

**AGENDA**  
**MANDAN CITY COMMISSION**  
**MARCH 3, 2015**  
**ED "BOSH" FROEHLICH MEETING ROOM,**  
**MANDAN CITY HALL**  
**5:30 P.M.**  
**[www.cityofmandan.com](http://www.cityofmandan.com)**

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- A. ROLL CALL:  
1. Roll call of all City Commissioners.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:  
1. Consider approval of the minutes from the February 17, 2015 Board of City Commission meeting.
- E. PUBLIC HEARING:
- F. BIDS:
- G. CONSENT AGENDA:  
1. Consider approval of the following games of chance:  
i. Bobs Benefit for Kim Hatzenbuhler at the Moose Lodge on April 18, 2015.  
ii. Mandan Softball Association at the Mandan Softball Complex from March 4, 2015 through June 27, 2015.  
2. Consider amendment to SSBCI allocation agreement to simplify the reporting process.  
3. Consider designating April 25-May 2, 2015 as "Spring Clean-Up Week in the City of Mandan."  
4. Consider construction specifications resolution.  
5. Consider for approval replat of Lot 21, Block 1, Bridgeview Bay Addition  
6. Consider amendment with Stantec to add surveying of alley ways to SID project.  
7. Consider approval of site authorization for Abate of North Dakota at HideAway from March 4, 2015 through June 30, 2015.
- H. OLD BUSINESS:
- I. NEW BUSINESS:  
1. Introductions of New Police Department Employees: Nancy Miller – Records Technician; Craig Thomas – Car Marker.  
2. Presentation of Facility Needs Study, JLG Architects.

*Agenda*  
*Mandan City Commission*  
*March 3, 2015*  
*Page 2 of 2*

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3. Consider Amendment to North Dakota Department of Transportation Project SS-TES-1-094(107)920 (Richard M. Longfellow Veterans Park)
  4. Consider the creation of, approval of the engineer's report, approval of feasibility report and resolution of necessity for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).
- J. RESOLUTIONS AND ORDINANCES:
1. Second consideration and final passage of Ordinance 1200 to rezone Lot 1 Block 2 Mandan Industrial Park.
- K. OTHER BUSINESS:
- L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:
1. March 9, 2015 – Special Meeting – 6:30 p.m.
  2. March 17, 2015
  3. April 7, 2015
  4. April 21, 2015
- M. ADJOURN

**Public Communication**

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

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The Mandan City Commission met in regular session at 5:00 p.m. on February 17, 2015 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota.

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

B. APPROVAL OF AGENDA:

C. PUBLIC COMMUNICATIONS: Mayor Van Beek invited anyone to come forward to address items on the Agenda excluding public hearings. 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 on February 3, 2015 and Joint meeting with Planning and Zoning held on February 10, 2015.* Commissioner Laber moved to approve the minutes as presented. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

1. *Consider for approval rezoning of Lot 1, Block 2 Mandan Industrial Park.* City Planner Decker stated that this lot is bisected by two separate zones. The applicant has requested that the full lot be incorporated into one zone. He said there has been no opposition received on this request. Planner Decker stated that one point to bring out is that the first developer in this parcel is already in this area and this is an expansion of an existing business. Mayor Van Beek invited anyone to come forward to speak for or against the rezoning of Lot 1, Block 2 Mandan Industrial Park. A second announcement was made to come forward to speak for or against the project. Hearing none, this portion of the public hearing was closed.

F. BIDS:

G. CONSENT AGENDA

1. *Consider approval of monthly bills.*
2. *Consider approval of Change Order for Sunset Drive for electrical work done in 2013*
3. *Consider recommendations for Mandan Architectural Review Commission appointment.*
4. *Consider for approval plat of Lot 1 of Lot B of the SE ¼ Section 36, T139N, R81W*
5. *Consider approval of site authorization for ND Confederation of Clubs at Hide-Away from March 1, 2015 through June 30, 2015.*

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6. *Consider approval of games of chance for the Catholic Daughters of America at the Mandan Eagles Club/St. Joseph's School from April 1, 2015 through April 30, 2015.*

Commissioner Laber moved to approve the Consent Agenda as presented. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Introduction of Kaiden Straabe, Arborist and Brad Glass, Assistant Utility Superintendent.* Director of Public Works Wright introduced Kaiden Straabe as the newly hired Arborist and Brad Glass who was recently hired as the Assistant Utility Superintendent. Mayor Van Beek welcomed both to the City of Mandan.

2. *Consider approval of road closure request for "Slide the City/Playing in the Streets" event.* Kelly Churchill, a Marketing Specialist for the Mandan Parks and Rec Department presented on behalf of Cole Higlin and Kara Haff a request for a road closure event scheduled this summer. She said that there is a video of the event available for viewing on their website at [www.slidethecity.com](http://www.slidethecity.com). This fundraising event is being planned for Saturday, August 29, 2015, in collaboration with the MPO. In addition to the 1000 ft. super slide, there will also be local vendors selling food and crafts. Also in the planning stages are potentially a beer garden, live bands and inflatables for the children. Ms. Churchill explained that the location of the event will be near the high school and the aquatic center. The setup would start at 4 AM and the teardown completed by 11 PM. It is run for on volunteer base. A portion of the funds collected from the event will be donated towards the Parks and Rec universal playground.

Commissioner Rohr moved to approve road closure of Sunset Drive within the area requested on August 29, 2015, in order to allow the Slide the City and Playing in the Streets Festival to take place. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Advertise for Request for Proposal (RFP) for Geographic Information System (GIS) (Probable).* Planning & Engineering Director Froseth stated this is a request to advertise for services to create an improved GIS system. The current system in place is web-based; view-only; and with limited functionality. There are concerns with accuracy of some of the older information that is available. The primary reason for the RFP is for the configuration of platform software, coordination and assistance with data collection efforts. The majority of the project would be completed in 2015. The City of Mandan's Capital Improvement Plan has a reserve budget of \$535,000 for this project. Director Froseth presented a timeline of events and recommended approval of the RFP. He said that there are other departments that will also benefit from this system in addition to the Engineering Department such as Public Works.

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Commissioner Laber moved to approve the request to advertise for Request for Proposal (RFP) for Geographic Information System (GIS). Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *JLG Architects update on Facility Needs Analysis.* Scott Jordan Denny, JLG Architects, provided a PowerPoint presentation on Facility Needs Analysis that has been conducted on the City Hall and North Fire Station. Highlights of the presentation included the project study goals; an assessment of the current condition of the existing City Hall building; exploration of options for staying in the existing building or looking for additional sites for either a new City Hall or a possible remodel of another building. There was also an assessment for a third Fire Station on the north side of Mandan. Mr. Denny reviewed the impact that population growth has had on the City of Mandan noting that the current population is 19,777; and the current city staff located at City Hall is 33 individuals. Looking at future predictions, the City could grow to 30,000 people in 10 or 15 years. This will require a city staff of 54 individuals and will outgrow the current 18,000 square footage office space. It is expected the office needs will rise to approximately 25,000 square feet.

The current building is approximately 80 years old and the heating and cooling systems; the duct work; and electrical panels are reaching end of life terms and are in need of updating or replacing. Externally there are roofing concerns and probably the largest item of concern is that there isn't an elevator going to the 2<sup>nd</sup> and 3<sup>rd</sup> floors of the building. Mr. Denny said that seven different sites have been looked at for possibilities for City Hall. From those seven sites, criteria points were developed and looked at for each site addressing the needs of the City staff. He reviewed the pros and cons for each of the seven sites including cost comparisons for a options of do nothing, repurposed building versus a new building which are from \$5.6 million up to \$12.5 million. He provided a brief overview of a public forum that was held on January 27, 2015 in which 20-25 citizens attended this same presentation. Discussion occurred following that presentation regarding the project, options and opportunities available. Another public hearing was held on February 16, 2015. Mr. Denny also presented plans for parking and explained how the designs would include pedestrian orientated access and parking options with possible connections directly to the County Building. Mr. Denny presented information on a third Fire Station, on the north side of Mandan, taking into consideration the response times from different sites.

Commissioner Laber stated that the committee working on this analysis has taken into consideration the many needs of the City in preparing these options. The plan can be found at the City of Mandan website at [www.cityofmandan.com](http://www.cityofmandan.com) where photos and plans are available for viewing. Email comments or questions can be sent to [MandanCityHallComments@jlgarchitects.com](mailto:MandanCityHallComments@jlgarchitects.com).

5. *Police Chief Bullinger's Retirement Announcement Dec. 28, 2015.* City Administrator Neubauer presented a Letter of Retirement from Dennis Bullinger, Chief

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of Police, effective as of December 28, 2015. He presented a timeline of events starting today all the way thru December 28, 2015 of the steps necessary to fill the Police Chief's position. Chief Bullinger extended a thank you to the City of Mandan for allowing him to serve the City of Mandan for 42 years.

Commissioner Tibke moved to approve the acceptance of Chief Bullinger's Letter of Retirement and moving forward with the suggested plan for advertising and hiring. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *First consideration of Ordinance 1200 to rezone Lot 1 Block 2 Mandan Industrial Park.* Commissioner Tibke moved to approve the First consideration of Ordinance 1200 to rezone Lot 1 Block 2 Mandan Industrial Park. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS:

There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 6:03 p.m. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

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James Neubauer,  
City Administrator

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Arlyn Van Beek,  
President, Board of City  
Commissioners



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

Consent No. 1i

Type:  Local Permit    \*  Charity Local Permit

Permit Number  
2015-14

Name of Organization Ecbs Benefit For Kim. <u>Hatzenbuhler</u>		Date(s) Authorized (Read instruction 2) 4/18/2015 to 4/18/2015 Beginning Ending	
Contact Person Julie Schirado	Business Phone Number (701) 225-5566		
Mailing Address Po Box 2657	City Bismarck	State ND	Zip Code 58502-0000
Site Name Moose Lodge	Site Address 111 11 Ave Ne		
City Mandan	State ND	ZIP Code 58554-0000	County Morton
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.			
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels*			
Restriction:			
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor <u>and</u> Office of Attorney General within 30 days of the event.			
Date 2/18/2015	Signature of: <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor	Printed Name of City or County Auditor Patrick B Haug	Auditor Telephone Number (701) 667-3250

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

cut along this line

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

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





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

Type:  Local Permit \*  Charity Local Permit

Permit Number

2015-1A

Name of Organization Mandan Softball Association		Date(s) Authorized (Read instruction 2) 3/4/15 to 6/27/15 Beginning Ending		
Contact Person Scott Brahos	Business Phone Number (701) 425-9444		State ND	Zip Code 58554-0000
Mailing Address 805 Diane's Court		City Mandan		
Site Name Mandan Softball Complex		Site Address 4 St Nw		
City Mandan	State ND	ZIP Code 58554-0000	County Morton	
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.				
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels*				
Restriction:				
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor <u>and</u> Office of Attorney General within 30 days of the event.				
Date 2/18/2015	Signature of: <input checked="" type="checkbox"/> City Auditor <input checked="" type="checkbox"/> County Auditor		Printed Name of City or County Auditor Patrick B Haug	
			Auditor Telephone Number (701) 667-3250	

Please see the instructions on the backside of this form or how to complete the Permit.

For a raffle or calendar raffle, read "Information Required to be Preprinted on a Standard Raffle Ticket" below.

cut along this line

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

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

2015-12

Rec'd 2-17-15



**APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT**  
 OFFICE OF ATTORNEY GENERAL  
 SFN 9338 (9-2009)

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

Name of Non-profit Organization <b>Mandan Softball Association</b>		Date(s) of Activity 3/4/2015 to 6/27/2015	
Person Responsible for the Gaming Operation and the Disbursement of Net Income <b>Scott Brahos</b>		Title <b>Mandan Softball Comm</b>	Business Phone Number <b>701-425-9444</b>
Business Address <b>805 Diane's Court</b>	City <b>Mandan</b>	State <b>ND</b>	Zip Code <b>58554</b>
Mailing Address (if different)	City	State	Zip Code
Name of Site Where Game(s) will be Conducted <b>Mandan Softball Complex</b>		Site Address	
City	State	Zip Code	County
Check the Game(s) to be Conducted: *Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.			
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker * <input type="checkbox"/> Twenty-one * <input type="checkbox"/> Paddlewheels *			

**DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED**

Game Type	Description of Prize	Retail Value of Prize	Game Type	Description of Prize	Retail Value of Prize				
Raffle	Zach Shack Gift Cert	\$200.00	Raffle	McQuade Mirror	\$250.00				
}	Earrings	\$200.00	}	Mizuno Glove	\$150.00				
	Gras Corral	\$800.00		}	5 Softball bats	\$1000.00			
	Raging Rivers	\$400.00			}	Roller Bag	\$165.00		
	55 Inch TV	\$525.00				}	Duffy Gift Cert	\$250.00	
	55 Inch TV	\$525.00					}	Action Motor	\$250.00
	5 Guns from Sheels	\$2200.00							
	Sheels Gift Cert.	\$400.00							
	Range Pass	80.00							
Total:								(Limit \$12,000 per year) \$7395.00	

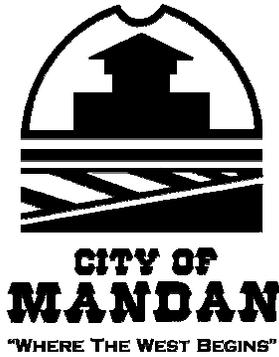
Intended uses of gaming proceeds: \_\_\_\_\_

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

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

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

Signature of Organization's Top Executive Official <b>Scott Brahos</b>	Date <b>2/17/15</b>	Title <b>Mandan Softball Commissioner</b>	Business Phone Number <b>701-425-9444</b>
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## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** March 3, 2015  
**PREPARATION DATE:** February 25, 2015  
**SUBMITTING DEPARTMENT:** Business Development & Communications  
**DEPARTMENT DIRECTOR:** Ellen Huber, Business Development & Communications Director  
**PRESENTER:** Ellen Huber, Business Development & Communications Director  
**SUBJECT:** SSBCI Amendment to Allocation Agreement

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**STATEMENT/PURPOSE:** To consider a letter amendment to the Allocation Agreement between the United States Department of the Treasury and the Mandan Consortium.

**BACKGROUND/ALTERNATIVES:** This amendment is requested to permit the authorized municipal official from the lead municipality to submit the quarterly and annual reports and to submit the certification on use-of-allocated funds. This would be a significant simplification from the current process, which requires signatures from authorized municipal officials in all 38 municipalities that are part of the consortium. Mandan serves as the lead municipality.

**ATTACHMENTS:** Letter amendment to the SSBCI allocation agreement.

**FISCAL IMPACT:** None

**STAFF IMPACT:** The Business Development and Communications Director already reviews all quarterly and annual reports for accuracy before recommending signature by the mayor.

**LEGAL REVIEW:** City Attorney Malcolm Brown has reviewed the letter amendment.

**RECOMMENDATION:** I recommend approval of the amendment.

**SUGGESTED MOTION:** I move to approve the letter of amendment to the SSBCI allocation agreement for the Mandan consortium.



