

AGENDA
MANDAN CITY COMMISSION
NOVEMBER 17, 2015
ED "BOSH" FROEHLICH MEETING ROOM,
MANDAN CITY HALL
4:00 P.M. – SPECIAL TIME
www.cityofmandan.com

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- A. ROLL CALL:
1. Roll call of all City Commissioners.
 2. Employee service awards.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:
1. Consider approval of the following minutes:
 - i. November 3, 2015 – Special Mtg. – Working Session
 - ii. November 3, 2015 – Regular Board Meeting
- E. PUBLIC HEARING:
- F. BIDS:
- G. CONSENT AGENDA:
1. Consider approval of monthly bills.
 2. Consider approval of games of chance at Kist Livestock for "For His Glory-Fellowship of Christian Cowboy" from Nov. 23, 2015 to April 17, 2016.
 3. Consider the Acceptance of a BVP Grant From the US Department of Justice (DOJ), for Ballistic Vests
- H. OLD BUSINESS:
- I. NEW BUSINESS:
1. Consider allowing road closures for Slide the City event.
 2. Consider negotiating to hire Toman Engineering for design of Big Sky SID project.
 3. Consider monument regulations at the Mandan Union Cemetery as proposed by the Cemetery Advisory Committee.
 4. Consider Bank of ND Infrastructure Loan Fund Applications.
 5. Consider Hub City funds projects
 6. Consider Memorandum of Understanding between City of Mandan and Morton County as it relates to separation and dissolution of the Morton County Communications Center.

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J. RESOLUTIONS AND ORDINANCES:

1. Consider revisions to Engineering and Planning fees
2. First consideration of Ordinance No. 1226 amending Sec. 24-11-2 of the Mandan Code of Ordinances related to driving while license suspended or revoked
3. First consideration of Ordinance No. 1227 amending and reenacting Chapters 115 and 117 and creating and enacting Chapter 119 of the Mandan Code of Ordinances related to potable water, sanitary sewer, wastewater, stormwater and solid waste

K. OTHER BUSINESS:

1. 5:15 p.m. Joint Meeting City Commission & Park Board

L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. December 1, 2015
2. December 15, 2015
3. January 5, 2016

M. ADJOURN

Public Communication

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

TO: City Employees—**Service Recognition**

FROM: Diane I Leingang

DATE: November 17, 2015

SUBJ: **SERVICE CERTIFICATE AND APPRECIATION GIFT FROM THE BOARD OF COMMISSIONERS**

The Board would like to extend to you a personal invitation to be present at their Tuesday, November 17, 2015, 4:00 p.m. City Commission Meeting. They would like the opportunity to extend their appreciation to each of you for your years of service and dedication to the City by personally presenting you with your years of service certificate plus Mandan Bucks (\$2.00 for each year of service awarded in five year increments).

Listed below are the eligible employee names and years of service.

35 YEARS OF SERVICE: \$70

Paul Leingang	Deputy Chief of Police	06/30/80
Richard Schaaf	Police Lieutenant	12/08/80
Dave Auch	Utility Maintenance Superintendent	04/07/80

30 YEARS OF SERVICE: \$60

Larry Dale	Firefighter/EMT	09/01/85
Duane Friesz	Water Treatment Plant Superintendent	04/08/85

25 YEARS OF SERVICE: \$50

Francis Hopfauf	Firefighter	08/27/90
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15 YEARS OF SERVICE: \$30

Jim Neubauer	City Administrator	02/01/00
Daryn Gullickson	Assistant Wastewater Treatment Plant Superintendent	03/13/00
Jamie Rath	Assistant Water Treatment Plant Superintendent	12/18/00
Kenneth Albrecht	Water Treatment Plant Operator III	03/27/00

10 YEARS OF SERVICE: \$20

Kim Fettig	Engineering Project Manager	02/14/05
Brian Dirk	Assistant Street Maintenance Superintendent	03/28/05
Terry Walch	Firefighter	04/28/05
Jamie Scott	Utility Operator II	03/14/05
David Gross	Water Treatment Plant Operator I	04/18/05

5 YEARS OF SERVICE: \$10

Dennis Rohr	City Commissioner	06/22/10
Julie Frye	Records Management Specialist	07/06/10
Chad Nichlos	Firefighter	09/07/10
Ken Rensch	Firefighter	12/04/10
Curtis Tveito	Firefighter	03/23/10
Candy Fleck	Clerk of Court	01/25/10
James Belohlavek	Equipment Operator II	06/07/10

If you have any questions or note any changes, please give me a call at 667-3271.

Cc: Jim Neubauer, City Administrator
City Commission (5)
Employees Listed and Their Department Heads

The Mandan City Commission met in a working session at 4:00 p.m. on November 3, 2015 in the Veterans' Conference Room at City Hall, 205 2nd Ave NW, Mandan, ND. Commissioners present were Van Beek, Braun, Rohr, Laber, and Tibke. City Department Heads present were Fire Chief Nardello, Planner Decker, Police Chief Bullinger, Project Manager Fettig, Director of Public Works Wright, Finance Director Welch, Planning & Engineering Director Froseth, Assessor Shaw, Business Development and Communications Director Huber, City Administrator Neubauer, City Attorney Brown, and Building Official Lalim.

Discussion Items:

Discussion regarding potential uses for HUB city funds. City Administrator Neubauer reviewed the potential uses of the HUB city funds that the various departments have submitted since the June 22, 2015 working session. This information will give the Commission choices and options for the utilization of funds. He mentioned that discussions with Senator Cook have indicated that infrastructure projects are good and that it's going to be difficult to obtain additional HUB city funding in the next session since we are already receiving \$4.3 million. Neubauer discussed the various projects and costs that are in the budget process for 2016, such as the Metropolitan Planning Organization studies, the first half of the storm water management plan, and a hydrocarbon detector for the Water Treatment Plant. Therefore, of the \$4.3 million, \$300,000 has been committed to these projects. They are looking for some guidance for the remainder of the \$4 million dollar funds.

Neubauer stated some suggestions that would be involved if they were looking for growth in the community. One such suggestion would be the cost of the sanitary sewer line and lift station. These might assist developers when they are trying to open up new areas for development. Another suggestion would be how to fund these projects in a fair manner which might include a partial funding rather than 100% funding. Other suggested projects include Public Work's Building expansion, a salt/sand storage facility, as well as a fire station in the NW area of Mandan.

Commissioner Rohr questioned what the concrete results are of engineering fees and studies that pay for other things later on? Planning & Engineering Director Froseth explained that the project in question was a different type of study done by AE2S regarding the plan to get sewage from the master lift to the Waste Water Treatment Plant. The study was to assess our current forcemain line and to see in which direction we need to take the project in as far as the cost benefit options are. Planner Decker clarified that it's an evaluation more than a study. Evaluating the current system and looking at the alternatives from a cost benefit standpoint for a lifecycle of that facility. Administrator Neubauer stated that it would be a good question for Senator Cook as to whether it would be better to spend more money on studies or more money on projects. Or perhaps a mix.

Mayor Van Beek commented that that question should be a part of our discussion. What do we foresee as being the best use of the money? Another strong area for the use of the funds would be if we could get the developers to develop the city central area. The other projects such as the Public Works Building expansion and the NW fire station would also be taking care of our citizens. Administrator Neubauer indicated that previous discussions have been whether to "drizzle" the money around to several projects, or would the Commissioners want to make impacts? Commissioner Tibke said that each

Commissioner might view that differently. Maybe decide to limit it to 5-6 things, or 2-3 things. Administrator Neubauer brought up the map of the NW section of the city to review the different areas that might be developed as well as how the costs could be shared with the developers.

Commissioner Laber brought up the fact that she thought the legislators felt that there is so much pressure on the cities from the growth that has already happened that they were helping us with that impact by these HUB city funds. She is more concerned with that than with future development. She feels that the things we should be paying attention to are the problems that have developed due to population growth such as the Public Works expansion needs. She realizes that future growth is important; but thought this money was more for those issues that have come about due to the impact of that growth. Thus, she is looking at it as a capacity problem and not necessarily trying to grow more effectively. Commissioner Rohr agreed with Commissioner Laber in that the intention is to fund things that are affected by growth but he's not sure on what the specifics would be. Commissioner Braun stated he is also in agreeance to want to make an impact.

Commissioner Tibke also felt that depending on what Senator Cook has to say, she agrees that the money needs to address the needs due to the population growth. Mayor Van Beek was also in agreement. Those needs should be addressed.

Mayor Van Beek opened the discussion for any projects that are on the top of the list for the Commissioners. Commissioner Tibke brought up the Fire Station and the Public Works Building expansion. Commissioner Laber recommended that we look at purchasing the land for future water reservoir or tower soon since it won't get any cheaper in the future. If we lock up the land now then we can work around the building funding. Director of Public Works Director Wright reviewed some of the options for expanding the area where their present building is in conjunction with the Park District's Farris Field development plans. Some of the areas that were also discussed were a salt/sand storage building, fix the drainage in that area, add a storage building on that site, and minor improvements to the building they are currently in.

Fire Chief Nardello explained some of the details about a new fire station that would be located in the NW section of Mandan including the size of the building, as well as the staffing that would be needed. He also reviewed what duties the current firefighters carry out.

Mayor Van Beek asked if there was a backup plan in case either of those projects fell through. Commissioner Tibke replied that there were several projects for the Water Treatment Plant and Waste Water Treatment Plant that might be included in any backup plan. Planning & Engineering Director Froseth discussed recommendations for several projects involving those areas.

Administrator Neubauer gave a rough estimate of \$4.293 million on the projects that were discussed so far. Finance Director Welch questioned which of the two substations would be fully staffed? Fire Chief Nardello replied that just one of them would need to be fully staffed.

Mayor Van Beek asked what the deadline was for using the HUB city funding. Administrator Neubauer indicated that it would be good to have the projects in at least the planning stages when the Legislature meets next in January, 2017. That way we could say that this is what we've accomplished with the funding. Commissioner Tibke mentioned that we have to figure out how to be able to balance this. The next few budgeting cycles we will need to maintain a responsible budget. We need to balance the needs with the money. Commissioner Laber indicated the water intake structure problem and whether it would be of an immediate need to relocate it even with applying for grants? Would that be more feasible to do that and put off the fire station since the fire station isn't as critical of a need? AE2S has prepared some memorandums about our history with Tesoro on cost sharing the intake. Once a location would be selected, then applications would have to be filed with the Water Commission and the Corps of Engineers for that spot.

Commissioner Braun asked about any construction permits we may have up in the NW by the grade school. He felt if we were to fund the fire station in that area, we should look at the amount of growth we might continue to have up there before we make it a choice for us. Commissioner Tibke replied that the only area we really don't have covered for fire is the NW area. Several of the studies were discussed. Mayor Van Beek felt this was a good, narrowed down plan on what we are trying to do with the funds. These suggestions will be a good representation of what we can take to our Legislators to show what our plans are. In addition to seeing what they may have for feedback on them.

Administrator Neubauer stated that we are receiving \$187,500 a month for this right now, which adds up to the \$4.3 million for 23 months. Finance Director Welch indicated that with the final month's adjustment we should get between \$4.3 and \$4.5 million. Commissioner Tibke suggested that Administrator Neubauer write up what has been discussed at this meeting and work with Finance Director Welch on the cost estimates before bringing it up at the next Commission meeting for a vote. Administrator Neubauer indicated that they also plan to bring these projects to Senator Cook in the next couple of days for discussion.

ADJOURN

There being no further discussion to come before the Board, the Board of City Commissioners Working Session adjourned at 5:12 p.m.

/s/ James Neubauer

James Neubauer,
City Administrator

/s/ Arlyn Van Beek

Arlyn Van Beek
President, Board of City
Commissioners

The Mandan City Commission met in regular session at 5:30 p.m. on November 3, 2015 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Braun and Laber. Department Heads present were Finance Director Welch, Police Chief 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.

2. *Presentation of retirement award to Police Chief Dennis Bullinger:* Mayor Van Beek presented a Biography of Chief Bullinger, (who was born in Mandan, North Dakota), throughout his career until his retirement at the end of this year as the Chief of Police for the City of Mandan. On behalf of the City of Mandan employees and residents, Mayor Van Beek extended a thank you to Chief Bullinger for his 42 years of service to the City of Mandan.

B. APPROVAL OF AGENDA: Commissioner Braun moved to approve the Agenda. Commissioner Laber seconded the motion. The motion received unanimous approval of the members present. The motion passed.

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

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission of October 13, 2015 Joint Meeting with Bismarck City Commission and the October 20, 2015 regular board meeting.* Commissioner Tibke moved to approve the minutes as presented. Commissioner Laber seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

F. BIDS:

G. CONSENT AGENDA

1. *Consider Contract from Eide Bailly for auditing services.*
2. *Consider closing CDBG/CDLF Projects Bank Account at Wells Fargo.*
3. *Consider Consulting and Services Agreement for payroll and human resource services with Central Billing, Inc.*
4. *Consider replat of Lot 2, Block 2, North Prairie Second Subdivision.*
5. *Consider closing Administrative offices the day after Thanksgiving.*
6. *Consider approval of N.D. Tourism marketing grant agreement.*
7. *Consider proclaiming Nov. 28 as Small Business Saturday in Mandan.*

8. *Consider Municipal Advisor Agreement with Dougherty & Company LLC for financial consulting services.*
9. *Consider Out-of-State Travel & Training for Sergeant Haug - Nov. 15-20, 2015.*
10. *Consider plat of Heart Ridge Twinhome Addition.*
11. *Consider for approval Partial Payment # 5 – FINAL, to Thirkettle Corporation for the Water Meter Improvements Project.*
12. *Consider replat of Blocks 1 and 3, West Hills Estates Fourth Addition.*

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:

1. *Update from Advanced Engineering and Environmental Services regarding the Water Meter Improvements Project.* Brian Viall, EIT, Project Engineer for AE2S provided an update on the project. He stated that the primary goals of the project are to update old water meters, standardize reading methods across accounts, and ensure accurate billing to users. The City was transitioned to a fixed network which operates by means of radio based stations. The two radio based stations in Mandan operate on a leased spectrum. This allows the City to have direct readings from anywhere within the City of Mandan. This will also allow reading capabilities of reads on demand, consumption history, leak detection, high flow or pipe break, and tamper detection. Account information was reviewed pointing out that there are over 7,000 water meters in the data base that the City oversees. There are about 200 water meter accounts that still need to be completed. The goal is to get that number to zero. After that it would be regular maintenance. Currently 99.9% meters are being read by the radio based stations. He reviewed the four master meter vaults that were added to existing mobile home parks and some improvements to the master meters that feed Missouri West Water Systems, (MWWS). These allow the City to read, monitor, and bill MWWS directly all while maintaining the reading capabilities if MWWS so it wouldn't interfere with their operations. The funding for the project was through an SRF Loan of \$2,400,000.00. The total expenses came to \$1,665,836.39, which is 30.5% under budget.

Commissioner Laber questioned whether we need to keep a certain amount of the budget open for the 200 meters that remain outstanding, (if those meters are included within the project expenses)? Finance Director Welch stated that when we increased the rates we set the rates at \$2.4 million budget so through our current rate structure, we would generate enough revenue to complete the 200 meters that are left to install.

I. NEW BUSINESS:

1. *Consider Combined Communications Center Agreement.* Fire Chief Nardello presented a report on the progress of the Combined Communications Center Agreement with the City of Bismarck, the City of Mandan and Burleigh County. Mayor Van Beek, Commissioner Tibke, Chief Bullinger, Administrator Neubauer, and himself have met with Bismarck-Burleigh County several times to come up with an agreeable document.

The proposed agreement for Joint Exercise of Governmental Powers contains operational and capital funding considerations of which Mandan will be responsible for 20% of the operational budget. The 20% proposal will leave the City of Mandan approximately \$34,500 short of the 2016 Budget allowance. However, the equipment relocation cost is projected to be (lower) closer to \$50,000 to provide adequate funding for 2016. However, there are funds in the Alarm Fund to cover any shortfall, if needed. He stated that if the Board approves this proposal, there will need to be an appointment of a Commissioner to serve on the Board of Directors of the new Communications Center. The Director of the Combined Communications Center of Bismarck-Burleigh was available to answer questions.

Mayor Van Beek stated that at the State of the City Speech today, this Communications Center was part of Mayor Seminary's speech which was very favorable in that Bismarck and Burleigh County are looking towards working with Mandan by adding us to the Combined Communications Center. He concurred with Mayor Seminary's points on making Bismarck-Mandan a safer place for both communities. Commissioner Rohr requested periodic reports on the progress of the joint efforts of the Communications Center.

Commissioner Laber questioned item #15 of the contract in that the term of the agreement does not contain language for a renewal. When there is a long term situation, such as this is, when it comes to computer hardware, software, personnel training, etc., she would like to see a renewal clause. She would like there to be a renewal clause within the contract in order to avoid coming back to the table to renegotiate at every term, unless that is not a normal standard way of doing business on behalf of the City. Attorney Brown stated that he was not involved with the drafting of the agreement; however he has looked it over and it appears to be in order. He said that a fixed term of 30 years is a long time. However, it can be amended from time to time between the three entities and that is a normal way of handling contracts.

Commissioner Laber stated that the Board of Directors will include a commissioner from Bismarck and Mandan and Burleigh County. In other Boards there is an alternate named and she would like to see Mandan City Commission have an alternate on the Board of Directors because there are only two meetings set per year. For Mandan not to have a vote when you have two meetings per year would not be ideal. She recommended having an alternate named for the City of Mandan on the Board of Directors so as to avoid any situation that may occur, such as a health event, so that the City of Mandan will have a representative at the Board of Directors meeting.

Commissioner Laber moved to approve the proposed agreement for the Joint Exercise of Governmental Powers with the City of Bismarck and County of Burleigh for a combined communications center with a new center name to be determined at a later date. 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.

Mayor Van Beek volunteered to be the Board representative for the City of Mandan.

Commissioner Tibke moved to recommend the appointment of Mayor Van Beek to be the Board of Directors representative for the City of Mandan and that Commissioner Rohr be appointed as the alternate to Board of Directors representative to act in the capacity in the absence of the Board of Directors representative, Mayor Van Beek.

Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Removed.*

3. *Consider Wastewater Treatment Facility Change Order No. G-2.* Planning & Engineering Director Froseth stated this change request is to cover what has already been completed in the field. It is for the plugging of a pipe that was discovered when a valve was removed and opened. There was a situation wherein the wastewater was exiting the pipe and it had to be addressed in the field while the project was in process in order to prevent further damage. The change order is for \$59,067 and is consistent with the Change Order Policy in that anything over \$50,000 has to be brought before the Commission for approval. He said that the City of Mandan is looking into the possibility of recouping any costs because it is possible the plugging was in place in prior drawings. Director Froseth recommended approval of the change order of \$59,067 to the contract with Swanberg Construction.

Commissioner Laber moved to approve Change Order G-2 for Wastewater Treatment Facility Optimization Project. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Consider deadline for bid opening for Street Improvement District projects requesting funding by special assessment method.* Planning & Engineering Director Froseth stated the Street Improvement Projects have substantially been completed before the end of construction season. For the past two construction seasons the City Commission has set a deadline for bid openings of Street Improvement Districts by Special Assessments in 2014 by July 1st and for 2015 it was June 1st. Considering the success of that bid opening deadline over the last two years it was recommended to set that same bid opening deadline by June 1, 2016 for street improvement district projects requesting funding by special assessment method. Plans and specifications must be approved on or before the May 3, 2016, City Commission Meeting in order to make that bid opening deadline and to satisfy advertising requirements. The developers will always have the option to build their streets outside of a lot assessed street improvement district if they so choose and would not be bound by this deadline. That would be a similar process to the 3-way agreement and the Engineer's Office recommends that option for developers.

Commissioner Braun moved to approve the administering of a bid opening deadline of June 1, 2016, for special assessed Street Improvement District projects for new developments. 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.

J. RESOLUTIONS AND ORDINANCES:

1. *First consideration of Ordinance No. 1224 renaming street in Lakewood Commercial Park Fourth Addition.* Planner Decker stated that a numbering discrepancy was discovered in this area explaining that Shoal Loop starts out as a north-south street and then loops around and goes east-west. The street west of 40th was changed to 24th Street in Lakewood 8th Addition. However, there is a small section of that street which was part of Lakewood Commercial Park Fourth Addition that also needs to be renamed to 24th. This request is that the small section of what is now called Shoal Loop be renamed 24th. This street has not been developed yet.

Commissioner Rohr moved to approve the First consideration of Ordinance No. 1224 renaming street in Lakewood Commercial Park Fourth Addition. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *First consideration of Ordinance No. 1225 amending Section 105-4-4 of the municipal code relating to floodplains.* Planner Decker stated that when re-writing and updating the Code there was discussion as to who should be the Flood Administrator. FEMA requires that a position be designated in the ordinance. For the time being, this responsibility will stay with the Building Official.

Commissioner Tibke moved to approve the First consideration of Ordinance No. 1225 amending Section 105-4-4 of the municipal code relating to floodplains. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Second consideration and final passage of Ordinance No. 1222 making additions to city code related to snow removal and use of streets.* Commissioner Tibke moved to approve the Second consideration and final passage of Ordinance No. 1222 making additions to city code related to snow removal and use of streets. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Second consideration and final passage of Ordinance 1223 amending Chapters 101 and 105 of the Mandan Municipal Code.* Commissioner Laber moved to approve the Second consideration and final passage of Ordinance 1223 amending Chapters 101 and 105 of the Mandan Municipal Code.

Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS:

There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 6:15 p.m. Commissioner Laber seconded the motion. The motion received unanimous approval of the members present. The motion passed.

James Neubauer,
City Administrator

Arlyn Van Beek,
President, Board of City
Commissioners



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

Consent No. 2

Type: Local Permit * Charity Local Permit

Permit Number
2015-56

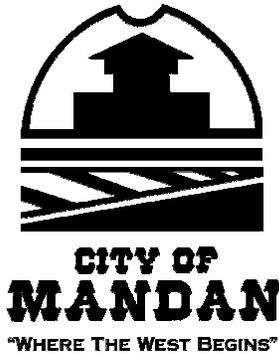
Name of Organization For His Glory-fellowship Of Christian Cowboy		Date(s) Authorized (Read instruction 2)	
Contact Person Jeff Casey	Business Phone Number (701) 400-9668	11/23/2015 Beginning	to 4/17/2016 Ending
Mailing Address Po Box 116	City Solen	State ND	Zip Code 58570-0000
Site Name Kist Livestock	Site Address 1715 40 Ave Se		
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 11/13/2015	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.



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 17, 2015
PREPARATION DATE: November 5, 2015
SUBMITTING DEPARTMENT: Police
DEPARTMENT DIRECTOR: Chief Dennis A. Bullinger
PRESENTER: Chief Dennis A. Bullinger
SUBJECT: Consider the Acceptance of a BVP Grant From the US Department of Justice (DOJ), for Ballistic Vests

STATEMENT/PURPOSE: The Mandan Police Department is requesting Board approval with acceptance of a grant from the Department of Justice with replacement of Ballistic Vest.

BACKGROUND/ALTERNATIVES: The Mandan Police Department in 2015, made application for grant continuous assistance through the Bureau of Justice Assistance (BJA). Police Departments across the country have requested and received assistance with replacement cost when purchasing ballistic vest. The Bulletproof Vest Partnership program has been in existence for several years and continues to provide support to law enforcement agencies. The police department has a replacement schedule and plans to replace a total of twenty vest in FY 2016 through 2017. Estimated cost of the twenty vest is \$17,500.00 with a 50% reimbursement of \$8,750.00 to the City of Mandan.

ATTACHMENTS: Copy of Notice of Award.

FISCAL IMPACT: Funding for partial replacement in 2016 was planned in the 2016 budget, Police Equipment Reserve Fund. Replacement of the remaining vest will need to be planned for in the 2017 budget, Police Equipment Reserve Fund. Total reimbursement to the city will be \$8,750.00.

STAFF IMPACT: Replacing older vest with new vest.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 17, 2015

Subject: Consider the Acceptance of a BVP Grant From the US Department of Justice (DOJ), for Ballistic Vest

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LEGAL REVIEW: N/A

RECOMMENDATION: Approve the acceptance of the Bulletproof Vest Partnership Grant for FY's 2016 and 2017.

SUGGESTED MOTION: Move to approve the acceptance of the Bulletproof Vest Partnership Grant for FY 2016 and 2017.

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Dennis Bullinger

From: owner-bvp-list@ojp.usdoj.gov on behalf of BVP <bvp@usdoj.gov>
Sent: Thursday, September 03, 2015 1:49 PM
Subject: 2015 BVP Award Email

Dear BVP applicant,

The Bureau of Justice Assistance (BJA) is pleased to inform you that your agency will receive an award under the Fiscal Year (FY) 2015 Bulletproof Vest Partnership (BVP) solicitation. These funds have been posted to your account in the BVP System. A complete list of FY 2015 BVP awards is available at: <http://www.ojp.usdoj.gov/bvpbasi/>.

The FY 2015 award may be used for National Institute of Justice (NIJ) compliant armored vests which were ordered after April 1, 2015. **The deadline to request payments from the FY 2015 award is August 31, 2017**, or until all available funds have been requested. Awards will not be extended past that date, and any unused funds will be forfeited.

Please see the following websites for a list of NIJ compliant vests:

Ballistic Vests: <http://nij.gov/nij/topics/technology/body-armor/compliant-ballistic-armor.htm>

Stab Resistant Vests: <http://nij.gov/nij/topics/technology/body-armor/compliant-stab-armor.htm>

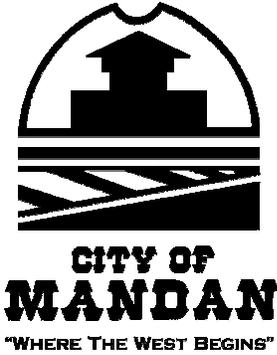
As a reminder, all jurisdictions that applied for FY 2015 BVP funding certified that a mandatory wear policy was in place for their jurisdiction. BJA will be conducting reviews of the mandatory wear policies as funds are requested from the BVP System. For more information on the BVP mandatory wear policy, please see the BVP Frequently Asked Questions document: <http://www.ojp.usdoj.gov/bvpbasi/docs/FAQsBVPMandatoryWearPolicy.pdf>

Finally, please visit the following page for checklists and guides for each step of the BVP process: <http://ojp.gov/bvpbasi/bvpprogramresources.htm>

For questions regarding the BVP Program or your award, please do not hesitate to contact the BVP Help Desk at vests@usdoj.gov or 1-877-758-3787.

Thank you

BVP Program Support Team



Board of City Commissioners

Agenda Documentation

MEETING DATE: Tuesday, November 17, 2015
PREPARATION DATE: Thursday, October 29, 2015
SUBMITTING DEPARTMENT: Mandan Parks & Recreation
DEPARTMENT DIRECTOR: Cole Higlin
PRESENTER: Kelly Churchill, Mandan Parks & Recreation District

SUBJECT: Consider approval of street closure along Sunset Drive for 2nd Annual Slide The City & Playing in the Streets Festival

STATEMENT/PURPOSE: To consider approval of street closure along Sunset Drive for the second annual Slide the City & Playing in the Streets Festival, Saturday, August 27, 2016 from 4:00 am – 11:00 pm.

BACKGROUND/ALTERNATIVES: Mandan Park District hosted a successful event with Slide the City in 2015. Slide the City is a company that would bring a 1000 foot slip and slide to our community for a special event day.

In 2015, 3,260 people participated by purchasing slide tickets, in addition to the numerous people who spectated and came for the craft show. The Slide the City committee raised approximately \$9,500 to donate to the Mandan's Universal Playground. The 2016 event would raise money to help fund a Park District project. The exact project is yet to be determined; however it will be used to directly benefit our community.

The event location, utilizing the Mandan High School parking lots for activities and parking served the event well. Parking in that area in addition to wide streets and nice sidewalks lends a nice location for the event. The Mandan Activities Department will not schedule any sporting events at the Mandan Brave Center on August 27, 2016 to provide more parking for the event.

The 2016 Slide the City Committee plans to reach out to volunteers and community businesses to help with the event. The committee would seek sponsorship dollars, reach out to Metro Area Ambulance to be on site, acquire port-a-potties, and hire garbage clean-up, seek volunteers from Dakota Horizon Boy Scouts, Dakota Riders, iHeart Radio, the University of Mary wrestlers and others.

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Subject: Consider approval of street closure along Sunset Drive for 2nd Annual Slide The City & Playing in the Streets Festival

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This event would run similar to 2015 event. The committee hopes to make the event bigger and better with different vendors, food trucks and more non-water games. The additional features for the 2016 event are dependent on the members in Slide the City Committee.

Mandan Park District is entertaining the idea of partnering with MPO to host a dance and beer garden in Dykshoorn Park in the evening after the slide closes. Dyksoorn Park would be fenced off and security would be hired if this is the route we decide to go.

Slide the City and Mandan Park District has secured the date of Saturday, August 27, 2016 to bring the slide to our community, pending street closure approval. It is an all-day process for setup, actual event and tear down of the slide.

ATTACHMENTS:

1. Slide the City, Playing in the Street Road Closure Request

FISCAL IMPACT: Minimal

STAFF IMPACT: Minimal - Slide the City Committee along with help from the City staff with road closures and water access.

LEGAL REVIEW: None

RECOMMENDATION: I recommend approving Slide the City event for 2016.

SUGGESTED MOTION: Approve Slide the City event and associated road closures as outlined.

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Subject: Consider approval of street closure along Sunset Drive for 2nd Annual Slide The City & Playing in the Streets Festival

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Playing in the Street, Street Closure Request:

The Mandan Park District would like to request the assistance of the city commission for the following street closures to aid the facilitation of the Slide the City, Playing in the Street event.

Event Date: Saturday, August 27, 2015

Event Set Up: 4:00 am Saturday, August 27, 2015

Event Run Time: TBD

Event Tear Down: Finished by 11:00 pm Saturday, August 27, 2015

Street Closure Request:

1. **6th Street NW & 6th Avenue NW** Barricade the north side of intersection
Closed to through traffic.
Intersection will be staffed with a vested volunteer for traffic control.
2. **7th Street NW & 6th Avenue NW** Barricade the east west access points of intersection.
Closed to through traffic.
3. **8th Avenue NW & Plaza Place** Barricade the north side of intersection
Closed to through traffic.
(This is the short street that runs right in front of MHS)
4. **8th Street NW & 6th Avenue NW** Barricade the east west access points of intersection.
Closed to through traffic.
5. **9th Street NW** Barricade the west end of this street between the Mandan Brave Center and the Pepsi All Seasons Arena.
Closed to through traffic.
There is no east access in this intersection.
6. **Division Street & Sunset** Barricade the south side of intersection
Closed to through traffic.
Signage would be present for parking, will be staffed with a vested volunteer for traffic control.
7. **14th Street NW & Sunset Drive** Closed to through traffic sign and detour signage going east
8. **6th Ave NW and Main St.** Detour sign
9. **Collins Ave.** Detour truck traffic to Collins Ave.

No Parking Signage Request:

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To eliminate neighborhood parking on the street and in the MHS parking lot the day of the event, we would like to request No Parking signage from 1:00 am – 11:00 pm in the following locations:

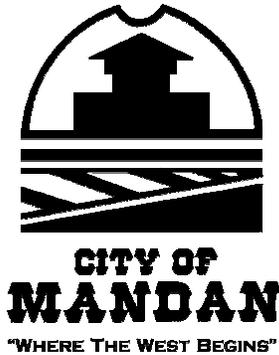
700 and 800 blocks of 6th Avenue NW

900 Block of 8th Avenue NW (MHS east parking lots and street in front of school.)

The Playing in the Street committee will set up a meeting with Police Chief Bullinger and Public Works Director Jeff Wright to work out further details with the placement of street signage.

Mandan Parks & Recreation and the Playing in the Streets Committee will have banners prepared for event parking.

Consideration for street and sidewalk sweeping before event setup would be appreciated to remove rocks and debris from the event area. Many event goers will be in flip-flops or barefoot.



Board of City Commissioners

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MEETING DATE: November 17, 2015
PREPARATION DATE: November 12, 2015
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Consultant Recommendation for Engineering of Big Sky Street Improvement District

STATEMENT/PURPOSE: To approve of city staff's recommendation to negotiate an agreement with Toman Engineering as the consultant engineers for a Street Improvement District project at the Big Sky subdivision.

BACKGROUND/ALTERNATIVES: Only a portion of the Big Sky subdivision in NW Mandan (see attached map for location) has been developed with houses. The developed portion was originally built with gravel roads instead of the typically required paved roads for subdivisions within the city. The gravel roads, unique to the city, present maintenance challenges for our Public Works staff. Gravel is inherently more susceptible to erosion than a paved surface which is exacerbated due to the steeper slopes in that subdivision lending itself to more impactful and damaging results of stormwater flows down them. To reinforce this observed problem, the city has received many complaints to this effect.

In order to resolve this problem, Engineering and Public Works staff would like to put together a street improvement district (locally assessed) project to get them paved. The exact scope and limits of the project is yet to be determined, city staff plans to notice residents and hold a public input meeting to help direct us towards a supported project.

In 2013 Toman Engineering was working with a developer to put together a plan for these streets and develop the undeveloped portions of this subdivision. It was thought at the time that project would be a good time to get all of these streets paved, however that developer decided it was not feasible to move ahead. This project would be independent of that development effort. Given Toman's involvement with design of that development project, we believe they are uniquely positioned to assist this city with this project. They have already done a fair amount of work in design and estimating which makes them familiar with the project. The city would stand to benefit in both cost and timeline to take advantage of that work already performed.

