



AGENDA
MANDAN CITY COMMISSION
OCTOBER 15, 2019
ED "BOSH" FROEHLICH MEETING ROOM,
MANDAN CITY HALL
5:30 P.M.
www.cityofmandan.com

-
- A. ROLL CALL:
1. Roll call of all City Commissioners.
- B. APPROVAL OF AGENDA:
- C. MINUTES:
1. Consider approval of the minutes from the October 1, 2019 Board of City Commission regular meeting.
- D. PUBLIC HEARING:
1. Consider approval of a variance to site obscuring requirements and a stand-alone office use for Lot 3, Block 1, Mandan Industrial Park
 2. Consider approval of the annexation, zone change, and preliminary plat/master plan for proposed Evergreen Heights 3rd Addition
- E. BIDS:
- F. CONSENT AGENDA:
1. Consider approval of monthly bills
 2. Consider confirmation of special assessments for Street Improvement District #211.
 3. Consider providing a Flex PACE letter of support for Wise Properties, LLC
 4. Consider approval of the following assessments:
 - i. Weed Cutting of 2019
 - ii. Sidewalks of 2019
 - iii. Health & Safety of 2019
 - iv. Delinquent Alarm System Accounts for 2019
 - v. Delinquent Utility Billing Accounts for 2019
 5. Consider closing Administrative offices day after Thanksgiving
 6. Consider approval to offer a one-time \$10 credit on utility bill to customers who sign up for both SmartHub and E-bills.
 7. Consider special event permit application for the Morton/Mandan Law Enforcement Center 2019 Trunk or Treat event.
 8. Consider a 2019 budget amendment for the 2020 community calendar and proposal for its design, printing and mailing.
 9. Consider approval of Public Works Facility Expansion Change Orders.

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G. OLD BUSINESS:

1. Consider counteroffer for Lot 1A, Block 1, Roughrider Estate Pioneer Replat

H. NEW BUSINESS:

I. RESOLUTIONS AND ORDINANCES:

1. Consider approval of the second and final consideration of Ordinance 1327 related to the annexation of Lot 2, Block 2, Bahm's 1st Addition.

J. OTHER BUSINESS:

K. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. November 5, 2019 (4 p.m. start time)
2. November 19, 2019
3. December 17, 2019

L. ADJOURN

The Mandan City Commission met in regular session at 5:30 p.m. on October 1, 2019 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Mayor Helbling called the meeting to order.

A. ROLL CALL:

1. *Roll Call of All City Commissioners.* Present were Mayor Helbling, Commissioners Braun, Davis, Larson and Rohr. Department Heads present were, Finance Director Welch, Fire Chief Nardello, Planning & Engineering Director Froseth, Principal Planner Van Dyke, Business Development and Communications Director Huber, Police Chief Ziegler, City Administrator Neubauer, Director of Public Works Bitz, Assessor Markley, Building Official Ouradnik and Assistant City Attorney Oster. Absent: Commissioner Braun, Human Resource Director Cullen, and Attorney Brown.

B. APPROVAL OF AGENDA:

C. MINUTES:

1. *Consider approval of the minutes from the September 17, 2019 Board of City Commission regular meeting.* Commissioner Rohr moved to approve the minutes as presented. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Absent; Mayor Helbling: Yes. The motion passed.

D. PUBLIC HEARING:

1. *Consider approval of the first consideration of Ordinance 1327 related to the annexation of Lot 2, Block 2, Bahm’s 1st Addition.* City Planner Van Dyke reviewed a request for the first consideration of Ordinance 1327 related to the annexation of Lot 2, Block 2, Bahm’s 1st Addition. He said that the property owners wish to annex their 1.74 acres of property to the City of Mandan to connect city services that currently run along 14th Avenue Southeast in front of their property. They are planning to split the two lots into one lot. Planner Van Dyke reported that the Planning and Engineering recommended approval of the request for annexation.

Mayor Helbling announced that this is the time and place set for the public hearing to consider approval of the first consideration of Ordinance 1327 related to the annexation of Lot 2, Block 2, Bahm’s 1st Addition. He invited anyone to come forward to speak for or against the Ordinance. A second announcement was made inviting anyone to come forward to speak for or against the Ordinance. A third and final announcement was made inviting anyone to come forward to speak for or against the first consideration of Ordinance 1327 related to the annexation of Lot 2, Block 2, Bahm’s 1st Addition. Hearing none and noting that no one came forward, this portion of the Public Hearing was closed.

Commissioner Larson moved to approve the first consideration of Ordinance 1327 related to the annexation of Lot 2, Block 2, Bahm’s 1st Addition as presented in Exhibit 1. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Absent; Mayor Helbling: Yes. The motion passed.

2. *Consider approval of the first consideration of Ordinance 1328 related to a zoning district amendment from R7 Residential to MB Industrial for a portion of property in the SW ¼ of Section 29, Township 139N, Range 81W.* City Planner Van Dyke presented information related to the request for the first consideration of Ordinance 1328 related to a zoning district amendment from R7 Residential to MB Industrial for a portion of property in the SW ¼ of Section 29, Township 139N, Range 81W. He said that the applicants are requesting to rezone their property from R-7 Residential to MB-Industrial. He explained that the area is largely residentially zoned but there are commercial/industrial uses in the vicinity. This rezone request is premised on a zoning violation as a result of adjacent property owner complaints to the City of Mandan and Morton County for having an accumulation of vehicles stored outside from a wrecking operation on Mr. Poole's property (See Exhibits 1 and 2). While Raymond Schaff's signature is on the letter, he has since joined in the application along with the other two applicants and no longer opposes the industrial rezoning of the area (See Exhibit 3). The future land use designation for the property is high-density residential. He pointed out that Industrial zoning in the flood plain could create additional problems when floods occur. In the case of a junkyard, vehicle fluids and components from vehicles are more likely to produce environmental and public health/safety hazards than single-family dwellings.

City Planner Van Dyke stated that existing zoning in the area is largely R-7 residential and agriculture. In 2011, there was a property that went through a commercial rezone located to the east of the applicant's property. If this zone change is approved, the industrial zoning designation will be surrounded by R-7 residential, which is the majority of the zoning in this area. Access to the majority of land that is part of this request is dependent on an access easement that passes through the property and homeowners have complained about the industrial activity occurring on Mr. Poole's property. A rezone to Industrial would create the potential for heavier machinery and vehicles to access the property through the easement and damage the existing private gravel road. In summary, Planner Van Dyke stated that city staff is recommending denying the request of the proposed rezone for the reasons outlined in Exhibit 4. The land use transportation plan for the City of Mandan denotes the land use of high density use of residential not industrial. Industrial use of a junk yard in flood plains can create adverse effects on the environment and public health safety compared to the residential use due to the amount and type of outdoor storage present in the event of a flood. A zoning request of heavy industrial would be surrounded by R-7 residential, which is single-family zoning. These two zones are incompatible zoning districts and highly likely to create complaints from residents in the area.

The Planning and Zoning Commission voted unanimously to recommend denial of the rezone. The Engineering and Planning Department recommended denial of the first consideration of Ordinance 1328 per Exhibit 5 based on the reasons outlined in Exhibit 4.

Mayor Helbling announced that this is the time and place set for the public hearing to consider approval of the first consideration of Ordinance 1328 related to a zoning district amendment from R7 Residential to MB Industrial for a portion of property in the SW ¼ of Section 29, Township 139N, Range 81W. He invited anyone to come forward to speak for or against the Ordinance.

Residents were advised to state and spell their names and sign in on the sign-in sheet if they come forward to speak.

Alex Poole came forward, a Mandan resident, who stated that he is in favor of the zone change. Regarding the statement that the property is high density residential – is slim to none in this area. He said he is working with other residents who are also interested in this zone change and they are working on an agreement with some of the neighbors to see if there are some restrictions that could be put on if the area is rezoned. He requested tabling this decision to allow him time to work with the neighbors before the City Commission makes a final decision.

Planner Van Dyke stated that tabling a matter is always an option. Mayor Helbling stated that since this is a public hearing the Commission would like to complete the public hearing process. If the Commission approves the first reading, there is a second opportunity for discussion. This could be resolved between the first and second readings. A second announcement was made inviting anyone to come forward to speak for or against the Ordinance.

Wade Kincaid, 4060 Sunnyside South, Mandan came forward and stated that there was a similar situation years ago wherein an action was brought forward and the residents did not want the property zone changed. At that time, the individual was to have a small gravel business with three trucks and now Dixon Brothers is located across the road from his property. He said he does not want that same type of circumstance to happen to the east of his property. He stated he is opposed to the zoning change request or any variation that may be considered.

Jim Sackman 2278 Sunny Road South, Mandan, came forward and stated he is opposed to the zoning request.

Max Voight 2270 Sunny Road South, Mandan, came forward and stated that he is opposed to the zoning request.

Mitch Mastel 4075 Sunny Place South, Mandan, came forward and stated he is opposed to the heavy industrial request because it would be right in the middle of all of the properties.

Anton Cook 4080 Sunny Drive South, Mandan, came forward and stated he is opposed to the zoning request change.

Alex Poole came back to the podium and stated that part of the reason why he is trying to rezone is that the one neighbor to the north of his property who has been doing trucking for years – has voiced concern that when he goes to sell the property that any potential buyer will not be able to continue doing the business he has been doing. He was unable to make it to this meeting today to state that in his own words.

Jim Sackman came back to the podium and stated that when Ray Schaff bought that property, Lowell Hartmann bought the property that Mr. Poole owns now. They were grandfathered in with two trucks and when that happened the property was R7 as it is right now and they were told when they sell it that it would go back to R7.

A third and final announcement was made inviting anyone to come forward to speak for or against the first consideration of Ordinance 1328 related to a zoning district amendment from R7 Residential to MB Industrial for a portion of property in the SW ¼ of Section 29, Township 139N, Range 81W. Hearing none this portion of the Public Hearing was closed.

Mayor Helbling said that Mr. Poole requested tabling this matter, which is an option before the Commission or if the Commission would like to go forward on another path, that could be an option.

City Planner Van Dyke stated that considering the zoning in that area as it currently exists, that he agrees that it may be beneficial to do a neighborhood study with the property owners of what would be appropriate in that area. However industrial traffic traveling on a gravel road and as far as emergency services being able to serve that area, improvements would be required. He said his recommendation stands which is to deny the request.

Commissioner Rohr commented there is another hearing on this request and if prior to that hearing if a significant change would come up the Commission would have the opportunity to reconsider the decision. Planner Van Dyke clarified that in previous discussions with Attorney Brown he advised that if there would be a denial of the First Consideration of the Ordinance, that it would die there and it would not continue on to a second consideration. It's the approval of the first ordinance that would be a potential denial of the second. Attorney Oster clarified that if the City Commission would approve, it would move forward. If the Commission chooses to deny the request, it would die.

Commissioner Davis commented that the last time the City Commission had a similar situation of this nature, the neighbors involved in the matter were able to settle it at the time it was being discussed. In this circumstance, Mr. Poole requested tabling this matter due to the possibility of negotiations with neighbors. Commissioner Davis inquired if the residents present who are opposed to the rezone, if they would be prepared to negotiate at this time in order for the Commission to make a decision to approve or deny the request? Mayor Helbling stated he did not believe there would be any reason to not table this until a future meeting. By tabling the matter, it will allow the neighbors an opportunity to discuss further and if they come to a resolution, that would be fine but if not, the Commission would have to review it again and make a final decision.

Planner Van Dyke stated that the only residents who are in favor of this rezone are the residents who are included in the application request. Mayor Helbling stated that it would be best if the neighbors resolved this among themselves rather than have the Commission make the decision.

Planner Van Dyke stated that if this matter is tabled, it will be delayed until the 1st or 2nd meeting in November due to notice requirements. That would give Mr. Poole additional time to work on this.

Commissioner Davis moved to table the discussion on this matter until the November 5, 2019 meeting in order to allow for the required notice requirements in order to allow the applicant

time to discuss the rezone request with the neighbors in this area. Commissioner Rohr seconded the motion.

Commissioner Larson stated that there is a 4:00 p.m. start time for the November 5, 2019 meeting and mentioned this so that anyone who plans to attend the meeting on that date, are aware of the early start time of the City Commission meeting. Mayor Helbling requested that the time set for the public hearing on this matter will be set at 5:00 p.m. for publication purposes. Comments can be submitted in writing in advance of the meeting.

Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Absent; Mayor Helbling: Yes. The motion passed.

3. *Conduct a public hearing and consider approval of the proposed issuance by the Colorado Health Facilities Authority (the “Authority”) of its revenue bonds in one or more series in an aggregate principal amount not to exceed \$480,000,000 (the “Series 2019 Bonds”). (Sanford).* City Administrator Neubauer presented a request for the approval of a proposed finance plan and issuance of Bonds by the Colorado Health Facilities Authority. Pursuant to Internal Revenue Code, a public hearing is required regarding the issuance Colorado Health Facilities Authority Revenue Bonds. A representative from Sanford came forward and stated that this is a public hearing that is required under the internal revenue code and is a straight forward financing request. She said there is no liability on the city or the state in this transaction. Commissioner Rohr stated there are facilities in Mandan in which the financing will be financed or refinanced through this issuance. No comments have been received regarding this matter.

Mayor Helbling announced that this is the time and place set for the public hearing to discuss the proposed issuance by the Colorado Health Facilities Authority (the “Authority”) of its revenue bonds in one or more series in an aggregate principal amount not to exceed \$480,000,000 (the “Series 2019 Bonds”) (Sanford). He invited anyone to come forward to speak for or against this matter. A second announcement was made inviting anyone to come forward to speak for or against this matter. A third and final announcement was made inviting anyone to come forward to speak for or against the proposed issuance by the Colorado Health Facilities Authority (the “Authority”) of its revenue bonds in one or more series in an aggregate principal amount not to exceed \$480,000,000 (the “Series 2019 Bonds”) (Sanford). Hearing none and noting that no one came forward, this portion of the Public Hearing was closed.

Commissioner Rohr moved to approve the proposed issuance by the Colorado Health Facilities Authority (the “Authority”) of its revenue bonds in one or more series in an aggregate principal amount not to exceed \$480,000,000 (the “Series 2019 Bonds”) (Sanford).

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

E. BIDS:

F. CONSENT AGENDA

1. *Consider approval of Site Authorization for Bismarck Cancer Center Foundation at Midway Lanes on November 30, 2019.*
2. *Consider approval of a minor plat of Lot 2, Block 2, Bahm's 1st Addition.*
3. *Consider approval of the Traffic Safety Contract between the City of Mandan and the North Dakota Department of Transportation concerning the state's Annual Highway Safety Plan.*
4. *Consider approval of a raffle permit for the Bismarck Mandan Youth Bowling Boosters, Inc.*
5. *Consider allowing Missouri West Water System to serve a property within the city's extraterritorial zone.*
6. *Consider proclaiming October, 2019 as Careers in Construction Month in the City of Mandan.*
7. *For information, Change Order #9 to the Southside Reconstruction project.*
8. *Consider approving the purchase of a Global M3 Mechanical Street Sweeper as allowed in the 2020 budget.* Public Works Director Bitz clarified that there was a \$2,400 option for an extended warranty with the street sweeper. He requested including that warranty option with the street sweeper and with that additional amount, the request would stay within the budget.

Commissioner Rohr moved to approve the Consent Agenda items No. 1 through 8 as presented. Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Absent; Mayor Helbling: Yes. The motion passed.

G. OLD BUSINESS:

1. *Update to Commission on property at 210 5th Street Northwest.*
Building Official Ouradnik provided an update on the progress of the sale of the property at 201 5th Street Northwest Mandan, ND. He requested guidance from the Commission on how to proceed with the RFP notices presented earlier this year. This property is being purchased by Jack Freidt from Kristi Sample and there is a Purchase Agreement in place. Mr. Freidt will be demolishing the old house and all structures on the property, cleaning up the site, and building a new home. Building Official Ouradnik recommended approval of Mr. Freidt's request to close on the sale of the property as soon as the probate has been completed. Demolition will begin as soon as all updates are done and will be completed 45 days after documents are signed. He questioned regarding the RFP of which one has been received with a bond check. He inquired if he should return the check or hold on to it until the sale has been completed. The RFP says the check can be held. Attorney Oster recommended cancelling the RFP and returning the check at this time since there is a clear plan of action in place.

Commissioner Larson moved to cancel the RFP for demolition on the property at 210 5th Street Northwest in Mandan. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Absent; Mayor Helbling: Yes. The motion passed.

H. NEW BUSINESS

1. *Consider acceptance of purchase agreement for Lot 5A, Block 1, Roughrider Estates Pioneer Replat.* Planner Van Dyke presented a request to accept the offer for the purchase of Lot

5A, Block 1, Roughrider Estates Pioneer Replat. He said that Justin Rieniets has provided an offer of \$1,000 for the purchase of Lot 5A, Block 1, Roughrider Estates Pioneer Replat. The list price was \$1,000. The property is located in Roughriders subdivision in the far northwest of the City. Roughriders have several properties where the backyards (this is one of two of ten) have come back to the city for failure to pay taxes. This appears to be unintentional for several property owners and the platting processes that have exacerbated this problem are no longer in practice at the city. The property owner desires to have ease of mind that what they consider their backyard is reflected by deeds. There is no specials balance for the property. The Engineering and Planning Department has recommended approval of this offer. The property is currently not generating any tax revenue and has no operational value to the City. City Commissioners may accept, reject, or counter the offer provided by Mr. Rieniets.

Commissioner Davis moved to approve the acceptance of Purchase Agreement from Justin Rieniets for Lot 5A, Block 1, Roughrider Estates Pioneer Replat. Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Absent; Mayor Helbling: Yes. The motion passed.

2. *Consider acceptance of purchase agreement for Lot 1A, Block 1, Roughrider Estates Pioneer Replat.* City Planner Van Dyke presented information related to the offer for the purchase of Lot 1A, Block 1, Roughrider Estates Pioneer Replat. He said that Geoffrey Pitman has provided an offer of \$200 for the purchase of Lot 1A, Block 1, Roughrider Estates Pioneer Replat. The list price was \$1,000. The property is located in Roughriders subdivision in the far northwest of the City. Roughriders has several properties where the backyards have come back to the city for failure to pay taxes. This appears to be unintentional for several property owners and the platting processes that have exacerbated this problem are no longer in practice at the city. The property owner desires to have ease of mind that what they consider their backyard is reflected by deeds. A specials balance payoff through September 30, 2019 of \$443.79 exists on the property. Per the Purchase Agreement, following proration for this year's installment, the buyers will be responsible for the remaining balance.

Engineering and Planning recommended countering this offer to cover the administrative costs of processing the review of city owned property, property listing and presentation before City Commission and the unpaid taxes for holding the property. The acceptance of \$200 may also set a precedent for the other properties in Roughriders that have come to the City under similar circumstances. This occurred with another listing near 5th Street NW which referenced a previously accepted offer to come up with its own offer and this price was mimicked of the previous action by the City Commission. The City Commissioners may accept, reject, or counter the offer provided by Mr. Pitman. Engineering and Planning recommended countering the offer to a purchase price of \$1,000.

Commissioner Larson moved to approve to counter the offer to a purchase price of \$1,000, a Quit Claim deed in lieu of a warranty deed, and the closing date on or before October 31, 2019. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Absent; Mayor Helbling: Yes. The motion passed.

3. *Consider acceptance of purchase agreement for Lot 24, Block 2, Crown Point Subdivision.* City Planner Van Dyke presented a request to accept the offer for the purchase of Lot 24, Block 2, Crown Point Subdivision. He said that Daniel Roemmich has provided an offer of \$10,000 for the purchase of Lot 24, Block 2, Crown Point Subdivision. The list price was \$10,000. The property is located southeast of the intersection of 47th Avenue NW and Old Red Trail. This lot is directly west of the lot currently owned by Mr. Roemmich and could be considered his side yard. The property came to the City as part of a tax deed. A specials balance payoff through September 30, 2019 of \$872.29 exists on the property. Per the Purchase Agreement following proration for this year's installment the buyers will be responsible for the remaining balance. The property is currently not generating any tax revenue and has no operational value to the City. City Commissioners may accept, reject, or counter the offer provided by the buyer. Engineering and Planning recommended approval of the offer for Lot 24, Block 2, Crown Point Subdivision as presented in Exhibit 1.

Commissioner Larson moved to approve the acceptance of purchase agreement for Lot 24, Block 2, Crown Point Subdivision as presented in Exhibit 1. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Absent; Mayor Helbling: Yes. The motion passed.

4. *Consider transfer of Class A and Class E liquor license from Captain Freddy's to Rivers Partners, Inc. at 2500 Pirates Loop SE.* City Administrator Neubauer presented a request for the Transfer of Class A and Class E Liquor License. He said that all transfers of liquor licenses must be approved by the Board of City Commissioners at the time of application. Applications and fees have been received and a background check has been run. The approval would be contingent upon the establishment meeting all Fire Code, Health & Safety Code, Building Inspections after the remodel has been completed and all property taxes and fees have been paid.

Commissioner Rohr moved to approve the transfer of Class A and Class E liquor license transfer from Captain Freddy's to Rivers Partners, Inc. at 2500 Pirates Loop SE contingent upon the establishment meeting all Fire Code, Health & Safety Code, Building Inspections after the remodel has been completed and all property taxes and fees are paid. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Absent; Mayor Helbling: Yes. The motion passed.

I. RESOLUTIONS AND ORDINANCES

1. *Consider Resolution approving Airport Authority Bonds and Pledging Deficiency Tax Levy.* Mike Manstrom, Dougherty and Company, came forward and stated that he is available to answer any questions the Commission might have regarding the request for approval of the Resolution approving Airport Authority Bonds and Pledging Deficiency Tax Levy. He explained that if the Resolution is passed, it will allow them to move forward with the bond issue within the next six weeks. The purpose of this action is for the construction of building a new hangar at the airport. The bond issued would be an airport revenue bond. The airport has very few bond revenues to support at this time and this would provide coverage based on revenues without factoring in the levy that they are allowed to levy. The airport has the revenue from a

market standpoint and we could price the bonds and get a good interest rate. Because of the new century code law the City is now part of the issue and the airport authority will now be required to come to the City and the City can then decide if they can move forward or not with the bond issue because the City is tied to the security of the bond. The City will be the ultimate taxing authority. The airport authority staff is present to answer questions. Attorney Brown has reviewed this matter.

Commissioner Rohr stated this is similar to co-signing for a loan. Mayor Helbling stated the airport has a good track record and he does not anticipate any risk with this action. In summary, this Resolution relates to:

(1) The Mandan Municipal Airport Authority (the “Authority”), plans to issue its Airport Revenue Bonds (the “Bonds”) in the estimated amount of \$850,000.

(2) The purpose for which the Bonds are proposed to be issued is to (a) finance in part the construction, improvement and equipping of a twelve unit hanger for the storage of aircraft and aviation parts and equipment, and (b) refund the Authority’s Improvement Revenue Bond of 2008 and Improvement Revenue Bond of 2005.

(3) Pursuant to the provisions of North Dakota Century Code Section 2-06-10(9), revenue bonds issued by an airport authority must be approved by the municipality, and must have the commitment of the municipality for the payment of any deficiency in airport authority funds to pay debt service on the revenue bonds.

Commissioner Rohr moved to approve the Airport Authority Bonds and Pledging Deficiency Tax Levy. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Absent; Mayor Helbling: Yes. The motion passed.

J. OTHER BUSINESS:

(1) Mayor Helbling extended a thank you to those who attended and all those who volunteered to help with Oktoberfest activities.

(2) Engineering Director Froseth came forward to provide an update on the pipeline project in the Custer area. He stated that the project was put out for bid a couple months ago. The low bid was approved and construction started this week. Part of the process is to fuse the pipe together to make some long runs of the pipe that will be installed by the pipe bursting project. A video was shown that was obtained from a similar project. The main pipe will be installed without trenching. As part of this process everyone’s sewer line will be televised after the pipe has been put in and that’s to identify that if during the process of bursting, sewer service lines were not ruptured. If it did, that will be caught on camera and correct it as part of the project at no direct expense to the homeowner because that is part of the construction project.

(1) Consider moving into executive session pursuant to North Dakota Century Code § 44-04-19.1(9) and 44-04-19.2(2) to discuss negotiation strategy related to litigation August Kersten, Brian Berube and Lonesome Dove, Inc. vs. City of Mandan.

Commissioner Rohr motioned to move into executive session at 6:37 pm. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Absent; Mayor Helbling: Yes. The motion passed.

Roll Call:

Roll Call of Executive Session attendees. Present were Mayor Helbling, Commissioners Davis, Rohr, Larson, absent Commissioner Braun; in addition, Assistant Attorney Oster, Administrator Neubauer, Planner Van Dyke, Building Official Ouradnik. Guests Attorney's Brad Weiderholt and Grant Bakke.

K. ADJOURNMENT:

Commissioner Rohr moved to reconvene the regular session at 7:47 pm. Commissioner Davis seconded the motion. All in favor indicated aye, opposed none.