**DEPARTMENT OF THE TREASURY**  
WASHINGTON, D.C. 20220

February 9, 2015

**VIA ELECTRONIC MAIL**

City of Almont, Mayor Russell Kramer  
City of Beach, Mayor Walter Losinski  
City of Beulah, Mayor Darrel R. Bjerke  
City of Bismarck, President, Board of City Commissioners Michael C. Seminary  
City of Bowman, President, Board of City Commissioners Lyn James  
City of Carson, Mayor Donna Vandenburg  
City of Casselton, Mayor Lee Anderson  
City of Crosby, Mayor Bert Anderson  
City of Dickinson, Mayor Dennis W. Johnson  
City of Dodge, Mayor Leonard J. Streifel  
City of Dunn Center, Mayor Scott Lynch  
City of Fargo, Mayor Timothy J. Mahoney  
City of Garrison, Mayor Shannon W. Jeffers  
City of Glen Ullin, Mayor Raymond Haverluk  
City of Halliday, Mayor David Walth  
City of Hazelton, President of City Commission Jim Malard  
City of Hazen, Commission President Jerry Obenauer  
City of Hebron, President Ken Rehling  
City of Hettinger, Mayor Richard Wyman  
City of Killdeer, Commission President Chuck Muscha  
City of Lincoln, Mayor Robert W. Johnston  
City of Linton, Mayor Timothy F. Volk  
City of Mandan, Mayor Arlyn Van Beek  
City of McClusky, Mayor Roberta Hunt  
City of Minot, Mayor Chuck Barney  
City of Mott, Mayor Troy Mosbrucker  
City of New England, Mayor Marty Opdahl  
City of New Salem, Mayor Lynnette Fitterer  
City of Regent, Mayor Lyle Hoffer  
City of Sentinel Butte, Mayor Terry Mollendor  
Standing Rock Sioux Tribe, Tribal Chairman Dave Archambault III  
City of Steele, Mayor Edward Miller  
City of Turtle Lake, President, Board of City Commissioners Richard Britton  
City of Underwood, President, Board of City Commissioners Rick L. Olson  
City of Watford City, Mayor Brent Sanford  
City of West Fargo, Mayor Rich Mattern  
City of Williston, President, Board of City Commissioners Howard Klug  
City of Wilton, Commission President LeAnn Domonoske-Kellar

Subject: State Small Business Credit Initiative (SSBCI) Letter Amendment

Dear Municipalities:

Upon your request, and in accordance with Section 8.3 of the Allocation Agreement entered into by and between the United States Department of the Treasury (Treasury) and the Mandan Consortium, dated August 31, 2012, and revised January 10, 2014, and the SSBCI Modification Policy ([http://www.treasury.gov/resource-center/sb-programs/Documents/SSBCI\\_Modification\\_Policy.pdf](http://www.treasury.gov/resource-center/sb-programs/Documents/SSBCI_Modification_Policy.pdf)), Treasury hereby proposes to amend the Allocation Agreement to permit the Authorized Municipal Official from the Lead Municipality to submit the Quarterly and Annual Reports and the *Certification on Use of Allocated Funds* on behalf of all Members of the Mandan Consortium, subject to the schedule set forth below.

Accordingly, the parties agree to:

1. Amend Sections 4.7 and 4.8 of the Allocation Agreement to read as follows:

**Section 4.7 Quarterly Reporting.**

Within 30 days after the end of each quarterly reporting period (excluding the quarterly reporting period ending on the expiration date of this Allocation), the Participating Municipalities shall deliver to Treasury a quarterly report. Each quarterly report shall be signed by, at the option of the Participating Municipalities, either (a) each of the Participating Municipalities' Authorized Municipal Official, or (b) the Authorized Municipal Official from the Lead Municipality as designated in the Cooperative Agreement governing the actions of the Consortium of Participating Municipalities. If the Participating Municipalities choose to authorize the Authorized Municipal Officer from the Lead Municipality to sign the quarterly report on behalf of all of the Participating Municipalities, the Consortium will deliver to Treasury evidence of such authorization, in form and substance satisfactory to Treasury, not less than [30] days before delivering the first quarterly report signed by the authorized Municipal Officer of the Lead Municipality. The reporting period covered by . . . .

**Section 4.8 Annual Reports**

- (a) For CAPs and OCSFs other than venture capital programs, by March 31 of each year, beginning March 31, 2013, the Participating Municipalities shall submit to Treasury an annual report, for the prior calendar year ending December 31st. Each annual report shall be signed by at the option of the Participating Municipalities, either (a) each of the Participating Municipalities' Authorized Municipal Official, or (b) the Authorized Municipal Official from the Lead Municipality as designated in the Cooperative Agreement governing the actions of the Consortium of Participating Municipalities. If the Participating Municipalities choose to authorize the Authorized Municipal Officer from the Lead Municipality to sign the annual report on behalf of all of the Participating Municipalities, the Consortium will deliver to Treasury evidence of such authorization, in form and substance satisfactory to Treasury, not less than [30] days before delivering the first annual report signed by the authorized Municipal Officer of the Lead Municipality.

Each annual report shall be in such form as Treasury may from time to time prescribe, and shall contain the following information for each loan, . . .

2. Delete Annex 4 (but not Exhibit 4-1) to the Allocation Agreement and insert in lieu thereof the revised Annex 4 and the new Exhibit 4-2 attached hereto (with the new Exhibit 4-2 being inserted immediately behind the existing Exhibit 4-1).

Except as expressly amended hereby, the Allocation Agreement shall remain in full force and effect in accordance with its terms.

Please countersign and return this letter amendment within 20 days of the date of this letter.

Once Treasury receives the counter-signed executed amendment, we will insert the effective date, as indicated below, and will send you a copy of the fully executed letter amendment. If you have any questions, please do not hesitate to contact the Deputy Director, Jeff Stout at (202) 622-2059 or [Jeffrey.Stout@treasury.gov](mailto:Jeffrey.Stout@treasury.gov).

Sincerely,



Jessica Milano  
Deputy Assistant Secretary for Small Business, Community Development and Housing Policy

Enclosures

cc:

Katie Brandes, Office of General Counsel, Banking and Finance  
Jeff Stout, Deputy Director, State Small Business Credit Initiative

Agreed:

PARTICIPATING MUNICIPALITY: City of Almont

By: \_\_\_\_\_  
Name: Russell Kramer  
Title: Mayor

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Beach

By: \_\_\_\_\_  
Name: Walter Losinski  
Title: Mayor

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Beulah

By: \_\_\_\_\_  
Name: Darrel R. Bjerke  
Title: Mayor

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Bismarck

By: \_\_\_\_\_  
Name: Michael C. Seminary  
Title: President, Board of City  
Commissioners

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Bowman

By: \_\_\_\_\_  
Name: Lyn James  
Title: President, Board of City  
Commissioners

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Carson

By: \_\_\_\_\_  
Name: Donna VandenBurg  
Title: Mayor

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Casselton

By: \_\_\_\_\_  
Name: Lee Anderson  
Title: Mayor

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Crosby

By: \_\_\_\_\_  
Name: Bert Anderson  
Title: Mayor

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Dickinson

By: \_\_\_\_\_  
Name: Dennis W. Johnson  
Title: Mayor

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Dodge

By: \_\_\_\_\_  
Name: Leonard J. Streifel  
Title: Mayor

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Dunn Center

By: \_\_\_\_\_  
Name: Scott Lynch  
Title: Mayor

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Fargo

By: \_\_\_\_\_  
Name: Timothy J. Mahoney  
Title: Mayor

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Garrison

By: \_\_\_\_\_  
Name: Shannon W. Jeffers  
Title: Mayor

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Glen Ullin

By: \_\_\_\_\_  
Name: Raymond Haverluk  
Title: Mayor

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Halliday

By: \_\_\_\_\_  
Name: David Walth  
Title: Mayor

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Hazelton

By: \_\_\_\_\_  
Name: Jim Malard  
Title: President, Board of City  
Commissioners

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Hazen

By: \_\_\_\_\_  
Name: Jerry Obenauer  
Title: Commission President

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Hebron

By: \_\_\_\_\_  
Name: Ken Rehling  
Title: President

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Hettinger

By: \_\_\_\_\_  
Name: Richard Wyman  
Title: Mayor

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Killdeer

By: \_\_\_\_\_  
Name: Chuck Muscha  
Title: Commission President

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Lincoln

By: \_\_\_\_\_  
Name: Robert W. Johnston  
Title: Mayor

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Linton

By: \_\_\_\_\_  
Name: Timothy F. Volk  
Title: Mayor

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Mandan

By: \_\_\_\_\_  
Name: Arlyn Van Beek  
Title: Mayor

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of McClusky

By: \_\_\_\_\_  
Name: Roberta Hunt  
Title: Mayor

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Minot

By: \_\_\_\_\_  
Name: Chuck Barney  
Title: Mayor

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Mott

By: \_\_\_\_\_  
Name: Troy Mosbrucker  
Title: Mayor

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of New England

By: \_\_\_\_\_  
Name: Marty Opdahl  
Title: Mayor

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of New Salem

By: \_\_\_\_\_  
Name: Lynnette Fitterer  
Title: Mayor

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Regent

By: \_\_\_\_\_  
Name: Lyle Hoffer  
Title: Mayor

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Sentinel Butte

By: \_\_\_\_\_  
Name: Terry Mollendor  
Title: Mayor

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: Standing Rock Sioux Tribe

By: \_\_\_\_\_  
Name: Dave Archambault III  
Title: Tribal Chairman

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Steele

By: \_\_\_\_\_  
Name: Edward Miller  
Title: Mayor

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Turtle Lake

By: \_\_\_\_\_  
Name: Richard Britton  
Title: President, Board of City  
Commissioners

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Underwood

By: \_\_\_\_\_  
Name: Rick L. Olson  
Title: President, Board of City  
Commissioners

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Watford City

By: \_\_\_\_\_  
Name: Brent Sanford  
Title: Mayor

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of West Fargo

By: \_\_\_\_\_  
Name: Rich Mattern  
Title: Mayor

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Williston

By: \_\_\_\_\_  
Name: Howard Klug  
Title: President, Board of City  
Commissioners

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

PARTICIPATING MUNICIPALITY: City of Wilton

By: \_\_\_\_\_  
Name: LeAnn Domonoske-Kellar  
Title: Commission President

\_\_\_\_\_  
Effective Date:  
**[To be Inserted by Treasury]**

## **ANNEX 4**

This Annex 4 constitutes an integral part of the Allocation Agreement dated as of August 31, 2012, and revised January 10, 2014, between the “Treasury”) and the Participating Municipalities. Capitalized terms used herein and not defined herein shall have the respective meanings ascribed to them in the Allocation Agreement.

As part of its quarterly reporting requirement, each Participating Municipality or, at the option of the Participating Municipalities, the Authorized Municipal Official from the Lead Municipality, shall submit a certification in the form attached hereto as Exhibit 4-1 (in the case of each Participating Municipality signing the quarterly report) or Exhibit 4-2 (in the case of the Participating Municipalities having chosen to authorize the Authorized Municipal Officer from the Lead Municipality to sign the quarterly report on behalf of all of the Participating Municipalities).

**EXHIBIT 4-2**

**CERTIFICATION ON USE-OF-ALLOCATED FUNDS**

United States Department of the Treasury  
Main Treasury Building, Room 1310  
1500 Pennsylvania Avenue  
Washington, D.C. 20220

Reference is made to:

the Allocation Agreement dated as of August 31, 2012, and revised January 10, 2014, (the “Allocation Agreement”), between the **United States Department of the Treasury** (“Treasury”) and the Participating Municipalities listed in Annex 8 of the Allocation Agreement. Capitalized terms used herein and not defined herein shall have the respective meanings ascribed to them in the Allocation Agreement.

This certification is delivered to Treasury pursuant to Section 4.7 (“Quarterly Reports”) of the Allocation Agreement. The undersigned, on behalf of the Participating Municipalities, hereby makes the following certifications as of the date of this certification:

1. the information provided by the Participating Municipalities under Section 4.7 (“Quarterly Reports”) of the Allocation Agreement on the use of Allocated Funds is accurate;
2. funds continue to be available and legally committed to contributions by the Participating Municipalities to, or for the account of, Approved Municipal Programs, less any amount that has been contributed by the Participating Municipalities to, or for the account of, Approved Municipal Programs subsequent to the Participating Municipalities being approved for participation in the State Small Business Credit Initiative;
3. the Participating Municipalities are implementing their Approved Municipal Program or Programs in accordance with the Act and the regulations or other guidance issued by Treasury under the Act; and
4. the authority of the undersigned to execute and deliver this certification on behalf of the Participating Municipalities is valid and in full force and effect.



"WHERE THE WEST BEGINS"

# CITY OF MANDAN

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

## CITY DEPARTMENTS

ADMINISTRATION	667-3215
ASSESSING/BUILDING INSPECTION	667-3230
BUSINESS DEVELOPMENT	667-3185
CEMETERY	667-6044
ENGINEER/PLANNING & ZONING	667-3225
FINANCE	667-3213
FIRE	667-3288
HUMAN RESOURCES	667-3217
LANDFILL	667-0104
MUNICIPAL COURT	667-3270
POLICE	667-3355
PUBLIC WORKS	667-3240
WASTEWATER TREATMENT	667-3278
SPECIAL ASSESSMENTS	667-3271
UTILITY BILLING	667-3219
WATER TREATMENT	667-3275

## PROCLAMATION

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

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

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

NOW THEREFORE, I, ARLYN VAN BEEK, President of the Board of City Commissioners of the City of Mandan, do hereby proclaim the week of April 25<sup>th</sup>-May 2<sup>nd</sup> to be

### “SPRING CLEAN-UP WEEK”

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Mandan to be affixed on March 3, 2015.

Arlyn Van Beek, President  
Board of City Commissioners

Attest:

James Neubauer City Administrator



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** March 3, 2015  
**PREPARATION DATE:** February 25, 2015  
**SUBMITTING DEPARTMENT:** Legal  
**DEPARTMENT DIRECTOR:** Malcolm H. Brown, City Attorney  
**PRESENTER:** Malcolm H. Brown, City Attorney  
**SUBJECT:** Construction Specifications/Tom Little

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STATEMENT/PURPOSE: To settle a dispute.

BACKGROUND/ALTERNATIVES:

Last August, Mayor Van Beek received a letter from Attorney Michael Geiermann of Bismarck, representing Thomas Little, regarding a construction specifications manual allegedly issued by the City Engineering Department. The letter and its attachments are attached to this Agenda Documentation. In a nutshell, Mr. Little alleges that the engineering specifications that bear his registered professional engineer seal were not authored by or authorized by him.

In the interim, staff and counsel have made a search of our records to determine the source of the cover page with Mr. Little's seal in our Engineering Department. The search was unsuccessful in determining how that happened and we assume, as Mr. Little says, that he did not authorize those documents.

Mr. Little has demanded several courses of action as noted in Mr. Geiermann's letter. Some of them are not acceptable to the City; however, the following items counsel believes would be an appropriate method to resolve this matter:

- Publish a short notice in the legal advertisements in The Mandan News that the construction specifications were not authored by or approved by Mr. Little.
- Forward correspondence to all of the local engineering firms with the same advice.
- A letter to Mr. Little agreeing to indemnify him in the event that he were ever made part of any action that alleged someone had incurred damages by reason of these specifications.

Counsel recommends that the letters and Notice be approved.

ATTACHMENTS: Attorney Geiermann letter; Cover page, and Minutes of Commission meeting on March 3, 2009.

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: Settlement suggested by Attorney Brown.

RECOMMENDATION: Approve the letters and Notice.

