

AGENDA
MANDAN CITY COMMISSION
FEBRUARY 3, 2015
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 20, 2015 Board of City Commission meeting.
- E. PUBLIC HEARING:
- F. BIDS:
- G. CONSENT AGENDA:
1. Consider approving Special Assessment corrections on Street Improvement District 161 (Dianes).
2. Consider proclaiming May 16, 2015 National Kids to Parks Day in Mandan.
3. Consider the following games of chance:
i. Poker Benefit for Prairie Rose Newman at Powerhouse Bar & Grill on May 16, 2015.
ii. United Way – Backpack Program at Starion Financial Bank from Feb. 11, 2015 – Feb. 13, 2015.
4. Consider the approval of plans and specifications, Engineer's Report and authorize the call for bids for the 2015 Municipal Sidewalk Improvement Project 2015-04.
5. Consider Resolution for the Appointment of Applicant Agent for the Hazard Mitigation Grant Program. (Emergency Generator)
- H. OLD BUSINESS:
- I. NEW BUSINESS:
1. Presentation of Long Range Transportation Plan and Resolution adopting such. (Resolution No. 3)
2. Consider recommendations for Renaissance Zone Committee appointments.

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3. Consider advertisement of Request For Proposal (RFP) for Old Red Trail reconstruction project.
- J. RESOLUTIONS AND ORDINANCES:
1. Second Consideration and final passage of Ordinance 1197 modifying the requirements for sidewalks and driveway aprons.
 2. Second Consideration and final passage of Ordinance 1199, An Ordinance to Amend and Re-enact Chapter 4-07 of the Mandan Code of Ordinances Relating to Sick Leave.
 3. Resolution to adopt Long Range Transportation Plan
- K. OTHER BUSINESS:
1. Consider support of Senate Bill 2329 relating to the size of a Renaissance Zone
- L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:
1. February 17, 2015 – 5 p.m. start time
 2. March 3, 2015
 3. March 17, 2015
- M. ADJOURN

Public Communication

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

The Mandan City Commission met in regular session at 5:00 p.m. on January 20, 2015 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota.

Commissioners present were Van Beek, Tibke, Rohr, Laber, and Braun. Department Heads present were Finance Director Welch, Police Chief Bullinger, 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, Assessor Shaw, and Building Official Lalim.

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

C. PUBLIC COMMUNICATIONS: Mayor Van Beek invited anyone to come forward to address items on the Agenda excluding public hearings. Mark Payne with Diamond Bend Apartments commented on an item on the Consent Agenda. He stated that due to the (bad) weather conditions and labor shortages from the fall of 2013 into the fall of 2014 there were delays in completing the project. He said it was also decided to limit the development to those 55 years and older into an independent-living development so modifications had to be made. Payne stated he believes the building project should be completed in July. A second announcement was made to come forward to speak for or against items on the Agenda. Hearing none, this portion of the Public Communications forum was closed.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission special meeting held on December 8, 2014 and regular meeting held December 16, 2014.* Commissioner Laber moved to approve the minutes as presented. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

F. BIDS:

1. *Consider bid opening results for Street Improvement District #196, Mandan Industrial Park.* Planning & Engineering Director Froseth stated that this Street Improvement Project #196 district and the Resolution of Necessity were approved in March 2014. No bids were received by the opening bid date of May 27th. Several concerns were received and addressed and some changes were made to the project bid documents in November 2014 and another bid opening was held on December 23, 2014.

The low bid was from Northern Improvement in the amount of \$4,155,661.20 for the base and \$3,930,477.70 for the alternate bid. The alternate bid was 27% over the final engineer’s estimate which is 129% over the original engineer’s estimate of the project cost of \$1,717,000. Therefore, it could not be accepted because it would need to be within 40% of the project for street improvement projects pursuant to N.D.C.C. In order

to address some concerns of this project, consulting engineers have concluded that a reconstruction project is needed to address the subsurface and a mill and overlay would not be sufficient. The Engineering Department is going to be looking at other issues with the project and will not be bidding this out again this year. Director Froseth recommended waiting until the Old Red Trail Reconstruction Project is completed in approximately 2017 so there are not two major construction projects underway at the same time in the same area. Director Froseth stated that street patching will have to be done until the major construction starts. However, there is no formal estimate of costs on the patching repairs. He guesstimated that it would be roughly \$10,000 per year which would be paid for by the General Maintenance Fund.

Commissioner Rohr moved to reject all bids for Street Improvement District #196 Mandan Industrial Park. 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.

2. *Consider bid opening results for Wastewater Treatment Facility Optimization project.* Planning & Engineering Director Froseth stated that the Wastewater Treatment Facility Optimization project includes rehabilitation of the existing pretreatment building and the expansion of blower capacity. There would also be modifications to the existing blower building and new ultra violet disinfection equipment and channel modifications, underground yard piping modifications and miscellaneous aeration improvements. All of these components are to be improved upon to ensure the efficiency and dependability of the operation. The project was identified in the 2012 Wastewater Collection System Master Plan, as a short-term need. Bids were opened on January 13, 2015 and 7 bids were received. The Engineer's Office recommends approval for this project as follows: the low bid for general construction including Alternates No. 1 and No. 2 from Swanberg Construction in the amount of \$2,399,000.00. The low bid for the mechanical part from Central Mechanical in the amount of \$424,000.00 and the low bid for the electrical part from Edling Electric including Alternate No. 1 for \$421,400.00. The bids received were \$900,000 under the Engineer's estimate and they are contingent on the North Dakota Department of Health review of and concurrence of the bids.

Commissioner Rohr motioned to approve the low bids and issue the Notice of Awards Contract No. 1 including Alternate No. 1 and No. 2, Contract No. 2 and Contract No. 3 including Alternate No. 1 to Swanberg Construction Inc., Central Mechanical Inc., and Edling Electric Inc., and contingent on the North Dakota Department of Health review of and concurrence of the bids. 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.

G. CONSENT AGENDA

1. *Consider approval of monthly bills.*
2. *Consider approval of the pledge of securities report required by NDCC 21-04.*
3. *Consider engineering service agreement amendment with AE2S for construction engineering services for Wastewater Facility Optimization Project.*

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4. Consider the following abatements/exemptions: (i) removed for discussion. (ii) Complete reassessment for 2014 – Deloris Palmer. (iii) Complete reassessment for 2014- Craig Withey.
 5. Consider NDDOT agreements and easements relative to Main Street ADA Project 9-999(304), PCN 20268.
 6. Consider request from the Finance Department to destroy old documents in accordance with the North Dakota Records Management Program.
 7. Consider appointments to the MARC Commission.
 8. Consider sale of City of Mandan property with an estimated value over \$1,000.
 9. Consider request from Darlene Forderer, Utility Billing Coordinator, to carryover approximately 25 to 33 hours of annual leave for six months.
 10. Consider Sunday Openings for Bar M Steakhouse LLC – Jan. 25th, Feb. 8th, and April 26, 2015.

Commissioner Laber moved to approve the Consent Agenda No. 1 through No. 10, excepting No. 4(i) 2-Yr. Exemption Extension for Diamond Bend Apartments, LLC. as presented. 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.

Discussion: No. 4 (i) 2-Yr. Exemption Extension for Diamond Bend Apartments, LLC. City Assessor Shaw explained that Mark Payne of Diamond Bend Apartments, LLC contacted the Assessing Office and was approved for 2-year tax exemption for a new or expanding business on 2/19/13. This exemption will soon expire according to the city policy. The building permit was issued on 10/4/13 and the project has to be completed by 2/19/15 or they will lose their exemption. The last inspection was on 9/2/14. Assessor Shaw stated that all inspections have passed. The Assessing Department is recommending denial of the extension for six-months because it has been determined that they have had adequate time to complete the structure. The circumstances explaining the reasons for the delay are not any greater than any other builder has had with regard to construction of their projects. She clarified that this type of exemption no longer exists under the City of Mandan policies. Mayor Van Beek concurred with the recommendation of the City Assessor indicating that the City should not have to be responsible for business's management practices.

Commissioner Laber moved to deny the request for the 2-year Property Tax Exemption Extension for new or expanding businesses for Diamond Bend Apartments, LLC. 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.

H. OLD BUSINESS:

1. Consider request from Police Officers to have City of Mandan join the ND PERS Law Enforcement Retirement Plan. Officer Czapiewski, spokesperson for the Mandan police officers provided a brief summary of this matter that was brought forward at a

previous meeting. He explained why the officers feel this plan would be good for the officers, for the police department and the city. The two main reasons for the request are: (1) Getting the older officers over 55 off shift work and into other areas; (2) Recruitment and retention of police officers to be competitive with surrounding communities. He explained that this plan is minimally unfunded and that it is a stable and safe plan. Officer Czapiewski reviewed the staffing levels for 2014. This is the 2nd highest turnover rate in the state. Commissioner Rohr concurred with the information provided by Officer Czapiewski regarding getting older officers over 55 off the streets for the benefit of the officers and the safety of the public. He also stated that he thinks this would do more for the retention of officers. He commented on the large turnover of employees in the police department over the last year stating that it is more important now than in previous years to prevent that from continuing because it is so detrimental to the department.

Commissioner Tibke mentioned that the purpose of this plan is to address predictability from defined benefits. So in summary, what the officers are proposing is that if they reach the age of 55 years and they choose to change careers, they could budget and depend on what will come every month. A defined contribution will depend on the market. That's the difference between a defined contribution plan and defined benefits. Commissioner Rohr pointed out that it will not cost any more to go to this plan. However, he requested information regarding the cost of the plan from Finance Director Welch.

Finance Director Welch stated that it is correct that the City currently contributes 10% into the pension plan for police and fire eligible employees. The state's requirement would be 9.07% so there would be no current increase in cost. The only potential increase would be if the market would decline and the legislature and the PERS Board would require a higher contribution not only from the city but also from the employees to make up the market difference. As far as long term fiscal impact this plan is well funded in comparison with the other defined benefit plans that the state offers. The state has control of this plan. The City has no control over the city contribution percentage or the employee contribution percentage if the city goes with this PERS plan.

Commissioner Laber stated that with a defined contribution plan, that plan is "yours" so 10% that the city puts in is actually a very large contribution towards "your" future retirement. Officer Czapiewski commented with regard to the discussion as to the defined contribution plan vs. the defined benefit plan and stated that the defined benefit plan is the preferred plan and will be better for them in the long run.

Commissioner Tibke stated that the 10% City and 4% match from the employee was arrived at by asking Finance Director Welch if the City was going to stay with a defined contribution and explore defined benefit depending on which way the older officers could pick staying in a defined contribution so that the City could replicate the age of retirement at 25 years, using the 14% for 25 years. The only difference is market. Market fluctuations. The City has to look at how we cannot predict the future and how the City contributes and how the state predicts it and then they let us know.

Chief Bullinger stated that for several years he has looked at retention and where the officers were going. It involved 3 components: salary, benefits/health insurance and retirement. Today, if you asked, people would say its retirement. It was very beneficial after the adoption and passage of the new salary scale that was implemented in 2013. But it didn't fix everything. There are still health benefits to deal with. In comparison, an officer starting in Bismarck, over a 7-year period of time, shows a difference of approximately \$10,000 to an officer employed in Mandan which equates out as \$2,180 in salary per year and over \$8,000 in health insurance premiums over the 7- year period. That scenario would be a retention matter and would not be fixed by any means.

Commissioner Tibke stated that the Budget Committee talked about healthcare as a critical component to this but it is also the most expensive. The City is looking into a plan with a budget sales tax or something of that nature, depending on how healthcare plays out into the future.

Mayor Van Beek commented that in a retirement plan defined contribution that if the market takes a dip you have to watch what you put in and you may take a step back. Everyone says that defined benefits can withstand that and the reason they can withstand that is because it puts more burden on the taxpayers and the City to pick up that downfall. Isn't that how those defined benefits withstand those slumps in the market? Finance Director Welch stated that he cannot speak for the ND PERS Investment Board but they do have a larger pool and they have a broader mix of investments that the City of Mandan has in its own plan. PERS probably have more options at their disposal for smoothing out those market losses than the City of Mandan has available.

Paul Leingang, Deputy Chief came forward to speak. He concurred with the overview of the retirement plan as presented by Officer Czapiewski. He mentioned that he has been with the police department since he was 17 years old and now at 51, retirement to him is not even on the radar because it "does not pencil out". He said that the PERS plan as presented is being considered as a supplemental plan by the officers so that once they turn 55 years they would have the option to move into another career if they so choose. He said paying for benefits has been a common thread of turnover at the police department for many years but that is not the only reason. There are many factors that affect hiring and retaining people, not just paying benefits. There are many options in this community for law enforcement to find employment and the only benefit they all have that Mandan Police Department does not have is the defined benefit plan. Deputy Leingang stated that he believes if the PERS program is passed it will have a positive impact on the department. However, if it is not adopted the department will have some negative consequences by way of unnecessary turnover of officers. He pointed out that the effort to bring this matter forward came from the rank and file officers. It is important to recognize that because that is their way of letting the City know what is important to them.

Commissioner Tibke moved to adopt the North Dakota Law Enforcement PERS Retirement System Plan. Commissioner Rohr seconded the motion. Roll call vote:

Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: No*;
Commissioner Braun: No; Commissioner Van Beek: No**.

* Commissioner Laber said that because of the reasons she has stated previously with being very uncomfortable with making it only a defined benefit and no contribution component; she has to say no because she does not think this is 100% the right call.

** Mayor Van Beek stated that at this point and time defined benefits locks the City into something that he doesn't know at this time that he can put onto the taxpayer's shoulders, so he has to say no.

The motion failed 3-2.

Commissioner Tibke moved to approve that the Commission appoint a Special Committee to discuss a hybrid version between the “yes’s” and the “no’s”. She suggested the Special Committee include a City Commission member, the Finance Director, the Police Chief and a Police Officer of their choosing. 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.

I. NEW BUSINESS:

1. *Community marketing update about online video.* Business Development & Communications Director Huber provided an update on the Community Marketing Plan efforts. She explained that this is an online video that promotes Mandan as a place to do business. It includes testimonials from local entrepreneurs talking about their successful experiences in Mandan. The video will target individuals who are interested in starting or re-locating a business in Mandan as well as a tool for real estate agents and commercial lenders. It will be a combination of You-Tube, Facebook and also Google search advertising. The video was part of the community marketing activities and created under the direction of the Mandan Business Development and Communications Department and Mandan Tomorrow - Leadership, Pride and Image Committee. The video was released this month. Director Huber presented the video for viewing.

2. *Consider Growth Fund Committee recommendation for appointment of four positions for a 2015-2017 term.* City Administrator Neubauer stated that the Mandan Growth Fund Committee had four positions which terms expired on 12/31/14. A public announcement was published for individuals to come forward to fill the positions if interested. Five applications were received. The MGF met on 1/9/15 and conducted interviews with all five applicants. After review and discussion, the MGF recommended the reappointments of Mark Weide, Jeff Erickson and Rick Horn and a new appointment of Dan Anderson. The MGF strives to have representation from Downtown, Memorial Highway, Northwest (Industrial Park) and Financial Institutions.

Commissioner Laber moved to approve the reappointments of Mark Weide, Jeff Erickson and Rick Horn and a new appointment of Dan Anderson to the Mandan Growth Committee for terms ending 12/31/17 or until appointments are made to their positions. 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.

3. *Consider approval of TIP (Transportation Improvement Program) road project submittals.* Planning & Engineering Director Froseth stated that the engineering staff met with the Metropolitan Planning Organization (MPO) and Dept. of Transportation staff to discuss and prioritize funding requests for various roadway projects with focus on 2019, as the DOT likes to take a four-year outlook review of projects. Director Froseth provided information on the TIP Improvement Program projects that the City applied for in the year 2019. These projects are eligible for up to 80% federal funding with a 20% local match required. The priorities of the projects are:

> 2019 Urban Roads Applications:

- (i) Project L – Intersection of McKenzie Drive SE and 46th Avenue SE
- (ii) Project H – Reconstruction of 8th Avenue NW from Old Red Trail to 27th Street NW
- (iii) Project G – Extension of Sunset Drive NW
- (iv) Project I – Extension of Division Street east from 8th Avenue NE to Mandan Avenue
- (v) Project J – Extension of Division Street west from Sunset to Lohstreter
- (vi) Project K – Extension of 8th Avenue NW from 27th Street to 38th Street NW

> 2019 Urban Regional Applications - 80% funding from federal funding administered through the DOT with 10% from the state and 10% from a local match. The two projects are:

- (i) 1806 From Old Red Trail to 27th Street NW
- (ii) Memorial Highway, Phase 1 (Memorial Highway is considered a state highway and that is why it falls under this category) . The DOT and the MPO staff determined the plan for Memorial Highway reconstruction has a 3-phase approach with east Memorial Highway as Phase 1

These are the applications sent in for 2019. The TIP Projects are in the TIP Program meaning that the DOT has allocated funds they are expected to receive from the Federal Highway Administration.

Commissioner Rohr moved to approve the 2015-2019 TIP (Transportation Improvement Program) road projects sent to the MPO for their consideration and to forward them to the ND Department of Transportation. 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.

4. *Consider Revisions to the 5-year Remodeling Exemptions on Existing Commercial and Residential Structures.* City Assessor Shaw stated that in 2014 the City

of Mandan had adopted a resolution for the 5-year remodeling exemptions. The Assessing Department has reviewed the current policy for residential and commercial property and revisions have been identified to help streamline the process and focus. Assessor Shaw provided the state guidelines and noted they are also on the City of Mandan website and State of ND website. This exemption provides an incentive to property owners to invest private capital to remodel and rehabilitate private structures to prevent them from decay. It would be at the discretion of the City to grant the exemption. This would also provide an incentive to improve private properties that will improve employment numbers and enhance living conditions while preserving the property tax base. Bismarck, Fargo, West Fargo, Grand Forks, Jamestown and Minot were queried last year as to what their policies were for the requirements of the exemptions and it was found there was a varying degree of requirements. The Mandan Growth Fund Committee also reviewed the Commercial Policy at their January 9, 2015 meeting of which they approved the revisions with the inclusion of the words “or other insurable events” under the #5 item that is also referenced under flood, fire and tornado damages. The proposed policy has been reviewed by the City Assessor, the Economic Development Director, the Finance Director and the City Administrator.

The consensus was to make the following changes to the 5-year remodeling exemption:

- (i) The exemption will be for a maximum of three (3) years (currently at five (5) years).
- (ii) Additions to commercial properties could qualify for the exemption upon approval by the city commission if the project qualifies or meets the criteria requirements.
- (iii) The property owner must apply for the exemption and be approved with the Assessor Office once the completion of the reassessment is done and final approval made by the City Commission prior to the commencement of the improvement. Commencement of the improvement means the start of any remodeling, pouring of footings or foundation. The moving of dirt is not considered commencement of improvement.
- (iv) A permit must be issued prior to the commencement of the improvement.
- (v) The exemption will not be allowed for repairs due to flood, fire, or tornado damages or other insurable events.
- (vi) A property tax may be allowed one exemption per property per assessment year. The first remodeling exemption must be completed and expired prior to the approval of the second application for remodeling exemption. This would include Renaissance, store front improvement matching funds or new business exemptions.

The requirements would become effective with the Assessment Year 2015 upon approval of the City Commission.

Commissioner Laber moved to approve the revisions to the 5-year Remodeling Exemptions on Existing Commercial and Residential Structures. 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.

5. *Introduction of Morton Mandan Public Library Assistant Director Sarah Warneke.* Kelly Steckler, Library Director, introduced Sarah Warneke, as the new Assistant Director at the Morton Mandan Public Library. She comes from Nebraska and received her Library of Science Degree from the University of Nebraska. She has many years of library experience and training. Mayor Van Beek welcomed Ms. Warneke to the Morton Mandan Public Library staff.

J. RESOLUTIONS AND ORDINANCES:

1. *Consider adoption of Ordinance 1197 modifying the requirements for sidewalks and driveway aprons.* Principal Planner Decker stated that there is a need to update and do a minor clean-up of the verbiage on ordinances so the application process is cleaner. Work in progress continues on municodes so this will be included into those revisions.

Commissioner Tibke moved for the first consideration for the adoption of Ordinance 1197 modifying the requirements for sidewalks and driveway aprons. 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.

2. *Introduction and first consideration of Ordinance 1199, An Ordinance to Amend and Re-enact Chapter 4-07 of the Mandan Code of Ordinances Relating to Sick Leave.* City Administrator Neubauer stated this is a follow-up item from the last meeting wherein there was discussion on the implementation of two different sick leave banks, Bank A and Bank B and also to include a provision for long-term disability plan for City employees.

Commissioner Laber moved to approve the first consideration of Ordinance 1199, an Ordinance to amend and Re-enact Chapter 4-07 of the Mandan Code of Ordinances Relating to Sick Leave. 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.

K. OTHER BUSINESS:

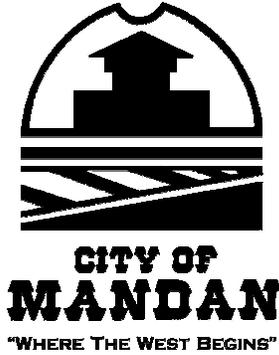
1. Mayor Van Beek provided a reminder that Monday, January 26, 2015, is the date set for the Mandan Progress Organization Annual Dinner at the Harvest Brazilian Grill. Tickets can be purchased at the MPO Office.

2. Commissioner Laber provided a reminder and encouraged attendance at the Public Info & Input Meeting regarding City Hall options that will be held on Tuesday, January 27, 2015, from 5:00 p.m. – 7:00 p.m. at Mandan City Hall.

There being no further actions to come before the Board of City Commissioners, Commissioner Rohr moved to adjourn the meeting at 6:35 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



Board of City Commissioners

Agenda Documentation

MEETING DATE: February 3, 2015
PREPARATION DATE: January 26, 2015
SUBMITTING DEPARTMENT: Planning & Engineering
DEPARTMENT DIRECTOR: Justin Froseth, Planning & Engineering Director
PRESENTER: Kim Fettig, Engineering Project Manager
SUBJECT: Consider approval of Special Assessment corrections for Street Improvement District 161(Diane's)

STATEMENT/PURPOSE: To approve corrections to special assessments for parcels on 15th Street NW within Area 2 of the Street Improvement District 161.

BACKGROUND/ALTERNATIVES: Confirmation of Special Assessments was made by the City Commission on October 7th, 2014 for Street Improvement District 161. On January 23 it was discovered that the special assessments for Area 2 15th Street NW were all assessed to 11 parcels when in fact they should have been split to add specials to parcels along 15th Street NW east of 3rd Avenue NW to 2nd Avenue NW. In making the appropriate adjustments it has reduced the amount of specials for 11 parcels and has added special assessments to the 3 parcels that were missed. North Dakota Century Code 40-26-02 allows for correcting errors, mistakes, and deficiencies in special assessments. All property owners that are affected by these corrections have been notified by certified mail.

ATTACHMENTS:

1. Worksheet showing changes
2. Area 2 project map

FISCAL IMPACT: Minimal. The total amount of specials remains the same, they are just being spread to more benefitting parcels.

STAFF IMPACT: Minimal

LEGAL REVIEW: All our data has been forwarded on to the city attorney for review.

Board of City Commissioners

Agenda Documentation

Meeting Date: February 3, 2015

Subject: Consider approval of Special Assessment corrections for Street Improvement
District 161(Diane's)

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RECOMMENDATION: Our office recommends approval of these special assessment corrections.

SUGGESTED MOTION: I move to approve the special assessment corrections for Area 2, 15th Street NW within the Street Improvement District 161.

Board of City Commissioners

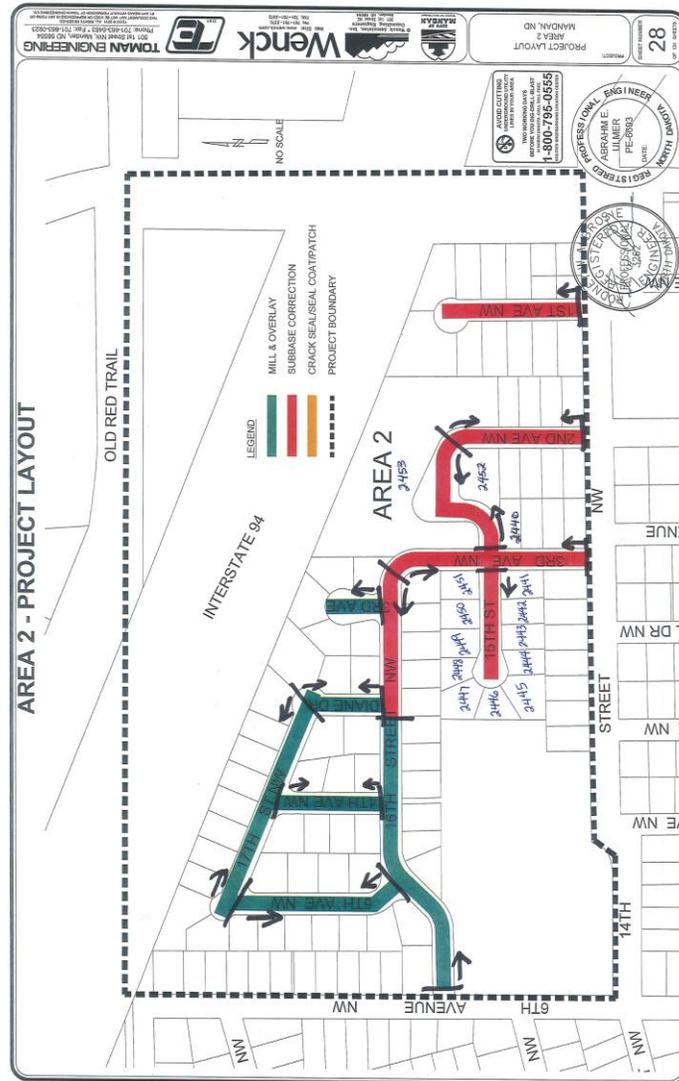
Agenda Documentation

Meeting Date: February 3, 2015

Subject: Consider approval of Special Assessment corrections for Street Improvement

District 161(Diane's)

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Consent No. 2

CITY OF MANDAN

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

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

National Kids to Parks Day Proclamation Saturday, May 16, 2015

WHEREAS, May 16th, 2015 is the fifth 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** May 16, 2015, in the City of Mandan, ND. I urge residents of Mandan to make time May 16th to take the children in their lives to a neighborhood, state or national park.

Signed this 3rd day of February, 2015

Arlyn Van Beek, President
Board of City Commissioners

Attest:

James Neubauer, City Administrator



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

Consent No. 3i

Type: Local Permit * Charity Local Permit

Permit Number
2015-07

Name of Organization Poker Benefit For Prairie Rose Newman		Date(s) Authorized (Read instruction 2)	
Contact Person Jessica Quinten	Business Phone Number	5/16/2015 Beginning	to 5/16/2015 Ending
Mailing Address 906 West Main Street	City Mandan	State ND	Zip Code 58554-0000
Site Name Powerhouse Bar & Grill	Site Address 501 Burlington Avenue		
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 type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input checked="" 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 1/26/2015	Signature of: <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor <i>Jay Gruebele</i>	Printed Name of City or County Auditor Jay Gruebele	Auditor Telephone Number

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.

2015-07

Rec
1-26-15



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 Poker Benefit For Prairie Rose Newman		Date(s) of Activity May 16, 2015 to May 16, 2015	
Person Responsible for the Gaming Operation and the Disbursement of Net Income Jessica Quinten - payout, Roughrider Poker Tour - Operation		Title	Business Phone Number
Business Address Jessica's address - 906 W. Main St.	City Mandan	State ND	Zip Code 58554
Mailing Address (if different)	City	State	Zip Code
Name of Site Where Game(s) will be Conducted Powerhouse bar & grill		Site Address 501 Burlington Avenue	
City Mandan ND 58554		State ND	Zip Code 58554
		County Morton	
Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.			
<input type="checkbox"/> Bingo <input type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input checked="" 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
Poker	Cash	determined by number of entries on day of event			
Total:					(Limit \$12,000 per year) \$

Intended uses of gaming proceeds: to pay for medical expenses incurred before March of 2015.

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>Jessica Quinten</i>	Date 11/23/15	Title Prairie Rose's sister	Business Phone Number
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LOCAL PERMIT OR CHARITY LOCAL PERMIT
 NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 17926 (10/2012)

Consent No. 3ii

Type: Local Permit * Charity Local Permit

Permit Number
2015-06

Name of Organization United Way - Backpack Program		Date(s) Authorized (Read instruction 2)	
Contact Person Kari Pollert	Business Phone Number	2/11/2015 Beginning	to 2/13/2015 Ending
Mailing Address 109 1st Street Nw	City Mandan	State ND	Zip Code 58554-0000
Site Name Starion Financial Bank - Mandan	Site Address 109 1st Street Nw		
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 1/26/2015	Signature of: <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor	Printed Name of City or County Auditor Jay Gruebele	Auditor Telephone Number

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.

15-06

REC
1-26-15



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 United Way- Backpack Programs		Date(s) of Activity 11-15 to 2-13-15	
Person Responsible for the Gaming Operation and the Disbursement of Net Income Kari Pollert		Title Marketing Analyst/ Web Design	Business Phone Number
Business Address 109 1st St NW	City mandan	State NO	Zip Code 58554
Mailing Address (if different)	City	State	Zip Code
Name of Site Where Game(s) will be Conducted Starion Financial-Mandan		Site Address 109 1st St NW	
City Mandan	State NO	Zip Code 58554	County Morton
Check the Game(s) to be Conducted: *Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.			
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker * <input type="checkbox"/> Twenty-one * <input type="checkbox"/> Paddlewheels *			

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize	Game Type	Description of Prize	Retail Value of Prize
Raffle	Gardening Basket	\$50-	"	more Night Basket	\$40-
"	Ice Cream Basket	\$35-	"	for the Baker Basket	\$40-
"	Coffee Basket	\$40-	"	Day @ the Lake Basket	\$75-
"	Homemade Goodies + Gift Card	\$75-	"	Basket from Accounting	\$50-
"	Snowy Day Basket	\$50-			
"	Spa Basket	\$150-			
"	Ice Fishing Basket	\$75-			
"	All Things Indulgent	\$150-			
"	Auto + Home	\$50-			
Total:					(Limit \$12,000 per year) \$ 000

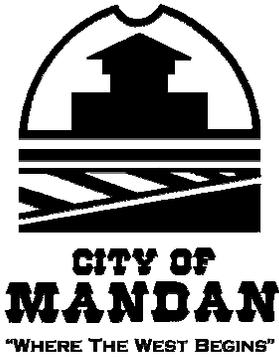
Intended uses of gaming proceeds: funds will be donated to the United Way Backpack program.

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

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

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

Signature of Organization's Top Executive Official Kari Pollert	Date 1/26/15	Title Marketing Analyst Web Design	Business Phone Number
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Board of City Commissioners

Agenda Documentation

MEETING DATE: February 3, 2015
PREPARATION DATE: January 28, 2015
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth, Planning & Engineering Director
PRESENTER: Kim Fettig, Project Manager
SUBJECT: Consider the approval of plans and specifications, Engineers Report, and authorize the call for bids for the 2015 Municipal Sidewalk Improvement Project 2015-04.

STATEMENT/PURPOSE: To move forward with the project to repair sidewalks, driveways, and other concrete items throughout the City.

BACKGROUND/ALTERNATIVES: This is an annual sidewalk construction project that is for the removal and replacing of existing sidewalks or aprons in need of repair. Residents may elect to have sidewalk and/or apron work done to their existing sidewalk and/or apron that is adjacent to their property under this project, and to have that work assessed to their property. Sidewalks and/or aprons for new construction however are not eligible to participate. Work includes any concrete item within the public right-of-way that needs to be done. The City utilizes this contract also for various repairs.

ATTACHMENTS:

1. Engineer's Estimate
2. Resolution Approving Plans and Specifications
3. Resolution Approving Engineer's Report
4. Resolution Directing Advertisement for Bids

FISCAL IMPACT: Minimal, all work under this project is requested and special assessed to the benefitting property.

STAFF IMPACT: The Engineering staff will be performing the construction administration for this project.

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

RECOMMENDATION: This office supports moving forward with the said project.

Board of City Commissioners

Agenda Documentation

Meeting Date: February 3, 2015

Subject: Consider the approval of Plans and Specifications, Engineers Report and authorize the call for bids for the 2015 Municipal Sidewalk Improvement Project 2015-04

Page 2 of 8

SUGGESTED MOTION: I move to approve the resolution approving plans and specifications, approve the resolution approving engineer's report and approve the resolution directing advertisement for bids for the 2015 Municipal Sidewalk Improvement Project 2015-04.

Board of City Commissioners

Agenda Documentation

Meeting Date: February 3, 2015

Subject: Consider the approval of Plans and Specifications, Engineers Report and authorize the call for bids for the 2015 Municipal Sidewalk Improvement Project 2015-04

Page 3 of 8

ENGINEER'S ESTIMATE

MUNICIPAL SIDEWALK IMPROVEMENT

February 3, 2015
PROJECT NO. 2015-04

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE BOARD OF CITY COMMISSIONERS
CITY OF MANDAN, MANDAN, NORTH DAKOTA

GENTLEMEN:

I HEREWITH SUBMIT AN ESTIMATE OF THE PROBABLE COST OF THE CONSTRUCTION OF
MUNICIPAL SIDEWALK PROJECT NO. 2015-04 IN THE CITY OF MANDAN, N.D.

BID NO.	ITEM NO.	ITEM	APPROX QUANTITY		UNIT PRICE	AMOUNT
1	601	4" CONCRETE SIDEWALK	1,900	SF	\$5.25	\$9,975.00
2	601	6" CONCRETE SIDEWALK	600	SF	\$6.00	\$3,600.00
3	602	6" CONCRETE DRIVEWAY	1,200	SF	\$6.00	\$7,200.00
4	603	6" CURB AND GUTTER	150	LF	\$20.00	\$3,000.00
5	601	4" HANDICAP CURB RAMPS	40	SF	\$12.00	\$480.00
6	601	4" CONCRETE STEPS	10	SF	\$40.00	\$400.00
7	601	3/4" FELT EXPANSION MATERIAL	300	LF	\$1.00	\$300.00
8	202	UNCLASSIFIED EXCAVATION	102	CY	\$15.00	\$1,530.00
9	1504	CONCRETE REMOVAL	3,700	SF	\$2.00	\$7,400.00
10	1503	SAW CUTTING	150	LF	\$10.00	\$1,500.00
11	1505	ADJUST WATER CURB STOP	2	EA	\$45.00	\$90.00
12	1506	ADJUST WATER VALVE BOX	2	EA	\$45.00	\$90.00
13	1507	BLACK DIRT AND SEED	10	SY	\$12.00	\$120.00
14	1203	SOD	5	SY	\$15.00	\$75.00
15	201	TREE ROOT REMOVAL (2" TO 6")	2	EA	\$50.00	\$100.00
16	201	TREE ROOT REMOVAL (OVER 6" TO	2	EA	\$75.00	\$150.00
17	201	TREE ROOT REMOVAL (OVER 12")	2	EA	\$100.00	\$200.00
18	501	COLD WEATHER PROTECTION- CURB & GUTTER	30	LF	\$0.75	\$22.50
19	501	COLD WEATHER PROTECTION- CONCRETE PAVEMENT	300	SF	\$0.50	\$150.00
20	1513	REMOVE & REPLACE 8" CURB & GUT	200	LF	\$30.00	\$6,000.00
TOTAL PROJECT COST						\$42,382.50

Board of City Commissioners

Agenda Documentation

Meeting Date: February 3, 2015

Subject: Consider the approval of Plans and Specifications, Engineers Report and authorize the call for bids for the 2015 Municipal Sidewalk Improvement Project 2015-04

Page 4 of 8

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR MUNICIPAL SIDEWALK IMPROVEMENTS
PROJECT # 2015-04**

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 Project # 2015-04 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 3rd day of February, 2015.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: February 3, 2015

Subject: Consider the approval of Plans and Specifications, Engineers Report and authorize the call for bids for the 2015 Municipal Sidewalk Improvement Project 2015-04

Page 5 of 8

**RESOLUTION APPROVING ENGINEER'S REPORT AND
AUTHORIZING PREPARATION OF THE DETAILED PLANS
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE
IMPROVEMENT IN MUNICIPAL SIDEWALK IMPROVEMENTS PROJECT 2015-04**

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 Municipal Sidewalk Improvement Project 2015-04, 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:	\$42,382.50
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:	\$4,238.25
c. Total estimated costs of the improvement:	\$46,620.75

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 3rd day of February, 2015.

President, Board of City Commissioners

ATTEST:

City Administrator

**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS
FOR MUNICIPAL SIDEWALK IMPROVEMENT PROJECT 2015-04**

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

1. The City Administrator 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 Municipal Sidewalk Improvement Project 2015-04 of the City of Mandan, as more fully described and referred to 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 twenty-one days before the date specified for receipt of bids, which notice shall be in the following form:

**“ADVERTISEMENT FOR BIDS FOR
2014 MUNICIPAL SIDEWALK IMPROVEMENT PROJECT #2015-04
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota, will receive sealed bids at the Office of the City Engineer, City Hall, until March 10, 2015, at 10:00 a.m., local time, for the purpose of the construction and repair of sidewalks, curb and gutters, and all other work related to the 2015 Municipal Sidewalk Improvement Project 2015-04. 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 documents may be downloaded by selecting this project from the “Bid Documents” tab and by entering Quest Project Number #3684065 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.

Board of City Commissioners

Agenda Documentation

Meeting Date: February 3, 2015

Subject: Consider the approval of Plans and Specifications, Engineers Report and authorize the call for bids for the 2015 Municipal Sidewalk Improvement Project 2015-04

Page 7 of 8

The Contractor shall include a copy of his license or certificate or 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. Unless a bidder obtains a contractor's license for the full amount of its bid within twenty days after it is determined the bidder is the lowest and best bidder, the bid must be rejected and the contract awarded to the next lowest, best, and licensed bidder.

Each bid shall be accompanied by a separate envelope containing a bidder's bond in the amount of five (5) percent of the amount of the bids as required by Section 48-01.1-05, North Dakota Century Code, as amended, and executed as provided by law. The bid bond shall be 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 a contract in accordance with the terms of the bid and a contractor's bond as required by law and the regulations and determinations of the city's governing body.

Bids shall be made on the basis of 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.

All work shall be completed no later than December 31, 2015. If the contractor fails to complete all the work within this time, or such additional time as has been granted for excusable delays, there shall be deducted from any money due the contractor the sum of One Hundred Dollars for each calendar day the completion of the work is delayed. Such deducted amounts shall be charged as liquidated damages and not as a penalty.

The bid proposals shall be sealed and endorsed "Proposal for the 2015 Municipal Sidewalk Improvement Project #2015-04". Bids shall be delivered or mailed to: City Engineer, 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 10, 2015. All bidders are invited to be present at the public opening of the bids. No bid may be read or considered if it does not fully comply with the requirements of NDCC '48-01.1-05 and any deficient bid submitted must be resealed and returned to the bidder immediately.

The Board of City Commissioners of the City of Mandan, North Dakota, will meet at the City Hall in said city on Tuesday, March 17, 2015 at 5:30 p.m., 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 filed protests are insufficient to bar the work. The contract will be awarded on the basis of the low bid submitted by a responsible and responsive bidder deemed most favorable to the City's interest.

The Board of City Commissioners reserves the right to hold all bids for a period of thirty (30) days after the date fixed for the opening thereof, and to reject

Board of City Commissioners

Agenda Documentation

Meeting Date: February 3, 2015

Subject: Consider the approval of Plans and Specifications, Engineers Report and authorize the call for bids for the 2015 Municipal Sidewalk Improvement Project 2015-04

Page 8 of 8

any or all bids and to waive irregularities whenever it is in the best interest of the City of Mandan.

Dated this 3rd day of February, 2015.

City of Mandan, North Dakota

BY: James Neubauer
City Administrator

Publication Dates: February 13 & February 20, 2015”

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

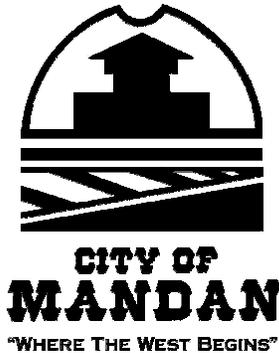
4. The Board of City Commissioners shall meet on Tuesday, March 17, 2015 at 5:30 pm, local time, to review the bids submitted, consider the engineer’s recommendation, and to award the contract to the successful bidder.

