

**AGENDA**  
**MANDAN CITY COMMISSION**  
**SEPTEMBER 20, 2016**  
**ED "BOSH" FROEHLICH MEETING ROOM,**  
**MANDAN CITY HALL**  
**5:00 P.M. (SPECIAL TIME)**  
**[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 6, 2016 Board of City Commission Regular Meeting.
- D. PUBLIC HEARING:
- 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).
  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).
  3. Consider award of bid for Water Treatment Facility High Service Pump project to low bidders.
- 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
- G. OLD BUSINESS:
1. Presentation of City of Mandan preliminary 2017 Budget by the Budget and Finance Committee.
- H. NEW BUSINESS:
1. Consider Growth Fund Committee recommendations:
    - i. Storefront Improvement application for 316 W Main St by Taylor Made BBQ, LLC.

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- ii. Restaurant Rewards application for sales tax rebate by Taylor Made BBQ, LLC
    - iii. Storefront Improvement application for 800 W Main St by Fettig Millwork & Window, Inc.
  2. Consider Renaissance Zone Committee recommendation regarding an application for purchase with improvements of 800 W Main St by Fettig Millwork and Window, Inc.
  3. Consider a request to establish a beer- and wine-only, on-sale liquor license.
  4. Consider approval of Request for Proposal (RFP) advertisement for engineering services for McKenzie Drive and 46<sup>th</sup> Avenue project.
  5. Consider 2016 Budget Amendment for Fire Station 1 Roof Repair.
  6. Presentation of retirement watch to Ed Boehm, Equipment Operator II, Landfill and City employee for 29 + years.
- 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
  2. Consider Resolution extending Cable Television System franchise agreement in the City of Mandan to and including December 31, 2017.
- J. OTHER BUSINESS:
- K. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:
1. October 4, 2016
  2. October 18, 2016
  3. November 1, 2016
- L. ADJOURN

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The Mandan City Commission met in regular session at 5:00 p.m. on September 6, 2016 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Helbling, Rohr, Braun, Davis, and Laber. Department Heads present were Finance Director Welch, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development & Communications Director Huber, Planning & Engineering Director Froseth, Principal Planner Decker, Assessor Shaw, and Building Official Lalim. Absent: Police Chief Ziegler.

B. APPROVAL OF AGENDA:

C. MINUTES:

1. *Consider for approval of the minutes from the August 16, 2016 regular City Commission meeting and the August 16, 2016 Hub City Working Session meeting.* Commissioner Laber moved to approve the minutes as presented. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

D. PUBLIC HEARING:

1. *Public hearing regarding application by La Sagrada Familia Apartments, LLC, for property tax relief for an affordable family housing project at 406 4<sup>th</sup> Street NW (see New Business No. 1).* Business Development & Communications Director Huber presented a request to conduct a public hearing regarding an application for Payments in Lieu Of Taxes (“PILOT”) by La Sagrada Familia Apartments, LLC, (the Commonwealth Companies); and to consider a Mandan Growth Fund (MGF) Committee recommendation regarding the application. Director Huber provided the following information by explaining that at an August 29, 2016 meeting, the MGF received an overview of the proposed redevelopment of the former junior high school at 406 4th Street NW and reviewed the PILOT application. The Commonwealth Companies of Fond Du Lac, Wisconsin have formed the LLC for the purposes of acquiring the former junior high property from Mother Teresa Outreach, LLC, which is affiliated with the Spirit of Life Church in Mandan. Commonwealth plans to submit an application by September 30, 2016 to the ND Housing Finance Agency for the Low Income Housing Tax Credit Program. That is a program that utilizes federal tax credits that are sold to investors to generate equity for the project. The overall plan is to invest approximately \$8.3 million into renovation of the property for 39 units of affordable housing. The application will pay \$20,000 in property taxes for the building improvements for the first 15 years following the proposed renovation.

Representatives from Morton County, Mandan School District and Park District were all in attendance at the Mandan Growth Fund meeting. The county was neutral on the topic and the school and park representatives approved of the request. The property currently has a value of \$494,100, \$270,000 (land) and \$224,100 (structures). The structures are generating \$3,137 in property taxes using the 2015 levy of 280 mills. The land is eligible for property tax exemption. Under the proposal, the renovated buildings will generate

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\$20,000 annually in taxes for the first 15 years of the project which is an approximate 36% reduction from the \$31,220 using the present tax rate that would otherwise be due given its estimated value of the property upon completion of \$2.5 million.

Director Huber introduced Erin Anderson, Vice President of Development for the Northwest Region from the Commonwealth Development Corporation. She invited Ms. Anderson to come forward for the presentation of the plans for reconstruction of the former Mandan Junior High Building as well and to give an overview of the intent and the reasoning for the request for an application for payments in lieu of taxes (PILOT).

Ms. Anderson provided the following information: The Commonwealth Development Corporation is Wisconsin-based and was established in 2001. They offer full service development, construction, architecture and property management. She reviewed points of history of success across the country wherein they have established over 40 affordable housing tax credit entities in six states. They have multifaceted experience that includes new construction, acquisition / rehabilitation and historic adaptive reuse. They have multiple successful partnerships with nonprofit and for profit entities. Project selection and flexibility supported by vertical integration are their key success factors. Ms. Anderson has been involved in several projects throughout the state of North Dakota, including Lakewood Townhomes and Library Square II in Mandan. She explained that Commonwealth will be purchasing the former Mandan Junior High Building from the church that currently owns it and they will work with Metro Plains Management LLC to provide property management services. She said that 39 units of affordable housing will be created. Six of those units will be designated for families experiencing homelessness of which the Spirit of Life Church will be providing support to those families. She provided information on the rental fee for the various options that will be available. There will be 87 total parking stalls. The project cost is estimated to be \$8.3 million and most of the resources are from a tax credit equity obtained through the ND Housing Finance Agency.

Amenities will be available such as a wellness center, elevator, office, chapel, playground, community rooms and additional landscaping & greenspace. She reviewed concerns such as resident profile and crime. Residents are screened based on certain criteria. She said Commonwealth is requesting property taxes at market assessed value and they are requesting a payment in lieu of taxes of \$20,000 for 15 years. ND Housing Finance Agency (NDHFA) requires Debt Service Coverage Ratio (DSCR) of 1.1 ratio in year 15. If property taxes are higher they will not break even. The state statute permits nonprofit affordable housing a partial property tax exemption, which requires at least 50 percent ownership by a non-profit and first right of refusal to purchase at the end of 15 years. Commonwealth is for-profit, but if the project were being pursued by a non-profit it would only generate about \$14,000 in taxes. Commonwealth is also requesting a Letter of Support from the City of Mandan and a deferred loan in the amount of \$83,186 which is 1% of the total development costs as a local match for Flex PACE loan through the NDHFA. CommunityWorks will be contributing \$89,905 of the local share needed for the interest rate buy down that will bring the interest rate down 5 points and the balance would be from the Mandan Growth Fund. The BND will provide \$321,454 in addition to

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what the MGF and CommunityWorks contributes. She reviewed the timeline of the project with submission of applications September 2016, construction starting in February 2017, and plans to complete construction by February 2018.

Mayor Helbling announced this is a public hearing regarding an application from La Sagrada Familia Apartments, LLC, for property tax relief for an affordable family housing project at 406 4<sup>th</sup> Street Northwest in Mandan. He invited anyone to come forward to speak for or against the project.

DeNae Kautzmann came forward to speak. She voiced concerns about the project as presented. Of the 39 units, 12 of them are at a low affordable rate and the developer is presenting that there is a gap of affordable housing in the community. In a recent newspaper article they allege these are low market rates based on doing an online analysis, as they indicated at the Growth Fund Meeting. In the newspaper, she said a one bedroom is advertised as \$595. They indicate the two bedrooms are \$690. For comparison, there is a two bedroom being advertised in Mandan for \$675. She said she spoke with a realtor who is aware of a building in Bismarck where a 2 bedroom apartment of 1,200 square feet, which 2 years ago rented for \$850, is now renting for \$700. This is only \$10 more than what they are saying is below market value. She stated that Bismarck's rates are typically 10% higher rates than Mandan rates.

Ms. Kautzmann suggested the developer to go back and redo their research because the information provided to the Commission is inaccurate as to what is going on in the housing industry in Mandan. She stated that at the MGF Committee meeting, the developer said there was going to be a fixed rate for the payment in lieu of taxes. She does not believe the City can award a fixed rate. Under NDCC 40-57.1-03, it is incumbent upon the City to look at what those values are going to do over the course of the 15 years they are requesting. It is going to increase in value. Even if you do not put that in the agreement then the City still has the right under the statute to revoke whatever the city decides to do when making its decision tonight. If that property value goes up, the City will have a right to set a different rate. She encouraged including verbiage to that effect in the agreement so that the citizens of Mandan are well represented by the Board.

Mark Bitz came forward to speak. He said that he has been a property manager, owning and managing rental properties in Bismarck-Mandan for over 20 years. He reiterated the comments made by Ms. Kautzmann. He said there are many apartment rentals in Mandan vacant at this time, including low income units that were previously built. He said that Commonwealth is a for-profit business and their rental fees are on an average of \$150 higher than he charges for his rental units. He has never asked for any tax exemptions in the 20 years he has been renting properties.

Carla Barrios, a Mandan resident came forward to speak. She pointed out that the annual income presented by Commonwealth to rent these units, will exceed a 2-adult income assuming that each makes at least \$10 an hour. That will put them at or near the top of the income level requirement to rent these units. Thus, many residents will not even

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qualify to rent them. She reminded the Commission that years ago the Mandan residents were told that the Mandan Junior High building was not structurally sound, would be very expensive to remodel and get up to current code, and that it could not accommodate an elevator for ADA requirements. She said this is why we built the new middle school. So, now there will be an elevator, it can be brought up to code and it can house 100-plus people fulltime. But yet it could not house 100-plus students fulltime for the part time use of the building. Has this been addressed with the Mandan School Board in regard to possibly remodeling it and turn it back into an elementary school that is needed versus creating more affordable housing that we are hearing there are plenty of in the city? She asked who the targeted residents of this affordable housing unit are.

Amy Jacobson came forward to speak. She said that she has lived across the street from the former middle school for over 20 years. She voiced concern about the building in its current state as being a safety risk. She said she believes affordable housing is a need in Bismarck-Mandan and stated she wholeheartedly supports this project.

Susan Beehler, a Mandan resident, came forward to speak. She said she is in support of having something done with the former Junior High Middle School and believes that it was understood from the past, that the building would no longer be used by the School District. She believes affordable housing is needed in the community. She said she has a problem with the definition of affordable housing and the rates provided by Commonwealth are not meeting the needs of the very low income people in the community. She questioned if the \$20,000 will stay the same amount each year. In the contract, does this for profit have to hold on to the property for that time period? Or, can it become a non-profit and the City would receive no taxes for it? Also, with the \$20,000 and with families filling the building what is the burden on the school system as far as with the taxes, how is that \$20,000 divided out? Will it be the same percentage or will it go strictly to the City? She asked for further clarification of how “in lieu of taxes” works, so the public understands it. What happens after the 15 years? Does it go on to the regular property tax rolls? If we have people coming in that are homeless and by designating housing to homeless, how will that burden our social services budget?

Lisa Quintus a Mandan resident came forward to speak. She said she has lived within 2 blocks of the old junior high building for 17 years. She said that since the building has been vacated that the area has deteriorated. She is excited to have a plan in motion for the building and supports the upcoming plans for renovation.

Shelly Gable, a Mandan resident came forward and stated she has lived in the area of the former junior high school neighborhood for 21 years. She said that the building has deteriorated to the point it is appalling. She referenced the attempts by previous individuals to develop the building into affordable housing which have failed and she questioned why this plan will work any differently so that it will not fail. She does not think the City should invest very much money into the project. She hopes the Commission does not buy into the need for affordable housing that is being proposed for this project.

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Erin Anderson from Commonwealth Development Corporation returned to the podium to respond to comments made. She explained that the rent needs to be set at a minimum of 10% below market. That was obtained through independent market research, through third party analysts and the Bismarck-Mandan Market Study Housing Needs Analysis Report that was done in October 2015. That also involved conducting a property survey of other affordable housing developments in the area that have comparable amenities and utilities and take all of that into account when determining the rent. She stated that the target market is likely single parents or small families.

Mayor Helbling asked whether the \$20,000 would stay the same for the 15 year period. Ms. Anderson replied that Section 42 of the IRS Code outlines that if you are the owner and the developer, you have to maintain that ownership for a minimum of 15 years. The compliance period is actually 30 years so the rents are going to be restricted for at least 30 years. Their specific ownership will be a minimum of 15 years, most likely 30 years.

Mayor Helbling said the other question had to do with the split on the taxes. At the Mandan Growth Fund Committee meeting, the split on the \$20,000 taxes will be between the City, Schools, County, and the Park District in the normal pro-rata share. The Mandan School Board does support this project.

Ms. Anderson addressed the previous projects that failed. She noted that the difference has to do with those projects attempting to use the market rate, rather than this project which is planning the affordable housing rates. She said their plan is to stay below both the restricted and non-restricted amounts when setting rates.

Commissioner Rohr inquired if the developer could become a non-profit at any period of time? Ms. Anderson replied that she did not think so. She said they are a well-established company throughout the country and does not believe they have any intent to do so.

Commissioner Laber asked for clarification about the negative trending at year 15 and income growth. Ms. Anderson explained that the income grows at 2% per year and the expenses grow at 3% per year and that is a mandated trending projection. All ND Housing & Financing Agency and every other state agency in the country use a 2% income, 3% expense and the incomes are rising at a lesser rate so at some point there is that negative trend. The net operating income gets less and less every year because of that. This is the tool they have utilized and it is based on evaluating rates since 1980 when the housing program started.

Rob Knoll, came forward to speak, noting he is a lifelong Mandan resident. He said he worked with one of the first developers to look at this project when it initially became available. But he was unable to bring it to fruition. The project was very similar to the one being presented tonight using the same tools. He said he attended the neighborhood meeting and said that the building and surrounding area has deteriorated significantly. He suggested either leave it alone or do something with it. He believes there is a need for more affordable housing in Bismarck/Mandan and he is in favor of this project.

Regarding the value, they will assess this property at the market rate rent. Not on affordable housing rent and that's why the developers need the break.

Mayor Helbling announced this is a public hearing and invited anyone to come forward to speak for or against the application by La Sagrada Familia Apartments, LLC, for property tax relief for an affordable family housing project at 406 4<sup>th</sup> Street Northwest, Mandan, North Dakota. A second announcement was made to come forward. Hearing none, this portion of the public hearing was closed.

Mayor Helbling commented that he does not think the School District wanted the City or Community to be in this position dealing with this property. He believes the City Commission has to address it and to make the neighborhood whole again. What will happen if it does not go through? Will it go back for taxes? We don't want to see it sit any longer and if the City gets it back for taxes, that will ultimately cost the taxpayers to maintain or tear it down. This group has come forward with a good plan and it is an \$8.3M project. The property manager who will manage the property has a good presence in the community. If the area gets redeveloped it allows the area to support a street improvement project and get the streets back into drivable condition.

E. BIDS: None.

F. CONSENT AGENDA

1. *Consider Proclaiming November 1, 2016 as "Extra Mile Day" in the City of Mandan.*
2. *Consider confirmation of special assessments for Street Improvement District #198 and #200.*
3. *Consider P.E.O. International, Chapter Ak, Mandan, ND games of chance at Baymont Inn and Suites on September 24, 2016.*
4. *Consider allowing out-of-state travel for PD employee Bryce Klein to attend training in South Dakota.*
5. *Consider Change Order for time extension on Emergency Generator Project.*
6. *Consider approval of a correction in 2015 True & Full Value for Diversity Homes Inc.*
7. *Consider Declaration of Appreciation declaring Sunday, September 11, 2016 be set aside to recognize the Emergency Responders in Mandan, ND.*
8. *Consider agreement with CommunityWorks North Dakota for origination and servicing of loan to La Sagrada Familia Apartments, LLC.*
9. *Consider approval of a correction in 2014 & 2015 True & Full Value for Redwing Dr. LLC.*
11. *Consider approval of the purchase of two (2) patrol rifles for the Mandan Police Department.*
12. *Consider proclaiming September 17, 2016 as National Gymnastics Day in the City of Mandan.*

Commissioner Laber moved to approve the Consent Agenda items 1 through 12 as presented, with the exception of item No. 10 to be removed for discussion.

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

Consent Agenda item removed for discussion:

10. *Consider a temporary removal of cap on comp time accruals for exempt PD officers, and temporary removal of cap on vacation accruals for all Mandan Police Officers.* Commissioner Laber requested doing a temporary approval of this item. Deputy Chief Bier explained that the Mandan Police Department has been assisting the Morton County Sheriff's Department during the state of emergency. They have also been providing a lot of support from our administrative staff and also the police officers for the field. This was requested by the Sheriff Department and the time and expenses will be reimbursed by the county. This has created some problems with the police department in that exempt employees can only accrue up to 60 hours of comp time and after that the cap that time is lost. Also comp hours each year by City Ordinance need to be used by the last day of the calendar year. The other issue is vacation time accruals. When the officers are unable to use the hours and bring the limited amount down to 120 hours, the maximum carry over hours. When they are unable to use these hours we will have employees going over the 120 hours and run into their anniversary date and they are unable to use that time. These are the reasons we are asking for the temporary removal of the cap and also an extension for the time that employees can use up those hours.

Commissioner Laber stated that she would like to recommend that there is no cap on this for the next 30 days and that Officer Bier and Chief Ziegler to come up with a plan that is either tied to an event or tied to a projection of what it would take to manage the police officers for time off.

Commissioner Laber moved to approve a temporary removal of the 60 hour comp time cap for exempt employees of the Police Department and removal of the December 31, 2016 deadline as well as the 6-month extension to the officer's anniversary dates for those officers whose anniversary dates fall on or before December 31, 2016, for the purpose of vacation time accruals and that 6-months comp time cap ends the day that the Declaration Emergency ends. Commissioner Rohr seconded the motion.

Commissioner Rohr commented that this will need to be managed creatively so there does not end up being a block of time that has not been used by any officer for any given reason. Commissioner Davis said that because we are in the emergency declaration now it is important to note that we need to be fair and to keep the officers healthy. The reimbursement costs for pay and comp time we want to be fair to our officers. Commissioner Rohr suggested having Chief Ziegler provide a periodic update on costs and comp time along with an update on how the resources are being used.

Mayor Helbling stated that if the Declaration Emergency goes beyond 30 days the Board will have to discuss obtaining reimbursement for these costs and how and when the

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police officers will be able to use their vacation and comp time without short-staffing the police force at any given time.

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

G. OLD BUSINESS:

H. NEW BUSINESS:

1. *Consider Growth Fund Committee recommendations presented by Business Development Communications Director Huber:*

*(i) Application for property tax relief via payments in lieu of taxes (PILOT) by La Sagrada Familia Apartments, LLC. See: Public Hearing above.*

Director Huber stated that none of the other developers for this property formally applied for the incentive programs and no project ever reached the state to go forward so there have been no incentives awarded. In other previous situations where there had been some sort of tax relief given, occasionally there was a claw back clause in those that said if sold to a nonprofit within a certain period of time, the applicant would be required to pay back the amount of exemption or relief received to date. The MGF voted 7-0 to recommend approval of the request for payments in lieu of taxes in the amount of \$20,000 annually for the first 15 years following renovation of the buildings at 406 4th Avenue NW for La Sagrada Familia Apartments, LLC. The notice of the public hearing was published in the Mandan News on August 12 & 19, 2016. Email notices were sent to Morton County, the Mandan Public School and Park Districts regarding the Growth Fund Committee meeting date for consideration of the application along with the public hearing date. The applicant will need to enter into a Business Incentive Agreement with the City of Mandan and they will need to submit the required annual jobs verification report for 5 years during the period of property tax exemption. An automatic door will also be required. Attorney Brown has reviewed the application.

Commissioner Laber stated she discussed this matter with Director Huber previously due to concerns with the \$20,000 flat amount being as though that amount will be charged for 15 years and there are 39 households and you are delivering water, sewer, fire, if a 3% annual increase would be doable in this case? In deferring to the developer, there was a nod that it would be doable. Director Huber said the developer has submitted its pro forma projections.

Erin Anderson replied that the 3% increase is an industry standard for the low income housing tax credit program. So that's how it was underwritten as a 3% increase on all expenses because it is already included in the expenses at this point. Linda Morris, from the Morton County Tax Equalization Office, (along with City Assessor Shaw), were present to answer questions if it is administratively feasible and it was confirmed that it is. Commissioner Laber stated she is in agreement to leaving the payments in lieu of taxes at \$20,000 for the first 5 years. This project is needed in that neighborhood. She is in favor of leaving it at

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\$20,000 for the first 5 years and then a 3% escalator thereafter for years 6 thru 15.

Commissioner Laber moved to approve the request for payments in lieu of taxes in the amount of \$20,000 annually for the first 5 years with a 3% escalator in years 6 through 15, thereafter following the renovation of the buildings at 406 4th Avenue NW, Mandan, ND for La Sagrada Familia Apartments, LLC. Commissioner Braun seconded the motion.

Commissioner Davis inquired of Director Huber how the funding assistance programs are utilized for this project. Director Huber stated that Commonwealth has worked with these tools for redevelopment and repurposing such as this project and they are planning to apply for the federal historical tax credits. That is why they need to leave the oldest of the two gymnasiums because that goes back to approximately 1919, wherein the newer gym can be removed to allow for parking and fire truck turnaround, etc. They are also applying for housing trust funds for the homeless to move them into permanent housing.

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

*(ii) Application for the local match for a Bank of North Dakota Flex PACE interest buy down for La Sagrada Familia Apartments, LLC.* This is a request presented on behalf of the Mandan Growth Fund (MGF) regarding an application by La Sagrada Familia Apartments, LLC, for a portion of the local match required to receive a Bank of North Dakota (BND) Flex PACE interest buy down for affordable housing. At a meeting held on August 29, 2016, the MGF received an overview of the proposed redevelopment of the former junior high school at 406 4th Street NW. The overall project cost is \$8.3 million for renovation of the property that will provide for 39 units of affordable housing. The MGF application is for \$83,186 or 1% of total project costs, to be applied toward the 35% local share required for a BND interest buy down. The proposal is to provide the funding in the form of a repayable loan at a 0% interest rate for the 15-year buy down period and a 10-year repayment period thereafter; for a total loan period of 25 years. The applicant is requesting that the City of Mandan assist with 1% of projects costs with the loan for the local match of an interest buy down because of its application to the ND Housing Finance Agency for tax credits. This is a competitive process with 5 key points awarded for local support. To receive 1 point requires a commitment of assistance in the amount of 1% of project costs. To get the full 5 points requires assistance with 5% of the costs an amount beyond the MGF's current capacity.

The applicant has been approved for the remainder of the local match in the amount of \$89,904.20 that will be provided in the form of a loan from Community Works ND (CWND). The approval is contingent upon the approval of the City of Mandan match. The BND would be providing 65% of the buy down or \$321,453.50. The buy down is for a mortgage for a portion of the project costs of \$929,628. The MGF balance of uncommitted funds is \$102,708. If this request is approved, the uncommitted balance would be reduced to \$19,522. The funds requested from the MGF would be structured as

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a repayable loan at 0% interest rate. The loan would be for 25 years, including the buy down period of 15 years and a 10-year repayment period thereafter. CWND has agreed to loan the applicant the funds needed for the 35% local match for the BND interest buy down, contingent upon approval by the City of Mandan for its requested share. They have also agreed to administer and service the loan for the MGF for a flat fee of \$1,500 to be paid by the applicant. City Attorney Brown has reviewed the application. The applicant will be required to enter into a Business Incentive Agreement with the City of Mandan and they will need to submit the required annual jobs verification report for 5 years during the period of property tax exemption. An automatic door will be installed.

The MGF voted 7-0 to recommend approval of the request for by La Sagrada Familia Apartments, LLC, for \$83,186 to be provided toward the local share of an interest buy down with the funding structured as a repayable loan at a 0% interest rate over a 15 year buy down period and a 10 year repayment period after that.

Commissioner Davis moved to approve the request to loan \$83,186 to La Sagrada Familia Apartments, LLC, at the rate and terms outlined, contingent upon approval of overall financing and advancement of the project in 2017 as well as the need for the remainder of the local match to be provided by CommunityWorks North Dakota.

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

*(iii) Removing earmark on funding for Memorial Highway Storefront & Landscape Improvement Program.* This is a request from the Mandan Growth Fund (MGF) to remove an earmark on funds for the Memorial Highway Storefront and Landscape Improvement Program. An amount of \$140,000 remains in funds not committed to any specific project. These dollars could be moved to the overall economic development projects column on the balance sheet. The program could remain available but without guaranteed funding, recognizing it would compete with other programs and projects with applicants considered on a first-come, first-served basis.

The MGF balance of uncommitted funds was \$102,708 as of August 25, 2016. If the request for the Flex PACE buy down for affordable housing is approved at this meeting, the uncommitted balance would be reduced to \$19,522. Removing the earmark on uncommitted Memorial Highway Storefront Improvement Program funds would increase the amount of uncommitted funds for overall economic development projects to \$159,522. City Attorney Malcolm Brown has reviewed the documentation and was present at the MGF meeting where the recommendation was approved. The MGF voted 7-0 to recommend removal of an earmark on funds not approved for specific projects under the Memorial Highway Storefront Improvement Program.

Commissioner Rohr moved to approve removal of the earmark on \$140,000 in uncommitted funds available under the Memorial Highway Storefront Improvement Program. Commissioner Laber seconded the motion. Roll call vote: Commissioner

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Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

*(iv) Update on interest buy down guidelines.* This is a request from the Mandan Growth Fund (MGF) Committee to revise interest buy down guidelines to reflect a new recommended procedure. The MGF discussed the opportunity to further collaborate with the Lewis and Clark Regional Development Council (LCRDC) for the sourcing of funds for the local share of standard, new and expanding business projects applying for a Bank of North Dakota Flex PACE interest buy down. Businesses have the option to apply directly to the LCRDC for the local share of a buy down through the Mandan Intermediary Relending Program (IRP) revolving loan pools. These loan pools were established in 2007 and 2009 with a \$250,000 match each time from the MGF to obtain long-term loans of \$750,000 from the USDA Rural Development Program. The use of loan proceeds must comply with the IRP program requirements. Interest rates and terms would be determined by the LCRDC Capital Fund Board for the IRP funds. The recommended action will alleviate demand for loans from the Mandan Growth Fund and shift demand to the LCRDC. This will allow the MGF to retain unallocated funds for projects with assistance beyond a repayable loan period. City Attorney Malcolm Brown has reviewed the documentation and was present at the MGF meeting where the recommendation was approved. The MGF voted 7-0 to recommend updating MGF interest buy down guidelines to direct requests for the local share of a Bank of North Dakota (BND) Flex PACE interest buy down to apply for financing from revolving loan pools established for Mandan businesses with the Lewis and Clark Regional Development Council.

Commissioner Davis moved to approve updating MGF interest buy down guidelines to direct requests for the local share of a Bank of North Dakota (BND) Flex PACE interest buy down to apply for financing from revolving loan pools established for Mandan businesses with the Lewis and Clark Regional Development Council. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

2. *Acting as Board of Adjustment, consider for approval variance request to reduce required on-site parking from 2 spaces per dwelling unit to 1.5 spaces per dwelling unit for redevelopment of 406 4<sup>th</sup> St. NW (former junior high school).* Principal Planner Decker reviewed a project to redevelop the former junior high school into 39 apartments. The request is to reduce required on-site parking from 2 spaces per dwelling unit to 1.5 spaces per dwelling unit and to take credit for additional parking provided in the boulevard that brings the total available parking to 2.2 spaces per dwelling unit. He explained that the parking requirements for this area were changed about 3 years ago from a minimum of one space per dwelling unit to a minimum of two spaces per dwelling unit which was done in response to the large number of boats, RV's, cars and pickups that were being parked in the public right-of-way in new subdivisions. The residents in this project will be renters with fewer vehicles than property owners in a newer subdivision. Some residents will rely on public transportation. Properties in the

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neighborhood rely on parking pads developed in the boulevard. This project will provide an increase in available neighborhood parking.

Commissioner Braun moved to approve the variance request for 406 4th St. NW to reduce the required on-site parking from 2 spaces per dwelling unit to 1.5 spaces per dwelling unit. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

3. *Consider the Morton Mandan Public Library's 2017 Budget.* Kelly Steckler, Library Director, presented the Morton Mandan Public Library 2017 Budget as follows: The Morton Mandan Public Library serves all citizens of Morton County and the City of Mandan, and is governed by a Board of Trustees which is appointed by the County Commission and the City Commission. The Library is fiscally dependent upon the County and the City because the County Commission and the City Commission consider the Library's budget, levies taxes, and must approve any debt issuances. The Library is reported as a component unit in the City of Mandan's audited financial statements.

The Library's Board of Trustees approved the 2017 Budget on August 29, 2016. The Director presented the Library's 2017 Budget to the Morton County Commission on September 1, 2016.

The City of Mandan will levy the maximum of 7 Mills or \$563,235 as requested by the Morton Mandan Public Library for the 2017 Budget. The City also provides \$10,650 annually to the Library for their share of the City's State Aid Distribution revenue from the State of ND.

According to the 2006 Memorandum of Understanding (MOU) between the Morton County Public Library and Mandan Public Library, the funding formula from each entity for the Library's budget is to be *"based on population statistics"* and *"if in the future the population statistics shift, the future board would then determine the most equitable formula."* At the time the MOU was approved, the contribution formula was *"2/3 city and 1/3 county since the City of Mandan is approximately 2/3 of the population of Morton County."*

The most recent population estimates released in 2016 by the U.S Census Bureau (as of July 1, 2015) were as follows:

- Morton County = 30,310
- City of Mandan = 21,382

Based on the recent population statistics above, the City of Mandan's population is 70.5% of the population of Morton County.

The Library's 2017 Budget reflects the following funding contributions from each entity:

- Morton County = \$203,056 or 25.5%
- City of Mandan = \$592,181 or 74.5%

- Total = \$795,237

Since the Morton County Commission, on September 1, 2016, recommended to not increase the funding for the Library's 2017 Budget, the City's funding contribution percentage would increase to 74.5% or 4.0% more than the City's current portion of the recent population estimate for Morton County. Consequently, the City's funding contribution for the Library's 2017 Budget would be approximately \$108K more than required under the MOU based on Morton County's funding contribution for 2017. As a result, the City would need to retain the \$108K from the Library during 2017 until the Library Board of Trustees reviews and provides recommendations to the Morton County Commission and the City Commission for joint approval concerning the contribution or funding formula for the Library's 2017 Budget and for future budgets.

Ms. Steckler reviewed a summary of line items of the budget expenses and incomes. She said the library remains in compliance with all regulations. She said if the 7 mills are cut, the library will lose some state aid from the state library and possibly other funding agencies as well.

It was recommended to consider the Morton Mandan Public Library's 2017 Budget and retain \$108K from the Library during 2017 until the Library Board of Trustees reviews and provides recommendations to the Morton County Commission and the City Commission for joint approval concerning the contribution or funding formula for the Library's 2017 Budget and for future budgets.

Commissioner Braun moved to consider the Morton Mandan Public Library's 2017 Budget and retain \$108K from the Library during 2017 until the Library Board of Trustees reviews and provides recommendations to the Morton County Commission and the City Commission for joint approval concerning the contribution or funding formula for the Library's 2017 Budget and for future budgets. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

4. *Presentation by Erin Pringle, Executive Director of ServeYES!*

Erin Pringle, Program Director for ServeYES! (formerly RSVP+ ND), a federally funded volunteer matching agency, came forward and stated that on August 31<sup>st</sup>, the 45<sup>th</sup> Annual Volunteer Recognition Event was held. At that time a ceremonial check was presented representing the number of hours that volunteers in the Mandan area have contributed to the community within the last year. Ms. Pringle presented the ceremonial check to Mayor Helbling, Mayor for the City of Mandan City for the volunteer efforts that Mandan residents have contributed to the community. The check is for 23,550.5 hours. She extended a thank-you to the City Commission for the hours of service the City of Mandan residents provide.

Commissioner Rohr stated that he had served on the Board when it was known as RSVP+ for a period of time. He encouraged residents to participate in this worthwhile volunteer program as their time permits. Mayor Helbling extended a thank you to Erin Pringle for the presentation.

5. *Consider request to locate Municipal Court Judge and clerks' workspace to Morton County Courthouse.* City Administrator Neubauer reviewed a request for space for the Mandan Municipal Judge and the office clerks in the Morton County Courthouse. Administrator Neubauer explained that security needed for judicial staff has increased over the last several years and that Morton County has upgraded their security systems at the Courthouse where the Municipal Court is held. There have been preliminary discussions with Morton County Commissioner regarding moving the court clerks and the elected judge to the courthouse. Having all court functions held in the same building makes sense from a security and efficiency standpoint and is less confusing for the public. If this request is approved, City Attorney Brown will be requested to draft a lease agreement with Morton County. Administrator Neubauer recommended approval to begin discussions with the appropriate staff from Morton County to draft a lease agreement for office space related to the operations of Mandan Municipal Court. He said that information will be brought back to the City Commission for consideration.

Commissioner Laber moved to approve authorizing City Commission staff to begin discussions with Morton County staff to draft a lease agreement with Morton County for office space related to the operations of Mandan Municipal Court and to be brought back to the City Commission for consideration. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

6. *Consider approval of Old Red Trail Reconstruction project change order #3.* Justin Froseth, Planning and Engineering Director presented a request for a change order #3 for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail). The segment of Old Red Trail between 37<sup>th</sup> Street and where the current Old Red Trail reconstruction starts, south east of Highland Road, will remain as an asphalt segment between the concrete segments. The reason it wasn't selected for reconstruction as part of this project is that it exists with adequate width and curb and gutter. It is in fair shape. It was decided not to include this segment within the reconstruction limits in order to go as far west with the reconstruction as possible while utilizing the federal highway aid funds. The project scope includes only pavement markings (striping) and signing for this paved segment in order to layout a three lane section.

