

**AGENDA**  
**MANDAN CITY COMMISSION**  
**APRIL 21, 2015**  
**ED "BOSH" FROEHLICH MEETING ROOM,**  
**MANDAN CITY HALL**  
**5:30 P.M.**  
**[www.cityofmandan.com](http://www.cityofmandan.com)**

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**City Board of Equalization meeting at 7:00 p.m. on April 21, 2015**

(Presentation will be available online at the [www.cityofmandan.com](http://www.cityofmandan.com) website on Monday, April 20, 2015.)

- A. ROLL CALL:
1. Roll call of all City Commissioners.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:
1. Consider approval of the following minutes:
    - i. April 7, 2015 - Regular Board Meeting
    - ii. April 14, 2015 – Board of Equalization – noon mtg.
- E. PUBLIC HEARING:
1. Hold public hearing to consider subdivision development agreement, plat and zoning for Volochenko Addition.
  2. Hold public hearing to consider plat and rezoning for Meadowlands Addition.
  3. Consider Resolution determining insufficiency of protests for, approve plans and specifications for, and approve resolution directing advertisement for bid for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).
- F. BIDS:
- G. CONSENT AGENDA:
1. Consider approval of monthly bills.
  2. Consider the following proclamations:
    - i. Designating May 1, 2015 as Arbor Day in the City of Mandan.
    - ii. Designating May 17, 2015 as STRIDES: Lions Walk for Diabetes Awareness Day.
  3. Consider replat of Lots 5 & 6, Block 1, Meadow Ridge 3<sup>rd</sup> Addition.
  4. Consider replat of Lot 8, Block 2, Meadow Ridge 3<sup>rd</sup> Addition.
  5. Consider replat of Lot 11, Block 2, Meadow Ridge 3<sup>rd</sup> Addition.

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6. Consider approval of annual Liquor License, Special B Liquor Permit and Special Sunday Permits for Dacotah Speedway from May 1, 2015 through October 31, 2015.
7. Consider replat of Lot 5, Block 2, Meadow Ridge 3<sup>rd</sup> Addition.
8. Consider approval of Liquor license transfer for UniStop Inc. to Superpumper LLC at 1410 Collins Ave.
9. Consider approval of Sunday openings for Superpumper, LLC.
10. Acting as the Board of Adjustment, consider for approval driveway apron width variance for 1509 Canyon Rd. SW
11. Acting as the Board of Adjustment, consider for approval driveway apron width variance for 1703 Canyon Rd. SW
12. Consider for approval games of chance for West River Rodeo Bible Camp at Kist Livestock from 4/22/2015 to 5/17/15.
13. Consider replat of Lots 1, 2 & 3, Block 2 and Lots 1, 2 & 3, Block 3 Macedonia Hills 1<sup>st</sup> Addition.
14. Consider approval of the following Site Authorizations:
  - i. American Foundation for Wildlife at The Lakewood Bar and Grill from July 1, 2015 through June 30, 2016
  - ii. American Foundation for Wildlife at the Last Call Bar from July 1, 2015 through June 30, 2016.
15. Consider approval of games of chance for Gold Prospectors Association of America ND at the Mandan Eagles Club from April 22, 2015 to October 10, 2015.
16. Consider approval of reassessment of property – Wachter Development, Inc. for 2014.
17. Consider approval of agreement with KLJ engineers for design and pre-bid services for Old Red Trail reconstruction project.
18. Consider proclaiming May 4-8, 2015 PROJECT HOPE WEEK in the City of Mandan.
19. Consider Police Department requests for out-of-state travel:
  - i. Officer Nick Pynnonen (May 4 through May 7, 2015)
  - ii. Sergeant Pat Haug (August 30 through September 4, 2015)

H. OLD BUSINESS:

I. NEW BUSINESS:

1. Consider Growth Fund Committee recommendation for approval of an application for interest buy-down for Developers, LLC
2. Consider approval of subdivision development agreement and plat for Volochenko Addition
3. Consider approval of plat for Meadowlands Addition
4. Consider requiring issuance of a permit and a fee for all work in public right-of-way.

J. RESOLUTIONS AND ORDINANCES:

1. First consideration of ordinance 1203 creating PUD District 2015-1 for Volochenko Addition

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2. First consideration of ordinance 1205 rezoning area platted as Meadowlands Addition
  3. Consider adoption of resolution requiring a permit and establishing a fee for work in public property
- K. OTHER BUSINESS:
- L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:
1. May 5, 2015
  2. May 19, 2015
  3. June 2, 2015
- M. ADJOURN

**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.



**CITY OF  
MANDAN**

"WHERE THE WEST BEGINS"

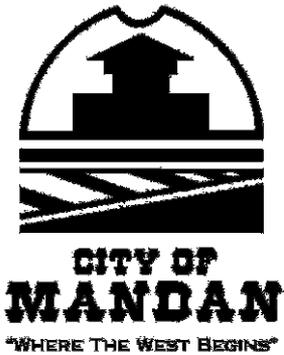
# City of Mandan City Board of Equalization

## April 21, 2015

### 7:00 PM



*Photo credit: N.D. Department of Transportation*



**TO: MAYOR VAN BEEK & MANDAN CITY COMMISSIONERS**  
**FROM: SHIRLEY SHAW, CITY ASSESSOR**  
**DATE: APRIL 21, 2015**  
**SUBJECT: 2015 ANNUAL ASSESSMENT REPORT**

This 2015 annual report of the Mandan Assessing Division is a summary of the 2015 assessment roll and a review of what has occurred in terms of real estate value and appraisal activity of this division through December 2014. Procedures of assessment and appraisal are conducted under guidance from the North Dakota Tax Commissioner's Office, the North Dakota Century Code and nationally recognized standards of mass appraisal of real property. North Dakota law requires assessors to value or appraise property at true and full value as of February 1 of each year. This amount can also be referred to as market value. It is the value most people would likely pay for a given property in its present condition. Assessors apply mass appraisal techniques. The Assessing Department is responsible for determining the true and full value of each tract of real property subject to taxation and all taxable improvements and structures located on it. The assessing department maintains all property records for each parcel within our jurisdiction. This condensed report is a summary of the final assessment roll. Any changes in value that the Local, County or State Boards of Equalization may make will be reflected in the final assessment.

The 2015 assessment roll total market value after exemptions is \$1,566,983,990. This is an increase from the 2014 assessment roll total of \$299,589,576 or 24%. Of this increase, new construction contributed \$85,836,200. An extensive review of existing properties indicated that an update in market values was needed to accurately reflect Mandan's increasing market, the increase for residential properties was \$221,179,465 or 24%. To comply with North Dakota State Tax Department guidelines, and the State Board of Equalization 2013 recommendation that the City of Mandan reappraise all vacant land and equalize improved commercial properties for 2014, the assessing department has continually been working on this project, and completing it for the 2015 assessment year. The review indicated that existing commercial properties saw an increase of \$93,838,953 or 36%. Vacant land values saw an increase of \$2,546,200 or 10%. Adjustments have been made on individual properties within all classes of real estate.

The City of Mandan has a total parcel count of 8,506 which is slightly down from last year due to combining several parcels into one.

Our office sent out 4,772 notices of increase this year, and of those we had several hundred phone calls, making adjustments and reassessing properties as warranted. We were able to completely convert all our parcel data from the old assessing program to our new Vanguard CAMA system.

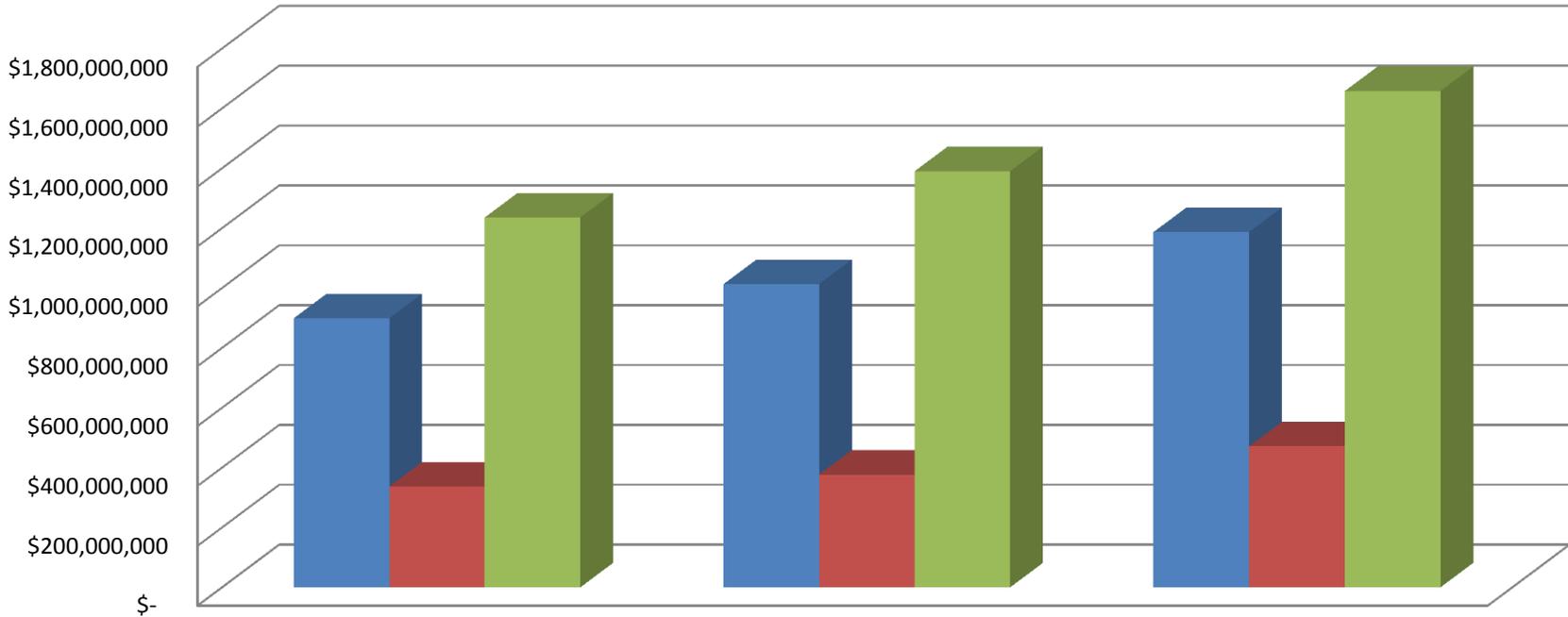
**If any property owner has a question regarding the value of their property, please print your name and best phone number to reach you at on the sign-up sheet and we will contact you within the next few weeks to review your property, and make adjustments if warranted. If adjustments are warranted we will submit the changes to the Morton County Board of Equalization at the June 2nd meeting at 5:30pm.**

The assessing department did review and reassess all commercial properties within the city, breaking it into different categories, for example, gas stations, stores, restaurants/bars/fast food services, motels, apartments, shop condos, storage facilities and so on.

The Mandan Assessing Division respectfully recommends that the assessment roll be approved as submitted. Should anyone appear before the Board to protest an assessment in the 2015 report, the Mandan Assessing Division will employ the abatement process pursuant to the State law. Respectfully Submitted,

Shirley Shaw  
City Assessor  
City of Mandan

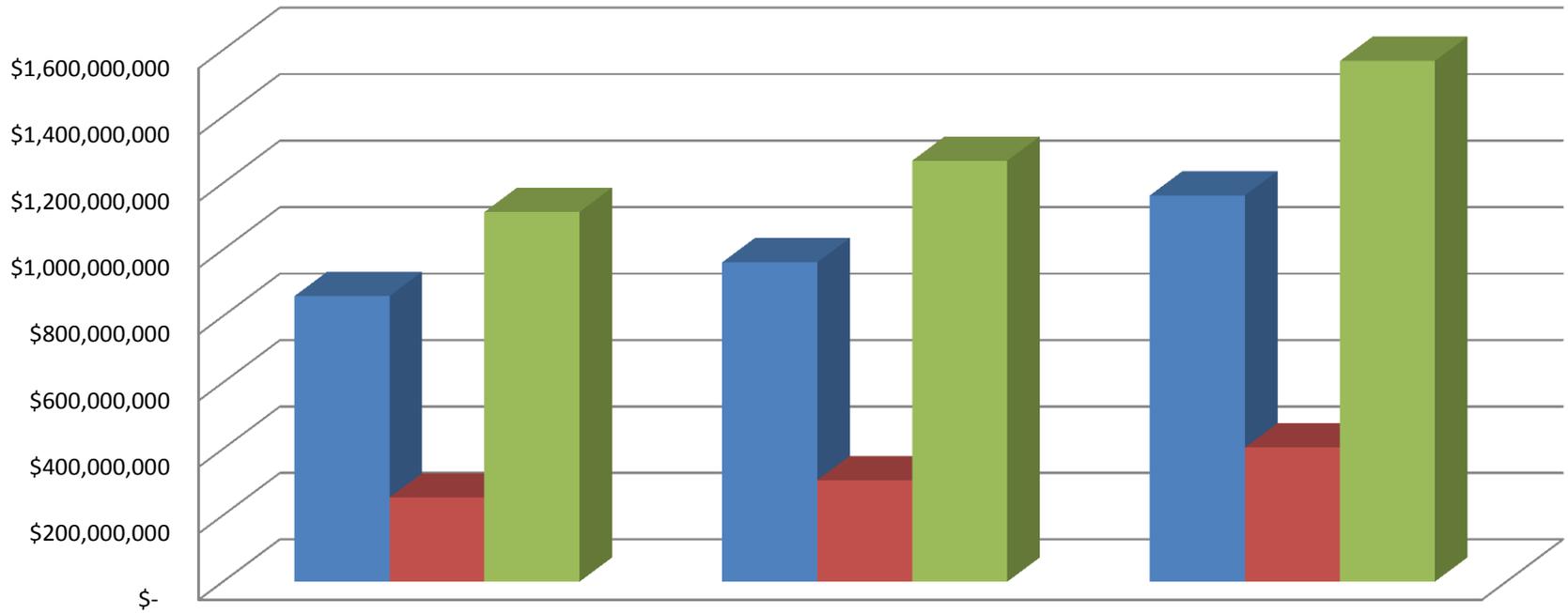
## True and Full Values before Exemptions



	2013	2014	2015
■ Residential	\$898,817,115	\$1,013,054,650	\$1,186,802,959
■ Commercial	\$336,803,585	\$376,996,433	\$471,068,476
■ Total	\$1,235,620,700	\$1,390,051,083	\$1,657,871,435

\*Please note that the difference in the Exempted values from previous years to the current 2015 year; in previous years we tried to calculate a total number for Non-Discretionary Exemptions which is hard to do as we don't have values on all those properties, so this was removed to give a more accurate number. Please see next slide for Non-Discretionary properties.

## True and Full Values after Exemptions



	2013	2014	2015
■ Residential	\$859,822,595	\$961,463,414	\$1,162,897,800
■ Commercial	\$253,352,356	\$305,931,000	\$404,086,190
■ Total	\$1,113,174,951	\$1,267,394,414	\$1,566,983,990

\*Please note that the difference in the Exempted values from previous years to the current 2015 year; in previous years we tried to calculate a total number for Non-Discretionary Exemptions which is hard to do as we don't have values on all those properties, so this was removed to give a more accurate number. Please see next slide for Non-Discretionary properties.

**PROPERTY EXEMPTIONS OFFERED IN CITY OF MANDAN**  
**EXEMPTIONS CLAIMED PURSUANT TO ONE OF THE SECTIONS OF THE**  
**NORTH DAKOTA CENTURY CODE**

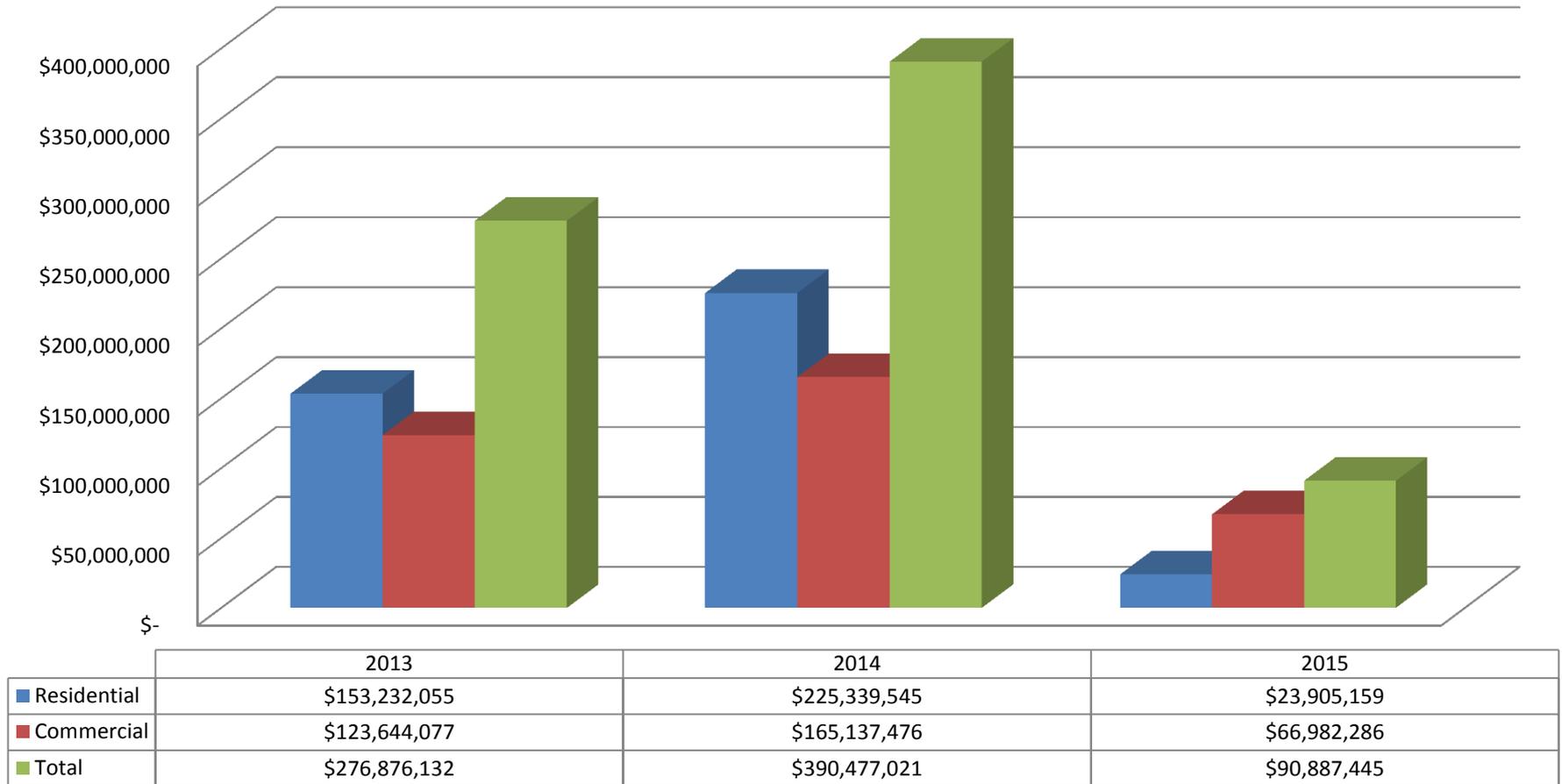
**AN EXEMPTION IS A REDUCTION IN VALUE OF A PROPERTY, AUTHORIZED BY LAW, AND MAY BE DISCRETIONARY (AT THE DISCRETION OF THE LOCAL GOVERNING BODY) OR NON-DISCRETIONARY (REQUIRED BY LAW). AFFECTED POLITICAL SUBDIVISIONS FOREGO TAXES THAT WOULD OTHERWISE HAVE BEEN LEVIED ON THE EXEMPT PROPERTY.**

Non-Discretionary Exemptions: (Absolute Exemption: absolutely exempt from all process, levy or sale: NDCC 28-22-02 & 40-01-07)

- Public Hospitals
- Churches
- Cemeteries
- Nursing Homes
- Non Profit Lodges/Organizations
- Public Schools
- City/County/State owned property
- Utilities & Northern Pacific

Total of Fully Exempt Properties: 830

## Exempted Values



\*Please note that the difference in the Exempted values from previous years to the current 2015 year; in previous years we tried to calculate a total number for Non-Discretionary Exemptions which is hard to do as we don't have values on all those properties, so this was removed to give a more accurate number. Please see next slide for Non-Discretionary properties.

Discretionary Exemptions: (Left to or regulated by one's own discretion or judgment. Voted on & approved by City Commission as offered to the public. NDCC 57-02)

- New & Expanding Business = 22 = \$54,339,125 (Still Active prior to change)
- Commercial Remodeling = 14 = \$3,142,718
- Residential Remodeling = 30 = \$1,312,659
- Renaissance Zone 16 Total = \$9,670,743 (2 Residential = \$170,300)
- 2 year New Home Construction = 251 = \$18,825,000
- Blind (Up to \$160,000) = 16 Total = \$2,333,600
- Wheelchair (Up to \$100,000) = 13 Total = \$1,263,600

Total: 362

Total Exempted: \$90,887,445

## **2 Credits offered: Reimbursed by the State**

- Homestead Credit (251 active applicants)
- Disabled Veteran (50% or greater disabled)  
(104 active applicants)

# NEW CONSTRUCTION INCREASES BREAKDOWN 2015

- COMMERCIAL PROPERTY

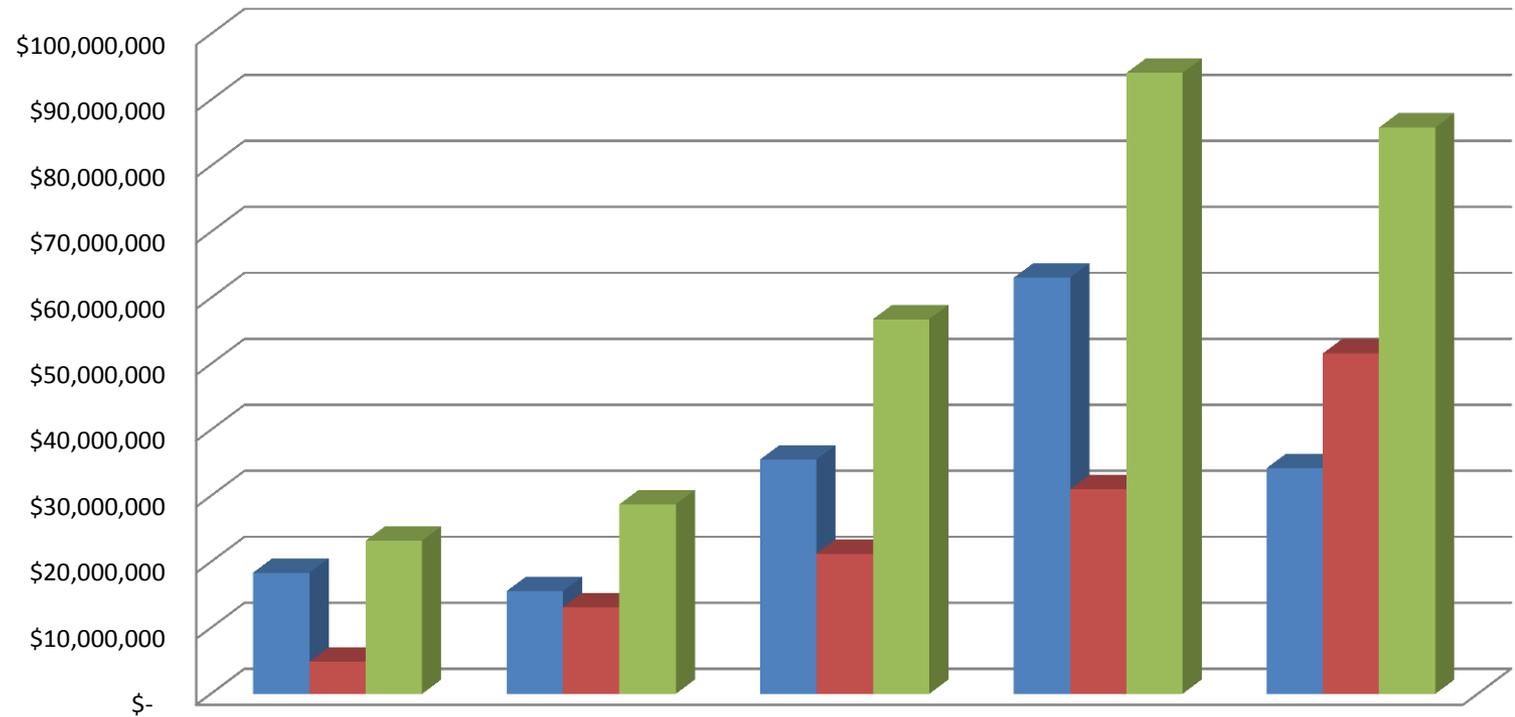
<u>LAND:</u>	\$3,645,100
<u>STRUCTURES:</u>	\$47,967,100
<u>TOTAL:</u>	\$51,612,200

- RESIDENTIAL PROPERTY

<u>LAND:</u>	\$3,575,100
<u>STRUCTURES:</u>	\$30,648,900
<u>TOTALS:</u>	\$34,224,000

\*Please note these are total values that are added on the taxable valuations.

## New Construction Values



	2011	2012	2013	2014	2015
■ RESIDENTIAL	\$18,372,947	\$15,577,600	\$35,531,860	\$63,075,800	\$34,224,000
■ COMMERCIAL	\$4,854,700	\$13,149,000	\$21,255,200	\$31,016,740	\$51,612,200
■ TOTAL	\$23,227,647	\$28,726,600	\$56,787,060	\$94,092,540	\$85,836,200

# 2015 COMPLETED EXEMPTIONS/NEW VALUES ADDED TO CITY OF MANDAN

- 2 YEAR NEW HOME CONSTRUCTION EXEMPTION:

TOTAL: 120 Completed

STRUCTURAL VALUE ADDED: \$9,000,000

- RENAISSANCE ZONE EXEMPTION:

TOTAL: 1 Completed

STRUCTURAL VALUE ADDED: \$86,200

- NEW BUSINESS EXEMPTION:

TOTAL: 16 Completed

STRUCTURAL VALUE ADDED: \$20,854,400

- **57-01-06.1. Statement of legislative Intent concerning use of sales, market, and productivity studies.**

It is the intent of the legislative assembly that local assessors, county directors of tax equalization, and city, township, county, and state boards of equalization use the results of sales, market, and productivity studies as a guide in making assessments and in equalizing assessments of property in this state. The legislative assembly recognizes that sales of property alone provide insufficient information to make accurate judgments concerning the market value of property within the various counties of this state, particularly in view of the limited number of sales which occur within a given period of time in many counties, and that, in order to get an accurate picture of market value, consideration must be given to such factors as property appraisals, productivity, and current usage of property.

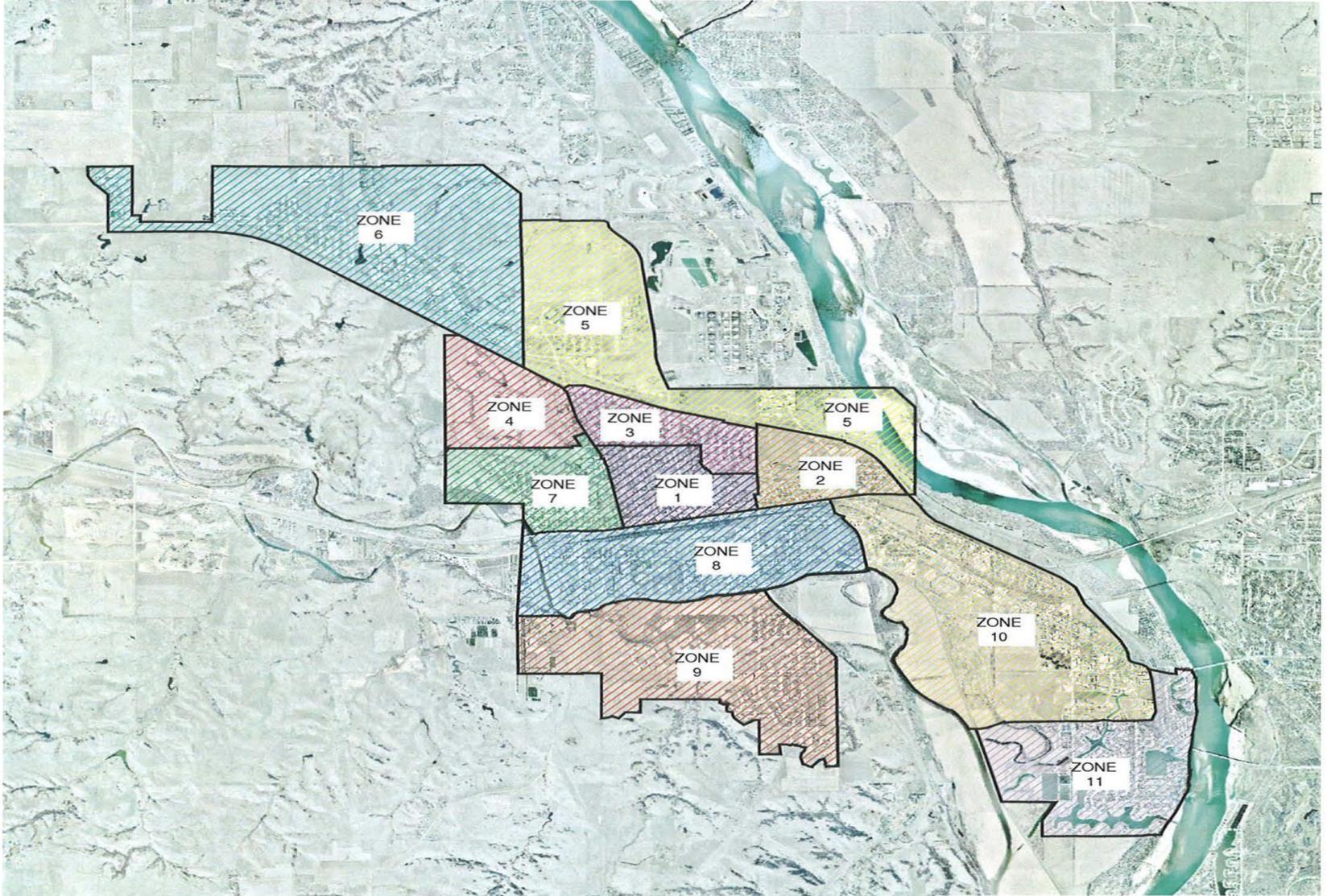
- North Dakota law requires assessors to value, or appraise property at true and full value as of February 1 of each year. This amount can also be referred to as market value. Market value means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus.
- Each property's share of the property tax is based on the assessor's value. Although the work of the assessor doesn't determine the total amount of taxes paid, it does affect the uniform distribution of the property tax burden.
- **North Dakota Century Code § 11-18-02.2**, provides for statements of full consideration to be filed with either the state board of equalization or the county recorder. The purpose of the statements of full consideration is to provide information for the Assessment Sales Ratio Study (ASRS) which is done annually. The ASRS consists of comparisons of the assessment to the sale price of property in the year which the property sold. The ASRS for the current year reflects sales prices and assessments during last year, referred to as the base period. The ASRS, Assessment Abstract and the Supplementary Abstract form the basis by which the state board of equalization performs its equalization duties prescribed by law.
- **Use of the Sales Ratio Study for Mass Appraisal Performance Analysis** N.D.C.C. § 57-02-27.1 : N.D.C.C. § 57-01-06
- The sales ratio study is intended to be a tool assessment officials may use to measure and evaluate their assessments. Assessment officials should examine what the statistics are indicating, and correct valuations that do not represent market value and are inequitable. It is improper for assessment officials to change assessments of property that sell to the indicated sale price without reviewing assessments of other similar properties that have not sold. By changing assessments of only the properties that sell, assessment officials create inequities instead of correcting them. The State Board Of Equalization lowered the tolerance level for 2012 agricultural, residential, and commercial property assessments from 95 to 100 percent of true and full value down to 90 to 100 percent for counties and the major cities. The main reasons for lowering the tolerance level were the significant increases in agricultural land values statewide and the increases in residential and commercial property assessments, with most of the significant increases taking place in the western part of the state. Even though we have lower tolerance levels, SBOE encourages assessors to work on getting assessments as closer to 100% of T&F values as required by statute.

# City of Mandan

## Sales Ratio Map Area Strata

### 2015

	COMMERCIAL		RESIDENTIAL	
	2014	2015	2014	2015
1 TRUE AND FULL VALUE*	\$ 273,776,337	\$ 404,086,190	\$ 974,707,635	\$ 1,162,897,800
SUPPLEMENTARY ABSTRACT				
2 INCREASES		51,612,200		34,224,000
3 DECREASES	6,719,300		2,092,300	
4 ADJUSTED T&F VALUES (Line 1 minus L. 2 or L. 3)	\$ 258,635,037	\$ 352,473,990	\$ 907,494,335	\$ 1,128,673,800
5 2014 T & F/SALES RATIO	70.4%		82.2%	
6 INDICATED MARKET VALUE 2014 (Line 4 ÷ Line 5)	\$ 367,379,314		\$ 1,104,007,707	
7 2015 T & F/MARKET VALUE RATIO % (2014 Line 4)/(Line 6)		95.9%		102.2%
8 MKT VALUE MINUS 2015 T&F (Line 6 - 2014 Line 4)		\$ 14,905,324		\$ (24,666,093)
9 INDICATED CHANGE NEEDED TO REACH 100% VALUE (Line 8 / 2015 Line 4)		4.0%		-3.0%



**LEGEND**

ZONE 1		ZONE 6	
ZONE 2		ZONE 7	
ZONE 3		ZONE 8	
ZONE 4		ZONE 9	
ZONE 5		ZONE 10	
		ZONE 11	



# City of Mandan Assessing Zones

May 1<sup>st</sup> will start the new City of Mandan reassessing 7 year cycle of newly zoned areas.

7 Year Cycle: with 3 Assessors

Year 1- Zones 1 & 2 = 1,538 Parcels = 513 Parcels each (2015)

Year 2- Zones 3 & 4 = 1,118 Parcels = 373 Parcels each (2016)

Year 3- Zones 5 & 6 = 1,295 Parcels = 432 Parcels each (2017)

Year 4- Zones 7 & 8 = 1,256 Parcels = 419 Parcels each (2018)

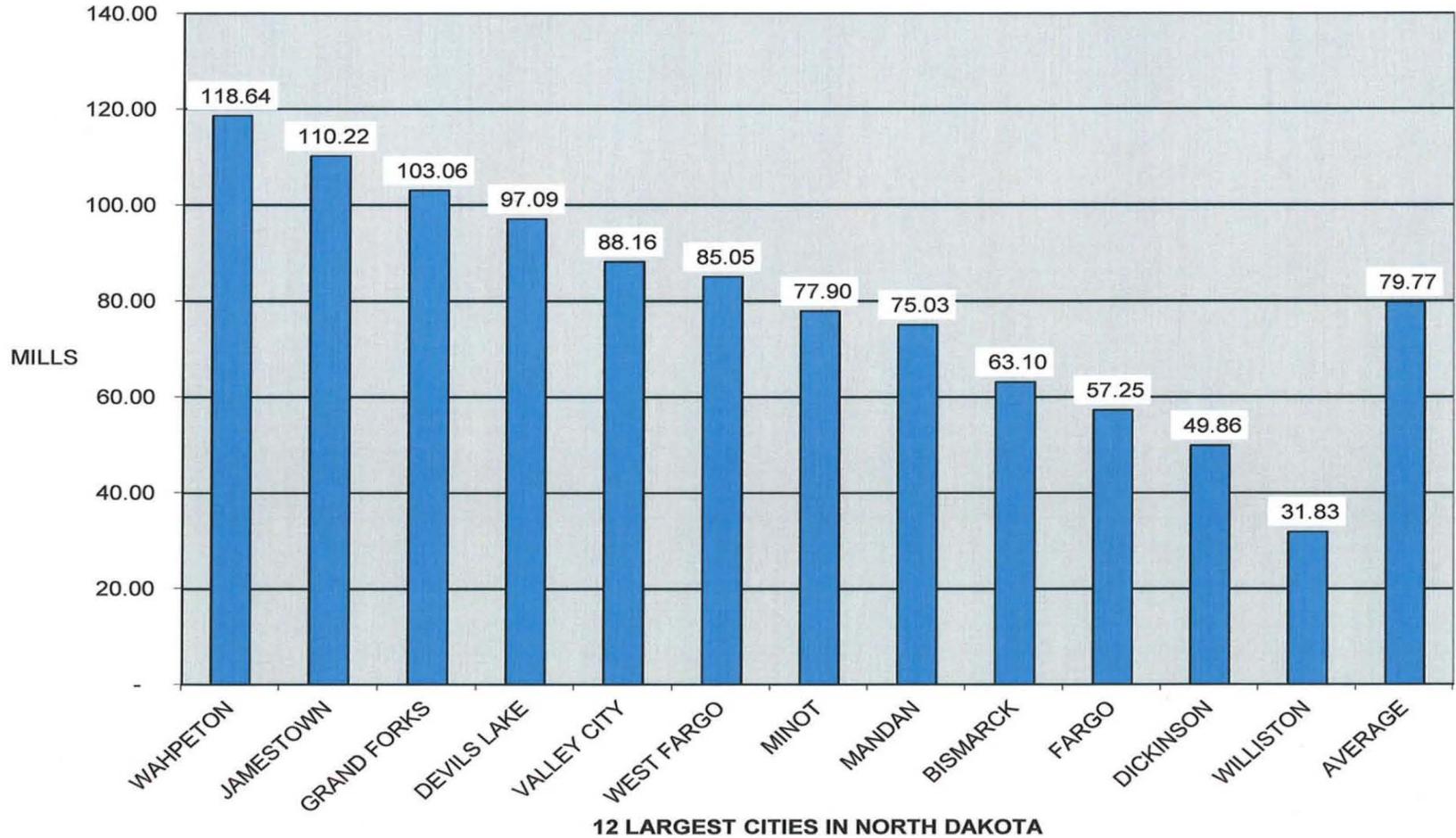
Year 5- Zones 9 & 10 = 1,630 Parcels = 544 Parcels each (2019)

Year 6- Zones 11 & 12 = 1,835 = 612 Parcels each (2020)

Year 7- 2012-2020 New Subdivisions & New Commercial properties, every year we add new subdivisions and those are assessed in current years and would then be added to the 7 year cycle. (2021)

\*Please note that the total numbers for parcels in each zone are subject to change, as parcels are always added in as we get new constructions, or deleted out as they may be combined with other parcels.

# CITY MILL LEVY TAX YEAR 2014



For more information  
Contact the Assessing office at  
701-667-3232

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

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The Mandan City Commission met in regular session at 5:30 p.m. on April 7, 2015 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Rohr, Laber, and Braun. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Fire Chief Nardello, Business Development & Communications Director Huber, Planning & Engineering Director Froseth, Planner Decker, Assessor Shaw, and Building Official Lalim. Absent: Commissioner Tibke and Director of Public Works Wright.

B. APPROVAL OF AGENDA: Commissioner Rohr moved 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:

D. MINUTES:

1. Consider approval of the following minutes from the Board of City Commission regular meeting held on March 17, 2015 and special meetings held on March 20, 2015 and March 24, 2015. Commissioner Laber moved to approve the minutes as presented. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

F. BIDS:

G. CONSENT AGENDA

1. Consider Proposal from Eide Bailly for an Employer Health Reform Analysis for the City of Mandan.

2. Consider approval of replat of Lot 1, Block 2 Eastside Commercial Park and Parcel 6B-21 of the SE ¼ of Section 26, Township 139 North, Range 81 West.

3. Consider for approval plat of portion of Auditor’s Lot D of the SW ¼ Section 12, Township 138 North, Range 81 West.

4. Consider approval of out-of-state trade show representation for Business Development & Communications Director.

5. Consider approval of the 2015 Fire Hydrant Painting agreement with HIT Inc.

6. Consider Proclaiming April 7, 2015 as Mayors Day of Recognition for National Service in Mandan.

7. Consider for approval Amendment No. 1 to the Engineering Service agreements with AE2S for Water & Sewer System Assistance.

8. Consider Law Enforcement Center Building Improvement Requests.

9. Consider approval of proposal for video production.

10. Consider sales of outdated UV bulbs at the wastewater treatment plant.

12. Consider Complete Reassessment - Reduction in market value for Nijaz Seckanovic.

13. Consider proclaiming April 22, 2015 Earth Day in the City of Mandan.

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Commissioner Laber moved to approve Consent Agenda items #1 through #10 and #12 and #13 as presented. Consent Agenda Item #11 was removed for discussion.

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

Mayor Van Beek read both the Mayors Day of Recognition for National Service and the Earth Day proclamations. He also mentioned that he assisted with delivering Meals on Wheels today and encouraged citizens to volunteer time to deliver meals if they can to help with this community event.

City Administrator mentioned that the Public Communications part was missed. Mayor Van Beek opened the floor at this time to anyone wishing to comment on any of the items on the Consent Agenda.

Leonard Leingang came forward to speak stating he is the owner/operator of Four Square Concrete. He said that earlier this year there were changes made to the City Ordinance that he was not aware of that affected changes with apron width. He said the City Engineer's office told him that they were changing the verbiage. The information he received was that they (the City) were going to go 36 ft. and allow 12 ft. for camper pads. He has customers that are saying they are not allowed to go 12 ft. further and that these projects were bid last year. There are 5 people that want to widen their apron and the Engineer's Department says we cannot do the 12 ft. for a camper pad anymore. They are allowing for the 36 ft. only and nothing for a camper pad. He stated he was not informed the 12 ft. camper pad was being removed. Mayor Van Beek replied that they could hear any further comments on this issue when that item is brought up under New Business.

*Consent Agenda Item #11: Consider Fire Department request for out-of-state travel.* Commissioner Laber asked Chief Nardello if he is comfortable with the conference as a whole indicating that several municipalities are holding back on sending their staff to Indianapolis for the conference. Chief Nardello said he has checked into the conference and said there are usually 20,000-30,000 firefighters in attendance and he is comfortable sending staff there stating there has been no drop in attendance. He stated two firefighters (Martin and Bitz) will be going to the Indianapolis Firefighter's Conference in April and he will be attending the International Association of Fire Chiefs Missouri Valley Conference in Sioux Falls, South Dakota in June.

Commissioner Laber moved to approve Consent Agenda Item #11 for Martin, Bitz and Nardello to attend Fire Department out of state conferences. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

H. OLD BUSINESS:

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I. NEW BUSINESS:

1. *Update on Bismarck Mandan Development Association (BMDA) activities.* Brian Ritter, CEO of the Bismarck-Mandan Development Association presented an update on the ongoing project efforts of the BMDA. ICSC, the International Council of Shopping Centers, is one of the largest retail trade shows in the world. The BMDA and Business Development & Communications Director Huber will be attending that show with the express purpose of promoting Mandan as a destination for retailers and restaurant activity. He indicated that on a monthly basis the BMDA office has a coordinator that makes regular contacts with interested parties, but the ICSC is another avenue to promote that. He said that his office along with Ms. Huber will coordinate efforts promoting Mandan both before the event begins and subsequently after it is over. He stated he will be attending a conference with the Bismarck-Mandan Chamber of Commerce in Regina, Canada, for the Williston-Basin Conference to answer inquiries from oil companies for both blue collar and white collar businesses.

In other BMDA news, he stated that there are currently over 3,400 job openings in the Bismarck-Mandan Burleigh-Morton County area with expectations of over 4,000 job openings by this summer. Recently, the BMDA co-hosted with Job Service the multi-industry job fair wherein there were 56 exhibited employers and over 200 attendees. Of interest was the fact that over half of the 200 attendees stated they were unemployed and looking for work. There was good feedback received from employers and also from those seeking jobs.

The BMDA and the Bismarck-Mandan Chamber of Commerce recently launched the “Make Your Mark” Talent Attraction Campaign. He explained this is a 16 week effort primarily using social media trying to attract talent in five (5) specific occupations: Nursing, Engineering, CDL, Diesel Mechanics and Trades. He explained those five specialties were selected because those are the most common skill sets that Job Service North Dakota said had the most openings. Taking it one step further, ten (10) states were identified to advertise in and the states chosen were the ones where there is high concentration of North Dakota alumni and with a similar climate.

On Wednesday, April 22, 2015, the BMDA and Business Development & Communications Director Huber will serve as staff liaisons for Mandan Tomorrow’s Economic and Prosperity Committee and will be hosting a Mandan Opportunity Sessions at HIT Incorporated. This will be an opportunity for community residents to learn about what’s happening in Mandan’s three commercial districts.

2. *The Mandan Hidatsa Arikara (MHA) Tribe Boys and Girls club has established a Chapter in Mandan. This Chapter is under the National Boys and Girls Club of America.* Shannon Nash, Acting Branch Manager of Boys & Girls Clubs of the Three Affiliated Tribes provided information that a Club Chapter has now been established in Mandan located in the North Dakota Teen Challenge Building at 1406 2<sup>nd</sup> Street NW at Door #1. She stated that the program provides after school services and summer youth programs for ages 5 to 18 years. The services provided include tutoring, homework help, cultural activities, crafts, languages, alcohol and drug prevention and recreational activities. She

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encouraged volunteers to come forward to help out. The program opened on April 1, 2015 and there are 89 participants enrolled with expectations to serve about 100 children every day.

3. *Consider for approval plat of Volochenko Addition.* Planner Decker stated this project was presented to the Planning and Zoning Commission and they spent 2 months discussing it. Their recommendation was to move forward with the project. He mentioned that this is a 2-step process in which there is a plat requirement followed by a re-zoning that would occur at the next meeting. He stated that the plan is to plat this parcel into 5 lots. He explained that he is currently working on a Developer's Agreement which is a new step in the planning process so that the City has a written agreement with the developer before finalizing the various actions. The Planning and Zoning Commission recommended proceeding with this process. Discussion has occurred with City Attorney Brown and it was recommended passing the Developer's Agreement so it is in place and then act on the plat and the re-zoning activity at the next meeting. He explained the plan is to have it as a limited zoning parcel and not an open zoning parcel. There are several parties interested in the property. Commissioner Laber suggested tabling this matter until an agreement is reached. Planner Decker stated he has been working with Dave Patience, Swenson, Hagen & Co., on this and they are close to finalization and should be ready to go by the next meeting. Commissioner Laber stated that if the written agreement is not final by the next meeting she would like to have the Police Chief and Fire Chief involved assisting with resolving some of the on-going issues.

Commissioner Laber moved to table this matter until the next scheduled meeting. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Consider negotiating with KLJ for Old Red Trail reconstruction engineering services.* Planning & Engineering Director Froseth stated this project is located between Highland Road on the east and 47<sup>th</sup> Street on the west. A request was presented to advertise for an engineer for the plan and pre-bid services. Eleven (11) proposals were received and four (4) were interviewed. On March 26<sup>th</sup> interviews were conducted and it was found that KLJ was the best choice in understanding the issues of this project. The request before the Commission is to request moving forward to enter into negotiations with KLJ to provide this service and that the agreement will be presented at the next meeting.

Commissioner Rohr moved to approve negotiating with KLJ for Old Red Trail reconstruction engineering services. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

5. *Acting as the Board of Adjustment, consider for approval driveway apron width variance for 1605 Ridge Dr. SE.* Planning & Engineering Director Froseth stated this is a

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variance request from the property owner to widen the driveway apron and construct a straight in approach to the parking pad. Ordinance 1197 was recently adopted. Part of that Ordinance was to limit the driveway width to a maximum of 36 ft. and in this case, the apron flare would add an additional 4 ft. on each side so it would be a total of 44 ft. He said the Ordinance changed the driveway width because it was virtually unlimited as it was tied to the width of the garage plus 12 ft. for a camper pad. Due to an increase of wider driveway widths (up to 4-stall garages) we are reducing the ability to on-street parking. The increasing width of aprons has decreased the amount of boulevard available for snow removal. In a moderate to heavy snow year the loss of boulevard space would contribute to inefficiency in snow removal as well as poor visibility for motorists because of high snow banks. The City was recently informed that some homeowners had planned last year to finish their driveways this year. Under those circumstances, there is at least one homeowner present to request a variance to go wider than 36 ft. which would add another 12 ft. A case like this would still be allowed under the new rules. Or to have the camper pad as wide as possible on the homeowner's property. It's just the apron space requirement will stay at the 36 ft. The applicant is available to speak to his hardship as he sees it from his perspective.

Alan Fettig, a resident on Ridge Drive Southeast, Mandan, came forward and commented that 2 years ago he entered into a contract to move the house 10 feet one way (southeast). He said that the documentation Planning and Engineering Director Froseth has is completely backward. He explained the 3 phases he had planned for the home: (i) A cement slab was poured behind the home for a hot tub; (ii) To the left, a landscaping wall was built; and (iii) Is the park-pad. This year, when it was time to put the apron pad on, he said he was notified by Four Square Concrete that it wasn't obtainable anymore. He said he did not move his house 10 feet one way by accident. This 3-phase plan has been in process for two years. He stated that thus far, he has invested over \$50,000 in landscaping and if the Ordinance change would have been in effect prior to this, he said he would not be here requesting the variance. His concern is now he cannot finish his landscaping project because of the Ordinance change that occurred in January 2015. He restated that his request is to cut the curb another 11 feet and put the apron in, which was part of his original 3-phase plan that he started 2 years ago.

Commissioner Rohr questioned whether this is a case that would qualify to be grandfathered in based on the facts of the situation of what was the plan and then the Ordinance changed in how things are administered which is beyond the homeowner's control.

J.R. Carter from Canyon Road, a subdivision south of the property being discussed stated that he has a similar situation but he came tonight to support Mr. Fettig. He stated that he also did not know about this Ordinance change and he will be attending another meeting to address his situation.

Lori Carter came forward and stated she lives at the household with J.R. Carter. She comment that when they moved to their house they got approved by the development to add on a garage next to the house and have a driveway similar to his (Adam Fettig)

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situation for parking. She said they too have completed their landscaping and put a concrete pad in the back with plans to add the garage and pad on the side in which they have purchased 2 permits. They have been working on getting the yard put in and concrete poured. The weather and other efforts have delayed the progress of their projects that were approved; however, the Ordinance change will affect their plans now.

Cody Stern, another Canyon Road resident came forward and stated he is in the same situation. He said he purchased his home last year and he bought his permit to pour cement but did not get the camper pad done with plans to do it this spring. He is concerned that the change in the Ordinance prevents him from completing his plans. He requested a variance to finish his apron plans as was planned last year.

Mayor Van Beek stated that it appears some of these residents had their permits in 2014 and now with Ordinance changes that went into effect 2015 – the City may have to make some exceptions to grandfather them in. It appears the City should work with them if they can prove they had their permits and their project was in process in 2014 and due to weather situations the projects were not completed - that a variance should be allowed for these citizens.

Director Froseth stated that it is possible that a variance can be facilitated by the Engineer's Office if that is what the Commission wishes. Mayor Van Beek suggested that if the circumstances allow for a variance that a timeframe be given to have the project completed in 2015 season.

City Attorney Brown commented that there is an Ordinance in effect that can be enforced. On tonight's agenda there is a variance to be acted on tonight. He suggested that a better procedure would be for those who are affected by the Ordinance because they had planned it for last year that they each apply for a variance. The Commission would then act on it when Director Froseth has been provided the required information.

Commissioner Rohr moved to approve the driveway apron width variance at 1605 Ridge Drive Southeast, Mandan with construction to be completed in 2015. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

Mayor Van Beek encouraged the homeowners affected by the Ordinance to also apply for a variance on their property. Commissioner Laber commented that her concern is that the concrete slabs do not take away from the greenspace of the property.

**J. RESOLUTIONS AND ORDINANCES:**

1. *Second consideration and final passage of Ordinance 1198 changing the name of a portion of 40th Avenue SE.* Commissioner Rohr moved to approve the Second consideration and final passage of Ordinance 1198 changing the name of a portion of 40th Avenue SE. Commissioner Laber seconded the motion. Roll call vote:

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Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes;  
Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider Resolution Authorizing Issuance of \$4,405,000 Refunding Improvement Bonds of 2015, Series A.* Finance Director Welch stated this is the final Resolution that is required to complete the bond refinancing that was approved by the Board two weeks ago. This is for authorizing the issuance of a \$4,405,000 refunding improvement bond of 2015, Series A, for the purpose of refunding the refunded bonds of 2007, Series B. Director Welch recommended approving the Resolution as presented. Commissioner Laber moved to approve the Resolution Authorizing Issuance of \$4,405,000 Refunding Improvement Bonds of 2015, Series A. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider approval of revisions to construction specifications and standard details relating to sidewalk and driveway construction.* Planning & Engineering Director Froeth stated this is somewhat related to the variance request but there were some problems found last summer when drafting the specifications and details to make sidewalk and driveway construction use a better product. Many of the changes have to do with quality control and some have to do with more specific details of the way the sidewalks and driveways are constructed.

Commissioner Laber moved to approve the revisions to construction specifications and standard details relating to sidewalk and driveway construction. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS:

There being no further actions to come before the Board of City Commissioners, Commissioner Rohr moved to adjourn the meeting at 6:43 p.m. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

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James Neubauer,  
City Administrator

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Arlyn Van Beek,  
President, Board of City  
Commissioners

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The Mandan Board of Equalization met in regular session at noon on April 14, 2015 in the Veterans' Conference Room at City Hall, 205 2<sup>nd</sup> Ave. NW, Mandan, ND. Present via teleconference call were Commissioners Van Beek, Braun, Tibke, Rohr and Laber. Also present were Finance Director Greg Welch, City Assessor Shaw, and Deb Zodrow. In attendance in the audience was Bob Vayda.

Commissioner Laber moved to approve adjourning the City Board of Equalization until April 21, 2015 at 7:00 p.m. in the Ed "Bosh" Froehlich Meeting Room at Mandan City Hall, 205 2<sup>nd</sup> Ave. NW, Mandan, ND. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Braun: Yes; Commissioner Rohr: Yes; Commissioner Van Beek: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes. The motion passed.

There being no further action to come before the Board, Commissioner Tibke moved to adjourn the City Board of Equalization meeting. Commissioner Laber seconded the motion. The motion received unanimous approval of the members present. The meeting adjourned at 12:06 p.m.

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Shirley Shaw, City Assessor

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Mayor Arlyn Van Beek



Public Hearing No. 1 –  
Revised April 20, 2015

# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** April 21, 2015  
**PREPARATION DATE:** April 17, 2015  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Robert Decker, Principal Planner  
**SUBJECT:** Consider for approval subdivision development agreement, plat and zoning for Volochenko Addition

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### STATEMENT/PURPOSE:

This area is currently unplatted and zoned A (agriculture). The request is to plat this 10.36 acre site into 5 lots and then rezone it to PUD District 2015-01 with a mix of residential and commercial uses.

### BACKGROUND/ALTERNATIVES:

Mr. Volochenko has owned this land for some time and has previously sought to rezone the land with no success. Reasons for the previous denials included the condition of the property and the lack of a plan for development.

This time there is a subdivision development agreement that sets requirements for the Developer. This time there is a plat that describes 5 lots within the area. This time there is a stormwater management plan that addresses the existing stormwater system that runs through the property. This time there is a zoning proposal that limits uses to residential and light commercial.

Planning and Zoning discussed this request over two months and voted 8 – 3 to recommend approval.

At the last city commission meeting the plat request was tabled in order to allow time to complete the subdivision development agreement.

ATTACHMENTS:

1. Location Map
2. Subdivision Development Agreement
3. Plat
4. Zoning
5. Planning and Zoning staff report

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION:

Since the P & Z meeting there have been numerous email contacts with the Developer's consultant. Those correspondences have resulted in the following.

1. A minor adjustment to the lot lines on the plat.
2. Mr. Volochenko signed a developer's agreement.
3. Mr. Volochenko requested multiple additions to the allowed uses in the zoning ordinance.

There are three options.

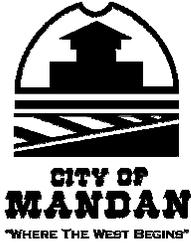
1. Approve the developer's agreement and plat so the plat can be recorded. Approve the rezoning as recommended by P & Z.
2. Approve the developer's agreement and plat so the plat can be recorded and refer the rezoning request back to P & Z.
3. Refer the whole case back to P & Z.

Some of the requested additions to the PUD are reasonable. Some are not. The version of the ordinance on the agenda is the version recommended by P & Z. Approval of the PUD ordinance would still allow changes prior to the second consideration of the ordinance. P & Z will meet prior to the next city commission meeting so they could provide input. Platting the land and adopting some form of rezoning would take the land out of agricultural zoning and bring the land under all city regulations.

The preferred course of action is to approve what P & Z recommended and allow the developer to propose changes.

SUGGESTED ACTIONS:

- Open public hearing
- Close public hearing
- Consider New Business item 4-2 – subdivision development agreement and plat for Volochenko Addition
- Consider Resolutions and Ordinances item 1 – Ordinance 1203 creating PUD District 2015-1 for Volochenko Addition



## Board of City Commissioners

# Agenda Documentation

<b>MEETING DATE:</b>	April 21, 2015
<b>PREPARATION DATE:</b>	April 17, 2015
<b>SUBMITTING DEPARTMENT:</b>	Engineering & Planning
<b>DEPARTMENT DIRECTOR:</b>	Justin Froseth
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This time there is a subdivision development agreement that sets requirements for the Developer. This time there is a plat that describes 5 lots within the area. This time there is a stormwater management plan that addresses the existing stormwater system that runs through the property. This time there is a zoning proposal that limits uses to residential and light commercial.

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Board of City Commissioners

Agenda Documentation

Meeting Date: April 21, 2015

Subject: Subdivision development agreement, plat and zoning for Volochenko Addition

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ATTACHMENTS:

1. Location Map
2. Subdivision Development Agreement
3. Plat
4. Zoning
5. Planning and Zoning staff report

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION:

Since the P & Z meeting there have been numerous email contacts with the Developer's consultant. Those correspondences have resulted in the following.

1. A minor adjustment to the lot lines on the plat.
2. Mr. Volochenko signed a developer's agreement.
3. Mr. Volochenko requested multiple additions to the allowed uses in the zoning ordinance.

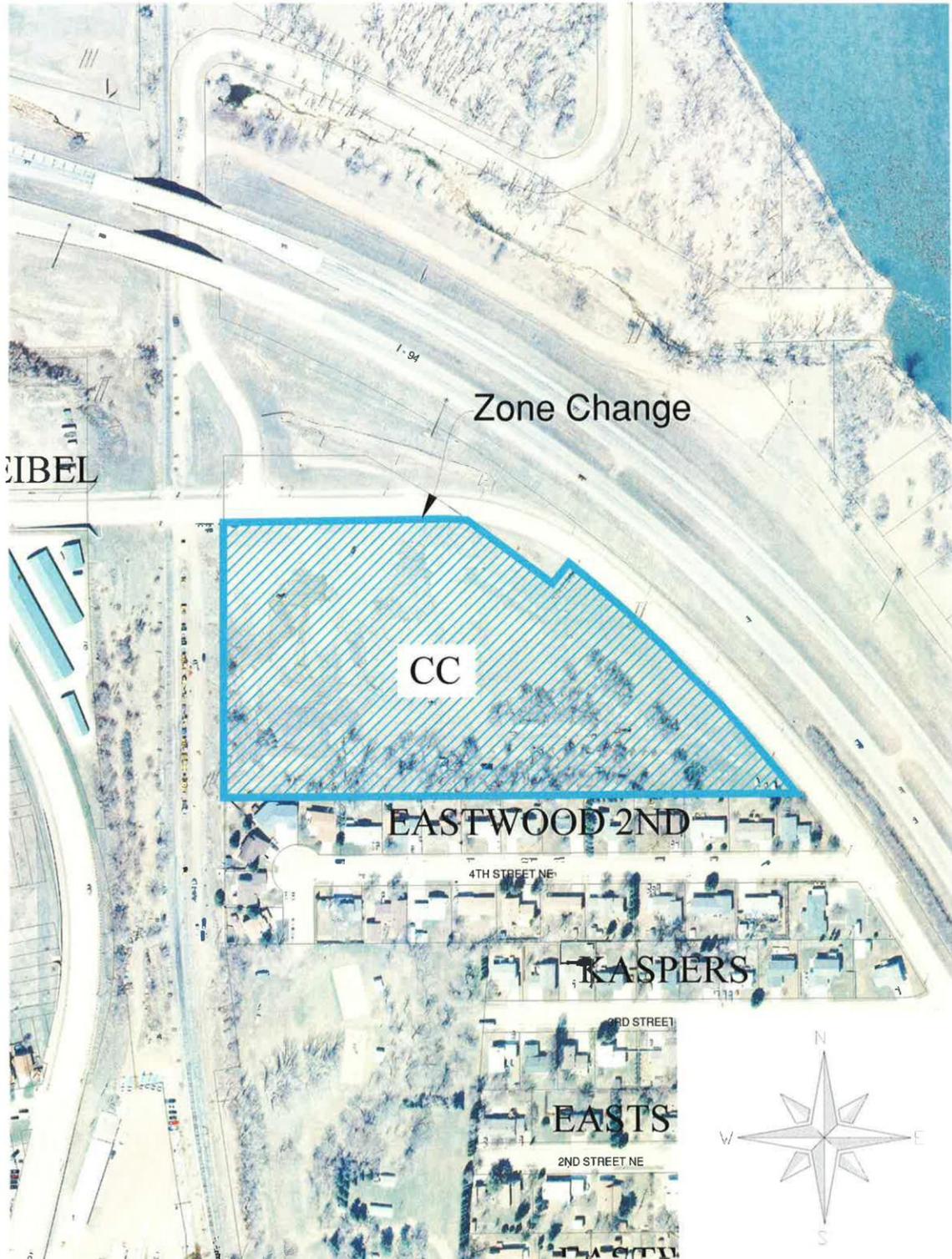
There are three options.

1. Approve the developer's agreement and plat so the plat can be recorded. Approve the rezoning as recommended by P & Z.
2. Approve the developer's agreement and plat so the plat can be recorded and refer the rezoning request back to P & Z.
3. Refer the whole case back to P & Z.

Some of the requested additions to the PUD are reasonable. Some are not. The version of the ordinance on the agenda is the version recommended by P & Z. Approval of the PUD ordinance would still allow changes prior to the second consideration of the ordinance. P & Z will meet prior to the next city commission meeting so they could provide input. Platting the land and adopting some form of rezoning would take the land out of agricultural zoning and bring the land under all city regulations.

SUGGESTED ACTIONS:

- Open public hearing
- Close public hearing
- Consider New Business item 4 – subdivision development agreement and plat for Volochenko Addition
- Consider Resolutions and Ordinances item 1 – Ordinance 1203 creating PUD District 2015-1 for Volochenko Addition



## Subdivision Development Agreement

### Volochenko Addition

#### Leslie Volochenko

This Agreement is made and entered into on this **15 of April, 2015**, (hereinafter the "effective date") by and between the City of Mandan, hereinafter referred to as the "City", and Leslie Volochenko, herein after referred to as the "Developer". The address for the City of Mandan is 205 2nd Avenue NW, Mandan, North Dakota 58554. The address of the Developer is 506 Collins Avenue, Mandan, North Dakota 58554.

WHEREAS, the Developer is the owner of property whose legal description is Part of Auditors Lot AE of the NE ¼ of Section 26, Township 139 North, Range 81 West (herein after referred to as the "Property"); and

WHEREAS, the Developer wishes to develop the Property into a Development named Volochenko Addition (hereinafter referred to as the "Development"); and

WHEREAS, the plat depicting the boundaries of the Development is attached hereto as Exhibit A and made a part of this Agreement by reference; and

WHEREAS, the Development is currently planned to include five lots reserved for residential and/or limited commercial development; and

WHEREAS, the Developer intends to market the parcels to others for development; and

WHEREAS, a new agreement will be required for each parcel with the eventual buyer of each parcel; and

WHEREAS, the Developer has requested and the City has approved that the zoning be changed from agricultural zoning to PUD District 2015-1 including modified CB; and

WHEREAS, the Developer intends to require that the purchasers of the land construct water system, sanitary sewer system, stormwater management system and street improvements required to provide service to the individual lots within the Development and connect same to City facilities; and

WHEREAS, the Developer intends to require that purchasers of the land accommodate the existing storm drainage and electric transmission facilities located on the land when developing the land; and

WHEREAS, the City finds it necessary to have the purchaser construct or install said infrastructure facilities to City design and construction standards; and

WHEREAS, the Developer desires to cooperate with the City and will require the purchasers of individual lots to construct or install said facility improvements as specified by this Agreement.

NOW THEREFORE, it is agreed between the parties as follows:

## Table of Contents

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### 1. Parties to this Agreement.

1.1. City. The City is a North Dakota Home Rule Charter City vested with the authority to control access to its streets and municipal infrastructure. The City has authority to approve or disapprove of all subdivision plats within its territorial jurisdiction. The City has the express authority to withhold building permit approval for any structure or residence on the Property for a failure by the Developer to comply with the terms and conditions of this Agreement.

1.2. Developer. The Developer is the legal and equitable owner of the Property.

### 2. Developer responsibilities.

2.1. Design and installation of facilities. The Developer or purchaser of each lot shall design and construct or install all facilities within the proposed Development, including those that will be dedicated to the City for ownership, operation and maintenance after construction or installation and acceptance by the City.

2.2. Designation of ownership responsibility. The Developer or purchaser of each lot shall clearly designate those facilities that will be owned and operated by a maintenance association. The proposed legal structure of the maintenance association shall be provided to the City. A written operation plan for maintenance association maintained facilities shall be prepared by the Developer or purchaser of each lot. Covenants or other documents specifying ownership, operation and maintenance requirements shall be recorded and a copy of the recorded document provided to the City by the Developer or purchaser of each lot.

2.3. Commencement of construction. Construction shall not commence until plans for all new facilities that will be dedicated to the City have been reviewed and approved by the City, three way construction agreements have been signed and construction permits have been issued by the City. The stormwater management plan as it impacts the designated floodplain. The stormwater management plan for the Development or each lot must be reviewed and approved by the City engineer prior to commencement of any earthmoving.

2.4. Responsible party. The Developer or purchaser of each lot is the "responsible party" for compliance with all federal and state environmental statutes, rules and regulations including storm water runoff regulations.

2.5. Inspection of construction. The Developer or purchaser of each lot shall provide daily inspection of all construction activities impacting facilities that will be dedicated to the city. Inspection reports shall be submitted to the City at least once per week during any week that there is construction activity. The inspection reports shall include an estimate of percent complete for various items of construction. Any issues that arise during construction that require a change to the improvements that will be dedicated to the City shall be promptly communicated to the City. Deviations from the approved plans for facilities that will be dedicated to the City shall not be constructed until written approval has been issued by the City.

Board of City Commissioners

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Volochenko Subdivision Development Agreement  
Volochenko Developer April 15 2015

- 2.6. Third parties. If a third party is responsible for construction or installation of any facilities that will be dedicated to the City, the agreement and plan between the Developer or purchaser of each lot and the third party shall be forwarded to the City for information. All contractors employed by the Developer or purchaser of each lot shall be properly licensed in North Dakota.
- 2.7. Statutes, rules, regulations, approvals and permits. The Developer or purchaser of each lot must comply with all applicable state and federal statutes, rules and regulations. The Developer or purchaser of each lot is responsible to obtain all approvals and permits from agencies other than the City having jurisdiction over any aspect of the Development. Verification of same shall be submitted to the City.
- 2.8. Utility services not provided by City. The Developer or purchaser of each lot is responsible to arrange for the installation of all utility services not provided by the City. Utilities are to be installed in designated easements shown on the plat unless prior written approval has been issued by the City to construct or install said utilities within or across a City right-of-way. The Developer or purchaser of each lot must provide documentation to the City of approval from the appropriate state agency for installation of a utility within a state right-of-way or easement.
- 2.9. Bonds and insurance. The Developer or purchaser of each lot is responsible to obtain all required bonds and insurance coverage and provide the City with appropriate documentation.
- 2.10. As-built drawings and maintenance manuals. The Developer or purchaser of each lot shall prepare, or cause to have prepared, sealed and signed as-built drawings of all facilities that will be dedicated to the City. As-built plans and maintenance manuals shall be submitted in an electronic format designated by the City along with the number of paper copies designated by the City.
- 2.11. Temporary stormwater construction facilities. The Developer or purchaser of each lot is responsible for removal of all temporary stormwater construction facilities after completion of the improvements.
- 2.12. Designated access routes. Heavy construction or delivery vehicles shall follow routes approved by the City. The Developer, purchaser of each lot or contractor shall obtain approval for these routes from the City Public Works Director in advance in writing. The Developer or purchaser of each lot acknowledges that any vehicles being used at the site of the development or delivering materials or supplies to the site of the development that use non-approved routes to get to the site may result in the City issuing a stop work order to the Developer, purchaser of each lot and/or any contractor working at the site.
- 2.13. Indemnity. The Developer or purchaser of each lot shall indemnify the city against any claims for damages arising out of the actions of the Developer or purchaser of each lot, Developer's or purchaser of each lot's engineer or contractors employed by the Developer or purchaser of each lot.
3. City responsibilities.
  - 3.1. Review. The City will provide prompt review and comment on all plan submittals. The Developer or purchaser of each lot is encouraged to submit plans electronically to insure faster review. The Developer or purchaser of each lot shall designate the person with whom the City is to correspond regarding plan review.

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- 3.2. Plan development. Plans may be developed in phases and the City may grant approvals and issue permits to commence site preparation and grading work prior to finalization of street and utility plans.
- 3.3. Issuance of building permit. The City will not issue a building permit for construction of any above ground improvements on a parcel within a lot unless and until:
  - 3.3.1. Underground and above ground utilities serving the parcel within a lot that will be dedicated to the City have been constructed or installed, inspected and approved by the City;
  - 3.3.2. Curb, gutter and street drainage improvements from the parcel within a lot to an existing public street have been completed, inspected and approved by the City;
  - 3.3.3. An aggregate base course with a minimum width of 24 feet from the parcel within a lot to an existing public street has been constructed or installed, inspected and approved by the City;
  - 3.3.4. If the street is a dead end, either temporary or permanent, a 60 foot diameter or other suitable configuration turnaround with a 12 foot wide aggregate base course has been constructed, inspected and approved by the City;
  - 3.3.5. Street signs identifying each street between the parcel within a lot and an existing public street have been installed, inspected and approved by the City;
  - 3.3.6. All sidewalks and driveway aprons have been installed or appropriate financial arrangements have been made to insure completion.
  - 3.3.7. All stormwater management control elements required for construction on the parcel within a lot have been installed, inspected and approved by the City;
  - 3.3.8. Best management practices are in place to prevent damage to newly constructed or installed facilities and existing public facilities;
  - 3.3.9. The plat has been properly recorded and the City has been provided with documentation of same; and
  - 3.3.10. A bond or letter of credit has been posted by the Developer or purchaser of each lot for 130% of the value of the work required to complete the streets and related improvements.
- 3.4. Substantial completion and warranty period. The City will issue a formal notice of substantial completion for those improvements that will be owned and operated by the City, at which time the one year warranty period shall commence. The City will notify the Developer or purchaser of each lot as to whom to contact regarding takeover of operation and maintenance by the City. Any required operation and maintenance manuals shall be forwarded to designated City staff prior to the date that the City takes over operation and maintenance.
- 3.5. Certificate of occupancy. A certificate of occupancy will not be issued for any structure until all improvements between the parcel within a lot and an existing public street have been constructed or installed, inspected and a formal notice of substantial completion for public improvements has been issued by the City.
- 3.6. Acceptance of Developer constructed or installed improvements. The Developer or purchaser of each lot constructed or installed public improvements will not be formally accepted until the City has approved as-built and maintenance manual submittals. Formal acceptance of the Developer or purchaser of each lot constructed or installed improvements shall be by Board of City Commissioners resolution with an attached listing of improvements being accepted.
- 3.7. End of warranty inspection. The City will schedule with the Developer or purchaser of each lot an end of warranty inspection no sooner than one month prior to the end of

- the warranty period. If deficiencies are found that require correction, the warranty period for those items will be extended. For minor repairs, the Developer or purchaser of each lot and the city will agree on the length of the warranty extension. For major repairs or replacement, the warranty period shall be extended a full year from the date the city accepts the repairs or replacements. If all as-built plans and operation and maintenance manuals have not been provided to the City, the warranty period shall be extended until they have been received, reviewed and accepted by the City.
4. **Developer constructed or installed facilities.** The Developer or purchaser of each lot is responsible for the construction or installation of all improvements required for the Development. The Developer or purchaser of each lot has the option to petition the City to have the City construct or install certain improvements.
- 4.1. Connection to existing City water system. The Developer or purchaser of each lot shall connect to the public potable water line located in Division Street / Missouri Drive.
- 4.2. Water system within the Development. The Developer or purchaser of each lot shall fund, design and construct or install all facilities within the Development required to provide service to a parcel within a lot. Fire hydrants shall be installed between two and seven feet behind the back of curb unless an alternative location is approved in writing in advance by the City Engineer and Fire Chief. The City Engineer and Fire Chief may require the installation of protective bollards around certain fire hydrants. Water service connections must be installed to the property line prior to issuance of a building permit. Fire hydrants are located on Missouri Drive and Division Street.
- 4.3. Connection to existing City sanitary sewer system. The Developer or purchaser of each lot shall connect to the existing public sanitary sewer located at the southeast corner of the Development.
- 4.4. Sanitary sewer system within the Development. The Developer or purchaser of each lot shall fund, design and construct or install all facilities within the Development required to provide service to a parcel within a lot. All sanitary sewer service connections must be installed to the property line prior to issuance of building permits.
- 4.5. Connection to existing City storm sewer system. The Developer or purchaser of each lot shall connect to the existing stormwater system located on the Development and adjacent to the Development in Division Street / Missouri Drive.
- 4.6. Stormwater management system within the Development. The Developer or purchaser of each lot shall fund, design and construct or install, after City review and approval, a stormwater management system meeting City, state and federal requirements.
- 4.6.1. The stormwater management system shall be designed such that the post development peak discharge flow rate at any point where drainage leaves the boundary of the development is no greater than the pre-development peak discharge flow rate at that point for a 50 percent probability six hour, 10 percent probability six hour, 1 percent probability six hour, 50 percent probability twenty-four hour, 10 percent probability twenty-four hour and 1 percent probability twenty-four hour storm event.
- 4.6.2. Except for sheet flow conditions due to roadway cross slopes, stormwater runoff shall not be channeled across roadway surfaces. Drainage system inlets shall be placed to capture water before it can pond or travel across a roadway.
- 4.6.3. If there is a designated floodplain within or adjacent to the Development, the stormwater management plan must be submitted to FEMA for review and approval concurrently with submittal to the City. The City may indicate

Board of City Commissioners

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Volochenko Subdivision Development Agreement  
Volochenko Developer April 15 2015

- tentative approval but the City will not issue any form of final approval until FEMA approval has been received. Building permits may be issued after tentative approval by the City but the City reserves the right to place a stop work order on any building permit if there is a problem receiving FEMA approval of the stormwater management plan.
- 4.6.4. All stormwater management plans and calculations must be sealed and signed by a professional engineer registered in the state of North Dakota.
- 4.6.5. Those facilities that will be owned, operated and maintained by a homeowner's association shall be clearly delineated on the stormwater management plan. Occupancy permits will not be issued until these facilities are designed, constructed and operational.
- 4.7. Augmentation of existing City owned storm sewer facilities. The Developer or purchaser of each lot shall fund, design and construct or install an augmentation or reconstruction of existing stormwater facilities located on the Development that is necessary to accommodate development of the site.
- 4.8. Connection to existing City street system. The Developer or purchaser of each lot shall provide access to each lot from Division Street or Missouri Drive.
- 4.9. Street system within Development. The Developer or purchaser of each lot shall fund and arrange for the design and construction or installation of all streets and related improvements within the Development. Certain improvements must be completed to a condition acceptable to the City Engineer and Chief Building Official in order to issue building permits or approve occupancy permits.
- 4.9.1. Streets within the Development shall be private unless the Developer or purchaser of a lot requests that the City create an assessment district to construct a public street.
- 4.9.2. Streets within the Development may serve individual lots or provide service to multiple lots with the appropriate recorded common use operation and maintenance agreement.
- 4.9.3. All street and traffic signs must be installed prior to issuance of building permits.
- 4.9.4. The first lift of pavement is required before building permits can be issued.
- 4.9.5. Multi-use paths providing access to facilities outside the Development shall be completed prior to issuance of the first occupancy permit along the multi-use path. Sidewalks fronting individual parcels within a lot must be constructed prior to issuance of occupancy permits for those individual parcels.
- 4.9.5.1. Sidewalks or multi-use paths that cross driveways shall be 6 inches thick.
- 4.9.5.2. Sidewalks or multi-use paths may be 4 inches thick outside of the area where the sidewalk or multi-use path crosses a driveway.
- 4.9.5.3. Sidewalks and multi-use paths at intersections must meet ADA design requirements.
- 4.9.6. Final paving is required prior to issuance of occupancy permits.
- 4.10. Neighborhood mailboxes. The Developer or purchaser of each lot is required to fund and install neighborhood mailboxes to United States Postal Service requirements. The City shall review mailbox plans for potential conflicts with City facilities and services.
5. City constructed or installed assessment district facilities.

Board of City Commissioners

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Meeting Date: April 21, 2015

Subject: Subdivision development agreement, plat and zoning for Volochenko Addition

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Volochenko Subdivision Development Agreement  
Volochenko Developer April 15 2015

- 5.1. Developer request to create assessment district. If formally requested by the Developer or purchaser of a lot, the City may consider forming an assessment district to construct or install certain street improvements within the Development.
- 5.2. No guarantee district will be created. The City cannot guarantee that creation of an assessment district will be approved.
- 5.3. Dollar limit on assessments. The City may impose a dollar limit for assessments when creating an assessment district. If that is the case, the Developer or purchaser of each lot is responsible to fund any cost over and above the assessment limit set by the City.
- 5.4. Developer notification to proceed with formation of assessment district. Once bids have been received that provide a cost for the project and an estimate of the cost to the Developer or purchaser of each lot, the Developer or purchaser of each lot shall notify the City in writing whether or not to proceed with the assessment district.
- 5.5. Developer bond or letter of credit. If the Developer or purchaser of each lot wishes to proceed with the assessment district, the Developer or purchaser of each lot shall post a bond or letter of credit in an amount equal to 130% of the amount the Developer will be obligated to pay for the assessment district. The City shall not approve moving forward with the assessment district until the bond or letter of credit has been received from the Developer or purchaser of each lot.
- 5.6. No guarantee of time of completion. If creation of an assessment district is approved, the City cannot guarantee a time of completion for assessment district funded improvements. Issuance of building or occupancy permits within the Development may be delayed pending completion of assessment district funded improvements. Lots within the Development will be assessed for assessment district funded improvements.
- 5.7. Developer selection of facilities to be included in assessment district. The Developer or purchaser of a lot may request any or all of the listed facilities be funded and constructed through an assessment district:
  - 5.7.1. Construct street drainage facilities.
  - 5.7.2. Construct curb and gutter.
  - 5.7.3. Construct initial paving required for issuance of building permit.
  - 5.7.4. Construct final paving required for issuance of occupancy permit.
  - 5.7.5. Construct multi-use paths, sidewalks and driveway aprons.
  - 5.7.6. Install street lights.
  - 5.7.7. Install street and traffic control signs.
6. **Buyer disclosure.**
  - 6.1. Assessment district. The Developer or purchaser of each lot shall disclose to each buyer of a parcel within a lot within the Development at time of closing if there will be assessments imposed on the parcel by the City. The discloser shall be a separate document with a bold heading and readable font. The document shall explain the assessment process. The document shall require buyer acknowledgement and be included in the documentation provided to future buyers of the parcel.
  - 6.2. Sidewalks and boulevards. The Developer or purchaser of each lot shall disclose to each buyer of a parcel within the Development at time of closing that the parcel owner is responsible to maintain the sidewalk and boulevard in the public right-of-way bordering the parcel. The buyer is responsible to establish an acceptable vegetative cover on the boulevard within one year of issuance of an occupancy permit. The buyer is responsible to obtain any permit required for planting within the boulevard. The document shall

Board of City Commissioners

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Meeting Date: April 21, 2015

Subject: Subdivision development agreement, plat and zoning for Volochenko Addition

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Volochenko Subdivision Development Agreement  
Volochenko Developer April 15 2015

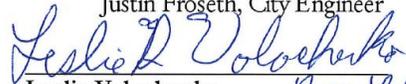
- require buyer acknowledgement and be included in the documentation provided to future buyers of the parcel.
- 6.3. Water and sewer service lines. The Developer or purchaser of each lot shall disclose to each buyer of a parcel within the Development at time of closing that the parcel owner is responsible to maintain the water and sewer service lines within the parcel. The Developer or purchaser of each lot shall disclose to the purchaser of a parcel if the purchaser's responsibility for water and sewer lines extends into the public right-of-way. The buyer is responsible to obtain any permit required for excavation or repair of water and sewer service lines. The disclosure shall require buyer acknowledgement and be included in the documentation provided to future buyers of the parcel.
7. Financial Guarantee.
- 7.1. Developer guarantee for selected improvements. The maintenance association is responsible for providing common use facilities including water lines, sanitary sewers, stormwater detention facilities and streets.
- 7.2. Developer guarantee for damage to public infrastructure. The Developer or purchaser of each lot shall post a bond or letter of credit in the amount of 10% of the cost of utility and street improvements to be constructed by the Developer, purchaser of each lot or maintenance association to be used to repair damage to public facilities caused by construction activity or equipment. The city shall advise the Developer or purchaser of each lot in writing of any damage. The Developer or purchaser of each lot shall have the option to repair the damage. If the Developer or purchaser of each lot fails to complete repairs within a reasonable time as specified by the City, the City may notify the bonding company or complete the repairs and deduct the money from the letter of credit.
8. Property Maintenance.
- 8.1. Developer maintenance until developed. The Developer or purchaser of each lot is responsible to maintain any undeveloped portion of the Development to city standards.
- 8.2. City right to correct violations. The City shall have the right to take action to correct property maintenance violations and bill the Developer or purchaser of each lot.

\_\_\_\_\_  
Malcolm Brown, City Attorney

\_\_\_\_\_  
Mayor Arlyn Van Beek  
City of Mandan

Attest:

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

Justin Froseth, City Engineer  
  
Leslie Volochenko April 16, 2015  
Property Owner

Attest:



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**Version of ordinance requested by Volochenko**

VOLOCHENKO

**PROPOSED ORDINANCE NO. 2015-1**

**AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP.**

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

**SECTION 1. AMENDMENT.** Section 21-03-02 of the Mandan Code of Ordinances is amended to read as follows:

1. Lots 1 – 5 of Block 1 Volochenko Addition located within the City of Mandan, Morton County, North Dakota shall be excluded from the Agricultural zoning and shall be included in PUD District 2015-01 (Planned Unit Development) with the following conditions and restrictions.

- a. All lots may may be developed with residential structures.
- b. Lots may be subdivided or merged at a later date.
- c. Lots may be developed with either public or private streets.
- d. Except as modified herein, all development shall conform to the standards contained in the CB zoning district.
- e. Lot 1 and 2 can have MA zone, Wholesale group, Industrial group A: Railroad line trackage, Railroad freight station;
- f. All lots may be developed into commercial area uses shall be limited to those in all Retail Groups, Group Dwelling groups, all Service Groups, commercial recreation group, wholesale group and Office-bank Group and all as itemized in Appendix A.
- g. Structures shall not be constructed closer than 25 feet to Division Street NE or Missouri Drive NE<sup>h</sup> Avenue SE or closer than 50 feet from the south property line.
- h. Freestanding signage shall be limited to a business or development name sign at the entrances to each lot. The signs shall be located so as not to obstruct vehicular sight triangles at the access driveways. The bill board on lot shall be allowed. The area around the signs shall be landscaped.
- i. The developer shall install or arrange for the installation of all on-site utilities.
- j. Fire hydrants shall be installed as directed by the City of Mandan Fire Department. Are installed on Division Street NE and Missouri Drive.
- k. There shall be no more than two vehicular access points on each lot.
- l. The developer shall install a 5 foot wide sidewalk to city specifications within the right-of-way along Division Street NE and Missouri Drive. After building or construction on lot has been completed.
- m. All on-site paved areas shall be privately owned and maintained.
- n. Configuration of the roadways shall meet the requirements of the City of Mandan Fire Department for emergency vehicle access.

VOLOCHENKO

- o. Privacy fencing (opaque fence 6 foot tall) and landscape buffer in accordance with City of Mandan Ordinance shall be installed between the residential area to the south and the proposed commercial development to the north prior to occupancy of the principal building in Volochenko Addition.
- p. The south 25 feet and the north 15 feet of each commercial lot shall be landscaped.
- q. All areas fronting Division Street NE and Missouri Drive NE shall be landscaped. The areas between the commercial and residential uses shall also be landscaped. The landscaping shall include shrubs and/or trees. The landscaping plan must be submitted to the city for review and approval by MARC.
- r. A stormwater plan shall be submitted to and approved by the city prior to beginning any land disturbing activities. This the only stormwater management plan need for the Volochenko addition.
- s. A detailed site plan shall be prepared for each lot and presented to the city prior to beginning any land disturbing activities documenting compliance with the requirements contained herein.
- t. No abandoned or disabled vehicles are allowed within Volochenko Addition.
- u. All undeveloped lots shall be mowed in accordance with City Ordinance. All easments will be maintained by easment holder and all expense of will be sent to easment holder.
- v. This Planned Unit Development (PUD) over rides all other Planned Unit Developements April 15, 2015

**SECTION 2. RE-ENACTMENT.** Section 21-03-02 of the Mandan Code of Ordinances is hereby re-enacted as amended. The city principal planner is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

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

Attest: \_\_\_\_\_  
City Administrator

Public Hearing: \_\_\_\_\_

First Consideration: \_\_\_\_\_

Second Consideration  
and Final Reading: \_\_\_\_\_

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

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

VOLOCHENKO

Appendix A to Ordinance 2015-1 establishing PUD District

The following uses are declared to be in retail group A:

- (1) Antique store,
- (2) Appliance, radio, television store,
- (3) Auto accessory store,
- (4) Book, magazine, newspaper store,
- (5) Butcher shop,
- (6) Camera shop, art supply store,
- (7) Candy store,
- (8) Clothing, clothing accessories store,
- (9) Delicatessen,
- (10) Department store,
- (11) Drugstore,
- (12) Five and ten cent store,
- (13) Flower shop,
- (14) Furniture, office equipment store,
- (15) Gift shop,
- (16) Grocery store,
- (17) Hardware store,
- (18) Hobby, toy store,
- (19) Ice cream parlor,
- (20) Jewelry store,
- (21) Music store,
- (22) Notion, variety store,
- (23) Office supply, stationery store,
- (24) Package liquor store,
- (25) Photographic studio,
- (26) Shoe store,
- (27) Sporting goods store,
- (28) Bakery, in which nothing is baked except for retail sale on the premises.

The following uses are declared to be in retail group B:

- (1) Auto, truck sales,
- (2) Farm implement store,
- (3) Feed, grain, farm supply store,
- (4) Trailer sales

The following uses are declared to be in service group A:

- (1) Barber shop,
- (2) Beauty shop,
- (3) Refrigerated cold storage lockers,
- (4) Dressmaker, tailor,
- (5) Dry cleaning pickup agency,
- (6) Furniture repair, upholstering,
- (7) Laundry pickup agency,

Board of City Commissioners

Agenda Documentation

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VOLOCHENKO

- (8) Laundry, self-service,
- (9) Milliner,
- (10) Radio, appliance repair,
- (11) Restaurant,
- (12) Shoe repair,
- (13) Soda fountain,
- (14) Watch, jewelry, camera repair,
- (15) Animal clinic,
- (16) Pet store.
- (16) Pet Grooming Commercial facility

The following uses are declared to be in service group B:

- (1) Auto laundry,
- (2) Auto repair garage,
- (3) Commercial school, including business, secretarial, dancing, music, physical culture, technical or trade school,
- (4) Garage, commercial parking lot,
- (5) Steam bath,
- (6) Tire, battery repair,
- (7) Undertaking establishment,
- (8) Outdoor advertising sign.

The following uses are declared to be group dwelling uses:

- (1) Boarding house,
- (2) Private club, lodge hall, union headquarters, but not including a club in which the principal activity is one normally conducted as a business,
- (3) Convent, monastery,
- (4) Fraternity, sorority house,
- (5) Rooming house
- (6) Group homes licensed by the department of human services

The following uses are declared to be in the commercial recreation group:

- (1) Bowling alley
- (2) Dance hall
- (3) Pool or billard
- (4) roller-skating rink
  
- (5) Sport arena
- (6) Tavern, saloon, bar
- (7) Theater

The following uses are declared to be in the wholesale group:

- (1) Newspaper, magazine distributor,
- (2) Wholesale food and grocery,

Board of City Commissioners

Agenda Documentation

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VOLOCHENKO

- (3) Wholesale drug sales.

The following uses are declared to be in the health-medical group:

- (1) Hospital for human beings licensed under NDCC Chapter 23-16,
- (2) Medical clinic,
- (3) Nursing, home licensed by the department of health under NDCC Chapter 23 – 16 ,
- (4) Basic Care Facility licensed by the department of health under Chapter 23-09.3 and Assisted Living Facility registered with the department of human services,
- (5) Orphan's home,
- (6) Sanitarium, chiropractic hospital, or hospital, or hospital for unmarried mothers maintained and operated by the department of human services,
- (7) Treatment facility licensed by the department of human services.

The following uses are declared to be in the education group:

- (1) College or junior college,
- (2) Grade school,
- (3) High school or junior high school,
- (4) Kindergarten,
- (5) Private or parochial schools offering a curriculum substantially equivalent to that offered by public schools,
- (6) Student or faculty dormitory on college campus,
- (7) Stadium, gymnasium, field house, as an accessory building on the same lot as principal building,
- (8) Power or heating plant as accessory building and used

The following uses are declared to be in the public recreation group:

- (1) Community center,
- (2) Golf courses, municipal,
- (3) Museum, public,

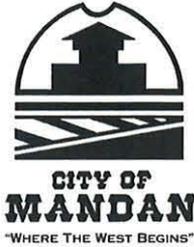
The following uses are declared to be in the office-bank group:

- (1) Bank,
- (2) General office,
- (3) Governmental office,
- (4) Insurance office,
- (5) Personal loan agency,
- (6) Professional office,
- (7) Real estate office,
- (8) Taxicab office,
- (9) Telephone exchange
- (10) Utility Office

Mandan Planning and Zoning Commission Agenda Item  
 For Meeting on March 23, 2015  
 Mandan Engineering and Planning Office Report  
**Rezone Volochenko**  
 Requested Action  
**Change zoning from A to PUD**

Application Details					
Applicant Swenson, Hagen & Co.	Owner Leslie Volochenko	Subdivision Volochenko (proposed)	Legal Description Mandan Lands, not subdivided		
Location Along Division St. NE / Missouri Dr. NE east of Mandan Ave. NE		Proposed Land Use commercial	Parcel Size 8.79 acres	Number of Lots 5	
Existing Land Use vacant	Adjacent Land Uses Residential & commercial		Current Zoning A	Proposed Zoning PUD over CB	Adjacent Zoning R7, R3.2 & CC
Fees	Date Paid	Adjacent Property Notification Sent	Legal Notices Published		

Project Description
Request is to rezone to allow development of area with options for residential or commercial.
Agency & Other Department Comments
Engineering & Planning Staff Comments
<ul style="list-style-type: none"> <li>Has adjacent rail access</li> <li>Storm drain system runs through property and must be addressed</li> <li>Within Gateway overlay zone so landscape buffering is required</li> <li>P &amp; Z continued for more information</li> <li>Based on comments received, considering modified CB rather than CC so housing can be an option</li> </ul>
Engineering & Planning Recommendation
<p>Recommend approval of PUD rezoning and accompanying plat subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Execution of a subdivision developer agreement</li> <li>2. Completion of a stormwater management plan</li> <li>3. Creation of a PUD district based on CB with appropriate use restrictions. PUD to have a one year time limit at which time it must be considered for renewal and only renewed if all conditions have been met.</li> <li>4. Requirement to install fencing and buffering meeting Gateway Overlay District requirements along south property line within one year of approval of rezoning by city commission.</li> </ol>
Proposed Motion
Move to recommend approval of PUD with restrictions on uses and stipulation that PUD cannot be recoded until property is clean and free of weeds and tall grass.



# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** April 21, 2015  
**PREPARATION DATE:** April 17, 2015  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Robert Decker, Principal Planner  
**SUBJECT:** Consider for approval plat and rezoning of Meadowlands Addition

---

STATEMENT/PURPOSE:

Current zoning is RM and MB. Proposal is to rezone to RH, CB and CC

BACKGROUND/ALTERNATIVES:

This area is bounded by an old railroad embankment that functions as a dike, a dike for the Heart River and an existing mobile home park. The city has stormwater and sanitary sewer pumping facilities adjacent to this site.

LOMR effective August 29, 2006, removed this area from the floodplain.

The stormwater management plan is under review. No site preparation can occur until the stormwater management plan is approved.

A draft subdivision development agreement has been prepared and is being reviewed.

Developer anticipates requesting use of an assessment district to construct Meadowlands Avenue. Developer will need to have plans and specifications ready by next meeting in order to meet approved deadline.

ATTACHMENTS:

1. Location Map
2. Proposed Plat
3. Proposed rezoning
4. Planning and Zoning staff report

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION:

~~Staff recommends approval of this plat and rezoning. Due to having numerous issues arise in the~~

Board of City Commissioners

Agenda Documentation

Meeting Date: April 21, 2015

Subject: Approval of plat and rezoning for Meadowlands Addition

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last few days, it is recommended that this item be tabled until the next meeting when we expect to have to discuss forming an assessment district.

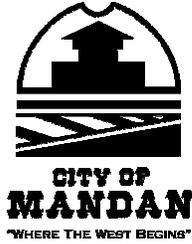
SUGGESTED ACTION:

Open public hearing

Close public hearing

Consider New Business item 5 – Meadowlands plat

Consider Resolutions and Ordinance item 2 – Meadowlands Rezoning Ordinance 1205



# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** April 21, 2015  
**PREPARATION DATE:** April 17, 2015  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
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FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION:

Staff recommends approval of this plat and rezoning.

Board of City Commissioners

Agenda Documentation

Meeting Date: April 21, 2015

Subject: Approval of plat and rezoning for Meadowlands Addition

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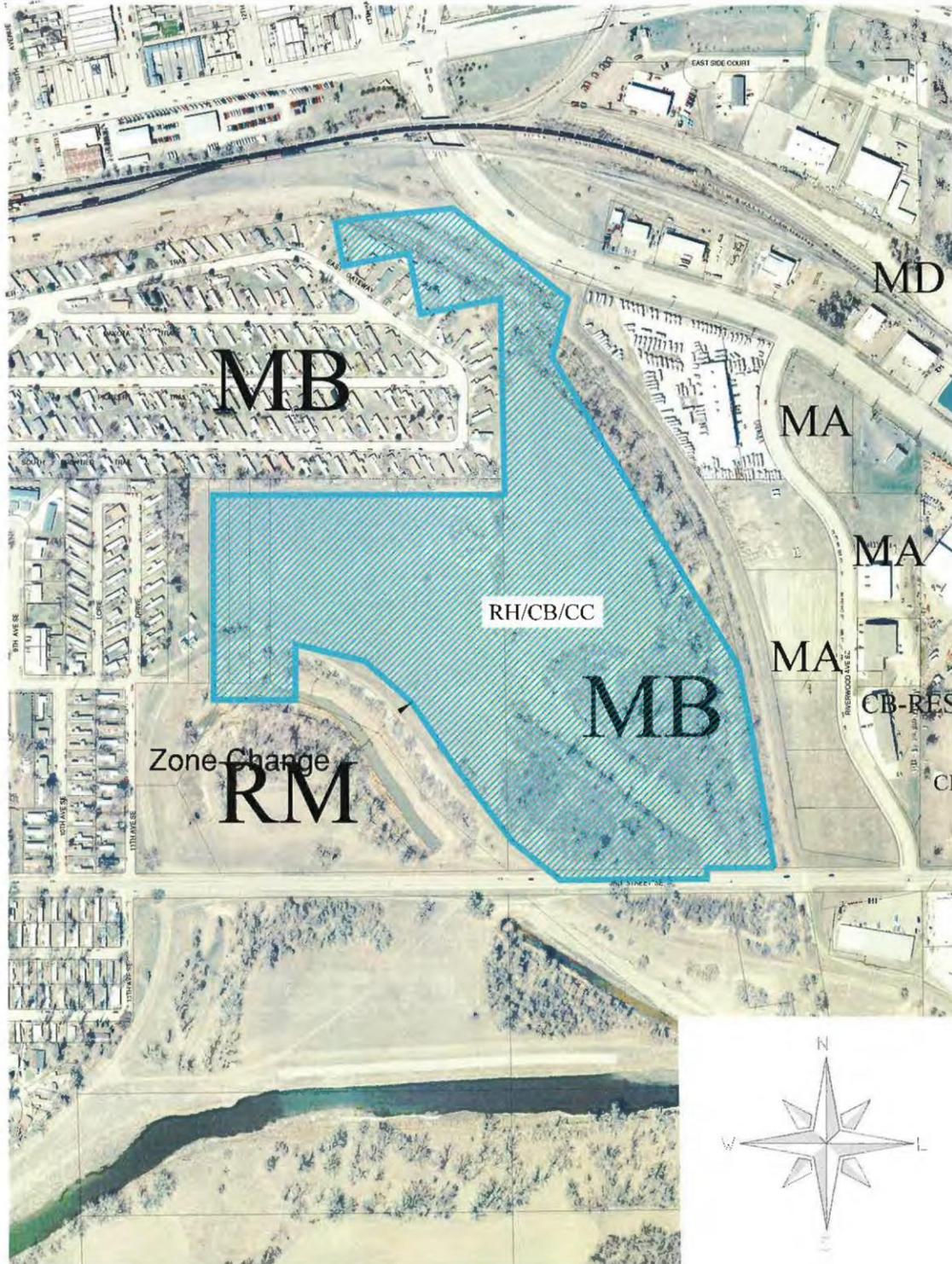
**SUGGESTED ACTION:**

Open public hearing

Close public hearing

Consider New Business item 5 – Meadowlands plat

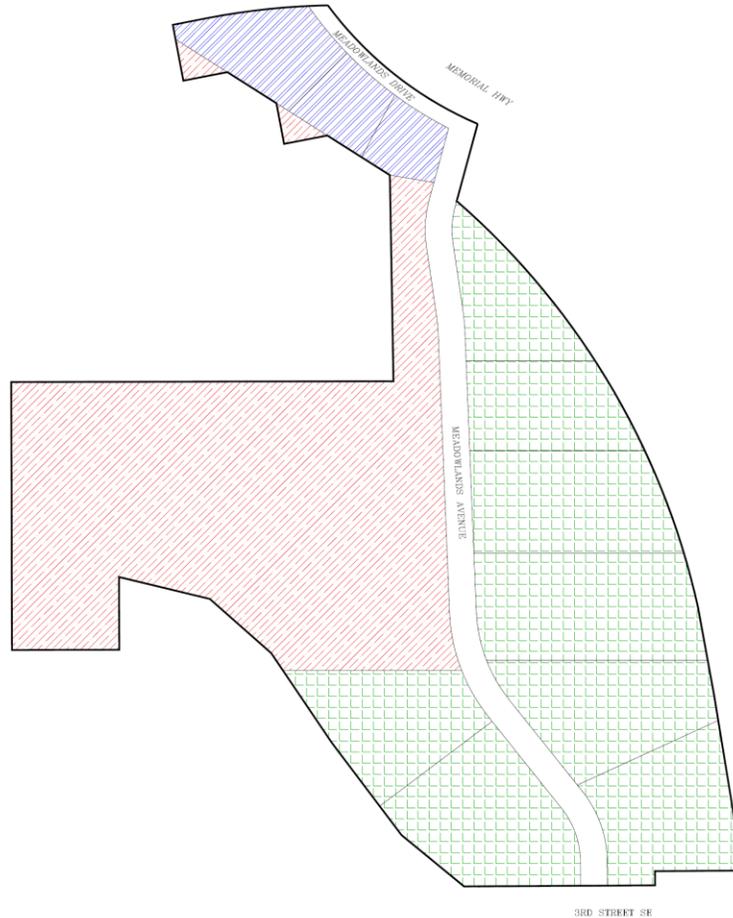
Consider Resolutions and Ordinance item 2 – Meadowlands Rezoning Ordinance 1205





# **MEADOWLANDS ADDITION**

## **ZONING MAP**



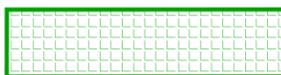
**MOBILE HOME RESIDENTIAL**

**RH**



**COMMERCIAL AND SERVICE**

**CB**



**HEAVY COMMERCIAL**

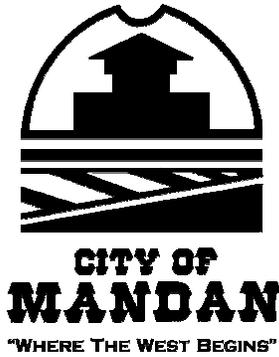
**CC**



Mandan Planning and Zoning Commission Agenda Item  
 For Meeting on March 23, 2015  
 Mandan Engineering and Planning Office Report  
**Rezone Meadowlands**  
 Requested Action  
**Final plat and Change zoning from RM & MB to RH, CB & CC**

Application Details				
Applicant Swenson, Hagen & Co.	Owner Barry Jennings	Subdivision Meadowlands (proposed)	Legal Description Multiple parcels, no existing subdivision	
Location Between 3 <sup>rd</sup> St SE and Memorial Highway		Proposed Land Use Manufactured homes and commercial	Parcel Size 42.9 acres	Number of Lots 12
Existing Land Use vacant	Adjacent Land Uses Residential & commercial		Current Zoning RM & MB	Proposed Zoning RH, CB & CC
Fees \$700	Date Paid 1/21/2015	Adjacent Property Notification Sent 3/11/2015	Legal Notices Published Feb. 13 & 20, 2015	

Project Description
Request is to rezone to allow development of area with manufactured homes and multi-family or commercial.
Agency & Other Department Comments
<ul style="list-style-type: none"> <li>Need to establish mail delivery plan</li> </ul>
Engineering & Planning Staff Comments
<ul style="list-style-type: none"> <li>There are issues with access to Memorial               <ul style="list-style-type: none"> <li>Traffic study will be needed since this project impacts intersection of 3<sup>rd</sup> St NE and Memorial where installation of traffic signal is being considered</li> <li>Access onto Memorial near BNSF bridge is limited by median (no left turn)</li> <li>NDDOT has provided traffic study criteria</li> </ul> </li> <li>Property boundaries between this owner and BNSF may be challenged due to BNSF driveway being shown on this property. Intent is to provide BNSF access to Memorial along a modified route.</li> <li>Some land swap with neighboring mobile home court will likely occur (brother owns mobile home court).</li> <li>Flood control questions need to be answered by Lower Heart.</li> <li>Construction near existing dike.</li> <li>Removal of part of old railroad embankment is proposed.</li> <li>Impacts on existing stormwater system.</li> <li>Need for land to relocate master sanitary sewer lift station or install gravity interceptor.</li> <li>Possible trade of land so property can be accessed on west side of existing master sanitary sewer lift station.</li> <li>Water and sewer are available but developer may need to extend off-site to reach existing.</li> <li>Initial layout for manufactured home park needs work because of utility conflicts and need for access across city property. Zoning requires a minimum of 10 acres for this use.</li> <li>Proposed Comprehensive Plan shows this area as industrial.</li> <li>P&amp;Z approved preliminary plat 2/23/15 with conditions.</li> </ul>
Engineering & Planning Recommendation
Preliminary plat approved subject to the following conditions: <ol style="list-style-type: none"> <li>Preparation of a subdivision master plan meeting the requirements of Section 21-09-07</li> <li>Execution of a subdivision developer agreement</li> <li>Completion of a stormwater management plan</li> </ol>



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** April 21, 2015  
**PREPARATION DATE:** April 15, 2015  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Justin Froseth, Planning & Engineering Director  
**SUBJECT:** Consider Resolution determining insufficiency of protests for, Resolution approving plans and specifications for, Resolution approving amended engineer's report and Resolution directing advertisement for bid for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

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**STATEMENT/PURPOSE:** To consider resolutions determining insufficiency of protests for, approving plans and specifications for and directing advertisement for bid for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

**BACKGROUND/ALTERNATIVES:** On March 3, 2015 the Mandan City Commission approved the creation of Street Improvement District No. 199 and approved the Resolution of Engineer's Report and the Resolution of Necessity. On April 13, 2015 the protest period ended. The City of Mandan Engineering Department has received protest letters amounting to 27.74% of the protest area for this project (17.87% being commercial and 9.87% being residential). Therefore due to the lack of protests we are asking Mandan City Commission to approve the resolution determining insufficiency of protest, approve the plans and specifications and approve the resolution directing advertisement for bids so we may move forth with the street improvement project.

Going forward, the intended project schedule is as follows:

- April 24, 2015 Ad for bid published in Mandan News
- May 14, 2015 Bid Opening
- May 19, 2015 Bid Awarded
- June Construction to begin
- 2016 Completion Date
- 2016 Special Assessments

Board of City Commissioners

Agenda Documentation

Meeting Date: April 21, 2015

Subject: Consider Resolution determining insufficiency of protests for, Resolution approving plans and specifications for, Resolution approving amended engineer's report and Resolution directing advertisement for bid for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

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ATTACHMENTS:

1. District Map
2. Pavement Condition Index Map
3. Protest Map
4. Resolution determining insufficiency of protests.
5. Resolution approving amended engineer's report
6. Resolution approving plans and specifications
7. Resolution directing advertisement for bid

FISCAL IMPACT: The estimated cost of construction is \$2,374,371.10, engineering and administration is estimated to add \$831,029.89, bringing the total project cost to \$3,205,400.99. The cost will be special assessed to the benefitting properties.

STAFF IMPACT: Time for planning and administrative duties.

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

RECOMMENDATION: Due to lack of protests for the street project we recommend approving the resolution determining insufficiency of protest for, approve the resolution approving the plans and specifications for, and approve resolution directing advertisement for bid for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

SUGGESTED MOTION: I move to approve the resolution determining insufficiency of protests for, approve the Resolution approving plans and specifications for, approve Resolution amending engineer's report, and approve resolution directing advertisement for bid for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

Board of City Commissioners

Agenda Documentation

Meeting Date: April 21, 2015

Subject: Consider Resolution determining insufficiency of protests for, Resolution approving plans and specifications for, Resolution approving amended engineer's report and Resolution directing advertisement for bid for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

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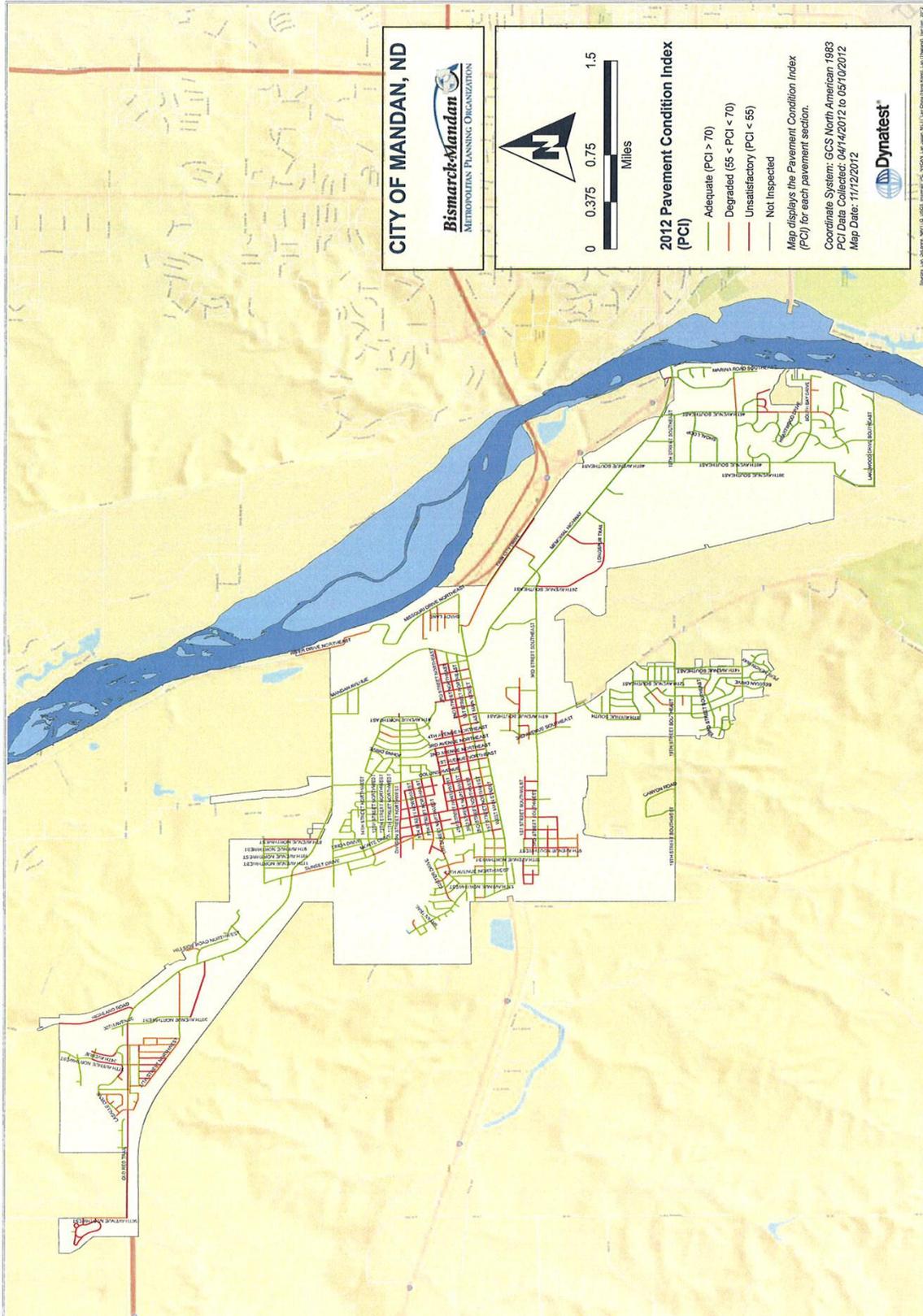
Board of City Commissioners

Agenda Documentation

Meeting Date: April 21, 2015

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Board of City Commissioners

Agenda Documentation

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Subject: Consider Resolution determining insufficiency of protests for, Resolution approving plans and specifications for, Resolution approving amended engineer's report and Resolution directing advertisement for bid for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

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Board of City Commissioners

Agenda Documentation

Meeting Date: April 21, 2015

Subject: Consider Resolution determining insufficiency of protests for, Resolution approving plans and specifications for, Resolution approving amended engineer's report and Resolution directing advertisement for bid for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

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**RESOLUTION DETERMINING INSUFFICIENCY OF PROTESTS FOR  
STREET IMPROVEMENT DISTRICT NO. 199**

Whereas, the governing body of the City of Mandan, North Dakota (the "City") adopted a Resolution of Necessity Declaring the Necessity of a Special Assessment District for Street Improvement District No. 199, on March 3, 2015 (the "Resolution"); and

Whereas, the Resolution was published in the City's official newspaper on March 13, 2015 and March 21, 2015; and

Whereas, more than thirty days have passed since the March 13, 2015 publication; and

BE IT HEREWITH RESOLVED AND DETERMINED by the governing body of the City as follows:

1. That written protests filed with the City Administrator, within 30 days after March 13, 2015 publications, did not represent a majority of the property included within Street Improvement District No. 199
2. That proceedings under the Resolution are NOT barred.

Dated and adopted this 21<sup>st</sup> day of April, 2015

Dakota

City of Mandan, North

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Arlyn VanBeek, President  
Board of City Commissioners

Attest:

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James Neubauer, City Administrator

**RESOLUTION APPROVING AMENDED ENGINEER'S REPORT AND  
AUTHORIZING PREPARATION OF THE DETAILED PLANS  
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE  
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 199**

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. 199 (Project # 2014-28), 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:	\$2,374,371.10
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:	\$831,029.89
c. Total estimated costs of the improvement:	\$3,205,400.99

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: April 21, 2015

Subject: Consider Resolution determining insufficiency of protests for, Resolution approving plans and specifications for, Resolution approving amended engineer's report and Resolution directing advertisement for bid for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

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

Dated this 21<sup>st</sup> day of April, 2015.

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President, Board of City Commissioners

ATTEST:

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City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: April 21, 2015

Subject: Consider Resolution determining insufficiency of protests for, Resolution approving plans and specifications for, Resolution approving amended engineer's report and Resolution directing advertisement for bid for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

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**RESOLUTION APPROVING PLANS AND SPECIFICATIONS  
FOR STREET IMPROVEMENT DISTRICT NO. 199  
PROJECT # 2014-28**

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. 199 (Project # 2014-28) 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 21<sup>st</sup> day of April, 2015.

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

ATTEST:

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

Board of City Commissioners

Agenda Documentation

Meeting Date: April 21, 2015

Subject: Consider Resolution determining insufficiency of protests for, Resolution approving plans and specifications for, Resolution approving amended engineer's report and Resolution directing advertisement for bid for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

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**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS  
FOR STREET IMPROVEMENT DISTRICT NO. 199**

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

1. The City Administrator, Deputy Auditor and City Engineer shall meet at the time and place specified in the notice authorized in paragraph 2 hereof, for the purpose of opening sealed bids for the work and material needed for the improvement project to be made in Street Improvement District No. 199 (Project # 2014-28) of the City of Mandan, as more fully described and referred to in the resolution creating said improvement district passed and approved by the Board on March 3, 2015, and in the plans and specifications for said improvement now on file in the office of the City Engineer.

2. The City Administrator is authorized and directed to cause notice of advertisement for bids to be published once each week for two consecutive weeks in the Mandan News, the official newspaper, the first of such publications to be at least fourteen days before the date specified for receipt of bids, which notice shall be in the following form:

**“ADVERTISEMENT FOR BIDS FOR  
STREET IMPROVEMENT DISTRICT NO. 199  
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota will receive sealed bids at the office of the City Administrator until Thursday, May 14, 2015, at 11:00 a.m., local time for the purpose of furnishing of materials, labor and skill needed for the construction of asphalt streets and alleys, concrete curb and gutter and related work in accordance with the plans and specifications for Street Improvement District No. 199 (Project # 2014-28), for the City of Mandan. The Work consists of all labor, skill, and materials required to properly construct the improvement.

Board of City Commissioners

Agenda Documentation

Meeting Date: April 21, 2015

Subject: Consider Resolution determining insufficiency of protests for, Resolution approving plans and specifications for, Resolution approving amended engineer's report and Resolution directing advertisement for bid for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

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Contractors and vendors desiring plans and specifications for personal use may secure digital copies from [www.questcdn.com](http://www.questcdn.com) for a fee of \$25.00. These documents may be downloaded by selecting this project from the "Bid Documents" tab and by entering Quest Project Number #3854110 on the "Search Projects" page. For assistance and the free membership registration, contact QuestCDN at (952)233-1632 or [info@questcdn.com](mailto:info@questcdn.com). Paper copies of the bid documents may be obtained from the City of Mandan Engineering office, 205 2<sup>nd</sup> Avenue Northwest, Mandan, North Dakota 58554 upon non-refundable payment of \$50.00 for each set. If Plans are mailed out and additional fee of \$15.00 will be added for postage and handling.

The bid proposals must be submitted to the City Administrator by 11:00 a.m., local time, May 14, 2015 and shall be sealed and endorsed "Proposal for Street Improvement District No 199. Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2<sup>nd</sup> Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 11:00 a.m., local time, on May 14, 2015. All bidders are invited to be present at the public opening of the Bids.

All Bidders must be licensed for the highest amount of their Bids, as provided by Section 43-07-05 of the North Dakota Century Code. The Bidder shall include a copy of his license or certificate of renewal thereof enclosed in the required bid bond envelope as required pursuant to Section 43-07-12 of the North Dakota Century Code, as amended.

Each bid shall be accompanied by a separate envelope containing a bidder's bond in the amount of five (5) percent of the highest amount of the bids as required by Section 48-01.2-05, North Dakota Century Code, as amended, and executed by the Bidder as principal and by a surety, conditioned that if the principal's bid is accepted and the contract awarded to the principal, the principal, within ten days after Notice of Award, shall execute and effect a contract in accordance with the terms of the bid, and a Contractor's Bond as required by law. No bid may be read or considered if it does not fully comply with the requirements of Section 48-01.2-05 of the North Dakota Century Code and any deficient bid must be resealed and returned to the bidder immediately.

Bids shall be made on the basis on cash payment for the work to be done. All work under this advertisement shall be started on a date to be specified in a written order from the Board of City Commissioners, or no later than ten (10) days after written notice to proceed has been received from the City.

Construction work completion dates are as follows:

Interim Completion dates:

Phase 1 by October 30<sup>th</sup>, 2015

Board of City Commissioners

Agenda Documentation

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Subject: Consider Resolution determining insufficiency of protests for, Resolution approving plans and specifications for, Resolution approving amended engineer's report and Resolution directing advertisement for bid for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

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Phase 2 by August 26<sup>th</sup>, 2016

Final Completion Date:

Chip Seal by August 15<sup>th</sup>, 2017

Liquidated damages of \$500.00 per calendar day will be assessed if any completion dates are exceeded.

Should the contractor fail to complete all of the work in a District according to the above date, or within such additional time as may have been granted by formal extensions of time approved by the City Engineer, there shall be deducted from any money due the contractor, the above mentioned sum for each calendar day the completion of the Work is delayed. Liquidated damages will continue to accumulate until the City Engineer determines winter weather prevents further construction. Liquidated damages will restart on the first day of construction in the Spring of 2015 and continue to accumulate until final project acceptance. The Contractor and his surety shall be liable for any excess. Such payments shall be deducted from the final payment and shall be charged as liquidated damages and not as a penalty.

The Board of City Commissioners will meet on Tuesday, May 19, 2015, at 5:30 PM, local time, to review the Bids submitted, consider the engineer's recommendation, and to award the contract to the successful Bidder. The contract will be awarded on the basis of the low Bid submitted, on eligible areas, by a responsible and responsive Bidder deemed most favorable to the City's interest.

The City of Mandan reserves the right reject any or all bids, to waive any informality or irregularity, to hold all bids for a period of thirty (30) days after the date fixed for the opening thereof, and to accept the Bid deemed most favorable to the best interest of the City of Mandan.

Dated this 21<sup>st</sup> day of April, 2015

City of Mandan, North Dakota  
BY: James Neubauer  
City Administrator"

3. Each and all of the terms and provisions of the foregoing notice are hereby adopted as the terms and conditions for the award of said contract.

4. The Board of City Commissioners shall meet on Tuesday, May 19, 2015 at 5:30 pm, local time, to review the bids submitted, consider the engineer's recommendation, and to award the contract to the successful bidder, subject to the Board finding that filed protests are insufficient to bar the work.

Board of City Commissioners

Agenda Documentation

Meeting Date: April 21, 2015

Subject: Consider Resolution determining insufficiency of protests for, Resolution approving plans and specifications for, Resolution approving amended engineer's report and Resolution directing advertisement for bid for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

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

ATTEST:

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

Passed: April 21<sup>st</sup>, 2015



*Whereas,* In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

*Whereas,* this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

*Whereas,* Arbor Day is now observed throughout the nation and the world, and

*Whereas,* trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

*Whereas,* trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

*Whereas,* trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

*Whereas,* trees, wherever they are planted, are a source of joy and spiritual renewal.

*Now, Therefore, I,* Arlyn Van Beek, Mayor of the City of Mandan, ND, do hereby proclaim May 1, 2015 as

# Arbor Day

In the City of Mandan, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

*Further,* I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

*Dated this* 21st day of April, 2015  
 Mayor \_\_\_\_\_



"WHERE THE WEST BEGINS"

# CITY OF MANDAN

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

## CITY DEPARTMENTS

ADMINISTRATION	667-3215
ASSESSING/BUILDING INSPECTION	667-3230
BUSINESS DEVELOPMENT	667-3485
CEMETERY	667-6041
ENGINEER/PLANNING & ZONING	667-3225
FINANCE	667-3213
FIRE	667-3208
HUMAN RESOURCES	667-3217
LANDFILL	667-0184
MUNICIPAL COURT	667-3270
POLICE	667-3455
PUBLIC WORKS	667-3240
WASTEWATER TREATMENT	667-3278
SPECIAL ASSESSMENTS	667-3271
UTILITY BILLING	667-3219
WATER TREATMENT	667-3275

## PROCLAMATION

### Mandan Dacotah Lions Club STRIDES: Lions Walk for Diabetes Awareness Sunday, May 17, 2015

*WHEREAS*, the **Mandan Dacotah Lions Club** is working to increase diabetes awareness, by sponsoring "STRIDES: Lions Walk for Diabetes Awareness" on **Sunday, May 17**; and

*WHEREAS*, the **Mandan Dacotah Lions Club**, through "STRIDES" is participating in an international activity with Lions clubs throughout the world; and

*WHEREAS*, the **Mandan Dacotah Lions Club** is keeping with the challenge Helen Keller issued to the association in 1925, to become "knights of the blind in the crusade against darkness;" and

*WHEREAS*, the **Mandan Dacotah Lions Club**, established in **2004**, is composed of men and women volunteers who dedicate their time to the betterment of our community and aiding those in need; and

*WHEREAS*, the **Mandan Dacotah Lions Club** is a member of Lions Clubs International, the world's largest service club organization with 1.35 million members in 45,000 clubs in 205 countries and geographical areas:

*NOW THEREFORE*, I, **Mayor Arlyn Van Beek**, of the **City of Mandan, USA**, in recognition of this important event sponsored by the **Mandan Dacotah Lions Club**, do hereby proclaim **Sunday, May 17, 2015** as "STRIDES: Lions Walk for Diabetes Awareness Day."

Signed this 21<sup>st</sup> day of April, in the year 2015.

\_\_\_\_\_  
Arlyn Van Beek, President  
Board of City Commissioners

Attest:

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



# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** April 21, 2015  
**PREPARATION DATE:** April 7, 2015  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Robert Decker, P.E., Principal Planner  
**SUBJECT:** Consider for approval replat of Lots 5 & 6, Block 1, Meadow Ridge 3<sup>rd</sup> Addition

---

**STATEMENT/PURPOSE:**

Request is to split each lot so that each half of a duplex structure can be sold separately.

**BACKGROUND/ALTERNATIVES:**

This property is zoned RM that allows duplex structures.

The lots are nearly twice as large as the minimum. The resulting half lots will be over 6000 square feet.

Two sewer services were provided to each lot when the area was developed. The waterline is in the boulevard on the other side of the right-of-way.

**ATTACHMENTS:**

1. Subdivision Location Map
2. Lot Location Map
3. Plat Maps
4. Utility Map

**FISCAL IMPACT:** minimal

**STAFF IMPACT:** minimal

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

**RECOMMENDATION:**

Recommend approval.

**SUGGESTED ACTION:**

Move to approve replat of Lots 5 & 6, Block 1, Meadow Ridge 3<sup>rd</sup> Addition

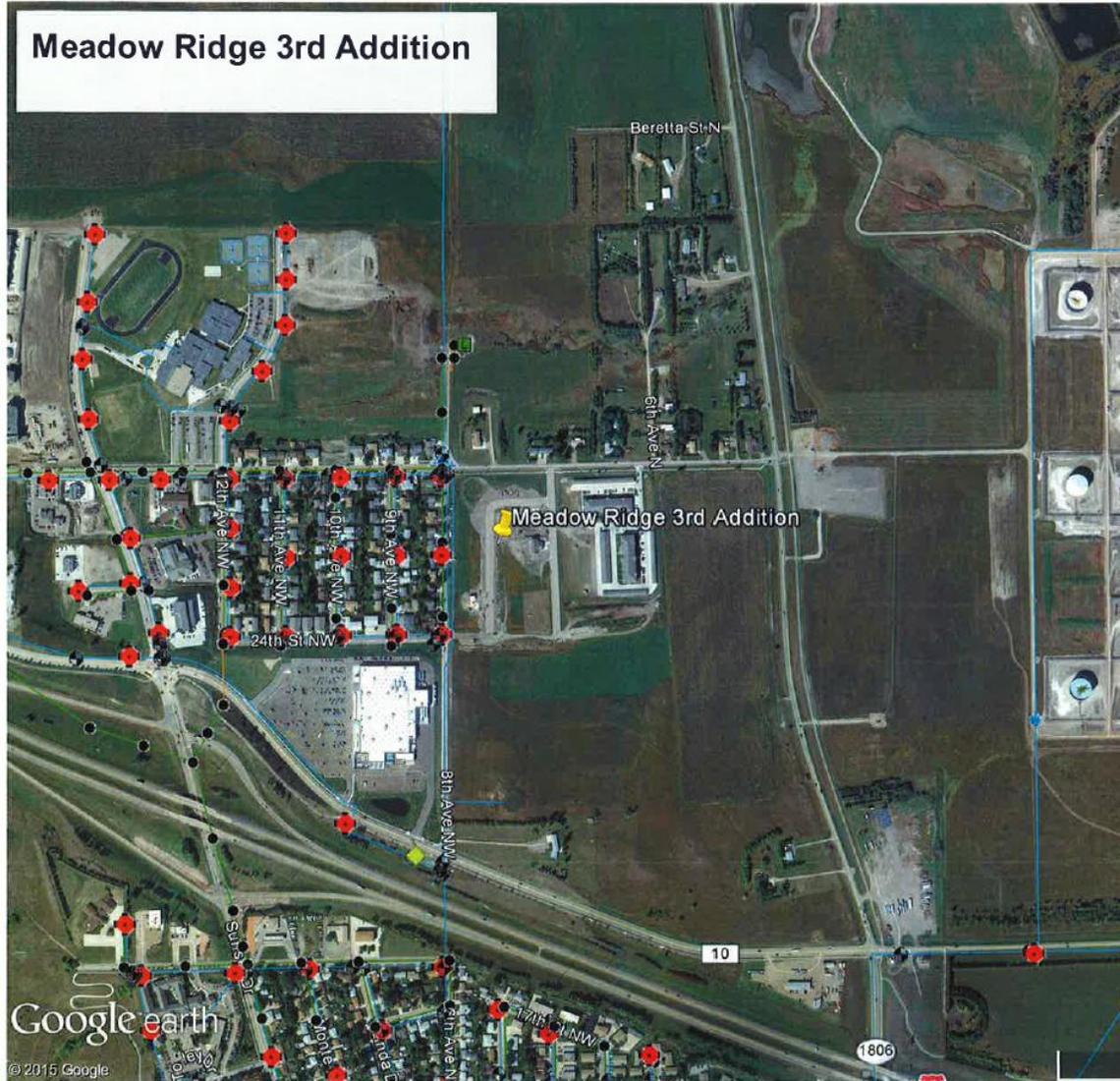
Board of City Commissioners

Agenda Documentation

Meeting Date: April 21, 2015

Subject: Replat of Lots 5 & 6, Block 1, Meadow Ridge 3<sup>rd</sup> Addition

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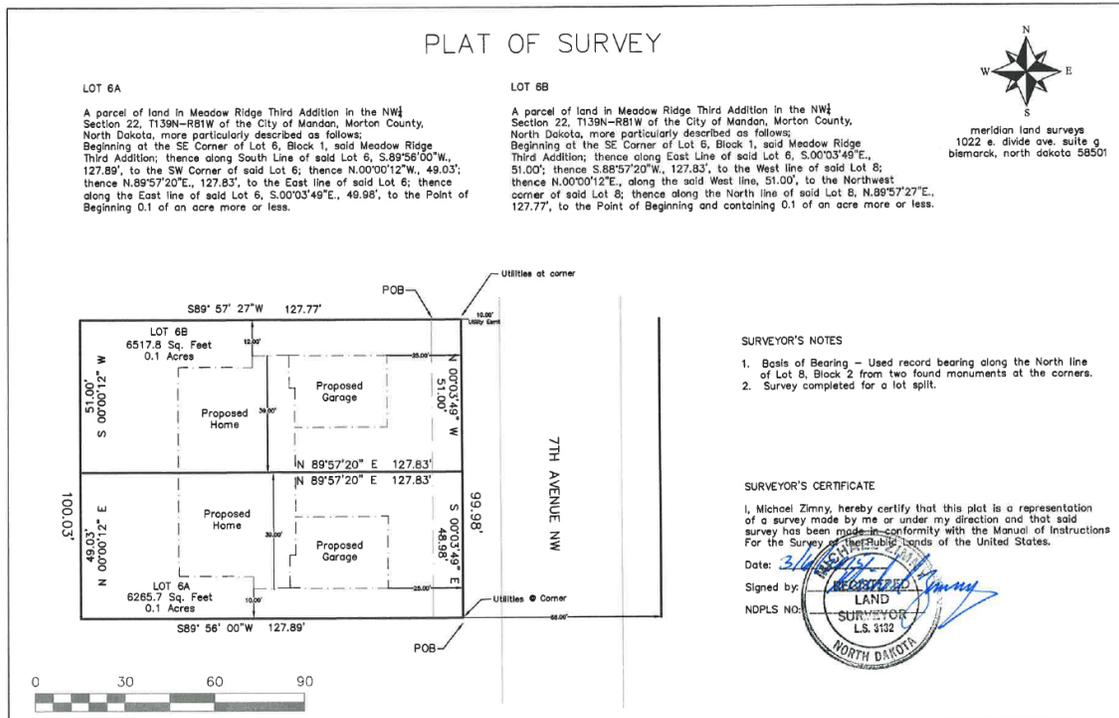
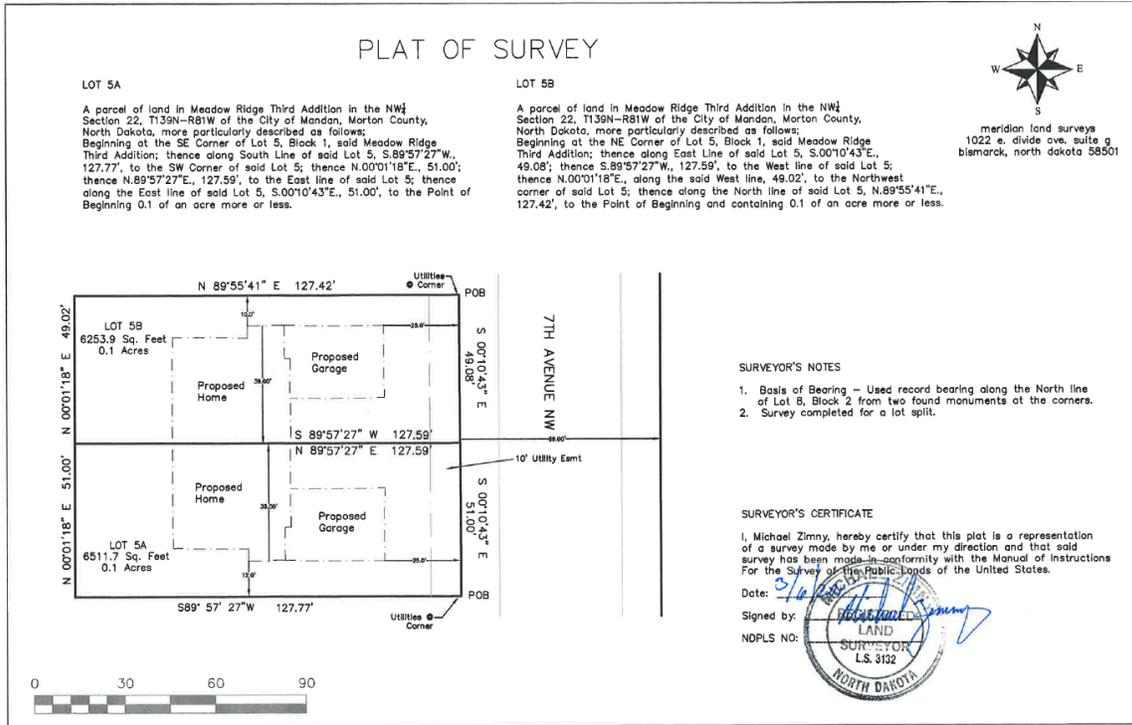
Meeting Date: April 21, 2015

Subject: Replat of Lots 5 & 6, Block 1, Meadow Ridge 3<sup>rd</sup> Addition

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Board of City Commissioners  
 Agenda Documentation  
 Meeting Date: April 21, 2015  
 Subject: Replat of Lots 5 & 6, Block 1, Meadow Ridge 3<sup>rd</sup> Addition  
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Board of City Commissioners

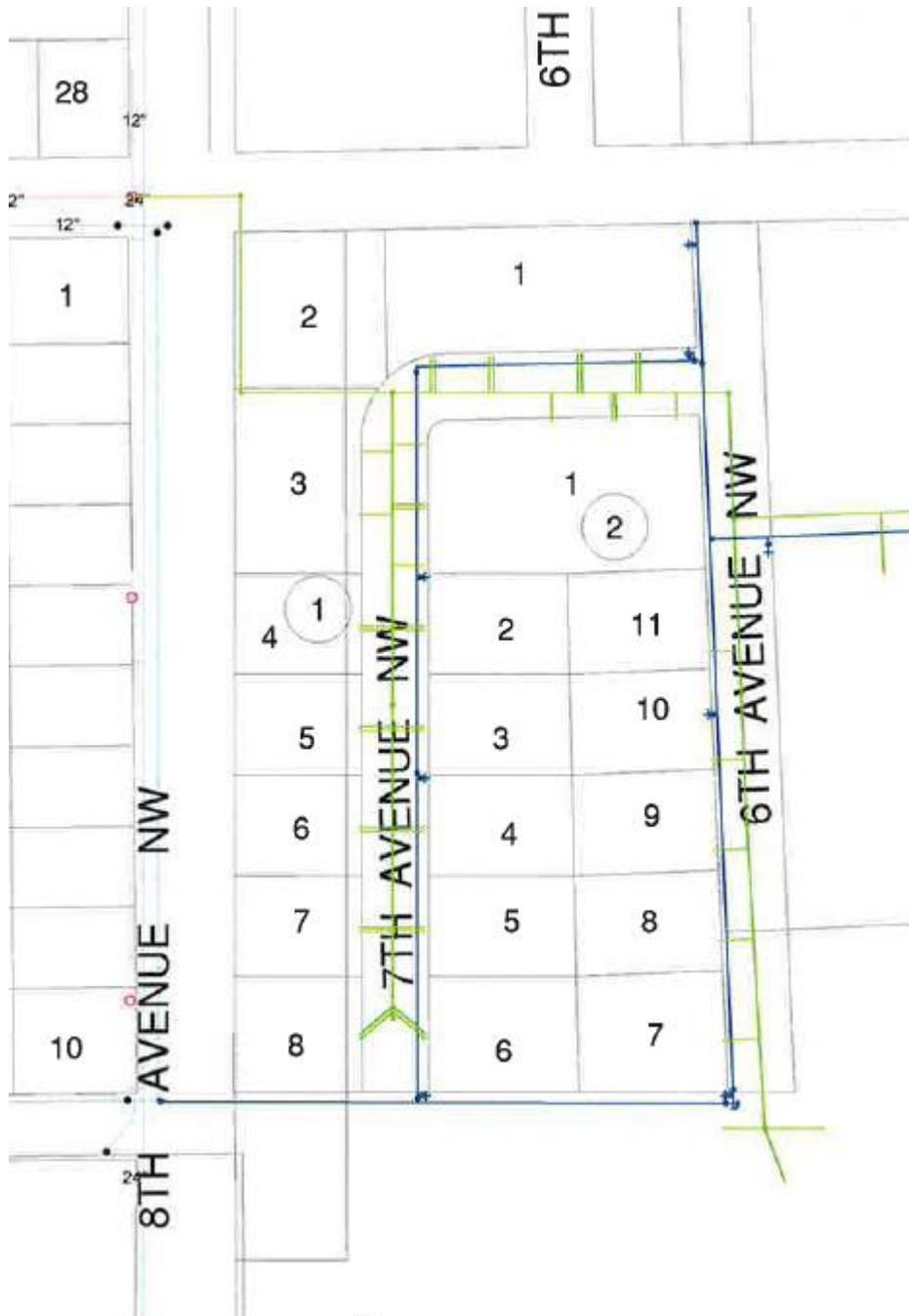
Agenda Documentation

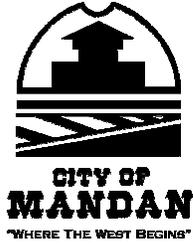
Meeting Date: April 21, 2015

Subject: Replat of Lots 5 & 6, Block 1, Meadow Ridge 3<sup>rd</sup> Addition

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# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** April 21, 2015  
**PREPARATION DATE:** April 7, 2015  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Robert Decker, P.E., Principal Planner  
**SUBJECT:** Consider for approval replat of Lot 8, Block 2, Meadow Ridge 3<sup>rd</sup> Addition

---

STATEMENT/PURPOSE:

Request is to split the lot so that each half of a duplex structure can be sold separately.

BACKGROUND/ALTERNATIVES:

This property is zoned RM that allows duplex structures.

The lots are more than twice as large as the minimum. The resulting half lots will be over 7000 square feet.

Only one sewer service was provided to the lot when the area was developed. The waterline is in the boulevard on this side of the right-of-way.

This is an example of why we should require initial platting of separate lots for each half of a duplex structure. The new street will need to be cut to install a separate sewer tap unless Public Works will approve a Y being installed on the existing tap and a joint use agreement recorded for the shared service line in the right-of-way. If this is done, an easement will need to be recorded that follows the service line from the Y across one lot to the property line of the second lot.

ATTACHMENTS:

1. Subdivision Location Map
2. Lot Location Map
3. Plat Maps
4. Utility Map

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION:

Recommend approval.

SUGGESTED ACTION:

Move to approve replat of Lot 8, Block 2, Meadow Ridge 3<sup>rd</sup> Addition

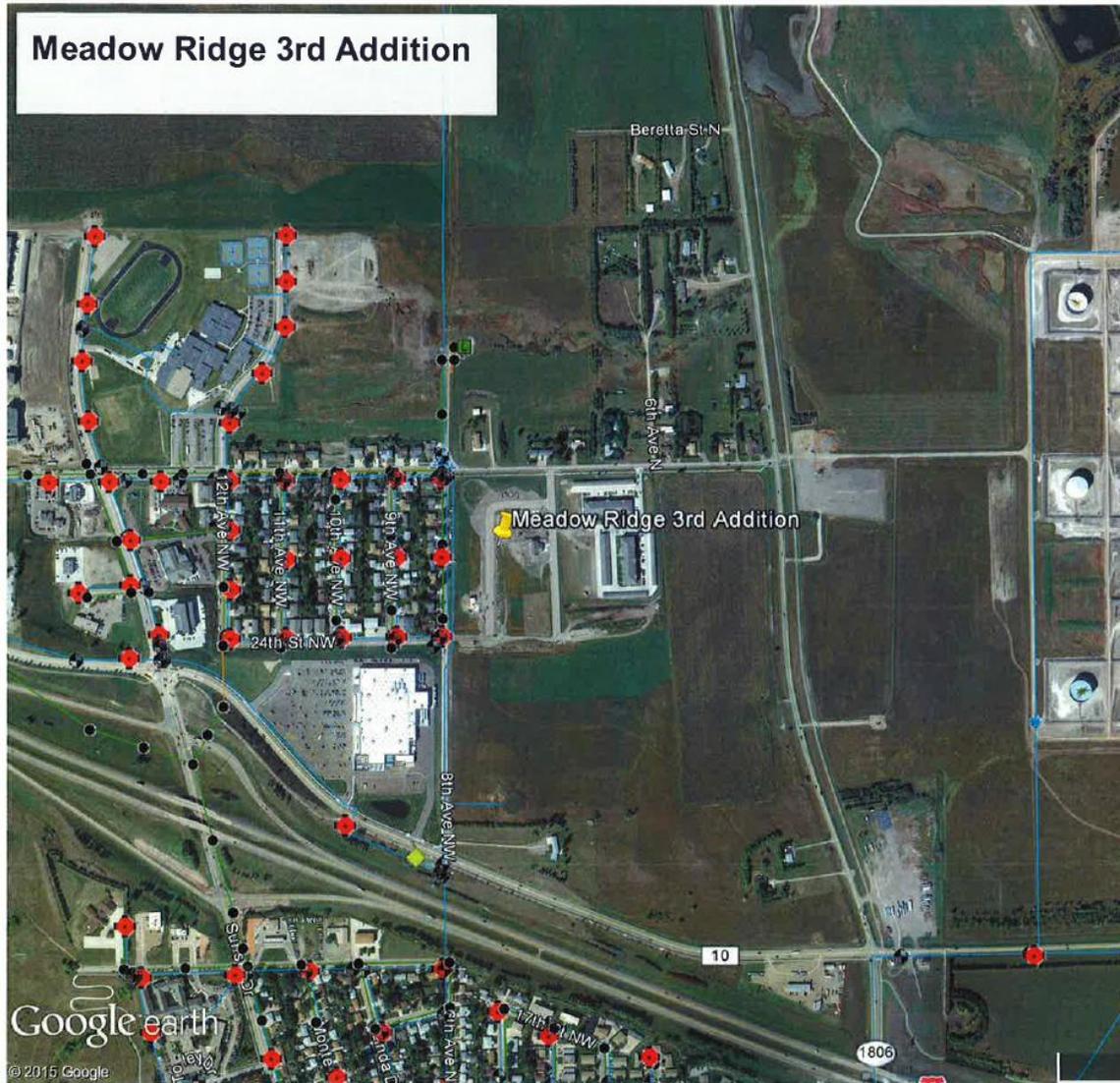
Board of City Commissioners

Agenda Documentation

Meeting Date: April 21, 2015

Subject: Replat of Lot 8, Block 2, Meadow Ridge 3<sup>rd</sup> Addition

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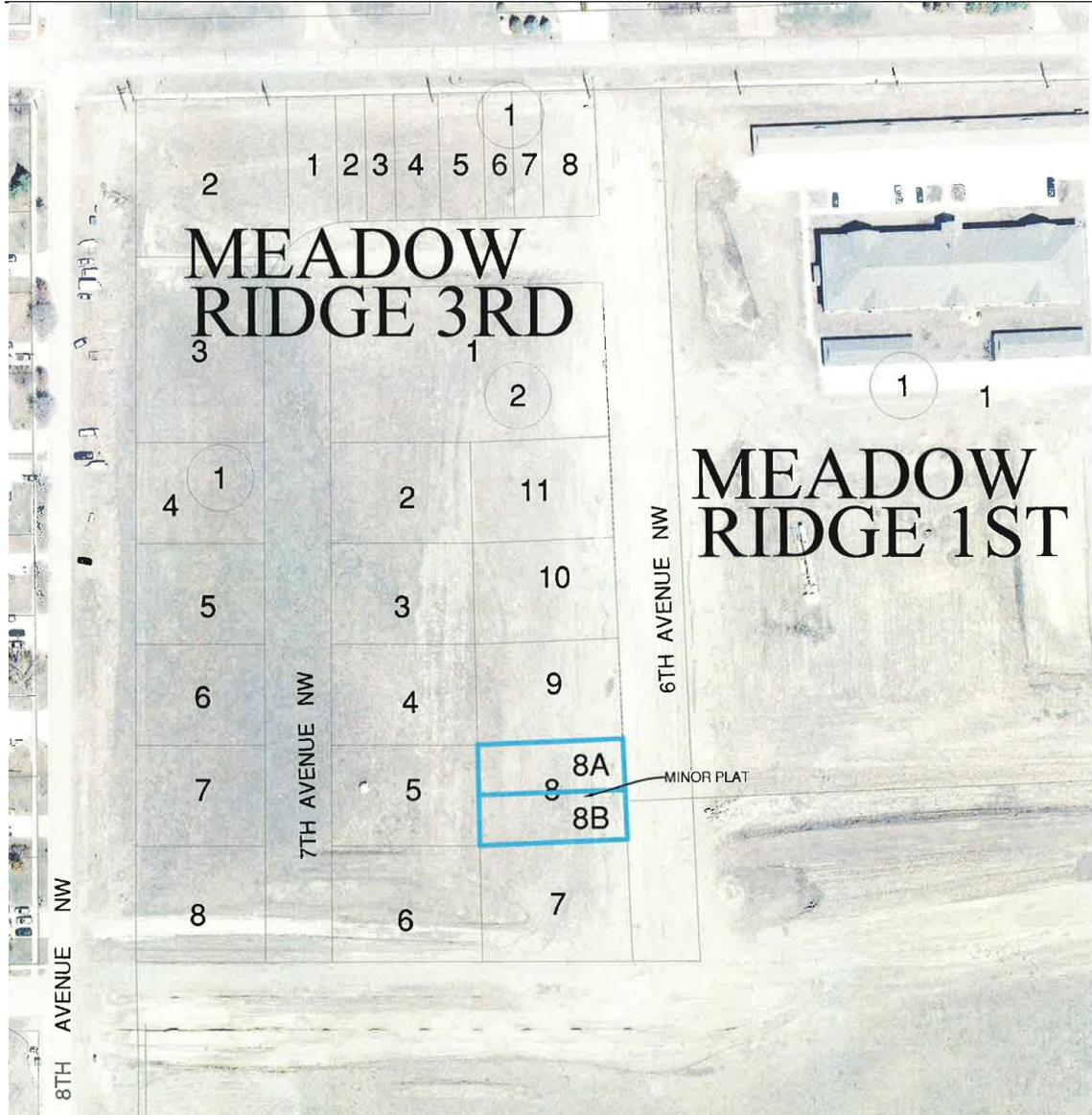
Board of City Commissioners

Agenda Documentation

Meeting Date: April 21, 2015

Subject: Replat of Lot 8, Block 2, Meadow Ridge 3<sup>rd</sup> Addition

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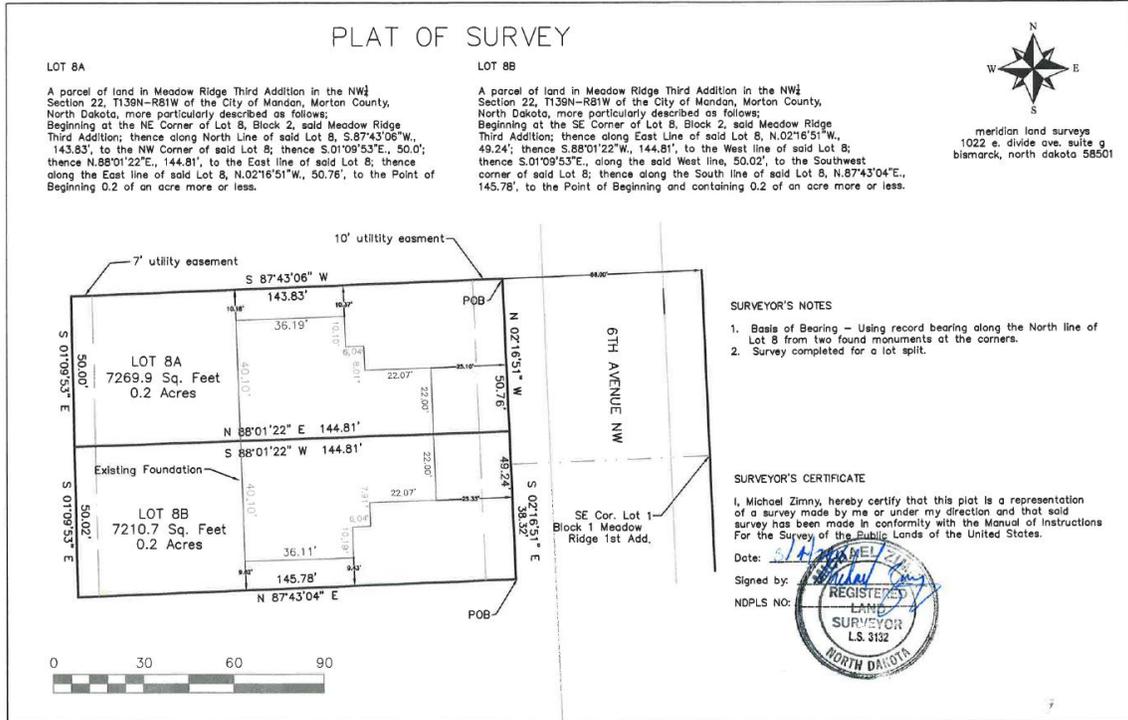
Board of City Commissioners

Agenda Documentation

Meeting Date: April 21, 2015

Subject: Replat of Lot 8, Block 2, Meadow Ridge 3<sup>rd</sup> Addition

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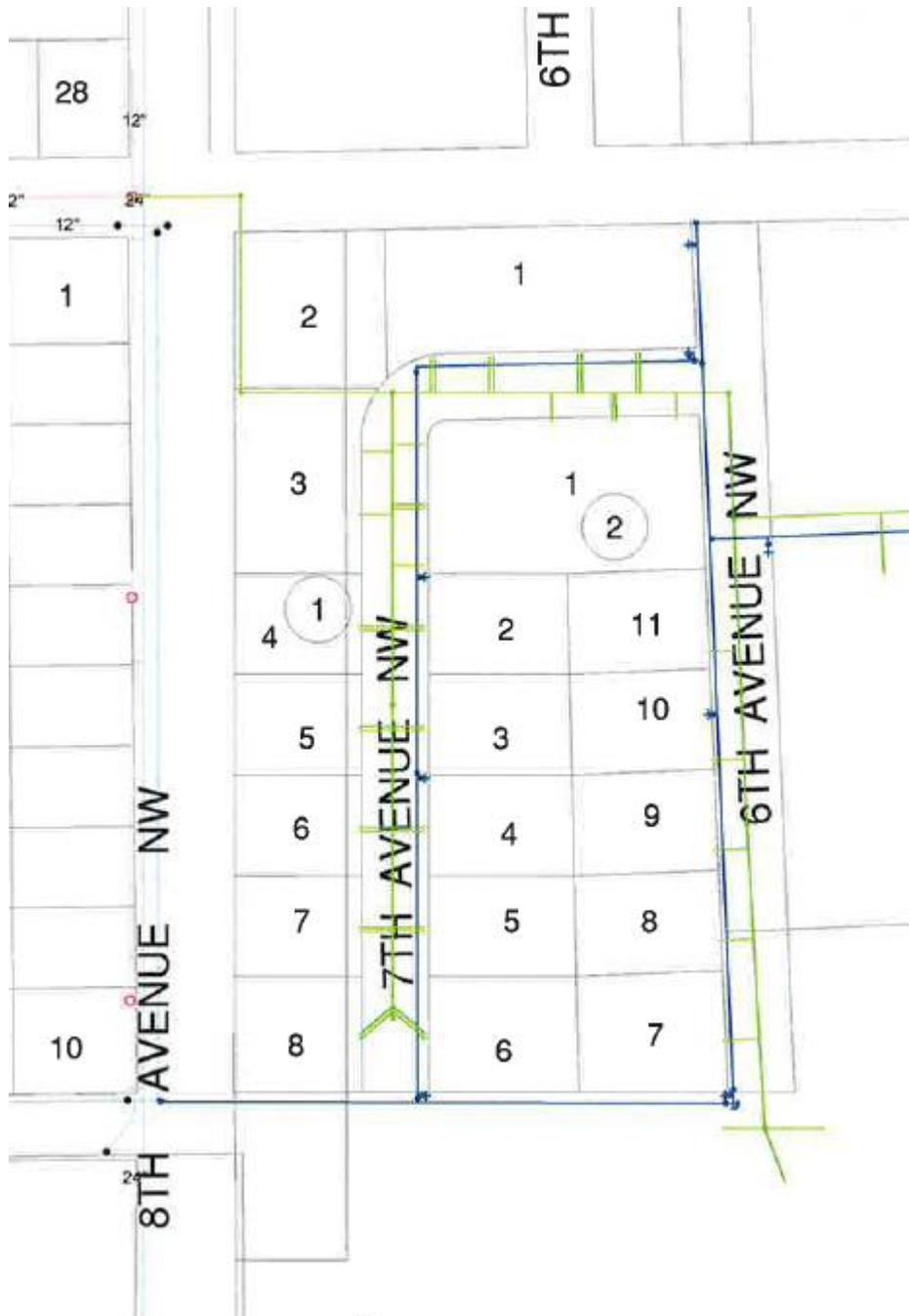
Board of City Commissioners

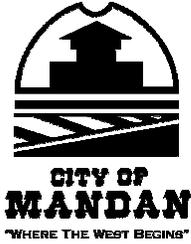
Agenda Documentation

Meeting Date: April 21, 2015

Subject: Replat of Lot 8, Block 2, Meadow Ridge 3<sup>rd</sup> Addition

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# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** April 21, 2015  
**PREPARATION DATE:** April 14, 2015  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Robert Decker, P.E., Principal Planner  
**SUBJECT:** Consider for approval replat of Lot 11, Block 2, Meadow Ridge 3<sup>rd</sup> Addition

---

STATEMENT/PURPOSE:

Request is to split the lot so that each half of a duplex structure can be sold separately.

BACKGROUND/ALTERNATIVES:

This property is zoned RM that allows duplex structures.

The lots are more than twice as large as the minimum. The resulting half lots will be approximately 7000 square feet.

There is an existing house under construction on this lot.

ATTACHMENTS:

1. Subdivision Location Map
2. Lot Location Map
3. Plat Maps
4. Utility Map

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

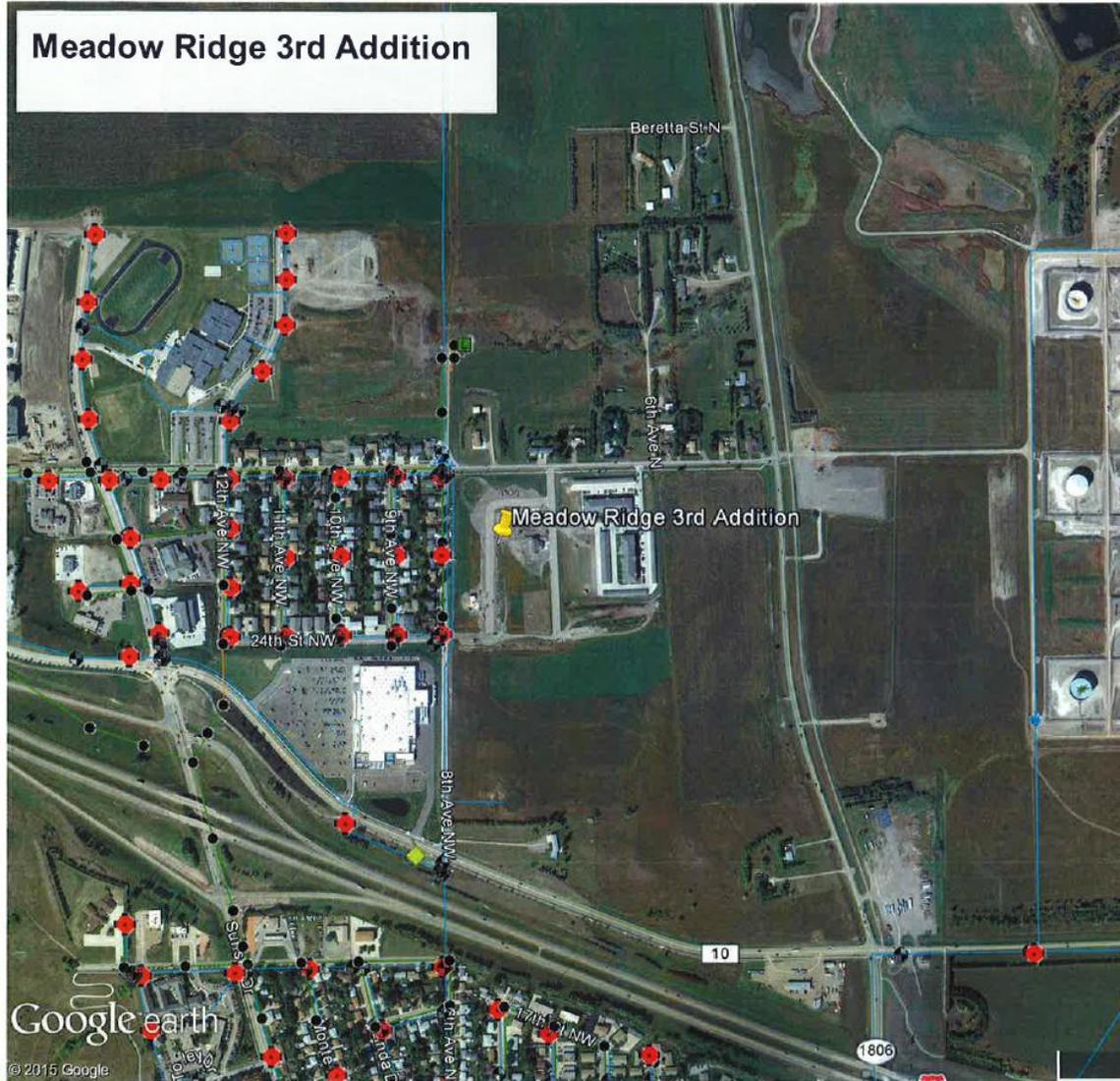
LEGAL REVIEW: All of my commission data has been forwarded to the City Attorney for his review.

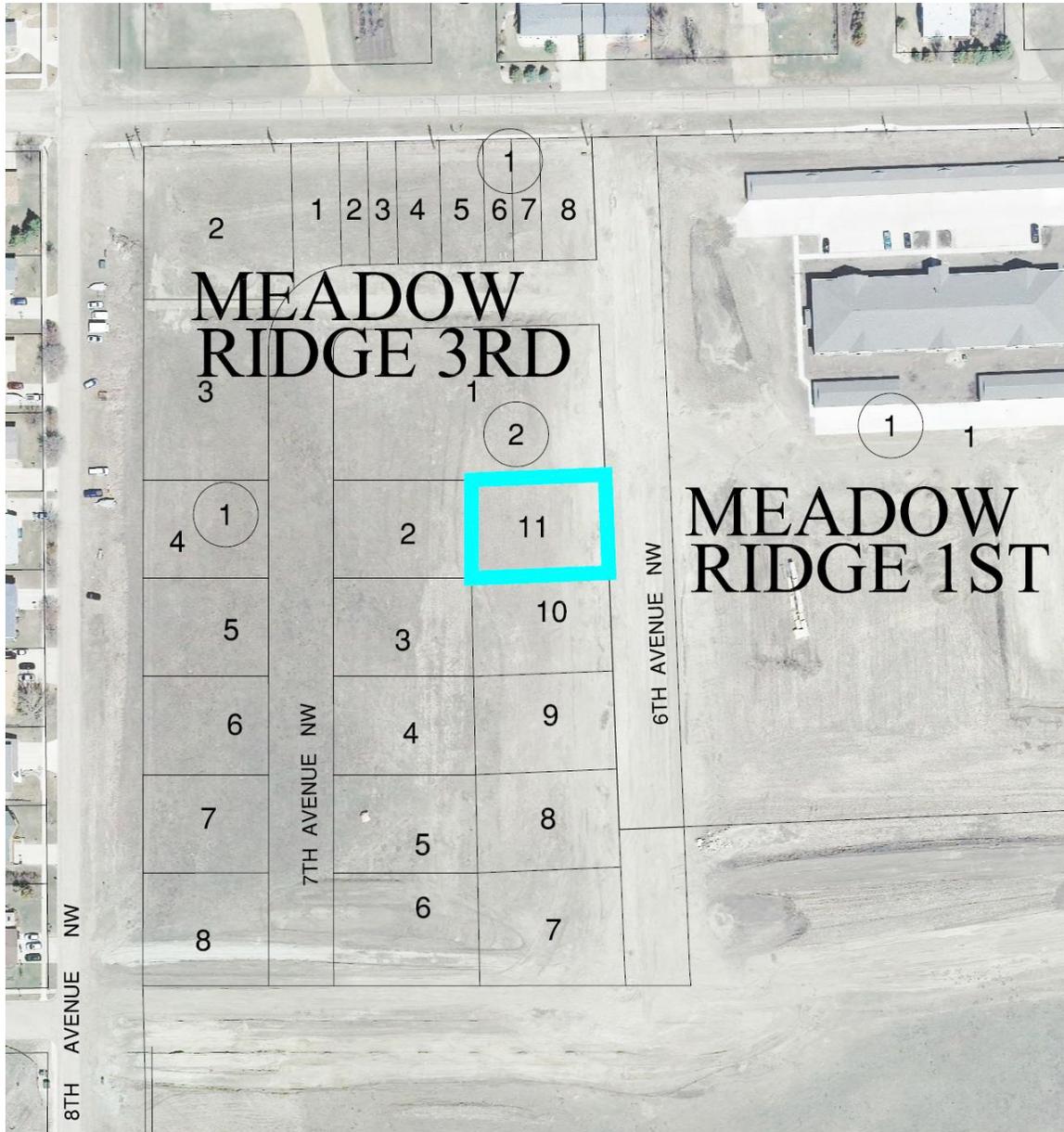
RECOMMENDATION:

Recommend approval.

SUGGESTED ACTION:

Move to approve replat of Lot 11, Block 2, Meadow Ridge 3<sup>rd</sup> Addition







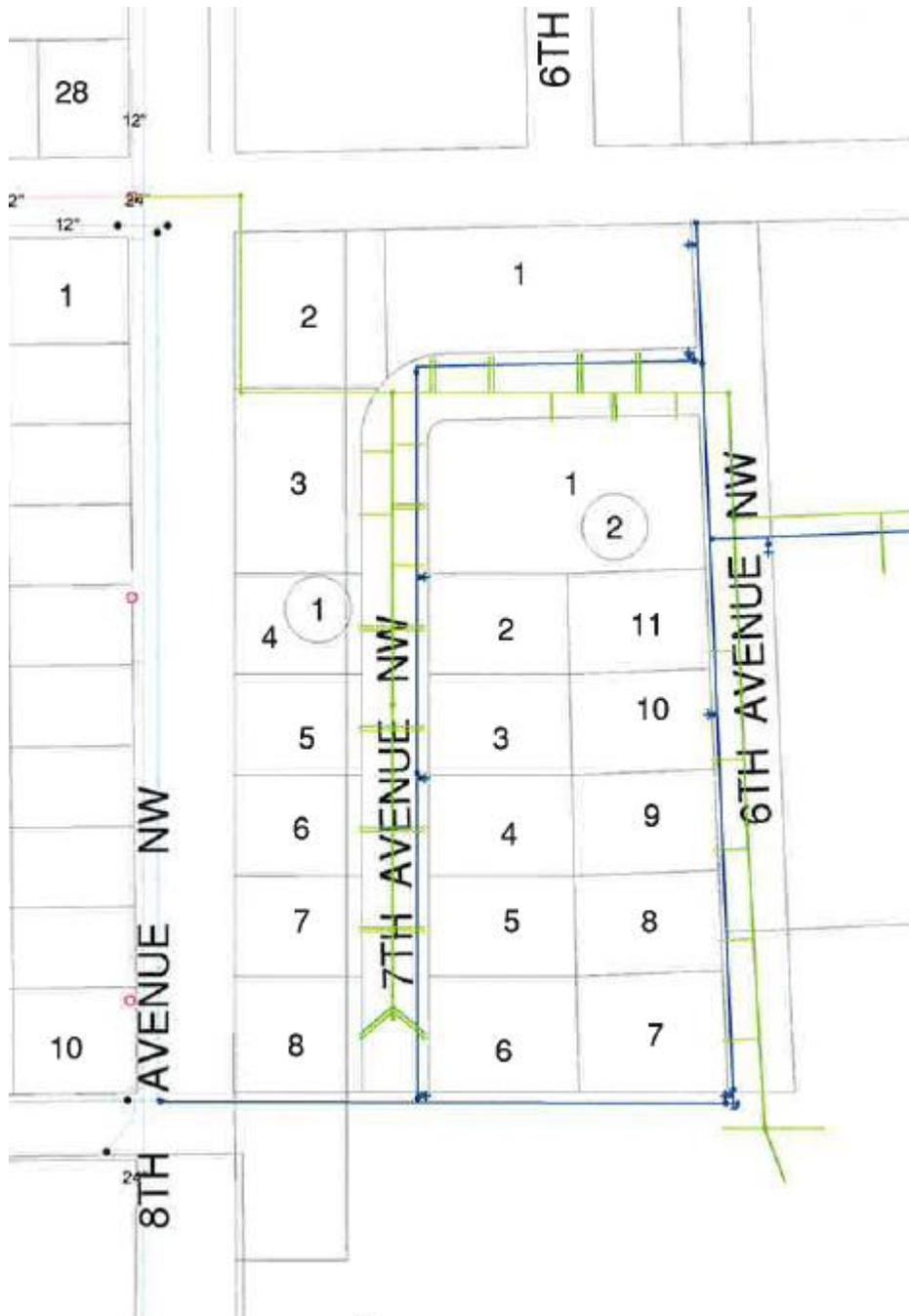
Board of City Commissioners

Agenda Documentation

Meeting Date: April 21, 2015

Subject: Replat of Lot 11, Block 2, Meadow Ridge 3<sup>rd</sup> Addition

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### Corporation Liquor License Application

1. Type of License:

Liquor On-Sale  Off-Sale \_\_\_\_\_ Class: A B C D DI E F WB MP DY

Beer On-Sale  Off-Sale \_\_\_\_\_ Class: A B C D DI E F WB MP DY

2. Duration of license: Annual: July 1, \_\_\_\_\_ to June 30, \_\_\_\_\_

Part of year from: May 1, 20 15 to Oct 31, 20 15

3. Name of business establishment at which license will be used: Dacotah Speedway

4. Corporate Identification Information: Please complete all of the following:

- a. Name of corporation: Bismarck Mandan Stock Car Association, Inc.
- b. Date of incorporation: 1988
- c. State of incorporation: North Dakota
- d. Amount of authorized capital stock: \_\_\_\_\_
- e. Amount of paid capital: \_\_\_\_\_
- f. If, subsidiary, name of parent corporation: \_\_\_\_\_
- g. Purpose of incorporation: Promote Auto Racing

5. Description of licensed premises

Address: 2500 Longspur Trail - Mandan, ND

Legal description

Lot & block: Lot 1, Block 2, Midway 1st Addition

Also submit on an attached page a diagram of the physical layout of the licenses premises including, a minimum of doors, storage areas and areas where liquor/beer is purchased and consumed.

6. List names, current addresses, dates of birth, ages and citizenship of all the officers, directors, managers, agents, and all persons holding 1% or more of the capital stock in the corporation (may attach). **Note: A separate notarized list of each individual's name, social security number and addresses for the last five years is required, the privacy of which will be maintained by the City, but is required for background checks:**

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7. List names, current addresses, dates of birth, ages & citizenship of all persons who will have charge, management or control of the establishment for which the license is requested (may attach). **Note: A separate notarized list of each individual's name, social security number and addresses for the last five years is required, the privacy of which will be maintained by the City, but is required for background checks:**

**See attachment - Board of Directors**

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8. Name of the individual who is to be in charge of the day-to-day operations and management of the licensed premises and will be responsible for complying with the municipal ordinances and state laws covering the operation of the premises:

Name: Levi Kalsow Address: \_\_\_\_\_

City: Bismarck State: ND Age: \_\_\_\_\_ DOB: \_\_\_\_\_ Citizenship: US

If naturalized, give date and place of naturalization: \_\_\_\_\_

List all other places of residence within the last five years: \_\_\_\_\_

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9. List the occupations and employers of each of the individuals listed in answer to Questions 6, 7 and 8 during the last five years. **Use a separate page to answer this question.** See Attached

10. Ownership/Lease: If the licensed premises is owned by the applicant, provide date of purchase.

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**If licensed premises is leased, attach copy of executed and dated Lease.**

11. Does Applicant certify that all property taxes have been paid to date on the licenses premises?  
Yes  No  N/A

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

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

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

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

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

17. Does the Corporation applying for this alcoholic beverage license have any agreement, contract, understanding or intention to have any agreement, contract or understanding, with any person, partnership, or corporation to obtain for any other person, partnership or corporation, or to transfer to any other person, partnership or corporation the license for which this applications is made or to obtain for any other person, partnership or corporation, for any other purpose other than for the specified use of the applicant. Yes  No  **If yes, explain in detail on a separate page.**

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

19. List the names and addresses of all officers, directors and stockholders of the Corporation who are engaged or employed in a capacity in the conduct or operation of the business at which the alcoholic beverage license is to be used.

none

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

21. List the names, addresses of at least 3 business references. \_\_\_\_\_

Genex - Bismarck, ND 58501

Butler - Bismarck, ND 58501

RDO - Bismarck, ND 58501

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

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

**See Attachment**

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

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

**See Attachment**



CITY OF MANDAN

SPECIAL "B" LIQUOR PERMIT

Date of Application: April 2, 2015  
Name of Licensee: Bismarck Mandan Stock Car Association, Inc.  
Address of Licensee: Box 6272, Bismarck, ND 58506  
Address of public facility if used: 2500 Longspur Trail, Mandan, ND  
State the purpose for which this permit will be used: Mandan Rodeo

Date(s) of requested (not to exceed 3 day) July 2,3,4, 2015  
Time of day which the applicant desires the permit to be in effect: 8 a.m. to midnight

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

Yes  No

*Hus Bergmann*  
Signature of Applicant

*Karin Mott*  
Received by:

Date Received: 4-8-15

Commission Approval: \_\_\_\_\_

\$100.00 per Event - Amount paid \$ 100.00

CITY OF MANDAN

SUNDAY ALCOHOLIC BEVERAGE PERMIT

Date of Application: April 2, 2015  
Name of Licensee: Bismarck Mandan Stock Car Association, Inc.  
Address of Licensee: Box 6272, Bismarck, ND 58506  
Address of public facility if used: 2500 Longspur Trail - Mandan  
State the purpose of organization: Promote Auto Racing

Date(s) of requested Sunday(s): June 14, July 26, August 2, August 9

Time of day which the applicant desires the permit to be in effect: 12:00 p.m. to 12:00 a.m.

Description of the rooms on the premises, which have been specifically reserved, for the dispensing of alcoholic beverages and dancing during the term of the permit:

**Main Concessions and Pit Concession**

State whether the applicant requests permission to open to the general public, and if so an explanation of the reasons for the request:

**Yes**

If applicable, estimated number of police officers necessary to provide security at the dance to be open to the public:

None

I, the applicant, will abide to the following conditions:

- a. Alcoholic beverages may be distributed for consumption on the premises and Dancing may be permitted only in those rooms specifically reserved for event activities;
- b. Dancing and the dispensing of alcoholic beverages shall be permitted only between the hours of twelve noon on the date specified in the permit and one a.m. on the following Monday;
- c. Any conditions or circumstances delineated by the Board relating to the conduct of the event or to the admission of the general public to the event.
- d. The applicant as a condition to the issuance of such permit consents and agrees that any City police officer may enter upon and inspect the licensed premises or any part thereof at any time for the purpose of determining compliance with the conditions of the permit;
- e. The permit issued under this section may not expand the scope of the class of alcohol license held by the applicant;
- f. An applicant which holds a Class A liquor license must supply copies of the most recent six month's filings of the City food and lodging taxes and allow the City to verify with the ND State Tax Department that said tax payments have been made.
- g. The permittee shall comply with all other applicable ordinances and laws relating to the use and sale of alcoholic beverages in the City.

Kari Mott  
Received by:

Hub Bergman  
Signature of Applicant

Date Received: 4-8-15

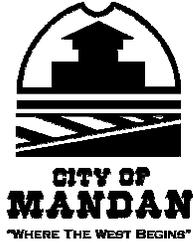
Commission Approval: \_\_\_\_\_

Auditor Approval: \_\_\_\_\_

4 @ \$5 = \$20.-  
\$5.00 Fee per Sunday-Amount paid \$ 20.00

Receipt # \_\_\_\_\_

Copy to be filed with Mandan Police Department



# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** April 21, 2015  
**PREPARATION DATE:** April 10, 2015  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Robert Decker, P.E., Principal Planner  
**SUBJECT:** Consider for approval replat of Lot 5, Block 2, Meadow Ridge 3<sup>rd</sup> Addition

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STATEMENT/PURPOSE:

Request is to split the lot so that each half of a duplex structure can be sold separately.

BACKGROUND/ALTERNATIVES:

This property is zoned RM that allows duplex structures.

The lots are more than twice as large as the minimum. The resulting half lots will be approximately 7000 square feet.

Two sewer services were provided to the lot when the area was developed. The waterline is in the boulevard on this side of the right-of-way.

ATTACHMENTS:

1. Subdivision Location Map
2. Lot Location Map
3. Plat Maps
4. Utility Map

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

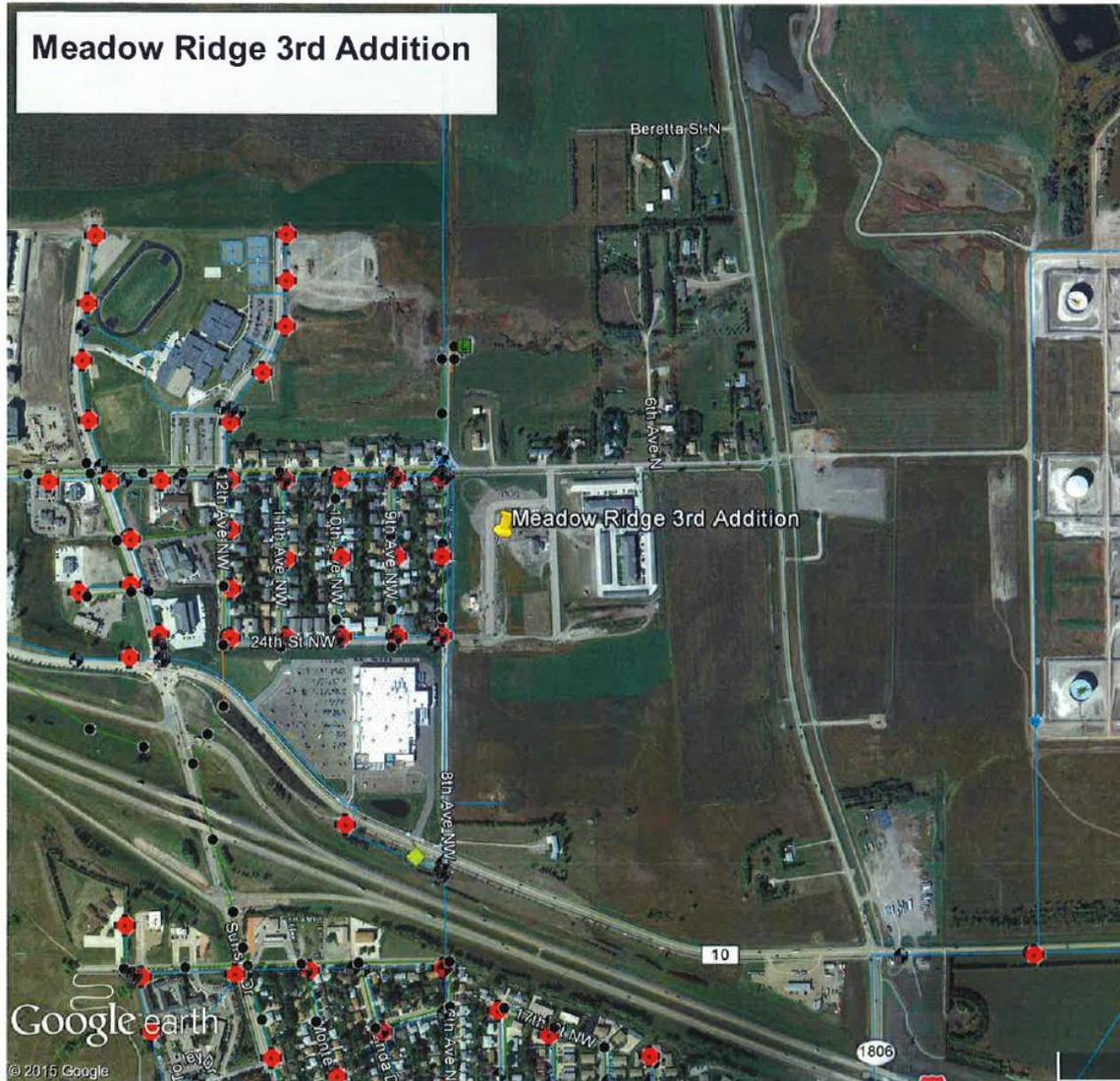
LEGAL REVIEW: All of my commission data has been forwarded to the City Attorney for his review.

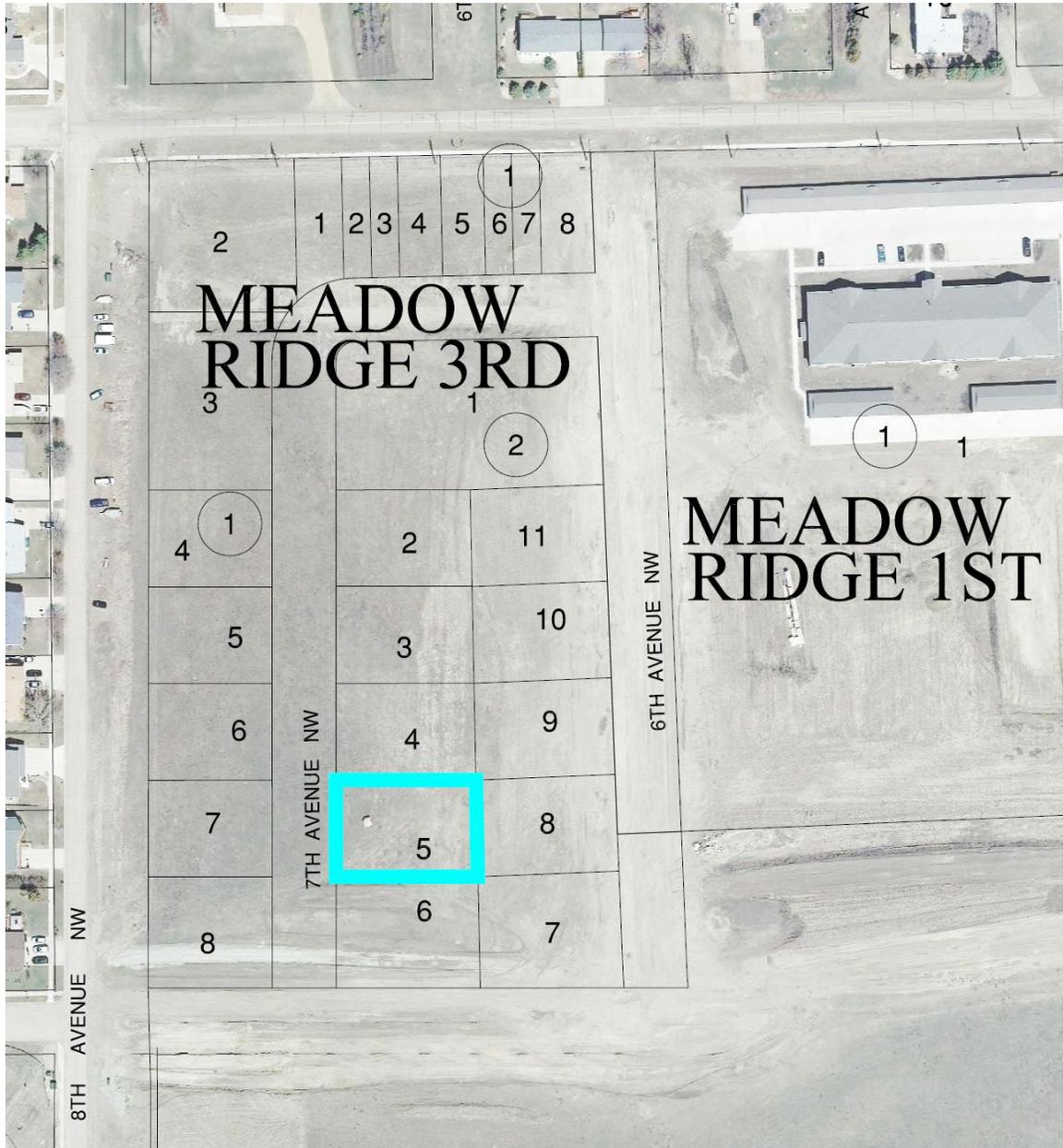
RECOMMENDATION:

Recommend approval.

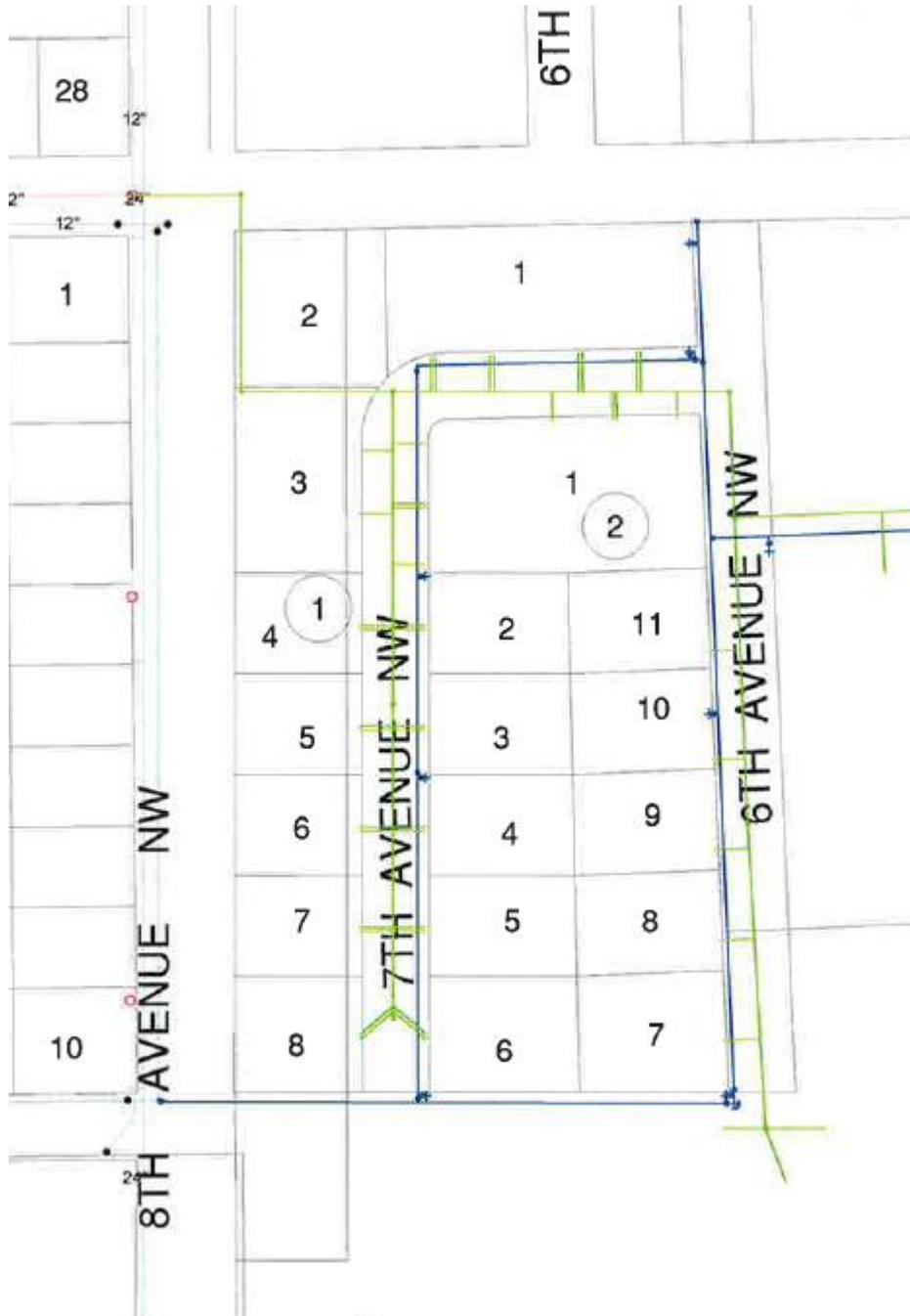
**SUGGESTED ACTION:**

Move to approve replat of Lot 5, Block 2, Meadow Ridge 3<sup>rd</sup> Addition









### Corporation Liquor License Application

1. Type of License:

Liquor On-Sale \_\_\_\_\_ Off-Sale \_\_\_\_\_ Class: A B C DD 1 E F WB MP DY  
( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( )

Beer On-Sale \_\_\_\_\_ Off-Sale X Class: A B C DD 1 E F WB MP DY  
( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( )

2. Duration of license: Annual: July 1, 2014 to June 30, 2015

Part of year from: Apr 20, 2015 to June 30, 2015

3. Name of business establishment at which license will be used: Super pumps #41

4. Corporate Identification Information: Please complete all of the following:

- a. Name of corporation: Super pumps licensing, Inc.
- b. Date of incorporation: Feb. 6<sup>th</sup>, 2015
- c. State of incorporation: North Dakota
- d. Amount of authorized capital stock: &
- e. Amount of paid capital: &
- f. If, subsidiary, name of parent corporation: Super pumps, Inc.
- g. Purpose of incorporation: to sell retail at Convenience Store

5. Description of licensed premises

Address: 1410 Collins Ave, Mandan ND (Unistop)

Legal description

Lot & block: Lot 1 Block 1 Gibb's Second Addition to the City of Mandan  
Also submit on an attached page a diagram of the physical layout of the licenses premises including, a minimum of doors, storage areas and areas where liquor/beer is purchased and consumed.

6. List names, current addresses, dates of birth, ages and citizenship of all the officers, directors, managers, agents, and all persons holding 1% or more of the capital stock in the corporation (may attach). **Note: A separate notarized list of each individual's name, social security number and addresses for the last five years is required, the privacy of which will be maintained by the City, but is required for background checks:**

Please See List

7. List names, current addresses, dates of birth, ages & citizenship of all persons who will have charge, management or control of the establishment for which the license is requested (may attach). **Note: A separate notarized list of each individual's name, social security number and addresses for the last five years is required, the privacy of which will be maintained by the City, but is required for background checks:**

Please See List

8. Name of the individual who is to be in charge of the day-to-day operations and management of the licensed premises and will be responsible for complying with the municipal ordinances and state laws covering the operation of the premises:

Name: Lory Polensky Address: \_\_\_\_\_

City: Belfield State: NH Age: \_\_\_\_\_ DOB: \_\_\_\_\_ Citizenship: USA

If naturalized, give date and place of naturalization: ( )

List all other places of residence within the last five years: None

9. List the occupations and employers of each of the individuals listed in answer to Questions 6, 7 and 8 during the last five years. **Use a separate page to answer this question.**

10. Ownership/Lease: If the licensed premises is owned by the applicant, provide date of purchase.

Apr. 29<sup>th</sup>, 2015

If licensed premises is leased, attach copy of executed and dated Lease.

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

Yes  No

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

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

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

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

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

17. Does the Corporation applying for this alcoholic beverage license have any agreement, contract, understanding or intention to have any agreement, contract or understanding, with any person, partnership, or corporation to obtain for any other person, partnership or corporation, or to transfer to any other person, partnership or corporation the license for which this applications is made or to obtain for any other person, partnership or corporation, for any other purpose other than for the specified use of the applicant. Yes  No  If yes, explain in detail on a separate page.

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

19. List the names and addresses of all officers, directors and stockholders of the Corporation who are engaged or employed in a capacity in the conduct or operation of the business at which the alcoholic beverage license is to be used.

Merv Carter - Director,  
Dennis Krueger - Director,  
Bruce Hest - CFO/Director,

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

21. List the names, addresses of at least 3 business references. \_\_\_\_\_

Wells Fargo Bank, Mont ND 58701 - Main checking Account.

M+C Beverage, Miles City MT 59301 - Beer Vendor

Jerome Distributing, Bismarck, ND 58502 - Beer Vendor

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

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

Lovy Polensky - Cell

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

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

Bruce Hestj;

City of Mandan

This letter is to inform you that Unistop is selling our business located at 1410 Collins Ave to Superpumper . So we are requesting that our Beer License be transferred from Unistop Inc to Superpumper Licensing Inc effective April 29, 2015 at midnight.

If you have any questions concerning this license please contact me by email ) or phone

A handwritten signature in black ink, appearing to read 'Mark Leischner', with a long horizontal flourish extending to the right.

Mark Leischner, President

UNISTOP Inc.

**List of Officers Superpumper Licensing, Inc.**

<b>Name</b>	<b>Title</b>	<b>Contact Information</b>
Bruce Hest	Chief Financial Officer	Home Address:  Phone number:
Merv Carter	Director, Sales and Operations	Home Address:  Phone number:

Shareholder : Superpumper Holdings, Inc.

Mailing Address:

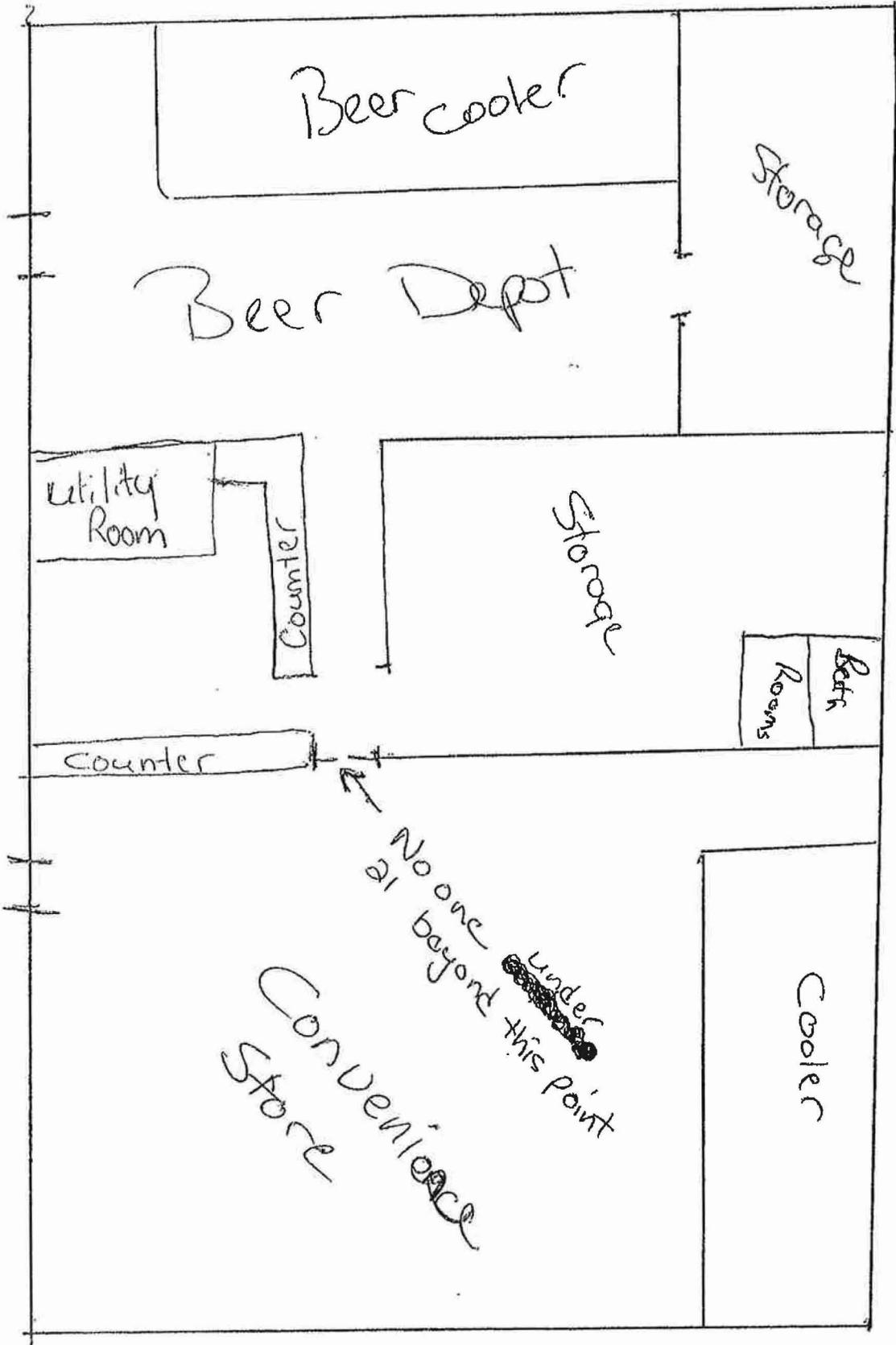
Physical Address:

Phone number:

Ⓟ Dennis Krueger is a Director,

Mandan Store

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S



STATE OF NORTH DAKOTA )  
 ) ss.  
COUNTY OF MORTON )  
WARD )

I Danny J Armstrong, being first duly sworn, deposes and says that (he/she is the individual who executed the foregoing and above affidavit of application completeness and accuracy, sworn statement of licensure conditions and agreement of right to entry by city personnel, that (he/she has read each question and statement contained therein and knows the contents thereof to be true and accurate, and that (he/she has furnished the answers set forth in said application, and that each one of said answers is true to the best of this knowledge.

Subscribed and sworn to before me on this 13<sup>th</sup> day of April, 2015.

(Notary Seal)

Danny J Armstrong

DANNY J ARMSTRONG  
Notary Public  
State of North Dakota  
My Commission Expires June 5, 2020

CITY OF MANDAN  
SUNDAY ALCOHOLIC BEVERAGE PERMIT  
(OFF-SALE)

Date of Application: April 13<sup>th</sup>, 2015

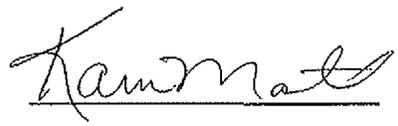
Name of Licensee: Superpumper Licensing, Inc., Bruce Hest - CFO/Director

Address of Licensee: 1410 Collins Ave Mandan, ND 58554

I the applicant will abide to the following conditions:

- a. The applicant shall furnish written acknowledgement of its application to have the state tax department impose the city lodging and restaurant tax upon the gross receipts from permit tee's "off-sale" sales of alcoholic beverages and that thereafter the permit tee must supply copies of the most recent six month's filings of the city lodging and restaurant taxes and shall allow the city to verify with the state tax department that said tax payments have been and continue to be made throughout the term of the license;
- b. The applicant as a condition to the issuance of such permit consents and agrees that any City police officer may enter upon and inspect the licensed premises or any part thereof at any time for the purpose of determining compliance with the conditions of the permit;
- c. The permit issued under this section may not expand the scope of the class of alcohol license held by the applicant;
- d. The permit tee shall comply with all other applicable ordinances and laws relating to the use and sale of alcoholic beverages in the City.

 CFO/Director  
Signature of Applicant

Received by: 

Date Received: 4-14-15

Commission Approval: \_\_\_\_\_

Auditor Approval: \_\_\_\_\_

Copy to be filed with Mandan Police Department



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** April 21, 2015  
**PREPARATION DATE:** April 14, 2015  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Justin Froseth, Planning and Engineering Director  
**SUBJECT:** Acting as the Board of Adjustment, consider for approval driveway apron width variance for 1509 Canyon Rd. SW

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**STATEMENT/PURPOSE:** Ordinance 1197 was recently adopted to modify some of the requirements for driveway aprons. One of the changes was to place a limit of 36 feet on the width of a residential driveway apron.

The owner began this project last year under the old rules.

Adding to the existing driveway apron would widen the driveway apron beyond the 36 foot maximum allowed by the recently adopted ordinance.

The request is to allow the property owner to widen the driveway apron and construct a straight in approach to the parking pad.

**BACKGROUND/ALTERNATIVES:** Section 21-09-16 of the city code provides a procedure for granting a variance.

*General. The planning commission and the board may find that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and the purposes of these regulations may be served to a greater extent by an alternative proposal. It may approve variances which vary, modify or waive the subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance, modification or waiver shall not have the effect of nullifying the intent and purpose of these regulations or of the master plan. In no event shall any variance, modification or waiver be more than a minimum easing of these regulations nor shall it be in conflict with existing zoning laws. The planning commission and the board shall not approve variances unless the evidence presented in each specific case supports the following findings:*

- a. Strict compliance with the requirements of these regulations would result in extraordinary hardship to the subdivider, as distinguished from a mere inconvenience, because of the particular physical surroundings, shape or topographical conditions of the specific property involved, or because of other conditions not caused by the action of the subdivider;*
- b. The granting of the variance would not have the effect of reducing the traffic capacity of any major or secondary street;*
- c. The granting of the variance would be beneficial to the public safety, health or welfare, and not injurious to other property located adjacent to the proposed modification;*
- d. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property; and*
- e. The variance is consistent with provisions of the zoning ordinance, comprehensive plan and proper development of the area.*

ATTACHMENTS:

1. Aerial Image of Property
2. Application

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION: there are a couple main reasons for enacting a rule to limit the width of the apron; 1) The increasing width of aprons was restricting the available parking along the curb. 2) The increasing width of aprons has decreased the amount of boulevard available for snow removal. In a moderate to heavy snow year the loss of boulevard space would contribute to inefficiency in snow removal as well as poor visibility for motorists because of higher snow banks.

The argument for allowing a straight in approach is the limited maneuvering room when the garage is so close to the sidewalk. As a point of reference, a Ford F350 Crew Cab Long Bed pickup is 22 feet long.

Even though permits for construction of driveway aprons have a time limit, planning for these projects often extends beyond one construction season.

Board of City Commissioners

Agenda Documentation

Meeting Date: April 21, 2015

Subject: Driveway Variance for 1509 Canyon Rd. SW

Page 3 of 5

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SUGGESTED MOTION: Based on the fact that this project was started under the old rules and in conformance with the action taken at the last City Commission meeting, move to approve a driveway apron width variance for 1509 Canyon Rd. SW with the stipulation that all construction must be completed in 2015.



CITY OF MANDAN	
Development Review Application	
Annexation petition (\$250)	Minor plat or replat (\$100)
Preliminary Plat up to 20 acres (\$200)	Preliminary Plat greater than 20 acres (\$300)
Final Plat up to 20 lots (\$200)	Final Plat 21 to 40 lots (\$400)
Final Plat greater than 40 lots (\$600)	Zone change (\$400)
Special Use (\$300)	Vacation of ROW (\$250)
Stormwater submittal (\$150)	<input checked="" type="checkbox"/> Variance (\$200)
Stormwater 2 <sup>nd</sup> and subsequent resubmittal (\$50)	Construction plans per plan & profile sheet (\$25)

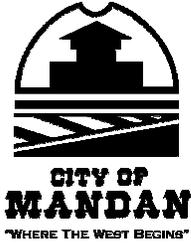
Summary of Request  
 Pour concrete Apron in front of carner pad as was permitted last year 2014 when permit was pulled.  
 (Apron extended 13 feet)

Engineer/Surveyor			Property Owner or Applicant		
Name			Name Cody Stern		
Address			Address 1509 Canyon Rd SW		
City	State	Zip	City	State	Zip
			Mandan	ND	58554
email			email cstern@anyleaks.net		
Phone	Fax		Phone	Fax	
			701-426-6313	701-223-6207	
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name
City	ETA	New	Addition			
Property Address 1509 Canyon Rd SW				Legal Description Lot 5 Block 5		
Current Use				Kerds South heart terrace 1st Addition		
Proposed Use				Section	Township	Range
Parcel Size	Building Footprint	Stories	Building SF	Required Parking	Provided Parking	

<input checked="" type="checkbox"/>	Print Name Cody Stern	Signature 	Date 4-8-15
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Office Use Only					
Date Received:	4/8/2015	Initials:	nm	Fees Paid:	\$200
Date	4/8/2015	Mailed to neighbors		P&Z meeting	
Notice in paper	Approved		Approved with conditions:		
Denied					
Notice in paper	Mailed to neighbors		City Comm. Meeting		
Approved	Approved with conditions:				
Denied					



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** April 21, 2015  
**PREPARATION DATE:** April 14, 2015  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Justin Froseth, Planning and Engineering Director  
**SUBJECT:** Acting as the Board of Adjustment, consider for approval driveway apron width variance for 1703 Canyon Rd. SW

---

**STATEMENT/PURPOSE:** Ordinance 1197 was recently adopted to modify some of the requirements for driveway aprons. One of the changes was to place a limit of 36 feet on the width of a residential driveway apron.

The owner began this project last year under the old rules.

Adding to the existing driveway apron would widen the driveway apron beyond the 36 foot maximum allowed by the recently adopted ordinance.

The request is to allow the property owner to widen the driveway apron and construct a straight in approach to the parking pad.

**BACKGROUND/ALTERNATIVES:** Section 21-09-16 of the city code provides a procedure for granting a variance.

*General. The planning commission and the board may find that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and the purposes of these regulations may be served to a greater extent by an alternative proposal. It may approve variances which vary, modify or waive the subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance, modification or waiver shall not have the effect of nullifying the intent and purpose of these regulations or of the master plan. In no event shall any variance, modification or waiver be more than a minimum easing of these regulations nor shall it be in conflict with existing zoning laws. The planning commission and the board shall not approve variances unless the evidence presented in each specific case supports the following findings:*

- a. Strict compliance with the requirements of these regulations would result in extraordinary hardship to the subdivider, as distinguished from a mere inconvenience, because of the particular physical surroundings, shape or topographical conditions of the specific property involved, or because of other conditions not caused by the action of the subdivider;*
- b. The granting of the variance would not have the effect of reducing the traffic capacity of any major or secondary street;*
- c. The granting of the variance would be beneficial to the public safety, health or welfare, and not injurious to other property located adjacent to the proposed modification;*
- d. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property; and*
- e. The variance is consistent with provisions of the zoning ordinance, comprehensive plan and proper development of the area.*

ATTACHMENTS:

1. Application
2. Photo of Location

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION: there are a couple main reasons for enacting a rule to limit the width of the apron; 1) The increasing width of aprons was restricting the available parking along the curb. 2) The increasing width of aprons has decreased the amount of boulevard available for snow removal. In a moderate to heavy snow year the loss of boulevard space would contribute to inefficiency in snow removal as well as poor visibility for motorists because of higher snow banks.

The argument for allowing a straight in approach is the limited maneuvering room when the garage is so close to the sidewalk. As a point of reference, a Ford F350 Crew Cab Long Bed pickup is 22 feet long.

Even though permits for construction of driveway aprons have a time limit, planning for these projects often extends beyond one construction season.

Board of City Commissioners

Agenda Documentation

Meeting Date: April 21, 2015

Subject: Driveway Variance for 1703 Canyon Rd. SW

Page 3 of 10

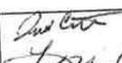
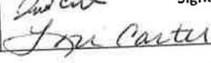
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SUGGESTED MOTION: Based on the fact that this project was started under the old rules and in conformance with the action taken at the last City Commission meeting, move to approve a driveway apron width variance for 1703 Canyon Rd. SW with the stipulation that all construction must be completed in 2015.

CITY OF MANDAN	
Development Review Application	
Annexation petition (\$250)	Minor plat or replat (\$100)
Preliminary Plat up to 20 acres (\$200)	Preliminary Plat greater than 20 acres (\$300)
Final Plat up to 20 lots (\$200)	Final Plat 21 to 40 lots (\$400)
Final Plat greater than 40 lots (\$600)	Zone change (\$400)
Special Use (\$300)	Vacation of ROW (\$250)
Stormwater submittal (\$150)	Variance (\$200)
Stormwater 2 <sup>nd</sup> and subsequent resubmittal (\$50)	Construction plans per plan & profile sheet (\$25)
Summary of Request see Appendix A --- attached	

Engineer/Surveyor			Property Owner or Applicant		
Name			Name James + Lori Carter		
Address			Address 1703 Canyon Rd. SW		
City	State	Zip	City	State	Zip
			Mandan	ND	58554
email			fly-army@hotmail.com loriscarter2012@gmail.com		
Phone		Fax			
406-934-2565		701-270-5302			
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name
City	ETA	New	Addition			
Property Address				Legal Description		
Current Use						
Proposed Use						
Parcel Size	Building Footprint	Stories	Building SF	Required Parking	Provided Parking	

Print Name James Carter Lori Carter	Signature  	Date 4-7-15
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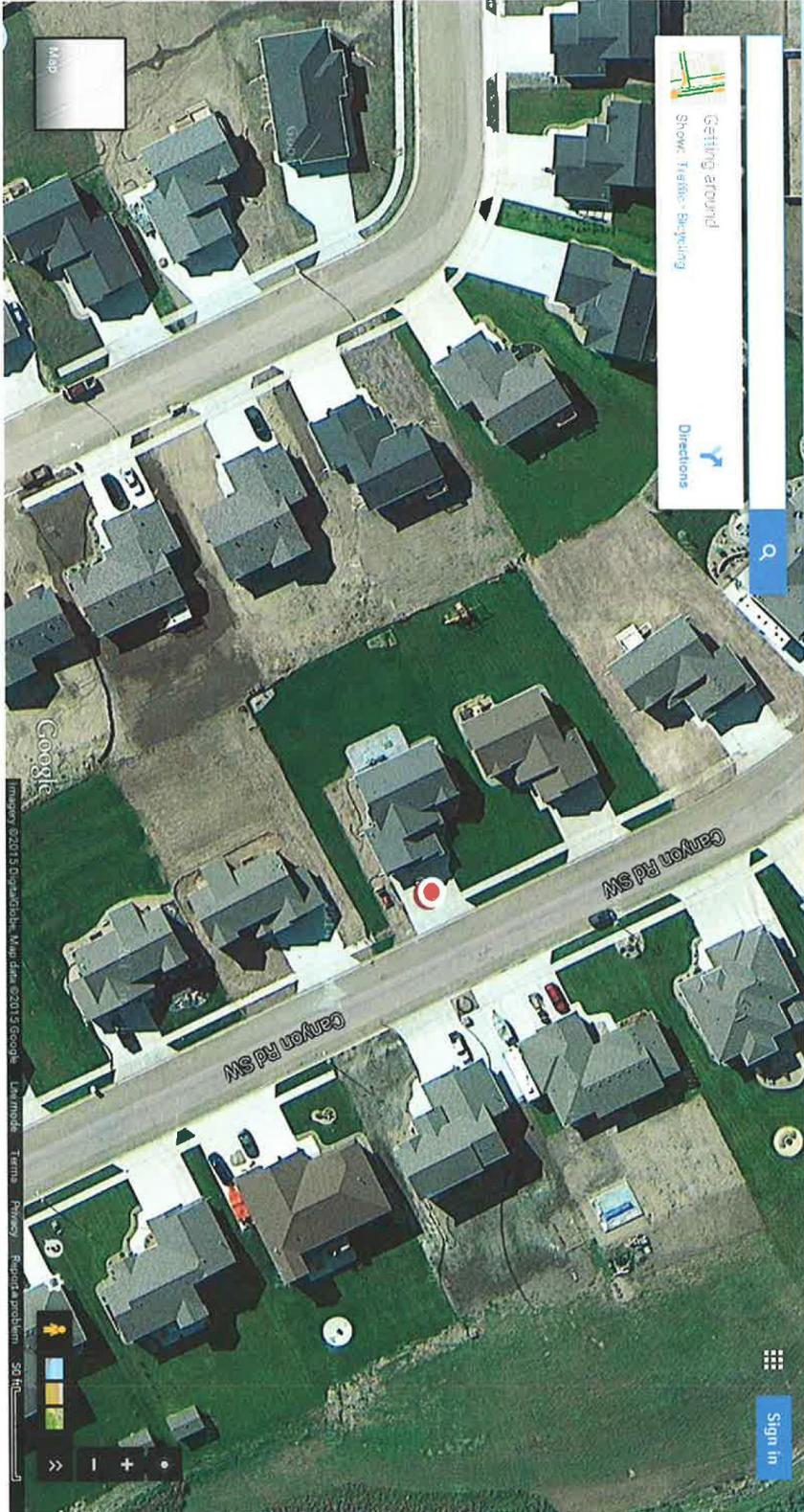
Office Use Only			
Date Received: 4/8/2015	Initials: JMC	Fees Paid: \$ 200	Date: 4/8/2015
Notice in paper	Mailed to neighbors	P&Z meeting	
Approved	Approved with conditions:		
Denied			
Notice in paper	Mailed to neighbors	City Comm. Meeting	
Approved	Approved with conditions:		
Denied			

**Appendix A**

We are requesting a variance for a longer approach and apron as we have gone through the proper process and obtained a permit per a conversation with Rob Gaskill. Permit was secured in 2014 as was a building permit for the side garage/shed. Prior to the permit and purchase of home, the Keidel Development Management Team also approved of the plan. The property was to go through different phases...1) final grading/landscaping 2) back and side concrete 3) sprinkler system and grass 4) final concrete (pad, side, approach, and apron) 5) garage/shed. We had full intentions of finishing the project in 2014 but the timeline was pushed off track due to rain, an early winter, job conflicts (civilian and military) and contractor availability. As you can see from the pictures supplied, everything is ready to be finished. Once finished, we will eventually be able to park a camper and provide additional parking for guests as the fire hydrate prohibits street parking. If variance isn't approved, we will incur additional cost related to the sprinkler system, additional dirt work, planting of grass, rework of set frames and overall plan. We hope you take all of these items into your consideration. We appreciate your time as it relates to this variance. Thank you.

**James and Lori Carter | 1703 Canyon Rd SW, Mandan ND**

*Image via Google Earth*













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

Type:  Local Permit \*  Charity Local Permit

Permit Number  
2015-22

Name of Organization West River Rodeo Bible Camp		Date(s) Authorized (Read instruction 2)		
Contact Person Jeff Casey	Business Phone Number (701) 854-7605	4/22/2015 Beginning	to	5/17/2015 Ending
Mailing Address Po Box 503	City Mandan	State ND	Zip Code 58554-0000	
Site Name Kist Livestock	Site Address 1715 40 Ave Se			
City Mandan	State ND	ZIP Code 58554-0000	County Morton	
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.				
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels*				
Restriction:				
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor <u>and</u> Office of Attorney General within 30 days of the event.				
Date 4/15/2015	Signature of: <input checked="" type="checkbox"/> City Auditor <input checked="" type="checkbox"/> County Auditor	Printed Name of City or County Auditor Patrick B Haug		Auditor Telephone Number (701) 667-3250

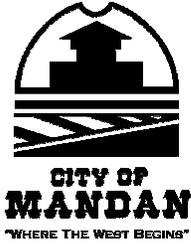
Please see the instructions on the backside of this form on how to complete the Permit.  
 For a raffle or calendar raffle, read "Information Required to be Preprinted on a Standard Raffle Ticket" below.

cut along this line

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

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





# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** April 21, 2015  
**PREPARATION DATE:** April 15, 2015  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Robert Decker, P.E., Principal Planner  
**SUBJECT:** Consider for approval replat of Lots 1, 2 & 3, Block 2 and Lots 1, 2 & 3, Block 3, Macedonia Hills 1<sup>st</sup> Addition

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**STATEMENT/PURPOSE:**

Request is to split the lots so that each half of a duplex structure can be sold separately.

**BACKGROUND/ALTERNATIVES:**

This property is zoned R3.2 that allows duplex structures. The minimum lot size is 7,000 square feet.

The lots have between 8,400 and 10,200 square feet.

Only one sewer service and one water service was provided to each lot when the area was developed.

Either a new tap will need to be installed by cutting the street or the existing tap will need to be split. If the existing tap is split, the service lines must be run in existing easements or the right-of-way. A joint maintenance agreement must be recorded for the shared portion of the service line.

Board of City Commissioners

Agenda Documentation

Meeting Date: April 21, 2015

Subject: Replat of Lots 1, 2 & 3, Block 2 and Lots 1, 2 and 3, Block 3, Macedonia Hills  
1<sup>st</sup> Addition

Page 2 of 4

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ATTACHMENTS:

1. Subdivision Location Map
2. Lot Location Map
3. Plat Maps
4. Utility Map

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION:

Recommend approval.

SUGGESTED ACTION:

Move to approve replat of Lots 1, 2 & 3, Block 2 and Lots 1, 2 & 3, Block 3, Macedonia Hills 1<sup>st</sup> Addition

Board of City Commissioners

Agenda Documentation

Meeting Date: April 21, 2015

Subject: Replat of Lots 1, 2 & 3, Block 2 and Lots 1, 2 and 3, Block 3, Macedonia Hills  
1<sup>st</sup> Addition

Page 3 of 4







**GAMING SITE AUTHORIZATION**  
 OFFICE OF ATTORNEY GENERAL  
 SFN 17996 (02-2011)

Consent No. 14i

G - \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
 Site License Number  
 (Attorney General Use Only)

AMER: AMER FOUNDATION FOR WLDLIFE  
 (Full, Legal Name of Gaming Organization)

is hereby authorized to conduct games of

chance under the license granted by the Attorney General of the State of North Dakota at the following

location: LAKE WOOD BAR AND GRILL the address of which is:

4007 SOUTH BAY DR SE MANDAN 58554 MORTON  
 (Street) (City) (Zip Code) (County)

Date(s) Authorized: Beginning 7-1-15 Ending 6-30-16

Specific location where games of chance will be conducted and played at the site (required): GAMING EAST WALL  
CENTEN OF BAR 2nd MACH SOUTH WALL

Number of twenty-one tables (required) (if zero, enter "0") : ONE

RESTRICTIONS: (to be completed ONLY if restrictions are set by the local governing body)

1. Days of week of gaming operations \_\_\_\_\_

2. Hours of gaming \_\_\_\_\_

3. List each specific game type prohibited \_\_\_\_\_

\_\_\_\_\_  
 Attorney General Date Signature of City/County Auditor Date

PRINT Name / Official Position of person signing above

**INSTRUCTIONS:**

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

**RETURN ALL DOCUMENTS TO:**

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



**RENTAL AGREEMENT**  
 OFFICE OF ATTORNEY GENERAL  
 LICENSING SECTION  
 SFN 9413 (Rev. 08-2013)

License Number (Office Use Only)

Site Owner (Lessor) <i>LAKE WOOD BART + GRILL LLC</i>		Site Name <i>LAKE WOOD BART + GRILL</i>		Site Phone Number <i>751-2898</i>	
Site Address <i>4007 SOUTH BAY DR SE</i>		City <i>MANDAN</i>	State <i>ND</i>	Zip Code <i>58554</i>	County <i>MORRISON</i>
Organization (Lessee) <i>AMER CAN FOUNDATION FOR WILDLIFE</i>			Rental Period <i>JULY 1, 2015 to JUN 30, 2017</i>		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes					\$
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? <input type="checkbox"/> No <input type="checkbox"/> Yes If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.					
2. Is a raffle drawing going to be conducted at this site? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes					\$
3. Is Prize Boards involving a dispensing device conducted at this site? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes					\$
4. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ <input type="checkbox"/> No <input type="checkbox"/> Yes					\$
Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>150</u>					\$ <u>150</u>
5. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____ <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes					\$ <u>200</u>
6. Is Pull Tabs involving either a jar bar and/or a dispensing device conducted at this site? <input type="checkbox"/> No <input type="checkbox"/> Yes Please check: <input type="checkbox"/> Jar Bar Only <input type="checkbox"/> Dispensing Device Only <input checked="" type="checkbox"/> Jar Bar and Dispensing Device					\$
					Total Monthly Rent \$ <u>350</u>

**TERMS OF RENTAL AGREEMENT:**

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

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

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

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

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

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

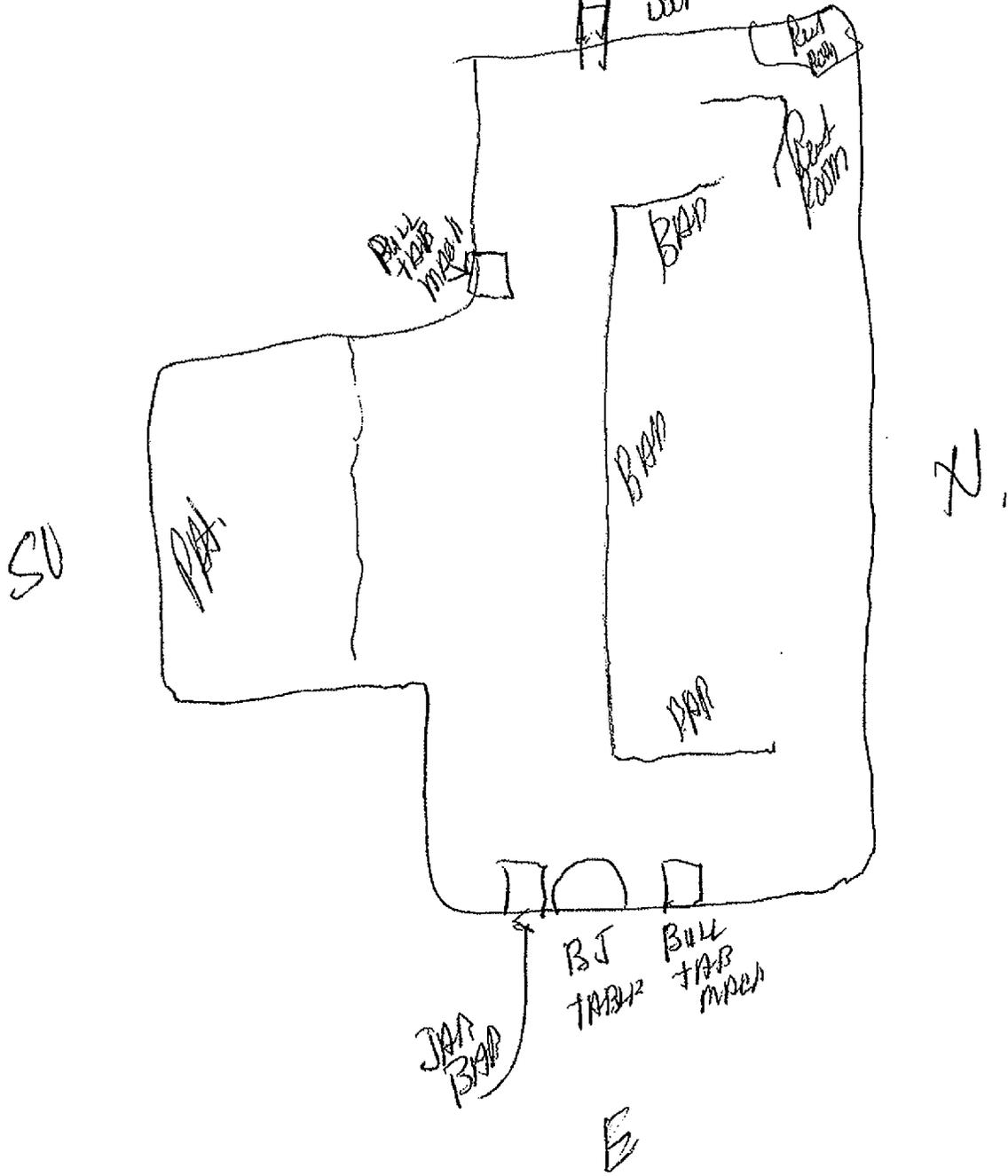
The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

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

Signature of Lessor <i>[Signature]</i>		Title <i>Manager</i>	Date <i>4-14-15</i>
Signature of Lessee (Top Executive Official) <i>[Signature]</i>		Title <i>President</i>	Date <i>4-14-15</i>

(over)

# THE DRINK



Consent No. 14ii



GAMING SITE AUTHORIZATION  
OFFICE OF ATTORNEY GENERAL  
SFN 17996 (02-2011)

G - \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
Site License Number  
(Attorney General Use Only)

AMERICAN FOUNDATION FOR W.LDLIFE

(Full, Legal Name of Gaming Organization)

is hereby authorized to conduct games of

chance under the license granted by the Attorney General of the State of North Dakota at the following

location: LAST CALL BAR the address of which is:

118 W MAIN (Street) MANDAN (City) 58554 (Zip Code) MORTON (County)

Date(s) Authorized: Beginning 7-1-15 Ending 6-30-16

Specific location where games of chance will be conducted and played at the site (required): MACH CENTER OF

BAR WEST WALL BJ TABS CENTER OF BAR EAST WALL

Number of twenty-one tables (required) (if zero, enter "0") : ONE

RESTRICTIONS: (to be completed ONLY if restrictions are set by the local governing body)  
1. Days of week of gaming operations \_\_\_\_\_  
2. Hours of gaming \_\_\_\_\_  
3. List each specific game type prohibited \_\_\_\_\_

\_\_\_\_\_  
Attorney General Date Signature of City/County Auditor Date

PRINT Name / Official Position of person signing above

**INSTRUCTIONS:**

1. City/County Auditors - Retain a **copy** of the Site Authorization for your files.
2. City/County Auditors - Return the **original** Site Authorization form to the Organization.
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**RETURN ALL DOCUMENTS TO:**

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



**RENTAL AGREEMENT**  
 OFFICE OF ATTORNEY GENERAL  
 LICENSING SECTION  
 SFN 9413 (Rev. 08-2013)

License Number (Office Use Only)

Site Owner (Lessor) <i>LAST CALL BIMP INC</i>		Site Name <i>LAST CALL BIMP</i>		Site Phone Number <i>663-9211</i>	
Site Address <i>118 W MAIN ST</i>		City <i>MANDAN</i>	State <i>ND</i>	Zip Code <i>58554</i>	County <i>MORTON</i>
Organization (Lessee) <i>AMERICAN FOUNDATION FOR WILDLIFE</i>			Rental Period <i>7-1-15 to 6-30-16</i>		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.			<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
2. Is a raffle drawing going to be conducted at this site?			<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
3. Is Prize Boards involving a dispensing device conducted at this site?			<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
4. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>300</u>			<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ \$ <u>300</u>
5. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____			<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
6. Is Pull Tabs involving either a jar bar and/or a dispensing device conducted at this site? Please check: <input type="checkbox"/> Jar Bar Only <input checked="" type="checkbox"/> Dispensing Device Only <input checked="" type="checkbox"/> Jar Bar and Dispensing Device			<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ \$ <u>200</u>
					Total Monthly Rent \$ <u>500</u>

**TERMS OF RENTAL AGREEMENT:**

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

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

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

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

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

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

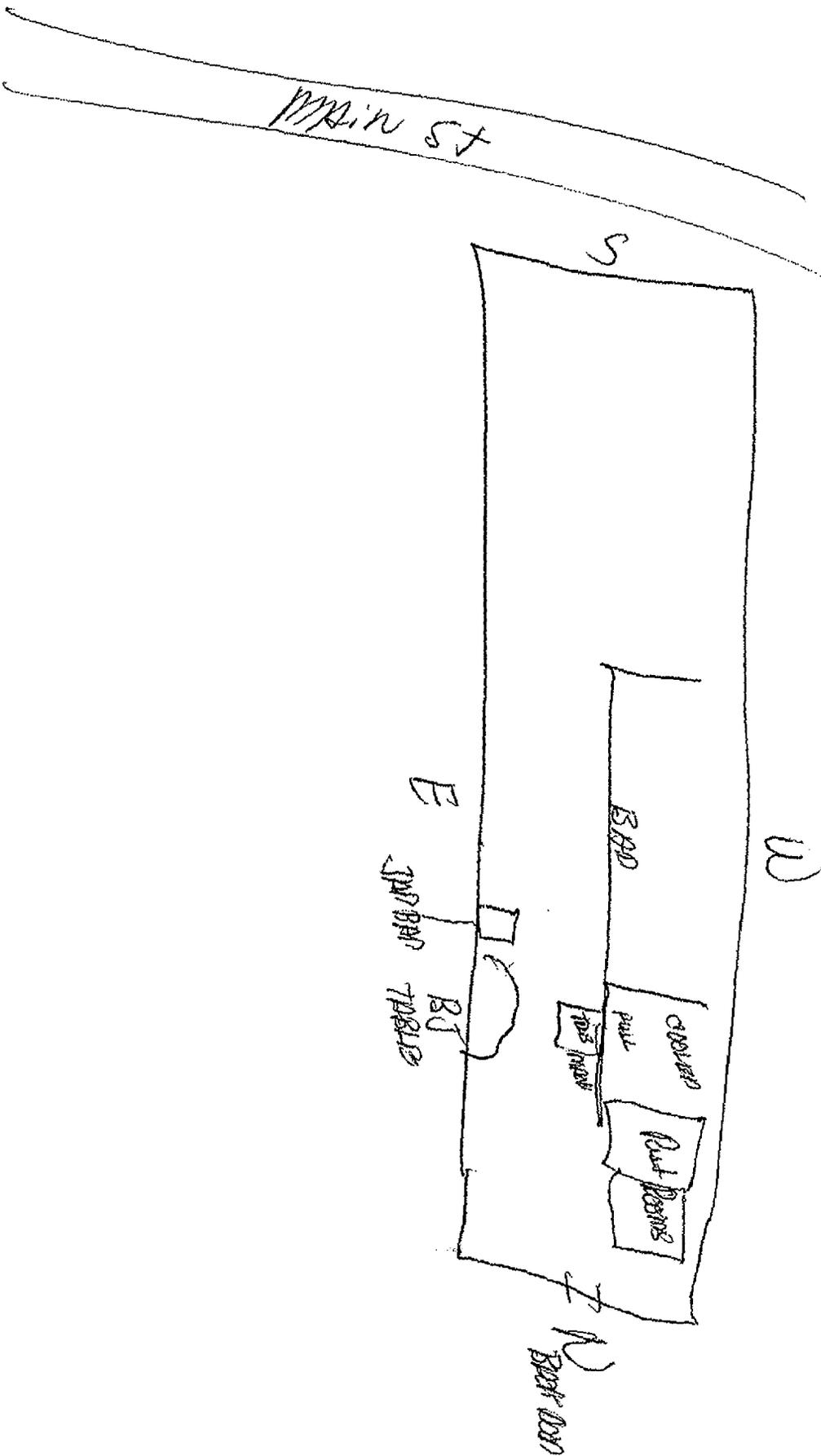
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At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor <i>[Signature]</i>	Title <i>OWNER</i>	Date <i>4-14-15</i>
Signature of Lessee (Top Executive Official) <i>[Signature]</i>	Title <i>President</i>	Date <i>4-14-15</i>

(over)

LASSY WALL





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

Type:  Local Permit \* Charity Local Permit

Permit Number  
2015-23

Name of Organization Gold Prospectors Association Of America-nd		Date(s) Authorized (Read instruction 2)		
Contact Person Edward J. Walker	Business Phone Number (701) 400-2305	4/22/2015 Beginning	to	10/10/2015 Ending
Mailing Address 4229 Claridge Loop	City Bismarck	State ND	Zip Code 58503-0000	
Site Name Eagles Club-mandan	Site Address 1400 Collins Ave			
City Mandan	State ND	ZIP Code 58554-0000	County Morton	
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.				
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels*				
Restriction:				
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor <u>and</u> Office of Attorney General within 30 days of the event.				
Date 4/16/2015	Signature of <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor	Printed Name of City or County Auditor Patrick B Haug		Auditor Telephone Number (701) 667-3250

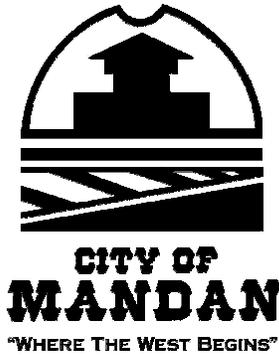
Please see the instructions on the backside of this form on how to complete the Permit.  
For a raffle or calendar raffle, read "Information Required to be Preprinted on a Standard Raffle Ticket" below.

cut along this line

INFORMATION REQUIRED TO BE PREPRINTED ON A STANDARD RAFFLE TICKET:

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





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** April 21, 2015  
**PREPARATION DATE:** April 13, 2015  
**SUBMITTING DEPARTMENT:** Assessing  
**DEPARTMENT DIRECTOR:** Shirley Shaw/City Assessor  
**PRESENTER:** Shirley Shaw/City Assessor  
**SUBJECT:** Reassessment of property - Wachter Development, Inc. for 2014

---

STATEMENT/PURPOSE: To consider a reduction in the land value for the 2014 year due to it being unbuildable land and storm water drainage and should not have received adjustments.

BACKGROUND/ALTERNATIVES:

Reason for abatement: To lower the land value for the 2014 year. The land is unbuildable. Storm water drainage; should not have received adjustments. The land value in 2014 was \$58,500 and should be \$10,000; a \$48,500 difference.

ATTACHMENTS: Abatement form, data sheet and map.

FISCAL IMPACT: \$762

STAFF IMPACT: Minimal

LEGAL REVIEW: In accordance with NDCC 57-23-04.

RECOMMENDATION: I recommend a motion to approve to lower the land value for the 2014 year from \$58,500 to \$10,000 due to the land being unbuildable and storm drainage.

SUGGESTED MOTION: A motion to approve a reduction in the land value for 2014 from \$58,500 to \$10,000.

Application For Abatement And Settlement Of Taxes

North Dakota Century Code § 57-23-04

File with the County Auditor on or before November 1st of the year following the year in which the tax becomes delinquent.

State of North Dakota

County of Morton

Name WACHTER DEVELOPMENT INC

Address 1609 8 AVE SE

Legal Description of the property involved in this application

Lot: 30

Block: 1

HEART RIDGE

Property ID Number

City 10994

County 65-6108010

Total true and full value of the property described above for the year 2014 is:

Land \$58,500
Improvements \$0
Total (1) \$58,500

Total true and full value of the property described above for the year 2014 should be:

Land 10,000-
Improvements \$0
Total (2) 10,000-

The difference of 48,500- true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C § 57-02-27.2
2. Residential or commercial property's true and full value exceeds the market value
3. Error in property description, entering the description, or extending the tax
4. Nonexisting improvement assessed
5. Complainant or property is exempt from taxation (Attach a copy of Application for Property Tax Exemption)
6. Duplicate assessment
7. Property improvement was damaged by fire, flood or tornado (see N.D.C.C. § 57-23-04(1)(g))
8. Error in noting payment of taxes, taxes erroneously paid
9. Property qualifies for Homestead Credit According to N.D.C.C. § 57-02-08.1 (Attach a copy of Homestead Credit Application)
10. Other (Explain) reassessment

The following facts relate to the market value of the residential or commercial property described above. For agricultural property, go to question #5.

1. Purchase price of property: \$ Date of Purchase:
Terms: Cash Contract Trade Other (explain)
Was there personal property involved in the purchase price? Estimated value: \$
2. Has the property been offered for sale on the open market? If yes, how long?
Asking price: \$ Terms of sale:
3. The property was independently appraised: Purpose of appraisal:
Market value estimate: \$
Appraisal was made by whom?
4. The applicant's estimate of market value of the property involved in this application is \$
5. The estimated agricultural productive value of this property is excessive because of the following condition(s):

The Applicant asks that we abate this value due to reassessment of this lot for 2014. Storm water drainage; should not have received adjustments. Unbuildable land.

By filing this application, I consent to an inspection of the above-described property by an authorized assessment official for the purpose of making an appraisal of the property. I understand the official will give me reasonable notification of the inspection. See N.D.C.C. § 57-23-05.1.

I declare under the penalties of N.D.C.C. § 12.1-11-02, which provides for a Class A misdemeanor for making a false statement in a government matter, that this application is, to the best of my knowledge and belief, a true and correct application.

Signature of Preparer (if other than applicant)

Date

Signature of Applicant

Date

Handwritten signature and date 4-13-15

**Recommendation of the Governing Body of the City or Township**

Recommendation of the governing board of Mandan City Commissioners

On \_\_\_\_\_ the governing board of this municipality, after examination of this application and the facts, passed a resolution recommending to the Board of County Commissioners that the application be \_\_\_\_\_

\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ . \_\_\_\_\_  
 City Auditor or Township Clerk

**Action by the Board of County Commissioners**

Application was \_\_\_\_\_ by action of \_\_\_\_\_ County Board of Commissioners.  
Approve/Rejected

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-23-04, we approve this application. The taxable valuation is reduced from \$ \_\_\_\_\_ to \$ \_\_\_\_\_ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of \$ \_\_\_\_\_. The Board accepts \$ \_\_\_\_\_ in full settlement of taxes for the tax year \_\_\_\_\_.

We reject this application for the following reason(s): \_\_\_\_\_

\_\_\_\_\_

Dated \_\_\_\_\_, \_\_\_\_\_ . \_\_\_\_\_  
 County Auditor Chairperson

**Certification of County Auditor**

I certify that the Board of County Commissioners took the action stated above and the records of my office and the office of the County Treasurer show the following facts as to the assessment and the payment of taxes on the property described in this application.

Year	Taxable Value	Tax	Date Paid(if paid)	Payment Made Under Written Protest? yes / no

I further certify that the taxable valuation and the taxes ordered abated or refunded by the Board of Commissioners are as follows:

Year	Reduction in Taxable Valuation	Reduction in Taxes

\_\_\_\_\_ County Auditor Date

**Application For Abatement  
 And Settlement Of Taxes**

Name of Applicant \_\_\_\_\_

County Auditor's File No. \_\_\_\_\_

Date Application Was Filed With The County Auditor \_\_\_\_\_



Board of City Commissioners

Agenda Documentation

Meeting Date: April 21, 2015

Subject: Reassessment of property - Wachter Development, Inc. for 2014

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Fri, 4/10/2015, 1:00 PM Page 2

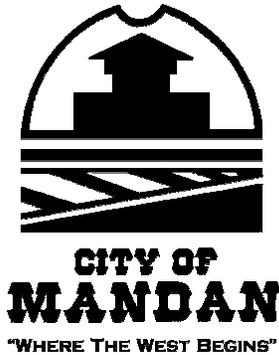
Prior Year	Comment	Value Type	Location	Class	Land Value	Dwelling Value	Improvement Value	M & E Value	Total Value
2012		Import	Urban	Other	\$27,700	\$0	\$0	\$0	\$27,700
2013		Import	Urban	Other	\$28,500	\$0	\$0	\$0	\$28,500
2014	Import from County file.	Import	Urban	Other	\$58,500	\$0	\$0	\$0	\$58,500

**Notes:**

Note Title: Original AS400 Notes

2015 SS: STORM WATER DRAINAGE; SHOULD NOT RECEIVE MARKET INCREASES OR ADJUSTMENTS; NON BUILDABLE LAND.





## Board of City Commissioners

### Agenda Documentation

<b>MEETING DATE:</b>	April 21, 2015
<b>PREPARATION DATE:</b>	April 17, 2015
<b>SUBMITTING DEPARTMENT:</b>	Engineering
<b>DEPARTMENT DIRECTOR:</b>	Justin Froseth
<b>PRESENTER:</b>	Justin Froseth, Planning and Engineering Director
<b>SUBJECT:</b>	Consider approving Engineering Services Agreement with KLJ for design and pre-bid services for Old Red Trail Reconstruction

**STATEMENT/PURPOSE:** To consider approving Engineering Services Agreement with KLJ for design and pre-bid services for Old Red Trail Reconstruction

**BACKGROUND/ALTERNATIVES:** The section of Old Red Trail between Highland Road and 47<sup>th</sup> Avenue NW is in poor shape and is becoming insufficient to handle the volumes of traffic due to the new development in that area. The condition of this section was considered inadequate by the condition assessment study done in 2012.

The city has been approved by the NDDOT within their Transportation Improvement Program (TIP) to reconstruct Old Red Trail from Highland Road to 47<sup>th</sup> Avenue NW in 2016. This project is eligible for approximately 80% federal funding as administered through the NDDOT. As such, the project must go through the NDDOT bidding process, requiring the plans and specifications to adhere to their guidelines. In order to ensure that proper procedures are followed, the engineering department requested hiring a consulting firm to design these projects. On February 3 the City Commission approved the engineering department advertising for RFP for engineering services for this project. On April 7 the City Commission approved negotiating with KLJ for engineering services. Today we are asking the City Commission to approve the engineering services agreement. Full 46 page agreement including exhibits available upon request.

Key dates for projects are as follows:

- April 21<sup>st</sup> – Bring ESA to board for approval
- Spring of 2016 – Project bid opening
- October 31<sup>st</sup>, 2016 – Project Completion

Board of City Commissioners

Agenda Documentation

Meeting Date: April 21, 2015

Subject: Consider approving Engineering Services Agreement with KLJ for design and pre-bid services for Old Red Trail Reconstruction

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ATTACHMENTS:

1. Scope of Services
2. Fee Summary

FISCAL IMPACT: Likely will be paid for by a combination of city funds and special assessments to benefiting properties if a district is created.

STAFF IMPACT: Minimal

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

RECOMMENDATION: Approve Engineering Services Agreement with KLJ for design and pre-bid services for Old Red Trail Reconstruction.

SUGGESTED MOTION: Move to approve Engineering Services Agreement with KLJ for design and pre-bid services for Old Red Trail Reconstruction.



**April 13, 2015**  
**KADR MAS, LEE & JACKSON, INC.**  
**SCOPE OF SERVICES**  
**PRELIMINARY ENGINEERING, ENVIRONMENTAL DOCUMENTATION**  
**AND DESIGN ENGINEERING**

**PROJECT: SU-1-988(040)051, PCN 20854**  
**Old Red Trail - Highland Road to 47<sup>th</sup> Avenue NW**

**OBJECTIVE**

The purpose of this scope of services is to describe the scope of work and responsibilities required to complete the preliminary engineering, environmental documentation and design engineering. Services include: preliminary survey; geotechnical; preliminary engineering/reports; environmental documentation necessary to receive environmental clearance for the project; design engineering; preparation of plans and bid documents; right of way/easement acquisition; utility coordination; and permitting.

Kadrmas, Lee & Jackson (KLJ) will be the prime consultant and will perform all services on this project with the exception of geotechnical analysis. Geotechnical analysis for this project will be provided by Terracon.

The following scope of services and corresponding fee summary is based upon the assumption that the proposed project would have no significant impacts and Federal Highway Administration (FHWA) approval of a Categorical Exclusion (CATEX). If NDDOT or FHWA determines that an Environmental Assessment (EA) or Environmental Impact Statement (EIS) is required, the additional work may be added by supplement to this agreement.

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

- General project scope of work includes the reconstruction of Old Red Trail from just east of the intersection of Highland Road to 47<sup>th</sup> Avenue NW. Improvements include constructing a 3-lane urban roadway section, LED lighting system, shared-use path, storm sewer, water main replacement, pedestrian crossings, and landscaping.
- Project limits for reconstruction will begin east of the intersection of Highland Road to just west of 47<sup>th</sup> Avenue NW.
- Study area project limits will begin at the intersection of 37<sup>th</sup> Street NW to 47<sup>th</sup> Avenue NW. Improvements from 37<sup>th</sup> Street NW to Highland Road may include restriping to a 3-lane section.

**1. PROJECT MANAGEMENT & COORDINATION**

**Project Management & Coordination**

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

**Progress Reports (Bi-weekly updates) (Est. 20 Updates)**

KLJ shall submit a biweekly status report via email to the City of Mandan and NDDOT Local Government Representative which will summarize the work performed in the current period, upcoming activities in



the next period, summary of project decisions and potential out of scope work activities. The reports shall include percent complete for key project activities. The status report shall also identify any milestone activity that is not completed or anticipated not to be completed on time. The report shall include the reasons why any milestone date was missed and what actions will be taken to get the project back on schedule.

#### **Project Schedule**

KLJ will submit a schedule to the City of Mandan and NDDOT for the completion of the project. The schedule will include the establishment of milestone dates for the major work items. The schedule will be reviewed and adjusted as necessary to incorporate changes in the work concept and progress to date.

#### **Field Review Meeting**

KLJ will lead a project field review with representatives from the City of Mandan and NDDOT. A field review packet will be provided in advance to participants attending the field review. Preliminary project information will be discussed at the field review to confirm the scope of work and identify potential concerns and alternative solutions. A written summary will be prepared and distributed following the field review.

#### **Team Meetings (6 Meetings Estimated)**

The KLJ project team will meet with representatives from the City of Mandan and NDDOT to discuss design and planning issues, scheduling, progress and upcoming work. There will be a maximum of 6 meetings in an estimated ten-month period.

## **2. PRELIMINARY SURVEY**

#### **Topographic and Cadastral Survey**

Conduct preliminary ground survey of reconstruction project limits to include associated site contours, existing surfaces, known subsurface features, utilities and right-of-way limits and adjacent property boundaries. KLJ will download the field survey data and generate AutoCAD base maps for plan drawings. Existing data to be compiled includes project control, horizontal & vertical alignment, topography, right-of-way, property boundaries and utilities. The survey limits will include the Old Red Trail corridor's full right of way width plus 10-15 feet beyond the right of way, starting approximately 500 feet east of the intersection of Highland Road and ending approximately 500 feet west of the intersection of 47<sup>th</sup> Avenue NW. Side street intersections will be surveyed a distance of 100 feet back from the intersection. Only the roadway centerline and curb lines will be surveyed from 37<sup>th</sup> Street NW to 500 feet east of the Highland Road intersection. A direct mailing will be sent to the landowners adjacent to the project notifying them of the survey work.

#### **Wetland Delineation, Tree Inventory, T&E Habitat**

KLJ will provide a field wetland delineation to identify preliminary wetland impact issues. A field wetland delineation would be completed in accordance with the US Army Corps of Engineers (USACE) 1987 Delineation Manual and NDDOT guidance. A field wetland delineation report will be submitted to the NDDOT as well as the USACE, with a request for a jurisdictional determination. A tree inventory will be completed to ensure that the project is reviewed for potential tree impacts. If this project results in the removal or destruction of trees, those trees which meet certain criteria will be counted and mitigated. A review of potential Threatened and Endangered (T&E) Habitat will be completed to ensure the project is reviewed for potential habitats. A field wetland delineation report will be submitted to the NDDOT for review and approval prior to submittal to the USACE, with a request for a jurisdictional determination (JD).



## **Cultural Resource Management**

### **Class I File Search**

A Class I Literature Review of the North Dakota State Historic Preservation Office (NDSHPO) site and manuscript files will be prepared prior to the start of any fieldwork. Data collected from this review will provide an overview of previously conducted cultural resource work within the project area, including all previously recorded site locations.

### **Mapping**

Previous site locations will be mapped prior to the beginning of fieldwork and will be used in the field to relocate and update known information regarding the sites.

The area to be surveyed includes the following descriptions: The survey limits will include the Old Red Trail corridor's full right of way width plus 10-15 feet beyond the right of way, starting approximately 500 feet east of the intersection of Highland Road and ending approximately 500 feet west of the intersection of 47th Avenue NW.

### **Class III Cultural Resource Inventory**

KLJ will perform a Class III Cultural Resource Inventory of the proposed project area. The fieldwork methodology will follow the established guidelines of the NDDOT and the NDSHPO.

### **Report Writing**

KLJ will produce and submit two hardcopies and one electronic copy of the Report of Findings to the NDDOT, one hardcopy for the SHPO and one hardcopy for the City of Mandan. This report will be completed in accordance with the established guidelines of the NDDOT and NDSHPO.

## **3. PRELIMINARY ENGINEERING REPORTS**

### **Traffic Operations Report**

The objective of the traffic operations report will be to provide a recommendation on the proposed geometric and traffic control device improvements necessary to meet the demands of the future traffic, both vehicular and pedestrian. The key items in the traffic operations report are the traffic projections, crash analysis, capacity analysis, and traffic control device (signal, stop, roundabout, etc.) analysis. Traffic signals are unlikely to be warranted currently on Old Red Trail so the data collection at the study intersections will be limited to peak hour (AM and PM) counts only rather than 16 hour counts typically required for traffic signal justification.

### **Existing Conditions**

#### **Inventory existing conditions:**

- Roadway functional classifications
- Intersection geometry - lane configurations, storage lengths
- Current traffic data
  - KLJ will collect peak hour (6:30am-9:00am, 4:00pm-6:00pm) turning movement counts (including pedestrians) at:
    - Old Red Trail/47th Avenue NW
    - Old Red Trail/37th Avenue NW (2:00pm-6:00pm afternoon)
    - Old Red Trail/Highland Road
    - Old Red Trail/37th Street NW
  - Traffic control devices inventory including posted speed limits



### Crash analysis

Crash history at intersections and along the study roadways will be provided from the North Dakota Department of Transportation. Three years of crash data will be analyzed to determine any patterns that may indicate a problem with the existing roadway geometry or traffic control devices.

### 2015 Capacity Analysis

The following is a list of the study intersections:

- Old Red Trail/47th Avenue NW (Collector)
- Old Red Trail/40th Avenue NW (Collector)
- Old Red Trail/37th Avenue NW
- Old Red Trail/Highland Road (Collector)
- Old Red Trail/37th Street NW

Capacity analysis will be performed for all the study intersections based on existing lane configurations and traffic control. The level of service (LOS) value, which assigns letter grades “A” through “F” to represent the amount of delay, is a key measurement of this analysis. Capacity analysis will be conducted using Synchro and Highway Capacity Manual 2010 methodologies.

### 2015 Traffic Control Device Analysis

The collected traffic count data will be supplemented with historical data to determine if the study intersections currently meet MUTCD signal or multi-way stop warrants.

### Future Conditions

#### 2040 Traffic Estimation

KLJ will develop the 2040 average annual daily traffic (AADT) volumes on all approaches of the study intersections. The 2040 Bismarck Mandan MPO Transportation Model will be used as a basis for the 2040 AADT where available. In locations where the 2040 model does not export a value, approach volumes will be developed based on trip generation potential from the adjacent land use along with engineering judgment. The 2040 AADT will be converted into peak hour turning movements at the study intersections to be used in the capacity analysis. This analysis will include developing the ESAL values to be used in the pavement design calculations.

#### 2040 Traffic Control Device Analysis

The projected 2040 traffic volumes will be utilized to determine if the study intersections would meet MUTCD signal warrants or multi-way stop warrants. While a signal cannot be constructed until it is warranted, this future analysis would provide a timeframe in which a signal may be warranted to be incorporated into the planning and design of Old Red Trail in the future. An analysis of roundabout functionality will also be proposed at any intersection that meets traffic signal warrants in 2040 as an alternative geometric recommendation.

#### 2040 Capacity Analysis

Capacity analysis will be performed for all the study intersections based on proposed lane configurations and traffic control. The proposed lane configurations will be determined based on an iterative process using Synchro software. The geometry of the turn lanes and storage lengths will be based on:

- Meeting a LOS value of “C” or better at each study intersection overall and for major movements
- The calculated vehicle queue lengths



### Recommendations

Recommended improvements from the traffic analysis will include:

- Intersection geometry - including the need for left or right turn lanes, the number of left or right turn lanes on each approach and the recommended length
- Roadway capacity - a verification on the number of through lanes required for each direction of traffic
- Pedestrian and bicycle accessibility in the corridor overall and specifically to address issues relating to Red Trail Elementary School.
- Access control - recommended geometry at all access points in the study area (right-in, right-out, full intersection, etc.)
- Recommend traffic control throughout the study area, including pedestrian/trail crossings.
- Speed limits - provide recommended changes and locations to the posted speed limits in the study area.

### Report Preparation

KLJ will prepare a draft traffic operations report and submit for comments to City of Mandan and NDDOT staff. Upon review of draft report and comments received, KLJ will compile and respond to comments and issue a final report.

### **Geotechnical Report**

Coordinate a geotechnical evaluation to determine existing pavement and soil conditions to be used for the pavement design. The geotechnical evaluation will include 10 soil borings along Old Red Trail at a depth of 10 feet to determine existing soil conditions. The borings will be tested to determine the recompacted California Bearing Ratio (CBR), moisture density relationship, Atterberg Limits, and soil shear strength. Three CBR values will be determined for the project.

### **Pavement Design Report**

Based upon the geotechnical information, a pavement design report will be completed for a concrete and asphalt pavement section. The pavement design will be in accordance with the 1993 AASHTO Guide for Design of Pavement Structures. A life cycle cost analysis will be prepared to compare the asphalt and concrete pavement sections.

### **Storm Water Report**

KLJ will evaluate the storm drainage system and prepare a Preliminary Storm Drain Evaluation Report for the surface drainage collected within the roadway corridor. KLJ will review existing storm water management plans and develop a preliminary storm sewer system. This work includes determining drainage areas, calculating flow rates, sizing the mainline storm sewer network, and estimating inlet locations. After comments are received and the drainage system is approved, a final report will be submitted that the design will be based upon. KLJ will design the storm sewer improvements that fall within the Old Red Trail right-of-way limits. Detention ponds will not be designed with this project.

### **Preliminary Lighting Report**

Roadway lighting will be designed to meet AASHTO recommended minimum illuminance and maximum uniformity (average/minimum) levels using a computer generated lighting analysis. The proposed lighting design will be analyzed using Visual Professional Edition software developed by Acuity Brands Lighting, Inc. using the illuminance method of calculation. The lighting analysis will include appropriate mounting heights, mast arm lengths, placement configurations, fixture wattages and light distribution types to maximize lighting efficiency. The lighting analysis will be completed for a LED lighting system.

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#### 4. PRELIMINARY ENGINEERING

##### **Preliminary Horizontal Alignment**

KLJ will prepare one preliminary horizontal alignment alternative.

##### **Preliminary Vertical Alignment**

KLJ will prepare one preliminary vertical alignment alternative.

##### **Preliminary Intersection Geometry**

Based upon recommendations in the traffic operations report, KLJ will prepare preliminary intersection layouts to identify any right of way and utility impacts.

##### **Typical Sections**

KLJ will prepare up to two typical section alternatives.

##### **Cross Sections/Preliminary Earthwork Calculations**

KLJ will create cross sections and perform preliminary earthwork computations to estimate excavation quantities and borrow requirements, if necessary.

##### **Preliminary Right of Way Limits**

KLJ will identify preliminary right of way limits and quantify the areas of any permanent or temporary easements needed for each of the build alternatives. KLJ will estimate right-of-way and easement costs.

##### **Construction Phasing/Traffic Control**

KLJ will prepare a traffic control phasing plan which will accommodate the necessary sequencing and staging of the work.

##### **Pedestrian/Bicycle Facilities**

KLJ will coordinate with the City of Mandan to develop a shared use path and sidewalk system to connect to the Mandan Trail System. This will include addressing current ADA requirements on both sides of the roadway.

##### **Streetscape/Landscape Architecture**

Prepare landscape architecture concepts for harmonizing proposed improvements with adjacent development.

##### **Construction Cost Estimates**

KLJ will prepare preliminary construction cost estimates in present dollars and add an allowance for inflation based on the construction year for each of the build alternatives. A total preliminary cost estimate for right of way and utility relocations will be included in this section.

#### 5. PUBLIC INVOLVEMENT

##### **Mailing List**

KLJ will identify and compile a mailing list of affected, potentially affected, or interested parties, as well as governmental agencies, elected and appointed officials who will be solicited for input regarding the project. KLJ will work with the City of Mandan and the NDDOT to update the mailing list.

##### **Solicitation of Views**

KLJ will prepare and distribute, upon review and approval, a solicitation of views package to affected, potentially affected, or interested parties, as well as governmental agencies with a possible interest in the project's planning at the beginning of the study process. The letter will be used as a means of

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scoping issues pertinent to the study and to obtain information about permits, licenses, or other agency requirements needed to construct the project.

#### **Project Website**

Communication to the public will be facilitated through a project website hosted on the City of Mandan website. KLJ will develop the materials to post on the website and will provide the materials to the City of Mandan.

#### **City Commission Presentation (1)**

KLJ will present at one City Commission Meeting at an appropriate time in the project development to discuss proposed improvement alternatives. It is anticipated to present public comments and project decisions to be made.

#### **Direct Mail**

KLJ will prepare and distribute one public meeting notices to affected or potentially affected landowners, businesses, organizations and local government officials. Direct mailings will be sent to residents in adjacent subdivisions along the corridor. The purpose of the notice is to announce the upcoming public meeting, keep interested parties apprised of developments in the study area, identify key project milestones, provide an opportunity to comment, and indicate who to contact with questions. The notice will be sent out approximately seven (7) to fourteen (14) days prior to the meetings.

#### **News Media**

Notice of the Public Input Meeting will be advertised in the area newspaper approximately fifteen (15) days prior to each meeting. A press release will be issued approximately seven (7) days prior to each meeting.

#### **Public Input Meeting**

KLJ will prepare for and conduct a Public Input Meeting. The purpose of the Public Input Meeting is to present to the public the results of the study to date and obtain comments on the alternatives. The Public Input Meeting will be held after the analysis of alternatives has been completed. The format for the meeting will be an open house format. Preparation for the meeting will include any or all of the following: a PowerPoint presentation, visual displays, public handouts, exhibits, and plan drawings. Input from the meeting will be incorporated into the project.

## **6. ENVIRONMENTAL DOCUMENT**

#### **Purpose & Need**

KLJ will develop a purpose and need statement for the project consistent with FHWA and NDDOT guidance. The purpose and need statement will clearly and concisely articulate the reasons why the project is needed and what the project is intended to accomplish.

#### **Alternatives Analysis**

Based on information provided in the Preliminary Engineering Phase, KLJ will develop and evaluate project alternatives. It is anticipated that only one build alternative will be evaluated for this project.

#### **Impacts**

KLJ will identify reasonably foreseeable direct, indirect, and cumulative environmental impacts expected to result from the proposed project alternatives. Potential impacts will be discussed following the description of the affected environment.



#### **Avoidance/Minimization/Mitigation**

Measures to avoid or minimize environmental impacts will be developed and documented as part of this study. Unavoidable impacts that require mitigation will also be identified. When appropriate, mitigation measures will be documented.

#### **Environmental Permitting**

The Documented CATEX will include a summary of any commitments that the NDDOT and FHWA have made to avoid, minimize, or mitigate adverse environmental impacts.

#### **Section 4(f) Evaluation**

Section 4(f) properties will be identified and potential impacts will be quantified to the level necessary for determining whether a Programmatic or Full Section 4(f) Evaluation will be needed. If it is determined that a full Section 4(f) Evaluation would be needed, a supplemental agreement would be required.

#### **Draft Documented CATEX - Preparation, Distribution, Review**

KLJ will prepare and distribute the Draft Documented CATEX for review to the City of Mandan and NDDOT. KLJ will also submit an electronic version in PDF format to the city of Mandan and NDDOT Local Government Division. The document will be a compilation and summary of the work completed in the preliminary engineering phase. Reports from the project meetings, environmental documentation, survey, roadway design, traffic operations, hydraulics and structure selection, pavement design, lighting design, and pedestrian/bicycle facilities and cost estimation will be referenced in the document.

#### **Revisions to the Draft Report**

KLJ will compile a summary of all comments to the Draft Documented CATEX. Each comment will be individually addressed. Any revisions resulting from the comment will be summarized.

#### **Prepare & Submit Final Documented CATEX**

Input and comments from review of the draft will be incorporated into the Final Documented CATEX. KLJ will submit one original hard copy of the Documented CATEX to the City of Mandan. KLJ will submit an electronic version of the Final Documented CATEX in PDF format to the City of Mandan and NDDOT Local Government Division.

## **7. ROADWAY DESIGN & PLAN PREPARATION**

The roadway design will include design calculations and drafting for the following:

- Section 1 - Title Sheet
- Section 2 - Table of Contents/Standard Drawings
- Section 4 - Scope of Work
- Section 6 - Plan Notes
- Section 8 - Estimate of Quantities
- Section 10 - Basis of Estimate
- Section 11 - Data Tables
- Section 20 - General Details
- Section 30 - Typical Sections
- Section 40 - Removals
- Section 50 - Inlet & Manhole Summary
- Section 55 - Storm Sewer Plan & Profile
- Section 60 - Plan & Profile
- Section 75 - Wetlands, Mitigation & Environmental

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- Section 76 - Temporary Sediment & Erosion Control
- Section 77 - Permanent Sediment & Erosion Control
- Section 81 - Survey Data Layouts
- Section 85 - Landscaping Layouts
- Section 90 - Pavement Layouts
- Section 100 - Work Zone Traffic Control
- Section 110 - Signing & Pavement Marking
- Section 140 - Lighting
- Section 200 - Cross Sections

## 8. ROADWAY DESIGN - PLAN SUBMITTAL

### **90% Plans Submittal and PS&E Review**

KLJ will assemble and distribute plans at approximately 90% completion for review by NDDOT and the City of Mandan. KLJ will also conduct and document internal QC/QA reviews within this activity. After the agencies have completed their review, KLJ will coordinate and facilitate the PS&E review meeting. Written responses will be provided to all comments from the PS&E review meeting.

### **Final Plans - Revision and Submittal**

Revisions from the PS&E will be incorporated into the final plans. KLJ will complete and document a final internal QA review for the final plan submittal. The final plan submittal will include the special provisions, engineer's opinion of costs, design certification, utility certification, railroad and right of way certification.

### **Electronic Design Files**

KLJ will generate the bluetop and staking reports from the project cross sections as well as a digital terrain model for a Contractor to use with GPS Machine Control. KLJ will submit the electronic design files for the project.

### **Bid Opening**

KLJ will be available to answer pre-bid questions from the contractors and assist NDDOT in preparation of bid documents. We will provide staff to prepare addendums, if necessary. KLJ will review the bid results and provide a recommendation to award the project.

## 9. PERMITTING & UTILITY COORDINATION

### **Permitting - US Army Corp of Engineers - Section 404 Permit**

KLJ will complete the permit application and provide supporting documentation for a Corps of Engineers 404 permit for wetland impacts created by roadway improvements. KLJ will evaluate an option for purchasing offsite wetland mitigation from Ducks Unlimited or will evaluate sites within the existing drainage way within public right of way.

### **Utility Coordination**

KLJ will identify utility conflicts and work with the utility companies and City of Mandan to inventory and develop any relocation or replacement plans for existing utility facilities. KLJ will prepare utility relocation agreements and work with the utility companies to complete the agreements. Utility certification will be provided concurrent with the final plan submission.



## 10. RIGHT OF WAY

### **Obtain Ownership Information**

KLJ will compile a listing of properties that will be affected along the project. KLJ will obtain title information and prepare "Surface Ownership Reports" for each landowner/parcel. Surface ownership reports are estimated for 10 possible easement parcels.

### **Determine Right of Way Limits**

KLJ will identify the limits and quantify the areas of the temporary easements.

### **Prepare Right of Way Plats**

KLJ will prepare preliminary right of way plats for all parcels along the route. KLJ will prepare legal descriptions of the easement parcels and provide them to the City of Mandan for review and approval prior to negotiations. The City of Mandan will record plats if required.

### **Prepare Right of Way Documents**

KLJ will assemble right of way packages for an estimated 10 easement parcels. KLJ will complete the following for each parcel:

Memorandum of Offer  
Notification & Waiver Form  
Memorandum of Agreement  
Easement Documents  
W-9 Forms  
Negotiator Reports

### **Right of Way Negotiation**

KLJ will meet and conduct negotiations for each parcel. It is anticipated that 3 meetings will be required with each landowner. KLJ will provide justification for any increases or deviations from the approved easement values and submit to the City of Mandan for final acceptance. Any deviations from the approved offers will require advance approval by the City of Mandan.

### **Assemble and Submit Right of Way Package**

KLJ will assemble complete packages of right of way forms and reports for each parcel and submit to the City of Mandan.

## 11. DELIVERABLES PROVIDED BY KLJ

- Progress reports at two (2) week intervals.
- Agendas and minutes for all project meetings.
- Prepare assemble, distribute, present and review the Decisions Document and Draft/Final Documented CATEX
- Electronic version of plan drawing in AutoCAD 2013/Civil3D format.
- Submit plans and special provisions for 90% and final plan submittals.
- Record of conversations with landowners, public, news media, agencies, utility companies, and bidders.
- Right of Way Plats and Negotiator Reports.
- Project schedule with milestone dates for key activities.
- Direct mail notices, news releases, exhibits, materials and reports for Field Review and Public Meetings
- Field Wetland Delineation Report and Tree Count
- Cultural Resource Survey Report

NATIONAL PERSPECTIVE  
REGIONAL EXPERTISE  
TRUSTED ADVISOR



- Preliminary Survey
- Traffic Operations Analysis & Report
- Pavement Thickness Design & Report
- Preliminary Lighting Report
- Geotechnical Evaluation & Recommendation (Subconsultant)

## 12. SERVICES NOT INCLUDED IN THIS SCOPE

- Environmental Assessment and Environmental Impact Statement
- Water Quality Monitoring
- Analysis of City Utilities (Water/Sanitary)
- Relocation Assistance
- Environmental Clearance for Borrow/Waste sites
- Litigation and Court Testimony Associated With Any of the Proposed Acquisitions
- Borrow/Waste Options
- Appraisals/Review Appraisals
- Updates to the Documented CATEX
- Noise Wall Design/Analysis
- Detention Pond Analysis/Design
- Retaining Wall Design
- Sanitary Sewer Design
- Watermain Design

**PRELIMINARY ENGINEERING, ENVIRONMENTAL DOCUMENTATION, AND DESIGN ENGINEERING FEE SUMMARY**  
**OLD RED TRAIL - HIGHLAND ROAD TO 47TH AVENUE NW**  
**SU-1-988(040)051; PCN 20854**  
**MANDAN, ND**

KLJ Project No. 1415109

STAFF TYPE		Principal Engineer	Engineer IV	Engineer III	Engineer II	Engineer I	GIS Analyst II	ROW Specialist II	CADD Technician II	Environmental Planner III	Environmental Planner II	Surveyor V	Surveyor III	Surveyor I	Administrative Assistant II	Per Diem	DIRECT	PER DIEM*	DIRECT*	TASK
Phase	Project Assignment																			
	Labor Code	100	100	100	100	100	100	400/410	400/410	100	100	200	200	200	500					
	TASK																			
	<b>PROJECT MANAGEMENT &amp; COORDINATION</b>																			
	Project Management & Coordination		40	120													\$ 24,710.00	\$ -		\$ 24,710.00
	Progress Reports (Bi-weekly)			24													\$ 3,528.00	\$ -		\$ 3,528.00
	Project Schedule		4	4													\$ 1,295.00	\$ -		\$ 1,295.00
	Field Review Meeting		4	16					5								\$ 3,847.00	\$ -		\$ 3,847.00
	Team Meetings			24	48												\$ 11,298.00	\$ -		\$ 11,298.00
	<b>Subtotal</b>	<b>0</b>	<b>72</b>	<b>212</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$ 44,678.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 44,678.00</b>
	<b>PRELIMINARY SURVEY</b>																			
	Topographic and Cadastral Survey			8					60			10	60	80			\$ 26,138.00	\$ -		\$ 26,138.00
	Wetland Delineation & Tree Count									12	20						\$ 3,888.00	\$ -		\$ 3,888.00
	Cultural Resources Management																			
	Class I File Search									6	16						\$ 2,596.50	\$ -		\$ 2,596.50
	Mapping									4	12						\$ 1,876.00	\$ -		\$ 1,876.00
	Class III Cultural Resource Inventory									6	16						\$ 2,596.50	\$ -		\$ 2,596.50
	Report Writing									8	12						\$ 2,447.00	\$ -		\$ 2,447.00
	<b>Subtotal</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>60</b>	<b>36</b>	<b>76</b>	<b>16</b>	<b>80</b>	<b>80</b>	<b>0</b>	<b>0</b>	<b>\$ 39,542.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 39,542.00</b>
	<b>PRELIMINARY ENGINEERING REPORTS</b>																			
	<i>Traffic Operations</i>																			
	Inventory Existing Conditions			2		4			30								\$ 3,701.00	\$ -		\$ 3,701.00
	Crash Analysis			2		4											\$ 746.00	\$ -		\$ 746.00
	2015 Capacity Analysis			4		8											\$ 1,492.00	\$ -		\$ 1,492.00
	2015 Traffic Control Device Analysis			2		8											\$ 1,198.00	\$ -		\$ 1,198.00
	2040 Traffic Estimation			4		8											\$ 1,492.00	\$ -		\$ 1,492.00
	2040 Traffic Control Device Analysis			2		8											\$ 1,198.00	\$ -		\$ 1,198.00
	2040 Capacity Analysis			4		8											\$ 1,492.00	\$ -		\$ 1,492.00
	Report Preparation		6	12		24			20								\$ 7,506.50	\$ -		\$ 7,506.50
	Geotechnical Report		1	4													\$ 764.75	\$ -		\$ 764.75
	Pavement Design Report		2	4		8	24										\$ 4,833.50	\$ -		\$ 4,833.50
	Storm Water Report		4	24		40											\$ 9,135.00	\$ -		\$ 9,135.00
	Preliminary Lighting Report			2		40											\$ 5,194.00	\$ -		\$ 5,194.00
	<b>Subtotal</b>	<b>0</b>	<b>13</b>	<b>66</b>	<b>88</b>	<b>96</b>	<b>0</b>	<b>0</b>	<b>50</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$ 38,652.75</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 38,652.75</b>
	<b>PRELIMINARY ENGINEERING</b>																			
	Preliminary Horizontal Alignment		2	4		8											\$ 1,845.50	\$ -		\$ 1,845.50
	Preliminary Vertical Alignment		4	8		16											\$ 3,691.00	\$ -		\$ 3,691.00
	Preliminary Intersection Geometry		2	4		40											\$ 5,461.50	\$ -		\$ 5,461.50
	Typical Sections		1	2		8											\$ 1,374.75	\$ -		\$ 1,374.75
	Cross Sections/Preliminary Earthwork Calculations		4	16		40											\$ 7,579.00	\$ -		\$ 7,579.00
	Preliminary Right of Way Limits		1	2		4											\$ 922.75	\$ -		\$ 922.75
	Construction Phasing/Traffic Control		1	4		8											\$ 1,668.75	\$ -		\$ 1,668.75

**PRELIMINARY ENGINEERING, ENVIRONMENTAL DOCUMENTATION, AND DESIGN ENGINEERING FEE SUMMARY**  
**OLD RED TRAIL - HIGHLAND ROAD TO 47TH AVENUE NW**  
**SU-1-988(040)051; PCN 20854**  
**MANDAN, ND**

KLJ Project No. 1415109

STAFF TYPE		Principal Engineer	Engineer IV	Engineer III	Engineer II	Engineer I	GIS Analyst II	ROW Specialist II	CADD Technician II	Environmental Planner III	Environmental Planner II	Surveyor V	Surveyor III	Surveyor I	Administrative Assistant II	Per Diem	DIRECT	PER DIEM	DIRECT	TASK
Phase	Project Assignment Label Code	100	100	100	100	100	100	400410	400410	100	100	200	200	200	500					
	TASK																			
	Pedestrian / Bicycle Facilities			4		8											\$ 1,492.00	\$ -		\$ 1,492.00
	Streetscape/Landscape Architecture				8												\$ 980.00	\$ -		\$ 980.00
	Construction Cost Estimates		1	4		16											\$ 2,572.75	\$ -		\$ 2,572.75
	<b>Subtotal</b>	0	16	48	8	148	0	0	0	0	0	0	0	0	0	0	\$ 27,688.00	\$ -	\$ -	\$ 26,665.25
	<b>PUBLIC INVOLVEMENT</b>																			
	Mailing List										8				8		\$ 1,488.00	\$ -		\$ 1,488.00
	Solicitation of Views		2	2						8	16				8		\$ 4,147.50	\$ -		\$ 4,147.50
	Project Website						40				4				40		\$ 7,705.00	\$ -		\$ 7,705.00
	City Commission Meetings (1)		8	16		12											\$ 5,122.00	\$ -		\$ 5,122.00
	Direct Mail		2	4							8				8		\$ 2,429.50	\$ -		\$ 2,429.50
	News Media			2							4						\$ 729.00	\$ -	\$ 500.00	\$ 1,229.00
	Public Input Meeting		8	16		24				12	16						\$ 9,931.00	\$ -	\$ 250.00	\$ 10,181.00
	<b>Subtotal</b>	0	20	40	8	36	40	0	0	20	58	0	0	0	64	0	\$ 31,562.00	\$ -	\$ 750.00	\$ 32,302.00
	<b>ENVIRONMENTAL DOCUMENT</b>																			
	Purpose & Need		2	2						2	8						\$ 1,803.00	\$ -		\$ 1,803.00
	Alternatives Analysis		8	8			16			4	24						\$ 7,443.00	\$ -		\$ 7,443.00
	Impacts		2	4			24				32						\$ 6,928.50	\$ -		\$ 6,928.50
	Avoidance/Minimization/Mitigation						12			4	12						\$ 3,130.00	\$ -		\$ 3,130.00
	Environmental Permitting									4	12						\$ 1,876.00	\$ -		\$ 1,876.00
	Section 4(f) Evaluation									8	16						\$ 2,882.00	\$ -		\$ 2,882.00
	Draft Documented CATEX - Prep, Dist, Review										32						\$ 3,480.00	\$ -		\$ 3,480.00
	Revisions to the Draft Report						16			4	16						\$ 3,983.00	\$ -		\$ 3,983.00
	Prepare & Submit Final Documented CATEX									4	24						\$ 3,181.00	\$ -		\$ 3,181.00
	<b>Subtotal</b>	0	12	14	8	0	68	0	0	30	176	0	0	0	0	0	\$ 34,707.50	\$ -	\$ -	\$ 34,707.50
	<b>ROADWAY DESIGN &amp; PLAN PREPARATION</b>																			
	Title Sheet			1					4								\$ 541.00	\$ -		\$ 541.00
	Table of Contents/Standard Drawings			4													\$ 588.00	\$ -		\$ 588.00
	Scope of Work			2					4								\$ 688.00	\$ -		\$ 688.00
	Notes		8	24													\$ 4,942.00	\$ -		\$ 4,942.00
	Estimate of Quantities		1	8		16											\$ 3,160.75	\$ -		\$ 3,160.75
	Basis of Estimate		1	4		4											\$ 1,216.75	\$ -		\$ 1,216.75
	Data Tables		1	4		8											\$ 1,868.75	\$ -		\$ 1,868.75
	General Details		2	4		24			24								\$ 6,017.50	\$ -		\$ 6,017.50
	Typical Sections		2	4		16			8								\$ 3,537.50	\$ -		\$ 3,537.50
	Removals		2	4					24								\$ 3,305.80	\$ -		\$ 3,305.80
	Inlet & Manhole Summary			8		24											\$ 3,888.00	\$ -		\$ 3,888.00
	Storm Sewer Plan & Profile		2	16		43			24								\$ 9,589.50	\$ -		\$ 9,589.50

**PRELIMINARY ENGINEERING, ENVIRONMENTAL DOCUMENTATION, AND DESIGN ENGINEERING FEE SUMMARY**  
**OLD RED TRAIL - HIGHLAND ROAD TO 47TH AVENUE NW**  
**SU-1-988(040)051; PCN 20854**  
**MANDAN, ND**

KLJ Project No. 1415109

STAFF TYPE		Principal Engineer	Engineer IV	Engineer III	Engineer II	Engineer I	GIS Analyst II	ROW Specialist I	CADD Technician II	Environmental Planner III	Environmental Planner II	Surveyor V	Surveyor III	Surveyor I	Administrative Assistant II	Per Diem	DIRECT	PER DIEM	DIRECT*	TASK
Phase	Project Assignment																			
	Labor Code	100	100	100	100	100	100	400/410	400/410	100	100	200	200	200	500					
	TASK																			
	Watermain Plan & Profile		4	8		24			24								\$ 6,959.00	\$ -		\$ 6,959.00
	Plan & Profile		8	16		40			24								\$ 10,650.00	\$ -		\$ 10,650.00
	Wetlands, Mitigation & Environmental		2	8		16					4						\$ 3,772.50	\$ -		\$ 3,772.50
	Temporary Sediment & Erosion Control		2	8		16											\$ 3,337.50	\$ -		\$ 3,337.50
	Permanent Sediment & Erosion Control		2	4		8											\$ 1,845.50	\$ -		\$ 1,845.50
	Survey Data Layouts			2					12								\$ 1,476.00	\$ -		\$ 1,476.00
	Landscaping Layouts			2		8			8								\$ 1,986.00	\$ -		\$ 1,986.00
	Pavement Layouts		2	8		24											\$ 4,241.50	\$ -		\$ 4,241.50
	Work Zone Traffic Control		2	16		40											\$ 7,225.50	\$ -		\$ 7,225.50
	Signing & Pavement Marking			8		24			16								\$ 5,464.00	\$ -		\$ 5,464.00
	Lighting			8		40			24								\$ 8,060.00	\$ -		\$ 8,060.00
	Cross Sections		8	16		24			53								\$ 14,358.00	\$ -		\$ 14,358.00
	<b>Subtotal</b>	0	48	187	0	385	0	0	276	0	4	0	0	0	0	0	\$ 108,518.76	\$ -	\$ -	\$ 108,518.76
	<b>ROADWAY DESIGN - PLAN SUBMITTAL</b>																			
	90% Plans Submittal & PS&E Plan Review		16	40		40			24								\$ 15,592.00	\$ -		\$ 15,592.00
	Final Plans - Revisions & Submittal		6	40		40			49								\$ 15,754.00	\$ -		\$ 15,754.00
	Electronic Design Files			8		16											\$ 2,984.00	\$ -		\$ 2,984.00
	Bid Opening		4	8		16											\$ 3,691.00	\$ -		\$ 3,691.00
	<b>Subtotal</b>	0	29	86	0	112	0	0	64	0	0	0	0	0	0	0	\$ 38,021.00	\$ -	\$ -	\$ 38,021.00
	<b>PERMITTING/UTILITY COORDINATION</b>																			
	Permitting - US Army Corps of Engineers - Section 404 Permit			4		24				4	16						\$ 5,611.00	\$ -		\$ 5,611.00
	Utility Coordination			6		24											\$ 3,688.00	\$ -		\$ 3,688.00
	<b>Subtotal</b>	0	0	12	0	48	0	0	0	4	16	0	0	0	0	0	\$ 9,499.00	\$ -	\$ -	\$ 9,499.00
	<b>RIGHT OF WAY</b>																			
	Obtain Ownership Information							20									\$ 2,193.00	\$ -		\$ 2,193.00
	Determine Right of Way Limits			4					8								\$ 1,376.00	\$ -		\$ 1,376.00
	Prepare Right of Way Plans			16				12	50								\$ 11,547.80	\$ -		\$ 11,547.80
	Prepare Right of Way Documents							80									\$ 8,772.00	\$ -		\$ 8,772.00
	Right of Way Negotiation							80									\$ 8,772.00	\$ -		\$ 8,772.00
	Assemble and Submit Right of Way Package							32									\$ 3,508.80	\$ -		\$ 3,508.80
	<b>Subtotal</b>	0	0	20	0	0	0	224	88	0	0	0	0	0	0	0	\$ 36,168.80	\$ -	\$ -	\$ 36,168.80
	<b>Total Hours</b>	0	210	703	86	836	108	224	546	90	328	16	80	80	64		\$ 408,828.60	\$ -	\$ 750.00	
	<b>LABOR</b>	\$ -	\$ 37,117.50	\$ 103,341.00	\$ 11,760.00	\$ 94,468.80	\$ 11,288.00	\$ 24,551.60	\$ 53,781.00	\$ 12,847.50	\$ 35,670.00	\$ 3,072.00	\$ 9,580.00	\$ 6,400.00	\$ 4,944.00		\$ 408,828.60	\$ -	\$ 750.00	

SUBCONSULTANTS		
FIRM NAME	ACTIVITY	FEE

Summary of Costs:

Total Labor	\$ 408,828.60
Direct Expenses	\$ 750.00

**PRELIMINARY ENGINEERING, ENVIRONMENTAL DOCUMENTATION, AND DESIGN ENGINEERING FEE SUMMARY**  
**OLD RED TRAIL - HIGHLAND ROAD TO 47TH AVENUE NW**  
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STAFF TYPE		Principal Engineer	Engineer IV	Engineer III	Engineer II	Engineer I	GIS Analyst II	ROW Specialist I	CADD Technician II	Environmental Planner III	Environmental Planner II	Surveyor V	Surveyor III	Surveyor I	Administrative Assistant II	Per Diem	DIRECT	PER DIEM <sup>1</sup>	DIRECT <sup>1</sup>	TASK
Phase	Project Assignment																			
	Labor Code	100	100	100	100	100	100	400/410	400/410	100	100	200	200	200	500					
TASK																				

Terracon	Sail String	\$ 8,900.00
<b>TOTAL SUBCONSULTANTS:</b>		<b>\$ 8,900.00</b>

Subcontractors \$ 8,900.00  
 Per Diem \$ -.  
**Total Estimated Engineering Costs \$ 419,476.60**



Revised 1/5/2014

<sup>1</sup> To be billed as actual with an \$250 maximum (Meals \$50 - Lodging \$200)  
<sup>2</sup> Includes equipment rental, etc.



"WHERE THE WEST BEGINS"

# CITY OF MANDAN

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

## CITY DEPARTMENTS

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

## PROCLAMATION

### PROJECT HOPE WEEK (BISMARCK CANCER CENTER)

**WHEREAS**, cancer is the second most common cause of death in the U.S., exceeded only by heart disease; and

**WHEREAS**, nearly 1.6 million new cancer cases are expected to be diagnosed in 2014 and of those, 585,720 individuals are expected to die; and

**WHEREAS**, the ratio of men that will be diagnosed with cancer in their lifetime is 1 in 2; while in women it is 1 in 3; and

**WHEREAS**, the National Institutes of Health estimates that the overall costs of cancer in 2008 at \$228.1 billion including direct medical costs as well as the cost of productivity due to illness and premature death; and

**WHEREAS**, project **HOPE** is a community wellness event designed to educate employees about healthy lifestyles, cancer prevention, early detection and to promote hope for a healthier tomorrow.

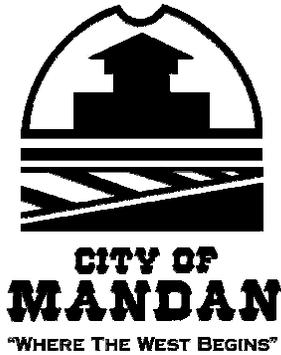
**NOW, THEREFORE**, I, Arlyn Van Beek, Mayor of the City of Mandan, do hereby proclaim May 4-8, 2015 as **PROJECT HOPE** Week in the City of Mandan and encourage employers to impact the quality of lives of their employees by providing education on the importance of cancer prevention and screening.

Dated this 21<sup>st</sup> day of April, 2015

Arlyn Van Beek, President  
Board of City Commissioners

Attest:

James Neubauer, City Administrator



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** April 21, 2015  
**PREPARATION DATE:** April 10, 2015  
**SUBMITTING DEPARTMENT:** Police Department  
**DEPARTMENT DIRECTOR:** Dennis Bullinger, Chief of Police  
**PRESENTER:** Dennis Bullinger, Chief of Police  
**SUBJECT:** Out of State Travel & Training - Pynnonen

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STATEMENT/PURPOSE: To receive approval for Officer Nick Pynnonen to attend out-of-state training at Camp Ripley, Little Falls, Minnesota, May 4<sup>th</sup> through May 7<sup>th</sup>, 2015.

BACKGROUND/ALTERNATIVES: Officer Pynnonen recently was assigned to the SW Regional Swat Team, which consisting of officers from Bismarck PD, Mandan PD, Burleigh SO, and Morton SO. The team trains each month and schedules a week long training period each year. This year the team will be going to Camp Ripley in Minnesota for the one week training session. Other training both in-state and out-of-state is attend on availability.

Costs for travel, lodging, meals and training are covered through a budget which all entities contribute to.

ATTACHMENTS: Mandan Police Department Training Request Form.

FISCAL IMPACT: Costs are covered through a budget which all entities contribute to.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend approving the out of state travel and training.

SUGGESTED MOTION: Move to approve the out-of-state travel and training request for the Mandan Police Department, May 4<sup>th</sup>, 2015 through May 7<sup>th</sup>, 2015, at Camp Ripley, Minnesota.



**MANDAN POLICE DEPARTMENT**  
 TRAINING REQUEST FORM 1/10

NAME <u>Nickolas Brynnon</u>		DATE <u>2/5/15</u>
TITLE OF TRAINING <u>SWAT Training</u>		
DATES OF TRAINING/FROM <u>5/4/15</u>		TO <u>5/7/15</u>
LOCATION OF TRAINING <u>Camp Ripley</u>		
ADDRESS <u>15000 Minnesota 115</u>		CITY <u>Little Falls</u> STATE <u>MIN</u> ZIP CODE <u>56345</u>
CONTACT NAME <u>Dustin Miller</u>		PHONE NUMBER <u>223-1212</u>

REGISTRATION / TUITION AMOUNT \$ \_\_\_\_\_ PREPAYMENT NEEDED:  YES  NO

LODGING RESERVATIONS NEEDED:  YES  NO ROOM RATE \$ \_\_\_\_\_ # OF DAYS \_\_\_\_\_

HOST RECOMMENDED LODGING: \_\_\_\_\_ PHONE: \_\_\_\_\_

DEPARTMENT VEHICLE NEEDED:  YES  NO TOTAL MILES (ROUND TRIP): \_\_\_\_\_

MEALS PROVIDED:  YES  NO # OF DAYS 4  IN STATE  OUT OF STATE

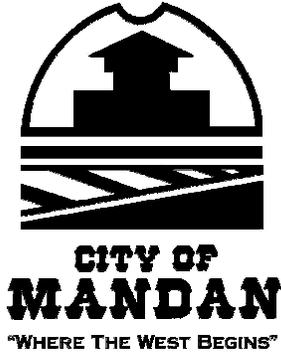
REASON FOR REQUESTING TRAINING: Advanced training for SWAT team

ADDITIONAL NEEDS FOR THIS TRAINING SESSION: Expenses paid for by SWAT

SUPERVISOR <u>Jason Brin</u>	<input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	DATE <u>2-6-15</u>
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SUPERVISOR COMMENTS: This is the annual week long training with the SWAT team. I recommend Nick attend.

CHIEF OF POLICE / DEPUTY CHIEF <u>D. Buddenjet</u>	<input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	DATE <u>2-9-2015</u>
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## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** April 21, 2015  
**PREPARATION DATE:** April 10, 2015  
**SUBMITTING DEPARTMENT:** Police Department  
**DEPARTMENT DIRECTOR:** Dennis Bullinger, Chief of Police  
**PRESENTER:** Dennis Bullinger, Chief of Police  
**SUBJECT:** Out of State Travel & Training - Haug

---

STATEMENT/PURPOSE: To receive approval for Sergeant Pat Haug to attend out-of-state training in Salt Lake City, Utah, August 30<sup>th</sup> through September 4, 2015.

BACKGROUND/ALTERNATIVES: Sergeant Haug is currently one of the Team Leaders on the SW Regional Swat Team, consisting of officers from Bismarck PD, Mandan PD, Burleigh SO, and Morton SO. Lieutenant Ternes the Swat Commander has requested that Sergeant Haug attend training on Swat Mitigation and Rick Management, along with other swat officers in Salt Lake City.

The costs for travel, lodging, meals and training are covered through a grant.

ATTACHMENTS: Mandan Police Department Training Request Form.

FISCAL IMPACT: Costs are covered by a grant.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend approving the out of state travel and training.

SUGGESTED MOTION: Move to approve the out-of-state travel and training for the Mandan Police Department, August 30, 2015 through September 4, 2015, in Salt Lake City, Utah.



**MANDAN POLICE DEPARTMENT**  
 TRAINING REQUEST FORM 1/10

*Patrick Haug* 3/4/15  
 NAME DATE

*SWAT Mitigation & Risk Management*  
 TITLE OF TRAINING

*Aug 30th 2015* *SEPT 4, 2015*  
 DATES OF TRAINING/FROM TO

LOCATION OF TRAINING

*SALT LAKE CITY UT*  
 ADDRESS CITY STATE ZIPCODE

CONTACT NAME PHONE NUMBER

REGISTRATION / TUITION AMOUNT \$ \_\_\_\_\_ PREPAYMENT NEEDED:  YES  NO

LODGING RESERVATIONS NEEDED:  YES  NO ROOM RATE \$ \_\_\_\_\_ # OF DAYS \_\_\_\_\_

HOST RECOMMENDED LODGING: \_\_\_\_\_ PHONE: \_\_\_\_\_

DEPARTMENT VEHICLE NEEDED:  YES  NO TOTAL MILES (ROUND TRIP): \_\_\_\_\_

MEALS PROVIDED:  YES  NO # OF DAYS \_\_\_\_\_  IN STATE  OUT OF STATE

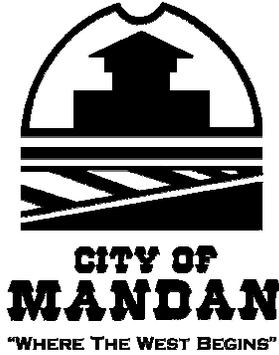
REASON FOR REQUESTING TRAINING: *LT-TERNES IS REQUESTING I ATTEND THIS TRAINING BECAUSE I AM ONE OF THE TEAM LEADERS*

ADDITIONAL NEEDS FOR THIS TRAINING SESSION:  
*THIS TRAINING WILL BE PAID BY WEST DAKOTA SWAT*

*[Signature]* 03-05-15  
 SUPERVISOR  APPROVED  DENIED DATE

SUPERVISOR COMMENTS: \_\_\_\_\_

*Dennis A Bullinger* 3-5-2015  
 CHIEF OF POLICE / DEPUTY CHIEF  APPROVED  DENIED DATE



New Business No. 1

## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** April 21, 2015  
**PREPARATION DATE:** April 16, 2015  
**SUBMITTING DEPARTMENT:** Business Development and Communications  
**DEPARTMENT DIRECTOR:** Ellen Huber, Business Development and Communications Director  
**PRESENTER:** Ellen Huber, Business Development and Communications Director  
**SUBJECT:** MGF Recommendation for Interest Buy-Down for Developers, LLC

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**STATEMENT/PURPOSE:** To consider a recommendation by the Mandan Growth Fund (MGF) Committee regarding an application for an interest buy-down by Developers, LLC.

**BACKGROUND/ALTERNATIVES:** At an April 7, 2015, meeting, the MGF reviewed an application for an interest buy down of permanent financing for a retail and service center utilizing the Bank of North Dakota Flex PACE program. The applicant is seeking the maximum buy-down amount of \$153,846. The Bank of North Dakota will provide 65 percent or \$100,000 of the amount, with the local community required to provide 35 percent or \$53,846. The buy-down is on a principal amount of \$2,898,750. Total project financing is \$4 million.

The project, phase I of the Memorial Square Shopping Center, is under construction at 4524 Memorial Highway with completion anticipated by August 2015. The local lender is then allowing a 12-month lease-up period before permanent financing will be put in place in approximately August 2016, at which time the anticipated two-year interest buy-down period will begin. The exact amortization schedule will not be determined until closer to that date.

The 14,750 sf building will have up to eight lease spaces for retail and service sectors businesses. Phase II plans are for another strip center of the same size with Phase III being a separate approximate 5,000 sf building, such as for a full-service restaurant. There are six individual partners invested in the project.

The new building will be subject to full property tax, estimated at \$40,000. The applicant estimates tenant businesses will generate local sales tax revenue of \$63,000 annually and that they will create 98 jobs (29 full-time, 69 part-time).

ATTACHMENTS: A project summary is attached. The full application is available upon request.

FISCAL IMPACT: The Growth Fund balance as of March 31, 2015, for economic development projects is \$563,419.20, less the \$53,846 approved in March for Pletan Properties/Action Motor Sports, it would be \$509,573.

The buy-down will require a local match of \$53,846, recommended to be structured as a loan, with an interest rate of 2 percent to beginning accruing after the buy-down period ends, anticipated to be 25 months, and repayable within two years thereafter, for a total maximum loan length of approximately four years. The LCRDC will administer and service the loan for the City of Mandan for a 1 percent origination fee and all hard costs to be paid by the borrower and a 1 percent servicing fee on payments collected after the buy-down period ends.

Developers, LLC, is not applying for any additional incentives; however, there is a chance that businesses leasing spaces in the building could apply for the Retail and Restaurant Incentive and/or an interest buy-down themselves.

STAFF IMPACT: Minimal.

LEGAL REVIEW: City Attorney Malcolm Brown was in attendance at the MGF meeting for the review and consideration of the application. A separate agreement will be proposed with the Lewis and Clark Regional Development Council for administration and servicing of interest buy-downs structured as loans.

The applicant will need to enter into a business incentive agreement with the Bank of North Dakota and City of Mandan and will need to submit an annual jobs verification report for five years after receipt of the interest buy-down. Automatic doors will also be required on each tenant space.

RECOMMENDATION: The MGF voted 6-0 (with one member abstaining due to employment by the Bank of North Dakota) to recommend approval of the interest buy-down for Developers, LLC with a local match of \$53,846 to be structured as a loan repayable within two years after the buy-down period with a 2 percent interest rate.

SUGGESTED MOTION: I move to approve the interest buy-down for Developers, LLC, for Memorial Square Shopping Center with the local match of \$53,846 to be structured as a loan with the term and rate as recommended.

**Project Summary:**

Memorial Square Shopping Center is being built at 4524 Memorial Highway in Mandan by Developers LLC. The primary purpose of Memorial Square is to create a mixed use retail shopping center which will be considered a destination place for residents of Mandan, Bismarck, and Surrounding Communities. This shopping center is geographical located directly in the center of Bismarck/Mandan. It has easy access to Interstate 94 for servicing North Bismarck and North Mandan. The Expressway provides quick access to service South Bismarck; and Memorial Highway provides a major traffic artery to service Central Bismarck and Mandan and also South Mandan.

Mandan currently does not have a large mixed use retail shopping center that is centrally located between the two cities. Mandan also does not currently have a surplus of 2000 sq ft or less commercial spaces available. These spaces are attractive to national franchises and Unique business concepts that need these size spaces and want to locate to Mandan. Due to cost constraints it is not economically feasible for these businesses to buy a piece of land and put up a 2000 sq ft building or less. Memorial Square will allow these types of businesses to locate to Mandan.

Mandan for years has lost its sales tax revenue to Bismarck by lacking a diverse and unique pool of restaurants and retail establishments for Mandan residents to frequent. Memorial Square will provide some more options for Mandan residents to keep them from migrating across the River to Bismarck. It will also bring Bismarck residents over to support Mandan. Memorial Square will create jobs, increase sales tax revenue, and also increase property tax revenue for the city of Mandan.

Memorial Square Shopping Center is an attractive opportunity for Mandan and needs to have attractive lease rates to fill it with tenants. Developers LLC would like to use the Bank of North Dakota Flexpace Interest Buy-Down to help keep lease rates lower for its tenants. This will help Memorial Square (Stage 1) to not sit empty and will allow for Stage 2 to break ground at a earlier date. Mandan's growth funds approximate share of the Flex Pace Buy-Down would be a \$53,846. This \$53,846 amount would be a loan that would have to be paid back to the city within 4 years. Stage 1 of Memorial Square again will create over 98 Jobs, over \$63,000 per year in sales tax revenue, over \$24,000 per year in County Tax, and over \$40,000 per year in Mandan Property Tax Revenue.

Thank You,



Randy Rhone

Developers LLC - Managing Member

Project Title: Memorial Square Shopping Center

Project Owner: Developers LLC

Size of Project: **34,500 Sq Feet Total Project**

Stage 1- 14,750 Sq Feet – Estimated Completion Date July 31, 2015

Stage 2- 14,750 Sq Feet- TBA

Stage3- 5,000 Sq Feet- TBA

Anticipated Jobs Created: **226**

Stage 1- 98 Employees (29 Full Time and 69 Part Time)

Stage 2- 98 Employees (29 Full Time and 69 Part Time)

Stage 3- 30 Employees (9 Full Time and 21 Part Time)

Estimated Property Tax Value Added to Mandan: **\$105,000 per year Total Project**

Stage 1- \$40,000 per year

Stage 2- \$35,000 per year

Stage 3- \$30,000 per year

Estimated Sales Tax Increase to Mandan: **\$161,004 per year Total Project**

Stage 1- \$63,852 per year (70% Retail/30% Food)

Stage 2- \$63,852 per year (70% Retail/30% Food)

Stage 3- \$33,300 per year (100% Food)

Estimated Sales Tax Increase to Morton County: **\$57,443 per year Total Project**

Stage 1- \$24,559 per year (70% Retail/30% Food)

Stage 2- \$24,559 per year (70% Retail/30% Food)

Stage 3- \$8,325 per year (100% Food)



Volochenko Subdivision Development Agreement  
Volochenko Developer April 15 2015

## Subdivision Development Agreement

### Volochenko Addition

#### Leslie Volochenko

This Agreement is made and entered into on this **15 of April, 2015**, (hereinafter the "effective date") by and between the City of Mandan, hereinafter referred to as the "City", and Leslie Volochenko, herein after referred to as the "Developer". The address for the City of Mandan is 205 2nd Avenue NW, Mandan, North Dakota 58554. The address of the Developer is 506 Collins Avenue, Mandan, North Dakota 58554.

WHEREAS, the Developer is the owner of property whose legal description is Part of Auditors Lot AE of the NE ¼ of Section 26, Township 139 North, Range 81 West (herein after referred to as the "Property"); and

WHEREAS, the Developer wishes to develop the Property into a Development named Volochenko Addition (hereinafter referred to as the "Development"); and

WHEREAS, the plat depicting the boundaries of the Development is attached hereto as Exhibit A and made a part of this Agreement by reference; and

WHEREAS, the Development is currently planned to include five lots reserved for residential and/or limited commercial development; and

WHEREAS, the Developer intends to market the parcels to others for development; and

WHEREAS, a new agreement will be required for each parcel with the eventual buyer of each parcel; and

WHEREAS, the Developer has requested and the City has approved that the zoning be changed from agricultural zoning to PUD District 2015-1 including modified CB; and

WHEREAS, the Developer intends to require that the purchasers of the land construct water system, sanitary sewer system, stormwater management system and street improvements required to provide service to the individual lots within the Development and connect same to City facilities; and

WHEREAS, the Developer intends to require that purchasers of the land accommodate the existing storm drainage and electric transmission facilities located on the land when developing the land; and

WHEREAS, the City finds it necessary to have the purchaser construct or install said infrastructure facilities to City design and construction standards; and

WHEREAS, the Developer desires to cooperate with the City and will require the purchasers of individual lots to construct or install said facility improvements as specified by this Agreement.

Volochenko Subdivision Development Agreement  
Volochenko Developer April 15 2015

NOW THEREFORE, it is agreed between the parties as follows:

## **Table of Contents**

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1. **Parties to this Agreement.**
  - 1.1. **City.** The City is a North Dakota Home Rule Charter City vested with the authority to control access to its streets and municipal infrastructure. The City has authority to approve or disapprove of all subdivision plats within its territorial jurisdiction. The City has the express authority to withhold building permit approval for any structure or residence on the Property for a failure by the Developer to comply with the terms and conditions of this Agreement.
  - 1.2. **Developer.** The Developer is the legal and equitable owner of the Property.
2. **Developer responsibilities.**
  - 2.1. **Design and installation of facilities.** The Developer or purchaser of each lot shall design and construct or install all facilities within the proposed Development, including those that will be dedicated to the City for ownership, operation and maintenance after construction or installation and acceptance by the City.
  - 2.2. **Designation of ownership responsibility.** The Developer or purchaser of each lot shall clearly designate those facilities that will be owned and operated by a maintenance association. The proposed legal structure of the maintenance association shall be provided to the City. A written operation plan for maintenance association maintained facilities shall be prepared by the Developer or purchaser of each lot. Covenants or other documents specifying ownership, operation and maintenance requirements shall be recorded and a copy of the recorded document provided to the City by the Developer or purchaser of each lot.
  - 2.3. **Commencement of construction.** Construction shall not commence until plans for all new facilities that will be dedicated to the City have been reviewed and approved by the City, three way construction agreements have been signed and construction permits have been issued by the City. The stormwater management plan as it impacts the designated floodplain. The stormwater management plan for the Development or each lot must be reviewed and approved by the City engineer prior to commencement of any earthmoving.
  - 2.4. **Responsible party.** The Developer or purchaser of each lot is the "responsible party" for compliance with all federal and state environmental statutes, rules and regulations including storm water runoff regulations.
  - 2.5. **Inspection of construction.** The Developer or purchaser of each lot shall provide daily inspection of all construction activities impacting facilities that will be dedicated to the city. Inspection reports shall be submitted to the City at least once per week during any week that there is construction activity. The inspection reports shall include an estimate of percent complete for various items of construction. Any issues that arise during construction that require a change to the improvements that will be dedicated to the City shall be promptly communicated to the City. Deviations from the approved plans for facilities that will be dedicated to the City shall not be constructed until written approval has been issued by the City.

Volochenko Subdivision Development Agreement  
Volochenko Developer April 15 2015

- 2.6. Third parties. If a third party is responsible for construction or installation of any facilities that will be dedicated to the City, the agreement and plan between the Developer or purchaser of each lot and the third party shall be forwarded to the City for information. All contractors employed by the Developer or purchaser of each lot shall be properly licensed in North Dakota.
- 2.7. Statutes, rules, regulations, approvals and permits. The Developer or purchaser of each lot must comply with all applicable state and federal statutes, rules and regulations. The Developer or purchaser of each lot is responsible to obtain all approvals and permits from agencies other than the City having jurisdiction over any aspect of the Development. Verification of same shall be submitted to the City.
- 2.8. Utility services not provided by City. The Developer or purchaser of each lot is responsible to arrange for the installation of all utility services not provided by the City. Utilities are to be installed in designated easements shown on the plat unless prior written approval has been issued by the City to construct or install said utilities within or across a City right-of-way. The Developer or purchaser of each lot must provide documentation to the City of approval from the appropriate state agency for installation of a utility within a state right-of-way or easement.
- 2.9. Bonds and insurance. The Developer or purchaser of each lot is responsible to obtain all required bonds and insurance coverage and provide the City with appropriate documentation.
- 2.10. As-built drawings and maintenance manuals. The Developer or purchaser of each lot shall prepare, or cause to have prepared, sealed and signed as-built drawings of all facilities that will be dedicated to the City. As-built plans and maintenance manuals shall be submitted in an electronic format designated by the City along with the number of paper copies designated by the City.
- 2.11. Temporary stormwater construction facilities. The Developer or purchaser of each lot is responsible for removal of all temporary stormwater construction facilities after completion of the improvements.
- 2.12. Designated access routes. Heavy construction or delivery vehicles shall follow routes approved by the City. The Developer, purchaser of each lot or contractor shall obtain approval for these routes from the City Public Works Director in advance in writing. The Developer or purchaser of each lot acknowledges that any vehicles being used at the site of the development or delivering materials or supplies to the site of the development that use non-approved routes to get to the site may result in the City issuing a stop work order to the Developer, purchaser of each lot and/or any contractor working at the site.
- 2.13. Indemnity. The Developer or purchaser of each lot shall indemnify the city against any claims for damages arising out of the actions of the Developer or purchaser of each lot, Developer's or purchaser of each lot's engineer or contractors employed by the Developer or purchaser of each lot.
3. City responsibilities.
  - 3.1. Review. The City will provide prompt review and comment on all plan submittals. The Developer or purchaser of each lot is encouraged to submit plans electronically to insure faster review. The Developer or purchaser of each lot shall designate the person with whom the City is to correspond regarding plan review.

Volochenko Subdivision Development Agreement  
Volochenko Developer April 15 2015

- 3.2. Plan development. Plans may be developed in phases and the City may grant approvals and issue permits to commence site preparation and grading work prior to finalization of street and utility plans.
- 3.3. Issuance of building permit. The City will not issue a building permit for construction of any above ground improvements on a parcel within a lot unless and until:
  - 3.3.1. Underground and above ground utilities serving the parcel within a lot that will be dedicated to the City have been constructed or installed, inspected and approved by the City;
  - 3.3.2. Curb, gutter and street drainage improvements from the parcel within a lot to an existing public street have been completed, inspected and approved by the City;
  - 3.3.3. An aggregate base course with a minimum width of 24 feet from the parcel within a lot to an existing public street has been constructed or installed, inspected and approved by the City;
  - 3.3.4. If the street is a dead end, either temporary or permanent, a 60 foot diameter or other suitable configuration turnaround with a 12 foot wide aggregate base course has been constructed, inspected and approved by the City;
  - 3.3.5. Street signs identifying each street between the parcel within a lot and an existing public street have been installed, inspected and approved by the City;
  - 3.3.6. All sidewalks and driveway aprons have been installed or appropriate financial arrangements have been made to insure completion.
  - 3.3.7. All stormwater management control elements required for construction on the parcel within a lot have been installed, inspected and approved by the City;
  - 3.3.8. Best management practices are in place to prevent damage to newly constructed or installed facilities and existing public facilities;
  - 3.3.9. The plat has been properly recorded and the City has been provided with documentation of same; and
  - 3.3.10. A bond or letter of credit has been posted by the Developer or purchaser of each lot for 130% of the value of the work required to complete the streets and related improvements.
- 3.4. Substantial completion and warranty period. The City will issue a formal notice of substantial completion for those improvements that will be owned and operated by the City, at which time the one year warranty period shall commence. The City will notify the Developer or purchaser of each lot as to whom to contact regarding takeover of operation and maintenance by the City. Any required operation and maintenance manuals shall be forwarded to designated City staff prior to the date that the City takes over operation and maintenance.
- 3.5. Certificate of occupancy. A certificate of occupancy will not be issued for any structure until all improvements between the parcel within a lot and an existing public street have been constructed or installed, inspected and a formal notice of substantial completion for public improvements has been issued by the City.
- 3.6. Acceptance of Developer constructed or installed improvements. The Developer or purchaser of each lot constructed or installed public improvements will not be formally accepted until the City has approved as-built and maintenance manual submittals. Formal acceptance of the Developer or purchaser of each lot constructed or installed improvements shall be by Board of City Commissioners resolution with an attached listing of improvements being accepted.
- 3.7. End of warranty inspection. The City will schedule with the Developer or purchaser of each lot an end of warranty inspection no sooner than one month prior to the end of

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- the warranty period. If deficiencies are found that require correction, the warranty period for those items will be extended. For minor repairs, the Developer or purchaser of each lot and the city will agree on the length of the warranty extension. For major repairs or replacement, the warranty period shall be extended a full year from the date the city accepts the repairs or replacements. If all as-built plans and operation and maintenance manuals have not been provided to the City, the warranty period shall be extended until they have been received, reviewed and accepted by the City.
4. **Developer constructed or installed facilities.** The Developer or purchaser of each lot is responsible for the construction or installation of all improvements required for the Development. The Developer or purchaser of each lot has the option to petition the City to have the City construct or install certain improvements.
- 4.1. Connection to existing City water system. The Developer or purchaser of each lot shall connect to the public potable water line located in Division Street / Missouri Drive.
- 4.2. Water system within the Development. The Developer or purchaser of each lot shall fund, design and construct or install all facilities within the Development required to provide service to a parcel within a lot. Fire hydrants shall be installed between two and seven feet behind the back of curb unless an alternative location is approved in writing in advance by the City Engineer and Fire Chief. The City Engineer and Fire Chief may require the installation of protective bollards around certain fire hydrants. Water service connections must be installed to the property line prior to issuance of a building permit. Fire hydrants are located on Missouri Drive and Division Street.
- 4.3. Connection to existing City sanitary sewer system. The Developer or purchaser of each lot shall connect to the existing public sanitary sewer located at the southeast corner of the Development.
- 4.4. Sanitary sewer system within the Development. The Developer or purchaser of each lot shall fund, design and construct or install all facilities within the Development required to provide service to a parcel within a lot. All sanitary sewer service connections must be installed to the property line prior to issuance of building permits.
- 4.5. Connection to existing City storm sewer system. The Developer or purchaser of each lot shall connect to the existing stormwater system located on the Development and adjacent to the Development in Division Street / Missouri Drive.
- 4.6. Stormwater management system within the Development. The Developer or purchaser of each lot shall fund, design and construct or install, after City review and approval, a stormwater management system meeting City, state and federal requirements.
- 4.6.1. The stormwater management system shall be designed such that the post development peak discharge flow rate at any point where drainage leaves the boundary of the development is no greater than the pre-development peak discharge flow rate at that point for a 50 percent probability six hour, 10 percent probability six hour, 1 percent probability six hour, 50 percent probability twenty-four hour, 10 percent probability twenty-four hour and 1 percent probability twenty-four hour storm event.
- 4.6.2. Except for sheet flow conditions due to roadway cross slopes, stormwater runoff shall not be channeled across roadway surfaces. Drainage system inlets shall be placed to capture water before it can pond or travel across a roadway.
- 4.6.3. If there is a designated floodplain within or adjacent to the Development, the stormwater management plan must be submitted to FEMA for review and approval concurrently with submittal to the City. The City may indicate

Volochenko Subdivision Development Agreement  
Volochenko Developer April 15 2015

- tentative approval but the City will not issue any form of final approval until FEMA approval has been received. Building permits may be issued after tentative approval by the City but the City reserves the right to place a stop work order on any building permit if there is a problem receiving FEMA approval of the stormwater management plan.
- 4.6.4. All stormwater management plans and calculations must be sealed and signed by a professional engineer registered in the state of North Dakota.
  - 4.6.5. Those facilities that will be owned, operated and maintained by a homeowner's association shall be clearly delineated on the stormwater management plan. Occupancy permits will not be issued until these facilities are designed, constructed and operational.
  - 4.7. Augmentation of existing City owned storm sewer facilities. The Developer or purchaser of each lot shall fund, design and construct or install an augmentation or reconstruction of existing stormwater facilities located on the Development that is necessary to accommodate development of the site.
  - 4.8. Connection to existing City street system. The Developer or purchaser of each lot shall provide access to each lot from Division Street or Missouri Drive.
  - 4.9. Street system within Development. The Developer or purchaser of each lot shall fund and arrange for the design and construction or installation of all streets and related improvements within the Development. Certain improvements must be completed to a condition acceptable to the City Engineer and Chief Building Official in order to issue building permits or approve occupancy permits.
    - 4.9.1. Streets within the Development shall be private unless the Developer or purchaser of a lot requests that the City create an assessment district to construct a public street.
    - 4.9.2. Streets within the Development may serve individual lots or provide service to multiple lots with the appropriate recorded common use operation and maintenance agreement.
    - 4.9.3. All street and traffic signs must be installed prior to issuance of building permits.
    - 4.9.4. The first lift of pavement is required before building permits can be issued.
    - 4.9.5. Multi-use paths providing access to facilities outside the Development shall be completed prior to issuance of the first occupancy permit along the multi-use path. Sidewalks fronting individual parcels within a lot must be constructed prior to issuance of occupancy permits for those individual parcels.
      - 4.9.5.1. Sidewalks or multi-use paths that cross driveways shall be 6 inches thick.
      - 4.9.5.2. Sidewalks or multi-use paths may be 4 inches thick outside of the area where the sidewalk or multi-use path crosses a driveway.
      - 4.9.5.3. Sidewalks and multi-use paths at intersections must meet ADA design requirements.
    - 4.9.6. Final paving is required prior to issuance of occupancy permits.
  - 4.10. Neighborhood mailboxes. The Developer or purchaser of each lot is required to fund and install neighborhood mailboxes to United States Postal Service requirements. The City shall review mailbox plans for potential conflicts with City facilities and services.
  5. City constructed or installed assessment district facilities.

Volochenko Subdivision Development Agreement  
Volochenko Developer April 15 2015

- 5.1. Developer request to create assessment district. If formally requested by the Developer or purchaser of a lot, the City may consider forming an assessment district to construct or install certain street improvements within the Development.
  - 5.2. No guarantee district will be created. The City cannot guarantee that creation of an assessment district will be approved.
  - 5.3. Dollar limit on assessments. The City may impose a dollar limit for assessments when creating an assessment district. If that is the case, the Developer or purchaser of each lot is responsible to fund any cost over and above the assessment limit set by the City.
  - 5.4. Developer notification to proceed with formation of assessment district. Once bids have been received that provide a cost for the project and an estimate of the cost to the Developer or purchaser of each lot, the Developer or purchaser of each lot shall notify the City in writing whether or not to proceed with the assessment district.
  - 5.5. Developer bond or letter of credit. If the Developer or purchaser of each lot wishes to proceed with the assessment district, the Developer or purchaser of each lot shall post a bond or letter of credit in an amount equal to 130% of the amount the Developer will be obligated to pay for the assessment district. The City shall not approve moving forward with the assessment district until the bond or letter of credit has been received from the Developer or purchaser of each lot.
  - 5.6. No guarantee of time of completion. If creation of an assessment district is approved, the City cannot guarantee a time of completion for assessment district funded improvements. Issuance of building or occupancy permits within the Development may be delayed pending completion of assessment district funded improvements. Lots within the Development will be assessed for assessment district funded improvements.
  - 5.7. Developer selection of facilities to be included in assessment district. The Developer or purchaser of a lot may request any or all of the listed facilities be funded and constructed through an assessment district:
    - 5.7.1. Construct street drainage facilities.
    - 5.7.2. Construct curb and gutter.
    - 5.7.3. Construct initial paving required for issuance of building permit.
    - 5.7.4. Construct final paving required for issuance of occupancy permit.
    - 5.7.5. Construct multi-use paths, sidewalks and driveway aprons.
    - 5.7.6. Install street lights.
    - 5.7.7. Install street and traffic control signs.
6. **Buyer disclosure.**
- 6.1. Assessment district. The Developer or purchaser of each lot shall disclose to each buyer of a parcel within a lot within the Development at time of closing if there will be assessments imposed on the parcel by the City. The discloser shall be a separate document with a bold heading and readable font. The document shall explain the assessment process. The document shall require buyer acknowledgement and be included in the documentation provided to future buyers of the parcel.
  - 6.2. Sidewalks and boulevards. The Developer or purchaser of each lot shall disclose to each buyer of a parcel within the Development at time of closing that the parcel owner is responsible to maintain the sidewalk and boulevard in the public right-of-way bordering the parcel. The buyer is responsible to establish an acceptable vegetative cover on the boulevard within one year of issuance of an occupancy permit. The buyer is responsible to obtain any permit required for planting within the boulevard. The document shall

Volochenko Subdivision Development Agreement  
Volochenko Developer April 15 2015

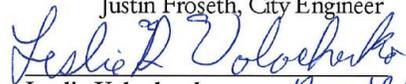
- require buyer acknowledgement and be included in the documentation provided to future buyers of the parcel.
- 6.3. Water and sewer service lines. The Developer or purchaser of each lot shall disclose to each buyer of a parcel within the Development at time of closing that the parcel owner is responsible to maintain the water and sewer service lines within the parcel. The Developer or purchaser of each lot shall disclose to the purchaser of a parcel if the purchaser's responsibility for water and sewer lines extends into the public right-of-way. The buyer is responsible to obtain any permit required for excavation or repair of water and sewer service lines. The disclosure shall require buyer acknowledgement and be included in the documentation provided to future buyers of the parcel.
7. Financial Guarantee.
- 7.1. Developer guarantee for selected improvements. The maintenance association is responsible for providing common use facilities including water lines, sanitary sewers, stormwater detention facilities and streets.
- 7.2. Developer guarantee for damage to public infrastructure. The Developer or purchaser of each lot shall post a bond or letter of credit in the amount of 10% of the cost of utility and street improvements to be constructed by the Developer, purchaser of each lot or maintenance association to be used to repair damage to public facilities caused by construction activity or equipment. The city shall advise the Developer or purchaser of each lot in writing of any damage. The Developer or purchaser of each lot shall have the option to repair the damage. If the Developer or purchaser of each lot fails to complete repairs within a reasonable time as specified by the City, the City may notify the bonding company or complete the repairs and deduct the money from the letter of credit.
8. Property Maintenance.
- 8.1. Developer maintenance until developed. The Developer or purchaser of each lot is responsible to maintain any undeveloped portion of the Development to city standards.
- 8.2. City right to correct violations. The City shall have the right to take action to correct property maintenance violations and bill the Developer or purchaser of each lot.

\_\_\_\_\_  
Malcolm Brown, City Attorney

\_\_\_\_\_  
Mayor Arlyn Van Beek  
City of Mandan

Attest:

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

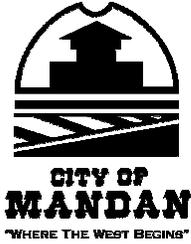
\_\_\_\_\_  
Justin Froseth, City Engineer  
  
Leslie Volochenko  
Property Owner  
April 16, 2015

Attest:

\_\_\_\_\_







## Board of City Commissioners

# Agenda Documentation

**MEETING DATE:** April 21, 2015  
**PREPARATION DATE:** April 16, 2015  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Justin Froseth, Planning and Engineering Director  
**SUBJECT:** Consider for adoption a resolution requiring a permit and establishing a fee for working in public property

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**STATEMENT/PURPOSE:** It is appropriate to monitor construction activity in public right-of-way. Recent practice has been to permit for sidewalk and apron work, but not other work in the public right-of-way. The adoption of this resolution will put into place a permit that would address virtually all right-of-way construction.

**BACKGROUND/ALTERNATIVES:** Section 10-06-02 states:

*It is unlawful for any person, firm or corporation to tunnel under or to make any excavation in or upon any of the streets, alleys, berms, boulevards or any public place within the city for the purpose of making any connections, constructions or repairs with or to any sewer, water or gas pipes or main or telephone or electric conduit, or for the purpose of planting any trees or shrubs in or grading or landscaping berm, boulevard or public place, without having obtained a permit as is herein required, or without complying with the provisions of this chapter or in violation of or variance from the terms of any such permit; except that this chapter shall not apply to any street excavations or trenches resulting from work done by city employees, or under the terms of contracts let by the city for improvements or repairs.*

The city has not been actively permitting for this work, and as a result has been dealing with quality control issues. There have been recent instances where utility service lines have been installed too close to other utility lines due to lack of coordination. Also, there have been instances where new streets have been cut to install utility service lines only to see the street slump where that cut was made causing a dip because it wasn't well compacted.

Permits are currently required for construction of driveway aprons and sidewalks only. The permit fee is \$20. This resolution expands the requirement to include any activity within public right-of-way including trenching in a utility service line or cutting down a tree.

The permit would be issued out of the engineering office and the engineering office would in turn notify the public works office of any work concerning them.

**ATTACHMENTS:**

1. Revised Permit to Work in Right-of-Way

Board of City Commissioners  
Agenda Documentation  
Meeting Date: April 21, 2015  
Subject: Permit form and resolution  
Page 2 of 3

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FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION: Move to Resolutions & Ordinances No. 3 and adopt resolution.



Date Issued \_\_\_\_\_ Permit No. \_\_\_\_\_

**Permit to work within City Property / Right-of-way**

City of Mandan Engineering and Planning Department  
 205 2<sup>nd</sup> Ave. NW, Mandan, ND 58554  
 Phone: 701-667-3225

**Check all that apply**

- New construction   
  Remove and replace   
  Work in street   
  Work in boulevard  
 Gas line   
  Electric line   
  Conduit or cable   
  Water   
  Sewer   
  Driveway apron   
  Curb & gutter   
  Sidewalk  
 Tree removal   
  Storm sewer   
  Sign or signal   
  Street light   
  Demolition   
  Other:

Briefly describe scope of work

Start Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_

Address of Work	Property Owner	Phone and/or email
Contractor Company Name	Address	Phone and/or email

*The contractor is required to furnish the city with evidence of a current state license, liability insurance and a construction bond with a minimum of \$5,000 coverage.*

I agree to hold the city harmless from any and all damages claimed by reason of carelessness, negligence, incompetence or omission on the part of myself or any person hired or employed by me in the performance of their work. This includes installation and maintenance of required stormwater controls, guarding of excavations and failure to restore public property to as good a condition as it was before the work regulated by this permit was commenced.

I acknowledge that I have received and read the latest version of the City of Mandan specifications and details. I understand that I am responsible to install all work within the public right-of-way to the requirements contained in these specifications and details. I further understand that it is my obligation to notify the city of my progress in completing the work and that I am responsible to request inspections at specified times during the project. Any work that is found to be not in compliance with the specifications and details must be removed and replaced when ordered by the city.

Print Contractor Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

**Permits are issued for a single property or location. The permit fee is \$20.**  
**PERMIT IS VALID FOR 90 DAYS FROM DATE OF ISSUANCE**  
**Inspection requests must be received the day before in order to guarantee inspection when requested.**  
**Inspections not performed on Saturdays, Sundays or holidays.**

**Sections below for Office Use**

Date Fee Paid	Received by	Conditions and Requirements
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Type of Inspection	Date	Passed?		Inspector
		Yes	No	

Comments \_\_\_\_\_

Project complete and approved	
Date	By

**ORDINANCE NO. 1203****AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP.**

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

**SECTION 1. AMENDMENT.** Section 21-03-02 of the Mandan Code of Ordinances is amended to read as follows:

Lots 1 – 5 of Block 1 Volochenko Addition located within the City of Mandan, Morton County, North Dakota shall be excluded from the Agricultural zoning district and shall be included in PUD District 2015-01 (Planned Unit Development) with the following conditions and restrictions:

- a. All lots may be developed with residential structures.
- b. Lots may be subdivided or merged at a later date.
- c. Lots may be developed with either public or private streets.
- d. Except as modified herein, all development shall conform to the standards contained in the CB zoning district.
- e. Guest parking spaces shall be provided at a ratio of one per 2 dwelling units.
- f. Commercial uses shall be limited to those in Retail Group A, Service Group A and Office-bank Group as itemized in Appendix A.
- g. Structures shall not be constructed closer than 25 feet to Division Street NE or Missouri Drive NE or closer than 50 feet from the south property line.
- h. Freestanding signage shall be limited to a business or development name sign at the entrance to each lot. The signs shall be located so as not to obstruct vehicular sight triangles at driveways or streets. The area around the signs shall be landscaped.
- i. The developer shall install or arrange for the installation of all on-site utilities.
- j. Fire hydrants shall be installed as directed by the City of Mandan Fire Department.
- k. There shall be no more than two vehicular access points on each lot from the existing public right-of-way serving the subdivision.
- l. The developer of each lot shall install a 5 foot wide sidewalk to city specifications within the right-of-way adjoining Lots 1 through 5.
- m. All on-site paved areas shall be privately owned and maintained unless a public street is approved by the city.
- n. Configuration of interior roadways shall meet the requirements of the City of Mandan Fire Department for emergency vehicle access.
- o. Privacy fencing (opaque fence 6 foot tall) and landscape buffer in accordance with City of Mandan Ordinance shall be installed between the residential area to the south and any commercial development within Volochenko Addition.

- p. All areas fronting Division Street NE and Missouri Drive NE shall be landscaped. The areas between the commercial and residential uses shall also be landscaped. The landscaping shall include shrubs and/or trees. The landscaping plan must be submitted to the city for review and approval by MARC.
- q. A stormwater plan shall be submitted to and approved by the city prior to beginning any land disturbing activities on each lot.
- r. A subdivision development agreement shall be fully executed and approved by the city prior to beginning any land disturbing activities on each lot.
- s. A detailed site plan shall be prepared for each lot and reviewed and approved by the city prior to beginning any land disturbing activities.
- t. No abandoned or disabled vehicles are allowed within Volochenko Addition.
- u. All lots, whether developed or undeveloped, shall be maintained in accordance with City Ordinance.

**SECTION 2. RE-ENACTMENT.** Section 21-03-02 of the Mandan Code of Ordinances is hereby re-enacted as amended. The city principal planner is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

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

Attest:

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

Public Hearing: \_\_\_\_\_  
 First Consideration: \_\_\_\_\_  
 Second Consideration and Final Passage: \_\_\_\_\_  
 Recording Date: \_\_\_\_\_

Appendix A to Ordinance 1203 establishing PUD District 2015-01

The following uses are declared to be in retail group A:

- (1) Antique store,
- (2) Appliance, radio, television store,
- (3) Auto accessory store,
- (4) Book, magazine, newspaper store,
- (5) Butcher shop,
- (6) Camera shop, art supply store,
- (7) Candy store,
- (8) Clothing, clothing accessories store,
- (9) Delicatessen,
- (10) Department store,
- (11) Drugstore,
- (12) Five and ten cent store,
- (13) Flower shop,
- (14) Furniture, office equipment store,
- (15) Gift shop,
- (16) Grocery store,
- (17) Hardware store,
- (18) Hobby, toy store,
- (19) Ice cream parlor,
- (20) Jewelry store,
- (21) Music store,
- (22) Notion, variety store,
- (23) Office supply, stationery store,
- (24) Package liquor store,
- (25) Photographic studio,
- (26) Shoe store,
- (27) Sporting goods store,
- (28) Bakery, in which nothing is baked except for retail sale on the premises.

The following uses are declared to be in service group A:

- (1) Barber shop,
- (2) Beauty shop,
- (3) Refrigerated cold storage lockers,
- (4) Dressmaker, tailor,
- (5) Dry cleaning pickup agency,
- (6) Furniture repair, upholstery,
- (7) Laundry pickup agency,
- (8) Laundry, self-service,
- (9) Milliner,
- (10) Radio, appliance repair,
- (11) Restaurant,
- (12) Shoe repair,
- (13) Soda fountain,

- (14) Watch, jewelry, camera repair,
- (15) Animal clinic,
- (16) Pet store.
- (17) Pet Grooming Commercial facility

The following uses are declared to be in the office-bank group:

- (1) Bank,
- (2) General office,
- (3) Governmental office,
- (4) Insurance office,
- (5) Personal loan agency,
- (6) Professional office,
- (7) Real estate office,
- (8) Taxicab office,
- (9) Telephone exchange,
- (10) Utility office

**ORDINANCE NO. 1205**

**AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP.**

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

**SECTION 1. AMENDMENT.** Section 21-03-02 of the Mandan Code of Ordinances is amended to read as follows:

The Meadowlands Addition shall be excluded from the RM and MB districts and included in the RH, CB and CC districts. Lots 1 and 2, Block 1 and Lots 1 through 6, Block 2 shall be zoned CB. Lots 3, 5B and 6B shall be zoned RH. Lots 4A, 4B, 5A, 5C, 6A and 6C shall be zoned CC

**SECTION 2. RE-ENACTMENT.** Section 21-03-02 of the Mandan Code of Ordinances is hereby re-enacted as amended. The city principal planner is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

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

Attest:

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

Public Hearing: \_\_\_\_\_

First Consideration: \_\_\_\_\_

Second Consideration and Final Consideration: \_\_\_\_\_

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



**RESOLUTION ESTABLISHING REQUIREMENT TO OBTAIN PERMIT TO PERFORM  
WORK IN PUBLIC PROPERTY AND ESTABLISH A FEE**

WHEREAS, the City of Mandan, North Dakota (the "City"), has adopted a set of construction details and accompanying specifications for use by contractors when working in public property; and

WHEREAS, the City needs to insure that work in public property is accomplished in conformance with the adopted details and specifications.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Mandan as follows:

1. Each person or company that performs work that is not part of a City contract in public property must obtain a permit from the Engineering and Planning Department.
2. Each permit issued shall be for work related to one property or one location.
3. Each permit shall be valid for 90 days and may be extended one time for good cause prior to expiration.
4. If work has not been completed by the end of the construction season, the permit will expire and a new permit will need to be obtained at the beginning of the next construction season.
5. The fee for each permit shall be twenty dollars (\$20.00).

Dated: April \_\_, 2015.

CITY OF MANDAN, NORTH DAKOTA

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

Attest:

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

The governing body of the City acted on the foregoing resolution at a properly noticed meeting held in Mandan, North Dakota, on April \_\_, 2015, with the motion for adoption made by \_\_\_\_\_ and seconded by \_\_\_\_\_, and the roll call vote on the motion was as follows:

"Aye" \_\_\_\_\_ "Nay" \_\_\_\_\_ Absent \_\_\_\_\_ Abstain \_\_\_\_\_