

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

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- A. ROLL CALL:
1. Roll call of all City Commissioners.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:
1. Consider approval of the minutes from the January 19, 2016 Board of City Commission Regular Meeting.
- E. PUBLIC HEARING:
- F. BIDS:
- G. CONSENT AGENDA:
1. Consider the following proclamations:
i. Proclaiming 2016 as the Year of "WE SUPPORT THE BADGE" in the City of Mandan.
ii. Proclaiming May 21, 2016 as National Kids to Parks Day in the City of Mandan.
2. Consider approval of a correction in 2015 True & Full Value for land owned by Mike & Gwen Brady (Lower Heart River Water Resource District.)
3. Consider designating April 30-May 7, 2016 as "Spring Clean-Up Week" in the City of Mandan.
4. Consider moving forward with the Big Sky Sanitary Sewer Extension project and approve the advertisement for bids.
5. Consider moving forward with the Annual Water main Replacement project and approve the advertisement for bids.
6. Consider the following games of chance:
i. Our Place Motorcycle Club at HIT Inc. on March 19, 2016.
ii. Ronald McDonald House at Signature Events on May 7, 2016.
7. Consider annual leave carryover for Engineering Project Manager, Kim Fettig.
- H. OLD BUSINESS:

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Mandan City Commission
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I. NEW BUSINESS:

1. Consider approval of the Resolution creating district, Resolution approving Engineer's Feasibility Report, Resolution approving of Plans and Specifications, Resolution determining sufficiency of petition, and Resolution directing advertisement for bids for Street Improvement District No. 204, Project No. 2016-06 (Lakewood 9th Addition).
2. Consider approving the Feasibility Report and to approve of the Resolutions creating the district, approving Engineer's Report, approving Plans and Specifications, and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction)
3. Consider various recycling items.

J. RESOLUTIONS AND ORDINANCES:

1. Second Consideration and Final Passage of Ordinance 1233 related to water meter installation.
2. Second Consideration and Final Passage of Ordinance 1234 An Ordinance to Amend and Re-enact Sections 4-1-3, 4-2-20(c) and 4-2-20(d)(2) of the Code of Ordinances of the City of Mandan relating to hours of alcohol sales.

K. OTHER BUSINESS:

L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. February 16, 2016 (5 p.m.)
2. March 1, 2016
3. March 15, 2016

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.

The Mandan City Commission met in regular session at 5:00 p.m. on January 19, 2016 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota.

Commissioners present were Van Beek, Tibke, Rohr, Braun and Laber. Department Heads present were Finance Director Welch, Police Chief Ziegler, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development & Communications Director Huber, Planning & Engineering Director Froseth, Planner Decker, Project Manager Fettig, and Assessor Shaw. Absent: Building Official Lalim.

B. APPROVAL OF AGENDA: Commissioner Laber requested that a second topic, “Safety Committee”, be added to Other Business on the Agenda. Commissioner Laber moved to approve the Agenda. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

C. PUBLIC COMMUNICATIONS: Mayor Van Beek invited anyone interested to speak for or against any items on the Agenda to come forward. A second announcement was made for anyone to come forward to speak on the Agenda. Hearing none, this portion of the Public Communications was closed.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission of January 5, 2016 regular meeting.* Commissioner Braun moved to approve the minutes as presented. Commissioner Laber seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

1. *Consider Approving Special Assessment Policy.* Planning & Engineering Director Froseth stated that during the 2015 ND Legislative session the legislature added a new section to the ND Century Code that requires the governing body of a City with a population of more than 10,000 people to adopt a written Special Assessment Policy. City staff has worked on this since the legislature mandated this policy. Phyllis Hagar, (who has worked on Special Assessments with the City for over 20 years), and Kim Fettig, (who has worked with Special Assessments in some capacity for the last 10 years), have done the majority of the legwork on putting this policy together. Their efforts included reaching out to other larger cities within the state to understand their policies. They also reviewed what the City of Mandan has typically done with past assessment projects while incorporating their own experience and recollection of those projects. The proposed written policy is a formal reiteration of the methods that the City currently utilizes to assess costs to projects of benefiting projects. Meetings have occurred with City staff and the City attorney to review and approve of the draft policy as presented. February 1, 2016, is the date the legislature designated as to when the policy is to be in place. If the policy is deemed to be agreeable to the City Commission, Director Froseth requested it be approved.

Commissioner Laber stated she has reviewed the policy and provided questions to Director Froseth previously. She noted that there is listed a flood protection provision and

there is not a lot of assessment strategy for the flood protection now or into the future. Director Froseth stated that the section on flood protection is simple and covered in one sentence. Those costs will have to be addressed at the time the flood district costs would occur. He stated that the provision in the sentence is comparable to the way the storm sewer assessment district area would be based. Commissioner Tibke commented that another meeting may be needed if the City decides to go forward with ideas for future assessment policies specific to new developments. Director Froseth commented that the intent behind the creation of the policy is to assure there is fairness in place when special assessments are considered.

Mayor Van Beek announced this is a public hearing and invited anyone interested to come forward to speak for or against the City of Mandan Special Assessment Policy. A second announcement was made for anyone to come forward to speak on this matter. Hearing none, this portion of the public hearing was closed.

Commissioner Braun moved to approve the City of Mandan Special Assessment Policy. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

F. BIDS:

1. *Consider low bid for South Side Pump Station Emergency Generator.* Director of Public Works Wright stated that the emergency generator project was approved by the City Commission on August 18, 2015. The generator will supply emergency power to the water pump station and Emergency 911 Communications tower located in the Plainview Heights area. The project is part of a FEMA mitigation program wherein the City secured 75% federal funding assistance and 10% state funding assistance. On January 12th five bids were opened for the project with Skeel's Electric, Bismarck, as the low bidder at \$210,075 for the construction of the project with the Engineer's Estimate at \$215,000. It was recommended to accept the low bid from Skeel's Electric.

Commissioner Laber moved to approve the bid to the low bidder Skeel's Electric. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

G. CONSENT AGENDA

1. *Consider approval of monthly bills.*
2. *Consider approval of pledge of securities reports as required by NDCC 21-04.*
3. *Consider advertisement for Wastewater Treatment Facilities purchase of a new skid-steer type machine.*
5. *Consider approval of first replat of Block 2, Sharon Heights Fourth Addition*
6. *Consider approval of the following abatements: (i) Correction in 2015 True & Full Value for Clifford Mund – 4404 Highland Road NW. (ii) Correction in 2015 True & Full Value for Dave & Kathleen Kottsick – 1704 Canyon Road SW.*
7. *Information item, Wastewater Treatment Facility Change Orders.*

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8. *Consider the request from the Finance Department to dispose old records in accordance with the North Dakota Records Management Program.*
 9. *Consider appointing Attorney Patrick Brooke as additional alternate judge for Municipal Court.*
 10. *Consider a correction in 2015 True & Full Value for HIT, INC for property used as Group Home for Disabled Persons.*
 11. *Consider Agreement for Cost-Share Reimbursement for Mandan Water System Improvements Project 2015.*
 12. *Consider the Amendment to Traffic Safety Contract from the North Dakota Department of Transportation, Traffic Safety Office.*

Commissioner Laber moved to approve the Consent Agenda items No. 1 through No. 3 and No. 5 through No. 12 with exception to No. 4 and No. 13 to be removed for discussion. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Consider approval of an assignment and consent agreement with EVI Mandan Apartments LLC for TIF exemption for 200 W Main Street.* Commissioner Laber requested further information with regard to the transfer from the developer to another party and the rights and responsibilities that the City has with the original motion or the original TIF to the new owner. City Attorney Brown explained that the tax exemption is actually granted to a project consisting of real estate, buildings, etc. and not to the developer itself. There is no requirement in state law or in the City of Mandan agreement that would prohibit the original applicant from transferring it to another one. This allows all the benefits of the tax exemption and the responsibilities to flow with the assignment. EVI Apartments are stepping into the shoes of CRT Investments, the original applicant, and they will have the same responsibilities to complete the project. It is a benefit to the project not to the developer. Commissioner Rohr asked for clarification if this is for the transfer of the apartment portion. Business Development & Communications Director Huber replied that is correct. The Renaissance Zone exemption expired at the end of 2015 for the building in its entirety which includes approximately 3,000 sq. ft. of commercial space at street level. She stated that the apartment portion of the project will be subject to this agreement.

Commissioner Laber moved to approve the assignment and consent agreement with EVI Mandan Apartments LLC for the TIF exemption for the apartment portion of 200 W Main Street. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

13. *Consider Public Comment letter to EPA concerning chemical applicator training rule change.* Director of Public Works Wright stated that the intent of the proposed letter is to serve as a public comment on behalf of the City of Mandan for the EPA rule changes for chemical applicator training. The letter was prepared by Joe Camisa, the Code Enforcement Officer, and the Weed Board recommended approval of

the letter to be included in the EPA public comment process. Commissioner Laber stated she was surprised at the increase in costs that NDSU Extension Service said that implementing this rule would be between \$7.5 million to \$15.6 million in North Dakota alone. City Attorney Brown stated he has reviewed the letter and said that it will have significant cost impact on the City of Mandan and other cities throughout the state. EPA wants people to comment and this serves as our comment. Joe Camisa stated that he has not discussed this matter with Morton County but he has met with the State Weed Board. He said there are very few counties that are in support of these rule changes. Mandan will most likely join the group that has come out against these changes in addition to the Extension Service. Director Wright said that currently the City has three current applicators with two additional being Joe Camisa and the arborist is the other one. So the City will have a total of five applicators. Commissioner Laber requested staff make sure that Morton County is aware that this is coming to the forefront so they can also submit a letter to the EPA if they deem it appropriate.

Joe Camisa said that at the Weed Board meeting there was much discussion and opposition to this. He said that he has not spoken directly with any of the counties in relation to Mandan. He said a good share of the costs will be related to sending out additional inspectors for requirements such as new reporting and new age requirements. There will be a new group of individuals that will now be required to do reporting resulting in additional costs for that. EPA noted that there is about an \$185,000 benefit to the state of North Dakota such as in worker comp claims and those types of benefits they will gain. NDSU Extension Service and the Weed Control Association pointed out a huge contrast between the two. This will affect everyone across the nation, not just North Dakota. Commissioner Rohr stated he is opposed to far reaching federal implementation because the rules and regulations can get very bureaucratic wherein they expect us to do things but they do not want to pay for it. Anything the City can do to protest it, he stated he is in favor of it. Camisa stated that the rationale for this rule change is to have tighter standards for EPA noting there has been work in progress to change the standards since the 1980's. In North Dakota, there have not been any pesticide related deaths for over 20 years and according to the Extension Service, there is about an 85% compliance rate. They said these changes should not affect us (North Dakota) too much in compliance or for preventing more injuries. It is unknown how that will affect other states as to what kind of compliance rates they have.

Commissioner Laber moved to approve that the letter be sent to the US Environmental Protection Agency prior to the closing of the public comment period. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Consider Mandan Growth Fund (MGF) Committee recommendations:* Business Development & Communications Director Huber reviewed the following:

(i) *Policy changes for Storefront Improvement programs.* This matter has to do with compliance with the Business Incentive Accountability Law with regard to the Storefront Improvement Program. This requires all political subdivision grantors to enter into a Business Incentive Agreement (BIA) with any business that receive an incentive of \$25,000 or more within a year. This item came up because the level of matching funds for the Storefront Improvement projects was increased in October 2013 from a maximum of \$10,000 per property to a ceiling of \$30,000 with a provision for consideration of as much as \$60,000 for larger downtown corner properties with multiple stories. This would be incorporated into the storefront application information so that applicants are aware of the requirements. City Attorney Brown had recommended extending the loan or claw back period for the storefront improvement recipient agreements to five years. Currently the matching funds are completed for storefront projects as an interest free loan that is pro-rated and forgiven over the course of three years contingent upon project completion and the building remaining intact. This will change that from three to five years with a longer period for that to remain intact. With the BIA there is a provision in the public purposes for community development projects and they are going to have neither a goal of retaining nor creating jobs because the goal and incentive is being provided for by the property improvement itself. The Mandan Growth Fund Committee recommended approval of these two changes for Business Incentive Agreement for storefront improvement recipients and to increase the forgivable loan period for the associated matching funds to five years.

Commissioner Braun moved to approve the recommended changes in policies and procedures for the Storefront Improvement Program. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

(ii) *Storefront Improvement Application for Schmidt Car Sales at 3420 Memorial Highway.* Business Development & Communications Director Huber stated that Dustin Schmidt is proposing to make improvements to the property located at 3420 East Memorial Highway. The business was previously called Rohrich Auto Sales.

Mr. Schmidt will be investing nearly \$132,000 for exterior improvements and also an entire interior remodel for a total project cost of approximately \$275,000. The application provides plans to replace siding with new sheet metal, colored stucco, installing additional windows including front display windows, an automatic door and landscaping. The Mandan Growth Fund Committee recommended approval of up to \$30,000 in matching funds for the Storefront Improvement project by Schmidt Sales LLP at 3420 Memorial Highway. Mr. Schmidt and the contractor were present to answer any questions.

Commissioner Tibke moved to approve providing up to \$30,000 in matching funds for the Storefront Improvement Project by Schmidt Sales LLP at 3420 Memorial Highway. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes;

Commissioner Van Beek: Yes. The motion passed. Attorney Brown stated that Mr. Schmidt and his companies are clients of his but stated that he was not involved in this application.

2. *Consider appointment of Shadd Piehl to the Dakota Media Access Board of Directors.* Commissioner Laber said that she is a member of the Dakota Media Access Board as a function of being on the Mandan City Commission. A radio station is being organized and it will be found at FM 102.5 with a “go-live” date at the end of January. It was suggested to organize an Advisory Committee. It was felt that the Radio Station should have a representative on the DMA Board of Directors. It was recommended to appoint Shadd Piehl to the Dakota Media Access Board of Directors.

Commissioner Braun moved to approve the appointment of Shadd Piehl to the Dakota Media Access Board of Directors with a term ending July 1, 2020. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider request to advertise for Request for Proposals for Professional Architectural Services for Public Works Expansion.* Director of Public Works Wright stated the City Commission approved the partial use of HUB City funds for construction of additional storage, office and mechanic space and a salt/sand storage facility at the existing Public Works Shop. This expansion will cover immediate needs for storage and office space. He explained that the first step is to advertise for architectural services. He reviewed the timeline of securing services commencing on January 22, 2016 up through March 15, 2016. At that time the proposals would be reviewed and a firm would be chosen and submitted to the City Commission at the March 15, 2016 meeting. Director Wright recommended moving forward with the advertisement for this project.

Commissioner Laber stated that the land is being used well for these projects. She wondered if one month would be sufficient time to determine architectural services since there are so many components to the project. Director Wright stated the timeline presented is not for the design of the project. Rather, prospective architects will give examples of what they have done in the past and the City would determine if they are capable of doing this project. When the firm has been chosen, then the design of the building will be taken into consideration. Commissioner Rohr stated there have been discussions on the expansion project over the last 4-5 years.

Commissioner Laber moved to approve to advertise for Professional Architectural Services for the expansion of the existing Public Works Facility. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *First consideration of Ordinance 1233 related to water meter installation.*

Planner Decker explained that this is a request for a correction. He explained that when the City went from the old Code to the new Code, a sentence was added about requiring contractors to follow our standards for installing water meters. That sentence got left out when the new Code was added so this represents language to correct that inadvertent omission. Commissioner Tibke moved to approve the First consideration of Ordinance 1233 related to water meter installation. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Second Consideration and Final Passage of Ordinance No. 1224 renaming street in Lakewood Commercial Park Fourth Addition.* Commissioner Tibke moved to approve the Second Consideration and Final Passage of Ordinance No. 1224 renaming street in Lakewood Commercial Park Fourth Addition. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Second Consideration and Final Passage of Ordinance No. 1225 amending Section 105-4-4 of the municipal code relating to floodplains.* Commissioner Laber moved to approve the Second Consideration and Final Passage of Ordinance No. 1225 amending Section 105-4-4 of the municipal code relating to floodplains. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *First consideration of Ordinance 1234 An Ordinance to Amend and Re-enact Sections 4-1-3, 4-2-20(c) and 4-2-20(d)(2) of the Code of Ordinances of the City of Mandan relating to hours of alcohol sales.* City Administrator Neubauer stated that when the topic of when alcohol can be sold early on Sundays, we did a review of the City's Code and determined that the language indicated that establishments could be open the same hours that is allowed by state law which is they can be open from 11 a.m. to 2 a.m. Bismarck has gone with closing at 1 a.m. The language being proposed includes being open at 11 a.m. on Sunday if the establishment wishes to be open at that time, but closing at 1 a.m. There have been a couple of inquiries about the 11 a.m. time. However, no one has expressed interest in staying open until 2 in the morning. It was recommended to insert the actual hours rather than as "stated in state law". Commissioner Rohr moved to approve the First consideration of Ordinance 1234 An Ordinance to Amend and Re-enact Sections 4-1-3, 4-2-20(c) and 4-2-20(d)(2) of the Code of Ordinances of the City of Mandan relating to hours of alcohol sales. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: No; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

5. *Consider for approval the Resolution amending fees and charges administered by the Public Works Department.* Director of Public Works Wright stated that when reviewing the fees and charges it was decided that some changes and clarifications needed to be made. The major changes were for the weed control and grass cutting fees and the cleanup of private lots that are not within compliance to the weed and grass cutting ordinance. The previous fee for that was \$150/hr., with a minimum of one hour charge. There will now be a \$150 flat fee charged in addition to the hourly fee of \$150 for every time the City goes onto that private lot to mow or maintain weed control. There were also a few minor changes to equipment rates that were a little out of line from private contractors. Commissioner Laber requested that a spreadsheet be prepared indicating the actual costs of these services as to what it normally costs in comparison to market rate costs of services when provided by the City. Mayor Van Beek clarified that the \$150 rate is above market rate costs. He explained that the City is not in the business of taking care of resident's lawn mowing and other services. So the (inflated) rates were determined based on encouraging citizens to take care of their own properties.

Commissioner Laber moved to approve the Resolution amending fees and charges administered by the Public Works Department. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS:

1. Mayor Van Beek announced that a Corridor Improvements Study Public Involvement meeting will be held in the Veterans' Memorial Conference Room of City Hall on January 26th from 5:30-7:30 with a presentation at 6:00 p.m.

2. *Safety Committee:* Commissioner Laber stated that the City of Mandan has a Safety Committee that meets once a month. Recently some of the Safety Committee duties have been officially assigned to certain members of staff. There has been some fluctuation as far as what kinds of Workforce Safety rates and questions regarding the Committee as being effective. She stated she looks at it as being part of a Finance portfolio because there are financial ramifications and that touches all departments within the City. Sandy Tibke, Finance portfolio holder, indicated she would be willing to sit on the Safety Committee representing the City Commission to make sure the transition goes well. Julie Frye was requested to add Sandy Tibke to the Safety Committee agendas going forward.

Commissioner Laber moved to have the Finance portfolio holder member of the City Commission sit on the Safety Committee. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 5:50 p.m. Commissioner Laber

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

James Neubauer,
City Administrator

Arlyn Van Beek,
President, Board of City
Commissioners



"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	667-8184
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

The Year of "WE SUPPORT THE BADGE" Proclamation - 2016

- Whereas* all citizens deserve to feel safe and protected in their homes, schools, businesses and communities; and
- Whereas*, law enforcement professionals deal with many difficult situations in their efforts to protect citizens from harm; and
- Whereas* the WE SUPPORT THE BADGE initiative targets the development of strategies that will lead to the recruitment of individuals to serve in our communities as law enforcement professionals and to engage students in considering careers in law enforcement; and
- Whereas* the initiative works to bring diverse community groups, businesses and individuals together in recognition of the role law enforcement plays daily in their personal and professional lives; and
- Therefore*, be it resolved that the Board of City Commissioners of the City of Mandan and I, Arlyn Van Beek, Mayor of the City of Mandan, North Dakota do hereby proclaim the year of 2016 as

The Year of "WE SUPPORT THE BADGE"

in the City of Mandan, ND, and do encourage all citizens to support local law enforcement, recognize their efforts to make our communities safe for all citizens regardless of race, religion, gender or culture, and to honor and respect those who serve and protect.

Signed this 2nd day of February, 2016

Arlyn Van Beek, President
Board of City Commissioners

Attest:

James Neubauer, City Administrator



"WHERE THE WEST BEGINS!"

CITY OF MANDAN

MANDAN CITY HALL - 205 2nd Avenue NW

MANDAN, NORTH DAKOTA 58554

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CITY DEPARTMENTS

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

National Kids to Parks Day Proclamation Saturday, May 21, 2016

WHEREAS, May 21st, 2016 is the sixth Kids to Parks Day organized and launched by the National Park Trust; and

WHEREAS, Kids to Parks Day empowers kids and encourages families to get outdoors and visit America's parks; and

WHEREAS, it is important to introduce a new generation to our nation's parks because of the decline in Park attendance over the last decades; and

WHEREAS, we should encourage children to lead a more active lifestyle to combat the issues of childhood obesity, diabetes mellitus, hypertension and hypercholesterolemia; and

WHEREAS, Kids to Parks Day is open to all children and adults across the country to encourage a large and diverse group of participants; and

WHEREAS, Kids to Parks Day will broaden children's appreciation for nature and the outdoors; and

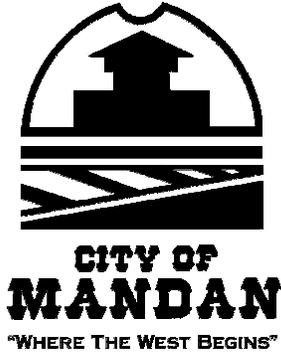
NOW THEREFORE, as the Mayor of the City of Mandan, ND, I do hereby proclaim to participate in **National Kids to Parks Day**. I urge residents of Mandan to make time May 21, 2016 to take the children in their lives to a neighborhood, state or national park.

Signed this 2nd day of February, 2016

Arlyn Van Beek, President
Board of City Commissioners

Attest:

James Neubauer, City Administrator



Board of City Commissioners

Agenda Documentation

MEETING DATE: February 2, 2016
PREPARATION DATE: January 25, 2016
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Shirley Shaw
PRESENTER: Shirley Shaw
SUBJECT: Mike & Gwen Brady;
Lower Heart River Water Resource District

STATEMENT/PURPOSE: To consider a correction in 2015 True & Full Value for land owned by Mike & Gwen Brady.

BACKGROUND/ALTERNATIVES: This parcel is also known as Parcel #65-5735000; Lot A of NW1/4SW1/4SW1/4 Sec. 26-139-81; City ID # 2876

Reason for abatement: This vacant land received the standard vacant land value increase in 2015 the same as all vacant land. This was a standard increase and we had no documentation on the land use. Documentation was received in January from Toman Engineering proving the use of this land. This land is used as the Interior Drainage System for the Lower Heart River Water Resource District. This area is used to store the city's storm water during the spring runoff when the storm water outfall valves are closed due to high water levels in the Heart River. This property cannot be used for any other purpose.

ATTACHMENTS: Abatement Application, Letter from Toman Engineering Company explaining the use of land, maps showing the area, Property record sheet, printout of Morton County Tax Statement

FISCAL IMPACT: Approximately \$757.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: consider a correction in 2015 True & Full Value for land owned by Mike & Gwen Brady (Lower Heart River Water Resource District)

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RECOMMENDATION: I recommend a motion to approve the 2015 value change for the vacant land being used by the Lower Heart River Water Resource District.

SUGGESTED MOTION: A motion to approve the 2015 value change for the vacant land being used by the Lower Heart River Water Resource District.

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: consider a correction in 2015 True & Full Value for land owned by Mike & Gwen Brady (Lower Heart River Water Resource District)

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Application For Abatement Or Refund Of Taxes
North Dakota Century Code § 57-23-04

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

State of North Dakota, Assessment District City of Mandan, County of Morton, Property I.D. No. 65-573500, Name Mike & Gwen Brady, Address 120 6th Ave SE Mandan

Legal description of the property involved in this application: Lot A of NW 1/4 SW 1/4 SW 1/4 Sec. 26 - 139-81

Total true and full value of the property described above for the year 2015 is: Land \$ 65000, Improvements \$ 0, Total \$ 65000

Total true and full value of the property described above for the year 2015 should be: Land \$ 200, Improvements \$ 0, Total \$ 200

The difference of \$ 64,800 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 destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(i)(g))
8. Error in noting payment of taxes, taxes erroneously paid
9. Property qualifies for Homestead Credit according to N.D.C.C. § 57-02-38.1. Attach a copy of Homestead Credit Application.
10. Other (explain) Lower Heart River Water Resource District

The following facts relate to the market value of the residential or commercial property described above. For agricultural property, go directly 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? yes/no Estimated value: \$
2. Has the property been offered for sale on the open market? yes/no If yes, how long?
Asking price: \$ Terms of sale:
3. The property was independently appraised: yes/no 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):

Applicant asks that corrects be made to reflect value of unusable land that is used for Heart River Water Resource District. See Attached letter from Toman Engineering.

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 governmental matter, that this application is, to the best of my knowledge and belief, a true and correct application.

Signature of Applicant: [Signature] Date: 1-25-16

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: consider a correction in 2015 True & Full Value for land owned by Mike & Gwen Brady (Lower Heart River Water Resource District)

Page 4 of 11

January 21, 2016

Shirley Shaw
Mandan City Assessor
205 2nd Ave. NW
Mandan, ND 58554



RE: Michael & Gwendolyn Brady Property
Lot A of NW-1/4 SW-1/4 SW-1/4, Section 26, T139N-R81W
304 6th Ave. SE, Mandan, ND 58554 – 3.25 Acre
TECo #7002-16

Dear Ms. Shaw,

As we discussed earlier today, Auditor's Lot A is part of the Interior Drainage System for the Lower Heart River Water Resource District. This area is used to store the City's storm water during the spring runoff when the storm water outfall valves are closed due to high water levels in the Heart River. This property can be used for no other purpose and is part of Flood Protection System.

I have attached two drawings showing the parcel in question and a drawing from the Corps of Engineers Operation and Maintenance Manual showing the Interior Drainage System.

I can be available for the February 2, 2016 City Meeting to answer any questions regarding the Interior Drainage System and this parcel of property. Let me know what time the meeting will be.

Sincerely,

Ronald W. Manchester, PE
TOMAN ENGINEERING CO.

Enc

Cc Mike Brady

701-683-6483 | Fax: 701-683-0923 | **TOMAN ENGINEERING**
501 1st St NW | Mandan, ND 58554 | **COMPANY**
Civil Engineers & Land Surveyors

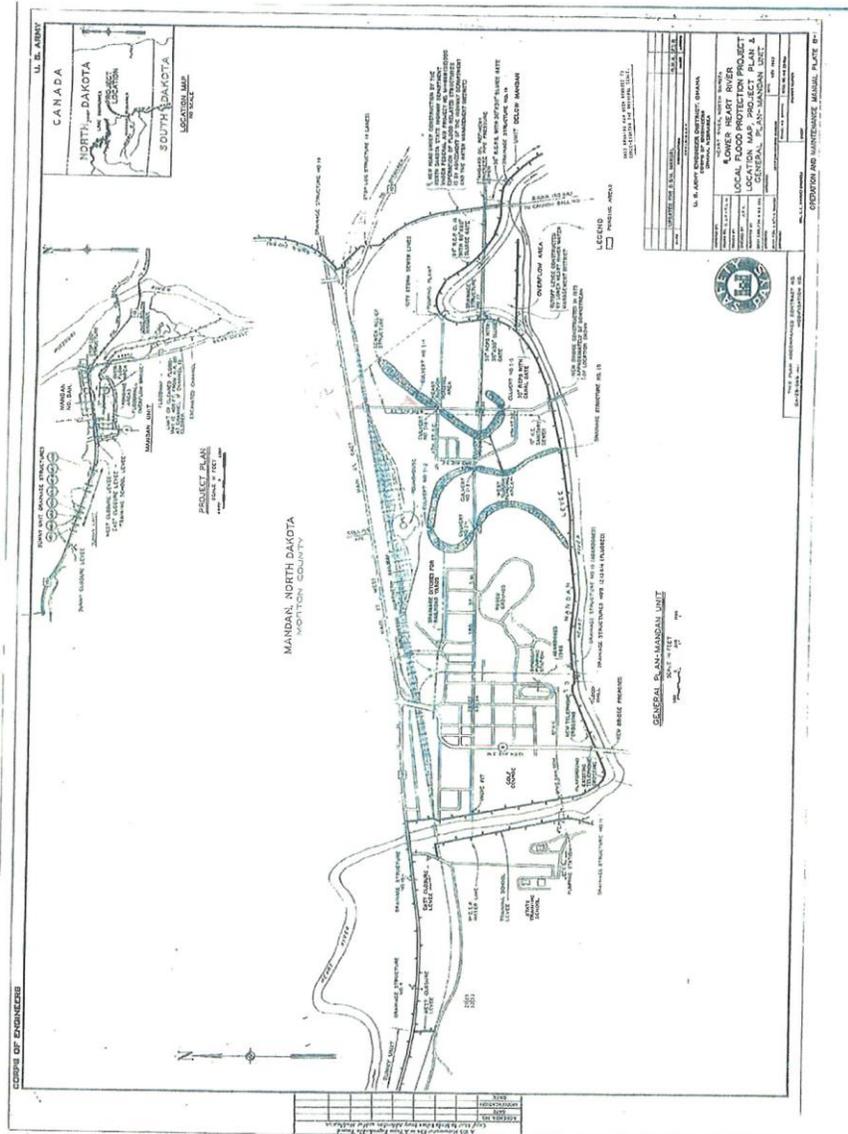
Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: consider a correction in 2015 True & Full Value for land owned by Mike & Gwen Brady (Lower Heart River Water Resource District)

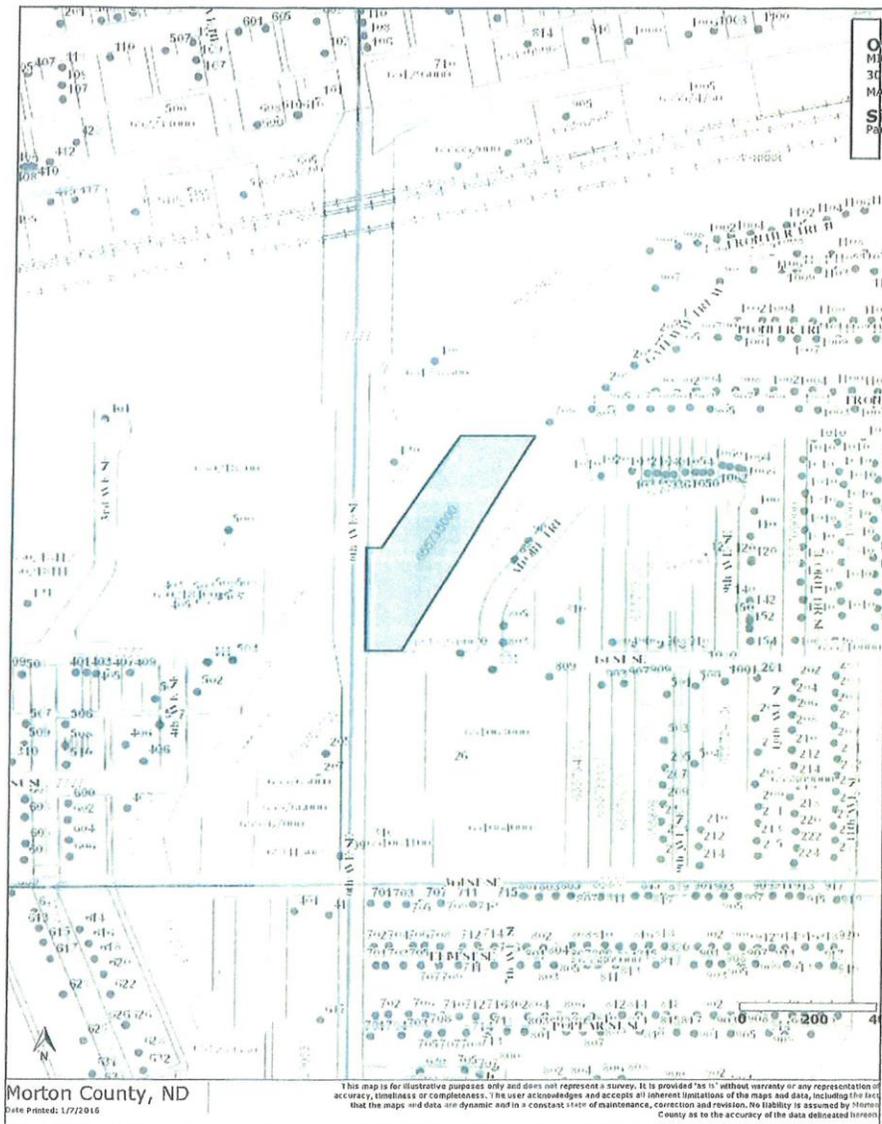
Page 5 of 11



Board of City Commissioners
Agenda Documentation
Meeting Date: February 2, 2016
Subject: consider a correction in 2015 True & Full Value for land owned by Mike &
Gwen Brady (Lower Heart River Water Resource District)
Page 6 of 11

Morton County, ND | Map Print

<http://mortonnd.mygisonline.com/print/?extent=1872315.43562271,4218...>



Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: consider a correction in 2015 True & Full Value for land owned by Mike & Gwen Brady (Lower Heart River Water Resource District)

Page 7 of 11



Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: consider a correction in 2015 True & Full Value for land owned by Mike & Gwen Brady (Lower Heart River Water Resource District)

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PDF+PIN: 012+65-5735000
 Mon, 1/25/2016, 10:34 AM Page 2

Prior Year	Comment	Value Type	Location	Class	Land Value	Dwelling Value	Improvement Value	M & E Value	Total Value
1991		Import	Urban	Res	\$200	\$0	\$0	\$0	\$200
1992		Import	Urban	Res	\$200	\$0	\$0	\$0	\$200
1993		Import	Urban	Other	\$200	\$0	\$0	\$0	\$200
1994		Import	Urban	Other	\$200	\$0	\$0	\$0	\$200
1995		Import	Urban	Other	\$200	\$0	\$0	\$0	\$200
1996		Import	Urban	Other	\$200	\$0	\$0	\$0	\$200
1997		Import	Urban	Other	\$200	\$0	\$0	\$0	\$200
1998		Import	Urban	Other	\$200	\$0	\$0	\$0	\$200
1999		Import	Urban	Other	\$200	\$0	\$0	\$0	\$200
2000		Import	Urban	Other	\$200	\$0	\$0	\$0	\$200
2001		Import	Urban	Other	\$200	\$0	\$0	\$0	\$200
2002		Import	Urban	Other	\$200	\$0	\$0	\$0	\$200
2003		Import	Urban	Other	\$200	\$0	\$0	\$0	\$200
2004		Import	Urban	Other	\$200	\$0	\$0	\$0	\$200
2005		Import	Urban	Other	\$200	\$0	\$0	\$0	\$200
2006		Import	Urban	Other	\$200	\$0	\$0	\$0	\$200
2007		Import	Urban	Other	\$200	\$0	\$0	\$0	\$200
2008		Import	Urban	Other	\$200	\$0	\$0	\$0	\$200
2009		Import	Urban	Other	\$200	\$0	\$0	\$0	\$200
2010		Import	Urban	Other	\$200	\$0	\$0	\$0	\$200
2011		Import	Urban	Other	\$200	\$0	\$0	\$0	\$200
2012		Import	Urban	Other	\$200	\$0	\$0	\$0	\$200
2013		Import	Urban	Other	\$200	\$0	\$0	\$0	\$200
2014		Import	Urban	Other	\$200	\$0	\$0	\$0	\$200
2015	Import from County file.	Appr	Urban	Comm	\$65,000	\$0	\$0	\$0	\$65,000

Notes:

2016: THIS LAND IS PART OF THE INTERIOR DRAINAGE SYSTEM FOR THE LOWER HEART RIVER WATER RESOURCE DISTRICT. THIS AREA IS USED FOR THE CITY'S STORM WATER DURING THE SPRING RUNOFF WHEN THE STORM WATER CURTALL VALVES ARE CLOSED DUE TO HIGH WATER LEVELS IN THE HEART RIVER. THIS PROPERTY CAN BE USED FOR NO OTHER PURPOSE AND IS PART OF THE FLOOD PROTECTION SYSTEM. SS

Land Depreciation Notes:

Land basis 1: , RESTRICTED ACCESS

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: consider a correction in 2015 True & Full Value for land owned by Mike & Gwen Brady (Lower Heart River Water Resource District)

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Parcel Search Results

<http://ndpropertytax.org/tax/Parcel.asp?pid=65-5735000&tid=1&ci...>

As of :
12/21/2015

Parcel Number: **65-5735000**

Payable Year: 2015

[General Info](#) | [Tax Info](#) | [Current Receipts](#) | [Special Asmts](#) | [Unpaid Tax](#) | [History](#) | [View Maps](#)

General

Receipt #	2002	Name	MICHAEL H BRADY
ASMT	250 VACANT LAND	MP#	15064
Homestead	0 NON HOMESTEAD	MP Name	MICHAEL H BRADY
HS Percent	.00		

Market/Tax		Tax State	3.25	Gross Tax	909.20
T & F Land	65,000	Tax County	262.21	ST PD Cred	109.10
T & F Building	0	Tax Twp/Cty	216.65	Special Asmt	0.00
Total T & F	65,000	Tax School	313.92	Tax Due	800.10
Assessed	32,500	Tax Cnty.WD	5.14		
Taxable	3,250	Tax Increm	0.00	Disc Avail	40.00
HSTD Credit	0	Fire	0.00	Net Tax Due	760.10
Net Taxable	3,250	Park	97.89		
Mill Rate	279.75	Water	10.14	Tax AB/Addds	0.00
Statement #	2002			S A AB/Addds	0.00
		Tax Penalty	0.00		
		Tax Interest	0.00	Adj.NT.Due	760.10
		SA Penalty	0.00	Total Receipts	0.00
		SA Interest	0.00	Disc Taken	0.00
		Cost		Remain Due	760.10

[Another Search](#) | [Back to ParcelList](#) |

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: consider a correction in 2015 True & Full Value for land owned by Mike & Gwen Brady (Lower Heart River Water Resource District)

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Parcel Search Results

<http://ndpropertytax.org/tax/Parcel.asp?pid=65-5735000&tid=5&ci...>

As of :
12/21/2015

Parcel Number: **65-5735000**

Payable Year: 2015

[General Info](#) | [Tax Info](#) | [Current Receipts](#) | [Special Asmts](#) | [Unpaid Tax](#) | [History](#) | [View Maps](#)

5 Year Tax History

Year	Est Assessed	Taxable Net Taxable	Mill Rate	Abate/ Added	Special Asmts	Total Tax
2015	65,000 32,500	3,250 3,250	0.27975	0	0.00	800.10
2014	200 100	10 10	0.31405	0	0.00	2.76
2013	200 100	10 10	0.33116	0	0.00	2.91
2012	200 100	10 10	0.39446	0	0.00	3.95
2011	200 100	10 10	0.40338	0	0.00	4.03

[Another Search](#) | [Back to ParcelList](#) |



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	667-6814
ENGINEER/PLANNING & ZONING	667-3225
FINANCE	667-3213
FIRE	667-3288
HUMAN RESOURCES	667-3217
LANDFILL	667-0184
MUNICIPAL COURT	667-3270
POLICE	667-3955
PUBLIC WORKS	667-3240
WASTEWATER TREATMENT	667-3278
SPECIAL ASSESSMENTS	667-3271
UTILITY BILLING	667-3219
WATER TREATMENT	667-3275

PROCLAMATION

WHEREAS, Each spring a special week has been set aside to encourage city wide clean-up effort; and

WHEREAS, Experience has shown that the efforts put forth during this week help to prevent accidents and fires and does much to promote a clean, attractive community; and

WHEREAS, The citizens of Mandan have participated in this program to the common benefit of the individual property owners and the community as a whole.

NOW THEREFORE, I, ARLYN VAN BEEK, President of the Board of City Commissioners of the City of Mandan, do hereby proclaim the week of April 30th – May 7th, 2016 to be

“SPRING CLEAN-UP WEEK”

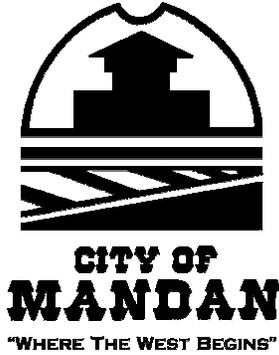
In the City of Mandan and do urge all citizens to participate in the efforts to keep Mandan the clean and attractive community that it is.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Mandan to be affixed on February 2nd, 2016.

Arlyn Van Beek, President
Board of City Commissioners

Attest:

James Neubauer City Administrator



Board of City Commissioners

Agenda Documentation

MEETING DATE: February 2, 2016
PREPARATION DATE: January 25, 2016
SUBMITTING DEPARTMENT: Public Works Dept.
DEPARTMENT DIRECTOR: Jeff Wright, Public Works Director
PRESENTER: Jeff Wright
SUBJECT: Consider moving forward with the Big Sky Sanitary Sewer Extension project and approve the advertisement for bids.

STATEMENT/PURPOSE:

Request to move forward with the Big Sky Sanitary Sewer Extension project and approve the advertisement for bids.

BACKGROUND/ALTERNATIVES:

The Big Sky Sanitary Sewer Extension is part of abandoning the existing temporary lift station that was installed to develop this subdivision. Development between Big Sky and Sunset Dr. has made it possible to connect the existing sewer main in Big Sky to the new sewer main installed in 2015. Extending the sewer main will eliminate lift station upgrades to pumps, alarm system and pumping costs.

ATTACHMENTS:

Advertisement for Bid, Project Design Sheet

FISCAL IMPACT:

The project would be funded by our Annual Pipe, Manhole and Lift Station Replacement funds within our Capital Improvements Plan.

RECOMMENDATION:

To move forward with project and approve the request to advertise for bids for the Big Sky Sanitary Sewer Extension.

SUGGESTED MOTION:

Move to move forward with project and approve the request to advertise for bids for the Big Sky Sanitary Sewer Extension.

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider moving forward with the Big Sky Sanitary Sewer Extension project and approve the advertisement for bids.

Page 2 of 3

**Advertisement for Bids
Big Sky Sanitary Sewer Extension
City of Mandan**

The City of Mandan Public Works Department will receive sealed bids at Mandan City Hall located at 205 2nd Ave NW, Mandan, ND 58554 until March 3, 2016 at 4:00 p.m. CDT at which time bids will be publicly opened and reviewed. All bidders are invited to be present at the opening of the proposals.

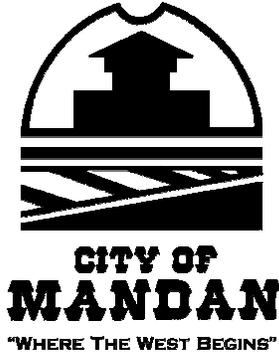
All bids shall be sealed and endorsed "Proposal for Big Sky Sanitary Sewer Extension" with the name of the person, firm or corporation submitting the bid. Bids shall include a copy of his contractor's license or certificate of renewal and contain a bidder's bond in the amount of five (5) percent of the bid. Bids must be submitted on forms provided by the City of Mandan Public Works Department and in accordance with detailed specifications and conditions therein contained. Copies of the bid proposal forms and detailed specifications may be obtained from the Mandan Public Works Department at 411 6th Avenue SW, Mandan, ND or at www.cityofmandan.com.

The City of Mandan Public Works Department reserves the right to hold all bids for a period of thirty (30) days after the date fixed for opening thereof and to reject any and or all bids and to waive irregularities whenever it is for the best interest of the City of Mandan.

Date: February 2, 2016

City of Mandan
Jim Neubauer
City Administrator

Legal Publications: February 12, 2016 and February 19, 2016



Board of City Commissioners

Agenda Documentation

MEETING DATE: February 2, 2016
PREPARATION DATE: January 25, 2016
SUBMITTING DEPARTMENT: Public Works Dept.
DEPARTMENT DIRECTOR: Jeff Wright, Public Works Director
PRESENTER: Jeff Wright
SUBJECT: Consider moving forward with the annual water main replacement project and approve the advertisement for bids.

STATEMENT/PURPOSE:

Request to move forward with the annual water main replacement project and approve the advertisement for bids.

BACKGROUND/ALTERNATIVES:

The 2016 water main replacement project will be a continuation of last year's project, generally located in the northeast part of Mandan along 2nd St NE from 9th Ave to and including 4th Ave NE. This project will stay ahead of Phase II of the SID in this same area that was started in 2015. A total of 9 blocks of old ductile iron water mains will be replaced along with valves, hydrants and water service connections. Lead service lines and bad curb stops will be replaced as needed. If total project is over our available funds the project will be scaled back within the budget.

ATTACHMENTS:

Advertisement for Bid, Project Design Sheet

FISCAL IMPACT:

The project would be funded by our Annual Water main Replacement funds within our Capital Improvements Plan.

RECOMMENDATION:

To move forward with project and approve the request to advertise for bids for the Annual Water main Replacement Project.

SUGGESTED MOTION:

Move to move forward with project and approve the request to advertise for bids for the Annual Water main Replacement Project.

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider moving forward with the annual water main replacement project and approve the advertisement for bids.

Page 2 of 3

**2016 Proposal for Equipment and Labor
To Install Various Water Mains within the City of Mandan**

The City of Mandan Public Works Department will receive sealed bids at Mandan City Hall located at 205 2nd Ave NW, Mandan, ND 58554 until March 3, 2016 at 3:00 p.m. CDT at which time bids will be publicly opened and reviewed. All bidders are invited to be present at the opening of the proposals.

All bids shall be sealed and endorsed "Proposal for Equipment and Labor to Install Various Water Mains within the City" with the name of the person, firm or corporation submitting the bid. Bids shall include a copy of his contractor's license or certificate of renewal and contain a bidder's bond in the amount of five (5) percent of the bid. Bids must be submitted on forms provided by the City of Mandan Public Works Department and in accordance with detailed specifications and conditions therein contained. Copies of the bid proposal forms and detailed specifications may be obtained from the Mandan Public Works Department at 411 6th Avenue SW, Mandan, ND or at www.cityofmandan.com.

The City of Mandan Public Works Department reserves the right to hold all bids for a period of thirty (30) days after the date fixed for opening thereof and to reject any and or all bids and to waive irregularities whenever it is for the best interest of the City of Mandan.

Date: February 2, 2016

City of Mandan
Jim Neubauer
City Administrator

Legal Publications: February 12, 2016 and February 19, 2016.

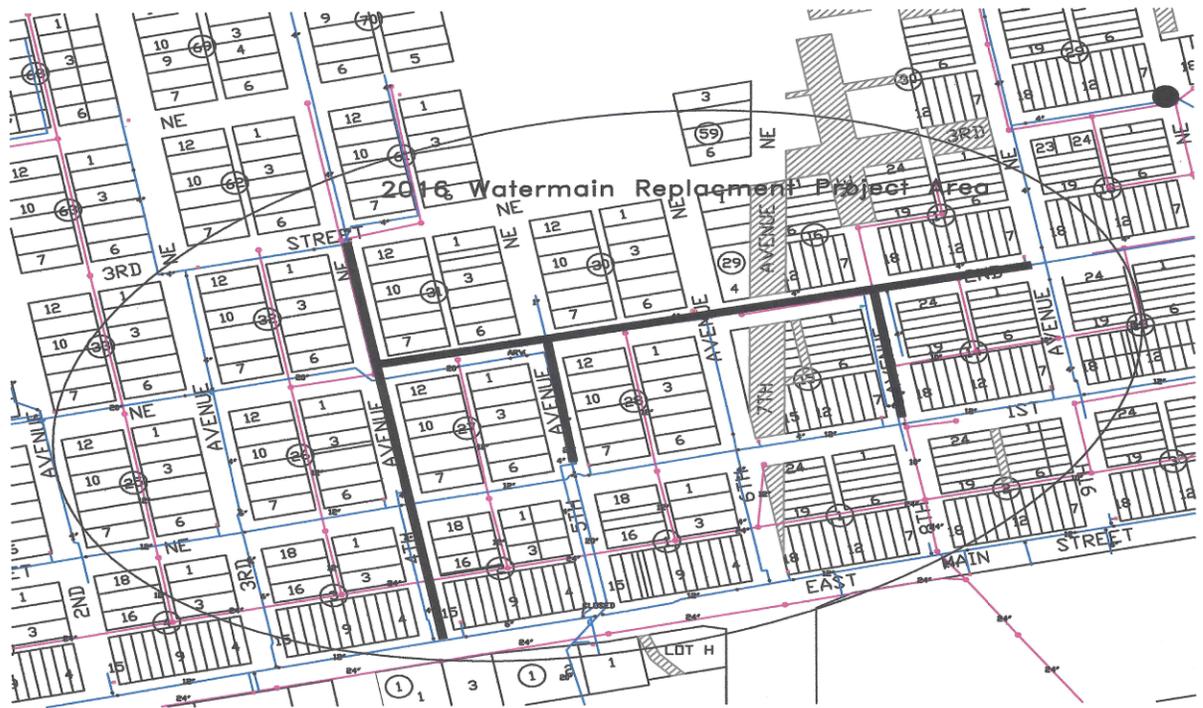
Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider moving forward with the annual water main replacement project and approve the advertisement for bids.

Page 3 of 3





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

Consent No. 6i

Type: Local Permit * Charity Local Permit

Permit Number
2016-13

Name of Organization Our Place Motorcycle Club		Date(s) Authorized (Read instruction 2)		
Contact Person Tom Warner	Business Phone Number	3/19/2016 Beginning	to	3/19/2016 Ending
Mailing Address 800 N 28th St	City Bismarck	State ND	Zip Code 58501-0000	
Site Name Hitinc	Site Address 2640 Sunset Dr			
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 90 days of the event.				
Date 1/28/2016	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.



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
2016-12

Name of Organization Ronald Mcdonald House		Date(s) Authorized (Read instruction 2)		
Contact Person Renee Murrish	Business Phone Number	5/7/2016 Beginning	to 5/7/2016 Ending	
Mailing Address 804 Canyon Dr	City Mandan	State ND	Zip Code 58554-0000	
Site Name Signature Events	Site Address 804 Canyon Dr			
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 and Office of Attorney General within 30 days of the event.				
Date 1/28/2016	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 (9-2009)

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

Name of Non-profit Organization Ronald McDonald Home		Date(s) of Activity 5/7/2016 to 5/7/2016	
Person Responsible for the Gaming Operation and the Disbursement of Net Income Renee Murrish		Title Owner	Business Phone Number
Business Address 804 Canyon Road Sw	City Mandan	State ND	Zip Code 58554-0000
Mailing Address (if different)	City	State	Zip Code
Name of Site Where Game(s) will be Conducted 804 Canyon Road SW	Site Address 804 Canyon Road Sw		
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"/> 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	1 Night Stay	\$189.00			
Raffle	1 Night Stay	\$225.00			
<p>The night stay will be at Black Leg Ranch in McKenzie, ND on May 7, 2016. I will be drawing the winning tickets at my Business address on May 1st, 2016. We will be doing 2 different Raffles one for each sleeping room. - Renee</p>					
					Total: \$ 414.00 <small>(Limit \$12,000 per year)</small>

Intended uses of gaming proceeds: A portion of the proceeds will go to the Ronald McDonald Home to help families who are unable to pay for their stay at the home.

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>Renee Murrish</i>	Date 1/27/2016	Title Owner	Business Phone Number
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Board of City Commissioners

Agenda Documentation

MEETING DATE: February 2, 2016
PREPARATION DATE: February 2, 2016
SUBMITTING DEPARTMENT: Planning and Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth
SUBJECT: Unused Annual Leave Carryover

STATEMENT/PURPOSE: To consider allowing additional annual leave carryover.

BACKGROUND/ALTERNATIVES: In 2015 Kim earned many compensatory hours by working over 40 hours during busy weeks. These busier weeks were primarily when our office was planning the downtown street improvement district, and during weeks when processing the thirteen special assessment districts that went through in the fall of 2015 picked up administratively. As a result, that compensatory time was used in 2015 and her already over 120 hours accumulation of vacation time was not used until later in 2015. Kim has been using some of her earned vacation time in December and January, but still has approximately 55 that would be unused by her anniversary date of February 14th if not taken before then.

Because our office is busy with planning projects for this upcoming construction season, and because we have a vacancy in the Engineering Tech. position since Rob left the office in December, I (Justin Froseth) would prefer some hours be carried over as opposed to Kim being out of the office all of next week. This agrees with Kim's preference, to work Monday through Wednesday of next week and taking vacation days Thursday and Friday. She would also take approximately 10 hours of vacation this Thursday and Friday.

The requested hours would be the approximately 55 hours projected to be over, minus the 26 hours she plans to take in the next two weeks for a total of 29 hours to carry over.

Going forward, I (Justin) have verbally mentioned to Planning and Engineering staff that I intend to draft an office policy, in consultation with Human Resources, to better track the hours of overtime that are being worked and institute any rules that may be required so that we don't run into a staff shortage issue at critical times that can only be remedied by such a request in the future.

ATTACHMENTS: n/a

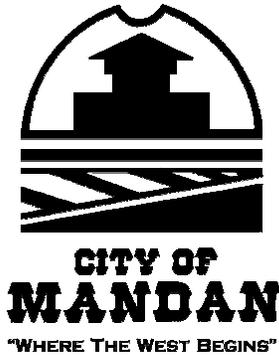
FISCAL IMPACT: n/a

STAFF IMPACT: n/a

LEGAL REVIEW:

RECOMMENDATION: I recommend that the annual leave carryover be allowed.

SUGGESTED MOTION: I move that Mrs. Kim Fettig be allowed to carryover an additional 29 hours of annual leave for a one year period.



Board of City Commissioners

Agenda Documentation

MEETING DATE: February 2, 2016
PREPARATION DATE: January 28, 2016
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 204, Project No. 2016-06 (Lakewood 9th Addition).

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

BACKGROUND/ALTERNATIVES: The developer of Lakewood 9th is requesting that the City allow the special assessment of street costs to the benefitting properties for the development of Lakewood 9th Addition. City staff has reviewed the plans and specifications and believe they are sufficient to advertise this project to bid.

ATTACHMENTS:

1. Resolution creating district
2. District Map
3. Itemized Project Estimate
4. Engineer's Report
5. Resolution Approving Engineer's Report
6. Resolution of plans and specs
7. Petitions
8. Resolution determining sufficiency of petition
9. Feasibility Report
10. Resolution Directing Advertisement for Bids

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 204, Project No. 2016-06 (Lakewood 9th Addition).

Page 2 of 21

FISCAL IMPACT: Based on the estimate of cost included with your documentation, the cost of the project would be \$2,218,163.00, engineering and administration will add \$776,357.05, bringing the total to \$2,994,520.05. These items would be entirely special assessed to the benefitting properties. This assessment district has commercial, mixed family and residential parcels within this district. An approximate unit cost of specials would be \$17,300.00 with the mixed use and commercial lots receiving more units of cost.

STAFF IMPACT: Minimal

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

RECOMMENDATION: This office supports moving forward with the project.

SUGGESTED MOTION: I move to approve the Resolution creating district, approve Resolution approving Engineer's Report, approve Resolution of Plans and Specifications, approve Resolution determining sufficiency of petition, approve feasibility report and approve Resolution directing advertisement for bids for Street Improvement District No. 202, Project No. 2016-06 (Lakewood 9th Addition).

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 204, Project No. 2016-06 (Lakewood 9th Addition).

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**RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NO. 204**

Project No. 2016-06

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

1. There is hereby created Street Improvement District No. 204 (the "District")(Project# 2016-06) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, Amity Circle SE, 34th Avenue SE and 21st Street SE, and includes street construction, installation of curb and gutter, asphalt street, storm sewer, street lights, chip seal and related work.

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

A portion of Government lot 1 and Government lot 2, of Section 1, Township 138 North, Range 81 West of the fifth Principal Meridian, City of Mandan, Morton County, North Dakota, more particularly described as follows:

Commencing at the northwest corner of Government lot 2 of said Section 1; thence S 00°09'05" E a distance of 40.00 feet to the point of beginning; thence from said point of beginning, N 89°45'36" E a distance of 2353.73 feet to the west line of Mandan Municipal First Addition as described in document no. 409901 recorded at the Morton County recorders office; thence along said west line of Mandan Municipal First Addition, S 00°04'18" E a distance of 250.11 feet to the southwest corner of said Mandan Municipal First Addition which is also the northwest corner of Lakewood Commercial Park Fourth Addition as described in document no. 415129 recorded at the Morton County recorders office; thence along the north line of lot 1, block 1 of said Lakewood Commercial Park Fourth Addition, N 89°47'07" E a distance of 249.87 feet to the northeast corner of said lot 1, block 1 of Lakewood Commercial Park Fourth Addition; thence along the west right of way line of 40th Avenue Southeast, S 00°03'49" E a distance of 285.77 feet to the southeast corner of said lot 1, block 1 of Lakewood Commercial Park Fourth Addition; thence S 00°03'49" E a distance of 80.00 feet to the

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 204, Project No. 2016-06 (Lakewood 9th Addition).

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northeast corner of lot 1, block 2 of said Lakewood Commercial Park Fourth Addition; thence along said west right of way line of 40th Avenue Southeast, S 00°03'49" E a distance of 461.70 feet to the southeast corner of said lot 1, block 2 of Lakewood Commercial Park Fourth Addition; thence along the south line of said lot 1, block 2, Lakewood Commercial Park Fourth Addition, N 89°28'26" W a distance of 250.27 feet to the southwest corner of said lot 1, block 2 of Lakewood Commercial Park Fourth Addition which is also the north line of Lakewood Commercial Park Fifth Addition as described in document no. 441016 recorded at the Morton County recorders office; thence along said north line of Lakewood Commercial Park Fifth Addition, N 89°28'26" W a distance of 50.75 feet to the northwest corner of said Lakewood Commercial Park Fifth Addition; thence along the west line of said Lakewood Commercial Park Fifth Addition, S 00°03'44" E a distance of 366.19 feet to the northwest corner of Lakewood 8th Addition as described in document no. 466871 recorded at the Morton County recorders office; thence along the north boundary of said Lakewood 8th Addition as follows: thence S 89°04'27" W a distance of 340.25 feet; thence N 00°53'15" W a distance of 104.48 feet; thence N 19°37'09" W a distance of 74.53 feet; thence N 37°59'16" W a distance of 74.67 feet; thence N 55°52'21" W a distance of 74.63 feet; thence N 67°16'37" W a distance of 457.15 feet; thence N 85°06'47" W a distance of 82.03 feet; thence S 72°15'50" W a distance of 81.13 feet; thence S 48°13'06" W a distance of 203.23 feet; thence N 84°12'33" W a distance of 150.19 feet; thence N 45°08'39" W a distance of 502.11 feet; thence S 44°52'39" W a distance of 129.92 feet; thence S 14°53'07" W a distance of 76.21 feet; thence S 44°52'16" W a distance of 225.35 feet to the east line of lot 3, block 4 of Midway First addition as described in document no. 311599 recorded at the Morton County recorders office; thence along said east line of lot 3, N 45°07'49" W a distance of 451.17 feet to the east line of lot 2, block 4 of said Midway First addition; thence along said east line of lot 2, N 00°09'05" W a distance of 774.65 feet to the said point of beginning.

Said tract contains 2,751,130 s.f. Or 63.157 acres, more or less.

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

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

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 204, Project No. 2016-06 (Lakewood 9th Addition).

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President, Board of City Commissioners

ATTEST:

City Administrator

Date of Passage: February 2, 2016

Board of City Commissioners

Agenda Documentation

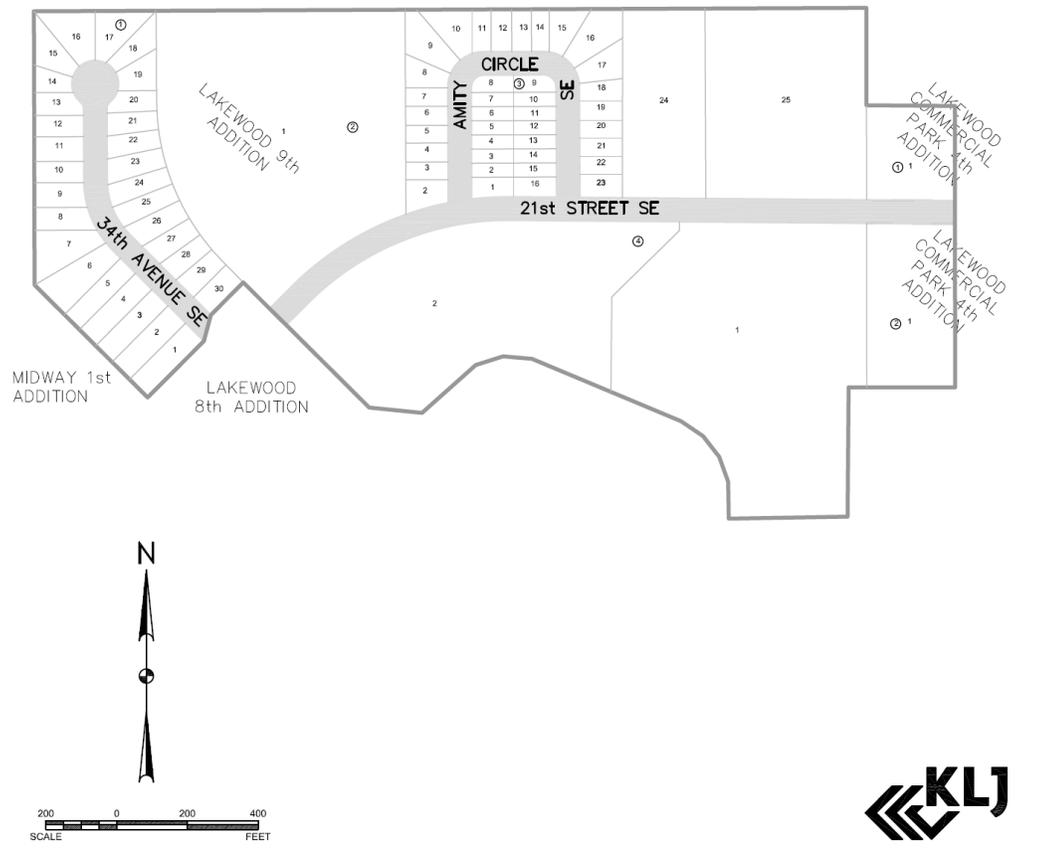
Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 204, Project No. 2016-06 (Lakewood 9th Addition).

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SPECIAL ASSESSMENT DISTRICT LAKEWOOD 9TH ADDITION CITY OF MANDAN STREET IMPROVEMENT EXHIBIT

BENEFITTING PROPERTIES:
BLOCKS 1-4 OF LAKEWOOD 9th ADDITION
& LOT 1, BLOCK 1 & LOT 1, BLOCK 2 OF LAKEWOOD
COMMERCIAL PARK 4th ADDITION



Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 204, Project No. 2016-06 (Lakewood 9th Addition).

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Lakewood 9th Addition
Street Improvement District 204
Opinion of Probable Cost
January 27th, 2016

Item No.	Sec. No.	Item	Unit	Quantity	Price	Unit	Total Amount
1	SP	MOBILIZATION	LS	1	\$ 180,000.00	\$	180,000.00
2	204	SUBGRADE PREPARATION	SY	19,612	\$ 3.25	\$	63,739.00
3	302	STABILIZED GRAVEL BASE	TON	6,129	\$ 30.00	\$	183,870.00
4	304	AC STABILIZED BASE	TON	1,859	\$ 75.00	\$	139,425.00
5	401	AC SURFACE COURSE	TON	2,324	\$ 75.00	\$	174,300.00
6	401	ASPHALT CEMENT	TON	252	\$ 600.00	\$	151,200.00
7	402	BITUMINOUS TACK COAT	GAL	837	\$ 2.50	\$	2,092.50
8	403	BITUMINOUS SEAL COAT	SY	16,734	\$ 3.00	\$	50,202.00
9	601	ADA CURB RAMPS	SF	284	\$ 30.00	\$	8,520.00
10	602	6-INCH CONCRETE DRIVEWAY	SF	667	\$ 8.00	\$	5,336.00
11	603	STANDARD CURB AND GUTTER	LF	4,712	\$ 25.00	\$	117,800.00
12	603	MOUNTABLE CURB AND GUTTER	LF	3,797	\$ 25.00	\$	94,825.00
13	SP	8-INCH VALLEY GUTTER	SF	958	\$ 10.00	\$	9,580.00
14	1,201	TOPSOILING	CY	2,659	\$ 18.00	\$	47,862.00
15	1,202	SEEDING CLASS III	SY	13,675	\$ 1.50	\$	20,512.50
16	1,204	MULCHING	SY	13,675	\$ 1.50	\$	20,512.50
17	1,206	ADJUST MANHOLE CASTING	EA	14	\$ 700.00	\$	9,800.00
18	1,206	ADJUST TYPE 24" INLET CASTING	EA	8	\$ 700.00	\$	5,600.00
19	1,206	ADJUST TYPE 36" INLET CASTING	EA	2	\$ 700.00	\$	1,400.00
20	1,206	ADJUST VALVE BOX	EA	23	\$ 500.00	\$	11,500.00
21	1,212	FLAT SHEET FOR SIGNS - TYPE 3B REFL. SHEETING	SF	36.75	\$ 37.00	\$	1,359.75
22	1,212	GALV. STEEL POST - TELESCOPING PERFORATED TL	LF	58.5	\$ 17.00	\$	994.50
23	801	SUBCUT GRAVEL	TON	88	\$ 35.00	\$	3,080.00
24	802	15" RCP STORM SEWER	LF	501	\$ 61.50	\$	30,811.50
25	802	18" RCP STORM SEWER	LF	447	\$ 68.25	\$	30,507.75
26	802	24" RCP STORM SEWER	LF	875	\$ 91.50	\$	80,062.50
27	802	30" RCP STORM SEWER	LF	804	\$ 116.00	\$	93,264.00
28	802	36" RCP STORM SEWER	LF	445	\$ 156.00	\$	69,420.00
29	802	42" RCP STORM SEWER	LF	770	\$ 195.00	\$	150,150.00
30	802	48" RCP STORM SEWER	LF	618	\$ 245.00	\$	151,410.00
31	802	18" RC FLARED END SECTION	EA	1	\$ 1,500.00	\$	1,500.00
32	802	48" RC FLARED END SECTION	EA	1	\$ 2,500.00	\$	2,500.00
33	1,204	48" STORM SEWER MANHOLE	EA	2	\$ 5,000.00	\$	10,000.00
34	1,205	60" STORM SEWER MANHOLE	EA	7	\$ 6,500.00	\$	45,500.00
35	1,206	72" STORM SEWER MANHOLE	EA	2	\$ 7,000.00	\$	14,000.00
36	1,205	84" STORM SEWER MANHOLE	EA	2	\$ 7,500.00	\$	15,000.00
37	1,205	96" STORM SEWER MANHOLE	EA	1	\$ 8,000.00	\$	8,000.00
38	1,205	108" STORM SEWER MANHOLE	EA	1	\$ 9,000.00	\$	9,000.00
39	1,205	STORM SEWER CONTROL STRUCTURE	EA	1	\$ 19,500.00	\$	19,500.00
40	1,205	TYPE 24" INLET	EA	7	\$ 3,000.00	\$	21,000.00
41	1,205	TYPE 36" INLET	EA	2	\$ 3,600.00	\$	7,200.00
42	SP	INLET PROTECTION	EA	21	\$ 150.00	\$	3,150.00
43	1,001	TYPE B LIGHT UNIT, 1-SQUARE LED	EA	20	\$ 4,500.00	\$	90,000.00
44	1,001	TYPE B LIGHT UNIT, 2-SQUARE LED	EA	5	\$ 4,700.00	\$	23,500.00
45	1,001	2-INCH CONDUIT - PVC LAIN IN TRENCH	LF	138	\$ 2.50	\$	345.00
46	1,001	TRENCHING - 27-INCH DEPTH	LF	4,077	\$ 4.00	\$	16,308.00
47	1,001	TWO (2) NO. 4 COPPER CIRCUIT CONDUCTORS	LF	4,077	\$ 4.00	\$	16,308.00
48	1,001	NO. 6 COPPER GROUND	LF	4,077	\$ 1.50	\$	6,115.50
TOTAL ESTIMATED CONSTRUCTION COST						\$	2,218,163.00
Administration, Legal, Engineering, & Contingency (35%)						\$	776,357.05
ESTIMATED TOTAL COST						\$	2,994,520.05

NOTES:

- All quantities were measured from preliminary Street Improvement Plans prepared in October of 2015
- Subgrade preparation was based on a measurement from 1-foot behind curb to 1-foot behind curb.
- Class 5 Gravel Base is estimated at 1.875 Tons per Cubic Yard, 1' behind curb
- AC pavement units were estimated using 2 tons per cubic yard conversion
- Asphalt cement units were estimated at 6.0% of the AC tonnage.
- Tack coat units were estimated using a 0.1 gallon to SY conversion
- Seal Coat units were estimated using 0.34 gallon to SY conversion
- Cover aggregate units were estimated using a 18 pounds per SY conversion
- Blotter sand units were estimated using a 2 pounds per SY conversion

In providing an estimate of probable construction cost, the Client understands that the Consultant has no Control over the cost or availability of labor, equipment or materials, or over market conditions or the contractor's method of pricing, and that the Consultant's estimates of probable construction bids or the negotiated cost of the Work will not vary from the Consultant's estimate of probable construction cost. The Client assumes all liability if using this Probable Construction Cost for determining project feasibility or securing project funding/financing.

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 204, Project No. 2016-06 (Lakewood 9th Addition).

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128 500 Line Drive
PO Box 1157
Bismarck, ND 58502-1157
701 335 8400
kljeng.com



◇ January 27, 2016

City Commissioners
c/o Mrs. Kim Fettig
City of Mandan
205 Second Avenue NW
Mandan, ND 58554

Re: Preliminary Engineering Report & Special Assessment District, Lakewood 9th Addition

Dear Honorable Commissioners:

On behalf of VE Land Company, LLC we herewith submit a request to create a Special Improvement District to include construction of streets, storm sewer, lighting and signage improvements for the public right-of-ways in Lakewood 9th Addition to the City of Mandan, ND.

Attached you will find a petition for the same, including a Preliminary Engineering Report briefly outlining the desired improvements, engineers opinion of probable costs, and assessment district exhibit generally showing the areas to be improved.

The proposed project is estimated to cost approximately \$2,994,520.05. A detailed Opinion of Probable Cost is attached hereto. The project cost is to be assessed over 68 single family residential lots, 1 multifamily lot, and 4 commercial lots.

Thank you for your time and consideration. Please feel free to contact our office with any questions or concerns.

Sincerely,

KLJ

A handwritten signature in blue ink, appearing to read 'Andrew Werder'.

Andrew Werder, PE

Enclosure(s): Preliminary Engineering Report, Opinion of Probable Costs, Petition, District Map & Legal Description.
Project #: 14615136

NATIONAL PERSPECTIVE
REGIONAL EXPERTISE
TRUSTED ADVISOR

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 204, Project No. 2016-06 (Lakewood 9th Addition).

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**Preliminary Engineering Report
Special Improvement District 204
Lakewood 9th Addition**

Description

The project comprises the procurement and installation of materials for the construction of storm sewer, curb and gutter, street paving, street signage, and street lighting for the construction of 34th Avenue SE, 21st Street SE, and Amity Circle SE within Lakewood 9th Addition to the City of Mandan. Additionally a portion of 21st Street SE is located within Lakewood Commercial Park 4th Addition. Grading improvements will be completed by the owner. Potable water and sanitary sewer will be installed under a 3-way agreement between the Owner, the Contractor and the City. Storm sewer and street improvements will be completed by the City via a Special Improvement District. Work shall be performed in accordance with the approved plans and specifications, per the City of Mandan, ND, Municipal Code.

Grading, Streets & Drainage

Grading is anticipated to include the contouring of existing on-site materials and material excavated from borrow pits on Lot 25, Block 2 as required to construct the lots and associated public right-of-way to the proposed grades and subgrades, respectively. Street drainage shall generally be conveyed along the subdivision to proposed storm sewer and conveyed to a regional detention facility on the east side of the development.

Streets are proposed to be a continuation of existing streets measuring 41 feet back-to-back of vertical curb with detached sidewalks, all within 66' wide right-of-ways. The structural section of the street will be comprised of 6" compacted class 5 base course and 4.5", asphalt pavement (2" on 2.5") with a seal coat. Standard curb & gutter will be installed within 21st Street SE and mountable curb & gutter will be installed within Amity Circle SE and 34th Avenue SE.

The street will serve as the primary conveyance mechanism for storm water with inlets/catch basins and conduit used as required to convey flows into the existing, adjacent natural drainage/oxbow. Storm sewer will be sized for the 10 year conveyance as follows:

- 100 year flow contained in the right-of-way
- 10 year flow contained below the top of curb

Stormwater detention will be provided at the southeast portion of the property.

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

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Water

The potable water will be connected to extensions of the existing municipal system and will provide: min. 40 psi max day, 30 psi peak hour, and 20 psi max day plus fire. Main lines will be 8" C900 PVC with 6" hydrants spaced at no more than 500 feet. Residential service lines will be 1" min. size of HDPE or Type K copper, individually metered.

Sanitary Sewer

Wastewater collection will be via a gravity flow system comprised of 8" SDR 35 mains with manholes spaced at no more than 400' and 4" SDR 35 service lines. Wastewater will discharge into the existing municipal system.

Storm Sewer

Storm sewer will be constructed with reinforced concrete pipes of various diameters as required to convey the calculated flows to the detention facility.

Lighting and Signage

Street lighting includes pole mounted LED street lights, electrical supply and all connections. Signage includes pole mounted placards for street names, regulatory and advisory signs related to traffic control in a residential area.

Schedule

Work is anticipated to commence in the summer of 2016 and will continue through to substantial completion on October 31st 2016 and chip seal completion date of June 30th 2017.

Questions or Comments

Any questions or comments may be directed to Andrew Werder, P.E. at KLJ, 4585 Coleman Street, Bismarck, ND 58503, or by phone at (701)355-8742

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 204, Project No. 2016-06 (Lakewood 9th Addition).

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**RESOLUTION APPROVING ENGINEER'S REPORT AND
AUTHORIZING PREPARATION OF THE DETAILED PLANS
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 204**

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. 204 (Project #2016-06), 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:	\$2,218,163.00
b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$776,357.05
c. Total estimated costs of the improvement:	\$2,994,520.05

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: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 204, Project No. 2016-06 (Lakewood 9th Addition).

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

Dated this 2nd day of February 2016.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 204, Project No. 2016-06 (Lakewood 9th Addition).

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**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR STREET IMPROVEMENT DISTRICT NO. 204
PROJECT # 2016-06**

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. 204 (Project # 2016-06) 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 2nd day of February, 2016.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 204, Project No. 2016-06 (Lakewood 9th Addition).

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PETITION FOR PERMANENT STREET, STORM SEWER, SIGNAGE & LIGHTING IMPROVEMENTS

Date: January 27, 2016

To the Honorable Board of City Commissioners
Mandan, North Dakota

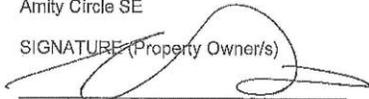
Commissioners:

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

(Serving Lakewood 9th Addition and Lakewood Commercial Park 4th Addition -- as generally shown on the attached exhibit)

34th Avenue SE
21st Street SE
Amity Circle SE

SIGNATURE (Property Owner/s)


VE LAND COMPANY, LLC

PROPERTY DESCRIPTION

*Lots 1-30, Block 1; Lots 2-25, Block 2;
Lots 1-16, Block 3; Lots 1-2 Block 4
Lakewood 9th Addition*

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 204, Project No. 2016-06 (Lakewood 9th Addition).

Page 15 of 21

PETITION FOR PERMANENT STREET, STORM SEWER, SIGNAGE & LIGHTING IMPROVEMENTS

Date: January 27, 2016

To the Honorable Board of City Commissioners
Mandan, North Dakota

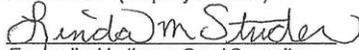
Commissioners:

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

(Serving Lakewood 9th Addition and Lakewood Commercial Park 4th Addition – as generally shown on the attached exhibit)

34th Avenue SE
21st Street SE
Amity Circle SE

SIGNATURE (Property Owner/s)


The Evangelical Lutheran Good Samaritan

PROPERTY DESCRIPTION

Lot 1, Block 2
Lakewood 9th Addition

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 204, Project No. 2016-06 (Lakewood 9th Addition).

Page 16 of 21

**RESOLUTION DETERMINING SUFFICIENCY OF FORMS OF PETITION, WAIVER
AND CONSENT TO ASSESSMENT FOR STREET IMPROVEMENT
DISTRICT NO. 204**

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

1. The City having received and filed executed written forms of Petition, Waiver and Consent to Assessment executed by VE Land Company and The Evangelical Lutheran Good Samaritan, the owners of a majority of property area, for the improvement in and for Street Improvement District No. 204, Project No. 2016-06("the District"), and true and correct copies of said executed forms being attached hereto, it is hereby determined that said forms are signed by the owners of a majority of the area of property included within the District.

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

Dated this 2nd Day of February 2016

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 204, Project No. 2016-06 (Lakewood 9th Addition).

Page 17 of 21

**FEASIBILITY AND EVALUATION OF IMPROVEMENTS
FOR STREET IMPROVEMENT DISTRICT #204, PROJECT #2016-06**

1.) General Nature of Project

The District has been created to allow for new street on, Amity Circle SE, 34th Avenue SE and 21st Street SE. Installation of new curb & gutter, asphalt street, storm sewer, street lights & chip seal will take place with this project.

2.) Location of Proposed Construction

The proposed construction will take place on Amity Circle SE, 34th Avenue SE and 21st Street SE.

3.) Environmental Impact

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

4.) Feasibility of Project

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

5.) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$2,218,163.00. Other costs of making the improvement including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; publication of legal notices printing of warrants; and all expenses incurred in the making of the improvement and levy of assessments therefore are estimated at \$776,357.05. The total cost for the improvement is estimated at \$2,994,520.05.

Dated: February 2, 2016


Justin Froseth
Planning and Engineering Director

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 204, Project No. 2016-06 (Lakewood 9th Addition).

Page 18 of 21

**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS
FOR STREET IMPROVEMENT DISTRICT NO. 204**

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. 204 (Project # 2016-06) 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 February 2nd, 2016, 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. 204
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 Tuesday, March 1st, 2016 at 10:00 a.m., local time for the purpose of furnishing of materials, labor and skill needed for the new construction of storm sewer mains, asphalt streets, concrete curb and gutter and street lights and related work in accordance with the plans and specifications for Street Improvement District No. 204 (Project # 2016-06), for the City of Mandan. The Work consists of all labor, skill, and materials required to properly construct the improvement.

Contractors and vendors desiring plans and specifications for personal use may secure digital copies from www.questcdn.com for a fee of \$25.00. These

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 204, Project No. 2016-06 (Lakewood 9th Addition).

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documents may be downloaded by selecting this project from the "Bid Documents" tab and by entering Quest Project Number #4254403 on the "Search Projects" page. For assistance and the free membership registration, contact QuestCDN at (952)233-1632 or info@questcdn.com. Paper copies of the bid documents may be obtained from the City of Mandan Engineering office, 205 2nd 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 10:00 a.m., local time, Tuesday, March 1st, 2016 and shall be sealed and endorsed "Proposal for Street Improvement District No 204. Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2nd Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:00 a.m., local time, on March 1st, 2016. 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.

Work shall be completed on or before the following dates with liquidated damages assessed as follows:

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 204, Project No. 2016-06 (Lakewood 9th Addition).

Page 20 of 21

Substantial completion on Project #2016-06 is to be completed no later than October 31, 2016. Substantial completion shall be achieved when all work, except the chip seal, is complete and ready for final inspection. Completion of chip seal shall be completed by June 30th, 2017.

Liquidated damages of \$500.00 per 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, for each District. 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 2017 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, March 15, 2016, 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 2nd day of February, 2016

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.

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 204, Project No. 2016-06 (Lakewood 9th Addition).

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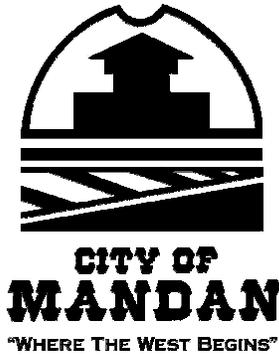
4. The Board of City Commissioners shall meet on Tuesday, February 2nd, 2016 at 5:30 pm, local time, to review the bids submitted, consider the engineer's recommendation, and to award the contract to the successful bidder, subject to the Board finding that filed protests are insufficient to bar the work.

President, Board of City Commissioners

ATTEST:

City Administrator

Passed: February 2nd, 2016



Board of City Commissioners

Agenda Documentation

MEETING DATE: February 2, 2016
PREPARATION DATE: January 28, 2016
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Consider approving the Feasibility Report and to approve of the Resolutions creating the district, approving Engineer's Report, approving Plans and Specifications, and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

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

BACKGROUND/ALTERNATIVES:

Summary of 2/2/2016 Revisions: I (Justin), in the interest of cutting down on redundancy had language in the recommended motion to approve the "Resolution Approving the Engineer's Feasibility Report" instead of having two items; 1) To approve the "Feasibility Report" and 2) To approve the "Resolution Approving the Engineer's Report" The engineer's report is within the body of the Resolution to Approve the Engineer's report. I thought it made sense to do it this way to cut down on redundancy and also because the Feasibility report includes everything the ND Century Code requires to be approved in the Engineer's Report. After discussing with other city staff, I realized that both approvals must be included in the motion in order to satisfy bonding requirements.

The second revision is to correct a typo within the Engineer's Report to change the construction cost estimate to \$4,909,597.70 instead of the previously stated \$4,909,587.70

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Feasibility Report and to approve of the Resolutions creating the district, approving Engineer's Report, approving Plans and Specifications, and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

Page 2 of 14

The section of Old Red Trail between Highland Road and 40th 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 ND Department of Transportation (DOT) within their Transportation Improvement Program (TIP) to reconstruct Old Red Trail from Highland Road to 40th Avenue NW in 2016. The DOT has pledged up to \$3.2M dollars of funding for this project.

Since early last year, the city has been working with KLJ to put together plans and specifications for this project. KLJ recently completed those documents as well as a construction cost estimate based on final design of the project and sent them into the DOT for review and approval. The DOT has indicated that this project is on schedule for the bids to be opened through their bid system on March 18th.

ATTACHMENTS:

1. Resolution creating district
2. District Map
3. Feasibility Report
4. Resolution Approving Engineer's Report
5. Resolution Approving Plans and Specifications
6. Resolution of Necessity

FISCAL IMPACT: Based on the estimate of cost included with your documentation, the cost of the project would be \$4,909,597.70, engineering and administration will add \$1,718,359.20, bringing the total to \$6,627,956.90.

There are several different sources of funding for this project, most notably, the \$3.2M that will come from federal funds. That leaves over \$3.4M to be paid for by local funds. Based on the estimate, the breakdown for local funds to pay for the balance of the project are as follows;

Hub City funds for Watermain =	\$	600,000.00
Paid by Sales Tax Fund =	\$	662,795.69
Paid by City-Wide Property Tax =	\$	662,795.69
Paid by Special Assessments =	\$	1,502,365.52
	\$	3,427,956.90

The \$1.5M estimated to be paid by special assessments would be spread over the benefitting properties identified within the district map. City staff is currently working out

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Feasibility Report and to approve of the Resolutions creating the district, approving Engineer's Report, approving Plans and Specifications, and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

Page 3 of 14

the fine details of the recommended per lot allocation within this district. Staff's approach is to spread units over all lots as well as have a commercial impact amount that would be assessed only to commercial and industrial properties. With this approach, there are more factors involved than were addressed in the recently adopted assessment policy, but the approach does fundamentally agree with the new policy.

With this approach, recommended per lot assessments look to be in the range of \$1,250-\$1,750 for residential properties nearest to the project and \$500-\$1,000 for residential properties that benefit but not as directly. For the commercial and industrial properties, the per lot assessment amounts recommended will be determined by area of the property.

City staff's duty is to recommend the allocation of special assessments of benefitting properties, the final allocation of assessments will be determined by city commission at the conclusion of the project after a review and approval by the special assessment commission also done at the conclusion of the project. The verification of special assessments is expected to take place in the fall of 2017.

STAFF IMPACT: Minimal

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

RECOMMENDATION: This office supports moving forward with the project.

SUGGESTED MOTION: I move to approve the Feasibility Report and to approve of the Resolutions creating the district, approving Engineer's Report, approving Plans and Specifications, and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Feasibility Report and to approve of the Resolutions creating the district, approving Engineer's Report, approving Plans and Specifications, and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

Page 4 of 14

**RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NO. 205**

Project No. 2015-06

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

1. There is hereby created Street Improvement District No. 205 (the "District")(Project# 2015-06) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, Old Red Trail NW from 500' east of Highland Road NW to 200' west of 40th Avenue NW, and includes street construction, installation of curb and gutter, concrete street, storm sewer, street lights, shared use path and related work.

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

The following lots and blocks are included in said District:

All of **ROUGRIDER HOMESTEAD ADDITION**, according to the recorded plat thereof, Morton County, North Dakota.

All of **ROUGH RIDER ESTATES**, according to the recorded plat thereof, Morton County, North Dakota.

All of **OLD RED TRAIL STORAGE ADDITION**, according to the recorded plat thereof, Morton County, North Dakota.

All of **ADDIE'S ACRES**, according to the recorded plat thereof, Morton County North Dakota.

All of **WEST HILLS ESTATES FIRST**, according to the recorded plat thereof, Morton County, North Dakota.

All of **WEST HILLS ESTATES SECOND**, according to the recorded plat thereof, Morton County, North Dakota.

All of **WEST HILLS ESTATES THIRD**, according to the recorded plat thereof, Morton County, North Dakota.

All of **WEST HILLS ESTATES FOURTH**, according to the recorded plat thereof, Morton County, North Dakota.

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Feasibility Report and to approve of the Resolutions creating the district, approving Engineer's Report, approving Plans and Specifications, and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

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All of **VENUTRES 1ST**, according to the recorded plat thereof, Morton County, North Dakota.

All of **CROWN POINT**, according to the recorded plat thereof, Morton County, North Dakota.

All of **WEST RIVER 1ST**, according to the recorded plat thereof, Morton County, North Dakota.

All of **WEST RIVER 2ND**, according to the recorded plat thereof, Morton County, North Dakota.

All of **WEST RIVER 3RD**, according to the recorded plat thereof, Morton County, North Dakota.

All of **SCHOOL DISTRICT 6TH**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MEADOWS 1ST**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MEADOWS 2ND**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MEADOWS 3RD**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MEADOWS 4TH**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MEADOWS 5TH**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MEADOWS 6TH**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MEADOWS 7TH**, according to the recorded plat thereof, Morton County, North Dakota.

All of **TRAIL WEST**, according to the recorded plat thereof, Morton County, North Dakota.

All of **TRAIL WEST 2**, according to the recorded plat thereof, Morton County, North Dakota.

All of **TRAIL WEST 3**, according to the recorded plat thereof, Morton County, North Dakota.

All of **ELMSHAVEN 1ST**, according to the recorded plat thereof, Morton County, North Dakota.

All of **DIANA'S ACRES**, according to the recorded plat thereof, Morton County, North Dakota.

All of **DEBBIE'S ACRES**, according to the recorded plat thereof, Morton County, North Dakota.

All of **BAKER'S ACRES**, according to the recorded plat thereof, Morton County, North Dakota.

All of **DEVELOPERS WEST ACRES**, according to the recorded plat thereof, Morton County, North Dakota.

All of **DEVELOPERS WEST ACRES 2ND**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MANDAN IND. PARK 1ST**, according to the recorded plat thereof, Morton County, North Dakota.

All of **REPLAT OF LOT 1, BLOCK 3, MANDAN IND. PARK 1ST**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MANDAN IND. PARK 2ND**, according to the recorded plat thereof, Morton County, North Dakota.

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Feasibility Report and to approve of the Resolutions creating the district, approving Engineer's Report, approving Plans and Specifications, and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

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All of **MANDAN IND. PARK 3RD**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MANDAN IND. PARK 4TH**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MANDAN IND. PARK 5TH**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MANDAN IND. PARK 6TH**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MANDAN IND. PARK 7TH**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MANDAN IND. PARK 8TH**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MANDAN IND. PARK 9TH**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MANDAN IND. PARK 10TH**, according to the recorded plat thereof, Morton County, North Dakota.

All of **SCOTT'S ACRES**, according to the recorded plat thereof, Morton County, North Dakota.

All of **PATTIE'S ACRES**, according to the recorded plat thereof, Morton County, North Dakota.

All of Lots 23 thru 30, **SUNSET ACRES 1ST**, according to the recorded plat thereof, Morton County, North Dakota.

All of Lots 1 thru 7, and Lots 17 thru 18, **SUNVIEW HEIGHTS**, according to the recorded plat thereof, Morton County, North Dakota.

Auditor's Lots A thru D, and one unplatted parcel, lying in the SE $\frac{1}{4}$ of Sec. 7 of Township 139 North, Range 81 West, according to the recorded plat thereof, Morton County, North Dakota.

Auditor's Lots 3, G and H in the SW $\frac{1}{4}$ of Sec. 8 of Township 139 North, Range 81 West, according to the recorded plat thereof, Morton County, North Dakota.

Lots 1 and 1A of Block 2 in the NE $\frac{1}{4}$ of Sec. 17 of Township 139 North, Range 81 West, according to the recorded plat thereof, Morton County, North Dakota.

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

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

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Feasibility Report and to approve of the Resolutions creating the district, approving Engineer's Report, approving Plans and Specifications, and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

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President, Board of City Commissioners

ATTEST:

City Administrator

Date of Passage: February 2, 2016

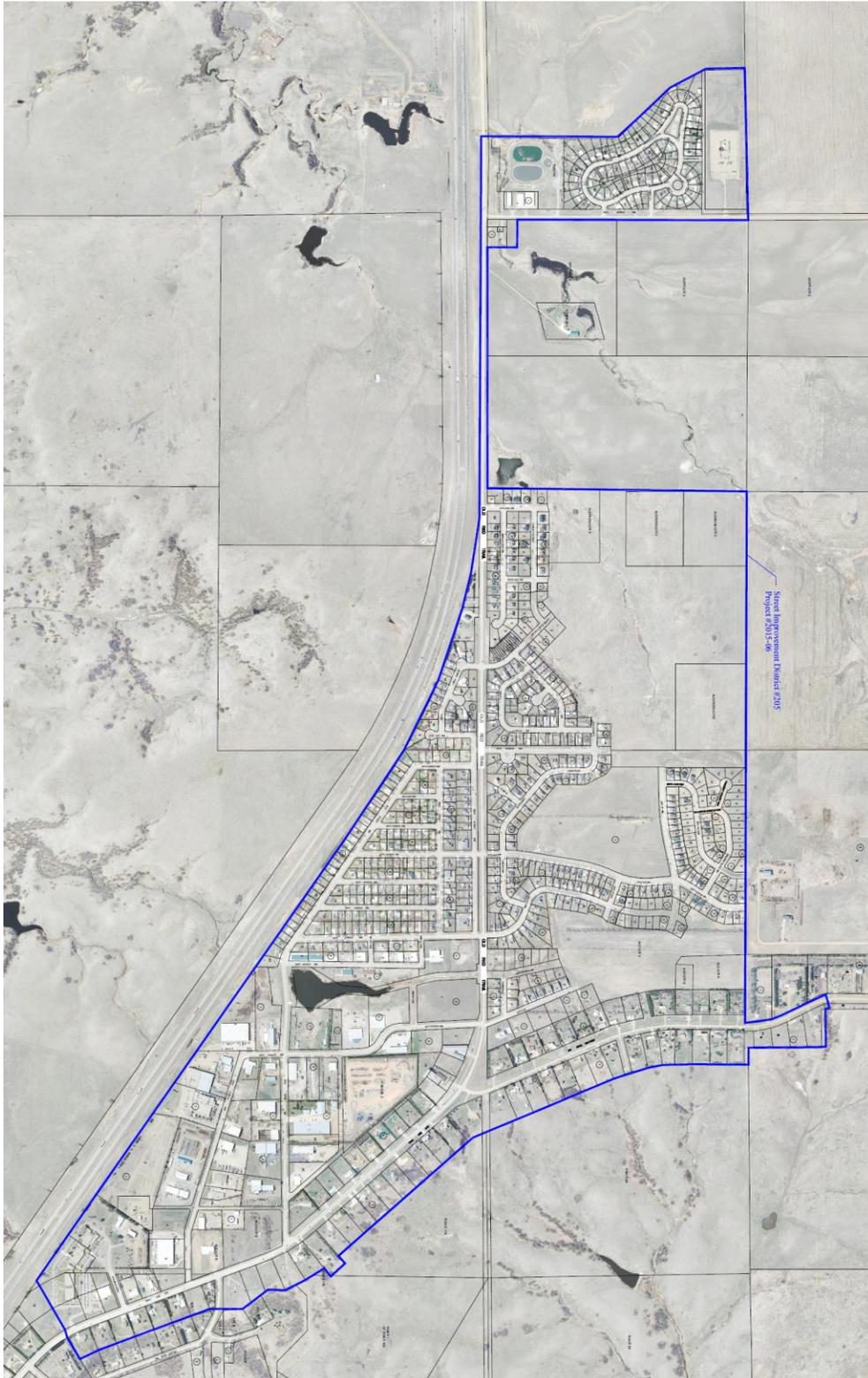
Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Feasibility Report and to approve of the Resolutions creating the district, approving Engineer's Report, approving Plans and Specifications, and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

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**FEASIBILITY AND EVALUATION OF IMPROVEMENTS
FOR STREET IMPROVEMENT DISTRICT #205, PROJECT #2015-06**

1.) General Nature of Project

The District has been created to allow for new street on, Old Red Trail NW from 500' southeast of Highland Road NW to 200' west of 40th Avenue NW. Installation of new curb & gutter, concrete street, storm sewer, street lights & shared use path will take place with this project.

2.) Location of Proposed Construction

The proposed construction will take place on Old Red Trail NW from 500' southeast of Highland Road to 200' west of 40th Avenue NW.

3.) Environmental Impact

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

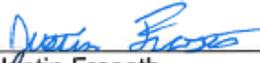
4.) Feasibility of Project

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

5.) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$4,909,597.70. Other costs of making the improvement including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; publication of legal notices printing of warrants; and all expenses incurred in the making of the improvement and levy of assessments therefore are estimated at \$1,718,359.20. The total cost for the improvement is estimated at \$6,627,956.90.

Dated: February 2, 2016


Justin Froseth
Planning and Engineering Director

**RESOLUTION APPROVING ENGINEER'S REPORT AND
AUTHORIZING PREPARATION OF THE DETAILED PLANS
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 205**

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 Planning and Engineering Director 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. 205 (Project #2015-06), 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:	<u>\$4,909,597.70</u>
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:	\$1,718,359.20
c. Total estimated costs of the improvement:	\$6,627,956.90

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Feasibility Report and to approve of the Resolutions creating the district, approving Engineer's Report, approving Plans and Specifications, and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

Page 11 of 14

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

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

Dated this 2nd day of February 2016.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Feasibility Report and to approve of the Resolutions creating the district, approving Engineer's Report, approving Plans and Specifications, and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

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**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR STREET IMPROVEMENT DISTRICT NO. 205
PROJECT # 2015-06**

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. 205 (Project # 2015-06) 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 2nd day of February, 2016.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Feasibility Report and to approve of the Resolutions creating the district, approving Engineer's Report, approving Plans and Specifications, and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

Page 13 of 14

**RESOLUTION DECLARING THE NECESSITY OF AN
IMPROVEMENT PROJECT IN AND FOR STREET IMPROVEMENT
DISTRICT NO. 205 OF THE CITY OF MANDAN**

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

1. It is hereby found, determined and declared that it is necessary for the City to construct make an improvement of the type specified in Section 40-22-01(2), North Dakota Century Code (N.D.C.C.), in and for Street Improvement District No. 205 (the "District") of said City. Said improvement shall include, concrete street reconstruction, installation of curb and gutter, storm sewer, street lights, and related work, as well as all other work and materials which are necessary or reasonably incidental to the completion of the project; all in accordance with and as described in the resolution creating said District, and the Engineer's Report. Improvements will take place primarily on Old Red Trail and connecting side streets.

2. With regard to such improvement, the City proposes to enter an agreement with the North Dakota Department of Transportation Under such proposed agreement, the City will be obligated to pay approximately \$3,373,436.78 of the total cost of the improvement and the balance of such total cost will be paid by federal and state funds. The cost which the City will be obligated to pay under the proposed agreement will be paid from sources as follows:

a. Approximately \$1,502,365.52 or 44% of the City's cost will be paid for by special assessments to be levied against the respective lots, tracts and parcels of land within said improvement District benefited by the improvement in amounts proportionate to and not exceeding such benefits; and

b. The balance of such cost will be paid by City sales tax funds, Hub City Funds, and by general taxation of all the taxable property in the City.

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Feasibility Report and to approve of the Resolutions creating the district, approving Engineer's Report, approving Plans and Specifications, and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

Page 14 of 14

3. The City Administrator is authorized and directed to cause this resolution, together with a map of the City showing the improvement district, which is attached hereto, to be published once each week for two (2) consecutive weeks in the official newspaper of the City.

4. The owners of property within said improvement District and liable to be specially assessed for said improvement shall be afforded the opportunity to file with the City Administrator within thirty (30) days after the first publication of this resolution, written protests against the adoption of this resolution, which written protests must describe the property which is the subject of the protest. The Board of City Commissioners shall, at its next meeting after the expiration of said period, to wit March 15, 2016 at 5:30 o'clock p.m., meet at the City Hall, 205 2nd Avenue N.W., Mandan, ND, to hear and determine the sufficiency of any of the protests so filed and to take such other and further action with reference to said improvement District as may then be deemed necessary and expedient.

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

Dated this 2nd day of February, 2016.

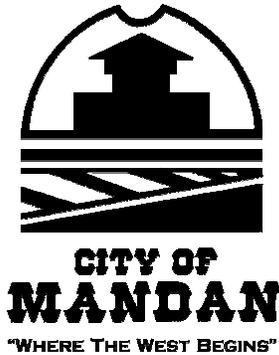
President, Board of City Commissioners

ATTEST:

City Administrator

Publication Dates: February 5 & February 12, 2016

Map of District Must also be Published



Board of City Commissioners

Agenda Documentation

MEETING DATE: February 2, 2016
PREPARATION DATE: January 28, 2016
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

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

BACKGROUND/ALTERNATIVES: The section of Old Red Trail between Highland Road and 40th 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 ND Department of Transportation (DOT) within their Transportation Improvement Program (TIP) to reconstruct Old Red Trail from Highland Road to 40th Avenue NW in 2016. The DOT has pledged up to \$3.2M dollars of funding for this project.

Since early last year, the city has been working with KLJ to put together plans and specifications for this project. KLJ recently completed those documents as well as a construction cost estimate based on final design of the project and sent them into the DOT for review and approval. The DOT has indicated that this project is on schedule for the bids to be opened through their bid system on March 18th.

ATTACHMENTS:

1. Resolution creating district
2. District Map

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

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3. Engineering's Feasibility Report
4. Resolution Approving Engineer's Report
5. Resolution Approving Plans and Specifications
6. Resolution of Necessity

FISCAL IMPACT: Based on the estimate of cost included with your documentation, the cost of the project would be \$4,909,597.70, engineering and administration will add \$1,718,359.20, bringing the total to \$6,627,956.90.

There are several different sources of funding for this project, most notably, the \$3.2M that will come from federal funds. That leaves over \$3.4M to be paid for by local funds. Based on the estimate, the breakdown for local funds to pay for the balance of the project are as follows;

Hub City funds for Watermain =	\$	600,000.00
Paid by Sales Tax Fund =	\$	662,795.69
Paid by City-Wide Property Tax =	\$	662,795.69
Paid by Special Assessments =	\$	1,502,365.52
	\$	3,427,956.90

The \$1.5M estimated to be paid by special assessments would be spread over the benefitting properties identified within the district map. City staff is currently working out the fine details of the recommended per lot allocation within this district. Staff's approach is to spread units over all lots as well as have a commercial impact amount that would be assessed only to commercial and industrial properties. With this approach, there are more factors involved than were addressed in the recently adopted assessment policy, but the approach does fundamentally agree with the new policy.

With this approach, recommended per lot assessments look to be in the range of \$1,250-\$1,750 for residential properties nearest to the project and \$500-\$1,000 for residential properties that benefit but not as directly. For the commercial and industrial properties, the per lot assessment amounts recommended will be determined by area of the property.

City staff's duty is to recommend the allocation of special assessments of benefitting properties, the final allocation of assessments will be determined by city commission at the conclusion of the project after a review and approval by the special assessment commission also done at the conclusion of the project. The verification of special assessments is expected to take place in the fall of 2017.

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

Page 3 of 14

STAFF IMPACT: Minimal

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

RECOMMENDATION: This office supports moving forward with the project.

SUGGESTED MOTION: I move to approve of the Resolution creating district, Resolution approving Engineer's Feasibility Report, Resolution approving Plans and Specifications, and approve Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

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**RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NO. 205**

Project No. 2015-06

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

1. There is hereby created Street Improvement District No. 205 (the "District")(Project# 2015-06) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, Old Red Trail NW from 500' east of Highland Road NW to 200' west of 40th Avenue NW, and includes street construction, installation of curb and gutter, concrete street, storm sewer, street lights, shared use path and related work.

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

The following lots and blocks are included in said District:

All of **ROUGRIDER HOMESTEAD ADDITION**, according to the recorded plat thereof, Morton County, North Dakota.

All of **ROUGH RIDER ESTATES**, according to the recorded plat thereof, Morton County, North Dakota.

All of **OLD RED TRAIL STORAGE ADDITION**, according to the recorded plat thereof, Morton County, North Dakota.

All of **ADDIE'S ACRES**, according to the recorded plat thereof, Morton County North Dakota.

All of **WEST HILLS ESTATES FIRST**, according to the recorded plat thereof, Morton County, North Dakota.

All of **WEST HILLS ESTATES SECOND**, according to the recorded plat thereof, Morton County, North Dakota.

All of **WEST HILLS ESTATES THIRD**, according to the recorded plat thereof, Morton County, North Dakota.

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

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All of **WEST HILLS ESTATES FOURTH**, according to the recorded plat thereof, Morton County, North Dakota.

All of **VENUTRES 1ST**, according to the recorded plat thereof, Morton County, North Dakota.

All of **CROWN POINT**, according to the recorded plat thereof, Morton County, North Dakota.

All of **WEST RIVER 1ST**, according to the recorded plat thereof, Morton County, North Dakota.

All of **WEST RIVER 2ND**, according to the recorded plat thereof, Morton County, North Dakota.

All of **WEST RIVER 3RD**, according to the recorded plat thereof, Morton County, North Dakota.

All of **SCHOOL DISTRICT 6TH**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MEADOWS 1ST**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MEADOWS 2ND**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MEADOWS 3RD**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MEADOWS 4TH**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MEADOWS 5TH**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MEADOWS 6TH**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MEADOWS 7TH**, according to the recorded plat thereof, Morton County, North Dakota.

All of **TRAIL WEST**, according to the recorded plat thereof, Morton County, North Dakota.

All of **TRAIL WEST 2**, according to the recorded plat thereof, Morton County, North Dakota.

All of **TRAIL WEST 3**, according to the recorded plat thereof, Morton County, North Dakota.

All of **ELMSHAVEN 1ST**, according to the recorded plat thereof, Morton County, North Dakota.

All of **DIANA'S ACRES**, according to the recorded plat thereof, Morton County, North Dakota.

All of **DEBBIE'S ACRES**, according to the recorded plat thereof, Morton County, North Dakota.

All of **BAKER'S ACRES**, according to the recorded plat thereof, Morton County, North Dakota.

All of **DEVELOPERS WEST ACRES**, according to the recorded plat thereof, Morton County, North Dakota.

All of **DEVELOPERS WEST ACRES 2ND**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MANDAN IND. PARK 1ST**, according to the recorded plat thereof, Morton County, North Dakota.

All of **REPLAT OF LOT 1, BLOCK 3, MANDAN IND. PARK 1ST**, according to the recorded plat thereof, Morton County, North Dakota.

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

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All of **MANDAN IND. PARK 2ND**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MANDAN IND. PARK 3RD**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MANDAN IND. PARK 4TH**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MANDAN IND. PARK 5TH**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MANDAN IND. PARK 6TH**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MANDAN IND. PARK 7TH**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MANDAN IND. PARK 8TH**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MANDAN IND. PARK 9TH**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MANDAN IND. PARK 10TH**, according to the recorded plat thereof, Morton County, North Dakota.

All of **SCOTT'S ACRES**, according to the recorded plat thereof, Morton County, North Dakota.

All of **PATTIE'S ACRES**, according to the recorded plat thereof, Morton County, North Dakota.

All of Lots 23 thru 30, **SUNSET ACRES 1ST**, according to the recorded plat thereof, Morton County, North Dakota.

All of Lots 1 thru 7, and Lots 17 thru 18, **SUNVIEW HEIGHTS**, according to the recorded plat thereof, Morton County, North Dakota.

Auditor's Lots A thru D, and one unplatted parcel, lying in the SE ¼ of Sec. 7 of Township 139 North, Range 81 West, according to the recorded plat thereof, Morton County, North Dakota.

Auditor's Lots 3, G and H in the SW ¼ of Sec. 8 of Township 139 North, Range 81 West, according to the recorded plat thereof, Morton County, North Dakota.

Lots 1 and 1A of Block 2 in the NE ¼ of Sec. 17 of Township 139 North, Range 81 West, according to the recorded plat thereof, Morton County, North Dakota.

3. Pursuant to section 40-22-10 of the North Dakota Century Code, the City Engineer is hereby authorized and directed to prepare a report as to the general nature,

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

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purpose and feasibility of the proposed improvement and an estimate of the probable cost of the improvement.

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

President, Board of City Commissioners

ATTEST:

City Administrator

Date of Passage: February 2, 2016

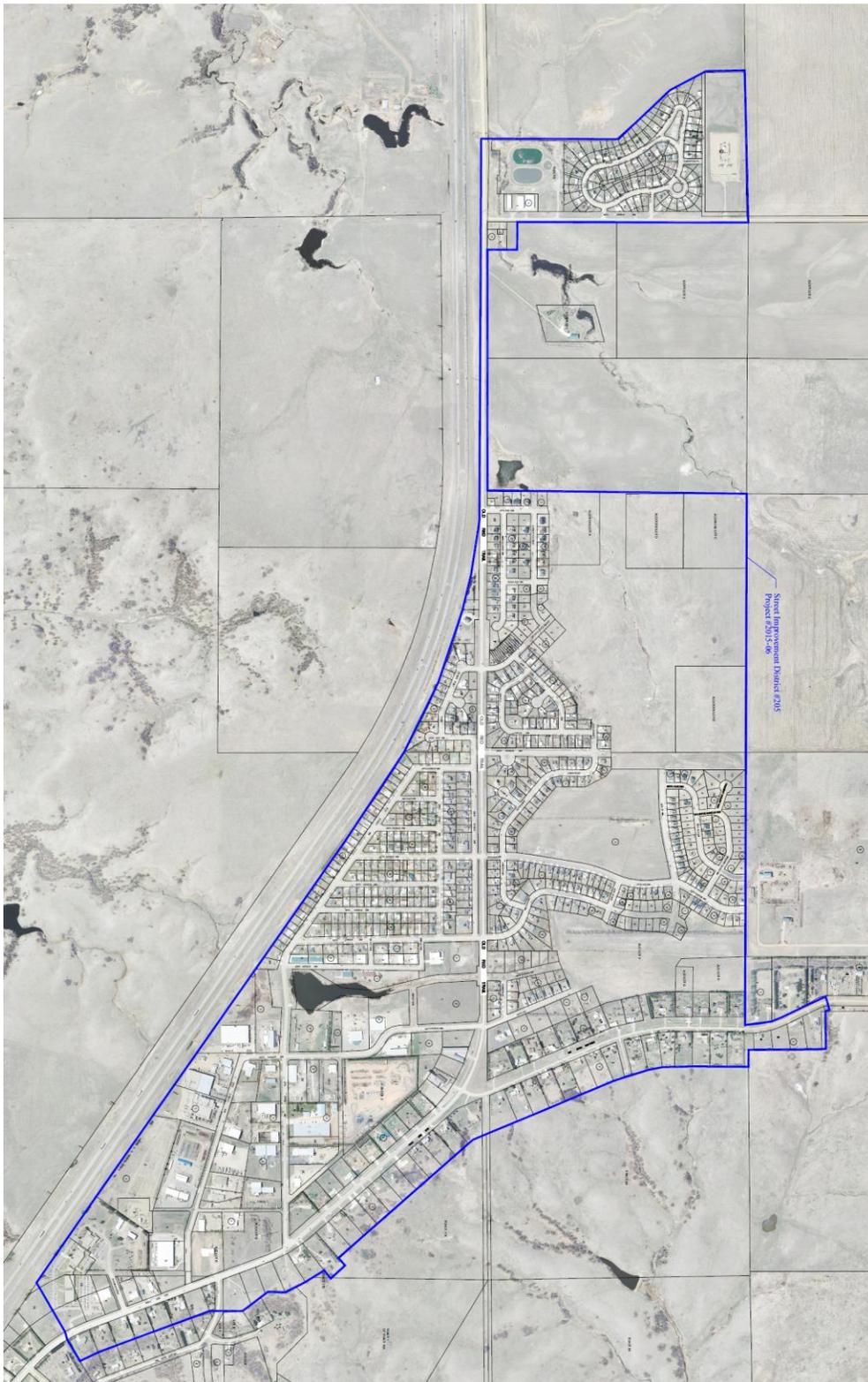
Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

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Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

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FEASIBILITY AND EVALUATION OF IMPROVEMENTS FOR STREET IMPROVEMENT DISTRICT #205, PROJECT #2015-06

1.) General Nature of Project

The District has been created to allow for new street on, Old Red Trail NW from 500' southeast of Highland Road NW to 200' west of 40th Avenue NW. Installation of new curb & gutter, concrete street, storm sewer, street lights & shared use path will take place with this project.

2.) Location of Proposed Construction

The proposed construction will take place on Old Red Trail NW from 500' southeast of Highland Road to 200' west of 40th Avenue NW.

3.) Environmental Impact

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

4.) Feasibility of Project

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

5.) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$4,909,597.70. Other costs of making the improvement including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; publication of legal notices printing of warrants; and all expenses incurred in the making of the improvement and levy of assessments therefore are estimated at \$1,718,359.20. The total cost for the improvement is estimated at \$6,627,956.90.

Dated: February 2, 2016


Justin Froseth
Planning and Engineering Director

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

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**RESOLUTION APPROVING ENGINEER'S REPORT AND
AUTHORIZING PREPARATION OF THE DETAILED PLANS
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 205**

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 Planning and Engineering Director 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. 205 (Project #2015-06), 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:	\$4,909,587.70
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:	\$1,718,359.20
c. Total estimated costs of the improvement:	\$6,627,956.90

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

Page 11 of 14

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

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

Dated this 2nd day of February 2016.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

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**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR STREET IMPROVEMENT DISTRICT NO. 205
PROJECT # 2015-06**

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. 205 (Project # 2015-06) 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 2nd day of February, 2016.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

Page 13 of 14

**RESOLUTION DECLARING THE NECESSITY OF AN
IMPROVEMENT PROJECT IN AND FOR STREET IMPROVEMENT
DISTRICT NO. 205 OF THE CITY OF MANDAN**

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

1. It is hereby found, determined and declared that it is necessary for the City to construct make an improvement of the type specified in Section 40-22-01(2), North Dakota Century Code (N.D.C.C.), in and for Street Improvement District No. 205 (the "District") of said City. Said improvement shall include, concrete street reconstruction, installation of curb and gutter, storm sewer, street lights, and related work, as well as all other work and materials which are necessary or reasonably incidental to the completion of the project; all in accordance with and as described in the resolution creating said District, and the Engineer's Report. Improvements will take place primarily on Old Red Trail and connecting side streets.

2. With regard to such improvement, the City proposes to enter an agreement with the North Dakota Department of Transportation Under such proposed agreement, the City will be obligated to pay approximately \$3,373,436.78 of the total cost of the improvement and the balance of such total cost will be paid by federal and state funds. The cost which the City will be obligated to pay under the proposed agreement will be paid from sources as follows:

a. Approximately \$1,502,365.52 or 44% of the City's cost will be paid for by special assessments to be levied against the respective lots, tracts and parcels of land within said improvement District benefited by the improvement in amounts proportionate to and not exceeding such benefits; and

Board of City Commissioners

Agenda Documentation

Meeting Date: February 2, 2016

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution of Necessity for Street Improvement District No. 205, Project No. 2015-06 (Old Red Trail Reconstruction).

Page 14 of 14

b. The balance of such cost will be paid by City sales tax funds, Hub City Funds, and by general taxation of all the taxable property in the City.

3. The City Administrator is authorized and directed to cause this resolution, together with a map of the City showing the improvement district, which is attached hereto, to be published once each week for two (2) consecutive weeks in the official newspaper of the City.

4. The owners of property within said improvement District and liable to be specially assessed for said improvement shall be afforded the opportunity to file with the City Administrator within thirty (30) days after the first publication of this resolution, written protests against the adoption of this resolution, which written protests must describe the property which is the subject of the protest. The Board of City Commissioners shall, at its next meeting after the expiration of said period, to wit March 15, 2016 at 5:30 o'clock p.m., meet at the City Hall, 205 2nd Avenue N.W., Mandan, ND, to hear and determine the sufficiency of any of the protests so filed and to take such other and further action with reference to said improvement District as may then be deemed necessary and expedient.

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

Dated this 2nd day of February, 2016.

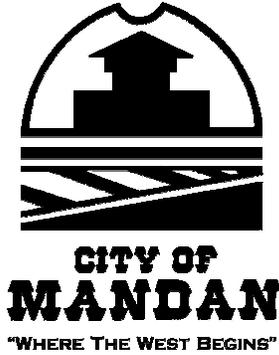
President, Board of City Commissioners

ATTEST:

City Administrator

Publication Dates: February 5 & February 12, 2016

Map of District Must also be Published



New Business #3

Board of City Commissioners

Agenda Documentation

MEETING DATE: February 2, 2016
PREPARATION DATE: January 26, 2016
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Jeff Wright, Public Works Director
PRESENTER: Jeff Wright, Public Works Director
SUBJECT: Consider various recycling items.

STATEMENT/PURPOSE: Update the commission on recycling numbers and open up discussions on issues we are seeing with the new program.

BACKGROUND/ALTERNATIVES: On January 2, 2016 the city's single sort recycling program commenced, first time collection for all residents was completed on January 14. At that time over 58 ton of recyclable materials were kept out of the landfill. As of January 29, we have collected over 96 ton of recyclables. We are seeing about 50% participation after the first month of the program. Along with the moderate success, come various issues when implementing a new program. Open for discussion are the following items of which we received phone calls expressing concern:

ATTACHMENTS: Recycling items for discussion.

FISCAL IMPACT: N/A

STAFF IMPACT: Minimal

LEGAL REVIEW: Attorney Brown has reviewed my agenda documentation.

RECOMMENDATION: We recommend approving the changes to the recycling program as presented and discussed.

SUGGESTED MOTION: I move to approve the changes to the recycling program as presented and discussed.

CONCERN	# ON LIST	RECOMMENDATION
Doesn't want to participate, pick up tote.	115 on list, just don't want to participate, some are elderly or physically unable or they have no room for the tote.	Continue to monitor calls from residents and encourage them to try the program and Public Works will call to confirm resident status again in June to bring back to the commission.
We want to share a tote.	36 on list, mainly want to participate just don't think they will generate enough and want to share with rest of complex.	Most of these are duplex calls, understanding that they will still be billed for the totes, sharing totes could be allowed. A list would be prepared for Dakota Sanitation to collect additional totes.
Can I get a smaller tote?	11 indicated they wanted a smaller tote, a couple said they would not participate if they didn't get one.	Dakota Sanitation does not have additional 65 gallon totes on hand and would have to order. The number of requests at this time is small, we will continue to monitor and can be brought back to the commission again in June.
Can I get an extra tote?	2 requested an extra tote, welcomed the program and will generate enough to fill two.	For the time being, the extra tote could be provided. We can monitor and report back in June to the commission.
I am elderly and physically unable to move the tote.	24 stated they were elderly or would have trouble getting tote to curb.	Dakota Sanitation can make arrangements with the resident for a special case collection only if the City obtains a medical note from the resident, similar to what Bismarck requires.
I can't get my garbage to the curb and have alley access.	3 left information, received more calls.	If circumstances prevent curbside placement of your tote please call Dakota Sanitation for an on-site assessment. Reasonable accommodations for alley pick up will be looked at in June by the commission.

ORDINANCE NO. 1233

An Ordinance to Void Ordinance No. 1218 and Amend and Reenact
Section 117-1-4 related to water meters

WHEREAS, Ordinance No. 1218 added language to the code requiring that water meters be installed according to installation instructions provided by the city, and

WHEREAS, subsequent amendments were made to the code that did not incorporate the language contained in Ordinance No. 1218, and

WHEREAS, this ordinance provides language that replaces the language added with Ordinance No. 1218.

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

Section 1. Ordinance No 1218 is voided.

Section 2. Section 117-1-4 is amended to read:

Sec. 117-1-4. - Ownership and control of water meter and turn on and off of service.

(a) All water meters shall be owned and controlled of the city and may, at the sole discretion of the city, be installed, inspected, maintained, repaired, removed or replaced. The city may contract for the installation, inspection, maintenance, repair, removal or replacement of water meters. The city may authorize private contractors, hired by a developer or builder, to install water meters.

(b) Only employees of the city or authorized contractors may turn on or off water service to a property. Should an unauthorized person turn on or off water service to a property or otherwise tamper with a water system valve, that person is subject to the penalty provisions of section 117-7-4.

Deleted: 6

(c) Prior to installing a water meter, a contractor shall obtain a current copy of the water meter installation instructions from the city. Water meters must be installed according to the detailed installation instructions provided by the city. Any deviation from the specified installation instructions must be approved in advance in writing by the city.

Section 3. Section 117-1-4 is readopted as amended.

President, Board of City Commissioners

Attest:

City Administrator

First Consideration:

January 19, 2016

Second Consideration and Final Passage:

February 2, 2016

ORDINANCE NO. 1234

An Ordinance to Amend and Re-enact
Sections 4-1-3, 4-2-20(c) and 4-2-20(d)(2) of the
Code of Ordinances of the City of Mandan
Relating to Hours of Alcohol Sales

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

Section 4-1-3. Hours and time of sale of the Code of Ordinances of the City of Mandan relating to hours of alcohol sales is hereby amended and re-enacted to read as follows:

Section 4-1-3. **Hours and time of sale.**

A person may not sell or dispense, or permit the sale, dispensation or consumption, of alcoholic beverages on licensed premises at any time when prohibited by state law or city ordinances, unless otherwise permitted by the decision of a court of competent jurisdiction. A person may not dispense or permit the consumption of alcoholic beverages on a licensed premises between 1:00 a.m. and 11:00 a.m. on Sundays, and between the hours of 1:00 a.m. and 8:00 a.m. of all other days of the week. All drinks, glasses and beverage containers must be collected and emptied or disposed of as soon as practicable at the legally required time of closing or immediately thereafter.

Section 4-2-20. **Sunday alcoholic beverage permit.**

(c) *Application.* An eligible applicant may make written application to the city administrator for such a permit to authorize the applicant to dispense alcoholic beverages and to conduct a dance on its premises between the hours of ~~12:00 noon~~ 11:00 a.m. on the specified Sunday and 1:00 a.m. on the following Monday. The applicant shall furnish such information as may be required by the city administrator upon forms furnished by the city. The application must be accompanied by a fee of five dollars as established by resolution for each requested Sunday.

Section 4-2-20(d)(2).

(d) *Conditions.* All Sunday alcoholic beverage permits are subject to the following restrictions and conditions:

- (2) Dancing and the dispensing of alcoholic beverages shall be permitted only between the hours of ~~12:00 noon~~ 11:00 a.m. on Sunday and 1:00 a.m. on the following Monday. The general public may be permitted to participate in the consumption of alcoholic beverages distributed under the authority of this permit.

By: _____
President, Board of City Commissioners

Attest:

City Administrator

First Consideration: January 19, 2016
Second Consideration
and Final Passage: February 2, 2016
Publication Date: February 26, 2016