This segment would benefit from a less costly approach of mill and overlay. It is in fair shape but there are areas of roughness and cracking. Without a project for this particular segment and considering the advantages of having a contractor already on the job such as no extra mobilization cost and traffic control in place, it would be a good time to perform such a mill and overlay. The construction cost of this work to complete is estimated at

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\$147,820.20 and after adding the administration and engineering costs the total project is estimated to be \$177,384.24. The DOT would have to approve the project since it is a federal aid project contract.

Director Froseth said that since the federal match for this project is at the maximum before this change order proposal, the City would need to fund the entire change order. In discussion with the Finance Office, it was suggested that the City Sales Tax Fund can be used in lieu of adding to already special assessment allocations. Mayor Helbling commented that he requested this project be brought forward since it is a smaller project and there is work being done in that area with the barricades set up, etc. We can look at 50% out of sales tax and 50% special assessments which equals about \$75 per parcel.

Commissioner Laber moved to approve the change order #3 for Street Improvement District 205 Project #2015-06 (Old Red Trail). Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

7. *Consider approval of Beer Garden application for Spirit of Life Church on September 10, 2016.* City Administrator Neubauer said that the City is anticipating an application for the beer garden for an event that will happen on September 10<sup>th</sup>. However we have not received that application yet but we are trying to avoid calling you together for a special meeting when the application is received. This is similar to applications for the same event from previous years. There will be no street or road closure. The request is contingent upon receipt of the application with indication the event will be similar in nature as previous years.

Commissioner Laber moved to approve the Beer Garden application for Spirit of Life Church on September 10, 2016 pending actual receipt of said application. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

#### I. RESOLUTIONS AND ORDINANCES:

1. *Consider a resolution of support for La Sagrada Familia Apartments affordable family housing project.* Business Development Communications Director Huber presented a resolution in support for the plan for rehabilitation of 400 4<sup>th</sup> Avenue NW for reuse as affordable housing by La Sagrada Familia Apartments LLC.

Commissioner Laber moved to approve the resolution of support for La Sagrada Familia apartments affordable family housing project. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

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2. *First consideration of Ordinance 1250 amending and reenacting PUD District 2015-01 related to Lakewood 9<sup>th</sup> Addition.* Planner Decker presented a request to add a requirement to PUD District 2015-01 specifying a side yard setback for Block 1. This requirement was requested by the developer but omitted when the ordinance was drafted. This area is east of Prairie West Golf Course and south of Kist Livestock Auction. A copy of the code language that was proposed for modification was presented @ Section 105-3-1 R7 Residential District. The computational difficulty built into the current standard does not provide any benefit over a specified minimum width. A side yard setback is partly based on a consideration of how a building is to be constructed for fire safety. A 5 foot setback that creates a minimum of 10 feet between structures meets the requirements contained in the adopted state building code for not requiring a fire rated wall. This includes an allowance for up to 2 feet for the roof eave overhang. The request is to set the minimum side yard setback in Block 1 at 5 feet. The Building Official would prefer this single standard since it removes the computational difficulties when applying the current variable standards to irregularly shaped lots. This is the same setback that was approved for Block 2. Sec. 105-4-3 (e) specifies the requirements for amending a PUD district. This proposed ordinance meets those requirements. The Planning and Zoning Commission, at their August 29, 2016 meeting, voted unanimously to recommend this ordinance be adopted. Staff recommends adoption of this ordinance.

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

3. *Consider the introduction and first consideration, and call for a public hearing 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.*

Mayor Helbling commented that due to School Board following in a few minutes, he requested that the 2017 Preliminary Budget presentation be brought back at the September 20, 2016 City Commission meeting since it is a very important information piece for the public to fully understand the budget. He thanked Finance Director Welch and City Staff for all their hard work in putting this information together. He also commended them for working hard to keep within budget and keeping things reasonable; and yet not raising everyone's taxes like other boards are doing.

Finance Director Welch said that state law requires the City to have a preliminary budget statement prepared annually on or before September 10<sup>th</sup>. He said the City issued a press release of the 2017 Budget last week which highlighted the major points of the Budget for the citizens and taxpayers of Mandan. 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. In addition, the City's Budget Policies provide further direction and guidance to the budget development process. The Budget is coordinated by the Finance Department under

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the direction of the City's Budget and Finance Committee with the assistance from Commissioners, Department Managers, Supervisors and staff. The City continues to be a growing community and with growth come the challenges and responsibilities to deliver and provide quality services to citizens in an effective and efficient manner while at the same time offering those services at an affordable cost to taxpayers and customers. The Budget achieves the goal of balancing services with cost. The Budget is submitted as a recommendation from the City's Budget and Finance Committee. The City will publish a Notice of Public Hearing on September 16, 2016 for the second and final consideration of Ordinance No. 1249 adopting the 2017 Budget on October 4, 2016. The Preliminary 2017 Budget will also be posted on the City's website.

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

Commissioner Laber moved to approve the introduction and first consideration, and call for a public hearing 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. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

4. *Consider for approval the Resolution amending fees and charges administered by the Public Works Department.* Director of Public Works Wright presented a request for the approval of the resolution amending fees and charges by the Public Works Department. There will be no change in costs only this minor clarification. He said there were changes (bold and underlined) to the hourly rates for curb stop shut off and turn on rates to better clarify the \$50 charge to shut off and \$50 charge to turn on. This verbiage would be consistent with the delinquent account letters.

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Commissioner Laber moved to approve the Resolution amending fees and charges administered by the Public Works Department. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

J. OTHER BUSINESS:

K. ADJOURNMENT:

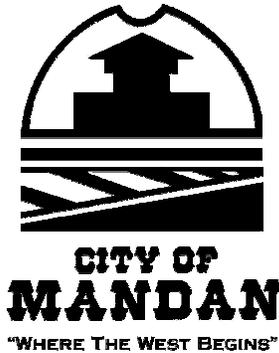
There being no further actions to come before the Board of City Commissioners, Commissioner Laber moved to adjourn the meeting at 7:03 p.m. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

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James Neubauer,  
City Administrator

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Timothy A. Helbling,  
President, Board of City  
Commissioners



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 20, 2016  
**PREPARATION DATE:** September 15, 2016  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Justin Froseth PE, Planning & Engineering Director  
**SUBJECT:** Consider award of bid and approving Resolution Approving Contract and Contractor's Bond for Water & Sewer Improvement District No. 62, Project No. 2016-17 (Collins Avenue).

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**STATEMENT/PURPOSE:** This is a review and possible award of bids for Water & Sewer Improvement District No. 62, Project 2016-17 (Collins Avenue).

**BACKGROUND/ALTERNATIVES:** We received two bids on September 13<sup>th</sup> for the project. Coffell's Plumbing & Heating in the amount of \$86,115.00 and the other from Basaraba Excavating & Dirt Works, LLC in the amount of \$48,853.25. The Engineer's estimate was \$57,182.00. The low bid is 14.6% lower than the engineer's estimate.

**ATTACHMENTS:**

1. Bid Tabulation
2. District Map
3. Resolution to approve Contract and Contractor's Bond

**FISCAL IMPACT:** The Project will be paid for by special assessments from the benefiting properties within the District. The construction cost of the project is \$48,853.25 plus the engineering and administrative cost of \$17,098.64 totaling \$65,951.89. The special assessments will be assessed to the 4 benefitting lots and each would receive an estimated \$16,487.97.

**STAFF IMPACT:** Minimal

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

Board of City Commissioners

Agenda Documentation

Meeting Date: September 20, 2016

Subject: Consider award of bid and approving Resolution Approving Contract and Contractor's Bond for Water & Sewer Improvement District No. 62, Project No. 2016-17 (Collins Avenue).

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RECOMMENDATION: We would recommend awarding the project.

SUGGESTED MOTION: I move 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..

Board of City Commissioners

Agenda Documentation

Meeting Date: September 20, 2016

Subject: Consider award of bid and approving Resolution Approving Contract and Contractor's Bond for Water & Sewer Improvement District No. 62, Project No. 2016-17 (Collins Avenue).

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**BID TAB  
FOR  
WATER & SEWER IMPROVEMENT DISTRICT #62  
CITY PROJECT NO. 2016-17  
September 13, 2016  
TECo #1278**

Item No.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	ENGINEERS ESTIMATE	UNIT PRICE	BASARABA EXC.	UNIT PRICE	COFELL'S PL. & HT.	
205-3.4	9" Fiber Rolls	500	LF	\$ 4.25	\$ 2,125.00	\$	\$ 3.75	\$ 1,875.00	\$ 3.50 \$ 1,750.00	
302-4.1	Stabilized Gravel Base (6")	12	Ton	\$ 35.00	\$ 420.00	\$	\$ 25.00	\$ 300.00	\$ 50.00 \$ 600.00	
401-6.3B	Asphalt Patch	12	Ton	\$ 175.00	\$ 2,100.00	\$	\$ 270.00	\$ 3,240.00	\$ 225.00 \$ 2,700.00	
406-4.1	Asphalt Removal	50	SY	\$ 10.00	\$ 500.00	\$	\$ 5.00	\$ 250.00	\$ 9.00 \$ 450.00	
601-4.1	4 Inch Concrete Sidewalk	290	SF	\$ 6.50	\$ 1,885.00	\$	\$ 13.00	\$ 3,770.00	\$ 6.50 \$ 1,885.00	
602-4.1	6 Inch Concrete	160	SF	\$ 7.50	\$ 1,200.00	\$	\$ 15.00	\$ 2,400.00	\$ 8.50 \$ 1,360.00	
801-4.2	8 Inch Sanitary Sewer Pipe	411	LF	\$ 34.00	\$ 13,974.00	\$	\$ 27.00	\$ 11,097.00	\$ 50.00 \$ 20,550.00	
801-4.50	8 x 4 Inch Wye Branch	2	EA	\$ 200.00	\$ 400.00	\$	\$ 40.00	\$ 80.00	\$ 35.00 \$ 70.00	
801-4.51	8 x 6 Inch Wye Branch	3	EA	\$ 225.00	\$ 675.00	\$	\$ 55.00	\$ 165.00	\$ 40.00 \$ 120.00	
801-4.60	Bedding Material	100	Ton	\$ 17.00	\$ 1,700.00	\$	\$ 16.00	\$ 1,600.00	\$ - \$ -	
801-4.64	Televise Sewermain	609	LF	\$ 2.00	\$ 1,218.00	\$	\$ 1.25	\$ 761.25	\$ 5.00 \$ 3,045.00	
1202-4.2	Seeding Class II	800	SY	\$ 5.00	\$ 4,000.00	\$	\$ 2.00	\$ 1,600.00	\$ 1.00 \$ 800.00	
1205-4.2	Concrete Manhole	3	EA	\$ 4,000.00	\$ 12,000.00	\$	\$ 2,900.00	\$ 8,700.00	\$ 3,600.00 \$ 10,800.00	
1206-4.1	Ajust Manhole Casting	1	EA	\$ 500.00	\$ 500.00	\$	\$ 550.00	\$ 550.00	\$ 1,000.00 \$ 1,000.00	
1209-4.1	4" Sewer Service Pipe	18	LF	\$ 25.00	\$ 450.00	\$	\$ 24.00	\$ 432.00	\$ 150.00 \$ 2,700.00	
1209-4.2	6" Sewer Service Pipe	10	LF	\$ 30.00	\$ 300.00	\$	\$ 24.00	\$ 240.00	\$ 250.00 \$ 2,500.00	
1209-4.6	4 Inch 45° Bend	2	EA	\$ 50.00	\$ 100.00	\$	\$ 6.00	\$ 12.00	\$ 10.00 \$ 20.00	
1209-4.7	6 Inch 45° Bend	3	EA	\$ 75.00	\$ 225.00	\$	\$ 12.00	\$ 36.00	\$ 15.00 \$ 45.00	
SP	Mobilization & Bonds	1	LS	\$ 2,500.00	\$ 2,500.00	\$	\$ 1,000.00	\$ 1,000.00	\$ 11,520.00 \$ 11,520.00	
SP	Concrete Removal All Thickness	50	SY	\$ 15.00	\$ 750.00	\$	\$ 10.00	\$ 500.00	\$ 15.00 \$ 750.00	
SP	Boring 8" Sanitary Sewer Pipe	125	LF	\$ 55.00	\$ 6,875.00	\$	\$ 44.00	\$ 5,500.00	\$ 100.00 \$ 12,500.00	
SP	8" Yelomine Sanitary Sewer	73	LF	\$ 45.00	\$ 3,285.00	\$	\$ 65.00	\$ 4,745.00	\$ 150.00 \$ 10,950.00	
				<b>TOTAL =</b>	<b>\$ 57,182.00</b>		<b>TOTAL =</b>	<b>\$ 48,853.25</b>	<b>TOTAL =</b>	<b>\$ 86,115.00</b>

TRUE TABULATION OF BIDS RECEIVED  
 BID DATE: SEPTEMBER 13, 2016 @ 10:00 AM

ABRAHM E. ULMER, P.E. 6693

The proposal from Basaraba Excavating has been reviewed. The Bid represented the lowest responsible bid and therefore we recommend Award to Basaraba Excavating for a total construction cost of \$48,853.25 for the Collins Avenue Water & Sewer Improvement District #62, City Project #2016-17, Mandan, North Dakota.

Board of City Commissioners

Agenda Documentation

Meeting Date: September 20, 2016

Subject: Consider award of bid and approving Resolution Approving Contract and Contractor's Bond for Water & Sewer Improvement District No. 62, Project No. 2016-17 (Collins Avenue).

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WATER AND SEWER DISTRICT #62  
PROJECT 2016-17

1" = 100'

Board of City Commissioners

Agenda Documentation

Meeting Date: September 20, 2016

Subject: Consider award of bid and approving Resolution Approving Contract and Contractor's Bond for Water & Sewer Improvement District No. 62, Project No. 2016-17 (Collins Avenue).

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**RESOLUTION**  
**APPROVING CONTRACT AND CONTRACTOR'S BOND FOR**  
**WATER & SEWER IMPROVEMENT DISTRICT NO. 62**  
(Project No. 2016-17)

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

1. It is hereby found and determined that this Board has heretofore caused Notice for Advertisement for Bids to be made for an improvement Water & Sewer Improvement District No. 62 of said City, and has duly and publicly opened and considered said bids received pursuant to said Notice.
2. Said improvement is hereby ordered to be constructed in accordance with the plans and specifications therefore as heretofore adopted by this Board pursuant to a resolution duly adopted by this Board.
3. It is hereby found and determined that the lowest responsible bidder for various categories of the work, material and skill required for said improvement is Mariner Construction whose bid provides for the construction of said improvement at a total estimated base price of \$48,853.25.
4. The President of the Board of City Commissioners of the City of Mandan and City Auditor are hereby authorized and directed to make and enter into a contract with said bidder on the part of the City, in the form prescribed by Sections 40-22-35 and 40-22-35, N.D.C.C. as amended, provided that said bidder shall within ten (10) days from this date execute said contract and a construction bond conditioned in accordance with the provisions of Sections 40-22-30 and 40-22-32 of said Code.

Dated this 20<sup>th</sup> day of September, 2016

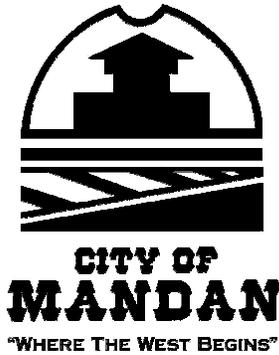
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Tim Helbling, President of the  
Board of City Commissioners

Attest:

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James Neubauer,  
City Administrator



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 20, 2016  
**PREPARATION DATE:** September 15, 2016  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Justin Froseth PE, Planning & Engineering Director  
**SUBJECT:** Consider award of bid and approving Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 207, Project No. 2016-20 (8th Avenue NW north of 27th Street NW).

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**STATEMENT/PURPOSE:** This is a review and possible award of bids for Street Improvement District No. 207, Project No. 2016-20 (8th Avenue NW north of 27th Street NW).

**BACKGROUND/ALTERNATIVES:** We received three bids on September 13<sup>th</sup> for the project. Basaraba Excavating & Dirt Works, LLC in the amount of \$401,383.80, Northern Improvement \$394,666.40 and the other from Guthmiller & Sons Dirtworks, Inc. in the amount of \$326,047.53. The Engineer's estimate was \$339,841.95. The low bid is 4% lower than the engineer's estimate.

**ATTACHMENTS:**

1. Bid Tabulation
2. District Map
3. Resolution to approve Contract and Contractor's Bond

**FISCAL IMPACT:** 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 cost of \$114,116.64 totaling \$440,164.17. The special assessments will be assessed to the benefitting lots within the district.

**STAFF IMPACT:** Minimal

Board of City Commissioners

Agenda Documentation

Meeting Date: September 20, 2016

Subject: Consider award of bid and approving Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 207, Project No. 2016-20 (8th Avenue NW north of 27th Street NW).

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

RECOMMENDATION: We would recommend awarding the project.

SUGGESTED MOTION: I move to award the bid to Guthmiller & Sons Dirtworks, Inc as the low bidder for Street Improvement District No. 207, Project No. 2016-20 (8th Avenue NW north of 27th Street NW) in the amount of \$326,047.53 and approve the Resolution approving Contract and Contractor's Bond.

Board of City Commissioners

Agenda Documentation

Meeting Date: September 20, 2016

Subject: Consider award of bid and approving Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 207, Project No. 2016-20 (8th Avenue NW north of 27th Street NW).

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City of Mandan Project #2016-20 Engineering Department Bid Sheet 8th Avenue NW (North of 27th Street NW) Street Improvement District 207											
				Engineer's Estimate		Basaraba Excavating		Northern Improvement Co.		Guthmiller & Sons Dirtworks, Inc.	
Line No.	Item	Qty	Unit	Unit Price	Ext. Price	Unit Price	Ext. Price	Unit Price	Ext. Price	Unit Price	Ext. Price
1	Contract Bond	1	EA	\$10,000.00	\$10,000.00	\$7,000.00	\$7,000.00	\$900.00	\$900.00	\$5,000.00	\$5,000.00
2	Mobilization	1	EA	\$20,000.00	\$20,000.00	\$10,000.00	\$10,000.00	\$38,200.00	\$38,200.00	\$6,000.00	\$6,000.00
3	Erosion Blanket	4,144	SY	\$4.00	\$16,576.00	\$2.35	\$9,738.40	\$3.40	\$14,089.60	\$4.00	\$16,576.00
4	Geotextile Fabric	2,681	SY	\$2.25	\$6,032.25	\$3.00	\$8,043.00	\$2.20	\$5,898.20	\$4.00	\$10,724.00
5	Clearing & Grubbing	1	LS	\$2,000.00	\$2,000.00	\$12,000.00	\$12,000.00	\$3,500.00	\$3,500.00	\$1,500.00	\$1,500.00
6	Unclassified Excavation	2,275	CY	\$5.00	\$11,375.00	\$11.00	\$25,025.00	\$9.00	\$20,475.00	\$2.35	\$5,346.25
7	Borrow Excavation	7,903	CY	\$12.00	\$94,836.00	\$15.00	\$118,545.00	\$19.60	\$154,898.80	\$9.25	\$73,102.75
8	Watering	225	MGAL	\$20.00	\$4,500.00	\$35.00	\$7,875.00	\$22.00	\$4,950.00	\$30.00	\$6,750.00
9	Subgrade Preparation (1 Foot Deep)	6,825	SY	\$2.00	\$13,650.00	\$3.00	\$20,475.00	\$1.70	\$11,602.50	\$3.75	\$25,593.75
10	Silt Fence	2,100	LF	\$2.50	\$5,250.00	\$5.50	\$11,550.00	\$4.10	\$8,610.00	\$5.00	\$10,500.00
11	Rock Construction Entrance	1	EA	\$1,750.00	\$1,750.00	\$4,500.00	\$4,500.00	\$1,680.00	\$1,680.00	\$800.00	\$800.00
12	Stabilized Gravel Base	1,150	TON	\$20.00	\$23,000.00	\$27.00	\$31,050.00	\$28.30	\$32,545.00	\$22.01	\$25,311.50
13	AC Surface Course Class C	700	TON	\$125.00	\$87,500.00	\$99.00	\$69,300.00	\$90.40	\$63,280.00	\$113.00	\$79,100.00
14	Asphalt Cemet (PG 58-28) Bituminous Tack Coat	42	TON	\$150.00	\$6,300.00	\$55.00	\$23,100.00	\$1.00	\$42.00	\$2.00	\$84.00
15	(SS-1 or S-1H)	126	TON	\$3.00	\$378.00	\$6.50	\$819.00	\$1.80	\$226.80	\$2.08	\$262.08
16	Asphalt Removal	35	SY	\$12.00	\$420.00	\$5.00	\$175.00	\$10.80	\$378.00	\$35.00	\$1,225.00
17	54 Inch Storm Sewer Pipe	60	LF	\$85.00	\$5,100.00	\$198.00	\$11,880.00	\$184.80	\$11,088.00	\$421.47	\$25,288.20
18	54 Inch Flared End Section	2	EA	\$1,500.00	\$3,000.00	\$2,400.00	\$4,800.00	\$1,792.00	\$3,584.00	\$2,875.00	\$5,750.00
19	Scour Stop	15	EA	\$500.00	\$7,500.00	\$170.00	\$2,550.00	\$224.00	\$3,360.00	\$250.00	\$3,750.00
20	Topsoiling	1,381	CY	\$5.50	\$7,595.50	\$12.00	\$16,572.00	\$4.50	\$6,214.50	\$4.00	\$5,524.00
21	Seeding Class I	4,144	SY	\$0.25	\$1,036.00	\$0.30	\$1,243.20	\$0.50	\$2,072.00	\$1.25	\$5,180.00
22	Hydro-Mulching F & A Manhole Casting in	4,144	SY	\$0.30	\$1,243.20	\$0.30	\$1,243.20	\$0.50	\$2,072.00	\$1.25	\$5,180.00
23	Asphalt	2	EA	\$5,000.00	\$10,000.00	\$1,500.00	\$3,000.00	\$1,969.00	\$3,938.00	\$3,475.00	\$6,950.00
24	Adjust Valve Box in Asphalt	2	EA	\$400.00	\$800.00	\$450.00	\$900.00	\$531.00	\$1,062.00	\$275.00	\$550.00
	<b>Grand Total:</b>				<b>\$339,841.95</b>		<b>\$401,383.80</b>		<b>\$394,666.40</b>		<b>\$326,047.53</b>
	Admin., Eng. & Contingency										<b>\$114,116.64</b>
	<b>Total</b>										<b>\$440,164.17</b>

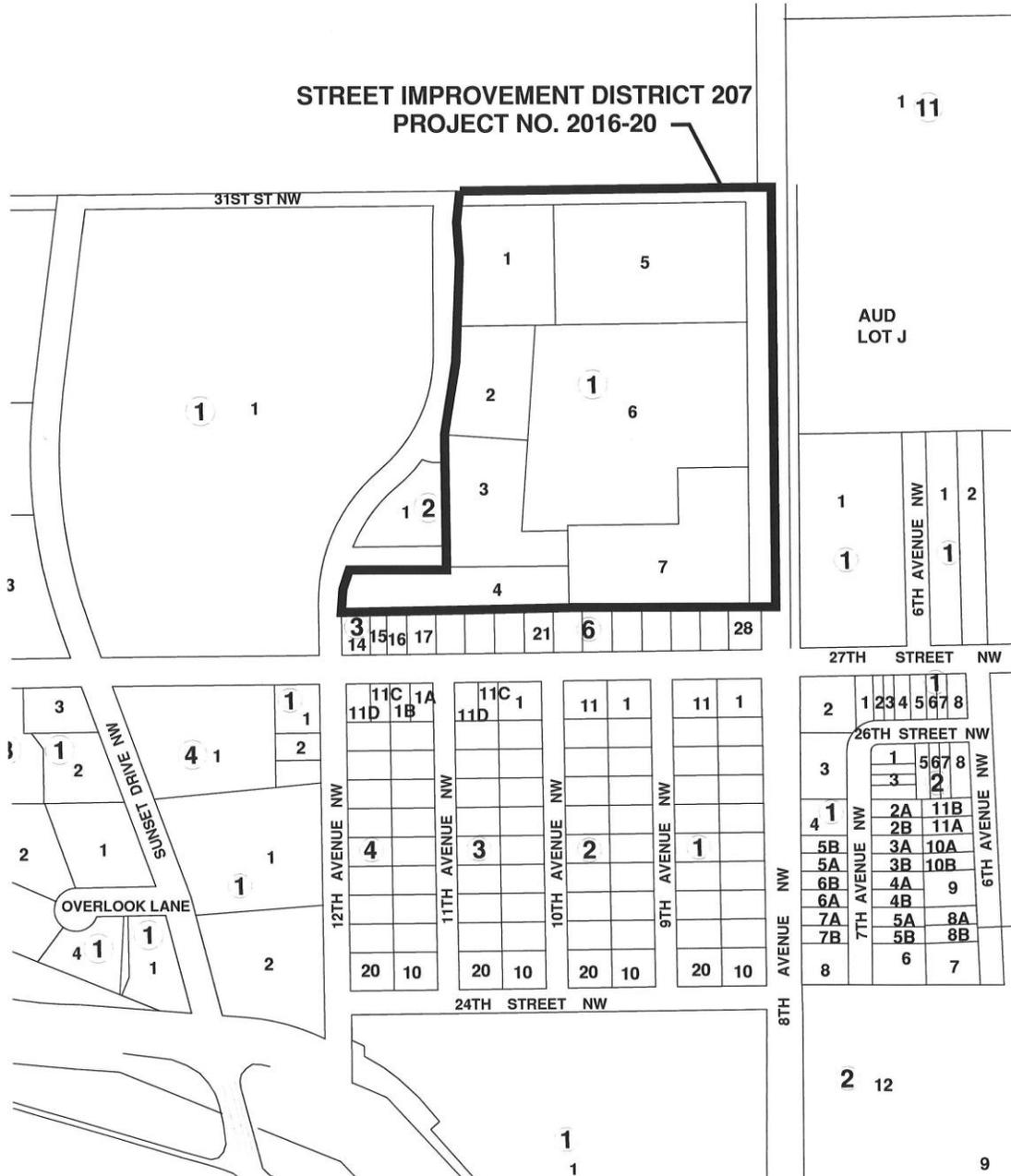
Board of City Commissioners

Agenda Documentation

Meeting Date: September 20, 2016

Subject: Consider award of bid and approving Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 207, Project No. 2016-20 (8th Avenue NW north of 27th Street NW).

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Board of City Commissioners

Agenda Documentation

Meeting Date: September 20, 2016

Subject: Consider award of bid and approving Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 207, Project No. 2016-20 (8th Avenue NW north of 27th Street NW).

Page 5 of 5

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**RESOLUTION**  
**APPROVING CONTRACT AND CONTRACTOR'S BOND FOR**  
**STREET IMPROVEMENT DISTRICT NO. 207**

(Project No. 2016-20)

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

1. It is hereby found and determined that this Board has heretofore caused Notice for Advertisement for Bids to be made for an improvement Street Improvement District No. 207 of said City, and has duly and publicly opened and considered said bids received pursuant to said Notice.
2. Said improvement is hereby ordered to be constructed in accordance with the plans and specifications therefore as heretofore adopted by this Board pursuant to a resolution duly adopted by this Board.
3. It is hereby found and determined that the lowest responsible bidder for various categories of the work, material and skill required for said improvement is Guthmiller & Sons Dirtworks, Inc whose bid provides for the construction of said improvement at a total estimated base price of \$326,047.53.
4. The President of the Board of City Commissioners of the City of Mandan and City Auditor are hereby authorized and directed to make and enter into a contract with said bidder on the part of the City, in the form prescribed by Sections 40-22-35 and 40-22-35, N.D.C.C. as amended, provided that said bidder shall within ten (10) days from this date execute said contract and a construction bond conditioned in accordance with the provisions of Sections 40-22-30 and 40-22-32 of said Code.

Dated this 20<sup>th</sup> day of September, 2016

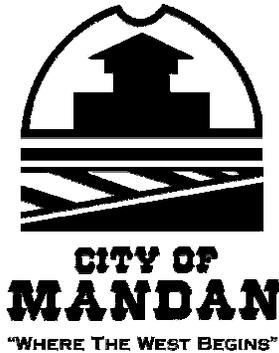
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Dennis Rohr, Vice President of the  
Board of City Commissioners

Attest:

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James Neubauer,  
City Administrator



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 20, 2016  
**PREPARATION DATE:** September 15, 2016  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Justin Froseth PE, Planning & Engineering Director  
**SUBJECT:** Consider award of bid and approving Resolution Approving Contract and Contractor's Bond for Water & Sewer Improvement District No. 207, Project No. 2016-20 (8th Avenue NW north of 27th Street NW).

---

**STATEMENT/PURPOSE:** This is a review and possible award of bids for Water & Sewer Improvement District No. 207, Project 2016-20 (8th Avenue NW north of 27th Street NW).

**BACKGROUND/ALTERNATIVES:** We received three bids on September 13<sup>th</sup> for the project. Basaraba Excavating & Dirt Works, LLC in the amount of \$401,383.80, Northern Improvement \$394,666.40 and the other from Guthmiller & Sons Dirtworks, Inc. in the amount of \$326,047.53. The Engineer's estimate was \$339,841.95. The low bid is 4% lower than the engineer's estimate.

**ATTACHMENTS:**

1. Bid Tabulation
2. District Map
3. Resolution to approve Contract and Contractor's Bond

**FISCAL IMPACT:** 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 cost of \$114,116.64 totaling \$440,164.17. The special assessments will be assessed to the benefitting lots within the district.

**STAFF IMPACT:** Minimal

Board of City Commissioners

Agenda Documentation

Meeting Date: September 20, 2016

Subject: Consider award of bid and approving Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 207, Project No. 2016-20 (8th Avenue NW north of 27th Street NW).

Page 2 of 5

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

RECOMMENDATION: We would recommend awarding the project.

SUGGESTED MOTION: I move to award the bid to Guthmiller & Sons Dirtworks, Inc as the low bidder for Street Improvement District No. 207, Project No. 2016-20 (8th Avenue NW north of 27th Street NW) in the amount of \$326,047.53 and approve the Resolution approving Contract and Contractor's Bond.

Board of City Commissioners

Agenda Documentation

Meeting Date: September 20, 2016

Subject: Consider award of bid and approving Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 207, Project No. 2016-20 (8th Avenue NW north of 27th Street NW).

Page 3 of 5

City of Mandan Project #2016-20 Engineering Department Bid Sheet 8th Avenue NW (North of 27th Street NW) Street Improvement District 207											
				Engineer's Estimate		Basaraba Excavating		Northern Improvement Co.		Guthmiller & Sons Dirtworks, Inc.	
Line No.	Item	Qty	Unit	Unit Price	Ext. Price	Unit Price	Ext. Price	Unit Price	Ext. Price	Unit Price	Ext. Price
1	Contract Bond	1	EA	\$10,000.00	\$10,000.00	\$7,000.00	\$7,000.00	\$900.00	\$900.00	\$5,000.00	\$5,000.00
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9	Subgrade Preparation (1 Foot Deep)	6,825	SY	\$2.00	\$13,650.00	\$3.00	\$20,475.00	\$1.70	\$11,602.50	\$3.75	\$25,593.75
10	Silt Fence	2,100	LF	\$2.50	\$5,250.00	\$5.50	\$11,550.00	\$4.10	\$8,610.00	\$5.00	\$10,500.00
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13	AC Surface Course Class C	700	TON	\$125.00	\$87,500.00	\$99.00	\$69,300.00	\$90.40	\$63,280.00	\$113.00	\$79,100.00
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15	(SS-1 or S-1H)	126	TON	\$3.00	\$378.00	\$6.50	\$819.00	\$1.80	\$226.80	\$2.08	\$262.08
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18	54 Inch Flared End Section	2	EA	\$1,500.00	\$3,000.00	\$2,400.00	\$4,800.00	\$1,792.00	\$3,584.00	\$2,875.00	\$5,750.00
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24	Adjust Valve Box in Asphalt	2	EA	\$400.00	\$800.00	\$450.00	\$900.00	\$531.00	\$1,062.00	\$275.00	\$550.00
	<b>Grand Total:</b>				<b>\$339,841.95</b>		<b>\$401,383.80</b>		<b>\$394,666.40</b>		<b>\$326,047.53</b>
	Admin., Eng. & Contingency										<b>\$114,116.64</b>
	<b>Total</b>										<b>\$440,164.17</b>

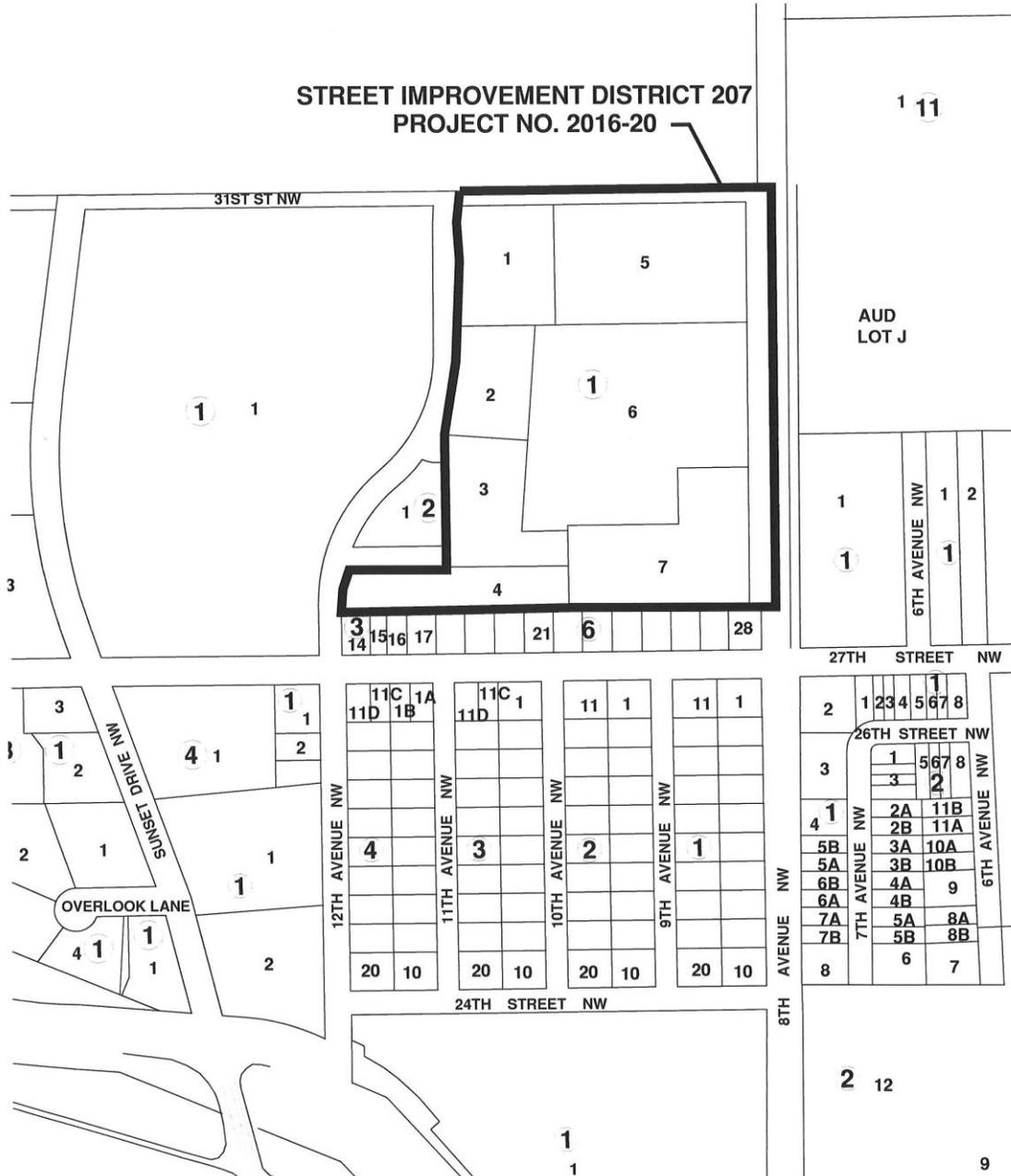
Board of City Commissioners

Agenda Documentation

Meeting Date: September 20, 2016

Subject: Consider award of bid and approving Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 207, Project No. 2016-20 (8th Avenue NW north of 27th Street NW).

