



AGENDA
MANDAN CITY COMMISSION
OCTOBER 6, 2015
ED "BOSH" FROEHLICH MEETING ROOM,
MANDAN CITY HALL
5:30 P.M.
www.cityofmandan.com

-
- A. ROLL CALL:
1. Roll call of all City Commissioners.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:
1. Consider approval of the minutes from the September 15, 2015 Board of City Commission Regular Meeting
- E. PUBLIC HEARING:
- F. BIDS:
- G. CONSENT AGENDA:
1. Consider confirmation of special assessments for Street Improvement District #177, #178, #179, #181, #182, #185, #186, #189, #190, #191, #192, #193 and #195.
 2. Consider Change Order for Street Improvement District 200 Project 2015-09.
 3. Consider agreement with NDDOT for design of Twin City Drive and Main Street Traffic Signal.
 4. Consider recommendations for Mandan Architectural Review Commission appointments.
 5. Consider the following reassessments:
 - i. Jack & Mary Ann Paul
 - ii. Craig Ostafin
 6. Consider approval of Special Sunday Openings for the Mandan Moose #425 on October 11, 2015 & October 25, 2015.
 7. Consider approval of an assignment and consent agreement for the Storefront Improvement Project at 112 Second Ave NW
 8. Informational item, Change Order #3 for Downtown Street Improvement District #199.
 9. Consider agreement with NDDOT for design of Highway 6 and 19th St. turn lane and signing improvements.
 10. Consider CPM agreement with NDDOT for Memorial Highway traffic signals.
 11. Consider for approval lots splits in West Hills Estates First Addition.

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12. Consider for approval Change Order No. 6-Final to Thirkettle Corporation for the Water Meter Improvements Project.
13. Consider budget transfer from 2016 Street Department Capital Outlay budget to 2015 budget.
14. Consider a reduction in the structure value for the 2015 year for Otis R. Patton Jr. property.
15. Acting as Board of Adjustment, consider request to grant a variance to allow a garage to be located in front of the primary structure on Lot 1, Block 1, Patience Subdivision.

H. OLD BUSINESS:

I. NEW BUSINESS:

1. Consider Visitors Committee recommendation for updated visitor signage and issuance of a request for proposals
2. Consider Bismarck-Mandan Musicians Association request changing the name of the Mandan Band Shell to the "Vern Cermak Band Shell".
3. Presentation of Old Red Trail project planning and consider decisions needed as part of the NDDOT required CATEX document to move forward with project.

J. RESOLUTIONS AND ORDINANCES:

1. Second and Final Passage of Ordinance No. 1219 adding language to Chapters 18 and 24 of the New Mandan Code of Ordinances related to offenses and traffic violations.
2. First consideration of Ordinance 1221 renaming street in Lakewood 8th Addition
3. First consideration of Ordinance 1204 adding a section on graffiti to Chapter 16 Nuisances.
4. First consideration of Ordinance 1220 adding prohibition against incendiary balloons, sky lanterns and celebration lanterns in Chapter 10 Fire Prevention and Protection,

K. OTHER BUSINESS:

L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. October 13, 2015 – Hanna:Keelan Associates Housing Demand Study – Tom Baker Meeting Room, (Bismarck) – 5:15 p.m.
2. October 20, 2015
3. November 3, 2015
4. November 17, 2015 – 4 p.m. Service Awards

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.

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.

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The Mandan City Commission met in regular session at 5:30 p.m. on September 15, 2015 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Braun, and Laber (via teleconference call). 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, and Building Official Lalim. Absent: Assessor Shaw.

2. *Presentation of retirement award to Randy Frohlich, Utility Operator III:*
On behalf of the City of Mandan, Mayor Van Beek congratulated Randy Frohlich for his 37 years of dedicated service to the City of Mandan.

B. APPROVAL OF AGENDA: Commissioner Braun moved to approve the Agenda. Commissioner Rohr 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 to come forward to speak. 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 September 1, 2015 regular meeting.* Commissioner Laber moved to approve the minutes as presented. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

1. *Public Hearing scheduled at 6:00 p.m. to review and discuss the final 2016 Budget. (See Ordinances and Resolutions #1 and #2).* At 6:05 p.m. Mayor Van Beek called for the Public Hearing to review and discuss the final 2016 Budget. Mayor Van Beek invited anyone to come forward to speak for or against any of the items on the 2016 Budget.

Wayne Papke, Mandan resident, came forward and extended a thank you to the City Commission for their work on the 2016 Budget. He noted that he does not see disclosed to the public that the budget is up \$3.9 million, which is a 12.57% increase over the 2015 budget. That is the bottom line of costs assessed to the tax payers and that information has not been disclosed. He felt that there were fancy ways of hiding it. He indicated he said it that way because he doesn't like it. He commented that since there are many more units now that should be taking the property taxes down. He questioned whether the Commission doesn't want the public to know that the budget is up \$3.9 million or 12.57%. Mr. Papke was curious as to why the City wanted to hide that number. He pointed out that on the General Fund Levy, it is his opinion that it was over levied by about \$800,000 by the tax incentives that the City Commission gave away over the last

three years. As a result, the City had about a 24% higher levy than was needed because of those discretionary tax incentives that were given out. He said he is pointing that out for future reference for if the tax incentive matter ever comes back for discussion.

Commissioner Rohr commented in response to Wayne Papke's inquiries during the public hearing session, he explained that there have been a number of new residents, new businesses, new streets, and new infrastructure which requires additional resources and monies so the equation Mr. Papke presented is lacking the fact that the growth requires additional funds that go along with that. That increase would be there regardless. Those can't be avoided.

Finance Director Welch summarized the numbers that were presented at the first introduction on August 18, 2015 and it was fully reported in the Bismarck Tribune on September 1, 2015. The information is on the City's website as advertised. The increase in the budget includes major highlights such as increases of \$555,550 in capital outlay and that dollar amount fluctuates on a year-to-year basis due to different departments having different capital outlay requests. He also noted that there was an increase in the Operations and Maintenance costs of about \$215,250; increase in debt service of about \$127,100, and an increase of approximately \$79,872 in health insurance; but there are also requests for personnel of \$69,457. The largest increase from 2015 to 2016 is the \$1.9 million the City is going to collect from a new three-quarter-cent special sales tax for the Park District to build a new sports complex and ball fields. The City will then deposit the special tax revenue with the Bank of North Dakota according to the Escrow Agreement. That expenditure is the result of the collection of a whole new revenue source.

Commissioner Tibke asked Director Welch how many public noticed committee meetings, (for the budget), did the city hold? He pointed out that state law only requires one public meeting on the budget. Commissioner Tibke asked for a clarification as to whether the Budget Committee meetings where they met with all the departments and portfolio holders individually were public noticed. Director Welch explained that for every department and portfolio budget request, the public budget meetings were noticed. Commissioner Tibke commented that she felt we were very transparent and open with the budgeting process. Anyone can come to the meetings and anyone can have input. Maybe they don't agree with how they budgeted, or those sorts of things. But as far as being an open book and transparent, she believes the City is.

Mayor Van Beek announced once again that this is a public hearing and invited anyone to come forward to speak for or against any of the items on the 2016 Budget. A final announcement was made by Mayor Van Beek to come forward to speak for or against any of the items on the 2016 Budget. Hearing none, this portion of the public hearing was closed.

F. BIDS:

G. CONSENT AGENDA

1. *Consider approval of monthly bills.*

2. *Consider approval of replat of Lot 6, Block 2 of Replat of Bridgeview Bay Addition*
3. *Consider AE2S Engineering Agreement for Services for the FEMA approved Emergency Generator Project.*
4. *Consider Recycling Contract and Transfer Station Lease with Dakota Sanitation, Inc. for single stream curbside recycling in Mandan.*
5. *Consider Agreement with AE2S for GIS (Geographic Information System) project services.*
6. *Consider Increasing the Parking Enforcement Officer Position from Three Quarter Time to Full Time.*
7. *Consider approval of plat for Lot 1, Block 1, Prairie Rose Addition*
8. *Consider proclaiming October 2, 2015 as Cajun Cowboy Fais Do Do Day in the City of Mandan.*

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

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Consider future of 911 and dispatching services for the City of Mandan:*
Fire Chief Nardello and Police Chief Bullinger presented a recommendation for services of 911 dispatching. Chief Nardello provided a summary of the history of the dispatch center systems that have been utilized including the Bismarck Computer Aided Dispatch (CAD) system. He stated that the Mandan Fire and Police Chiefs have been reviewing options for dispatching services for over a year. They are now coming forward with a formal recommendation to pursue a consolidated dispatch service system with Bismarck/Burleigh Combined Communications Center (BBCCC) and a request to allow the City of Mandan personnel to work on an acceptable Memorandum of Understanding. Both Chief Nardello and Chief Bullinger believe that the 911 dispatching service, for both the community and emergency responders, will improve through the BBCCC and that the City of Mandan will see a considerable cost savings if the consolidation is approved.

Chief Nardello went over some of the concerns/questions that have been encountered:

(1) Will Mandan have equal voice with Bismarck/Burleigh? Chief Nardello stated that both he and Chief Bullinger have always had a professional, non-territorial relationship with Bismarck / Burleigh entities and truly believe that Mandan would be an equal partner with such a merger.

(2) What will the Center be named? The name will be determined at a later date. One suggestion would be to have the employees of the center select the new name.

(3) Will Bismarck “slam” Mandan with a huge cost for future infrastructure needs? Director Dannenfelzer, of Bismarck/Burleigh Combined Communications Center, has indicated that past planning on future needs has been built into the Bismarck-Burleigh

budget process and that Mandan would not be expected to make a one-time large “catch-up” contribution. The proposed budget includes 15% capital outlay reserve to anticipate future needs.

(4) Can Bismarck cancel an agreement with Mandan at any time leaving Mandan with no dispatch center? The preliminary Memorandum of Understanding have included a 30-year agreement with any party opting out after a minimum of a one-year notice but no party may opt out for five (5) years so that we can give the merged Combined Communications Center a chance. Emergency responders will experience no change with radio operations as inner operability will be maintained as it is today and most likely improve by adding additional users such as the Bismarck/Burleigh Communications Center and possibility the ND State Radio. Radios will remain programmed the same as they are today so that all law enforcement agencies can communicate as they do today. All Fire and EMS agencies can communicate as they do today. Emergency Responders will not need to change their record management software as the SunGard CAD System of the Bismarck/Burleigh Communications Center will integrate with all records management systems such as it did with ours successfully over a year ago. Morton dispatchers will have an opportunity to work at the Bismarck/Burleigh Center with no application process and possibly have better benefits than they are currently receiving.

Chief Nardello stated that both he and Chief Bullinger believe the combined center will improve services for the responders and the residents of Mandan; while at the same time reducing the budget. They are confident that they can work on a Memorandum of Understanding with the Bismarck/Burleigh Communications Center that will be acceptable by all parties and that Mandan will receive equal representation and voice in such a merger. It is their recommendation that the City Commission consolidate with Bismarck/Burleigh Combined Communications Center for communication services and to allow Mandan’s City staff to develop an acceptable Memorandum of Understanding that will be brought back for the City Commission for final consideration. Should the City Commission vote to approve this merger with Bismarck/Burleigh Communications Center, Morton County will most likely close their dispatch center and have North Dakota State Radio provide dispatching services for the balance of Morton County. At that point the City of Mandan would realize a savings of more than \$500,000 and Morton County more than \$2 million over the next 4 years. Chief Nardello provided a handout of the of cost comparisons of which both Bismarck/Burleigh and Mandan/Morton Communications have agreed to the numbers outlined in the handout report as being accurate. For the reasons presented, Fire Chief Nardello stated that he and Police Chief Bullinger request that the City Commission approve consolidation of the Mandan City Dispatch Services with the Bismarck/Burleigh Combined Communications Center.

Commissioner Rohr provided a brief history of the dispatch centers from over the years dating back to 1985 when both Mandan and Morton County operated separate dispatch systems. About 3 or 4 years ago, they combined into a County Communications Center wherein everything was put under the auspices of the County. That was how it has progressed historically. Since then there have been many changes in technology, leadership, security requirements, and so on. He commented that dispatching services have changed considerably over the last 30 years. The proposal presented today shows a

cost savings and just as good or probably even better services will be provided to the citizens. It will also provide a better adjustment to the new and better technology services while remaining under the current records management systems that are in place within the Police and Fire Departments. Police Chief Bullinger stated that there is an interface that has been started already. But it has been put on hold until a decision is made on this matter. This interface will allow the Bismarck CAD software to push that information into the records management software that the Mandan Police Department is currently using.

Commissioner Laber moved to pursue drafting an acceptable Memorandum of Understanding between Burleigh-Bismarck Emergency Dispatch and the City of Mandan for the consolidation of a Communications Center. Commissioner Rohr seconded the motion. Commissioner Laber stated that it will be important to follow up with the Memorandum of Understanding to make sure the needs of the City of Mandan are met since this relates to public health and welfare.

Commissioner Tibke indicated that this decision is not made lightly. It has been discussed for quite some time from every angle possible. After considerable thought being put into it, it was felt the time has come to make a final decision.

Commissioner Rohr wished to verify that if the City does separate from the County in this matter, the County will not be left in a predicament or uncomfortable position in order for them to continue dispatch services with their own resources.

Commissioner Braun commented that when looking at the big picture, (like the flood of 2011), when all the emergency management teams came together; he believes there should be a hierarchy process. He noted that if the County goes with the State Radio System, then the key is that all systems should eventually be tied together. He also noted that currently the first responders for the County Sheriff are the highway patrol so it is appropriate for them to go with the State Radio as their dispatch service. For the City of Mandan, the first responder is the Sheriff's Department. But the City also looks to Bismarck/Burleigh within this consolidated program. He said it is important to him to work towards going with the State Radio System as a focal point that controls these matters. A good example is the Fargo, Moorhead and West Fargo systems and how well they work together. Lastly, as administrators, it is important that we are fiscally responsible to the community.

Morton County Commissioner Cody Schulz commented that it would be beneficial to have an immediate transition plan in place in order to assign or reassign dispatchers to State Radio or the Bismarck/Burleigh Center whichever the case might be should certain dispatchers decide to look for other work rather than transition to another center.

Mayor Van Beek called for a roll call on the motion made by Commissioner Laber which was seconded by Commissioner Rohr to pursue drafting an acceptable Memorandum of Understanding between Burleigh-Bismarck Emergency Dispatch and the City of Mandan for the consolidation of a Communications Center. Roll call vote: Commissioner Rohr:

Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider adoption of media relation guidelines: Business Development*
Communications Director Huber stated that she and City Administrator Neubauer have worked on developing a set of proposed media relations guidelines at the request of commissioners who were seeking further guidance for themselves and for City staff when communicating with the media in response to media inquiries. The City of Mandan is committed to creating and maintaining consistent, accurate and timely communication with all members of the media and the public regarding programs, projects, planning, activities and policy decisions of the City Commission. Also while recognizing the role the media plays in communicating City news and information to the public and the value of reporting the public's views back to the City of Mandan. She said that research has been conducted with other cities of similar size within North Dakota, having found that some do not have a policy and others might have direct contact with various departments and staff without having to channel information through a communications department. It was recommended that the City continue to allow the media to have direct contact with the subject matter experts in the various departments. She welcomed questions, if any, to the proposed guidelines that have been provided.

Commissioner Tibke stated that she made these recommendation or amendments to what staff brought forward, noting this would be for spokesperson rules:

(1) Suggested that the portfolio commissioner be the official spokesperson for the interviews that deal with their portfolio, typically that individual knows more about the subject matter or will have more history of what is going on.

(2) If a commissioner contacts the media, they are to be clear about whether his/her comments represent the official City position. After vote, she recommended that it should be both the Mayor and the Commissioner.

Director Huber pointed out that what Commissioner Tibke is referencing above comes directly from the Leadership Code for Elected Officials that had been previously approved by this City Commission. She recommended that if there are changes to that section, we would want to bring it back for future review under the Leadership Code which would include the Mayor as a Commissioner. Commissioner Tibke requested clarification because there are two different interpretations, at least for future reference. Commissioner Rohr commented it is his re-collection that the original Leadership Code came from the League of Cities. Administrator Neubauer stated that the Leadership Guide for Elected Officials was originated from the City of Wahpeton, and that also includes more things, not just the Leadership Policy, such as general principles. Director Huber stated it was adopted by the City Commission on January 18, 2011.

Commissioner Tibke moved that the City of Mandan adopt media relations guidelines as proposed but with the amendment that if a Mayor or Commissioner are contacted by the media that both the Mayor or the Commissioner need to be clear about whether his or her comments represent the official City position or if it is their personal viewpoint.

Commissioner Rohr 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. *Consider adding additional traffic related cross-references to North Dakota Century Code sections to new city code:* Planner Decker explained that this is a minor revision to clean up this area where a City Code section number was linked to each section number of Chapter 39 for Motor Vehicles in order to be able to issue citations into Municipal Court.
4. *Consider setting recommended penalty amounts for certain traffic related violations of city code:* City Planner Decker explained this is a companion item to No. 3 establishing the recommended penalty for traffic related violations of City Code so the person paying the citation has the option to pay and not go to court. This gives a value to the citation. The goal is to create one list of penalties and put them in one place so the Police Department employees have a list that cross-references the City Code section to the Century Code section. Most fees are set by state law and are carried over in their existing amounts. The court costs are separately assessed, this references the citation amounts for the basic penalty. Chief Bullinger verified that the fees and fines referenced are up to date with state requirements.
5. *Update on recycling program communications plan:* Business Development & Communications Director Huber stated that with the approval of the recent recycling program a request was made to develop a communication plan to introduce the new program to Mandan residents. City Staff and Dakota Sanitation met to outline the roles and responsibilities. Dakota Sanitation will be responsible for all communication activities or advertising that have a direct cost. This will include brochures to be included in the November mailing of the water bill along with the monthly newsletter and packet of information that will be distributed with the recycling totes in December. Information will be also distributed in news releases and media guest interviews through television or radio. A www.cityofmandan.com/recycle has been established explaining information as it becomes available. The Mandan Messenger and Mandan's Facebook page will include information now and in future publications. Dakota Media has created a "City Current" link and they are currently working with the City of Mandan and City of Bismarck to provide updates for various departments. Public Service announcements will be utilized too. A timeline with expectations was drafted that states Dakota Sanitation will have all key "how to" information to the City no later than October 1st. which is included in part of the contract that was approved. Dakota Sanitation will be required to have pre-approval from the City of Mandan for any publications it will use. The brochure that will go out with the water bills to be mailed in November should be finalized by 10/26/15. Collection will begin in January 2016. One of the best practice suggestions is that some cities have used, is to set a target date of residential waste diversion by a certain time/year which will be discussed at a future time. Director Huber stated that City staff is comfortable with the plans for implementation thus far and will monitor resident participation and continue with on-going communications of those involved. This report is informational with no action required.