SUGGESTED MOTION: I move to approve the settlement with former City Engineer Little by publishing the Notice, advising local engineering firms as suggested and agreeing to indemnify Mr. Little as in draft letter attached.

## NOTICE

TO WHOM IT MAY CONCERN

The City of Mandan advises that construction specifications for the City of Mandan, North Dakota, bearing the seal of Thomas Little, Registered Professional Engineer #1530, were not authorized or approved by Thomas Little.

/s/ Malcolm H. Brown

Malcolm H. Brown

City Attorney



# CITY OF MANDAN

MANDAN CITY HALL - 205 2nd Avenue NW  
MANDAN, NORTH DAKOTA 58554

## CITY DEPARTMENTS

ADMINISTRATION	667-3215
ASSESSING/BUILDING INSPECTION	667-3230
ENGINEER/PLANNING	667-3225
FINANCE	667-3213
FIRE	667-3288
PERSONNEL	667-3217
POLICE	667-3250
PUBLIC WORKS	667-3240
SPECIAL ASSESSMENTS	667-3211
WASTE WATER PLANT	667-3278
WATER BILLING	667-3219
FAX	667-3223

March 3, 2015

TO WHOM IT MAY CONCERN

Re: Construction Specifications for City of Mandan

Dear Sir/Madam:

This is to advise you that any construction specifications in your possession that bear the seal of Thomas R. Little, Registered Professional Engineer #1530, were not authorized by or approved by Mr. Little.

Very truly yours,

Malcolm H. Brown  
City Attorney

MHB:lj



# CITY OF MANDAN

MANDAN CITY HALL - 205 2nd Avenue NW  
MANDAN, NORTH DAKOTA 58554

## CITY DEPARTMENTS

ADMINISTRATION	667-3215
ASSESSING/BUILDING INSPECTION	667-3230
ENGINEER/PLANNING	667-3225
FINANCE	667-3213
FIRE	667-3288
PERSONNEL	667-3217
POLICE	667-3250
PUBLIC WORKS	667-3240
SPECIAL ASSESSMENTS	667-3211
WASTE WATER PLANT	667-3278
WATER BILLING	667-3219
FAX	667-3223

March 3, 2015

Mr. Thomas R. Little  
808 Bryan Trail  
Mandan, ND 58554

Re: The City of Mandan

Dear Mr. Little:

This is to confirm that the City of Mandan recognizes that certain construction specifications issued by the City of Mandan bearing your Registered Professional Engineer #1530, were not authorized or approved by you. This letter will confirm our agreement that in the event there is ever a claim made against you relating those construction specifications, that the City of Mandan will agree to indemnify you for any and all costs, attorney's fees, or other expenses incurred by you in defending such a claim.

Very truly yours,

Malcolm H. Brown  
City Attorney



GEIERMANN BERGESON & GULER  
LAW OFFICES, P.C.

August 27, 2014

Mayor Arlan Van Beek  
City Hall  
205 2<sup>nd</sup> Avenue NW  
Mandan ND 58554

**RE: Construction Specifications Manual**

Dear Mayor Van Beek:

I represent Thomas R. Little. For a number of years, Mr. Little was the City Engineer for the City of Mandan. He is a licensed professional engineer, licensed by the North Dakota Board of Registration for Professional Engineers and Land Surveyors. As a professional engineer, he provided engineering services for the City of Mandan. In doing so, he was authorized by law to use his name and seal concerning projects he would work on for the City of Mandan. This seal is to only be used by Mr. Little and the use of his professional engineering seal by another is prohibited by law. In addition, the use of this seal by Mr. Little is authorized by statute and administrative rule and only authorizes Mr. Little to affix his signature and seal to documents that were prepared by him or under his responsibility. See N.D.C.C. § 43-19.1-21, N.D.A.C. § 28-03.1-01-08(2).

During Mr. Little's tenure as City Engineer, he worked on numerous projects on behalf of the City of Mandan. As a matter of practice, construction specifications specific for each project were developed by him or by others in the City Engineers Office under his supervision and were provided to the contractor/owner. During his tenure, Mr. Little did not work on or compile a comprehensive construction specifications book or manual on behalf of the City of Mandan. Mr. Little retired from his position as City Engineer on January 2, 2008.

It has recently come to the attention of Mr. Little that the Board of City Commissioners, in 2009, adopted a new Construction Specification Manual on behalf of the City of Mandan. Specifically, on March 3, 2009, the Board of City Commissioners was presented with a request to adopt new construction specifications. According to the minutes of the meeting, the current specifications were quite old, having been developed in the 1980's and that the work on the new contract specifications has been in progress for approximately two years and is now ready to present for approval. (See attached Minutes). Mr. Little has indicated to me that during his tenure as City Engineer, he never worked on any type of Construction Specifications Manual for the City of Mandan, nor did he direct any of his subordinates to work on the manual. In any event, the contract specifications as proposed were approved by the Board of City Commissioners on March 3, 2009. It is our understanding that this

Michael J. Geiermann, Brian L. Bergeson\*, Mary Maichel Guler

425 N. Fifth St. | P.O. Box 2196 | Bismarck, ND 58502-2196 | Phone: 701-223-1986 | Fax: 701-223-4049

E-mail: [gbg@gbg-lawoffice.com](mailto:gbg@gbg-lawoffice.com) | Website: [www.gbg-lawoffice.com](http://www.gbg-lawoffice.com) | \*Also Licensed in Minnesota

Construction Specifications Manual has been distributed to a number of contractors throughout the area and was available on the internet.

While the misrepresentations concerning the origins of the Construction Specifications Manual to the Board of City Commissioners is troubling to Mr. Little as he never worked on it, even more troubling is the recent discovery by him of the use of his name and professional engineering seal by the City of Mandan relating to the Construction Specifications Manual. I have enclosed in this letter a copy of the front cover of the Construction Specifications Manual which Mr. Little has recently obtained. As you can see, the Construction Specifications Manual front cover references not only the name of Mr. Little in his capacity as City Engineer, but also contains the professional engineering seal granted to him by the State of North Dakota. Mr. Little did not have any involvement with the creation, compilation or distribution of the Construction Specifications Manual for the City of Mandan. Mr. Little did not authorize the use of his professional engineering seal by the City of Mandan on the front page of the Construction Specifications Manual. The use of Mr. Little's professional registration seal by the City of Mandan is unlawful and is clearly an attempt by the City of Mandan to misrepresent the origin and authenticity of the Construction Specifications Manual. The clear message sent by the City of Mandan to contractors and others who would have received the specifications manual is that this manual was somehow created, compiled or authorized by its City Engineer who holds a professional license from the State Board. Nothing could be further from the truth.

I am sure that you can appreciate Mr. Little's concern with having the City of Mandan use his name and professional engineering seal in an unauthorized and unlawful manner. Mr. Little is aware of the fact that the internet version of the Construction Specifications Manual no longer contains any reference to him or his professional engineering seal. However, it is his understanding that it has been used in the past. Furthermore, paper copies of the Construction Specifications Manual have been distributed to various contractors throughout the region. Mr. Little is unsure as to whether the City of Mandan has a list of the individuals who have received the Construction Specifications Manual which would include the unauthorized use of his name and professional engineering seal.

Based upon the unauthorized and unlawful use of Mr. Little's name and engineering seal and based upon the fact that Mr. Little is unsure as to the distribution of this misrepresentation by the City of Mandan, Mr. Little demands the following measures be taken:

1. That the Board of City Commissioners takes formal action to repeal the Board's action on March 3, 2009 in adopting new construction specifications.
2. Remove the construction specifications from the City of Mandan's website with a notice that the construction specifications have been repealed and are no longer in force.
3. Notify by letter any and all individuals, companies or other entities who received paper copies of the Construction Specifications Manual and notify them the City of Mandan misrepresented to them that the manual was in any way authorized, approved or sanctioned by Thomas R. Little, Professional

- Engineer. The notice to these individuals, companies or entities must also include a reference that Mr. Little did not create, approve, sanction, or validate any of the said specifications.
4. Place a public notice in the Bismarck Tribune and Mandan News stating that the Construction Specification Manual adopted by the City of Mandan on March 3, 2009 has been repealed and that Thomas R. Little did not approve, sanction or validate those specifications.
  5. Draft a letter addressed to Thomas R. Little on behalf of the City of Mandan indicating that in the event that any type of litigation or claim, is brought against the City of Mandan and that if Thomas R. Little is made a party to that litigation or claim, that the City of Mandan will indemnify and hold harmless Thomas R. Little from any potential liability for any claim or action made against the City of Mandan based upon the misrepresentation by the City of Mandan of his name or professional engineering seal. The City of Mandan will also agree to pay any reasonable attorneys' fees incurred by Mr. Little in having to defend any action or claim brought against him based upon the city's misrepresentation.
  6. Provide to this office verification that the above requests have been completed.

It would be our expectation this matter could be resolved as outlined herein in the next 30 days. If you have any questions, please feel free to contact me.

Yours Very Truly,

GEIERMANN BERGESON  
& GULER LAW OFFICES, P.C.

  
Michael J. Geiermann  
[gmann@gbg-lawoffice.com](mailto:gmann@gbg-lawoffice.com)

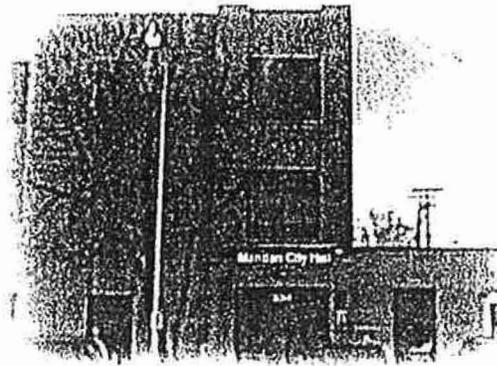
ljd

cc: Thomas Little

Encl.

# City of Mandan

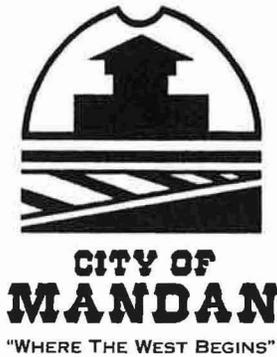
Mandan City Hall – 205 2<sup>nd</sup> Ave NW  
Mandan, ND 58554



## Construction Specifications For City of Mandan Mandan, ND



Thomas R. Little  
City Engineer



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** March 3, 2009  
**PREPARATION DATE:** February 20, 2009  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:**  
**PRESENTER:** Dave Bechtel  
**SUBJECT:** Consider approval and adoption of the new updated construction specifications

---

STATEMENT/PURPOSE: To put into use the newly updated Engineering Construction Specifications

BACKGROUND/ALTERNATIVES: This project has been ongoing for approximately two years and now has been completed. The old specification were being updated on a continuous basis but had fallen many years behind and had not been completely overhauled since 1980's. Many items in the spec book were not recommended for use and were still specified within our book so all sections were needing updating. The specifications were originally based loosely off the Bismarck construction specs. The new specifications are a collaborative effort of our old specification manual and recommendations and comparative standards in use with other Engineering firms. The final product was reviewed by the appropriate departments for any changes and additions and is now complete and ready for use.

ATTACHMENTS: 1. None

FISCAL IMPACT: N/A

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 approval and adoption of the specs for use.

SUGGESTED MOTION: I move for the adoption of the new Construction Specifications

2. *Approval and adoption of new construction specifications.*

Project Engineer Bechtel presented a request to adopt new construction specifications. Bechtel stated that the current specifications are quite old having been developed in the 1980's. He stated that this has been work in progress for approximately two years and is now ready to be presented for approval. Commissioner Jackson inquired if the change in the specifications will require changes to the municipal code? Bechtel replied that it would not.

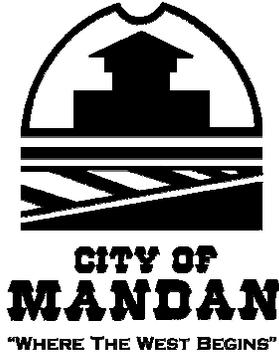
Commissioner Jackson moved to approve the adoption of new construction specifications. Commissioner Gangl seconded the motion. The motion received unanimous approval of the members present.

3. *Consider Parking Authority recommendation to contract with Rich & Associates Consulting, Inc. for downtown parking study.* Business Development Director Ellen Huber presented a request for the granting of approval to contract with a consulting firm for a downtown parking study. It was noted that previously the City Commission approved at a meeting on December 16, 2008, a request for proposals for a downtown parking study. The deadline for bid responses was set for January 28, 2009. Huber stated that the purpose of the study is to assess the current parking situation in the downtown area to include the usage, turnover rates and to project what future parking needs might be. Part of the study will include whether or not to include the construction of a parking garage in the downtown area. Huber stated that ten bid proposals have been received ranging between \$23,000 to \$67,000; up to \$50,000 was approved for this study within the 2009 budget. Huber stated that the following steps have taken place in the bid proposal selection process:

- An internal staff review committee and a 5-member parking authority group have met and ranked the proposals from 1 to 10 on the basis of cost, comprehensiveness and experience;
- The Park Authority met on 2/12/09 to review the proposal rankings and selected two of the ten firms to interview by telephone (Walker Parking Consultants, Minneapolis, MN and Rich & Associates Consulting, Southfield, MI);
- Parking Authority Chairman Lee Fleischer and member Monte Chase, and Neubauer, Bechtel, BaeHurst, Huber and Bullinger, participated in telephone interviews with the two firms on 2/18/09;
- Reference checks were conducted;
- The Parking Authority met on 2/20/09 to review all information and voted to recommend contracting with Rich & Associates Consulting, Southfield, MI.

Huber reviewed a proposed timeline for this project. She stated that Rich & Associates Consulting will be coming on 3/23/09 and will be recommending the formation of an Ad hoc Parking Authority Committee to include stakeholders of about 12 people.

Based on the above, Huber stated that the Parking Authority recommended awarding the contract to Rich & Associates Consulting, Southfield, MI in the amount of \$40,540. In addition, Huber requested that she and the Parking Authority be allowed to coordinate the formation of the Parking Study Advisory Committee so potential participants can be contacted and in place before the firm arrives; the Advisory Committee is tentatively scheduled to meet 3/23/09 with public informational session set on 3/25/09.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** March 3, 2015  
**PREPARATION DATE:** February 25, 2015  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Robert Decker, P.E., Principal Planner  
**SUBJECT:** Consider for approval replat of Lot 21, Block 1, Bridgeview Bay Addition

---

STATEMENT/PURPOSE:

Request is to split lot for sale of each half of duplex structure.

BACKGROUND/ALTERNATIVES:

The structure is built and has separate water service connections to each unit. There is a common sanitary sewer service connection in the right-of-way with a wye at the property line and two separate service lines to the units. This is an acceptable arrangement. Responsibility for maintenance and repair of the common sanitary sewer line should be documented in the deed or sales agreement when each half of the structure is sold.

