

**AGENDA**  
**MANDAN CITY COMMISSION**  
**MAY 3, 2016**  
**ED "BOSH" FROEHLICH MEETING ROOM,**  
**MANDAN CITY HALL**  
**5:30 P.M.**  
**[www.cityofmandan.com](http://www.cityofmandan.com)**

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- A. ROLL CALL:
1. Roll call of all City Commissioners.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:
1. Consider approval of the following minutes:
    - i. April 19, 2016 Board of City Commission Regular Meeting
    - ii. April 19, 2016 Board of Equalization meeting
- E. PUBLIC HEARING:
- F. BIDS:
- G. CONSENT AGENDA:
1. Consider for approval Lakewood Commercial Cove First Addition First Replat.
  2. Consider Police Department requests for out-of-state travel for training:
    - i. National SWAT Conference in Louisville, KY – Aug. 14-20, 2016 for Lt. Pat Haug
    - ii. PRW Advanced Sniper Scenarios training in Fairplay, CO – Nov. 3-6, 2016 for Police Officer David Raugust
  3. Consider approval of road restrictions and detour for Armed Forces Day parade event.
  4. Consider approval of MPO event road closures.
  5. Change Order for additional Storm Sewer work on the water main replacement project.
  6. Consider for approval final plat for Lakewood 8<sup>th</sup> Addition First Replat.
  7. Consider approval of a Special Sunday opening for the Mandan Moose on June 12, 2016.
- H. OLD BUSINESS:
1. Presentation by Mike Manstrom, Dougherty & Company LLC, regarding the financing proposal for the Mandan Sports Complex.

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I. NEW BUSINESS:

1. Mandan Remediation Trust update on activities.
2. Consider deadline extension for Trails West Street Improvement District.
3. GIS project update and consideration of four-wheelers to collect survey data.
4. Presentation by Mike Manstrom, Dougherty & Company LLC, regarding the sale of \$5,150,000 Refunding Improvement Bonds of 2016, Series A. (See Resolutions #3)
5. Consider Mandan Growth Fund Committee recommendation regarding an application for Flex PACE interest buy-down by SSW2, LLC (leased to Stockmen's Supply West)
6. Consider deeding Lot 31, Block 1, less Auditor's Lots A thru N of Lot 31, Borden Harbor 1<sup>st</sup> Subdivision to the City of Mandan (County Parcel # 65-0171681) to the Borden Harbor Owners Association.

J. RESOLUTIONS AND ORDINANCES:

1. Second consideration of Ordinance No. 1237 amending and re-enacting Chapter 16, Article 4 of the Mandan Municipal Code related to the Emerald Ash Borer and Dutch Elm Disease.
2. Second consideration of Ordinance No. 1238 creating PUD District 2016-01 for Lakewood 8<sup>th</sup> Addition First Replat.
3. Consider Resolution Awarding Sale of \$5,150,000 Refunding Improvement Bonds of 2016, Series A.

K. OTHER BUSINESS:

1. Consider options related to the possible transition of the Business Development & Communications Director position from contract to a civil service position.

L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. May 9, 2016, Joint Session with Mandan Park Board
2. May 17, 2016
3. June 7, 2016

M. ADJOURN

**Public Communication**

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

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The Mandan City Commission met in regular session at 5:30 p.m. on April 19, 2016 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Braun, and Laber. Department Heads present were Finance Director Welch, Police Chief Ziegler, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development & Communications Director Huber, Planning & Engineering Director Froseth, Planner Decker, Assessor Shaw, and Building Official Lalim.

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

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

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission of April 5, 2016 Board of City Commission regular meeting and April 5, 2016 Board of Equalization meeting.* Commissioner Braun moved to approve the minutes as presented. Commissioner Laber seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

1. *Public hearing for first consideration of Ordinance No. 1238 creating PUD District 2016-01 for Lakewood 8<sup>th</sup> Addition First Replat.* Planner Decker stated this proposal is a request to replat Lots 20 through 39 of Lakewood 8<sup>th</sup> Addition and to rezone this area to a PUD District 2016-01. This request is to modify the plat to create 26 lots. There currently are 20 lots in this development. The goal is to develop smaller footprint single family and twin homes. The PUD option is recommended in order to adjust some of the zoning requirements to accommodate narrower but deeper lots. The standards for R3.2 would allow up to 8 more units than proposed if all lots are rectangular per minimum square footage. The proposal outlines there will be 4 standard size twin homes, 5 smaller sized twin homes and 8 small single family units. The only standard that this proposal does not meet is the building footprint requirement in R3.2 of 0.35. Some lots will be allowed to have a building footprint of up to 0.50. The average for the subdivision will be less than 0.35. Water and sewer lines have already been installed. The Planning and Zoning Commission recommends approval. There was no opposition to the proposal. Pending the outcome of this public hearing, the final review of the plat is scheduled at the next Planning and Zoning Commission meeting and if recommended for approval, it will come before the City Commission for final approval on May 3, 2016 along with the second consideration of this ordinance. It was recommended to approve this ordinance as proposed.

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Mayor Van Beek announced this is a public hearing and invited anyone to come forward to speak for or against the request to approve the first consideration of Ordinance No. 1238 creating PUD District 2016-01 for Lakewood 8<sup>th</sup> Addition First Replat.

Arthur Goldammer, Verity Homes, came forward and stated he would answer any questions regarding the request for the re-platting of Lots 20 through 39 of Lakewood 8<sup>th</sup> Addition. He said the request to rezone the area was approved by the Planning and Zoning Commission and that it does have staff support too. He said that with the current 3.2 zoning, the rezoning to the smaller lot size will achieve more units. He indicated that the goal is to offer some diversity of affordable housing in the City of Mandan.

Mathias Gieser, Trident Court Northwest Mandan came forward to speak. He said his comments don't have anything to do with this specific project. However, the next item on the Agenda is similar in nature and he will comment on that item when it is discussed.

A second announcement was made inviting anyone to come forward to speak on the Lakewood 8<sup>th</sup> rezoning matter. Hearing none, this portion of the Public Hearing was closed and the commission moved to Ordinances and Resolutions No. 2.

2. *Public hearing for first consideration of Ordinance No. 1239 creating PUD District 2016-02 for Ash Grove Estates Addition.* Planner Decker stated this matter relates to a portion of Lot 1 and all of Lot 2, Block 1 of the School District Sixth Addition wherein the proposal is to replat the area as Ash Grove Estates Addition and to rezone it to PUD District 2016-02. He explained that the Mandan School District has determined that this land was no longer needed for school purposes, hence it was offered for sale. The proposal is to develop this area with a mix of different styles of housing that will include 31 single family dwellings in several building configurations and 7 small footprint twin homes. Some lots will be smaller and the street design standards are being modified to help reduce the cost of the houses. The PUD option is being used to adjust some of the zoning requirements to accommodate these smaller lots and narrower street standards. Planner Decker explained that this is not something that is new. He said that the City has adjusted zoning standards for quite some time. In the past they called it "restricted". The PUD option is a more formal way of approaching those adjustments for specific parcels. The concept of the project is that it is totally self-contained in that none of the units face any of the existing units. They are all facing each other within the project. It is a "U-shaped" street. The smaller units are in the center of the project. The larger more standard single family lots are around the perimeter and back up against the existing developed single family units.

The other item that has been discussed is that there is a strip of land along the western boundary that is 20 ft. wide that is being offered to the adjoining property owners so they can expand their rear yards. There has been some encroachment into this field from those properties because they have small, narrow backyards. Thus the developer is offering that option. Staff is concerned that there is not a "jigsaw puzzle" along that back line. So if a majority of the owners are interested in buying those little strips of land, then we can go forward with that plan. If there is no agreement, then that area will be re-platted as part

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of these lots. There are concerns with soils issues that have been brought forward. There is high ground water in this area so there will have to be adjustments to the design standards for water, sewer and streets to assure those construction issues are accommodated. Director of Public Works Wright will be working with the developer to make sure that issue is addressed. There is a detention pond on the site which drains the school and this area. That detention pond will be expanded to accommodate this development. This will only be a detention pond and it will not hold water, so it will drain off. The Home Owners Association will be responsible for that pond and it will be maintained appropriately. Recently, the discharge pipes in that pond have plugged up. So that has been an issue in that area because the pond did not drain the way it should have.

The Planning and Zoning Commission reviewed this proposal at their March 28, 2016 meeting and unanimously recommended approval. Pending the outcome of this public hearing, the final plat is scheduled at the Planning and Zoning Commission meeting and if recommended for approval, it will come before the City Commission for final approval on May 3, 2016 along with the second consideration of this ordinance. Planner Decker reviewed items for consideration regarding this proposal. It was recommended to approve this ordinance as proposed.

Mayor Van Beek announced this is a public hearing and invited anyone to come forward to speak for or against the request to approve of the first consideration of Ordinance No. 1239 creating PUD District 2016-02 for Ash Grove Estates Addition.

Mathias Gieser, Trident Court Northwest Mandan, north of the Red Trail Elementary School came forward to speak. He stated he is representing a number of residents from that area. Sixty plus signatures have been gathered in opposition of this project with the main intent to keep it zoned as R-7. No one is opposed to Verity Homes building there, but it definitely needs to remain R-7. Using the PUD as a scapegoat is not what the residents expected when building and moving to that area. The expectation was that there would be single family homes with a nice area for the children to ride their bikes up and down the sidewalks, etc. He said his understanding of the (City) code is that the City does not have a legal obligation to rezone this area to PUD. The only legal obligation is to allow the developer to build in R-7 and the developer's request can be heard to rezone as a PUD. But the R-7 is what it is today. That's what it was by default when the area was annexed, and that is what all the residents believed it would be when they moved to that area. The school is already overflowing. This land is not sold; this is condition of sale, like Planner Decker has brought up before. Having 56 homes at 2 children per household equals 112 children at that school, many of which who are not going to school there (due to enrollment capacity). Some of the children are going to Lewis and Clark.

Mr. Gieser said that his daughter came home from school today with a letter stating that she will be attending Roosevelt School next year. She will not go to Red Trail Elementary. She went there for her first year. She is in early childhood education, she has autism. Change is very tough for those children. That is not an issue before this Commission today, but it is something the Commission should think about when making this decision.

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The (rezoning) would be inconsistent with the surrounding neighborhoods. The RM zoned to the southwest is convenient for this project. There are only 2 twin homes in there, for a total of 4 homes. The rest of the homes are sizable single family homes. There is no reason they should be RM today, but it is what it is. This is a chance to set the course in that area. It is “patchwork” zoning there. You have commercial, industrial, residential, and manufactured. These homes should be built, but preferably to the west of the area where Verity Homes has already built single family homes and other existing twin homes. A concern with these homes is that some of the lots are only 25-30 feet wide. Parking will be at a minimum for vehicles that will be in that area and wider lots will be needed for parking purposes.

Regarding the retention pond that Planner Decker spoke about, the residents that are directly adjacent to that are very opposed to it. There are evident water issues that exist in that area and it is designated as a swampland by the USGS. The road is not meant to be a dam. The drain tile installed is insufficient because the resident’s sump pumps are running constantly. There have been emails going back and forth between residents and Planner Decker and there is a misunderstanding that Verity is going to sell all these homes. Verity is renting these homes in Bismarck at \$1,600 because he cannot sell them all. That is not affordable housing. On behalf of the residents, he said that they moved there specifically because it was single family housing and that is the way they expect it to stay.

Arthur Goldammer, Verity Homes, came forward and brought photos to show of the project he is proposing. He provided clarification of concerns brought up by Mr. Gieser. He said that notifications were sent to adjacent property owners pursuant to the City of Mandan requirements of notification. A meeting was held and there were some people who had questions and the majority of the individuals talked to support the project. Most of the resistance came from opposite sides of the school. He said that this will be offered as a for-sale community. With regard to the water and sewer issues, a representative from Swenson, Hagen & Company is present to address those issues and explain what will be done to mitigate some of the water issues that are currently there. He said they will be taking adequate construction steps to the footings and basements to those homes. He said that Verity Homes is the only developer in the City that offers a 10-year warranty on their product. They stand behind their product.

Parking requirements will be met pursuant to City Ordinance and the lots for the twin homes do comply with the R3.2 zoning district. The R7 zoning that it is currently there occurred when the school platted it and brought it into the City because it had been zoned agricultural. Regarding the school overflow concern, Goldammer stated he has spoken with various members of the Mandan School District and this area will not impact where students will attend school. The Mandan School District allocates their school district boundaries however they do it, and by adding 40 or 60 homes will not impact those boundaries. Concerning the nearby zoning, there are modular homes in this area and there are single family, twin, industrial and commercial which is normal in any city zonings. At this time Goldammer presented photos of the proposed project. He said these are homes are similar to those currently existing in Mandan, Bismarck and Lincoln.

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He mentioned that they have the approval of the City staff support as well as the Planning & Zoning Commission.

Commissioner Tibke asked Goldammer how they will mitigate the water concerns in that area. Landon Niemiller from Swenson and Hagen came forward and stated that any storm water management plan has to be approved by the City of Mandan. So the City's engineers will look at the plan to make sure compliance is met. There is an existing pond in that area now and they are expanding it to deal with the additional runoff from the project and the pipes will be cleaned out. Regarding the R7 zoning, there is multi-family residential zoning to the south and that is single family housing in that area. But there are also mobile home parks, CB, RM, all in this area. R7 and PUD are close in square footage.

Arthur Goldammer came back up before the Commission and stated that basements will be optional where they can be, depending on soil. Price point will be from \$179,900 for a 3 bedroom with 2.5 baths, at 1,550 sq. ft. for the twin homes going up to \$300,000 for single family homes.

Commissioner Rohr had a question about the "U-shaped" street. If there is a heavy snowfall, how will that be to remove that snow without blocking the driveways or will the city be expected to remove snow beyond the resources available? Can that street be maintained if there is heavy snowfall? Goldammer replied that with tighter subdivisions there is less room to pile the snow and both Mandan and Bismarck have struggled with areas similar to this when having to remove snow. He said that Bismarck has recently purchased the snow gates for the plows to help in that regard. Commissioner Rohr commented that with the snow gates they are costly to purchase, they breakdown, and increases the amount of time that the maintenance crew has to use to set up. He does not feel that is an option.

Planner Decker stated that Director Wright and Director Froseth have discussed this issue and if there is a major snow event, then some snow may have to be hauled out. But that would occur in any subdivision where there is a high accumulation of snow. The street design is minimally less than the standard. It will be a 3-lane with 2 lanes driving and one lane of parking. Parking will be on one side so one side of the street would be plowed up to the driveways. So there will be parked cars on only one side of the street to plow around.

Mathias Gieser returned to the podium and presented a document that had several resident signatures on it. He directed the Commission's attention to "Lewis Road Northwest" in which there were signatures from 25 residents on Lewis Road. He said these people are all opposed to this project. They are not present at today's meeting due to many conflicts allowing them to attend in person. However, they have signed this document and have requested that Mr. Gieser represent them in this protest. Mr. Gieser commended the City's Public Works crews on the great job they do with the angled scrapers for snow removal. He concurred with Commissioner Rohr's concerns about snow removal, stating that it will most likely be a concern.

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Mr. Niemiller from Swenson and Hagen, returned to the podium and clarified that with a 31 ft. wide road, that actually increases the boulevard size by about 3.5 ft. on each side of the road so that will provide additional snow storage. Planner Decker explained that the sidewalk is against the property line so there is a grass area between the curb and the sidewalk.

Frank Leingang, home owner at 5006 39<sup>th</sup> Avenue Northwest, came forward and stated that Verity Homes is capable of building homes. But he disagrees with the architectural look of the homes wherein looking at the home, you see a garage with the front door somewhat hidden. The original design for this area was for 30 homes and now it will be 56-57. Traffic will be increased because of the school in that area. He does not want to see any more families moving to this area than was originally anticipated. He would like this project included within the special assessment district for the Old Red Trail Road because it will affect them as well. He believes that if this project is approved, there should be a re-assessment done of that subdivision for special assessments for Old Red Trail. Director Froseth clarified that assessment is within the Old Red Trail district.

Daryl Keller, 3808 Lewis Road, came forward and stated that he bought his home in that area knowing that it is single family homestead. Secondly, the school is overflowing. He moved there so his children can attend that school and adding several more children will create more overflow.

Mayor Van Beek provided a second announcement inviting anyone to come forward to speak for or against the project.

Mathias Gieser came back to the podium and stated: “To rezone this so quickly is to say that people are not doing their job and these commissions are just here for the developers to talk to. We expect things, they expect things. It seems pretty one-sided. If you rezone this you will alienate a lot of people up there.”

Mayor Van Beek provided a 3<sup>rd</sup> and 4<sup>th</sup> announcement inviting anyone to come forward to speak for or against this project. Hearing none, this portion of the public hearing was closed and the Commission moved to Resolutions and Ordinances No. 3.

F. BIDS:

1. *Consider award of bid and approving Resolution Approving Contract and Contractor’s Bond for Street Improvement District No. 201, Project 2015-11 (Meadowlands Addition).* Planning & Engineering Director Froseth stated this is a request for the award of bid and approval of Resolution Approving Contract and Contractor’s Bond for Street Improvement District No. 201, Project 2015-11 (Meadowlands Addition). He stated that two bids were received on 4/5/16 for the project. Mariner Construction submitted the low bid in the amount of \$428,523.00. The Engineer's estimate was \$477,321.50. The low bid is 10% below the engineer’s estimate. The project will be paid for by special assessments from the benefiting properties within the district. The construction cost of the project is \$428,523.00 plus the engineering and administrative cost of \$149,983.05 for a total project cost of \$578,506.05.

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The special assessments will be assessed to the benefitting property. There are 35 acres in this special assessment district which brings the amount to be assessed to an estimated \$0.38 per square foot. It was recommended to approve the bid award to Mariner Construction the low bidder in the amount of \$428,523.00 and approve the Resolution approving Contract and Contractor's Bond.

Commissioner Laber moved to approve the award of bid to Mariner Construction the low bidder in the amount of \$428,523.00 and approve the Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 201, Project 2015-11 (Meadowlands Addition). Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

G. CONSENT AGENDA

1. *Consider approval of monthly bills.*
2. *Consider approval of the following proclamations: (i) Bike to Work Week (May 16-20) & Bike to Work Day (May 20); (ii) Dacotah Lions STRIDES Walk for Diabetes – May 15, 2016; (iii) National Music Week – May 1-8, 2016.*
3. *Consider Employer Participation Agreement in the North Dakota Public Employees Retirement System Law Enforcement Retirement Plan.*
4. *Consider approval of Special Sunday Openings at the Mandan Moose 425 on May 15, July 3, and June 5, 2016.*
5. *Consider approval of the following Site Authorizations for the American Foundation for Wildlife from July 1, 2016 through June 30, 2017: (i) Lakewood Bar & Grill; (ii) Last Call Bar.*
6. *Consider approval of the annual Liquor License, Special B Liquor License Permit and Special Sunday Permits for Dacotah Speedway from May 1, 2016 through Oct. 31, 2016.*
7. *Consider approval of Site Authorizations for Mandan Baseball Club, Inc. from July 1, 2016 through June 30, 2017: (i) Powerhouse/501; (ii) Rock Point; (iii) Broken Oar.*
9. *Consider Architectural Services contract with EPIC Engineering for the Public Works Expansion Project.*

Commissioner Laber moved to approve Consent Agenda items 1-7 & 9 as presented, excepting item No. 8 to be removed for further discussion. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

Consent Agenda Items removed for discussion:

8. *Consider ballot language related to publishing the minutes of City Commission meeting.* Commissioner Laber stated that it appears that it costs \$500-\$600 to publish the Commission meeting minutes in the paper. She inquired if it could be published online in lieu of paper or can it be put in the ballot language such as that a "yes" vote says yes we

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want it in the paper and a “no” vote means it will not be in the paper anymore and that it will be offered on line. Can it be done paperless and less expensive, more available? City Attorney Brown stated that this is the first time that has been brought up to him, and he can research to see what the statute says. He doubts that online would be an equivalent of publication in the designated newspaper. He recommended approaching the legislature to request that as an alternative. Commissioner Tibke voiced concern that if a resident does not have web services and wishes to purchase the Mandan News for the information. City Administrator Neubauer commented that the City previously attempted drafting ballot language saying do you support publishing the minutes of the Mandan City Commission in the official newspaper - last year it cost the city “x” thousands of dollars. You can’t ask that question that way according to century code. That’s why it has to be very generic in how you ask that question. Do you want it published or not.

Commissioner Laber moved to approve Consent Agenda Item No. 8. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

#### H. OLD BUSINESS:

##### I. NEW BUSINESS:

1. *Consider recommendations from Mandan Growth Fund Committee.* Business Development & Communications Director Huber presented the following:  
(i) *Application for Restaurant Rewards sales tax rebate and interest buy-down program.* This is a recommendation from the Mandan Growth Fund (MGF) Committee to consider approval of the Restaurant Rewards Program application form. She provided a brief overview of what has transpired thus far in this matter. At the April 5, 2016 meeting the City Commission approved a recommendation from the MGF Committee to establish a Restaurant Rewards incentive program for new and expanding enterprises. The program has two components: a five year rebate of the 1% local sales tax, which is the tax that can be used for economic development, and the allocation of \$162,000 in the Growth Fund to be used on a first-come, first-serve basis for the local match for the Flex PACE interest-buy program with the allowance that this local share can be provided in the form of a forgivable loan rather than the typical repayable loan.

The MGF Committee met April 14, 2016, with agenda items including the review of a draft application for this new incentive tool. The MGF Committee voted to recommend approval of the application, noting one area of clarification. The area of ambiguity was coffee shops or other formats which might mix food service with another enterprise. Rather than single out only liquor establishments, the MGF Committee voted to recommend adding an eligibility clarification that at least 50% of sales must come from prepared food, noting that the intent is to have more businesses serving prepared food. That would apply to a bar and grill entity as well. If approved, the program description should be revised accordingly. There was also discussion about requiring verification of prepared food component that provisions of the rebates on an annual basis would be best versus quarterly. The adjustment to the plan of the rebate being provided annually, rather

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than quarterly, is also noted in the proposed revisions to the program overview and would be noted in any recipient agreement. The fiscal impact of the sales tax rebate and interest buy-down program was addressed during the program approval at the April 5, 2016, meeting. The sales tax rebate has no direct cost, only a potential indirect cost under the following assumptions:

(1) That the new or expanded restaurant(s) would come without the incentive and therefore generate the sales tax dollars anyway that could then be applied to the general fund to reduce property taxes.

(2) The sales tax rebate would have an unfavorable impact on property taxes, which would occur only if there was a need to increase the City's budget as a result of a restaurant opening or expanding. The Restaurant Rewards Sales Tax Rebate & Interest Buy-Down Incentive Program was presented via a 2-page document. The contents of the document included the following components: (i) Program Overview (ii) Program Structure & Benefits including the outlines for the Sales Tax Rebate and Interest buy-down (iii) Eligibility (iv) Conditions (v) Application Process (vi) Implementation Procedures.

Director Huber recommended approval of the proposed Restaurant Rewards application and revisions to the program as presented.

City Attorney Brown stated that the restaurant alcoholic beverage license requires food sales to be equal to alcohol sales or 50%. So this request is consistent with our current licensing policy on restaurants.

Commissioner Braun moved to approve the Restaurant Rewards Application and revisions to the program overview as presented. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

*(ii) Clarifications and modifications to the Retail and Restaurant Incentive Program requirements.* This is a request from the Mandan Growth Fund (MGF) Committee to consider a recommendation for the clarifications to the Retail and Restaurant Incentive Program. This Program was first approved and established in 2010 and modified in 2011. The program provides a stipend of up to \$5 per square foot of operating space during the first year of operation for qualified retail and restaurant businesses that fill a gap in the community's market profile. The program is capped at \$20,000 per project.

The MGF reviewed program guidelines and eligibility criteria at its April 14, 2016, meeting and recommended two substantive clarifications and just some minor clean-up language. The substantive clarifications are:

(i) That the application must have final approval from the MGF Committee and Mandan City Commission prior to the business opening (or expanding);

(ii) That the list of retail preferences (Exhibit A) be modified similar to the proposal for the Restaurant Rewards Program recommendations to indicate that a restaurant business is defined as having 50% or more of its revenue generated by prepared food

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sales (as compared to sales of beverage or other non-food items). Director Huber recommended approval of the proposed clarifications and modifications to the Retail and Restaurant Incentive Program requirements as presented.

Commissioner Laber moved to approve the Clarifications and modifications to the Retail and Restaurant Incentive Program requirements. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider visitor way-finding sign recommendations including design, locations, destination listings and issuance of a request for bids.* Business Development & Communications Director Huber presented a request to consider a recommendation for the Ad Hoc Visitors Wayfinding Sign Committee for the design, locations and destination messaging for the visitor way-finding sign project and to issue a request for bids for sign fabrication and installation. The purpose of the proposed signs is to provide direction to visitors for various attractions and destinations as to provide a sense of community branding and character. The City Commission at its Dec. 1, 2015 meeting approved up to \$250,000 for this project to include design and engineering fees as well as sign fabrication and installation. The money was approved from the Visitors' Promotion Fund that is generated with the 1% city restaurant and lodging tax. Visitor promotion funds must be used in accordance with N.D. Century Code 40-57.3-02 for "tourism or the purchase, equipping, improving, construction, maintenance, repair, and acquisition of buildings or property consistent with visitor attraction or promotion".

The Commission approved of the formation of an ad hoc committee that will assist with various components of the project. The Committee consists of: City Commissioner Braun, Brian Dehnert from the Community Beautification Committee, Melissa Frohlich from the Leadership, Pride & Image Committee, Miles Melhoff from the Mandan Architectural Review Commission, Lee Pierce from the Visitors Committee, City Administrator Neubauer and City Business Development & Communications Director Huber. Director Huber provided the signage proposed on the overhead. The consultants providing the design and engineering services for this project as approved in a contract by the City Commission at its Dec. 15, 2015, meeting are provided by Berberich Designs and Kadmas Lee and Jackson.

The ad hoc committee has met 3 times on this project and soon realized that, because of the NDDOT constraints, more signs will ultimately be needed than originally envisioned, the new signs are generally smaller and simpler, but need to be greater in number as compared to the existing way-finding signs. The committee prioritized and recommends the initial 24 locations shown in the packet along with design and destination listings presented. A Phase II project could be considered pending future funding. Berberich Design has received tentative approval of the package to date from the NDDOT with final approval to come once the package is bid out and the fabricator produces engineered shop drawings that are signed and stamped by a professional engineer.

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The proposed sign design package was presented to the Mandan Architectural Review Commission (MARC) at its April 12, 2016 meeting. MARC consensus was that the sign policy allows for the project to be exempt from permit because the signs are for roadways and will be placed in the public right-of-way. They are also directional and instructional, without commercial advertising. MARC members did express some reservation about the use of cedar posts. The sign policy has sections that reference support posts being made of non-flammable material. Building Official Doug Lalim indicates flammable materials are allowed by building code up to a height beyond the proposed sign height. MARC will review policy in the coming year for inconsistencies and clarifications. The consultant recommended bidding the project with both post options. The tentative timeline was presented. But due to the magnitude of the project, it needs at least a 21-day bid period. This would take the bid opening to May 13<sup>th</sup> rather than the 12<sup>th</sup> that it had originally been listed as. It would need publication in a daily newspaper, in addition to the Mandan News. There were some revisions to the bid documents as well. The signs would be in 24 locations. The informal Engineer's estimate is \$100,000-\$125,000. There are maps available showing the location of the signs and what will be on each of those signs. There could be a potential phase 2 improvement to this project but that has not been decided at this time. The ad hoc Visitors Wayfinding Sign Committee recommends approval of the design package as presented and to issue a request for bids.

Commissioner Laber indicated that she doesn't agree to recommend bidding the project with both post options. She thinks that if the NDDOT is okay with the cedar options, (which is clearly the lower cost option), and it goes along with the other Wayfinding signs that we presently have, then it may not be necessary to require a metal bid design as well.

Commissioner Laber moved to approve the visitor way-finding signage project design with the cedar postings, locations, and destination messages as presented and to authorize issuance of a request for bids. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for Water & Sewer Improvement Project 2016-10 Big Sky Additions (Jude Lane NW).* Planning & Engineering Director Froseth presented a request for the authorization of the installation of water and sewer for the development of the project area. This area is located at Jude Lane Northwest and is located north of Old Red Trail Northwest and west of Sunset Drive Northwest. The proposed utilities will serve the developer of the benefiting land. Therefore, this will be paid for by the developer. The Engineer's office has not received a letter of credit therefore it is recommended to approve the 3-way agreement contingent on receiving the letter of credit. The entire cost of the project will be paid by the developer as part of the 3-way agreement. Director Froseth recommended approval of the project as presented.

Commissioner Rohr moved to approve the resolution approving the plans and

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specifications and authorizing execution of 3-way agreement for water and sewer improvement Project 2016-02 (Big Sky Additions (Jude Lane NW), contingent on receiving letter of credit. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Consider approving the Resolution approving Plans and Specifications and Resolution directing advertisement for bids for Street Improvement District No. 206, Project No. 2016-07 (Big Sky Additions).* Planning & Engineering Director Froseth presented a request for the authorization of a resolution approving plans and specifications and resolution directing advertisement for bids for Street Improvement District No. 206, Project No. 2016-07 (Big Sky Additions). He said that the City Commission approved on 3/1/16 the Resolution creating district, Resolution approving Engineer's Report, Feasibility Report, and Resolution of Necessity. On 4/5/16 the Commission approved the Resolution determining insufficiency of protest. This is a request for the approval of the plans and specifications and approval to advertise for bids for this project. A timeline of events will include the bids to be opened on 5/10/16 and awarded 5/17/16 with substantial completion of the project anticipated on or before 10/16/16. The base construction cost of the project would be \$936,800.12, engineering, administration, and contingency is estimated to add \$327,880.04, bringing the total to \$1,264,680.17 (\$26,076 per unit). Director Froseth recommended approving the resolution approving plans and specifications and approving the resolution directing advertisement for bids for Street Improvement District 206, Project 2016-07 (Big Sky Additions) as presented.

Commissioner Laber moved to approve the resolution approving plans and specifications and to approve the resolution directing advertisement for bids for Street Improvement District No. 206, Project No. 2016-07 (Big Sky Additions). Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

5. *Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for Water & Sewer Improvement Project 2016-02 (West Hills Estates 4<sup>th</sup> Addition).* Planning & Engineering Director Froseth presented a request for the authorization of the installation of water and sewer for the development of the area located at the West Hills 4th Addition plat and is located north of Old Red Trail Northwest and west of 40th Avenue Northwest. The proposed utilities will serve the developer of the benefiting land therefore it will be paid for by the developer under a 3-way agreement. The Engineer's office received a letter of credit today. The entire cost of the project will be paid by the developer as part of the 3-way agreement. The Engineer's office recommends approval of this project as presented.

Commissioner Laber moved to approve the resolution approving the plans and specifications and authorizing execution of 3-way agreement for water and sewer improvement for Project 2016-02 (West Hills 4th Addition). Commissioner Tibke

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

6. *Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 203, Project No. 2016-03 (West Hills Estates 4<sup>th</sup> Addition).* Planning & Engineering Director Froseth presented a request to create and allow the assessments of specials related to, authorize the required paperwork for the requested project, and allow for the project to be bid. The developer has requested that the City allow the special assessment of street costs to the benefitting properties for the development of West Hills Estates 4th Addition. Based on the estimate of cost included with the documentation, the cost of the project would be \$415,868.40; engineering and administration will add \$145,556.94, bringing the total to \$561,422.34. These items would be entirely special assessed to the benefitting properties. There are 19 lots within this special assessment district which would equate to approximately \$29,548.54 per lot in special assessments for this subdivision. The Engineer's office recommends approval of this project as presented for advertising for bids.

Commissioner Braun moved to approve the Resolution creating district, approve Resolution approving Engineer's Report, approve Resolution of Plans and Specifications, approve Resolution determining sufficiency of petition, approve feasibility report and approve Resolution directing advertisement for bids for Street Improvement District No. 203, Project No. 2016-03 (West Hills Estates 4th Addition). Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

7. *Consider amendment to the Joint Powers Agreement between Mandan Park District and City of Mandan.* City Administrator Neubauer reviewed with the Commission a proposed amendment to the Joint Powers Agreement (JPA) between the City of Mandan and the Mandan Park District related to the financing of the Starion Sports Complex. He stated that a newly revised amendment to the JPA that was discussed just today, is being suggested in order to outline what would occur in the event that collections from the .75% sales tax are, at any time during the term of the revenue bonds insufficient to pay as and when due payments on said revenue bonds, the Park District acknowledges that it would be responsible for the funds required to pay any deficiency and that the following sources shall be used to make up any deficiency. The Park District shall have the option to request refinance of the revenue bonds, if feasible and appropriate. If the revenue bonds cannot be refinanced, the Park District shall make up any deficiency from any and all sources available to it, including, but not limited to, the following:

- (a) Any surplus sales tax collected funds;
- (b) Subject to appropriation, the Park District covenants and agrees to include as

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required in the Park District's budget such additional amounts as are necessary to pay principal and interest on the bonds to the extent not paid from the sales tax. Such appropriation may be from any legally available source, including, but not limited to, state aid distributions, general fund tax levy, and facility revenues, and;

(c) The sales tax bond reserve fund.

This is an effort to make sure the City of Mandan is protecting ourselves in case there is a shortfall in the ¾ cent sales tax collections. It is the city's decision on whether to refinance bonds if there looks like there may be a shortfall or not. It is still the Commission's call.

Commissioner Tibke stated that the group has been working diligently on this matter over the last few weeks and voiced concern that due to the work involved, there should not be any misunderstandings between the City of Mandan and the Park Board of the agreement and this should strengthen the contract.

The City's financial underwriter Mike Manstrom and Bond Counsel Scott Wegner have indicated this will only serve to strengthen the rating of the bonds and potentially provide a more favorable interest rate.

Commissioner Braun moved to approve the amendment to the Joint Powers Agreement (JPA) between the Mandan Park District and the City of Mandan. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *First consideration of Ordinance No. 1237 amending and re-enacting Chapter 16, Article 4 of the Mandan Municipal Code related to the Emerald Ash Borer and Dutch Elm Disease.* Director of Public Works Wright presented a request to amend the Mandan Code of Ordinances related to the Emerald Ash Borer and Dutch Elm Disease. He explained that the Emerald Ash Borer is a destructive insect that is migrating across the country and has been found in nearby states. The Emerald Ash Borer is a public nuisance that attacks and eventually causes the death of ash trees. The proposed changes to the municipal code identify the insect as a public nuisance and give the City Arborist authority to deal with any infestation that is discovered. Planting or selling ash cultivars susceptible to the Emerald Ash Borer was listed as a violation. A list of susceptible ash cultivars will be provided on the City web site if this ordinance is approved. Edits were also made to the language related to Dutch Elm disease. These edits included minor word revisions and listing the planting or selling of an American Elm or Siberian Elm as a violation. Violations of this article are infractions with a maximum penalty of \$1,000. The Community Beautification Committee voted on February 11, 2016 to approve this ordinance. City staff has reviewed and is recommending approval, as well.

Commissioner Laber moved to approve the First consideration of Ordinance No. 1237 amending and re-enacting Chapter 16, Article 4 of the Mandan Municipal Code related to

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the Emerald Ash Borer and Dutch Elm Disease. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *First consideration of Ordinance No. 1238 creating PUD District 2016-01 for Lakewood 8<sup>th</sup> Addition First Replat.* Commissioner Tibke moved to approve the First consideration of Ordinance No. 1238 creating PUD District 2016-01 for Lakewood 8<sup>th</sup> Addition First Replat. Commissioner Rohr seconded the motion.

Commissioner Laber stated that there were many emails and she personally received telephone calls from people who were not as happy that this area was being re-platted with twin homes and a design. She believes Verity Homes did a good job of responding to the matters that were of concern from the developer side. She also indicated that Planner Decker responded to matters that were related to the City's position. She said that communication apparently was well received or communicated because there are not many people here at this meeting who spoke at the public hearing. She said that when this is before the Planning and Zoning for the final approval, (should there be any more concerns at that time), that we continue addressing those concerns for the neighborhood. Planner Decker clarified that both projects are looking at the same style of housing. Many of the emails and concerns received were of the larger project which is the second Public Hearing. However, they are the same type of units so it's the same smaller unit on a smaller lot).

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

3. *First consideration of Ordinance No. 1239 creating PUD District 2016-02 for Ash Grove Estates Addition.* Commissioner Tibke requested information from Commissioner Laber as to what transpired at the Planning and Zoning Commission (P&Z) meeting when this matter was discussed. Commissioner Laber stated that both she and Mayor Van Beek sit on the Planning and Zoning Commission. She said that Verity Homes had meetings with the neighbors and they presented a PUD district that appeared to meet what P&Z was looking at for affordable housing. Affordable housing is a price point in the \$200,000 range that a median income wage earner can afford to purchase. No one came forward at that meeting to speak in opposition to the project. She would like clarification from Planner Decker about noticing adjacent landowners with regard to changes in zoning.

The PUD was passed and there were communications received where they were against it. But that happened subsequent to that initial meeting. Planner Decker stated that 110 letters were sent out to the neighbors for both the Planning & Zoning Meeting and again for this meeting. The typical standard is 300 ft. from the property subject to rezoning, however, Nancy in Engineering goes 400-450 ft. beyond the project to identify those

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parcels. Notices were also published in the paper twice for each meeting. They were published approximately 1- 2 weeks prior to each meeting.

Commissioner Laber inquired if there is a statutory regulation? Planner Decker said that technically the city does not have to send any notices per state law. He said there were no responses in opposition, and there was one neighbor who showed up in support of the project because he was concerned about the drainage issue.

Commissioner Tibke commented that affordable housing is important noting she understands the neighbor's concerns. Planner Decker stated that one of the requirements in the zoning code is the establishment of a minimum lot size of 7,000 sq. ft. But the code also references the old lots as small as 5,000 sq. ft. are acceptable. They recognize that the older subdivisions had smaller lots. A twin home can be built on half the lot of a single home. So you save the lot cost which can be put into the value of the house. We have a standard that does not give us that small lot option. For affordability we need to broaden the options and that is the intent here is to come up with additional options and this is a mix of different unit sizes in order to spread that market.

Commissioner Tibke inquired about how PUD came up in this project. Planner Decker stated that one of the reasons for using the PUD option is because of the current standards within our zoning code. We do not have a small lot option built into our code and the only way to modify that is to use the PUD option. Previously, a "restricted" option was used and the PUD is a more formal way of doing that. It will only be used for specific projects. We are not going to use this for every project and we will be looking at revising the code to allow for standard zones that reflect the PUD zoning. This will encourage single family development in order to improve affordability. These are not large adjustments; these are tweaking the standards to allow for this type of units.

Commissioner Laber was somewhat shocked to see that 25 landowners that live on Lewis Road, which is directly adjoining the project property, are half the people who are somewhat not in favor of this project. She wondered if the people did not get notice or why they did not speak up at the Planning and Zoning Commission meeting. She also is concerned about the water issues that have been brought up. She recommended sending this First Consideration back to Planning and Zoning for consideration to have it properly noticed; to allow the people who want to speak to come forward; and to really review that storm water management program to make sure that with the type of house that they are going to build and the density they are going to build, that Public Works can effectively manage it.

Commissioner Laber moved to send the First consideration of Ordinance No. 1239 creating PUD District 2016-02 for Ash Grove Estates Addition back to the Planning and Zoning Commission for rehearing. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

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K. OTHER BUSINESS:

There being no further actions to come before the Board of City Commissioners, Commissioner Braun moved to adjourn the meeting at 7:00 p.m. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present. The motion passed.

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James Neubauer,  
City Administrator

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Arlyn Van Beek,  
President, Board of City  
Commissioners

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The Mandan Board of Equalization met in regular session at 7:00 p.m. on April 19, 2016 in the Ed “Bosh” Froehlich Room at City Hall. Commissioners present were Van Beek, Tibke, Rohr, Braun, and Laber. Also present were Finance Director Welch, City Attorney Brown, City Administrator Neubauer and City Assessor Shaw.

Mayor Van Beek called the meeting to order and invited Assessor Shaw to come forward to present the 2016 City of Mandan Board of Equalization Report.

City Assessor Shaw provided some history of the roles and responsibilities of the Assessing Department. She explained how the 7-year cycle process is used in which assessments are conducted. This does not mean that your property will be reappraised or that the property remains at the same value for that period of time. Rather that is the City Assessor’s process of conducting on-site visits by verifying that the data is accurate on each property. Each year there are zones designated for completion and any given zone can be added into the mix when sales from that area deem it necessary for accuracy. Data collections and analysis includes physical economics, governmental and social forces that affect value. Specific data consists principally of site and improvement data. Data is collected via costs, sales, and income & expense data is gathered through interviews or questionnaires.

The Assessing Department performs continuous reviews on property sales and current appraisals to determine if assessment values are in line with what properties are selling for on the open market. Market value is the most probable price that property should bring in a competitive and open market under all conditions requisite to a fair sale that includes both the buyer and seller contributions not affected by undue stimulus. Every year the ND State Tax Commissioner conducts a sales ratio study working with all jurisdictions to determine if required standards of equalization and uniformity are maintained within each jurisdiction. North Dakota is market driven in valuing their property. Only sales from the City of Mandan are used in the City of Mandan’s yearly sales review and market analysis. Sales ratio is defined as if the property tax is to be distributed fairly, the tax burden for local government or other taxing bodies’ mass appraisal must produce accurate appraisals and equitable assessments.

The primary tool used to measure mass appraisal performance is the ratio study. A ratio study compares appraised values to market values. Sales that do not represent open market are not used in a ratio study. The Assessor is required to assess at market value the residential and commercial sales. The Assessor uses the sales from the previous year to help assess the market value for the current year. Assessor Shaw explained the process of how it works when a property owner calls in with a request to have a review conducted on their property and she provided an example of the steps used in that process. She further explained how the assessment of land value is determined stating that there are two forms of land value, improved and unimproved, (which are the vacant lots). Unimproved is raw land. Vacant lots which are unimproved are the ones without streets, water, electrical, and sewer; which are selling in 2015 between \$25,000 and \$65,000 found in various areas of the city. The valuation and assessment of real property is all subject to taxation unless if it is exempted by law. Taxable value is used to determine the

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tax rate for the property. Taxable value is 9% for residential and 10% for commercial and vacant land. The taxable value times the mill rate for the taxable rate owed for that property. Any resident can go to the Morton County website to see what they owe currently for property taxes, what their special assessment balance is, or look at their 5-year history. It goes from 2011 to 2015 and it gives the true and full value, the assessed value, the taxable value, the mill rates for each year, special assessments installment for that year and the total tax amount paid.

Any resident can go to any real estate website to look at properties in their neighborhood to get an idea of what the market is doing. The tax district must base its tax rate on the number of dollars raised from property taxes in the previous taxable year by the taxing district. Notice of public hearing will be mailed to the property owners if a greater property tax levy is being proposed by a taxing district. For the 10-year history of City of Mandan's valuations, they have increased from 2006 to 2015 but in return the mill levy has decreased from 2006 to 2015.

**2016 Board of Equalization Report:**

This 2016 annual report of the Mandan Assessing Division is a summary of the 2016 assessment roll. It will summarize what has happened in terms of real estate and appraisal activity of this department January through December 2015. The market value of taxable real property, property transfers, sales, new construction, expired exemptions and annexations are all combined to estimate a real property value tax base to which 2016 consolidated mill levy (not yet determined) will be applied.

Procedures of assessment and appraisal are conducted under guidance from the North Dakota State Tax Commissioner's Office, the North Dakota Century Code and nationally recognized standards of mass appraisal of real property. North Dakota law requires assessors to value or appraise property at true and full value as of February 1 of each year. Any changes in value that the Local, County or State Boards of Equalization may make will be reflected in the final assessment. The 2016 assessment roll total market value after exemptions is \$1,754,778,000. Of this increase, new construction contributed \$64,041,300. This includes all aspects of construction.

An extensive review of existing properties indicated that an update in market values was needed to accurately reflect Mandan's increasing market. The increase for residential properties was \$105,053,200 or 9.4%. The review indicated that existing commercial properties saw an overall increase of \$66,315,800 or 23.3%. Vacant land values saw an increase of \$13,037,800 or 29%. Ag lands value decreased by \$235,100 due to re-classifying several parcels to vacant lands. Adjustments have been made on individual properties within all classes of real estate. The City of Mandan has a total parcel count of 8,682 parcels. The City Assessor Office sent out 2,700 notices of increase this year, which was half the amount sent out for 2015, but an average number in past years. Of those we had several dozen phone calls, making adjustments and reassessing properties as warranted.

If any property owner has a question regarding the value of their property, please print your name and best phone number to reach you at on the sign-up sheet and we will

contact you within the next few weeks to review your property, and make adjustments as warranted. If adjustments are warranted we will submit the changes to the Morton County Board of Equalization at the June 9, 2016 meeting at 5:30 p.m. at the Morton County Courthouse.

True and Full Values Before Exemptions:

	2015	2016
Residential	\$1,160,221,859	\$1,292,422,600
Commercial	\$ 436,941,886	\$ 542,480,500
Total	\$1,597,163,745	\$1,834,903,100

True and Full Values After Exemptions:

	2015	2016
Residential	\$1,136,316,700	\$1,272,842,900
Commercial	\$ 369,959,600	\$ 481,881,500
Total	\$1,506,276,300	\$1,754,724,400

**Non-Discretionary Exemptions:** (Absolute Exemption: absolutely exempt from all process, levy or sale: NDCC 28-22-02 & 40-01-07):

Public Hospitals

Churches

Cemeteries

Nursing Homes

Non Profit Lodges/Organizations (Moose & Eagles are at 50% taxable value \$633,300)

Public Schools

City/County/State owned property

Utilities & Northern Pacific

Total of Fully Exempt Properties: 830

**Discretionary Exemptions:** (Left to or regulated by one's own discretion or judgment.

Voted on & approved by City Commission as offered to the public. NDCC 57-02):

New & Expanding Business = 18 = \$42,155,500 (Still active prior to change)

Commercial Remodeling = 13 = \$3,012,100

Residential Remodeling = 26 = \$1,228,800

Renaissance Zone Total = 14 = \$14,798,100

2 year New Home Construction = 204 = \$15,300,000

Blind (Up to \$160,000) = 11 Total = \$1,587,300

Wheelchair (Up to \$100,000) = 13 Total = \$1,463,600

Total: 299

Total Exempted: \$79,545,400

Exempted Values:

	2015	2016
Residential	\$23,905,159	\$19,579,700
Commercial	\$66,982,286	\$59,965,700
Total	\$90,887,445	\$79,545,400

**Two (2) Credits Offered Reimbursed by the State:**

**Homestead Credit** (206 active applicants). The homestead property tax is a North Dakota property tax credit that reduces the property taxes of eligible individuals. Eligibility requirements: Individuals who are 65 years of age or older, or individuals who are permanently and totally disabled and if your income is \$42,000 or less per year.

**Disabled Veteran Property Tax Credit** (106 active applicants). Enacted in 2009 by the ND State Legislature the disabled veterans credit is a property tax credit that is available to veterans of the U.S. Armed Forces with a disability of 50% or greater.

Please contact the Assessing Department for information on the ND state offered credits.

**New Construction Increases Breakdown 2016:**

These are total values that are added on the taxable valuations:

**COMMERCIAL PROPERTY**

LAND: \$ 3,961,100  
 STRUCTURES: \$28,607,200  
 TOTAL: \$32,568,300

**RESIDENTIAL PROPERTY**

LAND: \$ 4,880,800  
 STRUCTURES: \$26,592,200  
 TOTALS: \$31,473,000

**New Construction Values**

	2012	2013	2014	2015	2016
Residential	\$15,577,600	\$35,531,860	\$63,075,800	\$34,224,000	\$31,473,000
Commercial	\$13,149,000	\$21,255,200	\$31,016,740	\$51,612,200	\$32,568,300
Total	\$28,726,600	\$56,787,060	\$94,092,540	\$85,836,200	\$64,041,300

**2016 Completed Exemptions/New Values Added to the City of Mandan**

**2 YEAR NEW HOME CONSTRUCTION EXEMPTION:**

TOTAL: 140 Completed  
 STRUCTURAL VALUE ADDED: \$10,500,000

**RENAISSANCE ZONE EXEMPTION:**

TOTAL: 3 Completed  
 STRUCTURAL VALUE ADDED: \$915,900

**NEW BUSINESS EXEMPTION:**

TOTAL: 5 Completed  
 STRUCTURAL VALUE ADDED: \$25,601,100

Walmart did receive a 2-year tax exemption at 100% and for 2016 their exemption is now completed and they are fully on the tax roll.

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Assessor Shaw explained the City of Mandan Sales Ratio Map Area Strata for 2016. The final Sales Ratio for Commercial is 100.0% and the final Sales Ratio for Residential is 91.1%. During 2015, the City Board of Equalization, the County Board of Equalization (BOE) made adjustments to the 2015 Mandan property values due to several vacant commercial lots had been classified erroneously as residential property during the software conversion, so corrections were made and that pushed the final commercial sales ratio to 108.5% which was above the 100% maximum and for this reason the County Tax Director recommended a decrease for commercial structure values of 15% for 2015. With the commercial sales study for 2015 we added the 15% value back on to those properties and then we still had to add additional overall 8.3% increase to the commercial properties to bring them to 100%. There are commercial properties that had received an increase higher than the average 23%-25% increase over last year's evaluations. We did a complete reappraisal process in 2015 that was started in 2014 and we are officially submitting those findings for the 2016 assessment year to be 100% in compliance with the ND Tax Commissioner's Office and the Board of Equalization.

Assessor Shaw reviewed the City Mill Levy and indicated where Mandan sits as far as the Mill levy - City Mill Levy Tax Year 2015

Williston	157.92
Dickinson	194.54
Bismarck	214.37
Minot	237.11
Mandan	246.18
Fargo	279.24
West Fargo	279.66
Valley City	281.79
Jamestown	288.92
Devils Lake	296.53
Grand Forks	301.91
Wahpeton	349.77

The Mandan Assessing Division respectfully recommends that the assessment roll be approved as submitted. Should anyone appear before the Board to protest an assessment in the 2016 report, the Mandan Assessing Division will employ the abatement process pursuant to the State law.

Assessor Shaw indicated that if there are questions, citizens can contact her at the City Assessor's Office at (701) 667-3232. She stated that if there are residents who wish to have their property assessed they are to sign up on the sign-up sheets that are currently being passed around. The Assessor's Office will be in touch with them.

Mayor Van Beek stated that anyone coming forward at this time should state their name for the record and sign the sign-up sheet also. This is a reminder that the first step is to make contact with the Assessor's Department to review and make sure all data on record is accurate. Since there are several people wishing to come forward to speak tonight, a 3 minute time limit will be allowed in order to give everyone a chance to speak.

Mayor Van Beek opened the floor for comments.

Al Knutson came forward and stated that he has lived here for 3 years. The evaluation on the home in 2012 was \$408,000, the same in 2013, \$427,000 in 2014, \$375,000 in 2015, and now just received a \$75,000 increase in evaluation. He referred to Assessor Shaw's 13 sheets of \$200,000 homes that are not relative to their homes. He has three houses within seven homes of him that just sold for probably right in that \$330,000 to \$370,000 range. They are all very comparable to his. He has signed the sign-up sheet.

Susan Beehler came forward and stated she has lived in Mandan since 1992. She was one of the members of the group that tried to abolish property taxes. She stated that it is her opinion that Shirley Shaw has done an excellent job and is transparent with the Tax Department information. She stated she appreciates that the City provides brochures in the water bills with regard to property taxes. She charged the City Commission with keeping the equalization process local. That was one of the things that came up in that campaign to abolish property taxes. We have heard from time and time again that the state has said that we have to be under a certain sales ratio and that there are certain properties that are exempt no matter what. As a City Commission there are properties at your discretion to exempt. Her comments include that "our" market is not fully driven by "the" market, it's also being tampered with by our government. She talked about the mass assessments versus our own assessments which we really don't follow when discussing property taxes as can be seen by houses now being sold for less.

Ms. Beehler stated that the goal of property tax is to produce accurate and equitable taxes. She would like to address the equitable part. It seems the commercial properties in the city are getting a larger percent of exemptions. Yet the residential is the majority of the property taxpayers. There is a discrepancy of 4 properties between what Assessor Shaw refers to as to what was published in the Messenger. If everyone paid their fair share at \$500 we would collect \$4,339,000. Per the brochure that was sent out, if we go by 10% of what the revenues are, we are collecting only \$3 million, according to the brochure. She questioned the discrepancy and where the equity comes in. The state is dictating that due to their requirements. Her question is: "My house is showing an increase in value over the 10% mark so, in order to keep the property taxes the same, how many mills would the city have to come down? So, how many mills would you have to reduce your budget by in order to keep our property tax at a level that is not increasing by more than our paycheck?" We do not see a 10-20% increase in pay so a 3% would probably be more reasonable.

Page Larson came forward and stated that he has 2 different properties. One is a rental property in downtown that is commercial and within the last year and then this year; it has gone up over 206%. Our income is driven solely on the money we make off those rentals. If he was to raise rent 206% the people would be fleeing out of there. He gave examples of other residents who received huge valuation increases last year. He said that these are huge increases. Bismarck and Mandan are support cities, but the market is not here anymore due to the oil industry going down. But the prices keep going up. He has another property that went up 46% in the last 2 years.

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Assessor Shaw had a clarification on something Mr. Larson said. The property owner that complained last year that received a 300% increase in his valuation was on a vacant lot that went from \$2,000 to \$5,000 which would account for the large increase. That will go to all of the vacant lands that were undervalued according to what they are selling for. So those adjustments have to be made accordingly to be fair and equitable. Another re-assessment was done and adjustments were made. When requested, she stated that the Assessor Office will do reevaluations according to sales. The 2016 sales market will not be reflected until 2017 when they have collected the whole year's sales data. So they are always a year behind in the evaluations as far as what the market does because they use the prior year sales for the current year's values. That's according to the ND state law.

Eileen Ereth came forward and stated that her property was newly annexed. She referred to the lots stating that in 2015 each lot had a value of \$5,000 and now each lot is \$10,000. It says the reason for increase is sales market increase. She cannot sell those lots. There is no water, sewer, nor fire services. She questioned why they are that high.

Joel Newgard, 400 Division Street Northeast, came forward and stated that his property went up approximately 21%. He objects to that because he's talked to a number of commercial real estate agents who said that in 2015 the property has gone flat. They indicated that there should be zero change if any change. He also questioned the information in the Property Tax brochure regarding the fact that it shows Williston and Dickinson having lower property taxes than we do. They have been in the oil boom for many years. How can their property taxes be lower than ours if the State says we have to follow these rules? Assessor Shaw responded that if you look on the graph of cities, it shows the tax evaluation and population for Williston as compared to Mandan. So their taxable evaluation is higher. Their city mills are lower than Mandan or of any other of the cities listed.

Julie Haibeck came forward and stated she is voicing concern with her brother for their mother's property and also her husband's property, the Scooter Shack on the Strip, which went up a lot, too. She inquired what cuts the city is making in comparison to other governmental agencies making cuts. She asked what would happen if they increased their rental fees and the tenants move out. Where would the city get the money from then? In addition, as we get older, are the younger people going to do pay it? We have to look to the future and what we're leaving for those that take over the businesses. You need to give them a reason to stick around.

Commissioner Rohr commented that with regard to the cost of services that keep going up, part of the issue is the expectation from the citizens is to have more services such as police and fire protection services, better roads, and the inflationary costs when getting bids for projects and when oil goes up, everything goes up tremendously. During budget the key items are to maintain the level of services and the expectations of the citizens is a tough balancing act. The City has to make sure the property taxes are put to the best use to provide what citizens want for services.

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Commissioner Laber stated that if anyone has an issue with a valuation and you have had a recent appraisal done you need to sign up and provide that to Assessor Shaw to review your property and adjust accordingly to state statute if need be.

Assessor Shaw indicated that she has a book that contradicts the information that the market for 2015 was at a standstill, or properties weren't selling. In our study, pre-existing homes sold at the highest rate. New construction homes did see a slowdown from our study, but it's all the existing homes that were selling at a higher increase. The market for 2015 has to be followed. She encouraged anyone to contact her for a review if they wish.

Susan Beehler commented that the City Commission has control over expenditures and the brochure indicates that between 2013 and 2015 expenditures went up 22%. Revenue went up 23% but the taxpayers did not get any of the revenue that came in. Sales tax can go for property tax relief and the city can lower tax rates by using that. The City can control that, not the county or park. This is comparing the brochures comparisons of 2013-2015.

Paul Keidel of the Keidel South Heart Terrace south of Mandan came forward to speak. He said he had 2 parcels that had tax increases, one on the south side of 19<sup>th</sup> Street that needs to be taken care of. On the north side, in 2007, the First Addition was annexed. Everything annexed there was plotted. Nothing was built until 2008 at which time the developer decided not to build on part of the property. Currently there is a drainage system that was developed into our property without us even knowing it. There is no drainage plan and there's no drainage plan developed by Toman Engineering. The whole addition was accepted by the City of Mandan. There are no services and there is no access. It is vacant land with a ravine down the middle of it. There is now a drainage channel to collect the water. There is no access to 19<sup>th</sup> Street and we have a \$92,000 assessment on that property for utilities going up 19<sup>th</sup> Street. He requested further discussion on this property.

Assessor Shaw stated that Mr. Keidel did call the Assessor's Office and it was reviewed and he is aware of that and the adjustments have been made.

Page Larson came forward again and asked if the Commission is aware of a large equipment company on Industrial Drive in which all the employees had to take a 10% pay cut? Due to the drop in the oil industry those employees had to take the pay cut. In regards to school taxes, he inquired if the City has considered dropping the school taxes for those over 60 or 65 when they retire?

Commissioner Tibke asked City Attorney Brown who would address that decision on dropping school taxes? Attorney Brown replied that Assessor Shaw said that our assessments are set according to the State of North Dakota and changes would have to come from the legislature not the local level. The School District could not exempt property because you are a certain age. That would be an action by the legislature.

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Commissioner Tibke highly recommended contacting your legislative representative if you are interested in pursuing such action.

Erin Thomas stated she is present because her property taxes went up from \$290,000 to \$356,000 and Assessor Shaw stated she will come out to look at property and perhaps reassess accordingly for this year.

Mayor Van Beek asked for any further comments from the audience. A second invitation was extended to come forward to comment. Hearing none, this portion of the meeting was closed.

Commissioner Laber moved to accept the 2016 City of Mandan Board of Equalization Report and assessments as determined by the City Assessor's Office as presented. Commissioner Braun seconded the motion.

Mayor Van Beek encouraged anyone who would like a reassessment done or have a clarification on your assessment, to sign the sign-up sheet. He stated that before any changes can be made by the Commission, the property owners must make contact with the Assessor's Department for a full review. Any changes made after today will be submitted to the Morton County Tax Director's Office and added to the June 9, 2016 meeting to be held at 5:30 p.m. and the County Board of Equalization will make the final rulings.

Commissioner Tibke highly recommended contacting your legislative representative if you are interested in pursuing any action. It will have to be teamwork amongst the Commission and the taxpayer/resident.

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

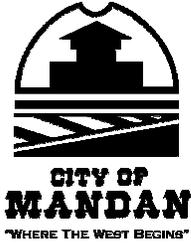
There being no further action to come before the Board, Commissioner Braun moved to adjourn the City Board of Equalization meeting. Commissioner Laber seconded the motion. The motion received unanimous approval of the members present. The meeting adjourned at 8:00 p.m.

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Shirley Shaw,  
City Assessor

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Arlyn Van Beek,  
Mayor, Mandan Board of Equalization



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 3, 2016  
**PREPARATION DATE:** April 29, 2016  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Robert Decker, P.E., Principal Planner  
**SUBJECT:** Consider for approval Lakewood Commercial Cove First Addition First Replat

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STATEMENT/PURPOSE:

This request is to replat this six lot subdivision to adjust lot lines to provide space for garage additions.

BACKGROUND/ALTERNATIVES:

This is a small portion of the development known as Lakewood Commercial Park Second Replat.

This property is located on the west side of 46<sup>th</sup> Ave. SE opposite Raging Rivers Water Park.

By adding garage space there will be additional available parking on each lot.

This request meets the requirements contained in Mandan Municipal Code Sec. 109-2-2 Minor subdivision procedures.

ATTACHMENTS:

1. Aerial photo
2. Building footprints
3. plat

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

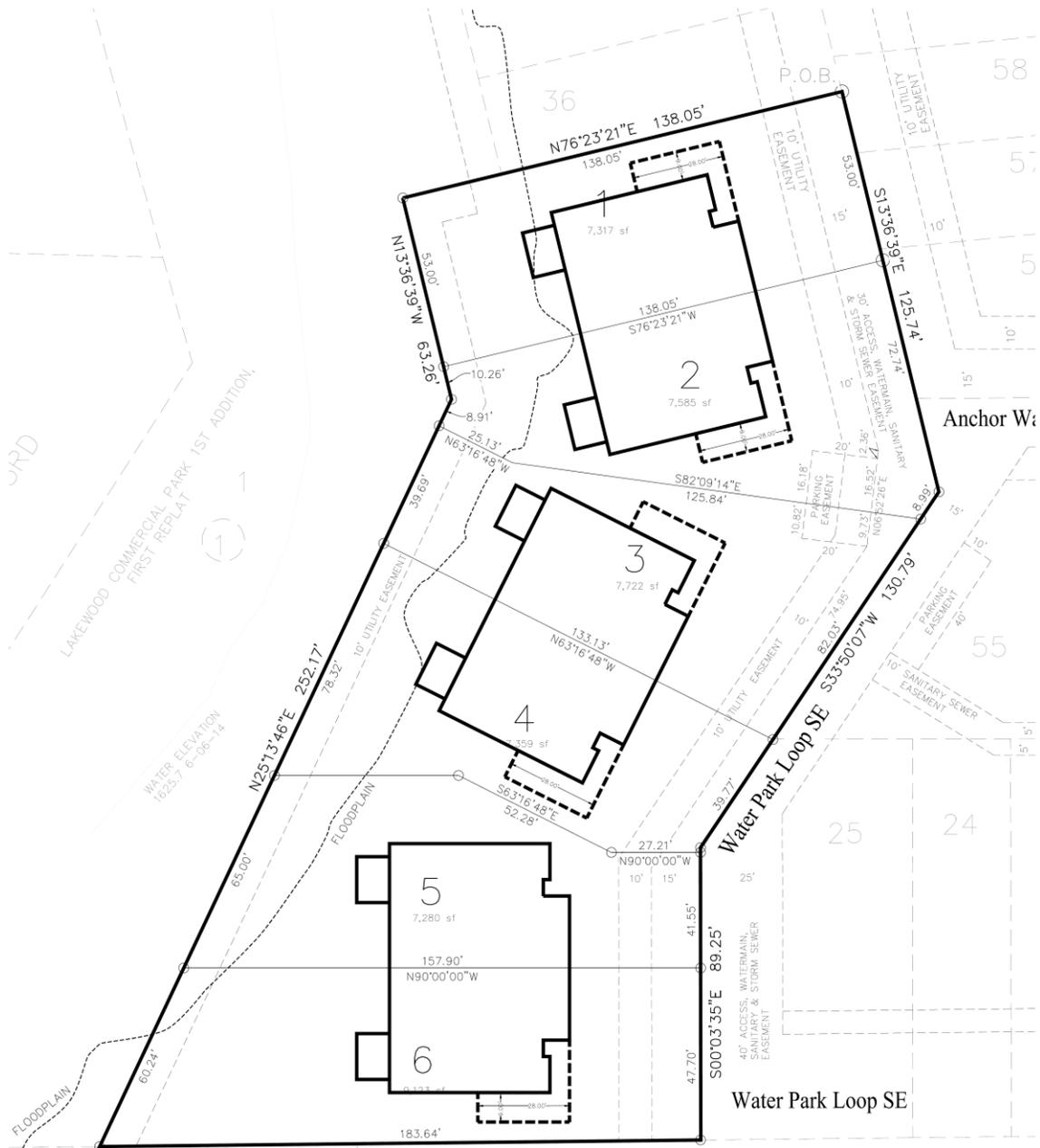
RECOMMENDATION:

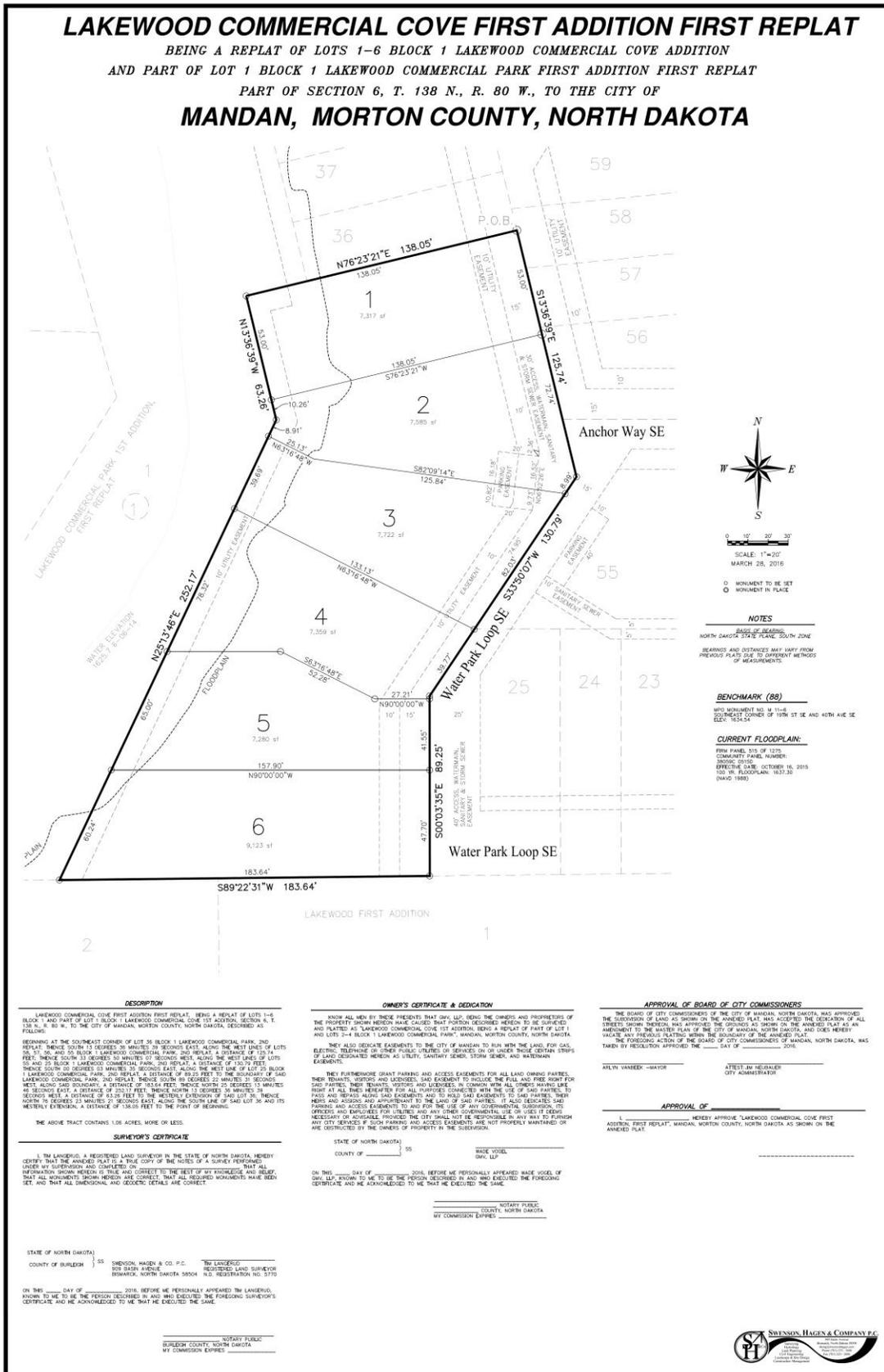
Recommend approval.

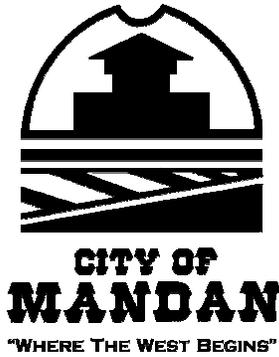
SUGGESTED ACTION:

Move to approve plat of Lakewood Commercial Cove First Addition First Replat.









## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 3<sup>rd</sup>, 2016  
**PREPARATION DATE:** April 15<sup>th</sup>, 2016  
**SUBMITTING DEPARTMENT:** Police Department  
**DEPARTMENT DIRECTOR:** Jason Ziegler  
**PRESENTER:** Jason Ziegler  
**SUBJECT:** Out of State Training

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**STATEMENT/PURPOSE:** Seeking authorization for Lt Pat Haug to attend the National SWAT Conference in Louisville, Kentucky August 14<sup>th</sup> – August 20<sup>th</sup>, 2016.

**BACKGROUND/ALTERNATIVES:** The Mandan Police Department is part of a multi-jurisdictional Swat Team that is responsible for tactical deployments that are beyond the capacity of field officers. Lt. Pat Haug has been an active member of the team for several years and he is currently serving in a leadership role with the team. This conference will allow him to attend a variety of leadership training sessions that will assist him with his role on the team.

As a member of the West Dakota SWAT Team, the Mandan Police Department contributes approximately \$6,000 on an annual basis for the general operation of the team, training and equipment. All expenses for this conference will be paid by the team.

**ATTACHMENTS:** None

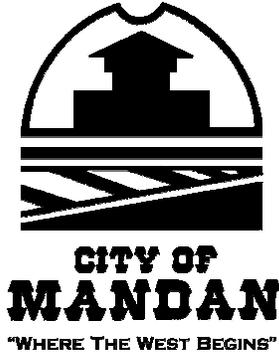
**FISCAL IMPACT:** None

**STAFF IMPACT:** None

**LEGAL REVIEW:** None

**RECOMMENDATION:** Recommend the approval of out of state travel/training.

**SUGGESTED MOTION:** I make a motion to approve out of state travel for Pat Haug for the purpose of attending the National SWAT Conference in Louisville, Kentucky from August 14<sup>th</sup> – August 20<sup>th</sup>, 2016.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 3, 2016  
**PREPARATION DATE:** April 19, 2016  
**SUBMITTING DEPARTMENT:** Police Department  
**DEPARTMENT DIRECTOR:** Chief Jason Ziegler  
**PRESENTER:** Chief Jason Ziegler  
**SUBJECT:** Out of state travel request

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**STATEMENT/PURPOSE:** Consider approval of out-of-state travel for Police Officer David Raugust to attend PRW Advanced Sniper Scenarios training in Fairplay, Colorado on November 3-6, 2016.

**BACKGROUND/ALTERNATIVES:**

Annual training is required for Mandan Police Officers who are assigned to the regional West Dakota SWAT Team. This year the SWAT team has elected to send its marksmen to PRW Advanced Sniper Scenario training to advance their skills and comply with annual training requirements. The training will be held at various locations in Fairplay Colorado. This type of training is not found locally, which makes travel necessary. The Police Department would like to send Officer David Raugust to this training November 3-6, 2016.

**ATTACHMENTS:** None

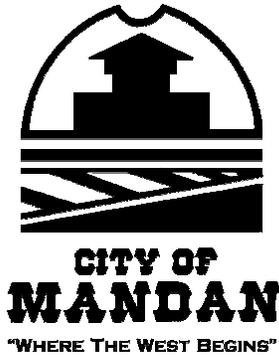
**FISCAL IMPACT:** No fiscal impact known at this time, all expenses will be paid by the West Dakota SWAT Team.

**STAFF IMPACT:** None

**LEGAL REVIEW:** None Needed

**RECOMMENDATION:** I recommend sending Dave Raugust to this training.

**SUGGESTED MOTION:** Move to allow Officer David Raugust to travel for training in Fairplay Colorado November 3<sup>rd</sup>-6<sup>th</sup>, 2016.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 3, 2016  
**PREPARATION DATE:** April 29, 2016  
**SUBMITTING DEPARTMENT:** Planning and Engineering  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Justin Froseth, Planning and Engineering Director  
**SUBJECT:** Armed Forces Day Road Closure Request

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**STATEMENT/PURPOSE:** To consider allowing temporary road closure and restrictions for the 1<sup>st</sup> annual Armed Forces Day parade on May 21<sup>st</sup>.

**BACKGROUND/ALTERNATIVES:** Our office received a request by the organizers of the Armed Forces Day parade planned for May 21<sup>st</sup>. City staff, including engineering, police, and fire have met with the organizers and after discussion the group has asked to use 19<sup>th</sup> Street as a staging area with the parade starting at 19<sup>th</sup> St. and 46<sup>th</sup> Ave. SE where it will proceed to travel across the Memorial Bridge to Bismarck. The parade will not close off access to any properties. It will require a detour route however for eastbound traffic which will need to be set up at 40<sup>th</sup> avenue and detour traffic south to 21<sup>st</sup> Street and then east to 46<sup>th</sup> Avenue. Eastbound traffic wishing to cross the bridge to Bismarck will be rerouted to the Expressway bridge during the parade. The parade is scheduled to start at 10:00 AM. Registration numbers aren't finalized, organizer has verbally said the parade is expected to last a couple of hours.

As expressed to the organizers, this approval is contingent upon 1) The inclusion of a professional signage company to carry out the road restrictions and detour signage. 2) Written approval by the ND Highway Patrol to close the eastbound lanes of the Memorial Highway on the west side of 46<sup>th</sup> avenue, and the Memorial Bridge.

**ATTACHMENTS:**

- 1) E-mail from organizer's representative explaining the plans for the event.
- 2) Map of the closure request by the event organizer is pending.

**FISCAL IMPACT:** minimal

**STAFF IMPACT:** minimal

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

RECOMMENDATION: Approve of the road use restrictions and detour requests.

SUGGESTED MOTION: I move to approve of the Armed Forces Day parade road use restrictions and detour requests contingent on 1) Involvement of professional sign company 2) Written approval by the ND Highway Patrol Department.



Fri 4/29/2016 8:09 AM

Dakota Leathernecks <dakotaleathernecks@gmail.com>

Armed Forces Day Parade

To Justin J. Froseth

Cc Jason J. Ziegler; Cheryl Ann Kary

The Sacred Pipe Resource Council, Dakota Leathernecks Detachment of the Marine Corps League and the Bismarck AMVETS Post are planning an Armed Forces Day celebration with parade to cross Liberty Memorial Bridge, Saturday, May 21, 2016

The parade is to begin at 10:00 AM departing 19th street SE (staging area) heading to 46th Avenue, to Memorial Highway across Liberty Memorial Bridge to Memorial Highway and down to Sertoma Park in which it will be disbursed for various speakers and a feed. The event is open to the public and will highlight various Veterans and Veteran Service Organizations.

Logistical requirements for this event will request city/county/state assets to assist in routing traffic closure of a portion of 46th Avenue, from 19th street to Memorial Highway to North and Southbound traffic. Traffic could be diverted to I-94 to McKenzie Drive OR Memorial Highway to 40th Avenue to the proper east/west access roads.

Additional assets are requested to block Memorial Highway eastbound at 46th Avenue to accommodate the parade activity. Coordination is in place with Mandan Police and ND Highway Patrol.

The parade staging area will be along the north side of 19th Street SE, facing east. Parade entries will be directed to access the staging area from 40th Avenue; allowing them to be facing the proper direction for parade start.

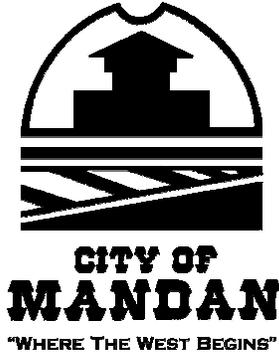
Parade is planned to begin at 10:00 AM and its duration is not fully known until registration numbers are finalized in Mid-May.

Imagery will be provided to the city commission late today (too many things going on today).

Primary contact for this activity is Ray Morrell (701-516-3539), Commandant of the Dakota Leathernecks Detachment and Parade chairperson of this Armed Forces Day Celebration

Thank you!

Dakota Leathernecks Detachment #1419  
Marine Corps League



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 3, 2016  
**PREPARATION DATE:** April 27, 2016  
**SUBMITTING DEPARTMENT:** Planning and Engineering  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Justin Froseth, Planning and Engineering Director  
**SUBJECT:** MPO Events' Road Closure Requests

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STATEMENT/PURPOSE: To consider allowing temporary road closures and parking modifications as outlined for five MPO (Mandan Progress Organization) events this year.

BACKGROUND/ALTERNATIVES: Our office received a request by the MPO to close roads and modify parking as outlined on the attached request submitted by the MPO. The events for which closures and modifications are requested for include:

- 1) Touch a Truck Event on May 21<sup>st</sup>
- 2) Buggies-n-Blues on June 11-12<sup>th</sup>
- 3) Mandan Rodeo Days on July 2-4<sup>th</sup>
- 4) Grill Fest on August 19-20<sup>th</sup>
- 5) OktoberFest on September 24<sup>th</sup>

These closure requests are consistent with what has been done in past years with the exception of an added event, "Touch a Truck". A meeting was held with city staff including representation from the Mandan Police Department, City Engineering, and MPO management with all agreeing to the plans as laid out in the attached document submitted by the MPO.

ATTACHMENTS:

- 1) Request from MPO and plans for each event with meeting notes
- 2) NDDOT Agreement for Long-Term Temporary Highway Closure

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

LEGAL REVIEW: n/a

RECOMMENDATION: Approve of of MPO events' road closure and parking modification requests.

SUGGESTED MOTION: I move to approve MPO events' road closure and parking modification requests and enter into agreement with NDDOT to do so.

411 West Main Street,  
Mandan, North Dakota 58554  
For More Information,  
701-751-2983  
www.mandanprogress.org



To: City Administrator Jim Neubauer  
Fr: Del Wetsch MPO Executive Director  
Re: Street Closures 2016

Jim,

The Mandan Progress Organization would like to request the following street closure for the year 2016.

May 21<sup>st</sup>, 2016 Touch a Truck Event Main Street Collins to 5<sup>th</sup> Ave NW and subsequent Ave. 1 thru 5<sup>th</sup>

June 12, 2016 Buggies-n-Blues Event Main Street 1<sup>st</sup> Ave NE to Main St West 5<sup>th</sup> Ave. subsequent Ave. 1 thru 5<sup>th</sup>

July 2-3-4, 2016 Mandan Rodeo Days Main Street 300 and 400 blocks West

August 20<sup>th</sup>, 2016 Wild West Grill Fest Main Street 400 block West

September 24<sup>th</sup>, 2016 Oktoberfest Mandan Main Street 400 block West

November 27, 2016 Santa Arrival Main Street 300 block West

Thank you,

Del Wetsch Executive Director

Justin -

- Dates to get  
ND DOT Approval  
for Main St

+ could take to  
City Commission  
Jim

MAKING A DIFFERENCE!



- DIVISION 1/2 CLOSED FOR SLIDE THE CITY.
- SIGNING THE SAME AS FOR BUGS & BUES.
- RAY MORELL CLOSURE REQUEST @ 46<sup>TH</sup> & MEM. HWY.

TOUCH A TRUCK STREET CLOSURES

- AGREE CONTINGENT UPON PROPER INSURANCE IN PLACE.

Members of the Mandan City Commission:

The Mandan Progress Organization and Bartlett and West Engineering are sponsoring the 1<sup>st</sup> Touch a Truck event on Saturday, May 21<sup>st</sup> 2016 from the hours of 11:00 a.m. to 4:00 p.m.

For that we are requesting the following street closures and items:

POSTING OF NO PARKING SIGNAGE

Posting of 'NO PARKING' signage from Collins Ave. West to 6th Ave. NW on Main Street

Posting of "NO PARKING" signage on 1st, 2<sup>nd</sup> 3rd, and 4<sup>th</sup> Ave's NW up to the alleys.

Posting of "NO PARKING" signage on city parking lots West of American Bank Center and West of Hirsch Floral including the Heritage Park parking lot.

"NO PARKING" signage should be posted Friday afternoon prior to the Saturday May 21<sup>st</sup> event.

"NO PARKING" is requested from 2:00 a.m. on the morning of Saturday May 21 to 5:00 p.m. Saturday May 21<sup>st</sup>.

Stop Signs posted on the corners of 3<sup>rd</sup> Ave. NW. Making it a 4 way stop.

SIGNAGE: City shop will provide detour, merging traffic, no parking signs and stop signs.

Mandan Police Department to provide stick cones and barrels to block off corner of Collins and Main St. West to and including blocking off Main St. at the corner of 6<sup>th</sup> Ave. NW .

Request for the Mandan Police Department to notify patrons that have rented parking spaces in the designated city lots West of American Bank Center and Hirsch Floral including the Heritage Park parking lot. Mandan Touch a Truck Committee will cover the costs of notifications.

Mandan Police Dept. to assist with the removal of parked cars in the "NO PARKING Zones" designated for Saturday, May 21 2016.

Touch a Truck committee will assist the Mandan Police Dept. in setting up traffic cones and barrels to block off designated streets starting at 7:00 a.m. the morning of Saturday May 21<sup>st</sup>. we will meet at the parking lot West of the Morton Mandan public library and begin blocking Main St. from West to East including the Ave's .

Main Street and all Ave's should reopen to traffic by 5:00 p.m. Saturday May 21<sup>st</sup>.

The Touch a Truck committee will also ask for city and county assistance is hauling in a sand pile in a parking lot designated and culverts in a parking lot designated for kid's activities.

We thank you for the consideration of the request and bringing this new event to the community.

We also thank you for all the assistance we receive for putting on the events in Mandan.

RAY = SEPT. 10<sup>TH</sup> EVENT.

Del Wetsch

Mandan Progress Organization

Amber Larson

Bartlett and West Engineering

CLOSURE REQUEST INCLUDES  
EAST BOUND MEMORIAL BRIDGE

RAY MORRIS = ARMED FORCES DAY. MAY 21<sup>ST</sup>

- 46<sup>TH</sup> = N. BOUND ONLY

- TALKED TO BISMARCK.

- NO CANDY DISPURSEMENT.

- PRESENTATIONS ALONG BRIDGE.

- END @ SEPTOMA, SHUTTLE BACK

- 8:00 - 11:123

- RAY WILL E-MAIL TO ME INCLUDING MAP

↳ AS OF 4-8-16, I HAVE NOT SEEN E-MAIL WITH  
EVENT DETAILS

Downtown Mandan

## Touch-a-Truck

---

Touch a Truck comes to Downtown Mandan in 2016

A new event is coming to downtown Mandan in 2016. The event is scheduled to be held on May 21 from 11:00 a.m. to 4:00 p.m.

Touch a Truck offers children an up close, hands-on opportunity to explore heavy machinery, safety vehicles and other cool trucks that one otherwise would not be able to experience close up as well as ask questions of the people that operate and own these machines.

The event is free to attend. Attendees are asked to bring a canned good as their admission. Goods will be donated to the Aid Incorporated Food Pantry.

To make this first year event successful we invite you to become a part of this family friendly community event by committing to one of the following sponsorship levels you will see attached in your packet on the following page.

In addition to monetary sponsors we are also seeking companies interested in bringing equipment and an operator to the event. Equipment operators are responsible for all transport of equipment and are required to be with the equipment during the event for safety purposes and to answer questions.

We hope to see you in downtown Mandan for this great family event in 2016.

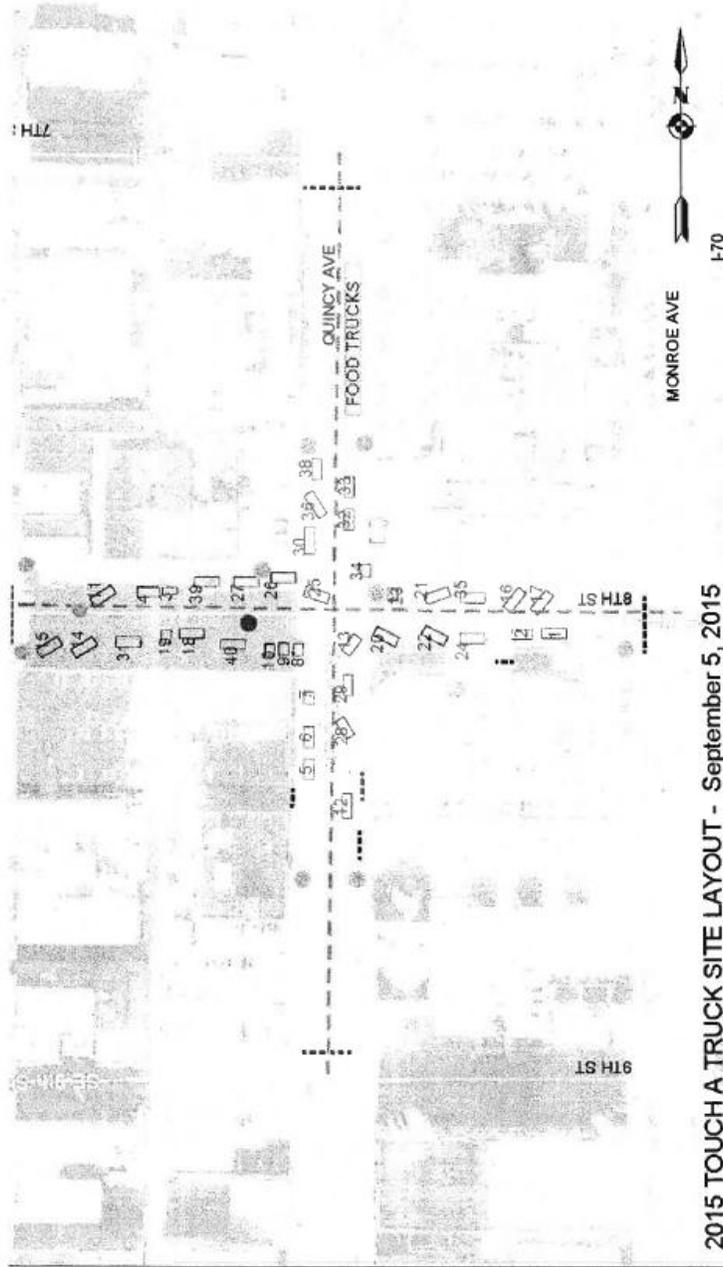
Respectfully

Del Wetsch

MPO Executive Director

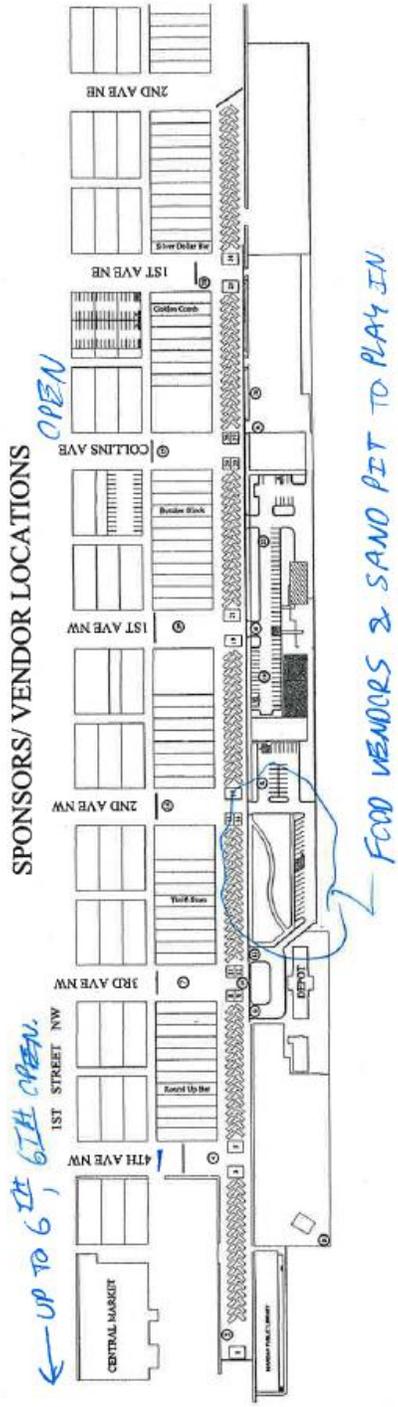
Amber Larson

Bartlett & West



2015 TOUCH A TRUCK SITE LAYOUT - September 5, 2015

- |  |   |                                      |
|--|---|--------------------------------------|
| 1. Fire Truck - City of Topeka         | 23. Skid Steer - Victor L Phillips        | 34. KTA Info Tent                    |
| 2. Antique Fire Truck - City of Topeka | 24. VLP Service Truck - Victor L Phillips | 35. BNSF Service Truck - BNSF        |
| 3. Police Car - City of Topeka         | 25. Large Crane - Sturgeon                | 36. GOS Kid Train                    |
| 4. Police Equipment - City of Topeka   | 26. Bucket Truck - Sturgeon               | 37. Bucket Truck - Cox               |
| 5. Street Sweeper - City of Topeka     | 27. Spool Truck - Sturgeon                | 38. Covered Wagon - SNCO             |
| 6. Signal Truck - City of Topeka       | 28. UPS Truck - UPS                       | 39. Ambulance - AMR                  |
| 7. Smart Car - City of Topeka          | 29. Service Truck - Foley                 | 40. Concrete Truck - Concrete Supply |
| 8. Large Mower - Schendel              | 30. Book Mobile - TSCPL                   |                                      |
| 9. Sprayer Truck - Schendel            | 31. Atec Truck - Westar                   |                                      |
| 10. Skid Loader - Schendel             | 32. Dumptruck/Plow - KTA                  |                                      |
| 11. Harvester - Bucar Truck            | 33. Safety Assist Veh - KTA               |                                      |
| 12. City Bus - TMTA                    |   |                                      |
| 13. Wheel Loader - Foley               |   |                                      |
| 14. Trash Truck - SNCO                 |   |                                      |
| 15. Recycling Truck - SNCO             |   |                                      |
| 16. Semi Tractor - MHC                 |   |                                      |
| 17. Semi Tractor - MHC                 |   |                                      |
| 18. Komatsu Motor Grader - Herrmanns   |   |                                      |
| 19. Skid Loader - Herrmanns            |   |                                      |
| 20. Loaders - WJ Tech                  |   |                                      |
| 21. Semi Tractor - WJ Tech             |   |                                      |
| 22. Back Hoe - Victor L Phillips       |   |                                      |
- 
- |       |            |
|-------|------------|
| ----- | BARRICADES |
| ----- | FIRE LANE  |
| ●     | SAND       |
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BUGGIES-N-BLUES STREET CLOSURES

March 1st, 2016

Members of the Mandan City Commission:

The Musician's Association and the Mandan Progress Organization are sponsoring the 23<sup>rd</sup> Annual Buggies-n-Blues on Saturday, June 11 and Sunday June 12<sup>th</sup> 2016.

For that we are requesting the following street closures:

POSTING OF 'NO PARKING SIGNAGE'

\*POSTING and REMOVING OF "No Parking" signage from 3<sup>rd</sup> Ave. NW to 1st Ave NE to the alley

\*Posting of 4<sup>th</sup> Ave NW to 1<sup>st</sup> St. NW

\*Posting of no parking on Main Street from the 200 block East Main to the 500 block of West Main

\*Posting of no parking on parking lots West and East of American Bank Center and Papa Murphy's Building. Permission has been given by American Bank Center for the East lot on their property.

\*No parking signs should be posted prior to Saturday, June 11<sup>th</sup> "No Parking" is requested from 2:00 a.m.

Sunday June 7<sup>th</sup> until the removal of barricades from Main Street on Sunday by 6:00 p.m.

SIGNAGE

\*City Shop will provide detour, merging traffic, no parking signs and stop signs.

\*Police department to provide stick cones and barrels.

REQUEST FOR MANDAN POLICE DEPARTMENT:

Notify patrons that have rented parking spaces in city provided lots not to park in those areas during the requested times. Buggies-n-Blues will cover the cost of the notifications.

SATURDAY, June 11<sup>th</sup>

Provide a police escort on Saturday night for the Parade of Classic Cars. Parade will leave the Brave Center at 8:00 p.m. proceed down 6<sup>th</sup> Ave. NW onto Main Street going East to Burger King.

\*To assist with removal of parked cars on the "NO Parking Zones" starting after 2:00 a.m. Sunday  
SUNDAY, JUNE 12<sup>TH</sup>

\*Provide traffic cones and barrels to block off Main St. and side Avenues by 6:30 a.m. Meet at M&H  
parking lot west side of building. Buggies-n-Blues committee to assist.

\*To assist in the blocking the streets and traffic control on Sunday at 6:30 a.m. and in the reopening of  
the streets at 6:30 p.m. on Sunday.

We thank you for the consideration of the request and for all the assistance given in the previous years.

Vern Cermak

Buggies-n-Blues Co-chair

Del Wetsch

Buggies-n-Blues Co-chair

- FLAG DAY = JUNE 11<sup>TH</sup> WALK FROM EAST TO WEST ALONG  
MEM. FOR 40 MINUTES. 1 OR 2 LANES  
10-10:40

March 1<sup>st</sup> 2016

MANDAN RODEO DAYS STREET CLOSURES

- BETTER NOTICE FOR RED WING FOR PARADE  
- RUNNERS = 8-9:30

To: Mandan City Commission  
Fr: Mandan Rodeo Days Committee  
Re: Street Closing and Parking Lot Requests

The Mandan Rodeo Days Committee consisting of the Art in the Park, Parade and Rodeo would like to request the assistance of the city commission for the following Street closures held in conjunction with the Mandan Rodeo Days Celebration.

- \*closing the 300 and 400 blocks of West Main Street on Saturday, July 2<sup>nd</sup> at 6:30 a.m. thru Monday, July 4<sup>th</sup> at 8:00 p.m. Closing of ½ block from alley to Main St. On 3<sup>rd</sup> Ave. NW Security Guards will open streets at 2:00 a.m. Saturday and Sunday nights. Streets will remain closed during Art in the Park hours.
- \*Stop sign placement at the corners of the 300 and 400 blocks of 1<sup>st</sup> Street NW from July 2<sup>nd</sup> thru July 4<sup>th</sup>.
- \*No parking signage on Main Street from 1:00 a.m. on the morning of July 4<sup>th</sup> until the completion of the July 4<sup>th</sup> parade. The Rodeo Days Road Race begins at 8:00 a.m. in front of the Mandan Depot. Registration begins at 7:00 a.m. The Road Race will proceed down Main Street East to Burger King and then back to 10<sup>th</sup> Ave. NW, before finishing in front of the Depot. Main Street needs to be shut down at 8:00 a.m. for the Road Race, Diva Dash begins at 9:00 a.m. in front of Burger King, Car Parade and July 4<sup>th</sup> parade which starts at 10:30 a.m. on the Strip at Dakotah Centennial Park and ends at approximately at 1:00 p.m. at 10<sup>th</sup> Ave. NW,
- \*Secure parking lot on West Side of Papa Murphy's for food vendors, Sign both lots with NO PARKING signage midday on July 1st along with the Heritage Plaza parking lot and city lot.
- \*Assistance at closing Main Street 300 and 400 blocks on the morning of July 2<sup>nd</sup>. for Art in the Park setup. Close streets at 6:30 a.m. with police assistance. Block off from Alley on 3<sup>rd</sup> Ave. NW South to Main St. with street closed sign.
- \*Deliver 2 detour signs, an east and west merging traffic signs, 9 no parking signs, a street closed sign for 3<sup>rd</sup> Ave. NW to be placed at the alley to close off the ½ block 6 barricades, and 2 stop signs at the 300 and 400 corners of 1<sup>st</sup> St NW. 5 no parking sign to old Central Market parking lot. Deliver signage by Tuesday, June 28th
- \* Committee will set up a meeting with Police Jason Zeigler and Paul Leingang and City Shop Director Jeff Wright to work out the drop placement of street signage.

On behalf of Mandan Rodeo Days committees we wish to thank the city of Mandan and all its departments for all their help and assistance in bringing the Rodeo Days event to Mandan.

Sincerely,

Del Wetsch Mandan Progress Organization  
Bruce Schirado Rodeo Chairman

Scott Volkert Art in the Park  
Risa Berquist / Dennis Friesz Parade

Wild West GrillFest STREET CLOSURE

To: Mandan City Commission

Fr: Del Wetsch

RE: Street closure

The GrillFest Committee would like to request the following street closure for the 7th annual Wild West GrillFest . The event will be held August 19 and 20th, 2016 in Dykshoorn Park.

\*Request to block off the 400 block of Main Street West on Saturday, August 20th from 7:00 a.m. to 6:00 p.m. for the Farmers Market and kids activities.

\*City shop to deliver by August 17th<sup>h</sup>merging left and right traffic signs and detour signs to the area.

\* Mandan Police Dept. to provide barrels and merging traffic cones on Saturday morning August 20<sup>th</sup> at 7:00 a.m. to block the 400 block off until 6:00 p.m. that evening.

Thank you for consideration and assistance in this community event.

Vern Cermak

Co- Chair

Del Wetsch

Co-chair

OKTOBERFEST STREET CLOSURE

To: Mandan City Commission

Fr: Del Wetsch

RE: Street closure

The Oktoberfest Committee would like to request the following street closure for the 3<sup>rd</sup> annual OktoberFest . The event will be held September 24th, 2016 in Dykshoorn Park.

\*Request to block off the 400 block of Main Street West on Saturday, September 24 from 7:00 a.m. to 6:00 p.m. for the Farmers Market and kids activities.

\*City shop to deliver by September 23<sup>rd</sup> merging left and right traffic signs and detour signs to the area.

\* Mandan Police Dept. to provide barrels and merging traffic cones on Saturday morning September 24 at 7:00 a.m. to block the 400 block off until 6:00 p.m. that evening.

Thank you for consideration and assistance in this community event.

Vern Cermak

Co- Chair

Del Wetsch

Co-chair

NDDOT Contract No. 61160658

**North Dakota Department of Transportation  
AGREEMENT FOR LONG-TERM TEMPORARY HIGHWAY CLOSURE**

In consideration of the mutual covenants contained herein, it is hereby agreed by and between the North Dakota Department of Transportation (NDDOT), whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and the City of Mandan, whose address is 205 2<sup>nd</sup> AVE NW, Mandan, ND 58554, as follows:

1. NDDOT hereby grants consent to the City to close any state highway within the City's jurisdiction. Each highway closure shall be reopened immediately after the conclusion of each event.
2. The City shall, within 48 hours of the anticipated closure, verbally notify and obtain the approval of the District Engineer.
3. The attached Risk Management Appendix is hereby incorporated and made a part of this agreement.
4. The City will obey and enforce all federal, state, and local laws.
5. The City shall set up a proper, adequate and safe closure and detour. The City shall be solely responsible for planning, constructing, maintaining, policing, and tearing down the closure and detour. All signing required for the closure and detour must meet the requirements of the Manual on Uniform Traffic Control Devices. The City agrees to inspect those portions of the highway to be used for activities associated with the highway closure.
6. The City acknowledges that the NDDOT has no duty to and will not provide for the supervision of activities associated with the highway closure.
7. The City shall return the segment of highway to substantially the same condition it was in prior to the closure and detour.
8. This agreement constitutes the entire agreement between the parties. No waiver consent, modification or change of terms of this agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. The City, by the signature below of its authorized representative, hereby acknowledges that the City has read this agreement, understands it, and agrees to be bound by its terms and conditions.
9. The terms of this agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by the parties.
10. Notwithstanding any rules regarding the choice of law or venue, it is agreed by the parties that this agreement shall be governed by and construed in accordance with applicable Federal Law and the laws of the state of North Dakota, at the time this agreement was executed. All disputes arising from this agreement shall be brought in the South Central District Court of the state of North Dakota.



11. This agreement may be terminated by the mutual consent of both parties, or by either party upon 30 days' notice, in writing, and delivered by certified mail or in person. In addition, NDDOT reserves the right to terminate this agreement, with or without cause, upon written notice.
12. This contract shall be effective when signed by all parties and shall terminate on 12/31/2016.



EXECUTED the date last below signed.

**APPROVED:**

\_\_\_\_\_  
CITY ATTORNEY (TYPE OR PRINT)  
  
\_\_\_\_\_  
SIGNATURE  
  
\_\_\_\_\_  
DATE

City of \_\_\_\_\_  
  
\_\_\_\_\_  
NAME (TYPE OR PRINT)  
  
\_\_\_\_\_  
SIGNATURE  
  
\_\_\_\_\_  
TITLE  
  
\_\_\_\_\_  
DATE

**ATTEST:**

\_\_\_\_\_  
CITY AUDITOR (TYPE OR PRINT)  
  
\_\_\_\_\_  
SIGNATURE  
  
\_\_\_\_\_  
DATE

\*Mayor or President City Commission

**NORTH DAKOTA  
DEPARTMENT OF TRANSPORTATION:**

\_\_\_\_\_  
DIRECTOR (TYPE OR PRINT)  
  
\_\_\_\_\_  
SIGNATURE  
  
\_\_\_\_\_  
DATE

**APPROVED as to substance by:**

\_\_\_\_\_  
DISTRICT ENGINEER (TYPE OR PRINT)  
  
\_\_\_\_\_  
SIGNATURE  
  
\_\_\_\_\_  
DATE

CLA 1074 (Div. 70)  
L.D. Approved 8-27-15



## Risk Management Appendix

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

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

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

**Governments** – State and Government Entity, as defined above

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

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

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

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

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

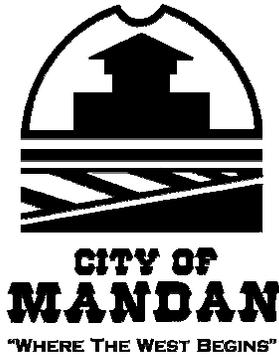
Defend, indemnify, and hold harmless the Governments, its agencies, officers and employees, from and against claims based on the vicarious liability of the Governments or its agents, but not against claims based on the Government's contributory negligence, comparative and/or contributory negligence or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

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

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

RM Consulted 2007  
Revised 5-09





## Board of City Commissioners

### Agenda Documentation

MEETING DATE: May 3, 2016  
PREPARATION DATE: April 25, 2016  
SUBMITTING DEPARTMENT: Public Works  
DEPARTMENT DIRECTOR: Jeff Wright  
PRESENTER: Jeff Wright, Public Works Director  
SUBJECT: Change Order for additional Storm Sewer work on the water main replacement project.

---

#### **STATEMENT/PURPOSE:**

Change Order for equipment and labor to upgrade 380 LF of 12" clay tile storm sewer to 18" that is adjacent to the new water main. The equipment and labor cost is estimated at \$27,500.

#### **BACKGROUND/ALTERNATIVES:**

The location of the new water main on 4<sup>th</sup> Ave NE runs adjacent to the old storm sewer and would be exposed the whole way while replacing the water main, it only makes sense to replace it now while the road is already dug up. The contractor will be able to replace both pipe as he moves up the street. Originally the water main was going to be on the other side of the street and upgrading the storm sewer would have been part of the proposed street improvement project next year, but complications required us to move the water main to this location and this is the opportunity to upgrade the pipe to a larger size and complete the storm water system on 4<sup>th</sup> Ave NE. The City Change Order Policy gives City Administrator Neubauer final change order authority if under \$50,000, and the change order shall be placed on consent agenda for your information subsequent to the approval.

**ATTACHMENTS:** Estimate from Markwed, change order

**FISCAL IMPACT:** The cost of this storm sewer upgrade will be funded by CIP funds for sewer improvements. The fund can support this project.

**STAFF IMPACT:** N/A

**LEGAL REVIEW:** City Change Order Policy has been followed.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 3, 2016

Subject: Change Order for additional Storm Sewer work on the water main replacement project.

Page 2 of 3

---

**RECOMMENDATION:** This is an informational item only, no action is required by the Commission.

**SUGGESTED MOTION:** This is an informational item only, no action is required by the Commission.

Markwed Excavating, Inc.

3555 93<sup>rd</sup> St SE

Bismarck N.D. 58504

4/26/2016

Re: storm sewer removal and replacement on 4<sup>th</sup> Ave NE from 2<sup>nd</sup> St NE to 3<sup>rd</sup> St NE.

City of Mandan Public Works

Attn: Jeff and Dave

This is a lump sum quote to install the 18 inch storm sewer provided by Public Works along 4<sup>th</sup> Ave NE from 2<sup>nd</sup> St NE to 3<sup>rd</sup> Ave NE including the two connections at the manholes.

Note: Markwed is unsure of the two inlets that are between these two manholes so additional compensation may be needed if they wye into this run of pipe.

Lump Sum:

\$27,500.00

Please sign and return for acceptance:



Payment to be made in full upon completion.

Respectfully Submitted,

Markwed Excavating, Inc.

**CONTRACT CHANGE ORDER FORM**

**DEPARTMENT**

Contract between the City of Mandan and Markwed Excavating

Contract Number: N/A Change Order Number: 1

Project/Subproject: Watermain Replacement Project Original Contract Amt: \$260,000

Project Description: Upgrade 380 lf of storm sewer on 4<sup>th</sup> Ave NE

Previous Contract Amount: N/A

Change Order Amount: \$27,500 for equipment and labor

Original Contract Date: 3/15/2016 Change in Contract Timeline: No

Within Project Scope: No Within Project Funding: No

Type of Change Order:

Non Design-related Change Order: These change orders include unforeseen conditions, code-related issues, and building inspector changes.

Design-related Change Order: These change orders include unforeseen conditions that affect the appearance, layout, functionality, dimensions, and/or quality of the project.

Emergency Field Condition Change Orders: These change orders include any condition that causes an emergency situation where safety or other immediate losses may occur.

Other: \_\_\_\_\_  
(describe)

Project Manager (Department Head) Signature (<\$25,000): N/A \_\_\_\_\_  
Date

**ADMINISTRATION**

City Administrator Signature (<\$50,000):  \_\_\_\_\_  
Date 4-29-16

Add to Commission Consent Agenda

**COMMISSION APPROVAL**

Commission Approval Date: \_\_\_\_\_

Attach Minutes for Commission Approval

**Fiscal**

Comments: Sewer Improvement CIP funds will be used to cover this change order

**TO ALL DEPARTMENTS:** Please attach a copy of the change order.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 3, 2016  
**PREPARATION DATE:** April 29, 2016  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Robert Decker, P.E., Principal Planner  
**SUBJECT:** Consider for approval Lakewood 8th Addition  
First Replat

---

STATEMENT/PURPOSE:

This request is to replat 20 lots into 26 lots.

BACKGROUND/ALTERNATIVES:

The proposal is to adjust the plat to allow construction of smaller footprint houses to provide more housing options with a wider range of prices.

This is a newly developing area and no houses have been built in this area yet.

The Planning and Zoning Commission voted unanimously at their April 25, 2016 meeting to recommend approval of the replat.

Agenda item Resolutions and Ordinances No. 2 is the rezoning that accompanies this replat.

ATTACHMENTS:

1. plat

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION:

Recommend approval.

SUGGESTED ACTION:

Move to approve final plat of Lakewood 8<sup>th</sup> Addition First Replat.



CITY OF MANDAN

SUNDAY ALCOHOLIC BEVERAGE PERMIT

Date of Application: 4-25-16

Name of Licensee: Mandan Moore

Address of Licensee: 111 11<sup>th</sup> Ave NE

Address of public facility if used: \_\_\_\_\_

State the purpose of organization: festival - Having a benefit for members. They would like to have bar open.

Date(s) of requested Sunday(s): June 12<sup>th</sup>

Time of day which the applicant desires the permit to be in effect: 12-8pm

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

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

If applicable, estimated number of police officers necessary to provide security at the dance to be open to the public: 0

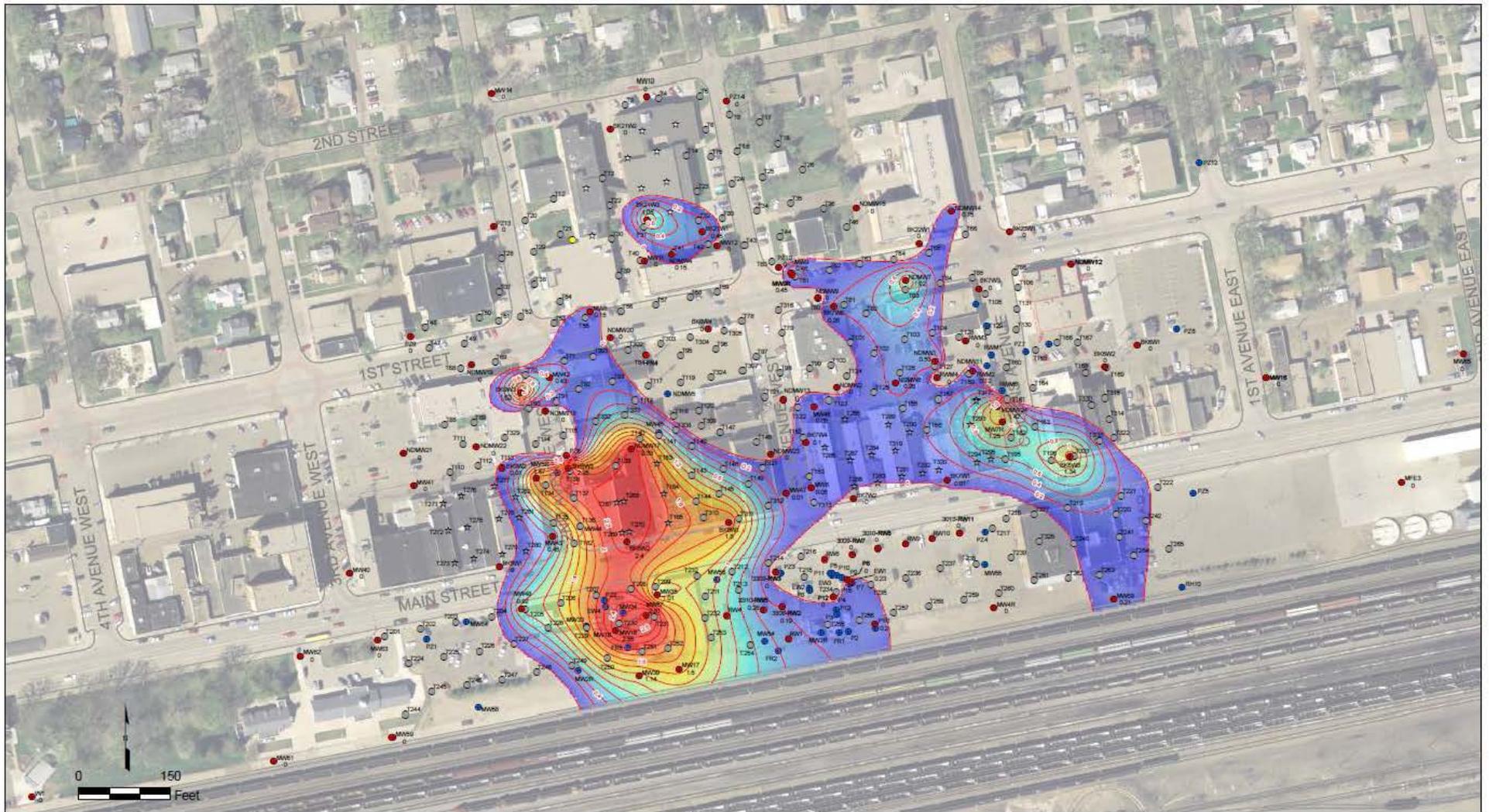
I the applicant will abide to the following conditions:

- a. Alcoholic beverages may be distributed for consumption on the premises and Dancing may be permitted only in those rooms specifically reserved for event activities;
- b. Dancing and the dispensing of alcoholic beverages shall be permitted only between the hours of twelve noon on the date specified in the permit and one a.m. on the following Monday;
- c. Any conditions or circumstances delineated by the Board relating to the conduct of the event or to the admission of the general public to the event.

**Mandan Remediation Trust – Update May 3, 2016**

- May 3, 2016 was 281<sup>st</sup> meeting of the MRT. Meetings now held first Tuesday of Month; originally every Tuesday.
- Remediation Trust Balance March 31, 2016 approximately \$6.5M.
- Annual Operating Costs = \$250-\$300k/year – decreasing as parts of system are decommissioned.
- Installed a venting system, at minimal cost (less than \$3,000) for the Law Enforcement Center as there were a few complaints of some odors in the maintenance room area. The venting system has remedied that.
- Through February 2016 the following volumes of contaminants have been removed:
  - Hydrocarbon and VOC vapors            237,387 lbs.
  - Methane                                        125,085 lbs.
  - Free phase (liquid) fuel                547, 643 lbs.
  - In-place bioremediation reduction    2,953,504 lbs.
- Decommissioning wells – generally monitored for a year or longer to see if any product returns. Would like to get through a couple seasons of possible wet and dry weather cycles prior to recommendation for final closure.
- Area is recommended for decommissioning when all wells in that area (connected to a common manifold) are less than 1/10 of a foot of measurable product in the well for at least one year. Then the manifold and connected wells can be plugged and the manifold removed. (manifold such as the one on the south east side of City Hall)
- MRT has allowed movement of wells or has decommissioned wells in the areas where redevelopment has occurred, such as Library Square I & II, Collins & Main, Mandan Place, American Bank Center (35 remediation wells previously closed).
- Recommending summer 2016 decommissioning of all wells in Remote Manifold areas RM 1-2, RM 1-3, RM 1-4, RM 2-1, RM 2-2, RM 2-3, and RM 2-4 (70 remediation wells). See pink-shaded areas on Figure 3.
- Note: Many more individual wells meet criteria for closure, but will be kept in place until entire manifold area can be closed. Only the recovery wells shown in bright green on Figures 2 and 3 are currently needed for active remediation.

Figure 1. Free Product Thickness – September 2006



Product Thickness  
 High : 2.91 feet  
 Low : 0.00 feet

- Product Thickness Contour (feet)
- Well Not Measured
- Well Measured September 2006
- 2.55 Product Thickness (feet)



Prepared By:  
**LEGETTE, BRASHEARS & GRAHAM, INC.**  
 Professional Ground-Water and  
 Environmental Engineering Services  
 140 East Hinks Lane, Suite 126  
 Sioux Falls, SD 57104  
 (605) 334-6000

**MANDAN REMEDIATION PROJECT**  
 MANDAN, NORTH DAKOTA

SEPTEMBER 2006 PRODUCT THICKNESS

FILE:	G3MANDAN06D.MXD	DATE:	12/14/2006	FIGURE:	1
-------	-----------------	-------	------------	---------	---

Figure 2. Free Product Thickness – May 2015



**LEGEND**  
 ● Well is a candidate for retention for operation or as a vacuum source for nearby wells

**Product Thickness**  
 High : 2.40 feet  
 Low : 0.00 feet

**Product Thickness Contour (feet)**  
 ●/● Monitoring / Remedial Well Not Measured  
 ●/● Monitoring / Remedial Well Measured  
 0.59 Product Thickness (feet)



Prepared By:  
**LEGETTE, BRASHEARS & GRAHAM, INC.**  
 Professional Groundwater and  
 Environmental Engineering Services  
 140 East Hinks Lane, Suite 126  
 Sioux Falls, SD 57104  
 (605) 334-6000

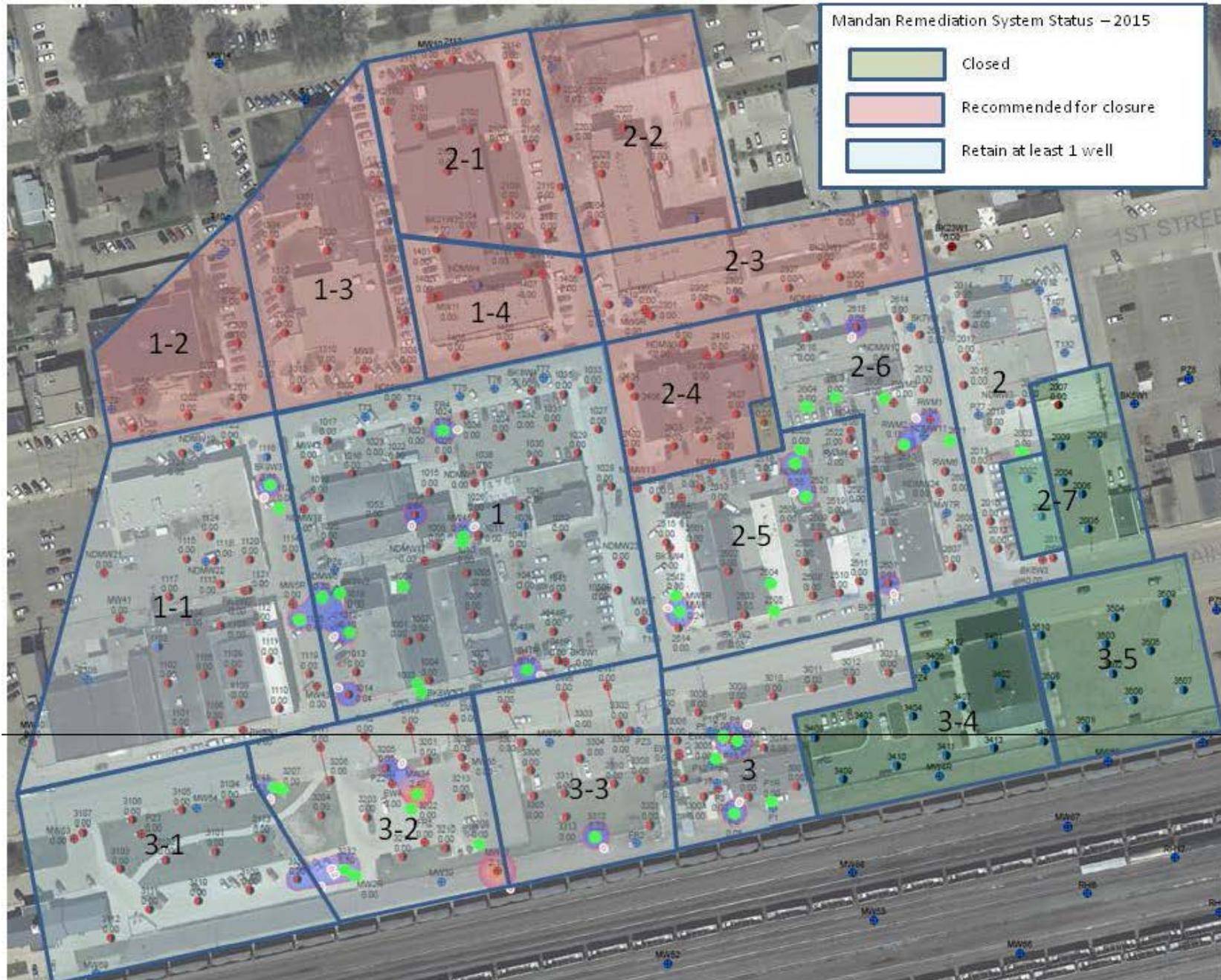
**MANDAN REMEDIATION PROJECT**  
 MANDAN, NORTH DAKOTA

Remediation & Monitor Well Operation Summary  
 Base Map Spring 2015 Product Occurrence

FILE: G3MANDAN08Y.MXD DATE: 5/5/2015 FIGURE: 1

Source: May 2009 aerial photo (City of Mandan).

Figure 3. Mandan Remediation System – Operating Status





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 3, 2016  
**PREPARATION DATE:** April 29, 2016  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Justin Froseth, Planning & Engineering Director  
**SUBJECT:** Trails West SID Deadline Extension

---

**STATEMENT/PURPOSE:** To consider a deadline extension for the Trails West Street Improvement District.

**BACKGROUND/ALTERNATIVES:** In the second week of April the developer of the Trails West subdivision brought in preliminary plans for the development of the subdivision in NW Mandan. Highly irregular with this plan set is that the set includes water and sewer utility with the storm sewer and streets all within one plan set. The verbal request by the developer is to construct the water and sewer utility under a 3-way agreement, but to construct the streets and storm sewer by utilizing the special assessment method. Having one plan set for two contracts, one a 3-way agreement, and the other a special assessment street improvement district would be at the very least administratively unreasonably difficult. We have expressed this to the developer and have encouraged the separation of the two types of projects before consideration.

The second concern our office has with this request is that the project would take place adjacent to the Old Red reconstruction project and could conflict with the contractor of that project if not carefully coordinated. The NDDOT administratively concurred with entering into agreement with the contractor, Veit & Company, for Old Red Trail on April 21<sup>st</sup>. We have yet to have a conversation with this contractor about concerns they have with a sizeable project directly adjacent to them going on at the same time. As expressed to the Trails West developer, the Old Red Trail reconstruction project would need to take priority for the city.

This project is not ready to be approved today because of the above concerns. Since it is not ready, it will miss the bid opening deadline of June 1<sup>st</sup> to be considered for improvement by the special assessment method. Our office would benefit from a few weeks to flush out the above concerns especially as it relates to the Old Red Trail reconstruction project.

The developer is interested in completing these street improvements this year by special assessment method. In order to consider the deadline would need to be extended. The developer knows that constructing by 3-way agreement does not subject them to this deadline, but is still interested in the special assessment method at this time. This project would be about 750 feet of new road with some major storm sewer involved. Given that, a preliminary estimate for this total project is about \$400,000.

ATTACHMENTS:

- 1) November agenda item setting bid opening deadline of June 1<sup>st</sup>, 2016

FISCAL IMPACT: None at this time

STAFF IMPACT: Minimal

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

RECOMMENDATION: Extend SID deadline by one month in order to have the appropriate conversations about conflicts with Old Red Trail and to give proper review.

SUGGESTED MOTION: Move to extend bid opening deadline to July 1<sup>st</sup>, 2016 for SID consideration.



**CITY OF  
MANDAN**

'WHERE THE WEE BEGINS'

**MEETING DATE:** November 3, 2015  
**PREPARATION DATE:** October 30, 2015  
**SUBMITTING DEPARTMENT:** Planning and Engineering  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Justin Froseth, Planning and Engineering Director  
**SUBJECT:** Consider approval of Administering a June 1<sup>st</sup> Bid Opening Deadline for Street Improvement District Projects

---

**STATEMENT/PURPOSE:** To consider the approval of administering a June 1<sup>st</sup> deadline for 2016 Street Improvement Districts (SIDs) that request funding by special assessment method.

**BACKGROUND/ALTERNATIVES:** For the past two construction seasons, the SID projects have been substantially completed before the end of construction season which is typically about this time of year for street projects. We think that this can be attributed to a few main factors including favorable weather, and less development activity perhaps than there was in 2013 when six SID projects were not substantially complete by the end of construction season.

Another factor is that for the past two construction seasons, city commission, at the recommendation of the planning and engineering office, has set a deadline for bid opening of SID projects by special assessment method. In 2014 that deadline was July 1<sup>st</sup> and this year that deadline was upped a month to June 1<sup>st</sup>.

In considering the success of administering such a bid opening deadline in completing projects the past two years, the engineering office recommends setting the same bid opening deadline of June 1<sup>st</sup>, 2016 for Street Improvement District projects that request funding by special assessment method. The June 1<sup>st</sup> date would require that the plans and specs be approved at or before the May 3<sup>rd</sup>, 2016 commission meeting. As always, developers would still have the option to build their streets outside of a lot assessed SID if they so choose and would not be bound by this deadline.

**ATTACHMENTS:** None

**FISCAL IMPACT:** Minimal

**STAFF IMPACT:** Minimal

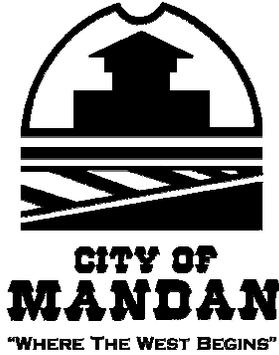
**LEGAL REVIEW:** All of my commission data has been forwarded to the City Attorney for his review.

Board of City Commissioners  
Agenda Documentation  
Meeting Date: November 3, 2015  
Subject: Consider approval of Administering a June 1<sup>st</sup> Bid Opening Deadline for Street  
Improvement District Projects  
Page 2 of 2

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RECOMMENDATION: Approve of administering a bid opening deadline of June 1<sup>st</sup> for special assessed Street Improvement District projects for new developments.

SUGGESTED MOTION: I move to approve of administering a bid opening deadline of June 1<sup>st</sup>, 2016 for special assessed Street Improvement District projects for new developments.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 3, 2016  
**PREPARATION DATE:** April 29, 2016  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Justin Froseth, Planning and Engineering Director  
**SUBJECT:** GIS Project Update and Consideration to Allow Four-Wheelers for Data Collection.

---

STATEMENT/PURPOSE: To brief commission on project activity and to request the use of four-wheelers on streets to perform the data collection efforts.

BACKGROUND/ALTERNATIVES: AE2S has been actively working with the city since entering into contract last fall. The first main activity taken on was the survey of the approximately ten square block pilot area in downtown Mandan. Following that survey last fall, we met to discuss how the information was looking in our future system and means and methods to move forward with for the rest of the data collection. Those meetings ensured that the city and AE2S is on the same page when it comes to data collection.

AE2S has been out collecting data for about ten days in April, as weather cooperates, and has collected data for roughly half of the area of the city between Main Street and I-94. This pace of collection has been good.

Other tasks that have been ongoing over the winter include:

- 1) Scanning those record drawings that we previously did not have digital copies of for inclusion into our system map.
- 2) Establishing primary control which will make sure our geospatial information all jives with established coordinate systems such as the ND state plane coordinate system.
- 3) Software configuration to serve as the interface the city will use to access and share the data once in.
- 4) Discussions and information gathering towards selection of correct work order management system for Public Works.

Board of City Commissioners

Agenda Documentation

Meeting Date: April 29, 2016

Subject: GIS Project Update and Consideration to Allow Four-Wheelers for Data Collection.

Page 2 of 4

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The use of four wheelers would improve efficiency of data collection especially in those areas outside the core central area of the city as infrastructure tends to be a little more spread out. It is within those areas that AE2S feels like the project would really benefit by using four-wheelers.

From AE2S GIS project technical lead, Lucas Rengstorf: *“AE2S is requesting a variance to the City of Mandan’s ordinance prohibiting ATV’s to operate on City streets. AE2S has been contracted by the City to complete data collection for an updated City-wide GIS Project. Currently, AE2S is collecting this data either on foot or by traveling from one area to another by vehicle. Allowing the use of ATV would cut down on the time needed to get in and out of the vehicle as well as save the time required to get from one feature to another. The data collection period is expected to last most of the summer. Operators of the ATVs would be required to wear high visibility clothing or vests, ATVs would be registered with the NDDOT, and all traffic laws will be followed.”*

**ATTACHMENTS:**

1. Picture of a typical four-wheeler AE2S would use for survey
2. Map of data collected as of end of day, April 28<sup>th</sup>
3. Needs Assessment Report, Schedule Included

**FISCAL IMPACT:** N/A

**STAFF IMPACT:** Minimal

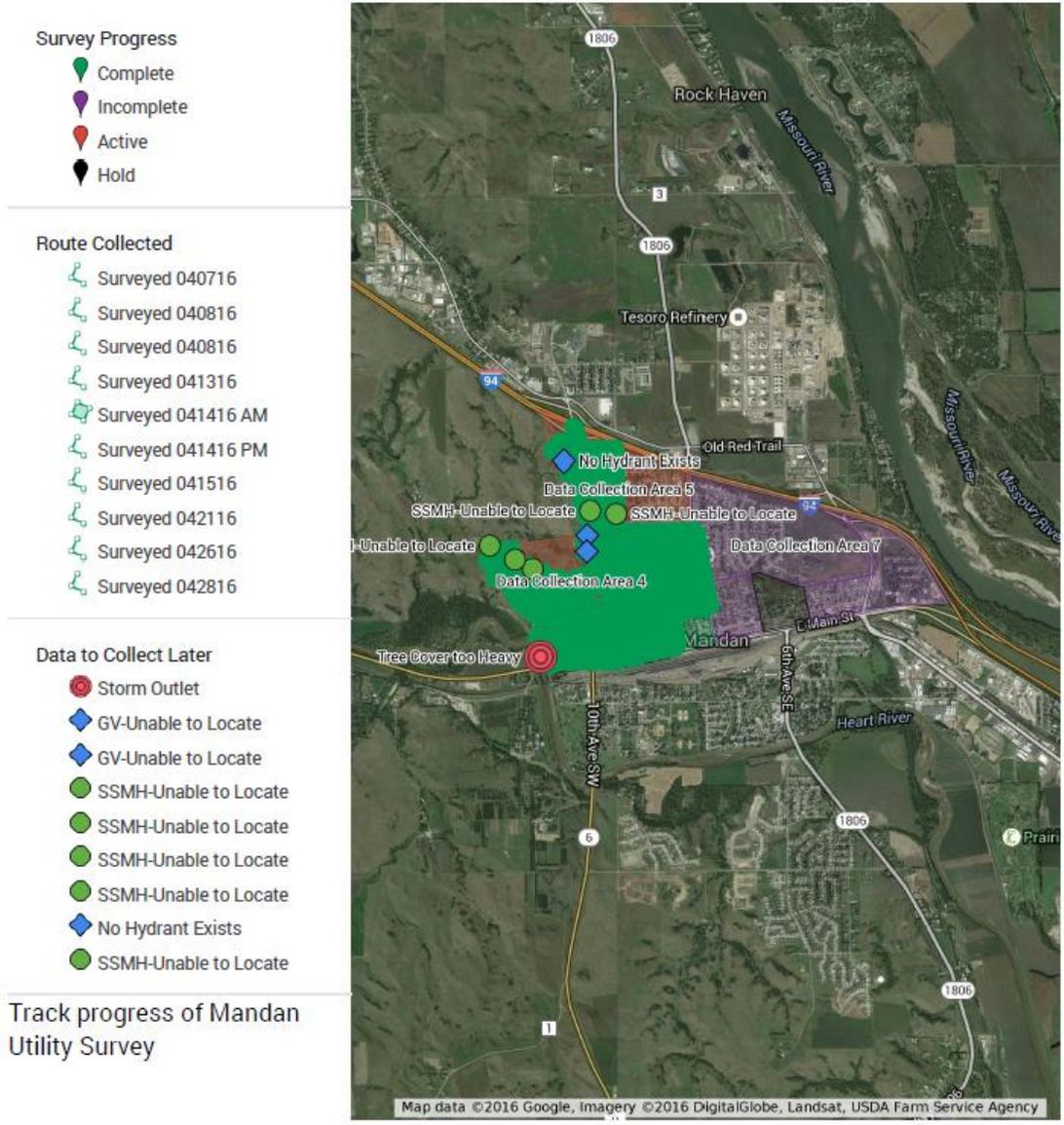
**LEGAL REVIEW:** All of my commission data has been forwarded to the City Attorney for his review.

**RECOMMENDATION:** Approve use of four-wheelers for data collection

**SUGGESTED MOTION:** I move to approve allowing AE2S to use four-wheelers on city streets when collecting survey data for the City of Mandan GIS project.



## Mandan Utility Survey



# **GEOGRAPHIC INFORMATION SYSTEM NEEDS ASSESSMENT**

PREPARED FOR:

City of Mandan,  
North Dakota

*AE2S Project No. P00510-2012-011*

*February 2016*

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**ASSESSMENT  
CONCEPTUAL DESIGN  
IMPLEMENTATION**

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## 1.0 EXECUTIVE SUMMARY

### 1.1 INTRODUCTION

This Geographical Information System (GIS) Needs Assessment was developed in order to formulate a plan by which the City of Mandan (City) may take GIS to the next level with inter-departmental collaboration, Work Order Management System (WOMS), and planning for future needs. With the right team in place, the City can use GIS to ask, acquire, examine, analyze, and act on a wide variety of problems, questions, or situations.

By recognizing the importance and benefits of enhancing their infrastructure management program, the City retained the services of Advanced Engineering and Environmental Services, Inc. (AE2S) to complete the City GIS Needs Assessment. Objectives for the Needs Assessment included the following tasks:

- Meet with City personnel for the purpose of assessing existing data sources such as paper maps, spreadsheets, database files, and CADD files
- Meet and discuss with staff to understand needs relating to infrastructure mapping, inventory, maintenance, analysis, and reporting
- Compile and analyze collected data
- Determine conclusions based on the collected data
- Develop recommendations for system implementation
- Develop conceptual system design
- Develop report

### 1.2 RECOMMENDATIONS FOR GIS IMPLEMENTATION

Based on a cost-benefit analysis of software, defining expectations, and reviewing software, the following general recommendations were developed:

- 1) Maintain utility and plat GIS data within AutoCAD® software
- 2) Publish and host GIS services through the ArcGIS® Server Workgroup Basic
- 3) Purchase one ArcGIS® Map licenses, which comes with one ArcGIS® Online account
- 4) Create web and mobile applications on ArcGIS® Online
- 5) Use a Work Order Management System that integrates well with WOMS and ArcGIS® Online/ArcGIS® Server
  - a) Set-up a Lucity® demo with data for the Pilot Study area
- 6) Develop applications with capabilities for field staff to collect data in the field related to infrastructure on a collection layer with capabilities to take pictures
  - a) Manhole data collection should include pictures and sketch of manhole
  - b) Only defected or unique street lights, signs, storm inlets, traffic lights, curb stops, or water valves should have pictures taken

### 1.3 CONCEPTUAL DESIGN

Moving forward, AutoCAD® Map will continue to be the best platform through which to maintain the data due to its precision. With all utility, plat, and zoning data for the City of Mandan stored within shapefiles and connected to AutoCAD® through the FDO environment, information exchange will occur between AutoCAD® and ESRI®. The same shapefiles that were used in AutoCAD® will be used in ArcGIS® Map to publish services. A script will be set-up to upload the shapefiles to ArcGIS® Server nightly through "task scheduler".

### 1.4 CONCLUSION

The major benefits of continued improvements to a GIS come from shared information, whether in the field, office, or in a meeting. Integrating geographic data with WOMS data from engineering and operations, accounting, and other related records provides information when it is needed to make informed decisions. By implementing the recommendations that AE2S developed with the City, and integration of the Needs Assessment, the City should be in an excellent position to take advantage of GIS as a tool to maximize efficiencies of its personnel, equipment, and information resources.

## **2.0 INTRODUCTION**

The City Engineering Department currently maintains a significant amount of data that is vital to its operations and infrastructure management. This GIS Needs Assessment was developed in order to formulate a plan by which the City may take GIS to the next level with inter-departmental collaboration, WOMS, and planning for future needs. With the right team in place, the City can use GIS to ask, acquire, examine, analyze, and act on a wide variety of problems, questions, or situations.

Prudent management of the extensive infrastructure data that is collected and maintained by the City is vital. As budget constraints and rapid growth necessitate doing more with less, data management becomes even more important. Recognizing the importance and benefits of enhancing their infrastructure management program, the City retained the services of AE2S to complete the City GIS Needs Assessment. The City GIS Needs Assessment was performed in order to formulate a plan by which the City may integrate their GIS with WOMS, while keeping in mind the GIS needs of all departments.

## **3.0 DEFINITION OF GIS**

GIS is a computer based system that captures, manages, analyzes, and displays any kind of information (data) that can be geographically referenced. According to leading industry publications, more than eighty percent of all information used by municipal utility departments is geographically referenced. In simple terms, if you can provide a location for the data – it can be mapped. GIS is an intuitive and flexible platform that displays information in various forms through tables, charts, paper maps, web map applications, and WOMS software. GIS makes it easy to

understand large amounts of data, provide answers to questions, and enables visual representation of ideas and values.

#### **4.0 CAPABILITIES AND ADVANTAGES OF GIS**

Today, local governments are often faced with a variety of challenges such as aging infrastructure, tighter budgets, resident growth or decline, and other planning scenarios. Local governments need tools that effectively deal with municipal challenges at a pace that matches their schedules.

GIS can empower local governments to ask questions, analyze and examine issues, and confidently act using those results as a guide. A powerful coordinate-based mapping system with GIS capabilities enables management, administrative, and operations staff to be more efficient by:

- Minimizing redundant mapping operations
- Improving locations of facilities for projects such as AML, etc.
- Refining the use of aerial photography
- Improving the use of LIDAR data
- Streamlining the ability to share data within internal & external departments.
- Improving the summarizing inventories of infrastructure and other data types
- Improving coordination between system mapping and electric, water, & sewer design software programs

GIS will allow City staff to query and extract information about infrastructure and display it on a computer screen, mobile device, or printed map. GIS also automates production of map books, mailing lists, and other printing operations. Preliminary Reports and Engineering Designs are streamlined through GIS.

Data/drawing production silos are decreased as all data is shared by different departments. GIS, coupled with Global Positioning Systems (GPS) within mobile device applications, enables faster location response times by quick location and navigation to underground features that have been previously located and entered into the system. GIS is more efficient than paper records because one can find a location on the map by simply entering a key word or making a few easy clicks.

GIS can also be integrated with a WOMS to improve maintenance tracking of assets, work-order creation and response, management of asset life cycles, and review of financial summarizations. GIS lets users visualize, analyze, and interpret data to understand relationships, allowing for cost savings from efficiencies, improved decision making, better record keeping and enhanced communication. The type and amount of data that can be utilized with a GIS is almost endless.

#### **5.0 OBJECTIVES OF THE GIS NEEDS ASSESSMENT**

The purpose of this GIS Needs Assessment is to formulate a plan by which the City may develop a City-wide GIS, integrate WOMS with GIS, and address future needs. Completion of these objectives included the following tasks:

- Site meetings with City personnel for the purpose of assessing existing data sources such as paper maps, spreadsheets, database files, and CADD files
- Meetings and discussions with staff to understand needs relating to infrastructure mapping, inventory, maintenance, analysis, and reporting
- Compilation and analysis of the collected data
- Determination of conclusions based on the collected data
- Development of recommendations for system implementation
- Development of conceptual system design
- Development of implementation plan
- Provide report
- Present conclusions to City Steering Committee

In addition to the previously described objectives, the desired system must be dependable, user-friendly, and convenient to meet the needs of the City staff.

## **6.0 ANALYSIS OF EXISTING SYSTEMS**

### 6.1 DATA AND SOFTWARE

GIS data is primarily maintained by the Engineering Department. The Engineering Department maintains utilities, streets, zoning, and plat data in AutoCAD®. The County GIS department maintains address and parcel data using ArcGIS®, for which the City has the availability to reference.

An extensive amount of CAD drawing files, spreadsheets, and other GIS data formats are used by the Engineering Department and other City departments. The City utilizes Orthogonal Imagery and LiDAR Contours that were captured in the 2013. A majority of engineering data originated from CAD drawings. The Water Distribution and Wastewater Collection data have been incorporated with the hydrologic modeling software InfoWater®. The data from the hydrologic modeling system has also been uploaded into ArcGIS® Online and ArcGIS® Server where it is used in the office as a web-based GIS and in the field as a mobile GIS on iPads.

The engineering department has used the GIS data for several mapping purposes to best serve their department and other departments. Some examples are Capital Improvement Plan (CIP) maps for street improvement projects, customized maps with buffers off of certain buildings for the police department, large wall maps with right of way widths stated, and many other maps. A variety of City-wide maps have been produced in AutoCAD® format.

### 6.2 HARDWARE

Because GIS technology is computer-driven, an integral part of its success is installing and maintaining proper hardware. While GIS technology helps to streamline the operations of a facility, it also requires specific computer configurations in order to function properly and reliably. The City currently is connected by a Windows Network and Operating System maintained by the Police Department. A variety of printers and plotters are accessible through the network. The City's existing desktop computer used by the engineering technician performs adequately to

accommodate GIS operations. Hardware is also important for mobile uses of GIS in the field. Since the data is streamed over the internet and hosted on the cloud, specifications for tablet devices to use GIS in the field include internet and GPS capabilities. Storage is not an important factor unless use in a disconnected setting is required. The Public Works Departments, which uses GIS in the field has several iPads with Verizon® internet connection, which work well to view GIS data on the ArcGIS® app.

### 6.3 SOFTWARE

In order for a GIS to be user-friendly, reliable, and compatible with the needs of the City, proper software must be utilized. An important first step leading toward successful GIS implementation is the assessment of software within the organization, its uses, and the level of comfort and satisfaction of the end-users.

Existing computers are equipped with Microsoft® operating systems and Microsoft® Office products, along with AutoCAD® Map on two computers. The Public Works Department has a five user ArcGIS® Online Subscription, which allows them to host data, create GIS applications, and view data in the field or office.

### **7.0 STAFF EXPECTATIONS OF GIS**

AE2S and City key staff held five GIS Needs Assessment Workshop meetings during the October 1, 2016. Through individual meetings with the City Departments, AE2S received open feedback on current and potential uses of GIS. Almost all departments foresee additional uses of GIS in the future. City staff indicated they would like the accuracy of the data improved with more functionality within the web-based GIS. They foresee the WOMS being able to help with reporting and tracking information on infrastructure assets. The WOMS and GIS should complement each other. City staff expressed the desire to link their data up with other applications such as Vanguard® and OpWorks®. Other departments outside of Public Works foresee several applications within the ESRI platform that could expand how and where GIS data is incorporated.

Through subsequent meetings and interviews with City staff, AE2S understands that staff expectations of the GIS include:

Data Capture, Sharing, and Maintenance –

- Capitalizing on publicly available demographic data
- Incorporating Water Resources, Water Meter, and Future Land Use data
- Referencing county parcel and address data
- GPS data collection capabilities
- Creating scripts that automate updating services and exporting data
- Streamlining workflows between AutoCAD® and ArcGIS®
- Designing a proficient database schema for data collection
- Removing duplication of efforts by other entities, such as County and State agencies
- Develop a template for consultants to follow for standards
  1. Template files - empty shapefiles and DWG with the template formats

2. Consultants need to convert data to North Dakota State Plane South coordinate system before submittal

#### Applications -

- Querying property information
- Developing a GIS that allows simple analysis of GIS data (e.g. number of properties within a specific number of feet)
- Providing reporting on demand through a viewer
- Customizing searches within the WOMS or Web-based GIS
- Providing visuals for capital Improvements
- Customizing map production
- Showing direction of flow on pipes; through manholes and pump stations
- Developing a WOMS with GIS
- Setting-up of the web-based GIS applications should allow City staff to administer and manage
- Creating compatibility for use on all desktop computers and tablets within the new web-based GIS
- Providing continued mobile GIS capabilities with tablets and phones
- Developing ability to easily share maps and data
- Developing organized data structure
- Developing adequate training for staff

## **8.0 RECOMMENDATIONS FOR GIS IMPLEMENTATION**

GIS technology is recognized as an important tool that helps to streamline operations for cities such as the City of Mandan.

### **8.1 GENERAL RECOMMENDATIONS**

Based on a cost-benefit analysis on software, defining expectations, and reviewing software, the following general recommendations were developed:

- 1) Maintain utility and plat GIS data within AutoCAD® software
- 2) Publish and host GIS services through the ArcGIS® Server Workgroup Basic
- 3) Purchase one ArcGIS® Map licenses, which comes with one ArcGIS® Online account
- 4) Create web and mobile applications on ArcGIS Online
- 5) Use a Work Order Management System that integrates well with WOMS and ArcGIS® Online/ArcGIS® Server; such as Lucity®
- 6) Develop applications with capabilities for field staff to collect data in the field related to infrastructure on a collection layer with capabilities to take pictures
  - a. Manhole data collection should include pictures and sketch of manhole
  - b. Only defected or unique street lights, signs, storm inlets, traffic lights, curb stops, or water valves should have pictures taken
- 7) Incorporate modeling information within GIS
- 8) Use Story Maps to help visualize GIS information
- 9) Plan workflows between County and City for data referencing

- 10) Hold annual meetings with County's GIS Department
- 11) Send periodic City-wide email on GIS changes, improvements, or discontinuations when necessary
- 12) Adopt the North America Datum 1983 (NAD 83) North Dakota State Plane South – International Feet as the coordinate system for the GIS
- 13) Use Arrow Lite GPS units with iPads and ArcGIS® Collector for data collection
- 14) Implement scripts that run nightly to update GIS service and export collected data to shapefiles
- 15) Develop schema (features and fields) to incorporate WOMS fields; such as Year Installed, Status, etc.
- 16) Add preliminary utilities for developments and set their status as preliminary
- 17) Train personnel on relevant aspects of the operation and maintenance of the GIS and WOMS
- 18) Develop a policy that final inspection will not be performed until as-builts documents are submitted
- 19) Standard Documentation – prepare a comprehensive guideline for mapping standards and data collection, as well as restructure data directories within the City's network
- 20) Provide standards checklist to be used as a guideline for consultants that provide design and as-built data for the City
- 21) GIS staff should optimize data organization and folder structure quarterly based on input from Quarterly GIS meetings

## 8.2 WEB-BASED GIS AND WOMS INTEGRATION

Based on the general recommendations listed previously, specific recommendations were developed for the improvement of GIS and integration with WOMS to serve the data needs of the City.

AE2S recommends moving the City's hosted GIS services from ArcGIS® Online to ArcGIS® Server for more accessibility to all City GIS staff and better incorporation with the WOMS Lucity®. Along with changing the web-based GIS hosting environment, AE2S also recommends changing the data format for utilities from AutoCAD® layers to shapefiles.

The following tasks should be implemented:

- Set-up the GIS data format and schema to integrate with WOMS Software
- Create web-based GIS solutions to have map services for WOMS to reference
- Complete Asset ID for utilities features
- Place preliminary assets within the GIS to allow field crews to write work orders to them once construction is complete and as-builts are in the process of development
- Adjust preliminary infrastructure once as-builts are submitted
- Add the following fields to utility features seen in Table 1 for tracking Work Order information

New Fields Needed for WOMS
EstimatedLife
InstallationDate
Material_Type
ReplacementCost
YearInstalled
Status

**Table 1.** New Fields Needed for WOMS

### 8.3 INFORMATION TECHNOLOGY (IT)

AE2S recommends the Engineer/GIS Technician should collaborate with the IT Department for the following:

- Data management and structure protocols
- Software implementation and maintenance
- Hardware implementation and maintenance
- Accessibility to servers, data, and SQL server databases
- Technical support for system failures
- Virus protection and prevention
- Guidance on purchasing hardware and implementing software
- Management of software licenses
- Optimization and management of software costs through a technology budget
- Forecast of future uses of technology
- Printing and plotting support
- General support for day to day troubleshooting issues

This collaboration will greatly increase the value of the GIS; improving user confidence and efficiencies.

### 8.4 GEODETIC COORDINATION SYSTEM

All mapping should be compiled on a standardized coordinate system to ensure compatibility between internal and external data sets. The recommended coordinate system for GPS data collection and mapping is listed below.

Horizontal Datum: North American Datum of 1983

Projection: North Dakota State Plane South

Map Units: International Feet

Coordinate system standardization will improve GIS data collection accuracies moving forward.

## 8.5 HARDWARE AND SOFTWARE

Hardware and software are critical components of a GIS. With web-based GIS data moving towards an ESRI® environment, AE2S recommends the Engineering Department invests in one-single use ArcGIS Basic licenses in 2016 for City Staff. Immediate plans should include the investment of ArcGIS® Server, so the City would have more control and security on their data. AE2S recommends starting with the Workgroup Basic license level for ArcGIS® Server. ArcGIS® GIS Server Workgroup Basic a license only operates on a Windows 64-bit operating system and hosted data is read only (not editable). ArcGIS® Server will require an involvement from the IT department to set-up and maintain. The table below shows a cost related to hosting data on ArcGIS® Server and ArGIS® Online. If the City implements with ArcGIS® Server they would discontinue their ArcGIS® Online 5 user subscription, which costs \$2,500 annually. Table 2 below breaks down the up front and annual cost over one and five years.

<b>Web-based GIS - Software Pricing Options</b>				
<b>ArcGIS® Online</b>	<b>Up Front Cost</b>	<b>Annual Cost</b>	<b>1st Yr. Cost</b>	<b>Cost Over 5 Yrs.</b>
5 named users	\$0	\$2,500	\$2,500	\$12,500
Other Cost - Desktop Basic	\$1,500	\$300	\$1,500	\$2,700
			\$4,000	\$15,200
<b>Comments</b>				
Main Advantage	Intuitive platform			
Main Disadvantage	Limited data management			
<b>ArcGIS® Server</b>	<b>Up Front Cost</b>	<b>Annual Cost</b>	<b>1st Yr. Cost</b>	<b>Cost Over 5 Yrs.</b>
Unlimited Users	\$5,000	\$1,250	\$5,000	\$10,000
Other Cost - Desktop Standard	\$1,500	\$300	\$1,500	\$2,700
			\$6,500	\$12,700
<b>Comments</b>				
Main Advantage	Unlimited Usernames			
Main Disadvantage	Advanced Data Management			

**Table 2:** Web-based GIS Software Pricing Options

Recently, the City of Mandan received demonstrations from three WOMS software vendors: ElementX®, Lucity®, and MyGov®. Out of the three softwares, ElementX® and Lucity® had the most applicable functionality and price structure to meet the City of Mandan's WOMS needs.

Lucity® brings the most out-of-the-box tools for a WOMS. During our demonstrations we thought it had a lot of great tools, but navigating the interface took time to become familiar. ElementX® impressed us with its ability to customize the applications to Mandan's specific needs. ElementX® has the most intuitive interface

to navigate, while their out of the box tools didn't seem as advanced as Lucity®. Because MyGov® doesn't allow work-orders to be assigned to infrastructure assets along with not being compatible with ESRI map services, we do not recommend MyGov's® Public Works module. Compatibility with ESRI map services is vital to reduce the day to day workload for City Staff to keep the WOMS data up to date. Lucity® and ElementX® can reference ESRI Map Services hosted on ArcGIS® Online or ArcGIS® Server.

Below in Table 3 Lucity®, ElementX® and MyGov® are compared for cost over 1 year and 5 years.

### WOMS - Software Pricing Options

<b>Lucity®</b>	<b>Up Front Cost Total</b>	<b>Annual Cost</b>	<b>Quantity</b>	<b>1st Yr. Cost</b>	<b>Cost Over 5 Yrs.</b>
8 named users	\$1,000	\$750	8	\$7,000	\$31,000

#### **Comments**

Main Advantage	Advanced tools and compatible with ESRI map services
Main Disadvantage	Complex interface

<b>ElementX®</b>	<b>Up Front Per User</b>	<b>Annual Cost</b>	<b>Quantity</b>	<b>1st Yr. Cost</b>	<b>Cost Over 5 Yrs.</b>
8 named users	\$2,500	\$500	8	\$20,000	\$36,000

#### **Comments**

Main Advantage	Customization and compatible with ESRI map services
Main Disadvantage	Larger set-up and maintenance effort

<b>MyGov®</b>	<b>Up Front Cost Total</b>	<b>Annual Cost</b>	<b>Quantity</b>	<b>1st Yr. Cost</b>	<b>Cost Over 5 Yrs.</b>
License	\$2,760	\$8,400	1	\$11,160	\$44,760

#### **Comments**

Main Advantage	Consistent software across all departments
Main Disadvantage	Not compatible with ESRI map services (will be in future)

**Table 3:** WOMS GIS Software Pricing Options

Properly configured hardware and appropriate software can make the difference between a marginal system and one that is considered superior. An optimal desktop computer system should be replaced every three years and have the configuration shown in Table 4 below:

Desktop System for GIS	
Processor:	Intel Core i7-870 quad-core
Memory:	16 GB
Hard Drive:	500GB 7200 rpm SATA 3Gb/s
Monitor:	2 - 24" monitor - 1GB NVIDIA GeForce GT 230
Video:	1 GB DDR3 - 1GB NVIDIA GeForce GT 230
CD-RW/DVD:	CD-RW / DVD Combination Drive
Sound/Speakers:	Basic two speaker
Operating System:	MS Windows 7 Professional 64-bit
Office Software:	MS Office Pro (Include MS Access)
GIS Software	ESRI ArcGIS® for Desktop Basic with an ArcGIS® Online Account
Accessories:	Surge Protector, battery backup, virus scan
CADD Software:	AutoCAD®
Basic Viewing and Printing:	ESRI ArcGIS® for Desktop Basic or Internet Browser

**Table 4:** Desktop System for GIS

In order to collect new GIS features and modify the location of existing features, it is important to be able to collect data in the field accurately and efficiently, and to be able to update attribute data. In order to obtain mapping grade accuracies for locating features or collecting features with the iPad, AE2S recommends the Arrow Life GPS Receiver to be used with the ArcGIS® Explorer App and ArcGIS® Collector App. AE2S tested this GPS unit out in the field with City of Mandan staff and experienced good results.

Below in Table 5 is a hyperlink for more information regarding this GPS units.

GPS Recommendations	
<b>ArrowLife GPS Reciever:</b> Mapping accuracy (estimated 1-2 meter horizontal) and connects to iPad GIS apps.	Estimated Cost: \$2,000 <a href="http://www.eos-gnss.com/arrow-lite/">http://www.eos-gnss.com/arrow-lite/</a>

**Table 5:** GPS Recommendations

## **9.0 CONCEPTUAL DESIGN**

### **9.1 DATA PRODUCTION, STORAGE, AND MAINTENANCE**

Schema development would include creating features as shapefiles and then within each feature creating attribute fields. Schema design should be well thought out before implementation. Some common attribute fields to add to utility data are listed below in Table 6.

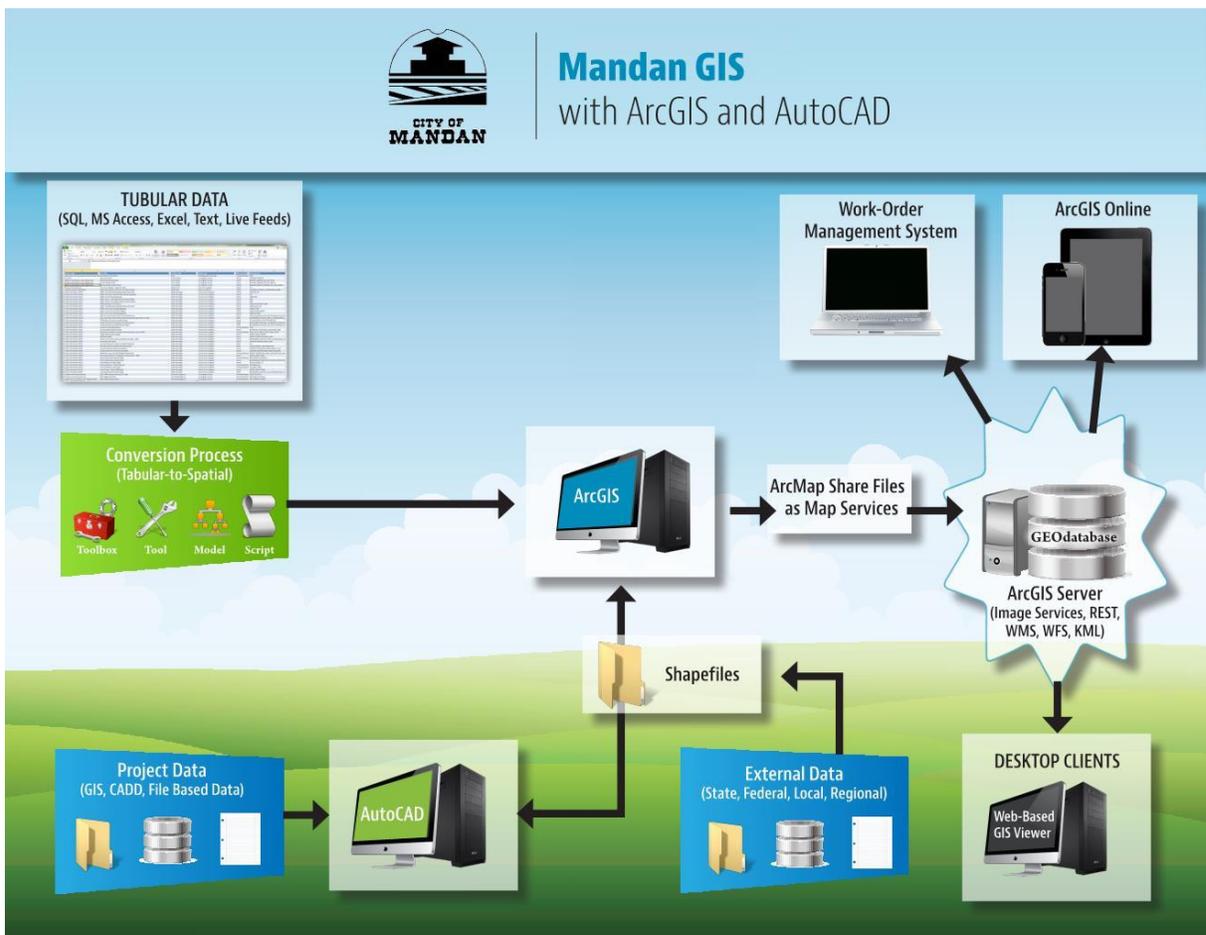
<b>Common Attribute Fields for Utilities</b>
Asset ID
Depth
Size
Material
Installation Date
Manufacturer
Status

**Table 6:** Common Attribute Fields

All utility, plat, and zoning data for the City of Mandan should be stored within shapefiles, and connected to AutoCAD® through the FDO environment. Shapefiles should be located within a folder next to the AutoCAD® Drawings. For aesthetic reasons, dimensions and other plat annotations should be manually placed on the map. Keeping annotation on a drawing layer is the best approach.

A combination of AutoCAD® and ESRI® products will best serve the City of Mandan. AutoCAD® Map should be used to maintain the data, and ArcGIS® Server® would be used to host web-map services and ArcGIS® Online would be used to build web-based mapping applications.

Moving forward AutoCAD® Map will continue be the best platform through which to maintain the data due to its precision. All utility, plat, and zoning data for the City of Mandan should be stored within shapefiles, connected to AutoCAD® through the FDO environment, exchanging information between AutoCAD® and ESRI®. The same shapefiles used in AutoCAD® will be used in ArcGIS® Map to publisher services. A script will be set-up to upload the shapefiles to ArcGIS® Server nightly through “task scheduler”. Figure 1 shows the recommended data and software architecture.



**Figure 1:** Current Recommended Data and Software Architecture

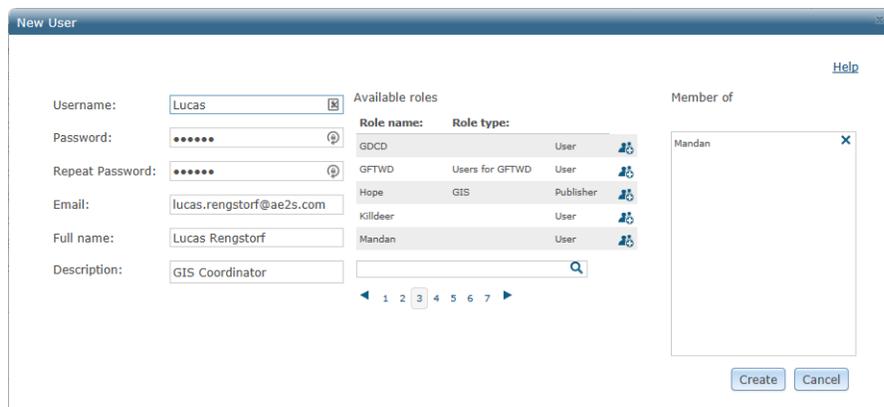
## 9.2 ARC GIS<sup>®</sup> SERVER AND ARCGIS<sup>®</sup> ONLINE

Within ArcGIS<sup>®</sup> Server Managers, there should be a role created for each City Department and a role for the GIS staff. The role types for each department should be User and Administrator (role type for GIS staff). Figure 2 below shows an example of setting up a Role Type within ArcGIS<sup>®</sup> Server Manager.

Username	Full name:	Email:
hrothermel	Hope Rothermel	Hope.Rothermel@ae2s.com
jcollins	Jon Collins	jon.collins@ae2s.com

**Figure 2:** Example of Creating a Role in ArcGIS<sup>®</sup> Server Manager

New user accounts can also be created for each City Staff and then placed within their department's role name. It works well to create the same username and password each person has to login into their computer. Figure 8 below shows an example of setting up a New User within ArcGIS® Server Manager and adding the user to a Role Type. The Role Type for this example is Mandan.



**Figure 3:** Example of Creating a New User in ArcGIS® Server Manager

With role and users set-up it is simple to administer permissions for map services. After creating the accounts, GIS staff can upload map services for their web-based and mobile GIS. These map services can be referenced within ArcGIS®Online and then used to develop web applications and web-mapping applications. The web application and web-mapping applications will have the ability to reference County GIS map service when desired as well.

### 9.3 TRAINING

It is recommended that the City of Mandan continually provide training opportunities for key staff through conferences (local and national), technical screen-share support, webinars, and onsite training. Biannual or annual participation in training events is typically adequate to keep staff up-to-date and skilled with current technology. It is recommended that the City continue having quarterly meetings with Morton County, Burleigh County, and the City of Bismarck to discuss database management assistance, application development support for ArcGIS® Online, and ArcGIS® data maintenance best practices.

## **10.0 SCHEDULE**

Table 7 shows the anticipated schedule for the GIS Improvements project.

Ae2S Role   
 City Role 

	Start	Complete
<b>1 Needs Assessment</b>	<b>Task</b>	<b>Task</b>
1.1 Project Management	Sept. 2015	Sept. 2015
1.2 Prepare Project Work Plan and Conduct Kick-Off Meeting	Sept. 2015	Sept. 2015
1.3 On-Site Assessment	Oct. 2015	Oct. 2015
1.4 Summarize/Analyze Results	Oct. 2015	Nov. 2015
1.5 Write Report	Nov. 2015	Nov. 2015
<b>2.1 Establish Primary Control</b>		
2.1.1 Establish High-Precision Control Network Based on State Plane Coordinates	Sept. 2015	Nov. 2015
2.1.2 Establish Vertical Control Using USGS Survey Monuments	Sept. 2015	Nov. 2015
2.1.3 Prepare Overlay Procedure of Morton County GIS	Sept. 2015	Nov. 2015
<b>2.2 Base Map Optimization</b>		
2.2.1 Perform Optimization of Data Layers	Sept. 2015	Dec. 2015
2.2.2 Survey Readily-Accessible Existing Block Corners	Sept. 2015	Dec. 2015
2.2.3 Spatially Adjust Base Map Drawings	Dec. 2015	Feb. 2016
2.2.4 Incorporate Additional Readily Available GIS Data	Dec. 2015	Mar. 2016
<b>2.3 Utility Survey and Sign Inventory</b>		
2.3.1 Compare Record Drawings to GIS	Nov. 2015	Feb. 2016
2.3.2 Create New System for Workflow	Nov. 2015	Feb. 2016
2.3.3 Reposition GIS Utility Locations to Survey Control	Dec. 2015	Feb. 2016
Pilot Area for Tasks 2.3.4-2.3.10 (Collins Ave. to 3rd Ave. and Main St. to 3rd St.)	Oct. 2015	Dec. 2015
2.3.4 City of Mandan - Performs Field Survey and Data Collection: Misc. Points of Interest, Etc.	Mar. 2016	May 2016
2.3.5 AE2S Performs Field Survey and Data Collection: Water Point Features System-Wide	May 2016	Aug. 2016
City of Mandan - Locates\Marks Assets in the field and provides traffic control on Arterial St.	May 2016	Aug. 2016
City of Mandan - Performs Field Survey and Data Collection: Curb Stops	Aug. 2016	Aug. 2017
2.3.6 AE2S Performs Field Survey and Data Collection: Sanitary Manhole Attributes and Inverts	May 2016	Aug. 2016
City of Mandan - Locates\Marks Assets in the field and provides traffic control on Arterial St.	May 2016	Aug. 2016
2.3.7 AE2S Performs Field Survey and Data Collection: Storm Features System-Wide	May 2016	Aug. 2016
City of Mandan - Locates\Marks Assets in the field and provides traffic control on Arterial St.	May 2016	Aug. 2016
2.3.8 City of Mandan - Perform Field Survey and Data Collection: Street Lights and Feedpoints	Mar. 2016	May 2016
2.3.9 City of Mandan Perform Field Survey and Data Collection: Street and Signs	May 2016	May 2016
2.3.10 City of Mandan Perform Field Survey and Data Collection: Boulevard Trees	Mar. 2016	May 2016
<b>2.4 Scan Paper Documents</b>		
2.4.1 Scan of Paper Documents	Nov. 2015	Jan. 2016
2.4.2 Organize PDFs	Jan. 2016	Feb. 2016
2.4.3 Hyperlink Base on Location in GIS	Jan. 2016	Mar. 2016
<b>3.1 Software and Web-Based Configuration</b>		
3.1.1 Software Configuration	Mar. 2016	Sept. 2016
Team Proofing Meeting	Sept. 2016	Sept. 2017
3.1.2 Web-based GIS Set-Up, Testing, Debugging, Implementation	Apr. 2016	Sept. 2016
3.1.3 Server Hosting Configuration	June 2016	Sept. 2016
<b>3.2 Work Order Management System</b>		
3.2.1 Set Up Links in GIS Data to Work Order Management System	Sept. 2016	Oct. 2016
3.2.2 Set Up Software for Work Order Management System	Sept. 2016	Oct. 2016
<b>3.3 Implementation of Standards</b>		
3.3.1 Standards Documentation	Sept. 2016	Oct. 2016
3.3.2 Re-Structure Directories	Sept. 2016	Oct. 2016
<b>4 Training</b>		
4.1 Prepare Training Materials	Oct. 2016	Oct. 2016
4.2 1 Day of Training	Oct. 2016	Oct. 2016
4.3 1 Year of Technical Support (50 Hours)	Aug. 2016	Aug. 2017

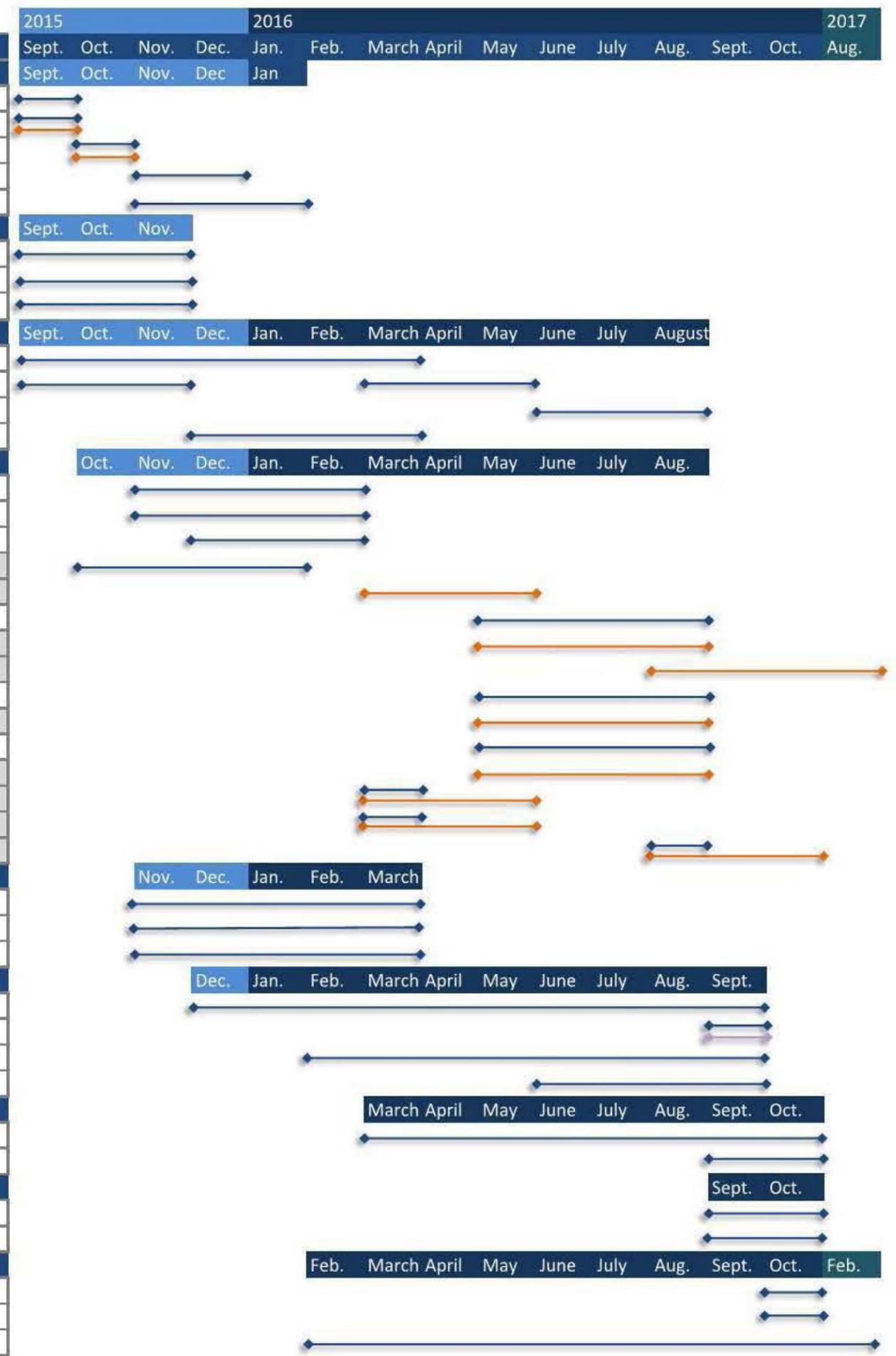
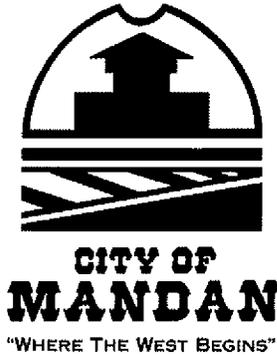


Table 7. Project Schedule

## **11.0 CONCLUSION**

In today's demanding economic climate, a successful City must take maximum advantage of its resources, from people to equipment to information. Using GIS to integrate geographic information with other data has become vital to this task. GIS provides much more than a map; it uses geography to provide the framework for major activities and components of a City's operations.

The major benefits of continued improvements to a GIS come from shared information, whether in the field, office, or in a meeting. Integrating geographic data with WOMS data from engineering and operations, accounting, and other related records provides information when it is needed to make informed decisions. By implementing the recommendations that AE2S developed with the City, and integrating this Needs Assessment, the City should be in an excellent position to take advantage of GIS as a tool to maximize its personnel, equipment, and information resources.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 3, 2016  
**PREPARATION DATE:** April 27, 2016  
**SUBMITTING DEPARTMENT:** Finance  
**DEPARTMENT DIRECTOR:** Greg Welch, Finance Director  
**PRESENTER:** Mike Manstrom, Dougherty & Company LLC  
**SUBJECT:** Sale of \$5,150,000 Refunding Improvement Bonds of 2016, Series A.

---

#### PURPOSE

To award the negotiated sale of \$5,150,000 Refunding Improvement Bonds of 2016, Series A for the purpose of refunding the City's Refunding Improvement Bonds of 2007, Series C, Refunding Improvement Bonds of 2007, Series D and Refunding Improvement Bonds of 2008, Series B.

#### BACKGROUND

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

- Storm Sewer #26
- Sanitary Sewer #30
- Sanitary Sewer #144
- Street #137-Area A
- Street #137-Area B
- Street #138-Area B
- Street #138-Area C
- Street #138-Area D
- Street #139
- Street #140
- Street #141-Area A
- Street #141-Area B
- Street #141-Area C
- Street #143

Board of City Commissioners

Agenda Documentation

Meeting Date: May 3, 2016

Subject: Sale of \$5,150,000 Refunding Improvement Bonds of 2016, Series A.

Page 2 of 2

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- Street #145
- Street #149-Area A
- Street #149-Area B
- Street #149-Area C
- Water and Sewer #48-Area A
- Water and Sewer #48-Area B
- Water and Sewer #50
- Water and Sewer #53
- Water and Sewer #54

ATTACHMENTS

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

FISCAL IMPACT

The total Net Present Value Benefit (NPV) savings is estimated to be \$398,641 or 7.902%. This savings is net of the issuance costs. A common method to determine if the refunding is appropriate is that the savings, net of all issuance costs, should be at least 3% to 5% as a NPV percentage of the refunded bonds.

The net savings from the refinancing will be passed on to the balances owed by the special assessment districts indicated above through lower interest rates effective May 25, 2016.

STAFF IMPACT

None

LEGAL REVIEW

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

RECOMMENDATION

To approve the Resolution Awarding Sale of \$5,150,000 Refunding Improvement Bonds of 2016, Series A.

SUGGESTED MOTION

Move to approve the Resolution Awarding Sale of \$5,150,000 Refunding Improvement Bonds of 2016, Series A.

**\$5,150,000**

City of Mandan, North Dakota  
Refunding Improvement Bonds of 2016  
Current Refunding of Series 2007C, 2007D & 2008B

## Refunding Summary

Dated 05/25/2016 | Delivered 05/25/2016

	Refund 2007C	Refund 2007D	Refund 2008B	Issue Summary
<b>Sources Of Funds</b>				
Par Amount of Bonds	\$1,040,000.00	\$2,980,000.00	\$1,130,000.00	\$5,150,000.00
<b>Total Sources</b>	<b>\$1,040,000.00</b>	<b>\$2,980,000.00</b>	<b>\$1,130,000.00</b>	<b>\$5,150,000.00</b>
<b>Uses Of Funds</b>				
Deposit to Current Refunding Fund	1,019,071.03	2,931,329.56	1,114,310.92	5,064,711.51
Total Underwriter's Discount (1.250%)	13,000.00	37,250.00	14,125.00	64,375.00
Costs of Issuance	3,937.86	11,283.49	4,278.65	19,500.00
Rounding Amount	3,991.11	136.95	(2,714.57)	1,413.49
<b>Total Uses</b>	<b>\$1,040,000.00</b>	<b>\$2,980,000.00</b>	<b>\$1,130,000.00</b>	<b>\$5,150,000.00</b>

### Flow of Funds Detail

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

Primary Purpose Fund Solution Method	Gross Funded	Gross Funded	Gross Funded	Gross Funded
Total Cost of Investments	\$1,019,071.03	\$2,931,329.56	\$1,114,310.92	\$5,064,711.51
Total Draws	\$1,019,071.03	\$2,931,329.56	\$1,114,310.92	\$5,064,711.51

### PV Analysis Summary (Net to Net)

Net PV Cashflow Savings @ 1.885%(AIC)	76,259.68	227,662.08	93,302.21	397,227.22
Contingency or Rounding Amount	3,991.11	136.95	(2,714.57)	1,413.49
Net Present Value Benefit	\$80,250.79	\$227,799.03	\$90,587.64	\$398,640.71
Net PV Benefit / \$5,045,000 Refunded Principal	7.906%	7.801%	8.161%	7.902%

### Bond Statistics

Average Life	3.299 Years	3.516 Years	3.774 Years	3.528 Years
Average Coupon	1.3526866%	1.3996770%	1.4599929%	1.4049610%
Net Interest Cost (NIC)	1.7316217%	1.7552404%	1.7912028%	1.7592213%
Bond Yield for Arbitrage Purposes	1.4022820%	1.4022820%	1.4022820%	1.4022820%
True Interest Cost (TIC)	1.7446191%	1.7677352%	1.8033193%	1.7716900%
All Inclusive Cost (AIC)	1.8653685%	1.8813399%	1.9095437%	1.8849176%

Ref16 Mandan RIB 07C 07D | Issue Summary | 4/13/2016 | 10:38 AM

**\$5,150,000**

City of Mandan, North Dakota  
Refunding Improvement Bonds of 2016  
Current Refunding of Series 2007C, 2007D & 2008B

## Debt Service Comparison

Date	Total P+I	Net New D/S	Old Net D/S	Savings
05/01/2017	950,902.33	950,902.33	1,008,710.00	57,807.67
05/01/2018	912,242.50	912,242.50	971,710.00	59,467.50
05/01/2019	868,265.00	868,265.00	934,740.00	66,475.00
05/01/2020	833,425.00	833,425.00	897,640.00	64,215.00
05/01/2021	788,090.00	788,090.00	850,115.00	62,025.00
05/01/2022	752,070.00	752,070.00	817,445.00	65,375.00
05/01/2023	300,310.00	300,310.00	349,385.00	49,075.00
<b>Total</b>	<b>\$5,405,304.83</b>	<b>\$5,405,304.83</b>	<b>\$5,829,745.00</b>	<b>\$424,440.17</b>

### PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	397,227.22
Net PV Cashflow Savings @ 1.885%(AIC)	397,227.22
Contingency or Rounding Amount	1,413.49
Net Present Value Benefit	\$398,640.71
Net PV Benefit / \$5,045,000 Refunded Principal	7.902%
Average Annual Cash Flow Savings	61,217.33

### Refunding Bond Information

Refunding Dated Date	5/25/2016
Refunding Delivery Date	5/25/2016

NEW ISSUE

RATING: Moody's "\_\_\_"  
See "Rating" herein

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

**FINAL OFFICIAL STATEMENT**

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

**\$5,150,000 Refunding Improvement Bonds of 2016, Series A**

**Bonds Dated: May 25, 2016**

**Principal Due: May 1, as shown below**

The Bonds will be in fully registered form in the denominations of \$5,000 or any whole multiple thereof. Interest will be payable on May 1 and November 1, commencing November 1, 2016. The Bonds will be issued as fully registered Bonds without coupons and, when issued, will be registered in the name of Cede & Co., as nominee of The Depository Trust Company ("DTC"). DTC will act as securities depository of the Bonds. Individual purchases may be made in book entry form only, in the principal amount of \$5,000 and integral multiples thereof. Purchasers will not receive certificates representing their interest in the Bonds purchased. (See "Book-Entry-Only System" herein.) Starion Bond Services of Bismarck, North Dakota will serve as registrar.

<u>May 1</u> <u>Maturity</u>	<u>Principal</u> <u>Amount</u>	<u>Coupon</u>	<u>Yield</u>	<u>CUSIPs</u>
2017	\$890,000			
2018	855,000			
2019	820,000			
2020	795,000			
2021	760,000			
2022	735,000			
2023	295,000			

Bonds maturing in 2022 and thereafter shall be subject to redemption and prepayment, at the option of the City, on May 1, 2021, and any date thereafter, at par plus accrued interest.

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

The Bonds are offered by Dougherty & Company LLC (the "Underwriter") subject to prior sale, to withdrawal, cancellation or modification of the offer without notice, subject to delivery to and acceptance by the Underwriter, and subject to certain other conditions, including an opinion as to validity and exclusion of Steven L. Vogelpohl, Bond Counsel, as to legality and tax exemption. It is expected that the Bonds will be available for delivery through the facilities of DTC on or about May \_\_, 2016. The Underwriter expects but is not required to engage in secondary market trading in the Bonds, subject to applicable securities laws.

**DOUGHERTY & COMPANY LLC**

The date of this Official Statement is \_\_\_\_\_, 2016.

## Greg Welch

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**From:** Steven Vogelpohl  
**Sent:** Wednesday, April 27, 2016 3:29 PM  
**To:** Greg Welch  
**Cc:** Brown, Malcolm H.; Manstrom, Mike  
**Subject:** Mandan Refunding Improvement Bonds of 2016, Series A  
**Attachments:** FORM DRAFT - Mandan Resolution Awarding Sale, RIB 2016, Series A.pdf

Greg,

Attached is a form of RESOLUTION AWARDING SALE for the above bond Series. The Resolution would be considered for adoption at the Commission's May 3 meeting.

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

Assuming adoption of the RESOLUTION AWARDING SALE on May 3, I will provide the Resolution Authorizing Issuance of the Bonds for adoption by the Commission at its May 17 meeting.

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

Steve

CITY OF MANDAN  
COUNTY OF MORTON  
STATE OF NORTH DAKOTA

**RESOLUTION AWARDING SALE**

WHEREAS, the Board of City Commissioners (the "Governing Body") of the City of Mandan, North Dakota (the "City") has authorized the negotiated sale of the City's Refunding Improvement Bonds of 2016, Series A, in principal amount of \$5,150,000 (the "Bonds") for the purpose of refunding the City's Refunding Improvement Bonds of 2007, Series C, Refunding Improvement Bonds of 2007, Series D and Refunding Improvement Bonds of 2008, Series B, maturing in 2017 and thereafter; and

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

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

The Bonds are to be purchased at a purchase price of \$\_\_\_\_\_ plus accrued interest and initially dated as of May 25, 2016, and shall be issuable as book-entry bonds on the terms as set forth on Attachment 1 hereto.

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

Dated and adopted this 3rd day of May, 2016.

Attest:

CITY OF MANDAN, NORTH DAKOTA

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

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

( S E A L )

The governing body of the political subdivision acted on the foregoing resolution on May 3, 2016, as follows:

Adoption moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

Roll Call Vote (List Last Names)

"Aye" \_\_\_\_\_

"Nay" \_\_\_\_\_

Absent \_\_\_\_\_

and after vote the presiding officer declared the resolution adopted.

CITY OF MANDAN  
MORTON COUNTY, NORTH DAKOTA

\$5,150,000 Refunding Improvement Bonds of 2016, Series A

THE BONDS

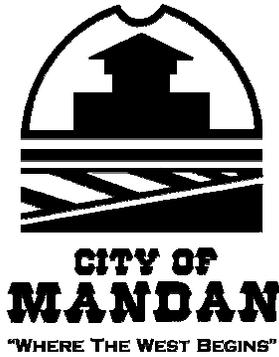
DATED DATE: MAY 25, 2016

DUE: MAY 1, AS BELOW

Bonds will be available in fully registered form in the denominations of \$5,000 or any whole multiple thereof. Interest is payable each May 1 and November 1, commencing November 1, 2016.

<u>Year</u>	<u>Due May 1</u>	<u>Rate</u>
2017	\$890,000	____%
2018	855,000	_____
2019	820,000	_____
2020	795,000	_____
2021	760,000	_____
2022	735,000	_____
2023	295,000	_____

Bonds maturing in 2022 and thereafter shall be subject to redemption and prepayment, at the option of the City, on May 1, 2021 and any date thereafter, in inverse order of maturities and by lot within any maturity, at par plus accrued interest.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 3, 2016  
**PREPARATION DATE:** April 28, 2016  
**SUBMITTING DEPARTMENT:** Business Development and Communications  
**DEPARTMENT DIRECTOR:** Ellen Huber, Business Development and Communications Director  
**PRESENTER:** Ellen Huber, Business Development and Communications Director  
**SUBJECT:** MGF Recommendation on Interest Buy-Down Application

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**STATEMENT/PURPOSE:** To consider a recommendation by the Mandan Growth Fund (MGF) Committee regarding an application for an interest buy-down by SSWII, LLC.

**BACKGROUND/ALTERNATIVES:** At an April 28, 2016, meeting, the MGF reviewed an application for an interest buy down of permanent financing for an expansion project utilizing the Bank of North Dakota Flex PACE program. The applicant is seeking the maximum buy down amount of \$153,846. The Bank of North Dakota will provide 65 percent or \$100,000 of the amount, with the local community required to provide 35 percent or \$53,846. The buy-down is on a principal amount of approximately \$2 million. Total project financing is estimated at \$2,750,000.

The project involves permanent financing for a new to be constructed by SSWII, LLC, and leased to Stockmen's Supply West. The business is currently located at 1716 40<sup>th</sup> Ave SE, across from Kist Livestock Auction. The project has involved the purchase of 2.5 acres of property at 1440 Action Drive SE, which is off Memorial Highway between Action Motor Sports and Malloy Electric. SSW2, LLC, will be constructing a 28,500 sf building, nearly tripling capacity as compared to a current 7,500 sf building and 2,900 sf cold storage building.

Stockmen's Supply West has been in business in Mandan for 18 years with roots tracing back farther to Mandan Veterinary Clinic. The business specializes in selling animal health and livestock supplies. The business currently has eight full-time and three part-time employees. The expansion will allow for the inclusion of a veterinary clinic and greater sales of taxable merchandise.

**ATTACHMENTS:** The application is available upon request.

FISCAL IMPACT: The Growth Fund balance as of March 31, 2016, for undesignated economic development projects is \$192,145.74. The buy-down will require a local match of \$53,846, recommended to be structured as a loan, with an interest rate of 2 percent to beginning accruing at commencement of the loan. The loan would be for a maximum buy-down period of 5 years and to be repaid within an equal period thereafter, for a total maximum loan length of 10 years. The LCRDC will administer and service the loan for the City of Mandan for a 1 percent origination fee and all hard costs to be paid by the borrower and a 1 percent servicing fee on payments collected after the buy-down period ends.

STAFF IMPACT: Minimal.

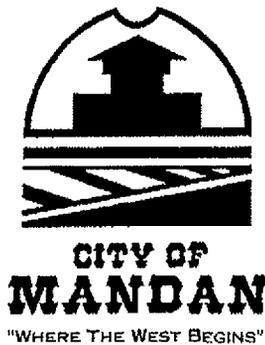
LEGAL REVIEW: City Attorney Malcolm Brown was in attendance at the MGF meeting for the review and consideration of the application. A separate agreement will be proposed with the Lewis and Clark Regional Development Council for administration and servicing of interest buy-downs structured as loans.

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

RECOMMENDATION: The MGF voted 5-0 (with four members absent) to recommend approval of the interest buy-down with a local match of \$53,846 to be structured as a loan repayable within five years after a maximum five-year buy-down period with a 2 percent interest rate and interest to begin accruing at the start of the loan. The buy-down is contingent upon approval of the lead lender and the Bank of North Dakota.

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





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 3, 2016  
**PREPARATION DATE:** April 28, 2016  
**SUBMITTING DEPARTMENT:** Legal  
**DEPARTMENT DIRECTOR:** Malcolm H. Brown  
**PRESENTER:** Malcolm H. Brown  
**SUBJECT:** Deed to Borden Harbor

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STATEMENT/PURPOSE: To transfer title to Borden Harbor to the Borden Harbor Owners Association

BACKGROUND/ALTERNATIVES: Borden Harbor was platted as a separate lot in the Borden Harbor subdivision many years ago. For whatever reason someone quit paying taxes on it and it went back to Morton County. Then, in 2011, unbeknown to the City the County deeded it to the City. Subsequently the Corps of Engineers discovered that the City owned it and wanted the City to take responsibility for management of the harbor, issuance of dock permits etc. A task the City should not be involved in. Thus a determination was made by Administrator Neubauer and counsel that we would encourage all abutting lot owners to the harbor to form an association to own and manage the harbor. They have finally accomplished that objective and the lot can now be deeded by the City to the association

ATTACHMENTS: Draft of quit claim deed from the City to the Association.

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: See above

RECOMMENDATION: That the City deed the Borden Harbor lot to the owners association

SUGGESTED MOTION: I move that the City deed the Borden Harbor lot to the Borden Harbor Owners Association.

**QUIT CLAIM DEED**

THIS INDENTURE, made this \_\_\_\_\_ day of \_\_\_\_\_, 2016, between City of Mandan, a municipal corporation, Grantor, whether one or more, and Borden Harbor Owners Association, Grantee, whether one or more, whose post office address is 4816 Harbor Trail SE, Mandan, ND 58554.

For and in consideration of the sum of Ten and no/100 Dollars (\$10.00), and other good and valuable consideration, Grantor does hereby GRANT and QUIT CLAIM to the Grantee, all of the following real property lying and being in the County of Morton, and State of North Dakota, and described as follows, to-wit:

Lot 31, Block 1, less Auditor's Lots A thru N of Lot 31, Borden Harbor 1<sup>st</sup> Subdivision to the City of Mandan (County Parcel # 65-0171681)

Subject to all easements, reservations and rights-of-way of record.

WITNESS, the hand of the Grantor:

CITY OF MANDAN

Attest:

By: \_\_\_\_\_  
Arlyn VanBeek, President

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



Recommended action:  
Move to approve the second consideration of Ordinance No. 1237 Amending and Reenacting Chapter 16, Article 4 of the Mandan Municipal Code related to the Emerald Ash Borer and Dutch Elm Disease

**ORDINANCE NO. 1237**

An Ordinance to Amend and Reenact Chapter 16, Article 4 of the Mandan Municipal Code related to the Emerald Ash Borer and Dutch Elm Disease

WHEREAS, The Emerald Ash Borer is a destructive insect that is migrating across the country and has been found in neighboring states, and

WHEREAS, It is necessary to add language to the municipal code authorizing the City Arborist to take action if an infestation of this pest is found in the city, and

WHEREAS, Some adjustments are needed to the language related to Dutch Elm Disease.

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

*Section 1. Chapter 16, Article 4 is amended to read.*

**ARTICLE 4. - DUTCH ELM DISEASE AND EMERALD ASH BORER**

**Sec. 16-4-1. - Declaration of public nuisance.**

- (a) Whereas, the board of city commissioners has determined that there are many elm trees growing on public and private premises within the city, the loss of which would substantially depreciate the value of public and private property, impair the use and enjoyment of public premises and erode the tax base of the city, and that the health and life of such trees is threatened by the fatal disease known as Dutch elm disease, which is spread by the elm bark beetles Scolytus multistriatus (Eichb.) or Hylurgopinus rufipes (marsh.), the commission board declares its intention to control and prevent the spread of such disease and the insect pests and vectors which carry such disease. The board and declares Dutch elm disease and the elm bark beetles which carry such disease to be public nuisances.
- (b) The Emerald Ash Borer is an insect that attacks and eventually causes the death of ash trees. The board declares the Emerald Ash Borer to be a public nuisance.

**Sec. 16-4-2. - Inspection.**

- (a) The city forester arborist shall inspect or cause to be inspected all premises and places within the city to determine whether any public nuisance exists thereon.
- (b) The city arborist He shall also inspect or cause the inspection of any elm tree reported or suspected to be infected with Dutch elm disease or any elm bark bearing material reported or suspected to be infested with elm bark beetles.
- (c) The city arborist shall inspect or cause the inspection of any ash tree reported or suspected to be infected with Emerald Ash Borers.

**Sec. 16-4-3. - Right of entry.**

The city foresterarborist and his agents or employees shall have authority, with a warrant or the consent of the owner, to enter upon private premises at reasonable times for the purpose of carrying out any of the provisions of this article.

**Sec. 16-4-4. - Authority of city foresterarborist.**

- (a) The city foresterarborist shall order, direct, supervise and control the abatement of public nuisances by spraying, removal, burning or by other means.
- (b) The city arborist shall ~~take such action which he determines to be~~ necessary to prevent as fully as possible the spread of Dutch elm disease fungus or the insect pests or vectors known to carry such disease fungus.
- (c) The city arborist shall take such action necessary to eradicate any infestation of Emerald Ash Borer.

**Sec. 16-4-5. - Abatement of nuisances on public property.**

Whenever the city foresterarborist shall, after inspection or examination, determine that a public nuisance exists on public property in ~~this the~~ city, he shall immediately abate or cause the abatement of such nuisance ~~in such manner as to destroy or prevent as fully as possible the spread of Dutch elm disease or the insect pests or vectors known to carry such disease fungus.~~

**Sec. 16-4-6. - Nuisance on private property; notice to owner.**

When the city foresterarborist shall determine with reasonable certainty that a public nuisance exists upon private premises or upon the strip between the lot line and the curb, he shall immediately serve or cause to be served personally or by first class mail upon the owner of such property or the abutting property, if the property owner can be found, and upon the occupant thereof, a written notice of the existence of such nuisance. Such notice shall describe the nuisance and recommended procedures for its abatement, and shall further state that unless the owner shall abate the nuisance in the manner specified in the notice, or shall request a hearing within fourteen days of receipt of the notice to show that such nuisance does not exist, or does not endanger the health of the elm trees in the city, the city foresterarborist shall cause the abatement thereof at the expense of the property served or abutting property. If the owner cannot be found, such notice shall be given by publication in the official newspaper of the city.

**Sec. 16-4-7. - Abatement of nuisances on private property.**

If, after a hearing held pursuant to section 16-4-6, it is determined by the city foresterarborist that a public nuisance exists, or if no hearing is requested, the city foresterarborist shall forthwith order the immediate abatement thereof. Unless the property owner abates the nuisance as directed within 24 hours after such hearing, the city foresterarborist shall proceed to abate the nuisance and cause the cost thereof to be assessed against the property in accordance with the procedures provided in this article. The city foresterarborist may extend the time allowed the property owner for abatement work but not to exceed ten additional days.

**Sec. 16-4-8. - Prohibited acts and penalties.**

Any person who shall do any of the following acts within the city commits an infraction:

- (1) Transports any bark-bearing elm wood, bark or material on public streets, highways or other public premises without first securing the written permission of the city foresterarborist;
- (2) Interferes with or prevents any acts of the city foresterarborist or his agents or employees while they are engaged in the performance of duties imposed by this article;
- (3) Refuses to permit the city foresterarborist or his duly authorized representative to enter upon his premises at reasonable times to exercise the duties imposed by this article;
- (4) Permits any public nuisance to remain on any premises owned or controlled by him when ordered by the city foresterarborist to abate such nuisance.

- (5) Plants an American Elm or Siberian Elm on public or private property.
- (6) Sells an American Elm or Siberian Elm for planting within the city.
- (7) Plants ash cultivars that are susceptible to the Emerald Ash Borer on public or private property.
- (8) Sells ash cultivars that are susceptible to the Emerald Ash Borer for planting within the city.

*Section 2. Chapter 16, Article 4 is reenacted as amended.*

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

Attest:

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

First Consideration:

April 19, 2016

Second Consideration and Final Passage:

\_\_\_\_\_

Publication Date:

\_\_\_\_\_

Recommended action:

Move to approve the second consideration of Ordinance No. 1238 creating PUD District 2016-01 for Lakewood 8th Addition First Replat.

**ORDINANCE NO. 1238**

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

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

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

Lakewood 8<sup>th</sup> Addition First Replat located within the City of Mandan, Morton County, North Dakota shall be excluded from the R3.2 Residential District and shall be included in PUD District 2016-01 with the following conditions and restrictions.

- a. All lots shall conform to the requirements of an R3.2 district unless modified herein.
- b. Lots 1 through 8 and 17 through 26 shall be developed with one half of a twin home and lots 9 through 16 shall be developed with single family dwellings.
- c. The minimum lot size shall be 4,000 square feet.
- d. The minimum lot width at the front building line shall be 30 feet.
- e. The minimum side yard setback for a primary structure shall be 20% of the average lot width for the combination of the two side yards for single family lots and 10% of the average lot width for the one side yard for twin home lots.
- f. The minimum side yard setback for a primary structure shall be 5 feet.
- g. The minimum front yard setback for a garage door facing the street shall be 25 feet. Other portions of the structure may be developed within 20 feet of the front property line, including any 2<sup>nd</sup> floor overhang.
- h. The minimum rear yard setback for a primary structure shall be 20 feet.
- i. The maximum building footprint for all structures on lots 1-6 shall be 50% of the lot area.
- j. The maximum building footprint for all structures on lots 7-8 shall be 45% of the lot area.
- k. The maximum building footprint for all structures on lots 9-16 shall be 35% of the lot area.
- l. The maximum building footprint for all structures on lots 17-26 shall be 40% of the lot area.
- m. The floor area ratio (FAR) for all structures on a lot shall be 0.8.
- n. The property owner shall be responsible to install a sidewalk in the boulevard along the property line prior to occupying the dwelling or within the next construction season after occupancy if this delay is approved by the city.
- o. The property owner shall be responsible to install landscaping within the next growing season after occupancy.

- p. The width of the driveway apron shall be limited to the width of the garage or 36 feet whichever is less.

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

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President, Board of City Commissioners

Attest:

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City Administrator

Public Hearing: \_\_\_\_\_  
 First Consideration: \_\_\_\_\_  
 Second Consideration and Final Passage: \_\_\_\_\_

CITY OF MANDAN  
COUNTY OF MORTON  
STATE OF NORTH DAKOTA

**RESOLUTION AWARDING SALE**

WHEREAS, the Board of City Commissioners (the "Governing Body") of the City of Mandan, North Dakota (the "City") has authorized the negotiated sale of the City's Refunding Improvement Bonds of 2016, Series A, in principal amount of \$5,030,000 (the "Bonds") for the purpose of refunding the City's Refunding Improvement Bonds of 2007, Series C, Refunding Improvement Bonds of 2007, Series D and Refunding Improvement Bonds of 2008, Series B, maturing in 2017 and thereafter; and

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

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

The Bonds are to be purchased at a purchase price of \$5,086,722.90 plus accrued interest and initially dated as of May 25, 2016, and shall be issuable as book-entry bonds on the terms as set forth on Attachment 1 hereto.

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

Dated and adopted this 3rd day of May, 2016.

Attest:

CITY OF MANDAN, NORTH DAKOTA

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

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

( S E A L )

The governing body of the political subdivision acted on the foregoing resolution on May 3, 2016, as follows:

Adoption moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

Roll Call Vote (List Last Names)

"Aye" \_\_\_\_\_

"Nay" \_\_\_\_\_

Absent \_\_\_\_\_

and after vote the presiding officer declared the resolution adopted.

CITY OF MANDAN  
MORTON COUNTY, NORTH DAKOTA

\$5,030,000 Refunding Improvement Bonds of 2016, Series A

THE BONDS

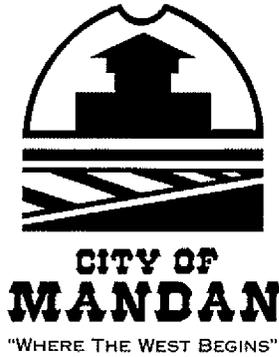
DATED DATE: MAY 25, 2016

DUE: MAY 1, AS BELOW

Bonds will be available in fully registered form in the denominations of \$5,000 or any whole multiple thereof. Interest is payable each May 1 and November 1, commencing November 1, 2016.

<u>Year</u>	<u>Due May 1</u>	<u>Rate</u>
2017	\$845,000	2.00%
2018	820,000	3.00
2019	805,000	2.00
2020	785,000	2.00
2021	750,000	2.00
2022	730,000	2.00
2023	295,000	2.00

Bonds maturing in 2022 and thereafter shall be subject to redemption and prepayment, at the option of the City, on May 1, 2021 and any date thereafter, in inverse order of maturities and by lot within any maturity, at par plus accrued interest.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 3, 2016  
**PREPARATION DATE:** April 29, 2016  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** Consider options related to the possible transition of the Business Development & Communications Director position from contract to a civil service position.

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STATEMENT/PURPOSE: To consider options regarding the Business Development & Communications Director position related to a contract arrangement or a civil service position.

BACKGROUND/ALTERNATIVES: The Business Development Director position was created in 2006 as a contract position to assist and recruit businesses that wished to locate or expand within Mandan. In addition to business development, assistance was also provided to the Mandan Progress Organization (MPO) as that organization transitioned from a part time executive director to having full time employees. Over time and at the direction of the Commission, communications was also folded into the position. The position in both areas of business development and communications has certainly proven its worth over the past 10 years.

Attached is a comparison to a similar Business Development position in the City of Bismarck (without the communications portion) to our Business Development & Communications Director contract and suggested combination for use in the creation of either a permanent position or language that would be utilized in a new contract.

Should the Commission determine this should be a permanent position; a suggested job description is attached. The description is based upon the "suggested combination" column of the comparison.

Should the Commission determine they would like to renew the contract, I have attached an updated contract to account for the primary job functions, as delineated with an \* in the job description.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 3, 2016

Subject: Consider options related to the possible transition of the Business Development & Communications Director position from contract to a civil service position.

Page 2 of 2

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The most similar position within the City of Bismarck's Classification and Compensation Plan has the position at a Grade 30, with a 2015 salary range of 95% of \$82,323 – \$123,484. The range we would assign this position would be \$78,207 – \$117,310, with a midpoint of \$97,759.

The Ellen has 10 years of experience along with her Certification as Economic Developer, in addition the communications portion of her job which is not part of the Bismarck position. Therefore I would recommend a salary, whether it is by contract or civil service position of \$85,000. This is roughly 8.7% above the starting salary.

ATTACHMENTS:

- Comparison of Bismarck Business Development Director & Mandan Business Development & Communications Director
- Proposed Job Description Mandan Business Development & Communications Director
- Proposed Contract Mandan Business Development & Communications Director

FISCAL IMPACT: \$6,022, funding source is the Mandan Growth Fund which is funded by city sales tax.

STAFF IMPACT: n/a

LEGAL REVIEW: n/a

RECOMMENDATION: Either option is agreeable

- a) I move to transition the Business Development & Communications Director from a contractual employee to that of a civil service position, with a Pay Grade 30, with a starting salary of \$85,000 effective February 1, 2016
- b) I move to approve the proposed contract for that of Business Development & Communications Director with a salary of \$85,000 effective February 1, 2016.

SUGGESTED MOTION: Either option is agreeable

- a) I move to transition the Business Development & Communications Director from a contractual employee to that of a civil service position, with a Pay Grade 30, with a starting salary of \$85,000 effective February 1, 2016
- b) I move to approve the proposed contract for that of Business Development & Communications Director with a salary of \$85,000 effective February 1, 2016.

Comparison  
 Bismarck Business Development Director  
 &  
 Mandan Business Development & Communications Director

<b>Bismarck (Job Description)</b>	<b>Mandan (Contract)</b>	<b>Suggested Combination</b>
<p><b><u>DESCRIPTION OF WORK</u></b>  <u>General Statement of Duties:</u>            Under direction of the City commission performs work to enhance business and economic development opportunities and broaden economic vitality as identified in Strategic Plan for City of Bismarck.</p>	<p>Communicate and promote a community-wide business development strategy with emphasis on redevelopment of the Central Business District and Memorial Highway. This implementation strategy will be based upon the URS Redevelopment Plan, the Mandan Tomorrow Strategic Plan, input from the City Commission, City Administrator, business community, public at large and Bismarck Mandan Development Association (BMDA).</p>	<p><b><u>DESCRIPTION OF WORK</u></b>  <u>General Statement of Duties:</u>            Under direction of the City commission performs work to enhance business and economic development opportunities and broaden economic vitality in the City of Mandan. Communicate opportunities, progress and news about issues important to the business community and general public.</p>
<p><u>Supervision Received:</u> Works under the administrative direction of the President of the Board of City Commissioners or City Administrator with a wide latitude for the application of independent professional judgment. Position is accountable to entire Board of City Commissioners and performance is evaluated by entire Board.</p>	<p>Written performance reviews shall be conducted by the City Administrator and results reviewed by the Board of City Commissioners prior to February 1, of each year of the Contract</p>	<p><u>Supervision Received:</u> Works under the administrative direction of the Portfolio Holder and City Administrator with a wide latitude for the application of independent professional judgment. Position is accountable to entire Board of City Commissioners. Written performance reviews will be conducted by the Portfolio Holder and City Administrator with input from the City Commission.</p>
<p><u>Supervision Exercised:</u> None</p>		<p><u>Supervision Exercised:</u> Primary supervision of the Program Coordinator.</p>
<p><b><u>EXAMPLES OF WORK:</u></b>            An asterisk (*) denotes those functions important and essential in accomplishing the</p>		<p><b><u>EXAMPLES OF WORK:</u></b>            An asterisk (*) denotes those functions important and essential in accomplishing the</p>

<b>Bismarck (Job Description)</b>	<b>Mandan (Contract)</b>	<b>Suggested Combination</b>
<p>purpose of this job. Some of the reasons why a function could be considered essential are: 1. The position exists to perform the function. 2. There are a limited number of other employees available to perform the function, or among whom the function can be distributed. 3. A function is highly specialized and the person in the position is hired for special expertise or ability to perform it.</p>		<p>purpose of this job. Some of the reasons why a function could be considered essential are: 1. The position exists to perform the function. 2. There are a limited number of other employees available to perform the function, or among whom the function can be distributed. 3. A function is highly specialized and the person in the position is hired for special expertise or ability to perform it.</p>
<p>* Facilitates or participates in the business/economic development tasks between the BMDA and other public and/or private sector groups and the City, in an effort to fulfill the action steps and tasks identified in the strategic plan.</p>	<p>Coordinate retail recruitment activities with BMDA and other applicable parties to include marketing and outreach, identifying and targeting businesses suitable for the preferred economic mix of the community, responding to inquiries from parties demonstrating an interest in a Mandan location, and fostering local entrepreneurship. Assist the BMDA in hosting both retail and primary sector businesses considering sites within the Mandan area.</p> <p>Provide support to retain and expand existing businesses by communicating current business incentive programs, identifying needs and assisting with specific programs designed to meet identified needs.</p>	<p>* Facilitates business/economic development through business retention and expansion activities, fostering local entrepreneurship, and recruiting new businesses.</p> <p>* Coordinate with other organizations involved in economic development, including Bismarck Mandan Development Association (BMDA), on a local, regional and state level.</p>
<p>*Identifies existing internal delivery systems that must be streamlined for maximum delivery efficiencies and</p>		<p>* Facilitate business development by collaborating with various city departments and committees to move</p>

<b>Bismarck (Job Description)</b>	<b>Mandan (Contract)</b>	<b>Suggested Combination</b>
develops implementation plan and strategy.		projects through the process in an effective manner.
*Expedites initiatives approved and/or introduced by commission.		* Expedites initiatives approved and/or introduced by commission.
*Expedites growth and development initiatives requiring coordination between external entities and city internal delivery systems and/or departments		* Expedites growth and development initiatives requiring coordination between external entities and city internal delivery systems and/or departments
*May act as official City representative in business development matters		* May act as official City representative in business development matters
*Prepares operating budget and submits funding requests for Business Development to City Commission for final approval		* Prepares operating budget and submits funding requests for Business Development and Communications to City Commission for final approval
*Meets with partners to identify opportunities and efficiencies		* Meets with partners to identify opportunities and efficiencies
*Develops accountability metrics for business development activities		* Develops project accountability tracking system.
*Assists in development of City marketing strategies and develops implementation plans, engages active partners and adopts and implements the plan		* Develops and executes a Business Development & Community Marketing Program
	<p>Communicate opportunities, progress and news about issues important to the business community and general public. Specific tasks include:</p> <ul style="list-style-type: none"> <li>• Develop, implement, and maintain an effective public information program on either a citywide or departmental basis</li> <li>• Develop press releases, columns and other materials for the media for publication</li> </ul>	* Assist with the public information program for the city of Mandan and its respective departments.

<b>Bismarck (Job Description)</b>	<b>Mandan (Contract)</b>	<b>Suggested Combination</b>
	<ul style="list-style-type: none"> <li>• Develop brochures and publications</li> <li>• Arrange dedications, oath-taking ceremonies, news conferences, and other public relations type events</li> <li>• Perform a variety of miscellaneous duties including making arrangements for tours and speaking engagements</li> <li>• Represent City on various community committees</li> <li>• Assist with special event advertising/marketing;</li> <li>• Provide City Commission with support/information on issues of interest to the media</li> <li>• Develop communication plans for various City campaigns, both internally and externally</li> <li>• Work on the development of the City website</li> <li>• Works with other departments on media and protocol training/advice;</li> <li>• Responds to public records requests made by the news media</li> </ul>	
	<p>Manage affairs and operations of the Mandan Renaissance Zone</p>	<p>* Manage all local business assistance programs. Including but not limited to the following:</p> <ul style="list-style-type: none"> <li>• Renaissance Zone</li> <li>• Storefront Improvement Program</li> <li>• Retail &amp; Restaurant Incentives</li> <li>• Interest Buy Downs</li> <li>• State Small Business Credit Initiative</li> <li>• Commercial Property Tax Exemptions</li> </ul>
	<p>Assist with State Small Business Credit Initiative</p>	

<b>Bismarck (Job Description)</b>	<b>Mandan (Contract)</b>	<b>Suggested Combination</b>
	coordination and reporting requirements to assure program compliance.	
	Provide a supporting role in the administration and management of the Mandan Progress Organization to drive accountability as the City continues to provide financial assistance to the organization for the betterment of the community.	* Provide a supporting role in the administration and management of the Mandan Progress Organization to drive accountability as the City continues to provide financial assistance to the organization for the betterment of the community.
Performs other duties of a comparable level/type as required	Perform such other duties as deemed necessary by the Board or City Administrator	Performs other duties of a comparable level/type as required.

<b>Bismarck (Job Description)</b>	<b>Mandan (Contract)</b>	<b>Suggested Combination</b>
<p><b><u>MINIMUM QUALIFICATIONS</u></b>  <u>Education and Experience:</u> A Bachelor’s degree in business administration, finance, business management, marketing, or communications with Master’s degree desired. A minimum of 5 years' experience in municipal economic business and/or development activity is required. Experience in municipal economic development is strongly desired. Certifications as Economic Developer (CED), or Professional Community &amp; Economic Developer (PCED) are strongly desired. Must have exceptional communications and people skills. Must have knowledge of general city operations and an emphasis on Bismarck preferred. Must have a proven track record in working with policy making boards. Working experience with and knowledge of the Bismarck business community desired. Must have a proven leadership track record.</p>		<p><b><u>MINIMUM QUALIFICATIONS</u></b>  <u>Education and Experience:</u> A Bachelor’s degree in business administration, finance, business management, marketing, or communications, public relations or similar field is desired. A minimum of 5 years' experience in municipal economic business and/or development activity is required. Experience in municipal economic development is strongly desired. A Master’s degree or Certifications as Economic Developer (CEcD), or Professional Community &amp; Economic Developer (PCED) are strongly desired. Must have exceptional communications and people skills. Must have knowledge of general city operations and an emphasis on Mandan and Morton County preferred. Must have a proven track record in working with policy making boards. Working experience with and knowledge of the Mandan business community and state legislatures is desired. Must have a proven leadership track record.</p>
<p><b><u>Required Knowledge, Skills and Abilities:</u></b></p>		<p><b><u>Required Knowledge, Skills and Abilities:</u></b></p>
<p><u>Considerable knowledge of and experience in:</u></p>		<p><u>Considerable knowledge of and experience in:</u></p>
<p>Grant writing, development and administration .</p>		<p>Grant writing, development and administration .</p>
<p>Federal, state and local economic development</p>		<p>Federal, state and local economic development</p>

<b>Bismarck (Job Description)</b>	<b>Mandan (Contract)</b>	<b>Suggested Combination</b>
programs and resources and funding sources.		programs and resources and funding sources.
Software applications commonly used in management and economic development.		Software applications commonly used in management and economic development and communications.
<u>Abilities</u>		<u>Abilities</u>
Ability to meet with partners or prospects and effectively communicate orally and in writing		Ability to meet with partners or prospects and effectively communicate orally and in writing
Ability to develop accountability metrics and report results		Ability to develop accountability metrics and report results
Ability to interpret complex federal, state, and local regulations and guidelines		Ability to interpret complex federal, state, and local regulations and guidelines
Ability to read and interpret maps, legal descriptions, and geographic information.		Ability to read and interpret maps, legal descriptions, and geographic information.
Ability to address public and professional groups.		Ability to address public and professional groups.
Ability to analyze administrative and organizational problems, identify appropriate solutions and plan strategic solutions.		Ability to analyze administrative and organizational problems, identify appropriate solutions and plan strategic solutions.
Ability to prepare and maintain complex reports and records.		Ability to prepare and maintain complex reports and records.
Ability to establish and maintain effective working relationships with employees, other agencies and the public.		Ability to establish and maintain effective working relationships with employees, other agencies and the public.
Ability to follow written and verbal instructions.		Ability to follow written and verbal instructions.

## **Business Development & Communications Director**

Revised: May, 2016 (initial)

Department: Administration

Section: Business Development & Communications

Reports to: City Commission/City Administrator

Approved by:

(1) Employee Signature \_\_\_\_\_

(2) President, Board of City Commissioners \_\_\_\_\_

### **DESCRIPTION OF WORK**

General Statement of Duties: Under direction of the City commission performs work to enhance business and economic development opportunities and broaden economic vitality in the City of Mandan. Communicate opportunities, progress and news about issues important to the business community and general public.

Supervision Received: Works under the administrative direction of the Portfolio Holder and City Administrator with a wide latitude for the application of independent professional judgment. Position is accountable to entire Board of City Commissioners. Written performance reviews will be conducted by the Portfolio Holder and City Administrator with input from the City Commission.

Supervision Exercised: Primary supervision of the Program Coordinator.

EXAMPLES OF WORK: An asterisk (\*) denotes those functions important and essential in accomplishing the purpose of this job. Some of the reasons why a function could be considered essential are: 1. The position exists to perform the function. 2. There are a limited number of other employees available to perform the function, or among whom the function can be distributed. 3. A function is highly specialized and the person in the position is hired for special expertise or ability to perform it.

\* Facilitates business/economic development through business retention and expansion activities, fostering local entrepreneurship, and recruiting new businesses.

\* Coordinate with other organizations involved in economic development, including Bismarck Mandan Development Association (BMDA), on a local, regional and state level.

- \* Facilitate business development by collaborating with various city departments and committees to move projects through the process in an effective manner.
- \* Expedites initiatives approved and/or introduced by commission.
- \* Expedites growth and development initiatives requiring coordination between external entities and city internal delivery systems and/or departments
- \* May act as official City representative in business development matters
- \* Prepares operating budget and submits funding requests for Business Development and Communications to City Commission for final approval
- \* Meets with partners to identify opportunities and efficiencies
- \* Develops project accountability tracking system.
- \* Develops and executes a Business Development & Community Marketing Program
- \* Assist with the public information program for the city of Mandan and its respective departments.
- \* Manage all local business assistance programs. Including but not limited to the following:
  - Renaissance Zone
  - Storefront Improvement Program
  - Retail & Restaurant Incentives
  - Interest Buy Downs
  - State Small Business Credit Initiative
  - Commercial Property Tax Exemptions
- \* Provide a supporting role in the administration and management of the Mandan Progress Organization to drive accountability as the City continues to provide financial assistance to the organization for the betterment of the community.

Performs other duties of a comparable level/type as required

### **MINIMUM QUALIFICATIONS**

**Education and Experience:** : A Bachelor's degree in business administration, finance, business management, marketing, or communications, public relations or similar field is desired. A minimum of 5 years' experience in municipal economic business and/or development activity is required. Experience in municipal economic development is strongly desired. A Master's degree or Certifications as Economic Developer (CEcD), or Professional Community & Economic Developer (PCED) are strongly desired. Must have exceptional communications and people skills. Must have knowledge of general city operations and an emphasis on Mandan and

Morton County preferred. Must have a proven track record in working with policy making boards. Working experience with and knowledge of the Mandan business community and state legislatures is desired. Must have a proven leadership track record.

**Required Knowledge, Skills and Abilities:**

Considerable knowledge of and experience in:

Grant writing, development and administration.

Federal, state and local economic development programs and resources and funding sources.

Software applications commonly used in management and economic development and communications.

Abilities:

Ability to meet with partners or prospects and effectively communicate orally and in writing

Ability to develop accountability metrics and report results

Ability to interpret complex federal, state, and local regulations and guidelines

Ability to read and interpret maps, legal descriptions, and geographic information

Ability to address public and professional groups

Ability to analyze administrative and organizational problems, identify appropriate solutions and plan strategic solutions

Ability to prepare and maintain complex reports and records

Ability to establish and maintain effective working relationships with employees, other agencies and the public

Ability to follow written and verbal instructions

The physical activities of this position are:

Walking: Moving about on foot to accomplish tasks, particularly for long distances.

Fingering: Picking, pinching, typing or otherwise working primarily with fingers rather than with the whole hand or arm as in handling.

Talking: Expressing or exchanging ideas by means of the spoken word. Those activities in which they must convey detailed or important spoken instructions to other workers accurately, loudly, or quickly.

Hearing: Perceiving the nature of sound with no more than a 40 db loss @ 500 Hz, 1,000 Hz and 2,000 Hz with or without correction. Ability to receive detailed information through oral communication and to make fine discriminations in sound, such as when making the fine adjustments on machined parts.

The physical requirements of this position are:

Sedentary Work: Exerting up to 10 pounds of force occasionally and/or a negligible amount of force frequently or constantly to lift, carry, push, pull or otherwise move objects, including the human body. Sedentary work involves sitting most of the time. Jobs are sedentary if walking and standing are required only occasionally and all other sedentary criteria are met.

The visual acuity requirements including color, depth perception and field of vision for this position are:

MACHINE OPERATORS (including inspection), INSPECTION, CLOSE ASSEMBLY, CLERICAL, ADMINISTRATIVE: This is a minimum standard for use with those whose work deals largely with preparing and analyzing data and figures, accounting, transcription, computer terminal, extensive reading, visual inspection involving small parts, operation of machines (including inspection), using measurement devices, assembly or fabrication of parts at distances close to the eyes.

The conditions the worker will be subject to in this position are:

None: The worker is not substantially exposed to adverse environmental conditions (such as in typical office or administrative work).

**Employment Contract for Business Development & Communications Director  
City of Mandan, North Dakota**

THE PARTIES to this Agreement are:

- 1) City of Mandan, North Dakota, party of the first part (hereafter Mandan)
- 2) Ellen Huber, 2359 37 St, Mandan, ND (hereafter Huber).

**Terms and Conditions of Employment Contract**

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

- 1) The Board of City Commissioners has appointed Ellen Huber as its Business Development & Communications Director for a three year period beginning February 1, 2016 and ending January 31, 2019. The annual salary beginning February 1, 2016 will be \$xxxx. The salary starting February 1, 2017 will be the previous years' salary plus a Cost of Living Adjustment (COLA) as approved in the 2017 budget plus a merit adjustment ranging between 0 – 5% based on job performance provided other employees are provided the opportunity for merit adjustments. The annual salary beginning on February 1, 2018 will be the previous year's salary plus a COLA as approved in the 2018 budget plus a merit adjustment ranging between 0 – 5% based on job performance and provided other employees are provided the opportunity for merit adjustments. Should the Board of City Commissioners enter into a salary study for all employees the position of Business Development & Communications Director shall be included and participate in any adjustments recommended in the plan as approved by the Board of City Commissioners. The contract may be renewed for a like or longer term by vote of the majority of the Board of City Commissioners.
- 2) The position of the Business Development & Communications Director is not part of the Mandan's civil service system, and the Business Development & Communications Director is an employee at will, serving at the pleasure of the Board of City Commissioners and is subject to dismissal with or without cause, upon notice.
- 3) Written performance reviews shall be conducted by the portfolio holder in conjunction with the City Administrator with input from the Board of City Commissioners prior February 1, of each year of the contract.
- 4) Huber shall receive the same benefits relating to sick leave, sick family leave, funeral leave, personal leave, vacation, health insurance, term insurance, pension eligibility, holidays, and travel reimbursement as any other employee in accordance with his/her year of employment with the City of Mandan. The benefit

package and continuing education reimbursement may be renegotiated at any time during the contract term as determined by Mandan and Huber.

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

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

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

#### **Duties and Responsibilities of Business Development & Communications Director**

Huber, in her capacity as Business Development Director of the City of Mandan shall exercise and perform the following duties and responsibilities:

\* Facilitates business/economic development through business retention and expansion activities, fostering local entrepreneurship, and recruiting new businesses.

\* Coordinate with other organizations involved in economic development, including Bismarck Mandan Development Association (BMDA), on a local, regional and state level.

\* Facilitate business development by collaborating with various city departments and committees to move projects through the process in an effective manner.

- \* Expedites initiatives approved and/or introduced by commission.
- \* Expedites growth and development initiatives requiring coordination between external entities and city internal delivery systems and/or departments
- \* May act as official City representative in business development matters
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- \* Meets with partners to identify opportunities and efficiencies
- \* Develops project accountability tracking system.
- \* Develops and executes a Business Development & Community Marketing Program
- \* Assist with the public information program for the city of Mandan and its respective departments.
- \* Manage all local business assistance programs. Including but not limited to the following:
  - Renaissance Zone
  - Storefront Improvement Program
  - Retail & Restaurant Incentives
  - Interest Buy Downs
  - State Small Business Credit Initiative
  - Commercial Property Tax Exemptions
- \* Provide a supporting role in the administration and management of the Mandan Progress Organization to drive accountability as the City continues to provide financial assistance to the organization for the betterment of the community.
- \* Performs other duties of a comparable level/type as required as deemed necessary by the Board or City Administrator.

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

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

**CITY OF MANDAN**

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

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

Attest:

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

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

**PARTY OF THE SECOND PART**

\_\_\_\_\_  
Ellen Huber  
2359 37 St, Mandan, ND

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