Board of City Commissioners

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Meeting Date: November 17, 2015

Subject: Consultant Recommendation for Engineering of Big Sky Street Improvement

District Page 2 of 3

Expected schedule of project milestones is as follows:

- Recommend Consultant to City Commission: November 17, 2015
- Contract for services to City Commission: December 1, 2015
- Optional Public Input Meeting to Discuss Scope: December of 2015
- Notice Project to Solicit Protests: January of 2016
- Determine Sufficiency of Protests: February of 2016
- Bid Project: March of 2016
- Construct Project: Summer of 2016

ATTACHMENTS:

1. Area Map

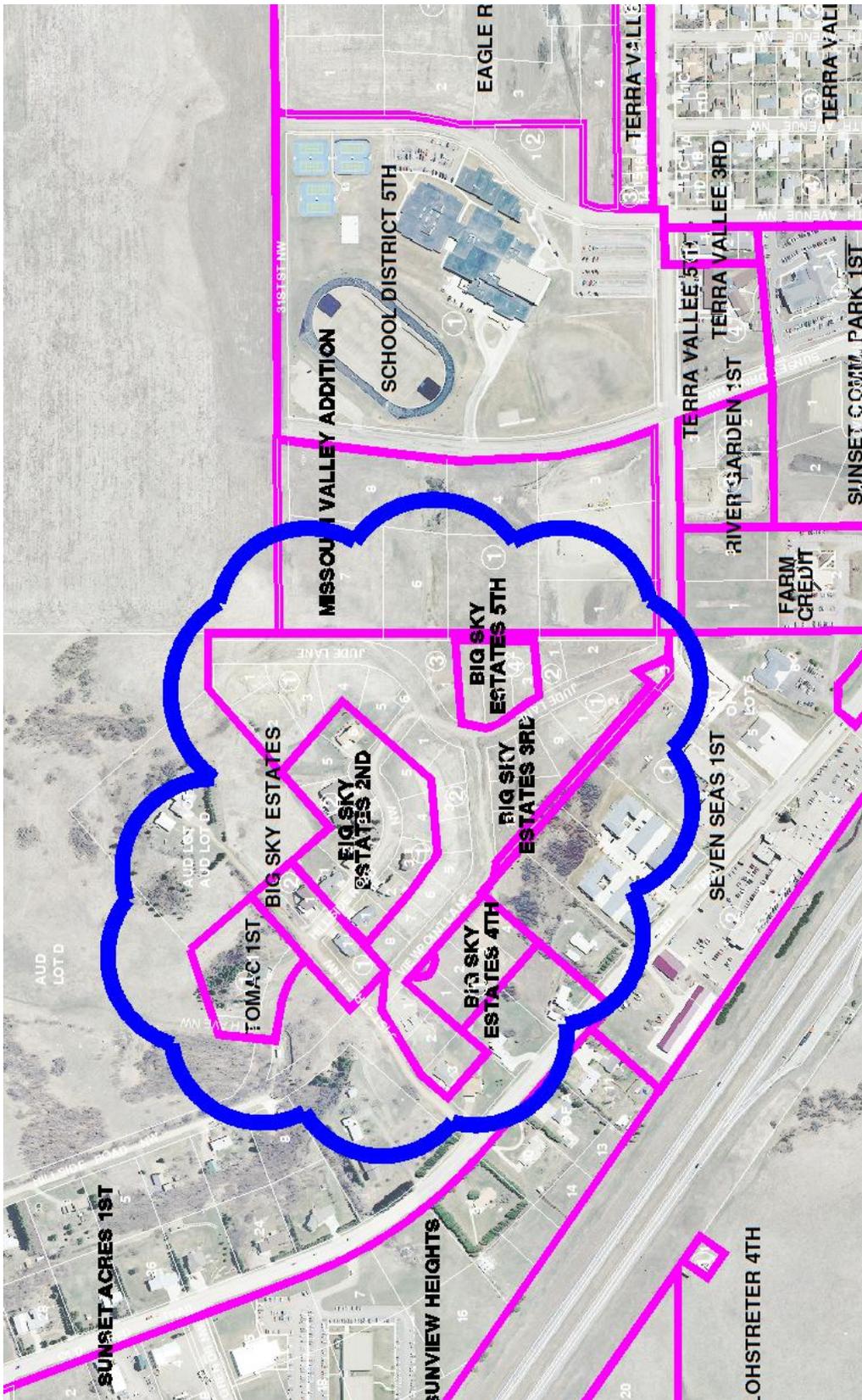
FISCAL IMPACT: This project would be done as a Street Improvement District. As such, all costs, including Toman's engineering would be paid for by special assessments to benefiting properties so long as it moves forward to construction. If protested out, city tax funds would need to pay for these engineering costs.

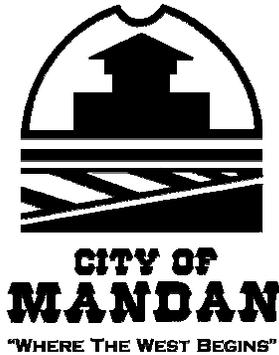
STAFF IMPACT: Coordination with Toman throughout project.

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

RECOMMENDATION: Approve recommendation to negotiate with Toman Engineering for engineering services for Big Sky SID project.

SUGGESTED MOTION: I move to approve to negotiate with Toman Engineering for engineering services for Big Sky SID project.





Board of City Commissioners

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MEETING DATE: November 17, 2015
PREPARATION DATE: November 13, 2015
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Jeff Wright, Public Works Director
PRESENTER: Sharon Huettl, Cemetery Advisory Committee Chair
SUBJECT: Consider monument regulations at the Mandan Union Cemetery as proposed by the Cemetery Advisory Committee.

STATEMENT/PURPOSE: Consider updating the Cemetery rules and regulations by adding monument regulations as proposed by the Cemetery Advisory Committee.

BACKGROUND/ALTERNATIVES: The existing rules and regulations for the Mandan Union Cemetery were updated in July and the Cemetery Advisory Committee was formed to provide guidance to staff. The Committee has met with staff to discuss monument regulations and adding them to the cemetery rules and regulations. The following monument regulations and grammatical changes to the rules and regulations were approved by the committee on October 8, 2015:

MANDAN UNION CEMETERY RULES AND REGULATIONS

- The Mandan Union Cemetery is open from 7 a.m. to sunset.
- Open for interments daily with 48 hour notice, with the exception of Sundays and the following observed holidays listed: New Year's Day, Martin Luther King Day, President's Day, Good Friday, Memorial Day, ~~Independence Day~~, **Fourth of July**, Labor Day, Thanksgiving Day, Christmas Eve (4 hours), and Christmas Day.
- Vehicles are restricted to established roads.
- Pets are welcome, however, they must be leashed and please pick up after them.
- Please do not leave food or drink items at the grave site.
- Ground maintenance and grave openings and closings are done by grounds maintenance staff.
- Placing or repairing of monuments and other ground concerns must be authorized by the grounds maintenance staff.

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Subject: Consider monument regulations at the Mandan Union Cemetery as proposed by the Cemetery Advisory Committee.

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- The Mandan Union Cemetery is not responsible for any items that may be damaged or missing and reserves the right to remove items at any time.

FRESH CUT AND ARTIFICIAL FLOWERS:

- Floral items may be placed on graves no earlier than 7 days ~~from~~ prior to the following Holidays: Memorial Day, Fourth of July, Veterans Day, Thanksgiving, Christmas and Easter, these items must be removed within 14 days after the Holiday. The Mandan Union Cemetery is an all Faith cemetery and respects all special days.
- Floral items that are attached to the headstones and placed in a manner that allows for unobstructed mowing and trimming and can be placed anytime, but will be removed when they become unsightly or faded.
- Fresh flowers may be placed on the gravesite at any time (no wrapping, plastic or glass containers).
- Annuals will be allowed, in a ground level planting area, on the east side of the headstone. The maximum planting area can be the length of the headstone and no wider than eight inches.
- Borders or rocks are not permitted on cemetery grounds.
- Ground mount memorial vase holders are allowed to be placed on the southwest corner of a flat marker.

PERMANENT PLANTINGS: Permanent plantings will not be permitted on gravesites at any time.

COMMEMORATIVE ITEMS: Commemorative items that are attached to or placed above the headstone in a manner that allows for unobstructed mowing and trimming are allowed. The cement pad on which the monument sits must remain unobstructed. No benches are allowed unless an integral part of the monument.

MONUMENT REGULATIONS:

- Arrangements for any monument setting must be made with the Grounds Maintenance staff prior to installation.
- Monuments may not be installed after business hours without permission from Grounds Maintenance staff. Business hours are Monday through Friday from 7:30 A.M. to 4:00 P.M.
- Monuments must face east.
- Monuments must be placed at the head of the grave in line with surrounding monuments.
- Additional monuments may be placed at the middle or foot end of the grave as long as the additional monument is a flat marker that is set flush with the ground.
- Monuments must set on cement, granite or marble pad that is 4 inches in thickness. The monument pad must extend a minimum of 4' around all sides of the monument base.
- The monument pad must set flush with the ground.

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Subject: Consider monument regulations at the Mandan Union Cemetery as proposed by the Cemetery Advisory Committee.

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- A monument pad for a single grave may not exceed a width of 48 inches.
- A monument pad for a double grave may not exceed a width of 60 inches.
- Monuments may not exceed a height of 4 feet from the pad.
- Monument crosses may not exceed a width of 3 feet per grave space and a maximum height of 4 feet.
- Only grass will be allowed to cover grave.
- Only flat markers are allowed in the cremation section located in Block 9.

Note: New regulations will go into effect September 1, 2015. Previous permanent plantings will be grandfathered in; however, plantings that impede grounds maintenance will be cut back or removed. Patrons can remove permanent planting by contacting the grounds maintenance staff.

Patrons will have until October 15, 2015 to collect unpermitted items. Grounds maintenance staff will begin to remove items after this date and hold until June 1, 2016 for anyone who wishes to collect them.

Any and all memorabilia/plantings that do not comply with the regulations will be relocated, or removed and discarded at the discretion of the grounds maintenance staff.

ATTACHMENTS: N/A

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend approving the updated rules and regulations as proposed by the Cemetery Advisory Committee.

SUGGESTED MOTION: I move to approve the updated rules and regulations as proposed by the Cemetery Advisory Committee.



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 17, 2015
PREPARATION DATE: November 13, 2015
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch, Finance Director
SUBJECT: Bank of ND Infrastructure Loan Fund Applications.

PURPOSE

To consider the Bank of ND Infrastructure Loan Fund Applications for the Water Treatment Facility and Distribution System Projects.

BACKGROUND

On September 16, 2015, the North Dakota State Water Commission approved a cost share in an amount not to exceed \$2,290,175 with pre-construction engineering funded at 35 percent and construction engineering and construction funded at 60 percent, to the City of Mandan towards the \$3,942,333 of Water System Improvement Projects (High Service Optimization Phase I, Instrumentation and Controls Upgrades, and Sunset Booster Station Pumps) from the funds appropriated to the State Water Commission in the 2015-2017 biennium. The funding is in the form of a grant towards eligible costs, contingent on available funding.

Recently, the City became aware of a new infrastructure loan program to political subdivisions through the Bank of ND (BND) that was established by House Bill 1443 of the 64th Legislative Assembly N.D.C.C. §6-09-49. This is a special fund in the state treasury from which BND provides loans to political subdivisions for essential infrastructure projects. Loans are made according to priorities and guidelines established by BND. In addition to eligible infrastructure needs established by the Bank, eligible infrastructure needs may include new water treatment plants, new wastewater treatment plants, new sewer lines and water lines, and new storm water and transportation infrastructure, including curb and gutter construction. This loan program offers advantages to the City in comparison with the State Revolving Fund (SRF) Program such as; 1) no federal

compliance requirements, 2) no annual administration fees, and 3) up to a 30 year loan term.

One of the stipulations with the Bank of ND Infrastructure Loan Fund is that the funds may only be accessed if other state and federal programs are not available to fully fund or provide any funding for the project(s). This was a question for City staff since Mandan's projects would have an alternative funding source through the State Revolving Fund Program. We did address this concern with two officials from the Bank of ND who felt the City's projects would qualify for the Infrastructure Loan Fund program and they encouraged the City to submit formal applications to finance the City's share. In the event the City would be denied approval from the Bank of ND due to an alternative funding source available to the City, the City would then submit a loan application to the State Revolving Fund (SRF) Program for the City's share of the Water Treatment Facility – High Service Pump Improvements Project. The City would pay for the local share for the two Distribution System projects from the City's Capital Improvement Cash Reserve instead of through the SRF Program.

ATTACHMENTS

- Bank of ND Infrastructure Loan Fund Fact Sheet
- Infrastructure Loan Fund Application for Water Treatment Facility – High Service Pump Improvements.
- Infrastructure Loan Fund Application for Distribution System – I&C Upgrade.
- Infrastructure Loan Fund Application for Distribution System – Sunset Booster Station Pump Improvements.

FISCAL IMPACT

If the Infrastructure Loan Fund Applications are approved by the Bank of ND, the City would need to increase the Water and Sewer Base Rate to pay for the debt service on the Loans.

STAFF IMPACT

None

LEGAL REVIEW

Submitted to Malcolm Brown, City Attorney.

RECOMMENDATION

To approve the Bank of ND Infrastructure Loan Fund Applications for the Water Treatment Facility and Distribution System Projects.

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SUGGESTED MOTION

Move to approve the Bank of ND Infrastructure Loan Fund Applications for the Water Treatment Facility and Distribution System Projects.



BND Infrastructure Loan Fund

Purpose: This program provides loans to political subdivisions for new infrastructure projects as directed by House Bill 1443 of the 64th Legislative Assembly. Projects which begin construction in 2016 will be given priority. These funds may only be accessed if other state and federal programs are not available to fully fund or provide any funding for the project.

Note: This is a separate fund from the State Water Commission's Infrastructure Revolving Loan Fund.

Allocation of funds: The funding availability for the first year of the 2015-2017 biennium will be \$50 million for communities with a population of less than 2,000 and \$100 million for communities with a population greater than 2,000 as defined in the most recent U.S. Census data source.

Eligibility:

- A project must be new construction implemented by an eligible North Dakota community. Communities which received surge funding by Senate Bill 2103 of the 64th Legislative Assembly are ineligible to apply at this time. [Click here](#) to view a list of ineligible communities.
- In order to qualify for these funds, the eligible community must access other state and federal government funding options first. This loan may be used to provide gap funding if the full project cost cannot be met through other funding sources or if there are no other funding sources available.
- If there are questions about eligibility, the designated community official is invited to complete the [Qualifying Project Determination form](#). BND will respond within two business days to confirm if the project is eligible to apply.

- Project priority will be determined based on a priority ranking methodology established by the Bank.

Use of proceeds:

This loan may be used for the new construction of:

- Water or wastewater treatment plants
- Sewer, storm sewer and water lines
- Transportation infrastructure including curb and gutter construction
- Other infrastructure needs
- Examples of qualifying projects:
 - Upgrading from a 4-inch water main to a 6-inch water main because of new development or increased population
 - Expanding a two-lane road to a four-lane road because of increased traffic
 - Adding a second water tower because one water tower no longer meets the community's needs
 - Expanding stabilization ponds for wastewater collection due to increased need
 - Adding streets, curb and gutter in a new development or leading to a new development

Ineligible use of proceeds:

This loan may not be used for:

- Routine repair or replacement of current infrastructure
- Building construction other than new structures integral to treatment plants or other approved processes
- Refinancing of existing debt or other obligations
- Flood control
- Examples of ineligible projects:
 - Replacing sewer mains, water mains, streets, curb and gutter
 - Modifying diversion channels, tieback levees and internal storm sewers for flood control
 - Reconstructing existing sidewalks
 - Replacing stabilization ponds for wastewater collection

Application process:

- If the community official has questions regarding eligibility, he or she should complete the Qualifying Project Determination form. BND will respond within two business days to confirm if the project is eligible. This form may be submitted before or after receiving approval from local authorities and is not a commitment to apply for the identified project.
- If there are no questions regarding eligibility, the community may proceed by completing the application form.

- Application must be received by BND by 5 p.m. on November 30, 2015. Application includes:
 - A description of the nature of the proposed infrastructure project with information on the need, the reasons it is in the public's best interest and the overall economic impact to the state or regions within the state
 - The estimated cost of the project and the amount of the loan sought
 - A listing of other sources of funding for the project intended to leverage the dollars requested of the BND Infrastructure Loan Fund
 - All questions must be answered thoroughly for the application to be reviewed
- BND will review the application and determine project priority ranking based on established parameters.
- After review and ranking of the submitted project applications, BND will notify by December 15, 2015 the applicants who have received conditional project approval. These applicants will be asked to provide financial and other supporting information to complete the loan underwriting process.

Loan details:

- **Loan amount:** Cumulative loan amounts may not exceed \$15 million per applicant.
- **Interest rate:** 2.00% fixed rate
- **Fees:** The borrower will be responsible for all closing costs associated with the loan.
- **Loan terms:** The term of the construction and permanent financing period may not exceed 30 years.

Contact:

Lending Services
Bank of North Dakota
1200 Memorial Highway
PO Box 5509
Bismarck, ND 58506-5509

701.328.5777
800.472.2166 ext. 328.5777
800.643.3916 (TDD)
bndbusdev@nd.gov
bnd.nd.gov



NEW INFRASTRUCTURE LOAN FUND APPLICATION

BANK OF NORTH DAKOTA
LENDING-AG/COMMERCIAL
SFN 60935 (09-2015)

Political Subdivision City of Mandan ND		Date of Application 11/18/2015	
Address 205 Second Ave NW	City Mandan	State ND	ZIP Code 58554
Tax Identification (ID) Number 45-6002118	Construction Start Date 4/1/2016	Construction End Date 12/1/2017	
Contact Person Jim Neubauer	Contact Email Address jneubauer@cityofmandan.co	Contact Telephone Number (701) 667-3215	
Project Engineer Ken Weber	Engineer Email Address ken.weber@ae2s.com	Engineer Telephone Number (701) 221-0530	
Type of Project <input checked="" type="checkbox"/> Water/Sewer <input type="checkbox"/> Road/Street <input type="checkbox"/> Other, specify:			
Summary of Request Funding request for Mandan WTF - High Service Pump Improvements as follows: 40% funding for construction; 40% funding for contingencies; 100% funding for legal, fiscal, and administrative expenses; 65% Funding for design engineering; & 40% funding for construction engineering			

Source and Use of Funds

Sources of Funds	Amount	Sources of Funds	Amount
A. BND Infrastructure Loan Request	\$ 1,363,481	C.	\$
B. State Water Commission	\$ 1,872,722	D.	\$
Specify all funding sources for this project: Local, State, and/or Federal Funds (i.e. USDA, SRF, etc.)			Total \$ 3,236,203

Use of Funds	Source A	Source B	Source C	Source D
General Conditions	\$ 57,165	\$ 85,747	\$	\$
General Construction	\$ 577,000	\$ 865,500	\$	\$
Mechanical Construction	\$ 135,000	\$ 202,500	\$	\$
Electrical Construction	\$ 216,000	\$ 324,000	\$	\$
Engr., Legal, & Contingencies	\$ 378,316	\$ 394,975	\$	\$
TOTAL	\$ 1,363,481	\$ 1,872,722	\$	\$

Note: List high level categories in the Use of Funds (i.e. Use of Funds = Engineering Fees, Construction, Materials, etc.). Also attach a complete description of the use of the funds (Exhibit D).

Repayment

Primary Source of Repayment Revenue from the City's Utility Billing will be used as primary source of repayment. Rate structure to be adjusted accordingly.

NOTE: THE FOLLOWING EXHIBITS MUST BE COMPLETED WHERE APPLICABLE.

1. Attach completed Appendix A for Road Projects or Appendix B for Water Projects. Label as **Exhibit A**.
 - Road/Street Projects also include sidewalks, street lights, signage, etc.
 - Water/Sewer/Storm Sewer Projects may include new construction/infrastructure
 - Other - Contact BND Loan Officer Joel Erickson (701) 328-5776
2. Have you fully investigated all funding options i.e. CDBG, Rural Development, State Revolving Fund, State Water Commission, DOT, etc.?
 No Yes If yes, provide results (i.e. refusal letter, approval letter, etc.). Label as **Exhibit B**.
3. Provide a Purpose and Need narrative not to exceed 1,000 words. Label as **Exhibit C**.
4. Provide complete description of the use of funds. Label as **Exhibit D**.
5. For Water/Sewer projects, if required to provide additional information. Label as **Exhibit E**.

Project Scoring Information

- 0-40 Health and Safety
- 0-40 Economic Impact
- 0-20 Ability to Leverage Other Financing Options

Important Information About Procedures for Opening a New Account

To help the federal government fight the funding of terrorism and money laundering activities, Section 326 of the USA PATRIOT Act¹ requires all financial institutions to obtain, verify, and record information that identifies each person who opens an account (checking, savings, certificates of deposit, loans, safekeeping services, trust services, etc.).

What this means for you:

- When you open an account or request certain services, we will ask for your name, address, date of birth, identification number such as your Social Security Number or Tax Identification Number, and other information that will allow us to identify you.
- We may also ask to see your driver's license or other identifying documents.

The principal purpose and routine uses of this information are to verify your identity, provide for the servicing of your account or loan, including communications with consumer reporting agencies, and in the event it is necessary, to locate you and collect on your loan(s). Providing any requested information is mandatory in order to open the account or receive the requested service. We will not be able to open your account or grant the service if the requested information is not provided.

In all cases, protection of our customers' identity and confidentiality is the Bank's pledge to you.

¹ This notice also satisfies our obligations under the Privacy Act of 1974.

Acknowledgment and Agreement

The undersigned specifically acknowledge(s) that: (1) verification or re-verification of any information contained in the application may be made at any time by the Lender, its agents, successors, and assigns, either directly or through a credit reporting agency, from any source named in this application, and the original copy of this application will be retained by the Lender, even if the loan is not approved; (2) the Lender, its agents, successors and assigns will rely on the information contained in the application and I/We have a continuing obligation to amend and/or supplement the information provided in this application if any of the material facts which I/We have represented herein should change prior to closing; (3) in the event my/ our payments on the loan indicated in this application become delinquent, the Lender, its agents, successors, and assigns, may, in addition to all their other rights and remedies, report my/our name(s) and account information to a credit reporting agency.

The applicant hereby makes application to the Bank of North Dakota for a BND Infrastructure Loan in accordance with the provisions of the North Dakota Century Code 6-09-49.

Political Subdivision City of Mandan	
Name of Representative Jim Neubauer	
Title of Representative City Administrator	
Signature of Representative	Date 11/18/2015

Year Current Section of Street Built	Has there been any additional maintenance to the street section? <input type="checkbox"/> No <input type="checkbox"/> Yes, Explain:
Number of Driving Lanes in Current Street Section	Widths of Driving Lanes
Number of Turning Lanes in Current Street Section	Widths of Turning Lanes
Pavement Type <input type="checkbox"/> Asphalt <input type="checkbox"/> Concrete	Pavement Condition (if asphalt, is there alligator, longitudinal, or traverse cracking, raveling, bituminous patching, or rutting) Pavement Condition (if concrete, are there broken slabs, faulting, bituminous patching, joint spalling, traverse or longitudinal cracking)
Existing Roadway Geometrics	
Are there any access points to adjoining properties that present a special concern? <input type="checkbox"/> No <input type="checkbox"/> Yes, Explain:	
Are there existing sidewalks or shared use paths in place? (ADA requirements need to be addressed) <input type="checkbox"/> No <input type="checkbox"/> Yes, Explain:	
Condition of Existing Storm Sewer	
Will any additional storm sewer work need to be done along with this project to improve drainage? <input type="checkbox"/> No <input type="checkbox"/> Yes, Explain:	
Condition of City's Water and Sewer Line	
Will any work need to be done to city's water and sewer lines along with this project? <input type="checkbox"/> No <input type="checkbox"/> Yes, Explain:	
Describe the existing lighting system. What type of standards and luminaries are currently being used?	
Intersections that currently have traffic signals	
Locations of High Crash Rates	
Are additional turning lanes needed? <input type="checkbox"/> No <input type="checkbox"/> Yes, Explain:	

Identify any other safety improvements or concerns you may have.

Additional Remarks

Project Engineer	Date
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APPENDIX B
WATER/SEWER PROJECT SCOPING WORKSHEET
(Includes water, sewer, storm sewer, etc.)

City Mandan, ND	Location Mandan Water Treatment Facility
County Morton	Length NA
Proposed Improvement Mandan Water Treatment Facility - High Service Pump Improvements (See Exhibit C for project purpose and need narrative.)	

Water Quality and Quantity

Is one of the purposes of your project to correct ongoing and unresolved water quality problems that your system is experiencing?
 No Yes If yes, detailed information concerning the water quality problems, as well as how the project will solve the problems, must be given in an attachment. Such information must include an estimate of the maximum water (in gallons per day) presently available to residential users served by your system.

Infrastructure Adequacy

From the list below, indicate with an 'X' which infrastructure needs that your project is intended to address (applies to your system only). A complete description of each problem, along with an explanation of how the project will solve the problem, must be attached.

Check, if applicable

	Drinking Water	Sanitary Sewer	Storm Sewer
Underground pipes and appurtenances			
Pumping or storage structures	X		
Treatment plant operating at or above design capacity. The following information must be attached: design capacity; water production rates required to meet present demands (summer and winter); projected water production rates required to meet future demands (summer and winter); and, hours per day presently operates (summer and winter).			
For systems relying solely on their own groundwater supply, provision of a second well <u>where only one functional well exists</u> .			
Source facility			
Discharge facility			

Total Current Population (including bulk users served by the master meter) 23,827	Total Population (after project completion) 24,827
Total Service Connections (current) 7,149	Total Service Connections (after project completion) 7,449

NOTE: Consider users within your municipality such as individually metered residences, schools, businesses, campgrounds, and rest areas as one service connection. Include the number of residential service connections within bulk users served by master meter such as trailer courts and subdivisions. Do NOT include users and associated service connections that you supply water to OUTSIDE of your municipality (if any).

Total Service Connections (supplying water OUTSIDE of municipality) 1,970	Total Connections Outside of Municipality (after project completion) 1,970
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NOTE: Consider users outside of your municipality such as households, schools, businesses, campgrounds, and rest areas as one service connection. Include the number of service connections WITHIN bulk users served outside of your municipality by master meter such as subdivisions, trailer courts, other municipalities, and regional or rural water systems. Detailed information must be attached documenting the user types and service connection number for all users served outside of the municipality.

Residential Base Rate - Water (current) \$ 456.00	Residential Base Rate - Water (after project completion) \$ 489.00
Residential Base Rate - Sewer (current) \$ 270.96	Residential Base Rate - Sewer (after project completion) \$ 295.15

Project Life Expectancy (number of years) 20

<p>Additional Remarks</p> <p>Funding with an additional loan from the State Water Commission is available; however, it can only fund the difference between the existing funding and 80% of the total project expenses, leaving a need to fund an additional 20%. The City of Mandan does not wish to acquire two or more loans to cover the gap beyond funding provided by the State Water Commission.</p>
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Project Engineer Kenneth J. Weber, PE	Date 11/18/2015
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North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850
701-328-2750 • TTY 800-366-6888 • FAX 701-328-3696 • INTERNET: <http://swc.nd.gov>

Agenda E 2

EXHIBIT B

MEMORANDUM

TO: Governor Jack Dalrymple
Members of the State Water Commission
FROM: *TSD* Todd Sando, P.E., Chief Engineer–Secretary
SUBJECT: Mandan Water Supply Improvements 2015
DATE: September 16, 2015

The city of Mandan’s cost-share request is for a grant towards design and construction of water supply infrastructure improvements on the following three projects to address the growth and increasing demand for quality water. Mandan also provides water to Missouri West Water System in Morton County and Captains Landing, a rural residential community located south of Interstate 94 on the Missouri River.

- High Service Optimization Phase 1 project involves installing new controls, instrumentation, and pumps to increase the firm capacity of the existing pump station. The eligible cost is \$3,226,203 with pre-construction engineering of \$252,000, construction engineering and construction costs of \$2,974,203.
- Instrumentation and Controls Upgrades project involves integrating five pump stations/reservoir into the overall water system to accurately monitor and adjust system variables for pump stations, meters and check points. The eligible cost is \$277,500 with pre-construction engineering of \$18,750, construction engineering and construction costs of \$258,750.
- Sunset Booster Station Pumps project involves new controls, instrumentation, and pumps to ensure the pump station can meet the flow demands from new growth areas. The eligible cost is \$438,630 with pre-construction engineering of \$30,150, construction engineering and construction costs of \$408,480.

	Eligible Cost	Cost-Share	
		%	Grant \$
Pre-construction Engineering	\$ 300,900	35	\$ 105,315
Construction Engineering and Construction	\$ 3,641,433	60	\$ 2,184,860
Total	\$3,942,333		\$2,290,175

I recommend the State Water Commission approve cost share in an amount not to exceed \$2,290,175 with pre-construction engineering funded at 35 percent and construction engineering and construction funded at 60 percent, to the City of Mandan towards the Water System Improvement Projects from the funds appropriated to the State Water Commission in the 2015 - 2017 biennium. The funding is in the form of a grant towards eligible costs, contingent on available funding.