ATTACHMENTS:

1. Plat Map
2. Location Map
3. Utility line locations

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION:

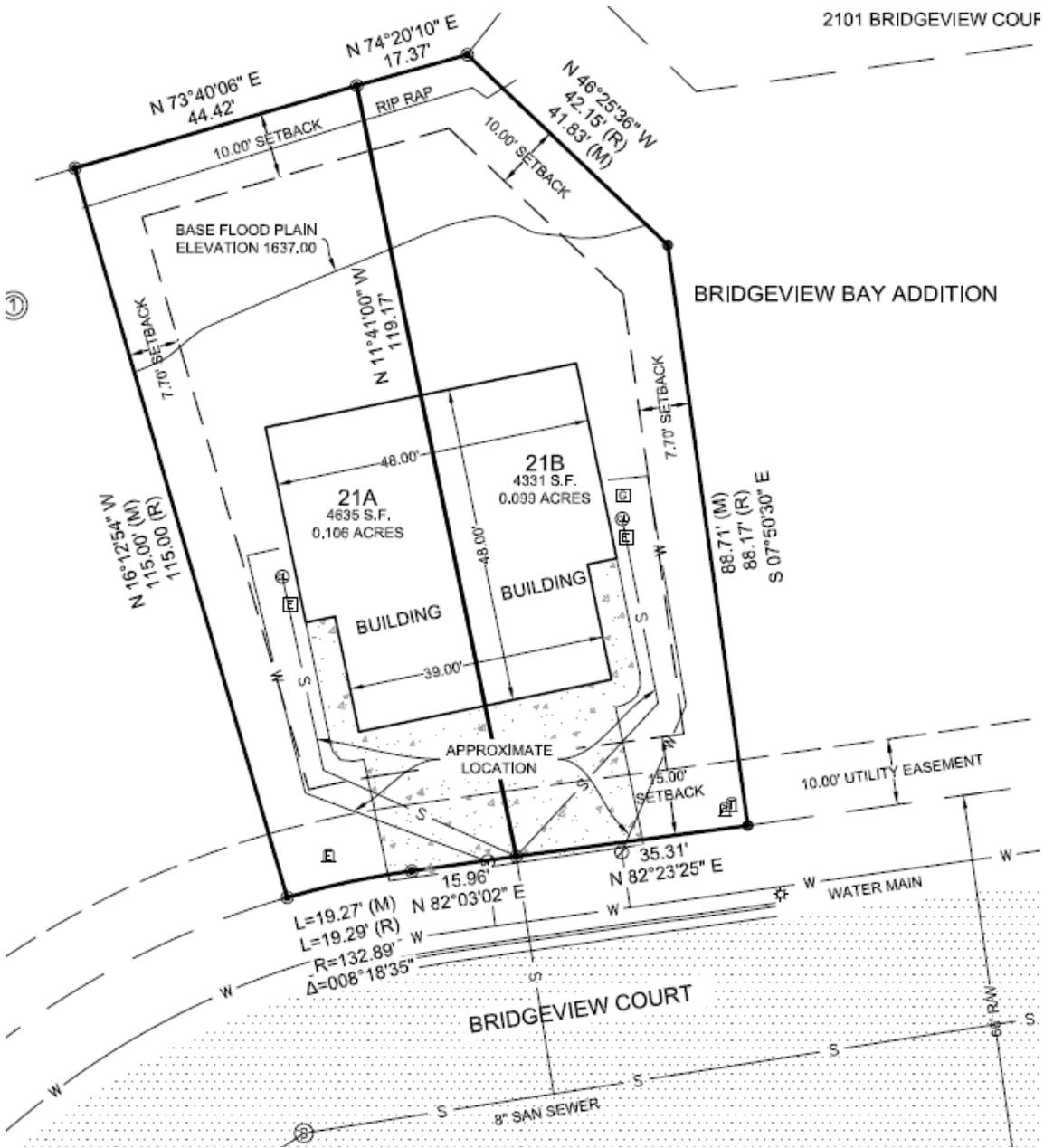
Recommend approval.

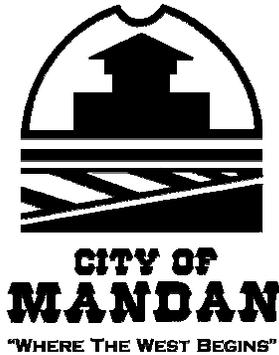
SUGGESTED ACTION:

Move to approve replat of Lot 21, Block 1, Bridgeview Bay Addition









# Board of City Commissioners

## Agenda Documentation

<b>MEETING DATE:</b>	March 3, 2015
<b>PREPARATION DATE:</b>	February 27, 2015
<b>SUBMITTING DEPARTMENT:</b>	Engineering
<b>DEPARTMENT DIRECTOR:</b>	Justin Froseth
<b>PRESENTER:</b>	Justin Froseth, Planning and Engineering Director
<b>SUBJECT:</b>	Amendment with Stantec to add surveying of alley ways to SID Project

**STATEMENT/PURPOSE:** To consider an amendment to the agreement with Stantec to add surveying of alley ways for a street improvement district in northeast downtown Mandan area.

**BACKGROUND/ALTERNATIVES:** The city entered into agreement with Stantec in December for the design and pre-bid services for the street improvement district. At that time, it was not decided if the alleys would be part of this project or not, therefore the surveying of the alleys was left out of the agreement. Even though the surveying work was omitted from the original agreement, the alleys were assessed since it was anticipated that work may include them. Stantec completed the alley assessment and brought that information, including cost and scope, forward as part of a public input meeting the engineering department held on February 19<sup>th</sup> in which the department invited residents and property owners within the district.

At the optional public input meeting a question asked by Stantec and the engineering department was whether or not those residents believed that the alleys should be part of this street improvement project. There were little to no objections to improving the alleys in the district as part of the project. Many of these alleys are still in a state that lends itself to a mill and overlay approach. Also, it is apparent that they are often used by the area's residents and property owners.

In order to properly put the construction documents together, a professional survey of the alleys is necessary. For this work, Stantec has proposed a time and materials approach, not to exceed their estimated amount of \$23,682.

**ATTACHMENTS:**

1. Map of General Area of Improvements
2. E-Mail from Keith Yapp, Stantec Project Manager

**FISCAL IMPACT:** The finance department has budgeted city sales tax dollars for planning of downtown SID projects given the nature of higher volumes of through traffic in downtown areas. The amount set aside was based on 5% of the project's cost. For 2014 the amount budgeted was \$75,000, but none of that was used so it may be able to be rolled into 2015. The

Board of City Commissioners

Agenda Documentation

Meeting Date: March 3, 2015

Subject: Amendment with Stantec to add surveying of alley ways to SID Project

Page 2 of 4

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amount budgeted for 2015 is \$150,000. At a task based cost of \$53,500 before this amendment, and a maximum cost of 6.25% of low bid of project, it is expected that both the \$75,000 rolled into 2015 along with a portion of the \$150,000 that was budgeted for 2015 will be utilized for this project, which was expanded in scope compared to what was expected when the budget numbers were set. The actual construction of this project would be paid for by special assessment method and assessed to benefiting properties.

STAFF IMPACT: Continuous collaboration with Stantec in all aspects of project.

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

RECOMMENDATION: Approve amended agreement with Stantec to add surveying of alley ways.

SUGGESTED MOTION: I move to approve amended agreement with Stantec to add surveying of alley ways.



Board of City Commissioners

Agenda Documentation

Meeting Date: March 3, 2015

Subject: Amendment with Stantec to add surveying of alley ways to SID Project

Page 4 of 4

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**Justin J. Froseth**

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**From:** Yapp, Keith <Keith.Yapp@stantec.com>  
**Sent:** Monday, February 23, 2015 3:10 PM  
**To:** Justin J. Froseth  
**Subject:** 2015 Street Improvements - Alleys

Justin – For the surveying for all the Alleys we would propose T & M with a not to exceed of \$23,682. Scope of services would be the same as for the streets with points being provided to City. There are just a few less LF of alleys then streets in the project. This is only the current paved alleys. The caveat related to snowfall that is in the current contract would pertain to this estimate.

Let me know if you have any questions. We can start as soon as authorization is provided.

Thanks

Keith R. Yapp, P.E.  
Principal  
Stantec  
3717 23rd Street South St. Cloud MN 56301-5094  
Phone: (320) 529-4371  
Cell: (320) 260-2766  
Fax: (320) 251-6252  
Keith.Yapp@stantec.com



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Consent No. 7 - Added 3/2/15

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

G - 0764 ( )  
Site License Number  
(Attorney General Use Only)

ABATE of North Dakota is hereby authorized to conduct games of  
(Full, Legal Name of Gaming Organization)

chance under the license granted by the Attorney General of the State of North Dakota at the following  
location: HideAway the address of which is:

1000 Boundry Road Mandan 58554 Morton  
(Street) (City) (Zip Code) (County)

Date(s) Authorized: Beginning 3/4/15 Ending 6/30/15

Specific location where games of chance will be conducted and played at the site (required):  
South Wall of Establishment

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

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

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

PRINT Name / Official Position of person signing above

**INSTRUCTIONS:**

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

**RETURN ALL DOCUMENTS TO:**

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



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

License Number (Office Use Only)  
 0766

Site Owner (Lessor) <i>Hidden Inc</i>		Site Name <i>Hideaway</i>		Site Phone Number <i>701 663 8362</i>
Site Address <i>1000 Boundary Rd</i>	City <i>Mandan</i>	State <i>ND</i>	Zip Code <i>58554</i>	County <i>Morton</i>
Organization (Lessee) <i>ABATE of ND</i>		Rental Period <i>3-4-15 to 6-30-15</i>		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes		\$
2. Is a raffle drawing going to be conducted at this site?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
3. Is Prize Boards involving a dispensing device conducted at this site?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
4. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$ \$
5. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
6. Is Pull Tabs involving either a jar bar and/or a dispensing device conducted at this site? Please check: <input type="checkbox"/> Jar Bar Only <input checked="" type="checkbox"/> Dispensing Device Only <input type="checkbox"/> Jar Bar and Dispensing Device		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ <i>400.00</i>
				Total Monthly Rent \$ <i>400.00</i>

**TERMS OF RENTAL AGREEMENT:**

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

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

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

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

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

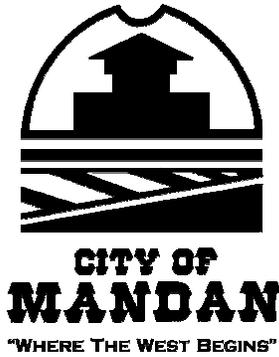
The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

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

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

Signature of Lessor <i>[Signature]</i>	Title <i>President</i>	Date <i>3/02/15</i>
Signature of Lessee (Top Executive Officer) <i>[Signature]</i>	Title <i>President</i>	Date <i>3/02/15</i>

(over)



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** March 3, 2015  
**PREPARATION DATE:** February 25, 2015  
**SUBMITTING DEPARTMENT:** Police  
**DEPARTMENT DIRECTOR:** Chief Dennis A. Bullinger  
**PRESENTER:** Chief Dennis A. Bullinger  
**SUBJECT:** Introduction of Records Technician, Nancy Miller  
Introduction of Car Marker, Craig Thomas

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STATEMENT/PURPOSE:

Introductions of new staff, Records Technician, Nancy Miller and Car Marker, Craig Thomas.

BACKGROUND/ALTERNATIVES:

Nancy is a native of Mandan and is a graduate of Mandan High. Nancy comes with extensive office experience to include bookkeeping and management. She leaves the Bismarck-Mandan Security Inc. as an Administrative Assistant. Prior employers include Environmental Services, Mandan and Aetna Health, of Bismarck.

Craig is a native of Muncie, Indiana and is a graduate from Muncie High. While in Muncie he began working for the Muncie Transit System driving a city bus for seven years. Craig and his wife Kari and their two children moved to the Bismarck/Mandan area in 2006. Craig has worked for the Bismarck Transit System and Knife River Coal as a driver.

ATTACHMENTS: N/A

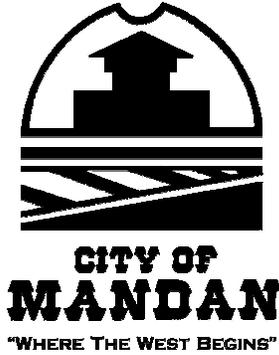
FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: N/A

SUGGESTED MOTION: N/A



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** March 3, 2015  
**PREPARATION DATE:** February 27, 2015  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Scott Jordan Denny, JLG Architects  
**SUBJECT:** Facility Needs Study Presentation

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STATEMENT/PURPOSE: To present the Facility Needs Study related to Mandan City Hall and potential Northwest Fire Station to the City Commission

BACKGROUND/ALTERNATIVES: JLG Architects was contracted with to conduct a Facility Needs Analysis relative to Mandan City Hall and a future North Fire Station.

Commissioner Laber along with city staff have been working with JLG since October/November 2014 on various options related to City Hall and a North Fire Station.

A public input meeting was held on January 27, February 16 and presented preliminary findings to the City Commission on February 17<sup>th</sup>. The draft final report is being presented March 3 to the City Commission.

ATTACHMENTS: Executive Summary, draft final report has been provided electronically, and is available upon request.

FISCAL IMPACT: n/a

STAFF IMPACT: n/a

LEGAL REVIEW: n/a

RECOMMENDATION: Receive draft final report.

SUGGESTED MOTION: n/a



# CITY OF MANDAN FACILITY NEEDS STUDY

MARCH 3, 2015 MANDAN CITY COMMISSION MEETING



# Study Goals:

- **Assess Impact of Growth**
- **Assess Existing Building**
- **Explore City Hall Options and Sites**
  - Remodel Existing Building
  - New Building
  - Alternate Location
- **Assess Fire Station #3**



## CITY OF MANDAN FACILITY NEEDS STUDY

MARCH 3, 2015 MANDAN CITY COMMISSION MEETING



## City Hall: Impact of Growth

	Current	5 Yr.	10 Yr.	20 Yr.
<b>City Staff</b>	<b>33</b>	<b>40</b>	<b>49</b>	<b>54</b>
<b>Projected Space Needs</b>	<b>18,000</b>	<b>22,400</b>	<b>23,950</b>	<b>24,950</b>
<b>Projected Population</b>	<b>19,777</b>	<b>25,828</b>	<b>28,563</b>	<b>30,000</b>

<b>City Hall: 1st Floor Space Available</b>	<b>14,990</b>
<b>City Hall: 2nd &amp; 3rd Floor Space Available</b>	<b>11,800</b>
<b>City Hall: Total</b>	<b>26,790</b>



- **Opened in 1934**
- **40 Years of Service as Community Center**
- **Repurposed in 1970's**
- **40 Years of Service as City Hall**
- **Current City Hall space is full**