Rick Anderson, Owner of Dakota Sanitation provided additional information on the recycling project and concurred with the implementation plan as outlined by Director Huber. He added that there will be no charge to the school system for recycling costs noting that it is their thought that the kids will begin to realize the importance of recycling programs. He said there will be no cost to the Mandan Airport. He projected a 22½ % reduction in waste and reported that there has been a lot of positive feedback from citizens. He said they eventually intend to take this recycling program to the rural population and smaller communities. The recycling services will be conducted on the same day as garbage service, but every other week. The calendar schedule will be provided to citizens and it will be easy to read.

Mayor Van Beek commented that social media is the best way to get information out to our residents so they are aware of when it starts, when totes will be showing up, etc. Commissioner Laber noted the City buildings recycling sites and encouraged that they be used accordingly.

6. *(Possible) Consider legal action against Mr. Volochenko for violating city storm water management ordinance.(No. 1005):* Planning & Engineering Director Froseth, stated that on August 14, 2015, he was contacted by Director of Public Works Wright concerning the re-grading activities on the property without an approved storm water management plan nor proper erosion controls measures in place. These have caused unapproved alterations to storm water collection for the lots owned by Leslie Volochenko and the other surrounding lots. Joseph Camisa, City Code Enforcement Officer, was asked to follow up with Volochenko on 9/2/15 to explain the City's concerns about the grading activities. Volochenko stated a plan was submitted to the City and he received no response so he thought it was accepted. The site engineer was contacted on 4/9/15 and there was a list of items to be improved before approving any revisions. The site engineer was contacted again to see if a new request had been submitted for a revision and there has been no response since 4/9/15. As of the commencement of the grading activities, no revised storm water plan has been received or approved.

A sequence of events was provided and reviewed with the Commission by Director Froseth. He noted that the Engineer's Office sent a certified letter to Mr. Volochenko on 8/20/15 and that the notification has been received that Mr. Volochenko did get that letter. In the contents of the letter, Mr. Volochenko was requested to regrade the property to restore the natural low area in the property where the water previously channeled to the City's storm water inlet. He was requested to install Best Management Practices erosion control where necessary to ensure no sediment or any other material leaves his site. And he was advised to cease all earthmoving activities aside from the activity necessary to accomplish #1 until he has an approved Storm Water Management Plan.

Consistent with Title 14.1 requires Commission authorization to allow the City Attorney to take legal action for unauthorized storm water management activities without a storm water management plan. Based on the above, Director Froseth requested authorization for the City Attorney to commence action for appropriate legal and/or equitable relief.

Commissioner Braun commented that it appears the City staff has gone above and beyond trying to resolve the matter this far with Mr. Volochenko. Director Froseth stated that at no time did anyone ever tell Mr. Volochenko that it was okay to proceed.

Mayor Van Beek commented that it is understandable as to what the neighbors have tolerated with for the last several years, and that it is clear that Mr. Volochenko has not cooperated with his neighbors. The City has annexed the land and Mr. Volochenko still continues to be non-compliant. It is apparent that legal action needs to occur at this time for appropriate legal and/or equitable relief.

Commissioner Tibke moved to proceed against Leslie Volochenko for violating city storm water management ordinance (No. 1005) for appropriate legal and/or equitable relief. 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.

J. RESOLUTIONS AND ORDINANCES:

1. *Consider the second and final consideration of Ordinance No. 1215 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2016, and ending December 31, 2016, and making the annual tax levy for the year 2015.* Commissioner Tibke moved to approve the second and final consideration of Ordinance No. 1215 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2016, and ending December 31, 2016, and making the annual tax levy for the year 2015. Commissioner Rohr 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. *Resolution Establishing Rates and Charges for Services from the Solid Waste Utility Fund.* Commissioner Laber moved to approve the Resolution Establishing Rates and Charges for Services from the Solid Waste Utility Fund. 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.

3. *First consideration of Ordinance No. 1219 adding language to Chapter 24 of the New Mandan Code of Ordinances related to traffic violations.* Commissioner Laber moved to approve the First consideration of Ordinance No. 1219 adding language to Chapter 24 of the New Mandan Code of Ordinances related to traffic violations. Commissioner Rohr 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. *Consider for adoption resolution setting recommended penalty amounts for various violations of city code.* Commissioner Braun moved to approve the adoption resolution setting recommended penalty amounts for various violations of city code.

Commissioner Rohr 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.

5. *Second Consideration and Final Passage of Ordinance 1216 creating zoning for Lakewood 9th Addition.* Commissioner Tibke moved to approve the Second Consideration and Final Passage of Ordinance 1216 creating zoning for Lakewood 9th 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.

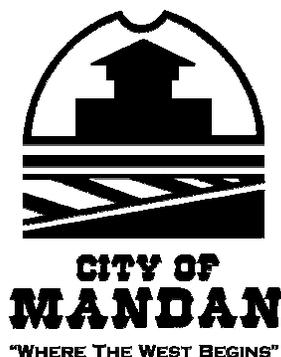
6. *Second Consideration and Final Passage of Ordinance 1218 – An Ordinance to Amend and Re-enact Section 9-02-11 of the Mandan Code of Ordinances Relating to Meters – Repair and Control.* Commissioner Tibke moved to approve the Second the Second Consideration and Final Passage of Ordinance 1218 – An Ordinance to Amend and Re-enact Section 9-02-11 of the Mandan Code of Ordinances Relating to Meters – Repair and Control. 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.

K. OTHER BUSINESS:

There being no further actions to come before the Board of City Commissioners, Commissioner Braun moved to adjourn the meeting at 6:42 p.m. Commissioner Laber seconded the motion. The motion received unanimous approval of the members present. The motion passed.

James Neubauer,
City Administrator

Arlyn Van Beek,
President, Board of City
Commissioners



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 6, 2015
PREPARATION DATE: October 1, 2015
SUBMITTING DEPARTMENT: Special Assessments
DEPARTMENT DIRECTOR: Justin Froseth, Planning & Engineering Director
PRESENTER: Kim Fettig, Project Manager
SUBJECT: Confirmation of special assessments for Street Improvement Districts #177, #178, #179, #181, #182, #185, #186, #189, #190, #191, #192, #193 and #195.

STATEMENT/PURPOSE: To consider confirmation of special assessments for Street Improvement Districts #177, #178, #179, #181, #182, #185, #186, #189, #190, #191, #192, #193 and #195.

BACKGROUND/ALTERNATIVES: The projects, along with cost and description of the improvements provided within each district, are as follows:

- **Street Improvement District #177 - (\$396,615.60)** New asphalt street construction on 34th Avenue NW and 48th Street NW within Meadows including curb & gutter, storm sewer, street lights and chip seal within Meadows 6th Addition.
- **Street Improvement District #178 - (\$528,440.28)** New asphalt street construction on Amber Place SW, Spring Court SW and extension of Keidel Trail SW within Keidel's South Heart Terrace Phase IV. The project also included installation of curb & gutter, storm sewer, street lights and chip seal.
- **Street Improvement District #179 - (\$373,074.39)** New asphalt street construction on 7th Avenue NW between 24th Street NW to 27th Street NW and on 26th Street NW to the west of 6th Avenue NW in Meadow Ridge 3rd Addition. The project also included installation of curb & gutter, storm sewer and chip seal.
- **Street Improvement District #181 - (\$326,196.60)** New asphalt street construction took place in Meadows 7th Addition on Trident Court NW and on the continuation of Wildrye Circle NW. The project also included installation of curb & gutter, storm sewer, street lights and chip seal.

- **Street Improvement District #182 - (\$318,096.12)** New asphalt street construction took place on 6th Avenue NW south of 27th Street NW in Meadow Ridge 1st Addition. The project also included installation of curb & gutter, storm sewer, and chip seal.
- **Street Improvement District #185 - (\$1,337,003.46)** New asphalt street construction took place on Plains Bend SE, 18th Street SE, Fields Court SE, 14th Street SE and Ridge Drive SE. within Heart Ridge 2nd Addition. The project also included installation of curb & gutter, storm sewer, street lights and chip seal.
- **Street Improvement District #186 - (\$829,374.04)** New asphalt street construction took place on portions of Lena Court SE, Mia Court SE, Will Court SE, Mario Court SE, Philip Court SE and Macedonia Avenue SE all within Macedonia Hills 1st Addition. The improvements also included the installation of curb & gutter, storm sewer, street lights, chip seal and related work.
- **Street Improvement District #189 - (\$79,365.85)** New asphalt street construction took place on 39th Avenue SE. The improvements included new asphalt street construction, installation of curb & gutter, storm sewer, street lights, chip seal and related work.
- **Street Improvement District #190 - (\$1,731,110.27)** New asphalt street construction took place on portions of 2nd Avenue SW, 4th Avenue SW, 8th Avenue SW, 20th Street SW and Cobblestone Loop SW within Keidel's South Heart Terrace 3rd Addition. The improvements also included the installation of curb & gutter, storm sewer, street lights, chip seal and related work.
- **Street Improvement District #191 - (\$221,383.36)** New asphalt street construction took place on portions of Lena Court SE and Mia Court SE within Lincoln Ridge Estates 6th Addition. The improvements also included the installation of curb & gutter, storm sewer, street lights, chip seal and related work.
- **Street Improvement District #192 - (\$278,329.09)** New asphalt street construction took place on portions of Corvette Street NW and a portion of Crown Point Road NW within West Hills 3rd Addition. The improvements also included the installation of curb & gutter, storm sewer, street lights, chip seal and related work.
- **Street Improvement District #193 - (\$213,975.46)** New asphalt street construction took place on Action Drive SE in the Midway 14th Addition. The improvements also included the installation of curb & gutter, storm sewer, street lights, chip seal and related work.
- **Street Improvement District #195 - (\$891,124.81)** The project consisted of street reconstruction on West and East Roughrider Circles NW, Horseshoe Bend NW, Wagonwheel Circle NW, Homestead Place NW and Lariat Court NW all within the Roughrider Estates Additions and a mill

and overlay on 56th Avenue NW. The project also consisted of spot repair of curb & gutter, chip seal and related work.

The assessment lists for these districts were published in the Mandan News and the public hearing before the Special Assessment Commission was held on September 2, 2015. All members of the Special Assessment Commission voted to approve moving them on to the City Commission. There were 2 residents that spoke at the public hearing with comments relative to these projects. Assessments certified to Morton County by November 1st, 2015 to be included on December 2015 Tax Statements.

The two residents that spoke at the public hearing on September 2 were Lee and Adeline Klapprodt who own the parcel at 4440 56th Avenue NW. I have attached the minutes from that meeting for your information. Our office took into consideration that 56th Avenue NW did not have the extent of work on that street as the streets within the Roughrider subdivision but we also had to consider the zoning being commercial versus the residential zoning within Roughrider's. This parcel also has the benefit of an asphalt driveway up to the concrete of their building. I have attached a picture for your reference.

ATTACHMENTS:

1. Special Assessment Commission Public Hearing September 2, 2015 minutes
2. Picture 4440 56th Avenue NW (Lee and Adeline Klapprodt)
3. Copies of the special assessments lists and maps of the respective districts.

FISCAL IMPACT: Total Amount Assessed:

Street Improvement District 177 - (\$396,615.60)
Years Assessed: 15
Estimated Interest Rate: 4.288%
No Interest Charged for the First Year

Street Improvement District #178 - (\$528,440.28)
Years Assessed: 15
Estimated Interest Rate: 4.288%
No Interest Charged for the First Year

Street Improvement District #179 - (\$373,074.39)
Years Assessed: 15
Estimated Interest Rate: 4.288%
No Interest Charged for the First Year

Street Improvement District #181 - (\$326,196.60)
Years Assessed: 15
Estimated Interest Rate: 4.288%
No Interest Charged for the First Year

Street Improvement District #182 - (\$318,096.12)
Years Assessed: 15
Estimated Interest Rate: 4.288%
No Interest Charged for the First Year

Street Improvement District #185 - (\$1,337,003.46)
Years Assessed: 15
Estimated Interest Rate: 4.288%
No Interest Charged for the First Year

Street Improvement District #186 - (\$829,374.04)
Years Assessed: 15
Estimated Interest Rate: 4.288%
No Interest Charged for the First Year

Street Improvement District #189 - (\$79,365.85)
Years Assessed: 15
Estimated Interest Rate: 4.288%
No Interest Charged for the First Year

Street Improvement District #190 - (\$1,731,110.27)
Years Assessed: 15
Estimated Interest Rate: 4.288%
No Interest Charged for the First Year

Street Improvement District #191 - (\$221,383.36)
Years Assessed: 15
Estimated Interest Rate: 4.288%
No Interest Charged for the First Year

Street Improvement District #192 - (\$278,329.09)
Years Assessed: 15
Estimated Interest Rate: 4.288%
No Interest Charged for the First Year

Street Improvement District #193 - (\$213,975.46)
Years Assessed: 15
Estimated Interest Rate: 4.288%
No Interest Charged for the First Year

Street Improvement District #195 - (\$891,124.81)
Years Assessed: 15
Estimated Interest Rate: 4.288%

No Interest Charged for the First Year

STAFF IMPACT: maximum

LEGAL REVIEW: n/a

RECOMMENDATION: I would recommend the proposed assessments as certified by the Special Assessment Commission be confirmed on these thirteen projects.

SUGGESTED MOTION: Move to approve the special assessments for certification on Street Improvement Districts #177, #178, #179, #181, #182, #185, #186, #189, #190, #191, #192, #193 and #195.

PUBLIC HEARING MINUTES
Mandan Special Assessment Commission September 2, 2015

The Special Assessment Commission (SAC) met in the “Bosh Froehlich Meeting Room” at Mandan City Hall on September 2, 2015 at 5:30 p.m.

- A. Roll call:** Members present were Keith Winks, Deborah Holter and Chairman Carl Jacobsen. Also present were Engineering Project Manager Kim Fettig, Special Assessment Analyst Phyllis Hager and Planning and Engineering Director Justin Froseth.

Chairman Jacobsen noted the purpose of this Commission as stated according to North Dakota Century Code, 40-23-07.

- B. Consider approval of the August 25, 2015 meeting minutes.** *Holter made a motion to approve the August 25, 2015 meeting minutes as presented. Winks seconded the motion. The motion passed unanimously.*

C. Public Hearing on the following districts:

- 1. Street Improvement District #177 (Meadows 6th Addition)** New street construction took place on 34th Avenue NW and 48th Street NW including curb & gutter, storm sewer, street lights and chip seal within Meadows 6th Addition. The Commission members acknowledged that no residents were present at the meeting in which to offer comments or objections on the projects to be heard at this public hearing. *Winks made a motion to confirm the special assessments as published for Street Improvement District #177 and certify to the Board of City Commissioners for their consideration. Holter seconded the motion. The motion passed unanimously.*

- 2. Street Improvement District #178 (Keidel’s South Heart Terrace Phase IV)** New asphalt street construction on Amber Place SW, Spring Court SW and the extension of Keidel Trail SW all within the Keidels’s South Heart Terrace Phase IV. *There being no public objections, Winks made a motion to confirm the special assessments as published for Street Improvement District #178*

and certify to the Board of City Commissioners for their consideration. Holter seconded the motion. The motion passed unanimously.

3. **Street Improvement District #179 (Meadow Ridge 3rd Addition)** New asphalt street construction on 7th Avenue NW between 24th Street NW to 27th Street NW and on 26th Street NW to the west of 6th Avenue NW in Meadow Ridge 3rd Addition. *There being no public objections, Winks made a motion to confirm the special assessments as published for Street Improvement District #179 and certify to the Board of City Commissioners for their consideration. Holter seconded the motion. The motion passed unanimously.*

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Noted: City property owners Lee and Adeline Klapprodt appeared at the meeting at 5:37 p.m.

4. **Street Improvement District #181 (Meadows 7th Addition)** New asphalt street construction took place in Meadows 7th Addition on Trident Court NW and the continuation of Wildrye Circle NW along with curb & gutter, storm sewer, street lights and chip seal. *There being no public objections, Winks made a motion to confirm the special assessments as published for Street Improvement District #181 and certify to the Board of City Commissioners for their consideration. Holter seconded the motion. The motion passed unanimously.*
5. **Street Improvement District #182 (Meadow Ridge 1st & 3rd Addition)** New asphalt street construction took place in Meadows 1st & 3rd Additions on a portion of 6th Avenue NW from 24th Street NW along with the installation of curb & gutter, storm sewer, street lights and chip seal. *There being no public objections, Winks made a motion to confirm the special assessments as published for Street Improvement District #182 and certify to the Board of City Commissioners for their consideration. Holter seconded the motion. The motion passed unanimously.*
6. **Street Improvement District #185 (Heart Ridge 2nd Addition)** New asphalt streets along with curb & gutter, storm sewer, street lights and chip seal

were installed on Plains Bend SE, 18th Street SE, Fields Court SE, 14th Street SE and Ridge Drive SE all within Heart Ridge 2nd Addition. *There being no public objections, Winks made a motion to confirm the special assessments as published for Street Improvement District #185 and certify to the Board of City Commissioners for their consideration. Holter seconded the motion. The motion passed unanimously.*

7. **Street Improvement District #186 (Macedonia Hills 1st Addition)** New street construction took place on portions of Lena Court SE, Mia Court SE, Will Court SE, Mario Court SE, Philip Court SE and Macedonia Avenue SE in Macedonia Hills 1st Addition. The project also included the installation of curb & gutter, storm sewer, street lights and chip seal. *There being no public comments or objections, Winks made a motion to confirm the special assessments as published for Street Improvement District #186 and certify to the Board of City Commissioners for their consideration. Holter seconded the motion. The motion passed unanimously.*

8. **Street Improvement District #189 (Lakewood 6th Addition)** Improvements included new asphalt street construction on a portion of Oxbow Trail SE along with the installation of curb & gutter, storm sewer, street lights and chip seal all within Lakewood 6th Addition. *There being no public objections, Winks made a motion to confirm the special assessments as published for Street Improvement District #189*

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and certify to the Board of City Commissioners for their consideration. Holter seconded the motion. The motion passed unanimously.

