

AGENDA
MANDAN CITY COMMISSION
MARCH 17, 2015
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.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:
1. Consider approval of the following minutes:
 - i. March 3, 2015 – Regular Board Meeting
 - ii. March 9, 2015 – Joint Mtg. with Mandan Park Board
- E. PUBLIC HEARING:
1. Conduct a public hearing to obtain input regarding the renaming of a portion of 40th Avenue SE to Lakewood Drive SE.
- F. BIDS:
1. Consider awarding concrete crushing project to Kraemer Trucking & Excavating, Inc.
 2. Consider the award of bids for Municipal Sidewalk Improvement Project 2015-04 and approving the Resolution approving the contract and contractor's bond.
 3. Consider the award of bids for the 2015 Watermain Replacement Project.
- G. CONSENT AGENDA:
1. Consider approval of monthly bills.
 2. Consider partnering with City of Bismarck for Housing Demand Analysis with Hanna:Keelan
 3. Consider request from Finance Department to approve Expenditure Budget amendments for Fiscal Year 2014 and Expenditure Budget transfers from Fiscal Year 2014 to Fiscal Year 2015.
 4. Consider request from Building Inspection Department to approve Expenditure Budget transfer from Fiscal Year 2014 to Fiscal Year 2015.
 5. Consider request from Business Development and Communications Department to approve Expenditure Budget transfers from Fiscal Year 2014 to Fiscal Year 2015.

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6. Consider designating May 3 – 10, 2015 as National Music Week in the City of Mandan.
7. Consider request from Fire Department to approve Expenditure Budget transfers from Fiscal Year 2014 to Fiscal Year 2015.
8. Consider charitable raffle permit for Dean Leingang Family Charity Fund Raiser at the Silver Dollar Bar - April 12, 2015.
9. Consider Sunday Openings for the Silver Dollar Bar – April 12, 2015 (Leingang Fund Raiser), & June 7, 2015.
10. Consider change order G-1 to the Mandan Water Treatment Plant Phase II Optimization project.
11. Consider request from Water Treatment Plant to approve Expenditure Budget transfers from Fiscal Year 2014 to Fiscal Year 2015.
12. Consider request from Planning and Zoning Department, and Engineering Department to approve Expenditure Budget transfers from Fiscal Year 2014 to Fiscal Year 2015.
13. Consider Cost Participation and Maintenance Agreement with the NDDOT for Main Street Sidewalk Ramp Improvements project.
14. Consider Cost Participation and Maintenance Agreement with the NDDOT for traffic sign improvements along Memorial Highway through Mandan.
15. Consider request from Public Works Department to approve Expenditure Budget transfers from Fiscal Year 2014 to Fiscal Year 2015.
16. Consider request from Police Department to approve Expenditure Budget transfers from Fiscal Year 2014 to Fiscal Year 2015.
17. Consider proclaiming September 29, 2015 as Mandan Day Without Violence.
18. Consider naming Veteran' Conference Room in City Hall.
19. Consider Longfellow Park maintenance agreement.

H. OLD BUSINESS:

1. Verbal report from Commissioner Laber regarding police hybrid pension plan discussions.

I. NEW BUSINESS:

1. Airport Award
2. Consider Mandan Growth Fund Committee recommendations:
 - i. Updates to MGF general policy guidelines
 - ii. Approval of an application for interest buy-down by Pletan Properties, LLC/Action Motor Sports, Inc.
3. Consider agreement for administration of loan associated with Bank of North Dakota Flex PACE interest buy-down
4. Presentation by Mike Manstrom, Dougherty & Company LLC, regarding the sale of \$4,525,000 Refunding Improvement Bonds of 2015, Series A. (*See Resolutions #2*)

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5. Consider Community Beautification Committee (CBC) recommendation for appointee
 6. Consider issuing Request for Proposals for Trash Hauling Contract and possible recycling option.
 7. Consider Extension of a 2-Year Property Tax Exemption for New or Expanding Businesses for Zueger Properties, Goldstar Properties, Verity Homes.
 8. Discuss Police Chief search and selection process
- J. RESOLUTIONS AND ORDINANCES:
1. First consideration of Ordinance 1198 changing the name of a portion of 40th Avenue SE.
 2. Consider Resolution Awarding Sale of \$4,525,000 Refunding Improvement Bonds of 2015, Series A.
- K. OTHER BUSINESS:
- L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:
1. March 20, 2015 Noon – Special Meeting
 2. March 24, 2015, 5:30 p.m. Special Meeting (Tentative)
 3. April 7, 2015
 4. April 21, 2015
 5. May 5, 2015
- 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 City Commission met in regular session at 5:30 p.m. on March 3, 2015 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Laber, and Braun. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Fire Chief Nardello, Business Development & Communications Director Huber, Planning & Engineering Director Froseth, Planner Decker, Assessor Shaw, and Building Official Lalim. Absent: Director of Public Works Wright.

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

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

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission regular meeting held on February 17, 2015.* Commissioner Tibke moved to approve the minutes as presented. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

F. BIDS:

G. CONSENT AGENDA

1. *Consider approval of the following games of chance: (i) Bobs Benefit for Kim Hatzenbuhler at the Moose Lodge on April 18, 2015; (ii) Mandan Softball Association at the Mandan Softball Complex from March 4, 2015 through June 27, 2015.*

2. *Consider amendment to SSBCI allocation agreement to simplify the reporting process.*

3. *Consider designating April 25-May 2, 2014 as “Spring Clean-Up Week in the City of Mandan.*

4. *Consider construction specifications resolution.*

5. *Consider for approval replat of Lot 21, Block 1, Bridgeview Bay Addition.*

6. *Consider amendment with Stantec to add surveying of alley ways to SID project.*

7. *Consider approval of site authorization for Abate of North Dakota at HideAway from March 4, 2015 through June 30, 2015.*

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

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Introductions of New Police Department Employees: Nancy Miller – Records Technician; Craig Thomas – Car Marker.* Police Chief Bullinger introduced Nancy Miller as the newly hired Records Technician for the Police Department. He said that she is a graduate of Mandan High School and was previously employed by the Bismarck-Mandan Security Inc. firm. Police Chief Bullinger also introduced Craig Thomas as the newly hired Car Marker for the Police Department. He mentioned that he was previously employed as a driver for the Bismarck Transit System and has been a resident of Bismarck-Mandan since 2006. Mayor Van Beek welcomed the new employees to the City of Mandan.

2. *Presentation of Facility Needs Study, JLG Architects.* Scott Jordan Denny from JLG Architects presented a draft of their final report of the Facility Needs Study for the Mandan City Hall and the plans for a potential new Fire Station in Northwest Mandan. Public input meetings were held on January 27th and February 16th and preliminary findings were presented to the City Commission on February 17, 2015. This report contains the Executive Summary and Final Report for the Board's review and consideration. In summary, 4 sites have been recommended for consideration for the City Hall ranging in costs from \$5.6 million (renovations) to \$12.6 million (new building).

Recommendation:

- Acquire Mandan Church of Christ Property
- Build a new efficient functional City Hall (on Church acquired site)
- Maintain existing site through move-in day
- Close 2nd Avenue Northwest allowing for parking for city/county bldgs.
- Develop New Public Plaza
- Develop expanded parking facilities

Fire Station: Only one site fulfilled all the requirements for a 2.5 mile service radius location. He stated that it is recommended to build a New Fire Station Hall No. 3 at the intersection of Old Red Trail and Hillside Road. That building would include offices and living quarters and it would include two apparatus bays with future expansion to three bays. The projected cost is approximately \$2.4 million. This land is owned by the City of Mandan.

3. *Consider Amendment to North Dakota Department of Transportation Project SS-TES-1-094(107)920 (Richard M. Longfellow Veterans Park).* City Administrator Neubauer presented for consideration an Amendment to the NDDOT Project SS-TES-1-094(107)920, Longfellow Veterans Park. He explained that this amendment would allow for improvements (walkways, hard surfaces, etc.) to be made to the property which would be the responsibility of the City of Mandan with an agreement for the maintenance of the park being the responsibility of the Mandan Park District. The NDDOT would keep ownership of the staging area for future repairs and would provide the City of Mandan with a 48 hr. notice (other than at times of emergency). Administrator Neubauer stated

that if the Amendment is approved, the City will begin planning improvements to the area with potential funding coming from the Visitor's Fund.

Commissioner Rohr moved to approve the Amendment to North Dakota Department of Transportation Project SS-TES-1-094(107)920 (Richard M. Longfellow Veterans Park). Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Consider the creation of, approval of the engineer's report, approval of feasibility report and resolution of necessity for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).* Planning & Engineering Director Froseth reviewed with the Board a request to create and allow for special assessments related to, and the authorization of the required documents for the requested project. He stated that city staff has determined that the street and alley surfaces within the northeast downtown area have degraded thereby necessitating repairs to the streets. A professional analysis was conducted by Dynatest Consulting Inc. in 2012. Subsequently, Stantec Engineering was hired to design a plan for this project.

A public hearing was held on February 19, 2015, with approximately 30 residents and property owners in attendance. The residents and property owners agreed that repairs on streets and alleys should be done. Director Froseth provided details of a proposed plan for street and alleyway improvements. The total cost of the project is estimated to be \$3,653,297. 91 with approximately 5% of the project being paid for by City Sales Tax and the remainder of the cost would be assessed to the benefitting properties. He stated that the next step is the creation of the district, approval of the feasibility report and approval of a resolution of the necessity for the project. He provided a timeline of events for the project with June 2015 as the projected construction start date with completion and special assessments determined in 2016 (approximately 260-270 properties to be assessed).

Commissioner Laber moved to approve the creation of, approval of the engineer's report, approval of feasibility report and resolution of necessity for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area). Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *Second consideration and final passage of Ordinance 1200 to rezone Lot 1, Block 2 Mandan Industrial Park.* Commissioner Tibke moved to approve the second consideration and final passage of Ordinance 1200 to rezone Lot 1 Block 2 Mandan Industrial Park. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS:

There being no further actions to come before the Board of City Commissioners, Commissioner Rohr moved to adjourn the meeting at 6:03 p.m. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

James Neubauer,
City Administrator

Arlyn Van Beek,
President, Board of City
Commissioners

The Mandan City Commission and the Mandan Park Board met in a Joint Special Meeting at 6:30 p.m. on March 9, 2015 in the Ed “Bosh” Froehlich Room at City Hall, 205 2nd Ave NW, Mandan, North Dakota. In attendance for the Mandan City Commission were Mayor Van Beek, Commissioners Tibke, Rohr, Laber, and Braun. City Department Heads present were City Administrator Neubauer, City Attorney Brown, and Finance Director Welch. Also in attendance for the Mandan Park Board were President Arenz and Commissioners Knoll, Allan, Keller, and Hatzenbuhler. Also in attendance: Parks and Rec Director Higlin.

NEW BUSINESS:

1. *Update on facility needs Mandan Park Board:* Park Board President Arenz reviewed the projects they have been discussing over the last few years. Their goal was to provide facilities that the city has been lacking and that would bring in revenue to Mandan. One of the issues has been the lack of additional sheets of ice which is causing them to not be able to bring in tournaments. Another item has been the Dakota Star Gymnastics (DSG) facilities. There are safety issues that might potentially cause them to have tournaments being pulled. Moving DSG to the All Seasons Arena wouldn't resolve the problem and would free the All Seasons Arena to be used for youth basketball, volleyball, indoor tennis and other recreational activity.

Another facility need the Park Board has found is Faris Field. The track covering is coming apart at several places and parking is another issue in that area. The track is literally coming apart. The projects would include a two sheet ice and gymnastics arena and football track facility the estimated cost is \$22 million to upgrade those facilities. Arenz reviewed the breakout of the cost.

2. *Update on facility needs analysis City Commission:* Mayor Van Beek reflected on the need to start taking care of the residents of Mandan. Whether it is from the kids' side through the Park District or the City side with the infrastructure of City Hall and a fire station. If only City Hall was updated it would be over \$5.6 million to get it to where it needs to be. Six different locations were looked at for potential locations for City Hall. The recommendation of the study that was done was to raze the church down next door to City Hall and to make this a downtown plaza area. The cost to do that would be roughly \$12.5 million. Also included in that study was a new Fire Hall on the north side of Mandan. The cost of that facility would be approximately \$2.5 million. The new Fire Hall would add fire protection to the north side of Mandan.

At this time the public was invited to come forward with any comments. To be fair to all those wishing to speak, two minutes was suggested as the allotted time for comments.

Wayne Papke, Mandan citizen, provided a printout of his comments to the boards and the public. Even though he's a hockey fan he wants to have the expansion done the right way. City Halls and Fire Stations are really “General Fund” items. As the community grows, the general fund grows. That's where you buy your City Halls and Fire Halls. The hockey arena is unique in that the number of kids involved in hockey in the city is a small part of the population. It's hard to put a tax on something that only involves a small group of people. You can also get better financing off of General Obligation Bonds. Raising sales tax also deters businesses from coming into the city. He also requested clarification on the wording of the ballot.

Rich Garman, a member of the Mandan Hockey Board, came forward as a Mandan citizen to explain why he feels we should use the sales tax to ensure the growth of Mandan. These facilities will bring in tourists for athletic events and they will spend their money in Mandan.

Brandon Leingang, a lifetime resident of Mandan, supports the sales tax as well. He feels the athletic facilities will be good for Mandan. For the amount of kids that play hockey, there is about the same amount of adults that play hockey at night.

Annette Behm-Caldwell, co-owner of Open Road Honda with her husband, used her business and board participations to explain why she feels strongly in support of this development. The number one need of business owners for the past five years has been employees. The young people who would come to work here are looking for these recreational activities for themselves and their children. They want up-to-date facilities. This would help Mandan businesses grow.

3. *Discuss possible sales tax ballot language:* Mayor Van Beek requested any suggestions from the Park Board as to whether they had a preference on the ballot language. President Arenz indicated that option number 1 was favored over the other. He explained the difference between the two selections indicating that the first selection is more specific and the second one leaves it more open for other possibilities. He referred to his commissioners for their opinions.

Park Board Commissioner Knoll felt that it was better to be more specific so the public will know exactly what they are voting for. The other commissioners agreed that the No. 1 option was the better one. President Arenz also thought that was the best one since it identifies where the funds are going.

Mayor Van Beek asked the City Commissioners if they had a preference. Commission Rohr indicated that the calls he has received are more in favor of a separation to where they could vote on either the merits of the Park Board or merits of the City. They would rather have a choice. Park Board President Arenz requested a clarification from Commissioner Rohr as to whether the comments he has received are for splitting the sales tax by a percentage to each entity? Mayor Van Beek asked if they would like to see the measures separated. Commissioner Rohr explained that the comments he's received are that the public would like to make a choice as to look at both issues and support which one(s) they like. Commissioner Rohr stated that the appropriations of funds would have to be identified as to what each entity would be looking at.

Mayor Van Beek mentioned that they have been working on this for so long as one unified entity. He understands their concerns but both the City and the Park Board District have needs. Commissioner Rohr stated that ultimately it's up to the voters. Park Board Commissioner Knoll asked what percentage sales tax would be. City Administrator Neubauer stated a full 1% would be needed if projects as discussed were to be constructed.

Commissioner Laber also feels that for clarity for the public, the No. 1 option which identifies where the funds are going would be the better way to go. She would like to see it not exceed \$15 million for the city's portion and not to exceed \$21 million for the Park

District. She also questioned the potential revenue loss of the sale of adult beverages if the School Board owns the property. Cole Higlin, Mandan Parks and Rec Director, said that the only reason they would need to sell concessions of adult beverages would be if they had the semiprofessional USHL Hockey League like Bismarck does. For the high school or youth programs with the dollar amount and the size of the project they are talking about for a \$10-12 million dollar ice arena they wouldn't be able to have the seating capacity needed.

In regards to Faris Field, Commissioner Laber was hesitant since it's so close to the Public Works existing facilities which are greatly in need of updating and additional space. She was looking forward and hoping they could expand the Public Works area if Faris Field was relocated. Park Board Commissioner Knoll stated that the reason they were thinking about the softball fields being down in that area was to keep the fields in the same location as for when there were tournaments. The teams could all be in the same area. Park Board Commissioner Hatzenbuhler also mentioned that it was because of the drainage issue.

Commissioner Braun stated that he was excited about the projects for the Park Board and for the City because they are needed. He has also received calls from the citizens and feels that the input from them indicates that we need to differentiate based on "want" and "need". His conclusion based on what he's been hearing is that they need to succeed on their own merit. Because of the needs of both the Park Board and the City, they should be differentiated that way on the ballot. Park Board President Arenz expanded on that by stating that if that's what the tax payers want, the Park Board is OK with that. Their goal initially was to identify the Park District's needs. They were trying to be good "governmental neighbors" and bring in the other City entities that have facilities needs under one "umbrella". Park Board Commissioner Keller indicated that she is in agreement with Mayor Van Beek to keep it all together on the ballot.

Mayor Van Beek called Wayne Papke back up to the podium. Mr. Papke had more questions and brought up the fact that Faris Field already has two bond issues against it. He questioned the interest cost that is on the City's portion of doing a "GO" bond versus doing the revenue bond? He pointed out that this ballot issue isn't the only solution.

Commissioner Laber felt that the two issues can't be separated out because the benefit to the community is intermingled. For example, the gymnastics needs to be relocated before the City Hall issues could be dealt with. At this point she hopes they can keep them together even if it's a negative vote with some people. Commissioner Braun agreed with that statement since the projects are needed. He also said that when they are separated it is up to the voters to decide what projects are primarily important for them. Park Board President Arenz summarized their perspective on the facility needs and the ballot selection. They realize that it's a difficult decision for the city. They appreciate even being allowed the time to have this presented to the city. City Administrator Neubauer asked for clarification as to what city staff needs to bring to the City Commission meeting on March 17, 2015 since there is a timeline to get this on the June 9th election. Commissioner Tibke stated that the Commission has enough information but just need to do some more research. Mayor Van Beek indicated that they have the Park Board's recommendation on the ballot language. This matter will now be brought up on the March 17, 2015 City Commission agenda.

ADJOURN

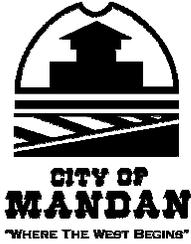
There being no further actions to come before the Board, Commissioner Rohr moved to adjourn the meeting. Commissioner Laber seconded the motion. The motion received unanimous approval of the Board members present and the meeting adjourned at 8:03 p.m.

/s/ James Neubauer

James Neubauer,
City Administrator

/s/ Arlyn Van Beek

Arlyn Van Beek
President, Board of City
Commissioners



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2015
PREPARATION DATE: March 3, 2015
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Robert Decker, Justin Froseth
SUBJECT: Conduct a public hearing to obtain input regarding the renaming of a portion of 40th Avenue SE to Lakewood Drive SE

STATEMENT/PURPOSE:

Reduce confusion in locating properties along the southern portion of 40th Ave. SE

BACKGROUND/ALTERNATIVES:

There has been difficulty locating addresses along 40th Avenue SE in that portion of the street south of the Wastewater Treatment Plant. Some deliveries have been directed to properties along South Bay Drive. Some of the existing addresses don't match the addressing grid and that adds confusion. Also, the portion of the street south of the wastewater treatment plant is offset to the west from the alignment of the rest of 40th Ave. SE.

The city's building official, engineer, planner, fire chief and Morton County Emergency Management personnel explored different options for solving this problem.

It was determined that the appropriate action would be to change this portion of 40th Ave. SE to Lakewood Dr. SE. This would also benefit people living along Lakewood Drive SE since that street is difficult to find.

Even though this would create a street that is both north/south and east/west, the numbering would closely conform to the numbering grid. The numbering would be continuous beginning at the north and continuing south and then east.

There are very few developed properties in this portion of 40th so now is a good time to change the street name and house numbers.

A street sign will be added where 40th Ave. SE becomes South Bay Drive SE directing people to Lakewood Drive SE.

ATTACHMENTS:

1. Location Map

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

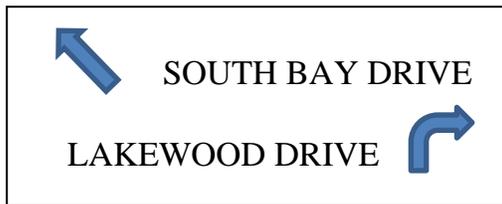
LEGAL REVIEW: All of my commission data has been forwarded to the City Attorney for his review.

RECOMMENDATION:

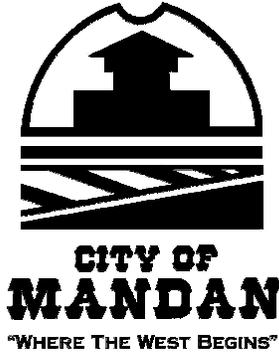
Staff recommends approval of this street renaming.

SUGGESTED ACTION:

Close public hearing, move to item Resolutions and Ordinances No. 1 and consider for adoption Ordinance 1198.







Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2015
PREPARATION DATE: March 4, 2015
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Jeff Wright, Public Works Director
PRESENTER: Jeff Wright, Public Works Director
SUBJECT: Consider for approval the award of the Concrete and Asphalt crushing project at the Landfill to Kraemer Trucking and Excavating, Inc.

STATEMENT/PURPOSE: To consider the award of bid for concrete and asphalt crushing at the landfill.

BACKGROUND/ALTERNATIVES: On February 26, 2015 bids were opened for the crushing of concrete and asphalt at the Landfill. Two bids were opened with Kraemer Trucking and Excavating, Inc., Cold Springs, MN as the low bidder over RTS Shearing, LLC, Jamestown, ND.

We do the crushing to make the oversized chunks into usable material, to be used as road base, material for water break repairs and temporary road surface during winter months, and material that can be sold to contractors for similar use. It is important that we crush all of the concrete pile this year to make room for expanding the garbage site and maintain proper drainage of the site. Deadline for completion is May 30, 2015.

This material is taken at the landfill at no charge, solely for recycling, saving space in our inert landfill. We are charging \$12/ton.

ATTACHMENTS: Bid Tab

FISCAL IMPACT: \$100,000 has been approved for the 2015 Budget for crushing.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Recommend to award the Concrete and Asphalt Crushing Project to Kraemer Trucking and Excavating, Inc. for the amount of \$100,000.

SUGGESTED MOTION: Move to award the Concrete and Asphalt Crushing Project to Kraemer Trucking and Excavating, Inc. for the amount of \$100,000.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2015

Subject: Consider for approval the award of the Concrete and Asphalt crushing project at the Landfill to Kraemer Trucking and Excavating, Inc.

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LANDFILL CONCRETE AND ASPHALT CRUSHING

BID TAB
BID OPENING – February 26, 2015, 4:00PM

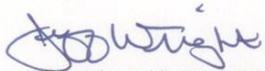
BID TAB

BIDDER:

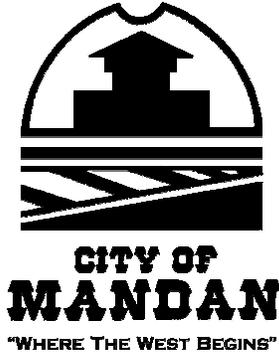
PRICE:

Kraemer Trucking and Excavating, Inc.	Concrete	\$5.99/Ton
	Asphalt	\$3.99/Ton
	Mob.	\$4,000/LS
RTS Shearing, LLC	Concrete	\$7.50/Ton
	Asphalt	\$5.50/Ton
	Mob.	\$10,000/LS

I recommend awarding the bid to **Kraemer Trucking and Excavating, Inc.**, not to exceed the \$100,000 budget.



Jeff Wright, Public Works Director



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2015
PREPARATION DATE: March 12, 2015
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Consider the award of bids for Municipal Sidewalk Improvement Project 2015-04 and approving the Resolution approving the contract and contractor'.

STATEMENT/PURPOSE: To award a contract for bids received for the 2015 Municipal Sidewalk repairs throughout the City.

BACKGROUND/ALTERNATIVES: On March 10 we received 1 bid on the project. The bid was received Four Square Concrete LLC in the amount of \$45,039.50.

ATTACHMENTS:

1. Bid Tabulation
2. Resolution Approving Contract and Contractor's Bond

FISCAL IMPACT: N/A

STAFF IMPACT: Minimal

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

RECOMMENDATION: I recommend approving the bid for the 2015-04 Municipal Sidewalk Project that was opened March 10 to Four Square Concrete LLC for the amount of \$45,039.50.

SUGGESTED MOTION: I would move to approve awarding the bid for the Municipal Sidewalk Improvement Project 2015-04 to Four Square Concrete LLC for the amount of \$45,039.50 and approve the Resolution approving contract and contractor's bond.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2015

Subject: Consider the award of bids for Municipal Sidewalk Improvement Project 2015-04 for 2015.

