



AGENDA
MANDAN CITY COMMISSION
APRIL 2, 2019
ED "BOSH" FROELICH MEETING ROOM,
MANDAN CITY HALL
5:30 P.M.
www.cityofmandan.com

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- A. ROLL CALL:
1. Roll call of all City Commissioners
- B. APPROVAL OF AGENDA:
- C. MINUTES:
1. Consider approval of the minutes from the March 19, 2019 Board of City Commission Regular meeting
- D. PUBLIC HEARING:
- E. BIDS:
1. Consider the award of bids for Municipal Sidewalk Improvement Project 2019-03 and approving the Resolution approving the contract and contractor's bond.
- F. CONSENT AGENDA:
1. Consider for approval the special assessments for Weed Cutting of 2018, Sidewalks of 2018, and Health & Safety of 2018.
 2. Consider approval of the following proclamations:
 - i. Proclaiming April 8-14, 2019 as National Public Safety Telecommunications Week in the City of Mandan.
 - ii. Proclaiming April 2, 2019 Mayors Day of Recognition for National Service in the City of Mandan.
 3. Consider Amendment #1 to our agreement with KLJ for final design of the sanitary sewer related to the 1806 north reconstruction project.
 4. Consider approval of site authorization for Fort Abraham Lincoln Foundation at Station West Bar and Grill from 4/15/2019-6/30/2019.
 5. Consider approval of annual site authorization for ABATE of North Dakota at Hideaway Bar from 7/1/2019 to 6/30/2020.
 6. Consider approval of annual liquor license for Bis-Man Stock Car Association at Dacotah Speedway for May – October.
 7. Consider approval of Special B Liquor Permit for Bis-Man Stock Car Association at Dacotah Speedway for July 2, 3, 4, 2019.
 8. Consider approval of Miles of Love Dog Rescue games of chance at Shop No. 11 April 1 - August 3, 2019.
 9. Consider approval of the 2019 Fire Hydrant Painting agreement with HIT Inc.

10. Request for permission from Public Works Department to purchase a roll off hook truck chassis off of state bid, and allow for necessary budget amendment.

G. OLD BUSINESS:

H. NEW BUSINESS:

1. Consider re-appointments of Fire Chief Steve Nardello and Mitch Bitz, Public Works Director to the Mandan Weed Board.
2. Consider re-appointment of Carl Jacobsen to the Mandan Special Assessment Commission.
3. Consider Growth Fund Committee recommendation to remove restaurants from the Retail Incentive Program and other updates
4. Legislative Update #6

I. RESOLUTIONS AND ORDINANCES:

1. First Consideration of Ordinance 1308 relating to payback of unused sick leave.

J. OTHER BUSINESS:

K. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. April 16, 2019
2. April 30, 2019 (Budget Working Session)
3. May 7, 2019

L. ADJORN

CITY BOARD OF EQUALIZATION:

A. ROLL CALL: Roll call of City Commissioners.

B. NEW BUSINESS: Recess the City Board of Equalization until April 16, 2019 at 7:00 p.m. in the Ed "Bosh" Froehlich Meeting Room at Mandan City Hall, 205 2nd Ave NW, Mandan, ND.

C. ADJOURN:

The Mandan City Commission met in regular session at 5:30 p.m. on March 19, 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 and Commissioners Braun, Davis, Larson and Rohr. Department Heads present were Finance Director Welch, City Administrator Neubauer, Fire Chief Nardello, Building Official Ouradnik, Business Development and Communications Director Huber, Planning & Engineering Director Froseth, City Planner Van Dyke, Assessor Markley, Police Chief Ziegler, Deputy Police Chief Flaten, and City Attorney Brown. Absent: Director of Public Works Bitz.

B. APPROVAL OF AGENDA:

C. MINUTES:

1. *Consider approval of the minutes from the March 5, 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: Yes; Mayor Helbling: Yes. The motion passed.

D. PUBLIC HEARING:

1. *Appeal of MARC decision on the sign permit for the Lonesome Dove located at 3929 Memorial Highway.* Building Official Ouradnik presented information pursuant to a public hearing pertaining to Brian Berube, owner of the Lonesome Dove at 3929 Memorial Highway who is appealing the denial of the sign permit application by the Mandan Architectural Review Committee (MARC). He provided background of this matter stating that the Lonesome Dove at 3929 Memorial Highway, was cited by Code Enforcement for placing a mural on the wind block on the front of the building a requirement of Section 105-1-15(j) (9). An application was submitted after-the-fact for the mural and that was subsequently discussed by MARC. The MARC denied the mural application at their November 13, 2018 meeting on the basis that it violated mural Guideline #1 that no mural may be placed on the front of a building; and Guideline #2 that no mural shall convey a commercial message per Mandan Municipal Code 105-1-15 J (9) which states, “No sign or wall mural shall be painted on any building without prior approval from the MARC”. The applicant was then advised to apply for sign permit.

The Lonesome Dove filed an application that was brought to MARC on the January 8, 2019 and that application was denied based on Section 105-1-15 (z)(4):_No combination of wall signs and supports shall exceed 20% of the signable wall surface area up to a maximum of 200 sq. ft. unless other limits are approved by the MARC; and Section 105-1-15 (j)(9): No sign or wall mural shall be painted on any building without prior approval from the MARC. Mr. Breube was notified of the denial by letter and he then submitted an appeal letter on February 13, 2019.

Building Official Ouradnik recommended upholding the decision of the MARC and to deny the appeal of the sign located on the building Lonesome Dove at 3929 Memorial Highway for the following reasons:

(1) Section 105-1-15 (z)(4): No combination of wall signs and supports shall exceed 20% of the signable wall surface area up to a maximum of 200 sq. ft. unless other limits are approved by the MARC.

(2) Section 105-1-15 (j)(9): No sign or wall mural shall be painted on any building without prior approval from the MARC.

Mayor Helbling announced this is a public hearing regarding the appeal of the MARC decision on the sign permit for the Lonesome Dove located at 3929 Memorial Highway. He invited anyone to come forward to speak for or against this matter.

August Kersten, Lonesome Dove, 3929 Memorial Highway, came forward and stated that when the mural was painted on the building he was not aware of any requirements for mural permits. He said after he was notified he obtained a permit and was told there would be a meeting, however, he assumed they would pass the mural application request. He said he received a letter stating he could get up to a \$1,000 fine and he was informed that it wasn't a mural, rather it was considered to be a sign. He paid the additional fee for a sign and completed the application, attended the meeting and said he was told he had too much signage. He said the Lonesome Dove's intention was to improve the signage on what they previously had on the building. He requested the City Commission consider allowing the Lonesome Dove to leave the new signage on the building.

Julie Haibeck came forward to speak stating that she had a similar problem with signage on her building but the city found a way to get around making her remove her signage by putting up a wall about one inch away. She stated she believes Mandan has too many rules and regulations.

Mayor Helbling invited anyone else to come forward to speak for or against the appeal of the MARC decision on the sign permit for the Lonesome Dove located at 3929 Memorial Highway. Hearing none, this portion of the public hearing was closed.

Commissioner Rohr inquired as to when the mural ordinance became effective. Building Official Ouradnik replied they went into effect the end of 2018. Commissioner Rohr commented that residents may not be aware of the ordinance, thus they may not know they are in violation. With regard to the Lonesome Dove building, he does not see a correlation with this ordinance in that the mural seems to fit within the business's décor and location. He said he believes there is a difference in aesthetics between downtown buildings and the buildings on the strip. He does not feel that the mural is distracting to the public eye and he does not think the mural should be taken down.

Commissioner Davis commented that the work the MARC has done on this Ordinance is of importance however there should be a fine line of what is acceptable and what is not acceptable. He said it is difficult to tell a business what to do or not do, but consistency and fairness is important when addressing signage, banners and murals. Commissioner Larson stated she has sat on the MARC Committee for several years and she sympathizes with how hard it is to keep up on regulations. This is challenging for MARC even though the mural ordinance is not as new as the sign ordinance. However, we do not want to alienate our businesses but the mural ordinance has been difficult to deal with over the last couple months. The challenge is, none of it

is allowed to be street-facing, etc. If we ignored the Lonesome Dove sign, it would have been in violation. All businesses have to go through this and that is why we offer public meetings so everyone has input. This is a challenge because this does not hurt anyone, but how do we control the next business to stay within compliance. This is difficult on the part of the owner, but MARC has created these guidelines to assist with consistency with business signage and murals. Commissioner Braun commented that the business owners have a responsibility to know what ordinances are in place. If exceptions are made for one or two businesses, it could get out of hand. If the public does not like any such current situation, the City Commission will review and consider a revision when presented in a proper format and it would be possible to change the ordinance. Until that happens, the ordinance will have to be followed.

Mayor Helbling commented he does not like to be told what to do as a business owner, however, in the capacity of sitting on the City Commission, it is important to make sure that the ordinances are followed. In the past, he said that he had received comments from prospective new business owners stating that unless Mandan set up guidelines and rules, they would not bring their business to Mandan. He also suggested that Main Street could have different policy guidelines than other sections of the City, such as the strip or those areas that are out in the open. The good of the whole community has to be taken into consideration in these types of situations. The feedback he has received indicated that rules and regulations do need to be in place. Commissioner Rohr reiterated that he believes there is a difference in aesthetics between the downtown buildings and the strip.

Building Official Ouradnik clarified the guidelines for murals at this point are just guidelines and that they are not an Ordinance. This one is not considered a mural, it is considered as a sign because of the commercial business. He does not want this matter confused with murals as the conversation has referenced murals when indeed it should be addressed under the Sign Ordinance.

Commissioner Davis moved to approve to deny the appeal made by Brian Berube, the owner of the Lonesome Dove and uphold the decision of MARC to remove the sign located at 3929 Memorial Highway based on Section 105-1-15 (z)(4) and Section 105-1-15 (j)(9) of the Mandan Municipal code. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: No; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

2. *First Consideration of Ordinance 1299 related to Crematoriums Continued.* City Planner Van Dyke continued this presentation from last month's discussion requesting the First Consideration of Ordinance 1299 Related to Crematoriums. He said that City staff has provided the Commissioners with information from a study that was conducted by the State of Georgia Senate in 2012 which evaluated crematoriums, specifically looking at emissions, including mercury. To summarize the report findings, the following snapshot from the conclusion and recommendations (Exhibit 6, Page 9) includes "While cremation is a popular and largely safe means of disposal of human remains, the process may emit small amounts of metals such as cadmium, lead, and mercury, among other emitted materials. The amounts of these substances emitted by the cremation process may be too small to pose a health or safety risk, but it is nonetheless important for the public to be able to remain confident that their health and the

health of their families are not being compromised as a result of nearby cremation operations.” Georgia requires a 1,000 ft. setback from a residential subdivision. In addition to researching and identifying a balanced study, staff reached out to the North Dakota Department of Health Division of Air Quality to request mercury emissions quantities for the Mandan Refinery and the Heskett plant, which were reported in 2017 as four (4) pounds and fourteen (14) pounds respectively. The relative quantities of mercury emitted by a crematorium are substantially smaller. It should also be noted that the stacks of both the Heskett plant and Mandan Refinery appear to be located nearly 2,000 linear feet from the nearest residential subdivision. He referenced Exhibit 7, wherein at the City Commission meeting in February, the question came up of using cemetery property as a location for a future crematorium. A deed search identified much of the property having a restriction only allowing it to be used for burial purposes. However, there is a portion of the cemetery property large enough and unencumbered by restrictions that would accommodate both the original setback proposed by staff to Planning and Zoning Commission (300 feet) and the setback proposed to City Commission by Planning and Zoning Commission (100 feet). Exhibit 7 depicts this property to illustrate the setbacks as they would apply to the crematorium equipment proposed in the ordinance. The City has no plans to put a crematorium on this property. For clarification, the question of accepting the adjacent right of way, would allow crematoriums to encroach closer to the property line such that it could locate closer to the right of way and not be encumbered or inhibited by the hard setback line from the property. This would allow it to be located further away from private property and closer to the freeway. The goal would be to accept the right of way and move it closer to the road from adjacent development. Mr. Ross, Funeral Director of DaWise-Perry Funeral Services responded with his written Comment, included in Exhibit 5.

Mayor Helbling announced this is a public hearing and invited anyone to come forward to speak for or against the First Consideration of Ordinance 1299 related to Crematoriums.

Tawnya Clouston who lives at 1608 14th Ave. Southwest came forward to speak. She stated that she, her husband, and six children live in a home in the area of where David Wise is proposing to build a funeral home and crematorium. She said she is here tonight with her neighbors to protest the building of the funeral home and crematorium in the location proposed by Mr. Wise. She read out loud a list of her concerns if this building is approved at this location. She explained that her husband has a lung disease and how she believes emissions exposed to him could make his lung problem worse. She requested the Commission to reconsider the setback of at least 500 feet minimum.

Mayor Helbling clarified that the City is not considering this ordinance, brought by Mr. Wise who is considering building a crematorium. Mayor Helbling said that no matter where the location, the City is not considering a crematorium at this location and is not specific to this funeral home. He explained the intent of the City is to get in front of this issue instead of behind it.

David Wise, owner of DaWise Perry Funeral Home came forward to speak. He explained the reason for the setback was to be further away. Tawnya’s house is over 600 feet away. He does not want this next to any residence and he does not want anyone afraid of this type of business. He referred to the original ordinance set at 300 ft. which is a recommendation of his competitor

and other businesses of this nature. He explained some of the history of his competitor's business and that his business was given a 50 ft. set back. He explained his position regarding the controversy of the 300 ft. setback vs. the 50 ft. set back. In regards to the Ordinance he said that it is his intention to stay as far away as possible and at least a 100 ft. set back and that he intends to stay at least 200 ft. from a residence.

John Ross from DaWise Perry Funeral Home came forward and stated that his concern is about the one cemetery, Union Cemetery, in that it is not in compliance with the ordinances. He reported that a burial he did last month, was 25 ft. from the line. There are diesel drums within 45 ft. of gravesites. He suggested considering the big picture of the issues involved and questioned if Mandan Union Cemetery is in compliance with NDCC and if not, should that be submitted to the ND Health Department. He does not know if that has been done or not.

Commissioner Davis inquired of the public forum held by Mr. Wise last month. Mr. Wise said only two people attended. One individual who came used to work with North Dakota Air Quality and the other was interested in the spiritual part of the forum.

Commissioner Davis commented that he is supportive of Mr. Wise's business and that it appears to be the location of where he would like to build a funeral home/crematorium that is the issue. Regarding the smokestack that would be installed, will it be higher than the rooftops? Another concern brought up was when the equipment is in use, how long does it take to clear the air of the smoke? Mr. Wise stated this building be located nearer to the Lutheran church, east of where all the trees. The pitch of the smokestack will be taller than the houses. Mr. Wise inquired about building a funeral home at that location, without the crematory. Commissioner Davis said the crematory has been the biggest concern from what he heard.

Mayor Helbling directed the discussion to take this property out of this equation and only deal with the ordinance and the setbacks.

Commissioner Rohr said this matter is about a crematory, anywhere in the city, not limited to this location. This meeting is not about granting Mr. Wise authority to build a funeral home or crematory. Mayor Helbling clarified that this discussion will be limited to the ordinance for a crematorium, not a location.

Commissioner Braun said the previous discussion was about a crematory and what to do with setbacks. At that time, Planner Van Dyke presented a recommendation that the crematory be located in a cemetery only. This is a perfect opportunity that creates an ordinance that would produce income for the City of Mandan. Commissioner Braun suggested creating an Ordinance that a crematory will only be allowed within a cemetery. Based on discussion thus far, he said the City has two options: (i) Sell the lot; or (ii) Lease the lot. If the City leases the lot that would create residual income that would take care of this problem instead of having to come back in 10 years to tax once again because the City cannot take care of the lot by just selling it. He proposed that this suggestion be made part of the ordinance and that will relieve some of the issues with the setback issue.

Blake Mickelson, 14th Avenue Southeast, Mandan, came forward and stated that he understands that the ordinance problem is much broader than this project, however, he does not believe it is possible to separate the two matters. He and his neighborhood are concerned. He stated he is opposed to this project for reasons previously stated. Further, he said he is opposed to this location. A further setback is going to make it difficult for this project in this particular location so the further the setback, the better. He is not opposed to the City creating an ordinance but he would be opposed to allowing a crematorium in a residential neighborhood.

Wade Meschke, 14th Avenue Southeast, Mandan, came forward and commented that it appears the City Commission is doing some problem solving and in order for this to work the setbacks would have to be small to fit in this property as well as other factors that would need to be considered for this piece of property. He said that this location is all residential and a funeral home would require a commercial zone. He is in favor of the City requiring a crematory to be located within a cemetery.

Mayor Helbling invited anyone else to come forward to speak for or against the First Consideration of Ordinance 1299 related to Crematoriums. Hearing none, this portion of the public hearing was closed.

Planner Van Dyke reiterated the importance that certain standards should be set for a crematorium. As it stands now, there are areas where a crematorium could be set right up against a property line. This is an important step of the City in being proactive to have minimum standards set.

Mayor Helbling inquired of the wishes of the Commission. He stated that if there is no action taken by the City Commission, Mr. Wise could apply for conditional use permit under the current ordinances.

Attorney Brown stated that the current ordinance permits a crematorium within an industrial district or within an agricultural district. The current ordinance requires the crematory cannot be erected within 200 feet of the boundary of the lot.

Mayor Helbling said that if the City Commission does not want to make a motion one way or the other, the ordinances already in place will stand as written.

Planner Van Dyke clarified that it does allow it as an attachment to a funeral home. Public crematoriums presumably under public ownership are adhered to that 200 foot rule. The private ones are simply attached and are allowed to be attached to any funeral home at the present time. The ordinance is trying to ensure that both public and private crematoriums would be expected to adhere to the same rules. That's why the City is removing the crematorium as an attachment to a funeral home while trying to figure out a setback that will apply to all crematoriums, public or private.

Commissioner Rohr inquired if the question that we are dealing with has to do with the setback? This is a first reading of Ordinance 1299 noting that changes can be made between now and the next meeting.

Commissioner Braun inquired if it would be acceptable to make a motion to only allow crematoriums in the Union Cemetery? Or would it be possible to make a stipulation that crematoriums would only be allowed within a cemetery.

Planner Van Dyke stated that in Exhibit 7 it shows setbacks further than 300 feet away. If the Commission would like an ordinance created and brought back - if Attorney Brown thinks this would qualify for a First Consideration without creating another ordinance. Attorney Brown said that in order to offer an amendment, the First Consideration would have to be approved.

Commissioner Braun moved to amend this and add to it that all crematoriums within the City limits of Mandan will only be allowed within the cemetery and approve the first consideration of Ordinance 1299 as presented in Exhibit 4. Commissioner Davis seconded the motion.

Mayor Helbling inquired of Attorney Brown if that motion is appropriate. Attorney Brown replied that the appropriate language will have to be drafted and yes, the motion is appropriate.

Commissioner Rohr inquired of Commissioner Braun who would run the crematorium and who would run the ownership of it and be responsible for the operations of the crematorium? And what amount of space is required and how would that reduce the life expectancy of the cemetery? He said he would like to look into these questions before going further. Commissioner Braun deferred to Attorney Brown for answers about the lot size and the business aspect (leasing) of a crematorium, etc. Mayor Helbling stated that these are questions that will have to be researched and the life of a cemetery will have to be taken into consideration.

