



AGENDA
MANDAN CITY COMMISSION
NOVEMBER 19, 2013
ED “BOSH” FROEHLICH MEETING ROOM,
MANDAN CITY HALL
5:30 P.M.
www.cityofmandan.com

-
- A. ROLL CALL:
1. Roll call of all City Commissioners and Department Heads.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:
1. Consider approval of the minutes from the November 5, 2013 Board of City Commission meeting.
- E. PUBLIC HEARING:
1. Consider approval of vacation of storm sewer easement in Lot 9, Block 2, Lakewood 6th Addition. (See Resolution No. 9)
- F. BIDS:
- G. CONSENT AGENDA:
1. Consider approval of monthly bills.
 2. Consider approval of street name change from West View Place SE to 25th Street SE. (*First consideration of ordinance 1177*)(*Resolutions and Ordinances: No. 7*).
 3. Consider request from Builders for Christ for a waiver of the requirements set forth in Mandan Code of Ordinances Section 14-12-02.
 4. Consider request from the Human Resources Department to destroy old documents in accordance with the Records Retention Schedule.
 5. Consider amendment to Engineering agreement with AE2S to rebid the Lift Station Central Alarm System.
- H. OLD BUSINESS:
1. Consider granting Northern Improvement Company a time extension for unmet contract dates for each of the following projects.
 - i. SID – 176; McKenzie Drive SE, 34th Avenue SE, and Genoa Court SE
 - ii. SID – 177; Meadows 6th Addition
 - iii. SID – 178; Keidel’s South Heart Terrace 2nd Addition
 - iv. SID – 181; Meadows 7th Addition
 - v. SID – 185; Heart Ridge 2nd Addition

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I. NEW BUSINESS:

1. Consider the creation of, approval of the feasibility report for, approve the plans and specifications, approve engineer's report and approve sufficiency of petition for Street Improvement District No. 186, Project No. 2013-22 (Macedonia Hills 1st Addition). (See Resolution No. 8).

J. RESOLUTIONS AND ORDINANCES:

1. Second consideration and final passage of Ordinance No. 1172, An Ordinance to Amend and Re-enact Chapter 7-01 of the Mandan Code of Ordinances Relating to Fire Code.
2. Second consideration and final passage of Ordinance 1173, An Ordinance to Amend and Re-enact Section 12-02-11 of the Mandan Code of Ordinances Relating to Alcoholic Beverage License Expiration.
3. Second consideration and final passage of Ordinance 1174, An Ordinance to Create a New Section 12-02-08(4) of the Mandan Code of Ordinances Relating to Transfers of Licenses Limited.
4. Second consideration and final passage of Ordinance 1175, An Ordinance to Amend and Re-enact Section 4-06-10 of the Mandan Code of Ordinances Relating to Administration of Salary Plan.
5. Second consideration and final passage of Ordinance 1176, An Ordinance to Amend and Re-enact Section 4-09-05 of the Mandan Code of Ordinances Relating to Pension Contributions of the City.
6. Introduction and first consideration of Ordinance 1178, An Ordinance to Amend and Re-enact Chapter 20-15-03(2) of the Mandan Code of Ordinances Relating to All-Terrain Vehicles.
7. Introduction and first consideration of Ordinance 1177, An Ordinance to change the street name West View Place SE to 25th Street SE.
8. Consider the Resolutions creating district, approving engineer's report, approve sufficiency of petition, approving the plans and specifications for Street Improvement District No. 186, Project No. 2013-22 (Macedonia Hills 1st Addition).
9. Consider the Resolution approving Vacation of Storm Sewer Easement on Lot 9, Block 2 Lakewood 6th Addition.

K. OTHER BUSINESS:

L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. December 3, 2013
2. December 17, 2013
3. January 7, 2014

M. ADJOURN

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Public Communication

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

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

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The Mandan City Commission met in regular session at 4:00 p.m. on November 5, 2013 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Frank, and Braun. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Fire Chief Nardello, Business Development and Communications Director Huber, Planning & Engineering Director Froseth, Planner Decker, Engineering Project Manager Fettig, and Assessor/Building Official Lalim. Absent: Director of Public Works Wright.

2. *Employee Service Awards:*

40 YEARS OF SERVICE

| | | |
|------------------|-----------------|----------|
| Dennis Bullinger | Chief of Police | 07/16/73 |
|------------------|-----------------|----------|

35 YEARS OF SERVICE:

| | | |
|------------------|-----------------------------|----------|
| Darlene Forderer | Utility Billing Coordinator | 02/06/78 |
| Roger Arenz | Firefighter | 07/27/78 |
| Richard Zander | Assistant Fire Chief | 10/01/79 |
| Gregory Moos | Police Officer | 07/01/78 |
| Gerald Bernhardt | Equipment Operator II | 12/21/78 |
| Randy Frohlich | Utility Operator II | 03/27/78 |

25 YEARS OF SERVICE:

| | | |
|---------------|-----------------|----------|
| Jim Lawler | Airport Manager | 01/04/88 |
| Bruce Beehler | Firefighter | 12/16/01 |

20 YEARS OF SERVICE

| | | |
|-------------|-----------------|----------|
| David Mills | Police Sergeant | 11/22/93 |
|-------------|-----------------|----------|

15 YEARS OF SERVICE

| | | |
|-----------------|------------------------------|----------|
| Diane Leingang | Senior Accounting Technician | 09/08/98 |
| Steven Nardello | Fire Chief | 07/06/98 |
| Brad Braun | Firefighter | 11/25/98 |
| Kasey Burt | Firefighter | 11/25/98 |
| Wayne Friesz | Fire Captain | 09/23/98 |
| Dan Miller | Firefighter | 01/28/98 |
| Dave Walth | Fire Captain | 05/26/98 |
| Barry Kiemele | City Forester | 03/30/98 |

10 YEARS OF SERVICE

| | | |
|--------------------|---------------------|----------|
| Sandra Tibke | City Commissioner | 04/01/03 |
| George Railsback | Appraiser/Inspector | 02/05/03 |
| Jonathan Benzinger | Firefighter | 09/01/03 |

5 YEARS OF SERVICE

| | | |
|---------------|----------------------|----------|
| Chad Boehm | Equipment Operator I | 06/17/08 |
| Devon Beehler | Firefighter | 05/14/08 |

| | | |
|------------------|------------------------|----------|
| Jared Hopkins | Firefighter | 06/05/08 |
| Jordon Sivertson | Firefighter | 04/01/08 |
| Jason Neuberger | Field Training Officer | 03/10/08 |
| Dean Schmidt | Utility Operator I | 01/03/08 |
| Erick Schantz | Water Plant Lab Tech I | 01/28/08 |

B. APPROVAL OF AGENDA: Commissioner Frank motioned to approve the Agenda as presented. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

C. PUBLIC COMMUNICATIONS: No one came forward. This portion of the public communications was closed.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission regular meeting held on October 15, 2013 and Special Working Session held on October 29, 2013.* Commissioner Tibke moved to approve the minutes as presented.

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

E. PUBLIC HEARING:

F. BIDS:

1. *Consider approval of bid for Project: S-TNU-1-810(023)000 – ND 810 from Memorial Bridge Interchange to the Expressway Bridge (Landscape Enhancements).* Engineering Project Manager Fettig reviewed with the Board a request for approval to move forward with the DOT to award the bid for the project for the enhancement from Memorial Bridge Interchange to the Expressway Bridge. The project involves screening for the residential area and enhances the new roadway of the industrial area. There will be a variety of 566 trees planted. The low bid was submitted by Hoffman & McNamara Company of Hastings, MN in the amount of \$380,831.98. The City's share of this project is estimated to be \$11,243.29. Fettig recommended awarding the bid to Hoffman & McNamara as presented.

Commissioner Rohr moved to award the bid for the project S-TNU-1-810(023)000 – ND 810 from Memorial Bridge Interchange to the Expressway Bridge to Hoffman & McNamara Company of Hastings, MN in the amount of \$380,831.98. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

G. CONSENT AGENDA

1. *Consider for approval the final Re-plat of Lot 1, Block 3, Sunset Commercial Park.*

2. *Consider for approval the final Plat of Christianson's First Addition.*

3. *Consider for approval the final Re-plat of Lot 1, Block 2, Meadow Ridge 3rd Addition.*
4. *Consider approval of Sunday Openings for Mandan Eagles Club for December 1, 2013 and December 8, 2013.*
5. *Consider approval of 2 liquor license transfers for Captain Jack's Mandan and Bill's Liquor to Coborn's Inc.*
6. *Consider approval of new Class D liquor license for Bayside LLC. at 2721 46th Ave SE.*
7. *Consider proclaiming Myron Schulz Day in Mandan, ND.*
8. *Consider the following Homestead Credit Exemptions: (i) Dorothy Faas (2011) (ii) Dorothy Faas (2012)*
9. *Consider charitable raffle permit for Ty Breuer NFR Sendoff Party at Seven Seas for November 16, 2013.*
10. *Consider Proclaiming November 30, 2013 Small Business Saturday in Mandan.*
11. *Consider closing Administrative offices day after Thanksgiving.*
12. *Consider approval of Contract Documents for Mandan Water Treatment Plant, Phase II Optimization Project.*

Commissioner Tibke moved to approve the Consent Agenda as presented. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Update of Sunset Drive reconstruction project.* Planning & Engineering Director Froseth reported that the Sunset Drive project is wrapping up and the roadway was opened up on November 1st. City staff will do an on-site review with the project engineer from Houston Engineering along with the contractor of Knife River Construction. Any items that remain undone will be completed in the spring of 2014. This is an informational item and no action is required.

2. *Update on Street Improvement District Projects that have yet to be completed.* Planning & Engineering Director Froseth reported that this construction season has been challenging due to the amount and lateness of precipitation. Due to that fact there are several street projects that remain uncompleted. Northern Improvement Company, the contractor for six of these projects contacted the City requesting a time extension until 2014. The Engineering Department is working with contractors, developers, engineers and other entities to find a path forward that will work for all parties involved in the projects. Discussions have occurred to consider temporary aggregate roads in order for the developers to continue with the building projects throughout the winter season. A meeting is scheduled for November 6th with Northern Improvement to determine what can be done with aggregate base in order to allow construction. Froseth stated that there will not be any change orders requested that would create any price increase to these projects. If they cannot meet the conditions requested by the City in order to allow

building over the winter, the City will seriously look at assessing damages per the contracts for these six projects. All projects are assessed at \$100 per day in which the contracts contain a clause allowing the City to use discretion if paving projects are not completed within the timeframes given.

3. *Consider approval of Owner and Engineer Agreement for Mandan Water Treatment Plant new intake study.* Planning & Engineering Director Froseth stated that in 2008 Advanced Engineering & Environmental Services (AE2S) completed a preliminary investigation into the potential location for a new conventional intake. The investigation suggested locating a new intake about 2 miles south of the Water Treatment Plant within a self-cleaning portion of the river channel. The preliminary investigation has been the basis for requesting funding assistance from both the Drinking Water Revolving Fund and the State Water Commission Water Program. The City has requested AE2S to study the potential intake improvements. The timeline for the study is expected to run from mid November 2013 through March 2014.

City Administrator Neubauer explained that they are looking at an area just north of the former Car-Bodies, or archery range area, looking for a hard point in the river that will not silt in so we do not have to worry about a supply of water coming into the plant in the future. There wasn't such a hard point further north of the plant. He explained that there is a bend in the river, and the channel seems to stay there and not move. The channel is moving from the east side of the river to the west side of the Missouri and when the channel moves to the east side, that's when they have difficulty at the Water Treatment Plant in keeping the intake clear. Froseth referred to page 5 of the Engineering Services Agreement to review a breakdown of the tasks of their services for this study.

Commissioner Frank moved to approve the Standard Form of Agreement Between Owner and Engineer for study and report phase professional services. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Consider making city-owned property west of library available for sale and development.* Business Development and Communications Director Huber stated that she has received an expression of interest in city owned property on Main Street, west of the Morton-Mandan Public Library for a retail store that meets a targeted community need. The interested party is Link Golz, True Value Hardware, who would like to locate a hardware store in Mandan. Golz has looked at other sites in the community and has circled back to this area on Main Street. He requested the City make this property available for sale and he recognizes there may be competition with other entities. The site is approximately 26,000 sq. ft. which would allow for the construction of a 9,000 sq. ft. building on the site with off street parking.

Del Wetsch, Executive Director of the Mandan Progress Organization will assist in working with the Art in the Park Committee in finding alternative parking for vehicles that use this area during that event. Mary Henderson, Interim Library Director has been

contacted and does not have any significant concerns with the proposed construction project. Huber reviewed the proposed layout for the hardware store square footage and the parking plan. Huber recommended this site be made available to the public and to request proposals for its purchase and development. Huber reviewed other options for the property. Commissioner Frank commented that if there was any time where we could produce the best results and highest purchase price for this particular lot is probably now with the increased interest in our community and with the interest to build on Main Street.

Commissioner Frank moved to have the City issue a Request for Proposals for the purchase and development of the lot west of the library with a 45 day deadline for responses. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *Second consideration and final passage of Ordinance No. 1165, An Ordinance to Amend and Re-enact Section 16-03-12 of the Mandan Code of Ordinances Relating to Unlicensed Dogs and Cats.* Commissioner Tibke moved to approve the Second consideration and final passage of Ordinance No. 1165, An Ordinance to Amend and Re-enact Section 16-03-12 of the Mandan Code of Ordinances Relating to Unlicensed Dogs and Cats. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Second consideration and final passage of Ordinance No. 1166, An Ordinance to Amend and Re-enact Chapter 20-15 of the Mandan Code of Ordinances Relating to All-Terrain Vehicles.* Commissioner Tibke moved to approve the Second consideration and final passage of Ordinance No. 1166, An Ordinance to Amend and Re-enact Chapter 20-15 of the Mandan Code of Ordinances Relating to All-Terrain Vehicles. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Second Consideration and final passage of Ordinance No. 1167 Zone Change for Auditor's Lot A, less the east 34' thereof and Lot E in the SE ¼ in Section 4 Township 139 North Range 81 West (east of 1806 and north of County 37th Street North) – An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.* Commissioner Tibke moved to approve the Second Consideration and final passage of Ordinance No. 1167 Zone Change for Auditor's Lot A, less the east 34' thereof and Lot E in the SE ¼ in Section 4 Township 139 North Range 81 West (east of 1806 and north of County 37th Street North) – An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes;

Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes.
The motion passed.