TS:JM:ph/2050-MAN

JACK DALRYMPLE, GOVERNOR
CHAIRMAN

TODD SANDO, P.E.
CHIEF ENGINEER AND SECRETARY

Attachment 2
 State of North Dakota
 Drinking Water State Revolving Loan Fund Program
 Comprehensive Project Priority List and Fundable List for 2016⁽¹⁾

EXHIBIT B

Shaded projects are on the fundable list

Priority Ranking	Priority Points	Project No.	System Name	Present Population	Project Description	Construction Start Date	Cost (\$1000)		Est. Loan Term ⁽³⁾
							Project	Cumulative	
14	21	0901530-01	Alexander	1,100	Replacement of aging distribution, water treatment, wells, meters and looping of mains	2016	3,000	3,000	
103	12	3200023-02	Aneta	222	Fire hydrant replacement	2016	291	3,291	
131	10	0900030-03	Argusville	475	Watermain replacement and looping	2016	1,066	4,357	
92	12	2701506-01	Armegard	700	Distribution system improvements	2016	4078	8,435	
69	14	0900035-01	Arthur	337	Water tower replacement	2016	1,400	9,835	
57	15	0900035-02	Arthur	337	Watermain, hydrant, gate valve, and service replacement	2016	3,025	12,860	
82	13	0501057-03	ASWUD	764	Water supply increase by parallel and looping	2016	796	13,656	
122	11	0501057-04	ASWUD	1,130	Water system improvements	2016	27,919	41,575	
12	22	4001153-05	ASWUD	670	New transmission line, WTP upgrades, well field expansion, new water storage	2016	10,463	52,038	
48	16	1700059-01	Beach	1,300	Distribution system repair, water tower rehabilitation	2017	1,996	54,034	
174	7	4500065-01	Belfield	1,005	New transmission line	2017	1,343	55,377	
23	19	2900074-01	Beulah	3,121	WTP improvements and water storage	2016	6,000	61,377	
208	5	2900074-02	Beulah	3,121	Watermain, hydrant, and gate valve replacement	2016	1,000	62,377	
184	7	2900074-03	Beulah	3,121	Water tower rehabilitation	2016	1,000	63,377	
151	9	0600119-01	Bowman	1,800	Watermain replacement	2016	1,320	64,697	
112	11	0600119-02	Bowman	1,800	Watermain replacement	2017	1,000	65,697	
100	12	0900134-02	Buffalo	225	Replace existing watermains, gate valves and hydrants	2016	1,900	67,597	
74	13	0900134-03	Buffalo	225	New pump house and reservoir	2016	650	68,247	
49	15	5100138-01	Burlington	1,060	New water tower, transmission main and pump station	2017	2,594	70,841	
61	14	4800152-01	Cando	1,115	Water treatment plant improvements and well replacement	2016	1,500	72,341	
181	7	4800152-02	Cando	1,115	Watermain replacement	2016	1,750	74,091	
56	15	1900162-01	Carson	293	Watermain replacement	2016	3,941	78,032	
206	5	0900166-02	Casselton	2,329	Water tower replacement	2017	1,955	79,987	
17	21	3400170-01	Cavalier	1,302	Water tower rehabilitation	2018	2,006	81,993	
173	7	3300174-02	Center	580	Watermain replacement (Main St)	2016	525	82,518	
62	14	3900183-02	Christine	150	Watermain replacement and looping	2016	580	83,098	
109	11	3900196-01	Colfax	141	Watermain replacement and looping	2016	478	83,576	
9	24	0700198-03	Columbus	125	Watermain replacement, smart meters, treated water storage reservoir	2016	1,585	85,161	20 yr
87	13	2000203-08	Cooperstown	984	Reservoir replacement	2016	600	85,761	

Priority Ranking	Priority Points	Project No.	System Name	Present Population	Project Description	Construction Start Date	Cost (\$1000)		Est. Loan Term ⁽¹⁾
							Project	Cumulative	
3	31	0901060-05	CRW	13,385	Leonard Area Arsenic Project	2016	2,500	88,261	20 yr
193	6	0901060-06	CRW	7,750	Increased capacity to Horace Area - wellfield, WTP, reservoir, and transmission main improvements	2016	6,800	95,061	
146	9	0901060-07	CRW	7,750	System elevated tower	2016	3,584	98,645	
142	9	0901060-08	CRW	13,385	New transmission lines, distribution lines, and storage	2017	2,750	101,395	
113	11	2001061-01	Dakota RWD	3,523	Watermain replacement, upgrade vaults	2016	1,325	102,719	
18	20	0900217-01	Davenport	252	New transmission main, increased storage and control replacement	2016	616	103,335	
77	13	3400269-02	Drayton	824	Replace clearwell, replace chemical feed and rehab water tower	2017	2,000	105,335	
59	15	1900303-01	Elgin	642	Watermain replacement	2016	1,076	106,411	
8	24	1100306-01	Ellendale	1,394	Storage tank replacement, WTP improvements, distribution system improvements	2016	2,013	108,424	20 yr
140	10	3700314-04	Enderlin	886	New wells & transmission line	2016	1,648	110,072	
117	11	3700314-05	Enderlin	886	Watermain replacement	2016	773	110,845	
30	18	3700314-06	Enderlin	886	New lime softening WTP & storage	2016	8,065	118,910	
118	11	3700314-07	Enderlin	886	Water tower replacement	2016	1,957	120,867	
36	17	3900333-02	Fairmount	367	Water tower and controls replacement	2016	950	121,817	
111	11	3900333-03	Fairmount	367	Watermain replacement and looping	2016	655	122,472	
164	8	0900336-04	Fargo	105,549	Water tower rehabilitation 2019	2019	2,300	124,772	
139	10	0900336-05	Fargo	105,549	Water system regionalizaion project	2016	12,000	136,772	
165	8	0900336-06	Fargo	105,549	Water tower rehabilitation 2016	2016	528	137,300	
97	12	0900336-07	Fargo	105,549	Water tower level and distribution controls	2018	1,489	138,789	
166	8	0900336-09	Fargo	105,549	Water tower rehabilitation 2017	2017	3,110	141,899	
167	8	0900336-11	Fargo	105,549	Low lift transfer pump station	2021	8,221	150,120	
168	8	0900336-12	Fargo	105,549	WTP residuals facility	2018	23,361	173,481	
169	8	0900336-13	Fargo	105,549	Water tower rehabilitation 2018	2018	2,257	175,738	
170	8	0900336-14	Fargo	105,549	Water tower rehabilitation 2021	2021	2,178	177,916	
98	12	0900336-15	Fargo	105,549	Ground storage reservoir 2 and pump station	2021	11,774	189,690	
202	6	0900336-16	Fargo	105,549	WTP study	2016	7,500	197,190	
55	15	3000342-01	Flasher	230	Watermain replacement	2016	409	197,599	
31	18	0700344-01	Flaxton	66	Watermain replacement and additional well	2016	282	197,881	
53	15	1100346-1	Forbes	53	Watermain, gate valve & hydrant replacement	2016	1,000	198,881	
150	9	4100357-01	Forman	504	Water tower replacement	2016	1,000	199,881	
60	14	4100357-02	Forman	504	New well, well upgrades and transmission line replacement	2016	400	200,281	
107	11	4100357-03	Forman	504	WTP rehabilitation and new conrols	2016	500	200,781	
145	9	4100357-04	Forman	504	Watermain replacement	2016	500	201,281	
94	12	0900387-01	Gardner	74	Watermain replacement and looping	2016	400	201,681	
162	8	2800389-03	Garrison	1,453	Replacement of water intake structure	2016	2,000	203,681	
136	10	2800389-04	Garrison	1,453	WTP expansion, new intake and pumps	2016	5,000	208,681	

Priority Ranking	Priority Points	Project No.	System Name	Present Population	Project Description	Construction Start Date	Cost (\$1000)		Est. Loan Term ⁽³⁾
							Project	Cumulative	
137	10	2800389-05	Garrison	1,453	Watermain Replacement	2016	4,500	213,181	
214	4	2801430-02	Garrison RWD	1,525	New reservoir and pump station	2017	2,536	215,717	
83	13	3000400-01	Glen Ullin	804	Watermain replacement	2016	242	215,959	
91	12	3800397-01	Glenburn	380	Watermain replacement and looping	2016	1,640	217,599	
121	11	3800397-02	Glenburn	380	Water tower rehabilitation	2016	2,350	219,949	
134	10	5000408-04	Grafton	4,913	Park River water intake improvements	2018	1,146	221,095	
52	15	5000408-05	Grafton	4,913	Pretreatment and advanced oxidation WTP improvements	2020	9,100	230,195	
25	19	1800410-03	Grand Forks	55,158	WTP, facility plan, and design	2016	137,000	367,195	
84	13	1800410-04	Grand Forks	55,158	Watermain looping	2019	4,784	371,979	
124	11	1801062-03	Grand Forks-Trail RWD	6,753	Upsizing transmission lines	2017	4,120	376,099	
116	11	2500415-02	Granville	241	Water main replacement	2016	306	376,405	
144	9	5300425-02	Grenora	300	Watermain replacement	2016	410	376,815	
65	14	3900443-03	Hankinson	919	Watermain looping	2016	575	377,390	
41	17	2000446-02	Hannaford	131	Water tower replacement	2016	1,200	378,590	
11	23	1500469-02	Hazelton	235	Well house improvements	2016	200	378,790	
176	7	2900470-02	Hazen	2,534	Watermain replacement	2016	409	379,199	
178	7	3000473-01	Hebron	747	Watermain replacement	2016	888	380,087	
182	7	0100476-01	Hottinger	1,226	Watermain replacement	2016	600	380,687	
104	12	4600487-02	Hope	303	Service to west side of railroad tracks	2016	185	380,872	
216	2	0900488-01	Horace	2,430	Gate valve and fire hydrant replacement, new watermain	2016	494	381,366	
185	7	0900488-02	Horace	3,400	Water tower rehabilitation	2016	150	381,516	
212	4	0900488-03	Horace	3,400	Water meter replacement	2016	546	382,062	
76	13	0900492-01	Hunter	401	Pump house upgrades, water tower replacement	2016	2,000	384,062	
101	12	0900492-02	Hunter	401	Watermain replacement	2016	3,000	387,062	
132	10	4700498-06	Jamestown	16,000	North east pressure zone improvements	2016	1,725	388,787	
96	12	4700498-07	Jamestown	16,000	Phase 3 - Transmission line	2017	3,695	392,482	
194	6	4700498-08	Jamestown	16,000	Water meter replacement	2017	2,550	395,032	
195	6	4700498-09	Jamestown	16,000	SCADA Improvements	2016	403	395,435	
157	8	4700498-10	Jamestown	16,000	Filter bay renovations and media replacement	2016	800	396,235	
196	6	4700498-11	Jamestown	16,000	East end reservoir renovations	2016	495	396,730	
148	9	4700498-12	Jamestown	16,000	Watermain replacement (WTP to State Hospital)	2016	2,620	399,350	
197	6	4700498-13	Jamestown	16,000	Transmission main	2016	5,140	404,490	
198	6	4700498-14	Jamestown	16,000	Water tower rehabilitation	2016	490	404,980	
199	6	4700498-15	Jamestown	16,000	WTP filter rehabilitation	2016	800	405,780	
149	9	4700498-16	Jamestown	16,000	Watermain replacement	2016	1,675	407,455	
21	20	2300508-01	Jud	74	Watermain replacement and pump house updates	2016	300	407,755	
175	7	5100515-03	Kenmare	1,200	Watermain, gate valve & hydrant replacement	2016	575	408,330	
64	14	0900524-01	Kindred	692	Water tower and watermain replacement	2017	1,220	409,550	

Priority Ranking	Priority Points	Project No.	System Name	Present Population	Project Description	Construction Start Date	Cost (\$1000)		Est. Loan Term ⁽²⁾
							Project	Cumulative	
37	17	2300535-02	Kulm	354	Water tower replacement	2016	1,200	410,750	
24	19	3200536-02	Lakota	672	Water treatment improvements or connection to rural water	2016	300	411,050	
78	13	2300537-01	LaMoure	889	Water tower replacement, reservoir upgrade and pumping upgrade	2016	1,200	412,250	
179	7	2300537-02	LaMoure	889	Chemical feed replacement	2016	400	412,650	
180	7	2300537-03	LaMoure	889	Watermain replacement	2016	500	413,150	
189	6	1000543-02	Langdon	1,878	Water main replacement	2016	700	413,850	
190	6	1000543-03	Langdon	1,878	Water tower rehabilitation	2016	450	414,300	
35	17	1000543-04	Langdon	1,878	Intake structure and raw water transmission line improvements	2016	3,200	417,500	
152	9	1000543-05	Langdon	1,878	WTP rehabilitation and equalization basin upgrade	2016	7,000	424,500	
19	20	1000543-06	Langdon	1,878	New well field	2016	6,000	430,500	
46	16	0300553-04	Leeds	427	Upgrade wells, transmission lines, pumps	2016	325	430,825	
39	17	0300553-05	Leeds	427	WTP improvements	2016	325	431,150	
47	16	0300553-06	Leeds	427	Watermain replacement and looping	2016	575	431,725	
6	26	2600556-01	Lehr	80	Well and watermain replacement	2016	400	432,125	20 yr
4	31	0901530-01	Leonard ⁽²⁾	223	Consolidation of existing users to regional water system (arsenic)	2016	3,600	435,725	30 yr
51	15	3700574-08	Lisbon	2,154	Upgrade to well #1	2016	150	435,875	
50	15	3700574-09	Lisbon	2,154	WTP rehabilitation	2016	1,000	436,875	
119	11	3700574-10	Lisbon	2,154	New well field and raw water transmission main	2016	560	437,435	
120	11	3700574-11	Lisbon	2,154	Watermain replacement	2016	2,500	439,935	
67	14	5100593-01	Makoti	154	Well repair, new well and transmission line	2016	375	440,310	
16	21	5100593-02	Makoti	154	New reservoir	2016	1,400	441,710	
42	17	5100593-03	Makoti	154	Watermain replacement	2016	2,750	444,460	
143	9	3000596-06	Mandan	24,227	Transmission main replacement	2017	5,642	450,102	
106	11	3000596-07	Mandan	25,227	Pressure problem correction and water tower rehabilitation	2017	2,320	452,422	
158	8	3000596-08	Mandan	24,827	New raw water intake	2017	14,682	467,104	
155	8	3000596-09	Mandan	23,827	WTP expansion	2017	4,260	471,364	
187	6	3000596-10	Mandan	23,827	High service pump capacity upgrade	2017	3,236	474,600	
159	8	0900613-03	Mapleton	762	Watermain replacement	2017	750	475,350	
5	29	0500620-01	Maxbass	120	Connection to rural water	2016	266	475,616	30 yr
171	7	2800650-01	Mercer	120	Watermain replacement	2016	191	475,807	
160	8	3200653-01	Michigan	294	Water tower rehabilitation	2016	75	475,882	
63	14	5000691-01	Minto	604	Watermain replacement	2017	727	476,609	
186	7	5000691-02	Minto	604	Portion of new public works building that is directly related to the drinking water system	2017	326	476,935	
210	4	3800695-01	Mohall	812	New watermain	2016	403	477,338	
205	5	3800695-02	Mohall	812	Water tower replacement	2016	1,199	478,537	
127	10	3900703-01	Mooreton	197	Replace gate valves and add bladder tank	2017	244	478,781	

Priority Ranking	Priority Points	Project No.	System Name	Present Population	Project Description	Construction Start Date	Cost (\$1000)		Est. Loan Term ⁽³⁾
							Project	Cumulative	
138	10	2400715-01	Napoleon	792	Extend water service to residents with wells	2017	900	479,681	
70	14	2100726-01	New England	600	Watermain replacement	2016	3,500	483,181	
86	13	2100726-02	New England	600	New water tower and transmission line	2016	2,000	485,181	
71	14	1400732-02	New Rockford	1,391	Watermain replacement	2016	5,400	490,581	
161	8	1400732-03	New Rockford	1,391	Water tower rehabilitation	2016	260	490,841	
123	11	1001380-01	NEWD	2,350	Water distribution expansion	2016	8,000	498,841	
15	21	1001380-02	NEWD	2,350	New water supply	2017	25,000	523,841	
81	13	2801487-04	NPRWD	4,110	Expansion of water distribution system	2018	2,600	526,441	
45	16	5101189-02	NPRWD	5,903	Water storage rehabilitation	2016	1,820	528,261	
154	9	5101189-03	NPRWD	5,903	Distribution, storage & pumping improvements	2016	4,820	533,081	
125	11	5101189-05	NPRWD	12,152	Rehabilitation of Anamoose water tower	2016	200	533,281	
89	13	1100758-04	Oakes	1,856	WTP expansion	2016	1,700	534,981	
90	13	1100758-05	Oakes	1,856	Well and well house replacement	2016	400	535,381	
105	12	1100758-06	Oakes	1,856	Water tower rehabilitation	2016	400	535,781	
141	10	1100758-07	Oakes	1,856	New reservoir, pump station and transmission main	2016	720	536,501	
40	17	0300762-01	Oberon	105	Distribution system replacement	2016	2,000	538,501	
102	12	0300762-02	Oberon	105	New well and pump house	2016	500	539,001	
108	11	0200763-01	Oriska	128	Pump house and reservoir replacement	2016	550	539,551	
126	10	1000768-01	Osnabrock	160	Watermain rehabilitation	2016	200	539,751	
115	11	0900769-03	Page	232	Watermain replacement	2016	2,550	542,301	
72	14	5000773-04	Park River	5,042	Watermain replacement	2018	2,067	544,368	
27	19	2900789-03	Pick City	123	100,000 Gallon Water Tank	2016	1,125	545,493	
13	22	2900789-04	Pick City	123	Watermain replacement	2016	1,500	546,993	
177	7	4900803-01	Portland	606	Water tower replacement	2016	1,300	548,293	
79	13	5300809-05	Ray	1600	New treated water storage reservoir, transmission main and watermain replacement	2016	4,501	552,794	
10	23	4500821-01	Richardton	548	Pump station rehabilitation	2017	875	553,669	
26	19	4500821-02	Richardton	548	Watermain replacement and looping	2017	687	554,356	
1	46	2200827-01	Robinson ⁽²⁾	83	Improvements to wells, pumping facility, treatment, and storage	2016	200	554,556	20 yr
34	18	4000833-02	Rolette	594	Watermain replacement	2016	4,600	559,156	
88	13	4000834-01	Rolla	1,280	New well	2016	180	559,336	
2	34	3100838-02	Ross ⁽²⁾	97	New water supply, storage and watermain replacement	2016	699	560,035	20 yr
93	12	3500842-01	Rugby	2,900	WTP rehabilitation	2018	1,700	561,735	
110	11	0200858-01	Sanborn	194	Watermain replacement	2016	500	562,235	
133	10	0200858-02	Sanborn	192	Water tower rehabilitation	2016	400	562,635	
172	7	5100868-03	Sawyer	367	Watermain replacement	2016	500	563,135	
209	4	5100868-04	Sawyer	367	Transmission line and well replacement	2016	560	563,695	
163	8	0801154-04	SCRWD	17,044	Water service distribution expansion	2016	7,416	571,111	
201	6	0801154-05	SCRWD	19,181	New water storage tank	2016	1,350	572,461	
114	11	3901068-11	SEWUD	16,672	Distribution system expansion	2016	7,200	579,661	

Priority Ranking	Priority Points	Project No.	System Name	Present Population	Project Description	Construction Start Date	Cost (\$1000)		Est. Loan Term ⁽³⁾
							Project	Cumulative	
200	6	3901068-12	SEWUD	16,673	Water meter replacement	2016	1,100	580,761	
66	14	3700876-01	Sheldon	116	Pump and control replacement	2016	175	580,936	
203	5	3800877-02	Sherwood	242	Watermain replacement	2016	406	581,342	
188	6	3800877-03	Sherwood	256	Watermain looping	2016	608	581,950	
43	17	1400879-02	Sheyenne	204	Watermain replacement	2016	3,000	584,950	
29	18	4701303-05	SRWD	3,048	Treated water reservoir, booster station, watermain and WTP improvements	2016	16,600	601,550	
80	13	4701303-06	SRWD	5,000	Reservoir expansion, water tower, pipeline improvements	2016	5,881	607,431	
7	25	4000854-02	St. John	341	Well rehabilitation and transmission main replacement	2016	375	607,806	20 yr
20	20	1501310-02	State Line WC	386	Water tower replacement, system maintenance	2016	222	608,028	
32	18	4700922-01	Streeter	170	Watermain replacement	2016	500	608,528	
33	18	4700922-02	Streeter	170	WTP improvements	2016	500	609,028	
22	20	4700922-03	Streeter	170	New well	2016	500	609,528	
54	15	5200927-01	Sykeston	117	Watermain replacement	2016	2,400	611,928	
68	14	3201072-03	TCWD	2,475	WTP rehabilitation and expansion, Phase II	2016	1,399	613,327	
128	10	5300936-01	Tioga	1,600	Watermain replacement (Welo St, 3rd St, 6th St)	2016	2,061	615,388	
129	10	5300936-02	Tioga	1,600	Watermain replacement (Simons Addition)	2016	892	616,280	
130	10	5300936-03	Tioga	1,600	Watermain replacement (S Main St)	2016	398	616,678	
153	9	0900945-01	Tower City	253	Water tower rehabilitation	2016	250	616,928	
85	13	0900945-02	Tower City	253	Watermain replacement	2016	2,000	618,928	
207	5	4901071-02	Trail RWD	2,800	Mayville and Hillsboro treatment capacity	2016	1,650	620,578	
44	17	2800949-01	Turtle Lake	581	Water tower replacement	2016	3,025	623,603	
99	12	2300969-01	Verona	85	Watermain and water meter replacement	2016	515	624,118	
75	13	2300969-02	Verona	85	Water reservoir and pump house replacement	2016	300	624,418	
135	10	3900973-03	Wahpeton	7,766	Lime storage, slaker additions & misc WTP improvements	2017	1,373	625,791	
147	9	3900973-04	Wahpeton	7,766	Watermain replacement and looping	2017	440	626,231	
38	17	5001075-03	Walsh RWD	3,404	Distribution system upgrade	2016	2,543	628,774	
191	6	2700990-02	Watford City	2,566	Looping and transmission main project	2017	6,658	635,432	
211	4	2700990-03	Watford City	2,556	Fox Hills water tower	2017	2,587	638,019	
192	6	2700990-04	Watford City	2,566	New water tower (SE)	2017	4,003	642,022	
217	2	0900999-03	West Fargo	28,500	South side water tower	2016	2,334	644,356	
156	8	5101447-01	West River WD	625	Service line replacement (from water main to curb stop)	2016	468	644,824	
204	5	0501001-02	Westhope	429	Watermain replacement	2016	456	645,280	
183	7	3101775-01	White Earth	98	Distribution improvements (new system)	2016	2,500	647,780	
213	4	5301012-06	Williston	30,000	4 MG of storage on reservoirs	2017	6,500	654,280	
218	2	5301012-07	Williston	30,000	Distribution improvements (Hi-Land Heights)	2016	5,087	659,367	
219	1	5301012-09	Williston	30,000	Distribution improvements (Wegley)	2016	1,415	660,782	
95	12	0801031-01	Wilton	750	Watermain replacement	2016	818	661,600	
28	19	0801036-01	Wing	160	Water storage rehabilitation	2016	1,000	662,600	

Priority Ranking	Priority Points	Project No.	System Name	Present Population	Project Description	Construction Start Date	Cost (\$1000)		Est. Loan Term ⁽³⁾
							Project	Cumulative	
215	3	5301079-02	WRWD	8,800	Transmission Main	2017	6,190	668,790	
58	15	3901043-01	Wyndmere	429	Watermain looping	2017	487	669,277	
73	14	2601055-01	Zeeland	141	Water meter replacement	2016	200	669,477	

(1) - It is unknown at this time if mandatory additional subsidization will apply to the 2016 DWSRF allotment. To address this potential requirement, a funding level of \$1,800,000 has been assumed for additional subsidization (as loan forgiveness). Adjustments will be made, as necessary, based on the actual requirements and capitalization grant amount.

(2) - These projects appear eligible for 75% loan forgiveness with a cap of \$1,250,000 of loan forgiveness. The actual loan forgiveness amount is dependant upon available funds. Loan forgiveness eligibility will be confirmed when the loan application is submitted.

(3) - Estimated length of the loan term only. The loan term will be set at the time of facility plan approval.

Abbreviations

SCADA = Supervisory Control and Data Acquisition
 MG = Million Gallons
 RWD = Rural Water District
 WC = Water Company
 WD = Water District
 WTP = Water Treatment Plant

ASWUD = All Seasons Water User District
 CRW = Cass Rural Water
 NPRWD = North Prairie Rural Water District
 SCRWD = South Central Regional Water District
 SEWUD = Southeast Water Users District
 SRWD = Stutsman Rural Water District
 TCWD = Tri-County Water District
 WRWD = Williams Rural Water District
 NEWD = Northeast Regional Water District

Exhibit C

Mandan Water Treatment Facility – High Service Pump Improvements

Purpose and Needs Narrative

In order to meet existing and future demands of the facility, this project proposes improvements to the high service pumping capacity and pump configuration at the Mandan Water Treatment Facility. Currently, these are the two main issues which hinder the plant's operations and flexibility. Additionally, it proposes operational control improvements with process piping modifications and instrumentation and controls (I&C) upgrades to help the plant to continue to reliably supply water to the distribution system.

High Service Pumping Capacity

The firm capacity of the existing High Service Pump system has neither the adequacy to meet projected demands nor to flexibility to operate as required. With increased pump capacity, the water treatment plant would have greater control and flexibility over their ability to meet distribution system demands. It should be noted that this is not a matter of the treatment plant operating at or above design capacity, but simply a matter of needing additional pumping capacity to pump treated water from the treatment plant out to the distribution system.

Pump Configuration Modifications

Modifications to the pump configuration will give the plant more control and consistent access to the water available in the clearwells. Because the bottom elevation of Clearwell No. 1 is higher than Clearwell No. 2, a significant amount of water is left inaccessible to three of the five existing High Service Pumps. Once the plant is shutdown and the demands within the distribution system continue, the existing high service pumps cannot provide sufficient water to all portions of the distribution system if the water level in Clearwell No. 2 drops below the bottom elevation of Clearwell No. 1, despite the fact that ample finished water is still available in storage. The proposed pump configuration modifications would ensure the plant always has the ability to access the water in the bottom of Clearwell No. 2 with full pumping capacity.

Operational Control Improvements

Along with the aforementioned improvements, this project proposes process piping improvements and I&C upgrades to improve the plant's operational control. The pump configurations will require process piping modifications of their own. However, additional process pipe improvements and I&C upgrades will give the plant customized and automated control over their high service pumps as well as allow more flexible access to all the water stored in the clearwells.

Improved high service pump capacity, pump configuration modifications, along with the operational control improvements will provide an efficient and economical update to meet the City of Mandan's distribution system's current and projected water demands. Additionally, these modifications will improve the water treatment plant's flexibility of operations, helping to ensure the City can provide consistent and adequate water supply to the distribution system users.

EXHIBIT D
CITY OF MANDAN, ND
MANDAN WTF - HIGH SERVICE PUMP IMPROVEMENTS
OPINION OF TOTAL PROBABLE PROJECT COST

11/12/15

	QUANTITY	UNIT	UNIT COST	MATERIAL COST	INSTALLED COST	PROPOSED FUNDING BREAK DOWN	
						BND	SWC
1.0 General Conditions							
a Insurance, Bonds, Mobilization, Etc.	1	l.s.		\$2,320,000	\$142,912	\$57,165	\$85,747
Subtotal - General Conditions					\$142,912	\$57,165	\$85,747
2.0 General Construction							
a Misc. Demolition	1	l.s.	\$50,000	\$50,000	\$67,500	\$27,000	\$40,500
b High Service Pumps (2000 gpm each)	4	ea.	\$100,000	\$400,000	\$500,000	\$200,000	\$300,000
c Piping, Valves, & Appurtenances	1	l.s.	\$150,000	\$150,000	\$187,500	\$75,000	\$112,500
d WTP Structure Expansion (40'x50'), Gen., Mech., Elec., & Fin.	2,000	s.f.	\$275	\$550,000	\$687,500	\$275,000	\$412,500
Subtotal - General Construction					\$1,442,500	\$577,000	\$865,500
3.0 Mechanical Construction							
a HVAC Mech. Constr., & Elect. Constr.	1	l.s.	\$125,000	\$125,000	\$168,750	\$67,500	\$101,250
b General Mechanical	1	l.s.	\$125,000	\$125,000	\$168,750	\$67,500	\$101,250
Subtotal - Mechanical Construction					\$337,500	\$135,000	\$202,500
4.0 Electrical Construction							
a MCC, Controls, and Instrumentation	1	l.s.	\$300,000	\$300,000	\$405,000	\$162,000	\$243,000
b Controls and Instrumentation	1	l.s.	\$100,000	\$100,000	\$135,000	\$54,000	\$81,000
Subtotal - Electrical Construction					\$540,000	\$216,000	\$324,000
Total Probable Construction Costs					\$2,462,912	\$985,165	\$1,477,747
5.0 Engineering; Contingencies; Admin and Legal							
a Contingencies (10%)					\$246,291	\$98,516	\$147,775
b Legal fiscal and Administration					\$10,000	\$10,000	\$0
c Pre-Engineering					\$252,000	\$163,800	\$88,200
d Construction/Post construction Engineering					\$265,000	\$106,000	\$159,000
Subtotal - Engineering; Contingencies; Admin and Legal					\$773,291	\$378,316	\$394,975
ESTIMATED TOTAL PROBABLE PROJECT COSTS					\$3,236,203	\$1,363,481	\$1,872,722



NEW INFRASTRUCTURE LOAN FUND APPLICATION

BANK OF NORTH DAKOTA
LENDING-AG/COMMERCIAL
SFN 60935 (09-2015)

Political Subdivision City of Mandan, ND		Date of Application 11/18/2015	
Address 205 Second Ave NW	City Mandan	State ND	ZIP Code 58554
Tax Identification (ID) Number 45-6002118	Construction Start Date 4/1/2016	Construction End Date 12/1/2017	
Contact Person Jim Neubauer	Contact Email Address jneubauer@cityofmandan.co	Contact Telephone Number (701) 667-3215	
Project Engineer Ken Weber, PE AE2S	Engineer Email Address ken.weber@ae2s.com	Engineer Telephone Number (701) 221-0530	
Type of Project <input checked="" type="checkbox"/> Water/Sewer <input type="checkbox"/> Road/Street <input type="checkbox"/> Other, specify:			
Summary of Request Distribution System - I&C Upgrade 40% funding for construction; 40% funding for contingencies; 100% funding for legal, fiscal, and administrative expenses; 65% funding for design engineering; & 40% funding for construction engineering.			

Source and Use of Funds

Sources of Funds	Amount	Sources of Funds	Amount
A. BND Infrastructure Loan Request	\$ 161,188	C.	\$
B. State Water Commission	\$ 161,813	D.	\$
Specify all funding sources for this project: Local, State, and/or Federal Funds (i.e. USDA, SRF, etc.)			Total \$ 323,001

Use of Funds	Source A	Source B	Source C	Source D
General Conditions	\$ 3,340	\$ 5,010	\$	\$
General Construction	\$ 2,500	\$ 3,750	\$	\$
Electrical Construction	\$ 81,000	\$ 121,500	\$	\$
Eng./Admin./Cont.	\$ 29,349	\$ 31,553	\$	\$
	\$	\$	\$	\$
TOTAL	\$ 116,189	\$ 161,813	\$	\$

Note: List high level categories in the Use of Funds (i.e. Use of Funds = Engineering Fees, Construction, Materials, etc.). Also attach a complete description of the use of the funds (Exhibit D).

Repayment

Primary Source of Repayment Revenue from the City's Utility Billing will be used as primary source of repayment. Rate structure to be adjusted accordingly.

NOTE: THE FOLLOWING EXHIBITS MUST BE COMPLETED WHERE APPLICABLE.

1. Attach completed Appendix A for Road Projects or Appendix B for Water Projects. Label as **Exhibit A**.
 - Road/Street Projects also include sidewalks, street lights, signage, etc.
 - Water/Sewer/Storm Sewer Projects may include new construction/infrastructure
 - Other - Contact BND Loan Officer Joel Erickson (701) 328-5776
2. Have you fully investigated all funding options i.e. CDBG, Rural Development, State Revolving Fund, State Water Commission, DOT, etc.?
 No Yes If yes, provide results (i.e. refusal letter, approval letter, etc.). Label as **Exhibit B**.
3. Provide a Purpose and Need narrative not to exceed 1,000 words. Label as **Exhibit C**.
4. Provide complete description of the use of funds. Label as **Exhibit D**.
5. For Water/Sewer projects, if required to provide additional information. Label as **Exhibit E**.

Project Scoring Information

- 0-40 Health and Safety
- 0-40 Economic Impact
- 0-20 Ability to Leverage Other Financing Options

Important Information About Procedures for Opening a New Account

To help the federal government fight the funding of terrorism and money laundering activities, Section 326 of the USA PATRIOT Act¹ requires all financial institutions to obtain, verify, and record information that identifies each person who opens an account (checking, savings, certificates of deposit, loans, safekeeping services, trust services, etc.).

What this means for you:

- When you open an account or request certain services, we will ask for your name, address, date of birth, identification number such as your Social Security Number or Tax Identification Number, and other information that will allow us to identify you.
- We may also ask to see your driver's license or other identifying documents.

The principal purpose and routine uses of this information are to verify your identity, provide for the servicing of your account or loan, including communications with consumer reporting agencies, and in the event it is necessary, to locate you and collect on your loan(s). Providing any requested information is mandatory in order to open the account or receive the requested service. We will not be able to open your account or grant the service if the requested information is not provided.

In all cases, protection of our customers' identity and confidentiality is the Bank's pledge to you.

¹ This notice also satisfies our obligations under the Privacy Act of 1974.

Acknowledgment and Agreement

The undersigned specifically acknowledge(s) that: (1) verification or re-verification of any information contained in the application may be made at any time by the Lender, its agents, successors, and assigns, either directly or through a credit reporting agency, from any source named in this application, and the original copy of this application will be retained by the Lender, even if the loan is not approved; (2) the Lender, its agents, successors and assigns will rely on the information contained in the application and I/We have a continuing obligation to amend and/or supplement the information provided in this application if any of the material facts which I/We have represented herein should change prior to closing; (3) in the event my/ our payments on the loan indicated in this application become delinquent, the Lender, its agents, successors, and assigns, may, in addition to all their other rights and remedies, report my/our name(s) and account information to a credit reporting agency.

The applicant hereby makes application to the Bank of North Dakota for a BND Infrastructure Loan in accordance with the provisions of the North Dakota Century Code 6-09-49.

Political Subdivision City of Mandan	
Name of Representative Jim Neubauer	
Title of Representative City Administrator	
Signature of Representative	Date 11/18/2015

APPENDIX A
ROAD/STREET PROJECT SCOPING WORKSHEET
(Includes sidewalks, street lights, signage, etc.)

City	Street
County	Length
Proposed Improvement	

Cost Estimates Breakdown (in \$1,000)

Alternate	Preliminary Engineering (PE)	Right-of-Way (ROW)	Utility	Construction	Bridges	Miscellaneous	TOTAL
\$	\$	\$	\$	\$	\$	\$	\$
\$	\$	\$	\$	\$	\$	\$	\$

Present Road/Streets

Surface Width	Surface Type	Is On-Street Parking Allowed? <input type="checkbox"/> No <input type="checkbox"/> Yes, Select Type:	<input type="checkbox"/> One Side <input type="checkbox"/> Angle <input type="checkbox"/> Both Sides <input type="checkbox"/> Parallel
If on-street parking is NOT currently allowed, is it a proposed improvement? <input type="checkbox"/> No <input type="checkbox"/> Yes, Select Type: <input type="checkbox"/> One Side <input type="checkbox"/> Both Sides <input type="checkbox"/> Angle <input type="checkbox"/> Parallel			

Proposed Improvements

Average Daily Traffic (ADT) - Present	Year	Travel Way Width	ADT Design	Design Year
Number of Lanes	Design Speed	Maximum Curve	Roadway Width (R/W)	Minimum R/W Width
			Maximum Grade	

Right-of-Way

Will additional Right-of-Way (ROW) or easement be acquired? <input type="checkbox"/> Yes <input type="checkbox"/> No	Has any ROW easements been acquired since 7/1/1972? <input type="checkbox"/> Yes <input type="checkbox"/> No
Estimated Number of Occupied Family Dwellings to be Displaced	Estimated Number of Businesses to be Displaced

Impacts

Will there be any additional Impacts (Cultural and Environmental Resources)? <input type="checkbox"/> No <input type="checkbox"/> Yes, Explain:		
Will there be any taking of any right-of-way from any public parkland, schools, etc., which may be subject to 4(f) or 6(f)? <input type="checkbox"/> No <input type="checkbox"/> Yes, Explain:		
Airports	Public Hearings	Environmental Classifications (i.e. Cat-Ex, EA, EIS)
Transportation Enhancements	Intermodal	Pedestrian Needs

Railroad (RR) Crossings

Railroad Name	Number of Tracks	Number of Crossings	Type of Crossing	Daily Train Movements	Train Speed	Present Protection	Proposed Protection

Year Current Section of Street Built	Has there been any additional maintenance to the street section? <input type="checkbox"/> No <input type="checkbox"/> Yes, Explain:	
Number of Driving Lanes in Current Street Section	Widths of Driving Lanes	
Number of Turning Lanes in Current Street Section	Widths of Turning Lanes	
Pavement Type <input type="checkbox"/> Asphalt <input type="checkbox"/> Concrete	Pavement Condition (if asphalt, is there alligator, longitudinal, or traverse cracking, raveling, bituminous patching, or rutting)	
	Pavement Condition (if concrete, are there broken slabs, faulting, bituminous patching, joint spalling, traverse or longitudinal cracking)	
Existing Roadway Geometrics		
Are there any access points to adjoining properties that present a special concern? <input type="checkbox"/> No <input type="checkbox"/> Yes, Explain:		
Are there existing sidewalks or shared use paths in place? (ADA requirements need to be addressed) <input type="checkbox"/> No <input type="checkbox"/> Yes, Explain:		
Condition of Existing Storm Sewer		
Will any additional storm sewer work need to be done along with this project to improve drainage? <input type="checkbox"/> No <input type="checkbox"/> Yes, Explain:		
Condition of City's Water and Sewer Line		
Will any work need to be done to city's water and sewer lines along with this project? <input type="checkbox"/> No <input type="checkbox"/> Yes, Explain:		
Describe the existing lighting system. What type of standards and luminaries are currently being used?		
Intersections that currently have traffic signals		
Locations of High Crash Rates		
Are additional turning lanes needed? <input type="checkbox"/> No <input type="checkbox"/> Yes, Explain:		

Identify any other safety improvements or concerns you may have.
--

Additional Remarks

Project Engineer	Date
------------------	------

APPENDIX B
WATER/SEWER PROJECT SCOPING WORKSHEET
(Includes water, sewer, storm sewer, etc.)