CITY OF MANDAN FACILITY NEEDS STUDY  
**EXISTING BUILDING ASSESSMENT**

MARCH 3, 2015 MANDAN CITY COMMISSION MEETING



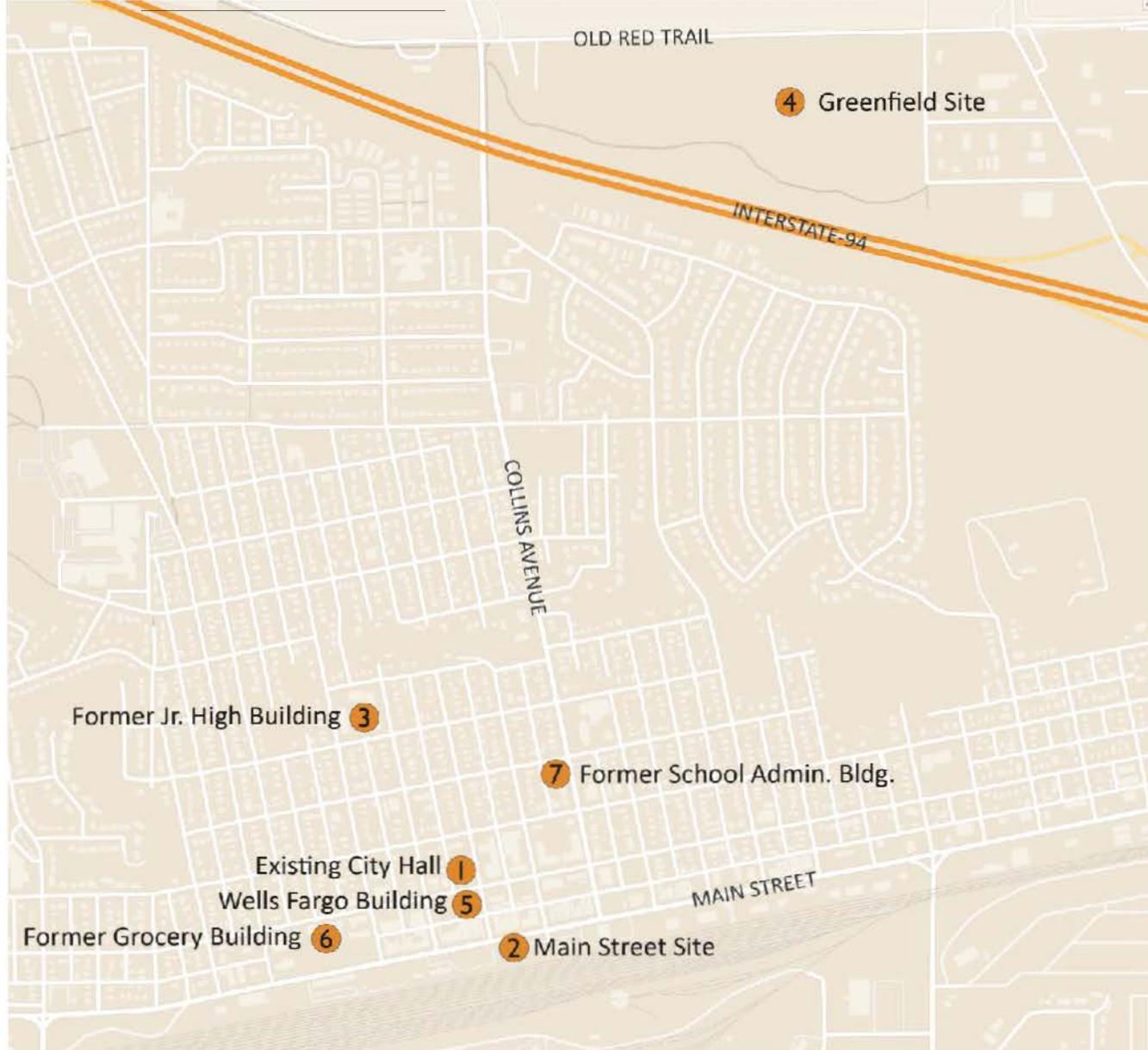
- 
- **Inadequate Heating, Cooling & Ventilating**
  - **End of Life Mechanical and Electrical Systems**
  - **Code and ADA Compliance Issues**
  - **No Security – Multiple Public Entries**
  - **Inefficient and Inflexible Spaces**
  - **Minimal Public Interaction Spaces**
  - **Out of Date Technology**
  - **Incompatible Uses**



CITY OF MANDAN FACILITY NEEDS STUDY  
**EXISTING BUILDING ASSESSMENT**

MARCH 3, 2015 MANDAN CITY COMMISSION MEETING





# CITY OF MANDAN FACILITY NEEDS STUDY CITY HALL SITE OPTIONS

MARCH 3, 2015 MANDAN CITY COMMISSION MEETING



		1. Existing City Hall Building		2. Main Street Site (new)		3. Former Jr. High Building		4. Greenfield Site (new)		5. Wells Fargo Building		6. Former Grocery Building		7. Former School Admin. Building	
Criteria	Weight	Rating	Score	Rating	Score	Rating	Score	Rating	Score	Rating	Score	Rating	Score	Rating	Score
1. Adequate Parking	4	2	8	4	16	5	20	5	20	4	16	5	20	2	8
2. Civic Identity	2	4	8	5	10	3	6	2	4	2	4	1	2	2	4
3. Ease of Transition/ Relocation	1	3	3	3	3	3	3	2	2	4	4	3	3	3	3
5. Highest and Best Use	3	5	15	4	12	3	9	3	9	2	6	1	3	2	6
6. Project Cost	3	5	15	2	6	4	12	2	6	3	9	3	9	3	9
7. Proximity to County Facilities	2	5	10	2	4	4	8	1	2	5	10	3	6	4	8
8. Site Size	4	3	12	4	16	5	20	5	20	5	20	4	16	1	4
9. Site Availability	4	5	20	3	12	2	8	4	16	2	8	2	8	3	12
10. Supports Downtown Development	2	4	8	4	8	3	6	1	2	4	8	2	4	3	6
11. Traffic Access	2	3	6	4	8	2	4	3	6	3	6	4	8	3	6
12. Consolidated Civic Functions	3	4	12	4	12	2	6	4	12	2	6	1	3	1	3
<b>Total Score:</b>			<b>117</b>		<b>107</b>		<b>102</b>		<b>99</b>		<b>97</b>		<b>82</b>		<b>69</b>

*Each Criteria is weighted (on a scale of 1-4) by its relative importance.*

*Sites are rated (1-5) for how well the site meets the criteria, and a total score is tallied.*



2nd AVE

1st AVE

MAIN STREET

NEW CITY HALL

EXPANDED PARKING

**PRO:**

- Keeps City Hall Downtown
- Energizes Main Street
- Completes Civic Facilities Around Dykshoorn Park

**CON:**

- Impacts Existing Parking
- Compromises Future Retail Opportunities on Main St
- Challenging Access Off Main St.
- Remote from County Facilities

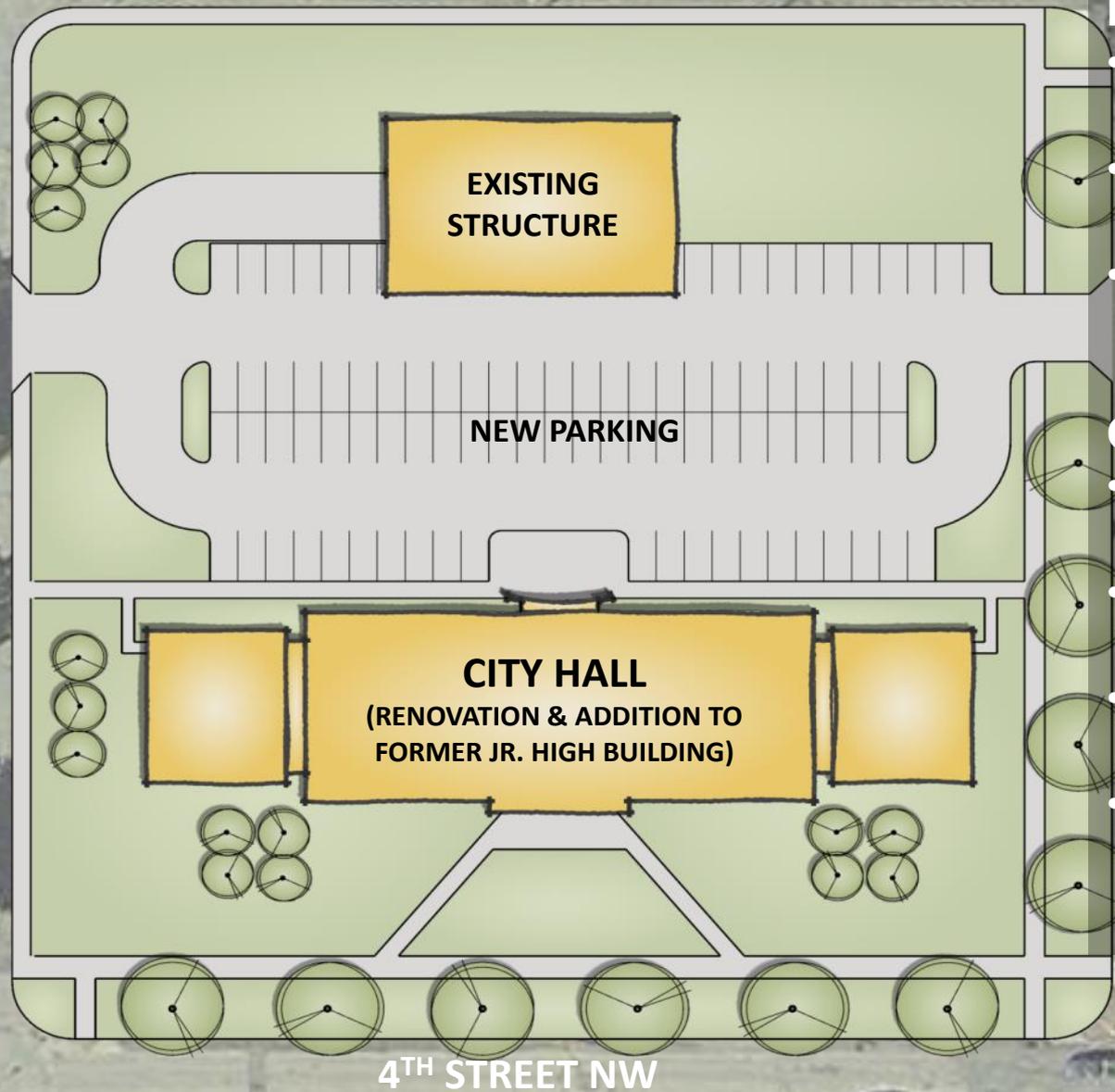


CITY OF MANDAN FACILITY NEEDS STUDY  
**SITE OPTION 2: MAIN STREET SITE**

MARCH 3, 2015 MANDAN CITY COMMISSION MEETING



4<sup>TH</sup> AVENUE NW



**PRO:**

- Utilizes Historic Jr. High Building
- Re-energizes Neighborhood
- Provides Excellent Parking

**CON:**

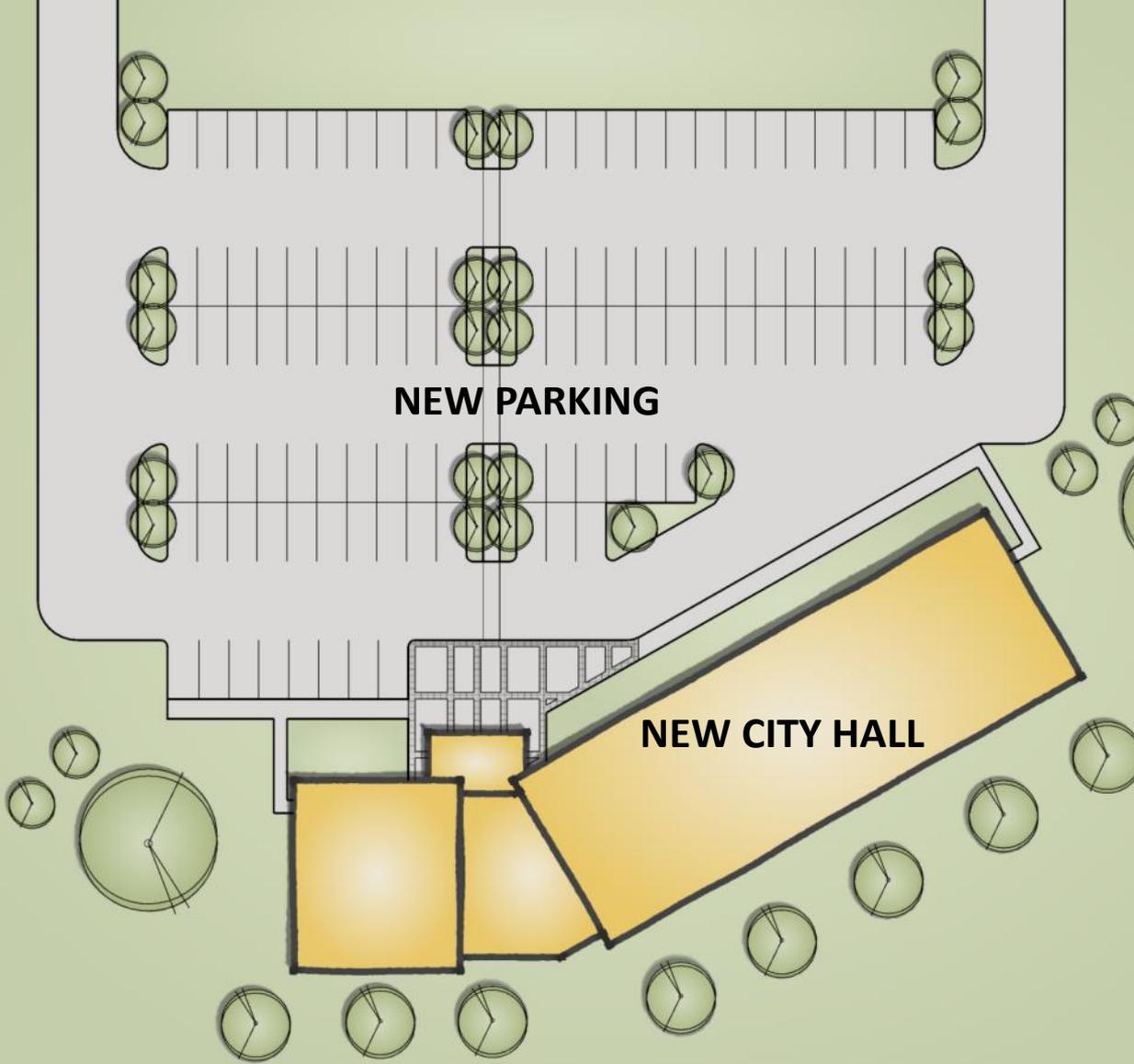
- Challenging Acquisition
- Unknown Building Condition Issues
- Remote from Downtown
- Remote from County Facilities



CITY OF MANDAN FACILITY NEEDS STUDY  
**SITE OPTION 3: FORMER JR. HIGH BUILDING**

MARCH 3, 2015 MANDAN CITY COMMISSION MEETING





## **PRO:**

- **Potential Consolidated 'Civic Center' complex**
- **Prominent 'Gateway' Location**
- **Excellent Parking**

## **CON:**

- **Remote from Downtown**
- **Does Not Support Growth and Density Goals for Downtown**
- **Adjacent to Refinery**
- **Drive-to Only, Not Walkable**



# CITY OF MANDAN FACILITY NEEDS STUDY SITE OPTION 4: GREENFIELD SITE

FEBRUARY 17, 2015 MANDAN CITY COMMISSION MEETING



		Now	5 years	10 years	20 years
Projected City Hall Staff:		<b>33</b>	<b>40</b>	<b>49</b>	<b>54</b>
<b>Status Quo:</b>	\$12 M				
	\$10 M				
	\$8 M				
	\$6 M			<b>Expand to 3 - \$0.7 M</b>	
	\$4 M		<b>Expand to 2 - \$3.2 M</b>		
<b>Minimal Upgrades to City Hall</b>	\$2 M	<b>Repairs - \$1.7 M</b>			<b>Total: \$5.6 M</b>
	\$12 M				
	\$10 M	<b>Renovation &amp; Addition \$11 M</b>		<b>Rule of Thumb: Build New If Renovation Costs Exceed 60% of New</b>	<b>Total: \$11 M</b>
	\$8 M				
	\$6 M				
\$4 M					
\$2 M					
<b>Option 1: Existing City Hall: Renovation &amp; Addition</b>	\$12 M	<b>New Building \$12.6 M</b>			<b>Total: \$12.6 M</b>
	\$10 M				
	\$8 M				
	\$6 M				
	\$4 M				
\$2 M					
<b>Option 2: Main Street Site: New Building</b>	\$12 M	<b>Renovation &amp; Addition \$11.3 M</b>			<b>Total: \$11.3 M</b>
	\$10 M				
	\$8 M				
	\$6 M				
	\$4 M				
\$2 M					
<b>Option 3: Jr. High Building: Renovation &amp; Addition</b>	\$12 M	<b>New Building \$12.6 M</b>			<b>Total: \$12.6 M</b>
	\$10 M				
	\$8 M				
	\$6 M				
	\$4 M				
\$2 M					
<b>Option 4: Greenfield Site: New Building</b>	\$12 M				
	\$10 M				
	\$8 M				
	\$6 M				
	\$4 M				
\$2 M					



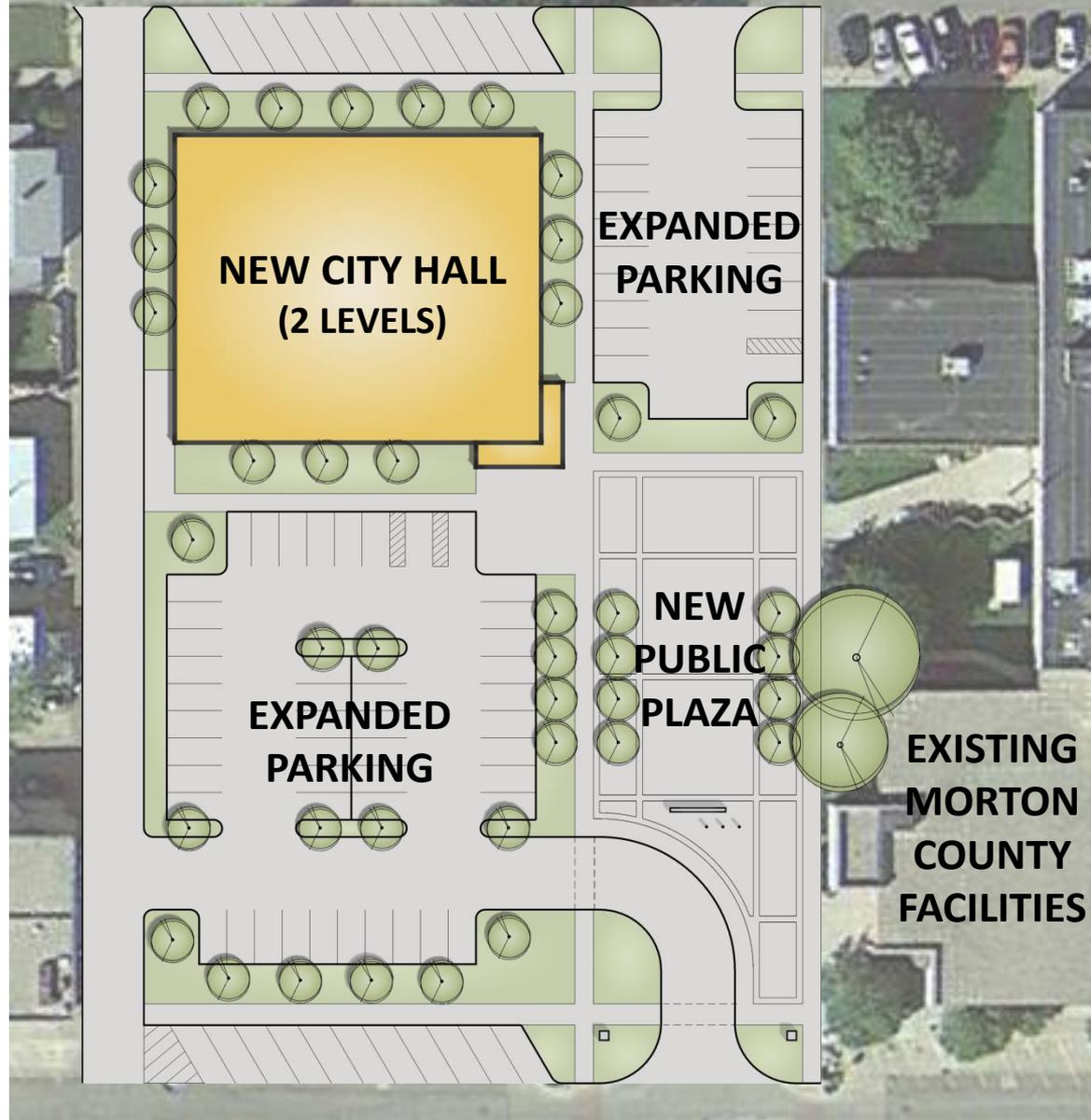


CITY OF MANDAN FACILITY NEEDS STUDY  
**PUBLIC FORUM I**  
MARCH 3, 2015 MANDAN CITY COMMISSION MEETING



## RECOMMENDATION:

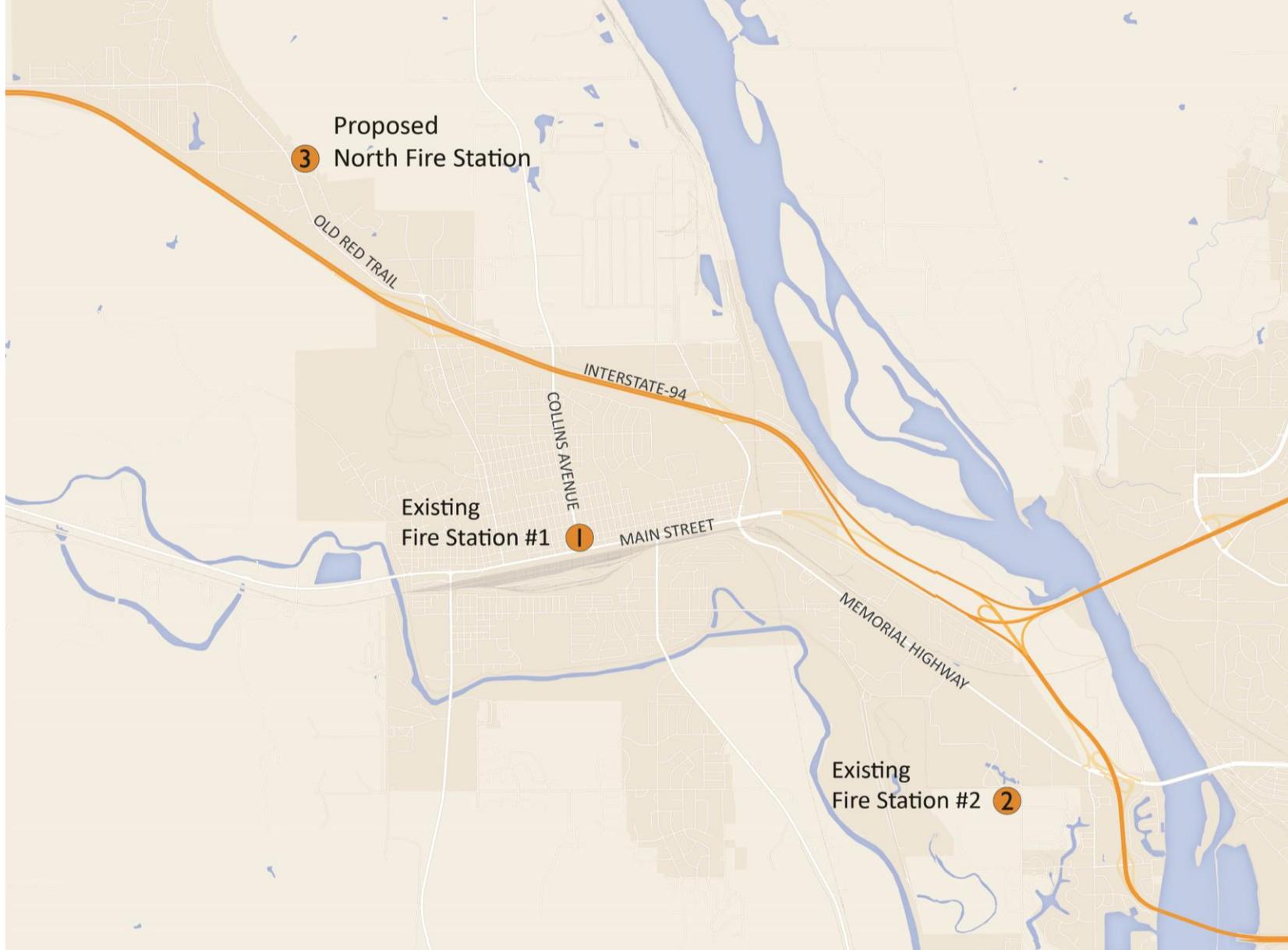
- Acquire Mandan Church of Christ Property
- Build a New Efficient Functional City Hall on Church Site
- Maintain Existing Through Move-In
- Close 2<sup>nd</sup> Avenue NW
- Develop New Public Plaza
- Develop Expanded Parking Facilities



CITY OF MANDAN FACILITY NEEDS STUDY  
**CITY HALL ALTERNATE SITE PLAN C**

MARCH 3, 2015 MANDAN CITY COMMISSION MEETING



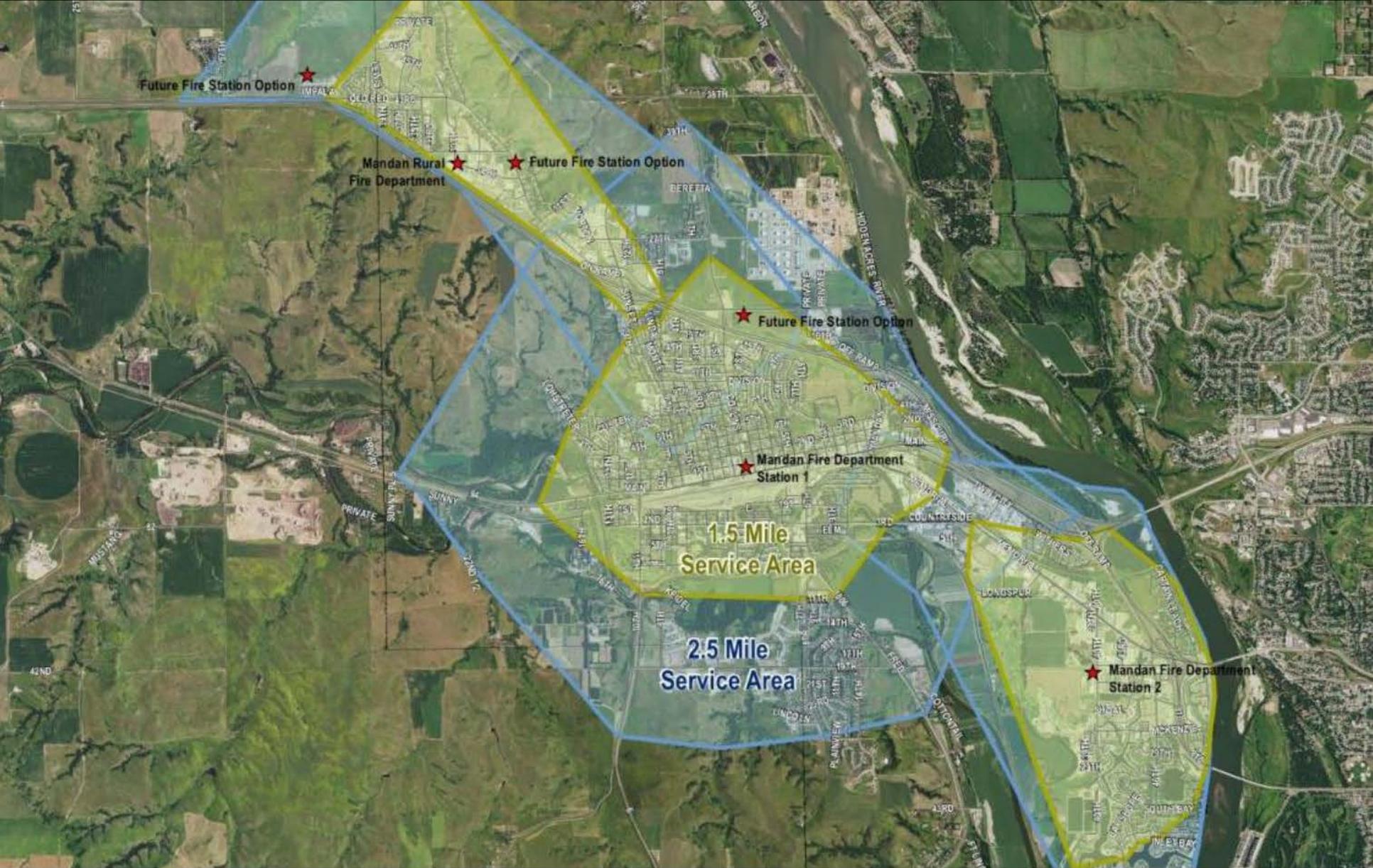


CITY OF MANDAN FACILITY NEEDS STUDY

# FIRE STATION SITES

MARCH 3, 2015 MANDAN CITY COMMISSION MEETING



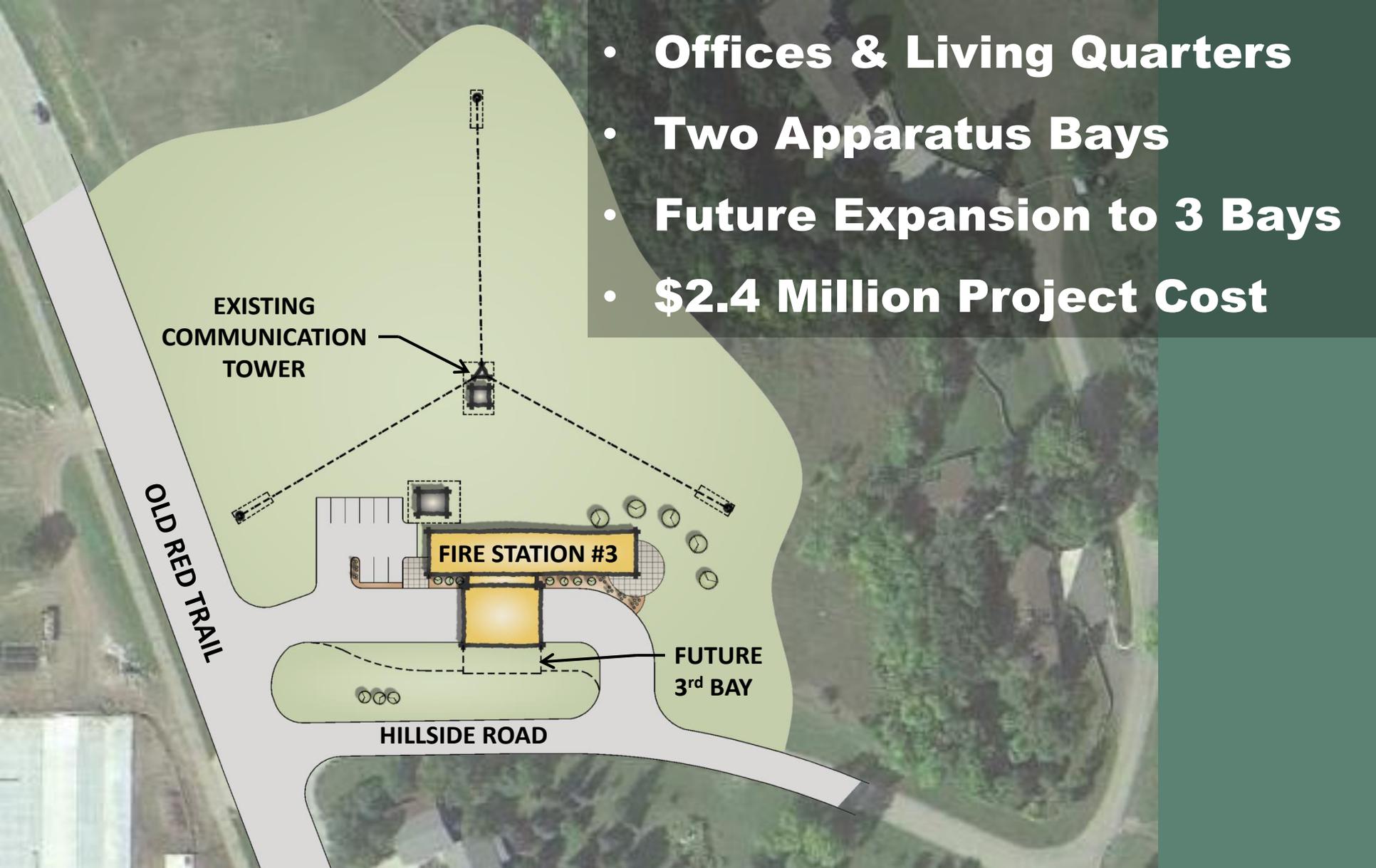


CITY OF MANDAN FACILITY NEEDS STUDY  
**FIRE STATION NO. 3 - TOWER SITE**

MARCH 3, 2015 MANDAN CITY COMMISSION MEETING



- **Offices & Living Quarters**
- **Two Apparatus Bays**
- **Future Expansion to 3 Bays**
- **\$2.4 Million Project Cost**



CITY OF MANDAN FACILITY NEEDS STUDY  
**FIRE STATION NO. 3 - TOWER SITE**

MARCH 3, 2015 MANDAN CITY COMMISSION MEETING



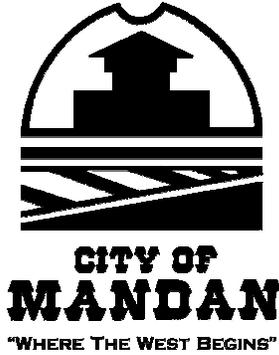
# Q&A



## CITY OF MANDAN FACILITY NEEDS STUDY

MARCH 3, 2015 MANDAN CITY COMMISSION MEETING





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** March 3, 2015  
**PREPARATION DATE:** February 27, 2015  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** Amendment to North Dakota Department of Transportation Project SS-TES-1-094(107)920 (Richard M. Longfellow Veterans Park)

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**STATEMENT/PURPOSE:** To consider an Amendment to North Dakota Department of Transportation (NDDOT) Project SS-TES-1-094(107)920 (Richard M. Longfellow Veterans Park)

**BACKGROUND/ALTERNATIVES:** We have been in discussion with the NDDOT regarding the property that lies between the south side of Liberty Memorial Bridge and Pirates Cove (condominiums). Much of the west side of the Missouri River is in private hands which limits the public's opportunity to enjoy its benefits.

This property was acquired for the construction of the Liberty Memorial Bridge and was used as a staging area while the bridge was under construction. Rather than selling the property NDDOT has determined that retaining ownership of this land is essential for future maintenance, repair and ultimately replacement of the bridge, and that it would be in the best interests of the public to have the City of Mandan manage this land as part of Richard M. Longfellow Veterans Park.

NDDOT would retain ownership of the property and the right to enter to conduct maintenance, repair and replacement activities on the bridge. We have asked that NDDOT provide us with 48 hours advance notice if any activity were to take place (other than at times of emergency).

Improvements to the property would be the responsibility of the City of Mandan with maintenance of the park the responsibility of the Mandan Park District. This would mirror the arrangement we have with the current Longfellow Park.

Should the Commission approve of this amendment, we would then begin planning improvements to the area with potential funding coming from the Visitors Fund.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 3, 2015

Subject: Amendment to North Dakota Department of Transportation Project SS-TES-1-094(107)920 (Richard M. Longfellow Veterans Park)

Page 2 of 5

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ATTACHMENTS: Amendment to North Dakota Department of Transportation Project SS-TES-1-094(107)920 (Richard M. Longfellow Veterans Park)

FISCAL IMPACT: Potential Visitors Fund

STAFF IMPACT: n/a

LEGAL REVIEW: City Attorney Brown has reviewed the document with no changes suggested.

RECOMMENDATION: I recommend approving the Amendment to North Dakota Department of Transportation Project SS-TES-1-094(107)920 (Richard M. Longfellow Veterans Park)

SUGGESTED MOTION: I move to approve the Amendment to North Dakota Department of Transportation Project SS-TES-1-094(107)920 (Richard M. Longfellow Veterans Park)



Board of City Commissioners

Agenda Documentation

Meeting Date: March 3, 2015

Subject: Amendment to North Dakota Department of Transportation Project SS-TES-1-094(107)920 (Richard M. Longfellow Veterans Park)

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NDDOT Contract No. 38140782

**North Dakota Department of Transportation**

**AMENDMENT TO CONTRACT NO. ~~NA~~**

**Project No. SS-TES-1-094(107)920**

THIS AMENDMENT to the above-referenced contract is entered into by and between the State of North Dakota, acting through its Director of Transportation, hereinafter known as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and Mandan, North Dakota, hereinafter known as the Contractor, whose address is 205 Second Avenue NW, Mandan, North Dakota 58554.

WHEREAS, the parties entered into a contract on June 6, 2009; and

WHEREAS, When the Missouri Valley Meat property was acquired for the construction of the Liberty Memorial Bridge it was the intent of the Department to sell the portion of the property south of the approximate dashed line in Parcel 1-1B as shown on Figure 1. The portion to the north of this line was incorporated into the park project (which became known as Richard M. Longfellow Veterans Park); and

WHEREAS, the Department has determined that retaining ownership of this land is essential for future maintenance, repair, and ultimately replacement of the Liberty Memorial Bridge; and

WHEREAS, it would be in the best interests of the public to have the Contractor manage this land as part of Richard M. Longfellow Veterans Park; and

WHEREAS, the Department will maintain the right to enter the entire Richard M. Longfellow Veterans Park to conduct maintenance, repair, and replacement activities on the Liberty Memorial Bridge; and

NOW THEREFORE, the Contractor and NDDOT agree that the Department will allow the Contractor to manage the entire parcel identified as Parcel 1-1B as shown on Figure 1 as part of Richard M. Longfellow Veterans Park and that the Department will retain ownership of this parcel and maintain the right to enter the entire Richard M. Longfellow Veterans Park to conduct maintenance, repair, and replacement activities on the Liberty Memorial Bridge. The Department will notify with the Contractor 48 hours in advance of any maintenance and repair activities unless they are of an emergency nature. For activities of an emergency nature the Department will notify the Contractor at the time the emergency is known.



Board of City Commissioners

Agenda Documentation

Meeting Date: March 3, 2015

Subject: Amendment to North Dakota Department of Transportation Project SS-TES-1-094(107)920 (Richard M. Longfellow Veterans Park)

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All other terms and conditions of the above-referenced contract are incorporated herein by reference and remain in full force and effect.

EXECUTED the date last below signed.

WITNESS:

CONTRACTOR:

\_\_\_\_\_  
NAME (TYPE OR PRINT)

\_\_\_\_\_  
COMPANY NAME

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
OFFICER'S NAME (TYPE OR PRINT)

To be signed by Owner, Partner, Corp. Pres., Vice Pres., or other authorized Corp. Officer. (If signed by other authorized Corp. Officer, please attach copy of Power of Attorney or other documentation showing authority to sign.)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

WITNESS:

NORTH DAKOTA DEPARTMENT  
OF TRANSPORTATION

\_\_\_\_\_  
NAME (TYPE OR PRINT)

\_\_\_\_\_  
DIRECTOR (TYPE OR PRINT)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

APPROVED as to substance by:

\_\_\_\_\_  
DIVISION DIRECTOR (TYPE OR PRINT)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

CLA 52494 (Div. 06)  
L.D. Approved 5-19-00; 5-03



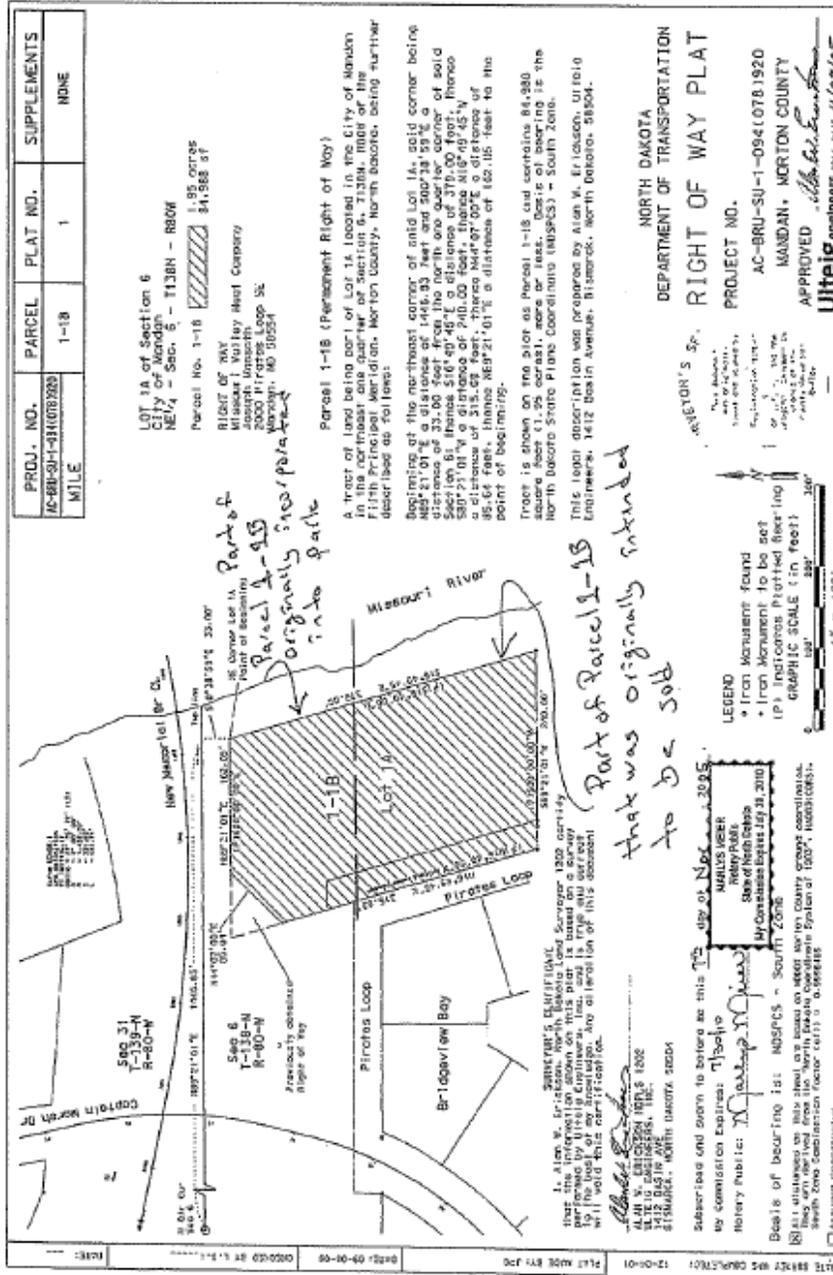
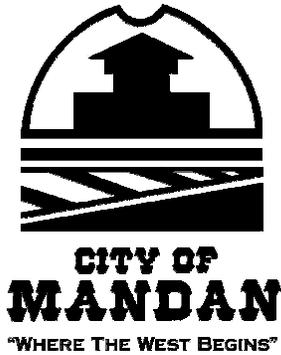


FIGURE 1



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** March 3, 2015  
**PREPARATION DATE:** February 26, 2015  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Justin Froseth, Planning & Engineering Director  
**SUBJECT:** Consider the creation of, approval of the engineer's report, approval of feasibility report and resolution of necessity for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown area).

---

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

BACKGROUND/ALTERNATIVES: It has been observed by city staff that the street and alley surface within the northeast downtown area has been degraded to the extent that improvements are warranted. This was confirmed by a professional analysis of these streets conducted by Dynatest Consulting Inc. in the spring of 2012.

The city hired Stantec, consulting engineers, to help plan and prepare design documents for this project. On February 19<sup>th</sup>, the engineering department and Stantec held a public input meeting with presentation of work done thus far for all the residents and property owners. There were about 30 residents and property owners that attended one of the two times that they were invited to. Information was shared and comments were collected at this time. Generally speaking, those in attendance saw the need for the project as presented and saw the need to include the alley ways as part of it.

In considering Stantec's assessment, and weighing the comments of the optional public input meeting, and comments received since, the engineering department would like to proceed with the following improvements. Reconstruction of all the local (collectors and arterials not included) streets within the district as well as spot repair of curb and gutter and sidewalk. Also, a mill and overlay of most, with reconstruction of some alley ways within the district. In order to do so, the engineering department needs approval of the creation of the district, the approval of the reports, and the approval of a resolution of necessity for this work.

Going forward, the planned project schedule is as follows:

Board of City Commissioners

Agenda Documentation

Meeting Date: March 3, 2015

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

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---

You Are Here	Date	Item	Action
✓	November 2014	RFP for Engineering Services	
✓	December 16, 2015	Engineering Agreement Considered	City Commission Approved
✓	February 19, 2015	Public meeting held with residents to discuss project options	Planning & Engineering
☞	March 3, 2015	District and necessary resolutions established	City Commission Consideration
	March 13, 2015	District Published in Mandan News	
	March 13, 2015	Letters Sent to residents in district with estimated assessment	Planning & Engineering
	April 13, 2015	Deadline for Protest	
	April 21, 2015	Consider Protests. Consider ad for bid if insufficient protests	
	April 24, 2015	Ad for bid published in Mandan News	
	May 15, 2015	Bid Opening	
	June, 2015	Bid Awarded	
	June, 2015	Construction to begin	
	2016	Completion Date	
	2016	Special Assessments	

- ATTACHMENTS:
1. Resolution creating district
  2. District Map
  3. Resolution Approving Engineer's Report
  4. Feasibility Report
  5. Resolution of Necessity

FISCAL IMPACT: The estimated cost of construction is \$2,706,146.60, engineering and administration is estimated to add \$947,151.31, bringing the total project cost to \$3,653,297.91. Approximately 5% of the project is to be paid for by city sales tax fund. The remainder of the cost would be special assessed to the benefitting properties.

STAFF IMPACT: Frequent on going collaboration with Stantec for this project.

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.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 3, 2015

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

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SUGGESTED MOTION: I move to approve the creation of, approve of the engineer's report, approve the feasibility report, and resolution of necessity for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

Board of City Commissioners

Agenda Documentation

Meeting Date: March 3, 2015

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

Page 4 of 11

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**RESOLUTION CREATING  
STREET IMPROVEMENT DISTRICT NO. 199**

Project No. 2014-28

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. 199 (the "District")(Project# 2014-28) 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, 5<sup>th</sup> Avenue NE, 6<sup>th</sup> Avenue NE, 8<sup>th</sup> Avenue NE, 10<sup>th</sup> Avenue NE, 11<sup>th</sup> Avenue NE, 12<sup>th</sup> Avenue NE, 13<sup>th</sup> Avenue NE, 2<sup>nd</sup> Street NE and 3<sup>rd</sup> Street NE as well as the alley ways between, and includes asphalt resurfacing by reconstruction and mill and overlay, spot repair of curb and gutter, 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 (see attached map):

All Lots Blocks 1, 2, 27, 28 & 31, Mandan Proper Addition

Lots 1-4 Block 29, Mandan Proper Addition

Lots 3-8 Block 30, Mandan Proper Addition

All Lots Blocks 1-7, 9-15 & 18-23, Helmsworth-McLean 1<sup>st</sup> Addition

Lots 7-12 Block 16, Helmsworth-McLean 1<sup>st</sup> Addition

Lots 7-18 Block 17, Helmsworth-McLean 1<sup>st</sup> Addition

Lots 8-18 Block 24, Helmsworth-McLean 1<sup>st</sup> Addition

Lots 7-18 Blocks 25-29, Helmsworth-McLean 1<sup>st</sup> Addition

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

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

Board of City Commissioners

Agenda Documentation

Meeting Date: March 3, 2015

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

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

ATTEST:

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

Date of Passage: March 3, 2015

Board of City Commissioners

Agenda Documentation

Meeting Date: March 3, 2015

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

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

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 199 (Project # 2014-28), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

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

a. Construction costs:	\$2,706,146.60
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:	\$947,151.31
c. Total estimated costs of the improvement:	\$3,653,297.91

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: March 3, 2015

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

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

Dated this 3<sup>rd</sup> day of March 2015.

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President, Board of City Commissioners

ATTEST:

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City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: March 3, 2015

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

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**FEASIBILITY AND EVALUATION OF IMPROVEMENTS  
FOR STREET IMPROVEMENT DISTRICT #199, PROJECT #2014-28**

1.) General Nature of Project

The District has been created to allow for street improvements to 5<sup>th</sup> Avenue NE, 6<sup>th</sup> Avenue NE, 8<sup>th</sup> Avenue NE, 10<sup>th</sup> Avenue NE, 11<sup>th</sup> Avenue NE, 12<sup>th</sup> Avenue NE, 13<sup>th</sup> Avenue NE, 2<sup>nd</sup> Street NE and 3<sup>rd</sup> Street NE as well as the alley ways between, and includes asphalt resurfacing by reconstruction and mill and overlay, spot repair of curb and gutter, and related work.

2.) Location of Proposed Construction

The proposed construction will take place on 5<sup>th</sup> Avenue NE, 6<sup>th</sup> Avenue NE, 8<sup>th</sup> Avenue NE, 10<sup>th</sup> Avenue NE, 11<sup>th</sup> Avenue NE, 12<sup>th</sup> Avenue NE, 13<sup>th</sup> Avenue NE, 2<sup>nd</sup> Street NE and 3<sup>rd</sup> Street NE as well as the alley ways between

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 an improvement to streets that have deteriorated to the point of inadequacy.

5.) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$2,706,146.60. 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 \$947,151.31. The total cost for the improvement is estimated at \$3,653,297.91.

Dated this 3<sup>th</sup> day of March, 2015.

  
Justin Froseth  
Planning and Engineering Director

Board of City Commissioners

Agenda Documentation

Meeting Date: March 3, 2015

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

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**RESOLUTION DECLARING THE NECESSITY OF AN  
IMPROVEMENT PROJECT IN AND FOR  
STREET IMPROVEMENT DISTRICT NO. 199 OF THE CITY OF MANDAN  
TO BE PAID BY THE LEVY OF SPECIAL ASSESSMENTS  
ON PROPERTY BENEFITTED THEREBY**

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

1. It is hereby found, determined and declared that it is necessary for the City of Mandan to construct a street improvement project of the type specified in Subsection 40-22-01(2), North Dakota Century Code, in and for Street Improvement District No. 199 (Project #2014-28) of said City. Said improvement project shall include, but not be limited to the improvements of streets, as well as all other work and materials which are necessary or reasonably incidental to the completion of the project; all in accordance with and as described in the resolution creating said district adopted March 3, 2015; which is on file in the offices of the City Engineer and open for public inspection by anyone interested therein. Most of the proposed construction will take place on streets between 4<sup>th</sup> Avenue NE to Mandan Avenue and between Main Street and 3<sup>rd</sup> Street NE all in the City of Mandan.
2. The cost of said improvement project shall be paid for by special assessments to be levied against the respective lots, tracts and parcels of land within said improvement district benefitted by the improvement in amounts proportionate to and not exceeding such benefits and the Board of City Commissioners reserves the right to provide for the payment of a portion of the costs of such improvement from such other funds as may be properly available for such purpose.
3. The City Administrator is authorized and directed to cause this resolution, together with a map of the City showing the improvement district, which is attached hereto, to be published once each week for two (2) consecutive weeks in the official newspaper of the City.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 3, 2015

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

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4. The owners of property within said improvement district and liable to be specially assessed for said improvement shall be afforded the opportunity to file written with the City Administrator at any time within thirty (30) days after the first publication of this resolution. Written protests must be submitted to the City Administrator no later than 4:30 pm, local time, April 13, 2015. The Board of City Commissioners shall, at its next meeting after the expiration of said period, to wit April 21, 2015 at 5:30 o'clock p.m., meet at the City Hall, 205 2<sup>nd</sup> Avenue N.W., Mandan, ND, to hear and determine the sufficiency of any of the protests so filed and to take such other and further action with reference to said improvement district as may then be deemed necessary and expedient.

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

Dated this 3<sup>rd</sup> day of March, 2015.

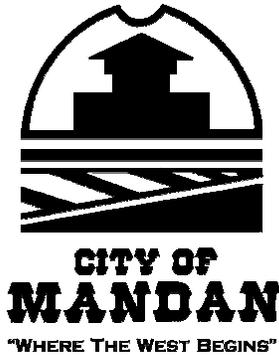
\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

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

Publication Dates: March 13<sup>th</sup> & March 20<sup>th</sup>, 2014

Map of District Must also be Published



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** March 3, 2015  
**PREPARATION DATE:** February 26, 2015  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Justin Froseth, Planning & Engineering Director  
**SUBJECT:** Consider the creation of, approval of the engineer's report, approval of feasibility report and resolution of necessity for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown area).

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

BACKGROUND/ALTERNATIVES: It has been observed by city staff that the street and alley surface within the northeast downtown area has been degraded to the extent that improvements are warranted. This was confirmed by a professional analysis of these streets conducted by Dynatest Consulting Inc. in the spring of 2012.

The city hired Stantec, consulting engineers, to help plan and prepare design documents for this project. On February 19<sup>th</sup>, the engineering department and Stantec held a public input meeting with presentation of work done thus far for all the residents and property owners. There were about 30 residents and property owners that attended one of the two times that they were invited to. Information was shared and comments were collected at this time. Generally speaking, those in attendance saw the need for the project as presented and saw the need to include the alley ways as part of it.

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Board of City Commissioners

Agenda Documentation

Meeting Date: March 3, 2015

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

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Going forward, the planned project schedule is as follows:

You Are Here	Date	Item	Action
✓	November 2014	RFP for Engineering Services	
✓	December 16, 2015	Engineering Agreement Considered	City Commission Approved
✓	February 19, 2015	Public meeting held with residents to discuss project options	Planning & Engineering
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	May 15, 2015	Bid Opening	
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	June, 2015	Construction to begin	
	2016	Completion Date	
	2016	Special Assessments	

- ATTACHMENTS:
1. Resolution creating district
  2. District Map
  3. Resolution Approving Engineer's Report
  4. Feasibility Report
  5. Resolution of Necessity

FISCAL IMPACT: The estimated cost of construction is \$2,706,146.60, engineering and administration is estimated to add \$947,151.31, bringing the total project cost to \$3,653,297.91. Approximately 5% of the project is to be paid for by city sales tax fund. The remainder of the cost would be special assessed to the benefitting properties.

STAFF IMPACT: Frequent on going collaboration with Stantec for this project.

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: March 3, 2015

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

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RECOMMENDATION: This office supports moving forward with the project.

SUGGESTED MOTION: I move to approve the creation of, approve of the engineer's report, approve the feasibility report, and resolution of necessity for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

Board of City Commissioners

Agenda Documentation

Meeting Date: March 3, 2015

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

Page 4 of 11

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**RESOLUTION CREATING  
STREET IMPROVEMENT DISTRICT NO. 199**

Project No. 2014-28

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. 199 (the "District")(Project# 2014-28) 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, 5<sup>th</sup> Avenue NE, 6<sup>th</sup> Avenue NE, 8<sup>th</sup> Avenue NE, 10<sup>th</sup> Avenue NE, 11<sup>th</sup> Avenue NE, 12<sup>th</sup> Avenue NE, 13<sup>th</sup> Avenue NE, 2<sup>nd</sup> Street NE and 3<sup>rd</sup> Street NE as well as the alley ways between, and includes asphalt resurfacing by reconstruction and mill and overlay, spot repair of curb and gutter, 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 (see attached map):

All Lots Blocks 1, 2, & 27-31, Mandan Proper Addition

All Lots Blocks, 1-6, 10-15, 18-21, & 23, Helmsworth-McLean 1<sup>st</sup> Addition

Lots 17-24 Block 9, Helmsworth-McLean 1<sup>st</sup> Addition

Lots 7-12 Block 16, Helmsworth-McLean 1<sup>st</sup> Addition

Lots 7-18 Block 17, Helmsworth-McLean 1<sup>st</sup> Addition

Lots 1-14 & 17-24 Block 22, Helmsworth-McLean 1<sup>st</sup> Addition

Lots 8-18 Block 24, Helmsworth-McLean 1<sup>st</sup> Addition

Lots 7-18 Blocks 25-29, Helmsworth-McLean 1<sup>st</sup> Addition

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

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

Board of City Commissioners

Agenda Documentation

Meeting Date: March 3, 2015

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

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

ATTEST:

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

Date of Passage: March 3, 2015

Board of City Commissioners

Agenda Documentation

Meeting Date: March 3, 2015

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

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

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 199 (Project # 2014-28), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

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

a. Construction costs:	\$2,706,146.60
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:	\$947,151.31
c. Total estimated costs of the improvement:	\$3,653,297.91

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: March 3, 2015

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

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

Dated this 3<sup>rd</sup> day of March 2015.

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President, Board of City Commissioners

ATTEST:

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City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: March 3, 2015

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

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**FEASIBILITY AND EVALUATION OF IMPROVEMENTS  
FOR STREET IMPROVEMENT DISTRICT #199, PROJECT #2014-28**

1.) General Nature of Project

The District has been created to allow for street improvements to 5<sup>th</sup> Avenue NE, 6<sup>th</sup> Avenue NE, 8<sup>th</sup> Avenue NE, 10<sup>th</sup> Avenue NE, 11<sup>th</sup> Avenue NE, 12<sup>th</sup> Avenue NE, 13<sup>th</sup> Avenue NE, 2<sup>nd</sup> Street NE and 3<sup>rd</sup> Street NE as well as the alley ways between, and includes asphalt resurfacing by reconstruction and mill and overlay, spot repair of curb and gutter, and related work.

2.) Location of Proposed Construction

The proposed construction will take place on 5<sup>th</sup> Avenue NE, 6<sup>th</sup> Avenue NE, 8<sup>th</sup> Avenue NE, 10<sup>th</sup> Avenue NE, 11<sup>th</sup> Avenue NE, 12<sup>th</sup> Avenue NE, 13<sup>th</sup> Avenue NE, 2<sup>nd</sup> Street NE and 3<sup>rd</sup> Street NE as well as the alley ways between

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 an improvement to streets that have deteriorated to the point of inadequacy.

5.) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$2,706,146.60. 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 \$947,151.31. The total cost for the improvement is estimated at \$3,653,297.91.

Dated this 3<sup>th</sup> day of March, 2015.

  
Justin Froseth  
Planning and Engineering Director

**RESOLUTION DECLARING THE NECESSITY OF AN  
IMPROVEMENT PROJECT IN AND FOR  
STREET IMPROVEMENT DISTRICT NO. 199 OF THE CITY OF MANDAN  
TO BE PAID BY THE LEVY OF SPECIAL ASSESSMENTS  
ON PROPERTY BENEFITTED THEREBY**

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

1. It is hereby found, determined and declared that it is necessary for the City of Mandan to construct a street improvement project of the type specified in Subsection 40-22-01(2), North Dakota Century Code, in and for Street Improvement District No. 199 (Project #2014-28) of said City. Said improvement project shall include, but not be limited to the improvements of streets, as well as all other work and materials which are necessary or reasonably incidental to the completion of the project; all in accordance with and as described in the resolution creating said district adopted March 3, 2015; which is on file in the offices of the City Engineer and open for public inspection by anyone interested therein. Most of the proposed construction will take place on streets between 4<sup>th</sup> Avenue NE to Mandan Avenue and between Main Street and 3<sup>rd</sup> Street NE all in the City of Mandan.
2. The cost of said improvement project shall be paid for by special assessments to be levied against the respective lots, tracts and parcels of land within said improvement district benefitted by the improvement in amounts proportionate to and not exceeding such benefits and the Board of City Commissioners reserves the right to provide for the payment of a portion of the costs of such improvement from such other funds as may be properly available for such purpose.
3. The City Administrator is authorized and directed to cause this resolution, together with a map of the City showing the improvement district, which is attached hereto, to be published once each week for two (2) consecutive weeks in the official newspaper of the City.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 3, 2015

Subject: Consider the creation of, approval of the engineer's report, feasibility report and the resolution of necessity for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).

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4. The owners of property within said improvement district and liable to be specially assessed for said improvement shall be afforded the opportunity to file written with the City Administrator at any time within thirty (30) days after the first publication of this resolution. Written protests must be submitted to the City Administrator no later than 4:30 pm, local time, April 13, 2015. The Board of City Commissioners shall, at its next meeting after the expiration of said period, to wit April 21, 2015 at 5:30 o'clock p.m., meet at the City Hall, 205 2<sup>nd</sup> Avenue N.W., Mandan, ND, to hear and determine the sufficiency of any of the protests so filed and to take such other and further action with reference to said improvement district as may then be deemed necessary and expedient.

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

Dated this 3<sup>rd</sup> day of March, 2015.

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

ATTEST:

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

Publication Dates: March 13<sup>th</sup> & March 20<sup>th</sup>, 2014

Map of District Must also be Published

**ORDINANCE NO. 1200**

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

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

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

The northern portion of Lot 1 Block 2 Mandan Industrial Park shall be excluded from the MC district and included in the MA district such that all of Lot 1 Block 2 Mandan Industrial Park is in the MA district.

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

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

Attest:

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

Public Hearing:	<u>February 17, 2015</u>
First Consideration:	<u>February 17, 2015</u>
Second Consideration and Final Consideration:	<u>March 3, 2015</u>
Recording Date:	_____