4. *Introduction and first consideration of Ordinance No. 1172, An Ordinance to Amend and Re-enact Chapter 7-01 of the Mandan Code of Ordinances Relating to Fire Code.* Fire Chief Nardello presented the 2012 International Fire Code Edition, published by the International Code Council which is reviewed every 3 years and revisions are made as necessary. This Code is used for the inspection of commercial properties within the City of Mandan. The State of North Dakota has adopted the 2012 Code so the Building and Fire Department will be adopting that code too. Nardello recommended adopting the 2012 Code with Amendments. There are two significant changes related to the Mandan: (1) Require sprinkler systems for establishments selling furniture that are over 5,000 square feet. (2) Require carbon monoxide detectors within residential property. Nardello reviewed several appendixes within the Code that will be adopted such as fire apparatus access roads, hazardous materials, LP gas on multifamily residential devices and Memory Lanterns which were also brought up for discussion. Nardello reviewed a proposed change to the Fireworks section that would include permitting the use of fireworks from the hours of 5 pm on December 31 to 1:00 am on January 1. Nardello reviewed the Fireworks Ordinance current and proposed revision.

Commissioner Frank moved to approve the Introduction and first consideration of Ordinance No. 1172, An Ordinance to Amend and Re-enact Chapter 7-01 of the Mandan Code of Ordinances Relating to Fire Code including Appendix Chapters A, B, C, D, as published by the International Code Council including striking the word “cooking” from 308.1.4 also including adding the Memory Lantern Fireworks to the banned fireworks along with bottle rockets. The motion died for lack of a second.

Commissioner Rohr motioned to reconstruct the previous motion with the exception to the Memory Lantern Fireworks wherein the motion would be to approve the Introduction and first consideration of Ordinance No. 1172, An Ordinance to Amend and Re-enact Chapter 7-01 of the Mandan Code of Ordinances Relating to Fire Code including Appendix Chapters A, B, C, D, as published by the International Code Council including striking the word “cooking” from 308.1.4.

Commissioner Braun seconded the motion. Commissioner Frank reiterated the danger of the open flame contained within the Memory Lantern Fireworks item poses a danger similar to the bottle rocket that has been banned. Mayor Van Beek suggested that the City should stiffen the fines for the people abusing the policy and lighting it off at times when it is not permitted. Fire Chief Nardello stated that there have been fires around the country caused by the Memory Lantern Fires (not in the Bismarck/Mandan Community). Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

5. *Introduction and first consideration of Ordinance 1173, An Ordinance to Amend and Re-enact Section 12-02-11 of the Mandan Code of Ordinances Relating to Alcoholic*

Beverage License Expiration. City Administrator Neubauer stated that when reviewing the Ordinances related to Alcoholic Beverages it was discovered that a party could acquire a license and could hold on to it for as long as he/she wanted to. The proposal to this revision creates a 6-month time period on that license in which it must be utilized.

Commissioner Rohr moved to approve the Introduction and first consideration of Ordinance 1173, An Ordinance to Amend and Re-enact Section 12-02-11 of the Mandan Code of Ordinances Relating to Alcoholic Beverage License Expiration. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

6. *Introduction and first consideration of Ordinance 1174, An Ordinance to Create a New Section 12-02-08(4) of the Mandan Code of Ordinances Relating to Transfers of Licenses Limited.* City Administrator Neubauer explained that this proposed revision relates to preserving some value in the licenses already in existence that a member of the public may have acquired. This revision will allow for a one-time transfer of that license which preserves the value of those currently in existence. Thereafter the City would issue a new license after that one time transfer and that is where the fee being assessed would come into play.

Commissioner Frank moved to approve the Introduction and first consideration of Ordinance 1174, An Ordinance to Create a New Section 12-02-08(4) of the Mandan Code of Ordinances Relating to Transfers of Licenses Limited. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

7. *Introduction and first consideration of Ordinance 1175, An Ordinance to Amend and Re-enact Section 4-06-10 of the Mandan Code of Ordinances Relating to Administration of Salary Plan.* Finance Director Welch stated this is a housekeeping item related to the City Code. The purpose of the change is to align the Code with the City's practices and procedures and the administration of the salary plan. There are three main changes: (1) the word performance replaced step increases due to the City's adoption of a new salary structure as of July 1, 2013. For the 2013/2014 budget the percentage for performance increases is the same for step increases and the only change is the terminology to match the current policy. (2) Changing the words Civil Service to Human Resources since the Civil Service Commission does not perform the day to day administration of salary increases. (3) To replace the words Board which is the City Commission with Personnel Director or City Administrator for the final approval of the employee performance increase since the Board does not perform the day to day administration of salary increases.

These changes do not take away any of the current authority or power that currently resides with the Civil Service Commission or the Board of City Commissioners. These changes have been reviewed and discussed with the City Department Managers, Human

Resources and the City Administrator. Administrator Neubauer clarified that the Employee Grievance process still allows an employee to appeal to the Civil Service Commission.

Commissioner Braun moved to approve the Introduction and first consideration of Ordinance 1175, An Ordinance to Amend and Re-enact Section 4-06-10 of the Mandan Code of Ordinances Relating to Administration of Salary Plan. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

8. *Introduction and first consideration of Ordinance 1176, An Ordinance to Amend and Re-enact Section 4-09-05 of the Mandan Code of Ordinances Relating to Pension Contributions of the City.* Finance Director Welch stated this is a housekeeping item to bring the City Code to current practice. The Code was not updated in 2002 when the contribution increase to 6% which the current City Code reflects or the increase in 2003 to 7% and now the July 1, 2013 rate of 8%. Therefore the revision is to change the 6% to the current practice of 8%. Commissioner Frank moved to approve the Introduction and first consideration of Ordinance 1176, An Ordinance to Amend and Re-enact Section 4-09-05 of the Mandan Code of Ordinances Relating to Pension Contributions of the City. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

9. *Resolution Approving Contract Documents for Mandan Water Treatment Plan, Phase II Optimization.* Commissioner Tibke moved to approve the Resolution Approving Contract Documents for Mandan Water Treatment Plan, Phase II Optimization. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

10. *Resolution Approving Contract Documents for Mandan Water Treatment Plant Intake Study and Report.* City Attorney Brown stated that this item does not need action as the City Commission had already approved the contract. Attorney Brown and Justin Froseth discussed this matter on 11/4/13.

K. OTHER BUSINESS

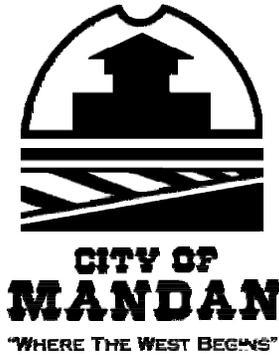
1. Mayor Van Beek announced that a Comprehensive Plan Land Use & Transportation Plan public input meeting is scheduled for Tuesday, November 12, 2013 at 7:00 p.m. at Mandan City Hall, 205 2nd Ave. NW, Mandan, ND. He encouraged all commissioners and citizens to attend.

There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 5:08 p.m. Commissioner Frank

seconded the motion. The motion received unanimous approval of the members present.
The motion passed.

James Neubauer,
City Administrator

Arlyn Van Beek,
President, Board of City
Commissioners



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 19, 2013
PREPARATION DATE: November 13, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Engineering & Planning Director
SUBJECT: Consider the vacation of a 20' storm sewer easement in Lot 9, Block 2 of Lakewood 6th Addition

STATEMENT/PURPOSE: To consider the vacation of a 20' storm sewer easement in Lot 9, Block 2 of Lakewood 6th Addition.

BACKGROUND/ALTERNATIVES: In order for the Edgewood Vista Assisted Living Facility to expand, an existing storm sewer easement vacation is necessary. Jeff Wright of Public works, myself, and Dave of Icon architects (project architect) met out at the site to discuss Edgewood Vista's plan to expand, and consequently their need to remove existing storm sewer and vacate the existing easement to facilitate. Their plan is to install new storm sewer to run mostly west to a dead loop portion of the Heart River at their cost. This plan is reasonable to the planning and engineering department and the public works department, neither see any issues with this plan. Appropriate public notice was sent out with no objections received.

ATTACHMENTS:

1. Map
2. Construction Plan Sheet
3. Resolution

FISCAL IMPACT: N/A

STAFF IMPACT: Minimal.

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

RECOMMENDATION: I would move to approve the vacation of the 20' storm sewer easement on Lot 9, Block 2 of Lakewood 6th Addition.

Board of City Commissioners

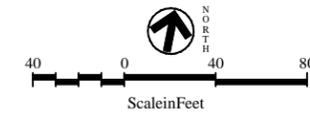
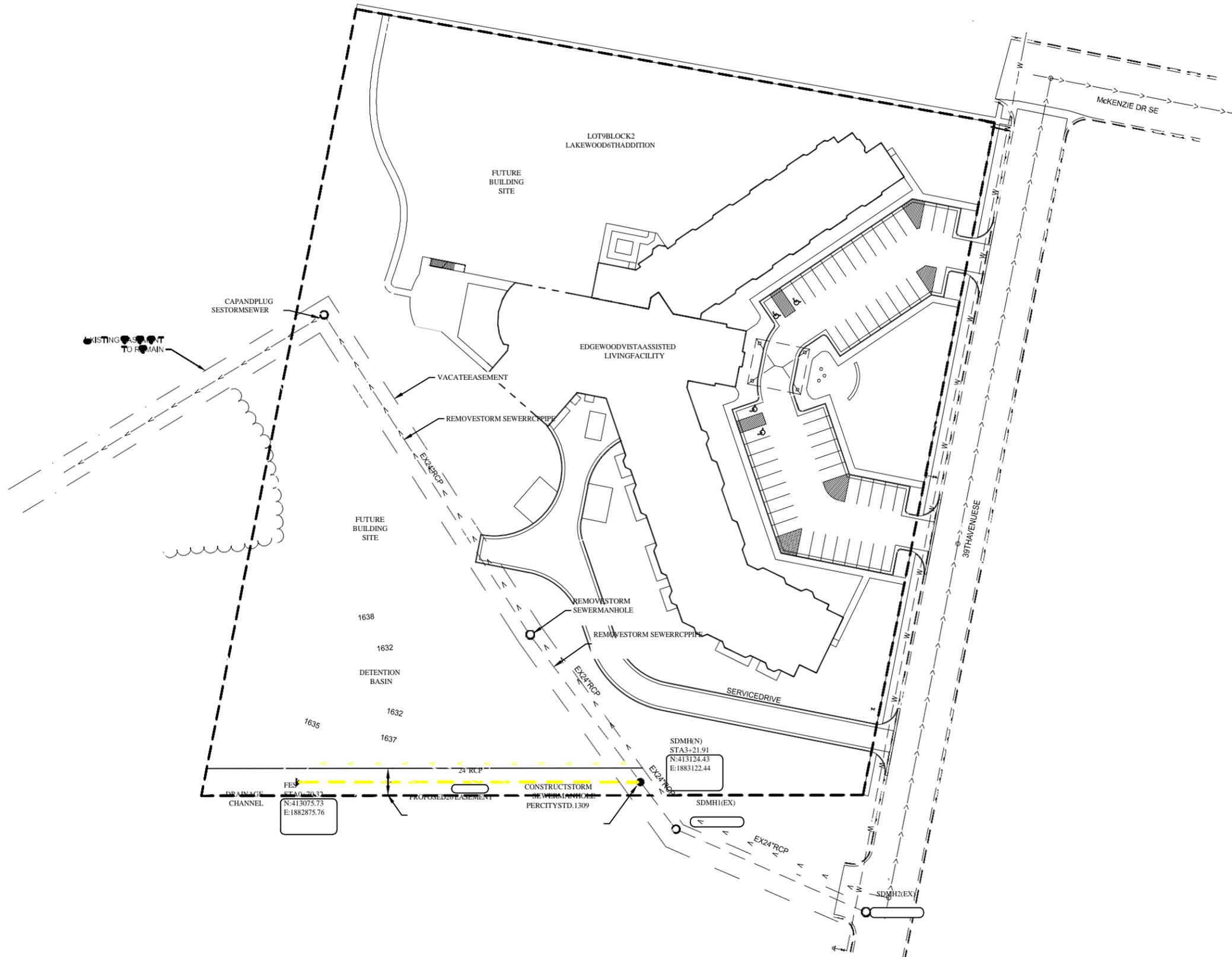
Agenda Documentation

Meeting Date: November 19, 2013

Subject: Consider the vacation of a 20' storm sewer easement on Lot 9, Block 2 of Lakewood 6th Addition

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SUGGESTED MOTION: I move to approve the vacation of the 20' storm sewer easement on Lot 9, Block 2 of Lakewood 6th Addition.



| SYM | DATE | DESCRIPTION | APPR |
|-----|------|-------------|------|
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| | | | |



EDGEWOOD VISTA ASSISTED LIVING FACILITY
 CITY OF MANDAN
 MANDAN, NORTH DAKOTA

| | |
|--------------------|-------------------|
| CLIENT PROJECT NO. | |
| DRAWING TYPE | EXHIBIT |
| PREPARED BY | AMCRFM |
| CHECKED/ APPROVED | LMA |
| AMC DATE | SEPT 2013 |
| PROJECT NUMBER | ER D08113-2013-16 |
| SHEET | 1 OF 1 |
| DRAWING | 1 |

Board of City Commissioners

Agenda Documentation

Meeting Date: November 19, 2013

Subject: Consider the vacation of a 20' storm sewer easement on Lot 9, Block 2 of Lakewood 6th Addition

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RESOLUTION OF VACATION

Board of City Commissioners

City of Mandan, North Dakota

WHEREAS, Rex Carlson has submitted to the Board of City Commissioners of the City of Mandan a verified petition asking that a portion of a 20 foot storm sewer easement lying in the E 1/2 of Section 1, Township 138N, R81W of the 5th Principal Meridian, City of Mandan, Morton County, North Dakota be vacated. Said tract of land more fully described as follows:

A 478 feet portion of the 20 foot Storm Sewer Easement, lying within Lot 9, Block 2 of Lakewood 6th Addition, lying in the E 1/2 of Section 1, Township 138N, Range 81W of the 5th Principal Meridian, City of Mandan, Morton County, North Dakota.