Commissioner Larson stated that her concern regarding that proposal would be putting the City into a position of acting as a landlord. Unless it is a City run crematorium, she hesitates to lease to any particular business within that sphere and then they will lease to other people. Unless it's a City run service, she is hesitant to go that route. She would rather accept the ordinance presented and use the setback agreed on. That would offer more protection to the residents. Commissioner Braun explained further that he does not want to get involved with private businesses, but his recommendation is based on keeping the crematorium within a location that is respective in the business, that being a cemetery. Mayor Helbling stated that he agreed with Commissioner Larson that government should not get involved in private business, however, if there is a private entity that would like to open a crematorium the City should not hold them back. He recommended that the City set guidelines and let them follow the guidelines. Commissioner Davis commented that the cemetery location complies with current zoning regulations and he agrees with that. He believes that this particular ordinance will from time to time require amendments due to the nature of it. The main focus of discussion tonight is to move the ordinance forward.

Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: No; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

F. CONSENT AGENDA

1. *Consider approval of monthly bills.*

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2. *Consider the following requests to approve budget amendments and transfers: (i) Business Development & Communications Department; (ii) Fire Department; (iii) Utility Billing Department; (iv) Police Department; (v) Planning and Engineering Departments; (vi) Human Resources Department; (vii) Public Works Department; (viii) Administration.*
 3. *Consider proclaiming April 5, 2019 as Wear Blue Day in the City of Mandan.*
 4. *Consider approving the Special Event Permit Application for the Mandan Law Enforcement Brave the Shave Fundraiser on 4-9-2019 at Midway Lanes.*
 5. *Consider approval of the Inmate Housing Agreement between the City of Mandan and the Burleigh/Morton County Detention Center.*
 6. *Consider Approval for the Mandan Police Department to take over the fiscal duties for the High Intensity Drug Trafficking Area (HIDTA) Grant for the Metro Area Narcotics Task Force.*

Commissioner Rohr moved to approve the Consent Agenda items 1 through 6 as presented. Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

G. OLD BUSINESS:

H. NEW BUSINESS:

1. *Update from Brian Ritter, Bismarck Mandan Chamber EDC.* Brian Ritter explained that the Bismarck Chamber of Commerce and the Bismarck Mandan Development Association has underwent a merger over the last several months. As of January 1, 2019, they have been operating as the Chamber EDC. He extended a thank you to the Mandan City Commission for their support in making this happen. He provided an overview of the future plans and developments of this organization. In particular, HB1474 is the No. 1 priority on the EDC's legislative agenda. It will give cities and counties the ability to ask for a vote of approval that has been labeled as a street utility fee. This is meant to be an alternative to special assessments and was a product of the City of Bismarck's task force. This bill passed in the House and the first hearing was held and at that point there were some concerns from the Finance and Tax Committee. Subsequently meetings have been held and an amendment to HB 1474 that converted the bill into legislative study. This bill will be before the Senate Finance Committee with the intent to take the bill from a legislative act to a study allowing a study to be done as to how this could be applied state-wide and not just to one community. Mr. Ritter summarized the upcoming events and programs that are scheduled in the near future with information to be shared with Bismarck-Mandan communities. He reviewed the job opportunity programs and workshops that are in process and being developed. He continues to work with Business Development and Communications Director Huber on new and expanding businesses. The continued search for industrial development within the community is also being researched. He extended a thank you to the City Commission for their continued support of the Bismarck-Mandan Chamber EDC.

2. *Consider Growth Fund Committee recommendations.*

Ellen Huber, Business Development & Communications Director presented the following requests and recommendations on behalf of the Growth Fund Committee (GFC):

(i) *Storefront Improvement application for 218 West Main Street.*

The MGF met March 13, 2019 and discussed an application submitted by Brittany Kennedy and Cathy Ehlis for matching funds for exterior improvements to the building at 218 West Main Street, the former Huntington Books location. The applicants are remodeling the building and are seeking a \$30,000 match for the exterior renovation that has an estimated cost of \$61,144.57. The front of the building will have all windows and the door replaced with high quality, energy efficient glass. Plans include two large bay windows on the left side of the door and an 8 ft. garage door with glass on the right side of the entry door. The entry will be replaced by a main entry door flush with the exterior wall which will have an ADA automatic operation. The exterior brick will be reinforced and replaced as needed. Plans include new signage on the exterior of the building and the rear of the building will be completely refaced, painted and a new rear door will be installed. Other building improvements include a complete interior remodel. The applicants plan to open by June. The exterior building plan has received approval from the Mandan Architectural Review Commission. The applicants are also seeking approval for Renaissance Zone programs but the level of investment is sufficient to meet the investment and match requirements of both the Renaissance Zone and Growth Fund programs without overlap.

The MGF voted 7-0 (with two members absent) to recommend approval of the application for \$30,000 in matching funds for the Storefront Improvement project by Brittany Kennedy and Cathy Ehlis for 218 West Main Street. Randy Ehlis was present to answer questions.

Commissioner Larson moved to approve providing \$30,000 in matching funds from the Mandan Growth Fund for the Storefront Improvement project by Brittany Kennedy and Cathy Ehlis for 218 West Main Street. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Commissioner Davis: Yes; Mayor Helbling: Yes. The motion passed.

(ii) *Restaurant Rewards application for Copper Dog LLC for 218 West Main Street.*

This is a request to consider the Mandan Growth Fund (MGF) Committee's recommendation for an application by Brittany Kennedy and Cathy Ehlis, Copper Dog LLC, for a café to be located at 218 West Main Street for a five-year rebate of the 1% local sales tax. The MGF met on March 13, 2019 and discussed the application for the Copper Dog Café to be located in leased space in a portion of 218 West Main Street.

The Kennedy and Ehlis partners plan to open a waffle and coffee shop. The concept is a limited service restaurant with a seating capacity of 50. They plan to serve one-of-a-kind waffles topped with a custom blend of as many local ingredients as possible, other light breakfast fare, side dishes, high-quality coffees that are locally sourced and roasted and provide a fun, family atmosphere. A portion of the building will also be leased to the applicants for another business, a youth fitness center focusing on gymnastics.

The applicants plan to have one full-time and 6 part-time employees. The plan is for the business to be open seven days a week from 7 a.m. to 8 p.m. with an anticipated opening date of June 1, 2019. Sales are estimated at \$137,940 annually, putting the projected rebate at \$1,379.40 per year or \$6,897 over five years. The rebate amount will depend on actual sales and sales tax remittances.

The Mandan Growth Fund Committee voted 7-0 (with 2 members absent) to recommend the approval of the application by Brittany Kennedy and Cathy Ehlis for a Restaurant Rewards rebate of the 1% local sales tax in the first five years of operation at 218 West Main Street. Randy Ehlis was present to answer questions.

Commissioner Davis moved to approve the application by Brittany Kennedy and Cathy Ehlis for a Restaurant Rewards rebate of the 1% local sales tax in the first five years of operation at 218 West Main St. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

(iii) Updates to Property Tax Exemption Policy and Guidelines.

The MGF has reviewed Mandan's policy and guidelines for property tax exemption for new and expanding businesses at its February 25, 2019 and March 13, 2019, meetings. Mandan's policy for property tax exemption for new and expanding businesses has not undergone a significant review since 2013 when state legislation limited its use, under NDCC 40.57.1, to certified primary sector businesses. As defined in NDCC 1-01-49, a primary sector business "through the employment of knowledge or labor adds value to a product, process, or service which results in the creation of new wealth. For purposes of this subsection, "new wealth" means revenues generated by a business in this state through the sale of products or services to: (a) Customers outside of this state; or (b) Customers in this state if the products or services were previously unavailable or difficult to obtain from a business in this state." The only primary sector application received and approved since the legislative restriction became effective was for the 2016 expansion of National Information Solutions Cooperative. The ND Commerce Department's Economic Development and Finance Division uses a 75% threshold for the amount of product or services sold outside North Dakota's borders in reviewing eligibility for the primary sector certification. There are not many of those businesses eligible. The proposed updates to the guidelines, instructions for application and supplementary application eliminate all references to ineligible uses such as retail, restaurants, hotels and other services. Other substantive updates include: (1) an increase in wage rate thresholds using more recent census data on household median incomes, from a minimum of \$9 hour to \$10.60 hour as one of the minimal qualifications for a base level exemption, and (2) an increase in the structural value of the value of the new construction or expansion in relation to jobs creation, from \$100,000 per job to \$150,000 per job. The Mandan Growth Fund Committee voted 7-0 to recommend adoption of the updated policy and guidelines for property tax exemption for new and expanding businesses including the updated instructions and supplemental application.

As part of the review process, committee information was shared and sample guidelines were obtained from some other major cities for comparison. Other cities range in policies from those that are very aggressive or generous with relatively easy and somewhat subjective scoring system that qualifies applicants for a five-year, 100% exemption to those that are more discriminating in use of the property tax exemption tool, using only a sliding scale of 100%-80%-60%-40%-20% over five years.

Commissioner Davis commented that he serves on development boards that discuss funding sources and he believes that following this legislative session there will be more funding available for industry and other jobs to come to Mandan.

Commissioner Larson moved to approve the updated policy and guidelines for property tax exemption for new and expanding businesses including the updated instructions and supplemental application. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

3(i) Consider Renaissance Zone Committee recommendation for application for rehabilitation of 218 West Main St. Business Development and Communications Director Huber explained she had just presented exterior improvements to the building at 218 West Main Street as part of a Storefront Improvement application as a prior agenda item. The project also includes interior improvements. The applicants have put together a general construction plan that includes plumbing, mechanical, electrical, removing all false walls and framing that area out for the youth fitness/youth gymnastics area of the building. For the Copper Dog Café area they will be building a commercial kitchen, installing new hardwood floors and increasing the size of the restrooms. Huber believes there are repairs to the roof in the plans as well.

In total, the applicants are looking at investing about \$254,000 in building improvements. The building's current value on the assessing records for tax purposes, exclusive of the land, is \$90,700. Huber stated under the Renaissance Zone Program state requirements to qualify for a rehabilitation project, the applicant needs to invest at least 50 percent of the building's value back into it. The applicant is certainly above the \$45,350 threshold and has investment planned in the building that meets the requirements of this program as well as the Storefront Improvement program.

Huber noted the applicants are seeking the five-year property tax exemption on the value of the building as improved. The estimate on the building with renovations is \$297,000 putting the projected annual property taxes at \$3,935 per year for a five-year total just shy of \$20,000. The state income tax exemption would be an exemption on state income tax liability on income derived from rent of the building to the businesses. Huber has received a certificate of good standing from the tax department and the signed business incentive agreement.

Huber noted the Mandan Renaissance Zone committee voted unanimously to recommend approval of the application for rehabilitation of 218 W Main by 218 W Main, LLC to include the five-year 100 percent property tax exemption on the building as improved and the 100 percent state income tax exemption for five years.

Huber presented a preliminary draft of the floor plan. The idea is to have a wall splitting the café from the youth gym area. She noted that Renaissance Zone applications from the operating companies for the state income tax exemption has not yet been received as the owners are still in the process of getting the operating companies established. She anticipates seeing the application for the state income tax exemption on the income derived from the business activity in the building in the coming weeks.

Commissioner Braun moved to approve the application for rehabilitation of 218 W Main St by 218 W Main, LLC to include the five-year, 100 percent property tax exemption on the building as improved and the 100 percent state income tax exemption. Commissioner Davis seconded.

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

3(ii) Consider Renaissance Zone Committee recommendation for application for rehabilitation of 504 W Main St. Director Huber stated this was a project that has been much anticipated in the community. The building being renovated is known locally as the former Central Market grocery building. The City closed Jan. 31, 2019 on the sale of the building to JR&R II, LLC which is the real estate company for the operating company Running's Supply. Huber noted JR&R II also owns the adjacent building at 511 First Street NW, formerly known as the Thrifty White Drug building. The applicant has been putting together site plans and building renovation plans. This particular application focuses on the 504 W Main St. building.

The total estimated cost of the project is about \$1,085,000. The project includes total roof replacement, new HVAC and electrical, new ceiling tile, all new LED lighting, concrete floor polishing, new sprinkler/fire/security systems, expanded ADA restrooms, a new garage door, and extension of the existing canopy. Huber reported the concept drawing she presented was what was submitted to the Mandan Architectural Review Commission for approval of the signage, not the building's exterior plan in its entirety. The applicant is working on those plans for a Storefront Improvement application. She noted the applicant has indicated the canopy will probably be beige in color, rather than the black shown on the sign illustration, to match the color scheme of other Running's stores.

The applicant's site plan has received approval from the Mandan Architectural Review Commission with contingencies. She said the contingencies are receipt of a satisfactory landscaping plan and upgrading the aesthetics and quality of the fence plan for the outdoor storage area buildings. Huber displayed the site plan to explain where the greenhouse would be located and point out the location of the fence between 504 W Main and the adjacent 511 First St. buildings. The fenced in area is for Runnings to store large, bulky, outdoor merchandise for sale. There will be gates to enter and exit the fenced area during store hours to pick up merchandise. She also showed preliminary plans for planting of trees along the property.

Huber reminded the commission that the eligibility for the Renaissance Zone program is based on investing at least 50 percent of the building's value on the assessing records back into it in improvements. The building is currently on the assessing books at \$1,466,300, so the minimum investment is \$733,150. With the proposed \$1,085,000 investment, it certainly meets that parameter for the program, as does the use of the building as Running's Supply.

The time schedule to be open in the new location has been advanced. The applicant is striving to have building renovations complete by July 15 and have the new store open by July 22. The applicant has stated they bring a team of employees in to help with the transition, and that the existing store will remain open while they work to complete the transition.

The value of the building with improvements is estimated at \$2,036,500. That puts the estimated annual property tax exemption on the building as improved at \$26,984 for a five-year benefit just shy of \$135,000. The state income tax exemption from the income for lease of the building to Running's Supply is estimated at \$6,240 annually for a five-year total of \$31,200.

Huber stated the West End Redevelopment Committee, that considered proposals for this property, evaluated the economic impact of this proposal by taking a look at the 10-year benefit of an expanded Runnings in Mandan given the assumptions that some incentives could be included. She said Runnings would still have a \$3.2 million additional economic impact above and beyond its economic impact in Mandan today.

The Mandan Renaissance Zone committee voted unanimously to approve this application to include the five-year 100 percent property tax exemption on the building as improved and the 100 percent five-year state income tax exemption, recognizing the contingencies of the Mandan Architectural Review Commission.

Dan Hermann, chief operating officer of Runnings Supply stated the property was on Runnings' radar about five years ago when the grocery store closed and it was way too expensive at the time. He recognized Huber and Administrator Neubauer's efforts in making this happen for Mandan. Hermann stated Runnings currently leases its building. Their lease does end this year, which gives Mandan the opportunity to have another business on Memorial Highway. Hermann said Runnings will expand to offer sporting goods at the new location, footwear, an expanded clothing line and pet supplies as well. He said Runnings has been part of the community since 2002 and they like it in Mandan. Their goal is to keep customers in Mandan and not send them across the river.

Mayor Helbling stated he really likes their goal to keep customers in Mandan. He added Runnings has always been a good partner in the community.

Commissioner Davis moved to approve the application for rehabilitation of 504 W Main St by JR&R II, LLC to include the five-year, 100 percent property tax exemption on the building as improved and the 100 percent state income tax exemption. Commissioner Rohr seconded.

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

3(iii) Consider Renaissance Zone Committee recommendation for application for lease of 504 W Main St. Director Huber stated this application is for Running's Supply as the operating company, and that the request is for the five-year 100 percent state income tax exemption. She stated this is feature of the Renaissance Zone being a combination state and local program. The state income tax exemption is the component the state can bring to help entice occupancy of buildings within Renaissance Zones.

Huber reported the Mandan Renaissance Zone committee voted unanimously to recommend approval of the lease project to include the 100 percent five-year state income tax exemption.

Commissioner Rohr moved to approve the application for lease of 504 W Main St by Runnings Supply, Inc. to include the 100 percent, five-year state income tax exemption. Commissioner Larson seconded. Roll call vote: Commissioner Rohr: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Commissioner Davis: Yes; Mayor Helbling: Yes. The motion passed.

4. *Consider approving the Resolution approving Plans & Specifications and Resolution directing advertisement for bid for Street Improvement District No. 213, Project No. 2018-07 (Southside Project).* Planning and Engineering Director Froseth presented a request to approve the Resolution approving Plans & Specifications and Resolution directing advertisement for bid for Street Improvement District No. 213, Project No. 2018-07 – the Southside project. At the December 4, 2018 the City Commission approved the resolution creating the district, approved the engineer's report, approved the feasibility report and approved the resolution of necessity for this project. At the December 18, 2018 City Commission meeting a motion was approved to commit \$1.5 million out of the Sales Tax Fund and spread it over the life of the bond. The Prairie Dog Funds may be considered for this project instead of the Sales Tax Fund for project funding assistance. At the conclusion of the protest period, 12.81% of the assessment district area had protested. On January 8, 2019 the Commission found the protests insufficient and elected to move forward with the project. The engineering staff and the consultants have been designing with alternates in addition to the base bid in order to select the project that the Commission determines as the best value while staying in line with the general nature of the project. Examples would be to reduce storm pipe sizes as an alternate and providing the alley resurfacing as an alternate. The total project cost that would be divided amongst district participants is estimated at \$7,366,000 minus the \$1,500,000 that was approved at the December 18, 2018 meeting to be used from the Sales Tax Fund. If all alternates are taken, including downsizing of storm sewer and no alley resurfacing, the estimate is reduced by another \$950,000.

If approved, the project's bid opening would be April 10, 2019. In order to make sure that we allow the City Commission and our residents ample time to review and provide input on the bid, the bid results along with all of the alternatives will be reviewed at the April 16, 2019 City Commission meeting. After that discussion and any input period that may be required by the Commission, the engineering staff would bring it to the Commission for a decision of the award and what alternatives to award at the May 7, 2019 meeting.

Commissioner Davis commented that this is good timing for this project since the Prairie Dog bill has just been approved by the legislature. Mayor Helbling commented that if the bids come in below estimates, the City should be ready to move forward with the project before April 16, 2019 to assure it is completed. Commissioner Larson commended Director Froseth and the consultants for the quick turnaround of this project in order to keep the costs down.

Commissioner Larson moved to approve the Resolution approving plans and specifications and Resolution directing advertisement for bid for Street Improvement District No. 213, Project No. 2018-07 (Southside). Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Commissioner Davis: Yes; Mayor Helbling: Yes. The motion passed.

5. *2019 Legislative Update #5:* Administrator Neubauer presented an update on the 2019 Legislative Bills pertinent to the City of Mandan. Regarding HB1066, that passed and it did not have an emergency clause. It is expected that funds will be available in August 2020 for the first disbursement. \$1.5 million will be applied towards the southside street reconstruction project. He summarized the other bills in process at the legislative session.

I. RESOLUTIONS AND ORDINANCES

1. *Second consideration and final passage of Ordinance 1307 to update city laws regarding animals.* Police Chief Jason Ziegler presented the second consideration and final passage of Ordinance 1307 to update city laws regarding animals. He said there was an update to the poultry section to allow for the new chicken ordinance. No other revisions are warranted and no comments have been received.

Commissioner Davis moved to approve the Second consideration and final passage of Ordinance 1307 to update city laws regarding animals. Commissioner Rohr seconded the motion. Roll call vote Commissioner Rohr: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Commissioner Davis: Yes; Mayor Helbling: Yes. The motion passed.