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**BID TAB - MARCH 10, 2015
MUNICIPAL SIDEWALK IMPROVEMENT
PROJECT NO. 2015-04**

DESCRIPTION	APPROX QUANTITY	UNIT	PRICE	ENGINEERS ESTIMATE	FOUR SQUARE CONCRETE		UNIT PRICE	TOTAL
					UNIT PRICE	TOTAL		
4" CONCRETE SIDEWALK	1900	SF	\$5.25	\$9,975.00	\$4.75	\$9,025.00		\$0.00
6" CONCRETE SIDEWALK	600	SF	\$6.00	\$3,600.00	\$6.12	\$3,672.00		\$0.00
6" CONCRETE DRIVEWAY	1200	SF	\$6.00	\$7,200.00	\$6.12	\$7,344.00		\$0.00
6" CURB AND GUTTER	150	LF	\$20.00	\$3,000.00	\$22.50	\$3,375.00		\$0.00
4" HANDICAP CURB RAMPS	40	SF	\$12.00	\$480.00	\$10.00	\$400.00		\$0.00
4" CONCRETE STEPS	10	SF	\$40.00	\$400.00	\$10.00	\$100.00		\$0.00
3/4" FELT EXPANSION MATERIAL	300	LF	\$1.00	\$300.00	\$1.00	\$300.00		\$0.00
UNCLASSIFIED EXCAVATION	102	CY	\$15.00	\$1,530.00	\$8.00	\$816.00		\$0.00
CONCRETE REMOVAL	3700	SF	\$2.00	\$7,400.00	\$1.50	\$5,550.00		\$0.00
SAW CUTTING	150	LF	\$10.00	\$1,500.00	\$7.00	\$1,050.00		\$0.00
ADJUST WATER CURB STOP	2	EA	\$45.00	\$90.00	\$25.00	\$50.00		\$0.00
ADJUST WATER VALVE BOX	2	EA	\$45.00	\$90.00	\$25.00	\$50.00		\$0.00
BLACK DIRT AND SEED	10	SY	\$12.00	\$120.00	\$5.00	\$50.00		\$0.00
SOD	5	SY	\$15.00	\$75.00	\$8.00	\$40.00		\$0.00
TREE ROOT REMOV.(2" TO 6")	2	EA	\$50.00	\$100.00	\$20.00	\$40.00		\$0.00
TREE ROOT REMOV. (OVER 6" TO 12")	2	EA	\$75.00	\$150.00	\$30.00	\$60.00		\$0.00
TREE ROOT REMOVAL (OVER 12")	2	EA	\$100.00	\$200.00	\$40.00	\$80.00		\$0.00
CWP- CURB & GUTTER	30	LF	\$0.75	\$22.50	\$0.25	\$7.50		\$0.00
CWP- CONCRETE PAVEMENT	300	SF	\$0.50	\$150.00	\$0.10	\$30.00		\$0.00
REMOVE & REPLACE 8" CURB & GUTTER	200	LF	\$30.00	\$6,000.00	\$65.00	\$13,000.00		\$0.00
TOTAL BID				\$42,382.50		\$45,039.50		\$0.00

I HEREBY CERTIFY FOUR SQUARE CONCRETE LLC TO BE THE APPARENT LOW BIDDER.


KIM FETTIG
PROJECT MANAGER

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2015

Subject: Consider the award of bids for Municipal Sidewalk Improvement Project 2015-04 for 2015.

Page 3 of 3

RESOLUTION
APPROVING CONTRACT AND CONTRACTOR'S BOND FOR
SIDEWALK IMPROVEMENT PROJECT 2015-04

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

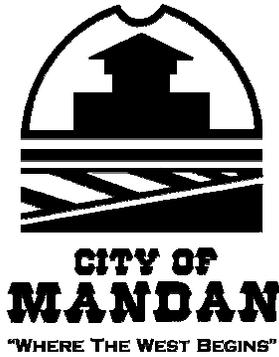
1. It is hereby found and determined that this Board has heretofore caused Notice for Advertisement for Bids to be made for an improvement Sidewalk Improvement Project 2015-04 of said City, and has duly and publicly opened and considered said bids received pursuant to said Notice.
2. Said improvement is hereby ordered to be constructed in accordance with the plans and specifications therefor 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 Four Square Concrete LLC whose bid provides for the construction of said improvement at a total estimated base price of \$45,039.50.
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 17th day of March, 2015

President, Board of City Commissioners

Attest:

James Neubauer,
City Administrator



Bids #3

Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2015
PREPARATION DATE: March 5, 2015
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Jeff Wright
PRESENTER: Jeff Wright, Public Works Director
SUBJECT: Consider awarding bids for 2015 Water Main Replacement Project.

STATEMENT/PURPOSE: Consider awarding bid for the Water Main Replacement Project for Equipment and Labor to Cofell's Heating and Plumbing, Bismarck and Materials to Dakota Supply Group, Bismarck.

BACKGROUND/ALTERNATIVES: The Public Works Department, in conjunction with the Engineering Department, prepared plans for a water main replacement project in the northeast part of Mandan, north of Main St and south of 3rd St NE and west of Mandan Ave and east of 4th Ave NE. The project was divided into 5 areas with about 3 blocks of water main in each area. The project is to preempt a proposed street improvement project later this year.

We opened 8 bids, see attached bid tab, with Taylor Excavating and Underground the apparent low bidder. The Taylor bids were extremely low compared to the rest, upon further inquiry with them on the project, they asked to withdraw their bid from the project, also attached. The next apparent low bidder for Area's A&B was Interstate PowerSystems, whom upon having issues with their liability insurance covering a public water system, respectfully withdrew their bids. Cofell's Heating and Plumbing is now the apparent low bidder for all 5 areas.

Bids were also opened for the Materials for the Water Main Replacement Project with the low bid coming from Dakota Supply Group.

The 2015 Water Main Replacement budget is roughly \$400,000, with this number in mind, it is our recommendation to award Cofell's with Area's A, B, and E for a total equipment and labor cost of approximately \$228,978, and award Dakota Supply Group with the same areas for a total materials cost of approximately \$64,081.14. We are recommending staying on the conservative side since the proposed street project could be protested out and we end up paying for the asphalt/curb replacement out of the water project.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2015

Subject: Consider awarding bids for 2015 Water Main Replacement Project.

Page 2 of 8

ATTACHMENTS: Bid Tabs, Taylor Excavating withdraw, Interstate PowerSystems withdraw, area map.

FISCAL IMPACT: 2015 budgeted amount was \$399,050.

STAFF IMPACT: N/A

LEGAL REVIEW: Malcolm has reviewed.

RECOMMENDATION: I recommend to award Cofell's with Area's A, B, and E for a total equipment and labor cost of approximately \$228,978, and award Dakota Supply Group with the same areas for a total materials cost of approximately \$64,081.14.

SUGGESTED MOTION: Move to award Cofell's with Area's A, B, and E for a total equipment and labor cost of approximately \$228,978, and award Dakota Supply Group with the same areas for a total materials cost of approximately \$64,081.14.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2015

Subject: Consider awarding bids for 2015 Water Main Replacement Project.

Page 3 of 8

Bid Opening
Watermain Replacement Project 2015-Equip. & Labor
Mandan Public Works Department
February 12, 2015, 4:00 PM

Bid Tab

	<u>BIDDER</u>	<u>BID</u>
1.	Basaraba _____	
	Area A:	\$ 211,400 _____
	Area B:	\$ 224,200 _____
	Area C:	\$ 221,000 _____
	Area D:	\$ 232,800 _____
	Area E:	\$ 221,600 _____
2.	Cofell _____	
	* Area A:	\$ 73,445 _____
	* Area B:	\$ 80,543 _____
	Area C:	\$ 76,035 _____
	Area D:	\$ 79,339 _____
	* Area E:	\$ 74,990 _____
3.	Meyer _____	
	Area A:	\$ 90,000 _____
	Area B:	\$ 95,000 _____
	Area C:	\$ 90,000 _____
	Area D:	\$ 93,000 _____
	Area E:	\$ 80,000 _____
4.	Tand _____	
	Area A:	\$ 91,750 _____
	Area B:	\$ 81,410 _____
	Area C:	\$ 88,840 _____
	Area D:	\$ 88,900 _____
	Area E:	\$ 134,700 _____

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2015

Subject: Consider awarding bids for 2015 Water Main Replacement Project.

Page 4 of 8

5. *** Taylor _____

Area A:	\$ 40,000
Area B:	\$ 40,000
Area C:	\$ 40,000
Area D:	\$ 40,000
Area E:	\$ 40,000

6. Quam _____

Area A:	\$ 114,250
Area B:	\$ 119,875
Area C:	\$ 123,895
Area D:	\$ 123,340
Area E:	\$ 123,105

7. *** Interstate PowerSystems _____

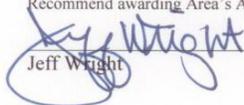
Area A:	\$ 71,131
Area B:	\$ 78,325.24
Area C:	\$ 78,978.16
Area D:	\$ 81,957.74
Area E:	\$ 97,500

8. Force _____

Area A:	\$ 181,825
Area B:	\$ 214,000
Area C:	\$ 169,700
Area D:	\$ 149,000
Area E:	\$ 192,000

***Withdrew bids due to extenuating circumstances.

Recommend awarding Area's A, B & E to the apparent low bidder, Cofell's Heating & Plumbing.


Jeff Wright

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2015

Subject: Consider awarding bids for 2015 Water Main Replacement Project.

Page 5 of 8

Taylor Excavating & Underground
649 Cottonwood Loop
Bismarck, ND 58504

February 25, 2015

To Whom It May Concern:

Taylor Excavating & Underground had submitted a bid for the 2015 Improvements in the City of Mandan. At this time we feel that we have overlooked some details and need to formally withdraw our bid from this project. I apologize for this inconvenience.

Sincerely,

Kelly Taylor
Owner
Taylor Excavating & Underground

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2015

Subject: Consider awarding bids for 2015 Water Main Replacement Project.

Page 6 of 8

INTERSTATE
PowerSystems

1140 Main Street • Billings, MT 59105 • 406-252-4191

March 4, 2015

City of Mandan

205 2nd AVE NW

Mandan, ND 59554

Att: Jeff Wright

Public Works Director

REF: Water Main Replacements

Interstate PowerSystems will respectfully withdraw our complete bid for all phases of the Water Main Distribution project. Interstate was low bid on Area A and B but due to extenuating circumstance wish to withdraw.

We apologize for any inconvenience this may cause and hope to participate in future projects with the City of Mandan.

Respectfully,

Vince Story

Vince Story/Interstate/Vice President Western Operations

1140 Main St.

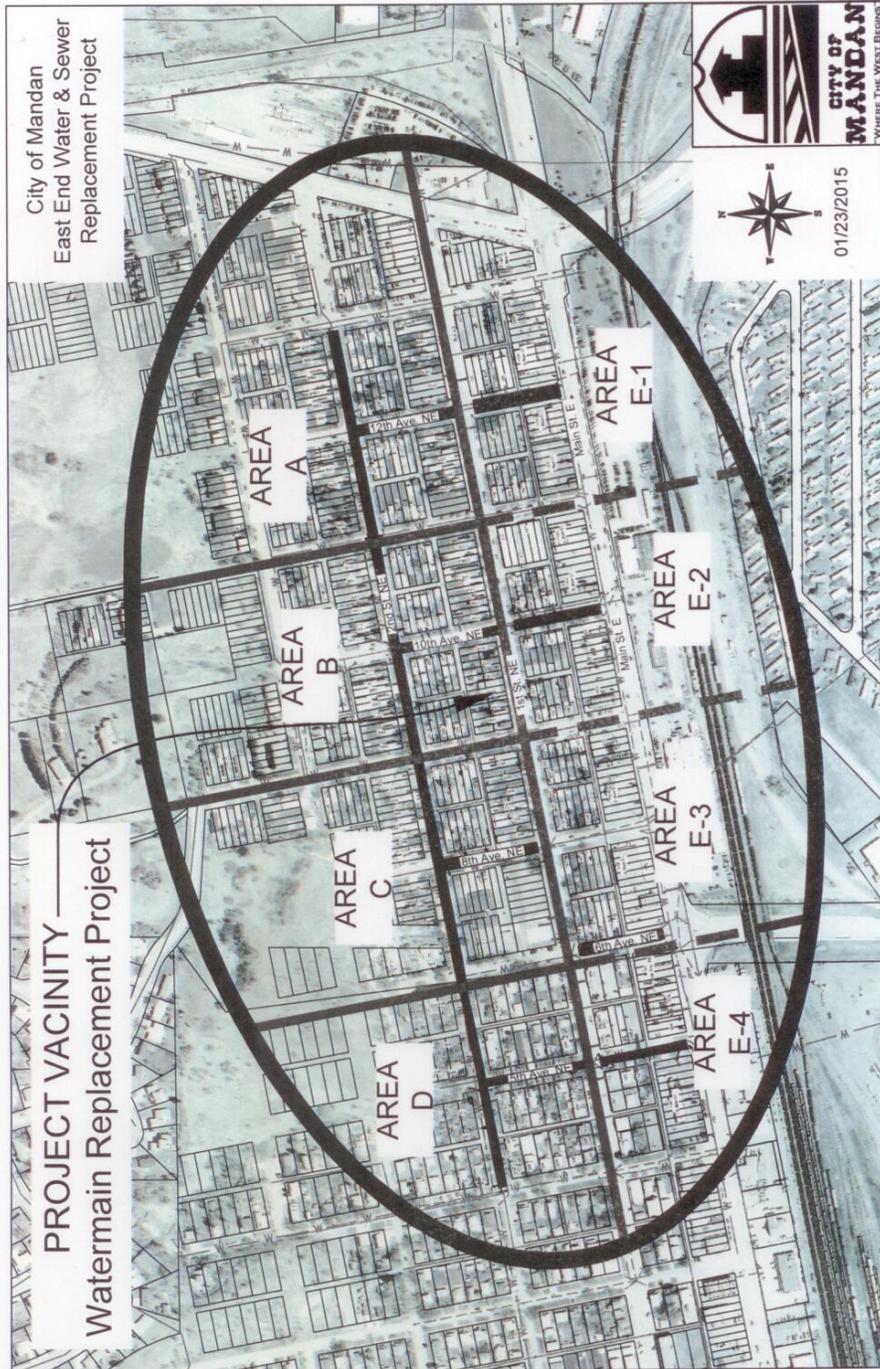
Billings, Mt 59105

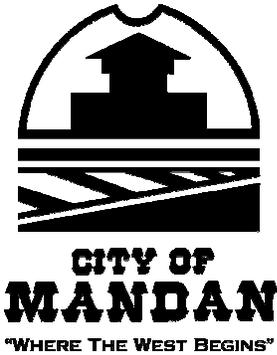
Office: 406-252-4191

Cell: 406-855-2358

vince.story@istate.com www.istate.com

"Pride in Service"





Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2015
PREPARATION DATE: March 12, 2015
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Housing Demand Analysis

STATEMENT/PURPOSE: Consider a cost share agreement with the City of Bismarck for a Housing Demand Analysis for the Bismarck Mandan Area.

BACKGROUND/ALTERNATIVES: City of Mandan was asked if they were interested in participating in a Housing Demand Analysis to include the cities of Bismarck and Mandan. Mandan recently participated in a study with Morton County and Morton County Housing Authority. That study did not include Bismarck. It is felt that participating with the City of Bismarck in a study will certainly cover all bases. Mandan Morton County Study was completed at the end of 2013. Significant housing starts were made in 2014 and therefore this study would be the most up-to-date information available. After the need is determined Bismarck and Mandan would convene a task force of stakeholders to develop a plan to meet the identified housing needs and implement that plan. Bismarck issued a Request for Proposals and Commissioner Tibke participated in ranking the proposals. Hanna:Keelan Associates, P.C. is the recommended contractor.

ATTACHMENTS: Agreement with Hanna:Keelan Associates and Request for Proposals.

FISCAL IMPACT: Total cost \$27,000 less grant (NeighborWorks America) dollars \$10,000 = Balance \$17,000, split based on population, Bismarck 77% Mandan 23%. Mandan share \$17,000 * 23% = \$3,910. General Fund

STAFF IMPACT: minimal time

LEGAL REVIEW: Attorney Brown and Attorney Whitman have reviewed and appropriate changes have been made.

RECOMMENDATION: I recommend approval of the attached agreement for a Housing Demand Analysis in conjunction with the City of Bismarck.

SUGGESTED MOTION: I move to approve the between Hanna:Keelan Associates, City of Bismarck and City of Mandan.

AGREEMENT

BETWEEN

HANNA:KEELAN ASSOCIATES, P.C.

&

CITY OF BISMARCK & CITY OF MANDAN, NORTH DAKOTA

This AGREEMENT is made by and between the **Cities of Bismarck and Mandan, North Dakota** (hereinafter referred to as the “**Cities**”) and the consulting firm of Hanna:Keelan Associates, P.C., of Lincoln, Nebraska (hereinafter referred to as “**H:K**”). The **Cities** hereby engages the services of **H:K** to prepare a **Bismarck & Mandan, North Dakota Housing Demand Analysis**.

I. Scope of Services

1.1 **H:K Responsibilities:** **H:K** agrees to provide the following services:

A. To prepare a **Bismarck & Mandan, North Dakota Housing Demand Analysis**. The detailed **Scope of Work, Time Line and Cost of Services** for preparing the **Housing Analysis** is identified in **Attachment A**, included as a part of this **AGREEMENT**.

1.2 **Cities’ Responsibilities:** To facilitate **H:K's** accomplishment of the services set forth in paragraph 1.1, above, the **Cities** agree to provide the following supportive services:

A. Provide general information required to accomplish an analysis and profile of the demographic, housing stock and housing support services in each Community.

B. Assist **H:K** in scheduling and facilitating all housing meetings and events associated with the implementation of the proposed Citizen Participation Program, as identified in **Attachment A**.

C. Upon request by **H:K**, the **Cities** will inform **H:K** as to the whereabouts of various data/information, necessary to complete the **Housing Analysis**. The collection of various data/information needs will be the sole responsibility of **H:K**.

1.3 **RFP AND PROPOSAL:** The Cities Request for Proposals (RFP) and the Proposal submitted by the Hanna:Keelan Associates (Proposal) are made a part of this Agreement and are attached as **Attachment B and C** respectively. The specific terms of this Agreement shall govern issues where they are specifically addressed otherwise the provisions of the RFP and the Proposal will govern.

II. Compensation/Performance

2.1 Payment for Services: The **Cities** agree to pay **H:K** a fee of Twenty-Seven Thousand Dollars (\$27,000) for services rendered and expenses incurred in performing the responsibilities under this **AGREEMENT**. Payments for services rendered will be made at 50, 90 and 100 percent of completion.

2.2 Assignment: This **AGREEMENT** shall not be assigned by **H:K** without prior written approval of the **Cities**. In the absence of such written approval, any attempt at assignment shall render this **AGREEMENT** void.

2.3 Indemnity: **H:K** agrees to indemnify and hold the **Cities** harmless from all liabilities to third parties proximately caused by the negligent acts or omissions of **H:K**, its employees, agents or representatives.

2.4 Time of Performance: **H:K** agrees to complete the specified services as described in paragraph 1.1 above by May 15, 2015. The **Cities** may, at their discretion, extend the time for completion of this **AGREEMENT** upon good cause shown by **H:K**.

2.5 Termination: The **Cities** reserve the right to terminate this **AGREEMENT**, with or without cause, upon 10 days written notice to **H:K**. In the event of such termination, the **Cities** agree to compensate **H:K** for those items enumerated in Article II above, in an amount equivalent to the reasonable value of services rendered to the date of termination plus the actual expenses incurred.

2.6 Integration and Modification: This **AGREEMENT** represents the parties' entire agreement, and the same shall not be modified except in writing, signed by both parties.

Signed by authorized representatives of the parties on the dates indicated.

HANNA:KEELAN ASSOCIATES, P.C.

Date

Becky J. Hanna & Timothy M. Keelan

Date

City of Bismarck, North Dakota

Date

City of Mandan, North Dakota

Attachment A

**BISMARCK & MANDAN, NORTH DAKOTA
HOUSING DEMAND ANALYSIS
SCOPE OF WORK, TIME LINE & COST OF SERVICES.**

HOUSING DEMAND ANALYSIS; Cities of Bismarck & Mandan, North Dakota.				Month #1	Month #2	Month #3
Scheduled Meetings/Citizen Participation Program.						
Meetings with City of Bismarck Administration.						
Citizen Participation; Housing "Citizen" Survey, utilizing Social Media (Survey Monkey, Constant Contact, Mind Mixer, etc.).						
Community Listening Sessions & "Key" Housing Stakeholder Interviews (Housing Authority, Realtors, etc.).						
Housing Demand Analysis Progress Report on Local Website.						
Demographic Characteristics: 3, 5, 10 & 15-Year Projections.						
Housing Trends & Projections by Income, Group Quarters, AMI Affordability, etc.						
Population Commuting Patterns.						
Economic Trends & Projections (Total Employment by Sector, Unemployment, Commuting Patterns, etc.)						
Existing Housing Stock Analysis.						
Housing Trends & Projections (Tenure, Type, Value, Vacancy Rates, etc.).						
New Construction, Sales, Rental and Foreclosure Data.						
Community Housing Review (Age, Condition, Type, Building Permit History, Available Infrastructure, etc.).						
Analysis of Affordable Rental Housing Market, (Family, Elderly, Special Needs, etc).						
Land Use & Housing Site Analysis.						
Review of Vacant Land for Housing Development, both Infill and Adjacent Corporate Limits.						
Review of Zoning Regulations, Building Codes, etc..						
Owner/Renter & Family/Elderly Housing Sites.						
Housing Market Demand.						
3-, 5-, 10, & 15-Year Housing Target Demand w/ Estimated Budget.						
A. Housing Demand to meet Population Estimates.						
B. Housing Demand for Cost Burdened Households.						
C. Housing Vacancy Deficiency & Pent-Up Demand.						
Housing Demand For Household Types & Income Sectors.						
Housing Demand Analysis for Population Sectors (Workforce, Student, Elderly, Special Needs, etc).						
Housing Rehabilitation Demand w/ Estimated Budget.						
Housing Alternative Energy Systems Solutions.						
Housing Action Plan.						
Identification of Housing Development Programs and Funding Sources: Local, State, Federal.						
Identification of Housing Activities.						
Housing Recommendations by Target Population.						
Housing Rehabilitation & Demolition Needs						
Presentation of DRAFT Housing Demand Analysis.						
Review of Housing Demand Analysis - Modifications, Changes, etc.						
Presentation of FINAL Housing Demand Analysis.						
Presentation to Bismarck & Mandan City Commissioners.						
TOTAL COST						\$27,000

**HANNA:KEELAN ASSOCIATES, P.C.
COMMUNITY PLANNING & RESEARCH**

*COMPREHENSIVE PLANS & ZONING * HOUSING STUDIES *
DOWNTOWN, NEIGHBORHOOD & REDEVELOPMENT PLANNING *
CONSULTANTS FOR AFFORDABLE HOUSING DEVELOPMENTS**

Lincoln, Nebraska 402.464.5383 *

* Becky Hanna * Tim Keelan * Lonnie Dickson, AICP * Keith Carl *

Attachment B

REQUEST FOR PROPOSALS Housing Demand Analysis for the Cities of Bismarck and Mandan

Cities of Bismarck and Mandan are seeking to contract for the creation of a Housing Demand Analysis that will help decision makers and community members develop a meaningful sense of the housing market as well as an understanding of key housing issues. The study should provide a measured assessment of present and future unmet housing demand, focusing on providing a deeper understanding of short-to-mid-term housing demand (3 year, 5 year, 10 year and 15 year). The report is intended to offer community leaders a basis for thinking about community-specific housing policy and affordable housing strategies.

ABOUT THE COMMUNITIES

The City of Bismarck is centrally located in the state of North Dakota. Bismarck is the capital of the State of North Dakota and the county seat of Burleigh County. It is the second most populous city in North Dakota after Fargo. The city's population was estimated at 67,034 in 2013, while its metropolitan population was estimated at 123,751. Bismarck is on the east bank of the Missouri River, directly across the river from Mandan. The two cities make up the core of the Bismarck-Mandan Metropolitan Statistical Area. The city has a total area of 33.1 square miles. As a hub of retail and health care, Bismarck is the economic center of a large portion of south-central North Dakota and north-central South Dakota. The state's capital city is largely influenced by the presence of government operations which is one of the area's largest employers. The housing market and demand in the area is greatly influenced by a diversified economy and the boom in energy development in western North Dakota.

The City of Mandan is separated from North Dakota's capital city, Bismarck, only by the Missouri River. Located immediately to the east, Mandan is the state's eighth largest city and together with Morton County accounts for about 25 percent of the Bismarck-Mandan metro area population. The U.S. Census Bureau estimated Mandan's 2013 population at 19,887, up 4.5 percent from 2012 and the Morton County population at 28,990, up 3.3 percent from 2012. The city is 13.9 square miles. Mandan is growing and part of a regional economy that remains vibrant due to diversity with positive impacts from oil, energy, agriculture, tourism, healthcare, government services, technology, manufacturing and processing businesses.

SERVICE AREA

The housing service area for this analysis should include both the City of Bismarck and the City of Mandan and the immediate surrounding area that the selected firm identifies as the housing market area for each city. The housing service area is an area where employment, housing choices and the local economy form a homogenous unit of activity.

SCOPE OF WORK

Research Questions

1. What are the demographic and economic characteristics of households living in each community? What is the income level of households living in each community now and in the future –
3-5 years? 10 years? 15 years?
2. What can each community expect with respect to economic, employment, and population change in the next 3-5 years? 10 years? 15 years?
3. Based on market information, what is the nature and extent of short-to-mid-term housing demand in each community? Price range? New construction or rehab? Seniors? Families?
4. What's different? If the forecasts developed for this study differ from previously published studies for either community and/or the region, note reasons for the divergence.
5. Are there any innovations and new developments in the housing market that hold promise for the local housing service areas?
6. To what extent is federally subsidized housing evident in the housing service areas? What level of activity can be expected in the future?
7. What is the extent of homelessness? Upside down mortgages? Housing that does not meet safety and sanitary standards?

Housing Demand Analysis Outline

Demographic Analysis

- Population
- Households
- Employment
- Age Distribution
- Income
- Household Tenure and Type

Housing Data Analysis

- Types of Housing Units
- Age of Housing
- Housing Conditions
- New Construction

For-Sale Housing Analysis

- Housing Values
- Interviews with Realtors
- Subdivision Data and Vacant Land Data
- Mobile Home Parks
- Condominiums, Town Houses
- Planned or Proposed Projects

Rental Analysis

- Comprehensive Inventory of Rental Projects (Vacancies, Rents, Amenities, etc.)
- Interviews on Rental Trends
- Planned and Proposed Projects

Senior Housing Analysis

Data on Area Nursing Homes
Comprehensive Inventory of Senior Rental Projects (Vacancies, Rents, Amenities,
Services, etc.)

Interviews on Senior Housing Trends and Needs

Minimum Required Data Elements

The Consultant selected to complete the study is free to develop specific methodology as they deem appropriate. However, the final document should, at a minimum, quantify the following data elements:

1. Existing Housing stock
 - By tenure – rent, own
 - By type – single, condominiums, town houses, multi family, manufactured
 - By value – property values, rents
 - By age and condition
 - Vacancy rates
2. Other Housing Issues
 - Affordable housing – Low Income Housing Tax Credit, Public Housing, Sec 8, USDA
 - Senior/Assisted living options
 - Housing market turnover/sales data
 - Building permit history (community's experience with new construction)
 - Infrastructure capacity/challenges (if applicable)
3. Demographics – now and future (3 yr., 5 yr., 10 yr., 15 yr.)
 - Population by age and income
 - Households by income, age, size
 - Migration patterns (if available)
4. Economics
 - Economic base – by industry and key employer
 - Anticipated employment trends
 - Commuting patterns – employment and services (ex. education, retail, health care)
5. Recommendations to meet needs (based on analysis of data collected)

STUDY PROCESS

The City of Bismarck Housing Demand Analysis project will be overseen by the City of Bismarck Administration Department.

The primary contact from City of Bismarck will be W.C. Wocken, City Administrator.
Phone: 701-355-1300 Email: wwocken@bismarcknd.gov

Community input can be gathered in a variety of ways such as a consultant lead resident survey, community meetings, etc. Interim progress reports may be made for purposes of feedback. A final presentation to the City of Bismarck Board of City Commissioners and City of Mandan Board of City Commissioners will be required.

TIMELINE

Publish RFP: November 17, 2014
Proposals Due: December 31, 2014 at 5 p.m.
Select Consultant: January 27, 2015

Initial Meeting with Stakeholder Committee: TBD
Submit First Draft for Review: March 13, 2015
Final Draft / All Work Products Due: March 31, 2015
Final Presentation of Material to City of Bismarck Board of City Commissioners and City of Mandan Board of City Commissioners: Before April 30, 2015

WORK PRODUCT

The final report should be delivered to the City of Bismarck both as a PDF file and in hard copy (20 bound copies of final report). If the consultant makes a final presentation to the stakeholder committee, an electronic copy of that presentation should be provided as well.

CRITERIA FOR EVALUATION OF PROPOSALS

1. Technical Capabilities
2. Experience and Performance Records
3. Understanding of Project and Proposed Work Approach
4. Knowledge of Regulations and Local Conditions
5. Project Personnel Assignments and Qualifications
6. Ability to Respond in a Timely Manner

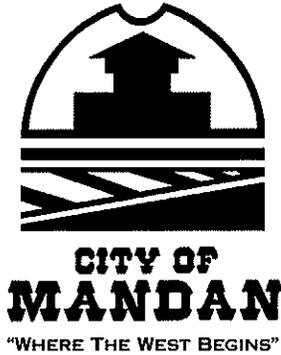
A COMPLETE SUBMISSION WILL INCLUDE:

- Narrative response to RFP
- Proposed timeline for study process
- Brief statement of qualifications, including summary of key personnel who would be assigned to the project
- List of references for similar projects
- Response to RFP limited to 20 pages
- Cost Proposal sealed in separate envelope and marked on the outside "Cost Proposal"

Responses to this RFP are due to:

City of Bismarck
Attn: Housing Demand Analysis RFP
Administration Department
PO Box 5503
Bismarck, ND 58506-5503

To be received no later than December 31, 2014 at 5:00 p.m.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2015
PREPARATION DATE: March 11, 2015
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch, Finance Director
SUBJECT: Expenditure Budget amendments for Fiscal Year 2014 and Expenditure Budget transfers from Fiscal Year 2014 to Fiscal Year 2015.

PURPOSES

1. To amend the Expenditure Budget for Fiscal Year 2014.
2. To transfer Expenditure Budget balances from Fiscal Year 2014 to Fiscal Year 2015.

BACKGROUND

The City of Mandan has funds that have expenditures exceeding their budgetary appropriations for the Fiscal Year ended December 31, 2014; however, the City has sufficient revenue collections, receivables, and/or existing cash balances available in those funds at year-end to offset these expenditures. The expenditures have already been approved by the Board and therefore the formality to amend the Expenditure Budget for Fiscal Year 2014 is needed under NDCC 40-40-15.

Also, according to the City's Budget Policies, departments are allowed to transfer Expenditure Budget balances from the prior year (2014) to the current year (2015) only for specific items or purposes and these transfers must be approved by the Board no later than March of the current year.

ATTACHMENTS

- 2014 Expenditure Budget Amendments
- 2014 Expenditure Budget Transfers to Fiscal Year 2015

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2015

Subject: Expenditure Budget amendments for Fiscal Year 2014 and Expenditure Budget transfers from Fiscal Year 2014 to Fiscal Year 2015.

Page 2 of 2

FISCAL IMPACT

- 2014 Expenditure Budget amendments = \$171,605
- 2014 Expenditure Budget transfers to Fiscal Year 2015 = \$504,466

STAFF IMPACT

None

LEGAL REVIEW

The Expenditure Budget amendments for Fiscal Year 2014 are needed to comply with NDCC 40-40-15 and the Expenditure Budget transfers from Fiscal Year 2014 to Fiscal Year 2015 are in accordance with the City's Budget Policies.

RECOMMENDATIONS

1. To approve the Expenditure Budget amendments for Fiscal Year 2014.
2. To approve the Expenditure Budget transfers from Fiscal Year 2014 to Fiscal Year 2015.

SUGGESTED MOTIONS

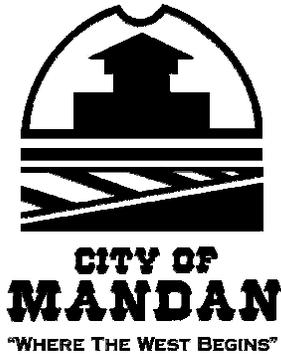
1. Move to approve the Expenditure Budget amendments for Fiscal Year 2014.
2. Move to approve the Expenditure Budget transfers from Fiscal Year 2014 to Fiscal Year 2015.

2014 EXPENDITURE BUDGET AMENDMENTS

Fund	Purpose	Total
City's Share of Special Assessments	City's Share of Special Assessments	\$ 4,110
Narcotics Task Force Asset	Metro Area Narcotics Task Force	\$ 64,928
Narcotics Task Force Grant	Metro Area Narcotics Task Force	\$ 1,809
BNSF Settlement	Property Maintenance	\$ 10,641
Mandan SEP Trust	Professional Fees and Services	\$ 70
Downtown Redevelopment	Property Maintenance	\$ 10,464
Flood Control	Wastewater Treatment Plant- Outfall Rehabilitation Project	\$ 2,415
Flood Control	Flood Control Structures	\$ 35,723
Health and Safety	Special Assessments	\$ 37,680
Mandan Community Center Revenue Bonds	Debt Service Charges	\$ 394
Liberty Memorial Bridge General Obligation Bonds	Debt Service Charges	\$ 150
Refunding Improvement Bonds- Sidewalk, Curb and Gutter	Debt Service Charges	<u>\$ 3,221</u>
	Total	<u><u>\$ 171,605</u></u>

2014 EXPENDITURE BUDGET TRANSFERS TO FISCAL YEAR 2015

<u>Fund</u>	<u>Purpose</u>	<u>Total</u>
General	JLG Architects-Facility Needs Study	\$ 29,500
General	Contingencies	\$ 42,588
General	Finance Department-Capital Outlay	\$ 3,100
General	Municipal Code Recodification	\$ 6,235
Highway Distribution	Street Improvement District #176	\$ 287,308
Highway Distribution	Street Improvement District #177	\$ 44,841
City Visitors Promotion Capital Construction	Beanery Building Repairs	\$ 90,894
	Total	<u>\$ 504,466</u>



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2015
PREPARATION DATE: March 5, 2015
SUBMITTING DEPARTMENT: Building Inspection Dept.
DEPARTMENT DIRECTOR: Doug Lalim
PRESENTER: Doug Lalim, Dept. Manager
SUBJECT: Consider transferring excess 2014 budget funds from the 2014 Building Inspection Department Budget to the account 128-59144 in the 2015 budget to purchase Building Department ICC 2015 Building Code Books.

STATEMENT/PURPOSE: Consider transferring excess funds from the 2014 Building Inspection Department Budget to the 2015 Building Inspection Department Budget account #128-59144 to purchase Building Dept. ICC 2015 Building Code Books for the State Building Code hearings and adoption.

BACKGROUND/ALTERNATIVES: The Building Dept. 2014 Budget has an unused balance of \$1,313.00. With the 2015 Code adoption process starting soon at the State, I would like to purchase the Code books as soon as possible.

ATTACHMENTS:

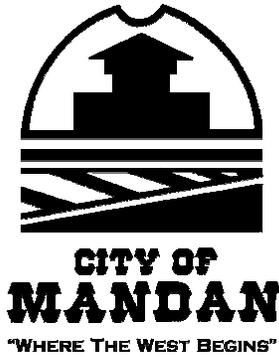
FISCAL IMPACT: Finance Director Welch recommends transferring the excess funds from the 2014 Building Inspection Department Budget, to the 2015 Building Inspection Department Budget Acct. #128-59144, which is used for purchasing books.

STAFF IMPACT: N/A

LEGAL REVIEW: No

RECOMMENDATION: I recommend transferring \$1,313.00 from the 2014 Building Inspection Department Budget, to the 2015 Building Inspection Department Budget to purchase ICC Building Code Books.

SUGGESTED MOTION: Move to transfer \$1,313.00 of excess funds from the 2014 Building Inspection Department Budget, to the 2015 Building Inspection Department Budget Account #128-59144 to purchase ICC Building Code Books.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2015
PREPARATION DATE: March 9, 2015
SUBMITTING DEPARTMENT: Business Development & Communications Department
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: Transfer of funds from the Growth Fund 2014 Budget to the 2015 Budget.

STATEMENT/PURPOSE: To consider transferring funds from the Growth Fund 2014 Budget to the 2015 Budget for approved economic development projects and business development operations.

BACKGROUND/ALTERNATIVES: The 2014 Budget was underspent by nearly \$141,574.54. The vast majority, \$111,566.46 was for approved economic development projects not completed in 2014. The remainder, \$30,008.13, is due partly to the delayed hiring of the program coordinator until July. Under spending also resulted from projects planned but not completed in 2014 due to time constraints. I would like to transfer the following amounts to the 2015 Budget to allow for completion of certain projects and initiatives:

SUBSIDY-OTHER (224.224.65118) - \$107,291.24

Requesting a transfer from this line item from 2014 to 2015 for the following:

- Retail and Restaurant Incentive Stipend
 - Brea expansion - \$4,500 (approved Sept. 2, 2014, for \$6,000 to be provided in 12 monthly; 9 monthly payments remained for 2015).
- Storefront Improvement Projects
 - Andra Miller, 106 11th Ave NE - \$30,000 (complete, payment pending satisfactory invoices)
 - Dot Frank, 112 Second Ave NW - \$30,000 (in process, deadline June 17, 2015)
 - Casecon Properties (Dairy Queen), 1000 E Main - \$30,000 (to commence in 2015, deadline Nov. 18, 2015)

- Larson's Creative Concepts, 216 W Main St — Complete. Paid in February 2015 in the amount of \$12,791.24.

Business Development O&M section

- **ADVERTISING/PUBLIC RELATIONS (224.224.57110) - \$2,350**

Requesting to transfer unspent funds from this line item; \$1,100 for joint community marketing projects funded (in part by Park District and School District) but not completed in 2014; \$1,250 for an e-news bulletin and promotional items budgeted for but not completed or purchased in 2014.

- **PRINTING (224.224.57113) - \$8,000**

Requesting to transfer \$8,000 of unspent funds from printing projects not completed in 2014 due to changing needs and priorities to "Advertising and Publication Relations (224.224.57110) in 2015. The purpose is for production of a video showcasing Mandan's sources of fun and adventure including events, permanent attractions, and other things to do. An external survey conducted in the fall of 2014 identified an opportunity to improve awareness of Mandan as a place to visit. The budget transfer will allow for creation of a video and associated promotional clips where funding in the joint community marketing budget would otherwise be insufficient. The video would be similar to the one produced in late 2014 showcasing business opportunity in Mandan.

ATTACHMENTS: n/a

FISCAL IMPACT: Finance Director Welch indicates the funding from the 2014 Budget is still available.

STAFF IMPACT: n/a

LEGAL REVIEW: n/a

RECOMMENDATION: I recommend transferring the amounts outlined from the FY2014 Budget balance to FY2015 Budget.

SUGGESTED MOTION: I move to approve the outlined budget transfers for the Growth Fund economic development activities and business development operations.



"WHERE THE WEST BEGINS"

CITY OF MANDAN

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

CITY DEPARTMENTS

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

PROCLAMATION NATIONAL MUSIC WEEK May 3-10, 2015

WHEREAS music plays an increasingly important role in our world today; and

WHEREAS music is one of the most sublime of human pursuits and is subscribed to by all races and creeds; and

WHEREAS music is the language of all peoples and one of the greatest forces in creating peace and harmony; and

WHEREAS The National Federation of Music Clubs, dedicated to encouraging young musicians, to increasing musical knowledge, and to advancing American music and its cooperating organizations, join forces to direct attention to the dynamic influence of music in everyday living;

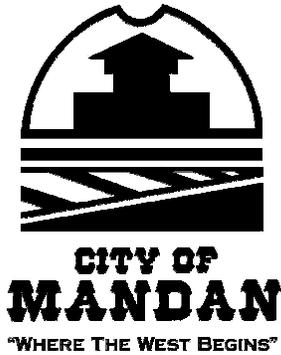
NOW THEREFORE, I, Arlyn Van Beek, Mayor of the City of Mandan, do hereby proclaim the week of May 3 - May 10, 2015 to be **NATIONAL MUSIC WEEK** in the City of Mandan, North Dakota

And ask that all citizens of this community observe and take part in activities, recognizing the importance of music, musicians, and musical organizations to the cultural life of our City, State, Nation and World.

Dated this 17th day of March, 2015.

Arlyn Van Beek
Mayor of the City of Mandan

NMW THEME, 2015: "Music....Heartbeat of the Soul"



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2015
PREPARATION DATE: March 9, 2015
SUBMITTING DEPARTMENT: Fire
DEPARTMENT DIRECTOR: Steve Nardello, Fire Chief
PRESENTER: Steve Nardello, Fire Chief
SUBJECT: 2015 Budget Amendment

STATEMENT/PURPOSE: The Mandan Fire Department has received notification of approval for a Homeland Security Grant award from the North Dakota Department of Emergency Services. We amended the 2014 fire department equipment reserve budget to include the Homeland Security Grant.

BACKGROUND/ALTERNATIVES: Our department applied to the North Dakota Department of Emergency Services for a 0% matching grant to purchase breathing air bottles. We amended the Fire Department 2014 budget to include the grant and to purchase breathing air bottles however; the bottles have not yet been delivered. We now request to amend the Fire Department 2015 budget to include the grant and air bottle purchase.

ATTACHMENTS: Grant notification.

FISCAL IMPACT: Amend the 2015 fire equipment reserve budget to include \$14,250 grant revenue and \$14,250 air breathing air bottle expenditure that was approved and ordered in 2014.

STAFF IMPACT: Purchase of new breathing air bottles is necessary to replace existing bottles that are at the end of service life dates.

LEGAL REVIEW: None

RECOMMENDATION: I recommend that we amend the Fire Equipment Reserve 2015 budget to include the Homeland Security grant and purchase of breathing air bottles.

SUGGESTED MOTION: Motion to amend the Fire Equipment Reserve 2015 budget to include \$14,250 for the purchase of 17 breathing air bottles and \$14,250 revenue from North Dakota Department of Emergency Services Homeland Security Grant that was approved in the 2014 budget process.



*Equipment Under Sp...
ND Department of Emergency Services*

PO Box 5511 Tel: (701) 328-8100 Email: nddes@nd.gov
Bismarck, ND 58506-5511 Fax: (701) 328-8181 Website: www.nd.gov/des

Ensuring a safe and secure homeland for all North Dakotans

September 2, 2014

Chief Steve Nardello
Mandan Fire Department
110 Collins Ave
Mandan, ND 58554

Dear Chief Nardello:

The North Dakota Division of Homeland Security has reviewed your FY 2014 State Homeland Security Grant Program application for equipment. Your application has been approved for \$14,250.00. A detailed award document is attached. Be advised your award is subject to the special conditions listed in the award document. **Please sign and return the original document within 15 days.**

In closing, I congratulate you on your award. Department of Homeland Security funding will enhance the ability of first responders and communities throughout North Dakota to prevent, protect against, respond to and recover from terrorism and other hazards. If you have any questions, please contact a member of our staff at 1-800-773-3259.

Sincerely,

Debbie LaCombe
Grants & Training Chief

DL/rh

Jesse LeMay
Governor
Major General David Spynoczynski
Director - Department of Emergency Services

Greg M. Witz
Director - Division of Homeland Security

Mike Lynk
Director - Division of State Radio



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

Type: Local Permit * Charity Local Permit

Permit Number
2015-16

Name of Organization <i>Dean Leingang</i> <i>Dean Leingang Family Charity Fund Raiser</i>		Date(s) Authorized (Read Instruction 2)	
Contact Person <i>Doug Fritz</i>	Business Phone Number (701) 226-3282	4/12/2015 Beginning	to 4/12/2015 Ending
Mailing Address 210 Lake St	City Mandan	State ND	Zip Code 58554-0000
Site Name Silver Dollar Bar	Site Address 200 E Main St		
City Mandan	State ND	ZIP Code 58554-0000	County Morton
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.			
<input type="checkbox"/> Bingo <input type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input checked="" type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels*			
Restriction:			
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor and Office of Attorney General within 30 days of the event.			
Date 3/1/2015	Signature of: <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor	Printed Name of City or County Auditor Patrick B Haug	Auditor Telephone Number (701) 667-3250

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

cut along this line

INFORMATION REQUIRED TO BE PREPRINTED ON A STANDARD RAFFLE TICKET:

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



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

2015-16

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

Name of Non-profit Organization Dean Leingang Family Charity Fund Raiser		Date(s) of Activity 4/12/2015 to 4/12/2015	
Person Responsible for the Gaming Operation and the Disbursement of Net Income Doug Fritz, Brandon Hodney		Title Organizers	Business Phone Number (701) 226-3282
Business Address 210 Lake St	City Mandan	State ND	Zip Code 58554
Mailing Address (if different)	City	State	Zip Code
Name of Site Where Game(s) will be Conducted Silver Dollar Bar		Site Address 200 E Main	
City Mandan	State ND	Zip Code 58554	County Morton
Check the Game(s) to be Conducted: *Poker, Twenty-one, and Paddlewheels may be conducted only by a Charity Local Permit.			
<input type="checkbox"/> Bingo	<input type="checkbox"/> Raffle	<input type="checkbox"/> Calendar Raffle	<input type="checkbox"/> Sports Pool
<input checked="" type="checkbox"/> Poker *	<input type="checkbox"/> Twenty-one *	<input type="checkbox"/> Paddlewheels *	

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize	Game Type	Description of Prize	Retail Value of Prize
Texas Hold Em	Cash Payout	\$11,900.00			
Total: \$					(Limit \$12,000 per year) 11,900.00

Intended uses of gaming proceeds: All proceeds to distributed to the Leingang family

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

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

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

Signature of Organization's Top Executive Official 	Date 3/2/2015	Title Organizer	Business Phone Number (701) 226-3282
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CITY OF MANDAN

SUNDAY ALCOHOLIC BEVERAGE PERMIT

Date of Application: 03-02-15

Name of Licensee: Silver Dollar Bar

Address of Licensee: 200 E Main

Address of public facility if used: _____

State the purpose of organization: _____

Date(s) of requested Sunday(s): Sunday April 12, 2015 Leingang Fund Raiser

Sunday June 7, 2015

Time of day which the applicant desires the permit to be in effect: noon to 1am

Description of the rooms on the premises, which have been specifically reserved, for the dispensing of alcoholic beverages and dancing during the term of the permit:

all areas of the Silver Dollar Bar

State whether the applicant requests permission to open to the general public, and if so an explanation of the reasons for the request:

04-12-15: Charity Fund Raiser Dean Leingang Family

06-07-15: Buggies n Blues

If applicable, estimated number of police officers necessary to provide security at the dance to be open to the public:

I, the applicant, will abide to the following conditions:

- a. Alcoholic beverages may be distributed for consumption on the premises and Dancing may be permitted only in those rooms specifically reserved for event activities;
- b. Dancing and the dispensing of alcoholic beverages shall be permitted only between the hours of twelve noon on the date specified in the permit and one a.m. on the following Monday;
- c. Any conditions or circumstances delineated by the Board relating to the conduct of the event or to the admission of the general public to the event.
- d. The applicant as a condition to the issuance of such permit consents and agrees that any City police officer may enter upon and inspect the licensed premises or any part thereof at any time for the purpose of determining compliance with the conditions of the permit;
- e. The permit issued under this section may not expand the scope of the class of alcohol license held by the applicant;
- f. An applicant which holds a Class A liquor license must supply copies of the most recent six month's filings of the City food and lodging taxes and allow the City to verify with the ND State Tax Department that said tax payments have been made.
- g. The permittee shall comply with all other applicable ordinances and laws relating to the use and sale of alcoholic beverages in the City.

Kari Matt
Received by:

[Signature]
Signature of Applicant

Date Received: 3-5-15

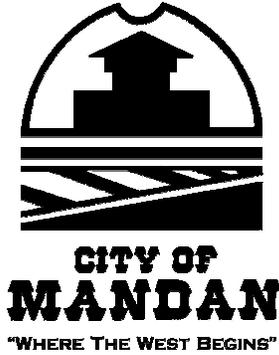
Commission Approval: _____

Auditor Approval: _____

\$5.00 Fee per Sunday-Amount paid \$ 10.⁰⁰

Receipt # _____

Copy to be filed with Mandan Police Department



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2015
PREPARATION DATE: March 11, 2015
SUBMITTING DEPARTMENT: Water Treatment Plant, Duane Friesz
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Change Order Mandan WTP Phase II Optimization

STATEMENT/PURPOSE: Pursuant to our change order policies, the city commission must consider the request as it adds an extension of time exceeding fifteen working days.

BACKGROUND/ALTERNATIVES: Delays to the project were due to change orders PCO 07, PCO 08, PCO 09 and PCO 10 (see attachment #1 for details). The Mandan WTP Phase II Optimization Change Order No. G-1 extends the substantial completion date from March 4, 2015 to March 22, 2015 and the final completion date from April 1, 2015 to April 22, 2015.

ATTACHMENTS: #1 Mandan WTP Phase II Optimization Change Order No. G-1.
#2 Summary of Project Budget.

FISCAL IMPACT: The change order amounts to \$13,475.00 leaving a remaining available project funding balance of \$94,844.76.

STAFF IMPACT: N/A

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

RECOMMENDATION: To approve the contract change order No. G-1 for the Mandan WTP Phase II Optimization Project.

SUGGESTED MOTION: Move to approve the contract change order No. G-1 for the Mandan WTP Phase II Optimization Project.



March 10, 2015

PKG Contracting, Inc
Attn: Mike Sikorski
4301 South University Drive
Fargo, ND 58104

**Re: Mandan WTP – Phase II Optimization
General Construction Contract
Change Order No. G-1**

Dear Mr. Sikorski:

We have processed a Change Order indicating the Owner has elected to accept your proposal responses for additional work on the pretreatment basin and 38' softening basin, modifications to the clearwell vent, adding a 6-inch isolation valve on the house water supply, deduct for removing coverplating in the wood room, additional Plant #1 Recarb Basin crack injection, additional metal repairs to the pretreatment basin, repair of pretreatment basin fillets, and repair to pneumatic line on Filters 8-11 . Please sign all four (4) copies in the spaces indicated and return them to AE2S for approval and final execution by the Owner and North Dakota Department of Health. We will return a copy to you for your records once the Change Order is fully executed.

Note that this change order results in a net increase in contract price of \$13,475.00 for a total contract of \$1,052,375.00. The substantial completion date has been extended by 18 days to March 22, 2015 and the final completion date has been extended by 21 days to April 22, 2015.

Should you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

AE2S



Laith D. Hintz, PE
Project Engineer

Encl.

C: Justin Froseth, City of Mandan
Duane Frieze, City of Mandan
Hristo Paplichev, North Dakota Department of Health

L:\City of Mandan\PO0510-2010-03 Mandan WTP Phase II Optimization\060 Construction\Change Orders\Change Order G-1\CO G1 Cover letter to PKG.docx

Advanced Engineering and Environmental Services, Inc.

1815 Schafer Street Suite 301 • Bismarck, ND 58501 • (t) 701-221-0530 • (f) 701-221-0531

Board of City Commissioners
 Agenda Documentation
 Meeting Date: March 17, 2015
 Subject: Change Order Mandan WTP Phase II Optimization
 Page 4 of 5

Change Order
No. G-1

Date of Issuance: March 10, 2015 Effective Date: March 17, 2015

Project: Mandan WTP Phase II Optimization	Owner: City of Mandan, ND	Owner's Contract No.: 601 886 82200
Contract: General Construction		Date of Contract: October 21, 2013
Contractor: PKG Contracting, Inc.		Engineer's Project No.: P00610-2010-03

The Contract Documents are modified as follows upon execution of this Change Order:

Description of Change:		Provide labor, equipment, and materials for the following:	Cost Adjustment
Item	Description		
1	PCO 01: Replace roller chains on both 66" and 38" units and replace grease line on 66" unit.		\$8,358.00
2	PCO 02: Provide tapping saddle in lieu of tee for cleanwell vent.		(\$4,080.00)
3	PCO 03: Provide 6" flanged BFV cut into existing house water supply per Owner request. Includes 1/2 day of time.		\$3,411.00
4	PCO 06: Deduct for removal of Wood Room coverplating from contract based on field measurements of actual thickness.		(\$3,190.00)
5	PCO 07: Additional crack injection repair on Recarb Basin #1 performed by PKG due to field conditions. Includes 15 days of time.		\$379.00
6	PCO 08: PTB steel required additional repair beyond original \$5,000 allowance. Includes replacements of four hanger rods, launder clips, and misc. welding. Includes 3 days of time.		\$5,080.00
7	PCO 09: Pretreatment Basin fillets. Repair joints of fillets identified during course of construction. Includes 1 day of time.		\$2,351.00
8	PCO 10: Replace pneumatic lines on Filters 8-11 due to field conditions. Includes 1 day of time.		\$1,766.00
Total Net Change - CO G-1			\$13,475.00

Attachments: PCOs 01, 02, 03, 06, 07R1, 08, 09, and 10 are attached.

CHANGE IN CONTRACT PRICE:

CHANGE IN CONTRACT TIMES:

Original Contract Price:	Original Contract Times: <input type="checkbox"/> Working days <input type="checkbox"/> Calendar days
\$ <u>\$1,038,900.00</u>	Substantial completion (days or date): <u>March 4, 2015</u>
	Ready for final payment (days or date): <u>April 1, 2015</u>
[Increase] [Decrease] from previously approved Change Orders	[Increase] [Decrease] from previously approved Change Orders
No. N/A to No. N/A :	No. N/A to No. N/A :
\$ <u>\$0.00</u>	Substantial completion (days): <u>0</u>
	Ready for final payment (days): <u>0</u>
Contract with [Increase] [Decrease] from previously approved Change Orders	Contract Times prior to this Change Order:
\$ <u>\$1,038,900.00</u>	Substantial completion (days or date): <u>March 4, 2015</u>
	Ready for final payment (days or date): <u>April 1, 2015</u>
[Increase] [Decrease] of this Change Order	[Increase] [Decrease] Time of this Change Order:
\$ <u>\$13,475.00</u>	Substantial completion (days or date): <u>18</u>
	Ready for final payment (days or date): <u>21</u>
Contract Price Incorporating this Change Order:	Contract Times with all approved Change Orders:
\$ <u>\$1,052,375.00</u>	Substantial completion (days or date): <u>March 22, 2015</u>
	Ready for final payment (days or date): <u>April 22, 2015</u>

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____ Engineer (Authorized Signature)	By: _____ Owner (Authorized Signature)	By: _____ Contractor (Authorized Signature)
Date: _____	Date: _____	Date: _____
Approved by Funding Agency (if applicable): _____		Date: _____

Board of City Commissioners
 Agenda Documentation
 Meeting Date: March 17, 2015
 Subject: Change Order Mandan WTP Phase II Optimization
 Page 5 of 5

3/10/2015

Mandan, ND - Water Treatment Facility
 WTP Phase II Optimization Project
 P00510-2010-03
 Summary of Project Budget

	SRF	SWC Grant	Total
Funding Budget	\$ 926,063	\$ 600,000	\$ 1,526,063

Construction Contracts	Original Contract Price	Approved Change Orders	Total
PKG Contracting	\$ 1,038,900.00	\$0.00	\$ 1,038,900.00
Edling Electric	\$ 42,320.00	\$0.00	\$ 42,320.00
Subtotal			\$ 1,081,220.00

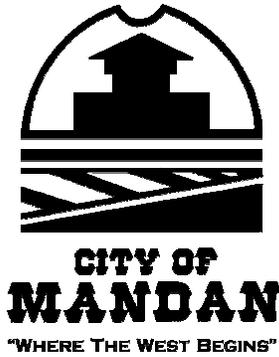
Engineering Services	Contract
All Phases	\$ 311,000.00

Land, Legal, & Other	Cost
Advertising	\$ 680.40
HACH	\$ 15,842.84
CO2 Storage Tank Testing (estima	\$ 9,000.00

Total Available Funding Budgeted	\$ 1,526,063.00
Total Project Costs (Construction Contracts and Engineering)	\$ 1,417,743.24
Subtotal Funding Remaining	\$ 108,319.76

Contractor	Pending Change Orders
PKG Contracting	\$13,475.00
Edling Electric	\$0.00
	\$13,475.00

Funding remaining after pending change orders	\$ 94,844.76
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Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2015
PREPARATION DATE: March 11, 2015
SUBMITTING DEPARTMENT: Water Treatment Plant, Duane Friesz
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Budget Transfer from Fiscal Year 2014 to Fiscal Year 2015.

STATEMENT/PURPOSE: Transfer funds from the 2014 Water Treatment Plant budget to the 2015 Water Treatment Plant budget.

BACKGROUND/ALTERNATIVES: The 2014 Water Treatment Plant Capital budget contains \$90,167 of unused balance. There are several projects the Water treatment Plant would like to complete in 2015.

- A sewage lift station repair of \$10,230.00 unable to complete due to weather conditions.
- Roof repair of \$2,850 unable to complete due to weather conditions.
- Switch gear replacement and misc. electrical work \$8,000 not completed due electrician scheduling issues.
- Installation of a 100 horsepower Variable Frequency Drive \$40,000 to allow for Collins Avenue Reservoir roof inspection.

ATTACHMENTS: N/A

FISCAL IMPACT: : Zero overall impact, however, the 2014 budget would be \$61,080 less and the 2015 budget would increase by \$58,230 within account #601.658.60310 and \$2,850 within the account #601.658.60321 for the Water Treatment Plant

STAFF IMPACT: N/A

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

RECOMMENDATION: I recommend approval of the budget transfer of \$61,080 from the 2014 Water Treatment Plant budget to the 2015 Water Treatment Plant budget.

Board of City Commissioners

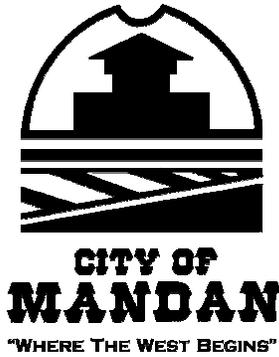
Agenda Documentation

Meeting Date: March 17, 2015

Subject: Budget Transfer from Fiscal Year 2014 to Fiscal Year 2015

Page 2 of 2

SUGGESTED MOTION: I move to approve the budget transfer of \$61,080 from the 2014 Water Treatment Plant budget to the 2015 Water Treatment Plant budget.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2015
PREPARATION DATE: March 11, 2015
SUBMITTING DEPARTMENT: Planning and Engineering
DEPARTMENT DIRECTOR: Justin Froseth, Planning & Engineering Director
PRESENTER: Justin Froseth
SUBJECT: Budget Transfer from Fiscal Year 2014 to Fiscal Year 2015.

STATEMENT/PURPOSE: Transfer funds from the 2014 budgets to the 2015 budgets.

BACKGROUND/ALTERNATIVES: The Finance Department has notified us that we have remaining balances that were budgeted for 2014. The remaining balances are outlined below.

- Planning Department: Stantec – Land Use and Transportation Plan = \$2,330 remains.
- Highway Distribution Fund: KLJ – Mill and Overlay Projects Engineering Services = \$21,463 remains.
- Highway Distribution Fund: NDDOT – Mill and Overlay Project Construction = \$84,776 remains.
- City Sales Tax Fund: Sunset Development, Missouri Valley Addition Sanitary/Storm Sewer = \$2,500 remains.
- City Sales Tax Fund: NDDOT – ND 810 Memorial Bridge, Interchange to Expressway Bridge = \$606 remains.
- City Sales Tax Fund: Stantec – Downtown SID Engineering Services = \$75,000 remains.
- Water and Sewer Utility Fund: AE2S – 2014 Water System Improvements = \$34,017 remains.
- Planning and Engineering General Fund: General Office Operation and Maintenance = \$4,644 remains.

The last item, \$4,644 remaining in the Planning and Engineering fund, is requested to be transferred in order to go towards the “Engineering Fees” line item within the Engineering budget to pay for outstanding invoices for plan reviews.

ATTACHMENTS: N/A

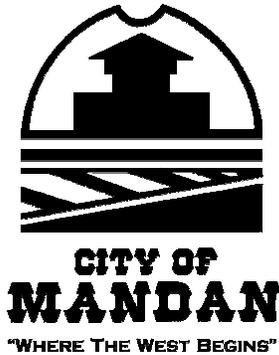
FISCAL IMPACT: No overall impact, however, the balances in the 2014 budget would be transferred to the 2015 budget.

STAFF IMPACT: Minimal

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

RECOMMENDATION: I recommend approval of the budget transfers from the 2014 budgets to the 2015 budgets.

SUGGESTED MOTION: I move to approve the budget transfers from the 2014 budgets to the 2015 budgets.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2015
PREPARATION DATE: March 13, 2015
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Main Street ADA Curb Ramp Improvements, CPM Agreement

STATEMENT/PURPOSE: To consider approval of the Main Street ADA Curb Ramp Improvements Cost Participation, and Maintenance (CPM) Agreement.

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

In order for the DOT to bid this project through their system, a requirement of receiving funding, the CPM Agreement must be agreed to. The CPM Agreement lays out which entity is responsible for each task of the project and is a standard DOT agreement. The local share of this project is to be funded by the Mandan sales tax fund.

ATTACHMENTS:

- 1) CPM Agreement
- 2) Risk Management Appendix
- 3) Funding Summary Appendix
- 4) Project Cover Sheet with Map

FISCAL IMPACT: Given the classification of the corridor as being on the Secondary Regional System, the cost share for the city is 10%, which is estimated to be \$54,018 as described on the Funding Summary Appendix.

STAFF IMPACT: Minimal

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

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2015

Subject: Main Street ADA Curb Ramp Improvements, CPM Agreement

Page 2 of 12

RECOMMENDATION: I recommend the board approve the Main Street ADA Curb Ramp Improvements Cost Participation and Maintenance (CPM) Agreement.

SUGGESTED MOTION: I move to approve the Main Street ADA Curb Ramp Improvements Cost Participation and Maintenance (CPM) Agreement.

NDDOT Contract No. 38150120

**North Dakota Department of Transportation
COST PARTICIPATION AND MAINTENANCE AGREEMENT**

Federal Award Information – to be provided by NDDOT

CFDA No: 20.205	CFDA Title: Highway Planning & Construction
Award Name: Federal Aid Highway Program	Awarding Fed. Agency: Federal Highway Admin
NDDOT Program Mgr: Ardin Striefel	Telephone: 701-328-2559

Notice to Subrecipients: Federal awards may have specific compliance requirements. If you are not aware of the specific requirements for your award, please contact your NDDOT Program Manager.

Project No. SS-9-999(306)

WHEREAS, the North Dakota Department of Transportation intends to proceed with the construction of the following-described street improvement:

**Location: MANDAN - MAIN STREET (10th AVENUE NW TO COLLINS AVENUE)
Type of Improvement: ADA CURB RAMP IMPROVEMENTS
Point of Beginning: STA 102+65
Point of Ending: STA 141+61**

NOW, THEREFORE, in consideration of the mutual benefits to be derived therefrom, it is agreed between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and the city of Mandan, North Dakota, hereinafter referred to as the City, that NDDOT will construct the project in accordance with the current edition of NDDOT's *Standard Specifications for Road and Bridge Construction* and with the plans approved by the City, identified as project SS-9-999(306), and incorporated into this agreement by reference.

1. The City
 - a. Will pay 10 percent of the cost of rights of way and easements acquired for the project; and
 - b. Will pay 10 percent of the total cost of all items which are determined eligible for federal aid participation. This total cost will include the actual construction cost plus 10 percent for the preliminary and construction engineering; and
 - c. Will pay 100 percent of the construction costs plus 10 percent for the preliminary and construction engineering of all items not eligible for federal aid participation.
2. The City will pay to NDDOT as the work progresses or when completed its share of the total cost of the project as defined in paragraph 1.
3. It is specifically agreed that if at any time the City fails to pay the amount billed to NDDOT within 60 days after billings, this document shall constitute an assignment of funds derived from the State



Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2015

Subject: Main Street ADA Curb Ramp Improvements, CPM Agreement

Page 4 of 12

Highway Tax Distribution Fund now or hereafter coming into the hands of the State Treasurer to the credit of the City, and the State Treasurer is hereby directed to deliver and pay over to NDDOT all funds credited to the City until the total thereof equals the sum billed pursuant to this agreement. The preliminary cost estimate of the project is \$540,180, with the City's estimated share being \$54,018.

4. All signs, signals, markings, and other protective structures erected on or in connection with the project, including those installed at the sole cost and expense of the City or by others, shall be approved by NDDOT. All traffic control devices will be in conformance with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways.
5. The City will control the length and location of curb openings for future entrances and will not permit the length of curb openings for entrances to exceed the length shown on the plans or as shown on a sketch of typical entrances for similar entrances; and will prohibit the construction or use of any entrances along the project within the City other than those shown on the plans, without prior approval of NDDOT.
6. The City will not change any speed limit signs as shown on the plans without prior approval of NDDOT.
7. The City will prohibit double and diagonal parking and will control all parallel parking where allowed within the limits of the project in a manner satisfactory to NDDOT and to the Federal Highway Administration (FHWA), or both.
8. Appendices A and E of the Title VI Assurances, attached, are hereby incorporated into and made a part of this agreement.
9. The Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.
10. Audits must be in accordance with the most current version of OMB Cir. A-133. The City shall submit copies of audits covering the terms of this agreement to NDDOT. This requirement is applicable to counties, cities, state agencies, Indian tribes, colleges, hospitals, and non-profit businesses.
11. The City is advised that its signature on this contract or agreement certifies that any person associated therewith is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency within the past three years; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction on any matter involving fraud or official misconduct within the past three years.
12. NDDOT is not responsible for any Property Taxes or Special Assessments on property which has been acquired as part of the roadway reconstruction project. The City is responsible to make arrangements for deferral or payment of such Taxes and/or Special Assessments.
13. The City will, at its own expense, maintain or cause to be maintained, all portions of the project unless otherwise noted in this paragraph. The maintenance will be in a manner satisfactory to NDDOT and FHWA. Exact limits of the project are shown on the attached map.



Board of City Commissioners
 Agenda Documentation
 Meeting Date: March 17, 2015
 Subject: Main Street ADA Curb Ramp Improvements, CPM Agreement
 Page 5 of 12

Executed by the city of _____, at _____,
 North Dakota, the last date below signed.

APPROVED:

City of _____

 CITY ATTORNEY (TYPE OR PRINT)

 NAME (TYPE OR PRINT)

 SIGNATURE

 SIGNATURE

 DATE

*

 TITLE

 DATE

ATTEST:

 CITY AUDITOR (TYPE OR PRINT)

 SIGNATURE

 DATE

Executed for the North Dakota Department of Transportation by the Director at Bismarck, North Dakota,
 the last date below signed.

APPROVED as to substance by:

NORTH DAKOTA
 DEPARTMENT OF TRANSPORTATION

 DIVISION DIRECTOR (TYPE OR PRINT)

 DIRECTOR (TYPE OR PRINT)

 SIGNATURE

 SIGNATURE

 DATE

 DATE

*Mayor or President City Commission

CLA 17058 (Div. 38)
 L.D. Approved 11-07; 10-14



AUTHORIZATION

At a _____ meeting held on the _____ day of _____, 20____, it was moved by _____ and seconded by _____ that the attached certification and agreement be approved, and that the * _____ and City Auditor be authorized to execute in behalf of the City of _____ and that two executed copies be returned to the NDDOT Director.

Adopted on a vote of ____ aye, ____ nay, _____ absent.

ATTEST:

APPROVED:

CITY AUDITOR (TYPE OR PRINT)

City of _____

SIGNATURE

NAME (TYPE OR PRINT)

DATE

SIGNATURE

*

TITLE

DATE

CERTIFICATION

It is hereby certified that the City of _____ will issue improvement warrants to finance the amounts that the City is obligated to pay under terms of the attached agreement with the North Dakota Department of Transportation and that authority to do so has been obtained in accordance with the Section 40-22-06 of the North Dakota Century Code.

Executed at _____, North Dakota, the last date below signed.

ATTEST:

APPROVED:

CITY AUDITOR (TYPE OR PRINT)

City of _____

SIGNATURE

NAME (TYPE OR PRINT)

DATE

SIGNATURE

*

TITLE

DATE

*Mayor or President City Commission



Project SS-9-999(306)

CERTIFICATION OF LOCAL MATCH

It is hereby certified that the City of _____ will provide non-federal funds, whose source is identified below, as match for the amount the City is obligated to pay under the terms of the attached agreement with the North Dakota Department of Transportation. The certified amount does not duplicate any federal claims for reimbursement, nor are the funds used to match other federal funds, unless expressly allowed by federal regulation.

Non-Federal Match Funds provided by City. Please designate the source(s) of funds in the city budget that will be used to match the federal funds obligated for this project through the North Dakota Department of Transportation.

Source:

Executed at _____, North Dakota, the last date below signed.

ATTEST:

CITY AUDITOR (TYPE OR PRINT)

SIGNATURE

DATE

APPROVED:

City of _____

NAME (TYPE OR PRINT)

SIGNATURE

* _____
TITLE

DATE

*Mayor or President of City Commission

CLA 17058 (Div. 38)
L.D. Approved 11-07; 10-14



**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
APPENDIX A OF THE TITLE VI ASSURANCES**

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees as follows:

1. Compliance with Regulations: The Contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. Non-discrimination: The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. Information and Reports: The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient or the Federal Highway Administration as appropriate, and will set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the Contractor under the contract until the Contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. Incorporation of Provisions: The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.



**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
APPENDIX E OF THE TITLE VI ASSURANCES**

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.P.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).



Risk Management Appendix

Routine* Service Agreements With Sovereign Entities and Political Subdivisions of the State of North Dakota:

Parties: State – State of North Dakota, its agencies, officers and employees

Governmental Entity – The Governmental Entity executing the attached document, its agencies, officers and employees

Governments – State and Government Entity, as defined above

Each party agrees to assume its own liability for any and all claims of any nature including all costs, expenses and attorney's fees which may in any manner result from or arise out of this agreement.

Each party shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds, authorized to do business in North Dakota, the following insurance coverages:

- 1) **Commercial general liability and automobile liability** insurance – minimum limits of liability required of the Governmental Entity are **\$250,000 per person and \$500,000 per occurrence**. The minimum limits of liability required of the State are **\$250,000 per person and \$1,000,000 per occurrence**.
- 2) **Workers compensation** insurance meeting all statutory limits.
- 3) The policies and endorsements may not be canceled or modified without **thirty (30) days prior written notice** to the undersigned State representative.

The State reserves the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time.

Each party that hires subcontractors shall require any non-public subcontractors, prior to commencement of work set out under an agreement between that party and the non-public subcontractor, to:

Defend, indemnify, and hold harmless the Governments, its agencies, officers and employees, from and against claims based on the vicarious liability of the Governments or its agents, but not against claims based on the Government's contributory negligence, comparative and/or contributory negligence or fault, sole negligence, or intentional misconduct. The legal defense provided by the Subcontractor to the Governments under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for the Governments is necessary. Subcontractor also agrees to defend, indemnify, and hold the Governments harmless for all costs, expenses and attorneys' fees incurred if the Governments prevail in an action against Subcontractor in establishing and litigating the indemnification coverage provided herein. This obligation shall continue after the termination of this agreement.

Subcontractor shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds authorized to do business in North Dakota: 1) commercial general liability; 2) automobile liability; and 3) workers compensation insurance all covering the Subcontractor for any and all claims of any nature which may in any manner arise out of or result from this agreement. The minimum limits of liability required are \$250,000 per person and \$1,000,000 per occurrence for commercial general liability and automobile liability coverages, and statutory limits for workers compensation. The Governments shall be endorsed on the commercial general liability policy and automobile liability policy as additional insureds. Said endorsement shall contain a "Waiver of Subrogation" waiving any right of recovery the insurance company may have against the Governments as well as provisions that the policy and/or endorsement may not be canceled or modified without thirty (30) days prior written notice to the undersigned representatives of the Governments, and that any attorney who represents the State under this policy must first qualify as and be appointed by the North Dakota Attorney General as a Special Assistant Attorney General as required under N.D.C.C. Section 54-12-08. Subcontractor's insurance coverage shall be primary (i.e., pay first) as respects any insurance, self-insurance or self-retention maintained by the Governments. Any insurance, self-insurance or self-retention maintained by the Governments shall be excess of the Contractor's insurance and the Subcontractor's insurance and shall not contribute with them. The insolvency or bankruptcy of the insured Subcontractor shall not release the insurer from payment under the policy, even when such insolvency or bankruptcy prevents the insured Subcontractor from meeting the retention limit under the policy. Any deductible amount or other obligations under the Subcontractor's policy(ies) shall be the sole responsibility of the Subcontractor. This insurance may be in policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and be placed with insurers rated "A-" or better by A.M. Best Company, Inc. The Governments will be indemnified, saved, and held harmless to the full extent of any coverage actually secured by the Subcontractor in excess of the minimum requirements set forth above. The Government Entity that hired the Subcontractor shall be held responsible for ensuring compliance with the above requirements by all Subcontractors. The Governments reserve the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time.

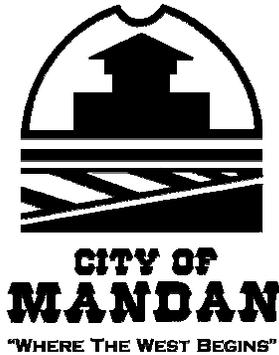
*See *North Dakota Risk Management Manual*, section 5.1 for discussion of "unique" and "routine" agreements.

RM Consulted 2007
Revised 5-09



APPENDIX A
 Funding Split for the City of Mandan - Main Street (10th Avenue NW to Collins Avenue) ADA Ramp Project
 Project: SS-9-999(306)

Description of Cost	Engineering Estimate	Engineering Cost (10%)	Total Estimate	Federal Funds 80.93%	State Funds 9.07%	City Funds 10%	Total
Construction Cost	\$336,471	\$33,647	\$370,118	\$299,537	\$33,570	\$37,012	\$370,118
Preliminary Engineering	\$138,060		\$138,060	\$111,752	\$12,522	\$13,806	\$138,060
Haul Roads	\$5,000		\$5,000	\$4,047	\$454	\$500	\$5,000
Right of Way & Easement	\$27,000		\$27,000	\$21,851	\$2,449	\$2,700	\$27,000
Totals	\$506,531	\$33,647	\$540,178	\$437,166	\$48,994	\$54,018	\$540,178



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2015
PREPARATION DATE: March 13, 2015
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: I-94 Business loop and Memorial Highway Signage Improvements, CPM Agreement

STATEMENT/PURPOSE: To consider approval of the I-94 Business loop and Memorial Highway signing and retro reflectivity project Cost Participation and Maintenance (CPM) Agreement.

BACKGROUND/ALTERNATIVES: The DOT continually identifies and addresses sign maintenance and reflectivity. For the year 2015, the DOT has identified signs needing this type of work in both the I-94 business loop, and the Memorial Highway corridors.

In order for the DOT to bid this project through their system, a requirement of receiving funding, the CPM Agreement must be agreed to. The CPM Agreement lays out which entity is responsible for each task of the project and is a standard DOT agreement. The local share of this project is to be funded by the Mandan sales tax fund.

ATTACHMENTS: 1) CPM Agreement
2) Local Scope of Work Map

FISCAL IMPACT: The city's cost share of this project as stated in agreement is estimated to be \$1,112.

STAFF IMPACT: Minimal

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

RECOMMENDATION: I recommend the board approve the I-94 Business loop and Memorial Highway Signage Improvements Cost Participation and Maintenance (CPM) Agreement.

SUGGESTED MOTION: I move to approve the I-94 Business loop and Memorial Highway Signage Improvements Cost Participation and Maintenance (CPM) Agreement.

NDDOT Contract No. 38150278

**North Dakota Department of Transportation
COST PARTICIPATION AND MAINTENANCE AGREEMENT**

Federal Award Information – to be provided by NDDOT

CFDA No: 20.205	CFDA Title: Highway Planning & Construction
Award Name: Federal Aid Highway Program	Awarding Fed. Agency: Federal Highway Admin
NDDOT Program Mgr: Ardin Striefel	Telephone: 328-2559

Notice to Subrecipients: Federal awards may have specific compliance requirements. If you are not aware of the specific requirements for your award, please contact your NDDOT Program Manager.

Project No. SHE-1-999(025)

WHEREAS, the North Dakota Department of Transportation intends to proceed with the construction of the following-described street improvement:

Location: Mandan - I-94 Business loop and Memorial Highway
Type of Improvement: Signing and Retro Reflectivity Project
Point of Beginning: RP 916.581 (I-94B) and RP 917.902 (Memorial Hwy)
Point of Ending: RP 917.901(I-94B) and RP 920.487 (Memorial Hwy)

NOW, THEREFORE, in consideration of the mutual benefits to be derived therefrom, it is agreed between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and the city of Mandan, North Dakota, hereinafter referred to as the City, that NDDOT will construct the project in accordance with the current edition of NDDOT's *Standard Specifications for Road and Bridge Construction* and with the plans approved by the City, identified as project SHE-1-999(025), and incorporated into this agreement by reference.

1. The City
 - a. Will pay 5 percent of the cost of rights of way and easements acquired for the project; and
 - b. Will pay 5 percent of the total cost of all items which are determined eligible for federal aid participation. This total cost will include the actual construction cost plus 10 percent for the preliminary and construction engineering; and
 - c. Will pay 100 percent of the construction costs plus 10 percent for the preliminary and construction engineering of all items not eligible for federal aid participation.
2. The City will pay to NDDOT as the work progresses or when completed its share of the total cost of the project as defined in paragraph 1.
3. It is specifically agreed that if at any time the City fails to pay the amount billed to NDDOT within 60 days after billings, this document shall constitute an assignment of funds derived from the State



Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2015

Subject: Main Street ADA Curb Ramp Improvements, CPM Agreement

Page 3 of 9

Highway Tax Distribution Fund now or hereafter coming into the hands of the State Treasurer to the credit of the City, and the State Treasurer is hereby directed to deliver and pay over to NDDOT all funds credited to the City until the total thereof equals the sum billed pursuant to this agreement. The preliminary cost estimate of the project is \$22,242, with the City's estimated share being \$1,112.

4. All signs, signals, markings, and other protective structures erected on or in connection with the project, including those installed at the sole cost and expense of the City or by others, shall be approved by NDDOT. All traffic control devices will be in conformance with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways.
5. The City will control the length and location of curb openings for future entrances and will not permit the length of curb openings for entrances to exceed the length shown on the plans or as shown on a sketch of typical entrances for similar entrances; and will prohibit the construction or use of any entrances along the project within the City other than those shown on the plans, without prior approval of NDDOT.
6. The City will not change any speed limit signs as shown on the plans without prior approval of NDDOT.
7. The City will prohibit double and diagonal parking and will control all parallel parking where allowed within the limits of the project in a manner satisfactory to NDDOT and to the Federal Highway Administration (FHWA), or both.
8. Appendices A and E of the Title VI Assurances, attached, are hereby incorporated into and made a part of this agreement.
9. The Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.
10. Audits must be in accordance with the most current version of OMB Cir. A-133. The City shall submit copies of audits covering the terms of this agreement to NDDOT. This requirement is applicable to counties, cities, state agencies, Indian tribes, colleges, hospitals, and non-profit businesses.
11. The City is advised that its signature on this contract or agreement certifies that any person associated therewith is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency within the past three years; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction on any matter involving fraud or official misconduct within the past three years.
12. NDDOT is not responsible for any Property Taxes or Special Assessments on property which has been acquired as part of the roadway reconstruction project. The City is responsible to make arrangements for deferral or payment of such Taxes and/or Special Assessments.
13. The maintenance shall remain on all portions of the project as agreed on in the last signed agreement. Exact limits of the project are shown on the attached map.



Board of City Commissioners
 Agenda Documentation
 Meeting Date: March 17, 2015
 Subject: Main Street ADA Curb Ramp Improvements, CPM Agreement
 Page 4 of 9

Executed by the city of _____, at _____,
 North Dakota, the last date below signed.

APPROVED:

City of _____

 CITY ATTORNEY (TYPE OR PRINT)

 NAME (TYPE OR PRINT)

 SIGNATURE

 SIGNATURE

 DATE

*

 TITLE

 DATE

ATTEST:

 CITY AUDITOR (TYPE OR PRINT)

 SIGNATURE

 DATE

Executed for the North Dakota Department of Transportation by the Director at Bismarck, North Dakota,
 the last date below signed.

APPROVED as to substance by:

NORTH DAKOTA
 DEPARTMENT OF TRANSPORTATION

 DIVISION DIRECTOR(TYPE OR PRINT)

 DIRECTOR (TYPE OR PRINT)

 SIGNATURE

 SIGNATURE

 DATE

 DATE

*Mayor or President City Commission

CLA 17058 (Div. 38)
 L.D. Approved 11-07; ; L.W. 02/19/201510-14



AUTHORIZATION

At a _____ meeting held on the _____ day of _____, 20____, it was moved by _____ and seconded by _____ that the attached certification and agreement be approved, and that the * _____ and City Auditor be authorized to execute in behalf of the City of _____ and that two executed copies be returned to the NDDOT Director.

Adopted on a vote of ____ aye, ____ nay, _____ absent.

ATTEST:

APPROVED:

CITY AUDITOR (TYPE OR PRINT)

City of _____

SIGNATURE

NAME (TYPE OR PRINT)

DATE

SIGNATURE

*

TITLE

DATE

CERTIFICATION

It is hereby certified that the City of _____ will issue improvement warrants to finance the amounts that the City is obligated to pay under terms of the attached agreement with the North Dakota Department of Transportation and that authority to do so has been obtained in accordance with the Section 40-22-06 of the North Dakota Century Code.

Executed at _____, North Dakota, the last date below signed.

ATTEST:

APPROVED:

CITY AUDITOR (TYPE OR PRINT)

City of _____

SIGNATURE

NAME (TYPE OR PRINT)

DATE

SIGNATURE

*

TITLE

DATE

*Mayor or President City Commission



Project SHE-1-999(025)

CERTIFICATION OF LOCAL MATCH

It is hereby certified that the City of _____ will provide non-federal funds, whose source is identified below, as match for the amount the City is obligated to pay under the terms of the attached agreement with the North Dakota Department of Transportation. The certified amount does not duplicate any federal claims for reimbursement, nor are the funds used to match other federal funds, unless expressly allowed by federal regulation.

Non-Federal Match Funds provided by City. Please designate the source(s) of funds in the city budget that will be used to match the federal funds obligated for this project through the North Dakota Department of Transportation.

Source:

Executed at _____, North Dakota, the last date below signed.

ATTEST:

CITY AUDITOR (TYPE OR PRINT)

SIGNATURE

DATE

APPROVED:

City of _____

NAME (TYPE OR PRINT)

SIGNATURE

*

TITLE

DATE

*Mayor or President of City Commission

CLA 17058 (Div. 38)
L.D. Approved 11-07; ; L.W. 02/19/201510-14



**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
APPENDIX A OF THE TITLE VI ASSURANCES**

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees as follows:

1. Compliance with Regulations: The Contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. Non-discrimination: The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. Information and Reports: The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient or the Federal Highway Administration as appropriate, and will set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the Contractor under the contract until the Contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. Incorporation of Provisions: The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.



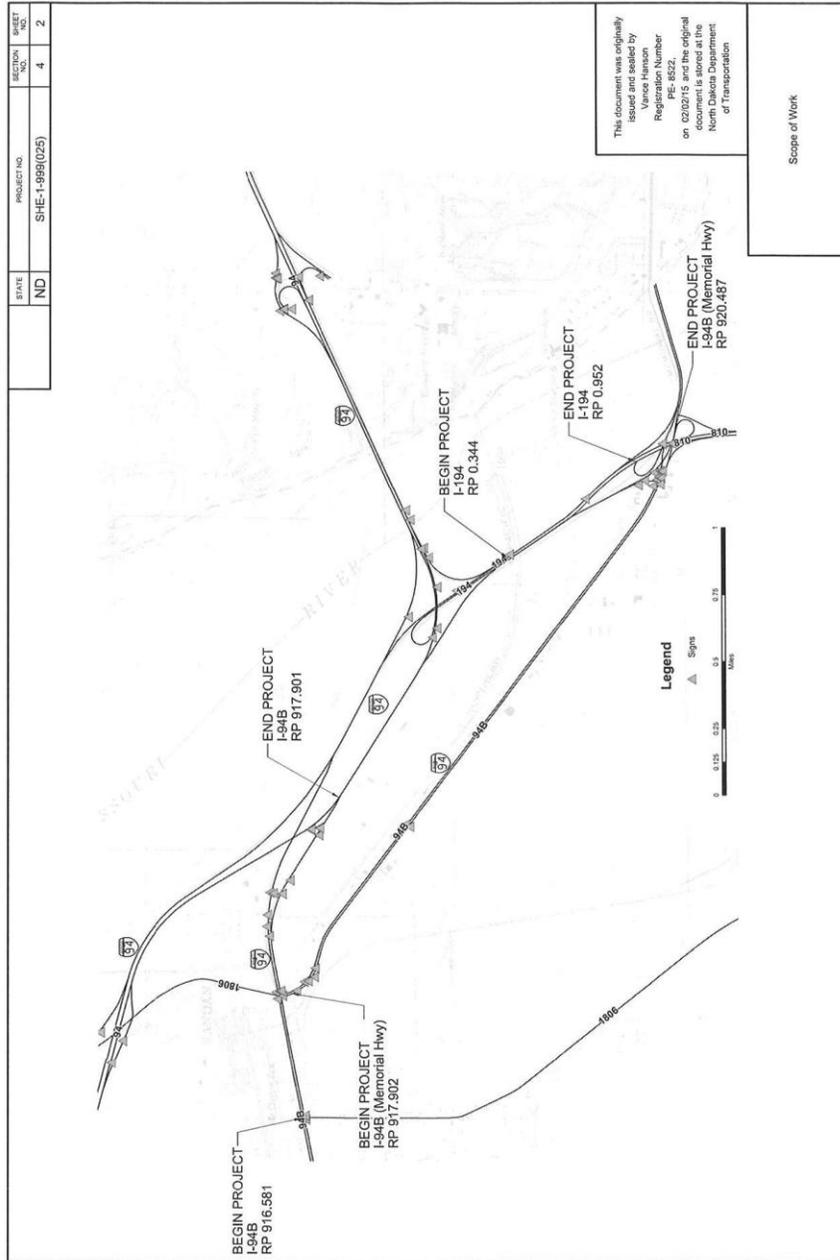
**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
APPENDIX E OF THE TITLE VI ASSURANCES**

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

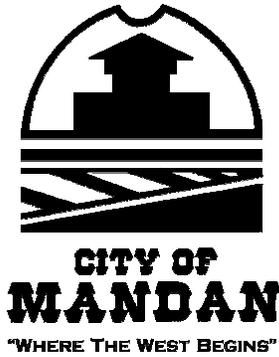
Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).





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Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2015
PREPARATION DATE: March 6, 2015
SUBMITTING DEPARTMENT: Public Works Dept.
DEPARTMENT DIRECTOR: Jeff Wright
PRESENTER: Jeff Wright, Public Works Director
SUBJECT: Transfer of funds from the Public Works Department 2014 Budget to the 2015 Budget

STATEMENT/PURPOSE:

To request the transfer of funds from Sewerline Maintenance, Solid Waste and Cemetery 2014 Budgets to their respective 2015 Budgets for incomplete projects from 2014.

BACKGROUND/ALTERNATIVES:

Sewerline Maintenance:

- On October 7, 2014 the board approved the purchase of a lift station pump for Terra Vallee lift station due to a pump failure, meanwhile the second pump at Terra Vallee failed requiring a temporary fix to the pump with a hole in it and the need to purchase another pump for the lift station. These pumps needed to be ordered right away, they are a specialty pump so bidding was not an option. We would ask for Commission approval for this purchase as an emergency under MMC Section 3-01-04(1) since the purchase price of each pump exceeded \$25,000 which then requires competitive bids under MMC Section 3-01-03(2). (\$57,510)
- The Missouri Dr SE storm sewer lift station upgrade was part of the 2014 Budget of which pumps were purchased, but the control panel ordered is still not ready yet. (\$28,000)

Solid Waste:

- Additional high fencing was budgeted in 2014, the high fence protects the surrounding properties from blowing paper, plastic. The fence will be constructed this spring. (\$5,000)
- Concrete repairs on the south side of the transfer station was also budgeted in 2014, a number of companies looked at the project but declined to attempt to repair. The spalling of the concrete has made it difficult to maneuver the compaction boxes without damaging the rollers on them. We expect to bid it out and see if we have someone interested. (\$70,000)

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2015

Subject: Transfer of funds from the Public Works Department 2014 Budget to the 2015 Budget

Page 2 of 2

Cemetery:

- Grounds Maintenance Building was approved by the board with construction starting in 2015. (\$804,410)

ATTACHMENTS:

None

FISCAL IMPACT: Finance Director Welch has indicated the proposed transfers can be supported from their 2014 Budgets as follows:

- 601.661.62212 - \$57,510
- 601.661.62112 - \$28,000
- 620.620.62210 - \$5,000
- 620.620.62210 - \$70,000
- 208.208.62111 - \$804,410

STAFF IMPACT:

None

LEGAL REVIEW:

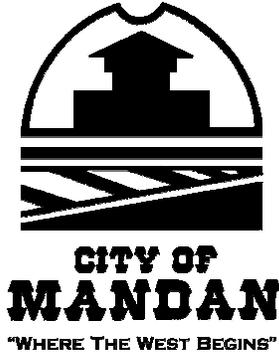
Malcolm has reviewed.

RECOMMENDATION:

To approve the purchase of the pumps at the Terra Vallee Lift Station as an emergency and approve the Transfer of funds from the Public Works Department 2014 Budget to the 2015 Budget as proposed.

SUGGESTED MOTION:

Move to approve the purchase of the pumps at the Terra Vallee Lift Station as an emergency and the Transfer of funds from the Public Works Department 2014 Budget to the 2015 Budget as proposed.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2015
PREPARATION DATE: March 9, 2015
SUBMITTING DEPARTMENT: Police
DEPARTMENT DIRECTOR: Chief Dennis A. Bullinger
PRESENTER: Chief Dennis A. Bullinger
SUBJECT: 2015 Budget Amendment, Transferring Budget Balances From the 2014 Budget onto FY 2015.

STATEMENT/PURPOSE: The Mandan Police Department is requesting approval for a transfer of partial budget balances from the 2014 budget into the current 2015 budget.

BACKGROUND/ALTERNATIVES: The Mandan Police Department has been understaffed for an extended period of time due to turnover and limited number of applicants. In an effort to attract experienced police officers, we are proposing to increase the starting salary for new officers to match 100% of the City of Bismarck's, along with the ability to offer a higher starting salary for applicants with training and experience.

Adjusting the starting salaries for newly hired police officers will also require some adjustments to the salaries of existing staff so that salaries are equitable between new hires and existing staff. The salary adjustments would be made in a manner similar to newly hired officers pending approval of the chief.

We are requesting a transfer of \$77,787.00 from 2014 unexpended Salaries and Benefits into the 2015 Salaries & Benefits budget.

In October, 2014 the departments two Youth Workers attended training in California certifying them to teach an offense specific curricula that included shoplifting, drugs & alcohol, truancy, cognitive life skills, anger management, dealing with high risk offenders and other misdemeanor offenses. The cost for the training and travel was shared between the Mandan School District, Morton County Sheriff's Dept. and the Mandan Police Dept.

Each program has a comprehensive facilitator guide containing instructions for each workbook component. Each curricula subject taught has a workbook which is provided to each attendee. Subject workbooks were ordered in late 2014 and were received after the start of 2015 budget cycle. Our startup cost for workbooks was \$1,200.00 which was

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2015

Subject: 2015 Budget Amendment, Transferring Budget Balances From the 2014 Budget onto FY 2015

Page 2 of 2

not a planned 2015 expenditure. I request your approval in the transfer of \$1,200.00 from the 2014, O&M budget balances into the police department training budget, 121-5516 for 2015.

Both the police department and fire department were approved shared funding of \$15,794.00 in the Alarm-Equipment Reserve account for FY 2014, to pay for installing Computer Aid Dispatching (CAD) software and licensing fees. The installation was only partially completed and it is requested that the balance of \$10,619.00 be transferred into the 2015 Alarm & Equipment Reserve account for FY 2015.

With the addition of a Code Enforcement position which will be under the supervision of the police department, will be housed at the Law Enforcement Center. We currently do not have a desk and are in need of purchasing one. Cost for a desk is \$400.00. I'm requesting the cost, \$400.00 be transfer from the police department 2014 budget into the 2015 budget.

ATTACHMENTS: N/A

FISCAL IMPACT: Transfers;

\$77,787.00	from Salaries & Benefits, 2014, into 2015
1,200.00	from O&M, 2014, into FY 2015
10,619.00	from Police-Fire Alarm & Equipment into FY 2015
<u>400.00</u>	<u>from</u> O&M, 2014 into FY 2015
90,006.00	

STAFF IMPACT: N/A

SUGGESTED MOTION: Move to approve the budget amendment request of the Police Department, in transferring \$90,006.00 from their 2014 budget balances into their current FY 2015 budget.



CITY OF MANDAN

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

CITY DEPARTMENTS	
ADMINISTRATION	667-3215
ASSESSING/BUILDING INSPECTION	667-3230
BUSINESS DEVELOPMENT	667-3485
CEMETERY	667-6044
ENGINEER/PLANNING & ZONING	667-3225
FINANCE	667-3213
FIRE	667-3288
HUMAN RESOURCES	667-3217
LANDFILL	667-0104
MUNICIPAL COURT	667-3270
POLICE	667-3455
PUBLIC WORKS	667-3240
WASTEWATER TREATMENT	667-3278
SPECIAL ASSESSMENTS	667-3271
UTILITY BILLING	667-3219
WATER TREATMENT	667-3275

PROCLAMATION

WHEREAS, Mandan does not have a day to commemorate and encourage non-violence; and

WHEREAS, Other cities have established days/week to celebrate non-violence; and

WHEREAS, Mandan values and strives for neighborhoods free from the harmful effects of violence; and

WHEREAS, Mandan prides itself on being a leader and example to other communities; and

WHEREAS, Day Without Violence is committed to having each city within North Dakota proclaim a citywide day without violence on September 29; and

WHEREAS, Day Without Violence is committed to having each state proclaim a statewide day without violence on or about September 30, and

WHEREAS, Day Without Violence is committed to having the United States proclaim a nationwide day without violence on October 1, to be known as the National Day Without Violence; and

WHEREAS, North Dakota, along with the rest of these United States, can join with other nations to celebrate, on October 2, the United Nations International Day of Non-Violence.

NOW THEREFORE, I, Arlyn Van Beek, Mayor of the City of Mandan, do hereby proclaim Tuesday, September 29, 2015, as the

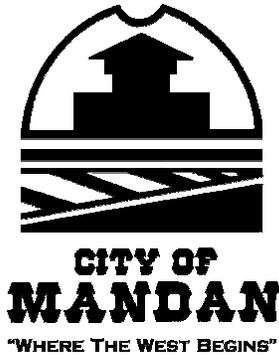
“MANDAN DAY WITHOUT VIOLENCE”

Signed this 17th day of March, 2015.

Arlyn Van Beek, President
 Board of City Commissioners

Attest:

James Neubauer City Administrator



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2015
PREPARATION DATE: March 12, 2015
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Naming Conference Room City Hall

STATEMENT/PURPOSE: To consider naming a conference room in City Hall.

BACKGROUND/ALTERNATIVES: The Assessing/Building Inspection departments have moved offices from their northeast City Hall location to former Morton County Library location in the southwest corner of City Hall. The former Assessing/Building Inspection area has been converted into a conference room.

The American Legion and VFW meet in City Hall once a month. At a Management Team meeting it was suggested we ask those groups what they would like to have this meeting room named. Both groups suggested Veterans Conference Room, Veterans Room or Veterans Meeting Room, any of which would be fine.

ATTACHMENTS: n/a

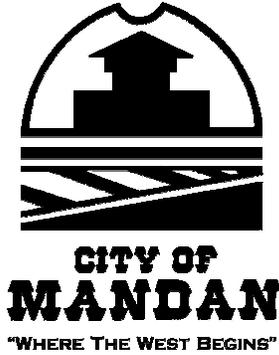
FISCAL IMPACT: n/a

STAFF IMPACT: n/a

LEGAL REVIEW: n/a

RECOMMENDATION: All names would be appropriate; however, Veterans Conference Room would be the recommendation.

SUGGESTED MOTION: I move to name the conference room in the northeast corner of City Hall "Veterans Conference Room".



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2015
PREPARATION DATE: March 13, 2015
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Amendment to Longfellow Park Maintenance Agreement

STATEMENT/PURPOSE: To consider an Amendment to the Longfellow Park maintenance agreement between the City of Mandan and Mandan Park District.

BACKGROUND/ALTERNATIVES: City Commission approved an Amendment to North Dakota Department of Transportation Project SS-TES-1-094(107)920 (Richard M. Longfellow Veterans Park) on March 3, 2017 which in essence provides an additional two acres to the south of the existing Longfellow Park for additional green space.

The Mandan Park Board approved an amendment to the Longfellow Park Maintenance Agreement on March 9, 2015. This agreement provides for the City Mandan to provide development costs for the park and that the Park District will be responsible for the maintenance, insurance, and replacement of damaged items.

ATTACHMENTS: Addendum to Lease Agreement Longfellow Park

FISCAL IMPACT: n/a

STAFF IMPACT: n/a

LEGAL REVIEW: City Attorney Brown has reviewed the document with no changes suggested.

RECOMMENDATION: I recommend approving the amended maintenance agreement with the Mandan Park District regarding Longfellow Park.

SUGGESTED MOTION: I move to approve the amended maintenance agreement with the Mandan Park District regarding Longfellow Park.

**ADDENDUM TO LEASE AGREEMENT
(Longfellow Park)**

This Addendum made and entered into as of March 9, 2015, by and between the City of Mandan of 205 2nd Avenue NW, Mandan, ND 58554, hereinafter referred to as "Lessor," and The Mandan Park District of 2600 46th Street SE, Mandan, ND 58554, hereinafter referred to as "Lessee."

WHEREAS, The parties, by Lease Agreement dated March 9, 201~~0~~⁵, entered into a lease for the maintenance of certain property in Morton County, North Dakota, described therein, known as "Longfellow Park"; and

WHEREAS, The parties have determined to add an additional parcel of property to said Lease,

NOW, THEREFORE, The parties agree that the following described premises shall be and constitute a part of the leased premises under the 2010 Lease Agreement for Longfellow Park:

A tract of land being part of Lot 1A located in the City of Mandan in the NE¼ of Section 6, Township 138 North, Range 80 West of the Fifth Principal Meridian, Morton County, North Dakota, being further described as follows:

Beginning at the northeast corner of said Lot 1A, said corner being N89°21'01"E a distance of 1446.83 feet and S00°38'59"E a distance of 33.00 feet from the north one quarter corner of said Section 6; thence S16°49'45"E a distance of 379.00 feet, thence S89°21'01"W a distance of 240 feet, thence N16°49'45"W a distance of 315.69 feet, thence N44°07'00"E a distance of 85.64 feet, thence N89°21'01"E a distance of 162.05 feet to the point of beginning.

The parties agree that the terms of the 2010 Lease Agreement shall continue in effect and shall apply to the premises made part of this Addendum.

Dated this 9th day of March, 2015.

LESSOR:

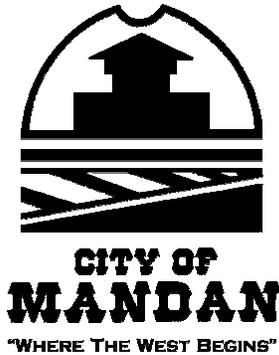
LESSEE:

THE CITY OF MANDAN

THE MANDAN PARK DISTRICT

By: _____
Its _____

By: [Signature]
Is President



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2015
PREPARATION DATE: March 6, 2015
SUBMITTING DEPARTMENT: Business Development and Communications
DEPARTMENT DIRECTOR: Ellen Huber, Business Development and Communications Director
PRESENTER: Ellen Huber, Business Development and Communications Director
SUBJECT: MGF Recommendation About Policy Updates

STATEMENT/PURPOSE: To consider a recommendation by the Mandan Growth Fund (MGF) Committee regarding proposed revisions to the committee's general policy guidelines.

BACKGROUND/ALTERNATIVES: Commissioner Shauna Laber had previously requested that the MGF review its policy guidelines to assure harmony with existing programs. At a March 5, 2015, meeting, the MGF discussed an update to the general purpose section to better encompass the definition of economic development by addressing business retention and expansion, or in other words retaining and expanding jobs, in addition to creating new jobs through new business recruitment. The proposed revisions also add the purpose within economic development of improving quality of life.

The proposed changes also note the establishment of the Retail and Restaurant Incentive program in 2009 and delete language indicating that funds would not be used for retail activities given the broad community input received in the last decade about the importance of expanding Mandan's retail sector.

The MGF asked that staff assist with updating and simplifying the general application form to better fit with its policies by addressing other economic benefits beyond jobs. This will be accomplished at a future meeting.

ATTACHMENTS: MGF General Policy Guidelines with recommended revisions.

FISCAL IMPACT: None

STAFF IMPACT: None

LEGAL REVIEW: City Attorney Malcolm Brown was in attendance at the meeting where the committee reviewed and recommended revisions to the policy guidelines.

RECOMMENDATION: The Mandan Growth Fund Committee unanimously (8-0) recommended approval of the revisions as presented to the general policy guidelines.

SUGGESTED MOTION: I move to approve the recommended revisions as presented to the Mandan Growth Fund Committee's general policy guidelines.

**GENERAL POLICY GUIDELINES
MANDAN GROWTH FUND
CITY OF MANDAN**

In 1991, the voters of the City of Mandan approved a portion of the 1% city sales tax to be used for job and economic development. The fund accumulated for this purpose shall be called the Mandan Growth Fund (MGF).

I. ORGANIZATIONAL STRUCTURE

The MGF Committee will consist of at least seven and no more than nine members which will be appointed by the Mandan City Commission at the first meeting of the year for a term of three years. The committee shall annually select its Chair and Vice-Chair.

The MGF Committee shall meet as needed.

II. GENERAL PURPOSE

The MGF is intended to provide assistance to businesses that desire to expand or locate in the Mandan area. The primary purpose of this fund is ~~to encourage and assist in the development of employment for job and economic development~~ within the area by creating, retaining and expanding new jobs; expanding the local tax base; increasing capital investment; improving the entrepreneurial climate of the region; and generally expanding the financial base of the area to improve quality of life.

A portion of the funds may be appropriated annually for area economic and industrial development promotion activities, the administration of the program, and other types of projects that have direct economic development implications.

In addition to providing financial assistance to businesses that desire to expand or locate in the Mandan area the MGF also reviews the following applications:

- Storefront Improvement¹
- Tax Increment Financing (TIF)²
- New and Expanding Business Property Tax Exemption³
- Retail and Restaurant Incentive⁴

III. ELIGIBLE PROJECTS/FUND USES

Funds available through the Mandan Growth Fund may be used to provide temporary or permanent financing of any business cost related to the relocation and/or establishment of a new business, or the expansion of an existing business within the Mandan area. Generally, these funds will not be used for ~~retail activities or~~ restructuring existing debt.

IV. FUND OPERATING PHILOSOPHY

¹ August 2006 MGF Meeting

² September 2008 MGF Meeting

³ May 2009 MGF Meeting

⁴ October 2009 MGF Meeting

The Mandan Growth Fund Committee, appointed by the City Commission, will have substantial flexibility in the types of financing tools available to it to pursue general economic and industrial development goals. Examples include, but are not limited to: loans, equity positions, equipment and building purchase and leaseback, interest write downs, grants, and other financing vehicles as may be necessary and appropriate.

Interest rates will be based upon the relative risk involved, the desirability of the project to the area, and, the immediate and long term growth potential of the business. It is important that, to the greatest extent possible, financial packages be tailored to meet the needs of the applicant while weighing the impact of the business venture on the area economy. Creative repayment schedules that provide a significant increase in the probability of project success may be provided. In these cases, the economic development potential of the project must justify the non-traditional repayment arrangement.

V. APPLICATION PROCESS

The MGF will develop application procedures and processes for administration of funds from this program. Each proposed project must complete a written pre-application in the format required by the MGF. The MGF will screen the pre-applications and has the right to reject any pre-application that is incomplete or does not meet the eligibility requirements. In addition, the MGF will have the right to use other screening criteria that it deems applicable and appropriate. When a pre-application has been completed, the screening committee will be notified of a date and time for a meeting.

The screening committee will meet monthly or as required to expeditiously process pre-applications.

After review and acceptance of a pre-application by the screening committee, the applicant and its representatives are required to submit a full application and may be required to make an oral presentation in support of their application to the MGF. Both applicants and non-applicants are entitled to present written materials and comments to the MGF within seven (7) days after the oral presentation by the applicant and its representatives. Non-applicants shall⁴ be entitled to make an oral presentation to the MGF either opposing or supporting a written application.

A loan origination fee will be charged at the time the screening committee authorizes the submittal of a full application. The loan origination fee will be \$200 or 1% of the amount requested, whichever is greater. No origination fee will exceed \$2,000. The minimum fee is non-refundable in the event the loan application is not approved. In addition, fifty per cent of any fee above the minimum is nonrefundable in the event the loan application is not approved.

The MGF has the authority to contract for professional advice/services to assist in its review and deliberations regarding any application. The MGF has the right within its total discretion to approve or disapprove any applications. As to any projects which the MGF recommends funding, the application, written comments and materials, and the written MGF recommendation will be forwarded to the Mandan City Commission for its review and final decision. As to any projects which the MGF disapproves, the decision of the MGF is final.

⁴ August 30, 2012 MGF Meeting the word "not" was eliminated
MGF Policy Guidelines
Page 2 of 3

Mandan Growth Funds are granted on a year-to-year basis. Any remaining funds at the end of the year will be kept within the fund for future use.

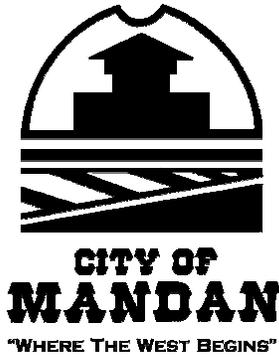
Repayment of any incentives, such as grants and loans, originating from the MGF shall be returned to the MGF.

VI. PROJECT TRACKING

The Mandan Growth Fund Committee will institute project tracking procedures for each active loan file. These procedures will provide periodic feedback on the status of business operations. Establishing the frequency, content, and manner of presentation of these reports will be under the direct purview of the Committee. The Committee will insure that the project tracking and reporting requirements are established prior to loan disbursement.

(Amendments Approved, July 21, 2009)

Revisions recommended by the Mandan Growth Fund Committee, March 5, 2015



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2015
PREPARATION DATE: March 6, 2015
SUBMITTING DEPARTMENT: Business Development and Communications
DEPARTMENT DIRECTOR: Ellen Huber, Business Development and Communications Director
PRESENTER: Ellen Huber, Business Development and Communications Director
SUBJECT: MGF Recommendation on Interest Buy-Down Application

STATEMENT/PURPOSE: To consider a recommendation by the Mandan Growth Fund (MGF) Committee regarding an application for an interest buy-down by Pletan Properties, LLC/Action Motor Sports, Inc.

BACKGROUND/ALTERNATIVES: At a March 5, 2015, meeting, the MGF reviewed an application for an interest buy down of permanent financing for an expansion project utilizing the Bank of North Dakota Flex PACE program. The applicant is seeking the maximum buy down amount of \$153,846. The Bank of North Dakota will provide 65 percent or \$100,000 of the amount, with the local community required to provide 35 percent or \$53,846. The buy-down is on a principal amount of \$2,287,017. Total project financing is \$3,165,700.

The project involves permanent financing for a new building owned by Pletan Properties leased for a major expansion of Action Motor Sports, owned and operated by Dwight and Lori Pletan. The business is currently located at 1417 39th Avenue SE, just off Memorial Highway near the Lonesome Dove. The project involved the purchase of 3.9 acres of property at a location now addressed as 1400 Action Drive SE, which is off Memorial Highway between Circle Diamond Ranch Supply and the new Cenex. The Pletans are constructing a 32,478 sf retail and shop building and a 12,250 sf warehouse building for inventory.

Action Motor Sports sells and services ATVs, snowmobiles, side by sides, dirt bikes, street bikes and scooters in the lines of Polaris, Suzuki and most recently adding the Indian line of motorcycles, plus related accessories and apparel. They have been in business 24 years, nearly all in Mandan. The applicants anticipate adding seven new full-time positions in five years. They believe the more visible and larger location will drive

sales increases that will result in an increase in their collections of the local 1 percent sales tax. They report that their collections increased 50% from 2013 to 2014 reaching \$18,000. They anticipate a 45 percent increase for 2016 to reach \$26,000 annually. There will also be a significant increase in their property tax payments with the new buildings. From a standpoint of retail competitiveness, the MGF recognized that other motor sports businesses in Mandan had previously benefitted from the new and expanding business property tax exemption no longer available for retail use as a result of 2013 legislation.

ATTACHMENTS: The application is available upon request.

FISCAL IMPACT: The Growth Fund balance as of Feb. 28, 2015, for undesignated economic development projects is \$562,912. The buy-down will require a local match of \$53,846, recommended to be structured as a loan, with an interest rate of 2 percent to beginning accruing after the two-year buy-down period ends and repayable within two years thereafter, for a total maximum loan length of four years. The LCRDC will administer and service the loan for the City of Mandan for a 1 percent origination fee and all hard costs to be paid by the borrower and a 1 percent servicing fee on payments collected after the buy-down period ends.

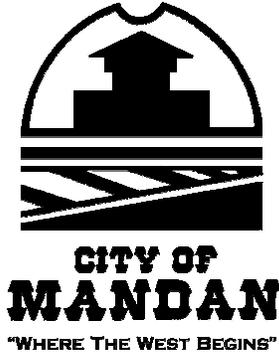
STAFF IMPACT: Minimal.

LEGAL REVIEW: City Attorney Malcolm Brown was in attendance at the MGF meeting for the review and consideration of the application. A separate agreement will be proposed with the Lewis and Clark Regional Development Council for administration and servicing of interest buy-downs structured as loans.

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

RECOMMENDATION: The MGF voted 6-0 (with two members abstaining due to client relationships) to recommend approval of the interest buy-down with a local match of \$53,846 to be structured as a loan repayable within two years after the buy-down period with a 2 percent interest rate.

SUGGESTED MOTION: I move to approve the interest buy-down for Pletan Properties LLC/Action Motor Sports, Inc. with the local match of \$53,846 to be structured as a loan with the term and rate as recommended.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2015
PREPARATION DATE: March 12, 2015
SUBMITTING DEPARTMENT: Business Development and Communications
DEPARTMENT DIRECTOR: Ellen Huber, Business Development and Communications Director
PRESENTER: Ellen Huber, Business Development and Communications Director
SUBJECT: Agreement for loan administration and servicing

STATEMENT/PURPOSE: To consider a proposal from the Lewis and Clark Regional Development Council (LCRDC) for administration and collection services for a proposed loan.

BACKGROUND/ALTERNATIVES: City of Mandan staff do not have the expertise in commercial lending to administer and provide collection services for the loan recommended by the Mandan Growth Fund Committee for the Flex PACE interest buy-down for Pletan Properties. The LCRDC has provided such services for Mandan Growth Fund loans in the past and is willing to do so again.

ATTACHMENTS: Proposed contract for loan administration and collection services.

FISCAL IMPACT: The LCRDC proposes the borrower pay a 1 percent origination fee and all hard costs associated with closing the loan and additionally would charge a fee of 1 percent per annum for the outstanding principal to the borrower. The City would retain any interest for a rate above 1 percent. There would be no prepayment penalty.

STAFF IMPACT: Alleviated.

LEGAL REVIEW: City Attorney Malcolm Brown has reviewed the proposed contract.

RECOMMENDATION: I recommend approval of the proposed contract.

SUGGESTED MOTION: I move to approve the contract with the Lewis and Clark Regional Development Council for administration and collection services for a loan to Pletan Properties.

CONTRACT FOR COLLECTION SERVICES

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

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

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

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

The Council will provide the following services:

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

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

13. As compensation for its services, Council shall charge a fee of 1% per annum of the outstanding principal to the borrower.. In the event this agreement is terminated by either or both parties, Council shall be entitled to receive compensation based on the interest paid from the date of the agreement to the date of termination.

14. The City accepts all risks with the enforceability and collect ability of the loan, and it shall have sole responsibility for program evaluation, approval and accountability.

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

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

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

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

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

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

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

APPROVED:

City of Mandan

*Lewis and Clark Regional
Development Council*

By: Arlyn Van Beek, Mayor

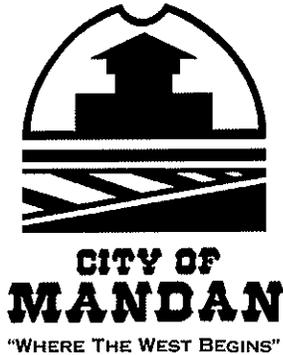
By: Brent Ekstrom, Executive Director

Date

Date

By: Jim Neubauer, City Administrator

Date



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2015
PREPARATION DATE: March 12, 2015
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch, Finance Director
PRESENTER: Mike Manstrom, Dougherty & Company LLC
SUBJECT: Sale of \$4,525,000 Refunding Improvement Bonds of 2015, Series A.

PURPOSE

To award the sale of \$4,525,000 Refunding Improvement Bonds of 2015, Series A for the purpose of refunding the City's Refunding Improvement Bonds of 2007, Series B.

BACKGROUND

The refinancing of the old Bonds is necessary to take advantage of the lower interest rates with the sale of the new Bonds. The following special assessment districts are affected as a result of the refinancing:

- Street #137-Area A
- Street #137-Area B
- Street #138-Area C
- Street #138-Area D
- Street #139
- Street #140
- Street #141-Area A
- Street #141-Area B
- Street #143
- Storm Sewer #26
- Sewer #30
- Water and Sewer #48-Area B
- Water and Sewer #50

ATTACHMENTS

- Refunding Summary
- Debt Service Comparison
- Official Statement cover page
- Credit Rating Report (Moody's Investors Service)
- Resolution Awarding Sale

FISCAL IMPACT

The total Net Present Value Benefit (NPV) savings is estimated to be \$352,284 or 7.925%. This savings is net of the issuance costs. A common method to determine if the refunding is appropriate is that the savings, net of all issuance costs, should be at least 3% to 5% as a NPV percentage of the refunded bonds.

The net savings from the refinancing will be passed on to the balances owed by the special assessment districts indicated above through lower interest rates effective May 1, 2015.

STAFF IMPACT

None

LEGAL REVIEW

Steve Vogelpohl, Bond Counsel, will prepare the legal opinion.

RECOMMENDATION

To approve the Resolution Awarding Sale of \$4,525,000 Refunding Improvement Bonds of 2015, Series A.

SUGGESTED MOTION

Move to approve the Resolution Awarding Sale of \$4,525,000 Refunding Improvement Bonds of 2015, Series A.

\$4,525,000

City of Mandan, North Dakota
Refunding Improvement Bonds of 2015
Current Refunding of Series 2007B

Refunding Summary

Dated 03/01/2015 | Delivered 03/01/2015

Sources Of Funds

Par Amount of Bonds	\$4,525,000.00
Total Sources	\$4,525,000.00

Uses Of Funds

Deposit to Current Refunding Fund	4,445,000.00
Total Underwriter's Discount (1.250%)	56,562.50
Costs of Issuance	20,000.00
Rounding Amount	3,437.50
Total Uses	\$4,525,000.00

Flow of Funds Detail

State and Local Government Series (SLGS) rates for
Date of OMP Candidates

Current Refunding Escrow Solution Method	Gross Funded
Total Cost of Investments	\$4,445,000.00
Total Draws	\$4,445,000.00

Issues Refunded And Call Dates

Mandan RIB 2007B	5/01/2015
------------------	-----------

PV Analysis Summary (Net to Net)

Net PV Cashflow Savings @ 2.155%(AIC)	348,846.73
Contingency or Rounding Amount	3,437.50
* Net Present Value Benefit	\$352,284.23 *
* Net PV Benefit / \$4,445,000 Refunded Principal	7.925% *

Bond Statistics

Average Life	4.038 Years
Average Coupon	1.7204752%
Net Interest Cost (NIC)	2.0299968%
Bond Yield for Arbitrage Purposes	1.7126352%
True Interest Cost (TIC)	2.0383070%
All Inclusive Cost (AIC)	2.1548364%

Ref15 Mandan RIB 2007B pr | SINGLE PURPOSE | 12/17/2014 | 11:41 AM

\$4,525,000

City of Mandan, North Dakota
Refunding Improvement Bonds of 2015
Current Refunding of Series 2007B

Debt Service Comparison

Date	Total P+i	Net New D/S	Old Net D/S	Savings
05/01/2015	-	-	-	-
05/01/2016	780,722.50	780,722.50	833,675.00	52,952.50
05/01/2017	751,027.50	751,027.50	806,475.00	55,447.50
05/01/2018	724,817.50	724,817.50	779,275.00	54,457.50
05/01/2019	696,777.50	696,777.50	750,475.00	53,697.50
05/01/2020	657,027.50	657,027.50	711,675.00	54,647.50
05/01/2021	630,867.50	630,867.50	683,325.00	52,457.50
05/01/2022	598,162.50	598,162.50	653,125.00	54,962.50
Total	\$4,839,402.50	\$4,839,402.50	\$5,218,025.00	\$378,622.50

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	348,846.73
Net PV Cashflow Savings @ 2.155%(AIC)	348,846.73
Contingency or Rounding Amount	3,437.50
Net Present Value Benefit	\$352,284.23
Net PV Benefit / \$4,445,000 Refunded Principal	7.925%
Average Annual Cash Flow Savings	52,831.05

Refunding Bond Information

Refunding Dated Date	3/01/2015
Refunding Delivery Date	3/01/2015

This Document does not constitute an offer to sell the Bonds in any State or other jurisdiction to any person to whom it is unlawful to make such offer in such State or jurisdiction. No dealer, salesperson, or any other person has been authorized to give any information or to make any representation other than those contained herein in connection with the offering of the Bonds, and if given or made, such information or representation must not be relied upon.

**CITY OF MANDAN
MORTON COUNTY, NORTH DAKOTA**

\$4,525,000 Refunding Improvement Bonds of 2015, Series A

Bonds Dated: April 1, 2015

Principal Due: May 1, as shown below

The Bonds will be in fully registered form in the denominations of \$5,000 or any whole multiple thereof. Interest will be payable on May 1 and November 1, commencing November 1, 2015. The Bonds will be issued as fully registered Bonds without coupons and, when issued, will be registered in the name of Cede & Co., as nominee of The Depository Trust Company ("DTC"). DTC will act as securities depository of the Bonds. Individual purchases may be made in book entry form only, in the principal amount of \$5,000 and integral multiples thereof. Purchasers will not receive certificates representing their interest in the Bonds purchased. (See "Book-Entry-Only System" herein.) Starion Bond Services of Bismarck, North Dakota will serve as registrar.

<u>Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>CUSIP No.</u>
2016	\$ 705,000			
2017	690,000			
2018	670,000			
2019	650,000			
2020	620,000			
2021	605,000			
2022	585,000			

Bonds maturing in 2021 and thereafter shall be subject to redemption and prepayment, at the option of the City, on May 1, 2020, and any date thereafter, in inverse order of maturities and by lot within any maturity, at par plus accrued interest.

In the opinion of Steven L. Vogelpohl, Bond Counsel, the interest to be paid on the Bonds will not be includable in gross income of the recipient for United States or North Dakota income tax purposes. Interest on the Bonds will not be treated as a preference item in calculating the federal alternative minimum taxable income of individuals and corporations (see "Tax-Exemption" herein). The Bonds are not "qualified tax-exempt obligations" under Section 265 (b)(3) of the Internal Revenue Code of 1986.

DOUGHERTY & COMPANY LLC

90 South Seventh Street, Suite 4300
Minneapolis, MN 55402-4108
612/376-4000

The Date of this Official Statement is _____, 2015.

MOODY'S

INVESTORS SERVICE

New Issue: Moody's assigns A1 to Mandan, ND's GO Ref. Bonds Ser. 2015A

Global Credit Research - 11 Mar 2015

A1 rating applies to \$41.5M of post-sale GO debt

MANDAN (CITY OF) ND
Cities (including Towns, Villages and Townships)
ND

Moody's Rating

ISSUE	RATING
Refunding Improvement Bonds of 2015, Series A	A1
Sale Amount	\$4,525,000
Expected Sale Date	03/25/15
Rating Description	General Obligation

Moody's Outlook NOO

NEW YORK, March 11, 2015 --Moody's Investors Service assigns an A1 rating to the City of Mandan's (ND) \$4.5 million Refunding Improvement Bonds of 2015, Series A. Concurrently, Moody's maintains the A1 rating on the city's outstanding General Obligation Unlimited Tax (GO) debt. Post Sale, the city will have \$41.5 million of GO debt outstanding.

SUMMARY RATING RATIONALE

The A1 rating reflects the city's moderately sized and favorably located tax base adjacent to the state capital, Bismarck (Aa1); rapidly growing community driven largely by the oil industry boom; sound financial profile supported by healthy General Fund reserves and positive growth in major revenue streams; and an elevated debt and fixed cost burden with future debt plans.

OUTLOOK

Outlooks are generally not applicable for local government credits with this amount of debt outstanding.

WHAT COULD MOVE THE RATING UP:

- Significant reduction in debt levels
- Substantial reduction in annual fixed costs
- Improvement in the city's resident income profile

WHAT COULD MOVE THE RATING DOWN:

- Further leveraging of the tax base
- Deterioration in operating reserves or liquidity
- Increased fixed costs

STRENGTHS

- Strong regional economy marked by low unemployment rates, growing valuations, and healthy residential and commercial building activity

- Healthy reserve levels with revenue raising flexibility

CHALLENGES

- Rapid pace of growth may pose significant capital and infrastructure challenges
- Elevated debt burden and high level of fixed costs

RECENT DEVELOPMENTS

Recent developments are incorporated in the Detailed Rating Rationale.

DETAILED RATING RATIONALE

ECONOMY AND TAX BASE: MODERATELY SIZED TAX BASE LOCATED NEAR STATE CAPITAL; BENEFITS FROM ENERGY SECTOR EXPANSION

The City of Mandan's tax base will continue to grow given the elevated demand for housing and commercial properties, low unemployment rate, and proximity to both the state capital and energy exploration in the state. The city covers nearly 12 square miles and sits directly across the Missouri River from the state capital, Bismarck. Mandan's economy is agriculturally focused with some light manufacturing, commercial, and retail sectors. In contrast to national trends, the city's tax base has seen continued growth throughout the economic downturn. The moderately sized \$1.2 billion tax base has grown at an average annual rate of 7.6% since 2009, which includes increases of 11.2% and 12.0% in 2013 and 2014, respectively. During the last decade, the city annexed a significant amount of land which became available for development and much of that development has materialized in recent years. However, this rapid pace of growth may temper in the long-run as the energy sector transitions from a more labor intensive exploratory phase to a less labor intensive production phase.

The city continues to benefit from the expansion of the energy industry in western North Dakota (Aa1 stable), with energy companies seeking additional office space and additional housing for workers who commute to oil fields in the western part of the state. Wal-Mart Stores Inc. (Aa2 stable) opened a 150,000 square foot Super Wal-Mart in northwest Mandan in the fall of 2013 and hired 150 employees. The store is projected to generate between \$400,000 and \$500,000 in additional sales tax revenue annually. City officials also report increased interest in retail development on the parcels of land near the proposed Wal-Mart. At 3.8% in December 2014, the unemployment rate in Morton County was above the state's rate (2.8%) and well below the nation's rate (5.4%) during the same time period. Resident income indices are slightly below national medians with median family income at 99.7% and 94.3% of US and state levels, respectively, according to the 2008-2012 American Community Survey estimates.

FINANCIAL OPERATIONS AND POSITION: SOUND FINANCIAL OPERATIONS CHARACTERIZED BY HEALTHY RESERVES

The city's financial profile is expected to remain sound due to the presence of healthy reserves and revenue raising flexibility. The city has recorded three consecutive operating surpluses, increasing General Fund reserves from \$1.7 million, or 24.3% of revenues, in fiscal 2010 to \$5.9 million, or an ample 57.1% of revenues, in fiscal 2013. The surplus in fiscal 2013 was attributed to increases in building permits, state aid, and sales tax receipts, which continue to track above budgeted assumptions. Although audited results are not yet available for fiscal 2014, management decreased General Fund reserves by \$500,000 to \$5.4 million, or roughly 54.0% of revenues, due to one-time capital related expenditures. The city has budgeted for another draw in fiscal 2015 of approximately \$353,000 due to a reduction in the millage rate equating to a loss of \$80,000 in addition to \$273,000 set aside for capital outlay expenditures. Management notes that budgeted fiscal 2015 projections are conservative and the likelihood of a General Fund surplus is likely given the city's history of positive budget-to-actual variances.

The city board maintains a fund balance policy that requires it to reserve 17% of the following years expenditures, not including capital outlay expenses. Reserves in excess of this policy are marked as unreserved, and management does not have any plans to materially draw down unreserved fund balance in the near term. The city retains revenue generating flexibility as it currently levies approximately 38.4 mills below the General Fund cap allowed by its home rule charter. Property taxes are the second largest source of revenue for the city and comprised 26% of operating fund (General Fund and Debt Service Fund) revenues in fiscal 2013. Intergovernmental revenues, comprised the third highest revenue source at 16% of operating revenues followed by transfers in, comprised of state highway and sales tax revenues, which accounted for 15%. The city's largest operating revenue, special assessments revenue are dedicated for debt service and comprised 32% of operating revenues. The substantial special assessment revenue helps to offset the high debt service expenditures, which

comprised an exceptionally high 46% of operating expenditures.

The city collects a 1% sales tax, with 50% of collections transferred to the General Fund for property tax relief, with the balance going towards capital improvements and economic development projects. Annual sales tax revenue has continued to grow, with 2014 collections up 13% from the previous year. This strong growth is primarily driven by the oil industry related economic boom coupled with the opening of the new Wal-Mart and is expected to continue for the medium term.

Liquidity

The city's net operating cash, which is inclusive of the General Fund and Debt Service Fund, closed fiscal 2013 at \$5.9 million, or a strong 42.8% of operating revenues.

DEBT AND PENSIONS: HIGH DEBT BURDEN SUPPORTED BY SPECIAL ASSESSMENTS; EXPECTED TO REMAIN ELEVATED

At 3.3% of full valuation, the city's direct debt burden is higher than both state and national medians. Approximately 98% of the city's GOULT debt is supported by special assessments. The city's overall debt burden, at 4.9% of full valuation, is also high due to borrowing by an overlapping entity, Mandan Public School District 1 (Aa3). At the close of fiscal 2013, the city had approximately \$5.5 million in reserves in its debt service fund resulting from prepaid assessments from property owners. The city utilizes these reserves to temporarily cash finance infrastructure projects for newly created improvement districts in anticipation of future development. The city then reimburses the debt service fund with bond proceeds. Thus far, development has materialized as expected and special assessment revenues have been sufficient to cover debt service for which it is dedicated. All special assessment debt is also backed by the full taxing authority of the city, which mitigates the risks posed by potential deficiencies in special assessment collections.

Going forward, we expect that debt will remain elevated given future borrowing needs. Future debt plans include roughly \$3 to \$4 million per year over the next several years to address infrastructure needs in city subdivisions and the construction of a new city hall building, fire district building, and improvements to the park district. City officials plan on going to voters in June 2015 for an additional 1% sales tax in order to pay for the projects.

Debt Structure

All of the city's debt is fixed rate and amortizes over the long term. Principal amortization is above average with 82.8% of general obligation debt retired in ten years.

Debt-Related Derivatives

The city has no derivatives.

Pensions and OPEB

The city maintains a defined contribution employee retirement plan and therefore does not have an unfunded pension liability, nor an adjusted net pension liability under Moody's pension adjustment methodology.

MANAGEMENT AND GOVERNANCE: CONSERVATIVE BUDGETING PRACTICE YIELDS POSITIVE BUDGET VARIANCES

North Dakota cities have an institutional framework score of 'Aa', or strong. Revenues are generally predictable and are composed primarily of property taxes and state aid. Additionally, the influence of collective bargaining is modest given the state's right to work status.

Management utilizes a conservative budgeting approach by budgeting for modest reductions in General Fund reserves for capital projects that result in positive variances on an annual basis.

KEY STATISTICS

- Estimated full valuation: \$1.2 billion
- Estimated full valuation per capita: \$62,800
- Estimated median family income as % of the US: 99.7%

- Fiscal 2013 available operating fund balance / operating revenue: 42.7%
- 5-year change in available operating fund balance / operating revenue: 28.9%
- Fiscal 2013 operating net cash / operating revenue: 42.5%
- 5-year change in operating net cash / operating revenue: 30.4%
- Institutional framework score: Aa
- 5-year average operating revenue / operating expenditures: 0.98x
- Net direct debt burden (inclusive of authorized debt): 3.3% of full valuation; 3.0 times operating revenue
- 3-year average Moody's adjusted net pension liability: 0.0% of full valuation; 0.0 times operating revenue

OBLIGOR PROFILE

The city of Mandan, ND is located in south-central North Dakota on Interstate 94 across the Missouri River from Bismarck. Mandan is the county seat of Morton County, with a population of 18,331 according to the 2010 census.

LEGAL SECURITY

The bonds are expected to be repaid with special assessment revenues from benefiting property owners; however, the city is required to levy a property tax unlimited as to rate or amount to pay for debt service should special assessments be insufficient.

USE OF PROCEEDS

Proceeds of the bonds will be used to refund certain maturities of the city's Refunding Improvement Bonds, Series 2007, Series B for net present value savings.

RATING METHODOLOGY

The principal methodology used in this rating was US Local Government General Obligation Debt published in January 2014. Please see the Credit Policy page on www.moodys.com for a copy of this methodology.

REGULATORY DISCLOSURES

For ratings issued on a program, series or category/class of debt, this announcement provides certain regulatory disclosures in relation to each rating of a subsequently issued bond or note of the same series or category/class of debt or pursuant to a program for which the ratings are derived exclusively from existing ratings in accordance with Moody's rating practices. For ratings issued on a support provider, this announcement provides certain regulatory disclosures in relation to the rating action on the support provider and in relation to each particular rating action for securities that derive their credit ratings from the support provider's credit rating. For provisional ratings, this announcement provides certain regulatory disclosures in relation to the provisional rating assigned, and in relation to a definitive rating that may be assigned subsequent to the final issuance of the debt, in each case where the transaction structure and terms have not changed prior to the assignment of the definitive rating in a manner that would have affected the rating. For further information please see the ratings tab on the issuer/entity page for the respective issuer on www.moodys.com.

Regulatory disclosures contained in this press release apply to the credit rating and, if applicable, the related rating outlook or rating review.

Please see www.moodys.com for any updates on changes to the lead rating analyst and to the Moody's legal entity that has issued the rating.

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MOODY'S
INVESTORS SERVICE

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Greg Welch

From: Steven Vogelpohl
Sent: Wednesday, March 11, 2015 2:54 PM
To: Greg Welch
Cc: Brown, Malcolm H.; Manstrom, Mike
Subject: Mandan Refunding Improvement Bonds of 2015, Series A
Attachments: FORM DRAFT - Resolution Awarding Sale, RIB 2015, Series A.pdf

Greg,

Attached is a form of Resolution Awarding Sale for the above bond Series. The Resolution would be considered for adoption at the Commission's March 17 meeting.

I will revise and complete the Resolution to reflect issue details upon being provided information on the purchase offer.

Thank you for your assistance and please don't hesitate to contact me if you've any questions on the above.

Steve

CITY OF MANDAN
COUNTY OF MORTON
STATE OF NORTH DAKOTA

RESOLUTION AWARDING SALE

WHEREAS, the Board of City Commissioners (the "Governing Body") of the City of Mandan, North Dakota (the "City") has authorized the negotiated sale of the City's Refunding Improvement Bonds of 2015, Series A, in principal amount of \$4,525,000 (the "Bonds") for the purpose of refunding the City's Refunding Improvement Bonds of 2007, Series B having stated maturities in 2016 and thereafter; and

WHEREAS, Dougherty & Company LLC, Minneapolis, Minnesota, has presented this Governing Body an offer to purchase the Bonds (the "Offer"),

BE IT HEREBY RESOLVED by the Governing Body that the Offer of Dougherty & Company LLC, Minneapolis, Minnesota, is hereby accepted, which Offer is as follows:

The Bonds are to be purchased at a purchase price of \$_____ plus accrued interest and initially dated as of April 1, 2015, and shall be issuable as book-entry bonds on the terms as set forth on Attachment 1 hereto.

BE IT HEREBY FURTHER RESOLVED that issuance of the Bonds shall be subject to the approving legal opinion of Steven L. Vogelpohl, Bond Counsel, Bismarck, North Dakota.

Dated and adopted this 17th day of March, 2015.

Attest:

CITY OF MANDAN, NORTH DAKOTA

City Administrator

President, Board of City Commissioners

(S E A L)

The governing body of the political subdivision acted on the foregoing resolution on March 17, 2015, as follows:

Adoption moved by _____ Seconded by _____

Roll Call Vote (List Last Names)

"Aye" _____

"Nay" _____

Absent _____

and after vote the presiding officer declared the resolution adopted.

CITY OF MANDAN
MORTON COUNTY, NORTH DAKOTA

\$4,525,000 Refunding Improvement Bonds of 2015, Series A

THE BONDS

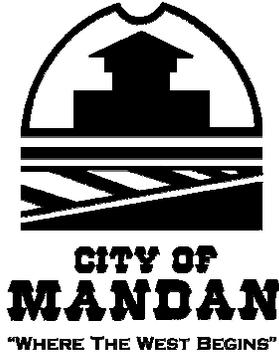
DATED DATE: APRIL 1, 2015

DUE: MAY 1, AS BELOW

Bonds will be available in fully registered form in the denominations of \$5,000 or any whole multiple thereof. Interest is payable each May 1 and November 1, commencing November 1, 2015.

<u>Year</u>	<u>Due May 1</u>	<u>Rate</u>
2016	\$705,000	____%
2017	690,000	_____
2018	670,000	_____
2019	650,000	_____
2020	620,000	_____
2021	605,000	_____
2022	585,000	_____

Bonds maturing in 2021 and thereafter shall be subject to redemption and prepayment, at the option of the City, on May 1, 2020 and any date thereafter, in inverse order of maturities and by lot within any maturity, at par plus accrued interest.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2015
PREPARATION DATE: March 12, 2015
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Consider Community Beautification Committee (CBC) recommendation for appointee

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

BACKGROUND/ALTERNATIVES:

The CBC has one position open. The opening was publicized in January 2015 via the City's website, Facebook page and news release.

The committee reviewed applications for appointment at a meeting on March 12, 2015. Two individuals submitted letters of interest by the deadline, Brian Dehnert and Travis Hirsch. Brian Dehnert was in attendance. Mr. Hirsch was not in attendance at the meeting, however, was contacted via telephone and email informing him of the meeting.. The CBC voted unanimously to recommend the appointment of Brian Dehnert.

ATTACHMENTS: Letters of interest are attached.

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: The CBC voted unanimously to recommend Brian Dehnert to fulfill the remaining term of a member who resigned with a term ending in December 2015.

SUGGESTED MOTION: I move to appoint Brian Dehnert to the Community Beautification Committee for an unexpired term ending in December 2015.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2015

Subject: Consider Community Beautification Committee (CBC) recommendation for appointees

Page 2 of 3

From: Brian Dehnert

Sent: Monday, January 19, 2015 1:18 PM

To: Jim Neubauer

Subject: Community Beautification Committee

Jim,

I'd like to apply to be on the Community Beautification Committee for 2015.

I have lived in Mandan for since 2004 and own a home in Plainview Heights. I also manage a small rental property in town. I am currently employed as an engineer for Bobcat Company in Bismarck but I also have some previous experience working for a landscaping/lawn care company in Fargo.

The biggest reason for my interest is how I view many of the gateway areas into town and the lack of anything visually appealing. Many areas are simply overrun by trash and weeds all summer and general lack of curb appeal.

We've got 2 rivers that run through our city yet there is very little that has been done on the Mandan side to utilize those features, you look at other communities that have similar natural elements and there are well maintained trails and parks and other public areas.

Thank You ,

Brian Dehnert

Brian Dehnert

Design Engineer Sr

Doosan Infracore Construction Equipment

3901 Morrison Ave, PO Box 5556 (58506)

Bismarck, ND 58504

O 701-222-5061

F 701-222-5740

E Brian.Dehnert@doosan.com

<http://www.doosaninfracore.com/ce/index.html>

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2015

Subject: Consider Community Beautification Committee (CBC) recommendation for appointees

Page 3 of 3

From: Travis Hirsch [<mailto:THirsch@BNCBANK.COM>]

Sent: Friday, January 16, 2015 10:01 AM

To: Jim Neubauer

Subject: Community Beautification Committee

Good Afternoon Jim Neubauer,

Background:

Currently work full time for BNC National Bank as:

PERSONAL BANKING OFFICER

April 2014 - Present

- Responsible for performing intermediate duties and support related to branch operational activities and financial services.
- Process new account transactions.
- Assist customers in their selection of various accounts and financial services.
- Cross-selling the bank's products and services; opening, maintaining and closing of all account types.
- Required to be fully knowledgeable and skilled in the areas of teller, vault, safe deposit, processing and boarding DDA lines of credit, discussing and accepting credit applications, and required to provide leadership, training and support to less experienced, new Account Representatives and other branch staff members.

Part time at Basin Electric:

Security and Response services.

April 2014 - Present

Before working for BNC and Basin Electric I worked for Wells Fargo as a Personal Banker for four and half years. Before getting in to the banking industry, I was in retail management for about 10 years. Started out at with Wal-Mart when I was going to college in Dickinson at Dickinson State university trying to attain my Business Administration Degree. With Wal-Mart I was in six different location in eight years, moving from store to store either doing a facelift or an expansion along with opening up new Supercenters. I was part of the management team that opened up the first South Dakota Wal-Mart Supercenter in Mitchell SD.

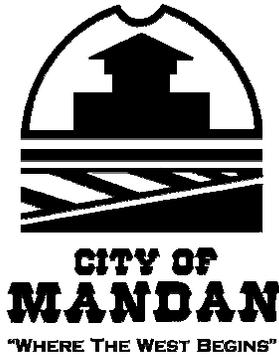
I've lived in Mandan for 6 years with my wife Robin and two boys Brayden six and Brody nine months. Robin works for the State of North Dakota in Bismarck at the ITD building north of Bismarck.

I would be excited to be part of the beautification committee because I'd like to be part of enhancing Mandan's appearance and being part of the community.

Thank you!

Travis J Hirsch

Personal Banking Officer



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2015
PREPARATION DATE: March 12, 2015
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Jeff Wright
PRESENTER: Jeff Wright, Director
SUBJECT: Solid Waste Hauling Agreement with Waste Management of ND

STATEMENTS/PURPOSES

To consider the City of Mandan's options for Solid Waste Hauling as Waste Management's contract expires June 30, 2015 and Waste Management has no interest to automatically renew the existing contract under the current conditions. See attached Waste Management proposal.

BACKGROUND/ALTERNATIVES

The current Solid Waste Hauling Agreement with Waste Management of ND will expire on June 30, 2015. Under the existing Agreement, the City had the option for an extension for another 10 years. On March 12, 2015, Waste Management of ND provided the City with their notice to terminate the existing contract and present their new proposal. Staff discussions have produced two options to consider:

Option 1. The City should solicit proposals for services required. While doing so, we should consider single sort recycling to try to reduce the solid waste hauling costs, the City of Bismarck has had their system going about a year and since we are looking for hauling services it would be a good time to test the waters and see what kind of bids we could get to implement a similar program. We could get separate bids for hauling, recycling, and both hauling and recycling.

Option 2. Consider hauling our solid waste with City staff and equipment. This option would work only if the City of Bismarck is willing to take our solid waste at their facility.

ATTACHMENTS

Letter with proposal from Waste Management of ND.

FISCAL IMPACT

Option 1: Based on Waste Management's proposal, our annual increase in cost would be approximately \$131,000 based on current tonnage, but by soliciting proposals we will be assured the best option and cost for the City. We can weigh the costs and benefits of recycling and the cost savings of hauling less tonnage.

Option 2: This option would require an upfront cost of \$150,000 for hook truck, and annual costs of approximately \$62,000 for operator, \$11,000 for fuel and maintenance and \$30,000 for depreciation of truck over 5 years. There is also an approximate \$5.00/ton increase from Waste Management current cost and Bismarck's current rate, or \$41,000 per year. The estimated annual cost to haul ourselves is \$144,000, which is higher than option 1.

STAFF IMPACT

Option 1 – none

Option 2 – 1 additional employee

LEGAL REVIEW

Malcolm has reviewed.

RECOMMENDATIONS

To allow staff to move forward with the Request For Proposals for bids on Solid Waste Hauling and Single Sort Recycling options as presented.

SUGGESTED MOTIONS

Move to allow staff to move forward with the Request For Proposals for bids on Solid Waste Hauling and Single Sort Recycling options as presented.

PUBLIC SECTOR SOLUTIONS

Proposal for the City of Mandan for Municipal Solid Waste Transportation and Disposal Services

Paul Kalibabky, Public Sector Services

March 12, 2015



THINK GREEN®



Waste Management, Inc.
7007 15th Street NW
Bismarck, ND 58503
Phone 701.318.9301

March 12, 2015

City of Mandan
205 2nd Avenue NW
Mandan, ND 58554

Dear Mayor Van Beek, Commissioner Braun, Commissioner Laber, Commissioner Rohr, and Commissioner Tibke:

The transportation and landfill agreement, dated July 1, 2005, between the City of Mandan and Waste Management will end on June 30, 2015. Waste Management will not be selecting the option to renew this agreement under the current terms of the agreement and hereby give the City our 90-day notice of termination. Waste Management would like to thank you for your business for the past 10 years.

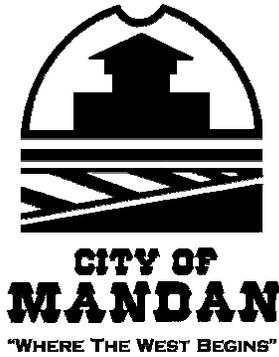
Although our current agreement will expire, Waste Management would like to continue as your environmental service provider under a new agreement. The framework of the existing agreement would work for a new 10-year contract with the following proposed changes:

- I. Transportation and Disposal
 - A. \$55.71 per ton for the first year of the agreement
- II. Annual Rate Adjustment
 - A. Three (3) percent increase on the anniversary date

We greatly appreciate your business and our working relationship, and we look forward to discussing this proposal with you in detail. If there are any questions or items requiring clarification, please do not hesitate to contact Paul Kalibabky at (701) 318-9301.

Sincerely,

A handwritten signature in black ink that reads "Paul Kalibabky".
Paul Kalibabky
Public Sector Services



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2015
PREPARATION DATE: March 12, 2015
SUBMITTING DEPARTMENT: Assessing Dept
DEPARTMENT DIRECTOR: Shirley Shaw, City Assessor
PRESENTER: Jeff Zueger
SUBJECT: Extension of a 2-Year Property Tax Exemption for New or Expanding Businesses for Zueger Properties, Goldstar Properties, Verity Homes

STATEMENT/PURPOSE: To ask the City Commission to extend the already approved 2-year property tax exemption for new or expanding business that is to lapse June 4th, 2015 and would become invalid due to not completing the 30-unit apartment building within the two-year timeframe.

BACKGROUND/ALTERNATIVES: Zueger Properties, Goldstar Properties, Verity Homes qualified and was approved for a 2-year property tax exemption for a new or expanding business back on June 4, 2013. This 2-year property tax exemption will expire on June 4, 2015 according to the city policy as the 30-unit apartment building was to be permitted within one year and completed within two years or the exemption would become invalid. The building permit was taken out on October 15, 2013 and if not completed by June 4th, 2015, they will lose the exemption that had been granted.

Jeff Zueger, Dakota Bridgeview Partner, is here today to ask the City Commission to extend the two-year completion requirement for this property tax exemption for the construction of the 30-unit apartment building that they currently have in progress for an additional 30 days for Bridgeview Bay Apartments. Jeff Zueger indicated in his letter they have encountered many challenges that have prevented them from meeting their deadline date. A shortage of manpower required for contractors to meet their contract and schedule requirements, difficulty in contracting subcontractors, challenging weather conditions as well as several contractors failing to meet schedule requirements which lead to renegotiation and hiring new contractors. These delays were attributed to resource challenges. (See attached email memo).

This parcel is also known as Lot 1, Blk 2, of Bridgeview Bay 1st. Parcel #10020.
Address: 2003 Marina Rd SE.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2015

Subject: Extension of a 2-Year Property Tax Exemption for New or Expanding Businesses for Zueger Properties, Goldstar Properties, Verity Homes

Page 2 of 26

ATTACHMENTS: Copy of original application for Property Tax Incentives for New or Expanding Businesses, June 4, 2013 Minutes, City of Mandan Commercial Property Tax Exemption Policy and Guidelines, Building Permits and E-mail from Jeff Zueger formally requesting an extension.

FISCAL IMPACT: \$53,190 per year for a two-year total of \$106,380.

STAFF IMPACT: N/A

LEGAL REVIEW:

RECOMMENDATION: Approval of the 30-day extension from June 4, 2015 to July 4, 2015, as they were permitted within 4 months of approval and they are asking for a small extension to meet the deadline. If they do not obtain the Certificate of Occupancy by July 4, 2015; they lose the exemption.

SUGGESTED MOTION: A motion to approve the 30-day extension from June 4, 2015 to July 4, 2015 for the 2-Year Property Tax Exemption for New or Expanding Businesses for Zueger Properties, Goldstar Properties, Verity Homes.



{New Business, Consent? No.}

Board of City Commissioners

Agenda Documentation

COPY

MEETING DATE: June 4, 2013
PREPARATION DATE: April 25, 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 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: Mr. Zueger is asking for an exemption for the construction of a new 30-unit apartment building with underground parking, three story; units to be 1, 2, and 3-bedroom. There will also be additional garages to be constructed. The Notice to Competitors was published in the April 26th and May 3rd 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 25, 2013.

This property and apartment project were subject of an application by MTP Holdings approved last June. This is a new ownership and thus they were directed to re-apply.

SHORT DESCRIPTION OF PROJECT: Mr. Zueger is proposing a new 30-unit apartment building with underground parking and additional garages. The proposed apartment building area will have 13,618 square feet and 2,178 square feet for garages.

OF JOBS TO BE CREATED: 2.5

This parcel is also known as Parcel #10020 at 2003 Marina Rd. SE, Lot 1, Block 2, Bridgeview Bay 1st Addition.

ATTACHMENTS: Application

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2015

Subject: Extension of a 2-Year Property Tax Exemption for New or Expanding
Businesses for Zueger Properties, Goldstar Properties, Verity Homes

Page 4 of 26

Board of City Commissioners

Agenda Documentation

Meeting Date:

Subject:

Page 2 of 2

FISCAL IMPACT: The building's value is estimated at \$2.7 million. Annual property taxes using the current mill levy would be \$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 because of it being more than 24 units. The tier 1 level of exemption is 100% years 1-2.

SUGGESTED MOTION: A motion to approve a Property Tax Incentive for New or Expanding Businesses for Zueger Properties, Goldstar Properties, and Verity Homes in accordance with the exemption for two years; tier 1 level, due to it being more than 24 units. The tier 1 level of exemption is 100% for years 1-2.

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

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

Project Operator's Application To Mandan
City or County

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

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

This application is a public record

Identification Of Project Operator

1. Name of project operator	<u>Zueger Properties, Goldstar Properties, Verity Homes</u>	
2. Address of project	<u>2003 Marina Road, SE</u>	
	City <u>Mandan</u> County <u>Morton</u>	
3. Mailing address of project operator	<u>4816 Harbor Trail SE</u>	
	City <u>Mandan</u> State <u>ND</u> Zip <u>58554</u>	
4. Type of ownership of project		
<input type="checkbox"/> Partnership	<input type="checkbox"/> Subchapter S corporation	<input type="checkbox"/> Individual proprietorship
<input type="checkbox"/> Corporation	<input type="checkbox"/> Cooperative	<input checked="" type="checkbox"/> Limited liability company
5. Federal Identification No. or Social Security No.	<u>N/A</u>	
6. North Dakota Sales and Use Tax Permit No.	<u>N/A</u>	
7. If a corporation, specify the state and date of incorporation	<u>ND</u>	
8. Name and title of individual to contact	<u>Jeff Zueger</u>	
Mailing address	<u>4816 Harbor Trail SE</u>	
City, State, Zip	<u>Mandan, ND 58554</u> Phone No. <u>701.220.3652</u>	

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 a existing business project

Description of Project Property

11. Legal description of project real property
Lot 1 Block 2 Bridgeview Bay Addition

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 July 1, 2013
b. Description of project to be constructed including size, type and quality of construction
30 Unit Apartment Building with underground parking, three story, units to be 1, 2, and 3 bedroom. Additional garages to be constructed.
c. Projected number of construction employees during the project construction 12

14. Approximate date of commencement of operations for this project November 2013

15. Estimated market value of the property used for this project:
a. Land \$ 300,000
b. Existing buildings and structures for which an exemption is claimed..... \$ 0
c. Newly constructed buildings and structures when completed \$ 2,700,000
d. Total \$ 3,000,000
e. Machinery and equipment \$ 0

16. Estimate taxable valuation of the property eligible for exemption by multiplying the market values by 5 percent:
a. Land (not eligible) [REDACTED]
b. Eligible existing buildings and structures \$ 0
c. Newly constructed buildings and structures when completed..... \$ 135,000
d. Total taxable valuation of property eligible for exemption (Add lines b and c)..... \$ 135,000
e. Enter the consolidated mill rate for the appropriate taxing district394
0.403
f. Annual amount of the tax exemption (Line d multiplied by line e) \$ 53,190
54,405

Description of Project Business

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

17. Type of business to be engaged in: Ag processing Manufacturing Retailing
 Wholesaling Warehousing Services

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

Operations of a 30 unit apartment rental building

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	<u>See Attachment A</u>				
Annual expense					
Net income					

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)	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>
(2)	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>
Estimated payroll (1)	<u>40,000</u>	<u>40,000</u>	<u>40,000</u>	<u>40,000</u>	<u>40,000</u>
(2)	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>

(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).

No special exemptions, only standard residential property exemptions

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2015

Subject: Extension of a 2-Year Property Tax Exemption for New or Expanding Businesses for Zueger Properties, Goldstar Properties, Verity Homes

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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
LaKeewood area subdivision apartment buildings

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. (Sec 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, Jeff Zueger, 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.

[Signature] Signature Partner Title 4-17-13 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 7 day of June, 2013 granted the following:

Property Tax Exemption
2 Number of years
100 Percent of exemption
 Payments in lieu of taxes
_____ Beginning year _____ Ending year
_____ Amount of annual payments (Attach schedule if payments will vary)
[Signature]
Auditor

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2015

Subject: Extension of a 2-Year Property Tax Exemption for New or Expanding
Businesses for Zueger Properties, Goldstar Properties, Verity Homes

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<u>Attachment A</u>					
<u>Revenues</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Rental Income 90% occ	\$ 356,400.00	\$ 363,528.00	\$ 370,798.56	\$ 378,214.53	\$ 385,778.82
 <u>Expenses</u>					
Insurance	\$ 12,000.00	\$ 12,240.00	\$ 12,484.80	\$ 12,734.50	\$ 12,989.19
Water and Garbage	\$ 18,000.00	\$ 18,360.00	\$ 18,727.20	\$ 19,101.74	\$ 19,483.78
Utilities	\$ 12,000.00	\$ 12,240.00	\$ 12,484.80	\$ 12,734.50	\$ 12,989.19
Maintenance	\$ 20,000.00	\$ 20,400.00	\$ 20,808.00	\$ 21,224.16	\$ 21,648.64
Property Taxes	\$ 57,000.00	\$ 58,140.00	\$ 59,302.80	\$ 60,488.86	\$ 61,698.63
Special Assessment	\$ 4,100.00	\$ 4,100.00	\$ 4,100.00	\$ 4,100.00	\$ 4,100.00
Management 5%	\$ 19,800.00	\$ 20,196.00	\$ 20,599.92	\$ 21,011.92	\$ 21,432.16
Total Expenses	\$ 142,900.00	\$ 145,676.00	\$ 148,507.52	\$ 151,395.67	\$ 154,341.58
Other Expenses					
Principal & Interest	\$ 182,203.02	\$ 182,203.02	\$ 182,203.02	\$ 182,203.02	\$ 182,203.02
<u>Net Income</u>	\$ 31,296.98	\$ 35,648.98	\$ 40,088.02	\$ 44,615.84	\$ 49,234.22

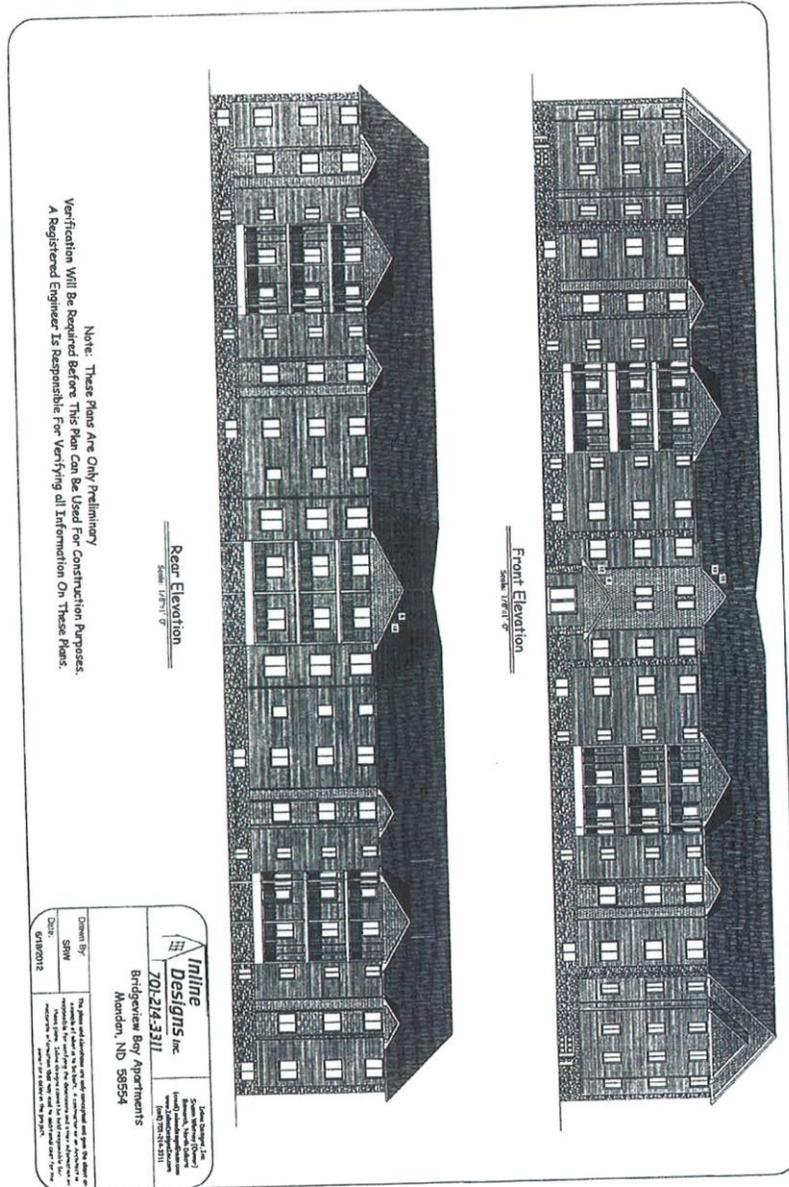
Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2015

Subject: Extension of a 2-Year Property Tax Exemption for New or Expanding
Businesses for Zueger Properties, Goldstar Properties, Verity Homes

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

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

Name of project operator Zueger Properties, Goldstar Properties, Verity Homes
Address of project 2003 Marine Road SE, Mandan, ND

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.

This building will bring an additional 30 families to the community. The building will generate property taxes after the exemption. The building will create jobs to operate and maintain. The families will spend money in the community.

Current assessed land value per square foot: _____

Cost of land (if purchased as part of this project) per square foot: \$ 6.50

Estimated added land value (per square foot): _____

Estimated annual end-of-the year inventory: _____

Sites being considered: North Bismarck and this location

Is this business relocating from another North Dakota site? No

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: 2.5

Total number of permanent employees estimated to live within 50 miles of proposed site: 2-5

Hourly wage range by key positions or categories of positions \$20,000 per year

annual salary for 2.5 employees

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.

subcontracted

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 \$ 10,000

Percentage of purchases for project location subject to local sales or use tax 10.00

Estimated value of annual sales to be generated from project location —

Percentage of sales subject to local sales or use tax —

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.

The project is making rental assumptions that can vary with market demands. The project bears a large interest payment in the early years of operations. The property tax exemption will allow the business an opportunity to pay down debt, build some initial working capital and withstand any market challenges.

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

N / A

I, Jeff Zueger 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.

Jeff Zueger Signature Title Partner Date 4-17-13

**Notice To Competitors Of Hearing On Application
For Property Tax Incentives**

Notice is hereby given that the City of Mandan
(City or county governing body)
of Mandan, North Dakota, will meet at 5:30 p.m.
(City or county) (Time)
on 5-21-13 at _____ to consider the application of
(Date) (Location)
Jeff Zueger - Zueger Properties, Goldstar Properties, Verity Homes
4816 Harbor Trail SE, Mandan, ND 58554
(Project operator name and address)
for property tax relief on the project which the applicant will use in the operation of
Apartment Complex 30 Units
(Type of business)
at 2003 Moring Rd. SE., Mandan, ND 58554
(Address)
Lot 1, Block Z, Bridgeview Bay Addition
(Legal description)
Any competitor of that applicant may appear and be heard by the City of Mandan
(City or county governing body)
at the time and place designated herein. A competitor may provide written comments to the governing
body before the scheduled hearing.

This notice is given by the above-named applicant pursuant to the provisions of North Dakota Century
Code § 40-57.1-03

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2015

Subject: Extension of a 2-Year Property Tax Exemption for New or Expanding
Businesses for Zueger Properties, Goldstar Properties, Verity Homes

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**Notice To Competitors Of
Hearing On Application
For Property Tax Incentives**

Notice is hereby given that the Mandan City
Commission of Mandan, North Dakota, will
meet at 5:30 p.m. on May 21, 2013 at City
Hall to consider the application of:

Jeff Zueger - Zueger Properties,
Goldstar Properties, Verity Homes
4816 Harbor Trail SE
Mandan, ND 58554

for property tax relief on the project which
the applicant will use in the operation of:

Apartment Complex - 30 Units
2003 Marina Rd SE, Mandan, ND 58554

Lot 1, Block 2, Bridgeview Bay Addition
Any competitor of that applicant may
appear and be heard by the Mandan
City Commission at the time and place
designated herein. A competitor may
provide written comments to the governing
body before the scheduled hearing.

This notice is given by the above-named
applicant pursuant to the provisions of
North Dakota Century Code § 40-57.1-03
4/26 & 5/3 - 5919

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2015

Subject: Extension of a 2-Year Property Tax Exemption for New or Expanding Businesses for Zueger Properties, Goldstar Properties, Verity Homes

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City of Mandan – Board of City Commissioners

Minutes of June 4, 2013

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

H. OLD BUSINESS:

1. Consider a two-year tax exemption for Zueger Properties, Goldstar Properties, and Verity Homes. Commissioner Rohr stated that this matter was discussed at the last meeting and at that time he had excused himself because of a conflict of interest. He again excused himself for this portion of the meeting. City Administrator Neubauer stated that at the last meeting there was a motion to consider the request by the entity because they were requested to consider some low income or affordable housing for this project. The developer was requested to research that possibility and to come back with an answer in order for the Board to make a definitive motion on whether to grant or not grant the exemption request.

Jeff Zueger came forward and stated that he and his business partner did look into what it would take to have these units potentially qualify for low income housing. Zueger asked for clarification from Commissioner Frank of the request because he indicated it may have some effect on his business plan. Commissioner Frank explained that the request was to provide some affordable housing under this public/private partnership. According to most people, affordable housing is spending no more than 30% of income on housing expenses. For the extremely low income, which is earning 0-30% of the median family income, their rent affordability is \$408.00 per month. For very low income, (31-50% of the median family income), they should spend no more than \$681.00 per month. Then there is the low income group who shouldn't spend more than \$1,089.00 per month. (These are based on the median housing income in Mandan which is \$54,492.) For term, the two year tax exemption period would be the time frame and then when that two-year period expires the business would be on the tax rolls.

Zueger questioned whether there is an inflationary element to that so that if the project is constructed in late 2014 there would be some other element to this? Commissioner Frank deferred to City Administrator Neubauer and City Attorney Brown to establish that language. Commissioner Frank stated in summary, it would be a two-year commitment from Zueger Properties to the City for affordable housing for this project. She stated that the percentage would equate to 1.06 units at the 3.5%. Zueger replied that 3% building costs is not quite the same as the 3.5% property tax exemption. He explained that the property tax exemption is important to their business venture and is one of the reasons they want to build in Mandan. He stated that they are not in a position at this time to commit to the affordable housing request but they will consider it as they move forward with their business plan. The rates for his units will average \$1000 per month. He stated that if a contingency would be in place if a qualified renter for this unit could not be found, that it could be rented out under normal rental rates. Commissioner Frank replied that should be acceptable.

Commissioner Frank motioned to approve a two-year tax exemption for Zueger Properties, Goldstar Properties, and Verity Homes including a requirement that one unit be designated for affordable housing based on finding a qualified rental (low-income)

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2015

Subject: Extension of a 2-Year Property Tax Exemption for New or Expanding Businesses for Zueger Properties, Goldstar Properties, Verity Homes

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City of Mandan – Board of City Commissioners
Minutes of June 4, 2013

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candidate, based on the median family income for the City of Mandan and affordable housing rates to be more specifically stated in an agreement drafted by the City Attorney.

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

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). Engineering Project Manager Fettig reviewed with the Board a request from the developers that the City allow the special assessment of street costs to the benefitting properties for the development of Heart Ridge 2nd Addition. The costs 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. This would be special assessed to the benefitting properties. There are 78 lots within the special assessment district which will come out to \$16,808 per lot in specials.

Commissioner Rohr moved to approve 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).

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

2. Consider mill and overlay projects on 46th Ave SE and 2nd Street NW. City Administrator Neubauer reviewed with the Board that it was discussed at the May 21st meeting that the City of Mandan received funds from the State of North Dakota for street repair and maintenance projects. Two projects were selected with the Board's concurrence. One project is to take care of problems on Second Street (Collins Avenue to 6th Avenue) for milling, patching and overlay chip and seal. Two bids were received with Northern Improvement Company as the low bidder in the amount of \$112,723. There also is a Part 2 on 46th Avenue SE (29th Street to South Bay Drive). There are some repairs that need to be done due to all the truck traffic created during the flood of 2011. The low bid was from Northern Improvement for \$103,995. Neubauer requested change orders to these projects to the Diane's Addition Street Maintenance Project. These will be paid in full via the additional funding received and there will be no cost to the residents for these two projects. The total bid amount would be to Northern Improvement for \$103,995. This will include a mill overlay and chip seal.

Commissioner Frank inquired if the funds will cover the project costs and no assessments to homeowners? Administrator Neubauer replied that is correct; there would be no special assessments for these two projects.

Board of City Commissioners

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Shirley A. Shaw

From: Jeff and Cindy Zueger <jcz2007@hotmail.com>
Sent: Tuesday, March 10, 2015 9:52 PM
To: Shirley A. Shaw
Cc: Douglas I. Lalim; Ellen Huber; Pam Schafer; Art Goldammer; ray@cityairmechanical.com; Jeff Zueger
Subject: Property Tax Exemption 2003 Marina Road

Shirley,

Please accept this email as our formal request to extend our property tax exemption that was granted to our project at 2003 Marina Road. We are requesting a 30 day extension to the exemption that was granted to us by the City Commission, which would extend the completion requirement date from June 4, 2015 to July 4, 2015.

While we are diligently working to complete the project within the granted timeline allowed by the exemption we have encountered challenges that may prevent us from meeting this date. These challenges have been the following:

1. A shortage of manpower required for contractors to meet their contract and schedule requirements
2. Difficulty in contracting subcontractors with the ability to meet the construction timeline
3. Challenging weather conditions causing delays to construction activities
4. Several contractors failing to meet schedule requirements which lead to renegotiation and hiring new contractors. These delays were attributed to resource challenges.

With all of the success that we are seeing in our state and in this area it is providing significant personnel resource challenges for projects such as this. This has caused delays and cost increases to our project.

This project is the same project that was awarded an exemption by the city commission in June of 2013 and will be a long time tax generating entity to the city. We fully intend to meet all of the intentions of the exemption that were granted to us by the commission but are requesting this extension in the case that the final months of the project do not meet our schedule objectives and would have us fall short of the timeline required for the tax exemption. This exemption is critical to our business plan and provides needed tax relief in what is now becoming a much more competitive rental market.

Your consideration of this request is appreciated. Please advise of next steps.

Jeff Zueger
Dakota Bridgeview Partners

From: ehuber@cityofmandan.com
To: jcz2007@hotmail.com; jzueger@midwestagenergy.com
CC: dlalim@cityofmandan.com; sshaw@cityofmandan.com
Subject: RE: Property Tax Exemption
Date: Tue, 3 Mar 2015 21:11:13 +0000

Jeff,

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2015

Subject: Extension of a 2-Year Property Tax Exemption for New or Expanding Businesses for Zueger Properties, Goldstar Properties, Verity Homes

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BUILDING PERMIT CITY PERMIT #: 737-13-010
CITY OF MANDAN/MORTON COUNTY, NORTH DAKOTA
PHONE 667-3230 PERMIT DATE: 10/15/2013
ID #: 10020

JOB ADDRESS: 2003 MARINA RD SE
LEGAL DESCR: LOT 1 BLOCK 2 BRIDGEVIEW BAY 1ST Addition
OWNER NAME: GOLD STAR & ZUEGER PROP PHONE:
ADDRESS: 4816 HARBOR TRL SE, MANDAN ND 58554-0000
CONTRACTOR: RED DOOR HOMES LICENSE #: 38762 PHONE: 663-4117
ADDRESS: 3100 N 14TH ST SUITE #1, BISMARCK ND 58503-0000

CLASS OF WORK: NEW
DESCR OF WORK: APARTMENT BUILDINGS
BUILDING A 30 UNIT APARTMENT COMPLEX

ZONING : CB
LOT SIZE : 46,670
LOT COVERAGE : .00%
VALUATION OF WORK: \$3,000,000
NO. UNITS : 30
PERMIT FEE : 12,787.00 BILLED
SPECIAL CONDITIONS/MISCELLANEOUS:

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

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

APPROVED FOR ISSUANCE BY: [Signature] 10/15/13

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

** N O T I C E **

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

CONTRACTOR /OWNER SIGNATURE DATE 10/15

- * ALL PERMITS MUST HAVE AN ACCURATE PLOT PLAN OR HAVE A WAITING PERIOD OF 24 HOURS FOR APPROVAL.
* ACCURATE PLOT PLAN (YES/NO) ___

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3/12/15

Building Inspection
Permit Master File Inquiry

BD1016
SCRN01

Type: City Permit #: 737-13-010 Seq #: 10020 Permit Date: 10/15/2013

Address: 2003 MARINA RD SE Expired

Name: GOLD STAR & ZUEGER PROP
Address: 4816 HARBOR TRL SE

City: MANDAN State: ND Zip: 58554-0000 Phone: _____

LEGAL DESCRIPTION

Lot #: 1 Block #: 2 Addition #: 243 BRIDGEVIEW BAY 1ST

Legal Description: _____

Category #: 1-240 APARTMENT BUILDINGS

Location #: 004 South East

Proj Desc: BUILDING A 30 UNIT APARTMENT COMPLEX

***** Available Commands *****
F4-History F6-Cmplt Desc F12-Previous

Adopted by the City Commission - February 15, 2011
Revised June 5, 2012; Dec. 18, 2012; and July 16, 2013

**CITY OF MANDAN
COMMERCIAL PROPERTY TAX EXEMPTION
POLICY AND GUIDELINES**

The City of Mandan is committed to high quality development in all parts of the city, to growing its commercial property base and to the improvement of the quality of life for its citizens through enhanced employment opportunities, reduced property taxes, increased sales and use tax revenues, and better access to needed products and services. To help meet these goals, the City Commission has adopted guidelines and criteria for granting business incentives. Applications are subject to the review and approval by the Mandan Growth Fund Committee and, ultimately, the Mandan City Commission.

Businesses that are primarily industrial, commercial, retail or service are eligible for property tax incentives for new and expanding businesses if they meet state requirements (NDCC 40.57.1).

It is the policy of the City to provide business incentives for the purpose of attracting new business and industry to the City and to encourage expansion and modernization of existing business facilities. The City will generally consider a property tax exemption only for business facilities and/or properties that provide one or more measureable public benefits.

The criteria outlined in this document are guidelines only. Each application will be evaluated on its own merits and is subject to the review and approval by the Mandan City Commission. The criteria are to be reviewed and updated at least annually and may be modified at any time to assure that the criteria address current priorities and needs.

2013 Legislative Changes

The North Dakota Legislature in 2013 approved Senate Bill 2314, which requires certification from the N.D. Department of Commerce Division of Economic Development and Finance that a project is a primary sector business.

Cities such as Mandan, with a population of less than 40,000, may grant a partial or complete exemption for a project operating in the retail sector if the governing body has obtained approval for exemptions of retail-oriented businesses from qualified electors during a city election held in conjunction with a statewide general election (November 2014). The governing body must also establish by resolution or ordinance the criteria that will be applied by the governing body to determine whether it is appropriate to grant an exemption for a project in the retail sector. Criteria must include:

- Potential positive or adverse consequences for existing retail sector businesses.
- Evaluation of short-term and long-term effects for other property taxpayers.
- A written agreement with the project operator, including performance requirements for which the exemption may be terminated if those requirements are not met.
- Evaluation of whether the project operator would locate within the municipality without the exemption.

Payments in lieu of taxes (PILOT) are not impacted by the legislation.

The legislative changes are effective for property tax exemptions granted by a municipality to initially become effective for taxable years beginning after Dec. 31, 2014. The N.D. Tax Department indicates this means a project must be operation in calendar year 2013 in order to not be subject to the new restrictions. Any exemption granted in calendar year 2014 would not go into effect until 2015, falling under the new law.

CRITERIA FOR THREE LEVELS OF EXEMPTION

PRIMARY SECTOR BUSINESSES ¹ (or service sector for potential PILOT consideration)		SIGNIFICANT MEASURABLE BENEFITS		
JOBS CREATION Numbers of Jobs ³	JOB QUALITY Wages & Benefits ⁴	TARGETED RETAIL & SERVICES ²		
		INCREASED LOCAL USE TAXES ⁵	ANNUAL SALES	TYPE & SCOPE OF PROJECT
		Validated market demand exceeds supply or service is missing from community. Examples include hardware/home improvement; clothing, shoes or department store; dry cleaning; movie theater; full-service car wash; restaurants, hotels. 1 st to build in each of 3 general business districts: 1) Main Street/Downtown, 2) Memorial Highway/SE Mandan (south of Main), 3) I-94 Corridor.		
		<ul style="list-style-type: none"> • 1% Sales • 1% Restaurant & lodging • 2% hotel occupancy 		
<p>BASE LEVEL/TIER 1 — 100% exemption for 2 years Project should provide at least 1 of the significant, measurable benefits listed below.</p>				
Minimum 3 FTEs	Minimum \$9/hr, \$18,720/yr or 30% of median household income	\$5,000 to \$10,000 in local use tax collections	\$500,000 to \$1 million annual sales	<ul style="list-style-type: none"> • Retail/Services – Under 5,000 sf • Restaurants – fast food (counter service or drive-up only) • Hotels – minimum 20 rooms, investment of \$45,000/rm construction cost, no amenities
<p>INTERMEDIATE LEVEL/TIER 2 — Exemption of 100% for 2 years, 75% year 3, 50% year 4, 25% year 5 Project should provide: 1) at least 2 of the tier 1 benefits listed above, OR 2) at least 1 of the tier 2 benefits listed below</p>				
Minimum 3 FTEs, PLUS an additional FTE for each \$100,000 in structural value subject to exemption	Minimum \$20.35/hr, \$42,326/yr or 70% of median household income	\$10,001 to \$100,000 in local use taxes	\$1,000,001 million to \$10 million in annual sales	<ul style="list-style-type: none"> • Retail/Services – 5,000 to 10,000 sf • Restaurants – limited service (order w/ cashier, food brought to table) • Hotels – 21 to 40 rooms, \$60,000/rm construction cost, meeting room
<p>TOP LEVEL/TIER 3 — 100% exemption for 5 years Project should provide: 1) at least 3 of the tier 1 benefits listed above, OR 2) at least 1 of the tier 3 benefits listed below</p>				
Minimum 3 FTEs, PLUS an additional 2 FTEs for each \$100,000 in structural value subject to exemption	Minimum \$29.07/hr, \$60,466/yr or 100% of median household income	\$100,001+ in local use taxes	More than \$10 million in annual sales	<ul style="list-style-type: none"> • Retail/Services – 10,000+ sf • Restaurants – full service – (table side service) • Hotels – 40+ rooms, \$75,000/rm construction cost; meeting rooms and pool or convention center

1. Primary Sector Business — Through the employment of knowledge or labor, the business adds value to a product, process, or service that results in the creation of new wealth. The term includes tourism but does not include production agriculture.
2. Filling Market Gaps — A) Based on Nielsen Claritas, ESRI or other market data for Morton County. Community surveys may also be considered. Applicant, if approved, shall be required to submit annual sales tax report. B) Based on 2008 City of Mandan household survey of retail preferences.
3. Numbers of Jobs — By first anniversary of certificate of occupancy for owner occupied projects (or first anniversary of occupancy for lease projects)
4. Wages & Benefits — Based on 2011 City of Mandan average household income estimated at \$60,466. Employee benefits including retirement and insurance contributions may be quantified on an hourly basis and applied toward the threshold. Applicant, if approved, shall be required to submit annual payroll report.
5. Local Use Taxes — Applicant, if approved, shall be required to submit annual sales tax report.

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The Board of Commissioners may waive any of these requirements if they deem a business should receive additional incentives because of its benefits to the community.

OTHER POTENTIAL IMPACTS (POSITIVE AND NEGATIVE)

- Diversification of economic base (an industry not represented or under-represented in our business community)
- Ability of the project to attract people from other communities
 - Radius of draw for customers and frequency of patronage (often an inverse relationship with the market area increasing as the frequency decreases)
 - Uniqueness of business
 - Breadth of customer base
- Synergies with existing businesses in the community
 - Enhancing an industry sector that is a base of 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)
- Economic impact through increased construction activity, equipment purchases, additional product purchases, additional work activity, immediate and projected increases in property values, and impact on future tax collections.
- Impact on city services
 - Can the company be accommodated within existing service levels, or will additional capacity be needed?
 - Is the company locating where better use of existing services will take place or further the development plans of the City?
- Fostering entrepreneurship (boosting the economic feasibility of the project)

ADDITIONAL LIMITATIONS AND STANDARDS

- A new or expanded business in the community must not gain unfair advantage with existing competitors through use of the exemption. Applicant should be prepared to demonstrate that an unfair advantage is not gained over any possible existing competitor for the amount of exemption received.
- Property tax incentives must be approved prior to the start of construction.
- Projects that are primarily warehousing (for the storage of goods, raw materials or commodities) would not receive an incentive unless the owner proves need or provides other information to justify the exemption.
- Projects that are primarily speculative in nature, with unidentified business tenants or occupants, will not receive an incentive unless the owner can provide information to justify the exemption. An exception to this may be a major retail shopping center generating significant local sales tax revenue.
- Projects involving relocation of an existing business from another N.D. community to Mandan will not generally receive an incentive unless the business is expanding in some manner such as square footage, number of employees, or scope of products and services.
- Jobs created in the 12 months prior to the date of application may be considered toward meeting job creation thresholds as indicated in the criteria.
- Jobs must be based at the project location to apply toward the jobs creation thresholds. Out-of-town or traveling jobs stemming from the project location may be awarded partial credit in situations where permanent local residency of employees is likely.

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- Annual reports — By February 15 of each year, the recipient of the exemption will file an annual employment verification report with the Bismarck – Mandan Development Association.
- An exemption that has been granted will be considered lapsed and invalid if construction has not begun in one year and completed in two years. Notice will be sent to the project operator 90 days prior to the exemption lapsing.

Improvements to Commercial

NDCC 57-02.02 allows exemptions for property renovations, remodeling, alterations, and additions. A property tax exemption is available for all improvements to commercial buildings or structures. The value of qualifying improvements is exempt. The last assessment on the building or structure prior to commencement of the improvements remains for the duration of the exemption period, unless equalization or revaluation of building values is necessary. The exemption does not apply to land values, which may be changed whenever justified. The exemption is valid for the prescribed period and does not terminate upon the sale or exchange of the property. It is transferable to subsequent owners.

Payments in Lieu of Taxes

The City of Mandan may consider up to a five-year payment in lieu of tax (PILOT) in years 6-10 for a new or expanded business whereby a project may be required to pay only an approved percentage of taxes that would otherwise be due. This incentive is generally used only in rare circumstances for projects of extraordinary public benefit. Such requests shall be considered directly by the City Commission.

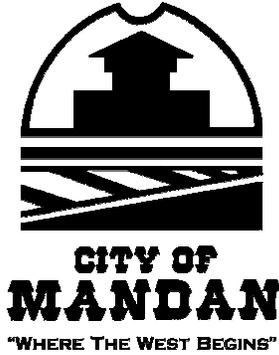
Sale to Non-Profit

If a property receiving a tax exemption is sold or in any way transferred within a period of time equal to 2.5 times the length of the exemption to an entity exempt from property tax, the property owner will be required to pay back all tax revenue given as part of the exemption.

Non-profits may be asked to make payments in lieu of taxes for essential services.

Other Clawback Provisions

If the project fails to deliver on public benefits that were the basis for approval of an exemption, or any other requirements including timely reporting, the City Commission may revoke the exemption and/or require that all or part of the exemption be paid back. Project applicant may be required to enter into a performance or business incentive agreement if approved for assistance before any exemption becomes effective.



Board of City Commissioners

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MEETING DATE: March 17, 2015
PREPARATION DATE: March 13, 2015
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Mayor Van Beek
SUBJECT: Police Chief Search & Selection Process

STATEMENT/PURPOSE: To consider Police Chief search and selection process.

BACKGROUND/ALTERNATIVES: Commissioner Rohr has suggested based on his experience in law enforcement and hiring and testing for law enforcement he serve in a principal position in the initial phases of the screening, testing etc of chief candidates. In addition, Police & Fire Portfolio holder Mayor Van Beek would be instrumental in the initial phases of screening testing etc. Commissioner Rohr and Mayor Van Beek would work with Administration and Human Resources on the testing and screening process. The full City Commission would be involved in interviews and selection.

<u>Date</u>	<u>Action</u>
February 17	Commission Accepts Chief's Retirement
March 1	Review & Update Job Description
March 15	Advertise for Position
March 17	Select Committee to Screen and Interview Applicants
June 1	Close Application Period
July 1 – 31	Interview Selected Applicants
August	Board Consider Recommendations for Hire
August 1 – 30	Negotiate with Candidate
November 1	First Day on Job
December 28	Chief Retires

ATTACHMENTS:
FISCAL IMPACT: n/a
STAFF IMPACT:
LEGAL REVIEW:
RECOMMENDATION:
SUGGESTED MOTION:

ORDINANCE NO. 1198

AN ORDINANCE CHANGING THE NAMES OF CERTAIN STREETS OR PARTS THEREOF SITUATED WITHIN THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA.

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

Section 1. Name of Street. The name of the following street is hereby changed as set forth below, namely;

1. 40th AVENUE SE as platted in Lakewood Harbor 3rd, 4th and 5th Additions in Section 6, Township 138 North, Range 80 West, Section 7, Township 138 North, Range 80 West and Section 12, Township 138 North, Range 81 West of the City of Mandan, Morton County, North Dakota beginning at the intersection with SOUTH BAY DRIVE SE and extending south to LAKEWOOD DRIVE SE is hereby changed to LAKEWOOD DRIVE SE”.

Section 2. Notice. The proper officials of the city are hereby directed to take such action as they may deem necessary or desirable to notify city residents of this change.

President, Board of City Commissioners

Attest:

City Administrator

First Consideration: _____
Second Consideration: _____
Recording Date: _____