WHEREAS, The Board having deemed it expedient to consider such petition and having ordered that said petition be heard by the Board at its regular meeting held at City Hall in the City of Mandan, North Dakota, on November 19, 2013, at 5:30 o'clock p.m., CT, and the City Administrator having published notice of the filing of the petition and the object therein in the official newspaper once each week for four (4) consecutive weeks, as required by law, which notice stated that the petition would be heard and considered on the date and time aforesaid, at which time any persons interested might appear and be heard, and proof of such publication of the notice having been made and filed; and

WHEREAS, on the 19th day of November, 2013, at 5:30 o'clock p.m., CT, being not less than thirty days after the first publication of the notice aforesaid, the Board of City Commissioners proceeded to hear the testimony and evidence of persons interested and no one having appeared against said petition of vacation, and it appearing to the satisfaction of the Board of City Commissioners that said petitioners are the owners in fee simple of the property adjoining the street to be vacated; that no objections by the immediately adjoining landowner to the requested vacation were raised at the public hearing, that said petition was accompanied by a map of the area proposed to be vacated; which map is on file in the office of the City Administrator of Mandan; and the facts and reason for the vacation of such area as established by the petition and the testimony and evidence are good and sufficient to justify the vacation of such area;

NOW, THEREFORE, BE IT RESOLVED By the Board of City Commissioners of the City of Mandan, North Dakota, that the above described storm sewer easement on Lot 9, Block 2 of Lakewood 6th Addition in the City of Mandan, Morton County, North Dakota be and the same are hereby vacated.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 19, 2013

Subject: Consider the vacation of a 20' storm sewer easement on Lot 9, Block 2 of Lakewood 6th Addition

Page 6 of 7

BE IT FURTHER RESOLVED, That the within and foregoing Resolution shall become effective from the time of its passage and publication.

Approved and passed November 19, 2013, by at least two-thirds vote of all the members of the Board of City Commissioners.

President, Board of City Commissioners

ATTEST:

City Administrator

Public Notice Dates: October 18 & 25, November 1 & 8, 2013

Public Hearing: November 19, 2013

Final Passage: November 19, 2013

Publication Date: _____

Board of City Commissioners

Agenda Documentation

Meeting Date: November 19, 2013

Subject: Consider the vacation of a 20' storm sewer easement on Lot 9, Block 2 of Lakewood 6th Addition

Page 7 of 7

STATE OF NORTH DAKOTA)
COUNTY OF MORTON) ss.
CITY OF MANDAN)

CERTIFICATE

James Neubauer, the duly appointed city administrator and city auditor of the City of Mandan, Morton County, State of North Dakota, does hereby certify that attached hereto is a true and correct copy of a Resolution of Vacation of the City of Mandan, which was duly and finally passed and adopted by said Board of City Commissioners after notice of the public hearing on the request for vacation of the storm sewer easement described therein had been duly published in the official newspaper of said City prior to the public hearing and final passage of said Resolution.

I do further certify that notice of the Board's approval to vacate said storm sewer easement has been published and the original copy of said Resolution is on file in the office of the City Administrator of the City of Mandan.

Dated at Mandan, North Dakota, this 19th day of November, 2013.

James Neubauer, City Administrator
City of Mandan, North Dakota



Consent No. 2 & Ord. No. 7

Board of City Commissioners

Agenda Documentation

MEETING DATE: November 19, 2013
PREPARATION DATE: November 15, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin J. Froseth
PRESENTER: Robert G. Decker, Principal Planner
SUBJECT: Consider a change of street name from West View Place SE to 25th Street SE.

STATEMENT/PURPOSE: To change the street name of West View Place SE to 25th Street SE.

BACKGROUND/ALTERNATIVES: West View Place SE is a curved continuation of 25th Street SE. This is in Lincoln Ridge Estates 5th Addition located west of 8th Ave. SE. All properties have been addressed using 25th Street SE even though the street curves to the north which does not fit the naming guidelines. Because of the small area of this change (lots 1, 7 & 8, Block 2 and lots 1-3, Block 3), police and fire did not object.

ATTACHMENTS: 1. Vicinity Map
2. Ordinance

FISCAL IMPACT: Minimal

STAFF IMPACT: Minimal

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

SUGGESTED MOTION

Move to approve name change from West View Place SE to 25th Street SE.

ORDINANCE NO. 1177

AN ORDINANCE CHANGING THE NAMES OF CERTAIN STREETS OR PARTS THEREOF SITUATED WITHIN THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA.

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

Section 1. Name of Street. The name of the following street is hereby changed as set forth below, namely;

1. West View Place SE as platted in Lincoln Ridge Estates 5th Addition in Section 3, Township T138N, Range R81W within the City of Mandan, Morton County, North Dakota is hereby changed to "25th Street SE".

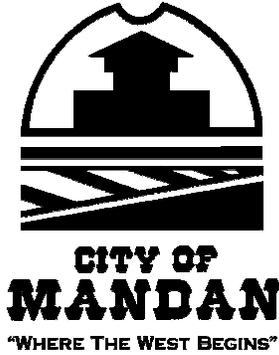
Section 2. Notice. The proper officials of the city are hereby directed to publish a copy of this ordinance in the Mandan News, the official newspaper, for two successive weeks and take such further action as they may deem necessary or desirable.

President, Board of City Commissioners

Attest:

City Administrator

Publication Dates: _____
Public Hearing: _____
First Reading: _____
Second Reading: _____
Publication Dates: _____
Recording Date: _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 19, 2013
PREPARATION DATE: November 14, 2013
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT:

STATEMENT/PURPOSE: Consider request from Builders for Christ for a waiver of the requirements set forth in Mandan Code of Ordinances Section 14-12-02.

BACKGROUND/ALTERNATIVES: We have received a request from the Builders for Christ:

Jim,

Attached is the Builders for Christ information that will explain how they set up for assisting congregations in building projects. They will hook up water and electricity from the church, and we will work with the city in covering the sewer hookup. Sewer could be hooked up either directly to the church, via a temporary septic system, or we could hire a contract company to collect the waste from their units on a regular basis; this will be decided in discussions with the city. As for garbage, we will have dumpsters on site for the construction project that we will empty their personal garbage into and haul with the construction trash. All the campers would be set up on the southeast open lot area of the church property to keep them out of the actual construction zone.

Redeemer Lutheran Church is located at 904 8th Ave. SE, on the former property owned by the city across from the former dump grounds.

Builders for Christ is a group of retired members from the Wisconsin Evangelical Lutheran Synod(WELS). Their purpose is to assist WELS congregations with building projects to reduce the cost of the project. All members are volunteers that travel around the country doing these projects. As you can see by the pictures, in the attachment, they set up a clean and neat camp.

As this is a variance from the city's recent policy on campers at construction sites, please review this with the commissioners and if needed, schedule me to attend a commission meeting to present and discuss this matter with them. Mandan is not the first city that Builders for Christ have had to work with on this variance, they recently sent this proposal to College Station, Texas, and were granted a variance for that project. If you have further questions, call me at 319-8633, or email me at this address.

Thank you.

Rod Mulske

Our ordinance indicates that on commercial property you can have one unit per 10,000 square feet of land and would require a \$200 per unit fee. The request would waive the fee and allow more units.

We would work with Mr. Mulske on an appropriate charge if the campers hook up to sanitary sewer services.

This request has been reviewed by the Fire Chief, Police Chief, Planning & Engineering along with Chief Building Official.

ATTACHMENTS: Request from Builders for Christ

FISCAL IMPACT: n/a

STAFF IMPACT: na

LEGAL REVIEW: n/a

RECOMMENDATION: I recommend we allow the additional campers and waive the fee for this project provided no issues arise during their stay, and we receive no legitimate complaints.

SUGGESTED MOTION: I move to allow the additional campers and waive the fee for this project provided no issues arise during their stay, and we receive no legitimate complaints.



October 2, 2013

To Whom It May Concern:

The members of Redeemer Lutheran, Mandan, asked that I write you about obtaining a special use permit for RV's and campers during construction of an addition at their present site.

Builders For Christ is a lay organization of the WELS Ev. Lutheran Synod (WELS). We were founded in 1990 to assist mission and smaller churches of the WELS in construction projects. Since 1990 we have completed over 125 projects throughout the United States and five foreign countries. Some of the locations in USA have been Houston, TX; Tulsa, OK; Cheyenne, WY; Elgin, IL; New Orleans, LA; and Beverly Hills, FL.

The majority of our volunteers are retired. Our average age is 65. Because most of our people travel by RV's and campers, the congregation is obligated to provide a space of the RV's and campers. In all but a few of the past projects this was done right on the site. We set up the campground and remove it when we are done. This would be done according to local codes. We plan on having about 14 campers on site at any one time.

Septic is provided through a connection to the present facility or a temporary septic tank. Electrical and water hookups are done from the present facility and done by local people. Our stay at the project would be about 3-4 months.

There are several reasons that we would like to be on site. Convenience for the builders, cost savings to the congregation, fellowship with members of the congregation and over all security.

Board of City Commissioners
Agenda Documentation
Meeting Date: November 19, 2013
Subject:
Page 4 of 6

I have enclosed pictures of a typical campsite. As you can see the campers are nice. There are no tents etc. If there are any additional questions or if I can be of additional help, please feel to contact me at (414) 426-2406. We are looking forward to working with you and being part of your community in 2014.

Building to His Glory,


Dale Mueller, Director
Builders For Christ

Builders For Christ RV Campsites

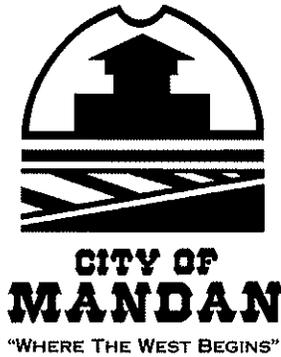


Typical Builders For Christ RV



Builders For Christ Campsite Setup





Board of City Commissioners

Agenda Documentation

MEETING DATE: November 19, 2013
PREPARATION DATE: November 13, 2013
SUBMITTING DEPARTMENT: Human Resources
DEPARTMENT DIRECTOR: Kevin Wilson, CBI
PRESENTER:
SUBJECT: Disposal of old records

STATEMENT/PURPOSE:

Consider the request from the Human Resources Department to destroy old documents in accordance with the Records Retention Schedule.

BACKGROUND/ALTERNATIVES:

The City developed a Scope of Work to be performed by Julie Frye, Administrative Assistant, in preparing a Records Management and Retention Plan for Personnel based on the North Dakota Records Management Program.

ATTACHMENT:

Request from the Human Resources Department.

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

In compliance with the City's Records Management and Retention Plan.

RECOMMENDATION:

To approve the request from the Human Resources Department to destroy old documents in accordance with the Records Retention Schedule.

SUGGESTED MOTION:

Move to approve the request from the Human Resources Department to destroy old documents in accordance with the Records Retention Schedule.

Date: November 19, 2013

To: Jim Neubauer
City Administrator

From: Kevin Wilson
Human Resources

Re: Commission Consent Agenda Item for November 19, 2013
Request for permission to Destroy Payroll Report Records, Tax Reporting Records & Workers Compensation Records in accordance with the records retention schedule.

Please schedule this item for consideration by the Board of Commissioners at their meeting on Tuesday, November 19, 2013.

1. The Human Resource Department has identified Payroll Report Records, Tax Reporting Records & Worker Compensation Records for destruction in accordance with the Records Retention Plan. The items to be destroyed are inventoried as follows:

Payroll Report Records

The retention schedule for reports and associated records that summarize payroll information is six years. The following payroll report records presented for destruction by shredding are as follows:

48 Boxes from record 1977 through record 2007

Tax Reporting Records

The retention schedule for documents and associated records that summarize tax reporting is thirteen years. The following documents used for tax reporting presented for destruction by shredding are as follows:

2 Boxes from record 1977 through record 1996

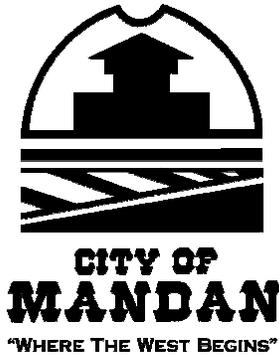
Worker Compensation Program

The retention schedule for documentation associated with participation in the Worker Compensation program is four years after the city's fiscal year. The following documents used for participation in the worker compensation program presented for destruction by shredding are as follows:

4 Boxes from record 1976 through record 2005

Kevin Wilson
Human Resources

Julie Frye
Administrative Assistant
Records Management



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 19, 2013
PREPARATION DATE: November 14, 2013
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Jeff Wright, Public Works Director
PRESENTER: Jeff Wright
SUBJECT: Consider amendment to Engineering agreement with AE2S to rebid the Lift Station Central Alarm System.

STATEMENT/PURPOSE: Amend the existing engineering service agreement with AE2S to allow for the rebid of the Lift Station Central Alarm System.

BACKGROUND/ALTERNATIVES: The original bid for the Central Alarm System was rejected in August due to excessively high bids. City staff and AE2S determined that the high bids were a combination of timing of the project, contractors having a full load, and some misconception with the SRF requirements for bidding projects with state funding. As part of the rebidding of this project, a pre-bid meeting will be scheduled to answer bidder questions and address bidding requirement questions. This could help get some local contractor interest in the project. Bidding the project early in the year will also give us a better chance at a competitive bid as contractor schedules are still open. Wireless communication is being tested at this time and will be considered as an alternate bid to radio communication if found to be cost effective and reliable.

ATTACHMENTS: Copy of the proposed contract amendment showing cost and related services associated with rebidding the project.

FISCAL IMPACT: The cost is a per hour charge, not to exceed \$30,000 as shown in the attached agreement, and is part of the existing SRF loan already in place.

STAFF IMPACT: Minimal.

LEGAL REVIEW: N/A

RECOMMENDATION: Recommend approval of the engineering service agreement amendment to allow the rebid of the Central Alarm System project.

SUGGESTED MOTION: Move to approve the engineering service agreement amendment to allow the rebid of the Central Alarm System project.

**AMENDMENT NO. 2
TO
AGREEMENT BETWEEN OWNER AND
ENGINEER FOR PROFESSIONAL SERVICES
DATED
October 15, 2013**

This Amendment No. 2 is effective as of October 15, 2013 ("Effective Date") between City of Mandan, 205 2nd Avenue NW, Mandan, ND 58554-3125 ("OWNER") and Advanced Engineering and Environmental Services, Inc., 1815 Schafer Street, Suite 301, Bismarck, ND 58501 ("ENGINEER").

The document amends the Agreement between Owner and Engineer for Professional Services (the Agreement) dated December 19, 2012 for:

Mandan Lift Station Central Alarm (Project).

All provisions not amended remain in full effect.

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

1. Exhibit C:

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

"3. The total compensation for services under paragraph C4.01 is estimated to be \$243,700.00 based on the following assumed distribution of compensation:

| | |
|--|-------------------|
| a. Preliminary Design Phase 020 | \$ 19,200 |
| b. Design Phase 040 | \$ 62,000 |
| c. Design Modifications Phase 041 | \$ 22,500* |
| d. Bidding Phase 050 | \$ 7,500 |
| e. Rebidding Phase 051 | \$ 7,500* |
| f. Construction Phase 060 | \$ 20,000 |
| g. Post Construction Phase 070 | \$ 5,000 |
| h. I&C Programming and Commissioning Phase 080 | \$ 100,000 |

*Added this Amendment

2. Exhibit E:

Add the following major elements to the Project Description

FINAL DESIGN MODIFICATIONS PHASE 041

The Final Design Phase is comprised of the primary tasks identified below:

1. Plans, Specifications, and Bid Documents – Modify plans, specifications, and bid documents for the installation of a new lift station SCADA system. Final design will include:
 - a. Using the information obtained during the preliminary design, the original design phase, and the bidding phases the project will improve 27 lift station sites and the Public Works building and shall generally consist of the following: Demolition of existing radio telemetry system design of new communication system, and integration of existing control panel into the new communication system.

- b. Engineer will confer with contractors and vendors to develop bidder interest.
 - c. Incorporate cellular communications as an alternative method of communications.
 - d. Modify previously prepared plans and specifications which outline work necessary to receive bids for SCADA System as described above.
 - e. Submit revised plans and specifications to reviewing agencies. Respond as required.
2. Opinion of Probable Construction Cost: ENGINEER will prepare Opinions of Probable Construction Cost and revise as required for 60%, 90% and 100% plan and specification reviews.
 3. Summary of Deliverables
 - a. 60% modified plans and specifications
 - b. 90% modified plans and specifications
 - c. 100% modified plans and specifications
 4. Summary of Design Phase Meetings
 - a. 60% modified plans and specifications review.
 - b. 90% modified plans and specifications review.
 - c. 100% modified plans and specifications review.

REBIDDING PHASE 051

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

1. Advertisement: ENGINEER to coordinate with the OWNER for the advertisement of bid in the official newspaper and regional construction plan exchanges.
2. Interpretation and Clarifications: ENGINEER to communicate with prospective bidders and issue addenda as required.
3. Bid Document Distribution: ENGINEER will reproduce and distribute bid documents to owner, agencies, bidder exchanges, bidders and suppliers as they are requested. Both electronic and hard copy distribution methods will be utilized
4. Meetings:
 - a. ENGINEER to arrange and conduct Pre-bid meeting to address bidder questions and address associated funding requirements.
 - b. Attend bid opening.
 - c. Attend City Commission for recommendation of Bid Award.
5. Bid Evaluation and Recommendations: ENGINEER to prepare Bid Tabulation and Recommendations to City.
6. Notice of Award: ENGINEER will coordinate the execution of Notice of Award.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 19, 2013

Subject: Consider amendment to Engineering agreement with AE2S to rebid the Lift Station
Central Alarm System

Page 4 of 4

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

OWNER:

By: Mayor Arlyn Van Beek

Title: President of Board of City Commissioners

Date Signed: _____

ATTEST:

Name: Jim Neubauer

Title: City Administrator

Address for giving notices:

City of Mandan

205 2nd Avenue NW

Mandan, ND 58544-3125

Designated Representative (paragraph 6.02.A):

Jim Neubauer

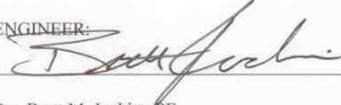
Title: City Administrator

Phone Number: (701) 667-3210

Facsimile Number: (701) 667-3223

E-Mail Address: jneubauer@cityofmandan.com

ENGINEER:



By: Brett M. Jochim, PE

Title: Chief Operating Officer

Date Signed: 10-4-13

ATTEST:

Name: Kenneth Weber, PE

Title: Senior Project Manager

Address for giving notices:

Advanced Engineering and Environmental Services, Inc.

1815 Schafer Street, Suite 301

Bismarck, ND 58501

Designated Representative (paragraph 6.02.A):

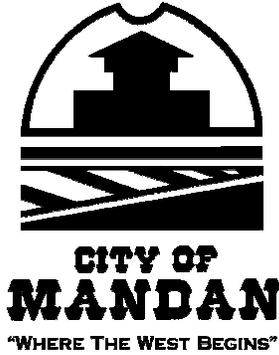
Kenneth Weber, PE

Title: Project Manager

Phone Number: (701) 221-0530

Facsimile Number: (701) 221-0531

E-Mail Address: Ken.Weber@ae2s.com



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 19, 2013
PREPARATION DATE: November 14, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth, Planning and Engineering Director
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Consider authorizing a work change order on Street Improvement District No. 176, Project No. 2012-20 (McKenzie Drive SE, 34th Avenue SE, and Genoa Court SE).

STATEMENT/PURPOSE: To authorize a change order to extend the contract date to complete asphalt base course from October 31, 2013 to May 31, 2014.

BACKGROUND/ALTERNATIVES: Weather and other factors outside of contractors control resulted in contractor not being able to complete asphalt base course by the contract date of October 31, 2013.

ATTACHMENTS:

1. District Map
2. Sequence of events of project as compiled by contractor

FISCAL IMPACT: Delay in projects' completion results in delay in recovering assessments and property taxes upon completion of buildings. No direct project cost.

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 change order for the project.

SUGGESTED MOTION: I move to authorize a change order on Street Improvement District No. 176, Project No. 2012-20 for asphalt base course completion date of May 31, 2014.

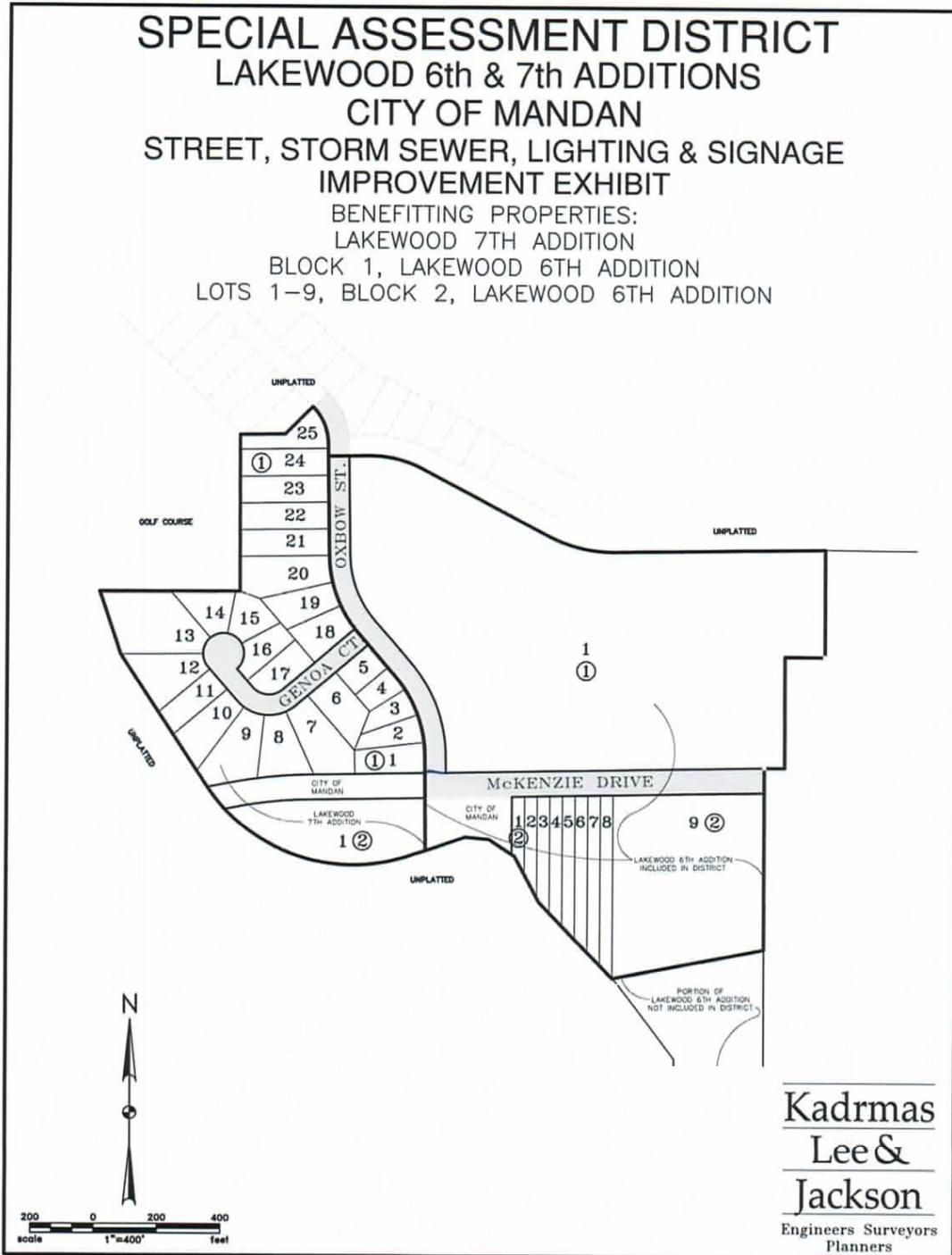
Board of City Commissioners

Agenda Documentation

Meeting Date: November 19, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 176,
Project No. 2012-20 (McKenzie Drive SE, 34th Avenue SE, and Genoa Court SE).

Page 2 of 3



Board of City Commissioners

Agenda Documentation

Meeting Date: November 19, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 176,
Project No. 2012-20 (McKenzie Drive SE, 34th Avenue SE, and Genoa Court SE).

Page 3 of 3

2013 Mandan Street Improvement Projects

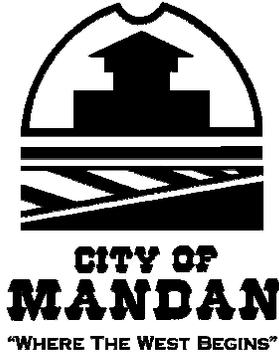
SID-176 – MCKENZIE DR. SE, 34TH AVE SE, & GENOA COURT SE

- Bid Date May 28th, 2013
- Notice of Award-Week of June 7th, 2013
- Contract Documents Received-Week of June 21st, 2013
- Notice to Proceed-Week of June 14th, 2013
- Site grading (developer)-Completed week of August 23rd, 2013
 - Site Grading took over two months until developer indicated complete
 - Site Developer did not complete entire job site grading necessary
- Sanitary Underground completed on week of September 3rd (McKenzie Dr.)
- Sanitary Underground finalized- August 28th, 2013-September 3rd, 2013
- Storm Sewer underground started week of August 27th, 2013 & completed on week of September 20th, 2013
- Staking-Completed week of September 29th, 2013
 - Requested September 12th, 2013
 - Survey indicated site work was not completed by developer
- NIC Site Grading-September 26th-October 4th
 - West Valley performed approximately 6,000 CY of additional work not in contract
 - Heavy Rain/Snow on October 4th and 5th
 - 17 of 31 days in October had precipitation
- Moisture/Density Tests/Proof Rolling- Week of November 1st, 2013
 - Moisture/Density Tests failed with 5-7% over optimum
 - Proof Rolling with over 6" of deflection in sub base

Original Contract Dates

October 31, 2013 – Substantial Completion (Time Extension)

June, 2014 – Final Completion (Time Extension)



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 19, 2013
PREPARATION DATE: November 14, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth, Planning and Engineering Director
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Consider authorizing a work change order on Street Improvement District No. 177, Project No. 2012-22 (Meadows 6th Addition).

STATEMENT/PURPOSE: To authorize a change order to extend the contract date to complete asphalt base course from October 31, 2013 to May 31, 2014 and Electrical work from November 29, 2013 to June 28, 2014.

BACKGROUND/ALTERNATIVES: Weather and other factors outside of contractors control resulted in contractor not being able to complete asphalt base course by the contract date of October 31, 2013.

ATTACHMENTS:

1. District Map
2. Sequence of events of project as compiled by contractor

FISCAL IMPACT: Delay in projects' completion results in delay in recovering assessments and property taxes upon completion of buildings. No direct project cost.

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 change order for the project.

SUGGESTED MOTION: I move to authorize a change order on Street Improvement District No. 177, Project No. 2012-22 for asphalt base course completion date of May 31, 2014 and electrical work completion date of June 28, 2014.

Board of City Commissioners

Agenda Documentation

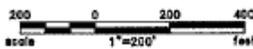
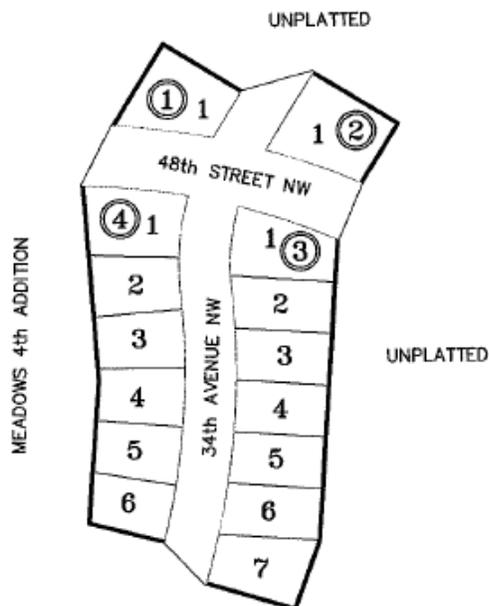
Meeting Date: November 19, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 177,
Project No. 2012-22 (Meadows 6th Addition).

Page 2 of 3

SPECIAL ASSESSMENT DISTRICT MEADOWS 6TH ADDITION CITY OF MANDAN STREET IMPROVEMENT EXHIBIT

BENEFITTING PROPERTIES:
BLOCKS 1-4 OF MEADOWS 6TH ADDITION



**Kadmas
Lee &
Jackson**

Engineers Surveyors
Planners

Board of City Commissioners

Agenda Documentation

Meeting Date: November 19, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 177,
Project No. 2012-22 (Meadows 6th Addition).

Page 3 of 3

Sid-177 – MEADOWS 6TH ADDITION

-Bid Date August 23, 2013

-Notice of Award-Week of August 30th, 2013

-Contract Documents Received- Week of September 27th, 2013

-Notice to Proceed- Week of October 4th, 2013

-Sanitary underground completed on week of September 27th, 2013

-Sanitary underground finalized-Week of October 4th, 2013

-Staking-Week of October 4th, 2013

-Heavy Rain/Snow on October 4th and 5th

-17 of 31 days in October had precipitation

-Moisture/Density Tests/Proof Rolling- Week of November 1st, 2013

-Moisture/Density Tests with 4.5-6% over optimum

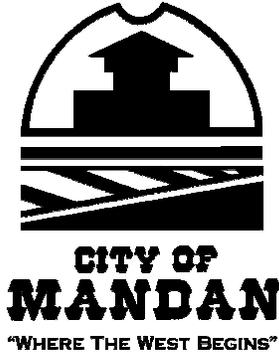
-Proof Rolling not performed due to wet site conditions not allowing truck to enter

Original Contract Dates

October 31, 2013 – AC Base

November 29, 2013 – Electrical

June 28, 2014 – AC Surface



Old Business No. 1iii

Board of City Commissioners

Agenda Documentation

MEETING DATE: November 19, 2013
PREPARATION DATE: November 14, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth, Planning and Engineering Director
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Consider authorizing a work change order on Street Improvement District No. 178, Project No. 2013-04 (Keidel's South Heart Terrace Ph. IV).

STATEMENT/PURPOSE: To authorize a change order to extend the contract date to complete asphalt base course from October 31, 2013 to May 31, 2014 and Electrical work from November 29, 2013 to June 28, 2014.

BACKGROUND/ALTERNATIVES: Weather and other factors outside of contractors control resulted in contractor not being able to complete asphalt base course by the contract date of October 31, 2013.

ATTACHMENTS:

1. District Map
2. Sequence of events of project as compiled by contractor

FISCAL IMPACT: Delay in projects' completion results in delay in recovering assessments and property taxes upon completion of buildings. No direct project cost.

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 change order for the project.

SUGGESTED MOTION: I move to authorize a change order on Street Improvement District No. 177, Project No. 2012-22 for asphalt base course completion date of May 31, 2014 and electrical work completion date of June 28, 2014.

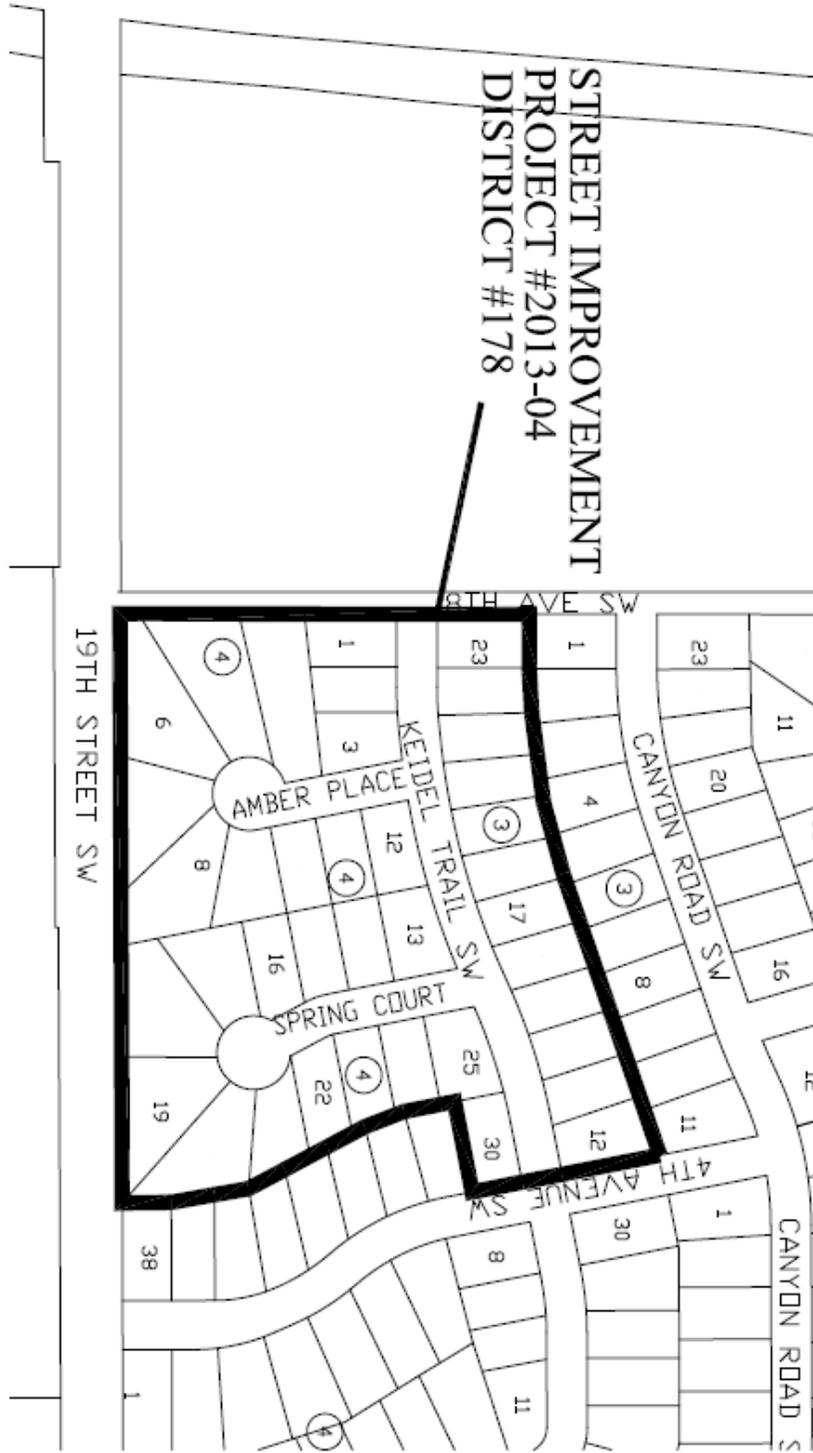
Board of City Commissioners

Agenda Documentation

Meeting Date: November 19, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 178,
Project No. 2013-04 (Keidel's South Heart Terrace Ph. IV).

Page 2 of 3



Board of City Commissioners

Agenda Documentation

Meeting Date: November 19, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 178,
Project No. 2013-04 (Keidel's South Heart Terrace Ph. IV).

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Sid-178 – KEIDEL'S SOUTH HEART TERRACE 2ND ADDITION

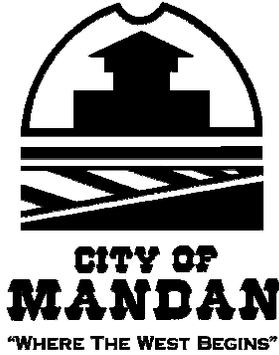
- Bid Date July 29th, 2013
- Notice of Award- Week of September 27th, 2013
- Notice to Proceed-Week of September 27th, 2013
- Site grading (developer)-Completed week of October 4th, 2013
 - Site Grading still not complete in the cul-de-sacs
 - Heavy Rain/Snow on October 4th and 5th
 - 17 of 31 days in October had precipitation
- Contract Documents Received-Week of October 11th, 2013
 - Sent September 25th, 2013
- NIC underground still needs to be installed (400 L.F. of Storm Sewer)
 - Waiting for pipe productions from shop drawings
- Staking-Completed Week of October 11th, 2013
 - Underground and Curb staked
- Proof Rolling completed week of November 1st, 2013
 - Entrances very wet
 - Cul-de-sacs very wet and soft with over 6" deflection

Original Contract Dates

October 31, 2013 – Base Lift

June 15, 2013- Electrical & Top Lift

August 15, 2014 – Seal Coat



Old Business No. 1iv

Board of City Commissioners

Agenda Documentation

MEETING DATE: November 19, 2013
PREPARATION DATE: November 14, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth, Planning and Engineering Director
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Consider authorizing a work change order on Street Improvement District No. 181, Project No. 2013-15 (Meadows 7th Addition).

STATEMENT/PURPOSE: To authorize a change order to extend the contract date to complete asphalt base course from October 31, 2013 to May 31, 2014 and Electrical work from November 29, 2013 to June 28, 2014.

BACKGROUND/ALTERNATIVES: Weather and other factors outside of contractors control resulted in contractor not being able to complete asphalt base course by the contract date of October 31, 2013.

ATTACHMENTS:

1. District Map
2. Sequence of events of project as compiled by contractor

FISCAL IMPACT: Delay in projects' completion results in delay in recovering assessments and property taxes upon completion of buildings. No direct project cost.

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 change order for the project.

SUGGESTED MOTION: I move to authorize a change order on Street Improvement District No. 181, Project No. 2013-15 for asphalt base course completion date of May 31, 2014 and electrical work completion date of June 28, 2014.

Board of City Commissioners

Agenda Documentation

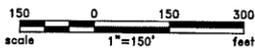
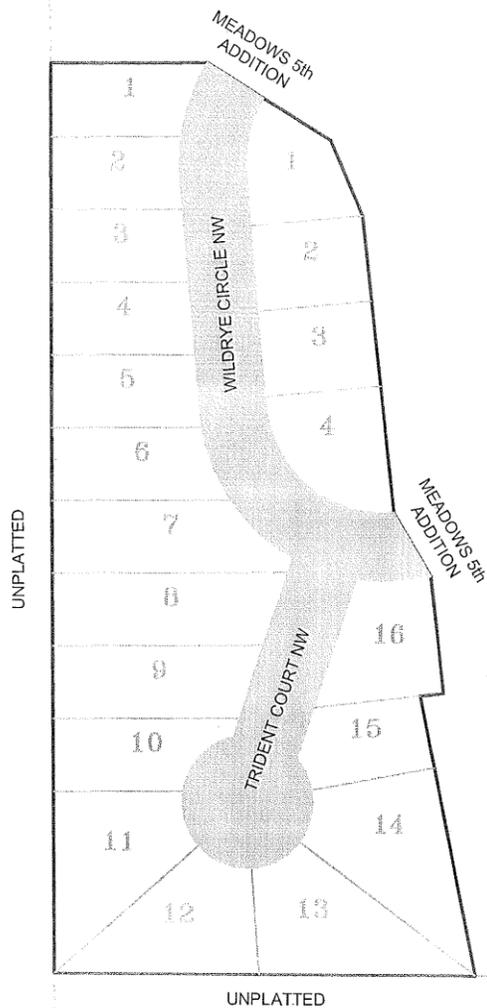
Meeting Date: November 19, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 181,
Project No. 2013-15 (Meadows 7th Addition).

Page 2 of 3

SPECIAL ASSESSMENT DISTRICT MEADOWS 7TH ADDITION CITY OF MANDAN STREET IMPROVEMENT EXHIBIT

BENEFITTING PROPERTIES:
BLOCKS 1&2 OF MEADOWS 7th ADDITION



Board of City Commissioners

Agenda Documentation

Meeting Date: November 19, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 181,
Project No. 2013-15 (Meadows 7th Addition).

Page 3 of 3

Sid-181 – MEADOWS 7TH ADDITION

-Bid Date July 19th, 2013

-Notice of Award-Week of August 9th, 2013

-Contract Documents-Week of August 16th, 2013

-Notice to Proceed-Week of August 30th, 2013

-Sanitary Underground completed-Week of September 27th, 2013

-Sanitary Underground Finalized-Week of October 4th, 2013

-Staking-Week of October 4th, 2013

- Heavy Rain/Snow on October 4th and 5th

-17 of 31 days in October had precipitation

-Moisture/Density Tests/Proof Rolling completed week of November 1st, 2013

-Entrances very wet

-Moisture/Density Tests with 4-5% over optimum

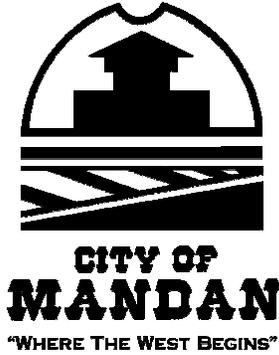
-Proof Rolling with over 4" of deflection in sub base

Original Contract Dates

October 31, 2013 – Base Lift

November 29, 2013- Street Lights

June 28, 2014-Surface Lift



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 19, 2013
PREPARATION DATE: November 14, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth, Planning and Engineering Director
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Consider authorizing a work change order on Street Improvement District No. 185, Project No. 2013-19 (Heart Ridge 2nd Addition).

STATEMENT/PURPOSE: To authorize a change order to extend the contract date to complete asphalt base course from September 30, 2013 to May 31, 2014 and Electrical work from October 25, 2013 to June 30, 2014.

BACKGROUND/ALTERNATIVES: Weather and other factors outside of contractors control resulted in contractor not being able to complete asphalt base course by the contract date of September 30, 2013.

ATTACHMENTS:

1. District Map
2. Sequence of events of project as compiled by contractor

FISCAL IMPACT: Delay in projects' completion results in delay in recovering assessments and property taxes upon completion of buildings. No direct project cost.

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 change order for the project.

SUGGESTED MOTION: I move to authorize a change order on Street Improvement District No. 185, Project No. 2013-19 for asphalt base course completion date of May 31, 2014 and electrical work completion date of June 28, 2014.

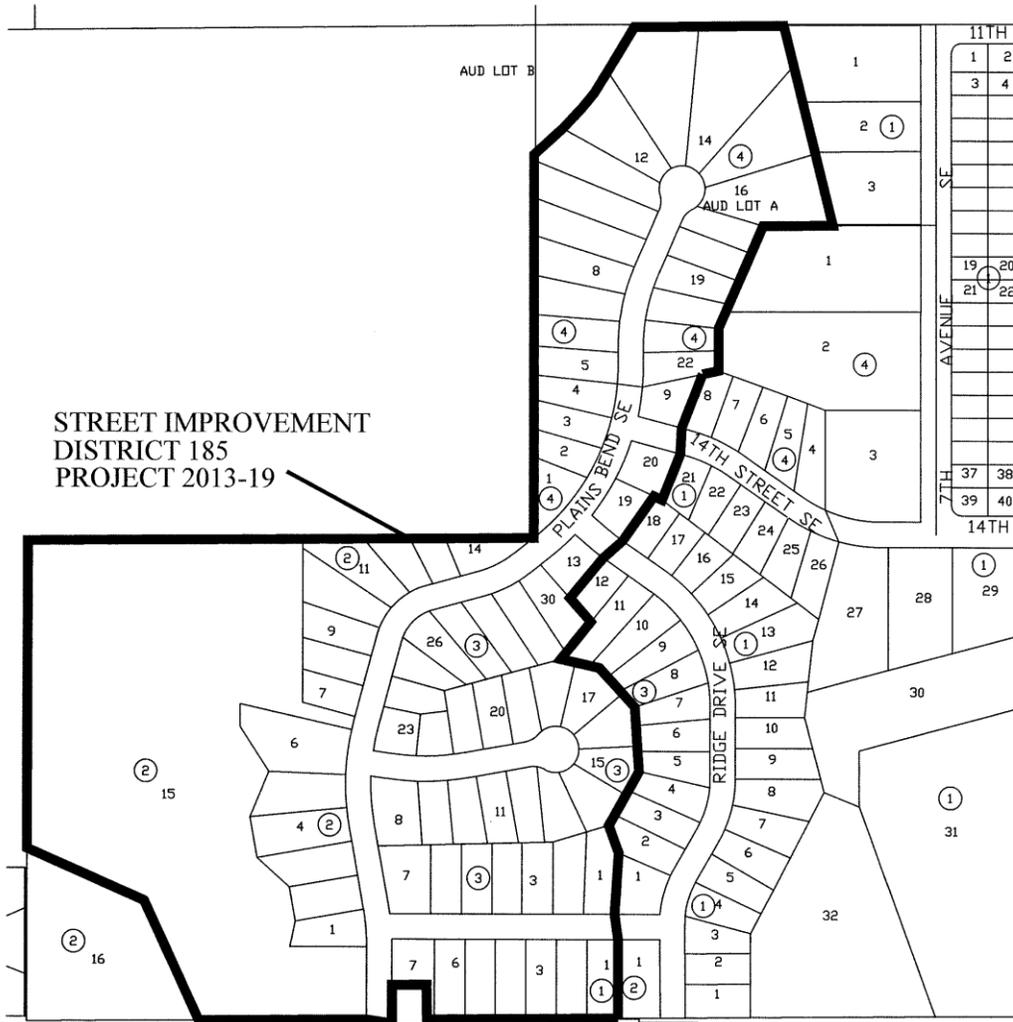
Board of City Commissioners

Agenda Documentation

Meeting Date: November 19, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 185,
Project No. 2013-19 (Heart Ridge 2nd Addition).

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Board of City Commissioners

Agenda Documentation

Meeting Date: November 19, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 185,
Project No. 2013-19 (Heart Ridge 2nd Addition).

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Sid-185 – HEART RIDGE 2ND ADDITION

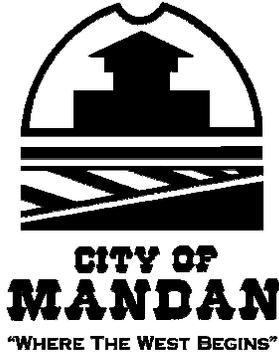
- Bid Date July 8th, 2013
- Notice of Award-Week of July 19th, 2013
- Contract Documents-Week of July 26th, 2013
- Notice to Proceed-Week of July 19th, 2013
- Sanitary underground completed-Week of August 2nd, 2013
- Sanitary underground Finalized-Week of August 16th, 2013
- Preconstruction meeting- Week of August 19th, 2013
 - Underground staking completed
 - Site Developer on site still grading
- Storm Sewer completed the week of September 21st, 2013
- Staking-Completed the week of September 27th, 2013
 - Curb and Gutter re-staked on 18th Ave due to engineer adjustments
 - Requested the week of September 21st, 2013
- Site Grading-completed week of October 4th 2013
 - Performed approximately 1,500 CY of fill on 18th Ave from survey adjustments
 - Heavy Rain/Snow on October 4th and 5th
 - 17 of 31 days in October had precipitation
- Curb and Gutter-scheduled for week of October, 4th 2013
 - Never completed due to rain and snow
- Site inspection- Week of November 1st, 2013
 - 2-3' deep washouts along curb line of project road way
 - Areas with over a foot deep deflection tracks from vehicle traffic

Original Contract Dates

September 17, 2013 – Base Lift, Electrical Trenching (Extended to September 29th, 2013)

October 25, 2013 – Electric Poles

June 15, 2014 – Surface Lift



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 19, 2013
PREPARATION DATE: November 13, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Kim Fettig, Project Manager
SUBJECT: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition and approve feasibility report for Street Improvement District No. 186, Project No. 2013-22 (Macedonia Hills 1st Addition).

STATEMENT/PURPOSE: To create and allow the assessments of specials related to and approve the required paperwork for the requested project.

BACKGROUND/ALTERNATIVES: The developer is requesting that the City allow the special assessment of street costs to the benefitting properties for the development of Lena Court SE, Mia Court SE, Will Court SE Mario Court SE, Philip Court SE and Macedonia Avenue SE.

ATTACHMENTS:

1. Resolution creating district
2. District Map
3. Engineer's Report
4. Resolution Approving Engineer's Report
5. Resolution of plans and specs
6. Resolution determining sufficiency of petition
7. Petition
8. Feasibility Report

FISCAL IMPACT: Based on the estimate of cost included with your documentation, the cost of the project would be \$666,696.00, engineering and administration will add \$233,343.60, bringing the total to \$900,039.60. These items would be entirely special assessed to the benefitting properties. There are 44 lots in this area that will be receive approximately \$20,455.45 each. Lots in this area are zoned R3.2 which allows single family and two family dwellings on each lot. The lots that are developed with 2 units will be splitting the cost of the lot at \$10,227.73 each.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 19, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, and approve the feasibility report for Street Improvement District No. 186, Project No. 2013-22 (Macedonia Hills 1st Addition).

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STAFF IMPACT: Minimal

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

RECOMMENDATION: This office supports moving forward with the project.

SUGGESTED MOTION: I move to approve the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, and approve feasibility report for Street Improvement District No. 186, Project No. 2013-22 (Macedonia Hills 1st Addition).

Board of City Commissioners

Agenda Documentation

Meeting Date: November 19, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, and approve the feasibility report for Street Improvement District No. 186, Project No. 2013-22 (Macedonia Hills 1st Addition).

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**RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NO. 186
Project No. 2013-22**

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

1. There is hereby created Street Improvement District No. 186 (the "District")(Project# 2013-22) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, Lena Court SE, Mia Court SE, Will Court SE, Mario Court SE, Philip Court SE and Macedonia Avenue SE and includes street construction, installation of curb and gutter, asphalt street, storm sewer, street lights, chip seal and related work.

2. Consultation with respect thereto having been had with the City Engineer, as to the property to be benefitted by said improvement project and the most practical size, form and location of said District, said District shall include all the lots, tracts and parcels of land lying within the City of Mandan and its additions within the following boundary lines: namely:

The following lots and blocks are included in said District:
All lots & blocks, Macedonia Hills 1st Addition

The legal description of the district boundary is as follows:

A tract of land being a part of Government Lot 2 of Section 3, Township 138 North, Range 81 West of the 5th Principal Meridian of the City of Mandan, Morton County, North Dakota, being more particularly described as follows:

Beginning at the southeast corner of Government lot 2 of Section 3, T138N-R81W; thence North 89° 10' 56" West along the south boundary line of said Government Lot 2 for 818.60 feet to the southeast corner of Outlot A of said Government Lot 2; thence North 00° 01' 33" West along the east boundary line of said Outlot A for 286.34 feet to the northeast corner of said Outlot A; thence South 89° 56' 59" East for 63.74 feet; thence North 00° 10' 21" West for 264.08 feet; thence North 89° 36' 18" East for 95.00 feet; thence North 00° 10' 21" West for 268.00 feet; thence North 89° 36' 18" East for 115.00 feet; thence North 00° 10' 21" West for 392.58 feet to a point on the south Right-of-Way line of 19th Street SE; thence along said south Right-of-Way line the following five (5) courses; thence North 89° 33' 39" East for 84.73 feet; thence North 00° 26' 21" West for

Board of City Commissioners

Agenda Documentation

Meeting Date: November 19, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, and approve the feasibility report for Street Improvement District No. 186, Project No. 2013-22 (Macedonia Hills 1st Addition).

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10.00 feet; thence North 89° 33' 39" East for 300.00 feet; thence North 00° 26' 21" West for 15.00 feet; thence North 89° 33' 39" East for 159.40 feet to a point on the east boundary line of said Government Lot 2; thence South 00° 10' 21" East along said east boundary line for 1253.26 feet to the Point of Beginning. Said tract of land containing 19.22 acres, more or less.

3. Pursuant to section 40-22-10 of the North Dakota Century Code, the City Engineer is hereby authorized and directed to prepare a report as to the general nature, purpose and feasibility of the proposed improvement and an estimate of the probable cost of the improvement.

4. This resolution shall be in full force and effect from and after its passage.

President, Board of City Commissioners

ATTEST:

City Administrator

Date of Passage: November 19, 2013

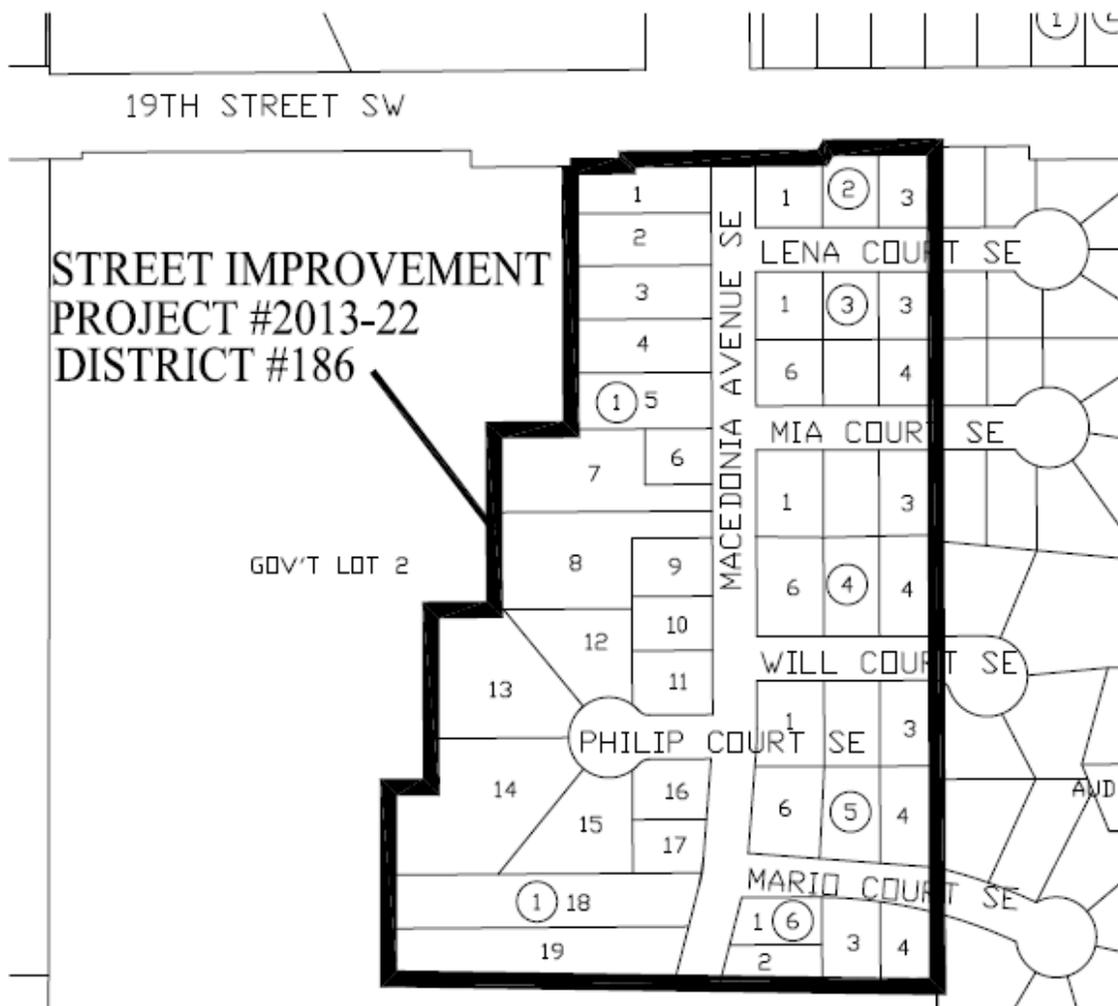
Board of City Commissioners

Agenda Documentation

Meeting Date: November 19, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, and approve the feasibility report for Street Improvement District No. 186, Project No. 2013-22 (Macedonia Hills 1st Addition).

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Board of City Commissioners

Agenda Documentation

Meeting Date: November 19, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, and approve the feasibility report for Street Improvement District No. 186, Project No. 2013-22 (Macedonia Hills 1st Addition).

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**ENGINEER'S ESTIMATE
MACEDONIA HILLS FIRST ADDITION
STREET IMP. DISTRICT NO. 186
CITY PROJECT NO. 2013-22**

| SPEC NO. | DESCRIPTION | UNIT | QUAN. | UNIT PRICE | TOTAL |
|-----------|---|-------|-------|--------------|---------------|
| 202-4.1 | UNCLASSIFIED EXCAVATION | CY | | \$ 8.00 | \$ - |
| 203-3.1 | WATERING | M GAL | 15 | \$ 22.00 | \$ 330.00 |
| 204-3.1 | SUBGRADE PREPARATION | SY | | \$ 2.25 | \$ - |
| 205-3.1 | SILT FENCE | LF | | \$ 10.00 | \$ - |
| 205-3.3 | WEIGHTED FIBER ROLL | LF | 100 | \$ 12.00 | \$ 1,200.00 |
| 302-4.1 | STABILIZED GRAVEL BASE | TON | 2786 | \$ 23.50 | \$ 65,471.00 |
| 304-6.1B | AC STABILIZED BASE (CLASS B)2-1/2" | TON | 1654 | \$ 105.00 | \$ 173,670.00 |
| 401-6.2B | AC SURFACE COURSE (CLASS B)2" | TON | 1323 | \$ 105.00 | \$ 138,915.00 |
| 402-4.2 | BITUMINOUS TACK COAT | GAL | 558 | \$ 2.50 | \$ 1,395.00 |
| 403-4.1 | BITUMINOUS SEAL COAT | SY | 11136 | \$ 3.00 | \$ 33,408.00 |
| 602-4.1 | 6" CONCRETE | SF | 1946 | \$ 7.50 | \$ 14,595.00 |
| 603-5.3 | STANDARD CURB & GUTTER | LF | 4866 | \$ 19.00 | \$ 92,454.00 |
| 802-4.5 | 24" RCP STORM SEWER PIPE | LF | 415 | \$ 80.00 | \$ 33,200.00 |
| 801-4.60 | BEDDING MATERIAL | TON | 135 | \$ 18.00 | \$ 2,430.00 |
| 802-4.55 | 24" RCP FLARED END SECTION | EA | 2 | \$ 1,500.00 | \$ 3,000.00 |
| 1001-4.11 | 2" CONDUIT (LAID) | LF | 2576 | \$ 2.00 | \$ 5,152.00 |
| 1001-4.1 | TYPE B STREET LIGHT UNIT | EA | 13 | \$ 2,500.00 | \$ 32,500.00 |
| 1001-4.2 | TYPE B1 STREET LIGHT UNIT | EA | | \$ 3,700.00 | |
| 1001-4.3 | TYPE C STREET LIGHT UNIT | EA | | \$ 3,500.00 | |
| 1001-4.4 | TYPE C1 STREET LIGHT UNIT | EA | | \$ 3,600.00 | |
| 1001-4.5 | TYPE BR STREET LIGHT UNIT | EA | | \$ 3,300.00 | |
| 1001-4.12 | TRENCHING 27" DEEP | LF | 2576 | \$ 2.25 | \$ 5,796.00 |
| 1001-4.20 | JUNCTION BOXES | EA | 2 | \$ 750.00 | \$ 1,500.00 |
| 1001-4.21 | 2-NO. 4 CONDUCTORS | LF | 2090 | \$ 5.00 | \$ 10,450.00 |
| 1001-4.22 | 3-NO. 4 CONDUCTORS | LF | | \$ 7.00 | |
| 1001-4.23 | 2-NO. 2 CONDUCTORS | LF | | \$ 6.00 | |
| 1001-4.24 | 3-NO. 2 CONDUCTORS | LF | | \$ 8.00 | |
| 1001-4.25 | NO. 6 COPPER GROUND | LF | 2090 | \$ 2.00 | \$ 4,180.00 |
| 1201-4.1 | 4" TOPSOILING TO INCLUDE SEEDING & HYDROMULCH | Acre | | \$ 20,000.00 | \$ - |
| 1205-4.2 | 60" CONCRETE MANHOLE (STORM) | EA | 3 | \$ 5,600.00 | \$ 16,800.00 |
| 1205-4.9 | TYPE 108" INLET | EA | 3 | \$ 4,900.00 | \$ 14,700.00 |
| 1206-4.1 | ADJ MANHOLE CASTING ASPH PVMT | EA | | \$ 400.00 | \$ - |
| 1206-4.11 | ADJUST VALVE BOX-ASPH PVMT | EA | | \$ 350.00 | \$ - |
| 1206-4.19 | ADJUST VALVE BOX-UNPAVED AREA | EA | | \$ 250.00 | \$ - |
| 1206-4.7 | ADJUST INLET CASTING ALL SIZES | EA | 3 | \$ 350.00 | \$ 1,050.00 |
| SP | STOP SIGN & STREET NAME SIGN ON 1 POST | EA | 6 | \$ 500.00 | \$ 3,000.00 |
| SP | ROAD CLOSED, BARRICADE | EA | 3 | \$ 500.00 | \$ 1,500.00 |
| SP | STREET LIGHT CONTROL PANEL | EA | 1 | \$ 10,000.00 | \$ 10,000.00 |

TOTAL CONSTRUCTION= \$ 666,696.00

Legal, Administration, Engineering, and Contingincy= \$233,343.60

GRAND TOTAL= \$900,039.60

**RESOLUTION APPROVING ENGINEER'S REPORT AND
AUTHORIZING PREPARATION OF THE DETAILED PLANS
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 186**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 186 (Project # 2013-22), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

2. The probable costs of the of the improvement project are estimated to be as follows:

| | |
|---|--------------|
| a. Construction costs: | \$666,696.00 |
| b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor: | \$233,343.60 |
| c. Total estimated costs of the improvement: | \$900,039.60 |

3. The Engineer is hereby authorized and directed to prepare detailed plans and specifications for the project to be constructed.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 19, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, and approve the feasibility report for Street Improvement District No. 186, Project No. 2013-22 (Macedonia Hills 1st Addition).

Page 8 of 12

4. This resolution shall be in full force and effect from and after its passage.

Dated this 19th day of November, 2013.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: November 19, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, and approve the feasibility report for Street Improvement District No. 186, Project No. 2013-22 (Macedonia Hills 1st Addition).

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**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR STREET IMPROVEMENT DISTRICT NO. 186
PROJECT # 2013-22**

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project in Street Improvement District No. 186 (Project # 2013-22) of said City be and the same are hereby approved, ratified and confirmed as the plans and specifications in accordance with which said improvement project will be constructed, except as modified by this Board in accordance with law, and the City Administrator shall file the same in his office, open for public inspection.

Dated this 19th day of November, 2013.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: November 19, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, and approve the feasibility report for Street Improvement District No. 186, Project No. 2013-22 (Macedonia Hills 1st Addition).

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**RESOLUTION DETERMINING SUFFICIENCY OF FORMS OF PETITION, WAIVER
AND CONSENT TO ASSESSMENT FOR STREET IMPROVEMENT DISTRICT NO.
186**

BE IT RESOLVED, By the Board of City Commissioners of Mandan, North Dakota:

1. The City having received and filed executed written forms of Petition, Waiver and Consent to Assessment executed by Risto Mackovski, the owner of a majority of property area, for the improvement in and for Street Improvement District No. 186, Project No. 2013-22 ("the District"), and true and correct copies of said executed forms being attached hereto, it is hereby determined that said forms are signed by the owners of a majority of the area of property included within the District.

2. This Board is authorized to cause the improvement in and for the District to be made, and to levy and collect assessments therefore.

Dated this 19th day of November, 2013

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: November 19, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, and approve the feasibility report for Street Improvement District No. 186, Project No. 2013-22 (Macedonia Hills 1st Addition).

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PETITION FOR PERMANENT STREET, SIGNAGE & LIGHTING IMPROVEMENTS

DATE: October 23, 2013

To the Honorable Board of City Commissioners

Mandan, North Dakota

Commissioners:

The undersigned owners of the property liable to be assessed for the improvement respectfully petition your Honorable Board to have permanent streets, signs and street lighting improvements completed on the following City right-of-ways (see attached maps):

(Serving Macedonia Hills 1st Addition –as generally shown on the attached exhibits)

Lena Court,

Mia Court,

Will Court,

Mario Court,

Philip Court,

Macedonia Avenue.

PROPERTY DESCRIPTION:

LOT 1-19, BLOCK 1 LOT 1; LOT 1-3 , BLOK 2 ;LOT 1-6, BLOCK3 ; LOT 1-6, BLOCK 4; 1-6 , BLOCK; LOT 1-4, BLOCK 6.

SIGNATURE (Property Owner)

Risto Meevorski

Board of City Commissioners

Agenda Documentation

Meeting Date: November 19, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, and approve the feasibility report for Street Improvement District No. 186, Project No. 2013-22 (Macedonia Hills 1st Addition).

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**FEASIBILITY AND EVALUATION OF IMPROVEMENTS
FOR STREET IMPROVEMENT DISTRICT #186, PROJECT #2013-22**

1.) General Nature of Project

The District has been created to allow for new streets Lena Court SE, Mia Court SE, Will Court SE, Mario Court SE, Philip Court SE and Macedonia Avenue SE. Installation of new curb & gutter, asphalt street, storm sewer, street lights & chip seal will take place with this project.

2.) Location of Proposed Construction

The proposed construction will take place on Lena Court SE, Mia Court SE, Will Court SE, Mario Court SE, Philip Court SE and Macedonia Avenue SE.

3.) Environmental Impact

It is anticipated that there will be some dirt, noise and pollutants during the construction period as a result of the use of the necessary equipment. There will also be some surplus or waste construction materials that will need to be disposed of by the contractor at his or her expense. The contractors will be responsible for leaving the area in an attractive and neat condition. Sensitivity to contaminants from construction will be addressed with the contractor of the job as part of the storm water management permitting procedures.

4.) Feasibility of Project

In the opinion of the undersigned this project is feasible and needed throughout the indicated area as new development spreads in this area.

5.) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$666,696.00. Other costs of making the improvement including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; publication of legal notices printing of warrants; and all expenses incurred in the making of the improvement and levy of assessments therefore are estimated at \$233,343.60. The total cost for the improvement is estimated at \$900,039.60.


Abe Ulmer (Toman Engineering)
Acting City Engineer

ORDINANCE NO. 1172

An Ordinance to Amend and Re-enact Chapter 7-01 of the Mandan Code of Ordinances Relating to Fire Code

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

Section 7-01-01 of the Mandan Code of Ordinances is hereby amended and re-enacted to read as follows:

Section 7-01-01 Adoption of code.

That a certain document, at least one copy of which is on file in the office of the city administrator of the City of Mandan, being marked and designated as the *International Fire Code*, including Appendix Chapters A, B, C, and D, and ~~E~~, as published by the International Code Council, be and is hereby adopted as the code of the City of Mandan for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City and providing for the issuance of permits for hazardous uses or operations; and each and all of the regulations, provisions, conditions and terms of such *International Fire Code*, ~~2000~~ 2012 edition, published by the International Code Council, on file in the offices of the city administrator and fire chief are hereby referred to, adopted and made a part hereof as if fully set out in this chapter. The International Fire Code as adopted and amended by the board of city commissioners of the city and the provisions of Chapters 7-01, 7-02 and 7-03 shall be known as the Fire Prevention Code.

Section 7-01-07 Amendments to International Fire Code.

The ~~2000~~ 2012 edition of the International Fire Code adopted by the provisions of this chapter and all subsequent editions adopted by resolution of the Board are amended, changed and altered as follows:

1. 307.4.1 Bonfires and Outdoor Open Burning and Rubbish Fires Prohibited – Variances. No person may kindle, maintain or assist in maintaining any bonfire, open burning or rubbish fires within the city limits of the city. Rubbish includes trees, grass, leaves, vegetation, other combustible materials and waste material from the construction or demolition of buildings. The board may grant a variance to this prohibition provided special circumstances exist which necessitate open burning and the person conducting the burning conforms to any requirements set by the fire chief or his designee, which may include the posting of an appropriate bond. Any person violating the provisions of this section is guilty of a Class B misdemeanor.

1. ~~2.~~ ~~307.5~~ 308.1.4 Open-flame devices. Charcoal burners and other open-flame cooking, heating or decorative devices shall not be operated on combustible balconies or decks or within 10 feet (3048 mm) of combustible construction.

Exceptions:

LP-gas cooking devices having LP-gas container with a water capacity not greater than 20 pounds.

~~3. 307.5.1 Liquified-petroleum-gas-fueled cooking devices.~~ LP-gas burners having a LP-gas container with a water capacity greater than a nominal 20 pounds (9 kg) LP-gas capacity shall not be located on combustible balconies or decks or within 10 feet (3048 mm) of combustible construction.

~~4. 503.2 Specifications.~~ Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.7. When installation or arrangement of fire apparatus access roads is impractical or unwarranted, temporary or permanent fire lanes may be designated as the need arises in accordance with Section 503.2.8. If a permanent fire lane is intended, appropriate signs and striping must be installed to provide appropriate notice of the designation.

~~503.2.84 Fire Lanes~~Obstruction of fire apparatus access roads. The code official or his designated representative is authorized to designate fire lanes on public streets, alleys and parking lots and on private property, devoted to public use. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in section 503.2.1 shall be maintained at all times. Parking of motor vehicles or otherwise obstructing a designated fire lane apparatus access road shall be prohibited and enforcement of such prohibition may be accomplished in the same manner as provided in Section 20-14-26 of the Mandan Code of Ordinances. A violation of this section is a Class B misdemeanor.

~~2. 5. 3301.1.3 5601.1.13~~ Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited within the city limits.

Exceptions:

1. Storage and handling of fireworks as ~~permitted~~ allowed in Section 3304 5605 shall not qualify as an exception to the prohibition of storage and handling of fireworks within the city limits.
2. Manufacture, assembly and testing of fireworks as permitted in Section 3305 5605 shall not qualify as an exception to the prohibition of manufacture, assembly and testing of fireworks within the city limits.
3. The use of fireworks for display as permitted in Section 3308 5608 is an exception to the prohibition of use of fireworks in the city, provided the requirements of sections ~~3301.2.3 5601.2.3~~ and ~~3301.2.4 5601.2.4~~ are met. The possession, use, discharge, or explosion of fireworks, as defined by § 23-15-01, N.D.C.C., not including bottle rockets, is permitted between the hours of 12:00 p.m. and 12:00 a.m. on July 2 and 3, ~~and~~ from the hours of 12:00 p.m. on July 4 to 2:00 a.m. on July 5 of each year, and from the hours of 5:00 p.m. on December 31 to 1:00 a.m. on January 1.

By: _____
President, Board of City Commissioners

Attest:

City Administrator

First Consideration: November 5, 2013
Second Consideration
and Final Passage: November 19, 2013
Publication Date: December 13, 2013

(Ordinance No. ____ to Amend and Re-enact Chapter 7-01 of the Mandan Code of Ordinances Relating to Fire Code)

ORDINANCE NO. 1173

An Ordinance to Amend and Re-enact
Section 12-02-11 of the
Mandan Code of Ordinances
Relating to Alcoholic Beverage License Expiration

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

Section 12-02-11 of the Mandan Code of Ordinances is hereby amended and re-enacted to read as follows:

Section 12-02-11. Expiration.

Licenses issued under the provisions of this title shall end on June 30th following the date of their issuance unless revoked or ~~annulled~~ suspended as hereinafter described. Any license issued hereunder shall be used by the operations of a facility within six months of its issuance. Failure to use said license within said period of time shall be cause for revocation. In the event of revocation there shall be no refund of any issuance fee or license fee.

By: _____
President, Board of City Commissioners

Attest:

City Administrator

First Consideration: November 5, 2013
Second Consideration
and Final Passage: November 19, 2013
Publication Date: December 13, 2013

ORDINANCE NO. 1174

An Ordinance to Create a New
Section 12-02-08(4) of the Mandan Code of Ordinances
Relating to Transfers of Licenses Limited

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

A new section to Section 12-02-08 of the Mandan Code of Ordinances, Transfers of licenses limited, is hereby created to read as follows:

Section 12-02-08. Transfers of licenses limited.

4. The holder of a Class A, D, or D-1 license as of October 15, 2013, shall be permitted to request a transfer of said license on a one-time basis. No further transfers of said license shall be permitted.

By: _____
President, Board of City Commissioners

Attest:

City Administrator

First Consideration: November 5, 2013
Second Consideration
and Final Passage: November 19, 2013
Publication Date: December 13, 2013

ORDINANCE NO. 1175

An Ordinance to Amend and Re-enact
Section 4-06-10 of the
Mandan Code of Ordinances
Relating to Administration of Salary Plan

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

Section 4-06-10 of the Mandan Code of Ordinances is hereby amended and re-enacted to read as follows:

Section 4-06-10. Administration of salary plan.

4. Salary Increases. Subject to the level of municipal appropriations, and the approval of the board, ~~step performance~~ increases will be granted based upon a merit system. Appraisers will recommend, to ~~the commission~~ Human Resources, employees for a ~~step performance~~ increase. ~~The commission~~ Human Resources will in turn forward its list of employees recommended for ~~step performance~~ increases to the ~~board~~ personnel director for final approval. Salary increases approved by the ~~board~~ personnel director must meet the following criteria:

- a. No salary advancement shall be given an employee until the employee has successfully completed the probationary period with the exception of probationary employees who were laterally transferred.
- ~~b. A two step increase may be granted to an employee for exceptional performance.~~
- ~~c. Increases shall be more difficult to obtain the higher the step an employee is in the classification grade.~~
- ~~d.~~ b. Employees who have been promoted or demoted shall not be eligible for a merit increase until six months after the action was taken.
- ~~e. Employees in steps one or two of a classification, who meet performance expectations, are annually eligible to receive a salary increase.~~
- ~~f. Salary increases beyond step 3 must be justified with performance that exceeds expectations and are classified as merit increases.~~

By: _____
President, Board of City Commissioners

Attest:

City Administrator

| | |
|--|--------------------------|
| First Consideration: | <u>November 5, 2013</u> |
| Second Consideration and Final Passage: | <u>November 19, 2013</u> |
| Publication Date: | <u>December 13, 2013</u> |

(Ordinance No. 1175)

ORDINANCE NO. 1176

An Ordinance to Amend and Re-enact
Section 4-09-05 of the
Mandan Code of Ordinances
Relating to Contributions of City

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

Section 4-09-05 of the Mandan Code of Ordinances is hereby amended and re-enacted to read as follows:

Section 4-09-05. Contributions of city.

The city shall each year pay to the trustee an amount for allocation, which amount shall be ~~six~~ eight percent of the compensation of the employees.

By: _____
President, Board of City Commissioners

Attest:

City Administrator

First Consideration: November 5, 2013
Second Consideration
and Final Passage: November 19, 2013
Publication Date: December 13, 2013

ORDINANCE NO. 1178

An Ordinance to Amend and Re-enact
Chapter 20-15-03(2) of the Mandan Code of Ordinances
Relating to ~~All Terrain~~ Off-Highway Vehicles

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

Chapter 20-15-03(2) of the Mandan Code of Ordinances is hereby amended and re-enacted to read as follows:

2. ~~All terrain~~ Off-highway vehicles owned by the state or any of its political subdivisions are exempt from the registration fees in NDCC § 39-29-03.

By: _____
President, Board of City Commissioners

Attest:

City Administrator

First Consideration: November 19, 2013
Second Consideration
and Final Passage: December 3, 2013
Publication Date: December 27, 2013

ORDINANCE NO. 1177

AN ORDINANCE CHANGING THE NAMES OF CERTAIN STREETS OR PARTS THEREOF SITUATED WITHIN THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA.

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

Section 1. Name of Street. The name of the following street is hereby changed as set forth below, namely;

- 1. West View Place SE as platted in Lincoln Ridge Estates 5th Addition in Section 3, Township T138N, Range R81W within the City of Mandan, Morton County, North Dakota is hereby changed to “25th Street SE”.

Section 2. Notice. The proper officials of the city are hereby directed to publish a copy of this ordinance in the Mandan News, the official newspaper, for two successive weeks and take such further action as they may deem necessary or desirable.

President, Board of City Commissioners

Attest:

City Administrator

| | |
|--------------------|-------|
| Publication Dates: | _____ |
| Public Hearing: | _____ |
| First Reading: | _____ |
| Second Reading: | _____ |
| Publication Dates: | _____ |
| Recording Date: | _____ |

**RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NO. 186**
Project No. 2013-22

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

1. There is hereby created Street Improvement District No. 186 (the "District")(Project# 2013-22) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, Lena Court SE, Mia Court SE, Will Court SE, Mario Court SE, Philip Court SE and Macedonia Avenue SE and includes street construction, installation of curb and gutter, asphalt street, storm sewer, street lights, chip seal and related work.

2. Consultation with respect thereto having been had with the City Engineer, as to the property to be benefitted by said improvement project and the most practical size, form and location of said District, said District shall include all the lots, tracts and parcels of land lying within the City of Mandan and its additions within the following boundary lines: namely:

The following lots and blocks are included in said District:
All lots & blocks, Macedonia Hills 1st Addition

The legal description of the district boundary is as follows:

A tract of land being a part of Government Lot 2 of Section 3, Township 138 North, Range 81 West of the 5th Principal Meridian of the City of Mandan, Morton County, North Dakota, being more particularly described as follows:

Beginning at the southeast corner of Government lot 2 of Section 3, T138N-R81W; thence North 89° 10' 56" West along the south boundary line of said Government Lot 2 for 818.60 feet to the southeast corner of Outlot A of said Government Lot 2; thence North 00° 01' 33" West along the east boundary line of said Outlot A for 286.34 feet to the northeast corner of said Outlot A; thence South 89° 56' 59" East for 63.74 feet; thence North 00° 10' 21" West for 264.08 feet; thence North 89° 36' 18" East for 95.00 feet; thence North 00° 10' 21" West for 268.00 feet; thence North 89° 36' 18" East for 115.00 feet; thence North 00° 10' 21" West for 392.58 feet to a point on the south Right-of-Way line of 19th Street SE; thence along said south Right-of-Way line the following five (5) courses; thence North 89° 33' 39" East for 84.73 feet; thence North 00° 26' 21" West for 10.00 feet; thence North 89° 33' 39" East for 300.00 feet; thence North 00° 26' 21" West for 15.00 feet; thence North 89° 33' 39" East for 159.40 feet to a point on the east boundary line of said Government Lot 2; thence South 00° 10' 21" East along said east boundary line for 1253.26 feet to the Point of Beginning. Said tract of land containing 19.22 acres, more or less.

3. Pursuant to section 40-22-10 of the North Dakota Century Code, the City Engineer is hereby authorized and directed to prepare a report as to the general nature, purpose and feasibility of the proposed improvement and an estimate of the probable cost of the improvement.

4. This resolution shall be in full force and effect from and after its passage.

President, Board of City Commissioners

ATTEST:

City Administrator

Date of Passage: November 19, 2013

**RESOLUTION APPROVING ENGINEER'S REPORT AND
AUTHORIZING PREPARATION OF THE DETAILED PLANS
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 186**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 186 (Project # 2013-22), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

2. The probable costs of the of the improvement project are estimated to be as follows:

| | |
|---|--------------|
| a. Construction costs: | \$666,696.00 |
| b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor: | \$233,343.60 |
| c. Total estimated costs of the improvement: | \$900,039.60 |

3. The Engineer is hereby authorized and directed to prepare detailed plans and specifications for the project to be constructed.

4. This resolution shall be in full force and effect from and after its passage.

Dated this 19th day of November, 2013.

President, Board of City Commissioners

ATTEST:

City Administrator

**RESOLUTION DETERMINING SUFFICIENCY OF FORMS OF PETITION,
WAIVER AND CONSENT TO ASSESSMENT FOR STREET IMPROVEMENT
DISTRICT NO. 186**

BE IT RESOLVED, By the Board of City Commissioners of Mandan, North Dakota:

1. The City having received and filed executed written forms of Petition, Waiver and Consent to Assessment executed by Risto Mackovski, the owner of a majority of property area, for the improvement in and for Street Improvement District No. 186, Project No. 2013-22 ("the District"), and true and correct copies of said executed forms being attached hereto, it is hereby determined that said forms are signed by the owners of a majority of the area of property included within the District.

2. This Board is authorized to cause the improvement in and for the District to be made, and to levy and collect assessments therefore.

Dated this 19th day of November, 2013

President, Board of City Commissioners

ATTEST:

City Administrator

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR STREET IMPROVEMENT DISTRICT NO. 186
PROJECT # 2013-22**

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project in Street Improvement District No. 186 (Project # 2013-22) of said City be and the same are hereby approved, ratified and confirmed as the plans and specifications in accordance with which said improvement project will be constructed, except as modified by this Board in accordance with law, and the City Administrator shall file the same in his office, open for public inspection.

Dated this 19th day of November, 2013.

President, Board of City Commissioners

ATTEST:

City Administrator

**RESOLUTION OF VACATION
Board of City Commissioners
City of Mandan, North Dakota**

WHEREAS, Rex Carlson has submitted to the Board of City Commissioners of the City of Mandan a verified petition asking that a portion of a 20 foot storm sewer easement lying in the E 1/2 of Section 1, Township 138N, R81W of the 5th Principal Meridian, City of Mandan, Morton County, North Dakota be vacated. Said tract of land more fully described as follows:

A 478 feet portion of the 20 foot Storm Sewer Easement, lying within Lot 9, Block 2 of Lakewood 6th Addition, lying in the E ½ of Section 1, Township 138N, Range 81W of the 5th Principal Meridian, City of Mandan, Morton County, North Dakota.

WHEREAS, The Board having deemed it expedient to consider such petition and having ordered that said petition be heard by the Board at its regular meeting held at City Hall in the City of Mandan, North Dakota, on November 19, 2013, at 5:30 o'clock p.m., CT, and the City Administrator having published notice of the filing of the petition and the object therein in the official newspaper once each week for four (4) consecutive weeks, as required by law, which notice stated that the petition would be heard and considered on the date and time aforesaid, at which time any persons interested might appear and be heard, and proof of such publication of the notice having been made and filed; and

WHEREAS, on the 19th day of November, 2013, at 5:30 o'clock p.m., CT, being not less than thirty days after the first publication of the notice aforesaid, the Board of City Commissioners proceeded to hear the testimony and evidence of persons interested and no one having appeared against said petition of vacation, and it appearing to the satisfaction of the Board of City Commissioners that said petitioners are the owners in fee simple of the property adjoining the street to be vacated; that no objections by the immediately adjoining landowner to the requested vacation were raised at the public hearing, that said petition was accompanied by a map of the area proposed to be vacated; which map is on file in the office of the City Administrator of Mandan; and the facts and reason for the vacation of such area as established by the petition and the testimony and evidence are good and sufficient to justify the vacation of such area;

NOW, THEREFORE, BE IT RESOLVED By the Board of City Commissioners of the City of Mandan, North Dakota, that the above described storm sewer easement on Lot 9, Block 2 of Lakewood 6th Addition in the City of Mandan, Morton County, North Dakota be and the same are hereby vacated.

BE IT FURTHER RESOLVED, That the within and foregoing Resolution shall become

effective from the time of its passage and publication.

Approved and passed November 19, 2013, by at least two-thirds vote of all the members of the Board of City Commissioners.

President, Board of City Commissioners

ATTEST:

City Administrator

Public Notice Dates: October 18 & 25, November 1 & 8, 2013

Public Hearing: November 19, 2013

Final Passage: November 19, 2013

Publication Date: _____

STATE OF NORTH DAKOTA)
COUNTY OF MORTON)
CITY OF MANDAN)

ss.

CERTIFICATE

James Neubauer, the duly appointed city administrator and city auditor of the City of Mandan, Morton County, State of North Dakota, does hereby certify that attached hereto is a true and correct copy of a Resolution of Vacation of the City of Mandan, which was duly and finally passed and adopted by said Board of City Commissioners after notice of the public hearing on the request for vacation of the storm sewer easement described therein had been duly published in the official newspaper of said City prior to the public hearing and final passage of said Resolution.

I do further certify that notice of the Board's approval to vacate said storm sewer easement has been published and the original copy of said Resolution is on file in the office of the City Administrator of the City of Mandan.

Dated at Mandan, North Dakota, this 19th day of November, 2013.

James Neubauer, City Administrator
City of Mandan, North Dakota

PUBLIC NOTICE OF STORM SEWER EASEMENT VACATION

Notice is hereby given that the Mandan City Commission, on Tuesday, November 19, 2013, following a public hearing, approved a resolution vacating the storm sewer easement lying within Lot 9, Block 2 of Lakewood 6th Addition to the City of Mandan, Morton County, North Dakota more fully described in the resolution.

This resolution is available for inspection and copying during normal working hours in the office of the City Administrator.

Dated this 19th day of November, 2013.

By: James Neubauer, City Administrator

Please Note: The city administrator is to cause the above notice to be published once following adoption of the storm sewer vacation resolution.