9. **Street Improvement District #190 (Keidel's South Heart Terrace 3rd Additions)** New asphalt street construction took place on 2nd Avenue SW, 4th Avenue SW, 8th Avenue SW, 20th Street SW and Cobblestone Loop SDW all within Keidel's South Heart Terrace 3rd Addition. *There being no public objections, Winks made a motion to confirm the special assessments as published for Street Improvement District #190 and certify to the Board of City Commissioners for their consideration. Holter seconded the motion. The motion passed unanimously.*

- 10. Street Improvement District #191 (Lincoln Ridge Estates 6th Addition)** The project consisted of new asphalt street construction on portions of Lena Court SE and Mia Court SE within Lincoln Ridge Estates 6th Addition along with the installation of curb & gutter, storm sewer, street lights, chip seal and related work. *There being no public objections, Winks made a motion to confirm the special assessments as published for Street Improvement District #191 and certify to the Board of City Commissioners for their consideration. Holter seconded the motion. The motion passed unanimously.*
- 11. Street Improvement District #192 (West Hills Estates 3rd Addition)** The district was created to allow for new asphalt street construction on Corvette Street NW and a portion of Crown Point Road NW within West Hills Estates 3rd Addition. Installation of curb & gutter, storm sewer, street lights and chip seal also took place within the project. *There being no public objections, Winks made a motion to confirm the special assessments as published for Street Improvement District #192 and certify to the Board of City Commissioners for their consideration. Holter seconded the motion. The motion passed unanimously.*
- 12. Street Improvement District #193 (Midway 14th Addition)** The improvements took place on Action Drive SE in Midway 14th Addition. They included an asphalt street, curb & gutter, storm sewer, street lights and chip seal. *There being no public objections, Winks made a motion to confirm the special assessments as published for Street Improvement District #193 and certify to the Board of City Commissioners for their consideration. Holter seconded the motion. The motion passed unanimously.*
- 13. Street Improvement District #195 (Roughrider Estates Additions)** The project consisted of asphalt resurfacing by mill and overlay, spot repair of curb & gutter and related work on 56th Avenue NW, West and East Roughrider Circles NW, Horseshoe
- 4-
- 14.** Bend NW, Wagonwheel Circle NW, Homestead Place NW and Lariat Court NW all within the Roughrider Estates Additions.

Lee and Adeline Klapprodt, owners of property on 4440 56th Avenue NW, appeared regarding this project. Lee Klapprodt approached the podium stating that he spoke with Engineering Project Manager Kim Fettig in July, 2015 as to his assessments in comparison to the storage units across the road. He said an easement existed between the City and Adeline Klapprodt, heir to the property along with another 20 acres which are not within the City, which conveyed a portion of the lot to the City for \$10.00 for the installation of a lift station.

Ms. Fettig informed him a 20% reduction in assessments was made to those properties benefiting from the construction performed on 56th Avenue NW which equated to \$8,911.25. Those properties benefiting from construction on streets within the subdivision and 56th Avenue NW received assessments of \$11,139.06. Adeline Klapprodt felt that they should have received a 50% reduction for the construction on just one street.

Mr. Klapprodt felt the assessment unfair since the properties across the street received the same assessment although that parcel has a larger front footage than his property. Ms. Fettig informed him that the zoning is commercial for both properties and the method of calculating special assessments was not based on front footage but rather on a per lot basis assigned by a unit cost. Also, Ms. Fettig explained that both his storage building and the storage units across were looked at as similar in nature and that it is necessary for both parties to use 56th Avenue NW in order to gain access to their lots. Ms. Fettig stated this benefit is determined according to the North Dakota Century Code. She also reminded Mr. Klapprodt that his lot received asphalt paving up to the concrete slab next to his building.

Planning & Engineering Director Justin Froseth informed Mr. Klapprodt that the original plan did not include asphalt paving next to the lift station since maintenance requires only an aggregate surface. Mr. Froseth further stated an improvement was made to asphalt paving and costs became part of the project.

Ms. Holter commented that many others are in the same position concerning high specials. She asked if a written easement existed between the City and Adeline Klapprodt. Mr. Froseth said "Yes".

Chairman Jacobsen noted that the committee saw the assessments as fair and equitable but Mr. Klapprodt did have some valid comments. He also stated that Mr.

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Klapprodt could appear at the October 6th City Commission meeting since the City Commission is scheduled to give consideration and final approval to all the projects. With this, *Holter made a motion to confirm the special assessments as published for Street Improvement District #195 and certify to the Board of City Commissioners for their consideration. Winks seconded the motion. The motion passed unanimously.*

D. Adjourn. *There being no further business to come before the Commission, Holter made a motion to adjourn the meeting at 5:58 p.m. Winks seconded the motion. The motion passed unanimously.*

Carl Jacobsen, Chairman

Dated: _____



NOTICE OF HEARING OF OBJECTIONS TO SPECIAL
ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #177

Notice is Hereby Given, that the Special Assessment Commission of the City of Mandan, North Dakota will meet at Mandan City Hall, 205 2nd Avenue NW on September 2, 2015 at 5:30 p.m. to hear objections which may be made to any of the foregoing assessments in Street Improvement District #177 as shown in the foregoing list by any person interested or his agent or attorney.

Phyllis Hager, Special Assessment Analyst

NOTICE OF ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #177

We the undersigned, constituting the Special Assessment Commission of the City of Mandan do hereby certify that the following is a true and correct list of the particular lots and tracts of land which, in the opinion of the Commission, are especially benefited by the construction performed in Street Improvement District #177 of the City of Mandan, showing the amount against each lot or tract, the same is a true and correct assessment of the property therein described to the best judgment of the members of the Commission. The items of expense in said improvement district and the assessments are as follows, to-wit.

Construction	\$351,339.00
Engineering, Legal, Admin.,	37,499.79
Bonding Costs	<u>7,776.81</u>
Amount to be Assessed	\$396,615.60

<u>Seq #</u>	<u>Lot</u>	<u>Block</u>	<u>Address</u>	<u>Amount Assessed</u>
<u>Meadows 6th Addition</u>				
6630	1	1	5001 34 th Avenue NW	\$26,441.04
6631	1	2	5000 34 th Avenue NW	26,441.04
6632	1	3	4908 34 th Avenue NW	26,441.04
6633	2	3	4904 34 th Avenue NW	26,441.04
6634	3	3	4900 34 th Avenue NW	26,441.04
6635	4	3	4815 34 th Avenue NW	26,441.04
6636	5	3	4812 34 th Avenue NW	26,441.04
6637	6	3	4808 34 th Avenue NW	26,441.04
6638	7	3	4804 34 th Avenue NW	26,441.04
6639	1	4	4909 34 th Avenue NW	26,441.04
6640	2	4	4905 34 th Avenue NW	26,441.04
6641	3	4	4901 34 th Avenue NW	26,441.04
6642	4	4	4813 34 th Avenue NW	26,441.04
6643	5	4	4809 34 th Avenue NW	26,441.04
6644	6	4	4805 34 th Avenue NW	26,441.04

Witness our hand officially as said Commission this 30th day of July, 2015.

/s/ Carl Jacobsen, Chairman

/s/ Keith Winks, Member

/s/ Deborah Holter, Member

Publish: August 14, 2015
August 21, 2015



Street Improvement District 177
 Project - 2012-22
 Meadows 6th Add.

AUD LOT H

AUD LOT G

AUD LOT 3



NOTICE OF HEARING OF OBJECTIONS TO SPECIAL
ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #178

Notice is Hereby Given, that the Special Assessment Commission of the City of Mandan, North Dakota will meet at Mandan City Hall, 205 2nd Avenue NW on September 2, 2015 at 5:30 p.m. to hear objections which may be made to any of the foregoing assessments in Street Improvement District #178 as shown in the foregoing list by any person interested or his agent or attorney.

Phyllis Hager, Special Assessment Analyst

NOTICE OF ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #178

We the undersigned, constituting the Special Assessment Commission of the City of Mandan do hereby certify that the following is a true and correct list of the particular lots and tracts of land which, in the opinion of the Commission, are especially benefited by the construction performed in Street Improvement District #178 of the City of Mandan, showing the amount against each lot or tract, the same is a true and correct assessment of the property therein described to the best judgment of the members of the Commission. The items of expense in said improvement district and the assessments are as follows, to-wit.

Construction	\$ 482,961.73
Engineering, Legal, Administration	33,783.18
Testing & Inspection	1,333.75
Bonding Costs	<u>10,361.62</u>
Amount to be Assessed	\$528,440.28

<u>Seq #</u>	<u>Lot</u>	<u>Block</u>	<u>Address</u>	<u>Amount Assessed</u>
<u>Keidels South Heart Terrace 1st Addition</u>				
10771	30	3	1703 4 th Avenue SW	\$ 7,141.08
<u>Keidel's South Heart Terrace 2nd Addition</u>				
11126	12	3	518 Keidel Trail SW	7,141.08
11127	13	3	522 Keidel Trail SW	14,282.17
11128	14	3	600 Keidel Trail SW	14,282.17
11129	15	3	604 Keidel Trail SW	14,282.17
11130	16	3	608 Keidel Trail SW	14,282.17
11131	17	3	612 Keidel Trail SW	14,282.17
11132	18	3	704 Keidel Trail SW	14,282.17
11133	19	3	708 Keidel Trail SW	14,282.17
11134	20	3	712 Keidel Trail SW	14,282.17
11135	21	3	804 Keidel Trail SW	14,282.17
11136	22	3	808 Keidel Trail SW	14,282.17
11137	23	3	812 Keidel Trail SW	14,282.17
11138	1	4	811 Keidel Trail SW	14,282.17
11139	2	4	807 Keidel Trail SW	14,282.17
11140	3	4	803 Keidel Trail SW	14,282.17
11141	4	4	1705 Amber Place SW	14,282.17
11142	5	4	1709 Amber Place SW	14,282.17
11143	6	4	1801 Amber Place SW	14,282.17
11144	7	4	1805 Amber Place SW	14,282.17

11145	8	4	1804 Amber Place SW	14,282.17
11146	9	4	1800 Amber Place SW	14,282.17
11147	10	4	1708 Amber Place SW	14,282.17
11148	11	4	1704 Amber Place SW	14,282.17
11149	12	4	1700 Amber Place SW	14,282.17
11150	13	4	609 Keidel Trail SW	14,282.17
11151	14	4	1705 Spring Court SW	14,282.17
11152	15	4	1709 Spring Court SW	14,282.17
11153	16	4	1801 Spring Court SW	14,282.17
11154	17	4	1805 Spring Court SW	14,282.17
11155	18	4	1809 Spring Court SW	14,282.17
11156	19	4	1812 Spring Court SW	14,282.17
11157	20	4	1808 Spring Court SW	14,282.17
11158	21	4	1804 Spring Court SW	14,282.17
11159	22	4	1800 Spring Court SW	14,282.17
11160	23	4	1708 Spring Court SW	14,282.17
11161	24	4	1704 Spring Court SW	14,282.17
11162	25	4	1700 Spring Court SW	14,282.17

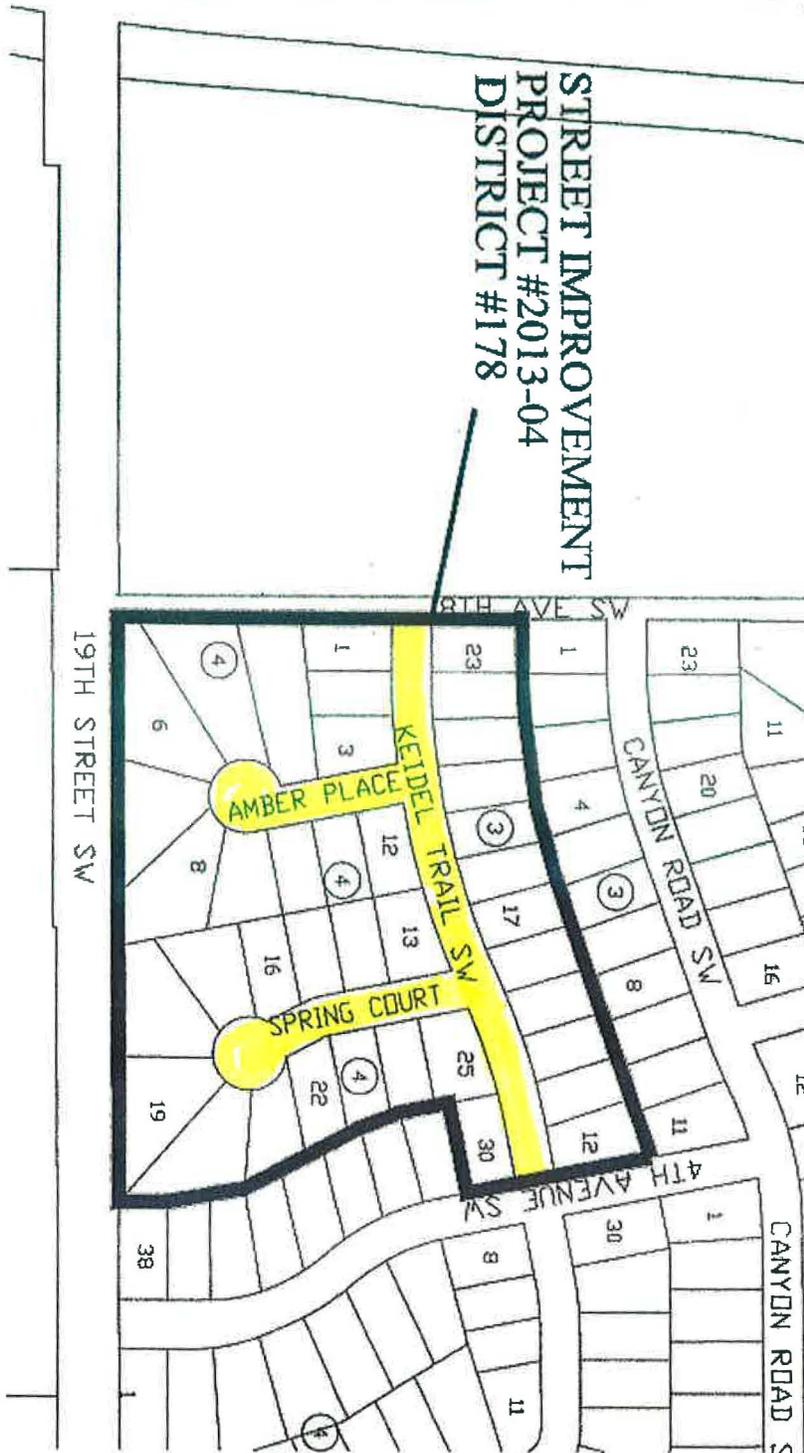
Witness our hands officially as said Commission this 30th day of July, 2015.

/s/ Carl Jacobsen
Member

/s/ Keith Winks
Member

/s/ Deborah Holter
Member

Publish: August 14, 2015
August 21, 2015



NOTICE OF HEARING OF OBJECTIONS TO SPECIAL
ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #179

Notice is Hereby Given that the Special Assessment Commission of the City of Mandan, North Dakota will meet at Mandan City Hall, 205 2nd Avenue NW on September 2, 2015 at 5:30 p.m. to hear objections which may be made to any of the foregoing assessments in Street Improvement District #179 as shown in the foregoing list by any person interested or his agent or attorney.

Phyllis Hager, Special Assessment Analyst

NOTICE OF ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #179

We the undersigned, constituting the Special Assessment Commission of the City of Mandan do hereby certify that the following is a true and correct list of the particular lots and tracts of land which, in the opinion of the Commission, are especially benefited by the construction performed in Street Improvement District #179 of the City of Mandan, showing the amount against each lot or tract, the same is a true and correct assessment of the property therein described to the best judgment of the members of the Commission. The items of expense in said improvement district and the assessments are as follows, to-wit:

Construction	\$341,406.43
Engineering, Legal, Admin.,	24,352.73
Bonding Costs	<u>7,315.23</u>
Amount to be Assessed	\$373,074.39

<u>Seq #</u>	<u>Lot</u>	<u>Block</u>	<u>Address</u>	<u>Amount Assessed</u>
<u>Meadow Ridge 3rd Addition</u>				
11336	3	1	2611 7 th Avenue NW	\$28,698.03
11337	4	1	2607 7 th Avenue NW	19,132.02
11338	5	1	2603 7 th Avenue NW	19,132.02
11339	6	1	2511 7 th Avenue NW	19,132.02
11340	7	1	2507 7 th Avenue NW	19,132.02
11341	8	1	2503 7 th Avenue NW	19,132.02
11343	2	2	2606 7 th Avenue NW	19,132.02
11344	3	2	2602 7 th Avenue NW	19,132.02
11345	4	2	2510 7 th Avenue NW	19,132.02
11346	5	2	2506 7 th Avenue NW	19,132.02
11347	6	2	2502 7 th Avenue NW	19,132.02

Replat of Meadow Ridge 3rd Addition (Lot 1, Block 2)

11342-01	1	2	2614 7 th Avenue NW	9,566.01
11342-02	2	2	2612 7 th Avenue NW	9,566.01
11342-03	3	2	2610 7 th Avenue NW	9,566.01
11342-04	4	2	2608 7 th Avenue NW	9,566.01
11342-05	5	2	707 26 th Street NW	9,566.01
11342-06	6	2	705 26 th Street NW	9,566.01
11342-07	7	2	703 26 th Street NW	9,566.01
11342-08	8	2	701 25 th Street NW	9,566.01

Meadow Ridge 3rd Addition Replat

11760	1	1	804 26 th Street NW	9,566.01
11761	2	1	802 26 th Street NW	9,566.01
11762	3	1	712 26 th Street NW	9,566.01
11763	4	1	710 26 th Street NW	9,566.01

11764	5	1	708 26 th Street NW	9,566.01
11765	6	6	706 26 th Street NW	9,566.01
11766	7	1	704 26 th Street NW	9,566.01
11767	8	1	702 26 th Street NW	9,566.01

Witness our hands officially as said Commission this 30th day of July, 2015.

/s/ Carl Jacobsen
Chairman

/s/ Keith Winks
Member

/s/ Deborah Holter
Member

Publish: August 14, 2015
August 21, 2015



NOTICE OF HEARING OF OBJECTIONS TO SPECIAL
ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #181

Notice is Hereby Given, that the Special Assessment Commission of the City of Mandan, North Dakota will meet at Mandan City Hall, 205 2nd Avenue NW on September 2, 2015 at 5:30 p.m. to hear objections which may be made to any of the foregoing assessments in Street Improvement District #181 as shown in the foregoing list by any person interested or his agent or attorney.

Phyllis Hager, Special Assessment Analyst

NOTICE OF ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #181

We the undersigned, constituting the Special Assessment Commission of the City of Mandan do hereby certify that the following is a true and correct list of the particular lots and tracts of land which, in the opinion of the Commission, are especially benefited by the construction performed in Street Improvement District #181 of the City of Mandan, showing the amount against each lot or tract, the same is a true and correct assessment of the property described to the best judgment of the members of the Commission. The items of expense in said district and the assessments are as follows, to-wit.

Construction	\$293,968.94
Engineering, Legal, Admin.,	25,831.66
Bonding Costs	<u>6,396.00</u>
Amount to be Assessed	\$326,196.60

<u>Seq #</u>	<u>Lot</u>	<u>Block</u>	<u>Address</u>	<u>Amount Assessed</u>
<u>Meadows 7th Addition</u>				
11385	1	1	3704 Wildrye Circle N	\$16,309.83
11386	2	1	3706 Wildrye Circle N	16,309.83
11387	3	1	3804 Wildrye Circle N	16,309.83
11388	4	1	3806 Wildrye Circle N	16,309.83
11389	1	2	3701 Wildrye Circle N	16,309.83
11390	2	2	3703 Wildrye Circle N	16,309.83
11391	3	2	3705 Wildrye Circle N	16,309.83
11392	4	2	3801 Wildrye Circle N	16,309.83
11393	5	2	3803 Wildrye Circle N	16,309.83
11394	6	2	3805 Wildrye Circle N	16,309.83
11395	7	2	3903 Wildrye Circle N	16,309.83
11396	8	2	3905 Trident Court NW	16,309.83
11397	9	2	3907 Trident Court NW	16,309.83
11398	10	2	3909 Trident Court NW	16,309.83
11399	11	2	4005 Trident Court NW	16,309.83
11400	12	2	4009 Trident Court NW	16,309.83
11401	13	2	4008 Trident Court NW	16,309.83
11402	14	2	4004 Trident Court NW	16,309.83
11403	15	2	3908 Trident Court NW	16,309.83
11404	16	2	3904 Trident Court NW	16,309.83

Witness our hands officially as said Commission this 30th day of July, 2015.

/s/ Carl Jacobsen, Chairman

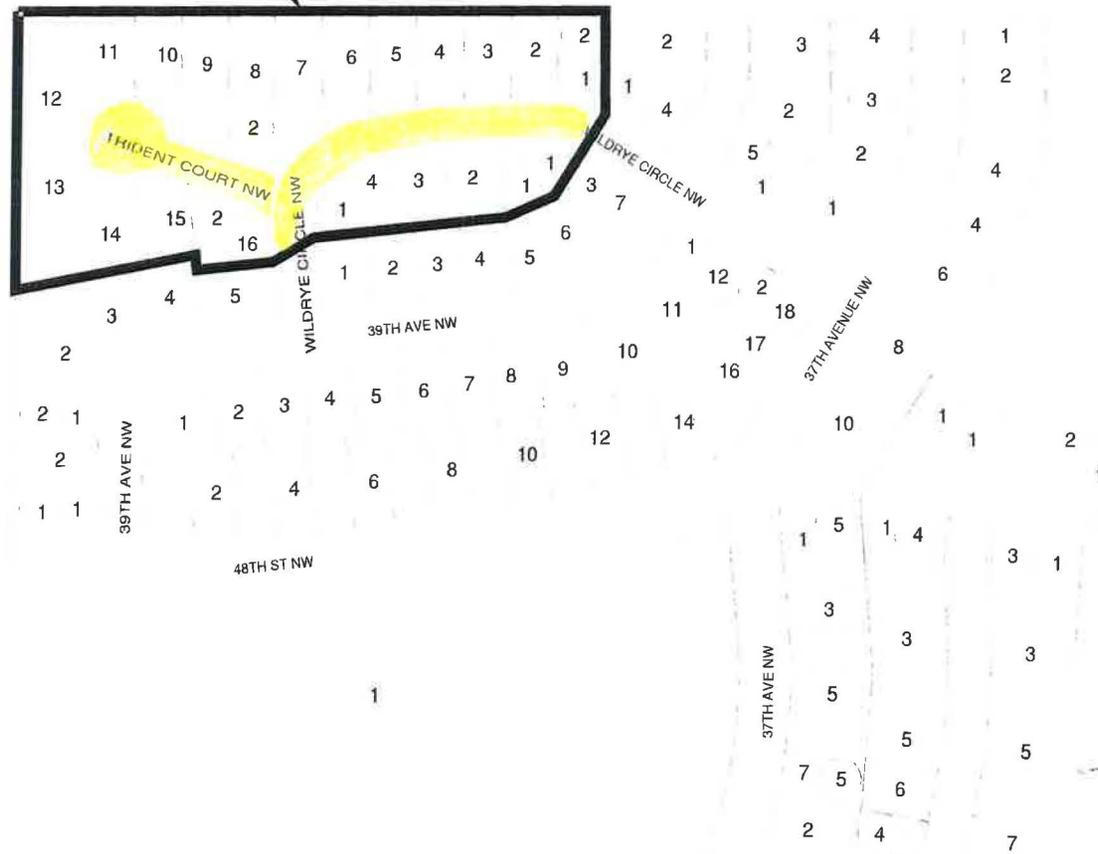
/s/ Keith Winks, Member

/s/ Deborah Holter, Member

Publish: August 14, 2015 & August 21, 2015

Street Improvement District 181
Project - 2013-15
Meadows 7th Add.

AUDITORS LOT B



NOTICE OF HEARING OF OBJECTIONS TO SPECIAL
ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #182

Notice is Hereby Given that the Special Assessment Commission of the City of Mandan, North Dakota will meet at Mandan City Hall, 205 2nd Avenue NW on September 2, 2015 at 5:30 p.m. to hear objections which may be made to any of the foregoing assessments in Street Improvement District #182 as shown in the foregoing list by any person interested or his agent or attorney.

Phyllis Hager, Special Assessment Analyst

NOTICE OF ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #182

We the undersigned, constituting the Special Assessment Commission of the City of Mandan do hereby certify that the following is a true and correct list of the particular lots and tracts of land which, in the opinion of the Commission, are especially benefited by the construction performed in Street Improvement District #182 of the City of Mandan, showing the amount against each lot or tract, the same is a true and correct assessment of the property therein described to the best judgment of the members of the Commission. The items of expense in said improvement district and the assessments are as follows, to-wit.

Construction	\$280,776.66
Engineering, Legal, Admin.,	28,447.55
Testing & Inspection	2,634.75
Bonding Costs	<u>6,237.16</u>
Amount to be Assessed	\$318,096.12

<u>Seq #</u>	<u>Lot</u>	<u>Block</u>	<u>Address</u>	<u>Amount Assessed</u>
<u>Meadow Ridge 1st Addition</u>				
00037	1	1	600 Meadow Ridge Loop N	\$214,596.12
 <u>Meadow Ridge 3rd Addition</u>				
11348	7	2	2501 6 th Avenue NW	17,500.00
11349	8	2	2505 6 th Avenue NW	17,500.00
11350	9	2	2509 6 th Avenue NW	17,500.00
11351	10	2	2601 6 th Avenue NW	17,500.00
11352	11	2	2605 6 th Avenue NW	17,500.00
 <u>Replat of Meadow Ridge 3rd Addition</u>				
11342.01	1	2	2614 7 th Avenue NW	1,000.00
11342.02	2	2	2612 7 th Avenue NW	1,000.00
11342.03	3	2	2610 7 th Avenue NW	1,000.00
11342.04	4	2	2608 7 th Avenue NW	1,000.00
11342.05	5	2	707 26 th Street NW	1,000.00
11342.06	6	2	705 26 th Street NW	1,000.00
11342.07	7	2	703 26 th Street NW	1,000.00
11342.08	8	2	701 26 th Street NW	1,000.00
 <u>Meadow Ridge 3rd Addition Replat</u>				
11760	1	1	804 26 th Street NW	1,000.00

11761	2	1	802 26 th Street NW	1,000.00
11762	3	1	712 26 th Street NW	1,000.00
11763	4	1	710 26 th Street NW	1,000.00
11764	5	1	708 26 th Street NW	1,000.00
11765	6	1	706 26 th Street NW	1,000.00
11766	7	1	704 26 th Street NW	1,000.00
11767	8	1	702 26 th Street NW	1,000.00

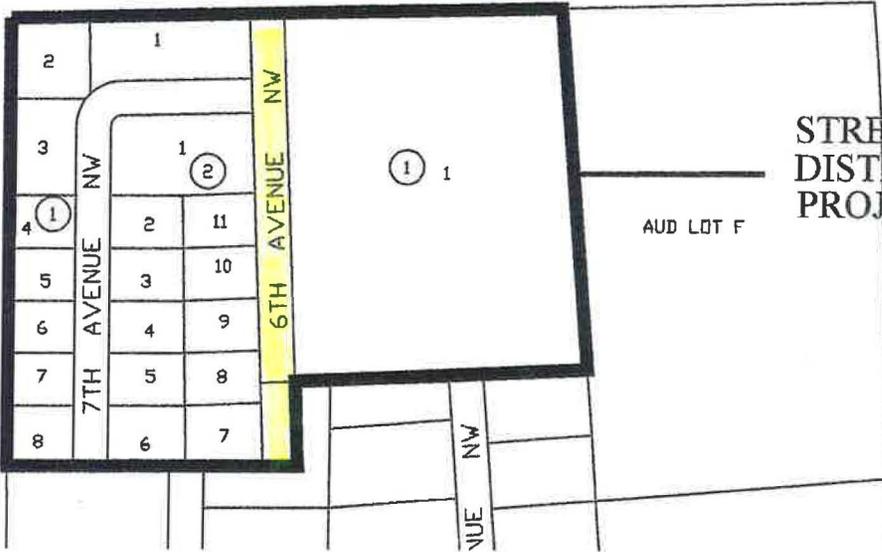
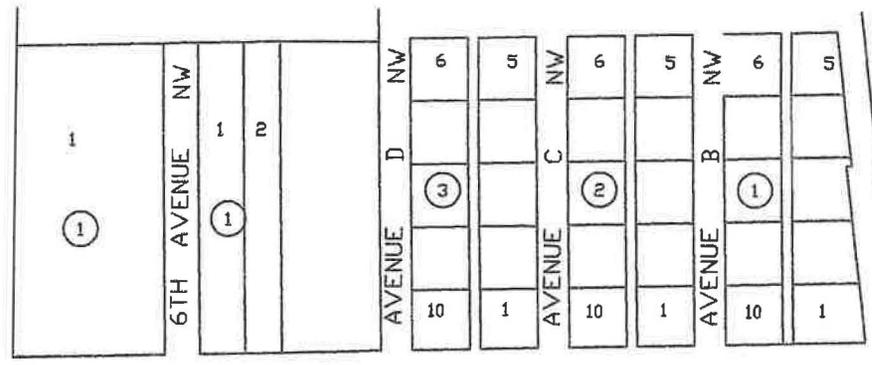
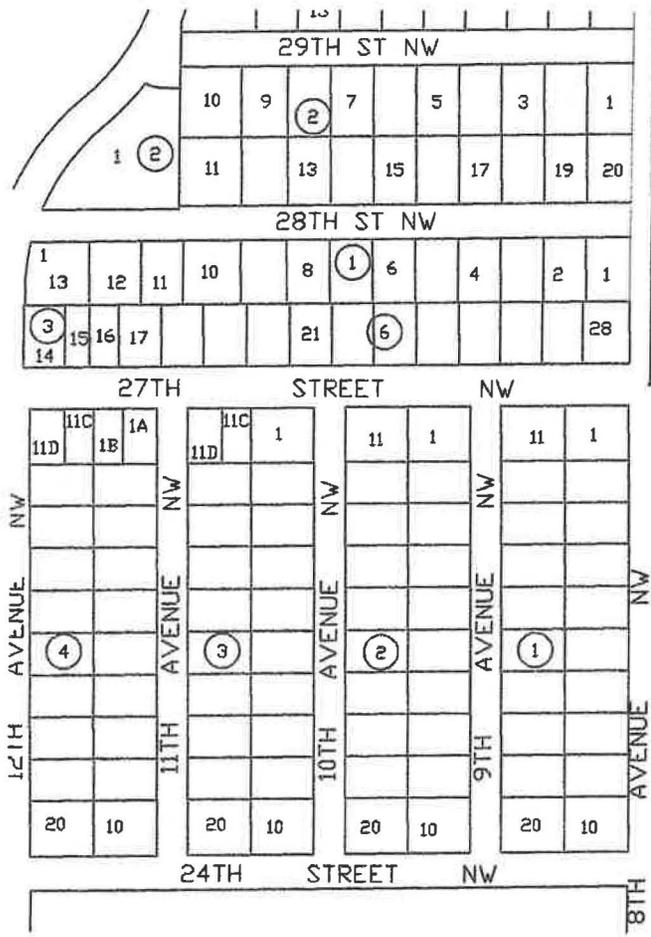
Witness our hands officially as said Commission this 30th day of July, 2015

/s/ Carl Jacobsen
Chairman

Keith Winks
Member

/s/ Deborah Holter
Member

Publish: August 14, 2015
August 21, 2015



STREET IMPROVEMENT
DISTRICT 182
PROJECT 2013-16

NOTICE OF HEARING OF OBJECTIONS TO SPECIAL
ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #185

Notice is Hereby Given, that the Special Assessment Commission of the City of Mandan, North Dakota will meet at Mandan City Hall, 205 2nd Avenue NW on September 2, 2015 at 5:30 p.m. to hear objections which may be made to any of the foregoing assessments in Street Improvement District #185 as shown in the foregoing list by any person interested or his agent or attorney.

Phyllis Hager, Special Assessment Analyst

NOTICE OF ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #185

We the undersigned, constituting the Special Assessment Commission of the City of Mandan do hereby certify that the following is a true and correct list of the particular lots and tracts of land which, in the opinion of the Commission, are especially benefited by the construction performed in Street Improvement District #185 of the City of Mandan, showing the amount against each lot or tract, the same is a true and correct assessment of the property therein described to the best judgment of the members of the Commission. The items of expense in said improvement district and the assessments are as follows, to-wit.

Construction	\$1,302,714.89
Legal, Admin.,	204.36
Testing & Inspection	7,868.50
Bonding Costs	<u>26,215.71</u>
Amount to be Assessed	\$1,337,003.46

<u>Seq #</u>	<u>Lot</u>	<u>Block</u>	<u>Address</u>	<u>Amount Assessed</u>
<u>Heart Ridge 1st Addition</u>				
10983	19	1	1520 Ridge Drive SE	\$17,141.07
10984	20	1	601 14 th Street SE	17,141.07
11010	13	3	1521 Ridge Drive SE	17,141.07
<u>Heart Ridge 2nd Addition</u>				
11190	1	1	515 18 th Street SE	17,141.07
11191	2	1	511 18 th Street SE	17,141.07
11192	3	1	507 18 th Street SE	17,141.07
11193	4	1	503 18 th Street SE	17,141.07
11194	5	1	411 18 th Street SE	17,141.07
11195	6	1	407 18 th Street SE	17,141.07
11196	7	1	403 18 th Street SE	17,141.07
11197	1	2	1817 Plains Bend SE	17,141.07
11198	2	2	1813 Plains Bend SE	17,141.07
11199	3	2	1809 Plains Bend SE	17,141.07
11200	4	2	1805 Plains Bend SE	17,141.07
11201	5	2	1801 Plains Bend SE	17,141.07
11202	6	2	1701 Plains Bend SE	17,141.07
11203	7	2	1633 Plains Bend SE	17,141.07
11204	8	2	1629 Plains Bend SE	17,141.07
11205	9	2	1625 Plains Bend SE	17,141.07
11206	10	2	1621 Plains Bend SE	17,141.07
11207	11	2	1617 Plains Bend SE	17,141.07

11208	12	2	1613 Plains Bend SE	17,141.07
11209	13	2	1609 Plains Bend SE	17,141.07
11210	14	2	1601 Plains Bend SE	17,141.07
11211	15	2		17,141.07
11213	1	3	514 18 th Street SE	17,141.07
11214	2	3	510 18 th Street SE	17,141.07
11215	3	3	506 18 th Street SE	17,141.07
11216	4	3	502 18 th Street SE	17,141.07
11217	5	3	410 18 th Street SE	17,141.07
11218	6	3	406 18 th Street SE	17,141.07
11219	7	3	402 18 th Street SE	17,141.07
11221	8	3	1800 Plains Bend SE	17,141.07
11222	9	3	405 Fields Court SE	17,141.07
11223	10	3	409 Fields Court SE	17,141.07
11224	11	3	501 Fields Court SE	17,141.07

-2-

11225	12	3	505 Fields Court SE	17,141.07
11226	13	3	509 Fields Court SE	17,141.07
11227	14	3	513 Fields Court SE	17,141.07
11228	15	3	517 Fields Court SE	17,141.07
11229	16	3	516 Fields Court SE	17,141.07
11230	17	3	512 Fields Court SE	17,141.07
11231	18	3	508 Fields Court SE	17,141.07
11232	19	3	504 Fields Court SE	17,141.07
11233	20	3	500 Fields Court SE	17,141.07
11234	21	3	408 Fields Court SE	17,141.07
11235	22	3	404 Fields Court SE	17,141.07
11236	23	3	400 Fields Court SE	17,141.07
11237	24	3	1628 Plains Bend SE	17,141.07
11238	25	3	1624 Plains Bend SE	17,141.07
11239	26	3	1620 Plains Bend SE	17,141.07
11240	27	3	1616 Plains Bend SE	17,141.07
11241	28	3	1612 Plains Bend SE	17,141.07
11242	29	3	1608 Plains Bend SE	17,141.07
11243	30	3	1604 Plains Bend SE	17,141.07

Heart Ridge 3rd Addition

11244	1	1	1509 Plains Bend SE	17,141.07
11245	2	1	1505 Plains Bend SE	17,141.07
11246	3	1	1501 Plains Bend SE	17,141.07
11247	4	1	1413 Plains Bend SE	17,141.07
11248	5	1	1409 Plains Bend SE	17,141.07
11249	6	1	1405 Plains Bend SE	17,141.07
11250	7	1	1401 Plains Bend SE	17,141.07
11251	8	1	1313 Plains Bend SE	17,141.07
11252	9	1	1309 Plains Bend SE	17,141.07
11253	10	1	1305 Plains Bend SE	17,141.07
11254	11	1	1301 Plains Bend SE	17,141.07
11255	12	1	1207 Plains Bend SE	17,141.07

11256	13	1	1203 Plains Bend SE	17,141.07
11257	14	1	1200 Plains Bend SE	17,141.07
11258	15	1	1204 Plains Bend SE	17,141.07
11259	16	1	1208 Plains Bend SE	17,141.07
11260	17	1	1300 Plains Bend SE	17,141.07
11261	18	1	1304 Plains Bend SE	17,141.07
11262	19	1	1308 Plains Bend SE	17,141.07
11263	20	1	1400 Plains Bend SE	17,141.07
11264	21	1	1404 Plains Bend SE	17,141.07
11265	22	1	1408 Plains Bend SE	17,141.07
11019	23	1	600 14 th Street SE	17,141.07

Witness our hands officially as said Commission this 30th day of July, 2015

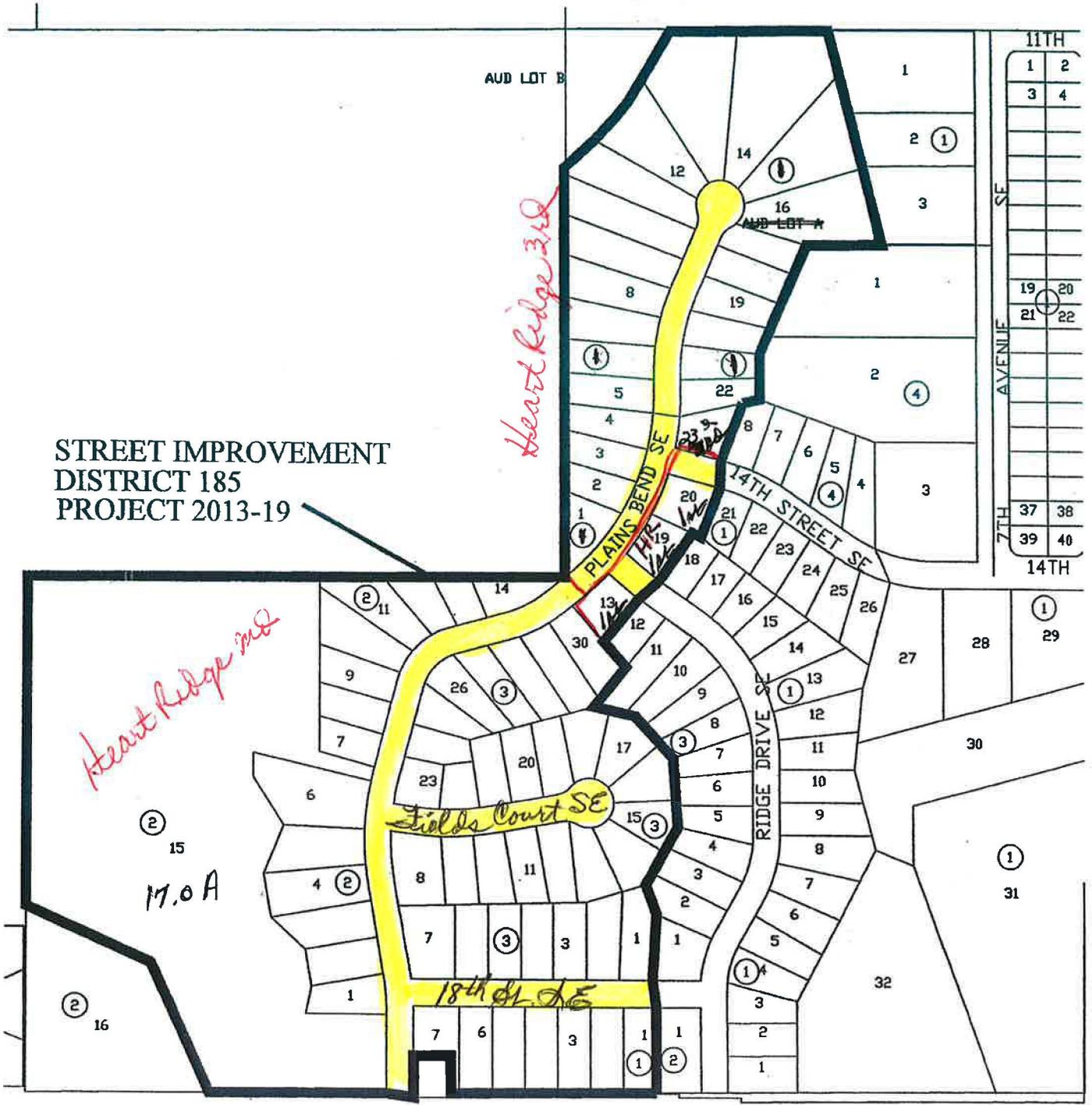
/s/ Carl Jacobsen
Chairman

/s/ Keith Winks
Member

/s/ Deborah Holter
Member

Publish: August 14, 2015
August 21, 2015

STREET IMPROVEMENT
DISTRICT 185
PROJECT 2013-19



NOTICE OF HEARING OF OBJECTIONS TO SPECIAL
ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #186

Notice is Hereby Given that the Special Assessment Commission of the City of Mandan, North Dakota will meet at Mandan City Hall, 205 2nd Avenue NW on September 2, 2015 at 5:30 p.m. to hear objections which may be made to any of the foregoing assessments in Street Improvement District #186 as shown in the foregoing list by any person interested or his agent or attorney.

Phyllis Hager, Special Assessment Analyst

NOTICE OF ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #186

We the undersigned, constituting the Special Assessment Commission of the City of Mandan do hereby certify that the following is a true and correct list of the particular lots and tracts of land which, in the opinion of the Commission, are especially benefited by the construction performed in Street Improvement District #186 of the City of Mandan, showing the amount against each lot or tract, the same is a true and correct assessment of the property therein described to the best judgment of the members of the Commission. The items of expense in said improvement district and the assessments are as follows, to-wit:

Construction	\$731,573.62
Engineering, Legal, Administration	77,038.79
Testing & Inspection	4,499.25
Bonding Costs	<u>16,262.38</u>
Amount to be Assessed	\$829,374.04

<u>Seq #</u>	<u>Lot</u>	<u>Block</u>	<u>Address</u>	<u>Amount Assessed</u>
<u>Macedonia Hills 1st Addition</u>				
11290	1	1	2001 Macedonia Avenue SE	\$18,849.41
11291	2	1	2005 Macedonia Avenue SE	18,849.41
11292	3	1	2009 Macedonia Avenue SE	18,849.41
11293	4	1	2013 Macedonia Avenue SE	18,849.41
11294	5	1	2017 Macedonia Avenue SE	18,849.41
11295	6	1	2101 Macedonia Avenue SE	18,849.41
11296	7	1	2105 Macedonia Avenue SE	18,849.41
11297	8	1	2109 Macedonia Avenue SE	18,849.41
11298	9	1	2203 Macedonia Avenue SE	18,849.41
11299	10	1	2207 Macedonia Avenue SE	18,849.41
11300	11	1	2211 Macedonia Avenue SE	18,849.41
11301	12	1	206 Philip Court SE	18,849.41
11302	13	1	202 Philip Court SE	18,849.41
11303	14	1	203 Philip Court SE	18,849.41
11304	15	1	207 Philip Court SE	18,849.41
11305	16	1	211 Philip Court SE	18,849.41
11306	17	1	2309 Macedonia Avenue SE	18,849.41
11307	18	1	2401 Macedonia Avenue SE	18,849.41
11308	19	1	2405 Macedonia Avenue SE	18,849.41
11309	1	2	2002 Macedonia Avenue SE	18,849.41
11310	2	2	306 Lena Court SE	18,849.41
11311	3	2	310 Lena Court SE	18,849.41

11312	1	3	301 Lena Court SE	18,849.41
11313	2	3	305 Lena Court SE	18,849.41
11314	3	3	309 Lena Court SE	18,849.41
11315	4	3	308 Mia Court SE	18,849.41
11316	5	3	304 Mia Court SE	18,849.41
11317	6	3	300 Mia Court SE	18,849.41
11318	1	4	303 Mia Court SE	18,849.41
11319	2	4	307 Mia Court SE	18,849.41
11320	3	4	311 Mia Court SE	18,849.41
11321	4	4	310 Will Court SE	18,849.41
11322	5	4	306 Will Court SE	18,849.41
11323	6	4	302 Will Court SE	18,849.41
11324	1	5	301 Will Court SE	18,849.41
11325	2	5	305 Will Court SE	18,849.41
11326	3	5	309 Will Court SE	18,849.41
11327	4	5	308 Mario Court SE	18,849.41
11328	5	5	304 Mario Court SE	18,849.41
11329	6	5	300 Mario Court SE	18,849.41
11330	1	6	303 Mario Court SE	18,849.41
11331	2	6	2408 Macedonia Avenue SE	18,849.41
11332	3	6	307 Mario Court SE	18,849.41
11333	4	6	311 Mario Court SE	18,849.41

Witness our hands officially as said Commission this 30th day of July, 2015.

/s/ Carl Jacobsen
Chairman

/s/ Keith Winks
Member

/s/ Deborah Holter
Member

Publish: August 14, 2015
August 21, 2015

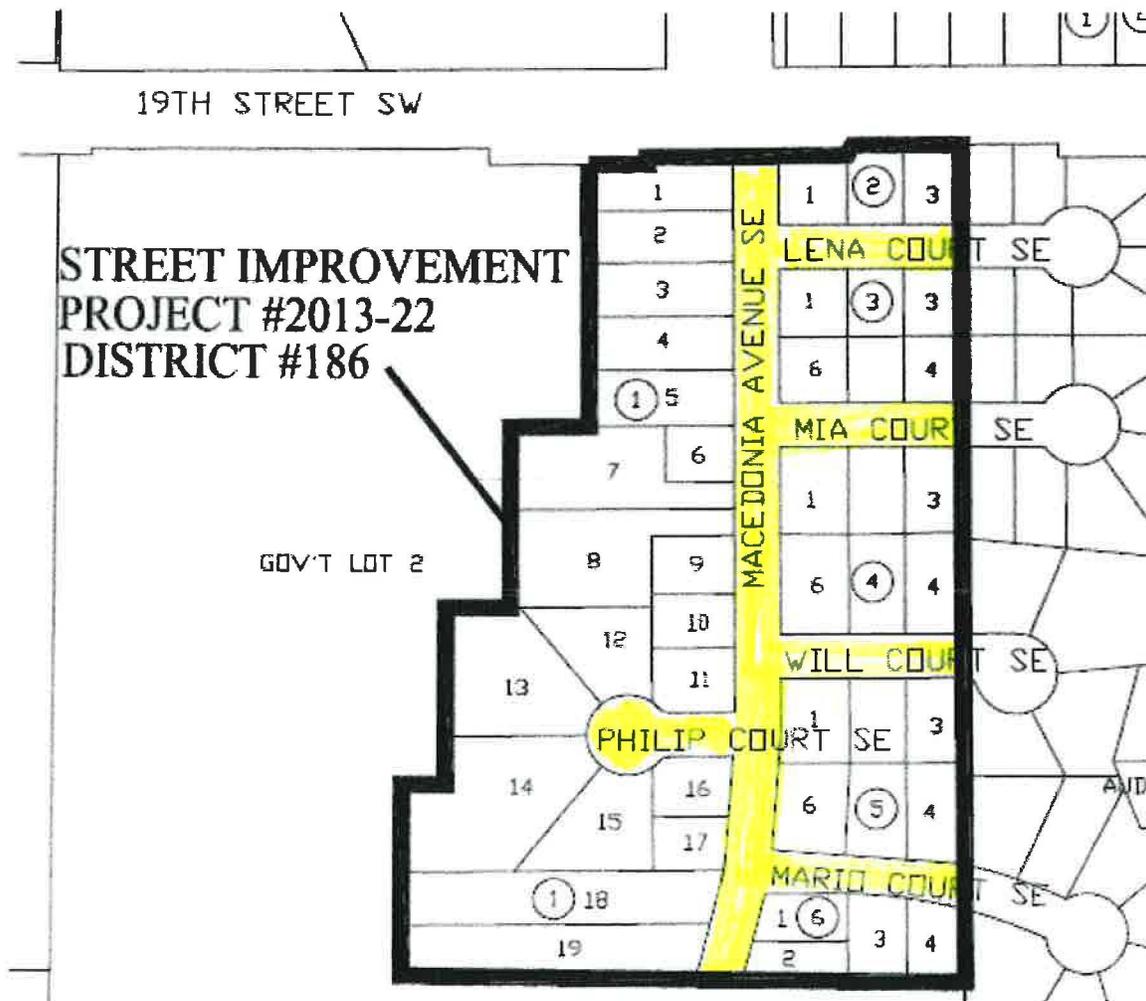
Board of City Commissioners

Agenda Documentation

Meeting Date: January 7, 2014

Subject: Consider approving advertisement for bids for Street Improvement District No. 186, Project No. 2013-22 (Macedonia Hills 1st Addition).

Page 5 of 5



NOTICE OF HEARING OF OBJECTIONS TO SPECIAL
ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #189

Notice is Hereby Given, that the Special Assessment Commission of the City of Mandan, North Dakota will meet at Mandan City Hall, 205 2nd Avenue NW on September 2, 2015 at 5:30 p.m. to hear objections which may be made to any of the foregoing assessments in Street Improvement District #189 as shown in the foregoing list by any person interested or his agent or attorney.

Phyllis Hager, Special Assessment Analyst

NOTICE OF ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #189

We the undersigned, constituting the Special Assessment Commission of the City of Mandan do hereby certify that the following is a true and correct list of the particular lots and tracts of land, which in the opinion of the Commission, are especially benefited by the construction performed in Street Improvement District #189 of the City of Mandan, showing the amount against each lot or tract, the same is a true and correct assessment of the property therein described to the best judgment of the members of the Commission. The items of expense in said improvement district and the assessments are as follows, to-wit:

Construction	\$71,626.47
Engineering, Legal, Admin.,	5,195.87
Testing & Inspection	987.25
Bonding Costs	<u>1,556.26</u>
Amount to be Assessed	\$79,365.85

<u>Seq #</u>	<u>Lot</u>	<u>Block</u>	<u>Address</u>	<u>Amount Assessed</u>
<u>Lakewood 6th Addition Replat Lot 10B</u>				
11271	1	1	3910 Lillian Court SE	\$4,177.15
11272	2	1	3904 Lillian Court SE	4,177.15
11273	3	1	3838 Lillian Court SE	4,177.15
11274	4	1	3834 Lillian Court SE	4,177.15
11275	5	1	3830 Lillian Court SE	4,177.15
11276	6	1	3826 Lillian Court SE	4,177.15
11277	7	1	3822 Lillian Court SE	4,177.15
11278	8	1	3818 Lillian Court SE	4,177.15
11279	9	1	3814 Lillian Court SE	4,177.15
11280	10	1	3810 Lillian Court SE	4,177.15
11281	11	1	3806 Lillian Court SE	4,177.15
11282	12	1	3802 Lillian Court SE	4,177.15
11283	13	1	3811 Lillian Court SE	4,177.15
11284	14	1	3815 Lillian Court SE	4,177.15
11285	15	1	3819 Lillian Court SE	4,177.15
11286	16	1	3823 Lillian Court SE	4,177.15
11287	17	1	3827 Lillian Court SE	4,177.15
11288	18	1	3831 Lillian Court SE	4,177.15
11289	19	1	3905 Lillian Court SE	4,177.15

Witness our hands officially as said Commission this 30th day of July, 2015.

/s/ Carl Jacobsen
Chairman (SAC)

/s/ Keith Winks
Member

/s/ Deborah Holter
Member

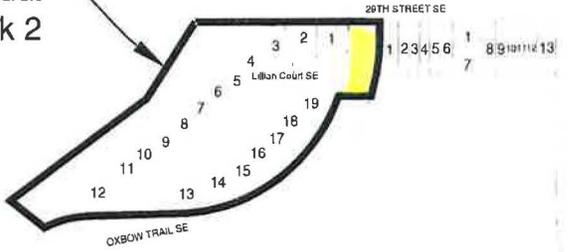
Publish: August 14, 2015
August 21, 2015

MCKENZIE DRIVE
1 2 3 4 5 6 7 8

2

LOT 1 OF LOT B

Street Improvement District 189
Project - 2013-30
Lakewood 6th Add.
Replat of Lot 10B Blk 2



OUTLOT A

LOT 2 OF LOT A

38TH AVENUE SE

40TH AVENUE SE

20TH STREET SE

OXBOW TRAIL SE

SHAUN DRIVE

AUSTIN DRIVE

28TH ST

30th St

LOCOWAY

DANIEL

BAY SHORE PL

34A
34B
34C
35
36



NOTICE OF HEARING OF OBJECTIONS TO SPECIAL
ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #190

Notice is Hereby Given, that the Special Assessment Commission of the City of Mandan, North Dakota will meet at Mandan City Hall, 205 2nd Avenue NW on September 2, 2015 at 5:30 p.m. to hear objections which may be made to any of the foregoing assessments in Street Improvement District #190 as shown in the foregoing list by any person interested or his agent or attorney.
Phyllis Hager, Special Assessment Analyst

NOTICE OF ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #190

We the undersigned, constituting the Special Assessment Commission of the City of Mandan do hereby certify that the following is a true and correct list of the particular lots and tracts of land which, in the opinion of the Commission, are especially benefited by the construction performed in Street Improvement District #190 of the City of Mandan, showing the amount against each lot or tract, the same is a true and correct assessment of the property therein described to the best judgment of the members of the Commission. The items of expense in said improvement district and the assessments are as follows, to-wit.

Construction	\$1,578,405.26
Engineering, Legal, Admin.,	110,833.43
Testing & Inspection	7,939.00
Bonding Costs	<u>33,932.58</u>
Amount to be Assessed	\$1,731,110.27

<u>Seq #</u>	<u>Lot</u>	<u>Block</u>	<u>Address</u>	<u>Amount Assessed</u>
<u>Mandan Lands</u>				
9101.01	Pt of Gov Lots 3 & 4 Sec 3-138-81			\$142,067.91
11768	Pt of Gov Lots 3 & 4 SW1/4NW1/4 Sec 3-138-81			317,111.57
<u>Keidel's South Heart Terrace 3rd Addition</u>				
11416	1	1	817 Cobblestone Loop SW	24,773.31
11417	2	1	813 Cobblestone Loop SW	24,968.54
11418	3	1	809 Cobblestone Loop SW	24,713.36
11420	5	1	806 Cobblestone Loop SW	24,912.76
11421	6	1	804 Cobblestone Loop SW	24,770.47
11422	7	1	802 Cobblestone Loop SW	24,780.52
11423	8	1	706 Cobblestone Loop SW	24,582.26
11424	9	1	704 Cobblestone Loop SW	24,607.87
11425	10	1	702 Cobblestone Loop SW	24,660.04
11426	11	1	606 Cobblestone Loop SW	24,660.04
11427	12	1	604 Cobblestone Loop SW	24,660.04
11428	13	1	602 Cobblestone Loop SW	24,660.04
11429	14	1	506 Cobblestone Loop SW	24,660.04
11430	15	1	504 Cobblestone Loop SW	24,660.04
11431	16	1	502 Cobblestone Loop SW	24,989.22
11432	1	2	821 Cobblestone Loop SW	24,095.60
11433	1	3	822 Cobblestone Loop SW	25,565.43
11434	2	3	814 Cobblestone Loop SW	25,355.97
11435	3	3	705 Cobblestone Loop SW	24,503.90
11436	4	3	703 Cobblestone Loop SW	24,501.62

11437	5	3	701 Cobblestone Loop SW	24,815.43
11438	1	4	603 Cobblestone Loop SW	24,687.18
11439	2	4	601 Cobblestone Loop SW	24,318.53
11440	3	4	507 Cobblestone Loop SW	24,314.55
11441	4	4	505 Cobblestone Loop SW	24,310.38
11442	5	4	503 Cobblestone Loop SW	24,325.93
11443	1	5	500 Cobblestone Loop SW	24,951.47
11444	2	5	408 Cobblestone Loop SW	24,587.19
11445	3	5	406 Cobblestone Loop SW	24,587.19
11446	4	5	404 Cobblestone Loop SW	24,587.19
11447	5	5	402 Cobblestone Loop SW	24,587.19
11448	6	5	306 Cobblestone Loop SW	24,587.57
11449	7	5	304 Cobblestone Loop SW	25,977.52
11450	8	5	302 Cobblestone Loop SW	26,840.21
11451	9	5	300 Cobblestone Loop SW	26,368.55
11452	10	5	240 Cobblestone Loop SW	25,781.15
11453	11	5	234 Cobblestone Loop SW	26,559.61
11454	12	5	230 Cobblestone Loop SW	26,924.26
11455	13	5	226 Cobblestone Loop SW	26,680.27
11456	14	5	222 Cobblestone Loop SW	25,069.10
11457	1	6	501 Cobblestone Loop SW	25,118.24
11458	2	6	407 Cobblestone Loop SW	24,292.92
11459	3	6	405 Cobblestone Loop SW	24,288.94
11460	4	6	403 Cobblestone Loop SW	24,725.31
11461	1	7	305 Cobblestone Loop SW	24,545.45
11462	2	7	303 Cobblestone Loop SW	24,314.55
11463	3	7	301 Cobblestone Loop SW	24,428.96
11464	4	7	231 Cobblestone Loop SW	25,441.35
11465	5	7	227 Cobblestone Loop SW	24,819.61
11466	6	7	223 Cobblestone Loop SW	24,947.48
11467	7	7	219 Cobblestone Loop SW	25,066.44

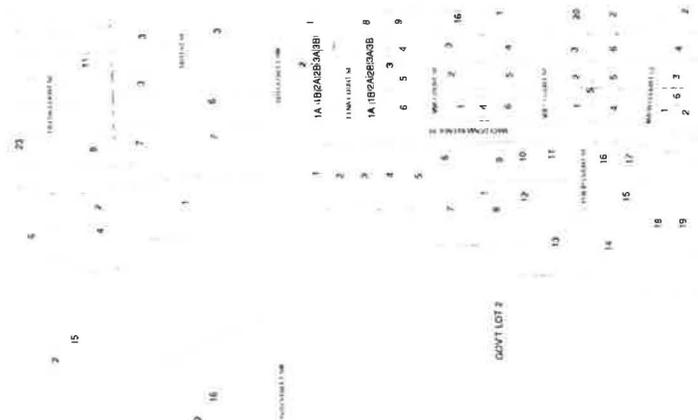
Witness our hands officially as said Commission this 30th day of July, 2015.

/s/ Carl Jacobsen
Chairman

/s/ Keith Winks
Member

/s/ Deborah Holter
Member

Publish: August 14, 2015
August 21, 2015



Street Improvement District 190
 Project - 2014-05
 Keidel's South Heart Terrace 3rd Add..

NOTICE OF HEARING OF OBJECTIONS TO SPECIAL
ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #191

Notice is Hereby Given, that the Special Assessment Commission of the City of Mandan, North Dakota will meet at Mandan City Hall, 205 2nd Avenue NW on September 2, 2015 at 5:30 p.m. to hear objections which may be made to any of the foregoing assessments in Street Improvement District #191 as shown in the foregoing list by any person interested or his agent or attorney.

Phyllis Hager, Special Assessment Analyst

NOTICE OF ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #191

We the undersigned, constituting the Special Assessment Commission of the City of Mandan, do hereby certify that the following is a true and correct list of the particular lots and tracts of land which, in the opinion of the Commission, are especially benefited by the construction performed in Street Improvement District #191 of the City of Mandan, showing the amount against each lot or tract, the same is a true and correct assessment of the property therein described to the best judgment of the members of the Commission. The items of expense in said improvement district and the assessments are as follows, to-wit.

Construction	\$195,435.01
Engineering, Legal, Admin.,	19,773.54
Testing & Inspection	1,834.00
Bonding Costs	<u>4,340.81</u>
Amount to be Assessed	\$221,383.36

<u>Seq #</u>	<u>Lot</u>	<u>Block</u>	<u>Address</u>	<u>Amount Assessed</u>
<u>Lincoln Ridge Estates 6th Addition</u>				
11667	1	1	402 Lena Court SE	\$13,836.46
11668	2	1	406 Lena Court SE	13,836.46
11669	3	1	502 Lena Court SE	13,836.46
11670	4	1	506 Lena Court SE	13,836.46
11671	5	1	505 Lena Court SE	13,835.46
11672	6	1	501 Lena Court SE	13,836.46
11673	7	1	405 Lena Court SE	13,836.46
11674	8	1	401 Lena Court SE	13,836.46
11675	9	1	400 Mia Court SE	13,836.46
11676	10	1	404 Mia Court SE	13,836.46
11677	11	1	500 Mia Court SE	13,836.46
11678	12	1	504 Mia Court SE	13,836.46
11679	13	1	507 Mia Court SE	13,836.46
11680	14	1	503 Mia Court SE	13,836.46
11681	15	1	407 Mia Court SE	13,836.46
11682	16	1	403 Mia Court SE	13,836.46

Witness our hands officially as said Commission this 30th day of July, 2015.

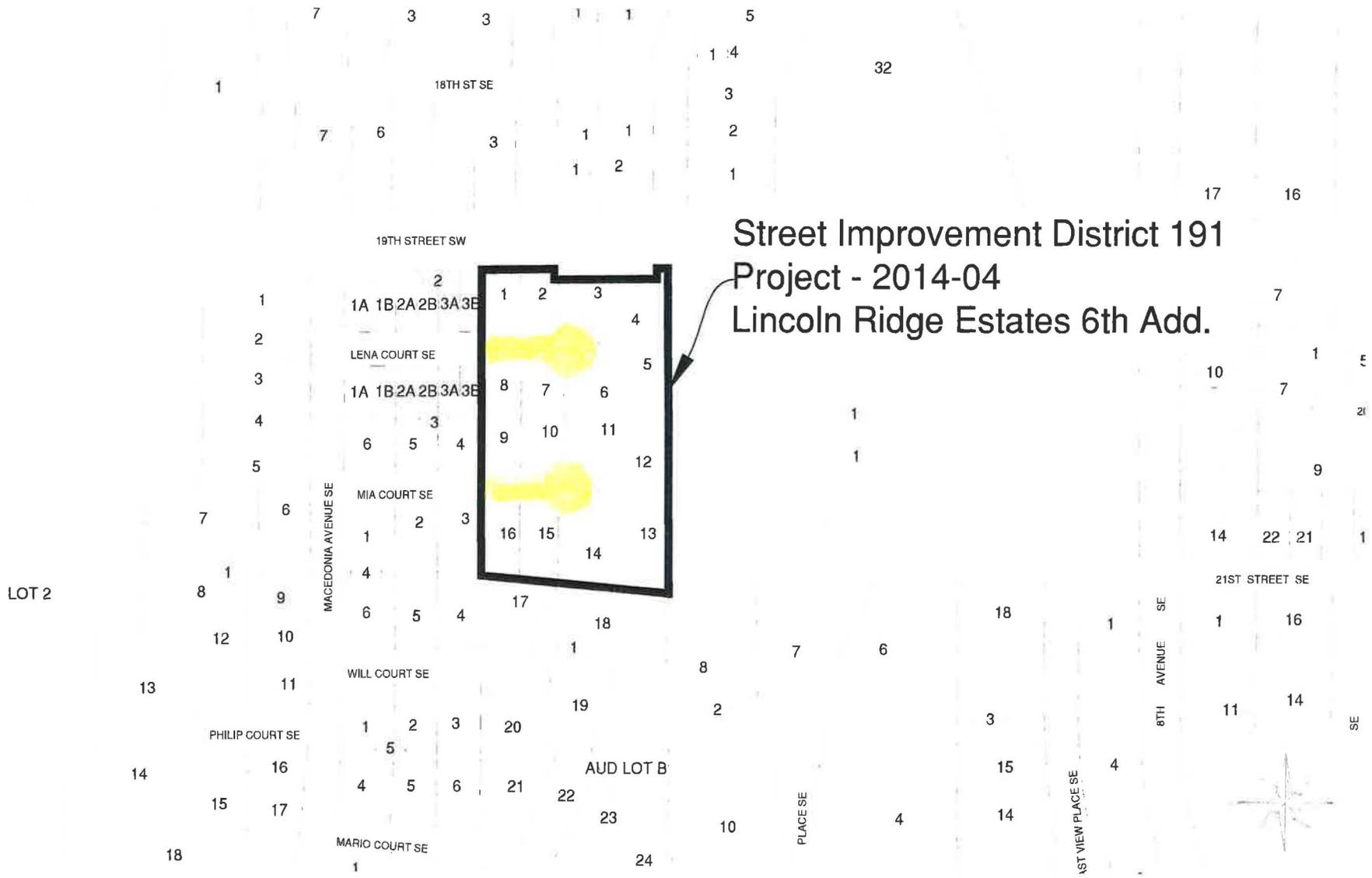
/s/ Carl Jacobsen, Chairman

/s/ Keith Winks, Member

Publish: August 14th & August 21st, 2015

/s/ Deborah Holter, Member

Street Improvement District 191
Project - 2014-04
Lincoln Ridge Estates 6th Add.



LOT 2

NOTICE OF HEARING OF OBJECTIONS TO SPECIAL
ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #192

Notice is Hereby Given, that the Special Assessment Commission of the City of Mandan, North Dakota will meet at Mandan City Hall, 205 2nd Avenue NW on September 2, 2015 at 5:30 p.m. to hear objections which may be made to any of the foregoing assessments in Street Improvement District #192 as shown in the foregoing list by any person interested or his agent or attorney.

Phyllis Hager, Special Assessment Analyst

NOTICE OF ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #192

We the undersigned, constituting the Special Assessment Commission of the City of Mandan do hereby certify that the following is a true and correct list of the particular lots and tracts of land which, in the opinion of the Commission, are especially benefited by the construction performed in Street Improvement District #192 of the City of Mandan, showing the amount against each lot or tract, the same is a true and correct assessment of the property therein described to the best judgment of the members of the Commission. The items of expense in said improvement district and the assessments are as follows, to-wit.

Construction	\$250,647.07
Engineering, Legal, Admin.,	20,281.81
Testing & Inspection	1,942.75
Bonding Costs	<u>5,457.46</u>
Amount to be Assessed	\$278,329.09

<u>Seq #</u>	<u>Lot</u>	<u>Block</u>	<u>Address</u>	<u>Amount Assessed</u>
<u>West Hills Estates 3rd Addition</u>				
11652	1	1	4516 Corvette Street NW	\$21,409.93
11653	2	1	4512 Corvette Street NW	21,409.93
11654	1	2	4517 Corvette Street NW	21,409.93
11655	2	2	4513 Corvette Street NW	21,409.93
11656	3	2	4509 Corvette Street NW	21,409.93
11657	4	2	4517 Crown Point Road N	21,409.93
11658	5	2	4513 Crown Point Road N	21,409.93
11659	6	2	4509 Crown Point Road N	21,409.93
11660	1	3	4602 Crown Point Road N	21,409.93
11661	2	3	4522 Crown Point Road N	21,409.93
11662	3	3	4518 Crown Point Road N	21,409.93
11663	4	3	4514 Crown Point Road N	21,409.93
11664	5	3	4510 Crown Point Road N	21,409.93

Witness our hands officially as said Commission this 30th day of July, 2015.

/s/ Carl Jacobsen, Chairman

/s/ Keith Winks, Member

/s/ Deborah Holter, Member

Publish: August 14, 2015 & August 21, 2015

NOTICE OF HEARING OF OBJECTIONS TO SPECIAL
ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #193

Notice is Hereby Given, that the Special Assessment Commission of the City of Mandan, North Dakota will meet at Mandan City Hall, 205 2nd Avenue NW on September 2, 2015 at 5:30 p.m. to hear objections which may be made to any of the foregoing assessments in Street Improvement District #193 as shown in the foregoing list by any person interested or his agent or attorney.

Phyllis Hager, Special Assessment Analyst

NOTICE OF ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #193

We the undersigned, constituting the Special Assessment Commission of the City of Mandan, do hereby certify that the following is a true and correct list of the particular lots and tracts of land which, in the opinion of the Commission, are especially benefited by the construction performed in Street Improvement District #193 of the City of Mandan, showing the amount against each lot or tract, the same is a true and correct assessment of the property therein described to the best judgment of the members of the Commission. The items of expense in said improvement district and the assessments are as follows, to-wit.

Construction	\$186,868.59
Engineering, Legal, Admin.,	22,654.27
Testing & Inspection	257.00
Bonding Costs	<u>4,195.60</u>
Amount to be Assessed	\$213,975.46

Midway 14th Addition

<u>Seq #</u>	<u>Lot</u>	<u>Block</u>	<u>Address</u>	<u>Amount Assessed</u>
1202.01	1	1	1400 Action Drive SE	\$72,150.75
1202.02	2	1	1440 Action Drive SE	46,128.67
1202.03	3	1	1450 Action Drive SE	20,828.87
1202.04	4	1	1447 Action Drive SE	30,113.56
1202.05	5	1	1439 Action Drive SE	19,883.38
1202.06	6	1	1401 Action Drive SE	24,870.23

Witness our hands officially as said Commission this 30th day of July, 2015.

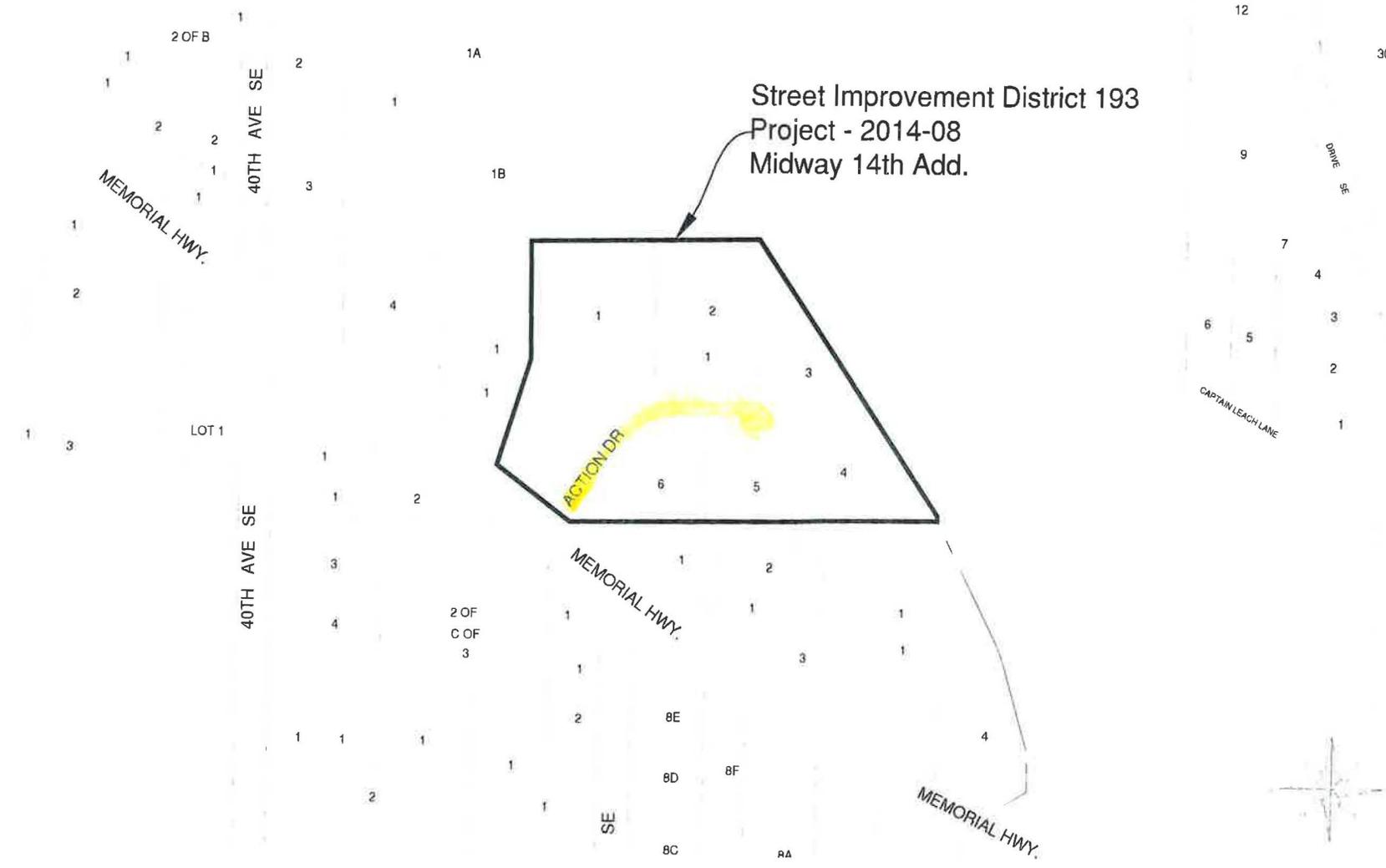
/s/ Carl Jacobsen
Chairman

/s/ Keith Winks
Member

/s/ Deborah Holter
Member

Publish: August 14, 2015
August 21, 2015

Street Improvement District 193
Project - 2014-08
Midway 14th Add.



NOTICE OF HEARING OF OBJECTIONS TO SPECIAL
ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #195

Notice is Hereby Given, that the Special Assessment Commission of the City of Mandan, North Dakota will meet at Mandan City Hall, 205 2nd Avenue NW on September 2, 2015 at 5:30 p.m. to hear objections which may be made to any of the foregoing assessments in Street Improvement District #195 as shown in the foregoing list by any person interested or his agent or attorney.

Phyllis Hager, Special Assessment Analyst

NOTICE OF ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #195

We the undersigned, constituting the Special Assessment Commission of the City of Mandan do hereby certify that the following is a true and correct list of the particular lots and tracts of land, which, in the opinion of the Commission, are especially benefited by the construction performed in Street Improvement District #195 of the City of Mandan, showing the amount against each lot or tract, the same is a true and correct assessment of the property therein described to the best judgment of the members of the Commission. The items of expense in said improvement district and the assessments are as follows, to-wit.

Construction	\$849,982.60
(Less City's Share)	(108,890.00)
Engineering, Legal, Admin.,	123,952.61
Testing & Inspection	7,419.70
Other	1,186.56
Bonding Fees	<u>17,473.34</u>
Amount to be Assessed	\$891,124.81

<u>Seq #</u>	<u>Lot</u>	<u>Block</u>	<u>Address</u>	<u>Amount Assessed</u>
<u>Addie's Acres</u>				
11383	1 & 2	1	4440 56 th Avenue NW	\$ 8,911.25
 <u>Old Red Trail Storage</u>				
232	1	1	5700 Old Red Trail NW	8,911.25
 <u>Roughrider Pioneer Addition</u>				
5628	1		4914 E Roughrider Circle	11,139.06
5629	2 & 2A		5004 Wagonwheel Circle	11,139.06
5630	3 & 3A		5008 Wagonwheel Circle	11,139.06
5631	4		5012 Wagonwheel Circle	11,139.06
5632	5		5016 Wagonwheel Circle	11,139.06
5633	6 & 6A		5017 Wagonwheel Circle	11,139.06
5634	7 & 7A		5013 Wagonwheel Circle	11,139.06
5635	8		5009 Wagonwheel Circle	11,139.06
5636	9 & 9A		5005 Wagonwheel Circle	11,139.06
5637	10 & 10A		4902 E Roughrider Circle	11,139.06
5638	11 & 11A		4814 E Roughrider Circle	11,139.06
5639	12 (less N5') & Lot 12A		4810 E Roughrider Circle	11,139.06
5640	13 & 13A		4804 E Roughrider Circle	11,139.06
5641	14 & 14A & Tract #3		4802 E Roughrider Circle	11,139.06

5642	15, 15A & 15B	4608 E Roughrider Circle	11,139.06
5643	16 & 16A	4604 E Roughrider Circle	11,139.06
5644	17 & 17A	4600 E Roughrider Circle	11,139.06
5645	18 & 18A	4601 W Roughrider Circle	11,139.06
5646	19 & 19A	4605 W Roughrider Circle	11,139.06
5647	20 & 20A	4607 W Roughrider Circle	11,139.06
5648	21 & 21A	4609 W Roughrider Circle	11,139.06
5649	22 & 22A	4613 W Roughrider Circle	11,139.06
5650	23 & 23A	4701 W Roughrider Circle	11,139.06
5651	24	4711 W Roughrider Circle	11,139.06
5652	25 & 25A	4713 W Roughrider Circle	11,139.06
5653	26	4717 W Roughrider Circle	11,139.06
5654	27 & 27A	4801 W Roughrider Circle	11,139.06
5655	28	4807 W Roughrider Circle	11,139.06
5656	29 & 29A	4811 W Roughrider Circle	11,139.06
		-2-	
5657	30	4817 W Roughrider Circle	11,139.06
5658	31-31A & vac portion of r-o-w	4901 W Roughrider Circle	11,139.06
5659	32-32A & vac portion of r-o-w	4905 W Roughrider Circle	11,139.06
5660	33 & 33A	5901 Horseshoe Bend	11,139.06
5661	34	5917 Horseshoe Bend	11,139.06
5662	35	6001 Horseshoe Bend	11,139.06
5663	36	6005 Horseshoe Bend	11,139.06
5664	37 & 37A	6009 Horseshoe Bend	11,139.06
5665	38, 38A & 39A	6013 Horseshoe Bend	11,139.06
5666	39 & vac portion of r-o-w	6017 Horseshoe Bend	11,139.06
5667	40 & .02 acres of Lot 41	6012 Horseshoe Bend	11,139.06
5668	41, 40A & 41A	6008 Horseshoe Bend	11,139.06
5669	42 & 42A	6004 Horseshoe Bend	11,139.06
5670	43 & 43A	6000 Horseshoe Bend	11,139.06
5671	44 & 44A	5916 Horseshoe Bend	11,139.06
5672	45 & 45A	5912 Horseshoe Bend	11,139.06
5673	46, 46A & 47A	5900 Horseshoe Bend	11,139.06
5674	47	4911 W Roughrider Circle	11,139.06
5675	48 & 48A	5000 Homestead Place	11,139.06
5676	49, 49A & vac portion of r-o-w	4907 E Roughrider Circle	11,139.06
5677	50 & 50A	4903 E Roughrider Circle	11,139.06
5678	51 & 51A	4815 E Roughrider Circle	11,139.06
5679	52 & 52A	4813 E Roughrider Circle	11,139.06
5680	53 & 53A	4809 E Roughrider Circle	11,139.06
5681	54, 54A & vac portion of r-o-w	4805 E Roughrider Circle	11,139.06
5682	55, 55A & 64A (less N21')	4803 E Roughrider Circle	11,139.06
5683	56 & 56A	4715 E Roughrider Circle	11,139.06
5684	57 & 57A	4709 E Roughrider Circle	11,139.06
5685	58 & 58A	4611 E Roughrider Circle	11,139.06
5686	59 & 59A	4603 E Roughrider Circle	11,139.06
5687	60 & 60A	4602 W Roughrider Circle	11,139.06
5688	61, 61A & vac portion of r-o-w	4610 W Roughrider Circle	11,139.06
5689	62, 62A & vac portion of r-o-w	4710 W Roughrider Circle	11,139.06

5690	63 & 63A	4712 W Roughrider Circle	11,139.06
5691	64	4716 W Roughrider Circle	11,139.06
5692	65, 65A & N21' of Lot 64	4800 W Roughrider Circle	11,139.06
5693	66 & 66A	4806 W Roughrider Circle	11,139.06
5694	67 & 67A	4808 W Roughrider Circle	11,139.06
5695	68, 68A & vac portion of r-o-w	4812 W Roughrider Circle	11,139.06
5696	69, 69A & vac portion of r-o-w	4816 W Roughrider Circle	11,139.06
5697	70 & 70A	4900 W Roughrider Circle	11,139.06
5698	71 & 71A	4904 W Roughrider Circle	11,139.06
5699	72 & 72A	4908 W Roughrider Circle	11,139.06
5700	73 & 73A	4912 W Roughrider Circle	11,139.06
5701	74 & 74A	4913 E Roughrider Circle	11,139.06
5702	75, 75A & vac portion of r-o-w	4909 E Roughrider Circle	11,139.06
7760	Lot B of SE1/4		8,911.25
7760A	Pt SE1/4 12-139-82		8,911.25
7760AA	Tracts 1 & 2		8,911.25

Roughrider-Homestead Replat

10308	1	1	5001 56 th Avenue NW	11,139.06
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Witness our hands officially as said commission this 30th day of July, 2015.

/s/ Carl Jacobsen, Chairman

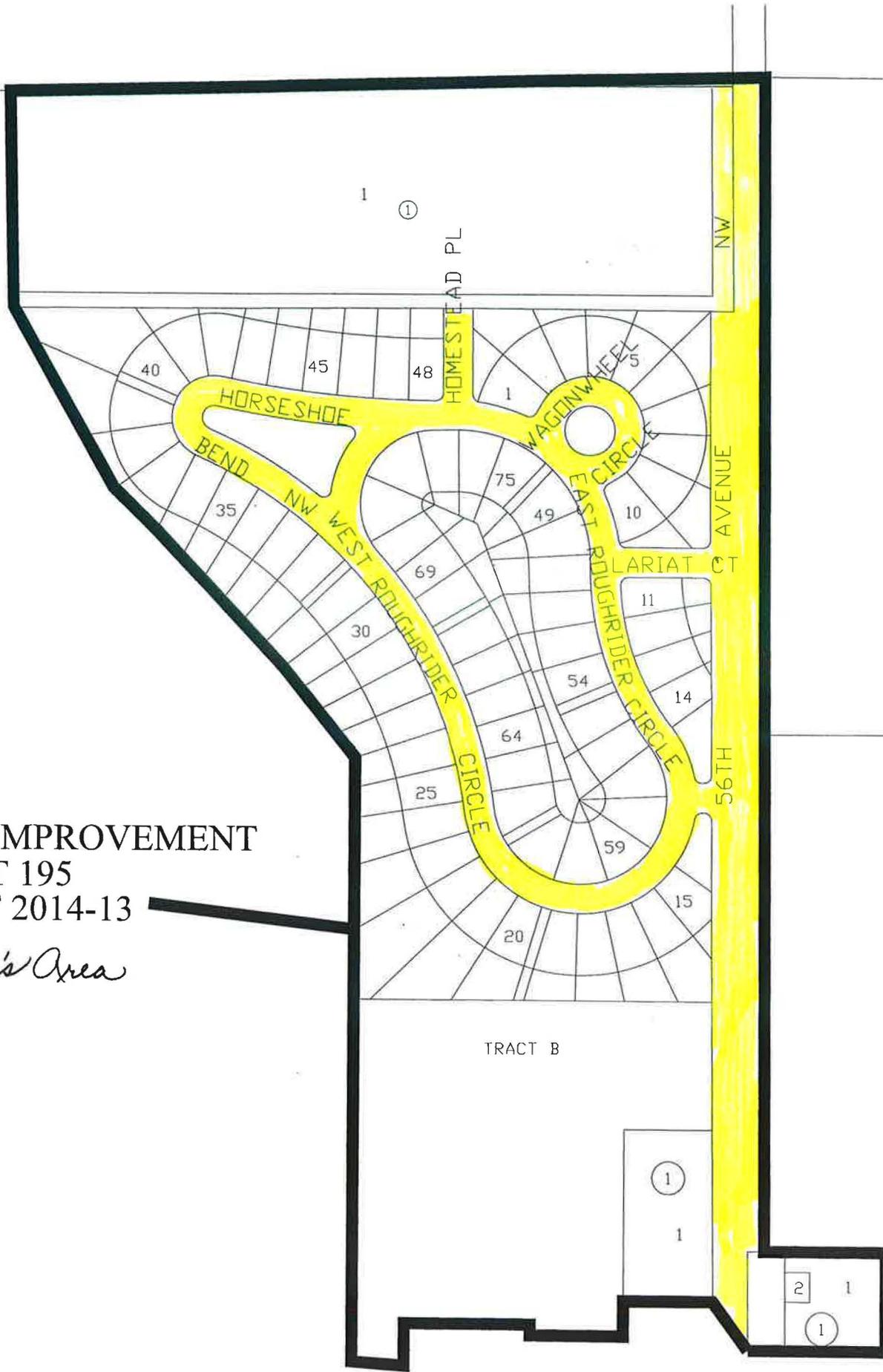
/s/ Keith Winks, Member

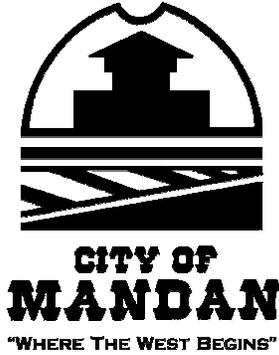
/s/ Deborah Holter, Member

Publish: August 14, 2015 & August 21, 2015

STREET IMPROVEMENT
DISTRICT 195
PROJECT 2014-13

Roughriders Area





Board of City Commissioners

Agenda Documentation

MEETING DATE: October 6, 2015
PREPARATION DATE: September 24, 2015
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Consider authorizing a work change order on Street Improvement District No. 200, Project No. 2015-09 (24th Street NW).

STATEMENT/PURPOSE: To authorize a change order to extend the date of September 30, 2015 to Final Completion of November 15, 2015 excluding seal coat which is August 15, 2016.

BACKGROUND/ALTERNATIVES: Due to the delays in grading of the site and in the lowering of a utility line the contractor has not been able to work on this project.

ATTACHMENTS:

1. District Map
2. Change Order No. 1
3. Letter of request for change order

FISCAL IMPACT: None

STAFF IMPACT: Minimal

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

RECOMMENDATION: This office supports the change order for the project.

SUGGESTED MOTION: I move to authorize a change order on Street Improvement District No. 200, Project No. 2015-09 for completion date of November 15, 2015 excluding the seal coat.

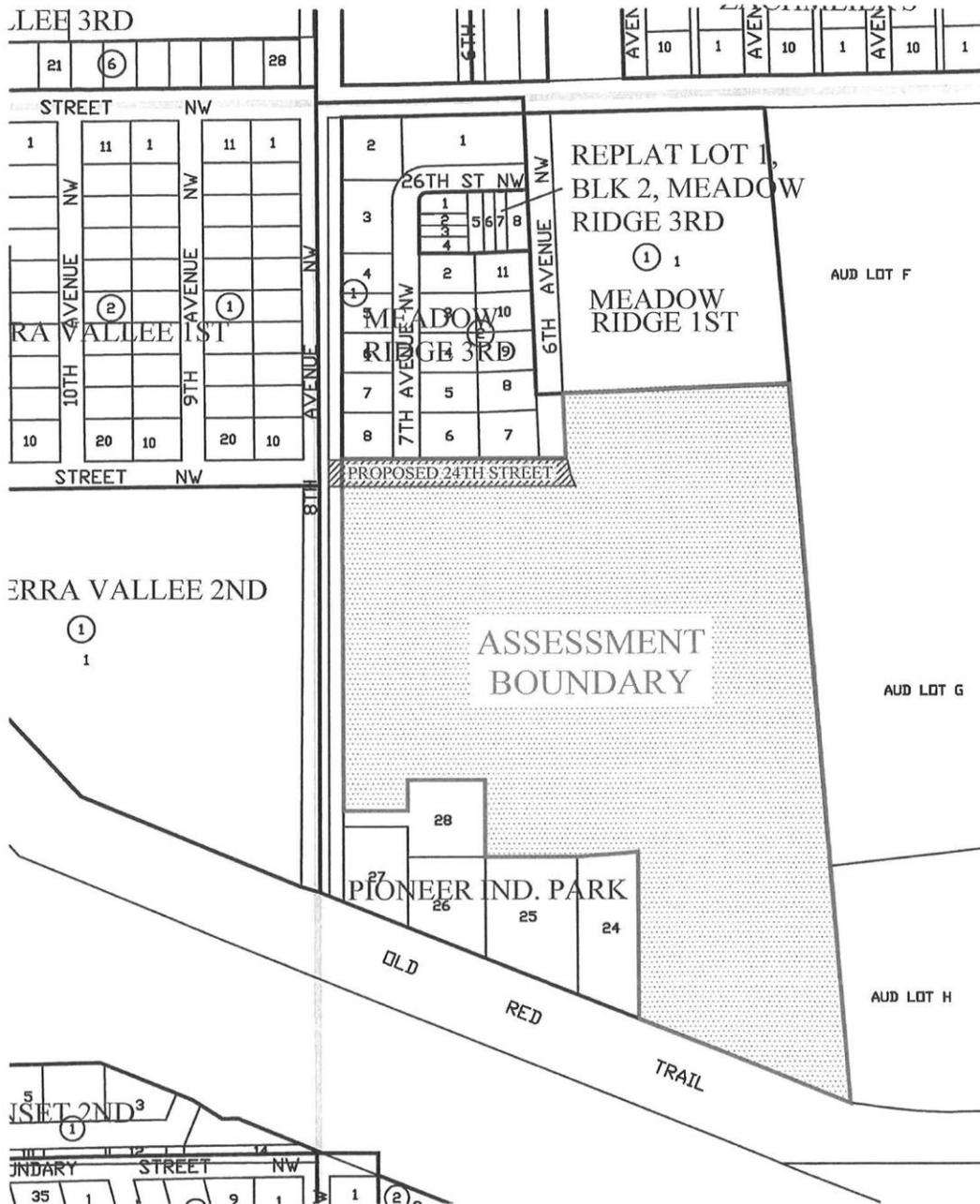
Board of City Commissioners

Agenda Documentation

Meeting Date: October 6, 2015

Subject: Consider authorizing a change order on Street Improvement District No. 200,
Project No. 2015-09 (24th Street NW).

Page 2 of 5



Board of City Commissioners

Agenda Documentation

Meeting Date: October 6, 2015

Subject: Consider authorizing a change order on Street Improvement District No. 200,
Project No. 2015-09 (24th Street NW).

Page 3 of 5

CHANGE ORDER NO. 1

PROJECT: 24th St. NW
City Project No. 2015-09
Street Improvement District # 200

BRIEF DESCRIPTION OF CHANGE ORDER #

Time extension due delays of site grading and utility relocation.

ENGINEER: Toman Engineering Company
501 1st Street NW
Mandan, North Dakota 58554

OWNER: CITY OF MANDAN DATE: 9-10-15

CONTRACTOR: Mariner Construction Inc.

CONTRACT DATE: June 5th, 2015

TO THE CONTRACTOR: You are hereby authorized, conforming to Contract provisions, to make the Changes described on the reverse side of this sheet.

<u>WORK OR</u>	<u>NET</u>	<u>NET</u>
<u>DOCUMENT</u>	<u>(DEDUCT)</u>	<u>ADD+</u>
NET ADD +		\$ <u>0</u>
ORIGINAL CONTRACT AMOUNT:	\$ <u>210,454.05</u>	
PRIOR CHANGE ORDERS (+,-):	\$ <u>0</u>	
REVISED CONTRACT AMOUNT:	\$ <u>210,454.05</u>	
THIS CHANGE ORDER (+,-):	\$ <u>0</u>	
CONTRACT ADJUSTED AMOUNT:	\$ <u>210,454.05</u>	

TIME EXTENSION/REDUCTION 46 DAYS

OTHER CONTRACTS AFFECTED N/A

Board of City Commissioners

Agenda Documentation

Meeting Date: October 6, 2015

Subject: Consider authorizing a change order on Street Improvement District No. 200,
Project No. 2015-09 (24th Street NW).