President, Board of City Commissioners

ATTEST:

City Administrator

Passed: February 3, 2015



Board of City Commissioners

Agenda Documentation

MEETING DATE: February 3, 2015
PREPARATION DATE: January 27, 2015
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Jeff Wright
PRESENTER: Jeff Wright, Director of Public Works
SUBJECT: Consider Resolution for the Appointment of Applicant Agent for the Hazard Mitigation Grant Program. (Emergency Generator)

STATEMENT/PURPOSE: Consider resolution appointing Jeff Wright, Public Works Director as the applicant agent for the Hazard Mitigation Grant Program for the installation of an emergency generator at the south side reservoir for the water pump station/emergency 911 communications tower in the Plainview Heights area.

BACKGROUND/ALTERNATIVES: The City of Mandan applied for this grant in 2011, only to have the grant denied due to the lack of a Hazard Mitigation Plan for Morton County. Morton County's plan has since been approved so the generator project is now eligible for the grant. The grant is 75% Federal, 15% Local and 10% State participation. Unfortunately, the original grant application needs to be updated and re-submitted for approval. This resolution is part of the updating and application process we have started.

The Commission will be updated as this project progresses.

ATTACHMENTS: Resolution

FISCAL IMPACT: Estimated City Share of \$37,500, if project is accepted.

STAFF IMPACT: Minimal

LEGAL REVIEW: Malcolm has no issues with the resolution.

RECOMMENDATION: Recommend approving resolution appointing Jeff Wright, Public Works Director as the applicant agent for the Hazard Mitigation Grant Program.

SUGGESTED MOTION: Move to approve resolution appointing Jeff Wright, Public Works Director as the applicant agent for the Hazard Mitigation Grant Program.

Board of City Commissioners

Agenda Documentation

Meeting Date: February 3, 2015

Subject: Consider Resolution for the Appointment of Applicant Agent for the Hazard Mitigation Grant Program. (Emergency Generator)

Page 2 of 2



CITY OF MANDAN

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

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

RESOLUTION
APPOINTMENT OF APPLICANT AGENT
For the
Hazard Mitigation Grant Program (HMGP)
And
Pre-Disaster Mitigation Program

WHEREAS, the City of Mandan is submitting a Pre-Disaster Mitigation Grant project to the Federal Emergency Management Agency and the State Department of Emergency Services; and

WHEREAS, the City of Mandan is required to appoint an Applicant Agent for the purpose of signing documents and assuring the completion of all application documents;

NOW THEREFORE BE IT RESOLVED that the City of Mandan appoints Jeff Wright, Director of Public Works, as the authorized Applicant Agent.

Dated this 3rd day of February, 2015.

Arlyn Van Beek, Mayor

ATTEST:

James Neubauer, City Administrator



Board of City Commissioners Agenda Documentation

MEETING DATE: February 3, 2015
PREPARATION DATE: January 30, 2015
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Presentation of Long Range Transportation Plan and
Resolution adopting such

STATEMENT/PURPOSE.

The MPO (Metropolitan Planning Organization), in coordination with the participating municipalities, creates plans for regional transportation improvements. These plans are required when seeking state and federal funding. The Long Range Transportation Plan (LRTP) is updated every 5 years. The plan under consideration today looks at regional transportation needs through the year 2040.

BACKGROUND/ALTERNATIVES

Staff has been working with the LRTP consultant to identify projects for inclusion in the plan. The consultant is here to report on the results of their efforts and discuss various projects included in the plan.

ATTACHMENTS:

- 1) LRTP Executive summary

FISCAL IMPACT:

The city will need to budget for the local match as these projects are approved for funding by the state.

STAFF IMPACT:

Minimal

RECOMMENDED ACTION:

Approve of LRTP.

SUGGESTED MOTION:

I move to approve the update of the Long Range Transportation Plan as presented.



Envision 2040

Executive Summary

January 2015

2015-2040
BISMARCK-MANDAN
Long Range Transportation Plan



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EXECUTIVE SUMMARY

INTRODUCTION

The Bismarck-Mandan Metropolitan Planning Organization (MPO) is a consortium of five jurisdictions: **City of Bismarck, City of Mandan, City of Lincoln**, part of **Burleigh County**, and part of **Morton County**. The MPO is composed of two main committees:

- The Technical Advisory Committee (TAC), technical and administrative staff who provide professional assessment and recommendations for the MPO's Policy Board.
- The Policy Board is a five member board comprised of the mayors of Bismarck, Lincoln, and Mandan, and a commissioner from each Burleigh and Morton Counties. The Policy Board is the decision-making body of the MPO.

As required by *the Moving Ahead for Progress in the 21st Century Act* (MAP-21) transportation authorization, every MPO is required to develop a Long Range Transportation Plan (LRTP) that provides guidance for selecting a fiscally-constrained set of transportation policies, projects and programs through 2040. The LRTP must be updated every five years. The LRTP study area is documented in **Figure ES-1**.

The purpose of the MPO *2015-2040 Bismarck-Mandan Long Range Transportation Plan* (called the "2040 LRTP" in this document) is to:

- **Establish a community vision** for the LRTP by engaging community members to understand the community's transportation concerns and identifying opportunities for improved regional travel.
- **Evaluate current and long-term mobility, accessibility, and safety performance** and identify issue locations that do not meet locally-established performance standards.
- **Address all modes of travel**, including personal vehicle, bus / transit, bicycle and pedestrian.
- **Develop and test a range of improvement strategies, programs and projects** (called "alternatives") that address identified mobility and accessibility needs while fitting within the community fabric.
- **Develop a prioritized, financially-constrained implementation plan** for transportation investments through 2040.

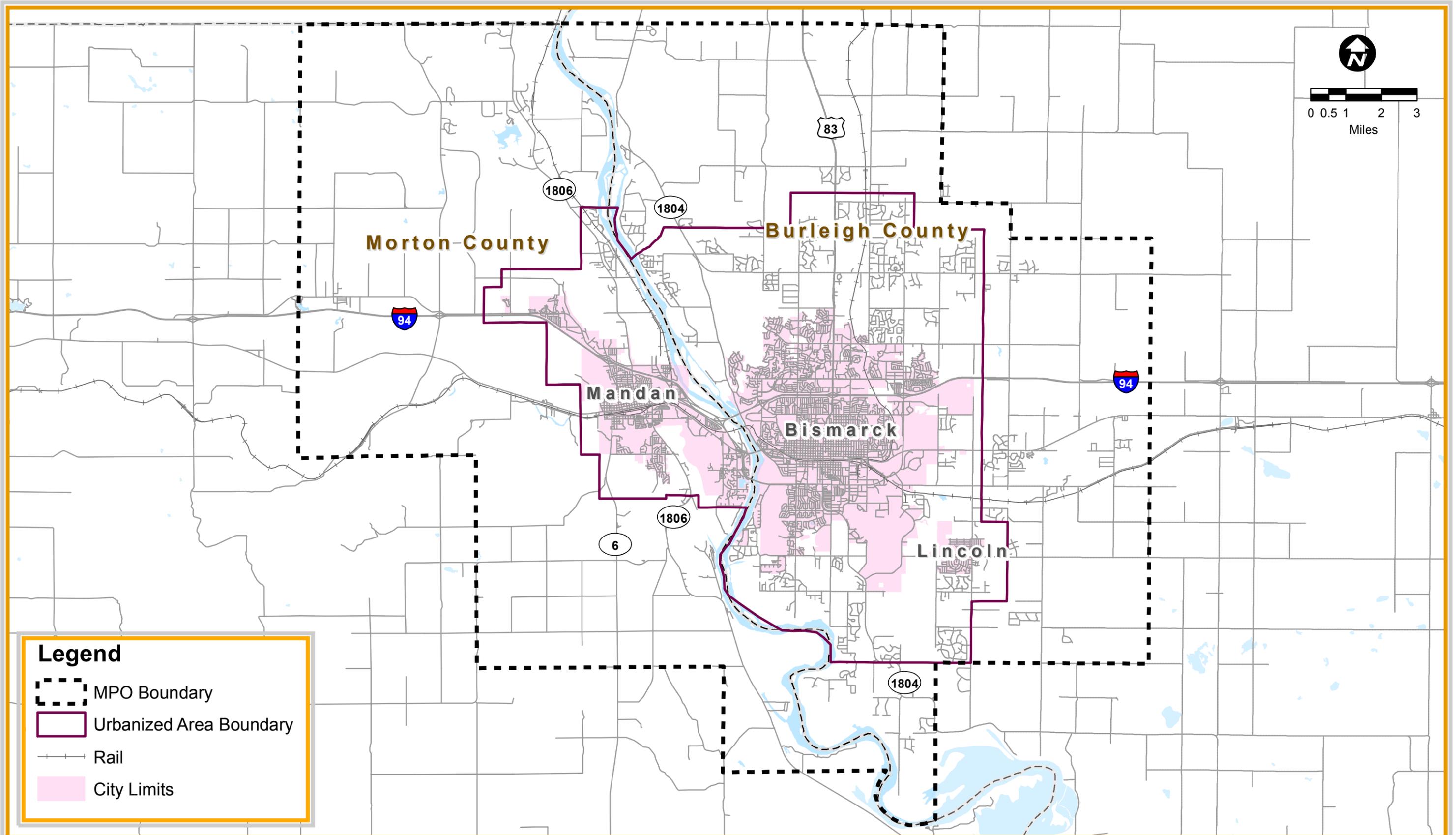
This executive summary provides a summary of the highlights of the 2040 LRTP document. A full LRTP report is available at the study website at: envisionbisman2040.com.

TRANSPORTATION GOALS AND OBJECTIVES

The Bismarck-Mandan community has a unique vision for its transportation system, and the 2040 LRTP included an **extensive outreach and engagement process** to develop goals and objectives. Goals and objectives for the 2040 LRTP are based on feedback received from the LRTP study management team, public workshops, the MPO Technical Advisory Committee and Policy Board members, state transportation plans, and Federal transportation guidance.

The goals and objectives developed for the transportation plan are provided below.

<p>Goal 1: Maintain and Improve Regional Mobility and Connections</p>	<ul style="list-style-type: none"> • Objective 1A: Implement projects and programs that reduce travel delays. • Objective 1B: Leverage the existing transportation system by emphasizing low-cost, low-impact solutions that may include incremental system improvements, system preservation, and technology applications. • Objective 1C: Provide and maintain corridors that facilitate longer-distance travel within the region. • Objective 1D: Improve the continuity of the multimodal system through improved network connections and reduction of system gaps. • Objective 1E: Manage and plan for a street and highway system that provides an appropriate functional balance of land access and travel mobility.
<p>Goal 2: Enhance Regional Alternatives to Automobile Travel</p>	<ul style="list-style-type: none"> • Objective 2A: Improve transit route efficiency, system productivity, and community awareness. • Objective 2B: Improve transit and rideshare opportunities for travelers commuting into Bismarck-Mandan from outside the urban area. • Objective 2C: Ensure reliable public transit service that is easily understandable to the public. • Objective 2D: Create multimodal connections between bicycle, pedestrian, automobile, and transit travel. • Objective 2E: Improve bicycle and pedestrian system accessibility and connectivity opportunities while maintaining safety. • Objective 2F: Improve the awareness and safety of bicycling, and educate both bicyclists and motorists on rules and responsibilities.
<p>Goal 3: Maintain the Transportation System in a State-of-Good-Repair</p>	<ul style="list-style-type: none"> • Objective 3A: Maintain pavement quality and bridges at acceptable levels. • Objective 3B: Improve street signage and visibility. • Objective 3C: Maintain the current bicycle and pedestrian system. • Objective 3D: Maintain transit fleet, equipment, and facilities in a state-of-good-repair.
<p>Goal 4: Coordinate Transportation Planning with the Natural and Built Environment</p>	<ul style="list-style-type: none"> • Objective 4A: Promote transportation investments that support infill, mixed use development patterns. • Objective 4B: Provide transportation infrastructure design guidance that fits within the context of the built environment. • Objective 4C: Plan for and address multimodal transportation system impacts / sufficiency when planning new developments. • Objective 4D: Minimize the transportation system’s impacts on the natural and built environment. • Objective 4E: Ensure that mobility-challenged populations, such as low income, disabled, and senior citizens, have travel options in the region.
<p>Goal 5: Provide a Transportation System that Effectively Moves Goods and Enhances the Local Economy</p>	<ul style="list-style-type: none"> • Objective 5A: Enhance the efficient and safe movement of freight and goods. • Objective 5B: Manage freight movement’s impacts on the community, including addressing the movement of hazardous materials through the region. • Objective 5C: Promote transportation investments that enhance the local economy.
<p>Goal 6: Provide a Safe and Secure Transportation System</p>	<ul style="list-style-type: none"> • Objective 6A: Reduce the incidence of all multi-modal crashes, with an emphasis on serious injury and fatal crashes and crash locations • Objective 6B: Provide a safe and secure environment for transit system riders. • Objective 6C: Enhance transportation security and reliability by developing strategies to address critical transportation assets identified.
<p>Goal 7: Identify Transportation-Supportive Funding and Policy Opportunities</p>	<ul style="list-style-type: none"> • Objective 7A: Identify non-traditional funding opportunities to support transportation needs. • Objective 7B: Develop policies to support consistent application of development-related improvement requirements and streamlined project development.



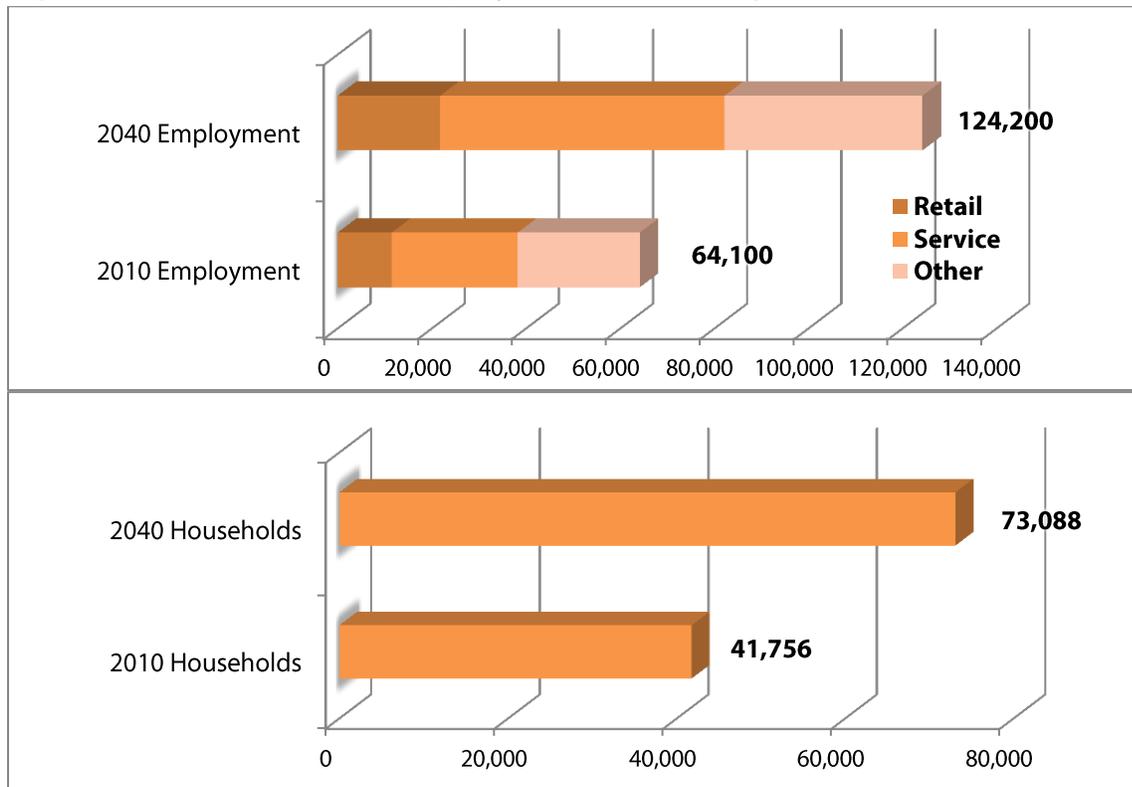
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LAND USE TRENDS / 2040 FORECASTS

The Bismarck-Mandan area is currently experiencing rapid growth. The most recent data show that between July 2012 and July 2013, Bismarck-Mandan was the fifth fastest growing metropolitan area in the United States¹. It is anticipated that relatively high levels of growth will continue into the future.

The MPO worked with staff from local jurisdictions and utilized the best available data to develop future households and employment projections through 2040. The projections were developed to forecast traffic demand growth to plan for future transportation system needs. Multiple growth scenarios were considered during the projection process, due to the uncertainty and the high growth happening across the region and North Dakota. The MPO policy board selected the *Aggressive Growth (Oil Boom) Scenario* as the scenario used to determine future transportation demand. This scenario assumed that regional population growth would be 3.5% per year until 2025, and would then return to the regional historical rate of 1% to 1.5% per year between 2025 and 2040. **Figure ES-2** illustrates the levels of household and employment growth projected through 2040.

Figure ES-2. Household and Employment Growth Projections, 2010 to 2040



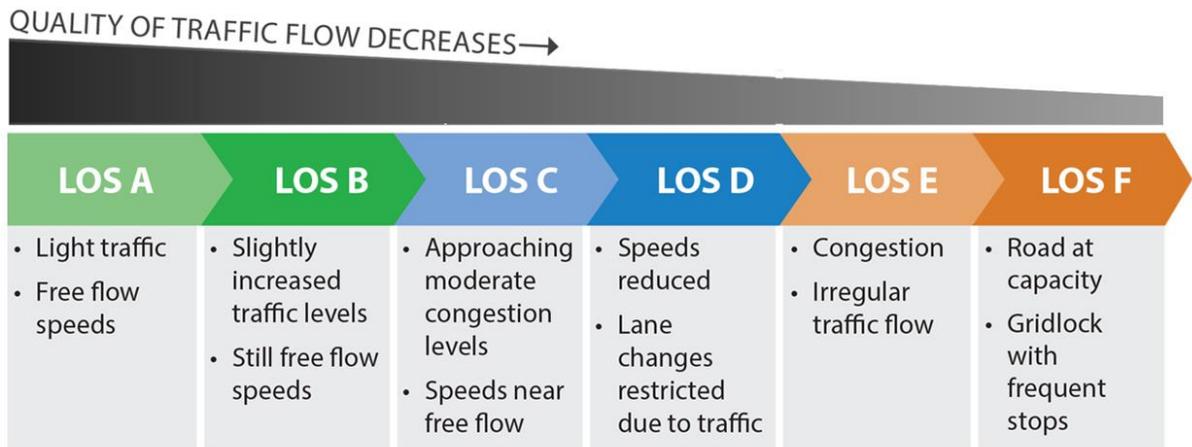
The MPO and local planning and development staffs worked together and agreed on where that future growth was likely to occur, and the MPO policy board reviewed and approved the growth assumptions used in the 2040 LRTP. The areas of anticipated future growth are documented in the full LRTP report.

¹ www.census.gov/newsroom/releases/pdf/CB14-51_countymetropopest2013tables.pdf

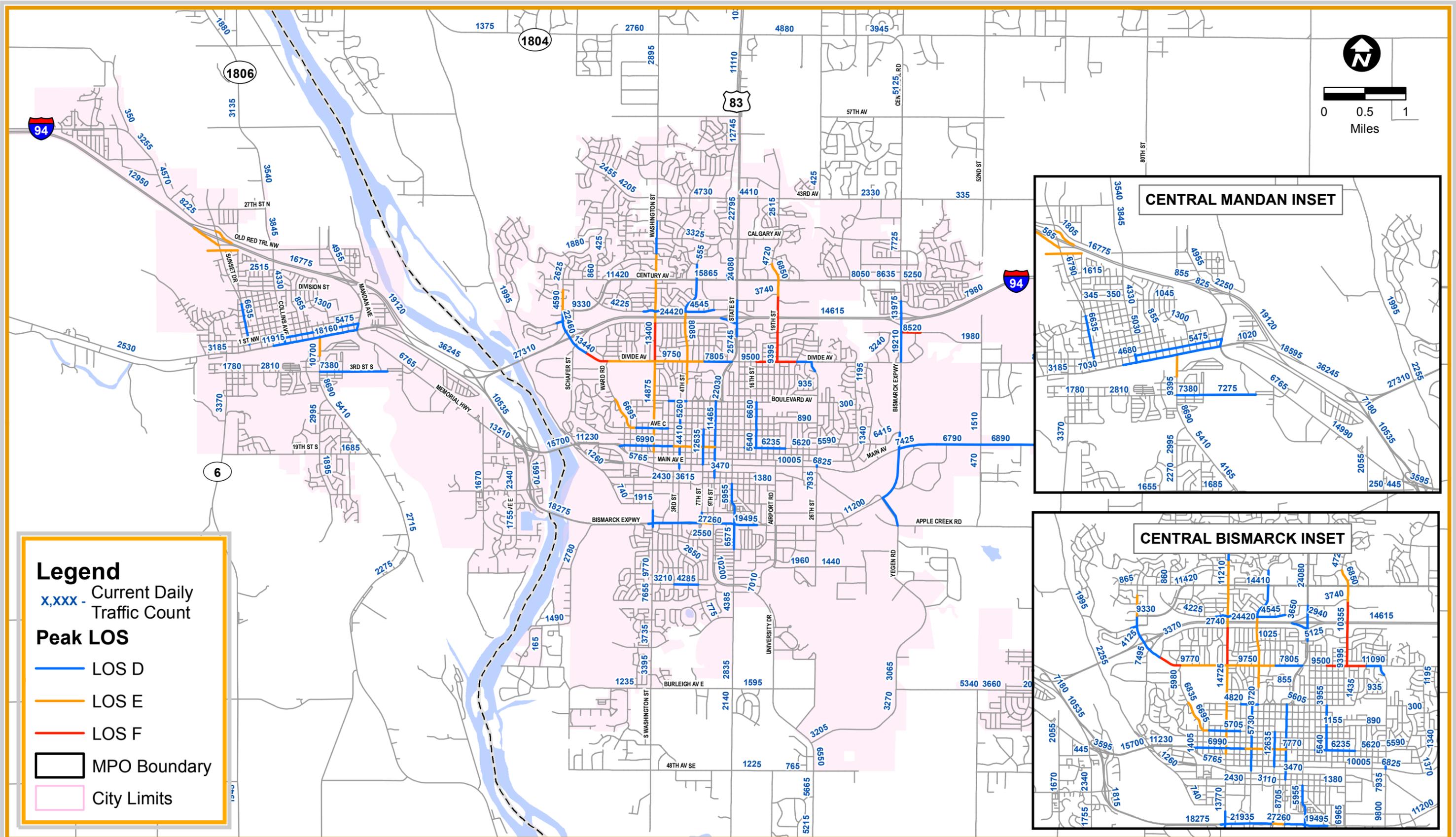
EXISTING SYSTEM PERFORMANCE

The LRTP provides an extensive overview of the existing performance of the roadway, transit, and bicycle and pedestrian systems. The existing system performance assessment includes reviews of:

- **Roadway functional classifications.**
- **Regional travel summary.**
- **Traffic Mobility and Operations.** Current traffic volumes and peak traffic operations are documented in **Figure ES-3**. The traffic analysis was completed in terms of a level of service (LOS). LOS is a qualitative measure describing a technical analysis of traffic operational conditions, and ranges from LOS "A" representing free-flow conditions to LOS "F" representing grid lock. The illustration below shows the various levels of service.



- **Traffic and Bicycle / Pedestrian Crashes.** A traffic crash summary is provided in **Figure ES-4**
- **Pavement and Bridge Condition.**
- **Transit System Performance.** The current bus route system is documented in **Figure ES-5**.
- **Bicycle and Pedestrian System Performance.** The current bicycle and pedestrian system is illustrated in **Figure ES-6**.
- **Freight System Performance.**
- **Air Transportation Summary.**
- **Bismarck North-South Mobility Summary.**



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x,xxx - Current Daily Traffic Count

Peak LOS

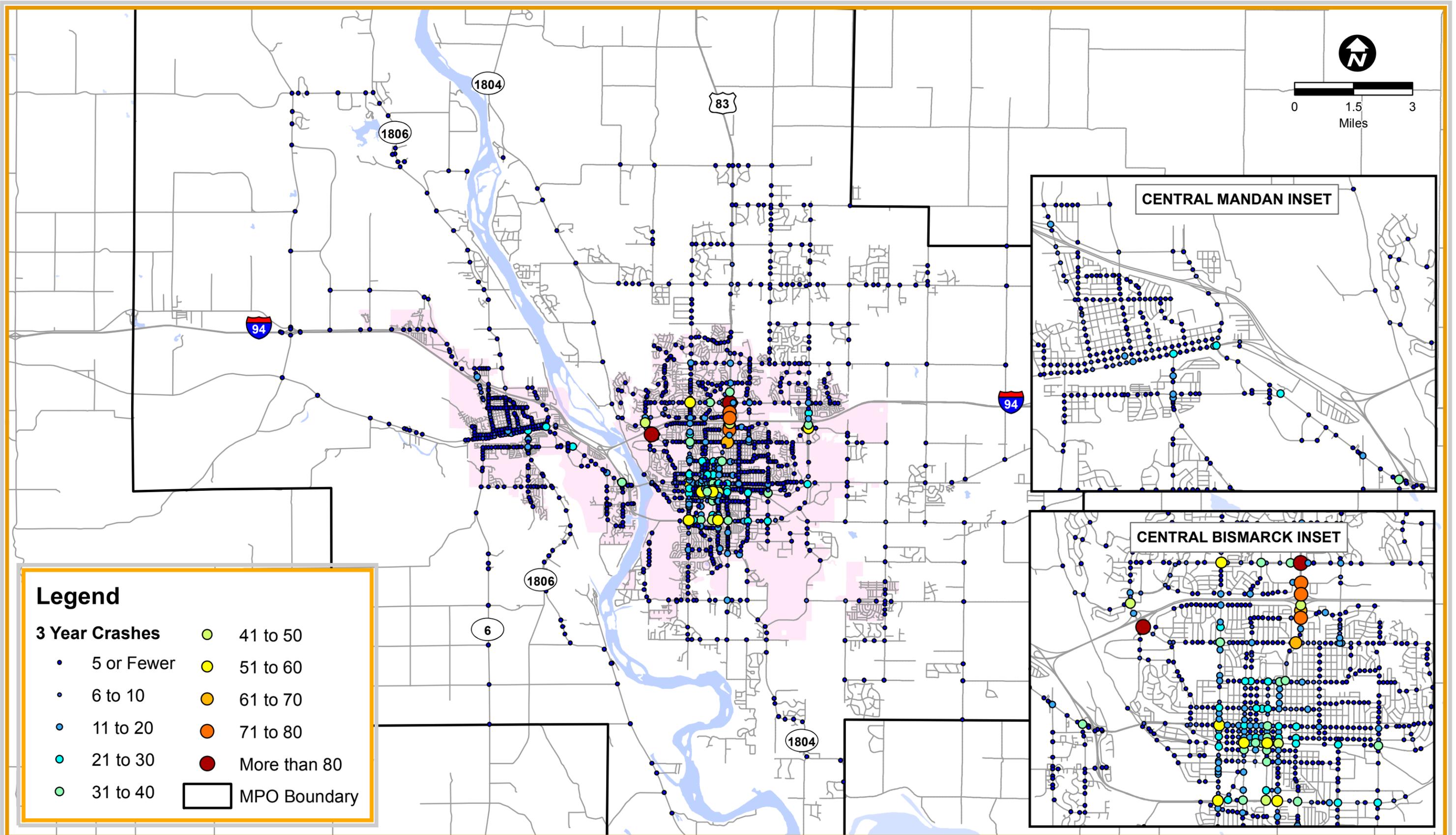
- LOS D
- LOS E
- LOS F
- MPO Boundary
- City Limits

Sources: Bismarck-Mandan MPO Count Shapefile, NDDOT Counts, HCM ARTPLAN, HDR, I-94 Corridor Study, North Mandan Study, State Street Safety Study, 43rd Ave Study, City of Bismarck and Mandan Staff Interviews

Current Conditions Daily Traffic Volumes and Peak Hour Level of Service

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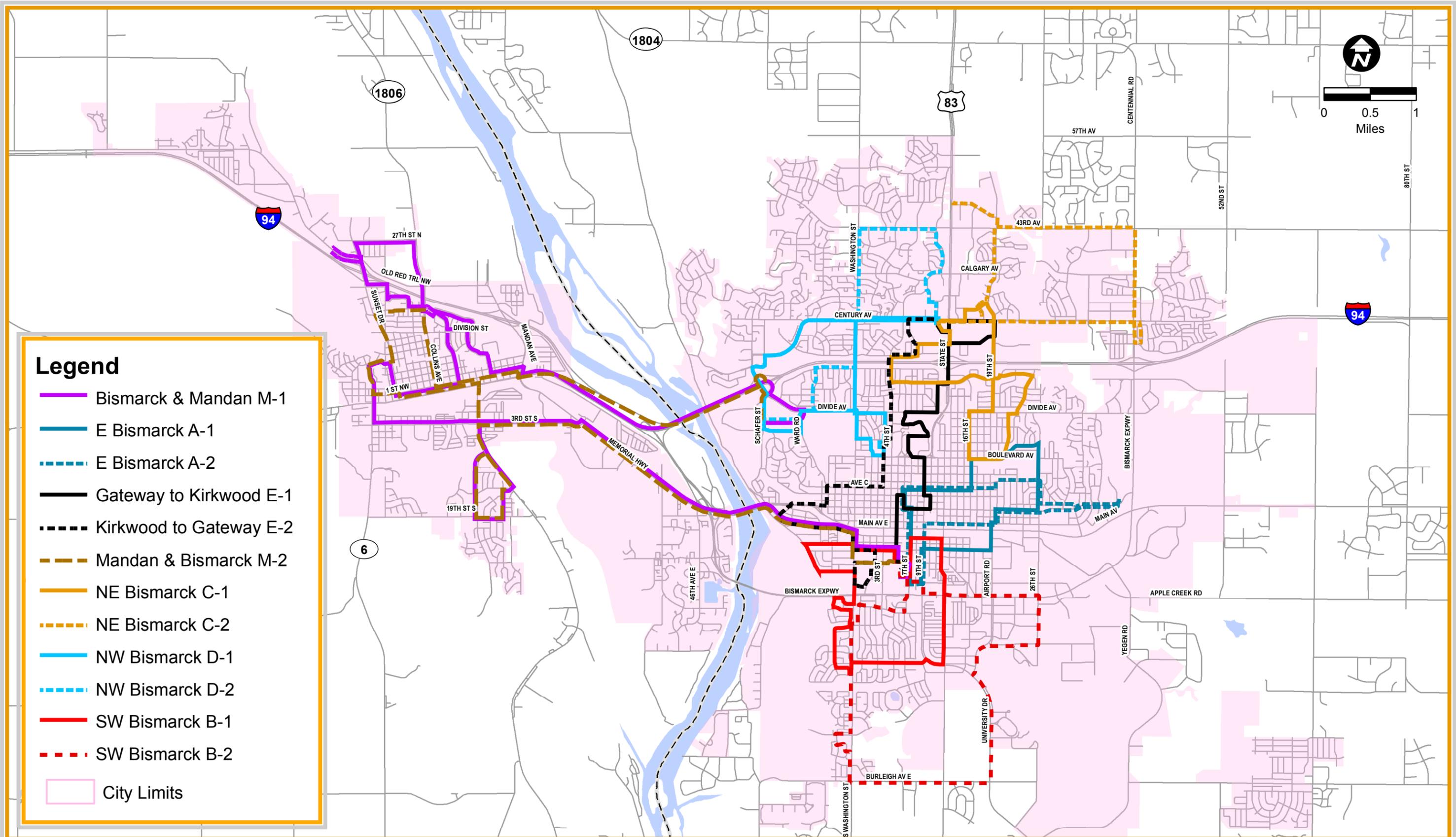


Sources: NDDOT Crash Database, 2010-2012
HDR

Frequency of Crashes by Intersection,
2010-2012

Figure: ES-4
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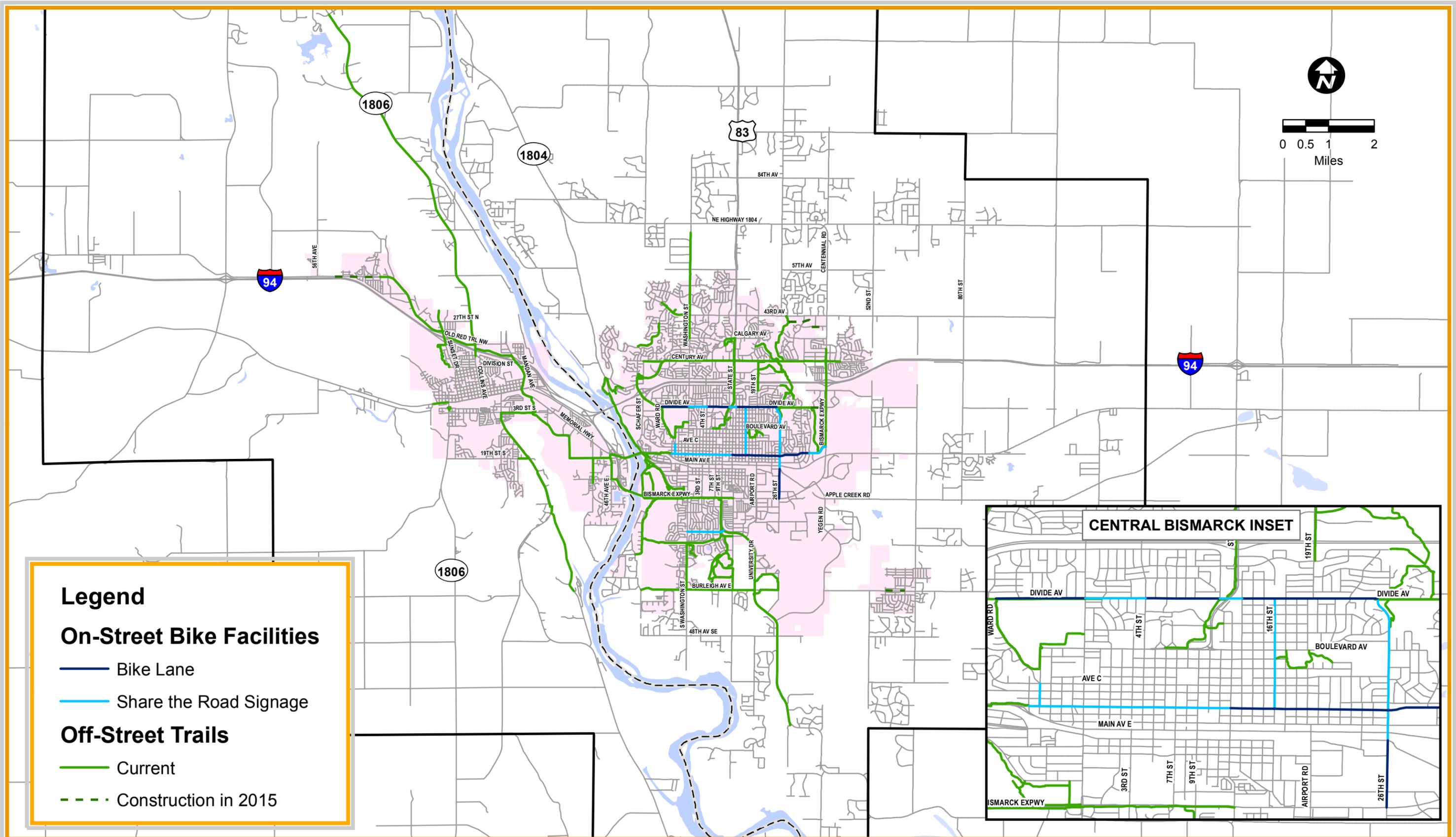
- Bismarck & Mandan M-1
- E Bismarck A-1
- - - E Bismarck A-2
- Gateway to Kirkwood E-1
- - - Kirkwood to Gateway E-2
- - - Mandan & Bismarck M-2
- NE Bismarck C-1
- - - NE Bismarck C-2
- NW Bismarck D-1
- - - NW Bismarck D-2
- SW Bismarck B-1
- - - SW Bismarck B-2
- City Limits

Current Capital Area Transit Bus Routes

Figure: ES-5

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On-Street Bike Facilities

- Bike Lane
- Share the Road Signage

Off-Street Trails

- Current
- - - Construction in 2015

Sources: Bismarck-Mandan MPO, HDR

Current Trail and On-Street Bicycle Network

Figure: ES-6
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FUTURE SYSTEM PERFORMANCE

The LRTP provides future 2040 traffic forecasts using the MPO's travel demand model, a computer application that evaluates regional travel and helps the community make informed decisions on transportation investments. The forecasts were based on the household and employment growth projections outlined in the "land use trends / 2040 forecasts" section.

The 2040 conditions in this section reflect an "existing-plus-committed" (E+C) network. This baseline 2040 E+C scenario assumes that in addition to the current roadway network, only those projects included in the Bismarck-Mandan MPO's 2015-2018 Transportation Improvement Program (TIP) are constructed, including:

- Traffic signal improvements to Bismarck Expressway and University Drive (Bismarck).
- Reconstruction and widening of Washington Street to 4-lanes between Calgary Avenue and 57th Avenue (Bismarck).
- Turn lane additions along State Street / US 83 between Divide Avenue and Calgary Avenue (Bismarck).
- Traffic signal improvements to Memorial Highway / 40th Avenue SE, Memorial Highway / 46th Avenue SE, and Main Street / Twin City Drive (Mandan).
- Reconstruction and widening of Old Red Trail to 3-lanes between Highland Road and 47th Avenue NW (Mandan).
- Intersection improvement (signal and turn lanes or a roundabout) at 66th Street / Highway 10 (Burleigh County).
- Turn lane and safety improvements at Highway 6 / 19th Street SW (Mandan).
- Traffic signal improvements along Main Street between ND Highway 6 and ND Highway 1806 (Mandan).
- Reconstruction and turn lane additions to 27th Street between ND Highway 1806 and 8th Avenue NW (Mandan).

The forecasted 2040 E+C condition daily traffic forecasts and estimates of 2040 peak hour traffic operations are documented in **Figure ES-7**. As shown, the projected high growth rate in households and employment will be combined with increased levels of congestion by 2040 (on the existing and committed network). The analysis provided in the LRTP projected significantly lower future travel speeds on the roadway system and increased levels of system delays.

ALTERNATIVES DEVELOPMENT AND EVALUATION

A comprehensive list of potential transportation alternatives was developed to capture the range of reasonable improvements or programs that were considered and further analyzed for potential inclusion in the 2040 LRTP. Alternatives were developed in locations where the technical analyses of existing or future traffic congestion, crash assessment, multimodal system connectivity, or public and stakeholder input indicated a system improvement might be warranted. Once the range of potential multimodal alternatives were developed, the alternatives were screened and then assessed against the performance measures developed for the 2040 LRTP. Extensive public outreach was conducted via several methods to get public feedback on the alternatives, prior to project selection for inclusion in the fiscally-constrained plan.

Alternatives were developed for each of the modes being considered in the 2040 LRTP, and generally fell within one of three categories below:

System Management – Minor Improvements to the Current System



- Turn Lane Additions
- Intersection Control
- Technology / Intelligent Transportation Systems / Traffic Signal Upgrades
- Bike / Pedestrian Crossing Improvements
- Transit Route Schedule Changes
- "Road Diet" - reducing traffic lanes (e.g. converting a four-lane roadway to three-lanes)

System Expansion – Significant Capacity Additions to the System



- New Through Lanes
- New Roadways
- New Trails / Bike Lanes
- New Transit Routes

Demand Management - Adjusting System Demand Mode / Time

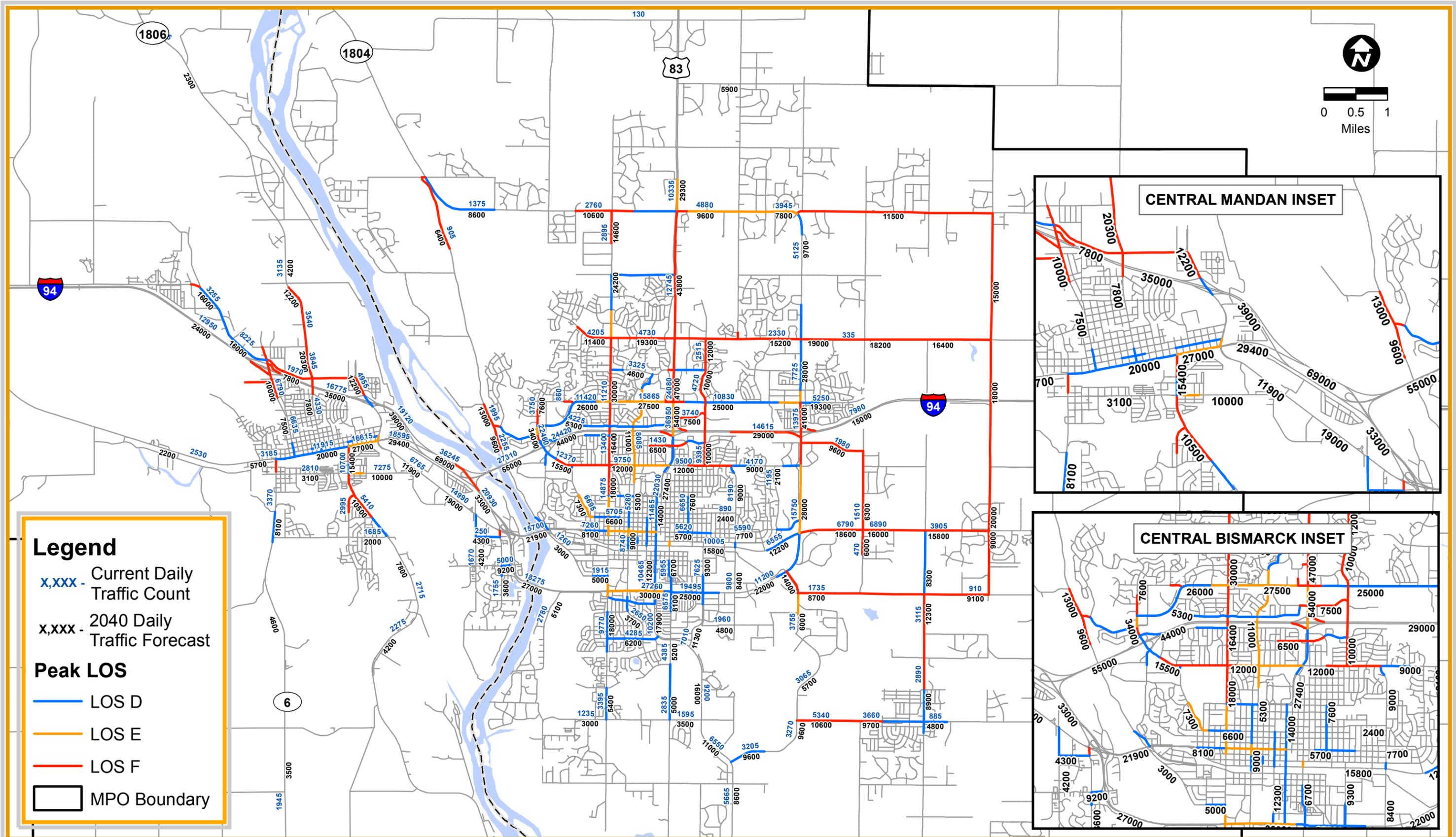


- Carpooling / Vanpooling
- Flexible Work Schedules
- Transit and Bicycle Pedestrian Promotion

Performance measures were developed to provide a means of evaluating how each alternative would help the region progress towards goals and objectives, to help in making informed investment and policy decisions. The 2040 LRTP created a set of performance measures that reflected:

- Direction provided by MAP-21 and the draft rules that had been released as of June 2014 when the alternatives analysis task was underway.
- The community vision, goals, and objectives developed for the 2040 LRTP.

The performance measures used for the LRTP are documented in **Figure ES-8**.



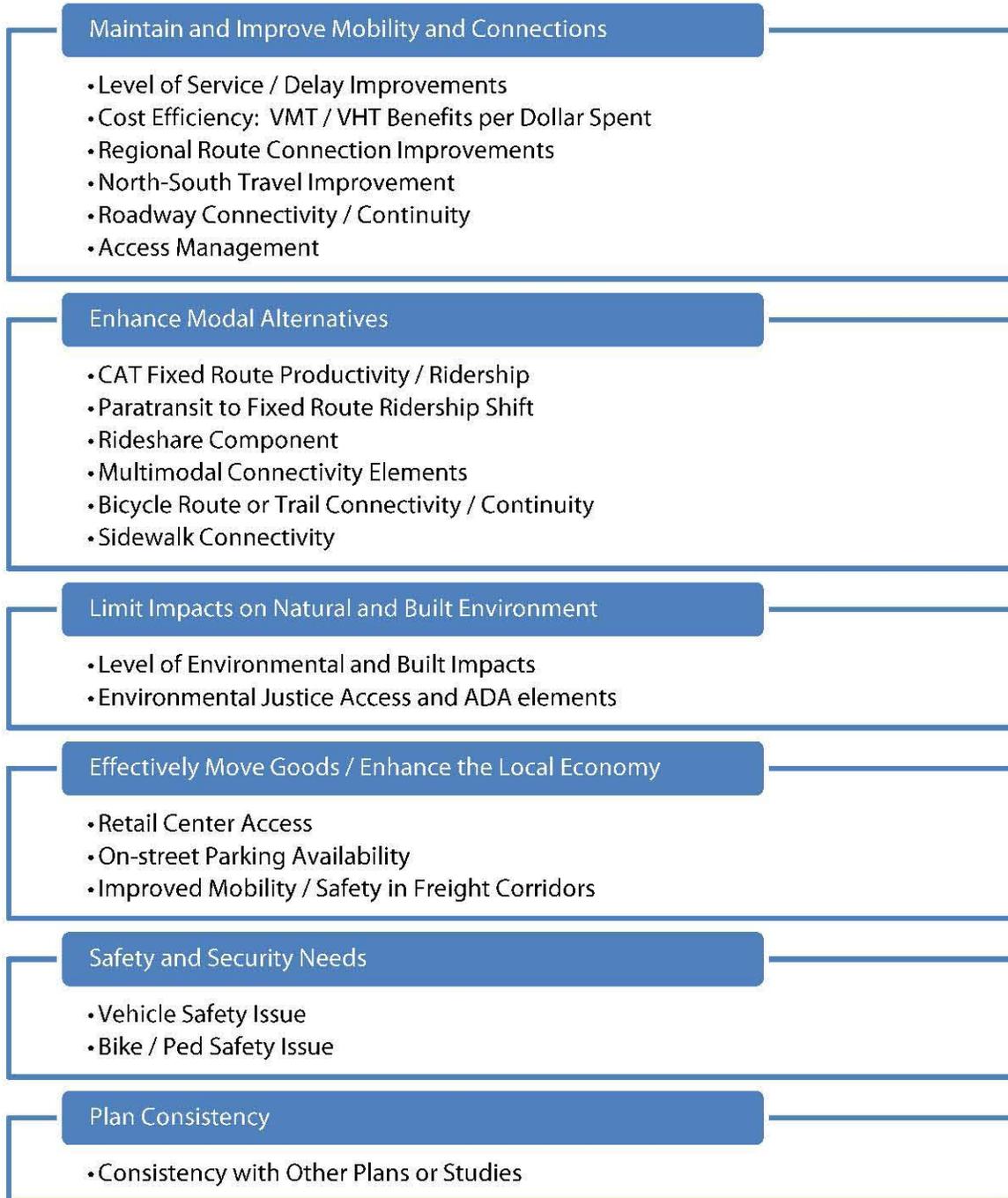
Sources: Bismarck-Mandan MPO Travel Model, NDDOT Counts, HCM ARTPLAN, HDR, I-94 Corridor Study, State Street Safety Study

Future 2040 Existing-plus-Committed Network Traffic Forecasts and Peak Hour Operations

Figure: ES-7
Date: November 2014

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Figure ES-8. Alternatives Performance Areas and Measures



FUTURE TRANSPORTATION FUNDING

A key element of the 2040 LRTP is providing a financial plan that demonstrates how the projects and programs included in the transportation plan can be implemented. The forecasts of future transportation

funding levels were completed by reviewing historical MPO funding levels, an understanding of anticipated future transportation revenue changes and transportation construction cost trends. **Figure ES-9** illustrates how annual roadway funding expenditures on both preservation and expansion projects are expected to change through 2040.

Figure ES-9. Projections of Future Roadway Preservation Spending and Expansion and Interstate Funding Trends

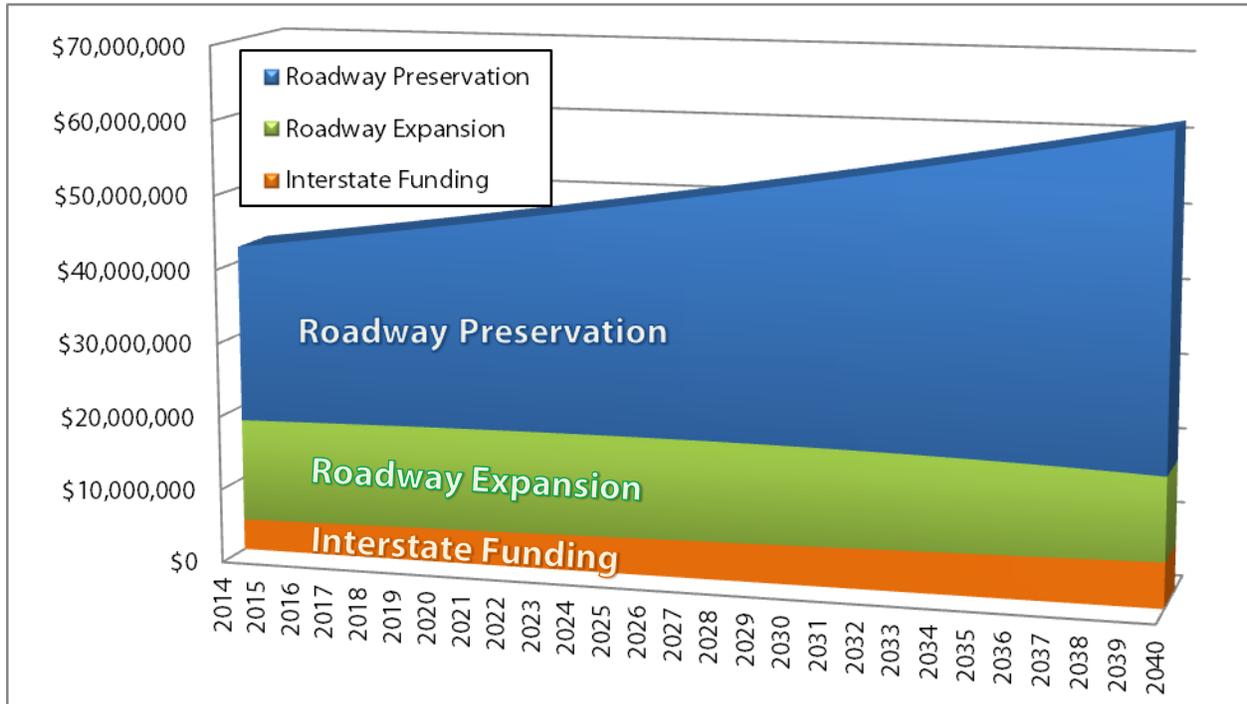


Figure ES-9 reflects a trend of increasing needs for system preservation. The forecasted funding levels for roadway (non-interstate and interstate), bicycle and pedestrian expansion, and transit projects were:

- **Non-interstate roadway expansion funds through 2040:** \$332,800,000. Generally, the breakdown is expected to be:
 - \$205,530,000 in Urban / Regional / Rural expansion funds.
 - \$127,800,000 in other roadway expansion funds (safety, bridge, ITS, etc.).
- **Non-interstate roadway preservation funds through 2040:** \$865,685,000
- **Interstate total funds through 2040:** \$123,000,000
- **Bicycle and pedestrian expansion funds through 2040:** \$35,700,000
- **Transit System Funding through 2040:** \$137,215,000

MAP-21 IMPLEMENTATION AND ENVIRONMENTAL CONSIDERATIONS

The final element of the LRTP is a summary of MAP-21 implementation considerations and environmental coordination activities, including:

- Baseline Performance Measures

- Environmental Screening
- Agency Coordination
- Opportunities for Future Project Planning-Environmental Coordination
- Environmental Justice Assessment
- Security Considerations

FISCALLY CONSTRAINED PLAN

The 2040 LRTP has identified more system needs than expected future resources available. Many of the alternatives identified in the LRTP are desirable from a system performance perspective, but will not fit within the fiscally-constrained plan. Those alternatives included in the fiscally-constrained plan were selected based on several factors, including:

- Degree to which candidate projects were complementary with other projects in creating comprehensive set of transportation system improvements.
- Feedback received from the public and stakeholders when the alternatives were presented to the public.
- Level of performance benefits consistent with MAP-21 direction and our 2040 LRTP performance measure scoring.
- Degree to which candidate projects were implementable from a public support and project development perspective.

The fiscally-constrained 2040 LRTP plan elements include:

Street and Highway system improvements intended to address system performance needs from the perspectives of mobility / congestion reduction, safety, and connectivity.

Signal system improvements across the region, including technology / Intelligent Transportation System (ITS) upgrades for the Bismarck signal system to improve system efficiency.

Bicycle and pedestrian system improvements that address system connectivity and safety needs. These include on-street and trail system improvements to complete system connections.

Transit system changes that emphasize more efficient bus routes and maintaining the current paratransit service, while shifting able-bodied riders to the fixed route system.

A funding plan that addresses the increasing **operations and maintenance and state-of-good-repair needs** for the multimodal system.

Roadway, transit, and bicycle and pedestrian projects included in the current **Transportation Improvement Program (TIP)**.

Additional programs and initiatives, including **travel demand management programs and complete streets** that address the travel demand in the region, in attempt to get more out of the current and future transportation system.

A list of **recommended regional and corridor studies** of areas and issues that require more detailed evaluation than what is possible within the context of the 2040 LRTP.

The 2040 LRTP includes multimodal projects placed in the following anticipated implementation phases:

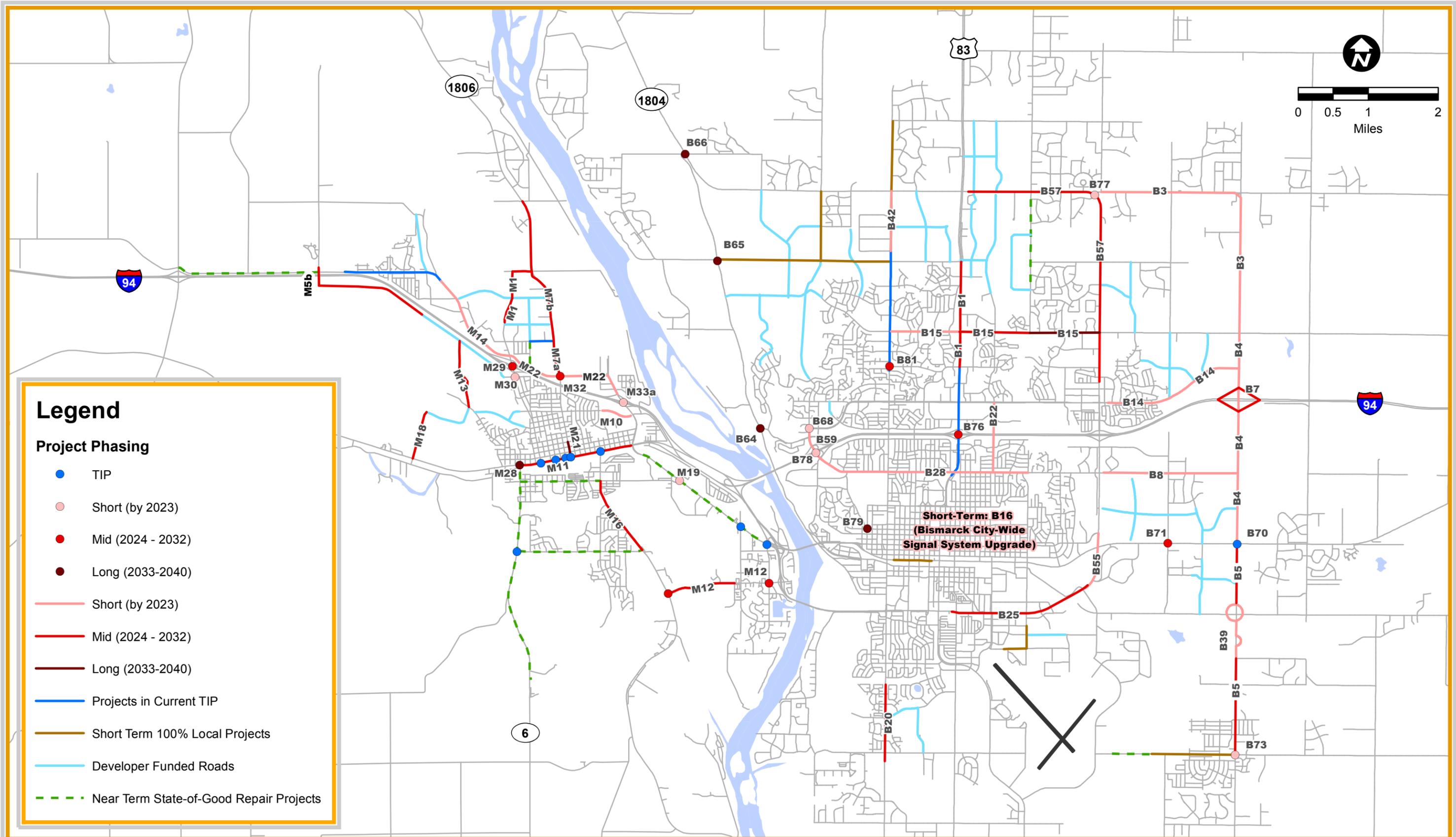
- Current 2015-2018 TIP projects
- Short-Term Projects (2015 through 2023)
- Mid-Term Projects (2024-2032)
- Long-Term Projects (2033-2040)

The fiscally-constrained 2040 LRTP is presented by mode in this section. The modal elements are illustrated in the following figures:

- **Figure ES-10** shows the **roadway plan**. The roadway plan also includes roadways that are considered **developer-funded** collector roads based on input from the Fringe Area Roadway Plan and from jurisdiction staff. Additionally, the roadway plan includes roadways that are anticipated to be **locally-funded** roadway projects within the short-term period; these locally-funded projects are listed in this section. Near-Term **state-of-good-repair** / preservation projects are also shown. The developer- and locally-funded roadways are not included in the Federal-Aid element of the LRTP.
- **Figure ES-11** shows the **bicycle and pedestrian plan**. Current trails, trail projects in the current TIP, and current on-street bike and pedestrian system are shown for reference. Illustrative trails, those considered important connections but not included in the fiscally-constrained plan, are also shown.
- **Figure ES-12** shows the **transit plan** for the CAT bus route adjustments. The recommended short-term transit elements focus on the recommendations provided in the *Mobility 2017* Final Report. That report referred to those recommendations as the “**Expansion Scenario**”.

Figure ES-10 also identifies several projects anticipated to be **state-of-good-repair / preservation projects** in the short-term, including:

- Memorial Highway between Main Street and I-194/Bismarck Expressway (Mandan)
- Reconstruction of Highway 6 / 10th Avenue SW (Mandan)
- Reconstruction of 3rd Street SW (Mandan)
- Reconstruction of 19th Street SW (Mandan)
- Reconstruction of 26th Street between Deadwood Drive and 71st Avenue (Bismarck)
- Reconstruction of Old Red Trail / County Road 139A between 56th Avenue NW and Highway 25 (Morton County)
- Reconstruction of Lincoln Road west of 52nd Street (Burleigh County)



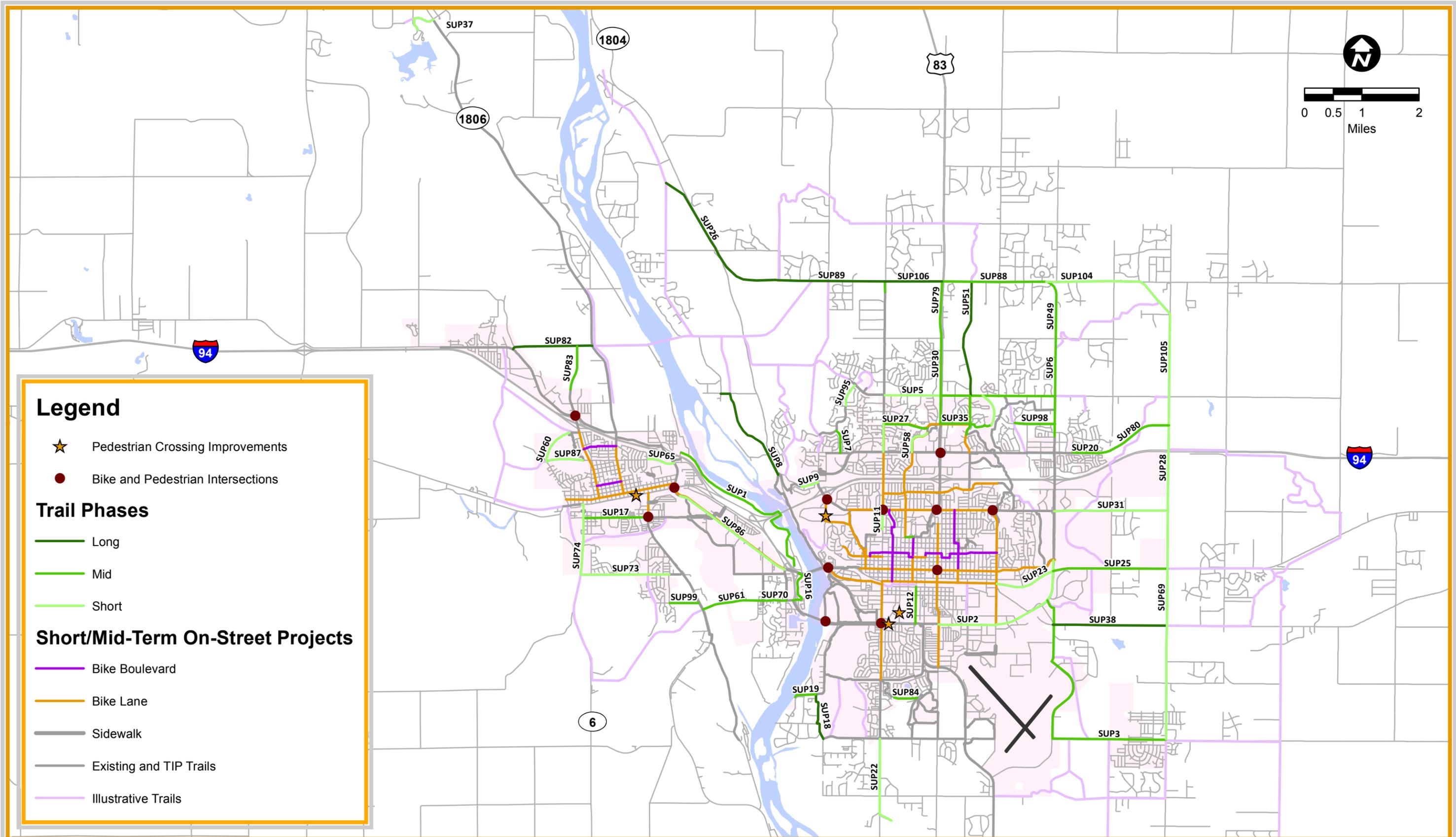
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Project Phasing

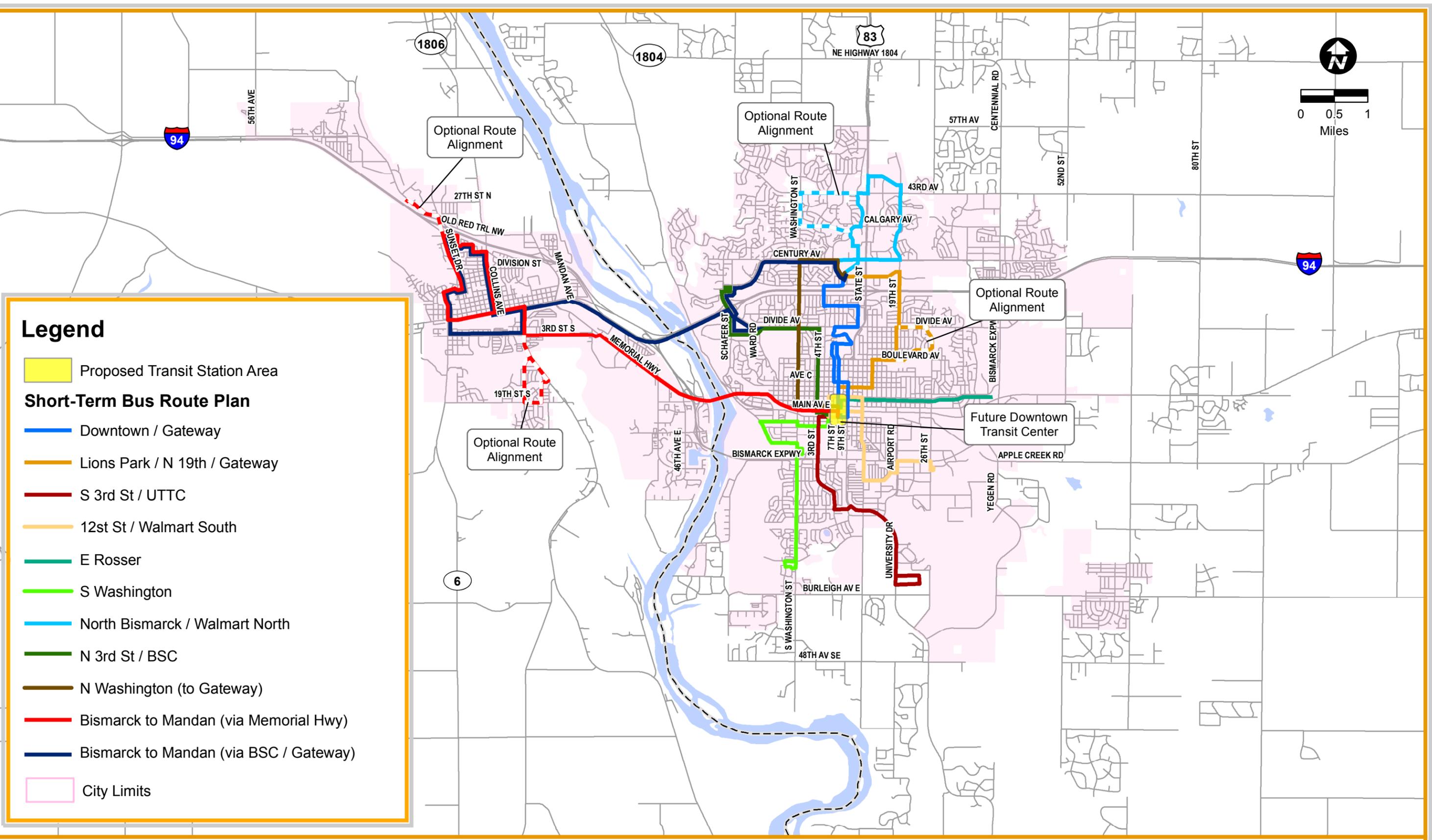
- TIP
- Short (by 2023)
- Mid (2024 - 2032)
- Long (2033-2040)
- Short (by 2023)
- Mid (2024 - 2032)
- Long (2033-2040)
- Projects in Current TIP
- Short Term 100% Local Projects
- Developer Funded Roads
- - - Near Term State-of-Good Repair Projects

**Short-Term: B16
(Bismarck City-Wide
Signal System Upgrade)**

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Figure ES-10 also identifies several projects anticipated to be **constructed with only City and / or County funds**, and are not included in the Federal-Aid project list for the 2040 LRTP, but provide useful mobility, accessibility, and safety improvements that should be considered as a part of the overall plan, including:

- Add turn lanes and temporary traffic signal at the intersection of Collins Road and Old Red Trail in Mandan (mid-term Project M32 would reconstruct this intersection as an urban roadway with curb and gutter and provide a permanent traffic signal.)
- 57th Avenue extension between Washington Street and River Road.
- Lincoln Road reconstruction and turn lane additions between 52nd Street and 66th Street.
- Main Avenue conversion to 3-lane cross-section, with bike lanes between 1st Street and 6th Street, pedestrian and streetscape improvements per Downtown Bismarck Study.
- 15th St NW (Burleigh County) extension between 71st Avenue / Highway 1804 and 57th Avenue.
- Reconstruction / paving of Airway Avenue west of 26th Street and 26th Street between Wal-Mart entrance and Airway Avenue.

The roadway plan addresses many critical mobility and safety issues identified through the LRTP process. One of the key performance improvements associated with the 2040 LRTP-recommended roadway plan is the improvement in regional mobility compared to the 2040 existing-plus-committed (E+C) scenario.

Table ES-1 shows the significant reduction in vehicle miles traveled (VMT), vehicle hours traveled (VHT), and increase in estimated peak hour system speeds forecasted for the LRTP network scenario compared to the E+C scenario. These indicate improved regional mobility and improved connectivity in the 2040 LRTP scenario compared with E+C scenario.

Table ES-1. 2040 Draft LRTP Network System Performance: Comparison to E+C Scenario VMT, VHT and System Speeds

Functional Class	Vehicle Miles Traveled		Vehicle Hours Traveled		System Speeds (miles per hour)	
	2040 E+C	2040 LRTP Network	2040 E+C	2040 LRTP Network	2040 E+C	2040 LRTP Network
Interstate	497,754	538,186	9,989	10,641	49.8	50.6
Major Arterials	1,345,633	1,310,568	56,708	40,324	23.7	32.5
Minor Arterials	770,826	631,070	40,924	19,395	18.8	32.5
Collectors	563,084	485,577	30,607	17,157	18.4	28.3
Total System	3,177,297	2,965,401	138,228	87,517	23	33.9

Source: ATAC, Bismarck-Mandan Travel Model

Due to the expanded future system needs and limited resources for system expansion there were not sufficient levels of projected future funding to include several high-priority projects in the plan; high-priority projects as defined by the performance measures and alternatives scoring used for this study. Among some of the **high-priority projects that are not part of the fiscally-constrained plan** include:

- **Alternative B1:** Widen US 83 north of 57th Street.
- **Alternative B4b:** Widen future 66th Street to 4-lanes between Century Avenue and I-94.

- **Alternative B9:** Widen Highway 10 / add turn lanes between Bismarck Expressway and 66th Street.
- **Alternative B12:** Hamilton Street connection between Divide Avenue and Century Avenue with I-94 Crossing.
- **Alternative B18:** 43rd Avenue widening west of Centennial Road.
- **Alternative B19:** 3-lane widening of 43rd west of Washington.
- **Alternative B22b:** 3-lane widening along 19th Street between Century Avenue and 43rd Avenue.
- **Alternative B54:** Widen Centennial Road at I-94.
- **Alternative B75:** Reconstruct Centennial Road / I-94 Interchange.
- **Alternative M5:** West Mandan Interchange at 56th Avenue.
- **Alternative M6:** Connection at 32nd Avenue NW between Boundary Road and Old Red Trail.
- **Alternative M26:** I-94 at I-194 / Bismarck Expressway / Main St interchange.
- **Alternative M33b:** Reconstruct Mandan Avenue / I-94 Interchange Bridge for wider Mandan Avenue.

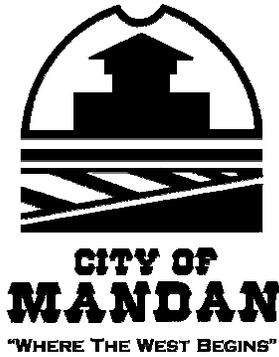
Two bicycle and pedestrian projects from the *Downtown Bismarck Study* were not included in the fiscally-constrained plan, but generally scored relatively highly and would fit well within the multimodal framework included in the 2040 Plan:

- **Downtown Bicycle and Pedestrian Rail Trail.**
- **5th Street Pedestrian Underpass of the BNSF railroad.**

As noted in the Downtown Study, both of these projects will require significant investment, additional study, project development, and coordination with the BNSF railroad. As elements of the Downtown Study come together, it is suggested that both of these projects be evaluated more fully.

The 2040 LRTP is a regional document that sets priorities and identifies future projects and programs at a planning level. There are some programs / projects identified in the 2040 LRTP that will require more detailed study during the project development process. Some **future recommended MPO-sponsored studies** that may be considered in the near term include:

- **Regional Traffic Safety Study**
- **Bike and Pedestrian Master Plan**
- **Bismarck Signal System Master Plan**
- **System Management / Low-Cost Urban Corridor Improvements Study**
- **Downtown Mandan Subarea Study**
- **Regional Household Survey for Travel Model Support**
- **Travel Demand Management Study**
- **Continued Pavement Asset Monitoring and Management**
- **Neighborhood Parking Assessment**



Board of City Commissioners

Agenda Documentation

MEETING DATE: February 3, 2015
PREPARATION DATE: January 29, 2015
SUBMITTING DEPARTMENT: Business Development & Communications Department
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: Renaissance Zone Committee Appointments

STATEMENT/PURPOSE: To consider recommendations by the Mandan Renaissance Zone Committee for appointments to the committee.

BACKGROUND/ALTERNATIVES: The Mandan Renaissance Zone Committee met Jan. 28 to consider recommendations for appointment to the committee. Open positions and letters of interest received are as follows:

1. **Real estate sector representation with a term of 2013-2015.** This term had been vacated in December 2013 with a resignation by Pat Maddock. The committee received a letter of interest from Pat Vannett, who has a branch office in Mandan for Alliance Realty and who serves on the Bismarck-Mandan Board of Realtors.
2. **Mandan Progress Organization representative with a term of 2015-2017.** Letters of interest were received from Bruce Strinden and from Todd Humphrey. Strinden has served on the committee from the time when the zone was established in late 2005 through 2014. He also serves on the board of directors for the Mandan Progress Organization and is a Morton County Commissioner. Humphrey is branch manager in Mandan for American Bank Center, which is a member of the Mandan Progress Organization. The MPO Board of Directors voted in December to recommend Strinden be re-appointed.
3. **Community-At-Large with a term of 2015-2017.** The committee receive a letter of interest from Rob Knoll, who has also served on the committee since the zone was established in late 2005 through 2014. Knoll operates Knoll Appraisal Services and previously worked for Community Works North Dakota.

The seven-person Renaissance Zone Committee makes recommendations to the City Commission regarding applications for investment in the purchase, rehabilitation, new construction and lease of commercial and residential properties in a 28-block area of downtown Mandan in accordance with state and local regulations. Benefits of being approved for a Renaissance Zone project are property tax and state income tax exemptions, ranging from 50 to 100 percent depending upon the extent of the improvements and investment. The Renaissance Zone Committee meets a few times throughout the year or as needed to consider applications received.

ATTACHMENTS: Letters of interest

FISCAL IMPACT: None

STAFF IMPACT: None

LEGAL REVIEW: n/a

RECOMMENDATION: The Mandan Renaissance Zone Committee voted to recommend appointment of Pat Vannett for a term ending in 2015 or until filled and re-appointment of Bruce Strinden and Rob Knoll for terms from 2015-2017 or until filled.

SUGGESTED MOTION: I move to make the following appointments to the Renaissance Zone Committee:

- Pat Vannette representing the real estate sector for an unexpired term ending in 2015 or until filled,
- Bruce Strinden representating the Mandan Progress Organization for a term of 2015-2017 or until filled, and
- Rob Knoll representing the community-at-large for a term of 2015-2017 or until filled.

January 31, 2014

Mr. Jim Neubauer, City Administrator
City of Mandan
205 2nd Ave NW
Mandan, ND 58554

RE: Letter of Interest, Renaissance Zone Committee

Dear Mr. Neubauer,

This letter is my notification of interest in completing the unexpired term until 2015 from the Realtor segment on the Renaissance Zone Committee for the City of Mandan.

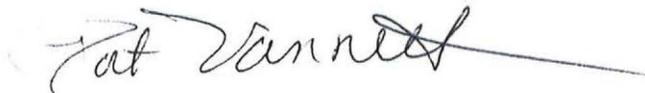
My qualifications for this position include being a Mandan resident since 2003. I have been a licensed Realtor in the State of North Dakota since 2007 under the brokerage of Alliance Real Estate. During 2013, I opened a Branch Office at 320 West Main Street, Mandan.

I am currently serving a three year term on the Board of Directors for the Bismarck/Mandan Board of Realtors. I have also served that board on the RPAC Committee, chair 2013 and the Education Committee.

Kevin and I are both members of the Mandan Progress Organization and long time Lions Club members in Mandan.

I believe both my community service and real estate experience would be an asset to the Renaissance Zone Committee in reviewing applications for investment in the purchase, rehabilitation, new construction and lease of commercial and residential properties in the 28-block area of Main Street and downtown Mandan and making recommendations to the City Commission.

Thank you for your consideration.

A handwritten signature in black ink that reads "Pat Vannett". The signature is written in a cursive style and is followed by a long horizontal line extending to the right.

Pat Vannett, Realtor ®
Alliance Real Estate Branch Office
320 West Main Street
Mandan, ND 58554
pvannett@alliancere.net
Office: 557-3433
Cell: 426-8132

From: Todd Humphrey [mailto:THumphrey@weareamerican.com]

Sent: Wednesday, November 26, 2014 11:05 AM

To: Jim Neubauer

Subject: FW: NEWS RELEASE: Letters of Interest Welcomed by Dec. 15 for Appointments to 6 Mandan City Boards

Good Morning Jim:

Please consider this email as a request for consideration for a spot on the Mandan Renaissance Zone Committee. It is my understanding that two positions are up, one from MPO and the other from the private sector. I would guess that you could consider me for either as the bank has had a MPO membership for the past couple years and I am the primary person from our bank that attends the MPO meetings. I have been in banking for the past 26 years, have a CPA license (although I've never practiced), a masters in Banking, and I am fairly familiar with NDCC 40-63 regarding renaissance zones. I am also very familiar with Mandan's 28 block zone and the various projects throughout the last several years. The reason for my interest is simple, I want to contribute to the betterment of Mandan. Please throw my name in the hat for consideration. Thank you.

I wish you a Happy Thanksgiving!

Todd Humphrey

Vice President - Business Banking Supervisor

American Bank Center

401 North 4th Street

Bismarck, ND 58501

December 15, 2014

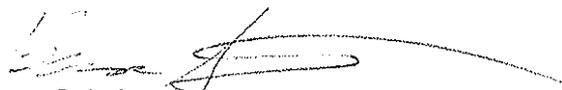
Mr. Jim Neubauer
Mandan City Administrator
205 2nd Avenue NW
Mandan, ND 58554

Dear Mr. Neubauer;

The purpose of this letter is to indicate my continued interest in serving as the MPO representative on the Mandan Renaissance Zone Committee. I have been on this committee since the inception of the Renaissance Zone Program in the city of Mandan. I was appointed by the MPO at that time, and have enjoyed serving in that capacity. The Renaissance Zone Program has provided valuable assistance to our local downtown core business community, and we have seen the results in the many great projects that have taken place as a result of this program.

I serve at the pleasure of the MPO Board of Directors, and would be happy to serve another term on the R-Zone committee, however, if there is interest by another board member or individual, I would be happy to step aside in the interest of injecting some new blood, and would support such a move by the MPO.

Sincerely;


Bruce Strinden
2420 County Road 139A
Mandan, ND
58554

From: Rob Knoll [mailto:knollappraisals@gmail.com]

Sent: Monday, December 15, 2014 3:40 PM

To: Jim Neubauer

Subject: Renaissance Zone Committee

Jim,

Please consider this email as my application for reappointment to the Mandan Renaissance Zone Committee. I have served on the Mandan RZ Committee since its inception and have the knowledge of the program, its benefits and how it has been and can be used in Mandan.

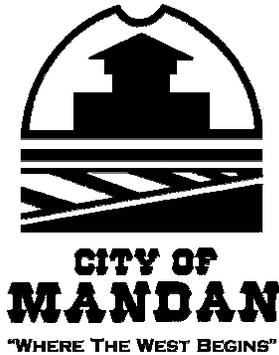
As a life-long member of the Mandan community I want to see Mandan continue to grow and prosper. The City of Mandan has made great strides in the last several years developing needed jobs and improving downtown Mandan. The Renaissance Zone (RZ) incentives were an important tool for many of the changes.

