

AGENDA
MANDAN CITY COMMISSION
JUNE 3, 2014
ED "BOSH" FROEHLICH MEETING ROOM,
MANDAN CITY HALL
5:30 P.M.
www.cityofmandan.com

-
- A. ROLL CALL:
1. Roll call of all City Commissioners.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:
1. Consider approval of the minutes from the May 20, 2014 Board of City Commission meeting
- E. PUBLIC HEARING:
- F. BIDS:
1. Consider award of bid for Street Improvement District 189 (Lakewood 6th Addition Lot 10b, Block 2)
2. Review of bid opening for Street Improvement District 196 Project 2014-14(Mandan Industrial Park).
- G. CONSENT AGENDA:
1. Consider approval of CPM agreements for resurfacing projects bid through NDDOT
2. Consider approval of DOT agreement for temporary road closures for MPO events
3. Second replat of Lot 1, Block 4 Lakewood 1st Addition.
4. Consider approval of a Sunday Opening for the Mandan Eagles Club for June 22, 2014.
5. Consider approval of a Sunday Opening for Silver Dollar (Lucas Berger, Jr.) for June 8, 2014.
- H. OLD BUSINESS:
- I. NEW BUSINESS:
1. Introduction of new Police Officers.
2. Consider Street Improvement District 190, Project 2014-02(Keidel's South Heart Terrace 3rd Addition).
3. Consider Street Improvement District 191, Project 2014-04(Lincoln Ridge Estates 6th Addition).

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4. Consider Street Improvement District 192, Project 2014-06(West Hills Estates 3rd Addition).
 5. Consider 3-way agreement for Water & Sewer Improvement Project 2014-07(Midway 14th Addition).
 6. Consider Street Improvement District 193, Project 2014-08(Midway 14th Addition).
 7. Consider Street Improvement District 197, Project 2014-24(24th Street NW Between 6th Avenue NW and 8th Avenue NW.
 8. Consider 3-way agreement for street improvement Project 2014-20(Missouri Valley Addition Replat).
 9. Consider Wenck and Associates to provide construction engineering services for Roughriders SID #195
 10. Report on EDND Draft Value Statements and 2015 Legislative Priorities
- J. RESOLUTIONS AND ORDINANCES:
1. First consideration of Ordinance 1185 related to penalties and fines
- K. OTHER BUSINESS:
1. Keep Mandan Beautiful
 2. Consider Mandan City Hall utilization for a safe shelter for residents who don't feel safe in their homes during a tornado warning.
- L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:
1. June 17, 2014
 2. June 30, 2014
 3. July 15, 2014
- 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 5:30 p.m. on May 20, 2014 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Rohr, Frank, and Braun. Department Heads present were Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Planning & Engineering Director Froseth, Planner Decker, and Building Official Lalim. Absent: Commissioner Tibke, Business Development and Communications Director Huber, Assessor Shaw and Finance Director Welch.

B. APPROVAL OF AGENDA: Commissioner Braun motioned to approve the Agenda as presented. Commissioner Frank 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. A second announcement was made 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 regular meeting held May 6, 2014.* Commissioner Frank moved to approve the minutes as presented. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

E. PUBLIC HEARING:

F. BIDS:

1. *Consider resolution approving contractor and contractor’s bond for Street Improvement District 186 Project 2013-22 (Macedonia Hills 1st Addition). (SEE OLD BUSINESS NO. 1 first).* Planning & Engineering Director Froseth stated that this matter was discussed at the last commission meeting. This request is for consideration of the street improvement district for Macedonia Hills. Two bids were received with Mariner Construction as the low bidder in the amount of \$716,513.05 which is 6.7% higher than the engineer’s estimate of \$671,330.00. The bonding issue for the water and sewer has been handled with the new contractor in place, Bowers Excavating, LLC. The project will be paid for by special assessments from the benefiting properties within the district. The total cost of the project including the engineering and administrative fees total \$967,292.62. There are 44 lots that will be special assessed approximately \$21,983.92 per lot with two duplex unit dwellings in which the assessment will be split in half for those lots with each paying \$10,991.96. Planning & Engineering Director Froseth explained that because the action at the last commission meeting denied the awarding of the project to Mariner Construction, the motion to deny must be reconsidered before consideration can be given to awarding the project to Mariner Construction.

Commissioner Rohr moved to reconsider last meeting's motion to deny award of Street Improvement District 186 to Mariner Construction. Commissioner Braun seconded the motion. Mayor Van Beek noted that there is an amount of contingency on the performance bond and questioned what would happen if that performance bond does not come in tomorrow? Will the project have to go back through the bidding process again? Planning & Engineering Director Froseth confirmed that is correct. If the water and sewer project does not get finished, there will be no street project.

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

Commissioner Rohr moved to approve awarding Street Improvement District 186 Project 2013-22 to Mariner Construction in the amount of \$716,513.05 and to approve the Resolution Approving Contract and Contractors Bond. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

G. CONSENT AGENDA

1. *Consider approval of monthly bills.*
2. *Consider approval of MPO events' road closures*
3. *Silver Dollar Beer Garden and Street Dance Application*
4. *Consider Safe Routes to School sidewalk project award of contract to Concrete Services, LLC.*
5. *Consider approval of games of chance for the 164th Infantry Association of U.S. at Seven Seas Hotel from Sept. 19, 2014 through September 21, 2014.*
6. *Consider approval of Building Department purchase of Software Program and Hardware.*
7. *Consider approval of site authorizations for Mandan Baseball Club, Inc. from July 1, 2014 through June 30, 2015: (i) Westside Bar & Grill/Mulligans (ii) Captain Freddy's (iii) Station West*
8. *Consider selection of construction services for safe routes to school sidewalk project.*
9. *Consider approval of the following site authorizations for the Cystic Fibrosis Association of ND from July 1, 2014 through June 30, 2015: (i) Stage Stop (ii) Colonial Lounge*
10. *Consider reclassification of Arborist from a Grade 14 to Grade 15.*
11. *Consider approval of the following site authorizations for the Mandan Hockey Club, Inc. from July 1, 2014 through June 30, 2015: (i) The Silver Dollar (ii) Old Town Tavern (iii) The Ridge Motel Corp. (iv) Vicky's Sports Bar.*

Commissioner Rohr moved to approve the Consent Agenda as presented. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present. The motion passed.

H. OLD BUSINESS:

1. *Consider approving the amended 3-way agreement for water and sewer improvement Project 2013-21(Macedonia Hills 1st Addition).* Planning & Engineering Director Froseth presented a request for the authorization for Bowers Excavating, LLC to complete the installation of water and sewer for development of Macedonia Hills 1st Addition. This matter was discussed at the last commission meeting regarding the water and sewer development related to the 3-way agreement pursuant to a new contractor completing the project at Macedonia Hills 1st Addition, south of 19th Street Southwest, west of Ft. Lincoln Elementary. The project would only benefit the developer. Therefore, this is being paid for under a 3-way agreement. A letter of credit has been secured for the project. The 3-way agreement needs to be amended because the original contractor for the project was unable to complete the project. The new contractor, Bowers Excavating, LLC, is in place to finish the work. The 3-way agreement requires the contractor to meet all the conditions of the original 3-way agreement. One of the articles requires a performance bond and that is expected to be filed tomorrow. The agreement would be contingent upon receipt of that performance bond being submitted to the City and by fulfilling all articles of the 3-way agreement.

Commissioner Rohr moved to approve the amended 3-way agreement for water and sewer improvement Project 2013-21(Macedonia Hills 1st Addition) with the new contractor Bowers Excavating, LLC contingent upon receipt of the performance bond. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

I. NEW BUSINESS:

1. *Consider appointing a City Commissioner and alternate to a Sales Tax Committee.* City Administrator Neubauer presented a request on behalf of the Mandan Park District to appoint a commissioner and an alternate to a Sales Tax Committee for exploring a potential ½ cent sales tax that may be a revenue source for facilities or facility improvements. Mayor Van Beek has expressed interest to serve on this committee and Commissioner Tibke has expressed interest to serve as an alternate.

Commissioner Frank moved to approve the appointment of Mayor Van Beek to serve on the Sales Tax Committee and that Commissioner Tibke serves as an alternate. Commissioner Braun seconded the motion. Commissioner Rohr suggested consideration be given to reviewing the list of all facilities who may be requesting this revenue source and that a priority list be considered and that the funds be made available based on need. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *Second consideration and final passage of Ord. 1183 Changes to Chapters 1 & 2 of Title 21 related to Planning and Zoning.* Commissioner Frank moved to approve the Second consideration and final passage of Ord. 1183 Changes to Chapters 1 & 2 of Title

21 related to Planning and Zoning. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Second consideration and final passage of Ord. 1184 – Amendment to Chapter 13-15 of the Mandan Code of City Ordinances regulating door-to-door sales.*

Commissioner Frank moved to approve the Second consideration and final passage of Ord. 1184 – Amendment to Chapter 13-15 of the Mandan Code of City Ordinances regulating door-to-door sales. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider resolution revising Building Permit Fees and adopting a project value chart.* Building Official Lalim stated that there is an item on the Consent Agenda that passed that was related to a new software program for the Building Department to do permitting and associated duties. In January, the Assessing Department installed a new program called Vanguard that would eventually eliminate the AS400. He stated that the Auditor's Office will be installing a new program called Banyon that would also eliminate the AS400. The proposal before the Commission is to request to install a software program called MyGov which is a government permitting program that has a series of modules for other departments also. A handout was provided that outlined the fees and cost allocations. He explained the building valuation chart that would value buildings. The chart is composed from a Building Standards magazine and numbers are updated nationwide and the values remain continually updated. He then explained how the fee structure would work for the permit fees that are integrated with the building valuation chart. This system would flow better and is an improvement over the current system that is in place. He requested approval of the Resolution for both software programs.

Commissioner Braun moved to approve the resolution amending the Building Permit Fees and adopting the International Code Council Building Valuation Data Chart as modified for use in Mandan to be administered by the office of the Building Official for the City of Mandan. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

FUTURE MEETING DATES FOR THE BOARD OF CITY COMMISSIONERS:

Mayor Van Beek announced the upcoming meeting dates: June 3, June 17, and July 1, 2014. Commissioner Rohr motioned to reschedule the July 1, 2014, meeting date to Monday, June 30, 2014 at 5:30 p.m. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

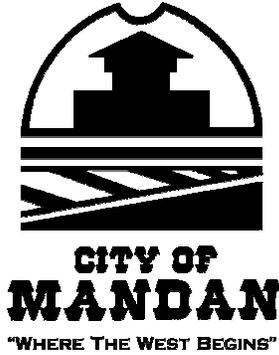
K. OTHER BUSINESS

There being no further actions to come before the Board of City Commissioners, Commissioner Braun moved to adjourn the meeting at 5:56 p.m. Commissioner Rohr

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: June 3, 2014
PREPARATION DATE: May 29, 2014
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Consider award of bid and approving Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 189, Project 2013-30(Lakewood 6th Addition Lot 10B Block 1 Replat).

STATEMENT/PURPOSE: This is a review and possible award of bids for Street Improvement District No. 189, Project 2013-30(Lakewood 6th Addition Lot 10B Block 1 Replat).

BACKGROUND/ALTERNATIVES: Bids were received on May 27th for the project. There were 2 bids. Mariner Construction was the low bidder. The bid amount was \$70,013.27. The Engineer's estimate was \$55,361.20. The low bid is 27% higher than the Engineer's estimate.

ATTACHMENTS:

1. Bid Tabulation
2. Engineer's Estimate
3. District Map
4. Resolution to Award Bid

FISCAL IMPACT: The Project will be paid for by special assessments from the benefiting properties within the District. The construction cost of the project is \$70,013.27 plus the engineering and administrative cost of \$24,504.64 totaling \$94,517.91. There are 19 lots that will have special assessments of \$4,974.63 each.

STAFF IMPACT: Minimal

LEGAL REVIEW: These documents have been forwarded to the City Attorney for his review.

Board of City Commissioners

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RECOMMENDATION: I would recommend awarding the project.

SUGGESTED MOTION: I move to award the bid to Mariner Construction as the low bidder of Street Improvement District 189 Project 2013-30 in the amount of \$70,013.27 and approve the Resolution approving Contract and Contractor's Bond.

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CONSTRUCTION OF STREET PAVING AND LIGHTING
STREET IMPROVEMENT DISTRICT 189, PROJECT 2013-30
LAKEWOOD 6TH ADDITION LOT 10B BLOCK 2 REPLAT

May 28, 2014

GRADING ITEMS	QUANTITY	MARINER CONSTRUCTION		NORTHERN IMPROVEMENT		ENGINEERS ESTIMATE	
		UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
Grading	1 LS	\$ 5,000.00	\$ 5,000.00	\$ 17,799.80	\$ 17,799.80	\$ 3,000.00	\$ 3,000.00
Watering	5 MGAL	\$ 176.00	\$ 880.00	\$ 15.00	\$ 75.00	\$ 15.00	\$ 75.00
Subgrade Preparation (1.0' Deep)	919 SY	\$ 4.83	\$ 4,438.77	\$ 3.90	\$ 3,584.10	\$ 2.20	\$ 2,021.80
4" Topsoiling	520 SY	\$ 4.29	\$ 2,230.80	\$ 4.50	\$ 2,340.00	\$ 3.50	\$ 1,820.00
Seeding (Class IV)	520 SY	\$ 1.65	\$ 858.00	\$ 1.70	\$ 884.00	\$ 1.30	\$ 676.00
Mulching (Straw)	520 SY	\$ 1.65	\$ 858.00	\$ 1.70	\$ 884.00	\$ 1.30	\$ 676.00
		Subtotal	\$ 14,265.57	Subtotal	\$ 25,566.90	Subtotal	\$ 8,268.80

ASPHALT ITEMS	QUANTITY	MARINER CONSTRUCTION		NORTHERN IMPROVEMENT		ENGINEERS ESTIMATE	
		UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
3" AC Base Course (Class B)	136 TON	\$ 125.00	\$ 17,000.00	\$ 133.70	\$ 18,183.20	\$ 110.00	\$ 14,960.00
2" AC Surface Course (Class B)	91 TON	\$ 125.00	\$ 11,375.00	\$ 133.70	\$ 12,166.70	\$ 110.00	\$ 10,010.00
Bituminous Tack Coat	82 GAL	\$ 5.25	\$ 430.50	\$ 2.20	\$ 180.40	\$ 2.20	\$ 180.40
Bituminous Seal Coat	812 SY	\$ 3.34	\$ 2,712.08	\$ 4.00	\$ 3,248.00	\$ 2.30	\$ 1,867.60
Blotter Sand	1 TON	\$ 100.00	\$ 100.00	\$ 20.00	\$ 20.00	\$ 13.20	\$ 13.20
Adjust Manhole Casting in Asph Pmnt	1 EA	\$ 1,200.00	\$ 1,200.00	\$ 509.40	\$ 509.40	\$ 375.00	\$ 375.00
		Subtotal	\$ 32,817.58	Subtotal	\$ 34,307.70	Subtotal	\$ 27,406.20

CONCRETE ITEMS	QUANTITY	MARINER CONSTRUCTION		NORTHERN IMPROVEMENT		ENGINEERS ESTIMATE	
		UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
Standard Curb & Gutter	386 LF	\$ 20.25	\$ 7,816.50	\$ 23.20	\$ 8,955.20	\$ 15.50	\$ 5,983.00
		Subtotal	\$ 7,816.50	Subtotal	\$ 8,955.20	Subtotal	\$ 5,983.00

MISCELLANEOUS ITEMS	QUANTITY	MARINER CONSTRUCTION		NORTHERN IMPROVEMENT		ENGINEERS ESTIMATE	
		UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
Adjust Valve Box in Unpaved Area	2 EA	\$ 250.00	\$ 500.00	\$ 362.90	\$ 725.80	\$ 175.00	\$ 350.00
Adjust Cleanout in Unpaved Area	1 EA	\$ 250.00	\$ 250.00	\$ 474.40	\$ 474.40	\$ 175.00	\$ 175.00
Traffic Control	1 LS	\$ 1,000.00	\$ 1,000.00	\$ 1,408.80	\$ 1,408.80	\$ 1,000.00	\$ 1,000.00
Signage	1 LS	\$ 2,000.00	\$ 2,000.00	\$ 1,345.50	\$ 1,345.50	\$ 1,200.00	\$ 1,200.00
		Subtotal	\$ 3,750.00	Subtotal	\$ 3,954.50	Subtotal	\$ 2,725.00

REMOVAL ITEMS	QUANTITY	MARINER CONSTRUCTION		NORTHERN IMPROVEMENT		ENGINEERS ESTIMATE	
		UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
Curb & Gutter Removal	5 LF	\$ 50.00	\$ 250.00	\$ 24.50	\$ 122.50	\$ 5.00	\$ 25.00
Asphalt Removal	194 SF	\$ 5.85	\$ 1,134.90	\$ 4.00	\$ 776.00	\$ 2.50	\$ 485.00
		Subtotal	\$ 1,384.90	Subtotal	\$ 898.50	Subtotal	\$ 510.00

ELECTRICAL ITEMS	QUANTITY	MARINER CONSTRUCTION		NORTHERN IMPROVEMENT		ENGINEERS ESTIMATE	
		UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
Type A Street Light Unit	1 EA	\$ 5,333.34	\$ 5,333.34	\$ 5,520.00	\$ 5,520.00	\$ 4,225.00	\$ 4,225.00
Three #2 Conductors	191 LF	\$ 8.45	\$ 1,613.95	\$ 8.70	\$ 1,661.70	\$ 5.20	\$ 993.20
Trenching	140 LF	\$ 4.78	\$ 669.20	\$ 4.90	\$ 686.00	\$ 1.75	\$ 245.00
Directional Boring	42 LF	\$ 20.00	\$ 840.00	\$ 20.70	\$ 869.40	\$ 65.00	\$ 2,730.00
Junction Box	1 EA	\$ 966.67	\$ 966.67	\$ 1,000.50	\$ 1,000.50	\$ 975.00	\$ 975.00
New Circuit Connection	1 LS	\$ 555.56	\$ 555.56	\$ 575.00	\$ 575.00	\$ 1,300.00	\$ 1,300.00
		Subtotal	\$ 9,978.72	Subtotal	\$ 10,312.60	Subtotal	\$ 10,468.20
		TOTAL	\$ 70,013.27	TOTAL	\$ 83,995.40	TOTAL	\$ 55,361.20

Board of City Commissioners

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Engineer's Estimate

**LAKEWOOD 6 ADDITION LOT 10B BLOCK 2 REPLAT
STREET IMPROVEMENT DISTRICT 189, PROJECT 2013-30
April 9, 2014**

<u>ITEM</u>	<u>QUANT/UNIT</u>	<u>UNIT/TOTAL PRICE</u>
GRADING ITEMS		
Grading	1 LS	\$ 3,000.00 \$ 3,000.00
Watering	5 MGAL	\$ 15.00 \$ 75.00
Subgrade Preparation (1.0' Deep)	919 SY	\$ 2.20 \$ 2,021.80
4" Topsoiling	520 SY	\$ 3.50 \$ 1,820.00
Seeding (Class IV)	520 SY	\$ 1.30 \$ 676.00
Mulching (Straw)	520 SY	\$ 1.30 \$ 676.00
	TOTAL	\$ 8,268.80
ASPHALT ITEMS		
3" AC Base Course (Class B)	136 TON	\$ 110.00 \$ 14,960.00
2" AC Surface Course (Class B)	91 TON	\$ 110.00 \$ 10,010.00
Bituminous Tack Coat	82 GAL	\$ 2.20 \$ 180.40
Aggregate Seal Coat	812 SY	\$ 2.30 \$ 1,867.60
Blotter Sand	1 TON	\$ 13.20 \$ 13.20
Adjust Manhole Casting in Asph Pvmt	1 EA	\$ 375.00 \$ 375.00
	TOTAL	\$ 27,406.20
CONCRETE ITEMS		
Standard Curb & Gutter	386 LF	\$ 15.50 \$ 5,983.00
	TOTAL	\$ 5,983.00
MISCELLANEOUS ITEMS		
Adjust Valve Box in Unpaved Area	2 EA	\$ 175.00 \$ 350.00
Adjust Cleanout in Unpaved Area	1 EA	\$ 175.00 \$ 175.00
Traffic Control	1 LS	\$ 1,000.00 \$ 1,000.00
Signage	1 LS	\$ 1,200.00 \$ 1,200.00
	TOTAL	\$ 2,725.00
REMOVAL ITEMS		
Asphalt Removal	194 SF	\$ 2.50 \$ 485.00
Curb & Gutter Removal	5 LF	\$ 5.00 \$ 25.00
	TOTAL	\$ 510.00
ELECTRICAL ITEMS		
Type A Street Light Unit	1 EA	\$ 4,225.00 \$ 4,225.00
Three #2 Conductors	191 LF	\$ 5.20 \$ 993.20
Trenching	140 LF	\$ 1.75 \$ 245.00
Directional Boring	42 LF	\$ 65.00 \$ 2,730.00
Junction Box	1 EA	\$ 975.00 \$ 975.00
New Circuit Connection	1 LS	\$ 1,300.00 \$ 1,300.00
	Total	\$ 10,468.20
	BID TOTAL	\$ 55,361.20

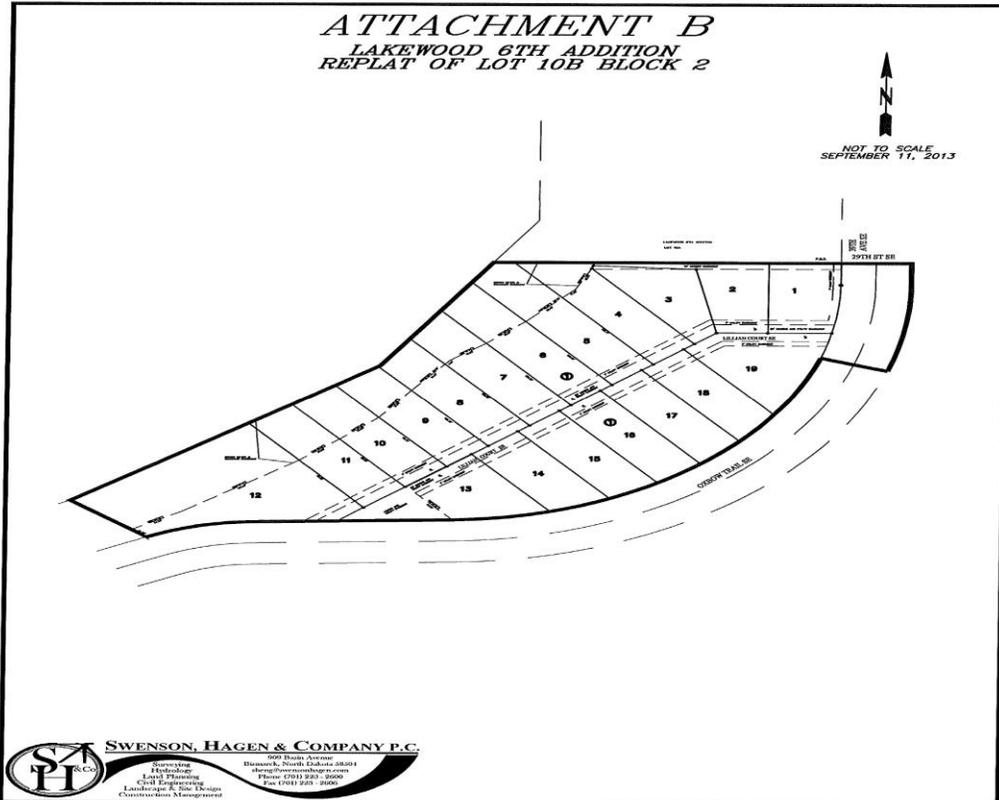
Board of City Commissioners

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Subject: Consider award of bid and approving Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 189, Project 2013-30(Lakewood 6th Addition Lot 10B Block 1 Replat).

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RESOLUTION
APPROVING CONTRACT AND CONTRACTOR'S BOND FOR
STREET IMPROVEMENT DISTRICT NO. 189

(Project No. 2013-30)

BE IT RESOLVED by the governing body of the City of Mandan, North Dakota (the "City"), as follows:

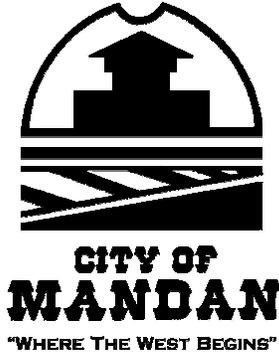
1. It is hereby found and determined that this Board has heretofore caused Notice for Advertisement for Bids to be made for an improvement Street Improvement District No. 189 of said City, and has duly and publicly opened and considered said bids received pursuant to said Notice.
2. Said improvement is hereby ordered to be constructed in accordance with the plans and specifications therefore as heretofore adopted by this Board pursuant to a resolution duly adopted by this Board.
3. It is hereby found and determined that the lowest responsible bidder for various categories of the work, material and skill required for said improvement is Mariner Construction whose bid provides for the construction of said improvement at a total estimated base price of \$70,013.27.
4. The President of the Board of City Commissioners of the City of Mandan and City Auditor are hereby authorized and directed to make and enter into a contract with said bidder on the part of the City, in the form prescribed by Sections 40-22-35 and 40-22-35, N.D.C.C. as amended, provided that said bidder shall within ten (10) days from this date execute said contract and a construction bond conditioned in accordance with the provisions of Sections 40-22-30 and 40-22-32 of said Code.

Dated this 3rd day of June, 2014

Arlyn Van Beek, President of the
Board of City Commissioners

Attest:

James Neubauer,
City Administrator



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 3, 2014
PREPARATION DATE: May 29, 2014
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Review of bid opening for Street Improvement District 196 Project 2014-14(Mandan Industrial Park).

STATEMENT/PURPOSE: This is a review of the bid opening for Street Improvement District No. 196, Project 2014-14(Mandan Industrial Park).

BACKGROUND/ALTERNATIVES: On March 4, 2014 the Mandan City Commission approved the creation of Street Improvement District No. 196 and approved the Engineer's Report and the Resolution of Necessity. On April 15th the Mandan City Commission approved the Resolution determining insufficiency of protest. Our office consulted with Wenck and Associates to create plans and specifications for the project which called for concrete reconstruction of the two major roads in the district, 34th Street and 37th Street NW. The project was advertised for solicitation of bids for much of the month of May with a bid opening held on May 27th.

At the bid opening on May 27th, no bids were received. In talking with our consulting engineers and prospective bidders, the reasons given for not receiving bids for this project were generally that area road contractors already have a fairly full schedule. Also, contractors would have liked to see a more defined plan for traffic control to address a commercially busy area. A couple of questions in design were also brought up after the bid that our engineers must take a closer look at when putting together a future project for this district.

Our plan moving forward is to take in to consideration the comments received from the prospective bidders to adjust the project design, and re-bid before next spring for work to be done during the 2015 construction season.

ATTACHMENTS:

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2013

Subject: Consider award of bid and approving Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 196, Project 2014-14 (Mandan Industrial Park).

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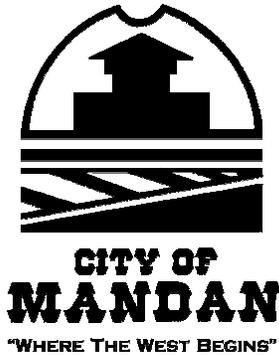
FISCAL IMPACT: Consulting Engineering Fees are at over \$64,000 for design and pre-bid services of project. With no project, fees will need to be paid for by the general fund. Work done on this project will go towards a future project in this district and at that time will be assessed to the district.

STAFF IMPACT: Minimal

LEGAL REVIEW: N/A

RECOMMENDATION: No recommendation

SUGGESTED MOTION: No Motion necessary



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 3, 2014
PREPARATION DATE: May 30, 2014
SUBMITTING DEPARTMENT: Planning and Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: 2014 Road Resurfacing Projects' CPM Agreements

STATEMENT/PURPOSE: To consider approval of the 2014 road resurfacing projects' Cost Participation, Construction, and Maintenance (CPM) Agreements.

BACKGROUND/ALTERNATIVES: The city has been approved by the NDDOT local government division to construct three (3) street improvement projects this year. The projects include road resurfacing of 9th Ave. NE from Main St. to 4th St., road resurfacing of 24th Ave. and Longspur Dr. from 3rd St to 32nd Ave. SE, and road resurfacing of 40th Ave. SE from Memorial Highway to South Bay Dr. SE. Over 80% of project cost are to be funded by the urban roads program administered through the NDDOT. As such, the projects must go through the NDDOT bidding process. They are to be bid as 3 sub-projects of one project on June 13th.

As a requirement of receiving funding, CPM Agreements for each project must be agreed to. The CPM Agreements lay out which entity is responsible for each task of the project and is a standard DOT agreement.

ATTACHMENTS:

- 1) CPM Agreement for 9th Ave. NE (NDDOT project # SU-1-988(038)049)
- 2) Page 1 of 8 of CPM Agreement for 24th Ave. and Longspur Dr. SE (NDDOT project #SU-1-988(025)037)
- 3) Page 1 of 8 of CPM Agreement for 40th Ave. SE (NDDOT project # SU-1-988(039)050)

FISCAL IMPACT: City funds are in place for the local share of these projects.

STAFF IMPACT: Minimal

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Approval of 2014 Road Resurfacing Projects' CPM Agreements

Page 2 of 14

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

RECOMMENDATION: I recommend the Commission approve the 2014 road resurfacing projects' Cost Participation, Construction, and Maintenance (CPM) Agreements.

SUGGESTED MOTION: I move that the City of Mandan approve the 2014 road resurfacing projects' Cost Participation, Construction, and Maintenance (CPM) Agreements.

NDDOT Contract No. 38140705

North Dakota Department of Transportation
COST PARTICIPATION, CONSTRUCTION, AND MAINTENANCE AGREEMENT
URBAN FEDERAL AID PROJECT

Federal Award Information – to be provided by NDDOT

CFDA No: 20.205	CFDA Title: Highway Planning & Construction
Award Name: Federal Aid Highway Program	Awarding Fed. Agency: Federal Highway Admin
NDDOT Program Mgr: Sengaroun Marohl	Telephone: 701-328-4449

Notice to Subrecipients: Federal awards may have specific compliance requirements. If you are not aware of the specific requirements for your award, please contact your NDDOT Program Manager.

For NDDOT use only.

FHWA Authorization date:

Project No. SU-1-988(038)049 City of MANDAN
Location: 9TH AVE NE FROM 4TH ST NE TO MAIN ST
Type of Improvement: MILL & OVERLAY AND INCIDENTALS
Length: 0.274 MILE

This agreement is between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and the city of Mandan, North Dakota, hereinafter referred to as the City, who agree that:

It is in the best interest of both parties to have the City construct and maintain this project according to the terms and conditions set forth in this agreement. NDDOT will assist the City with the preparation and distribution of the bid documents and include the project in a scheduled bid opening.

The City agrees to the terms and conditions required for this project by the Federal Highway Administration (FHWA).

NDDOT will procure federal funds for the construction of the project, pursuant to Title 23 of the United States Code.

Federal funds obligated for this project shall not exceed 80.93 percent of the total eligible project cost up to a maximum of \$161,860. The balance of the project cost is the obligation of the City.

The total eligible project costs include the cost of those items shown in the engineer's detailed estimate as approved for federal funds and any project changes approved by NDDOT for the use of federal funds.

Federal funds may not be obligated by the City, prior to FHWA approval of the program documents for the project.

PART I



City Obligation:

1. To comply with the Disadvantaged Business Enterprise (DBE) requirements established by NDDOT for the project.

The City shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The City shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts. NDDOT's DBE program, as required by 49 CFR Part 26 and as approved by USDOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the City of its failure to carry out its approved program, the USDOT may impose sanctions as provided for under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et. Seq.).

Include the following paragraph verbatim in any subcontracts they sign relative to this project:

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the solicitation, award, and administration of USDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as NDDOT deems appropriate.

2. To comply with requirements of 23 CFR Part 633, Required Contract Provisions, and 23 CFR Part 635, Construction and Maintenance.
3. To construct the project in conformity with the construction contract, changes to the plans shall meet the requirements of 23 CFR Part 625, Design Standards for Highways.
4. To construct the project in conformity with the approved environmental documents and provide for the implementation of any measures mitigating the environmental impact of the project.
5. To comply with the requirements of Appendix A of the Title VI Assurances, attached and incorporated by reference herein.

PART II

Contracting and Construction:

1. Ten weeks before the bid opening date the City will:
 - a. Submit the final plans to NDDOT.
 - b. Certify that the right of way has been acquired in its name and at its sole expense, and in conformity with state and federal law and NDDOT's current edition of *Right of Way Acquisition Procedures for Local Public Agency Federal Aid Projects*.
 - c. Provide NDDOT with the permit or agreement authorizing utility facilities to be installed or continued on, under or over the right of way.



Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Approval of 2014 Road Resurfacing Projects' CPM Agreements

Page 5 of 14

- d. Provide NDDOT with all permits or clearances required for the construction of the project by state or federal law.
2. On behalf of the City, NDDOT will:
 - a. Prepare the bid proposals, print and distribute the proposals and plans, solicit proposals, and include the project in a scheduled bid opening as provided in the North Dakota Century Code, Chapter 24-02.
 - b. Evaluate the bids as to the sufficiency of Disadvantaged Business Enterprise (DBE) participation and the bidder's good faith efforts in satisfying the requirements of the current edition of the DBE special provision, and 49 CFR Part 26. NDDOT shall have exclusive authority in evaluating the adequacy of DBE participation.
 - c. Tabulate the bids and send to the City.
 - d. Concur in the award of the contract, after the City has executed the contract, for the sole purpose of enabling the City to procure federal aid for the construction of the project.
 - e. Distribute copies of the plans to the parties.
 3. The City will:
 - a. Review bids to determine the lowest responsible bidder.
 - b. Execute the contract.
 - c. Distribute copies of the executed contract and contract bond to NDDOT and the prime contractor.
 4. During the construction of the project, the City will:
 - a. Provide engineering services, material testing, and inspection of the work as required by the contract documents and the current editions of NDDOT's *Sampling and Testing Manual* and the *Standard Specifications for Road and Bridge Construction*.
 - b. Keep all project records and documentation as required in NDDOT's current editions of the *Construction Records Manual* and the *Construction Automated Records System*.
 - c. Make all records available to NDDOT and FHWA for inspection upon request. The City will submit all documents and records to NDDOT for review before final payment is made. NDDOT will maintain the project records for three years from the final voucher date of FHWA and then return them to the City.
 - d. Be responsible for any changes in plan, character of work, quantities, site conditions, or any claim for extra compensation. NDDOT will review all contract adjustments to determine if the adjustments are eligible for federal aid. Federal aid shall be limited to the amount stated on page one of this agreement.

PART III

Post Construction:

After the project is completed the City agrees to:



1. Control the length and location of curb openings for access. The width of such access opening shall not exceed that shown on the plans. Additional access points will be allowed on the project if the design adequately considers all effects the access point will have on the entire traffic corridor. If the traffic corridor intersects a state highway, the City must justify to NDDOT that any new access allowed will have minimal impact to the state highway. The design will meet the requirements of 23 CFR Part 625, Design Standards for Highways.
2. Maintain the signing and marking of the project according to the current edition of the *Manual on Uniform Traffic Control Devices for Streets and Highways*, as supplemented and amended.
3. Restrict the speed limit on the project at or below the maximum design speed. Any changes to the speed limit will be pursuant to North Dakota Century Code, Chapter 39-09.
4. Prohibit double parking and diagonal parking within the limits of the project. Additional parallel parking will be allowed within the limits of the project if designed considering the effects the added parking will have on the entire traffic corridor. The design will meet the requirements of 23 CFR Part 625, Design Standards for Highways.
5. Provide maintenance to the completed project at its own cost and expense.
6. Prohibit access and encroachments upon the right of way pursuant to 23 CFR Part 1.23, Rights of Way, and Part 710 Subpart D, Right of Way, Real Property Management.

PART IV

General:

1. NDDOT will make all contract payments on behalf of the City. Payment will be made upon receipt of the engineer's estimate. The City will reimburse NDDOT for payments made less the amount paid by FHWA. No costs will be incurred by NDDOT for the construction and maintenance of this project.

If the City fails to reimburse NDDOT within 60 days after billing for funds advanced on behalf of the City, this document will constitute an assignment of funds now or hereafter coming into the hands of the state treasurer, which would otherwise be distributed to the City out of the highway tax distribution fund, NDCC 54-27-19. The state treasurer is hereby directed to pay NDDOT all such funds until the total equals the sum billed pursuant to this agreement.

2. The Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.
3. No official, employee, or other person performing services for the City who is authorized to negotiate or approve any contract or subcontract in connection with the project shall have any financial or other personal interest in any such contract or subcontract. No officer or employee of such person retained by the City shall have any financial or other personal interest in any real property acquired for the project unless such interest is openly disclosed upon public records of NDDOT and of the City, and such officer, employee, or person has not participated in such acquisition for and in behalf of the City.
4. The failure of the state to enforce any provisions of this contract shall not constitute a waiver by the state of that or any other provision.
5. NDDOT requires contracts executed with counties, cities, other state agencies, and Indian tribes to comply with OMB Cir. A-133.



6. All notices, certificates, or other communications shall be sufficiently given when delivered or mailed, postage prepaid, to the parties at the respective places of business as set forth below or at a place designated hereafter in writing by the parties.

Local Government Engineer
ND Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

7. The City is advised that its signature on this contract or agreement certifies that any person associated therewith is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency; has not been suspended, debarred, voluntarily excluded, or determined ineligible by any federal agency within the past three years; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction on any matter involving fraud or official misconduct within the past three years.



8. This agreement constitutes the entire agreement between the parties. No waiver consent, modification or change of terms of this agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. The City, by the signature below of its authorized representative, hereby acknowledges that the City has read this agreement, understands it, and agrees to be bound by its terms and conditions.

Executed by the City of _____, North Dakota, the date last below signed.

APPROVED:

 CITY ATTORNEY (TYPE OR PRINT)

 SIGNATURE

 DATE

City of _____
 *

 NAME (TYPE OR PRINT)

 SIGNATURE
 *

 TITLE

 DATE

ATTEST:

 CITY AUDITOR (TYPE OR PRINT)

 SIGNATURE

 DATE

Executed by the North Dakota Department of Transportation the date last below signed.

APPROVED as to substance:

NORTH DAKOTA
 DEPARTMENT OF TRANSPORTATION

 LOCAL GOVERNMENT ENGINEER (TYPE OR PRINT)

 SIGNATURE

 DATE

 DIRECTOR (TYPE OR PRINT)

 SIGNATURE

 DATE

*Mayor or President City Commission

CLA 19256 (Div. 38)
 L.D. Approved 4-12-93; 02-14



Project SU-1-988(038)049

CERTIFICATION OF LOCAL MATCH

It is hereby certified that the City of _____ will provide non-federal funds, whose source is identified below, as match for the amount the City is obligated to pay under the terms of the attached agreement with the North Dakota Department of Transportation. The certified amount does not duplicate any federal claims for reimbursement, nor are the funds used to match other federal funds, unless expressly allowed by federal regulation.

Non-Federal Match Funds provided by City. Please designate the source(s) of funds in the city budget that will be used to match the federal funds obligated for this project through the North Dakota Department of Transportation.

Source:

Executed at _____, North Dakota, the last date below signed.

ATTEST:

APPROVED:

CITY AUDITOR (TYPE OR PRINT)

City of _____

SIGNATURE

NAME (TYPE OR PRINT)

DATE

SIGNATURE

*

TITLE

DATE

*Mayor or President of City Commission

CLA 19256 (Div. 38)
L.D. Approved 4-12-93; 02-14



**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
APPENDIX A OF THE TITLE VI ASSURANCES**

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor), agrees as follows:

1. Compliance with Regulations: The Contractor shall comply with the regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, sex, age, disability/handicap, or income status**, in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate, either directly or indirectly, in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding or negotiation, made by the Contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, disability/handicap, or income status.**
4. Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the North Dakota Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the North Dakota Department of Transportation, or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the North Dakota Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to:
 - a. withholding of payments to the Contractor under the contract until the Contractor complies, and/or
 - b. cancellation, termination, or suspension of the contract, in whole or in part.
6. Incorporation of Provisions: The Contractor shall include the provisions of paragraphs 1 through 6 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto.

The Contractor shall take such action with respect to any subcontract or procurement as the North Dakota Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions, including sanctions for noncompliance provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation by a subcontractor or supplier as a result of such direction, the Contractor may request the North Dakota Department of Transportation to enter into such litigation to protect the interests of the State; and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

**The Act governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability/handicap, 29 U.S.C. 790; and low income, E.O. 12898.



Risk Management Appendix

Routine* Service Agreements With Sovereign Entities and Political Subdivisions of the State of North Dakota:

Parties: State – State of North Dakota, its agencies, officers and employees

Governmental Entity – The Governmental Entity executing the attached document, its agencies, officers and employees

Governments – State and Government Entity, as defined above

Each party agrees to assume its own liability for any and all claims of any nature including all costs, expenses and attorney's fees which may in any manner result from or arise out of this agreement.

Each party shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds, authorized to do business in North Dakota, the following insurance coverages:

- 1) Commercial general liability and automobile liability insurance – minimum limits of liability required of the Governmental Entity are \$250,000 per person and \$500,000 per occurrence. The minimum limits of liability required of the State are \$250,000 per person and \$1,000,000 per occurrence.
- 2) Workers compensation insurance meeting all statutory limits.
- 3) The policies and endorsements may not be canceled or modified without thirty (30) days prior written notice to the undersigned State representative.

The State reserves the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time.

Each party that hires subcontractors shall require any non-public subcontractors, prior to commencement of work set out under an agreement between that party and the non-public subcontractor, to:

Defend, indemnify, and hold harmless the Governments, its agencies, officers and employees, from and against claims based on the vicarious liability of the Governments or its agents, but not against claims based on the Government's contributory negligence, comparative and/or contributory negligence or fault, sole negligence, or intentional misconduct. The legal defense provided by the Subcontractor to the Governments under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for the Governments is necessary. Subcontractor also agrees to defend, indemnify, and hold the Governments harmless for all costs, expenses and attorneys' fees incurred if the Governments prevail in an action against Subcontractor in establishing and litigating the indemnification coverage provided herein. This obligation shall continue after the termination of this agreement.

Subcontractor shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds authorized to do business in North Dakota: 1) commercial general liability; 2) automobile liability; and 3) workers compensation insurance all covering the Subcontractor for any and all claims of any nature which may in any manner arise out of or result from this agreement. The minimum limits of liability required are \$250,000 per person and \$1,000,000 per occurrence for commercial general liability and automobile liability coverages, and statutory limits for workers compensation. The Governments shall be endorsed on the commercial general liability policy and automobile liability policy as additional insureds. Said endorsement shall contain a "Waiver of Subrogation" waiving any right of recovery the insurance company may have against the Governments as well as provisions that the policy and/or endorsement may not be canceled or modified without thirty (30) days prior written notice to the undersigned representatives of the Governments, and that any attorney who represents the State under this policy must first qualify as and be appointed by the North Dakota Attorney General as a Special Assistant Attorney General as required under N.D.C.C. Section 54-12-08. Subcontractor's insurance coverage shall be primary (i.e., pay first) as respects any insurance, self-insurance or self-retention maintained by the Governments. Any insurance, self-insurance or self-retention maintained by the Governments shall be excess of the Contractor's insurance and the Subcontractor's insurance and shall not contribute with them. The insolvency or bankruptcy of the insured Subcontractor shall not release the insurer from payment under the policy, even when such insolvency or bankruptcy prevents the insured Subcontractor from meeting the retention limit under the policy. Any deductible amount or other obligations under the Subcontractor's policy(ies) shall be the sole responsibility of the Subcontractor. This insurance may be in policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and be placed with insurers rated "A-" or better by A.M. Best Company, Inc. The Governments will be indemnified, saved, and held harmless to the full extent of any coverage actually secured by the Subcontractor in excess of the minimum requirements set forth above. The Government Entity that hired the Subcontractor shall be held responsible for ensuring compliance with the above requirements by all Subcontractors. The Governments reserve the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time.

*See *North Dakota Risk Management Manual*, section 5.1 for discussion of "unique" and "routine" agreements.

RM Consulted 2007
Revised 5-09



NDDOT Contract No. 38140704

North Dakota Department of Transportation
COST PARTICIPATION, CONSTRUCTION, AND MAINTENANCE AGREEMENT
URBAN FEDERAL AID PROJECT

Federal Award Information – to be provided by NDDOT

CFDA No: 20.205	CFDA Title: Highway Planning & Construction
Award Name: Federal Aid Highway Program	Awarding Fed. Agency: Federal Highway Admin
NDDOT Program Mgr: Sengaroun Marohl	Telephone: 701-328-4449

Notice to Subrecipients: Federal awards may have specific compliance requirements. If you are not aware of the specific requirements for your award, please contact your NDDOT Program Manager.

For NDDOT use only.

FHWA Authorization date:

Project No. SU-1-988(025)037 City of MANDAN
Location: 24TH AVE/LONGSPUR DR FROM 3RD ST SE TO 32ND AVE SE
Type of Improvement: MILL & OVERLAY AND INCIDENTALS
Length: 0.835 MILE

This agreement is between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and the city of Mandan, North Dakota, hereinafter referred to as the City, who agree that:

It is in the best interest of both parties to have the City construct and maintain this project according to the terms and conditions set forth in this agreement. NDDOT will assist the City with the preparation and distribution of the bid documents and include the project in a scheduled bid opening.

The City agrees to the terms and conditions required for this project by the Federal Highway Administration (FHWA).

NDDOT will procure federal funds for the construction of the project, pursuant to Title 23 of the United States Code.

Federal funds obligated for this project shall not exceed 80.93 percent of the total eligible project cost up to a maximum of \$283,255. The balance of the project cost is the obligation of the City.

The total eligible project costs include the cost of those items shown in the engineer's detailed estimate as approved for federal funds and any project changes approved by NDDOT for the use of federal funds.

Federal funds may not be obligated by the City, prior to FHWA approval of the program documents for the project.

PART I



NDDOT Contract No. 38140706

North Dakota Department of Transportation
COST PARTICIPATION, CONSTRUCTION, AND MAINTENANCE AGREEMENT
URBAN FEDERAL AID PROJECT

Federal Award Information – to be provided by NDDOT

CFDA No: 20.205	CFDA Title: Highway Planning & Construction
Award Name: Federal Aid Highway Program	Awarding Fed. Agency: Federal Highway Admin
NDDOT Program Mgr: Sengaroun Marohl	Telephone: 701-328-4449

Notice to Subrecipients: Federal awards may have specific compliance requirements. If you are not aware of the specific requirements for your award, please contact your NDDOT Program Manager.

For NDDOT use only.

FHWA Authorization date:

Project No. SU-1-988(039)050 City of MANDAN
Location: 40TH AVE SE FROM SOUTH BAY DR TO MEMORIAL HIGHWAY
Type of Improvement: MILL & OVERLAY AND INCIDENTALS
Length: 1.188 MILES

This agreement is between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and the city of Mandan, North Dakota, hereinafter referred to as the City, who agree that:

It is in the best interest of both parties to have the City construct and maintain this project according to the terms and conditions set forth in this agreement. NDDOT will assist the City with the preparation and distribution of the bid documents and include the project in a scheduled bid opening.

The City agrees to the terms and conditions required for this project by the Federal Highway Administration (FHWA).

NDDOT will procure federal funds for the construction of the project, pursuant to Title 23 of the United States Code.

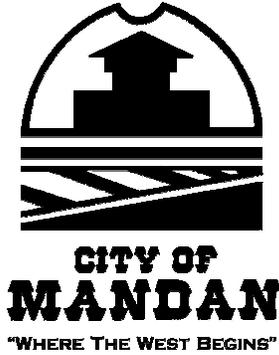
Federal funds obligated for this project shall not exceed 80.93 percent of the total eligible project cost up to a maximum of \$283,255. The balance of the project cost is the obligation of the City.

The total eligible project costs include the cost of those items shown in the engineer's detailed estimate as approved for federal funds and any project changes approved by NDDOT for the use of federal funds.

Federal funds may not be obligated by the City, prior to FHWA approval of the program documents for the project.

PART I





Board of City Commissioners

Agenda Documentation

MEETING DATE: June 3, 2014
PREPARATION DATE: May 30, 2014
SUBMITTING DEPARTMENT: Planning and Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: NDDOT Consent Agreement for MPO Events
Road Closures

STATEMENT/PURPOSE: To enter in to agreement with NDDOT outlining terms of consent for allowing road closures during MPO events.

BACKGROUND/ALTERNATIVES: Our office received a request by the MPO to close roads and modify parking. The events for which closures and modifications are requested for include:

- 1) Buggies-n-Blues on June 7-8th
- 2) Mandan Rodeo Days on July 2-4th
- 3) Grill Fest on August 16th
- 4) OktoberFest on September 27th

At last commission meeting, city commission approved the road closures for MPO events as they were described. In order for the NDDOT to consent to the closures, the city must agree to their terms as outlined on the attached agreement.

ATTACHMENTS:

- 1) NDDOT Agreement for Temporary Highway Closure
- 2) MPO Events' Road Closure Requests
- 3) Risk Management Appendix

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

Board of City Commissioners
Agenda Documentation
Meeting Date: June 3, 2014
Subject: NDDOT Consent Agreement for MPO Events
Road Closures
Page 2 of 8

RECOMMENDATION: Recommend approval of agreement with NDDOT outlining terms of consent for allowing road closures during MPO events.

SUGGESTED MOTION: I move to approve agreement with NDDOT outlining terms of consent for allowing road closures during MPO events.

NDDOT Contract No. 61140886

**North Dakota Department of Transportation
AGREEMENT FOR TEMPORARY HIGHWAY CLOSURE**

In consideration of the mutual covenants contained herein, it is hereby agreed by and between the North Dakota Department of Transportation (NDDOT), whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and the City of Mandan, whose address is 205 2nd Ave NW, Mandan, ND 58554, as follows:

1. NDDOT hereby grants consent to the City to close Main Street (I-94 Business Loop) from 2nd Ave NE to 6th Ave NW from 12:00 a.m. on Saturday, June 7, 2014, to 11:00 p.m. on Sunday, June 8, 2014. And to close Main Street (I-94 Business Loop) from 3rd Ave NW to 5th Ave NW from 6:00 a.m. on Wednesday, July 2, 2014, to 10:00 p.m. on Wednesday, July 2, 2014, and from 6:00 a.m. on Thursday July 3, 2014, to 12:00 a.m. on Friday, July 4, 2014. And to close Main Street (I-94 Business Loop) from 2nd Ave NW to 10th Ave NW on Friday, July 4, 2014 from 1:00 a.m. to 8:00 p.m. And to close Main Street (I-94 Business Loop) from 4th Ave NW to 5th Ave NW from 11:00 a.m. to 6:00 p.m. on Saturday, August 16, 2014. And to close Main Street (I-94 Business Loop) from 7:00 a.m. on Saturday, September 27, 2014, to 6:00 p.m. on Saturday, September 27, 2014. SEE ATTACHED.
2. The attached Risk Management Appendix is hereby incorporated and made a part of this agreement.
3. The City will obey and enforce all federal, state, and local laws.
4. The City shall set up a proper, adequate and safe detour. The City shall be solely responsible for planning, constructing, maintaining, policing, and tearing down the detour. All signing required for the detour must meet the requirements of the Manual on Uniform Traffic Control Devices. The City agrees to inspect those portions of the highway to be used for activities associated with the highway closure.
5. The City acknowledges that the NDDOT has no duty to and will not provide for the supervision of activities associated with the highway closure.
6. The City shall return the segment of Main Street (I-94 Business Loop) to substantially the same condition it was in prior to the detour of June 7-8, July 2-4, August 16 and September 27, 2014.
7. This agreement constitutes the entire agreement between the parties. No waiver consent, modification or change of terms of this agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. The City, by the signature below of its authorized representative, hereby acknowledges that the City has read this agreement, understands it, and agrees to be bound by its terms and conditions.
8. The terms of this agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by the parties.
9. Notwithstanding any rules regarding the choice of law or venue, it is agreed by the parties that this agreement shall be governed by and construed in accordance with applicable Federal Law and



the laws of the state of North Dakota, at the time this agreement was executed. All disputes arising from this agreement shall be brought in the South Central District Court of the state of North Dakota.

10. NDDOT reserves the right to terminate this agreement, with or without cause, upon written notice.



Board of City Commissioners
Agenda Documentation
Meeting Date: June 3, 2014
Subject: NDDOT Consent Agreement for MPO Events
Road Closures
Page 5 of 8

EXECUTED the date last below signed.

APPROVED:

CITY ATTORNEY (TYPE OR PRINT)

SIGNATURE

DATE

City of _____

NAME (TYPE OR PRINT)

SIGNATURE

*

TITLE

DATE

ATTEST:

CITY AUDITOR (TYPE OR PRINT)

SIGNATURE

DATE

*Mayor or President City Commission

NORTH DAKOTA
DEPARTMENT OF TRANSPORTATION:

DIRECTOR (TYPE OR PRINT)

SIGNATURE

DATE

APPROVED as to substance by:

DISTRICT ENGINEER (TYPE OR PRINT)

SIGNATURE

DATE

CLA 1069 (Div. 70)
L.D. Approved 5-16-08, 5-10



MPO Events' Road Closure Requests

June 7 & 8 (Buggies –n- Blues)

Main Street from the 100 block NE through the 500 block NW and all avenues within this area up to the alleys, from midnight Saturday to following the event on Sunday.

July 2-4th (Mandan Rodeo Days)

Wednesday, July 2nd

Closing 300 and 400 blocks of West Main Street at 6:00 a.m. Street will open at 10:00 p.m. (Includes 3rd Avenue NW up to alley)

Thursday, July 3rd

Closing 300 and 400 blocks of West Main Street at 6:00 a.m. Street will open at midnight. (Includes 3rd Avenue NW up to alley)

Friday, July 4th

Main Street will be closed from 1:00 a.m. to 8:00 p.m., including 3rd Avenue NW up to the alley. The following is a breakdown of events that needed closure:

- Main Street closed at 1:00 a.m. until parade and festival are over.
- Main Street in front of the Mandan Depot for one block in both directions closed at 5:30 a.m.

- Main Street closed at 6:00 a.m. from 10th Avenue NW to Mandan Avenue on East Main for the Annual Rodeo Days 5 k walk and run.
- Closing 300 and 400 blocks of West Main Street at 6:00 a.m. Street will open at 8:00 p.m.

August 16th (Wild West Grill Fest)

Closing the 400 block of West Main Street at 11:00 a.m. Street will open at 6:00 p.m.

September 27th (Oktoberfest)

Closing the 400 block of West Main Street at 7:00 a.m. Street will open at 6:00 p.m.

Risk Management Appendix

Routine* Service Agreements With Sovereign Entities and Political Subdivisions of the State of North Dakota:

Parties: State – State of North Dakota, its agencies, officers and employees

Governmental Entity – The Governmental Entity executing the attached document, its agencies, officers and employees

Governments – State and Government Entity, as defined above

Each party agrees to assume its own liability for any and all claims of any nature including all costs, expenses and attorney's fees which may in any manner result from or arise out of this agreement.

Each party shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds, authorized to do business in North Dakota, the following insurance coverages:

- 1) **Commercial general liability and automobile liability** insurance – minimum limits of liability required of the Governmental Entity are **\$250,000 per person and \$500,000 per occurrence**. The minimum limits of liability required of the State are **\$250,000 per person and \$1,000,000 per occurrence**.
- 2) **Workers compensation** insurance meeting all statutory limits.
- 3) The policies and endorsements may not be canceled or modified without **thirty (30) days prior written notice** to the undersigned State representative.

The State reserves the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time.

Each party that hires subcontractors shall require any non-public subcontractors, prior to commencement of work set out under an agreement between that party and the non-public subcontractor, to:

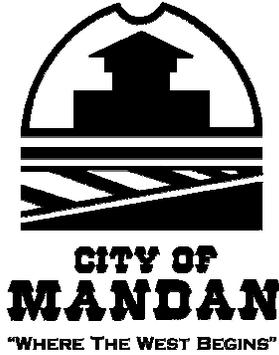
Defend, indemnify, and hold harmless the Governments, its agencies, officers and employees, from and against claims based on the vicarious liability of the Governments or its agents, but not against claims based on the Government's contributory negligence, comparative and/or contributory negligence or fault, sole negligence, or intentional misconduct. The legal defense provided by the Subcontractor to the Governments under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for the Governments is necessary. Subcontractor also agrees to defend, indemnify, and hold the Governments harmless for all costs, expenses and attorneys' fees incurred if the Governments prevail in an action against Subcontractor in establishing and litigating the indemnification coverage provided herein. This obligation shall continue after the termination of this agreement.

Subcontractor shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds authorized to do business in North Dakota: 1) commercial general liability; 2) automobile liability; and 3) workers compensation insurance all covering the Subcontractor for any and all claims of any nature which may in any manner arise out of or result from this agreement. The minimum limits of liability required are \$250,000 per person and \$1,000,000 per occurrence for commercial general liability and automobile liability coverages, and statutory limits for workers compensation. The Governments shall be endorsed on the commercial general liability policy and automobile liability policy as additional insureds. Said endorsement shall contain a "Waiver of Subrogation" waiving any right of recovery the insurance company may have against the Governments as well as provisions that the policy and/or endorsement may not be canceled or modified without thirty (30) days prior written notice to the undersigned representatives of the Governments, and that any attorney who represents the State under this policy must first qualify as and be appointed by the North Dakota Attorney General as a Special Assistant Attorney General as required under N.D.C.C. Section 54-12-08. Subcontractor's insurance coverage shall be primary (i.e., pay first) as respects any insurance, self-insurance or self-retention maintained by the Governments. Any insurance, self-insurance or self-retention maintained by the Governments shall be excess of the Contractor's insurance and the Subcontractor's insurance and shall not contribute with them. The insolvency or bankruptcy of the insured Subcontractor shall not release the insurer from payment under the policy, even when such insolvency or bankruptcy prevents the insured Subcontractor from meeting the retention limit under the policy. Any deductible amount or other obligations under the Subcontractor's policy(ies) shall be the sole responsibility of the Subcontractor. This insurance may be in policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and be placed with insurers rated "A-" or better by A.M. Best Company, Inc. The Governments will be indemnified, saved, and held harmless to the full extent of any coverage actually secured by the Subcontractor in excess of the minimum requirements set forth above. The Government Entity that hired the Subcontractor shall be held responsible for ensuring compliance with the above requirements by all Subcontractors. The Governments reserve the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time.

*See *North Dakota Risk Management Manual*, section 5.1 for discussion of "unique" and "routine" agreements.

RM Consulted 2007
Revised 5-09





Board of City Commissioners

Agenda Documentation

MEETING DATE: June 3, 2014
PREPARATION DATE: May 28, 2014
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Robert Decker
SUBJECT: Consider for approval second replat of Lot 1,
Block 4, Lakewood 1st Addition

STATEMENT/PURPOSE: This request is to adjust lot lines to allow development of two duplex structures (4 dwelling units) for sale as individual ownership of each unit.

BACKGROUND/ALTERNATIVES:

This property is located on the southwest corner of McKenzie Drive SE and Bay Shore Bend SE.

A previous replat created 4 lots, 1A, 1B, 1C and 1D. This replat simply adjusts the lot lines to match the design of the proposed structures.

These proposed units will share a common private driveway with other duplex structures.

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION: The Planning and Zoning Commission voted unanimously at their May 27, 2014 meeting to recommend approval of this request. Staff recommends approval of this request.

SUGGESTED MOTION: Move to approve second replat of Lot 1, Block 4, Lakewood 1st Addition.

Board of City Commissioners

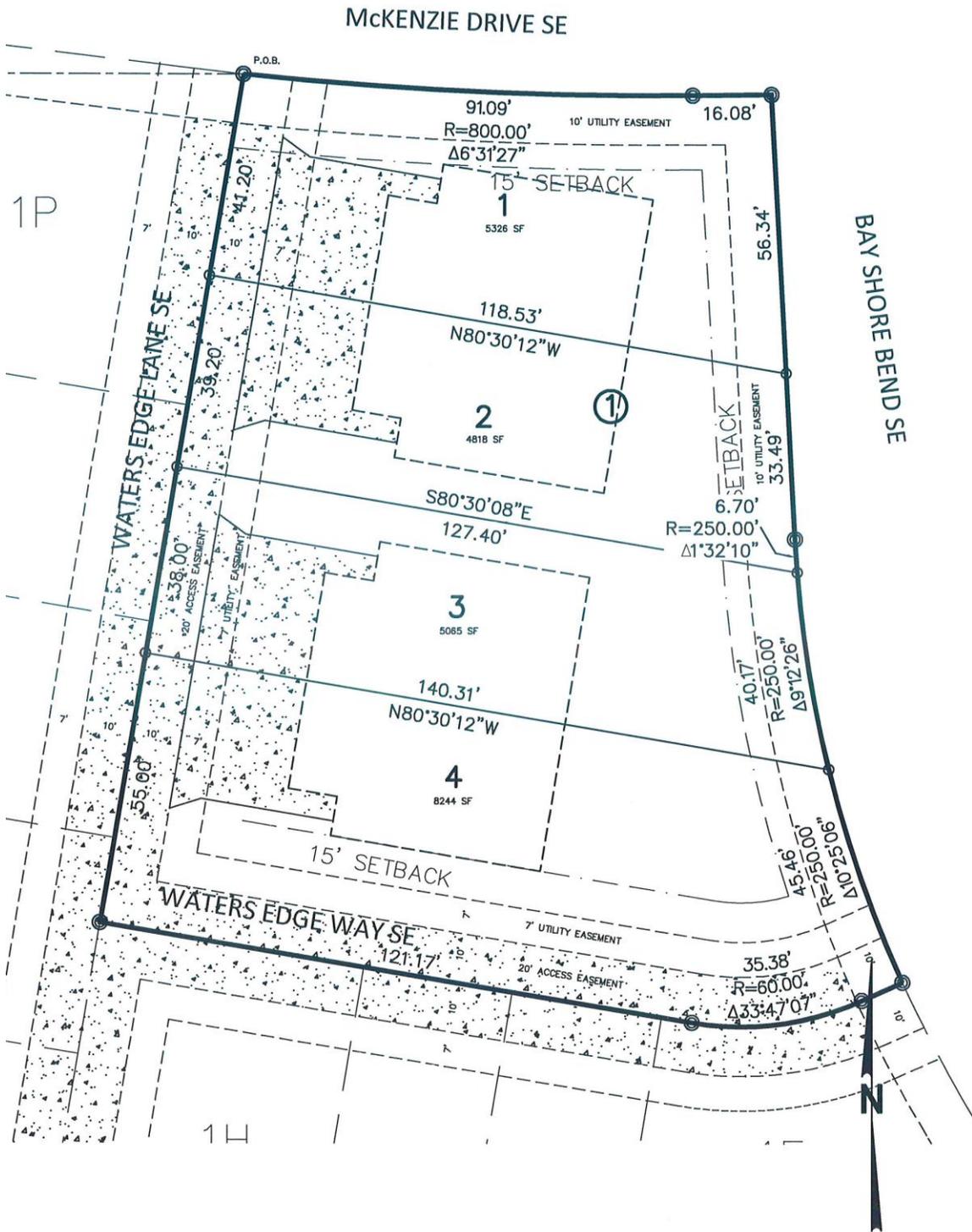
Agenda Documentation

Meeting Date: June 3, 2014

Subject: Approval of second replat of Lot 1, Block 4, Lakewood 1st Addition

Page 2 of 4





CITY OF MANDAN

SUNDAY ALCOHOLIC BEVERAGE PERMIT

Date of Application: 5-10-14

Name of Licensee: Mandan Eagles Club

Address of Licensee: 1400 N Collins Ave Mandan, ND

Address of public facility if used: _____

State the purpose of organization: _____

Date(s) of requested Sunday(s): June 22, 2014

Time of day which the applicant desires the permit to be in effect: 12 noon - 1pm

Description of the rooms on the premises, which have been specifically reserved, for the dispensing of alcoholic beverages and dancing during the term of the permit: UPPER LEVEL lounge & Dance Floor, & Dining Area

State whether the applicant requests permission to open to the general public, and if so an explanation of the reasons for the request: GOLF Tournament players & their spouses & guests

If applicable, estimated number of police officers necessary to provide security at the dance to be open to the public: 0

I the applicant will abide to the following conditions:

- a. Alcoholic beverages may be distributed for consumption on the premises and Dancing may be permitted only in those rooms specifically reserved for event activities;
- b. Dancing and the dispensing of alcoholic beverages shall be permitted only between the hours of twelve noon on the date specified in the permit and one a.m. on the following Monday;
- c. Any conditions or circumstances delineated by the Board relating to the conduct of the event or to the admission of the general public to the event.

Consent No. 5
Added 6/3/14

CITY OF MANDAN

SUNDAY ALCOHOLIC BEVERAGE PERMIT

Date of Application: 6-3-14

Name of Licensee: LUCAS BERGER JR

Address of Licensee: 200 EAST MAIN

Address of public facility if used: SAME

State the purpose of organization: liquor sales

Date(s) of requested Sunday(s): 6-8-14

Time of day which the applicant desires the permit to be in effect: 12:00pm - 1:00 AM

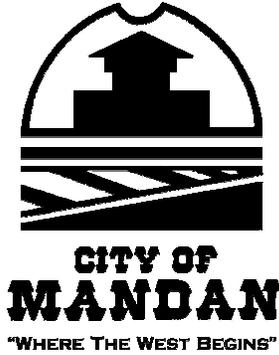
Description of the rooms on the premises, which have been specifically reserved, for the dispensing of alcoholic beverages and dancing during the term of the permit: whole bar

State whether the applicant requests permission to open to the general public, and if so an explanation of the reasons for the request: yes to sell alcohol
Buggys + Blues

If applicable, estimated number of police officers necessary to provide security at the dance to be open to the public: none

I the applicant will abide to the following conditions:

- a. Alcoholic beverages may be distributed for consumption on the premises and Dancing may be permitted only in those rooms specifically reserved for event activities;
- b. Dancing and the dispensing of alcoholic beverages shall be permitted only between the hours of twelve noon on the date specified in the permit and one a.m. on the following Monday;
- c. Any conditions or circumstances delineated by the Board relating to the conduct of the event or to the admission of the general public to the event.



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 3, 2014
PREPARATION DATE: May 27, 2014
SUBMITTING DEPARTMENT: Police
DEPARTMENT DIRECTOR: Chief Dennis A. Bullinger
PRESENTER: Chief Dennis A. Bullinger
SUBJECT: Introduction of Parking Enforcement Officer
Introductions of Police Officer's

STATEMENT/PURPOSE:

Introductions of Parking Enforcement Officer Kahlor Krefting, and Police Officer's Bryce Klein, Scott Warzecha, and John Lemieux.

BACKGROUND/ALTERNATIVES:

Kahlor Krefting is a native of Bismarck where he attended Grimsrud/Riverside Elementary, Century High School and Bismarck State College earning his Associate Degree in Criminal Justice. Kahlor is responsible for enforcement of the parking in the downtown business district and started with the department in December 2013.

Bryce Klein is a 2012 graduate of North Hennepin Community College, Brooklyn Park, Minnesota, where he earned his Associate Degree in Criminal Justice. Bryce is a native of Minot where he attended Bishop Ryan Catholic High School. Bryce recently completed Field Training and is assigned to a uniform patrol shift.

Scott Warzecha is a 2008 graduate of the Colorado Peace Officer Standards Training and a 2011 graduate of the South Dakota Peace Officer Standards Training. Scott worked with the Florence Police Department, Florence Colorado in 2008 and 2009. He then worked for the McPherson County Sheriff in Leole, South Dakota from 2010 up to May of 2014.

John Lemieux is a 2005 graduate of the Lake Region State College, Law Enforcement Certification Course. John worked as a Deputy Sheriff, Chief Deputy Sheriff and Sheriff in Kidder County, between February 2006 through November 2012. He also worked as a police officer in Rugby, ND. John served with the North Dakota National Guard from 2001 through 2011.

ATTACHMENTS:

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Introduction of Police Officers and Parking Enforcement Officer.

Page 2 of 2

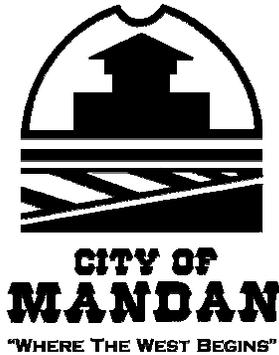
FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: N/A

SUGGESTED MOTION:



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 3, 2014
PREPARATION DATE: May 28, 2014
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 190, Project No. 2014-02 (Keidel's South Heart Terrace 3rd Addition).

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

BACKGROUND/ALTERNATIVES: The developer is requesting that the City allow the special assessment of street costs to the benefitting properties for the development of Keidel's South Heart Terrace 3rd Addition.

ATTACHMENTS:

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

FISCAL IMPACT: Based on the estimate of cost included with your documentation, the cost of the project would be \$1,653,984.50, engineering and administration will add \$578,894.58, bringing the total to \$2,232,879.08. These items would be entirely special assessed to the

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 190, Project No. 2014-02 (Keidel's South Heart Terrace 3rd Addition).

Page 2 of 16

benefitting properties. There are 52 lots within this special assessment district which would be approximately \$42,939.98 per lot in specials.

STAFF IMPACT: Minimal

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

RECOMMENDATION: This office supports moving forward with the project.

SUGGESTED MOTION: I move to approve the Resolution creating district, approve Resolution approving Engineer's Report, approve Resolution of Plans and Specifications, approve Resolution determining sufficiency of petition, approve feasibility report and approve Resolution directing advertisement for bids for Street Improvement District No. 190, Project No. 2014-02 (Keidel's South Heart Terrace 3rd Addition).

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 190, Project No. 2014-02 (Keidel's South Heart Terrace 3rd Addition).

Page 3 of 16

**RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NO. 190**

Project No. 2014-02

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

1. There is hereby created Street Improvement District No. 190 (the "District")(Project# 2014-02) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, 2nd Avenue SW, 4th Avenue SW, 8th Avenue SW, 20th Street SW and Cobblestone Loop SW, and includes street construction, installation of curb and gutter, asphalt street, storm sewer, street lights, chip seal and related work.

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

The following lots and blocks are included in said District:

Lots 1-16 Block 1, Keidel's South Heart Terrace Third Addition
Lots 1Block 2, Keidel's South Heart Terrace Third Addition
Lots 1-5 Block 3, Keidel's South Heart Terrace Third Addition
Lots 1-5 Block 4, Keidel's South Heart Terrace Third Addition
Lots 1-14 Block 5, Keidel's South Heart Terrace Third Addition
Lots 1-4 Block 6, Keidel's South Heart Terrace Third Addition
Lots 1-7 Block 7, Keidel's South Heart Terrace Third Addition

The legal description of the district boundary is as follows:

A tract of land being all of Keidel's South Heart Terrace 3rd Addition of the City of Mandan, Morton County, North Dakota, being more particularly described as follows (traversing the outside boundary of said Keidel's South Heart Terrace 3rd Addition in its entirety):

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 190, Project No. 2014-02 (Keidel's South Heart Terrace 3rd Addition).

Page 4 of 16

Beginning at the northwest corner of Keidel's South Heart Terrace 3rd Addition of the City of Mandan, Morton County, North Dakota; thence North 89° 47' 30" East for 550.61 feet; thence North 00° 12' 30" West for 5.00 feet; thence North 89° 47' 30" East for 1445.21 feet; thence South 35° 13' 13" East for 313.95 feet; thence South 22° 55' 15" East for 184.88 feet; thence South 06° 20' 09" East for 142.65 feet; thence South 05° 41' 34" West for 171.77 feet; thence North 66° 22' 26" West for 91.62 feet; thence South 36° 33' 29" West for 185.87 feet; thence North 47° 17' 38" West for 104.04 feet; thence South 42° 42' 22" West for 66.01 feet; thence North 69° 12' 14" West for 71.14 feet; thence North 47° 53' 22" West for 123.32 feet; thence North 25° 56' 04" West for 61.93 feet; thence North 07° 57' 38" East for 238.62 feet; thence South 89° 36' 09" West for 1328.17 feet; thence South 00° 25' 56" East for 95.00 feet; thence South 86° 30' 28" West for 204.21 feet; thence South 52° 34' 28" West for 77.43 feet; thence South 81° 51' 22" West for 152.95 feet; thence North 89° 34' 23" West for 40.00 feet; thence North 00° 25' 37" East for 602.86 feet to the Point of Beginning. Said tract of land containing 26.45 Acres, more or less.

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

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

President, Board of City Commissioners

ATTEST:

City Administrator

Date of Passage: June 3, 2014

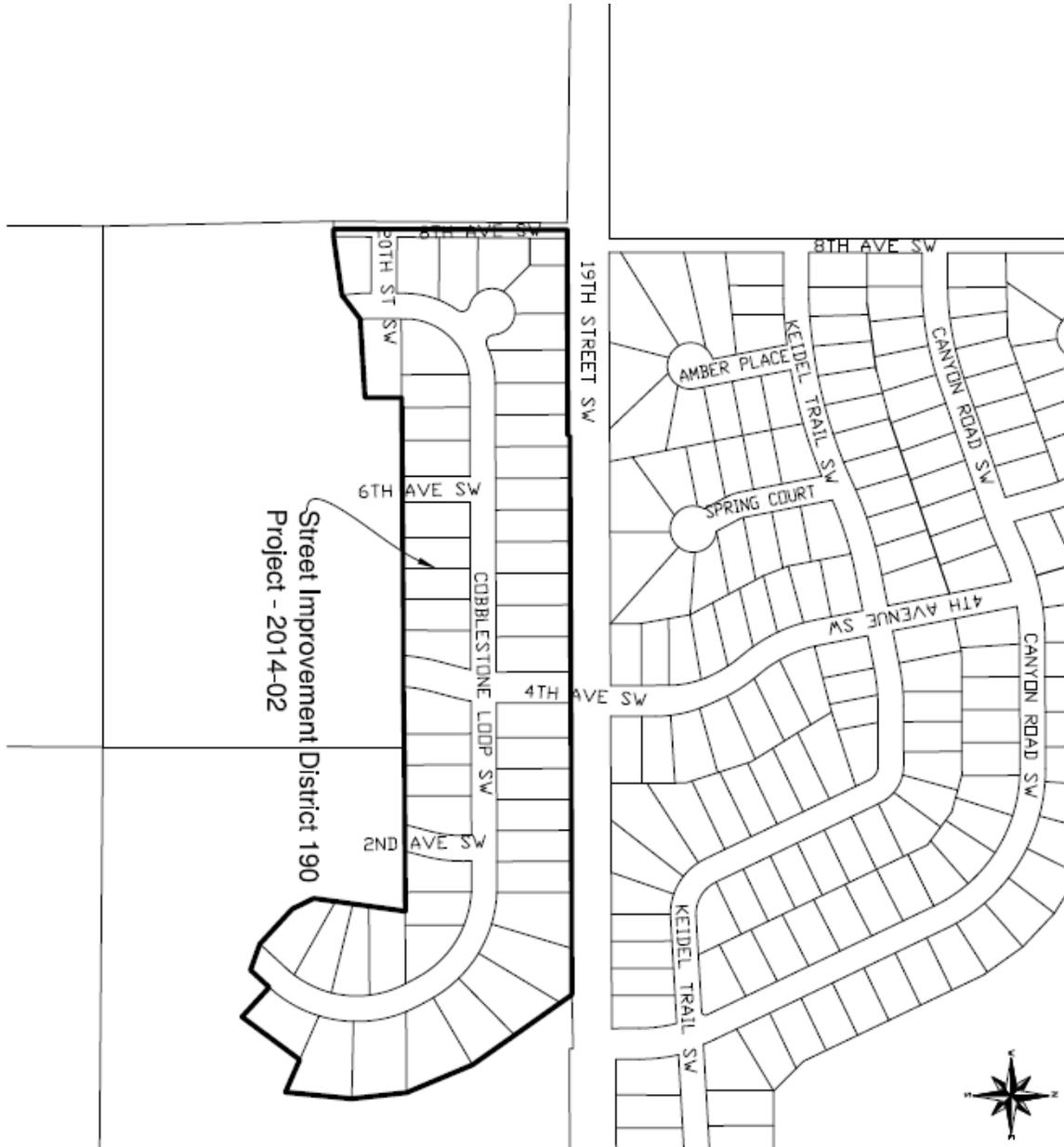
Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 190, Project No. 2014-02 (Keidel's South Heart Terrace 3rd Addition).

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Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 190, Project No. 2014-02 (Keidel's South Heart Terrace 3rd Addition).

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ENGINEER'S ESTIMATE
 KEIDEL'S SOUTH HEART TERRACE 3RD ADDITION
 STREET IMP. DISTRICT NO. 190
 CITY PROJECT NO. 2014-02
 TECO #2194

SPEC NO.	DESCRIPTION	UNIT	QUAN.	UNIT PRICE	TOTAL
202-4.1	UNCLASSIFIED EXCAVATION	CY	2250	\$ 5.00	\$ 11,250.00
203-3.1	WATERING	M GAL	125	\$ 15.00	\$ 1,875.00
204-3.1	SUBGRADE PREPARATION	SY	20450	\$ 2.00	\$ 40,900.00
205-3.1	SILT FENCE	LF	500	\$ 8.25	\$ 4,125.00
205-3.4	12" FIBER ROLL	LF	400	\$ 6.00	\$ 2,400.00
302-4.1	STABILIZED GRAVEL BASE	TON	500	\$ 25.00	\$ 12,500.00
304-6.1B	AC STABILIZED BASE (CLASS B)2-1/2"	TON	2700	\$ 105.00	\$ 283,500.00
401-6.2B	AC SURFACE COURSE (CLASS B)2"	TON	2160	\$ 105.00	\$ 226,800.00
402-4.2	BITUMINOUS TACK COAT	GAL	1000	\$ 2.25	\$ 2,250.00
403-4.1	BITUMINOUS SEAL COAT	SY	18625	\$ 2.50	\$ 46,562.50
602-4.1	6" CONCRETE	SF	3900	\$ 6.25	\$ 24,375.00
603-5.3	STANDARD CURB & GUTTER	LF	8140	\$ 18.50	\$ 150,590.00
802-4.2	8" STORM SEWER PIPE	LF	35	\$ 35.00	\$ 1,225.00
802-4.2	15" RCP STORM SEWER PIPE	LF	531	\$ 42.00	\$ 22,302.00
802-4.3	18" RCP STORM SEWER PIPE	LF	1547	\$ 47.00	\$ 72,709.00
802-4.5	24" RCP STORM SEWER PIPE	LF	741	\$ 58.00	\$ 42,978.00
802-4.7	30" RCP STORM SEWER PIPE	LF	1000	\$ 80.00	\$ 80,000.00
802-4.8	33" RCP STORM SEWER PIPE	LF	422	\$ 100.00	\$ 42,200.00
802-4.9	36" RCP STORM SEWER PIPE	LF	50	\$ 120.00	\$ 6,000.00
801-4.60	BEDDING MATERIAL	TON	1650	\$ 15.00	\$ 24,750.00
802-4.50	8" FLARED END SECTION	EA	1	\$ 700.00	\$ 700.00
802-4.52	15" RCP FLARED END SECTION	EA	1	\$ 1,000.00	\$ 1,000.00
802-4.53	18" RCP FLARED END SECTION	EA	1	\$ 1,500.00	\$ 1,500.00
802-4.57	30" RCP FLARED END SECTION	EA	2	\$ 2,000.00	\$ 4,000.00
802-4.59	36" RCP FLARED END SECTION	EA	1	\$ 2,500.00	\$ 2,500.00
802-4.96	RIP RAP - TYPE (M)	TON	250	\$ 50.00	\$ 12,500.00
1001-3.4	Street Light Control Panel	EA	1	\$ 8,000.00	\$ 8,000.00
1001-4.11	2" PVC Electric Conduit	LF	566	\$ 2.50	\$ 1,415.00
1001-4.12	Trenching 27" Deep	LF	4098	\$ 4.00	\$ 16,392.00
1001-4.2	Junction Boxes	EA	7	\$ 1,000.00	\$ 7,000.00
1001-4.24	3-NO. 2 Conductors	LF	4098	\$ 6.00	\$ 24,588.00
1001-4.25	No. 6 Copper Ground	LF	4098	\$ 1.00	\$ 4,098.00
1001-4.3	Type C Standard with Copper Navion NVNT3A LED Luminaire	EA	25	\$ 3,000.00	\$ 75,000.00
1201-4.1	4" TOPSOILING SEEDING & HYDROMULCH	Acre	3	\$ 16,000.00	\$ 48,000.00
1205-4.1	48" CONCRETE MANHOLE (STORM)	EA	8	\$ 3,800.00	\$ 30,400.00
1205-4.1C	60" CONCRETE MANHOLE (STORM)	EA	11	\$ 5,500.00	\$ 60,500.00
1205-4.1E	72" CONCRETE MANHOLE (STORM)	EA	4	\$ 7,000.00	\$ 28,000.00
1205-4.7	TYPE 36" INLET	EA	24	\$ 4,000.00	\$ 96,000.00
1205-4.8	TYPE 72" INLET	EA	2	\$ 7,000.00	\$ 14,000.00
1206-4.1	ADJ MANHOLE CASTING-ASPH PVMT	EA	38	\$ 400.00	\$ 15,200.00
1206-4.19	ADJUST VALVE BOX-UNPAVED AREA	EA	24	\$ 250.00	\$ 6,000.00
1206-4.5	ADJUST 36" INLET CASTING	EA	26	\$ 400.00	\$ 10,400.00
1206-4.7	ADJUST 72" INLET CASTING	EA	2	\$ 600.00	\$ 1,200.00
SP	MOBILIZATION & BONDS	LS	1	\$ 80,000.00	\$ 80,000.00
SP	STREET NAME SIGNS	EA	19	\$ 100.00	\$ 1,900.00
SP	STOP SIGN & POST	EA	2	\$ 400.00	\$ 800.00
SP	ROAD CLOSED, BARRICADE	EA	6	\$ 600.00	\$ 3,600.00

TOTAL CONSTRUCTION= \$ 1,653,984.50

LEGAL, ADMINISTRATIVE, ENGINEERING & CONTINGIENCY= \$ 578,894.58

GRAND TOTAL = \$ 2,232,879.08

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 190, Project No. 2014-02 (Keidel's South Heart Terrace 3rd Addition).

**RESOLUTION APPROVING ENGINEER'S REPORT AND
AUTHORIZING PREPARATION OF THE DETAILED PLANS
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 190**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 190 (Project # 2014-02), 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:	\$1,653,984.50
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:	\$578,894.58
c. Total estimated costs of the improvement:	\$2,232,879.08

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 190, Project No. 2014-02 (Keidel's South Heart Terrace 3rd Addition).

Page 8 of 16

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 June 2014.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 190, Project No. 2014-02 (Keidel's South Heart Terrace 3rd Addition).

Page 9 of 16

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR STREET IMPROVEMENT DISTRICT NO. 190
PROJECT # 2014-02**

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project in Street Improvement District No. 190 (Project # 2014-02) 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 June, 2014.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 190, Project No. 2014-02 (Keidel's South Heart Terrace 3rd Addition).

Page 10 of 16

STREET REQUEST PETITION

To the Honorable Board of City Commissioners of the City of Mandan, North Dakota.

The undersigned, being the developer of Keidel's South Heart Terrace Third Addition, Mandan, North Dakota, hereby petitions the City of Mandan to create a Special Assessment District for the purpose of performing improvements consisting of asphalt paving, curb and gutter, earthwork and all work and material incidental thereto on the following streets:

4th Avenue SW – South of 19th St SW extending to the limit of plat for Keidel's South Heart Terrace Third Addition

20th Street SW – Between intersection of 8th Avenue SW and the intersection of Cobblestone Loop SW

Cobblestone Loop SW – Between the limits of Keidel's South Heart Terrace Third Addition

2nd Ave SW – South of Cobblestone Loop SW to the limit of plat for Keidel's South Heart Terrace Third Addition

8th Avenue SW – South of 19th St SW extending to the intersection of 20th Street SW (not to extend to limit of plat for Keidel's South Heart Terrace Third Addition) We request for this section of road be designed as a Rural Section, as this road is only for emergency access to the development.

See attached highlight plat for reference.



5/8/14

Kevin Christianson
President, Mandan Development Company LLC

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 190, Project No. 2014-02 (Keidel's South Heart Terrace 3rd Addition).

Page 11 of 16

**RESOLUTION DETERMINING SUFFICIENCY OF FORMS OF PETITION, WAIVER
AND CONSENT TO ASSESSMENT FOR STREET IMPROVEMENT DISTRICT NO.
190**

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

1. The City having received and filed executed written forms of Petition, Waiver and Consent to Assessment executed by Mandan Development Company LLC, the owners of a majority of property area, for the improvement in and for Street Improvement District No. 190, Project No. 2014-02("the District"), and true and correct copies of said executed forms being attached hereto, it is hereby determined that said forms are signed by the owners of a majority of the area of property included within the District.

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

Dated this 3rd day of June, 2014

President, Board of City Commissioners

ATTEST:

City Administrator

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 190, Project No. 2014-02 (Keidel's South Heart Terrace 3rd Addition).

**FEASIBILITY AND EVALUATION OF IMPROVEMENTS
FOR STREET IMPROVEMENT DISTRICT #190, PROJECT #2014-02**

1.) General Nature of Project

The District has been created to allow for new street 2nd Avenue SW, 4th Avenue SW, 8th Avenue SW, 20th Street SW and Cobblestone Loop SW. Installation of new curb & gutter, asphalt street, storm sewer, street lights & chip seal will take place with this project.

2.) Location of Proposed Construction

The proposed construction will take place on 2nd Avenue SW, 4th Avenue SW, 8th Avenue SW, 20th Street SW and Cobblestone Loop SW.

3.) Environmental Impact

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

4.) Feasibility of Project

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

5.) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$1,653,984.50. Other costs of making the improvement including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; publication of legal notices printing of warrants; and all expenses incurred in the making of the improvement and levy of assessments therefore are estimated at \$578,894.58. The total cost for the improvement is estimated at \$2,232,879.08.



Justin Froseth
Planning and Engineering Director

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 190, Project No. 2014-02 (Keidel's South Heart Terrace 3rd Addition).

Page 13 of 16

**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS
FOR STREET IMPROVEMENT DISTRICT NO. 190**

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

1. The City Administrator, Deputy Auditor and City Engineer shall meet at the time and place specified in the notice authorized in paragraph 2 hereof, for the purpose of opening sealed bids for the work and material needed for the improvement project to be made in Street Improvement District No. 190 (Project # 2014-02) of the City of Mandan, as more fully described and referred to in the resolution creating said improvement district passed and approved by the Board on June 3, 2014, and in the plans and specifications for said improvement now on file in the office of the City Engineer.

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

**“ADVERTISEMENT FOR BIDS FOR
STREET IMPROVEMENT DISTRICT NO. 190
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota will receive sealed bids at the office of the City Administrator until June 23, 2014, at 10:00 a.m., local time for the purpose of furnishing of materials, labor and skill needed for the new construction of storm sewer mains, asphalt streets, concrete curb and gutter and street lights and related work in accordance with the plans and specifications for Street Improvement District No. 190 (Project # 2014-02), for the City of Mandan. The Work consists of all labor, skill, and materials required to properly construct the improvement.

Contractors and vendors desiring plans and specifications for personal use may secure digital copies from www.questcdn.com for a fee of \$25.00. These documents may be downloaded by selecting this project from the “Bid Documents” tab and by entering Quest Project Number #3354302 on the “Search Projects” page. For assistance and the free

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 190, Project No. 2014-02 (Keidel's South Heart Terrace 3rd Addition).

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membership registration, contact QuestCDN at (952)233-1632 or info@questcdn.com. Paper copies of the bid documents may be obtained from the City of Mandan Engineering office, 205 2nd Avenue Northwest, Mandan, North Dakota 58554 upon non-refundable payment of \$50.00 for each set. If Plans are mailed out and additional fee of \$15.00 will be added for postage and handling.

The bid proposals must be submitted to the City Administrator by 10:00 a.m., local time, June 23, 2014 and shall be sealed and endorsed "Proposal for Street Improvement District No 190. Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2nd Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:00 a.m., local time, on June 23, 2014. All bidders are invited to be present at the public opening of the Bids.

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

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

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

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

All construction work on Project #2014-02 is to be completed no later than October 31, 2014 except the chip seal which will have a completion date of August 15, 2015.

Liquidated damages of \$100.00 per day will be assessed if any completion dates are exceeded.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 190, Project No. 2014-02 (Keidel's South Heart Terrace 3rd Addition).

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

The Board of City Commissioners will meet on Monday, June 30th, 2014, at 5:30 PM, local time, to determine the sufficiency of protests, to review the Bids submitted, consider the engineer's recommendation, and to award the contract to the successful Bidder, if protests have been deemed insufficient. The contract will be awarded on the basis of the low Bid submitted, on eligible areas, by a responsible and responsive Bidder deemed most favorable to the City's interest.

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

Dated this 3 day of June, 2014

City of Mandan, North Dakota

BY: James Neubauer

City Administrator"

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

4. The Board of City Commissioners shall meet on Monday, June 30, 2014 at 5:30 pm, local time, to review the bids submitted, consider the engineer's recommendation, and to award the contract to the successful bidder, subject to the Board finding that filed protests are insufficient to bar the work.

President, Board of City Commissioners

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

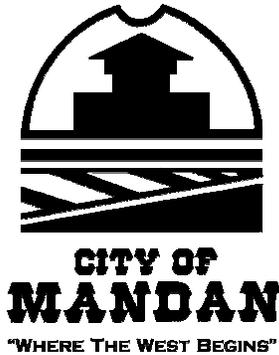
Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 190, Project No. 2014-02 (Keidel's South Heart Terrace 3rd Addition).

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ATTEST:

City Administrator

Passed: June 3rd, 2014



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 3, 2014
PREPARATION DATE: May 27, 2014
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 191, Project No. 2014-04 (Lincoln Ridge Estates 6th Addition).

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

BACKGROUND/ALTERNATIVES: The developer is requesting that the City allow the special assessment of street costs to the benefitting properties for the development of Lincoln Ridge Estates 6th Addition.

ATTACHMENTS:

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

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 191, Project No. 2014-04 (Lincoln Ridge Estates 6th Addition).

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FISCAL IMPACT: Based on the estimate of cost included with your documentation, the cost of the project would be \$163,232.50, engineering and administration will add \$57,131.38, bringing the total to \$220,363.88. These items would be entirely special assessed to the benefitting properties. There are 16 lots within this special assessment district which would be approximately \$13,772.74 per lot in specials.

STAFF IMPACT: Minimal

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

RECOMMENDATION: This office supports moving forward with the project.

SUGGESTED MOTION: I move to approve the Resolution creating district, approve Resolution approving Engineer's Report, approve Resolution of Plans and Specifications, approve Resolution determining sufficiency of petition, approve feasibility report and approve Resolution directing advertisement for bids for Street Improvement District No. 191, Project No. 2014-04 (Lincoln Ridge Estates 6th Addition).

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 191, Project No. 2014-04 (Lincoln Ridge Estates 6th Addition).

Page 3 of 16

**RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NO. 191**

Project No. 2014-04

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

1. There is hereby created Street Improvement District No. 191 (the "District")(Project# 2014-04) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, Lena Court SE and Mia Court SE, and includes street construction, installation of curb and gutter, asphalt street, storm sewer, street lights, chip seal and related work.

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

The following lots and blocks are included in said District:

Lots 1-16 Block 1, Lincoln Ridge Estates 6th Addition

The legal description of the district boundary is as follows:

A tract of land being a part of Government Lot 1 of Section 3, Township 138 North, Range 81 West of the 5th Principal Meridian of the City of Mandan, Morton County, North Dakota being more particularly described as follows:

Beginning at the northwest corner of School District 3rd Addition of the City of Mandan, Morton County, North Dakota; thence South 00° 26' 30" East along the west boundary line of said School District 3rd Addition for 625.03 feet; thence North 84° 41' 06" West for 366.49 feet; thence North 00° 10' 21" West for 588.29 feet to a point on the south Right-of-Way line of 19th Street SE; thence along said south Right-of-Way line the following five (5) courses; thence North 89° 33' 39" East for 140.60 feet; thence South 00° 26' 21" East for 20.00 feet; thence North 89° 33' 39" East for 200.00 feet; thence North 00° 26' 21" West for 20.00 feet; thence North 89° 33' 39" East for 21.27 feet to the Point of Beginning. Said tract of land containing 4.97 Acres, more or less.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 191, Project No. 2014-04 (Lincoln Ridge Estates 6th Addition).

Page 4 of 16

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

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

President, Board of City Commissioners

ATTEST:

City Administrator

Date of Passage: June 3, 2014

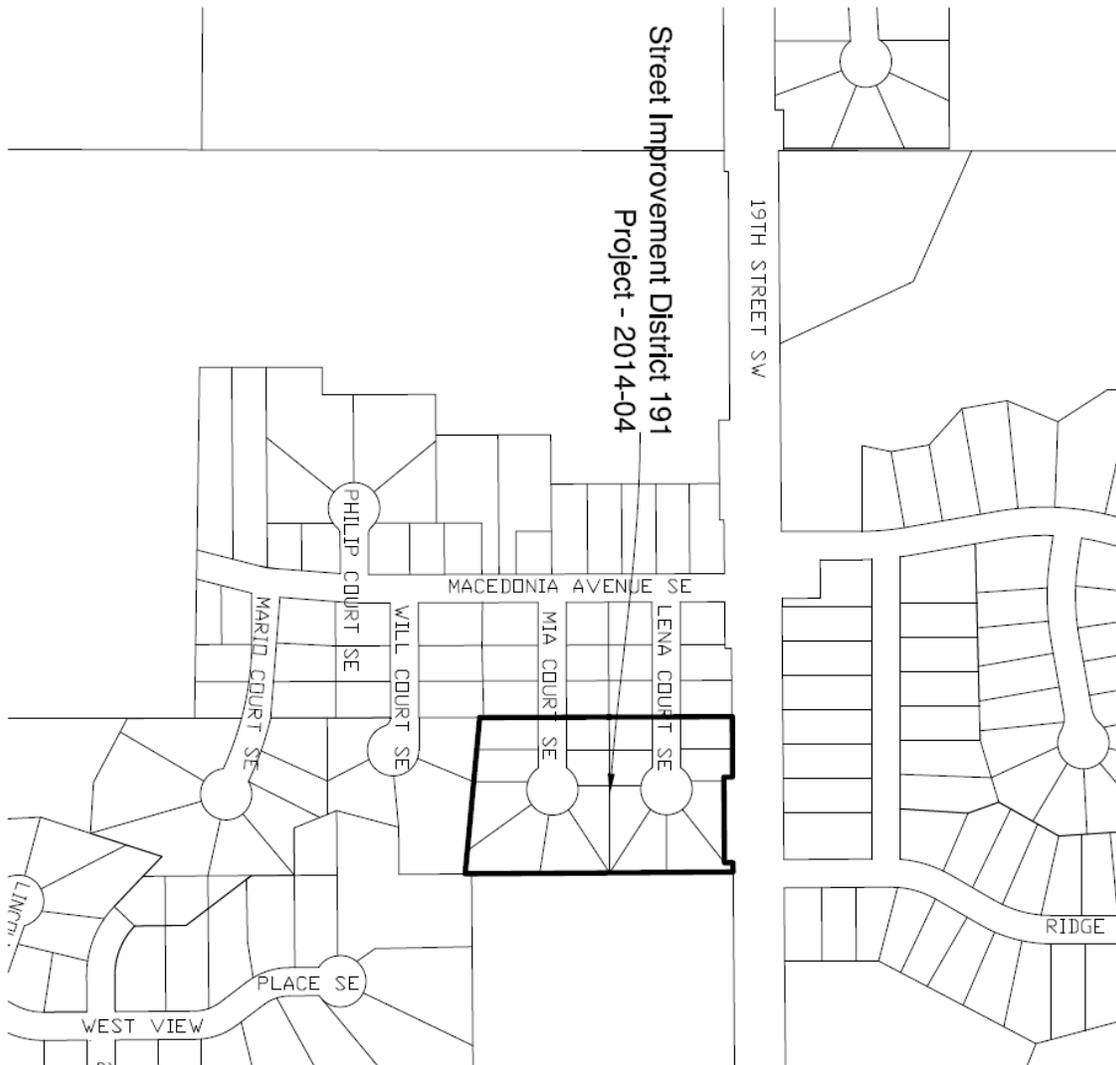
Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 191, Project No. 2014-04 (Lincoln Ridge Estates 6th Addition).

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Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 191, Project No. 2014-04 (Lincoln Ridge Estates 6th Addition).

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ENGINEER'S PRELIMINARY ESTIMATE
 LINCOLN RIDGE 6TH ADDITION
 STREET IMP. DISTRICT NO. 191
 CITY PROJECT NO. 2014-04
 TECO #2199

PHASE 1

SPEC NO.	DESCRIPTION	UNIT	QUAN.	UNIT PRICE	TOTAL
202-4.1	UNCLASSIFIED EXCAVATION	CY	235	\$ 10.00	\$ 2,350.00
203-3.1	WATERING	M GAL	19	\$ 15.00	\$ 285.00
204-3.1	SUBGRADE PREPARATION	SY	2702	\$ 2.25	\$ 6,079.50
205-3.1	SILT FENCE	LF	100	\$ 8.25	\$ 825.00
205-3.3	WEIGHTED FIBER ROLL	LF	100	\$ 12.00	\$ 1,200.00
302-4.1	STABILIZED GRAVEL BASE	TON	900	\$ 25.00	\$ 22,500.00
304-6.1B	AC STABILIZED BASE (CLASS B)2-1/2"	TON	350	\$ 115.00	\$ 40,250.00
401-6.2B	AC SURFACE COURSE (CLASS B)2"	TON	285	\$ 115.00	\$ 32,775.00
402-4.2	BITUMINOUS TACK COAT	GAL	125	\$ 2.50	\$ 312.50
403-4.1	BITUMINOUS SEAL COAT	SY	2478	\$ 2.50	\$ 6,195.00
603-5.3	STANDARD CURB & GUTTER	LF	1185	\$ 18.50	\$ 21,922.50
1001-4.12	Trenching 27" Deep	LF	614	\$ 4.00	\$ 2,456.00
1001-4.21	3-NO. 4 Conductors	LF	324	\$ 7.00	\$ 2,268.00
1001-4.22	2-NO. 4 Conductors	LF	290	\$ 6.00	\$ 1,740.00
1001-4.25	No. 6 Copper Ground	LF	614	\$ 1.00	\$ 614.00
1001-4.3	Type B Standard with Copper Navion NVNT3A LED Luminaire	EA	4	\$ 3,000.00	\$ 12,000.00
1201-4.1	4" TOPSOILING TO INCLUDE SEEDING & HYDROMULCH	Acre	0.32	\$ 18,000.00	\$ 5,760.00
1206-4.1	ADJ MANHOLE CASTING-ASPH PVMT	EA	4	\$ 400.00	\$ 1,600.00
1206-4.19	ADJUST VALVE BOX-UNPAVED AREA	EA	6	\$ 350.00	\$ 2,100.00

TOTAL CONSTRUCTION= \$ 163,232.50

LEGAL, ADMINISTRATIVE, ENGINEERING & CONTINGENCY= \$ 57,131.38

GRAND TOTAL = \$ 220,363.88

**RESOLUTION APPROVING ENGINEER'S REPORT AND
AUTHORIZING PREPARATION OF THE DETAILED PLANS
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 191**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 191 (Project # 2014-04), 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:	\$163,232.50
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:	\$57,131.38
c. Total estimated costs of the improvement:	\$220,363.88

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

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 191, Project No. 2014-04 (Lincoln Ridge Estates 6th Addition).

Page 8 of 16

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

Dated this 3rd day of June 2014.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 191, Project No. 2014-04 (Lincoln Ridge Estates 6th Addition).

Page 9 of 16

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR STREET IMPROVEMENT DISTRICT NO. 191
PROJECT # 2014-04**

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 Street Improvement District No. 191 (Project # 2014-04) 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 June, 2014.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 191, Project No. 2014-04 (Lincoln Ridge Estates 6th Addition).

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May 7, 2014

TECo #2199

PETITION

To the Honorable Board of City Commissioners of the City of Mandan, North Dakota.

The undersigned, being the developer of Lincoln Ridge 6th Addition, Mandan, North Dakota, hereby petitions the City of Mandan to create a Special Assessment District for the purpose of performing improvements consisting of asphalt paving, curb and gutter, earthwork and all work and material incidental thereto on Lena Court and Mia Court (Phase 1).



Owner: Steve Thilmony

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 191, Project No. 2014-04 (Lincoln Ridge Estates 6th Addition).

Page 11 of 16

**RESOLUTION DETERMINING SUFFICIENCY OF FORMS OF PETITION, WAIVER
AND CONSENT TO ASSESSMENT FOR STREET IMPROVEMENT DISTRICT NO.
191**

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

1. The City having received and filed executed written forms of Petition, Waiver and Consent to Assessment executed by Steve Thilmony, the owners of a majority of property area, for the improvement in and for Street Improvement District No. 191, Project No. 2014-04("the District"), and true and correct copies of said executed forms being attached hereto, it is hereby determined that said forms are signed by the owners of a majority of the area of property included within the District.

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

Dated this 3rd day of June, 2014

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 191, Project No. 2014-04 (Lincoln Ridge Estates 6th Addition).

Page 12 of 16

**FEASIBILITY AND EVALUATION OF IMPROVEMENTS
FOR STREET IMPROVEMENT DISTRICT #191, PROJECT #2014-04**

1.) General Nature of Project

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

2.) Location of Proposed Construction

The proposed construction will take place on Lena Court SE and Mia Court SE.

3.) Environmental Impact

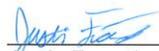
It is anticipated that there will be some dirt, noise and pollutants during the construction period as a result of the use of the necessary equipment. There will also be some surplus or waste construction materials that will need to be disposed of by the contractor at his or her expense. The contractors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

4.) Feasibility of Project

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

5.) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$163,232.50. Other costs of making the improvement including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; publication of legal notices printing of warrants; and all expenses incurred in the making of the improvement and levy of assessments therefore are estimated at \$57,131.38. The total cost for the improvement is estimated at \$220,363.88.



Justin Froseth
Planning and Engineering Director

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 191, Project No. 2014-04 (Lincoln Ridge Estates 6th Addition).

Page 13 of 16

**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS
FOR STREET IMPROVEMENT DISTRICT NO. 191**

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

1. The City Administrator, Deputy Auditor and City Engineer shall meet at the time and place specified in the notice authorized in paragraph 2 hereof, for the purpose of opening sealed bids for the work and material needed for the improvement project to be made in Street Improvement District No. 191 (Project # 2014-04) of the City of Mandan, as more fully described and referred to in the resolution creating said improvement district passed and approved by the Board on June 3, 2014, and in the plans and specifications for said improvement now on file in the office of the City Engineer.

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

**“ADVERTISEMENT FOR BIDS FOR
STREET IMPROVEMENT DISTRICT NO. 191
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota will receive sealed bids at the office of the City Administrator until June 23, 2014, at 10:30 a.m., local time for the purpose of furnishing of materials, labor and skill needed for the new construction of storm sewer mains, asphalt streets, concrete curb and gutter and street lights and related work in accordance with the plans and specifications for Street Improvement District No. 191 (Project # 2014-04), for the City of Mandan. The Work consists of all labor, skill, and materials required to properly construct the improvement.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 191, Project No. 2014-04 (Lincoln Ridge Estates 6th Addition).

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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 #3354521 on the "Search Projects" page. For assistance and the free membership registration, contact QuestCDN at (952)233-1632 or info@questcdn.com. Paper copies of the bid documents may be obtained from the City of Mandan Engineering office, 205 2nd Avenue Northwest, Mandan, North Dakota 58554 upon non-refundable payment of \$50.00 for each set. If Plans are mailed out and additional fee of \$15.00 will be added for postage and handling.

The bid proposals must be submitted to the City Administrator by 10:30 a.m., local time, June 23, 2014 and shall be sealed and endorsed "Proposal for Street Improvement District No 191. Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2nd Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:30 a.m., local time, on June 23, 2014. All bidders are invited to be present at the public opening of the Bids.

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

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

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

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

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 191, Project No. 2014-04 (Lincoln Ridge Estates 6th Addition).

Page 15 of 16

All construction work on Project #2014-04 is to be completed no later than August 31, 2014 except the chip seal which will have a completion date of August 15, 2015.

Liquidated damages of \$100.00 per day will be assessed if any completion dates are exceeded.

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

The Board of City Commissioners will meet on Monday, June 30th, 2014, at 5:30 PM, local time, to determine the sufficiency of protests, to review the Bids submitted, consider the engineer's recommendation, and to award the contract to the successful Bidder, if protests have been deemed insufficient. The contract will be awarded on the basis of the low Bid submitted, on eligible areas, by a responsible and responsive Bidder deemed most favorable to the City's interest.

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

Dated this 3 day of June, 2014

City of Mandan, North Dakota
BY: James Neubauer

City Administrator"

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

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 191, Project No. 2014-04 (Lincoln Ridge Estates 6th Addition).

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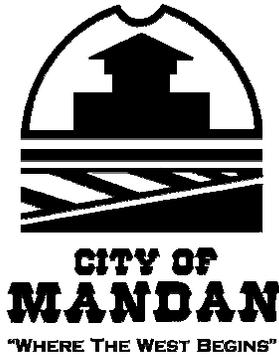
4. The Board of City Commissioners shall meet on Monday, June 30, 2014 at 5:30 pm, local time, to review the bids submitted, consider the engineer's recommendation, and to award the contract to the successful bidder, subject to the Board finding that filed protests are insufficient to bar the work.

President, Board of City Commissioners

ATTEST:

City Administrator

Passed: June 3rd, 2014



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 3, 2014
PREPARATION DATE: May 29, 2014
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 192, Project No. 2014-06 (West Hills Estates 3rd Addition).

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

BACKGROUND/ALTERNATIVES: The developer is requesting that the City allow the special assessment of street costs to the benefitting properties for the development of West Hills Estates 3rd Addition.

ATTACHMENTS:

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

FISCAL IMPACT: Based on the estimate of cost included with your documentation, the cost of the project would be \$192,998.50, engineering and administration will add \$67,549.48, bringing the total to \$260,547.98. These items would be entirely special assessed to the

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 192, Project No. 2014-06 (West Hills Estates 3rd Addition).

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benefitting properties. There are 16 lots within this special assessment district which would be approximately \$20,042.15 per lot in specials.

STAFF IMPACT: Minimal

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

RECOMMENDATION: This office supports moving forward with the project.

SUGGESTED MOTION: I move to approve the Resolution creating district, approve Resolution approving Engineer's Report, approve Resolution of Plans and Specifications, approve Resolution determining sufficiency of petition, approve feasibility report and approve Resolution directing advertisement for bids for Street Improvement District No. 192, Project No. 2014-06 (West Hills Estates 3rd Addition).

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 192, Project No. 2014-06 (West Hills Estates 3rd Addition).

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**RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NO. 192**

Project No. 2014-06

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

1. There is hereby created Street Improvement District No. 192 (the "District")(Project# 2014-06) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, Corvette Street NW and Crown Point Road NW, and includes street construction, installation of curb and gutter, asphalt street, storm sewer, street lights, chip seal and related work.

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

The following lots and blocks are included in said District:

Lots 1-2 Block 1, West Hills Estates 3rd Addition

Lots 1-6 Block 2, West Hills Estates 3rd Addition

Lots 1-5 Block 2, West Hills Estates 3rd Addition

A tract of land being all of West Hills Estates 3rd Addition of the City of Mandan, North Dakota, being more particularly described as follows (traversing the outside boundary of said West Hills Estates 3rd Addition in its entirety):

Beginning at the northwest corner of West Hills Estates 3rd Addition; thence South 89° 42' 03" East for 60.94 feet; thence South 37° 09' 27" East for 76.11 feet; thence North 45° 18' 29" East for 138.23 feet; thence North 53° 04' 24" East for 66.61 feet; thence North 45° 18' 29" East for 152.20 feet; thence South 45° 48' 31" East for 400.08 feet; thence South 45° 18' 29" West for 376.00 feet; thence North 44° 41' 31" West for 90.32 feet; thence North 89° 42' 03" West for 310.61 feet; thence North 00° 34' 14" East for 120.00 feet; thence North 12° 14' 48" West for 67.61 feet; thence North 00° 34' 14" East for 108.12 feet to the Point of Beginning. Said tract of land containing 4.64 Acres, more or less.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 192, Project No. 2014-06 (West Hills Estates 3rd Addition).

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

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

President, Board of City Commissioners

ATTEST:

City Administrator

Date of Passage: June 3, 2014

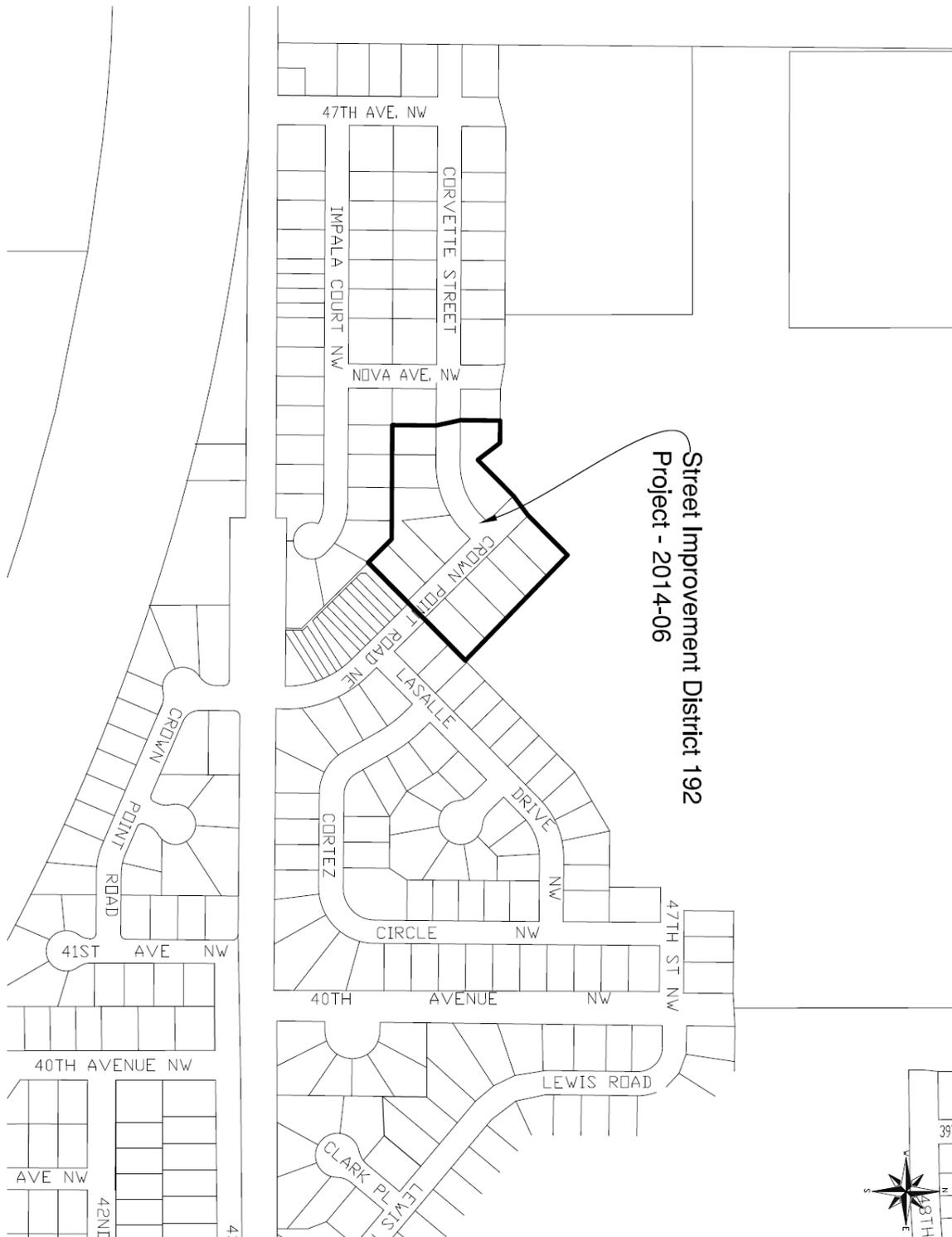
Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 192, Project No. 2014-06 (West Hills Estates 3rd Addition).

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Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 192, Project No. 2014-06 (West Hills Estates 3rd Addition).

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ENGINEER'S PRELIMINARY ESTIMATE
 WEST HILLS ESTATES 3rd ADDITION
 STREET IMP. DISTRICT NO. 192
 CITY PROJECT NO. 2014-06
 TECO #2195

SPEC NO.	DESCRIPTION	UNIT	QUAN.	UNIT PRICE	TOTAL
202-4.1	UNCLASSIFIED EXCAVATION	CY	325	\$ 10.00	\$ 3,250.00
203-3.1	WATERING	M GAL	25	\$ 15.00	\$ 375.00
204-3.1	SUBGRADE PREPARATION	SY	3390	\$ 2.25	\$ 7,627.50
205-3.1	SILT FENCE	LF	200	\$ 8.25	\$ 1,650.00
205-3.3	WEIGHTED FIBER ROLL	LF	100	\$ 12.00	\$ 1,200.00
302-4.1	STABILIZED GRAVEL BASE	TON	1060	\$ 25.00	\$ 26,500.00
304-6.1B	AC STABILIZED BASE (CLASS B)2-1/2"	TON	450	\$ 100.00	\$ 45,000.00
401-6.2B	AC SURFACE COURSE (CLASS B)2"	TON	360	\$ 100.00	\$ 36,000.00
402-4.2	BITUMINOUS TACK COAT	GAL	160	\$ 2.50	\$ 400.00
403-4.1	BITUMINOUS SEAL COAT	SY	3074	\$ 2.50	\$ 7,685.00
603-5.3	STANDARD CURB & GUTTER	LF	1424	\$ 18.50	\$ 26,344.00
1001-4.11	2" CONDUIT- PVC LAID IN TRENCH	LF	45	\$ 10.00	\$ 450.00
1001-4.12	TRENCHING 27" DEEP	LF	717	\$ 4.00	\$ 2,868.00
1001-4.20	JUNCTION BOX	EA	1	\$ 1,500.00	\$ 1,500.00
1001-4.21	3-NO. 4 CONDUCTORS	LF	480	\$ 7.00	\$ 3,360.00
1001-4.22	2-NO. 4 CONDUCTORS	LF	237	\$ 6.00	\$ 1,422.00
1001-4.25	No. 6 COPPER GROUND	LF	717	\$ 1.00	\$ 717.00
1001-4.3	TYPE B STANDARD WITH COPPER NAVION NVNT3A LED LUMINAIRE	EA	4	\$ 3,500.00	\$ 14,000.00
1201-4.1	4" TOPSOILING TO INCLUDE SEEDING & HYDROMULCH	Acre	0.5	\$ 18,000.00	\$ 9,000.00
1206-4.1	ADJ MANHOLE CASTING-ASPH PVMT	EA	3	\$ 400.00	\$ 1,200.00
1206-4.19	ADJUST VALVE BOX-UNPAVED AREA	EA	7	\$ 350.00	\$ 2,450.00

TOTAL CONSTRUCTION= \$ 192,998.50

LEGAL, ADMINISTRATIVE, ENGINEERING & CONTINGENCY= \$ 67,549.48

GRAND TOTAL = \$ 260,547.98

**RESOLUTION APPROVING ENGINEER'S REPORT AND
AUTHORIZING PREPARATION OF THE DETAILED PLANS
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 192**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 192 (Project # 2014-06), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

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

a. Construction costs:	\$192,998.50
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:	\$67,549.48
c. Total estimated costs of the improvement:	\$260,547.98

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

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 192, Project No. 2014-06 (West Hills Estates 3rd Addition).

Page 8 of 16

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

Dated this 3rd day of June 2014.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 192, Project No. 2014-06 (West Hills Estates 3rd Addition).

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**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR STREET IMPROVEMENT DISTRICT NO. 192
PROJECT # 2014-06**

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project in Street Improvement District No. 192 (Project # 2014-06) of said City be and the same are hereby approved, ratified and confirmed as the plans and specifications in accordance with which said improvement project will be constructed, except as modified by this Board in accordance with law, and the City Administrator shall file the same in his office, open for public inspection.

Dated this 3rd day of June, 2014.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 192, Project No. 2014-06 (West Hills Estates 3rd Addition).

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April 21, 2014

TECo #2195

PETITION

To the Honorable Board of City Commissioners of the City of Mandan, North Dakota.

The undersigned, being the developer of West Hills Estates 3rd Addition, Mandan, North Dakota, hereby petitions the City of Mandan to create a Special Assessment District for the purpose of performing improvements consisting of asphalt paving, curb and gutter, earthwork and all work and material incidental thereto on a portion of Corvette Street NW from the west boundary line of West Hills Estates 3rd Addition east its intersection with Crown Point Road NW and Crown Point Road NW from the southeasterly boundary line of West Hills Estates 3rd Addition to the northwesterly boundary line of West Hills Estates 3rd Addition.



Nathan Lamoureux

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 192, Project No. 2014-06 (West Hills Estates 3rd Addition).

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**RESOLUTION DETERMINING SUFFICIENCY OF FORMS OF PETITION, WAIVER
AND CONSENT TO ASSESSMENT FOR STREET IMPROVEMENT DISTRICT NO.
192**

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

1. The City having received and filed executed written forms of Petition, Waiver and Consent to Assessment executed by Nathan Lamoureux, the owners of a majority of property area, for the improvement in and for Street Improvement District No. 192, Project No. 2014-06("the District"), and true and correct copies of said executed forms being attached hereto, it is hereby determined that said forms are signed by the owners of a majority of the area of property included within the District.

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

Dated this 3rd day of June, 2014

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 192, Project No. 2014-06 (West Hills Estates 3rd Addition).

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**FEASIBILITY AND EVALUATION OF IMPROVEMENTS
FOR STREET IMPROVEMENT DISTRICT #192, PROJECT #2014-06**

1.) General Nature of Project

The District has been created to allow for new street Corvette Street NW and Crown Point Road NW. Installation of new curb & gutter, asphalt street, storm sewer, street lights & chip seal will take place with this project.

2.) Location of Proposed Construction

The proposed construction will take place on Corvette Street NW and Crown Point Road NW.

3.) Environmental Impact

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

4.) Feasibility of Project

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

5.) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$192,998.50. Other costs of making the improvement including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; publication of legal notices printing of warrants; and all expenses incurred in the making of the improvement and levy of assessments therefore are estimated at \$67,549.48. The total cost for the improvement is estimated at \$260,547.98.


Justin Froseth
Planning and Engineering Director

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 192, Project No. 2014-06 (West Hills Estates 3rd Addition).

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**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS
FOR STREET IMPROVEMENT DISTRICT NO. 192**

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

1. The City Administrator, Deputy Auditor and City Engineer shall meet at the time and place specified in the notice authorized in paragraph 2 hereof, for the purpose of opening sealed bids for the work and material needed for the improvement project to be made in Street Improvement District No. 192 (Project # 2014-06) of the City of Mandan, as more fully described and referred to in the resolution creating said improvement district passed and approved by the Board on June 3, 2014, and in the plans and specifications for said improvement now on file in the office of the City Engineer.

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

**“ADVERTISEMENT FOR BIDS FOR
STREET IMPROVEMENT DISTRICT NO. 192
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota will receive sealed bids at the office of the City Administrator until June 23, 2014, at 11:00 a.m., local time for the purpose of furnishing of materials, labor and skill needed for the new construction of storm sewer mains, asphalt streets, concrete curb and gutter and street lights and related work in accordance with the plans and specifications for Street Improvement District No. 192 (Project # 2014-06), for the City of Mandan. The Work consists of all labor, skill, and materials required to properly construct the improvement.

Contractors and vendors desiring plans and specifications for personal use may secure digital copies from www.questcdn.com for a fee of \$25.00. These documents may be downloaded by selecting this project from the “Bid Documents” tab and by entering Quest Project Number #3355475 on the “Search Projects” page. For assistance and the free

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 192, Project No. 2014-06 (West Hills Estates 3rd Addition).

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membership registration, contact QuestCDN at (952)233-1632 or info@questcdn.com. Paper copies of the bid documents may be obtained from the City of Mandan Engineering office, 205 2nd Avenue Northwest, Mandan, North Dakota 58554 upon non-refundable payment of \$50.00 for each set. If Plans are mailed out and additional fee of \$15.00 will be added for postage and handling.

The bid proposals must be submitted to the City Administrator by 11:00 a.m., local time, June 23, 2014 and shall be sealed and endorsed "Proposal for Street Improvement District No 192. Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2nd Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:30 a.m., local time, on June 23, 2014. All bidders are invited to be present at the public opening of the Bids.

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

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

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

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

All construction work on Project #2014-06 is to be completed no later than August 31, 2014 except the chip seal which will have a completion date of August 15, 2015.

Liquidated damages of \$100.00 per day will be assessed if any completion dates are exceeded.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 192, Project No. 2014-06 (West Hills Estates 3rd Addition).

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

The Board of City Commissioners will meet on Monday, June 30th, 2014, at 5:30 PM, local time, to determine the sufficiency of protests, to review the Bids submitted, consider the engineer's recommendation, and to award the contract to the successful Bidder, if protests have been deemed insufficient. The contract will be awarded on the basis of the low Bid submitted, on eligible areas, by a responsible and responsive Bidder deemed most favorable to the City's interest.

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

Dated this 3 day of June, 2014

City of Mandan, North Dakota

BY: James Neubauer

City Administrator"

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

4. The Board of City Commissioners shall meet on Monday, June 30, 2014 at 5:30 pm, local time, to review the bids submitted, consider the engineer's recommendation, and to award the contract to the successful bidder, subject to the Board finding that filed protests are insufficient to bar the work.

President, Board of City Commissioners

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

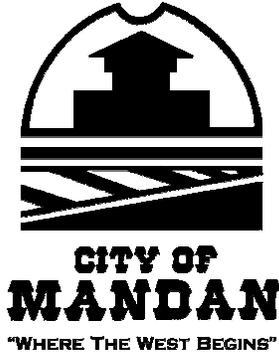
Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 192, Project No. 2014-06 (West Hills Estates 3rd Addition).

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ATTEST:

City Administrator

Passed: June 3rd, 2014



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 3, 2014
PREPARATION DATE: May 29, 2014
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Engineering & Planning Director
SUBJECT: Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for water & sewer improvement Project 2014-07(Midway 14th Addition).

STATEMENT/PURPOSE: To authorize the installation of water and sewer for the development of the subject area.

BACKGROUND/ALTERNATIVES: The Midway 14th Addition plat is located north of Memorial Highway and east of 40th Avenue SE. The proposed utilities only serve the developer of the benefiting land; therefore, this is being paid for under a 3-way agreement. A letter of credit has been secured for the project.

ATTACHMENTS:

1. Project Vicinity Map
2. 3-way agreement
3. Resolution Approving Plans and Specifications and Authorizing Execution of 3-way Agreement

FISCAL IMPACT: The entire cost of the project is being paid by the developer as part of the 3 way agreement.

STAFF IMPACT: Minimal

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

RECOMMENDATION: This office supports the authorization to move forward with this project.

SUGGESTED MOTION: I move to approve the resolution approving the plans and specifications and authorizing execution of 3-way agreement for water and sewer improvement Project 2014-07 (Midway 14th Addition).

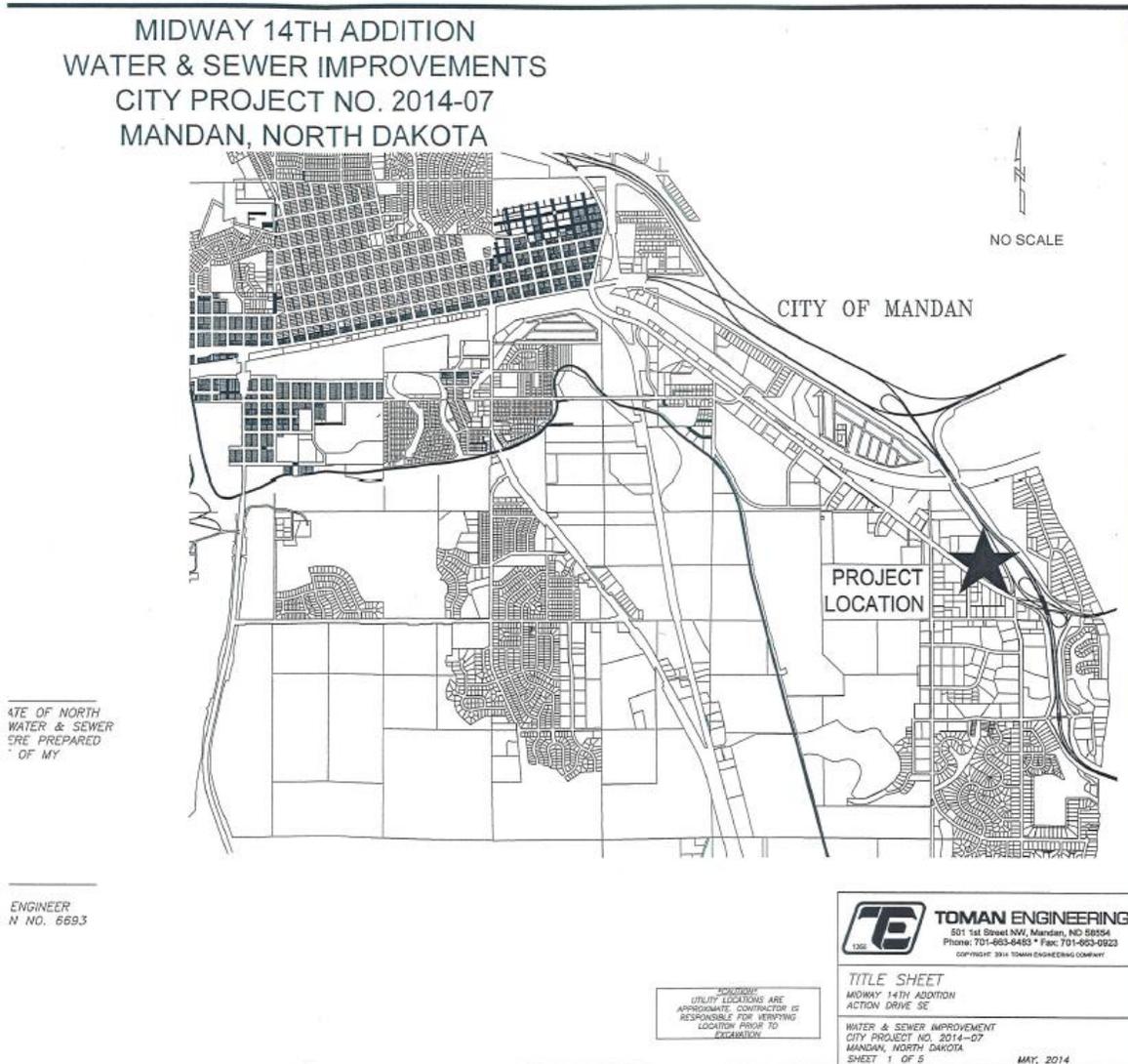
Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for water & sewer improvement Project 2014-07(Midway 14th Addition).

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Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for water & sewer improvement Project 2014-07(Midway 14th Addition).

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3-WAY AGREEMENT

Midway 14th Addition

Water & Sewer IMPROVEMENT PROJECT No. 2014-07 (Phase 1)

THIS AGREEMENT, made on this ____ day of _____, 20____, between the City of Mandan, a municipal corporation, hereinafter called the CITY, Dwight Pletan, hereinafter called the DEVELOPER, and Bowers Excavating, hereinafter called the CONTRACTOR. The ENGINEER mentioned in this contract shall be Toman Engineering Co.

WHEREAS, the CONTRACTOR wishes to enter upon the public streets and rights-of-way to construct, under a private contract, the following improvements:

Water Mains Sanitary Sewer Mains Storm Sewer Mains
 Streets Other:

for property to be developed and offered for sale by the DEVELOPER; and

WHEREAS, the CITY wishes to safeguard the public interest by assuring that said construction work will be in accord with plans, specifications and requirements of the CITY and will be completed in a proper and safe manner in accord with said ENGINEER prepared plans and specifications for said type of work; and

WHEREAS, the DEVELOPER has filed a petition to the Board of City Commissioners to permit the DEVELOPER to contract directly for said improvements.

NOW, THEREFORE, it is agreed between the parties for the considerations herein named, as follows:

(1) LICENSE TO CONSTRUCT.

The CITY grants to the DEVELOPER the right, privilege, and license to enter upon and construct in the public rights-of-way of the CITY the above improvements in the following streets:

The Phase 1 portion of Action Drive SE

which license shall continue so long as the DEVELOPER performs the agreements by it herein.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for water & sewer improvement Project 2014-07(Midway 14th Addition).

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(2) SCOPE OF WORK.

The DEVELOPER will, through a CONTRACTOR licensed under the laws of North Dakota, do said work, including furnishing all materials, equipment and labor necessary to perform all of the work shown on the plans and specifications prepared by a licensed professional engineer, which are hereby referred to and made a part of this Agreement. Construction staking as required by the CITY shall be done by the ENGINEER at the expense of the DEVELOPER. The CONTRACTOR shall complete all stubouts to the property line on utilities to be constructed under this contract.

All work incidental to the project, such as grading, taps to the watermain, seeding, chlorine, clean up, and any other usual charges as determined by the ENGINEER shall be borne by the CONTRACTOR.

(3) TIME OF COMMENCEMENT AND COMPLETION

The anticipated date for allowing construction to start will be _____. The CONTRACTOR shall have until _____ to complete the project to the satisfaction of the ENGINEER and the CITY. If the earthwork contractor completes their grading work sooner than _____, the CONTRACTOR may be allowed an earlier start date.

(4) CITY AUTHORITY AND RESPONSIBILITY

The City Engineer, other City staff and agents for the city shall at all times have access to the project site during construction of the public improvements. The City Engineer shall be the final arbiter when questions arise concerning interpretation and compliance with the plans, specifications, City design requirements and City ordinances. Failure of the developer, design engineer or contractor to comply with the directives of the City Engineer shall be sufficient grounds to issue a stop work order or require installed work to be removed and reconstructed.

(5) DESIGN ENGINEER AUTHORITY AND RESPONSIBILITY

The ENGINEER hired by the DEVELOPER is responsible for providing day to day monitoring and direction of the work. Daily logs shall be maintained and made available to the City. The ENGINEER is responsible to provide the CONTRACTOR in a timely manner with all needed information regarding grades and locations of work. Should a dispute arise between the CONTRACTOR and the ENGINEER over interpretation of the plans, the City Engineer shall be consulted and the City Engineer shall render a decision. Any deviation from the location of facilities shown on the plans must be approved in writing by the City Engineer before commencing with construction of the deviation. All deviations from the approved plans shall be documented with as-built drawings prepared by the ENGINEER. Approval by the CITY of the as-built drawings is a condition of project approval and acceptance by the CITY.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for water & sewer improvement Project 2014-07(Midway 14th Addition).

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(6) PAYMENT.

The DEVELOPER shall provide an irrevocable letter of credit or a certificate of deposit from a bona fide financial institution in the amount of the project cost including services provided by the CITY. The irrevocable letter of credit expiration date shall be a minimum of 60 days past the time of completion or any extensions of this agreement. The project cost is \$ 58,905.00. Final payment will be for actual quantities used. A copy of the accepted proposal is attached to the back of and made a part of this Agreement.

The DEVELOPER will be responsible to pay the CONTRACTOR for all of the Agreement work in accordance with the plans, specifications, and proposal prepared by the DEVELOPER'S representative and made a part of this Agreement. The ENGINEER shall measure the work completed and submit to the ENGINEER. The ENGINEER will submit approved progress payments to the DEVELOPER. The CITY shall have no obligations, liability or responsibility for any payment due to any party under this Agreement or otherwise arising from the work under this Agreement. In no event shall the CITY be responsible for any payments whatsoever, including payments for additional work or payments for costs occasioned by unforeseen or changed conditions encountered during the work.

(7) CONTENTS OF CONTRACTOR'S CONTRACT.

All contracts made by the CONTRACTOR with any person, firm, or corporation in connection with or in carrying out the contract work shall provide: "This contract is subject to all the terms and conditions of a contract dated _____, between the CITY, the DEVELOPER and the CONTRACTOR."

(8) OWNERSHIP OF WORK LINES.

All contract work, except utility stubouts, furnished or placed in the public streets, alleys, or rights-of-way shall become the property of the City of Mandan. The placing and furnishing of all contract work by the DEVELOPER, its CONTRACTOR, its subcontractors, if any, and by an person, firm or corporation, as labor or material or otherwise, shall be under the provisions of this contract and with the express waiver of any right to claim against the CITY, or to make claims or lien against the contract work.

(9) WARRANTY.

The CONTRACTOR shall guarantee all work against faulty materials and workmanship for a period of one year from the date of final acceptance and the performance bond of the contract shall remain in full force and effect for that period.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for water & sewer improvement Project 2014-07(Midway 14th Addition).

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(10) VERBAL AGREEMENTS.

No verbal agreements or conversation with any officer, agent, or employee of the CITY or ENGINEER before or after the execution of this contract shall affect or modify any of their terms or obligations contained in the documents comprising the contract.

(11) PROTECTION OF PUBLIC AND WORK.

The CONTRACTOR shall provide and maintain all necessary watchmen, barricades, lights, and warning signs and take all necessary precautions for protection of the public, and shall further maintain at all times adequate protection of the work from damage. The CONTRACTOR shall also obtain and furnish general liability insurance to protect itself, the CITY, DEVELOPER, and ENGINEER with an insurer licensed to do business in North Dakota, in the sum of \$1,000,000 for one accident, against and from all suits, actions, or claims of any character, name and description brought for or on account of any injuries or damages received or sustained by any person or persons or property on account of any negligent act or fault of the DEVELOPER, its CONTRACTOR, or officers, agents or employees in the execution of the contract, or on account of its failure to provide necessary barricades, warning lights, or signs, and as will protect the CITY, DEVELOPER, and ENGINEER from any contingent liability under this contract. In no case shall the liability insurance be less than specified in the special provisions of the project manual.

(12) UTILITIES.

It shall be the responsibility of the CONTRACTOR to familiarize itself with the location of all existing sewer, water mains and service lines, gas mains and service lines, telephone cable, power, light, and telephone poles, guys, valve boxes, stop boxes and all utilities installations that might be affected in the performance of the work. The CONTRACTOR shall notify all utility companies at least 48 hours in advance excluding Saturdays, Sundays, holidays, and in accordance with N. D. Century Code Chapter 49-23 North Dakota One Call of any construction affecting said utilities, and shall work out with said utilities any conflicts or changes.

(13) CHANGE.

The Board of City Commissioners reserves the right to make any necessary changes in the alignment, grade, or design of the proposed work deemed by them advisable.

(14) CLEAN UP.

Extra materials, tools and temporary structures shall be removed by the CONTRACTOR and all dirt, rubbish, and excess earth from excavations shall be disposed of and the construction area left clean to the satisfaction of the ENGINEER, and the CITY. The CONTRACTOR shall maintain for a period of three months after completion of the work the surface of unpaved trenches, adjacent curbs and gutter, sidewalks, driveways,

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for water & sewer improvement Project 2014-07(Midway 14th Addition).

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shrubbery, fences, sod or other surfaces disturbed. The CONTRACTOR shall conduct its operations in such manner as to cause minimum inconvenience to adjoining property owners and the public.

Street surfacing in unpaved areas shall be restored to as good as or better than prior to construction by the CONTRACTOR. The CONTRACTOR shall be required to replace paving or gravel surface removed or damaged in the construction work or repair any area disturbed as a result of construction work to the satisfaction of and subject to the approval of the CITY.

(15) LIQUIDATED DAMAGES.

The CONTRACTOR shall pay to the OWNER the amount of \$ 500.00 per day for liquidated damages for time in excess of authorized or adjusted completion time.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for water & sewer improvement Project 2014-07(Midway 14th Addition).

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Bowers Excavating, LLC

160 Riverwood Ave SE

PO Box 145

Mandan ND 58554

Estimate

Date	Estimate #
5/7/2014	1261

Name / Address
Action Sports

Description	Qty	Cost	Project
			Phase 1
			Total
8" Sanitary Sewer Pipe	416	32.00	13,312.00
8" X 6" Wye Branch	3	350.00	1,050.00
Bedding Material	210	10.00	2,100.00
Rock Excavation	25	1.00	25.00
Televise Sewermain	416	4.00	1,664.00
6" Watermain	116	32.00	3,712.00
8" Watermain	306	38.00	11,628.00
6" Gate Valve & Box	2	2,300.00	4,600.00
6" Hydrant	1	5,000.00	5,000.00
Concrete Manhole	2	4,500.00	9,000.00
2" Water Service Pipe	10	27.00	270.00
6" Sewer Pipe	102	22.00	2,244.00
6" 45 degree bend	3	350.00	1,050.00
Mobilization & Bonds	1	2,500.00	2,500.00
2 ft hydrant extension	1	750.00	750.00
Total			\$58,905.00

Customer Signature _____

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for water & sewer improvement Project 2014-07(Midway 14th Addition).

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(16) ASSURANCE OF PERFORMANCE AND PAYMENT OF BILLS.

The CONTRACTOR shall furnish a performance bond in an amount at least equal to one hundred percent (100%) of the total contract amount as security for the faithful performance of the contract and also a payment bond in an amount of not less than one hundred percent (100%) of the total contract amount as security for the payment of all persons performing labor on the payment of all persons performing labor on the project under the contract and furnishing materials in connection with the contract.

IN WITNESS WHEREOF, the parties have executed the following agreement.

CITY OF MANDAN

Justin Froseth
Planning and Engineering Director

Arlyn Van Beek, President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

DEVELOPER

M&P LLP
Firm Name

Authorized Representative

Owner, Title

1417 39TH Ave SE
Street Address

Mandan, N.D. 58554
City, State, Zip

CONTRACTOR

Bowess Excavating
Firm Name

Authorized Representative

Owner, Title

160 Riverwood ave
Street Address

Mandan ND 58554
City, State, Zip

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for water & sewer improvement Project 2014-07(Midway 14th Addition).

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**RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND
AUTHORIZING EXECUTION OF 3-WAY AGREEMENT FOR WATER AND
SEWER IMPROVEMENT PROJECT NO. 2014-07**

(Midway 14th Addition)

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

1. That the plans and specifications for the Water and Sewer Project No. 2014-07 serving Midway 14th Addition in the City of Mandan, as presented by Dwight Peyton, on behalf of themselves, are hereby approved, ratified and confirmed as the plans and specifications for said project, in accordance with which said improvement project will be constructed, subject to any further modifications of the plans and specifications by the Board as provided by law. The plans and specifications shall be filed in the Office of the City Administrator and City Engineer and open for public inspection. The named streets within the subdivision to receive the improvements are: Action Drive SE.

2. That the President of the Board is hereby authorized to enter into a 3-way agreement between the City of Mandan; the developer, Dwight Pleton, and the developer's contractor, contingent upon the City's receipt of an irrevocable escrow account covering construction costs.

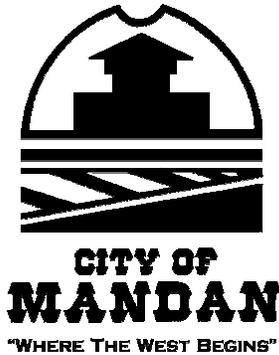
3. This resolution shall be in full force and effect from the date of its passage.

President, Board of City Commissioners

ATTEST:

James Neubauer, City Administrator

Date of Passage: June 3, 2014



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 3, 2014
PREPARATION DATE: May 29, 2014
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 193, Project No. 2014-08 (Midway 14th Addition).

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

BACKGROUND/ALTERNATIVES: The developer is requesting that the City allow the special assessment of street costs to the benefitting properties for the development of Midway 14th Addition.

ATTACHMENTS:

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

FISCAL IMPACT: Based on the estimate of cost included with your documentation, the cost of the project would be \$175,404.00, engineering and administration will add \$61,391.40, bringing the total to \$236,795.40. These items would be entirely special assessed to the benefitting properties. There are 6 lots within this special assessment district which are zoned

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 193, Project No. 2014-08 (Midway 14th Addition).

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commercial and would likely be assessed by the square foot (approximately \$0.43 per square foot).

STAFF IMPACT: Minimal

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

RECOMMENDATION: This office supports moving forward with the project.

SUGGESTED MOTION: I move to approve the Resolution creating district, approve Resolution approving Engineer's Report, approve Resolution of Plans and Specifications, approve Resolution determining sufficiency of petition, approve feasibility report and approve Resolution directing advertisement for bids for Street Improvement District No. 193, Project No. 2014-08 (Midway 14th Addition).

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 193, Project No. 2014-08 (Midway 14th Addition).

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**RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NO. 193**

Project No. 2014-08

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

1. There is hereby created Street Improvement District No. 193 (the "District")(Project# 2014-08) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, Action Drive SE, and includes street construction, installation of curb and gutter, asphalt street, storm sewer, street lights, chip seal and related work.

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

The following lots and blocks are included in said District:

Lots 1-6 Block 1, Midway 14th Addition

The legal description of the district boundary is as follows:

A tract of land being all of Midway 14th Addition of the City of Mandan, Morton County, North Dakota, being more particularly described as follows (traversing the outside boundary of said Midway 14th Addition in its entirety):

Beginning at the northwest corner of Midway 14th Addition; thence North 89° 11' 27" East for 565.85 feet; thence South 33° 48' 38" East for 807.88 feet; thence South 02° 01' 37" East for 12.76 feet; thence South 89° 34' 11" West for 277.15 feet; thence South 87° 42' 08" West for 76.24 feet; thence South 89° 25' 52" West for 130.55 feet; thence South 89° 15' 58" West for 427.19 feet; thence North 53° 03' 58" West for 228.40 feet; thence North 17° 12' 11" East for 271.78 feet; thence North 00° 30' 30" West for 291.05 feet to the Point of Beginning. Said tract of land containing 12.75 Acres, more or less.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 193, Project No. 2014-08 (Midway 14th Addition).

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

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

President, Board of City Commissioners

ATTEST:

City Administrator

Date of Passage: June 3, 2014

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 193, Project No. 2014-08 (Midway 14th Addition).

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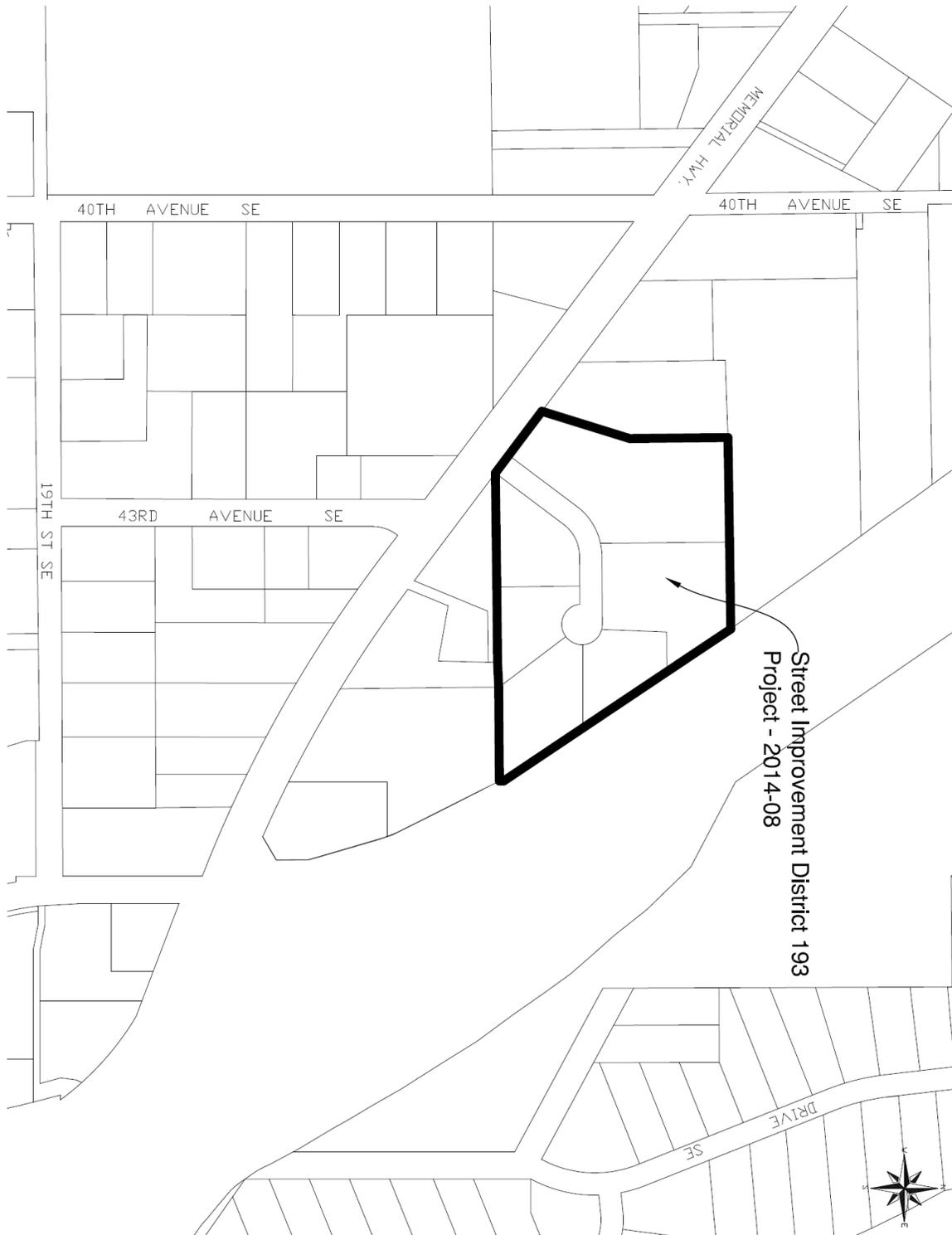
Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 193, Project No. 2014-08 (Midway 14th Addition).

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Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 193, Project No. 2014-08 (Midway 14th Addition).

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Engineer's Estimate of Probable Costs
 Street Improvement District No. 193
 MIDWAY 14th ADDITION - ACTION DRIVE
 City Project No. 2014-08
 Mandan, ND
 Teco # 2196 -MAY, 2014

PHASE I

SPEC NO.	DESCRIPTION	UNIT	QUAN.	UNIT PRICE	ENGINEERS EST.
202-4.1	UNCLASSIFIED EXCAVATION	CY	325	\$ 7.00	\$ 2,275.00
203-3.1	WATERING	M GAL	15	\$ 15.00	\$ 225.00
204-3.1	SUBGRADE PREPARATION	SY	2522	\$ 3.00	\$ 7,566.00
205-3.1	SILT FENCE	LF	100	\$ 10.00	\$ 1,000.00
205-3.4	6" FIBER ROLLS	LF	200	\$ 5.00	\$ 1,000.00
302-4.1	STABILIZED GRAVEL BASE	TON	850	\$ 26.77	\$ 22,754.50
304-6.1B	AC STABILIZED BASE (CLASS B)2-1/2"	TON	245	\$ 120.00	\$ 29,400.00
401-6.2B	AC SURFACE COURSE (CLASS B)2"	TON	200	\$ 120.00	\$ 24,000.00
402-4.2	BITUMINOUS TACK COAT	GAL	100	\$ 2.50	\$ 250.00
403-4.1	BITUMINOUS SEAL COAT	SY	1600	\$ 3.00	\$ 4,800.00
603-5.3	STANDARD CURB & GUTTER	LF	723	\$ 21.00	\$ 15,183.00
802-4.3	18" RCP STORM SEWER PIPE	LF	221	\$ 55.00	\$ 12,155.00
802-4.3	18" CMP STORM SEWER PIPE	LF	65	\$ 60.00	\$ 3,900.00
802-4.53	18" RCP FLARED END SECTION	EA	2	\$ 1,200.00	\$ 2,400.00
801-4.60	BEDDING MATERIAL	TON	65	\$ 18.00	\$ 1,170.00
1001-4.12	TRENCHING 27" DEEP	LF	313	\$ 4.00	\$ 1,252.00
1001-4.21	3-NO. 4 CONDUCTORS	LF	313	\$ 7.00	\$ 2,191.00
1001-4.25	No. 6 COPPER GROUND	LF	313	\$ 2.50	\$ 782.50
1001-4.3	TYPE C STANDARD WITH COPPER NAVION NVNT3A LED LUMINAIRE 103 W LED	EA	3	\$ 3,900.00	\$ 11,700.00
1201-4.1	4" TOPSOILING TO INCLUDE SEEDING & HYDROMULCH	Acre	0.35	\$ 18,000.00	\$ 6,300.00
1205-4.1	48" CONCRETE MANHOLE (STORM)	EA	1	\$ 4,500.00	\$ 4,500.00
1205-4.8	TYPE 36" INLET	EA	2	\$ 3,500.00	\$ 7,000.00
1206-4.1	ADJ MANHOLE CASTING-ASPH PVMT	EA	3	\$ 500.00	\$ 1,500.00
1206-4.19	ADJUST VALVE BOX-UNPAVED AREA	EA	4	\$ 325.00	\$ 1,300.00
1206-4.7	ADJUST INLET CASTING ALL SIZES	EA	2	\$ 400.00	\$ 800.00
SP 9	STOP SIGN & STREET NAME SIGSN 1 POST	EA	1	\$ 500.00	\$ 500.00
SP 10	SOIL STERILIZER	LS	1	\$ 1,500.00	\$ 1,500.00
SP 11	STREET LIGHT CONTROL PANEL	LS	1	\$ 8,000.00	\$ 8,000.00

CONSTRUCTION TOTAL= \$ 175,404.00
 ADMINISTRATIVE & CONTINGENCY= \$ 61,391.40
CONSTRUCTION TOTAL= \$236,795.40

**RESOLUTION APPROVING ENGINEER'S REPORT AND
AUTHORIZING PREPARATION OF THE DETAILED PLANS
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 193**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 193 (Project # 2014-08), 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:	\$175,404.00
b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$61,391.40
c. Total estimated costs of the improvement:	\$236,795.40

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

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 193, Project No. 2014-08 (Midway 14th Addition).

Page 9 of 17

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

Dated this 3rd day of June 2014.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 193, Project No. 2014-08 (Midway 14th Addition).

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**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR STREET IMPROVEMENT DISTRICT NO. 193
PROJECT # 2014-08**

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project in Street Improvement District No. 193 (Project # 2014-08) 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 June, 2014.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 193, Project No. 2014-08 (Midway 14th Addition).

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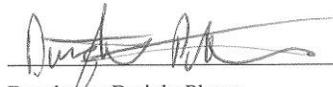
May 9, 2014

TECo #2196

PETITION

To the Honorable Board of City Commissioners of the City of Mandan, North Dakota.

The undersigned, being the developer of Midway 14th Addition, Mandan, North Dakota, hereby petitions the City of Mandan to create a Special Assessment District for the purpose of performing improvements consisting of asphalt paving, curb and gutter, earthwork and all work and material incidental thereto on Action Drive SE (Phase 1).



Developer: Dwight Pletan

See attached drawing

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 193, Project No. 2014-08 (Midway 14th Addition).

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**RESOLUTION DETERMINING SUFFICIENCY OF FORMS OF PETITION, WAIVER
AND CONSENT TO ASSESSMENT FOR STREET IMPROVEMENT DISTRICT NO.
193**

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

1. The City having received and filed executed written forms of Petition, Waiver and Consent to Assessment executed by Dwight Pletan, the owners of a majority of property area, for the improvement in and for Street Improvement District No. 193, Project No. 2014-08("the District"), and true and correct copies of said executed forms being attached hereto, it is hereby determined that said forms are signed by the owners of a majority of the area of property included within the District.

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

Dated this 3rd day of June, 2014

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 193, Project No. 2014-08 (Midway 14th Addition).

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**FEASIBILITY AND EVALUATION OF IMPROVEMENTS
FOR STREET IMPROVEMENT DISTRICT #193, PROJECT #2014-08**

1.) General Nature of Project

The District has been created to allow for new street Action Drive SE. Installation of new curb & gutter, asphalt street, storm sewer, street lights & chip seal will take place with this project.

2.) Location of Proposed Construction

The proposed construction will take place on Action Drive SE.

3.) Environmental Impact

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

4.) Feasibility of Project

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

5.) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$175,404.00. Other costs of making the improvement including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; publication of legal notices printing of warrants; and all expenses incurred in the making of the improvement and levy of assessments therefore are estimated at \$61,391.40. The total cost for the improvement is estimated at \$236,795.40.


Justin Froseth

Planning and Engineering Director

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 193, Project No. 2014-08 (Midway 14th Addition).

Page 14 of 17

**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS
FOR STREET IMPROVEMENT DISTRICT NO. 193**

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

1. The City Administrator, Deputy Auditor and City Engineer shall meet at the time and place specified in the notice authorized in paragraph 2 hereof, for the purpose of opening sealed bids for the work and material needed for the improvement project to be made in Street Improvement District No. 193 (Project # 2014-08) of the City of Mandan, as more fully described and referred to in the resolution creating said improvement district passed and approved by the Board on June 3, 2014, and in the plans and specifications for said improvement now on file in the office of the City Engineer.

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

**“ADVERTISEMENT FOR BIDS FOR
STREET IMPROVEMENT DISTRICT NO. 193
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota will receive sealed bids at the office of the City Administrator until June 24, 2014, at 10:00 a.m., local time for the purpose of furnishing of materials, labor and skill needed for the new construction of storm sewer mains, asphalt streets, concrete curb and gutter and street lights and related work in accordance with the plans and specifications for Street Improvement District No. 193 (Project # 2014-08), for the City of Mandan. The Work consists of all labor, skill, and materials required to properly construct the improvement.

Contractors and vendors desiring plans and specifications for personal use may secure digital copies from www.questcdn.com for a fee of \$25.00. These documents may be downloaded by selecting this project from the “Bid Documents” tab and by entering Quest Project Number #3355659 on the “Search Projects” page. For assistance and the free

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 193, Project No. 2014-08 (Midway 14th Addition).

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membership registration, contact QuestCDN at (952)233-1632 or info@questcdn.com. Paper copies of the bid documents may be obtained from the City of Mandan Engineering office, 205 2nd Avenue Northwest, Mandan, North Dakota 58554 upon non-refundable payment of \$50.00 for each set. If Plans are mailed out and additional fee of \$15.00 will be added for postage and handling.

The bid proposals must be submitted to the City Administrator by 10:00 a.m., local time, June 24, 2014 and shall be sealed and endorsed "Proposal for Street Improvement District No 193. Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2nd Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:00 a.m., local time, on June 24, 2014. All bidders are invited to be present at the public opening of the Bids.

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

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

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

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

All construction work on Project #2014-08 is to be completed no later than October 31, 2014 except the chip seal which will have a completion date of August 15, 2015.

Liquidated damages of \$100.00 per day will be assessed if any completion dates are exceeded.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 193, Project No. 2014-08 (Midway 14th Addition).

Page 16 of 17

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

The Board of City Commissioners will meet on Monday, June 30th, 2014, at 5:30 PM, local time, to determine the sufficiency of protests, to review the Bids submitted, consider the engineer's recommendation, and to award the contract to the successful Bidder, if protests have been deemed insufficient. The contract will be awarded on the basis of the low Bid submitted, on eligible areas, by a responsible and responsive Bidder deemed most favorable to the City's interest.

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

Dated this 3 day of June, 2014

City of Mandan, North Dakota

BY: James Neubauer

City Administrator"

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

4. The Board of City Commissioners shall meet on Monday, June 30, 2014 at 5:30 pm, local time, to review the bids submitted, consider the engineer's recommendation, and to award the contract to the successful bidder, subject to the Board finding that filed protests are insufficient to bar the work.

President, Board of City Commissioners

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

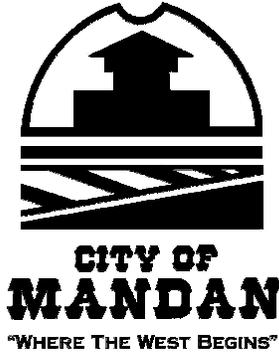
Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 193, Project No. 2014-08 (Midway 14th Addition).

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ATTEST:

City Administrator

Passed: June 3rd, 2014



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 3, 2014
PREPARATION DATE: May 29, 2014
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

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

BACKGROUND/ALTERNATIVES: The developer is requesting that the City allow the special assessment of street costs to the benefitting properties for the development of 24th Street NW between 6th Avenue NW and 8th Avenue NW.

ATTACHMENTS:

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

FISCAL IMPACT: Based on the estimate of cost included with your documentation, the cost of the project would be \$195,989.00, engineering and administration will add \$68,596.15, bringing the total to \$264,585.15. These items would be entirely special assessed to the

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

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benefitting properties. There are 33.22 acres in this special assessment district which brings the amount to be assessed at approximately \$0.18 per square foot.

STAFF IMPACT: Minimal

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

RECOMMENDATION: This office supports moving forward with the project.

SUGGESTED MOTION: I move to approve the Resolution creating district, approve Resolution approving Engineer's Report, approve Resolution of Plans and Specifications, approve Resolution determining sufficiency of petition, approve feasibility report and approve Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

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**RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NO. 197
Project No. 2014-24**

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

1. There is hereby created Street Improvement District No. 197 (the "District")(Project# 2014-24) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, 24th Street NW, and includes street construction, installation of curb and gutter, asphalt street, storm sewer, chip seal and related work.

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

The legal description of the district boundary is as follows:

A tract of land being a part of the NW1/4 of Section 22, Township 139 North, Range 81 West (formerly part of vacated Pioneer Industrial Park 1st Addition) of the 5th Principal Meridian, Morton County, North Dakota, being more particularly described as follows:

Beginning at the northwest corner of Lot 29, Block 2, Pioneer Industrial Park 1st Addition of the City of Mandan, Morton County, North Dakota, said point also being on the east boundary line of Lot 44, Block 2 of said Pioneer Industrial Park 1st Addition; thence North 00° 03' 53" East along said east boundary line for 877.37 feet to the southwest corner of Meadow Ridge 3rd Addition of the City of Mandan, Morton County, North Dakota; thence North 89° 57' 56" East along the south boundary line of said Meadow Ridge 3rd Addition for 557.81 feet to the southeast corner of said Meadow Ridge 3rd Addition, said point also being on the arc of a curve to the Right having a radius of 217.00 feet; thence along said curve to the Right and along the east boundary line of said Meadow Ridge 3rd Addition (the chord of which bears North 04° 30' 38" West, 16.88 feet) an arc length of 16.88 feet to the P.T. (Point of tangency) of said curve to the Right; thence North 02° 17' 07" West continuing along said east boundary line for 144.85 feet to the southwest corner of Meadow Ridge 1st Addition of the City of

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

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Mandan, Morton County, North Dakota; thence North 87° 42' 57" East along the south boundary line of said Meadow Ridge 1st Addition for 557.47 feet to the southeast corner of said Meadow Ridge 1st Addition; thence South 04° 24' 47" East for 1802.54 feet to a point on the north Right-of-Way line of Old Red Trail; thence North 67° 58' 09" West along said north Right-of-Way line for 561.16 feet to the southeast corner of Lot 24, Block 2 of said Pioneer Park 1st Addition; thence North 00° 05' 06" East along the east boundary line of said Lot 24 for 421.11 feet to the northeast corner of said Lot 24; thence South 85° 27' 53" West along the north boundary line of said Lot 24 for 150.87 feet to the northeast corner of Lot 25, Block 2 of said Pioneer Park 1st Addition; thence South 89° 43' 02" West along the north boundary line of said Lot 25 for 225.81 feet to the southeast corner of Lot 28, Block 2 of said Pioneer Park 1st Addition; thence North 00° 17' 58" West along the east boundary line of said Lot 28 for 192.91 feet to the northeast corner of said Lot 28; thence along the north boundary line of said Lot 28 the following three (3) courses; thence South 89° 42' 21" West for 191.51 feet; thence South 00° 03' 39" West for 74.97 feet; thence North 89° 55' 44" West for 159.06 feet to the Point of Beginning. Said tract of land containing 33.22 Acres, more or less.

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

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

President, Board of City Commissioners

ATTEST:

City Administrator

Date of Passage: June 3, 2014

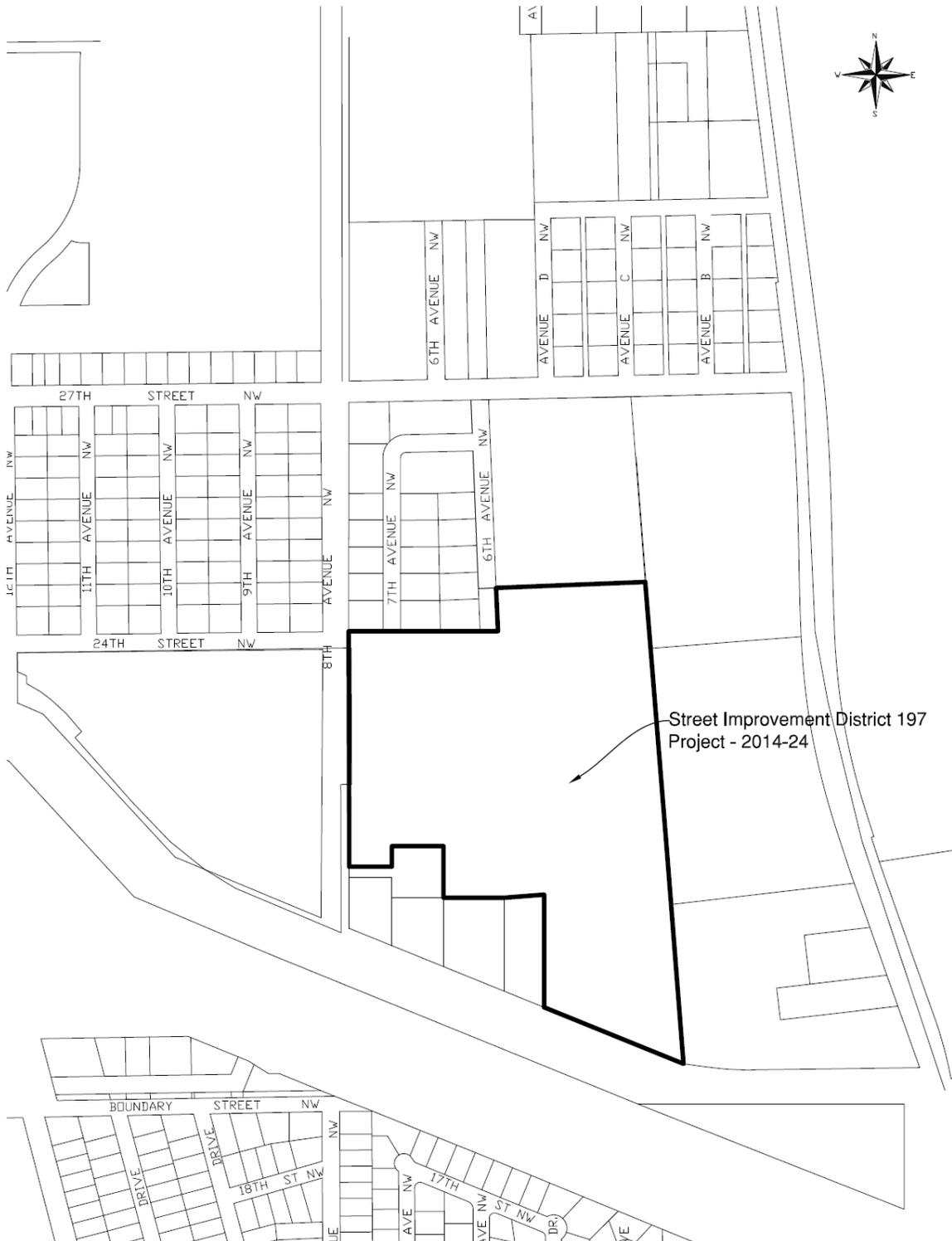
Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

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Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

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Engineer's Estimate of Probable Costs
 Street Improvement
 24th Street NW
 Mandan, ND
 Teco # 2201, MAY, 2014

SPEC NO.	DESCRIPTION	UNIT	QUAN.	UNIT PRICE	ENGINEERS EST.
202-4.1	UNCLASSIFIED EXCAVATION	CY	600	\$ 7.00	\$ 4,200.00
203-3.1	WATERING	M GAL	30	\$ 15.00	\$ 450.00
204-3.1	SUBGRADE PREPARATION	SY	3300	\$ 3.00	\$ 9,900.00
205-3.1	SILT FENCE	LF	200	\$ 10.00	\$ 2,000.00
205-3.4	6" FIBER ROLLS	LF	200	\$ 5.00	\$ 1,000.00
302-4.1	STABILIZED GRAVEL BASE	TON	1050	\$ 26.77	\$ 28,108.50
304-6.1B	AC STABILIZED BASE (CLASS B)2-1/2"	TON	445	\$ 120.00	\$ 53,400.00
401-6.2B	AC SURFACE COURSE (CLASS B)2"	TON	375	\$ 120.00	\$ 45,000.00
402-4.2	BITUMINOUS TACK COAT	GAL	160	\$ 2.50	\$ 400.00
403-4.1	BITUMINOUS SEAL COAT	SY	3030	\$ 3.00	\$ 9,090.00
602-4.1	6" CONCRETE	SF	435	\$ 7.50	\$ 3,262.50
603-5.3	STANDARD CURB & GUTTER	LF	1168	\$ 21.00	\$ 24,528.00
1201-4.1	4" TOPSOILING TO INCLUDE SEEDING & HYDROMULCH	Acre	0.5	\$ 18,000.00	\$ 9,000.00
1206-4.1	ADJ MANHOLE CASTING-ASPH PVMT	EA	2	\$ 500.00	\$ 1,000.00
1206-4.19	ADJUST VALVE BOX-UNPAVED AREA	EA	6	\$ 325.00	\$ 1,950.00
SP 8	SIGNS	EA	3	\$ 500.00	\$ 1,500.00
SP 9	ROAD CLOSED, BARRICADE	EA	2	\$ 600.00	\$ 1,200.00

CONSTRUCTION TOTAL= \$ 195,989.00

ENGINEERING, LEGAL, ADMINISTRATIVE & CONTINGENCY= \$ 68,596.15

CONSTRUCTION TOTAL= \$264,585.15

**RESOLUTION APPROVING ENGINEER'S REPORT AND
AUTHORIZING PREPARATION OF THE DETAILED PLANS
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 197**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 197 (Project # 2014-24), 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:	\$195,989.00
b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$68,596.15
c. Total estimated costs of the improvement:	\$264,585.15

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

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

Page 8 of 16

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

Dated this 3rd day of June 2014.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

Page 9 of 16

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR STREET IMPROVEMENT DISTRICT NO. 197
PROJECT # 2014-24**

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project in Street Improvement District No. 197 (Project # 2014-24) 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 June, 2014.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

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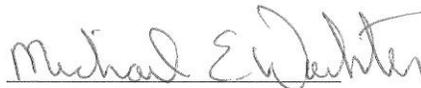
May 20, 2014

TECo #2189

PETITION

To the Honorable Board of City Commissioners of the City of Mandan, North Dakota.

The undersigned, being the developer of the attached Assessment Boundary Area in Mandan, North Dakota, hereby petitions the City of Mandan to create a Special Assessment District for the purpose of performing improvements consisting of asphalt paving, curb and gutter, earthwork and all work and material incidental thereto on 24th Street NW.



Developer: Mike Wachter

See attached drawings & description

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

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**RESOLUTION DETERMINING SUFFICIENCY OF FORMS OF PETITION, WAIVER
AND CONSENT TO ASSESSMENT FOR STREET IMPROVEMENT DISTRICT
NO. 197**

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

1. The City having received and filed executed written forms of Petition, Waiver and Consent to Assessment executed by Mike Wachter, the owners of a majority of property area, for the improvement in and for Street Improvement District No. 197, Project No. 2014-24("the District"), and true and correct copies of said executed forms being attached hereto, it is hereby determined that said forms are signed by the owners of a majority of the area of property included within the District.

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

Dated this 3rd day of June, 2014

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

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**FEASIBILITY AND EVALUATION OF IMPROVEMENTS
FOR STREET IMPROVEMENT DISTRICT #197, PROJECT #2014-24**

1.) General Nature of Project

The District has been created to allow for new street 24th Street NW. Installation of new curb & gutter, asphalt street, storm sewer & chip seal will take place with this project.

2.) Location of Proposed Construction

The proposed construction will take place on 24th Street NW.

3.) Environmental Impact

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

4.) Feasibility of Project

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

5.) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$195,989.00. Other costs of making the improvement including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; publication of legal notices printing of warrants; and all expenses incurred in the making of the improvement and levy of assessments therefore are estimated at \$68,596.15. The total cost for the improvement is estimated at \$264,585.15.



Justin Froseth
Planning and Engineering Director

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

Page 13 of 16

**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS
FOR STREET IMPROVEMENT DISTRICT NO. 197**

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

1. The City Administrator, Deputy Auditor and City Engineer shall meet at the time and place specified in the notice authorized in paragraph 2 hereof, for the purpose of opening sealed bids for the work and material needed for the improvement project to be made in Street Improvement District No. 197 (Project # 2014-24) of the City of Mandan, as more fully described and referred to in the resolution creating said improvement district passed and approved by the Board on June 3, 2014, and in the plans and specifications for said improvement now on file in the office of the City Engineer.

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

**“ADVERTISEMENT FOR BIDS FOR
STREET IMPROVEMENT DISTRICT NO. 197
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota will receive sealed bids at the office of the City Administrator until June 24, 2014, at 10:30 a.m., local time for the purpose of furnishing of materials, labor and skill needed for the new construction of storm sewer mains, asphalt streets, concrete curb and gutter and street lights and related work in accordance with the plans and specifications for Street Improvement District No. 197 (Project # 2014-24), for the City of Mandan. The Work consists of all labor, skill, and materials required to properly construct the improvement.

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

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

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documents may be downloaded by selecting this project from the "Bid Documents" tab and by entering Quest Project Number #3355933 on the "Search Projects" page. For assistance and the free membership registration, contact QuestCDN at (952)233-1632 or info@questcdn.com. Paper copies of the bid documents may be obtained from the City of Mandan Engineering office, 205 2nd Avenue Northwest, Mandan, North Dakota 58554 upon non-refundable payment of \$50.00 for each set. If Plans are mailed out and additional fee of \$15.00 will be added for postage and handling.

The bid proposals must be submitted to the City Administrator by 10:30 a.m., local time, June 24, 2014 and shall be sealed and endorsed "Proposal for Street Improvement District No 197. Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2nd Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:30 a.m., local time, on June 24, 2014. All bidders are invited to be present at the public opening of the Bids.

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

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

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

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

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

Page 15 of 16

All construction work on Project #2014-24 is to be completed no later than October 31, 2014 except the chip seal which will have a completion date of August 15, 2015.

Liquidated damages of \$100.00 per day will be assessed if any completion dates are exceeded.

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

The Board of City Commissioners will meet on Monday, June 30th, 2014, at 5:30 PM, local time, to determine the sufficiency of protests, to review the Bids submitted, consider the engineer's recommendation, and to award the contract to the successful Bidder, if protests have been deemed insufficient. The contract will be awarded on the basis of the low Bid submitted, on eligible areas, by a responsible and responsive Bidder deemed most favorable to the City's interest.

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

Dated this 3 day of June, 2014

City of Mandan, North Dakota
BY: James Neubauer

City Administrator"

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

4. The Board of City Commissioners shall meet on Monday, June 30, 2014 at 5:30 pm, local time, to review the bids submitted, consider the engineer's

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

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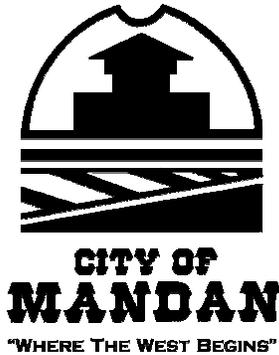
recommendation, and to award the contract to the successful bidder, subject to the Board finding that filed protests are insufficient to bar the work.

President, Board of City Commissioners

ATTEST:

City Administrator

Passed: June 3rd, 2014



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 3, 2014
PREPARATION DATE: May 29, 2014
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

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

BACKGROUND/ALTERNATIVES: The developer is requesting that the City allow the special assessment of street costs to the benefitting properties for the development of 24th Street NW between 6th Avenue NW and 8th Avenue NW.

ATTACHMENTS:

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

FISCAL IMPACT: Based on the estimate of cost included with your documentation, the cost of the project would be \$195,989.00, engineering and administration will add \$68,596.15, bringing the total to \$264,585.15. These items would be entirely special assessed to the

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

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benefitting properties. There are 33.22 acres in this special assessment district which brings the amount to be assessed at approximately \$0.18 per square foot.

STAFF IMPACT: Minimal

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

RECOMMENDATION: This office supports moving forward with the project.

SUGGESTED MOTION: I move to approve the Resolution creating district, approve Resolution approving Engineer's Report, approve Resolution of Plans and Specifications, approve Resolution determining sufficiency of petition, approve feasibility report and approve Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

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**RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NO. 193**

Project No. 2014-08

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

1. There is hereby created Street Improvement District No. 193 (the "District")(Project# 2014-08) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, 24th Street NW, and includes street construction, installation of curb and gutter, asphalt street, storm sewer, chip seal and related work.

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

The legal description of the district boundary is as follows:

A tract of land being a part of the NW1/4 of Section 22, Township 139 North, Range 81 West (formerly part of vacated Pioneer Industrial Park 1st Addition) of the 5th Principal Meridian, Morton County, North Dakota, being more particularly described as follows:

Beginning at the northwest corner of Lot 29, Block 2, Pioneer Industrial Park 1st Addition of the City of Mandan, Morton County, North Dakota, said point also being on the east boundary line of Lot 44, Block 2 of said Pioneer Industrial Park 1st Addition; thence North 00° 03' 53" East along said east boundary line for 877.37 feet to the southwest corner of Meadow Ridge 3rd Addition of the City of Mandan, Morton County, North Dakota; thence North 89° 57' 56" East along the south boundary line of said Meadow Ridge 3rd Addition for 557.81 feet to the southeast corner of said Meadow Ridge 3rd Addition, said point also being on the arc of a curve to the Right having a radius of 217.00 feet; thence along said curve to the Right and along the east boundary line of said Meadow Ridge 3rd Addition (the chord of which bears North 04° 30' 38" West, 16.88 feet) an arc length of 16.88 feet to the P.T. (Point of tangency) of said curve to the Right; thence North 02° 17' 07" West continuing along said east boundary line for

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

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144.85 feet to the southwest corner of Meadow Ridge 1st Addition of the City of Mandan, Morton County, North Dakota; thence North 87° 42' 57" East along the south boundary line of said Meadow Ridge 1st Addition for 557.47 feet to the southeast corner of said Meadow Ridge 1st Addition; thence South 04° 24' 47" East for 1802.54 feet to a point on the north Right-of-Way line of Old Red Trail; thence North 67° 58' 09" West along said north Right-of-Way line for 561.16 feet to the southeast corner of Lot 24, Block 2 of said Pioneer Park 1st Addition; thence North 00° 05' 06" East along the east boundary line of said Lot 24 for 421.11 feet to the northeast corner of said Lot 24; thence South 85° 27' 53" West along the north boundary line of said Lot 24 for 150.87 feet to the northeast corner of Lot 25, Block 2 of said Pioneer Park 1st Addition; thence South 89° 43' 02" West along the north boundary line of said Lot 25 for 225.81 feet to the southeast corner of Lot 28, Block 2 of said Pioneer Park 1st Addition; thence North 00° 17' 58" West along the east boundary line of said Lot 28 for 192.91 feet to the northeast corner of said Lot 28; thence along the north boundary line of said Lot 28 the following three (3) courses; thence South 89° 42' 21" West for 191.51 feet; thence South 00° 03' 39" West for 74.97 feet; thence North 89° 55' 44" West for 159.06 feet to the Point of Beginning. Said tract of land containing 33.22 Acres, more or less.

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

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

President, Board of City Commissioners

ATTEST:

City Administrator

Date of Passage: June 3, 2014

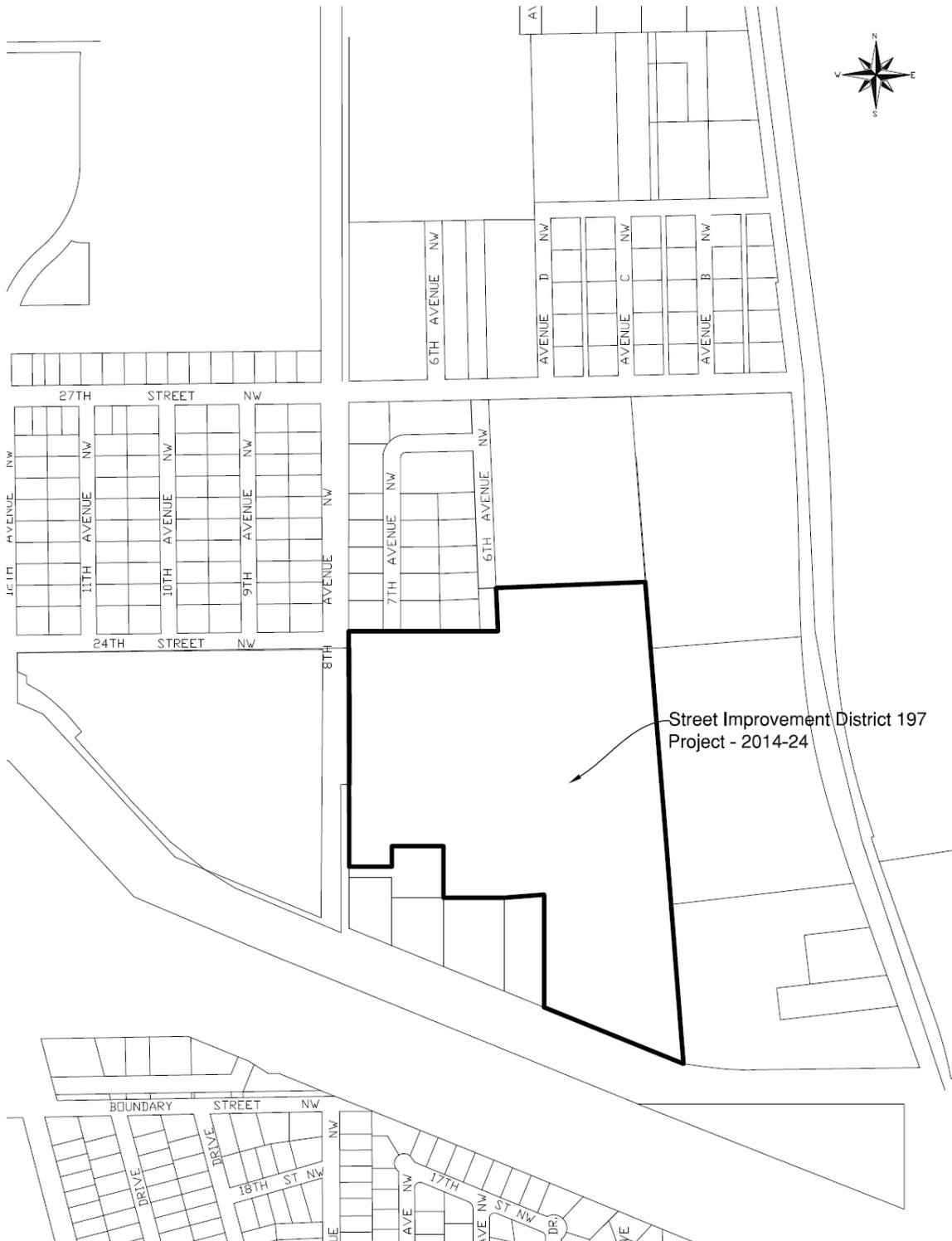
Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

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Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

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Engineer's Estimate of Probable Costs
 Street Improvement
 24th Street NW
 Mandan, ND
 Teco # 2201, MAY, 2014

SPEC NO.	DESCRIPTION	UNIT	QUAN.	UNIT PRICE	ENGINEERS EST.
202-4.1	UNCLASSIFIED EXCAVATION	CY	600	\$ 7.00	\$ 4,200.00
203-3.1	WATERING	M GAL	30	\$ 15.00	\$ 450.00
204-3.1	SUBGRADE PREPARATION	SY	3300	\$ 3.00	\$ 9,900.00
205-3.1	SILT FENCE	LF	200	\$ 10.00	\$ 2,000.00
205-3.4	6" FIBER ROLLS	LF	200	\$ 5.00	\$ 1,000.00
302-4.1	STABILIZED GRAVEL BASE	TON	1050	\$ 26.77	\$ 28,108.50
304-6.1B	AC STABILIZED BASE (CLASS B)2-1/2"	TON	445	\$ 120.00	\$ 53,400.00
401-6.2B	AC SURFACE COURSE (CLASS B)2"	TON	375	\$ 120.00	\$ 45,000.00
402-4.2	BITUMINOUS TACK COAT	GAL	160	\$ 2.50	\$ 400.00
403-4.1	BITUMINOUS SEAL COAT	SY	3030	\$ 3.00	\$ 9,090.00
602-4.1	6" CONCRETE	SF	435	\$ 7.50	\$ 3,262.50
603-5.3	STANDARD CURB & GUTTER	LF	1168	\$ 21.00	\$ 24,528.00
1201-4.1	4" TOPSOILING TO INCLUDE SEEDING & HYDROMULCH	Acre	0.5	\$ 18,000.00	\$ 9,000.00
1206-4.1	ADJ MANHOLE CASTING-ASPH PVMT	EA	2	\$ 500.00	\$ 1,000.00
1206-4.19	ADJUST VALVE BOX-UNPAVED AREA	EA	6	\$ 325.00	\$ 1,950.00
SP 8	SIGNS	EA	3	\$ 500.00	\$ 1,500.00
SP 9	ROAD CLOSED, BARRICADE	EA	2	\$ 600.00	\$ 1,200.00

CONSTRUCTION TOTAL= \$ 195,989.00

ENGINEERING, LEGAL, ADMINISTRATIVE & CONTINGENCY= \$ 68,596.15

CONSTRUCTION TOTAL= \$264,585.15

**RESOLUTION APPROVING ENGINEER'S REPORT AND
AUTHORIZING PREPARATION OF THE DETAILED PLANS
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 197**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 197 (Project # 2014-24), 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:	\$195,989.00
b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$68,596.15
c. Total estimated costs of the improvement:	\$264,585.15

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

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

Page 8 of 16

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

Dated this 3rd day of June 2014.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

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**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR STREET IMPROVEMENT DISTRICT NO. 197
PROJECT # 2014-24**

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project in Street Improvement District No. 197 (Project # 2014-24) 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 June, 2014.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

Page 10 of 16

May 20, 2014

TECo #2189

PETITION

To the Honorable Board of City Commissioners of the City of Mandan, North Dakota.

The undersigned, being the developer of the attached Assessment Boundary Area in Mandan, North Dakota, hereby petitions the City of Mandan to create a Special Assessment District for the purpose of performing improvements consisting of asphalt paving, curb and gutter, earthwork and all work and material incidental thereto on 24th Street NW.



Developer: Mike Wachter

See attached drawings & description

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

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**RESOLUTION DETERMINING SUFFICIENCY OF FORMS OF PETITION, WAIVER
AND CONSENT TO ASSESSMENT FOR STREET IMPROVEMENT DISTRICT
NO. 197**

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

1. The City having received and filed executed written forms of Petition, Waiver and Consent to Assessment executed by Mike Wachter, the owners of a majority of property area, for the improvement in and for Street Improvement District No. 197, Project No. 2014-24("the District"), and true and correct copies of said executed forms being attached hereto, it is hereby determined that said forms are signed by the owners of a majority of the area of property included within the District.

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

Dated this 3rd day of June, 2014

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

Page 12 of 16

**FEASIBILITY AND EVALUATION OF IMPROVEMENTS
FOR STREET IMPROVEMENT DISTRICT #197, PROJECT #2014-24**

1.) General Nature of Project

The District has been created to allow for new street 24th Street NW. Installation of new curb & gutter, asphalt street, storm sewer & chip seal will take place with this project.

2.) Location of Proposed Construction

The proposed construction will take place on 24th Street NW.

3.) Environmental Impact

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

4.) Feasibility of Project

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

5.) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$195,989.00. Other costs of making the improvement including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; publication of legal notices printing of warrants; and all expenses incurred in the making of the improvement and levy of assessments therefore are estimated at \$68,596.15. The total cost for the improvement is estimated at \$264,585.15.



Justin Froseth
Planning and Engineering Director

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

Page 13 of 16

**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS
FOR STREET IMPROVEMENT DISTRICT NO. 197**

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

1. The City Administrator, Deputy Auditor and City Engineer shall meet at the time and place specified in the notice authorized in paragraph 2 hereof, for the purpose of opening sealed bids for the work and material needed for the improvement project to be made in Street Improvement District No. 197 (Project # 2014-24) of the City of Mandan, as more fully described and referred to in the resolution creating said improvement district passed and approved by the Board on June 3, 2014, and in the plans and specifications for said improvement now on file in the office of the City Engineer.

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

**“ADVERTISEMENT FOR BIDS FOR
STREET IMPROVEMENT DISTRICT NO. 197
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota will receive sealed bids at the office of the City Administrator until June 24, 2014, at 10:30 a.m., local time for the purpose of furnishing of materials, labor and skill needed for the new construction of storm sewer mains, asphalt streets, concrete curb and gutter and street lights and related work in accordance with the plans and specifications for Street Improvement District No. 197 (Project # 2014-24), for the City of Mandan. The Work consists of all labor, skill, and materials required to properly construct the improvement.

Contractors and vendors desiring plans and specifications for personal use may secure digital copies from www.questcdn.com for a fee of \$25.00. These documents may be downloaded by selecting this project from the “Bid Documents” tab and by entering Quest Project Number #3355933 on the “Search Projects” page. For assistance and the free membership registration, contact QuestCDN at (952)233-1632 or info@questcdn.com.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

Page 14 of 16

Paper copies of the bid documents may be obtained from the City of Mandan Engineering office, 205 2nd Avenue Northwest, Mandan, North Dakota 58554 upon non-refundable payment of \$50.00 for each set. If Plans are mailed out and additional fee of \$15.00 will be added for postage and handling.

The bid proposals must be submitted to the City Administrator by 10:30 a.m., local time, June 24, 2014 and shall be sealed and endorsed "Proposal for Street Improvement District No 197. Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2nd Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:30 a.m., local time, on June 24, 2014. All bidders are invited to be present at the public opening of the Bids.

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

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

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

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

All construction work on Project #2014-24 is to be completed no later than October 31, 2014 except the chip seal which will have a completion date of August 15, 2015.

Liquidated damages of \$100.00 per day will be assessed if any completion dates are exceeded.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

Page 15 of 16

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

The Board of City Commissioners will meet on Monday, June 30th, 2014, at 5:30 PM, local time, to determine the sufficiency of protests, to review the Bids submitted, consider the engineer's recommendation, and to award the contract to the successful Bidder, if protests have been deemed insufficient. The contract will be awarded on the basis of the low Bid submitted, on eligible areas, by a responsible and responsive Bidder deemed most favorable to the City's interest.

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

Dated this 3 day of June, 2014

City of Mandan, North Dakota

BY: James Neubauer

City Administrator"

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

4. The Board of City Commissioners shall meet on Monday, June 30, 2014 at 5:30 pm, local time, to review the bids submitted, consider the engineer's recommendation, and to award the contract to the successful bidder, subject to the Board finding that filed protests are insufficient to bar the work.

President, Board of City Commissioners

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

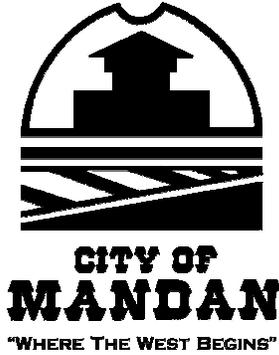
Subject: Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 197, Project No. 2014-24 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

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ATTEST:

City Administrator

Passed: June 3rd, 2014



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 3, 2014
PREPARATION DATE: May 29, 2014
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Engineering & Planning Director
SUBJECT: Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for street improvement Project 2014-20(Missouri Valley Addition Replat).

STATEMENT/PURPOSE: To authorize the installation of street improvement for the development of the subject area.

BACKGROUND/ALTERNATIVES: The Missouri Valley Addition Replat is located north of I-94 and along Sunset Drive NW. The work to be done is on 31st Street NW. The developer is paying for the cost of the improvement and then the city will take ownership after construction therefore, this is being paid for under a 3-way agreement. A letter of credit has been secured for the project.

ATTACHMENTS:

1. Project Vicinity Map
2. 3-way agreement
3. Resolution Approving Plans and Specifications and Authorizing Execution of 3-way Agreement

FISCAL IMPACT: The entire cost of the project is being paid by the developer as part of the 3 way agreement.

STAFF IMPACT: Minimal

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

RECOMMENDATION: This office supports the authorization to move forward with this project.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for street improvement Project 2014-20(Missouri Valley Addition Replat).

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SUGGESTED MOTION: I move to approve the resolution approving the plans and specifications and authorizing execution of 3-way agreement for street improvement Project 2014-20 (Missouri Valley Addition Replat).

Board of City Commissioners

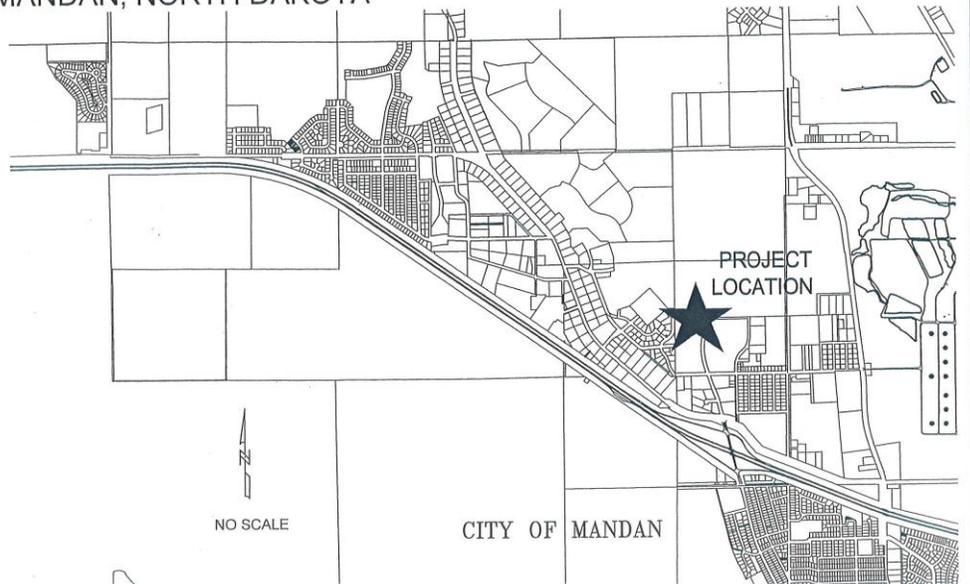
Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for street improvement Project 2014-20(Missouri Valley Addition Replat).

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MISSOURI VALLEY ADDITION REPLAT
STREET IMPROVEMENTS
CITY PROJECT NO. 2014-20
MANDAN, NORTH DAKOTA



Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for street improvement Project 2014-20(Missouri Valley Addition Replat).

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2200

3-WAY AGREEMENT

MVA Addition Replat – 31st Street NW

Street IMPROVEMENT PROJECT No. 2014-20

THIS AGREEMENT, made on this ____ day of _____ 20____, between the City of Mandan, a municipal corporation, hereinafter called the CITY, Moen Construction & Sunset Development, hereinafter called the DEVELOPER, and Professional Contractors, Inc. hereinafter called the CONTRACTOR. The ENGINEER mentioned in this contract shall be Toman Engineering Co.

WHEREAS, the CONTACTOR wishes to enter upon the public streets and rights-of-way to construct, under a private contract, the following improvements:

Water Mains Sanitary Sewer Mains Storm Sewer Mains
 Streets Other:

for property to be developed and offered for sale by the DEVELOPER; and

WHEREAS, the CITY wishes to safeguard the public interest by assuring that said construction work will be in accord with plans, specifications and requirements of the CITY and will be completed in a proper and safe manner in accord with said ENGINEER prepared plans and specifications for said type of work; and

WHEREAS, the DEVELOPER has filed a petition to the Board of City Commissioners to permit the DEVELOPER to contract directly for said improvements.

NOW, THEREFORE, it is agreed between the parties for the considerations herein named, as follows:

(1) LICENSE TO CONSTRUCT.

The CITY grants to the DEVELOPER the right, privilege, and license to enter upon and construct in the public rights-of-way of the CITY the above improvements in the following streets:

To work within the 31st Street Right-of-Way

which license shall continue so long as the DEVELOPER performs the agreements by it herein.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for street improvement Project 2014-20(Missouri Valley Addition Replat).

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(2) SCOPE OF WORK.

The DEVELOPER will, through a CONTRACTOR licensed under the laws of North Dakota, do said work, including furnishing all materials, equipment and labor necessary to perform all of the work shown on the plans and specifications prepared by a licensed professional engineer, which are hereby referred to and made a part of this Agreement. Construction staking as required by the CITY shall be done by the ENGINEER at the expense of the DEVELOPER. The CONTRACTOR shall complete all stubouts to the property line on utilities to be constructed under this contract.

All work incidental to the project, such as grading, taps to the watermain, seeding, chlorine, clean up, and any other usual charges as determined by the ENGINEER shall be borne by the CONTRACTOR.

(3) TIME OF COMMENCEMENT AND COMPLETION

The anticipated date for allowing construction to start will be July 15, 2014. The CONTRACTOR shall have until August 30, 2014 to complete the project to the satisfaction of the ENGINEER and the CITY. If the earthwork contractor completes their grading work sooner than June 30, 2014 the CONTRACTOR may be allowed an earlier start date.

(4) CITY AUTHORITY AND RESPONSIBILITY

The City Engineer, other City staff and agents for the city shall at all times have access to the project site during construction of the public improvements. The City Engineer shall be the final arbiter when questions arise concerning interpretation and compliance with the plans, specifications, City design requirements and City ordinances. Failure of the developer, design engineer or contractor to comply with the directives of the City Engineer shall be sufficient grounds to issue a stop work order or require installed work to be removed and reconstructed.

(5) DESIGN ENGINEER AUTHORITY AND RESPONSIBILITY

The ENGINEER hired by the DEVELOPER is responsible for providing day to day monitoring and direction of the work. Daily logs shall be maintained and made available to the City. The ENGINEER is responsible to provide the CONTRACTOR in a timely manner with all needed information regarding grades and locations of work. Should a dispute arise between the CONTRACTOR and the ENGINEER over interpretation of the plans, the City Engineer shall be consulted and the City Engineer shall render a decision. Any deviation from the location of facilities shown on the plans must be approved in writing by the City Engineer before commencing with construction of the deviation. All deviations from the approved plans shall be documented with as-built drawings prepared by the ENGINEER. Approval by the CITY of the as-built drawings is a condition of project approval and acceptance by the CITY.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for street improvement Project 2014-20(Missouri Valley Addition Replat).

Page 6 of 10

(6) PAYMENT.

The DEVELOPER shall provide an irrevocable letter of credit or a certificate of deposit from a bona fide financial institution in the amount of the project cost including services provided by the CITY. The irrevocable letter of credit expiration date shall be a minimum of 60 days past the time of completion or any extensions of this agreement. The project cost is \$ _____. Final payment will be for actual quantities used. A copy of the accepted proposal is attached to the back of and made a part of this Agreement.

The DEVELOPER will be responsible to pay the CONTRACTOR for all of the Agreement work in accordance with the plans, specifications, and proposal prepared by the DEVELOPER'S representative and made a part of this Agreement. The ENGINEER shall measure the work completed and submit to the ENGINEER. The ENGINEER will submit approved progress payments to the DEVELOPER. The CITY shall have no obligations, liability or responsibility for any payment due to any party under this Agreement or otherwise arising from the work under this Agreement. In no event shall the CITY be responsible for any payments whatsoever, including payments for additional work or payments for costs occasioned by unforeseen or changed conditions encountered during the work.

(7) CONTENTS OF CONTRACTOR'S CONTRACT.

All contracts made by the CONTRACTOR with any person, firm, or corporation in connection with or in carrying out the contract work shall provide: "This contract is subject to all the terms and conditions of a contract dated _____, between the CITY, the DEVELOPER and the CONTRACTOR."

(8) OWNERSHIP OF WORK LINES.

All contract work, except utility stubouts, furnished or placed in the public streets, alleys, or rights-of-way shall become the property of the City of Mandan. The placing and furnishing of all contract work by the DEVELOPER, its CONTRACTOR, its subcontractors, if any, and by an person, firm or corporation, as labor or material or otherwise, shall be under the provisions of this contract and with the express waiver of any right to claim against the CITY, or to make claims or lien against the contract work.

(9) WARRANTY.

The CONTRACTOR shall guarantee all work against faulty materials and workmanship for a period of one year from the date of final acceptance and the performance bond of the contract shall remain in full force and effect for that period.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for street improvement Project 2014-20(Missouri Valley Addition Replat).

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(10) VERBAL AGREEMENTS.

No verbal agreements or conversation with any officer, agent, or employee of the CITY or ENGINEER before or after the execution of this contract shall affect or modify any of their terms or obligations contained in the documents comprising the contract.

(11) PROTECTION OF PUBLIC AND WORK.

The CONTRACTOR shall provide and maintain all necessary watchmen, barricades, lights, and warning signs and take all necessary precautions for protection of the public, and shall further maintain at all times adequate protection of the work from damage. The CONTRACTOR shall also obtain and furnish general liability insurance to protect itself, the CITY, DEVELOPER, and ENGINEER with an insurer licensed to do business in North Dakota, in the sum of \$1,000,000 for one accident, against and from all suits, actions, or claims of any character, name and description brought for or on account of any injuries or damages received or sustained by any person or persons or property on account of any negligent act or fault of the DEVELOPER, its CONTRACTOR, or officers, agents or employees in the execution of the contract, or on account of its failure to provide necessary barricades, warning lights, or signs, and as will protect the CITY, DEVELOPER, and ENGINEER from any contingent liability under this contract. In no case shall the liability insurance be less than specified in the special provisions of the project manual.

(12) UTILITIES.

It shall be the responsibility of the CONTRACTOR to familiarize itself with the location of all existing sewer, water mains and service lines, gas mains and service lines, telephone cable, power, light, and telephone poles, guys, valve boxes, stop boxes and all utilities installations that might be affected in the performance of the work. The CONTRACTOR shall notify all utility companies at least 48 hours in advance excluding Saturdays, Sundays, holidays, and in accordance with N. D. Century Code Chapter 49-23 North Dakota One Call of any construction affecting said utilities, and shall work out with said utilities any conflicts or changes.

(13) CHANGE.

The Board of City Commissioners reserves the right to make any necessary changes in the alignment, grade, or design of the proposed work deemed by them advisable.

(14) CLEAN UP.

Extra materials, tools and temporary structures shall be removed by the CONTRACTOR and all dirt, rubbish, and excess earth from excavations shall be disposed of and the construction area left clean to the satisfaction of the ENGINEER, and the CITY. The CONTRACTOR shall maintain for a period of three months after completion of the work

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for street improvement Project 2014-20(Missouri Valley Addition Replat).

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the surface of unpaved trenches, adjacent curbs and gutter, sidewalks, driveways, shrubbery, fences, sod or other surfaces disturbed. The CONTRACTOR shall conduct its operations in such manner as to cause minimum inconvenience to adjoining property owners and the public.

Street surfacing in unpaved areas shall be restored to as good as or better than prior to construction by the CONTRACTOR. The CONTRACTOR shall be required to replace paving or gravel surface removed or damaged in the construction work or repair any area disturbed as a result of construction work to the satisfaction of and subject to the approval of the CITY.

(15) ASSURANCE OF PERFORMANCE AND PAYMENT OF BILLS.

The CONTRACTOR shall furnish a performance bond in an amount at least equal to one hundred percent (100%) of the total contract amount as security for the faithful performance of the contract and also a payment bond in an amount of not less than one hundred percent (100%) of the total contract amount as security for the payment of all persons performing labor on the payment of all persons performing labor on the project under the contract and furnishing materials in connection with the contract.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for street improvement Project 2014-20(Missouri Valley Addition Replat).

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IN WITNESS WHEREOF, the parties have executed the following agreement.

CITY OF MANDAN

Justin Froseth
Planning and Engineering Director

Arlyn Van Beek, President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

DEVELOPER

Moen Construction & Sunset Dev.
Firm Name


Authorized Representative

Don McGuire
Owner, Title

1131 Airport Road
Street Address

Bismarck, ND 58504
City, State, Zip

CONTRACTOR

Professional Contractors, Inc.
Firm Name


Authorized Representative

Don McGuire
Owner, Title

1131 Airport Road
Street Address

Bismarck, ND 58504
City, State, Zip

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for street improvement Project 2014-20(Missouri Valley Addition Replat).

Page 10 of 10

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND
AUTHORIZING EXECUTION OF 3-WAY AGREEMENT FOR WATER AND
SEWER IMPROVEMENT PROJECT NO. 2014-20**
(Missouri Valley Addition Replat)

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

1. That the plans and specifications for the Street Improvement Project No. 2014-20 serving Missouri Valley Addition Replat in the City of Mandan, as presented by Dwight Peyton, on behalf of themselves, are hereby approved, ratified and confirmed as the plans and specifications for said project, in accordance with which said improvement project will be constructed, subject to any further modifications of the plans and specifications by the Board as provided by law. The plans and specifications shall be filed in the Office of the City Administrator and City Engineer and open for public inspection. The named streets within the subdivision to receive the improvements are: 31st Street NW.

2. That the President of the Board is hereby authorized to enter into a 3-way agreement between the City of Mandan; the developer, Sunset Development, LLC, and the developer's contractor, contingent upon the City's receipt of an irrevocable escrow account covering construction costs.

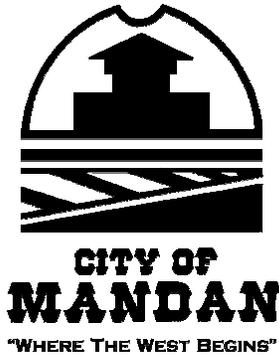
3. This resolution shall be in full force and effect from the date of its passage.

President, Board of City Commissioners

ATTEST:

James Neubauer, City Administrator

Date of Passage: June 3, 2014



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 3, 2014
PREPARATION DATE: May 30, 2014
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Consider approving Engineering Service Agreement with Wenck Associates, Inc. for Street Improvement District 195

STATEMENT/PURPOSE: Consider approving Engineering Services Agreement to provide construction engineering services for Street Improvement District 195.

BACKGROUND/ALTERNATIVES: Wenck and Associates were selected to provide design engineering services for the Street Improvement District No. 195 project (Roughriders). At the May 6th city commission meeting, the board approved awarding the project to Mariner Construction who were the low bidders at \$701,719.07. Given the satisfactory work that Wenck did in design engineering, and fair proposal they have put together for construction engineering services, we would recommend awarding the construction engineering services work for this project to them as well.

ATTACHMENTS:

- 1) Consulting Services Agreement
- 2) Attachment A, Scope of Services
- 3) Fee Breakdown

FISCAL IMPACT: As part of the projects' total cost, these services would be paid for by assessments to benefiting properties. At the proposed fee of 7% of construction cost, the amount for construction services would be \$49,120.33

STAFF IMPACT: Collaboration with Wenck throughout project will be necessary.

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

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving Engineering Service Agreement with Wenck Associates, Inc. for Street Improvement District 195.

Page 2 of 9

RECOMMENDATION: Approve the Engineering Services Agreement for construction engineering with Wenck Associates, Inc. for Street Improvement District 195.

SUGGESTED MOTION: I move to approve the Engineering Services Agreement for construction engineering with Wenck Associates, Inc. for Street Improvement District 195.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving Engineering Service Agreement with Wenck Associates, Inc. for Street Improvement District 195.

Page 3 of 9

CONSULTING SERVICES AGREEMENT

This Engineering Services Agreement (Agreement) for the "**Street Improvement District # 195, Project 2014-13**" outlines the terms and conditions under which Wenck Associates, Inc. (Wenck) will provide construction engineering and consulting services to the City of Mandan (City).

1. **Scope of Services.** The parties to this Agreement intend that the terms of this Agreement will apply to a range of different services as spelled out in Attachment A. Services in connection with any specific project and changes in a previously agreed scope of services shall be undertaken only after a written Authorization is executed by both parties. Wenck is solely responsible for determining the means and methods of performing the services described in any Authorization, and shall have complete responsibility to ensure the qualifications of all personnel (including subcontractor personnel) performing services described in any Authorization.
2. **Standard of Care.** In performing these services, Wenck shall assign qualified personnel and perform its service with the skill, diligence, and quality control measures ordinarily exercised by a recognized professional engineering consulting firm performing services of a similar nature at the same time and in the same geographical area. Wenck acknowledges that the City will be relying upon the accuracy, competence, and full performance of Wenck's services.
3. **Compliance with Laws and Facility Safety Rules.** Wenck shall comply with applicable laws, ordinances, statutes, rules and regulations in effect at the time the services are performed.
4. **Fees.** The fees set forth in Attachment A to this Agreement shall apply to all domestic services rendered by Wenck pursuant to any Authorization.
5. **Payment for Services Rendered Pursuant to an Authorization.** Payment by the City for properly rendered services shall be due within 30 days of receipt of an invoice. Wenck invoices will be submitted to the City on a monthly basis. If the City objects to any portion of an invoice, the City shall notify Wenck of the objection within fifteen days and shall work diligently, and in good faith, with Wenck to resolve any objections.

6. **Confidentiality.** With regards to "Confidential Information:"

- a. Wenck shall keep all Confidential Information in a secure location and shall not disclose any Confidential Information to any party except as authorized by the terms of this Agreement, or specifically authorized in writing by the City, or as required by a subpoena, warrant or court order.
- b. Wenck shall not use Confidential Information for any purpose except to perform services pursuant to the terms of this Agreement.
- c. Wenck shall immediately notify the City, in writing, upon receipt of a request for disclosure of any Confidential Information.

7. **Indemnity.** Wenck agrees to indemnify and hold the City harmless from any claim, cause of action, demand or other liability of any nature or kind (including the costs of reasonable attorney's fees and expert witness fees) arising out of any negligent act or omission of Wenck or any subcontractor of Wenck in connection with work performed under the terms of this Agreement.

8. **Insurance.** During the terms of this Agreement, Wenck shall maintain, at its expense, worker's compensation insurance, liability insurance covering bodily injury and property damage, and other insurance with the minimum coverage's listed below. These policies are to be issued in the broadest form commercially available under standard terms and conditions and shall be underwritten by insurers with adequate financial resources.

<u>Coverage Type</u>	<u>Coverage Limits</u>
Worker's Compensation	Statutory
Automobile Liability Insurance	\$1,000,000 combined single limit
CGL (General Liability Insurance)	\$2,000,000 aggregate and \$1,000,000 each occurrence
Professional Liability	\$1,000,000 per claim and in the aggregate

Upon receipt by the City, Wenck shall submit certificates of insurance evidencing compliance with these requirements.

9. **Nature of Relationship.** Wenck is an independent contractor and will not act as an agent or employee of the City for any purpose.

10. **Representatives.** Kevin Magstadt will be the representative for Wenck for the purpose of this Agreement. Jim Neubauer (City Administrator) will be the City's representative for the purposes of this Agreement.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving Engineering Service Agreement with Wenck Associates, Inc. for Street Improvement District 195.

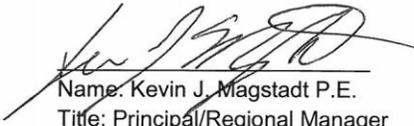
Page 5 of 9

11. **Termination.** This Agreement shall be terminable at will by either party upon written notice to the other party via certified mail. Termination of this Agreement does not relieve either party of its obligations with regard to Authorizations or work orders executed prior to the time of termination.
12. **Governing Law.** This Agreement is made in the State of North Dakota and shall be governed by its laws.
13. **Severability.** Invalidity or unenforceability of one or more provisions of this Agreement shall not affect any other provision of this Agreement.
14. **Entirety of Agreement.** This Agreement, along with any exhibits, appendices, addendums, schedules, and amendments hereto, encompasses the entire agreement of the parties and supersedes all previous understandings and agreements between the parties, whether oral or written. The parties hereby acknowledge and represent that said parties have not relied on any representation, assertion, guarantee, warranty, collateral contract or other assurance, except those set out in this Agreement, made by or on behalf of any other party or any other person or entity whatsoever, prior to the execution of this Agreement.

ON BEHALF OF
CITY OF MANDAN, ND

Name: Jim Neubauer
Title: City Administrator
Date: _____

WENCK ASSOCIATES INC.



Name: Kevin J. Magstadt P.E.
Title: Principal/Regional Manager
Date: 6/3/2014

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving Engineering Service Agreement with Wenck Associates, Inc. for Street Improvement District 195.

Page 6 of 9



Wenck Associates, Inc.
301 1st ST NE STE 202
Mandan, ND 58554

(701) 751-3370
Fax (701) 751-3372
E-mail: kmagstadi@wenck.com

Attachment A

June 3, 2014

Mr. Justin Froseth
Planning & Engineering Director
City of Mandan
205 Second Avenue NW
Mandan, ND 58554

RE: 2014 Mandan Street Improvement Districts 195, Project No. 2014-13
City of Mandan, North Dakota

Dear Mr. Froseth,

Wenck Associates, Inc. (Consultant) has prepared this scope of services for providing engineering services for construction engineering and contract administration for "**Street Improvement District 195, Project No. 2014-13**" for the City of Mandan, (City).

The following identifies work included in the scope:

General

It shall be the responsibility of the Consultant to administer, monitor, and inspect the Construction Contract such that the project is constructed in reasonable conformity with the plans, specifications, and special provisions for the Construction Contract.

Observe the Contractor's work to determine the progress and quality of work. Identify discrepancies, report significant discrepancies to the City, and direct the Contractor to correct such observed discrepancies.

Seek input from the City's Construction Project Manager relating to all Supplemental Agreement requests. Supplemental Agreements must be determined to be in accordance with City of Mandan specification prior to approval by the Consultant. For any Supplemental Agreement, prepare the Supplemental Agreement as a recommendation to the City, which the City may accept, modify or reject upon review. Consult with the Construction Project Manager as necessary and direct all issues which exceed delegated authority to the Construction Project Manager for City action or direction.

Inform the Construction Project Manager of any significant omissions, substitutions, defects, and deficiencies noted in the work of the Contractor and the corrective action that has been directed to be performed by the Contractor.

Survey Control:

Check or establish the survey control baseline(s) along with sufficient baseline control points and bench marks at appropriate intervals along the project in order to:

- (1) make and record measurements necessary to calculate and document quantities for pay items,
- (2) make and record pre-construction and final cross section surveys of the project site in those areas where earthwork (i.e., embankment, excavation, subsoil excavation, etc.) is part of the construction project, and
- (3) perform grade staking and incidental engineering surveys.

On-site Inspection:

Monitor the Contractor's on-site construction activities and inspect materials entering into the work in accordance with the plans, specifications, and special provisions for the Construction Contract to determine that the projects are constructed in reasonable conformity with such documents. Maintain detailed accurate records of the Contractor's daily operations and of significant events that affect the work. The City will monitor off-site activities and fabrication unless otherwise stipulated by this Agreement.

Sampling and Testing:

Coordinate sampling and testing of component materials and completed work in accordance with the Construction Contract documents. The minimum sampling frequencies set out in the City's Standard Specifications shall be met. In complying with the aforementioned guide, provide daily surveillance of the Contractor's Quality Control activities and coordinate the sampling and testing of materials and completed work items for verification and acceptance.

Determine the acceptability of all materials and completed work items on the basis of either test results or verification of a certification, certified mill analysis, label, stamp, etc.

The City will monitor the effectiveness of the Consultant's testing procedures through observation and independent assurance testing.

Sampling, testing and laboratory methods shall be as required by the City's Standard Specifications, Supplemental Specifications or as modified by the Special Provisions of the Construction Contract.

Documentation reports on sampling and testing coordinated by the Consultant shall be submitted during the same week that the construction work is done.

Engineering Services:

Coordinate the Construction Contract administration activities of all parties other than the Contractor involved in completing the construction project. Notwithstanding the above, the Consultant is not liable to the City for failure of such parties to follow written direction issued by the Consultant.

Services shall include maintaining the required level of surveillance of Contractor activities, interpreting plans, specifications, and special provisions for the Construction Contract.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 3, 2014

Subject: Consider approving Engineering Service Agreement with Wenck Associates, Inc. for Street Improvement District 195.

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Maintain complete, accurate records of all activities and events relating to the project and properly document all project changes. The following services shall be performed:

- (1) Attend a pre-service meeting for the Agreement. Provide appropriate staff to attend and participate in the pre-service meeting.
- (2) Schedule and attend a Final Estimate informational meeting with the City. Provide appropriate staff to attend and participate in this meeting.
- (3) Verify that the Contractor is conducting inspections, preparing reports and monitoring all storm water pollution prevention measures associated with the project.
- (4) Analyze the Contractor's schedule(s) (i.e. baseline(s), revised baseline(s), updates, as-built, etc.) for compliance with the contract documents. Elements including, but not limited to, completeness, logic, durations, activity, flow, milestone dates, concurrency, resource allotment, and delays will be reviewed. Verify the schedule conforms to the construction phasing, including all contract modifications. Provide a written review of the schedule identifying significant omissions, improbable or unreasonable activity durations, errors in logic, and any other concerns.
- (5) Maintain Daily Field Reports, detailing all weather conditions, personnel and equipment on site, significant conversations with contractors or others, and observations of all contractor activities.
- (6) Analyze problems that arise on a project and proposals submitted by the Contractor; work to resolve such issues, and process the necessary paperwork.
- (7) Produce reports, verify quantity calculations and field measure for payment purposes as needed to prevent delays in Contractor operations and to facilitate prompt processing of such information in order for the City to make timely payment to the Contractor.
- (8) Prepare and make presentations for meetings and hearings before the City in connection with the project covered by this Agreement.
- (9) Prepare and submit to the Construction Project Manager monthly, a construction status report, in a format to be specified by the City.
- (10) Video tape the pre-construction conditions throughout the project limits. Provide a digital photo log or video of project activities, with heavy emphasis on potential claim items/issues and on areas of real/potential public controversy.

Board of City Commissioners

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(11) Provide a digital camera for photographic documentation of pre-construction state and of noteworthy incidents or events during construction. These photographs will be filed and maintained on the Consultant's computer using a Digital Photo Management system. Photographs shall be taken the day prior to the start of construction and continue as needed throughout the project. Photographs shall be taken the days of Conditional, Partial and Final Acceptance.

Fee Breakdown

The total cost for the above scope will be performed on a percentage fee basis, as a percentage of the total final construction contract cost. As stated in our May 9, 2014 proposal, we propose a fee of seven percent for the above defined scope. Wenck Associates, Inc. will not exceed the authorized budget unless approved otherwise prior to proceeding, and will invoice on a monthly basis as a percentage of the contractor's work completed.

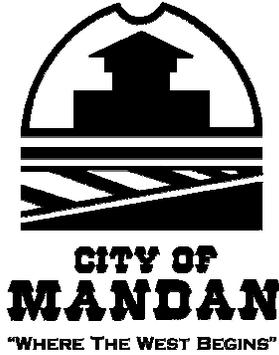
Should you have any questions, or need clarification of anything presented in this Attachment A to the Consulting Services Agreement, please do not hesitate to call me at (701) 751-3370.

Sincerely,

WENCK ASSOCIATES, INC.



Kevin J. Magstadt, PE
Principal/Regional Manager



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 3, 2014
PREPARATION DATE: May 30, 2014
SUBMITTING DEPARTMENT: Business Development & Communications Department
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: EDND 2015 Draft Legislative Agenda

STATEMENT/PURPOSE: To receive information about the Economic Development Association of North Dakota's draft legislative value statements and legislative priorities for the 2015 session.

BACKGROUND/ALTERNATIVES: The City of Mandan Business Development & Communications Department has a membership in EDND and Ellen Huber serves as the EDND state secretary-treasurer and member of the board of directors. EDND in February gathered member input on legislative priorities through a series of regional meetings including one hosted in Mandan. A draft set of value statements and legislative priorities stemmed from this and more input was sought in April through an online survey. A subcommittee of the board recently reviewed survey responses and EDND staff is in the process of incorporating changes. Next steps include distribution to the membership of the proposed statements and legislative priorities. Members will be asked to consider approval of the documents at a summer conference in Rugby on June 17-19. Huber will be absent from the EDND meeting due to a schedule conflict.

This report provides the Mandan City Commission with information and provides a chance for any suggestions to be conveyed to EDND prior to the June 17 meeting.

ATTACHMENTS: Survey results are attached. A second draft of the legislative priorities with changes made May 29 is forthcoming from EDND staff and anticipated prior to the June 3 meeting.

FISCAL IMPACT: n/a

STAFF IMPACT: n/a

LEGAL REVIEW: n/a

RECOMMENDATION: No action is required unless the Mandan City Commission wishes to forward for EDND member consideration any suggestions for improvement or changes to the draft value statements and priorities.

SUGGESTED MOTION: None

2015 EDND Draft Legislative Agenda

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April 2014 Survey Responses (1 – High Priority, 5 – Low Priority)

EDND supports the following:

1. Workforce Availability and Development
 - a. Funding increase for affordable housing (Housing Incentive Fund). (1.55)
 - b. Additional funding for Flex Pace to support affordable housing. (1.55)
 - c. Funding for sustaining and increasing childcare capacity programs. (1.76)
 - d. Additional funding and greater flexibility for the New Jobs Training Program, [TrainND](#) Workforce 20/20 and Operation Intern to better meet business needs. (1.9)
 - e. State funding to enhance private sector support for the new workforce recruitment campaign “Find the Good Life in North Dakota,” aimed at attracting a permanent private-sector workforce to meet the growing needs of North Dakota’s robust economy. (2.14)
2. Business Development and Entrepreneurship
 - a. State funding increase for regional Small Business Development Centers [and regional councils](#). (1.71)
 - b. Gap financing program for large, targeted economic development projects (closing fund). (2.00)
 - c. State policy that creates a favorable environment for the expansion of affordable broadband services. (2.08)
3. Business Financing and Incentives
 - a. Maintenance of a strong Renaissance Zone program. (1.63)
 - b. Continuation of TIF district as a business incentive for building, renovation and new construction, or to address site development hurdles. (1.7)
 - ~~c.~~ [Creation of a structure to evaluate and enhance state economic development tax incentives over a 6-8 year period periodically](#) to grow and diversify our economy. (1.88)
 - ~~d.~~ [Reauthorize and enhance the automation tax credit.](#)
4. Infrastructure Development
 - a. Enhancements for large economic development infrastructure projects. (1.67)
 - b. Incentives for future construction that is fiber ready. (2.17)
5. Community Development
 - a. [Funding for state sponsored mainstreet development programs.](#)
- ~~5-6.~~ Pro-Business Climate
 - a. [Reduction of local property tax obligations through increased state funding of K-12 education. \(2.21\)](#)
 - ~~a-b.~~ Reduction in corporate and personal income tax. (3.04)
 - ~~b.~~ [Reduction of local property tax obligations through increased state funding of K-12 education. \(2.21\)](#)
- ~~6-7.~~ Technology Commercialization
 - a. Funding for Research ND. (2.46)

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Economic Development Association of North Dakota Value Statements April 2014 Survey Responses

Workforce Availability and Development

Workforce availability is the most significant challenge facing North Dakota businesses, limiting the growth potential of the state's economy. EDND supports the development of workforce attraction, development, and training strategies that address the needs of the state's companies. EDND recognizes the importance of connecting businesses and education through expanded career counseling, career and technical education, and post-secondary education and training programs that support the most critical occupational needs. EDND supports affordable housing and childcare programs, which are essential for workforce development.

Business Development and Entrepreneurship

Innovation, entrepreneurship, and start-up ventures that bring new wealth to the state are essential in growing and diversifying an economy. EDND recognizes North Dakota communities have been challenged to attract the capital necessary to support the growth of early stage companies, and the state is uniquely positioned to address this challenge as North Dakota continues to expand its positive profile. EDND also supports consistent and stable funding to maintain or expand entrepreneur assistance services [and a more coordinated state entrepreneurial ecosystem.](#)

Business Financing and Incentives

Appropriate financing tools are essential to the success of any business. EDND has worked with the North Dakota Department of Commerce and the Bank of North Dakota to create detailed and flexible financing options and understands the importance of sustaining these programs. EDND views business incentives as investments that are targeted at the state and local level to encourage capital investment, property tax base expansion, job creation and retention, increased economic activity, diversification, and community development. EDND supports local decision making and flexibility regarding business financing and incentives.

Infrastructure Development

Essential infrastructure is critically important to the health and vitality of North Dakota in this time of tremendous growth. EDND supports judicious yet progressive investment strategies that maintain existing infrastructure and create infrastructure for future growth. EDND believes statewide support is necessary to promote planning by local governments. EDND supports [a statewide water development and](#) a strong statewide transportation system, which [is are both](#) vital to economic development, and long-range planning [for all transportation services.](#)

Community Development

The growth potential of North Dakota communities and rural areas depends on the quality of life that exists in those communities. In addition, EDND believes funding for leadership, professional, and community development programs is critical. Quality of place is essential in attracting talent to live and work in communities and in revitalization, diversification, and creation of new wealth.

Pro-Business Climate

Improving the state's economic and business climate through creating and supporting a competitive taxation and regulatory environment that promotes a free market system is essential. EDND understands a stable tax base is critical to the continued growth of the state's economy.

Technology Commercialization

One way to diversify the state's economy is to leverage technology commercialization research expertise at North Dakota's institutions of higher education. EDND supports a research program that creates a clear system of metrics to evaluate success, focuses on targeted research areas, provides additional technical assistance for individuals or businesses working with these universities, and creates a stronger connection to the business community.

DRAFT

2015 EDND Draft Legislative Agenda

April 2014 Survey Responses (1 – High Priority, 5 – Low Priority)

EDND supports the following:

1. Workforce Availability and Development
 - a. Funding increase for affordable housing (Housing Incentive Fund). (1.55)
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 - d. Additional funding and greater flexibility for the New Jobs Training Program, Workforce 20/20 and Operation Intern to better meet business needs. (1.9)
 - e. State funding to enhance private sector support for the new workforce recruitment campaign “Find the Good Life in North Dakota,” aimed at attracting a permanent private-sector workforce to meet the growing needs of North Dakota’s robust economy. (2.14)
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 - a. State funding increase for regional Small Business Development Centers. (1.71)
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 - a. Maintenance of a strong Renaissance Zone program. (1.63)
 - b. Continuation of TIF district as a business incentive for building, renovation and new construction, or to address site development hurdles. (1.7)
 - c. Creation of a structure to evaluate and enhance state economic development tax incentives over a 6-8 year period to grow and diversify our economy. (1.88)
4. Infrastructure Development
 - a. Enhancements for large economic development infrastructure projects. (1.67)
 - b. Incentives for future construction that is fiber ready. (2.17)
5. Pro-Business Climate
 - a. Reduction in corporate and personal income tax. (3.04)
 - b. Reduction of local property tax obligations through increased state funding of K-12 education. (2.21)
6. Technology Commercialization
 - a. Funding for Research ND. (2.46)

April 2014 Survey Responses (1 – High Priority, 5 – Low Priority)

1. Funding increase for affordable housing (Housing Incentive Fund). (1.55)
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11. State funding to enhance private sector support for the new workforce recruitment campaign “Find the Good Life in North Dakota,” aimed at attracting a permanent private-sector workforce to meet the growing needs of North Dakota’s robust economy. (2.14)
12. Incentives for future construction that is fiber ready. (2.17)
13. Reduction of local property tax obligations through increased state funding of K-12 education. (2.21)
14. Funding for Research ND. (2.46)
15. Reduction in corporate and personal income tax. (3.04)

Economic Development Association of North Dakota Value Statements

April 2014 Survey Responses

Workforce Availability and Development

Workforce availability is the most significant challenge facing North Dakota businesses, limiting the growth potential of the state's economy. EDND supports the development of workforce attraction, development, and training strategies that address the needs of the state's companies. EDND recognizes the importance of connecting businesses and education through expanded career counseling, career and technical education, and post-secondary education and training programs that support the most critical occupational needs. EDND supports affordable housing and childcare programs, which are essential for workforce development.

Survey Comments:

- EDND supports funding to all students and learners who are pursuing education and training.
- I would like to see a direct statement as to the need to expand TrainND to additional institutions
- I believe it is positive but leaves out the second most significant challenge and that is creating a vibrant entrepreneurial eco system in our state!
- Excellent value statement! Consider adding to the statement something about marketing of the opportunities in North Dakota with an emphasis on educating our youth and their parents on the opportunities, required skill sets, and education requirements. The parents of today's youth still believe in the model of immediately seeking a four year degree. Today's opportunities in North Dakota have shifted and have more dynamic education requirements that may or may not include a bachelor's degree. Many rural communities are concerned about maintaining core services such as electricians, carpenters, dentists, optometrists, etc - we should provide assistance and marketing of opportunities in a variety of skilled areas in rural areas.

Business Development and Entrepreneurship

Innovation, entrepreneurship, and start-up ventures that bring new wealth to the state are essential in growing and diversifying an economy. EDND recognizes North Dakota communities have been challenged to attract the capital necessary to support the growth of early stage companies, and the state is uniquely positioned to address this challenge as North Dakota continues to expand its positive profile. EDND also supports consistent and stable funding to maintain or expand entrepreneur assistance services.

Survey Comments:

- EDND supports increased funding for entrepreneurs or through a business incubator in which they are located.
- Excellent - technology has opened many doors to rural communities and while there have been projects of entrepreneurs seeking relocate or expand to rural communities, financing these deals is very difficult as they include purchasing technology equipment and working capital.
- This entrepreneurial funding should be passed down to the local EDC's (the people on the street) to administer and not be tied to University engagement nor administered by the state

Business Financing and Incentives

Appropriate financing tools are essential to the success of any business. EDND has worked with the North Dakota Department of Commerce and the Bank of North Dakota to create detailed and flexible financing options and understands the importance of sustaining these programs. EDND views business incentives as investments that are targeted at the state and local level to encourage capital investment, property tax base expansion, job creation and retention, increased economic activity, diversification, and community development. EDND supports local decision making and flexibility regarding business financing and incentives.

Survey Comments:

- I agree with local control and the primary sector definition needs to be revamped to clearly include new technology. We need to have incentives strengthened and focused on existing companies.

Infrastructure Development

Essential infrastructure is critically important to the health and vitality of North Dakota in this time of tremendous growth. EDND supports judicious yet progressive investment strategies that maintain existing infrastructure and create infrastructure for future growth. EDND believes statewide support is necessary to promote planning by local governments. EDND supports a strong statewide transportation system, which is vital to economic development, and long-range planning for all transportation services.

Survey Comments:

- I agree, however it should be of importance for not only the west and east, what about the central part of the state
- EDND supports a long term pool of funds to support and finance infrastructure development at the local level especially single family housing and business development and expansion.
- It is essential that infrastructure development include access to GRANT programs statewide to support water and sewer trunk line replacement projects. Many rural communities have 70+ year old water and sewer trunk lines that are in desperate need of replacement. Some communities were able to lobby for State Water Commission funding in the 2013 Session but when applying for funds after the session, the SWC considered proving funds as loans rather than grants. Today, SWC pending policy only supports grants to growing communities - which undermines the 20 counties across the state that have projected population decline. There are no grants for waste water projects outside the Impact Fund which is only available to oil patch communities. Most rural communities cannot afford to undertake major infrastructure replacement projects without grant assistance. There are many available debt options already available. Grant funds should also require utility rate analysis to assure that the grantees are able to maintain and build reserve funds to support emergency and replacement needs.

Community Development

The growth potential of North Dakota communities and rural areas depends on the quality of life that exists in those communities. In addition, EDND believes funding for leadership, professional, and community development programs is critical. Quality of place is essential in attracting talent to live and work in communities and in revitalization, diversification, and creation of new wealth.

Survey Comments:

- Funding/Grant source to help infrastructure construction and upgrades in Cities.
- EDND supports investment in Quality of Place amenities and systems that positively impact employee recruiting and retention.
- I agree - also allocating dollars to the central part of the state, not only the west or east. Our needs are just as great as anyone else, only on a smaller scale.
- Love this value statement! Many of our rural areas across the state continue to battle the long-term historic challenges of population decline, significantly higher median age than the state's median age, access to transportation, etc. While some rural communities have experienced population growth, the existing housing stock was quickly exhausted and these communities are now struggling to grow due to lack of infrastructure, and wherewithal to expand the city boundaries, and funding to grow. There is a need to strengthen non-profit developers and funding resources that may assist these communities with the construction of new housing for seniors, families, etc. Healthcare providers in rural areas also struggle to maintain quality services due to an inability to retain professional personnel. State infrastructure program policies are shifting to only supporting growing communities which is leaving many rural communities wondering how they will tackle major water and sewer infrastructure

replacement projects to address 70+ year old infrastructure. There are still 20 counties in the state with projected population decline - how do we assure the rising tide lifts all ships across the state and assist those communities that are trying to help themselves but just simply don't have the resources to it without state and federal support.

- Yes, agree. Young adults have told me "there really isn't anything for me to do when I'm off work, except video games, TV and eating." Not attractive to the 20 yr. olds for the long-term.
- add Funding for Community Education purposes as it pertains to Community Development .. A follow up to that could be matching grants for such things as Main Street or Downtown enhancement, revitalation and the planning for all the above.
- My concern is the some of the rural communities in North Dakota are getting left out of consideration. Their is starting to be a three distinct economic focuses: 1) Bakken, 2)Urban 3) Every one else. I am afraid this is going to cause a hollowed out effect on the state
- Agree!!!! NDSU Extension's budget request includes staffing 3 Area Community Vitality Specialists.

Pro-Business Climate

Improving the state's economic and business climate through creating and supporting a competitive taxation and regulatory environment that promotes a free market system is essential. EDND understands a stable tax base is critical to the continued growth of the state's economy.

Survey Comments:

- EDND supports investment of ND's income tax in infrastructure which will benefit all citizens and businesses and assist with control of property taxes. EDND supports reduction of property taxes through increased K-12 funding; however, the formula must be fair and balanced for all school districts. School districts must receive financial support to meet the changing educational needs of students.
- There should be a restructure of the income taxes.

Technology Commercialization

One way to diversify the state's economy is to leverage technology commercialization research expertise at North Dakota's institutions of higher education. EDND supports a research program that creates a clear system of metrics to evaluate success, focuses on targeted research areas, provides additional technical assistance for individuals or businesses working with these universities, and creates a stronger connection to the business community.

Survey Comments:

- I believe strongly in this statement but until the entire IP issue is resolved nothing significant will occur
- We should consider the methods to get the targeted research "out" to the entrepreneurs that take the research and make use of the information for private business use. I think there's a bit of a lag between the research and private business use?

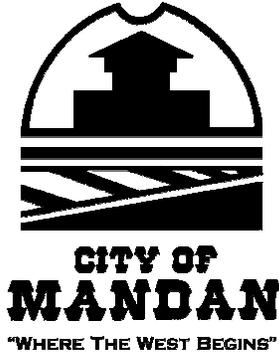
Additional Comments on legislative agenda items:

- EDND supports additional staff for the ND Department of Commerce to identify business opportunities for all of ND and connect those opportunities with communities across the state.
- I strongly suggest that the needs of the smaller communities are just as great as the west and east. The smaller communities because we are not jumping off the map, we are not seen for any needs. WE have as many needs as the rest only on a smaller scale.
- I would like to examine the feasibility of a state created or sponsored Main Street program to assist rural communities in improving downtown areas.
- I would appreciate consideration of EDND support for Regional Councils. NDCC 54-40.1 outlines the legislative intent on the role of Regional Councils, which were established by the State in 1973. The Regional Councils were formed to create a structure to support regional planning and addressing issues

and opportunities that transcend individual city or county boundaries. At the Red River Regional Councils, 13% of our revenue is from county dues and 87% from contracted services. We have little financial ability to be very proactive and assist communities with project development in the areas of housing and infrastructure. While some communities have the ability to contract for services, many don't. Given the growth across the state, the Regional Councils could play a larger role with the rural communities and provide expertise required to assist with project development and completion. The state and federal resources we've attracted have local match requirements which exhaust our dues quickly. Many of the resources do not support overhead costs. It would be terrific to take the Regional Councils out of survivor mode and into a proactive, regional development mode with more contemporary services, professional staff, training, etc. Some engineering firms are filling a void on land use and infrastructure planning and funding development, however, many rural communities cannot afford the billing rates (two or three fold a rate of a Regional Council staff) of these services or are only tackling mission critical elements rather than a comprehensive approach. I'm currently leading an effort with the Regional Council to develop a partnership proposal for legislative consideration and would like to work with EDND through this process.

- I am greatly concerned about smaller communities outside the Bakken. A great deal of emphasis is put on meeting the needs of the prospering and growing communities in oil country including housing, day care, infrastructure, etc. The larger communities seem to have developed the critical mass to grow without a lot of assistance including Fargo, Grand Forks, Bismarck and Minot, but communities such as Hillsboro, Cooperstown, Lisbon, Carrington, Harvey, and others continue to struggle with economic development issues. These communities, because of size, are under represented in the legislature and do not have the resources to move their agenda forward. EDND should champion their cause.

*The 2014 value statements and legislative agenda items were sent out to the primary contact of each EDND members for review on April 17. Approximately 50 percent of EDND's active (voting) members participated in this survey.



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 3, 2014
PREPARATION DATE: May 19, 2014
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Robert Decker, Principal Planner
SUBJECT: Consider for approval Ordinance 1185 to amend Sections 1-04-02 and 1-04-03 related to penalties and fines

STATEMENT/PURPOSE: The current language needs to be updated to conform to North Dakota Century Code language.

BACKGROUND/ALTERNATIVES: The current language limits penalties to amounts less than what is allowed in the North Dakota Century Code. This amendment brings the city Code into conformance with the NDCC.

The municipal judge and the city attorney have participated in the development of this ordinance.

ATTACHMENTS:

1. New wording version of ordinance
2. Ordinance version showing edits for adoption.

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION: The Engineering and Planning Office recommends approval.

PROPOSED MOTION: Based on the recommendation of staff, move to approve the first consideration of Ordinance 1185.

ORDINANCE NO. 1185

An Ordinance to Amend and Re-enact Section 1-04-02 and Section 1-04-03 of the Mandan Code of Ordinances Relating to Penalties and Fines.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA:

[*Straight text is unchanged from existing. Underline is new text. ~~Strike through is deleted text.~~*]

Section 1. Amendment. Section 1-04-02 of the City of Mandan Code of Ordinances relating to penalties and fines is hereby amended and re-enacted to read as follows:

Section 1-04-02 Penalty and fines.

1. Except where a penalty is stated for a specific violation, a violation of any ordinance, resolution or regulation is subject to a penalty up to the maximum allowed by the North Dakota Century Code.

2. For every violation of an ordinance regulating the operation or equipment of motor vehicles or regulating traffic the penalty or fine shall be as set forth in Title 39 of the North Dakota Century Code or in this code if no specific penalty is specified in the NDCC.

3. This section shall not be construed to prohibit the utilization of the sentencing alternatives, other than a fine or imprisonment, as provided in NDCC Section 12.1-32-02 for the violation of a city ordinance, nor shall this section limit the use of deferred or suspended sentences pursuant to NDCC Chapter 12-53 except as may be prohibited by state law or city ordinance.

Section 2. Amendment. Section 1-04-03 of the City of Mandan Code of Ordinances relating to offenses is hereby amended and re-enacted to read as follows:

Section 1-04-03 Classification of offenses.

1. Offense, for which a maximum penalty of thirty days imprisonment, a fine of one thousand five hundred dollars, or both may be imposed.

2. Infraction, for which a maximum fine of one thousand dollars may be imposed, provided that any person convicted of an infraction who has, within one year prior to commission of the infraction for which convicted, been previously convicted of an offense classified as an infraction of state statutes or the ordinances

of this or any other North Dakota municipality may be sentenced as though convicted of an offense. If the prosecution contends that the infraction is punishable as an offense, the complaint shall be that the offense is a misdemeanor.

3. All violations of the provisions of the ordinances of this city other than noncriminal traffic offenses are offenses unless specifically labeled infractions or unless a different classification or punishment is specifically authorized.

4. Wherever this code specifies a maximum penalty that is in conflict with subsections 1 and 2 above, the maximum penalties specified in subsections 1 and 2 above shall apply.

By: _____
Arlyn Van Beek, President
Board of City Commissioners

ATTEST:

Jim Neubauer
City Administrator

First Consideration: _____

Second Consideration and Final Passage: _____

Publication: _____

Section 1-04-03 Classification of offenses.

1. Offense, for which a maximum penalty ~~of~~ thirty days imprisonment, a fine of one thousand five hundred dollars, or both, may be imposed.

2. Infraction, for which a maximum fine of one thousand ~~five hundred~~ dollars may be imposed, provided that any person convicted of an infraction who has, within one year prior to commission of the infraction for which convicted, been previously convicted of an offense classified as an infraction of state statutes or the ordinances of this or any other North Dakota municipality may be sentenced as though convicted of an offense. If the prosecution contends that the infraction is punishable as an offense, the complaint shall be that the offense is a misdemeanor.

3. All violations of the provisions of the ordinances of this city other than noncriminal traffic offenses are offenses unless specifically labeled infractions or unless a different classification or punishment is specifically authorized.

4. Wherever this code specifies a maximum penalty that is in conflict with subsections 1 and 2 above, the maximum penalties specified in subsections 1 and 2 above shall apply.

By: _____
Arlyn Van Beek, President
Board of City Commissioners

ATTEST:

Jim Neubauer
City Administrator

First Consideration: _____

Second Consideration and Final Passage: _____

Publication: _____


CITY OF
MANDAN








"WHERE THE WEST BEGINS"

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Mandan Holding Trash & Litter Clean-Up Day Saturday, June 21

May 30, 2014 — City of Mandan officials are working with concerned citizens to plan a special day devoted to keeping Mandan litter free. Volunteers willing to help pick up trash are asked to gather Saturday, June 21 at 8:30 a.m. at Spirit of Life Catholic Church, 801 First Street SE in the activity center. Please use the north parking lot.

The initial gathering will be an opportunity to receive instructions, trash bags, safety vests (until gone) and gloves if needed. Volunteers are asked to wear long pants and to bring protective work or garden type gloves. Dental gloves will be made available for those in need of gloves. Refreshments and a morning snack will be provided. Organizers have a goal of recruiting 50 to 100 helpers for the task. Mandan resident Amy R. Schmidt helped spearhead the event with a request to City Commissioners and is assisting with coordination.

More information about the litter clean-up day will be posted here details become available. Volunteers may sign under the ["Meeting & Event Registration"](#) tab. Registration is helpful for planning purposes, but is not required. Citizens have also launched a ["Keep Mandan Beautiful" Facebook page](#). In the event of inclement weather, please check the City of Mandan website for information about postponement and an alternate date and meeting location.

Businesses, civic organizations and youth groups are invited to take a route. Some areas targeted for clean-up during the June 21 event, depending upon numbers of volunteers, include but may not be limited to the following:

- 19th Street SE — from Highway 6 to Highway 1806
- McKenzie Drive SE — from Marina Road SE to 40th Avenue SE
- Third Street SE — from Sixth Avenue SE to 24th Avenue SE
- Twin City Drive SE — from Main Street to Tuttle Avenue (Twin City Estates) and Bisman Avenue (from Twin City Drive to Memorial Highway)
- Mandan Avenue — from Main Street to Old Red Trail
- Missouri Drive — from Main Street to Mandan Avenue
- West Main Street — from 8th Avenue to Heart River Bridge;
- Old Red Trail — from Sunset Drive NW through the Seven Seas Inn

Businesses may also support the June 21 event by cleaning up the exteriors of their own buildings, awnings, lots, fence lines and landscaping. Donations of refreshments, a possible appreciation lunch and door prizes are also welcome. To contribute items, call volunteer Amy R. Schmidt at 701-471-6099.

Long-term assistance is requested with keeping multi-use paths, parks and the public right-of-way along streets and roads clean. The City of Mandan has an Adopt-A-Street program in which organizations, businesses and individuals are asked to commit to picking up litter in areas two times per year for a two-year period. The Public Works Department has recently received commitments for clean-up in 2014-15 of the following public areas (these areas may also be included in the June 21 event depending upon turn-out and need at that time):

- East Main Street — from Memorial Highway to Twin City Drive SE; MFRA Engineering
- Sixth Ave SE — from Main to Third Street SE; Centre, Inc.
- Old Red Trail — from Collins Avenue to Mandan Avenue; Mandan Diner and Soda Fountain
- Old Red Trail — Sunset Drive to Collins Avenue; led by Judy Lishout with participation from approximately 16 other families and individuals.

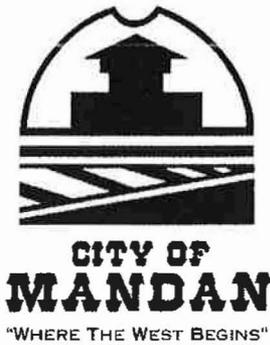
For more information about the Adopt-A-Street program, contact the City of Mandan Public Works Department at 667-3240 or use this [link](#).

City officials are in communication with the N.D. Department of Transportation about the status of its Adopt-A-Highway program and the need for any additional volunteers for state roadways in the Mandan and Morton County area. One section in need of adoption is part of the I-94 business loop on the north side from Twin City Drive to the Grant Marsh Bridge. City leaders appreciate the efforts of groups that have adopted state highways in the Mandan area and encourage these groups to come out on June 21 to clean up their designated areas. The NDDOT handles some highly trafficked areas for safety reasons.

The City of Mandan's Building Inspection Department is working with area developers and builders to keep construction sites cleaned up. Contractors are asked to have the right-of-way near their sites picked up of debris before or on June 21.

City officials remind community members and visitors to please clean up after lighting fireworks over the Fourth of July. Garbage from fireworks has particularly been a problem in years past in the area of Dacotah Centennial Park, the location of the rodeo grounds, and neighboring businesses.

Mandan Public Works Director Jeff Wright says he hopes with help from community members and avoidance of litter and blowing trash that litter clean-up events may not be needed in the future, but he holds out the possibility for it becoming an annual spring and/or fall event as needed, potentially in conjunction with the City of Bismarck.



Board of City Commissioners

Agenda Documentation

MEETING DATE: 06/03/2014
PREPARATION DATE: 05/30/2014
SUBMITTING DEPARTMENT: Morton County Emergency Management
DEPARTMENT DIRECTOR: Tom Doering
PRESENTER: Tom Doering
SUBJECT: Severe Summer Weather Notification and Sheltering

STATEMENT/PURPOSE:

Discuss and determine the need to implement a standard procedure of launching city-wide telephonic/multi-media severe summer weather warnings (CodeRED) and make city hall available for citizens to shelter from severe weather which warrants activation of Mandan’s Outdoor Warning System.

BACKGROUND/ALTERNATIVES:

Background - CodeRED

CodeRED is Morton County’s mass emergency notification system (phone, text, email, social media, Telecommunications Device for the Deaf and smart phone application).

CodeRED was launched for the cities of Mandan, Flasher and New Salem as part of the State-wide Severe Summer WARNEX conducted on April 30, 2014.

On the first attempt, 6,689 phones were called and 3,861 were reached. On the second attempt, 2,828 phones were called and 511 were reached. (See Attachment 1)

Only one citizen called and asked to be removed from the data base. Several citizens called and were glad Morton County had this capability because they cannot hear the outdoor warning system.

The proposed procedure would be to launch CodeRED for “actual” Severe Summer Weather when forecasted conditions warrant activation of Mandan’s Outdoor Warning System. (See Attachment 2)

In addition to Mandan's Outdoor Warning System, CodeRED could be an effective means of providing warning to threatened residents that forecasted conditions meet criteria for activating the outdoor warning system.

Background – Tornado Sheltering Plans

Given Mandan's significant population of vulnerable citizens, it is incumbent for public safety to address tornado sheltering.

Based on the last census, Mandan's approximate population residing in mobile homes is as listed below:

Occupied Housing Units	Percentage of Mobile Home or other types of Housing	Number of Mobile Homes or other type of Housing	Average Household Size	Population living in Mobile Homes or other types of Housing
7,730	14.10%	1,090	2.35%	2,561

Emergency Management receives calls from Mandan Trailer Park residents requesting information on where they can go during a tornado warning. Our only advice has been to make arrangements with someone to shelter in their basement.

Jim Neubauer, Dennis Bullinger, Steve Nardello, Cody Mattson and I met to discuss what more could be done to offer a better option for residents who don't feel safe in their homes and don't have a suitable shelter available during a tornado warning. Steve Nardello brought out that apartment residents are also at-risk from tornados. The census does not distinguish how many apartment residents live on an upper level.

We discussed using the basement of the Morton County Courthouse and the basement of Mandan City Hall. It was also decided that if not on a call the Mandan Fire Department could unlock both buildings. Emergency Management Staff would respond and monitor sheltering persons until the tornado threat no longer exists (perhaps with assistance from a Sheriff's Deputy). Emergency Management staff plans to proceed to Mandan if it is likely a tornado warning will be issued.

Granted if all persons who feel threatened come to the courthouse and city hall we will not have the room. However it is believed a small percentage of people will take advantage of the opportunity.

There are also several churches in Mandan that could serve as suitable shelters. One church is Holy Redeemer and the other is First Lutheran. If you wish I can reach out to them in case we would need additional room. However the anticipated problem would be getting the churches opened on short notice.

Trailer Park Managers were surveyed and below are the results:

Twin City has a shelter for every four mobile homes.

Wildwood has a shelter for every 3 to 4 mobile homes.

(Note: Emergency Management plans to tour the Twin City and Wildwood shelter facilities this Friday at 9:00 AM.)

Robert Hardy (El Rancho) was contacted. Mr. Hardy states the office/shop (cinder block building with no basement) could be used by residents. Mr. Hardy will open or pass off the keys if he is out of town. Mr. Hardy will post a bulletin on each mobile home advising residents of the office/shop availability as a shelter in the event of a tornado.

Emergency Management contacted Tammy Berger with First Avenue Property Management who manages Woodlands Trailer Park. There is a building in the park with a basement. She does not know the dimensions of the basement (looks to be about 30-ft by 40-ft). The previous owners L&H have items stored in the basement and she has given them a deadline to have the items removed. She will speak with the current owners and come up with a plan for sheltering trailer park residents.

Emergency Management has a message in to Meadow Park for a call back.

Emergency Management contacted Will Simpfinderer with Frontier Homesteads and Zins Mobile Homes. They have a bulletin posted on their office door encouraging residents to have a plan to shelter with family or friends who have a basement. Mr. Simpfinderer was interested in hearing the outcome of this meeting.

Morton County Commissioners are agreeable to designating the basement of the courthouse as a place for the local population to shelter in the event of a tornado.

On the recovery side, I have attached a list of Morton County's General Population Shelters. (See Attachment 3)

Alternatives:

- Continued reliance on mass media outlets, weather radios and the outdoor warning system to warn the public of severe summer weather
- Continue to encourage citizens to have a plan for sheltering with friends, family or utilize provided facilities, if their dwelling does not provide adequate shelter from

a tornado or high winds (80-mph or greater) or golf-ball sized or larger hail (1.75-inch).

ATTACHMENTS:

- #1 – CodeRED Report
- #2 – Outdoor Warning System Activation
- #3 – Morton County’s General Population Shelters

FISCAL IMPACT:

- Overtime negligible for hourly employees to launch CodeRED notifications and manage shelter operations

STAFF IMPACT:

- May cause conflict for Mandan Firefighters and Sheriff’s Office personnel who are needed for other duties

LEGAL REVIEW:

- City liability for injuries or loss incurred by persons sheltering in a city-owned facility

RECOMMENDATION:

Authorize using CodeRED to notify Mandan residents of severe summer weather that meets the criteria for setting off the Mandan’s outdoor warning system.

Authorize designating the basement of city hall and the county courthouse basement as a place for residents to shelter in the event of severe summer weather that meets criteria for activating the outdoor warning system.

SUGGESTED MOTION(s):

Motion #1 – Does the Mandan City Council concur with using CodeRED to notify Mandan residents of severe summer weather that meets the criteria for setting off the Mandan’s outdoor warning system?

Motion #2 -- Does the Mandan City Council concur with designating the basement of city hall and the courthouse basement as places for residents to shelter in the event of severe summer weather that meets criteria for activating the outdoor warning system?

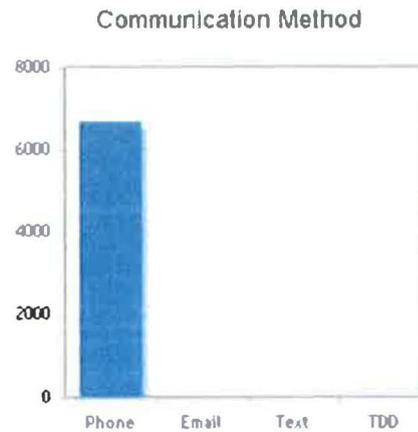
Attachment 1.

First Attempt: 57%

Tornado Drill: Mandan, New Salem, Flasher

Launch ID: #124654
Launched By: Cody Mattson
Type: Emergency
Auto Recall: Yes
Started: 4/30/2014 10:45:13 AM
Ended: 4/30/2014 11:10:53 AM
Voice Minutes Used: 4124
Emails: 0
Phone Calls: 6689
Text Messages: 0
TDD: 0
Attempted Calls: 6689
Numbers Reached: 3861
Numbers Not Reached: 2828

[VIEW CONTACTS](#) [MESSAGES](#)
[LAUNCH RECALL](#)



Attachment 1

Second Attempt: +18%

Recall NonConnects of Tornado Drill: Mandan, New Salem, Flasher

Launch ID: #124659
Launched By: Cody Mattson
Type: Emergency
Auto Recall: No
Started: 4/30/2014 11:10:45 AM
Ended: 4/30/2014 11:21:06 AM
Voice Minutes Used: 561
Emails: 0
Phone Calls: 2628
Text Messages: 0
TDD: 0
Attempted Calls: 2638
Numbers Reached: 511
Numbers Not Reached: 2317

[VIEW CONTACTS](#) [MESSAGES](#)
[LAUNCH RECALL](#)

Communication Method

Method	Count
Phone	2628
Email	0
Text	0
TDD	0

Phone Statistics

Category	Percentage
Delivered Live	6.9%
Answering Machine	72.7%
Fax	0%
Operator Intercept	0%
No Answer	0%
Busy	0%
Time Out	0%

Cody Mattson
Morton County Emergency Management
Emergency Management Specialist

(701) 667-3480 Work
(701) 425-6125 Mobile
Cody.Mattson@mortonnd.org



The maps and data are provided 'as is' without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for

Attachment 2

MORTON/MANDAN COMBINED COMMUNICATIONS CENTER POLICY AND PROCEDURES MANUAL

SUBJECT: OUTDOOR WARNING SIRENS

EFFECTIVE DATE: 07/13

In certain situations, activation of the warning sirens may be necessary. Activation of the sirens, and notifications, will be done as outlined in the Severe Weather State Warning Plan and as determined necessary.

Notifications will be made for severe thunderstorm warnings, tornado watches and tornado warnings. It is not necessary to make notifications for thunderstorm watches or other less severe weather.

The decision to activate the warning siren can be made by the following people:

Chief of Police	Fire Chief
Sheriff	On duty patrol supervisor
Deputy Chief	Senior duty officer/deputy
Chief Deputy	On duty fire commander
Emergency Manager	National Weather Service (NWS)

Sirens may also be set off at the request of another "reliable" source, such as: On or off duty patrol officers and on or off duty fire fighters. The sirens will be activated if the NWS reports conditions imminently threaten life safety of those persons and animals not properly sheltered. If a report is received by the NWS and/or communications center from a citizen or other unknown source, a responder will be dispatched to verify the need for siren activation.

To activate the outdoor siren:

- Left click on the "Mandan Siren Alert" pager
- Left click on the "Page Send"

To cancel the outdoor siren:

- Left click on the "Mandan Siren Cancel"
- Left click on the "Page Send"

******Any problems with the sirens will be reported to the Mandan Fire Chief and Emergency Manager**

Attachment 2

CITY OF MANDAN SIREN INFORMATION

Outdoor Warning Siren Fact Sheet

Use of the Outdoor Warning Sirens and what should be done when the sirens sound.

The City of Mandan has 6 working outdoor warning sirens and one more planned for the near future. These are used to alert citizens of impending emergencies, including severe weather. In order to ensure the mechanical parts of the siren are used regularly and that the sirens are working properly, we test the sirens on the last Friday of every month at 9:30 am.

The Mandan/Morton Combined Communications Center has the responsibility of sounding the sirens in our community. The Outdoor Warning Sirens will be sounded when:

- A confirmed funnel cloud has been spotted within 12 to 15 miles of Mandan and approaching the city,
- A confirmed tornado has been spotted within 12 to 15 miles of Mandan and approaching the city, or
- The National Weather Service (NWS) has issued a Tornado Warning for western Burleigh and eastern Morton Counties to include the Cities of Mandan and Bismarck.
- The NWS warning predicts 80 mph wind gusts and/or golf ball sized (1.75-inch) or larger hail for eastern Morton County to include the City of Mandan. **IMPACT...PEOPLE AND ANIMALS OUTDOORS WILL BE INJURED.**

Confirmation of a funnel cloud or tornado may occur through the National Weather Service, trained Law Enforcement Officers, or trained Weather Spotters. Remember, a **Tornado Warning** means that a tornado has been sighted or indicated by weather radar. A **Tornado Watch** means that conditions are favorable for the formation of a tornado. The Outdoor Warning Sirens will not be sounded for a Watch.

When the Outdoor Warning Sirens are activated, you should take shelter indoors in a basement, cellar, or the lowest level of the building. If there is no basement, go to an inner hallway or room away from windows such as a bathroom or closet. Vehicles, mobile homes, shopping malls, and auditoriums (any buildings with wide-span roofs) are not considered safe shelter. It is your responsibility to have a shelter location identified before the emergency arises. If you are outside, lie in a ditch or low-lying area and use your arms to cover your head and neck to protect yourself from flying debris. Please tune to your local television or radio station for further information or alerts during the emergency. Please refrain from calling the 911 center to find out what the emergency is. Only call if you have an actual emergency.

Remember, lightning, hail, and flooding are all potentials with these storms. Prepare yourself in advance by discussing safety plans with your coworkers and families and know where to meet or who to contact when the storm passes. You will only have a short amount of time to make a life or death decision. Advance planning and quick response are the keys to surviving a tornado.

For more information, contact Morton County Emergency Management at (701) 667-3307.

Attachment 3

Morton County Shelters

Facility Name	County	Status	Capacity	Occupancy	Availability	ADA Compliant	Pet Friendly
Fireman's Home in Hebron	Morton	Closed	0	0	0	Fully	-Select-
Map First Lutheran Church	Morton	Closed	0	0	0	Unknown	Unknown
New Salem Fire Hall	Morton	Closed	0	0	0	Fully	-Select-
City Auditorium in New Salem	Morton	Closed	22	0	22	Unknown	Unknown
Map Custer Elementary School	Morton	Closed	45	0	45	Fully	Yes
Map Flasher Public School	Morton	Closed	360	0	360	Fully	Yes
Map Fort Lincoln Elementary School	Morton	Closed	205	0	205	Fully	Yes
Map Glen Ullin High School	Morton	Closed	421	0	421	Fully	Yes
Map Hebron High School	Morton	Closed	363	20	343	Fully	Yes
Map Lewis and Clark School	Morton	Closed	100	0	100	Fully	Yes
Map Little Heart School District	Morton	Closed	40	0	40	Not	Yes
Map Mandan Community Center	Morton	Closed	175	0	175	Fully	Yes
Map Mandan Eagles Club	Morton	Closed	114	0	114	Fully	Yes
Map Mandan High School Braves Center	Morton	Closed	750	0	750	Fully	Yes
Map Mandan Junior High School	Morton	Closed	1051	0	1051	Fully	Yes
Map Mary Stark Elementary School	Morton	Closed	102	0	102	Fully	Yes
Map New Salem City Auditorium	Morton	Closed	200	0	200	Partially	Yes
Map New Salem Elementary School	Morton	Closed	132	0	132	Fully	Yes
Map New Salem High School	Morton	Closed	500	0	500	Fully	Yes
Map Roosevelt Elementary School	Morton	Closed	134	0	134	Fully	Yes

Attachment 3

Burleigh County Shelters

Facility Name	County	Status	Capacity	Occupancy	Availability	ADA Compliant	Pet Friendly
Map Bismarck State College	Burleigh	Closed	220	0	220	Partially	Yes
Map ADHOC	Burleigh	Closed	30	30	0	Unknown	Unknown
Map Wilton City Hall	Burleigh	Closed	0	0	0	Fully	Unknown
Map Bismarck High School	Burleigh	Closed	640	0	640	Fully	No
Map Capital Racquet & Fitness Center	Burleigh	Closed	730	0	730	Partially	No
Map Centennial Elementary School	Burleigh	Closed	125	0	125	Fully	No
Map Century Baptist Church	Burleigh	Open	250	0	250	Unknown	Unknown
Map Century High School	Burleigh	Closed	375	0	375	Fully	No
Map Charity Lutheran Church	Burleigh	Closed	250	2	248	Partially	No
Map Church of Corpus Christi	Burleigh	Closed	100	0	100	Partially	No
Map Faith Lutheran Church	Burleigh	Closed	150	0	150	Partially	No
Map First Evangelical Free Church	Burleigh	Closed	335	0	336	Fully	Unknown
Map Francis Leach High Prairie Arts	Burleigh	Closed	68	0	68	Partially	No
Map Gleason Elementary School	Burleigh	Closed	71	0	71	Fully	No
Map Highland Acres Elementary School	Burleigh	Closed	81	0	81	Fully	No
Map Hudson Middle School	Burleigh	Closed	700	0	700	Fully	No
Map Hughes Educational Center	Burleigh	Closed	135	0	135	Fully	No
Map Miller Elementary School	Burleigh	Closed	135	0	135	Fully	No
Map Moses Elementary School	Burleigh	Closed	135	0	135	Fully	No
Map Murphy Elementary School	Burleigh	Closed	135	0	135	Fully	No
Map Naylor Elementary School	Burleigh	Closed	150	0	150	Fully	No
Map Naughton School	Burleigh	Closed	25	0	25	No	No
Map Northridge Elementary School	Burleigh	Open	82	0	82	Partially	No
Map Pioneer Elementary School	Burleigh	Closed	82	0	82	Partially	No
Map Prairie Rose Elementary School	Burleigh	Open	60	0	60	Partially	No