City Mandan, ND	Location Mandan Distribution System
County Morton	Length NA
Proposed Improvement Mandan Distribution System - Instrumentation and Controls Upgrades (See Exhibit C for Purpose and Needs narrative.)	

Water Quality and Quantity

Is one of the purposes of your project to correct ongoing and unresolved water quality problems that your system is experiencing?
 No Yes If yes, detailed information concerning the water quality problems, as well as how the project will solve the problems, must be given in an attachment. Such information must include an estimate of the maximum water (in gallons per day) presently available to residential users served by your system.

Infrastructure Adequacy

From the list below, indicate with an 'X' which infrastructure needs that your project is intended to address (applies to your system only). A complete description of each problem, along with an explanation of how the project will solve the problem, must be attached.

Check, if applicable

	Drinking Water	Sanitary Sewer	Storm Sewer
Underground pipes and appurtenances			
Pumping or storage structures	X		
Treatment plant operating at or above design capacity. The following information must be attached: design capacity; water production rates required to meet present demands (summer and winter); projected water production rates required to meet future demands (summer and winter); and, hours per day presently operates (summer and winter).			
For systems relying solely on their own groundwater supply, provision of a second well <u>where only one functional well exists</u> .			
Source facility			
Discharge facility			

Total Current Population (including bulk users served by the master meter) 23,827	Total Population (after project completion) 24,827
Total Service Connections (current) 7,149	Total Service Connections (after project completion) 7,449

NOTE: Consider users within your municipality such as individually metered residences, schools, businesses, campgrounds, and rest areas as one service connection. Include the number of residential service connections within bulk users served by master meter such as trailer courts and subdivisions. Do NOT include users and associated service connections that you supply water to OUTSIDE of your municipality (if any).

Total Service Connections (supplying water OUTSIDE of municipality) 1,970	Total Connections Outside of Municipality (after project completion) 1,970
--	---

NOTE: Consider users outside of your municipality such as households, schools, businesses, campgrounds, and rest areas as one service connection. Include the number of service connections WITHIN bulk users served outside of your municipality by master meter such as subdivisions, trailer courts, other municipalities, and regional or rural water systems. Detailed information must be attached documenting the user types and service connection number for all users served outside of the municipality.

Residential Base Rate - Water (current) \$ 456.00	Residential Base Rate - Water (after project completion) \$ 489.00
Residential Base Rate - Sewer (current) \$ 270.96	Residential Base Rate - Sewer (after project completion) \$ 295.15

Project Life Expectancy (number of years)

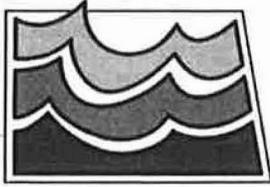
20

Additional Remarks

Funding with an additional loan from the State Water Commission is available; however, it can only fund the difference between the existing funding and 80% of the total project expenses, leaving a need to fund an additional 20%. The City of Mandan does not wish to acquire two or more loans to cover the gap beyond funding provided by the State Water Commission.

Project Engineer
Kenneth J. Weber, PE

Date
11/18/2015



North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850
701-328-2750 • TTY 800-366-6888 • FAX 701-328-3696 • INTERNET: <http://swc.nd.gov>

Agenda E 2)

EXHIBIT B

MEMORANDUM

TO: Governor Jack Dalrymple
Members of the State Water Commission

FROM: *T.S.* Todd Sando, P.E., Chief Engineer–Secretary

SUBJECT: Mandan Water Supply Improvements 2015

DATE: September 16, 2015

The city of Mandan’s cost-share request is for a grant towards design and construction of water supply infrastructure improvements on the following three projects to address the growth and increasing demand for quality water. Mandan also provides water to Missouri West Water System in Morton County and Captains Landing, a rural residential community located south of Interstate 94 on the Missouri River.

- High Service Optimization Phase 1 project involves installing new controls, instrumentation, and pumps to increase the firm capacity of the existing pump station. The eligible cost is \$3,226,203 with pre-construction engineering of \$252,000, construction engineering and construction costs of \$2,974,203.
- Instrumentation and Controls Upgrades project involves integrating five pump stations/reservoir into the overall water system to accurately monitor and adjust system variables for pump stations, meters and check points. The eligible cost is \$277,500 with pre-construction engineering of \$18,750, construction engineering and construction costs of \$258,750.
- Sunset Booster Station Pumps project involves new controls, instrumentation, and pumps to ensure the pump station can meet the flow demands from new growth areas. The eligible cost is \$438,630 with pre-construction engineering of \$30,150, construction engineering and construction costs of \$408,480.

	Eligible Cost	Cost-Share	
		%	Grant \$
Pre-construction Engineering	\$ 300,900	35	\$ 105,315
Construction Engineering and Construction	\$ 3,641,433	60	\$ 2,184,860
Total	\$3,942,333		\$2,290,175

I recommend the State Water Commission approve cost share in an amount not to exceed \$2,290,175 with pre-construction engineering funded at 35 percent and construction engineering and construction funded at 60 percent, to the City of Mandan towards the Water System Improvement Projects from the funds appropriated to the State Water Commission in the 2015 - 2017 biennium. The funding is in the form of a grant towards eligible costs, contingent on available funding.

TS:JM:ph/2050-MAN

JACK DALRYMPLE, GOVERNOR
CHAIRMAN

TODD SANDO, P.E.
CHIEF ENGINEER AND SECRETARY

Exhibit C

Mandan Distribution System – I&C Upgrades

Purpose and Needs Narrative

Growth in the Mandan system has placed new and increased demands on the distribution system. To provide better operational data and meet the growing service needs, the Instrumentation and Controls (I&C) system needs to be upgraded to match I&C upgrades included with the water treatment facility improvements. The water system demand increases have created the need for the pump stations, flow meters, check valves, and pressure reducing valves to operate in a more complex manner in order to accurately monitor and adjust system variables. A total of five remote pump stations and reservoir sites currently are in varying stages of need for upgrade and are not properly equipped to handle the new system challenges spurred by growth. This project will upgrade the current I&C equipment at these locations and integrate it into the overall system. These upgrades intend to provide the City of Mandan more observational oversight and direct control over the operations of each of these locations which are integral to the performance and ability of the distribution system to meet the demands of its users.

EXHIBIT D
 CITY OF MANDAN, ND
 MANDAN DISTRIBUTION SYSTEM - INSTRUMENTATION AND CONTROL UPGRADES
 OPINION OF TOTAL PROBABLE PROJECT COST

11/12/15

						PROPOSED FUNDING BREAKDOWN	
	QUANTITY	UNIT	UNIT COST	MATERIAL COST	INSTALLED COST	BND	SWC
1.0 General Conditions							
a Insurance, Bonds, Mobilization, Etc.	1	l.s.		\$208,750	\$8,350.00	\$3,340.00	\$5,010.00
Subtotal General Conditions					\$8,350.00	\$3,340.00	\$5,010.00
2.0 General Construction							
a Misc. Demolition	1	l.s.	\$5,000	\$5,000	\$6,250.00	\$2,500.00	\$3,750.00
Subtotal General Construction					\$6,250.00	\$2,500.00	\$3,750.00
3.0 Electrical Construction							
a Electrical Conduit Modifications, Site Modifications	5	l.s.	\$7,000	\$35,000	\$43,750.00	\$17,500.00	\$26,250.00
a Controls and Instrumentation	1	l.s.	\$125,000	\$125,000	\$158,750.00	\$63,500.00	\$95,250.00
Subtotal Electrical Construction					\$202,500.00	\$81,000.00	\$121,500.00
Total Probable Construction Costs					\$217,100.00	\$86,840.00	\$130,260.00
4.0 Engineering; Contingencies; Admin and Legal							
a Contingencies (10%)					\$21,532.00	\$8,612.80	\$12,919.20
b Legal fiscal and Administration					\$500.00	\$500.00	
c Pre-Engineering					\$18,750.00	\$12,187.50	\$6,562.50
d Construction/Post construction Engineering					\$20,118.00	\$8,047.20	\$12,070.80
Subtotal Engineering; Contingencies; Admin and Legal					\$60,900.00	\$29,347.50	\$31,552.50
ESTIMATED TOTAL PROBABLE PROJECT COSTS					\$278,000.00	\$116,187.50	\$161,812.50



NEW INFRASTRUCTURE LOAN FUND APPLICATION

BANK OF NORTH DAKOTA
LENDING-AG/COMMERCIAL
SFN 60935 (09-2015)

Political Subdivision City of Mandan, ND		Date of Application 11/18/2015	
Address 205 Second Ave NW	City Mandan	State ND	ZIP Code 58554
Tax Identification (ID) Number 45-6002118	Construction Start Date 4/1/2016	Construction End Date 12/1/2017	
Contact Person Jim Neubauer	Contact Email Address jneubauer@cityofmandan.co	Contact Telephone Number (701) 667-3215	
Project Engineer Ken Weber	Engineer Email Address ken.weber@ae2s.com	Engineer Telephone Number (701) 221-0530	
Type of Project <input checked="" type="checkbox"/> Water/Sewer <input type="checkbox"/> Road/Street <input type="checkbox"/> Other, specify:			
Summary of Request Mandan Distribution System - Sunset Booster Station Pump Improvements 40% funding for construction; 40% funding for contingencies; 100% funding for legal, fiscal, and administrative expenses; 65% funding for design engineering; & 40% funding for construction engineering.			

Source and Use of Funds

Sources of Funds	Amount	Sources of Funds	Amount
A. BND Infrastructure Loan Request	\$ 186,490	C.	\$
B. State Water Commission	\$ 255,641	D.	\$
Specify all funding sources for this project: Local, State, and/or Federal Funds (i.e. USDA, SRF, etc.)			Total \$ 442,131

Use of Funds	Source A	Source B	Source C	Source D
General Conditions	\$ 5,254	\$ 7,882	\$	\$
General Construction	\$ 2,480	\$ 3,720	\$	\$
Process Improvements	\$ 74,500	\$ 111,750	\$	\$
Electrical Construction	\$ 54,300	\$ 81,450	\$	\$
Eng./Admin./ Cont.	\$ 49,955	\$ 50,839	\$	\$
TOTAL	\$ 186,489	\$ 255,641	\$	\$

Note: List high level categories in the Use of Funds (i.e. Use of Funds = Engineering Fees, Construction, Materials, etc.). Also attach a complete description of the use of the funds (Exhibit D).

Repayment

Primary Source of Repayment Revenue from the City's Utility billing will be used as the primary source of repayment. Rate structure to be adjusted accordingly.

NOTE: THE FOLLOWING EXHIBITS MUST BE COMPLETED WHERE APPLICABLE.

1. Attach completed Appendix A for Road Projects or Appendix B for Water Projects. Label as **Exhibit A**.
 - Road/Street Projects also include sidewalks, street lights, signage, etc.
 - Water/Sewer/Storm Sewer Projects may include new construction/infrastructure
 - Other - Contact BND Loan Officer Joel Erickson (701) 328-5776
2. Have you fully investigated all funding options i.e. CDBG, Rural Development, State Revolving Fund, State Water Commission, DOT, etc.?
 No Yes If yes, provide results (i.e. refusal letter, approval letter, etc.). Label as **Exhibit B**.
3. Provide a Purpose and Need narrative not to exceed 1,000 words. Label as **Exhibit C**.
4. Provide complete description of the use of funds. Label as **Exhibit D**.
5. For Water/Sewer projects, if required to provide additional information. Label as **Exhibit E**.

Project Scoring Information

- 0-40 Health and Safety
- 0-40 Economic Impact
- 0-20 Ability to Leverage Other Financing Options

Important Information About Procedures for Opening a New Account

To help the federal government fight the funding of terrorism and money laundering activities, Section 326 of the USA PATRIOT Act¹ requires all financial institutions to obtain, verify, and record information that identifies each person who opens an account (checking, savings, certificates of deposit, loans, safekeeping services, trust services, etc.).

What this means for you:

- When you open an account or request certain services, we will ask for your name, address, date of birth, identification number such as your Social Security Number or Tax Identification Number, and other information that will allow us to identify you.
- We may also ask to see your driver's license or other identifying documents.

The principal purpose and routine uses of this information are to verify your identity, provide for the servicing of your account or loan, including communications with consumer reporting agencies, and in the event it is necessary, to locate you and collect on your loan(s). Providing any requested information is mandatory in order to open the account or receive the requested service. We will not be able to open your account or grant the service if the requested information is not provided.

In all cases, protection of our customers' identity and confidentiality is the Bank's pledge to you.

¹ This notice also satisfies our obligations under the Privacy Act of 1974.

Acknowledgment and Agreement

The undersigned specifically acknowledge(s) that: (1) verification or re-verification of any information contained in the application may be made at any time by the Lender, its agents, successors, and assigns, either directly or through a credit reporting agency, from any source named in this application, and the original copy of this application will be retained by the Lender, even if the loan is not approved; (2) the Lender, its agents, successors and assigns will rely on the information contained in the application and I/We have a continuing obligation to amend and/or supplement the information provided in this application if any of the material facts which I/We have represented herein should change prior to closing; (3) in the event my/ our payments on the loan indicated in this application become delinquent, the Lender, its agents, successors, and assigns, may, in addition to all their other rights and remedies, report my/our name(s) and account information to a credit reporting agency.

The applicant hereby makes application to the Bank of North Dakota for a BND Infrastructure Loan in accordance with the provisions of the North Dakota Century Code 6-09-49.

Political Subdivision City of Mandan, ND	
Name of Representative Jim Neubauer	
Title of Representative City Administrator	
Signature of Representative	Date 11/18/2015

APPENDIX A
ROAD/STREET PROJECT SCOPING WORKSHEET
(Includes sidewalks, street lights, signage, etc.)

City	Street
County	Length
Proposed Improvement	

Cost Estimates Breakdown (in \$1,000)

Alternate	Preliminary Engineering (PE)	Right-of-Way (ROW)	Utility	Construction	Bridges	Miscellaneous	TOTAL
\$	\$	\$	\$	\$	\$	\$	\$
\$	\$	\$	\$	\$	\$	\$	\$

Present Road/Streets

Surface Width	Surface Type	Is On-Street Parking Allowed? <input type="checkbox"/> No <input type="checkbox"/> Yes, Select Type:	<input type="checkbox"/> One Side <input type="checkbox"/> Angle <input type="checkbox"/> Both Sides <input type="checkbox"/> Parallel
If on-street parking is NOT currently allowed, is it a proposed improvement? <input type="checkbox"/> No <input type="checkbox"/> Yes, Select Type: <input type="checkbox"/> One Side <input type="checkbox"/> Both Sides <input type="checkbox"/> Angle <input type="checkbox"/> Parallel			

Proposed Improvements

Average Daily Traffic (ADT) - Present	Year	Travel Way Width	ADT Design	Design Year
Number of Lanes	Design Speed	Maximum Curve	Roadway Width (R/W)	Minimum R/W Width
Maximum Grade				

Right-of-Way

Will additional Right-of-Way (ROW) or easement be acquired? <input type="checkbox"/> Yes <input type="checkbox"/> No	Has any ROW easements been acquired since 7/1/1972? <input type="checkbox"/> Yes <input type="checkbox"/> No
Estimated Number of Occupied Family Dwellings to be Displaced	Estimated Number of Businesses to be Displaced

Impacts

Will there be any additional Impacts (Cultural and Environmental Resources)? <input type="checkbox"/> No <input type="checkbox"/> Yes, Explain:		
Will there be any taking of any right-of-way from any public parkland, schools, etc., which may be subject to 4(f) or 6(f)? <input type="checkbox"/> No <input type="checkbox"/> Yes, Explain:		
Airports	Public Hearings	Environmental Classifications (i.e. Cat-Ex, EA, EIS)
Transportation Enhancements	Intermodal	Pedestrian Needs

Railroad (RR) Crossings

Railroad Name	Number of Tracks	Number of Crossings	Type of Crossing	Daily Train Movements	Train Speed	Present Protection	Proposed Protection

Year Current Section of Street Built	Has there been any additional maintenance to the street section? <input type="checkbox"/> No <input type="checkbox"/> Yes, Explain:		
Number of Driving Lanes in Current Street Section		Widths of Driving Lanes	
Number of Turning Lanes in Current Street Section		Widths of Turning Lanes	
Pavement Type <input type="checkbox"/> Asphalt <input type="checkbox"/> Concrete	Pavement Condition (if asphalt, is there alligator, longitudinal, or traverse cracking, raveling, bituminous patching, or rutting)		
	Pavement Condition (if concrete, are there broken slabs, faulting, bituminous patching, joint spalling, traverse or longitudinal cracking)		
Existing Roadway Geometrics			
Are there any access points to adjoining properties that present a special concern? <input type="checkbox"/> No <input type="checkbox"/> Yes, Explain:			
Are there existing sidewalks or shared use paths in place? (ADA requirements need to be addressed) <input type="checkbox"/> No <input type="checkbox"/> Yes, Explain:			
Condition of Existing Storm Sewer			
Will any additional storm sewer work need to be done along with this project to improve drainage? <input type="checkbox"/> No <input type="checkbox"/> Yes, Explain:			
Condition of City's Water and Sewer Line			
Will any work need to be done to city's water and sewer lines along with this project? <input type="checkbox"/> No <input type="checkbox"/> Yes, Explain:			
Describe the existing lighting system. What type of standards and luminaries are currently being used?			
Intersections that currently have traffic signals			
Locations of High Crash Rates			
Are additional turning lanes needed? <input type="checkbox"/> No <input type="checkbox"/> Yes, Explain:			

Identify any other safety improvements or concerns you may have.
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Additional Remarks

Project Engineer	Date
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APPENDIX B
WATER/SEWER PROJECT SCOPING WORKSHEET
(Includes water, sewer, storm sewer, etc.)

City Mandan, ND	Location Mandan's Sunset Booster Station
County Morton	Length
Proposed Improvement Mandan Distribution System - Sunset Booster Station Pump Improvements (See Exhibit C for project purpose and need narrative.)	

Water Quality and Quantity

Is one of the purposes of your project to correct ongoing and unresolved water quality problems that your system is experiencing?
 No Yes If yes, detailed information concerning the water quality problems, as well as how the project will solve the problems, must be given in an attachment. Such information must include an estimate of the maximum water (in gallons per day) presently available to residential users served by your system.

Infrastructure Adequacy

From the list below, indicate with an 'X' which infrastructure needs that your project is intended to address (applies to your system only). A complete description of each problem, along with an explanation of how the project will solve the problem, must be attached.

Check, if applicable

	Drinking Water	Sanitary Sewer	Storm Sewer
Underground pipes and appurtenances			
Pumping or storage structures	X		
Treatment plant operating at or above design capacity. The following information must be attached: design capacity; water production rates required to meet present demands (summer and winter); projected water production rates required to meet future demands (summer and winter); and, hours per day presently operates (summer and winter).			
For systems relying solely on their own groundwater supply, provision of a second well <u>where only one functional well exists</u> .			
Source facility			
Discharge facility			

Total Current Population (including bulk users served by the master meter) 23,827	Total Population (after project completion) 24,827
Total Service Connections (current) 7,149	Total Service Connections (after project completion) 7,449

NOTE: Consider users within your municipality such as individually metered residences, schools, businesses, campgrounds, and rest areas as one service connection. Include the number of residential service connections within bulk users served by master meter such as trailer courts and subdivisions. Do NOT include users and associated service connections that you supply water to OUTSIDE of your municipality (if any).

Total Service Connections (supplying water OUTSIDE of municipality) 1,970	Total Connections Outside of Municipality (after project completion) 1,970
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NOTE: Consider users outside of your municipality such as households, schools, businesses, campgrounds, and rest areas as one service connection. Include the number of service connections WITHIN bulk users served outside of your municipality by master meter such as subdivisions, trailer courts, other municipalities, and regional or rural water systems. Detailed information must be attached documenting the user types and service connection number for all users served outside of the municipality.

Residential Base Rate - Water (current) \$ 456.00	Residential Base Rate - Water (after project completion) \$ 489.00
Residential Base Rate - Sewer (current) \$ 270.96	Residential Base Rate - Sewer (after project completion) \$ 295.15

Project Life Expectancy (number of years)

20

Additional Remarks

Funding with an additional loan from the State Water Commission is available; however, it can only fund the difference between the existing funding and 80% of the total project expenses, leaving a need to fund an additional 20%. The City of Mandan does not wish to acquire two or more loans to cover the gap beyond funding provided by the State Water Commission.

Project Engineer

Kenneth J. Weber, PE

Date

11/18/2015



North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850
701-328-2750 • TTY 800-366-6888 • FAX 701-328-3696 • INTERNET: <http://swc.nd.gov>

Agenda E 2)

EXHIBIT B

MEMORANDUM

TO: Governor Jack Dalrymple
Members of the State Water Commission
FROM: *TSD* Todd Sando, P.E., Chief Engineer-Secretary
SUBJECT: Mandan Water Supply Improvements 2015
DATE: September 16, 2015

The city of Mandan's cost-share request is for a grant towards design and construction of water supply infrastructure improvements on the following three projects to address the growth and increasing demand for quality water. Mandan also provides water to Missouri West Water System in Morton County and Captains Landing, a rural residential community located south of Interstate 94 on the Missouri River.

- High Service Optimization Phase 1 project involves installing new controls, instrumentation, and pumps to increase the firm capacity of the existing pump station. The eligible cost is \$3,226,203 with pre-construction engineering of \$252,000, construction engineering and construction costs of \$2,974,203.
- Instrumentation and Controls Upgrades project involves integrating five pump stations/reservoir into the overall water system to accurately monitor and adjust system variables for pump stations, meters and check points. The eligible cost is \$277,500 with pre-construction engineering of \$18,750, construction engineering and construction costs of \$258,750.
- Sunset Booster Station Pumps project involves new controls, instrumentation, and pumps to ensure the pump station can meet the flow demands from new growth areas. The eligible cost is \$438,630 with pre-construction engineering of \$30,150, construction engineering and construction costs of \$408,480.

	Eligible Cost	Cost-Share	
		%	Grant \$
Pre-construction Engineering	\$ 300,900	35	\$ 105,315
Construction Engineering and Construction	\$ 3,641,433	60	\$ 2,184,860
Total	\$3,942,333		\$2,290,175

I recommend the State Water Commission approve cost share in an amount not to exceed \$2,290,175 with pre-construction engineering funded at 35 percent and construction engineering and construction funded at 60 percent, to the City of Mandan towards the Water System Improvement Projects from the funds appropriated to the State Water Commission in the 2015 - 2017 biennium. The funding is in the form of a grant towards eligible costs, contingent on available funding.

TS:JM:ph/2050-MAN

JACK DALRYMPLE, GOVERNOR
CHAIRMAN

TODD SANDO, P.E.
CHIEF ENGINEER AND SECRETARY

Exhibit C

Mandan Distribution System – Sunset Booster Station Pump Improvements

Purpose and Needs Narrative

Primarily, this project includes improvements to the existing Sunset Booster Station. Proposed improvements to the pump station systems include replacement of pumps to provide more pumping capacity, and replacement of outdated and unreliable electrical and instrumentation and controls (I&C) systems.

The Sunset Booster Station serves the northwest area of the City of Mandan. The rapid population growth and development in this area of town are contributing to increased demands on the water system. In order to meet current demands, the existing pumps are required to operate close to or at the upper limit of their operating range. Operating the pumps in this manner contributes to energy inefficiency and leaves little to no room for further pumping capacity to meet current peak system demands or any increased future demands. Pump upgrades and improvements to increase the pumping capacity will ensure system demands are met at all times.

The electrical improvements will incorporate VFD's to increase the operational efficiency of the booster station by optimizing the pumping performance.

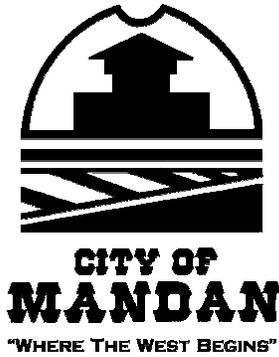
Finally, I&C upgrades will help ensure the plant can maintain communications with the booster station from remote locations. With this ability, the City can monitor operations and ensure system demands are being met at all times.

Current growth projections indicate further improvements may be needed in the future, but it is planned to complete these improvements in separate phases as system demands require. This improvement will allow the pump station to meet all current peak flow demands from new growth areas.

EXHIBIT D
 CITY OF MANDAN, ND
 MANDAN DISTRIBUTION SYSTEM - SUNSET BOOSTER STATION
 OPINION OF TOTAL PROBABLE PROJECT COST

11/12/15

	QUANTITY	UNIT	UNIT COST	MATERIAL COST	INSTALLED COST	PROPOSED FUNDING BREAKDOWN	
						BND	SWC
1.0 General Conditions							
a Insurance, Bonds, Mobilization, Etc.	1	l.s.		\$328,200	\$13,136.00	\$5,254.40	\$7,881.60
Subtotal General Conditions					\$13,136.00	\$5,254.40	\$7,881.60
2.0 General Construction							
a Misc. Demolition	1	l.s.	\$5,000	\$5,000	\$6,200.00	\$2,480.00	\$3,720.00
Subtotal General Construction					\$6,200.00	\$2,480.00	\$3,720.00
3.0 Process Improvements							
a Pumps	2	l.s.	\$52,000	\$104,000	\$130,000.00	\$52,000.00	\$78,000.00
b Process Piping	1	l.s.	\$45,000	\$45,000	\$56,250.00	\$22,500.00	\$33,750.00
Subtotal Process Improvements					\$186,250.00	\$74,500.00	\$111,750.00
4.0 Electrical Construction							
a Electrical Conduit Modifications, Site Modifications	1	l.s.	\$7,000	\$7,000	\$8,750.00	\$3,500.00	\$5,250.00
b Controls and Instrumentation	1	l.s.	\$100,000	\$100,000	\$127,000.00	\$50,800.00	\$76,200.00
Subtotal Electrical Construction					\$135,750.00	\$54,300.00	\$81,450.00
Total Probable Construction Costs					\$341,336.00	\$136,534.40	\$204,801.60
5.0 Engineering; Contingencies; Admin and Legal							
b Contingencies (10%)					\$34,134.00	\$13,653.60	\$20,480.40
c Legal fiscal and Administration					\$3,500.00	\$3,500.00	\$0.00
d Pre-Engineering					\$30,150.00	\$19,597.50	\$10,552.50
e Construction/Post construction Engineering					\$33,010.00	\$13,204.00	\$19,806.00
Subtotal Engineering; Contingencies; Admin and Legal					\$100,794.00	\$49,955.10	\$50,838.90
ESTIMATED TOTAL PROBABLE PROJECT COSTS					\$442,130.00	\$186,489.50	\$255,640.50



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 17, 2015
PREPARATION DATE: November 13, 2015
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Hub City Funding Uses

STATEMENT/PURPOSE: To consider options relative to Hub city funds appropriated during the 2015 legislative session.

BACKGROUND/ALTERNATIVES: Discussion at the November 3, 2015 working session narrowed down potential uses for Hub City funds. Discussion lead to projects that address current needs due to population growth over the past several years. Mayor Van Beek, Commissioner Tibke, Finance Director Welch and I met with Senator Cook on Monday to discuss the potential and proposed uses of this funding source.

In a nutshell, projects that would normally be special assessed city wide, have mill levy implications city wide or utility rates would be good candidates, roads, water, sewer infrastructure and public buildings.

Greg asked Senator Cook if the City would not be able to use Hub City funds for a new Fire Station or Public Works Facility then the City would need to issue General Obligation Bonds for those facilities with a Citywide Mill Levy to pay back the Bonds. In response to that, Senator Cook said the Fire Station would be a good use of the Hub City funds for that purpose. While he didn't specify the Public Works Facility directly in his response, I interpreted his answer to include all projects that would have a Citywide cost impact to all property owners whether through special assessments, property taxes, or utility rates. Fire station and Public works would be paid for via city wide property taxes as outlined above and thus Hub city funds would be a good funding source. It is a commission choice on how to best spend the funds.

We went through the list of priorities as discussed at the working session and he did not take issue with any of them.

We should also look at what projects we might have on the horizon that we would request Hub City funding for to start the 2017 legislative session.

The projects are as follows:

1) Planning & Engineering:

a. Water Treatment Plant

i. Hydro Carbon Detector

With the increase in drilling near or around Lake Sakakawea and the Missouri River early detection of hydro carbons early detection is important to our water supply.

b. Bismarck – Mandan Metropolitan Planning Organization,

i. City share of Metro Planning Organization (MPO) studies:
(included in the 2016 budget)

The MPO initiates (with local jurisdiction input) and manages studies that are used as a basis for identifying and completing transportation projects in the metropolitan area. The majority of those studies (typically 80%) are paid for by the MPOs allotment of funds divvied by the Federal Highway Administration, but a local share is expected also. The locals' share is determined by the benefit of any particular jurisdiction from that study.

1. Studies and our local share for them in 2016 include;

- a. Low cost improvements for local roadways
- b. Mandan Downtown sub-area study
- c. School area safety study

c. Land Purchase Future Water Reservoir

In order to best serve the NW growth area of the city, an elevated storage tank and/or a reservoir are needed to provide peak hour demands, assure dependable domestic service, and meet fire flow demands in case of emergency. It is estimated that approximately 5 acres of land would be needed.

d. Expand ORT transmission water line from 6" to 12":

Identified in a 2013 amendment to our water distribution masterplan is an upsizing of the existing 6" watermain that is in the ditch just north of Old Red Trail, along the very same stretch of road that is scheduled to be reconstructed next year. This line is the main water artery from the Sunset reservoir to the properties in NW Mandan. As it exists as a 6" line, the rate of growth in NW Mandan will push its capacity. Additionally, it will serve as the transmission line for a future reservoir needed in this area of town which will require the 12" size. We recommend expanding this 6" to a 12" with the reconstruction of the ORT roadway scheduled for next year to

minimize construction impacts in the area and get ahead of the water demand.

- e. Engineering Fees to assess and plan sanitary sewer line improvements from master lift station to Waste Water Treatment Facility (WWTF):

There are indications that the two existing forcemain lines from the master lift to the WWTF are in need of assessment to evaluate if a lining project is needed, and what kind of lining project that may be. Our wastewater Capital Improvement Plan (CIP) has estimated this assessment to be about \$281K. The CIP also identified the need to replace our master lift station, within the next 5 yrs., with all new equipment as it is 30yrs old and coming up on its useful life. To replace the master lift station and line the forcemain pipes, our CIP has estimated a total project of about \$4.2M. Our office has contemplated the feasibility of laying gravity pipe from the master lift to the WWTF. This would be a huge undertaking as it would likely take a 30" pipe or bigger to be laid approximately 3 miles in non-ideal soil conditions through new development (Lakewood subdivisions). The cost of this would likely be more than replacing the lift station and lining the forcemain, but it has the potential stand the test of time much better than replacing the master lift and lining the forcemain and would dramatically reduce maintenance for that segment of the system as well as improve treatment efficiency and reduce environmental hazards and operational costs at the treatment plant.. About $\frac{3}{4}$ of the city's sewage is handled by that segment of the city's system.

- f. Stormwater Masterplan: (already included the first $\frac{1}{2}$ of the study \$100,000 in 2016 budget; 2/2 would be \$100,000 in 2017)

Proper stormwater management is a common complaint to our department, and for good reason. If not properly controlled, runoff water from springs melt, and from powerful storms have the potential to cause a substantial amount of property damage. A formal effort towards stormwater management was implement in 2006 with the city adopting an ordinance to require stormwater management planning. Our ordinance demands that multi-family, commercial, and industrial sites, along with residential subdivisions submit a stormwater management plan before proceeding with their development.

Currently, each site or subdivision is on their own to manage the stormwater from their property. This has caused a temptation by some to skirt the rules as the requirement to store stormwater on valuable property can be unpopular. It has also resulted in dozens of small ponds throughout the city that are being maintained by the property owners with varying

degrees of effectiveness. Other cities throughout the state have had success with city regional ponds initiated by the city for which the adjacent upstream development could shed to and that regional pond could provide needed detention for stormwater in that larger drainage area rather than the site specific ponds we currently have. This study would take a look at growth areas throughout the city and see if a regional pond might work for those areas. In addition, the study should take it further and size such potential ponds, come up with preliminary estimates to construct. We will also want a recommended process to recoup the costs of building any regional pond from the benefitting properties to come from the study.

Another aspect of this is the need to look at stormwater quality. Tesoro has been concerned about the impact of upstream development on their ability to meet their discharge permit. Treating stormwater can't be accomplished effectively in small ponds serving individual developments. It has to be done in constructed regional facilities.

Other aspects of the study could include an audit of our department's current stormwater management practices and recommendations to improve efficiency. Also, could include some advice on complying with our MS4 permit, a permit issued by the state health department that keeps the city in good standing to discharge stormwater into waters of the state (local rivers and streams). It is anticipated that this study would be conducted in 2016 and 2017.

g. Public Works

i. Clear Span Structure for Salt Sand Storage

The need for a structure to cover our salt/sand piles to keep material from blowing onto neighboring properties and to keep the weather off the material to prevent its deterioration. Growth in the city causes an increased need for material, and by covering the piles will keep the integrity of the material longer, and thus requiring less product.

ii. Office and Cold Storage

To provide privacy for director and other superintendents in addition to a conference area. Increase growth in the city has caused the need for additional equipment and personnel. Ten dump trucks including sanders are sitting outside along with a duropatcher, crack sealers, asphalt machine, 10 pickup trucks and various other equipment are housed outside. Expansion of the public works building will allow indoor storage of this equipment along with an expanded mechanics area.

h. North Fire Station

In general response times to the northwest area of Mandan exceed the National Fire Protection Association (NFPA) recommendations of 5 minutes or less. This is a growing area of Mandan and at times calls exceed 10 minutes. We are currently in the process of bidding a new engine and thus would not need to purchase additional equipment at this time. Funding for firefighters will need to be addressed in future budgets.

ATTACHMENTS: Timelines for project implementation

FISCAL IMPACT: The very preliminary estimates for the above projects amount to \$4.293M. Our Hub City funding is estimated to be \$4.3M

STAFF IMPACT: All projects will involve significant staff time in planning and implementation.

LEGAL REVIEW: n/a

RECOMMENDATION: I recommend the commission authorize staff to move forward on the projects outlined above. Many of the initial steps will involve bringing request for proposals back to the commission for their consideration.

SUGGESTED MOTION: I move to authorize staff to move forward on the projects outlined above.

Public Works Equipment/Salt Storage and Office Expansion Project Timeline

2015	November	Approval of Board for \$1.3 Million of Hub City Funding for expansion of storage building, expansion of PW office building, and Salt/Sand storage building at the PW's present location.
2015	December	Advertise for Architectural/Engineer RFP
2016	January	Review RFP's
2016	February	Approve Architect/Engineer
2016	March	Begin Building Plans
2016	June	Advertise for Bids
2016	August	Award Bids
2016	September	Begin Construction – footings
2016	October	Construction – salt/sand building
2016	November	Construction - building
2017	May	Occupy Shop/Office

Mandan Fire Station 3 Project Timeline

2015	November	Approval of Board for estimated 6700 square foot fire station
2015	December	Advertise for Architectural/Engineer RFP
2016	January	Review RFP's
2016	March	Approve Architect/Engineer
2016	April	Begin Building Plans
2016	May	Soil Tests and Site Plan
2016	October	Advertise for Bids
2016	December	Award Bids
2017	March	Begin Construction
2017	December	Construction Complete
2018	January	Occupy Station

Station 2 architectural services began April 2007 with construction complete February 2009. Bids were opened March 25, 2008 and placed on city agenda April 29, 2008. Per square foot cost came in at \$136.00, including furniture & appliances, with a total of 7,744 square feet.

MEMORANDUM OF UNDERSTANDING
BETWEEN
MORTON COUNTY
AND
CITY OF MANDAN

I. Parties

This Memorandum of Understanding (MOU) is made and entered into by and between Morton County (hereafter referred to as County) and The City of Mandan (hereafter referred to as City).

II. Purpose

The purpose of this MOU is to clearly identify the roles and responsibilities of each Party as they relate to the separation and dissolution of the combined communication center known as the Morton County Communications Center. Additionally, the Parties wish to preserve a positive and cooperative environment in order to most effectively and efficiently respond to and provide public safety services during emergency situations and confront threats to public health and safety.

III. Scope

This agreement supersedes and replaces any prior agreement by and between the Parties as it relates to the combined center known as the Morton County Communications Center. Future Financial and Operational considerations shall be handled as follows:

A. Financial

1. The County shall remit a portion of the County collected 911 fees to the City. The City portion will be calculated by first deducting the total fees collected by fifteen (15) percent, the portion remitted to the North Dakota Association of Counties under the Joint Powers Agreement (JPA) for implementation and management of Next Generation 911, and then multiplying the remaining fees by the percentage of County population residing in the City in the most recent decennial census or Population Estimates Program (PEP) estimate published by the United States Census Bureau.
2. The remittance shall be made quarterly, in arrears, no later than sixty (60) days following the end of the quarter.

B. Operational

1. The County shall provide to the City, at no cost, use of the County communications tower at 3600 Old Red Trail NW Mandan ND.
2. The City shall provide to the County, at no cost, use of City land on which the communications tower stands at 3600 Old Red Trail NW Mandan ND.
3. The City shall receive approval from the County 911 Coordinator before making any alterations, upgrades, or repairs to the County communication tower located at 3600 Old Red Trail NW Mandan ND.

4. The County shall provide to the City, at no cost, and at the request of the City Attorney's Office, electronic copies of recordings of 911 calls and first responder and law enforcement radio traffic.
5. The City shall provide to the County, at no cost, and at the request of the County State's Attorney's Office, electronic copies of recordings of 911 calls and first responder and law enforcement radio traffic.
6. 911 Addressing – In accordance with *Morton County and City of Mandan Addressing and Street Naming Guide*, the County will continue to provide services to the City at no cost. Those services include updating, maintaining, and making necessary changes to the 911 addresses for the City, by coordinating and collaborating with City and County Officials and the United States Postal Service. This will also include updating the North Dakota Statewide Seamless Base Mapping project.

The City is responsible for maintaining and updating the Master Street Address Guide (MSAG) in the E911 Net/Intrado System so that 911 calls within the City are routed to the Bismarck/Burleigh Combined Communications Center (BBCCC), included with Automatic Number Identification (ANI) and Automatic Location Identification (ALI).

7. The County may provide the City, at the City's request and the County's acceptance, mapping services at the cost of \$50 per hour. Those services include, but are not limited to, providing ArcGIS data sets to be utilized with the City's Computer Aided Dispatch (CAD) and mapping system, and the processing and converting of data sets to work in the City's CAD and mapping systems.
8. The current equipment in the Morton County Communications Center and Emergency Operation Center is the property of the County with the exception of any equipment solely purchased by the City and included on the Attachment I inventory list signed by the Mandan Deputy Chief of Police and the Morton County Communications Director.

Nothing contained in this agreement shall be deemed or construed by the parties hereto, or by any third party to create the relationship of principal and agent, or a partnership, or of joint venture, or of any other associations, it being expressly understood that neither this agreement, nor any acts of the parties hereto shall be deemed to create any relationship between the parties other than that of independent contractors.

This MOU shall be effective January 1, 2016.

DATED THIS _____ DAY OF _____, 2015.



Bruce Strinden
Chairman
Morton County Commission

Arlyn Van Beek
Mayor
City of Mandan

Attest:



Dawn Rhone
Morton County Auditor

Jim Neubauer
Mandan City Administrator

Attachment 1

City of Mandan Communications Equipment List

The follow equipment is installed in the EOC communication rack. Since equipment is installed and not readily accessible, photographs have been taken and equipment has been verified with Mandan Assistant Chief of Police Paul Leingang.

1. New/Mar FDP 1010 Fuse Panel S/N – In Rack
2. Microwave Networks Microwave Transmitter S/N – In Rack
3. New/Mar Power Supply S/N – In Rack
4. Motorola Astro XTL5000 Mandan Fire Chl. 2 Base S/N – In Rack
5. Trip-lite A/C Panel S/N – In Rack
6. Cisco 2800 Series Router S/N - In Rack
7. Cisco 2960 Series Switch S/N – In Rack
8. HP Computer/w/HIPLE2001w Monitor used for Systems Log S/N – In Rack
9. Tait TB9100 MPD Chl. 1 Base/Gateway S/N – In Rack
10. Tait TB9100 MFD Chl. 1 Base/Gateway S/N – In Rack
11. EATON 9130 UPS – In Rack
12. DB Spectra Combiner 900-10/w/ RX Multi-coupler – In Rack

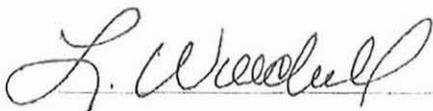
The following equipment is located in the LEC Communications room item #1 is schedule to be removed to assist Mandan with their communications. Item 2 is wired into the system and mounted in the rack, not scheduled to be moved. The LEC/EOC will need to be rewired to utilize equipment in the EOC communications room to maintain current level of communications.

1. Tait TB9100 P25 MPD & MFD Base/Gateway, S/N 18200820 -To Be Moved
2. Motorola Astro Digital (mobile) with power supply in line to provide backup as needed.



Paul Leingang, Deputy Chief Mandan PD

11/10/2015



Lynn Woodall, Captain Morton County SO

11/10/2015



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 17, 2015
PREPARATION DATE: November 13, 2015
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Consider resolution updating Engineering and Planning Fees

STATEMENT/PURPOSE:

Discuss the validity to update Planning and Engineering Fees to cover actual costs.

BACKGROUND/ALTERNATIVES:

During budget meetings, staff was requested to look at our fees compared to what it actually costs our department to administer and review each category of service. Also, staff was requested to compare our fees to other nearby entities, namely Morton County and the City of Bismarck. Though our fee structures don't perfectly align, you can see on the attached comparison table the difference between our current fee, the proposed fee if wishing to cover average costs, and other local entities' fees.

Also important to the discussion is the fact that our department did raise fees in 2014, shown on attachment No. 3. For that effort, we did not take as comprehensive of a look as we did this year at what it would take to cover department costs. We knew our fees were out of date and wanted to increase them gradually to get them closer to what local entities are charging for those services.

ATTACHMENTS:

1. Resolution
2. Comparison Table
3. September 2014 Fee Changes

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION:

Staff recommends adoption of this resolution if the desire is to substantially cover cost of office activity.

SUGGESTED ACTION:

If commission desires to cover cost with fees: Move to approve revisions to Engineering and Planning fees

If not desiring to cover cost with fees: No motion necessary

RESOLUTION ADJUSTING PLANNING AND ENGINEERING FEES
Board of City Commissioners
City of Mandan, North Dakota

WHEREAS, The cost for certain tasks should be borne by the applicant requesting action; and

WHEREAS, City staff have computed the average time and cost necessary to complete certain tasks; and

WHEREAS, It is necessary to adjust fees periodically in order to recoup the costs incurred in completing certain tasks.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Mandan, Morton County, North Dakota, that, beginning January 1, 2016, the following adjustments shall be made to the fees charged for various tasks performed by city staff:

Task	Current Fee	Fee Effective January 1, 2016
Annexation petition	250	400
Annexation with final plat		100
Minor plat or replat	100	100
Preliminary Plat up to 20 acres	200	200
Preliminary Plat greater than 20 acres	300	300
Final Plat up to 20 lots	200	200
Final Plat 21 to 40 lots	400	425
Final Plat greater than 40 lots	600	650
Zone change	400	500
Zone change with final plat		100
Special Use	300	400
Vacation of ROW	250	400
Stormwater submittal	150	150
Variance	200	400
Stormwater 2 nd & each subsequent resubmittal	50	50
Driveway and sidewalk permit	20	50
Work in ROW	20 per site	50 first site plus 25 per site after 1st

 President, Board of City Commissioners

ATTEST:

 City Administrator

Comparison Table

Type	Current Fee	Aver. Cost	Fee to Cover Cost	Cover Cost Fee Increase	Bismarck	Morton
Annexation	\$250	\$493	\$400	150	\$325	
Preliminary Plat 20 acres	\$200	\$229	\$200	0		
Preliminary Plat >20 acres	\$300	\$325	\$300	0		
Amend /land use plan					\$500	
Stormwater Management	\$150	\$232	\$150	0		
minor plat	\$100	\$110	\$100	0	\$650	\$200
Final Plat		\$472			\$900	
up to 20 lots	\$200		\$200	0		
21 to 40 lots	\$400		\$425	25		
41 or more	\$600		\$650	50		
2 to 10 lots						\$400
11 to 20 lots						\$600
21 or more lots						\$800
Zone Change	\$400	\$578	\$500	100	\$550	\$200
PUD Amendment					\$475	
Special Use Permit	\$300	\$496	\$400	100	\$300	\$300
Vacation	\$250	\$521	\$400	150	\$250	
Variance	\$200	\$433	\$400	200		\$200
Driveway or ROW permit	\$20	\$51	\$50	30	1%	

September 2014 Fee Changes

Activity	Old Fee	New Fee
Annexation	\$150	\$250
Platting	\$250	
Minor plat or replat		\$100
Preliminary Plat		
Up to 20 acres		\$200
Greater than 20 acres		\$300
Final Plat		
Final Plat with up to 20 lots		\$200
Final Plat with between 21 and 40 lots		\$400
Final Plat with more than 40 lots		\$600
Zone Change	\$250	\$400
Special Use Permit	\$150	\$300
Vacation of ROW	\$150	\$250
Variance	\$100	\$200
Stormwater Plan		
Initial submittal with one resubmittal		\$150
Second or subsequent resubmittal		\$50
Construction Plans		\$25 per plan and profile sheet



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 17, 2015
PREPARATION DATE: November 13, 2015
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Robert Decker, Principal Planner
SUBJECT: First consideration of Ordinance No. 1226
amending Sec. 24-11-2 of the Mandan Code of
Ordinances related to suspended or revoked license

STATEMENT/PURPOSE:

The North Dakota Century Code authorizes a municipality to permit the municipal judge to order the destruction of license plates. Action must be taken by ordinance.

BACKGROUND/ALTERNATIVES:

Subsection 5 of North Dakota Century Code Section 39-06-42 requires that the city adopt an ordinance in order to grant authorization to the municipal judge to order the destruction of motor vehicle number plates.

Municipal Judge Kautzmann has requested this authorization.

The proposed ordinance adds a sentence to Section 24-11-2 of the Mandan Code of Ordinances granting this authorization.

ATTACHMENTS:

1. Ordinance

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION:
Staff recommends adoption of this ordinance.

SUGGESTED ACTION:

Move to approve the first consideration of Ordinance No. 1226 amending Sec. 24-11-2 of the Mandan Code of Ordinances.

ORDINANCE NO. 1226

An Ordinance to Amend and Reenact Sec. 24-11-2 of the
Mandan Code of Ordinances Relating to Driving while
License Suspended or Revoked

Be it ordained by the Board of City Commissioners:

An Ordinance to amend Sec. 24-11-2 of the Mandan Code of Ordinances relating to
Driving while License Suspended or Revoked is hereby enacted as follows:

Sec. 24-11-2. Penalty for driving while license suspended or revoked.

Citations issued into municipal court under this section are for a violation of
N.D.C.C. § 39-06-42. As authorized by subsection 5 of N.D.C.C. § 39-06-42, the
municipal judge for the City of Mandan may order destruction of vehicle number plates
by members of the Mandan Police Department.

By: _____
Arlyn Van Beek, President
Board of City Commissioners

ATTEST:

James Neubauer, City Administrator

First Consideration:
Second Consideration and Final Passage:
Publication:

November 17, 2015



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 17, 2015
PREPARATION DATE: November 13, 2015
SUBMITTING DEPARTMENT: Various
DEPARTMENT DIRECTOR:
PRESENTER: Robert Decker, P.E., Principal Planner
SUBJECT: First consideration of Ordinance 1227 amending and reenacting Chapters 115 and 117 and creating and enacting Chapter 119 of the Mandan Code of Ordinances related to potable water, sanitary sewer, wastewater, stormwater and solid waste

STATEMENT/PURPOSE: Amendments are needed to update financial and other provisions related to utilities. Sections were revised or relocated for clarity. Solid waste provisions were placed in a new Chapter 119.

Bond Counsel has reviewed the financial language in Chapter 117, Article 3 of these proposed changes and recommends approval.

ATTACHMENTS:

1. Ordinance 1227.

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION: Move to approve the first consideration of Ordinance 1227.

ORDINANCE NO. 1227

An Ordinance to Amend and Reenact Chapters 115 and 117 and Create and Enact Chapter 119 of the Mandan Code of Ordinances Related to Potable Water, Sanitary Sewer, Wastewater, Stormwater and Solid Waste

WHEREAS, adjustments and additions are needed to the language in Chapters 115 and 117, and

WHEREAS, certain portions of Chapters 115 and 117 should be relocated or placed in a new separate chapter.

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

Section 1. Amendments to Chapter 115. Chapter 115 of the Mandan Code of Ordinances is hereby amended.

(a) Sections 115-9-1 through 115-9-5 are deleted.

~~Sec. 115 9 1. Stormwater conveyance and treatment facilities.~~

~~The stormwater conveyance and treatment facilities, now owned by the city or hereafter acquired, were and are declared to be and to constitute a public utility of the city, to be held, operated, maintained, improved, extended and administered as an separate utility of the city. The properties of the utility shall include all plants, systems, works, instrumentalities, equipment, materials, supplies, lands, easements, rights in land, contract rights, franchises, stormwater conveyance mains, ditches, detention or retention ponds, pumping stations, treatment facilities and all parts and appurtenances of the foregoing which are useful or used in connection with the conveyance and treatment of stormwater from properties within the city.~~

~~Sec. 115 9 2. Service charges required to fund the stormwater conveyance and treatment facilities.~~

~~(a) The stormwater conveyance and treatment utility shall at all times be so operated and maintained, and rates and charges for its services, facilities, products and byproducts shall be such, as to make the utility self-supporting and self-perpetuating. Such charges, from time to time imposed and collected, shall be made and kept adequate to pay, as incurred, all costs of operation and maintenance of the utility and to establish and maintain reasonable operating reserves to produce net revenues which shall be sufficient, at all times, to pay promptly the principal and interest due on all obligations of the city incurred for the improvement, extension and enlargement of the utility to the extent that such obligations are, according to their terms, payable from said net revenue, and to establish and maintain adequate reserves for the security of said obligations, and to produce surplus net revenues, over and above current principal, interest and reserve requirements, in amounts sufficient to provide reasonable allowances for~~

depreciation and replacement of the utility plus a reasonable return on the city's capital investment therein, which surplus net revenues, when actually on hand, and to the extent that they are not required as a reserve for depreciation and replacement, may from time to time be appropriated by the governing board to pay or contribute to the cost of any other city functions, subject to the limitations now or hereafter prescribed by law.

(b) — The foregoing appropriations shall not, however, be deemed or construed to preclude the city from defraying any part or all of the expense of any improvement, enlargement or extension of the stormwater conveyance and treatment utility by the levy of special assessments or taxes or the issuance of general obligation bonds, whenever and to the extent that such action is authorized in the manner provided by law and is deemed fair and equitable by the governing body.

Sec. 115-9-3. — Policy in regard to cost of improvements, enlargements and extensions.

It is declared to be the policy of the city, subject to such modifications as shall be deemed by the board of city commissioners to be required by special circumstances in individual cases, and subject to such modifications as may hereafter be made by ordinance mandatory hereof or supplemental hereto, that the cost of capital improvements, enlargements and extensions of the utility shall be paid in the following manner:

(1) — Where new developments do not provide on-site stormwater management facilities, the total cost of off-site stormwater facilities installed by the city shall be assessed against the properties within the development generating the need for such improvements, in sums proportionate to and not exceeding the total benefits determined to be derived therefrom by the respective properties.

(2) — Where the city deems it necessary to install facilities larger than those needed to serve the development, as determined by the board of city commissioners, the city may levy ad valorem taxes upon all property within the city over the same period as the levies of assessments for such improvements for that portion of the improvements deemed to be oversized, or any portion or all of such cost may be paid out of current funds duly provided in the budget or from the proceeds of general obligation bonds duly

(3) — The city shall impose a monthly charge on each property in the city for the operation, maintenance and repair of the stormwater management facilities

Sec. 115-9-4. — Surcharge for stormwater conveyance and treatment utility may be established and imposed.

Notwithstanding any other provision of this article, the board of city commissioners reserves the right, at any time, to establish and impose, by resolution, a surcharge upon any rate or charge imposed and collected in respect to any service, facility, product or byproduct furnished, or to be furnished, and/or made available by the stormwater conveyance and treatment utility of the city. Such surcharge may be imposed upon any class of user thereof, upon the users within any area of the city or upon all users within the corporate limits that may, in the opinion of the board of city commissioners, receive special benefits from any of the services and/or facilities of such utility, for which benefits such user should be required to pay in order to achieve fairness and equality in paying for any capital improvements, enlargements, extensions or betterments, made or to be made to any such service or facilities or in the operation and maintenance of such utility. Such surcharge shall be in such amount and

shall be in force for such period of time as the board may determine and shall be billed and collected and payment enforced in the same manner and at the same times as other services for such utility are billed, collected and enforced. Payment received thereunder shall be paid into the stormwater conveyance and treatment utility fund.

~~Sec. 115-9-5. — Stormwater conveyance and treatment utility fund.~~

~~All moneys received by the city in respect to the services, facilities, products and byproducts furnished and made available by the stormwater conveyance and treatment utility, except collections of special assessments and taxes appropriated to improvement district funds and moneys borrowed for capital improvements, and all money, receipts and returns received from any investments of such earnings, shall be paid into the treasury of the city and kept in a special fund which shall be permanently maintained on the books of the city, separate and distinct from all other funds, designated as the stormwater conveyance and treatment utility fund, in the records of which fund all receipts and disbursements of money on account of or in connection with the utility shall be entered and reflected, but the moneys from time to time on hand therein shall always constitute public municipal funds and shall be deposited and their safekeeping secured like other city funds. Separate accounts within the stormwater conveyance and treatment utility fund shall be permanently maintained for the purpose of and obligations of the utility, as provided in this section, and such revenues shall be administered and accounted for as follows:~~

~~(1) — Operation and maintenance account. There shall be credited at least once in each calendar month to the operation and maintenance account of said fund, as a first lien and charge on the gross revenues of the utility, balance then held therein, to pay all claims which by accepted accounting practices constitute normal, reasonable and current expenses of operation and maintenance of the utility, and to pay such expenses estimated to accrue for a period of approximately one month, and to maintain a reasonable reserve for contingencies. Moneys in said account shall be used only to pay expenses of the foregoing type, and not for repairs or replacement or for capital improvements properly chargeable to replacement and depreciation reserves or surplus funds.~~

~~(2) — Revenue bond account. The net revenues of the utility are defined in this section as the aggregate of all sums on hand in the stormwater conveyance and treatment utility fund and the sanitary sewer utility fund from time to time in excess of the current requirements defined in subsections (1) and (2) of this section. The entirety of said net revenues shall be credited each month to the revenue bond account of the stormwater conveyance and treatment utility fund and the sanitary sewer utility fund until there shall have been created within said account, and thereafter so much of the net revenues shall be credited to said account as shall be necessary to maintain, at all times, a reserve in an amount at least equal to the sum of the principal and interest payments due within each next succeeding 12-month period upon all revenue bonds of the city heretofore or hereafter issued and made payable from said account. After said reserve has been created, there shall continue to be credited out of the net revenues to the revenue bond account each month, over and above sums required to maintain said reserve, an amount not less than 1/12 of the sum of the principal and interest to become due on all such revenue bonds within the then next succeeding 12 months. Moneys in said account shall be used for the payment of principal and interest as it becomes due on said revenue bonds, and said reserve shall be used for such purpose~~

only when other moneys in the account are insufficient. All revenue bonds heretofore and hereafter issued and made payable from said account, subject to the limitations upon such issuance contained in this section, shall constitute a first lien and charge on the net revenues of the utility, as defined in this section, without preference or priority of one bond over any other, provided that if, at any time, the moneys in the revenue bond account should be insufficient to make all payments of principal and interest due on such revenue bonds and cannot be made sufficient by transfer of moneys from the other accounts described in subsections (4) through (6) of this section, the moneys available shall be first used to pay interest then accrued on all bonds payable from said account, and any excess moneys available shall be used to pay matured principal of such bonds in order of their maturity dates, provided that moneys available for the payment of bonds maturing on the same date shall be pro-rated equally among such bonds.

(3) — Improvement warrant account. There shall also be maintained in said fund an improvement warrant account for the purpose of segregating net revenues required for the payment of any portions of the cost of improvements hereafter instituted, for which such revenues have been pledged in accordance with the provisions of N.D.C.C. §§ 40-22-15 and 40-22-16. There shall be transferred from said account as required, to the fund of each improvement district for which such pledge has been made, sums sufficient, together with tax and assessments collections held in such funds, to pay when due the principal and interest on all improvement warrants drawn upon such funds for the financing of such improvements. Moneys sufficient for the requirements of said improvement district funds shall be credited and paid into the improvement warrant account out of net revenues remaining from time to time after provision for the current requirements of the revenue bond account, and for the lien and charge on said net revenues in favor of improvement warrants for the payment of which such pledges have been made shall be subordinate only to the lien and charge on said net revenues in favor of revenue bonds payable from the revenue bond account. In the event that moneys in the improvement warrant account should be insufficient for the making of all transfers required to be made to the several improvement district funds to which such pledges have been made, and cannot be made sufficient by the transfer of funds from the remaining accounts described in subsections (5) and (6) of this section, the available moneys shall be apportioned first to the several improvement district funds in sums sufficient to pay interest then accrued on all warrants drawn on such district funds, and any remainder shall be applied in payment of matured principal of such warrants maturing on the same date, such available moneys shall be applied to the warrants of the several issues in proportion to the matured principal amount thereof for the payment of which taxes and assessments in the respective improvement funds are insufficient.

(4) — Replacement and depreciation account. Finally, there shall be maintained a replacement and depreciation account into which there shall be credited and paid as received, except as otherwise stated in subsection (6) of this section, all net revenues in excess of the current requirements of the other accounts described in this section. In said account there shall be maintained such balance as the board shall from time to time determine to constitute an adequate reserve for depreciation and replacement of the utility, which reserve may be used to redeem prior to maturity obligations payable from the net revenues as and when the same become repayable

according to their terms, or to replace worn out or obsolete properties of the utility, or to make extension, enlargements or improvements thereto. Any moneys in said account determined to be surplus to the immediate requirements thereof may be invested or may be transferred to other city funds in the discretion of the board in the manner and subject to the limitations set forth in N.D.C.C. § 40-33-12.

(5) — Moneys on hand. The moneys on hand in any of the accounts of the stormwater conveyance and treatment utility fund and the sanitary sewer utility fund shall, at all times, be available and shall be used to the extent necessary to restore any deficiency in the funds on hand in any of the preceding accounts in the order listed in this section for the fulfillment of the requirements of such preceding accounts.

(6) — Additional accounts. The city reserves the right to create additional accounts within said stormwater conveyance and treatment utility fund for the purpose of segregating any surplus net revenues which may be pledged and appropriated to the payment of obligations hereafter issued to finance improvements, enlargements or extensions of said utility, other than the obligations made payable from the revenue bond account and the improvement warrant account, provided that moneys on hand in any such accounts shall at all times be available for and used to the extent necessary to meet the current requirements of all of the foregoing accounts except the replacement and depreciation account.

(b) The title of Article 9 of chapter 115 is revised to read.

ARTICLE 9. – STORMWATER CONVEYANCE AND TREATMENT FACILITIES

(c) New sections 115-9-1 through 115-9-4 are added to read.

Sec. 115-9-1. - Approval required to install private stormwater facilities that discharge to public stormwater facilities.

No person or development shall install a private stormwater system that discharges to any public stormwater facility unless and until a stormwater management plan has been prepared, submitted to the city, reviewed by the city and approved by the city.

Sec. 115-9-2. - Cost to install private stormwater facilities.

All costs and expense incidental to the installation and operation of private stormwater facilities shall be borne by the property owner.

Sec. 115-9-3. - Indemnification.

The property owner shall indemnify the city from any loss or damage that may, directly or indirectly, be occasioned by the installation of a private stormwater facility and the property owner shall repair all such damage at the property owner's expense.

Sec. 115-9-4. – Design of private stormwater facilities.

Private stormwater facilities that discharge off-site must meet all applicable design requirements contained in Chapter 107 of this code.

Section 2. Amendments to Chapter 117. Chapter 117 of the Mandan Code of Ordinances is hereby amended.

(a) The title of Chapter 117 is changed to read.

CHAPTER 117 – WATER AND SEWER UTILITIES

(b) Sections 117-1-2 through 117-1-17 are changed to read.

Sec. 117-13-21. - Potable water, sanitary sewer and stormwater facilities.

The potable water, sanitary sewer and stormwater facilities, now owned by the city or hereafter acquired, were and are declared to be and to constitute a public utility of the city, to be held, operated, maintained, improved, extended and administered as an enterprise department and undertaking of the city funded primarily or wholly with user charges and known as the water and sewer utility. The properties of the utility shall include all plants, systems, works, instrumentalities, equipment, materials, supplies, lands, easements, rights in land, water rights, contract rights, franchises, water mains, pressure adjusting stations, booster pumps, hydrants, sanitary or combined sewer mains, pumping stations, force mains, stormwater conveyance mains, ditches, detention or retention ponds, facilities for production of potable water, facilities for treatment of wastewater and stormwater, facilities for disposal of byproducts of treatment processes and all parts and appurtenances of the foregoing which are useful or used in connection with the acquisition, treatment and delivery of potable water, the collection, conveyance, treatment and disposal of sanitary sewage, domestic wastewater and industrial wastewater and the collection, conveyance, detention, treatment and discharge of stormwater ~~for public and private uses.~~

Sec. 117-1-32. - Water service application; service connection charge.

Application for water service on any premises shall be made on a form provided by the city by the owner of such premises, and said application shall be conditioned upon the absolute guarantee by the property owner for himself and his successors in interest of the payment of all water rentals and charges imposed under this article, or any amendments thereof, whether incurred by him or by any other person occupying said premises during his ownership thereof. Said application shall be accompanied by payment of a service connection charge that shall be established from time to time by resolution of the board of city commissioners as the reasonable cost of furnishing water service. Approval of said application for water service by the city shall be deemed permission for such service.

Sec. 117-13-43. - Service charges and use of water.

(a) The water and sewer utility shall at all times be so operated and maintained, and rates and charges for its services, facilities, products and byproducts shall be such, as to make the utility

self-supporting and self-perpetuating. Such charges, from time to time imposed and collected, shall be made and kept adequate to pay, as incurred, all costs of operation and maintenance of the utility and to establish and maintain reasonable operating reserves to produce net revenues which shall be sufficient, at all times, to pay promptly the principal and interest due on all obligations of the city incurred for the improvement, extension and enlargement of the utility to the extent that such obligations are, according to their terms, payable from said net revenue, and to establish and maintain adequate reserves for the security of said obligations, and to produce surplus net revenues, over and above current principal, interest and reserve requirements, in amounts sufficient to provide reasonable allowances for depreciation and replacement of the utility plus a reasonable return on the city's capital investment therein, which surplus net revenues, when actually on hand, and to the extent that they are not required as a reserve for depreciation and replacement, may from time to time be appropriated by the governing board to pay or contribute to the cost of any other city functions, subject to the limitations now or hereafter prescribed by law.

- (b) The foregoing appropriations shall not, however, be deemed or construed to preclude the city from defraying any part or all of the expense of any improvement, enlargement or extension of the water and sewer utility by the levy of special assessments or taxes or the issuance of general obligation bonds, whenever and to the extent that such action is authorized in the manner provided by law and is deemed fair and equitable by the governing body.

Sec. 117-1-53. - Water meter required.

Except for water lines directly connected to fire suppression systems, no water shall be furnished unless it is measured by or through a meter. Said meter shall be equipped with a remote reading unit supplied by the city and said meter and associated equipment must be located as specified by the city.

Sec. 117-1-64. - Ownership and control of water meter and turn on and off of service.

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

- (b) Only employees of the city or authorized contractors may turn on or off water service to a property. Should an unauthorized person turn on or off water service to a property or otherwise tamper with a water system valve, that person is subject to the penalty provisions of Sec. 117-6-4.

Sec. 117-1-75. - Water rates.

The board of city commissioners, in order to provide funds to defray the cost of construction, maintenance and repair of the water production and delivery system, may from time to time, by resolution, establish, maintain and change a schedule of rates, charges, surcharges and fees for all services, facilities, commodities and benefits furnished to city residents, and may impose and collect monthly at the time and in the manner said board may provide.

Sec. 117-1-86. - Liability for payment of water service charges.

All water furnished to consumers shall be charged at the rates set by resolution of the board. Both the owner and occupant of the property are jointly and severally liable for all charges, and the city may collect from either party. The owner of the property, by causing or permitting water service to be connected by service pipe with the water system of the city, shall be presumed to have entered into a contract with the city to pay for all water used on the property. No further act of the property owner, beyond the connecting of the water service or installation of a water meter, or permitting the same to remain on the property, is required for the contract to be presumed. The city shall not recognize any contract between the owner of the property and any tenant which alters, changes or amends their joint and several liability for charges for use of the water service. The city is authorized to collect charges for water use and to enforce the liability for the charges against the property owner, occupant or both.

Sec. 117-1-9. - Shutoff of water service for non-payment of water service charges.

Whenever an account is in arrears for a period of more than 15 days, the city shall send a delinquent notice with a deadline date for payment and a statement that water service will be shut off if payment is not received. If payment is not received by the deadline date, the city at its sole discretion may shut off water service to the property.

Sec. 117-13-104. - Policy in regard to cost of improvements, enlargements and extensions.

(a) It is declared to be the policy of the city, subject to such modifications as shall be deemed by the board of city commissioners to be required by special circumstances in individual cases, and subject to such modifications as may hereafter be made by ordinance mandatory hereof or supplemental hereto, that the cost of capital improvements, enlargements and extensions of the city's water delivery system and sewer utility shall be paid in the following manner:

(1) Potable water.

a. Where water mains not exceeding 12 inches in diameter are installed by the city adjacent to residential properties, and where water mains not exceeding 12 inches in diameter are installed by the city adjacent to commercial or industrial properties, the total cost thereof shall be assessed against the properties abutting on such improvements, in sums proportionate to and not exceeding the total benefits determined to be derived therefrom by the respective properties. Water mains of the dimensions described in this subsection are referred to in this section as lateral mains, and other mains are referred to as trunk mains.

(2)b. Where a trunk main is installed by the city, the board of city commissioners, upon advice of the city engineer, shall estimate the probable cost of construction of a lateral main at the same time and place, and such estimated cost shall be assessed against the properties abutting on such main in the manner provided in subsection (1)a. of this section above.

(2) Sanitary sewer.

~~(1)~~a. Where sanitary sewer mains not exceeding ten inches in diameter are installed by the city adjacent to residential properties, and where sanitary sewer mains not exceeding 12 inches in diameter are installed by the city adjacent to commercial or industrial properties, the total cost thereof shall be assessed against the properties abutting on such improvements, in sums proportionate to and not exceeding the total benefits determined to be derived therefrom by the respective properties. Sanitary sewer mains of the dimensions described in this subsection are referred to in this section as lateral mains, and other mains are referred to as trunk mains.

~~(2)~~b. Where a trunk main is installed by the city, the board of city commissioners, upon advice of the city engineer, shall estimate the probable cost of construction of a lateral main at the same time and place, and such estimated cost shall be assessed against the properties abutting on such main in the manner provided in subsection a. above~~(1)~~ of this section.

~~(3)~~c. Twenty percent of the cost of any sanitary sewer main in excess of the estimated cost of a lateral sewer at the same time and place shall be assessed against all properties determined by the board to require the immediate construction of such main as a trunk sewer, including properties abutting thereon and properties served or capable of being served by lateral sewer connected thereto, in amounts proportionate to and not exceeding the benefits determined to be derived by said respective properties from such trunk sewer.

(3) Stormwater.

a. Where new developments do not provide on-site stormwater management facilities, the total cost of off-site stormwater facilities installed by the city shall be assessed against the properties within the development generating the need for such improvements, in sums proportionate to and not exceeding the total benefits determined to be derived therefrom by the respective properties.

b. Where the city deems it necessary to install facilities larger than those needed to serve the development, as determined by the board of city commissioners, the city may levy ad valorem taxes upon all property within the city over the same period as the levies of assessments for such improvements for that portion of the improvements deemed to be oversized, or any portion or all of such cost may be paid out of current funds duly provided in the budget or from the proceeds of general obligation bonds duly authorized by the electors.

c. Where public stormwater management facilities are installed as part of a street assessment district, the total cost of those facilities shall be paid by the assessments created in sums proportionate to and not exceeding the total benefits determined to be derived therefrom by the respective properties.

d. Where public stormwater management facilities are installed that serve an area of the city, the cost of those facilities shall be apportioned among all properties within the tributary drainage area of the facilities. Costs may be reimbursed to

the city through property assessments or user fees. The city may allocate funds from other sources to defray some of the costs of the facilities.

- (3b) Where a portion of the benefit of any of the foregoing improvements is deemed to accrue primarily to the city at large, a portion not exceeding one-fifth of the cost thereof, as determined by the board of city commissioners, may be paid by the levy of ad valorem taxes upon all property within the city over the same period as the levies of assessments for such improvements, or any portion or all of such cost may be paid out of current funds duly provided in the budget or from the proceeds of general obligation bonds duly authorized by the electors.
- (4c) Such portion of the cost of any improvements, extensions or additions to the utility as is not paid by special assessments and taxes levied and actually collected in respect thereof shall be paid from the net revenues of the utility.
- (5d) Where due to any error or omission, or to any special circumstances, a special assessment is not levied against any property benefited by an improvement at the time of the construction thereof in accordance with the program described in this section, the city reserves the right to levy a supplemental special assessment upon such property or to impose and collect a special charge for the connection of such property with the utility system in such amount as shall be required to pay its just shares of the assessable cost of such improvements.

Sec. 117-~~13-115~~. - Surcharge for potable water, sanitary sewer and stormwater service may be established and imposed.

Notwithstanding any other provision of this article, the board of city commissioners reserves the right, at any time, to establish and impose, by resolution, a surcharge upon any rate or charge imposed and collected in respect to any service, facility, product or byproduct furnished, or to be furnished, and/or made available by the water and sewer utility system to residents of the city. Such surcharge may be imposed upon any class of user thereof, upon the users within any area of the city or upon all users within the corporate limits that may, in the opinion of the board of city commissioners, receive special benefits from any of the services and/or facilities of such utility, for which benefits such user should be required to pay in order to achieve fairness and equality in paying for any capital improvements, enlargements, extensions or betterments, made or to be made to any such service or facilities or in the operation and maintenance of such utility. Such surcharge shall be in such amount and shall be in force for such period of time as the board may determine and shall be billed and collected and payment enforced in the same manner and at the same times as other services for such utility are billed, collected and enforced. Payment received thereunder shall be paid into the water and sewer utility fund.

Sec. 117-1-~~127~~. - Discontinuance of water service~~Summer rates~~.

Upon discovery of any water meter which has been broken, injured, tampered with or has become defective, whether through intentional or accidental cause, the department director is empowered to shut off water service to such premises until such time as the meter is repaired and in proper condition. The expense of repairing any meter that has been broken, defaced, injured or tampered with by persons other than those employed by the city shall be a charge against the consumer and shall be billed with the next month's water bill.

~~At any time prior to May 1 of each year, the board of city commissioners may, by resolution, authorize the imposition of summer rates for water consumption.~~

Sec. 117-1-~~138~~. - Use of hydrants restricted.

Except for city employees or contractors working for the city, no person shall operate or take water from a fire hydrant unless they have first obtained a permit to do so from the public works director or designated city official. All water so removed shall be metered and paid for at rates established by resolution of the board of city commissioners.

Sec. 117-1-~~149~~. - Authority of board of city commissioners.

~~The board of city commissioners shall have the authority to establish by rule or regulation such standards and specifications as may be deemed necessary for the installation, construction and maintenance of any utility service system owned and operated by the city, with or without the city, and under the management of the city commissioners. Such rules, regulations, standards and specifications shall be filed in the office of city engineer. Violation of such rules, regulations, standards and specifications shall be deemed a misdemeanor.~~

Sec. ~~117-1-15~~. - Water service.

- (a) Whenever an application to supply water to any building or lot shall hereafter be granted, the contractor performing the work shall pay to the public works department such sum as shall be fixed and determined by the board of city commissioners. Once all applicable fees have been paid, the city shall tap the main and the contractor shall install the service pipe from the main to the property line and install the corporation cock. Water service to the property will not be activated until the city is satisfied that all pipe and fittings have been installed properly in conformance with applicable city requirements.
- (b) All service pipe, stop cocks, and other fixtures from the main line to said line adjoining the property, must be laid and attached, kept in good repair, and protected from frost, at the expense of the applicant or consumer, but said service pipes will and shall remain under the control of the city, said applicant waiving and releasing all claims thereto, except keeping the same in repair and protecting as heretofore provided.
- (c) Persons taking water from any connection service pipes with city water mains must pay all expenses thereof from the water main, and shall be charged the cost of the corporation and stop cock with the iron shutoff box attached.

Sec. 117-1-~~1610~~. - Liability of city for loss of water service.

It is expressly provided that the city shall not be liable under any circumstances for a deficiency or failure in the supply of water, whether by the shutting off of water to make repairs or connections, nor for any other cause whatsoever.

Sec. 117-1-~~1711~~. - Meter failure; determination of charge and repair of meter.

- (a) In the case that any meter shall fail to register properly from any cause, the amount charged for water during such period shall be estimated by the city, such estimate to be based on the average amount registered during the like preceding period.
- (b) An employee or agent of the city may enter private property after contacting the occupant and property owner and receiving permission to enter the property in order to inspect, maintain, repair or replace a non-functioning water meter. Failure of the occupant or property owner to grant timely entry to the city will result in discontinuance of water service to the property.

(c) Sections 117-2-3 through 117-2-4 are changed to read.

Sec. 117-2-3. - Permit required to connect to public sanitary sewer.

- (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sanitary sewer or appurtenance thereof without first obtaining a written permit from the city.
- (b) All costs and expense incidental to the installation and connection of the building sewer shall be borne by the property owner. The property owner shall indemnify the city from any loss or damage that may, directly or indirectly, be occasioned by the installation of the building sewer and shall repair all such damage at ~~his~~ the property owner's expense.
- (c) It is unlawful to discharge wastewater, industrial wastes or other wastes to any sanitary sewer within the jurisdiction of the city and/or to the wastewater disposal system without having first complied with the terms of article 4 of this chapter.
- (d) All significant industrial users proposing to connect or to commence a new discharge to the wastewater disposal system shall obtain an industrial wastewater discharge permit before connecting to or discharging into the wastewater system. All existing significant industrial users or those industrial users subject to federal pretreatment standards under sections 307(b) and 307(c), as amended, of the Federal Water Pollution Control Act, also known as the Clean Water Act (33 USC 1251 et seq.), connected to or discharging into the wastewater system shall obtain an industrial wastewater discharge permit.

Sec. 117-2-4. -- Limitations on dDischarge into public sanitary sewers.

- (a) No person shall discharge or cause to be discharged any polluted waters such as stormwater, surface water, groundwater, roof runoff, subsurface drainage or cooling water to any building drain or sewer which, in turn, is connected, directly or indirectly, to the public sanitary sewer.
- (b) Stormwater and all other drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the city and the state.

(d) Sections 117-2-5 through 117-2-8 are deleted.

~~Sec. 117-2-5. -- Sanitary sewer system public utility.~~

The sanitary sewer system facilities, now owned by the city or hereafter acquired, were and are declared to be and to constitute a public utility of the city, to be held, operated, maintained, improved, extended and administered as an enterprise department of the city funded primarily or wholly with user charges. The properties of the utility shall include all plants, systems, works, instrumentalities, equipment, materials, supplies, lands, easements, rights in land, contract rights, franchises, sanitary or combined sewer mains, pumping stations, and all parts and appurtenances of the foregoing which are useful or used in connection with the collection, conveyance and treatment of sanitary sewage from properties within the city.

Sec. 117 2 6. Service charges and use of sanitary sewer system.

(a) — The sanitary sewer system utility shall at all times be so operated and maintained, and rates and charges for its services, facilities, products and byproducts shall be such, as to make the utility self-supporting and self-perpetuating. Such charges, from time to time imposed and collected, shall be made and kept adequate to pay, as incurred, all costs of operation and maintenance of the utility and to establish and maintain reasonable operating reserves to produce net revenues which shall be sufficient, at all times, to pay promptly the principal and interest due on all obligations of the city incurred for the improvement, extension and enlargement of the utility to the extent that such obligations are, according to their terms, payable from said net revenue, and to establish and maintain adequate reserves for the security of said obligations, and to produce surplus net revenues, over and above current principal, interest and reserve requirements, in amounts sufficient to provide reasonable allowances for depreciation and replacement of the utility plus a reasonable return on the city's capital investment therein, which surplus net revenues, when actually on hand, and to the extent that they are not required as a reserve for depreciation and replacement, may from time to time be appropriated by the governing board to pay or contribute to the cost of any other city functions, subject to the limitations now or hereafter prescribed by law.

(b) — The foregoing appropriations shall not, however, be deemed or construed to preclude the city from defraying any part or all of the expense of any improvement, enlargement or extension of the sanitary sewer system utility by the levy of special assessments or taxes or the issuance of general obligation bonds, whenever and to the extent that such action is authorized in the manner provided by law and is deemed fair and equitable by the governing body.

Sec. 117 2 7. Policy in regard to cost of improvements, enlargements and extensions.

It is declared to be the policy of the city, subject to such modifications as shall be deemed by the board of city commissioners to be required by special circumstances in individual cases, and subject to such modifications as may hereafter be made by ordinance mandatory hereof or supplemental hereto, that the cost of capital improvements, enlargements and extensions of the utility shall be paid in the following manner:

~~(1) — Where sanitary sewer mains not exceeding ten inches in diameter are installed by the city adjacent to residential properties, and where sanitary sewer mains not exceeding 12 inches in diameter are installed by the city adjacent to commercial or industrial properties, the total cost thereof shall be assessed against the properties abutting on such improvements, in sums proportionate to and not exceeding the total benefits determined to be derived therefrom by the respective properties. Sanitary sewer mains of the dimensions described in this subsection are referred to in this section as lateral mains, and other mains are referred to as trunk mains.~~

- (4) ~~Where a portion of the benefit of any of the foregoing improvements is deemed to accrue primarily to the city at large, a portion not exceeding one fifth of the cost thereof, as determined by the board of city commissioners, may be paid by the levy of ad valorem taxes upon all property within the city over the same period as the levies of assessments for such improvements, or any portion or all of such cost may be paid out of current funds duly provided in the budget or from the proceeds of general obligation bonds duly authorized by the electors.~~

~~Notwithstanding any other provision of this article, the board of city commissioners reserves the right, at any time, to establish and impose, by resolution, a surcharge upon any rate or charge imposed and collected in respect to any service, facility, product or byproduct furnished, or to be furnished, and/or made available by the sanitary sewer system utility of the city. Such surcharge may be imposed upon any class of user thereof, upon the users within any area of the city or upon all users within the corporate limits that may, in the opinion of the board of city commissioners, receive special benefits from any of the services and/or facilities of such utility, for which benefits such user should be required to pay in order to achieve fairness and equality in paying for any capital improvements, enlargements, extensions or betterments, made or to be made to any such service or facilities or in the operation and maintenance of such utility. Such surcharge shall be in such amount and shall be in force for such period of time as the board may determine and shall be billed and collected and payment enforced in the same manner and at the same times as other services for such utility are billed, collected and enforced. Payment received thereunder shall be paid into the sanitary sewer utility fund.~~

(e) *The heading of Article 3 of chapter 117 is changed to read.*

ARTICLE 3. ~~—~~ POTABLE WATER, AND SANITARY SEWER AND STORMWATER FINANCIAL PROVISIONS

(f) *Sections 117-3-1 through 117-3-5 are changed to read.*

Sec. 117-3-16. ~~—~~ Water and sanitary sewer utility funds.

~~All moneys received by the city in respect to the services, facilities, products and byproducts furnished and made available by the water and sanitary sewer utilities, except collections of special assessments and taxes appropriated to improvement district funds and moneys borrowed for capital improvements, and all money, receipts and returns received from any investments of such earnings, shall be paid into the treasury of the city and kept in a special funds which shall be permanently maintained on the books of the city, separate and distinct from all other funds, designated as the water utility fund and the sanitary sewer utility fund, in the records of which fund all receipts and disbursements of money on account of or in connection with the utility shall be entered and reflected, but the moneys from time to time on hand therein shall always constitute public municipal funds and shall be deposited and their safekeeping secured like other city funds. Separate accounts within the water utility fund and the sanitary sewer utility fund shall be permanently maintained for the purpose of and obligations of the utility, as provided in this section, and such revenues shall be administered and accounted for as follows:~~

- (1) Operation and maintenance account. There shall be credited at least once in each calendar month to the operation and maintenance account of said fund, as a first lien

and charge on the gross revenues of the utility, balance then held therein, to pay all claims which by accepted accounting practices constitute normal, reasonable and current expenses of operation and maintenance of the utility, and to pay such expenses estimated to accrue for a period of approximately one month, and to maintain a reasonable reserve for contingencies. Moneys in said account shall be used only to pay expenses of the foregoing type, and not for repairs or replacement or for capital improvements properly chargeable to replacement and depreciation reserves or surplus funds.

- (2) Revenue bond account. The net revenues of the utility are defined in this section as the aggregate of all sums on hand in the ~~water utility fund and the sanitary-sewer utility fund~~ from time to time in excess of the current requirements defined in subsections ~~(1) and (2)~~ of this section. The entirety of said net revenues shall be credited each month to the revenue bond account of the ~~water utility fund and the sanitary-sewer utility fund~~ until there shall have been created within said account, and thereafter so much of the net revenues shall be credited to said account as shall be necessary to maintain, at all times, a reserve in an amount at least equal to the sum of the principal and interest payments due within each next succeeding 12-month period upon all revenue bonds of the city heretofore or hereafter issued and made payable from said account. After said reserve has been created, there shall continue to be credited out of the net revenues to the revenue bond account each month, over and above sums required to maintain said reserve, an amount not less than 1/12 of the sum of the principal and interest to become due on all such revenue bonds within the then next succeeding 12 months. Moneys in said account shall be used for the payment of principal and interest as it becomes due on said revenue bonds, and said reserve shall be used for such purpose only when other moneys in the account are insufficient. All revenue bonds heretofore and hereafter issued and made payable from ~~said the revenue bond~~ account, subject to the limitations upon such issuance contained in this section, shall constitute a first lien and charge on the net revenues of the utility, as defined in this section, without preference or priority of one bond over any other, provided that if, at any time, the moneys in the revenue bond account should be insufficient to make all payments of principal and interest due on such revenue bonds and cannot be made sufficient by transfer of moneys from the other accounts described in subsections (4) through (6) of this section, the moneys available shall be first used to pay interest then accrued on all bonds payable from said account, and any excess moneys available shall be used to pay matured principal of such bonds in order of their maturity dates, provided that moneys available for the payment of bonds maturing on the same date shall be pro-rated equally among such bonds.
- (3) Improvement warrant account. There shall also be maintained in said fund an improvement warrant account for the purpose of segregating net revenues required for the payment of any portions of the cost of improvements hereafter instituted, for which such revenues have been pledged in accordance with the provisions of N.D.C.C. §§ 40-22-15 and 40-22-16. There shall be transferred from said account as required, to the fund of each improvement district for which such pledge has been made, sums sufficient, together with tax and assessments collections held in such funds, to pay when due the principal and interest on all improvement warrants drawn upon such funds for the financing of such improvements. Moneys sufficient for the requirements

of said improvement district funds shall be credited and paid into the improvement warrant account out of net revenues remaining from time to time after provision for the current requirements of the revenue bond account, and for the lien and charge on said net revenues in favor of improvement warrants for the payment of which such pledges have been made shall be subordinate only to the lien and charge on said net revenues in favor of revenue bonds payable from the revenue bond account. In the event that moneys in the improvement warrant account should be insufficient for the making of all transfers required to be made to the several improvement district funds to which such pledges have been made, and cannot be made sufficient by the transfer of funds from the remaining accounts described in subsections ~~(54)~~ and through (6) of this section, the available moneys shall be apportioned first to the several improvement district funds in sums sufficient to pay interest then accrued on all warrants drawn on such district funds, and any remainder shall be applied in payment of matured principal of such warrants maturing on the same date, such available moneys shall be applied to the warrants of the several issues in proportion to the matured principal amount thereof for the payment of which taxes and assessments in the respective improvement funds are insufficient.

- (4) Replacement and depreciation account. Finally, there shall be maintained a replacement and depreciation account into which there shall be credited and paid as received, except as otherwise stated in subsection (6) of this section, all net revenues in excess of the current requirements of the other accounts described above in this section. In said account there shall be maintained such balance as the board shall from time to time determine to constitute an adequate reserve for depreciation and replacement of the utility, which reserve may be used to redeem prior to maturity obligations payable from the net revenues as and when the same become repayable according to their terms, or to replace worn out or obsolete properties of the utility, or to make extension, enlargements or improvements thereto. Any moneys in said account determined to be surplus to the immediate requirements thereof may be invested or may be transferred to other city funds in the discretion of the board in the manner and subject to the limitations set forth in N.D.C.C. § 40-33-12.
- (5) Moneys on hand. The moneys on hand in any of the accounts of the water ~~utility fund~~ and ~~the~~ sewer utility fund shall, at all times, be available and shall be used to the extent necessary to restore any deficiency in the funds on hand in any of the preceding accounts in the order listed in this section for the fulfillment of the requirements of such preceding accounts.
- (6) Additional accounts. The city reserves the right to create additional accounts within said water and sewer utility funds for the purpose of segregating any surplus net revenues which may be pledged and appropriated to the payment of obligations hereafter issued to finance improvements, enlargements or extensions of said utility, other than the obligations made payable from the revenue bond account and the improvement warrant account pursuant to the authority for such issuance reserved in Section 117-3-7, provided that moneys on hand in any such accounts shall at all times be available for and used to the extent necessary to meet the current requirements of all of the foregoing accounts except the replacement and depreciation account.

Sec. 117-3-2. - Scope of utilityies.

The properties of the water and ~~sanitary-sewer utilityies~~ and all future improvements, extensions and enlargements thereof, together with all cash and other assets held in the ~~city's water and sanitary-sewer utility funds~~, and all moneys to be derived thereafter from the services, facilities, products and byproducts of said utilityies, shall be and are appropriated and dedicated to the purpose of insuring the public health, safety and welfare by furnishing and making available potable water, and sanitary sewerage and stormwater services to the city and its inhabitants and industries and those in the immediate vicinity thereof who may desire or be required to use such service. Said utilityies shall at all times be under the management and control of the board of city commissioners and shall be operated and maintained in such manner as to provide service with maximum efficiency and at the minimum cost which is compatible with the plan of operation herein described.

Sec. 117-3-~~37~~. - Provision for financing capital improvements.

In borrowing money for capital improvements, extensions or additions to said utilityies, the following provisions shall at all times be observed:

- (1) For the purpose of this section, whenever the net revenues of the utility hereinabove appropriated to the improvement warrant account are pledged to pay a portion of the cost of any improvement to be financed by improvement warrants, such warrants and the interest accruing thereon shall be deemed to be payable from said net revenues in the same proportion as that part of the cost payable from said net revenues bears to the principal amount of such warrants; and the portion of such cost payable from net revenues shall be deemed equal to the principal amount of the warrants less the principal amount of the taxes and assessments agreed to be levied for the payment thereof.
- (2) Except as provided in subsections (3) and (4) of this section, no obligations shall be issued and made payable from the revenue bond account or the improvement warrant account at any time unless the net revenues of the utility, as defined in subsection 2 of Sec. 117-3-6, received during the then next preceding fiscal year, shall have been in an aggregate amount at least equal to one hundred twenty-five percent of the average annual principal and interest payments due on all bonds payable from the revenue bond account which are then outstanding or then to be issued, plus percentage of the average of the annual principal and interest payments due on each issue of improvement warrants then outstanding or then to be issued as shall be payable from said net revenues, which averages shall be computed on the basis of the principal and interest payments due in the fiscal years of the then remaining term of all such revenue bonds and improvement warrants then outstanding. For the purpose of such computation, whenever rates for potable water, or sanitary sewerage or stormwater service have been changed in the course of any fiscal year, the net revenues for such year shall be deemed to be those which would have been received if such amended rates had been in effect during the entirety of such years, based upon the actual quantities of service furnished to each class of customers and the actual expenses of the utility during such year; provided that in no case shall the net revenues so computed be deemed to exceed one hundred twenty-five percent of the net revenues actually received during such year.

- (3) Refunding revenue bonds may be issued for the purpose of prepaying and refunding bonds payable from the revenue bond account when and as they become pre-payable according to their terms, in the manner and to the extent permitted by law, provided that such refunding revenue bonds shall be subject to the requirements set forth in subsection (2) of this section, as applied to the past net revenues and future principal and interest requirements as of the date of the issuance of such refunding revenue bonds. However, the city shall and does also reserve the right and privilege of issuing refunding revenue bonds, when permitted by law, for the purpose of refunding and extending the maturities of any bonds payable from the revenue bond account which have matured and for the payment of which moneys in the revenue bond account are insufficient, and cannot be made sufficient by transfer of moneys from other accounts, and such refunding revenue bonds shall be payable from the revenue bond account on a parity as to interest with all then outstanding bonds payable therefrom but the maturities of such refunding revenue bonds shall be subsequent to the maturities of all such outstanding bonds. Nothing herein shall be deemed to require the holder of any revenue bond to accept a refunding revenue bond in exchange therefore.
- (4) The city also reserves the right and privilege of issuing refunding improvement warrants in the manner and to the extent provided in N.D.C.C. ch. 40-27. The lien and charge of such refunding warrants on the net revenues appropriated to the improvement warrant account shall be the same as that in favor of the improvement warrants refunded thereby; provided that for the purpose of the computations directed to be made in this section, the maturities and the rate or rates of interest payable on such refunding warrants shall be substituted for the maturities and interest rates of the improvement warrants refunded thereby.
- (5) Nothing herein shall be deemed to affect the obligation of the city, under the laws of the State, to levy ad valorem taxes upon all taxable property within the corporate limits for the purpose of paying a deficiency, if any, in the fund of any improvement district, at the time of the maturity of the last warrant drawn thereon, or at such earlier time as may be hereafter directed by such laws; provided that it shall be the policy of the city that the amounts of any deficiency tax levies so made shall be ~~resorted~~ restored to the general funds of the city out of any surplus net revenues thereafter received, over and above the requirements of the several accounts of the water and sewer utility fund as stated in Sec. 117-3-6.
- (6) Except as hereinabove authorized, no obligations of any kind shall be issued and made payable from said net revenue unless the lien thereof is expressly made subordinate and junior to the lien and charge on said net revenues in favor of all revenue bonds and improvement warrants payable from the revenue bond account and the improvement warrant account.

Sec. 117-3-48. - Covenants with bond and warrant holders.

The city shall and does covenant and agree with the original purchaser and each holder from time to time of each bond or warrant issued and made payable from the revenue bond account or the improvement warrant account, as follows:

- (1) It will complete all improvements financed by the issuance of such obligations with due diligence and with the greatest economy consistent with good workmanship and efficient results and will do so without creating or permitting the creation of any liens or encumbrances on said utility or on the revenue thereof other than the liens and charges on said revenues expressly authorized in this ~~chapter~~ article.
- (2) As long as any obligations payable from said accounts are outstanding, it will continue to own and operate said utility as a municipal utility, free from all competition as to the services thereby provided and in good and efficient operating condition.
- (3) It will at all times maintain a schedule of rates, charges and rentals for all services, facilities, commodities and benefits furnished by said utility and will impose and collect the same in amounts at least sufficient to make the minimum payments into the respective accounts of the water and sewer utility fund as specified in Sec. 117-3-6 and will revise such schedules in such manner and whenever and as often as needed to perform this covenant.
- (4) Under each such schedule, the city shall be obligated to pay and will pay from its other funds to the water and sewer utility fund a fair and equitable amount for any and all services, facilities, commodities and benefits furnished to the city or any of its departments by the utility.
- (5) It will at all times maintain books of account adequate to show all receipts and disbursements of the city respecting the utility, and the application of such receipts to the purposes of the several accounts described in Sec. 117-3-6, which books of accounts shall be open to inspection by the holder of any obligation payable from the revenue bond account or the improvement warrant account at any reasonable time, and that it will furnish a certified transcript therefrom of any information which any such bond or warrant holder may request, upon payment of a reasonable fee therefore.
- (6) It will cause the annual financial statement of the city required by the provisions of N.D.C.C. § 40-16-05 include a statement as to the financial condition and the receipts and disbursements of the water and sewer utility fund and of its several accounts during each fiscal year, and will furnish a copy of such statement to the original purchaser of each issue of bonds or warrants upon request.
- (7) Upon written demand of the holders of twenty percent or more of the bonds or warrants of any issue payable from the revenue bond account or improvement warrant account and then outstanding, it will cause an audit of the books of account of the utility to be made by a certified public accountant satisfactory to the holders of such obligations, the cost thereof to be paid as an operating expense of the utility, and will furnish a copy of the report of any such audit to such party as shall be designated in such demand.
- (8) It will at all times keep the properties of said utility insured in reasonable amounts against loss or damage by fire, tornado and other risks for which similar properties are customarily insured by prudent owners, and will carry adequate public liability

insurance, insuring against any claim of personal injury or property damage which is or may become a charge against the revenues of the utility, and will cause all persons handling funds for the utility to be bonded in suitable amounts for the protection of the city and the holders of obligations of the utility, such insurance and bonds to be carried with the state fire and tornado fund or such reputable and responsible insurers as shall be selected by the board of city commissioners, and the expense of all such insurance and bonds accounted for as an operating cost of the utility, and the city will use the proceeds of any such insurance and bonds to restore the loss or damage compensated thereby.

- (9) The city and its governing body and each and all of its officers will punctually perform all duties with reference to said utility and the revenues thereof and the obligations, issued hereunder, which are imposed by law or other ordinances and resolutions of the city, including this ~~chapter~~ article, in force on the date upon which any such obligations are issued, and all provisions of the constitution and laws and of such ordinances and resolutions which provide security for the holders of bonds issued hereunder are acknowledged to be part of the city's contract with the holders from time to time of such obligations; provided that nothing herein shall be deemed to preclude the city from modifying the policies set forth in Sec. 117-3-4 with reference to any improvements constructed and financed after the effective date of such modification.
- (10) The holders of twenty percent or more in principal amount of each issue of bonds or warrants payable from the revenue bond account or the improvement warrant account and at the time outstanding shall be privileged, and are empowered, to institute and maintain, in behalf of the holders of all outstanding obligations of the same issue, any suit or proceedings at law or in equity for the protection and enforcement of any covenant, agreement or stipulation herein provided to be performed or observed by the city or its governing body or any of its officers, whether or not any such obligations are then in default as to principal and interest, and each and all of the rights and remedies specified and mentioned in N.D.C.C. §§ 40-35-15 to 40-35-19 are acknowledged to be available to the holders of such obligations.

Sec. 117-3-~~511~~. - **Unassessed property.**

A permit may not be issued to make a connection to potable water, or sanitary sewer or stormwater lines of the city until the costs of all potable water, and sanitary sewer and stormwater improvements have been paid or assessed to the property.

(g) Sec. 117-3-9, Sec. 117-3-10 and Sec. 117-3-12 are added to read.

Sec. 117-3-9. – Bonds and interest payable from fund – requiring endorsement on bond.

All bonds hereafter issued and the interest thereon shall be payable from the revenue bond account of the water and sewer utility fund in accordance with the provisions of this article and there shall be endorsed on each and all of said bonds a statement to the effect that such bonds are secured by the covenants and subject to all of the terms and provisions contained in this article.

Sec. 117-3-10. – Bonds – priority.

Revenue bonds hereafter issued shall be without preference or priority of one bond over any other as provided in subsection (2) of Sec. 117-3-6.

Sec. 117-3-12. – Cross reference to former code section numbers.

References in city resolutions to the former Title 9, Chapter 9-01 of the Mandan Code of Ordinances and sections thereof shall also mean and be construed to refer to this Chapter 117, Article 3 and the sections hereof as follows:

<u>Section in former Chapter 9-01 of Title 9</u>	<u>Section in Article 3 of Chapter 117</u>
<u>9-01-01</u>	<u>117-3-1</u>
<u>9-01-02</u>	<u>117-3-2</u>
<u>9-01-03</u>	<u>117-3-3</u>
<u>9-01-04</u>	<u>117-3-4</u>
<u>9-01-05</u>	<u>117-3-5</u>
<u>9-01-06</u>	<u>117-3-6</u>
<u>9-01-07</u>	<u>117-3-7</u>
<u>9-01-08</u>	<u>117-3-8</u>
<u>9-01-09</u>	<u>117-3-9</u>
<u>9-01-10</u>	<u>117-3-10</u>
<u>9-01-11</u>	<u>117-3-11</u>

(h) Article 4 of Chapter 117 is changed to read.

ARTICLE 4. - INDUSTRIAL WASTEWATER ~~TREATMENT~~

Sec. 117-4-1. - Definitions.

The city does hereby adopt the definitions contained in the latest version of 40 CFR 403.3, and any amendments thereto as may be adopted from time to time shall be automatically incorporated in this article.

Sec. 117-4-2. - Purpose and policy.

(a) This article sets forth uniform requirements for discharge and control of all significant industrial wastewater into the city's wastewater facilities. It is the intent of the city that the requirements and standards contained in this article comply with all applicable state and federal laws. The objectives of this article are to:

- (1) Prevent the introduction of pollutants into the wastewater system that will interfere with the operation of the system or the use or disposal of the sludge;
- (2) Prevent the introduction of pollutants into the wastewater facilities which will pass through the system, inadequately treated, into the receiving waters or atmosphere, or otherwise be incompatible with the system; and

- (3) Improve the opportunity to recycle and reclaim wastewater and sludge from the system.
- (b) This article provides for the regulation of the discharge of industrial wastewater into the city's wastewater facilities through the issuance of permits to users of the system and through enforcement of the general requirements for all users, authorizes monitoring and enforcement activities, requires user reporting, and provides a procedure for the setting of fees for the equitable distribution of costs resulting from the program established in this article.
- (c) This article provides for the regulation of, and establishes criteria for, the use of public sanitary or combined sewers, private sewage disposal, building sewers and connections, and general prohibitions. This article provides for the regulation of significant industrial wastewater discharges into the city's wastewater facilities. Wastewater pretreatment requirements and criteria are hereby established and defined in this article.
- (d) ~~This article establishes the wastewater system user charge system and the method for calculating charges for each user classification: industrial, commercial, and residential. Procedures for rate adjustments and annual review are also established.~~ This article provides penalties for violations of provisions of this article, and the orders, rules, regulations, and permits issued under this chapter.
- (e) ~~_____~~ -This article shall apply in the city and to persons outside the city who are, by contract or agreement with the city, users of the city wastewater facilities.
- (f) ~~_____~~ -The board of city commissioners shall designate individuals to administer, implement, and enforce the provisions of this article.

~~Sec. 117-4-3. - Permit required for wastewater discharges.~~

- (a) ~~_____~~ It is unlawful to discharge wastewater, industrial wastes or other wastes to any sewer outlet within the jurisdiction of the city and/or to the wastewater disposal system without having first complied with the terms of this article.
- (b) ~~_____~~ All significant industrial users proposing to connect or to commence a new discharge to the wastewater disposal system shall obtain an industrial wastewater discharge permit before connecting to or discharging into the wastewater system. All existing significant industrial users or those industrial users subject to federal pretreatment standards under sections 307(b) and 307(c), as amended, of the Federal Water Pollution Control Act, also known as the Clean Water Act (33 USC 1251 et seq.), connected to or discharging into the wastewater system shall obtain an industrial wastewater discharge permit within 90 days after the effective date of the ordinance from which this article is derived.

~~Sec. 117-4-4. Industrial wWastewater discharge applications.~~

- (a) All significant industrial users shall complete and file with the appropriate designated city official an application in the form prescribed by the city and accompanied by a fee set by the board. Existing significant industrial users shall apply for an industrial wastewater discharge permit within 30 days after the effective date of the ordinance from which this article is derived, and

new significant industrial users shall apply at least 90 days prior to connecting or discharging to the wastewater disposal system. All permit applications shall include the following:

- (1) Name, address, and location of the facility, including the name and address of the operator and owners.
- (2) SIC number according to the standard industrial classification manual and a list of any environmental control permits held by or for the facility and held by or for the owner's facilities.
- (3) Wastewater constituents and characteristics, including, but not limited to, those governed by this article, as determined by an analytical laboratory certified by the EPA or a designated state agency. Sampling and analysis shall be performed in accordance with procedures established by the Federal Water Pollution Control Act and contained in section 304(g) of the Federal Water Pollution Control Act, as amended.
- (4) Time and duration of discharge.
- (5) Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variation, if any.
- (6) Site plans, floor plans, mechanical, and plumbing plans and details to show all sanitary sewers, sanitary sewer connections, and appurtenances by size, location, and elevation.
- (7) Description of activities, facilities, and plant process on the premises, including all material that is or could be discharged.
- (8) If known, the nature and concentration of any pollutants in the discharge that are limited by the city, state, or federal pretreatment standards, and (for existing discharges) a statement regarding whether the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards.
- (9) Each product produced by type, amount, and rate of production.
- (10) Type and amount of raw materials processed (average and maximum per day).
- (11) Number of full- and part-time employees, and hours of work.
- (12) A statement:
 - a. Describing which subcategories might be applicable; and
 - b. Citing evidence and reasons why a particular subcategory is applicable and why others are not applicable. Any person signing the application statement submitted pursuant to this article shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person who manages the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- (13) Any other information as may be deemed by the designated city official to be necessary to evaluate the permit application or as may be required by federal and state regulators.
- (b) The designated city official will evaluate the data furnished by the industrial user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue an industrial wastewater discharge permit subject to terms and conditions provided in this article and as may be proscribed by resolution of the board.

Sec. 117-4-54. -- Industrial wastewater discharge permit conditions.

Industrial wastewater discharge permits are expressly subject to all provisions of this article, all other applicable federal and state laws or regulations and user charges and fees established by the city. Permits may contain the following:

- (1) The user charges or schedule of user charges and fees for the wastewater to be discharged to the wastewater disposal system.
- (2) Limits on the average and maximum wastewater parameters and characteristics.
- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulation and flow equalization.
- (4) Requirements for installation and maintenance of inspection and sampling facilities.
- (5) Requirements for installation, operation, and maintenance of pretreatment facilities.
- (6) Specifications for monitoring programs which may include sampling locations, frequencies and method of sampling, standards for tests, and reporting schedule.
- (7) Compliance schedule.
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city and affording the designated city official access thereto.
- (9) Requirements of submission of technical reports or discharge reports.

- (10) Requirements for notification to and acceptance by the designated city official prior to the introduction of new wastewater constituents, or of any substantial change in the volume or characteristics of the wastewater.
- (11) Requirement for disposal of sludges, floatables, skimmings, etc.
- (12) Other conditions, as deemed appropriate by the city, to ensure compliance with this article.

Sec. 117-4-65. -- Industrial wastewater discharge pPermit durations.

Permits shall be issued for a specified period, not to exceed five years. The permittee shall apply for permit reissuance a minimum of 90 days prior to the expiration of the existing permit. At that time, the city can decide whether or not the permit needs to be reissued. A decision that a permit does not need to be reissued would not affect the user's service. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements are identified, or if other just cause exists. The user shall be informed of any proposed changes in the permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Sec. 117-4-76. -- Industrial wastewater discharge pPermit modifications.

Permits may be modified for just cause upon 30 days' notice. Just cause shall include, but not be limited to, any of the following:

- (1) Correction of typographical errors or technical errors.
- (2) Changes in ownership or name of permittee.
- (3) Changes or alterations to the permittee's facility or operations.
- (4) A requirement of more frequent monitoring.
- (5) Changes of interim dates in a compliance schedule or to modify the permit by including a compliance schedule.
- (6) New information received by the city relating to the permittee's operation.
- (7) Amendment of existing regulations by state or federal regulatory agencies, or promulgation of a new applicable national categorical pretreatment standard or other applicable rules and regulations.
- (8) Changes in the requirements of this chapter.
- (9) Changes in the process used by the permittee or changes in discharge volumes or character.
- (10) Changes in design or capability of the receiving wastewater treatment facility.

(11) Inclusion of a permit reopener.

Sec. 117-4-87. -- Industrial wastewater discharge pPermit transfers.

Permits are transferable only with prior written approval from the city. Permittees must provide a written request for approval of a permit transfer no later than 60 days prior to any intended sale or transfer of ownership.

Sec. 117-4-98. - Industrial wastewater discharge permit uUser reports.

The city may require any industrial user discharging or proposing to discharge wastewater to the wastewater system to file periodic reports. The information required to be reported and time period of the report shall be made a condition of the discharge permit. The information to be reported may include, but not be limited to, process, flow conditions, and character of the wastewater, and compliance reports and all reports required under section 403.12 of the Federal Water Pollution Control Act. All analytical testing shall be performed by methods approved under 40 CFR 136, or as otherwise approved by the state or EPA. All monthly reports shall be submitted no later than the last day of the month following the sampling event. Quarterly reports shall be submitted no later than the last day of the month following the end of the quarter.

Sec. 117-4-109. - Industrial wastewater discharge permit sSampling and monitoring ~~required; reports; monitoring facilities.~~

- (a) All industrial users shall perform sampling and monitoring of discharges as specified in their permit. Records relating to the sampling and monitoring shall be submitted as required in the permit.
- (b) The city may require that the significant industrial discharger provide and operate, at the discharger's expense, a monitoring facility to allow inspection, sampling, and flow measurements of each sanitary sewer connection to the wastewater treatment system. Where at all possible, the monitoring facility shall be located on the premises of the discharger. There must be ample room to allow accurate flow measuring and sampling, and the facility shall be kept in a safe and proper operating condition. All data for the equipment to be installed in the monitoring facility shall be submitted to the designated city official.

Sec. 117-4-110. - Industrial wastewater discharge permit inspection and sampling.

- (a) The designated city official or his authorized agents may inspect the facilities of any user to determine compliance with the requirements of this article. The user shall allow the designated city official or his representative to enter upon the premises at all reasonable hours for the purpose of inspection, sampling or records examination and copying. The city shall be allowed to set up equipment on the user's premises as required for the purpose of collecting samples and recording of flow.
- (b) As a condition of the industrial's user's permit, the user shall consent to the city's right of entry onto the user's premises for the purpose of announced and unannounced inspections. Further,

the user shall consent, as a condition of the permit, to allow the city to set up equipment on the user's premises to conduct sampling and recording of flow on the user's premises.

- (c) As a condition of the industrial user's permit, the user shall consent to the city's inspection and copying of any and all records relating to discharges into the POTW and any sampling of discharges conducted by the user.
- (d) As a condition of the industrial user's permit, the user shall consent to payment of the city's court costs and attorney's fees if the city is required to seek a court order for entry upon the premises to conduct an inspection of the premises, sampling of discharges, or a review of user records, necessitated by the user's refusal to allow said entry, inspection, sampling or record review and copying.

Sec. 117-4-~~1211~~. - Confidential information.

- (a) Information submitted to EPA authorities. In accordance with 40 CFR 2, any information submitted to the EPA pursuant to federal regulations may be claimed as confidential by the submitter. Any such claim must be assessed at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, the EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR 2.
- (b) Effluent data. Information and data furnished to the city, pursuant to local, state or federal laws or regulations, which are effluent data, shall be available to the public without restriction.
- (c) Information submitted to city or state authorities. All other information which is submitted to the city or state authorities shall be available to the public without restriction, unless inconsistent with federal law or regulations and at least to the extent provided by 40 CFR 2.302, as amended.

Sec. 117-4-~~1312~~. - Wastewater strength.

The city reserves the right to establish, by ordinance, regulation or through the EPA approval process of the city's North Dakota Pollutant Discharge Elimination System (NDPDES) permit, more stringent limitations or requirements on discharges to the wastewater facilities, if deemed necessary to comply with the objectives presented in this article. In all events, the more stringent limitations or requirements as adopted by the city must be consistent with the procedures and requirements of 40 CFR 403, as amended. The limitations for wastewater strength shall be as established by the city in each industrial user's industrial wastewater discharge permit.

Sec. 117-4-~~1413~~. - Dilution prohibited as substitute for treatment.

Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance

with a pretreatment standard or requirement. The control authority may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations is appropriate.

Sec. 117-4-~~15~~14. - Supplementary limitation.

- (a) Except as noted, no user may discharge wastewater containing materials in excess of the following values:

Materials	Daily Maximum Concentration mg/l
Arsenic	0.23
Benzene	0.05
BTEX	0.75
Cadmium	0.25
Chromium-Total	4.12
Chromium (III)	3.55
Chromium (VI)	0.033
Copper	4.04
Lead	0.74
Mercury	0.073
Molybdenum	1.02
Nickel	1.88
Selenium	0.28
Silver	2.46
Zinc	2.0

- (b) Concentrations apply at the point of discharge to the city collection system. The city may impose mass limitations in addition to, or in place of, the concentration-based limits in this section, if deemed appropriate to prevent interference or to protect the quality of the treatment plant effluent or sludge.

Sec. 117-4-~~16~~15. - Biocides and toxic chemicals.

The permittee shall identify to the city all biocides and toxic chemicals used at the permittee's facility, and shall provide written documentation prior to the changing biocides and/or toxic chemicals. The permittee shall provide to the city all of the manufacturer's data for all biocide and toxic chemicals to be used, as well as the quantities to be used. The city reserves the right to limit the discharge of any biocide and/or toxic chemical to prevent an adverse impact on the wastewater facilities or which may result in a violation of the city's NPDES permit, or of the Federal Water Pollution Control Act. The permittee shall provide the tanks, equipment, and control devices to limit the discharge and shall

operate the system as stipulated in the permit. No biocides or toxic chemicals shall be stored in a room which has a floor drain to preclude an accidental spill into the wastewater facilities. For purposes of this section, the term "toxic chemical or pollutant" means any chemical or pollutant that can cause acute health or significant adverse environmental impacts, and therefore, its manufacture, processing, or use, and any continuous or recurring releases from a facility, must be reported under title III of the Superfund Amendments and Reauthorization Act and shall include, but not be limited to, any pollutant identified pursuant to section 307(a) of the Federal Water Pollution Control Act. A user may not discharge or cause to be discharged, directly or indirectly, any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system.

Sec. 117-4-~~1716~~. - Special agreements.

Provisions contained in this article shall not be deemed to prevent any contract authorized by the board of city commissioners in the usual manner between the city and any user whereby an industrial waste of unusual strength or characteristic may be accepted by the city for treatment which will not violate or cause the city to waive or violate federal or state discharge or pretreatment standards or requirements, and which will not be harmful to the wastewater treatment plant, the treatment process, or the sanitary sewer mains.

Sec. 117-4-~~1817~~. - Accidental discharges; slug load.

Each industrial discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this article, commonly known as a slug load. Where necessary, facilities to prevent accidental discharge of prohibited materials must be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide the protection against slug load discharges must be submitted to the city before construction of the facility. Each existing industrial user shall complete its plans and submit it to the city by a date specified in the permittee's industrial wastewater discharge permit. No new permittee shall introduce wastewater or pollutants into the wastewater facilities until after the accidental discharge protection procedures have been approved by the city. Review and approval of such plans and operating procedures by the city shall not relieve the user from the responsibility to operate and modify its facility as necessary to meet the requirements of this article. Users shall notify the designated city official immediately upon the occurrence of a slug load or accidental discharge of substances prohibited by this article.

Sec. 117-4-~~1918~~. - Discharge of wastewater into storm sewer or watercourse prohibited.

No person shall discharge wastewater or industrial wastes into any storm sewer or other watercourse within the city. Wastewater or industrial wastes may be discharged pursuant to this article only into the sanitary sewer system via an approved building sewer or at discharge points authorized by the city. Each day on which an unlawful discharge occurs is a separate offense. ~~Sec. 117-4-20. Rates established; annual audit.~~

~~The board shall establish industrial user rates from time to time by resolution. An annual audit of expense and revenue related to the industrial wastewater discharge permit system and operation and maintenance of the POTW shall be made by the finance director at the end of each fiscal year and~~

reviewed by the board. If, upon review of the annual audit, the board deems it necessary, the rates shall be adjusted accordingly to meet the needs of the annual audit with said adjustment to be made by appropriate resolution of the board.

Sec. 117-4-21. ~~Wastewater service charges.~~

The following charges for the use of the wastewater facilities and the sanitary sewer system of the city are hereby established. Such charges shall be made against each lot, parcel of land, or premises that has a sewer connection to the sanitary sewer system in the city or that may otherwise discharge wastewater, either directly or indirectly, into the sewer system or any part. Such charges shall be established by resolution of the board:

(1) ~~— Basis for wastewater service charges. The wastewater service charge for the use of and for service supplied by the wastewater facilities of the city shall consist of basic user charge for operation and maintenance plus replacement and a debt service charge.~~

(2) ~~— Industrial charge.~~

a. ~~— An industrial wastewater charge will be levied to all users whose wastewaters:~~

1. ~~— Exceed the normal concentrations for total BOD (230 mg/l) or SS (180 mg/l);~~

2. ~~— Exceed permissible pretreatment standards;~~

3. ~~— Contain toxic chemicals or other substances that adversely affect the operation, maintenance or life of the wastewater treatment plant; or~~

4. ~~— Produce a rate of flow that has a significant impact on the wastewater treatment plant.~~

b. ~~— The charge will be based on water usage as recorded by water meters and/or wastewater meters for all wastewaters which exceed the limitations stated in subsection (2)a of this section.~~

(3) ~~— Basic wastewater treatment charge. The basic user charge shall be based on water usage as recorded by water meters and/or wastewater meters having normal concentrations less than the following: Five day 20 degree Centigrade BOD (230 mg/l) or SS (180 mg/l).~~

Sec. 117-4-~~22~~19. - Purpose of fees.

It is the purpose of this article to provide for the recovery of costs from industrial users of the city's wastewater disposal system for the implementation of the NPDES program established in this article. The applicable charges or fees shall be established and amended from time to time by resolution of the board.

Sec. 117-4-~~23~~20. - Charges and fees.

The board shall establish charges and fees which may include:

- (1) Charges for monitoring, inspections and surveillance procedures;
- (2) Fees for permit applications;
- (3) Appeal fees; and
- (4) Other fees and/or charges as the board may deem necessary to carry out the requirements of this article.

Sec. 117-4-~~2421~~. - Emergency suspension of service or discharge.

- (a) The city may, for good cause shown, suspend the wastewater treatment service and the industrial wastewater discharge permit of a user when it appears to the city that an actual or threatened discharge presents or may present an imminent or substantial danger to the environment, interfere with the operation of the wastewater treatment facility, cause the city to be in violation of its NPDES permit, violate any pretreatment limits imposed by this article or state or federal law or regulation, or violate any industrial wastewater discharge permit issued pursuant to this article. Any user notified of the suspension of the wastewater treatment service shall cease discharging wastewater immediately. In the event of a failure of the user to comply voluntarily with the suspension order, the city shall commence whatever steps are necessary to obtain compliance, including, but not limited to, severance of water service and/or judicial proceedings. The city shall reinstate the service and discharge permit upon proof of elimination of the noncomplying discharge creating the threat of imminent or substantial damage. A detailed written statement submitted by the user describing the causes of the noncomplying discharge, slug or accidental discharge and the measures taken to prevent any future occurrence shall be submitted to the city within 15 days of the date of the occurrence.
- (b) Whenever the city suspends service or the permit of a user pursuant to the emergency provisions of this section, the city shall serve notice on the user personally or by first class mail. The user has a right to an informal hearing before the board or designee upon request made in writing and filed with the designated city official. The informal hearing must be held within five days of the request. Following the hearing, the board may affirm, modify or rescind the action.
- (c) A request for an informal hearing before the board's designee or a hearing before the board filed pursuant to this section does not stay the action appealed pending the hearing.

Sec. 117-4-~~2522~~. - Notification of violation; order to show cause.

- (a) Whenever the city finds that any person has violated or is violating the provisions of this article, industrial wastewater discharge permit, or any prohibition, limitation, or requirements contained in this article, the designated city official, following consultation with the city engineer, and with the concurrence of the city attorney, may serve upon any person a written notice stating the nature of the violation, requiring corrective action and, if circumstances warrant it, an order to show cause why the user should not be penalized by either the proposed imposition of fines, the temporary suspension of the permit or the revocation of the permit

upon a date certain. Within 15 days of the date of notice, unless a shorter time frame is necessary due to the nature of the violation, a plan for the satisfactory correction thereof must be submitted to the city by the permittee.

- (b) The permittee shall file with the designated city official a request for hearing before the board within five days of receipt of the notice and order to show cause, or, in lieu thereof, may enter into an agreement relating to the violation, corrective action, and any imposition of penalty. Any negotiated agreement is subject to approval by the board. Should the board reject the agreement, a hearing before the board shall be scheduled on the matter, which hearing shall be held no later than 30 days after the agreement's rejection.

Sec. 117-4-~~2623~~. - Temporary suspension, termination or revocation of permit; fines.

- (a) A permit may be temporarily suspended, terminated or revoked, or fines imposed by the board, following notice and an opportunity for a hearing for just cause, including, but not limited to:
 - (1) Violation or a pattern of repeated violations of any terms or conditions of the industrial wastewater discharge permit;
 - (2) False statements in any required report or application;
 - (3) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts;
 - (4) Failure to report the discharge of toxic chemicals or pollutants or other prohibited discharges; or
 - (5) Any other violation of this article.
- (b) Notice shall be given and a hearing provided in accordance with this article.

Sec. 117-4-~~2724~~. - Show cause hearing.

If the violation is not corrected by timely compliance, the city may order any user who causes or allows an unauthorized discharge to show cause before the board why the proposed enforcement action or revocation should not be taken. A notice must be served on the user specifying the time and place of a hearing to be held by the board regarding the enforcement action or revocation, and directing the user to show cause before the board why the proposed enforcement action or revocation should not be taken. The notice must be served personally or by first class mail at least ten days before the hearing. Notice may be made to any agent or officer of a corporation. The proceedings at the hearing shall be considered by the board, which shall then enter appropriate orders with respect to the alleged improper activities of the user. Appeal of such orders may be taken by the user in accordance with applicable law.

Sec. 117-4-~~2825~~. - Legal action.

If any person discharges wastewater, industrial wastes, or other wastes into the city's wastewater disposal system contrary to the provisions of this article, federal or state pretreatment requirements, or any order of the city, requirement or permit condition, the city attorney may, following

the authorization of such action by the board, commence action for appropriate legal and/or equitable relief. The city's legal action may seek imposition of the civil penalties for violations of this article and injunctive relief which requires or prohibits conduct on the part of the permittee. The city may request the EPA to investigate and prosecute any suspected violations, which may subject the user to either civil or criminal penalties available under state or federal law.

Sec. 117-4-~~2926~~. - Violations.

- (a) Any user who is found to have violated an order of the board, made in accordance with the provisions of this article, orders, rules, regulations, and permits issued under this chapter, is guilty of an offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.
- (b) Any user who is found to have discharged or caused the discharge of wastewater, industrial wastes, or other wastes into the city's wastewater disposal system, contrary to the provisions of this article, federal or state pretreatment requirements, or any other permit requirement, limitation, or condition set by the city, is guilty of an offense.
- (c) Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

Sec. 117-4-~~3027~~. - Responsibility for damages and costs of attorney's fees.

Any user violating any of the provisions of this article, or who has a discharge which causes a deposit, obstruction, damage, or other impairment of the city's wastewater facilities, must be liable to the city for any expense, loss, or damage caused by the violation or the discharge. The city may add to the user's charges and fees the costs assessed for any cleaning, repair or replacement work caused by the violation or discharge. In addition to the civil penalties in this section, the city may recover reasonable attorney's fees, court costs, court report's fees, and other expenses of litigation by appropriate action against the user found to have violated this article or the orders, rules, regulations, and permits issued under this chapter.

Sec. 117-4-~~3128~~. - Falsifying information.

Any person who knowingly makes any false statements, representation, or certification in any applicable record, report, plan, application, or other document filed or required to be maintained pursuant to this article or industrial wastewater discharge permit, or who knowingly falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article, shall be guilty of an ordinance violation.

Sec. 117-4-~~3229~~. - National pretreatment standards; prohibited discharges.

- (a) General prohibitions. A user may not introduce into a POTW any pollutants which cause pass through or interference. These general prohibitions and the specific prohibitions of subsection (c) of this section apply to each user introducing pollutants into a POTW, whether or not the user is subject to other national pretreatment standards or any national, state, or local pretreatment requirements.

- (b) Affirmative defenses. A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in subsection (a) of this section and the specific prohibitions in subsections (c)(1) through (c)(3) of this section where the user can demonstrate that:
- (1) The user did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference; and
 - (2) A local limit designed to prevent pass through and/or interference, as the case may be, was developed in accordance with subsection (d) of this section for each pollutant in the users' discharge that caused pass through or interference, and the user was in compliance with each such local limit directly prior to and during the pass through or interference; or
 - (3) If a local limit designed to prevent pass through or interference, as the case may be, has not been developed in accordance with subsection (d) of this section for the pollutant that caused the pass through or interference, the user's discharge directly prior to and during the pass through or interference did not change substantially in nature or constituents from the user's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, applicable requirements for sewage use or disposal.
- (c) Specific prohibitions. In addition, the following pollutants shall not be introduced into a POTW:
- (1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
 - (2) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such discharges.
 - (3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference.
 - (4) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
 - (5) Heat in amounts which will inhibit biological activity in the POTW resulting in the interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees Centigrade or 104 degrees Fahrenheit unless the approval authority, upon request of the POTW, approves alternate temperature limits.
 - (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (8) Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- (d) When specific limits must be developed by POTW. Each POTW developing a POTW pretreatment program pursuant to section 403.8 of the Federal Water Pollution Control Act shall develop and enforce specific limits to implement the prohibitions listed in subsections (a) and (c) of this section. Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits. All other POTW's shall, in cases where pollutants contributed by the user result in interference or pass through, and such violation is likely to recur, develop and enforce specific effluent limits for industrial users, and all other users, as appropriate, which, together with appropriate changes in the POTW treatment plant's facilities or operation, are necessary to ensure renewed and continued compliance with the POTW's NPDES permit or sludge use or disposal practices. Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.
- (e) Local limits. Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a POTW in accordance with subsection (d) of this section, such limits shall be deemed pretreatment standards for the purposes of section 307(d) of the Federal Water Pollution Control Act.
- (f) Failure to commence appropriate action. If, within 30 days after notice of an interference or pass through violation has been sent by the EPA to the POTW, and to persons or groups who have requested such notice, the POTW fails to commence appropriate enforcement action to correct the violation, the EPA may take appropriate enforcement action under the authority provided in section 309(f) of the Federal Water Pollution Control Act.

Sec. 117-4-~~3330~~ - Public notification of noncompliances.

- (a) A list of all industrial users that were in significant noncompliance with applicable pretreatment requirements during the previous 12 months shall be published annually in the official newspaper of the city.
- (b) As used in this section, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:
 - (1) Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all the measurements taken during a six-month period exceed, by any magnitude, the daily maximum limit or the average limit for the same pollutant parameter.
 - (2) Technical review criteria (TRC) violations, defined as those in which 33 percent or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the project of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).

- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the city determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of city personnel or the general public.
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge.
- (5) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
- (6) Failure to provide, within 30 days after the due date, required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules.
- (7) Failure to accurately report noncompliance.
- (8) Any other violation or group of violations which the city determines will adversely affect the operation or implementation of the local pretreatment program.

Sec. 117-4-~~3431~~. - Enforcement response plan.

- (a) Introduction. The EPA promulgated regulations to require all POTWs to adopt an ERP as part of their approved pretreatment programs. The regulation as stated in 40 CFR 403.8(f)(5) is as follows:
 - (1) The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:
 - a. Describe how the POTW will investigate instances of noncompliance.
 - b. Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place.
 - c. Identify, by title, the officials responsible for each type of response.
 - d. Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8(f)(1) and (f)(2).
 - (2) The ERP outlines the procedures that will be used to identify, document, track and respond to noncompliance. The ERP also provides guidance for selecting the enforcement action most appropriate for a given violation.

- (b) Purpose. The purpose of the ERP is to provide consistent enforcement responses for similar violations and circumstances. The ERP describes violations, defines a range of appropriate enforcement actions based on the nature and severity of the violation and other relevant factors, and identifies personnel responsible for finalizing enforcement responses.
- (c) Administration and jurisdiction. All entities discharging nondomestic waste to the POTW are subject to the provisions of the ERP. The control authority consistently administers and implements all elements of the ERP. The ERP does not preclude the control authority from taking any, all or any combination of actions against a noncompliant industrial user.
- (d) Abbreviations.

AO	Administrative order
ATT	City attorney
BRD	Board of city commissioners
CA	Control authority
ERG	Enforcement response guide
ERP	Enforcement response plan
IPC	Industrial pretreatment coordinator
IU	Industrial user
NOV	Notice of violation
POTW	Publicly owned treatment works
SUPT	Wastewater treatment superintendent
WL	Warning letter

- (e) Definitions. The following words, terms and phrases, when used in this section shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Control authority means the entity directly administering and enforcing pretreatment standards and requirements against industrial users.

Domestic wastewater means wastewater from normal residential activities, including, but not limited to, wastewater from kitchen, bath and laundry facilities, or wastewater from the personal sanitary conveniences (e.g., toilets, showers, bathtubs, fountains, noncommercial sinks, and similar structures) of commercial, industrial or institutional buildings, provided that the wastewater exhibits characteristics which are similar to those of wastewater from normal residential activities. Specifically excluded from this definition is wastewater from commercial, industrial, or institutional laundries or food preparation facilities.

Industrial user means any source that introduces pollutants into a POTW from any nondomestic source.

Publicly owned treatment works (POTW) means devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. The term "publicly owned treatment works" also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant.

- (f) Personnel responsibilities.
- (1) Industrial pretreatment coordinator. The industrial pretreatment coordinator (IPC) is responsible for the day-to-day implementation and enforcement of the industrial pretreatment program. The enforcement carried out by the IPC is as follows:
 - a. Informal notices, verbal and written.
 - b. Notices of violation.
 - c. Informal meetings.
 - d. Referrals to the state or the EPA for criminal action.
 - (2) Superintendent. The superintendent has the responsibility to monitor the IPC's actions and to initiate the following enforcement actions at the recommendation of the IPC:
 - a. Show cause hearings.
 - b. Administrative orders.
 - c. Consent agreements.
 - d. Referrals to the city attorney for civil litigation.
 - e. Referrals to the state or the EPA for criminal action.
 - (3) POTW attorney. The POTW attorney will provide legal consultation as requested by the superintendent on consent agreements and administrative orders and will take the lead on all referrals for civil litigation and POTW-initiated criminal investigations.
- (g) Identifying and investigation instances of noncompliance. There are many activities associated with the identification and investigation of noncompliance. A brief description of these activities is provided in this ERP. Detailed discussions and procedures for the activities can be found in other relevant sections of the approved pretreatment program document. The activities that facilitate the identification and investigation of noncompliance are as follows:
- (1) Industrial user inventory. An essential step for identifying noncompliance is knowing who is discharging nondomestic waste to the POTW, where they are located, and the nature of the nondomestic waste being discharged. The industrial pretreatment

coordinator maintains a current inventory of all nondomestic sources of waste to the POTW.

- (2) Monitoring and inspection plan. The industrial pretreatment coordinator prepares an annual monitoring and inspection plan. The control authority monitors the wastewater from each significant industrial user (SIU) at least once per year. The control authority requires all sampling and analysis to be performed in accordance with 40 CFR 136. Control authority sampling procedures, including quality assurance/quality control procedures, discussed elsewhere in the approved pretreatment program document, are followed to maximize sample integrity.
 - a. A comprehensive inspection of each SIU is conducted by the control authority at least once per year. The control authority follows inspection procedures discussed elsewhere in the approved pretreatment program to ensure consistent, thorough, and well-documented inspections.
 - b. Information gathered during control authority industrial user monitoring and inspections is used to verify industrial user compliance status and to determine if enforcement response must be initiated or continued.
 - (3) Compliance screening. All reports from industrial users and reports generated by the control authority are carefully reviewed on an as-received basis for timeliness, completeness and accuracy. The screening process includes a signatory/certification requirements, monitoring frequency, etc.
- (h) Description of enforcement actions; informal notice.
- (1) Verbal notification. Verbal notification, by telephone or in person, provide an immediate notification of violations. In general, verbal notifications are used for minor isolated violations or as an initial step leading to an escalated enforcement response. All verbal notifications related to enforcement or the investigation of suspected violations are documented in writing and placed in the respective industrial user file.
 - (2) Warning letter. Warning letters (WLs) are issued under the same circumstances as verbal notifications. They may be issued as follow-up letters to verbal notifications or in lieu of verbal notifications.
 - (3) Informal meeting. An informal meeting is used to gather information concerning noncompliance, discuss steps to alleviate noncompliance, and determine the commitment level of the industrial user. All informal meetings are documented in the city's files.
 - (4) Notice of violation. A notice of violation (NOV) is a written notice to the noncompliant industrial user that a pretreatment violation has occurred. A NOV includes a statement detailing the legal authority under which the control authority issued the NOV, a description of the violation and the date the violation occurred. The NOV requires a response from the industrial user that details the causes of the violation and the corrective actions taken to correct the violation and prevent similar violations from

occurring. In general, NOVs are considered to be more stringent enforcement responses than warning letters.

- (5) Administrative order. Administrative orders (AOs) are enforcement documents that direct industrial users to undertake and/or to cease specified activities by specified deadlines. The terms of an AO may or may not be negotiated with industrial users. AOs may incorporate compliance schedules, administrative penalties, termination of service and show cause orders. An administrative order is the minimum level of enforcement used to address significant noncompliance.
- (6) Show cause hearing. A show cause hearing is a formal meeting requiring the industrial user to appear, explain its noncompliance and show cause as to why more severe enforcement actions against the user should not go forward. The meeting may also serve as a forum to discuss corrective action and compliance schedules.
- (7) Termination of service. Termination of service is the revocation of an industrial user's privilege to discharge nondomestic wastewater into the sanitary sewer system. Termination of service is used when the discharge from an industrial user presents imminent endangerment to the health or welfare of persons or the environment or threatens to interfere with the POTW's operations or as an escalating enforcement action to a significant violation when a noncompliant industrial user fails to respond adequately to previous enforcement actions. Termination of service may be accomplished by physical severance of the industrial users connection to the collection system, issuance of an AO (cease and desist order) which compels the IU to immediately terminate its discharge, revocation of the IU's discharge permit or a court ruling.
- (8) Administrative fines. An administrative fine is a punitive monetary charge assessed by the control authority rather than a court. The penalty authority must be authorized in the POTW's local legal authority. The purpose of the fine is to recover the economic benefit of noncompliance and to deter violations. When assessing an administrative fine the following factors are considered:
 - a. Type and severity of the violation.
 - b. Number of violations cited.
 - c. Duration of noncompliance.
 - d. Impact of the violation on the receiving water, sludge quality, and POTW operation.
 - e. Whether the violation threatened public health.
 - f. The economic benefit or savings the industrial user gained from the noncompliance.
 - g. Compliance history of the industrial user.

- h. Whether the industrial user is making a good faith effort to comply.
- (9) Civil litigation. Civil litigation is the formal process whereby the control authority files a lawsuit against the industrial user to secure court-ordered action to correct violations and to secure penalties for the violations, including recovery of cost to the POTW for the noncompliance. Civil litigation also includes enforcement measures which require involvement or approval of the court, such as injunctive relief.
- (10) Referral to the EPA or the state. Where a POTW does not rely on criminal prosecution for its enforcement authority, referral to the state or the EPA may be made. For violations that may warrant criminal prosecution, the control authority will refer the case to the EPA or the state for further action. Circumstances that trigger the EPA or state referrals include evidence of willfulness, evidence of negligence and bad faith shown by the industrial user.
- (i) Enforcement response guide.
- (1) Purpose. The enforcement response guide (ERG) designates several enforcement options for each type or pattern of noncompliance. The intent of the ERG is to provide direction for appropriate enforcement response and to ensure consistent enforcement for similar violations and circumstances. Factors that will be evaluated when determining the appropriate response are as follows:
- a. Good faith of the user.
 - b. Compliance history of the user.
 - c. Previous success of the enforcement actions against the user (e.g., if, historically, NOVs have not been effective in returning the user to compliance in a reasonable period of time, an administrative order would be a more appropriate response).
 - d. Violations' effect on the environment and/or public health.
 - e. Violations' effect on the POTW.
- (2) Options for noncompliance.
- a. Violations resulting in significant noncompliance. Any violation that results in significant noncompliance (SNC) will be addressed through formal enforcement action regardless of the enforcement response otherwise dictated by the enforcement response guide. The minimum level of enforcement used to address SNC is an AO.
 - b. Escalating enforcement response. Escalating enforcement response will be used for recurring violations and failure to achieve compliance subsequent to informal or formal enforcement. A recurring violation is one in which the same

type of violation occurs on consecutive reporting periods, the violation occurs seasonally, or any other pattern of noncompliance is shown.

- c. Violations falling under more than one category. Violations that fall under more than one category in the enforcement response guide will be addressed through the more severe enforcement response. All alleged violations will be included in the more severe response.
- d. Timeframes for enforcement response.
 1. All violations will be identified and documented within five days of receiving compliance information.
 2. Initial enforcement responses, informal or formal, will occur within 15 days of identifying a violation.
 3. Follow up actions for continuing or recurring violations will be taken within 60 days of the initial enforcement response.
 4. Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate response, such as halting the discharge or terminating service.
 5. All violations meeting the criteria for significant noncompliance will be addressed through enforcement within 30 days of the identification of significant noncompliance.

(j) Guidelines.

Noncompliance	Severity of Violation	Enforcement Action	Personnel	Fine
Unauthorized Discharges				
Discharge without a permit	IU unaware of requirement, no harm to POTW or environment	Phone call, send application form	IPC	
		NOV with application form	IPC	
	IU unaware of requirement, harm to POTW or environment	AO	IPC, CA	
		Recover cost of damages through user charge or civil action	IPC, ATT	
	Failure to apply continues after notice by the POTW	AO, show cause, fine	IPC, CA, BRD, ATT	\$500.00 to \$1,000.00
		Civil action	IPC, CA, ATT	
		Terminate service	IPC, CA, BRD	

Noncompliance	Severity of Violation	Enforcement Action	Personnel	Fine
		Criminal action	IPC, CA, ATT	
Nonpermitted discharge (failure to renew)	IU has not submitted application within ten days of due date	Phone call, warning letter	IPC	
	IU has not submitted application after notice by POTW	NOV, AO, show cause	IPC, CA, ATT, BRD	
	Failure to submit application, discharge continues	Refer to discharge without a permit guidelines	IPC, CA, ATT, BRD	
Unauthorized discharge through manhole, septic only receiving station, car wash, etc.	No harm to POTW or environment	NOV, AO	IPC, CA, ATT	
	Harm to POTW or environment	AO with fine, civil action, criminal investigation	IPC, CA, ATT	\$500.00 to \$1,000.00
	Recurring	Criminal investigation	IPC, CA, ATT, BRD	
Permitted user discharging waste not authorized by permit	No harm to POTW or environment	NOV, AO	IPC, CA, ATT	
	Harm to POTW or environment	AO with fine, criminal action	IPC, CA, ATT, BRD	\$500.00 to \$1,000.00
	Recurring	Criminal investigation	IPC, CA, ATT, BRD	
Discharge Limit Violations				
Exceedance of discharge limitation or prohibition in permit or local legal authority (e.g., ordinance)	Isolated, no harm to POTW or environment	Phone call, WL, NOV	IPC, CA	
	Isolated, harm to POTW or environment	NOV, require corrective action plan, resample	IPC, CA	
		AO, to implement corrective action plan, resample	IPC, CA	
		Recover cost of damages through user charge, criminal action	IPC, CA, ATT, BRD	
	Recurring, no harm to POTW or environment	AO, AO with fine	IPC, CA, ATT, BRD	\$100.00 to \$500.00
	Recurring, harm to POTW or environment	AO with fine, civil action, termination of	IPC, CA, ATT, BRD	\$500.00 to \$1,000.00

Noncompliance	Severity of Violation	Enforcement Action	Personnel	Fine
		services		
		Recover cost of damages through user charge, criminal action	IPC, CA, ATT	
Reporting Violations				
Document is improperly signed or certified	Isolated incident	Phone call, WL, NOV	IPC, CA	
	Previous notice by POTW, recurring	NOV, AO, AO with fine	IPC, CA, ATT, BRD	\$100.00 to \$500.00
Document is incomplete or inaccurate	Isolated incident	Phone call, WL, NOV	IPC, CA	
	Recurring problem	AO, AO with fine	IPC, CA, ATT, BRD	\$100.00 to \$500.00
Document is late	Five days to 29 days	Phone call, WL, NOV	IPC, CA	
	30 days or more	AO, AO with fine	IPC, CA, ATT, BRD	\$100.00 to \$500.00
	Documents are repeatedly late	AO with fine, civil action, terminate service	IPC, CA, ATT, BRD	\$100.00 to \$500.00
Failure to report violation, spill/slug or changed discharge	No actual or potential harm to POTW or environment	NOV, AO	IPC, CA	
	Actual or potential harm to POTW	AO with fine, civil action, recover cost of damages through user charge	IPC, CA, ATT, BRD	\$100.00 to \$500.00
	Recurring problem	AO with fine, civil action, terminate service	IPC, CA, ATT, BRD	\$500.00 to \$1,000.00
Failure to report additional monitoring	Isolated incident	Phone call, WL, NOV	IPC, CA	
	Recurring	AO, AO with fine	IPC, CA, ATT, BRD	\$100.00 to \$500.00
Falsification of information or data	Any instance	AO, show cause with fine, criminal investigation, terminate service	IPC, CA, ATT, BRD	\$500.00 to \$1,000.00
Sampling Violations				
Failure to monitor for all required parameters	Isolated	Phone call, WL, NOV	IPC, CA	
	Recurring	AO, AO with fine, civil action, permit	IPC, CA, ATT, BRD	\$100.00 to \$500.00

Noncompliance	Severity of Violation	Enforcement Action	Personnel	Fine
		revocation		
Improper sample handling or analytical procedures	Isolated	Phone call, WL, NOV	IPC, CA	
	Recurring	AO, AO with fine, civil action, permit revocation	IPC, CA, ATT, BRD	\$100.00 to \$500.00
Failure to resample within required timeframe	Isolated	Phone call, WL, NOV	IPC, CA	
	Prior notification from CA	AO with fine	IPC, CA, ATT, BRD	\$100.00 to \$500.00
	Recurring	AO, AO with fine	IPC, CA, ATT, BRD	\$500.00 to \$1,000.00
Failure to install monitoring equipment/sampling point	Delay less than 30 days	NOV, WL	IPC, CA	
	Delay greater than 30 days	AO with fine, civil action	IPC, CA, ATT, BRD	\$500.00 to \$1,000.00
Tampers with monitoring equipment/sample	Any incident	AO, show cause with fine, criminal investigation, termination of service	IPC, CA, ATT, BRD	\$500.00 to \$1,000.00
Sampling at incorrect location	Isolated incident	NOV	IPC, CA	
	Recurring	AO with fine, civil action, criminal investigation	IPC, CA, ATT, BRD	\$100.00 to \$500.00
Compliance Schedules				
Missed milestone	Less than 30 days late or will not affect final completion date	NOV, AO, phone call	IPC, CA	
	Greater than 30 days late or will affect final compliance date, good cause for delay	AO, AO with fine, NOV	PC, CA	\$100.00 to \$500.00
	Greater than 30 days late or will affect final compliance date, no good cause for delay	AO with fine, civil action, termination of discharge	IPC, CA, ATT, BRD	\$500.00 to \$1,000.00
Not in compliance as of final compliance date	Less than 30 days late	NOV, AO	IPC, CA	
	Greater than 30 days late, reasonable cause for delay	AO, AO with fine	IPC, CA, ATT, BRD	\$100.00 to \$500.00
	Greater than 30 days	Show cause order,	IPC, CA, ATT,	

Noncompliance	Severity of Violation	Enforcement Action	Personnel	Fine
	late, no reasonable cause for delay	civil action, termination of discharge	BRD	
Inadequate Recordkeeping				
Files incomplete or missing, no evidence of intent	Isolated	NOV	IPC, CA	
	Recurring	AO, AO with fine	IPC, CA, ATT, BRD	\$100.00 to \$500.00
Files incomplete or missing, evidence of intent	Any instance	AO with fine, civil action, termination of service, criminal investigation	IPC, CA, ATT, BRD	\$500.00 to \$1,000.00
Other Violations				
Entry denied or consent withdrawn	Any instance	Obtain warrant and return to IU, AO to suspend or terminate services	IPC, CA, ATT, BRD	
Copies of records denied	Any instance	Obtain warrant and return to IU, AO to suspend or terminate services	IPC, CA, ATT, BRD	
Wastestreams are diluted in lieu of treatment	Initial violation	NOV, AO, show cause, fine	IPC, CA, ATT, BRD	\$100.00 to \$500.00
	Recurring	AO, show cause, fine, permit revocation, terminate service	IPC, CA, ATT, BRD	\$500.00 to \$1,000.00
Failure to mitigate noncompliance or halt discharge	Does not result in harm	NOV	IPC, CA	
	Does result in harm	NOV, AO, show cause, fine, recover cost of damages through user charge or civil action, criminal action	IPC, CA, ATT, BRD	\$500.00 to \$1,000.00
Failure to properly operate and maintain pretreatment facility	Does not result in harm	NOV	IPC, CA	
	Does result in harm	NOV, AO, show cause, fine, recover cost of damages through user charge or civil action, criminal action	IPC, CA, ATT, BRD	\$500.00 to \$1,000.00

(k) Fines. Fines will be levied in increasing increments of \$100.00 for each successive violation in the same category. For example, the first unauthorized discharge harming the environment would

have a fine of \$500.00. The second unauthorized discharge harming the environment would have a fine of \$600.00, etc. Once the fine has reached the upper limit, the fine would remain at the upper limit for each successive violation.

(l) Payment terms. All fines will be added to monthly utility bills.

(i) *Sec. 117-5-4 through Sec. 117-5-7 are changed to read.*

Sec. 117-5-4. - Determining wastewater user charges.

(a) Wastewater user charges shall be as established by resolution of the board. Wastewater user charges shall be billed and payable with the water bill.

(b) The city shall review the total cost of operation and maintenance on an annual basis and will revise the ~~costs~~ user charges as necessary to ensure equity of the user charge system established in this article and to ensure that sufficient funds are obtained to adequately operate and maintain the wastewater system.

(c) The following charges for the use of the wastewater facilities and the sanitary sewer system of the city are hereby established. Such charges shall be made against each lot, parcel of land, or premise that has a sewer connection to the sanitary sewer system in the city or that may otherwise discharge wastewater, either directly or indirectly, into the sanitary sewer system or any part:

(1) Wastewater service charge. The wastewater service charge for the use of and for service supplied by the sanitary sewer system and the wastewater facilities of the city shall consist of a user charge for operation and maintenance plus a replacement charge and a debt service charge.

(2) Wastewater treatment charge. The wastewater treatment charge shall be based on water usage as recorded by water meters and/or wastewater meters and shall be for treatment of wastewater having normal concentrations less than the following: Five-day 20-degree Centigrade BOD (230 mg/l) or SS (180 mg/l).

(3) High strength user charge. The high strength user charge shall replace the wastewater treatment charge for customers who discharge wastewater that exceeds the normal concentrations and shall be calculated at a rate commensurate with the cost of treatment. The rate shall be set as a multiple of the wastewater treatment charge computed to the nearest tenth of a unit. The rate may be established by measuring an individual user's discharge or by establishing a rate for a class of users.

(4) Industrial wastewater charge. In addition to the wastewater service charge and the wastewater treatment charge, those customers who are not being billed a high strength user charge and who discharge wastewater which exceeds the limitations stated in subsection (2) of this section, discharge wastewater that contains high concentrations of certain chemicals or discharge a high volume of wastewater to the system shall pay an additional fee. The charge will be based on water usage as recorded by water meters

and/or wastewater meters. An industrial wastewater charge will be levied to all users whose wastewaters:

- a. Exceed permissible pretreatment standards;
- c. Contain toxic chemicals or other substances that adversely affect the operation, maintenance or life of the wastewater treatment plant; or
- d. Produce a rate of flow that has a significant impact on the wastewater treatment plant.

~~Sec. 117-5-5. - Payment of the user's wastewater user charge; penalty.~~

~~The city will submit a monthly statement to the user for the wastewater user charge. The city shall add a penalty of 1.5 percent per month if the payment is not received by the city within 15 days. Should any user fail to pay the wastewater user charge and penalty within three months of the due date, the city may stop the water service to the property.~~

~~Sec. 117-5-6. - Replacement funds.~~

~~A replacement fund is established to obtain sufficient moneys to obtain or replace accessories and equipment during the useful life of the treatment works, which are necessary to maintain its design capacity and performance. All replacement funds shall be held in a separate account for that purpose. The annual replacement amount shall be \$9,000.00 for wastewater treatment and \$15,000.00 for collection, pumping and maintenance equipment.~~

~~Sec. 117-5-76. - Lawn and garden watering.~~

- (a) Residential users shall not be charged wastewater fees on water used for lawn and garden watering. The city shall determine the average residential wastewater volume contributed during the preceding winter months. The average volume contribution, so determined, shall be used during the lawn and garden watering months of May through September to determine the volume of wastewater to be charged for during this period.
- (b) Separately metered sprinkler systems shall not be charged wastewater fees.

(j) A new Chapter 119 is created.

Chapter 119 - SOLID WASTE SERVICES

(k) Article 6 of Chapter 117 is moved to new Chapter 119 and changed to read.

ARTICLE 16. - SOLID WASTE ADMINISTRATION

Sec. 119-16-1. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Collection service means the collection and disposal of garbage and rubbish, and/or the availability or use of any dump, sanitary landfill or disposal facility of the city.

Commercial area garbage means all accumulations of animal and vegetable refuse and offal, waste paper, paper containers, tin cans, bottles, and all other refuse that accumulates as a result of operating a restaurant, tavern, office, store or other business, commercial or industrial establishment, including any apartment buildings having four or more dwelling units.

Illicit discharge means any direct or indirect non-stormwater discharge to the storm drain system except water line flushing, landscape irrigation, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation and footing drain water, air conditioning condensation, irrigation water, springs, water from crawl space pumps, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, street wash water, dye testing, and flows from firefighting or other discharges specified by the city to protect public health and safety.

Mobile home, manufactured home, modular home, park model or trailer coach means a residential dwelling unit for the purposes of providing garbage and rubbish collection services and assessing charges for said services.

Refuse means all putrescible and non-putrescible solid wastes, except body wastes, including garbage, trash, rubbish, ashes, street cleanings, dead animals, abandoned vehicles, solid market and industrial wastes, inert wastes and any other discarded materials of every kind and character.

Residential area garbage means all accumulations of household waste matter, including dry sink refuse, meat, vegetable, and fruit residues, and all tin cans and bottles, but shall not include grass, shrubbery, tree branches, ashes or other similar wastes.

Rubbish means non-putrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as trash, refuse or debris, including, but not limited to, discarded furniture, appliances and other household goods, barrels, rags, cartons, boxes, paper, cardboard, tin cans, yard clippings, noxious weeds, pieces of wood or metal, glass, bedding, crockery and similar materials, and any other discarded materials of every kind and character, including junked or abandoned vehicles, equipment and machinery.

Sec. ~~1197-16~~-2. - Accumulation of refuse and rubbish prohibited.

No person shall cause, permit, keep, maintain or allow to accumulate in or about any yard, lot, place or premises; or upon the boulevard or berm abutting thereon; or upon any street, alley or sidewalk, adjacent to or abutting on any lot, block or place, or premises owned or occupied by him, or for which he may be an agent, within the city limits, any and all refuse or rubbish, nor suffer such yard, lot, place or premises to be or to remain in such condition. No person shall deposit or cause to be

deposited in or about any publicly owned property, or upon any street, alley or sidewalk adjacent to or abutting on any publicly owned property, within the city limits, any and all refuse or rubbish. It is declared a public nuisance for any yard, lot, place or premises; boulevard or berm; or street, alley or sidewalk to remain in such condition and any person or owner, occupant or agent of the yard, lot, place or premises violating the provisions of this section is guilty of an infraction.

Sec. ~~1197-16-3~~. - Refuse and rubbish in stormwater systems prohibited.

No person shall cause, permit, keep, maintain or allow to accumulate in or about any gutter, inlet, ditch, detention or retention pond, flume, Heart River, Missouri River, or any other part of a stormwater system, including those areas known as "the Dead Heart," any and all refuse or rubbish, including leaves, grass, and illicit discharge, nor suffer such systems or areas to be or to remain in such condition. No person shall deposit or cause to be deposited in or about any gutter, inlet, ditch, detention or retention pond, flume, Heart River, Missouri River, or any other part of a stormwater system, including those areas known as "the Dead Heart," any and all refuse or rubbish, including leaves, grass, and illicit discharge. It is declared a public nuisance for any of these areas to remain in such condition, and any person violating the provisions of this section is guilty of an infraction.

Sec. ~~1197-16-4~~. - Charges; collection.

- (a) The city shall charge such monthly service charges for providing such residential garbage and rubbish collection as may hereafter be adopted by resolution of the board of city commissioners.
- (b) The finance department of the city is designated as the collection agency and shall bill for and collect all charges for garbage collection provided for under the provisions of this article in the same manner as for water service.

Sec. ~~1197-16-5~~. - Recovery of nonpayment.

In the case that the service charges provided for by this article are not paid when due, such charges may be recovered by the city in an action at law against the owner or occupant of the premises served, or such charges may be assessed against the premises served and collected and returned in the same manner as other county and municipal taxes are assessed, certified, collected and returned.

Sec. ~~1197-16-6~~. - Supervision.

The collection, removal and disposal of residential garbage and rubbish under the provisions of this article shall be under the supervision, direction and control of the department director.

Sec. ~~1197-16-7~~. - Frequency.

All residential area garbage and rubbish shall be collected by the city or its authorized agents as frequently as is necessary to maintain and preserve the health of the community. Nothing in this article, however, shall require the collection of such garbage and rubbish when the streets and alleys of the city are in such condition as, in the opinion of the department director, renders such collection inadvisable or impractical. Failure to collect residential area garbage and rubbish during such times shall not relieve the owner or occupant of the premises from the payment of garbage and rubbish collection service fees.

Sec. ~~1197-16~~-8. - Refusal to accept service prohibited.

No person shall refuse to accept the residential area garbage and rubbish collection service provided for by this article, and the failure of any person to receive such service shall not exempt him from the payment of the service charges provided for, save those persons residing in an area in which no collection service is provided, and, in such cases, no service charges shall be made.

Sec. ~~1197-16~~-9. - Regulations governing residential area garbage collection.

- (a) Residential area garbage shall be deposited for pickup in durable garbage metal or plastic receptacles equipped with close-fitting covers of a capacity of not less than 15 gallons nor more than 35 gallons or in loose garbage bags secured in a cart or other receptacle that will prevent the garbage from being strewn about by animals or the wind. Each property owner or occupant shall furnish and store one or more garbage receptacles for disposal of garbage in a secure and unobtrusive location on the property. No earlier than 6:00 pm the night before pickup, the receptacle or receptacles shall be moved to a location within 15 feet of the alley abutting the premises, or, in case no alley abuts upon the premises, or in case the alley is not open, or is otherwise inaccessible, within 15 feet of the curb in front of the dwelling.
- (b) Wet residential area garbage shall be drained of excess water and shall be put in leak-proof containers before being deposited in garbage receptacles for pickup.
- (c) No rubbish shall be placed in any garbage receptacles kept for the deposit of residential area garbage.
- (d) Garbage receptacles shall be returned to their storage location no later than 10:00 pm on the day pickup was made.

Sec. ~~1197-16~~-10. - Regulations governing commercial area garbage collection.

All commercial area garbage shall be deposited in containers, provided for that purpose, by each owner or occupant of every commercial building or premises located within the city, the operation of which results in the accumulation of such garbage. Such garbage containers shall be stored in such a manner and have such a capacity and meet such construction standards as may be established by resolution of the board of city commissioners. Property owners who have lots with limited space may enter into a formal agreement with a neighboring property owner to share garbage containers.

Sec. ~~1197-16~~-11. - Hauling of garbage by private contractors.

No person shall haul or transport any garbage or rubbish for compensation or as a business without first having obtained a license to do so from the city.

Sec. ~~1197-16~~-12. - Hauling garbage from own premises.

Nothing in this article shall prevent any person from hauling the garbage or rubbish originating upon his own premises, provided that only that such garbage is transported in covered vehicles or containers. A covered vehicle or container shall be construed to mean that such vehicle or container

shall be fitted with a cover which shall eliminate positively any material falling from such vehicle or container while in transit.

Sec. ~~1197-16~~-13. - Recycling containers.

No person shall place, deposit or dump any material in a recycling or special use container other than the material that is indicated as allowable on the container. A recycling or special use container may include any publicly or privately owned container, dumpster or receptacle that is clearly signed or marked as being for the deposit of particular materials.

Sec. ~~1197-16~~-14. - Storage location.

Each commercial or industrial property owner shall provide a three sided or enclosed area to store the garbage containers. Should the lot not have sufficient space to provide such a facility, the property owner may enter into a formal agreement with a neighboring property owner for the storage of garbage containers.

Sec. ~~1197-16~~-15. - Penalty.

Failure to properly manage and secure garbage receptacles or containers is an infraction.

Sec. ~~1197-16~~-16. - Hauling of garbage by private contractors; required.

No person shall haul or transport any garbage or rubbish for compensation or as a business without first having obtained a license to do so from the city.

Sec. ~~1197-16~~-17. - Application; fee; term.

Application for said license shall be made on forms provided by the city to the city license officer and shall be accompanied by a fee for each vehicle used in the hauling or transportation of such garbage or rubbish, the amount of which shall be established from time to time by resolution of the board of city commissioners. Licenses issued under this article shall be issued on an annual basis and shall expire on December 31 of each year. No reduction in fee for such license shall be made by reason of its being issued for only a part of a year.

Sec. ~~1197-16~~-18. - Conditions of issuance.

No license shall be granted to any person unless the equipment used by such person in hauling or transporting garbage or rubbish shall meet the following requirements:

- (1) Trucks or other vehicles used for the hauling of garbage shall be equipped with bodies having watertight floors and watertight walls to a height of at least six inches above the floor level, and the joints between floor and walls of such body shall likewise be watertight.
- (2) The sides and tops of such truck bodies shall be of permanent construction, and the loading and unloading openings in such body shall be fitted with tight-fitting doors,

which doors shall remain closed except while garbage or rubbish is being loaded into or out of said trucks.

Sec. ~~1197-16~~-19. - Refuse disposal area open to residents.

The premises now or hereafter provided by the city as a city refuse disposal area shall be open and accessible for the use of the residents of the city during such hours as may be fixed by the officer of the city, authorized with the control and supervision of said refuse disposal area by the board of city commissioners, and under the terms and provisions of this article.

Sec. ~~1197-16~~-20. - Rules and regulations; authority.

- (a) Subject to the control and supervision of the officer of the city authorized by the board of city commissioners with the control and supervision of the city refuse disposal area, the city employee placed in charge of said city refuse disposal area shall have, and is vested with, full and complete authority to require persons offering to dump materials upon said grounds to comply with the provisions of this section.
- (b) The dumping of any refuse or other matter upon said ground, at any place or in any manner other than permitted in this article and in accordance with the orders of the city employee in charge of said grounds, shall constitute a violation of this article.
- (c) Persons offering to dump materials within the city refuse disposal area shall comply with the following provisions:
 - (1) Materials to be dumped shall be placed at such locations on said grounds as may be directed by the city employee placed in charge of said city refuse disposal area.
 - (2) No carcasses of dead animals, or any foul, odorous, offensive, nauseous or decomposed matter, or matter which if exposed to air would become foul, offensive, nauseous, unwholesome or decomposed shall be allowed.

Sec. ~~1197-16~~-21. - Entry after hours prohibited.

Entry by any person upon said premises during hours when entry thereon is prohibited and in violation of any notice as to hours posted at the entrance thereto shall constitute a trespass upon said refuse disposal area and a violation of this section.

Sec. ~~1197-16~~-22. - Removal of refuse from disposal area prohibited.

It is unlawful for any person to remove any refuse, garbage, material or matter of any kind from the city refuse disposal area without the written permission of the board of city commissioners.

(I) A new Article 6 is added to Chapter 117 to read.

ARTICLE 6. – STORMWATER MANAGEMENT

Sec. 117-6-1. – Creation of stormwater management assessment districts.

The city may create regional stormwater management assessment districts for the purpose of constructing regional stormwater management facilities and assessing all benefited properties.

Sec. 117-6-2. – Stormwater operation and maintenance charge.

All properties within the city shall pay a stormwater operation and maintenance charge. The charge shall pay for maintenance and operation of storm drainage facilities within public streets. Those properties within a designated stormwater management district shall also pay a regional stormwater facilities charge for operation and maintenance of regional stormwater management facilities. Stormwater operation and maintenance charges shall be set by resolution of the board of city commissioners and billed as are water use charges.

(m) A new Article 7 is added to Chapter 117 to read.

ARTICLE 7. - MISCELLANEOUS PROVISIONS

Sec. 117-7-1. – Scope of Chapter

- (a) All pertinent provisions of this chapter are made a part of the terms and conditions whereby the city shall furnish any utility service to any person; or whereby the city shall make utility connections, or perform any work of any kind in connection with the furnishing of any utility service pursuant to the rules and regulations of the board of city commissioners.
- (b) The board of city commissioners shall have the authority to establish by rule or regulation such standards and specifications as may be deemed necessary for the installation, construction and maintenance of any utility service system owned and operated by the city, within or without the city, and under the management of the city commissioners. Such rules, regulations, standards and specifications shall be filed in the office of city administrator or at any other location so designated by the administrator. Violation of such rules, regulations, standards and specifications shall be deemed a misdemeanor.
- (c) The board of city commissioners in order to provide funds to defray the cost of construction, maintenance and repair of any utility service of the city may, from time to time, by resolution, establish, maintain and change a schedule of rates, charges, surcharges and fees for all services, facilities, commodities and benefits furnished by any utility service, and may impose and collect monthly at the time and in the manner said board may provide.
- (d) In order to properly segregate funds and obligations of the city for purposes of accurate and proper accounting, the finance director may create sub-accounts within any fund account.

Sec. 117-7-2. – Property owner’s responsibility for public utility charges and fees

- (a) Implied contract for services. The owner or occupant of any property causing, permitting or using the connection to any of the city's utility systems or receiving utility services from the city by way of such act shall be presumed to have entered into a contract with the city for utility

service. Under the terms of the presumed contract, the owner or occupant of the premises shall pay for the utility service, properly maintain the service connections and permit entry by authorized city employees or agents of the city for the purpose of inspection, maintenance, repair or replacement of city owned utility system components.

(b) *Joint and several liability of owners and occupants.* The owner and occupant of each premises shall be jointly and severally liable for all charges and fees for utility services provided by the city during the period of their respective ownership or occupancy. In addition to any other remedy, all such charges and fees having been properly billed to the owner or occupant of any premises served and not paid, may be recovered by the city in a civil action in any court of competent jurisdiction against either the owner or the occupant, or both.

(1) All charges or fees for any utility service supplied, provided or furnished by the city shall constitute liens upon the respective lots, tracts, parcels of land and premises receiving such service. The city may take action to file a lien against the property for all such charges or fees which have been properly billed to the owner or occupant of the premises served and which are more than thirty days past due.

(2) All such charges or fees which have been properly billed to the owner or occupant of the premises served and which are more than thirty days past due on September 30th of each year shall be certified by the city to the county auditor between the first and tenth day of October of each year. The city, in so certifying such charges and fees, shall specify the amount thereof, the description of the premises served and the name of the owner thereof. The amount so certified shall be added by the county auditor to the tax rolls against such premises, collected by the county treasurer and paid to the city in the same manner and time as other county and municipal taxes are assessed, certified, collected and returned.

Sec. 117-7-3. – Provision of utility service -- Right to hearing.

(a) The city has the right to disconnect, refuse to connect or reconnect or refuse to provide any utility service for the following reasons:

(1) Failure to meet the applicable provisions of the law;

(2) Violation of the rules and regulations pertaining to utility service;

(3) Nonpayment of bills;

(4) Willful or negligent waste of service due to improper or imperfect pipes, fixtures, appliances or otherwise;

(5) Damaging or tampering with any city owned utility system component;

(6) Theft, diversion or use of service without payment;

(7) Vacancy of premises;

(8) Failure of occupant or owner of the property to permit entry of the premises to read, maintain, repair or replace the meter or associated equipment.

(9) Failure of the occupant or owner to pay an estimated bill when the city has been unable to gain access to the property to read, maintain, repair or replace the meter or associated equipment.

(b) The city shall provide written notice of utility service termination to the owner or customer at least five days in advance of disconnecting the service. The notice shall be sent by regular mail to the address shown on the city's billing receipts and shall include a statement that upon written demand filed with the city, the owner or customer has the right to a hearing before the board or its designate. Upon receipt of a written demand for hearing the city shall schedule a hearing as soon as is practicable. Following the hearing, the board or its designate may order that the utility service be terminated or make such other reasonable order as may be necessary or appropriate.

(c) Whenever utility service is disconnected pursuant to this section, a reasonable reconnect fee shall be paid by the owner or customer or successor in interest before reconnection.

Sec. 117-7-4. – Tampering prohibited – Penalty.

(a) No person shall tamper with, damage, injure, deface, remove, destroy or break any component of a city utility.

(b) A person violating the provisions of this section is guilty of an offense, if they cause a substantial interruption or impairment in the provision of a city utility service. The offense is a Class C felony if the actor engages in the conduct intentionally, and a Class A misdemeanor if the actor engages in the conduct knowingly or recklessly. Otherwise it is a Class B misdemeanor.

Sec. 117-7-5. – Sale of service by customer.

It is unlawful for any person to resell any utility service obtained from the city to others except by special arrangement authorized by the board of city commissioners.

Section 3. Effective Date. This ordinance shall take effect when adopted.

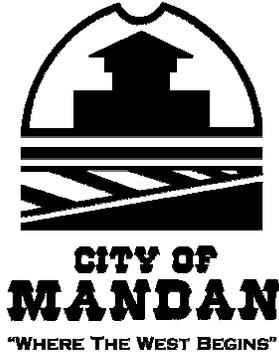
President, Board of City Commissioners

Attest:

City Administrator

First Consideration:

Second Consideration and Final Passage:



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 17, 2015
PREPARATION DATE: November 13, 2015
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Justin Froseth, Director Planning & Engineering
SUBJECT: Joint Meeting City Commission & Mandan Park Board

STATEMENT/PURPOSE: To provide an update on current and future projects that the City is working on.

BACKGROUND/ALTERNATIVES: The following areas of new development are listed below and on the attached map. As you will see the * and blue items have approved the 3-way agreement for water and sewer through commission, but not a Street Improvement District (SID). I am confident that these will be SID's next year as construction is active on them now. The others are developments that I speculate as possibly active next year. My best guess in order of most likely to least is;

- 1) Lakewood 8th*
- 2) Lakewood 9th*
- 3) Meadowlands*
- 4) West Hills 4th
- 5) 16th St. extension through park property
- 6) Plainview Heights 15th
- 7) Keidel's South Heart 4th

In addition the Old Red Trail reconstruction project is expected to begin the spring 2016 through the fall.

ATTACHMENTS:
FISCAL IMPACT:
STAFF IMPACT:
LEGAL REVIEW:
RECOMMENDATION:
SUGGESTED MOTION:

