

AGENDA
MANDAN CITY COMMISSION
JUNE 4, 2013
ED "BOSH" FROEHLICH MEETING ROOM,
MANDAN CITY HALL
5:30 P.M.
www.cityofmandan.com

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- A. ROLL CALL:
1. Roll call of all City Commissioners and Department Heads.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:
1. Consider approval of the following minutes:
 - i. April 30, 2013 – Board of Equalization
 - ii. May 21, 2013 – Regular Board Meeting
- E. PUBLIC HEARING:
1. Public Hearing to consider a two-year tax exemption for JDS Holding, LLP
- F. BIDS:
1. Consider award of bid for Street Improvement District No. 176, Project 2012-20(McKenzie Drive SE, Genoa Court SE & 34th Avenue SE). (See Resolution No. 4).
 2. Consider awarding the Roughrider Estates Collection System Extension project to Kvamsdal Construction, Inc.
- G. CONSENT AGENDA:
1. Consider for approval the final plat of the Replat of Lot 3, Block 1, Lakewood Commercial Park 2nd Addition.
 2. Consider for approval the final plat of Meadows 7th Addition.
 3. Consider for approval the final plat of River Garden Addition.
 4. Consider for approval a variance request for Lots 11 & 12, Block 1, Terra Vallee 6th Addition.
 5. Consider approval of site authorization for Mandan Baseball Club, Inc. at Westside Bar & Grill/Mulligans from July 1, 2013 through June 30, 2014.
 6. Consider approval of a Homestead Credit Exemption for Lorraine Glasser.
 7. Consider to waive the competitive bidding requirement for the replacement of air handling unit at the Memorial Building (City Hall).

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H. OLD BUSINESS:

1. Consider a two-year tax exemption for Zueger Properties, Goldstar Properties, and Verity Homes.

I. NEW BUSINESS:

1. Consider the creation of, approval of the feasibility report for, approve the plans and specifications, approve engineer's report, direct advertisement for bids and approve sufficiency of petition for Street Improvement District No. 185, Project No. 2013-19 (Heart Ridge 2nd Addition). (See Resolution No. 5).
2. Consider mill and overlay projects on 46th Ave SE and 2nd Street NW.

J. RESOLUTIONS AND ORDINANCES:

1. Second consideration and final passage of Ordinance No. 1150, An ordinance annexing certain adjoining lands to the City of Mandan, North Dakota, and extending the corporate boundaries thereof (tract of land being a part of Section 3, Township 138 North, Range 81 West).
2. Second consideration and final passage of Ordinance No. 1151 Zone Change for parts of Meadow Ridge 3rd Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.
3. Second consideration and final passage of Ordinance No. 1152 Zone Change for School District 5th Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.
4. Consider Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 176, Project 2012-20 (McKenzie Drive SE, Genoa Court SE & 34th Avenue SE).
5. Consider the Resolutions creating district, approving engineer's report, determining sufficiency of protest, approving the plans and specifications and directing advertisement for bids for Street Improvement District No. 185, Project No. 2013-19 (Heart Ridge 2nd Addition).
6. Consider resolution annexing certain lands adjoining the City of Mandan.

K. OTHER BUSINESS:

L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. June 18, 2013
2. July 2, 2013
3. July 16, 2013

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.

Departmental planning meeting will be held the Monday prior to the Commission meeting, all Commissioners are invited, noon, former Morton County Library Room. Please notify the city administrator by 8:30 a.m. that Monday if you plan on attending. If more than two commissioners plan on attending, proper public notice must be given.

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The Mandan Board of Equalization met in regular session at 5:30 p.m. on April 30, 2013 in the Ed “Bosh” Froehlich Room at City Hall. Present were Commissioners Van Beek, Rohr, Tibke, Frank and Braun. Also present were Finance Director Welch, City Attorney Brown, City Administrator Neubauer, Building Official Lalim, City Assessor Barta and Assessor Shaw.

Mayor Van Beek requested City Assessor Barta to proceed with the Presentation.

PRESENTATION OF THE BOARD OF EQUALIZATION DOCUMENTATION DATA:

Richard Barta, City Assessor, presented the Mandan Board of Equalization Report for 2013, summarized as follows:

- The 2013 assessment roll total market value is \$1,113,379,800.00;
- The increase for 2012 was \$110,621,600.00 or a 10.07% increase;
- New construction contributed \$56,787,060.00 million; existing property values contributed \$1,056,592,740.00. The balance is attributed to pro-rations, abatements and changes in assessments;
- Existing commercial properties saw an average increase of 14.71% and existing residential properties saw an average increase of 6.8%. Adjustments have been made to many individual properties within all classes of real estate based on the market value as it is today along with several other factors such as size of the home, etc.;
- There were a total of 328 street appraisals completed. As of April 30, 2013, there were approximately 300 parcels that were not completed.

Assessor Barta reviewed the following numbers - and provided comparisons back to the 2010 statistics on record. The following are the 2013 figures:

- ~ Commercial Properties:
 - \$336,803,585.00 = True and Full value 2013 for commercial buildings
 - True and Full value less exemption: \$253,352,356.00
- ~ Residential Properties:
 - \$898,817,115.00 = True and Full value 2013 for residential structures
 - True and Full value less exemption: \$859,822,595.00
- ~ Total before exemptions: \$1,237,856,400.00
- ~ Total after exemptions: \$1,113,379,800.00
- ~ Total parcels = 7,789
- ~ Residential Exempted Values: \$38,994,520.00
- ~ Commercial Exempted Values: \$83,451,229.00
- ~ New Construction Values
 - Residential: \$35,531,860.00
 - Commercial: \$21,255,200.00
 - Total: \$56,787,060.00

Assessor Barta reviewed the exemptions allowed under state statute:

- Homestead Credit for Senior Citizens or Disabled Persons
- Blind
- Wheelchair
- Disabled Veterans Credit (50% or greater)
- Public Hospital
- Churches
- Cemeteries
- Nursing Home
- Non Profit Lodges/Organizations
- Public Schools
- City/County/State owned property
- New & Expanding Business
- Commercial Remodeling
- Residential Remodeling
- Renaissance Zone
- 2 year New Home Construction

2013 Completed Exemptions New Values added to the City of Mandan:

1. 73 - 2 yr. new home construction, structural value added \$14,207,700
2. 4 – Renaissance Zone, structural value added \$808,400
3. 25 – New Business, structural value added \$7,155,800
4. New Businesses Added in 2013:
 - a. Edgewood Vista Living – Market Value \$1,142,400
 - b. Shoal Loop Apartments – Market Value \$671,800
 - c. Lakewood Landing Nursing/Assisted Living – Market Value \$797,400
 - d. Walmart – Market Value \$5,216,900
 - e. Meadow Ridge Apartments – Market Value \$1,361,400

State of North Dakota Office of State Tax Commissioner 2012-2013 Ratio Adjustment Worksheet – is within the medians of 90-100%:

1. Commercial Sales: 95.3%
2. Residential Sales: 93.6%

Residential Assessments – Barta reviewed the Appraisal of Improved Property for 2013 document and explained how the sales-of-home-values are calculated. In summary, it was determined that \$138.04 is the value per sq. ft. using the program calculations.

Barta reviewed the figures on the New Construction increases:

1. Commercial Property increases Total = \$21,255,200.00
2. Residential Property increases Total = \$35,531,860.00
3. Total New Construction for land and structures is \$56,787,060
4. There were 14 new Subdivisions of 2012

Barta reviewed the 2012 Changes in Market Values Worksheet which showed a total increase of \$28,636,660.00.

Commissioner Frank had a question for Barta on Page 3 of the report. Regarding the listing of the true and full value of residential and commercial properties, (in particular commercial exemptions on structures totaling \$168 million), when there is an exemption such as that, that's the number that reflects the value that the City would be using to determine what the mill level will be - the taxes that will be collected. Barta concurred that is correct. The \$1.1 million, residential-commercial-farmland, is the number to be used to determine the mill levy. Commissioner Frank pointed out that in structure, 4.7% of the residential value is exempted and in commercial 30.6% of the structural value is available. Barta stated that in his role as City Assessor he has always felt that exempting certain properties has been important and in comparison, West Fargo has always used a lot of exemptions also. The exemption total includes properties owned by churches, city and state properties so the percentage is even smaller when looking at true exemptions.

Assessor Barta announced that there is a sign-up sheet being circulated for those who wish to have their property reviewed. If the reassessed value is not to the satisfaction of the property owner, they will be invited to the next City Commission meeting to challenge the reassessment.

Mayor Van Beek invited members of the public to come forward to speak.

Jim Engelhardt, Mandan resident came forward to speak. He questioned how the home values are determined in comparison to the sales price of the home. He gave examples of a purchase price of a \$300,000 home but yet the taxable value was set at \$220,000. Barta replied that the Sales Ratio he explained earlier - in that in 2012 the state changed to sales ratio from 95% to 100% – and in 2012 they allowed the City to go from 90% to 100%. He stated that last year Mandan was close to the 91% or roughly a 9% value reduction, however, every home is different in its value. Mayor Van Beek directed Assessor Barta to contact Mr. Engelhardt at a later time to resolve the concerns he brought forward.

Roland Wiedrich, Mandan resident came forward to speak. His concern was that his property tax value went up \$81,400 and the increase was \$1,600 in taxes which equates out to about 30%. He questioned how a homeowner is to budget for an increase such as that? He inquired as to the limit as to how much the value can increase in a one year period. Will he see that same increase one year from now? Barta replied that Wiedrich did get an exemption for his basement being damaged during the flood and he probably did not get it for the following year. Barta encouraged Wiedrich to sign up on the list of property members who wish to be contacted for a re-assessment.

Butch Hohbein, Mandan resident, came forward to speak. He stated his concern was that when many of the homeowners in his neighborhood were doing a comparison from 2011 to 2012 tax valuation of those homes, there were losses from \$5,000 to \$20,000 in the valuation of their homes, however his property did not. He stated he does not understand why the homes in that area would have lost market value – referring to the homes on

Sweet Briar Road. Why? Barta replied that it would all depend on what was picked for sales. He explained the grading process which is selected by the computer program used. He stated that foreclosures are removed from this process.

Susan Beehler, Mandan resident came forward to speak stating that she lives on 14th Street Northwest. One question she had for Assessor Barta was related to churches and school properties being exempt. She asked what percentage of that commercial exempt list are school properties. What is that dollar amount? Barta said it is figured in that assessed value, and all the other years he has testified to that; but when he is asked for those numbers he says that those properties are not assessed. The state says it is not necessary to assess those properties so there is no record of any City, what their schools or churches are valued at. She does not understand why Barta can say there is a dollar value on there when he has not been able to give that value to her nor has any other City in the state of North Dakota been able to give her that dollar figure because it is not required by law to assess those properties. She requested clarification on that matter. She stated that Barta has explained that a computer program selects and calculates these computations. Her opinion is that a computer program is as good as the person that puts the information in or develops the program. She has stated in the past there are problems with the way Mandan determines the property values. She requested clarification of the mill levy process determination. She also mentioned that the City came into her home in 2011 to assess the property value and it went from \$124,000 down to \$115,000 because she has a corner lot property, but she claims she does not have a corner lot. She said her property value for 2012 went from \$124,000 up to \$150,000 but she does not understand why that occurred. She indicated that it is not a fair and equitable way to determine taxes.

Barta replied that 2 years ago the State requested the City of Mandan put property values on properties. At that time letters were sent out to different exempt properties and asked them to report what they are insuring them for and that is the value put on those exempt properties so that is the way that was determined. He will look into the issue about not being a corner lot. If there is no central air in her home that adjustment will be made.

Commissioner Frank inquired of Barta, if the exempt properties - who were contacted to provide their insured values for a basis for the value of those properties – if those values were included on Page 3 of the report under commercial properties of the \$1.2 trillion dollars true and full values for the City of Mandan? Barta replied yes, that if a property has an exemption on it, it will be part of the exemption clause.

Colleen Boehm came forward and stated she owns property in both Mandan and Bismarck. She indicated that the Mandan property is being taxed almost as much as the Bismarck rate. Her concern is that she does not receive the same services in Mandan that she receives in Bismarck when it comes to the quality of schools and park and the street maintenance services offered by Bismarck. She feels there is an improper value assessment of taxes to the property owners in Mandan.

Gene Boehm came forward to speak. He stated he sold his home in Mandan to his

children but he still resides in the home. His concern is that the street in front of this home has not been taken care of during the 44 years that he has lived there. He voiced concern that he has paid his taxes along with increases throughout the years; however, he does not feel the streets and property have been maintained well by the City.

Gary Gugel, a Mandan resident, came forward to speak. He stated he purchased his property in 1998 for \$43,000 and it went up about \$20,000 in tax base up until all these adjustments started happening. Last year it went up \$15,000 and \$30,000 this year. He stated that his property was rated last year from average to good. He did a few minor improvements such as painting, replaced screen doors, took out some trees and that moved him from average to good category. His concern is that when he applied for a Home Improvement loan, he was denied by the bank; however, the bank would give him a Renovation loan. His concern is that if he moves forward with additional updates to the home, will the City then move the home from a good to excellent level? His concern is that the bank(s) are on a different scale for borrowing/lending monies to homeowners that are not in line with the taxable value of homes in Mandan.

Doug Kaiser came forward to speak and stated that he has a concern with the recent notice he received from the City indicating that his home's value was increased by \$42,000, which indicates that since 2007 that would be an increase of over \$100,000 to the value of his home. He stated he understands the process of assessing valuations to properties; however, his concern for coming forward tonight is about the exemptions the City has been granting, in particular, Walmart. (The 6th wealthiest people in the United States.) He feels that he, along with other property owners in Mandan, are covering the taxes for that company which does not make sense. The point of the Tax Equalization is Mandan residents' taxes and home valuations are going up because of the need to collect money to feed City services, while at the same time the City is giving away tax exemptions. He encouraged the City Commission to re-examine the tax exemption policy because the current one is not fair to the property owners.

Debbie Holter a Mandan resident came forward to speak. She stated she has been a resident in Mandan all her life and also has a small business located in Mandan. She indicated that her home went up \$140,000 in value which equates out to a 50% increase. She requested a re-evaluation be done and Mr. Barta did that. According to the tax value her property value is \$30,000 more than the bank's appraisal of the property. Her situation is the reverse of other valuations discussed today, because her home is the oldest on her street yet it has been valued at \$30 - \$50 thousand more than others used as comparables. Her second concern brought forward, (a clerical error that she has attempted on several occasions to have corrected but has not been done yet), was that the original sales price of her home was \$40,700 too much. The home that her parents live in went up \$50,000. Neither her home nor her parent's home have had any updates since the 1980's. She questioned the reasons for the tax value increases. She outlined the credentials she holds with regard to her knowledge of tax laws and stated she has been an attorney for over 30 years in Mandan thus she pointed out that she is knowledgeable about how the taxing programs work and/or are supposed to work. She feels that the City of Mandan needs to change its programs. She feels there are problems with the way the

City looks at assessing property tax exemptions and how the City grants tax exemptions. She stated that it was not necessary to give Walmart the tax exemption because the company was going to come to Mandan regardless. She is of the opinion that residential (apartments) do not need to be given tax exemptions because housing is booming. She suggested discussions be held to resolve the issues regarding tax exemptions being granted where they do not need to be granted.

Mayor Van Beek asked for any further comments from the public. Hearing none, he asked for comments from the Commissioners.

Commissioner Frank commented that she does not agree with the comments made regarding the (unsatisfactory) services provided by the City of Mandan. She stated she would like to see the differentiation between Mandan and Bismarck. She stated that the Commission looks hard at the taxing of property owners in the residential areas of Mandan to make it fair and equitable for those residents. Hearing from residents tonight, it appears there are concerns with the increases in the property tax valuations. There was less concern about the “valuation” on the house, and she wonders if it is because the City is trying to play “catch-up” – wherein homeowners have experienced that and it is difficult to swallow but the valuation of the homes are more accurate in its reflection of the market rates right now. Market conditions are driving up valuation costs. She stated she would like to hear from the people who testified tonight if it is the increase that is difficult to swallow and/or if residents are dissatisfied with the overall valuation. She expressed a thank you to the homeowners for coming forward and indicated this conversation should continue and also stated there are some concerns the (Assessing) department needs to evaluate too.

Debbie Holter came forward and voiced concern about the valuations as presented by the banks. She said that you can pull up MLS and they will say anything you want them to say. Her concern is that she and other residents came forward tonight to voice their tax valuation problems. She believes Commissioner Frank ignored those problems during her comments. There are properties that are under-valued and properties that are over-valued. Holter stated that she and other attorneys in the area have experienced complaints from residents - and that it is frustrating for them to come to these meetings because the decisions are “rubber stamped” anyway. Holter agreed there needs to be additional conversations with the City and property owners to resolve these issues; however, she suggested that respect be given to each side.

Commissioner Rohr commented that he can understand the pain of the residents on this topic. He gave the example that he purchased apartments in 1990, for \$65,000 and now they are valued at \$220,000 and not to mention all the specials that have come about. All these things come in to play. There are many dimensions that go into property evaluations and he stated he has experienced, as a property owner, the same frustrations mentioned above.

Commissioner Tibke asked Assessor Barta how long he has been using that particular software program. Barta replied since 1979. He explained there have been upgrades to

the program. As he explained earlier there used to be five gradings for conditions and that has been expanded to ten. He said there were about 2,600 notices sent out this year and last year there were only 450 were sent because the State allowed going to the 90% valuation so there was a big increase in value but the housing market is changing.

City Assessor Barta recommended approval of the Board of Equalization Report as presented. He again announced that if any property owners including those not present at this time, wish to have a re-assessment, please contact the City Assessor's office. All re-assessments will be reviewed at the next City Commission meeting.

Commissioner Frank moved to approve the equalization assessments as determined by the City Assessor's Office as presented. Commissioner Tibke seconded the motion.

Commissioner Rohr encouraged anyone who was not able to be present to be given an opportunity to express their concerns. They are to contact the City Assessor's office to do so by June 7, 2013 in order to allow for any corrections to be made. Assessor Barta stated that the County Board of Equalization is scheduled to meet on June 11, 2013 at 6:00 p.m.

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

There being no further action to come before the Board, Commissioner Frank moved to recess the City Board of Equalization meeting at 6:53 p.m. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present.

Richard Barta, City Assessor

Mayor Arlyn Van Beek

The Mandan City Commission met in regular session at 5:30 p.m. on May 21, 2013 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Frank, and Braun. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development and Communications Director Huber, Engineering Project Manager Kim Fettig, and Building Official Lalim. Absent: City Attorney Brown.

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

C. PUBLIC COMMUNICATIONS:

(1) Susan Beehler, Mandan City Resident came forward and stated that she is opposed to the property tax exemption that will be discussed under Old Business, Item No. 1: *Consider Growth Fund Committee recommendation regarding application for property tax incentive by Prairie View Properties, LLC (Little Caesar’s Pizza), 310 6th Avenue SE*. Mayor Van Beek explained that when an application is made for an exemption there is a time period allowed for the building process. Since that did not occur in the 12-month period, a new application has been presented after the initial time period expired.

(2) Joel Melarvie, a Mandan City resident came forward and stated that he is opposed to granting property tax relief to retail sector businesses because it is his belief that businesses should not be granted relief from property taxes at the expense of the property tax payers.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission meeting held on May 7, 2013 Regular Board Meeting*. Commissioner Braun moved to approve the minutes from the Board of City Commission meeting of May 7, 2013 as presented. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

E. PUBLIC HEARING:

1. *Consider the annexation of Auditor’s Lot B in Government Lot 1 in the NE ¼ of Section 3, Township 138 North, Range 81 West. (First consideration of ordinance #1150) (See Ordinances No. 4)*. Engineering Project Manager Fettig reviewed with the Board a request from Joseph Cicha to annex this parcel because when the annexation was done of the Lincoln Ridge Estates 6th Addition, this small parcel was not annexed.

Mayor Van Beek announced this is a public hearing for consideration of the annexation of Auditor’s Lot B in Government Lot 1 in the NE ¼ of Section 3, Township 138 North, Range 81 West. (First consideration of ordinance #1150) (See Ordinances No. 4).

He invited anyone for or against the request to come forward. A second announcement was made to come forward to speak for or against the zone change. Hearing none, this portion of the public hearing was closed.

2. *Consider a change of zoning of Lots 6-8 and part of Lot 5, Block 1 and Lots 4-9 and part of Lots 3 & 10, Block 2 of Meadow Ridge 3rd Addition in Section 22, Township 139N, Range 81W from R3.2 (Two-Family Residential) and MC (Light Non-Nuisance Industrial/Heavy Commercial) to RM (Multi-Family Residential). (First consideration of ordinance #1151)(See Ordinances No. 5).* Engineering Project Manager Fettig reviewed with the Board a consideration for a change of zoning of Lots 6-8 and part of Lot 5, Block 1 and Lots 4-9 and part of Lots 3 & 10, Block 2 of Meadow Ridge 3rd Addition so that the zoning will be consistent throughout this parcel of land.

Mayor Van Beek announced this is a public hearing for consideration of a change of zoning of Lots 6-8 and part of Lot 5, Block 1 and Lots 4-9 and part of Lots 3 & 10, Block 2 of Meadow Ridge 3rd Addition. He invited anyone for or against the request to come forward. A second announcement was made to come forward to speak for or against the zone change. Hearing none, this portion of the public hearing was closed.

3. *Consider a change of zoning for Lot 1, Block 1 and Lot 1, Block 2 of School District 5th Addition in Section 16, Township 139 North, Range 81 West from R7(Single-Family Residential) and R3.2(Two-Family Residential) to RM (Multi-Family Residential). (First consideration of ordinance #1152) (See Ordinances No. 6).* Engineering Project Manager Fettig reviewed with the Board a consideration to change the zoning for Lot 1, Block 1 and Lot 1, Block 2 of School District 5th Addition. She explained that the remaining areas of the school property are already RM zoning. This zoning change will then be consistent throughout this parcel of land.

Mayor Van Beek announced this is a public hearing for consideration of a change of zoning for Lot 1, Block 1 and Lot 1, Block 2 of School District 5th Addition. He invited anyone for or against the request to come forward. A second announcement was made to come forward to speak for or against the zone change. Hearing none, this portion of the public hearing was closed.

4. *Public Hearing to consider a five-year tax exemption for Bayside, LLC. (See New Business No. 1.)* Doug Lalim, Building Official reviewed with members a request for a 5-year tax exemption for the construction of a new commercial structure pursuant to NDCC 40-57.1. This is for the construction of a new convenience store with gas station, car wash, liquor store and coffee shop. Lalim stated there have been no written protests received in opposition to the request. Morton County, Mandan School District and the Park Board have been notified and there have been no responses received from them.

Mayor Van Beek announced this is a public hearing to consider a five-year tax exemption for Bayside, LLC. He invited anyone for or against the request to come forward.

Susan Beehler, a Mandan City Resident came forward and stated she wishes to submit written protest. The application states \$18,617 per year that this would be a property tax exemption. Under this statute it's now been changed under our legislature. SB2314 was put forward in our senate and it was to stop these types of property tax exemptions because they are not for primary sector businesses they are for businesses that are in our town that are established and are competing. We had the Petro on Old Red Trail that was purchased by somebody and no property tax exemptions were asked for that business going in there. MVP owns several Tesoro convenience store locations in our town and they built a new building and I believe they did not request a property tax exemption. The State Tax Department, the Property Tax Division, Marcy Dickerson, has told Beehler that exempt property is added in when determining the mill levy at the county level and the rest of the properties that are left to pay the bill. As a homeowner, we have to use our property tax dollars instead of for safety such as fire and police protection; we are going to provide this business owner with a tight margin of success. That should not be the role of government. As a tax payer if this is what the City chooses to do the state legislature has told me (Beehler) that we need to elect members to our commission that will do that. This law does not take effect until 2014. As City Commissioners are you going to wait until that law goes into effect or will you start being a good steward tonight?

Tory Otto, a Lakewood resident came forward to speak in support of the request for exemption for Bayside, LLC. He stated that there is an investor who also lives in the Lakewood area who is supporting the convenience store business for that area of the city. A Tier 2 exemption is being requested for this \$2.5 billion dollar project. He stated he observes Mandan dollars going across the street to Bismarck thus his reason for bringing this business to this area of the City of Mandan.

Mayor Van Beek again announced this is a public hearing for consideration for a five-year tax exemption for Bayside, LLC. He invited anyone else to come forward to speak for or against the zone change. Hearing none, this portion of the public hearing was closed.

5. *Public Hearing to consider a two-year tax exemption for Zueger Properties, Goldstar Properties, Verity Homes.* Doug Lalim, Building Official reviewed with members a request for a 2-year tax exemption for the construction of a new apartment building pursuant to NDCC 40-57.1. Public notice was published in the Mandan News and there has been no opposition received. Morton County, Mandan School District and the Park Board have been notified and there have been no responses received from them. Commissioner Rohr stated that he has a conflict of interest with one of the investors. He excused himself from discussion on this matter.

Susan Beehler, a Mandan resident for over 20 years and a Small Business owner stated that she objects to the exemption request from Zueger Properties, Goldstar Properties, Verity Homes. She had a problem with filing this under a new or expanding business because apartment rentals are not new and expanding businesses. She stated that both senators from our area voted in favor of SB 2314. She stated that by granting these exemptions that each Mandan resident is giving that business \$20 just to be here and the

taxpayers get nothing in return for the \$20. Going back to the math, you are pursuing a 1% sales tax for a property tax dollar - if you were to give the property tax payers the credit due the amount they are bringing into the city instead of pursuing 1% sales tax. Beehler provided her position of sales tax dollar collections vs. property tax dollars questioning why the turn now taken has been towards the collection of sales tax. Her position is that as a small business owner, every dollar taken out of her pocket (to support the tax exemptions), is one less dollar for her to put in her business. Every dollar used by the City Commission (for tax exemptions) is one less dollar that can be used towards city services (police, fire, infrastructure costs). \$53,000 is like one mill which is what the City Commission is allowing this business in tax exemption. She asked if the “Frank” who is one of the associates in this exemption request is related to Commissioner Frank. At this time Commissioner Braun called for a point of order. Mayor Van Beek excused Ms. Beehler after explaining that the three minutes allowed for individual public comment was up. Commissioner Frank clarified that she is of no relation to the “Frank” in this action other than the sharing of a same last name.

Jeff Zueger, a participant of the project came forward to speak. He stated that both he and his partner are long-time members of the community of Mandan. He stated that this project will bring 30 family units into the community. It already has been approved by the Mandan Architectural Review Committee (MARC). He stated that the tax exemption is a key part of this \$3M project and that the exemption is important to the success of the project.

Commissioner Frank questioned Zueger as to what the plans are for the green space in this project? Zueger replied that it is their intention to comply with the MARC coverage square footage the size of the lot for green space for the occupants of the building while balancing that with the needs of off-street parking. Commissioner Frank inquired as to the anticipated rent rates and the unit sizes? Zueger replied that there will be 12-three bedroom units, 12-two bedroom units and 6 one-bedroom units with an anticipated average annual rental of \$1,000 per month. There has been no consideration for allotting any of the units towards affordable housing.

Mayor Van Beek again announced this is a public hearing for consideration for a two-year tax exemption for Zueger Properties, Goldstar Properties, and Verity Homes for the construction of a new apartment building and invited anyone else interested in speaking for or against the request to come forward. Hearing none, this portion of the public hearing was closed. Mayor Van Beek inquired of the Commission members if there were any more questions or comments from them.

Commissioner Frank stated that she feels that the Commission has started to scale back on residential exemptions given and pointed out the impact that multi-family has on these types of requests that come before the Board. She suggested the Commission consider asking Mr. Zueger if he would be comfortable designating a percentage of the units (one unit) to the potential incentive of offering affordable housing. Commissioner Braun concurred with Commissioner Frank’s suggestion. Zueger replied that he does not know enough about that process and what that would mean to the project. He stated that it is

very difficult when putting together a project and having costs of new construction and still have it qualify potentially for affordable housing. Not understanding the terms of what affordable housing means he stated it would be difficult to make a commitment at this time. Commissioner Frank said that affordable housing is usually no more than 30% of adjusted income for our community. Those statistics are available through the Housing Authority. She said at this point it would only be a commitment for consideration rather than a formal commitment to a specific rent rate. Zueger agreed to a consideration for commitment because of not understanding what the commitment would mean at this point.

Commissioner Braun motioned to consider the two-year exemption for Zueger Properties, Goldstar Properties, and Verity Homes with further discussion. Commissioner Tibke seconded the motion. Commissioner Frank asked for clarification from Commissioner Braun as to what he meant by “consider the exemption with further discussion” She said this is to approve the request for tax exemption. Commissioner Braun said it would be for consideration of the commitment for affordable housing clarifying what he meant is that he would expect Zueger to research what affordable housing means and that he will come back at a later time and indicate a “yes” to an allotment for a percentage of the project to be applied towards affordable housing.

Commissioner Tibke commented that Commissioner Braun’s statement is a new “addition” to the request for tax exemption from Zueger. She suggested the Commission re-visit this to address the expectations of green space and affordable housing as part of the project.

Mayor Van Beek called for a roll call vote: Commissioner Rohr: Recused; Commissioner Tibke: Yes; Commissioner Frank: No; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

F. BIDS:

1. *Consider Awarding bid for 1981 Brush Truck to Dakota Speedway for \$3,500.* Jeff Wright, Director of Public Works, presented a request to accept the only bid that came in for the 1981 Brush Truck to Dakota Speedway for \$3,500.

Commissioner Frank moved to approve awarding the bid for 1981 Brush Truck to Dakota Speedway for \$3,500. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

G. CONSENT AGENDA

1. *Consider approval of monthly bills.*
2. *Consider approval of the following site authorizations for the Fort Abraham Lincoln Foundation from July 1, 2013 through June 30, 2014: (i) Midway Lanes; (ii) Broken Oar; (iii) Lonesome Dove; (iv) Seven Seas.*
4. *Consider the following abatements/exemptions: (i) Homestead Credit – Kurt Pflieger; (ii) Veteran Exemption – Sylvester Foote.*

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5. Consider approval of the following site authorizations for the Cystic Fibrosis Association of ND from July 1, 2013 through June 30, 2014: (i) Stage Stop; (ii) Colonial Lounge.
 6. Consider approval of site authorization for Horse Race ND at Dean's Steakhouse from July 1, 2013 through June 30, 2014.
 7. Consider approval of site authorization for Mandan Baseball Club at Captain Freddy's Riverside Restaurant & Bar from July 1, 2013 through June 30, 2014.
 8. Consider approval of the following site authorizations for the Mandan Hockey Club, Inc. from July 1, 2013 through June 30, 2014: (i) The Silver Dollar; (ii) Old Town Tavern; (iii) The Ridge Motel Corp; (iv) Vicky's Sports Bar.

Commissioner Frank moved to approve the Consent Agenda Items No. 1, 2, 4, 5, 6, 7, and 8 as presented. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

No. 3: Requested to be removed from the Agenda by Commissioner Frank: Consider proclaiming May 18, 2013 as "STRIDES: Lions Walk for Diabetes Awareness Day. Mayor Van Beek read the Proclamation. Commissioner Frank moved to approve proclaiming May 18, 2013 as "STRIDES: Lions Walk for Diabetes Awareness Day. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present.

H. OLD BUSINESS:

1. Consider Growth Fund Committee recommendation regarding application for property tax incentive by Prairie View Properties, LLC (Little Caesar's Pizza), 310 6th Avenue SE. Business Development & Communications Director Huber reviewed with the Board a request for a Tier 2 level tax exemption which is 100% for years 1-2, 75% year 3, 50% year 4, 25% year 5. The criteria for the recommendation is based on the jobs creation as well as the sales tax generation from this project so in this case two of the Tier 2 level criteria have been met wherein the policy states it must meet at least one criteria.

Commissioner Tibke indicated discussion on the tax exemption matters have occurred over the last few items of tonight's meeting agenda items. Unless any of the Board wishes to add anything further, she motioned to approve the application for property tax incentive by Prairie View Properties, LLC (Little Caesar's Pizza), 310 6th Avenue SE for a Tier 2 level tax exemption which is 100% for years 1-2, 75% year 3, 50% year 4, 25% year 5 with the exemption being subject to a claw back agreement. Commissioner Braun seconded the motion. Commissioner Frank stated that since Commissioner Tibke was absent for discussion on this matter at the last meeting, she mentioned that as discussed earlier, she stands firm on her position that this business is a fast food business which she believes falls under Tier 1 criteria. There are an overwhelming number of competitors in the community and a pizza business does not fill a market gap but then again fast food being a part of Tier 1 she would recommend following the Tier 1, two-year exemption by following the policy. Business Development Director Huber clarified the reason for the filling in the market gap criteria within the property tax exemption policy specifics

pertaining to restaurants. Under Tier 1 Fast Food counter service or drive-up only. Tier 2 limited services which are where you order food and the cashier brings the food to the table and Tier 3 being a full service restaurant. The reason is because restaurants were second behind general discount merchandise in terms of demands by the community in surveys conducted. This was a model that the City of Moorhead was using which is in a similar situation with the City of Fargo as we have with the City of Bismarck. This would allow a business to come in regardless of jobs creation and sales to meet those criteria. In this case the applicant indicates they meet other criteria under Tier 2 beyond restaurant. It was on that premise that the recommendation for a Tier 2 came from the Mandan Growth Fund Committee and it wasn't meant to eliminate that opportunity for another fast food restaurant. As explained at the last meeting, there have been very few fast food businesses that have come into the community within the last 15 years. There have been no letters of protest or verbal comments in opposition to the exemption request.

Roll call vote: Commissioner Rohr: No; Commissioner Tibke: Yes; Commissioner Frank: No; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Discussion on Sidewalk Project 2013-03.* Engineering Project Manager Fettig provided a recap of this matter that was discussed at the last meeting. "Part A" references new sidewalks, aprons, curb and gutter. There have been no bids received as a result of re-advertising on May 3, 2013. "Part B" references repairs to the existing sidewalks, aprons, curb and gutter. The City Commission previously awarded the bid to Alliance Concrete in the amount of \$79,195 to complete "Part B". Fettig requested direction from the Commission as to how to proceed with "Part A" for the new construction jobs. She outlined three options, with the first option of notifying residents on the list that the City will not have a contractor for 2013. Then going forward, she recommended that the City discontinue providing new sidewalk, aprons, curb and gutter; however, residents should be notified in advance of that change.

Commissioner Rohr motioned to approve to notify the residents and developers that no bid was received for "Part A" of the Annual Sidewalk Project and that we discontinue future projects of this nature. Commissioner Tibke seconded the motion.

Commissioner Frank pointed out that when residents are notified of this discontinuation of service that the Engineer's Office be prepared to offer some recommendations at that time, if any.

Mayor Van Beek addressed the audience and inquired if they had any ideas to resolve this matter.

Dave White, Northern Sky Builders stated he is a contractor and has four houses to be completed. He was in attendance at a Commission meeting last fall and again this spring and stated that he is aware of contractors who can do sidewalks and driveways on an individual basis. He stated a concern that just discontinuing this service will not help the

problem. In fact it will make it worse. He explained that small companies do not understand the bid process. Commissioner Rohr stated that this project could not be piecemealed out. Engineering Project Manager Fettig replied that by doing this project individually, it would create an excess burden on keeping track of the individual projects and it would not meet the statutory requirement of obtaining bids for these types of projects. Commissioner Frank asked the audience if any contractors had any comments to add to this discussion or suggestions to resolve the matter.

Shannon Reichenberg, a developer with Diversity Homes, came forward and commented that the concrete companies are too busy with basements for new home construction so taking on sidewalks and aprons will slow down the new home construction projects. He asked if the sidewalks, etc. would go out for bids again next year or if the City will discontinue this project for good? Mayor Van Beek replied that it would be up to the Commission to decide if they stay with the bidding process for future or discontinue the process all together.

Jason Frank, a developer with Diversity Homes came forward and suggested that the bidding process start earlier next year. He would like to know how he is to present this to his customers that were told they would have sidewalks, curb, and gutter and now it will not be done. He anticipates the customers will have problems coming up with the money if they have to do it on their own since the banks will not loan money for special assessments. He stated it is not fair to his company to have to go back to his customers and tell them their home will have to wait or they will have to come up with the money for the sidewalks that they understood they would have been special assessed for.

Commissioner Tibke questioned Mr. Frank as to how the City is to get bids to get the work done since they have attempted twice and no bids came in. It was recommended that bids for this project be put out earlier in the year, in January, as opposed to waiting until March. City Administrator Neubauer stated that he did not think without a public notice and public bid process that the City could special assess any costs. Jason Frank inquired if it would be possible if each contractor could submit a bid for their projects at the City's set price and have their cement contractor do the work. Would that meet the criteria? Administrator Neubauer commented that the City could go out for bids on any project and anyone would be welcome to bid on it – and put in a bid for “x” per square foot of concrete but it would still have to go through the public bid process.

Commissioner Frank recommended a conversation be held with the Home Builder's Association to see if there is similar interest, and we set up the bidding process, wherein the city would set up smaller segments of work available so that we can increase the opportunity for bidding. Commissioner Tibke inquired if there was time to do some problem solving with Commissioner Rohr who holds this portfolio in order to come up with solutions. Engineering Project Manager Fettig stated that the only comments she has received regarding this matter have been from the developers who are present here tonight. She has heard no opposition.

Art Goldhammer from Red Door Homes came forward and stated that there are homeowners that need to get into their houses. He requested that if the developer ends up completing the work, that the City work with them and not make it a difficult process by adding extra rules or regulations throughout the process. He requested the City not abolish this process in future years. He also requested it be brought back next year for consideration and put out for bids at an earlier timeframe.

Commissioner Frank motioned to notify the residents and developers that the City did not receive a bid for “Part A” of the Annual Sidewalk Project and that this project be discontinued this year (2013). (She volunteered to work with developers and the Home Builder’s Association and others to come up with a solution for future years.)

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

I. NEW BUSINESS:

1. *Consider Growth Fund Committee recommendation regarding application for property tax incentive by Bayside, LLC, for a gas station/convenience store at 2721 46th Avenue SE.* Business Development and Communications Director Huber stated that the Mandan Growth Fund (MGF) met on April 24, 2013, to review and consider the application from Bayside LLC. They took a look at the benefits it would provide through the property tax exemption policy. To be eligible for a Tier 2 exemption which is 100% in years 1 and 2, 75% year 3, 50% year 4, 25% year 5, the policy looks at criteria and one of them is jobs creation. To meet a Tier 2 it needs to have the 3 base jobs and 1 job per \$100,000 structural value subject to exemption. In this case with a building projected to be valued at \$925,000 that would be 9 employees for a total of 12. The project is expected to employ a total of 13, 10 fulltime and 6 part time jobs. The policy states that if it has 1 of the 2 criteria, the project would qualify. The applicant expects \$6 million annual gross sales. Products sold referred to as “inside sales” are estimated at \$675,000 annually so that would generate \$6,750 in local sales tax. That hits an additional Tier 1 criteria. Regarding market gap, gasoline sales is one of the sales in the community that sales do surpass local demand. There is no market gap in this situation but the MGF realized there is a geographical gap for this type of business in this area. MGF did review the state law on this and the consensus was that this business would be more in competition with Bismarck enterprise than Mandan businesses and will enhance business in the Mandan community. The MGF voted unanimously to approve a Tier 2 tax exemption that would amount to a \$65,160 tax reduction of and that exemption would be subject to a claw back agreement that would require fulfillment of at least one of the Tier 2 criteria by the first anniversary of occupancy indicating that if Tier 2 criteria are not met but the project meets a Tier 1 criteria the exemption would be scaled back.

Commissioner Rohr addressed (Beehler’s) question “why has government been involved in providing subsidies in areas if need be”. He said that we would have to refer back to the late 70’s and early 80’s when there was a lot of competition with businesses and industries, realizing that you have to have businesses come into your community or your

community will not grow. Economic development got a real good foothold at that time and the government got involved by purchasing lands for businesses because some got so far into debt that the government helped to develop and build infrastructure to accommodate the business development plans. That became risky because if that particular business went out of business then the City was left with a track of land that had full infrastructure and nothing they could do but pay to keep it up. That was considered a high risk of economic development. There are levels of degrees of development and one of the current ways to address economic growth is to provide incentives, not to borrow money. Commissioner Rohr went into more detail of the history of how economic growth has occurred over the years and where it is going with regard to the City of Mandan. He stated that it will be in the best interests and the health of the community to resolve these matters which is not an easy task. He stated he does not believe the City will in any way reduce the number of police or fire forces under any circumstances because that is a public community safety issue.

Commissioner Tibke commented that she has been involved with these discussions on and off since 2003 when she was elected to the City Commission. She reviewed some of the challenges that Mandan has been faced with over time with Bismarck retailers as competition. Over the years exemptions have been given to try to attract larger retails to bring more services and retail and also to increase the sales tax dollars which buys down property tax and infrastructure costs. Primary sector is something you always want to increase in your community. Since at least 2003 the property tax exemptions have been a resource for this plan. The plan that went into effect on January 1, 2013, was far more prescriptive than previous years. But now we are seeing a change in the economy, an increase in population, debate on housing, etc. Thus we participated in and approved of a much more prescriptive policy than was in place. Where is the future going to go as far as development? Maybe the policy will have to be revisited because in the last six months things have changed. All of us commissioners have had our hands in developing this policy with the guidance of the Mandan Growth Fund Committee, Development Director Huber and City Administrator Neubauer. This matter has been given a lot of time and energy for a lot of specific reasons that are aligned with what our community needs are.

Business Development and Communications Director Huber clarified that there is no mileage criteria attached to the policy. The project does meet Tier 2 level criteria on the basis of job creations as presented and meets a Tier 1 level for generation of local sales tax.

Commissioner Frank stated that the exemptions granted are contingent on what the state dictates. We will be able to offer primary sector exemption to the extent the City has done previously. Beyond that, they are starting to tie our hands. It will be up to the citizens of Mandan to decide what exemptions are to be granted except primary sector exemptions and that only includes retail exemptions that meet a litmus test. The Board will need to be aware of the changes. With this project in particular, we have a policy that grants us flexibility. Going forward there will have to be an ordinance or resolution.

She suggested that the Commission focus and re-focus on what is to be done with the exemption policy and to start checking off the businesses that apply and start scaling back on the exemptions.

Commissioner Braun commented that our environment is changing. We want to bring people and businesses into Mandan and we want to offer them incentives to come to Mandan as opposed to Bismarck. We want primary sector. They are not knocking at our door but if they did we would give them incentives. We have a lot of retailers and those retailers move sales tax around. We will not be able to bring property tax dollars down if we do not offset the sales tax. The only way to do that is to have businesses come in to offset that. He recommended going back to re-evaluate the exemption policy and perhaps tighten it up. Based on the policy the Commission is required to adhere to the policy until it is changed.

Mayor Van Beek commented that he believes we have to follow the policy that is in place. He pointed out that the Mandan residents spend their dollars in Bismarck so Bismarck is gaining sales tax dollars to buy down their property taxes and street improvement costs because Mandan does not have the Wal-Mart's and other businesses that Bismarck has in place. The tax exemption policy is in place to entice businesses that may be willing to take the risk to grow their business and flourish in Mandan.

Commissioner Rohr commented that if the City were to change its tax exemption policy, due notice would be provided and the policy would just not be cut off right now.

Commissioner Frank commented that it is up to the Commission's discretion as to whether or not the criteria meet these tiers. The request before the Commission is for a convenience store. She suggested the Commission re-look at what kinds of businesses the residents have voiced their opinions on. She reminded the Commission that it is up to their discretion and the residents are relying on the Commission to make smart decisions not just based on the policy and previous decisions. Commissioner Braun concurred with Commissioner Frank. Commissioner Tibke stated that following the policy and reviewing the application is her suggestion to handle this request for tax exemption. Commissioner Frank noted that the criteria is used as a guideline which is in italics as part of that exemption and given the fact they do meet some of the tiers, she recommended discussion on other factors that impact this exemption request. It is a convenience store and she recommended the Commission be selective when granting exemptions.

Commissioner Frank moved to deny the application for property tax incentive by Bayside, LLC, for a gas station/convenience store at 2721 46th Avenue SE. There was no second to the motion. The motion died for lack of a second.

Commissioner Braun moved to approve the application for property tax incentive by Bayside, LLC, for a gas station/convenience store at 2721 46th Avenue SE. Commissioner Tibke seconded the motion. Commissioner Frank motioned to amend the Motion to include that it be granted a Tier 2 tax exemption for property tax incentive by

Bayside, LLC, for a gas station/convenience store at 2721 46th Avenue SE.
Commissioner Tibke seconded the Amended Motion.

Commissioner Rohr moved to an Amendment to the Motion that was made for the Tier 2 to reduce it to a Tier 1 consideration for tax exemption. There was no second to the Amendment to the Motion. The Amendment to the Motion died for lack of second.

Mayor Van Beek returned to the Original Motion to approve the Tier 2 property tax exemption for Bayside, LLC. He asked for further discussion on the Original Motion. Hearing none, roll call vote: Commissioner Rohr: No; Commissioner Tibke: Yes; Commissioner Frank: No; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider appointments to the Community Beautification Committee.* City Administrator Neubauer presented a request from the Mandan Tomorrow Leadership, Pride and Image Committee to reactivate the Community Beautification Committee and that it include property owner or citizen representation. There were 6 spots open and 6 parties were interested in the positions. The candidates are: Cole Garman, Youth Commission, Damian Huettl, Laurie Leingang, Thomas Mousel, Lori Sager, and Jason Steffenhagen. Upon appointment, the Committee will reconvene.

Commissioner Tibke moved to approve the appointments to the Community Beautification Committee as follows: Cole Garman, Youth Commission, Damian Huettl, Laurie Leingang, Thomas Mousel, Lori Sager, and Jason Steffenhagen. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider bond refinancing for the Mandan Municipal Airport Authority.* Jim Lawler, Airport Authority Manager requested permission to renew the Mandan Airport Authority Bond consolidation and refinancing. He reported that the remodeling project at the airport is in progress. He offered to provide tours for anyone interested. He introduced Mike Manstrom from Dougherty & Company to explain the bond renewals. Manstrom stated that the Airport has two outstanding loans each in the amount of \$400,000 and they can be refunded at 5.41% and 4.75%. The interest rates on the loans can be cut down to about 2% and save the airport authority approximately \$100,000. There is 10 years remaining on the loans and their debt service will be cut \$10,000 per year. Present value is estimated at 13% and interest norms anything around 4% you vote to go forward with.

Commissioner Tibke moved to approve the Mandan Municipal Airport Authority Bond consolidation and refinancing. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Consider resolution regarding north annexation.* City Administrator Neubauer reviewed with the Board a request to approve the resolution regarding north annexation of approximately 1,000 acres north of the middle school. He stated that if this area is annexed the City can begin planning for water, sewer and storm water more effectively and efficiently. He requested the Board grant City Attorney Brown permission to complete the process for the resolution for annexation to be presented at the June 4, 2013 meeting. If approved, the residents would have 30 days to protest the annexation of which 75% of the property area would have to agree to the annexation to make that happen. The information was forwarded to Dawn Rhone, (Morton County Auditor), and Mike Kemnitz of the Missouri River West Water Systems.

Commissioner Rohr moved to direct City Attorney Brown to prepare a resolution of annexation to be considered at the June 4, 2013, City Commission meeting. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

5. *Consider the creation of, approval of the feasibility report for, approve the plans and specifications, approve engineer's report, direct advertisement for bids and approve sufficiency of petition for Street Improvement District No. 182, Project No. 2013-16 (Meadow Ridge 1st Addition).* (See Resolution No. 7). Engineering Project Manager Fettig reviewed with the Board a request for the creation of, approval of the feasibility report for, approve the plans and specifications, approve engineer's report, direct advertisement for bids and approve sufficiency of petition for Street Improvement District No. 182. The developers indicated they will be building twin-homes on those lots.

Commissioner Rohr moved to approve the creation of, approval of the Engineer's Report, to approve the plans and specifications for, approve the sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 182, Project No. 2013-16 (Meadow Ridge 1st Addition). Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

6. *Consider identifying and prioritizing future street maintenance projects within the City of Mandan.* Director of Public Works Wright presented updates regarding future projects within the City of Mandan on arterial and collector streets with money received from the State of North Dakota this year in the amount of \$845,000. The funding was provided for street repairs above and beyond normal maintenance of the streets. He reviewed the asphalt and cement street recommendations at 46th Avenue Southeast; 2nd Street NW and Collins Avenue and 40th Avenue Southeast. The minor concrete repairs that can now be completed came from stimulus money from before which includes areas on Main Street; Mandan Avenue NE; 10th Avenue SW and 6th Avenue SE. All of these streets are Urban Road Funding so we will be working with the DOT priority list for funding. Wright requested a continuation of these projects.

Commissioner Frank moved to approve to continue estimating and planning to complete these proposed projects and bring information back to the City Commission for final approval at a later date. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *Consider second consideration and final passage of Ordinance No. 1147, An ordinance annexing certain adjoining lands to the City of Mandan, North Dakota, and extending the corporate boundaries thereof (tract of land being a part of Section 2, Township 138 North, Range 81 West).* Commissioner Frank moved to approve the second consideration and final passage of Ordinance No. 1147, An ordinance annexing certain adjoining lands to the City of Mandan, North Dakota, and extending the corporate boundaries thereof (tract of land being a part of Section 2, Township 138 North, Range 81 West).

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

2. *Consider second consideration and final passage of Ordinance No. 1148 Zone Change for a part of Government Lot 1 and the NE ¼ of the NE ¼ of Section 3, Township 138N, Range 81W (proposed Lincoln Ridge Estates 6th Addition) – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.* Commissioner Tibke moved to approve the second consideration and final passage of Ordinance No. 1148 Zone Change for a part of Government Lot 1 and the NE ¼ of the NE ¼ of Section 3, Township 138N, Range 81W (proposed Lincoln Ridge Estates 6th Addition) – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.

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

3. *Consider second consideration and final passage of Ordinance No. 1149 Zone Change for Government Lot 2, less Outlot A and the NW ¼ of the NE ¼ in Section 3, Township 138 North, Range 81 West (Macedonia Hills Masterplan) – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.* Commissioner Braun moved to approve the second consideration and final passage of Ordinance No. 1149 Zone Change for Government Lot 2, less Outlot A and the NW ¼ of the NE ¼ in Section 3, Township 138 North, Range 81 West (Macedonia Hills Masterplan) – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.

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

4. *Consider first consideration of Ordinance No. 1150, An ordinance annexing certain adjoining lands to the City of Mandan, North Dakota, and extending the corporate boundaries thereof (tract of land being a part of Section 3, Township 138 North, Range 81 West).* Commissioner Tibke moved to approve the first consideration of Ordinance No. 1150, An ordinance annexing certain adjoining lands to the City of Mandan, North Dakota, and extending the corporate boundaries thereof (tract of land being a part of Section 3, Township 138 North, Range 81 West).

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

5. *Consider first consideration of Ordinance No. 1151 Zone Change for parts of Meadow Ridge 3rd Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.* Commissioner Braun moved to approve the first consideration of Ordinance No. 1151 Zone Change for parts of Meadow Ridge 3rd Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.

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

6. *Consider first consideration of Ordinance No. 1152 Zone Change for School District 5th Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.* Commissioner Rohr moved to approve the first consideration of Ordinance No. 1152 Zone Change for School District 5th Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.

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

7. *Consider the Resolutions creating district, approving engineer's report, determining sufficiency of protest, approving the plans and specifications and directing advertisement for bids for Street Improvement District No. 182, Project No. 2013-16 (Meadow Ridge 1st Addition).* Commissioner Frank moved to approve the Resolutions creating district, approving engineer's report, determining sufficiency of protest,

approving the plans and specifications and directing advertisement for bids for Street Improvement District No. 182, Project No. 2013-16 (Meadow Ridge 1st Addition).

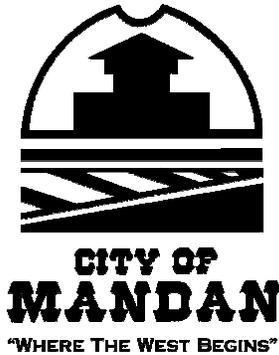
Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS

There being no further actions to come before the Board of City Commissioners, Commissioner Frank moved to adjourn the meeting at 7:55 p.m. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present. The motion passed.

James Neubauer,
City Administrator

Arlyn Van Beek,
President, Board of City
Commissioners



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 4, 2013
PREPARATION DATE: May 3, 2013
SUBMITTING DEPARTMENT: Assessing Dept.
DEPARTMENT DIRECTOR: Doug Lalim, Building Official/Assessor
PRESENTER: Doug Lalim, Building Official/Assessor
SUBJECT: Property Tax Incentives for New or Expanding Businesses for JDS Holding, LLP

STATEMENT/PURPOSE: To consider a 100% two year tax exemption for a new apartment building pursuant to North Dakota Century Code 40-57.1.

BACKGROUND/ALTERNATIVES: JDS Holding, LLP is asking for an exemption for the construction of a new apartment building. The Notice to Competitors was published in the May 3rd and May 10th of the Mandan News and no competitors have submitted a written protest. Notices were also sent via email to Morton County, Mandan School District and Mandan Park District on April 30, 2013.

SHORT DESCRIPTION OF PROJECT: JDS Holding, LLP is proposing a 42-unit (2 & 3 Bedroom) multi-family apartment building with garages.

OF JOBS TO BE CREATED: N/A

This parcel is also known as Parcel #4242 A at 2843 Sunset Dr. NW on Lot 3A of Lot 3 of Block 1, Missouri Valley Addition.

ATTACHMENTS: Application

FISCAL IMPACT: \$84,188 per year for a two-year total of \$168,376.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval of a Property Tax Incentive for New or Expanding Businesses for JDS Holding, LLP with a 100% exemption (Tier 1 level) for the two years will be determined by the Mandan City Commission.

SUGGESTED MOTION: A motion to approve a Property Tax Incentive for New or Expanding Businesses for JDS Holding, LLP for a 100% exemption (Tier 1 level) for the two years to be determined by the Mandan City Commission.

**Application For Property Tax Incentives For
New or Expanding Businesses**

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

Project Operator's Application To City of Mandan
City or County

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

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

This application is a public record

Identification Of Project Operator

1. Name of project operator	<u>JDS Holdings, LLP</u>		
2. Address of project	<u>Sunset Drive & 27th St NW - Mandan</u>		
	City <u>Mandan</u>	County <u>Morton</u>	
3. Mailing address of project operator	<u>2220 21st Ave SW</u>		
	City <u>Minot</u>	State <u>ND</u>	Zip <u>58701</u>
4. Type of ownership of project	<input checked="" type="checkbox"/> Partnership <input type="checkbox"/> Subchapter S corporation <input type="checkbox"/> Individual proprietorship		
	<input type="checkbox"/> Corporation <input type="checkbox"/> Cooperative <input type="checkbox"/> Limited liability company		
5. Federal Identification No. or Social Security No.	_____		
6. North Dakota Sales and Use Tax Permit No.	<u>N/A</u>		
7. If a corporation, specify the state and date of incorporation	_____		
8. Name and title of individual to contact	<u>James Maen, General Partner</u>		
Mailing address	<u>2220 21st Ave SW</u>		
City, State, Zip	<u>Minot, ND</u>	<u>58701</u>	Phone No _____

Project Operator's Application For Tax Incentives

9. Indicate the tax incentives applied for and terms. Be specific.	<input checked="" type="checkbox"/> Property Tax Exemption		<input type="checkbox"/> Payments In Lieu of Taxes	
	<u>2</u> Number of years	_____ Beginning year	_____ Ending year	
	<u>100%</u> Percent of exemption	_____ Amount of annual payments (attach schedule if payments will vary)		
10. Which of the following would better describe the project for which this application is being made:	<input checked="" type="checkbox"/> New business project <input type="checkbox"/> Expansion of an existing business project			

Description of Project Property

11. Legal description of project real property
Lot 3A of Lot 3 Block 1 Missouri Valley Addition to the City of Mahan, Merton County North Dakota

12. Will the project property be owned or leased by the project operator? Owned Leased
If the answer to 12 is leased, will the benefit of any incentive granted accrue to the project operator?
 Yes No
If the property will be leased, attach a copy of the lease or other agreement establishing the project operator's benefits.

13. Will the project be located in a new structure or an existing facility? New construction Existing facility
If existing facility, when was it constructed? _____
If new construction, complete the following:
a. Estimated date of commencement of construction of the project covered by this application 6-1-13
b. Description of project to be constructed including size, type and quality of construction
42 unit apartment buildings with garages. 2 and 3 bedroom units. Frame construction with mid to upper level final finishes
c. Projected number of construction employees during the project construction Unknown

14. Approximate date of commencement of operations for this project 2-15-14

<p>15. Estimated market value of the property used for this project:</p> <p>a. Land \$ <u>440,900</u></p> <p>b. Existing buildings and structures for which an exemption is claimed \$ <u>0</u></p> <p>c. Newly constructed buildings and structures when completed \$ <u>4,273,500</u></p> <p>d. Total \$ <u>4,714,400</u></p> <p>e. Machinery and equipment \$ <u>0</u></p>	<p>16. Estimate taxable valuation of the property eligible for exemption by multiplying the market values by 5 percent:</p> <p>a. Land (not eligible) </p> <p>b. Eligible existing buildings and structures \$ _____</p> <p>c. Newly constructed buildings and structures when completed \$ <u>213,675</u></p> <p>d. Total taxable valuation of property eligible for exemption (Add lines b and c) \$ <u>213,675</u></p> <p>e. Enter the consolidated mill rate for the appropriate taxing district <u>394</u></p> <p>f. Annual amount of the tax exemption (Line d multiplied by line e) \$ <u>84,188</u></p>
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Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

Subject: Property Tax Incentives for New or Expanding Businesses for JDS Holding, LLP

Page 4 of 9

Description of Project Business

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

17. Type of business to be engaged in: *Multi-Family Rentals*
- Ag processing Manufacturing Retailing
 Wholesaling Warehousing Services

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

Apartment Rentals Plan is to rent units for \$1,000 to \$1,100 per month

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

N/A

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

Year	2014	2015	2016	2017	2018
Annual revenue	489,060	489,060	498,841	498,841	508,818
Annual expense	124,895	124,895	128,000	128,000	133,515
Net income	364,165	364,165	370,841	369,841	375,303

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

Year	2014	2015	2016	2017	2018
No. of Employees (1)			<i>N/A</i>		
No. of Employees (2)					
Estimated payroll (1)					
Estimated payroll (2)					

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

Previous Business Activity

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

Business Competition

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

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

Property Tax Liability Disclosure Statement

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

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

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

Use Only When Reapplying

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

To present additional facts or circumstances which were not presented at the time of the original application

To request continuation of the present property tax incentives because the project has:

- moved to a new location
- had a change in project operation or additional capital investment of more than twenty percent
- had a change in project operators

To request an additional annual exemption for the year of _____ on structures owned by a governmental entity and leased to the project operator. (See N.D.C.C. § 40-57.1-04.1)

Notice to Competitors of Hearing

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

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

James Moon Signature General Partner Title 4/26/13 Date

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

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

The municipality shall, after granting any property tax incentives, certify the findings to the State Tax Commissioner and Director of Tax Equalization by submitting a copy of the project operator's application with the attachments. The governing body, on the _____ day of _____, 20____, granted the following:

Property Tax Exemption **Payments in lieu of taxes**

_____ Number of years _____ Beginning year _____ Ending year

_____ Percent of exemption _____ Amount of annual payments (Attach schedule if payments will vary)

_____ Auditor

**APPLICATION FOR PROPERTY TAX INCENTIVES
FOR NEW OR EXPANDING BUSINESSES**

City of Mandan Supplemental Application — Adopted Dec. 18, 2012

Name of project operator JDS Holdings, LLP
Address of project Sunset Drive @ 27th St. NW

Based on the City of Mandan's commercial property tax exemption policy and guidelines (see separate document), please indicate the level of exemption being sought.

Level of Exemption

- Tier 1 — 100% exemption for 2 years
- Tier 2 — 100% exemption years 1-2, 75% year 3, 50% year 4, and 25% year 5
- Tier 3 — 100% exemption for 5 years

Please indicate all significant public benefits to be provided by the subject project. These are the factors that should serve as the basis for your request. Please check all that apply and please be sure that you provide justification for each claimed benefit through information provided in the "Application for Property Tax Incentives For New and Expanding Businesses" and through this supplemental form. Attach additional sheets and information as needed. If a question is not applicable to the subject project, please indicate such with an "n/a" in the blank.

Public Benefits

- Creation and retention of job opportunities within the community (factors to be considered include numbers of jobs, average wages and benefits)
- Increased local use taxes (sales, hotel and restaurant, or occupancy)
- Filling a gap in the community or region's retail market profile (based on Nielsen Claritas or other published market data)
- Diversification of economic base
- Ability of the project to attract people from other communities (typically for destination purchases for services)
- Synergies with existing businesses in the community (Examples: enhancing an industry sector important to the local economy, filling a gap in the supply chain for a core industry or business sector, providing a product or service needed by other businesses in the region)
- Growth potential of company and industry and potential spin-off benefits
- Adding value to local resources
- Making use of an underutilized asset (either facilities or land)

APPLICATION FOR PROPERTY TAX INCENTIVES FOR NEW OR EXPANDING BUSINESSES
City of Mandan Supplemental Application
Page 2 of 4

Project Development

Please describe the overall impact of the expansion, relocation, additional location or new business on the City of Mandan and the surrounding economic base. Please note any necessary investment beyond the building in site or infrastructure improvements.

Provide housing for a growing area of Mandan.

Current assessed land value per square foot: \$ 1 / sq ft.

Cost of land (if purchased as part of this project) per square foot: \$ 2 / sq ft.

Estimated added land value (per square foot): \$ 1.50 / sq ft. site prep

Estimated annual end-of-the year inventory: N/A

Sites being considered: Lot 3A at Missouri Valley Addition

Is this business relocating from another North Dakota site? N/A

If yes ...

Where is the business relocating from? _____

Please explain the reason for the relocation including details of any expansion in square footage, employment, products or service offerings: _____

Employment

Total number of permanent employees in full-time equivalents: N/A

Total number of permanent employees estimated to live within 50 miles of proposed site: N/A

Hourly wage range by key positions or categories of positions N/A

Please describe the benefits offered to employees (retirement, health insurance, dental, etc.) and the eligibility requirements for participation. Indicate value of benefits on an hourly basis.

N/A

APPLICATION FOR PROPERTY TAX INCENTIVES FOR NEW OR EXPANDING BUSINESSES
City of Mandan Supplemental Application
Page 3 of 4

Impact on Local Use Taxes

Estimated value of annual purchases for project location _____ *N/A*
Percentage of purchases for project location subject to local sales or use tax _____ *N/A*
Estimated value of annual sales to be generated from project location _____ *N/A*
Percentage of sales subject to local sales or use tax _____ *N/A*

Market Context (for retail-oriented businesses only)

General retail category (check category that best applies)

- Motor Vehicle & Parts Dealers
- Furniture & Home Furnishing Stores
- Electronics & Appliance Stores
- Building Materials & Garden Equipment
- Food and Beverage Stores
- Health & Personal Care Stores
- Gas Stations
- Clothing & Accessories
- Sporting Goods, Hobby, Book, Music Stores
- General Merchandise Stores
- Foodservice and Drinking Places
- Miscellaneous (please indicate) _____

Please use Nielsen Claritas, ESRI or Buxton market analyses as references for the following:

Estimated consumer expenditures in city or county _____

Estimated retail sales in city of county _____

Estimated surplus or gap _____

Importance of Incentive (use a separate sheet as needed)

Please describe why an incentive is necessary for the success of this project and how the improvements will benefit the property at the conclusion of the abatement.

Incentives necessary to make project financially feasible in the first two years to give time to have the proposed apartments to be fully occupied. Project will add to the available housing in a rapidly growing area of Mandan.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

Subject: Property Tax Incentives for New or Expanding Businesses for JDS Holding, LLP

Page 9 of 9

APPLICATION FOR PROPERTY TAX INCENTIVES FOR NEW OR EXPANDING BUSINESSES
City of Mandan Supplemental Application
Page 4 of 4

Future Expansion Plans (use a separate sheet as needed)

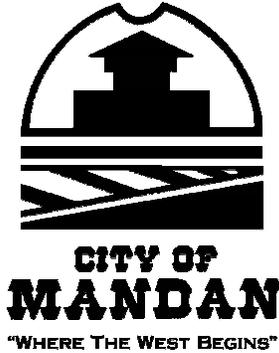
Please describe any plans for future expansion beyond the initial development. Describe investments and employment associated with those plans on a year-to-year basis.

JDS has enough land and may build another 36 unit building if this project is successful.

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

I further agree that I have read the requirement for installation of an automatic door per Mandan Municipal Code 14-02-15 if the building project that is subject of this application is approved for a property tax exemption and if the building is used for a purpose described in the following sections of 21-03-07 of the Mandan Municipal Code: Retail Group A; Retail Group B; Service Group A; Office Bank Group; Commercial Recreation Group; Health Medical Group and Education Group.

James Muen Signature Title General Partner Date 4/25/13



BID #1 & Res. #4

Board of City Commissioners

Agenda Documentation

MEETING DATE: June 4, 2013
PREPARATION DATE: May 30, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Kim Fettig, Project Manager
PRESENTER: Kim Fettig, Project Manager
SUBJECT: Consider award of bids for Street Improvement District No. 176, Project 2012-20 (McKenzie Drive SE, Genoa Court SE & 34th Avenue SE).

STATEMENT/PURPOSE: This is a review and possible award of bids for Street Improvement District No. 176, Project 2012-20 (McKenzie Drive SE).

BACKGROUND/ALTERNATIVES: Bids were received on May 28 for the project and Northern Improvement Company was the low bidder. The bid amount was \$1,240,657.70. The Engineer's estimate was \$1,422,246.00.

ATTACHMENTS:

1. Letter to Recommend
2. Bid Tabulation
3. Opinion of Probable Cost
4. Preliminary Assessment Schedules
5. District Map
6. Resolution to Award Bid

FISCAL IMPACT: The Project will be paid for by special assessments from the benefiting properties within the District.

STAFF IMPACT: Minimal

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

RECOMMENDATION: I would recommend awarding the project.

Board of City Commissioners

Agenda Documentation

Meeting Date: December 4, 2012

Subject: Award of Bids for Street Improvement District 176, Project 2012-21
(McKenzie Drive SE, Genoa Court SE & 34th Avenue SE).

Page 2 of 7

SUGGESTED MOTION: I move to award the bid to Northern Improvement Company as the low bidder of Street Improvement District 176 Project 2012-20 in the amount of \$1,240,657.70.

Board of City Commissioners

Agenda Documentation

Meeting Date: December 4, 2012

Subject: Award of Bids for Street Improvement District 176, Project 2012-21
(McKenzie Drive SE, Genoa Court SE & 34th Avenue SE).

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128 500 Line Drive
PO Box 1157
Eismarck, ND 58502-1157
701 355 8400
kljeng.com



◇ May 29, 2013

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

Re: McKenzie Drive SE, 34th Ave SE & Genoa Court SE
Street & Storm Sewer Improvement District No. 176 Project # 2012-20 Bid Results

Dear Mr. Neubauer:

Bids on the above referenced project were opened on May 28, 2013. A total of one bid was received with zero bids being rejected. The bids were checked for mathematical accuracy and no discrepancies were found. A complete tabulation of the bid received is attached.

Upon review of the bid, we have found Northern Improvement Company to be the low bidder for the contract for Street & Storm Sewer Improvements at a bid price of \$1,240,657.70, which was approximately 30% under the engineer's estimate of \$1,777,807.50 used in creation of the district and within range of acceptable project costs when compared to the engineer's estimate. Based on this information, we recommend award to Northern Improvement Company, but will hold on any further correspondence with the bidder until the City Commission officially awards the project.

We are returning the bid bond and original bid form to you for filing. We will prepare a Notice of Award (to Northern Improvement Company), contract documents, and a Notice to Proceed immediately following the Commission's decision to award this project.

Please contact me at 701-355-8731 with any questions.

Sincerely,

KLJ

A handwritten signature in blue ink, appearing to read 'B. White', written over a faint, large watermark of the letters 'KLJ'.

Benjamin D. White, PE/LS
Project Manager

Enclosure(s): Summary of Bids, Tabulation of Bids
Project #: 1412113

NATIONAL PERSPECTIVE
REGIONAL EXPERTISE
TRUSTED ADVISOR

Board of City Commissioners

Agenda Documentation

Meeting Date: December 4, 2012

Subject: Award of Bids for Street Improvement District 176, Project 2012-21
(McKenzie Drive SE, Genoa Court SE & 34th Avenue SE).

Page 4 of 7

Item No.		Description	Unit	Quantity	Engineer's Opinion		Northern Improvement Co.		Bid 2	Bid 3	Bid 4
					Unit Price	Total	Unit Price	Total			
1		Mobilization	LS	1	\$ 30,000.00	\$ 30,000.00	\$ 120,600.00	\$ 120,600.00			
2		Contract Bond	LS	1	\$ 4,500.00	\$ 4,500.00	\$ 3,650.00	\$ 3,650.00			
3		Clearing and Grubbing	LS	1	\$ 6,000.00	\$ 6,000.00	\$ 2,970.00	\$ 2,970.00			
4		Unclassified Excavation	CY	2,000	\$ 8.00	\$ 16,000.00	\$ 4.90	\$ 9,800.00			
5		Subgrade Preparation (1 Foot Deep)	SY	16,429	\$ 3.00	\$ 49,287.00	\$ 2.70	\$ 44,358.30			
6		Site Fence	LF	100	\$ 10.00	\$ 1,000.00	\$ 7.70	\$ 770.00			
7		Weighted Fiber Roll	LF	220	\$ 15.00	\$ 3,300.00	\$ 5.70	\$ 1,254.00			
8		Stabilized Gravel Base - Class 5	TON	5,135	\$ 25.00	\$ 128,400.00	\$ 25.40	\$ 130,434.40			
9		AC Stabilized Base (Class A)	TON	778	\$ 80.00	\$ 62,080.00	\$ 65.00	\$ 50,595.00			
10		AC Stabilized Base (Class B)	TON	1,223	\$ 80.00	\$ 97,840.00	\$ 61.20	\$ 74,847.60			
11		AC Surfacing Course (Class A)	TON	621	\$ 80.00	\$ 49,680.00	\$ 65.60	\$ 40,737.60			
12		AC Surfacing Course (Class B)	TON	979	\$ 80.00	\$ 78,320.00	\$ 61.20	\$ 59,914.80			
13		Asphalt Cement	TON	217	\$ 780.00	\$ 151,900.00	\$ 610.00	\$ 132,370.00			
14		Bimimous Tack Coat	GAL	720	\$ 4.00	\$ 2,880.00	\$ 2.10	\$ 1,512.00			
15		4-inch Concrete Sidewalk	SF	1,896	\$ 10.00	\$ 18,960.00	\$ 4.40	\$ 8,342.40			
16		ADA Curb Ramps	SF	252	\$ 90.00	\$ 22,680.00	\$ 22.00	\$ 5,544.00			
17		Standard Curb and Gutter	LF	6,113	\$ 22.00	\$ 134,486.00	\$ 17.10	\$ 104,532.30			
18		Subcut Gravel	TON	900	\$ 30.00	\$ 27,000.00	\$ 0.01	\$ 3.00			
19		15" RCP Storm Sewer	LF	2,203	\$ 40.00	\$ 88,120.00	\$ 31.70	\$ 69,839.10			
20		18" RCP Storm Sewer	LF	658	\$ 65.00	\$ 42,770.00	\$ 68.00	\$ 44,876.00			
21		24" RCP Storm Sewer	LF	115	\$ 68.00	\$ 7,880.00	\$ 140.80	\$ 16,332.00			
22		24" RCP Flared End Section	EA	1	\$ 2,500.00	\$ 2,500.00	\$ 1,494.90	\$ 1,494.90			
23		Rip Rap (Type 1)	TON	141	\$ 125.00	\$ 17,625.00	\$ 61.60	\$ 8,685.60			
24		2 inch Conduit - PVC Laid in Trench	LF	234	\$ 2.50	\$ 585.00	\$ 2.40	\$ 561.60			
25		Type BISA Light Unit	EA	7	\$ 4,500.00	\$ 31,500.00	\$ 4,510.00	\$ 31,570.00			
26		Type B2 Light Unit	EA	16	\$ 4,750.00	\$ 76,000.00	\$ 4,820.00	\$ 77,120.00			
27		#8 AWG RHW/USE-2	LF	7,070	\$ 3.00	\$ 21,210.00	\$ 1.80	\$ 12,726.00			
28		#6 AWG THW Ground	LF	5,535	\$ 2.75	\$ 15,241.25	\$ 1.40	\$ 7,749.00			
29		Trenching - 27 Inch Depth	LF	3,145	\$ 4.00	\$ 12,580.00	\$ 3.90	\$ 12,265.50			
30		Concrete Man-Hole	EA	15	\$ 3,500.00	\$ 52,500.00	\$ 3,219.30	\$ 48,289.50			
31		Type B6 Inlet	EA	27	\$ 3,000.00	\$ 81,000.00	\$ 2,944.30	\$ 79,496.10			
		Traffic Control	LS	1	\$ 3,000.00	\$ 3,000.00	\$ 2,230.00	\$ 2,230.00			
TOTAL OF ALL CONSTRUCTION						\$ 1,422,246.00	\$ 1,240,657.70				

True Tabulations Of Bids Received on 05/28/2013
There was 1 Bids Received and 0 Bids Rejected


Project Manager's Signature
Date: 05/28/2013

Board of City Commissioners

Agenda Documentation

Meeting Date: December 4, 2012

Subject: Award of Bids for Street Improvement District 176, Project 2012-21
(McKenzie Drive SE, Genoa Court SE & 34th Avenue SE).

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	Engineer's Opinion of Cost 4/11/2013 McKenzie Drive SE, 34th Ave SE & Genoa Court SE Street & Storm Sewer Improvements District No. 176 (Project 2012-20) 1412113				
	Engineer's Opinion				
Item No.	Description	Unit	Quantity	Unit Price	Total
1	Mobilization	LS	1	\$ 50,000.00	\$ 50,000.00
2	Contract Bond	LS	1	\$ 4,500.00	\$ 4,500.00
3	Clearing and Grubbing	LS	1	\$ 6,000.00	\$ 6,000.00
4	Unclassified Excavation	CY	2,000	\$ 8.00	\$ 16,000.00
5	Subgrade Preparation (1 Foot Deep)	SY	16,429	\$ 3.00	\$ 49,287.00
6	Silt Fence	LF	100	\$ 10.00	\$ 1,000.00
7	Weighted Fiber Roll	LF	220	\$ 15.00	\$ 3,300.00
8	Stabilized Gravel Base - Class 5	TON	5,136	\$ 25.00	\$ 128,400.00
9	AC Stabilized Base (Class A)	TON	776	\$ 80.00	\$ 62,080.00
10	AC Stabilized Base (Class B)	TON	1,223	\$ 80.00	\$ 97,840.00
11	AC Surfacing Course (Class A)	TON	621	\$ 80.00	\$ 49,680.00
12	AC Surfacing Course (Class B)	TON	979	\$ 80.00	\$ 78,320.00
13	Asphalt Cement	TON	217	\$ 700.00	\$ 151,900.00
14	Bituminous Tack Coat	GAL	720	\$ 4.00	\$ 2,880.00
15	4-Inch Concrete Sidewalk	SF	1,396	\$ 10.00	\$ 13,960.00
16	ADA Curb Ramps	SF	252	\$ 90.00	\$ 22,680.00
17	Standard Curb and Gutter	LF	6,113	\$ 22.00	\$ 134,486.00
18	Subcut Gravel	TON	300	\$ 30.00	\$ 9,000.00
19	15" RCP Storm Sewer	LF	2,203	\$ 60.00	\$ 132,180.00
20	18" RCP Storm Sewer	LF	658	\$ 65.00	\$ 42,770.00
21	24" RCP Storm Sewer	LF	116	\$ 68.00	\$ 7,888.00
22	24" RCP Flared End Section	EA	1	\$ 2,500.00	\$ 2,500.00
23	Rip Rap (Type L)	TON	141	\$ 125.00	\$ 17,625.00
24	2 Inch Conduit - PVC Laid in Trench	LF	354	\$ 2.50	\$ 885.00
25	Type BR1 Light Unit	EA	28	\$ 4,500.00	\$ 126,000.00
26	Type B2 Light Unit	EA	13	\$ 4,750.00	\$ 61,750.00
27	#6 AWG RHW/USE-2	LF	762	\$ 3.00	\$ 2,286.00
28	#6 AWG THW Ground	LF	3,836	\$ 2.75	\$ 10,549.00
29	Concrete Manhole	EA	15	\$ 3,500.00	\$ 52,500.00
30	Type 36" Inlet	EA	27	\$ 3,000.00	\$ 81,000.00
31	Traffic Control	LS	1	\$ 3,000.00	\$ 3,000.00
				Labor and Materials Estimate	\$ 1,422,246.00
				Contingency (10%)	\$ 142,224.60
				Design, Surveying, & Construction Observation (15%)	\$ 213,336.90
				Estimated Total Cost	\$ 1,777,807.50

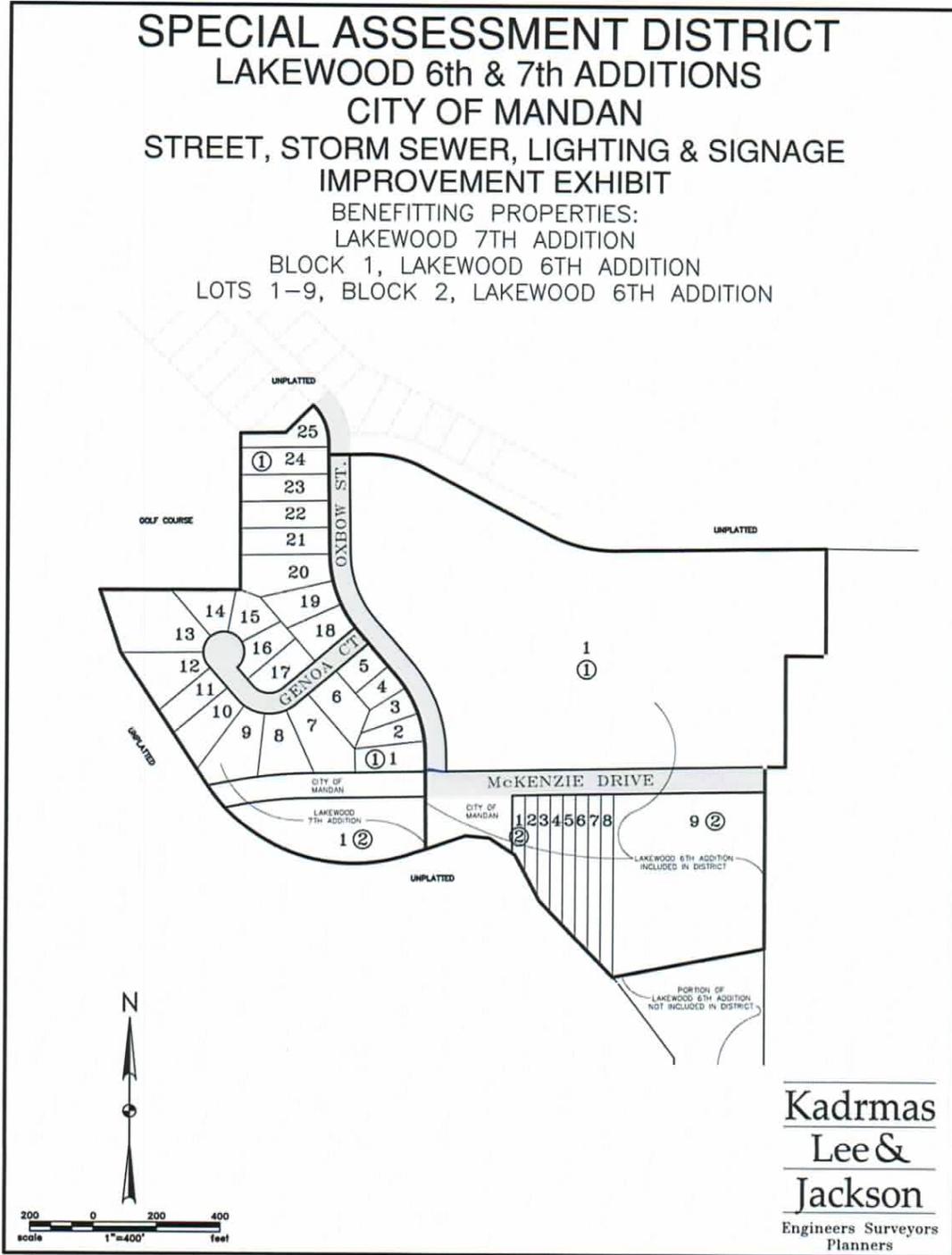
Board of City Commissioners

Agenda Documentation

Meeting Date: December 4, 2012

Subject: Award of Bids for Street Improvement District 176, Project 2012-21
(McKenzie Drive SE, Genoa Court SE & 34th Avenue SE).

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RESOLUTION
APPROVING CONTRACT AND CONTRACTOR'S BOND FOR
STREET IMPROVEMENT DISTRICT NO. 176
(Project No. 2012-20)(McKenzie Drive SE, 34th Avenue SE & Genoa Court SE)

BE IT RESOLVED by the governing body of the City of Mandan, North Dakota (the "City"), as follows:

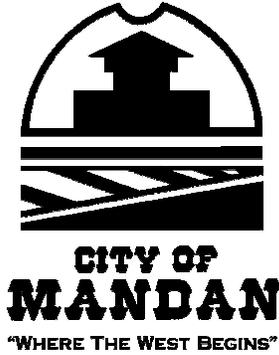
1. It is hereby found and determined that this Board has heretofore caused Notice for Advertisement for Bids to be made for an improvement Street Improvement District No. 176 of said City, and has duly and publicly opened and considered said bids received pursuant to said Notice.
2. Said improvement is hereby ordered to be constructed in accordance with the plans and specifications therefore as heretofore adopted by this Board pursuant to a resolution duly adopted by this Board.
3. It is hereby found and determined that the lowest responsible bidder for various categories of the work, material and skill required for said improvement is Northern Improvement Company whose bid provides for the construction of said improvement at a total estimated base price of \$1,240,657.70.
4. The President of the Board of City Commissioners of the City of Mandan and City Auditor are hereby authorized and directed to make and enter into a contract with said bidder on the part of the City, in the form prescribed by Sections 40-22-35 and 40-22-35, N.D.C.C. as amended, provided that said bidder shall within ten (10) days from this date execute said contract and a construction bond conditioned in accordance with the provisions of Sections 40-22-30 and 40-22-32 of said Code.

Dated this 4th day of June, 2013

Arlyn Van Beek, President of the
Board of City Commissioners

Attest:

James Neubauer,
City Administrator



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 4, 2013
 PREPARATION DATE: May 30, 2013
 SUBMITTING DEPARTMENT: Public Works
 DEPARTMENT DIRECTOR: Jeff Wright
 PRESENTER: Jeff Wright, Public Works Director
 SUBJECT: Consider awarding the Roughrider Estates
 Collection System Extension project to Kvamsdal
 Construction, Inc.

STATEMENT/PURPOSE: Award the base Contract along with Alternate No. 1 to Kvamsdal Construction, Inc. contingent upon review and approval by the ND Department of Health and upon constructing the lift station outside the proposed beltway corridor according to the Bismarck-Mandan Regional North South Beltway Corridor Study of 2009.

BACKGROUND/ALTERNATIVES: The proposed project is a project taken from the City Master Plan to abandon the existing Roughrider Estates lagoon system and replace it with a regional lift station. We received two bids with the low bidder being Kvamsdal Construction with a total bid of \$822,422, the Engineer's Estimate for the total project was \$743,000. The increase in cost is not out of line considering how busy everyone is at this point with the economy and weather delays. The project is funded through a State Revolving Fund low interest loan and can be re-submitted with the actual cost of the project for additional funding. The initial plan was to have the lift station on the east side of 56th Ave NW, but the beltway corridor and proposed interchange have caused us to reconsider the location of the lift station. The location can be changed and will be constructed in the most optimal location, outside of the corridor.

ATTACHMENTS: Recommendation letter from AE2S, Notice of Award, Bid Tab Summary Sheet.

FISCAL IMPACT: The project is funded by State Revolving Fund low interest loan and has been built into our present utility rates.

STAFF IMPACT: Minimal.

LEGAL REVIEW: N/A

RECOMMENDATION: Award the base Contract along with Alternate No. 1 to Kvamsdal Construction, Inc. for \$822,422, contingent upon review and approval by the ND Department of Health and upon constructing the lift station outside the proposed beltway corridor.

SUGGESTED MOTION: Move to award the base Contract along with Alternate No. 1 to Kvamsdal Construction, Inc. for \$822,422, contingent upon review and approval by the ND Department of Health and upon constructing the lift station outside the proposed beltway corridor.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

Subject: Consider awarding the Roughrider Estates Collection System Extension project to Kvamsdal Construction, Inc.

Page 2 of 7



May 30, 2013

To the President and Commissioners
of the Mandan Board of City Commissioners
c/o Jeff Wright, Public Works Director
205 2nd Avenue NW
Mandan, ND 58554-3125

**Re: Roughrider Estates Collection System Extension
City of Mandan, North Dakota**

Honorable Commissioners:

Bids for the referenced Project were opened on Wednesday, May 29, 2013. Two General Contractors submitted Bids for the Work. The Contractors submitted the required Bid Bonds, Contractor's Licenses, acknowledged the Addenda, and signed their Bid. One bidder did not supply the SRF funding Debarment form as required by the ND Department of Health prior to award, however both bids were considered responsive and read aloud. The Bids were examined for errors and irregularities. One Bid did contain errors and did result in a change to the Bid results. The corrected numbers are reflected on the attached bid tabulation. A copy of the Bid tabulation summary is attached.

The Bid included two alternates for consideration: Alternate No. 1 for additional work to level and restore the existing wastewater ponds, and Alternate No. 2 provides for an option of installation of an upsized HPDE forcemain in lieu for PVC forcemain pipe. Upon review of the alternates with City staff, Alternate No 1 is recommended for the future maintenance cost savings and potential change of property use. The apparent low bid with consideration for Alternate No 1 was submitted by Kvamsdal Construction, Inc., for \$822,422.00 which includes \$65,000 for Alternate No. 1. The engineer's bare bid estimate and budget for the construction is \$645,000.00. The engineer's estimate for Alternate No. 1 is an additional \$98,000. Kvamsdal Construction, Inc. is a known, reputable Contractor who has successfully completed similar projects. **As such, we recommend award of the base Contract along with Alternate No. 1 to Kvamsdal Construction, Inc., contingent upon review and approval by the North Dakota Department of Health and upon constructing the lift station outside the beltway corridor. The bid for Alternate No. 2 is not cost effective and is not recommended for award.**

Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

Subject: Consider awarding the Roughrider Estates Collection System Extension project to Kvamsdal Construction, Inc.

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President and Commissioners
of the Mandan Board of City Commissioners
Re: **Roughrider Estates Collection System Extension**
May 30, 2013
Page 2 of 2

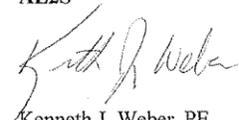
Included herewith are copies of the two certified Bid proposals, with corresponding Bid Bonds and Contractors' Licenses, and four (4) copies of the Notice of Award for review by the City Attorney and execution, if acceptable. Also attached, please find one (1) copy of the Detailed Bid Tabulation.

Once the City executes the Notices of Award, please return them to AE2S. We will forward the Notices of Award and the Construction Agreements to the Contractor. The successful Contractor is required to acknowledge the Award, execute the Agreement (on their part), and return all documents with the required supporting documentation (Performance and Payment Bonds, insurance certificates, tax clearances, etc.) within fifteen days. Upon receipt of the returned documentation, they will be reviewed and forwarded to the City for review and final execution, if acceptable to the City contingent upon having obtained final approval from the North Dakota Department of Health. Once the Agreements are fully executed, we will assemble and distribute complete Contract Document sets to all parties, schedule and administer a pre-construction conference, and issue the Notices to Proceed.

Thank you for the continued opportunity to provide professional engineering services to the City of Mandan. Should you have any questions or concerns, please do not hesitate to contact us.

Submitted in Service,

AE2S



Kenneth J. Weber, PE
Project Manager

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

Cc. Dave Bergsagel, NDDH

Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

Subject: Consider awarding the Roughrider Estates Collection System Extension project to Kvamsdal Construction, Inc.

Page 4 of 7

NOTICE OF AWARD

Dated: June 4, 2013

TO: Kvamsdal Construction

ADDRESS: PO Box 48
4411 First Avenue West
Willmar, MN 56201

Contract: Contract No. 1 and Alternate No. 1

Project Roughrider Estates Collection System Extension
City of Mandan, ND

OWNER's Contract No. _____

You are notified that your Bid dated May 29, 2013 for the above Contract has been considered. You are the apparent Successful Bidder and have been awarded a Contract for:

Roughrider Estates Collection System Extension
City of Mandan, ND

The Contract Price of your Contract is Eight Hundred Twenty-Two Thousand Four Hundred Twenty-Two Dollars and Zero Cents (\$822,422.00).

Four (4) copies of the proposed Contract Documents (except Drawings) accompany this Notice of Award.

You must comply with the following conditions precedent within fifteen (15) days of the date of this Notice of Award, that is by June 19, 2013:

1. Deliver to the OWNER four (4) fully executed counterparts of the Contract Documents.
2. Deliver with each of the executed Contract Documents the Contract security (Bonds) as specified in the Instructions to Bidders (Article 20) and General Conditions (paragraph 5.01).
3. Deliver with each of the executed Contract Documents the Certificates of Insurance as specified in the General Conditions (paragraph 5.03) and Supplemental Conditions (SC-5.04).

Please note the requirements of paragraphs 5.04.B.5 and 5.04.C (as included in the Supplementary Conditions) of the General Conditions. The Certificate of Insurance ***MUST*** include provision for 30 days prior written notice prior to cancellation. ***"Will Endeavor to Mail" is not acceptable. Crossing out or X-ing over the words "endeavor" will be acceptable.***

Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

Subject: Consider awarding the Roughrider Estates Collection System Extension project to Kvamsdal Construction, Inc.

Page 5 of 7

Failure to comply with the required cancellation provision will cause the Contract to be rejected and will delay Notice to Proceed.

4. Deliver with each of the executed Contract Documents Current Workmen's Compensation Certificate of Premium Paid.
5. Deliver with each of the executed Contract Documents Contractors Certificate of North Dakota Income and Sales Tax Clearance.

After execution of the Contract Documents, please send all copies along with the items above to the Engineer, Advanced Engineering and Environmental Services, Inc., 1815 Schafer Street, Suite 301, Bismarck, ND 58501.

Failure to comply with these conditions within the time specified will entitle OWNER to consider your Bid in default, to annul this Notice of Award and to declare your Bid security forfeited.

Within ten days after you comply with the above conditions, OWNER will return to you one fully executed counterpart of the Contract Documents.

OWNER: City of Mandan, ND

By: _____

Title: Mayor

Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

Subject: Consider awarding the Roughrider Estates Collection System Extension project to Kvamsdal Construction, Inc.

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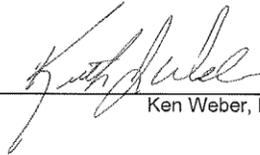
Roughrider Estates Collection System Extension
Mandan, ND
P00510-2012-09 050
Bid Opening 4:00 PM, May 29, 2013

Contractor	Acknowledge Addenda 2 of 2	Bid Bond	Contractor's License MBE/WBE Subcontractor Solicitation Information	CWSRF Certification Regarding Debarment	Bid Form	Contract No. 1	Alternate No. 1 (Add)	Alternate No. 2 (Add/Deduct)
1 Swanberg Construction	✓	✓	✓	✓	#	\$725,808.00*	\$165,000.00	\$500.00
2 Kvamsdahl Construction	✓	✓	✓	✓	✓	\$757,422.00	\$65,000.00	\$15,000.00
Engineer's Estimate						\$645,000.00	\$0.00	\$0.00

#Form must be provided prior to award.

*Different from As Read results because of math error.

Respectfully Submitted by:

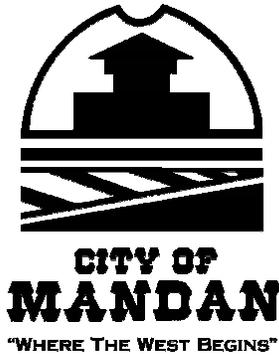

Ken Weber, PE



Advanced Engineering and Environmental Services, Inc.
1815 Schafer Street Suite 301
Bismarck ND 58501
Tel: 701-221-0530
Fax: 701-221-0531

Roughrider Estates Collection System Extension
Mandan, ND
P00510-2012-09
Detailed Bid Tab

No.	Description	Qty.	Unit	Swanberg Construction		Kvamsdahl Construction	
				Unit Price	Extended Price	Unit Price	Extended Price
CONTRACT NO. 1 Base Bid							
A. Contract Requirements							
1.	Mobilization/Bonds/Insurance	1	LS	45,000.00	45,000.00	142,000.00	142,000.00
B. Removal							
1.	Bituminous Pavement	225	SY	9.00	2,025.00	6.00	1,350.00
2.	18" CMP Culvert	45	LF	15.00	675.00	10.00	450.00
3.	Pavement Sawcut	220	LF	6.00	1,320.00	5.00	1,100.00
C. Furnish and Install Piping							
1.	8" FPVC Sanitary Sewer (SDR 26)	265	LF	151.00	40,015.00	202.00	53,530.00
2.	8" PVC Sanitary Sewer (SDR 35)	680	LF	107.00	72,760.00	99.00	67,320.00
3.	6" FPVC Sanitary Sewer (SDR 25)	2,900	LF	49.00	142,100.00	55.00	159,500.00
4.	6" PVC Forcemain (SDR 25)	239	LF	79.00	18,881.00	36.00	8,604.00
5.	18" CMP Culvert	22	LF	46.00	1,012.00	44.00	968.00
6.	18" CMP Culvert (connect to existing)	45	LF	58.00	2,610.00	44.00	1,980.00
D. Furnish and Install Appurtenances (Sanitary Sewer)							
1.	Precast 48" Sanitary Manhole and Casting	3	EA	11,300.00	33,900.00	8,030.00	24,090.00
2.	Air Release Manhole	1	EA	10,170.00	10,170.00	6,610.00	6,610.00
3.	6" 45 degree bend	6	EA	665.00	3,990.00	505.00	3,030.00
4.	Sanitary Lift Station	1	LS	192,500.00	192,500.00	118,000.00	118,000.00
5.	Control Panel	1	EA	25,000.00	25,000.00	75,000.00	75,000.00
6.	8" Sanitary Plug	1	EA	190.00	190.00	120.00	120.00
E. Connect to Existing							
1.	Connect to Existing Sanitary Sewer Manhole	2	EA	2,580.00	5,160.00	2,000.00	4,000.00
F. Site Work							
1.	Traffic Control	1	LS	2,500.00	2,500.00	13,200.00	13,200.00
2.	Erosion Control	1	LS	3,000.00	3,000.00	2,700.00	2,700.00
3.	Dewatering	1	LS	18,000.00	18,000.00	2,700.00	2,700.00
4.	Seeding	9,100	SY	0.65	5,915.00	1.30	11,830.00
5.	Lift Station Site Concrete Pad	80	SY	95.00	7,600.00	94.00	7,520.00
6.	Aggregate Access Road	220	SY	28.00	6,160.00	12.00	2,640.00
7.	Repair Asphalt	225	SY	118.00	26,550.00	93.00	20,925.00
8.	Pump Down Ponds	1	LS	8,500.00	8,500.00	5,000.00	5,000.00
9.	Pump Sludge From Ponds	650	KGAL	48.00	31,200.00	10.00	6,500.00
10.	Cut Dike at Existing Ponds	1,500	CY	4.50	6,750.00	6.00	9,000.00
11.	Bollards	4	EA	550.00	2,200.00	420.00	1,680.00
12.	Abandon and Plug Existing Sanitary Sewer	1	LS	3,000.00	3,000.00	1,200.00	1,200.00
13.	Rock Excavation	75	CY	95.00	7,125.00	65.00	4,875.00
BASE BID Total CONTRACT No. 1					725,808.00		757,422.00
CONTRACT NO. 1 - Alternate #1							
Add for Leveling Existing Pond Dikes					165,000.00		65,000.00
Total ALTERNATE No. 1					165,000.00		65,000.00
CONTRACT NO. 1 - Alternate #2							
Add/Deduct for Substitute 8" HDPE for 6" FPVC					ADD 500.00		ADD 15,000.00
Total ALTERNATE No. 2					500.00		15,000.00



Consent No. 1

Board of City Commissioners

Agenda Documentation

MEETING DATE: June 4, 2013
PREPARATION DATE: May 29, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Engineering & Planning
PRESENTER: Kim Fettig, Project Manager
SUBJECT: Consider for approval the final plat of the Replat of Lot 3, Block 1 Lakewood Commercial Park 2nd Addition.

STATEMENT/PURPOSE: To consider for approval the final plat of the Replat of Lot 3, Block 1, Lakewood Commercial Park 2nd Addition.

BACKGROUND/ALTERNATIVES: Request from Art Goldhammer, Red Door Homes, for final plat approval of the Replat of Lot 3, Block 1, Lakewood Commercial Park 2nd Addition. The Planning & Zoning Commission voted unanimously to approve the plat on May 28, 2013.

ATTACHMENTS:

1. Office Report
2. Final Plat
3. Vicinity Map

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION: This office supports the approval of the subject plat.

SUGGESTED MOTION: I move to approve the final plat of the Replat of Lot 3, Block 1, Lakewood Commercial Park 2nd Addition.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

Subject: Consider for approval the final plat of the Replat of Lot 3, Block 1, Lakewood Commercial Park 2nd Addition.

Page 2 of 4

MANDAN PLANNING OFFICE REPORT

May 29, 2013

Applicant: Arthur Goldammer, ReDDoor Homes

Owner: same

Requested Action: final plat approval

Name of Subdivision: Replat of Lot 3, Block 1, Lakewood Commercial Park 2nd Addition

Legal Description: Replat of Lot 3, Block 1, Lakewood Commercial Park 2nd Addition in Section 6, Township 138N, Range 80W

Location: McKenzie Drive SE

Parcel Acreage: 4.48 acres

Number of Blocks: 1 Number of Lots: 23

Existing Land Use: vacant

Proposed Land Use: residential

Adjacent Land Use: residential, water

Existing Zoning: CB Restricted (Heavy Commercial) Restrictions: Single-Family Residential, Retail Group B and Service Group B prohibited. Setback restrictions.

Proposed Zoning: same

Adjacent Zoning: CB (Heavy Commercial) and CB Restricted, R7 (Single-Family Residential) and RM (Multi-Family Residential)

Fee Required: \$250.00

Date Received: April 1, 2013

Adjacent Property Owner Notification: May 14, 2013

Dates of Legal Notices: May 10 & 17, 2013

Recommendation: The Planning Office recommends approval.

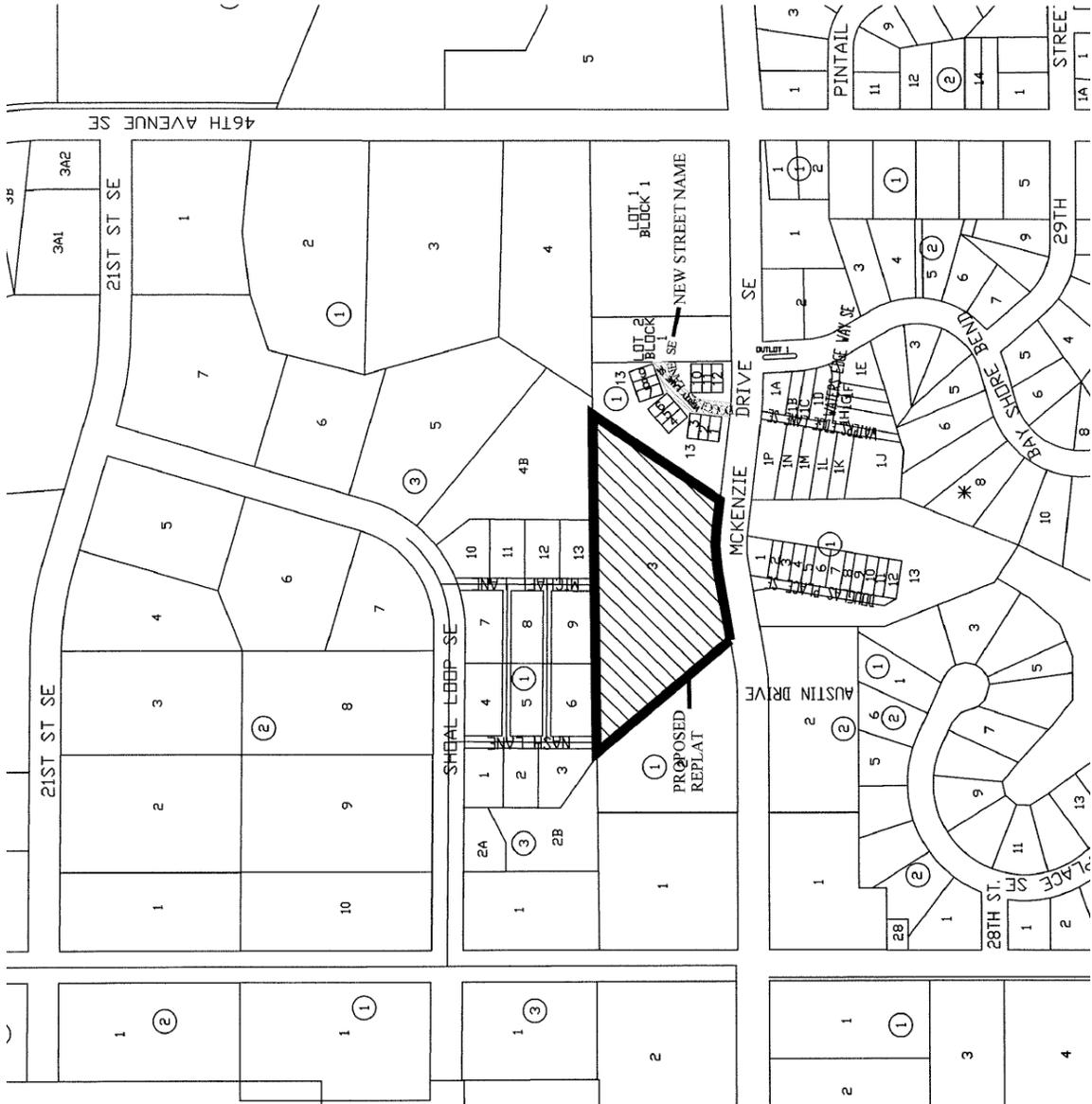
Board of City Commissioners

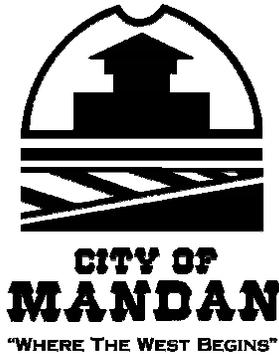
Agenda Documentation

Meeting Date: June 4, 2013

Subject: Consider for approval the final plat of the Replat of Lot 3, Block 1, Lakewood Commercial Park 2nd Addition.

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Board of City Commissioners

Agenda Documentation

MEETING DATE: June 4, 2013
PREPARATION DATE: May 29, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Engineering & Planning
PRESENTER: Kim Fettig, Project Manager
SUBJECT: Consider for approval the final plat of Meadows 7th Addition.

STATEMENT/PURPOSE: To consider for approval the final plat of Meadows 7th Addition.

BACKGROUND/ALTERNATIVES: Request from Lee Roy Mitzel for final plat approval of Meadows 7th Addition. The Planning & Zoning Commission voted unanimously to approve the plat on May 28, 2013.

ATTACHMENTS: 1. Office Report
2. Final Plat
3. Vicinity Map

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION: This office supports the approval of the subject plat.

SUGGESTED MOTION: I move to approve the final plat of Meadows 7th Addition.

MANDAN PLANNING OFFICE REPORT
May 29, 2013

Applicant: Lee Roy Mitzel

Requested Action: Final Plat Approval

Name of Subdivision: Meadows 7th Addition

Legal Description: A portion of Auditor's Lot 3 in the SW ¼ of Section 8, Township 81W, Range 81W

Location: Wildrye Circle NW

Parcel Acreage: 5.8

Number of Blocks: 2 Number of Lots: 20

Existing Land Use: vacant

Proposed Land Use: single-family residential

Adjacent Land Use: vacant and single-family residential

Existing Zoning: R7 (Single-Family Residential)

Proposed Zoning: same

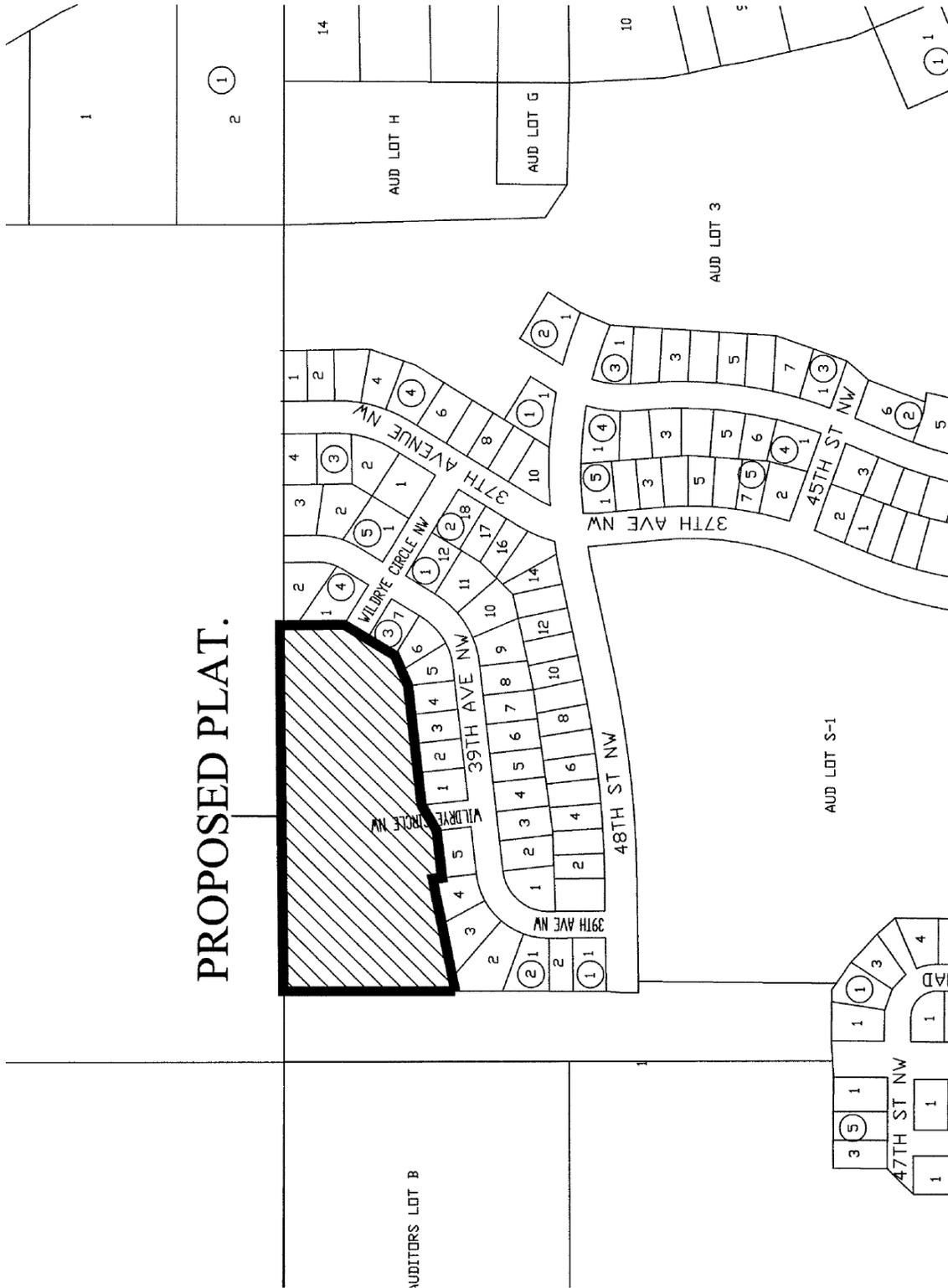
Adjacent Zoning: R7 (Single-Family Residential) and R3.2 (Two-Family Residential)

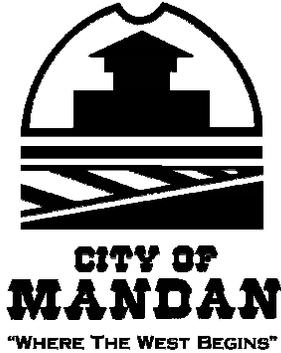
Fee Required: \$250.00 Date Received: May 1, 2013

Adjacent Property Owner Notification: May 21, 2013

Dates of Legal Notices: May 10 and 17, 2013

Recommendation: The Planning Office recommends approval.





Board of City Commissioners

Agenda Documentation

MEETING DATE: June 4, 2013
PREPARATION DATE: May 29, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Engineering & Planning
PRESENTER: Kim Fettig, Project Manager
SUBJECT: Consider for approval the final plat of River Garden Addition.

STATEMENT/PURPOSE: To consider for approval the final plat of River Garden Addition.

BACKGROUND/ALTERNATIVES: Request from Riverwest Development for final plat approval of River Garden Addition. The Planning & Zoning Commission voted unanimously to approve the plat on May 28, 2013.

ATTACHMENTS: 1. Office Report
2. Final Plat
3. Vicinity Map

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION: This office supports the approval of the subject plat.

SUGGESTED MOTION: I move to approve the final plat of River Garden Addition.

MANDAN PLANNING OFFICE REPORT
May 29, 2013

Applicant: Riverwest Development, LLC

Owner: same

Requested Action: Final Plat Approval

Name of Subdivision: River Garden Addition

Legal Description: Lot 1, Block 3, School District 5th Addition in Section 21, Township 139N, Range 81W

Location: southwest corner of 27th Street NW and Sunset Drive

Parcel Acreage: 3.10

Number of Blocks: 1 Number of Lots: 3

Existing Land Use: vacant

Proposed Land Use: commercial

Adjacent Land Use: school and commercial

Existing Zoning: CB (Heavy Commercial)

Proposed Zoning: same

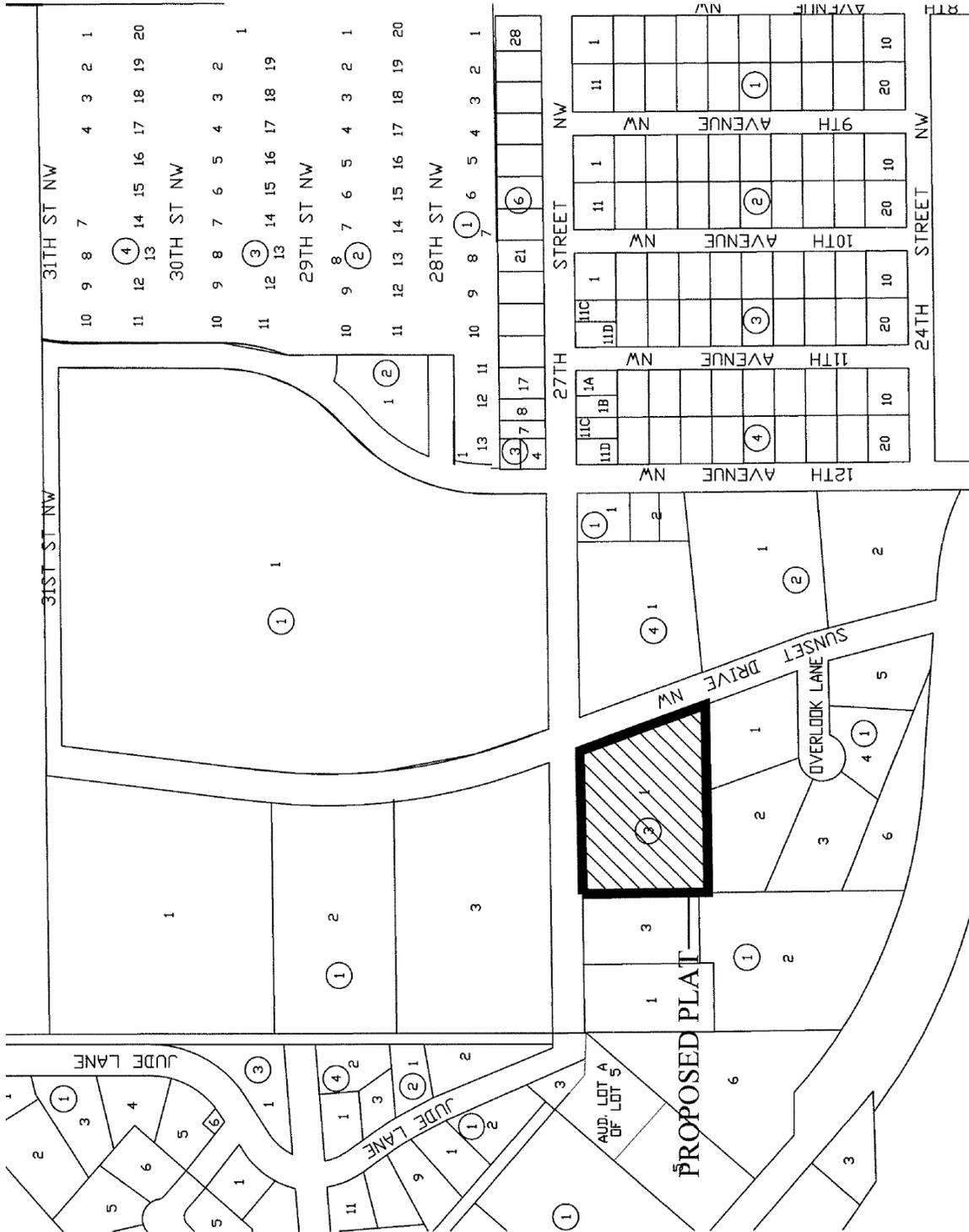
Adjacent Zoning: CB (Heavy Commercial), CC (Heavy Commercial), RM (Multi-Family Residential)

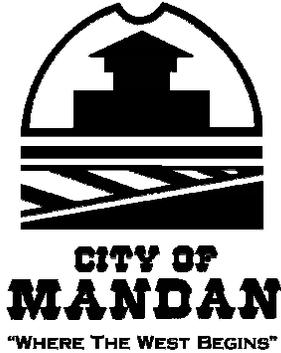
Fee Required: \$250.00 Date Received: May 3, 2013

Adjacent Property Owner Notification: May 14, 2013

Dates of Legal Notices: May 17 and 24, 2013

Recommendation: The Planning Office recommends approval.





Board of City Commissioners

Agenda Documentation

MEETING DATE: May 28, 2013
PREPARATION DATE: June 4, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Engineering & Planning
PRESENTER: Kim Fettig, Project Manager
SUBJECT: Consider for approval a variance for Lots 11 & 12, Terra Vallee 6th Addition.

STATEMENT/PURPOSE: To consider for approval a variance in the setback requirements for Lots 11 & 12, Terra Vallee 6th Addition.

BACKGROUND/ALTERNATIVES: Request from Dennis Meyer for a variance in the front yard setback from 25 feet to 18.5 feet. These lots drop off considerably in the back and would cause a hardship to build on these lots. This variance also allows 28th Street NW to continue in front of the lot. The Planning & Zoning Commission voted unanimously to approve the variance on May 28, 2013.

ATTACHMENTS: 1. Variance Application
2. Vicinity Map

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION: This office supports the approval of the variance.

SUGGESTED MOTION: I move to approve the setback variance.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

Subject: Consider for approval a variance in Lots 11 & 12, Terra Vallee 6th Addition.

Page 2 of 3

VARIANCE REQUEST APPLICATION

City of Mandan

NOTE: This application must be filed at least five (5) days prior to the meeting of the Board of Adjustment at which consideration is desired.

- 1. Type of Variance (Ordinance) Setback
- 2. Brief Description for the Variance Change Front Yard setback from 25' to 18.5' due to drop off of property at the rear of property
- 3. Legal Description - Section 16 Township 139 Range 81
Subdivision Terra Vallee Sixth Addition Lot 11, 12, ~~13~~ Block 1
- 4. Name of Owner(s) Dennis Meyer
 - a. Mailing Address 26 Captain Leach Dr.
 - b. Phone (Home) 220-6787 (Business) _____
(Cell) _____
- 5. Zoning District: _____ Lots 11 & 12 R7
- 6. Variance Application Date 5/6/13 Required Fee \$100.00 Date Received _____
- 7. Comments _____

I understand the regulations of the Mandan _____ Ordinance as They pertain to this request.

Dennis A Meyer Dennis A Meyer
 Signature of Applicant Printed Name

For Office Use Only

Date of Variance Hearing _____

Approved _____ Denied _____ Approved w/conditions _____

Conditions: _____

Mandan City Planning
Mandan City Hall
205 2nd Avenue NW
(701) 667-3225

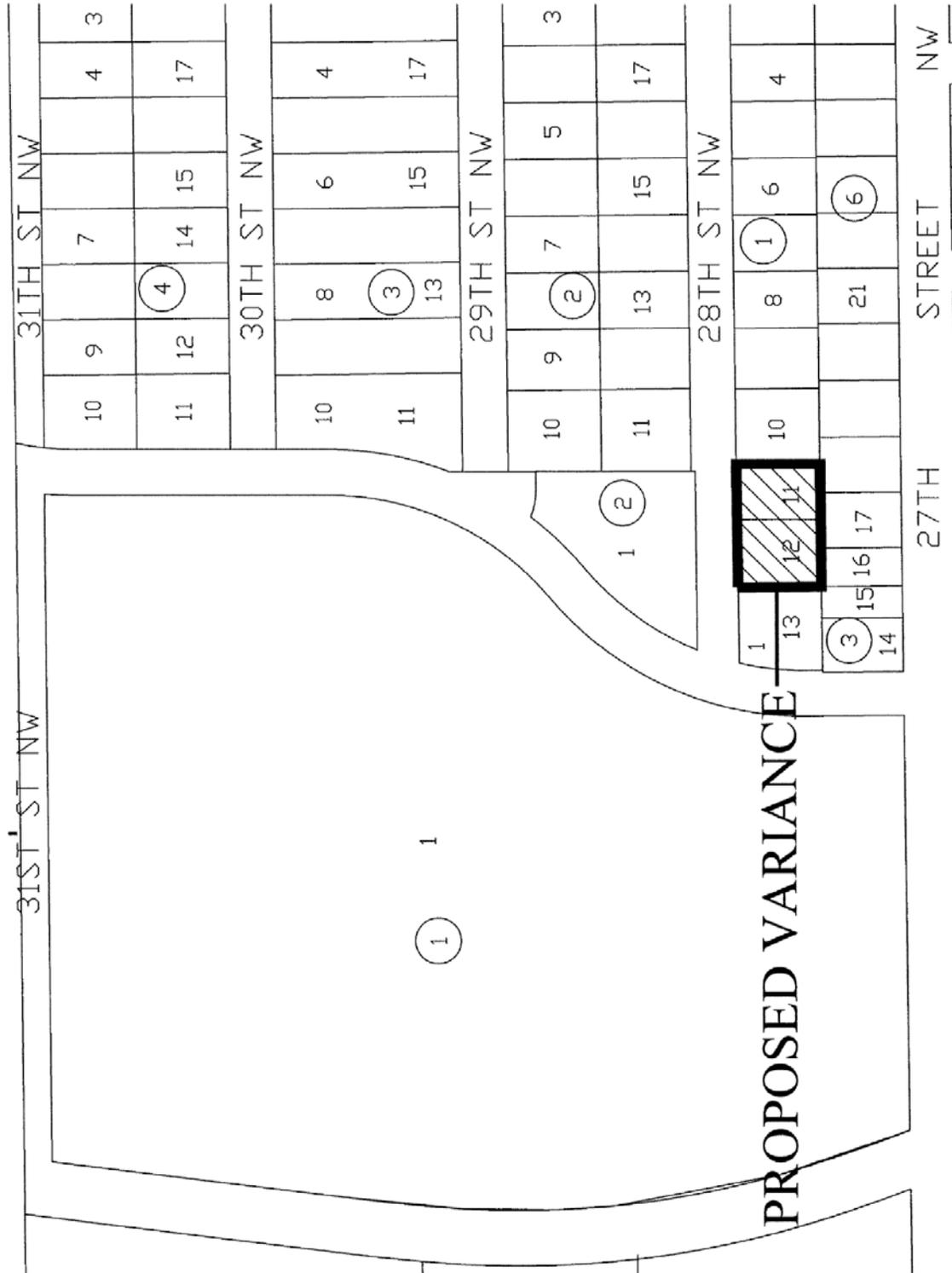
Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

Subject: Consider for approval a variance in Lots 11 & 12, Terra Valle 6th Addition.

Page 3 of 3





GAMING SITE AUTHORIZATION
OFFICE OF ATTORNEY GENERAL
 SFN 17996 (02-2011)

Consent No. 5

G - _____ (_____) _____
 Site License Number
 (Attorney General Use Only)

Mandan Baseball Club, Inc. is hereby authorized to conduct games of
 (Full, Legal Name of Gaming Organization)

chance under the license granted by the Attorney General of the State of North Dakota at the following
 location: Westside Bar & Grill/Mulligans the address of which is:
501 Burlington Street SE Mandan 58554 Morton
 (Street) (City) (Zip Code) (County)

Date(s) Authorized: Beginning 7/1/13 Ending 6/30/14

Specific location where games of chance will be conducted and played at the site (required): Games will be played in
 the southwestern area in the Westside Bar and the northeastern area in Mulligans Bar.

Number of twenty-one tables (required) (if zero, enter "0") : 2

RESTRICTIONS: (to be completed ONLY if restrictions are set by the local governing body)
 1. Days of week of gaming operations _____
 2. Hours of gaming _____
 3. List each specific game type prohibited _____

 Attorney General Date Signature of City/County Auditor Date

 PRINT Name / Official Position of person signing above

INSTRUCTIONS:

1. City/County Auditors - Retain a **copy** of the Site Authorization for your files.
2. City/County Auditors - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval.

RETURN ALL DOCUMENTS TO:
 Office of Attorney General
 Licensing Section
 600 E Boulevard Ave, Dept. 125
 Bismarck, ND 58505-0040
 Telephone: 701-328-2329 OR 800-326-9240



RENTAL AGREEMENT
 OFFICE OF ATTORNEY GENERAL
 SFN 9413 (Rev. 06-2010)

STATE USE ONLY
SITE LICENSE NO. G- _____ (____) _____

Site Owner (Lessor) J & C Investments, Inc.		Site Name Westside/mulligans		Site Phone Number (701) 663-3020
Site Address 501 Burlington Street Se		City Mandan	State ND	Zip Code 58554
Organization (Lessee) Mandan Baseball Club, Inc.		Rental Period 7/1/2013 to 6/30/2014		County Morton
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				Monthly Rent Amount
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				\$
<input type="checkbox"/> No <input type="checkbox"/> Yes				
2. Is a raffle drawing going to be conducted at this site?				\$
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				\$
3. Is Prize Boards involving a dispensing device conducted at this site?				\$
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				\$
4. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____				\$
<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes				\$ 600.00
Number of Tables with wagers over \$5 <u>2</u> X Rent per Table \$ <u>300.00</u>				
5. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____				\$
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				\$
6. Is Pull Tabs involving both a jar bar and dispensing device conducted at this site? If "Yes," skip questions 7 & 8.				\$ 200.00
<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes				\$
7. Is Pull Tabs involving only a jar bar conducted at this site?				\$
<input type="checkbox"/> No <input type="checkbox"/> Yes				\$
8. Is Pull Tabs involving only a dispensing device conducted at this site?				\$
<input type="checkbox"/> No <input type="checkbox"/> Yes				\$
TERMS OF RENTAL AGREEMENT:				Total Monthly Rent \$ 800.00

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab or prize boards involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.

The LESSOR agrees that the lessor's oncall or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.

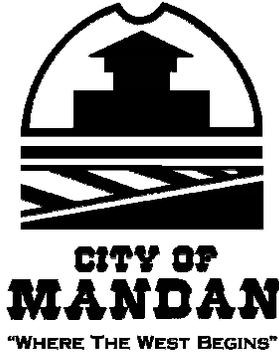
The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor 	Title General Manager	Date 5-21-13
Signature of Lessee (Top Executive Official) 	Title President	Date 05-21-13

(over)



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 4, 2013
PREPARATION DATE: May 20, 2013
SUBMITTING DEPARTMENT: Assessing Dept
DEPARTMENT DIRECTOR: Doug Lalim, Building Official/Assessor
PRESENTER: Doug Lalim, Building Official/Assessor
SUBJECT: Homestead Credit Exemption for Lorraine Glasser

STATEMENT/PURPOSE: To consider a 20% Homestead Credit exemption for the year 2012 due to meeting all criteria.

BACKGROUND/ALTERNATIVES: Mrs. Glasser meets all qualifications according to the guidelines established by the State for a 20% exemption through the Homestead Credit program.

This parcel is also known as E 90' of Lot 5, Block 7, Meads Addition at 209 10th Ave. NW on Parcel #3966.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$218. Please note that this amount is reimbursed by the State and the City is not actually losing any revenue.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval of the requested 20% Homestead Credit exemption for the year 2012.

SUGGESTED MOTION: I recommend a motion to approve the request by Mrs. Glasser to receive a 20% Homestead Credit exemption for the year 2012 due to meeting all criteria according to the guidelines established through the State.



HOMESTEAD CREDIT APPLICATION FOR SENIOR CITIZENS & DISABLED PERSONS
 OFFICE OF STATE TAX COMMISSIONER
 24757 (1/2013)

Use 2011 Income
 For the Year of 2012

File application with the local assessor prior to February 1 of the year for which the credit is requested.

To: (Assessor) Doug Lalim
 City or Twp.: Mandan
 County: Morton

Applicant Information

Name: Dennis + Lorraine Glasser Date of Birth: _____
 Address: 209 10th Ave NW Phone No. _____
 Legal Description of Applicant's Homestead Property: E 90' Lot 5, Blk 7 - Meads Addn Parcel No: 3966
 Lot _____ Block _____ Addition _____ City: Mandan

1. Which of the following would best describe the type of ownership of the homestead property (check only one):
 A. Is recorded in your (and spouse's) name as owner D. Is held under a life estate in property
 B. Is being purchased by you under a contract for deed E. Is held in a revocable trust
 C. Is held in joint tenancy with one other than spouse

2. Is the above-described property exempt as a farm residence? Yes No

3. Do you have assets in excess of \$75,000 including the value of any assets gifted or otherwise divested within the last three years, and excluding the unencumbered value of your homestead up to \$100,000? Yes No **Complete Schedule A**

To Be Completed By The Assessor

Application is: Approved Denied 20 % reduction allowed this applicant or a maximum of \$ _____

Reason for denial: _____

Date: 5-20-13 Signature of Assessor: [Signature]

Schedule A

The Following is an Accurate Account of Total Income for the Preceding Calendar Year
 (See the back of this application for explanation of income from all sources)

4. Applicant's and spouse's income from Social Security benefits (exclude Medicare):	_____	\$
5. Applicant's and spouse's income from salary and wages:	_____	\$
6. Applicant's and spouse's income from interest:	_____	\$
7. Applicant's and spouse's income from all other sources:	_____	\$
8. Dependents' total income from all sources:	_____	\$
9. Total income from all sources (add lines 4, 5, 6, 7, and 8):	_____	\$
Medical expenses actually paid during the year and not paid for by insurance:	_____	\$
Total amount of health and hospital insurance premiums (exclude Medicare):	_____	\$
Medicine and drugs:	_____	\$
Doctor, dentist, and hospital costs:	_____	\$
Hearing aids, eyeglasses, dentures, etc.:	_____	\$
Transportation costs for medical care: (51 cents per mile through April 16, 2012 and 55.5 cents per mile beginning April 17, 2012)	_____	\$
Nursing home care costs and/or home nursing care costs:	_____	\$
10. Total medical expenses:	_____	\$
11. Income from all sources excluding medical expenses (line 9 less line 10):	_____	\$

Applicant Signature

I declare that this application, including Schedule A, has been examined by me and to the best of my knowledge and belief is a true and correct application. I am willing to furnish proof of age, income, and assets if requested to do so by someone authorized to administer this assessment credit. I reside on the property described in this application and I hereby claim the Homestead Credit on this property as provided for in N.D.C.C. § 57-02-08.1.

Date: 5-20-2013 Signature of Applicant: [Signature]

Application For Abatement And Settlement Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

County of Morton

Name GLASSER DENNIS & L

Address 209 10 AVE NW

Legal Description of the property involved in this application
 E 90' LOT 5

Property ID Number

City 3966

County 65-2999000

Block: 007

MEADS

Total true and full value of the property described above for the year 2012 is:		Total true and full value of the property described above for the year 2012 should be:	
Land	\$5,200	Land	\$5,200
Improvements	\$56,100	Improvements	\$56,100
Total (1)	\$61,300	Total (2)	\$61,300
The difference of \$0 true and full value between (1) and (2) above is due to the following reason(s):			
<input type="checkbox"/> 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2 <input type="checkbox"/> 2. Residential or commercial property's true and full value exceeds the market value <input type="checkbox"/> 3. Error in property description, entering the description, or extending the tax <input type="checkbox"/> 4. Nonexisting improvement assessed <input type="checkbox"/> 5. Complainant or property is exempt from taxation (Attach a copy of Application for Property Tax Exemption) <input type="checkbox"/> 6. Duplicate assessment <input type="checkbox"/> 7. Property improvement was damaged by fire, flood or tornado (see N.D.C.C. § 57-23-04(1)(g)) <input type="checkbox"/> 8. Error in noting payment of taxes, taxes erroneously paid <input checked="" type="checkbox"/> 9. Property qualifies for Homestead Credit According to N.D.C.C. § 57-02-08.1 (Attach a copy of Homestead Credit Application) <input checked="" type="checkbox"/> 10. Other (Explain) <u>NDCC 57-02-08 HOMESTEAD CREDIT</u>			

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

1. Purchase price of property: \$ _____ Date of Purchase: _____
 Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
 Was there personal property involved in the purchase price? _____ Estimated value: \$ _____
 2. Has the property been offered for sale on the open market? _____ If yes, how long? _____
 Asking price: \$ _____ Terms of sale: _____
 3. The property was independently appraised: _____ Purpose of appraisal: _____
 Market value estimate: \$ _____
 Appraisal was made by whom? _____
 4. The applicant's estimate of market value of the property involved in this application is \$ _____
 5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

The Applicant asks that **WE ABATE THE TAXES DUE TO THE QUALIFICATION OF THE HOMESTEAD CREDIT AT 20%.**

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

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

Signature of Preparer (if other than applicant)

Date

Lorraine Glasser

Signature of Applicant

5-20-2013

Date

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of Mandan City Commissioners

On _____ the governing board of this municipality, after examination of this application and the facts, passed a resolution recommending to the Board of County Commissioners that the application be _____

Dated this _____ day of _____, _____.

 City Auditor or Township Clerk

Action by the Board of County Commissioners

Application was _____ by action of _____ County Board of Commissioners.

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-23-04, we approve this application. The taxable valuation is reduced from \$ _____ to \$ _____ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of \$ _____. The Board accepts \$ _____ in full settlement of taxes for the tax year _____.

We reject this application for the following reason(s): _____

Dated _____, _____.

 County Auditor

 Chairperson

Certification of County Auditor

I certify that the Board of County Commissioners took the action stated above and the records of my office and the office of the County Treasurer show the following facts as to the assessment and the payment of taxes on the property described in this application.

Year	Taxable Value	Tax	Date Paid(if paid)	Payment Made Under Written Protest? yes / no

I further certify that the taxable valuation and the taxes ordered abated or refunded by the Board of Commissioners are as follows:

Year	Reduction in Taxable Valuation	Reduction in Taxes

 County Auditor

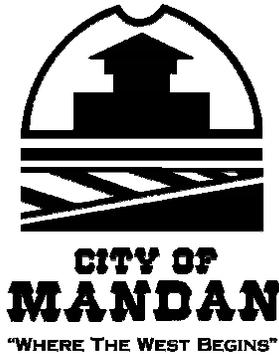
 Date

Application For Abatement
 And Settlement Of Taxes

Name of Applicant _____

County Auditor's File No. _____

Date Application Was Filed
 With The County Auditor _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 4, 2012
PREPARATION DATE: May 31, 2013
SUBMITTING DEPARTMENT: Memorial Building
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
Greg Welch, Finance Director
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Replacement of Air Handling Unit at the
Memorial Building (City Hall)

PURPOSE: Consider to waive the competitive bidding requirement for the replacement of the air handling unit at the Memorial Building (City Hall).

BACKGROUND: The air handling unit at the Memorial Building is well over 30 years old no longer holds Freon as it should. When firing up the unit this spring, it was determined that 35% of the Freon would need replacing and EPA regulations come into play.

Building maintenance staff has been able to repair the unit each spring for many years, however, its useful life has come to an end.

The lead time on replacement of the unit is 6-7 weeks and we are asking that due to the nature of the season (summer) that we waive the competitive bidding requirement as allowed under the Mandan Municipal Code Section 3-01-04(1).

We have obtained three bids for replacement of the unit.

The City has received three proposals:

- Dirk Plumbing and Heating: \$82,360.00 + \$3,500 leak test and fill for temp use, does not include roofing repairs if needed.
- City Air Mechanical - \$76,475.00, includes roof repairs if needed.
- Mark's Heating & Cooling: \$73,524.00 includes charging old unit and patch roof in needed.

ATTACHMENTS: Proposals

FISCAL IMPACT: The replacement of the air handling unit at the Memorial Building (City Hall) would be paid from the City's General Fund. We are requesting up to \$80,000 as there may be unforeseen roofing issues that can be addressed at the time.

STAFF IMPACT: N/A

LEGAL REVIEW: Reviewed by Malcolm Brown, City Attorney

RECOMMENDATION: To waive the competitive bidding requirement for the replacement of the air handling unit at the Memorial Building (City Hall) and accept the Mark's Heating & Cooling.

SUGGESTED MOTION: Move to waive the competitive bidding requirement for the replacement of the air handling unit at the Memorial Building (City Hall) and accept the Proposal from Mark's Heating & Cooling.

PROPOSAL

Dirk Plumbing and Heating, Inc
2101 3rd St SE
PO Box 127
Mandan, ND 58554

Phone: (701) 663-3671 Fax: (701) 663-3556

Proposal Submitted to:
Mandan City Hall

Date: May 22, 2013

Project Site:
Roof top Replacement

We propose to furnish material and labor-complete in accordance with specifications below for the sums listed below

Terms: Payment to be made as work progresses

Project Scope:

Replace 40 ton roof top unit with trane 40 ton unit.

Includes start up
Includes all control work for the new unit
Does not include roofing

\$ 82,360.00

Leak test and fill old unit for temp use **Approximately \$ 3,500.00**

Accepted by _____
(Authorized person)

Date: _____
If above terms are not met, a late charge of 1 ½ % per month will be added to the unpaid balance.

Propose may be withdrawn by us if not accepted within 30 days.
We thank you for the opportunity to propose this work.

Leslie L. Dirk, owner, Master ND 8804
Dirk Plumbing and Heating, Inc

Board of City Commissioners
 Agenda Documentation
 Meeting Date: June 4, 2013
 Subject: Replacement of air handling unit at the Memorial Building (City Hall)
 Page 4 of 7

Trane U.S. Inc. dba Trane is pleased to provide the enclosed proposal for your review and approval.

Tag Data - Commercial Rooftop Air Conditioning Units (Midrange) (Qty: 1)

Item	Tag(s)	Qty	Description	Model Number
A1	RT-1	1	20-75 Ton Packaged Industrial Rooftop	SAHLF40E

- DX Cooling Only- R410A
- 40 Ton Unit
- 200 Volt-60 Hertz-3 Phase
- 100% Return Fan 7.5 HP with Statitrac
- 0-100% Economizer- Econ Control w/comparative enthalpy
- Extended grease lines
- High-efficiency throwaway filters
- 20 Hp - Supply motor 2.00" [51mm] Spring isolators
- Constant Volume -Zone Temp Control-Space Pressure Ctrl w/VFD EXH/RTN w/ Bypass
- Programmable zone sensor (Fld)
- Standard ambient control
- Nonfused Unit Disconnect Switch
- Low leak fresh air damper
- High duct temperature thermostat
- Access doors
- Startup
- 2nd-5th Year Replacement Compressor Warranty
- Adapter curb

check

<p>TEMPTRA <small>Heating and Cooling Products</small></p> <p>MARK'S HEATING & COOLING, INC. 914 16th Street N.E., P.O. Box 8 MANDAN, ND 58554-0008</p> <p>Tel/Fax (701) 663-2585</p>	<p>PROPOSAL</p> <p>Page No. _____ of _____ Pages</p>
<p>To: <u>City of Mandan</u></p> <p><u>205 2nd Ave. NW</u></p> <p><u>Mandan, ND 58554</u></p>	<p>JOB NAME / NO. <u>Attn: Eddie</u></p> <p>LOCATION _____</p> <hr/> <p>PHONE <u>FAX: 661-3223</u> DATE <u>5-28-13</u></p>
<p>We hereby submit specifications and estimates for:</p> <p style="text-align: center;"><u>Install new air conditioner for office building. Includes</u> <u>equipment, material, and labor to complete job. Includes electrical</u> <u>wiring. Includes charging old unit.</u></p> <p style="text-align: center;"><u>1 Trane SAHLP40E 40 ton package roof top</u></p> <p style="text-align: right; margin-right: 100px;"><u>Total Bid: \$73524.00</u></p> <p style="text-align: right; margin-right: 50px;"><i>will patch roof if needed.</i></p>	
<p>WE PROPOSE hereby to furnish material and labor - complete in accordance with these specifications, for the sum of _____ dollars (\$ _____).</p> <p>Payable as follows: _____</p> <hr/> <p><small>All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alterations or deviation from above specifications involving extra cost will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, wind, and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.</small></p> <p>Authorized Signature: <u><i>Mark's Heating & Cooling</i></u></p> <p>NOTE: This proposal may be withdrawn by us if not accepted within <u>30</u> days.</p>	
<p>ACCEPTANCE OF PROPOSAL - The prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.</p> <p>Signature _____ Date _____ Signature _____ Date _____</p>	

Board of City Commissioners
Agenda Documentation
Meeting Date: June 4, 2013
Subject: Replacement of air handling unit at the Memorial Building (City Hall)
Page 6 of 7

May 17 13 07:52a Mandan Wastewater Treatment 7016673229 P.2



MECHANICAL, INC.

Plumbing / Heating
Ventilation / Sheet Metal

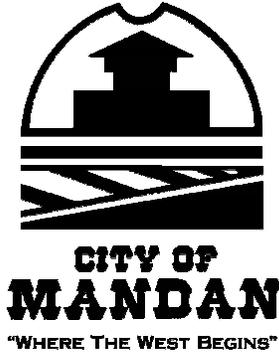
3505 E Rosser Ave - PO Box 4123
Bismarck, ND 58502-4123
Phone: (701) 223-3775
Fax: (701) 223-6814
Certified Woman Owned Business

Fax

To: Mandan City Hall From: Troy
Fax: 667-3229 Pages: 2
Attn: Eddie Date: 5-17-13
Re: 40 ton AHU Change Out CC:

Urgent For Review Please Comment Please Reply Please Recycle

*Said they would do any
patching on part if necessary.*



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 4, 2013
PREPARATION DATE: May 31, 2013
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Property Tax Incentives for New or Expanding Businesses for Zueger Properties, Goldstar Properties, Verity Homes

STATEMENT/PURPOSE: To consider a two year tax exemption for construction of a new apartment building pursuant to North Dakota Century Code 40-57.1.

BACKGROUND/ALTERNATIVES: The City Commission Meeting of May 21, 2013, Commissioner Braun motioned to *consider* the two-year exemption for Zueger Properties, Goldstar Properties, and Verity Homes with further discussion. Commissioner Tibke seconded the motion. Commissioner Frank asked for clarification from Commissioner Braun as to what he meant by "consider the exemption with further discussion" She said this is to approve the request for tax exemption. Commissioner Braun said it would be for consideration of the commitment for affordable housing clarifying what he meant is that he would expect Zueger to research what affordable housing means and that he will come back at a later time and report his findings.

ATTACHMENTS: n/a

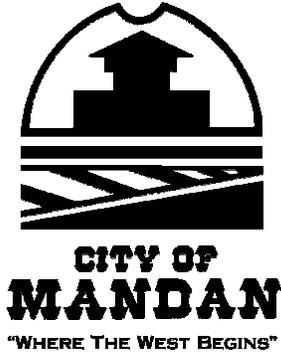
FISCAL IMPACT: \$53,190.00 per year

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval of a Property Tax Incentive for New or Expanding Businesses for Zueger Properties, Goldstar Properties, and Verity Homes as has been done with previous apartment buildings, 24 units and above.

SUGGESTED MOTION: A motion to approve a two year, 100% Property Tax Incentive for New or Expanding Businesses for Zueger Properties, Goldstar Properties, and Verity Homes in accordance policy regarding apartment units 24 units and above.



Board of City Commissioners

Agenda Documentation

MEETING DATE: May 26, 2013
PREPARATION DATE: June 4, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Kim Fettig, Project Manager
PRESENTER: Kim Fettig, Project Manager
SUBJECT: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 185, Project No. 2013-19 (Heart Ridge 2nd Addition).

STATEMENT/PURPOSE: To create and allow the assessments of specials related to, authorize the required paperwork for the requested project, and allow for the project to be bid.

BACKGROUND/ALTERNATIVES: The developer is requesting that the City allow the special assessment of street costs to the benefitting properties for the development of Heart Ridge 2nd Addition.

- ATTACHMENTS:**
1. Resolution creating district
 2. District Map
 3. Engineer's Report
 4. Resolution Approving Engineer's Report
 5. Resolution of plans and specs
 6. Resolution determining sufficiency of petition
 7. Petition
 8. Feasibility Report
 9. Resolution Directing Advertisement for Bids

FISCAL IMPACT: Based on the estimate of cost included with your documentation, the cost of the project would be \$1,048,816.55, engineering and administration will add \$262,204.14, bringing the total to \$1,311,020.69. These items would be entirely special assessed to the benefitting properties. There are 78 lots within this special assessment district which would be approximately \$16,808 per lot in specials.

STAFF IMPACT: Minimal

Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 185, Project No. 2013-19 (Heart Ridge 2nd Addition).

Page 2 of 17

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

RECOMMENDATION: This office supports moving forward with the project.

SUGGESTED MOTION: I move to approve the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition and feasibility report and approve advertisement for bid for Street Improvement District No. 185, Project No. 2013-19 (Heart Ridge 2nd Addition).

Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 185, Project No. 2013-19 (Heart Ridge 2nd Addition).

Page 3 of 17

**RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NO. 185**

Project No. 2013-19

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

1. There is hereby created Street Improvement District No. 185 (the "District")(Project# 2013-19) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, Plains Bend SE from 19th Street SE, 18th Street SE, Fields Court SE, 14th Street SE and Ridge Drive SE, and includes street construction, installation of curb and gutter, asphalt street, storm sewer, street lights, chip seal and related work.

2. Consultation with respect thereto having been had with the City Engineer, as to the property to be benefitted by said improvement project and the most practical size, form and location of said District, said District shall include all the lots, tracts and parcels of land lying within the City of Mandan and its additions within the following boundary lines: namely:

The following lots and blocks are included in said District:

Lots 19 & 20 Block 1, Heart Ridge 1st Addition

Lot 13 Block 3, Heart Ridge 1st Addition

Lot 9 Block 4, Heart Ridge 1st Addition

Lots 1-7 Block 1, Heart Ridge 2nd Addition

Lots 1-15 Block 2, Heart Ridge 2nd Addition

Lots 1-30 Block 3, Heart Ridge 2nd Addition

Lots 1-22 Block 4, Heart Ridge 2nd Addition

The legal description of the district boundary is as follows:

All that part of lot a of auditor's subdivision and lots 1-4 block 5 Heart Ridge Addition and part of the south 1/2 of the southeast 1/4 of section 34 township 139 north, range 81 west of the 5th principal meridian, city of Mandan, North Dakota, described as follows:

Beginning at the southwest corner of Heart Ridge Addition to the city of Mandan, North Dakota; thence south 89 degrees 33 minutes 38 seconds west, along the north right of way line of 19th street se, a distance of 499.88 feet; thence north 00 degrees 25 minutes

Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 185, Project No. 2013-19 (Heart Ridge 2nd Addition).

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51 seconds west, a distance of 89.96 feet; thence south 89 degrees 34 minutes 16 seconds west, a distance of 90.00 feet; thence south 00 degrees 25 minutes 51 seconds east, a distance of 89.97 feet to the north right of way line of 19th street se; thence south 89 degrees 33 minutes 38 seconds west, along said right of way, a distance of 954.43 feet to the east line of the se 1/4; thence north 00 degrees 03 minutes 27 seconds east along said east line, a distance of 1252.35 feet to the north line of the s 1/2 of the se 1/4; thence north 89 degrees 37 minutes 05 seconds east along said north line, a distance of 1,321.81 feet to the boundary line of lot a of auditor's subdivision & Heart Ridge Addition; thence north 00 degrees 00 minutes 28 seconds east, along said boundary line, a distance of 997.82 feet; thence continuing north 52 degrees 21 minutes 55 seconds east along said boundary line, a distance of 29.84 feet; thence continuing north 46 degrees 15 minutes 47 seconds east along said boundary line, a distance of 91.57 feet; thence continuing north 42 degrees 39 minutes 01 seconds east along said boundary line, a distance of 49.99 feet; thence continuing north 39 degrees 16 minutes 24 seconds east along said boundary line, a distance of 54.93 feet; thence continuing north 31 degrees 19 minutes 31 seconds east along said boundary line, a distance of 199.46 feet; thence continuing north 89 degrees 37 minutes 14 seconds east along said boundary line, a distance of 391.04 feet to the northwest corner of hit addition to the city of Mandan; thence continuing south 13 degrees 59 minutes 50 seconds east along the west line of said hit addition, a distance of 535.02 feet to the north boundary line of Heart Ridge Addition; thence south 89 degrees 37 minutes 14 seconds west, along said boundary line, a distance of 184.38 feet; thence continuing south 23 degrees 36 minutes 53 seconds west, along said boundary line, a distance of 290.17 feet; thence continuing south 00 degrees 00 minutes 00 seconds west along said boundary line, a distance of 110.88 feet; thence continuing south 78 degrees 07 minutes 57 seconds west along said boundary line, a distance of 203.23 feet; thence continuing north 83 degrees 02 minutes 51 seconds west along said boundary line, a distance of 33.02 feet to the center line of plains bend se; thence southwesterly and to the right, along said centerline, on a 600.00 foot radius curve, the radius of which bears north 85 degrees 04 minutes 57 seconds west, an arc length of 493.05 feet; thence south 52 degrees 00 minutes 00 seconds west, along said center line, a distance of 16.41 feet to the boundary line of said Heart Ridge Addition; thence south 14 degrees 37 minutes 25 seconds east along said boundary line, a distance of 35.95 feet; thence continuing south 41 degrees 28 minutes 17 seconds east along said boundary line, a distance of 198.82 feet; thence continuing south 38 degrees 49 minutes 49 seconds west along said boundary line, a distance of 124.38 feet; thence continuing south 77 degrees 07 minutes 20 seconds east along said boundary line, a distance of 102.51 feet; thence continuing south 42 degrees 19 minutes 37 seconds east along said boundary line, a distance of 137.26 feet; thence continuing south 03 degrees 48 minutes 29 seconds east along said boundary line, a distance of 168.03 feet; thence continuing south 29 degrees 24 minutes 23 seconds west, along said boundary line, a distance of 160.60 feet; thence continuing south 19 degrees 44 minutes 02 seconds east along said boundary line, a distance of 76.47

Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 185, Project No. 2013-19 (Heart Ridge 2nd Addition).

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feet; thence continuing south 03 degrees 40 minutes 36 seconds west along said boundary line, a distance of 159.64 feet; thence continuing south 07 degrees 53 minutes 54 seconds east along said boundary line, a distance of 66.63 feet; thence continuing south 00 degrees 00 minutes 00 seconds west along said boundary line, a distance of 204.70 feet to the point of beginning.

The above described tract contains 57.20 acres more or less.

3. Pursuant to section 40-22-10 of the North Dakota Century Code, the City Engineer is hereby authorized and directed to prepare a report as to the general nature, purpose and feasibility of the proposed improvement and an estimate of the probable cost of the improvement.

4. This resolution shall be in full force and effect from and after its passage.

President, Board of City Commissioners

ATTEST:

City Administrator

Date of Passage: June 4, 2013

Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 185, Project No. 2013-19 (Heart Ridge 2nd Addition).

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Engineer's Estimate
HEARTRIDGE 2nd ADDITION
STREET IMPROVEMENT DISTRICT 185
May 24, 2013

ITEM	QUANT/UNIT	UNIT/TOTAL PRICE
GRADING ITEMS		
Grading	1 LS	\$ 15,000.00 \$ 15,000.00
Watering	60 MGAL	\$ 15.00 \$ 900.00
Subgrade Preparation (1.0' Deep)	9444 SY	\$ 2.20 \$ 20,776.80
Subgrade Preparation (1.5' Deep)	9444 SY	\$ 2.50 \$ 23,610.00
4" Topsoiling	10460 SY	\$ 3.50 \$ 36,610.00
Seeding (Class IV)	10460 SY	\$ 1.30 \$ 13,598.00
Mulching (Straw)	10460 SY	\$ 1.30 \$ 13,598.00
		TOTAL \$ 124,092.80
ASPHALT ITEMS		
3' AC Base Course (Class B)	2682 TON	\$ 88.00 \$ 236,016.00
2" AC Surface Course (Class B)	1844 TON	\$ 88.00 \$ 162,272.00
Bituminous Tack Coat	1677 GAL	\$ 2.20 \$ 3,689.40
Aggregate Seal Coat	16761 SY	\$ 2.30 \$ 38,550.30
Blotter Sand	24 TON	\$ 13.20 \$ 316.80
Adjust Manhole Casting in Asph Pmnt	16 EA	\$ 375.00 \$ 6,000.00
Adjust Valve Box in Asphalt Pavement	1 EA	\$ 375.00 \$ 375.00
5" Asphalt Patch	205 SF	\$ 4.00 \$ 820.00
		TOTAL \$ 447,219.50
CONCRETE ITEMS		
Standard Curb & Gutter	7576 LF	\$ 15.50 \$ 117,428.00
8" Concrete Valley Gutter	800 SF	\$ 8.00 \$ 6,400.00
Adjust 36" Type Inlet Casting	8 EA	\$ 375.00 \$ 3,000.00
		TOTAL \$ 123,828.00
MISCELLANEOUS ITEMS		
Adjust Valve Box in Unpaved Area	24 EA	\$ 175.00 \$ 4,200.00
Traffic Control	1 LS	\$ 2,500.00 \$ 2,500.00
Signage	1 LS	\$ 3,500.00 \$ 3,500.00
		TOTAL \$ 10,200.00
REMOVAL ITEMS		
Asphalt Removal	204 SF	\$ 2.50 \$ 510.00
		TOTAL \$ 510.00
STORM SEWER ITEMS		
Unclassified Excavation	1 LS	\$ 15,000.00 \$ 15,000.00
Bedding Material	381 TON	\$ 12.00 \$ 4,572.00
Rock Excavation	50 CY	\$ 15.00 \$ 750.00
18" Storm Sewer Pipe	601 LF	\$ 40.00 \$ 24,040.00
24" Storm Sewer Pipe	443 LF	\$ 55.00 \$ 24,365.00
18" Flared End Section	1 EA	\$ 1,700.00 \$ 1,700.00
24" Flared End Section	2 EA	\$ 2,500.00 \$ 5,000.00
24" Flared End Section w/Trash Rack	1 EA	\$ 3,500.00 \$ 3,500.00
48" Concrete Manhole	6 EA	\$ 4,000.00 \$ 24,000.00
60" Concrete Manhole	2 EA	\$ 4,700.00 \$ 9,400.00
Type 36" Inlet	6 EA	\$ 2,500.00 \$ 15,000.00
Rip-Rap	1489 SF	\$ 6.00 \$ 8,934.00
Seeding	19000 SY	\$ 1.30 \$ 24,700.00
Mulching	12000 SY	\$ 1.30 \$ 15,600.00
Straw Wattles	225 LF	\$ 5.00 \$ 1,125.00
Turf Reinforcement Mat	743 SY	\$ 7.00 \$ 5,201.00
		TOTAL \$ 182,887.00
ELECTRICAL ITEMS		
Type B Street Light Unit	29 EA	\$ 4,225.00 \$ 122,525.00
Three #2 Conductors	4125 LF	\$ 5.20 \$ 21,450.00
Two #2 Conductors	970 LF	\$ 2.90 \$ 2,813.00
2" Conduit	825 LF	\$ 2.50 \$ 2,062.50
Trenching	3445 LF	\$ 1.75 \$ 6,028.75
Junction Box	4 EA	\$ 975.00 \$ 3,900.00
Feed Point	1 EA	\$ 1,300.00 \$ 1,300.00
		Total \$ 160,079.25
		BID TOTAL \$ 1,048,816.55

**RESOLUTION APPROVING ENGINEER'S REPORT AND
AUTHORIZING PREPARATION OF THE DETAILED PLANS
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 185**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 185 (Project # 2013-19), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

2. The probable costs of the of the improvement project are estimated to be as follows:

a. Construction costs:	\$1,048,816.55
b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$262,204.14
c. Total estimated costs of the improvement:	\$1,311,020.69

3. The Engineer is hereby authorized and directed to prepare detailed plans and specifications for the project to be constructed.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 185, Project No. 2013-19 (Heart Ridge 2nd Addition).

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4. This resolution shall be in full force and effect from and after its passage.

Dated this 4th day of June 2013.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 185, Project No. 2013-19 (Heart Ridge 2nd Addition).

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**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR STREET IMPROVEMENT DISTRICT NO. 185
PROJECT # 2013-19**

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project in Street Improvement District No. 185 (Project # 2013-19) of said City be and the same are hereby approved, ratified and confirmed as the plans and specifications in accordance with which said improvement project will be constructed, except as modified by this Board in accordance with law, and the City Administrator shall file the same in his office, open for public inspection.

Dated this 4 day of June, 2013.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 185, Project No. 2013-19 (Heart Ridge 2nd Addition).

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**RESOLUTION DETERMINING SUFFICIENCY OF FORMS OF PETITION, WAIVER
AND CONSENT TO ASSESSMENT FOR STREET IMPROVEMENT DISTRICT NO.
185**

BE IT RESOLVED, By the Board of City Commissioners of Mandan, North Dakota:

1. The City having received and filed executed written forms of Petition, Waiver and Consent to Assessment executed by Lance Wachter, the owners of a majority of property area, for the improvement in and for Street Improvement District No. 185, Project No. 2013-19("the District"), and true and correct copies of said executed forms being attached hereto, it is hereby determined that said forms are signed by the owners of a majority of the area of property included within the District.

2. This Board is authorized to cause the improvement in and for the District to be made, and to levy and collect assessments therefore.

Dated this 4th day of June, 2013

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 185, Project No. 2013-19 (Heart Ridge 2nd Addition).

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PETITION FOR PERMANENT STREET IMPROVEMENT

For lots zoned R5, R10, RM, or RT Residential

Date January 25, 2013

To the Honorable Board of City Commissioners
Mandan, North Dakota

Commissioners:

The undersigned owners of the property liable to be assessed for the improvement respectfully petition your Honorable Board to have permanent street improvements and storm sewer improvements completed on:

- Plains Bend SE - from 19th Street SE north to the end of the cul-de-sac, Heart Ridge 2nd Addition.
- 18th Street SE - from the east line of both Lot 1 Block 1 and Lot 1 Block 3 to the west line of both Lot 7 Block 1 and Lot 7 Block 3, Heart Ridge 2nd Addition.
- Fields Court SE - from the west line of both Lot 8 Block 3 and Lot 23 Block 3 to the end of the cul-de-sac, Heart Ridge 2nd Addition.
- 14th Street SE - from the west line of both Lot 9 Block 4 and Lot 20 Block 1 to the east line of both Lot 9 Block 4 and Lot 20 Block 1, Heart Ridge Addition.
- Ridge Drive - from the west line of both Lot 19 Block 1 and Lot 13 Block 3, Heart Ridge Addition.

It is agreed that the necessary permanent street improvements be completed following the installation of the necessary water and sewer service line stubouts by the abutting property owner(s). 100% of the paving cost of said permanent street improvements shall be assessed to or other funding arrangements made by the benefitted property according to the Current Development Costs Policy. It is agreed that 100% of any temporary street improvements shall be prepaid by the benefitted petitioned property.

SIGNATURE (Property Owner/s)


Lance Wachter
PO Box 520
Bismarck, ND 58502-0520

PROPERTY DESCRIPTION

Lots 19 & 20 Block 1
Lot 13 Block 3
Lot 9 Block 4; Heart Ridge Addition
Lots 1-7 Block 1
Lots 1-15 Block 2
Lots 1-30 Block 3
Lots 1-22 Block 4;
Heart Ridge 2nd Addition

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 185, Project No. 2013-19 (Heart Ridge 2nd Addition).

**FEASIBILITY AND EVALUATION OF IMPROVEMENTS
FOR STREET IMPROVEMENT DISTRICT #185, PROJECT #2013-19**

1.) General Nature of Project

The District has been created to allow for new street Plains Bend SE, 18th Street SE, Fields Court SE, 14th Street SE and Ridge Drive SE. Installation of new curb & gutter, asphalt street, storm sewer, street lights & chip seal will take place with this project.

2.) Location of Proposed Construction

The proposed construction will take place on Plains Bend SE, 18th Street SE, Fields Court SE, 14th Street SE and Ridge Drive SE.

3.) Environmental Impact

It is anticipated that there will be some dirt, noise and pollutants during the construction period as a result of the use of the necessary equipment. There will also be some surplus or waste construction materials that will need to be disposed of by the contractor at his or her expense. The contractors will be responsible for leaving the area in an attractive and neat condition. Sensitivity to contaminants from construction will be addressed with the contractor of the job as part of the storm water management permitting procedures.

4.) Feasibility of Project

In the opinion of the undersigned this project is feasible and needed throughout the indicated area as new development spreads in this area.

5.) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$1,048,846.55. Other costs of making the improvement including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; publication of legal notices printing of warrants; and all expenses incurred in the making of the improvement and levy of assessments therefore are estimated at \$262,204.14. The total cost for the improvement is estimated at \$1,311,020.69.


Dave Thompson
Acting City Engineer

Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 185, Project No. 2013-19 (Heart Ridge 2nd Addition).

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**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS
FOR STREET IMPROVEMENT DISTRICT NO. 185**

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

1. The City Administrator, Deputy Auditor and City Engineer shall meet at the time and place specified in the notice authorized in paragraph 2 hereof, for the purpose of opening sealed bids for the work and material needed for the improvement project to be made in Street Improvement District No. 185 (Project # 2013-19) of the City of Mandan, as more fully described and referred to in the resolution creating said improvement district passed and approved by the Board on June 4, 2013, and in the plans and specifications for said improvement now on file in the office of the City Engineer.

2. The City Administrator is authorized and directed to cause notice of advertisement for bids to be published once each week for two consecutive weeks in the Mandan News, the official newspaper, the first of such publications to be at least fourteen days before the date specified for receipt of bids, which notice shall be in the following form:

**“ADVERTISEMENT FOR BIDS FOR
STREET IMPROVEMENT DISTRICT NO. 185
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota will receive sealed bids at the office of the City Administrator until June 28, 2013, at 10:00 a.m., local time for the purpose of furnishing of materials, labor and skill needed for the new construction of storm sewer mains, asphalt streets, concrete curb and gutter and street lights and related work in accordance with the plans and specifications for Street Improvement District No. 185 (Project # 2013-19), for the City of Mandan. The Work consists of all labor, skill, and materials required to properly construct the improvement.

Plans and Specifications are on file in the office of the City Administrator and the City Engineer. Plans may be obtained at this office of the City Engineer, 205 2nd

Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 185, Project No. 2013-19 (Heart Ridge 2nd Addition).

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Avenue Northwest, Mandan, North Dakota 58554, upon a non-refundable deposit of \$25.00. If Plans are mailed out and additional fee of \$15.00 will be added for postage and handling.

The bid proposals must be submitted to the City Administrator by 10:00 a.m., local time, June 28, 2013 and shall be sealed and endorsed "Proposal for Street Improvement District No 185. Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2nd Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:00 a.m., local time, on June 14th, 2013. All bidders are invited to be present at the public opening of the Bids.

All Bidders must be licensed for the highest amount of their Bids, as provided by Section 43-07-05 of the North Dakota Century Code. The Bidder shall include a copy of his license or certificate of renewal thereof enclosed in the required bid bond envelope as required pursuant to Section 43-07-12 of the North Dakota Century Code, as amended.

Each bid shall be accompanied by a separate envelope containing a bidder's bond in the amount of five (5) percent of the highest amount of the bids as required by Section 48-01.1-05 (3), North Dakota Century Code, as amended, and executed by the Bidder as principal and by a surety, conditioned that if the principal's bid is accepted and the contract awarded to the principal, the principal, within ten days after Notice of Award, shall execute and effect a contract in accordance with the terms of the bid, and a Contractor's Bond as required by law. No bid may be read or considered if it does not fully comply with the requirements of Section 48-01.1-05 of the North Dakota Century Code and any deficient bid must be resealed and returned to the bidder immediately.

Bids shall be made on the basis on cash payment for the work to be done. All work under this advertisement shall be started on a date to be specified in a written order from the Board of City Commissioners, or no later than ten (10) days after written notice to proceed has been received from the City.

Work shall be completed on or before the following dates with liquidated damages assessed as follows:

All construction work on Project #2013-19 is to be completed no later than August 23, 2013 except the Street Lighting which will have a completion date of September 17, 2013.

Liquidated damages of \$100.00 per day will be assessed if any completion dates are exceeded.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 185, Project No. 2013-19 (Heart Ridge 2nd Addition).

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Should the contractor fail to complete all of the work in a District according to the above date, or within such additional time as may have been granted by formal extensions of time approved by the City Engineer, there shall be deducted from any money due the contractor, the above mentioned sum for each calendar day the completion of the Work is delayed, for each District. Liquidated damages will continue to accumulate until the City Engineer determines winter weather prevents further construction. Liquidated damages will restart on the first day of construction in the Spring of 2014 and continue to accumulate until final project acceptance. The Contractor and his surety shall be liable for any excess. Such payments shall be deducted from the final payment and shall be charged as liquidated damages and not as a penalty.

The Board of City Commissioners will meet on Tuesday, July 2nd, 2013, at 5:30 PM, local time, to determine the sufficiency of protests, to review the Bids submitted, consider the engineer's recommendation, and to award the contract to the successful Bidder, if protests have been deemed insufficient. The contract will be awarded on the basis of the low Bid submitted, on eligible areas, by a responsible and responsive Bidder deemed most favorable to the City's interest.

The City of Mandan reserves the right reject any or all bids, to waive any informality or irregularity, to hold all bids for a period of thirty (30) days after the date fixed for the opening thereof, and to accept the Bid deemed most favorable to the best interest of the City of Mandan.

Dated this 4 day of June, 2013

City of Mandan, North Dakota
BY: James Neubauer
City Administrator"

3. Each and all of the terms and provisions of the foregoing notice are hereby adopted as the terms and conditions for the award of said contract.

4. The Board of City Commissioners shall meet on Tuesday, June 18, 2013 at 5:30 pm, local time, to review the bids submitted, consider the engineer's recommendation, and to award the contract to the successful bidder, subject to the Board finding that filed protests are insufficient to bar the work.

President, Board of City Commissioners

Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

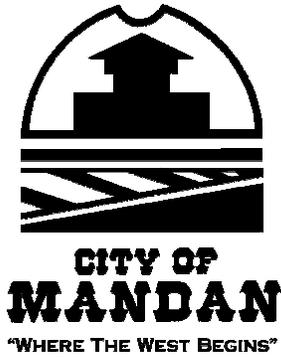
Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 185, Project No. 2013-19 (Heart Ridge 2nd Addition).

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ATTEST:

City Administrator

Passed: June 4th, 2013



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 4, 2013
PREPARATION DATE: May 30, 2013
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Jeff Wright, Public Works Director
PRESENTER: Jeff Wright
SUBJECT: Consider mill and overlay projects on 46th Ave SE and 2nd Street NW.

STATEMENT/PURPOSE: Consider moving forward with these two projects that were identified to be repaired on the May 21, 2013 Commission meeting.

BACKGROUND/ALTERNATIVES: We received two quotes for milling, patching, overlay and chip seal for 46th Ave SE from 29th St SE to South Bay Dr SE and on 2nd St NW from Collins Ave to 6th Ave NW. Northern Improvement was low for both projects with a total cost of \$216,718. Indications at this point, we could change order this project on to the existing Diane's Addition project with the new prices quoted. These two areas are in desperate need of attention and if can move forward with this now we will eliminate temporary repairs and costs from our department.

ATTACHMENTS: N/A

FISCAL IMPACT: The City of Mandan received \$843,243.59 from the State Treasurer and the funds have been placed in the Highway Distribution Fund for use on roadway maintenance purposes, we would have \$626,525.59 remaining for other proposed projects.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Move forward with the proposed street repairs using Northern Improvement existing contract for the Diane's Addition project.

SUGGESTED MOTION: Move to award Northern Improvement Co. the mill, overlay and chip seal projects on 46th Ave SE and 2nd St NW for \$216,718 through a change order on the Diane's Addition project.

ORDINANCE NO. 1150

AN ORDINANCE ANNEXING CERTAIN ADJOINING LANDS TO THE CITY OF MANDAN,
MORTON COUNTY, NORTH DAKOTA, AND EXTENDING THE CORPORATE
BOUNDARIES THEREOF.

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

WHEREAS, the City of Mandan, Morton County, North Dakota has determined it to be its interests to annex the hereinafter described property, which is contiguous to the City of Mandan, Morton County, North Dakota, but not embraced within the limits thereof, and has met all requirements as directed by Section 40-51.2-03 of the North Dakota Century Code.

SECTION 1. Property Annexed. The following described land is situated in the County of Morton, State of North Dakota, and contiguous to the corporate limits of the City of Mandan, North Dakota, is hereby added to, taken into, annexed and made part of the City of Mandan, namely:

A tract of land being Auditor’s Lot B in Government Lot 1, in the NE ¼ of Section 3, Township 138N, Range 81W of the Fifth Principal Meridian, Morton County, North Dakota that lies within the following described traverse:

Beginning at the northwest corner of Lincoln Ridge Estates to the City of Mandan, North Dakota; thence South 01°03’13” East along the west boundary line of said Lincoln Ridge Estates a distance of 314.00 feet to the true point of beginning , said point being the northwest corner of Lot 9, Block 2 of said Lincoln Ridge Estates, said point also being the southeast corner of Auditor’s Lot “A” of Government Lot 1, Section 3, Township 138N, Range 81W; thence continuing South 01°03’13” East along the west boundary line of said Lot 9 a distance of 100.00 feet to the southwest corner of said Lot 9; thence South 88°57’41” West a distance of 110.00 feet; thence North 22°51’11” West a distance of 107.71 feet to the southwest corner of said Auditor’s Lot “A”; thence North 88°57’41” East along the south boundary line of said Auditor’s Lot “A” a distance of 150.00 feet to the true point of beginning. Said tract of land containing 13,000 sq. ft. (0.30 Acres), more or less.

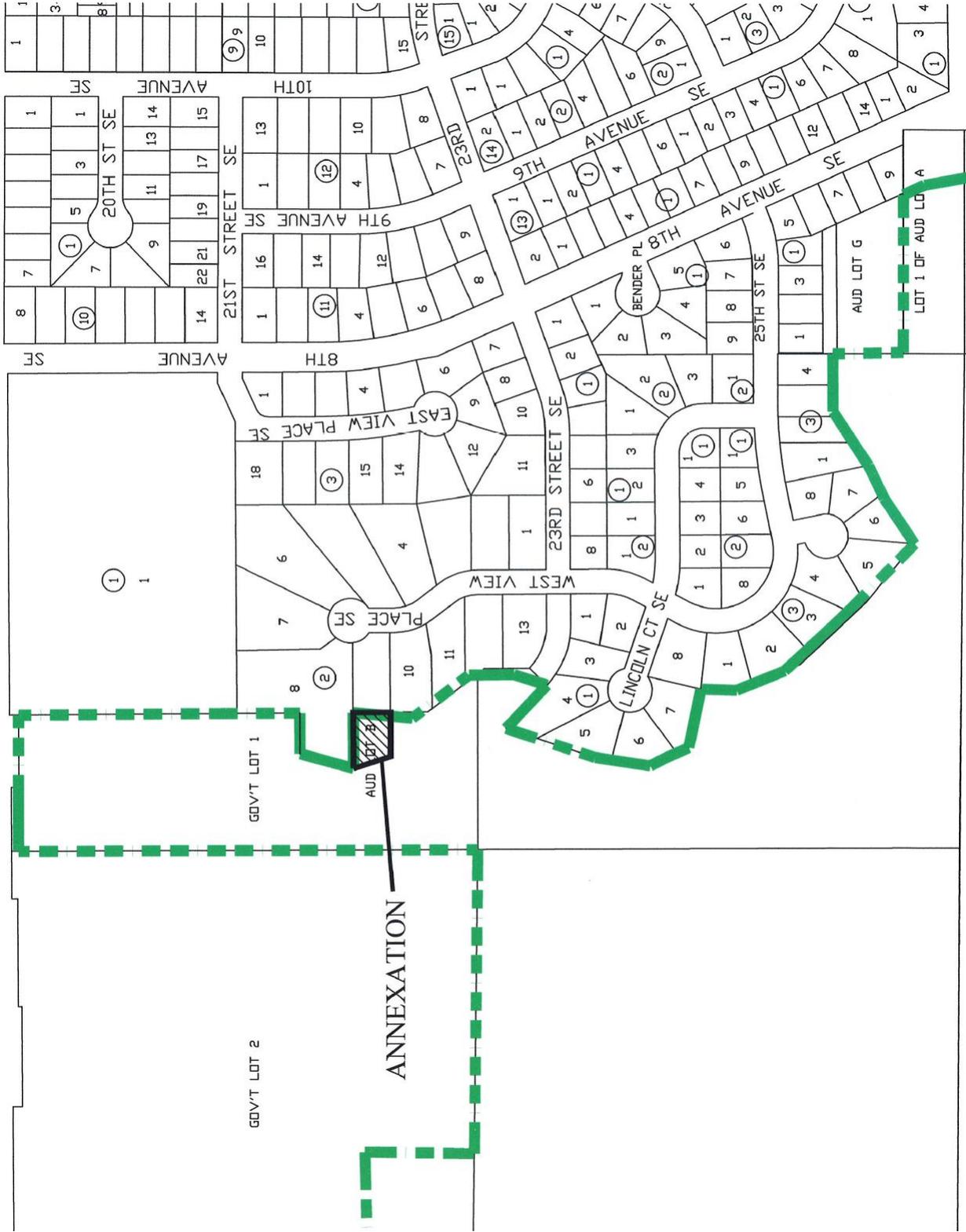
SECTION 2. Corporate Boundary Extended. Upon the taking effect of this Ordinance, the corporate limits and boundary lines of the City of Mandan shall thereafter include said lands.

By: _____
Arlyn Van Beek, President,
Board of City Commissioners

Attest

James Neubauer, City Administrator

First Consideration: May 21, 2013
Second Consideration
and Final Passage: June 4, 2013
Date of Recording: _____



ORDINANCE NO. 1151

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

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

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

The following described property located within the City of Mandan shall be excluded from the R3.2 (Two-Family Residential) zoning and MC (Light Non-Nuisance Industrial/Heavy Commercial) and shall be included in the RM (Multi-Family Residential) namely,

Lots 6-8 and part of Lot 5, Block 1 and Lots 4-9 and part of Lots 3 & 10, Block 2 of Meadow Ridge 3rd Addition in Section 22, Township 139N, Range 81W
Meadow Ridge 3rd Addition in Section 22, Township 139N, Range 81W .

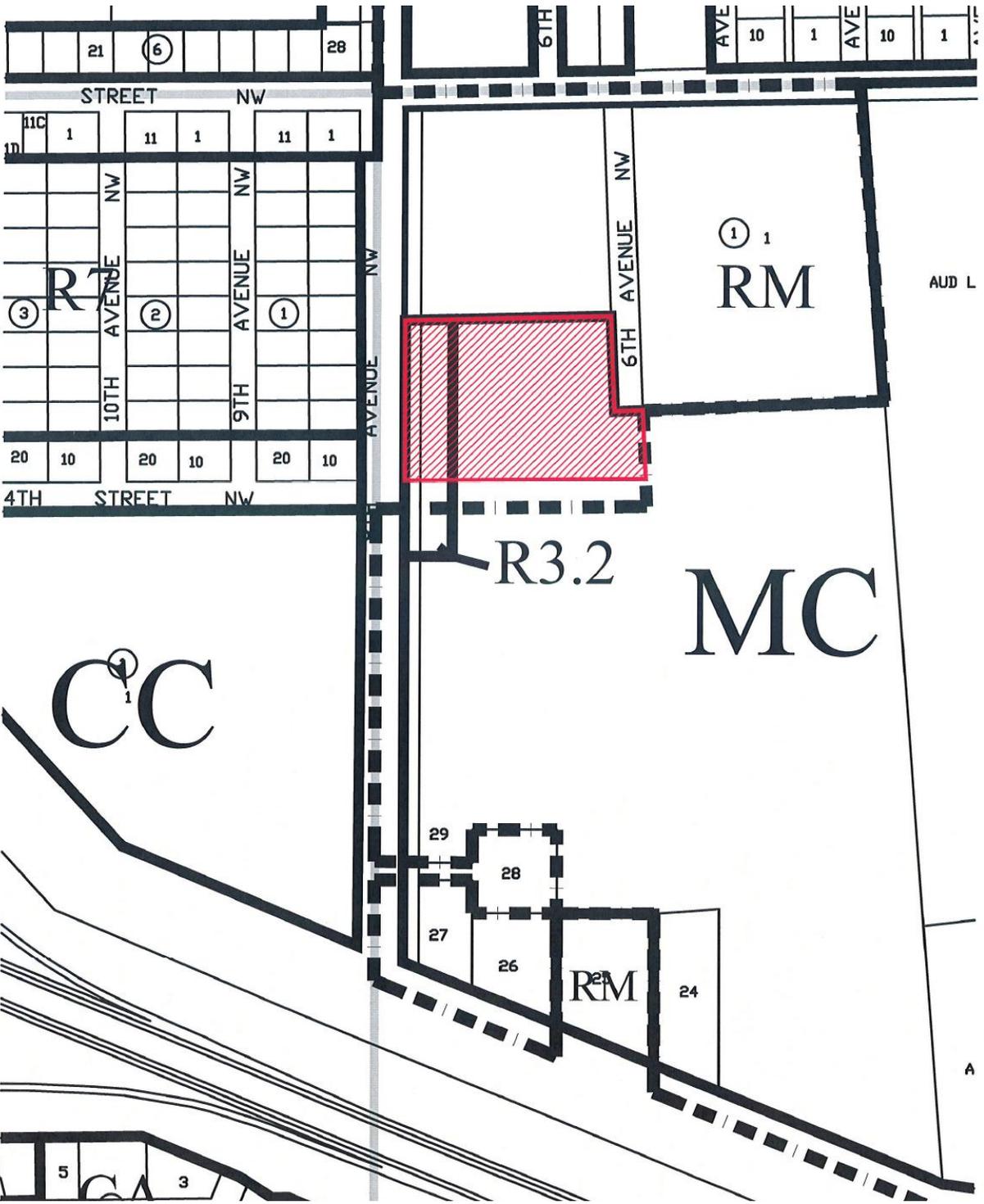
and as so amended said section is hereby reenacted. The city administrator is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

President, Board of City Commissioners

Attest:

City Administrator

Public Hearing:	<u>April 22, 2013</u>
First Consideration:	<u>May 21, 2013</u>
Second Consideration and Final Passage:	<u>June 4, 2013</u>
Publication Date:	_____
Recording Date:	_____



ORDINANCE NO. 1152

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

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

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

The following described property located within the City of Mandan shall be excluded from the R7 (Single-Family Residential) and R3.2 (Two-Family Residential) zoning and shall be included in the RM (Multi-Family Residential) namely,

Parts of Lot 1, Block 1 and Lot 1, Block 2 of School District 5th Addition in Section 16, Township 139N, Range 81W

and as so amended said section is hereby reenacted. The city administrator is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

President, Board of City Commissioners

Attest:

City Administrator

Public Hearing:	<u>April 22, 2013</u>
First Consideration:	<u>May 21, 2013</u>
Second Consideration and Final Passage:	<u>June 4, 2013</u>
Publication Date:	<u>June 28, 2013</u>
Recording Date:	_____

**RESOLUTION
APPROVING CONTRACT AND CONTRACTOR'S BOND FOR
STREET IMPROVEMENT DISTRICT NO. 176**

(Project No. 2012-20)(McKenzie Drive SE, 34th Avenue SE & Genoa Court SE)

BE IT RESOLVED by the governing body of the City of Mandan, North Dakota (the "City"), as follows:

1. It is hereby found and determined that this Board has heretofore caused Notice for Advertisement for Bids to be made for an improvement Street Improvement District No. 176 of said City, and has duly and publicly opened and considered said bids received pursuant to said Notice.
2. Said improvement is hereby ordered to be constructed in accordance with the plans and specifications therefore as heretofore adopted by this Board pursuant to a resolution duly adopted by this Board.
3. It is hereby found and determined that the lowest responsible bidder for various categories of the work, material and skill required for said improvement is Northern Improvement Company whose bid provides for the construction of said improvement at a total estimated base price of \$1,240,657.70.
4. The President of the Board of City Commissioners of the City of Mandan and City Auditor are hereby authorized and directed to make and enter into a contract with said bidder on the part of the City, in the form prescribed by Sections 40-22-35 and 40-22-35, N.D.C.C. as amended, provided that said bidder shall within ten (10) days from this date execute said contract and a construction bond conditioned in accordance with the provisions of Sections 40-22-30 and 40-22-32 of said Code.

Dated this 4th day of June, 2013

Arlyn Van Beek, President of the
Board of City Commissioners

Attest:

James Neubauer,
City Administrator

**RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NO. 185**

Project No. 2013-19

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

1. There is hereby created Street Improvement District No. 185 (the "District")(Project# 2013-19) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, Plains Bend SE from 19th Street SE, 18th Street SE, Fields Court SE, 14th Street SE and Ridge Drive SE, and includes street construction, installation of curb and gutter, asphalt street, storm sewer, street lights, chip seal and related work.

2. Consultation with respect thereto having been had with the City Engineer, as to the property to be benefitted by said improvement project and the most practical size, form and location of said District, said District shall include all the lots, tracts and parcels of land lying within the City of Mandan and its additions within the following boundary lines: namely:

The following lots and blocks are included in said District:

Lots 19 & 20 Block 1, Heart Ridge 1st Addition
 Lot 13 Block 3, Heart Ridge 1st Addition
 Lot 9 Block 4, Heart Ridge 1st Addition
 Lots 1-7 Block 1, Heart Ridge 2nd Addition
 Lots 1-15 Block 2, Heart Ridge 2nd Addition
 Lots 1-30 Block 3, Heart Ridge 2nd Addition
 Lots 1-22 Block 4, Heart Ridge 2nd Addition

The legal description of the district boundary is as follows:

All that part of lot a of auditor's subdivision and lots 1-4 block 5 Heart Ridge Addition and part of the south 1/2 of the southeast 1/4 of section 34 township 139 north, range 81 west of the 5th principal meridian, city of Mandan, North Dakota, described as follows:

Beginning at the southwest corner of Heart Ridge Addition to the city of Mandan, North Dakota; thence south 89 degrees 33 minutes 38 seconds west, along the north right of way line of 19th street se, a distance of 499.88 feet; thence north 00 degrees 25 minutes 51 seconds west, a distance of 89.96 feet; thence south 89 degrees 34 minutes 16 seconds west, a distance of 90.00 feet; thence south 00 degrees 25 minutes 51 seconds east, a distance of 89.97 feet to the north right of way line of 19th street se; thence south 89 degrees 33 minutes 38 seconds west, along said right of way, a distance of 954.43 feet to the east line of the se 1/4; thence north 00 degrees 03 minutes 27 seconds east along said east line, a distance of 1252.35 feet to the north line of the s 1/2 of the se 1/4; thence north 89 degrees 37 minutes 05 seconds east along said north line, a distance of 1,321.81 feet to the boundary line of lot a of auditor's subdivision & Heart Ridge

Addition; thence north 00 degrees 00 minutes 28 seconds east, along said boundary line, a distance of 997.82 feet; thence continuing north 52 degrees 21 minutes 55 seconds east along said boundary line, a distance of 29.84 feet; thence continuing north 46 degrees 15 minutes 47 seconds east along said boundary line, a distance of 91.57 feet; thence continuing north 42 degrees 39 minutes 01 seconds east along said boundary line, a distance of 49.99 feet; thence continuing north 39 degrees 16 minutes 24 seconds east along said boundary line, a distance of 54.93 feet; thence continuing north 31 degrees 19 minutes 31 seconds east along said boundary line, a distance of 199.46 feet; thence continuing north 89 degrees 37 minutes 14 seconds east along said boundary line, a distance of 391.04 feet to the northwest corner of hit addition to the city of Mandan; thence continuing south 13 degrees 59 minutes 50 seconds east along the west line of said hit addition, a distance of 535.02 feet to the north boundary line of Heart Ridge Addition; thence south 89 degrees 37 minutes 14 seconds west, along said boundary line, a distance of 184.38 feet; thence continuing south 23 degrees 36 minutes 53 seconds west, along said boundary line, a distance of 290.17 feet; thence continuing south 00 degrees 00 minutes 00 seconds west along said boundary line, a distance of 110.88 feet; thence continuing south 78 degrees 07 minutes 57 seconds west along said boundary line, a distance of 203.23 feet; thence continuing north 83 degrees 02 minutes 51 seconds west along said boundary line, a distance of 33.02 feet to the center line of plains bend se; thence southwesterly and to the right, along said centerline, on a 600.00 foot radius curve, the radius of which bears north 85 degrees 04 minutes 57 seconds west, an arc length of 493.05 feet; thence south 52 degrees 00 minutes 00 seconds west, along said center line, a distance of 16.41 feet to the boundary line of said Heart Ridge Addition; thence south 14 degrees 37 minutes 25 seconds east along said boundary line, a distance of 35.95 feet; thence continuing south 41 degrees 28 minutes 17 seconds east along said boundary line, a distance of 198.82 feet; thence continuing south 38 degrees 49 minutes 49 seconds west along said boundary line, a distance of 124.38 feet; thence continuing south 77 degrees 07 minutes 20 seconds east along said boundary line, a distance of 102.51 feet; thence continuing south 42 degrees 19 minutes 37 seconds east along said boundary line, a distance of 137.26 feet; thence continuing south 03 degrees 48 minutes 29 seconds east along said boundary line, a distance of 168.03 feet; thence continuing south 29 degrees 24 minutes 23 seconds west, along said boundary line, a distance of 160.60 feet; thence continuing south 19 degrees 44 minutes 02 seconds east along said boundary line, a distance of 76.47 feet; thence continuing south 03 degrees 40 minutes 36 seconds west along said boundary line, a distance of 159.64 feet; thence continuing south 07 degrees 53 minutes 54 seconds east along said boundary line, a distance of 66.63 feet; thence continuing south 00 degrees 00 minutes 00 seconds west along said boundary line, a distance of 204.70 feet to the point of beginning.

The above described tract contains 57.20 acres more or less.

3. Pursuant to section 40-22-10 of the North Dakota Century Code, the City Engineer is hereby authorized and directed to prepare a report as to the general nature, purpose and feasibility of the proposed improvement and an estimate of the probable cost of the improvement.

4. This resolution shall be in full force and effect from and after its passage.

President, Board of City Commissioners

ATTEST:

City Administrator

Date of Passage: June 4, 2013

**RESOLUTION APPROVING ENGINEER'S REPORT AND
AUTHORIZING PREPARATION OF THE DETAILED PLANS
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 185**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 185 (Project # 2013-19), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

2. The probable costs of the of the improvement project are estimated to be as follows:

a. Construction costs:	\$1,048,816.55
b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$262,204.14
c. Total estimated costs of the improvement:	\$1,311,020.69

3. The Engineer is hereby authorized and directed to prepare detailed plans and specifications for the project to be constructed.

4. This resolution shall be in full force and effect from and after its passage.

Dated this 4th day of June 2013.

President, Board of City Commissioners

ATTEST:

City Administrator

**RESOLUTION DETERMINING SUFFICIENCY OF FORMS OF PETITION,
WAIVER AND CONSENT TO ASSESSMENT FOR STREET IMPROVEMENT
DISTRICT NO. 185**

BE IT RESOLVED, By the Board of City Commissioners of Mandan, North Dakota:

1. The City having received and filed executed written forms of Petition, Waiver and Consent to Assessment executed by Lance Wachter, the owners of a majority of property area, for the improvement in and for Street Improvement District No. 185, Project No. 2013-19("the District"), and true and correct copies of said executed forms being attached hereto, it is hereby determined that said forms are signed by the owners of a majority of the area of property included within the District.

2. This Board is authorized to cause the improvement in and for the District to be made, and to levy and collect assessments therefore.

Dated this 4th day of June, 2013

President, Board of City Commissioners

ATTEST:

City Administrator

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR STREET IMPROVEMENT DISTRICT NO. 185
PROJECT # 2013-19**

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project in Street Improvement District No. 185 (Project # 2013-19) of said City be and the same are hereby approved, ratified and confirmed as the plans and specifications in accordance with which said improvement project will be constructed, except as modified by this Board in accordance with law, and the City Administrator shall file the same in his office, open for public inspection.

Dated this 4 day of June, 2013.

President, Board of City Commissioners

ATTEST:

City Administrator

**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS
FOR STREET IMPROVEMENT DISTRICT NO. 185**

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

1. The City Administrator, Deputy Auditor and City Engineer shall meet at the time and place specified in the notice authorized in paragraph 2 hereof, for the purpose of opening sealed bids for the work and material needed for the improvement project to be made in Street Improvement District No. 185 (Project # 2013-19) of the City of Mandan, as more fully described and referred to in the resolution creating said improvement district passed and approved by the Board on June 4, 2013, and in the plans and specifications for said improvement now on file in the office of the City Engineer.

2. The City Administrator is authorized and directed to cause notice of advertisement for bids to be published once each week for two consecutive weeks in the Mandan News, the official newspaper, the first of such publications to be at least fourteen days before the date specified for receipt of bids, which notice shall be in the following form:

**“ADVERTISEMENT FOR BIDS FOR
STREET IMPROVEMENT DISTRICT NO. 185
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota will receive sealed bids at the office of the City Administrator until June 28, 2013, at 10:00 a.m., local time for the purpose of furnishing of materials, labor and skill needed for the new construction of storm sewer mains, asphalt streets, concrete curb and gutter and street lights and related work in accordance with the plans and specifications for Street Improvement District No. 185 (Project # 2013-19), for the City of Mandan. The Work consists of all labor, skill, and materials required to properly construct the improvement.

Plans and Specifications are on file in the office of the City Administrator and the City Engineer. Plans may be obtained at this office of the City Engineer, 205 2nd Avenue Northwest, Mandan, North Dakota 58554, upon a non-refundable deposit of \$25.00. If Plans are mailed out and additional fee of \$15.00 will be added for postage and handling.

The bid proposals must be submitted to the City Administrator by 10:00 a.m., local time, June 28, 2013 and shall be sealed and endorsed “Proposal for Street Improvement District No 185. Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2nd Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:00 a.m., local time, on June 14th, 2013. All bidders are invited to be present at the public opening of the Bids.

All Bidders must be licensed for the highest amount of their Bids, as provided by Section 43-07-05 of the North Dakota Century Code. The Bidder shall include a copy of his license or certificate of renewal thereof enclosed in the required bid bond envelope as required pursuant to Section 43-07-12 of the North Dakota Century Code, as amended.

Each bid shall be accompanied by a separate envelope containing a bidder's bond in the amount of five (5) percent of the highest amount of the bids as required by Section 48-01.1-05 (3), North Dakota Century Code, as amended, and executed by the Bidder as principal and by a surety, conditioned that if the principal's bid is accepted and the contract awarded to the principal, the principal, within ten days after Notice of Award, shall execute and effect a contract in accordance with the terms of the bid, and a Contractor's Bond as required by law. No bid may be read or considered if it does not fully comply with the requirements of Section 48-01.1-05 of the North Dakota Century Code and any deficient bid must be resealed and returned to the bidder immediately.

Bids shall be made on the basis on cash payment for the work to be done. All work under this advertisement shall be started on a date to be specified in a written order from the Board of City Commissioners, or no later than ten (10) days after written notice to proceed has been received from the City.

Work shall be completed on or before the following dates with liquidated damages assessed as follows:

All construction work on Project #2013-19 is to be completed no later than August 23, 2013 except the Street Lighting which will have a completion date of September 17, 2013.

Liquidated damages of \$100.00 per day will be assessed if any completion dates are exceeded.

Should the contractor fail to complete all of the work in a District according to the above date, or within such additional time as may have been granted by formal extensions of time approved by the City Engineer, there shall be deducted from any money due the contractor, the above mentioned sum for each calendar day the completion of the Work is delayed, for each District. Liquidated damages will continue to accumulate until the City Engineer determines winter weather prevents further construction. Liquidated damages will restart on the first day of construction in the Spring of 2014 and continue to accumulate until final project acceptance. The Contractor and his surety shall be liable for any excess. Such payments shall be deducted from the final payment and shall be charged as liquidated damages and not as a penalty.

The Board of City Commissioners will meet on Tuesday, July 2nd, 2013, at 5:30 PM, local time, to determine the sufficiency of protests, to review the Bids submitted, consider the engineer's recommendation, and to award the contract to the successful Bidder, if protests have been deemed insufficient. The contract will be awarded on the basis of the low Bid submitted, on eligible areas, by a responsible and responsive Bidder deemed most favorable to the City's interest.

The City of Mandan reserves the right reject any or all bids, to waive any informality or irregularity, to hold all bids for a period of thirty (30) days after the date fixed for the opening thereof, and to accept the Bid deemed most favorable to the best interest of the City of Mandan.

Dated this 4 day of June, 2013

City of Mandan, North Dakota
BY: James Neubauer

City Administrator”

3. Each and all of the terms and provisions of the foregoing notice are hereby adopted as the terms and conditions for the award of said contract.

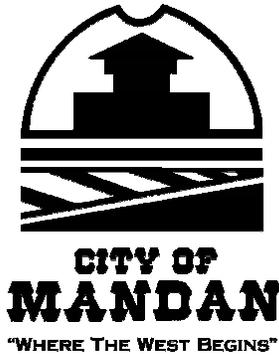
4. The Board of City Commissioners shall meet on Tuesday, June 18, 2013 at 5:30 pm, local time, to review the bids submitted, consider the engineer’s recommendation, and to award the contract to the successful bidder, subject to the Board finding that filed protests are insufficient to bar the work.

President, Board of City Commissioners

ATTEST:

City Administrator

Passed: June 4th, 2013



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 4, 2013
PREPARATION DATE: May 31, 2013
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Resolution regarding North Annexation

STATEMENT/PURPOSE: To consider adopting a resolution annexing certain property in the general proximity of the Mandan Middle School.

BACKGROUND/ALTERNATIVES: Discussions have been occurring with several individuals who have acquired property in the north part of Mandan and are looking to develop this property into residential and commercial areas. The City of Mandan has, over the course of several years, prepared master water and sanitary sewer plans for this area.

Challenges exist for the orderly and cost effective development in the area, therefore, we are proposing a large land area be annexed in order to better plan future infrastructure routes. One example would be the installation of a master lift station to handle the sanitary sewer in this area rather than several smaller temporary lift stations.

We certainly do not plan to install infrastructure until the need arises, however, there will be infrastructure that will benefit all property in the area and thus a need to spread some costs to the benefited area.

We are nearing the completion of the North Area Sub Study and in addition the interchanges between west Mandan and east Bismarck are currently under study with a completion date of November 2013.

I would anticipate the following:

- 1) May 21st, bring the topic to the Commission and answer questions that they may have
- 2) June 4th, bring a resolution to annex to the Commission for their consideration.
- 3) June 7th, 1st publication
- 4) June 14th, 2nd Publication
- 5) July 8th, 4:30 p.m. deadline for protesting annexation

6) July 16th, 5:30 p.m. determine if sufficiency of any written protests

ATTACHMENTS: Map of proposed annexation – Map is still under development and awaiting legal description to insert into resolution.

FISCAL IMPACT: unknown at this time

STAFF IMPACT: minimal

LEGAL REVIEW: City Attorney Brown has been involved in this process.

RECOMMENDATION: I recommend approval of the resolution to annex.

SUGGESTED MOTION: I move to approve and cause publication of the resolution of annexation of certain lands adjoining the City of Mandan as described in the resolution.

RESOLUTION PROPOSING TO ANNEX CERTAIN ADJOINING
LANDS INTO THE CORPORATE BOUNDARIES OF THE CITY OF MANDAN,
NORTH DAKOTA, AND DIRECTING PUBLICATION OF NOTICE OF TIME
AND PLACE OF HEARING TO DETERMINE SUFFICIENCY OF
WRITTEN PROTESTS AGAINST SUCH PROPOSED ANNEXATION

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

1. It is hereby found, determined and declared that this Board deems it necessary and in the best interests of the City of Mandan and of the electors residing within and the owners of property situated within the territory hereinafter described, which territory is contiguous to, but not embraced within the corporate boundaries of the said city, that such territory be annexed to and incorporated within the corporate boundaries of the City of Mandan, Morton County, North Dakota.

2. That to annex the hereinafter described territory will, among other things: a) recognize the present uses and planned future uses or development of the area; b) recognize that the area is a part of the community of said city; c) acknowledge the educational, recreational, civic, social, religious, industrial, commercial, and city facilities and services now available by or in said city to any resident, business, industry, or employee of the business or industry located in the area; d) acknowledge the existing governmental services and facilities of said city presently available and which can be made available to the area; and e) give recognition to the economic, physical, and social relationship and interdependence of the inhabitants, businesses, or industries of the area to said city and to the school districts and other political subdivisions affected.

3. That the area sought to be annexed is not located within the extraterritorial zoning or subdivision regulation authority of another city.

4. That the area the City of Mandan proposes to annex is situated in the County of Morton and State of North Dakota, is contiguous to the city's corporate boundaries, and lies within the following described boundary line:

5. That NOTICE IS HEREBY GIVEN that owners of any real property lying within the territory proposed to be annexed, and described above, may file written protests with the City Administrator of said city, protesting against the proposed annexation within thirty (30) days of the first publication of this resolution and notice, namely by 4:30 pm on July 8, 2013, and this Board shall meet at the City Hall, 205 2nd Avenue NW, Mandan, North Dakota, on July 16, 2013, at 5:30 p.m., local time, to hear and determine the sufficiency of any written protests so filed.

6. That NOTICE IS FURTHER GIVEN, that in the absence of written protest filed by the owners of more than one-fourth of the area proposed to be annexed as of the date of the adoption of this resolution, the City of Mandan shall annex the territory described in paragraph 4 herein.

7. The City Administrator is hereby authorized and directed to cause this resolution and notice, and a map of the area proposed to be annexed, to be published once each week for two consecutive weeks in the official newspaper of said city.

8. The City Engineer is hereby directed to mail a notice of the public hearing and a copy of this resolution and map to the owner of each parcel of real property located within

the area proposed to be annexed at the person's last known mailing address, by certified mail.

Dated this 4th day of June, 2013

President Board of City Commissioners

ATTEST:

City Administrator

Publication Dates: June 7 and June 14, 2013

Map of Area to be Annexed to be Published with Resolution

