

AGENDA
MANDAN CITY COMMISSION
MARCH 4, 2014
ED "BOSH" FROELICH MEETING ROOM,
MANDAN CITY HALL
5:30 P.M.
www.cityofmandan.com

-
- 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. February 18, 2014 – Regular Board Meeting
ii. February 24, 2014 – Special Board Meeting
- E. PUBLIC HEARING:
- F. BIDS:
1. Consider award of bid for LWT Floating Dredge.
2. Consider award of bid for Municipal Sidewalk Improvement Project 2014-11 (See Resolution No. 3).
- G. CONSENT AGENDA:
1. Consider designating April 26-May 3, 2014 as "Spring Clean-Up Week in the City of Mandan."
2. Consider approval of site authorization for Mandan Baseball Club at Station West from April 1, 2014 through June 30, 2014.
3. Consider entering into professional services contract with Municode for recodification of our Municipal Code.
4. Consider reductions in the structure value for the 2013 year due to reassessments.
5. Consider approval of Missed Property Tax Incentives for Silver Lake Apt., LLC - Assessor Error.
- H. OLD BUSINESS:
1. Consider Approval of Engineering Services Agreement with KLJ Engineering.
- I. NEW BUSINESS:
1. Consider fiscal sponsorship of Bush Foundation Community Innovation Grant application
2. Remediation Update by Leggette, Brashears & Graham

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3. Consider the creation of, approval of the feasibility report for, approve the engineer's report and approve the resolution of necessity for Street Improvement District 194 Project 2014-12(Developer's West Acres, Ventures, and Crown Point) (See Resolution No. 4).
4. Consider the creation of, approval of the feasibility report for, approve the engineer's report and approve the resolution of necessity for Street Improvement District 195 Project 2014-13(Roughrider Estates) (See Resolution No. 5).
5. Consider the creation of, approval of the feasibility report for, approve the engineer's report and approve the resolution of necessity for Street Improvement District 196 Project 2014-14(Mandan Industrial Park) (See Resolution No. 6).

J. RESOLUTIONS AND ORDINANCES:

1. Second consideration and final passage of Ordinance No.1179 an Ordinance to amend and reenact Section 21-03-02 of Ordinance 1088 of the Mandan Code of Ordinances relating to district boundaries and zoning map. (Schaff's Industrial Park).
2. Second consideration and final passage of Ordinance No.1180 an Ordinance to Amend and Re-enact Section 13-21-02, and Section 19-06-03 of the Mandan Code of Ordinances.
3. Consider Resolution Approving Contract and Contractor's Bond for Municipal Sidewalk Improvement Project 2014-11.
4. Consider the Resolutions creating district, approving engineer's report and resolution of necessity for Street Improvement District 194 Project 2014-12(Roughrider Estates).
5. Consider the Resolutions creating district, approving engineer's report and resolution of necessity for Street Improvement District 195 Project 2014-13(Developers West Acres, Ventures, and Crown Point).
6. Consider the Resolutions creating district, approving engineer's report and resolution of necessity for Street Improvement District 196 Project 2014-14(Mandan Industrial Park).

K. OTHER BUSINESS:

L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. March 18, 2014
2. April 1, 2014
3. April 15, 2014

M. ADJOURN

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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 5:00 p.m. on February 18, 2014 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota.

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

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

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

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission regular meeting held February 4, 2014.* Commissioner Braun moved to approve the minutes as presented. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

1. *Public Hearing to consider for approval zoning change for Schaff’s Industrial Park.* Robert Decker, Principal Planner, presented a request to consider approving a zone change for Schaff’s Industrial Park. Mr. Decker stated that this public hearing was posted for 5:00 p.m. He explained that Bank Group is not listed in the MC Industrial District as an allowed use for office space. It is listed in the CB Commercial District as an allowed use. The change will increase the options for types of tenants that can occupy the buildings. The area surrounding this property is both industrial and commercial. There is no residential directly adjacent to this so it complies with the development of the area.

Mayor Van Beek invited anyone to come forward to speak for or against the request for the approval of a zoning change for Schaff’s Industrial Park. A second announcement was made to speak for or against the zone change. Hearing none, this portion of the Public Hearing was closed.

F. BIDS:

G. CONSENT AGENDA

1. *Consider approval of monthly bills.*

2. *Consider approval of Safe Routes to School Cost Participation and Maintenance (CPM) Agreement.*

3. *Consider approval of out of state travel for Wastewater Plant Superintendent, Steve Himmelspach.*
4. *Consider proclaiming May 17, 2014 as National Kids to Parks Day in the City of Mandan.*
5. *Consider approval of an Assessor Error – Missed 2-year tax exemption for Sarah Ell.*
6. *Consider approval of unused annual leave carryover for employee, Nancy Moser.*
7. *Consider approval of games of chance for Huff Hill Ski Patrol at Dean's Steak House on March 1, 2014.*
8. *Consider approval of Class WB liquor license for Buffalo Commons Brewing Co., LLC at 2307 Memorial Highway.*

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

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Introduction of new employee Krissy Pfeifer, Assistant Finance Director (Finance Department).* Finance Director Greg Welch introduced Krissy Pfeifer, Assistant Finance Director. Ms. Pfeifer graduated from NDSU and was previously employed at Eide Bailly in Bismarck. She joined the City of Mandan in the Finance Department on January 14, 2014.

2. *Consider approval of Engineering Services Agreement with KLJ Engineering for Design and Pre-bid Services for Federally Funded Street Improvement Projects.* Justin Froseth, Planning & Engineering Director, presented a request to enter into an Engineering Services Agreement for federally funded street improvement projects. He stated that the City has been approved by the NDDOT local government division to construct three (3) street improvement projects for 2014. Over 80% of the project costs will be funded by the Urban Roads Program administered through the NDDOT. The projects must go through the NDDOT bidding process requiring that the plans and specifications adhere to their guidelines. At the January 21, 2014 City Commission Meeting, the Board approved advertising for hiring an engineering consultant to design these projects. Five (5) consulting firms submitted proposals in response to the RFQ. A selection committee comprised of several city staff members ranked the firms based on criteria outlined in the RFQ. Mr. Froseth reported that KLJ Engineering ranked highest based on the proposals received.

Commissioner Rohr moved to approve entering into an Engineering Services Agreement with KLJ Engineering for Federally Funded Street Improvement Projects. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider Growth Fund Committee recommendation for interest buy-down guidelines.* Business Development and Communications Director Huber reported that the Mandan Growth Fund Committee met on February 11, 2014 to review a draft set of guidelines proposed to help applicants reduce an eligible borrower's rate of interest by as much as 5%. Interest buy-down programs are available through the Bank of North Dakota for primary sector businesses through a program called PACE. In the last legislative session there were additions to the Flex PACE program set out specifically for affordable housing and for licensed child care centers that provide for a higher level of match from the Bank of North Dakota. Ms. Huber explained that the program helps reduce an eligible borrower's rate of interest by as much as 5% and the Bank of North Dakota sets the match rate requirement for local communities. Mandan's match requirement is 35% of the total buy-down cost with the BND providing 65%. Mandan has not participated in many interest buy-down projects in the past. This is primarily because the property tax exemption tool was used for a newly constructed building or if there was an addition involved. (That did not require any financial outlay on the part of the community.) An interest buy-down does require the financial outlay from the community. Other communities are requiring that local match to be paid back so it is being treated as a loan rather than a grant.

The Mandan Growth Fund Committee reviewed a draft set of guidelines looking at how the local match could be considered for projects. They recommend approval of a set of guidelines that indicate that the Growth Fund Committee will generally require repayment of the principle of the local match after the term of the buy-down is complete, which is generally five (5) years for most projects. Ms. Huber reviewed the general guidelines and stated that the Mandan Growth Fund Committee recommended approval. She stated that currently there is approximately \$500,000 remaining in the Growth Fund at this time. Other programs where funding is drawn from the Growth Fund include the Store Front Improvement Program and the Retail & Restaurant Incentive Program. The Growth Fund Committee has had no need to do direct business loans since the establishment of the \$2M revolving loan pool funds with the Lewis and Clark Regional Development Council providing dollars from the Growth Fund as a match to USDA and we also have the ND Opportunity Fund that Mandan businesses are eligible for now for direct business loans. The funds will be available on a first-come first-serve basis.

Commissioner Braun moved to approve the Growth Fund Committee recommendation for interest buy-down guidelines. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *First consideration of Ordinance No.1179 an Ordinance to amend and reenact Section 21-03-02 of Ordinance 1088 of the Mandan Code of Ordinances relating to district boundaries and zoning map.* Commissioner Rohr moved to approve the First consideration of Ordinance No.1179 an Ordinance to amend and reenact Section 21-03-02 of Ordinance 1088 of the Mandan Code of Ordinances relating to district boundaries and zoning map. Commissioner Braun seconded the motion. Roll call vote:

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

2. *First consideration of Ordinance No.1180 an Ordinance to Amend and Re-enact Section 13-21-02, and Section 19-06-03 of the Mandan Code of Ordinances.* Police Chief Bullinger stated that the request being submitted would be adding to the current ordinances related to the use of tobacco products by minors. The amendment would include a provision to ban selling or providing e-cigarettes or e-cigars to people under the age of 18 years. There was no opposition from the general public. Commissioner Frank moved to approve the introduction and first consideration of Ordinance No. 1180 – An ordinance to Amend and Re-enact Section 13-21-02, and Section 19-06-03 of the Mandan Code of Ordinances relating to tobacco products and offenses involving minors. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS

There being no further actions to come before the Board of City Commissioners, Commissioner Frank moved to adjourn the meeting at 5:27 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 met in Special Session at noon on Monday, February 24, 2014 in the Dykshoorn Meeting Room at City Hall. Commissioners present via teleconference call were: Van Beek, Rohr, and Frank. Also present: Deb Zodrow. Absent: Commissioners Tibke and Braun.

NEW BUSINESS:

1. Consider approval of a charitable games of chance permit for Dan Keller Benefit at Mandan Moose Lodge for March 2, 2014. Commissioner Frank motioned to approve the charitable games of chance permit for Dan Keller Benefit at Mandan Moose Lodge for March 2, 2014. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present.

OTHER BUSINESS:

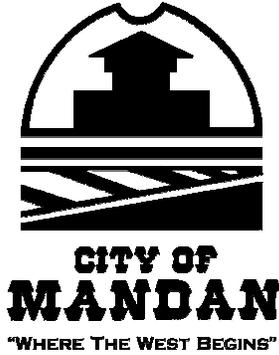
There being no further actions to come before the Board, Commissioner Frank moved to adjourn the meeting. Commissioner Rohr seconded the motion. The motion received unanimous approval of the Board members present and the meeting adjourned at 12:05 p.m.

/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 4, 2014
PREPARATION DATE: February 19, 2014
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth
SUBJECT: Consider for approval the award of bid for LWT Floating Dredge to Spinpro, Inc. in the amount of \$15,000.00

STATEMENT/PURPOSE: To consider for approval the award of bid for LWT Floating Dredge to Spinpro, Inc. in the amount of \$15,000.00.

BACKGROUND/ALTERNATIVES: This piece of equipment is no longer needed at the wastewater treatment plant and was declared surplus.

A Request for Bids was issued with a bid opening set for February 19, 2014 at 4:00 PM.

One bid was received from Spinpro, Inc. whose company address is 46774 Woodspring Place Chilliwack, BC V2R 3W6. The bid price was determined to be fair and reasonable. Per the bid instructions, the bidder is responsible for removing the dredge from the Wastewater Treatment Plant premises.

ATTACHMENTS:

1. Bid
2. Specifications

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 award of the bid.

SUGGESTED MOTION: I move to award the bid for the LWT Floating Dredge to Spinpro, Inc. in the amount of \$15,000.00.



46774 Woodspring Place Chilliwack, BC V2R 3W6
Phone 604.847.3019 Fax 514.372.5357 www.spinpro-us.com

February 5, 2014

Bid for LWT Floating Dredge model RCLPES–electric radio remote controlled Dredge

Due Date: February 19, 2014

- Due not later than 4:00 P.M. local time in Mandan, North Dakota

Sellers Note: All bids shall be sealed and marked “LWT Dredge Bid.” The successful bidder will be notified and arraignments will be made to remove the LWT Floating Dredge from the premises. The successful bidder is responsible for the removal cost of the floating dredge. The City of Mandan reserves the right to reject any bids deemed unclear or unreadable.

Return Bid to: City Engineer’s Office
205 2nd Ave NW
Mandan, ND 58554

Total Amount of Bid: \$15,000.00 USD

Company Name: Spinpro, Inc.

Company Address: 46774 Woodspring Place
Chilliwack, BC V2R 3W6

Taxpayer Identification Number: (GST#) 846353670

Telephone: 604.847.3019

Fax: 1.866.347.6752

E-mail: allanc@spinpro-us.com

Signature: 

Print Name: ALLAN CAMERON

My signature attests to agreement of the purchase of the LWT Floating Dredge upon successful acceptance of this Bid.

SPECIFICATIONS FOR LWT PIT HOG “RUNT” Model RCLPES-Electric Radio Remote Controlled Dredge

Physical:

Maximum working depth, feet: 12' Flotation-Cylindrical pontoons (28" Dia. x 16'-0" OAL x 12 Gauge Steel)
Weight: 4,800 Lbs.
Operational Draft: 16"
Length, Overall: 19' 1"
Transport Width: 8' 10 ½"
Height: 6' ¼"

Power:

230 V, 3 Phase, 60 Hz Electric Power Submersible Pump Motor—20 HP Hydraulic System Motor -7 ½ HP, TEFC

Control:

Handheld Radio Remote Control (800' Max. operating Range)

Slurry Pump:

Yeoman Model 9100X 4103L Pump w/Submersible Motor
Centrifugal, Enclosed Impeller
Basic Construction- Cast Iron
Suction * Discharge Diameters – 4"
Impeller Diameter, inches – 9.0"
Sphere size, inches (max) 3"
Typical Head-Capacity: For 20HP-824 GPM @ 55 ft. head (water)

Auger Head:

Auger with Shroud-Welded Steel Construction
Helix-10" Dia. X 9" Pitch-3/8" Thick Flighting
Length, Overall – 8' 2 ½"
Speed – 60 RPM
Torque – 4,000 In.-Lbs.
Includes Liner Protecting Gauge Wheels and 14 cutter knives

Propulsion:

Treble Sheave Hydraulic Winch w/3/8" Diameter Galvanized Wire Rope
Hydraulic Motor with Planetary Gear-Reducer Drive – Traverse Speed Variable from 0 to 30 FPM

Board of City Commissioners

Agenda Documentation

Meeting Date: March 4, 2014

Subject: Award of bid for LWT Floating Dredge to Spinpro, Inc.

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Hydraulics:

Three Circuits – Auger-Cutter, Traverse Winch and Hoist Winch

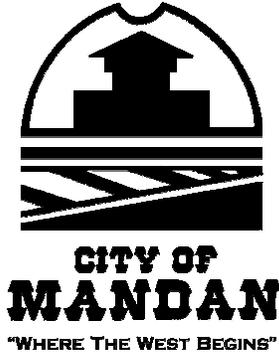
Flow Controls – 3 Position, 4 Way Directional Control Valves w/Electronic Flow Control for Winch Speed

Hydraulic Pump Output @ 1,750 RPM – 8 GPM

Hydraulic Relief Pressure – 1,800 PSI

Coating System:

All surfaces contacting the liquid in the pond shall be sand blasted and given two coats of coal tar epoxy with a film thickness of 12 mils minimum. All other surfaces shall be primed and coated with two coats of coal tar epoxy. Color scheme shall be LWT's standard black and red. Electric motors, hydraulic components etc. are installed as received with coatings applied by the original equipment manufacturer.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 4, 2014
PREPARATION DATE: February 25, 2014
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Kim Fettig, Project Manager
SUBJECT: Consider the award of bids for Sidewalk Improvement Project 2014-11.

STATEMENT/PURPOSE: To award a contract for bids received for the 2014 Municipal Sidewalk repairs throughout the City.

BACKGROUND/ALTERNATIVES: On February 21 we received 5 bids on the project. Bids were received by Knife River Corporation, Four Square Concrete LLC, Concrete Services LLC, Sair Concrete LLC and Alliance Concrete LLC. The Low bid was made by Knife River Corporation in the amount of \$32,832.75.

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 2014-11 Municipal Sidewalk Project that was opened February 21, 2014 to Knife River Corporation for the amount of \$32,832.75.

SUGGESTED MOTION: I would move to approve the bid for the 2014-11 Municipal Sidewalk Project 4 to Knife River Corporation for the amount of \$32,832.75.

**BID TAB - FEBRUARY 21, 2014
MUNICIPAL SIDEWALK IMPROVEMENT
PROJECT NO. 2014-11**

DESCRIPTION	APPROX QUANTITY	UNIT PRICE	ENGINEERS ESTIMATE	Knife River Corporation		4 Square Concrete LLC		Sair Concrete LLC		Concrete Services LLC		Alliance Concrete LLC	
				UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
4" CONCRETE SIDEWALK	1600 SF	\$5.00	\$8,000.00	\$5.25	\$8,400.00	\$4.75	\$7,600.00	\$5.00	\$8,000.00	\$4.95	\$7,920.00	\$5.50	\$8,800.00
6" CONCRETE SIDEWALK	600 SF	\$5.50	\$3,300.00	\$6.95	\$4,170.00	\$6.00	\$3,600.00	\$5.50	\$3,300.00	\$6.57	\$3,942.00	\$6.00	\$3,600.00
6" CONCRETE DRIVEWAY	1200 SF	\$6.00	\$7,200.00	\$6.05	\$7,260.00	\$6.00	\$7,200.00	\$5.50	\$6,600.00	\$6.57	\$7,884.00	\$6.50	\$7,800.00
6" CURB AND GUTTER	150 LF	\$18.00	\$2,700.00	\$28.00	\$4,200.00	\$22.50	\$3,375.00	\$25.00	\$3,750.00	\$34.00	\$5,100.00	\$30.00	\$4,500.00
4" HANDICAP CURB RAMP	40 SF	\$12.00	\$480.00	\$9.50	\$380.00	\$10.00	\$400.00	\$15.00	\$600.00	\$16.00	\$640.00	\$15.00	\$600.00
4" CONCRETE STEPS	10 SF	\$25.00	\$250.00	\$45.00	\$450.00	\$6.00	\$60.00	\$30.00	\$300.00	\$80.00	\$800.00	\$30.00	\$300.00
3/4" FELT EXPANSION MATERIAL	300 LF	\$1.00	\$300.00	\$0.55	\$165.00	\$1.00	\$300.00	\$1.00	\$300.00	\$1.60	\$480.00	\$1.50	\$450.00
UNCLASSIFIED EXCAVATION	120 CY	\$15.00	\$1,800.00	\$9.35	\$1,122.00	\$6.00	\$720.00	\$15.00	\$1,800.00	\$19.00	\$2,280.00	\$25.00	\$3,000.00
CONCRETE REMOVAL	3800 SF	\$3.00	\$11,400.00	\$1.25	\$4,750.00	\$2.50	\$9,500.00	\$3.00	\$11,400.00	\$2.00	\$7,600.00	\$3.00	\$11,400.00
SAW CUTTING	150 LF	\$10.00	\$1,500.00	\$3.65	\$547.50	\$7.00	\$1,050.00	\$10.00	\$1,500.00	\$10.00	\$1,500.00	\$15.00	\$2,250.00
ADJUST WATER CURB STOP	2 EA	\$45.00	\$90.00	\$25.00	\$50.00	\$25.00	\$50.00	\$25.00	\$50.00	\$50.00	\$100.00	\$50.00	\$100.00
ADJUST WATER VALVE BOX	2 EA	\$45.00	\$90.00	\$25.00	\$50.00	\$25.00	\$50.00	\$25.00	\$50.00	\$50.00	\$100.00	\$50.00	\$100.00
BLACK DIRT AND SEED SOD	10 SY	\$12.00	\$120.00	\$6.95	\$69.50	\$10.00	\$100.00	\$12.00	\$120.00	\$17.50	\$175.00	\$20.00	\$200.00
TREE ROOT REMOV.(2" TO 6")	5 SY	\$15.00	\$75.00	\$10.25	\$51.25	\$10.00	\$50.00	\$15.00	\$75.00	\$30.00	\$150.00	\$30.00	\$150.00
TREE ROOT REMOV. (OVER 6" TO 12")	2 EA	\$50.00	\$100.00	\$55.00	\$110.00	\$40.00	\$80.00	\$50.00	\$100.00	\$120.00	\$240.00	\$50.00	\$100.00
TREE ROOT REMOVAL (OVER 12")	2 EA	\$75.00	\$150.00	\$55.00	\$110.00	\$60.00	\$120.00	\$75.00	\$150.00	\$160.00	\$320.00	\$150.00	\$300.00
CWP- CURB & GUTTER	30 LF	\$0.50	\$15.00	\$0.75	\$22.50	\$0.50	\$15.00	\$0.50	\$15.00	\$2.50	\$75.00	\$2.00	\$60.00
CWP- CONCRETE PAVEMENT	300 SF	\$0.50	\$150.00	\$0.25	\$75.00	\$0.50	\$150.00	\$0.50	\$150.00	\$1.50	\$450.00	\$0.50	\$150.00
TOTAL BID			\$37,920.00		\$32,832.75		\$34,620.00		\$38,460.00		\$40,356.00		\$44,360.00

I HEREBY CERTIFY KNIFE RIVER CORPORATION TO BE THE APPARENT LOW BIDDER.

KIM FETTIG
PROJECT MANAGER

Board of City Commissioners

Agenda Documentation

Meeting Date: March 4, 2014

Subject: Consider the award of bids for Municipal Sidewalk Improvement Project 2014-11 for 2014.

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RESOLUTION
APPROVING CONTRACT AND CONTRACTOR'S BOND FOR
SIDEWALK IMPROVEMENT PROJECT 2014-11

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 2014-11 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 Knife River Corporation whose bid provides for the construction of said improvement at a total estimated base price of \$32,832.75.
4. The President of the Board of City Commissioners of the City of Mandan and City Auditor are hereby authorized and directed to make and enter into a contract with said bidder on the part of the City, in the form prescribed by Sections 40-22-35 and 40-22-35, N.D.C.C. as amended, provided that said bidder shall within ten (10) days from this date execute said contract and a construction bond conditioned in accordance with the provisions of Sections 40-22-30 and 40-22-32 of said Code.

Dated this 4th day of March, 2014

President, Board of City Commissioners

Attest:

James Neubauer,
City Administrator



"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

WHEREAS, Each spring a special week has been set aside to encourage city wide clean-up effort; and

WHEREAS, Experience has shown that the efforts put forth during this week help to prevent accidents and fires and does much to promote a clean, attractive community; and

WHEREAS, The citizens of Mandan have participated in this program to the common benefit of the individual property owners and the community as a whole.

NOW THEREFORE, I, ARLYN VAN BEEK, President of the Board of City Commissioners of the City of Mandan, do hereby proclaim the week of April 26th-May 3rd, 2014 to be

“SPRING CLEAN-UP WEEK”

In the City of Mandan and do urge all citizens to participate in the efforts to keep Mandan the clean and attractive community that it is.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Mandan to be affixed on March 4th, 2014.

Arlyn Van Beek, President
Board of City Commissioners

Attest:

James Neubauer City Administrator



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

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

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

chance under the license granted by the Attorney General of the State of North Dakota at the following
location: Station West the address of which is:

412 W. Main Avenue Mandan 58554 Morton
(Street) (City) (Zip Code) (County)

Date(s) Authorized: Beginning 4/1/14 Ending 6/30/14

Specific location where games of chance will be conducted and played at the site (required): Games will be conducted
in bar area, excluding the restrooms.

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

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

Attorney General Date Signature of City/County Auditor Date

PRINT Name / Official Position of person signing above

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



RENTAL AGREEMENT
OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
 SFN 9413 (Rev. 08-2013)

License Number (Office Use Only)

Site Owner (Lessor) Round Up, Llc		Site Name Station West		Site Phone Number (701) 751-6010
Site Address 412 W. Main Street		City Mandan	State ND	Zip Code 58554
Organization (Lessee) Mandan Baseball Club, Inc.		Rental Period 4/1/2014 to 6/30/2014		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes		\$
2. Is a raffle drawing going to be conducted at this site?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
3. Is Prize Boards involving a dispensing device conducted at this site?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
4. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$ \$
5. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
6. Is Pull Tabs involving either a jar bar and/or a dispensing device conducted at this site? Please check: <input type="checkbox"/> Jar Bar Only <input checked="" type="checkbox"/> Dispensing Device Only <input type="checkbox"/> Jar Bar and Dispensing Device		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ 350
				Total Monthly Rent \$ 350

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

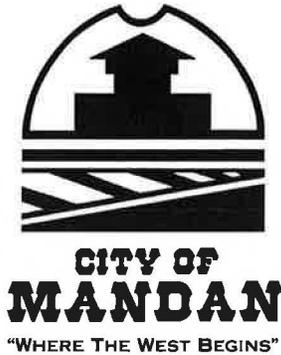
The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

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

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

Signature of Lessor <i>[Signature]</i>	Title OWNER	Date 2/5/14
Signature of Lessee (Top Executive Official) <i>[Signature]</i>	Title President	Date 2/5/14

(over)



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 4, 2014
PREPARATION DATE: February 26, 2014
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Consider Professional Services Contract for Recodification of Municipal Code

STATEMENT/PURPOSE: Consider entering into professional services contract for legal services related to recodification of the Mandan Municipal Code.

BACKGROUND/ALTERNATIVES: The Mandan Code of Ordinances was last recodified in 1994. The process of updating our ordinances in paper fashion and also providing a user friendly internet application is beyond our current capabilities. Municode's attorneys will review existing code and ordinances giving emphasis to our expressed concerns and look for conflicts with state law, case law relating to our ordinances, Home Rule Charter and constitutional principles. The issues that are uncovered and possible resolutions are documented in a legal memorandum.

Municode was founded in 1951, has published more than 4,000 codes throughout their history and has several clients throughout North Dakota (8) including Grand Forks, Jamestown, Devils Lake, Minot and Fargo to name a few.

A full package deal would consist of three proposals, at this time which include:

1. Municode would need to first convert the Code into our database (supplement proposal) for future updates to the Code. During this process or any time after the conversion is completed we can conduct a Legal Review of the Code. The Legal Review will take approximately 90 days to complete. Once the review is completed a conference will be held with a Municode attorney and then the City can adopt legislation to implement the legal review findings and update the Code via supplement service.
2. Recodification – Municode will convert the Code to our database, provide a legal review as listed above and then implement all the legal review findings and provide complete new copies of the Code to the City.

I also wanted to point out some of the features available on Municode.com:

- 1) ***Mobile friendly access*** to the Code. The Code Enforcement people love this feature.
- 2) ***Archived copies*** of the Code accessible with the click of a mouse.
- 3) ***Linking newly enacted ordinances*** (within 24 hrs) to the section of the Code being amended.
- 4) ***Storing and linking ordinances that have already been codified.*** Thus when you are doing research in the Code, the actual ordinance is one click away!
- 5) ***Fully redundant, remote disaster site.*** Thus even if a natural disaster were to impact our headquarters, your Code would continue to be accessible.
- 6) ***A commitment to City Clerks*** and Attorney, as evidenced by our attendance at IIMC and running the MuniClk Listserv.
- 7) ***A commitment to continually invest*** in future technologies that benefit our customers.

Our recommendation is to enter into contract for all of the options as stated above.

ATTACHMENTS: Proposed Contract

FISCAL IMPACT: Recodification Base Cost \$10,950, in addition web hosting \$1,195/year. I would assume there will be additional items that will be added, and therefore, requesting up to \$15,000 (\$10,950 + \$1,195 + \$2,855 incidentals) for this project. Funds would be from the 2013 Contingency Fund.

STAFF IMPACT: Staff time will be required to complete the process within the proposed 12-15 month project time line.

LEGAL REVIEW: City Attorney Malcolm Brown has been involved in the discussions with Municode and recommends moving forward with the contract as proposed.

RECOMMENDATION: I recommend enter into a professional services contract with Municode for a complete recodification of the Mandan Municipal Code.

SUGGESTED MOTION: I move to enter into a professional services contract with Municode for a complete recodification of the Mandan Municipal Code.



municode

Municipal Code Corporation • P.O. Box 2235 Tallahassee, FL 32316
Info@municode.com • 800.262.2633
fax 850.575.8852 • www.municode.com

February 13, 2014

Mr. Jim Neubauer
City Administrator
City of Mandan
205 2nd Avenue Northwest
Mandan, ND 58554

Sent Via Email: jneubauer@cityofmandan.com

Dear Mr. Neubauer:

Thank you for speaking with Patrick Holiday from Municode. We are pleased to provide you with a proposal for a complete recodification for the Code of Ordinances.

ABOUT THE MUNICODE CODIFICATION PROCESS. Municode's approach to codification sets the standard in the industry. The project starts with a conference call during which you can outline specific issues or concerns. Our attorney will review the existing Code and ordinances giving emphasis to your expressed concerns and look for conflicts with state law, case law relating to the City's ordinances, the Charter (if applicable) and constitutional principles. The issues we uncover, and possible resolutions, are documented in a legal memorandum and discussed at a conference between you and our attorney. Following implementation of the agreed upon solutions, proofs of the new Code are sent to you. Upon your return of the proofs, an index is prepared, copies are printed and the new Code is posted on-line. Other aspects of the project, such as the editorial process and satisfying the demand of subscribers are described in greater detail in the proposal.

WHY USE MUNICODE? Municode is the most trusted and experienced codifier of local government Codes. In addition, we are family owned and operated which translates into an unmatched commitment to customer service. Our clients tell us the following distinguishes Municode as the best:

- ☞ **STAFF ATTORNEY AND CONFERENCE** – One staff attorney is the primary point of contact throughout every step of the process. They actually perform the legal research, as opposed to reviewing a paralegal's work, and are available to consult with you anytime during the project and will conduct the editorial conference. This dialogue ensures that the Code accurately reflects the intent of the ordinances enacted by the elected officials.
- ☞ **LEGAL MEMORANDUM** – Municode provides the entire Code, including legal recommendations, as one electronic document. Items in need of discussion appear as Comments or Footnotes in the memorandum. This approach facilitates collaboration and dissemination among Departments.
- ☞ **SAMPLE LEGISLATION WEBSITE** – During the project, and afterwards, you can search our website of more than 2,875 Codes for almost any legal topic.
- ☞ **TECHNOLOGY** – Municode continually invests in technology to benefit our customers. You can be assured of access to the best search engines, the fastest Internet connections, advanced communication channels and sophisticated publishing tools over the life of the project and throughout Supplementation.

If you have any questions or desire additional information, please call and speak with our Assistant Vice President of Sales, Steffanie Rasmussen, or me. We will also be happy to schedule a conference call or webinar with all interested parties, or meet with you personally.

Sincerely,

Eric Grant
President

WEG/II
Enc.

Cc: James Bonneville, Regional Sales Representative
jbonneville@municode.com

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EXECUTIVE SUMMARY

Municipal Code Corporation (Municode) was founded in 1951 and offers services to local governments nationwide. We have published more than 4,000 Codes; throughout our history. With more than 60 years of experience, Municode has fine-tuned its operations to offer the most efficient and affordable codification and publishing services available. From creating or updating a Code to posting the content on-line to shipping a Supplement, Municode ensures the fastest, most accurate delivery of codification services. We work hard to maintain the highest level of service possible for you and your citizens.

Understanding Your Needs

Our service depends upon fully understanding your unique needs. While the Sales staff works with more than 3,600 accounts, we do so one person at a time. Municode is a family-owned, medium sized business, which means our clients receive a level of personal service unparalleled in the industry. At the same time, we also have the resources to handle complex custom issues. Our size also allows us to provide extra editorial and technological resources a smaller firm can't offer. Our most valuable assets are our clients and our reputation. We earn our reputation by offering helpful suggestions and solutions for your unique situation. Municode currently provides codification services to 8 clients in the State of North Dakota.

Applying our Experience

The average tenure of Municode's attorneys is 20 years. Each attorney is responsible for only one project per month, so you will have their undivided attention. They have access to the Westlaw database for researching state law, and are familiar with the issues unique to municipal law. We receive approximately 4,000 ordinances each month. This scale allows us to leverage the experience of other local governments for your benefit. In many states, we provide free State Law Pamphlets to notify our Clients of changes in State Laws affecting local governments

Using Technology for Your Benefit

Municode develops technology that benefits our clients. We have created products that are affordable and meet the ever-changing needs of our clients. Municode handles all electronic services in-house. We offer all format/database options (HTML, WORD (DOCX), PDF, XML), and all choices of media (CD, download, e-mail.). We consider technology a "core competency" and are committed to staying abreast of technology for your benefit. Municode provides electronic products that provide a variety of ways citizens and staff can access the Code. Web access is supported for industry standard browsers on PC and Mac platforms. Additionally, the website recognizes when a visitor is interfacing from a mobile device and automatically changes the view to a "mobile-friendly mode." Municode.com meets all Priority 1 checkpoints under the W3C's Web Content Accessibility Guidelines 1.0 Specification (WCAG).

Internet Stability

Municode houses its public facing websites in a secure, SAS70, PCI compliant data center owned and operated by Peak 10 in Atlanta, Georgia. This page outlines the features of Peak 10's datacenter, including redundant Internet providers, redundant power and cooling, and secure biometric access to the physical facility (<http://www.peak10.com/locations/atlanta#facility1>). All systems are backed up and synchronized between our Tallahassee, Florida and Atlanta, Georgia locations for full geographic redundancy should one of the sites become inaccessible.

Association Support

Municode supports many Clerk, Attorney, Municipal and City Associations, additionally we partner with the International Institute of Municipal Clerks and International Municipal Lawyers Association to provide services to their members. Our Vice President of Sales, Dale Barstow, is the President of the Municipal Clerks Education Foundation. All of this support is motivated by our desire to "give back" to the people who have made us successful, as well as our goal to stay close to our Clients. Municode is keenly interested in assisting you with your needs and we feel our focus, company and personnel perfectly match your goals. We appreciate your interest and look forward to your review of the rest of our information.

Municode also has a Regional Sales Representative, James Bonneville, located in Blaine, Minnesota. He is available to answer questions and meet with you, as needed. James worked in State Government, Lobbying and Governmental Sales for over 13 years. James has been a part of Municode/MCCi since 2009. He frequents the North Dakota area often and attends the North Dakota Municipal League Conference, Clerks Conference and IIMC Conference. He is also supported by our entire staff in Tallahassee.

SCOPE OF WORK

MUNICIPAL CODE CORPORATION, a corporation duly organized and existing under the laws of the State of Florida, hereinafter referred to as Municode, hereby offers to perform codification services for the **CITY OF MANDAN, NORTH DAKOTA**, hereinafter referred to as Client.

Municode will research, edit, index and publish (both in print and electronically) the finally enacted legislation Client specifies for inclusion in the Code.

1. **Material.** The following sections describe the nature of material included or excluded in the project, returning an archival copy to the Client and adding material to the on-line collection.

- a. **Included Ordinances.** All legislation of a general and permanent nature, passed in final form by the Client, as of the cut off date established by the Municode attorney (usually following delivery of the Legal Memorandum) will be included in the new Code. Municode prefers the material in an editable electronic form, and will rely upon the electronic media during the codification process when furnished electronically. However, materials are not required to be furnished in electronic form and can be provided as a printed copy. All material received by Municode will be acknowledged via e-mail to establish a record of included ordinances. Research of minutes can be provided as agreed upon by the Client and Municode.
- b. **Omitted Ordinances.** Legislation not of a general and permanent nature will be omitted from the Code unless otherwise instructed by Municode or the Client. Examples of such legislation include: Appropriations; Franchises; Bonds; Vacating Streets and Other Public Properties; Sales of Surplus Assets and Properties; Tax Levies; Special Elections; Contracts and Agreements; Rezoning; Personnel Regulations; Annexations and Disannexations; Tax Anticipated Notes and Issuances of Similar Debt Instruments; Appointments of Named Individuals to Positions within a Governmental Body; Comprehensive Master Plans, Traffic Schedules, and Fee Schedules (however, Fee Schedules can be provided for an additional fee – quotation upon request).
- c. **Archived Material.** All Ordinances submitted to Municode can be scanned and integrated with a run-time version of the document management software, Laserfiche, and returned to the Client on a CD.
- d. **Additional Content.** Additional material can be posted on-line along with the new Code. Such material will be excluded from the research, editing and print publication process, but fully searchable on-line. Examples of additional content include: Administrative Rules & Regulations; Policy and Procedure Manuals; and Forms required for applications or to apply for permits or licenses.

2. **Legal and Editorial Work.** Municode will assign a team, consisting of a lead attorney, editor, proofreader and indexer, to the project. All recommendations by this legal team are intended for use by the Client's attorney and should not be considered legal advice. This legal team is responsible for the following:

- a. **Research and Review.** Municode will research all legislation submitted by the Client against the State Constitution, State Law, the Charter (if the Client has adopted one); additionally, the ordinances are compared to other ordinances to determine if there are any inconsistencies or conflicts within the legislation itself. Zoning and Land Use provisions will be reviewed only if included in the Code. Ordinances enacted, or added, subsequent to the date of this agreement, or items not contemplated within the scope of service, may be added at the additional page rate.
- b. **Structure.** Municode will suggest a structure and organization for the Code and provide a Table of Contents indicating said structure. Municode will assume the existing Code organization is to remain intact unless discussed with our attorney and approved by the Client.
- c. **Legal Memorandum.** Municode will submit a legal memorandum for the Client's review. This memorandum will reflect the Municode attorney's legal review and will embed the attorney's comments and questions within text of the Code as "Comments" or "Footnotes." The legal memorandum will be provided in electronic form, though a printed copy will be provided upon request.
- d. **Conference.** Municode will conduct a conference, either in person, via telephone or webinar, to review the legal memorandum. All interested personnel may be included; but the Client's attorney and Clerk are essential. Issues discovered during the legal research will be discussed at the conference, with agreed

upon solutions noted in the legal memorandum. The Client's attorney has the final decision making authority for resolution of issues brought up at the Conference or "footnoted" in the Legal Memorandum.

- e. **References.** Municode will provide State Law references within the Code. Additional references, such as editor's notes, reserved sections, and referenced materials, will be provided as appropriate. Cross references within the Code will be hyperlinked in the on-line version.
 - f. **Editing.** Municode will edit the text of the Code to reflect proper grammar and stylistic consistency. Municode will not reword any provision that changes the substantive intent of the Code, unless the Client approves the revision. However, non-substantive revisions to improve readability are a part of the codification process.
 - g. **Proofreading.** Municode will proofread the Code prior to submitting proofs. The text will be reviewed for sense, structure and to ensure the implementation of the decisions by the Client and Municode's attorney are correct.
 - h. **Page Format Options.** Municode will review page composition format options, such as font type (e.g. Times, Helvetica, New Century Schoolbook, Avant-Garde Demi, Courier, Palatino, Helvetica Narrow, Century Gothic and Arial-MT) font size (10, 11, 12 point) page layout (single or double column), graphics appearance and placement, with the Client. We will help you choose a format that results in a professional document that is easily researched. Sample page formats will be provided for review and selection.
 - i. **Index and Tables.** Municode will create a hierarchical, subject matter index and all tables (Contents, State Law Reference, Prior Code Comparison, and Ordinance Disposition) for the Code as necessitated by the materials. Additional tables required by the Client, such as a schedule of fees, can be created or manipulated for an additional hourly fee.
 - j. **Graphics.** Municode will add the graphics provided by the Client in a usable (preferably their native) format and insert them into the printed and electronic versions of the Code. Manipulation, enhancement, reformatting of any graphic supplied by the Client will be performed based upon an additional hourly fee.
 - k. **Adopting Ordinance.** Municode will provide an Adopting Ordinance upon completion of the project.
3. **Proofs.** After editing and proofreading, proofs incorporating solutions captured in the legal memorandum will be delivered to the Client. The proofs are an updated legal memorandum indicating agreed upon changes as decided by the Client. The proofs will have been edited and proofread, though they will not contain all of the tables and the subject matter index and will not be in final form for printing. A sample of the finished Code format will also be provided.

Municode guarantees typographical correctness. Any errors attributable to Municode will be corrected at no charge during the term of this Agreement. Municode's liability for all services shall extend only to correcting the errors in the Code and subsequent updates, not to any acts or occurrences as a result of such errors, and only as long as the contract is in effect.

4. **Delivery of Code.** A summary of features available on municode.com follow. For a more detailed explanation see the page titled "Website Services" at the end of this proposal.
- a. **Electronic Format and Delivery Options.** The new Code can be delivered in a variety of electronic formats and mediums. Supported formats include HTML, PDF, WORD (DOCX), XML and integrated with the dtSearch Engine. Electronic delivery mediums include posting on-line, CD and download (FTP).
 - b. **Electronic Features and Tools.** The Code integrated with dtSearch (either posted on municode.com or delivered on CD or download as MuniCode Desktop) will have the following tools available to the user, search (simple and Boolean), ranked hit list, search history, print / save selected sections, e-mail selected sections (on-line only), expandable Table of Contents, automatic conversion to "mobile-friendly mode" when viewed from a hand held device, ability to link to individual sections from external content and customization of banner to match Client's website design.

- c. **Printing and Binding.** The number of copies needed by the Client will be printed on acid-free paper in the chosen format. Color printing is available at an additional charge. Standard binding for the Code is three-post, expandable, black, leatherette binders with gold, silver or white stamping. Alternate binders, such as D-ring or polyvinyl, are available. The following binder colors are available: dark blue, deep green, maroon and semi-bright black. A Seal or logo can be added in addition to the text on the front and spine of the binder, if desired. Divider tabs for each major section of the Code and Index are also provided.

Our paper vendor is chain-of-custody certified with the Forest Stewardship Council (FSC), Sustainable Forest Initiative (SFI) and Programme for Endorsement of Forest Certification schemes (PEFC).

5. **Client Responsibility.** The Client agrees to:

- a. **Amendatory Legislation.** The Client shall immediately forward all adopted legislation (including amendments, the Charter, Special Acts and other pertinent rules and regulations having the effect of law) to be codified on a continual basis. Submission should be timely and can be sent in electronic or printed form.
- b. **Review Legal Memorandum.** The Client shall review the Legal Memorandum and modify and/or approve the proposed Table of Contents and organization of the Code, page format, font type and size, approve number of copies to be printed, binder colors and choice of electronic format and medium.
- c. **Participation of Attorney.** Ensure the Client's Attorney and other interested personnel attend and participate in the project, including on-site or teleconference and review of the proofs.
- d. **Submission of data.** The Client shall provide data, graphics and tables of the highest reproducible quality, preferably in their original, electronic format. Provide a black and white line art seal or logo for the binders, if desired.
- e. **Proofs.** The Client will review and return the proofs within 45 days of receipt. Changes to the text should be marked directly on the proofs. Please note delaying the return of proofs can delay the project. Changes not discussed at conference, and deletions / additions constituting more than 5% of the total to the proofs may result in a proof update fee. Should the Client fail to return proofs within five (5) months, the balance of the contract shall become due and payable. Additional copies of proofs can be provided upon request.

RECODIFICATION QUOTATION SHEET FOR CITY OF MANDAN, NORTH DAKOTA

Recodification Base Cost, includes

\$10,950

- Receipt, review and organization of materials
- Legal Work
- Preparation of Legal Memorandum
- Implementation of approved legal findings
- Updating State Law References
- Editing
- Page formatting (make selections below)
- Proofreading
- Indexing
- Creation of Tables¹
- 10 Copies², to include binders and tabs (select binder color below)
- Adopting Ordinance
- Code on Internet, or MyMunicode first year no charge³
- Base number of pages

<i>Estimated pages based on page format and font size</i>			
Page Format	Font Size		
	10 point	11 point	12 point
Single Column	650	735	813
Double Column	464	565	610

Elections to be made applying to the above project:

- **Font** - New Century Schoolbook will be used as the font unless otherwise indicated. Other choices include Helvetica, Times New Roman, Avant-Garde Demi, Courier, Palatino, Helvetica Narrow, Century Gothic and Arial-MT
- **Font Size** - 11 point is recommended; 10 and 12 point are available.
- **Page Format** – Single Column or Double Column
- **Binder Color** – Please circle one (Dark Blue, Hunter Green, Semi-Bright Black, Burgundy)
- **Stamping Color for Binder** – Please circle one (Gold, Silver, White)
- Please check conference choice with Municode Attorney
 - On-site Conference, each \$1,000
 - Teleconference or Web based conference, 3 hour session No Charge⁴

¹ The following Tables will be created and are included in the Base Cost: Supplement History Table, Code Comparative Table, State Law Reference Table and Ordinance History Table. An additional hourly charge applies for creation, modification, addition or updating of any table other than those enumerated in this footnote.

² Municode uses only acid-free paper.

³ After the first free year, the annual Code on Internet fee will be \$500 to include our CodeBank Service; however, the Client can choose to have the Code on Internet only at \$350 per annum.

⁴ For the initial 3-hour session. \$150 per hour thereafter.

RECODIFICATION QUOTATION SHEET CONTINUED FOR CITY OF MANDAN, NORTH DAKOTA

Items not included in Base cost:

- Rebate pages under the base number of pages upon completion of Codification project
 - 8 ½ x 11 inches, single column, per page \$14
 - 8 ½ x 11 inches, double column, per page \$16
- Additional pages over the base or material amended or added after conference
 - 8 ½ x 11 inches, single column, per page \$18
 - 8 ½ x 11 inches, double column, per page \$21
- Graphics⁵ & Tabular⁶ matter \$10
- Additional Copies/Binders/Tabs Quotation upon request
- Freight Actual freight
- State Sales Tax If applicable

Payments – base cost split into four payments – can be budgeted over two fiscal years

- Execution of Agreement \$3,285
- Submission of the Legal Memorandum \$2,740
- Submission of Proofs \$2,740
- Delivery Balance

⁵ Includes printing all copies. Additional fee if graphic includes color.

⁶ Tabular matter is defined as Algebra formulae, or other materials that require special programs or extra editorial time to modify and prepare for inclusion in an update.

PROJECT APPROACH

Project Timeline

Time for Codification Project. The following timeline provides for completion of the Code within twelve (12) to fifteen (15) months, including time required for review of the Code Draft but excluding any delays occasioned by the City. Please keep in mind this is a proposed plan. Municode will be happy to work with the City to provide an appropriate schedule for the project. Supplementation will commence upon completion of the recodification.

<u><i>Time Frame</i></u>	<u><i>Municode's Responsibilities</i></u>	<u><i>City's Responsibilities</i></u>
Immediately	Acknowledges receipt of contract and material	Send Municode contract
Dependent on the City providing all materials to Municode	Municode sends listing of all ordinances received	City reviews listing of ordinances for confirming all material has been received
Immediately – once ALL material has been received	Municode's Attorney assigned to the Code begins legal research and review	City is available to answer questions
Within 6 months after confirmation of Material	Submission of legal memorandum to City	Review legal memorandum and prepare questions and comments
Within 2 - 3 months after submission of legal memorandum	Conference with Municode Attorney	City Attorney and other interested officials to attend conference
Within 2 - 3 months after conference	Submission of Post Conference Memorandum and Code Draft to City	City to review and return Code Draft within 30 days, with any changes indicated thereon
Immediately	Municode acknowledges return of Code Draft and begins to incorporate revisions	City available to answer questions
Within 1-2 months	Delivery of completed Codes to City	Adopt Code and send Municode a copy of the adopting ordinance

Time for Supplements. Printed Supplements are provided within thirty (30) to thirty-five (35) days and electronic updates are provided within ten (10) to fifteen (15) days.

Training

The Municode team is available to meet in your office or via webinar per the schedule of your choosing. Once the contract is finalized we will schedule an initial project meeting with the City in order to review timeline, material and the recodification process. Online training will commence as soon as the City has adopted the codified Code, via in person meeting or webinar. During the entire term of the contract, an open line of communication will be established between the City and Municode. Questions will always be answered within the hour and webinars can be held anytime. We also have a library of online tutorial videos available at no charge to your staff and citizens.

Municode looks forward to working with not only the City Clerk's and Attorney's office but all City Departments and agencies.

SUPPLEMENT SERVICE

After publication of the new Code, Municode will update the Code as legislation is enacted.

1. **Material.** The Client shall forward a copy of legislation upon enactment. Material is preferred in an electronically editable format and should be sent to ords@municode.com. Every ordinance sent to Municode will be acknowledged via e-mail. A complete list of legislation recorded in an update will be provided. Municode will hold legislation pending a schedule or begin the job as established with the Client.
2. **Additional Provisions.** Municode can add provisions (e.g. charter, zoning, land development regulations) not included in the original project through the Supplement service. They will be included in a Supplement or as a separate project and appropriate updates will be made to the Code and tables. Additional divider tabs or binders will be provided as necessary. Municode will advise of all options and applicable costs.
3. **Editorial Work.** The Supplement editorial team, who is advised by a licensed attorney and consists of a legal editor, proofreader and indexer, will review the legislation to determine proper placement within the Code. Municode will adhere to the structure and style contained in the ordinance unless changes are required to ensure consistency with other text in the Code. The team will also update the Table of Contents, catch lines, reference tables and index. Editorial notes will be appended to sections that require additional explanation. A Supplement History Table is provided to note all ordinances included. Municode has Supplement teams trained in the use of InDesign, and will editorially preserve the integrity of form of such files whether displayed on-line or in print.
4. **Deliverables.** Updates can be delivered electronically or as printed copies and on a schedule designed to meet the Client's needs.
 - a. **Electronic Updates.** Amendments to the electronic version of the Code (CD, Internet, PDF, etc.) are incorporated into the Code and a fully searchable, complete Code will be delivered. Electronic Updates are included in the base page rate and clients who receive both Electronic Updates and Printed Supplements receive the Printed Supplement pages at no charge. Electronic Updates can be provided on their own schedule, or accompany Printed Supplements.
 - b. **Printed Supplements.** Amendments to the printed Code occur in the form of Printed Supplement pages that are issued as replacement pages. Printed Supplements include updated Table of Contents, Code Comparative Table, index and text pages. The base page rate includes a copy of each Supplement for every printed Code. Printed Supplements will be delivered in bulk to the Client, unless the Client chooses to utilize Municode's Distribution Services
 - c. **Schedule.** Amendments are provided on a schedule designed to meet the needs of the Client. The schedule can be weekly, bi-weekly, monthly, bi-monthly, quarterly, tri-annual, semi-annual, annual or upon authorization. Electronic Updates can occur on a more frequent schedule than Printed Supplements.
5. **Posted Ordinances.** Municode can post newly enacted ordinances on the web between Supplements. They are posted in their original form as a PDF. Although these ordinances will be a part of your Code database, they are not incorporated (codified) into the Code until a Supplement or Electronic Update is prepared. Once the posted ordinance are included in a Supplement or Electronic Update, they can be transitioned to the OrdBank
 - a. **NOW Ordinances (New Ordinances on the Web).** NOW ordinances are presented on the initial page of the on-line Code in a table that includes ordinance title, adoption date and description. This table also contains a link directly to the ordinance for viewing.
 - b. **OrdLink.** Ordlink expands the NOW service by highlighting the affected section in the Table of Contents; Linking the amended section in the Code text to the ordinance(s) in the NOW table; and Linking the ordinance in the NOW table to the amended text sections of the Code.
 - c. **OrdBank.** Is a permanent collection of all ordinances sent to Municode, listed chronologically and organized by Supplement number, presented on-line with number, date and a brief description. Each ordinance in the list is linked to the actual ordinance as enacted, and from the History Note of the section derived from the ordinance.

SUPPLEMENT SERVICE QUOTATION SHEET FOR CITY OF MANDAN, NORTH DAKOTA

Supplement Service Base Page Rate⁷

Page Format	Base Page Rate
Single Column	\$18 per page
Double Column	\$21 per page

Base page rate above includes

- Acknowledgement of Material
- Data conversion, as necessary
- Editorial Work
- Proofreading
- Updating the Index
- Schedule as selected by Client⁸
- Updating Electronic versions⁹ (CDs and Internet)
- Printing¹⁰ 10 copies

Base page rate excludes

- | | |
|---|---------------------|
| • Freight, prebilled | Actual freight |
| • State Sales Tax | If applicable |
| • Graphics ¹¹ & Tabular ¹² matter, per graphic or table | \$10 |
| • Code on the Internet, per year or MyMunicode | \$350 ¹³ |

Optional Services to Supplement Service (please check)

- | | |
|---|------|
| <input type="checkbox"/> Electronic delivery handling fee, per delivery ¹⁴ | \$75 |
| <input type="checkbox"/> New Ordinances on the Web (NOW)/OrdBank, per ordinance | \$35 |
| <input type="checkbox"/> OrdLink/OrdBank ¹⁵ , per ordinance | \$60 |
| <input type="checkbox"/> PDF of the Code, each time delivered | \$75 |

Payment for Supplement and Additional Services

- Invoices will be submitted upon shipment of project(s).

⁷ All prices quoted in this section may be increased annually in accordance with the Producer Price Index – Internet Publishing and web search portals (NAICS 519130) as reported by US Department of Labor – Bureau of Labor Statistics.

⁸ Schedule for Supplements can be weekly, bi-weekly, monthly, bi-monthly, quarterly, tri-annual, semi-annual, annual or upon authorization. Electronic Updates can occur more frequently than printed Supplements.

⁹ We do not charge a per page rate for updating CDs or the Internet, however a handling fee is charged.

¹⁰ Municode uses only acid-free paper.

¹¹ Includes printing all copies. Additional fee if graphic includes color.

¹² Tabular matter is defined as tables, Algebra formulae, or other materials that require special programs or extra editorial time to modify and prepare for inclusion in an update.

¹³ Following the first year at no charge, the annual Code on Internet fee will be \$500 to include our CodeBank service; however, the Client can choose to have the Code on Internet only at \$350 per annum.

¹⁴ "delivery" is defined as delivering electronic data available to the Client on CD-ROM or via FTP. Fee applies whenever updated content is delivered via one of the above-defined products.

¹⁵ If OrdLink is selected the NOW service is unnecessary.

WEB HOSTING QUOTATION SHEET FOR THE CITY OF MANDAN, NORTH DAKOTA

(Please see the following page for a brief description of the services outlined below)

Please check the appropriate box(es) to indicate your selection:

MyMunicode¹⁶ includes the following:

\$1,195 annually¹⁷,
First Year No Charge

- i. **Code On Internet**
- ii. **OrdBank**
- iii. **CodeBank**
- iv. **MuniDocs**
- v. **MuniPro**
- vi. **Custom Banner**

In lieu of purchasing the above package, the City can purchase each item a la carte:

<input type="checkbox"/> Code on Internet (<i>after the first <u>free</u> year</i>) (annually)	\$395
<input type="checkbox"/> OrdBank (per ordinance)	\$35
-OR-	
<input type="checkbox"/> OrdLink + OrdBank (per ordinance)	\$60
<input type="checkbox"/> CodeBank (annually)	\$150
<input type="checkbox"/> MuniDocs (annually)	\$400
<input type="checkbox"/> MuniPRO (annually)	\$495
<input type="checkbox"/> Custom Banner (onetime fee)	\$250

Municode does not charge a per page rate for updating the Internet or any additional printing fees – this is all included in the supplement per page rate. In comparing services, if you notice a service that is not listed please email or call us! I am positive that Municode can do it! We might even currently provide that service under a different name.

¹⁶ Municode does not charge a per page rate for updating the Internet – this is included in the supplement per page rate.

¹⁷ Total Value if each item purchased a la carte would be \$1,790 with an average of 10 ordinances adopted annually.

MUNICODE'S WEBSITE SERVICES DEFINED

Code on Internet.

- ☞ Mobile Friendly Site: Automatically downloads to iOS, Blackberry, Android and Windows;
- ☞ Save as Word (DOCX);
- ☞ Saved Searching;
- ☞ Print and Email: Print, Save, email one or more Sections, Chapters and whole Titles;
- ☞ Internal Linking within the Code where cited;
- ☞ Mouseover Preview (or Pop ups);
- ☞ Static Linking: Copy links of any Section, Chapter or Title to share via email or social media;
- ☞ Pinpoint Searching: Ordinance searching included, search one or more Sections, Chapters & whole Titles;
- ☞ Scrolling Tables and Charts: Header stays fixed while you scroll through the table/chart;
- ☞ GIS - Municode can provide a permalink to any code section and assist municipal staff to create a link from their GIS system to relevant code sections.
- ☞ Collapsible TOC (Frameless Version);
- ☞ In-line Images and PDFs;
- ☞ Current Location Status Banner (breadcrumb trail) present while searching Code;
- ☞ Server Stability and Disaster Recovery Plan;
- ☞ **Co-Location in Atlanta, Georgia: only Codification Company to have geo-redundant servers in multiple states;**
- ☞ Phone, email and Web support for Citizens and Staff: 24 hour email response; Phone support from 8:00 am to 8:00 pm Eastern Standard Time.

OrdBank. Creates a permanent, online collection of all ordinances sent to Municode. Prior to incorporation into your Code via supplementation, all of your ordinances will be posted on your landing page for easy access. Once codified, each ordinance History Note is hyperlinked to the actual ordinance as enacted. OrdBank saves your municipality valuable time and money by enabling you, your staff and your citizens to gain instant access to your ordinances by simply clicking the history note. No setup fee is required and the cost of this service is \$35 per ordinance.

OrdLink + OrdBank. Prior to incorporation into your Code via supplementation, OrdLink hyperlinks newly adopted ordinances to the section being amended. Linked sections are highlighted in the Table of Contents and links are created from the amended sections to the new ordinances. Once the linked ordinances are incorporated into the Code, they are added to your OrdBank and hyperlinked to your History Notes. For the linked ordinances to be searchable, they must be sent in an editable format. Scanned documents can be included in the list and are viewable, but not searchable. No setup fee is required and the cost for this service is \$60 per ordinance.

CodeBank. Creates a permanent, online collection of all past versions of your Code. CodeBank enables your online users to easily access previous versions of your Code. The historic version of your Code is fully searchable and printable, making the task of researching past versions of your Code more efficient. For your convenience, when a previous version of your Code is selected, users are alerted that they are looking at an older version of your Code. No set up fee is required. There is a per annum fee for this premium service.

MuniDocs. Enables municipal users to send material of your choosing directly to Municode to upload documents to your online Code of Ordinances. Let Municode do all the work and upload the versions of Minutes, Resolutions, Budgets, and or any other non-code material online. Your collection of documents to be posted alongside your Code and will be fully searchable, filterable for ease of use. No set up fee is required.

MuniPRO. MuniPro Searching allows you to search all of the Codes we host (the entire country, a single state, or individually selected Codes of your choosing). MuniPro Searches are ideal for researching local regulations of special interest, or to find out how other communities are dealing with similar issues. There is a per annum fee for this premium service; User Name and Password required. If the IP based model is selected, only Multiple Code Searching is available. MuniPRO provides subscribers with the following tools:

- ☞ **Multiple Code Search.** Search all codes within one state, multiple codes within one state, or search all codes in the entire U.S.! Search results are sorted by relevancy and indicate the source publication, showing excerpts and keyword highlighting.
- ☞ **MuniPRO Favorites.** Create a "favorites" list of frequently visited Codes or sections. This will save time by making navigation a one-click process from your Dashboard.

- 📌 **MuniPRO Notes.** Create a note and attach it to any document in any publication. Note icons will show in both the Table of Contents and search results page, alerting the user to a previously written note. Notes can be shown or hidden when browsing and searching a publication, and a global listing of notes can be accessed with a single click from your Dashboard.
- 📌 **MuniPRO Drafts.** Begin a new ordinance draft to keep track of pending legislation. Drafts icons will appear in the Table of Contents and search results, and can also be accessed from a single click.

Custom Banner. Municode will customize the look and feel of your Code on municode.com to more closely match your municipal web site. This is accomplished by posting a banner image (provided by the client) over the top portion of our site. Initial set up fee of \$250 with no annual charge, unless you would like for us to change your banner.

Mobile Friendly Site. The Municode.com Online Library includes a mobile friendly version of your Code. This is a frameless version that is accessible from your mobile device and is formatted for a better viewing experience on today's modern Smartphones. Our website recognizes when a visitor is viewing the content on a mobile device and automatically changes the view to maximize the capabilities of the hand-held device. *This feature is included in your annual Internet fee.*

Email (from the Web). Chapters, Articles or individual Sections may be selected for emailing. The functionality is intuitive and *included in your annual Internet fee.*

Print or Save. Similar to Emailing, Chapters, Articles or individual Sections may be selected for Printing or Saving. Save (as compared to "blocking & copying") preserves the formatting when the document is edited using your word processing software. *These features are offered to you as part of your annual Internet fee.*

Internal Cross Reference Linking. Cross references within the Code will be linked to their respective destination Article, Chapter, or Section. *This feature is offered to you as part of your annual Internet fee.*

Mouseover (cluetips). Navigate to a code and any linked cross reference will display the pop-up after a 1 second delay. You'll need to clear your browser cache to enable them (Tools -> Internet Options -> Delete -> Temporary Internet Files). *This feature is offered to you as part of your annual Internet fee.*

Static Linking to your Code. Each level of the code has a static link that will enable your users to easily create "Hot Links" to any section of the code. Simply click the permalink icon to the right of each heading level and paste the URL into the destination of your choice. *This feature is offered to you as part of your annual Internet fee.*

Pinpoint Searching. Easily search any individual Code with our advanced search options: revisit previously conducted searches using the "Search History" button; or narrow the scope of your search to find more specific legislation. *Once again these features are offered to you as part of your annual Internet fee.*

Scrolling Tables and Charts. The header stays fixed to the top of your browsing pane while you scroll through your tables and charts.

GIS. Municode can provide a permalink to any code section and assist municipal staff to create links from their GIS system to relevant code sections.

Collapsible TOC. The Table of Contents collapses and is re-sizeable providing additional real estate with which you may view your code. Easily view your maps, graphs and charts by simply enlarging the item. *This feature is included in your annual Internet fee.*

In-line Images & PDFs. Municode takes great care to ensure that your images match online and in print, and are captured at the highest quality possible. Our online graphics can be enlarged with a frameless view to maximize the image. Municode can also incorporate PDFs of certain portions of the Code that have very specific viewing and layout requirements. These PDFs are fully searchable within our search engine, and are typically utilized with form-based Land Development Codes. *This service is included in your annual Code on the Internet fee.*

Internet Stability. Municode houses its public facing websites in a secure, SAS70, PCI compliant data center owned and operated by Peak 10 in Atlanta, Georgia. This page outlines the features of Peak 10's datacenter, including redundant Internet providers, redundant power and cooling, and secure biometric access to the physical facility (<http://www.peak10.com/locations/atlanta#facility1>). All systems are backed up and synchronized between our Tallahassee, Florida and Atlanta, Georgia locations for full geographic redundancy should one of the sites become inaccessible.

ADDITIONAL SERVICES

- 1. Distribution.** Fulfillment services are available to distribute individual printed copies of Codes and Supplements to departments or subscribers at no additional fee to the Client. Municode can sell the Codes, Supplements, chapter reprints, binders and tabs at a pre-determined, agreed upon price. Municode assumes all risk and expense for providing these items. Orders can be placed through our online ordering, via fax or mail.
- 2. Legal Review.** At any point during the term of this Agreement, or extensions thereof, Municode can prepare a Legal Review for the Code to identify inconsistencies, obsolete provisions or compare the Code to current State Law. State Law references can be updated in conjunction with this legal review or as a separate engagement. State Law Pamphlets for selected states are provided on the www.municode.com website free of charge.
- 3. Document Scanning Services (MuniScan).** Municode's subsidiary, MCCi, offers scanning, indexing and integration of hard copy documents with Laserfiche Software to provide the Client with intuitive browsing, index cards, and fuzzy logic. Pricing information can be supplied upon request.
- 4. Electronic Records Management Software and Services (Laserfiche) –** MCCi is the largest Laserfiche Var in the United States and focuses on Local Government. With over 400 clients, MCCi can provide your organization with the most experienced professionals to implement and support your Laserfiche solution. Laserfiche software is used for Electronic Records Management and here are just some of the features: scan, index, search, archive, automate approval processes, make records available via the web, manage records retention, and integrate with your other software systems.
- 5. Utility Billing Services (MuniBills).** MCCAdvantage offers billing, statement and remittance processing services as an additional benefit under this agreement. MCCAdvantage, a subsidiary of Municode, can provide the client with design, printing and mailing services for customer billing/statements of all types. These services also include remittance payment options, software and other billing solutions. Pricing information for this service can be supplied upon request.

Billing services, to include custom formatting, data cleansing, printing and mailing of your statements, are included with this contract. An initial setup fee and \$.15 per bill (10,000 bills per month) includes formatting, printing, mailing, and materials. Tiered pricing for volumes above 10,000 statements. (Minimum charge of \$250 per month for volumes less than 2,000.) PDF copies of all statements are provided in advance of mailing. Additional features available upon request.



municode

Municipal Code Corporation • P.O. Box 2235 Tallahassee, FL 32316
info@municode.com • 800.262.2633
fax 850.575.8852 • www.municode.com

This proposal shall be valid for a period of ninety (90) days from the date appearing below unless signed and authorized by Municode and the Client.

Term of Agreement. This Agreement shall begin upon execution of this Agreement and end three years after the publication date of the new Code. Thereafter, the Supplement Service shall be automatically renewed from year to year provided that each party may cancel or change this agreement with sixty (60) days written notice.

Submitted by:

MUNICIPAL CODE CORPORATION

Municode Officer: _____

Title: _____

Witness: _____

Date: _____

Accepted by:

CITY OF MANDAN, NORTH DAKOTA

By: _____

Title: _____

Witness: _____

Date: _____



municode

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fax 850.575.8852 • www.municode.com

QUALIFICATIONS

For more than 60 years, Municode has engaged predominantly in editing and publishing Codes for municipalities and counties of all sizes throughout the United States. Municode has published and supplemented more Codes that are in current use than any other codifier in the Country. This experience enables us to offer you the finest services available. We also have started two other divisions focused on government clients: MCCi (Municipal Code Corporation Innovations) and MCCa (Municode Code Corporation Advantage).

Business main location:	1700 Capital Circle, SW Tallahassee, FL 32310 800-262-2633 or 850-576-3171
Incorporation Date:	March 1951
Current Code Accounts Serviced:	over 3,600
Divisions:	MCCi - Document Management and Agenda Automation MCCa - Utility Billing and Statement Processing

Personnel/Offices

The entire corporate staff consists of approximately 150 employees, including 9 attorneys, 35 editors, and 46,000 square feet of floor space. We have regional offices in Blaine, Minnesota; Fort Worth and Edinburg, Texas; Charlottesville, Virginia; Chapel Hill, North Carolina, Seattle, Washington and our main office in Tallahassee, Florida.

Legal Personnel Assigned to Project

H. E. "Rick" Grant, Executive Vice President and COO. B.S., U. S. Naval Academy; J.D., Florida State University. Rick is a former naval aviator and Navy attorney (JAG Corps) who retired as The Judge Advocate General, the Navy's senior attorney. He has 15 years of experience as COO of Municode and will have overall supervision of the project. He will assign the Municode attorney, who will conduct a thorough legal review to identify any inconsistencies or conflicts between ordinances and any conflicts with state law, send the client a legal memorandum that identifies these inconsistencies and conflicts, and make recommendations on how to proceed. The attorney will then contact the client to set up a conference to discuss these issues

Alyce A. Whitson, B.A., University of South Florida; J.D., University of Florida; more than 40 years of experience in local government law; Member of Florida Bar. Alyce has completed over 600 codes and various other legal projects throughout the United States, including Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Missouri, Montana, New Hampshire, New York, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, Wisconsin, and Wyoming.

William J. Carroll Jr., B.S., Penn State University; J.D., Florida State University; more than 39 years of experience in local government law; Member of Florida Bar. Bill has completed hundreds of codes and legal projects throughout the United States including codes in Arkansas, Colorado, Florida, Indiana, Illinois, Kansas, Kentucky, Louisiana, Maine, Michigan, Missouri, Montana, Nevada, New Jersey, New Mexico, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, and Wyoming.

Roger D. Merriam. B.A., Mercer University; J.D., Emory University; more than 39 years of experience in local government law; Member of Florida Bar. Roger has reviewed Codes in all 50 states and completed Codes in multiple states including Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, South Dakota, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

Daniel F. Walker. B.S., Florida Southern College; J.D., Georgia State University College of Law; 8 years of private practice; 13 years of experience in local government law; member of the Florida and South Carolina Bars. Also admitted to practice before the U.S. Supreme Court, U.S. Court of Appeals for the Armed Forces, and the U.S. Court of International Trade. He has completed codes in Georgia, Illinois, Louisiana, Mississippi, New Mexico, North Carolina, South Carolina, Texas, Virginia, and West Virginia.

Jim Jenkins. B.A., Eckerd College; J.D., University of Maryland School of Law; Former Appellate Attorney and Trial Prosecutor for the Kings City District Attorney's Office, Brooklyn, NY; 19 years of experience in complex legal research and litigation; 8 years of experience in local government law. Jim has completed Codes in Alabama, California, Georgia, Louisiana, New Hampshire, South Carolina, Texas, Utah, Washington, and Wisconsin.

Sandra S. Fox. B.A, Florida State University; J.D., Florida State University; 13 years of experience in legal research and writing. Sandra has completed Codes in Alaska, Alabama, Georgia, Illinois, Kansas, Maine, Michigan, Minnesota, Missouri, Montana, Oklahoma, Rhode Island, South Dakota, Tennessee, Texas, and Wisconsin.

Project Coordinators:

Dale Barstow. Vice President of Sales, Pilot of Municode's Corporate Airplane. Graduate from Embry-Riddle Aeronautical University; Honorary City Clerk in 5 States; Municipal Clerks Education Foundation President; Continuing Education – Dale Carnegie Sales Training; Speaker for over 39 conferences. Dale has over 40 years of experience in client sales. Dale meets with our customers to ensure face to face communication and coordination.

Steffanie W. Rasmussen,. Assistant Vice President of Sales. M.S., Industrial & Organizational Psychology, Kansas State University; B.S., Business Psychology, Florida State University; Certificate in Performance Management, Florida State University. She has 3 years' experience working with Municipal governments and is Communication, Efficiency and Customer Service driven. Steffanie will be your main point of contact for customer service.

Supplementation:

Dennis J. Sinnett. Vice President of Supplements. Received a B.S. from the United States Naval Academy, a M.A.S from Embry-Riddle Aeronautical University. A former Naval aviator with over 30 years of leadership experience, he is the Supervisor of the Supplement Department. In order to ensure that you receive the best service possible, Municode has deployed a team concept. This team organizational structure allows for efficient communication, reduces the turn-around time for the publication of your supplements and helps to ensure you the highest degree of accuracy possible. In addition, because each team is comprised of three editors and one proofreader, it allows for what we call "bench depth" – there is always a backup person who is familiar with the client's Code of Ordinances. As the Supplement Department Supervisor, he will work with the lead editor to review the amending ordinances and establish a schedule for the completion of each job. Additionally, he will oversee your code as it progresses through our supplementation process.

Portia R. Thomas. Training Coordinator. Received B.S. in Speech, Language and Communication Pathology, and a M.S. in Audiology from Towson State University. She is a long-time educator in the public school systems. With extensive experience in graphic arts and desktop publishing, she taught Typography classes and visual arts software classes in Adobe InDesign, Adobe Photoshop, Adobe Illustrator, and Adobe Acrobat at the college level for 8 years before coming to Municode. She has worked with the major desktop publishing software Aldus/Adobe PageMaker, QuarkXPress and Adobe InDesign, and graphics software Aldus/Macromedia Freehand, Adobe Illustrator and Adobe Photoshop for more than 20 years combined in her personal desktop publishing business. Her years of teaching experience and knowledge of graphics and desktop publishing has allowed her to develop simple and efficient methods for the editors to be able to produce the highest quality graphics for the codes at Municode and to train both editors and proofreaders in new and available software usage and techniques.

Leslie Mayne. Production Support Account Representative. B.A., English and Anthropology, Florida State University. Ms. Mayne has over 15 years of customer service experience. She is the Production Support Representative for the Supplement Department, serving as a direct point of contact for our customers. She is responsible for ensuring that the company's customers receive a superior level of service and assistance with their questions and or concerns. Leslie's goal is simple: Provide timely, superior customer service each and every day.

Indexing:

Joy Luczynski. Indexing Supervisor. A.A., Calhoun Community College; Paralegal Technology; Member of American Society of Indexers. Joy has over 12 years of experience indexing Codes. Joy will provide oversight and technical assistance for initial editorial preparation of the Index and updating the Index through the Supplement Service.

Information Technology:

Phillip Claiborne. Chief Information Officer. B.S., Management Information Systems, Florida State University; MBA, University of Florida; CompTIA Certified A+, Net+, Security+, Microsoft Certified Systems Administrator. 13 years of extensive experience supporting, designing and administering corporate network environments.

Matt Farley. Systems Administrator. AA, Tallahassee Community College, Currently obtaining BA in IT at FSU. Matt has over 5 years of systems/network management experience.

Elliot Haworth. Web Developer. B.A., Computer Science, Mercer University. Elliot has over 8 years of experience with desktop application programming and developing web based applications.

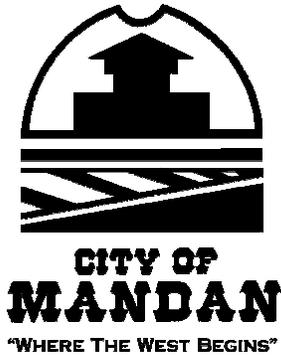
Municipal Code Corporation Executives

A. Lawton Langford. Chairman and CEO. Received his Bachelor of Arts from Vanderbilt University, with a double major in Economics and Business Administration, a Juris Doctor from the Florida State University College of Law, and a Masters of Business Administration from the Florida State University College of Business. Thirty years' experience with Municode. Mr. Langford is responsible for the strategic direction of the company. He has a wide set of experiences including: serving as Chairman of a local bank; a medical technology company; and a document management Value Added Reseller. In addition to strategic issues, Mr. Langford focuses on staying abreast of the latest technology that could benefit Municode's local government clients, and assembling the best leaders available so that the Municode organization functions as a high-performing company.

Eric Grant. President. Eric joined the Municode team in 2007 after graduating from the University of Virginia School of Law. Prior to receiving his Juris Doctorate from the University of Virginia, and becoming a member of the Florida Bar, Eric served as a Tank Platoon Commander in the United States Marine Corps. As a Marine, Eric served both stateside and abroad. Eric and his unit were deployed during Operation Enduring Freedom shortly after September 11, 2001. By way of preparation for his career as a United States Marine, Eric attended both the United States Naval Academy and GeorgeCity University's School of Foreign Service. While at the Naval Academy, Eric served as the Brigade Commander, responsible for the development, training and welfare of over 4,000 of America's finest young men and women. While serving as a United States Marine, Eric served in Virginia, Kentucky, California and abroad as a member of the 15th Marine Expeditionary Unit.

H. E. "Rick" Grant. Executive Vice President and COO. B.S., U. S. Naval Academy; J.D., Florida State University. Rick is a former naval aviator and Navy attorney (JAG Corps) who retired as The Judge Advocate General, the Navy's senior attorney. He has 15 years of experience as COO of Municode and will have overall supervision of the project. He will assign the Municode attorney, who will conduct a thorough legal review to identify any inconsistencies or conflicts between ordinances and any conflicts with state law, send the municipality a legal memorandum that identifies these inconsistencies and conflicts, and make recommendations on how to proceed. The attorney will then contact the municipality to set up a conference to discuss these issues

Michelle S. Eagen. Chief Financial Officer and Vice President of Finance. Michelle has received her Bachelor of Science in Accounting from the University of Florida and her Master of Accounting degree from Nova Southeastern University. She is a licensed and active Florida CPA. Michelle has been with Municode since 2003 and has worked as an accounting professional in the publishing industry since 1993. She and her accounting staff at Municode are committed to providing each customer with accurate, timely invoices and assisting with all client billing inquiries.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 4, 2014
PREPARATION DATE: December 16, 2013
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Shirley Shaw/City Assessor
PRESENTER: Shirley Shaw/City Assessor
SUBJECT: Complete Reassessment of properties

STATEMENT/PURPOSE: To consider a reduction in the structure value for the 2013 year due to reassessment that was made.

BACKGROUND/ALTERNATIVES:

Reason for abatement: To lower the structure value for the 2013 year. Reassessment consists of walk-through of property to determine accuracy of our data and conducting a market analysis.

ATTACHMENTS: Abatement forms.

FISCAL IMPACT: See attached list.

STAFF IMPACT: Minimal

LEGAL REVIEW: In accordance with NDCC 57-23-04.

RECOMMENDATION: I recommend a motion to approve to lower the true and full value for the 2013 year for the approved reassessed properties.

SUGGESTED MOTION: A motion to approve a reduction for the approved reassessed properties in the 2013 year.

Application For Abatement And Settlement Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

County of Morton

Name OLSON RICHARD J & EILEEN

Property ID Number

City 3477

Address 204 3 AVE NE

County 65-2551000

Legal Description of the property involved in this application

Lot: 0009

Block: 026

MANDAN PROPER (OT)

Total true and full value of the property described above for the year 2013 is:

Land	\$24,000
Improvements	\$140,600
Total (1)	\$164,600

Total true and full value of the property described above for the year 2013 should be:

Land	\$24,000
Improvements	\$116,500
Total (2)	\$140,500

The difference of \$24,100 true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- 2. Residential or commercial property's true and full value exceeds the market value
- 3. Error in property description, entering the description, or extending the tax
- 4. Nonexisting improvement assessed
- 5. Complainant or property is exempt from taxation (Attach a copy of Application for Property Tax Exemption)
- 6. Duplicate assessment
- 7. Property improvement was damaged by fire, flood or tornado (see N.D.C.C. § 57-23-04(1)(g))
- 8. Error in noting payment of taxes, taxes erroneously paid
- 9. Property qualifies for Homestead Credit According to N.D.C.C. § 57-02-08.1 (Attach a copy of Homestead Credit Application)
- 10. Other (Explain) HAD COMPLETE REASSESSMENT DONE ON PROPERTY 1-9-14

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

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

The Applicant asks that THEY BE ABATED AND CHANGES MADE TO REFLECT THE TOTAL REASSESSMENT THAT WAS COMPLETED ON 1/09/2014.

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

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

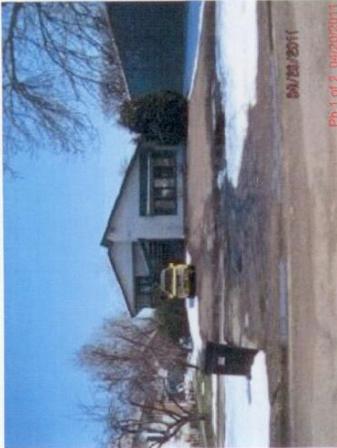
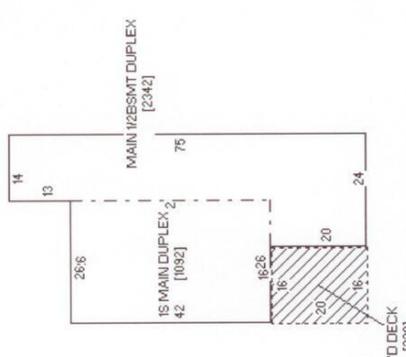
Signature of Preparer (if other than applicant)

Date

Signature of Applicant

Date

Richard J. Olson Eileen M. Olson 2/11/2014

Parcel Summary		City of Mandan				PDF 1 WORKING																												
PIN 65-2651000 Deed OLSON RICHARD J & EILEEN Contract 204 3 AVE NE Map Area Zone 1 - Res Route Number 000-000-000 Legal Plat Map		Section 0.160 Township 0009 Range 026 Loc. / Class Urban / Residential	Deeded Acres Lot 0009 Block 026																															
Land Basis Lump Sum Grand Total	Front Rear Side 1 Side 2 R. Lot	SF 7,000.00 7,000.00	Acres 0.161 0.161																															
Residential Dwelling Occupancy Two-Family Duplex Year Built 1979 TLA/GLA 2,342 / 2,342 Bsmt/Attic 1/2 / None Heat/AC HW - Baseboard / Yes AC Bsmt Finish 420/ 0/ 0 Ttl Bdrms 8 Above 2 Below 6 Ttl Fireplaces																																		
Plumbing Full Bath 3 Garage																																		
2013 <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Appraised</th> <th>Board of Review</th> <th>State Equalized</th> <th>with Exemption</th> </tr> </thead> <tbody> <tr> <td>Lnd 24,000</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Dwl 116,500</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Impr</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total 140,500</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Sale Amount \$95,200</td> <td>Sale Date 10/14/1998</td> <td>Recording 352456</td> <td></td> </tr> <tr> <td>\$75,000</td> <td>01/31/1989</td> <td>0</td> <td></td> </tr> </tbody> </table>							Appraised	Board of Review	State Equalized	with Exemption	Lnd 24,000				Dwl 116,500				Impr				Total 140,500				Sale Amount \$95,200	Sale Date 10/14/1998	Recording 352456		\$75,000	01/31/1989	0	
Appraised	Board of Review	State Equalized	with Exemption																															
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\$75,000	01/31/1989	0																																
																																		

Application For Abatement And Settlement Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

County of Morton

Name FROHLICH CLIFFORD T

Property ID Number

Address 4605 HIGHLAND RD NW

City 8074

Legal Description of the property involved in this application

County 65-812000

Lot: 0005

Block: 001

DIANA'S ACRES 1ST

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

Land \$17,200
 Improvements \$163,400
 Total (1) \$180,600

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

Land \$17,200
 Improvements \$156,800
 Total (2) \$174,000

The difference of \$6,600 true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- 2. Residential or commercial property's true and full value exceeds the market value
- 3. Error in property description, entering the description, or extending the tax
- 4. Nonexisting improvement assessed
- 5. Complainant or property is exempt from taxation (Attach a copy of Application for Property Tax Exemption)
- 6. Duplicate assessment
- 7. Property improvement was damaged by fire, flood or tornado (see N.D.C.C. § 57-23-04(1)(g))
- 8. Error in noting payment of taxes, taxes erroneously paid
- 9. Property qualifies for Homestead Credit According to N.D.C.C. § 57-02-08.1 (Attach a copy of Homestead Credit Application)
- 10. Other (Explain) HAD COMPLETE REASSESSMENT DONE 1-7-2014

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

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

The Applicant asks that THEY BE ABATED TO REFLECT THE CORRECT VALUES DUE TO HAVING A COMPLETE RE-ASSESSMENT DONE ON 1-7-2014.

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

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

Signature of Preparer (if other than applicant)

Date

Signature of Applicant

Date

Clifford T. Frohlich 2-18-2014

PDF 6 WORKING

City of Mandan

Parcel Summary

PIN 65-0812000
 Deed FROHLICH CLIFFORD T
 Contract 4605 HIGHLAND RD NW
 Address Zone 6 - Res
 Map Area 000-000-000 Plat Map
 Route Number LOT 5 BLOCK 1 DIANA'S ACRES 1ST
 Legal

Section 1.000
 Township 0005
 Range 001
 Loc. / Class Urban / Residential

Deeded Acres 1.000
 Lot Block
 Urban / Residential



Land Basis	Front	Rear	Side 1	Side 2	R. Lot	SF	Acres
Lump Sum						43,750.00	1.004
Grand Total						43,750.00	1.004

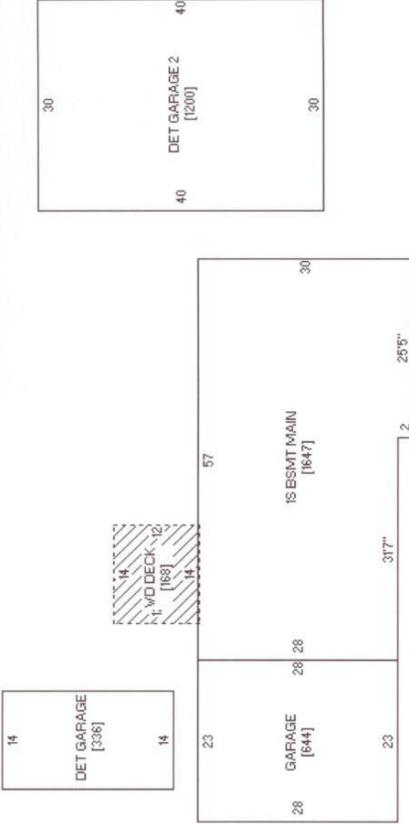
Residential Dwelling

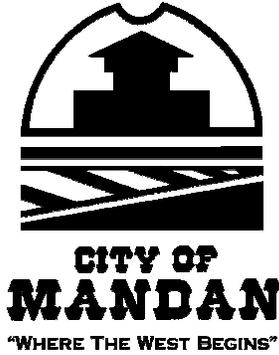
Occupancy Single-Family / Owner Occupied
 Year Built 1974
 TLA/GLA 1,647 / 1,647 Ttl Rms 8
 Bsm/Atrc Full / None
 Heat/AC FHA - Electric / No AC
 Bsmt Finish 412/ 0/ 0
 Ttl Bdrms 5 Above 3 Below 2
 Ttl Fireplaces 2

Plumbing

Full Bath 2 Det Frame 1,536 SF
 Shower Stall Bath 1 Att Frame 644 SF
 Toilet Room 1

Appraised	Board of Review	State Equalized	with Exemption
Lnd			
Dwl			
Impr			
Total			





Board of City Commissioners

Agenda Documentation

MEETING DATE: March 4, 2014
PREPARATION DATE: February 18, 2014
SUBMITTING DEPARTMENT: Assessing Dept.
DEPARTMENT DIRECTOR: Shirley Shaw, City Assessor
PRESENTER: Shirley Shaw, City Assessor
SUBJECT: Assessor Error: Missed Property Tax Incentives for New or Expanding Businesses for Silver Lake Apts., LLC for 2013

STATEMENT/PURPOSE: To consider adding an approved property tax incentive for new or expanding business exemption for Silver Lake Apt., LLC that was missed for the 2013 year due to assessor error.

BACKGROUND/ALTERNATIVES: City Assessor is asking for adding the missed exemption for 2013 due to assessor error. This missed Property Tax Incentive for New or Expanding Business Exemption was already approved but exemption was missed for the current year 2013.

SHORT DESCRIPTION OF PROJECT: Silver Lake Apt., LLC had been approved for a 100% exemption for two years starting with 2013 and 2014. The project was completed but the full exemption was missed for the 2013 due to assessor error.

OF JOBS TO BE CREATED: N/A

This parcel is also known as Parcel # 10117 at Lot 3, Blk 2, Lakewood Commercial Park 3rd.

ATTACHMENTS: Abatement application.

FISCAL IMPACT: \$ 33,285

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

Board of City Commissioners

Agenda Documentation

Meeting Date: March 4, 2014

Subject: Assessor Error: Missed Property Tax Incentives for New or Expanding Businesses for Silver Lake Apts., LLC for 2013

Page 3 of 4

Application For Abatement And Settlement Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

County of Morton

Name SILVER LAKE APTS LLC

Address 4301 21 ST SE

Legal Description of the property involved in this application

Lot: 3

Block: 2

LAKEWOOD COMM PARK 3RD

Property ID Number

City 10117

County 65-6101300

Total true and full value of the property described above for the year 2013 is:

Land \$257,500
Improvements \$2,070,500
Total (1) \$2,328,000

Total true and full value of the property described above for the year 2013 should be:

Land \$257,500
Improvements \$0
Total (2) \$257,500

The difference of \$2,070,500 true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C § 57-02-27.2
2. Residential or commercial property's true and full value exceeds the market value
3. Error in property description, entering the description, or extending the tax
4. Nonexisting improvement assessed
5. Complainant or property is exempt from taxation (Attach a copy of Application for Property Tax Exemption)
6. Duplicate assessment
7. Property improvement was damaged by fire, flood or tornado (see N.D.C.C. § 57-23-04(1)(g))
8. Error in noting payment of taxes, taxes erroneously paid
9. Property qualifies for Homestead Credit According to N.D.C.C. § 57-02-08.1 (Attach a copy of Homestead Credit Application)
10. Other (Explain) NDCC 40-57.1 2 YR TAX EXEMPTION MISSED

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

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

The Applicant asks that WE ABATE THE TAXES FOR THE FULL EXEMPTION AMOUNT FOR THE YEAR 2013

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

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

Signature of Preparer (if other than applicant) Date Signature of Applicant Date

Board of City Commissioners

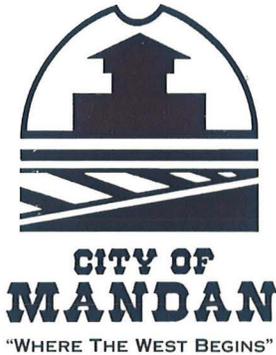
Agenda Documentation

Meeting Date: March 4, 2014

Subject: Assessor Error: Missed Property Tax Incentives for New or Expanding Businesses for Silver Lake Apts., LLC for 2013

Page 4 of 4

7/17/13 AS1057	Mandan Assessing Dept Property Data Sheet	Page 1
SILVER LAKE APTS LLC 4654 AMBER VALLEY PARKWAY FARGO ND 58104	City Parcel No. 10117 County No. 65-006101300 Assessment Year 2013	
Property Address: 4301 21 ST SE	Property Type: COMMERCIAL APARTMENT	
Legal Description		
Lot 3 Block 2 Addition 0251 LAKEWOOD COMM PARK 3RD		
=====		
Total Property - Land	Interior Finish	Painted
Area Factor 40 RESIDENTIAL & COMMERCIA	Fireplace	No
Zoning CB	Floors	Concrete
Lot Width 264 Ft	Floor Covering	Linoleum
Lot Depth 462 Ft		Carpet
Lot Sq Ft 121920 SqFt	Apartment	None
Irregular Shape No		
Alley No	-----	
Cul-De-Sac No	Garage	
Corner No	Basement 98 Stall with 33649 SqFt	
Utilities Yes	Quality Good	
Underground Util Yes	-----	
Street Hard Surface	Additional Data	
Sidewalk Yes	Electronics Yes	
Location Water Area	Home Theater No	
Flood Plain Degree	Smart Home No	
Acres 2.80	Swimming Pool No	
Lot Sale Price 197100	Sump Pump No	
Lot Sale Date 05/27/2010	-----	
Building Data		
Year Built 2010	Additional Area	
Effective Year 2010	Deck 83 SqFt	
Basement Walls Poured Concrete	-----	
Condition Average/Good	Other Area	
Quality Average/Good	Listing Date 01/16/2007	
Construction Type 2x6 Construction	Listing Price 426720	
Stories Two Story	Review Date 02/27/2013 JONB	
Roof Cover Asphalt/Compound	Final App. Date 02/17/2011 JONB	
Roof Type Hip		
Heating Fuel Gas	2013 Mrkt Value 2260200 Land 250000	
Heating Type Hot Water	Bldg 2010200	
Air Conditioning Wall	2012 Mrkt Value 1078000 Land 145100	
Flr Tot Rms Bed Bath	Bldg 932900	
02 49 24 23.00 32658 SqFt	2013 Est Tax Amount 44577.92	
01 48 24 22.00 32658 SqFt		
Tot Finished Area 65316 SqFt	Selling Price Includes Special Assessments	
Exterior Walls Metal Siding	Current Sale Price 197100	
	Current Sale Date 05/27/2010	
Basement None	Previous Sale Price 0	
Dining Room Area Dining Area	Previous Sale Date	
Kitchen Cabinets Prefab Hardwood	Data Sheet Printed By: RACHELH	
Built-Ins Yes		
Interior Walls Sheetrock		



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 4, 2014
PREPARATION DATE: February 27, 2014
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth
SUBJECT: Approve Engineering Service Agreement with KLJ Engineering

STATEMENT/PURPOSE: Approve Engineering Services Agreement for federally funded street improvement projects.

BACKGROUND/ALTERNATIVES: The city has been approved by the NDDOT local government division to construct three (3) street improvement projects this year. Over 80% of project cost to be funded by the urban roads program administered through the NDDOT. As such, the projects must go through the NDDOT bidding process, requiring the plans and specifications to adhere to their guidelines. In order to ensure that proper procedures are followed, the engineering department requested to advertise for hiring an engineering consultant to design these projects.

Brought forward to last city commission meeting on February 18th was our office's recommendation to enter in to an Engineering Service Agreement with KLJ Engineering based on the Request for Qualifications proposal that they submitted. Their proposal was selected out of a total of 5 proposals submitted.

Since last city commission meeting, Jeff Wright, Public Works Director, and myself have met with representatives of KLJ to define project scope and review the associated estimate of costs for the scope of services. We also conducted a site visit for each project to best relay our expectations of these projects. We believe their proposal and design fee summary are fair for these projects.

ATTACHMENTS:

- 1) Engineering Service Agreement
- 2) Scope of Services
- 3) Design Fee Summary

FISCAL IMPACT: City funds are in place for these design and pre-bid services.

STAFF IMPACT: Minimal

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

RECOMMENDATION: Approve the Engineering Services Agreement with KLJ Engineering for federally funded street improvement projects.

SUGGESTED MOTION: I move to approve the Engineering Services Agreement with KLJ Engineering for federally funded street improvement projects.

**SHORT FORM OF AGREEMENT
BETWEEN OWNER AND ENGINEER
FOR
PROFESSIONAL SERVICES**

THIS IS AN AGREEMENT effective as of February 24, 2014 (“Effective Date”) between

City of Mandan (“Owner”)

and Kadrmas, Lee & Jackson, Inc. (KLJ) (“Engineer”)

Engineer agrees to provide the services described below to Owner for Mandan Mill and Overlays (“Project”).

Description of Engineer’s Services: Environmental Documentation, Survey, Design and Plan Preparation for a Mill and

Overlay project with the City of Mandan. This project includes the streets of 9th Ave NE, 24th and Longspur, and

40th Ave SE. (See attached detailed Scope of Service)

Owner and Engineer further agree as follows:

1.01 Basic Agreement

A. Engineer shall provide, or cause to be provided, the services set forth in this Agreement, and Owner shall pay Engineer for such Services as set forth in Paragraph 9.01.

2.01 Payment Procedures

A. *Preparation of Invoices.* Engineer will prepare a monthly invoice in accordance with Engineer’s standard invoicing practices and submit the invoice to Owner.

B. *Payment of Invoices.* Invoices are due and payable within 30 days of receipt. If Owner fails to make any payment due Engineer for services and expenses within 30 days after receipt of Engineer’s invoice, the amounts due Engineer will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day. In addition, Engineer may, without liability, after giving seven days written notice to Owner, suspend services under this Agreement until Engineer has been paid in full all amounts due for services, expenses, and other related charges. Payments will be credited first to interest and then to principal.

3.01 Additional Services

A. If authorized by Owner, or if required because of changes in the Project, Engineer shall furnish services in addition to those set forth above.

B. Owner shall pay Engineer for such additional services as follows: For additional services of Engineer’s employees engaged directly on the Project an amount equal to the cumulative hours charged to the Project by each class of Engineer’s employees times standard hourly rates for each applicable billing class; plus reimbursable expenses and Engineer’s consultants’ charges, if any.

4.01 Termination

A. The obligation to provide further services under this Agreement may be terminated:

1. For cause,

a. By either party upon 30 days written notice in the event of substantial failure by the other party to perform in accordance with the Agreement’s terms through no fault of the terminating party.

b. By Engineer:

1) upon seven days written notice if Engineer believes that Engineer is being requested by Owner to furnish or perform services contrary to Engineer’s responsibilities as a licensed professional;

or

2) upon seven days written notice if the Engineer's services for the Project are delayed or suspended for more than 90 days for reasons beyond Engineer's control.

3) Engineer shall have no liability to Owner on account of such termination.

c. Notwithstanding the foregoing, this Agreement will not terminate as a result of a substantial failure under paragraph 4.01.A.1.a if the party receiving such notice begins, within seven days of receipt of such notice, to correct its failure and proceeds diligently to cure such failure within no more than 30 days of receipt of notice; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such 30 day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein shall extend up to, but in no case more than, 60 days after the date of receipt of the notice.

2. For convenience, by Owner effective upon the receipt of notice by Engineer.

B. The terminating party under paragraphs 4.01.A.1 or 4.01.A.2 may set the effective date of termination at a time up to 30 days later than otherwise provided to allow Engineer to demobilize personnel and equipment from the Project site, to complete tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, and to assemble Project materials in orderly files.

5.01 Controlling Law

A. This Agreement is to be governed by the law of the state in which the Project is located.

6.01 Successors, Assigns, and Beneficiaries

A. Owner and Engineer each is hereby bound and the partners, successors, executors, administrators, and legal representatives of Owner and Engineer (and to the extent permitted by paragraph 6.01.B the assigns of Owner and Engineer) are hereby bound to the other party to this Agreement and to the partners, successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.

B. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but

without limitation, moneys that are due or may become due) in this Agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

7.01 General Considerations

A. The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with Engineer's services. Engineer and its consultants may use or rely upon the design services of others, including, but not limited to, contractors, manufacturers, and suppliers.

B. Engineer shall not at any time supervise, direct, or have control over any contractor's work, nor shall Engineer have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor, for safety precautions and programs incident to a contractor's work progress, nor for any failure of any contractor to comply with laws and regulations applicable to contractor's work.

C. Engineer neither guarantees the performance of any contractor nor assumes responsibility for any contractor's failure to furnish and perform its work in accordance with the contract between Owner and such contractor.

D. Engineer shall not be responsible for the acts or omissions of any contractor, subcontractor, or supplier, or of any contractor's agents or employees or any other persons (except Engineer's own employees) at the Project site or otherwise furnishing or performing any of construction work; or for any decision made on interpretations or clarifications of the construction contract given by Owner without consultation and advice of Engineer.

E. The general conditions for any construction contract documents prepared hereunder are to be the "Standard General Conditions of the Construction Contract" as prepared by the Engineers Joint Contract Documents Committee (No. C-700, 2002 Edition).

F. All design documents prepared or furnished by Engineer are instruments of service, and Engineer retains an ownership and property interest (including the copyright and the right of reuse) in such documents, whether or not the Project is completed.

G. To the fullest extent permitted by law, Owner and Engineer (1) waive against each other, and the other's employees, officers, directors, agents, insurers, partners, and consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project, and (2) agree that Engineer's total liability to Owner under this Agreement shall be limited to \$50,000 or the total amount of compensation received by Engineer, whichever is greater.

H. The parties acknowledge that Engineer's scope of services does not include any services related to a Hazardous Environmental Condition (the presence of asbestos, PCBs, petroleum, hazardous substances or waste, and radioactive materials). If Engineer or any other party encounters a Hazardous Environmental Condition, Engineer may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the Project affected thereby until Owner: (i) retains appropriate specialist consultants or contractors to identify and, as appropriate, abate, remediate, or remove the Hazardous Environmental Condition; and (ii) warrants that the Site is in full compliance with applicable Laws and Regulations.

8.01 Total Agreement

A. This Agreement (consisting of pages 1 to 4 inclusive together with any expressly incorporated appendix), constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

9.01 Payment (Hourly Rates Plus Reimbursable Expenses)

A. Using the procedures set forth in paragraph 2.01, Owner shall pay Engineer as follows:

1. An amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times standard hourly rates for each applicable billing class for all services performed on the Project, plus reimbursable expenses and Engineer's consultants' charges, if any.

2. Engineer's Standard Hourly Rates are attached as Appendix 1.

3. The total compensation for services and reimbursable expenses is estimated to be \$ 52,016.00

B. The Engineer's compensation is conditioned on the time to complete design not exceeding 6 months. Should the time to complete design be extended beyond this period, total compensation to Engineer shall be appropriately adjusted.

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

OWNER: _____

ENGINEER: _____

By: _____

By: Derek Anderson

Title: _____

Title: PA Leader

Date Signed: _____

Date Signed: 2-24-14

License or Certificate No. and State _____

Address for giving notices: _____

Address for giving notices: _____

Derek Anderson

4585 Coleman Street

Bismarck, ND 58503

ATTACHMENT A
February 24, 2014

KADRMAS, LEE & JACKSON, INC.
SCOPE OF SERVICE
ENVIRONMENTAL DOCUMENTATION, PRELIMINARY SURVEY, DESIGN
ENGINEERING AND PLAN PREPARATION
MANDAN MILL AND OVERLAYS
9TH AVE NE, 24TH AND LONGSPUR DRIVE, & 40TH AVE SE

I. PURPOSE

The purpose of this exhibit is to describe the scope of work and responsibilities required to complete the environmental documentation, preliminary survey, final design, preparation of plans and bid documents for this project. Kadrmass, Lee & Jackson (KLJ) will provide preliminary and design services for the street improvement projects located in Mandan, North Dakota. If it's determined that a Documented Catex is required, the additional work may be added by supplement to this agreement. These projects are slated for a June 13, 2014 bid opening with anticipated construction costs of \$900,000.

II. OBJECTIVE

The objective of these phases of the project is to provide documentation necessary for the City of Mandan, North Dakota Department of Transportation (NDDOT), and the Federal Highway Administration (FHWA) to reach a consensus on the environmental clearance for the proposed improvements bid documents. KLJ will prepare an ECL (Environmental Checklist) in order to comply with city, state and federal guidelines.

In addition, KLJ will prepare design calculations, plan drawings, details, special provisions and other data for this project. The limits of the project are defined as 9th Ave NE (north of Main St to 6th Ave NE), 24th and Longspur Drive (south of 3rd St SE to 32nd Ave SE) & 40th Ave SE (entrance of the Waste Water Treatment Plant to south of Memorial Highway). The following is a summary of the improvements that are planned:

- Mill 8' against the curb and gutter
- Overlay 2" over entire roadway
- Upgrade roadways to meet ADA requirements

KLJ will be responsible for the following work items:

Roadway Design

- Project Management and Coordination;
- Design, Plans and Special Provisions;
- Plan Submittal;
- Opinion of Cost
- Pre-Bid/Bid Activities;

III. SERVICES TO BE PERFORMED BY KLJ

TASK 2 ROADWAY DESIGN

100 PROJECT MANAGEMENT & COORDINATION

Project Management & Coordination

KLJ will manage the project and provide overall coordination of the work completed by the planning and design team. This work shall consist of managing work assignments, internal team meetings, client coordination, project budget, and schedule.

KLJ will submit a schedule to city of Mandan and NDDOT for the completion of this project. The schedule will include the establishment of milestone dates for the major work items. The schedule will be reviewed and adjusted as necessary to incorporate changes in the work concept and progress to date.

Progress Reports (Bi-weekly updates) (Est. 3 Updates)

The KLJ team will provide written progress reports, which summarize the work performed in the current period, upcoming activities in the next period, and any action required by the city of Mandan. The report shall include percent complete for the plan submittals and other activities deemed necessary. The status report shall also identify any milestone activity that is **not** completed or anticipated not to be completed on time. The report shall include the reasons why any milestone date was missed and what actions will be taken to get the project back on schedule. Progress reports will be submitted bi-weekly via email to the city of Mandan and the NDDOT Local Government Division.

Design Team Meetings (Approximately 1 Meeting)

KLJ will facilitate Design Team Meetings with the city of Mandan and NDDOT. These Design Team Meetings will serve as a forum for discussion of key design issues, details, status, progress, milestones and upcoming work. KLJ will assemble and distribute agendas and minutes for these meetings.

QC/QA

KL&J will prepare and implement the QC/QA plan for the preliminary survey, engineering, and environmental documentation phase.

200

PRELIMINARY ENGINEERING

Conduct preliminary ground survey of project limits in order to:

- Develop cross sectional typical sections
- Locate manholes and gate valves.
- Locate subcut areas along 40th Ave and 9th Ave
- Improve ramps for ADA compliance
- Locate curb and gutter and sidewalk replacements areas

KLJ will download the field survey data and generate AutoCAD base maps for plan drawings. All three roads will be surveyed for cross sectional information and location of manholes and gate valves. In addition, the curbs, sidewalk and street centerline will be surveyed for 9th Ave NE. Survey data will also be collected on intersecting streets.

Pavement Design

KLJ will calculate ESAL projections off of existing NDDOT traffic counts. KLJ will hire a subconsultant to collect field samples. KLJ will develop a pavement design recommendation for the city.

300

ENVIRONMENTAL/PERMITTING

KLJ will develop and submit necessary paperwork to comply with state and federal environmental laws.

Environmental Checklist

An Environmental Checklist (ECL) will be developed for the project. This includes Worksheet A, B and C along with developing a decision document since ADA improvements will be necessary.

Floodplain Permit

Since a portion of the project has been identified in the floodplain, a floodplain permit will be developed and submitted on behalf of the owner.

400

DESIGN & PLAN PREPARATION

The roadway design will include design calculations and drafting for the following:

- Title Sheet**
- Table of Contents/Standard Drawings**
- Scope of Work**
- Notes**
- Estimate of Quantities**
- Basis of Estimate**
- General Details**
 - Intersection Details/Locations
- Typical Sections**
- Erosion Control**
- Work Zone Traffic Control**
- Pavement Marking**

500 PLAN SUBMITTAL

90% Plans Submittal and PS&E Review

KLJ will assemble and distribute plans at approximately 90% completion for review by NDDOT and the city of Mandan. KLJ will also conduct and document internal QC/QA reviews within this activity. After the agencies have completed their review, we will coordinate and facilitate the PS&E review meeting. Written responses will be provided to all comments from the PS&E review meeting.

Final Plans – Revision and Submittal

Revisions from the PS&E will be incorporated into the final plans. KLJ will complete and document a final internal QA review for the final plan submittal. The final plan submittal will include the special provisions, engineer’s estimate, design certification, utility certification and right of way certification.

700 PRE-BID/BID ACTIVITIES

Opinion of Cost

KLJ will develop the engineer’s opinion of cost for submittal for the 90% and final plans.

Bid Opening

KLJ will be available to answer pre-bid questions from the contractors and assist NDDOT in preparation of bid documents. We will provide staff to prepare addendums, if necessary. KLJ will be available to assist in recommendations to award the project.

IV DELIVERABLES PROVIDED BY KLJ

1. Progress reports at two (2) week intervals.
2. Agendas and minutes for all project meetings.
3. Electronic version of plan drawing in AutoCAD 2013/Civil3D format.
4. Collate, Copy and deliver plans and special provisions for 90% and final plan submittals to the NDDOT.
5. Record of conversations with landowners, public, news media, agencies, utility companies, and bidders.

V WORK NOT INCLUDED IN THIS SCOPE OF WORK

1. Relocation Assistance
2. Right of Way
3. Environmental Mitigation

DESIGN FEE SUMMARY

MANDAN MILL AND OVERLAYS 9th Ave, 24th and Long Spur, 40th Ave

KLJ Project No. 1414107

STAFF TYPE		Engineer IV	Engineer III	Engineer II	Engineer I	CADD Technician II	Environmental Planner II	Surveyor V	Surveyor III	Surveyor I	Per Diem (person/days)	DIRECT LABOR	PER DIEM ¹ \$250.00	DIRECT ² EXPENSES	TASK COST
Hourly Rate		\$ 176.75	\$ 147.00	\$ 122.50	\$ 113.00	\$ 98.50	\$ 108.75	\$ 192.00	\$ 119.75	\$ 80.00					
Phase	Project Assignment														
	Labor Code	100	100	100	100	400/410	100	200	200	200					
TASK															
100	PROJECT ADMINISTRATION														
	Project Management & Coordination		24	16								\$ 5,488.00	\$ -		\$ 5,488.00
	Progress Reports		3									\$ 441.00	\$ -		\$ 441.00
	Design Team Meetings		4	4	4		4					\$ 1,965.00	\$ -		\$ 1,965.00
	QC/QA		8	8								\$ 2,156.00	\$ -		\$ 2,156.00
	Subtotal	0	39	28	4	0	4	0	0	0	0	\$ 10,050.00	\$ -	\$ -	\$ 10,050.00
200	PRELIMINARY ENGINEERING														
	Preliminary Field Survey							1	24	24		\$ 4,986.00	\$ -		\$ 4,986.00
	Develop Strip Map					6						\$ 591.00	\$ -		\$ 591.00
	Pavement Design		20									\$ 2,940.00	\$ -		\$ 2,940.00
	ESAL Calculations		4									\$ 588.00	\$ -		\$ 588.00
	Subtotal	0	24	0	0	6	0	1	24	24	0	\$ 9,105.00	\$ -	\$ -	\$ 9,105.00
300	ENVIRONMENTAL COORDINATION														
	Develop Environmental Checklist		16				24					\$ 4,962.00	\$ -		\$ 4,962.00
	Floodplain Permit		16				8					\$ 3,222.00	\$ -		\$ 3,222.00
	Subtotal	0	32	0	0	0	32	0	0	0	0	\$ 8,184.00	\$ -	\$ -	\$ 8,184.00
400	PRELIMINARY PLANS														
	Title Sheet					2						\$ 197.00	\$ -		\$ 197.00
	Table of Contents/Standard Drawings					2						\$ 197.00	\$ -		\$ 197.00
	Scope of Work					2						\$ 197.00	\$ -		\$ 197.00
	Notes		8		2							\$ 1,402.00	\$ -		\$ 1,402.00
	Estimate of Quantities		4		8	16						\$ 3,068.00	\$ -		\$ 3,068.00
	Basis of Estimate				2							\$ 226.00	\$ -		\$ 226.00
	General Details		4		16	24						\$ 4,760.00	\$ -		\$ 4,760.00
	Typical Sections				8							\$ 904.00	\$ -		\$ 904.00
	Erosion Control				2							\$ 226.00	\$ -		\$ 226.00
	Work Zone Traffic Control				16							\$ 1,808.00	\$ -		\$ 1,808.00
	Pavement Marking				4							\$ 452.00	\$ -		\$ 452.00
	Subtotal	0	16	0	58	46	0	0	0	0	0	\$ 13,437.00	\$ -	\$ -	\$ 13,437.00

DESIGN FEE SUMMARY

MANDAN MILL AND OVERLAYS 9th Ave, 24th and Long Spur, 40th Ave

KLJ Project No. 1414107

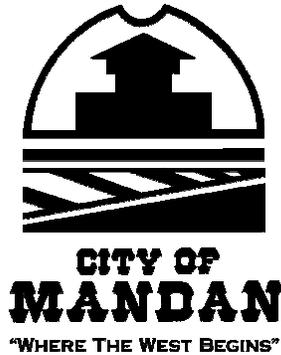
STAFF TYPE		Engineer IV	Engineer III	Engineer II	Engineer I	CADD Technician II	Environmental Planner II	Surveyor V	Surveyor III	Surveyor I	Per Diem (person/days)	DIRECT LABOR	PER DIEM ¹ \$250.00	DIRECT ² EXPENSES	TASK COST
Hourly Rate		\$ 176.75	\$ 147.00	\$ 122.50	\$ 113.00	\$ 98.50	\$ 108.75	\$ 192.00	\$ 119.75	\$ 80.00					
Phase	Project Assignment														
	Labor Code	100	100	100	100	400/410	100	200	200	200					
TASK															
500	FINAL PLANS & SPECIFICATIONS														
	90% Plans Submittal and PS&E Review		4		4							\$ 1,040.00	\$ -		\$ 1,040.00
	Final Plans- Revision and Submittal		8		16							\$ 2,984.00	\$ -		\$ 2,984.00
	Subtotal	0	12	0	20	0	0	0	0	0	0	\$ 4,024.00	\$ -	\$ -	\$ 4,024.00
600	RIGHT-OF-WAY & UTILITIES														
	Subtotal	0	0	0	0	0	0	0	0	0	0	\$ -	\$ -	\$ -	\$ -
700	BID OPENING														
	Opinion of Cost		4									\$ 588.00	\$ -		\$ 588.00
	Bid Opening		8		4							\$ 1,628.00	\$ -		\$ 1,628.00
	Subtotal	0	12	0	4	0	0	0	0	0	0	\$ 2,216.00	\$ -	\$ -	\$ 2,216.00
Total Hours		0	135	28	86	52	36	1	24	24		\$ 47,016.00	\$ -	\$ -	
LABOR		\$ -	\$ 19,845.00	\$ 3,430.00	\$ 9,718.00	\$ 5,122.00	\$ 3,915.00	\$ 192.00	\$ 2,874.00	\$ 1,920.00		\$ 47,016.00			

SUBCONSULTANTS		
FIRM NAME	ACTIVITY	Fee
	Geotechnical Work	\$5,000.00
TOTAL SUBCONSULTANTS:		\$5,000.00

	\$ 47,016.00
	\$ -
	\$ 5,000.00
	\$ -
	\$ 52,016.00
Total Estimated Engineering Costs	\$ 52,016.00

¹ To be billed at actual with an \$250 maximum (Meals \$50 - Lodging)
² Includes equipment rental, etc.





Board of City Commissioners

Agenda Documentation

MEETING DATE: March 4, 2014
PREPARATION DATE: February 25, 2014
SUBMITTING DEPARTMENT: Mandan Tomorrow – Leadership, Pride & Image Committee
DEPARTMENT DIRECTOR: Staff Liaison — Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: Bush Foundation Community Innovation Grant Application

STATEMENT/PURPOSE: To consider fiscal sponsorship of an application for a \$200,000 Bush Foundation Community Innovation grant application.

BACKGROUND/ALTERNATIVES: The Mandan Tomorrow — Leadership, Pride and Image Committee is proposing collaborative application with the City of Mandan for \$200,000 in funding through the Bush Foundation Community Innovation Grant. The purpose is for a Mandan Memorial Highway Storefront and Landscape Improvement Matching Grant Program. Suggested boundaries for the program would be Memorial Highway along with:

- a portion of 46th Avenue SE north of 19th Street St SE
- 43rd Avenue SE north of 19th Street St SE
- 40th Avenue SE north of 19th Street St SE
- 36th Avenue SE
- 32nd Avenue SE
- Third Street SE from Memorial Highway west to Riverwood Avenue SE
- Bisman Avenue SE
- Twin City Drive SE

This is a new opportunity for funding introduced by the Bush Foundation in 2013. It supports community use of problem-solving processes that lead to more effective, equitable and sustainable solutions. Eligible locations for projects are Minnesota, North Dakota, South Dakota and the 23 Native nations that share the same geography.

The grant requirements include:

- Must be used for a charitable purpose.
- Those eligible are organizations that are 501(c)(3) public charities or government entities (including schools). Groups of organizations (such as coalitions or collaboratives) are eligible to apply, but only one organization may receive the grant.
- The Bush Foundation accepts Community Innovation Grant applications from fiscal sponsors. The fiscal sponsor organization must be the applicant organization and submit the grant application. Upon approval, the fiscal sponsor organization would become the grantee and receive the requested grant funds.

Selection criteria are:

1. **Fit.** Does the project use inclusive, collaborative and resourceful processes? Is the process likely to lead to a community innovation - a breakthrough in addressing a community need that is more effective, equitable or sustainable than existing approaches?
2. **Implementation.** Is the project plan thoughtful, realistic and does it address the identified community need? Does the applicant have the capacity to execute the work effectively or have a plan to meet the needed capacity?
3. **Impact.** Is the project likely to make a significant, sustainable difference, now or in the future? Will the project inspire or inform others?

Furthermore, the Bush Foundation indicates that it will seek a portfolio of Community Innovation grantees with balance across: size of community, size of applicant organization, size of grant request, demographics of communities served, the eligible geographies, and the type of issue addressed. At least 50% of Community Innovation grants will be to projects that address racial and economic disparities.

ATTACHMENTS:

1. Draft grant application
2. Fiscal sponsorship agreement

FISCAL IMPACT: Any grant dollars would be deposited in the Mandan Growth Fund and designated for the proposed program.

STAFF IMPACT: Some staff time would be involved in promotion and execution of the program if the grant is awarded by the Bush Foundation.

LEGAL REVIEW: The proposed fiscal sponsorship agreement has been reviewed by Attorney Brown.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 4, 2014

Subject: Bush Foundation Community Innovation Grant Application

Page 3 of 3

RECOMMENDATION: I recommend support for the grant application and approval of the fiscal sponsorship agreement.

SUGGESTED MOTION: I move to approve the Bush Foundation grant application and fiscal sponsorship agreement.

Title (9 of 20 words)

Mandan Memorial Highway Storefront and Landscape Improvement Matching Grant Program

Two-sentence summary of proposed work (49 of 50 words)

The program will encourage the economic revitalization and redevelopment of a key interstate/highway entrance and commercial corridor. Matching grants will be available to commercial and industrial property owners and business tenants to stimulate private investment in improvements to eliminate blight and enhance the appearance of existing buildings and properties.

Overview of organization & history/mission (198 of 200 words)

The Mandan Tomorrow- Leadership, Pride and Image (LPI) Committee proposes this initiative in collaboration with the City of Mandan. Mandan was founded in 1881. Our city has roots as a village for the Mandan tribe, a cavalry fort, railroad town and hub for farmers and ranchers. Population 18,978, Mandan is stepping out of the shadow of its sister capital city by aggressively working to revitalize aging commercial districts and foster new development that draws business investment. A major goal is to facilitate business expansion, attraction and start-ups that result in improved availability of products and services for people who live, work and play in Mandan.

The Chamber and local government entities formed Mandan Tomorrow committees in 2009 to implement a community strategic plan. The LPI Committee is one of four groups of business and citizen volunteers charged with improving Mandan. Members strive to stimulate interest in local elected service opportunities, to improve internal community pride and external image, all of which directly impact business development in Mandan. Focus groups and surveys reveal Mandan's physical appearance, specifically blight in commercial gateways and highly trafficked areas, is impacting perceptions of the community among potential real estate investors and deterring business.

Problem trying to solve & how decided to focus on (195 of 200 words)

Mandan suffers from an image problem, in part due to the physical appearance of commercial properties in high traffic areas. Aging properties and a lack of landscaping and screening for storage have led to conditions hindering local character and competitiveness for business, resident and tourist attraction. The LPI Committee decided to ask for City Commission support to remedy this problem after hearing complaints repeatedly and recognizing how important resolution is to broader goals.

In a 2009 Mandan Tomorrow planning survey, only 36% of nearly 1,000 respondents agreed that "Mandan is an attractive and desirable place to live." LPI Committee surveys of residents from other cities find perceptions of Mandan as an attractive community have fallen from 66% to 45% agreement in recent years. In a 2013 City of Mandan informal web poll, only 7% of respondents found few or no property maintenance problems.

A 2014 draft comprehensive land use plan recommends: 1) develop a plan to keep the City's gateways attractive by maintaining and enhancing signage, landscaping, or other features, and 2) use incentives to encourage business owners to use and increase landscaping and other design aesthetics to beautify their buildings, entrances and parking lots.

PROCESS

Provide a brief overview of proposed work and its goals. Provide a short list of key activities you will engage in and reasons you've selected them. (396 of 400 words)

The Mandan Memorial Highway Storefront and Landscape Improvement Matching Grant Program will build on positive impacts from a similar program available for downtown properties since 2006. The program has provided up to \$10,000 in matching funds for improvements to street-facing sides of buildings. Funded with a portion of the 1% local city sales tax, the Downtown Storefront Improvement Program has resulted in 29 projects, providing nearly \$250,000 in public dollars to leverage approximately \$800,000 of private investment in improvement projects.

Community members want to extend the program to other commercial corridors, but additional funding is needed. A targeted area is Memorial Highway. Once a rural highway known as "The Strip" between Bismarck and Mandan, this five-lane roadway is now the gateway to Mandan when crossing the Missouri River. Memorial Highway is a first impression for travelers to Mandan who arrive via the Bismarck Airport. Commercial real estate agents report that cluttered, blighted conditions at this entrance give site selectors a negative impression of Mandan.

The proposed program will use the Bush Grant to provide an incentive to property owners to invest in improvements. It would provide reimbursement, up to \$10,000 per property, for eligible façade and landscape improvements. It would help fund improvements with a dollar-for-dollar match to make Mandan more attractive. The applicant would receive 50% reimbursement for façade improvements after completion and verification of expenses. A commitment would be required for maintenance of improvements for at least three years; otherwise grant funds would become due and payable. Landscape improvements would be reimbursed 50% upon completion and 50% after three years, provided the landscaping remains in place and is maintained.

Improvements made to multiple buildings on a single parcel would only be eligible for the maximum \$10,000 as a whole. Improvements made to a single building located on multiple parcels (under the same ownership) would only be eligible for the maximum \$10,000.

Interested owners of property used for commercial or industrial purposes and business tenants will complete applications for consideration by the Mandan Growth Fund Committee, which in turn provides recommendation to the City Commission. All applications also will be considered by the Mandan Architectural Review Commission for adherence to site, building design, and landscaping standards. Applications will be accepted on a first-come, first-served basis. Approval will be based on meeting program criteria and availability of funds. Projects cannot begin before an application is approved.

Describe how process is inclusive, meaning engaging key stakeholders – thoughtfully identifying those needed to create the intended change and, whenever possible, including those directly affected by the problem. (150 of 150 words)

In 2009, the business community, in cooperation with the Mandan City Commission, School Board and Park Board embarked on a strategic visioning process. With a 30-person steering committee of citizens, business leaders and other stakeholders, this ground-up effort gathered input through focus groups, individual interviews and a survey. Results led to creation of the Mandan Tomorrow plan.

In August 2009, local government entities adopted the plan. It seeks to build on success already occurring in Mandan. The plan focuses on enhancing economic development, education and recreational opportunities to build a quality community. More information is available at www.mandantomorrow.com.

Other sources of input include a 2003 Downtown and Memorial Highway Redevelopment Study; a 2010 Memorial Highway Corridor Study; 2008 and 2012 household surveys; external resident surveys in 2010, 2012 and 2013; informal web polls; a 2013 commercial real estate roundtable; and 2013-2014 public input meetings associated with comprehensive land use planning.

Describe how process is collaborative with partners willing to change to be more effective together. (150 of 150 words)

The Mandan Tomorrow implementation process brought together business representatives, citizen volunteers and local government officials and staff to work toward common goals. The planning process and resulting projects have been largely funded by the private sector, matched in part with local tax revenues. Four committees of 6 to 10 people each are carrying out various initiatives.

At recommendation of the LPI Committee, the Mandan City Commission re-activated its Community Beautification Committee in 2013 with six citizen appointees to help address property maintenance issues. The re-charged committee will ultimately help with projects that enhance the aesthetic appearance of the community, recommend practices and policies to upgrade existing properties, and coordinate periodic community clean-up campaigns.

Citizens and business representatives also serve on the related boards that impact Mandan's development and appearance. These include the Mandan Growth Fund Committee and Mandan Architectural Review Commission, both of which will be involved in program execution.

Describe how process is resourceful: making the most of existing community strengths or resources. (148 of 150 words)

The program will leverage private dollars to bolster the district's business and investment climate. It will encourage revitalization of vacant or underused sites and obsolete commercial uses as well as enhancement of long-standing businesses in an area where infrastructure exists.

The improvement program builds on Memorial Highway's role as an essential economic center for Mandan. The corridor has many assets: its proximity to Mandan and Bismarck; uniqueness as a retail hub for farm, ranch and motorized vehicle sales; entertainment such as the Fort Lincoln Trolley, golf course, soccer fields, motor speedway, rodeo grounds, bowling alley and restaurants; plus neighboring residential areas.

In an increasingly competitive environment for business attraction, Memorial Highway must strengthen its role as a destination by offering distinctive experiences and attractive settings to customers. The program will advance Memorial Highway beyond its roots as a generic strip to better compete with growing, alternative business areas.

Describe current capacity (skills/resources/staff) your organization or collaborative has for the proposed work and your plan for building any additional internal capacity needed to complete this project. (150 of 150 words)

The program will be managed by the City of Mandan Business Development and Communications Department. It will build on a program already in place and successfully operated since 2006. The department has been staffed since 2006 by Business Development and Communications Director Ellen Huber. The City soon plans to hire a coordinator to be shared with administration and to assist with program implementation. The program will be administered in cooperation with the City Finance Department. The Architectural Review Commission and Growth Fund Committee will assist with application review and recommendations for approval to the City Commission.

The department uses a variety of communication methods to alert property owners and residents to its business assistance programs. Outreach methods for the proposed program will include providing information in a citywide newsletter, via the City website, social media, business e-news blasts, news releases, and presentations to lenders, real estate agents, and civic organizations.

OUTCOMES

Does this project address a racial or economic disparity? (145 of 150 words)

Mandan is between a rock and a hard place when it comes to accessing federal funds for community betterment. As part of the Bismarck-Mandan MSA (market statistical area), our city is not eligible for most USDA Rural Development programs despite still having a population by Census estimate below the agency's 20,000 maximum. At the same time, Mandan is not large enough to receive a direct allocation of U.S. Housing and Urban Development (HUD) Community Development Block Grant funds. This puts Mandan at a disadvantage to its sister city of Bismarck, as well as the other larger cities of Fargo, Grand Forks and Minot. Our city has needed to be self-motivated and self-funded. The Bush Foundation grant will help leverage considerable public and private investment in recent years and planned for years to come. Most importantly, the projects will improve the quality of life for residents.

What progress do you hope to make? List of outcomes, changes in people (270 of 300 words)

Physical character affects quality of life and business success in Mandan. Citizens are taking action and ready to do more, working on strengthened property maintenance standards, improved enforcement and landscaping requirements for additional development areas. Having a new incentive to encourage the creation of a more attractive setting at a key entrance and commercial corridor for Mandan will complement higher standards to better assure real change.

The most immediate outcome will be the upgrade of 20 or more properties and buildings in the Memorial Highway entrance and corridor within two years. This will complement significant public investment in improving the roadway, infrastructure and streetscaping. Reconstruction of Memorial Highway is anticipated in 2018 or beyond when federal and state funding for the project becomes available. Funding for the multi-million dollar project is anticipated to be 80% federal, 10% state and 10% local.

When we look good, we feel good! Improvements to this major city entrance and commercial corridor will generate more community pride among residents. Tourists will be more inclined to visit Mandan's

attractions and to attend community events. Potential business investors in neighboring regions will also have a better image of Mandan, making them more willing to open a second or third location of their restaurant or store in Mandan. Aging properties and buildings will be given new purpose with reinvestment by the private sector. Undeveloped properties will also see life. Business growth will lead to more job opportunities for residents, shorter commute times, and less retail leakage and loss of local economic activity. Residents will have more convenient, less costly access to needed and wanted products, services and amenities.

**If project is successful, what will you do next? How will you share what you have learned with others?
(269 of 300 words)**

Mandan citizens have many goals, hopes and dreams for their community. If this project is successful and interest from property owners remains, the LPI Committee will seek additional sources of funding for more improvement projects to make Mandan a cleaner, greener and more attractive place to live. The program could be expanded to other targeted areas of the community.

Mandan needs to better encourage commercial development that is sustainable and environmentally-friendly. For example, developments can and should be encouraged to use rain gardens and other natural features to control storm water runoff as compared to retention ponds. Other more sustainable infrastructure standards should be considered for new developments. Such features contribute to the attractiveness of developments, reduce maintenance costs, and are more environmentally friendly.

The LPI Committee also envisions a creation of a program to help fund rehabilitation of older residential properties, particularly those in Mandan's downtown area that fall outside boundaries for the Renaissance Zone tax incentive program. The LPI Committee also wants to work with the City of Mandan and related committees to find ways to upgrade mobile home parks to improve the quality of life for Mandan residents. These endeavors will require additional coalition building and collaboration for funding as well as appropriate execution of such an initiative.

The LPI Committee and City of Mandan communicates progress and program results to the public through a variety of means including websites, news releases, newsletters, and social media. The LPI Committee is committed to continued assessment of Mandan's image and promotion of its strengths and progress for purposes of better attracting and retaining businesses, residents and visitors.

**Mandan Memorial Highway Storefront & Landscape Improvement Matching
Grant Program**

Proposed Budget

	Year 1	Year 2
SOURCES OF SUPPORT		
Bush Foundation	\$200,000	
In-Kind Contributions from City (accounting, program management, communications & marketing)	\$10,000	\$10,000
Other funding (private property owner or business match minimum based on an anticipated 10 projects per year @ \$10,000 each)	\$100,000	\$100,000
Total Support	\$310,000	\$110,000
EXPENSES		
Anticipate 10 property/business applications per year @ \$10,000 each	\$100,000	\$100,000
TOTAL EXPENSES	\$100,000	\$100,000

City of Mandan
FISCAL SPONSORSHIP AGREEMENT
for the Bush Foundation Community Innovation Grant Application

The City of Mandan agrees to the following commitments as part of a March 2014 application for a Bush Foundation Community Innovation Grant:

1. To assume fiscal, legal, programmatic and administrative responsibility for the project.
2. If awarded the grant by the Bush Foundation, the City of Mandan will be the grantee. Upon City Commission consideration and approval, an authorized representative will sign the Bush Foundation grant agreement and will be responsible for all of the terms within it.

Following are additional provisions:

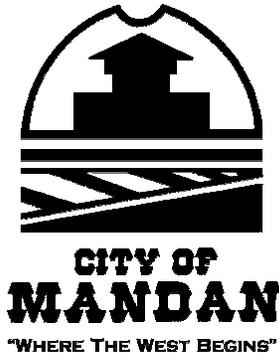
1. The City of Mandan verifies that the proposed "Mandan Memorial Highway Storefront and Landscape Improvement Matching Grant Program" furthers the City of Mandan's purposes.
2. As the *Fiscal Sponsor* for the grant, the City of Mandan will retain complete discretion and control over the use of funds and is not legally required to distribute funds for the benefit of the *Sponsored Project*.
3. No administrative fee will be charged to the *Sponsored Project*.
4. The City of Mandan will certify that funds for the *Sponsored Project* will be held in a designated / restricted account. Funds will be accessed upon approval of applications by the Mandan Growth Fund Committee and City Commission and completion of projects as indicated in program requirements. The City of Mandan Business Development and Communications Department will submit verification of project completion and a request for disbursement of funds to the City Finance Department.
5. No fundraising is anticipated for the proposed program.
6. The City of Mandan Business Development and Communications Department will be responsible for filing any required reports to the Bush Foundation.
7. The City of Mandan will provide ancillary / support services for the program including accounting, grants management, meeting space, photocopying, printing, postage, marketing and communication.
8. All records will be maintained for at least seven years.
9. Conflicts are not anticipated to arise since the sponsor is the City of Mandan and applicants for the proposed program are private property and/or business owners.
10. Amendments to the agreement or the proposed program will be subject to City Commission approval.

11. The City of Mandan will serve as fiscal sponsor for the proposed program for at least two years upon grant disbursement or until funds are appropriately expended, if longer than two years.
12. The sponsoring agency (City of Mandan) cannot be dissolved. It is a political subdivision of the State of North Dakota.
13. Under no circumstances may grant funds be used for lobbying or political activity.

Signature of Authorized Certifying Official

Title

Date



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 4, 2014
PREPARATION DATE: February 26, 2014
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Consider the creation of, approval of the engineer's report, approval of feasibility report and resolution of necessity for Street Improvement District No. 194, Project No. 2014-12 (Developer's West Acres, Ventures and Crown Point area).

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

BACKGROUND/ALTERNATIVES: It has been observed by city staff that the street surface within the development known as Developers West has been degraded to the extent that street improvements are warranted. This was confirmed by a professional analysis of these streets conducted by Dynatest Consulting Inc. in the spring of 2012.

The City of Mandan Engineering Department is requesting that we move forth with this project to allow for the street improvements to all streets within this district.

Going forward, the intended project schedule is as follows:

- 30 day protest period ending April 7th. Public hearing to determine sufficiency of protests on April 15th commission meeting.
- Approval of plans and specifications as well as approval of ad for bids at April 1st City Commission meeting.
- Bid opening on April 22nd.
- Approval to award bid on May 6th City Commission meeting.
- Substantial completion of project by October 31st, 2014.

ATTACHMENTS:

1. Resolution creating district
2. District Map
3. Resolution Approving Engineer's Report
4. Feasibility Report
5. Resolution of Necessity

Board of City Commissioners

Agenda Documentation

Meeting Date: March 4, 2014

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 194, Project No. 2014-12 (Developer's West Acres, Ventures and Crown Point area).

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FISCAL IMPACT: Based on an estimate of cost created by the Engineering and Public Works departments, the cost of the project would be \$1,961,224.79, engineering and administration will add \$588,367.44, bringing the total to \$2,549,592.23. These items would be entirely special assessed to the benefitting properties. The estimated special assessment per parcel is \$7,992.45.

STAFF IMPACT: Time for planning and administrative duties.

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

RECOMMENDATION: This office supports moving forward with the project.

SUGGESTED MOTION: I move to approve the creation of, approve of the engineer's report, approve the feasibility report and resolution of necessity for Street Improvement District No. 194, Project No. 2014-12 (Developer's West Acres, Ventures and Crown Point area).

Board of City Commissioners

Agenda Documentation

Meeting Date: March 4, 2014

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 194, Project No. 2014-12 (Developer's West Acres, Ventures and Crown Point area).

Page 3 of 10

**RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NO. 194**

Project No. 2014-12

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

1. There is hereby created Street Improvement District No. 194 (the "District")(Project# 2014-12) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, 33rd Avenue NW, 34th Avenue NW, 35th Avenue NW, 36th Avenue NW, 37th Avenue NW, 38th Avenue NW, 39th Avenue NW, 40th Avenue NW, 41st Avenue NW, 37th Street NW, 42nd Street NW, 43rd Street NW, 47th Street NW, Crown Point Road NW, Lasalle Drive NW, and Cortez Circle NW and includes asphalt resurfacing by mill and overlay, spot repair of curb and gutter, and related work.

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

The following lots and blocks are included in said District(see attached map):

All lots & blocks, Developer's West Acres 1st Addition
All lots & blocks, Developer's West Acres 2nd Addition
Lots 1-12 Block 1 Crown Point Addition
Lots 2-21 Block 2 Crown Point Addition
All lots and blocks Ventures 1st Addition
Lots 1-2 Block 1 Mandan Industrial Park 7th Addition

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

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

Board of City Commissioners

Agenda Documentation

Meeting Date: March 4, 2014

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 194, Project No. 2014-12 (Developer's West Acres, Ventures and Crown Point area).

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President, Board of City Commissioners

ATTEST:

City Administrator

Date of Passage: March 4, 2014

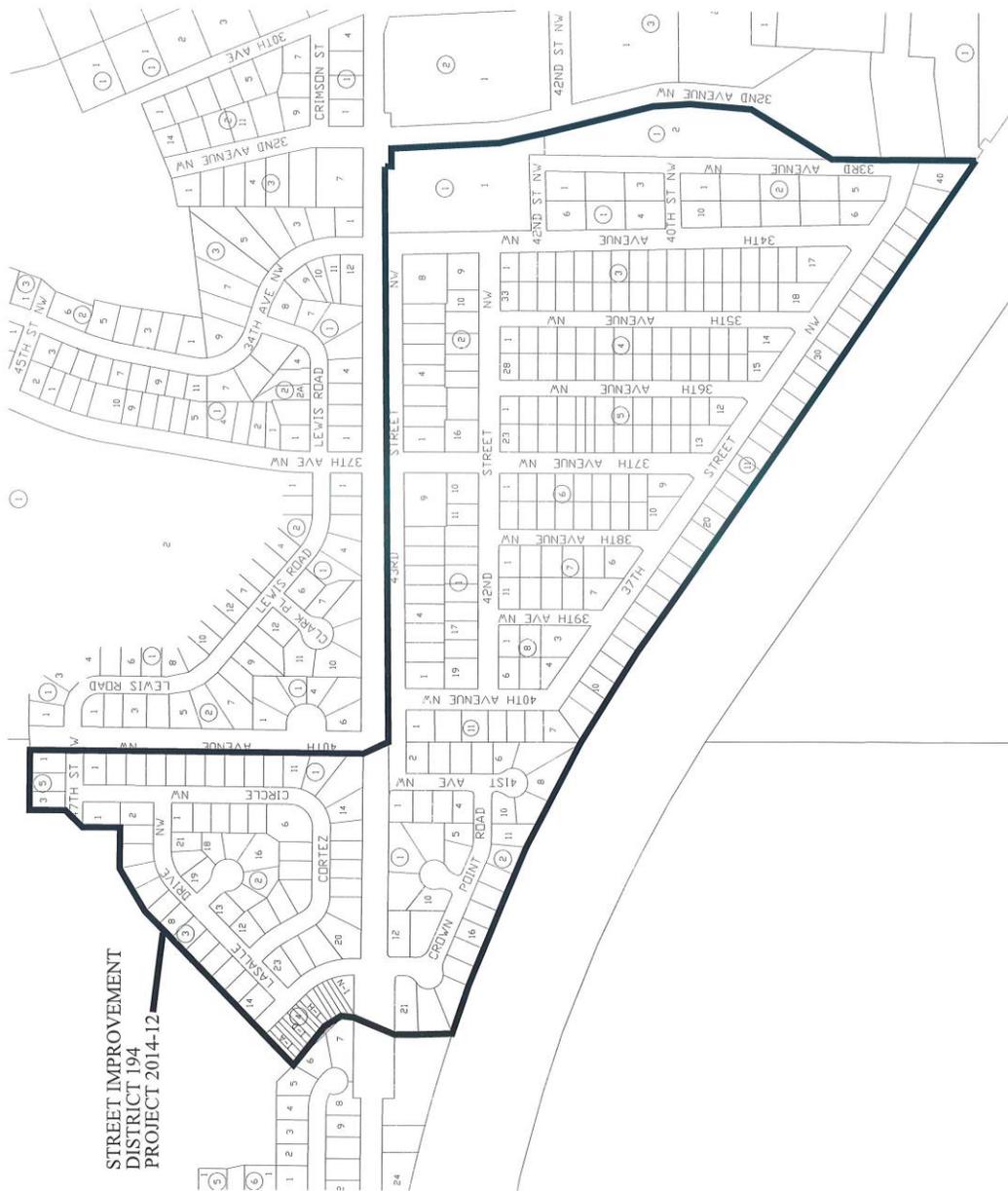
Board of City Commissioners

Agenda Documentation

Meeting Date: March 4, 2014

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 194, Project No. 2014-12 (Developer's West Acres, Ventures and Crown Point area).

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**RESOLUTION APPROVING ENGINEER'S REPORT AND
AUTHORIZING PREPARATION OF THE DETAILED PLANS
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 194**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 194 (Project # 2014-12), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

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

a. Construction costs:	\$1,961,224.79
b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$588,367.44
c. Total estimated costs of the improvement:	\$2,549,592.23

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

Board of City Commissioners

Agenda Documentation

Meeting Date: March 4, 2014

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 194, Project No. 2014-12 (Developer's West Acres, Ventures and Crown Point area).

Page 7 of 10

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

Dated this 4th day of March 2014.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: March 4, 2014

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 194, Project No. 2014-12 (Developer's West Acres, Ventures and Crown Point area).

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**FEASIBILITY AND EVALUATION OF IMPROVEMENTS
FOR STREET IMPROVEMENT DISTRICT #194, PROJECT #2014-12**

1.) General Nature of Project

The District has been created to allow for street improvements to 33rd Avenue NW, 34th Avenue NW, 35th Avenue NW, 36th Avenue NW, 37th Avenue NW, 38th Avenue NW, 39th Avenue NW, 40th Avenue NW, 41st Avenue NW, 37th Street NW, 42nd Street NW, 43rd Street NW, 47th Street NW, Crown Point Road NW, Lasalle Drive NW, and Cortez Circle NW. Asphalt resurfacing by mill and overlay, spot repair of curb and gutter, and related work will take place with this project.

2.) Location of Proposed Construction

The proposed construction will take place on 33rd Avenue NW, 34th Avenue NW, 35th Avenue NW, 36th Avenue NW, 37th Avenue NW, 38th Avenue NW, 39th Avenue NW, 40th Avenue NW, 41st Avenue NW, 37th Street NW, 42nd Street NW, 43rd Street NW, 47th Street NW, Crown Point Road NW, Lasalle Drive NW, and Cortez Circle NW.

3.) Environmental Impact

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

4.) Feasibility of Project

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

5.) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$1,961,224.79. Other costs of making the improvement including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; publication of legal notices printing of warrants; and all expenses incurred in the making of the improvement and levy of assessments therefore are estimated at \$588,367.44. The total cost for the improvement is estimated at \$2,549,592.23.

Dated this 4th day of March, 2014.



Justin Froseth
City Engineer

Board of City Commissioners

Agenda Documentation

Meeting Date: March 4, 2014

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 194, Project No. 2014-12 (Developer's West Acres, Ventures and Crown Point area).

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**RESOLUTION DECLARING THE NECESSITY OF AN
IMPROVEMENT PROJECT IN AND FOR
STREET IMPROVEMENT DISTRICT NO. 194 OF THE CITY OF MANDAN
TO BE PAID BY THE LEVY OF SPECIAL ASSESSMENTS
ON PROPERTY BENEFITTED THEREBY**

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

1. It is hereby found, determined and declared that it is necessary for the City of Mandan to construct a street improvement project of the type specified in Subsection 40-22-01(2), North Dakota Century Code, in and for Street Improvement District No. 194 (Project # 2014-12) of said City. Said improvement project shall include, but not be limited to the improvements of streets, as well as all other work and materials which are necessary or reasonably incidental to the completion of the project; all in accordance with and as described in the resolution creating said district adopted March 4, 2014; which is on file in the offices of the City Engineer and open for public inspection by anyone interested therein. Most of the proposed construction will take place on 33rd Avenue NW, 34th Avenue NW, 35th Avenue NW, 36th Avenue NW, 37th Avenue NW, 38th Avenue NW, 39th Avenue NW, 40th Avenue NW, 41st Avenue NW, 37th Street NW, 42nd Street NW, 43rd Street NW, 47th Street NW, Crown Point Road NW, Lasalle Drive NW, and Cortez Circle NW all in the City of Mandan.

2. The cost of said improvement project shall be paid for by special assessments to be levied against the respective lots, tracts and parcels of land within said improvement district benefitted by the improvement in amounts proportionate to and not exceeding such benefits and the Board of City Commissioners reserves the right to provide for the payment of a portion of the costs of such improvement from such other funds as may be properly available for such purpose.

3. The City Administrator is authorized and directed to cause this resolution, together with a map of the City showing the improvement district, which is attached

Board of City Commissioners

Agenda Documentation

Meeting Date: March 4, 2014

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 194, Project No. 2014-12 (Developer's West Acres, Ventures and Crown Point area).

Page 10 of 10

hereto, to be published once each week for two (2) consecutive weeks in the official newspaper of the City.

4. The owners of property within said improvement district and liable to be specially assessed for said improvement shall be afforded the opportunity to file written with the City Administrator at any time within thirty (30) days after the first publication of this resolution. Written protests must be submitted to the City Administrator no later than 4:30 pm, local time, April 7, 2014. The Board of City Commissioners shall, at its next meeting after the expiration of said period, to wit April 15, 2014 at 5:30 o'clock p.m., meet at the City Hall, 205 2nd Avenue N.W., Mandan, ND, to hear and determine the sufficiency of any of the protests so filed and to take such other and further action with reference to said improvement district as may then be deemed necessary and expedient.

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

Dated this 4th day of March, 2014.

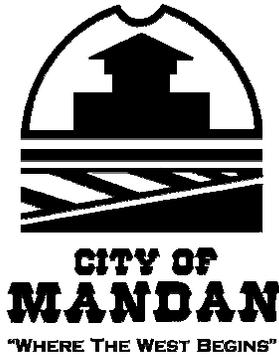
President, Board of City Commissioners

ATTEST:

City Administrator

Publication Dates: March 7th & March 14th, 2014

Map of District Must also be Published



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 4, 2014
PREPARATION DATE: February 26, 2014
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Consider the creation of, approval of the engineer's report, approval of feasibility report and resolution of necessity for Street Improvement District No. 195, Project No. 2014-13 (Roughrider area).

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

BACKGROUND/ALTERNATIVES: It has been observed by city staff that the street surface within the development known as Roughriders has been degraded to the extent that street improvements are warranted. This was confirmed by a professional analysis of these streets conducted by Dynatest Consulting Inc. in the spring of 2012.

Because of the uniqueness of the existing conditions at Roughriders, an optional public input meeting was held for the project on February 20th. All properties were notified, and approximately 30 property owners attended to voice their opinion of what they would like to see. The options that were discussed were whether or not full curb and gutter remove and replace should be done along with the resurfacing. Also discussed was whether or not sidewalks, which currently do not exist, should be added, and whether or not street lighting, which currently does not exist, should be added. All options were presented with preliminary estimates of what our office expects each option would cost.

After weighing the comments of the optional public input meeting, and comments received since with the improvements the city would like to implement, we have come up with the following scope. The improvements would consist of a mill and overlay of all streets within the development, but not full replacement of curb and gutter, as well as street lighting throughout.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 4, 2014

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 195, Project No. 2014-13 (Roughrider area).

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The City of Mandan Engineering Department is requesting that we move forth with this project to allow for the street improvements to 56th Avenue NW, and local streets within Roughriders development.

Going forward, the intended project schedule is as follows:

- 30 day protest period ending April 7th. Public hearing to determine sufficiency of protests on April 15th commission meeting.
- Approval of plans and specifications as well as approval of ad for bids at April 1st City Commission meeting.
- Bid opening on April 22nd.
- Approval to award bid on May 6th City Commission meeting.
- Substantial completion of project by October 31st, 2014.

ATTACHMENTS:

1. Resolution creating district
2. District Map
3. Resolution Approving Engineer's Report
4. Feasibility Report
5. Resolution of Necessity

FISCAL IMPACT: Based on an estimate of cost created by the Engineering and Public Works departments, the cost of the project would be \$585,839.39, engineering and administration will add \$175,751.82, bringing the total to \$761,591.21. These items would be entirely special assessed to the benefitting properties. The estimated special assessment per parcel is \$9,402.36.

STAFF IMPACT: Time for planning and administrative duties.

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

RECOMMENDATION: This office supports moving forward with the project.

SUGGESTED MOTION: I move to approve the creation of, approve of the engineer's report, approve the feasibility report and resolution of necessity for Street Improvement District No. 195, Project No. 2014-13 (Roughrider area).

Board of City Commissioners

Agenda Documentation

Meeting Date: March 4, 2014

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 195, Project No. 2014-13 (Roughrider area).

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**RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NO. 195**

Project No. 2014-13

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

1. There is hereby created Street Improvement District No. 195 (the "District")(Project# 2014-13) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, 56th Avenue NW, West Roughrider Circle NW, East Roughrider Circle NW, Horseshoe Bend NW, Wagonwheel Circle NW, Homestead Place NW and Lariat Court NW and includes asphalt resurfacing by mill and overlay, spot repair of curb and gutter, street lights, and related work.

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

The following lots and blocks are included in said District(see attached map):

All lots & blocks, Roughrider Estates Pioneer Addition
All lots & blocks, Roughrider Estates Homestead Addition
All lots & blocks, Roughrider Estates Pioneer Tract B
All lots & blocks, Old Red Trail Storage Addition
All lots & blocks, Addie's Acres Addition

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

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

Board of City Commissioners

Agenda Documentation

Meeting Date: March 4, 2014

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 195, Project No. 2014-13 (Roughrider area).

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President, Board of City Commissioners

ATTEST:

City Administrator

Date of Passage: March 4, 2014

Board of City Commissioners

Agenda Documentation

Meeting Date: March 4, 2014

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 195, Project No. 2014-13 (Roughrider area).

Page 5 of 10



**RESOLUTION APPROVING ENGINEER'S REPORT AND
AUTHORIZING PREPARATION OF THE DETAILED PLANS
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 195**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 195 (Project # 2014-13), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

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

a. Construction costs:	\$585,839.39
b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$175,751.82
c. Total estimated costs of the improvement:	\$761,591.21

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

Board of City Commissioners

Agenda Documentation

Meeting Date: March 4, 2014

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 195, Project No. 2014-13 (Roughrider area).

Page 7 of 10

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

Dated this 4th day of March 2014.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: March 4, 2014

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 195, Project No. 2014-13 (Roughrider area).

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**FEASIBILITY AND EVALUATION OF IMPROVEMENTS
FOR STREET IMPROVEMENT DISTRICT #195, PROJECT #2014-13**

1.) General Nature of Project

The District has been created to allow for street improvements to 56th Avenue NW, West Roughrider Circle NW, East Roughrider Circle NW, Horseshoe Bend NW, Wagonwheel Circle NW, Homestead Place NW and Lariat Court NW. Installation of new asphalt resurfacing by mill and overlay, spot repair of curb and gutter, street lights, and related work.

2.) Location of Proposed Construction

The proposed construction will take place on 56th Avenue NW, West Roughrider Circle NW, East Roughrider Circle NW, Horseshoe Bend NW, Wagonwheel Circle NW, Homestead Place NW and Lariat Court NW.

3.) Environmental Impact

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

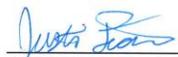
4.) Feasibility of Project

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

5.) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$585,839.39. Other costs of making the improvement including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; publication of legal notices printing of warrants; and all expenses incurred in the making of the improvement and levy of assessments therefore are estimated at \$175,751.82. The total cost for the improvement is estimated at \$761,591.21.

Dated this 4th day of March, 2014.



Justin Froseth
City Engineer

**RESOLUTION DECLARING THE NECESSITY OF AN
IMPROVEMENT PROJECT IN AND FOR
STREET IMPROVEMENT DISTRICT NO. 195 OF THE CITY OF MANDAN
TO BE PAID BY THE LEVY OF SPECIAL ASSESSMENTS
ON PROPERTY BENEFITTED THEREBY**

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

1. It is hereby found, determined and declared that it is necessary for the City of Mandan to construct a street improvement project of the type specified in Subsection 40-22-01(2), North Dakota Century Code, in and for Street Improvement District No. 195 (Project #2014-13) of said City. Said improvement project shall include, but not be limited to the improvements of streets, as well as all other work and materials which are necessary or reasonably incidental to the completion of the project; all in accordance with and as described in the resolution creating said district adopted March 4, 2014; which is on file in the offices of the City Engineer and open for public inspection by anyone interested therein. Most of the proposed construction will take place on 56th Avenue NW, West Roughrider Circle NW, East Roughrider Circle NW, Horseshoe Bend NW, Wagonwheel Circle NW and Lariat Circle NW all in the City of Mandan.

2. The cost of said improvement project shall be paid for by special assessments to be levied against the respective lots, tracts and parcels of land within said improvement district benefitted by the improvement in amounts proportionate to and not exceeding such benefits and the Board of City Commissioners reserves the right to provide for the payment of a portion of the costs of such improvement from such other funds as may be properly available for such purpose.

3. The City Administrator is authorized and directed to cause this resolution, together with a map of the City showing the improvement district, which is attached hereto, to be published once each week for two (2) consecutive weeks in the official newspaper of the City.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 4, 2014

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 195, Project No. 2014-13 (Roughrider area).

Page 10 of 10

4. The owners of property within said improvement district and liable to be specially assessed for said improvement shall be afforded the opportunity to file written with the City Administrator at any time within thirty (30) days after the first publication of this resolution. Written protests must be submitted to the City Administrator no later than 4:30 pm, local time, April 7, 2014. The Board of City Commissioners shall, at its next meeting after the expiration of said period, to wit April 15, 2014 at 5:30 o'clock p.m., meet at the City Hall, 205 2nd Avenue N.W., Mandan, ND, to hear and determine the sufficiency of any of the protests so filed and to take such other and further action with reference to said improvement district as may then be deemed necessary and expedient.

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

Dated this 4th day of March, 2014.

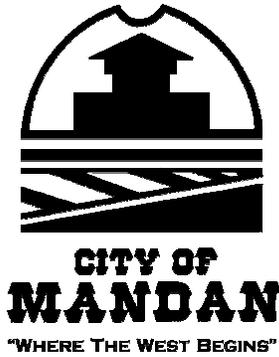
President, Board of City Commissioners

ATTEST:

City Administrator

Publication Dates: March 7th & March 14th, 2014

Map of District Must also be Published



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 4, 2014
PREPARATION DATE: February 26, 2014
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Consider the creation of, approval of the engineer's report, approval of feasibility report and resolution of necessity for Street Improvement District No. 196, Project No. 2014-14 (Mandan Industrial Park area).

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

BACKGROUND/ALTERNATIVES: It has been observed by city staff that the street surface within the Mandan Industrial Park area has been degraded to the extent that street improvements are warranted. This was confirmed by a professional analysis of these streets conducted by Dynatest Consulting Inc. in the spring of 2012.

Because of the uniqueness of Mandan Industrial Park which experiences a lot of heavy truck traffic on its roads, an optional public input meeting was held for the project on February 19th. All properties were notified, and a few property owners attended to voice their opinion of what they would like to see. The options that were discussed were whether the main east to west roads (34th Street and 37th Street) through the Industrial park should be resurfaced as a mill and overlay project, or be reconstructed with either asphalt or concrete. All options were presented with preliminary estimates of what our office expects each option would cost.

After weighing the comments of the optional public input meeting, and comments received since with the improvements the city would like to implement, we have come up with the following scope. The improvements would consist of concrete reconstruction of 34th and 37th Streets, and a mill and overlay for the other roads within the industrial park.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 4, 2014

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 196, Project No. 2014-14 (Mandan Industrial Park).

Page 2 of 10

The City of Mandan Engineering Department is requesting that we move forth with this project to allow for the street improvements to roads within the Mandan Industrial Park District as described.

Going forward, the intended project schedule is as follows:

- 30 day protest period ending April 7th. Public hearing to determine sufficiency of protests on April 15th commission meeting.
- Approval of plans and specifications as well as approval of ad for bids at April 1st City Commission meeting.
- Bid opening on April 22nd.
- Approval to award bid on May 6th City Commission meeting.
- Substantial completion of project by October 31st, 2014.

ATTACHMENTS:

1. Resolution creating district
2. District Map
3. Resolution Approving Engineer's Report
4. Feasibility Report
5. Resolution of Necessity

FISCAL IMPACT: Based on an estimate of cost created by the Engineering and Public Works departments, the cost of the project would be \$1,716,095.11, engineering and administration will add \$514,828.53, bringing the total to \$2,230,923.64. These items would be entirely special assessed to the benefitting properties by square foot of property.

STAFF IMPACT: Minimal

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

RECOMMENDATION: This office supports moving forward with the project.

SUGGESTED MOTION: I move to approve the creation of, approve of the engineer's report, approve the feasibility report and resolution of necessity for Street Improvement District No. 196, Project No. 2014-14 (Mandan Industrial Park area).

Board of City Commissioners

Agenda Documentation

Meeting Date: March 4, 2014

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 196, Project No. 2014-14 (Mandan Industrial Park).

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**RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NO. 196**

Project No. 2014-14

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

1. There is hereby created Street Improvement District No. 196 (the "District")(Project# 2014-14) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, 30th Avenue NW, 34th Street NW, and 37th Street NW and includes concrete street reconstruction, spot repair of curb and gutter, asphalt resurfacing by mill and overlay, and related work.

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

The following lots and blocks are included in said District(see attached map):

Lots 1-5 Block 1 Mandan Industrial Park 1st Addition

Lots 1, 3-8 Block 2 Mandan Industrial Park 1st Addition

Lots 1A, 1B and 1C Replat of Lot 1 Block 1 Mandan Industrial Park 1st Addition

Lot 2 Block 3 Mandan Industrial Park 1st Addition

Lots 3A, 3B, 3C Block 3 Replat of Lot 3 Block 3 Mandan Industrial Park 1st Addition

All lots & blocks, Mandan Industrial Park 2nd Addition

All lots and blocks Mandan Industrial Park 4th Addition

All lots and blocks Mandan Industrial Park 5th Addition

All lots and blocks Mandan Industrial Park 6th Addition

Lot 1 Block 2 Mandan Industrial Park 7th Addition

Lots 1-2 Block 3 Mandan Industrial Park 7th Addition

Lots 2-4 Block 4 Mandan Industrial Park 7th Addition

All lots and blocks Mandan Industrial Park 8th Addition

Lot 1 Block 2 Scott's Acres

Board of City Commissioners

Agenda Documentation

Meeting Date: March 4, 2014

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 196, Project No. 2014-14 (Mandan Industrial Park).

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Lot 2 Block 1 Sunview Heights Addition

Auditors Lot B Mandan Lands S17-T139N-R81W

Auditors Lot G Mandan Lands S17-T139N-R81W

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

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

President, Board of City Commissioners

ATTEST:

City Administrator

Date of Passage: March 4, 2014

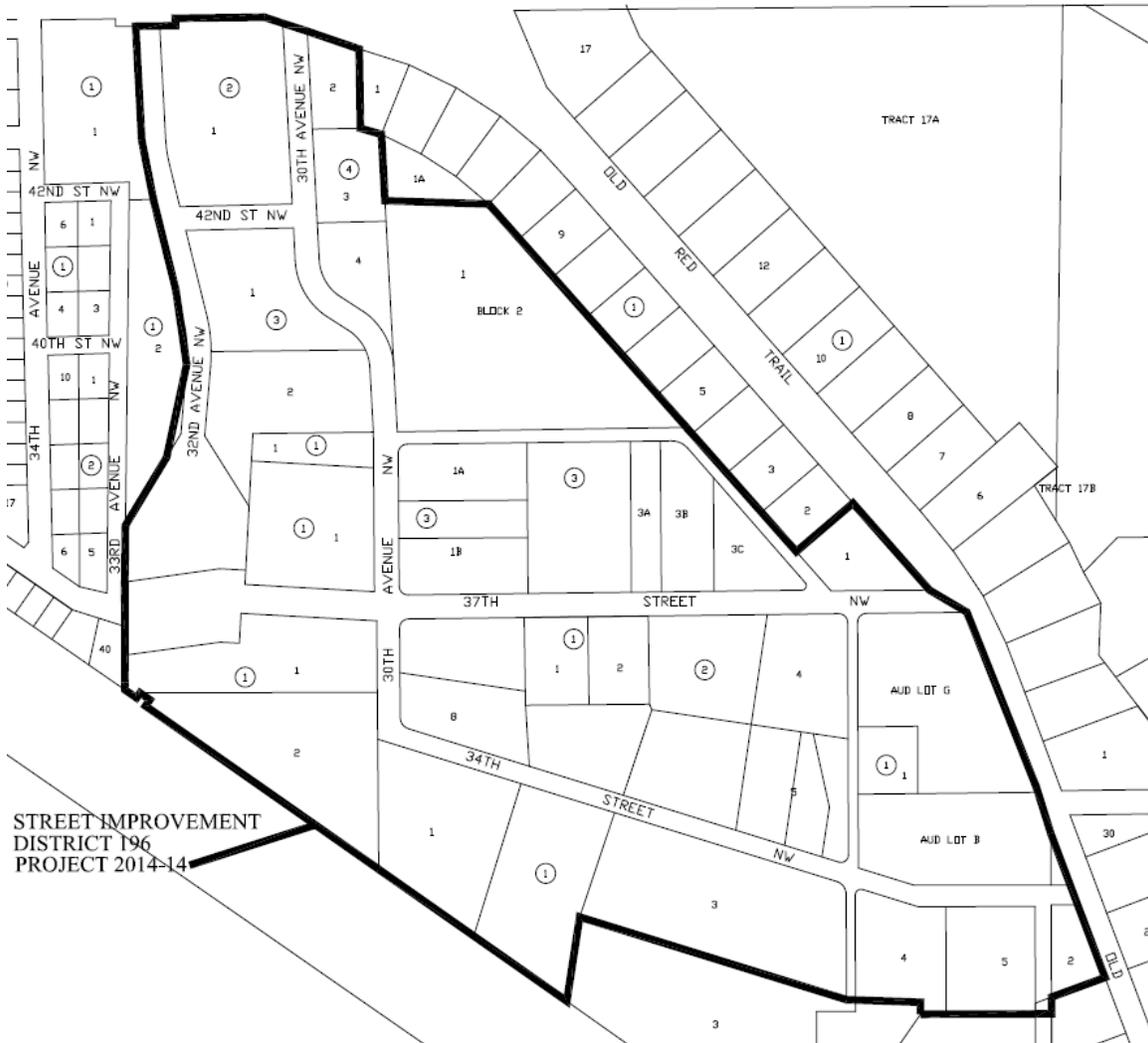
Board of City Commissioners

Agenda Documentation

Meeting Date: March 4, 2014

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 196, Project No. 2014-14 (Mandan Industrial Park).

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**RESOLUTION APPROVING ENGINEER'S REPORT AND
AUTHORIZING PREPARATION OF THE DETAILED PLANS
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 196**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 196 (Project # 2014-14), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

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

a. Construction costs:	\$1,716,095.11
b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$514,828.53

Board of City Commissioners

Agenda Documentation

Meeting Date: March 4, 2014

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 196, Project No. 2014-14 (Mandan Industrial Park).

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c. Total estimated costs of the improvement:	\$2,230,923.64
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3. The Engineer is hereby authorized and directed to prepare detailed plans and specifications for the project to be constructed.

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

Dated this 4th day of March 2014.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: March 4, 2014

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 196, Project No. 2014-14 (Mandan Industrial Park).

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**FEASIBILITY AND EVALUATION OF IMPROVEMENTS
FOR STREET IMPROVEMENT DISTRICT #196, PROJECT #2014-14**

1.) General Nature of Project

The District has been created to allow for street improvements to 30th Avenue NW, 34th Street NW, and 37th Street NW. Concrete street reconstruction, spot repair of curb and gutter, asphalt resurfacing by mill and overlay, and related work.

2.) Location of Proposed Construction

The proposed construction will take place on 30th Avenue NW, 34th Street NW and 37th Street NW south of Old Red Trail.

3.) Environmental Impact

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

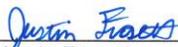
4.) Feasibility of Project

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

5.) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$1,716,095.11. Other costs of making the improvement including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; publication of legal notices printing of warrants; and all expenses incurred in the making of the improvement and levy of assessments therefore are estimated at \$514,828.53. The total cost for the improvement is estimated at \$2,230,923.64.

Dated this 4th day of March, 2014.



Justin Froseth

City Planning and Engineering Director

**RESOLUTION DECLARING THE NECESSITY OF AN
IMPROVEMENT PROJECT IN AND FOR
STREET IMPROVEMENT DISTRICT NO. 196 OF THE CITY OF MANDAN
TO BE PAID BY THE LEVY OF SPECIAL ASSESSMENTS
ON PROPERTY BENEFITTED THEREBY**

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

1. It is hereby found, determined and declared that it is necessary for the City of Mandan to construct a street improvement project of the type specified in Subsection 40-22-01(2), North Dakota Century Code, in and for Street Improvement District No. 196 (Project #2014-14) of said City. Said improvement project shall include, but not be limited to the improvements of streets, as well as all other work and materials which are necessary or reasonably incidental to the completion of the project; all in accordance with and as described in the resolution creating said district adopted March 4, 2014; which is on file in the offices of the City Engineer and open for public inspection by anyone interested therein. Most of the proposed construction will take place on 30th Avenue NW, 34th Street NW and 37th Street NW all in the City of Mandan.
2. The cost of said improvement project shall be paid for by special assessments to be levied against the respective lots, tracts and parcels of land within said improvement district benefitted by the improvement in amounts proportionate to and not exceeding such benefits and the Board of City Commissioners reserves the right to provide for the payment of a portion of the costs of such improvement from such other funds as may be properly available for such purpose.
3. The City Administrator is authorized and directed to cause this resolution, together with a map of the City showing the improvement district, which is attached hereto, to be published once each week for two (2) consecutive weeks in the official newspaper of the City.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 4, 2014

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 196, Project No. 2014-14 (Mandan Industrial Park).

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4. The owners of property within said improvement district and liable to be specially assessed for said improvement shall be afforded the opportunity to file written with the City Administrator at any time within thirty (30) days after the first publication of this resolution. Written protests must be submitted to the City Administrator no later than 4:30 pm, local time, April 7, 2014. The Board of City Commissioners shall, at its next meeting after the expiration of said period, to wit April 15, 2014 at 5:30 o'clock p.m., meet at the City Hall, 205 2nd Avenue N.W., Mandan, ND, to hear and determine the sufficiency of any of the protests so filed and to take such other and further action with reference to said improvement district as may then be deemed necessary and expedient.

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

Dated this 4th day of March, 2014.

President, Board of City Commissioners

ATTEST:

City Administrator

Publication Dates: March 7th & March 14th, 2014

Map of District Must also be Published

ORDINANCE NO. 1179

AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF ORDINANCE 1088 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP.

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

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

The following described property located within the City of Mandan, Morton County, North Dakota shall be excluded from the MC (Industrial) zoning and shall be included in CB (Commercial) namely,

Lot 1, Block 1, Schaff's Industrial Park 1st Addition

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

President, Board of City Commissioners

Attest:

City Administrator

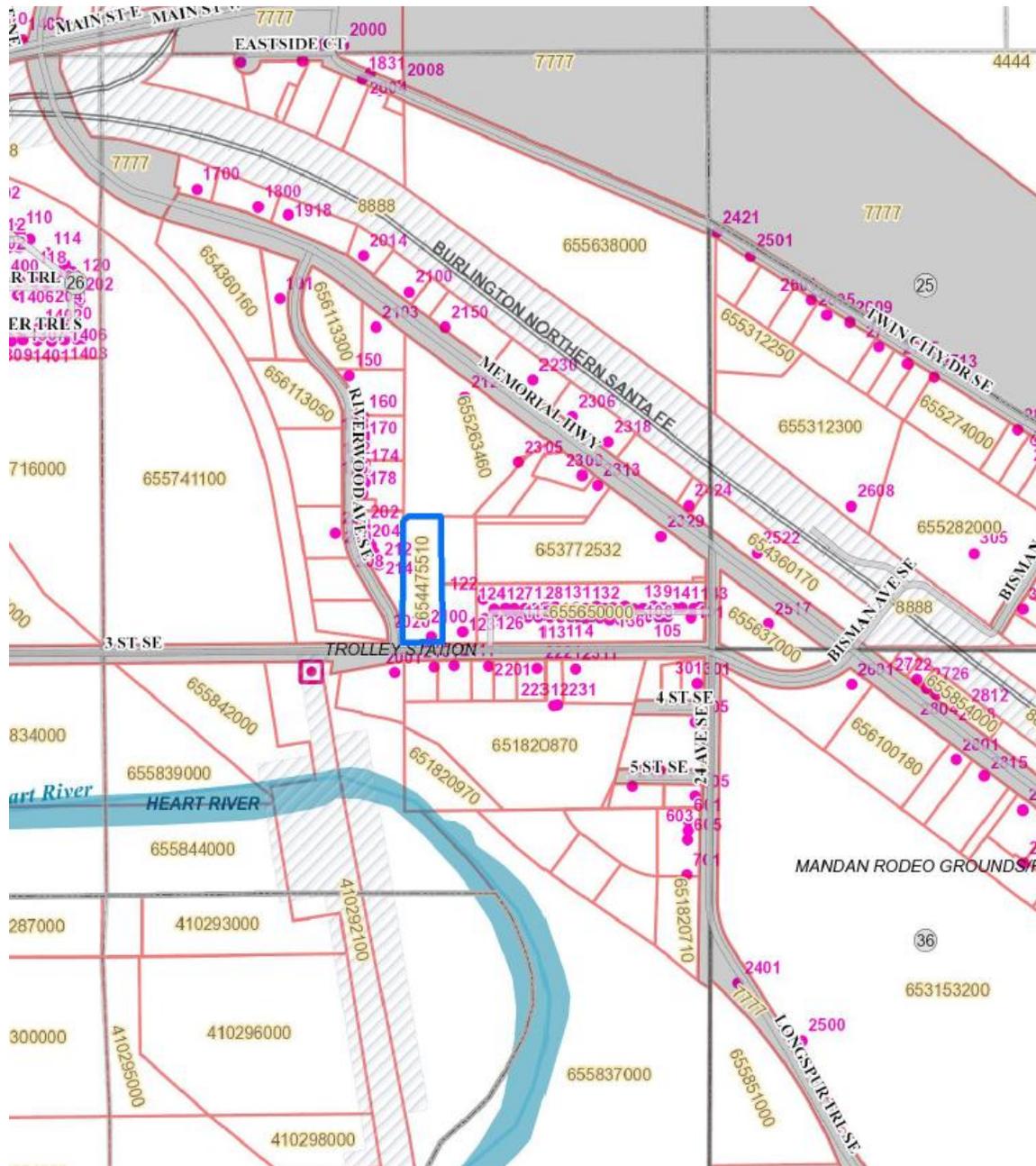
Public Hearing: February 18, 2014

First Consideration: February 18, 2014

Second Consideration
and Final Reading: March 4, 2014

Publication Date: _____

Recording Date: _____



ORDINANCE NO. 1180

An Ordinance to Amend and Re-enact
Section 13-21-02 of the Mandan Code of Ordinances
Relating to Tobacco Products and to Amend and Re-enact
Section 19-06-03 of the Mandan Code of Ordinances
Relating to Offenses Involving Minors

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

Section 13-21-02 of the Mandan Code of Ordinances is hereby amended and re-enacted to read as follows:

Section 13-21-02 Definitions.

The following words and terms, as used in this chapter, shall be defined as follows:

“Compliance survey program” means a program conducted by a law enforcement agency or conducted by a state agency, city, county, board of health, tobacco retailer, or association of tobacco retailers, after consultation with the appropriate local law enforcement authority: which program is intended to determine whether licensed tobacco product retailers are appropriately enforcing the state law or local ordinance relating to sales of tobacco products to minors.

“Distribute” means to give tobacco products to the general public at no cost or at nominal cost for product promotional purposes.

“Electronic cigarettes” means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, and e-pipe or under any other product, name or descriptor.

“Person” means any individual, partnership, corporation, or other business or other legal entity.

“Restricted self-service” means any display or stocks of tobacco products located in a distinct portion of the licensed premises which is restricted by posting conspicuous signs informing minors of the prohibited acts and penalties under this chapter and has such physical barricades or impediments as may reasonably be necessary for the purpose of barring the entry or presence of minors, except those minors who are employees of the licensee.

“Retail tobacco dealer” means any person selling, offering for sale, exposing for sale or having in possession for sale at retail tobacco products.

“Sell,” besides its ordinary purposes, means and includes dispensing from a vending machine under the control of the actor.

“Tobacco products” means, but is not limited to, cigarettes, cigars, cigarette papers, smokeless tobacco, tobacco snuff, chewing tobacco, electronic cigarettes, and tobacco in any other form in which it may be utilized for smoking or chewing.

“Vending machine” means any kind of device or mechanical machine which, upon the insertion of a coin or coins, tokens, or other objects will release tobacco products in packages or otherwise.

Section 19-06-03 of the Mandan Code of Ordinances is hereby amended and re-enacted to read as follows:

Section 19-06-03 Definitions.

The following words and terms, as used in this chapter, shall be defined as follows:

“Compliance survey program” means a program conducted by a law enforcement agency or conducted by a state agency, city, county, board of health, tobacco retailer, or association of tobacco retailers, after consultation with the appropriate local law enforcement authority; which program is intended to determine whether licensed tobacco product retailers are appropriately enforcing the state law or local ordinance relating to sales of tobacco products to minors.

“Distribute” means to give tobacco products to the general public at no cost or at nominal cost for product promotional purposes.

“Electronic cigarettes” means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, and e-pipe or under any other product, name or descriptor.

“Person” means any individual, partnership, corporation, or other business or other legal entity.

“Restricted self-service” means any display or stocks of tobacco products located in a distinct portion of the licensed premises which is restricted by posting conspicuous signs informing minors of the prohibited acts and penalties under this chapter and has such physical barricades or impediments as may reasonably be necessary for the purpose of barring the entry or presence of minors, except those minors who are employees of the licensee.

“Retail tobacco dealer” means any person selling, offering for sale, exposing for sale or having in possession for sale at retail tobacco products.

“Sell,” besides its ordinary purposes, means and includes dispensing from a vending machine under the control of the actor.

“Tobacco products” means, but is not limited to, cigarettes, cigars, cigarette papers, smokeless tobacco, tobacco snuff, chewing tobacco, electronic cigarettes, and tobacco in any other form in which it may be utilized for smoking or chewing.

“Vending machine” means any kind of device or mechanical machine which, upon the insertion of a coin or coins, tokens, or other objects will release tobacco products in packages or otherwise.

By: _____
President, Board of City Commissioners

Attest:

City Administrator

First Consideration:	<u>February 18, 2014</u>
Second Consideration and Final Passage:	<u>March 4, 2014</u>
Publication Date:	<u>March 28, 2014</u>

**RESOLUTION
APPROVING CONTRACT AND CONTRACTOR'S BOND FOR
SIDEWALK IMPROVEMENT PROJECT 2014-11**

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 2014-11 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 Knife River Corporation whose bid provides for the construction of said improvement at a total estimated base price of \$32,832.75.
4. The President of the Board of City Commissioners of the City of Mandan and City Auditor are hereby authorized and directed to make and enter into a contract with said bidder on the part of the City, in the form prescribed by Sections 40-22-35 and 40-22-35, N.D.C.C. as amended, provided that said bidder shall within ten (10) days from this date execute said contract and a construction bond conditioned in accordance with the provisions of Sections 40-22-30 and 40-22-32 of said Code.

Dated this 4th day of March, 2014

President, Board of City Commissioners

Attest:

James Neubauer,
City Administrator

**RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NO. 194**

Project No. 2014-12

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

1. There is hereby created Street Improvement District No. 194 (the "District")(Project# 2014-12) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, 33rd Avenue NW, 34th Avenue NW, 35th Avenue NW, 36th Avenue NW, 37th Avenue NW, 38th Avenue NW, 39th Avenue NW, 40th Avenue NW, 41st Avenue NW, 37th Street NW, 42nd Street NW, 43rd Street NW, 47th Street NW, Crown Point Road NW, Lasalle Drive NW, and Cortez Circle NW and includes asphalt resurfacing by mill and overlay, spot repair of curb and gutter, and related work.

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

The following lots and blocks are included in said District(see attached map):

All lots & blocks, Developer's West Acres 1st Addition
All lots & blocks, Developer's West Acres 2nd Addition
Lots 1-12 Block 1 Crown Point Addition
Lots 2-21 Block 2 Crown Point Addition
All lots and blocks Ventures 1st Addition
Lots 1-2 Block 1 Mandan Industrial Park 7th Addition

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

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

President, Board of City Commissioners

ATTEST:

City Administrator

Date of Passage: March 4, 2014

**RESOLUTION APPROVING ENGINEER'S REPORT AND
AUTHORIZING PREPARATION OF THE DETAILED PLANS
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 194**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 194 (Project # 2014-12), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

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

a. Construction costs:	\$1,961,224.79
b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$588,367.44
c. Total estimated costs of the improvement:	\$2,549,592.23

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

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

Dated this 4th day of March 2014.

President, Board of City Commissioners

ATTEST:

City Administrator

**RESOLUTION DECLARING THE NECESSITY OF AN
IMPROVEMENT PROJECT IN AND FOR
STREET IMPROVEMENT DISTRICT NO. 194 OF THE CITY OF MANDAN
TO BE PAID BY THE LEVY OF SPECIAL ASSESSMENTS
ON PROPERTY BENEFITTED THEREBY**

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

1. It is hereby found, determined and declared that it is necessary for the City of Mandan to construct a street improvement project of the type specified in Subsection 40-22-01(2), North Dakota Century Code, in and for Street Improvement District No. 194 (Project # 2014-12) of said City. Said improvement project shall include, but not be limited to the improvements of streets, as well as all other work and materials which are necessary or reasonably incidental to the completion of the project; all in accordance with and as described in the resolution creating said district adopted March 4, 2014; which is on file in the offices of the City Engineer and open for public inspection by anyone interested therein. Most of the proposed construction will take place on 33rd Avenue NW, 34th Avenue NW, 35th Avenue NW, 36th Avenue NW, 37th Avenue NW, 38th Avenue NW, 39th Avenue NW, 40th Avenue NW, 41st Avenue NW, 37th Street NW, 42nd Street NW, 43rd Street NW, 47th Street NW, Crown Point Road NW, Lasalle Drive NW, and Cortez Circle NW all in the City of Mandan.

2. The cost of said improvement project shall be paid for by special assessments to be levied against the respective lots, tracts and parcels of land within said improvement district benefitted by the improvement in amounts proportionate to and not exceeding such benefits and the Board of City Commissioners reserves the right to provide for the payment of a portion of the costs of such improvement from such other funds as may be properly available for such purpose.

3. The City Administrator is authorized and directed to cause this resolution, together with a map of the City showing the improvement district, which is attached hereto, to be published once each week for two (2) consecutive weeks in the official newspaper of the City.

4. The owners of property within said improvement district and liable to be specially assessed for said improvement shall be afforded the opportunity to file written with the City Administrator at any time within thirty (30) days after the first publication of this resolution.

Written protests must be submitted to the City Administrator no later than 4:30 pm, local time, April 7, 2014. The Board of City Commissioners shall, at its next meeting after the expiration of said period, to wit April 15, 2014 at 5:30 o'clock p.m., meet at the City Hall, 205 2nd Avenue N.W., Mandan, ND, to hear and determine the sufficiency of any of the protests so filed and to take such other and further action with reference to said improvement district as may then be deemed necessary and expedient.

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

Dated this 4th day of March, 2014.

President, Board of City Commissioners

ATTEST:

City Administrator

Publication Dates: March 7th & March 14th, 2014

Map of District Must also be Published

**RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NO. 195**

Project No. 2014-13

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

1. There is hereby created Street Improvement District No. 195 (the “District”)(Project# 2014-13) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, 56th Avenue NW, West Roughrider Circle NW, East Roughrider Circle NW, Horseshoe Bend NW, Wagonwheel Circle NW, Homestead Place NW and Lariat Court NW and includes asphalt resurfacing by mill and overlay, spot repair of curb and gutter, street lights, and related work.

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

- The following lots and blocks are included in said District(see attached map):
- All lots & blocks, Roughrider Estates Pioneer Addition
 - All lots & blocks, Roughrider Estates Homestead Addition
 - All lots & blocks, Roughrider Estates Pioneer Tract B
 - All lots & blocks, Old Red Trail Storage Addition
 - All lots & blocks, Addie’s Acres Addition

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

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

President, Board of City Commissioners

ATTEST:

City Administrator

Date of Passage: March 4, 2014

**RESOLUTION APPROVING ENGINEER'S REPORT AND
AUTHORIZING PREPARATION OF THE DETAILED PLANS
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 195**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 195 (Project # 2014-13), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

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

a. Construction costs:	\$585,839.39
b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$175,751.82
c. Total estimated costs of the improvement:	\$761,591.21

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

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

Dated this 4th day of March 2014.

President, Board of City Commissioners

ATTEST:

City Administrator

**RESOLUTION DECLARING THE NECESSITY OF AN
IMPROVEMENT PROJECT IN AND FOR
STREET IMPROVEMENT DISTRICT NO. 195 OF THE CITY OF MANDAN
TO BE PAID BY THE LEVY OF SPECIAL ASSESSMENTS
ON PROPERTY BENEFITTED THEREBY**

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

1. It is hereby found, determined and declared that it is necessary for the City of Mandan to construct a street improvement project of the type specified in Subsection 40-22-01(2), North Dakota Century Code, in and for Street Improvement District No. 195 (Project #2014-13) of said City. Said improvement project shall include, but not be limited to the improvements of streets, as well as all other work and materials which are necessary or reasonably incidental to the completion of the project; all in accordance with and as described in the resolution creating said district adopted March 4, 2014; which is on file in the offices of the City Engineer and open for public inspection by anyone interested therein. Most of the proposed construction will take place on 56th Avenue NW, West Roughrider Circle NW, East Roughrider Circle NW, Horseshoe Bend NW, Wagonwheel Circle NW and Lariat Circle NW all in the City of Mandan.
2. The cost of said improvement project shall be paid for by special assessments to be levied against the respective lots, tracts and parcels of land within said improvement district benefitted by the improvement in amounts proportionate to and not exceeding such benefits and the Board of City Commissioners reserves the right to provide for the payment of a portion of the costs of such improvement from such other funds as may be properly available for such purpose.
3. The City Administrator is authorized and directed to cause this resolution, together with a map of the City showing the improvement district, which is attached hereto, to be published once each week for two (2) consecutive weeks in the official newspaper of the City.
4. The owners of property within said improvement district and liable to be specially assessed for said improvement shall be afforded the opportunity to file written with the City Administrator at any time within thirty (30) days after the first publication of this resolution. Written protests must be submitted to the City Administrator no later than 4:30 pm, local time, April 7, 2014. The Board of City Commissioners shall, at its next meeting after the expiration of

said period, to wit April 15, 2014 at 5:30 o'clock p.m., meet at the City Hall, 205 2nd Avenue N.W., Mandan, ND, to hear and determine the sufficiency of any of the protests so filed and to take such other and further action with reference to said improvement district as may then be deemed necessary and expedient.

5. This resolution shall be in full force and effect from and after its passage.
Dated this 4th day of March, 2014.

President, Board of City Commissioners

ATTEST:

City Administrator

Publication Dates: March 7th & March 14th, 2014
Map of District Must also be Published

**RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NO. 196**
Project No. 2014-14

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

1. There is hereby created Street Improvement District No. 196 (the “District”)(Project# 2014-14) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, 30th Avenue NW, 34th Street NW, and 37th Street NW and includes concrete street reconstruction, spot repair of curb and gutter, asphalt resurfacing by mill and overlay, and related work.

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

The following lots and blocks are included in said District (see attached map):

Lots 1-5 Block 1 Mandan Industrial Park 1st Addition
 Lots 1, 3-8 Block 2 Mandan Industrial Park 1st Addition
 Lots 1A, 1B and 1C Replat of Lot 1 Block 1 Mandan Industrial Park 1st Addition
 Lot 2 Block 3 Mandan Industrial Park 1st Addition
 Lots 3A, 3B, 3C Block 3 Replat of Lot 3 Block 3 Mandan Industrial Park 1st Addition
 All lots & blocks, Mandan Industrial Park 2nd Addition
 All lots and blocks Mandan Industrial Park 4th Addition
 All lots and blocks Mandan Industrial Park 5th Addition
 All lots and blocks Mandan Industrial Park 6th Addition
 Lot 1 Block 2 Mandan Industrial Park 7th Addition
 Lots 1-2 Block 3 Mandan Industrial Park 7th Addition
 Lots 2-4 Block 4 Mandan Industrial Park 7th Addition
 All lots and blocks Mandan Industrial Park 8th Addition
 Lot 1 Block 2 Scott’s Acres
 Lot 2 Block 1 Sunview Heights Addition
 Auditors Lot B Mandan Lands S17-T139N-R81W
 Auditors Lot G Mandan Lands S17-T139N-R81W

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

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

President, Board of City Commissioners

ATTEST:

City Administrator

Date of Passage: March 4, 2014

**RESOLUTION APPROVING ENGINEER'S REPORT AND
AUTHORIZING PREPARATION OF THE DETAILED PLANS
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 196**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 196 (Project # 2014-14), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

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

a. Construction costs:	\$1,716,095.11
b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$514,828.53
c. Total estimated costs of the improvement:	\$2,230,923.64

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

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

Dated this 4th day of March 2014.

President, Board of City Commissioners

ATTEST:

City Administrator

**RESOLUTION DECLARING THE NECESSITY OF AN
IMPROVEMENT PROJECT IN AND FOR
STREET IMPROVEMENT DISTRICT NO. 196 OF THE CITY OF MANDAN
TO BE PAID BY THE LEVY OF SPECIAL ASSESSMENTS
ON PROPERTY BENEFITTED THEREBY**

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

1. It is hereby found, determined and declared that it is necessary for the City of Mandan to construct a street improvement project of the type specified in Subsection 40-22-01(2), North Dakota Century Code, in and for Street Improvement District No. 196 (Project #2014-14) of said City. Said improvement project shall include, but not be limited to the improvements of streets, as well as all other work and materials which are necessary or reasonably incidental to the completion of the project; all in accordance with and as described in the resolution creating said district adopted March 4, 2014; which is on file in the offices of the City Engineer and open for public inspection by anyone interested therein. Most of the proposed construction will take place on 30th Avenue NW, 34th Street NW and 37th Street NW all in the City of Mandan.

2. The cost of said improvement project shall be paid for by special assessments to be levied against the respective lots, tracts and parcels of land within said improvement district benefitted by the improvement in amounts proportionate to and not exceeding such benefits and the Board of City Commissioners reserves the right to provide for the payment of a portion of the costs of such improvement from such other funds as may be properly available for such purpose.

3. The City Administrator is authorized and directed to cause this resolution, together with a map of the City showing the improvement district, which is attached hereto, to be published once each week for two (2) consecutive weeks in the official newspaper of the City.

4. The owners of property within said improvement district and liable to be specially assessed for said improvement shall be afforded the opportunity to file written with the City Administrator at any time within thirty (30) days after the first publication of this resolution. Written protests must be submitted to the City Administrator no later than 4:30 pm, local time, April 7, 2014. The Board of City Commissioners shall, at its next meeting after the expiration of said period, to wit April 15, 2014 at 5:30 o'clock p.m., meet at the City Hall, 205 2nd Avenue

N.W., Mandan, ND, to hear and determine the sufficiency of any of the protests so filed and to take such other and further action with reference to said improvement district as may then be deemed necessary and expedient.

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

Dated this 4th day of March, 2014.

President, Board of City Commissioners

ATTEST:

City Administrator

Publication Dates: March 7th & March 14th, 2014

Map of District Must also be Published