My breadth of experience in the housing and community development arena gives me a unique and important perspective on projects that have and might come in front of the RZ Committee.

I have worked for CommunityWorks ND, Fannie Mae and am currently self-employed as a Residential Appraiser. These broad spectrum of experiences gave me the opportunity to underwrite, fund and develop projects. The projects ranged from a 45-unit, mixed-use development (Library Square II) to a 7-unit housing development. I have worked with communities, developers, housing agencies and other interested parties in eight states to address housing and community development issues.

Giving back to the community has always been important to me. Serving on this committee has been one way I have been able to give back, which I have truly enjoyed.

Sincerely,



Board of City Commissioners

Agenda Documentation

MEETING DATE: February 3, 2015
PREPARATION DATE: January 30, 2015
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Request for Proposals for Engineering Services for Old Red Trail reconstruction

STATEMENT/PURPOSE: To allow engineering department to advertise for engineering services for Old Red Trail reconstruction.

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

The city has been approved by the NDDOT within their Transportation Improvement Program (TIP) to reconstruct Old Red Trail from Highland Road to 47th Avenue NW in 2016. This project is eligible for approximately 80% federal funding as administered through the NDDOT. As such, the project must go through the NDDOT bidding process, requiring the plans and specifications to adhere to their guidelines. In order to ensure that proper procedures are followed, the engineering department is requesting to hire a consulting firm to design these projects.

Key dates for projects are as follows:

- February 6th - Begin advertising for Request for Proposals
- February 27th – Due date for Request for Proposals
- March 17th or April 7th – Recommend selection of firm to Board
- Spring of 2016 – Project bid opening
- October 31st, 2016 – Project Completion

ATTACHMENTS: 1. Request for Proposals for Engineering Services

FISCAL IMPACT: Minimal.

Board of City Commissioners

Agenda Documentation

Meeting Date: February 3, 2015

Subject: Request for Proposals for Engineering Services for Old Red Trail Reconstruction

Page 2 of 3

STAFF IMPACT: Minimal

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

RECOMMENDATION: Approve advertisement of Request for Proposals for Engineering Services for Old Red Trail reconstruction project.

SUGGESTED MOTION: I move to approve the advertisement of Request for Proposals for Engineering Services for Old Red Trail reconstruction project.

Board of City Commissioners

Agenda Documentation

Meeting Date: February 3, 2015

Subject: Request for Proposals for Engineering Services for Old Red Trail Reconstruction

Page 3 of 3

REQUEST FOR PROPOSALS FOR ENGINEERING SERVICES

The City of Mandan hereby solicits written proposals from professional civil engineering firms for engineering services required for the purpose of:

Provide design and prebid engineering services for Old Red Trail reconstruction project. Services shall include performing public hearings, preparing a project concept report, designing of project, prepare bid and contract documents.

It is proposed that all State and Federal requirements be met in a timely manner so as to facilitate a bid date for the project of no later than the spring of 2016 for 2016 season construction. Final plans and specifications are to be completed and submitted 10 weeks prior to bid opening per NDDOT requirements. The general scope and nature of the construction project to be designed is as follows;

Full removal and reconstruction of roadway to an urban section including curb and gutter and road widening from approximately Highland Road on the east to 47th Avenue NW on the west. Also included; Stormwater and runoff conveyance improvements, safety upgrades including turning lanes where appropriate, street lighting upgrades, other miscellaneous improvements necessary to support the upgrading of this corridor.

Written proposals shall address, as a minimum, the following items of consideration; the firms:

- 1) Past performance
- 2) Ability of professional personnel, including project understanding
- 3) Willingness to meet time and budget requirements
- 4) Location of firm's staff performing the work
- 5) Recent, current, and projected workloads
- 6) Related experience on similar projects
- 7) Recent and current work for the city

The selection of the firm will be based on the evaluation of the written proposals and interviews by the selection committee. The selection committee may interview all or some of the firms based on the proposals. The selection committee will then forward their recommendations to the Board of City Commissioners for their consideration. Price will be negotiated with the successful firm. An engineering agreement will be executed with a single firm.

Written proposals from qualified consultants will be accepted until 4:00 p.m., Friday, February 27th, 2015. Proposal pages shall be numbered and limited to eight (8) pages in length. Each proposal shall contain a cover letter signed by an authorized officer of the firm. The cover letter will not be counted as one of the eight (8) pages. The proposal may include an appendix for such information as resumes, references, past projects, etc. that support the firms capability. The appendix will not be considered as part of the eight (8) page proposal. It is anticipated that a recommendation for selection will go before the Board of the City Commissioners for their consideration on March 17th or April 7th depending on ability to promptly schedule interviews.

For consideration, submit five (5) hard copies, and one (1) electronic copy of said proposal to:

City of Mandan
Engineering Office
205 2nd Avenue NW
Mandan, ND 58554

NEW LANGUAGE

ORDINANCE NO. 1197

An Ordinance to Amend Title 10 of the Mandan Code of Ordinances Related to Sidewalks and Driveway Aprons

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS THAT:

Title 10 of the Mandan Code of ordinances is hereby amended and re-enacted to read as follows:

SECTION 1. AMENDMENT. The Mandan Code of Ordinances is hereby amended to revise Chapter 10-02 and Chapter 10-05.

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[SECTION 10-02-03 BUILDING OFFICIAL TO REQUIRE OWNER TO CONSTRUCT SIDEWALK.](#)2

[SECTION 10-02-04 CITY ENGINEER'S RESPONSIBILITY FOR SIDEWALKS.](#)2

[SECTION 10-02-05 PERMITS REQUIRED FOR CONSTRUCTION AND REPAIR OF SIDEWALKS.](#)2

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Section 10-02-01 Duty of owner to construct sidewalk.

It shall be the duty of property owners within the city to construct a sidewalk in the public right-of-way adjacent to their property, unless there is an approved plan or agreement that

specifies that no sidewalk is required.

Section 10-02-02 Duty of owner to maintain sidewalk.

It shall be the duty of the property owner, of any property along which a sidewalk has been constructed, to maintain the same in good repair and a safe condition. Should any such property owner fail to maintain such sidewalk, the city engineer shall direct the property owner to make repairs as may be necessary to restore such sidewalk to a safe condition. Should the property owner fail, in a reasonable time, to follow these directions, the city engineer shall report the facts to the board of city commissioners who shall then proceed, as authorized by state law, to make such sidewalk safe. Any costs incurred by the city in repairing the sidewalk may be assessed to the property.

Section 10-02-03 Building official to require owner to construct sidewalk.

Unless the city engineer has granted a waiver in writing for good cause to allow a specified time delay in installing a sidewalk, the sidewalk shall be completed to the satisfaction of the city engineer prior to issuance of an occupancy permit. Before issuing any occupancy permit, the building official shall verify that a sidewalk has been constructed adjoining the property for which an occupancy permit has been applied for and that the same is in a good state of repair. If the building official shall find there is no sidewalk adjacent to such property, or if the sidewalk is not in a state of good repair, the building official shall issue a written order to the property owner that requires a sidewalk be constructed or repaired by the property owner. If the building official, for any valid reason, feels that the property owner cannot or will not comply in a reasonable period of time, the building official may arrange to have the work done by a contractor hired by the city. The city may assess that work under a one-time full cost assessment to the property.

Section 10-02-04 City engineer's responsibility for sidewalks.

All construction, maintenance and repair of sidewalks within the public rights-of-way shall be under the supervision of the city engineer. The city engineer shall be charged with the enforcement of all ordinance provisions relating to such activities and is authorized to enforce such ordinances. If the city engineer determines that not installing sidewalk adjacent to a property is detrimental to public safety, the city engineer may order the property owner to construct a sidewalk within a specified period of time. If the property owner does not comply, the city engineer may order the work done by a contractor hired by the city. The city may assess that work under a one-time full cost assessment to the property.

Section 10-02-05 Permits required for construction and repair of sidewalks.

Unless performed by a city contractor, the construction, repair or relocation of any sidewalk within the city shall require the issuance of a permit from the city engineer. Application for permits shall be accompanied by the fee established by resolution of the board of city commissioners. Such permit shall be issued by the city engineer and shall include an expiration date. A record of all such permits shall be kept in the office of the city engineer, the fees there from to be accounted for and deposited in the sidewalk construction fund.

Section 10-02-06 Application for sidewalk permit.

An applicant for a permit under this chapter shall file with the city engineer an

application showing:

1. Name, address and contact information of the owner or agent in charge of the property abutting the proposed work area;
2. Name, address, contact information, state license number and expiration date, insurance carrier and amount, and bonding company and amount of the contractor doing the work;
3. Location of the work area;
4. Plans or sufficient sketches showing the details of the proposed work;
5. Estimated cost of the work;
6. Such other information as the city engineer shall find reasonably necessary to the determination of whether or not a permit should be issued hereunder.

Section 10-02-07 Standards for issuance of sidewalk permit.

The city engineer shall issue a permit under this chapter upon a finding that:

1. The work will be done according to the standard specifications of the city for public work of like character;
2. The operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of ingress and egress to and from the property affected and adjacent property; and
3. The health, welfare and safety of the public will not be unreasonably impaired.

Section 10-02-08 Sidewalk specifications.

Construction, maintenance and repair of sidewalks shall be made in conformity with specifications laid down or approved from time to time by the board of city commissioners.

Section 10-02-09 Sidewalks built to grade.

All sidewalks shall be constructed in accordance with the elevation and grade therefore approved by the city engineer.

Section 10-02-10 Location of sidewalks.

All sidewalks shall be laid with the edge parallel to and one foot from the property line, unless otherwise directed by the city engineer.

Section 10-02-11 Structures under sidewalks.

Any person desirous of utilizing the underside of the sidewalk in front of any building shall, before commencing such work, obtain a permit therefore from the board of city commissioners after review and recommendation by the city engineer. A sufficient brick or concrete wall shall be constructed to retain the roadway of the street; and the division or party walls of such building shall be extended under the sidewalk to such curb wall. The sidewalks in all such cases shall be incombustible materials entirely, supported by walls or iron beams and columns of sufficient strength to safely carry a load of not less than one hundred pounds to the square foot, exclusive of the weight of materials used in the construction of such walk.

Section 10-02-12 Sidewalk safety regulations.

In the interest of public safety the following regulations applying to the construction and repair of sidewalks shall apply:

1. **Barriers.** Every person doing any such work as is herein provided for shall guard the portions of the street where the sidewalk is torn out or obstructed with suitable barriers by day and barriers with red lights by night so as to prevent injury to persons lawfully upon the streets.

2. **Stairways Extending Into Sidewalk Prohibited--Exceptions.** No person shall construct or maintain any stairway or open area, opening from, extending into, or upon any sidewalk located in a public right-of-way or public ground within the city; except in the case of any basement stairway or open area appurtenant to a building which was constructed prior to the effective date of the ordinance codified in this subsection. The owner may continue to maintain such stairway or open space provided it meets the requirements of this section. All stairways serving below-grade entryways on public rights-of-way shall be protected with guardrails and a self-closing gate of not less than forty-two inches in height. Open guardrails and gates shall have intermediate rails or ornamental patterns which comply with the horizontal and vertical spacing requirements of the building code. The gate must be approved by the building official and be installed on the open end of the stairway.

3. **Openings into the Sidewalk.** Openings in such walks, for admission of coal or light, shall be covered with prismatic lights in iron frames or with iron covers having a rough surface, and in no case will a smooth surface be tolerated on such cover.

Section 10-02-13 Private crossings prohibited.

It is unlawful for any person to put across any boulevard or sidewalk within the city any private or other crossing for the use of vehicles, or for any purpose whatever, except by and with the consent of the board of city commissioners, and then only in conformity with the specifications to be prescribed by the city engineer.

Section 10-05-01 Driveway defined.

Driveway means a privately maintained vehicular access within a property from a public right-of-way to a building or vehicular parking area that is owned and maintained by the property owner.

Driveway apron means the area from the public street to a driveway.

Section 10-05-02 Permit required to construct, repair, alter or widen a driveway apron.

Unless performed by a city contractor, a permit is required to construct, repair, alter or widen a driveway apron within any public right-of-way.

Section 10-05-03 Permit application and issuance.

1. Permit applications for the construction, repair, alteration or widening of any driveway apron shall be submitted to the city engineer and shall contain the following information:

- a. Name, address and contact information of the property owner or agent in charge of the property abutting the proposed work area;
- b. Name, address, contact information, state license number and expiration date, insurance carrier and amount, and bonding company and amount of the contractor doing the work;
- c. Estimated cost and location of the work;
- d. Plans or sufficient sketches showing the details of the proposed work; and

- e. Such other information as the city engineer finds reasonably necessary to determine whether or not a permit may be issued hereunder.
2. The application shall be accompanied by a fee as determined from time to time by resolution of the board.
3. The city engineer shall issue a permit if he determines that:
 - a. The work will be done according to the standard specifications of the city for public work of like character;
 - b. The work will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of ingress and egress to and from the property affected and adjacent properties; and
 - c. The health, welfare and safety of the public will not be unreasonably impaired.

Section 10-05-04 Driveway apron construction standards.

All driveway aprons, including existing driveway aprons for which a permit to repair, alter or widen is sought, must be constructed to meet the following standards:

1. ***Conflict with Nonaccess Lines Prohibited.*** A driveway or driveway apron may not be constructed so as to be in conflict with the nonaccess lines shown on the plat or the street right-of-way plan on which the proposed driveway or driveway apron is to be located.
2. ***Connection to Paved Roadway.*** All driveway aprons which connect to a paved roadway must also be paved.
3. ***Fire Hydrant.*** A driveway apron may not be built closer than four feet to a fire hydrant.
4. ***Removal of Existing Curb and Gutter.*** Whenever any driveway apron is constructed to connect with the roadway of any street on which curb or curb and gutter is already in place, the curb or curb and gutter must be removed to the first construction joint past the limits of the driveway apron flare. As an alternate, the curb portion of a curb and gutter section may be removed with appropriate concrete sawing equipment leaving the gutter section intact. A triangular-shaped wedge of concrete must be constructed on both sides of the driveway apron measuring four feet along the curblines and extending to a maximum of eight and one half feet along the driveway apron between the roadway and the sidewalk or sidewalk line, and varying in slope from curb height to sidewalk height as further detailed in the standard specifications at the office of the city engineer. Such work must be done at the owner's expense.
5. ***Residential Lots.*** Each lot may have one or two driveways. The combined total width of the driveway or driveways shall be no greater than thirty-six feet, plus any required flares, measured at the curb line. If there are two driveways, they must be separated by a distance of at least twenty-four feet measured at the curb line. If there is a fire hydrant located between the driveways, the twenty-four feet shall be measured from the fire hydrant to the edge of a driveway apron not counting any required apron flare. Except for properties with adjoining driveways that are built up to the property line, the driveway apron must be placed a distance from the property line sufficient to allow for construction of a flare.
6. ***Nonresidential Lots.*** Any lot not used for residential purposes may have a maximum of two driveways, each not to exceed forty feet in width, separated by a distance of not less than twenty-four feet measured at the curblines of each side of the lot that fronts upon a public street.

Section 10-05-05 Removal or relocation of public utilities at owner's expense.

If the repair, alteration or widening of a driveway apron will necessitate the removal or relocation of public utilities, street lights or fire hydrants, or the adjustment of manhole castings or valve boxes, such work must be done at the property owner's expense and the work must conform to standard specifications of the city for public work of like character.

President, Board of City Commissioners

Attest:

City Administrator

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

PROPOSED REVISIONS

ORDINANCE NO. 1197

An Ordinance to Amend Title 10 of the Mandan Code of Ordinances Related to Sidewalks and Driveway Aprons

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS THAT:

Title 10 of the Mandan Code of ordinances is hereby amended and re-enacted to read as follows:

SECTION 1. AMENDMENT. The Mandan Code of Ordinances is hereby amended to revise Chapter 10-02 and Chapter 10-05.

Plain font text remains *Strike through text deleted* *Underlined text added*

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Section 10-02-01 Duty of owner to construct sidewalk.

It shall be the duty of property owners or occupants of such property within the city to construct a sidewalk in the public right-of-way adjacent to their property, unless there is an approved plan or agreement that specifies that no sidewalk is required.

Section 10-02-02 Duty of owner to maintain sidewalk.

It shall be the duty of the property owner, of any property along with which a sidewalk has been constructed, to maintain the same in good repair and a safe condition. Should any such property owner fail so to maintain such sidewalk, the city engineer shall direct them the property owner to make repairs as may be necessary to restore such sidewalk to a safe condition. Should he the property owner fail, in a reasonable time, to follow these directions, the city engineer shall report the facts to the board of city commissioners who shall then proceed, as provided in the laws of the authorized by state of North Dakota law, to make such sidewalk safe. Any costs incurred by the city in repairing the sidewalk may be assessed to the property.

Section 10-02-03 Building inspector official to require owner to construct sidewalk before issuing occupancy permit.

Unless the city engineer has granted a waiver in writing for good cause to allow a specified time delay in installing a sidewalk, the sidewalk shall be completed to the satisfaction of the city engineer prior to issuance of an occupancy permit. Before issuing any occupancy permit, the building inspector official shall ascertain whether verify that a sidewalk has been constructed adjoining the property for which an occupancy permit has been applied for, and that then whether the same is in a good state of repair. If the building inspector official shall find there is no sidewalk adjacent to such property, or if the sidewalk is not in a state of good repair, he the building official shall issue a written order to the property owner that requires a sidewalk be constructed or repaired by the property owner. if If the building official, for any valid reason, feels that the property owner compliance cannot or will not comply be made in a reasonable period of time, a cash bond shall be posted for the work to be completed within a reasonable period of time as determined by the building inspector or his authorized representative the building inspector official may order arrange to have the work done under the by a contractor hired

by the city's concrete contract. The city may assess that work under a one-time full cost assessment to the property.

Section 10-02-04 City engineer's responsibility for sidewalks.

~~All construction, maintenance and repair of sidewalks within the public rights-of-way shall be under the supervision of the city engineer. He~~ The city engineer shall be charged with the enforcement of all ordinance provisions relating to such public places (except traffic ordinances) activities and is authorized to enforce such ordinances. Any property not built upon is required to construct sidewalk if a bordering property has sidewalk constructed on it within one year of that bordering property's occupancy permit. If the city engineer determines that not installing sidewalk adjacent to a property is detrimental to public safety, the city engineer may order the property owner to construction of a sidewalk within 90 days of noticea specified period of time. If the property owner cannotdoes not comply, the city engineer may order the work done under theby a contractor hired by the city's concrete contract. The city may assess that work under a one-time full cost assessment to the property.

Section 10-02-05 Permits required for construction and repair of sidewalks.

~~Unless performed by the a city contractor, the construction, repair or relocation of any sidewalk within the city shall require the issuance of a permit from the city engineer. Application for such permit shall be made to the auditor and shall state the location of the intended pavement or repair, the extent thereof, and the person or firm who is to do the actual construction work. In the case that the work is to be performed by a person other than the owner, such person or firm must be licensed as a sidewalk contractor by the city. Application for permits shall be accompanied by the fee established by resolution of the board of city commissioners to cover the expense of preparing plans, establishing grades, inspection and supervision. Such permit shall be issued by the city engineer and shall state the location of the work to be done and the name of the person or firm engaged to perform such work and shall expire thirty days from date of issuanceinclude an expiration date. A record of all such permits shall be kept in the office of the city engineer, the fees there from to be accounted for and deposited in the sidewalk construction fund. If the work is to be performed by a person other than the owner, no permit shall be issued unless such person shall have a sidewalk contractor's license issued by the city.~~

Section 10-02-06 Application for sidewalk permit.

An applicant for a permit under this chapter shall file with the city engineer an application showing:

1. Name, ~~and~~ address and contact information of the owner or agent in charge of the property abutting the proposed work area;
2. Name, ~~and~~ address, contact information, state license number and expiration date, insurance carrier and amount, and bonding company and amount of the party contractor doing the work;
3. Location of the work area;
4. PAttach plans or sufficient sketches showing the details of the proposed alterationswork;
5. Estimated cost of the alterationswork;
6. Such other information as the city engineer shall find reasonably necessary to the determination of whether or not a permit should be issued hereunder.

Section 10-02-07 Standards for issuance of sidewalk permit.

The city engineer shall issue a permit under this chapter ~~when he finds~~upon a finding that:

1. ~~That~~ the work will be done according to the standard specifications of the city for public work of like character;
2. ~~That~~ the operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of ingress and egress to and from the property affected and adjacent property; and
3. ~~That~~ the health, welfare and safety of the public will not be unreasonably impaired.

Section 10-02-08 Sidewalk specifications.

All construction, maintenance and repair of sidewalks shall be made in conformity with specifications laid down or approved from time to time by the board of city commissioners.

Section 10-02-09 Sidewalks built to grade.

All sidewalks shall be constructed in accordance with the elevation and grade therefore to be furnished~~approved~~ by the city engineer.

Section 10-02-10 Location of sidewalks.

All sidewalks ~~and~~ shall be ~~constructed under his direction and supervision, and unless modified by him shall be~~ laid with the ~~inner~~ edge parallel to and one foot from the property line, unless otherwise directed by the city engineer.

~~Section 10-02-1011 Materials and manner of sidewalk construction.~~

~~No sidewalk within the city shall be constructed, repaired, rebuilt, located or relocated except in accordance with the plans as may be adopted by resolution of the board of city commissioners and in accordance with the following minimum specifications:~~

- ~~1. Aggregate shall consist of the following:~~
 - ~~a. Sand for the construction of sidewalks shall be clean, washed material free of any delirious and organic matter. The sand shall be a type commonly used in the mixing of a portland cement concrete.~~
 - ~~b. Gravel shall be clean, washed material, free of any delirious and organic matter. Maximum allowable size for sidewalk mix shall be three fourths inch. The type of aggregate to be used is that which is commonly incorporated in concrete construction.~~
 - ~~c. Cement for the mixture shall be portland cement of the standard type as accepted by the American Society of Testing Materials for concrete mixtures.~~
- ~~2. The subgrade shall be thoroughly prepared and compacted before any sidewalk is laid or concrete is placed. Where the sidewalk will rest on fill, said fill shall be compacted in six inch layers and shall be tamped with mechanical devices, or similar devices, to a density that allows to settling. In lieu of compaction of soil, gravel may be used and it shall be thoroughly compacted and rolled to assure no further settling.~~
- ~~3. Expansion joints shall be placed in the sidewalk proper and shall be of a premolded type one half inch thick. Expansion joints shall be placed at uniform intervals, but in no case shall the distance between expansion joints be twenty five feet. Where the sidewalk will~~

~~be laid next to an existing curb, or where it shall be poured separate from the curb, or any other concrete structure, to include driveways and existing sidewalks, expansion joints shall be placed between the existing structure and the newly poured mixture.~~

~~4. There shall be provided in all sidewalks at five foot intervals contraction joints which shall be struck to a depth of at least three sixteenths of an inch and shall not exceed one-eighth of an inch in width. These shall be true and at right angles to the edges of the sidewalk. The sidewalk shall slope at the rate of one-fourth inch per foot of width from the property edge toward the street side of the sidewalk.~~

5. Strength of concrete mixture shall be three thousand pounds per square inch of concrete and the finish shall be a wood-floated finish, broom finish, or belted finish.

Section 10-02-11 Structures under sidewalks.

Any person desirous of utilizing the underside of the sidewalk in front of any building ~~owned by him~~ shall, before commencing such work, obtain a permit therefore from the board of city commissioners after review and recommendation by the city engineer. A sufficient brick or concrete wall shall be constructed to retain the roadway of the street; and the division or party walls of such building shall be extended under the sidewalk to such curb wall. The sidewalks in all such cases shall be incombustible materials entirely, supported by walls or iron beams and columns of sufficient strength to safely carry a load of not less than one hundred pounds to the square foot, exclusive of the weight of materials used in the construction of such walk.

Section 10-02-12 Sidewalk safety regulations.

In the interest of public safety the following regulations applying to the construction and repair of sidewalks shall apply:

1. **Barriers.** Every person doing any such work as is herein provided for shall guard the portions of the street where the sidewalk is torn out or obstructed with suitable barriers by day and barriers with red lights by night ~~to so~~ as to prevent injury to persons lawfully upon the streets.

2. **Stairways Extending Into Sidewalk Prohibited--Exceptions.** No person shall construct or maintain any stairway or open area, opening from, extending into, or upon any sidewalk located in a public right-of-way or public ground within the city; except in the case of any basement stairway or open area appurtenant to a building which was constructed prior to the effective date of the ordinance codified in this subsection. T, the owner may continue to maintain such stairway or open space provided it meets the requirements of this section. ~~That prior to June 1, 1989, all~~ All stairways serving below-grade entryways on public rights-of-way shall be protected with guardrails and a self-closing gate of not less than forty-two inches in height. Open guardrails and gates shall have intermediate rails or ornamental patterns which comply with the horizontal and vertical spacing requirements of the Uniform Building Code. The gate must be approved by the building inspector/official and be installed on the open end of the stairway.

3. **Openings ~~into~~ the Sidewalk.** Openings in such walks, for admission of coal or light, shall be covered with prismatic lights in iron frames or with iron covers having a rough surface, and in no case will a smooth surface be tolerated on such cover.

Section 10-02-13 Private crossings prohibited.

It is unlawful for any person to put across any boulevard or sidewalk within the city any

private or other crossing for the use of vehicles, or for any purpose whatever, except by and with the consent of the board of city commissioners, and then only in conformity with the specifications to be prescribed by the city engineer.

Section 10-05-01 Driveway defined.

~~1. —“Driveway” means a—A privately maintained vehicular access to within a residential, commercial or industrial properties property used to provide access from a public right-of-way to a building or vehicular parking area and that is owned and maintained by an individual or group the property owner. “Driveway” also includes the area between the property line and any garage or area used or to be used for the parking, driving or storage of vehicles.~~

~~2. —“Driveway Apron apron” means t—The sloping transition area from the public street to a private driveway which falls between the street and the sidewalk at the front of the property (aka driveway approach). All driveways must be constructed in conformance with the provisions of this chapter.~~

Section 10-05-02 Permit required to construct, repair, alter or widen any driveway apron.

~~Unless performed by a city contractor, aA permit is required to construct, repair, alter or widen any driveway apron within, on or along any public right-of-way, except a permit is not required of the city contractor doing work under contract with the city.~~

Section 10-05-03 Permit application and issuance.

1. Permit applications for the construction, repair, alteration or widening of any driveway apron shall be submitted to the city engineer and shall contain the following information:

- a. Name, ~~and~~ address and contact information of the property owner or agent in charge of the property abutting the proposed work area and the legal description of the property on which the work is to be performed;
 - b. Name, ~~and~~ address, contact information, state license number and expiration date, insurance carrier and amount, and bonding company and amount of the contractor doing the work;
 - c. Estimated cost and location of the work;
 - d. Plans or sufficient sketches showing the details of the proposed work Address and legal description of the property abutting the work; and
 - e. Such other information as the city engineer finds reasonably necessary to determine whether or not a permit may be issued hereunder.
2. The application shall be accompanied by a fee ~~for inspection and engineering work provided by the city~~ as determined from time to time by resolution of the board.
3. The city engineer shall issue a permit if he determines that:
- a. ~~That~~ the work will be done according to the standard specifications of the city for public work of like character;
 - b. ~~That~~ the operation work will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of ingress and egress to and from the property affected and adjacent properties; and

- c. ~~That~~ the health, welfare and safety of the public will not be unreasonably impaired.

Section 10-05-04 Driveway apron construction standards.

All driveway aprons, including existing driveway aprons for which a permit to repair, alter or widen is sought, must be constructed to meet the following standards:

1. ***Conflict with Nonaccess Lines Prohibited.*** A driveway or driveway apron may not be constructed so as to be in conflict with the nonaccess lines shown on the ~~addition~~ plat or the street right-of-way plan on which the proposed driveway or driveway apron is to be located.

2. ***Connection to Paved Roadway.*** All driveway aprons which connect to a paved roadway must also be paved ~~without expense to the city.~~

3. ~~***Encroachment of Roadway Prohibited.*** Driveways may not be constructed within the limits of any street, unless at right angles to the street and approved by the city engineer.~~

4. ***Fire Hydrant.*** A driveway apron may not be built closer than four feet to a fire hydrant.

54. ***Removal of Existing Curb and Gutter.*** Whenever any driveway apron is ~~opened~~ constructed up to connect with the roadway of any street on which curb or curb and gutter is already in place ~~or where vertical face curbing is installed~~, the curb or curb and gutter must be removed ~~for the full width of the driveway and for four feet beyond on either side thereof, and back~~ to the first construction joint ~~of the curb past the limits of the driveway apron flare.~~ As an alternate, the curb portion of a curb and gutter section may be removed with appropriate concrete sawing equipment leaving the gutter section intact. A triangular-shaped wedge of concrete must be constructed on both sides of the driveway apron measuring four feet along the curbline and extending to a maximum of eight and one half feet along the driveway apron between the roadway and the sidewalk or sidewalk line, and varying in slope from curb height to sidewalk height as further detailed in the standard specifications at the office of the city engineer. Such work must be done at the owner's expense.

65. ***Residential Lots.*** Each lot ~~occupied or to be occupied for residential purposes~~ may have one or two driveways. The combined total width of the driveway or driveways shall be no greater than thirty-six feet, plus any required flares, measured at the curb line. If there are two driveways, they which must be separated by a distance of at least twenty-four feet measured at the ~~front property~~ curb line. If there is a fire hydrant located between the driveways, the twenty-four feet shall be measured from the fire hydrant to the edge of a driveway apron not counting any required apron flare. Except for properties with adjoining driveways that are built up to the property line, the driveway apron must be placed a distance from the property line sufficient to allow for construction of a flare.

~~The width of the driveway shall be not less than ten feet nor more than twenty-four feet measured at the property line. Provided, however, that any lot having more than a two-vehicle-stall garage may add an additional twelve feet to the driveway for each additional stall. In addition to the above, any lot having a two or more stall garage with an adjoining twelve-foot hard surface parking slab may add an additional twelve feet to the driveway width.~~

76. ***Nonresidential Lots.*** Any lot not used for residential purposes may have a maximum of two driveways, each not to exceed forty feet in width, separated by a distance of not less than twenty-four feet measured at the curbline of each side of the lot that fronts upon a public street.

Section 10-05-05 Removal or relocation of public utilities at owner's expense.

If the repair, alteration or widening of a driveway apron will necessitate the removal or relocation of public utilities, street lights or fire hydrants, or the adjustment of manhole castings or valve boxes, such work must be done at the property owner's expense and the work must conform to standard specifications of the city for public work of like character.

President, Board of City Commissioners

Attest:

City Administrator

First Consideration:

Second Consideration and Final Passage:

Recording Date:

ORDINANCE NO. 1199

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

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

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

Section 4-07-04 Sick leave.

2. ~~There shall be no restriction as to the number of sick leave days which can be accumulated by an employee.~~ As of December 31, 2014, all existing sick leave balances shall be frozen. As of January 1, 2015, based on the standard forty-hour workweek, sick leave will accrue on the following basis:

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

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

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

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

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

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

By: _____
President, Board of City Commissioners

Attest:

City Administrator

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

**Resolution of Adoption
For the 2015-2040 Bismarck-Mandan
Long Range Transportation Plan**

Whereas, the U.S. Department of Transportation requires the development, approval, and maintenance of a Long Range Transportation Plan for the Bismarck-Mandan Metropolitan Planning Organization (MPO) as a condition of Federal transportation funding; and

Whereas, the MPO has been designated by the Governor of North Dakota as the organization responsible for preparing and maintaining the Long Range Transportation Plan; and

Whereas, the MPO after an extensive public and stakeholder involvement process and substantial consideration of technical, environmental, financial, and social factors has prepared the 2015-2040 Long Range Transportation Plan which is in compliance with Federal and State transportation planning guidance; and

Whereas, City of Mandan staff has actively participated in Plan development and has had the opportunity to review the 2015-2040 Long Range Transportation Plan, and any comments received have been addressed within the Plan; and

Whereas, all relevant State and Federal agencies have had the opportunity to review the Plan and any comments received have been addressed within the Plan; and

Whereas, notice was published for a public hearing in accordance with the MPO Public Participation Plan, and the Mandan Planning Commission held a public hearing on the 2015-2040 Long Range Transportation Plan and has approved it as a guide for their future planning and development policies, and has recommended it to the Mandan City Commission; and

Now Therefore be it Resolved, by the Mandan City Commission that it adopts the 2015-2040 Long Range Transportation Plan; and

Be it Further Resolved, that City of Mandan staff is directed to implement the 2015-2040 Long Range Transportation Plan.

CERTIFICATE

The undersigned representatives of the City of Mandan certify that the forgoing is true and correct copy of a Resolution, adopted at a legally convened meeting of the Mandan City Commission held on February 3, 2015.

By:

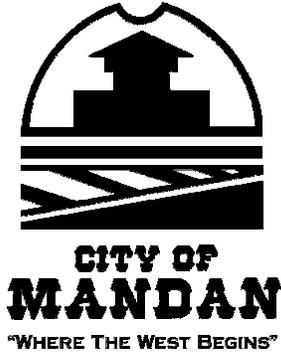
Arlyn Van Beek,
President, Mandan City Commission

Date

Attest:

Jim Neubauer,
Administrator, City of Mandan

Date



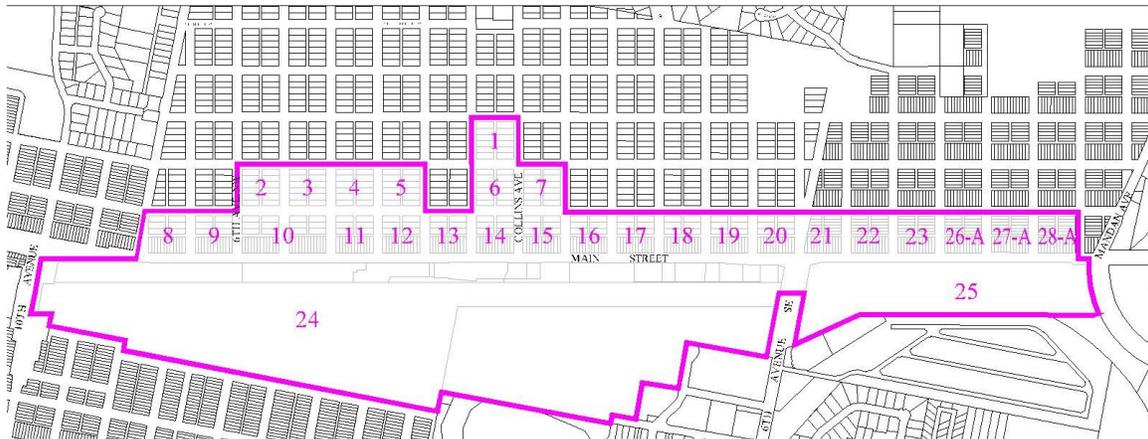
Board of City Commissioners

Agenda Documentation

MEETING DATE: February 3, 2015
PREPARATION DATE: February 2, 2015
SUBMITTING DEPARTMENT: Business Development & Communications Department
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: Senate Bill 2329

STATEMENT/PURPOSE: To consider support of Senate Bill 2329 as recommended by the Renaissance Zone Committee.

BACKGROUND/ALTERNATIVES: During the Mandan Renaissance Zone Committee meeting on Jan. 28, 2015, the committee discussed Senate Bill 2329. The bill would allow cities to expand their Renaissance Zones by 11 blocks, from a base of 23 blocks to 34 blocks. Language remains allowing cities with a population greater than 5,000 to add an additional block for each additional 5,000 population. Legislation passed in 2007 allowed for a three-block expansion. For this reason, Mandan’s Renaissance Zone is now 28 blocks.



If SB2329 were to pass, the Business Development and Communications Department and Mandan Renaissance Zone Committee would need to research interest in projects on additional blocks and gather input on which blocks to include. Letters of support from the Mandan School District and Morton County would also likely be needed. The City Commission would need to hold a public hearing regarding the potential expansion and approve the boundaries of any proposed expansion.

Background on Mandan's Renaissance Zone. Mandan's Renaissance Zone was established in late 2005. Renaissance Zones were originally authorized for 15 years, but legislation adopted since now allows a city to request a five-year extension. Property owners and tenants have completed 45 projects in Mandan since the zone was approved. Another six projects are approved and in the process of being completed. Mandan has commitments for Renaissance Zone projects involving the new construction or rehabilitation of 29 buildings with a projected investment of \$16.7 million for properties initially valued at \$3.7 million. The Renaissance Zone has been a helpful tool in leveraging private investment to revitalize Mandan's Main Street and central business district.

Additional provision. SB2329 also contains language that would increase the total amount of credits for investments in Renaissance Zone Fund Organizations. Mandan has previously explored possibilities of creating an Renaissance Zone Fund Organization, but did not identify projects that needed the additional investment beyond that of the owner/developer, nor a pool of willing investors. Therefore this provision of the bill would not impact Mandan at this time.

ATTACHMENTS: SB2329

FISCAL IMPACT: If the bill were to pass and Mandan were to take formal action to expand its Renaissance Zone, there is a possibility that additional property owners would apply for a five-year 100% property tax exemption on the value of commercial or residential buildings subject to qualified improvements.

STAFF IMPACT: Minimal.

LEGAL REVIEW: n/a

RECOMMENDATION: The Mandan Renaissance Zone Committee voted to recommend that the City of Mandan actively support passage of SB2329.

SUGGESTED MOTION: I move to support passage of Senate Bill 2329 and to authorize Business Development and Communications Director Ellen Huber to testify at hearings about the bill on Mandan's behalf.

SENATE BILL NO. 2329

Introduced by

Senators Flakoll, Burckhard, Nelson

Representatives Keiser, Thoreson, Vigesaa

1 A BILL for an Act to amend and reenact subsection 1 of section 40-63-03 and subsection 5 of
2 section 40-63-07 of the North Dakota Century Code, relating to the size of a renaissance zone
3 and renaissance zone tax exemptions; and to provide an effective date.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 40-63-03 of the North Dakota Century
6 Code is amended and reenacted as follows:

- 7 1. A city may apply to the department of commerce division of community services to
8 designate a portion of that city as a renaissance zone if the following criteria are met:
- 9 a. The geographic area proposed for the renaissance zone is located wholly within
10 the boundaries of the city submitting the application.
 - 11 b. The application includes a development plan.
 - 12 c. The proposed renaissance zone is not more than ~~twenty-three~~thirty-four square
13 blocks, except in a city with a population of greater than five thousand the
14 renaissance zone may exceed ~~twenty-three~~thirty-four square blocks at the rate of
15 one additional block for each additional five thousand population to a maximum
16 size of ~~thirty-eight~~forty-nine blocks. Population is based upon the most recent
17 federal decennial census.

18 If a city finds that renaissance zone projects have satisfactorily completed
19 one or more blocks within the renaissance zone, the city may apply for and the
20 department of commerce division of community services may approve withdrawal
21 of those blocks from the renaissance zone and replacement of those blocks with
22 other blocks that otherwise meet the requirements of this chapter.

- 23 d. Except as provided under subdivision g, the proposed renaissance zone has a
24 continuous boundary and all blocks are contiguous.

- 1 e. The proposed land usage includes both commercial and residential property.
- 2 f. The application includes the proposed duration of renaissance zone status, not to
- 3 exceed fifteen years. Upon application by the city, the department of commerce
- 4 division of community services may extend the duration of renaissance zone
- 5 status in increments of up to five years.
- 6 g. The proposed renaissance zone may have a single exception to the continuous
- 7 boundary and contiguous block requirements under subdivision d if the area of
- 8 the excepted noncontiguous blocks does not exceed three square blocks.

9 **SECTION 2. AMENDMENT.** Subsection 5 of section 40-63-07 of the North Dakota Century
10 Code is amended and reenacted as follows:

- 11 5. The total amount of credits allowed under this section may not exceed, in the
- 12 aggregate, ~~eight million five hundred thousand~~ten million five hundred thousand
- 13 dollars for investments in renaissance fund organizations. A renaissance fund
- 14 organization that has received investments that qualify for the credits under this
- 15 subsection shall use those investments to finance projects within a renaissance zone.

16 **SECTION 3. EFFECTIVE DATE.** Section 2 of this Act is effective for taxable events
17 occurring after December 31, 2014.