2. *Consider approval of Resolution to transfer real property by nonexclusive listing agreement.* City Planner Van Dyke presented a request for the approval of the resolution to transfer real property by non-exclusive listing agreement. He explained that property is acquired over time by the City of Mandan if taxes go unpaid by property owners. In the past, this property has gone to bid and the highest bidder would acquire the property. However, the number of pieces of property that the City has accumulated lends this process to be unmanageable given existing staff responsibilities. He said that the sooner property is placed back into the hands of private ownership the sooner property tax revenue may be collected. The Resolution presented in Exhibit 1 includes 23 pieces of property that have been evaluated by the Assessing, Engineering, and Public Works Departments, Fire and Park Districts and all City Departments and deemed nonessential to the City. The Exhibit 2 provides a map of these locations for reference. The Exhibit 3 provides the listing agreement to allow Oaktree Realtors the ability to list these properties on the Multiple Listing Service (MLS) to begin marketing the properties for sale. The City Engineering and Planning Department, Public Works, and Assessing Departments recommend approval of this resolution.

Commissioner Davis moved to approve the Resolution to transfer real property by nonexclusive listing agreement. Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

J. OTHER BUSINESS

K. ADJOURNMENT

There being no further actions to come before the Board of City Commissioners, Commissioner Davis moved to adjourn the meeting at 7:53 p.m. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

James Neubauer
City Administrator

Tim Helbling
President, Board of City Commissioners



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 2, 2019
PREPARATION DATE: March 27, 2019
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Kim Fettig, Engineering Project Manager
SUBJECT: Consider the award of bids for Municipal Sidewalk Improvement Project 2019-03 and approving the Resolution approving the contract and contractor's bond.

STATEMENT/PURPOSE: To award a contract for bids received for the 2019 Municipal Sidewalk repairs throughout the City.

BACKGROUND/ALTERNATIVES: On March 26 we received 3 bids on the project. The Engineer's Estimate was \$49,027.50. The low bid was received from Brandoz Concrete Inc. in the amount of \$59,632.00. The low bid is 21.6% higher than the engineer's estimate.

Following is a list of the bidder's and their bids:

- | | |
|----------------------------|--------------|
| 1. Brandoz Concrete Inc. | \$ 59,632.00 |
| 2. Dirk Concrete | \$ 64,360.00 |
| 3. Knife River Corporation | \$ 75,000.00 |

ATTACHMENTS: 1. Bid Tabulation
2. Resolution Approving Contract and Contractor's Bond

FISCAL IMPACT: Costs may be special assessed to benefitting properties.

STAFF IMPACT: Minimal

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

RECOMMENDATION: I recommend approving the bid for the 2019-03 Municipal Sidewalk Project that was opened March 26 to Brandoz Concrete Inc. for the amount of \$59,632.00.

Board of City Commissioners

Agenda Documentation

Meeting Date: April 2, 2019

Subject: Consider the award of bids for Municipal Sidewalk Improvement Project 2019-03 and approving the Resolution approving the contract and contractor's bond.

Page 2 of 4

SUGGESTED MOTION: I would move to approve awarding the bid for the Municipal Sidewalk Improvement Project 2019-03 to Brandoz Concrete Inc. for the amount of \$59,632.00 and approve the Resolution approving contract and contractor's bond.

Board of City Commissioners

Agenda Documentation

Meeting Date: April 2, 2019

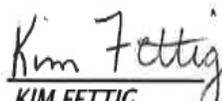
Subject: Consider the award of bids for Municipal Sidewalk Improvement Project 2019-03 and approving the Resolution approving the contract and contractor's bond.

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BID TAB - MARCH 26, 2019
MUNICIPAL SIDEWALK IMPROVEMENT
PROJECT NO. 2019-03

DESCRIPTION	APPROX QUANTITY	UNIT	PRICE	ENGINEERS ESTIMATE	Brandoz Concrete Inc.		Dirk Concrete		Knife River	
					UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
4" CONCRETE SIDEWALK	2000	SF	\$5.25	\$10,500.00	\$6.75	\$13,500.00	\$5.50	\$11,000.00	\$8.00	\$16,000.00
6" CONCRETE SIDEWALK	400	SF	\$6.00	\$2,400.00	\$7.75	\$3,100.00	\$6.75	\$2,700.00	\$9.00	\$3,600.00
6" CONCRETE DRIVEWAY	1600	SF	\$6.00	\$9,600.00	\$7.75	\$12,400.00	\$6.50	\$10,400.00	\$9.25	\$14,800.00
6" CURB AND GUTTER	150	LF	\$20.00	\$3,000.00	\$27.50	\$4,125.00	\$32.00	\$4,800.00	\$45.80	\$6,870.00
4" HANDICAP CURB RAMPS	40	SF	\$15.00	\$600.00	\$9.00	\$360.00	\$25.00	\$1,000.00	\$18.00	\$720.00
4" CONCRETE STEPS	10	SF	\$40.00	\$400.00	\$42.50	\$425.00	\$50.00	\$500.00	\$125.00	\$1,250.00
3/4" FELT EXPANSION MATERIAL	300	LF	\$2.00	\$600.00	\$1.59	\$477.00	\$3.25	\$975.00	\$1.49	\$447.00
UNCLASSIFIED EXCAVATION	75	CY	\$30.00	\$2,250.00	\$15.00	\$1,125.00	\$75.00	\$5,625.00	\$50.00	\$3,750.00
CONCRETE REMOVAL	3700	SF	\$2.00	\$7,400.00	\$2.00	\$7,400.00	\$2.35	\$8,695.00	\$1.50	\$5,550.00
SAW CUTTING	150	LF	\$6.00	\$900.00	\$2.00	\$300.00	\$5.50	\$825.00	\$3.00	\$450.00
ADJUST WATER CURB STOP	2	EA	\$45.00	\$90.00	\$35.00	\$70.00	\$20.00	\$40.00	\$179.50	\$359.00
ADJUST WATER VALVE BOX	2	EA	\$45.00	\$90.00	\$35.00	\$70.00	\$25.00	\$50.00	\$179.50	\$359.00
BLACK DIRT AND SEED	25	SY	\$20.00	\$500.00	\$40.00	\$1,000.00	\$75.00	\$1,875.00	\$25.00	\$625.00
SOD	5	SY	\$35.00	\$175.00	\$60.00	\$300.00	\$150.00	\$750.00	\$25.00	\$125.00
TREE ROOT REMOV.(2" TO 6")	2	EA	\$50.00	\$100.00	\$100.00	\$200.00	\$50.00	\$100.00	\$175.00	\$350.00
TREE ROOT REMOV. (OVER 6" TO 12")	2	EA	\$75.00	\$150.00	\$150.00	\$300.00	\$100.00	\$200.00	\$300.00	\$600.00
TREE ROOT REMOVAL (OVER 12")	2	EA	\$100.00	\$200.00	\$200.00	\$400.00	\$150.00	\$300.00	\$500.00	\$1,000.00
CWP- CURB & GUTTER	30	LF	\$0.75	\$22.50	\$1.00	\$30.00	\$10.00	\$300.00	\$4.00	\$120.00
CWP- CONCRETE PAVEMENT	300	SF	\$0.50	\$150.00	\$1.00	\$300.00	\$1.50	\$450.00	\$1.00	\$300.00
8" CONCRETE	800	SF	\$6.75	\$5,400.00	\$8.75	\$7,000.00	\$7.75	\$6,200.00	\$11.75	\$9,400.00
REMOVE & REPLACE 8" CURB & GUTTER	150	LF	\$30.00	\$4,500.00	\$45.00	\$6,750.00	\$50.50	\$7,575.00	\$55.50	\$8,325.00
TOTAL BID				\$49,027.50		\$59,632.00		\$64,360.00		\$75,000.00

I HEREBY CERTIFY Brandoz Concrete Inc. TO BE THE APPARENT LOW BIDDER.


KIM FETTIG
PROJECT MANAGER

Board of City Commissioners

Agenda Documentation

Meeting Date: April 2, 2019

Subject: Consider the award of bids for Municipal Sidewalk Improvement Project 2019-03 and approving the Resolution approving the contract and contractor's bond.

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RESOLUTION
APPROVING CONTRACT AND CONTRACTOR'S BOND FOR
SIDEWALK IMPROVEMENT PROJECT 2019-03

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

1. It is hereby found and determined that this Board has heretofore caused Notice for Advertisement for Bids to be made for an improvement Sidewalk Improvement Project 2019-03 of said City, and has duly and publicly opened and considered said bids received pursuant to said Notice.
2. Said improvement is hereby ordered to be constructed in accordance with the plans and specifications therefor as heretofore adopted by this Board pursuant to a resolution duly adopted by this Board.
3. It is hereby found and determined that the lowest responsible bidder for various categories of the work, material and skill required for said improvement is Brandoz Concrete Inc. whose bid provides for the construction of said improvement at a total estimated base price of \$59,632.00.
4. The President of the Board of City Commissioners of the City of Mandan and City Auditor are hereby authorized and directed to make and enter into a contract with said bidder on the part of the City, in the form prescribed by Sections 40-22-35 and 40-22-35, N.D.C.C. as amended, provided that said bidder shall within ten (10) days from this date execute said contract and a construction bond conditioned in accordance with the provisions of Sections 40-22-30 and 40-22-32 of said Code.

Dated this 2nd day of April, 2019

President, Board of City Commissioners

Attest:

City Administrator



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 2, 2019
PREPARATION DATE: March 28, 2019
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch, Finance Director
SUBJECT: Special assessments for Weed Cutting of 2018, Sidewalks of 2018, and Health & Safety of 2018.

PURPOSE

Consider the special assessments for Weed Cutting of 2018, Sidewalks of 2018, and Health & Safety of 2018.

BACKGROUND

Weed Cutting of 2018 – 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 2018 – 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 2018 – 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 March 8, 2019 and March 15, 2019.

ATTACHMENTS

Notice of Assessments:

- Weed Cutting of 2018
- Sidewalks of 2018
- Health & Safety of 2018

Board of City Commissioners

Agenda Documentation

Meeting Date:

Subject: Special assessments for Weed Cutting of 2018, Sidewalks of 2018, and Health & Safety of 2018.

Page 2 of 2

FISCAL IMPACT

Weed Cutting of 2018 = \$330.00 (1-year assessment)

Sidewalks of 2018 = \$13,756.88 (10-year assessment)

Health & Safety of 2018 = \$45,954.82 (5-year assessment)

STAFF IMPACT

No additional staff impact.

LEGAL REVIEW

The special assessments were prepared in accordance with the Mandan Code of Ordinances.

RECOMMENDATION

To approve the special assessments for Weed Cutting of 2018, Sidewalks of 2018, and Health & Safety of 2018.

SUGGESTED MOTION

Move to approve the special assessments for Weed Cutting of 2018, Sidewalks of 2018, and Health & Safety of 2018.

NOTICE OF ASSESSMENTS
WEEDS OF 2018

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>Seq#</u>	<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Assessment</u>
11125	3	11	601 Canyon Road SW	330.00
TOTAL				330.00

TAKE FURTHER NOTICE that the Board of City Commissioners of the City of Mandan will meet in regular session at City Hall on April 02, 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: March 08, 2019
March 15, 2019

Diane I Leingang

NOTICE OF ASSESSMENTS
SIDEWALKS OF 2018

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>Assessment</u>
<u>Helmsworth-McLean 1st</u>				
1178	2	W50' of 22-24	110 8th Avenue NE	6045.88
 <u>Lincoln Ridge Estate 2nd</u>				
10489	1	3	502 Lincoln Court SE	2981.00
 <u>Mandan Proper</u>				
3759	48	N16 2/3' of 11 & S16 2/3' of 12 408 ½ 4 th 2nd Avenue NW		4730.00
TOTAL				13,756.88

TAKE FURTHER NOTICE that the Board of City Commissioners of the City of Mandan will meet in regular session at City Hall on April 02, 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: March 08, 2019 Diane I Leingang
 March 15, 2019

NOTICE OF ASSESSMENTS
HEALTH & SAFETY OF 2018

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>Assessment</u>
<u>Albers-Neff 2nd</u>				
48	4	1	705 6 th Avenue NW	1100.00
<u>Helmsworth-McLean 1st</u>				
1259	11	7 - 9	1208 1 st Street NE	330.00
1286	13	5 - 6	207 10 th Avenue NE	2090.00
<u>Hillcrest 1st</u>				
2085	4	9	403 11 th Street NW	1072.50
2133	6	7	312 12 th Street NW	1793.00
<u>Mandan Proper</u>				
3343	16	E47' of W 100' of 7 & 8	708 1st Street NW	1980.00
3345	16	9	204 7 th Avenue NW	2310.00
3442	24	N 40' of 5	203 2nd Avenue NE	396.00
3550	32	8	302 3 rd Avenue NE	2970.00
3560	33	E 70' of 6	310 2 nd Street NE	467.50
3598	36	1 - 3	309 Collins Avenue	1512.50
<u>N.P. 1st</u>				
4277	67	S1/2 of W1/2 of 8 & W1/2/ of 7	502 1st Avenue NE	2090.00
4580	94	12	810 6th Avenue NW	1210.00
4646	100	S1/2 of 3 all of 4	905 2nd Avenue NW	8965.00
<u>Normas</u>				
5229	2	1	907 1st Avenue NE	4765.38
<u>Sharon Heights 1st</u>				
5742	1	24	1307 Monte Drive NW	6050.00
<u>Southside 1st</u>				
6132	6	22 - 24	404 Railway Avenue SW	1281.50
<u>Terra Vallee 1st</u>				
7504	1	19	2504 9 th Avenue NW	5571.44
TOTAL				45,954.82

TAKE FURTHER NOTICE that the Board of City Commissioners of the City of Mandan will meet in regular session at City Hall on April 02, 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: March 08, 2019
March 15, 2019

Diane I Leingang



Commission Memorandum

DATE: March 20, 2019

FROM: Mike Dannenfelzer, Communications Director

ITEM: National Public Safety Telecommunications Week (NPSTW)

REQUEST

Review and approve resolution affirming action by the Central Dakota Communications Center (CenCom) Board of Directors in declaring April 14 – 20, 2019 as National Public Safety Telecommunications Week in the City of Mandan.

Please place this item on the April 2, 2019 Mandan City Commission agenda.

BACKGROUND INFORMATION

Across the nation in times of intense personal crisis and community-wide disasters, the first access point for those seeking all classes of emergency services and homeland security information is 9-1-1. The local public safety communications centers that receive these calls have emerged as the first and single point of contact for persons seeking immediate relief during an emergency.

The Central Dakota Communications Center (CenCom) is celebrating the second full week of April (April 14-20, 2019) as National Public Safety Telecommunications Week. This week, sponsored by the Association of Public-Safety Communications Officials (APCO) International and celebrated annually, honors the thousands of men and women who respond to emergency calls, dispatch emergency professionals and equipment, and render life-saving assistance to citizens of the United States. The importance of recognizing and celebrating the hard work of these dedicated professionals at every level is immeasurable.

The Board of Directors is requesting your affirmation in declaring the week of April 14-20, 2019 as National Public Safety Telecommunications Week to honor the men and women in our area for the work that they do each day to protect the citizens of Mandan.

RECOMMENDED MANDAN CITY COMMISSION ACTION

Review and approve resolution affirming the declaration of April 14-20, 2019 as National Public Safety Telecommunications Week in Mandan.

STAFF CONTACT INFORMATION

Mike Dannenfelzer, mdannenfelzer@bismarcknd.gov, 701-222-6727

CENTRAL DAKOTA COMMUNICATIONS CENTER
 2301 University Dr., Bldg 21 | Bismarck, ND 58504-7595 | Phone: 701-222-6727 | Fax: 701-221-6804

A partnership between the City of Bismarck, City of Mandan and Burleigh County since 2016



National Public Safety Telecommunications Week

April 14 – 20, 2019

Whereas, emergencies can occur at any time that require law enforcement, fire, or emergency medical services; and

Whereas, when an emergency occurs, the prompt response of law enforcement officers, firefighters, and emergency medical personnel is critical to the protection of life and preservation of property; and

Whereas, the safety of our law enforcement officers, firefighters, and emergency medical personnel is dependent upon the quality and accuracy of information obtained from citizens who call the Central Dakota Communications Center; and

Whereas, Public Safety Communications Specialists are the first, first responders, delivering essential pre-arrival instructions, and providing the most critical link that our citizens have with emergency services; and

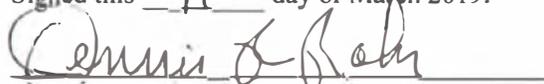
Whereas, Public Safety Communications Specialists are the single vital link for our law enforcement officers, firefighters, and emergency medical personnel by monitoring their activities by radio, providing them information and insuring their safety; and

Whereas, Public Safety Communications Specialists of the Central Dakota Communications Center have contributed substantially to the apprehension of criminals, suppression of fires, and treatment of patients; and

Whereas, each Communications Specialist has exhibited compassion, understanding and professionalism during the performance of their duties in the past year;

Therefore, Be It Resolved that the Board of Directors for the Central Dakota Communications Center declares the week of April 14th – 20th, 2019 to be National Public Safety Telecommunications Week in Bismarck, Mandan and Burleigh County in honor of the men and women whose diligence and professionalism keep our communities and our citizens safe.

Signed this 11th day of March 2019.