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Board of City Commissioners

Agenda Documentation

Meeting Date: September 20, 2016

Subject: Consider award of bid and approving Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 207, Project No. 2016-20 (8th Avenue NW north of 27th Street NW).

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**RESOLUTION**  
**APPROVING CONTRACT AND CONTRACTOR'S BOND FOR**  
**STREET IMPROVEMENT DISTRICT NO. 207**

(Project No. 2016-20)

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

1. It is hereby found and determined that this Board has heretofore caused Notice for Advertisement for Bids to be made for an improvement Street Improvement District No. 207 of said City, and has duly and publicly opened and considered said bids received pursuant to said Notice.
2. Said improvement is hereby ordered to be constructed in accordance with the plans and specifications therefore as heretofore adopted by this Board pursuant to a resolution duly adopted by this Board.
3. It is hereby found and determined that the lowest responsible bidder for various categories of the work, material and skill required for said improvement is Mariner Construction whose bid provides for the construction of said improvement at a total estimated base price of \$326,047.53.
4. The President of the Board of City Commissioners of the City of Mandan and City Auditor are hereby authorized and directed to make and enter into a contract with said bidder on the part of the City, in the form prescribed by Sections 40-22-35 and 40-22-35, N.D.C.C. as amended, provided that said bidder shall within ten (10) days from this date execute said contract and a construction bond conditioned in accordance with the provisions of Sections 40-22-30 and 40-22-32 of said Code.

Dated this 20<sup>th</sup> day of September, 2016

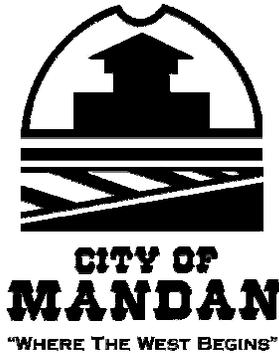
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Tim Helbling, President of the  
Board of City Commissioners

Attest:

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James Neubauer,  
City Administrator



## Board of City Commissioners

### Agenda Documentation

<b>MEETING DATE:</b>	September 20, 2016
<b>PREPARATION DATE:</b>	September 15, 2016
<b>SUBMITTING DEPARTMENT:</b>	Engineering & Planning
<b>DEPARTMENT DIRECTOR:</b>	Justin Froseth
<b>PRESENTER:</b>	Justin Froseth PE, Planning & Engineering Director
<b>SUBJECT:</b>	Consider award of the High Service Pumps and Facility Upgrades Project at the Water Treatment Facility

**STATEMENT/PURPOSE:** The Water Treatment Facility High Service Pumps and Facility Upgrades project bid opening was held on September 13<sup>th</sup>. This item is to consider action based on the bids received.

**BACKGROUND/ALTERNATIVES:** We received eleven bids on Tuesday, September 13<sup>th</sup>. As is typical of bids for these type of facility upgrade projects, contractors had 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 comes in at about 5% under the engineers estimate. In keeping a conservative 10% contingency on construction, the total project projects to be about \$12,000 (under 1%) more than last years application stated.

**Project Summary:** The city was successful in receiving State Water Commission (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. AE2S Letter of Recommendation
2. Bid Tab

**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. Given this match criteria, the project cost breakdown is summarized in the table below:

**Water Treatment Facility High Service Pump and Facility Upgrades Funding Breakdown**

	Total	SWC Grant Share	Local Share (SRF Loan)
Construction Low Bids with Alternates	\$ 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 Estimate	\$ 265,000.00	\$ 159,000.00	\$ 106,000.00
Construction Contingency (10%)	\$ 248,287.10	\$ 148,972.26	\$ 99,314.84
Legal Fiscal and Administration	\$ 10,000.00	\$ -	\$ 10,000.00
<b>Total Project</b>	<b>\$ 3,258,158.10</b>	<b>\$ 1,885,894.86</b>	<b>\$ 1,372,263.24</b>
2015 SWC Application Estimate	\$ 3,236,203.00	\$ 1,872,722.00	\$ 1,363,481.00

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:

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

The City would propose the base charge increase to go into effect for the 2018 Budget.

Board of City Commissioners

Agenda Documentation

Meeting Date: September 20, 2016

Subject: Consider award of the High Service Pumps and Facility Upgrades Project at the Water Treatment Facility

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STAFF IMPACT: Minimal

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

RECOMMENDATION: We would recommend awarding the project to the low bidders.

SUGGESTED MOTION: I move to award the bid to the low bidders; PKG Contracting for General, Ryan Mechanical for Mechanical, and GMHR Field Services for Electrical.



September 15, 2016

To the President and Commissioners  
of the Mandan Board of City Commissioners  
c/o Justin Froseth, Planning and Engineering Director  
205 2<sup>nd</sup> Avenue NW  
Mandan, ND 58554-3125

**Re: Mandan WTP High Service Pump Station Improvements  
City Project No. 2016-09  
Award Recommendation Letter**

Honorable Commissioners:

Bids for the referenced Project were opened on Tuesday, September 13, 2016. Eleven Contractors submitted Bids for the Work. In general, the Contractors submitted the required Bid Bonds, Contractor's Licenses, required SRF documents, acknowledged the Addenda, and signed their Bids. Note that two of the bid security envelopes did not contain the required SRF documents and the corresponding bids were not opened. The Bids that were opened were examined for errors and irregularities, and none were found. A copy of the Bid tabulation summary is attached.

The apparent low bids and our recommendations for award are as follow:

- Contract No. 1 – General Construction including Alternate No. P1
  - PKG Contracting, Inc.
  - Contract Amount: \$1,231,900
- Contract No. 2 – Mechanical Construction
  - Ryan Mechanical
  - Contract Amount: \$183,139
- Contract No. 3 – Electrical Construction including Alternate No. E1
  - GMHR Field Services.
  - Contract Amount: \$1,067,832

PKG Contracting is a known, reputable Contractor who has completed many water projects for AE2S and the City of Mandan. Ryan Mechanical and GMHR Field Services have not previously performed work for AE2S or the City but have provided additional information establishing their qualifications for this project. Additional information included past projects, key personnel, and financial information. In addition, we reviewed the SRF requirements for this project and contractors acknowledged they understand their compliance requirements.

Board of City Commissioners

Agenda Documentation

Meeting Date: September 20, 2016

Subject: Consider award of the High Service Pumps and Facility Upgrades Project at the Water Treatment Facility

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President and Commissioners  
of the Mandan Board of City Commissioners  
**Re: Mandan WTP High Service Pump Station Improvements**  
September 15, 2016  
Page 2 of 2

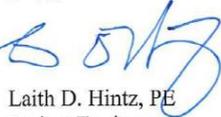
Included herewith are copies of the three certified Bid proposals, with corresponding Bid Bonds, SRF documents, and Contractors' Licenses, and four (4) copies of the Notice of Award for each Contract for review by the City Attorney and execution, if acceptable.

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

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

Submitted in Service,

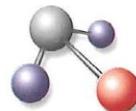
**AE2S**



Laith D. Hintz, PE  
Project Engineer

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

C: North Dakota Department of Health



Board of City Commissioners

Agenda Documentation

Meeting Date: September 20, 2016

Subject: Consider award of the High Service Pumps and Facility Upgrades Project at the Water Treatment Facility

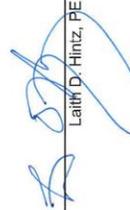
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WTP High Service Pump Station Improvements  
Mandan, ND  
P00510-2012-005  
Bid Opening 4:00 PM, September 13, 2016

Contractor	Bid Security Evidence				Contract No. 1 - General Construction	Contract No. 2 - Mechanical Construction	Contract No. 3 - Electrical Construction	Contract No. 3 - Alternate No. E1	Contract No. 4 - Combined General, Mechanical, and Electrical Construction	Contract No. 4 - Alternate No. P1	Contract No. 4 - Alternate No. E1
	Acknowledge Addenda 1 & 2	Bid Bond	Contractor's License	M/WBE Subcontractor Bid Information							
1 Swanberg Construction	✓	✓	✓	✓	\$1,195,000.00				\$2,525,900.00	\$35,000.00	\$4,000.00
2 PKG Contracting	✓	✓	✓	✓	\$1,196,900.00				\$2,890,000.00	\$48,600.00	\$3,700.00
3 Northern Plains Contracting	✓	✓	✓	✓	\$1,371,000.00				\$2,999,900.00	\$44,600.00	\$4,950.00
4 John T. Jones Construction	✓	✓	✓	✓	\$1,393,000.00						
5 Ryan Mechanical	✓	✓	✓	✓		\$183,139.00					
6 Central Mechanical	✓	✓	✓	✓		\$189,700.00					
7 Coffell's Plumbing & Heating	✓	✓	✓	✓		\$215,000.00					
8 GMHR Field Services	✓	✓	✓	✓			\$1,064,410.00				
9 Edling Electric	✓	✓	✓	✓			\$1,243,600.00				
10 Cooling & Heating*	✓	✓	✓	✓							
11 Denny's Electric*	✓	✓	✓	✓							
Engineer's Estimate					\$1,054,000.00	\$214,000.00	\$1,398,000.00	\$4,000.00	\$2,606,000.00	\$44,000.00	\$4,000.00

\*Bid not opened because of irregularity.

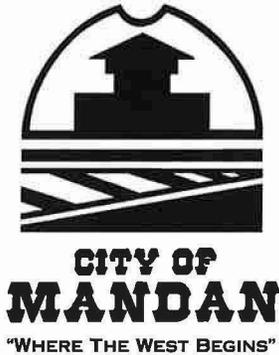
Respectfully Submitted by:



Laith D. Hintz, PE



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



# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** September 14, 2016  
**PREPARATION DATE:** September 20, 2016  
**SUBMITTING DEPARTMENT:** Finance  
**DEPARTMENT DIRECTOR:** Greg Welch  
**PRESENTER:** Greg Welch, Finance Director/Malcolm Brown,  
City Attorney  
**SUBJECT:** Post-Issuance Compliance Procedure and Policy  
for Bond Issues

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### PURPOSE

To approve the Post-Issuance Compliance Procedure and Policy for Bond Issues.

### BACKGROUND

The Government Finance Officers Association (GFOA) and the National Association of Bond Lawyers (NABL) issued guidance to issuers and their counsel on developing policies to maximize continuing compliance with the tax-exempt bond rules after the issuance of tax-advantaged bonds. The two organizations cooperated on the issuance of separate but complementary guidance to their respective members.

GFOA's guidance on "Developing and Implementing Procedures for Post-Issuance Tax Compliance for Issuers of Governmental Bonds" explains that post-issuance tax compliance procedures describe the courses of action to be taken by an organization to maximize the likelihood that tax rules applicable to tax-advantaged bonds—tax-exempt bonds, tax credit bonds, and direct-pay bonds—are followed after the bonds are issued and while they remain outstanding. Post-issuance tax compliance procedures have two fundamental purposes: to enhance the likelihood of compliance with rules and to facilitate and streamline the organization's administrative functions. Broadly speaking, the tax rules applicable to tax-advantaged bonds address four principal categories of issues: 1) expenditure of proceeds; 2) use of financed assets; 3) investment of proceeds; and 4) record keeping. These four categories define the focus of well-drafted post-issuance tax compliance procedures.

See “Developing and Implementing Procedures for Post-Issuance Tax Compliance for Issuers of Governmental Bonds” prepared by the GFOA.

ATTACHMENTS

- Developing and Implementing Procedures for Post-Issuance Tax Compliance for Issuers of Governmental Bonds – prepared by GFOA.
- Post-Issuance Compliance Procedure and Policy for Bond Issues – prepared by Arntson Stewart Wegner PC (Bond Counsel).

FISCAL IMPACT

None

STAFF IMPACT

According to “Section 2. Responsible Parties” of the Post-Issuance Compliance Procedure and Policy for Bond Issues:

*The Finance Director of the Issuer (the “Compliance Officer”) shall be the party primarily responsible for ensuring that the Issuer successfully carries out its post-issuance compliance requirements under applicable provisions of the Code and Treasury Regulations. The Compliance Officer will be assisted by the staff of the Finance Director’s department of the Issuer and by other Issuer staff and officials when appropriate. The Compliance Officer of the Issuer will also be assisted in carrying out post-issuance compliance requirements by the following organizations:*

*(a) Bond Counsel (as of the date of approval of this Policy, bond counsel for the Issuer is Steven L. Vogelpohl and Arntson Stewart Wegner PC);*

*(b) Financial Advisor (as of the date of approval of this Policy, the financial advisor of the Issuer is Dougherty & Company LLC);*

*(c) Paying Agent (the person, organization, or officer of the Issuer primarily responsible for providing paying agent services for the Issuer); and*

*(d) Rebate Analyst (the organization primarily responsible for providing rebate analyst services for the Issuer).*

*The Compliance Officer shall be responsible for assigning post-issuance compliance responsibilities to members of the Finance Director’s department, other staff of the Issuer, Bond Counsel, Financial Advisor, and Rebate Analyst. The Compliance Officer shall utilize such other professional service organizations as are necessary to ensure compliance with the post-issuance compliance requirements of the Issuer. The*

Board of City Commissioners

Agenda Documentation

Meeting Date: September 20, 2016

Subject: Post-Issuance Compliance Procedure and Policy for Bond Issues

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*Compliance Officer shall provide training and educational resources to Issuer staff responsible for ensuring compliance with any portion of the post-issuance compliance requirements of this Policy.*

LEGAL REVIEW

Malcolm Brown, City Attorney, has reviewed and approved the Post-Issuance Compliance Procedure and Policy for Bond Issues.

RECOMMENDATION

To approve the Post-Issuance Compliance Procedure and Policy for Bond Issues.

SUGGESTED MOTION

Move to approve the Post-Issuance Compliance Procedure and Policy for Bond Issues.

# Developing and Implementing Procedures for Post-Issuance Tax Compliance for Issuers of Governmental Bonds

## Introduction

State and local government issuers of tax-exempt bonds must comply with federal tax rules both at the time the bonds are issued and during the entire period the bonds are outstanding in order for the bonds to maintain tax-exempt status.<sup>1</sup> For the last decade, the Internal Revenue Service (IRS) has engaged in extensive enforcement of these rules for tax-exempt bonds through a variety of activities including random audits. If an issuer fails to meet applicable federal tax rules, the IRS can declare the interest on the bonds to be taxable, although the IRS has not frequently done so.<sup>2</sup> In connection with these enforcement efforts, the IRS has encouraged issuers to develop post-issuance compliance policies and procedures to help detect and correct potential violations of federal tax law on a timely basis.

The National Association of Bond Lawyers (NABL) released together with this GFOA Alert a white paper entitled "[Considerations For Developing Post-Issuance Tax Compliance Procedures](#)" (the "NABL Considerations"), which presents an in-depth discussion of post-issuance tax compliance and the applicable tax requirements that must be satisfied. This Alert provides a general overview of post-issuance tax compliance and highlights points that may be discussed in greater detail in the NABL Considerations or other publications.<sup>3</sup> The Alert focuses on compliance for "governmental bonds," (i.e., bonds issued for governmental use and purposes) but can be helpful for complying with qualified 501(c)(3) or other types of private activity bonds.

## What is Post-Issuance Compliance?

Post-issuance compliance consists of practices and procedures designed to assist an issuer of governmental bonds in complying with the federal tax requirements that apply from the date the bonds are issued until the date the bonds, or any refunding bonds, are no longer outstanding. The substantive rules can be categorized as: (a) arbitrage and rebate; and (b) use of bond proceeds and of bond financed facilities. Compliance with these rules must be documented by records that meet IRS requirements.

## Why Implement Post-Issuance Compliance?

The IRS has encouraged issuers to adopt post-issuance compliance procedures in order to assist in preventing, identifying and correcting possible tax violations that may occur during the term that tax-exempt bonds are outstanding. These procedures help an issuer prevent or correct violations so the IRS does not have a reason to either declare the bonds taxable or negotiate a settlement. The IRS Forms 8038 that must be filed when bonds are issued ask whether the issuer had written procedures and the IRS previously offered issuers with written procedures the possibility of a lower settlement amount in connection tax violations discovered by the issuer for which the issuer sought a closing agreement pursuant to the IRS's Voluntary Closing Agreement Program (VCAP). More recently, the IRS is offering a lower settlement amount if the issuer has "effective" procedures (whether or not written).<sup>4</sup> Procedures may also prove helpful in providing information and documentation in the event that the IRS audits an issue. See "Why are Post-Issuance Tax Compliance Procedures Important" in the NABL Considerations.

### **What Rules Need to Be Monitored?**

For governmental bonds, i.e., bonds issued by state and local governments to finance public purpose projects, in the broadest terms, the tax requirements can be grouped into two categories: (a) arbitrage and rebate; and (b) use of bond proceeds and of bond-financed facilities. Each of these categories involve many rules that make it advisable for an issuer to adopt practices that track how bond proceeds are invested and how and when bond proceeds are spent.

### **Arbitrage and Rebate**

Federal tax law and regulations restrict the amount of "arbitrage" an issuer can earn and retain from investing proceeds of a tax-exempt bond.<sup>5</sup> As applied to tax-exempt bonds, "arbitrage" generally refers to the profit earned from taxable investments purchased with proceeds of bonds bearing interest at tax-exempt rates. There are two main categories of requirements - yield restriction and rebate. If *either* the yield restriction requirements *or* the rebate requirements are not satisfied, tax-exempt bonds become "arbitrage bonds" and lose their tax-exempt status.<sup>6</sup>

### **Yield Restriction**

The general rule of "yield restriction" is that bond proceeds may not be invested at a "materially higher" yield than the yield on the bonds.<sup>7</sup> Exceptions to this rule apply during "temporary periods" such as the 3-year temporary period that is available for proceeds that an issuer expects to spend on construction or acquisition of capital projects under certain circumstances.<sup>8</sup> Additional exceptions including other temporary periods of varying length may apply.<sup>9</sup> If there is no exception or a temporary period ends and proceeds remain unspent, either the investments must be yield restricted or a "yield reduction payment" must be made to the federal government.

### **Rebate**

The general rule is that any actual earnings in excess of the yield on the bonds must be paid as "rebate" to the federal government. There are a number of possible exceptions including the \$5,000,000 "small issuer" exception for issuers with general taxing powers who do not issue more than \$5,000,000 in bonds during a calendar year, and limited exceptions for earnings on a reasonably required debt service reserve fund and on a bona fide debt service fund. There is also an exception for tax and revenue anticipation notes, for proceeds invested in other tax-exempt obligations and exceptions that apply if proceeds are spent within 6-months, 18-months or 2 years for construction.<sup>10</sup> Rebate, if any, is due every 5 years or when bonds are paid off, either at maturity or redemption. If there is no rebate exception, it is necessary to determine whether any rebate is due. The calculation depends on a number of factors including whether the bonds are fixed or variable rate and whether there are any hedges (e.g., interest rate swaps) that must be taken into account.

To comply with both the yield restriction and rebate rules an issuer needs to have procedures that identify the type of, and return on, investments made with bond proceeds and when proceeds are spent.

### **Use of Proceeds and of Bond-Financed Facilities**

The general rule for governmental bonds is that no more than 10% of bond proceeds may be used in a private business use and no more than 10% of debt service on the bonds may be paid or secured by payments arising from or related to private business use. The 10% limit is reduced to 5% in the case of unrelated private business use or related business use which is disproportionate. No more than 5% of bond proceeds may be used for and no more than 5% of debt service on the bonds may be paid or secured by payments in respect of, unrelated private business use or disproportionate related business use. In addition, with certain exceptions, no more than the lesser of 5% of bond proceeds or \$5,000,000 may be used to finance direct or indirect loans to non-governmental persons.<sup>11</sup>

To monitor compliance with this requirement, an issuer needs to have procedures to identify who is a private "nonqualified user" and what constitutes private business use. For governmental bonds, any user other than a state or local government is a "nonqualified user". This means that individuals, for-profit entities, non-profits including section 501(c)(3) organizations and the federal government are "nonqualified users," and use by users in any of these categories must be analyzed to determine whether it is "private business use". Use in the trade or business of any non-qualified user is "private business use". Use by the general public is not typically business use. "Private business use" can be created by a lease or license of a bond financed facility. It can also be created through a management or service contract between the issuer (or other qualified user) and a non-qualified user on terms that do not meet a safe-harbor recognized by the IRS<sup>12</sup> that gives the non-qualified user a share in the net profits from the use of the facility. Research agreements or special arrangements that give a non-qualified user priority or a benefit not available to the general public may also create private business use.

### **When are Procedures Effective?**

To be effective, procedures should address the substantive issues necessary to assure tax and other legal and contractual compliance. Procedures should also be implementable, manageable, and diligently followed by the issuer. The design and implementation should take into account the issuer's size, organizational structure, frequency of bond issuance and budget/staffing resources.

If implemented properly, the following elements should assist an issuer with effective oversight of tax rules relating to tax-exempt bonds: (1) identify the individual or individuals responsible for coordinating activities; (2) provide for due diligence review at regular intervals; (3) facilitate training for responsible individuals; (4) describe retention of adequate records to substantiate compliance; (5) accommodate review that identifies areas that are most susceptible to noncompliance; and (6) include procedures to correct identified noncompliance in a timely manner.

### **Designing a Post-Issuance Compliance Program**

#### ***General Considerations***

A post-issuance compliance program should reflect an issuer's size, resources and borrowing pattern. An issuer may decide to handle compliance in-house or to engage bond counsel or other third-party provider for some or all compliance activities including arbitrage, rebate and monitoring of private business use and payments. In either case, the post-issuance compliance program should have the following elements. The following is a summary of the considerations for designing a post-issuance

compliance program. More detail is provided under the heading "Characteristics of Effective Procedures" in the NABL Considerations.

***Responsible Staff Should Be Assigned***

Whether an issuer will conduct compliance in-house or will engage providers, a "chief compliance officer" with overall responsibility for implementation of the program should be assigned. In a large organization, there may be staff in addition to the chief compliance officer that can be assigned specific responsibilities or the chief compliance officer can have authority to delegate where appropriate. If third-party providers will be engaged to perform some or all of the activities, the program should specify how the providers will be engaged and monitored. The chief compliance officer or officers should be designated by job title rather than name to assure continuity.

***Identify the Source of the Tax Requirements Being Monitored***

It will be helpful to identify the documents that set forth the tax requirements being monitored so that the compliance officer(s) can find details if necessary.

***Identify the Frequency of the Actions to Be Undertaken***

The IRS has recommended at least an annual review as a general matter. However, it may be advisable to provide for a review when specific events occur, such as renewal of management contracts, or other events that may result in private business use. A program should also provide for a final allocation of bond proceeds as required by tax regulations.<sup>13</sup>

***Establish a Deadline Reminder System***

Where deadlines exist, a reminder system should be established and a back-up reminder is helpful in avoiding an oversight. Examples of deadlines include ending of temporary periods for yield restriction and deadlines for meeting spend down exceptions for rebate compliance, paying rebate if applicable, and making final allocations.

***Identify Records to be Maintained and the Record Retention Period***

Records necessary to assure and document compliance should be maintained for the required time periods. The issuer should list the records being maintained and where or by whom. Tax records must be maintained until full payment of the bonds and any refunding bonds plus three years. In addition, state or local record retention requirements need to be considered. In some cases, an issuer may need to seek approval for changes in its record retention policy in order to keep tax or other records for periods longer than otherwise permitted under state law.

Specific to tax-exemption compliance, the following records should be maintained.

1. The bond transcript for each bond issue (which includes among other documents, the trust indenture, loan, lease, or other financing agreement, the relevant IRS Form 8038 (including Forms 8038-G or 8038, as applicable) with proof of filing, the bond counsel opinion and the tax agreement including all attachments, exhibits and any verification report).
2. Records of debt service payments for each issue of bonds.

3. Documentation evidencing the expenditure of bond proceeds, such as construction or contractor invoices and receipts for equipment and furnishings, bond trustee requisitions and project completion certificates, as well as records of any special allocations made for tax purposes including post-issuance changes in allocations.
4. Documentation evidencing the lease or use of bond-financed property by public and private sources, including, but not limited to, service, vendor, and management contracts, research agreements, licenses to use bond-financed property, or naming rights agreements.
5. Documentation pertaining to investment of bond proceeds, including the yield calculations for each class of investments, actual investment income received from the investment of proceeds, investment agreements, payments made pursuant to investment agreements and rebate calculations and copies of any 8038-T or 8038-R filed with respect to the bonds.
6. Documentation pertaining to remedial action and other change-of-use records.

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7. Amendments and other changes to the bond Documents (including interest rate conversions and defeasances).
8. Letters of credit and other guarantees for bond issues.
9. Interest rate swaps and other derivatives that are related to bond issues.

***Require Training for Responsible Officers***

Periodic training for compliance officers should be identified and documented. The issuer should also determine whether the training can be done in-house or whether third-party conferences, courses or providers are appropriate.

***Describe Procedures to Identify and Correct Violations***

The policy should describe the review process to assure compliance and describe what actions will be taken to correct any non-compliance. Corrective strategies may require engaging counsel or third-party advisors to assist in the remedial action.

***Address Other Substantive Issues for Tax-Advantaged Bond Compliance***

The policy should also consider other substantive matters that should be included in a post-issuance compliance program for tax-advantaged bonds such as yield restriction, rebate and tracking possible private business use.

***How Should a Post-Issuance Program Be Adopted and Reflected?***

An issuer's post-issuance compliance procedures can be included in its general debt management policies or be stated separately. Procedures may be adopted by formal action of the issuer's governing board or be developed independently by management.

## Conclusion

GFOA recommends that state and local governments adopt comprehensive written debt management policies, in so doing, the GFOA and NABL work together to provide tools for the state and local government to use in managing these policies, such as the [Post Issuance Compliance Checklist](#). This Alert provides a general overview of the NABL white paper "[Considerations for Developing Post-Issuance Tax Compliance Procedures](#)" and in so doing, this Alert brings additional awareness to post-issuance tax compliance for issuers within the parameters of federal tax rules. Compliance with federal tax rules both at the time a state or local government issues bonds and during the entire period the bonds are outstanding is necessary in order for the bonds to maintain their tax-exempt status is enforced through current federal tax rules.

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1. State and local governments may also issue tax-credit and taxable direct-pay bonds that must satisfy federal tax rules on a continuing basis to retain tax-advantaged status. References herein to tax-exempt bonds also refer to tax-advantaged bonds.
2. If bonds are declared taxable, the tax must be collected from bondholders. The IRS has chosen in most instances to negotiate settlements with the issuers.
3. This Alert together with the NABL Considerations updates information about this topic previously provided through the joint publication with the National Association of Bond Lawyers (NABL) in 2007 of the NABL/GFOA Post-Issuance Compliance Checklist (the "Checklist") and in GFOA's best practices for debt management policies released in 2012. The debt management policies best practices publication is [available online](#).
4. See Internal Revenue Manual ("IRM") 7.2.3.4.4 relating to the IRS's Voluntary Closing Agreement Program (VCAP), which was released in September 2015. This IRM states: "Under this revision of the IRM, post issuance compliance procedures are not required to be in any other pre-specified format. To obtain a TEB VCAP, however, an issuer is required to provide evidence that it has implemented a change to its procedures that is reasonably expected to prevent the same type of violation from happening in any of its bond issues. *This change to the procedures is being made to allow issuers to develop their own best practices for post-issuance compliance procedures and to measure the benefit of those procedures by their effectiveness, that is, whether they enable the issuer to capture a violation quickly. TEB continues to strongly encourage issuers to have post-issuance compliance procedures that effectively monitor compliance with all of the IRC and Regulations requirements applicable to the bonds.*" (Emphasis added).
5. Internal Revenue Code §148 and regulations thereunder.

6. See "Tax Exempt Bonds: A Roadmap to Arbitrage Requirements for Tax-Exempt Governmental Bonds and Qualified Section 501(c)(3) Bonds of Smaller Issuers and Conduit Borrowers", 2013 Report of the Advisory Committee to Tax-Exempt and Governmental Entities (referred to herein as "Twelfth ACT Report").
7. For "new money" bonds, as a general rule, "materially higher" means 1/8 of 1% and for advance refunding bonds, "materially higher" is 1/1000 of 1%. Treas. Reg. §1.148-2(d)(2)(i) and (ii).
8. This exception applies if, at the time of bond issuance, the issuer reasonably expects to become obligated to spend at least 5% of bond proceeds within 6 months, to allocate at least 85% of proceeds on the financed project within 3 years and to complete the project with due diligence. Treas. Reg. §1.148-2(e)(2)(i)(A)(B) and (C).
9. Temporary period exceptions of varying lengths are also available for bona fide debt service funds, investment proceeds, working capital and refundings. See Treas. Reg. §1.148-2 (2 and 1.148-9 (d)). In addition, there are exceptions for a reasonably required debt service reserve fund and a "minor portion" of the lesser of \$100,000 or 5% and for investments in other tax-exempt obligations. Treas. Reg. §1.148-2(d)(2)(v), (f) and (g).
10. See "Exceptions to Rebate", Section VC of the Twelfth ACT Report, *supra* for a discussion of the exceptions to rebate.
11. Issuers should consult bond counsel for detailed information about the rules that apply to private business use and payments in respect of private business use.
12. Rev. Proc. 97-13 as modified by Rev. Proc. 2001-39 and as amplified by Notice 2014-67, and Rev. Proc. 97-14 as modified by 2007-47 provide safe harbors against "private business use" for management contracts and research agreements.
13. Treas. Reg. §1.148-6(d) requires that expenditures be allocated to bond proceeds no later than 18 months after the later of the date the expenditure is made or the project is placed in service and in no event later than 60 days after the 5th anniversary of the date the bonds are issued or retired, if earlier.

**CITY OF MANDAN, NORTH DAKOTA**

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**POST-ISSUANCE COMPLIANCE PROCEDURE  
AND POLICY FOR BOND ISSUES**

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**Adopted September 20, 2016**

## **POST-ISSUANCE COMPLIANCE PROCEDURE AND POLICY FOR BOND ISSUES**

The City of Mandan, North Dakota (the “Issuer”) from time to time issues governmental bonds, the interest on which is exempt from federal income tax to finance capital improvements. As an issuer of such bonds, the Issuer is required by the terms of Sections 103 and 141-150 of the Internal Revenue Code of 1986, as amended (the “Code”), and the Treasury Regulations promulgated thereunder (the “Treasury Regulations”), to take certain actions subsequent to the issuance of such bonds to ensure the continuing tax-exempt status of such bonds. In addition, Section 6001 of the Code and Section 1.6001-1(a) of the Treasury Regulations impose record retention requirements on the Issuer with respect to its bonds. This Post-Issuance Compliance Procedure and Policy for Bond Issues (this “Policy”) has been approved and adopted by the Issuer to ensure that the Issuer complies with its post-issuance compliance obligations under applicable provisions of the Code and Treasury Regulations.

**1. EFFECTIVE DATE AND TERM.** The effective date of this Policy is the date of approval by the Board of City Commissioners (September 20, 2016) and this Policy shall remain in effect until superseded or terminated by action of the Board of City Commissioners of the Issuer.

**2. RESPONSIBLE PARTIES.** The Finance Director of the Issuer (the “Compliance Officer”) shall be the party primarily responsible for ensuring that the Issuer successfully carries out its post-issuance compliance requirements under applicable provisions of the Code and Treasury Regulations. The Compliance Officer will be assisted by the staff of the Finance Director’s department of the Issuer and by other Issuer staff and officials when appropriate. The Compliance Officer of the Issuer will also be assisted in carrying out post-issuance compliance requirements by the following organizations:

(a) Bond Counsel (as of the date of approval of this Policy, bond counsel for the Issuer is Steven L. Vogelpohl and Arntson Stewart Wegner PC);

(b) Financial Advisor (as of the date of approval of this Policy, the financial advisor of the Issuer is Dougherty & Company LLC);

(c) Paying Agent (the person, organization, or officer of the Issuer primarily responsible for providing paying agent services for the Issuer); and

(d) Rebate Analyst (the organization primarily responsible for providing rebate analyst services for the Issuer).

The Compliance Officer shall be responsible for assigning post-issuance compliance responsibilities to members of the Finance Director’s department, other staff of the Issuer, Bond Counsel, Financial Advisor, and Rebate Analyst. The Compliance Officer shall utilize such other

professional service organizations as are necessary to ensure compliance with the post-issuance compliance requirements of the Issuer. The Compliance Officer shall provide training and educational resources to Issuer staff responsible for ensuring compliance with any portion of the post-issuance compliance requirements of this Policy.

**3. POST-ISSUANCE COMPLIANCE ACTIONS.** The Compliance Officer shall take the following post-issuance compliance actions or shall verify that the following post-issuance compliance actions have been taken on behalf of the Issuer with respect to each issue of bonds issued by the Issuer:

(a) The Compliance Officer shall prepare a transcript of principal documents (this action will be the primary responsibility of Bond Counsel).

(b) The Compliance Officer shall file with the Internal Revenue Service (the "IRS"), within the time limit imposed by Section 149(e) of the Code and applicable Treasury Regulations, the appropriate Information Return for the bonds, Form 8038-G, Form 8038-B or Form 8038-TC (this action will be the primary responsibility of Bond Counsel).

(c) The Compliance Officer shall prepare an "allocation memorandum" for each issue of bonds in accordance with the provisions of Treasury Regulations, Section 1.148-6(d)(1), that accounts for the allocation of the proceeds of the tax-exempt bonds to expenditures not later than the earlier of:

(i) eighteen (18) months after the later of (A) the date the expenditure is paid, or (B) the date the project, if any, financed by the bond issue is placed in service; or

(ii) the date sixty (60) days after the earlier of (A) the fifth (5<sup>th</sup>) anniversary of the issue date of the bond issue, or (B) the date sixty (60) days after the retirement of the bond issue.

Preparation of the allocation memorandum will be the primary responsibility of the Compliance Officer (in consultation with the Financial Advisor and Bond Counsel).

(d) The Compliance Officer, in consultation with Bond Counsel, shall identify proceeds of bonds that must be yield-restricted and shall monitor the investments of any yield-restricted funds to ensure that the yield on such investments does not exceed the yield to which such investments are restricted.

(e) In consultation with Bond Counsel, the Compliance Officer shall determine whether the Issuer is subject to the rebate requirements of Section 148(f) of the Code with respect to each issue of bonds. In consultation with Bond Counsel, the Compliance Officer shall determine, with respect to each issue of bonds of the Issuer, whether the Issuer is eligible for any of the temporary periods for unrestricted investments and is eligible for any of the spending exceptions to the rebate requirements. The Compliance Officer shall contact the Rebate Analyst (and, if appropriate, Bond Counsel) prior to the fifth (5<sup>th</sup>) anniversary of the date of issuance of each issue of bonds of the Issuer and each fifth (5<sup>th</sup>) anniversary thereafter to arrange for calculations of the rebate requirements with respect to such bonds. If a rebate payment is required to be paid by the Issuer, the Compliance Officer shall prepare or cause to be prepared the Arbitrage Rebate, Yield Reduction and Penalty in Lieu of Arbitrage Rebate, Form 8038-T, and submit such Form 8038-T to the IRS with the required rebate payment. If the Issuer is authorized to recover a rebate payment previously paid, the Compliance Officer shall prepare or cause to be prepared the Request for Recovery of Overpayments Under Arbitrage Rebate Provisions, Form 8038-R, with respect to such rebate recovery, and submit such Form 8038-R to the IRS.

**4. PROCEDURES FOR MONITORING, VERIFICATION, AND INSPECTIONS.** The Compliance Officer shall institute such procedures as the Compliance Officer shall deem necessary and appropriate to monitor the use of the proceeds of bonds issued by the Issuer, to verify that certain post-issuance compliance actions have been taken by the Issuer, and to provide for the inspection of the facilities financed with the proceeds of such bonds. At a minimum, the Compliance Officer shall establish the following procedures:

(a) The Compliance Officer shall monitor the use of the proceeds of bonds to:

- (i) ensure compliance with the expenditure and investment requirements under the temporary period provisions set forth in Treasury Regulations, Section 1.148-2(e);
- (ii) ensure compliance with the safe harbor restrictions on the acquisition of investments set forth in Treasury Regulations, Section 1.148-5(d);
- (iii) ensure that the investments of any yield-restricted funds do not exceed the yield to which such investments are restricted; and
- (iv) determine whether there has been compliance with the spend-down requirements under the spending exceptions to the rebate requirements set forth in Treasury Regulations, Section 1.148-7.

(b) The Compliance Officer shall monitor the use of all bond-financed facilities in order to:

- (i) determine whether private business uses of bond-financed facilities have exceeded the *de minimis* limits set forth in Section 141(b) of the Code as a result of leases and subleases, licenses, management contracts, research contracts, naming rights agreements, or other arrangements that provide special legal entitlements to non-governmental persons; and
- (ii) determine whether private security or payments that exceed the *de minimis* limits set forth in Section 141(b) of the Code have been provided by non-governmental persons with respect to such bond-financed facilities.

The Compliance Officer shall provide training and educational resources to any Issuer staff who have the primary responsibility for the operation, maintenance, or inspection of bond-financed

facilities with regard to the limitations on the private business use of bond-financed facilities and as to the limitations on the private security or payments with respect to bond-financed facilities.

(c) The Compliance Officer shall undertake the following with respect to each outstanding issue of bonds of the Issuer: (i) an annual review of the books and records maintained by the Issuer with respect to such bonds; and (ii) an annual physical inspection of the facilities financed with the proceeds of such bonds, conducted by the Compliance Officer with the assistance with any Issuer staff who have the primary responsibility for the operation, maintenance, or inspection of such bond-financed facilities.

**5. RECORD RETENTION REQUIREMENTS.** The Compliance Officer shall collect and retain the following records with respect to each issue of bonds of the Issuer and with respect to the facilities financed with the proceeds of such bonds: (i) audited financial statements of the Issuer; (ii) appraisals, demand surveys, or feasibility studies with respect to the facilities to be financed with the proceeds of such bonds; (iii) publications, brochures, and newspaper articles related to the bond financing; (iv) trustee or paying agent statements; (v) records of all investments and the gains (or losses) from such investments; (vi) paying agent or trustee statements regarding investments and investment earnings; (vii) reimbursement resolutions and expenditures reimbursed with the proceeds of such bonds; (viii) allocations of proceeds to expenditures (including costs of issuance) and the dates and amounts of such expenditures (including requisitions, draw schedules, draw requests, invoices, bills, and cancelled checks with respect to such expenditures); (ix) contracts entered into for the construction, renovation, or purchase of bond-financed facilities; (x) an asset list or schedule of all bond-financed depreciable property and any depreciation schedules with respect to such assets or property; (xi) records of the purchases and sales of bond-financed assets; (xii) private business uses of bond-financed facilities that arise subsequent to the date of issue through leases and subleases, licenses, management contracts, research contracts, naming rights agreements, or other arrangements that provide special legal entitlements to non-governmental persons and copies of any such agreements or instruments; (xiii) arbitrage rebate reports and records of rebate and yield reduction payments; (xiv) resolutions or other actions taken by the governing body subsequent to the date of issue with respect to such bonds; (xv) formal elections authorized by the Code or Treasury Regulations that are taken with respect to such bonds; (xvi) relevant correspondence relating to such bonds; (xvii) documents related to guaranteed investment contracts or certificates of deposit, credit enhancement transactions, and financial derivatives entered into subsequent to the date of issue; (xviii) copies of all Forms 8038-T and Forms 8038-R filed with the IRS; and (xix) the transcript prepared with respect to such bonds.

The records collected by the Issuer shall be stored in any format deemed appropriate by the Compliance Officer and shall be retained for a period equal to the life of the bonds with respect to which the records are collected (which shall include the life of any bonds issued to refund any portion of such bonds or to refund any refunding bonds) plus three (3) years.

6. **REMEDIES.** In consultation with Bond Counsel, the Compliance Officer shall become acquainted with the remedial actions under Treasury Regulations, Section 1.141-12, to be utilized in the event that private business use of bond-financed facilities exceeds the *de minimis* limits under Section 141(b)(1) of the Code. In consultation with Bond Counsel, the Compliance Officer shall become acquainted with the Tax Exempt Bonds Voluntary Closing Agreement Program described in Notice 2008-31, 2008-11 I.R.B. 592, to be utilized as a means for an issuer to correct any post-issuance infractions of the Code and Treasury Regulations with respect to outstanding tax-exempt bonds. If the Compliance Officer identifies a violation or has questions regarding compliance with the Code and Treasury Regulations, the Compliance Officer shall consult with Bond Counsel.

7. **CONTINUING DISCLOSURE OBLIGATIONS.** In addition to its post-issuance compliance requirements under applicable provisions of the Code and Treasury Regulations, the Issuer has agreed to provide continuing disclosure, such as annual financial information and material event notices, pursuant to a continuing disclosure certificate or similar document (the "Continuing Disclosure Document") prepared by Bond Counsel and made a part of the transcript with respect to each issue of bonds of the Issuer that is subject to such continuing disclosure requirements. The Continuing Disclosure Documents are executed by the Issuer to assist the underwriters of the Issuer's bonds in meeting their obligations under Securities and Exchange Commission Regulation, 17 C.F.R. Section 240.15c2-12, as in effect and interpreted from time to time (ARule 15c2-12@). The continuing disclosure obligations of the Issuer are governed by the Continuing Disclosure Documents and by the terms of Rule 15c2-12. The Compliance Officer is primarily responsible for undertaking such continuing disclosure obligations and to monitor compliance with such obligations.

8. **OTHER POST-ISSUANCE ACTIONS.** If, in consultation with Bond Counsel, Financial Advisor, Paying Agent, Rebate Analyst, or the Board of City Commissioners, the Compliance Officer determines that any additional action not identified in this Policy must be taken by the Compliance Officer to ensure the continuing tax-exempt status of any issue of bonds of the Issuer, the Compliance Officer shall take such action if the Compliance Officer has the authority to do so. If, after consultation with Bond Counsel, Financial Advisor, Paying Agent, Rebate Analyst, or the Board of City Commissioners, the Compliance Officer determines that this Policy must be amended or supplemented to ensure the continuing tax-exempt status of any issue of bonds of the Issuer, the Compliance Officer shall recommend to the Board of City Commissioners that this Policy be so amended or supplemented.

9. **REFUNDING OF TAXABLE BONDS.** Most of the provisions of this Policy, other than the provisions of Section 7, are not applicable to bonds the interest on which is includable in gross income for federal income tax purposes. However, if an issue of taxable bonds is later refunded with the proceeds of an issue of tax-exempt refunding bonds, then the uses of the proceeds of the taxable bonds and the uses of the facilities financed with the proceeds of the taxable bonds will be relevant to the tax-exempt status of the refunding bonds. Therefore, if there is any reasonable possibility that an issue of taxable bonds may be refunded, in whole or in part, with the

proceeds of an issue of tax-exempt bonds then, for purposes of this Policy, the Compliance Officer shall treat the issue of taxable bonds as if such issue were an issue of tax-exempt bonds and shall carry out and comply with the requirements of this Policy with respect to such taxable bonds. The Compliance Officer shall seek the advice of Bond Counsel as to whether there is any reasonable possibility of issuing bonds to refund an issue of taxable bonds.

Dated: September 20, 2016.

**CITY OF MANDAN, NORTH DAKOTA**

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President, Board of City Commissioners

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City Administrator



# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** September 20, 2016  
**PREPARATION DATE:** September 9, 2016  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Justin Froseth PE, Planning and Engineering Director  
**SUBJECT:** Consider approval of variance request to allow construction of an additional 60 foot wide driveway apron at 1715 40<sup>th</sup> Ave. SE

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### STATEMENT/PURPOSE:

4 Square Concrete as agent for the owner, Kuhn Cattle Company, is requesting a variance to the design standards for construction of a driveway apron at 1715 40<sup>th</sup> Ave. SE known as Kist Livestock Auction.

### BACKGROUND/ALTERNATIVES:

This variance request is to allow a 60 foot wide driveway in order to accommodate truck maneuvering. The new driveway is to align with a driveway on the east side of 40<sup>th</sup> and is to be about 430' south of the intersection with Memorial Highway.

Section 115-5-4 sets the requirements for driveways. A commercial lot is allowed two driveways with each limited to 40 feet wide with a 24 foot separation between them.

Section 109-1-7 lays out the guidelines to accepting variances which are below along with the engineering department's comment for each in *italics*:

(1)

Strict compliance with the requirements of this chapter would result in extraordinary hardship to the subdivider, as distinguished from a mere inconvenience, because of the particular physical surroundings, shape or topographical conditions of the specific property involved, or because of other conditions not caused by the action of the subdivider;

*The newly installed traffic signal lights at 40<sup>th</sup> and Memorial Highway have resulted in an exceptional challenge for trucks making deliveries to Kist Livestock.*

*Previously, the westbound trucks would come in on 39<sup>th</sup>, just west of 40<sup>th</sup>, but with the changes, that turning lane is now an eastbound dedicated left turn lane. A 40-foot driveway was approved by our department, the variance is to allow 60 feet instead of our standard maximum of 40 feet because the traffic in and out will be high volumes of truck and trailer traffic which need wider spaces to move easily in and out.*

(2)

The granting of the **variance** would not have the effect of reducing the traffic

capacity of any major or secondary street;

*Granting the variance is not expected to hinder traffic, in fact it expected to help by getting rid of potential congestion off of Memorial Highway and allowing trucks to move in and out of the new driveway off of 40<sup>th</sup> a little faster.*

(3)

The granting of the **variance** would be beneficial to the public safety, health or welfare, and not injurious to other property located adjacent to the proposed modification;

*Granting the wider driveway is expected to benefit public safety in that it again gets congestion off of the busier Memorial Highway and will allow for quicker movements in and out of Kist to limit conflicts on 40<sup>th</sup>.*

(4)

The conditions upon which the request for a **variance** is based are unique to the property for which the **variance** is sought and are not applicable generally to other property; and

*The uniqueness of this variance to this property is the notable change to their access due to the 40<sup>th</sup> signal lights, the exceptional high percentage of trucks in and out of this property, and the need to get trucks in and out of the property promptly due to 40<sup>th</sup> being a collector road and fairly busy itself.*

(5)

The **variance** is consistent with provisions of the zoning ordinance, comprehensive plan and proper development of the area.

*Minimal impact for this condition. It is consistent with the nature of use of this property.*

ATTACHMENTS:

1. Aerial photo

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION:

The property extends for over 1300 feet along 40<sup>th</sup> Ave. SE. There is an existing driveway apron that is 90 feet wide that is shown as part of the alignment of 39<sup>th</sup> Ave. SE.

This proposed wide driveway apron is necessary in order to allow trucks to enter and exit the lot at an angle rather than pulling into and out of the street in order to position the trailer.

SUGGESTED ACTION:

Move to approve variance request to allow construction of the driveway at 1715 40<sup>th</sup> Ave. SE to be 60 feet wide.





# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** September 20, 2016  
**PREPARATION DATE:** September 16, 2016  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Robert Decker, P.E., Principal Planner  
**SUBJECT:** Consider approval of minor plat for Sylvester's Industrial Park 8<sup>th</sup> Addition

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STATEMENT/PURPOSE:

This request is to move a lot line.

BACKGROUND/ALTERNATIVES:

Property is located along 43<sup>rd</sup> Ave. SE north of 19<sup>th</sup> St. SE.

Lot line is being moved to provide space for parking along the side of an existing building.

ATTACHMENTS:

1. Current plats
2. replat

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

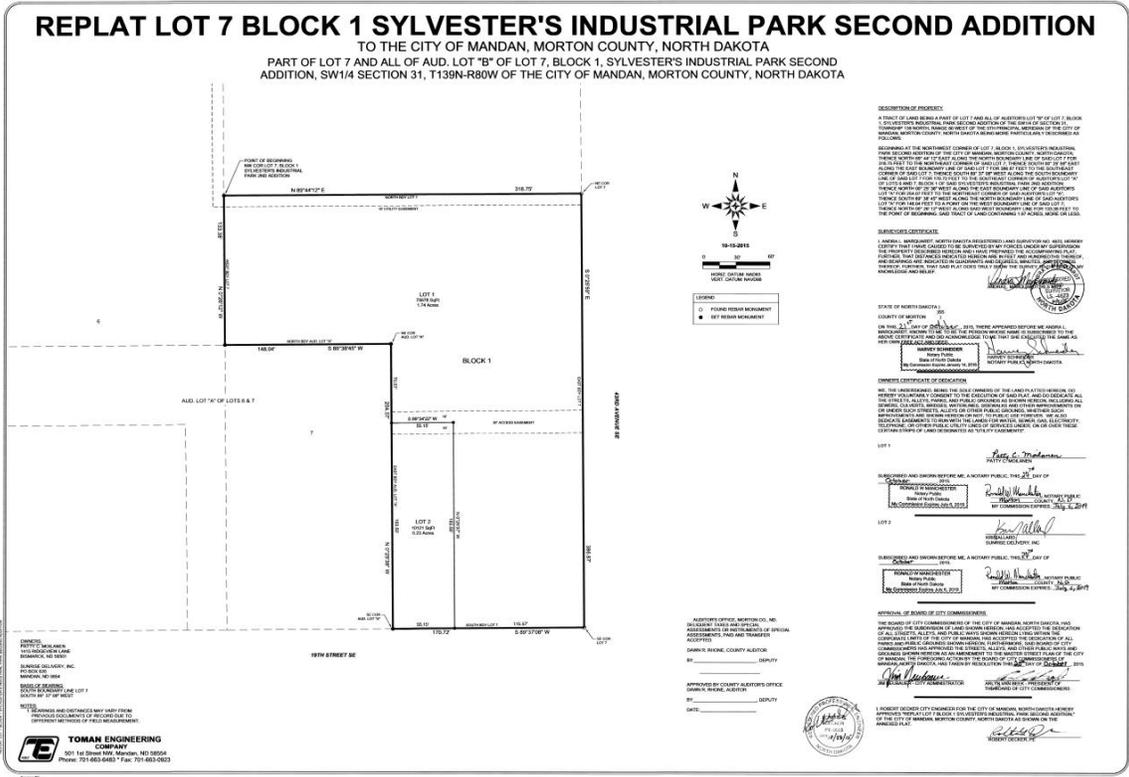
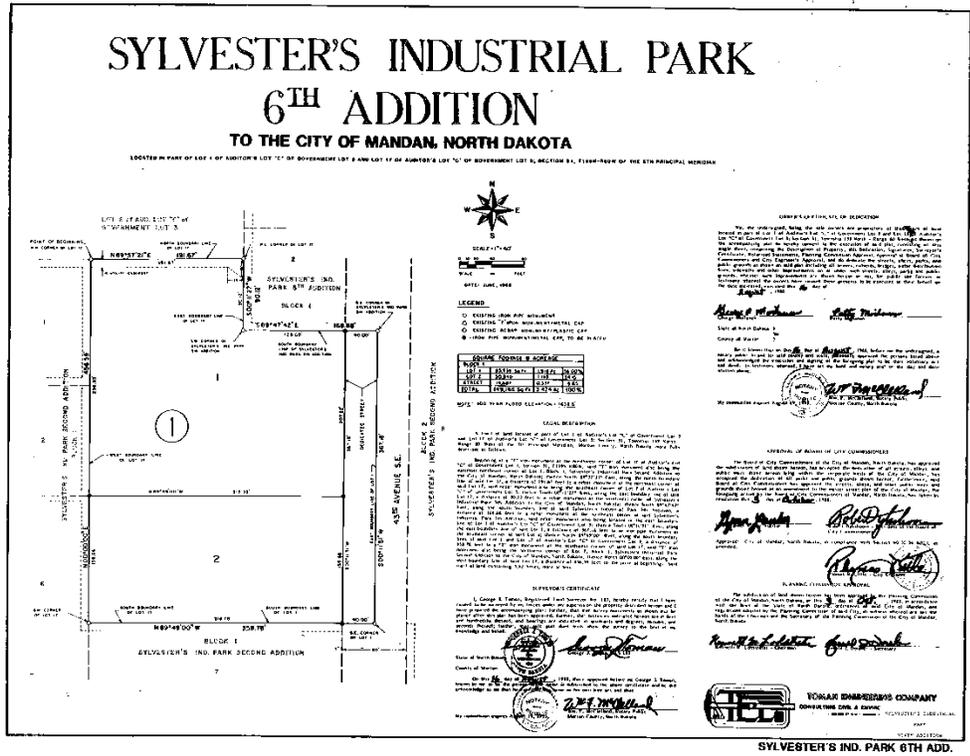
LEGAL REVIEW: All of my commission data has been forwarded to the City Attorney for his review.

RECOMMENDATION:

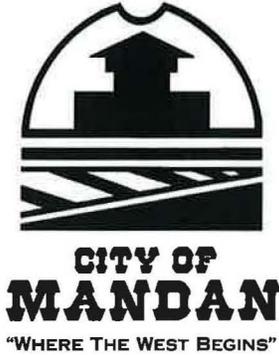
Recommend approval.

SUGGESTED ACTION:

Move to approve plat for Sylvester's Industrial Park 8<sup>th</sup> Addition.







# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** September 20, 2016  
**PREPARATION DATE:** September 16, 2016  
**SUBMITTING DEPARTMENT:** Finance  
**DEPARTMENT DIRECTOR:** Greg Welch  
**PRESENTER:** Greg Welch, Finance Director  
**SUBJECT:** Preliminary 2017 Budget Presentation

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### PURPOSE

Presentation of the City of Mandan preliminary 2017 Budget by the Budget and Finance Committee.

### BACKGROUND

On 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.

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 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 also posted on the City's website at [cityofmandan.com](http://cityofmandan.com).

### ATTACHMENT

Preliminary 2017 Budget Presentation

FISCAL IMPACT

See Preliminary 2017 Budget Presentation

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

N/A

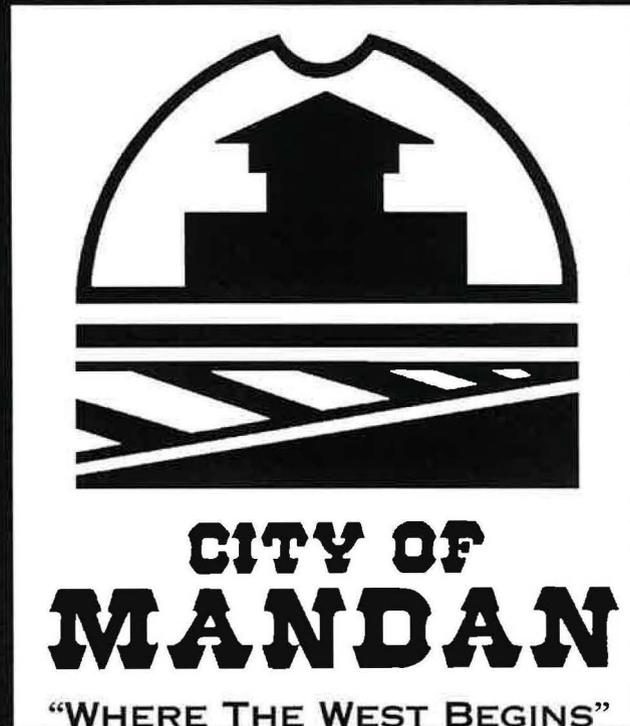
RECOMMENDATION

N/A

SUGGESTED MOTION

N/A

# Preliminary 2017 Budget



Greg Welch, CPA  
Finance Director

# 2017 Budget vs 2016 Budget



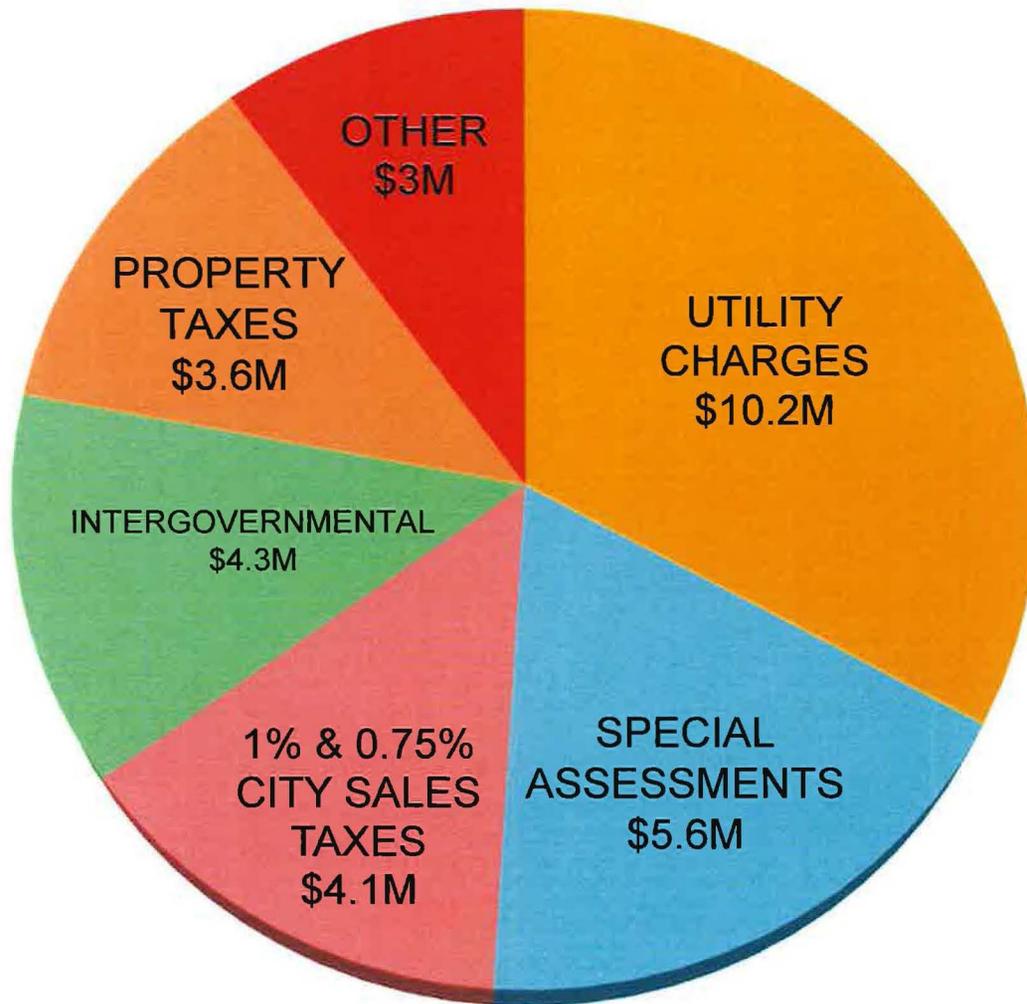
**REVENUES**

**(\$1.2M)**

**EXPENSES**

**(\$928K)**

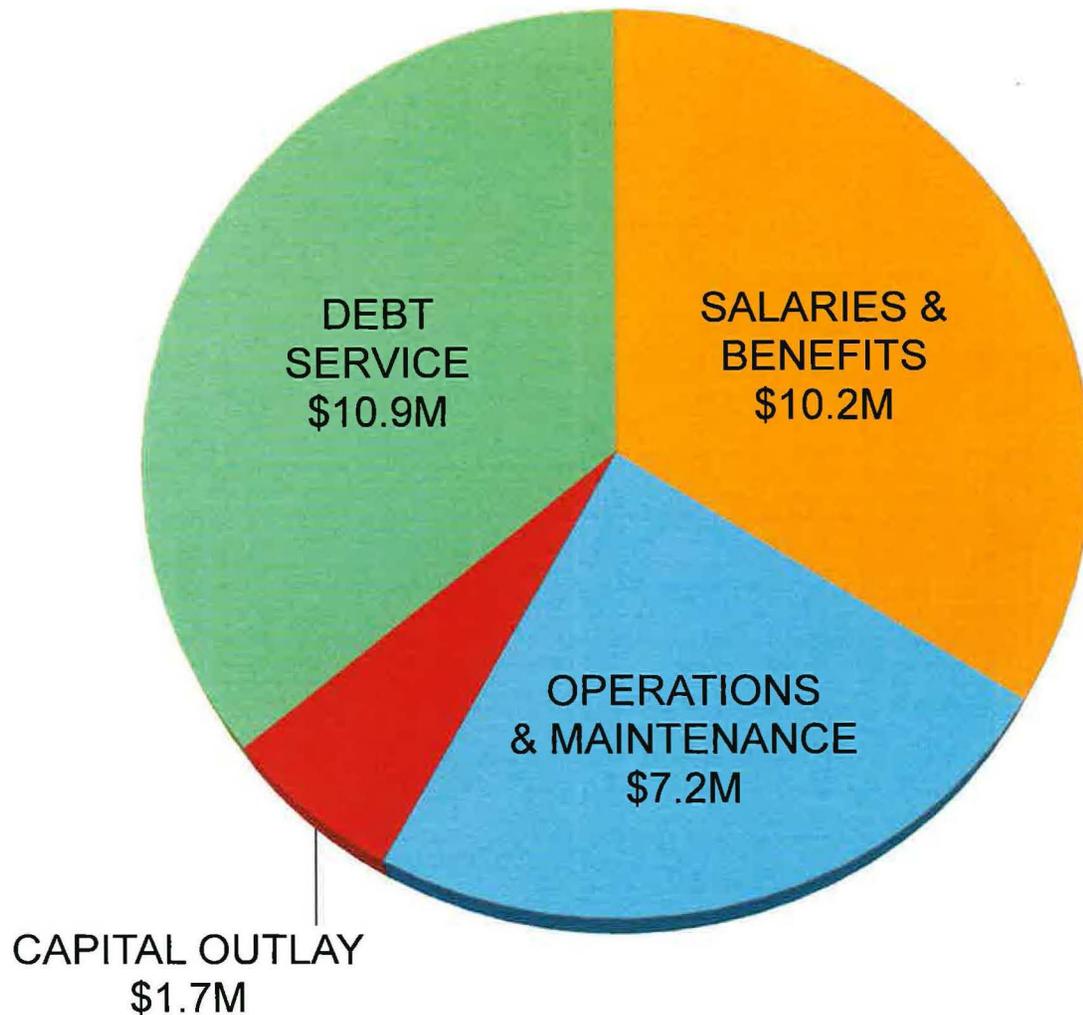
# 2017 Budget - Revenues



Total = \$31M

DECREASE  
(\$1.2M)

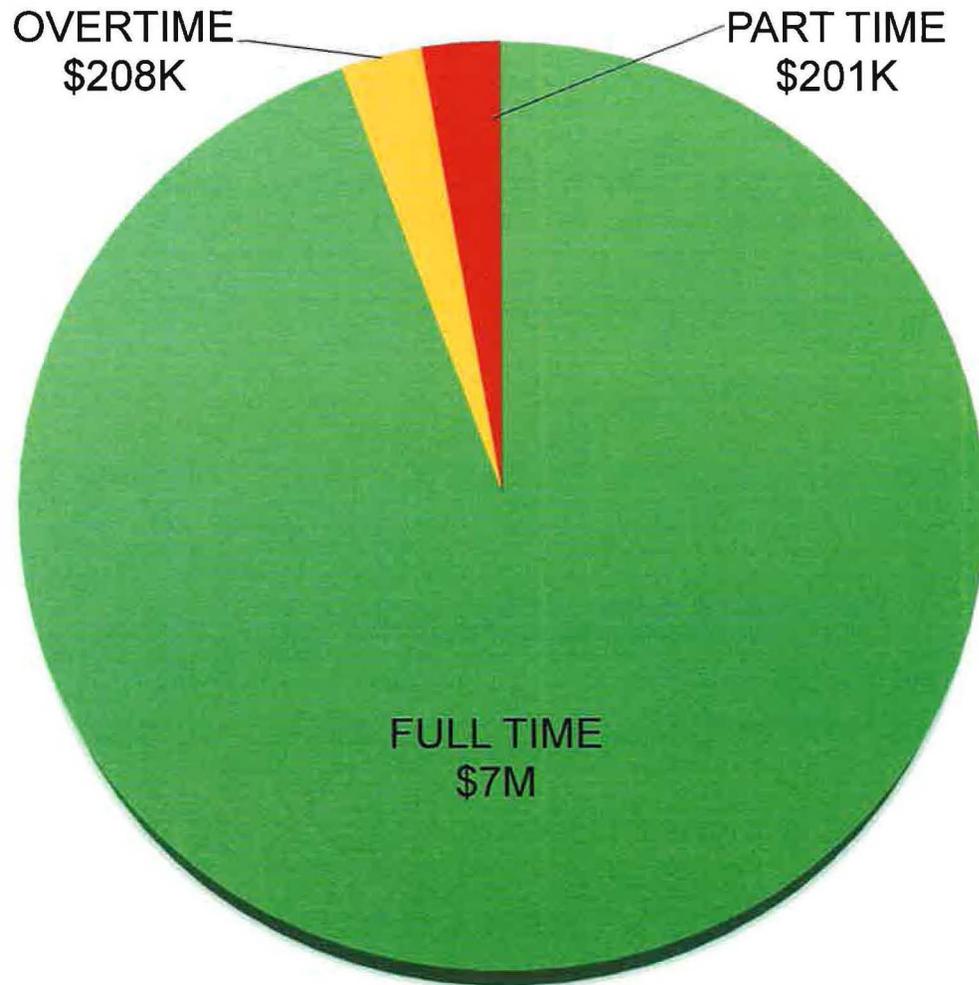
# 2017 Budget - Expenditures



Total = \$30.1M

DECREASE  
**(\$928K)**

# 2017 Budget - Salaries

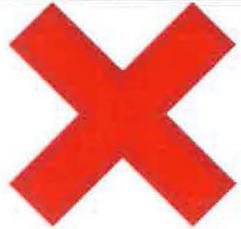


Total = \$7.4M



DECREASE  
**(\$117K)**

# 2017 Budget - Salaries



No employee market or performance adjustments, except for promotions

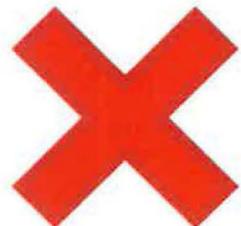
High Priority for 2018 Budget



City intends to fully staff police and fire departments

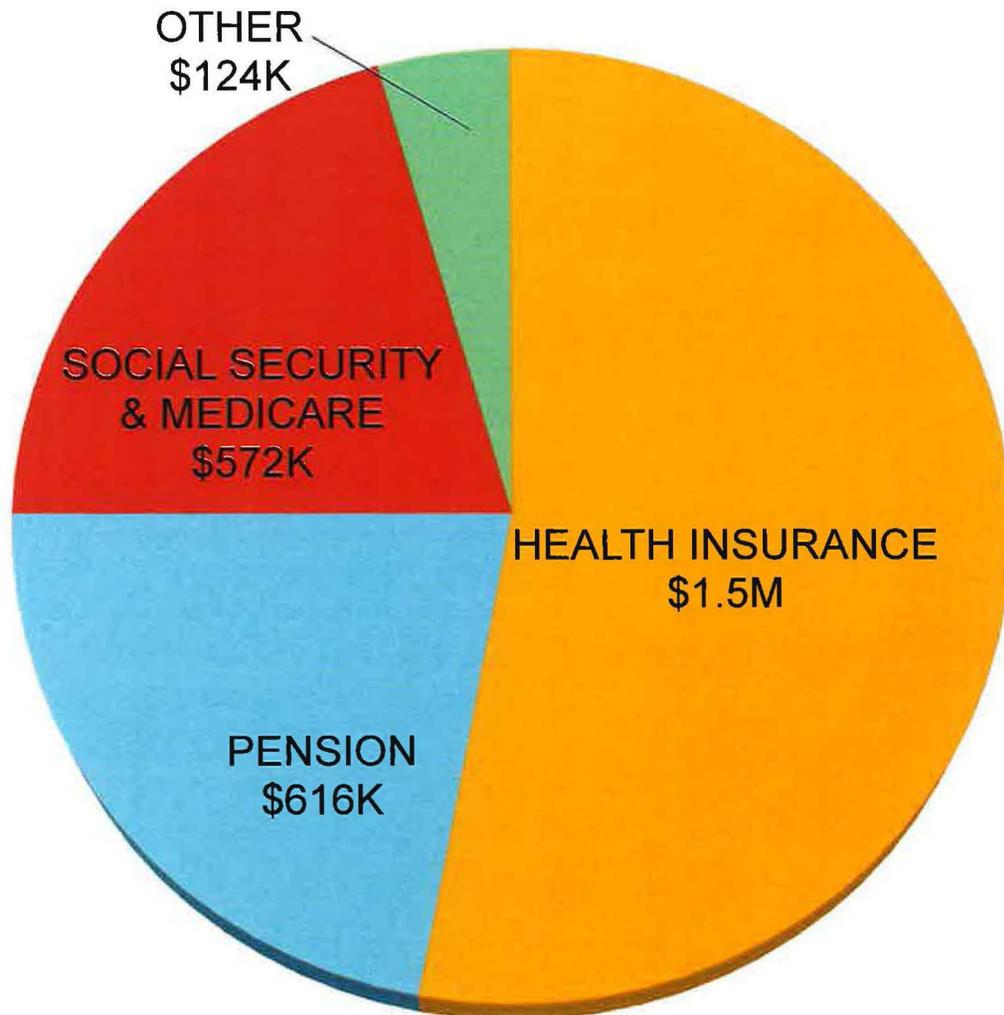


Re-evaluate vacant or unfilled positions in General Fund based on need (essential vs non-essential), except for police and fire departments



No additional employees

# 2017 Budget - Benefits



**INCREASE**  
**\$61K**



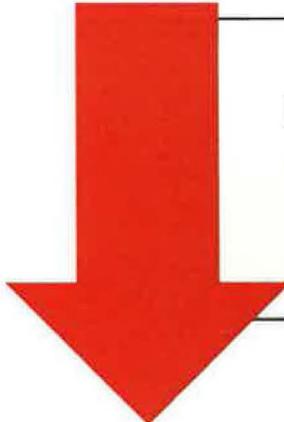
**Total = \$2.7M**

# 2017 Budget - Salaries & Benefits



TOTAL = \$10.2M

SALARIES &  
BENEFITS



DECREASE  
**\$56K**

# 2017 Budget - Operations & Maintenance

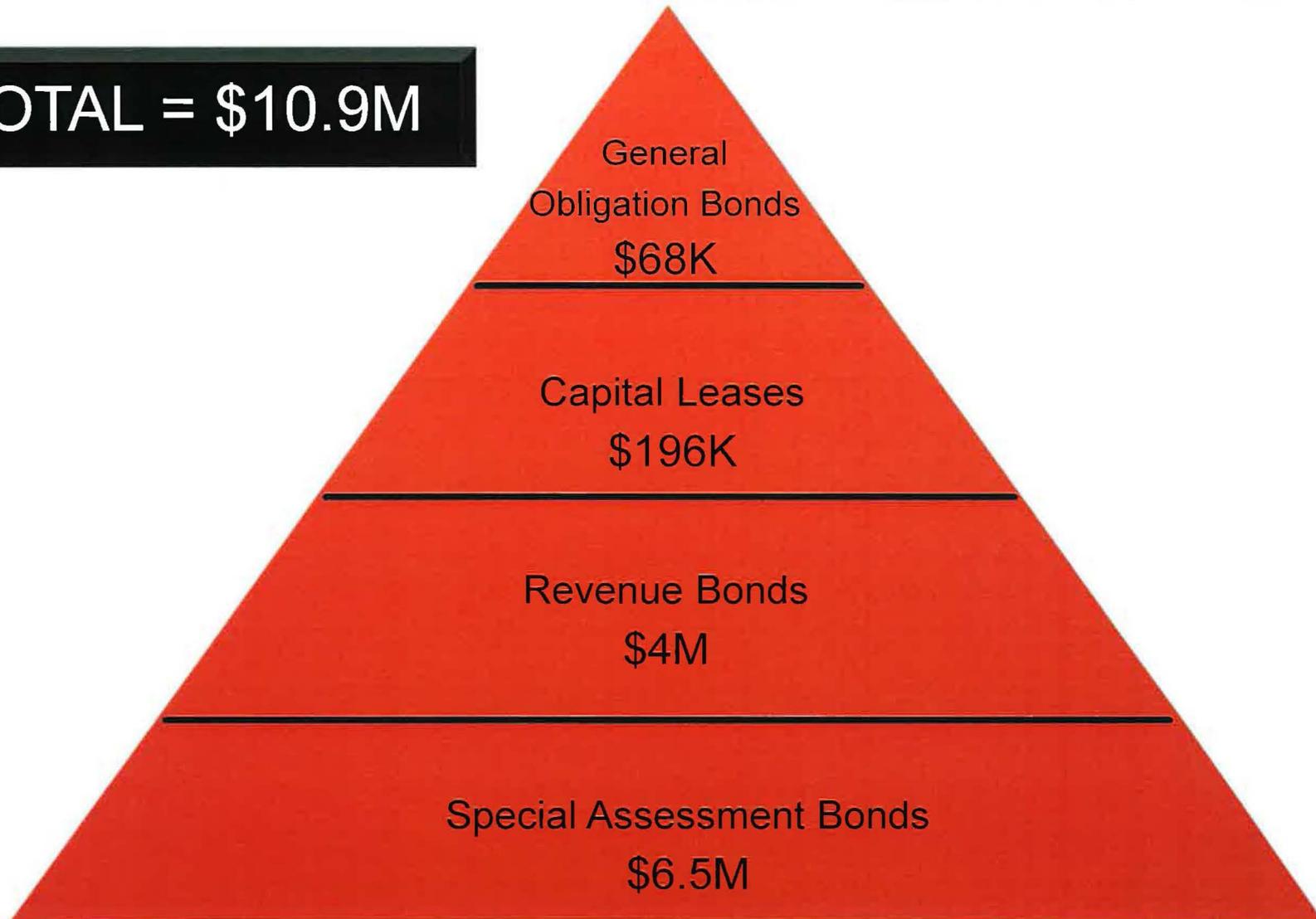
OPERATIONS &  
MAINTENANCE

TOTAL = \$7.2M



# 2017 Budget - Debt Service

**TOTAL = \$10.9M**



# 2017 Budget - Capital Outlay

TOTAL = \$1.7M

GENERAL FUND  
\$126K

WATER & SEWER  
UTILITY FUND  
\$1.5M



# 2017 Budget - General Fund

## REVENUES

TOTAL = \$10.5M

(\$35K)

## EXPENSES

TOTAL = \$10.7M

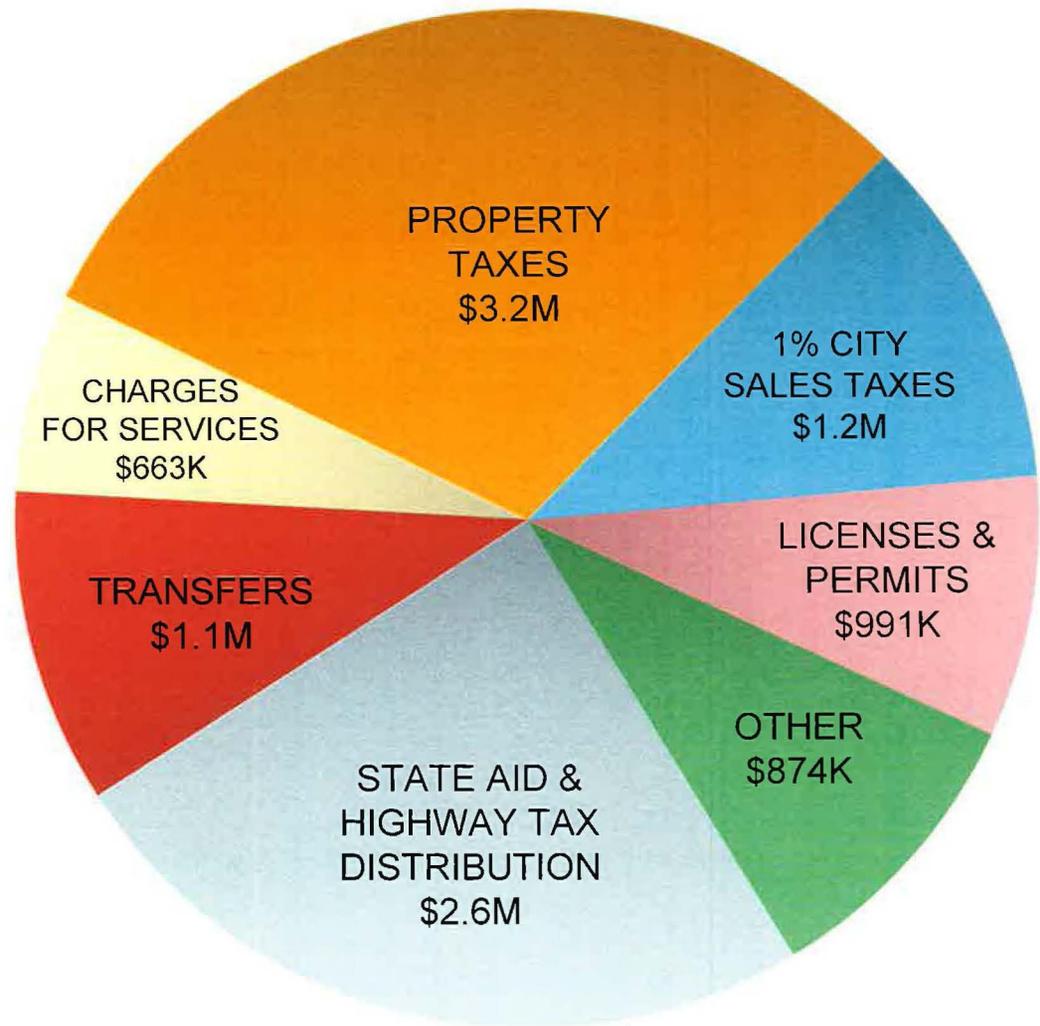
(\$292K)



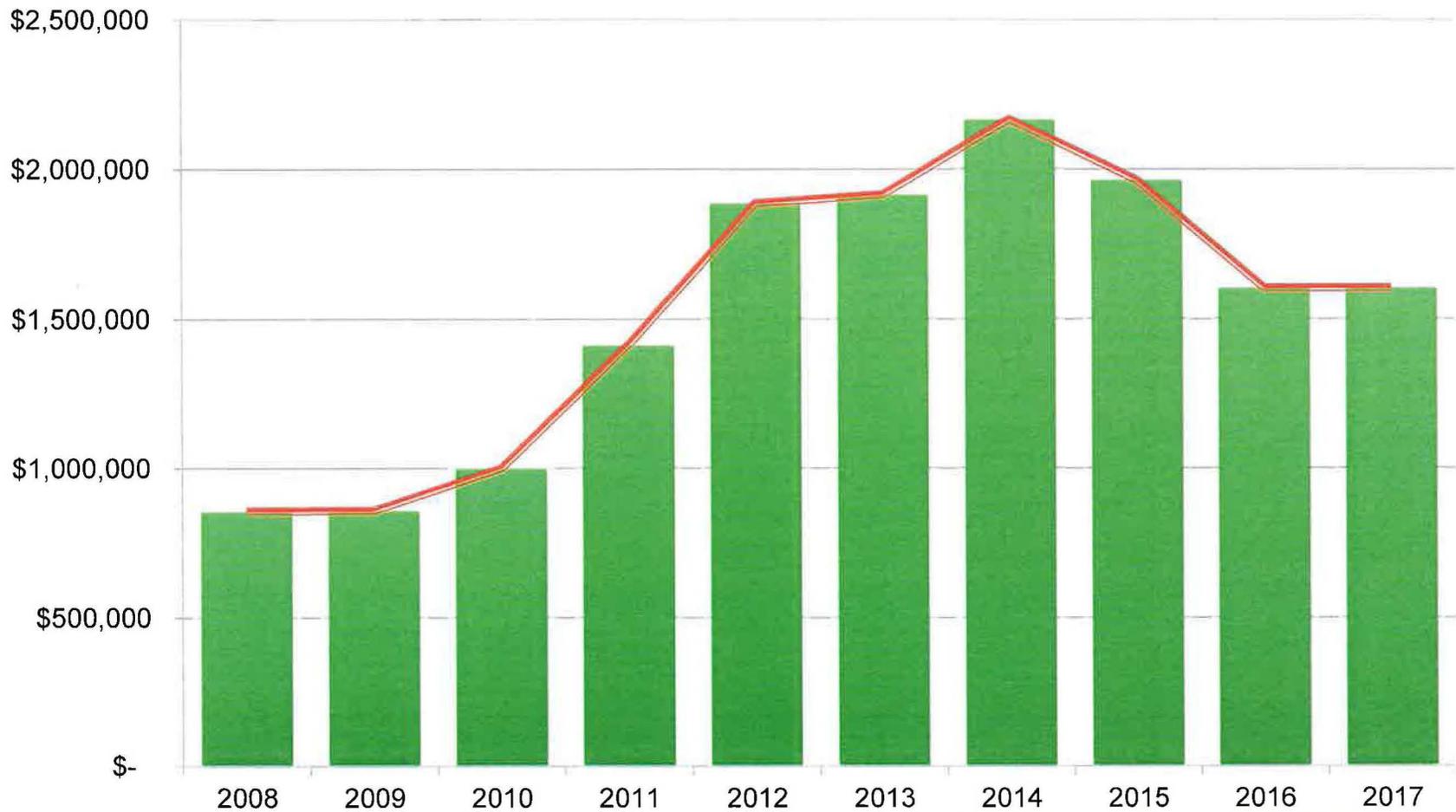
# General Fund - Revenues

TOTAL = \$10.5M

DECREASE  
**(\$35K)**

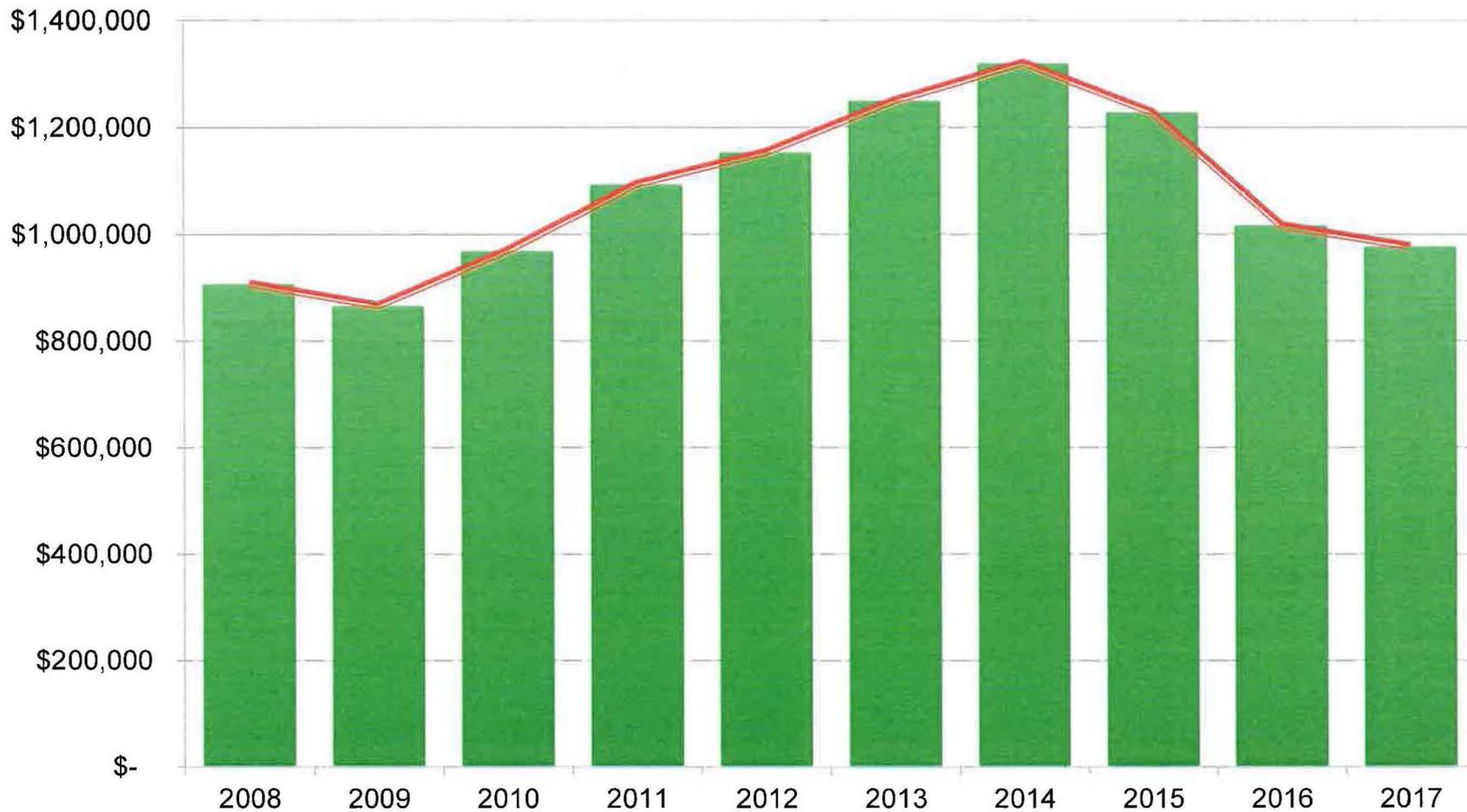


# 2017 Budget - State Aid Distribution



**(ORIGINAL 2016 BUDGET: \$2.3M) – (REVISED 2016 BUDGET: \$1.6M) =  
\$686K DECREASE**

# 2017 Budget - Highway Tax Distribution

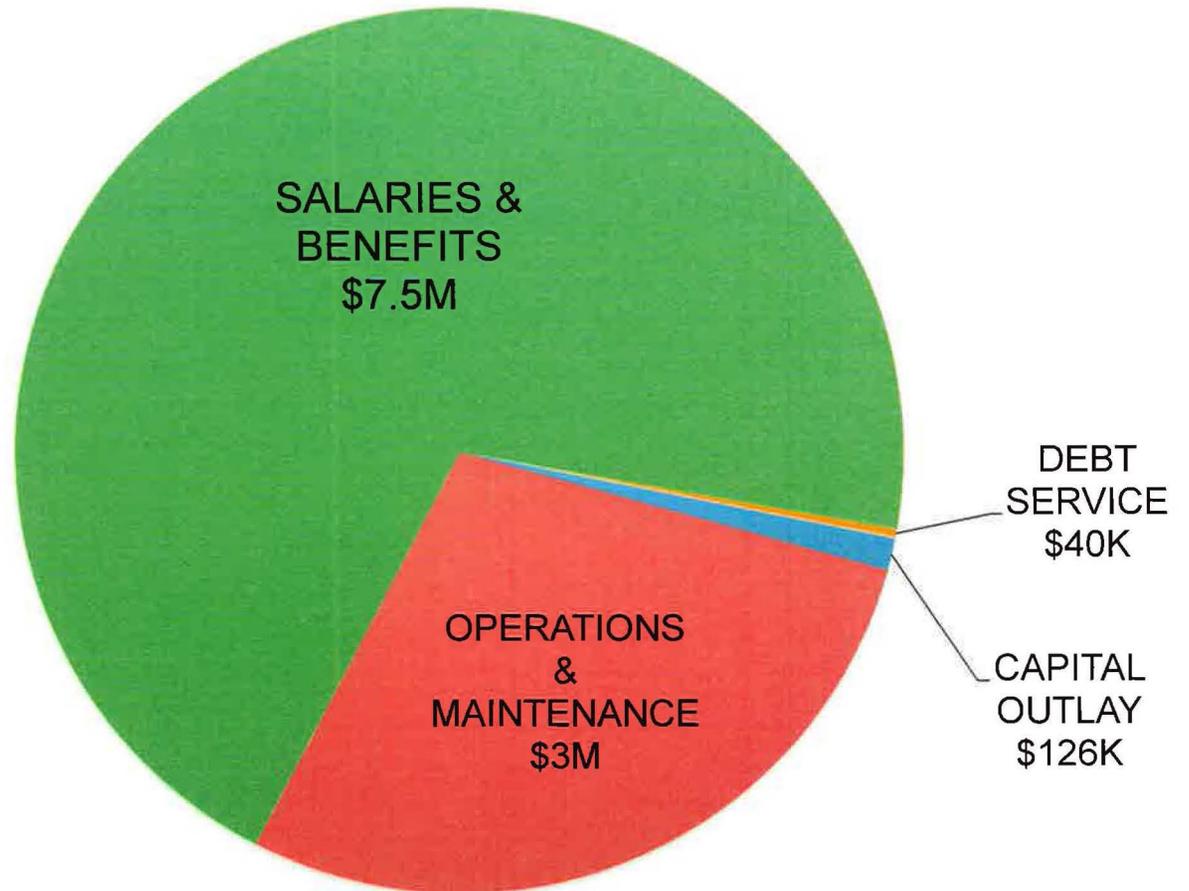


**(ORIGINAL 2016 BUDGET: \$1.4M) – (REVISED 2016 BUDGET: \$977K) =  
\$396K DECREASE**

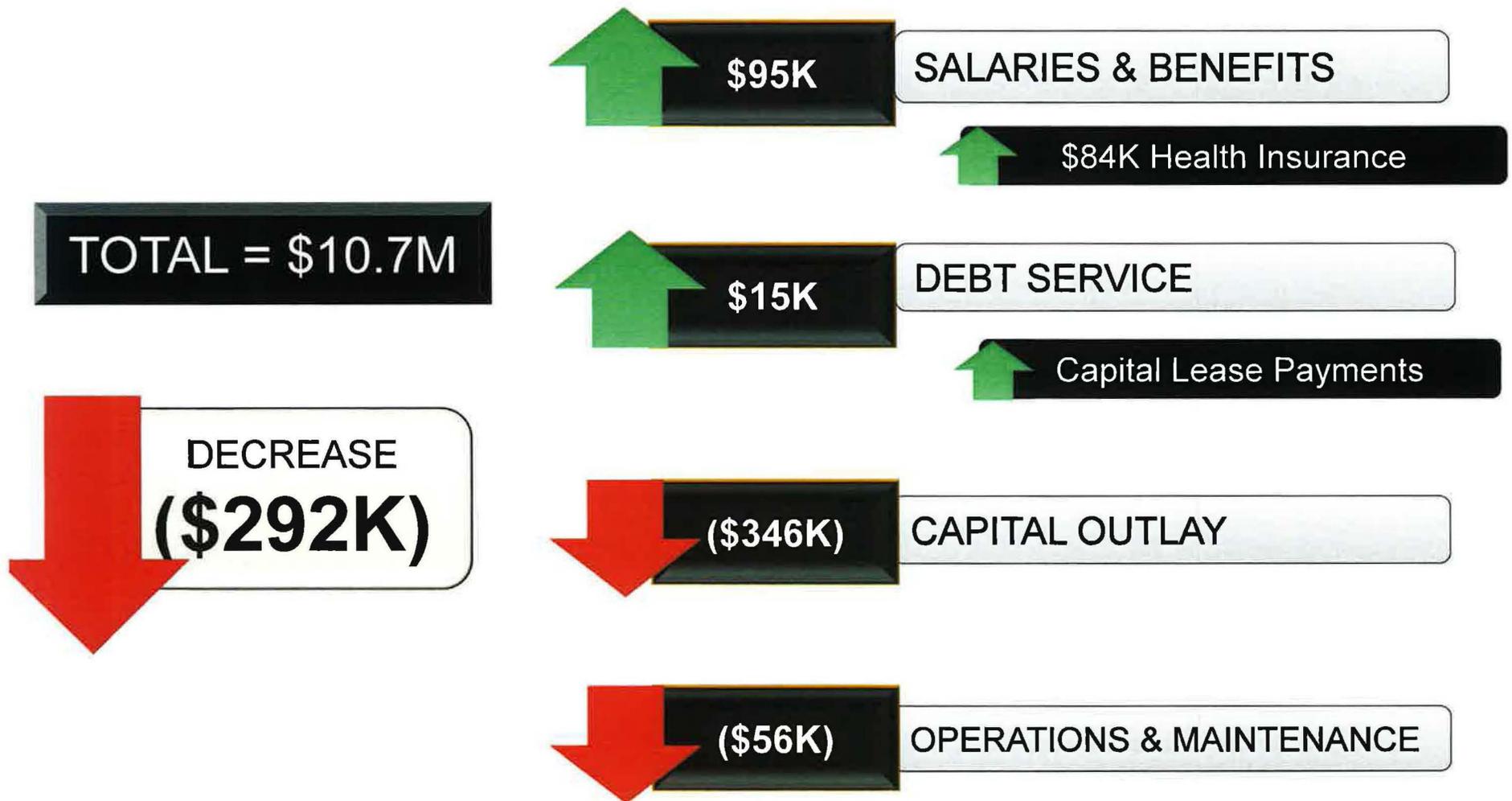
# General Fund - Expenditures

TOTAL = \$10.7M

DECREASE  
**(\$292K)**



# General Fund - Expenditures



# General Fund - Fund Balance

RESERVED  
17%

\$1.8M

UNRESERVED

\$1.5M

FUND BALANCE  
(Estimated 12/31/17)

\$3.3M

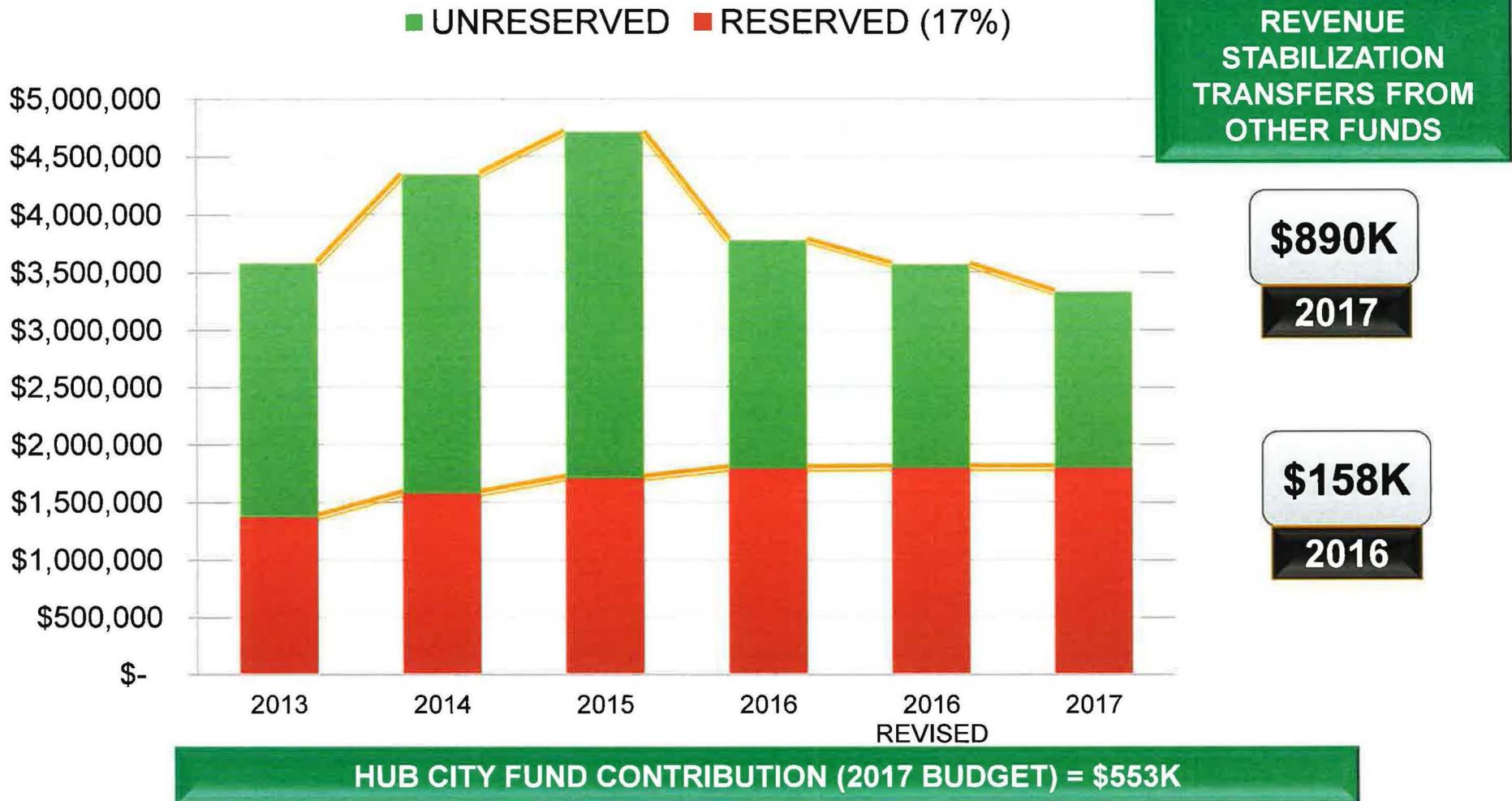


(\$240K)

DECREASE FROM  
2016 BUDGET  
(revised)



# General Fund Balances



# 2017 Budget - Utility Bill

## RESIDENTIAL USING 800 CUBIC FEET OR 8 UNITS OF WATER

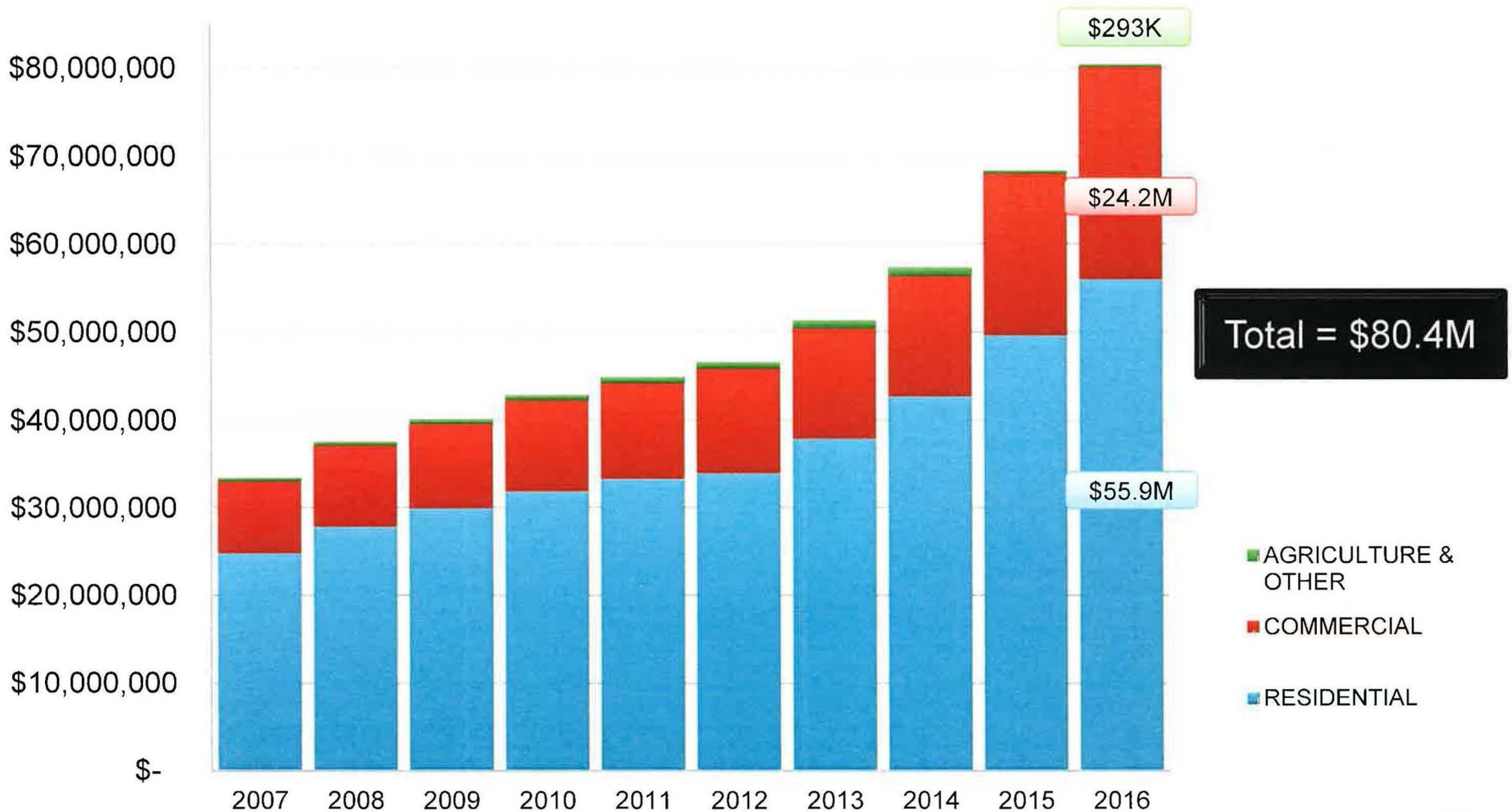
	PER MONTH		
	2016 BUDGET	INCREASE	2017 BUDGET
WATER AND WASTEWATER-BASE CHARGE	\$ 24.95	\$ -	\$ 24.95
WATER-USAGE CHARGE	\$ 22.40	\$ 0.80	\$ 23.20
WASTEWATER-USAGE CHARGE	\$ 12.80	\$ 0.40	\$ 13.20
STORMWATER-BASE CHARGE	\$ 2.00	\$ -	\$ 2.00
SOLID WASTE COLLECTION AND HAULING-BASE CHARGE	\$ 10.90	\$ 0.05	\$ 10.95
SOLID WASTE RECYCLING-BASE CHARGE	\$ 5.50	\$ 0.15	\$ 5.65
STREET LIGHTS-BASE CHARGE	\$ 4.40	\$ -	\$ 4.40
TOTAL	\$ 82.95	\$ 1.40	\$ 84.35

INCREASE PENDING UPDATED COST SHARE FUNDING FROM THE ND STATE WATER COMMISSION AND TIMING OF WATER TREATMENT CAPITAL IMPROVEMENT PROJECTS

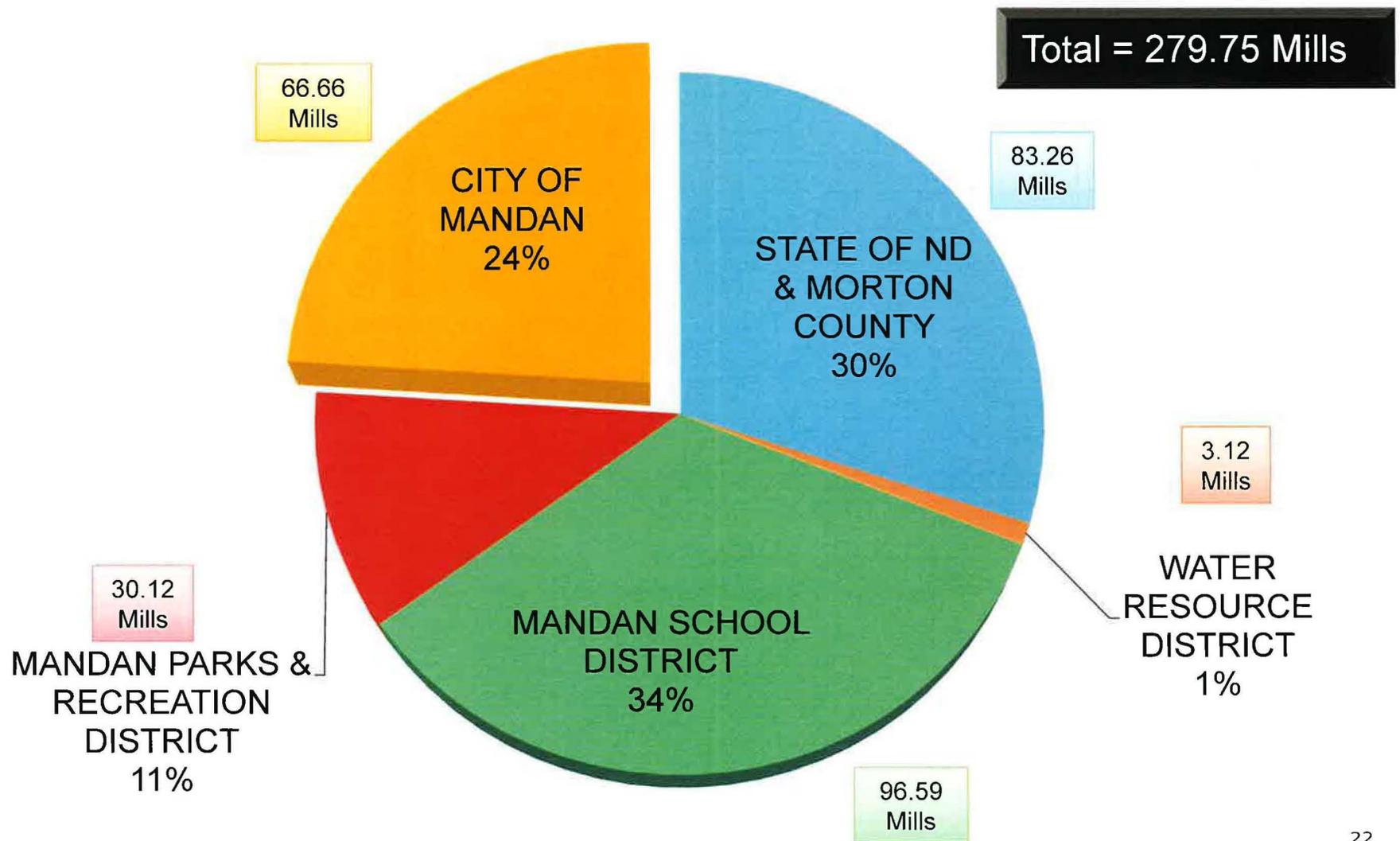
MISSOURI WEST WATER SYSTEM

\$0.07 INCREASE PER 1,000 GALLONS

# Taxable Valuations



# Property Tax Rates Tax Year 2015 (2016 Budget)

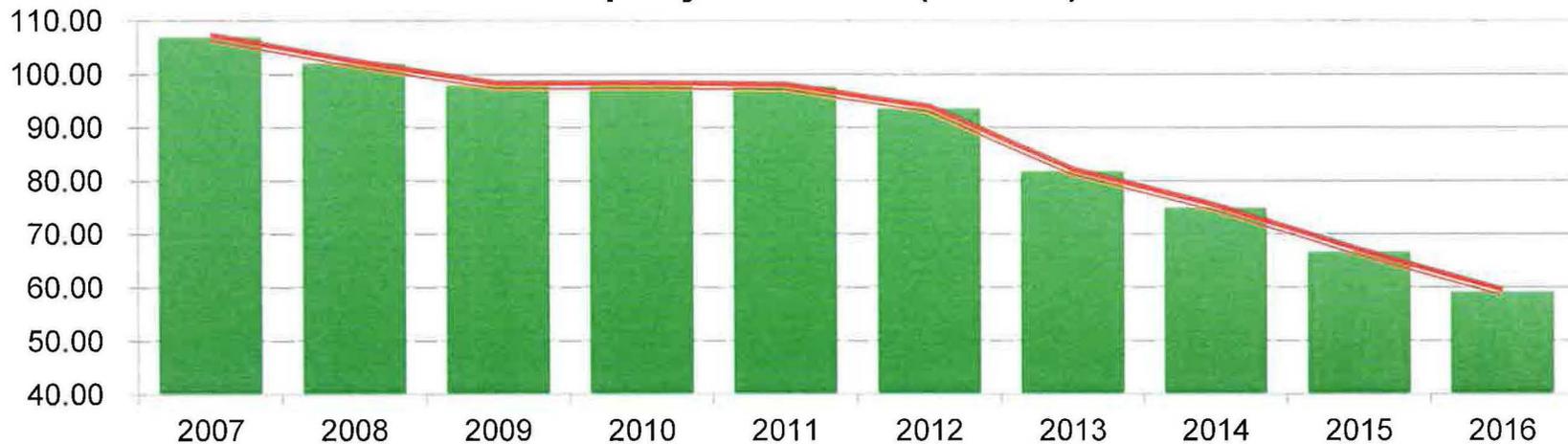


# 2017 Budget - Mill Levy and Property Taxes

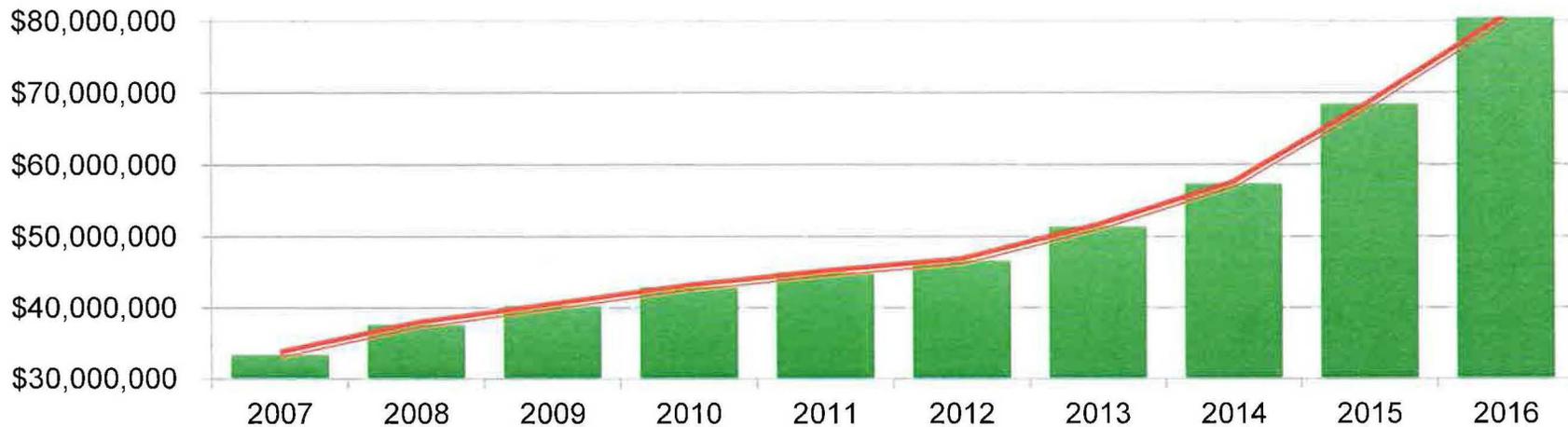
	<u>MILL LEVY</u>	<u>PROPERTY TAXES</u>
GENERAL FUND	41.52	\$ 3,340,787
<u>SPECIAL REVENUE FUNDS</u>		
CITY'S SHARE OF SPECIAL ASSESSMENTS	1.15	\$ 92,700
CEMETERY	2.00	\$ 160,924
PUBLIC TRANSPORTATION SYSTEM	2.00	\$ 160,924
<u>DEBT SERVICE FUNDS</u>		
GENERAL OBLIGATION BONDS:		
LIBERTY MEMORIAL BRIDGE	0.92	\$ 74,286
REFUNDING IMPROVEMENT BONDS:		
STREET IMPROVEMENT DISTRICT #145	0.42	\$ 33,508
STREET IMPROVEMENT DISTRICT #148	0.14	\$ 11,156
MANDAN AIRPORT AUTHORITY	4.00	\$ 321,848
MORTON MANDAN PUBLIC LIBRARY	7.00	\$ 563,235
TOTAL	<u>59.15</u>	<u>\$ 4,759,368</u>
2016 BUDGET	<u>66.66</u>	

# Property Tax Rates vs Valuations

## Property Tax Rates (in Mills)



## Taxable Valuations



# 2017 Budget - Property Taxes

General Fund	\$3.3M	↑	\$28K
Airport	\$321K	↑	\$48K
Library	\$563K	↑	\$84K
Total	\$4.7M	↑	\$198K

Two year \$75K property tax exemption for new residential construction

Tabled further discussion until January 2017



## New Construction & Expired Exemptions

\$117K COMMERCIAL

\$81K RESIDENTIAL

# Property Taxes



**GENERAL FUND PROPERTY TAXES HAS REMAINED STABLE SINCE 2010**

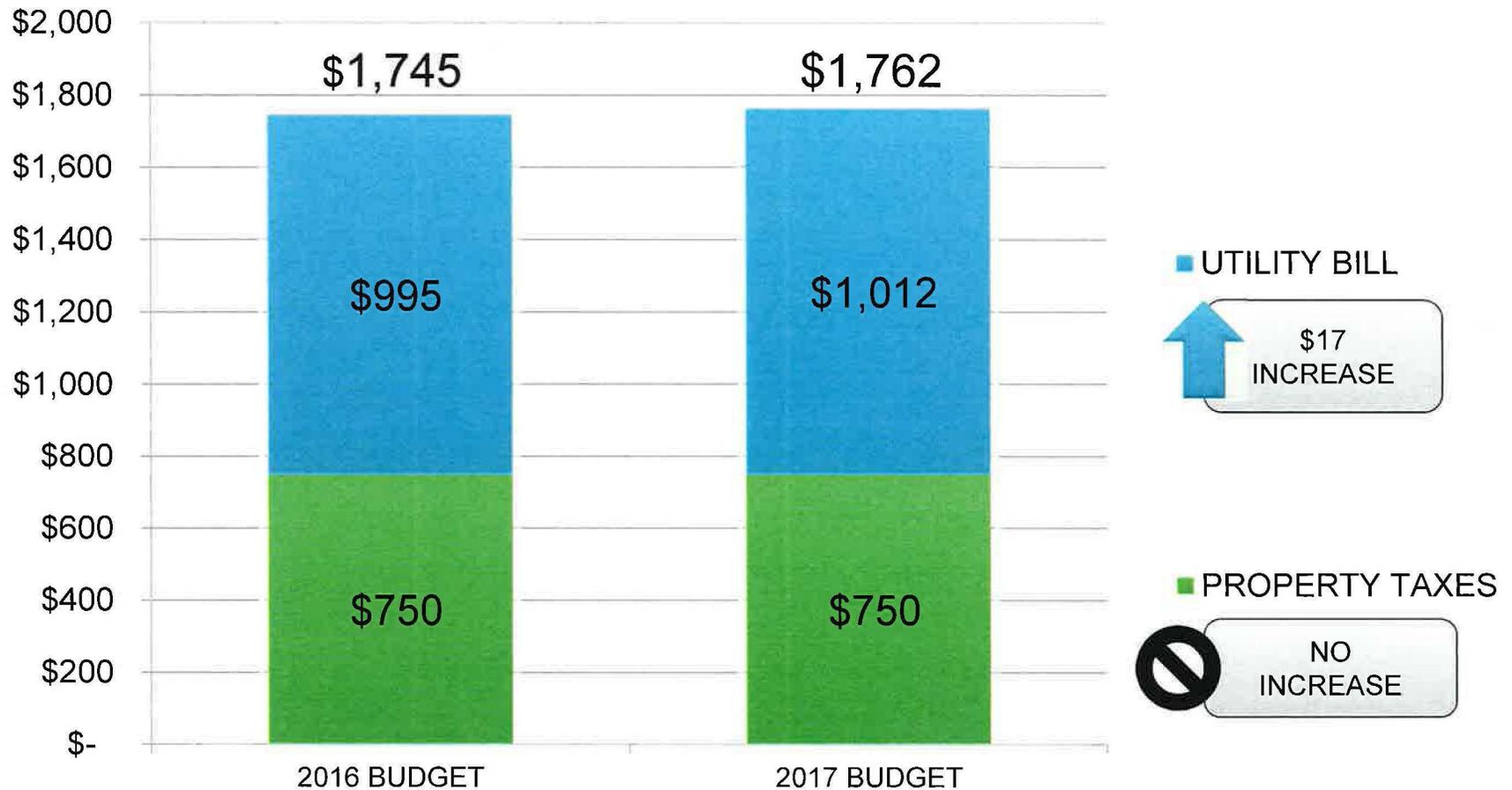
# 2017 Budget - Property Taxes

## RESIDENTIAL PROPERTY VALUED AT \$250,000 WITH A VALUATION INCREASE OF 12.7%

	2016 <u>BUDGET</u>	2017 <u>BUDGET</u>
TRUE AND FULL VALUE	\$ 250,000	\$ 250,000
TRUE AND FULL VALUE INCREASE %		12.7%
TRUE AND FULL VALUE INCREASE \$		<u>\$ 31,750</u>
ADJUSTED TRUE AND FULL VALUE		\$ 281,750
ASSESSED VALUATION (50% OF TRUE AND FULL VALUE)	\$ 125,000	\$ 140,875
TAXABLE VALUATION (9% OF ASSESSED VALUATION)	\$ 11,250	\$ 12,679
X MILL LEVY	66.66	59.15
TOTAL	<u><u>\$ 750</u></u>	<u><u>\$ 750</u></u>

- Valuation Increase < 12.7% = Pay Less
- Valuation Increase = 12.7% = Pay the Same
- Valuation Increase > 12.7% = Pay More

# 2017 Budget - Annual Cost for City Services



Existing \$250,000 Residential Property

(With a valuation increase of 12.7% and using 8 units of water per month, excluding special assessments)

# What's Next?

**September 16**  
2016

- The City will publish a Notice of Public Hearing of Ordinance No. 1249 adopting the 2017 Budget on October 4, 2016.

**October 4**  
2016

- The City will conduct a Public Hearing at 6:00 p.m. 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 & Sewer Utility Fund and the Solid Waste Utility Fund.

**October 10**  
2016

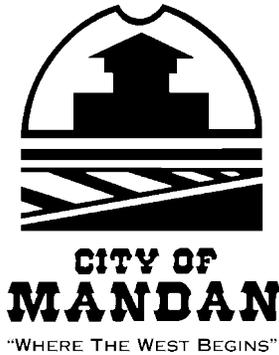
- Due date for the City to certify a copy of the Levy as adopted and the final Budget to the Morton County Auditor.

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



**Questions?**

**Comments?**



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 20, 2016  
**PREPARATION DATE:** September 15, 2016  
**SUBMITTING DEPARTMENT:** Business Development & Communications Department  
**DEPARTMENT DIRECTOR:** Ellen Huber, Business Development & Communications Director  
**PRESENTER:** Ellen Huber, Business Development & Communications Director  
**SUBJECT:** Taylor Made BBQ, LLC Storefront Improvement Application

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**STATEMENT/PURPOSE:** To consider a Mandan Growth Fund Committee recommendation for approval of a Downtown Storefront Improvement Program application by Taylor Made BBQ, LLC for 316 W Main Street.

**BACKGROUND/ALTERNATIVES:** The Mandan Growth Fund Committee met Sept. 14, 2016. Among agenda items was consideration an application by Taylor Made BBQ, LLC, a new business start-up by Adam and Kendra Taylor. The Taylors are leasing 316 W Main Street for a new eatery.

The estimated cost of the proposed storefront improvement project is \$16,885 with an additional allowance recommended from the committee for up to \$10,000 for a fence on the building's alley side to screen equipment and for exterior building lighting.

The committee's recommendation is to approve a maximum of \$13,442 in matching funds toward a potential \$26,885 project. The application outlines plans to replace repair and paint brick work through the building's second story, replace the awning and add new business signage.

The concept plan received approval from the Mandan Architectural Review Commission on Sept. 13, 2016, with a contingency that the final plan for the business sign be brought back for consideration prior to permitting. Additionally, the applicant's plans to install in chain link fence were revealed at the subsequent Growth Fund Committee meeting. A chain link fence is not allowed under downtown core standards. Thus, the applicant will need to submit fence plans with an option such as wood, vinyl or other more eye appealing

concept. They were also asked to explore an exterior lighting plan for the front of the building.

ATTACHMENTS: Application.

FISCAL IMPACT: The 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 Sept. 6, 2016. If this and a previous application on the Commission's Sept. 20 agenda are approved, the unallocated balance would be reduced to 116,618.86.

Taylor Made BBQ, LLC is additionally applying for the Restaurant Rewards sales tax rebate.

STAFF IMPACT: Minimal staff time is required for application processing and finalization.

LEGAL REVIEW: Attorney Brown has reviewed the application. The building already has an automatic door so meets with a local ordinance requiring such 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.

RECOMMENDATION: 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 W Main Street.

SUGGESTED MOTION: I move to approve providing up to \$13,442 in matching funds for the storefront improvement project by Taylor Made BBQ, LLC, at 316 W Main Street.



## STOREFRONT IMPROVEMENT APPLICATION

**PRIMARY CONTACT INFORMATION FOR THIS APPLICATION**

Name: Adam Taylor

Address: 1005 Midway Dr

Phone: 701-770-4497 Fax: \_\_\_\_\_

E-mail: ~~adam.taylor49@gmail.com~~ taylormadebbq1@gmail.com

**Applicant Name:**  
 (name of person/entity to receive grant) Taylor Made BBQ LLC

**Property Owner:** Bob Gustafson

**Property Address:** 316 W Main St Mandan ND 58554

**Architect/Firm:**  
 (if applicable) \_\_\_\_\_

**Description of Property**

Current tenant(s):  Commercial \_\_\_\_\_  
 Residential # occupied: \_\_\_\_\_ # vacant:

Building History (if available): It was Mandan Drug, Mandan Diner & Soda shop

\_\_\_\_\_

\_\_\_\_\_

<b>Total Cost of façade renovation:</b> <u>\$16,885</u> <b>\$ 18,441.31</b>	<b>Forgivable Loan Amount of Requested:</b> <u>\$8,442.50</u> <b>\$ 9,220.65*</b>
--	--

Is the façade renovation part of a larger project?  
 Yes  No, the façade is the only work I am doing

If yes, please describe comprehensive project.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Summary of Existing Condition of Façade:** (please attach pictures – Attachment 1)

Building condition, aesthetically, is in OK condition; masonry work integral to facade, and will be addressed. Building is structurally sound; wood staining & mason work will be completed.

**Summary of Proposed Scope of Work:** (materials, color schemes, etc.) Please attach colorized drawings that include pre- and post- rehab detail, indicating specifically what will be modified and how (Attachment 2). Bids or official estimates from licensed commercial contractors or other providers of needed services and materials are required. (Attachment 3)

The new awning will be dark green. "Not shown in Photo".  
Jim Fetter will be repairing bricks & painting exterior of building.  
Meadowlark woodworks will be designing & hanging custom sign.

**Historic Character:** How will proposed project affect historic character? (if applicable)

Our proposed project will do nothing more than enhance the building's distinct historical character.

**How will your project complement downtown redevelopment efforts?** We are confident by giving this building the aesthetic updates it deserves, we will undoubtedly generate excitement, and thus business, that Mandan so deserves.

For more information, call the Business Development Office at 701-667-3485.

Signature of applicant: Monty Date: 9/6/16

Signature of property owner: F. A. M. Date: 9/6/16  
(if different than applicant)

**Special Notices**

- 1) Properties are eligible only once to receive Storefront Improvement funds.
- 2) Voters in the Nov. 4, 2008, election in the City of Mandan approved an initiated ordinance that states, "Installation of electric handicap accessible entrance doors are required on every building open to the public that has received public funds in any form whatsoever." Any property receiving Storefront Improvement funds since Nov. 14, 2008, is subject to the requirement. Include an estimate for an automatic door at least for the main entrance if you do not have one.



**mann**  
SIGNS, INC.  
1507 Continental Ave  
bismarck, nd 58504  
701-355-1111  
www.mannsignsinc.com

**CLIENT:**  
Taylor Made  
BBQ

**APPROVAL:**  
X

DUE TO VARIATIONS IN OUTPUT DEVICES, THE COLORS SHOWN HERE MAY NOT REFLECT ACTUAL COLORS.

THE CONCEPTS REPRESENTED IN THIS ARTWORK ARE THE PROPERTY OF MANN SIGNS, INC. AND MAY NOT BE USED IN WHOLE OR PART WITHOUT WRITTEN CONSENT FROM MANN SIGNS, INC.

Preliminary sign concept only. Applicant is seeking a similar sign via Meadowlark Woodworks.

The image shows a technical drawing of a sign and a photograph of the sign installed on a building. The sign is a square with a white border and a dark background. It features the text "TAYLORMADE" in a stylized font at the top, a silhouette of a pig in the middle, and "BBQ" in a large, bold font at the bottom. The dimensions of the sign are 32 inches wide and 32 inches high. To the right of the sign is a vertical rectangular element, 8 inches wide and 32 inches high. The photograph shows the sign mounted on the side of a building, with a street and a car visible in the background.

**INDIGO SIGNWORKS**  
www.indigosignworks.com

TaylorMade BBQ  
Mandan ND  
Quote # 41167  
Date: 8-19-16  
Revised Date:  
Sales Representative:  
Brad Feldman  
Drawn by: Malayia Kahl  
Page Scale: 1" = 1'-0"  
Page Size: 11x17

**Item Sign Cabinet**  
Quantity: 1  
Size: 36" x 32" x 8"  
Double Sided  
Face Material: Polycarbonate  
Background Color: Woodgrain  
Copy: TaylorMade  
Copy: BBQ  
Copy Color: White with a Black Outline  
Cabinet Color: Black  
Illumination Type: White LED  
Voltage: 120V

3501 Memorial Hwy. | Mandan, ND 58554  
P.O. Box 2776 | Bismarck, ND 58502  
p. 701.250.9698 | f. 701.250.8686

High Resolution Images | available | view file icon

Due to the limitations of the printing process, the colors shown may not reflect actual colors.

The ideas and designs contained in this original and republished drawing are the property of Indigo Signworks, Inc. and may not be used or reproduced in whole or part without written permission from Indigo.



**STOREFRONT & LANDSCAPE  
 IMPROVEMENT APPLICATION**

# ATTACHMENT 3: BIDS & COST ESTIMATES

Summary of Proposed Expenditures		
Source of Estimate or Bid	Purpose	Estimated Cost
Jim Fetter Masonry INC.	Brick Repair & paint	\$17,475.00
Meadowlack Woodworks, LLC	storefront sign	\$1200.00
<del>Indigo Signworks INC</del>	<del>New Awning</del>	<del>\$9,766.31</del>
Mann Signs	new awning	\$8,210
<b>Total</b>		<del>\$18,441.31</del>

16,885.00



**PROPOSAL**  
 1507 Continental Ave.  
 Bismarck, ND 58504

**Scott Bina**  
**Phone: 355-1111**  
**Fax: 355-1112**

<b>PROPOSAL SUBMITTED TO:</b> Taylor Made BBQ	<b>DATE</b> 9/12/2016
<b>ADDRESS</b>	<b>JOB NAME</b>
<b>CITY, STATE, ZIP CODE</b>	<b>JOB LOCATION</b> Mandan, N.D.

We hereby submit specifications and estimates for

Remove the existing awning from building, remove current awning material, replace with new green Awnmax awning material with custom valance, and install back on building. New awning material will have white vinyl graphics that read "Taylor Made BBQ".  
 Price: \$7,460

Provide and install vinyl graphics on two 48" wide windows. Graphics to read: "EAT MEAT".  
 Price: \$400

Provide and install vinyl graphics on entrance door. Graphics will have Taylor Made BBQ logo with hours.  
 Price: \$150

Sign Permit: \$200

Total Price: \$8,210

We Propose hereby to furnish material and labor – complete in accordance with above specifications, for the sum of:  
 Eight thousand two hundred ten dollars and 0/100 \$8,210

Payment to be made as follows  
 50% Down payment, Balance due upon completion

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from the above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized  
 Signature \_\_\_\_\_

Note: This proposal may be withdrawn by us if not accepted within 30 days.

**ACCEPTANCE OF PROPOSAL:** The prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined on page 1.

Signature \_\_\_\_\_

Date of Acceptance \_\_\_\_\_

Signature \_\_\_\_\_

Meadowlark Woodworks, LLC  
 2492 136th Ave NW  
 Arnegard, ND 58835

## Job Estimate

License Number: 55725  
 License Class: Class B - \$500,000 contract limit

Adam Taylor  
 Taylor Made BBQ

**Estimate #** 0000001  
**Estimate Date** 09/06/2016

Item	Description	Unit Price	Quantity	Amount
Product	30"w x 36"h custom wood sign w/ burned logo (2 sides), weather finish, steel sign bracket fabrication, installation	1200.00	1.00	1,200.00
<b>Subtotal</b>				1,200.00
<b>Total</b>				1,200.00
<b>Amount Paid</b>				0.00
<b>Estimate</b>				\$1,200.00



# Proposal

Page No. \_\_\_\_\_  
 of \_\_\_\_\_ Pages

**JIM FETTER MASONRY INC.**  
 508 NORTH 13TH ST. • (701) 258-9789 • FAX 258-1046  
 BISMARCK, NORTH DAKOTA 58501  
 CONT. LICENSE #22683 • FEDERAL ID #45-0438792

*Kendra - 527 4224*

PROPOSAL SUBMITTED TO:		DATE: <i>Sept 21, 2016</i>	
NAME: <i>Adam &amp; Kendra Taylor</i>	JOB NAME: <i>Taylor made BBO</i>		
STREET: <i>316 - W main</i>	STREET: <i>316 - W - main</i>		
CITY: <i>Mandan</i>	CITY: <i>mandan</i>	STATE: <i>N Dak</i>	
STATE: <i>North Dakota 58554</i>	ARCHITECT:	DATE OF PLANS:	

We hereby submit specifications and estimates for: *Labor and materials for Brick Repair on Brick, Light Repair to stabilize Brick, includes Equipment Rental and sidewalk protection and security Banacade*

We hereby propose to furnish labor and materials — complete in accordance with the above specifications, for the sum of:  
 \$ *7,475.00* *seven thousand four hundred seventy five and no/100*

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

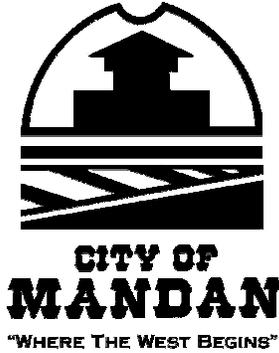
Authorized Signature *James J Fetter PO*  
*30*

NOTE: This proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

## Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

**Accepted:** \_\_\_\_\_ Signature \_\_\_\_\_  
 \_\_\_\_\_ Date \_\_\_\_\_ Signature \_\_\_\_\_



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 20, 2016  
**PREPARATION DATE:** September 16, 2016  
**SUBMITTING DEPARTMENT:** Business Development & Communications Department  
**DEPARTMENT DIRECTOR:** Ellen Huber, Business Development & Communications Director  
**PRESENTER:** Ellen Huber, Business Development & Communications Director  
**SUBJECT:** Taylor Made BBQ, LLC Storefront Improvement Application

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**STATEMENT/PURPOSE:** To consider a Mandan Growth Fund Committee recommendation for approval of Restaurant Rewards sales tax rebate for Taylor Made BBQ, LLC, which plans to open at 316 W Main Street.

**BACKGROUND/ALTERNATIVES:** The Mandan Growth Fund Committee met Sept. 14, 2016. Among agenda items was consideration an application by Taylor Made BBQ, LLC, a new business start-up by Adam and Kendra Taylor. The Taylors are leasing 316 W Main Street for a new eatery. The restaurant will seat 65 people. The concept is counter service only. The applicant has also indicated plans to apply for a restaurant beer and wine license. They expect to have three full-time employees.

**ATTACHMENTS:** Application.

**FISCAL IMPACT:** The sales tax rebate does not come from any existing revenue, but rather forgoes future revenue that will result from the opening and sales that occur at Taylor Made BBQ. With projected annual sales of \$240,000, the rebate of the 1% 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.

Taylor Made BBQ, LLC is additionally is applying for the Storefront Improvement Program.

STAFF IMPACT: Minimal staff time is required for application processing and finalization.

LEGAL REVIEW: Attorney Brown has reviewed the application. The building already has an automatic door so meets with a local ordinance requiring such when participating in a local business assistance program. A business incentive agreement is also required for projects exceeding \$25,000 in assistance. While the sales tax rebate alone may not trigger this, it is possible this threshold could be achieved over five years in combination with a Storefront Improvement application.

Additionally, Attorney Brown is assisting staff with the finalization of a sales tax rebate recipient agreement. Administrator Neubauer is submitting the final draft to the N.D. Tax Department for another review to be sure it is compatible with their remittance timelines and the timeline within which the N.D. Treasury Department provides sales tax collections to the municipalities. The agreement essentially requires the applicant to provide copies of sales tax remittance information 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 consideration for approval.

RECOMMENDATION: 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 percent local sales tax for Taylor Made BBQ, LLC, at 316 W Main Street.

SUGGESTED MOTION: I move to approve the five-year rebate of the 1 percent local sales tax for Taylor Made BBQ, LLC, at 316 W Main Street.



**RESTAURANT REWARDS INCENTIVE PROGRAM**  
**1% Local Sales Tax Rebate & Interest Buy-Down**  
**Application & Checklist**

PRIMARY CONTACT INFORMATION FOR THIS APPLICATION	
Name:	Adam & Kendra Taylor
Title:	Taylor Made BBQ LLC
Address:	1005 Midway Dr Bismarck ND 58501
Phone:	701-770-4497
E-mail:	tayormadebbq@gmail.com

Form of Assistance Sought:  1% Sales Tax Rebate  
 Flex Pace Interest Buy-down (requires additional application)

APPLICANT INFORMATION	
Name of person or entity to receive rebate:	Adam & Kendra Taylor Taylor Made BBQ LLC
State Sales Tax Number:	Will have in 4 days (9/21/16) 327297 & 327297-33
Federal Employer Identification Number:	81.3714582
Restaurant Ownership/Affiliation:	<input type="checkbox"/> Corporate <input type="checkbox"/> Franchise <input checked="" type="checkbox"/> Independent
Project Principals: (If applicable)	Name Adam Taylor % 50 Name % Name Kendra Taylor % 50 Name % Name % Name %
Are you applying for any other local incentives?	<input checked="" type="checkbox"/> Yes (please indicate programs) Storefront Improvement <input type="checkbox"/> No

RESTAURANT INFORMATION	
Levels of Service:	<input type="checkbox"/> Full-Service (table side service) <input type="checkbox"/> Limited Service (order w/ cashier, food brought to tables) <input checked="" type="checkbox"/> Counter service only <input type="checkbox"/> Drive-thru (must have customer seating to be eligible)
Restaurant Concept:	<input type="checkbox"/> Fast Food <input checked="" type="checkbox"/> Fast Casual <input checked="" type="checkbox"/> Cafe <input type="checkbox"/> Coffee Shop (at least 50% of sales must come from prepared food) <input type="checkbox"/> Pub or Bar/Grill (at least 50% of sales must come from prepared food) <input type="checkbox"/> Fine Dining <input type="checkbox"/> Buffet <input type="checkbox"/> Other (please explain):
Menu: (Primary Foods Served)	Attach document and/or describe here: Brisket, Pulled Pork, Pork Ribs, Potato Salad, Macaroni, Coleslaw, corn bread, Baked beans
Do you have or intend to apply for a liquor license?	<input type="checkbox"/> Yes, I have a license – please specify type: <input checked="" type="checkbox"/> I plan to apply for a license – please specify type: Beer & Wine <input type="checkbox"/> No, I do not plan to serve alcohol.
Hours of Operation:	Su: am - pm M: am - pm Tu: 8:30am - 5:00pm W: 8:30am - 5:00pm Th: 8:30am - 5:00pm F: 8:00am - 8:00pm Sa: 8:00am - 8:00pm

Board of City Commissioners  
 Agenda Documentation  
 Meeting Date: September 20, 2016  
 Subject: Taylor Restaurant Rewards Application  
 Page 4 of 6

LOCATION INFORMATION			
Address of New or Expanding Restaurant:	316 W Main St Mandan ND 58554		
Property Control – Land:	<input type="checkbox"/> Owned	<input checked="" type="checkbox"/> Leased Term of Lease: 3yr	<input type="checkbox"/> Other (please explain)
Property Control – Building:	<input type="checkbox"/> Owned	<input checked="" type="checkbox"/> Leased Term of Lease: 3yr	<input type="checkbox"/> Other (please explain)
Building Situation:	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Addition	<input type="checkbox"/> New Construction
Building Square Footage:	Existing 2,000	Addition	New Construction
Seating Capacity:	Existing 65	Addition	New Construction
Building Improvements: (Cost & Description) Storefront Improvement. Repairing broken bricks & paintwork. New awning will be installed.			
Projected Opening Date: November 18 2016			

FINANCIAL IMPACT			
Number of Jobs Created:	Full-Time : 3		Part-Time
Estimated Annual Sales:	\$ 240,000.00		
For existing restaurants — Last 2 Years of Retail Sales: Attach copies of sales tax submissions.	Year	Sales \$ Amount	Year Sales \$ Amount
	Year	Sales \$ Amount	Year Sales \$ Amount
Estimated daily customer traffic:	65		

**Other Business & Applicant Information**

Please submit as many of the following items as possible in order for the City of Mandan Growth Fund Committee and City Commission to make an appropriate decision on an application:

- Option to buy agreement for a building or letter of intent to lease contingent on receipt of incentives
- Business plan for new businesses or first-time restaurant operators
- Certificate of Good Standing from N.D. Tax Department
- Proof of registration with N.D. Secretary of State

*Additional information or documentation may be requested if deemed necessary.*

Be advised as per North Dakota open records law that applications may be released to the public if requested except for portions subject to NDCC 44-04-18.4 pertaining to confidentiality of trade secret, proprietary, commercial, and financial information.

**Certification and Authorization**

I / We certify that all information set forth in this application is a true representation of the facts pertaining to the proposed business for the purpose of obtaining funding under the City of Mandan Restaurant Incentive Program. I / We understand and acknowledge that any willful misrepresentation of the information contained in this application could result in disqualification from the program, requiring any funds already disbursed to be repaid in full to the City of Mandan.

The undersigned specifically authorizes the City of Mandan Business Development Office or its representatives to conduct a background check on the applicant, including the checking of references and the verification of any information on the application.

I understand that personal and/or business information may be requested pursuant to this applicant for an incentive and I hereby give my consent for such information to be provided to the City of Mandan Business Development Office, the Mandan Growth Fund Committee or its representatives. I also understand that the Mandan Growth Fund Committee and the Mandan City Commission retain the decision as to whether this incentive application is approved, disapproved, or modified. It is my right to accept or decline the incentive amount and terms approved by the program.

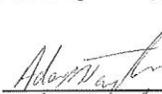
The applicant further certifies that he/she has read and understands the City of Mandan Restaurant Incentive Program Guidelines. The applicant must comply with all local, state and federal regulations. It is understood that all funding commitments are contingent upon the availability of program funds.

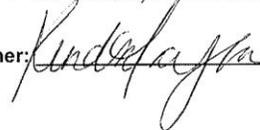
**Release of information**

The applicant hereby authorizes any third party to release to the City of Mandan Business Development Office without limit, any and all financial information regarding the applicant that is requested by the City of Mandan Business Development Office, its representatives or employees. Further, the applicant hereby authorizes release of said records and information by the City of Mandan Business Development Office to a third party, as deemed necessary by the City of Mandan Business Development Office, its representatives or employees.

All owners, officers or partners must sign this application.

**Signature(s):**

Applicant/Business Owner:  Date: 9/5/16

Applicant/Business Owner:  Date: 9/8/16

Submit application form and all supporting documents to:

City of Mandan  
Business Development Office  
205 Second Avenue NW  
Mandan, ND 58554  
Website: [www.cityofmandan.com/businessdevelopment](http://www.cityofmandan.com/businessdevelopment)  
E-mail: [ehuber@cityofmandan.com](mailto:ehuber@cityofmandan.com)

For more information, call City of Mandan Business Development Office; phone 701-667-3485.

Thursday, September 8, 2016

## Taylor Made BBQ Menu

By the 1/2 pound :

Brisket- 9

Ribs- 7.50

Pulled pork- 7.50

Turkey - 7.50

Ribs:

St. Louis style:

Half rack- 15

Full Rack- 25

Sandwiches

Brisket - 8.50

Pulled pork- 7

Chopped beef- 7

Sides:

Cole Slaw- \$2 / \$5 pint

Beans- \$2/ \$5 pint

Potato salad-\$2/ \$5 pint

Macaroni- \$2/ \$5 pint

Chips- \$1.50

Kids: 1 sandwich or hotdog, plus one side and drink (smaller portion)

\$6.00

Plates

2 meat w/ two sides- 12



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 20, 2016  
**PREPARATION DATE:** September 15, 2016  
**SUBMITTING DEPARTMENT:** Business Development & Communications Department  
**DEPARTMENT DIRECTOR:** Ellen Huber, Business Development & Communications Director  
**PRESENTER:** Ellen Huber, Business Development & Communications Director  
**SUBJECT:** Fettig Millwork & Window Storefront Application

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**STATEMENT/PURPOSE:** To consider a Mandan Growth Fund Committee recommendation for approval of a Downtown Storefront Improvement Program application by Fettig Millwork and Windows for a corner property at 800 W Main Street.

**BACKGROUND/ALTERNATIVES:** The Mandan Growth Fund Committee met Sept. 14, 2016. Among agenda items was consideration of an application by Fettig Millwork and Windows. Owner Brian Fettig has the property under purchase agreement. He is planning a full exterior and interior renovation as well as an addition that will cover a portion of the adjoining parcel at 105 7<sup>th</sup> Avenue NW.

The estimated cost of the exterior improvements is \$164,940.03, not including additional planned investment in shrubs or other landscaping, nor does it include the interior renovation. The application is for the maximum \$30,000 in matching funds. The application outlines plans to reskin street-facing sides of the building with 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 proposed metal siding is not allowed in the downtown core district. The addition will feature a new roof line and an awning.

The building design and site plan received MARC preliminary approval Sept. 13, 2016. 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 applicant is planning additional investment of approximately \$63,820.25 in interior building renovation.

Fettig has been operating his business in Mandan for about 10 years. His showroom is currently located at 3327 Memorial Highway in the Midway Lanes building. He leases shop spaces in two other locations. For more information, visit [www.fettigmillworkandwindows.com](http://www.fettigmillworkandwindows.com).

ATTACHMENTS: Application.

FISCAL IMPACT: The request is for \$30,000 in matching funds. The unallocated balance for economic development projects in the Growth Fund (sales tax generated) is \$160,060.86 as of Sept. 6, 2016.

Fettig additionally is applying for 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.

STAFF IMPACT: Minimal staff time is required for application processing and finalization.

LEGAL REVIEW: Attorney Brown has reviewed the application. Per local ordinance, an automatic door is required on at least one entrance to the building. A business incentive agreement is also required for projects exceeding \$25,000 in assistance.

RECOMMENDATION: 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 W Main Street.

SUGGESTED MOTION: I move to approve providing up to \$30,000 in matching funds for the storefront improvement project by Fettig Millwork and Windows for 800 W Main Street.



## STOREFRONT IMPROVEMENT APPLICATION

PRIMARY CONTACT INFORMATION FOR THIS APPLICATION	
<b>Name:</b>	Brian Fettig
<b>Address:</b>	712 13th Ave. NW, Mandan, ND 58554
<b>Phone:</b>	701-426-8294
<b>Fax:</b>	_____
<b>E-mail:</b>	blfettig@bis.midco.net

**Applicant Name:**  
(name of person/entity to receive grant) Fettig Millwork & Windows, Inc.

**Property Owner:** Brian Fettig

**Property Address:** 800 W Main St. - 105 7th Ave. NW

**Architect/Firm:** Fine Line Design & Drafting  
(if applicable)

Description of Property	
<b>Current tenant(s):</b>	<input checked="" type="checkbox"/> <b>Commercial</b> _____ <input type="checkbox"/> <b>Residential</b> # occupied: _____ # vacant: <u>X</u>
<b>Building History (if available):</b>	<u>Building was an old gas station, car lot, fix it shop</u>
_____	_____
_____	_____

	<u>\$ 164,940.03</u>		
<b>Total Cost of</b>	<del>\$ 162,258.78</del>	<b>Forgivable</b>	
<b>façade renovation:</b>		<b>Loan Amount of</b>	
		<b>Requested:</b>	<u>\$ 30,000.00</u>

Is the façade renovation part of a larger project?  
 Yes       No, the façade is the only work I am doing

If yes, please describe comprehensive project.  
We are building an addition on to existing building, new siding on all sides of  
Building ,new windows, new roof line, and awning.

\_\_\_\_\_

\_\_\_\_\_

**Summary of Existing Condition of Façade:** (please attach pictures – Attachment 1)

Old run down building that was once a gas station.

**Summary of Proposed Scope of Work:** (materials, color schemes, etc.) Please attach colorized drawings that include pre- and post- rehab detail, indicating specifically what will be modified and how (Attachment 2). Bids or official estimates from licensed commercial contractors or other providers of needed services and materials are required. (Attachment 3)

We will be adding an addition and changing the roof line to give it more curb appeal. We are putting on new roofing materials, new windows and doors, including shop/garage doors and also new siding.

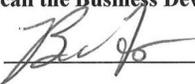
**Historic Character:** How will proposed project affect historic character? (if applicable)

n/a

**How will your project complement downtown redevelopment efforts?**

We are taking an old run down building and giving it a complete facelift. Complementing the buildings surrounding it that have already made these improvements.

**For more information, call the Business Development Office at 701-667-3485.**

Signature of applicant:  Date: 9-7-16

Signature of property owner: \_\_\_\_\_ Date: \_\_\_\_\_  
(if different than applicant)

**Special Notices**

- 1) Properties are eligible only once to receive Storefront Improvement funds.
- 2) Voters in the Nov. 4, 2008, election in the City of Mandan approved an initiated ordinance that states, "Installation of electric handicap accessible entrance doors are required on every building open to the public that has received public funds in any form whatsoever." Any property receiving Storefront Improvement funds since Nov. 14, 2008, is subject to the requirement. Include an estimate for an automatic door at least for the main entrance if you do not have one.



**FETTIG MILLWORK SHOP**

**CONSTRUCTION PERMITS**

ALL PERMITS MUST BE OBTAINED FROM THE CITY OF MILWAUKEE. THE CITY OF MILWAUKEE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DOCUMENT. THE CITY OF MILWAUKEE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DOCUMENT. THE CITY OF MILWAUKEE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DOCUMENT.

**SOFTPLAN 2016**

ALL EXTERIOR DIMENSIONS ARE TO EXTERIOR EDGE OF BEARING (CONCRETE/STEEL). ALL INTERIOR DIMENSIONS ARE TO GRID LINES.

**Fettig**  
MILLWORK & WINDOWS

FINE LINE DRAFTING AND DESIGN  
 400 W. WISCONSIN AVENUE, SUITE 200  
 MILWAUKEE, WI 53212  
 WWW.FINELINEDESIGN.COM

**FETTIG MILLWORK SHOP**  
 NORTH SIDE  
 FETTIG MILLWORK

DRAWN BY: SLP  
 JOB # 1501  
 SCALE: As Noted OR 1/8"=1'-0"  
 DATE: 9-10-16  
 PRINT DATE: 9/20/2016  
 PAGE # 1

**DRAWING SCHEDULE**

COVER SHEET	1
FOUNDATION PLAN	2
MAIN FLOOR PLAN	3
FRONT AND REAR ELEVATIONS	4
LEFT AND RIGHT ELEVATIONS	5
ROOF PLAN	6



**SOFT PLAN 2016**

ALL EXTERIOR DIMENSIONS ARE TO EXTERIOR EDGE OF BEARING CONCRETE/STUD. ALL INTERIOR DIMENSIONS ARE TO STUD LING.

**FRONT ELEVATION**  
SCALE: 1/8" = 1'-0"

**REAR ELEVATION**  
SCALE: 1/8" = 1'-0"

**FETTING MILLWORK & WINDOWS**

**FINE LINE DRAFTING AND DESIGN**

MISSION  
FETTING MILLWORK SHOP

DATE: 8-18-16  
 PRINT DATE: 8/22/2016  
 PAGE # 4

**SOFT PLAN 2016**

ALL EXTERIOR DIMENSIONS ARE TO EXTERIOR EDGE OF BEARING CONCRETE/STUD. ALL INTERIOR DIMENSIONS ARE TO STUD LING.

**LEFT ELEVATION**  
SCALE: 1/8" = 1'-0"

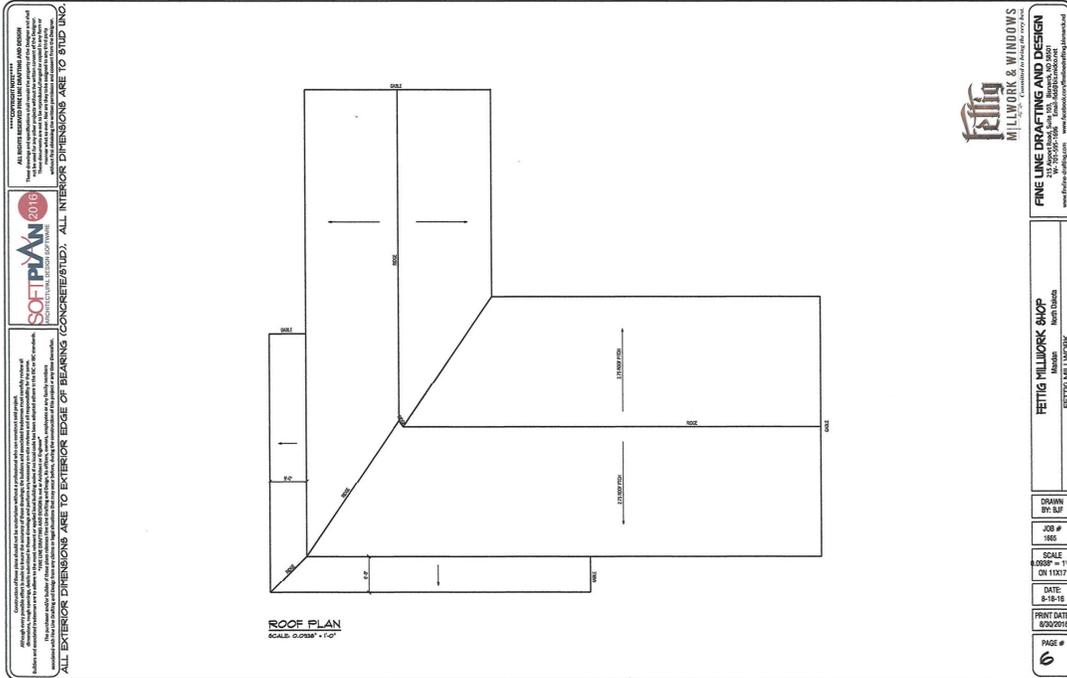
**RIGHT ELEVATION**  
SCALE: 1/8" = 1'-0"

**FETTING MILLWORK & WINDOWS**

**FINE LINE DRAFTING AND DESIGN**

MISSION  
FETTING MILLWORK SHOP

DATE: 8-18-16  
 PRINT DATE: 8/22/2016  
 PAGE # 5



**Fettig Millwork & Windows**  
 712 13th Ave NW  
 Mandan, ND 58554 US  
 (701) 426-8394  
 blfettig@bis.midco.net



## ESTIMATE

**ADDRESS**  
 Fettig Millwork and Windows  
 800 W Main  
 Mandan, ND

**ESTIMATE #** 1109  
**DATE** 09/05/2016

ACTIVITY	QTY	RATE	AMOUNT
<b>Concrete</b> Foundation for addition including rebar, concrete and labor.	1	12,489.00	12,489.00
<b>Excavation</b> Remove old foundation and prepare new foundation.	1	3,500.00	3,500.00
<b>Materials</b> Materials and trusses for framing addition.	1	11,000.00	11,000.00T
<b>Labor</b> Labor for framing addition. Including setting rafters and sheathing.	1	19,400.00	19,400.00
<b>Furring Existing Building</b> Install furring material for siding materials and labor included.	1	5,000.00	5,000.00
<b>Siding</b> Side addition and existing building. 6000 SF	1	36,000.00	36,000.00
<b>Insulation</b> Insulate exterior walls of existing building before siding.	1	8,500.00	8,500.00
<b>Windows</b> Marvin Infinity Fiberglass windows including installation.	1	12,763.71	12,763.71
<b>Door</b> Thelma Tru service door with window. Including installation and wrapping door and transom window above door.	1	1,275.00	1,275.00
<b>Garage Doors</b> Shop doors (3) 10x10 (2) 12x14 Price includes installation and materials.	1	5,954.25	5,954.25
<b>Awning</b> Build 52'x6', 42'x6' awning materials and labor included.	1	6,907.32	6,907.32

Board of City Commissioners  
 Agenda Documentation  
 Meeting Date: September 20, 2016  
 Subject: Fettig Storefront Improvement Application  
 Page 10 of 10

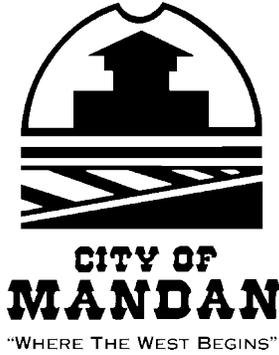
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ACTIVITY	QTY	RATE	AMOUNT
<b>Roof</b> New roof for existing building and addition. Material and labor included.	1	24,672.00	24,672.00
<b>Concrete</b> Fix concrete foundation on existing building.	1	500.00	500.00
<b>Signs</b> Signs for exterior of building.	1	10,000.00	10,000.00
<b>Electric</b> Wire for lights, signs, Ac unit and power into panel for addition.	1	3,500.00	3,500.00
<b>Auto Door Opener</b> Auto door opener installed.	1	2,500.00	2,500.00

SUBTOTAL	163,961.28
TAX (7.25%)	978.75
<b>TOTAL</b>	<b>\$164,940.03</b>

Accepted By

Accepted Date



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 20, 2016  
**PREPARATION DATE:** September 15, 2016  
**SUBMITTING DEPARTMENT:** Business Development & Communications Department  
**DEPARTMENT DIRECTOR:** Ellen Huber, Business Development & Communications Director  
**PRESENTER:** Ellen Huber, Business Development & Communications Director  
**SUBJECT:** Fettig Millwork & Window RZ Application

---

**STATEMENT/PURPOSE:** To consider a Mandan Growth Fund Committee recommendation for approval of a Renaissance Zone application by Fettig Millwork and Window, Inc. for a corner property at 800 W Main Street and 105 7<sup>th</sup> Avenue NW.

**BACKGROUND/ALTERNATIVES:** The Mandan Renaissance Zone Committee met Sept. 14, 2016, to consider a purchase with improvements application by Fettig Millwork and Window, Inc. 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 estimated at \$63,820.25 include renovation for showroom and office space with framing, electrical updates, new bathrooms, a furnace and air conditioning, light fixtures and flooring. Exterior improvements are pegged at \$164,940.03 to 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 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 preliminary approval Sept. 13, 2016. 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 by far 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. He has also applied for the Storefront Improvement Program, but even with the \$60,000 for the matching funds and his investment, putting the minimum total at \$94,800; his applications still far exceed this threshold.

Fettig hopes to begin renovations immediately upon securing assistant program approvals and closing on the purchase of the property, ideally by Oct. 1 with completion anticipated by February 2017.

Fettig has been operating his business in Mandan for about 10 years. His showroom is currently located at 3327 Memorial Highway in the Midway Lanes building. He leases shop spaces in two other locations. The project will allow him to consolidate all aspects of his business into one location. The business currently has five employees. He hopes to add about three more in the upcoming five years, but the primary purpose of the incentive would be surrounding community development and rehabilitation of a building that is likely 50-plus years old. The project and business will improve a building that is currently vacant, adding more vitality to West Main Street. For more information about the business, visit [www.fettigmillworkandwindows.com](http://www.fettigmillworkandwindows.com).

ATTACHMENTS: Application.

FISCAL IMPACT: Our 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.

*Note: Fettig additionally is applying for Storefront Improvement Program matching funds in the amount of \$30,000. 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.*

STAFF IMPACT: Minimal staff time is required for application processing and finalization.

LEGAL REVIEW: Attorney Brown has reviewed the application. Per local ordinance, an automatic door is required on at least one entrance to the building. The applicant has provided a certificate of good standing from the N.D. Tax Department dated Sept. 7, 2016.

The N.D. Commerce Department requires business incentive agreements for each application, which have been received from the applicant for the mayor's signature, if these applications are approved.

RECOMMENDATION: The Mandan Renaissance Zone Committee voted 4-0 (3 members absent) to recommend approval of the application by Fettig Millwork and Windows for 800 W Main Street and 105 7<sup>th</sup> Avenue NW 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.

SUGGESTED MOTION: I move to approve the application by Fettig Millwork and Windows for 800 W Main Street and 105 7<sup>th</sup> Avenue NW 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.



### RENAISSANCE ZONE PROJECT APPLICATION

*A Renaissance Zone project must be approved by the Mandan Renaissance Zone Committee, Mandan City Commission and the N.D. Commerce Department — Division of Community Services before the qualifying event occurs (purchase, rehabilitation, lease or new construction). Submit applications to the City of Mandan Business Development Office, 205 Second Avenue NW, Mandan, ND 58554, phone 701-667-3485.*

#### APPLICANT INFORMATION

1. Type of project
  - Commercial/Business
  - Residential
2. Name of applicant(s)/or business name Fettig Millwork and Windows Inc.  
Tax identification or social security number (both for joint filers)  
47-4931677 / \_\_\_\_\_  
Legal name (if different than trade name) \_\_\_\_\_  
Type of entity (for commercial/ business applications)
  - Partnership
  - Corporation
  - Subchapter S corporation
  - Cooperative
  - Sole proprietorship
  - Limited liability company
  - Limited liability partnership
3. Mailing address 712 13th ave NW Mandan ND 58554
4. Phone number 701-426-8394
5. E-mail address blfettig@bis.midco.net

#### PROJECT INFORMATION

6. Street address of proposed project 800 West Main St and 105 7th ave NW
7. Legal description Lot 8 Block 14 and N50 Lots 4-7 Block 14
8. Current owner (if different than applicant) Fred A Zander (Purchase agreement signed)

9. Current use of property Vacant

10. Parcel size (in square feet) 800 West Main = 8000SF. 105 7th ave NW = 5000SF.

11. Building floor area (in square feet) 2280

12. Type of project

- New construction
- Purchase with improvements
- Rehabilitation
- Leasehold improvements
- Lease
  - New
  - Expansion – additional square footage \_\_\_\_\_
  - Continuation of a lease

If a lease project, does it involve relocation of a business from one location in the city's Renaissance Zone to another location in the Renaissance Zone?

- Yes
- No

13. Project description (scope of work including breakout of capital improvements)

Demo part of building for show room and remodel. Including some electrical updates.

Adding an addition for office and shop space.

14. Current true and full value of the building \$69600.00

15. Total estimated cost of improvements (attach cost estimates) ~~\$63,820.25~~ \$228,760.28<sup>85</sup>  
*Note: Any grant funds may not be counted in determining if the cost of improvements or rehabilitation meets or exceeds the minimum requirements.*

16. Estimated value of building after improvements have been completed \$203,500

17. Estimated property tax benefit (annually) \$2,849 (five years) \$14,245

18. Estimated state income tax benefit (annually) \$1,500 (five years) \$7,500.00

Is the entity subject to the financial institution tax (NDCC 57-35.3)?

- Yes
- No

19. Describe how the project benefits the community (Examples: Business created, expanded or retained, additional jobs created, additional products or services available, improved property, etc.)

Giving the community including Bismarck and other small towns, another reason to shop downtown. Giving employment to residents. Improving on the appearance of Mandan.

20. Project timeline including anticipated start and completion dates.  
Would like to start by October 1 and finish by Feb. 2017
- 

21. Does this project involve historical preservation or renovation?  
 Yes  
 No

For projects that involve historical preservation or renovation, but are not part of a rehabilitation project, provide a description of the work and the estimated costs. A **letter of approval from the Historical Society is required to claim any historical tax credits either on a rehabilitation project or renovation.** Information for historical properties may be obtained by contacting the Historical Society at: (701) 328- 2666.

22. Evidence that the taxpayer is current on local and state taxes?  
 Yes  
 No

*Attach copy of certificate of Good Standing from the N.D. Tax Department and proof of payment of current real estate taxes such as a copy of a receipt from the Morton County Treasurer's Office.*

23. For residential projects, please provide evidence that the home is the taxpayer's primary residence.

#### **SUMMARY OF ATTACHMENTS**

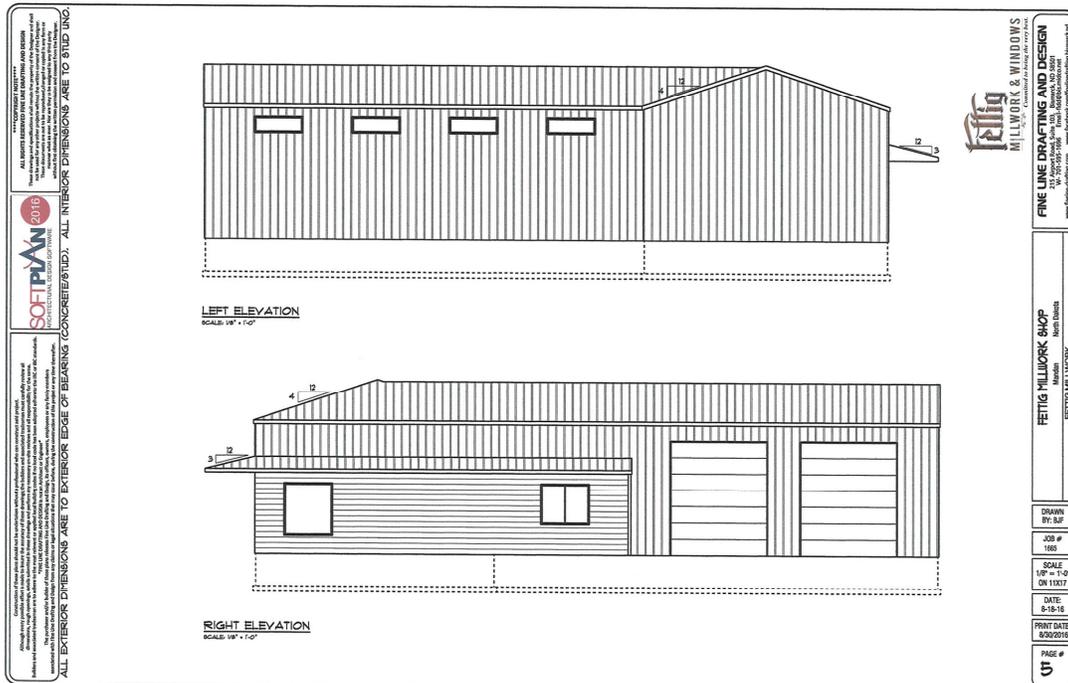
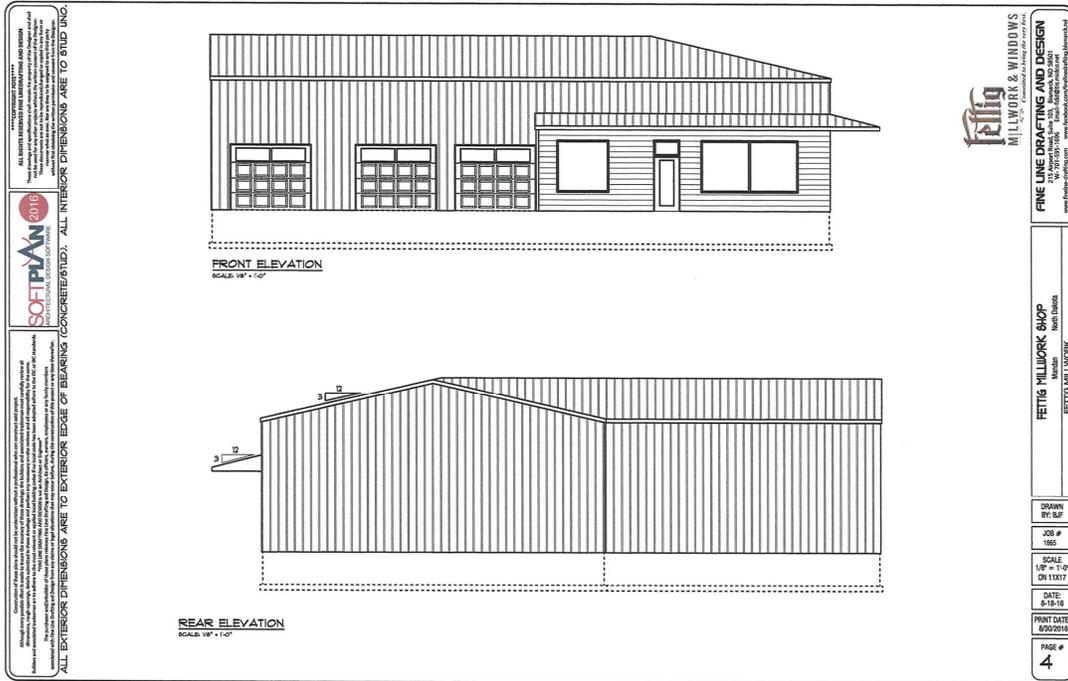
Documents to be submitted along with application:

- Certificate of Good Standing from N.D. Tax Commissioner
- Proof of payment of current real estate taxes
- Contractor(s) detailed cost estimate(s) — for improvements, rehab or new construction with capital improvements delineated as compared to non-capital improvements. Capital improvements include, but are not limited to, replacement or updating of roof, foundation, structure, siding, windows, doors or other weatherization improvements, electrical, plumbing, heating, ventilation or central air conditioning. Non-capital improvements are items such as floor coverings, wall treatments, cabinets, furnishings, and window treatments.
  - o Rehabilitation
    - Commercial — must demonstrate that the proposed re-investment is at least 50 percent of the current and true value of the, of which not less than 80 percent will be used for capital improvements
    - Residential — must demonstrate that the proposed re-investment is at least 20 percent of the current and true value of the building, of which not less than 80 percent will be used for capital improvements and no more than 20 percent for detached out buildings
  - o New construction — documentation that the proposed investment is at least \$55 per square foot
- Current photo(s) of property showing all sides of any existing building(s) — for improvements, rehab
- Site plan — for new construction or expansion
- Proposed building elevations, with exterior building material and color clearly indicated — for improvements, rehab, new construction
- Proof of primary residence — for residential applications
- Proof of benefit from property tax exemption — for leasehold improvement applications
- Business Incentive Agreement (see SF 59686 (11/2010))











**Fettig Millwork & Windows**  
 712 13th Ave NW  
 Mandan, ND 58554 US  
 (701) 426-8394  
 blfettig@bis.midco.net



## ESTIMATE

**ADDRESS**  
 Fettig Millwork and Windows  
 800 W Main  
 Mandan, ND

**ESTIMATE #** 1110  
**DATE** 09/06/2016

ACTIVITY	QTY	RATE	AMOUNT
<b>Demolition</b> Demo existing interior.	1	2,200.00	2,200.00
<b>Electric</b> Wire office, shop and showroom for lights and receptacles.	1	3,500.00	3,500.00
<b>Drywall</b> Drywall Material	1	800.00	800.00T
<b>Labor</b> Hang , tape texture drywall,and paint.	1	4,455.00	4,455.00
<b>Doors</b> (5) interior doors stained and installed.	1	2,300.00	2,300.00
<b>Framing</b> Frame office and show room.	1	2,300.00	2,300.00
<b>Framing Materials</b> Materials for framing showroom, bathrooms and office.	1	1,500.00	1,500.00
<b>HVAC</b> Furnace and ac for show room and office. Duct work and installation.	1	15,000.00	15,000.00
<b>Millwork</b> Extention jamb,base and casing stained and installed.	1	2,500.00	2,500.00
<b>Lighting</b> Light fixtures for office and showroom.	1	1,500.00	1,500.00T
<b>Insulation</b> Insulate exterior walls of addition and showroom.	1	18,168.00	18,168.00
<b>Flooring</b> Flooring for office and showroom.	1	7,500.00	7,500.00
<b>Material</b> (2)Toilets,(2) sinks (2) vanity, cabinets	1	1,800.00	1,800.00T

SUBTOTAL	63,523.00
TAX (7.25%)	297.25
TOTAL	<b>\$63,820.25</b>

Accepted By

Accepted Date

**Fettig Millwork & Windows**  
 712 13th Ave NW  
 Mandan, ND 58554 US  
 (701) 426-8394  
 blfettig@bis.midco.net



## ESTIMATE

**ADDRESS**  
 Fettig Millwork and Windows  
 800 W Main  
 Mandan, ND

**ESTIMATE #** 1109  
**DATE** 09/05/2016

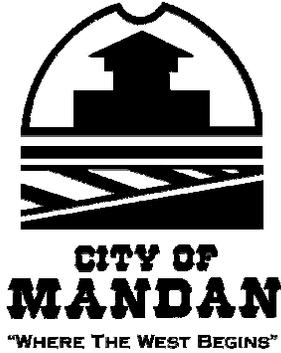
ACTIVITY	QTY	RATE	AMOUNT
<b>Concrete</b> Foundation for addition including rebar, concrete and labor.	1	12,489.00	12,489.00
<b>Excavation</b> Remove old foundation and prepare new foundation.	1	3,500.00	3,500.00
<b>Materials</b> Materials and trusses for framing addition.	1	11,000.00	11,000.00T
<b>Labor</b> Labor for framing addition. Including setting rafters and sheathing.	1	19,400.00	19,400.00
<b>Furring Existing Building</b> Install furring material for siding materials and labor included.	1	5,000.00	5,000.00
<b>Siding</b> Side addition and existing building. 6000 SF	1	36,000.00	36,000.00
<b>Insulation</b> Insulate exterior walls of existing building before siding.	1	8,500.00	8,500.00
<b>Windows</b> Marvin Infinity Fiberglass windows including installation.	1	12,763.71	12,763.71
<b>Door</b> Thelma Tru service door with window. Including installation and wrapping door and transom window above door.	1	1,275.00	1,275.00
<b>Garage Doors</b> Shop doors (3) 10x10 (2) 12x14 Price includes installation and materials.	1	5,954.25	5,954.25
<b>Awning</b> Build 52'x6', 42'x6' awning materials and labor included.	1	6,907.32	6,907.32

ACTIVITY	QTY	RATE	AMOUNT
<b>Roof</b> New roof for existing building and addition. Material and labor included.	1	24,672.00	24,672.00
<b>Concrete</b> Fix concrete foundation on existing building.	1	500.00	500.00
<b>Signs</b> Signs for exterior of building.	1	10,000.00	10,000.00
<b>Electric</b> Wire for lights, signs, Ac unit and power into panel for addition.	1	3,500.00	3,500.00
<b>Auto Door Opener</b> Auto door opener installed.	1	2,500.00	2,500.00

SUBTOTAL	163,961.28
TAX (7.25%)	978.75
<b>TOTAL</b>	<b>\$164,940.03</b>

Accepted By

Accepted Date



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 20, 2016  
**PREPARATION DATE:** September 14, 2016  
**SUBMITTING DEPARTMENT:** Business Development & Communications  
**DEPARTMENT DIRECTOR:** Ellen Huber, Business Development & Communications Director  
**PRESENTER:** Ellen Huber, Business Development & Communications Director  
**SUBJECT:** Request for a new liquor license category

---

**STATEMENT/PURPOSE:** To consider a request from a new business opening in Mandan to establish a beer- and wine-only, on-sale liquor license.

**BACKGROUND/ALTERNATIVES:** Staff received an inquiry and follow-up written confirmation of 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 to date with similar types of beer- and wine-only, on-sale or beer-only, on-sale licenses include Dickinson, Williston and Rapid City, S.D. Below is a synopsis of their ordinance and comparable fee structure.

**DICKINSON — Chapter 4.08.060 – Alcoholic beverages – license requirement excerpt**

- (j) Beer Only License.

The City may grant an alcoholic beverage license permitting sale of on-sale tap beer or beer in open bottles sales subject to the following restrictions and conditions:

- (1) A licensee hereunder shall comply with all of the laws of the state relating to the sale and dispensation of alcoholic beverages.
- (2) A licensee hereunder may sell tap beer or beer in opened bottles, cans or similar packages.
- (3) The license hereunder shall be for the sale of beer for consumption on the premises only, and no sales for consumption off the premises shall be made.
- (4) Except as modified herein, a licensee hereunder shall comply with and be subject to all the remaining provisions of this Code, including this Chapter.

*Dickinson's fee is \$700 for the beer-only license. This compares to its restaurant license fee of \$2,500*

**WILLISTON**

- Has a general on-sale beer category for \$300 annually and beer and wine on-sale at \$5,000 for the first year and a \$1,000 annual renewable fee thereafter.

**RAPID CITY**

- Has a retail (on-off sale) wine for \$500 and retail (on-off sale) malt beverage for \$300. These are far below their Retail (on-sale) liquor licenses at \$100,000 initially and renewed for \$1,500 or the Retail (on-sale) liquor, restaurant license for \$295,000 initially and renewed for \$1,500.

**ATTACHMENTS:** Letter from Ryan Hertel and Mandan liquor license fee schedule.

**FISCAL IMPACT:** The fee structure would need to be determined, pending Commission action to create an ordinance that would make the license available.

**STAFF IMPACT:** Minimal.

**LEGAL REVIEW:** City Attorney Malcolm Brown would assist in drafting an ordinance if the Commission provides the direction to do so.

**RECOMMENDATION:** I recommend that an ordinance and fee structure be drafted for the requested beer-and wine-only, on-sale liquor license for review and consideration at a future City Commission meeting.

**SUGGESTED MOTION:** I move provide direction to staff that an ordinance and fee structure be drafted for the requested beer-and wine-only, on-sale liquor license for review and consideration at a future City Commission meeting.

RECEIVED AUGUST 5, 2016 VIA E-MAIL

2508 Grant DR  
Bismarck ND, 58501  
August 5, 2016

Mancave Grooming  
Men's Hair Salon  
4524 Memorial Square #102  
Mandan, ND 58554

RE: Request for ordinance to create an on-sale beer & wine classification of liquor license

To: City of Mandan

I am writing to request that the City of Mandan create a new city ordinance for On-sale beer and wine for my new men's hair salon. I am hoping to create an atmosphere that caters to Men and gives them a feeling of being in a "Mancave" while getting their haircuts. As you know, most like to enjoy a cool beverage from time to time and I would like to be able to offer that to my guests, both those getting their haircut and those people waiting for them. However, we will not be soliciting customers for liquor sales and only sell to our customers. I will have 5 beers on tap along with a small selection of wines.

Thank you for taking the time to review this and I'm looking forward to bringing this new concept to life in the City of Mandan! If you have any questions, please don't hesitate to contact me.

Sincerely,

701-391-6233

[Ryanhertel@hotmail.com](mailto:Ryanhertel@hotmail.com)

## RESOLUTION

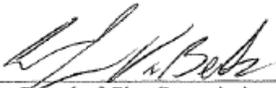
Be it resolved by the Board of City Commissioners of the City of Mandan, North Dakota, pursuant to § 12-02-06, of the Mandan Municipal Code, that the license fees for the sale of alcoholic beverages shall be as follows:

### ALCOHOL LICENSE FEE SCHEDULE

<u>License</u>	<u>Annual Renewal</u>	<u>Fee</u>
Class A	(General Retail-On & Off sale Beer & Liquor)	\$3,100
Class B	(Club-On & Off sale Beer & Liquor)	\$2,800
Special B	(Publicly Owned or Operated Facilities-On Sale Beer)	\$100
Special B	(Publicly Owned Facilities-On sale Beer & Liquor)	\$100
Class C	(Motel & Hotel-On & Off sale Beer & Liquor)	\$2,900
Class D	(Exclusive Off sale Beer & Liquor)	\$3,100
Class D-1	(Exclusive Off sale Beer & Wine)	\$600
Class E	(Restaurant-On sale Beer & Liquor)	\$2,500
Class F	(Restaurant-On sale Beer & Wine)	\$1,150
Class G	(Commercial passenger vessels)	\$1,150
Class WB	(Wine or Brewery)	\$600
Class MP	(Member Producer)	\$600
Class DY	(Distilled Spirits)	\$600

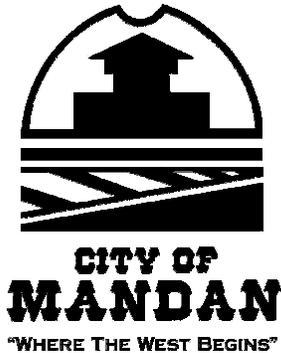
<u>License</u>	<u>Issuance</u>	<u>Fee</u>
Class A	(General Retail-On & Off sale Beer & Liquor)	\$60,000
Class D	(Exclusive Off sale Beer & Liquor)	\$80,000
Class D-1	(Exclusive Off sale Beer & Wine)	\$40,000

Dated this 15th day of October, 2013.

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

Attest:

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



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 20, 2016  
**PREPARATION DATE:** September 15, 2016  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Justin Froseth PE, Planning & Engineering  
Director  
**SUBJECT:** Consider Advertisement for RFP for McKenzie  
Drive Reconstruct and Signalization Project

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**STATEMENT/PURPOSE:** The reconstruction project of McKenzie Drive from the west side of the expressway ramps to 46<sup>th</sup> Avenue along with the signalization of McKenzie and 46<sup>th</sup> has been approved for federal funding match money in 2017. This item is to start looking for a consulting engineer to work with the city and DOT to further plan and create documents to bid the project.

**BACKGROUND/ALTERNATIVES:** The pavement at McKenzie is unravelling fast and is in poor condition. Additionally, the growth in that area of town has continued to be more accelerated than any other parts of town. Considering the growth and including the opening of the YMCA scheduled for 2017 adjacent to that intersection and we believe that a traffic light is warranted at that intersection sooner than later.

**ATTACHMENTS:**

1. RFP
2. Area of Improvements Map

**FISCAL IMPACT:** This segment 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 picked up locally by sales tax, city-wide property tax, and possibly a special assessment district.

**STAFF IMPACT:** Minimal

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

**RECOMMENDATION:** We would recommend advertising the RFP

**SUGGESTED MOTION:** I move to start advertising the RFP for the McKenzie Drive Reconstruct and Signalization Project.

REQUEST FOR PROPOSALS FOR ENGINEERING SERVICES

The City of Mandan hereby solicits written proposals from professional civil engineering firms for engineering services required for the purpose of:

Provide design engineering and prebid services for the project. Services shall include preparing a project concept report, designing of project, prepare bid and contract documents.

It is proposed that all State and Federal requirements be met in a timely manner so as to facilitate a bid date for the project of no later than the summer of 2017 for 2017 season construction. Final plans and specifications are to be completed and submitted 10 weeks prior to bid opening per NDDOT requirements. The general scope and nature of the construction project to be designed is as follows;

Full removal and reconstruction of roadway to an urban section including curb and gutter and road widening for McKenzie Drive from the west side on and off ramp connections of Expressway to 46<sup>th</sup> Avenue SE. Install traffic signalization at the intersection of McKenzie Drive and 46<sup>th</sup> Avenue SE.

Written proposals shall address, as a minimum, the following items of consideration; the firms:

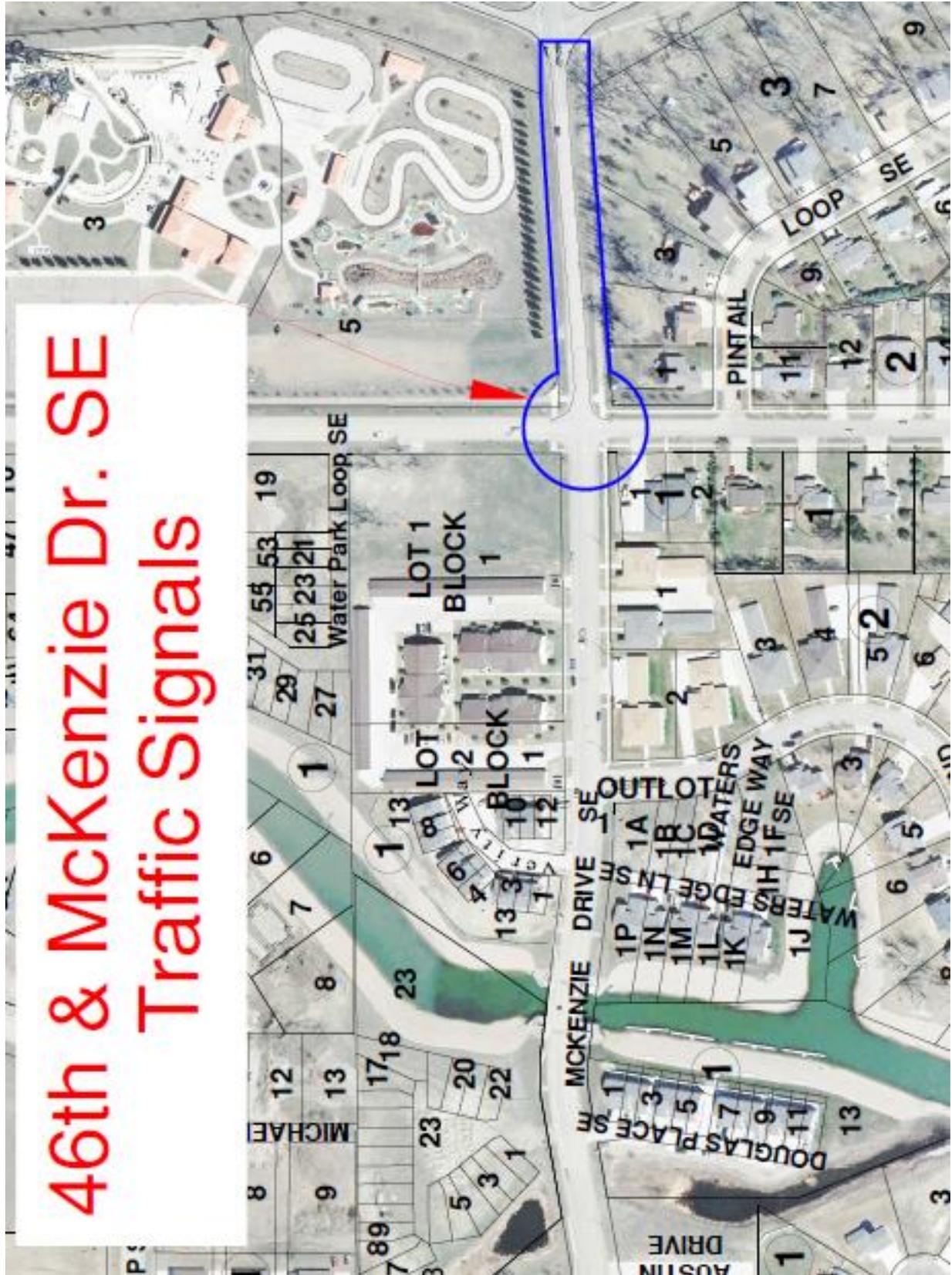
- 1) Past performance
- 2) Ability of professional personnel, including project understanding
- 3) Willingness to meet time and budget requirements
- 4) Location of firm's staff performing the work
- 5) Recent, current, and projected workloads
- 6) Related experience on similar projects
- 7) Recent and current work for the city

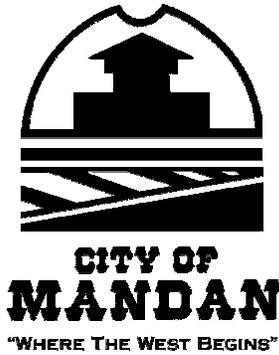
The selection of the firm will be based on the evaluation of the written proposals and interviews by the selection committee. The selection committee may interview all or some of the firms based on the proposals. The selection committee will then forward their recommendations to the Board of City Commissioners for their consideration. Price will be negotiated with the successful firm. An engineering agreement will be executed with a single firm.

Written proposals from qualified consultants will be accepted until 4:00 p.m., Friday, October 21<sup>st</sup>, 2016. Proposal pages shall be numbered and limited to four (4) pages in length. Each proposal shall contain a cover letter signed by an authorized officer of the firm. The cover letter will not be counted as one of the four (4) pages. The proposal may include an appendix for such information as resumes, references, past projects, etc. that support the firms capability. The appendix will not be considered as part of the four (4) page proposal. The city anticipates interviews to be scheduled for the week of November 7<sup>th</sup>. It is anticipated that a recommendation for selection will go before the Board of the City Commissioners for their consideration on November 15<sup>th</sup>.

For consideration, submit five (5) hard copies, and one (1) electronic copy of said proposal to:

City of Mandan  
Engineering Office  
205 2<sup>nd</sup> Avenue NW  
Mandan, ND 58554





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 20, 2016  
**PREPARATION DATE:** September 15, 2016  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Justin Froseth PE, Planning & Engineering Director  
**SUBJECT:** Consider Advertisement for RFP for McKenzie Drive Reconstruct and Signalization Project

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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>. This item is to consider action based on the bids received.

**BACKGROUND/ALTERNATIVES:** The pavement at McKenzie is unravelling fast and is in poor condition. Additionally, the growth in that area of town has continued to be more accelerated than any other parts of town. Considering the growth and including the opening of the YMCA scheduled for 2017 adjacent to that intersection and we believe that a traffic light is warranted at that intersection sooner than later.

**ATTACHMENTS:**

1. RFP
2. Area of Improvements Map

**FISCAL IMPACT:** This segment 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 picked up locally by sales tax, city-wide property tax, and possibly a special assessment district.

**STAFF IMPACT:** Minimal

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

**RECOMMENDATION:** We would recommend advertising the RFP

**SUGGESTED MOTION:** I move to start advertising the RFP for the McKenzie Drive Reconstruct and Signalization Project.

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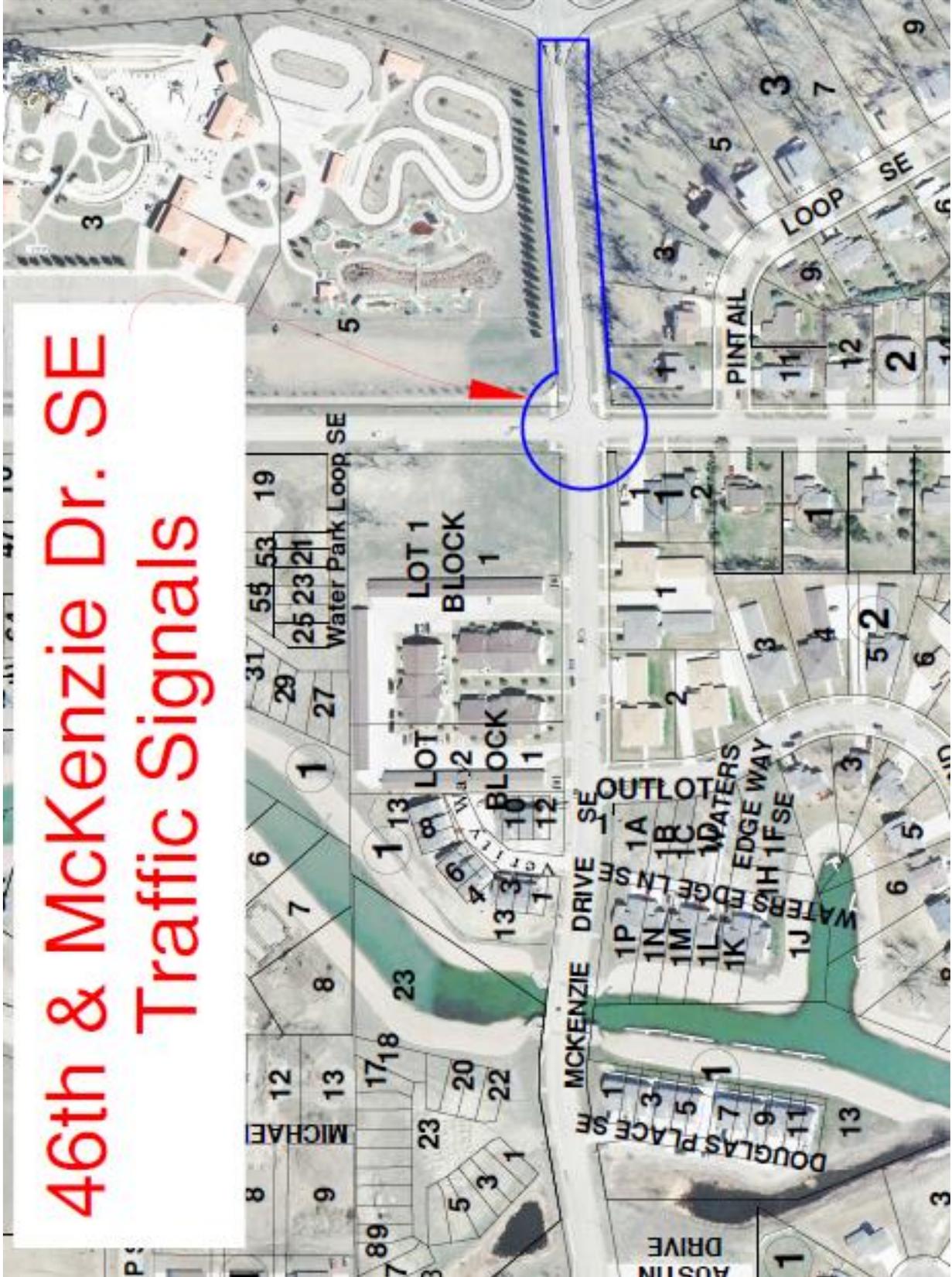
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- 4) Location of firm's staff performing the work
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- 6) Related experience on similar projects
- 7) Recent and current work for the city

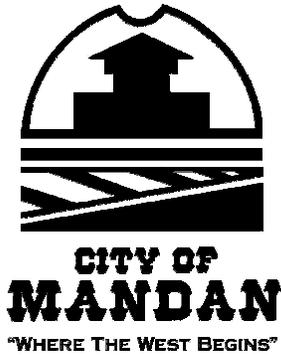
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City of Mandan  
Engineering Office  
205 2<sup>nd</sup> Avenue NW  
Mandan, ND 58554





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 20, 2016  
**PREPARATION DATE:** September 15, 2016  
**SUBMITTING DEPARTMENT:** Fire Department  
**DEPARTMENT DIRECTOR:** Steve Nardello, Fire Chief  
**PRESENTER:** Steve Nardello, Fire Chief  
**SUBJECT:** 2016 Budget Amendment for Station 1 roof repair

---

**STATEMENT/PURPOSE:** To consider a 2016 General Fund budget reserve amendment due to a roof leak.

**BACKGROUND/ALTERNATIVES:** The Mandan Fire Department Station 1 has a roof leak 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 as all other roofs have been replaced over several years. I have received three estimates the first from TECTA America at \$22, 548 plus \$1.95 per foot of insulation needing replacement with a 10-year warranty, the second estimate from Twin City Roofing at \$22,589 plus \$.75 per foot of insulation needing replacement with a 15-year warranty, and the third estimate from Precision Services at \$26,244 no quote for insulation replacement with a 15-year warranty. All companies submitting quotes indicated that they would be able to complete the project this year. Two companies advised that there will be some insulation needing replacement as any leaking flat roof will have damage however; the amount of damage cannot be determined until the old roof is removed. With Twin City Roofing offering a 15-year warranty and a less expensive insulation replacement cost, I would recommend awarding the contract to Twin City Roofing.

**ATTACHMENTS:** Estimates

**FISCAL IMPACT:** There were no provisions for roof repair or replacement within the fire department budget therefore, in speaking with Finance Director Welch, funding for the roof repair would need to come from the General Fund budget reserve.

**STAFF IMPACT:** None.

**LEGAL REVIEW:** None

RECOMMENDATION: It is my recommendation to approve a General Fund budget reserve amendment to allow for a roof replacement project at Fire Station 1 not to exceed \$24,000 and awarding the contract to Twin City Roofing.

SUGGESTED MOTION: Motion to approve a General Fund budget reserve amendment to allow for a roof replacement project at Fire Station 1 not to exceed \$24,000 and awarding the contract to Twin City Roofing.



Since  
1927



2720 34th Street NW • PO Box 86  
Mandan, North Dakota 58554  
701-663-3196 • Fax: 701-663-0027

Jamestown, ND  
701-252-0554

Dickinson, ND  
701-483-7653

September 2, 2016

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

RE: MANDAN FIRE HALL (NE ROOF)

Dear Mr. Neubauer:

As per your request, we have the following pricing for you in regards to the above referenced roof area.

Preparation

- Remove existing metal wall cap flashing and save for reuse.
- Remove deteriorated roof system down to existing insulation.
- Replace wet or damaged insulation at a cost of \$.75 per square foot per 1/2" thickness. Additional cost added to price below.

Recovery Board

- Over existing insulation, furnish and install 1 layer of 1/2" high density recovery board mechanically fastened to deck with screws and plates.

EPDM (Rubber) Roof System

- Furnish and install a 60-mil EPDM rubber roof system fully adhered to the recovery board.
- Flash all walls, curbs, and rails with 60-mil EPDM flashing membrane. All details as per manufacturer specifications.
- New rubber flashings at all roof pipes and penetrations.

[www.twincityroofingllc.com](http://www.twincityroofingllc.com)

Marv Miller  
President

Scott Harr  
Territory Manager



John "J.R." Markel  
Territory Manager

Jason Geigle  
Estimator

Sheet Metal Flashings

- Reinstall existing metal wall cap flashing system.
- Furnish and install new 24 gauge metal cap flashing at existing rails.
- At existing openings, furnish and install new 24 gauge metal waterflow scuppers. Reuse existing downspouts.

Not Included In Price Below

- Costs to disassemble, move or reassemble existing patio deck.
- Cost to line existing parapet walls with plywood "IF" it becomes necessary due to deteriorated wall conditions, once the existing roof system is removed.

Warranty Package

- Fifteen (15) year manufacturer's warranty package.

Payment

- 100% upon completion.

PRICE: \$22,589.00

Respectfully submitted,

  
Scott Harr  
Territory Manager  
Twin City Roofing, LLC

Accepted by: \_\_\_\_\_

Title: \_\_\_\_\_

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

Board of City Commissioners  
 Agenda Documentation  
 Meeting Date: September 20, 2016  
 Subject: 2016 General Fund reserve Budget Amendment  
 Page 6 of 6

Precision Services

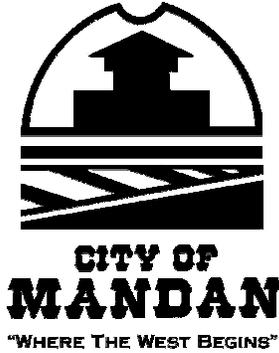
P.O. Box 489  
 Bismarck, ND  
 58502  
 (701)221-9518

**Estimate**

Date	Estimate #
09/20/16	833

Name / Address
Fire Station 110 Collins Mandan ND 58504

Item	Description	Qty	Rate	Project	
					Total
Duro-lat prep	Duro-lat prep. Clear all debris from roof to be prep but not limited to rock and tree branches. SWEEP ROOF UP & DISPOSAL / REMOVE METAL AND ROCK FRG MATERIAL ON PARPET WALL.				0.00
GLUEK	INSTALL NEW METAL ON EAST & NORTH SIDE OF ROOF		0.00		0.00
Duro-lat roof	Duro-lat roof. Lay 1/2" thickd over roof and stretch Duro-lat membrane over entire roof  15 YEAR WARRANTY ON MATERIAL & LABOR		26,244.00		26,244.00
<b>Total</b>					<b>\$26,244.00</b>



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 20, 2016  
**PREPARATION DATE:** September 16, 2016  
**SUBMITTING DEPARTMENT:** Public Works  
**DEPARTMENT DIRECTOR:** Jeff Wright, Director  
**PRESENTER:** Commissioner Rohr  
**SUBJECT:** Presentation of retirement watch to Ed Boehm, Equipment Operator II, Landfill and City employee for 29 + years.

---

STATEMENT/PURPOSE:

I would like to congratulate Ed Boehm, Equipment Operator II, Landfill and City employee of 29+ years, on his retirement.

BACKGROUND/ALTERNATIVES:

Ed started employment with the City of Mandan in April 1987, when City Engineer, Tom Little hired him for a position at the Cemetery, in 1989 Ed transferred to the Landfill working for Public Works Director's Pete Snider and Jeff Wright for over 27 years. Ed is enjoying some vacation time between now and his last day of employment, October 1, 2016.

Ed is married to his wife Marsha and they have two sons, Chad and his wife Kaysi, and Brian. Again, congratulations on your retirement and thank you for your dedicated service to this community.

ATTACHMENTS: N/A

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: N/A

SUGGESTED MOTION: N/A

SUGGESTED MOTION: Move to approve the second consideration of Ordinance No. 1250 amending and reenacting PUD District 2015-01 related to Lakewood 9<sup>th</sup> Addition.

**ORDINANCE NO. 1250**

**AN ORDINANCE TO AMEND AND REENACT PUD DISTRICT 2015-01**

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

**SECTION 1. AMENDMENT.** In conformance with the requirements of Sec. 105-4-3 (e), PUD District 2015-01 is amended to read as follows:

- 1. Add the following requirement to PUD District 2015-01:
  - dd. All lots in Block 1 shall have a minimum side yard setback of 5 feet.

**SECTION 2. RE-ENACTMENT.** PUD District 2015-01 is hereby re-enacted as amended. The city principal planner is authorized and directed to make the necessary changes upon the official zoning map of the city.

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

Attest:

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

First Consideration:  
Second Consideration and Final Passage:

September 6, 2016  
\_\_\_\_\_



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 20, 2016  
**PREPARATION DATE:** September 16, 2016  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** Extension of Midco Franchise Agreement

---

STATEMENT/PURPOSE: To consider an extension of the Midco Franchise Agreement.

BACKGROUND/ALTERNATIVES: We are recommending the current 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 and Midco, Dakota Media Access (DMA) was heavily involved and thus putting Bismarck and Mandan's agreements on the same time table would enable negotiations with Midco to occur simultaneously. Both representatives of Midco and DMA have been consulted regarding this issue and concur with the recommendation.

ATTACHMENTS: Resolution

FISCAL IMPACT: n/a

STAFF IMPACT: n/a

LEGAL REVIEW: City Attorney Brown has reviewed the document

RECOMMENDATION: I recommend passing the attached resolution

SUGGESTED MOTION: I move to approve passing a resolution extending the cable television system franchise agreement to Midcontinent Communications in the City of Mandan to and including December 31, 2017.

**RESOLUTION**

WHEREAS, Pursuant to Ordinance No. 802, dated March 16, 1993, the City of Mandan granted a franchise to Meredith/New Heritage Strategic Partners, L.P., to operate and maintain a cable television system in the City of Mandan; and

WHEREAS, Subsequently the said franchise was duly assigned to Sioux Falls Cable, a partnership on February 6, 1996; and

WHEREAS, By Resolution dated January 4, 2000, said franchise was assigned by Sioux Falls Cable to Midcontinent Communications; and

WHEREAS, Said franchise has expired by its terms, but the parties desire to extend said franchise.

NOW, THEREFORE, It is hereby resolved that the franchise granted in Ordinance No. 802, and finally assigned to Midcontinent Communications is hereby extended to and including December 31, 2017.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF MANDAN

By: \_\_\_\_\_  
Tim Helbling, President of  
the Board of the City  
Commission

ATTEST:

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