrower is more than ninety (90) days past due.
  - f. At any time during the life of the loan, Council will attempt to provide technical assistance to the Borrower as may be requested by the Borrower or as may be determined necessary by the Council or by the City.
  - f. If situations arise that may require any changes or amendments to the loan agreements, Council will confer with the Borrower and present to the City its recommendations, including terms for work-out agreements and other, as may be advisable. If approved by the City, Council will assist in preparing or presenting such proposed changes to the City for its approval. If such changes or amendments are approved by the City, Council will prepare all necessary documents.
  - g. The City shall be responsible to determine when, or if, legal action shall be initiated on any loan for default or breach of contract and for all costs and expenses related to or incurred in such legal proceedings. If legal action is initiated, Council will make available to the City or to any legal representative retained by the Grantee for purposes of collection on any loans all documents and other information it may have related to the loan.
13. As compensation for its services, Council shall charge a fee of 1% per annum of the outstanding principal to the borrower. In the event this agreement is terminated by either or both parties, Council shall be entitled to receive compensation based on the interest paid from the date of the agreement to the date of termination.
14. The City accepts all risks with the enforceability and collect ability of the loan, and it shall have sole responsibility for program evaluation, approval and accountability.

15. Servicing and collection responsibilities of the Council shall commence upon the date of closing and terminate automatically once the loan is repaid in full or, unless otherwise mutually agreed upon by both parties, at such time as any unpaid principal balance has been referred by the City for formal legal proceedings. Upon termination, Council shall provide the City with a report of the status of the loan payments made thereupon.

16. This agreement may be amended or terminated for cause or by mutual consent according to the following:

- a. If the City believes that Council is in breach of the terms of this agreement, the City shall provide Council with written notice specifying all defaults. Council shall have thirty (30) days to cure such defaults or to establish that no default exists. If the defaults are not cured within 30 days, the City may terminate this agreement.
- b. By mutual consent, this contract may be amended or terminated by instrument and signatures of both parties.

17. Council has, or will secure at its own expense, all personnel required in performing services under this contract. Such personnel shall not be employees of or have any contractual relationship with the City. None of the work or services covered by this contract shall be sub-contracted without prior written approval of the City.

16. Council will maintain and make available all records pertaining to the above services and activities in accordance with and for periods of time as required by the City and federal law and regulations. During such time, and for sixty (60) days thereafter, the City may take possession of said records upon written request.

19. This agreement shall not be deemed to create a joint venture relationship or principal-agent relationship between the City and Council. At all times material, Council shall be deemed an independent contractor of the City.

20. This agreement shall be construed under the laws of the State of North Dakota.

APPROVED:

*City of Mandan*

*Lewis and Clark Regional  
Development Council*

By: \_\_\_\_\_, Mayor

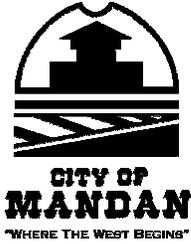
By: Brent Ekstrom, Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
By: Jim Neubauer, City Administrator

\_\_\_\_\_  
Date



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 21, 2016  
**PREPARATION DATE:** June 17, 2016  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Robert Decker, P.E., Principal Planner  
**SUBJECT:** Consider for approval replat of Block 5,  
Macedonia Hills 1<sup>st</sup> Addition

---

STATEMENT/PURPOSE:

This request is to split 6 twin home lots into 12 lots.

BACKGROUND/ALTERNATIVES:

The code allows the splitting of R3.2 zoned lots so that each half of a twin home can be sold separately as a zero lot line single family dwelling.

These are undeveloped lots.

Since these are dead end streets, emergency services turnarounds will be required before building permits can be issued for all lots.

ATTACHMENTS:

1. Current plat
2. replat

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

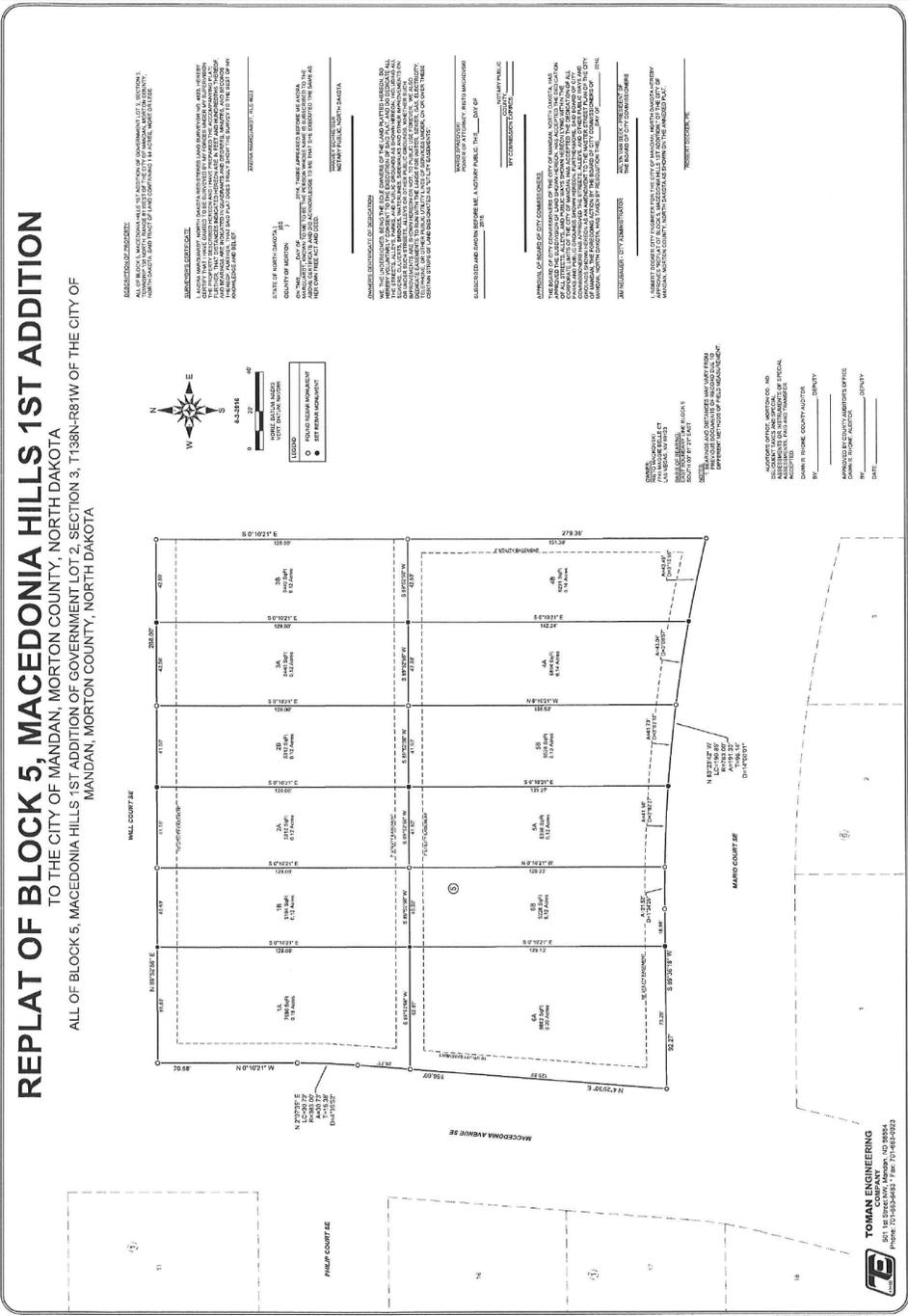
RECOMMENDATION:

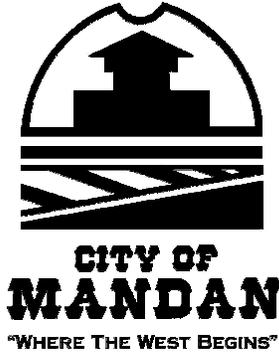
Recommend approval.

SUGGESTED ACTION:

Move to approve replat of Block 5, Macedonia Hills 1<sup>st</sup> Addition.







## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 21, 2016  
**PREPARATION DATE:** June 13, 2016  
**SUBMITTING DEPARTMENT:** Public Works Department  
**DEPARTMENT DIRECTOR:** Jeff Wright  
**PRESENTER:** Jeff Wright, Public Works Director  
**SUBJECT:** Presentation of plaques to businesses donating \$500 or more to the community boulevard tree-planting program

---

**STATEMENT/PURPOSE:** To present awards to businesses that have donated \$500 or more to the community boulevard tree-planting program.

**BACKGROUND/ALTERNATIVES:** Earlier this year, the Forestry Department solicited donations for the community boulevard tree-planting program. Letters were sent to businesses in March, requesting donations. As of June 1, the City has received \$5,000 in donations. Businesses donating \$500 or more will be presented with a plaque. Businesses donating \$1,000 or more will also have their names included on a perpetual plaque to be displayed in the Ed "Bosh" Froehlich Meeting Room at Mandan City Hall.

Business donating \$1,000 or more:

- Armstrong Sanitation
- Bullinger Tree Service
- Starion Financial

Businesses donating \$500 or more:

- Gate City Bank
- Prairie View Landscaping

Other contributors:

- Bismarck Mandan Home Builders Association
- Capital Credit Union

ATTACHMENTS: N/A

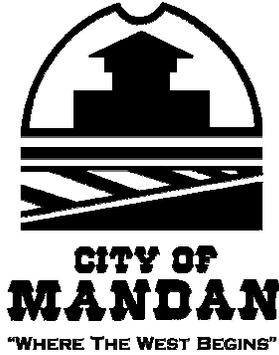
FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: This is a presentation of plaques to businesses that donated \$500 or more to the community boulevard tree-planting program.

SUGGESTED MOTION: N/A



New Business No. 1

## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 21, 2016  
**PREPARATION DATE:** June 13, 2016  
**SUBMITTING DEPARTMENT:** Public Works Department  
**DEPARTMENT DIRECTOR:** Jeff Wright  
**PRESENTER:** Jeff Wright, Public Works Director  
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**ATTACHMENTS:** N/A

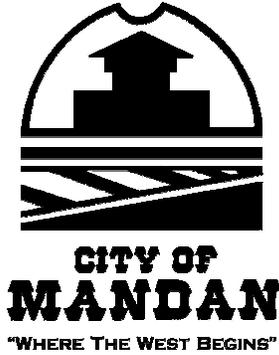
**FISCAL IMPACT:** N/A

**STAFF IMPACT:** N/A

**LEGAL REVIEW:** N/A

**RECOMMENDATION:** This is a presentation of plaques to businesses that donated \$500 or more to the community boulevard tree-planting program.

**SUGGESTED MOTION:** N/A



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 16, 2016  
**PREPARATION DATE:** June 21, 2016  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Justin Froseth, Engineering & Planning Director  
**SUBJECT:** Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for water & sewer improvement Project 2016-18(Lakewood 8<sup>th</sup> Addition First Replat).

---

**STATEMENT/PURPOSE:** To authorize the installation of water and sewer for the development of the subject area.

**BACKGROUND/ALTERNATIVES:** 24<sup>th</sup> Street SE and Gale Circle are located between 34<sup>th</sup> Avenue SE and 40<sup>th</sup> Avenue SE. The proposed utilities only serve the developer of the benefiting land; therefore, this is being paid for by the developer under a 3-way agreement. The need for this smaller 3-way agreement stems from a replat done within Lakewood 8<sup>th</sup> to reconfigure lots. Those lot adjustments require some corresponding adjustments to the water and sewer service lines. All the original water and sewer installation in Lakewood 8<sup>th</sup> was done last fall.

You will notice that the completion date of June 10<sup>th</sup> for this work has already passed. This work has not been completed and depends on other work before it to be completed. We will consider this completion date being pushed back when it comes to fairness in the street project completion dates. Our office has not received a letter of credit yet therefore would like the approval of the 3-way agreement contingent on receiving the letter of credit.

**ATTACHMENTS:**

1. Project Vicinity Map
2. Resolution Approving Plans and Specifications and Authorizing Execution of 3-way Agreement
3. 3-way agreement

**FISCAL IMPACT:** The entire cost of the project is being paid by the developer as part of the 3-way agreement.

**STAFF IMPACT:** Minimal

Board of City Commissioners

Agenda Documentation

Meeting Date: June 21, 2016

Subject: Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for water & sewer improvement Project 2016-18(Lakewood 8<sup>th</sup> Addition First Replat).

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

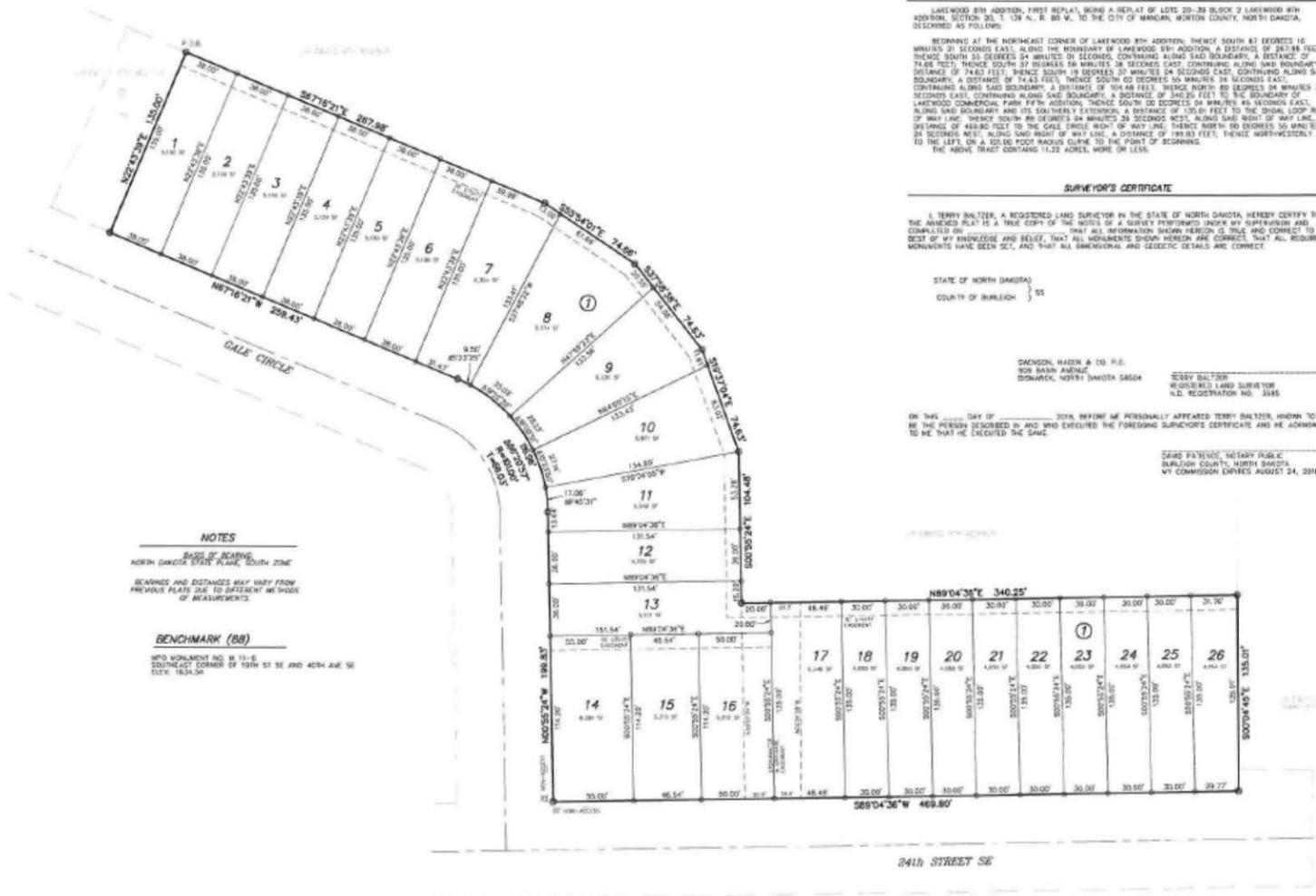
RECOMMENDATION: This office supports the authorization to move forward with this project.

SUGGESTED MOTION: I move 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 8<sup>th</sup> Addition First Replat) contingent on receiving letter of credit.

# LAKWOOD 8TH ADDITION FIRST REPLAT

BEING A REPLAT OF LOT 20-39 BLOCK 2 LAKWOOD 8TH ADDITION  
PART OF THE E 1/2 OF THE NW 1/4 OF SECTION 20, TOWNSHIP  
139 NORTH, RANGE 80 WEST

CITY OF MANDAN, NORTH DAKOTA



**NOTES**  
BASIS OF MEASUREMENT  
NORTH DAKOTA STEEL PLATE, SOUTH ZONE  
BEARINGS AND DISTANCES MAY VARY FROM  
PREVIOUS PLATS DUE TO DIFFERENT METHODS  
OF MEASUREMENTS

**BENCHMARK (BB)**  
MNO MONUMENT NO. 11-B  
SOUTHWEST CORNER OF TOWN 53 SE AND 40TH AND SE  
ELEV. 1634.34

**DESCRIPTION**  
LAKWOOD 8TH ADDITION, FIRST REPLAT, BEING A REPLAT OF LOTS 20-39 BLOCK 2 LAKWOOD 8TH ADDITION, SECTION 20, T. 139 N., R. 80 W., TO THE CITY OF MANDAN, NORTH DAKOTA, DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHEAST CORNER OF LAKWOOD 8TH ADDITION; THENCE SOUTH 67 DEGREES 16 MINUTES 21 SECONDS EAST, ALONG THE BOUNDARY OF LAKWOOD 8TH ADDITION, A DISTANCE OF 26.00 FEET; THENCE SOUTH 35 DEGREES 24 MINUTES 01 SECONDS, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 74.68 FEET; THENCE SOUTH 37 DEGREES 18 MINUTES 38 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 14.62 FEET; THENCE SOUTH 19 DEGREES 30 MINUTES 04 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 74.43 FEET; THENCE SOUTH 02 DEGREES 56 MINUTES 34 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 104.68 FEET; THENCE NORTH 80 DEGREES 24 MINUTES 33 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 146.55 FEET TO THE BOUNDARY OF LAKWOOD COMMERCIAL PARK FIFTH ADDITION; THENCE SOUTH 02 DEGREES 56 MINUTES 34 SECONDS EAST, ALONG SAID BOUNDARY AND ITS SOUTHERLY EXTENSION, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 80 DEGREES 24 MINUTES 33 SECONDS WEST, ALONG SAID BOUNDARY, A DISTANCE OF 484.80 FEET TO THE GALE CIRCLE RIGHT-OF-WAY LINE; THENCE NORTH 00 DEGREES 50 MINUTES 24 SECONDS WEST, ALONG SAID BOUNDARY, A DISTANCE OF 199.83 FEET; THENCE NORTHWESTERLY AND TO THE LEFT, ON A 100.00 FOOT RADIUS CURVE TO THE POINT OF BEGINNING. THE ABOVE TRACT CONTAINS 11.22 ACRES, MORE OR LESS.

**SURVEYOR'S CERTIFICATE**  
I, TERRY BALTZER, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ABOVE PLAT IS A TRUE COPY OF A SURVEY PERFORMED UNDER MY SUPERVISION AND CONTROLLED BY ME, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA )  
COUNTY OF BURLEIGH ) SS

DANSON, HAGEN & CO. P.C.  
509 BASH AVENUE  
MANDAN, NORTH DAKOTA 58504

TERRY BALTZER  
REGISTERED LAND SURVEYOR  
N.D. REGISTRATION NO. 3385

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016, BEFORE ME PERSONALLY APPEARED TERRY BALTZER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN, AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATRICK, NOTARY PUBLIC  
BURLEIGH COUNTY, NORTH DAKOTA  
MY COMMISSION EXPIRES AUGUST 24, 2016

**APPROVAL OF CITY PLANNING COMMISSION**  
THE SUBDIVISION OF LAND AS SHOWN ON THE ABOVE PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MANDAN, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF MANDAN AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF, I SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF MANDAN.

WILL ROBINSON - CHAIRMAN  
BARNEY MOSE - SECRETARY

**OWNER'S CERTIFICATE & DEDICATION**  
KNOW ALL MEN BY THESE PRESENTS THAT VERTY HOMES OF BISMARCK, LLC, BEING THE OWNER AND PROPRIETORS OF THE FOREGOING, HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "LAKWOOD 8TH ADDITION FIRST REPLAT", MANDAN, NORTH DAKOTA. THEY ALSO DEDICATE EASEMENTS TO THE CITY OF MANDAN, NORTH DAKOTA, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY, SANITARY SEWER, STORM SEWER & STORM WATER EASEMENTS.

STATE OF NORTH DAKOTA )  
COUNTY OF \_\_\_\_\_ ) SS

ARTHUR GOLDBACHER  
VERTY HOMES OF BISMARCK, LLC  
2000 N. 14TH ST  
BISMARCK, ND 58503

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016, BEFORE ME PERSONALLY APPEARED ARTHUR GOLDBACHER OF VERTY HOMES OF BISMARCK, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC  
COUNTY, NORTH DAKOTA  
MY COMMISSION EXPIRES \_\_\_\_\_

**APPROVAL OF BOARD OF CITY COMMISSIONERS**  
THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ABOVE PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GRADING AS SHOWN ON THE ABOVE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF MANDAN, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ABOVE PLAT.  
THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

AILEEN VAN BEED - MAYOR  
ATTEST: JIM NEUBAUM  
CITY ADMINISTRATOR

**APPROVAL OF \_\_\_\_\_**  
I, \_\_\_\_\_, HEREBY APPROVE "LAKWOOD 8TH ADDITION FIRST REPLAT", MANDAN, NORTH DAKOTA AS SHOWN ON THE ABOVE PLAT.



**RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND  
AUTHORIZING EXECUTION OF 3-WAY AGREEMENT FOR WATER AND  
SEWER IMPROVEMENT PROJECT NO. 2016-18**

(Lakewood 8<sup>th</sup> Addition First Replat)

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

1. That the plans and specifications for the Water and Sewer Project No. 2016-18 serving Lakewood 8<sup>th</sup> Addition First Replat in the City of Mandan, as presented by Verity Homes – Art Goldhammer, on behalf of themselves, are hereby approved, ratified and confirmed as the plans and specifications for said project, in accordance with which said improvement project will be constructed, subject to any further modifications of the plans and specifications by the Board as provided by law. The plans and specifications shall be filed in the Office of the City Administrator and City Engineer and open for public inspection. The named streets within the subdivision to receive the improvements are: 24<sup>th</sup> Street SE and Gale Circle SE.

2. That the President of the Board is hereby authorized to enter into a 3-way agreement between the City of Mandan; the developer, Verity Homes – Art Goldhammer, and the developer's contractor, contingent upon the City's receipt of an irrevocable escrow account covering construction costs.

3. This resolution shall be in full force and effect from the date of its passage.

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

ATTEST:

\_\_\_\_\_  
James Neubauer, City Administrator

Date of Passage:            June 21<sup>st</sup>, 2016

Board of City Commissioners

Agenda Documentation

Meeting Date: June 21, 2016

Subject: Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for water & sewer improvement Project 2016-18(Lakewood 8<sup>th</sup> Addition First Replat).

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**3-WAY AGREEMENT**

**LAKESWOOD 8<sup>TH</sup> ADDITION FIRST REPLAT**

**WATER, SANITARY SEWER IMPROVEMENT  
PROJECT**

THIS AGREEMENT, made on this 22<sup>nd</sup> day of April 2016, between the City of Mandan, a municipal corporation, hereinafter called the CITY, Verity Homes hereinafter called the DEVELOPER, and Bowers Excavating, LLC, hereinafter called the CONTRACTOR. The ENGINEER mentioned in this contract shall be Swenson, Hagen & Co.

WHEREAS, the CONTRACTOR wishes to enter upon the public streets and rights-of-way to construct, under a private contract, the following improvements:

Water Services       Sanitary Sewer Services       Storm Sewer Mains  
 Streets                       Other:

for property to be developed and offered for sale by the DEVELOPER; and

WHEREAS, the CITY wishes to safeguard the public interest by assuring that said construction work will be in accord with plans, specifications and requirements of the CITY and will be completed in a proper and safe manner in accord with said ENGINEER prepared plans and specifications for said type of work; and

WHEREAS, the DEVELOPER has filed a petition to the Board of City Commissioners to permit the DEVELOPER to contract directly for said improvements.

NOW, THEREFORE, it is agreed between the parties for the considerations herein named, as follows:

(1) LICENSE TO CONSTRUCT.

The CITY grants to the DEVELOPER the right, privilege, and license to enter upon and construct in the public rights-of-way of the CITY the above improvements in the following streets:

Board of City Commissioners

Agenda Documentation

Meeting Date: June 21, 2016

Subject: Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for water & sewer improvement Project 2016-18(Lakewood 8<sup>th</sup> Addition First Replat).

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which license shall continue so long as the DEVELOPER performs the agreements by it herein.

(2) SCOPE OF WORK.

The DEVELOPER will, through a CONTRACTOR licensed under the laws of North Dakota, do said work, including furnishing all materials, equipment and labor necessary to perform all of the work shown on the plans and specifications prepared by a licensed professional engineer, which are hereby referred to and made a part of this Agreement. Construction staking as required by the CITY shall be done by the ENGINEER at the expense of the DEVELOPER. The CONTRACTOR shall complete all stubouts to the property line on utilities to be constructed under this contract.

All work incidental to the project, such as grading, taps to the watermain, seeding, chlorine, clean up, and any other usual charges as determined by the ENGINEER shall be borne by the CONTRACTOR.

(3) TIME OF COMMENCEMENT AND COMPLETION

The anticipated date for allowing construction to start will be May 15, 2016. The CONTRACTOR shall have until June 10, 2016 to complete the project to the satisfaction of the ENGINEER and the CITY.

(4) CITY AUTHORITY AND RESPONSIBILITY

The City Engineer, other City staff and agents for the city shall at all times have access to the project site during construction of the public improvements. The City Engineer shall be the final arbiter when questions arise concerning interpretation and compliance with the plans, specifications, City design requirements and City ordinances. Failure of the developer, design engineer or contractor to comply with the directives of the City Engineer shall be sufficient grounds to issue a stop work order or require installed work to be removed and reconstructed.

(5) DESIGN ENGINEER AUTHORITY AND RESPONSIBILITY

The ENGINEER hired by the DEVELOPER is responsible for providing day to day monitoring and direction of the work. Daily logs shall be maintained and made available to the City. The ENGINEER is responsible to provide the CONTRACTOR in a timely manner with all needed information regarding grades and locations of work. Should a dispute arise between the CONTRACTOR and the ENGINEER over interpretation of the plans, the City Engineer shall be consulted and the City Engineer shall render a decision. Any deviation from the location of facilities shown on the plans must be approved in writing by the City Engineer before commencing with construction of the deviation. All deviations from the approved plans shall be documented with as-built drawings prepared by the ENGINEER. Approval by the CITY of the as-built drawings is a condition of project approval and acceptance by the CITY.

(6) PAYMENT.

The DEVELOPER shall provide an irrevocable letter of credit or a certificate of deposit from a bona fide financial institution in the amount of the project cost including services provided by the CITY. The irrevocable letter of credit expiration date shall be a minimum of 60 days past the time of completion or any extensions of this agreement. The project cost is \$19,902.00. Final payment will be for actual quantities used. A copy of the accepted proposal is attached to the back of and made a part of this Agreement.

The DEVELOPER will be responsible to pay the CONTRACTOR for all of the Agreement work in accordance with the plans, specifications, and proposal prepared by the DEVELOPER'S representative and made a part of this Agreement. The ENGINEER shall measure the work completed and submit to the ENGINEER. The ENGINEER will submit approved progress payments to the DEVELOPER. The CITY shall have no obligations, liability or responsibility for any payment due to any party under this Agreement or otherwise arising from the work under this Agreement. In no event shall the CITY be responsible for any payments whatsoever, including payments for additional work or payments for costs occasioned by unforeseen or changed conditions encountered during the work.

(7) CONTENTS OF CONTRACTOR'S CONTRACT.

All contracts made by the CONTRACTOR with any person, firm, or corporation in connection with or in carrying out the contract work shall provide: "This contract is subject to all the terms and conditions of a contract dated April 22, 2016, between the CITY, the DEVELOPER and the CONTRACTOR."

(8) OWNERSHIP OF WORK LINES.

All contract work, except utility stubouts, furnished or placed in the public streets, alleys, or rights-of-way shall become the property of the City of Mandan. The placing and furnishing of all contract work by the DEVELOPER, its CONTRACTOR, its subcontractors, if any, and by an person, firm or corporation, as labor or material or otherwise, shall be under the provisions of this contract and with the express waiver of any right to claim against the CITY, or to make claims or lien against the contract work.

(9) WARRANTY.

The CONTRACTOR shall guarantee all work against faulty materials and workmanship for a period of one year from the date of final acceptance and the performance bond of the contract shall remain in full force and effect for that period.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 21, 2016

Subject: Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for water & sewer improvement Project 2016-18(Lakewood 8<sup>th</sup> Addition First Replat).

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(10) VERBAL AGREEMENTS.

No verbal agreements or conversation with any officer, agent, or employee of the CITY or ENGINEER before or after the execution of this contract shall affect or modify any of their terms or obligations contained in the documents comprising the contract.

(11) PROTECTION OF PUBLIC AND WORK.

The CONTRACTOR shall provide and maintain all necessary watchmen, barricades, lights, and warning signs and take all necessary precautions for protection of the public, and shall further maintain at all times adequate protection of the work from damage. The CONTRACTOR shall also obtain and furnish general liability insurance to protect itself, the CITY, DEVELOPER, and ENGINEER with an insurer licensed to do business in North Dakota, in the sum of \$1,000,000 for one accident, against and from all suits, actions, or claims of any character, name and description brought for or on account of any injuries or damages received or sustained by any person or persons or property on account of any negligent act or fault of the DEVELOPER, its CONTRACTOR, or officers, agents or employees in the execution of the contract, or on account of its failure to provide necessary barricades, warning lights, or signs, and as will protect the CITY, DEVELOPER, and ENGINEER from any contingent liability under this contract. In no case shall the liability insurance be less than specified in the special provisions of the project manual.

(12) UTILITIES.

It shall be the responsibility of the CONTRACTOR to familiarize itself with the location of all existing sewer, water mains and service lines, gas mains and service lines, telephone cable, power, light, and telephone poles, guys, valve boxes, stop boxes and all utilities installations that might be affected in the performance of the work. The CONTRACTOR shall notify all utility companies at least 48 hours in advance excluding Saturdays, Sundays, holidays, and in accordance with N. D. Century Code Chapter 49-23 North Dakota One Call of any construction affecting said utilities, and shall work out with said utilities any conflicts or changes.

(13) CHANGE.

The Board of City Commissioners reserves the right to make any necessary changes in the alignment, grade, or design of the proposed work deemed by them advisable.

(14) CLEAN UP.

Extra materials, tools and temporary structures shall be removed by the CONTRACTOR and all dirt, rubbish, and excess earth from excavations shall be disposed of and the construction area left clean to the satisfaction of the ENGINEER, and the CITY. The CONTRACTOR shall maintain for a period of three months after completion of the work the surface of unpaved trenches, adjacent curbs and gutter, sidewalks, driveways,

Board of City Commissioners

Agenda Documentation

Meeting Date: June 21, 2016

Subject: Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for water & sewer improvement Project 2016-18(Lakewood 8<sup>th</sup> Addition First Replat).

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shrubbery, fences, sod or other surfaces disturbed. The CONTRACTOR shall conduct its operations in such manner as to cause minimum inconvenience to adjoining property owners and the public.

Street surfacing in unpaved areas shall be restored to as good as or better than prior to construction by the CONTRACTOR. The CONTRACTOR shall be required to replace paving or gravel surface removed or damaged in the construction work or repair any area disturbed as a result of construction work to the satisfaction of and subject to the approval of the CITY.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 21, 2016

Subject: Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for water & sewer improvement Project 2016-18(Lakewood 8<sup>th</sup> Addition First Replat).

Page 10 of 11

Bowers Excavating, LLC

P.O. Box 145

Mandan, ND 58554

## Estimate

Date	Estimate #
4/7/2016	1614

Name / Address
Verity Homes 3100 N 14th St., Suite 1 Bismarck ND 58503

Description	Qty	Cost	Project
			Lakewood 8th
			Total
Sanitary Sewer Items			
8" X 4" Inserta Tee	2	700.00	1,400.00
4" Sewer Service Pipe	66	22.00	1,452.00
Bedding Material	9	25.00	225.00
Watermain Items			
1" Copper Water Service Pipe	242	25.00	6,050.00
1" Water Service Connection	9	450.00	4,050.00
1" Ball Valve Curb Stop and 1" Box	9	450.00	4,050.00
Disconnect 1" Water Service	3	475.00	1,425.00
Relocate 1" Water Service	1	1,250.00	1,250.00
<b>Total</b>			<b>\$19,902.00</b>

Customer Signature \_\_\_\_\_

Board of City Commissioners

Agenda Documentation

Meeting Date: June 21, 2016

Subject: Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for water & sewer improvement Project 2016-18(Lakewood 8<sup>th</sup> Addition First Replat).

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(15) ASSURANCE OF PERFORMANCE AND PAYMENT OF BILLS.

The CONTRACTOR shall furnish a performance bond in an amount at least equal to one hundred percent (100%) of the total contract amount as security for the faithful performance of the contract and also a payment bond in an amount of not less than one hundred percent (100%) of the total contract amount as security for the payment of all persons performing labor on the payment of all persons performing labor on the project under the contract and furnishing materials in connection with the contract.

IN WITNESS WHEREOF, the parties have executed the following agreement.

CITY OF MANDAN

\_\_\_\_\_  
Justin Froseth  
Planning and Engineering Director

\_\_\_\_\_  
Arlyn Van Beek, President  
Board of City Commissioners

Attest:

\_\_\_\_\_  
Jim Neubauer  
City Administrator

DEVELOPER

Verity Homes & Bismarck LLC  
Firm Name

\_\_\_\_\_  
Authorized Representative

Duly Appointed Agent  
Owner, Title

300 n 14th st  
Street Address

Bismarck ND 58503  
City, State, Zip

CONTRACTOR

Bowers Excavating  
Firm Name

Jeff Bowers  
Authorized Representative

President  
Owner, Title

160 Riverwood ave  
Street Address

Mandan ND 58554  
City, State, Zip

**ORDINANCE NO. 1240**

An Ordinance to Amend and Re-enact Article 12, Chapter 111 of the Mandan Municipal Code related to building and lot numbering

WHEREAS, The language in the Mandan Municipal Code related to building and lot numbering does not indicate that addressing must conform to the addressing grid used for emergency response purposes, and

WHEREAS, The language does not include numbering design requirements, and

WHEREAS, The language does not include signage requirements for buildings located on private streets.

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

*Section 1. Article 12, Chapter 111 is amended to read.*

**ARTICLE 12. - BUILDING AND LOT NUMBERS**

**Sec. 111-12-1. - Building numbering.**

Building numbering shall conform to the requirements of the state building code as augmented herein.

- (1) Each public entrance to a building shall have the building number affixed in a conspicuous place near the entrance.
- (2) Entrance numbers shall be a minimum of 4 inches in height with a minimum stroke width of ½ inch.
- (3) Entrance numbers shall contrast with their background.
- (4) Where a building is addressed off a private street or is accessed by means of a private driveway and the building address cannot be viewed from a public street, additional signage must be provided by means of one of the following:
  - a. A monument pole located adjacent to the public street;
  - b. A building number and street name on the wall of the building of a size readable by someone of normal vision from the travel lane of the public street that contrasts with the background surrounding the number and name and is either reflective or illuminated; or
  - c. Any other style of signage acceptable to the Fire Chief.

**Sec. 111-12-2. - Lot numbering.**

- (a) Lot numbering shall conform to the number grid established for emergency response purposes by the County of Morton and approved by the City of Mandan.
- (b) The building official is responsible for assigning the building number at the time of issuance of a building permit.

*Section 2. Article 12, Chapter 111 is re-enacted as amended.*

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

Attest:

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

First Consideration:

June 7, 2016

Second Consideration and Final Passage:

\_\_\_\_\_



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 21, 2016  
**PREPARATION DATE:** June 8, 2016  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Robert Decker, Principal Planner  
**SUBJECT:** Consider for approval annexation of the property located at 2300 14<sup>th</sup> Ave. SE

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STATEMENT/PURPOSE: The property owner has requested annexation.

BACKGROUND/ALTERNATIVES: Some of the properties along 14<sup>th</sup> Ave. SE are in the city and some are not. The properties on both sides of this property are in the city.

This property is fully developed with a residence and accessory buildings.

A city potable water main and sanitary sewer line are located in 14<sup>th</sup> Ave. SE and have capacity to serve this property.

This property will pay an assessment for construction of city utilities upon annexation.

ATTACHMENTS:

1. Regional aerial photo
2. Property aerial photo
3. Ordinance

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION: The Engineering and Planning Office recommends approval of this annexation.

PROPOSED MOTION: Move to approve the first consideration of Ordinance 1244 annexing property located at 2300 14<sup>th</sup> Ave. SE.



**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 14<sup>th</sup> 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

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

First Consideration: \_\_\_\_\_

Second Consideration and Final Passage: \_\_\_\_\_

Publication Dates: \_\_\_\_\_

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

**MORTON COUNTY ABSTRACT OF BALLOTS CAST  
NORTH DAKOTA PRIMARY ELECTION - JUNE 14, 2016**

District	Precinct Name	Ballots Cast
LG31	Precinct 05	229
	Precinct 17	603
	Precinct 18	214
	Precinct 20	121
	Precinct 23	117
	Precinct 24	269
	<b>Subtotal</b>	<b>1553</b>
LG33	Precinct 32	380
	Precinct 33	348
	Precinct 34	63
	<b>Subtotal</b>	<b>791</b>
LG34	Precinct 01	653
	Precinct 02	778
	Precinct 03	326
	Precinct 04	411
	Precinct 06	405
	Precinct 07	242
	Precinct 08	207
		<b>Subtotal</b>
LG36	Precinct 36	284
	Precinct 38	184
	<b>Subtotal</b>	<b>468</b>
<b>Total</b>		<b>5834</b>

**MORTON COUNTY REPUBLICAN ABSTRACT OF VOTES  
NORTH DAKOTA PRIMARY ELECTION - JUNE 14, 2016**

		Total	Precinct 01	Precinct 02	Precinct 03	Precinct 04	Precinct 05	Precinct 06	Precinct 07	Precinct 08	Precinct 17	Precinct 18	Precinct 20	Precinct 23	Precinct 24	Precinct 32	Precinct 33	Precinct 34	Precinct 36	Precinct 38
United States Senator	John Hoeven	4,475	493	603	206	314	167	281	163	138	479	172	93	90	233	311	288	52	238	154
	write-in - scattered	21	1	6	1	1	1	1	3	1	3	0	0	0	0	0	0	0	2	1
	<b>Total</b>	<b>4,496</b>	<b>494</b>	<b>609</b>	<b>207</b>	<b>315</b>	<b>168</b>	<b>282</b>	<b>166</b>	<b>139</b>	<b>482</b>	<b>172</b>	<b>93</b>	<b>90</b>	<b>233</b>	<b>311</b>	<b>288</b>	<b>52</b>	<b>240</b>	<b>155</b>
Representative in Congress	Kevin Cramer	4,205	471	579	195	291	147	264	156	135	448	156	86	86	221	291	258	45	231	145
	write-in - scattered	35	2	5	2	2	1	2	5	0	7	2	0	0	1	2	2	0	1	1
	<b>Total</b>	<b>4,240</b>	<b>473</b>	<b>584</b>	<b>197</b>	<b>293</b>	<b>148</b>	<b>266</b>	<b>161</b>	<b>135</b>	<b>455</b>	<b>158</b>	<b>86</b>	<b>86</b>	<b>222</b>	<b>293</b>	<b>260</b>	<b>45</b>	<b>232</b>	<b>146</b>
State Senator District 34	Dwight Cook	2,055	458	563	198	294		257	154	131										
	write-in - scattered	9	1	3	1	1		0	2	1										
	<b>Total</b>	<b>2,064</b>	<b>459</b>	<b>566</b>	<b>199</b>	<b>295</b>		<b>257</b>	<b>156</b>	<b>132</b>										
State Senator District 36	Kelly Armstrong	356																	214	142
	write-in - scattered	0																	0	0
	<b>Total</b>	<b>356</b>																	<b>214</b>	<b>142</b>
State Representative District 34	Todd K Porter	1,911	415	534	178	275		250	141	118										
	Nathan Toman	1,749	392	460	170	264		212	143	108										
	write-in - scattered	10	2	5	1	0		0	1	1										
	<b>Total</b>	<b>3,670</b>	<b>809</b>	<b>999</b>	<b>349</b>	<b>539</b>		<b>462</b>	<b>285</b>	<b>227</b>										
State Representative District 36	Alan Fehr	167																	94	73
	Mike Schatz	265																	156	109
	Luke Simons	197																	118	79
	write-in - scattered	1																	1	0
	<b>Total</b>	<b>630</b>																	<b>369</b>	<b>261</b>
Governor and Lt. Governor	Doug Burgum	2,758	316	366	108	187	104	165	119	93	316	101	65	58	133	205	160	32	134	96
	Paul J Sorum	86	11	4	8	2	1	7	3	4	9	6	3	0	5	0	13	0	8	2
	Wayne Stenehjem	2,087	219	290	125	155	79	149	68	55	205	76	37	44	110	137	138	26	107	67
	write-in - scattered	2	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0
	<b>Total</b>	<b>4,933</b>	<b>546</b>	<b>660</b>	<b>241</b>	<b>344</b>	<b>184</b>	<b>321</b>	<b>190</b>	<b>152</b>	<b>530</b>	<b>183</b>	<b>106</b>	<b>102</b>	<b>248</b>	<b>342</b>	<b>312</b>	<b>58</b>	<b>249</b>	<b>165</b>
State Auditor	Josh Gallion	3,990	437	553	191	277	150	247	152	128	443	150	73	76	204	275	253	39	209	133
	write-in - scattered	9	1	2	0	0	0	0	1	2	0	0	0	0	1	0	1	0	0	1
	<b>Total</b>	<b>3,999</b>	<b>438</b>	<b>555</b>	<b>191</b>	<b>277</b>	<b>150</b>	<b>247</b>	<b>152</b>	<b>129</b>	<b>445</b>	<b>150</b>	<b>73</b>	<b>76</b>	<b>205</b>	<b>275</b>	<b>254</b>	<b>39</b>	<b>209</b>	<b>134</b>
State Treasurer	Kelly L Schmidt	4,073	455	560	194	282	156	246	157	127	444	154	76	83	210	277	257	42	215	138
	write-in - scattered	19	5	0	1	0	0	0	1	1	4	0	0	0	2	4	0	0	0	1
	<b>Total</b>	<b>4,092</b>	<b>460</b>	<b>560</b>	<b>195</b>	<b>282</b>	<b>156</b>	<b>246</b>	<b>158</b>	<b>128</b>	<b>448</b>	<b>154</b>	<b>76</b>	<b>83</b>	<b>212</b>	<b>281</b>	<b>257</b>	<b>42</b>	<b>215</b>	<b>139</b>
Insurance Commissioner	Jon Godfread	3,993	438	555	188	276	153	248	145	127	445	151	71	73	202	280	252	40	214	135
	write-in - scattered	10	1	1	1	1	0	0	1	1	1	0	0	0	1	1	0	0	0	1
	<b>Total</b>	<b>4,003</b>	<b>439</b>	<b>556</b>	<b>189</b>	<b>277</b>	<b>153</b>	<b>248</b>	<b>146</b>	<b>128</b>	<b>446</b>	<b>151</b>	<b>71</b>	<b>73</b>	<b>203</b>	<b>281</b>	<b>252</b>	<b>40</b>	<b>214</b>	<b>136</b>
Public Service Commissioner	Julie Fedorchak	4,073	446	569	196	282	152	253	152	128	447	154	74	80	200	283	256	42	218	141
	write-in - scattered	10	0	1	0	0	0	0	0	1	3	0	0	0	2	1	1	0	0	1
	<b>Total</b>	<b>4,083</b>	<b>446</b>	<b>570</b>	<b>196</b>	<b>282</b>	<b>152</b>	<b>253</b>	<b>152</b>	<b>129</b>	<b>450</b>	<b>154</b>	<b>74</b>	<b>80</b>	<b>202</b>	<b>284</b>	<b>257</b>	<b>42</b>	<b>218</b>	<b>142</b>

**MORTON COUNTY DEMOCRATIC-NPL ABSTRACT OF VOTES  
NORTH DAKOTA PRIMARY ELECTION - JUNE 14, 2016**

		Total	Precinct 01	Precinct 02	Precinct 03	Precinct 04	Precinct 05	Precinct 06	Precinct 07	Precinct 08	Precinct 17	Precinct 18	Precinct 20	Precinct 23	Precinct 24	Precinct 32	Precinct 33	Precinct 34	Precinct 36	Precinct 38
United States Senator	Eliot Glassheim	611	71	71	66	56	40	61	36	40	46	17	12	9	14	27	22	3	14	6
	write-in - scattered	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
	Total	612	71	71	66	56	40	61	36	40	46	17	12	9	14	27	23	3	14	6
Representative in Congress	Chase Iron Eyes	608	71	71	65	53	41	61	36	39	48	18	10	9	14	27	23	3	13	6
	write-in - scattered	2	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	610	72	72	65	53	41	61	36	39	48	18	10	9	14	27	23	3	13	6
State Senator District 34	Dave Gipp	394	70	72	65	53		60	35	39										
	write-in - scattered	0	0	0	0	0		0	0	0										
	Total	394	70	72	65	53		60	35	39										
State Senator District 36	John D W Fielding	19																	13	6
	write-in - scattered	1																	1	0
	Total	20																	14	6
State Representative District 34	Bernie Parkhurst	328	66	58	44	46		48	29	37										
	Jessica Petrick	377	65	72	62	50		59	33	36										
	write-in - scattered	2	1	0	0	0		0	1	0										
	Total	707	132	130	106	96		107	63	73										
State Representative District 36	Linda Kittilson	14																	9	5
	Dean Jay Meyer	20																	13	7
	write-in - scattered	0																	0	0
	Total	34																	22	12
Governor and Lt. Governor	Marvin E Nelson	607	72	73	66	55	41	60	35	40	44	18	11	8	14	27	23	2	12	6
	write-in - scattered	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	608	72	73	67	55	41	60	35	40	44	18	11	8	14	27	23	2	12	6
State Auditor	write-in - scattered	48	5	5	3	5	4	4	4	3	0	4	1	1	0	2	4	0	3	0
	Total	48	5	5	3	5	4	4	4	3	0	4	1	1	0	2	4	0	3	0
	Tim Mathern	605	70	74	67	55	41	61	33	40	45	17	11	9	14	25	20	3	14	6
State Treasurer	write-in - scattered	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
	Total	606	70	74	67	55	41	61	34	40	45	17	11	9	14	25	20	3	14	6
	Ruth Buffalo	590	69	69	65	53	41	57	34	39	46	17	11	8	13	24	21	3	14	6
Insurance Commissioner	write-in - scattered	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
	Total	591	69	69	65	53	41	58	34	39	46	17	11	8	13	24	21	3	14	6
	Marlo Hunte-Beaubrun	575	67	67	64	51	41	53	32	39	45	17	11	8	12	25	20	3	14	6
Public Service Commissioner	write-in - scattered	2	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0
	Total	577	67	67	64	52	41	53	33	39	45	17	11	8	12	25	20	3	14	6

**MORTON COUNTY LIBERTARIAN ABSTRACT OF VOTES  
NORTH DAKOTA PRIMARY ELECTION - JUNE 14, 2016**

		Total	Precinct 01	Precinct 02	Precinct 03	Precinct 04	Precinct 05	Precinct 06	Precinct 07	Precinct 08	Precinct 17	Precinct 18	Precinct 20	Precinct 23	Precinct 24	Precinct 32	Precinct 33	Precinct 34	Precinct 36	Precinct 38
United States Senator	Robert N Marquette	33	4	2	1	0	0	3	3	1	5	2	0	1	1	1	4	0	2	3
	write-in - scattered	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	33	4	2	1	0	0	3	3	1	5	2	0	1	1	1	4	0	2	3
Representative in Congress	Jack Seaman	33	3	3	1	0	0	3	3	1	5	2	0	1	1	1	4	0	2	3
	write-in - scattered	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	33	3	3	1	0	0	3	3	1	5	2	0	1	1	1	4	0	2	3
State Senator District 34	write-in - scattered	3	1	0	0	0		1	0	1										
	Total	3	1	0	0	0		1	0	1										
	write-in - scattered	2																	1	1
State Senator District 36	write-in - scattered	2																	1	1
	Total	2																	1	1
	write-in - scattered	1	0	0	0	0		1	0	0									0	0
State Representative District 34	write-in - scattered	1	0	0	0	0		1	0	0									0	0
	Total	1	0	0	0	0		1	0	0									0	0
	write-in - scattered	0																	0	0
State Representative District 36	write-in - scattered	0																	0	0
	Total	0																	0	0
	Marty Riske	31	3	2	1	0	0	3	3	1	4	2	0	1	1	1	4	0	2	3
Governor and Lt. Governor	write-in - scattered	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	31	3	2	1	0	0	3	3	1	4	2	0	1	1	1	4	0	2	3
	Roland Riemers	31	3	2	1	0	0	3	3	1	5	2	0	1	0	1	4	0	2	3
State Auditor	write-in - scattered	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	31	3	2	1	0	0	3	3	1	5	2	0	1	0	1	4	0	2	3
	Eric Olson	32	4	2	1	0	0	3	3	1	5	2	0	1	0	1	4	0	2	3
State Treasurer	write-in - scattered	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	32	4	2	1	0	0	3	3	1	5	2	0	1	0	1	4	0	2	3
	Nick Bata	31	3	2	1	0	0	3	3	1	5	2	0	1	0	1	4	0	2	3
Insurance Commissioner	write-in - scattered	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	31	3	2	1	0	0	3	3	1	5	2	0	1	0	1	4	0	2	3
	Thomas Skadeland	30	3	2	1	0	0	3	3	1	5	2	0	1	0	1	4	0	2	2
Public Service Commissioner	write-in - scattered	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	30	3	2	1	0	0	3	3	1	5	2	0	1	0	1	4	0	2	2

**MORTON COUNTY NONPARTISAN ABSTRACT OF VOTES  
NORTH DAKOTA PRIMARY ELECTION - JUNE 14, 2016**

		Total	Precinct 01	Precinct 02	Precinct 03	Precinct 04	Precinct 05	Precinct 06	Precinct 07	Precinct 08	Precinct 17	Precinct 18	Precinct 20	Precinct 23	Precinct 24	Precinct 32	Precinct 33	Precinct 34	Precinct 36	Precinct 38
Superintendent of Public Instruction	Kirsten Baesler	3,262	335	484	171	243	123	226	122	115	337	122	81	63	162	178	190	43	160	107
	Joe Chiang	1,902	253	203	114	135	77	137	93	65	207	70	28	39	79	163	115	13	68	43
	write-in - scattered	8	0	0	0	0	1	0	0	0	2	0	0	0	2	2	0	0	1	0
	Total	5,172	588	687	285	378	201	363	215	180	546	192	109	102	243	343	305	56	229	150
Justice of the Supreme Court	Robert V Bolinske Sr	2,346	251	328	115	179	94	181	100	79	273	82	45	49	99	145	118	22	110	76
	Jerod Elton Tufte	2,002	259	254	124	128	84	125	85	76	194	68	31	35	97	137	139	24	88	54
	write-in - scattered	9	0	1	0	1	3	0	1	1	1	0	0	0	0	0	1	0	0	0
	Total	4,357	510	583	239	308	181	306	186	156	468	150	76	84	196	282	258	46	198	130
Justice of the Supreme Court Unexpired 2-Year Term	Lisa Fair McEvers	4,184	477	574	232	300	172	293	167	153	449	142	75	79	188	275	250	38	190	130
	write-in - scattered	16	1	2	0	2	2	1	3	0	1	1	0	0	1	1	1	0	0	0
	Total	4,200	478	576	232	302	174	294	170	153	450	143	75	79	189	276	251	38	190	130
	Total	4,200	478	576	232	302	174	294	170	153	450	143	75	79	189	276	251	38	190	130
South Central Judge of the District Court No. 2	Sonna M Anderson	4,289	490	589	236	311	175	300	170	154	454	149	75	81	196	286	255	45	195	128
	write-in - scattered	13	0	3	1	1	1	1	1	0	1	0	0	0	2	1	1	0	0	0
	Total	4,302	490	592	237	312	176	301	171	154	454	150	75	81	198	287	256	45	195	128
	Total	4,302	490	592	237	312	176	301	171	154	454	150	75	81	198	287	256	45	195	128
South Central Judge of the District Court No. 5	Cynthia M Feland	4,303	483	570	233	314	172	296	169	153	443	153	77	87	197	282	273	48	219	134
	write-in - scattered	35	4	7	1	1	2	2	4	1	7	1	1	0	3	0	1	0	0	0
	Total	4,338	487	577	234	315	174	298	173	154	450	154	78	87	200	282	274	48	219	134
	Total	4,338	487	577	234	315	174	298	173	154	450	154	78	87	200	282	274	48	219	134
South Central Judge of the District Court No. 8 Unexpired 4-Year Term	James S Hill	4,187	472	579	229	301	172	299	163	151	445	143	76	82	186	272	253	41	194	129
	write-in - scattered	15	0	1	0	2	2	0	3	0	2	2	0	0	1	0	1	0	1	0
	Total	4,202	472	580	229	303	174	299	166	151	447	145	76	82	187	272	254	41	195	129
	Total	4,202	472	580	229	303	174	299	166	151	447	145	76	82	187	272	254	41	195	129
County Commissioner Morton	Ron Leingang	3,965	452	525	212	298	157	290	161	150	415	140	88	84	209	263	230	30	157	104
	Cody Schulz	3,841	434	492	206	277	145	271	158	131	405	128	60	77	175	247	290	45	170	130
	Bruce Strinden	3,703	426	505	190	282	153	266	141	123	389	143	54	79	171	252	216	33	159	121
	write-in - scattered	40	6	7	0	4	0	5	0	2	0	3	3	2	0	1	0	4	3	3
Total	11,549	1,318	1,529	608	861	455	827	465	404	1,211	411	205	243	557	762	737	108	490	358	
Mayor Mandan	Tim Helbing	1,818	315	332	126	187	104	214	104	102	250	65			15	4				
	Shannon Reichenberg	936	147	171	73	98	55	93	66	52	128	30			14	9				
	Arlyn Van Beek	956	144	193	96	111	57	85	58	37	98	39			32	6				
	write-in - scattered	4	1	1	1	0	0	0	1	0	0	0			0	0				
Total	3,714	607	697	296	396	216	392	229	191	476	134			61	19					
Mayor Glen Ullin	Ray Haverluk	71																		71
	Terri Kloosterman	112																		112
	write-in - scattered	22																		22
	Total	205																		205
Mayor Almont	Russell Kramer	19																		19
	write-in - scattered	0																		0
	Total	19																		19
	Total	19																		19
Council Member Glen Ullin	write-in - Anthony Schirado	102																		102
	write-in - Dennis Emter	35																		35
	Tina Haverluk	60																		60
	Kevin Kloosterman	83																		83
	Sid White	107																		107
	write-in - scattered	48																		48
	Total	435																		435
Council Member New Salem	John Burck	76																		76
	Joshua Gaebe	117																		117
	Chad Goetzfridt	166																		166
	Darrell Itrich	99																		99
	Eugene Schaaf	124																		124
	Tina St. Claire	50																		50
	write-in - scattered	4																		4
Total	636																		636	
Council Member Hebron	write-in - Charles Overfield	37																		37
	write-in - Mike Coots	65																		65
	Rebecca Heinle	54																		54
	Kenneth Kastrow	52																		52
	Harvey Tibor	99																		99
	write-in - scattered	30																		30
Total	337																		337	
Council Member Unexpired 2-Year Term Glen Ullin	write-in - Anthony Schirado	10																		10
	write-in - Dennis Emter	53																		53
	write-in - scattered	29																		29
	Total	92																		92
Council Member Almont	Anthony Bachler	15																		15
	write-in - scattered	3																		3
	Total	18																		18

Commissioner Mandan	Mike Braun	1,723	266	301	145	179	113	201	113	88	219	62			27	9			
	Scott Davis	1,876	334	311	163	203	113	193	127	98	215	73			32	14			
	Kari Liepitz	1,579	280	304	116	152	84	194	85	72	220	31			32	9			
	John Shultz	946	148	173	76	105	56	86	54	55	125	46			17	5			
	write-in - scattered	13	0	3	0	3	0	1	1	2	3	0			0	0			
Total	6,137	1,028	1,092	500	642	366	675	380	315	782	212			108	37				
Commissioner Flasher	Monte Mortenson	43										43							
	Joanie Rossow	44										44							
	write-in - scattered	7										7							
	Total	94										94							
Municipal Judge Mandan	DeNae Kautzmann	2,989	483	566	239	324	175	309	178	159	378	106			55	17			
	write-in - scattered	18	1	3	2	5	1	3	2	0	1	0			0	0			
	Total	3,007	484	569	241	329	176	312	180	159	379	106			55	17			
Municipal Judge New Salem	Scott Austin	207																	207
	write-in - scattered	4																	4
	Total	211																	211
Park Board Member Mandan Park	Kevin (Herb) Allan	1,773	272	334	134	212	108	197	117	114	196	52			27	10			
	Wanda Knoll	2,131	333	359	178	233	133	236	143	107	289	71			39	10			
	Wade Meschke	2,148	378	397	171	227	113	236	110	96	290	73			43	14			
	write-in - scattered	5	0	2	0	0	0	1	0	1	1	0			0	0			
	Total	6,057	983	1,092	483	672	354	670	370	318	776	196			109	34			
Park Board Member Hebron Park	Jim Tibor	112																	112
	Claudia Wehri	118																	118
	write-in - scattered	6																	6
	Total	236																	236
Park Board Member Glen Ullin Park	write-in - Anthony Scirado	2																	2
	write-in - Charles Geniun	2																	2
	write-in - Chris Geiss	3																	3
	write-in - Jerrid Soupier	2																	2
	write-in - Kent Glasser	4																	4
	write-in - Kyle Christianson	3																	3
	write-in - Lora Voegelé	2																	2
	write-in - Travis Thomas	2																	2
	write-in - Wayne Fitterer	2																	2
	Shane Hellman	193																	193
	write-in - scattered	25																	25
Total	240																	240	
Park Board Member New Salem Park	write-in - Monica Gaebe	66																	66
	write-in - Tracy Cofer	80																	80
	Robert Boehm	178																	178
	Bryan Sutton	105																	105
	write-in - scattered	34																	34
	Total	463																	463
Park Board Member Flasher Park	Moriah Frank	47										47							
	Hilda Hinderer	45										45							
	Shawna Marion	47										47							
	write-in - scattered	2										2							
	Total	141										141							
Park Board Member Unexpired 2-Year Term Glen Ullin Park	Jerrid Soupier	190																	190
	write-in - scattered	2																	2
	Total	192																	192
School Board Member At Large Mandan School District	Lori Furaus	2,969	413	467	211	278	154	277	162	132	354	117			12	144	248		
	Ross Munns	2,835	404	452	187	277	143	252	151	133	337	112			11	142	234		
	Tim Rector	2,909	411	467	191	270	148	274	148	135	347	116			13	143	246		
	write-in - scattered	20	1	3	0	3	2	0	1	2	2	3			1	0	2		
	Total	8,733	1,229	1,389	589	828	447	803	462	402	1,040	348			37	429	730		
School Board Member at Large Unexpired 1-Year Term Mandan School District	Kama Hoovestol	1,713	241	284	104	139	87	151	71	81	232	65			8	109	141		
	Darcy Jangula Randall	1,688	240	254	127	155	86	152	110	68	196	84			10	75	131		
	write-in - scattered	8	0	2	0	2	0	0	1	0	3	0			0	0	0		
	Total	3,409	481	540	231	296	173	303	182	149	431	149			18	184	272		

**MORTON COUNTY MEASURES ABSTRACT OF VOTES  
NORTH DAKOTA PRIMARY ELECTION - JUNE 14, 2016**

		Total	Precinct 01	Precinct 02	Precinct 03	Precinct 04	Precinct 05	Precinct 06	Precinct 07	Precinct 08	Precinct 17	Precinct 18	Precinct 20	Precinct 23	Precinct 24	Precinct 32	Precinct 33	Precinct 34	Precinct 36	Precinct 38
(Senate Bill No. 2351, 2015 North Dakota Session Laws, Ch. 84)	Yes	1,351	146	244	82	101	39	88	56	41	137	42	18	13	61	95	104	16	50	18
	No	4,141	470	475	226	283	176	293	171	159	434	157	96	95	195	270	231	45	209	156
	Total	5,492	616	719	308	384	215	381	227	200	571	199	114	108	256	365	335	61	259	174
Publication of city Governing Body Minutes Mandan	Yes	3,235	528	591	263	351	186	324	207	164	431	121			51	18				
	No	478	79	108	44	33	27	62	18	33	51	11			12	0				
	Total	3,713	607	699	307	384	213	386	225	197	482	132			63	18				
Publication of city Governing Body Minutes Glen Ullin	Yes	189																		189
	No	14																		14
	Total	203																		203
Publication of city Governing Body Minutes Hebron	Yes	130																		130
	No	9																		9
	Total	139																		139
Publication of city Governing Body Minutes Almont	Yes	16																		16
	No	4																		4
	Total	20																		20
Publication of city Governing Body Minutes Flasher	Yes	49										49								
	No	10										10								
	Total	59										59								
Publication of city Governing Body Minutes New Salem	Yes	207																		207
	No	15																		15
	Total	222																		222