Chairman
Board of Directors
Central Dakota Communications Center (CenCom)

CENTRAL DAKOTA COMMUNICATIONS CENTER
2301 University Dr., Bldg 21 | Bismarck, ND 58504-7595 | Phone: 701-222-6727 | Fax: 701-221-6804

A partnership between the City of Bismarck, City of Mandan and Burleigh County since 2016



"WHERE THE WEST BEGINS"

CITY OF MANDAN

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

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

CITY DEPARTMENTS

ADMINISTRATION	667-3215
ASSESSING	667-3212
BUILDING INSPECTION	667-3240
BUSINESS DEVELOPMENT	667-3485
CEMETERY	667-6044
ENGINEER/PLANNING & ZONING	667-3225
FINANCE	667-3213
FIRE	667-3288
HUMAN RESOURCES	667-3217
LANDFILL	667-0184
MUNICIPAL COURT	667-3270
POLICE	667-3455
PUBLIC WORKS	667-3240
WASTEWATER TREATMENT	667-3278
SPECIAL ASSESSMENTS	667-3271
UTILITY BILLING	667-3219
WATER TREATMENT	667-3275

**National Public Safety
Telecommunications Week
Proclamation
April 14 – 20, 2019**

Whereas, the City of Mandan is a partner in the Central Dakota 9-1-1 Authority organization; and

Whereas, the Central Dakota Communications Center Board of Directors was established to serve as the governing body for each partner of the Central Dakota 9-1-1 Authority organization; and

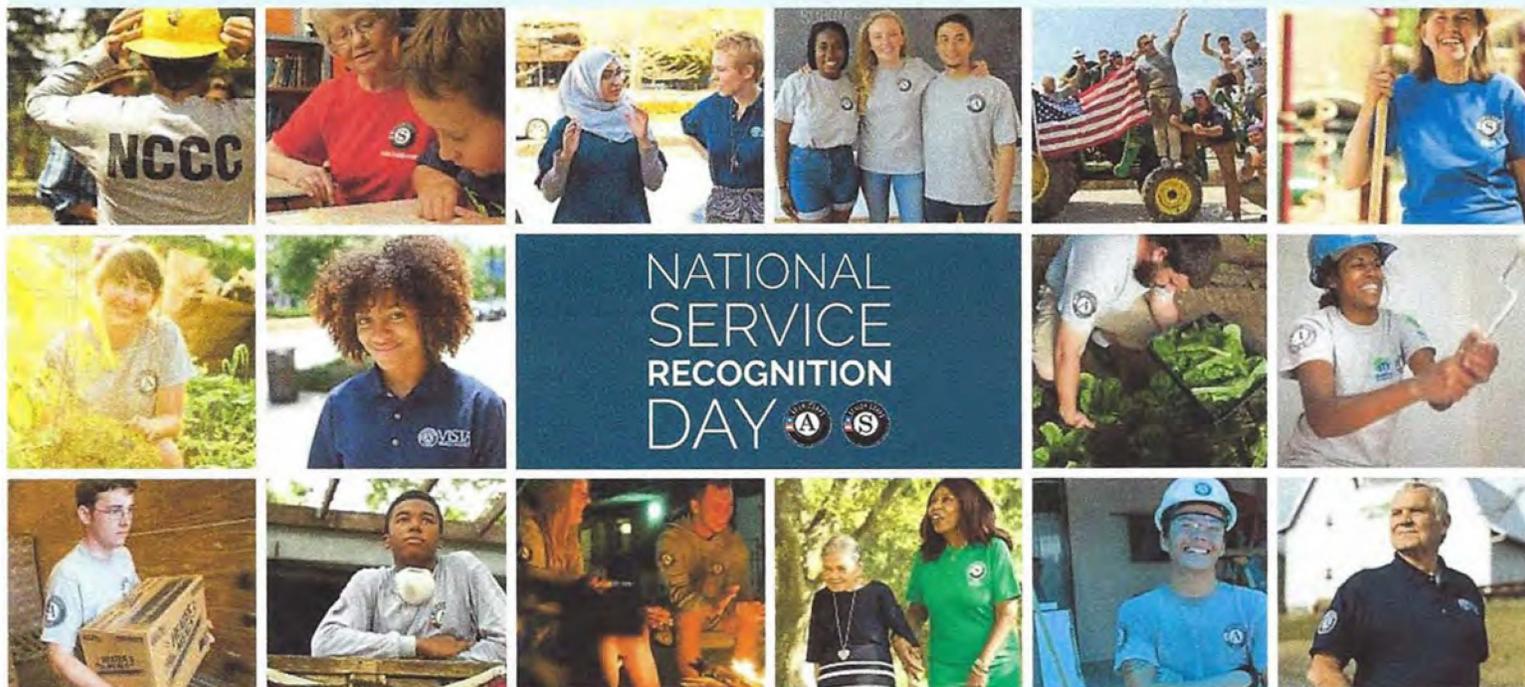
Whereas, the Central Dakota Communications Center Board of Directors has declared April 14 - 20, 2019 as National Public Safety Telecommunications Week in Bismarck, Mandan and Burleigh County to honor the men and women of the Central Dakota Communications Center who dedicate themselves to helping keep our communities and our citizens safe;

Therefore, Be it Resolved that the Board of City Commissioners for the City of Mandan joins the Central Dakota Communications Center Board of Directors in declaring April 14 - 20, 2019 as National Public Safety Telecommunications Week in the City of Mandan.

Signed this _____ day of April 2019.

 Mayor
 Board of City Commissioners
 City of Mandan, ND

NATIONAL SERVICE RECOGNITION DAY



JOIN US ON APRIL 2, 2019! #NationalServiceWorks

On National Service Recognition Day, thousands of local leaders take time to honor AmeriCorps members and Senior Corps volunteers by participating in recognition events, issuing official proclamations, and taking to social media in a nationwide show of appreciation. The seventh-annual event will take place on Tuesday, April 2, 2019. This initiative is led by the Corporation for National and Community Service (CNCS), with support from the National League of Cities, National Association of Counties and Cities of Service.

Mayors and city leaders, county officials, tribal leaders and elected leaders from across the country are increasing their use of national service to solve their community's toughest challenges. CNCS, the federal agency responsible for national service and volunteering in America, engages 300,000 AmeriCorps members and Senior Corps volunteers in national service at more than 50,000 locations each year. Through partnerships with schools, faith-based groups, nonprofits, and local agencies, national service members are embedded within the communities they serve, using their ingenuity and training to make a tangible, lasting impact. Whether responding to natural disasters, tackling the opioid epidemic, educating students for the 21st century workforce, or supporting veterans and military families, AmeriCorps members and Senior Corps volunteers help local leaders make their communities stronger.

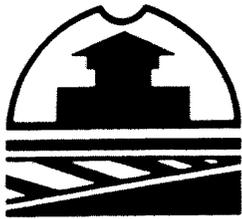
If you're a local leader, we'd love for you to get involved!

To register or learn more, please visit NationalService.gov/RecognitionDay.

For any questions or assistance, contact RecognitionDay@cns.gov.



@NationalService



"WHERE THE WEST BEGINS"

CITY OF MANDAN

MANDAN CITY HALL - 205 2nd Avenue NW

MANDAN, NORTH DAKOTA 58554

701-667-3215 • FAX 701-667-3221 • www.cityofmandan.com

CITY DEPARTMENTS

ADMINISTRATION	667-3215
ASSESSING	667-3232
BUILDING INSPECTION	667-3230
BUSINESS DEVELOPMENT	667-3485
CEMETERY	667-6044
ENGINEER PLANNING & ZONING	667-3225
FINANCE	667-3213
FIRE	667-3288
HUMAN RESOURCES	667-3217
LANDFILL	667-0184
MUNICIPAL COURT	667-3270
POLICE	667-3455
PUBLIC WORKS	667-3240
WASTEWATER TREATMENT	667-3278
SPECIAL ASSESSMENTS	667-3271
UTILITY BILLING	667-3219
WATER TREATMENT	667-3277

Mayors Day of Recognition for National Service Proclamation April 2, 2019

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's elected leaders are increasingly turning to national service and volunteerism as a cost-effective strategy to meet their needs; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our communities; they educate students for 21st century jobs, fight the opioid epidemic, respond to natural disasters, and support veterans and military families; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve, both through their direct service and by managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with local leaders nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, the National Association of Counties, Cities of Service, and local leaders across the country for National Service Recognition Day on April 2, 2019.

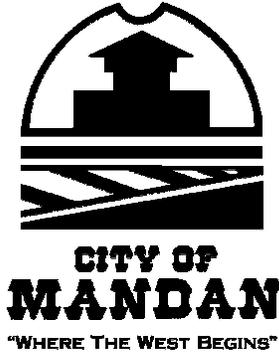
NOW, THEREFORE, BE IT RESOLVED that I, Tim Helbling, Mayor of Mandan, ND, do hereby proclaim April 2, 2019, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our community, to thank those who serve; and to find ways to give back to their communities.

Signed this 2nd day of April, in the year 2019.

Tim Helbling
Board of City Commissioners

Attest:

Jim Neubauer, City Administration



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 2, 2019
PREPARATION DATE: March 25, 2019
SUBMITTING DEPARTMENT: Planning and Engineering
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Kim Fettig, Engineering Project Manager
SUBJECT: Consider Amendment to Agreement with KLJ for Services Related to the 1806 North Project

STATEMENT/PURPOSE: To amend our agreement with KLJ in order to continue with final design relating to underground pipe work planning to be done during the 1806 North Reconstruction project.

BACKGROUND/ALTERNATIVES: In the NDDOT's Transportation Improvement Program (TIP) for a couple of years has been the reconstruction of Highway 1806 north of I-94 within city limits. More specifically, the 1806 North project is expected to consist of spot repair of the existing concrete section from the interstate to where the roadway becomes a rural asphalt section. Starting at that point, the roadway is to be fully reconstructed as a wider roadway with curb and gutter, underground storm sewer, street lighting, etc. At the intersection of Old Red Trail and Collins Avenue, a roundabout has been decided on and is part of the design being worked on. The project would extend to the north of that intersection to include a reconstruct and widening of 1806 to 27th Street.

These segments of roadway are all on the state highway system. As such, the DOT leads the planning and engineering efforts. Last summer, KLJ was selected as the consultant to design and complete all necessary tasks up to bid opening. KLJ is currently busy with progressing towards final design since all of major design decisions have been made over the past couple of months.

Some project milestone dates are anticipated to be as follows:

Task:	Date:
Public Input Meeting	November of 2018
Engineer's Presentation to City Commission	January of 2018
Final Design	Through August of 2019
Project Bid Opening	November of 2019
Project Construction	2020 Construction Season

Board of City Commissioners

Agenda Documentation

Meeting Date: April 2, 2019

Subject: Consider Amendment to Agreement with KLJ for Services Related to the 1806 North Project

Page 2 of 6

In order for KLJ to include underground facilities design concurrent with the roadway design, they had to enter a separate agreement with the city. Underground facilities such as sanitary sewer or watermain lines are 100% local cost, so the DOT will not participate in those costs. Traditionally, the design of those underground facilities would be done under the DOT's contract with the cost for that design being split out and charged to the local jurisdiction. However, the DOT has switched to requiring those design activities to be done under a separate contract with the local jurisdiction. The action requested with this agenda document is to approve of the amendment to the agreement with KLJ for the underground final design.

This amendment was anticipated when the original agreement was entered into in September at the same amount that is now being brought forward. The full design agreement was not requested at that time in order to determine the necessity of final design after preliminary engineering.

ATTACHMENTS:

- 1) Amendment Scope of Services Document

FISCAL IMPACT: The cost of the services from KLJ under this agreement would be amended to \$41K. \$12K for the original preliminary agreement and another \$29K for these final design services. The money would come from the water and sewer utility fund. Preliminary estimates show that the total project costs of this sewer install is estimated to be about \$800K if done in conjunction with the 1806 reconstruct project as planned.

STAFF IMPACT: Minimal

LEGAL REVIEW: All documents have been forwarded to the City Attorney.

RECOMMENDATION: Approve the amendment to the agreement with KLJ for underground facilities related to the 1806 North reconstruction project.

SUGGESTED MOTION: I move to approve the amendment to the agreement with KLJ for the environmental clearance and preliminary design for the underground facilities related to the 1806 North reconstruction project.

AMENDMENT TO ENGINEER-OWNER AGREEMENT
Amendment No. 1

Background Data

- a. Effective Date of Engineer-Owner Agreement: September 14, 2018
- b. Engineer: Kadmas, Lee & Jackson, Inc.
- c. Owner: City of Mandan
- d. Project: Sanitary Sewer Main Extension - 16th Street NE to 27th Street NW
- e. This Part of the Project: Final Design

Nature of Amendment (check all that apply)

- Additional services to be performed by Engineer
- Modifications to services of Engineer
- Modifications to responsibilities of Owner
- Modifications to payment to Engineer
- Modifications to time(s) for rendering Services

Description of Modifications

Final Design Engineering Services as Described in Exhibit A

Agreement Summary

a. Original agreement amount:	\$12,000
b. Net change for prior amendments:	\$0
c. This amendment amount:	\$29,000
d. Adjusted Agreement amount:	\$41,000

Board of City Commissioners

Agenda Documentation

Meeting Date: April 2, 2019

Subject: Consider Amendment to Agreement with KLJ for Services Related to the 1806 North Project

Page 4 of 6

Engineer and Owner hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is March 12, 2019.

ENGINEER: Kadrmas Lee & Jackson, Inc.

OWNER: City of Mandan

By: Mark Anderson, PE

By: Tim Helbling

Title: Vice President

Title: Mayor

Date Signed: _____

Date Signed: _____



EXHIBIT A
March 12, 2019
FINAL DESIGN
SCOPE OF SERVICES
Sanitary Sewer Main Extension
16th Street NE to 27th Street NW

PURPOSE

The purpose of this appendix is to describe the scope of services and responsibilities required to complete the Final Design for the extension of a sanitary sewer main from 16th Street NE to 27th Street NW. This work will be completed in association with NDDOT projects ND 1806 - I-94 Interchange to 27th Street NW & I-94 Mandan Avenue Interchange (1-806(052)071, PCN 22181 & 1-094(200)153, PCN 22182). Services include the final design and preparation of final construction plans, specifications, and estimates.

The following assumptions were made in preparing the scope of services:

The sanitary sewer will tie into an existing manhole at the west end of existing 16th Street NE. The sanitary sewer will extend north along the future 16th Street right of way until it intersects with Old Red Trail. It will follow Old Red Trail to the Collins Avenue intersection where it will turn north and run along the west side of ND 1806 to the highpoint of the line (MH 18) as described in the January 2019, Final Preliminary Sanitary Sewer Evaluation Report.

SERVICES TO BE PERFORMED BY KLJ

1. PROJECT MANAGEMENT & COORDINATION

Project Management & Coordination

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

2. DESIGN & PLAN PREPARATION

Sanitary Design & Plan Preparation

The design and plan development for the following plan sections per NDDOT Design Manual:

- Revise Preliminary Profile & Alignment
- Service Layouts
- Plan & Profile Sheets (20 sheets)
- Detail Sheets (2 Sheets)
- Estimated Quantities

Board of City Commissioners

Agenda Documentation

Meeting Date: April 2, 2019

Subject: Consider Amendment to Agreement with KLJ for Services Related to the 1806 North Project

Page 6 of 6



- Opinion of Cost
- Specifications/Plan Notes

DELIVERABLES PROVIDED BY KLJ

1. Agendas and minutes for all project meetings.
2. Submit plans and special provisions for 90% and final plan submittals.



GAMING SITE AUTHORIZATION
 OFFICE OF ATTORNEY GENERAL
 SFN 17996 (02/2018)

Consent No. 4

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

Full, Legal Name of Gaming Organization **Fort Abraham Lincoln Foundation**

The above organization is hereby authorized to conduct games of chance under the license granted by the Attorney General of the State of North Dakota at the following location

Name of Location Station West Bar and Grill			
Street 412 West Main street	City Mandan	ZIP Code 58554	County Morton
Beginning Date(s) Authorized 4/15/19	Ending Date(s) Authorized 6/30/19	Number of twenty-one tables if zero, enter "0": 0	
Specific location where games of chance will be conducted <u>and</u> played at the site (required) Whole bar area except the bathrooms			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)
---	---------------------------------

ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)

<input type="checkbox"/> Bingo	<input type="checkbox"/> Club Special	<input type="checkbox"/> Sports Pools
<input type="checkbox"/> ELECTRONIC Quick Shot Bingo	<input type="checkbox"/> Tip Board	<input type="checkbox"/> Twenty-One
<input type="checkbox"/> Raffles	<input type="checkbox"/> Seal Board	<input type="checkbox"/> Poker
<input type="checkbox"/> ELECTRONIC 50/50 Raffle	<input type="checkbox"/> Punchboard	<input type="checkbox"/> Calcuttas
<input type="checkbox"/> Pull Tab Jar	<input type="checkbox"/> Prize Board	<input type="checkbox"/> Paddlewheels with Tickets
<input checked="" type="checkbox"/> Pull Tab Dispensing Device	<input type="checkbox"/> Prize Board Dispensing Device	<input type="checkbox"/> Paddlewheel Table
<input type="checkbox"/> ELECTRONIC Pull Tab Device		

APPROVALS

Attorney General	Date
Signature of City/County Official	Date
PRINT Name and official position of person signing on behalf of city/county above	

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



RENTAL AGREEMENT
 OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 9413 (Rev. 05-2018)

License Number (Office Use Only)

Site Owner (Lessor) ROUND UP LLC		Site Name STATION WEST BAR+GRILL		Site Phone Number 701 751 6010	
Site Address 412 WEST MAIN ST.		City MANDAN	State ND	Zip Code 58554	County MORTON
Organization (Lessee) Fort Abraham Lincoln Foundation		Rental Period 4/18/19 to 9/30/19		Monthly Rent Amount	
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.			<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$
			<input type="checkbox"/> No	<input type="checkbox"/> Yes	
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$	
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$	
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device <input type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices _____ No additional rent is allowed for electronic pull tabs. Rent must be based on dispensing device requirements per NDCC 53-06.1-11 (5)(a)(b)			<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	\$ 0
Total Monthly Rent					\$ 0

5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here.

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

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

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

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

Signature of Lessor <i>[Signature]</i>	Title OWNER	Date 03/11/2019
Signature of Lessee <i>[Signature]</i>	Title Director	Date 3/11/2019



GAMING SITE AUTHORIZATION
OFFICE OF ATTORNEY GENERAL
SFN 17996 (02/2018)

G-0766 (482)K
Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization **ABATE of North Dakota**

The above organization is hereby authorized to conduct games of chance under the license granted by the Attorney General of the State of North Dakota at the following location

Name of Location HideAway			
Street 1000 Boundry Rd	City Mandan	ZIP Code 58554	County Morton
Beginning Date(s) Authorized 7/1/19	Ending Date(s) Authorized 6/30/20	Number of twenty-one tables if zero, enter "0": 0	
Specific location where games of chance will be conducted and played at the site (required) Against South Wall			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known Raffle June 2020			

RESTRICTIONS (City/County Use Only)

Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)
---	---------------------------------

ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)

<input type="checkbox"/> Bingo	<input type="checkbox"/> Club Special	<input type="checkbox"/> Sports Pools
<input type="checkbox"/> ELECTRONIC Quick Shot Bingo	<input type="checkbox"/> Tip Board	<input type="checkbox"/> Twenty-One
<input type="checkbox"/> Raffles	<input type="checkbox"/> Seal Board	<input type="checkbox"/> Poker
<input type="checkbox"/> ELECTRONIC 50/50 Raffle	<input type="checkbox"/> Punchboard	<input type="checkbox"/> Calcuttas
<input type="checkbox"/> Pull Tab Jar	<input type="checkbox"/> Prize Board	<input type="checkbox"/> Paddlewheels with Tickets
<input checked="" type="checkbox"/> Pull Tab Dispensing Device	<input type="checkbox"/> Prize Board Dispensing Device	<input type="checkbox"/> Paddlewheel Table
<input type="checkbox"/> ELECTRONIC Pull Tab Device		

APPROVALS

Attorney General	Date
Signature of City/County Official	Date
PRINT Name and official position of person signing on behalf of city/county above	

INSTRUCTIONS:

1. City/County-Retain a **copy** of the Site Authorization for your files.
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600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 OR 800-326-9240



RENTAL AGREEMENT
 OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 9413 (Rev. 05-2018)

License Number (Office Use Only)
 0766 (482)K

Site Owner (Lessor) Hidden Inc Dba Hideaway		Site Name Hideaway		Site Phone Number (701) 663-8362
Site Address 1000 Boundry Rd	City Mandan	State ND	Zip Code 58554	County Morton
Organization (Lessee) Abate Of North Dakota		Rental Period 7/1/2019 to 6/30/2020		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$ \$
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device <input type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices _____		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ 400.00
No additional rent is allowed for electronic pull tabs. Rent must be based on dispensing device requirements per NDCC 53-06.1-11 (5)(a)(b)				
Total Monthly Rent				\$ 400.00
5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here. <input type="checkbox"/>				

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

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

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

Signature of Lessor <i>[Signature]</i>	Title President	Date 1-29-19
Signature of Lessee <i>[Signature]</i>	Title Executive Director	Date 2-4-19

(over)

8. Name of Individual who is to be in Charge of the Day-to-Day Operations and management of the licensed premises: and will be responsible for complying with the municipal ordinances and state laws covering the operation of the premises:

Name: Jeffrey Swallow Address: 703 6th Ave. SE A-1

City: Mandan State: ND Age: _____ DOB: _____ Citizenship: US

If naturalized, give date and Place of Naturalization: _____

List all Other Places of Residence within last 5 Years:

9. List the occupations and employers of each of the individuals listed in answer to questions 6, 7 and 8 during the last 5 years. (Use a separate page to answer this question).

10. Ownership/Lease: If licensed premises is owned by Applicant, provide date of purchase. (If licensed premises is leased, attach copy of executed and dated Lease.)

11. Does Applicant certify that all property taxes have been paid to date on the licenses premises?

Yes No

12. Have any of the individuals identified in answer to Questions 6, 7, and 8 ever engaged in the sale or distribution of alcoholic beverages (as an owner, manager, or employee) at a location other than in the City of Mandan at any time prior to this application. Yes: No: (If yes, explain in detail on a separate page location, type of business and dates of license or employment).

13. Have any of the individuals identified in answer to Questions 6, 7 and 8 ever had a license of any kind (including alcoholic beverage license, other business licenses or motor vehicle license) suspended, revoked or non-renewed by any political subdivision, state or federal agency. Yes: No: (If yes, explain in detail on a separate page)

14. Have any of the individuals identified in answer to Questions 6, 7 and 8 ever been convicted of a violation of any law of the United States, or of any state or political subdivision, other than minor traffic violations, (but including reckless driving or driving under the influence). Yes No (If yes, explain the violation in detail on a separate page.)

15. Do any of the individuals named in answer to questions 5, 6 or 7 have any interest whatsoever in any other liquor establishment, either at wholesale or retail, within or without the state of North Dakota. (The interest which must disclose also includes a right of inheritance by law or by will). Yes No If, yes please explain in detail on a separate page.

16. Does anyone other than the Corporation applying for this alcoholic beverage license or the business owning the premises have any right, estate, or interest in the lease hold, building, or furniture, fixtures or equipment, in the premises for which the license is requested. Yes No (If yes, explain in detail on a separate page).

17. Does the Corporation applying for this alcoholic beverage license have any agreement, contract, understanding or intention to have any agreement, contract or understanding, with any person,

partnership, or corporation to obtain for any other person, partnership or corporation, or to transfer to any other person, partnership or corporation the license for which this applications is made or to obtain for any other person, partnership or corporation, for any other purpose other than for the specified use of the applicant. Yes No (If yes, explain in detail on a separate page).

18. Does the Corporation applying for this license or the person, partnership or corporation owing the premises named herein, engage in any business other than that for which the license is sought or intending to engage in any business other than for the sale of alcoholic beverages under the license for which this application is made. Yes: No: (If yes, explain, in detail on a separate page giving the type of business and identification of any and all owners.)

19. List the names and addresses of all officers, directors, and stockholders of the Corporation who are engaged or employed in a capacity in the conduct or operation of the business at which the alcoholic beverage license is to be used.
None

20. The corporation must have a valid Certificate of authority issued by the North Dakota Secretary of state and a valid Alcoholic Beverage License issued by the ND Attorney General's Office. (A copy of the Certificate of Authority and ND Alcoholic Beverage License must be attached hereto.)

21. List the names, addresses of at least 3 business references.
Cenex -Box 366, Bismarck. ND 58501
Butler Machine - Box 757, Bismarck , ND 58501
RDO - Box 7160, Bismarck, ND 58501

22. Does the building or structure in which the business is to be conducted meet all applicable state and local building, health and zoning regulations and requirements? Yes No (Applicant must attach certifications of compliance from each state and/or local agency or department responsible for building, health and zoning regulations.)

23. List all the names of individuals who are authorized to make purchases for the business at which the license is to be used and located.
See Attachment

(Note: These individuals must submit their names, current address and social security numbers on the forms which will protect there rights of privacy, but allow the appropriate police department background checks to be done. If not attached, the application will be deemed incomplete.)

24. List the names of all individuals who are authorized to sign checks used to pay the payroll and expense bills of the business at which the license is to be used.
See Attachment

STATE OF NORTH DAKOTA)
) ss. Affidavit of Application Completeness and Accuracy,
) Sworn Statement of Conditions of Licensure,
COUNTY OF MORTON) and Agreement to Right of Entry of City Personnel

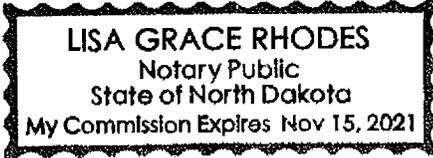
I, Herb Bargmann, having been sworn and under oath, state that I am a duly authorized officer or director, namely Treasurer, of the above named corporation which hereby applies for the above referenced alcoholic beverage license in the City of

sworn statement of licensure conditions and agreement of right to entry by city personnel, that he/she has read each question and statement contained therein and knows the contents thereof to be true and accurate, and that he/she has furnished the answers set forth in said application, and that each one of said answers is true to the best of this knowledge.

Subscribed and sworn to before me on this 5th day of March, 2019.

(Notary Seal)

Lisa Grace Rhodes



No. AA-01847
Not Transferable

2019

OFFICE OF ATTORNEY GENERAL
600 E. Boulevard Ave. • Licensing Section • Bismarck, ND 58505-0040

RETAIL ALCOHOLIC BEVERAGE LICENSE

BISMARCK-MANDAN STOCK CAR ASSOCIATION INC
DACOTAH SPEEDWAY
PO BOX 6272
BISMARCK, ND 58506-6272

Fee: \$200.00
Expires Dec. 31, 2019

2019

is hereby authorized to sell BEER and LIQUOR at retail
at the premises located at 2500 LONGSPUR TRAIL MANDAN

Dated 01/01/2019

Wayne Stenehjem
ATTORNEY GENERAL



Post Conspicuously in Your Place of Business

CITY OF MANDAN

SPECIAL "B" LIQUOR PERMIT

Date of Application: March 4, 2019

Name of Licensee: Bismarck-Mandan Stock Car Association, Inc.

Address of Licensee: Box 6272, Bismarck, ND 58506

Address of public facility if used: 2500 Longspur trail, Mandan , ND

State the purpose for which this permit will be used: Mandan Rodeo

Date(s) of requested (not to exceed 3 day) July 2,3,4, 2019

Time of day which the applicant desires the permit to be in effect: 8a.m. to Midnight

Does this organization have approval of the Mandan Park District for this application?

Yes No

Hub Bergman
Signature of Applicant

Kari Matt
Received by:

Date Received: 3-11-19

Commission Approval: _____

\$100.00 per Event – Amount paid \$ _____



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

Type: Local Permit * Charity Local Permit

Permit Number
2019-20

Name of Organization Miles Of Love Dog Rescue		Date(s) Authorized (Read instruction 2)	
Contact Person Kari Serr	Business Phone Number (701) 400-5762	4/2/2019 Beginning	to 8/3/2019 Ending
Mailing Address 2900 Plainview Dr Se	City Mandan	State ND	Zip Code 58554-0000
Site Name Shop #11	Site Address 1706 43rd Ave Se		
City Mandan	State ND	ZIP Code 58554-0000	County Morton County
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.			
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels*			
Restriction:			
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor <u>and</u> Office of Attorney General within 30 days of the event.			
Date 3/28/2019	Signature of: <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor	Printed Name of City or County Auditor Lori Flaten	Auditor Telephone Number (701) 667-3455

Please see the instructions on the backside of this form on how to complete the Permit.

For a raffle or calendar raffle, read "Information Required to be Preprinted on a Standard Raffle Ticket" below.

cut along this line

INFORMATION REQUIRED TO BE PREPRINTED ON A STANDARD RAFFLE TICKET:

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



APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT
 OFFICE OF ATTORNEY GENERAL
 SFN 9338 (9-2009)

Rec
3.26.19

Application for: Local Permit * Charity Local Permit (one event per year)

Name of Non-profit Organization Miles of Love Dog Rescue		Date(s) of Activity 4/1/2019 to 8/3/2019	
Person Responsible for the Gaming Operation and the Disbursement of Net Income Kari Serr		Title President	Business Phone Number 701-400-5762
Business Address 2900 Plainview Dr SE		City Mandan	State ND Zip Code 58554
Mailing Address (if different)		City	State Zip Code
Name of Site Where Game(s) will be Conducted Shop #11		Site Address 1706 43rd Ave SE	
City Mandan		State ND Zip Code 58554	County Morton
Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit. <input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker * <input type="checkbox"/> Twenty-one * <input type="checkbox"/> Paddlewheels *			

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize	Game Type	Description of Prize	Retail Value of Prize
Raffle	Legacy American flag 6x5 Greenmore	1600.00	Raffle	Cobra Arms .380	190.00
Raffle	Mossburg, 223	1320.00			
Raffle	Smith & Wesson 223	740.00			
Raffle	Mossburg, 308 Patriot Ngr train	800.00			
Raffle	American tactical Any Gauge Double Barrel	650.00			
Raffle	Winchester 12 ga	500.00			
Raffle	Savage 17wsm	425.00			
Raffle	Judge Public Defender 410/456	560.00			
Raffle	Cobra Derringer .380	190.00			
Total:					(Limit \$12,000 per year) \$ 6975.00

Intended uses of gaming proceeds: Vetting, supplies, dog food

Does the organization presently have a state gaming license? No Yes - If "Yes," the organization is not eligible for a local permit or charity local permit and should call the Office of Attorney General at 1-800-326-9240.

Has the organization received a charity local permit from this or another city or county for the fiscal year July 1 through June 30? No Yes - If "Yes," the organization does not qualify for a local permit or charity local permit.

Has the organization received a local permit from this or another city or county for the fiscal year July 1 through June 30? No Yes - If "Yes," indicate the total value of all prizes previously awarded: \$ _____. This amount is part of the total prize limit of \$12,000 per year.

Signature of Organization's Top Executive Official Kari Serr	Date 3/14/19	Title President	Business Phone Number 701-400-5762
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Board of City Commissioners

Agenda Documentation

MEETING DATE: April 2, 2019
PREPARATION DATE: March 29, 2019
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Fire Hydrant Painting Agreement

STATEMENT/PURPOSE: To have the Board of City Commissioners consider a “Fee for Service Agreement” between H.I.T. and the City of Mandan.

BACKGROUND/ALTERNATIVES: Many of the existing fire hydrants are in need of brushing and painting. Our plan is to have a set number of hydrants painted each year. We have nearly 800 hydrants and HIT will be able to brush the loose material off, rust proof and paint the hydrant for \$7.75 (in increase of \$.25 from 2018) each and will do 150-175 year. We will supply the paint and brushes. This will be the 16th year of this of this arrangement and it has worked out very well at a nominal cost.

ATTACHMENTS: “Fee for Service Agreement”

FISCAL IMPACT: based upon 150 – 175 hydrants completed the cost would be \$1,200 – \$1,400. This is a budgeted line item in the General Fund.

STAFF IMPACT: n/a

LEGAL REVIEW: n/a

RECOMMENDATION: I recommend we enter into the above mention agreement.

SUGGESTED MOTION: I move to approve the “2019 Fee for Service Agreement” between H.I.T. and the City of Mandan for the painting of fire hydrants.



2019 Fee-for-Service Agreement

City of Mandan
Attn: Jim Neubauer
205 2nd Ave NW
Mandan, ND 58554

HIT Inc.
1007-18th St. NW
Mandan, ND 58554

Description of Service Provided:

The brushing, rust proofing and painting of fire hydrants in Mandan, N.D.

Service Fee

A service fee of \$7.75 will be charged per completed fire hydrant. The maximum number of hydrants to be completed will be 150 to 175. A bill will be submitted on a monthly basis for the hydrants finished in that month.

Materials/Supplies

HIT Inc. will provide the labor for the completion of the fire hydrant. The City of Mandan will provide the supplies (brushes, paint, rust-proof, brush cleaner).

Quality Requirements:

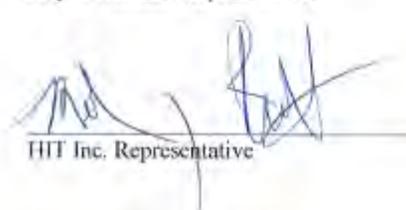
The fire hydrants must be brushed free of any loose material and then rust-proofing must be brushed on. Once the rust proofing is dry the hydrant is completely painted.

Term of Contract:

This agreement expires March 31, 2020, though the work detailed herein will likely be completed during the summer and fall of 2019.

City of Mandan Representative

Date



HIT Inc. Representative



Date



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 2, 2019
PREPARATION DATE: March 27, 2019
SUBMITTING DEPARTMENT: Public Works – Solid Waste
DEPARTMENT DIRECTOR: Mitch Bitz
PRESENTER: Mitch Bitz – Director of Public Works
SUBJECT: Request to Purchase Hook Truck

STATEMENT/PURPOSE: Request to purchase hook truck chassis off of North Dakota State Cooperative Purchasing (NDCC 54-44.4-13)

BACKGROUND/ALTERNATIVES: In the 2017, the budget process for 2018 allowed for \$80,000 to purchase a new hook truck chassis. In 2018 staff was not able to procure a truck for the \$80,000 established budget, subsequently the \$80,000 was transferred to the 2019 budget. The state bid for trucks in 2019 is extremely competitive and we received revised a price of \$83,000 for a bare chassis truck *not* capable of future plow mounting and a price estimate of \$84,563 for a bare chassis truck capable of future plow mounting. In addition to the chassis, the hook portion from an old out of service hook truck needs to be removed and re-installed on the new chassis, staff received estimates of \$4,500 to complete this transfer with a hydraulic PTO pump not capable of operating a snow plow, and an estimate of \$9,500 to complete the same conversion with a hydraulic PTO pump capable of operating a snow plow in the future. We anticipate the need to outfit truck in the future with plows as our city continues to grow, in particular in the Memorial Highway area. If we purchase the truck today capable of adding a plow in the future, we would be able to add a snow plow in the future for approximately \$20,000. Outfitting this truck with the snow plow options now allows for maximum fleet utilization during both the summer and the winter months. In addition the hook trucks haul 30 yards of snow as compared to the smaller dump trucks of 20 yards, and 9 yards. This in turn reduced our contractor hauling expense in the winter. The main function of the truck will be to haul grass and tree site dumpsters.

Should we choose to purchase the truck capable of future plow mounting, we would need to amend the 2019 Street Department General Fund Budget in the amount of \$16,000.

ATTACHMENTS: Truck Specs

FISCAL IMPACT: \$85,000 – Chassis with plow capability
\$9,500 – Mount old hook on new chassis with plow capable PTO

\$1,500 – Strobe lighting, Mobile Radio, Final Modifications
\$96,000 Plow capable for future use (no plow)

STAFF IMPACT: Staff will coordinate with vendors to accomplish the task

LEGAL REVIEW: Attorney Brown has reviewed this documentation

RECOMMENDATION: To allow staff to purchase a chassis for a hook truck, capable of future snow plowing operations as allowed under North Dakota State bid pricing and amend the 2019 Street Department General Fund Budget in the amount of \$16,000. To allow for the purchase and conversion expenses of the chassis

SUGGESTED MOTION: I make a motion to allow staff to purchase a chassis for a hook truck, capable of future snow plowing operations as allowed under North Dakota State bid pricing, have the truck outfitted for the roll off hook and a snow plow capable PTO pump as well as amend the Street Department General Fund Budget in the amount of \$16,000. To allow for the purchase and conversion expenses



HV507 SFA

Sales Proposal For:
CITY OF MANDAN (N.D.D.O

Presented By:
Nelson Leasing, Inc.

Prepared For:
CITY OF MANDAN (N.D.D.O)
Jeffery Wright
CITY OF MANDAN-PUB. WORK
MANDAN, ND 58554-
(701)667 - 3240
Reference ID: N/A

Presented By:
Nelson Leasing, Inc.
Barry Wegner
2700 East Hwy 12
PO Box 993
Willmar MN 56201 -
(320)235-2770

Thank you for the opportunity to provide you with the following quotation on a new International truck. I am sure the following detailed specification will meet your operational requirements, and I look forward to serving your business needs.

Model Profile
2020 HV507 SFA (HV507)

AXLE CONFIG:	6X4
APPLICATION:	Roll-On/Roll-off
MISSION:	Requested GVWR: 54000. Calc. GVWR: 58000 Calc. Start / Grade Ability: 20.86% / 1.84% @ 55 MPH Calc. Geared Speed: 77.1 MPH
DIMENSION:	Wheelbase: 274.00, CA: 199.00, Axle to Frame: 77.00
ENGINE, DIESEL:	{Cummins L9 350} EPA 2017, 350HP @ 2000 RPM, 1000 lb-ft Torque @ 1400 RPM, 2200 RPM Governed Speed, 350 Peak HP (Max)
TRANSMISSION, AUTOMATIC:	{Allison 3000 RDS} 5th Generation Controls, Close Ratio, 6-Speed with Double Overdrive, with PTO Provision, Less Retarder, Includes Oil Level Sensor, with 80,000-lb GVW and GCW Max, On/Off Highway
CLUTCH:	Omit Item (Clutch & Control)
AXLE, FRONT NON-DRIVING:	{Meritor MFS-18-133A} Wide Track, I-Beam Type, 18,000-lb Capacity
AXLE, REAR, TANDEM:	{Meritor MT-40-14X-4DCR} Single Reduction, 40,000-lb Capacity, w/.433"(11mm) Wall Housing Thickness, Driver Controlled Locking Differential in Forward-Rear and Rear-Rear Axle, R Wheel Ends Gear Ratio: 5.29
CAB:	Conventional, Day Cab
TIRE, FRONT:	(2) 425/65R22.5 Load Range L G296 MSA (GOODYEAR), 468 rev/mile, 68 MPH, All-Position
TIRE, REAR:	(8) 11R22.5 Load Range G DH37 (HANKOOK), 498 rev/mile, 75 MPH, Drive
SUSPENSION, REAR, TANDEM:	{Hendrickson HMX-400-52} Walking Beam, 40,000-lb Capacity, 52" Axle Spacing, Rubber Springs, with Transverse Torque Rods, Rubber End Bushings
FRAME REINFORCEMENT:	Outer "C" Channel, Heat Treated Alloy Steel (120,000 PSI Yield); 10.813" x 3.892" x 0.312"; (274.6mm x 98.9mm x 8.0mm); 480.0" (12192mm) Maximum OAL
PAINT:	Cab schematic 100WK Location 1: 9219, Winter White (Std) Chassis schematic N/A