Commissioner Rohr moved to adjourn regular session at 7:47 pm. Commissioner Larson seconded the motion. All in favor indicated aye, opposed none.

James Neubauer
City Administrator

Tim Helbling
President, Board of City Commissioners



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 15, 2019
PREPARATION DATE: October 2, 2019
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM,
SUBJECT: Consider approval of a variance to site obscuring requirements and a stand-alone office use for Lot 3, Block 1, Mandan Industrial Park

STATEMENT/PURPOSE: Consider approval of a variance to the site obscuring requirements that apply to public utility service yards and to allow for stand-alone offices in the MA-Industrial zoning district.

BACKGROUND/ALTERNATIVES: Innovative Energy Alliance Cooperative (IEAC) is seeking a variance to the site obscuring requirement that applies to public utility service yards. IEAC is also seeking a variance to MA-Industrial to allow stand-alone offices.

This request is coming from a reallocation of assets within the energy cooperative. Through this reallocation the applicant is seeking to divide the existing lot that currently has an office building located on the same property as the utility storage yard. The offices are in support of the utility service yard and broader IEAC administrative activities.

This division would create a non-conforming office building, as it is presently not allowed as a stand-alone structure. As the obscuration requirements apply to all new development, a subdivision would trigger the need to meet the current code requirements.

Below are the requirements under the Mandan Code of Ordinances in granting a variance.

Variance may be granted under the following circumstances (See Sec. 105-1-12):

- 1. There are special circumstances or conditions, fully described in the findings of the board, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building, and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant*

Board of City Commissioners

Agenda Documentation

Meeting Date: October 15, 2019

Subject: Consider Approval of a Variance to Site Obscuring Requirements and a Stand-alone Office Use for Lot 3, Block 1, Mandan Industrial Park

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taken subsequent to the adoption of this chapter, whether in violation of the provisions of the chapter, or not;

A special circumstance that applies is that the cooperative is a unique entity attempting to reallocate assets within the entity itself. No change in use is expected on either of the proposed lots – utility service yard or office.

2. For reasons fully set forth in the findings of the board, the circumstances or conditions so found are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of said land or building, and the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the board is the minimum variance that will accomplish the relief sought by the applicant;

For the cooperative to function as it sees necessary at this time, a division of the property and reallocation of ownership within the entity itself is required. A division would trigger a non-conforming use for stand-alone offices and trigger the requirement for site obscuration of the utility yard.

Further, the land is presently surrounded by industrial uses. Requiring site obscuration due to a reallocation of assets within the same entity is overly burdensome.

3. The grant of the variance will be in harmony with the general purposes and intent of this chapter, and not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The unique characteristic of this application is that the property is cooperatively utilized and will continue to be cooperatively utilized by the same partners. The use will remain unchanged and a granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The Planning and Zoning Commission, at their September 23 meeting, unanimously recommended approval of the variance with the provisions noted in Exhibit 3 for the rationale outlined in Exhibit 4.

ATTACHMENTS:

Exhibit 1 – Applicant’s Request for Variance

Exhibit 2 – Proposed Minor Plat

Exhibit 3 – Provisions of Variance

Exhibit 4 – Rationale for Granting of Variance

Board of City Commissioners

Agenda Documentation

Meeting Date: October 15, 2019

Subject: Consider Approval of a Variance to Site Obscuring Requirements and a Stand-alone Office Use for Lot 3, Block 1, Mandan Industrial Park

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FISCAL IMPACT: None

STAFF IMPACT: None

LEGAL REVIEW: The staff report, as part of the agenda packet, has been submitted to Attorney Brown for review.

RECOMMENDATION: The Planning and Zoning Commission, through a unanimous decision, recommended approval of the variance with the provisions noted in Exhibit 3 for the rationale outlined in Exhibit 4.

SUGGESTED MOTION: I move to approve the variance for Lot 3, Block 1, Mandan Industrial Park with the provisions noted in Exhibit 3 for the rationale outlined in Exhibit 4.

EXHIBIT 1



September 12, 2019

City of Mandan
Planning & Zoning Department
205 Second Avenue NW
Mandan, ND 58554

To whom it may concern,

Project Name: Replat of Lot 3, Block 1, Mandan Industrial Park

Innovative Energy Alliance Cooperative would like to request for a use variance for standalone offices in support of allowable industrial activity.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, which appears to read 'Robert Kelly', is written over the typed name.

Robert Kelly
Chief of Staff



September 6, 2019

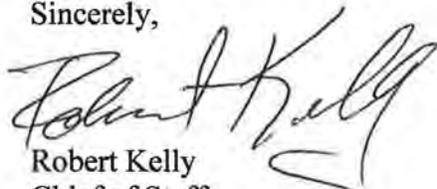
City of Mandan
Planning & Zoning Department
205 Second Avenue NW
Mandan, ND 58554

To whom it may concern,

Innovative Energy Alliance Cooperative is requesting a variance from the required landscaping ordinance, due to the fact that all the surrounding properties are industrial-use properties.

Thank you for your consideration.

Sincerely,

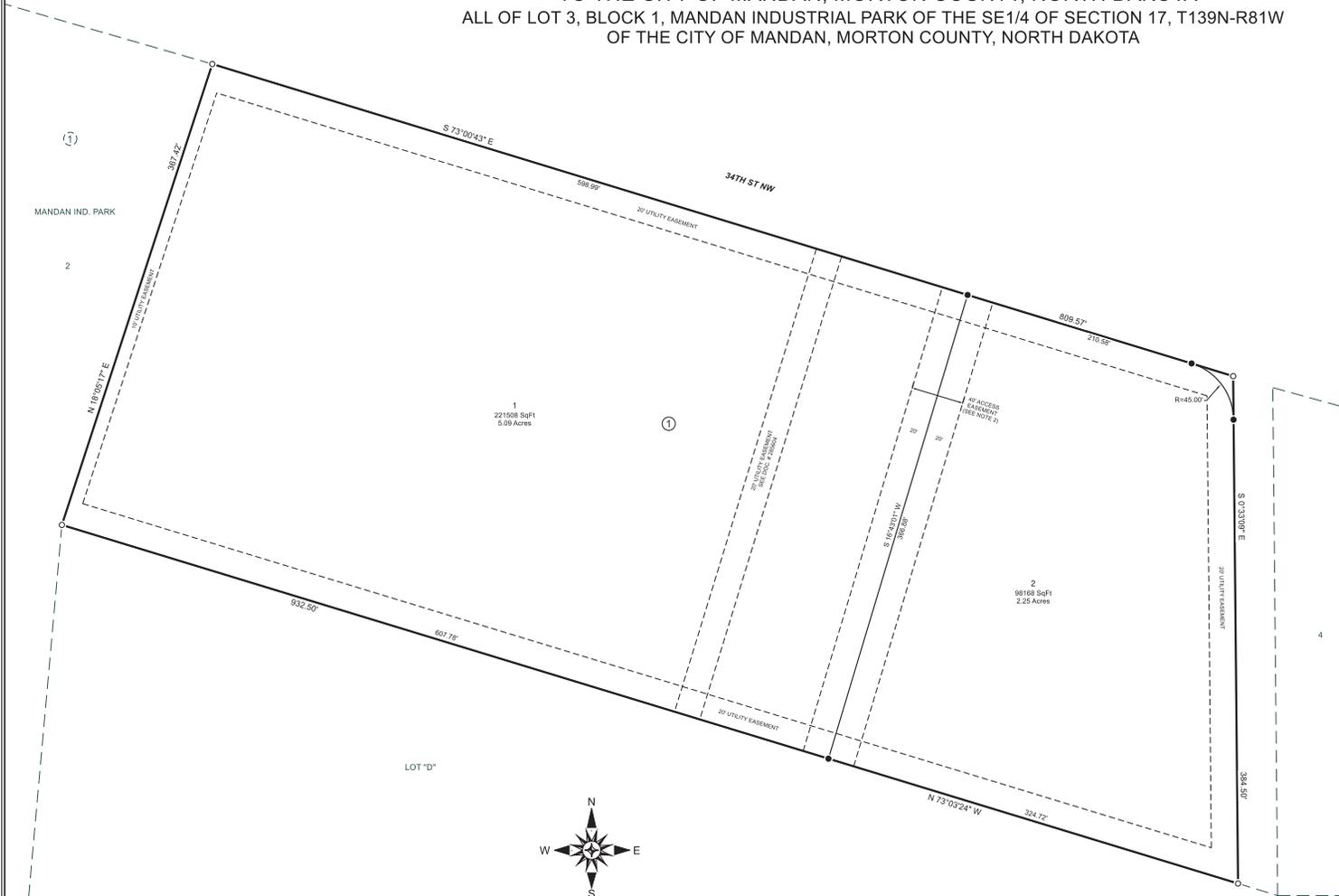

Robert Kelly
Chief of Staff


SARAH HELBLING
Notary Public
STATE OF NORTH DAKOTA
My Commission Expires
July 31, 2022

EXHIBIT 2

REPLAT OF LOT 3, BLOCK 1, MANDAN INDUSTRIAL PARK

TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA
 ALL OF LOT 3, BLOCK 1, MANDAN INDUSTRIAL PARK OF THE SE1/4 OF SECTION 17, T139N-R81W
 OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA



DESCRIPTION OF PROPERTY
 ALL OF LOT 3, BLOCK 1, MANDAN INDUSTRIAL PARK OF THE SE1/4, SECTION 17, T139N-R81W
 OF THE 5TH PRINCIPAL MERIDIAN OF THE CITY OF MANDAN, MORTON COUNTY, NORTH
 DAKOTA, SAID TRACT OF LAND CONTAINING 7.54 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE
 I, MARK R. ISAACS, NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 8628, HEREBY
 CERTIFY THAT I HAVE CAUSED TO BE SURVEYED BY MY FORCES UNDER MY SUPERVISION
 THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT.
 FURTHER, THAT DISTANCES INDICATED HEREON ARE IN FEET AND HUNDRETHS THEREOF
 AND BEARINGS ARE INDICATED IN QUADRANTS AND DEGREES, MINUTES, AND SECONDS
 THEREOF. FURTHER, THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY
 KNOWLEDGE AND BELIEF.

MARK ISAACS, RLS 8628

STATE OF NORTH DAKOTA)
) SS
 COUNTY OF MORTON)

ON THIS ___ DAY OF _____, 2019, THERE APPEARED BEFORE ME MARK R. ISAACS,
 KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE ABOVE
 CERTIFICATE, AND DID ACKNOWLEDGE TO ME THAT HE EXECUTED THE SAME AS HIS OWN
 FREE ACT AND DEED.

HARVEY SCHNEIDER
 NOTARY PUBLIC, NORTH DAKOTA

OWNER'S CERTIFICATE OF DEDICATION
 WE, THE UNDERSIGNED, BEING THE SOLE OWNERS OF THE LAND PLATTED HEREON, DO
 HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT, AND DO DEDICATE ALL
 THE STREETS, ALLEYS, PARKS, AND PUBLIC GROUNDS AS SHOWN HEREON, INCLUDING ALL
 SEWERS, CULVERTS, BRIDGES, WATERLINES, SIDEWALKS AND OTHER IMPROVEMENTS ON
 OR UNDER SUCH STREETS, ALLEYS OR OTHER PUBLIC GROUNDS, WHETHER SUCH
 IMPROVEMENTS ARE SHOWN HEREON OR NOT, TO PUBLIC USE FOREVER. WE ALSO
 DEDICATE EASEMENTS TO RUN WITH THE LANDS FOR WATER, SEWER, GAS, ELECTRICITY,
 TELEPHONE, OR OTHER PUBLIC UTILITY LINES OF SERVICES UNDER, ON OR OVER THESE
 CERTAIN STRIPS OF LAND DESIGNATED AS "UTILITY EASEMENTS".

ROBERT KELLY, CHIEF OF STAFF
 INNOVATIVE ENERGY ALLIANCE COOP

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ___ DAY OF
 _____, 2019.

 NOTARY PUBLIC
 COUNTY, _____
 MY COMMISSION EXPIRES: _____

APPROVAL OF BOARD OF CITY COMMISSIONERS
 THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS
 APPROVED THE SUBDIVISION OF LAND SHOWN HEREON, HAS ACCEPTED THE DEDICATION
 OF ALL STREETS, ALLEYS, AND PUBLIC WAYS SHOWN HEREON LYING WITHIN THE
 CORPORATE LIMITS OF THE CITY OF MANDAN HAS ACCEPTED THE DEDICATION OF ALL
 PARKS AND PUBLIC GROUNDS SHOWN HEREON, FURTHERMORE, SAID BOARD OF CITY
 COMMISSIONERS HAS APPROVED THE STREETS, ALLEYS, AND OTHER PUBLIC WAYS AND
 GROUNDS SHOWN HEREON AS AN AMENDMENT TO THE MASTER STREET PLAN OF THE CITY
 OF MANDAN, THE FOREGOING ACTION BY THE BOARD OF CITY COMMISSIONERS OF
 MANDAN, NORTH DAKOTA, HAS TAKEN BY RESOLUTION THIS ___ DAY OF _____, 2019.

JIM NEUBAUER - CITY ADMINISTRATOR TMI HELBLING - PRESIDENT OF
 THE BOARD OF CITY COMMISSIONERS

I, JUSTIN FROSETH, CITY ENGINEER FOR THE CITY OF MANDAN, NORTH DAKOTA HEREBY
 APPROVES "REPLAT OF LOT 3, BLOCK 1, MANDAN INDUSTRIAL PARK" OF THE CITY OF
 MANDAN, MORTON COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JUSTIN FROSETH, PE

OWNER:
 INNOVATIVE ENERGY ALLIANCE COOP
 116 EAST 12TH ST
 NEW ENGLAND, ND 58847

BASIS OF BEARING:
 NORTH BOUNDARY LINE LOT 5
 SOUTH 73° 00' 43" EAST

NOTES:
 1. BEARINGS AND DISTANCES MAY VARY FROM
 PREVIOUS DOCUMENTS OF RECORD DUE TO
 DIFFERENT METHODS OF FIELD MEASUREMENT.
 2. THE 40' ACCESS EASEMENT SHOWN HEREON IS
 FOR JOINT USE, AND TO THE BENEFIT OF LOTS 1
 AND 2 EQUALLY.



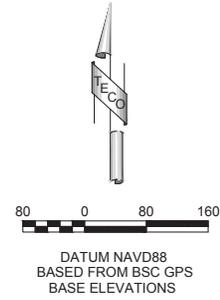
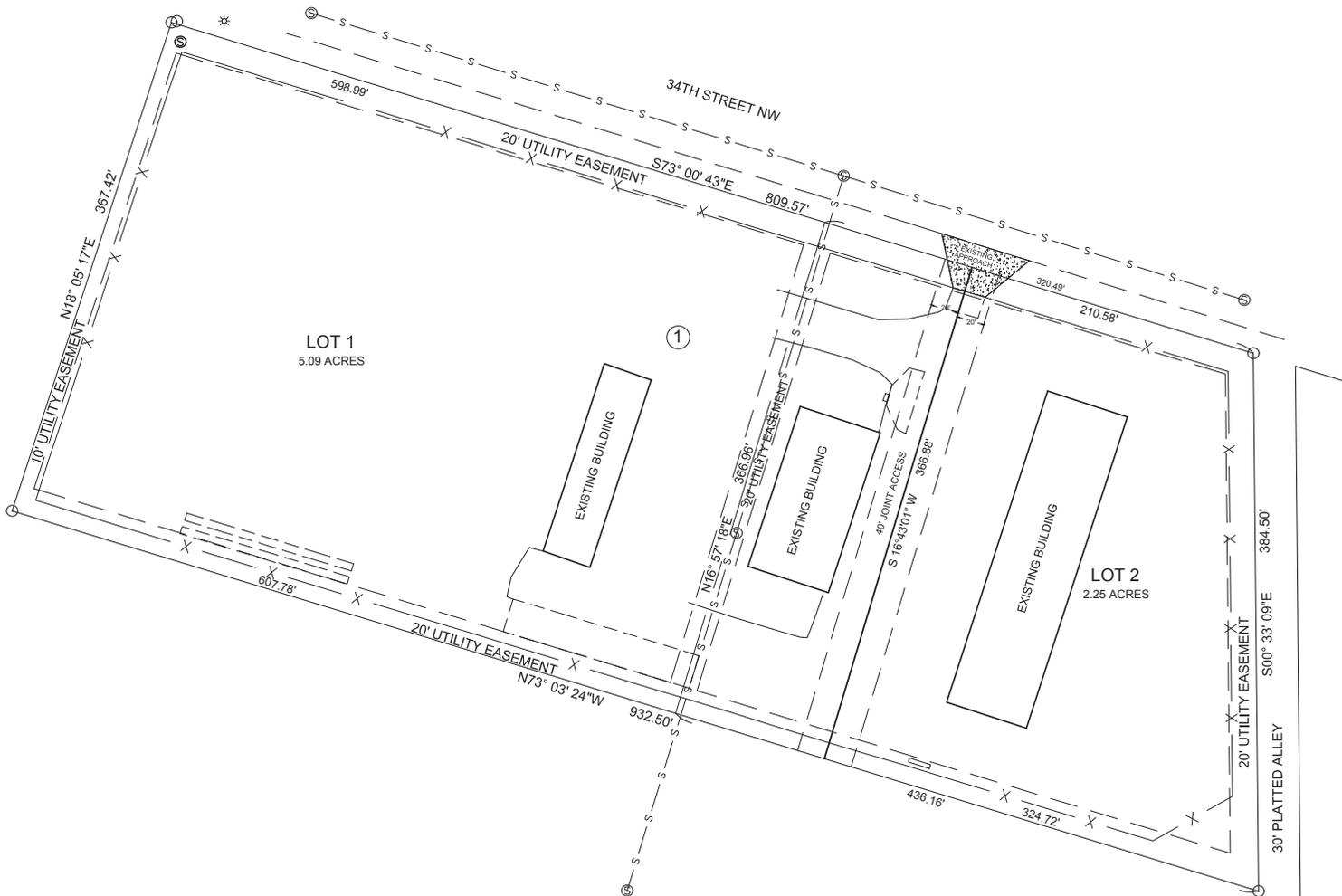
9-6-2019
 0 40' 80'

HORIZ. DATUM: NAD83
 VERT. DATUM: NAVD83

LEGEND
 ○ FOUND REBAR MONUMENT
 ● SET REBAR MONUMENT

TOMAN ENGINEERING COMPANY
 501 1st Street NW, Mandan, ND 58554
 Phone: 701-663-6483 • Fax: 701-663-0923

REPLAT OF LOT 3, BLOCK 1, MANDAN INDUSTRIAL PARK



TE **TOMAN ENGINEERING**
 501 1st Street NW, Mandan, ND 58554
 Phone: 701-663-6483 • Fax: 701-663-0923

IEA COOP
 REPLAT OF LOT 3, BLOCK 1, MANDAN INDUSTRIAL PARK

EXISTING FEATURES MAP
 SHEET 1 OF 1
 MANDAN, ND

SEPTEMBER 2019

COPYRIGHT TOMAN ENGINEERING CO.

EXHIBIT 3

Provisions of Variance

The following provisions of the variance shall apply:

- 1) Stand-alone offices shall be in support of an allowed use of the zoning district that the subject property is located within.

- 2) The site-obscuration requirement for a utility service yard is granted.

EXHIBIT 4

Rationale for Approving Variance

- An internal redistribution of assets in support of the energy cooperative is the basis for this request. A division merely to reallocate assets within the same entity for the same use and character is a reasonable use of land.
- Without the granting of the variance in this case, the energy cooperative would be unnecessarily burdened by the zoning ordinance where no perceptible change in function or use is to occur.
- The utility service yard is entirely surrounded by industrial activities and currently not site-obscured.

Collectively, not individually, the above provide rationale to grant the variance.



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 15, 2019
PREPARATION DATE: October 7, 2019
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: First consideration of Ordinance 1313 related to the annexation, zone change, and preliminary plat/master plan for proposed Evergreen Heights 3rd Addition

STATEMENT/PURPOSE: Consider approval of the first consideration of Ordinance 1313 related to the annexation and zone change. Also, the corresponding preliminary plat/master plan for proposed Evergreen Heights 3rd Addition.

BACKGROUND/ALTERNATIVES: Val Renner and Janet Dykshoorn are seeking to plat their property near 19th St. SE and S. 1806 for the purposes of commercial development. The property requesting to be platted totals 4.04 acres, with a further five (5) acres being part of a masterplan. The master planned area is not being requested to be annexed, platted, or rezoned at this time.

Mr. Renner would like to erect shop condos for his landscaping business and to house similar contractor businesses on Lot 3, Block 1 of the proposed plat (See Exhibit 2 and 3). Lot 1 is intended for similar use as Lot 3. No residential uses are desired on these lots, although Lot 1 has been noted as an ideal location for residential construction. Ms. Dykshoorn would like to maintain her single-family dwelling on Lot 2, Block 1.

Lots 1 through 3, Block 1 is seeking CA – Neighborhood Commercial zoning. Staff is recommending the same restrictions that applied to these lots at the previous P&Z meeting on April 22, 2019. Staff has received confirmation that these restrictions are amenable to the applicant via e-mail.

The master plan shows single-family residential being constructed along the west of a proposed north-south future road titled “Living Water Drive.” These are Lots 1-8, Block 3 on the masterplan. Future zoning for Lot 1, Block 2 of the masterplan is RM – multi-family.

Board of City Commissioners

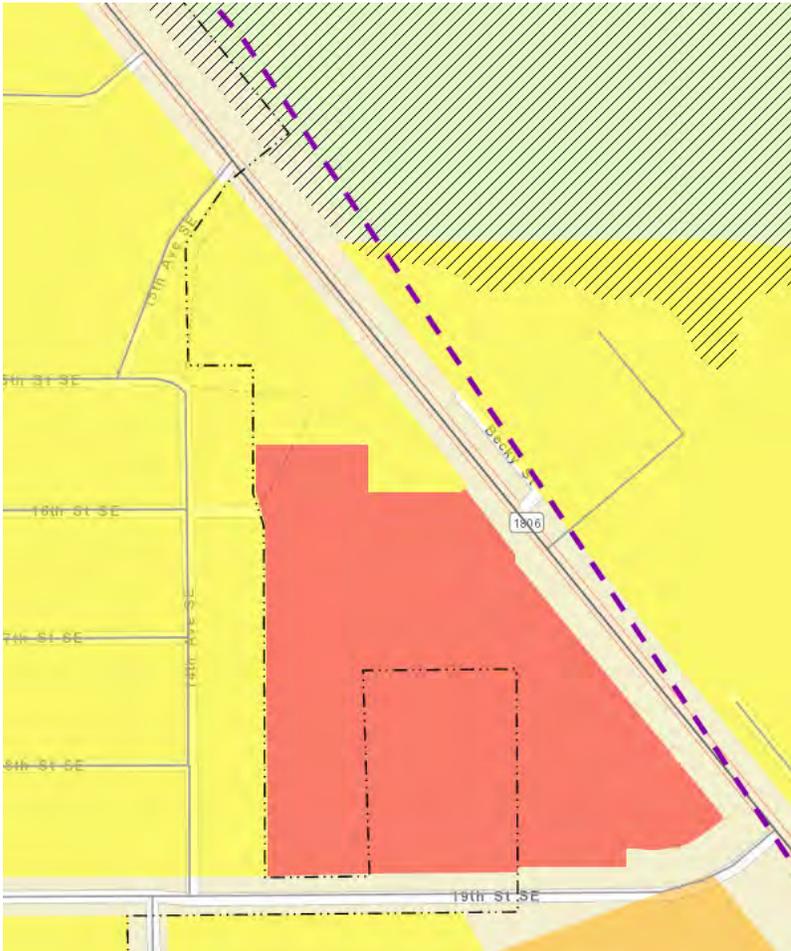
Agenda Documentation

Meeting Date: October 15, 2019

Subject: First consideration of Ordinance 1313 related to the annexation, zone change, and preliminary plat/master plan for proposed Evergreen Heights 3rd Addition

Page 2 of 3

The future land use per the Mandan Land Use & Transportation Plan is commercial (red) and low density residential (yellow).



The development proposed does not align with the comprehensive plan for the city. Despite this, staff is providing recommendation for approval based on the rationale found in Exhibit 4.

The Planning and Zoning Commission voted unanimously to recommend approval at the September 23 meeting.

ATTACHMENTS:

Exhibit 1 – Application

Board of City Commissioners

Agenda Documentation

Meeting Date: October 15, 2019

Subject: First consideration of Ordinance 1313 related to the annexation, zone change, and preliminary plat/master plan for proposed Evergreen Heights 3rd Addition

Page 3 of 3

Exhibit 2 – Evergreen 3rd Preliminary Plat

Exhibit 3 – Masterplan

Exhibit 4 – Rationale for Deviating from Land Use and Transportation Plan

Exhibit 5 – Requirements for Final Plat

Exhibit 6 – List of Zoning Restrictions

Exhibit 7 – DRAFT Ordinance 1313

FISCAL IMPACT: N/a

STAFF IMPACT: N/a

LEGAL REVIEW: This document, including Ordinance 1313, has been reviewed and approved by Attorney Brown.

RECOMMENDATION: Engineering and Planning recommend approval of the annexation and zoning amendment as outlined in Ordinance 1313. Further, Engineering and Planning recommend approval of the preliminary plat as shown in Exhibit 2 and the masterplan as shown in Exhibit 3. The recommendation is based on the rationale included in Exhibit 4.

SUGGESTED MOTION: I move to approve the first consideration of Ordinance 1313 as shown in Exhibit 7, the preliminary plat as shown in Exhibit 2, and the masterplan as shown in Exhibit 3, all subject to the requirements of the final plat as outlined in Exhibit 5. This approval is based on the rationale included in Exhibit 4.

EXHIBIT 1

CITY OF MANDAN	
Development Review Application	
<input type="checkbox"/> Minor Plat (\$300)	<input checked="" type="checkbox"/> Zone Change (\$600)
<input checked="" type="checkbox"/> Preliminary Plat up to 20 acres (\$350)	<input type="checkbox"/> Planned Unit Development (\$700)
<input type="checkbox"/> Preliminary Plat more than 20 acres (\$400)	<input type="checkbox"/> Zone Change with Minor Plat (\$400)
<input type="checkbox"/> Final Plat up to 20 lots (\$350)	<input type="checkbox"/> Vacation (\$500)
<input type="checkbox"/> Final Plat 21 to 40 lots (\$475)	<input type="checkbox"/> Variance (\$400)
<input type="checkbox"/> Final Plat more than 40 lots (\$700)	<input type="checkbox"/> Special Use Permit (\$450)
<input checked="" type="checkbox"/> Annexation (\$450)	<input type="checkbox"/> Stormwater submittal (\$300)
<input type="checkbox"/> Annexation with Minor Plat (\$200)	<input type="checkbox"/> Stormwater 2 nd & subsequent resubmittal (\$50)
Summary of Request	
Applicant requests to plat, annex and change the zoning for the property shown on the enclosed preliminary plat. Request to change from the county ag zoning to CA - Neighborhood Commercial for Lots 1-3, Block 1.	

Engineer/Surveyor			Property Owner or Applicant		
Name Feser Engineering, PC SES Geomatics			Name Val Renner Janet Dykshoorn		
Address 1217 N 1st Street 2321 Harding Avenue			Address 4655 Hwy 6 1601 Hwy 1806 S		
<small>City</small> Bismarck	<small>State</small> ND	<small>Zip</small> 58501	<small>City</small> Mandan	<small>State</small> ND	<small>Zip</small> 58554
<small>email</small> greg@fesereng.com ljs2363@midco.net			<small>email</small>		
<small>Phone</small> 400-2801 220-9843		<small>Fax</small>	<small>Phone</small> 426-0522		<small>Fax</small>
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name	
<input checked="" type="checkbox"/> City	ETA	<input checked="" type="checkbox"/> New	<input type="checkbox"/> Addition	AG	CA and RM	Evergreen Heights 3rd Addition	
Property Address				Legal Description			
1601 Hwy 1806 S				PART OF LOT B OF AUDITOR'S SUBDIVISION AND ALL OF LOT A AND LOT B			
Current Use				Legal Description			
Rural residential home and agricultural use.				SOUTHWEST 1/4 SECTION 35, TOWNSHIP 139 NORTH, RANGE 81 WEST			
Proposed Use				Legal Description			
A site plan will be prepared for construction of shop condos on Lot B, Block 1				Section 35		Township 139	Range 81
Parcel Size	Building Footprint	Stories	Building SF	Required Parking		Provided Parking	
9.81 Acres							

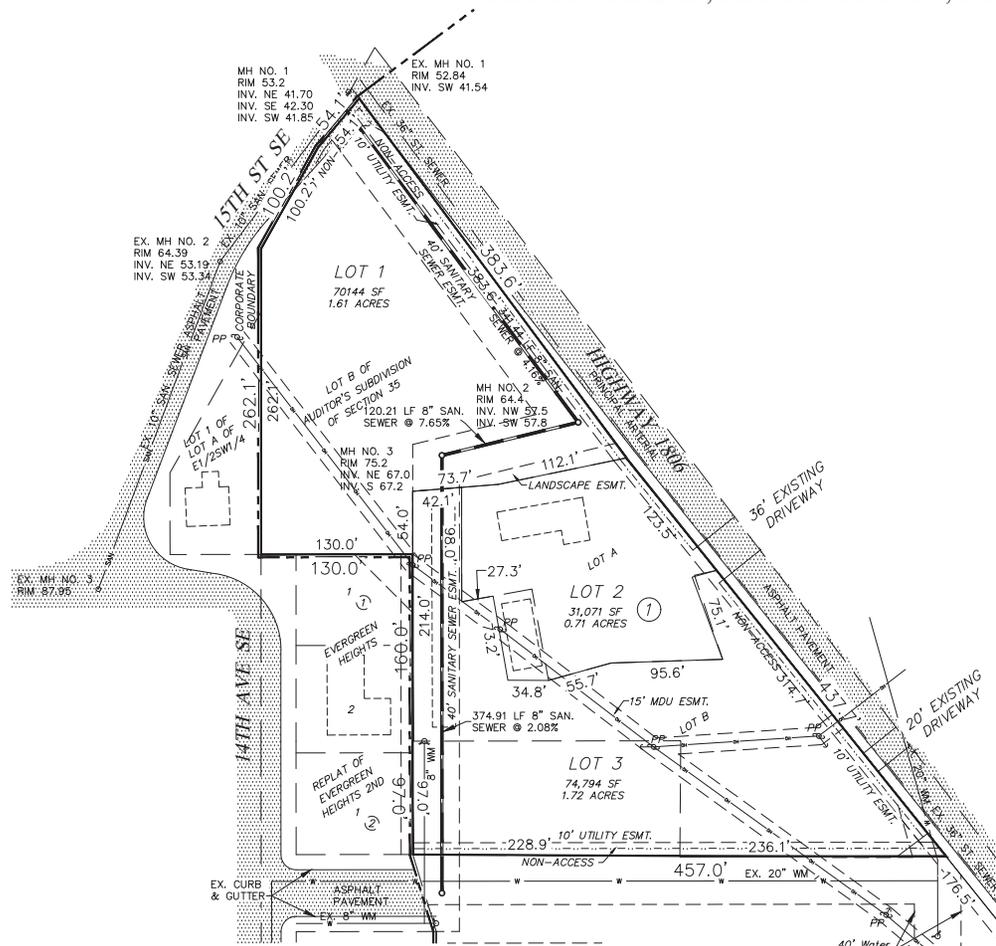
Print Name Janet Dykshoorn Val Renner	Signature <i>Janet Dykshoorn</i> <i>Val Renner</i>	Date 8-23-2019
--	---	--------------------------

Office Use Only			
Date Received: 8/23/2019	Initials: nm	Fees Paid: \$ 1400	Date
Notice in paper	Mailed to neighbors	P&Z meeting	
<input type="checkbox"/> Approved	<input type="checkbox"/> Approved with conditions:		
<input type="checkbox"/> Denied			

EXHIBIT 2

EVERGREEN HEIGHTS THIRD ADDITION

PART OF LOT B OF AUDITOR'S SUBDIVISION AND
 ALL OF LOT A AND LOT B OF LOT B AUDITOR'S SUBDIVISION AND
 PART OF
 SOUTHWEST 1/4 SECTION 35, TOWNSHIP 139 NORTH, RANGE 81 WEST
 CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA



SCALE - 1"=50'
 AUGUST 23, 2019

OWNER: JANET DYKSHOORN
 ADDRESS: 1601 HWY 1806 S
 MANDAN, ND 58554

OWNER: YAL RENNER
 ADDRESS: 4655 HWY 6
 MANDAN, ND 58554

ZONED: AGRICULTURE - MORTON COUNTY
 ACRES: 4.04 ACRES

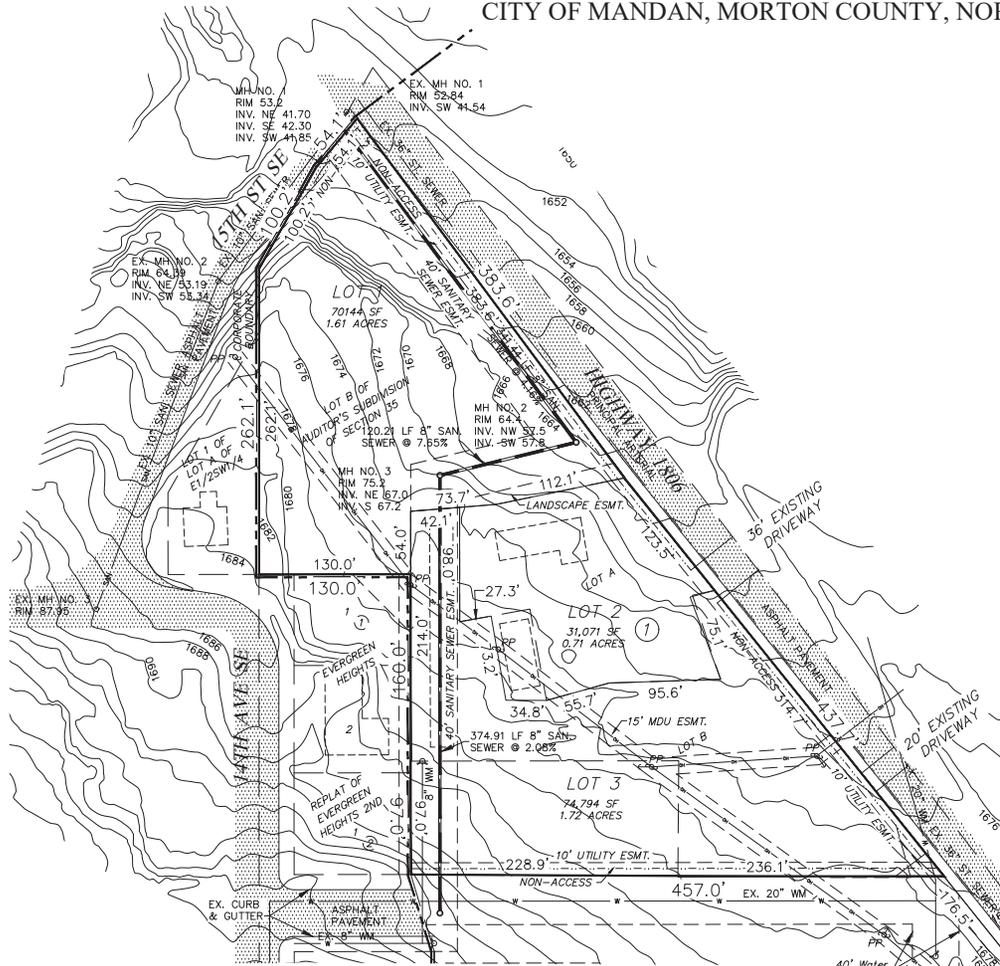
PROPOSED ZONING: CA - NEIGHBORHOOD COMMERCIAL



PRELIMINARY-NOT FOR CONSTRUCTION,
 RECORDING PURPOSES OR IMPLEMENTATION.

EVERGREEN HEIGHTS THIRD ADDITION

PART OF LOT B OF AUDITOR'S SUBDIVISION AND
 ALL OF LOT A AND LOT B OF LOT B AUDITOR'S SUBDIVISION AND
 PART OF
 SOUTHWEST 1/4 SECTION 35, TOWNSHIP 139 NORTH, RANGE 81 WEST
 CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA



SCALE - 1"=50'
 AUGUST 23, 2019

OWNER: JANET DYKSHOORN
ADDRESS: 1601 HWY 1806 S
 MANDAN, ND 58554

OWNER: YAL RENNER
ADDRESS: 4655 HWY 6
 MANDAN, ND 58554

ZONED: AGRICULTURE - MORTON COUNTY
ACRES: 4.04 ACRES

PROPOSED ZONING: CA - NEIGHBORHOOD COMMERCIAL



PRELIMINARY-NOT FOR CONSTRUCTION,
 RECORDING PURPOSES OR IMPLEMENTATION.

Exhibit 4

Rationale for Deviating from Land Use and Transportation Plan:

- 1) As the facility is operated and maintained by NDDOT and as they have provided approval of the layout as presented, there appears to be no substantive reason for the connection of 16th St. SE from 14th Ave. SE to 1806 S. at this time. The future land use map shows commercial in a large portion of this area. Without a direct access to 1806 S, commercial uses on Lot 1, Block 2 of the masterplan would require commercial traffic to travel through single-family residential.
- 2) Single-family residential on Block 3 of the proposed master plan is an accommodation of adjacent property owners and amenable to the applicant. As, both neighbors and the current property owner desire to see the property developed in this manner where the proposed "Living Water Drive" becomes the buffer to non-single-family uses, this zoning designation is more harmonious.
- 3) Commercial on Lots 2 & 3 of the proposed preliminary plat would utilize one of two existing approaches onto 1806 S and vacate the other. This is desirable, as it moves the arterial further toward optimization (efficiency/safety). Lot 1, Block 1 will utilize access onto 15th St. SE.
- 4) The corridor along this area is a combination of multi-family and commercial. This proposal would align with the character of the similarly positioned properties in this area.

EXHIBIT 5

Requirements of Final Plat (Purpose)

- No access onto 1806 S other than by way of existing driveway approach presently serving proposed Lot 2, Block 1 of Evergreen Heights 3rd Add. (Safety)
- Approach solely serving proposed Lot 3, Block 1 of Evergreen Heights 3rd Add. shall be vacated to meet the current North Dakota Department of Transportation standards for minimum distance between approaches. (Safety)
- Montana-Dakota Utilities (MDU) requests an easement along properties abutting 1806 S of ten (10) feet to adequately provide services to the proposed lots. (Utilities)

EXHIBIT 6

Recommended Zoning Restrictions by Lot/Block for Proposed Evergreen Heights 3rd Add.

Lot 1, Block 1

- a. Single-family dwelling.
- b. Two-family dwelling.
- c. Multifamily dwelling.

Office-bank Group Uses

Insurance or real estate;

Private company - Shop condos for contractor-related activities to include:

- Landscaping, electrician, plumbing, HVAC, drywall taping, and;
- Carpenters, where no milling, cutting, or other wood machining is conducted

Professional services;

Lot 2, Block 1

- a. Single-family dwelling.
- b. Two-family dwelling.
- c. Multifamily dwelling.

Office Use Group Uses

Insurance or real estate;

Private company - Shop condos for contractor-related activities to include:

- Landscaping, electrician, plumbing, HVAC, drywall taping, and;
- Carpenters, where no milling, cutting, or other wood machining is conducted

Professional services;

Lot 3, Block 1

Office-bank Group Uses

Insurance or real estate;

Private company - Shop condos for contractor-related activities to include:

- Landscaping, electrician, plumbing, HVAC, drywall taping, and;
- Carpenters, where no milling, cutting, or other wood machining is conducted

Professional services;

EXHIBIT 7

ORDINANCE NO. 1313

AN ORDINANCE TO AMEND AND REENACT SECTION 105-2-2 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP AND ANNEXING CERTAIN ADJOINING LANDS TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, AND EXTENDING THE CORPORATE BOUNDARIES THEREOF.

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

SECTION 1. PROPERTY ANNEXED. The following described land is situated in the County of Morton, State of North Dakota, and contiguous to the corporate limits of the City of Mandan, North Dakota, and is hereby added to, taken into, annexed and made part of the City of Mandan, namely:

ALL THAT PART OF LOT B OF AUDITOR'S SUBDIVISION AND ALL OF LOT A AND LOT B OF LOT B AUDITOR'S SUBDIVISION OF THE SOUTHWEST 1/4 SECTION 35, TOWNSHIP 139 NORTH, RANGE 81 WEST, MORTON COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOW:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 BLOCK 2 REPLAT OF EVERGREEN HEIGHTS 2ND ADDITION; THENCE NORTH 00 DEGREES 06 MINUTES 31 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 256.67 FEET TO THE NORTHEAST CORNER OF LOT 1 BLOCK 1 EVERGREEN HEIGHTS ADDITION; THENCE NORTH 89 DEGREES 53 MINUTES 40 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 129.87 FEET TO THE SOUTHEAST CORNER OF LOT 1 OF LOT A OF E1/2SW1/4 SECTION 35, T.139N., R.81W.; THENCE NORTH 00 DEGREES 01 MINUTE 22 SECONDS WEST, ALONG EAST LINE OF SAID LOT 1 OF LOT A OF E1/2SW1/4, A DISTANCE OF 258.17 FEET TO THE SOUTH RIGHT-OF-WAY OF 15TH STREET SE; THENCE NORTHEASTERLY AND TO THE RIGHT, ALONG SAID RIGHT-OF-WAY, ON A 204.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 58 DEGREES 38 MINUTES 59 SECONDS EAST, AN ARC LENGTH OF 33.78 FEET; THENCE NORTH 40 DEGREES 50 MINUTES 14 SECONDS EAST, CONTINUING ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 90.42 FEET TO THE WEST RIGHT-OF-WAY OF HIGHWAY 1806; THENCE SOUTH 38 DEGREES 47 MINUTES 51 SECONDS EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 329.06 FEET; THENCE NORTH 51 DEGREES 25 MINUTES 12 SECONDS EAST, CONTINUING ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 5.16 FEET; THENCE SOUTH 38 DEGREES 42 MINUTES 43 SECONDS EAST, CONTINUING ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 285.14 FEET; THENCE SOUTH 51 DEGREES 17 MINUTES 17 SECONDS WEST, CONTINUING ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 15.00 FEET; THENCE SOUTH 38 DEGREES 48 MINUTES 45 SECONDS EAST, CONTINUING ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 163.24 FEET; THENCE NORTH 89 DEGREES 47 MINUTES 25 SECONDS WEST, A DISTANCE OF 427.70 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 3.70 ACRES, MORE OR LESS.

AND

BEGINNING AT THE NORTHERN MOST POINT OF THE PROPOSED EVERGREEN 3RD ADDITION BEING CENTERLINE STATION 60+20.94, 50 FEET RIGHT OF NORTH DAKOTA STATE HIGHWAY 1806, THENCE NORTH 51 DEGREES 12 MINUTES 9 SECONDS EAST, NORTHEASTERLY TO THE RIGHT OF WAY OF SAID HIGHWAY 1806, THENCE SOUTHEASTERLY 150 LEFT ALONG THE NORTHEASTERLY RIGHT OF WAY 79.06 FEET TO STATION 61+00.00, WHERE THE RIGHT OF WAY CHANGES TO 100.00 FEET LEFT OF CENTERLINE, THENCE ALONG SAID RIGHT OF WAY LINE TO THE EAST WEST 1/4 1/4 LINE SECTION 35, TOWNSHIP 139 NORTH, RANGE 81 WEST, THENCE ALONG SAID 1/4 1/4 LINE AND SAID RIGHT OF WAY LINE TO WHERE THE RIGHT OF WAY CHANGES TO 50 FEET LEFT OF CENTERLINE, THENCE ALONG SAID RIGHT OF WAY AND THE SOUTHWESTERLY LINE OF BECKY STREET 163.24 FEET TO CENTERLINE STATION 67+98.24, THENCE PERPENDICULAR AND SOUTHWESTERLY TO THE PREVIOUS LINE A DISTANCE OF 110 FEET TO THE MOST SOUTHEASTERLY CORNER OF THE PROPOSED EVERGREEN HEIGHTS THIRD ADDITION, THENCE NORTHWESTERLY ALONG THE SOUTH WESTERLY RIGHT OF WAY LINE OF HIGHWAY 1806 AS DESCRIBED IN THE PROPOSED EVERGREEN HEIGHTS THIRD ADDITION BOUNDARY DESCRIPTION AND EXHIBIT TO THE POINT OF BEGINNING.

THE INTENT OF THE ABOVE DESCRIPTION IS INCLUDE THE 1806 RIGHT OF WAY ADJOINING THE EVERGREEN HEIGHTS THIRD ADDITION, IN THE ANNEXATION TO THE CITY OF MANDAN.

SECTION 2. CORPORATE BOUNDARY EXTENDED. Upon the taking effect of this Ordinance, the corporate limits and boundary lines of the City of Mandan shall thereafter include said lands.

SECTION 3. ZONING AMENDMENT. Section 105-2-2 of the Mandan Code of Ordinances is amended to read as follows:

The following properties, being All That Part Of Lot B Of Auditor's Subdivision And All Of Lot A And Lot B Of Lot B Auditor's Subdivision Of The Southwest 1/4 Section 35, Township 139 North, Range 81 West, Morton County, North Dakota (part of that previously described in Section 1) and comprising the proposed plat of Evergreen Heights Third Addition, shall be excluded from the A Agricultural District and included in the district as outlined below:

1. Lots 1 & 2, Block 1 shall be included in the CA – Commercial District **WITH RESTRICTIONS.** The allowable uses are limited to the following:

Residential uses:

- Single-family dwelling;
- Two-family dwelling;
- Multifamily dwelling;

Office-bank group uses:

- Insurance or real estate;
- Professional Services; and
- Private company - Shop condos for contractor-related activities to include:
 - Landscaping, electrician, plumbing, HVAC, drywall taping; and
 - Carpenters, where no milling, cutting, or other wood machining is conducted

2. Lot 3, Block 1 shall be included in the CA – Commercial District **WITH RESTRICTIONS**. The allowable uses are limited to the following:

Office-bank group uses:

- Insurance or real estate;
- Professional Services; and
- Private company - Shop condos for contractor-related activities to include:
 - Landscaping, electrician, plumbing, HVAC, drywall taping; and
 - Carpenters, where no milling, cutting, or other wood machining is conducted

SECTION 4. RE-ENACTMENT. Section 105-2-2 of the Mandan Code of Ordinances is hereby re-enacted as amended. The city principal planner is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

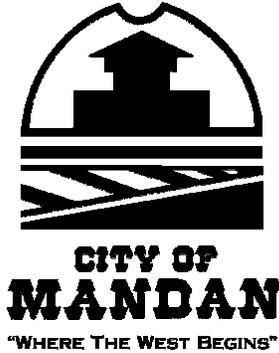
Tim Helbling, President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

Planning and Zoning Commission:
First Consideration:
Second Consideration and Final Passage:
Recording Date:

September 23, 2019
October 15, 2019
November 5, 2019



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 15, 2019
PREPARATION DATE: October 9, 2019
SUBMITTING DEPARTMENT: Special Assessments
DEPARTMENT DIRECTOR: Justin Froseth, Planning & Engineering Director
PRESENTER: Kim Fettig, Project Manager
SUBJECT: Confirmation of special assessments for Street Improvement District #211.

STATEMENT/PURPOSE: To consider confirmation of special assessments for Street Improvement District #211.

BACKGROUND/ALTERNATIVES: The project, along with cost and description of the improvements provided within the district, is as follows:

- **Street Improvement District #211 - (\$225,623.11)** New asphalt street construction took place on Amari Loop NW. Installation of new curb and gutter, asphalt pavement, storm sewer, street lights and chip seal took place with this project.

The assessment list for this district was published in the Mandan News and the public hearing before the Special Assessment Commission was held on September 10, 2019. Members of the Special Assessment Commission voted to approve moving the project on to the City Commission. There were no objections heard at the public hearing. Assessments certified to Morton County by November 1st, 2019 to be included on December 2019 Tax Statements.

ATTACHMENTS:

1. Copies of the special assessments list and map of the district.

FISCAL IMPACT: Total Amount Assessed:

Street Improvement District #211 - (\$225,623.11)
Years Assessed: 15
Estimated Interest Rate: 4.0 - 5.0%
No Interest Charged for the First Year

Board of City Commissioners

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Meeting Date: October 15, 2019

Subject: Confirmation of special assessments for Street Improvement District #211

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STAFF IMPACT: City staff has ongoing time spent from start to finish on this project.

LEGAL REVIEW: Attorney Brown has reviewed special assessment list.

RECOMMENDATION: I would recommend the proposed assessments as certified by the Special Assessment Commission be confirmed on this project.

SUGGESTED MOTION: Move to approve the special assessments for certification on Street Improvement District #211 as to the property benefited and the respective benefits to each property.

Board of City Commissioners

Agenda Documentation

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Subject: Confirmation of special assessments for Street Improvement District #211

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NOTICE OF HEARING OF OBJECTIONS TO SPECIAL
ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #211

Notice is Hereby Given that the Special Assessment Commission of the City of Mandan, North Dakota will meet at Mandan City Hall, 205 2nd Avenue NW on September 10, 2019 at 5:30 p.m. to hear objections which may be made to any of the foregoing assessments in Street Improvement District #211 as shown on the foregoing list by any person interested or his agent or attorney.

Kim Fettig, Engineering Project Manager

NOTICE OF ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #211

We the undersigned, constituting the Special Assessment Commission of the City of Mandan do hereby certify that the following is a true and correct list of the particular lots of land which, in the opinion of the Commission, are especially benefited by the construction performed in Street Improvement District #211 of the City of Mandan, showing the amount against each lot or tract, the same is a true and correct assessment of the property there in described to the best judgement of the members of the Commission. The items of expense in said improvement district and the assessments are as follows, to wit.

Construction	\$	210,449.25
Engineering, Legal, Administration	\$	10,522.46
Testing & Inspection	\$	227.42
Bonding Costs	\$	4,423.98
Less Federal, State and/or City Funding	\$	-
Amount to be Assessed	\$	225,623.11

SEQ	LOT	BLOCK	ADDRESS	AMT ASSESSED
	CYPRESS GROVE			
12067	1	1	3801 AMARI LOOP NW	\$10,743.96
12068	2	1	3805 AMARI LOOP NW	\$10,743.96
12069	3	1	3809 AMARI LOOP NW	\$10,743.96
12070	4	1	3813 AMARI LOOP NW	\$10,743.96
12071	5	1	3817 AMARI LOOP NW	\$10,743.96
12072	6	1	3821 AMARI LOOP NW	\$10,743.96
12073	7	1	3825 AMARI LOOP NW	\$10,743.96
12074	8	1	3829 AMARI LOOP NW	\$10,743.96
12075	9	1	3833 AMARI LOOP NW	\$10,743.96
12076	10	1	3837 AMARI LOOP NW	\$10,743.96
12077	11	1	3903 AMARI LOOP NW	\$10,743.96
12078	12	1	3907 AMARI LOOP NW	\$10,743.96
12079	13	1	3911 AMARI LOOP NW	\$10,743.96
12080	14	1	3915 AMARI LOOP NW	\$10,743.96
12097	8	2	3808 AMARI LOOP NW	\$10,743.96
12098	9	2	3814 AMARI LOOP NW	\$10,743.96
12099	10	2	3820 AMARI LOOP NW	\$10,743.96
12100	11	2	3826 AMARI LOOP NW	\$10,743.96
12101	12	2	3832 AMARI LOOP NW	\$10,743.96
12102	13	2	3838 AMARI LOOP NW	\$10,743.96
12103	14	2	3910 AMARI LOOP NW	\$10,743.96

Witness our hands officially as said Commission this 13th day of August, 2019.

/s/Deborah Holter

Chairman

/s/Keith Winks

Member

/s/Carl Jacobsen

Member

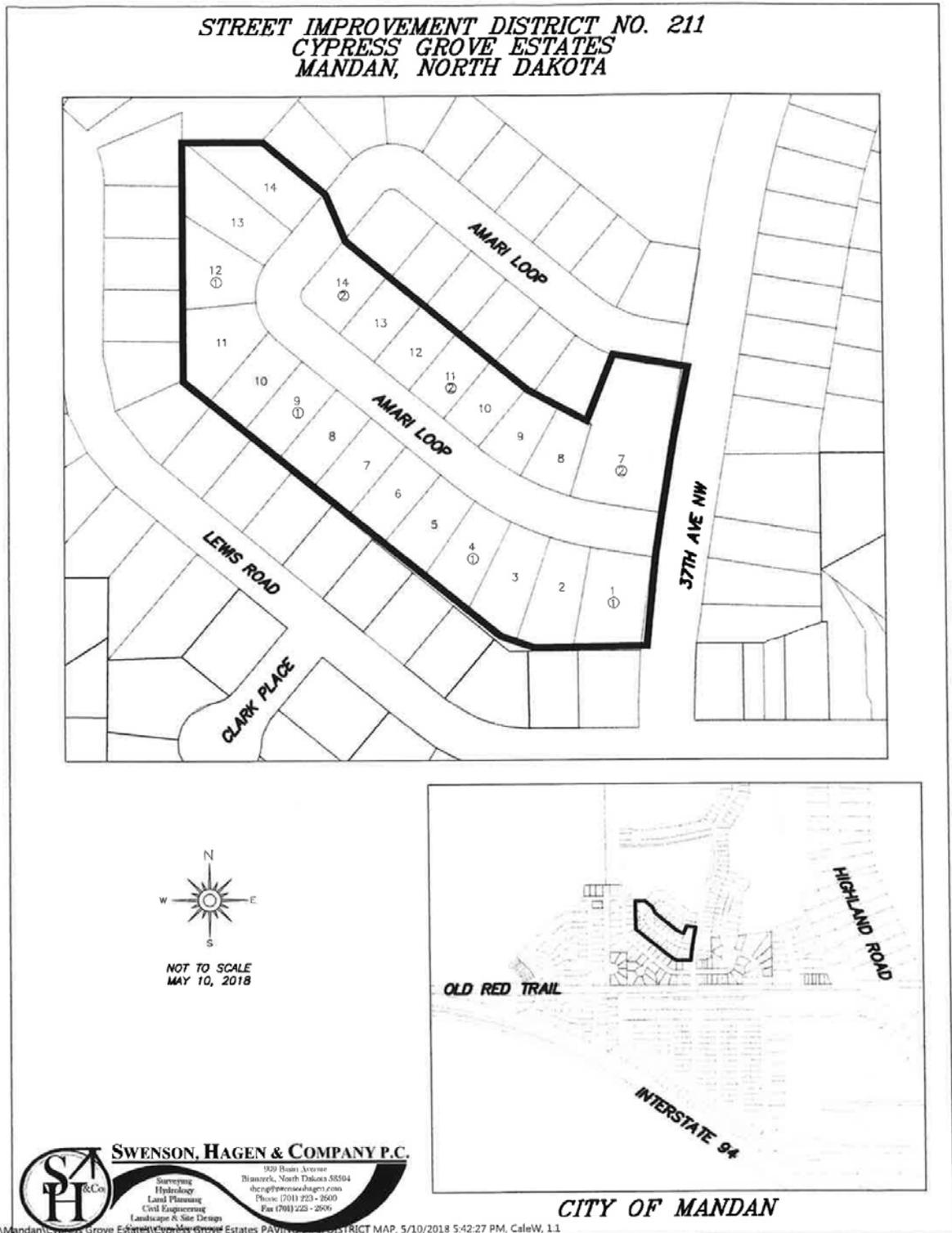
Board of City Commissioners

Agenda Documentation

Meeting Date: October 15, 2019

Subject: Confirmation of special assessments for Street Improvement District #211

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Board of City Commissioners

Agenda Documentation

MEETING DATE: Oct. 15, 2019
PREPARATION DATE: Oct. 10, 2019
SUBMITTING DEPARTMENT: Business Development & Communications
DEPARTMENT DIRECTOR: Ellen Huber
PRESENTER: Ellen Huber, Business Development & Communications Department
SUBJECT: Request for Flex PACE letter of support by Wise Properties, LLC

STATEMENT/PURPOSE: Consider providing a letter of support to the N.D. Opportunity Fund (NDOF) loan committee for a loan to finance a relocation and expansion project by Wise Properties, LLC.

BACKGROUND/ALTERNATIVES: Mandan is part of a consortium of 38 North Dakota municipalities that received funding from the U.S. Treasury Department for a loan participation program marketed as the N.D. Opportunity Fund (NDOF). The NDOF loan committee will consider applications for repayable loans for the required community share of an interest buydown. The interest buydowns are made available through the Bank of North Dakota (BND) PACE and Flex PACE programs. The loan committee needs to receive documentation of community support for use of an interest buydown to assist the particular business or project. A letter from a city commission confirms that a business project provides community benefit and has the support of the governing entity.

David Wise of Wise Properties, LLC, is seeking to construct a new 13,000 sf funeral facility to be located at 4211 Old Red Trail NW. The project will allow for the relocation and expansion of a long-time Mandan business. DaWise-Perry Funeral Home has been operating in Mandan since 2011 and was previously known as Perry Funeral Home, established in 1991. The new location will include Mandan's first crematory, a service currently subcontracted to funeral homes elsewhere. Total project costs are in excess of \$2.5 million.

Wise is seeking to reduce the interest rate on a \$1,993,585 loan toward the project. Based on a BND buydown schedule, the required 35 percent community match is \$77,976.87. He plans to seek this amount as a repayable loan from the NDOF.

Board of City Commissioners

Agenda Documentation

Meeting Date: October 15, 2019

Subject: Consider providing a Flex PACE letter of Support for Wise Properties, LLC

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ATTACHMENTS: 1) David Wise Flex PACE request 2) Conditional lender letter of approval
3) Buydown schedule 4) Proposed letter of support.

FISCAL IMPACT: n/a

STAFF IMPACT: Minimal

LEGAL REVIEW: Attorney Brown has reviewed all information.

RECOMMENDATION: I recommend the City Commission provide a letter of support for an interest buydown to Wise Properties LLC to accommodate an expansion of DaWise Perry Funeral Services.

SUGGESTED MOTION: I move to approve providing a letter of support for an interest buydown to Wise Properties LLC to accommodate an expansion of DaWise Perry Funeral Services.

Board of City Commissioners

Agenda Documentation

Meeting Date: October 15, 2019

Subject: Consider providing a Flex PACE letter of Support for Wise Properties, LLC

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To Mandan City Commission,

I, David Wise, owner of DaWise-Perry Funeral Services am requesting your support for the provision of the community match for an interest buydown from the ND Opportunity Fund. This is for new construction of a funeral facility. It will be located at 4211 Old Red Trail NW, Mandan, next to the Engage Church. It will be around 13,000 square feet with a large chapel, reception area with patio, offices, arrangement office, prep room, cooler, garage spaces, all equipment and a Crematory. Projected costs will be in excess of \$2,500,000.00.

DaWise-Perry started with two full time employees and one part time helper, including myself as the only funeral director. I now have two full-time Funeral Directors (myself included), one part-time Funeral Director, one full-time Office Manager with licensed Advanced Planning, six part-time funeral assistants, and one part-time IT/Custodian. With growth, we anticipate retaining our current staff of 10 and adding more.

I am confident DaWise-Perry Funeral Services will continue to be the leading funeral service provider in the Mandan, Bismarck and surrounding areas. With our new facility, we will be able to serve our families better with more space and amenities. We will remain based in the Mandan community.

DaWise-Perry Funeral Services was established in July 2011 and was previously known as Perry Funeral Home, established in 1991. DaWise-Perry focuses on providing families affordable services in funerals, cremations, and memorials. Since I have taken ownership, we have experienced a continuous upward trend in the number of families we serve. Despite the decrease in population for North Dakota from 2016 to 2017, we have gained more of a market in Burleigh and Morton Counties. With our current limitations, we must subcontract out to others for some of our services. In summary, DaWise-Perry has become the number 1 trusted funeral home in Mandan. It's taken less than three years for this to occur, going against other funeral homes that have been established for more than 40 years.

Thank you for your consideration,

Sincerely,

David Wise

Owner/DaWise-Perry Funeral Services

Phone: 701-663-3239

Fax: 701-663-0203

"Simple Services, Celebrating a life Simply Lived"

Website: dawiseperry.com

Email: office@dawiseperry.com

Board of City Commissioners

Agenda Documentation

Meeting Date: October 15, 2019

Subject: Consider providing a Flex PACE letter of Support for Wise Properties, LLC

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October 2, 2019

David Wise, Owner
DaWise-Perry Funeral Services, Inc.
4614 Memorial Highway
Mandan, ND 58554

RE: Wise Properties, LLC - Conditional Letter of Approval

Dear Mr. Wise,

I am very pleased to inform you that Starion Bank is offering you this Conditional Letter of Approval for the financing of your new funeral home and crematory on Old Red Trail in Mandan. This is a valuable service provided to the residents of our city and I am pleased with your decision to stay and thrive in Mandan. The crematory will be an additional service that very few other competitors can offer themselves.

This approval of financing is based on the following terms of your \$2,658,113 Project:

Loan amount = \$1,993,585
Term = 10 Years
Amortization = 25 Years
Rate = 4.79% Fixed
Participation = 50% with Bank of ND
Flex Pace program = Pending approval

Final approval is subject to the following criteria:

Final Credit underwriting by Starion Bank and Bank of ND
Satisfactory appraisal
Title work

Again, thank you for your interest in financing this project with Starion Bank. I look forward to being a part of this new venture you have for the City of Mandan.

Sincerely,

A handwritten signature in black ink, appearing to read "Darren J. Haugen".

Darren J. Haugen
AVP/Business Banking

109 1st St NW, PO Box 848 | Mandan, ND 58554 | 701-663-6434 | Fax 701-667-1636 | Member FDIC

starionbank.com



Exhibit A: Wise Properties LLC

LOAN TYPE: PACE
 LOAN NUMBER:
 LEAD BANK:

Buydown Account Details

INTEREST BUYDOWN AMOUNT:	\$222,791.15
BND BUYDOWN AMOUNT:	\$144,814.28
COMMUNITY BUYDOWN AMOUNT:	\$77,976.87
PRESENT VALUE BND:	\$141,552.83
PRESENT VALUE COMMUNITY:	\$76,220.70
CREATED DATE:	4/2/2019

Loan without buydown

PRINCIPAL:	\$1,993,585.00
YIELD RATE:	4.79
AMORTIZATION (MONTHS):	300
PAYMENT:	\$11,492.56

NOTE: The borrower and originating lender should be aware that the fund will provide a set stream of subsidy payments (interest buydown) based upon the payment schedule below. The amount of the borrower's payment, the amortization and all other terms of the loan shall be governed by the promissory note.

The balances shown here, other than the specific buydown amounts, are intended for illustrative purposes only.

Loan with buydown

PRINCIPAL:	\$1,993,585.00
BORROWING RATE:	1.00
AMORTIZATION (MONTHS):	300

Period	Payment	Principal	Interest	Balance
1	\$11,492.56	\$3,534.83	\$7,957.73	\$1,990,050.17
2	\$11,492.56	\$3,284.16	\$8,208.40	\$1,986,766.01
3	\$11,492.56	\$3,297.70	\$8,194.86	\$1,983,468.31
4	\$11,492.56	\$3,839.13	\$7,653.43	\$1,979,629.18
5	\$11,492.56	\$3,327.14	\$8,165.42	\$1,976,302.04
6	\$11,492.56	\$3,603.82	\$7,888.74	\$1,972,698.22
7	\$11,492.56	\$3,355.73	\$8,136.83	\$1,969,342.49
8	\$11,492.56	\$3,631.60	\$7,860.96	\$1,965,710.89
9	\$11,492.56	\$3,384.55	\$8,108.01	\$1,962,326.34
10	\$11,492.56	\$3,398.51	\$8,094.05	\$1,958,927.83
11	\$11,492.56	\$3,673.17	\$7,819.39	\$1,955,254.66
12	\$11,492.56	\$3,427.68	\$8,064.88	\$1,951,826.98
13	\$11,492.56	\$3,701.52	\$7,791.04	\$1,948,125.46
14	\$11,492.56	\$3,457.08	\$8,035.48	\$1,944,668.38
15	\$11,492.56	\$3,471.34	\$8,021.22	\$1,941,197.04
16	\$11,492.56	\$4,260.52	\$7,232.04	\$1,936,936.52
17	\$11,492.56	\$3,503.23	\$7,989.33	\$1,933,433.29
18	\$11,492.56	\$3,774.94	\$7,717.62	\$1,929,658.35
19	\$11,492.56	\$3,533.26	\$7,959.30	\$1,926,125.09
20	\$11,492.56	\$3,804.11	\$7,688.45	\$1,922,320.98
21	\$11,492.56	\$3,563.52	\$7,929.04	\$1,918,757.46
22	\$11,492.56	\$3,578.22	\$7,914.34	\$1,915,179.24
23	\$11,492.56	\$3,847.80	\$7,644.76	\$1,911,331.44
24	\$11,492.56	\$3,608.85	\$7,883.71	\$1,907,722.59
25	\$11,492.56	\$3,877.57	\$7,614.99	\$1,903,845.02
26	\$11,492.56	\$3,639.73	\$7,852.83	\$1,900,205.29
27	\$11,492.56	\$3,654.74	\$7,837.82	\$1,896,550.55
28	\$11,492.56	\$4,426.86	\$7,065.70	\$1,892,123.69
29	\$11,492.56	\$3,688.08	\$7,804.48	\$1,888,435.61
30	\$11,492.56	\$3,954.55	\$7,538.01	\$1,884,481.06
31	\$11,492.56	\$3,719.60	\$7,772.96	\$1,880,761.46
32	\$11,492.56	\$3,985.19	\$7,507.37	\$1,876,776.27
33	\$11,492.56	\$3,751.38	\$7,741.18	\$1,873,024.89
34	\$11,492.56	\$3,766.85	\$7,725.71	\$1,869,258.04
35	\$11,492.56	\$4,031.10	\$7,461.46	\$1,865,226.94
36	\$11,492.56	\$3,799.02	\$7,693.54	\$1,861,427.92
	\$413,732.16	\$132,157.08	\$281,575.08	

Period	Payment	Principal	Interest	Balance
1	\$5,196.15	\$3,534.83	\$1,661.32	\$1,990,050.17
2	\$4,997.81	\$3,284.16	\$1,713.65	\$1,986,766.01
3	\$5,008.53	\$3,297.70	\$1,710.83	\$1,983,468.31
4	\$5,436.92	\$3,839.13	\$1,597.79	\$1,979,629.18
5	\$5,031.82	\$3,327.14	\$1,704.68	\$1,976,302.04
6	\$5,250.74	\$3,603.82	\$1,646.92	\$1,972,698.22
7	\$5,054.44	\$3,355.73	\$1,698.71	\$1,969,342.49
8	\$5,272.72	\$3,631.60	\$1,641.12	\$1,965,710.89
9	\$5,077.25	\$3,384.55	\$1,692.70	\$1,962,326.34
10	\$5,088.29	\$3,398.51	\$1,689.78	\$1,958,927.83
11	\$5,305.61	\$3,673.17	\$1,632.44	\$1,955,254.66
12	\$5,111.37	\$3,427.68	\$1,683.69	\$1,951,826.98
13	\$5,328.04	\$3,701.52	\$1,626.52	\$1,948,125.46
14	\$5,134.63	\$3,457.08	\$1,677.55	\$1,944,668.38
15	\$5,145.92	\$3,471.34	\$1,674.58	\$1,941,197.04
16	\$5,770.34	\$4,260.52	\$1,509.82	\$1,936,936.52
17	\$5,171.15	\$3,503.23	\$1,667.92	\$1,933,433.29
18	\$5,386.13	\$3,774.94	\$1,611.19	\$1,929,658.35
19	\$5,194.91	\$3,533.26	\$1,661.65	\$1,926,125.09
20	\$5,409.21	\$3,804.11	\$1,605.10	\$1,922,320.98
21	\$5,218.85	\$3,563.52	\$1,655.33	\$1,918,757.46
22	\$5,230.48	\$3,578.22	\$1,652.26	\$1,915,179.24
23	\$5,443.78	\$3,847.80	\$1,595.98	\$1,911,331.44
24	\$5,254.72	\$3,608.85	\$1,645.87	\$1,907,722.59
25	\$5,467.34	\$3,877.57	\$1,589.77	\$1,903,845.02
26	\$5,279.15	\$3,639.73	\$1,639.42	\$1,900,205.29
27	\$5,291.03	\$3,654.74	\$1,636.29	\$1,896,550.55
28	\$5,901.95	\$4,426.86	\$1,475.09	\$1,892,123.69
29	\$5,317.41	\$3,688.08	\$1,629.33	\$1,888,435.61
30	\$5,528.25	\$3,719.60	\$1,573.70	\$1,884,481.06
31	\$5,342.35	\$3,719.60	\$1,622.75	\$1,880,761.46
32	\$5,552.49	\$3,985.19	\$1,567.30	\$1,876,776.27
33	\$5,367.49	\$3,751.38	\$1,616.11	\$1,873,024.89
34	\$5,379.73	\$3,766.85	\$1,612.88	\$1,869,258.04
35	\$5,588.82	\$4,031.10	\$1,557.72	\$1,865,226.94
36	\$5,405.19	\$3,799.02	\$1,606.17	\$1,861,427.92
	\$190,941.01	\$132,157.08	\$58,783.93	

Period	Interest Buydown	BND (65.00%)	Community (35.00%)
1	\$6,296.41	\$4,092.67	\$2,203.74
2	\$6,494.75	\$4,221.59	\$2,273.16
3	\$6,484.03	\$4,214.62	\$2,269.41
4	\$6,055.64	\$3,936.17	\$2,119.47
5	\$6,460.74	\$4,199.48	\$2,261.26
6	\$6,241.82	\$4,057.18	\$2,184.64
7	\$6,438.12	\$4,184.78	\$2,253.34
8	\$6,219.84	\$4,042.90	\$2,176.94
9	\$6,415.31	\$4,169.95	\$2,245.36
10	\$6,404.27	\$4,162.78	\$2,241.49
11	\$6,186.95	\$4,021.52	\$2,165.43
12	\$6,381.19	\$4,147.77	\$2,233.42
13	\$6,164.52	\$4,006.94	\$2,157.58
14	\$6,357.93	\$4,132.65	\$2,225.28
15	\$6,346.64	\$4,125.32	\$2,221.32
16	\$5,722.22	\$3,719.44	\$2,002.78
17	\$6,321.41	\$4,108.92	\$2,212.49
18	\$6,106.43	\$3,969.18	\$2,137.25
19	\$6,297.65	\$4,093.47	\$2,204.18
20	\$6,083.35	\$3,954.18	\$2,129.17
21	\$6,273.71	\$4,077.91	\$2,195.80
22	\$6,262.08	\$4,070.35	\$2,191.73
23	\$6,048.78	\$3,931.71	\$2,117.07
24	\$6,237.84	\$4,054.60	\$2,183.24
25	\$6,025.22	\$3,916.39	\$2,108.83
26	\$6,213.41	\$4,038.72	\$2,174.69
27	\$6,201.53	\$4,030.99	\$2,170.54
28	\$5,590.61	\$3,633.90	\$1,956.71
29	\$6,175.15	\$4,013.85	\$2,161.30
30	\$5,964.31	\$3,876.80	\$2,087.51
31	\$6,150.21	\$3,997.64	\$2,152.57
32	\$5,940.07	\$3,861.05	\$2,079.02
33	\$6,125.07	\$3,981.30	\$2,143.77
34	\$6,112.83	\$3,973.34	\$2,139.49
35	\$5,903.74	\$3,837.43	\$2,066.31
36	\$6,087.37	\$3,956.79	\$2,130.58
	\$222,791.15	\$144,814.28	\$77,976.87



October 15, 2019

Dear NDOF Loan Committee,

Please accept this letter as evidence of support by the Mandan City Commission for a NDOF loan to Wise Properties, LLC, for the community share of an interest buydown through the Bank of North Dakota Flex PACE program.

As one of 38 participating municipalities that make up the NDOF, the City of Mandan has appreciated the role of the revolving loan fund in filling gaps and leveraging private financing to help new and expanding businesses attain needed loans. The City of Mandan's Growth Fund has a relatively low balance of uncommitted funds. We are reserving these scarce funds for economic and community development programs and projects that warrant a forgivable or no-interest loan. Thus we ask that you favorably consider the application by Wise Properties, LLC.

David Wise of Wise Properties, LLC, is seeking to construct a new 13,000 sf funeral facility, a significant increase from the existing 9,990 sf facility. The project will allow for the relocation and expansion of this long-time Mandan business, originally established in 1991. The new location will include Mandan's first crematory, a service currently subcontracted to funeral homes elsewhere.

Total project costs are in excess of \$2.5 million. Wise is seeking to reduce the interest rate on a \$1,993,585 loan toward the project to assist in the ramp-up phase. Based on a BND buydown schedule, the required 35 percent community match is \$77,976.87. He plans to seek this amount as a repayable loan from the NDOF.

The Mandan City Commission supports the use of the NDOF to reduce borrowing costs on a loan because it allows for the retention and expansion of an existing business, the addition of a service currently unavailable in our city, plus employment retention and growth.

We appreciate your consideration of this request.

Sincerely,

City of Mandan

Timothy C. Helbling
Mayor



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 11, 2019
PREPARATION DATE: October 15, 2019
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch, Finance Director
SUBJECT: Assessments for Weed Cutting of 2019, Sidewalks of 2019, Health & Safety of 2019, Delinquent Alarm System Accounts for 2019, and Delinquent Utility Billing Accounts for 2019.

PURPOSE: Consider the assessments for Weed Cutting of 2019, Sidewalks of 2019, Health & Safety of 2019, Delinquent Alarm System Accounts for 2019, and Delinquent Utility Billing Accounts for 2019.

BACKGROUND: Weed Cutting of 2019 – For the eradication, cutting or control of noxious weeds or tall grasses exceeding six inches in height. The assessment for these costs are allowed under the Mandan Code of Ordinances Section 16-5-5. Sidewalks of 2019 – For the construction, repair or rebuilding of sidewalks, curbs or gutters. The assessment for these costs are allowed under the Mandan Code of Ordinances Section 115-7-3. Health & Safety of 2019 – For the repair of curb stops, water & sewer service lines, lot clearing, and the removal of diseased trees. The assessment for these costs are allowed under the Mandan Code of Ordinances Section 2-5-1, Section 16-3-10, and Section 16-4-7. The Notices for these assessments were published on September 27, 2019 and October 4, 2019.

Delinquent Alarm System Accounts for 2019 – For annual or false alarms fees. The assessment for these costs are allowed under the Mandan Code of Ordinances Section 8-2-4. The written notifications for these assessments were sent by the Police Department to the respective property owners.

Delinquent Utility Billing Accounts for 2019 – For utility services supplied, provided or furnished to customers. The assessment for these costs are allowed under the Mandan Code of Ordinances Section 2-5-3 and Section 117-7-2. Written notifications for these assessments were sent by the Utility Billing Department to the respective property owners.

Board of City Commissioners

Agenda Documentation

Meeting Date: October 15, 2019

Subject: Assessments for Weed Cutting of 2019, Sidewalks of 2019, Health & Safety of 2019, Delinquent Alarm System Accounts for 2019, and Delinquent Utility Billing Accounts for 2019.

Page 2 of 2

ATTACHMENTS: Notice of Assessments

- Weed Cutting of 2019
- Sidewalks of 2019
- Health & Safety of 2019
- Delinquent Alarm System Accounts for 2019
- Delinquent Utility Billing Accounts for 2019

FISCAL IMPACT:

Weed Cutting of 2019 = \$128,493.75 (1-year assessment)

Sidewalks of 2019 = \$15,744.64 (10-year assessment)

Health & Safety of 2019 = \$54,212.68 (5-year assessment)

Delinquent Alarm System Accounts for 2019 = \$495.00 (1-year assessment)

Delinquent Utility Billing Accounts for 2019 = \$19,408.27 (1-year assessment)

STAFF IMPACT: No additional staff impact.

LEGAL REVIEW: The assessments were prepared in accordance with the Mandan Code of Ordinances.

RECOMMENDATION: To approve the assessments for Weed Cutting of 2019, Sidewalks of 2019, Health & Safety of 2019, Delinquent Alarm System Accounts for 2019, and Delinquent Utility Billing Accounts for 2019.

SUGGESTED MOTION: Move to approve the assessments for Weed Cutting of 2019, Sidewalks of 2019, Health & Safety of 2019, Delinquent Alarm System Accounts for 2019, and Delinquent Utility Billing Accounts for 2019.

NOTICE OF ASSESSMENTS
WEEDS OF 2019

NOTICE IS HEREBY GIVEN that the following is a true and correct list of the particular lots and tracts of land on which the City of Mandan caused the cutting, spraying and removal of grass and weeds or caused the performance of such acts which contributed to the general health, safety and welfare of the community.

<u>Sea #</u>	<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Amount</u>
<u>Big Sky Estates 3rd</u>				
10461	2	2	3006 Jude Ln NW	\$ 660.00
10462	2	3	3010 Viewpoint Ln NW	\$ 660.00
10463	2	4	3102 Viewpoint Ln NW	\$ 660.00
10464	2	5	3106 Viewpoint Ln NW	\$ 660.00
10465	2	6	3110 Viewpoint Ln NW	\$ 660.00
10466	2	7	3114 Viewpoint Ln NW	\$ 660.00
10467	2	8	3118 Viewpoint Ln NW	\$ 660.00
10477	4	9	2909 Jude Ln NW	\$ 330.00
10478	4	10	3001 Jude Ln NW	\$ 330.00
10479	4	11	3005 Viewpoint Ln NW	\$ 330.00
10480	4	12	3009 Viewpoint Ln NW	\$ 660.00
10481	4	13	3101 Viewpoint Ln NW	\$ 660.00
<u>Big Sky Est 3rd Re-Plat</u>				
10960	1	1	2905 Jude Ln NW	\$ 330.00
10961	1	2	2903 Jude Ln NW	\$ 330.00
<u>Big Sky Est 3rd Add L1B2</u>				
10460	2	Lot 1B of Lot 1 Blk 2 Big Sky Est 3R	3011 Jude Ln NW	\$ 660.00
10460 01	2	Lot 1A of Lot 1 Blk 2 Big Sky Est 3R	2915 Hillside Rd NW	\$ 330.00
<u>Big Sky Estates 4th Add</u>				
11412	1	1	3121 Viewpoint Ln NW	\$ 660.00
11413	1	2	3117 Viewpoint Ln NW	\$ 660.00
11414	1	3	3113 Viewpoint Ln NW	\$ 660.00
11415	1	4	3109 Viewpoint Ln NW	\$ 660.00
<u>Cypress Grove Est</u>				
12067	1	1	3801 Amari Loop NW	\$ 330.00
12068	1	2	3805 Amari Loop NW	\$ 330.00
12069	1	3	3809 Amari Loop NW	\$ 330.00
12070	1	4	3813 Amari Loop NW	\$ 330.00
12071	1	5	3817 Amari Loop NW	\$ 330.00
12072	1	6	3821 Amari Loop NW	\$ 330.00
12073	1	7	3825 Amari Loop NW	\$ 330.00
12075	1	9	3833 Amari Loop NW	\$ 330.00
12076	1	10	3837 Amair Loop NW	\$ 330.00
12077	1	11	3903 Amair Loop NW	\$ 330.00
12079	1	13	3911 Amari Loop NW	\$ 330.00
12080	1	14	3915 Amari Loop NW	\$ 660.00
12081	1	15	3919 Amari Loop NW	\$ 660.00
12082	1	16	3923 Amari Loop NW	\$ 330.00
12089	1	23	4021 Amari Loop NW	\$ 660.00
12090	2	1	3918 Amari Loop NW	\$ 990.00
12091	2	2	4004 Amari Loop NW	\$ 990.00
12092	2	3	4010 Amari Loop NW	\$ 990.00
12093	2	4	4016 Amari Loop NW	\$ 990.00
12094	2	5	4022 Amari Loop NW	\$ 990.00
12095	2	6	4028 Amari Loop NW	\$ 990.00
12097	2	8	3808 Amari Loop NW	\$ 660.00
12098	2	9	3814 Amari Loop NW	\$ 990.00
12099	2	10	3820 Amari Loop NW	\$ 990.00
12100	2	11	3826 Amari Loop NW	\$ 990.00
12101	2	12	3832 Amari Loop NW	\$ 990.00
12102	2	13	3838 Amari Loop NW	\$ 990.00
12103	2	14	3910 Amari Loop NW	\$ 990.00
<u>Diane's 1st</u>				
499	3	22	604 Hillview Pl NE	\$ 1,031.25
<u>Eagle Ridge 1st Addition</u>				
11410	1	6	3011 8th Ave NW	\$ 701.25
11411	1	7	2829 8th Ave NW	\$ 330.00
<u>Heart Ridge</u>				
10983	1	19	1520 Ridge Dr SE	\$ 660.00
10984	1	20	601 14th St SE	\$ 330.00
11011	4	1	1309 7th Ave SE	\$ 660.00
11012	4	2	1409 7th Ave SE	\$ 660.00
<u>Heart Ridge 2nd</u>				
11191	1	2	511 18th St SE	\$ 660.00

NOTICE OF ASSESSMENTS
WEEDS OF 2019

11192	1	3	507 18th St SE	\$ 660.00
11193	1	4	503 18th St SE	\$ 660.00
11194	1	5	411 18th St SE	\$ 660.00
11195	1	6	407 18th St SE	\$ 660.00
11196	1	7	403 18th St SE	\$ 660.00
11208	2	12	1613 Plains Bend SE	\$ 330.00
11209	2	13	1609 Plains Bend SE	\$ 330.00
11210	2	14	1601 Plains Bend SE	\$ 330.00

Heart Ridge 3rd Addition

11019	1	23	600 14th St SE	\$ 660.00
11254	1	11	1301 Plains Bend SE	\$ 330.00

Helmsworth-McLean 1st

1355	19	S80' of W 10' Lot 17 & S 80' Lot 18	1100 2nd St NE	\$ 660.00
1360	20	W1/2 lots 1 & 2 & E 15' of Vac...Etc	1207 3rd St NE	\$ 453.75

Highland 2nd

4123	1	Lot 2 (less S 125")	1300 Collins Ave	\$ 330.00
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Hit 1st

10913	1	2	1211 7th Ave SE	\$ 660.00
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Keidels South Heart Terr

10801	4	22	209 Keidel Trl SW	\$ 330.00
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Keidels South Heart Terr 2nd

11127	3	13	522 Keidel Trl SW	\$ 330.00
11128	3	14	600 Keidel Trail SW	\$ 495.00

Keidels South Heart Terr 3rd

11416	1	1	817 Cobblestone Loop SW	\$ 990.00
11417	1	2	813 Cobblestone Loop SW	\$ 990.00
11418	1	3	809 Cobblestone Loop SW	\$ 990.00
11420	1	5	806 Cobblestone Loop SW	\$ 990.00
11421	1	6	804 Cobblestone Loop SW	\$ 330.00
11430	1	15	504 Cobblestone Loop SW	\$ 330.00
11431	1	16	502 Cobblestone Loop SW	\$ 660.00
11432	2	1	821 Cobblestone Loop SW	\$ 990.00
11433	3	1	822 Cobblestone Loop SW	\$ 660.00
11437	3	5	701 Cobblestone Loop SW	\$ 990.00
11438	4	1	603 Cobblestone Loop SW	\$ 330.00
11439	4	2	601 Cobblestone Loop SW	\$ 330.00
11440	4	3	507 Cobblestone Loop SW	\$ 660.00
11441	4	4	505 Cobblestone Loop SW	\$ 660.00
11442	4	5	503 Cobblestone Loop SW	\$ 660.00
11443	5	1	500 Cobblestone Loop SW	\$ 990.00
11444	5	2	408 Cobblestone Loop SW	\$ 990.00
11445	5	3	406 Cobblestone Loop SW	\$ 990.00
11449	5	7	304 Cobblestone Loop SW	\$ 660.00
11450	5	8	302 Cobblestone Loop SW	\$ 990.00
11451	5	9	300 Cobblestone Loop SW	\$ 990.00
11452	5	10	240 Cobblestone Loop SW	\$ 990.00
11453	5	11	234 Cobblestone Loop SW	\$ 660.00
11457	6	1	501 Cobblestone Loop SW	\$ 660.00
11458	6	2	407 Cobblestone Loop SW	\$ 660.00
11459	6	3	405 Cobblestone Loop SW	\$ 330.00
11460	6	4	403 Cobblestone Loop SW	\$ 330.00
11461	7	1	305 Cobblestone Loop SW	\$ 660.00
11462	7	2	303 Cobblestone Loop SW	\$ 990.00
11463	7	3	301 Cobblestone Loop SW	\$ 660.00
11464	7	4	231 Cobblestone Loop SW	\$ 330.00
11465	7	5	227 Cobblestone Loop SW	\$ 330.00

Koch's Lakewood Villas

10911	1	N 1/2 Lot 13	2512 Michael Ln SE	\$ 330.00
10911 A	1	S 1/2 Lot 13	2514 Michael Ln SE	\$ 330.00

Lakewood 8th Addition

11771	2	1	2214 34th Ave SE	\$ 330.00
11773	2	3	2306 34th Ave SE	\$ 330.00
11774	2	4	2310 34th Ave SE	\$ 330.00
11775	2	5	3506 24th St SE	\$ 330.00
11776	2	6	3510 24th St SE	\$ 330.00
11786	2	16	3702 Gale Circle SE	\$ 330.00
11787	2	17	3706 Gale Circle SE	\$ 330.00
11788	2	18	3710 Gale Circle SE	\$ 330.00
11789	2	19	3714 Gale Circle SE	\$ 330.00

NOTICE OF ASSESSMENTS
WEEDS OF 2019

11820	3	11	3813 Gale Circle SE	\$	330.00
11821	3	12	3804 24th St SE	\$	330.00
11822	3	13	3728 24th St SE	\$	330.00
11823	3	14	3724 24th St SE	\$	330.00
11824	3	15	3720 24th St SE	\$	330.00
11830	3	21	3608 24th St SE	\$	330.00
11831	3	22	3604 24th St SE	\$	330.00
<u>Lakewood 9th Addition</u>					
11862	1	9	2105 34th Ave SE	\$	330.00
11877	1	24	2106 34th Ave SE	\$	330.00
11878	1	25	2110 34th Ave SE	\$	330.00
11892	2	9	3610 Amity Circle SE	\$	330.00
11904	2	21	3814 Amity Circle SE	\$	330.00
<u>Lakewood Comm Park 3rd 4RPLT</u>					
10313 01	1	1B	2510 40th Ave SE	\$	536.25
<u>Lakewood Harbor 2nd</u>					
9716	1	8	4902 Lakewood Dr SE	\$	330.00
9730	1	22	4100 Bay Shore Bend S	\$	330.00
<u>Lakewood Harbor 3rd</u>					
10039	1	10	4316 Borden Harbor Pl	\$	330.00
10043	2	1	4101 Bay Shore Bend S	\$	330.00
10071	2	29	3824 Lakewood Dr SE	\$	330.00
10072	2	30	4009 Beachfront Pl SE	\$	330.00
10073	2	31	4017 Beachfront Pl SE	\$	330.00
<u>Lincoln Ridge Est 1st</u>					
9412	3	12	2309 Eastview Pl SE	\$	783.75
<u>Lincoln Ridge Estates 6th</u>					
11668	1	2	406 Lena Ct SE	\$	660.00
11669	1	3	502 Lena Ct SE	\$	990.00
11670	1	4	506 Lena Ct SE	\$	990.00
11671	1	5	505 Lena Ct SE	\$	990.00
11672	1	6	501 Lena Ct SE	\$	990.00
11673	1	7	405 Lena Ct SE	\$	990.00
11676	1	10	404 Mia Ct SE	\$	660.00
11677	1	1	500 Mia Ct SE	\$	990.00
11678	1	12	504 Mia Ct SE	\$	990.00
11679	1	13	507 Mia Ct SE	\$	990.00
11680	1	14	503 Mia Ct SE	\$	990.00
11681	1	15	407 Mia Ct SE	\$	990.00
11682	1	16	403 Mia Ct SE	\$	330.00
11683	1	17	404 Will Ct SE	\$	330.00
11684	1	18	504 Will Ct SE	\$	990.00
11685	1	19	505 Will Ct SE	\$	660.00
11686	1	20	405 Will Ct SE	\$	660.00
11687	1	21	402 Mario Ct SE	\$	990.00
11688	1	22	406 Mario Ct SE	\$	990.00
11689	1	23	502 Mario Ct SE	\$	990.00
11690	1	24	506 Mario Ct SE	\$	990.00
11691	1	25	505 Mario Ct SE	\$	990.00
11692	1	26	405 Mario Ct SE	\$	660.00
11693	1	27	401 Mario Ct SE	\$	660.00
<u>Mandan Proper</u>					
3373	18	10	206 5th Ave NW	\$	330.00
3506	28	7	200 5th Ave NE	\$	660.00
3543	32	W 1/2 Lot 3	307 1/2 4th Ave NE	\$	330.00
3668	41	E 78' Lot	311 5th Ave NW	\$	330.00
<u>Marina Bay 2nd</u>					
9147	4	4	3413 46th Ave SE	\$	371.25
<u>Meadowlands Addition</u>					
11931	1	1	305 18th Ave SE	\$	330.00
11932	1	2	203 18th Ave SE	\$	330.00
11942	2	1	304 18th Ave SE	\$	330.00
11943	2	2	202 18th Ave SE	\$	330.00
11944	2	3	122 18th Ave SE	\$	330.00
11945	2	4	102 18th Ave SE	\$	330.00
11946	2	5	92 18th Ave SE	\$	330.00
11947	2	6	82 18th Ave SE	\$	330.00
11933	1	3	109 18th Ave SE	\$	330.00

NOTICE OF ASSESSMENTS
WEEDS OF 2019

Meadowlands 2nd Addition

12042	1	2	1609 18th Ave SE	\$	330.00
12043	1	3	1617 18th Ave SE	\$	330.00

N.P. 1st

4263	66	9	504 Collins Ave	\$	330.00
4285	68	S 15' Lot 2 & All Lot 3	505 3rd Ave NE	\$	371.25
4408	80	Lots 7 & 8 & N40' Vac 5 St NW Adj Lot 7	602 6th Ave NW	\$	330.00

N.P. 2nd

4924	9	Lots 17-19 & S 1/2 Lot 20	303 4th Ave SW	\$	371.25
4964	11	Lots 26-28	205 2nd Ave SW	\$	412.50

N.P. Lease

5206		Lease #40242109	1918 Memorial Hwy SE	\$	660.00
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Ol' Town

10895	1	4	302 5th St NE	\$	412.50
10896	1	5	304 5th St NE	\$	412.50

Plainview Heights 12th

10584	2	15	1301 27th St SE	\$	330.00
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Plainview Heights 13th

11044	4	2	3110 14th Ave SE	\$	330.00
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Plainview Heights 14th

11376	4	2	1113 Shires Dr SE	\$	330.00
11377	4	3	1117 Shires Dr SE	\$	330.00
11378	4	4	1201 Shires Dr SE	\$	330.00

Riverwood Comm Park 3rd

10098	2	1	2003 Memorial Hwy SE	\$	990.00
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Ripples 4th

8573	1	4	1400 12th Ave SE	\$	453.75
8574	1	Lot 5 (less S 3.79') aka Aud Lot A of Lo	1404 12th Ave SE	\$	330.00

Roughrider Pioneer

5663		36	6005 Horseshoe Bnd	\$	495.00
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Sunset Acres 1st

8052		Lot 29 of Lot B of SW 4 16-139-81	3500 Old Red Trl NW	\$	660.00
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Southside 1st

6116	6	Lots 1 & 2	701 3rd St SW	\$	330.00
6826	47	Lots 22-24 & S1/2 of Vac St Abutting Lot 2	700 11th Ave SW	\$	371.25

Sylvesters Ind Park 2nd

8259	2	2	4408 19th St SE	\$	330.00
8260	2	3	4416 19th St SE	\$	330.00

Trail West 1st

9912	2	10	4504 32nd Ave NW	\$	990.00
9913	2	11	4508 32nd Ave NW	\$	990.00
9914	2	12	4512 32nd Ave NW	\$	990.00
9915	2	13	4516 32nd Ave NW	\$	990.00
9916	2	14	4520 32nd Ave NW	\$	990.00
9917	3	1	4517 32nd Ave NW	\$	330.00
9918	3	2	4513 32nd Ave NW	\$	660.00
9919	3	3	4509 32nd Ave NW	\$	660.00
9920	3	4	4505 32nd Ave NW	\$	660.00
9921	3	5	4501 32nd Ave NW	\$	990.00
9922	3	6	4405 32nd Ave NW	\$	990.00
9923	3	7	4401 32nd Ave NW	\$	990.00

Ventures

7889	2	21	4201 Lasalle Dr NW	\$	371.25
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West Hills Est 2nd Replat L1B5

10680	1	5B	4705 Corvette St NW	\$	330.00
10680 02	4	5A	4707 Corvette St NW	\$	330.00

West Hills Est 2nd REL1B1

10683 01	5	1A	4522 Corvette St NW	\$	330.00
10683 02	5	1B	4520 Corvette St NW	\$	330.00

West Hills Est 2nd Replat L7B4

NOTICE OF ASSESSMENTS
WEEDS OF 2019

12022	4	7A	4607 Corvette St NW	\$	330.00
12028	4	7B	4605 Corvette St NW	\$	330.00
12029	4	7C	4603 Corvette St NW	\$	330.00
12030	4	7D	4601 Corvette St NW	\$	330.00
<u>West Hills Estates 4th</u>					
11844	2	1	4604 Nova Ave NW	\$	330.00
11845	2	2	4608 Nova Ave NW	\$	330.00
11846	2	3	4612 Nova Ave NW	\$	330.00
11847	2	4	4613 Crown Point Rd N	\$	330.00
11848	2	5	4609 Crown Point Rd N	\$	330.00
<u>West Hills Est 4th Replat B1 & 3</u>					
11956	1	8	4715 Nova Ave NW	\$	330.00
11960	3	4	4610 Crown Point Rd N	\$	330.00
11961	3	5	4606 Crown Point Rd N	\$	330.00
TOTAL				\$	128,493.75

TAKE FURTHER NOTICE that the Board of City Commissioners of the City of Mandan will meet in regular session at City Hall on October 15, 2019 at 5:30 p.m. at which meeting action will be taken upon such assessment list. Any person may appear to present testimony regarding the above assessments.

Karri Motl

Publish: September 27, 2019
October 04, 2019

NOTICE OF ASSESSMENTS
SIDEWALKS OF 2019

NOTICE IS HEREBY GIVEN that the following is a true and correct list of the particular lots and tracts of land on which the City of Mandan caused sidewalks to be constructed, replaced or repaired and the cost thereof.

<u>Seq #</u>	<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Amount</u>
<u>Emberland West</u> 864	1	Lot 40 & 4' of Northern Most Corner of Lot	1614 9th Ave SE	\$ 1,063.62
<u>Mandan Proper (OT)</u> 3399	20	W 100' Lots 11 & 12	210 3rd Ave NW	\$ 3,843.40
<u>Neff Kautzman</u> 4988	2	3	803 Sweetbriar Rd NW	\$ 6,511.18
<u>Plainview Hts 1st</u> 5334	1	2	1305 19th St SE	\$ 2,233.55
<u>Siegel's 2nd</u> 6017	1	lot 18 & W 20' lot 19	103 13th ST NW	\$ 1,568.74
<u>Terra Vallee 1st</u> 7513	2	8	2509 9th Ave NW	\$ 524.15
TOTAL				\$ 15,744.64

TAKE FURTHER NOTICE that the Board of City Commissioners of the City of Mandan will meet in regular session at City Hall on October 15, 2019 at 5:30 p.m. at which meeting action will be taken upon such assessment list. Any person may appear to present testimony regarding the above assessments

Karri Motl

Publish: September 27, 2019
October 04, 2019

**NOTICE OF ASSESSMENTS
HEALTH SAFETY OF 2019**

NOTICE IS HEREBY GIVEN that the following is a true and correct list of the particular lots and tracts of land on which the City of Mandan caused the performance of such acts which contributed to the general health, safety and welfare of the community.

<u>Seq #</u>	<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Amount</u>
<u>Albers-Neff 3rd</u>				
67	2	3	706 10th Ave NW	\$ 1,985.50
<u>Ank 2nd</u>				
150	3	7	703 13th Ave NW	\$ 1,443.75
<u>Developers West Acres 1st</u>				
358	6	Lot 8 & N 10' Lot 9	4017 37th Ave NW	\$ 2,873.20
<u>Helmsworth-Mclean 1st</u>				
1161	1	Lots 3 & 4	109 8th Ave NE	\$ 1,512.12
1177	2	W 50' Lots 19-21	106 8th Ave NE	\$ 4,923.60
<u>Heartview</u>				
1010	2	Lots 1 & 2	1400 3rd St NW	\$ 3,850.00
<u>Lakewood 1st</u>				
9654	5	1	3136 Bay Shore Bend S	\$ 880.00
<u>Mandan Proper</u>				
3440	24	4	205 2nd Ave NE	\$ 1,847.56
3442	24	N 40' Lot 5	203 2nd Ave NE	\$ 2,511.85
3485	27	4	205 5th Ave NE	\$ 770.00
3534	31	9	304 4th Ave NE	\$ 1,017.50
3602	36	W 60' Lot 5	303 1/2 Collins Ave	\$ 440.00
3603	36	E 80' Lot 5	303 Collins Ave	\$ 440.00
3823	53	2	509 1st Ave NW	\$ 19,416.10
<u>Meads</u>				
4026	11	N 50' Lots 11 & 12	105 1/2 9th Ave NW	\$ 1,320.00
4087	23	S 10' Lot 8 & All Lots 9 & 10	209 9th Ave SW	\$ 1,760.00
<u>N. P. 1st</u>				
4258	66	E 42 1/2" of W 102 1/2' Lot 7 & E 42 1/2'	104 4th St NE	\$ 1,650.00
4550	92	N 1/2 Lot 8 & All Lot 9	802 4th Ave NW	\$ 1,017.50
<u>Ripples 2nd</u>				
5498	1	8	1608 12th Ave SE	\$ 1,584.00
<u>Sharon Heights 2nd</u>				
5858	5	4	801 15th St NW	\$ 1,199.00
<u>Trail West 1st</u>				
9902 A	1	W 54' of Lot 4	3203 Crimson St NW	\$ 1,771.00
TOTAL				\$ 54,212.68

TAKE FURTHER NOTICE that the Board of City Commissioners of the City of Mandan will meet in regular session at City Hall on October 15, 2019 at 5:30 p.m. at which meeting action will be taken upon such assessment list. Any person may appear to present testimony regarding the above assessments.

Publish: September 27, 2019
October 04, 2019

Karri Motl

DELINQUENT ALARM SYSTEM ACCOUNTS FOR 2019

The following is a list of the delinquent alarms system accounts for 2019. These amounts consist of fire or security alarm system fees to customers who directly notify the police department of an emergency. It is recommended that these accounts be assess to the respective properties according to the Mandan Code of Ordinances Section 8-2-4.

<u>Seq#</u>	<u>Address</u>	<u>Assessment</u>
8526	2221 3rd St SE	\$ 16.50
11042	1401 Suffolk Drive SE	\$ 33.00
683	1408 3rd Ave NE	\$ 16.50
11299	2207 Macedonia Ave SE	\$ 33.00
4523	805 1st Ave NW	\$ 33.00
10252	2939 Twin City Drive	\$ 16.50
7522	2600 10th Ave NW	\$ 33.00
4100	207 8th Ave SW	\$ 16.50
9717	4810 Lakewood Dr	\$ 33.00
4192	408 4th Ave NE	\$ 16.50
3795	411 Collins Ave	\$ 33.00
9229	3505 Pelican Dr SE	\$ 16.50
4678	305 Division St NW	\$ 16.50
11166	2605 34th Ave SE	\$ 16.50
1057	1206 2nd St NW	\$ 16.50
6031	607 13th St NW	\$ 16.50
9883-20	2624 Douglas Place SE	\$ 33.00
670	301 14th St NE	\$ 33.00
670	301 1/2 14th St NE	\$ 33.00
10629	4118 Bayport Place SE	\$ 33.00
	TOTAL	\$ 495.00

The following is a list of the delinquent utility billing accounts for 2019. These amounts consist of water, sewage, storm drainage, garbage collection, recycling, solid waste disposal, and street lighting services furnished to the customers. It is recommended that these accounts be assessed to the respective properties according to the Mandan Code of Ordinances Sections 2-5-3 and 117-7-2.

Seq #	Account	Customer	Address	Assessment
4272	01-1070001	FRENCH RENEE	503 2ND AVE NE	\$ 408.95
3442	01-1260000	IRWIN ROBERT C & CHRIS D	203 2ND AVE NE	\$ 943.22
3460	01-1960000	HERMAN CORY	308 & 308 1/2 1ST ST NE	\$ 1,376.56
3543	01-2390000	TDC RENTALS LLC	307 1/2 4TH AVE NE	\$ 722.91
3611	04-0520001	OLSON KIRK & TOWNER SAM	304 1ST AVE NW	\$ 186.81
3611	04-0520002	OLSON KIRK & TOWNER SAM	304 1ST AVE NW	\$ 212.07
3244	04-1340100	M2 INVESTMENTS LLC	112 2ND AVE NW	\$ 331.98
3633	04-1460002	OL-TOWN REAL ESTATE IN	307 2ND AVE NW	\$ 217.75
5267	05-3040000	TOWNER SAM & OLSON KIRK	109 6TH ST NE	\$ 42.92
3747	06-0250000	PETERSON PROP MGNT LLC	405 1/2 4TH ST NW	\$ 409.92
3747	06-0260000	PETERSON PROP MGNT LLC	405 4TH ST NW	\$ 228.62
4443	07-0390000	HUNTINGTON SETH	705 5TH AVE NW	\$ 233.12
759	09-0450301	PLEETS LOIS A	304 10TH AVE NW	\$ 405.77
4964	10-2490000	CAPITAL CREDIT UNION	205 2ND AVE SW	\$ 811.79
4964	10-2490001	CAPITAL CREDIT UNION	205 2ND AVE SW	\$ 326.87
4977	10-2550000	UTTER-SEILER KAREN L	216 2ND AVE SW	\$ 159.57
2174 E	10-4520100	ROEHRICH RIKKI LEE	154 9TH AVE SE	\$ 198.77
5097	12-0601000	LAMP REAL ESTATE INV LLP	1413 11TH AVE SE	\$ 1,387.38
5114	12-0604502	NEHI PROPERTIES LLC	1301 10TH AVE SE	\$ 58.93
5153	12-0606301	JOCHIM RON J & TERRI L	1505 9TH AVE SE	\$ 728.90
5151	12-0606500	SWEENEY CECELIA	1417 9TH AVE SE	\$ 157.80
8574	12-0630401	HALE CHARLES K II	1404 12TH AVE SE	\$ 112.75
5512	12-0820000	WU HANJI & SAMMI	1305 16TH ST SE	\$ 255.43
2693 A	13-3460470	WINBAUER-KOCH PART	2928 37TH ST NW #7	\$ 576.54
2693 A	13-3460471	WINBAUER-KOCH PART	2928 37TH ST NW #7	\$ 77.70
2693 A	13-3460480	WINBAUER-KOCH PART	2928 37TH ST NW #8	\$ 214.20
7550	13-4640001	DEIERLING DAVID & LINDA	2609 11TH AVE NW	\$ 490.01
11342 04	13-7600701	REIFSTECK BRAD	2608 7TH AVE NW	\$ 160.71
11767	13-7602701	RA RENTALS LLC	702 26TH ST NW	\$ 233.71
11352	13-7608000	KOMFORT HOMES INC	2605 6TH AVE NW	\$ 188.54
286	16-0690000	IVESDAL MARK & LINDA	3908 35TH AVE NW	\$ 56.66
9911	17-0002791	CONKLIN ELIZABETH %JOHN CONKLIN	3212 CRIMSON ST NW	\$ 716.09
7891	17-0280000	BELDON DALE	4102 LASALLE DR NW	\$ 179.04
5663	17-1210001	KAPPLE JUSTIN & JAYMIE	6005 HORSESHOE BEND	\$ 756.50
2772	18-0531901	ND COMMUNITIES LLC	126 COUNTRYSIDE LANE	\$ 746.55
2772	18-0533800	ND COMMUNITIES LLC	107 COUNTRYSIDE LANE	\$ 46.19
406	18-0710001	PRODUCE PROPERTIES LLC	3613 MEMORIAL HIGHWAY SE	\$ 267.16
9981 B	18-4990301	SCHMIDT JOSH	2009 PIRATES LOOP SE	\$ 513.73
10916	20-2260001	BAKER JIM & MARIE	3709 BAY SHORE BEND SE	\$ 702.49
6415	22-1300600	DOUGLAS LANE TOWN HOMES	2611 VERITY LANE SE	\$ 77.54
11918	22-4605901	JDH ENTERPRISES LLC	3801 AMITY CIRCLE SE	\$ 349.14
6179	30-0390000	MARCHUS IRREV TRUST	1008 4TH ST SW	\$ 658.83
6848	30-0580000	SECKANOVIC NIJAZ	704 10TH AVE SW	\$ 166.65
6116	30-1210000	PENNYMAC LOAN SERV LLC	701 3RD ST SW	\$ 538.23
4872	30-1530000	FRANKLUND AARON & RENEE	708 3RD ST SW	\$ 42.92
3315	31-3110000	BAUER DONALD	108 7TH AVE NW	\$ 724.13
1092	39-1660002	JOHNSON TAYLOR	1415 2ND ST NW	\$ 451.40
10984	41-2450000	OLSON SETH	601 14TH ST SE	\$ 343.59
10984	41-2450001	OLSON SETH	601 14TH ST SE	\$ 211.26

Total \$ 19,408.27



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 15, 2019
PREPARATION DATE: October 7, 2019
SUBMITTING DEPARTMENT: Human Resources
DEPARTMENT DIRECTOR: Brittany Cullen, HR Director
PRESENTER: Brittany Cullen, HR Director
SUBJECT: Day after Thanksgiving

STATEMENT/PURPOSE: Allow the Administrative offices to close the day after Thanksgiving.

BACKGROUND/ALTERNATIVES: Long standing tradition has been to have Administrative offices closed to the public the day after thanksgiving. Employees take vacation or comp time if they wish to do so, otherwise, they must receive permission to work from their respective department head.

ATTACHMENTS: N/A

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend the Administrative offices to be closed the day after Thanksgiving.

SUGGESTED MOTION: I recommend the Administrative offices to be closed the day after Thanksgiving.



Consent No. 6

Board of City Commissioners

Agenda Documentation

MEETING DATE: October 11, 2019
PREPARATION DATE: October 15, 2019
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch, Finance Director
PRESENTER: Greg Welch
SUBJECT: One-time \$10 Credit on Utility Bill

PURPOSE: Consider to offer a one-time \$10 credit on the utility bill to customers who sign up for both SmartHub and E-bills.

BACKGROUND: On December 18, 2018, the Board of City Commissioners approved the preliminary Proposal from National Information Solutions Cooperative (NISC) for utility billing services.

On March 19, 2019, the Board of City Commissioners approved the final Proposal from NISC for utility billing services.

Beginning November 2019, the City and its utility billing customers will be able to communicate through the NISC iVUE solution called SmartHub.

About NISC SmartHub

An easy-to-use online and mobile billing and payment tool called SmartHub, where customers can easily manage their accounts anytime, anywhere on their mobile device or on the Web (apps), pay their bills, monitor usage, report service issues and more. A variety of bill payment options, including one-time payments, automatic recurring payments (including credit cards) and scheduled payments. The option to receive notifications via text message, email, letter, push notification or phone call.

To encourage the City's utility billing customers to sign up for SmartHub and E-bills, the Utility Billing department is requesting to offer a one-time \$10 credit on the utility bill to customers who participate in both SmartHub and E-bills during the November 4, 2019 to January 31, 2020 promotion period.

ATTACHMENTS: None

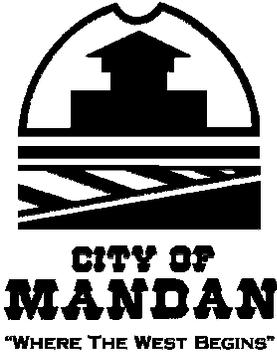
FISCAL IMPACT: During the month of September 2019, the Utility Billing department received approximately 3,100 in electronic and credit card payments from customers. The Utility Billing department anticipates a sizeable increase in the number of customers who will sign up for this service during the promotion period. As a result, the projected amount for the one-time \$10 credit on the utility bill to customers who participate could range from \$30K to \$50K from the City. In comparison, the City collects over \$11M annually from customers from water, sewer, solid waste, and street light utility charges for services.

STAFF IMPACT: Additional operational efficiencies would result from the Utility Billing department handling fewer customer inquiries and payments throughout the year at City Hall. By encouraging customers to sign up for electronic bills, we save additional costs of printing and mailing twelve bills per year, per customer.

LEGAL REVIEW: Reviewed by Malcolm Brown, City Attorney.

RECOMMENDATION: To approve a one-time \$10 credit on the utility bill to customers who sign up for both SmartHub and E-bills during the November 4, 2019 to January 31, 2020 promotion period.

SUGGESTED MOTION: Move to approve a one-time \$10 credit on the utility bill to customers who sign up for both SmartHub and E-bills during the November 4, 2019 to January 31, 2020 promotion period.



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 15, 2019
PREPARATION DATE: October 8, 2019
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Chief of Police J. Ziegler
PRESENTER: Chief of Police J. Ziegler
SUBJECT: Special Event Permit Application LEC Trunk or Treat Event

STATEMENT/PURPOSE: Consider approval of the Special Event Permit Application for the Morton/Mandan Law Enforcement Center 2019 Trunk or Treat event.

BACKGROUND/ALTERNATIVES: An event application has been received from the Morton County Sheriff's Department and the Mandan Police Department for the Morton/Mandan Law Enforcement Trunk or Treat Halloween Event which will be held in front of the Law Enforcement Center on October 31st, 2019. The event will be held from 4pm to 7pm. Public safety vehicles (law enforcement, fire, ambulance), Public Works vehicles and the Bookmobile will be displayed and candy will be handed out to children treat or treating. The street on the east side of the LED will be blocked off for the event. All requirements in the application have been fulfilled. The application has been reviewed and approved by Police, Fire, Engineering and Public Works.

ATTACHMENTS: Special Event Permit Application

FISCAL IMPACT: None

STAFF IMPACT: Police Staff to work normal enforcement.

LEGAL REVIEW: N/A

RECOMMENDATION: To approve the Special Event Permit Application for the 2019 LEC Trunk or Treat event

SUGGESTED MOTION: Move to approve the Special Event Permit Application for the 2019 LEC Trunk or Treat event

Permit Application #: 19-13 Date Complete: _____
(For office use only)

Special Events Permit Application City of Mandan, ND

Mandan Police Department (Special Events) • 205 1st Ave. NW • Mandan, ND 58554
• Phone 701-667-3250 • FAX 701-667-3463

Date of Application: 10/01/2019

30 days prior to the event with a **non-refundable administration application fee of \$25 attached**. Late applications are permitted and subject to an **additional \$50 processing fee** for those submitted within 20 days of an event. **Any application not submitted prior to 20 days before the event will not be accepted for consideration.**

The payment of fees does not guarantee event approval if submitted late. Permits are \$30 per day/Sunday Permit will be \$45, to a maximum of \$150.00 per event not to exceed 14 days (Includes Sundays).

All applicants will be charged fees as appropriate and are expected to fully reimburse the city for all services related to event production which may include, but are not limited to, Police Services, Fire/EMS, Park and Facility Maintenance, Field Services, Sanitation, Street Engineering and Site Supervisors. (See Below Fee and Charges)

A storage fee of **\$500** will be assessed for all equipment not removed from any public venue or premises within 24 hours of the end of the event. Any vendor may request an extension for equipment removal and may be granted by the City Administrator. Full payment is due upon receipt of final invoice. Any property that is abandoned over 15 days will become property of the City of Mandan and may be sold to recoup any expenses accrued by the city.

Comprehensive site plans must accompany this application.

Street Dance: Beer Garden: Both: Parade or Other Public Event:

Section 1 – Applicant Information

Name of Event Manager: Chief Jason Ziegler

Driver's License Number: _____ State _____

Date of Birth: _____ Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Have you ever been convicted of a crime? YES NO

If yes please list charge(s) and year of conviction(s):

(List all Jurisdictions where you have been charged with a crime, also list any other names you have used when charged)

Name of Event Manager: Sheriff Kyle Kirchmeier

Driver's License Number: _____ State _____

Date of Birth: _____ Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Have you ever been convicted of a crime? YES NO

If yes please list charge and year of conviction:

(List all Jurisdictions where you have been charged with a crime, also list any other names you have used when charged)

Permit Application #: _____ Date Complete: _____
(For office use only)

Business Address: 205 1st Ave NW City: Mandan State: ND Zip: 58554
Corporation/Organization: _____ State of Incorporation: _____
Tax ID #: _____ 501(c)3 #: _____ City Sales Tax ID #: _____
Have you ever coordinated/promoted another event/s? YES NO
If yes, please provide the following:
Last event/s Location: _____ Date: _____
Contact Name: _____ Phone: _____
E-mail Contact: _____

Section 2 – Event Information

Event Name: Morton/Mandan LEC Trunk or Treat Anticipated Daily Attendance: 500
Event Date(s): 10-31-19 Set-up Date: 10-31-19 Hours: 1
Hours of event each day: 1600-1900
(begin and end times)
Take Down Date(s): 10-31-19 Hours: 1
E-Mail address for public information: _____
WEB address for public information: _____
Location of Event/physical address: 205 1st Ave NW
Sponsors of the Event: Mandan Police Department and Morton County Sheriff's Office
Brief Description of Event:
First Responder and City/County Halloween trick or treat event

Has this event been held in another location? YES NO
If yes, please provide the following:
Last event/s Location: _____
Date: _____ Contact Name and Phone: _____

Section 3 – Event Features

Will there be an admission charge? Yes No
If yes, Printed ticket count: _____ Tickets for presale count: _____

Will there be entertainment? Yes No
If yes, please attach an itemized complete list of all entertainment.
(A complete list of entertainment will be required before final approval. Once approved, no changes may be made unless authorized by the City Administrator.)

Will merchandise and/or food items be sold? Yes No
If yes, please attach a complete list of vendors.
(Each vender must have all valid permits and license to sell their product)

Permit Application #: _____ Date Complete: _____
(For office use only)

What type of advertising/promotion will be done prior to the event?
(Attach all promotional material.)

Radio: Yes No What Stations? _____

TV: Yes No What Stations? _____

Fliers/Posters: Yes No How many? _____

Press Releases: Yes No How many? _____

Newspaper Ads: Yes No What publication? _____

Is any other promoter/producer assisting you with your event? Yes No

Name of Promoter and Promotion Company: _____

Address: _____ City: _____ State: _____ Zip: _____

Will the event include any of the following? (Indicate on site plan and/or vendor list)

Tents or Canopies: Yes No

Number of Tents: _____

(Tents require permits from the Fire Department and inspection fees will be applied.)

Fireworks or Pyrotechnics: Yes No

(Fireworks or Pyrotechnics require permits from the Fire Department and inspection fees will be applied.)

Fireworks or Pyrotechnics Production Company's name: _____

(A copy of the Production Company's License and Insurance is required with this application, only if fireworks or pyrotechnics are being requested for this event.) *A separate bond may be required for this event.

Require permits from the City of Mandan

Any person for on- or off-sale alcoholic beverage licensee desiring to conduct a public beer garden shall make application for a special permit to do so to the board, 30 days in advance of the proposed event.

Temporary Fencing: Yes No

Provide accurate dimensions of fenced area on site plan along with the site plan.

Company Contact Name: _____

Contact phone: _____

Restroom Accommodations: _____

Number of required portable toilets: _____

Approved By: _____ Date Approved: _____ Initials: _____

Placement of sanitary toilet facilities must be on site plan.

Permit Application #: _____ Date Complete: _____

(For office use only)

Attach a copy of the letter from the Custer Health that indicates the site plan has been reviewed and the required number of proper sanitation facilities is attendance.

Company Contact name: _____

Contact phone: _____

Electrical Services/Generators Yes No

Generators must be separated from tents by a minimum of 20' and shall be isolated from contact by fencing or other approved means.

Company Contact name: _____

Contact phone: _____

Approved By: _____ Date Approved: _____ Initials: _____

Carnival/Amusement Rides: Yes No

A separate permit from the Fire Department may be required.

Company Contact name: _____

Contact phone: _____

Bonded and Insured Amount: _____

Approved By: _____ Date Approved: _____ Initials: _____

Signs / Banners Yes No

Company Contact name: _____

Contact phone: _____

Approved By: _____ Date Approved: _____ Initials: _____

Inflatables Yes No

Company Contact name: _____

Contact phone: _____

Bonded and Insured Amount: _____

Approved By: _____ Date Approved: _____ Initials: _____

Raffles

Will this event have a raffle? Yes No

If yes you must apply for a City Permit \$25 Raffle Permit (Attach copy of State Gaming License if issued)

Approved By: _____ Date Approved: _____ Initials: _____

Permit Application #: _____ Date Complete: _____

(For office use only)

Section 4 – Transportation

Does the event propose **using, closing or blocking** any of the following:

If yes, specify location and duration on site map, if on a DOT Highway or Roadway DOT authorization will be required.

City Streets Yes No (Number of locations: 200blk 1st Ave NW attach list of locations.)

City Sidewalks Yes No (Number of locations _____ attached list of locations)

City Bus Stops Yes No (Number of locations _____ attached list of locations)

Public Parking Lots Yes No (Number of locations _____ attached list of locations)

Public Bicycle Parking Yes No (Number of locations _____ attached list of locations)

Multiuse Paths Yes No (Number of locations _____ attached list of locations)

City Alleys Yes No (Number of locations _____ attached list of locations)

City Right-of-Ways Yes No (Number of locations _____ attached list of locations)

Approved By: _____ Date Approved: _____ Initials: _____

(Section 4 must be approved by Mandan City Engineer, and be approved by the City Commission before the event)

Section 5 – Use of City Utilities

Will any City electric hookups be used? Yes No

Electric Location including amperage _____

Approved By: _____ Date Approved: _____ Initials: _____

Will any City water hookups be used? Yes No

Water Location(s) _____

Approved By: _____ Date Approved: _____ Initials: _____

Will waste water/gray water be generated? Yes No

If so, how will it be disposed? _____

Approved By: _____ Date Approved: _____ Initials: _____

Permit Application #: _____ Date Complete: _____

(For office use only)

Section 6 – Alcohol

Will there be alcohol at the event? Yes No

Will alcohol be given away? Yes No

Will the alcohol be sold? Yes No

Will the alcohol be donated? Yes No

Who is the alcohol being donated by or purchased through: _____

Is alcohol included in the admission price of the event? Yes No

Approved By: _____ Date Approved: _____ Initials: _____

If you answered Yes to any of the above, a City and State Liquor License will be required. Attach copy(s) of all liquor licenses with this application. (If a City Liquor License is needed please contact the City of Mandan's Finance Department to apply at Phone: (701) 667-3213)

Has the applicant/organization ever had a liquor license or event permit denied, revoked or suspended? Yes No

If yes, please explain:

How will attendees be identified as minors or age 21 and over?

Have the alcohol servers received training in sale/service of alcoholic beverages? Yes No

If yes, who provided the training: _____

Date and time of most recent training: _____

Request Mandan Police Server Training: Yes No

If yes provide a contact person and contact information: _____

Permit Application #: _____ Date Complete: _____

(For office use only)

Section 7 – Event Security

Are you requesting off-duty Mandan Police officers? Yes No

Number of personnel requested: _____

After reviewing the event application, the Chief of Police may require the use of the City of Mandan Off-Duty Police Officers for the event.

To schedule Off-Duty Police Officers, please call 701-667-3250.

Officers must be requested 2 weeks prior to any event and there will be a minimum of 4 work hours per officers per event at \$45 per-hour per officer.

Are you requesting private security? Yes No

Number of security personnel onsite: _____

Include security points and duties on event plans

The City of Mandan requires only security companies that are licensed and bonded in the State of North Dakota.

Security Company and Contact Info: _____

Attach a copy of Company's License

Section 8 – Emergency Medical Services

Are you requesting off-duty Mandan EMT's? Yes No

Number of personnel requested: _____

After reviewing the event application the Fire Chief may require the use of the City of Mandan Off-Duty EMT's or paramedics for the event.

EMTs or paramedics must be requested 2 weeks prior to any even and there will be the minimum of 4 work hours per employee per event \$35

Section 9 – Event Maintenance and Cleanup Plan Required

What is your trash removal and cleanup plan?

Organizers will provide clean up _____

(Attach a detailed Cleanup Plan)

Outside refuse company Company's Name: _____

Contact Name: _____ Phone: _____

All costs for containers, dumping and the removing all trash are the responsibility of the applicant/promoter. The City of Mandan's property and or the event site must be returned to its original condition and all equipment removed or daily fees will be accessed.

LEC Trunk or Treat

Permit Application #: 19-13. Date Complete: _____
(For office use only)

Signature Page from City Officials and Department Heads

Fire Department Date
[Signature] 10-01-19.
Police Department Date

Finance Department Date
[Signature] 10-08-19

Engineering Department Date
[Signature] 10-02-19.
Public Works Date

City Administrator Date

Park District Designee Date

Date Approved by City Commission: _____

LEC Trunk or Treat.

Permit Application #: 19-13. Date Complete: _____
(For office use only)

Signature Page from City Officials and Department Heads

[Signature] / 10-2-19

Fire Department Date

_____ / _____

Police Department Date

_____ / _____

Finance Department Date

_____ / _____

Engineering Department Date

_____ / _____

Public Works Date

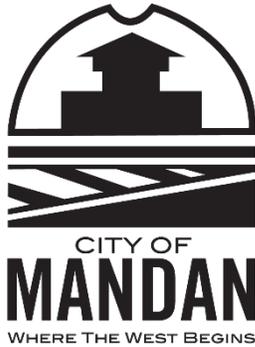
_____ / _____

City Administrator Date

_____ / _____

Park District Designee Date

Date Approved by City Commission: _____



Board of City Commissioners

Agenda Documentation

MEETING DATE:	October 15, 2019
PREPARATION DATE:	October 9, 2010
SUBMITTING DEPARTMENT:	Business Development & Communications Department
DEPARTMENT DIRECTOR:	Ellen Huber, Business Development & Communications Director
PRESENTER:	Ellen Huber, Business Development & Communications Director
SUBJECT:	2019 Budget Amendment & Calendar Proposals

STATEMENT/PURPOSE: To consider a 2019 budget amendment for the Growth Fund to the business development and communications operations and management section to accommodate revenues and expenses for a community calendar project and to consider a proposal for design, printing and mailing of the calendar.

BACKGROUND/ALTERNATIVES: The City Commission at its July 16, 2019, meeting authorized staff to seek support from other entities to create a collaborative 2020 community calendar. The calendar is part of a broader and ongoing joint community marketing program. To date, staff have attained major financial commitments from the Morton County Commission, Mandan School District, Mandan Park District, Mandan Progress Organization, Waste Management and Armstrong Sanitation plus commitments for 17 business card-sized ads in the calendar for \$300 each. There are seven business card ad opportunities remaining. The City's support for the project is included in its 2020 budget. An amendment to the 2019 budget is requested to accommodate this project. Here's the breakdown:

- Revenues — Increase by \$17,200 to accommodate the \$15,100 received/committed to date and \$2,100 in remaining potential contributions.
- Expenses — Increase by \$16,475.40 which includes the following:
 - Printing (224.224.5711 — Increase by \$10,821.81 for design, printing and mailing services.
 - Advertising/Public Relations — Increase by \$3,080 for the digital version of the calendar
 - Office Supplies (224.224.59110) — Increase by \$2,573.59 for the anticipated postage cost.

Note: If there are ultimately any revenues in excess of expenses for the calendar, the intent is for these funds to be transferred to 2020 (subject to City Commission approval at a later date) for additional community marketing projects.

Proposals for design, printing and mailing — The Business Development Department informally invited five area printing firms (Innovative Office Solutions, United Printing, Image Printing, Quality Printing, and The Printers) to submit proposals for the project and received responses from United Printing and Image Printing. United Printing's initial proposals received by an Oct. 1 deadline were the most complete and least expensive. However, pricing was still over the staff estimate for the preferred option (printing 14,200 copies of a 32-page calendar to allow for distribution to all 58554 addresses and a more complete resource section). United Printing was able to identify some places in their proposal to further reduce costs to the amount of \$10,821.81 as presented for the preferred option.

ATTACHMENTS: Summary of proposals and recommended proposal from United Printing. Other proposals available upon request.

FISCAL IMPACT: Finance Director Greg Welch has reviewed the budget amendment request.

STAFF IMPACT: Business Development and Communications staff have oversight of the project with input from the other major funding partners.

LEGAL REVIEW: Attorney Brown has reviewed the information.

RECOMMENDATION: I recommend approval of the budget amendments as outlined and the proposal by United Printing for the design, printing and mailing of the 2020 community calendar for a total of \$10,821.81.

SUGGESTED MOTION: I moved to approve the budget amendments as outlined and the proposal by United Printing for the design, printing and mailing of the 2020 community calendar for a total of \$10,821.81.

Calendar Proposals for Design, Printing & Mailing

	United Printing	Image Printing*	
Alternative A Quantity 8,000, 28 pages			
Design & Setup Printing Plus 4 pages	\$950.00 \$5,383.65 \$1,420.28	unknown** \$8,640.00 \$401.22	**65/hr
Total	\$7,753.93	\$9,041.22	
Postage estimate	\$1,935.65	not indicated	
Alternative B Quantity 14,200, 28 pages			
Design & Setup Printing Plus 4 pages	\$712.50 \$8,203.74 \$1,905.57	unknown** \$12,496.68	**65/hr
Total	\$10,821.81	\$12,496.68	
Postage estimate	\$2,673.59	not indicated	

*Image prices don't include design or postage

Board of City Commissioners
 Agenda Documentation
 Meeting Date: October 15, 2019
 Subject: 2019 Business Development & Communications Department Budget
 Amendment & Calendar Proposals
 Page 4 of 5



City of Mandan
 205 2nd Avenue NW
 Mandan, ND 58554
 Phone: 701/667/3485

ESTIMATE 54564
DATE 10/8/19

E-Mail ehuber@cityofmandan.com

Quantity	Description	Amount
1	Art Department - Design & Setup	\$ 712.50
14,200	2020 Calendars w/Soft Touch Aqueous Coating on the Covers, (28 pages) Covers w/Soft Touch Aqueous Coating, 11 x 8.5 White 80# Anthem Plus® Matte/Satin Cover - Skids 8 Page Signature, 11 x 8.5 White 100# Anthem Plus® Matte/Satin - Skids 16 Page Signature, 11 x 8.5 White 100# Anthem Plus® Matte/Satin - Skids	\$ 8,203.74
13,400	Mailing services; EDDM Mailing /POSTAGE IS NOT INCLUDED IN THIS PRICE	
0	Estimated Postage 13,400 @ .199522 = 2673.59	\$ 0.00
14,200	Additional 4 Page Signature Option, 11 x 8.5 White 100# Anthem Plus® Matte/Satin - Skids	\$ 1,905.57

Thank you for the opportunity to bid on your printing project, we take every precaution to deliver your project to you correctly, on time, every time. This estimate is valid for 30 days from the date above. Don't forget to ask about our price protection guarantee.

SUBTOTAL \$ 10,821.81
TAX
SHIPPING
TOTAL \$ 10,821.81

X 
 Jane Schwagler

X _____
 Accepted and approved by

Board of City Commissioners
Agenda Documentation
Meeting Date: October 15, 2019
Subject: 2019 Business Development & Communications Department Budget
Amendment & Calendar Proposals
Page 5 of 5

Ellen Huber

From: Calvin Kingsley <kalvin@kkbold.com>
Sent: Thursday, September 19, 2019 2:02 PM
To: Ellen Huber
Subject: Digital Calendar Proposal

Hi Ellen,

Per our conversation today, here is a proposal for a WordPress-based website with an Events Calendar. The calendar will be on a website of its own (something like mandancalendar.com) but we will set it up so that it can be embedded on any of your partner organization websites via an iframe if needed. Each entity will have a login of its own, and training will be provided for adding Calendar content.

Some examples of WordPress-based calendars we've done for clients in the past:

<http://goodshepherdbismarck.com/events/>
<https://ndus.edu/events/>
<https://minotparks.com/events/>
<https://bismarckfigureskatingclub.com/calendar/>

The cost to set up a very simple website that is primarily just an Events Calendar would be \$2,000-\$2,500. We would need to host the website as well, which we bill at \$540/year. This estimate assumes that the standard calendar plugin will be sufficient. The standard calendar plugin will allow for multiple calendar views (Month/Day/Week) and exporting events to a variety of calendars such as Outlook, iOS and Gmail.

Possible additional costs:

Domain name (generally \$40/year if we register this for you)

Calendar Plugin enhancements – variable

For example, special filters like the NDUS calendar required us to spend the time to find a plugin with that capability, install/configure the plugin and the cost of the plugin itself.

Please let me know if you require any additional information. I look forward to hearing from you.

Best Regards,
Kalvin Kingsley
VP of IT
KK BOLD



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 15, 2019
PREPARATION DATE: October 11, 2019
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Mitch Bitz
PRESENTER: Mitch Bitz – Director of Public Works
SUBJECT: Consider change orders for facility expansion

STATEMENT/PURPOSE: To consider the formal change orders as described and presented at the September 17th City Commission meeting.

BACKGROUND/ALTERNATIVES: As described at the September 17th meeting, there were several large items that had been omitted from the original Public Works facility plans and contracts. A few of the larger items are as follows:

Emergency generator
Ventilation systems for the shop area
Fire Suppression system for the existing shop area
Painting the exterior of the existing shop
Install new lighting in the existing shop

Signing the attached change order documents will now formally add these items to the project. It should be noted that these change orders will not increase the budget beyond what was discussed and approved on September 17th 2019.

ATTACHMENTS: Copies of Missouri River Contracting's, Capital City Construction's, and Advanced Mechanical's change orders

FISCAL IMPACT: \$1,458,275– As budgetarily approved September 17th 2019

STAFF IMPACT: Staff will continue to coordinate with contractors

LEGAL REVIEW: Attorney Brown's Office has reviewed the attached documents

RECOMMENDATION: To accept and formalize the proposed change orders

SUGGESTED MOTION: I make a motion to accept and formalize the proposed change orders



AIA[®]

Document G701[™] – 2017

Change Order

OWNER

PROJECT: <i>(Name and address)</i> Mandan Public Works Equipment Storage Garage Mandan, ND	CONTRACT INFORMATION: Contract For: General Construction Date: June 18, 2019	CHANGE ORDER INFORMATION: Change Order Number: G-1 Date: September 19, 2019
OWNER: <i>(Name and address)</i> City of Mandan 205 Second Avenue NW Mandan, ND 58554	ARCHITECT: <i>(Name and address)</i> Jiran Architects & Planners, PC 1431 Interstate Loop Bismarck, North Dakota 58503	CONTRACTOR: <i>(Name and address)</i> Missouri River Contracting P.O. Box 59 Bismarck, ND. 58502

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

Re-design	ADD	\$437,140.00
Omit above grade insulation and plywood	DEDUCT	\$(18,000.00)
Omit dumpsters, toilet, temp heat, and temp power	DEDUCT	\$(12,800.00)
TOTAL CHANGE ORDER	ADD	\$406,340.00

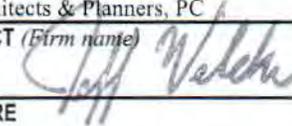
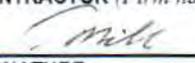
CONTRACTOR PAID - \$174,843.49

The original Contract Sum was	\$	744,060.00
The net change by previously authorized Change Orders	\$	0.00
The Contract Sum prior to this Change Order was	\$	744,060.00
The Contract Sum will be increased by this Change Order in the amount of	\$	406,340.00
The new Contract Sum including this Change Order will be	\$	1,150,400.00

The Contract Time will be increased by Zero (0) days.
The new date of Substantial Completion will be same as original contract.

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Jiran Architects & Planners, PC ARCHITECT <i>(Firm name)</i>	Missouri River Contracting CONTRACTOR <i>(Firm name)</i>	City of Mandan OWNER <i>(Firm name)</i>
		
SIGNATURE	SIGNATURE	SIGNATURE
Jeff J. Welch, AIA, Project Architect PRINTED NAME AND TITLE	Gene A. Welle, Owner PRINTED NAME AND TITLE	Jim Neubauer, City Administrator PRINTED NAME AND TITLE
September 19, 2019 DATE	9-23-19 DATE	DATE

AIA[®] Document G701[™] – 2017

Change Order

Architect

PROJECT: <i>(Name and address)</i> Mandan Public Works Administration Building Mandan, ND	CONTRACT INFORMATION: Contract For: General Construction Date: June 18, 2019	CHANGE ORDER INFORMATION: Change Order Number: G-1 Date: September 19, 2019
OWNER: <i>(Name and address)</i> City of Mandan 205 Second Avenue NW Mandan, ND 58554	ARCHITECT: <i>(Name and address)</i> Jiran Architects & Planners, PC 1431 Interstate Loop Bismarck, North Dakota 58503	CONTRACTOR: <i>(Name and address)</i> Capital City Construction, Inc. PO Box 7337 Bismarck, North Dakota 58507-7337

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

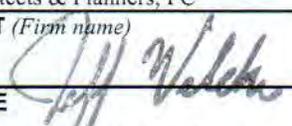
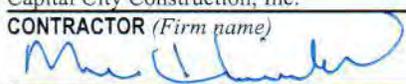
Redesign	ADD	\$993,000.00
Add second gas service	DEDUCT	\$(20,000.00)
TOTAL CHANGE ORDER	ADD	\$973,000.00

The original Contract Sum was	\$	<u>1,272,000.00</u>
The net change by previously authorized Change Orders	\$	<u>0.00</u>
The Contract Sum prior to this Change Order was	\$	<u>1,272,000.00</u>
The Contract Sum will be increased by this Change Order in the amount of	\$	<u>973,000.00</u>
The new Contract Sum including this Change Order will be	\$	<u>2,245,000.00</u>

The Contract Time will be increased by Zero (0) days.
The new date of Substantial Completion will be same as original contract.

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Jiran Architects & Planners, PC ARCHITECT <i>(Firm name)</i>	Capital City Construction, Inc. CONTRACTOR <i>(Firm name)</i>	OWNER <i>(Firm name)</i>
 SIGNATURE	 SIGNATURE	 SIGNATURE
Jeff J. Welch, AIA, Project Architect PRINTED NAME AND TITLE	Mike Haider, President PRINTED NAME AND TITLE	 PRINTED NAME AND TITLE
September 19, 2019 DATE	9.20.19 DATE	 DATE



AIA® Document G701™ – 2017

Change Order

OWNER

PROJECT: <i>(Name and address)</i> Mandan Public Works Equipment Storage Garage Mandan, ND	CONTRACT INFORMATION: Contract For: Mechanical Construction Date: June 18, 2019	CHANGE ORDER INFORMATION: Change Order Number: M-1 Date: September 19, 2019
OWNER: <i>(Name and address)</i> City of Mandan 205 Second Avenue NW Mandan, ND 58554	ARCHITECT: <i>(Name and address)</i> Jiran Architects & Planners, PC 1431 Interstate Loop Bismarck, North Dakota 58503	CONTRACTOR: <i>(Name and address)</i> Advanced Mechanical, Inc 1415 Airport Road Bismarck, North Dakota 58504

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

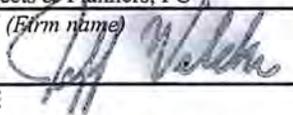
Re-design ADD \$78,935.00

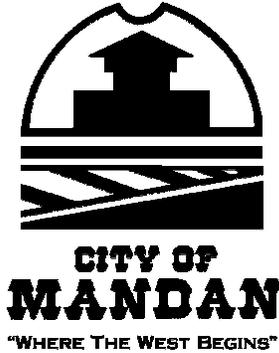
The original Contract Sum was	\$ 96,685.00
The net change by previously authorized Change Orders	\$ 0.00
The Contract Sum prior to this Change Order was	\$ 96,685.00
The Contract Sum will be increased by this Change Order in the amount of	\$ 78,935.00
The new Contract Sum including this Change Order will be	\$ 175,620.00

The Contract Time will be increased by Zero (0) days.
The new date of Substantial Completion will be same as original contract.

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Jiran Architects & Planners, PC ARCHITECT <i>(Firm name)</i>	Advanced Mechanical, Inc CONTRACTOR <i>(Firm name)</i>	City of Mandan OWNER <i>(Firm name)</i>
 SIGNATURE	 SIGNATURE	 SIGNATURE
Jeff J. Welch, AIA, Project Architect PRINTED NAME AND TITLE	Brian Benz, Vice President PRINTED NAME AND TITLE	Jim Neubauer, City Administrator PRINTED NAME AND TITLE
September 19, 2019 DATE	Sep 27 / 2019 DATE	 DATE



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 15, 2019
PREPARATION DATE: October 7, 2019
SUBMITTING DEPARTMENT: Planning and Engineering
DEPARTMENT DIRECTOR: Justin Froseth, Engineering and Planning Director
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: Consider acceptance of counteroffer for purchase Lot 1A, Block 1, Roughrider Estates Pioneer Replat

STATEMENT/PURPOSE: Consider acceptance of counteroffer for the purchase of Lot 1A, Block 1, Roughrider Estates Pioneer Replat.

BACKGROUND/ALTERNATIVES: Geoffrey S Pitman has provided a counteroffer of \$200 for the purchase of Lot 1A, Block 1, Roughrider Estates Pioneer Replat. The list price was \$1,000. This is the same price that was originally offered and presented at the October 1 meeting. The City countered with a \$1,000 purchase price but the buyer is firm with the original \$200 offer.

The property is located in Roughriders subdivision in the far northwest of the City.

Roughriders has several properties where the backyards have come back to the city for failure to pay taxes. This appears to be unintentional for several property owners and the platting processes that have exacerbated this problem are no longer in practice at the city.

The property owner desires to have ease of mind that what they consider their backyard is reflected by deeds.

A specials balance payoff through September 30, 2019 of \$443.79 exists on the property. Per the purchase agreement, following proration for this year's installment, the buyers will be responsible for the remaining balance.

Engineering and Planning is recommending accepting this offer given the limited use and value to other potential buyers and rejection of the previous counteroffer attempt by the City to obtain a higher purchase price.

Board of City Commissioners
Agenda Documentation
Meeting Date: October 15, 2019
Subject: Consider acceptance of counteroffer for purchase of Lot 1A, Block 1,
Roughrider Estates Pioneer Replat.
Page 2 of 2

City Commissioners may accept, reject, or counter the offer provided by Mr. Pitman.

ATTACHMENTS:

Exhibit 1 – Counter Offer #2 from Geoffrey S Pitman.
Exhibit 2 – Original Offer

FISCAL IMPACT: Positive – Both from tax revenue following transfer of property to private ownership and the monies received from its sale.

STAFF IMPACT: Minimal

LEGAL REVIEW: This staff report and attachments have been reviewed and approved by City Attorney Brown.

RECOMMENDATION: Engineering and Planning recommend accepting the counteroffer of \$200 for the purchase of Lot 1A, Block 1, Roughrider Estates Pioneer Replat.

SUGGESTED MOTION(S): I move to accept the counteroffer with a purchase price of \$200 for the purchase of Lot 1A, Block 1, Roughrider Estates Pioneer Replat.

EXHIBIT 1



Counter to Counter Offer - Addendum to
Purchase Agreement # 404308DS

This form approved by the Bismarck Mandan Board of REALTORS® which disclaims any liability out of use or misuse of this form.

This Counter Offer amends the proposed contract dated 09/09/2019 between

Buyer(s): Geoffrey S Pitman

and

Seller(s): City of Mandan

Relating to the sale and purchase of the property located at: 1A Homestead Pl NW, Mandan, ND 58554

(Address)

City: Mandan State: ND Listed as MLS# 404308

Purchase price shall be: \$Two Hundred and 00/100

Dollars \$ 200.00

Earnest money shall be: \$same

Closing date shall be on or before: 11/29/2019

Other:

All other conditions shall remain the same.

This Counter Offer is open for acceptance until (date) _____ at (time) _____ (check one) a.m. p.m., or until withdrawn by Offeror, whichever is later. All other terms and conditions of the proposed Purchase Agreement shall remain the same.

Right to accept other offers: The Seller reserves the right to accept any other offer prior to Buyer's written acceptance of this Counter Offer. Acceptance shall not be effective until a copy of this Counter Offer, dated and signed by the Buyer is received by the Seller or Seller's Agent.

Seller: City of Mandan Date: _____

Seller: _____ Date: _____

Buyer: Geoffrey S Pitman Date:  10/07/2019 10:00 PM CDT
Geoffrey S Pitman

Buyer: _____ Date: _____

Bismarck Mandan Board of REALTORS® (06/10)



EXHIBIT 2

LAND ONLY PURCHASE AGREEMENT # 404308DS



PAGE 1

This form is approved by the Bismarck Mandan Board of REALTORS® which disclaims any liability out of use or misuse of this form.

Date 9-9-19 MLS Listing # 404308 Page 1 of 6 Pages

GOVERNING LAW This agreement shall be governed by, construed and interpreted in accordance with the laws of, and under the jurisdiction of, the State of North Dakota and any actions shall be venued in the county in which the property is located.

References to "day" or "days" in this Purchase Agreement shall be construed as business days. Business days are defined as Monday through Friday, excluding Federal and State holidays.

Time is of the essence in this Purchase Agreement.

ENTIRE AGREEMENT: This Purchase Agreement, and any addenda or amendments signed by the parties, and any attached exhibits shall constitute the entire agreement between Seller(s) and Buyer(s) and supersedes any other written or oral agreements between Seller(s) and Buyer(s). This Purchase Agreement can be modified only in writing signed by Seller(s) and Buyer(s).

Buyer(s) Geoffrey S Pitman has/have agreed to pay two hundred dollars Dollars (\$ 200.00)

for the Property at: Street Address 1A Homestead Pl NW

City of Mandan County of Morton State of ND Zip 58554

Legally described as: Lot 1A, Block 1, Roundhider estate Pioneer Replat

The sum of two hundred Dollars (\$ 200) from Buyer(s) by (Check one):
 Check Cash EFT/ACH as earnest money to be deposited upon acceptance of Purchase Agreement by all parties, on or before the next business day after acceptance or EM will be delivered once agreement is accepted in the trust account of Cal-tree Realtors, (Check one): Listing Buyer Broker or to be returned to Buyer(s) if Purchase Agreement is not accepted by Seller(s). Buyer(s) agrees to pay in the following manner: Earnest money in the amount mentioned above, and additional earnest money of \$ _____ due on _____, Financing, if any, shall be as follows: Cash purchase

PRE-APPROVAL: Buyer(s) shall provide Seller(s) within — days, at 5 p.m., with written evidence acceptable to Seller(s) from a lender, showing pre-approval of a loan sufficient to allow Buyer(s) to purchase the property. If Buyer(s) fails to timely provide such written evidence, either party has the option to terminate this purchase agreement.

If financing fails after the contingency completion date, earnest money shall be released: to Buyer _____ to Seller _____ Other Agreement: _____; provided, that nothing herein shall limit the right of Seller to pursue all available remedies for breach of this purchase agreement.

This sale includes the following property, if any, owned by Seller and used and located on said property: garden bulbs, plants, shrubs, and trees; and the following personal property: _____

The following personal property is excluded: _____

Seller(s) agrees to remove all debris and all personal property not included herein from the Property by possession date. Includes all government payment, lease, or rental fees received between (date) _____ and (date) _____ unless specified as follows: closing

Homeowner association dues, rents, and all charges for city water, city sewer, electricity, and natural gas shall be prorated between parties as of closing

Buyer(s) Initials: GP Date: 9/9/19 Seller(s) Initials: _____ Date: _____ (Rev. 10/18)

LAND ONLY PURCHASE AGREEMENT # 404308 DS



PAGE 2

REAL ESTATE TAXES, based on the most current certified tax information available, shall be prorated between Seller(s) and Buyer(s) as of closing, 20 . Buyer(s) is advised to verify all tax information.

SPECIAL ASSESSMENTS shall be paid as follows: **Annual Installments:** Estimated annual installment due for the year of closing shall be paid by: (Check one): Buyer(s) and Seller(s) shall prorate as of the date of closing or Seller(s) shall pay on date of closing. Buyer(s) is advised to verify all special assessments information.

UNPAID BALANCE: (Check one): Buyer(s) shall assume or Seller(s) shall pay on the date of closing the balance of special assessments as of the date of closing. Following closing, Buyer(s) shall pay all real estate taxes and any unpaid special assessments payable therewith and thereafter, for which the payment is not otherwise provided. No representations have been made concerning the amount of subsequent real estate taxes or special assessments, including but not limited to assessments for completed special improvements, which have not been certified for collection.

Buyer is aware that there may be new public improvement projects, the cost of which may be assessed against the property. Seller agrees to promptly notify Buyer of any such notice received between the date of this agreement and the date of closing.

CLOSING AND POSSESSION: The date of closing shall be on or before ~~10-9-19~~ 10-31-19.
Seller shall deliver possession of property on 10-31-19.
Settlement fee to be paid by (Check one): Buyer(s) Seller(s)
Other: . Settlement and commitment fees as defined by VA to be paid by the Seller on VA Financing. Buyer(s) agrees to allow the purchase price to be part of the Multiple Listing Service database and grants permission to use of the information by MLS participants and related government entities for comparable sales reports and statistics.

DEED/MARKETABLE TITLE: Upon performance by Buyer(s), Seller(s) shall deliver a quit claim deed (Warranty Deed unless otherwise specified), conveying marketable title, subject to: (A) Building and zoning laws, ordinances, state and federal regulations; (B) Restrictions relating to use or improvement of the Property; (C) Installments of special assessments or assessments for completed special improvements which have not been certified to the County Auditor for collection. (D) Prior reservation of any mineral rights; (E) Utility and drainage easements; (F) Rights of tenants as follows (unless specified, not subject to tenancies):

(G) Others (must be specified in writing):

MINERALS: In accordance with North Dakota Century Code 47-40-24, unless specifically excluded, Minerals and Royalties transfer with the surface estate; and, in accordance with North Dakota Century Code 47-40-25 the Gravel, Clay and Scoria transfer with the surface estate unless specifically reserved by name in deed, grant, or conveyance. Buyer(s) and Seller(s) are advised to seek independent legal counsel regarding any reservation of minerals and to address such reservations in a separate agreement or addendum.

TITLE AND EXAMINATION: Seller(s), at Seller(s)'s expense, shall furnish an updated abstract of title to the property certified to date, compiled pursuant to the NDLTA Abstracting Standards Manual (02/01/06) OR an ALTA Standard Coverage Owner's title policy, insuring the buyer's interest in the property in the amount of the sales price. If, after examination, Seller(s)'s title is not insurable or free of defects and cannot be made so by Closing, then at Buyer's option, this purchase agreement shall be terminated and the earnest money shall be refunded to Buyer(s). However, Buyer(s) may waive defects and elect to purchase. Seller to pay Abstracting Fees and Owner's Policy of Title Insurance as applicable. Buyers to pay Searching Fees, Attorney's Title Examination Fee, and Lender Policy of Title Insurance.

ENVIRONMENTAL CONCERNS: To the best of the Seller(s)'s knowledge, there are no hazardous substances or underground storage tanks unless otherwise noted in Purchase Agreement.

Buyer(s) Initials: GS Date: 9/19/19 Seller(s) Initials: Date: (Rev. 10/18)



RISK OF LOSS: If there is any loss or damage to the Property between the date hereof and the date of closing for any reason, including fire, vandalism, flood, hail, wind, earthquake, or act of God, the risk of loss shall be on the Seller(s). If the Property is destroyed or substantially damaged before the closing date, this Purchase Agreement shall become null and void, at Buyer(s)'s option, and the earnest money shall be refunded to Buyer(s).

INSPECTIONS: Seller(s) shall make the Property available for all inspections and tests upon reasonable notice by Buyer(s).

SQUARE FOOTAGE AND/OR ACREAGE: Buyer(s) is aware that any reference to the square footage and/or acreage of the Property, both the real Property (land) and improvements thereon, is approximate. If square footage and/or acreage is a material matter to the Buyer(s), it must be verified by the Buyer(s).

SELLER(S) WARRANTIES:

Seller(s) warrants that building(s), if any, is/are, or will be, constructed entirely within the boundary lines of the Property.
Seller(s) warrants that there is a right of access to the Property from a public right of way.
Seller(s) warrants that prior to closing, payment in full will have been made for: 1.) All condo and/or home association fees; and 2.) all labor, materials, machinery, fixtures, or tools, furnished within the 90 days immediately preceding the closing, used in connection with construction, alteration, or repair of any structure on, or improvement to, the Property.
Seller(s) warrants that Seller(s) has not received any notice from any governmental authority as to violation of law, ordinance, or regulation for a condition that remains uncorrected, or any other notice from any governmental authority regarding the subject Property.
Seller(s) warrants that, if Property is subject to restrictive covenants, Seller(s) has not received any notice from any person or authority as to a breach of the covenants which remains uncorrected. Any notices received by Seller(s) will be provided to Buyer(s) promptly.
Seller(s) warrants that the Property is directly connected to: City Sewer: yes no Well: yes no
Water system is: City Rural. If rural, will membership be transferred? yes no N/A

FINAL WALK THROUGH: The Seller(s) grants Buyer(s) and any representative of Buyer(s) reasonable access to conduct a final walk through of the Property for the purpose of determining that the Property is in substantially the same condition as on the date of acceptance of the contract. If Buyer(s) does not conduct such walk through, Buyer(s) specifically releases Broker(s) of any liability.

BUYER(S) RESPONSIBILITY REGARDING INSPECTIONS AND INVESTIGATIONS: Buyer(s) is advised by Broker to obtain inspections and investigations of the Property. Buyer(s) acknowledges that Buyer(s) should make inquiries and consult government agencies, lenders, insurance agents, architects, and other appropriate persons and entities concerning the use of the Property and the surrounding areas under applicable building, zoning, fire, health, and safety codes, and for evaluation of potential hazards. Buyer(s) shall keep the Property free and clear of liens, shall indemnify and hold Seller(s) harmless from all liability, claims, demands, damages, and costs, and shall repair all damages arising from the inspections. The inspection period is the Buyer(s)'s sole opportunity to discover any existing defects prior to Closing. Buyer(s) waives any claim for an item warranted by the Seller(s) if Buyer(s) becomes aware of such claim during the Inspection Period and does not notify the Seller(s) in writing of such. Buyer(s) specifically releases, holds harmless, and indemnifies Broker(s) from any liability for any defects in the Property. If Buyer(s) requests repairs, Buyer(s) shall provide Seller(s) and Broker(s) upon receipt, at no cost, copies of all reports concerning the Property obtained by Buyer(s).

MEGAN'S LAW DISCLOSURE: If Buyer(s) desires to obtain information regarding persons required to register as sexual offenders under North Dakota Law, Buyer(s) must contact the ND Attorney General's office, or access the Attorney General's web site at <http://www.sexoffender.nd.gov/>.

DEFAULT: If Seller(s)'s title is marketable or insurable and Buyer(s), contrary to this agreement, fails, neglects or refuses to complete the Purchase within ten (10) days after title is proven marketable or insurable, or by the closing date, whichever is later, then, at Seller(s)'s option either the earnest money shall be forfeited to Seller(s) as liquidated damages, since the parties agree the calculation of damages to Seller(s) would be difficult to ascertain with certainty and since parties further agree that the amount of liquidated damages is a reasonable attempt to estimate damages which will be suffered by the Seller(s), and this Agreement thereupon shall be of no further binding effect; or Seller(s) may demand and pursue any and all other remedies including but not limited to actual damages or specific performance of this agreement. If Seller(s), contrary to this Agreement, fails, neglects or refuses to perform as agreed, Buyer(s) may demand and pursue any and all remedies including, but not limited to, specific performance of this Agreement. A claim of either party for specific performance, or the Seller(s)'s claim to the

Buyer(s) Initials: Date: Seller(s) Initials: Date: (Rev. 10/18)



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earnest money as liquidated damages, shall be waived, unless legal proceedings are commenced within three (3) months after scheduled date of closing; further, unless the Seller, delivers copies of documents evidencing the Seller's commencement of legal proceedings to claim the earnest money to the Broker who has possession of the earnest money within said three-month time period, then the Broker, who has possession of the earnest money, shall be authorized to return the earnest money to the Buyer, free of any claim by the Seller. Retention of earnest money in any Broker's trust account pending resolution of the default shall not constitute an election of remedies by either party or prejudice their rights to pursue any and all other remedies including, but not limited to, specific performance.

CONTINGENCIES: All applicable contingencies must be initialed by Buyers and Sellers. This purchase agreement is subject to the satisfaction of those contingencies which are initialed below by both parties.

Buyer(s) and Seller(s) agree that, by 5 p.m. on (date) N/A (contingency completion date), all contingencies agreed to in items 1 through 10 below shall be addressed to completion. The party with the option to terminate shall in no event have less than 48 hours from receipt of required information/documentation to give notice of termination, even if the contingency completion date is extended as a result.

Under the following contingencies, the Buyer, or the Seller, or in certain instances either party, has the option to terminate the purchase agreement; said option to be exercised by giving written notice by the contingency completion date. If such written notice is given by the contingency completion date the Buyer(s) shall receive a full refund of the earnest money. If written notice is not given by the contingency completion date by a party which had the option to terminate the purchase agreement, then the option to terminate the purchase agreement under the applicable contingencies are deemed to be waived. (See "Default" section.)

BUYERS AND SELLERS MUST INITIAL ALL APPLICABLE CONTINGENCIES.			BUYER(S) INITIALS	SELLER(S) INITIALS
1. PROPERTY CONDITION STATEMENT: Seller(s) to provide Buyer(s) with a Property Condition Statement. Buyer to review Property Condition Statement. If Buyer does not approve the Property Condition Statement, Buyer has the option to terminate this purchase agreement.				
2. INSPECTIONS: Buyer to complete inspections of Buyer(s) choice. If Buyer does not approve the results of the inspections, Buyer has the option to terminate this purchase agreement. Inspections and tests to be conducted at Buyer's Expense : (check all that apply): Septic System <input type="checkbox"/> Well <input type="checkbox"/> Other <input type="checkbox"/>				
3. FLOOD PLAIN: Buyer(s) to obtain flood plain verification. If Buyer does not approve the results of the flood plain verification, Buyer has the option to terminate this purchase agreement.				
4. LEASES: Seller(s) shall provide copies of current leases to Buyer. If Buyer does not approve the leases, Buyer has the option to terminate this purchase agreement.				
5. REGISTERED SEX OFFENDERS: Buyer(s) investigation of the possible presence of registered sex offenders in the vicinity of the property. If Buyer does not approve the findings regarding registered sex offenders, Buyer has the option to terminate this purchase agreement.				
6. RESTRICTIONS AND COVENANTS: Buyer(s) review of any government and/or private use restrictions and restrictive covenants. If Buyer does not approve the use restrictions or covenants, Buyer has the option to terminate this purchase agreement.				
7. WATER QUALITY TESTS: Buyer(s) obtain water quality tests, at Buyer(s) expense. If Buyer does not approve the results of the water quality tests, Buyer has the option to terminate this purchase agreement.				
8. SURVEY: Buyer(s) shall obtain a survey of the property, conducted at (check one): <input type="checkbox"/> Buyer's expense or <input type="checkbox"/> Seller's expense. If Buyer does not approve the results of the survey, Buyer has the option to terminate this purchase agreement.				
9. PLANS AND PERMITS: Buyer(s) to obtain all necessary plans and permits for one or more of the following purposes: building plans and specifications, proposed subdivision development plans, zoning or use permits, approval of building plans and/or specification in accordance with any recorded subdivision covenants, and approval of the architectural control committee. If Buyer does not obtain said plans and permits, Buyer has the option to terminate this purchase agreement.				
10. SOIL TESTS: Buyer(s) to obtain soil tests and percolation tests at <input type="checkbox"/> Buyer's expense or <input type="checkbox"/> Seller's expense. If Buyer does not approve the test results, Buyer has the option to terminate this purchase agreement.				

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OTHER CONTINGENCIES:

A. APPRAISAL CONTINGENCY: Buyer's obligation to purchase is contingent on the property appraising at or above the agreed upon purchase price. If this contingency fails, Buyer(s) has the option to terminate this purchase agreement.

B. 24/48/72 HOUR CONTINGENCY ADDENDUM: (check one) does does not apply (see attached addendum made a part of this contract, if applicable)

Buyer(s) Initials: GH Date: 9/9/14 Seller(s) Initials: _____ Date: _____ (Rev. 10/18)

LAND ONLY PURCHASE AGREEMENT # 404308 DS



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C. CLOSING OF BUYER'S PROPERTY: (This provision to be used if Buyer's property is under contract at the time of offer): (check one) does does not apply Buyer's obligation to purchase is contingent on closing of Buyer's property at (address) _____ Buyer(s) to provide written evidence within _____ days showing that Buyer(s) property has an accepted purchase agreement with qualified buyer and will close on or before closing of this Purchase Agreement. If Buyer(s) fails to provide such written evidence, the Seller(s), within _____ days following the deadline set forth in the previous sentence, may elect to terminate this Agreement, with earnest money to be returned to the Buyer(s).

PLEASE NOTE: Buyer(s) may incur additional charges for improving the property including, but not limited to hook-up and/or access charges, costs for sewer access, stubbing access, water access, park dedication, road access, utility connection, phone lines, connecting fees, curb cuts, and tree planting.

SPECIAL CONDITIONS:
Any and all abstracts or owner's policy fees shall be furnished at buyer's expense.

RELEASE OF BROKER(S): Seller(s) and Buyer(s) hereby expressly release, hold harmless and indemnify all Broker(s) in this transaction from any and all liability and responsibility, including but not limited to, the property condition, square footage, acreage, lot lines or boundaries, value, rent rolls, environmental problems, mold, water, sanitation systems, wind damage, hail damage, wood infestation and wood infestation report, compliance with building codes or other governmental regulations, or any other material matters relating to the Property.

AGENCY DISCLOSURE: Dana Schmidt (Agent Broker)
Brokerage Odette Realtors
Stipulates that she/he is representing the (Check one): Seller(s) Buyer(s) Neither Party Both Parties in this transaction. The listing agent or broker stipulates that she/he is representing the Seller(s) in this transaction.

APPOINTED AGENCY: Applies to in-house transactions only. Appointed agency (Check one): Does Does Not apply. If Broker has adopted appointed agency policy, dual agency may not apply. However, an appointed agent who singularly represents both Seller(s) and Buyer(s) in the same transaction is considered to be a disclosed dual agent owing fiduciary duties to both parties and must get permission from parties to act.

DUAL AGENCY REPRESENTATION: Dual agency representation (Check one): Does Does Not apply in this transaction. If dual agency does not apply, skip this entire section. If dual agency does apply, all parties must sign at the end of this section. Broker represents both the Seller(s) and the Buyer(s) of the Property involved in this transaction, which creates dual agency. This means that Broker and its salespersons owe fiduciary duties to both Seller(s) and Buyer(s). Because the parties may have conflicting interests, Broker and its salespersons are prohibited from advocating exclusively for either party. Broker cannot act as a dual agent in this transaction without consent of both Seller(s) and Buyer(s). Seller(s) and Buyer(s) acknowledge that:
(1) confidential information communicated to Broker which regards price, terms, or motivation to buy or sell will remain confidential unless Seller(s) or Buyer(s) instructs Broker in writing to disclose this information. Other information will be shared;
(2) Broker and its salespersons will not represent the interest of either party to the detriment of the other;
(3) within the limits of dual agency, Broker and the salespersons will work diligently to facilitate the mechanics of the sale; and with the knowledge and understanding of the explanation above, Seller(s) and Buyer(s) authorize and instruct Broker and its salespersons to act as dual agents in the transactions.

Buyer(s) Signature _____ Date _____ Seller(s) Signature _____ Date _____
Buyer(s) Signature _____ Date _____ Seller(s) Signature _____ Date _____

Buyer(s) Initials: DS Date: 9/9/19 Seller(s) Initials: _____ Date: _____ (Rev 10/18)

LAND ONLY PURCHASE AGREEMENT # 40430805



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This is an offer to purchase the Property. Unless acceptance is signed by Seller(s) and a signed copy delivered in person, by mail, or facsimile, and received by Buyer(s)'s Agent by (date) _____ at (time) _____ (Check one):
_____ am _____ pm CT, or unless this offer to purchase has been previously withdrawn by Buyer(s), this offer shall be deemed withdrawn and the Buyer(s)'s earnest money shall be returned.

Buyer's Signature	<u>[Signature]</u>	Date	<u>9/9/19</u>	Buyer's Signature	_____	Date	_____
Address	_____	Address	_____	City, State, Zip	_____	City, State, Zip	_____

ACCEPTANCE

A Counter Offer(s) (Check one): _____ Is _____ Is not attached and is incorporated herein by reference. Seller(s) and Buyer(s) must sign both the Contract and the Counter Offer(s). If there is a conflict between this Contract and the Counter Offer(s), the provisions of the Counter Offer shall be controlling.

The Listing Broker, or, if applicable, Seller's Appointed Agent is representing (check one): _____ the Seller(s) exclusively; or _____ both the Buyer(s) and Seller(s).

Listing Broker's name, or, if applicable, Seller's Appointed Agent's name: _____

Brokerage: _____ Telephone: _____

The undersigned acknowledge receipt of a copy hereof and grant permission to Selling Broker to deliver a copy to Buyer(s) Agent or, if the Buyer is not represented by an agent, to the Buyer.

The undersigned agree to sell the Property on the terms and conditions herein stated.

Seller's Signature	_____	Date	_____	Seller's Signature	_____	Date	_____
Seller's Name Printed	_____	Seller's Name Printed	_____	Seller's Address	_____	Seller's Address	_____
City, State, Zip	_____	City, State, Zip	_____				

Marital status (REQUIRED by Title companies): _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 15, 2019
PREPARATION DATE: October 2, 2019
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: Second and final consideration of Ordinance 1327 related to the annexation of Lot 2, Block 2, Bahm's 1st Addition

STATEMENT/PURPOSE: Consider approval of the second and final consideration of Ordinance 1327 related to the annexation of Lot 2, Block 2, Bahm's 1st Addition.

BACKGROUND/ALTERNATIVES: The property owners wish to annex their 1.74 acre property into the City of Mandan to connect to city services that currently run along 14th Ave. SE in front of their property.

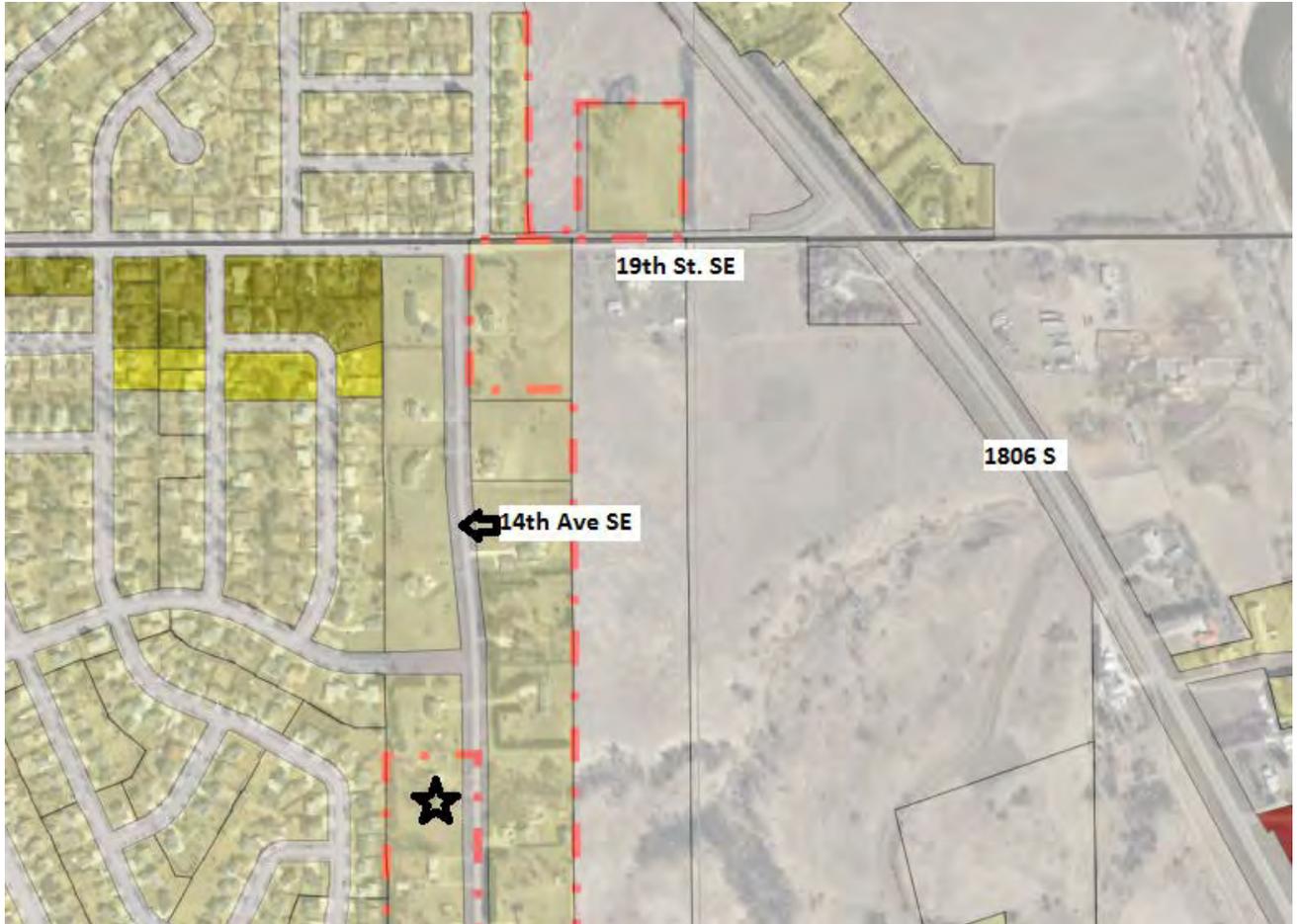
Board of City Commissioners

Agenda Documentation

Meeting Date: October 15, 2019

Subject: Second and final consideration of Ordinance 1327 related to the annexation of Lot 2, Block 2, Bahm's 1st Addition

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This property is one of four in Bahm's 1st Addition that have yet to annex which will be required in order to connect to city services.

ATTACHMENTS:

Exhibit 1 – Ordinance 1327

Exhibit 2 – Map of Annex Area

FISCAL IMPACT: N/a

STAFF IMPACT: N/a

LEGAL REVIEW: This document, including Ordinance 1327, has been reviewed and approved by Attorney Brown.

RECOMMENDATION: Engineering and Planning recommend to approve the request for annexation.

Board of City Commissioners

Agenda Documentation

Meeting Date: October 15, 2019

Subject: Second and final consideration of Ordinance 1327 related to the annexation of Lot 2, Block 2, Bahm's 1st Addition

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SUGGESTED MOTION: I move to approve Ordinance 1327 related to the annexation of Lot 2, Block 2, Bahm's 1st Addition as presented in Exhibit 1.

EXHIBIT 1

ORDINANCE NO. 1327

AN ORDINANCE ANNEXING CERTAIN ADJOINING LANDS TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, AND EXTENDING THE CORPORATE BOUDNARIES THEREOF.

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

WHEREAS, the City of Mandan, Morton County, North Dakota has determined it to be its interests to annex the hereinafter described property, which is contiguous to the City of Mandan, Morton County, North Dakota, but not embraced within the liits thereof, and has met all requirements as directed by Section 40-51.2-03 of the North Dakota Century Code.

SECTION 1. PROPERTY ANNEXED. The following described land is situated in the County of Morton, State of North Dakota, and contiguous to the corporate limits of the City of Mandan, North Dakota, and is hereby added to, taken into, annexed and made part of the City of Mandan, namely:

Lot 2, Block 2, Bahm's 1st Addition, Morton County, North Dakota

SECTION 2. CORPORATE BOUNDARY EXTENDED. Upon the taking effect of this Ordinance, the corporate limits and boundary lines of the City of Mandan shall thereafter include said lands.

Tim Helbling, President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

Planning and Zoning Commission:
First Consideration:
Second Consideration and Final Passage:
Recording Date:

September 23, 2019
October 1, 2019
October 15, 2019

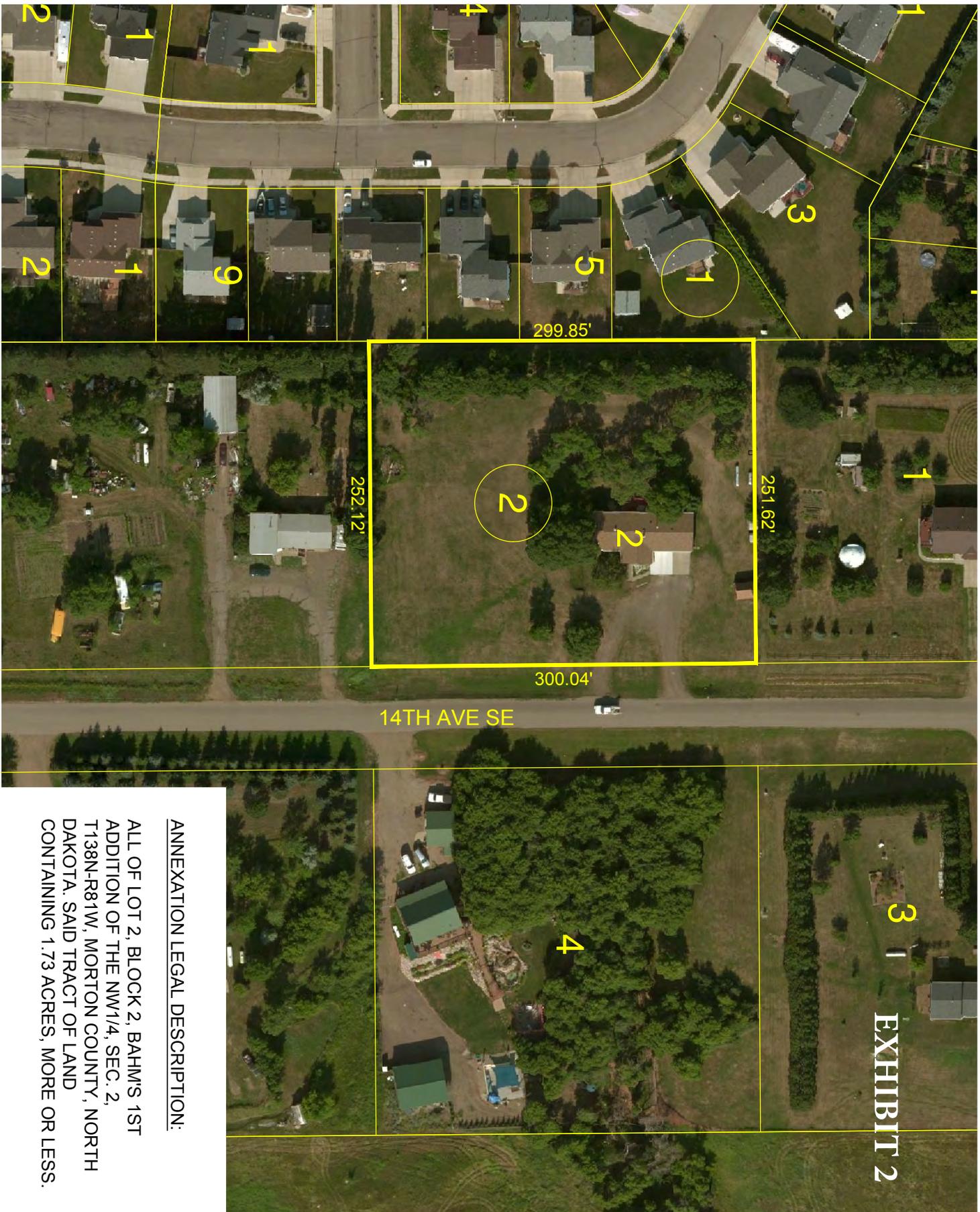


EXHIBIT 2

ANNEXATION LEGAL DESCRIPTION:

ALL OF LOT 2, BLOCK 2, BAHM'S 1ST ADDITION OF THE NW1/4, SEC. 2, T138N-R81W, MORTON COUNTY, NORTH DAKOTA. SAID TRACT OF LAND CONTAINING 1.73 ACRES, MORE OR LESS.

