

AGENDA
MANDAN CITY COMMISSION
NOVEMBER 1, 2016
ED "BOSH" FROEHLICH MEETING ROOM,
MANDAN CITY HALL
5:30 P.M.
www.cityofmandan.com

-
- A. ROLL CALL:
1. Roll call of all City Commissioners.
- B. APPROVAL OF AGENDA:
- C. MINUTES:
1. Consider approval of the following Board of City Commission meetings:
 - i. October 18, 2016 - Regular Meeting
 - ii. October 19, 2016 – Public Works Expansion presentation – quorum present
- D. PUBLIC HEARING:
- E. BIDS:
- F. CONSENT AGENDA:
1. Consider for approval Amendment No. 1 to the Engineering Service agreements with AE2S for the Emergency Generator Project.
 2. Consider approval of University of Mary Softball Team games of chance at Midway Lanes on November 19, 2016.
- G. OLD BUSINESS:
- H. NEW BUSINESS:
1. Acting as Board of Adjustment, consider variance request to allow construction of an accessory building in front of the principal building at 4008 Old Red Trail.
 2. Consider Change Order #3 for Lakewood 8th, Street Improvement District #202.
 3. Consider proposal for additional Engineering services for the Mandan Public Works Facility.
- I. RESOLUTIONS AND ORDINANCES:
1. First consideration of Ordinance 1253 amending and reenacting Sec. 105-1-2 (5) of the Mandan Code of Ordinances related to accessory buildings.
 2. Consider resolution reducing fee for variance request at 4008 Old Red Trail

*Agenda
Mandan City Commission
November 1, 2016
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3. Consider Second Consideration and Final Passage of Ordinance 1252 amending and reenacting Section 20-7-15 of the Code of Ordinances of the City of Mandan relating to group health insurance.
- J. OTHER BUSINESS:
- K. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:
1. November 15, 2016 (4 p.m. Service Awards)
 2. December 6, 2016
 3. December 20, 2016
- L. ADJOURN

Departmental planning meeting will be held the Monday prior to the Commission meeting, all Commissioners are invited, noon, Veterans' Conference Room. Please notify the city administrator by 8:30 a.m. that Monday if you plan on attending. If more than two commissioners plan on attending, proper public notice must be given.

The Mandan City Commission met in regular session at 5:30 p.m. on October 18, 2016 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Helbling, Rohr, Braun, Davis, and Laber. Department Heads present were Finance Director Welch, Police Chief Ziegler, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Planning & Engineering Director Froseth, Principal Planner Decker, Assessor Shaw, and Building Official Lalim. Absent: Business Development and Communications Director Huber

B. APPROVAL OF AGENDA:

C. MINUTES:

1. *Consider for approval of the minutes from the October 4, 2016 regular City Commission meeting.* Commissioner Laber moved to approve the minutes as presented. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

D. PUBLIC HEARING:

E. BIDS:

F. CONSENT AGENDA

1. *Consider approval of the monthly bills.*
2. *Consider closing Administrative offices day after Thanksgiving.*
3. *Consider approval of minor plat for Sylvester’s Industrial Park 9th Addition.*
4. *Consider approval of Out of State Travel for International Code Council training Classes – Joe Camisa (Code Enforcement Officer) & Steve Roe (Building and Plumbing Inspector).*
5. *Consider for approval the special assessments for Weed Cutting of 2016, Sidewalks of 2016, and Health & Safety of 2016.*
6. *Consider for approval the assessment of Delinquent Utility Billing Accounts for 2016.*
7. *Consider approval of new Class F Restaurant Liquor License for Taylor Made BBQ, LLC for Nov. 1, 2016 – June 30, 2016.*
8. *Consider for approval the assessment of Delinquent Alarm System Accounts for 2016.*
9. *Consider proclaiming Nov. 26 as Small Business Saturday in Mandan.*
10. *For information item. Change orders for Street Improvement District No. 202, Project 2015-13 (Lakewood 8th Addition).*

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

G. OLD BUSINESS:

H. NEW BUSINESS:

1. *Consider Amendment to agreement with KLJ for an increase in Construction*

Engineering Services. Planning and Engineering Director Froseth presented a request to approve an Engineering Services Agreement with KLJ for the Old Red Trail reconstruction. The project has extended beyond the interim completion date of 8/24/16, (of the completion of the roadway up to 37th Avenue Northwest), and is now beyond its completion date of 10/15/16. Because of the delay, more construction engineering for project inspection and management is needed than was anticipated at the start of the project. He explained that liquidated damages will be assessed to the contractor when they do not meet contractual deadlines. The City will only be billed based on KLJ's fees and hours worked on the project and the amount paid is capped at the estimate unless another amendment is agreed to. Director Froseth recommended approval of the amended Engineering Services Agreement with KLJ for Old Red Trail reconstruction.

Jim Jackson, the KLJ project manager for the Old Red Trail project came forward to provide additional information as to why the agreement is being requested. He concurred with the information provided by Director Froseth. He said the actual final completion date is 7/15/17 noting there were two interim completion dates of 8/24/16 and 10/15/16. The contractor did not meet the first completion date which was finally completed on 10/7/16. The second interim substantial completion date of 10/15/16 has not been met. The only items that do not need to be completed until next July are the seal coat on the asphalt, the trees, the seeding and the permanent erosion control. There are 45 days of liquidated damages at \$2,100 per day which comes out to approximately \$90,000. That amount will get withheld from the contract when it comes time to pay the contractor. A meeting was held today with the contractor at their weekly meeting. These meetings are being held in order for the contractor to submit a schedule of the outlook of what they anticipate. Today, they showed a 2-week ahead of schedule wherein they are proposing to have the full roadway paved throughout the whole project and opened up to through traffic by October 31, 2016. They propose the trail will be paved by that time and the lighting should be completed after those items are in place. He explained the baseline schedule showed completion of the project by September 5, 2016. As the weekly meetings were occurring it was apparent that they were not meeting the timeline of completion. So, because of that happening, a more frequent schedule was requested from them. They further condensed the project, and in July it was obvious the project would not be completed in a timely manner. The only consequence was to enforce the liquidated damages.

This is a federally funded project which requires a representative of the owner of the project (City of Mandan) to be on site fulltime. He explained that funds are required to be held back in projects such as these. He believes that due to the amounts being held, the contractor will complete the project. It also affects the contractor from bidding on future Department of Transportation (DOT) work if there are issues for completing the project and closing it out. The liquidation of damages is determined by the DOT, set forth in the spec book. The contractor has submitted three NOI (notice of intents) all related to weather delays. But they have been quickly denied by KLJ and DOT. When a contractor signs a contract, the spec book becomes a part of that contract on these projects. In the spec book, it clearly states that for the completion date contracts, there will be no forgiveness for weather delays. One of the main purposes of the liquidated damages is to compensate for the additional engineering that is required when a contractor does not meet the deadlines. Thus as far as the City of Mandan (residents) gaining a benefit, that benefit would be that the additional engineering costs should be covered.

Commissioner Davis questioned whether there were any factors other than the weather problems

that contributed to the completion of the project. Mr. Jackson stated that possibly the (slow) production of the project may have attributed to the delays and possibly not bringing in additional staffing to assist in completing the work. There was only one week that the contractor brought in an extra crew, which is an indication they were aware they were not meeting the completion deadline date. He clarified that this is based on an hourly project fee, so if the contractor becomes more efficient and the project is closed out sooner than anticipated it will cost the City less money.

Commissioner Laber moved to approve the amended Engineering Services Agreement with KLJ for Old Red Trail reconstruction. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

I. RESOLUTIONS AND ORDINANCES:

1. *First consideration of Ordinance 1252 amending and reenacting Section 20-7-15 of the Code of Ordinances of the City of Mandan relating to group health insurance.* City Administrator Neubauer stated that during the recodification there were some revisions that were made that are in need of correction in order to restore code as it existed prior to the municode revisions. He explained that this is a technical correction to the ordinance. One of those changes was to modify the percentages of family health insurance that the City would pay based on length of service. The chart is being adjusted to reflect the previous ordinance. City Attorney Brown clarified that this Amendment reverts the health insurance policy back to “the way that it has always been”. The deductions from the employees have not changed. These Ordinances can be amended at any time by the City Commission. The omissions occurred sometime in 2003, and this amendment puts the code back to the way it was previously. Commissioner Laber questioned why health insurance is paid for a month after employee separation. Administrator Neubauer commented that it is his understanding that in 2003, the City went from its own Blue Cross Blue Shield self-insurance plan to joining PERS and this version may have been a requirement of the PERS plan. Commissioner Laber requested Administrator Neubauer check that out and provide further explanation.

Commissioner Laber moved to approve the First consideration of Ordinance 1252 amending and reenacting Section 20-7-15 of the Code of Ordinances of the City of Mandan relating to group health insurance. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

J. OTHER BUSINESS:

1. Commissioner Davis provided his viewpoint of the situations occurring with the DPL protest going on. He offered encouragement and peacefulness until the matter is resolved. He extended a thank you to law enforcement for their work in keeping all residents involved safe. Mayor Helbling stated that law enforcement have the rights to set up road blocks, but only when there is a concern for safety of our residents. He extended a thank you to Commissioner Davis, the Police Department and all the other resources for their ongoing efforts to keep the situation under control over the last several weeks.

L. ADJOURNMENT:

There being no further actions to come before the Board of City Commissioners, Commissioner Braun moved to adjourn the meeting at 6:00 p.m. Commissioner Laber seconded the motion. The motion received unanimous approval of the members present. The motion passed.

James Neubauer
City Administrator

Tim Helbling
President, Board of City Commissioners

The Mandan City Commission had a quorum for a Public Works Expansion meeting at 8:00 a.m. on October 19, 2016 in the Veterans’ Conference Room at Mandan City Hall, 205 2nd Ave NW, Mandan, ND. Commissioners present were Helbling, Rohr and Laber. City Department Heads present were Director of Public Works Wright, Finance Director Welch, and City Administrator Neubauer. Also in attendance representing EPIC Engineering was Todd Drennen, Fil Askerlund.

NEW BUSINESS:

1. *Presentation by EPIC Engineering regarding the Public Works expansion.*
Commissioners present received an update on the expansion for Public Works and discussion was held regarding the cold storage building, mechanic’s shop, salt sand storage area, storm water retention ponds and administrative areas. EPIC will look into moving the proposed mechanic’s area to the existing utility maintenance shop area and potential addition for administrative offices on to the south side of the existing utility maintenance shop area. EPIC will provide cost estimate for the addition work to accomplish this for commission consideration.

ADJOURN

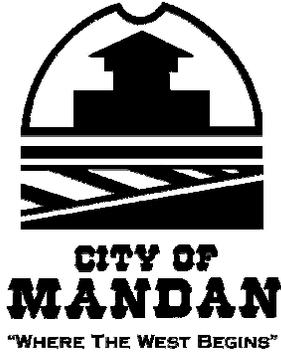
Meeting was adjourned at approximately 9:45 a.m.

/s/ James Neubauer

James Neubauer,
City Administrator

/s/ Tim Helbling

Tim Helbling
President, Board of City
Commissioners



Consent No. 1

Board of City Commissioners

Agenda Documentation

MEETING DATE: November 1, 2016
PREPARATION DATE: October 27, 2016
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Jeff Wright
PRESENTER: Jeff Wright, Public Works Director
SUBJECT: Consider for approval Amendment No. 1 to the Engineering Service agreements with AE2S for the Emergency Generator Project.

STATEMENT/PURPOSE: Approve amendment No. 1 to the existing agreement with AE2S for the Emergency Generator Project.

BACKGROUND/ALTERNATIVES: The proposed amendment adds \$20,000 to the Construction Engineering services to cover additional costs incurred due to project delays and additional shop drawing reviews. The substantial completion date for the project was September 30, 2016, liquidated damages are \$500/day and have totaled \$10,000 for this phase. The original final completion was September 1, 2016, which has already been extended to October 28, 2016, they will not make this deadline either, so additional liquidated damages will start for the final completion as well. The generator has been fired up and some training has been taking place, but there are several items still remaining before final completion.

Additional shop drawing review, as per Section 01300, Paragraph 1.07.G. states the contractor shall reimburse the Owner for the charges of Engineer for review of additional resubmissions of shop drawings. AE2S has completed 6 separate reviews of shop drawings and there are still open shop drawing comments to be addressed, they estimate these costs to be \$10,000.

The Contractor has been put on notice of these costs and are attached to this document. This is an estimated cost from AE2S and they would be billing by the hour not to exceed this amount.

ATTACHMENTS: Amendment No. 1, emails from Engineer to Contractor, Request letter from AE2S.

FISCAL IMPACT: Zero change in funded project, the increase in Construction Engineering costs would be offset by the liquidated damages imposed on the contractor.

STAFF IMPACT: N/A

LEGAL REVIEW: Attorney Brown has reviewed documentation

Board of City Commissioners

Agenda Documentation

Meeting Date: November 1, 2016

Subject: Consider for approval Amendment No. 1 to the Engineering Service agreement with AE2S for the Emergency Generator Project.

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RECOMMENDATION: I recommend approval of Amendment No. 1 to the Agreement for professional services with AE2S for the Emergency Generator Project.

SUGGESTED MOTION: Move to approve Amendment No. 1 to the Agreement for professional services with AE2S for the Emergency Generator Project.



October 20, 2016

Mr. Jeff Wright
Public Works Department
City of Mandan
205 2nd Avenue NW
Mandan, ND 58554

**Re: Mandan South Side Pump Station Emergency Generator Project
City Project No. 2015-21
Request for Authorization of Additional Services**

Dear Jeff:

The purpose of this letter is to request authorization for additional services to support ongoing construction phase services to complete the Emergency Generator Project. As previously discussed, there are anticipated and actual additional services consisting of the following:

1. Construction Phase Services extending beyond the completion dates.
 - a. The original final completion date was September 1, 2016. We have already extended this to October 28th and tried to manage efforts within the current budget.
 - b. Generator startup should be completed by the end of this week but there are several items still remaining before Final Completion. Additional effort will be required for continued construction administration and construction observation as a result.
 - c. As of October 7th, we have expended 88% of our construction budget with the remaining balance likely used by the end of October. Note that this does not include the additional services listed below in Item #2 and as shown in the attached invoice.
 - d. Liquidated damages are intended to cover any financial loss to the City and are set at \$500 per day beyond contract dates (Substantial and Final Completion).
 - i. Substantial Completion currently 20 days beyond or \$10,000.
2. Additional Shop Drawing Review
 - a. We have completed six separate reviews of the generator submittal along with several phone calls and meetings with the supplier/contractor to review comments. We have not billed the City for this additional review time which started accumulating after the 2nd review.
 - b. In accordance with Section 01300, Paragraph 1.07.G, if more than one resubmission is required because of failure of Contractor to provide all previously requested corrected data or additional information or a resubmittal of an item resulting from a different supplier or manufacturer, Contractor shall reimburse Owner for the charges of Engineer for review of the additional resubmissions.
 - c. The attached invoice in the amount of \$8,422 represents these additional services through September 30th. There are still open shop drawing comments to be addressed and subsequent review time will be tracked as additional services (expected to total \$10,000 before these are complete).

Advanced Engineering and Environmental Services, Inc.

1815 Schafer Street Suite 301 • Bismarck, ND 58501 • (t) 701-221-0530 • (f) 701-221-0531

Board of City Commissioners

Agenda Documentation

Meeting Date: November 1, 2016

Subject: Consider for approval Amendment No. 1 to the Engineering Service agreement with AE2S for the Emergency Generator Project.

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Mr. Jeff Wright
Public Work Department – City of Mandan
Re: Request for Authorization of Additional Services
October 20, 2016
Page 2 of 2

We have been coordinating these issues with you and the Contractor over the past few months and wanted to formalize since construction phase services will need to be extended to provide continued support. Attached is an amendment to our Engineering Services Agreement for your review. We anticipate a total amendment amount of \$20,000 to cover additional administrative and inspection work along with additional shop drawing review time already provided and still required. These will continue to be billed on an hourly basis.

We sincerely appreciate the opportunity to provide professional engineering services to the City of Mandan, and look forward to working with you and the entire City staff on completing this and other important projects. Should you have any questions, comments, or concerns, please do not hesitate to contact us.

Submitted in Service,

AE2S



Laith D. Hintz, PE
Project Manager

Enclosure: Engineering Services Amendment #1
AE2S Invoice #50298

C: Justin Froseth PE, City of Mandan
Thomas Wolf, Skeels Electric



**AMENDMENT NO. 1
TO
AGREEMENT BETWEEN OWNER AND
ENGINEER FOR PROFESSIONAL SERVICES
DATED
November 1, 2016**

This Amendment No. 1 is effective as of November 1, 2016 ("Effective Date") between City of Mandan, 205 2nd Avenue NW, Mandan, ND 58554-3125 ("OWNER") and Advanced Engineering and Environmental Services, Inc., 1815 Schafer Street, Suite 301, Bismarck, ND 58501 ("ENGINEER").

The document amends the Agreement between Owner and Engineer for Professional Services (the Agreement) dated September 15, 2015 for:

Mandan South Side Pump Station – Emergency Generator Project (Project).

All provisions not amended remain in full effect.

OWNER and ENGINEER, in consideration of their mutual covenants as set forth herein, agree to amend the following portions of the Agreement:

1. Exhibit C:

- a. Replace Paragraph C4.01-A-3 with the following:

"3. The total compensation for services under paragraph C4.01 is estimated to be \$71,500.00 based on the following assumed distribution of compensation:

a. Construction Engineering	\$	41,500.00
b. Construction Engineering (additional services)	\$	20,000.00
c. Funding Assistance	\$	10,000.00

*Added this Amendment

2. Exhibit E:

Add the following major elements to the Project Description

PHASE 090 – ADDITIONAL SERVICES

Additional Services are comprised of the primary tasks identified below:

1. Providing Construction Phase services beyond the Construction Contract completion dates.
 - a. Original Final Completion September 1, 2016.
 - b. Current Final Completion October 28, 2016.
2. Additional services during construction due to Contractor
 - a. Additional shop drawing review time in accordance with Section 01300, Paragraph 1.07.G:
 - i. "If more than one resubmission is required because of failure of Contractor to provide all previously requested corrected data or additional information or a resubmittal of an item resulting from a different supplier or manufacturer, Contractor shall reimburse Owner for the charges of Engineer for review of the additional resubmissions. This does not include initial submittal data such as shop tests and field tests which are submitted after initial submittal."
 - ii. Multiple resubmittals and meetings to review comments with Contractor.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 1, 2016

Subject: Consider for approval Amendment No. 1 to the Engineering Service agreement with AE2S for the Emergency Generator Project.

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IN WITNESS WHEREOF, the parties hereto have executed this Amendment, the Effective Date of which is indicated on page 1.

OWNER:

By: Mayor Tim Helbling

Title: President of Board of City Commissioners

Date Signed: _____

ENGINEER:



By: Lisa Ansley, PE

Title: Operations Manager

Date Signed: 10/26/16

ATTEST: _____

Name: Jim Neubauer

Title: City Administrator

ATTEST: _____

Name: Kenneth Weber, PE

Title: Senior Project Manager

Address for giving notices:

City of Mandan

205 2nd Avenue NW

Mandan, ND 58544-3125

Address for giving notices:

Advanced Engineering and Environmental Services, Inc.

1815 Schafer Street, Suite 301

Bismarck, ND 58501

Designated Representative (paragraph 6.02.A):

Jeffrey Wright

Title: Public Works Director

Phone Number: (701) 667-3240

Facsimile Number: (701) 667-3203

E-Mail Address: jwright@cityofmandan.com

Designated Representative (paragraph 6.02.A):

Laith D. Hintz, PE

Title: Project Engineer

Phone Number: (701) 221-0530

Facsimile Number: (701) 221-0531

E-Mail Address: Laith.Hintz@ae2s.com

Board of City Commissioners

Agenda Documentation

Meeting Date: November 1, 2016

Subject: Consider for approval Amendment No. 1 to the Engineering Service agreement with AE2S for the Emergency Generator Project.

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From: Laith Hintz

Sent: Friday, August 05, 2016 9:46 AM

To: 'Thomas Jr Wolf' <Thomas@skeelselectric.com>

Cc: Alec Bry <Alec.Bry@AE2S.com>

Subject: Mandan Generator - Charges for review of additional shop drawing resubmissions

Thomas,

Be advised that we have additional time and charges in the amount of \$7,993.75 for review of subsequent generator shop drawings for the Mandan South Side Pump Station Emergency Generator Project. We plan to incorporate this as part of the upcoming change order adjusting contract times in accordance with Specification Section 01300, Paragraph 1.07.G.

- SD 003
 - Received 3/18/16
 - Returned Revise and Resubmit 3/23/16.
- SD 003A
 - Received 4/1/16
 - 4/14/16 Conference Call
 - Skeels – Thomas
 - RDO – Landon, Rino
 - AE2S – Kody, Damon, Laith
 - Discussed original comments not addressed and need to revise and resubmit.
 - Returned Revise and Resubmit 4/21/16.
- SD 003B
 - Received 4/21/16
 - Returned Approved as Noted and Partial Resubmittal Required 4/27/16.
- SD 003C (wiring diagram only)
 - Received 4/21/16
 - Returned Revise and Resubmit 4/29/16
- SD 003D
 - Received 5/2/16
 - Returned Revise and Resubmit 5/9/16.
- SD 003E
 - Received 6/6/16
 - Returned Approved as Noted 6/17/16.
- SD 003E1
 - Received 6/20/16
 - Returned Approved 6/20/16.
- Additional meetings specifically to coordinate and review shop drawing comments.
 - 4/22/16
 - AE2S – Kody
 - RDO – Landon.
 - 4/26/16
 - Skeels – Thomas
 - RDO – Landon, Rino
 - AE2S – Kody, Damon, Laith

Board of City Commissioners

Agenda Documentation

Meeting Date: November 1, 2016

Subject: Consider for approval Amendment No. 1 to the Engineering Service agreement with AE2S for the Emergency Generator Project.

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From: Laith Hintz

Sent: Tuesday, October 04, 2016 11:07 AM

To: 'Thomas Jr Wolf' <Thomas@skeelselectric.com>

Cc: Alec Bry <Alec.Bry@AE2S.com>; Jeff Wright <jwright@cityofmandan.com>; Justin Froseth <jfroseth@cityofmandan.com>; Duane Friesz <mandanwtp@midconetwork.com>

Subject: Mandan Emergency Generator - Skeels Substantial Completion Date

Thomas,

Just a reminder that the substantial completion date to have the generator online was September 30, 2016. Note that liquidated damages may be applied in the amount of \$500/day for each day beyond this completion date in accordance with the agreement.

I understand you have a crew onsite working but need to make completion of this a priority.

Please provide:

- A schedule through completion of the project so we can coordinate with the City and our I&C tech. Note that City staff will generally be out October 11, 12, 13 for a conference.
- Address open shop drawing items for generator and ATS. Includes service platform.

Let me know if you have any questions or would like to discuss.

Laith Hintz, PE (ND, SD)

Project Engineer

**Advanced Engineering and
Environmental Services, Inc. (AE2S)**

1815 Schafer St., Suite 301

Bismarck, ND 58501

Laith.Hintz@AE2S.com

www.ae2s.com

Voice: 701.221.0530

Fax: 701.221.0531



LOCAL PERMIT OR CHARITY LOCAL PERMIT
 NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 17928 (10/2012)

Consent No. 2

Type: Local Permit * Charity Local Permit

Permit Number
 2016-56

Name of Organization University Of Mary Softball Team		Date(s) Authorized (Read instruction 2)		
Contact Person Kerry Shaw	Business Phone Number	11/19/2016 Beginning	to	11/19/2016 Ending
Mailing Address 7500 University Dr	City Bismarck	State ND	Zip Code 58504-0000	
Site Name Midway Lanes	Site Address 3327 Memorial Hwy			
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 10/20/2016	Signature of <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor	Printed Name of City or County Auditor Patrick B Haug		Auditor Telephone Number (701) 667-3250

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

cut along this line

INFORMATION REQUIRED TO BE PREPRINTED ON A STANDARD RAFFLE TICKET:

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



APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT
 OFFICE OF ATTORNEY GENERAL
 SFN 9338 (08/2016)

Rec
10-12-16

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

Name of Non-profit Organization University Of Mary Softball Team		Date(s) of Activity 11/19/2016 to 11/19/2016		For a raffle, provide drawing date(s): 11-19-16	
Person Responsible for the Gaming Operation and Disbursement of Net Income Kerry Shaw		Title Head Coach		Business Phone Number	
Business Address 7500 University Dr		City Bismarck		State ND	Zip Code 58504-0000
Mailing Address (if different)		City		State	Zip Code
Name of Site Where Game(s) will be Conducted Midway Lanes		Site Address 3327 Memorial Hwy			
City Mandan		State ND	Zip Code 58554-0000	County Morton	
Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.					
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Raffle Board <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker * <input type="checkbox"/> Twenty-one * <input type="checkbox"/> Paddlewheels *					

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize	Game Type	Description of Prize	Retail Value of Prize
Raffle	Gift Baskets	\$1,000.00			
Total:					(Limit \$12,000 per year) \$ 1,000.00

Intended uses of gaming proceeds: Raise money to support the UMary Softball team in their travels

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

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

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

Signature of Organization's Top Executive Official <i>Kerry Shaw</i>	Date 10/12/2016	Title Director Of Development	Business Phone Number
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Board of City Commissioners

Agenda Documentation

MEETING DATE: November 1, 2016
PREPARATION DATE: October 28, 2016
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Robert Decker, P.E., Principal Planner
SUBJECT: Acting as Board of Adjustment, consider variance request to allow construction of an accessory building in front of the principal building at 4008 Old Red Trail.

STATEMENT/PURPOSE:

The request is to allow a shed to be located closer to the road than the primary structure on the lot.

BACKGROUND/ALTERNATIVES:

The code specifies that accessory buildings be located to the rear of the primary structure.

Sec. 105-1-2. - Supplementary provisions.

(5) *Accessory buildings.*

a. *Location.*

2. *In R7, R3.2, RH and RMH residential districts, accessory buildings shall be located in the rear yard and shall be not less than three feet from a rear or side lot line or less than five feet from an alley line. In the case of a corner lot, accessory buildings, other than a detached garage, shall be located along the rear half of the adjoining residential lot's side lot line. A detached garage on a corner lot must be set back 25 feet from the side street property line or a distance equal to the setback of the principal building on the adjoining residential lot, whichever distance is greater.*

ATTACHMENTS:

1. Letter from applicant
2. Application
3. Property pictures
4. Picture of proposed shed
5. Location sketch
6. Aerial photos

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION:

Section 105-1-12 of the city code provides criteria for granting a variance.

(1) *Variances.*

- a. *On appeal from an order, requirement, decision or determination made by an administrative official, the board of adjustment may vary or adjust the strict application of any of the requirements of this chapter in the case of an exceptionally irregular, narrow, shallow or steep lot or other exceptional physical or topographical condition, by reason of which the strict application of the provisions of the chapter would result in unnecessary hardship that would deprive the owner of a reasonable use of the land or building involved, but in no other case.*
- b. *No adjustment in the strict application of any provisions of this chapter shall be granted by the board of adjustment unless it finds that:*
 1. *There are special circumstances or conditions, fully described in the findings of the board, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building, and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant taken subsequent to the adoption of this chapter, whether in violation of the provisions of the chapter, or not;*
 2. *For reasons fully set forth in the findings of the board, the circumstances or conditions so found are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of said land or building, and the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the board is the minimum variance that will accomplish the relief sought by the applicant;*
 3. *The grant of the variance will be in harmony with the general purposes and intent of this chapter, and not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

This lot is zoned R7.

There are 12 houses located along the east side of Old Red Trail between 37th St. NW and Highland Rd. NW. Only one other house sits farther off the road than this one. The garage for this house is approximately 156 from the curb. The house is behind the garage. The neighboring house is approximately 100 feet from the curb.

The land drops away behind the houses.

There is a small shed already on the property that is closer to the road than the neighboring house and only about 10 feet from the property line.

The location of the proposed shed is approximately 55 feet from the side property line and approximately 120 feet from the curb line.

The location of the proposed shed was selected to avoid most of the numerous trees in the side yard and to place the shed close to the driveway.

The Planning and Zoning Commission discussed this at their October 24, 2016 meeting.

Commissioner Laber visited the site and spoke with the applicant.

A recommendation was made to change the code so this type of action would be allowed without requiring a variance.

FINDINGS:

1. There are special conditions applying to the land or buildings for which the variance is sought. The rear of the lot has a significant slope that prevents location of an accessory building.
2. The strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land. The primary structure is located well back on the lot. This limits the area of the lot that is behind the primary structure for location of accessory structures as specified in the code. There is ample area to the side of the primary structure for location of accessory structures.
3. Granting of the variance is necessary for the reasonable use of the land. The percentage of the lot that will be covered by buildings is substantially less than what the code allows. The building coverage is about 5% when the allowance is 30%.
4. Granting of the variance as requested is the minimum variance that will accomplish the relief sought by the applicant.
5. Granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The Planning and Zoning Commission voted 7 to 2 to recommend approval of the variance and to recommend that the \$400 application fee be waived. The indication was that the 2 negative votes were for waiving the fee.

SUGGESTED ACTION:

Move to approve variance request for 4008 Old Red Trail to allow construction of an accessory building in front of the primary structure.

October 6, 2016

RE: Variance

To Whom it May Concern:

We recently moved to 4008 Old Red Trail NW. As we are settling in, we are discovering that we are in need of more storage space that is easily accessible. It is our desire to move a pre-built storage shed onto the property.

Our property consists of 1.9 acres, and, as with most people, it would be ideal to locate the shed in the back yard. However, as you can see by the enclosed photos, our back yard consists of a relatively steep slope. Placing a shed in this location just would not be feasible.

Our property is ideal to place a shed on another location. Our house is located toward the back of the property with a large circular driveway leading to it. On the south side of the property is another space that is 88 feet wide and 156 feet deep. It is on this side yard that we are hoping to place the shed. We have enclosed two photos of the side yard indicating the space where we would like to locate the shed. It is our intent to place it at the back of this space so it does not sit closer to the front curb than our neighbor's house.

We have enclosed the brochure that shows the shed we are hoping to purchase. It is the Side Lofted Barn, and we are hoping to purchase one that measures 12 feet by 20 feet.

We have also enclosed a drawing of the space, indicated the measurements of the space indicated.

We truly appreciate the city's enforcement of the zoning restriction. However, we also believe that the layout of our property provides for a special circumstance where we could request a variance from these restrictions.

We hope that with the photos, brochure, and drawing that we have enclosed, we have provided you with enough evidence to lead you to agree to grant us this variance.

Thank you very much for your time and consideration.



Tim and Janice Kubik

CITY OF MANDAN	
Development Review Application	
Minor Plat (\$100)	Zone Change (\$500)
Preliminary Plat up to 20 acres (\$200)	Zone Change with Final Plat (\$100)
Preliminary Plat more than 20 acres (\$300)	Vacation (\$400)
Final Plat up to 20 lots (\$200)	Variance (\$400)
Final Plat 21 to 40 lots (\$425)	Special Use Permit (\$400)
Final Plat more than 40 lots (\$650)	Stormwater submittal (\$150)
Annexation (\$400)	Stormwater 2 nd & subsequent resubmittal (\$50)
Annexation with Final Plat (\$100)	Construction plans per plan & profile sheet (\$25)
Summary of Request	
MOVING 12 X 20 Sited IN	

Engineer/Surveyor			Property Owner or Applicant		
Name			Name <i>Timothy AND JAMIE KUBIK</i>		
Address			Address <i>4008 OLD Red Trail N.W.</i>		
City	State	Zip	City	State	Zip
			<i>MANDAN</i>	<i>N.D</i>	<i>58554</i>
email			email <i>timk@associatedpoolbuilders.com</i>		
Phone	Fax		Phone	Fax	
			<i>220-9083</i>	<i>224-9729</i>	
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name
City	ETA	New	Addition			
Property Address				Legal Description		
Current Use						
Proposed Use						
				Section	Township	Range
Parcel Size	Building Footprint	Stories	Building SF	Required Parking		Provided Parking

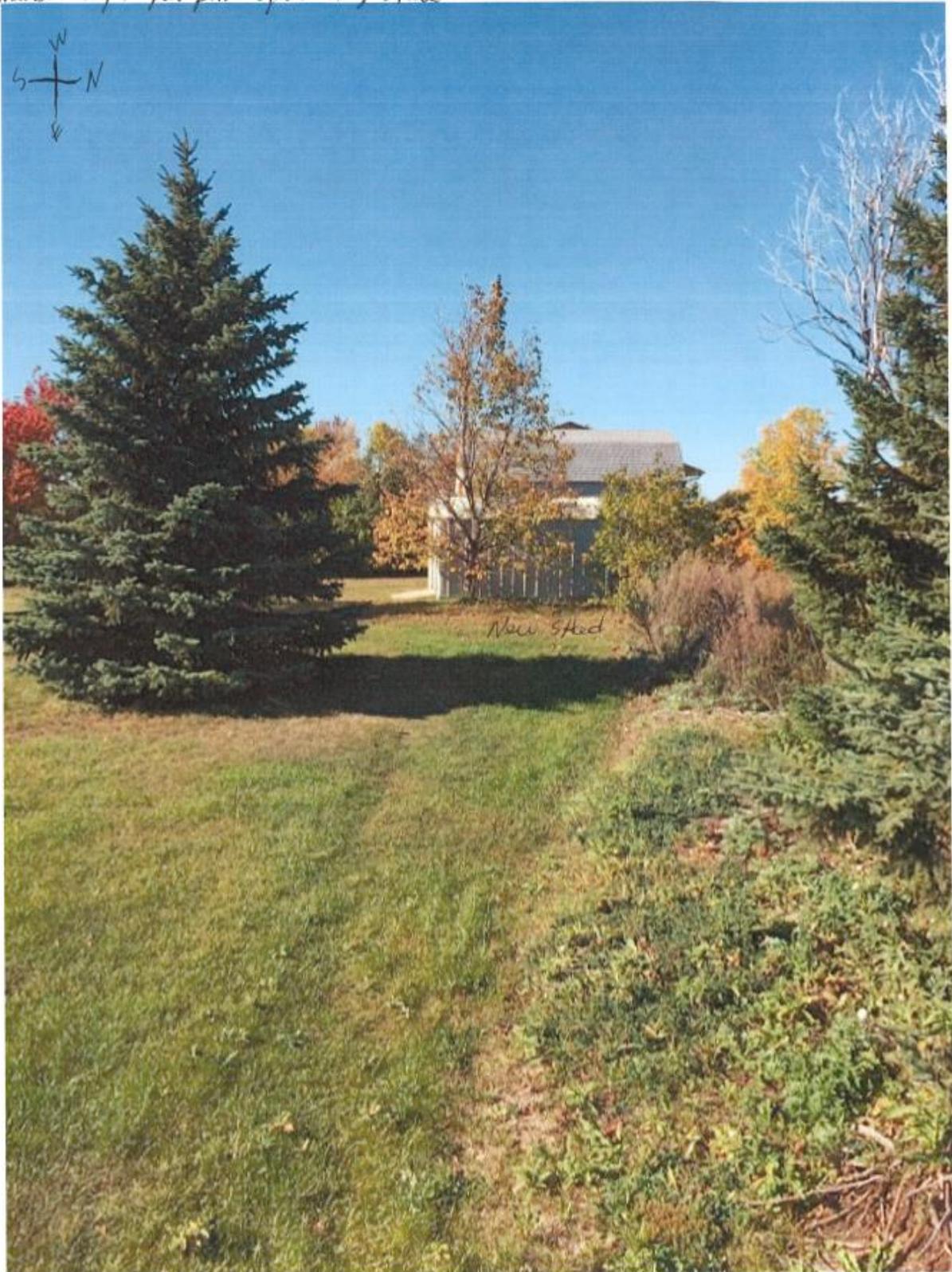
Print Name	Signature	Date
<i>Timothy A Kubik</i>	<i>Timothy A Kubik</i>	<i>10-07-16</i>

Office Use Only				
Date Received:	Initials:	Fees Paid: \$	Date	
Notice in paper		Mailed to neighbors		P&Z meeting
Approved	Approved with conditions:			
Denied				

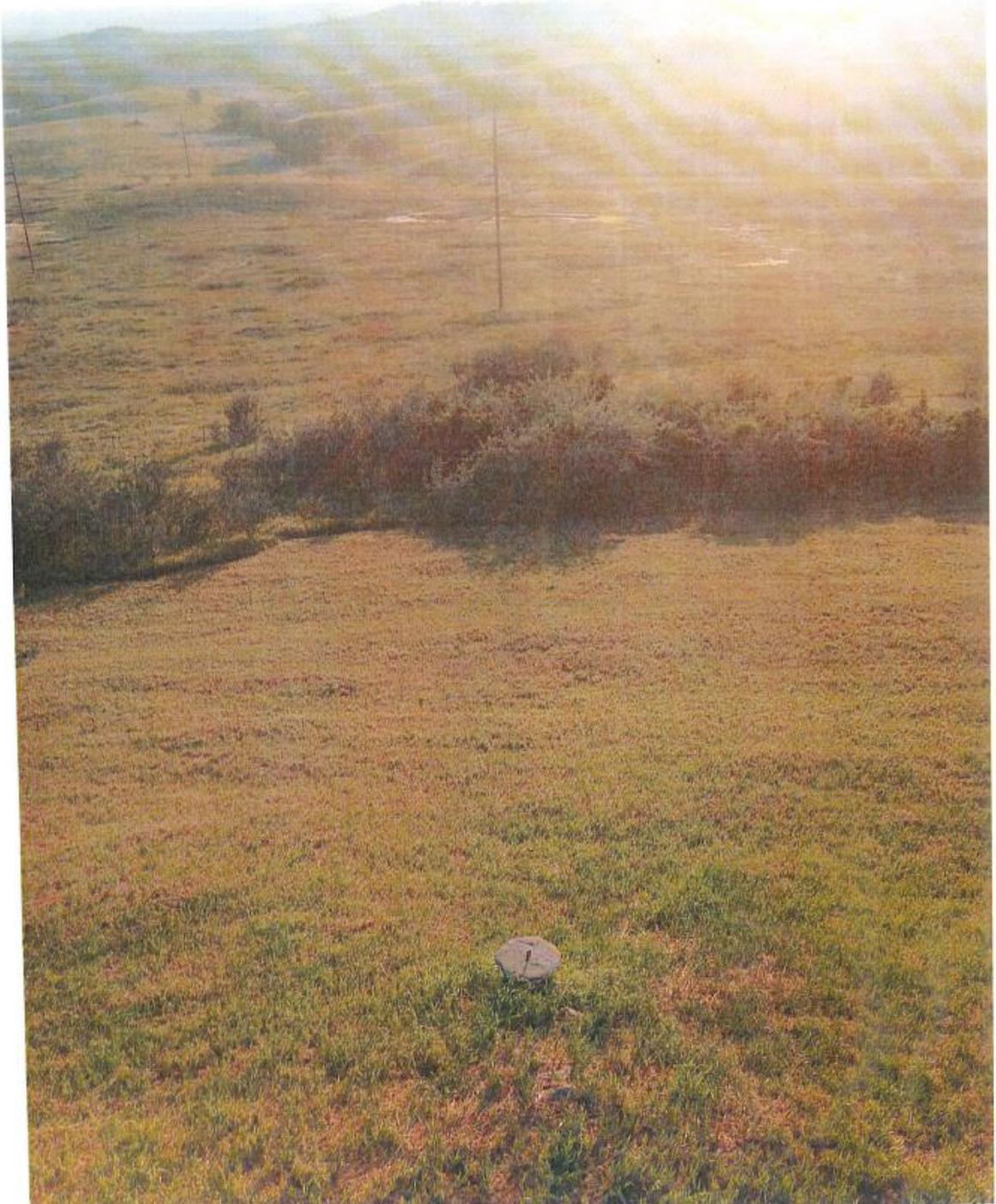
AREA NEXT TO BE LAYOUT WITH EXISTING STAKE, NEW STAKE RUNNING EAST & WEST



New Building to be EAST of EXISTING SHed

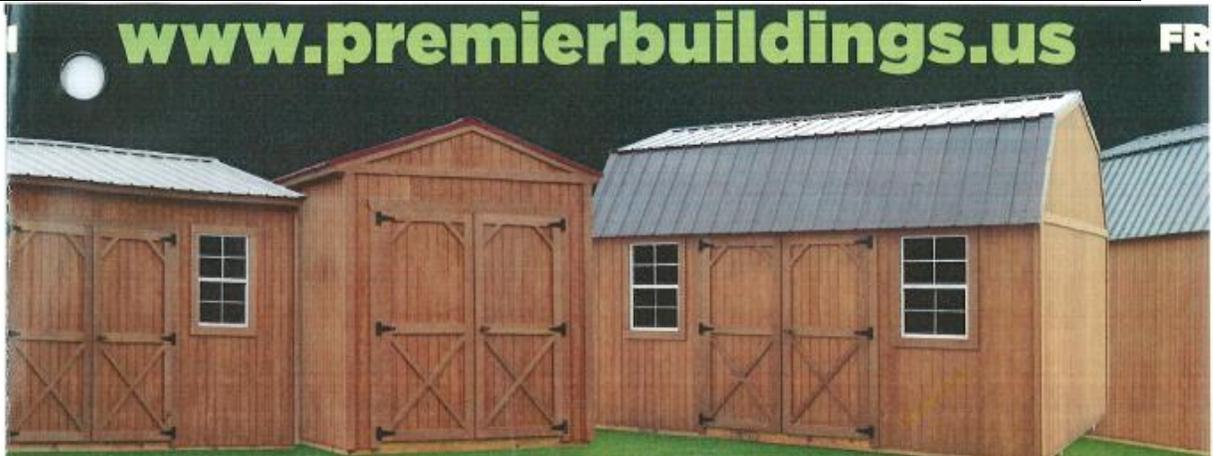


BACK YARD



BACK YARD





www.premierbuildings.us

UTILITY

Standard with double door.

Minimum 7'8" Interior wall height.
 Standard with 70" wide double door.

48 mo.	Size	Price	36 mo.	48 mo.
\$101.46	8x12	\$2,185	\$106.16	\$96.04
\$128.13	10x10	\$2,565	\$123.75	\$111.88
\$136.88	10x12	\$2,825	\$135.79	\$122.71
\$143.33	10x14	\$3,035	\$145.51	\$131.46
\$174.38	10x16	\$3,190	\$152.69	\$137.92
\$152.71	10x20	\$3,935	\$187.18	\$168.96
\$168.96	12x12	\$3,415	\$163.10	\$147.29
\$180.21	12x14	\$3,805	\$181.16	\$163.54
\$206.04	12x16	\$4,075	\$193.66	\$174.79
\$230.42	12x20	\$4,695	\$222.36	\$200.63
\$286.25	12x24	\$5,280	\$249.44	\$225.00
\$310.42	12x32	\$6,620	\$311.48	\$280.83
\$343.75	12x36	\$7,200	\$338.33	\$305.00
\$302.08	12x40	\$8,000	\$375.37	\$338.33
\$377.08	14x24	\$7,000	\$329.07	\$296.67
\$418.75	14x32	\$8,800	\$412.41	\$371.67
\$456.25	14x36	\$9,800	\$458.70	\$413.33
	14x40	\$10,700	\$500.37	\$450.83

SIDE LOFTED BARN

Minimum 6'6" height under loft. Standard with two 2'x3' windows and a 70" wide double door.

Size	Price	36 mo.	48 mo.
8x12	\$2,535	\$122.36	\$110.63
10x12	\$3,240	\$155.00	\$140.00
10x14	\$3,515	\$167.73	\$151.46
10x16	\$3,625	\$172.82	\$156.04
10x20	\$4,455	\$211.25	\$190.63
12x12	\$3,895	\$185.32	\$167.29
12x14	\$4,275	\$202.92	\$183.13
12x16	\$4,605	\$218.19	\$196.88
12x20	\$5,485	\$258.94	\$233.54
12x24	\$6,315	\$297.36	\$268.13
12x32	\$7,575	\$355.69	\$320.63
12x36	\$8,340	\$391.11	\$352.50
12x40	\$8,940	\$418.89	\$377.50
14x24	\$7,665	\$359.86	\$324.38
14x32	\$9,750	\$456.39	\$411.25
14x36	\$10,830	\$506.39	\$456.25
14x40	\$11,880	\$555.00	\$500.00

LOFT

Minimum 6'6" height under loft. Standard with 70" wide double door.

Size	Price
8x12	\$2,185
10x10	\$2,565
10x12	\$2,825
10x14	\$3,035
10x16	\$3,190
10x20	\$3,935
12x12	\$3,415
12x14	\$3,805
12x16	\$4,075
12x20	\$4,695
12x24	\$5,280
12x32	\$6,620
12x36	\$7,200
12x40	\$8,000
14x24	\$7,000
14x32	\$8,800
14x36	\$9,800
14x40	\$10,700

All prices subject to change. 8' and 10' wide buildings are measured from exterior. 12'+ wide buildings are measured from interior.



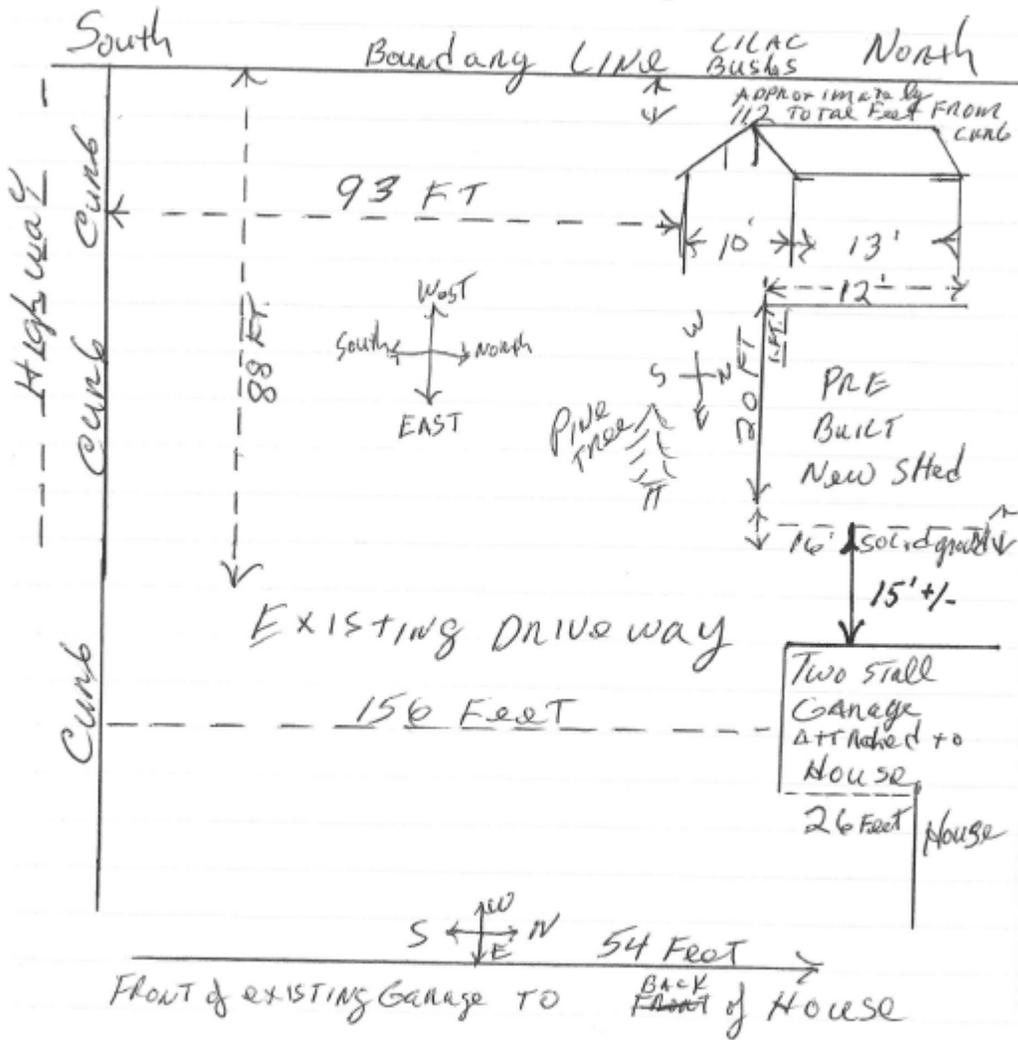
METAL SIDING

Upgrade option on all Buildings

Rent to OWN

- Own in 36 to 48 Months
- No Credit Check
- No Early Payoff Fees
- Low monthly payments

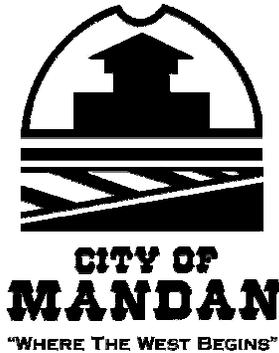
EXISTING shed
10-w X 13 long



Neighbors House West of us
We set BACK 26 Feet from their
BACK of the House TO the FRONT of our Garage







Board of City Commissioners

Agenda Documentation

MEETING DATE: November 1, 2016
PREPARATION DATE: October 28, 2016
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Consider change order #3 for Street Improvement District No. 202, Project 2015-13 (Lakewood 8th Addition).

STATEMENT/PURPOSE: To consider change order #3 for Street Improvement District No. 202, Project 2015-13 (Lakewood 8th Addition). It would add the installation of approximately 130 feet of sewer pipe on the east side of the project connecting the Lakewood 8th pipe, installed last year, with the segment of pipe that was recently completed from the 40th Avenue sewermain to 150 feet west of that.

BACKGROUND/ALTERNATIVES: The Lakewood 8th Water and Sewer 3-way agreement was approved last year and included this segment of pipe in order to make a complete connection to the sewermain already existing underneath the 24th Street (formerly Shoal Loop) corridor. During the construction of the sewermain for Lakewood 8th, it was realized that the connection point available was lower than it needed to be in order to positively flow from that point to the sewermain manhole at 40th Avenue. The city initiated an emergency fix to get the sewer slope back in the positive direction. That emergency fix item was brought before commission a couple months ago. The fix for that was just recently completed.

It was reasonably requested last year by the developer's representation that the Lakewood 8th sewer under the 3-way agreement go no farther east than the last manhole since the elevation it would need to connect to was uncertain because it depended on the sewermain fix. Even though the segment was part of the 3-way agreement, it was not specifically stated that segment would be completed under that 3-way agreement once the existing pipe fix was made the following year and now sits in limbo.

This change order would initiate the construction of that 130 feet of sewer so that we would have a complete connection of the sanitary sewer from Lakewood 8th to 40th Avenue. The working conditions are challenging because it is both relatively deep, at

Board of City Commissioners

Agenda Documentation

Meeting Date: November 1, 2016

Subject: Consider change order #3 for Street Improvement District No. 202, Project 2015-13 (Lakewood 8th Addition).

Page 2 of 7

about 20 feet below the surface, and there is substantial groundwater to work with as realized by installing the nearby pipe.

With this change order, the total SID #202 project is still 10% below the original estimate brought to commission. Administratively, if approved, we plan to break out the three properties that don't stand to receive direct benefit from this change order. Those being the two commercial lots against 40th Avenue as they tie into the sewer downstream of this segment considered with this change order, and the school's property to the south as they would likely connect to the sanitary sewer south of them when developed. I have indicated those three properties with a red X on each on the attached district map.

This change order also comes with an extension to the substantial completion deadline from November 1st to July 15th of next year since asphalt plants are on the verge of shutting down for the year. This also mainly affects the majority owner who approves of the extension. The other properties have streets to access off of aside from the Lakewood 8th streets. Aside from the sewer fix location, the development does have the first lift of asphalt on which will allow them to construct over winter with hard surface to access sites.

ATTACHMENTS:

1. District Map
2. Map of Sewer Pipe Connection
3. Change Order No. 3, City Form
4. Change Order No. 3, Consultant Form

FISCAL IMPACT: Change order #3 is in the amount of \$56,500 As previously discussed, three properties in the district would not participate, but the remaining properties would be assessed an equal portion for this work. The change order will bring the total project amount to \$1,123,150.80 which is 10% less than the original estimate that went to commission.

STAFF IMPACT: Minimal

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

RECOMMENDATION: Approve the change order.

SUGGESTED MOTION: I move to approve change order #3 for Street Improvement District #202, Lakewood 8th subdivision.

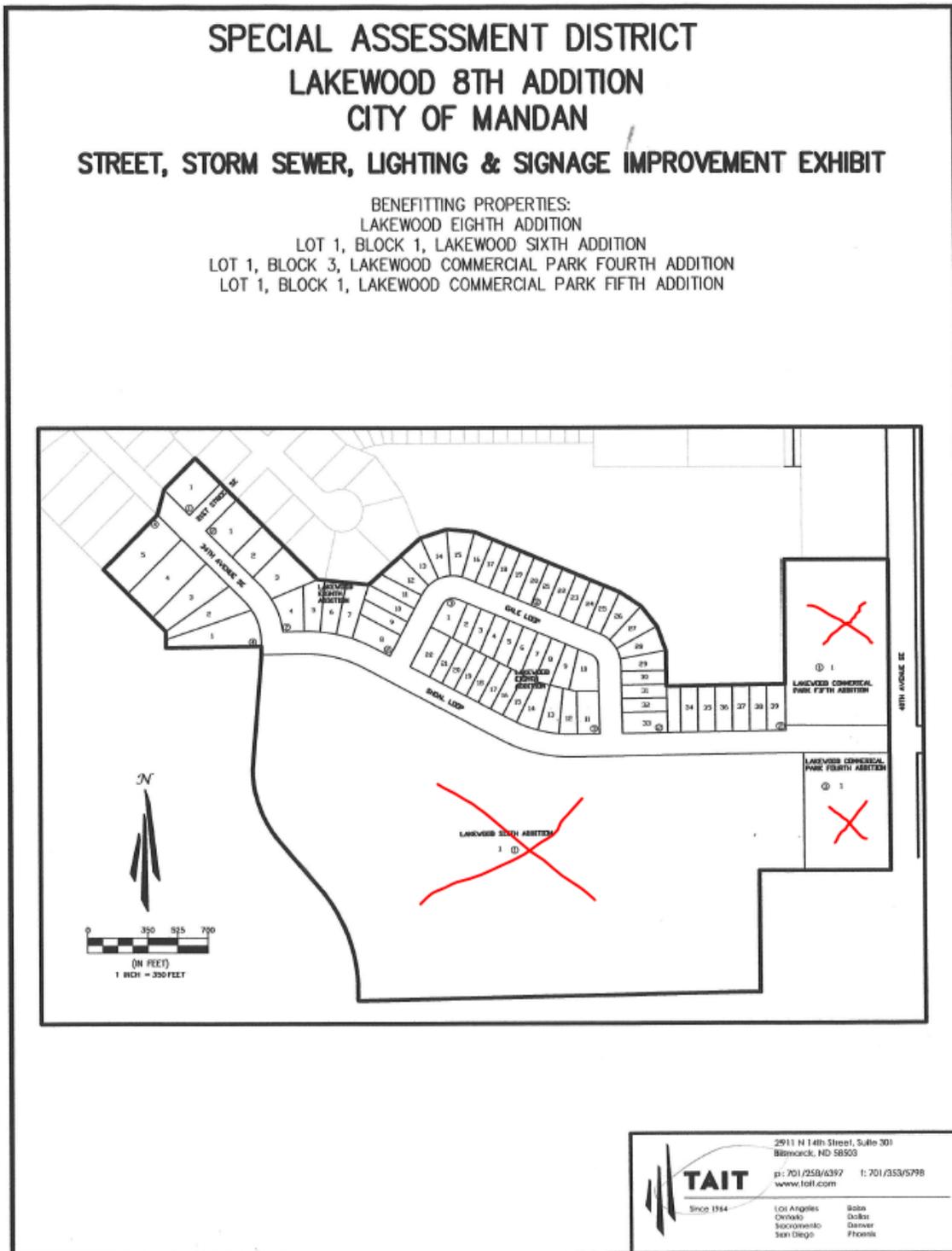
Board of City Commissioners

Agenda Documentation

Meeting Date: November 1, 2016

Subject: Consider change order #3 for Street Improvement District No. 202, Project 2015-13 (Lakewood 8th Addition).

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Board of City Commissioners

Agenda Documentation

Meeting Date: November 1, 2016

Subject: Consider change order #3 for Street Improvement District No. 202, Project 2015-13 (Lakewood 8th Addition).

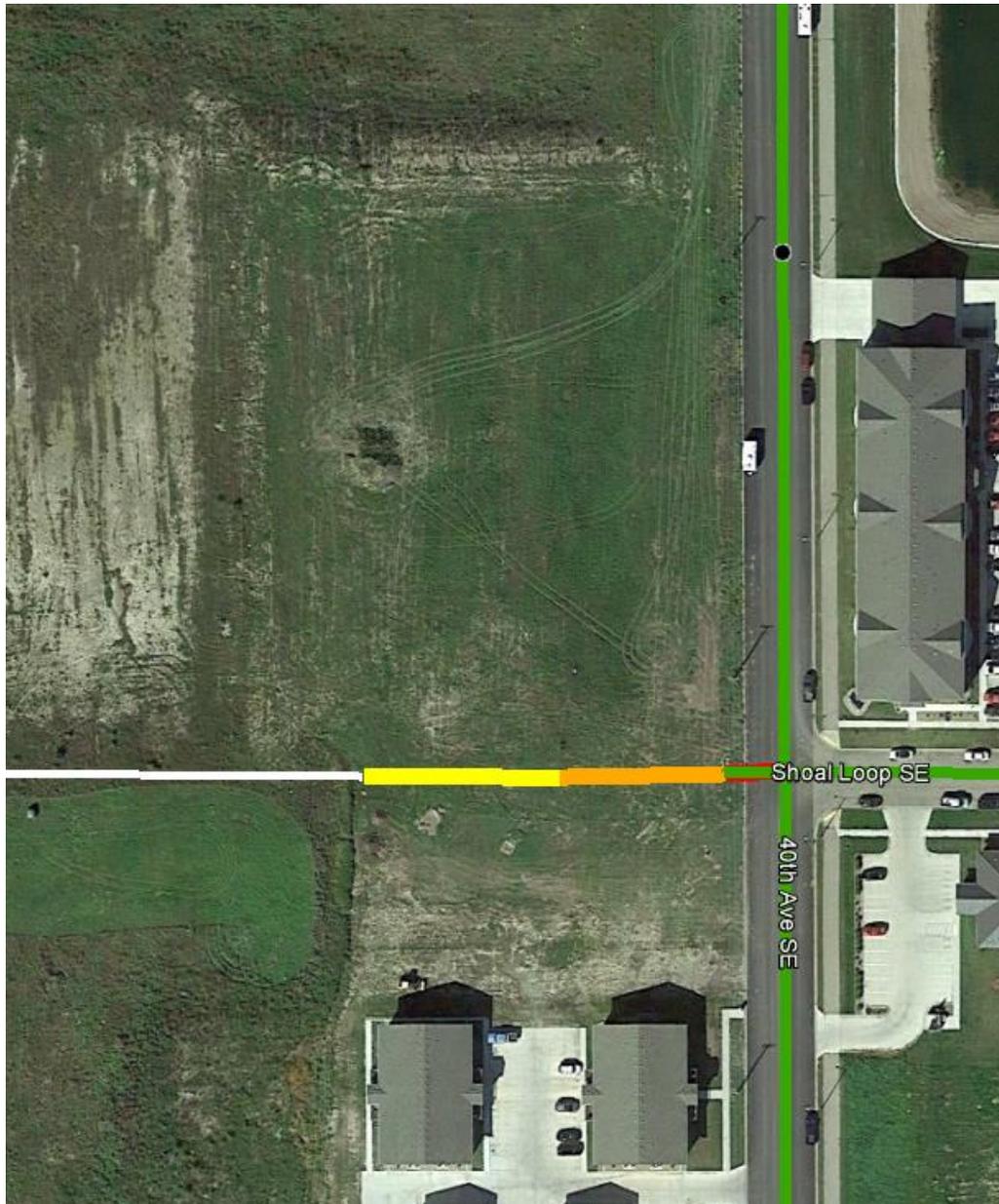
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Green and **Red** = 40' corrected in 2016 under emergency fix agreement. Originally installed in 2005

Orange = 110' done as acknowledged correction work in 2016. Originally installed in 2012.

Yellow = 130' Not installed. Segment considered under this change order #3 to SID #202.

White = Part of the Lakewood 8th pipe put in last year under 3-way agreement.



CONTRACT CHANGE ORDER FORM

DEPARTMENT

Contract between the City of Mandan and Northern Improvement Company

Contract Number: SID #202 Change Order Number: 3

Project/Subproject: _____ Original Contract Amt: \$1,029,900.80

Project Description: Lakewood 8th Subdivision Street Improvement District

Previous Contract Amount: \$1,066,650.80

Change Order Amount: \$56,500

Original Contract Date: 3-8-2016 Change in Contract Timeline: Extend to 7-15-2017

Within Project Scope: Yes Within Project Funding: Yes

Type of Change Order:

Non Design-related Change Order: These change orders include unforeseen conditions, code-related issues, and building inspector changes.

Design-related Change Order: These change orders include unforeseen conditions that affect the appearance, layout, functionality, dimensions, and/or quality of the project.

Emergency Field Condition Change Orders: These change orders include any condition that causes an emergency situation where safety or other immediate losses may occur.

Other: _____
(describe)

Project Manager (Department Head) Signature (<\$25,000): _____
Date

ADMINISTRATION

City Administrator Signature (<\$50,000): _____
Date

Add to Commission Consent Agenda

COMMISSION APPROVAL

Commission Approval Date: _____

Attach Minutes for Commission Approval

Fiscal

Comments: _____

TO ALL DEPARTMENTS: Please attach a copy of the change order.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 1, 2016

Subject: Consider change order #3 for Street Improvement District No. 202, Project 2015-13 (Lakewood 8th Addition).

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Change Order No. 3

Date of Issuance: <u>October 28, 2016</u>	Effective Date: <u>November 1, 2016</u>
Owner: <u>City of Mandan</u>	Owner's Contract No.: <u>N/A</u>
Contractor: <u>Northern Improvement Company</u>	Contractor's Project No.: <u>N/A</u>
Engineer: <u>Axien Engineering, PC</u>	Engineer's Project No.: <u>N/A</u>
Project: <u>Street Improvement Project #2015-3 District #202</u>	Contract Name: <u>Lakewood 8th Addition</u>

The Contract is modified as follows upon execution of this Change Order:

Description: Installation of approximately 130 linear feet in 24th Street to connect from existing manhole to recently repair sanitary sewer within 24th Street.

Attachments: October 28, 2016 quotation from Northern Improvement Company

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: <u>\$ 1,029,900.80</u>	Original Contract Times: Substantial Completion: <u>August 1, 2016</u> Ready for Final Payment: <u>September 15, 2016</u> days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>2</u> : <u>\$ 36,750.00</u>	[Increase] [Decrease] from previously approved Change Orders No. <u> </u> to No. <u> </u> : Substantial Completion: <u>N/A</u> Ready for Final Payment: <u>N/A</u> 0 days
Contract Price prior to this Change Order: <u>\$ 1,066,650.80</u>	Contract Times prior to this Change Order: Substantial Completion: <u>November 1, 2016</u> Ready for Final Payment: <u>July 15, 2017</u> days or dates
Increase of this Change Order: <u>\$ 56,500.00</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
Contract Price incorporating this Change Order: <u>\$ 1,123,150.80</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>July 15, 2017</u> Ready for Final Payment: <u>July 15, 2017</u> days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u>Brian Eiseman, PE</u> Engineer (if required)	By: _____ Owner (Authorized Signature)	By: _____ Contractor (Authorized Signature)
Title: <u>Project Manager</u>	Title _____	Title _____
Date: <u>October 28, 2016</u>	Date _____	Date _____

Board of City Commissioners

Agenda Documentation

Meeting Date: November 1, 2016

Subject: Consider change order #3 for Street Improvement District No. 202, Project 2015-13 (Lakewood 8th Addition).

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HOME OFFICE
FARGO, NORTH DAKOTA
4005 12th Avenue N.W.
58108-0849
P.O. Box 2846
Phone 701-277-1225
Fax 701-277-1516

OFFICE AT
BISMARCK, NORTH DAKOTA
58002-1254
P.O. Box 1354
Phone 701-223-6686
Fax 701-224-9821

OFFICE AT
DICKINSON, NORTH DAKOTA
58602-1038
P.O. Box 1038
Phone 701-225-6197
Fax 701-225-0207

IMPROVEMENT COMPANY

Thomas McCormick, President/CEO
Steve McCormick, Executive Vice-President

October 28, 2016

To: Brian Eiseman
Axien Engineering

From: Jason Irej, Project Manager/Estimator
Northern Improvement Company

Re: Lakewood 8th Addition
Mandan, ND

Dear Mr. Eiseman;

Northern Improvement Company submits the following quotation for the above referenced project.

<u>Item #</u>	<u>Description</u>	<u>Unit</u>	<u>Qty</u>	<u>Unit \$</u>	<u>Total</u>
1	Dewatering & Install Sewer	LS	1	\$ 56,500.00	\$56,500.00

- We are requesting a new completion date of July 15, 2017 for completing the grading and asphalt paving work.
- All work to conform to City of Mandan Specifications.
- Quote may be withdrawn if not accepted within 30 days without prior agreement.
- If you have any questions please give me a call, Thank You.



Board of City Commissioners

Agenda Documentation

MEETING DATE:	November 1, 2016
PREPARATION DATE:	October 27, 2016
SUBMITTING DEPARTMENT:	Public Works
DEPARTMENT DIRECTOR:	Jeff Wright
PRESENTER:	Jeff Wright, Public Works Director
SUBJECT:	Consider proposal for additional Engineering services for the Mandan Public Works Facility.

STATEMENT/PURPOSE: Approve the proposal for additional engineering services for design changes for the Mandan Public Works Facility project.

BACKGROUND/ALTERNATIVES: The proposed design changes were discussed at a staff meeting with the Engineering firm, EPIC Engineering on October 19, 2016. Discussions to relocate the proposed mechanic area from the existing storage shop where the mechanic would have been isolated from other staff and a safety concern and combine it with the proposed wash bay in the existing utility department building. This would move the mechanic next to a new administration building and close to other staff.

The proposed design scope change would include additional design fees of \$39,518 and a deduct of 5% of design costs to date of \$2,670 for a net increase of \$36,848. EPIC Engineering's current contract fee is 5.5% of the actual building costs, which includes construction observation.

ATTACHMENTS: EPIC Engineering's proposal for additional design services, site plan.

FISCAL IMPACT: An estimated total engineering service agreement of \$128,148. This project is funded by Hub City Funds.

STAFF IMPACT: N/A

LEGAL REVIEW: Attorney Brown has reviewed documentation

RECOMMENDATION: I recommend approval of proposal for additional Engineering services for the Mandan Public Works Facility.

SUGGESTED MOTION: Move to approve proposal for additional Engineering services for the Mandan Public Works Facility.



25 October 2016

Jeff Wright, Public Works Director
City of Mandan
205 2nd Avenue NW
Mandan, ND 58554
701-667-3240

Re: PROPOSAL for A&E rework of Administration Building and remodel of existing Utility Building to function as Mechanic Shop.

Jeff:

Epic Engineering, P.C. is pleased to submit this proposal for the additional services for the Mandan Public Works Complex. Upon review of the proposed alterations to the project and our meeting last week, a breakdown of the estimated costs and scope of services are as follows:

Existing Overall Fee Summary – The current contracted fee is 5.5% of the actual building costs which are estimated between \$1.57M-\$1.75M. For initial billing estimates Epic has assumed \$1.66M as the build cost resulting in a professional fee of \$91,300. To date, the following represents the current completion of the project:

TASK	FEE	% COMPLETE	VALUE
Design Project Management:	\$4,565	95	\$4,337
Civil Design (not including street):	\$5,935	80	\$4,748
Architectural Design:	\$29,672	95	\$28,188
Structural Design:	\$11,869	95	\$11,276
Electrical Design:	\$5,934	95	\$5,638
Mech/Plumbing Design:	\$5,935	95	\$5,638
Bidding and Negotiating:	\$4,565	0	\$0
Construction Observation:	\$22,825	0	\$0
Total:	\$91,300	NA	\$59,825

Proposed Additional Fee – The following additional costs are estimated for stepping back to the schematic design phase on the Administration Building and Mechanic Shop. These two components of the original scope represent 70% of the 'vertical design' costs (Storage/Garage and Salt Storage Building represent 30%). The Design Project Management and Civil Design must also be altered as additional work is required.

TASK	ADDITIONAL FEE
Design Project Management:	\$1,200
Civil Design (not including street):	\$950
Architectural Design:	\$20,770
Structural Design:	\$8,308
Electrical Design:	\$4,145
Mech/Plumbing Design:	\$4,145
Bidding and Negotiating:	\$0
Construction Observation:	\$0
Total:	\$39,518

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Corporate

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Board of City Commissioners

Agenda Documentation

Meeting Date: November 1, 2016

Subject: Consider proposal for additional Engineering services for the Mandan Public Works Facility.

Page 3 of 4

Adjusted Overall Fee Summary – If the proposed scope change is accepted the following summary represents the overall A&E Fee. The original fee is for the vertical design portion is discounted five percent:

TASK	ORI. FEE	% DISCOUNT	ADD. FEE	ADJ. FEE
Design Project Management:	\$4,565	(0) \$0	\$1,200	\$5,765
Civil Design (not including street):	\$5,935	(0) \$0	\$950	\$6,885
Architectural Design:	\$29,672	(5) -\$1,484	\$20,770	\$48,958
Structural Design:	\$11,869	(5) -\$593	\$8,308	\$19,584
Electrical Design:	\$5,934	(5) -\$296	\$4,145	\$9,783
Mech/Plumbing Design:	\$5,935	(5) -\$297	\$4,145	\$9,783
Bidding and Negotiating:	\$4,565	(0) \$0	\$0	\$4,565
Construction Observation:	\$22,825	(0) \$0	\$0	\$22,825
Total:	\$91,300	-\$2,670	\$39,518	\$128,148

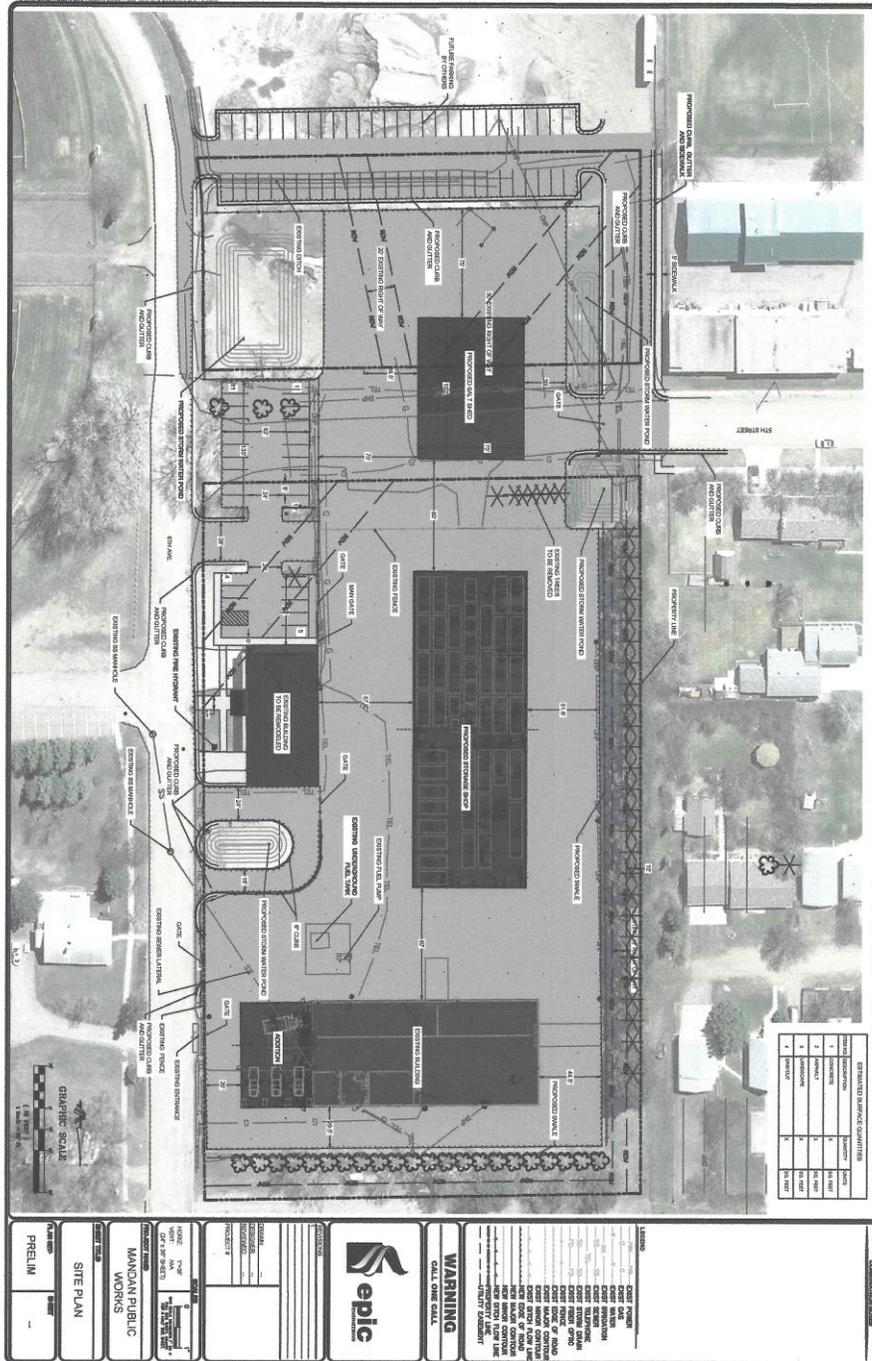
Thank you for the opportunity to provide this proposal. Epic's goal is to closely work with you to turn your vision into a workable and beautiful project. We appreciate the opportunity thus far in working together, and look forward to making this project a long-term success.

Cordially,



Todd Drennan, AIA, **Epic Engineering, P.C.** representative

Note: Hourly and material fee rates previously provided to Mandan apply.





Board of City Commissioners

Agenda Documentation

MEETING DATE: November 1, 2016
PREPARATION DATE: October 28, 2016
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth, P.E.
PRESENTER: Robert Decker, P.E., Principal Planner
SUBJECT: First consideration of Ordinance 1253 amending and reenacting Sec. 105-1-2 (5) of the Mandan Code of Ordinances related to accessory buildings

STATEMENT/PURPOSE:

There are situations where locating accessory buildings in the rear yard is not possible.

BACKGROUND/ALTERNATIVES:

There have been requests to allow accessory buildings to be located closer to the front property line than the principal building. These cases occur when the principal building is located far back on the lot or where topography or other lot conditions prevent locating a structure in the rear yard.

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:

At the Planning and Zoning Commission's October 24, 2016 meeting a suggestion was made to modify the restrictions on locating accessory buildings.

SUGGESTED ACTION:

Move to approve first consideration of Ordinance 1253 amending and reenacting Sec. 105-1-2 (5) of the Mandan code of ordinances related to accessory buildings.

ORDINANCE NO. 1253

AN ORDINANCE TO AMEND AND REENACT SEC. 105-1-2 (5) OF THE MANDAN CODE OF ORDINANCES RELATING TO ACCESSORY BUILDINGS.

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

SECTION 1. AMENDMENT. Sec. 105-1-2 (5) of the Mandan Code of Ordinances is amended to read as follows:

Sec. 105-1-2 (5) *Accessory buildings.*

- a. *Location.*
 1. In multi-family, commercial, industrial and agricultural districts, location of accessory buildings shall conform to the requirements for principal buildings.
 2. In R7, R3.2, RH and RMH residential districts, the location of accessory buildings shall comply with the be located following standards.
 - A. The preferred location for an accessory building is in the rear yard ~~and shall be located~~ not less than three feet from a rear or side lot line or less than five feet from an alley line.
 - B. In the case of a corner lot, accessory buildings, other than a detached garage, shall be located along the rear half of the adjoining residential lot's side lot line. A detached garage on a corner lot must be set back twenty-five (25) feet from the side street property line or a distance equal to the setback of the principal building on the adjoining residential lot, whichever distance is greater.
 - C. Where topography, site conditions or lot shape limits the ability to locate an accessory building, the accessory building may be located in a side yard.
 - D. When located in a side yard that does not front on a side street, the accessory building may be placed no closer to the front property line than the front of the primary structure on the neighboring property.
 - E. If the neighboring property is undeveloped, the accessory building may be placed no closer to the front property line than the minimum front yard building setback for a primary structure.
 - F. If there are no adjoining properties along the side street, the accessory building may be located within twenty-five (25) feet of the curb or within three (3) feet of the property line along the side street, whichever is greater.

SECTION 2. RE-ENACTMENT. Sec. 105-1-2 (5) of the Mandan Code of Ordinances is hereby re-enacted as amended.

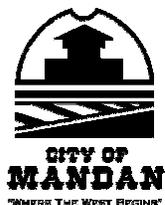
Timothy A. Helbling, President
Board of City Commissioners

Attest:

James Neubauer
City Administrator

First Consideration:

Second Consideration and Final Approval:



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 1, 2016
PREPARATION DATE: October 28, 2016
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Robert Decker, Principal Planner
SUBJECT: Consider resolution reducing fee for variance request at 4008 Old Red Trail

STATEMENT/PURPOSE:

A variance request was made to allow location of a shed in front of the primary structure. The current fee for this type of request is \$400.

BACKGROUND/ALTERNATIVES:

During discussion at the October 24, 2016 Planning and Zoning meeting it was recommended that the limits on the location of accessory buildings be modified.

Ordinance 1253 was drafted to accomplish this recommendation and the first consideration of the ordinance is on this agenda.

The changes made by Ordinance 1253 remove the restriction for which the variance at 4008 Old Red Trail was requested.

ATTACHMENTS:

1. Resolution

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.

SUGGESTED ACTION:

Move to approve resolution reducing fee for variance request at 4008 Old Red Trail.

RESOLUTION MODIFYING VARIANCE REQUEST FEE
Board of City Commissioners
City of Mandan, North Dakota

WHEREAS, The code limits the location of accessory buildings; and

WHEREAS, The property owner at 4008 Old Red Trail, due to site conditions, could not locate a shed where the code specified that it should be located; and

WHEREAS, The property owner requested relief from the requirements by requesting a variance; and

WHEREAS, The adopted fee resolution specified that a variance request required payment of a \$400 fee; and

WHEREAS, Staff time spent to date processing this variance request cost approximately \$100; and

WHEREAS, The city has begun the process to remove the restrictions on the location of accessory buildings such that the variance request for 4008 Old Red Trail would not be needed in the future; and

WHEREAS, Removing the restrictions on location of accessory buildings means that city staff does not have to spend any more time processing this variance request.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Mandan, Morton County, North Dakota, that the fee to be charged for the variance request at 4008 Old Red Trail is reduced to \$100.

Timothy A. Helbling, President
Board of City Commissioners

ATTEST:

James Neubauer
City Administrator



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 18, 2016, Second Reading, Nov. 1, 2016
PREPARATION DATE: October 13, 2016
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: First consideration of Ordinance 1252 amending and reenacting Section 20-7-15 of the Code of Ordinances of the City of Mandan relating to group health insurance

STATEMENT/PURPOSE: This is a request to modify the health insurance chart in the code.

BACKGROUND/ALTERNATIVES: During the recodification effort two years ago, numerous edits were made to the code. One of those changes was to modify the percentages of family health insurance that the city would pay based on length of service.

The current chart does not reflect the budgetary assumptions that were made. The chart is being adjusted to reflect the budget.

A question was asked at the Oct. 18 commission meeting related to paying health insurance for the month following severance from employment, below is the response that requires such.

Health insurance coverage is pre-paid insurance and advance payment is required. An eligible employee is entitled to coverage the first of the month following the month of employment, provided the employee submits an application for coverage within the first 31 days of employment. The employer can cancel employee's coverage on a prospective basis only.

Administrative Code section 71-03-07-01 pertaining to political subdivisions clarify that an employee's coverage must end the month following the month after termination of employment. This means the employer must remit premium payment for insurance coverage for the month following the month of termination in order to comply with this requirement. In addition, when an employee transfers from one participating employer to another, the new employer is responsible for submitting the premium for the first of the month following the month of employment.

ATTACHMENTS: 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:

Adopt Ordinance 1252 as presented.

SUGGESTED MOTION: Move to approve the first consideration of Ordinance No. 1252 amending and reenacting Section 20-7-15 of the Code of Ordinances of the City of Mandan relating to group health insurance.

ORDINANCE NO. 1252

An Ordinance to Amend and Re-enact
Section 20-7-15 of the Code of Ordinances
of the City of Mandan Relating to Group Health Insurance

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

Section 20-7-15. **Group Health Insurance.**

(a) Employees who work ~~17½~~20 or more hours per week and who are 18 years of age or older shall be eligible to enroll in the group health insurance program. The city will pay the premium of the insurance according to the following schedule:

<i>Years of Employment</i>	<i>Premium Cost</i>
0 to less than 1 year	100% of single policy
1 to less than 2 years	100% of single policy plus 20 <u>10</u> % of difference between single policy and family or single plus spouse or dependent(s) policy
2 to less than 3 years	100% of single policy plus 40 <u>20</u> % of difference between single policy and family or single plus spouse or dependent(s) policy
3 to less than 4 years	100% of single policy plus 60 <u>30</u> % of difference between single policy and family or single plus spouse or dependent(s) policy
4 to less than 5 years	100% of single policy plus 80 <u>40</u> % of difference between single policy and family or single plus spouse or dependent(s) policy
5 to less than 6 years or more	100% of single policy plus 60% of difference between single policy and family or single plus spouse or dependent(s) policy
<u>6 to less than 7 years</u>	<u>100% of single policy plus 80% of difference between single policy and family or single plus spouse or dependent(s) policy</u>
<u>7 or more years</u>	<u>100% of single and family policy</u>

(b) Upon termination of employment, except for cause, an employee may be eligible for health insurance coverage as provided by law. ~~All~~Upon termination, the city will provide insurance for the month of termination and for one month thereafter. Further continuation of coverage shall be at the expense of the former employee, who shall arrange for payment of the monthly premium with the ~~city finance~~human resources director.

Timothy A. Helbling,
President, Board of City Commissioners

James Neubauer,
City Administrator

First Consideration:
Second Consideration and Final Passage:

October 18, 2016

November 1, 2016