<u>Code</u>	<u>Description</u>	<u>F/R Wt</u> (lbs)	<u>Tot Wt</u> (lbs)
HV50700	Base Chassis, Model HV507 SFA with 274.00 Wheelbase, 199.00 CA, and 77.00 Axle to Frame.	5946/3741	9687
1570	TOW HOOK, FRONT (2) Frame Mounted	8/0	8
1AND	AXLE CONFIGURATION {Navistar} 6x4	0/0	0
	<u>Notes</u> : Pricing may change if axle configuration is changed.		
1CBU	FRAME RAILS Heat Treated Alloy Steel (120,000 PSI Yield); 10.125" x 3.580" x 0.312" (257.2mm x 90.9mm x 8.0mm); 480.0" (12192) Maximum OAL	167/360	527
1GBP	FRAME REINFORCEMENT Outer "C" Channel, Heat Treated Alloy Steel (120,000 PSI Yield); 10.813" x 3.892" x 0.312"; (274.6mm x 98.9mm x 8.0mm); 480.0" (12192mm) Maximum OAL	504/708	1212
1LLA	BUMPER, FRONT Swept Back, Steel, Heavy Duty	0/0	0
1WDT	FRAME EXTENSION, FRONT Integral; 20" In Front of Grille, with Outer "C" Channel Reinforcement	157/-11	146
1WDU	CROSSMEMBER, FRONT for Hydraulic Pump, Mounting Flange to Accommodate Pump	43/2	45
1WGD	WHEELBASE RANGE 272" (690cm) Through and Including 311" (790cm)	0/0	0
2ARZ	AXLE, FRONT NON-DRIVING {Meritor MFS-18-133A} Wide Track, I-Beam Type, 18,000-lb Capacity	186/0	186
3ADG	SUSPENSION, FRONT, SPRING Parabolic Taper Leaf, Shackle Type, 18,000-lb Capacity, with Shock Absorbers	5/0	5
4091	BRAKE SYSTEM, AIR Dual System for Straight Truck Applications	0/0	0
	<u>Includes</u> : BRAKE LINES Color and Size Coded Nylon : DRAIN VALVE Twist-Type : GAUGE, AIR PRESSURE (2) Air 1 and Air 2 Gauges; Located in Instrument Cluster : PARKING BRAKE CONTROL Yellow Knob, Located on Instrument Panel : QUICK RELEASE VALVE On Rear Axle for Spring Brake Release: 1 for 4x2, 2 for 6x4 : SLACK ADJUSTERS, FRONT Automatic (with Air Cam Brakes) : SLACK ADJUSTERS, REAR Automatic (with Air Cam Brakes) : SPRING BRAKE MODULATOR VALVE R-7 for 4x2, SR-7 with relay valve for 6x4/8x6		
4193	BRAKES, FRONT, AIR CAM 16.5" x 6", Includes 24 Sqn Long Stroke Brake Chambers	26/0	26
4732	DRAIN VALVE {Berg} with Pull Chain, for Air Tank	0/0	0
4AZA	AIR BRAKE ABS {Bendix AntiLock Brake System} Full Vehicle Wheel Control System (4-Channel)	0/0	0
4EBS	AIR DRYER {Bendix AD-9} with Heater	21/7	28
4EXU	BRAKE CHAMBERS, REAR AXLE {Bendix EverSure} 30/30 Spring Brake	0/78	78
4EXV	BRAKE CHAMBERS, FRONT AXLE {Bendix} 24 Sqn	18/0	18
4LAA	SLACK ADJUSTERS, FRONT {Haldex} Automatic	0/0	0

<u>Code</u>	<u>Description</u>	<u>F/R Wt</u> (lbs)	<u>Tot Wt</u> (lbs)
4LGA	SLACK ADJUSTERS, REAR {Haldex} Automatic	0/0	0
4NDB	BRAKES, REAR, AIR CAM S-Cam; 16.5" x 7.0"; Includes 30/30 Sq.In. Long Stroke Brake Chamber and Spring Actuated Parking Brake	0/52	52
4SPA	AIR COMPRESSOR {Cummins} 18.7 CFM	0/0	0
4VKC	AIR DRYER LOCATION Mounted Inside Left Rail, Back of Cab	16/5	21
4VKJ	AIR TANK LOCATION (2) Mounted Under Battery Box, Outside Left Rail, Back of Cab, Perpendicular to Rail	0/0	0
4WBX	DUST SHIELDS, FRONT BRAKE for Air Brakes	5/0	5
4WDM	DUST SHIELDS, REAR BRAKE for Air Brakes	0/12	12
5708	STEERING COLUMN Tilting	14/1	15
5CAW	STEERING WHEEL 4-Spoke; 18" Dia., Black	0/0	0
5PTB	STEERING GEAR (2) {Sheppard M100/M80} Dual Power	90/-3	87
7BEV	AFTERTREATMENT COVER Steel, Black	11/2	13
7BKS	EXHAUST SYSTEM Single Horizontal Aftertreatment Device, Frame Mounted Right Side Under Cab; for Single Vertical Tail Pipe, Frame Mounted Right Side Back of Cab	144/32	176
7WAZ	TAIL PIPE (1) Turnback Type, Non-Bright, for Single Exhaust	0/0	0
7WDM	EXHAUST HEIGHT 10'	2/0	2
7WDN	MUFFLER/TAIL PIPE GUARD (1) Non-Bright Aluminum	0/0	0
8000	ELECTRICAL SYSTEM 12-Volt, Standard Equipment	0/0	0
	<u>Includes</u>		
	: DATA LINK CONNECTOR For Vehicle Programming and Diagnostics In Cab		
	: HAZARD SWITCH Push On/Push Off, Located on Instrument Panel to Right of Steering Wheel		
	: HEADLIGHT DIMMER SWITCH Integral with Turn Signal Lever		
	: PARKING LIGHT Integral with Front Turn Signal and Rear Tail Light		
	: STARTER SWITCH Electric, Key Operated		
	: STOP, TURN, TAIL & B/U LIGHTS Dual, Rear, Combination with Reflector		
	: TURN SIGNAL SWITCH Self-Cancelling for Trucks, Manual Cancelling for Tractors, with Lane Change Feature		
	: WINDSHIELD WIPER SWITCH 2-Speed with Wash and Intermittent Feature (5 Pre-Set Delays), Integral with Turn Signal Lever		
	: WINDSHIELD WIPERS Single Motor, Electric, Cowl Mounted		
	: WIRING, CHASSIS Color Coded and Continuously Numbered		
8518	CIGAR LIGHTER Includes Ash Cup	1/0	1
8718	POWER SOURCE Cigar Type Receptacle without Plug and Cord	1/0	1
8GXD	ALTERNATOR {Leece-Neville AVI160P2013} Brush Type; 12 Volt 160 Amp. Capacity, Pad Mount, with Remote Sense	0/0	0
8HAE	BODY BUILDER WIRING Rear of Frame; Includes Sealed Connectors for Tail/ Amber Turn/Marker/ Backup/Accessory Power/Ground and Sealed Connector for Stop/Turn	0/3	3
8MJU	BATTERY SYSTEM {Fleetrite} Maintenance-Free, (3) 12-Volt 2850CCA Total, Top Threaded Stud	48/27	75

<u>Code</u>	<u>Description</u>	<u>F/R Wt</u> (lbs)	<u>Tot Wt</u> (lbs)
8RGA	2-WAY RADIO Wiring Effects; Wiring with 20 Amp Fuse Protection, Includes Ignition Wire with 5 Amp Fuse, Wire Ends Heat Shrink and Routed to Center of Header Console in Cab	2/0	2
8RMP	RADIO AM/FM/WB/Clock/3.5MM Auxiliary Input	4/0	4
8RMV	SPEAKERS (2) 6.5" Dual Cone Mounted in Doors	0/0	0
8THJ	AUXILIARY HARNESS 3.0' for Auxiliary Front Head Lights and Turn Signals for Front Plow Applications	2/0	2
8TMH	SWITCH, AUXILIARY Accessory Control; for Wiring in Roof, with Maximum of 20 amp Load with Switches In Instrument Panel	1/0	1
8VAY	HORN, ELECTRIC Disc Style	0/0	0
8VUL	BATTERY BOX Steel, with Plastic Cover, 18" Wide, 2-4 Battery Capacity, Mounted Left Side Back of Cab	-30/7	-23
8VZR	SWITCH, BODY CIRCUITS, MID for Bodybuilder, 6 Momentary Switches in Instrument Panel; One Power Module with 6 Channels, 20 Amp Max. Per Channel, 80 Amp Max Output, Switches Control Power Module Through Multiplex Wiring, Mounted in Cab Behind Driver Seat	1/0	1
8WGL	WINDSHIELD WIPER SPD CONTROL Force Wipers to Slowest Intermittent Speed When Park Brake Set and Wipers Left on for a Predetermined Time	0/0	0
8WMA	SWITCH, TOGGLE, FOR WORK LIGHT Lighted; on Instrument Panel and Wiring Effects for Customer Furnished Back of Cab Light	2/1	3
8WPH	CLEARANCE/MARKER LIGHTS (5) {Truck Lite} Amber LED Lights, Flush Mounted on Cab or Sunshade	0/0	0
8WPZ	TEST EXTERIOR LIGHTS Pre-Trip Inspection will Cycle all Exterior Lamps Except Back-up Lights	0/0	0
8WRB	HEADLIGHTS ON W/WIPERS Headlights Will Automatically Turn on if Windshield Wipers are turned on	0/0	0
8WTL	STARTING MOTOR {Delco Remy 39MT} 12 Volt; Gear Reduced, with Thermal Over-Crank Protection	12/1	13
8WWJ	INDICATOR, LOW COOLANT LEVEL with Audible Alarm	0/0	0
8WXD	ALARM, PARKING BRAKE Electric Horn Sounds in Repetitive Manner When Vehicle Park Brake is "NOT" Set, with Ignition "OFF" and any Door Opened	0/0	0
8XAH	CIRCUIT BREAKERS Manual-Reset (Main Panel) SAE Type III with Trip Indicators, Replaces All Fuses	0/0	0
8XGT	TURN SIGNALS, FRONT Includes LED Side Turn Lights Mounted on Fender	0/0	0
8XHN	HORN, AIR Black, Single Trumpet, with Lanyard Pull Cord	3/0	3
9585	FENDER EXTENSIONS Rubber	6/0	6
9AAB	LOGOS EXTERIOR Model Badges	0/0	0
9AAE	LOGOS EXTERIOR, ENGINE Badges	0/0	0
9HBM	GRILLE Stationary, Chrome	0/0	0
9WAC	BUG SCREEN Mounted Behind Grille	5/0	5
9WBC	FRONT END Tilting, Fiberglass, with Three Piece Construction; for WorkStar/HV	0/0	0

<u>Code</u>	<u>Description</u>	<u>F/R Wt</u> (lbs)	<u>Tot Wt</u> (lbs)
10060	PAINT SCHEMATIC, PT-1 Single Color, Design 100 <u>Includes</u> : PAINT SCHEMATIC ID LETTERS "WK"	0/0	0
10761	PAINT TYPE Base Coat/Clear Coat, 1-2 Tone	0/0	0
10SLV	PROMOTIONAL PACKAGE Government Silver Package	0/0	0
11001	CLUTCH Omit Item (Clutch & Control)	-56/-7	-63
12703	ANTI-FREEZE Red, Extended Life Coolant; To -40 Degrees F/ -40 Degrees C, Freeze Protection	0/0	0
12851	PTO EFFECTS, ENGINE FRONT Less PTO Unit, Includes Adapter Plate on Engine Front Mounted	10/0	10
12EHX	ENGINE, DIESEL {Cummins L9 350} EPA 2017, 350HP @ 2000 RPM, 1000 lb-ft Torque @ 1400 RPM, 2200 RPM Governed Speed, 350 Peak HP (Max)	561/3	564
12THT	FAN DRIVE {Horton Drivemaster} Direct Drive Type, Two Speed with Residual Torque Device for Disengaged Fan Speed <u>Includes</u> : FAN Nylon	0/0	0
12UWZ	RADIATOR Cross Flow, Series System; 1228 SqIn Aluminum Radiator Core with Internal Water to Oil Transmission Cooler and 1167 In Charge Air Cooler <u>Includes</u> : DEAERATION SYSTEM with Surge Tank : HOSE CLAMPS, RADIATOR HOSES Gates Shrink Band Type; Thermoplastic Coolant Hose Clamps : RADIATOR HOSES Premium, Rubber	21/-3	18
12VBG	AIR CLEANER Dual Element, with Integral Pre-Cleaner	12/0	12
12VGZ	FEDERAL EMISSIONS {Cummins L9} EPA, OBD and GHG Certified for Calendar Year 2019	0/0	0
12VXT	THROTTLE, HAND CONTROL Engine Speed Control; Electronic, Stationary, Variable Speed; Mounted on Steering Wheel	0/0	0
12WBR	FAN OVERRIDE Manual; with Electric Switch on Instrument Panel, (Fan On with Switch On)	0/0	0
12WUL	BLOCK HEATER, ENGINE {Phillips} 120V/1000W, with "Y" Cord From Socket in Standard Location, For a Dealer Installed 120V/300W Max Oil Pan Heater <u>Includes</u> : BLOCK HEATER SOCKET Receptacle Type; Mounted below Drivers Door	3/0	3
12WZE	EMISSION COMPLIANCE Federal, Does Not Comply with California Clean Air Idle Regulations	0/0	0
12XAT	ENGINE CONTROL, REMOTE MOUNTED Provision for; Includes Wiring for Body Builder Installation of PTO Controls; with Ignition Switch Control for Cummins ISB/ B6.7 or ISL/L9 Engines	0/0	0
13AVR	TRANSMISSION, AUTOMATIC {Allison 3000 RDS} 5th Generation Controls, Close Ratio, 6-Speed with Double Overdrive, with PTO Provision, Less Retarder, Includes Oil Level Sensor, with 80,000-lb GVW and GCW Max, On/Off Highway	206/44	250
13WET	TRANSMISSION SHIFT CONTROL for Column Mounted Stalk Shifter	0/0	0

<u>Code</u>	<u>Description</u>	<u>F/R Wt</u> (lbs)	<u>Tot Wt</u> (lbs)
13WGK	TRANSMISSION COOLER HOSES Stainless Steel	0/0	0
13WLP	TRANSMISSION OIL Synthetic; 29 thru 42 Pints	0/0	0
13WUC	ALLISON SPARE INPUT/OUTPUT for Rugged Duty Series (RDS); General Purpose Trucks, Construction	0/0	0
13WYH	TRANSMISSION TCM LOCATION Located Inside Cab	0/0	0
13WYU	SHIFT CONTROL PARAMETERS Allison 3000 or 4000 Series Transmissions, 5th Generation Controls, Performance Programming	0/0	0
13XAL	PTO LOCATION Customer Intends to Install PTO at Left Side of Transmission	0/0	0
14GVN	AXLE, REAR, TANDEM {Meritor MT-40-14X-4DCR} Single Reduction, 40,000-lb Capacity, w/.433"(11mm) Wall Housing Thickness, Driver Controlled Locking Differential in Forward-Rear and Rear-Rear Axle, R Wheel Ends . Gear Ratio: 5.29	0/2108	2108
14UMB	SUSPENSION, REAR, TANDEM {Hendrickson HMX-400-52} Walking Beam, 40,000-lb Capacity, 52" Axle Spacing, Rubber Springs, with Transverse Torque Rods, Rubber End Bushings	0/518	518
15DYP	DEF TANK 9.5 US Gal (36L) Capacity, Frame Mounted Outside Left Rail, Under Cab	15/2	17
15LLZ	LOCATION FUEL/WATER SEPARATOR Mounted Outside Left Rail, 41" Back of Cab	-2/2	0
15LNG	FUEL/WATER SEPARATOR {Davco 245} 12 VDC Electric Heater, Includes Pre-Heater, Includes Water-in-Fuel Sensor	3/1	4
15SJZ	FUEL TANK Top Draw, Non-Polished Aluminum, 26" Dia, 80 US Gal (303L), Mounted Left Side, Under Cab	17/7	24
16030	CAB Conventional, Day Cab	0/0	0
16564	HEATER SHUT-OFF VALVES (1) Ball Valve Type, Supply Line	5/0	5
16BAM	AIR CONDITIONER with Integral Heater & Defroster	55/1	56
16GDC	GAUGE CLUSTER Base Level; English with English Speedometer and Tachometer, for Air Brake Chassis, Includes Engine Coolant Temperature, Primary and Secondary Air Pressure, Fuel and DEF Gauges, Oil Pressure Gauge, Includes 3 Inch Monochromatic Text Display	0/0	0
16HGH	GAUGE, OIL TEMP, AUTO TRANS for Allison Transmission	1/0	1
16HKT	IP CLUSTER DISPLAY On Board Diagnostics Display of Fault Codes in Gauge Cluster	0/0	0
16JNT	SEAT, DRIVER {National 2000} Air Suspension, High Back with Integral Headrest, Vinyl, Isolator, 1 Chamber Lumbar, with 2 Position Front Cushion Adjust, -3 to +14 Degree Angle Back Adjust	31/8	39
16RPV	SEAT, PASSENGER {National 2000} Air Suspension, High Back with Integral Headrest, Vinyl, Isolated, 1 Chamber Lumbar, 2 Position Front Cushion Adjustment, -3 to +14 Degree Back Adjust	55/25	80
16SEE	GRAB HANDLE Chrome; Towel Bar Type with Anti-Slip Rubber Inserts; for Cab Entry Mounted Left Side Only at "B" Pillar	3/0	3
16SNP	MIRRORS (2) Power Adjust, Thermostatically Controlled Heated Heads, Black Heads, Brackets and Arms, 7.55" x 14.1" Flat Glass, 7.48" x 6.77" Convex Glass Both Sides	0/0	0

<u>Code</u>	<u>Description</u>	<u>F/R Wt</u> (lbs)	<u>Tot Wt</u> (lbs)
16VKB	CAB INTERIOR TRIM Classic, for Day Cab <u>Includes</u> : CONSOLE, OVERHEAD Molded Plastic with Dual Storage Pockets, Retainer Nets and CB Radio Pocket; Located Above Driver and Passenger : DOME LIGHT, CAB Door Activated and Push On-Off at Light Lens, Timed Theater Dimming, Integral to Overhead Console, Center Mounted : SUN VISOR (2) Padded Vinyl; 2 Moveable (Front-to-Side) Primary Visors, Driver Side with Toll Ticket Strap	0/0	0
16VZB	SEAT BELT COMFORT CLIP	0/0	0
16WBY	ARM REST, RIGHT, DRIVER SEAT	3/0	3
16WBZ	ARM REST, LEFT, PASSENGER SEAT	3/0	3
16WEE	CAB SOUND INSULATION Includes Dash Insulator and Engine Cover Insulator	12/0	12
16WJU	WINDOW, POWER (2) and Power Door Locks, Left and Right Doors, Includes Express Down Feature	5/0	5
16WSK	CAB REAR SUSPENSION Air Bag Type	0/0	0
16XJN	INSTRUMENT PANEL Flat Panel	0/0	0
16ZBT	ACCESS, CAB Steel, Driver & Passenger Sides, Two Steps per Door, for use with Day Cab and Extended Cab	0/0	0
27DTZ	WHEELS, FRONT {Accuride 29303} DISC; 22.5x13.00 Rims, Powder Coat Steel, 5-Hand Hole, 10-Stud, 285.75mm BC, Hub-Piloted, Flanged Nut, with Steel Hubs, Offset 4.95"	110/0	110
28DTU	WHEELS, REAR {Accuride 29001} DUAL DISC; 22.5x7.50 Rims, Powder Coat Steel, 5-Hand Hole, 10-Stud, 285.75mm BC, Hub-Piloted, Flanged Nut, with Steel Hubs	0/0	0
29WLK	WHEEL BEARING, FRONT, LUBE {EmGard FE-75W-90} Synthetic Oil	0/0	0
7372135810	(8) TIRE, REAR 11R22.5 Load Range G DH37 (HANKOOK), 498 rev/mile, 75 MPH, Drive	0/64	64
7752668113	(2) TIRE, FRONT 425/65R22.5 Load Range L G296 MSA (GOODYEAR), 468 rev/mile, 68 MPH, All-Position	134/0	134
Services Section:			
40128	WARRANTY Standard for HV507, HV50B, HV607 Models, Effective with Vehicles Built July 1, 2017 or Later, CTS-2025A	0/0	0
40SZD	SRV CONTRACT, EXT CMS ENG/AFTR {Cummins} To 60-Month/100,000 Miles (160,000 km), Extended Cummins L9 Engine Coverage, Protection Plan 1 and Aftertreatment	0/0	0
Total Component Weight:		8628/7798	16426

The weight calculations included in this proposal are an estimate of future vehicle weight. The actual weight as manufactured may be different from the estimated weight. Navistar, Inc. shall not be liable for any consequences resulting from any differences between the estimated weight of a vehicle and the actual weight.

<u>Description</u>	<u>(US DOLLAR)</u>	<u>Price</u>
Total Factory List Price Including Options:		\$148,908.00
Prep	\$550.00	
Total Preparation And Delivery:		\$550.00
Freight Charge	\$2,250.00	
Total Freight:		\$2,250.00
Total Factory List Price Including Freight:		\$151,708.00
Less Customer Allowance:		(\$67,145.00)
Total Vehicle Price:		\$84,563.00
Total Sale Price:		\$84,563.00
Total Per Vehicle Sales Price:		\$84,563.00
Net Sales Price:		\$84,563.00

Please feel free to contact me regarding these specifications should your interests or needs change. I am confident you will be pleased with the quality and service of an International vehicle.

Approved by Seller:

Accepted by Purchaser:

Official Title and Date

Firm or Business Name

Authorized Signature

Authorized Signature and Date

This proposal is not binding upon the seller without Seller's Authorized Signature

Official Title and Date

The TOPS FET calculation is an estimate for reference purposes only. The seller or retailer is responsible for calculating and reporting/paying appropriate FET to the IRS.

The limited warranties applicable to the vehicles described herein are Navistar, Inc.'s standard printed warranties which are incorporated herein by reference and to which you have been provided a copy and hereby agree to their terms and conditions.



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 2, 2019
PREPARATION DATE: March 22, 2019
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Mitch Bitz, Public Works Director
PRESENTER: Joe Camisa, Chairman, Mandan Weed Board
SUBJECT: Consider reappointments to the Mandan Weed Board

STATEMENT/PURPOSE: Consider reappointments to the Mandan Weed Board.

BACKGROUND/ALTERNATIVES: The Mandan Weed Board is tasked with enforcing regulations on noxious weeds and uncontrolled weed and lawn growth by notifying property owners, and, if necessary, contracting for weed control or mowing with the cost assessed to the impacted property.

The board consists of 5 voting members and 2 non-voting members. There are two positions up for consideration. On March 5, 2019, the board voted in favor to reappoint Fire Chief, Steve Nardello and Mitch Bitz, Public Works Director, to another 3 year term expiring in 2021. The weed board also decided to reelect Joseph Camisa as Chairperson and Mitch Bitz as Vice Chairperson.

The other remaining members are currently on the Mandan City Weed Board for the terms indicated:

Joseph Camisa, City Weed Control Officer, Chair, 2016-2020
Justin Froseth, Engineering and Planning Director, 2016-2020
Dustin Fleck, Parks and Recreation, 2017-2021

ATTACHMENTS: none

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

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

RECOMMENDATION: Staff recommends approval of reappointing Fire Chief Steve Nardello and Mitch Bitz, Public Works Director to the Mandan City Weed Board for the length of term indicated.

SUGGESTED MOTION: Move to approve reappointments of Steve Nardello and Mitch Bitz for another 3 year term to the Mandan Weed Board, expiring 2021.



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 2, 2019
PREPARATION DATE: March 27, 2019
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Kim Fettig, Engineering Project Manager
SUBJECT: Consider Appointment for the Mandan Special Assessment Commission.

STATEMENT/PURPOSE: To consider the appointment of Carl Jacobsen for the 6 year term on the Mandan Special Assessment Commission.

BACKGROUND/ALTERNATIVES: In December a notice was released seeking letters of interest for the open seat on the Special Assessment Commission (SAC) which was do to Carl Jacobsen's term being up in April. Two letters of interest were received. One of the two has since withdrew his letter of interest leaving only Carl Jacobsen's letter.

ATTACHMENTS: Letter of interest

FISCAL IMPACT: None

STAFF IMPACT: Minimal

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

RECOMMENDATION: This office supports the appointment of Carl Jacobson for the 6 year term on the Mandan Special Assessment Commission.

SUGGESTED MOTION: I move to support the appointment of Carl Jacobson for the 6 year term on the Mandan Special Assessment Commission.

Nov 6, 2018

It is my intent to
continue as a
member of the
Mandan City Special
Assessment Commission
for another ~~term~~ term.

Carl Jacobson

Carl Jacobson



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 2, 2019
PREPARATION DATE: March 27, 2019
SUBMITTING DEPARTMENT: Business Development & Communications
DEPARTMENT DIRECTOR: Ellen Huber
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: Update to Retail Incentive Program Guidelines

STATEMENT/PURPOSE: To consider the Mandan Growth Fund (MGF) Committee's recommendation to remove restaurants from eligibility for the Retail Incentive Program and make other updates to the program guidelines.

BACKGROUND/ALTERNATIVES: The MGF reviewed guidelines for the Retail and Restaurant Incentive Program at its March 26, 2019, meeting. The program was first approved for in Mandan in 2010 with modifications approved in 2011 and 2016. The program provides a stipend of up to \$5 per square foot of operating space during the first year of operation for qualified retail and restaurant businesses that fill a gap in the community's market profile. The program is capped at \$20,000 per project and so inherently is most fitting to relatively small, independent business enterprises.

There have been 8 recipients of the stipend: two in the foodservice category and six retailers of other merchandise.

With seven restaurants open and three more slated to open under the Restaurant Rewards sales tax rebate program, set to expire March 31, 2019, the MGF agreed that restaurants should be removed from the Retail Incentive Program guidelines as an eligible type of business. The only other substantive updates are to add tobacco or vape shops to the list of explicit ineligible uses and to remove bookstores selling new books from the list of retail preferences from Exhibit A in the guidelines.

ATTACHMENTS: Retail Incentive Program Guidelines with recommended updates.

FISCAL IMPACT: The proposed changes have no direct fiscal impact, but could reduce the number of businesses that would be eligible.

STAFF IMPACT: Staff time is required to process applications, manage stipend payments and compliance.

LEGAL REVIEW: Attorney Brown has reviewed all information.

RECOMMENDATION: The Mandan Growth Fund Committee voted 9-0 to recommend adoption of the updated Retail Incentive Program Guidelines.

SUGGESTED MOTION: I move to approve the updated Retail Incentive Program Guidelines.



Retail & ~~Restaurant~~ Incentive Program GUIDELINES

The Program

The purpose of this program is to serve as a catalyst for securing new retail, ~~restaurant~~ and ~~service-recreational activity~~ concepts to fill vacant properties and stimulate new construction by providing financial assistance to qualified applicants.

The program is available to qualified ~~retail and restaurant~~ businesses new to or expanding in the City of Mandan. Retailers/~~restaurateurs~~ may choose any location within the City.

The program is offered through the City of Mandan's Business Development Office. The funding source is a portion of the City's 1 percent sales tax revenue set aside in the Mandan Growth Fund for economic development purposes. Availability of funds for the program will depend on the balance in the Growth Fund at the time of application. Funding for qualified applicants is encumbered on a first-come, first-served basis.

Program Benefits

An incentive in the form of a forgivable loan during the first 12 months of operation for qualified ~~retail, restaurant or service~~ businesses based on their operating square footage. The maximum assistance to be provided is \$5 per square foot. There is an additional cap of no more than \$20,000 per property.

Examples:

- Retail shop ~~or restaurant~~ plans to open in a 3,000 square foot operating space. Could apply for up to a \$5 per square foot subsidy to be paid for 12 months totaling \$15,000 or \$1,250 per month.
- Retail shop ~~or restaurant~~ plans to operate in an 8,000 square foot space. A \$5 per square foot subsidy exceeds the maximum of \$20,000 per property, so the most that could be allocated is \$20,000 for 12 months (an equivalent subsidy of \$2.50 per square foot) at \$1,666.67 per month.
- Existing retailer plans to expand from 3,000 sf to 6,000 sf. Could apply for up to a \$5 psf subsidy on the 3,000 sf expansion to be paid for 12 months totaling \$15,000 or \$1,250 per month.

Eligibility

1. "For profit" businesses that collect sales and use taxes and that are not currently operating in the city or that provide new or underserved products or services. (See Retail Preferences – Exhibit A).
2. Applications will be considered for first-time retailers/~~restaurateurs~~, new and expanding concepts by existing retailers/~~restaurateurs~~, and expansion of retailers ~~and restaurateurs~~ from outside the City.
3. Eligible retailers must devote a majority of the floor space to the display of products available for sale on the premises. Catalog showrooms shall not be eligible.
4. Non-profit organizations will be considered only if there is a retail component to the operation.
5. Must be a permitted use in compliance with all laws, zoning ordinances, rules and regulations applicable to the business.
6. Ineligible uses include, but are not necessarily limited to, thrift stores, second hand stores, dollar stores, pawn shops, tobacco or vape shops, non-profit agencies and entities (unless there is a retail component), schools, day care centers, currency exchanges including check cashing agencies and some non-bank financial retail outlets, bars and liquor stores (more than 50% of revenue generated by alcohol sales as compared to food), passive real estate ownership and management firms, and personal service retailers such as tanning salons, nail shops, beauty parlors, or tattoo parlors.
7. The Mandan Growth Fund Committee will review each application on a case-by-case basis and reserves the right to exclude other business activities if the use is not consistent with approved City redevelopment and development plans; if it does not benefit the health, safety and welfare of the community; or if the business activity does not meet the objectives of this program.
8. Businesses currently located in the City moving from one location to another location are not eligible unless there is an expansion and then only on the additional operating square footage.
9. Application must have final approval from the Mandan Growth Fund Committee and Mandan City Commission prior to business opening (or expanding).

Conditions

1. In lease situations, a minimum 3-year agreement is preferred.
2. Retailer must be open for business a minimum of 30 hours per week. If an applicant proposes to be open fewer hours, justification must be presented in the business plan.
3. First-time retailers or applicants that have been in business for less than one year must submit application to the local N.D. Small Business Development Center office and after start up participate in quarterly consultations with the SBDC or another approved business consultant.
4. Installation of an automatic door is required for at least a main entrance to the building as required by Mandan Municipal Code Section 111-2-9.

Application Process

1. Submit the application and all required attachments to the City of Mandan's Business Development Office (see application for required documentation).
2. City staff will make every effort to review completed applications (along with all necessary supporting documentation required for the application process) within a 2-week period.
3. The Mandan Growth Fund Committee will meet to review application and make recommendation to the Mandan City Commission. MGF meetings are scheduled as needed. Applicants will be notified of the meeting and asked to attend to present their request for assistance.
4. An application recommended for approval will be forwarded to the Mandan City Commission for consideration. The City Commission meets the first and third Tuesdays of the month at

5:30 p.m. Applicants will be notified of the meeting and asked to attend to represent their request.

5. Recommendations of the Growth Fund Committee will be presented to the City Commission for consideration of final approval within 45 days after a complete application is submitted.
6. The project applicant will be notified in writing and both the City and the Applicant will sign a Recipient Agreement once the City Commission has approved a project.
7. Business has 180 days from City Commission approval, which encumbers funding, to be open and operational. The applicant may request an extension in writing to the City Commission. The extension may or may not be approved. If the extension is not approved and the reimbursements have not commenced within 180 days, the amount allocated to the applicant will be forfeited by the applicant.

Selection Criteria

- Degree to which business provides an economic and added value public benefit to the location area and complements other businesses in the community
- Degree to which the business fills gaps in Mandan's retail and service sector (as identified in any household surveys and through available market statistics)
- Qualifications and track records of business owners or managers
- Potential for long-term viability
- Business plan
- Financial history
- Hours of operation
- Extent of customer base
- Storefront plans (exterior condition or upgrades, signage, displays)
- Investment of business owner (in inventory, point-of-sale software, equipment, building improvements, or other business start-up expenses)
- Jobs created
- Degree to which other public incentives are being utilized or the overall ratio of public to private investment.

Implementation Procedures

1. The program requires that the applicant pay upfront expenses. The City of Mandan will provide the subsidy within 30 days after the applicant has been open for business for one month.
2. Applicant (and landlord in lease situations) must be current on all municipally applied taxes, special assessments, utility bills, or loans. Payments will cease if either party fails to be current on these obligations.
3. Payments cease if applicant discontinues the business, moves the business from Mandan, or fails to comply with any and all building, fire, health or zoning codes or regulations applicable to the business.
4. The subsidy will be structured as an interest-free loan that will be pro-rated and forgiven over the course of 3 years from date of opening, provided the retailer remains in continuous operation within the City of Mandan. Retailers who locate outside the City before this time shall repay a pro-rata share of the rent subsidy.
5. Following the first 12 months of subsidization and through the third year of operation, each applicant will be required to submit a quarterly report to the Business Development Office to verify that the business is still operating in the approved location and an annual report to provide statistics on full-time and part-time employment.

Exhibit A — Retail Preferences

- Appliances
- Art/frame store
- Arts, crafts, hobby shop
- Bakery/bread store/dessert shop
- ~~Book store (new)~~
- Clothing and other apparel — men, women, children
- Consumer goods rental
- Dry cleaners
- Electronics
- Food specialties — product specific, health, fresh, organic, etc.
- Gift, novelty, souvenir shop
- Hardware/paint
- Home décor or accessories
- Ice cream parlor
- Kitchen supplies and accessories
- Movie theater or other recreational/entertainment services
- Music or musical instruments
- Pet supplies
- ~~Restaurants (more than 50% of revenue generated by prepared food sales)~~
- Shoe store — men, women, children
- Toy store

This list may not be all inclusive. Other types of businesses may be eligible as long as not explicitly listed as “ineligible” and if providing products or services missing from Mandan’s business community or documented as in demand by residents.



CITY OF
MANDAN
"WHERE THE WEST BEGINS"

Retail & Restaurant Incentive Program APPLICATION & CHECKLIST

Business Name _____

Address of Proposed Business _____

Applicant's Mailing Address _____ City _____ State _____ Zip _____

Applicant's Phone _____ Email _____

Use:

Retail Square Feet _____

~~Restaurant Square Feet _____~~

AMOUNT OF ASSISTANCE REQUESTED PER SQUARE FOOT \$ _____

Approximate cost to open the business: \$ _____

Personal Investment \$ _____ (Equity)

Bank or other financial commitment \$ _____ Other: _____

Building Acquisition or Construction Cost \$ _____

Building Rehabilitation \$ _____ Lease Term _____

Monthly Rent/Lease Per Square Foot \$ _____ Landlord Match _____

Proposed Opening Date of the Business _____

Description of the Business Including Products and Services Being Offered _____

Number of New Jobs _____ Expected daily traffic _____

Weekly hours of operation _____

Other Business & Applicant Information

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

- Option to buy agreement for a building or letter of intent to lease contingent on receipt of incentives
- Business plan
- Personal financial statement and 3 years federal tax returns for principals of any new business, or business operating less than one year. Three years tax returns for any existing business
- Marketing plan
- Cost estimates for up-fit/equipping the space
- Business/personal history
- Certificate of Good Standing from N.D. Tax Department
- Proof of registration with N.D. Secretary of State

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

Certification and Authorization

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

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

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

The applicant further certifies that he/she has read and understands the City of Mandan Retail & ~~Restaurant~~ Incentive Program Guidelines. If a determination is made by City of Mandan staff that program funds have not been used for eligible program activities, the Applicant agrees that the proceeds shall be returned, in full, to the City of Mandan and acknowledges that, with respect to such proceeds so returned, he/she shall have no further interest, right, or claim. It is understood that all funding commitments are contingent upon the availability of program funds.

Release of information

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

All owners, officers or partners must sign this application.

Signatures:

Applicant/Business Owner: _____ **Date:** _____

(if different from applicant)

Property Owner : _____ **Date:** _____

Submit application form and all supporting documents to:

City of Mandan
Business Development Office
205 Second Avenue NW
Mandan, ND 58554

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



RETAIL & RESTAURANT INCENTIVE — APPLICATION EVALUATION

The purpose of the program is to serve as a catalyst for securing new retail, ~~restaurant~~ and service business in the City of Mandan to provide greater selection and convenience to residents, businesses and visitors as well as to generate additional revenues for the public sector by way of local sales ~~or restaurant and lodging~~ taxes. Following are guidelines for use by Mandan Growth Fund Committee members. To be completed individually, tallied and averaged. Subject to discussion.

Applicant:					
Amount of subsidy requested psf:					
Operating space (sf):					
SECTIONS BELOW FOR USE BY MANDAN GROWTH FUND ONLY					
1. Degree to which business fills a gap?	Significant				Minimal
	5	4	3	2	1
2. Products/services needed by other businesses?	Significant				Minimal
	5	4	3	2	1
3. Sales or restaurant tax potential?	Significant				Minimal
	5	4	3	2	1
4. # of jobs created?	Significant				Minimal
	5	4	3	2	1
5. Use of other public incentives	Minimal (5% or less)	6-9%	10-19%	20-29%	Significant 30% or more
	5	4	3	2	1
6. Customer base	Broad				Limited
	5	4	3	2	1
7. Hours of operation	High				Low
	5	4	3	2	1
8. Qualifications of owners, managers	Strong			Weak	No info
	5	4	3	2	1
9. Potential for long-term viability	Strong				Weak
	5	4	3	2	1
10. Storefront plans/curb appeal	Significant				Minimal
	5	4	3	2	1
11. Investment - inventory, equip, building, etc.	Significant				Minimal
	5	4	3	2	1
<i>Ratings/recommendation to be provided by third-party such as SBDC or LCRDC</i>					
12. Business plan	Strong			Weak	No plan
	5	4	3	2	1
13. Financial history	Strong			Weak	No info
	5	4	3	2	1
Totals					
Grand Total		Average Rating			

General Guide (based average rating):

- Less than 2.0 = no assistance
- 2.5 to 2.9 = ½ of maximum
- 4.0 and greater = maximum
- 2.0 to 2.4 = ¼ of maximum
- 3.0 to 3.9 = ¾ of maximum

North Dakota Legislative Branch

Legislative Bill Tracking - Sixty-sixth Assembly (2019) - View Bill Tracking

List: Legislative Update 6

[Tracking Lists](#) | [Today's Calendar](#) | [Committee Hearings](#) | [Conference Committee Hearings](#) | [Bill Status](#) | [Bills Introduced Since 03/26/2019](#)
[Manage Mobile Devices](#)

Select All None	Bill	Status	Title	Description	Comment	Action
<input type="checkbox"/>	HB 1066	House: PASSED Senate: PASSED Governor: SIGNED 03/21 H Signed by Governor 03/20 03/22 Filed with Secretary Of State 03/20	Relating to infrastructure funds; to amend and reenact subsection 5 of section 57-51-01 and sections 57-51-15, 57-51.1-07.3, and 57-51.1-07.5 of the North Dakota Century Code, relating to oil and gas tax revenue allocations; to provide a continuing appropriation; to provide for a report; and to provide an effective date.	"Prairie Dog Bill" Hearing held, much support from around the state	PASSED SENATE - SIGNED BY GOVERNOR	Follow this Bill - RSS View Edit Delete
<input type="checkbox"/>	HB 1165	House: PASSED Senate: DEFEATED 03/26 S Reported back, do not pass, placed on calendar 4 1 1 03/27 S Second reading, failed to pass, yeas 17 nays 30	Relating to nonconforming structures.		Building Official - Oppose DEFEATED	Follow this Bill - RSS View Edit Delete
<input type="checkbox"/>	HB 1207	House: PASSED Senate: INTRODUCED 02/20 S Introduced, first reading, referred Judiciary Committee 03/05 S Committee Hearing - 10:30 AM	Relating to costs awarded to a defendant.		Legal - Monitor	Follow this Bill - RSS View Edit Delete
<input type="checkbox"/>	HB 1210	House: PASSED Senate: DEFEATED 03/18 S Reported back, do not pass, placed on calendar 6 0 0 03/20 S Second reading, failed to pass, yeas 1 nays 44	Relating to special elections for property owners in a proposed extraterritorial zoning area.	Residents of Extraterritorial zoning jurisdiction of a city is entitled to vote in governing body of the city	Administration & Planning Oppose DEFEATED	Follow this Bill - RSS View Edit Delete
<input type="checkbox"/>	HB 1227	House: PASSED Senate: DEFEATED 03/15 S Reported back, do not pass, placed on calendar 5 1 0 03/18 S Second reading, failed to pass, yeas 12 nays 34	Relating to prohibiting residential rental licensure fees.	prohibits residential rental license fees	DEFEATED	Follow this Bill - RSS View Edit Delete
<input type="checkbox"/>	HB 1286	House: PASSED Senate: INTRODUCED 02/27 S Introduced, first reading, referred Judiciary Committee 03/26 S Committee Hearing - 10:15 AM	Relating to law enforcement agencies reporting seizures and forfeitures; and to amend and reenact sections 19-03.1-36.2, 19-03.1-36.6, 19-03.1-36.7, 29-27-02.1, and subsection 1 of section 54-12-14 of the North Dakota Century Code, relating to forfeiture proceedings, contested forfeiture hearings, legal	Takes away ability to utilize forfeited assets which would negatively impact Police Department	Police - Oppose	Follow this Bill - RSS View Edit Delete

			interests in forfeited property, disposition of statutory fees, fines, forfeitures, and the attorney general assets forfeiture fund.				
<input type="checkbox"/>	HB 1289	House: PASSED Senate: DEFEATED 03/19 S Reported back, do not pass, placed on calendar 6 0 0 03/21 S Second reading, failed to pass, yeas 2 nays 44	Relating to appeals from decisions of local governing bodies; to amend and reenact subsection 1 of section 28-34-01, section 57-12-01.1, and subsection 2 of section 57-23-06 of the North Dakota Century Code, relating to notice filings and property valuation spot checks; to provide for application; and to provide an effective date.		Assessing/Finance - Oppose DEFEATED	Follow this Bill - RSS	View Edit Delete
<input type="checkbox"/>	HB 1334	House: PASSED Senate: INTRODUCED 02/18 S Introduced, first reading, referred Judiciary Committee 03/13 S Committee Hearing - 09:00 AM	Relating to sealing a criminal record of a driving under the influence offense.	sealing record... what to do with background checks for liquor licenses	Administration - monitor	Follow this Bill - RSS	View Edit Delete
<input type="checkbox"/>	HB 1431	House: PASSED Senate: DEFEATED 03/22 S Reported back, do not pass, placed on calendar 5 0 1 03/27 S Second reading, failed to pass, yeas 0 nays 47	Relating to the parts of the state included in the southwest water authority and the membership of the board of directors of the southwest water authority; and to provide an effective date.	Southwest Water Authority remove City of Mandan from mill levy Do Pass out of Committee	Administration - Due to SB 2213, which was to make permanent the SW Mill levy, was defeated, the mill levy will expire in Dec 31, 2020;	Follow this Bill - RSS	View Edit Delete
<input type="checkbox"/>	HB 1443	House: PASSED Senate: DEFEATED 03/22 S Amendment failed, placed on calendar 03/22 S Second reading, failed to pass, yeas 3 nays 41	Relating to historic horse race wagering and rent limits; and to amend and reenact sections 53-06.2-01, 53-06.2-04, 53-06.2-05, and 53-06.2-06, subsection 1 of section 53-06.2-08, and sections 53-06.2-10, 53-06.2-10.1, and 53-06.2-11 of the North Dakota Century Code, relating to the regulation of historic horse racing.		DEFEATED	Follow this Bill - RSS	View Edit Delete
<input type="checkbox"/>	HB 1474	House: INTRODUCED Senate: PASSED 03/21 S Second reading, passed as amended, yeas 45 nays 1 03/22 H Returned to House (12)	Relating to replacing special assessment revenue with revenue from an alternative local funding source.	Street Maintenance Fee as part of Utility Bill	Administration - Finance - monitor TURNED INTO A STUDY RESOLUTION	Follow this Bill - RSS	View Edit Delete
<input type="checkbox"/>	HB 1487	House: PASSED Senate: PASSED 03/26 H Signed by Speaker 03/26 H Sent to Governor	Relating to an optional residential property tax freeze for seniors; and to provide an effective date.	freeze property valuations on property less than \$400k if 65 years or older, majority of property valuations are less than \$400k thus freezes property tax	Assessing - Turned into a Study Resolution	Follow this Bill - RSS	View Edit Delete
<input type="checkbox"/>	HB 1488	House: PASSED Senate: INTRODUCED 02/20 S Introduced, first reading, referred Political	Relating to special assessment fund balances.	\$\$ in Special Assessment Fund used to pay costs early	Finance - Monitor	Follow this Bill - RSS	View Edit Delete

		Subdivisions Committee 03/22 S Committee Hearing - 09:45 AM					
<input type="checkbox"/>	SB 2010	Senate: PASSED House: INTRODUCED 02/27 H Introduced, first reading, referred Appropriations Committee 02/28 H Committee Hearing - 10:00 AM	Relating to boiler inspections and North Dakota reserve fund use of producers; to amend and reenact sections 18-04-04, 18-04-04.1, and 18- 04-05, subsection 2 of section 26.1-01-07, section 26.1-01-09, subsection 1 of section 26.1-03-17, and sections 26.1-21- 03, 26.1-21-17, 26.1- 22-03, and 26.1-23.1- 01 of the North Dakota Century Code, relating to the state fire and tornado fund, the state bonding fund, fees chargeable by the insurance commissioner, the salary of the insurance commissioner, and government self- insurance pools; to repeal chapter 26.1- 22.1 of the North Dakota Century Code, relating to boiler inspections; to provide a penalty; to provide a continuing appropriation; and to provide a contingent effective date.	Fire Insurance Premium	Fire - Support	Follow this Bill - RSS	View Edit Delete
<input type="checkbox"/>	SB 2020	Senate: PASSED House: INTRODUCED 03/07 H Committee Hearing - 08:30 AM 03/26 H Committee Hearing - 09:00 AM	Relating to the authorization of a Bank of North Dakota line of credit; to provide for Red River valley water supply requirements; to provide an exemption; to provide for a report to the legislative management; and to provide a statement of legislative intent.	State Water Commission - track to see if \$\$ in for Intake and LHWRD DO Pass out of Committee	Administration - monitor	Follow this Bill - RSS	View Edit Delete
<input type="checkbox"/>	SB 2047	Senate: PASSED House: INTRODUCED 03/25 H Reported back, do pass 7 4 3 03/25 H Rereferred to Appropriations	Relating to the computation of retirement benefits.	Current multiplier is 2%, reduces benefit to 1.75% for members first enrolled after 12/31/2019	Police & Fire - Monitor	Follow this Bill - RSS	View Edit Delete
<input type="checkbox"/>	SB 2209	Senate: INTRODUCED House: PASSED 03/22 H Second reading, passed as amended, yeas 82 nays 4 03/25 S Returned to Senate (12)	Relating to protection for records related to critical infrastructure and security planning, mitigation, or threats.	certain infrastructure records to be protected	Administration - support PASSED Senate	Follow this Bill - RSS	View Edit Delete
<input type="checkbox"/>	SB 2213	Senate: PASSED House: DEFEATED 03/14 H Reported back, do not pass, placed on calendar 12 1 1 03/19 H Second reading, failed to pass, yeas 27 nays 65	Relating to the southwest water authority and district budget tax levies.	Permanent Mill for SW Water	Administration - Defeated, mill levy will expire 12/31/2020	Follow this Bill - RSS	View Edit Delete
<input type="checkbox"/>	SB 2275	Senate: PASSED House: DEFEATED 03/22 H Reported back, do	Relating to the infrastructure revolving loan fund	\$55M in Legacy earnings to fund repayment of	Administration - monitor - May come	Follow this Bill - RSS	View Edit Delete

		not pass, placed on calendar 15 3 3 03/25 H Second reading, failed to pass, yeas 34 nays 55	debt repayments; to amend and reenact sections 6-09-49, 6-09.4-06, and 6-09.4-10, subsection 6 of section 21-03-07, and sections 21-03-19, 57-15-06.6, and 57-47-02 of the North Dakota Century Code, relating to the infrastructure revolving loan fund, borrowing and lending authority, reserve funds, and expanded bonding authority for counties; to repeal section 61-02-78 of the North Dakota Century Code, relating to a revolving loan fund for water projects; to provide a transfer; to provide a continuing appropriation; to provide a bond issuance limitation; and to provide an effective date.	infrastructure revolving loan fund DO PASS out of Committee	back within another bill.	
<input type="checkbox"/>	SB 2304	Senate: INTRODUCED House: PASSED 03/20 H Second reading, passed as amended, yeas 58 nays 33 03/21 S Returned to Senate (12)	Relating to the effect of state law on city or county ordinances and limits on city fines and penalties.		Police - Support	Follow this Bill - RSS View Edit Delete

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Board of City Commissioners

Agenda Documentation

MEETING DATE: April 2, 2019
PREPARATION DATE: March 27, 2019
SUBMITTING DEPARTMENT: Human Resources
DEPARTMENT DIRECTOR: Brittany Cullen, HR Director
PRESENTER: Brittany Cullen, HR Director
SUBJECT: Ordinance 1308 Related to Payback of Unused Sick Leave

STATEMENT/PURPOSE: Consider approval of first consideration of Ordinance 1308 related to the payback of unused sick leave.

BACKGROUND/ALTERNATIVES: At the January 6, 2015 Commission meeting, Ordinance 1199 (Attachment 3) was presented to the Board for consideration and was approved. This ordinance adjusted our sick leave policy. It created a grandfathered bank for employees hired before December 31, 2014, that did not receive any additional accruals. The new bank had a maximum accrual of hours, and was effective as of January 1, 2015.

In the discussion of drafting this ordinance, it was discussed to include a payback option of unused sick leave for current employees. This payback option would allow for a 40% payout of the unused sick leave at the end of the calendar year, once 960 hours for employees or 1,320 hours for career firefighters has been accumulated. It was established as a way to provide a benefit for promoting healthy lifestyles by paying out a portion of unused sick leave, and reducing the City's liability for sick leave banks with large unused balances.

We discovered that the payback option was excluded from the Ordinance to update the Mandan Code of Ordinances, but was included in the agenda document (Attachment 2) presented to the Board. The exclusion from the Code has not affected any staff, as it would take 10 years for someone to accrue the maximum, before the payout would be available. I am bringing this back to the Board for consideration to amend the Code to include this payback option, as presented in Ordinance 1308 (Attachment 1).

ATTACHMENTS:

- Attachment 1 - Ordinance 1308
- Attachment 2 – January 6, 2015
- Attachment 3 – Ordinance 1199 from 2015

FISCAL IMPACT: Unable to determine at this time. Fiscal impacted is expected in 2025 (10 years after initial ordinance was adopted in 2015), which will be budgeted for at that time.

STAFF IMPACT: Minimal

LEGAL REVIEW: Sent to City Attorney for Review

RECOMMENDATION: The Human Resources Department recommends approval of Ordinance 1308 as presented in Attachment 1.

SUGGESTED MOTION: I move to approve Ordinance 1308 as presented in Attachment 1.

ORDINANCE NO. 1308

An Ordinance to Amend and Re-enact
Section 20-7-5 of the Mandan Code of Ordinances
Relating to Payback of Annual and Unused Sick Leave

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

Sec. 20-7-5. Payback of annual and unused sick leave.

(b) Subsequent to December 31, 2014, during each year, the excess of earned and unused hours over 960/1320 will be paid annually at a rate of 40%. The balance of hours and the employee's rate of pay will be determined as of the last completed pay period of each year. Payment shall be made to each qualifying employee on the second payroll following the hour calculation. At the time of payment, the employee's sick leave hours will be reduced to 960 hours for employees and 1320 hours for career firefighters.

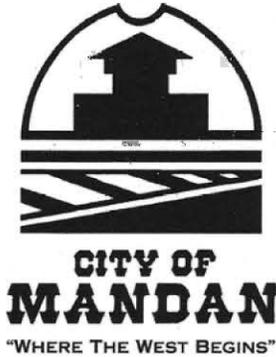
~~(b)~~(c) Upon retirement, employees employed as of December 31, 2014, who are 62 years of age through 64 years of age will be compensated for one-third of their accumulated sick leave up to 480 hours. An employee who is 65 years of age or older will be compensated for all accumulated sick leave not exceeding 480 hours.

By: _____
Tim Helbling, President,
Board of City Commissioners

Attest:

James Neubauer, City Administrator

First Consideration: _____
Second Consideration and Final Passage: _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 6, 2015
PREPARATION DATE: January 2, 2015
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Kevin Wilson, Human Resources
SUBJECT: Proposed Change in Sick Leave and Long Term Disability

STATEMENT/PURPOSE: To consider amendments to the sick leave accrual and add long term disability to our benefit package.

BACKGROUND/ALTERNATIVES: In essence current Mandan Code of Ordinances provides for sick leave as follows:

- 8 hours accrual per month
- Unlimited carryover
- Employee reaches age 62-65 and terminates employment; payout of unused sick leave is 1/3 of the hours accumulated with a 480 hour maximum payout.
- Employee reached age 65 and terminates employment; payout of unused sick leave is hour for hour with a 480 hour maximum payout.

Opportunities exist to improve our sick leave policy for the following reasons:

- Most employees do not have sufficient accumulated hours to ensure income through periods of a disability. Average hours of accrued sick leave per employee is 652 or 8 pay periods (4 months)
- Employees that terminate employment prior to age 62 receive no benefit for hours accrued.
- Significant liability for unused sick leave absences.
- City is lacking Long Term Disability (LTD) coverage for employees

Proposal: Take into consideration our current employees and plans they may have made under the current policy, provide a LTD policy for all employees, provide a benefit for healthy lifestyles by paying out a portion of unused sick leave, and ensure that no one loses in any change in policy.

- Create Sick Bank A – Freeze (Grandfather in Accrual Balances as of December 31, 2014)

- Balance is available for future employee needs until exhausted
- Upon retirement, employee's ages 62 through 64 will be compensated for one-third of their accumulated sick leave up to 480 hours.
- An employee age 65 or older will be compensated for all accumulated sick leave not exceeding 480 hours.
- An employee age 65 or older will be compensated for all accumulated sick leave not exceeding 480 hours.

- Create Sick hour Bank B. Set Bank B accrual hour maximum at 960 for employees and 1320 for firefighters.
 - No carryover.
 - When Bank A balance is exhausted Bank B balances will be utilized.
 - Existing employee accrual rate of 3.69 and 5.07 for firefighters would apply to Bank B. (in essence the 8 hour / month benefit)
 - Employees hired after January 1, 2015 are not eligible for retirement benefit. (because after max of 960 is reached a payout of 40% of unused over 960 is available)

- Propose Long Term Disability Insurance Benefit
 - Benefits are designed to pay eligible employees for a maximum benefit period which can last to social security normal retirement age.
 - Based on proposed benefits, an eligible employees receives 66.67% of monthly income (Max \$6,000 monthly benefit) if they cannot work due to sickness or nonworking related disabling injury.
 - There is an elimination period (no benefit until 180, roughly 960 hours, days of disability have occurred)

We have requested input from management staff and employees as follows:

- Several discussion at management team meetings
- Provided presentation to employees via email requesting input
- Held two information sessions for employees to hear/see the presentation requesting input and answering questions

The proposal has received positive feedback.

ATTACHMENTS: See attached presentation

FISCAL IMPACT: Estimated LTD Cost \$1,564.85/month based on 124 employees, or \$12.62/month per employee.

STAFF IMPACT: minimal

LEGAL REVIEW: To City Attorney for Review

Board of City Commissioners

Agenda Documentation

Meeting Date: January 6, 2014

Subject: Proposed Change in Sick Leave and Long Term Disability

Page 3 of 3

RECOMMENDATION: I recommend approval of the suggested changes to the sick leave policy and to establish a long term disability policy as part of the City of Mandan's benefit package.

SUGGESTED MOTION: I move to approve the suggested changes to the sick leave policy and to establish a long term disability policy as part of the City of Mandan's benefit package, and to have City Attorney Brown draft the necessary ordinance amendments to implement such change.

ORDINANCE NO. 1199

An Ordinance to Amend and Re-enact
Chapter 4-07 of the Mandan Code of Ordinances
Relating to Sick Leave

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

Section 4-07-04 and Section 4-07-05 of the Mandan Code of Ordinances are hereby amended and re-enacted to read as follows:

Section 4-07-04 Sick leave.

2. As of December 31, 2014, all existing sick leave balances shall be frozen. As of January 1, 2015, based on the standard forty-hour workweek, sick leave will accrue on the following basis:

- a. Eight hours (one working day) per month for all full-time employees with a maximum accumulation of 960 hours for employees and 1320 hours for career firefighters.

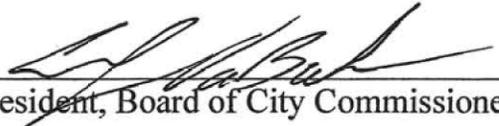
Section 4-07-05 Payback of annual and unused sick leave for pre-January 1, 2015 employees.

2. Upon retirement, employees employed as of December 31, 2014, who are age sixty-two through sixty-four will be compensated for one-third of their accumulated sick leave up to 480 hours. An employee who is age sixty-five or older will be compensated for all accumulated sick leave not exceeding 480 hours.

A new section to Chapter 4-07 of the Mandan Code of Ordinances, Long Term Disability Insurance Benefit, is hereby created to read as follows:

Section 4-07-20 Long Term Disability Insurance Benefit.

Effective January 1, 2015, the City shall provide a Long Term Disability Insurance Benefit for all eligible employees.

By: 
President, Board of City Commissioners

Attest:


City Administrator

First Consideration: January 20, 2015
Second Consideration
and Final Passage: February 3, 2015



BOE New Business No. 1

Board of City Commissioners

CITY BOARD OF EQUALIZATION AGENDA

MEETING DATE: April 2, 2019
PREPARATION DATE: March 27, 2019
SUBMITTING DEPARTMENT: Assessing Department
DEPARTMENT DIRECTOR: Kimberly Markley
PRESENTER: Kimberly Markley, City Assessor
SUBJECT: City Board of Equalization

ROLL CALL: Roll call of City Commissioners.

NEW BUSINESS: Recess the City Board of Equalization until April 16, 2019 at 7:00 p.m. in the Ed "Bosh" Froehlich Meeting Room at Mandan City Hall, 205 2nd Ave NW, Mandan, ND

ADJOURN: