



AGENDA
MANDAN CITY COMMISSION
AUGUST 2, 2016
ED "BOSH" FROEHLICH MEETING ROOM,
MANDAN CITY HALL
5:30 P.M.
www.cityofmandan.com

-
- A. ROLL CALL:
1. Roll call of all City Commissioners.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:
- E. PUBLIC HEARING:
- F. BIDS:
- G. CONSENT AGENDA:
1. Consider approval of Musicians Association games of chance at Dykshoorn Park on August 19, 2016.
2. Consider out of state travel for business development director to attend International Economic Development Council annual conference.
3. Consider approval of Ad for bid for WTP high service pump and building improvements project.
4. Consider creating/appointing a committee to review the current city ordinances regarding Off Highway Vehicles (ATVs) and make recommendations to city staff on potential changes and updates to city ordinance.
- H. OLD BUSINESS:
- I. NEW BUSINESS:
1. Low Cost Corridor Improvements study presentation for information and adoption.
- J. RESOLUTIONS AND ORDINANCES:
1. Second consideration of Ordinance No. 1245 creating and enacting Article 5, Chapter 18 of the Mandan Municipal Code related to abandoned, found, recovered and unclaimed property.
- K. OTHER BUSINESS:

*Agenda
Mandan City Commission
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- L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:
1. August 16, 2016
 2. September 6, 2016 (5 p.m.)
 3. September 20, 2016 (5 p.m.)
- 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.

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



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
2016-42

Name of Organization Musicians Association		Date(s) Authorized (Read instruction 2)		
Contact Person Vernon Cermak	Business Phone Number	8/19/2016 Beginning	to 8/19/2016 Ending	
Mailing Address		City Mandan	State ND	Zip Code 58554-0000
Site Name Dykshoom Park		Site Address W Main St And 4 Ave Nw		
City Mandan	State ND	ZIP Code 58554-0000	County Morton	
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddiewheels 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"/> Paddiewheels*				
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 7/19/2016	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.



APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT
 OFFICE OF ATTORNEY GENERAL
 SFN 9338 (10/2015)

2016-42

PJ
7-15-16

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

Name of Non-profit Organization Musicians Association		Date(s) of Activity 8/19/2016 to 8/19/16		For a raffle, provide drawing date(s): 8/19/16	
Person Responsible for the Gaming Operation and Disbursement of Net Income Vernon Cermak		Title Board Member		Business Phone Number	
Business Address		City Mandan	State ND	Zip Code 58554-0088	
Mailing Address (if different)		City	State	Zip Code	
Name of Site Where Game(s) will be Conducted DYKSHOORN PARK		Site Address Vern Cermak Band Shell			
City Mandan		State ND	Zip Code 58554-0000	County Morton	
Check the Game(s) to be Conducted: *Poker, twenty-one, and Paddlewheels may be conducted only by a Charity Local Permit.					
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Raffle Board <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker * <input type="checkbox"/> Twenty-one * <input type="checkbox"/> Paddlewheels *					

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize	Game Type	Description of Prize	Retail Value of Prize
RAFFLE	MEXICO TRIP	\$1,900.00			
Total:					(Limit \$12,000 per year) \$ 1,900.00

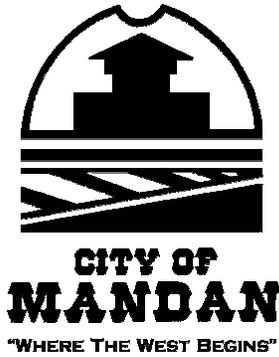
Intended uses of gaming proceeds: APPLY TO WADDINGHAM SCHOLARSHIP FUND FOR USE OF MUSICAL SCHOLARSHIPS

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

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

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

Signature of Organization's Top Executive Official <i>Vernon Cermak</i>	Date 7/15/2016	Title Board Member	Business Phone Number
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Board of City Commissioners

Agenda Documentation

MEETING DATE: August 2, 2016
PREPARATION DATE: July 27, 2016
SUBMITTING DEPARTMENT: Business Development & Communications Department
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: Out-of-state travel request

STATEMENT/PURPOSE: Consider approval of out-of-state travel for the International Economic Development Council (IEDC) annual conference on Sept. 25-28 in Cleveland, Ohio.

BACKGROUND/ALTERNATIVES: To retain designation by the IEDC as a Certified Economic Developer (CEd) beyond March 2018, the organization requires participation in certain activities related to professional development including at least two IEDC annual conferences or advanced training courses during the three-year period of accreditation.

The conference provides many informative and useful sessions. The full schedule can be viewed at: <http://www.iedcevents.org/AnnualConference>.

ATTACHMENTS: None

FISCAL IMPACT: The 2016 budget for the business development and communications department included an allocation of \$3,000 for participation in an IEDC conference. The estimated expense is \$2,350 to include registration (\$860 through Aug. 5), airfare, lodging, and meal expenses. Credit of \$556 would be used from a Delta flight that had been booked for May for the U.S. Treasury State Small Business Credit Initiative. I was unable to travel at that time due to a broken wrist. The credit must be used by May 2017. Less the credit, expenses would likely be about \$1,800.

STAFF IMPACT: Attendance at the IEDC conference would likely require Sunday travel and 3 days away from the office.

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Subject: Out of state travel request
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LEGAL REVIEW: n/a

RECOMMENDATION: Mayor Helbling and City Administrator Neubauer have indicated support for participating in the proposed conference.

SUGGESTED MOTION: I move to approve out-of-state travel as proposed for the City Business Development and Communications Director.



"WHERE THE WEST BEGINS"

Board of City Commissioners Agenda Documentation

MEETING DATE: August 2, 2016
PREPARATION DATE: July 29, 2016
SUBMITTING DEPARTMENT: Engineering/Water Treatment Facility
DEPARTMENT DIRECTOR: Justin Froseth/Duane Friesz, Facility Superintendent
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Ad for Bid for Water Treatment Plant High Service Pumps and Facility Upgrades Project

STATEMENT/PURPOSE: The Water Treatment Plant High Service Pump and Facility Upgrades project is about 95% designed. We would like authorization to advertise for bids for the construction of the project.

BACKGROUND/ALTERNATIVES: The city was successful in receiving State Water Commission (SWC) grant money to start construction on this needed project during the 2015-2017 biennium. This project has been part of the City's Capital Improvements Plan (CIP) and has been needed for years.

New pumps are necessary to meet the near future projected water demands. Additionally, many of the existing pumps at the water treatment facility are 30 to 40 years old and due for replacement based on years of service. One component of this project is to address those pumps with replacements. In order to maximize efficiency of those pumps, this project also includes VFDs (Variable Frequency Drives) and the electrical upgrades to facilitate the pumps and VFDs. The pump and associated electrical upgrades will increase the plant's firm capacity by 44% to the Collins reservoir, and by 26% to the Sunset reservoir.

A second main component of this project is to add to and reconfigure the facilities office and lab space in order to work within most efficiently. Currently there is only one small office room that intermingles with the lab space. There is very little room for storing records in the office area and the facility currently does not have a break or conference room. An addition on the south side will address all of these issues to give staff adequate space to work.

Other components of this project include such items as an access platform for the residual building, process pipe modifications, instrumentation and control changes, and other miscellaneous improvements.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 2, 2016

Subject: Ad for Bid for Water Treatment Plant High Service Pumps and Facility Upgrades Project

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ATTACHMENTS:

1. Advertisement for Bids
2. 95% Design Construction Opinion of Probable Costs

FISCAL IMPACT: As a State Water Commission Grant project, the city's share of the total construction cost of the project will be 40%. The total construction opinion of probable costs is currently at \$2,920,000 with all alternates and 10% contingencies included. The basis of last year's application estimated \$2,700,000 for construction. Utility rate adjustments have been made in anticipation of this project.

STAFF IMPACT: Minimal

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

RECOMMENDATION: Move forward with Ad for Bid.

SUGGESTED MOTION: Move to authorize the engineering department to advertise the Mandan Water Treatment Plant High Service Pump Station Improvements Project for bid.

ADVERTISEMENT FOR BIDS

00030

NOTICE IS HEREBY GIVEN, that the City of Mandan, North Dakota, will receive sealed Bids at the Office of the City Administrator until Tuesday September 13, 2016 at the hour of 4:00 p.m. local time, for the purpose of furnishing all materials, labor, equipment, and skill required for the construction of the MANDAN WTP HIGH SERVICE PUMP STATION IMPROVEMENTS PROJECT, and incidental items, for said City, as is more fully described and set forth in the Plans and Specifications which are now on file in the office of the City Engineer. Bids will be opened in the City Commission Chambers at 4:15 p.m. local time and read aloud.

The Work consists of all labor, skill, and materials required to properly construct the Improvements. Major components of the Project include:

Contract No. 1 – GENERAL CONSTRUCTION (LUMP SUM): Work generally consists of mobilization, bonding, insurance; for all Project Work shown on the civil, structural, architectural, and process drawings and as contained in the specifications including addition of a 3,400 sf two story building addition; access platforms in Plant No. 2; equipment hatch improvements; High Service Pump Station No. 2 pump improvements including two (2) new vertical turbine pumps, appurtenances, and pipe modifications; one (1) new backwash reclaim pump and appurtenances; Clearwell No. 1 interconnect improvements; miscellaneous process pipe and valve modifications; one new magnetic flow meter; new pressure relief system; finishes (painting and coatings); site work including excavation, concrete sidewalk, seeding, and other restoration and erosion control; and miscellaneous related construction, equipment, and appurtenances.

Contract No. 2 – MECHANICAL CONSTRUCTION (LUMP SUM): Work generally consists of mobilization, bonding, and insurance for all Project Work shown on the mechanical drawings and contained in the Division 15 specifications, including plumbing, fixtures, heaters, air-conditioning, gauges, thermostats, pipe, fittings, valves, controls, drains, supports, anchors, vents, and all related appurtenances. Includes Plant No. 2 access platform heater and compressed air line modifications; High Service Pump Station No. 2 and electrical room air conditioning, heater, and other modifications; modifications to existing compressed air system; and routing and connection of new sanitary sewer service for building addition.

Contract No. 3 – ELECTRICAL CONSTRUCTION (LUMP SUM): Work generally consists of mobilization, bonding, and insurance for all Project Work shown on the electrical drawings and contained in the Division 16 specifications, including, all electrical labor for all demolition and new construction activities required, including, but not limited to the demolition of existing 15kV switchgear, installation of new 15kV primary service-entrance switchgear equipment on a new precast concrete switchgear vault, new 15kV underground distribution and feeder cabling, new oil-filled, 2000 kVA, 12,470V:277/480V service transformer and outdoor service main breaker cabinet mounted on a precast concrete vault, supply and installation of miscellaneous underground precast concrete vaults for splicing into existing 15kV underground feeders, medium voltage and low voltage terminations, grounding, trenching, horizontal boring, excavation, cables, conductors, wiring, disconnect switches, lighting, lighting control systems, conduits, raceways, fittings, boxes, devices, motor starters, distribution transformers, 400-amp automatic transfer switch, lighting and distribution panelboards, lighting panel transformer, motor control centers, variable frequency drives, soft-starters, power monitoring modules, surge protective devices (SPDs), new control panels, existing control panel modifications, existing control panel demolition, programmable logic controllers, instrumentation and control devices, pressure transmitters, float switch, temperature transmitters, electrical unit heaters, and all related electrical power and distribution, instrumentation and control appurtenances as indicated and required to support separate general and mechanical construction activities.

Contract No. 4 – COMBINED CONSTRUCTION (LUMP SUM): Mobilization, bonding, and insurance for all general construction, mechanical construction, and electrical construction as described in Contracts No. 1 through 3.

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Complete digital project bidding documents, pursuant to which labor, materials, or services must be furnished, are available at www.AE2S.com or www.questcdn.com. You may download the digital plan documents for Fifty Dollars and No Cents (\$50.00) by inputting Quest project #4611132 on the website's Project Search page. Please contact QuestCDN.com at 952-233-1632 or info@questcdn.com for assistance in free membership registration, downloading, and working with this digital project information. Copies of the Bidding Documents may be seen and examined at the office of Advanced Engineering and Environmental Services, Inc. (AE2S), 1815 Schafer Street Suite 301, Bismarck, ND 58501 (701 221-0530). The Bidding Documents are available in the form of printed plans and specifications by request from AE2S, 3101 Frontage Road South, Moorhead, MN for a **NON-REFUNDABLE** charge of One Hundred Fifty Dollars and No Cents (\$150.00) for each set of Plans and Specifications requested. Bidding Documents may also be examined at the following locations: Builders Exchanges in Bismarck, ND; Mandan, ND; Minot, ND; Fargo, ND; Grand Forks, ND; Rapid City, SD; Minneapolis, MN. All Work shall be done according to the Bidding Documents.

A Pre-Bid conference is tentatively scheduled for 1:30 PM on Wednesday, August 31, 2016, at the Mandan Water Treatment Plant. All interested Bidders are encouraged to attend. A memo to all Plan Holders registered with AE2S will be sent formally establishing the final date and time for the meeting.

All Bids are to be submitted on the basis of cash payment for the Work and materials, and each Bid shall be accompanied by a separate envelope containing a Bidder's Bond, payable to the City of Mandan, in a sum equal to five percent (5%) of the full amount of the Bid, executed by the Bidder as principal and by a surety company authorized to do business in the State of North Dakota, conditioned that if the principal's Bid be accepted and the contract awarded, principal, within fifteen (15) days after Notice of Award, will execute and effect a Contract in accordance with the terms of the principal's Bid and a Contractor's Bond as required by the laws of the State of North Dakota and the regulations and determinations of the City Commission of the City of Mandan, North Dakota. All bidders shall provide a North Dakota Contractor's License in the separate envelope as described and listed in the instructions to bidders.

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. Cost of preparation of Bids by Bidder.

Bidders on this work will be required to comply with Title 40 CFR Part 33 – Participation by Disadvantaged Business Enterprises in the United States Environmental Protection Agency Programs. The requirements for Bidders and Contractors under this regulation concern utilization of Minority Business Enterprises (MBE), Women's Business Enterprises (WBE), and Small Business Enterprises (SBE) and are explained in the Specifications. The goal for MBE is 2% of the total dollar value of the project. The goal for WBE is 3% of the total dollar value of the project.

Bidders on this Work will be required to comply with the President's Executive Order No. 11246, as amended. The requirements for Bidders and Contractors under this order are explained in the Specifications.

Contracts shall be awarded on the basis of the low Bid submitted by a responsible and responsive Bidder deemed most favorable to the City's interest. The Owner will not award a Combined Bid unless it is lower than the combined total of the lowest and best Bids for separate Contracts.

All Bids shall be contained in a sealed envelope plainly marked showing that such envelope contains a Bid for the Project. In addition, the Bidder shall place upon the exterior of such envelope the required information as directed by Section 00100 Instruction to Bidders; Article 15.

Bids shall be delivered or mailed to:

City Administrator
City of Mandan
205 2nd Avenue NW
Mandan, ND 58554

Board of City Commissioners

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Meeting Date: August 2, 2016

Subject: Ad for Bid for Water Treatment Plant High Service Pumps and Facility Upgrades Project

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The City of Mandan reserves the right to reject any and all Bids, to waive any informality in any Bid, to hold all Bids for a period not to exceed sixty (60) days from the date of opening Bids, and to accept the Bid deemed most favorable to the interest of the City. After the Bid opening; the Owner will return Bid Security of all except the three lowest responsible Bidders. When a Contract is awarded, the remaining unsuccessful Bidder's Bonds will be returned.

The Work shall be completed and ready for Final Payment no later than June 1, 2018 with intermediate completion dates for critical Work as detailed in the Specifications. Should the Contractor fail to complete the Work within the time required, as set forth in the Agreement, or within such extra time as may have been granted by formal extensions approved by the City and Engineer, there shall be deducted from any amount due him the sum of \$1,000.00 per day as compensation to the City for each day and every day that the completion of the Work is delayed. The Contractor and his surety shall be liable for any excess. Such payment shall be as and for liquidated damages and not as a penalty.

All Bidders are invited to be present at the public opening of the Bids.

Dated this 2nd day of August 2016.
Publish, 08/12/16, 08/19/16, 08/26/16, 09/02/16.

By: /s/ Jim Neubauer, City Administrator
Mandan, North Dakota

Board of City Commissioners

Agenda Documentation

Meeting Date: August 2, 2016

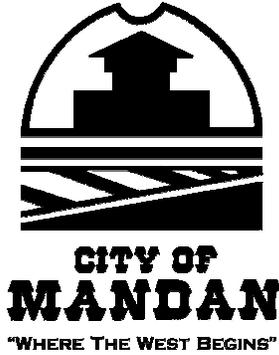
Subject: Ad for Bid for Water Treatment Plant High Service Pumps and Facility Upgrades Project

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Mandan Water Treatment Plant
 High Service Pump Project
 P00510-2012-005
 95% Opinion of Probable Costs

Date: 7/28/2016
 Prepared by: LDH/AB

Division	Discipline	Description	Total Price	Alternates P1 - Reclaim Pump
Div 1		General Requirements	\$ 171,000	
Div 2	C	Sitework	\$ 30,000	
Div 3	S,A	Concrete	\$ 214,000	
Div 4	S,A	Masonry	\$ 8,000	
Div 5	S,A	Metals	\$ 64,000	
Div 6	S,A	Wood, Plastics and Composites	\$ 10,000	
Div 7	A	Thermal and Moisture Protection	\$ 45,000	
Div 8	A	Openings	\$ 52,000	
Div 9	A	Finishes	\$ 99,000	
Div 10	A	Specialties	\$ 5,000	
Div 11	P	Equipment	\$ 431,000	\$ 44,000
Div 12	A	Furnishings	\$ 27,000	
Div 15	M	Mechanical	\$ 200,000	
Div 16	E, I&C	Electrical	\$ 1,250,000	\$ 4,000
Total			\$2,606,000	\$48,000
Contingencies (10%)			\$261,000	\$5,000
Construction Total			\$2,867,000	\$53,000
Construction Total w/ Alternates			\$ 2,920,000	
Construction Budget			\$2,700,000	



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 2, 2016
PREPARATION DATE: July 28, 2016
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Deputy Chief Jason Bier
PRESENTER: Deputy Chief Jason Bier
SUBJECT: Off Highway Vehicles (ATVs)

STATEMENT/PURPOSE: To consider creating/appointing a committee to review the current city ordinances regarding Off Highway Vehicles (ATVs) and make recommendations to city staff on potential changes and updates to city ordinance.

BACKGROUND/ALTERNATIVES: The police department has received requests for the city to review its current Off Highway Vehicle ordinances and consider allowing these vehicles on the roadways of the city, and also update the ordinances. In looking at the ordinances currently in place, it appears the language may be confusing to some or conflicting. I would also like this committee to look at creating language for an ordinance regarding the use of golf carts on city streets. There currently is no ordinance to address golf carts. I would recommend the committee have representation from the Police Department, Engineering Department, the Commission, and members of the public.

ATTACHMENTS: None

FISCAL IMPACT: None

STAFF IMPACT: Minimal. City staff on the committee would attend several meetings.

LEGAL REVIEW: None at this time.

RECOMMENDATION: I recommend approval to have a committee formed to review the Off Highway Vehicle and Golf Cart ordinances.

SUGGESTED MOTION: Move to approve the request to form a committee to review the Off Highway Vehicle Ordinances. The committee shall include representation from Police, Engineering, a commissioner, and the public. Recommendations from the committee will be brought to city staff for possible changes or updates to the city ordinances.



"WHERE THE WEST BEGINS"

Board of City Commissioners Agenda Documentation

MEETING DATE: August 2, 2016
PREPARATION DATE: July 29, 2016
SUBMITTING DEPARTMENT: Planning and Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Rick Stoppelmoor, Project Lead and HDR
Associate Vice President
SUBJECT: Presentation of Final Report for the Mandan-Bismarck Corridor Improvements Study

STATEMENT/PURPOSE: Rick of HDR to present the study's objectives and findings. Consider adoption at the conclusion of the presentation.

BACKGROUND/ALTERNATIVES: The Metropolitan Planning Organization (MPO) and its members selected this study as worthy of our time, effort, and dollars last year. The study set out to take a focused look at select corridors throughout the cities of Mandan and Bismarck and come up with recommendations for primarily low-cost ways to improve the function and safety of those corridors. The study was also tasked with a more focused look at the heavy truck traffic observed on Mandan's Main Street to see what alternatives may exist to lessen that truck traffic volume. Rick with HDR to present the final report.

ATTACHMENTS:

1. Study Final Report Executive Summary (Full Report, 257 pages, available upon request)

FISCAL IMPACT: As with any MPO study, the MPO pays for 80% of the study through Federal Highway dollars while the local jurisdictions pay for the remaining 20%. Mandan's share of this near \$180,000 will come out to about \$21,000.

STAFF IMPACT: Minimal

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

RECOMMENDATION: Adopt final report.

SUGGESTED MOTION: Move to adopt the final report of the Mandan-Bismarck Corridor Improvements Study.

Executive Summary

Mandan-Bismarck Corridor Improvement Study

Mandan and Bismarck, North Dakota
July 19, 2016

Mandan-Bismarck Corridor Improvement Study: Executive Summary

Introduction

This document summarizes the results of the Mandan-Bismarck Corridor Improvement Study Final Report. The Bismarck-Mandan Metropolitan Planning Organization (MPO), the City of Mandan, and the City of Bismarck requested a transportation planning study be developed to evaluate 20 total corridors and a possible truck route within the Mandan and Bismarck city limits. Project oversight was provided by the North Dakota Department of Transportation (NDDOT), Federal Highway Administration (FHWA), and the Federal Transit Administration (FTA). The corridors selected for this project were selected by the MPO and project entities.

Objective

The corridors included in this study provide mobility for high volumes of traffic daily and are vital for connecting major activity centers. This transportation study evaluates the selected corridors and develops low-cost alternatives for each that will address both safety and operational concerns to help them function as the arterial roadways they are intended to be. The objective of the study was to develop low-cost solutions to aid in improving traffic operations, as well as enhancing safety by reducing crashes along each selected corridor.

A secondary objective was to determine the need for a truck route in the City of Mandan to alleviate heavy vehicle traffic along Main Street/Business I-94 between ND Highway 25 to Twin City Drive.

The corridors selected by the Bismarck-Mandan MPO to be included within the study for the City of Bismarck include the following Figure ES-1:

- Washington Street (Calgary Avenue to Divide Avenue)
- Divide Avenue (Schafer Street to Bismarck Expressway/ND Highway 810)
- 4th Street (Century Avenue to Boulevard Avenue)
- 7th Street (Boulevard Avenue to Rosser Avenue)
- 9th Street (Boulevard Avenue to Rosser Avenue)
- Front Avenue/Memorial Highway (Main Avenue to 12th Street)
- 26th Street (Divide Avenue to Airway Avenue)
- 19th Street (Divide Avenue to LaSalle Drive)
- Ward Road (Edwards Avenue to Divide Avenue)

The corridors selected for the City of Mandan include the following Figure ES-2:

- Main Street /Business I-94 (ND Highway 25 to Twin City Drive)
- Sunset Drive/6th Avenue NW (Main Street to Oil Red Trail)
- ND Highway 6 (Main Street to 19th Street NW)
- Old Red Trail (Mandan Avenue to Sunset Drive)
- Mandan Avenue/ND Highway 1806 (Main Street to Old Red Trail)
- 3rd Street (ND Highway 6 to Memorial Highway)

- 19th Street (ND Highway 6 to ND Highway 1806)
- Collins Avenue (Main Street to Old Red Trail)
- ND Highway 1806 North (Old Red Trail to 38th Street)
- ND Highway 1806 South (Main Street to 19th Street)
- Division Street (Sunset Avenue to 8th Avenue NE)

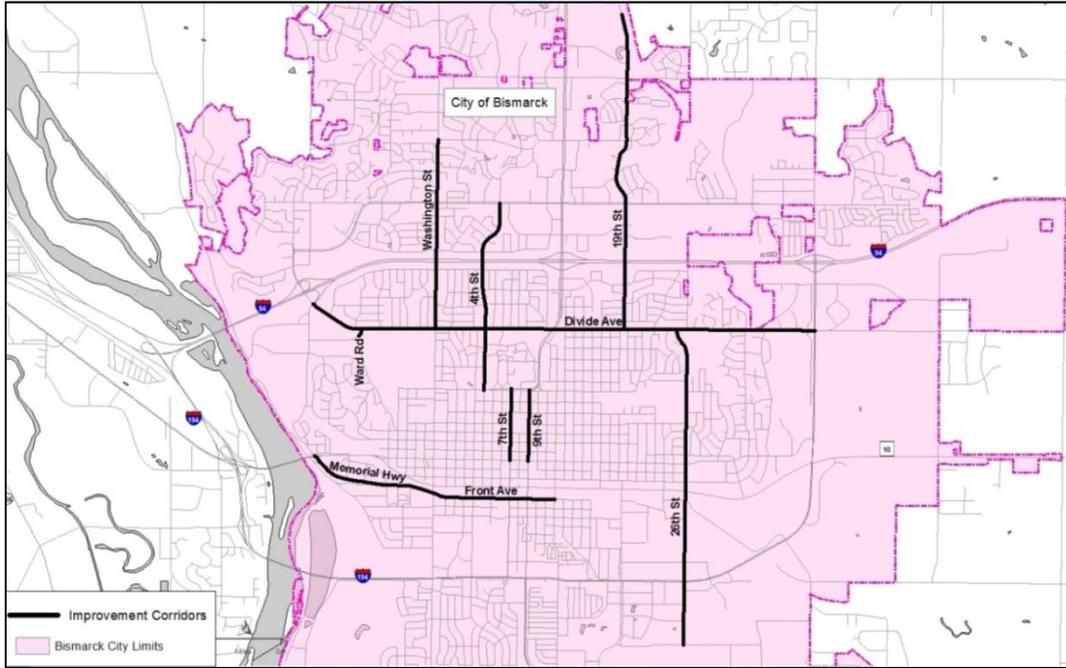


Figure ES-1. Bismarck Improvement Corridors

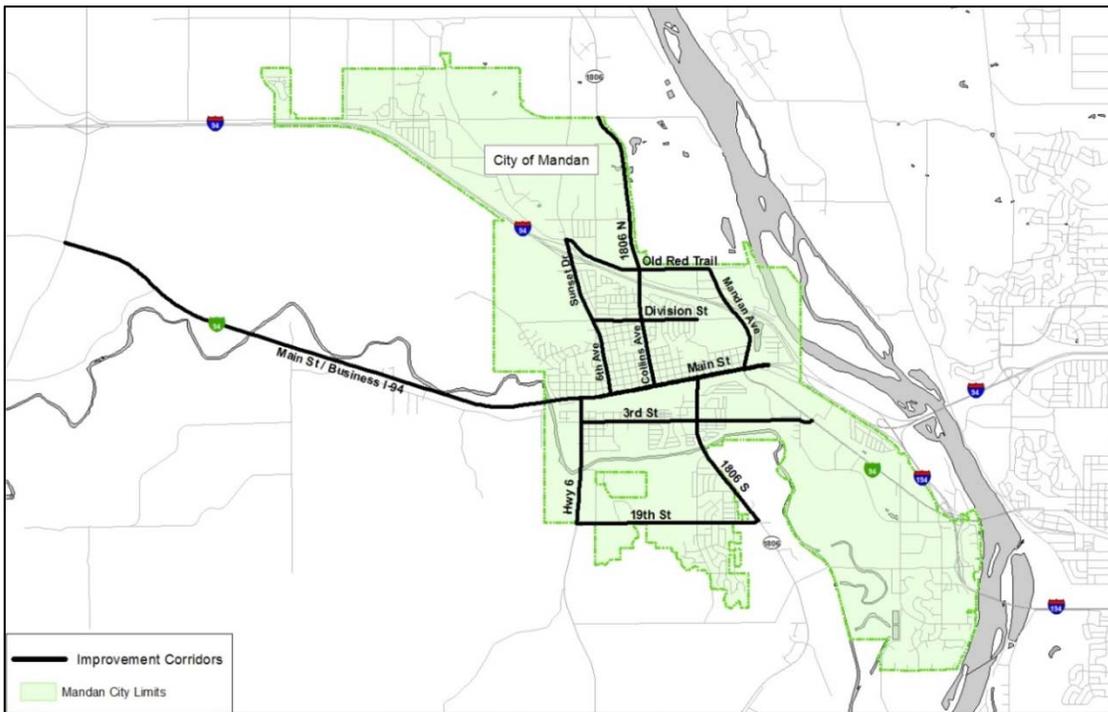


Figure ES-2. Mandan Improvement Corridors

Methodology

Existing 2014 Traffic Operations

The existing traffic operations of the corridors were analyzed using a planning-level Level of Service (LOS) approach based on the ARTPLAN analysis program within the Highway Capacity Manual (HCM). Using this methodology, characteristics such as daily traffic volumes, signal timings, and basic roadway geometry at major intersections were taken into account and used as inputs to generate generalized peak hour estimates of traffic operations for each corridor.

A safety analysis was also conducted using NDDOT provided crash data for the calendar years of 2012, 2013, and 2014. The data provided by NDDOT contained crash report information that allowed crashes to be categorized based on characteristics such as location, manner of collision, and severity. This information was used to identify which intersections or roadway segments within the study area experienced the most crashes, and what types of crashes occurred.

Forecasted 2040 Traffic Operations (No-Build)

The traffic growth rates were forecasted for corridor segments by evaluating outputs from the Bismarck-Mandan MPO travel demand model. The year 2014 ADT volumes were used as the baseline data source for the analysis and forecasts. The modeled growth rates were prorated to a rate reflecting growth as a 30-year trend from the model to the year 2040.

Using the constraints of the existing infrastructure, also referred to as the No-Build Alternative, the forecasted 2040 traffic volumes were applied to determine the estimated 2040 LOS for each corridor segment located within the Bismarck-Mandan study area. The 2040 LOS results are provided in Figure ES-3.

Comparing the 2014 and 2040 LOS results, there is no variance for Mandan but several corridors in Bismarck are projected to see deterioration in Level of Service by the year 2040. Divide Avenue from Schafer Street to Washington Street will decrease from LOS A to LOS F. 4th Street from Interstate Avenue to Divide Avenue will decrease from LOS C to LOS D. 7th Street from Boulevard Avenue to Rosser Avenue will decrease from LOS E to LOS F. Finally, Front Avenue from 3rd Street to 7th Street will decrease from LOS E to LOS F.

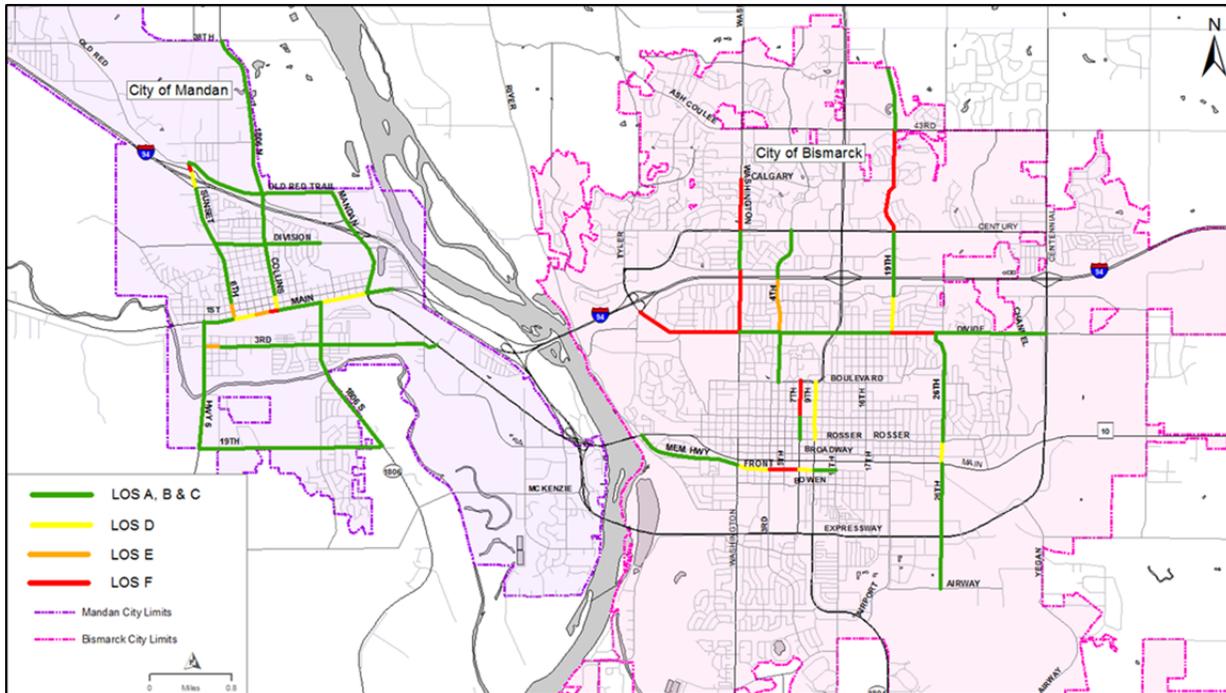


Figure ES-3. 2040 Forecasted LOS

Mandan Safety Analysis

There were a total of 259 intersection crashes and 183 segment crashes that occurred on the City of Mandan study corridors between 2012, 2013 and 2014.

The intersections that experienced the highest number of injury-related crashes were the intersections of Main Street and ND 1806 S, and the intersection of ND 1806 S and Burlington Street SE.

The roadway segment that experienced the most injury-related crashes was Main Street between Highway 6 and Twin City Drive, with one fatality and three non-incapacitating injury crashes being reported during the study period. Main Street between ND Hwy 6 and Twin City Drive. experienced the highest frequency of angle crashes in comparison with other corridors, comprising approximately 33% of its total crashes. 3rd Street and Hwy 1806 S experienced the highest total rear-end crashes.

Bismarck Safety Analysis

There were a total of 524 reported intersection crashes and 716 reported segment crashes occurring on Bismarck corridors between the years of 2012, 2013 and 2014. There were no reported fatalities during the study period for any of the Bismarck corridors.

The Bismarck intersection with the highest intersection crash rate was identified as Front Avenue and 3rd Street. The intersection of 4th Street and Century Avenue had the second highest crash rate and the intersection of Front Avenue and 9th Street had the third highest crash rate. The intersection with the highest injury crash rate was identified as 7th Street and Rosser Avenue.

Divide Ave was found to not only have the highest number of total segment crashes (186 crashes), but it experienced the highest total of head-on collisions (4 crashes) and non-collision with motor vehicle crashes (19 crashes) as well. Washington Street, 9th Street, and Divide Avenue experienced the highest total crashes resulting in injury. 9th Street and 7th Street were found to have the highest segment crash rates for corridors studied within the City of Bismarck. Memorial Highway/ Front Street was found to have the third highest segment crash rate.

Mandan Truck Route

To determine existing truck patterns on Main Street through central Mandan, three different sources of data were used to assess truck flows, focusing primarily on through-movements. These sources were:

- A StreetLight commercial vehicle flow dataset, purchased from StreetLight Data, Inc.
- Assessing current corridor truck patterns based on NDDOT truck counts from various locations within the corridor.
- Conducting interviews with major trucking companies and locations that generate truck traffic in and around Mandan to understand truck travel patterns.

Evaluating the data from the aforementioned sources it was concluded that although Main Street is the most direct route for many truck trips in Mandan, a route south of Main Street would provide the most direct option for an alternate truck route. An aggregate pit and asphalt plant located west of Mandan accounts for approximately 66% of the truck traffic along Main Street. Based upon conversations with the aggregate pit owner, the aggregate pit will be relocated in the near future due to lack of available natural resources within the area. The asphalt plant will also be relocated in the near future to the Twin City Industrial Site in East Mandan.

Development of Alternatives

The alternatives presented in this report are intended for long-term planning purposes only, not for design. Prior to implementation, a field review should be done to examine existing roadway widths and a more detailed analysis conducted to determine the necessary lane widths for proposed typical sections. Parking will also need to be evaluated in more detail prior to alternative implementation.

Recommended Alternatives

The LOS of each corridor was re-evaluated with the proposed mitigation characteristics applied to help measure the effectiveness of each alternative. Keep in mind that certain improvements, namely those that are safety related (i.e. improving lighting, signing, pedestrian crossing, etc.) may not have a direct improvement on LOS but are desirable because they enhance driver awareness and safety.

Mandan Corridor Alternatives

The following list provides the proposed alternatives for each corridor within the study areas of Mandan. A no-build alternative is proposed for certain segments where forecasted traffic is

expected to function at acceptable levels or where future changes are constrained by existing parameters.

MAIN STREET (ND HWY 25 TO TWIN CITY DRIVE)

Recommended Alternative:

- No-build between Hwy 25 and 10th Avenue NW (Hwy 6)
- Install 3-lane section between 10th Avenue NW and 3rd Avenue NE
 - Maintain on-street parking on north side, except for areas near intersection where a few stalls will be eliminated to incorporate extended right-turn lane.
 - Add on-street parking on the south side
 - Lengthen right-turn lane at major intersections
- Coordinate all traffic signals and add protected left turn phasing at all signalized intersections
- Re-stripe all crosswalks and improve all crosswalks
- Install Pedestrian Hybrid Beacon, (HAWK beacon) at un-signalized intersections, if warranted
- Add advanced pedestrian crossing signage at the intersections of 2nd Avenue NW and 4th Avenue NW

The anticipated construction cost of the recommended alternative is approximately \$910,000. This cost includes approximately \$780,000 for HAWK beacons if warranted.

SUNSET DRIVE / 6TH AVENUE (MAIN STREET TO OLD RED TRAIL)

Recommended Alternative:

- No-build between Main Street and North ramp terminal of the I-94/Sunset Drive Interchange
- Intersection of Sunset Drive and Old Red Trail
 - Install a dedicated right turn lane for northbound to eastbound traffic on Sunset Drive
 - Remove island on the west approach of Old Red Trail, and remove the channelized right-turn lane
 - Narrow the through lane for the southbound traffic immediately south of the intersection
 - Add clear advanced signage for drivers on the westbound I-94 off-ramp
- South ramp terminal of the I-94/Sunset Drive Interchange Install signal control on channelized right turn on eastbound-to-southbound approach
- Coordinate timing of signals at the I-94 westbound and eastbound ramp terminals with the signal at Old Red Trail

The anticipated construction cost of the recommended alternative is approximately \$180,000.

ND HIGHWAY 6 (19TH STREET TO MAIN STREET)

Recommended Alternative:

- No-build between 19th Street and Main Street
- Intersection of ND Hwy 6 and 19th Street
 - Install a southbound left turn lane and a northbound right turn lane (Currently under development and includes intersection lighting)
 - Install advance intersection signing

The anticipated construction cost of the recommended alternative is approximately \$235,000.

OLD RED TRAIL (MANDAN AVENUE TO SUNSET DRIVE)

Recommended Alternative:

- No-build between Mandan Avenue and Sunset Drive
- Intersection of Old Red Trail and Mandan Avenue
 - Flatten horizontal curve
 - Add advance intersection signing
 - Consolidate Tesoro access to one approach as a radial “T” intersection
 - Provide left and right turn lanes

The anticipated construction cost of the recommended alternative is approximately \$700,000.

MANDAN AVENUE (MAIN STREET TO OLD RED TRAIL)

Recommended Alternative:

- No-build between Main Street and Old Red Trail
- Intersection of Mandan Avenue and Main Street
 - Update and restripe the pavement markings on intersection approaches
 - Add lane extension skips through the intersection to help drivers navigate
 - Add overhead lane designation signs on mast arms of traffic signal

The anticipated construction cost of the recommended alternative is approximately \$13,000.

3RD STREET (ND HWY 6 TO MEMORIAL HWY)

Recommended Alternative:

- No-build between ND Hwy 6 and Memorial Highway
- Intersection of 3rd Street and 9th Avenue
 - Replace 4-way stop with 2-way stop
 - Add Pedestrian Signing
 - Install Pedestrian Hybrid Beacon, (HAWK beacon)
- Intersection of 3rd Street and 8th Avenue
 - Replace 4-way stop with 2-way stop
 - Add Pedestrian Signing
 - Install Pedestrian Hybrid Beacon, (HAWK beacon)
- Intersection of 3rd Street and Memorial Highway
 - Add curb and gutter or guardrail along radius to prevent erosion and enhance safety of turning vehicles

The anticipated construction cost of the recommended alternative is approximately \$264,000.

19TH STREET (ND HWY 6 TO ND HWY 1806)

Recommended Alternative:

- Extend the existing urban section from Ridge Drive to ND HWY 6 with a 3-lane section
 - No on-street parking
- Extend the existing urban section from 14th Avenue SE to ND Hwy 1806 with a 3-lane section
 - No on-street parking

- Provide turn lanes to all major intersections between Ridge Drive and ND Hwy 6
- 3-lane section between Ridge Drive and 14th Avenue SE
 - No on-street parking

The anticipated construction cost of the recommended alternative is approximately \$3,411,000.

COLLINS AVENUE (MAIN STREET TO OLD RED TRAIL)

Recommended Alternative:

- No-build between Main Street and Old Red Trail
- Intersection of Collins Avenue and 5th Street NE Improve sight distance by offsetting retaining walls at the 5th Street NE, 7th Street NE and Division Street intersections
- Intersection of Collins Avenue and 14th Street
 - Replace 4-way stop with a 2-way stop
 - Signalize if warranted
- Intersection of Collins Avenue and Old Red Trail
 - Because of the proposed Starion Sports Complex intersection improvements may be needed
 - Install traffic signal and left turn lanes in all quadrants or Install a roundabout.

The anticipated construction cost of the recommended alternative is approximately \$390,000.

HIGHWAY 1806 N (38TH STREET TO OLD RED TRAIL)

Recommended Alternative:

- No-build between Old Red Trail and 38th Street
- Intersection of ND Hwy 1806 N and 27th Street NW
 - Installation of left turn lane on northbound ND 1806 N at the intersection of 27th Street
 - Installation of right turn lane on southbound ND 1806 at the intersection of 27th Street
 - Provide right/left turn lanes on the eastbound minor approach 27th Street at intersection with ND 1806 N
 - Install a Pedestrian Hybrid Beacon (HAWK beacon) at the pedestrian crossing, if warranted

The anticipated construction cost of the recommended alternative is approximately \$322,000.

HIGHWAY 1806 S (MAIN STREET TO 19TH STREET SE)

Recommended Alternative:

- 3-lane section between 3rd Street SE to Main Street
 - No on-street parking
- Intersection of ND Hwy 1806 S and 3rd Street SE
 - Extend curb and gutter around radius to control access into the gas station
 - Line up left turn lane offsets on the east and west approaches
 - Utilize the boulevard on the east approach between the curb and sidewalk to improve intersection lane geometry without eliminating on-street parking

- Intersection of ND Hwy 1806 S and Burlington Street
 - Add a pedestrian crossing and sidewalk along the east side of ND 1806 S (6th Avenue SE)
 - Install traffic signal if warranted
 - If signal not warranted install a Pedestrian Hybrid Beacon (HAWK beacon) at the pedestrian crossing
 - Install left turn lane on ND 1806 S on the south approach and right turn lane on north approach for vehicles turning onto Burlington Street
- Just south of the intersection of 3rd Street and ND 1806 S, the southbound through movement quickly merges from two through lanes to one with very little transition.
 - Use one lane as a right turn lane on the north approach and drop it at the intersection. Therefore only one lane is carried through the intersection and eliminates the need for merging
 - Incorporate a dedicated left turn lane
- No-build between 3rd Street SE and 19th Street SE

The anticipated construction cost of the recommended alternative is approximately \$405,000.

DIVISION STREET (SUNSET AVENUE TO 8TH AVE NE)

Recommended Alternative:

- No –build between Sunset Drive and 8th Avenue NE
- At the intersection of Sunset Drive and Division Street:
 - Restripe stop bar on Division Street closer to perpendicular travel lane on Sunset Drive to increase sight distance on approach
 - Maintain roadside vegetation and prune trees as necessary to provide adequate sight distance for drivers on Division Street approach
- At the intersection of Division Street and 6th Avenue:
 - Eliminate yield and stop control for Division Street approaches and allow for free through movement. Make 6th Avenue approaches stop controlled
- At the intersection of Division Street and Collins Avenue:
 - As previously mentioned, offset retaining wall further from roadway to provide increased sight distance for drivers on east Division Street approach

The anticipated construction cost of the recommended alternative is approximately \$13,700.

MANDAN TRUCK ROUTE

With a significant reduction of truck traffic on Main Street imminent due to the relocation of the aggregate pit and asphalt plant west of Mandan, and the high cost of improving an alternative route for a small number of trucks we recommend the no-build alternative.

Bismarck Corridor Alternatives

The following list provides the proposed alternatives for each corridor within the study areas of Bismarck. A no-build alternative is proposed for certain segments where forecasted traffic is expected to function at acceptable levels or where future changes are constrained by existing parameters.

WASHINGTON STREET (DIVIDE AVENUE TO CALGARY AVENUE)

Recommended Alternative:

- 3-lane section from Divide Avenue to Calgary Avenue
 - No on street parking
- Reduce the number of driveways (vehicle access points) from Washington Street to the Northbrook Tesoro Gas Station at Central Avenue
- Washington Street & Century Avenue Intersection
 - Re-align the Century Avenue left turn lanes to remove negative offsets
 - Install Flashing Yellows (FYA) on all approaches
 - Relocate light poles
- Improve coordination of traffic signals between Interstate Avenue and Turnpike Avenue

The anticipated construction cost of the recommended alternative is approximately \$253,000.

DIVIDE AVENUE (SHAFER STREET TO BISMARCK EXPRESSWAY)

Recommended Alternative:

- 3-lane section from Shafer Street to 26th Street. (This recommendation is consistent with the NDDOT Local Safety Plan recommendation)
 - No on street parking
 - Keep bike lanes from Shafer Street to Washington Street and State Street to 26th Street
 - Enhance visibility of bike lane pavement markings
 - Keep share the road signage from Washington Street to State Street
- Divide Avenue & Washington Street Intersection
 - Increase curb radius in each quadrant
- Divide Avenue & 4th Street Intersection
 - Increase length of Divide Avenue left turn lanes
 - Install Flashing Yellows (FYA) on all approaches

The anticipated construction cost of the recommended alternative is approximately \$136,000.

4TH STREET (BOULEVARD AVENUE TO CENTURY AVENUE)

Recommended Alternative:

- 3-lane section from Boulevard Avenue to Century Avenue (This recommendation is consistent with the NDDOT Local Safety Plan recommendation)
 - No on street parking
- 4th Street & Century Avenue Intersection
 - Re-align the Century Avenue left turn lanes to remove negative offsets
 - Install Flashing Yellows (FYA) on all approaches
 - Relocate light poles
- Divide Ave. & 4th Street Intersection
 - Increase length of Divide Avenue left turn lanes
 - Install Flashing Yellows (FYA) on all approaches
- Coordinate traffic signals along Boulevard Avenue between 3rd Street and 7th Street

The anticipated construction cost of the recommended alternative is approximately \$286,000.

7TH STREET (BOULEVARD AVENUE TO ROSSER AVENUE)

Recommended Alternative:

- Install 3 through lanes from Boulevard Avenue to Rosser Avenue
 - No parking on west side
- Improve lighting along 7th Street corridor, especially in the school zone at Bismarck High School
- Move stop bars further back from crosswalks.
- Install “Stop Here for Pedestrian” signing to get vehicles to stop further away from crosswalks.
- Add and improve signing and pavement marking to all pedestrian crossings to increase visibility

The anticipated construction cost of the recommended alternative is approximately \$98,000.

9TH STREET (BOULEVARD AVENUE TO ROSSER AVENUE)

Recommended Alternative:

- Install 3 through lanes from Rosser Avenue to Boulevard Avenue
 - No parking on east side
- Improve lighting along 9th Street corridor, especially in the school zone at Bismarck High School
- Move stop bars further back from crosswalks.
- Install “Stop Here for Pedestrian” signing to get vehicles to stop further away from crosswalks
- Add and improve signing and pavement markings to all pedestrian crossings to increase visibility

The anticipated construction cost of the recommended alternative is approximately \$96,000.

FRONT AVE/MEMORIAL HIGHWAY (MAIN AVENUE TO 12TH STREET)

Recommended Alternative:

- No build between Main Avenue and Washington Street
- 3-lane section from Washington Street to 12th Street (This recommendation is consistent with the NDDOT Local Safety Plan recommendation)
 - No on street parking
- Front Street & 3rd Street Intersection
 - Install Flashing Yellows (FYA) on all approaches
- Eliminate 2 accesses from strip mall north of Front Street near Washington Street

The anticipated construction cost of the recommended alternative is approximately \$72,620.

26TH STREET (AIRWAY AVENUE TO DIVIDE AVENUE)

Recommended Alternative:

- No build between Airway Ave. and Main Ave.

- 3-lane section from Main Ave. to Ave D.
 - No on street parking from Thayer Ave. to Ave D.
- No build between Ave D. and Divide Ave.

The anticipated construction cost of the recommended alternative is approximately \$24,000.

19TH STREET (DIVIDE AVENUE TO LASALLE DRIVE)

Recommended Alternative:

- 3-lane section from Divide Avenue to Capitol Avenue
 - No on street parking
- Between Capitol Avenue to Century Avenue, extend 3-lane section further south to accommodate turn lane at Basin Electric
- 3-lane section from Century Avenue to LaSalle Drive (This recommendation is consistent with the NDDOT Local Safety Plan recommendation)
 - Eliminate on street parking
- Between Yucca Avenue to 43rd Avenue
 - Extend urban from where it ends south of Yucca Drive to 43rd Avenue and strip as a 3 lane section with no parking
 - Re-align the 19th Street south approach to line up with the 19th Street north approach
 - Provide left turn lane and a right/through lane on south approach

The anticipated construction cost of the recommended alternative is approximately \$780,000.

WARD ROAD (DIVIDE AVENUE TO EDWARDS AVENUE)

Recommended Alternative:

- Realignment of Ward Road and College Drive

The anticipated construction cost of the recommended alternative is approximately \$354,000.

Conclusions

Based on the safety analysis and the existing and forecasted LOS results, various recommended alternatives were developed for each corridor within the study area. Some alternatives focus more on traffic operations and efficiency, while others are meant to mitigate safety concerns and crashes. Project stakeholders were included in the development of the preliminary alternatives and provided helpful insight. Utilizing various aspects of each of the proposed recommendation will be beneficial in improving traffic operations along each corridor and will also improve the overall safety at major intersections by reducing either the frequency of crashes or severity of crashes. Ultimately, these recommendations are intended to assist the corridors in functioning as the high-volume, high-mobility arterial roadways they should be.

Implementation

Evaluation of LOS, social impacts, comparison between advantages and disadvantages, cost comparisons, as well as overall construction feasibility were all considered in recommending a low-cost alternative. Prioritization should be given to alternatives that improve safety and driver

understanding relating to signing, striping, signalization, and improving visibility and line of sight at intersections.

It is recommended that a more thorough evaluation be conducted as a separate study before the future implementation of any of the proposed alternatives. This further analysis should include any site-specific traffic volumes and turning movement counts, signalization timings, and should also take into consideration details regarding existing utilities and nearby landowners as relevant to the proposed alternative project location.

Prioritization

Lists prioritizing the corridors for each city are provided below. These lists may be used as a guideline when deciding which corridor should be studied further for alternative implementation as funds are made available. The prioritization ranking is based on forecasted 2040 LOS as well as the segment and intersection crash rates associated with each corridor and its major intersections.

The Bismarck corridors are listed in order of highest priority (1) to lowest priority (9) below:

1. 9th Street (Boulevard Avenue to Rosser Avenue)
2. 7th Street (Boulevard Avenue to Rosser Avenue)
3. Washington Street (Calgary Avenue to Divide Avenue)
4. Front Avenue/Memorial Highway (Main Avenue to 12th Street)
5. Divide Avenue (Schafer Street to Bismarck Expressway/ND Highway 810)
6. 19th Street (Divide Avenue to LaSalle Drive)
7. 26th Street (Divide Avenue to Airway Avenue)
8. 4th Street (Century Avenue to Boulevard Avenue)
9. Ward Road (Edwards Avenue to Divide Avenue)

The Mandan corridors are listed in order of highest priority (1) to lowest priority (11) below:

1. Main Street /Business I-94 (ND Highway 25 to Twin City Drive)
2. Collins Avenue (Main Street to Oil Red Trail)
3. 3rd Street (ND Highway 6 to Memorial Highway)
4. Sunset Drive/6th Avenue NW (Main Street to Oil Red Trail)
5. ND Highway 1806 South (Main Street to 19th Street)
6. ND Highway 6 (Main Street to 19th Street NW)
7. Old Red Trail (Mandan Avenue to Sunset Drive)
8. Mandan Avenue/ND Highway 1806 (Main Street to Old Red Trail)
9. ND Highway 1806 North (Old Red Trail to 38th Street)
10. 19th Street (ND Highway 6 to ND Highway 1806)
11. Division Street (Sunset Avenue to 8th Avenue NE)

SUGGESTED MOTION: Move to approve the second consideration of Ordinance No. 1245 creating and enacting Article 5, Chapter 18 of the Mandan Municipal Code related to abandoned, found, recovered and unclaimed property.

ORDINANCE NO. 1245

An Ordinance to Add and Enact Article 5 to Chapter 18, of the Mandan Municipal Code related to abandoned, found, recovered and unclaimed property

WHEREAS, The Mandan Police Department receives numerous items in various ways, and

WHEREAS, It is necessary to comply with state law in the retention and disposal of these items, and

WHEREAS, Updates are needed to the language contained in the Mandan Municipal Code.

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

Section 1. Article 5 of Chapter 18 is created to read.

ARTICLE 5. - Abandoned, found, recovered and unclaimed property.

Sec. 18-5-1. – Abandoned or unclaimed property.

Abandoned or unclaimed property, excluding contraband, vehicles and firearms, shall be disposed of in the following manner.

- (1) Held for not less than 15 days before being offered for public sale or disposed of.
 - a. Items that have a value of less than \$50 may be disposed of.
 - b. An item may be given to a city department that has use for the item.
 - 1. The department receiving the item shall take full possession of the item and log it into their inventory as appropriate.
 - 2. If the owner of the item appears within 6 months to lay claim to the item, the department receiving the item shall return it to the owner upon payment to the city of expenses incurred by the city in acquiring, storing and disposing of the item.

- c. Items that have a value of \$50 or more that have not been transferred to a department under subsection b. shall be offered for sale.
- (2) Sale shall be either by local auction administered by the city or a contract agent or by an on-line auction administered by an on-line auction company.
- (3) Notice of sale giving time, place and contact information shall be published in a newspaper of general circulation in the city at least ten days prior to sale. Notice of the sale may also be posted on the city's web site.
- (4) Proceeds of sale shall be deposited in the general fund and an itemized record kept by the city finance director for 6 months of items sold and the value received.
- (5) If the owner of an item sold at auction appears within 6 months of the date of the auction and presents proof of ownership acceptable to the city, the city shall pay to the owner the proceeds of the sale less any expenses incurred by the city in acquiring, storing and disposing of the item.
- (6) Should an item offered for sale not be sold, it may be donated by the city to any appropriate entity.

Sec. 18-5-2. – Fair treatment standards for victims and witnesses.

The city shall follow the provisions of NDCC 12.1-34-02 (9).

Sec. 18-5-3. – Return of recovered stolen or embezzled property.

The return of recovered stolen property that has entered the court system shall be governed by the requirements of NDCC 29-01-20 through 29-01-23.

Sec. 18-5-4. – Forfeiture of dangerous weapon or firearm by person arrested and convicted of crime.

In conformance with the provisions of NDCC 62.1-01-02, a dangerous weapon or firearm may be seized and disposed of by the city.

Sec. 18-5-5. – Finder-Depositary for hire - Assumption of ownership by finder.

A person who finds lost property or money and turns it in to the city may claim the property or money after it has been held by the city for 30 days and no one has appeared to provide suitable evidence of ownership. Should the person who turned in the property not return to claim it, the property shall be disposed of as provided in Sec. 18-5-1.

Sec. 18-5-6. – Compensation and reward to finder.

As set forth in NDCC 60-01-37, a person who finds and preserves lost property is entitled to compensation if the owner subsequently appears to claim the item.

Sec. 18-5-7. – Abandoned motor vehicle.

Abandoned motor vehicles shall be disposed of in conformance with the requirements of NDCC 39-26, except as noted below.

- (1) An abandoned motor vehicle may be disposed in the manner described in Sec. 18-5-1.
- (2) Once the city has reimbursed itself from the proceeds of the sale of an abandoned motor vehicle for expenses incurred in the towing, preserving or storing of the abandoned motor vehicle and expenses incurred in the issuance of notices or publication of notices in a newspaper of general circulation for the sale of the abandoned motor vehicle, any remaining amounts shall be deposited in the city’s general fund.

Sec. 18-5-8. – Immediate ticketing and towing.

Nothing in this section shall prevent the city from immediately ticketing and towing a vehicle that is found to be blocking a public street travel lane, a private driveway, a fire hydrant or a fire lane.

Section 2. Article 5, Chapter 18 is enacted as presented.

Tim Helbling, President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

First Consideration:
Second Consideration and Final Passage:
Publication Date:

July 19, 2016
August 2, 2016
August 26, 2016