

**AGENDA**  
**MANDAN CITY COMMISSION**  
**OCTOBER 4, 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. MINUTES:
1. Consider approval of the minutes from the September 20, 2016 Board of City Commission Regular Meeting.
- D. PUBLIC HEARING:
1. Public Hearing scheduled at 6:00 p.m. to review and discuss the final 2017 Budget. (See Ordinances and Resolutions #1 – #2)
- E. BIDS:
- F. CONSENT AGENDA:
1. Consider approval of minor plat for Replat of Lots 4 & 5, Block 81, First Northern Pacific Addition
  2. Consider the letter of intent and Rule G-17 letter from Dougherty & Company LLC as the Underwriter for the Refunding Improvement Bonds of 2016, Series B.
  3. Consider contract with Brindlee Mountain Fire Apparatus, LLC
  4. Consider approving the following proclamations:
    - i. Proclaiming October 7, 2016 as Cajun Cowboy Fais Do Do Day in the City of Mandan.
    - ii. Proclaiming October, 2016 as National Disability Employment Awareness Month in the City of Mandan.
  5. Consider approval of Cost Participation and Maintenance (CPM) agreement with the NDDOT for Highway 6 and 19<sup>th</sup> Street turn lane improvements.
  6. Consider approving Mandan Special Olympics games of chance at Midway Lanes from October 4-Oct. 7, 2016.
  7. Consider 2016 budget amendment for Forestry Department for Dutch Elm Disease removal.
  8. Consider approval of request to advertise for sale the boom assembly from the 2005 bucket truck.
  9. Consider actions related to human resources and payroll processing.
  10. Consider approval of minor plat for Humane Society Subdivision

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G. OLD BUSINESS:

H. NEW BUSINESS:

1. Discussion regarding property issue Mr. Chris Geck
2. Consider Code Enforcement Appeals Board Appointments.
3. Consider recommendation from Visitors Committee regarding Bismarck Mandan Stock Car Association.
4. Engineering Amendment with AE2S for Construction Engineering of the Water Treatment Facility High Service Pump project.
5. Update on assistance to Morton County.

I. RESOLUTIONS AND ORDINANCES:

1. Consider the second and final consideration of Ordinance No. 1249 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2017, and ending December 31, 2017, and making the annual tax levy for the year 2016.
2. Resolution Establishing Rates and Charges for Services from the Water and Sewer Utility Fund.
3. Resolution Establishing Rates and Charges for Services from the Solid Waste Utility Fund.
4. Resolution Establishing Rates and Charges for Services from the Engineering and Planning Department.
5. Resolution Establishing License and Permit Fees from the Finance Department.
6. Resolution Establishing Beer, Liquor or Alcoholic Beverage License Fees.
7. Resolution Establishing Water Meter Prices from the Utility Maintenance Department.
8. Consider for approval the Resolution amending fees and charges administered by the Public Works Department

J. OTHER BUSINESS:

K. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. October 18, 2016
2. November 1, 2016
3. November 15, 2016 (4 p.m. Service Awards)

L. ADJOURN

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

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The Mandan City Commission met in regular session at 5:00 p.m. on September 20, 2016 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. In the absence of Mayor Helbling, Vice President Rohr called the meeting to order. Commissioners present were Rohr, Braun, Davis, and Commissioner Laber was present via teleconference call. 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 and Communications Director Huber, Planning & Engineering Director Froseth, Principal Planner Decker, Assessor Shaw, and Building Official Lalim. Absent: Mayor Helbling.

B. APPROVAL OF AGENDA:

Commissioner Braun moved to approve the Agenda. Commissioner Davis seconded the motion. The motion received unanimous approval of the members present. The motion passed.

C. MINUTES:

1. *Consider for approval of the minutes from the September 6, 2016, regular City Commission meeting.* Commissioner Laber moved to approve the minutes as presented. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Absent. The motion passed.

D. PUBLIC HEARING: None.

E. BIDS:

1. *Consider award of bid and approving Resolution Approving Contract and Contractor’s Bond for Water & Sewer Improvement District No. 62, Project 2016-17 (Collins Avenue NW).* Planning & Engineering Director Froseth presented a request to approve the Resolution and contract for Contractor’s Bond for Water & Sewer Improvement District No. 62, Project 2016-17. These are the 4 lots on Collins Avenue that have requested the work to be done. He said that two bids were received on September 13, 2016: (i) Cofell’s Plumbing & Heating in the amount of \$86,115.00; and (ii) Basaraba Excavating & Dirt Works, LLC in the amount of \$48,853.25. The Engineer's estimate was \$57,182.00. The low bid was 14.6% lower than the engineer’s estimate. He said the project will be paid for by special assessments from the benefiting properties within the district. The estimated construction cost of the project is \$48,853.25 plus the engineering and administrative costs of \$17,098.64 for a total project cost of \$65,951.89. The special assessments will be assessed to the 4 benefitting lots estimated at \$16,487.97 per lot. It was recommended to award the bid to the low bidder, Basaraba Excavating & Dirt Works, LLC in the amount of \$48,853.25.

Commissioner Laber moved to award the bid to Basaraba Excavating & Dirt Works, LLC as the low bidder for Water & Sewer Improvement District No. 62, Project No. 2016-17 (Collins Avenue) in the amount of \$48,853.25 and approve the Resolution approving Contract and Contractor’s Bond. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Absent. The motion passed.

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2. *Consider award of bid and approving Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 207, Project 2016-20 (8<sup>th</sup> Avenue NW north of 27<sup>th</sup> Street NW).* Planning & Engineering Director Froseth presented a request to award the bid and approve the Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 207, Project 2016-20. This project will help relieve traffic in the area. It will be a rural type section with no parking on the streets. There was no opposition to the project from the property owners. He said that three bids were received on September 13, 2016: (i) Basaraba Excavating & Dirt Works, LLC in the amount of \$401,383.80; (ii) Northern Improvement in the amount of \$394,666.40; (iii) Guthmiller & Sons Dirtworks, Inc. in the amount of \$326,047.53. The Engineer's estimate was \$339,841.95. The low bid was 4% lower than 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 \$326,047.53 plus the engineering and administrative costs of \$114,116.64 for a total project cost of \$440,164.17. The special assessments will be assessed to the benefiting lots within the district. It was recommended to award the bid to the low bidder Guthmiller & Sons Dirtworks in the amount of \$326,047.53.

Commissioner Braun moved to award the bid to Guthmiller & Sons Dirtworks, Inc., the low bidder for Street Improvement District No. 207, Project No. 2016-20 (8<sup>th</sup> Avenue NW north of 27<sup>th</sup> Street NW) in the amount of \$326,047.53 and approve the Resolution approving Contract and Contractor's Bond. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Absent. The motion passed.

3. *Consider award of bid for Water Treatment Facility High Service Pump project to low bidders.* Planning & Engineering Director Froseth stated that the Water Treatment Facility High Service Pumps and Facility Upgrades project bid opening was held on September 13, 2016. This item is to consider action based on the bids received. He said that 11 bids were received on September 13, 2016. He explained that it is typical for these types of facility upgrade projects that contractors have the option to bid on either the General Contract, the Mechanical Contract, the Electrical Contract, or all three combined. In taking the three low bidders and the alternates, the total project cost comes in at about 5% under the engineers estimate. In keeping a conservative 10% contingency on construction, the project is estimated to be about \$12,000 (under 1%) more than last year's application. The low bidders were: (i) General Construction including Alternate No. P1 was PKG Contracting, Inc. at \$1,231,900; (ii) Mechanical Construction was Ryan Mechanical at \$183,139; (iii) Electrical Construction including Alternate No. E1 was GMHR Field Services at \$1,067,832. PKG Contracting is a known general contractor who has completed many water projects for AE2S and the City of Mandan. Ryan Mechanical and GMHR are known entities to AE2S who are confident they are qualified to do the work. All bids were under the engineer's estimate.

Director Froseth said that the City was successful in receiving State Water Commission (SWC) grant money to start construction on this project during the 2015-2017 biennium. This project has been part of the City's Capital Improvement Plan (CIP). He explained that the new pumps are necessary to meet the near future projected water demands. Many of the existing pumps at the water treatment facility are 30 to 40 years old and are due for replacement. One component of this project is to address those pumps with replacements. In order to maximize efficiency of

those pumps, this project also includes VFDs (Variable Frequency Drives) and the electrical upgrades to facilitate the pumps and VFDs. The pump upgrades will increase the plant's firm capacity by 44% to the Collins reservoir and by 26% to the Sunset Drive reservoir. A second main component of this project is to reconfigure the facilities office and lab space. Currently there is only one small office room that intermingles with the lab space. The City applied for and received State Water Commission grant money for this project. The City is to receive a 35% match from the SWC for design engineering and pre-bid services, for the construction and construction phase engineering; the City is to receive a 60% match.

The local or City share of the project would be financed by a Drinking Water State Revolving Fund (SRF) Loan. The 20-year SRF Loan from the State of ND would have an interest rate of 1.5% plus a 0.5% administrative fee. To service the debt on the SRF Loan, the City would be required to adjust the monthly water and wastewater base charge per meter as follows. The City would propose the base charge increase to go into effect for the 2018 Budget:

- Residential = \$0.90
- Mobile Home/Trailer Park = \$0.90
- Commercial = \$1.80
- Apartment = \$2.70

Commissioner Braun moved to approve awarding the bid to the low bidders; PKG Contracting for General, Ryan Mechanical for Mechanical, and GMHR Field Services for Electrical. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Absent. The motion passed.

F. CONSENT AGENDA

1. *Consider approval of monthly bills.*
2. *Consider approval of Post-Issuance Compliance Procedure and Policy for Bond Issues.*
3. *Consider approval of variance request to allow construction of an additional 60 foot wide driveway apron at 1715 40<sup>th</sup> Ave. SE*
4. *Consider approval of minor plat for Sylvester's Industrial Park 8<sup>th</sup> Addition*

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

G. OLD BUSINESS:

1. *Presentation of City of Mandan preliminary 2017 Budget by the Budget and Finance Committee.* Commissioner Rohr stated this matter is a continuation from the previous meeting regarding the preliminary 2017 budget. Finance Director Welch presented the Preliminary 2017 Budget as follows:

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**Ordinance No. 1249**

- September 6, 2016 – The Board of City Commissioners passed the introduction and first consideration, and called for a public hearing of Ordinance No. 1249 adopting the 2017 Budget. Due to the lack of City Commission meeting time, the Mayor requested the Presentation from the Budget and Finance Committee be made to the Board on September 20, 2016.
  
- September 16, 2016 – The City published a Notice of Public Hearing of Ordinance No. 1249 adopting the 2017 Budget on October 4, 2016.

**2017 Budget vs 2016 Budget**

- All Funds combined:
  - General Fund
  - Special Revenue Funds
  - Debt Service Funds
  - Utility Funds

Revenues = \$1.2M decrease from 2016 Budget

Expenditures = \$928K decrease from 2016 Budget

**Revenues**

Total = \$31M

- Water, Sewer, Solid Waste, Street Light Utility Charges = \$10.2M
- Special Assessments = \$5.6M
- 1% & 0.75% City Sales Taxes = \$4.1M
- Intergovernmental = \$4.3M
- Property Taxes = \$3.6M
- Other = \$3M

- \$1.2M or 3.7% decrease from 2016 Budget

**Expenditures**

Total = \$30.1M

- Salaries and Benefits = \$10.2M
- Operations and Maintenance = \$7.2M
- Capital Outlay = \$1.7M
- Debt Service = \$10.9M

- \$928K or 3.0% decrease from 2016 Budget

**Salaries**

Total = \$7.4M

- Full Time = \$7M
- Overtime = \$208K
- Part Time = \$201K

- \$117K or 1.6% decrease from 2016 Budget
  - Overtime = \$74K decrease
  - Part Time = \$20K decrease
- No employee market or performance adjustments, except for promotions.
  - High priority for 2018 Budget
- City intends to fully staff police and fire departments.
- Re-evaluate vacant or unfilled positions in General Fund based on need (essential vs. non-essential), except for police and fire departments.
- No additional employees.

### **Benefits**

Total = \$2.7M

- Health Insurance = \$1.5M
- Pension = \$616K
- Social Security and Medicare = \$572K
- Other = \$124K
- \$61K or 2.2% increase from 2016 Budget
  - Health Insurance = \$82K increase
    - 15% projected increase in health insurance (NDPERS) premiums, effective July 2017
      - July 1, 2017 = 8.7% increase?
      - July 1, 2018 = 8.7% increase?
    - City will continue to evaluate and review health care plans to manage future costs and attempt to offer employees more selective options.
  - Pension = \$23K decrease
    - Police Department = \$16.4K decrease
      - City contribution decrease from 10% to 9.07%

### **Salaries and Benefits**

Total = \$10.2M

- \$56K or 0.5% decrease from 2016 Budget

### **Operations and Maintenance**

Total = \$7.2M

- Expenditure categories:
  - Professional fees and services
  - Insurance
  - Utilities
  - Supplies

- Repairs
- Etc...

➤ \$84K or 1.1% decrease from 2016 Budget

### **Debt Service**

Total = \$10.9M (principal and interest)

- Special Assessment Bonds = \$6.5M
- Revenue Bonds = \$4M
- Capital Leases = \$196K
- General Obligation Bonds = \$68K

### **Capital Outlay**

Total = \$1.7M

- General Fund = \$126K
- Water and Sewer Utility Fund = \$1.5M

### **General Fund**

Revenues = \$10.5M (includes cash transfers of \$1.1M from other funds)

➤ \$35K decrease from 2016 Budget

Expenditures = \$10.7M

➤ \$292K decrease from 2016 Budget

### **General Fund – Revenues**

Total = \$10.5M

- Property Taxes = \$3.2M (30% of total)
- 1% City Sales Taxes = \$1.2M (11% of total)
- Licenses and Permits = \$991K (9% of total)
- Other = \$874K
- State Aid Distribution/Highway Tax Distribution = \$2.6M (25% of total)
- Charges for Services = \$663K
- Transfers (from other funds) = \$1.1M
  - \$686K decrease in state aid distribution
  - \$396K decrease in highway tax distribution
  - Mill levy increase = 13.08 Mills
    - Property tax increase (residential property valued at \$250,000 with a valuation increase of 12.7% in the true and full value, excluding special assessments) = \$165

➤ \$35K decrease from 2016 Budget

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### **State Aid Distribution**

- Consists of sales, gross receipts, use and motor vehicle excise taxes collected by the State of ND. A portion of the taxes are distributed quarterly pursuant to a population based formula as spelled out in NDCC 57-39.2-26.1.
- Increasing revenue trend through 2014 and decreasing revenue trend since 2015.

#### 2016 Budget:

- Original = \$2.3M
- Revised = \$1.6M
- \$686K or 30% decrease

#### 2017 Budget:

- \$1.6M = no increase from revised 2016 Budget
- \$686K or 30% decrease from original 2016 Budget

### **Highway Tax Distribution**

- Consists of motor vehicle registration, fuel taxes, use taxes and special fuels excise taxes collected by the State of ND. Distributed monthly to counties and cities monthly pursuant to NDCC 54-27-19.
- Transferred from the City's Highway Distribution Fund to the General Fund to pay for street department operations.
- Increasing revenue trend through 2014 and decreasing revenue trend since 2015.

#### 2016 Budget:

- Original = \$1.4M
- Revised = \$977K
- \$396K or 29% decrease

#### 2017 Budget:

- \$977K = no increase from revised 2016 Budget
- 396K or 29% decrease from original 2016 Budget

### **General Fund – Expenditures**

Total = \$10.7M

- Salaries and Benefits = \$7.5M
- Debt Service = \$40K
- Capital Outlay = \$126K
- Operations and Maintenance = \$3M
- \$292K decrease from 2016 Budget:
  - Salaries and Benefits = \$95K increase
    - Health Insurance = \$84K increase

- Debt Service = \$15K increase
  - Capital lease payments
    - Street Department
- Capital Outlay = \$346K decrease
- Operations and Maintenance = \$56K decrease

### **General Fund – Fund Balance**

Total (estimated December 31, 2017) = \$3.3M

- Reserved (17%) = \$1.8M (The recommended percent to have in reserves)
- Unreserved = \$1.5M
  - \$240K decrease from revised 2016 Budget

Unreserved:

- Increasing fund balance trend through 2015 and decreasing fund balance trend since 2016.
  - Revenue stabilization transfers from other funds:
    - 2016 Budget = \$158K
    - 2017 Budget = \$890K
      - ✓ Hub City Fund contribution = \$553K
        - ❖ Operations = \$500K
        - ❖ Capital Outlay = \$53K

### **Utility Bill**

- Residential property using 800 cubic feet or 8 units of water

Water and Sewer Utility Fund:

- Water and Wastewater Base Charge:
  - Increase pending updated cost share funding from the ND State Water Commission and timing of Water Treatment Capital Improvement Projects.
    - Effective for 2018 Budget
- Water Usage Charge:
  - \$0.10 increase per 100 cubic feet = \$0.80/per month
- Wastewater Usage Charge:
  - \$0.05 increase per 100 cubic feet = \$0.40/per month
- Missouri West Water System:
  - \$0.07 increase per 1,000 gallons

Solid Waste Utility Fund:

- Solid Waste Collection and Hauling Base Charge:
  - \$0.05 increase per month
    - Solid waste collection services.
- Solid Waste Recycling Base Charge:
  - \$0.15 increase per month

Street Light Utility Fund:

- No increase in Charges for Services.
- Total (residential property using 800 cubic feet or 8 units of water) = \$1.40 increase per month.

**Taxable Valuations**

Total (estimated) = \$80.4M

- Residential = \$55.9M
    - 12.8% increase from tax year 2015
  - Commercial = \$24.2M
    - 30.9% increase from tax year 2015
  - Agricultural and Utilities = \$293K
- 17.6% increase from tax year 2015 (2016 Budget)

**Property Tax Rates – Tax Year 2015 (2016 Budget)**

Total (all taxing entities) = 279.75 Mills

- City of Mandan = 66.66 Mills (24% of total)

**Mill Levy and Property Taxes**

Mill Levy:

- Total = 59.15 Mills
  - General Fund = 41.52 Mills
  - Mandan Airport Authority = 4.00 Mills
  - Morton Mandan Public Library = 7.00 Mills
- 7.51 Mills decrease from tax year 2015 (2016 Budget)
  - General Fund = 6.89 Mills decrease from tax year 2015 (2016 Budget)
  - Mandan Airport Authority = no decrease in Mills from tax year 2015 (2016 Budget)
  - Morton Mandan Public Library = no decrease in Mills from tax year 2015 (2016 Budget)

Property Taxes:

- Total = \$4.7M

**Property Tax Rates vs Valuations**

- Increase in taxable valuations = decrease in City property tax rates (mill levy) since 2007.

**Property Taxes**

Total = \$4.7M

- General Fund = \$3.3M
  - \$28K increase from tax year 2015 (2016 Budget)
- Mandan Airport Authority = \$321K

- \$48K increase from tax year 2015 (2016 Budget)
- Morton Mandan Public Library = \$563K
  - \$84K increase from tax year 2015 (2016 Budget)
- \$198K increase from tax year 2015 (2016 Budget).
  - New construction and expired exemptions:
    - Commercial = \$117K
    - Residential = \$81K
- Two year \$75,000 property tax exemption for new residential construction:
  - City tabled further discussion until January 2017.
- General Fund (in green) property taxes has remained stable since 2010.
- Residential property valued at \$250,000 with a valuation increase of 12.7% in the true and full value, excluding special assessments.
  - No increase in City property taxes due to the reduction in the City's mill levy to offset the 12.7% valuation increase.
  - Existing properties with a valuation increase under 12.7% will pay less.
  - Existing properties with a valuation increase over 12.7% will pay more.

#### **Annual Cost for City Services**

- The annual cost for City services for an existing \$250,000 residential property with a valuation increase of 12.7% and using 8 units of water per month, excluding special assessments:
  - Property Taxes (in green) = \$750
    - No increase from 2016 Budget
  - Utility Bill (in blue) = \$1,012
    - \$17 increase from 2016 Budget
  - Total = \$1,762
    - \$17 increase from 2016 Budget

#### **What's next?**

- October 4, 2016 – The Board of City Commissioners will conduct a public hearing and pass the second and final consideration of Ordinance No. 1249 adopting the 2017 Budget and also approve the Resolutions establishing rates and charges for services from the Water and Sewer Utility Fund and the Solid Waste Utility Fund.
- The preliminary 2017 Budget is posted on the City's website at [cityofmandan.com](http://cityofmandan.com).

#### **Questions or Comments?**

- Thank you to Krissy Pfeifer (Assistant Finance Director) for preparing this presentation.
- Questions or comments?

Commissioner Rohr extended a thank you to Director Welch and his staff for the preparation of an easy to read 2017 budget document. Commissioner Rohr commented on the different entities such as the County, the School, and the Park Board, all have budgets too. Each of the taxing entities takes into consideration that there are other taxing agencies that affect citizens. He encouraged others to educate citizens on what community taxation is and how it is applied to citizens. Director Welch stated that there were discussions by the Budget and Finance Committee as to whether or not to increase property taxes incrementally for the 2017 Budget. If the State economy doesn't rebound quickly enough, the City may be in a similar financial position again for the 2018 Budget. The Committee decided to use the City's existing fund balances on hand rather than increasing property taxes; reduced costs where the City could; and to be fiscally responsible with the funds which the public has asked the City to be stewards of. If the City is in the same financial position when preparing the 2018 Budget, the Committee should be able to demonstrate that the City did not increase property taxes for the 2017 Budget but instead cut expenditures and used the existing funds that the City had available. If the City needs to increase property taxes for the 2018 Budget, hopefully there is better justification to do so.

Commissioner Rohr commented that these meetings are publicized on television and taped so if people cannot attend the meetings in person they can tune in to television broadcasts to become aware of what is going on. Director Welch stated that all of the Budget information is available on the City's website. No action is required at this time.

#### NEW BUSINESS:

1. *Consider Growth Fund Committee recommendations:* Business Development Communications Director Huber presented the following requests on behalf of the Mandan Growth Fund (MGF) Committee who met on September 14, 2016:

i. *Storefront Improvement application for 316 W Main Street by Taylor Made BBQ, LLC:* A request for consideration of an application from Taylor Made BBQ, LLC, which is a new business by Adam and Kendra Taylor who will be leasing 316 West Main Street for a new eatery. The estimated cost of the proposed storefront improvement project is \$16,885 with an allowance recommended from the committee, for up to \$10,000 for a fence on the building's alley side to screen restaurant equipment and for exterior building lighting. The MGF Committee's recommendation is to approve a maximum of \$13,442 in matching funds toward an estimated \$26,885 project cost and those funds are structured as a forgivable loan. She explained that means that the dollars are forgiven over the course of five years as long as the improvements to the building remain intact. Huber reported that the Taylors today submitted a bid for fence and lighting in the amount of \$4,634. The MGF Committee allowed a higher allowance. She noted that their fence concept has not yet been before the Mandan Architectural Review Commission (MARC) and will need their approval. The overall concept of the project has MARC approval, but the fence has not been brought before them yet – and MARC also requested reviewing the business sign plan.

The application outlines plans to replace; repair and paint brick work throughout the building's second story; replace the awning and add new business signage. The owners of the property also have to sign off on the application which has been done already by Bob Gustafson, the property owner. The property could qualify as a Renaissance Zone project in the future if someone wishes to rehab the second story of the building and restore apartments or build office space.

The MGF Committee's recommendation is for a maximum of \$13,442 in matching funds. The unallocated balance for economic development projects in the Growth Fund (sales tax generated) is \$160,060.86 as of September 6, 2016. If this and another application on the City Commission's September 20, 2016 agenda are approved, the unallocated balance would be reduced to \$116,618.86. Taylor Made BBQ, LLC is also applying for the Restaurant Rewards sales tax rebate.

City Attorney Brown has reviewed the application. The building already has an automatic door so it does meet the ordinance requirements when participating in a local business assistance program. A Business Incentive Agreement is also required for projects exceeding \$25,000 in assistance. While the storefront project alone would not trigger this, it is possible this threshold could be achieved with the requested sales tax rebate over the course of five years.

The Mandan Growth Fund Committee voted 6-0 (3 members absent) to recommend approval of the application for up to \$13,442 in matching funds for the storefront improvement project by Taylor Made BBQ, LLC, at 316 West Main Street. Both Adam and Kendra Taylor were present to answer questions.

Commissioner Braun moved to approve providing up to \$13,442 in matching funds for the storefront improvement project by Taylor Made BBQ, LLC, at 316 West Main Street. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Absent. The motion passed.

*ii. Restaurant Rewards application for sales tax rebate by Taylor Made BBQ, LLC.*

The MGF Committee recommended approval of the Restaurant Rewards sales tax rebate for Taylor Made BBQ, LLC, with plans to open at 316 West Main Street. Taylor Made BBQ, LLC, which is a new business operated by Adam and Kendra Taylor. The Taylors are leasing 316 West Main Street for a new restaurant that will seat 65 people and it will be counter service only. The applicants also plan to apply for a restaurant beer and wine license. They expect to have three full-time employees. Huber explained that the sales tax rebate does not come from any existing revenue, but rather forgoes future revenue that will result from the opening of the business and takes into consideration the sales that occur at the restaurant. With projected annual sales of \$240,000, the rebate of the 1% local sales tax would equal \$2,400 annually for a five-year total of \$12,000. There is no cap on the amount of the rebate. If the restaurant is more successful or less successful than projected, this rebate number could vary.

City Attorney Brown is working on the finalization of a Sales Tax Rebate Agreement. City Administrator Neubauer will submit the final draft to the ND State Tax Department for review to assure it is compatible with the remittance timelines and the timeline within which the ND Treasury Department provides sales tax collections to the municipalities. The agreement requires the applicant to provide copies of sales tax remittance information to the City on a quarterly basis and to give the N.D. Tax Department permission to share copies of such information received on its end for verification purposes. This agreement will be presented to the City Commission at a future meeting for approval. The Mandan Growth Fund Committee voted 6-0 (3 members absent) to recommend approval of the application for the five-year rebate of the 1% local sales

tax for Taylor Made BBQ, LLC, at 316 W Main Street.

Commissioner Braun moved to approve the five-year rebate of the 1% local sales tax for Taylor Made BBQ, LLC, at 316 West Main Street. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Absent. The motion passed.

*iii. Storefront Improvement application for 800 West Main St by Brian Fettig, Millwork & Window, Inc.* This is a request for approval of a Downtown Storefront Improvement Program application by Fettig Millwork and Windows for a corner property at 800 West Main Street. Owner Brian Fettig has the property under a purchase agreement. He is planning a full exterior and interior renovation as well as an addition that will cover a portion of an adjoining parcel at 105 7<sup>th</sup> Avenue Northwest.

The estimated cost of the exterior improvements is \$164,940.03, not including additional planned investment for green space and landscaping, nor does it include the interior renovation. The application is for the maximum \$30,000 in matching funds. The application outlines the project including reskinning street-facing sides of the building with new siding, windows and doors. Non-street facing sides will also be improved with a material to be approved by the Mandan Architectural Review Commission (MARC) because the applicant's initially proposed metal siding is not allowed in the downtown core district. The addition will also feature a new rooftop awning.

The building design and site plan has received the MARC's preliminary approval. Final approval is contingent upon selection of colors for the siding materials, selection of the material for non-street facing sides of the building, a site plan with some landscaping and that shows the location of the dumpster with screening. Sign plans were not included with the application so they will need to be approved by MARC prior to permitting and installation. The applicant is planning an additional investment of approximately \$63,820.25 for the interior building renovation. Mr. Fettig has been operating his business in Mandan for approximately 10 years. His business is currently located at 3327 Memorial Highway in the Midway Lanes building. He leases shop spaces in two other locations on the west end of Memorial Highway. For more information on his business, the website is [www.fettigmillworkandwindows.com](http://www.fettigmillworkandwindows.com). The applicant's request is for \$30,000 in matching funds. The unallocated balance for economic development projects in the Growth Fund (sales tax generated) was \$160,060.86 as of September 6, 2016. It will be reduced to \$116,618.86 with the approval of the previous project on the agenda and if this project is approved. He is also applying for the Renaissance Zone property and state income tax exemptions. His level of investment in building improvements meets and exceeds the minimum requirements for each program with no overlap from one to the other in funds used to meet minimum or matching requirements.

City Attorney Brown has reviewed the application. City ordinance requires an automatic door on at least one entrance to the building. A Business Incentive Agreement is also required for projects exceeding \$25,000 in assistance. When a storefront applicant is planning to be their own contractor they are required to be a licensed contractor within the State of North Dakota. Mr. Fettig is a licensed contractor. He will need to document labor rates and hours to make sure

those are appropriate. However, actual materials costs will likely exceed all minimum program requirements without even taking labor costs into account.

The Mandan Growth Fund Committee voted 6-0 (3 members absent) to recommend approval of the application for up to \$30,000 in matching funds for the storefront improvement project by Fettig Millwork and Windows for 800 West Main Street. Brian Fettig was present to answer any questions about the project.

Commissioner Davis moved to approve providing up to \$30,000 in matching funds for the storefront improvement project by Fettig Millwork and Windows for 800 West Main Street. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Absent. The motion passed.

2. *Consider Renaissance Zone Committee recommendation regarding an application for purchase with improvements of 800 W Main St by Brian Fettig, Millwork and Window, Inc.* This is a request to review a Renaissance Zone application by Brian Fettig Millwork and Window, Inc. for a corner property at 800 West Main Street and 105 7<sup>th</sup> Avenue Northwest. The Renaissance Zone program is under the jurisdiction of the ND State Commerce Department. The Mandan Renaissance Zone Committee met September 14, 2016, to consider a purchase with improvements application by Fettig Millwork and Window, Inc. The owner, Brian Fettig has the property under purchase agreement. He is planning a full exterior and interior renovation as well as an addition. The total estimated cost of the project is \$228,760.28. Interior improvements are estimated at \$63,820.25 and include renovation for a showroom and office space with framing, electrical updates, new bathrooms, a furnace and air conditioning, light fixtures and flooring. Exterior improvements are estimated at \$164,940.03 and will include new siding, windows and doors. Non-street facing sides will also be improved with a material yet to be determined and approved by the Mandan Architectural Review Commission (MARC) as the applicant's initially proposed metal siding is not allowed in the downtown core district. The addition will feature a new roof line, new roof and an awning.

The building design and site plan received MARC's preliminary approval. Final approval is contingent upon selection of colors for the siding material, selection of the material for non-street facing sides of the building, a site plan with some landscaping and that shows the location of the dumpster with screening if visible from the street. Sign plans are not included with the application and will also need to be approved by MARC prior to permitting and installation. The proposed investment exceeds the minimum investment requirement to receive a 100% five-year property tax exemption on the building as improved under the Renaissance Zone Program. This requirement is to put at least 50% of the building's value back into it in improvements. The building is valued at \$69,600, so the minimum investment is \$34,800. Mr. Fettig has also applied for the Storefront Improvement Program. Even with the \$60,000 for the matching funds and his investment, putting the minimum total at \$94,800; his application exceeds this threshold. Mr. Fettig plans to begin renovations immediately upon securing assistant program approvals and closing on the purchase of the property, ideally by October 1, 2016 with completion anticipated by February 2017.

Mr. Fettig has been operating his business in Mandan for approximately 10 years. His showroom is currently located at 3327 Memorial Highway in the Midway Lanes building and he leases shop spaces in two other locations. This project will allow him to consolidate all aspects of his business into one location. His business currently has five employees and he plans to add three more in the upcoming years. The primary purpose of the incentive would be surrounding community development and rehabilitation of a building over 50 years old. More information about the business can be found [www.fettigmillworkandwindows.co](http://www.fettigmillworkandwindows.co).

The City Assessor estimates the value of the building with improvements to be \$203,500. Using the current levy of 280 mills, the annual property tax on the building is estimated at \$2,849 for a five-year total of \$14,245. The actual property tax exemption will be subject to prevailing market values and property tax rates in the five subject years. The estimated state income tax exemption is \$1,500 annually for a five-year total of \$7,500.

City Attorney Brown has reviewed the application. The City ordinance requires an automatic door on at least one entrance to the building. The applicant has provided a certificate of good standing from the ND Tax Department dated September 7, 2016. The ND State Commerce Department requires a Business Incentive Agreement for each application, which have been received from the applicant and will require the mayor's signature, if these applications are approved.

The Mandan Renaissance Zone Committee voted 4-0 (3 members absent) to recommend approval of the application by Fettig Millwork and Windows for 800 West Main Street and 105 7<sup>th</sup> Avenue Northwest for the purchase with improvement project to include the five-year 100% property tax exemption on the building as improved and the 100% five-year state income tax exemption.

Commissioner Davis moved to approve the application by Fettig Millwork and Windows for 800 West Main Street and 105 7<sup>th</sup> Avenue Northwest for the Renaissance Zone purchase with improvement project to include the associated five-year 100% property tax exemption on the building as improved and the 100% five-year state income tax exemption.

Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Absent. The motion passed.

3. *Consider a request to establish a beer and wine only, on-sale liquor license.*  
Business Development Communications Director Huber presented a request from a new business opening in Mandan to establish a beer and wine only, on-sale liquor license. She explained that city staff received an inquiry and a follow-up written confirmation for a request to create this new category of liquor license in August from Ryan Hertel, who is opening Mancave Grooming in the Memorial Square Shopping Center. Other cities identified who have similar types of beer and wine only, on-sale or beer only; on-sale licenses include Dickinson, Williston and Rapid City, SD. A review of the ordinances and comparable fee structures was provided and reviewed from these other cities. She said that the fee structure would need to be determined, pending

Commission action, to create an ordinance that would make the license available. Mr. Hertel was not present at the meeting.

Commissioner Laber stated that she is not interested in expanding the number of beer and liquor licenses in the community. She stated it is not clear why the business owner is interested in pursuing a liquor license for the sale of such a limited amount of beer or liquor at his place of business. Director Huber stated she attempted to contact Ryan Hertel (to no avail) to clarify with him if his patrons would be 21 yrs. of age and older; or if he was planning for the Mancave Grooming salon to be open to patrons of all ages. She said that in terms of the concept of what's happening in hair salons. She does not know if this is happening in this city, but she is aware of a hair salon in another city that is offering beverages to their patrons but they provide them as complimentary. In this case, Mr. Hertel is planning to have his base fees for haircuts and other grooming services established and then to actually have an overt fee for the beer or wine that would be offered for purchase.

Commissioner Laber said she is very concerned about being fair to the already established businesses that have paid an issuance fee, that is somewhat substantial than what is being proposed or reviewed by other cities as explained by Director Huber.

Police Chief Ziegler commented that as far as the business itself, as far as policing, the police department would approach it like they would with any other bar establishment as long as they fall within the regulations that the city will allow them. They will have to have a separate space. There will have to be some health requirements too as far as cutting hair and having consumables around. There will have to be a wall that separates where they mix or serve the alcohol as to where they serve it. If there are individuals in there under the age of 21, they will not be allowed in the bar area and they will have to be accompanied. There are also questions about who will serve the beverage and there will have to be requirements in place regarding legalities of that. With regard to the fee, several city staff will have to meet to determine what cost there will be to the city itself. He could not clarify what gain there would be to have a beer or liquor license for this type of business. The business will be treated the same as any other bar establishment as far as the police department is concerned.

Commissioner Laber requested looking into what other communities have in place regarding these types of businesses. Director Huber commented on per capita of the number of licenses available for liquor licenses, explaining that the City Commission went through extensive discussion in 2013 regarding liquor licenses in the City of Mandan. At that time there was a quota in place for the Class A (on & off sale full blown bar type licenses) and the Class D (convenience store off sale of either full liquor or beer & wine only) licenses. At that time the Commission determined that it did not control any other type of businesses in relation to population, so they chose to revise the ordinance to remove the reference to any needed increase in specified amount of population to issue another Class A or D license. At that time for those two particular categories, the higher issuance fee was put into place with the same annual renewal. None of the other types of licenses have had any quota restriction at all. Prospective new entities thinking of coming to Mandan are pleased to know there are no quotas or high fees for those types of licenses. This is not the only unique inquiry the City has had and maybe looking into another type of liquor license category for the younger generation for new and

different concepts is warranted. This is the only different kind of request that has been researched before bringing the request to the Commission. This concept is more of the sports bar type of concept catering to the male clientele.

Director Huber suggested tabling this matter until further research is done to look at practicability and implications of this type of business allowing alcoholic beverages at a hair salon. Commissioner Braun concurred. She said Ryan Hertel is anticipating opening his business in October. He will be invited to a future meeting for further discussion on the matter if the Commission wishes to go that route. Commissioner Davis agreed that hearing from Mr. Hertel would be helpful to clarify some of the questions that have come up during this discussion.

Commissioner Braun motioned to table this matter on the beer and wine license request from Mancave Grooming until further research is done to look at practicability and implications of this type of business allowing alcoholic beverages at a hair salon. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Absent. The motion passed.

4. *Consider approval of Request for Proposal (RFP) advertisement for engineering services for McKenzie Drive and 46th Avenue project.* Planning & Engineering Director Froseth presented the Water Treatment Facility High Service Pumps and Facility Upgrades project bid opening that was held on September 13, 2016. He said that this action is to consider advertising the RFP for this project. He explained the history of the project request explaining that the pavement at McKenzie Drive is un-raveling and is in poor condition and in need of repair. The population in that area of town has grown more than any other area of the city. Considering the continued growth and including the opening of the YMCA scheduled in 2017 adjacent to that intersection, the recommendation is to install a traffic light at that intersection. This segment of the project has been approved for NDDOT Urban Roads program funding match. The DOT will match this project up to a total of about \$800,000. The total project is expected to cost about \$1,300,000. The remainder would have to be paid by city sales tax, city-wide property tax, and possibly a special assessment district. Since it is a federally funded program it was recommended to get this project ready for the next construction season. The request is to advertise for the project. Director Froseth recommended approval.

Commissioner Laber moved to approve advertising the RFP for the McKenzie Drive Reconstruct and Signalization Project. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Absent. The motion passed.

5. *Consider 2016 Budget Amendment for Fire Station 1 Roof Repair.* Fire Chief Nardello presented a request to consider a 2016 General Fund budget reserve amendment due to a roof leak at Fire Department Station No.1 at the northeast corner that is causing damage to the sheet rock ceiling below. The existing roof was replaced approximately 16 years ago and is in need of replacement with a membrane material rather than hot tar. The portion of the roof that is leaking is the only remaining roof without a membrane material because all other roofs have been replaced.

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Chief Nardello said that three estimates have been received: (i) TECTA America at \$22,548 plus \$1.95 pf of insulation with a 10-year warranty; (ii) Twin City Roofing at \$22,589 plus \$.75 pf of insulation with a 15-year warranty; (iii) Precision Services at \$26,244 with no quote for insulation replacement with a 15-year warranty.

All companies submitting quotes indicated that they would be able to complete the project in 2016. In addition, insulation replacement is needed, as any leaking flat roof will have damage under the circumstances. However, the amount of damage cannot be determined until the old roof is removed. Chief Nardello recommended awarding the contract to Twin City Roofing who is offering a 15-year warranty and a less expensive insulation replacement cost. He said that there were no funds allocated for roof repair or replacement within the fire department budget. Therefore Finance Director Welch indicated that funding for the roof repair would need to come from the General Fund budget reserve.

Commissioner Braun moved to approve a General Fund budget reserve amendment to allow for a roof replacement project at Fire Station No.1 not to exceed \$24,000 and awarding the contract to Twin City Roofing. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Absent. The motion passed.

6. *Presentation of retirement watch to Ed Boehm, Equipment Operator II, Landfill and City employee for 29 + years.* Commissioner Rohr stated that Ed Boehm started with the City of Mandan in 1987 under City Engineer Tom Little at the Cemetery. He transferred to the Public Works Department where he has worked under Public Works Directors Pete Snider and Jeff Wright for over 27 years. His retirement date is October 1, 2016. Commissioner Rohr presented a retirement gift to Ed Boehm's for his years of dedicated service to the City of Mandan.

#### I. RESOLUTIONS AND ORDINANCES:

1. *Second consideration of Ordinance 1250 amending and reenacting PUD District 2015-01 related to Lakewood 9<sup>th</sup> Addition.* Commissioner Laber moved to approve the Second consideration of Ordinance 1250 amending and reenacting PUD District 2015-01 related to Lakewood 9th Addition. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Absent. The motion passed.

2. *Consider Resolution extending Cable Television System franchise agreement in the City of Mandan to and including December 31, 2017.* City Administrator Neubauer said that City staff recommended the current Midcontinent (Midco) Franchise Agreement be extended to December 31, 2017. This extension would coincide with the Midco Franchise Agreement in the City of Bismarck. During the last negotiation with Bismarck & Midco, Dakota Media Access (DMA) was involved; thus putting Bismarck and Mandan's agreements on the same time table. That would then enable negotiations with Midco to occur simultaneously. Both representatives of Midco and DMA have been consulted regarding this issue and they concur with the recommendation.

Commissioner Davis moved to approve a Resolution extending the Cable Television System Franchise Agreement to Midcontinent Communications in the City of Mandan to and including December 31, 2017. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Absent. The motion passed.

J. OTHER BUSINESS:

1. Dan Helbling, a Mandan resident, came forward and stated that he and his neighbors have an issue with water problems from the heavy rains. They are requesting direction or a resolution for the water problems. He provided photos of the water sitting in his yard and his neighbor's yard. The property is located in the 800 Block of 5<sup>th</sup> Avenue Northwest. Since 2012, water problems have occurred with heavy rains. Both he and his neighbor have had water and mud issues in the garages and sheds also. The problem started when the duplex was built behind his property. He said he has reported the problem to the City Engineer many times but nothing has been done yet. Commissioner Rohr suggested that Engineering Director Froseth meet with them to review the problem with the water flow and determine what can be done about it; as well as whose responsibility it is to correct it.

L. ADJOURNMENT:

There being no further actions to come before the Board of City Commissioners, Commissioner Braun moved to adjourn the meeting at 6:47 p.m. Commissioner Laber 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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Dennis Rohr,  
Vice-President, Board of City  
Commissioners



# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** October 4, 2016  
**PREPARATION DATE:** September 28, 2016  
**SUBMITTING DEPARTMENT:** Finance  
**DEPARTMENT DIRECTOR:** Greg Welch  
**PRESENTER:** Greg Welch, Finance Director  
**SUBJECT:** Final 2017 Budget

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### PURPOSES

1. To conduct a Public Hearing to review and discuss the final 2017 Budget.
2. To consider the second and final consideration of Ordinance No. 1249 adopting the 2017 Budget.
3. To consider the Resolution establishing rates and charges for services from the Water and Sewer Utility Fund.

### BACKGROUND

On September 6, 2016 the Board of City Commissioners passed the introduction and first consideration of Ordinance No. 1249 adopting the 2017 Budget.

On September 16, 2016 the City published a Notice of Public Hearing of Ordinance No. 1249 adopting the 2017 Budget on October 4, 2016.

On September 20, 2016 the Budget and Finance Committee presented the preliminary 2017 Budget to the Board of City Commissioners.

On October 5, 2016 the City will certify a copy of the Levy as adopted and the final 2017 Budget to the Morton County Auditor.

The final 2017 Budget will be posted on the City's website at [cityofmandan.com](http://cityofmandan.com).

### ATTACHMENTS

- Notice of Public Hearing
- Ordinance No. 1249
- Certificate of Levy
- Resolution establishing rates and charges for services from the Water and Sewer Utility Fund

### FISCAL IMPACT

The annual cost for City services for an existing \$250,000 residential property with a valuation increase of 12.7% and using 8 units of water per month, excluding special assessments:

#### Property Taxes:

- 2017 Budget = \$750
- 2016 Budget = \$750
- Annual increase = \$0

#### Utility Bill:

- 2017 Budget = \$1,012
- 2016 Budget = \$995
- Annual increase = \$17

#### Total:

- 2017 Budget = \$1,762
- 2016 Budget = \$1,745
- Annual increase = \$17

### STAFF IMPACT

None

### LEGAL REVIEW

The City of Mandan is required to prepare the annual Budget in accordance with the North Dakota Century Code, Chapters 40-40 and 57-15.

### RECOMMENDATIONS

1. To approve the second and final consideration of Ordinance No. 1249 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2017, and ending December 31, 2017, and making the annual tax levy for the year 2016.
2. To approve the Resolution establishing rates and charges for services from the Water and Sewer Utility Fund.

### SUGGESTED MOTIONS

1. Move to approve the second and final consideration of Ordinance No. 1249 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2017, and ending December 31, 2017, and making the annual tax levy for the year 2016.
2. Move to approve the Resolution establishing rates and charges for services from the Water and Sewer Utility Fund.

**NOTICE OF FILING OF THE CITY OF MANDAN, NORTH DAKOTA  
PRELIMINARY 2017 BUDGET AND HEARING THEREON**

Notice is hereby given the preliminary budget of the City of Mandan, North Dakota, for the calendar year ending December 31, 2017 is on file in the Finance Office and is available for review upon request. The Board of City Commissioners of said City will meet on Tuesday, October 4, 2016 at 6:00 p.m. in the Ed "BOSH" Froehlich Meeting Room of the Mandan City Hall, 205 2nd Avenue NW, Mandan, North Dakota, for the purpose of adopting the final budget and making the annual tax levy. The Board of City Commissioners will hold a public hearing at such time any citizen may appear and discuss with said Board any item of proposed expenditures or expenses and fund transfers or may object to any item or amounts, or may file written comments relative to the proposed expenditures or expenses and fund transfers.

The total proposed expenditures or expenses and fund transfers provided for in such preliminary budget are as follows:

General Fund	\$10,755,900
Highway Distribution Fund	977,200
Hub City Fund	563,000
City's Share of Special Assessments Fund	110,500
Cemetery Fund	272,000
City Visitors' Promotion Fund	57,300
Alarm-Equipment Reserve Fund	18,500
1% City Sales Tax Fund	2,050,750
Public Transportation System Fund	159,650
0.75% City Sales Tax Fund	1,119,600
Fire Equipment Reserve Fund	144,000
Mandan Growth Fund	243,650
Police Equipment Reserve Fund	21,000
BNSF Settlement Fund	174,050
Mandan SEP Trust Fund	2,000
Downtown Redevelopment Fund	59,600
Health and Safety Fund	46,900
Mandan Community Center Revenue Bonds of 2005 Fund	142,000
Liberty Memorial Bridge General Obligation Bonds Fund	68,800
Refunding Improvement Bonds Fund	6,579,050
City Visitors' Promotion Capital Construction Fund	163,000
Water and Sewer Utility Fund	7,613,850
Solid Waste Utility Fund	2,114,250
Street Light Utility Fund	428,150
City Shop Fund	124,800
Morton Mandan Public Library (General Fund)	817,772
Mandan Airport Authority	912,002

Greg Welch, Finance Director  
Dated: September 16, 2016

**ORDINANCE NO. 1249**

AN ORDINANCE MAKING THE ANNUAL APPROPRIATIONS FOR EXPENDITURES OR EXPENSES OF THE CITY OF MANDAN, NORTH DAKOTA, FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2017, AND ENDING DECEMBER 31, 2017, AND MAKING THE ANNUAL TAX LEVY FOR THE YEAR 2016.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA:

Section 1. There are hereby appropriated the following sums of money for so much thereof that may be necessary for the purpose of paying expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2017, and ending December 31, 2017.

		EXPENDITURES/EXPENSES					
		SALARIES AND BENEFITS	OPERATIONS AND MAINTENANCE	DEBT SERVICE	CAPITAL OUTLAY	TOTAL	TRANSFERS
GENERAL FUND		\$ 7,453,000	\$ 3,021,450	\$ 40,100	\$ 125,650	\$ 10,640,200	\$ 115,700
CITY SHOP		\$ 90,750	\$ 24,950	\$ -	\$ -	\$ 115,700	\$ -
	TOTAL GENERAL FUND	\$ 7,543,750	\$ 3,046,400	\$ 40,100	\$ 125,650	\$ 10,755,900	\$ 115,700
<b>SPECIAL REVENUE FUNDS</b>							
HIGHWAY DISTRIBUTION FUND		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 977,200
HUB CITY FUND		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 563,000
CITY'S SHARE OF SPECIAL ASSESSMENTS FUND		\$ -	\$ 92,700	\$ -	\$ -	\$ 92,700	\$ 17,800
CEMETERY FUND		\$ 129,650	\$ 23,200	\$ -	\$ 10,000	\$ 162,850	\$ 109,150
CITY VISITORS' PROMOTION FUND		\$ -	\$ 57,300	\$ -	\$ -	\$ 57,300	\$ -
ALARM-EQUIPMENT RESERVE FUND		\$ -	\$ 18,500	\$ -	\$ -	\$ 18,500	\$ -
1% CITY SALES TAX FUND		\$ -	\$ 151,250	\$ -	\$ 20,100	\$ 171,350	\$ 1,879,400
PUBLIC TRANSPORTATION SYSTEM FUND		\$ -	\$ 159,650	\$ -	\$ -	\$ 159,650	\$ -
0.75% CITY SALES TAX FUND		\$ -	\$ -	\$ 1,119,600	\$ -	\$ 1,119,600	\$ -
FIRE EQUIPMENT RESERVE FUND		\$ -	\$ -	\$ 57,300	\$ -	\$ 57,300	\$ 86,700
MANDAN GROWTH FUND		\$ 142,050	\$ 101,600	\$ -	\$ -	\$ 243,650	\$ -
POLICE EQUIPMENT RESERVE FUND		\$ -	\$ 12,350	\$ -	\$ 8,650	\$ 21,000	\$ -
BNSF SETTLEMENT FUND		\$ -	\$ 4,050	\$ -	\$ -	\$ 4,050	\$ 170,000
MANDAN SEP TRUST FUND		\$ -	\$ 2,000	\$ -	\$ -	\$ 2,000	\$ -
DOWNTOWN REDEVELOPMENT FUND		\$ -	\$ 59,600	\$ -	\$ -	\$ 59,600	\$ -
HEALTH AND SAFETY FUND		\$ -	\$ 46,900	\$ -	\$ -	\$ 46,900	\$ -
<b>DEBT SERVICE FUNDS</b>							
MCC REVENUE BONDS OF 2005 FUND		\$ -	\$ -	\$ 142,000	\$ -	\$ 142,000	\$ -
LIBERTY MEMORIAL BRIDGE GENERAL OBLIGATION BONDS FUND		\$ -	\$ -	\$ 68,800	\$ -	\$ 68,800	\$ -
REFUNDING IMPROVEMENT BONDS FUND		\$ -	\$ -	\$ 6,579,050	\$ -	\$ 6,579,050	\$ -
<b>BUDGETS NOT REQUIRED UNDER NDCC 40-40-05</b>							
CITY VISITORS' PROMOTION CAPITAL CONSTRUCTION FUND		\$ -	\$ 163,000	\$ -	\$ -	\$ 163,000	\$ -
WATER AND SEWER UTILITY FUND		\$ 1,872,850	\$ 1,359,050	\$ 2,802,450	\$ 1,515,000	\$ 7,549,350	\$ 64,500
SOLID WASTE UTILITY FUND		\$ 466,900	\$ 1,533,650	\$ 98,700	\$ 15,000	\$ 2,114,250	\$ -
STREET LIGHT UTILITY FUND		\$ 74,700	\$ 299,450	\$ -	\$ 54,000	\$ 428,150	\$ -
CITY SHOP FUND		\$ -	\$ 124,800	\$ -	\$ -	\$ 124,800	\$ -
	TOTAL	\$ 10,229,900	\$ 7,255,450	\$ 10,908,000	\$ 1,748,400	\$ 30,141,750	\$ 3,983,450
MORTON MANDAN PUBLIC LIBRARY (GENERAL FUND)		\$ 497,569	\$ 281,532	\$ -	\$ -	\$ 779,101	\$ 38,671
MANDAN AIRPORT AUTHORITY		\$ 94,952	\$ 467,050	\$ 110,000	\$ 240,000	\$ 912,002	\$ -

Section 2. There are hereby levied the following sums of money on all taxable property in the City of Mandan, North Dakota, for the year 2016 for the purpose of paying expenditures or expenses of the City of Mandan, North Dakota.

GENERAL FUND	\$ 3,340,787
<u>SPECIAL REVENUE FUNDS</u>	
CITY'S SHARE OF SPECIAL ASSESSMENTS FUND	\$ 92,700
CEMETERY FUND	\$ 160,924
PUBLIC TRANSPORTATION SYSTEM FUND	\$ 160,924
<u>DEBT SERVICE FUNDS</u>	
GENERAL OBLIGATION BONDS FUND:	
LIBERTY MEMORIAL BRIDGE	\$ 74,286
REFUNDING IMPROVEMENT BONDS FUND:	
STREET IMPROVEMENT DISTRICT #145	\$ 33,508
STREET IMPROVEMENT DISTRICT #148	\$ 11,156
MANDAN AIRPORT AUTHORITY	\$ 321,848
MORTON MANDAN PUBLIC LIBRARY	\$ 563,235
TOTAL	<u>\$ 4,759,368</u>

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Taking Effect. This ordinance shall be in full force and effect from and after its final passage and adoption.

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

Attest:

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

First Consideration: September 6, 2016  
Second Consideration: October 4, 2016  
Final Passage and Adoption: October 4, 2016

**CITY OF MANDAN, NORTH DAKOTA**  
**Annual Budget for the Year Ended December 31, 2017**  
**CERTIFICATE OF LEVY**

COUNTY AUDITOR  
COUNTY OF MORTON

You are hereby notified on the 4th day of October, 2016, the governing body of the City of Mandan, North Dakota, levied a tax of \$4,759,368, upon all the taxable property in the City for the calendar year ended December 31, 2017, which levy is itemized as follows:

<b><u>FUND</u></b>	<b><u>AMOUNT LEVIED</u></b>
General	\$3,340,787
City's Share of Special Assessments	92,700
Cemetery	160,924
Public Transportation System	160,924
General Obligation Bonds:	
Liberty Memorial Bridge	74,286
Refunding Improvement Bonds:	
Street Improvement District #145	33,508
Street Improvement District #148	11,156
Mandan Airport Authority	321,848
Morton Mandan Public Library	<u>563,235</u>
<b>TOTAL AMOUNT LEVIED</b>	<b><u>\$4,759,368</u></b>

You will duly enter tax upon the County tax list for collection upon the taxable property of the City of Mandan, North Dakota, for the ensuing year. Dated at Mandan, North Dakota this 4th day of October, 2016.

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

## RESOLUTION ESTABLISHING RATES AND CHARGES FOR SERVICES FROM THE WATER AND SEWER UTILITY FUND

BE IT RESOLVED by the Board of City Commissioners of the City of Mandan, North Dakota, pursuant to the provisions of the Mandan Municipal Code, that the following monthly rates and charges are hereby established for services from the Water and Sewer Utility Fund:

a) Water and Wastewater Base Charge per Meter

- 1) \$24.95 for each single family dwelling
- 2) \$24.95 for each mobile home
- 3) \$49.90 for each duplex unit
- 4) \$74.85 for all other multiple family units
- 5) \$49.90 for all commercial and industrial enterprises
- 6) \$74.85 for all apartment and commercial/apartment combination

b) Water Usage Charge per Meter

- 1) Plus a water consumption charge shall be added at the rate of ~~\$2.80~~ \$2.90 per one hundred cubic feet on each month's consumption as registered on each meter during the preceding monthly billing period.
- 2) The Missouri West Water System shall be charged at the rate of ~~\$1.82~~ \$1.89 per one thousand gallons of water used as registered on each meter.

c) Wastewater Usage Charge per Meter

- 1) For wastewater disposal service there shall be a charge of ~~\$4.60~~ \$1.65 per one hundred cubic feet of water used except that for the billing statements prepared during the months of May through October the charge for residential wastewater disposal service shall not exceed the charge based upon the average water usage used during the months of December through March.
- 2) Industrial users will be levied a volume charge of ~~\$4.60~~ \$1.65 per one hundred cubic feet of water used. Industrial users will also be levied a charge of \$.06 per pound of suspended solids and \$.10 per pound of five-day, twenty-degree Centigrade BOD.
- 3) Separate meter for lawn watering purposes only will not be charged for wastewater usage.

d) Stormwater Base Charge per Meter or Structure

- 1) \$2.00 for each meter or structure.

BE IT FURTHER RESOLVED that the rates and charges for services from the Water and Sewer Utility Fund shall be effective as of the first billing after January 1, 2017.

Dated this 4th day of October, 2016.

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

Attest:

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



# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** October 4, 2016  
**PREPARATION DATE:** September 22, 2016  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Robert Decker, P.E., Principal Planner  
**SUBJECT:** Consider approval of minor plat for Replat of Lots 4 & 5, Block 81, First Northern Pacific Addition

---

STATEMENT/PURPOSE:

This request is to move a lot line.

BACKGROUND/ALTERNATIVES:

Property is located along 6<sup>th</sup> Ave. NW north of 5<sup>th</sup> St. NW.

Driveway currently straddles the lot line. Lot line is being moved to place driveway fully on one lot. Other lot will use alley for vehicle access.

ATTACHMENTS:

1. replat

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

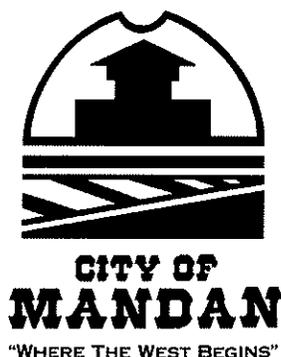
RECOMMENDATION:

Recommend approval.

SUGGESTED ACTION:

Move to approve minor plat for Replat of Lots 4 & 5, Block 81, First Northern Pacific Addition.





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** October 4, 2016  
**PREPARATION DATE:** September 28, 2016  
**SUBMITTING DEPARTMENT:** Finance  
**DEPARTMENT DIRECTOR:** Greg Welch  
**PRESENTER:** Greg Welch, Finance Director  
**SUBJECT:** Refunding Improvement Bonds of 2016, Series B

---

#### PURPOSE

To consider the letter of intent and Rule G-17 letter from Dougherty & Company LLC as the Underwriter for the Refunding Improvement Bonds of 2016, Series B.

#### BACKGROUND

On September 6, 2016 the Board of City Commissioners approved the special assessments for two improvement districts, therefore the City needs to sell warrants and bonds to finance the improvements. Due to the small size of the long-term financing, Mike Manstrom (Dougherty & Company LLC) recommends entering into a negotiated sale for the bonds in order to save the City money on bonding costs.

The City is aware of the "Municipal Advisor Rule" of the Securities and Exchange Commission (effective July 1, 2014) and the underwriter exclusion from the definition of "municipal advisor" for a firm serving as an underwriter for a particular issuance of municipal securities.

The City wishes to engage Dougherty & Company LLC as the underwriter for the Refunding Improvement Bonds of 2016, Series B that the City currently anticipates issuing. As an underwriter, Dougherty & Company LLC may provide advice to the City on the structure, timing, terms, and other similar matters concerning the Bonds.

It is the City's present intention that Dougherty & Company LLC underwrite the Bonds, subject to satisfaction of applicable procurement laws, formal approval by the City, finalizing the structure of the Bonds and the execution of a mutually agreed upon purchase agreement. While the City presently engages Dougherty & Company LLC as the underwriter for the Bonds, this engagement letter is preliminary in nature. It is

nonbinding and may be terminated by either the City or Dougherty & Company LLC. Furthermore, this engagement letter does not restrict the City from entering into the proposed or any other municipal securities transaction with any other underwriters or selecting an underwriting syndicate that does not include Dougherty & Company LLC.

Due to the long standing working relationship between the City and Dougherty & Company, the City should consider waiving the competitive bidding requirement. The approval of the letter of intent and the Rule G-17 letter is necessary before Dougherty & Company LLC can further communicate with the City regarding the bond financing proposal.

#### ATTACHMENTS

- Letter of intent from Dougherty & Company LLC
- Rule G-17 letter from Dougherty & Company LLC

#### FISCAL IMPACT

The Underwriter's fees and costs of issuance for the Bonds will be negotiated between the City and Dougherty & Company LLC. The bond financing proposal from Dougherty & Company LLC, including the Underwriter's fees and cost of issuance, will be reviewed by the City's Budget and Finance Committee before submitted to the Board of City Commissioners for their consideration and approval.

#### STAFF IMPACT

None

#### LEGAL REVIEW

Reviewed and approved by Malcolm Brown, City Attorney.

#### RECOMMENDATION

To waive the competitive bidding requirement and approve the letter of intent and Rule G-17 letter from Dougherty & Company LLC as the Underwriter for the Refunding Improvement Bonds of 2016, Series B.

#### SUGGESTED MOTION

Move to waive the competitive bidding requirement and approve the letter of intent and Rule G-17 letter from Dougherty & Company LLC as the Underwriter for the Refunding Improvement Bonds of 2016, Series B.

# DOUGHERTY & COMPANY LLC

September 26, 2016

Greg Welch  
City Auditor  
City of Mandan  
205 2nd Ave NW  
Mandan, ND 58554

Dear Greg:

The City of Mandan (the "City") is aware of the "Municipal Advisor Rule" of the Securities and Exchange Commission (effective July 1, 2014) and the underwriter exclusion from the definition of "municipal advisor" for a firm serving as an underwriter for a particular issuance of municipal securities.

The City wishes to engage Dougherty & Company LLC as the underwriter for the Refunding Improvement Bonds of 2016, Series B (the "Bonds") that the City currently anticipates issuing. As an underwriter, Dougherty & Company LLC may provide advice to the City on the structure, timing, terms, and other similar matters concerning the Bonds.

It is the City's present intention that Dougherty & Company LLC underwrite the Bonds, subject to satisfaction of applicable procurement laws, formal approval by the City, finalizing the structure of the Bonds and the execution of a mutually agreed upon bond purchase agreement. While the City presently engages Dougherty & Company LLC as the underwriter for the Bonds, this engagement letter is preliminary in nature. It is nonbinding and may be terminated by either the City or Dougherty & Company LLC. Furthermore, this engagement letter does not restrict the City from entering into the proposed or any other municipal securities transaction with any other underwriters or selecting an underwriting syndicate that does not include Dougherty & Company LLC.

Sincerely,



Mike Manstrom  
DOUGHERTY & COMPANY LLC

## **RECEIPT ACKNOWLEDGED BY CITY OF MANDAN, NORTH DAKOTA**

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

# DOUGHERTY & COMPANY LLC

September 26, 2016

Greg Welch  
City Auditor  
City of Mandan  
205 2<sup>nd</sup> Ave NW  
Mandan, ND 58554

RE: Refunding Improvement Bonds of 2016, Series B

Dear Greg:

We are writing this letter to you in connection with Dougherty & Company LLC's (the "Underwriter") obligations under the rules of the Municipal Securities Rulemaking Board (the "MSRB") and the Securities Exchange Commission (the "SEC") to disclose to the City of Mandan, ND (the "Issuer") information concerning our role and other related matters relating to our underwriting of the above-referenced bonds (the "Bond Issue") and relating to risks to which the Issuer may be exposed by entering into the Bond Issue.

### ***Our Role as Underwriter***

In serving as Underwriter for the Bond Issue, these are some important disclosures that clarify our role and responsibilities:

- (1) Rule G-17 of the MSRB requires us to deal fairly at all times with issuers, borrowers and investors of municipal bonds;
- (2) our primary role in this financing transaction will be to purchase the Bond Issue with a view to distribution in an arm's-length commercial transaction with the Issuer and we have financial and other interests that differ from the Issuer's interests;
- (3) we are not serving as a "Municipal Advisor" as defined by the SEC with respect to the Issuer and we do not have a fiduciary duty to the Issuer under the federal securities laws and we are, therefore, not required by federal law to act in the Issuer's best interests;
- (4) we have a duty to purchase securities from the Issuer at a fair and reasonable price, but must balance that duty with our duty to sell the Bond Issue to investors at prices that are fair and reasonable;

(5) we will review the official statement for the Bond Issue in accordance with, and as part of, our responsibilities to investors under the federal securities laws, as applied to the facts and circumstances of the transaction;

(6) as of the date of this letter, we are relying on the “Underwriter Exemption” included in the SEC’s Municipal Advisor rule to meet the objectives of the Issuer under this engagement and as such may provide advice and information in a non-fiduciary capacity relating to structure, timing, terms, and other similar matters of the Bond Issue such as rating agency presentations, investor discussions, advice regarding marketing without being considered a “Municipal Advisor”; and

(7) the “Underwriter Exemption” is being applied to the Bond Issue because the Issuer has engaged us to serve as underwriter with respect to the particular Bond Issue.

#### ***Our Compensation***

Our compensation for serving as the Underwriter for the Bond Issue will be contingent on the closing of the transaction and at least a portion of that compensation will be based on the size of the Bond Issue. The rules of the MSRB require us to inform the Issuer that compensation that is contingent on the closing of a transaction or the size of a transaction presents a conflict of interest, because it may cause us to recommend a transaction that is unnecessary or to recommend that the size of the transaction be larger than is necessary.

#### ***The Bond Issue Presents Risks to the Issuer***

As with any Bond Issue, the Issuer’s obligation to pay principal and interest will be a contractual obligation that will require the Issuer to make these payments no matter what budget constraints are encountered. Furthermore, to the extent that the Issuer agrees in the Bond Issue to rate covenants, days cash on hand, additional bond/debt tests or other financial covenants, these may constrain the Issuer’s ability to operate and to issue additional debt and, if the Issuer does not comply with these covenants, they can result in a default under the Bond Issue. Depending on the terms of the Bond Issue, if the Issuer fails to make a payment of principal or interest or otherwise fails to comply with the financial and other covenants relating to the Bond Issue, the bondholders or trustee may have the right to accelerate all of the payment of principal on the Bond Issue, which means that the Issuer may be required to pay all of the principal of the Bond Issue at that time.

The Bond Issue is structured as an issue of tax-exempt bonds/obligations. This requires that the Issuer comply with various Internal Revenue Service (“IRS”) requirements and restrictions relating to how to use and invest the proceeds of the Bond Issue, how the use of any facilities are constructed or improved with proceeds of the Bond Issue and other restrictions throughout the term of the Bond Issue. These requirements and restrictions may constrain how the Issuer operates the financed facilities. Further, violation of these requirements and restrictions can

City of Mandan, ND  
September 26, 2016  
Page 3

result in the Bond Issue to become taxable and may cause the Issuer to become liable to the IRS and to the owners of the Bond Issue. In addition, in the event of an audit of the Bond Issue by the IRS, obtaining an independent review of IRS positions with which the Issuer legitimately disagrees is difficult and may not be practicable.

We hope that this information has provided clarity about our role as Underwriter, our compensation and some of the risks that the Issuer may be exposed to in connection with the Bond Issue. If you have any questions or comments about anything in this letter, please contact us at (866) 793-8618.

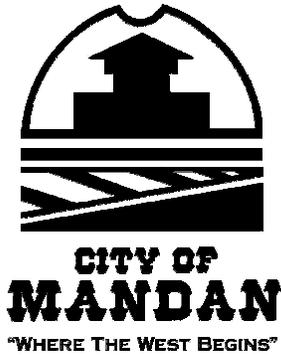
Sincerely,



Mike Manstrom  
DOUGHERTY & COMPANY LLC

**RECEIPT ACKNOWLEDGED BY CITY OF MANDAN, NORTH DAKOTA**

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** October 4, 2016  
**PREPARATION DATE:** September 27, 2016  
**SUBMITTING DEPARTMENT:** Fire  
**DEPARTMENT DIRECTOR:** Steve Nardello, Fire Chief  
**PRESENTER:** Steve Nardello, Fire Chief  
**SUBJECT:** Broker Contract for Selling 1993 Fire Truck

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STATEMENT/PURPOSE: Consideration to enter into brokerage offer with Brindlee Mountain for the sale of a 1993 fire truck.

BACKGROUND/ALTERNATIVES: The 1993 Pierce fire truck was advertised for bid for over thirty days with no bids received. This Board approved the sale of the truck therefore I would like to now enter into a brokerage contract with Brindlee Mountain Fire Apparatus, LLC. Brindlee retains a 5% commission and we maintain the right to refuse any offer that is not in the best interest of the City of Mandan.

ATTACHMENTS: Contract

FISCAL IMPACT: Proceeds from the sale of the truck would be placed into the fire department equipment reserve.

STAFF IMPACT: None

LEGAL REVIEW: Review of the proposed contract

RECOMMENDATION: It is my recommendation to enter into contract with Brindlee Mountain Fire Apparatus, LLC to market the sale of a 1993 Pierce fire truck.

SUGGESTED MOTION: Motion to enter into contract with Brindlee Mountain Fire Apparatus, LLC to market the sale of a 1993 Pierce fire truck.

DocuSign Envelope ID: 8F023831-BE87-41BE-8735-956707C9540B

# BRINDLEE MOUNTAIN

FIRE APPARATUS, LLC

15410 US  
Highway 231  
Union Grove,  
AL 35175

Please complete all of the applicable fields.

When completed, please sign at the bottom of the form and we will start marketing your apparatus.

Thanks for working with Brindlee Mountain Fire Apparatus!

Phone: (256) 498-1395  
Fax: (256) 498-0924  
[www.FireTruckMall.com](http://www.FireTruckMall.com)

## Brokerage Offer

This is an agreement between the seller and Brindlee Mountain Fire Apparatus. If Brindlee Mountain is unable to provide the seller with a buyer for the apparatus, no payment will be owed to Brindlee Mountain. We are only paid if we provide a buyer for your apparatus. Brindlee will refer to Agent/Owner all qualified inquiries we receive regarding the specified apparatus. If Agent/Owner sells the marketed apparatus or any other apparatus to the customer referred by Brindlee, or anyone acting on behalf of the referred customer, the Agent/Owner will pay the agreed commission to Brindlee within 10 days of the sale. Interest in the amount of 1.5% will be charged on any outstanding invoice that is not paid within 30 days of the invoice date. Any additional costs incurred as part of collection efforts will also be the responsibility of the seller.

Agent/Owner agrees to notify Brindlee, at the time of sale, as to the sale price and the name and address of the buyer regardless of whether or not Brindlee referred the buyer. Agent/Owner acknowledges failure to provide this information will result in fees payable to Brindlee as if the lead was referred by Brindlee and sold at the listed price. Either party may terminate this offer at any time by notifying the other party in writing. If any sale takes place subsequent to termination, to a party previously referred by Brindlee, the same commission will be paid as if the agreement were still in effect.

### Customer Information:

Fire Department/Owner: Mandan Fire Department Name of Contact: Steve Nardello  
Phone Number: 7016673288 Fax: 7016673289 Email: snardello@nd.gov  
Where the truck currently located (Address): 110 Collins Avenue Mandan, ND 58554

### Apparatus:

Year: 1993 VIN: 4P1CT02D4PA000406 Shop Order #/ Build #: E7600

Chassis: Manufacturer: Pierce Model Dash 4x4(y/n): No

Fire Body: Manufacturer: Pierce Model Dash

Aerial: Manufacturer: \_\_\_\_\_ Model: \_\_\_\_\_ Length: \_\_\_\_\_

Aerial Hours: \_\_\_\_\_ Date of Last Aerial Certification: \_\_\_\_\_

Mileage: 33219 Engine Hours: 3080 # Cab Seating 6 # SCBA Seats: 5

Engine: Make: Detroit Model: 6V92TA HP: 350 Diesel or Gas: Diesel

Transmission: Make: Allison Model: HT740 Automatic or Manual: Automatic

Pump: Make: Waterous Model: CMU GPM: 1500 Pump and Roll (y/n): No

Date of Last Pump Certification: \_\_\_\_\_ Foam System (make and model): \_\_\_\_\_

Water Tank: Gallons: 500 Material: Poly Foam Tank(s): \_\_\_\_\_

Board of City Commissioners  
Agenda Documentation  
Meeting Date: October 4, 2016  
Subject: Sale of Fire Truck Contract  
Page 3 of 3

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**Discharges (number and size):**

Driver Side: 2-2.5" Officer's Side: 2-2.5"

Front: \_\_\_\_\_ Rear: 1-5" and 1-2.5"

**Suctions (number and size):**

Driver's Side: 1- 2.5" and 1-5" Officer's Side: 1-5"

Front: \_\_\_\_\_ Rear: \_\_\_\_\_

Crosslays (# and size): 2-1.5" Piped for Deck Gun (y/n): Yes

Deck Gun Included (y/n): Yes Booster Reels: \_\_\_\_\_

**Generator:** Brand: Honda Wattage: 5KW Fuel Type: Gas Hours: \_\_\_\_\_

**Check All that Apply:**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Electric Reels: _____                | <input type="checkbox"/> Hydraulic Reels: _____              |   |
| <input checked="" type="checkbox"/> Telescoping Lights: _____ | <input type="checkbox"/> LED Lighting: _____                 |   |
| <input type="checkbox"/> Light Tower: _____                   | <input type="checkbox"/> Cascade System: _____               |   |
| <input checked="" type="checkbox"/> Ground Ladders: _____     | <input type="checkbox"/> Breathing Air (aerials only): _____ |   |
| <input type="checkbox"/> Air Conditioning                     | <input type="checkbox"/> Automatic Tire Chains               | <input type="checkbox"/> Interior EMS Cabinet     |
| <input type="checkbox"/> Aluminum Hose Bed Cover              | <input checked="" type="checkbox"/> Federal Q Siren          | <input checked="" type="checkbox"/> Jake Brake    |
| <input type="checkbox"/> Arrowstick                           | <input checked="" type="checkbox"/> Hydraulic Ladder Rack    | <input checked="" type="checkbox"/> Pump Heat Pan |

**Dimensions:** Length: 343.5' Height: 109" GVWR: 40,450 Wheelbase: 173"

**Additional Features or Loose Equipment:**

~~Q siren is electronic. Hydraulic cord reels for Hurst extrication tools, Hurst gas hydraulic pump, Hurst spreaders, Hurst cutters, Hurst ram, 10 50' 2.5" older fire hose, 10 50' 1.75" older fire hose, 6 5" rubber older supply hose, air pack brackets.~~

**Please give a brief history of this truck – Tell us why this would be a great truck for a department to purchase!**

~~This vehicle was purchased new in 1993 and has always passed DOT and pump tests. Reserve unit for past seven years therefore low mileage and use.~~

**Maintenance/Repairs Needed:**

Passed annual pump test 08/2016 and DOT 2015

Overall Condition of Vehicle: Good Date this truck is available 10/15/2016

Asking Price: \$ 25000 Reason for Selling: Purchased new truck

Brindlee Mountain Fire Apparatus charges 10% (or \$500 minimum) commission upon the sale of any truck sold under \$100,000, 7% commission on the sale of trucks from \$100,000 - under \$150,000, and 5% commission for any truck at or above \$150,000.

Signed \_\_\_\_\_ Date \_\_\_\_\_



"WHERE THE WEST BEGINS"

# CITY OF MANDAN

MANDAN CITY HALL - 205 2nd Avenue NW  
MANDAN, NORTH DAKOTA 58554

701-667-3215 • FAX: 701-667-3223 • www.cityofmandan.com

## CITY DEPARTMENTS

ADMINISTRATION	667-3215
ASSESSING	667-3232
BUILDING INSPECTION	667-3230
BUSINESS DEVELOPMENT	667-3485
CEMETERY	667-6044
ENGINEER/PLANNING & ZONING	667-3225
FINANCE	667-3213
FIRE	667-3288
HUMAN RESOURCES	667-3217
LANDFILL	667-0184
MUNICIPAL COURT	667-3270
POLICE	667-3455
PUBLIC WORKS	667-3240
WASTEWATER TREATMENT	667-3278
SPECIAL ASSESSMENTS	667-3271
UTILITY BILLING	667-3219
WATER TREATMENT	667-3275

## ***Cajun Cowboy Fais Do Do Festival Proclamation***

***WHEREAS***, a Fais Do Do festival is a mixture of diverse music and people coming together to build a stronger community through the experience of new cultures, foods, sounds, and charity; and

***WHEREAS***, the City of Mandan is a rapidly growing and changing community in North Dakota; and

***WHEREAS***, our city's diversity, comprised of residents from near and afar is worth celebrating; and

***WHEREAS***, our community's strong sense of fellowship and charity will create a positive place in which to live; and

***WHEREAS***, the Knights of Columbus Council #2760 will hold its 2<sup>nd</sup> Annual Cajun Cowboy Fais Do Do Festival at the Mandan Eagles Club on Friday, October 7<sup>th</sup>.

***NOW, THEREFORE***, I, Timothy A. Helbling, Mayor of the City of Mandan, have the honor and pleasure of **PROCLAIMING** October 7<sup>th</sup>, 2016 as

## **CAJUN COWBOY FAIS DO DO DAY**

***IN WITNESS WHEREOF***, I have hereunto set my hand and seal of the City of Mandan this Fourth day of October, 2016.

\_\_\_\_\_  
Timothy A. Helbling, President  
Board of City Commissioners

Attest:

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



"WHERE THE WEST BEGINS"

# CITY OF MANDAN

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

## CITY DEPARTMENTS

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

## PROCLAMATION

### NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH:

**WHEREAS**, Workplaces welcoming of the talents of all people, including people with disabilities, are a critical part of our efforts to build an inclusive community and strong economy; and

**WHEREAS**, In this spirit the city of Mandan North Dakota is recognizing **October** as National Disability Employment Awareness Month; and

**WHEREAS**, To celebrate the many and varied contributions of people with diverse abilities activities should reinforce the value and talent people with disabilities add to our workplaces and communities and affirm Mandan North Dakota's commitment to an inclusive community.

**NOW THEREFORE**, I, Timothy A. Helbling, do hereby proclaim October 2016 as National Disability Employment Awareness Month in the City of Mandan. In so doing, I call upon employers, schools and other community organizations in Mandan North Dakota to observe this month with appropriate programs and activities, and to advance its important message that people with disabilities are equal to the task throughout the year.

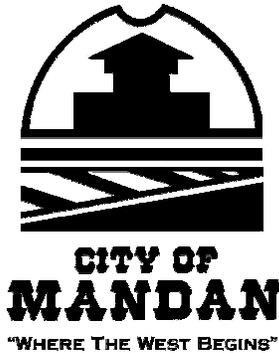
Dated this 4<sup>th</sup> day of October, 2016

\_\_\_\_\_  
Timothy A. Helbling, President  
Board of City Commissioners

Attest:

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





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** October 4, 2016  
**PREPARATION DATE:** September 30, 2016  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Justin Froseth, Planning and Engineering Director  
**SUBJECT:** Highway 6 and 19<sup>th</sup> Street Cost Participation and Maintenance (CPM) Agreement

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**STATEMENT/PURPOSE:** To agree participate in the project as outlined by the DOT in the CPM in order to receive federal funds for the project.

**BACKGROUND/ALTERNATIVES:** City staff and NDDOT staff are in agreement with the need to improve the intersection at Highway 6 and 19<sup>th</sup> Street SW. The drive for this project is primarily to improve the safety of this intersection with the introduction of turning lanes and intersection visibility. Since the project is a state safety project, the city does not have any local cost share responsibility. This agreement does specifically outline the DOT's expectation that the city will continue to maintain 19<sup>th</sup> Street and the intersection area light that is to be provided as part of this project. The DOT will continue to maintain Highway 6 at this intersection. Staff feels that these are fair terms to agree to in order to receive the funding.

**ATTACHMENTS:**

1. Cost Participation and Maintenance (CPM) Agreement with accompanying appendices

**FISCAL IMPACT:** Minimal

**STAFF IMPACT:** Minimal

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

**RECOMMENDATION:** Staff recommends approval of the Cost Participation and Maintenance Agreement.

**SUGGESTED MOTION:** I move to approve of the Cost Participation and Maintenance Agreement with the DOT for the Highway 6 and 19<sup>th</sup> Street SW intersection safety project.

NDDOT Contract No. 38161833

North Dakota Department of Transportation  
COST PARTICIPATION AND MAINTENANCE AGREEMENT

Federal Award Information – to be provided by NDDOT	
CFDA No: 20.205	CFDA Title: Highway Planning & Construction
Award Name: Federal Aid Highway Program	Awarding Fed. Agency: Federal Highway Admin
NDDOT Program Mgr: Sengaroun Marohl	Telephone: 701-328-4449
Notice to Subrecipients: Federal awards may have specific compliance requirements. If you are not aware of the specific requirements for your award, please contact your NDDOT Program Manager.	

Project No. HEU-1-006(023)066

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

Location: **MANDAN ND6 & 19TH ST SW**  
Type of Improvement: **TURN LANE ADDITIONS, HOT BITUMINOUS PAVEMENT, AGGREGATE BASE COURSE, MILLING, CULVERT EXTENSION, PAVEMENT MARKING, LIGHTING**  
Point of Beginning: 66.0208  
Point of Ending: 66.4521

NOW, THEREFORE, in consideration of the mutual benefits to be derived therefrom, it is agreed between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and the city of Mandan, North Dakota, hereinafter referred to as the City, that NDDOT will construct the project in accordance with the current edition of NDDOT's *Standard Specifications for Road and Bridge Construction* and with the plans approved by the City, identified as project HEU-1-006(023)066, and incorporated into this agreement by reference.

1. The City
  - a. Will pay 0 percent of the cost of rights of way and easements acquired for the project; and
  - b. Will pay 0 percent of the total cost of all items which are determined eligible for federal aid participation. This total cost will include the actual construction cost plus 10 percent for the preliminary and construction engineering; and
  - c. Will pay 100 percent of the construction costs plus 10 percent for the preliminary and construction engineering of all items not eligible for federal aid participation.
2. The City will pay to NDDOT as the work progresses or when completed its share of the total cost of the project as defined in paragraph 1.



3. It is specifically agreed that if at any time the City fails to pay the amount billed to NDDOT within 60 days after billings, this document shall constitute an assignment of funds derived from the State Highway Tax Distribution Fund now or hereafter coming into the hands of the State Treasurer to the credit of the City, and the State Treasurer is hereby directed to deliver and pay over to NDDOT all funds credited to the City until the total thereof equals the sum billed pursuant to this agreement. The preliminary cost estimate of the project is \$553,049.80, with the City's estimated share being \$0.
4. All signs, signals, markings, and other protective structures erected on or in connection with the project, including those installed at the sole cost and expense of the City or by others, shall be approved by NDDOT. All traffic control devices will be in conformance with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways.
5. The City will control the length and location of curb openings for future entrances and will not permit the length of curb openings for entrances to exceed the length shown on the plans or as shown on a sketch of typical entrances for similar entrances; and will prohibit the construction or use of any entrances along the project within the City other than those shown on the plans, without prior approval of NDDOT.
6. The City will not change any speed limit signs as shown on the plans without prior approval of NDDOT.
7. The City will prohibit double and diagonal parking and will control all parallel parking where allowed within the limits of the project in a manner satisfactory to NDDOT and to the Federal Highway Administration (FHWA), or both.
8. Appendices A and E of the Title VI Assurances, attached, are hereby incorporated into and made a part of this agreement.
9. The Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.
10. Entities that receive federal funds through NDDOT may be required to obtain an audit in accordance with 2 C.F.R. Part 200, Subpart F. A copy of such audit shall be submitted to NDDOT. Entities that spend less than \$750,000 of federal funds from all sources may be subject to reviews by NDDOT at its discretion. Additionally, all entities receiving federal funds through NDDOT shall certify whether a Single Audit has been completed as part of the annual Federal award process. These requirements are applicable to counties, cities, state agencies, Indian tribes, colleges, hospitals, and non-profit businesses.
11. The City is advised that its signature on this contract or agreement certifies that any person associated therewith is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency within the past three years; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction on any matter involving fraud or official misconduct within the past three years.
12. NDDOT is not responsible for any Property Taxes or Special Assessments on property which has been acquired as part of the roadway reconstruction project. The City is responsible to make arrangements for deferral or payment of such Taxes and/or Special Assessments.



Board of City Commissioners  
Agenda Documentation  
Meeting Date: October 4, 2016  
Subject: Highway 6 and 19<sup>th</sup> Street Cost Participation and Maintenance (CPM)  
Agreement  
Page 4 of 10

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13. NDDOT will maintain ND 6.

14. The City will, at its own expense, maintain 19<sup>th</sup> Street and also maintain and operate the entire lighting system of the project. The maintenance will be in a manner satisfactory to NDDOT and FHWA. Exact limits of the project are shown on the attached map.

APPROVED:

City of \_\_\_\_\_

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

\_\_\_\_\_  
NAME (TYPE OR PRINT)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\*  
\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

ATTEST:

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

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

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

APPROVED as to substance by:

NORTH DAKOTA  
DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
DIVISION DIRECTOR (TYPE OR PRINT)

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

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE

\*Mayor or President City Commission

CLA 17058 (Div. 38)  
L.D. Approved 11-07;; C.M. 09/22/201602-16



**AUTHORIZATION**

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

Adopted on a vote of \_\_\_\_ aye, \_\_\_\_ nay, \_\_\_\_ absent.

ATTEST:

APPROVED:

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

City of \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
NAME (TYPE OR PRINT )

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

\* \_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

**CERTIFICATION**

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

Executed at \_\_\_\_\_, North Dakota, the last date below signed.

ATTEST:

APPROVED:

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

City of \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
NAME (TYPE OR PRINT )

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

\* \_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

\*Mayor or President City Commission



Project HEU-1-006(023)066

**CERTIFICATION OF LOCAL MATCH**

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

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

**Source:**

\_\_\_\_\_  
\_\_\_\_\_

Executed at \_\_\_\_\_, North Dakota, the last date below signed.

**ATTEST:**

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

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

**APPROVED:**

City of \_\_\_\_\_

\_\_\_\_\_  
NAME (TYPE OR PRINT)

\_\_\_\_\_  
SIGNATURE

\*  
\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

\*Mayor or President of City Commission

CLA 17058 (Div. 38)  
L.D. Approved 11-07; : C.M. 09/22/201602-16



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

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

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



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

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

**Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4801), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13186, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1881 *et seq.*).



#### Risk Management Appendix

##### **Routine<sup>a</sup> 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.

<sup>a</sup>See *North Dakota Risk Management Manual*, section 5.1 for discussion of "unique" and "routine" agreements.

RM Consulted 2007  
Revised 5-09



<p><b>DESIGN DATA</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Year</td> <td>2016</td> </tr> <tr> <td>Current</td> <td>2015</td> </tr> <tr> <td>Forecast</td> <td>2025</td> </tr> <tr> <td>City Zone</td> <td>Urban</td> </tr> <tr> <td>Map Sheet</td> <td>100-100-100</td> </tr> <tr> <td>Project</td> <td>HELI-1-006(023)068</td> </tr> <tr> <td>Project Name</td> <td>North Dakota Highway 6 and 19th Street</td> </tr> <tr> <td>Project Location</td> <td>North Dakota Highway 6 and 19th Street</td> </tr> <tr> <td>Project Description</td> <td>North Dakota Highway 6 and 19th Street</td> </tr> </table>	Year	2016	Current	2015	Forecast	2025	City Zone	Urban	Map Sheet	100-100-100	Project	HELI-1-006(023)068	Project Name	North Dakota Highway 6 and 19th Street	Project Location	North Dakota Highway 6 and 19th Street	Project Description	North Dakota Highway 6 and 19th Street	<p style="text-align: center;"><b>JOB # 12</b> <b>NORTH DAKOTA</b> <b>DEPARTMENT OF TRANSPORTATION</b></p> <p style="text-align: center;">HELI-1-006(023)068</p> <p style="text-align: center;">Morton County          ND Hwy 6 and 19th St SW          Roadway Improvement          Project Location: Morton, ND          Project Description: Pavement Maintenance, Lighting</p> <p style="text-align: center;">TUM LANE ADDRESS: 100-100-100          PROJECT LOCATION: Morton, ND          PROJECT DESCRIPTION: Pavement Maintenance, Lighting</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>STATE</td> <td>ND</td> <td>PROJECT NO.</td> <td>HELI-1-006(023)068</td> <td>FOUR</td> <td>21039</td> <td>SHEET NO.</td> <td>1</td> <td>TOTAL SHEETS</td> <td>1</td> </tr> </table> <p>CONTRACT NO. Heli-1-006(023)068          2014 Standard Specifications adopted by the North Dakota Department of Transportation and the Supplemental Specifications adopted by the State of North Dakota          PROJECT LOCATION: Morton, ND          PROJECT DESCRIPTION: Pavement Maintenance, Lighting          ND Hwy 6 and 19th St SW          PROJECT NO.: Heli-1-006(023)068          SHEET NO.: 04313          TOTAL SHEETS: 04313</p>	STATE	ND	PROJECT NO.	HELI-1-006(023)068	FOUR	21039	SHEET NO.	1	TOTAL SHEETS	1
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<p>DESIGNERS:          Bruce Preston          Mark Duvall          Frederick M. Johnson          Luke W. Johnson</p>	<p style="text-align: center;">STATE COUNTY MAP</p>	<p>I hereby certify that the attached plans were prepared and sealed by me or under my direct supervision and that I am a duly licensed professional engineer under the laws of the State of North Dakota.</p> <p>APPROVED DATE: 08/22/16          JERRY T. STANGE, PE          REGISTERED PROFESSIONAL ENGINEER          NO. 0000000000          DEPARTMENT OF TRANSPORTATION</p> <p style="text-align: right;"><b>AECOM</b></p>																												



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

Type:     Local Permit    \*  Charity Local Permit

Permit Number  
2016-52

Name of Organization Mandan Special Olympics		Date(s) Authorized (Read instruction 2)	
Contact Person Stacey Christian	Business Phone Number	10/4/2016 Beginning	to 10/7/2016 Ending
Mailing Address 1303 Meredith Dr	City Bismarck	State ND	Zip Code 58501-0000
Site Name Midway Lanes	Site Address 3327 Memorial Hwy		
City Mandan	State ND	ZIP Code 58554-0000	County Morton
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.			
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels*			
Restriction:			
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor and Office of Attorney General within 30 days of the event.			
Date 9/27/16	Signature of: <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor	Printed Name of City or County Auditor Matthew J. Gray	Auditor Telephone Number 607-3250

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

cut along this line

**INFORMATION REQUIRED TO BE PREPRINTED ON A STANDARD RAFFLE TICKET:**

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



## PRIZE RESTRICTIONS:

A single cash prize cannot exceed \$6,000.

The retail value of a merchandise prize cannot exceed \$6,000.

The total of all cash prizes and retail value of all merchandise prizes for all games cannot exceed \$12,000 per year.

If the value of the planned cash and merchandise prizes exceeds \$12,000, the organization must reduce the prizes to this limit or apply for a state license with the Office of Attorney General.

## LOCAL PERMIT AND CHARITY LOCAL PERMIT:

The major differences between a local permit and charity local permit are:

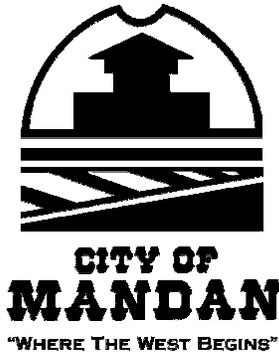
	<u>Local Permit</u>	<u>Charity Local Permit</u>
Number of events per year	Limited by prizes	One
Must file an information report	No	Yes
May pay employees compensation	Yes	No
Must use chips as wagers	No	Yes
Use of net income	Unrestricted	Restricted
Games allowed	Bingo Raffles Sports pools	Bingo Raffles Sports pools Poker Twenty-one Paddlewheels

Compared to a "Local Permit," an organization with a "Charity Local permit" may conduct 3 more game types, but is restricted to 1 event per year, must file an information report with the city or county and Office of Attorney General, and disburse net income to eligible uses. These uses are described by North Dakota Century Code § 53-08.1-11.1(2) and North Dakota Administrative Code § 99-01.3-14-02. Refer to the backside of the "Report on a Charity Local Permit" form for a general list of eligible uses.

For a Charity Local Permit, one method to ensure that the total of all cash prizes and retail value of all merchandise prizes do not exceed \$12,000 is to charge each player a standard amount at the start of the event for a certain number or value of chips. If a player loses all of the player's chips, the player may re-buy chips. The player would play games and, at the end of the event, the organization would auction merchandise prizes to the players. The player who bid the highest number or value of chips for a prize would win that prize. For those players who have chips but did not successfully bid on a prize, the organization may redeem the chips for a predetermined cash value per chip. For this method, the value of the players' chips redeemed for cash is not a prize.

## INFORMATION REQUIRED TO BE PREPRINTED ON A STANDARD RAFFLE TICKET:

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



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** October 4, 2016  
**PREPARATION DATE:** September 29, 2016  
**SUBMITTING DEPARTMENT:** Public Works  
**DEPARTMENT DIRECTOR:** Jeff Wright  
**PRESENTER:** Jeff Wright, Public Works Director  
**SUBJECT:** Consider 2016 budget amendment for Forestry Department for Dutch Elm Disease removal.

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**STATEMENT/PURPOSE:** Consider amending the 2016 Forestry Department budget for removal of Dutch Elm Disease (DED) trees within the boulevard.

**BACKGROUND/ALTERNATIVES:** Currently we have under contract, Beaver Creek Tree Removal, and are currently cutting down DED trees identified early this summer. Additional DED trees have been identified and in order to try to stay ahead of this disease should be removed. Arborist, Kaiden Straabe has identified an additional 26 trees and has estimated the cost of removal to be \$16,000. The cost is based on the diameter of the tree which were measured and documented. The current removal budget, including the \$10,000 grant, will be expended with the current list of DED trees, thus the need to amend the budget so we can proceed.

**ATTACHMENTS:** N/A

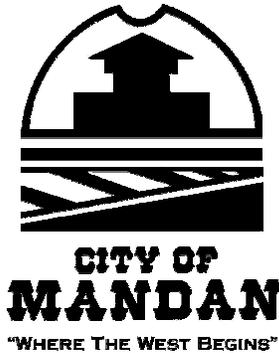
**FISCAL IMPACT:** The \$16,000 can be supported by the General Fund contingency budget.

**STAFF IMPACT:** Contracted out, but assistance in chipping and moving 20 yd containers during this project would be expected from Public Works staff.

**LEGAL REVIEW:** N/A

**RECOMMENDATION:** Approve the 2016 budget amendment for the Forestry Department to remove DED trees in the amount of \$16,000.

**SUGGESTED MOTION:** Move to approve the 2016 budget amendment for the Forestry Department to remove DED trees in the amount of \$16,000.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** October 4, 2016  
**PREPARATION DATE:** September 28, 2016  
**SUBMITTING DEPARTMENT:** Public Works  
**DEPARTMENT DIRECTOR:** Jeff Wright  
**PRESENTER:** Jeff Wright, Director of Public Works  
**SUBJECT:** Request to advertise for sale the boom assembly from the 2005 bucket truck.

---

STATEMENT/PURPOSE: Request to advertise for sale, the boom assembly, which was replaced this year on the Utility Department bucket truck.

BACKGROUND/ALTERNATIVES: In lieu of replacing the entire bucket truck in the 2016 budget, we decided to replace the boom assembly only and keep the truck chassis which has low miles and was in good shape. The boom assembly is showing some wear and is becoming a safety concern.

There seems to be interest in the boom assembly and advertising to sell now will keep the boom from deteriorating.

ATTACHMENTS: N/A

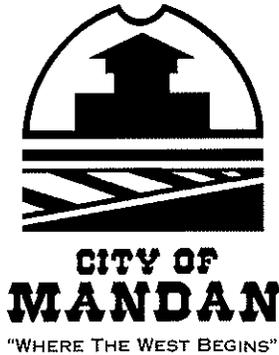
FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Recommend advertising the boom assembly for sale with a minimum value of \$2,000.

SUGGESTED MOTION: Move to advertise the boom assembly for sale with a minimum value of \$2,000.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** October 4, 2016  
**PREPARATION DATE:** September 28, 2016  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** Human Resources Services

---

STATEMENT/PURPOSE: To consider creating a Human Resources Director position within the City of Mandan.

BACKGROUND/ALTERNATIVES: Currently CBI is on site two to and on occasion three days a week to provide payroll processing and human resource needs for the City of Mandan. We have found that we have outgrown the current arrangement and employees are looking for a full time person on site to fill those needs.

A job description based upon the City of Bismarck's Director of Human Resources and the Morton County Human Resources Director is attached for your consideration.

Should the Commission approve of the job description we would anticipate the following next steps:

October, 2016 – Advertise for the position

November, 2016 – Review applicants and interview

December, 2016 – make job offer

January, 2017 – person begins

January, 2017 – begin looking for a payroll processing provider

The contract with CBI expires Dec. 31, 2016. We would ask that we negotiate a contract with CBI to provide limited HR duties along with payroll processing until the complete transition occurs. There are several moving parts and thus would look to have the transition complete on or before June 30, 2017.

ATTACHMENTS: Proposed job description

FISCAL IMPACT: The position would be a Grade 24 with a salary range of \$58,359 - \$87,539. The total budget for Human Resources in 2017 is \$119,200. We do not anticipate exceeding this amount.

STAFF IMPACT: Time will be necessary for the hiring, training of a Human Resources Director along with transition of payroll services.

LEGAL REVIEW: Attorney Brown would be involved in any negotiations of the CBI contract.

RECOMMENDATION: I recommend the approval of the attached Human Resources Director job description, the advertisement of the position, along with allowing staff to begin negotiations with CBI for a limited contract extension.

SUGGESTED MOTION: I move the approval of the attached Human Resources Director job description, the advertisement of the position, along with allowing staff to begin negotiations with CBI for a limited contract extension.

City of Mandan  
Human Resource Director

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Revised:	<u>October, 2016</u>
Department	<u>Human Resources</u>
Reports to:	<u>City Administrator</u>
Grade:	<u>24</u>
Human Resources Signature:	_____
Employee Signature:	_____
Department Manager Signature:	_____
City Administrator Signature:	_____

1. DESCRIPTION OF WORK

1.1. General Statement of Duties:

Performs professional, administrative and supervisory work related to organizing, directing, coordinating, performing, and monitoring citywide human resource programs and activities. Assures compliance with established policies and procedures. Manages all phases of the Human Resources program including recruitment, examination, selection and placement, position classification, compensation, employee training, employee benefits, employee relations and employee safety. Work includes frequent contact with city employees, city department officials, and the public providing assistance with Human Resources policies and program operations. Work is performed with considerable independence and exercise of judgment within administrative policies and regulations. Recommends and monitors payroll policies and procedures, evaluates and implements personnel and payroll programs and systems and serves as a liaison to the Safety and Wellness Committee.

1.2. Supervision Received:

Works under the broad policy guidelines of the City Commission and takes direction from the City Administrator.

1.3. Supervision Exercised:

Exercises supervision over professional, para-professional, and clerical staff.

2. EXAMPLES OF WORK:

D = Daily  
W = Weekly  
M = Monthly

Y = Yearly  
Y/D = Yearly Daily

D-35% Plans, organizes, coordinates and directs comprehensive Human Resources program for the City, including the administration of employee compensation, position classifications, fringe benefits, training for supervisors and employees, employee performance appraisal, and new employee orientation.

W-25% Confers with City Civil Service Commission members, department heads, and employees about Human Resources policies, instructions, disputes, and interpretations, as well

as proposals for new Human Resources policies or modification of existing policies.

D-5% Directs the preparation and administration of the department budget. Provides input to City budget on wages and fringe benefit costs.

M- 10% Directs the administration of pension funds; group health, life and disability insurance plans; deferred compensation plans; workers compensation and risk management program, and employee assistance plans held by the City and their departments.

W- 10% Responsible for recruitment, examination, selection and placement functions as well as an effective workforce development strategy.

D-5% Responsible for maintaining the utmost confidentiality for employee records and business information.

10% Acts as EEO, Title VI and Title VII Civil Rights Act Officer, and ADA Coordinator for the City and responsible for maintaining records and procedures on ADA, EEO, affirmative action programs and preparing reports for State and Federal agencies.

Performs other duties of a comparable level/type as required.

### 3. MINIMUM QUALIFICATIONS

#### 3.1. Education and Experience:

Bachelor's degree in public administration, business administration, human resource administration or field related to human resources from an accredited program at an accredited institution and eight years experience involving the technical and administrative issues of a comprehensive Human Resources program or any equivalent combination of education and experience. Master's Degree in public administration, business administration, human resource administration, or field related to human resources from an accredited program at an accredited institution is preferred. Prefer national certification of Professional in Human Resources or Senior Professional in Human Resources.

#### 3.2. Required Knowledge, Skills and Abilities:

Thorough knowledge of the principles and practices of Human Resources administration.

Knowledge of policies, procedures, and ordinances governing City personnel activities, conditions of employment, and employee benefits.

Knowledge of State and Federal employment and labor statutes and legislative proposals.

Knowledge of principles and practices of budget preparation and administration, and supervision and performance appraisal.

City of Mandan  
Human Resource Director

---

Ability to plan, organize, and implement Human Resource programs and related activities.

Ability to understand and interpret policies and procedures and explain them and to provide guidance on human resource issues.

Ability to establish and maintain a variety of personnel and related records requiring confidentiality and security.

Ability to compile and maintain complex records, files, and financial information utilizing available technology.

Ability to communicate clearly and concisely, orally and in writing.

Ability to establish and maintain effective working relationships with employees, officials, and the public.

3.3. The physical activities of this position are:

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

Grasping: Applying pressure to an object with the fingers and palm.

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.

3.4. 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.

3.5. 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.

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

The worker is subject to inside environmental conditions: Protection from weather conditions but not necessarily from temperature changes.



# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** October 4, 2016  
**PREPARATION DATE:** September 30, 2016  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Robert Decker, P.E., Principal Planner  
**SUBJECT:** Consider approval of minor plat for Humane Society Subdivision

---

STATEMENT/PURPOSE:

This request is to create a plat for a parcel currently described as an auditor plat.

BACKGROUND/ALTERNATIVES:

Property is located along 1806 north of the city limits in the extraterritorial zone.

Humane Society is planning to add a building on the property. Building permit requires a plat.

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.

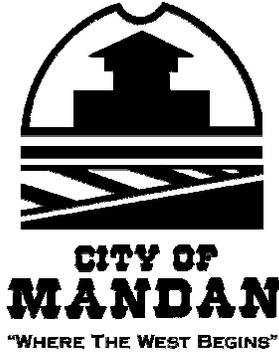
RECOMMENDATION:

Recommend approval.

SUGGESTED ACTION:

Move to approve minor plat for Humane Society Subdivision.





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** October 4, 2016  
**PREPARATION DATE:** September 27, 2016  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Malcolm Brown, City Attorney  
**SUBJECT:** Geck Property

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STATEMENT/PURPOSE: To hear concerns the Geck's have regarding their property.

BACKGROUND/ALTERNATIVES: Collins Avenue north was re-built by the City in 2006 and 2007. As a result of the survey of the right of way of Collins Avenue, it was determined that there was an area of land comprising parts of four different subdivisions located west of Collins Avenue and the actual west right of way of Collins Avenue. This area extended from the north line of Division Street to the south line of 14th St. The City platted the area as Collins West Addition. In order to determine ownership of the area in question, the City began a quiet title action naming potential owners of the area that could be determined from records at the County Recorders office. A portion of the area was claimed by the heirs of Harry and Catherine Zachmeier consisting of two lots adjacent to the east of Lot 20, Block 3, Zachmeier First Addition. A portion of the lot to the north of that area was claimed by Leo Bauer on a theory of adverse possession as he had planted items and fenced it for many years. No other parties made any claim to these lands and, by a stipulated judgment, title was quieted in the City with an agreement to deed the areas claimed accordingly, which was done. No appearance or claim was made by the owners of Lot 20, Block 3, who at that time was the Cody family. There was nothing of record to indicate that the Cody's had a claim to these lots.

Subsequently the lots to the east of the Cody property were sold to a developer. I think at that time it was discovered that the home built on the Cody property was within a few inches of the west lot line of the Collins West Addition. I am not sure what all happened, but later a significant dispute arose between the new owner of the Cody property and the developer that purchased the Collins West Addition lots from the Zachmeiers. It would appear that at the time the home on Lot 20, Block 3 was built (in the 50's?) that it was built within a few inches of its east lot line, but the issue did not surface until the reconstruction of Collins Avenue. I am not sure what the City can do legally to resolve the issues between these two owners.

The Cody family would have had to make a claim to that property and I don't think that their house being too close to the property line would have trumped the Zachmeier claim of title, so the City could not have just deeded a portion to the Cody's over the Zachmeier objection. I never talked to whoever did the survey and don't recall discussing the issue with anybody. My recollection is that Tom Little or Dave contacted me about what to do with these lots. I had North Dakota Guarantee & Title prepare a title memo that indicated the Zachmeier family and the Siegel family had potential claims and that is how I proceeded with the quiet title action

ATTACHMENTS: n/a

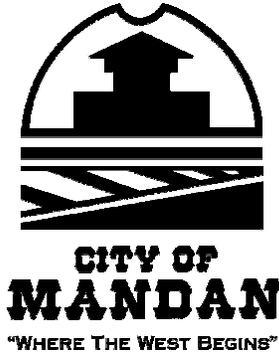
FISCAL IMPACT: n/a

STAFF IMPACT: n/a

LEGAL REVIEW: the above summary was prepared by City Attorney Malcolm Brown

RECOMMENDATION: n/a

SUGGESTED MOTION: n/a



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** October 4<sup>th</sup>, 2016  
**PREPARATION DATE:** September 20<sup>th</sup>, 2016  
**SUBMITTING DEPARTMENT:** Police Department  
**DEPARTMENT DIRECTOR:** Jason Ziegler, Chief of Police  
**PRESENTER:** Joseph A. Camisa, Jr, Code Enforcement Officer  
**SUBJECT:** Code Enforcement Appeals Board Appointments

---

**STATEMENT/PURPOSE:** The City Administrator and the Police Department is forwarding for City Commission review and approval five recommendations for appointment to the newly established Code Enforcement Appeals Board.

**BACKGROUND/ALTERNATIVES:** On July 19<sup>th</sup>, 2016, the City Commission approved the second consideration of Ordinance No. 1248, creating Chapter 26 of the Mandan Municipal Code related to code enforcement. One component of this newly created chapter calls for the establishment of a code enforcement board of appeals. The municipal code requires the appointment of three or five individuals that reside within Mandan.

An advertisement for letters of interest was placed in the August edition of the *Mandan Messenger* and posted to the city website at the beginning of August. The solicitation of letters remained open for approximately 30 days, closing on September 9<sup>th</sup>. The city received a total of seven letters within this period. A five-member panel convened comprised of Administrator Neubauer, Chief of Police Ziegler, Deputy Police Chief Leingang, Building Official Lalim, and Code Enforcement Officer Camisa, to review the submitted letters of interest. The following five applicants were selected for recommendation to the appeals board based on interest and qualification:

- Catherine Watkins, three-year term
- Don Boehm, three-year term
- Craig Selby, two-year term
- Konrad Crockford, two-year term
- Victoria Vayda, one-year term

The two remaining applicants were not selected because either a conflict of interest existed or the applicant was previously appointed to other city committees. The review board sought to recommend those new to city service with length of terms determined by a random drawing.

The terms for the appeals board members will begin on January 1<sup>st</sup>, 2017, and the board will meet as needed when an appeal request is received by the City.

ATTACHMENTS: 1. Seven Letters of Interest

FISCAL IMPACT: Minimal

STAFF IMPACT: Minimal

LEGAL REVIEW: All data was forward to City Attorney Brown for his review.

RECOMMENDATION: Staff recommends approval of the five recommended applicants to the Code Enforcement Appeals Board for the length of terms indicated.

SUGGESTED MOTION: Move to approve Catherine Watkins for a three-year appointment, Don Boehm for a three-year appointment, Craig Selby for a two-year appointment, Konrad Crockford for a two-year appointment, and Victoria Vayda for a one-year appointment to the Code Enforcement Appeals Board with terms beginning January 1<sup>st</sup>, 2017.

August 03, 2016

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

To Mr. Jim Neubauer:

Afer much consideration from family, friends and peers, I would like to be considered for appointment of the Code Enforcement Board of Appeals.

My previous employment was with Jim Laducer and Laducer and Associates Inc., which I dedicated 12 ½ years (2003-2015) of inputting data entry for Federal Government Contracts. It was with Jim Laducer and his company when I started paying attention to federal contract negotiations, federal contract meetings, federal customers voicing their concerns, watching the Mandan City Commission Meetings, the Morton County Commission Meetings, the Planning and Zoning Meetings, meeting Ken Lamont and reading the minutes from MARC, Growth Fund Committee and Renaissance Zone Committee.

My experiences including not limited to, is my current employment with Mandan Walmart Store #2033 where I am a Apparel-Home Associate. I serve, help, and assist customers and meet their needs to the best of my abilities. I have had the opportunity to meet and to sit down with Mandan Walmart customers who have voiced their concerns ranging from taxes, weeds, nuisance properties, sign violations and fireworks. Customers have felt where simple warnings are not enough, stricter actions must be taken, the "language" in the City of Mandan ordinance needs to be tighten, and not to "table the subjects." I am ready and willing to commit to the City of Mandan citizens on these recommendations.

I am very interested on serving on the Code Enforcement Board of Appeals for a 3-year term. I am very knowledgeable, up-to-date on the City of Mandan ordinances, I read all the minutes and watch all the meetings on Channel 2. I am ready and willing to commit to work with the Board of Appeals and with the City of Mandan/Mandan residents itself. Also important is the Code Enforcement Board of Appeals connects with the citizens of Mandan and Mandan businesses.

My outstanding customer service recognition has allowed me to develop a deeper understanding for the City of Mandan citizens and the continued growth for the City of Mandan itself.

Thank you for your consideration,

Ms. Victoria L. Vayda

Board of City Commissioners  
Agenda Documentation  
Meeting Date: October 4, 2016  
Subject: Code Enforcement Appeals Board Appointments  
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---

August 8, 2016

City of Mandan  
Attn: Jim Neubauer, City Administrator  
205 Second Avenue NW  
Mandan, ND 58554

Dear Mr. Neubauer;

I am interested in serving on the newly created Code Enforcement Board of Appeals. I believe my experience and background would be an asset for this board.

I worked for 33 years for Internal Revenue Service and my last seven years were with the IRS Appeals Office. In that capacity, I heard appeals from taxpayers regarding their collection cases. This required me to review the facts of the case, determine if all relevant laws, regulations and procedures were followed, listen to the taxpayers' reasons for the appeal, and make an unbiased determination regarding the collection action invoked by the IRS Collection Division. I then completed a thorough written report of my findings.

After retiring from the Internal Revenue Service, I served for 8 years as a director for the board governing the American Angus Association. This involved overseeing the Association's business, along with its four related entities. Assets totaled over 45 million dollars for these businesses. Long range planning was an integral part of my responsibilities to ensure the continuing success of the American Angus Association and its members, Angus breeders.

I earned a BS degree in Animal Science from Michigan State University.

My interest in this position is two-fold: to contribute to my community and to seek continuing intellectual fulfillment.

Please call me if you have questions or to discuss this opportunity. Thank you for your consideration.



Catherine (Cathy) Watkins  
1509 Plains Bend SE  
Mandan, ND 58554  
765-635-4222  
beaver-ridge@att.net

August 12, 2016

Jim Neubauer  
City Administrator  
205 2<sup>nd</sup> Ave NW  
Mandan, ND 58554

I am writing concerning the Code Enforcement Board membership. I have been on several boards and have been the president of the Mandan Marlin's swim team board.

I currently work as an accountant in Bismarck, but live in Mandan.

Please contact me if you need additional information.

Thanks



Morgan Doll

713 17<sup>th</sup> Ave NW  
Mandan, ND 58554  
701-667-4174  
701-355-8827

**Paul Leingang**

---

**From:** Jim Neubauer  
**Sent:** Friday, August 12, 2016 5:43 PM  
**To:** Paul Leingang  
**Cc:** Don Boehm  
**Subject:** FW: Code Enforcement Board

Hi Don,  
Thanks, I have forwarded your name on to Deputy Chief Leingang who is compiling the list of interested folks.  
Thanks again and have a good weekend!  
Jim

-----Original Message-----

From: Don Boehm [mailto:djboehm@bepc.com]  
Sent: Friday, August 12, 2016 3:27 PM  
To: Jim Neubauer  
Subject: Code Enforcement Board

Jim,

I would like to apply for a position on the Code Enforcement Board. I would like to serve on that Board as well as the Mandan Growth Fund Committee.

Thanks

Don Boehm

Sent from my iPhone

**Paul Leingang**

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**From:** Jim Neubauer  
**Sent:** Friday, August 12, 2016 7:26 PM  
**To:** Craig  
**Cc:** Paul Leingang  
**Subject:** Re: Code Enforcement Board of Appeals

Thanks Craig!  
I have passed your info onto deputy chief Leingang Thanks again for your interest Have a great weekend!  
Jim

Sent from my iPhone

> On Aug 12, 2016, at 7:19 PM, Craig <selby.craig.g@gmail.com> wrote:  
>  
> Mr. Neubaur,  
> I am interested in a position on the  
> Code Enforcement Board of Appeals.  
> My background:  
> Resident of Mandan since 2007.  
> Wife Heidi (Pratt) Selby born and raised in Mandan.  
> Father of two boys (4 and 7 years old) Employed as electrician.  
> I am interested in a position on this board because My family and I have a vested interest in the property values and  
> appearance in Mandan's neighborhoods, both residential and commercial. I think that codes that regulate the city's  
> appearance and safety are important in maintaining a safe and stable community.  
> If you need any additional information from me please contact me by phone 701 214-8106 or through my email  
> address.  
> Thanks for your consideration.  
> Sincerely,  
> Craig Selby  
> 803 5 th Ave NE  
> Mandan  
> Sent from my iPhone

Board of City Commissioners  
Agenda Documentation  
Meeting Date: October 4, 2016  
Subject: Code Enforcement Appeals Board Appointments  
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Konrad Crockford  
3405 Genoa Ct. SE  
Mandan, ND 58554  
6 Sep 16

Jim Neubauer  
City Administrator  
City of Mandan  
205 Second Ave. NW  
Mandan, ND 58554

Dear Jim Neubauer:

I am writing to express my interest in being considered for an appointment to the Code Enforcement Board of Appeals. While I have only resided in Mandan for slightly over one year, I am very familiar with the area having visited it many times over the last eight years while dating my wife. My wife was born and raised in this community and I have grown to love it. Once we were able to relocate from Minot, there was no question about where we wanted to live and raise our family.

I am from northeast Ohio and grew up in a community very similar to Mandan. I relocated to Minot, ND in 2008 with the U.S. Air Force and served as an ICBM Launch Control Officer. In 2011 I made the decision to stay in North Dakota and left the service with an Honorable Discharge. I began working as an operations manager of a crude by rail terminal in the Bakken oilfield. I worked as the manager until 2014 when I was promoted to a regional manager and began overseeing the operations at seven different crude oil and ethanol facilities.

I know that I can bring a lot to the table regarding the interpretation of codes, laws and regulations. I have had to do this on a daily basis throughout my career. In the Air Force and ICBM operations I had to become very well versed in operational regulations. Even though these regulations were very clear, some still required interpretation and from this formal change requests would be submitted to clarify them. In my civilian career, I had to become self-educated keep up to date on the laws and codes governing crude by rail transportation because and new laws, codes and regulations were being drafted every day.

Interoperation of laws and regulations is an area that I am personally interested in. I want to ensure that these codes are followed, but I also want to help ensure that they are clear and do not provide conflicting guidance. I know that I can be an asset to this board and it will also allow me to becoming more involved in the community that I am proud to call home.

Please feel free to contact me by phone at 701-500-1128 or email at [kscrockford@gmail.com](mailto:kscrockford@gmail.com) if you have any questions.

Sincerely,



Konrad Crockford

Rec'd 9-6-16  
JN

September 06, 2016

Mr. Jim Neubauer  
City Administrator  
City Hall  
205 2<sup>nd</sup> Ave NW  
Mandan, ND 58554

Dear Mr. Neubauer:

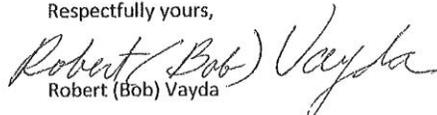
I am writing to express my interest in being appointed to the position of Code Enforcement Board of Appeals. If given the opportunity to serve, I am confident that my background, my expertise, and sense of community would be valuable and perspective to the position indicated.

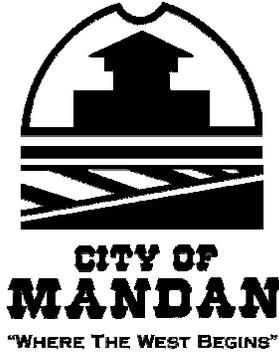
I enjoy being a resident of Mandan, where I live with my wife for 40 years plus. I have vast experience as project manager for many jobs; one of my jobs was listening to contractors with problems and solving them. Using this background I am certain that I can perform in this position to be a Code Enforcer which has a lot of listening to both sides and coming to a clear understanding.

I am interested in serving on the Code Enforcement Board of Appeals to help support for the current growth and development of the City of Mandan.

I am excited about the opportunity to serve on Code Enforcement Board of Appeals. Please let me know if you have any questions or if you would like additional information. I can be reached at 701-663-5642.

Respectfully yours,

  
Robert (Bob) Vayda



# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** October 4, 2016  
**PREPARATION DATE:** September 27, 2016  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** Recommendation from Visitors Committee regarding Bismarck Mandan Stock Car Association Request

**STATEMENT/PURPOSE:** Requests for funding assistance come to the Mandan Visitors Committee and in turn recommendations are forwarded to the City Commission for their consideration.

**BACKGROUND/ALTERNATIVES:** The Mandan Visitors Committee met on August 12, 2016 to consider a request from the Bismarck Mandan Stock Car Association (BMSCA).

The request dated August 1, 2016 is asking for funding assistance to install additional electrical, sanitary sewer and water to several camp sites at Dacotah Centennial Park.

The request was amended at the August 12, 2016 meeting. The original and amended are summarized as follows:

	8/1/2016	8/12/2016
Sanitary Sewer & Water	\$ 40,000	\$ 40,000
Electrical	\$ 30,000	\$ 30,000
Pavement	\$ 60,000	\$ -
Street Lighting	\$ 10,000	\$ -
Misc & Overruns	\$ 7,500	\$ 2,500
Engineering and Project Mgmt.	\$ 7,500	\$ 4,500
Total	\$ 155,000	\$ 77,000
Less: BMSCA Funds	\$ 25,000	\$ 25,000
Request from Visitors Fund	\$ 130,000	\$ 52,000

Board of City Commissioners

Agenda Documentation

Meeting Date: October 4, 2016

Subject: Recommendation from Visitors Committee regarding Bismarck Mandan Stock Car Association Request

Page 2 of 9

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The BMSCA was asked if they had obtained bids for the work, as it started August 1st. They only had one bid on the underground and indicated they had three bids on electrical. Herb Bargmann provided copies of the three bids.

The three electrical bids that were provided were from Fetzer Electric, dated July 26, for \$17,000, Western Edge Electric, dated July 25, \$23,880 and Lillis Electric, dated August 18 (Herb indicates they had a verbal quote from Lills prior to Aug. 1), for \$23,045. Fetzer was awarded the bid, and it had a change order to it for an additional 10 hook ups, thus the total bill from Fetzer was \$28,500. Broken down further, it amounts to Fetzer's 20 electrical hook ups for \$850 each plus additional 10 hooks ups for \$1,150 each. The other two bids were higher, with Western Edge at \$1,195 each and Lillis at \$1,152 each. (per email of August 25 from Herb Bargmann)

The action from the Visitors Committee was based on the amended request of August 12, to fund the electrical portion of \$30,000 plus a proportion of the Engineering and Project Management as follows:

(Electrical \$30,000 / Sanitary Sewer & Water & Electrical \$70,000) x Engineering & Project Management \$4,500 = approximately \$2,000.

Thus the recommendation would be to fund up to \$32,000 provided doing so is in compliance with all applicable ordinances as determined by City Attorney Brown.

The Committee was in favor of the project as it adds additional RV hook up space in Mandan, with water/sewer and electrical for visitors.

Additionally, it is suggested that if the request were found to be valid or able to be considered and in turn approved by the Commission that any funds be provided to the Mandan Park District and they in turn could provide to the BMSCA.

**ATTACHMENTS:**

Criteria for Visitors Fund Requests

August 1, 2016 Request from BMSCA

August 12, 2016 Amended Request from BMSCA

**FISCAL IMPACT:** Up to \$32,000. The Visitors Fund has adequate funds to meet this request. Available funds before this request are approximately \$1M.

**STAFF IMPACT:** n/a

**LEGAL REVIEW:** North Dakota Century Code § 48-01.2-02 requires public bids for an improvement to public property that is estimated to cost more than \$100,000. If the estimated cost exceeds \$150,000 plans and specs must be drawn up by an architect or engineer. While the complete project has not been built, the initial request was based on

the \$155,000 estimate. If we assume that the initial project was abandoned and a smaller project estimated on August 12, that cost estimate was less than \$100,000 and thus did not need public advertising for bids. So, I think that the VF could contribute \$32,000 to the project as built.

RECOMMENDATION: The Visitors Committee recommends approval of the request for assistance up to \$32,000.

SUGGESTED MOTION: I move to approve the Visitors Committee recommendation for funding assistance for up to \$32,000 to the Mandan Park District as it adds additional RV hook up space in Mandan, with water/sewer and electrical for visitors to their property. The Park District would in turn provide reimbursement to the BMSCA in such amount.

### **Criteria for Visitors Fund Requests**

1. All requests must be made in written form and submitted to the City Auditor's office.
  - a) Outline the nature of the request in size and scope.
  - b) Benefits to the community.
  - c) Request must conform to all applicable municipal ordinances and codes.
  - d) Principle people or organizations involved.
  - e) List of other funds or commitments for the project.
  - f) Time line for the start and completion of the project.
  - g) Number of dollars requested from the visitors fund.
  - h) Present acceptable evidence that additional required private financing is available which will allow the proposal, if accepted to be completed.
2. No requests will be approved except at scheduled meetings.
3. Attempts will be made to maintain a 17% liquidity of the fund.
4. Approved projects will be submitted to the City Commission in writing for final approval.
5. Additional criteria may be added as needed.

August 1, 2016 Request

**Visitors Fund Request for Dacotah Centennial Park**  
**Water, Sanitary Sewer , Electrical, Bituminous Paving and Street Lighting**  
**Improvements**

a) **SCOPE OF PROJECT**

**Existing conditions:**

Currently, there are 16 electrical sites available for RV parking on the west side of Dacotah Centennial Park adjacent to the gravel parking area and the Horse and Saddle arena. The gravel approaches from 24<sup>th</sup> Avenue Southeast into Dacotah Centennial Park leading to the west entrance of Dacotah Speedway, the horse and saddle arena, and the 4<sup>th</sup> of July rodeo arena create a dust problem for the RV sites and adjoining properties. There is no lighting along the main approach and it is very dark when participants leave the facility at night.

**Electrical Improvements:** Upgrade the sites to 50 amp capacity and increase the number of electrical sites from 16 to 30.

Cost Estimate = \$28,500

**Sanitary Sewer and Water line Improvements:** Install new sanitary sewer to 20 sites. The sewer trunk lines will be 8" PVC with 4" laterals to each site and one 48" manhole. Install new 2" water line to 20 sites and a water meter manhole.

Cost Estimate = \$38,000

**Roadway Bituminous pavement:**

Bituminous pavement to be placed on the main roadway entrance and two side approaches terminating at the west gate entrance.

Approximately 1350 ft. of pavement, 24 ft. wide, 3" in depth.

Cost Estimate = \$60,000

**Street Lighting:**

Install 3 power poles with wiring and fixtures.

Estimated Cost \$10,000

b) **BENEFITS TO THE COMMUNITY**

The Sanitary Sewer, Water, and Electrical improvements will encourage visitors to stay in the City of Mandan by providing full service RV Sites. Visitors will purchase fuel, and visit local restaurants and businesses in Mandan.

The Street lights will provide better visibility for participants entering and leaving the facility and the RV Camping Sites. The Bituminous Paving

will provide dust control to the RV sites and adjoining private properties. The paving will also keep dirt and debris from the city streets.

c) **APPLICABLE MUNICIPAL ORDINANCES AND CODES**

Contractor will obtain a Permit to Work on City of Mandan Right-of-Way. City of Mandan Engineering Department has approved the plans and specifications.

d) **COLLABORATING ORGANIZATIONS**

The Mandan Park District, Bismarck-Mandan Stock Car Association, The Mandan 4<sup>th</sup> of July Rodeo and The Horse and Saddle Club support the improvements.

e) **OTHER FUNDS AND COMMITMENTS**

The Bismarck-Mandan Stock Car Association will commit funds to the project. They will manage and maintain the sites for the Mandan Park District. All monthly water, sanitary sewer and electrical expenses incurred will be paid by the Bismarck-Mandan Stock Car Association. The RV Sites will be short term rental agreements, except for current rental to Precision Pipeline.

f) **TIMELINE FOR START AND COMPLETION**

Start date: Monday August 1, 2016

Completion date: July 1, 2017 or in time for the 4<sup>th</sup> of July Rodeo in 2017.

g) **BUDGET AND FUNDS REQUESTED**

<b>Sanitary Sewer and Water improvements</b>	<b>= \$40,000</b>
<b>Electrical improvements</b>	<b>= \$30,000</b>
<b>Bituminous Pavement</b>	<b>= \$60,000</b>
<b>Street Lighting</b>	<b>= \$10,000</b>
<b>Misc. and Overruns</b>	<b>= \$7,500</b>
<b>Engineering and project management</b>	<b>= <u>\$7,500</u></b>
<b>Total</b>	<b>= \$155,000</b>
<b>Bismarck –Mandan Stock Assoc. Funds</b>	<b>= \$25, 000</b>
<b>Funds requested from Visitors fund</b>	<b>= \$130,000</b>

h. **PRIVATE FINANCING**

No private financing

Amended Request August 12, 2016

August 12, 2016

Visitors Fund Request for Dacotah Centennial Park  
Water, Sanitary Sewer ,and Electrical Improvements

a) **SCOPE OF PROJECT**

**Existing conditions:**

Currently, there are 16 electrical sites available for RV parking on the west side of Dacotah Centennial Park adjacent to the gravel parking area and the Horse and Saddle arena. The gravel approaches from 24<sup>th</sup> Avenue Southeast into Dacotah Centennial Park leading to the west entrance of Dacotah Speedway, the horse and saddle arena, and the 4<sup>th</sup> of July rodeo arena create a dust problem for the RV sites and adjoining properties. There is no lighting along the main approach and it is very dark when participants leave the facility at night.

**Electrical Improvements:** Upgrade the sites to 50 amp capacity and increase the number of electrical sites from 16 to 30.

Cost Estimate = \$30,000

Quotes were received from 3 contractors:

Lillis Electric

Western Edge Electric

Fetzer Electric quote was accepted

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Subject: Recommendation from Visitors Committee regarding Bismarck Mandan Stock Car Association Request

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**Sanitary Sewer and Water line Improvements:** Install new sanitary sewer to 20 sites. The sewer trunk lines will be 8" PVC with 4" laterals to each site and one 48" manhole. Install new 2" water line to 20 sites and a water meter manhole.

Cost Estimate = \$40,000

Quotes were requested from 3 contractors:

Nodak Plumbing- Too busy to quote

Bauer Excavation-Too busy to quote

Schlosser Excavating quote was accepted

**b) BENEFITS TO THE COMMUNITY**

The Sanitary Sewer, Water, and Electrical improvements will encourage visitors to stay in the City of Mandan by providing full service RV Sites. Visitors will purchase fuel, and visit local restaurants and businesses in Mandan.

**c) APPLICABLE MUNICIPAL ORDINANCES AND CODES**

Contractor will obtain a Permit to Work on City of Mandan Right-of-Way. City of Mandan Engineering Department has approved the plans and specifications.

**d) COLLABORATING ORGANIZATIONS**

The Mandan Park District, Bismarck-Mandan Stock Car Association, The Mandan 4<sup>th</sup> of July Rodeo and The Horse and Saddle Club support the improvements.

e) **OTHER FUNDS AND COMMITMENTS**

The Bismarck-Mandan Stock Car Association will commit funds to the project. They will manage and maintain the sites for the Mandan Park District. All monthly water, sanitary sewer and electrical expenses incurred will be paid by the Bismarck-Mandan Stock Car Association. The RV Sites will be short term rental agreements, except for current rental to Precision Pipeline.

f) **TIMELINE FOR START AND COMPLETION**

Start date: Monday August 1, 2016

Completion date: August 15, 2016

g) **BUDGET AND FUNDS REQUESTED**

Sanitary Sewer and Water improvements = \$40,000

Electrical improvements = \$30,000

Bituminous Pavement = 0

Board of City Commissioners

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Subject: Recommendation from Visitors Committee regarding Bismarck Mandan Stock Car Association Request

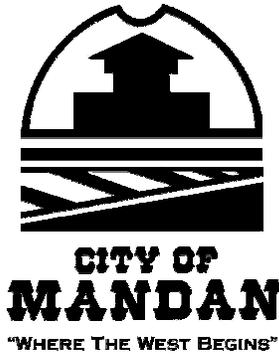
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Street Lighting	= 0
Misc. and Overruns	= \$2,500
Engineering and project management	= <u>\$4,500</u>
Total	= \$77,000
Bismarck –Mandan Stock Assoc. Funds	= \$25, 000
Funds requested from Visitors fund	= \$52,000

**h. PRIVATE FINANCING**

No private financing



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** October 4, 2016  
**PREPARATION DATE:** September 30, 2016  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth, Planning and Engineering Director;  
Duane Friesz, Facility Superintendent  
**PRESENTER:** Justin Froseth, Planning and Engineering Director  
**SUBJECT:** Consider Engineering Service Agreement  
Amendment for High Service Pumps and Facility  
Upgrades Project at the Water Treatment Facility

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**STATEMENT/PURPOSE:** The Water Treatment Facility High Service Pumps and Facility Upgrades project bid opening was held on September 13<sup>th</sup> with award of the project approved at the last meeting. This item is to consider amending our agreement with AE2S to include Construction Engineering (aka, Project Inspection and Management) during the construction phase of the project.

**BACKGROUND/ALTERNATIVES:** The city typically only enters into an Engineering Service Agreement (ESA) with a firm for the design of the project at the onset. So long as the design phase goes well and the bids come in favorable to move forward with the project, city staff will recommend to amend the ESA to include construction engineering.

Since last commission meeting where it was decided to award the project to the low bidders, AE2S provided the city with their ESA amendment proposal. The amendment proposal did concern staff as it appeared to be much higher than the construction engineering was estimated to be when the project application was sent into the State Water Commission (SWC). City staff including Jim Neubauer, Greg Welch, Duane Friesz, and Justin Froseth met with AE2S staff to understand why the increase. During that meeting AE2S stated that the majority of the difference comes from moving the instrumentation and controls programming from the construction budget, as it was reflected in the SWC application, to the engineer's responsibilities for the ESA, as it is reflected now. We requested that AE2S further explain how this project will stay within the total project budget which they have provided within the attachments.

We agree that it makes more sense to include the programming in the ESA scope to keep it with the designers of the project instead of the installers. It also makes sense from the

Board of City Commissioners

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Subject: Consider Engineering Service Agreement Amendment for High Service Pumps and Facility Upgrades Project at the Water Treatment Facility

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standpoint of the programming needing to be in sync with operations of the plant outside of the new equipment being installed for which AE2S has experience with. Therefore, we are recommending to approve of this amendment.

**Project Summary:** The city was successful in receiving SWC grant money to start construction on this needed project during the 2015-2017 biennium. This project has been part of the City's Capital Improvements Plan (CIP) and has been needed for years.

New pumps are necessary to meet the near future projected water demands. Additionally, many of the existing pumps at the water treatment facility are 30 to 40 years old and due for replacement based on years of service. One component of this project is to address those pumps with replacements. In order to maximize efficiency of those pumps, this project also includes VFDs (Variable Frequency Drives) and the electrical upgrades to facilitate the pumps and VFDs. The pump and associated electrical upgrades will increase the plant's firm capacity by 44% to the Collins reservoir, and by 26% to the Sunset reservoir.

A second main component of this project is to add to and reconfigure the facilities office and lab space in order to work within most efficiently. Currently there is only one small office room that intermingles with the lab space. There is very little room for storing records in the office area and the facility currently does not have a break or conference room. An addition on the south side will address all of these issues to give staff adequate space to work.

Other components of this project include such items as an access platform for the residual building, process pipe modifications, instrumentation and control changes, and other miscellaneous improvements.

**ATTACHMENTS:**

1. Amendment #1
2. Amendment Cover Letter (Explains apparent increase in ESA amount)
3. September 29<sup>th</sup> Updated Project Funding Summary
4. September of 2015 Project Application Estimate

**FISCAL IMPACT:** For this project, the city applied for and received State Water Commission grant money. For the design engineering and pre-bid services, the city is to receive a 35% match from the SWC. For the construction and construction phase engineering, the city is to receive a 60% match.

**STAFF IMPACT:** Minimal

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

RECOMMENDATION: We would recommend agreeing to the amendment with AE2S for construction engineering services.

SUGGESTED MOTION: I move to agree to Amendment #1 for Engineering Services with AE2S to include the phases 060, 070, 080, and 121 as outlined on the amendment.

**AMENDMENT NO. 1  
TO  
AGREEMENT BETWEEN OWNER AND  
ENGINEER FOR PROFESSIONAL SERVICES  
DATED  
October 4, 2016**

This Amendment No. 1 is effective as of October 4, 2016 ("Effective Date") between City of Mandan, 205 2<sup>nd</sup> Avenue NW, Mandan, ND 58554-3125 ("OWNER") and Advanced Engineering and Environmental Services, Inc., 1815 Schafer Street, Suite 301, Bismarck, ND 58501 ("ENGINEER").

The document amends the Agreement between Owner and Engineer for Professional Services (the Agreement) dated March 16, 2016 for:

**Mandan WTP – High Service Pump Improvements** (Project).

All provisions not amended remain in full effect.

OWNER and ENGINEER, in consideration of their mutual covenants as set forth herein, agree to amend the following portions of the Agreement:

**1. Exhibit C:**

- a. Replace Paragraph C4.01-A-3 with the following:

"3. The total compensation for services under paragraph C4.01 is estimated to be \$645,000.00 based on the following assumed distribution of compensation:

a. Preliminary Design Phase 030	\$	59,500
b. Design Phase 040	\$	163,500
c. Bidding Phase 050	\$	24,000
d. Construction Phase 060	\$	227,000*
e. Post Construction Phase 070	\$	38,000*
f. Instrumentation and Controls Phase 080	\$	110,000*
g. Funding Assistance Phase 120	\$	5,000
h. Additional Funding Assistance Phase 121	\$	18,000*

\*Added this Amendment

**2. Exhibit E:**

Add the following major elements to the Project Description

**CONSTRUCTION PHASE 060**

The Construction Phase is comprised of the primary tasks identified below:

1. Contract Preparation: Prepare and submit necessary number of copies of contracts for each contractor.
2. Surveying: Limited survey support anticipated to set initial benchmarks.
3. Shop Drawing Review: ENGINEER shall administer the submittal process, and provide review of product submittals for the project.

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Subject: Consider Engineering Service Agreement Amendment for High Service Pumps and Facility Upgrades Project at the Water Treatment Facility

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4. Construction Observations: ENGINEER to provide adequate construction administration and construction observation, maintain records and provide assistance to manage project progress, problems, and potential scope changes, and complete project closeout procedures and Final Inspection and Acceptance for each project.
5. Construction Progress Meeting: ENGINEER to coordinate and attend pre-construction meeting including preparation and distribution of meeting agenda and minutes. ENGINEER to coordinate and attend periodic construction progress meetings. Periodic construction meetings will be conducted not more than once a week and not less than once a month during times of construction and as mutually agreed. ENGINEER will maintain meeting agendas and minutes.
6. Project Administration: ENGINEER will administer and process project activities such as pay requests, change order, shop drawing processing, and resource allocation.
7. Project Management: ENGINEER will provide project management services to monitor construction progress, work quality and project costs.
8. Schedule: Final completion anticipated on or around June 2018.

**POST CONSTRUCTION PHASE 070**

The Post-Construction Phase is comprised of the primary tasks identified below:

1. Warranty: ENGINEER shall coordinate warranty items, monitor warranty period, and provide an end of warranty inspection.
2. Record Drawings: ENGINEER shall revise drawings and provide final deliverables including Operation and Maintenance Manuals and as-built record drawings.
3. O&M Manuals: ENGINEER shall provide final Operation and Maintenance Manuals and shop drawings.

**INSTRUMENTATION AND CONTROL PHASE 080**

The Instrumentation and Control Phase is comprised of the primary tasks identified below:

1. Programming: ENGINEER shall perform all control system programming necessary to fully integrate new systems into the existing Supervisory Control and Data Acquisition (SCADA) system, provide programming of PLCs to accommodate operation modes, including automatic control and various automatic or semi-automated operational sequences.
2. Commissioning: ENGINEER shall provide all field startup coordination for contractor installations.

**FUNDING ASSISTANCE PHASE 121**

The Funding Assistance Phase is comprised of the primary tasks identified below:

1. Funding Assistance
  - a. Funding Assistance to aid the City with application for DWSRF loan and SWC grant reimbursements and interim funding, as requested.
2. SRF Construction Compliance Requirements
  - a. Conduct Davis Bacon wage interviews during Construction Phase at appropriate intervals.
  - b. Review weekly Contractor certified payrolls and compare with wage interviews.

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Subject: Consider Engineering Service Agreement Amendment for High Service Pumps and Facility Upgrades Project at the Water Treatment Facility

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

OWNER:

ENGINEER:

\_\_\_\_\_

\_\_\_\_\_

By: Mavor Tim Helbling

By: Lisa Ansley, PE

Title: President of Board of City Commissioners

Title: Operations Manager

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

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

ATTEST: \_\_\_\_\_

ATTEST: \_\_\_\_\_

Name: Jim Neubauer

Name: Kenneth Weber, PE

Title: City Administrator

Title: Senior Project Manager

Address for giving notices:

Address for giving notices:

City of Mandan

Advanced Engineering and Environmental Services, Inc.

205 2<sup>nd</sup> Avenue NW

1815 Schafer Street, Suite 301

Mandan, ND 58544-3125

Bismarck, ND 58501

Designated Representative (paragraph 6.02.A):

Designated Representative (paragraph 6.02.A):

Duane Friesz

Laith D. Hintz, PE

Title: WTP Superintendent

Title: Project Engineer

Phone Number: (701) 667-3275

Phone Number: (701) 221-0530

Facsimile Number: (701) 667-1680

Facsimile Number: (701) 221-0531

E-Mail Address: mandanwtp@midconetwork.com

E-Mail Address: Laith.Hintz@ae2s.com

Board of City Commissioners  
Agenda Documentation  
Meeting Date: October 4, 2016  
Subject: Consider Engineering Service Agreement Amendment for High Service Pumps  
and Facility Upgrades Project at the Water Treatment Facility  
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September 29, 2016

To the President and Commission  
of the Mandan Board of City Commissioners  
c/o Justin Froseth PE, Director of Planning and Engineering  
205 2nd Avenue NW  
Mandan, ND 58554

**Re: Water Treatment Facility – High Service Pump Improvements  
City Project No. 2016-09  
Professional Services Agreement Amendment #1**

Dear Mr. Froseth:

Thank you for the continued opportunity to provide professional engineering services to the City of Mandan.

We respectfully request your inclusion of this engineering proposal and attached engineering amendment on the October 4, 2016, City Commission Meeting Agenda. The intent of this proposal and amendment is to provide an opportunity for the City to utilize AE2S services as they relate to construction, post-construction, instrumentation and control and funding support of the Water Treatment Facility High Service Pump Station Improvements. Proposed improvements include pump and process pipe upgrades, building expansion for operations, upgraded instrumentation and controls, electrical service upgrades and site improvements.

The proposed amendment services will allow the City to construct the already bid construction improvements. The Services as detailed in the attached amendment include:

- |   |           |
|---|-----------|
| • Construction Phase (\$227,000) & Post Construction (\$38,000) | \$265,000 |
| • Instrumentation and Controls Phase                            | \$110,000 |
| • Funding Assistance  | \$18,000  |

Note that these services were originally planned and budgeted as three separate items.

- |  |           |
|--|-----------|
| • Construction/Post Construction Engineering         | \$265,000 |
| • Electrical Controls – Controls and Instrumentation | \$135,000 |
| • Legal fiscal and Administration                    | \$10,000  |

Construction and post construction services are in line with the previous anticipated budget of \$265,000. The I&C services are typically included as part of electrical construction and were budgeted in an amount of \$135,000 (proposed fee is \$25,000 lower than originally planned). The funding administration services have been adjusted upward from \$10,000 to \$18,000 to process and facilitate the requirements of two funding sources and to work with unfamiliar contractors. Total impact to planned services is a net decrease of \$17,000.

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Subject: Consider Engineering Service Agreement Amendment for High Service Pumps and Facility Upgrades Project at the Water Treatment Facility

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Justin Froseth PE, Director of Planning and Engineering

**Re: Water Treatment Facility – High Service Pump Improvements  
City Project No. 2016-09  
Professional Services Agreement Amendment #1**

September 29, 2016

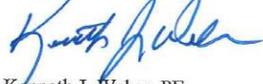
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The project bids received on September 13, 2016 total \$2,482,871 and professional services are \$645,000 making a combined total of \$3,127,871, which is \$108,332 under project budget. The \$108,000 is the project contingencies and is equal to 4.4% of the project costs. This amount is in excess of the typical 4% contingencies amount and should be adequate to build the project as bid.

Once again, thank you for this opportunity! Should you have any questions concerning the information provided herein, please don't hesitate to call us at 701-221-0530.

Submitted In Service,

AE2S



Kenneth J. Weber, PE  
Project Manager

Cc: Justin Froseth PE, Director of Planning and Engineering,  
Duane Friesz, WTP Superintendent



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Mandan WTP - High Service Pump Improvements  
P00510-2012-05

AE2S

Phase	Agreement Amount	
Prelim	30	\$ 59,500.00
Design	40	\$ 163,500.00
Bidding	50	\$ 24,000.00
Construction	60	\$ 227,000.00
Post Construction	70	\$ 38,000.00
I&C Services	80	\$ 110,000.00
Funding Assistance	120	\$ 5,000.00
Funding Assistance (construction)	121	\$ 18,000.00
		\$ 645,000.00

Construction Contracts	Contracts	Change Orders	Total
PKG	\$ 1,231,900.00	\$ -	\$ 1,231,900.00
Ryan Mechanical	\$ 183,139.00	\$ -	\$ 183,139.00
GMHR Field Services	\$ 1,067,832.00	\$ -	\$ 1,067,832.00
	\$ 2,482,871.00	\$ -	\$ 2,482,871.00

Summary

Engineering	\$ 645,000.00
Construction	\$ 2,482,871.00
Total	\$ 3,127,871.00

Eligible Cost	\$ 3,236,203.00
Remaining	\$ 108,332.00
	4.4%

Funding Breakdown	Total	SWC Grant Share	Local Share (SRF Loan)
Construction Contracts	\$ 2,482,871.00	\$ 1,489,722.60	\$ 993,148.40
Design Engineering Agreement	\$ 252,000.00	\$ 88,200.00	\$ 163,800.00
Construction Phase Engineering	\$ 265,000.00	\$ 159,000.00	\$ 106,000.00
I&C Engineering	\$ 110,000.00	\$ 66,000.00	\$ 44,000.00
Legal Fiscal and Administrative	\$ 18,000.00	\$ -	\$ 18,000.00
Total Project Under Contract	\$ 3,127,871.00	\$ 1,802,922.60	\$ 1,324,948.40
2015 SWC Application Estimate	\$ 3,236,203.00	\$ 1,872,722.00	\$ 1,363,481.00
Contingency Remaining	\$ 108,332.00	\$ 69,799.40	\$ 38,532.60
Contingency as % construction	4.4%		

Board of City Commissioners

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9/29/2016

<u>Funding</u>	<u>Eligible Cost</u>	<u>Cost Share</u>	
SWC Pre-Construction Engineering	\$ 300,900.00	35%	\$ 105,315.00
SWC Construction	\$ 3,641,433.00	60%	<u>\$ 2,184,859.80</u>
			\$ 2,290,174.80

\*Includes HSP, Sunset Booster, and I&C

9/29/2016

Funding Planned / Actual

Pre-Engineering	\$ 252,000.00	\$ 252,000.00
Construction/Pos	\$ 265,000.00	\$ 265,000.00
Legal Fiscal and A	\$ 10,000.00	\$ 18,000.00
4.0 Electrical I&C	\$ 135,000.00	\$ 110,000.00
	<u>\$ 662,000.00</u>	<u>\$ 645,000.00</u>
		\$ (17,000.00) below planned

\$ 2,327,912.00   \$ 2,482,871.00  
\$ 154,959.00 over planned

Board of City Commissioners

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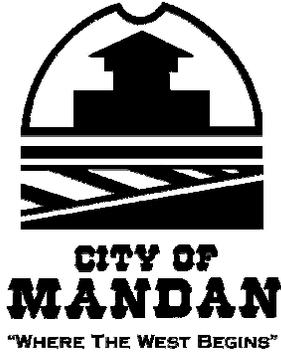
**CITY OF MANDAN, ND**

9/1/15

**HIGH SERVICE PUMP EXPANSION**

**OPINION OF TOTAL PROBABLE PROJECT COST**

	<b>QUANTITY</b>	<b>UNIT</b>	<b>UNIT COST</b>	<b>MATERIAL COST</b>	<b>INSTALLED COST</b>
<b>1.0 General Conditions:</b>					
a. Insurance, Bonds, Mobilization, Etc.	1	l.s.		\$2,320,000	\$142,912
<b>Subtotal General Conditions</b>					<b>\$142,912</b>
<b>2.0 General Construction</b>					
a. Misc. Demolition	1	l.s.	\$50,000	\$50,000	\$67,500
b. High Service Pumps (2000 gpm each)	4	ea.	\$100,000	\$400,000	\$500,000
c. Piping, Valves, & Appurtenances	1	l.s.	\$150,000	\$150,000	\$187,500
d. WTP Structure Expansion (40'x50'), Gen., Mech., Elec., & Fin.	2,000	s.f.	\$275	\$550,000	\$687,500
<b>3.0 Mechanical Construction</b>					
a. HVAC Mech. Constr., & Elect. Constr.	1	l.s.	\$125,000	\$125,000	\$168,750
b. General Mechanical	1	l.s.	\$125,000	\$125,000	\$168,750
<b>4.0 Electrical Construction</b>					
a. MCC, Controls, and Instrumentation	1	l.s.	\$300,000	\$300,000	\$405,000
b. Controls and Instrumentation	1	l.s.	\$100,000	\$100,000	\$135,000
<b>Subtotal</b>					<b>\$2,320,000</b>
<b>Total Probable Construction Costs</b>					<b>\$2,462,912</b>
<b>Contingencies (10%)</b>					<b>\$246,291</b>
<b>Legal fiscal and Administration</b>					<b>\$10,000</b>
<b>Pre-Engineering</b>					<b>\$252,000</b>
<b>Construction/Post construction Engineering</b>					<b>\$265,000</b>
<b>ESTIMATED TOTAL PROBABLE PROJECT COSTS</b>					<b>\$3,236,203</b>
<b>ROUNDED ESTIMATE</b>					<b>\$3,236,000</b>



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** October 4th, 2016  
**PREPARATION DATE:** September 30, 2016  
**SUBMITTING DEPARTMENT:** Police Department  
**DEPARTMENT DIRECTOR:** Chief Jason Ziegler  
**PRESENTER:** Chief Jason Ziegler  
**SUBJECT:** Update on assistance to Morton County

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STATEMENT/PURPOSE: To update the commission on the assistance Mandan PD has given to Morton County during the state of emergency.

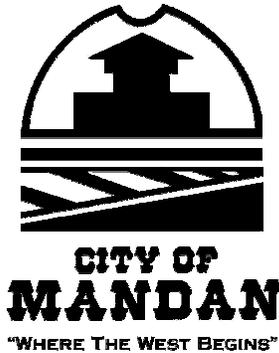
BACKGROUND/ALTERNATIVES: The Police Department has recently been assisting the Morton County Sheriff's Department during their current state of emergency. Our agency has been providing much support from our Administrative Officers and also Police Officers in the field. From August 10 through September 25, officers have put in approximately 1,068 hours which includes almost every officer of the department. This amounts to approximately \$43,000 in wages.

As of the last pay period, the police department has 2 exempt employees that are well over the normal 60 hour comp time cap. These employees are still continuing to accrue comp time. With minimal vacation time being allowed during this time, officers are also accruing vacation time over the annual cap of 120 hours which will currently affect approximately 13 officers as they have anniversary dates coming within the next several months.

There is currently no end date predicted with the current situation.

ATTACHMENTS: None  
FISCAL IMPACT: None  
STAFF IMPACT: None  
LEGAL REVIEW: None

RECOMMENDATION: Continue to allow exempt employees to accrue comp time over the 60 hour cap and to allow Police Officers to accrue and carry over vacation hours above 120 hours past their anniversary dates.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** October 4, 2016  
**PREPARATION DATE:** September 29, 2016  
**SUBMITTING DEPARTMENT:** Public Works  
**DEPARTMENT DIRECTOR:** Jeff Wright, Director  
**PRESENTER:** Jeff Wright  
**SUBJECT:** Resolution Establishing Rates And Charges For Services From The Solid Waste Utility Fund.

**STATEMENT/PURPOSE:** To consider rate adjustments for various materials taken to the Mandan landfill to take effect January 1, 2017.

**BACKGROUND/ALTERNATIVES:** The attached resolution shows proposed rate changes to the solid waste material taken to the transfer station, which in turn is hauled by the City of Mandan to the Bismarck Landfill. Currently we are at the same rate as Bismarck and to maintain a \$3.00/ton margin to cover operational costs we are proposing \$48.00/ton. Garbage collection and disposal will go from \$10.90/month to \$10.95/month as per contract with Armstrong Sanitation. Curb side recycling collection and disposal will go from \$5.50/month to \$5.65/month as per contract with Dakota Sanitation.

We are also proposing other rate increases, such as minimum load charges, inert material charges, burnable wood including tree debris, cost to dispose of mobile homes and electronics as per attached resolution. These increases are needed to keep up with rising costs of maintenance, disposal costs and needed equipment.

**ATTACHMENTS:** Resolution Establishing Rates And Charges For Services From The Solid Waste Utility Fund.

**FISCAL IMPACT:**  
 Garbage collection = \$6,150 revenue increase  
 Recycling = \$13,700 revenue increase  
 Using 2015 totals:  
 Commercial Inert = \$50,000 revenue increase  
 Solid Waste = \$12,000 revenue increase  
 Electronics = \$550 revenue increase  
 Mobile Homes = minimal

**STAFF IMPACT:** Minimal

**LEGAL REVIEW:** Documentation has been forwarded to Malcolm for review.

Board of City Commissioners

Agenda Documentation

Meeting Date: October 4, 2016

Subject: Resolution establishing rates and charges for Residential and Commercial/non-resident services from the Solid Waste Utility Fund.

Page 2 of 3

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RECOMMENDATION: To approve the Resolution Establishing Rates And Charges For Services From The Solid Waste Utility Fund.

SUGGESTED MOTION: Move to approve the Resolution Establishing Rates And Charges For Services From The Solid Waste Utility Fund.

**RESOLUTION ESTABLISHING RATES AND CHARGES FOR SERVICES  
FROM THE SOLID WASTE UTILITY FUND**

BE IT RESOLVED by the Board of City Commissioners of the City of Mandan, North Dakota, pursuant to the provisions of the Mandan Code of Ordinances, that the following rates and charges are hereby established for services from the Solid Waste Utility Fund:

- 1) Residential area. For garbage and rubbish collection and disposal services for residential areas, there shall be a charge of ~~\$10.90~~ \$10.95 per month, per family living unit. Residents who deliver garbage and rubbish, excluding inert materials, to the Mandan Municipal Landfill Facility will be charged ~~\$45.00~~ \$48.00 per ton and will be charged a minimum of \$7.00. For curbside recycling collection and disposal services for residential areas provided with 96 gallon totes, there shall be a charge of ~~\$5.50~~ \$5.65 per month, per family living unit.
- 2) Non-residential area. For garbage and rubbish disposal services for non-residential establishments, there shall be a charge of ~~\$45.00~~ \$48.00 per ton. Non-residents who deliver garbage and rubbish, excluding inert materials, to the Mandan Municipal Landfill Facility will be charged a minimum of ~~\$7.00~~ \$10.00.

	Commercial/	
3) <u>Other disposal charges:</u>	<u>Resident</u>	<u>Non-resident</u>
a) Major appliances and furniture	\$7.00	\$10.00
b) Refrigerated appliances	\$20.00	\$25.00
c) Tires:		
Auto	\$2.00	\$4.00
Truck	\$5.00	\$7.00
Tractor	\$10.00	\$15.00

Board of City Commissioners

Agenda Documentation

Meeting Date: October 4, 2016

Subject: Resolution establishing rates and charges for Residential and Commercial/non-resident services from the Solid Waste Utility Fund.

Page 3 of 3

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d) Minimum charge inert (includes scale usage)	<del>\$3.00</del> <u>\$5.00</u>	<del>\$5.00</del> <u>\$7.00</u>
e) Minimum monthly charge for services billed on account (includes scale usage)	\$5.00	\$5.00
f) Untarped and unsecured garbage	\$20.00	\$20.00
g) <u>Electronics</u>	<u>\$5.00</u>	<u>\$7.00</u>
h) <u>Mobile homes</u>	<u>\$200.00</u>	<u>\$200.00</u>

Grass clippings and leaves are exempt from all charges.

- 4) Inert materials. For disposal of inert materials there shall be a charge of \$15.00 per ton for Mandan Residents and ~~\$30.00~~ \$35.00 per ton for Commercial and Non-Residents. Inert materials shall be materials so defined by the North Dakota State Department of Health including trees, lumber, demolition lumber, wooden furniture, metal, bricks, concrete, bottom ash from coal fired boilers and asphalt roofing. For separated, burnable wood materials there shall be a charge of ~~\$15.00~~ \$20.00 per ton for Commercial and Non-Residents, this does not include painted, stained or sealed wood or railroad ties.
- 5) No motor vehicle bodies or dangerous, flammable or hazardous material may be deposited at the Mandan Municipal Landfill Facility.

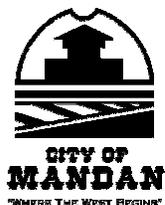
BE IT FURTHER RESOLVED that the rates and charges for services from the Solid Waste Utility Fund shall be effective as of the first billing after January 1, 2017.

Dated this 4th day of October, 2016.

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

Attest:

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



# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** October 4, 2016  
**PREPARATION DATE:** September 30, 2016  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Justin Froseth, Planning and Engineering Director  
**SUBJECT:** Consider resolution updating Engineering and Planning Fees

---

### STATEMENT/PURPOSE:

Update Planning and Engineering Fees to cover costs of providing service.

### BACKGROUND/ALTERNATIVES:

During budget meetings, staff was requested to look at our fees compared to what it actually costs our department to administer and review each category of service.

Staff was requested to compare our fees to other nearby entities, primarily the City of Bismarck.

Though our fee structures don't perfectly align, you can see on the attached comparison table the difference between our current fee, the proposed fee and Bismarck's fees.

Our fees were out of date. We wanted to increase them gradually. We have raised fees in the last two years and with this proposed increase will be charging what it costs to provide the service.

Our fees are either comparable or less than what Bismarck charges for a similar service.

### ATTACHMENTS:

1. Resolution
2. Comparison Table

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

### RECOMMENDATION:

Staff recommends adoption of this resolution.

### SUGGESTED ACTION:

Move to approve revisions to Engineering and Planning fees as presented

**RESOLUTION ADJUSTING PLANNING AND ENGINEERING FEES**  
**Board of City Commissioners**  
**City of Mandan, North Dakota**

WHEREAS, The cost for certain tasks should be borne by the applicant requesting action; and

WHEREAS, City staff have computed the average time and cost necessary to complete certain tasks; and

WHEREAS, It is necessary to adjust fees periodically in order to recoup the costs incurred in completing certain tasks.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Mandan, Morton County, North Dakota, that, beginning January 1, 2017, the following adjustments shall be made to the fees charged for various tasks performed by city staff:

Task	Current Fee	Fee Effective January 1, 2017
Annexation petition	400	400
Annexation with final plat	100	150
Minor plat or replat	100	150
Preliminary Plat up to 20 acres	200	250
Preliminary Plat greater than 20 acres	300	350
Final Plat up to 20 lots	200	250
Final Plat 21 to 40 lots	425	475
Final Plat greater than 40 lots	650	700
Zone change	500	550
Zone change with final plat	100	150
PUD zone change		700
Special Use	400	400
Vacation of ROW	400	400
Stormwater submittal	150	200
Stormwater 2nd & each subsequent resubmittal	50	50
Variance	400	400
Driveway and sidewalk permit (replace)	50	50
Driveway and sidewalk permit (new)	50	100
Work in ROW	50 first site plus 25 per site after 1st	100 first site plus 25 per site after 1 <sup>st</sup>

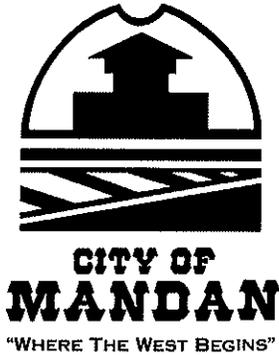
\_\_\_\_\_  
 President, Board of City Commissioners

ATTEST:

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

### Comparison Table

Service	Mandan Proposed Fee	Bismarck Fee
Annexation petition	400	350
Annexation with final plat	150	
Minor plat or replat	150	900
Minor plat or replat resubmittal fee		50
Lot Modification		100
Preliminary Plat up to 20 acres	250	
Preliminary Plat greater than 20 acres	350	
Preliminary Major Plat		475
Preliminary Major Plat resubmittal fee		50
Final Plat up to 20 lots	250	
Final Plat 21 to 40 lots	475	
Final Plat greater than 40 lots	700	
Final Major Plat		850
Final Major Plat resubmittal fee		50
Zone change	550	825
Zone change with final plat	150	
PUD zone change	700	1000
PUD amendment		775
Special Use	400	500
Vacation of ROW	400	400
Stormwater submittal	200	
Stormwater 2 <sup>nd</sup> & each subsequent resubmittal	50	
Stormwater up to 10 acres		300
Stormwater per acre over 10		15
Variance	400	350
Driveway and sidewalk permit (replace)	50	11% of project cost
Driveway and sidewalk permit (new)	100	"
Work in ROW	100 first site plus 25 per site after 1st	"
Excavation		135



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** October 4, 2016  
**PREPARATION DATE:** September 28, 2016  
**SUBMITTING DEPARTMENT:** Finance  
**DEPARTMENT DIRECTOR:** Greg Welch  
**PRESENTER:** Greg Welch, Finance Director  
**SUBJECT:** Resolution Establishing License and Permit Fees from the Finance Department.

---

#### PURPOSE

To consider the Resolution establishing license and permit fees from the Finance Department.

#### BACKGROUND

According to the City of Mandan's Budget Policies, departments are to compare their fees and charges for services with the City of Bismarck and other cities, and make recommendations for any rate increases.

The license and permit fees from the Finance Department have not been increased since 2001. Based on the comparison with the City of Bismarck's departmental fees and charges for similar licenses and permits, the Finance Department is recommending an increase in the City's license and permit fees at this time.

#### ATTACHMENT

Resolution establishing license and permit fees from the Finance Department.

#### FISCAL IMPACT

An increase in General Fund revenues of approximately \$4,050.

#### STAFF IMPACT

None

#### LEGAL REVIEW

Reviewed and approved by Malcolm Brown, City Attorney.

Board of City Commissioners

Agenda Documentation

Meeting Date: October 4, 2016

Subject: Resolution establishing license and permit fees from the Finance Department.

Page 2 of 2

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RECOMMENDATION

To approve the Resolution establishing license and permit fees from the Finance Department.

SUGGESTED MOTION

Move to approve the Resolution establishing license and permit fees from the Finance Department.

## RESOLUTION

Be it resolved by the Board of City Commissioners of the City of Mandan, North Dakota, pursuant to Sections of the Mandan Code of Ordinances, that the license and permit fees for any person, either directly or indirectly, to conduct any business or nonprofit enterprise, or to use in connection therewith any vehicle, premises, or machine or device, in whole or in part shall be as follows:

### LICENSE AND PERMIT FEE SCHEDULE

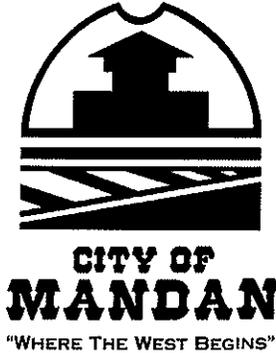
<u>Section</u>	<u>License/Permit</u>	<u>Fee</u>
12-3	Adult Cabaret	<del>\$250</del> <u>\$350</u>
12-5	Pawnbroker, Junk Dealer, and Secondhand Dealer	<del>\$50</del> <u>\$75</u>
12-8	Tobacco Products	<del>\$25</del> <u>\$75</u>
18-3	Handbill and Sign Contractor	<del>\$50</del> <u>\$75</u>
105-3	Mobile Home/Travel Trailer Park	<del>\$50 + \$3 per space</del> <u>\$75 + \$3 per space</u>
115-4	Tree Trimmer	<del>\$30</del> <u>\$75</u>
119-1	Garbage Hauler	<del>\$30 per vehicle</del> <u>\$75 per vehicle</u>

Dated this 4th day of October, 2016.

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

Attest:

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



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** October 4, 2016  
**PREPARATION DATE:** September 28, 2016  
**SUBMITTING DEPARTMENT:** Finance  
**DEPARTMENT DIRECTOR:** Greg Welch  
**PRESENTER:** Greg Welch, Finance Director  
**SUBJECT:** Resolution Establishing Beer, Liquor or Alcoholic Beverage License Fees.

---

#### PURPOSE

To consider the Resolution establishing beer, liquor or alcoholic beverage license fees.

#### BACKGROUND

According to the City of Mandan's Budget Policies, departments are to compare their fees and charges for services with the City of Bismarck and other cities, and make recommendations for any rate increases.

The City's beer, liquor or alcoholic beverage license fees were last increased as follows:

- Annual Renewal = 2009
- Issuance = 2013

Based on the comparison with the City of Bismarck's departmental fees and charges for similar licenses, the Finance Department is recommending an increase in the City's beer, liquor or alcoholic beverage license annual renewal fees at this time.

#### ATTACHMENT

Resolution establishing beer, liquor or alcoholic beverage license fees.

#### FISCAL IMPACT

An increase in General Fund revenues of approximately \$11,950.

#### STAFF IMPACT

None

Board of City Commissioners

Agenda Documentation

Meeting Date: October 4, 2016

Subject: Resolution establishing beer, liquor or alcoholic beverage license fees.

Page 2 of 2

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LEGAL REVIEW

Reviewed and approved by Malcolm Brown, City Attorney.

RECOMMENDATION

To approve the Resolution establishing beer, liquor or alcoholic beverage license fees.

SUGGESTED MOTION

Move to approve the Resolution establishing beer, liquor or alcoholic beverage license fees.

## RESOLUTION

Be it resolved by the Board of City Commissioners of the City of Mandan, North Dakota, pursuant to Section 4-2 of the Mandan Code of Ordinances, that the license fees for any person engaged in the sale of beer, liquor or alcoholic beverages shall be as follows:

### LICENSE FEE SCHEDULE

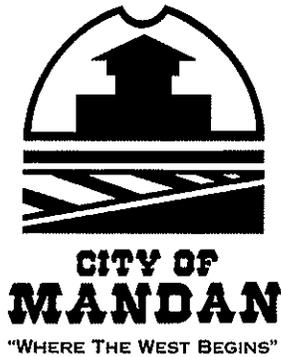
		<u>Annual Renewal</u>	
<u>License</u>			<u>Fee</u>
Class A	General Retail-On & Off sale Beer & Liquor		\$3,100 <u>\$3,250</u>
Class B	Club-On & Off sale Beer & Liquor		\$2,800 <u>\$2,950</u>
Special B	Publicly Owned or Operated Facilities-On Sale Beer		\$100 <u>\$300</u>
Special B	Publicly Owned Facilities-On sale Beer & Liquor		\$100 <u>\$300</u>
Class C	Motel & Hotel-On & Off sale Beer & Liquor		\$2,900 <u>\$3,050</u>
Class D	Exclusive Off sale Beer & Liquor		\$3,100 <u>\$3,250</u>
Class D-1	Exclusive Off sale Beer & Wine		\$600 <u>\$650</u>
Class E	Restaurant-On sale Beer & Liquor		\$2,500 <u>\$2,850</u>
Class F	Restaurant-On sale Beer & Wine		\$1,150 <u>\$1,200</u>
Class G	Commercial passenger vessels		\$1,150 <u>\$1,200</u>
Class WB	Wine or Brewery		\$600 <u>\$650</u>
Class MP	Member Producer		\$600 <u>\$650</u>
Class DY	Distilled Spirits		\$600 <u>\$650</u>
	Sunday Alcoholic Beverage On & Off sale		<del>\$5 per Sunday</del> <u>\$10 per Sunday</u>
		<u>Issuance</u>	
<u>License</u>			<u>Fee</u>
Class A	General Retail-On & Off sale Beer & Liquor		\$60,000
Class D	Exclusive Off sale Beer & Liquor		\$80,000
Class D-1	Exclusive Off sale Beer & Wine		\$40,000

Dated this 4th day of October, 2016.

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

Attest:

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



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** October 4, 2016  
**PREPARATION DATE:** September 28, 2016  
**SUBMITTING DEPARTMENT:** Finance  
**DEPARTMENT DIRECTOR:** Greg Welch  
**PRESENTER:** Greg Welch, Finance Director  
**SUBJECT:** Resolution Establishing Water Meter Prices from the Utility Maintenance Department.

---

#### PURPOSE

To consider the Resolution establishing water meter prices from the Utility Maintenance Department.

#### BACKGROUND

According to the City of Mandan's Budget Policies, departments are to review their fees and charges for services and make recommendations for any rate increases.

The water meter prices from the Utility Maintenance Department were updated last year. Based on the City's current costs for the purchase of water meters, transceivers, parts, assembly, including sales tax and labor, the Finance Department is not recommending an increase in the City's water meter prices at this time. Instead, the Finance Department is recommending to establish the City's water meter prices in Resolution form.

#### ATTACHMENT

Resolution establishing water meter prices from the Utility Maintenance Department.

#### FISCAL IMPACT

None

#### STAFF IMPACT

None

#### LEGAL REVIEW

Reviewed and approved by Malcolm Brown, City Attorney.

Board of City Commissioners

Agenda Documentation

Meeting Date: October 4, 2016

Subject: Resolution establishing water meter prices from the Utility Maintenance Department.

Page 2 of 2

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RECOMMENDATION

To approve the Resolution establishing water meter prices from the Utility Maintenance Department.

SUGGESTED MOTION

Move to approve the Resolution establishing water meter prices from the Utility Maintenance Department.

## RESOLUTION

Be it resolved by the Board of City Commissioners of the City of Mandan, North Dakota, pursuant to Section 117 of the Mandan Code of Ordinances, that the water meter prices, including sales tax and labor, shall be as follows:

### PRICE SCHEDULE

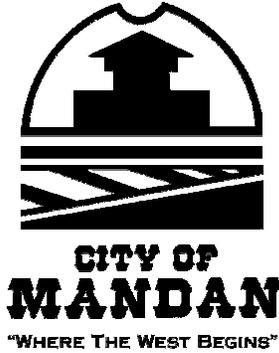
<u>Water Meter</u>	<u>Price</u>	
5/8"	\$447	
3/4"	\$482	
1"	\$681	
1 1/2"	\$1,869	
2"	\$2,117	(Verify current price with Utility Maintenance Department)
3"	\$2,891	(Verify current price with Utility Maintenance Department)
4"	\$4,586	(Verify current price with Utility Maintenance Department)
6"	\$7,454	(Verify current price with Utility Maintenance Department)

Dated this 4th day of October, 2016.

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

Attest:

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



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** October 4, 2016  
**PREPARATION DATE:** September 28, 2016  
**SUBMITTING DEPARTMENT:** Public Works  
**DEPARTMENT DIRECTOR:** Jeff Wright  
**PRESENTER:** Jeff Wright, Public Works Director  
**SUBJECT:** Consider for approval the Resolution amending fees and charges administered by the Public Works Department

---

STATEMENT/PURPOSE: Consider the approval of the resolution amending the fees and charges by the Public Works Department.

BACKGROUND/ALTERNATIVES: Made some changes (underlined) to working hours for curb stop shut off and turn on rates. This wordage is now consistent with our delinquent account letters. Also, increased hydrant meter deposit to cover the cost of replacement and changed monthly usage, meter rental will have a usage fee of \$50 per month no matter how many days you use it, plus the water usage for the month.

ATTACHMENTS: Resolution and fee list

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: Attorney Brown has reviewed my agenda documents.

RECOMMENDATION: This office supports the amended fees and charges.

SUGGESTED MOTION: I move to approve the amended fees and charges.

Board of City Commissioners

Agenda Documentation

Meeting Date: October 4, 2016

Subject: Consider for approval the Resolution amending fees and charges administered by the Public Works Department

Page 2 of 4

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**RESOLUTION AMENDING FEES ADMINISTERED BY THE PUBLIC WORKS DEPARTMENT FOR THE CITY OF MANDAN, NORTH DAKOTA**

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

WHEREAS, the City of Mandan is empowered to charge fees relating to Public Works Department services and material; and

WHEREAS, the City of Mandan has provided by Ordinance the fees for such services and materials may be determined from time to time by resolution of the Board of City Commissioners; and

WHEREAS, it is the desire of the Board of City Commissioners to establish such fees as may be necessary for the orderly cost effective administration of services and materials;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, AS FOLLOWS;

1. The fees for services and materials administered and regulated by the City of Mandan Public Works Department, shall be amended as denoted on the attached schedules, and as so amended shall be adopted.
2. The amended fee schedule shall be in full force and effect from and after the 5<sup>th</sup> day of October, 2016.
3. A copy of the amended fee schedule shall be filed in the office of the city auditor.

Dated this 4<sup>th</sup> day of October, 2016.

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President, Board of City Commissioners

Attest:

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City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: October 4, 2016

Subject: Consider for approval the Resolution amending fees and charges administered by the Public Works Department

Page 3 of 4

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**2016  
CITY OF MANDAN  
DEPARTMENT OF PUBLIC WORKS  
FEES AND SERVICES**

<u>Machine/Manpower</u>		<u>Cost</u>
2 Ton Truck		\$ 85 per hour
Tandem Truck		\$110 per hour
Backhoe		\$150 per hour
Backhoe with Jackhammer		\$175 per hour
Bucket Truck		\$150 per hour
Utility Pickup		\$ 40 per hour
Sewer Jetter		\$275 per hour
Maintainer		\$120 per hour
Loader		\$100 per hour
Blower with Loader		\$180 per hour
Bobcat		\$ 80 per hour
Winch Truck		\$120 per hour
Sweeper		\$100 per hour
Generator		\$ 50 per hour
		\$375 per day
Tractor/Mower		\$75 per hour
Riding Mower		\$45 per hour
Equip. Operator	Reg	\$31 per hour
	O.T.	\$47 per hour
Street Superintendent	Reg	\$38 per hour
	O.T.	\$57 per hour
Asphalt Repair		\$150 per ton/includes Roller and Manpower
Utility Operator	Reg	\$33 per hour
	O.T.	\$49 per hour

Board of City Commissioners

Agenda Documentation

Meeting Date: October 4, 2016

Subject: Consider for approval the Resolution amending fees and charges administered by the Public Works Department

Page 4 of 4

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Utility Superintendent	Reg	\$44 per hour
	O.T.	\$66 per hour
Administrative Fee		\$50

Water Taps	1" - \$55 ea.
	1 1/2" - \$70 ea.
	2" - \$90 ea.

Turn on/off Curb Stops	8:00AM to <del>4:30PM</del> <u>4:00PM</u> (Monday–Friday) – \$50 to disconnect
	After hours, weekends or holidays – \$50 + \$75 (call out) to disconnect
	8:00AM to <del>4:30PM</del> <u>4:00PM</u> (Monday–Friday) – \$50 to hook-up
	After hours, weekends or holidays – \$50 + \$75 (call out) to hook-up

<u>Service</u>	<u>Summer Cost</u>	<u>Winter Cost</u>
Replace Curb Stop	Per Hour - \$2,000 Maximum	Per Hour - \$2,500 Maximum
Replace Box/Rod	Per Hour - \$1,000 Maximum	Per Hour - \$1,200 Maximum
Adjust Curb Stop	Per Hour - \$ 250 Maximum	Per Hour - \$ 400 Maximum

Hydrant Meter Hookup	\$40
Hydrant Meter	<del>\$350</del> <u>\$450</u> Deposit
	<del>1-7 days – \$25 + water usage</del>
	<del>8+ days – \$50 + water usage</del>

Weed Control	
Light duty mowing (developed lots)	\$150 Fee + \$150 per hour, 1 hour Minimum
Heavy duty mowing (undeveloped lots)	\$150 Fee + \$150 per hour, 1 hour minimum
Lot Cleanup	\$ 150 Fee + Labor & Equipment, 1 hour minimum