Page 4 of 5

PROJECT: 24th Street NW SID # 200 CHANGE ORDER NO. ONE

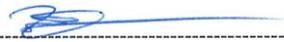
Description of Change Order Work

Time extension due to delays in site grading and Utility relocates.
A memorandum from Mariner Construction with this request is attached.

Original Completion Date: September 30, 2015, Seal Coat August 15, 2016
New Completion Date: November 15, 2015, Seal Coat August 15, 2016

SUBMITTED BY:  DATE: 9-11-15
(Engineer's Signature)

APPROVED BY: _____ DATE: _____
(Owner's Signature)

ACCEPTED BY:  DATE: 9/11/2015
(Contractor's Signature)

RECOMMENDED BY: _____ DATE: _____

DISTRIBUTION: Owner, Contractor, Engineer, Field Representative;

Other _____

Board of City Commissioners

Agenda Documentation

Meeting Date: October 6, 2015

Subject: Consider authorizing a change order on Street Improvement District No. 200,
Project No. 2015-09 (24th Street NW).

Page 5 of 5



MEMORANDAM

TO: Toman Engineering

FROM: Jesse Nieuwma, Estimator
Mariner Construction, Inc.

DATE: September 2, 2015

RE: Abe Ulmer-Request for Extension-City of Mandan SID 200

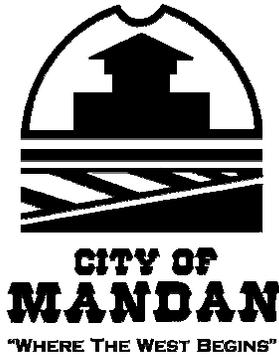
We are requesting for a time extension on SID 200 for the City of Mandan due to the delays in grading of the sight and in the lowering of a utility line.

We bid in good faith in May and expected to be working on the project in July. It is now September. We still don't know when it will be ready and are concerned about completing the work with the current completion date. We believe additional days should be added to complete the projects.

If you have any questions or concerns, please feel free to contact me at 701-258-3925. Thank you.

JN/jlk

A handwritten signature in blue ink, appearing to be "JN/jlk", is written below the typed name.



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 6, 2015
PREPARATION DATE: October 1, 2015
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Main and Twin City Dr. Traffic Signal Preliminary Engineering Reimbursement Agreement

STATEMENT/PURPOSE: To agree to fully reimburse the NDDOT for cost associated with the design of traffic signal at Main Street and Twin City Drive if the city should decide not to go forward with project.

BACKGROUND/ALTERNATIVES: City staff and NDDOT staff are in agreement with the need to improve the traffic signal at Main Street and Twin City Drive. Given Main Street's funding classification, the city's share for both design and construction of this project is about 10% or \$25,000. This agreement assures the NDDOT that if the city should decide not to agree to move forward with the traffic signals, that the NDDOT would be fully reimbursed for design costs.

ATTACHMENTS:

1. Preliminary Engineering Reimbursement Agreement

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 approval of Preliminary Engineering Reimbursement Agreement.

SUGGESTED MOTION: I move to approve of Preliminary Engineering Reimbursement Agreement.

Board of City Commissioners

Agenda Documentation

Meeting Date: October 6, 2015

Subject: Main and Twin City Dr. Traffic Signal Preliminary Engineering Reimbursement Agreement

Page 2 of 6

NDDOT Contract No. 38151760
Project No. NHU-1-094(180)917

**North Dakota Department of Transportation
PRELIMINARY ENGINEERING REIMBURSEMENT AGREEMENT**

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

WHEREAS, the City has requested that NDDOT proceed with Signals project at Intersection of Main Street and Twin City Drive; and;

WHEREAS, the City requests that the project be designed in accordance with Appendices A and E, attached hereto and incorporated by reference.

NOW, THEREFORE, it is agreed that NDDOT will take all necessary steps to design and construct the project in accordance with the Environmental Document and plans approved by the City, and schedule a bid opening at such time as funding and plan completion allows.

The City agrees that should it unilaterally and voluntarily terminate this agreement by whatever means or action, it shall reimburse NDDOT for any and all costs it has incurred for engineering services under this agreement.

The City further agrees that should it request or otherwise cause a material alteration to, or a reduction of the scope of the project, it shall reimburse NDDOT for any and all costs it has incurred for engineering services under this agreement.

In the event the City fails to reimburse NDDOT, such failure shall constitute an assignment of funds, derived from the State Highway Tax Distribution Fund now or hereafter coming into the hands of the State Treasurer to the credit of the City, and that the State Treasurer is hereby directed to deliver and pay over to NDDOT all funds credited to the City until the total thereof equals the sum billed pursuant to this agreement.

Appendices A and E of the Title VI Assurances, attached, are hereby incorporated into and made a part of this agreement.

The Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.



Board of City Commissioners
 Agenda Documentation
 Meeting Date: October 6, 2015
 Subject: Main and Twin City Dr. Traffic Signal Preliminary Engineering Reimbursement Agreement
 Page 3 of 6

Executed by the city of Mandan, at Mandan North Dakota, the last date below signed.

APPROVED:

_____	City of _____
<small>CITY ATTORNEY (TYPE OR PRINT)</small>	
_____	_____
<small>SIGNATURE</small>	<small>NAME (TYPE OR PRINT)</small>
_____	_____
<small>DATE</small>	<small>SIGNATURE</small>
	*

	<small>TITLE</small>

	<small>DATE</small>

ATTEST:

CITY AUDITOR (TYPE OR PRINT)

SIGNATURE

DATE

Executed for the North Dakota Department of Transportation by the Director at Bismarck, North Dakota, the last date below signed.

APPROVED as to substance by:	NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
_____	_____
<small>LOCAL GOVERNMENT ENGINEER (TYPE OR PRINT)</small>	<small>DIRECTOR (TYPE OR PRINT)</small>
_____	_____
<small>SIGNATURE</small>	<small>SIGNATURE</small>
_____	_____
<small>DATE</small>	<small>DATE</small>

*Mayor or President City Commission

CLA 17057 (Div. 38)
 L.D. Approved 7-17-89; 10-14



Project No. NHU-1-094(180)917

North Dakota Department of Transportation
AUTHORIZATION

At a _____ meeting held on the ____ day of _____ 20____, it was moved by _____ and seconded by _____ that the attached agreement be approved and that the _____ and city auditor be authorized to execute in behalf of the city of _____ and that two executed copies be returned to the North Dakota Department of Transportation Director.

Adopted on a vote of _____ aye, _____ nay, _____ absent.

ATTEST:

APPROVED:

CITY AUDITOR (TYPE OR PRINT)

SIGNATURE

DATE

City of _____

NAME (TYPE OR PRINT)

SIGNATURE

*

TITLE

DATE

*Mayor or President City Commission



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

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

1. Compliance with Regulations: The Contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. Non-discrimination: The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. Information and Reports: The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient or the Federal Highway Administration as appropriate, and will set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the Contractor under the contract until the Contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. Incorporation of Provisions: The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.



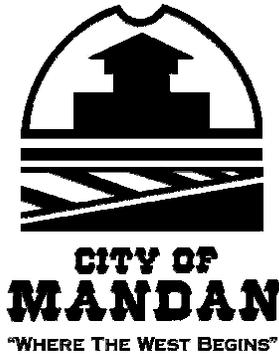
**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
APPENDIX E OF THE TITLE VI ASSURANCES**

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).





Board of City Commissioners

Agenda Documentation

MEETING DATE: October 6, 2015
PREPARATION DATE: September 24, 2015
SUBMITTING DEPARTMENT: Building Inspections
DEPARTMENT DIRECTOR: Doug Lalim, Building Official
PRESENTER: Doug Lalim, Building Official
SUBJECT: Recommendations of two appointments to MARC

STATEMENT/PURPOSE: To consider the recommendations of Lee Pierce and Amber Larson to the Mandan Architectural Review Commission (MARC). Lee Pierce would be filling a 3 year term starting January 1, 2016 and also completing a vacant term starting October 1st 2015 to December 31st 2015. Amber Johnson will complete the balance of a 3 year term that will end January 1st 2017.

BACKGROUND/ALTERNATIVES: The Mandan Architectural Review Commission (MARC) consists of nine members who are Miles Mehlhoff, Robert Vayda, Doug Lalim, Kim Fettig, Leonard Bullinger, Katie Wiedrich, and Steve Nardello. There are currently two positions up for appointment. In order to solicit interested parties, announcements were posted on the City of Mandan's website.

Three letters of interest was received. The Mandan Architectural Review Commission (MARC) interviewed the applicants.

ATTACHMENTS: Letter of interest from three applicants.

LEGAL REVIEW: N/A

RECOMMENDATION: We, the Mandan Architectural Review Commission (MARC), approve of the recommended applicants, Lee Pierce and Amber Larson to MARC.

SUGGESTED MOTION: To appoint Lee Pierce to fill an unexpired term and also fill a 3 year term starting January 1, 2016 to end January 1, 2019 and also to Appoint Amber Larson to fill an unexpired term that would end January 1, 2017.

Board of City Commissioners

Agenda Documentation

Meeting Date: October 6, 2015

Subject: Recommendations of Lee Pierce and Amber Larson to MARC.

Page 2 of 5

August 31, 2015

Carolyn Reisenauer
Building Inspection
205 2nd Ave. NW
Mandan, ND 58554

Ms. Reisenauer:

This letter is to indicate my interest in becoming a member of the Mandan Architectural Review Commission. It is my understanding there is a position open and I would appreciate being considered.

I am a current resident of Mandan interested in the City Government and the betterment of our community. I have been working at Al Fitterer Architect in Mandan for over 16 years. Our office has been directly linked with some projects within the City and is familiar with the process it takes – good and bad – to get things done. My background in Architecture and design would be a great asset, in my opinion, to the Architectural Review Committee. I am currently and active member of the Bismarck-Mandan Chamber Board, Mandan Progress Organization, and the Mandan Public School District Facilities and Finance Committee.

Thank you for your consideration, and I look forward to working with you in the future.

Sincerely –



Lee M. Pierce

Mandan, ND 58554

Carolyn Reisenauer, Building Inspector
City of Mandan
205 2nd Avenue NW
Mandan, ND 58554



RE: Mandan Architectural Review Commission Appointment

Dear Mandan City Commissioners:

I've learned critical components to successfully serving on any volunteer board or committee are:

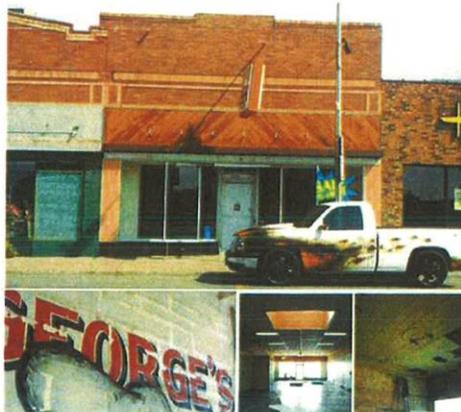
- Committing to regular attendance,
- Listening and considering different opinions,
- Contributing constructively to the discussion, and
- Aligning personal passions and talents with the committee service in order to add the greatest value to the group and one's own experience.

By submitting this letter of interest and application for your opening on the Mandan Architectural Review Commission, I am making my promise to you and my community to deliver each of these components of successful service.

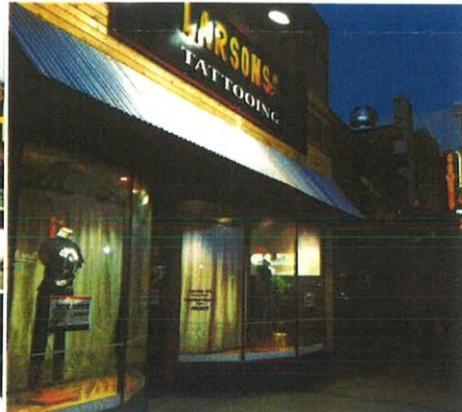
I commit myself to giving the best of my talents to the groups I'm involved with. For example, I was a volunteer member of Heartview Foundation's Capital Campaign Cabinet in 2014, which helped the recovery center raise \$1 million for the purchase of an adjacent building. For that group, I took a lead role in planning a fun run and fundraising banquet. I've also successfully served the local chapter of the American Red Cross, the United Way Backpack Program, and the International Association of Business Communicators in the past few years—each with near perfect meeting attendance and a deep commitment to adding value to the organization I am serving.

After years of heavy community involvement and volunteerism, I have grown more careful about making sure my volunteer activities align directly with my personal passions. That is exactly why I am submitting this letter. Having been raised in Bismarck and having spent the last eight years living and running a business in downtown Mandan, I have a deep desire to help this community prosper.

Last year I had the opportunity to see the Architectural Review Commission in action when my husband and I went before the group with our Storefront Improvement Program application. We purchased the historic George's Bakery building for our business Larson's Tattooing, and used those funds (and much more) to revitalize that space through six months of putting our hearts and sweat into the remodel. I hope you see the results of those efforts as an indication of my passion for architectural integrity, beautification, and the continued development of Mandan.



BEFORE



AFTER

Board of City Commissioners

Agenda Documentation

Meeting Date: October 6, 2015

Subject: Recommendations of Lee Pierce and Amber Larson to MARC.

Page 4 of 5

I also spend my days as a Marketing Manager at a local engineering firm, Bartlett & West. While I am certainly not a professional engineer or architect, my work at the firm allows me the unique opportunity to be constantly exposed to industry terms, trends, and site plans. It has also allowed me the opportunity to materially contribute to the improvement of Mandan through my position on the firm's Charitable Giving Committee. Just this year, our committee has made multi-year commitments to help fund the Universal Playground and Mandan YMCA.

Therefore between my experience as a resident, business owner, and manager within a local engineering firm, I hope to bring a valuable mixed viewpoint to your vacant position. For outside perspectives of my capabilities, I encourage you to reach out to any of the following individuals:

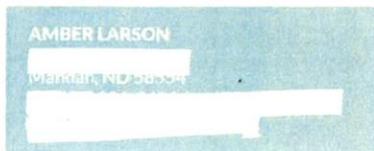
TOM REGAN
Capital Campaign Cabinet Chair
Heartview Foundation

JAMES LANDENBERGER, PE
Senior Project Manager
Bartlett & West

WENDY VAN DUYN, RLA, LEED AP BD+C
Project Manager
Bartlett & West

Thank you for your time and consideration of my letter of interest.

Kind Regards,



Board of City Commissioners

Agenda Documentation

Meeting Date: October 6, 2015

Subject: Recommendations of Lee Pierce and Amber Larson to MARC.

Page 5 of 5

Re: Mandan Architectural Review Commission Position Appointment

James Jeromchek

Greetings,

I would like to take this opportunity to introduce myself, James Jeromchek, as I feel my experience combined with my personal characteristics and interests make me uniquely qualified for a position on the Mandan Architectural Review Commission.

My background starts where I was raised in Mandan, where I graduated from Mandan High School in 2002. I then went off to the University of North Dakota (UND) where I received a bachelor's degree in Marketing and Management in 2007 before earning my Master's in Business Administration. While attending graduate school at UND I worked as Coordinator for Intramurals where I gained experience in organization, management, and accountability. These traits have helped me grow not only as an individual but also as a professional. After graduation in 2009 I worked as Lead Collector for the collection agency I.C. System in Fargo, ND. In 2011 I moved to Lincoln, NE where I opened and managed a retail clothing store. In August of 2012 my wife, a Mandan native, and I moved back to Mandan where I started my current career as a REALTOR with Bianco Realty.

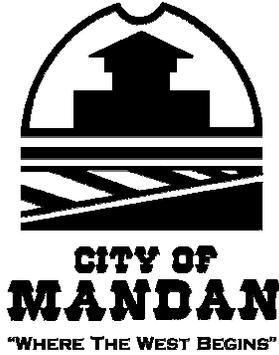
My profession as a REALTOR allows me to study the growing Mandan real estate market. I currently own rental properties in Mandan and a personal home in Mandan. I want to see the best for Mandan and help grow this amazing community, and I have no plans to ever move away. As a Mandan MAR Club Booster sponsor I attend Mandan High sporting events, I do business with Mandan businesses, and I am looking for a way to help Mandan grow.

My loyalty to Mandan has never been stronger. After leaving Mandan for college I knew I would always come back to raise my family.

I believe that my background, experience, and desire to grow Mandan make me an ideal candidate for this position. I look forward to meeting you and the commissioners and hope you consider me for this position.

Thank you for your consideration,

James Jeromchek



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 6, 2015
PREPARATION DATE: September 25, 2015
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Shirley Shaw
PRESENTER: Shirley Shaw
SUBJECT: Reassessment – Jack & Mary Ann Paul

STATEMENT/PURPOSE: To consider a reduction in the structure value for the 2015 year for Jack & Mary Ann Paul property, due to assessment that was made as a street appraisal and final review completed.

BACKGROUND/ALTERNATIVES: This parcel is also known as Parcel #65-3410000 S25' Lot 5 & All Lot 6 Block 85 N.P. 1st Addition.

Reason for abatement: To lower the 2015 structure value from \$162,200 to \$146,700. After a complete review of Mr. & Mrs. Paul's property to determine accuracy of our data and conducting a market analysis, I have arrived at a true and full value of \$164,900 for the 2015 year, rather than \$180,400 for 2015 a difference of \$15,500 in true & full value.

ATTACHMENTS: Application for 2015 and data sheet.

FISCAL IMPACT: Approximately \$219

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend a motion to approve to lower the true and full value for the 2015 year to Jack & Mary Ann Paul's property values.

SUGGESTED MOTION: A motion to approve a reduction for the Jack & Mary Ann Paul property for the 2015 assessment year.

Application For Abatement Or Refund Of Taxes
 North Dakota Century Code § 57-23-04

File with the County Auditor on or before November 1 of the year following the year in which the tax becomes delinquent.

State of North Dakota Assessment District City of Mandan
 County of Morton Property L.D. No. 05-3410000
 Name Jack & Mary Ann Paul Telephone No. _____
 Address 701 3rd Ave NW

Legal description of the property involved in this application:
325' Lot 5 & All Lot 6
Block 85 N.P. 1st

Total true and full value of the property described above for the year 2015 is:
 Land \$ 18,200
 Improvements \$ 162,200
 Total \$ 180,400
 (1)

Total true and full value of the property described above for the year 2015 should be:
 Land \$ 18,200
 Improvements \$ 146,700
 Total \$ 164,900
 (2)

The difference of \$ 15,500 true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- 2. Residential or commercial property's true and full value exceeds the market value
- 3. Error in property description, entering the description, or extending the tax
- 4. Nonexisting improvement assessed
- 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- 6. Duplicate assessment
- 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
- 8. Error in noting payment of taxes, taxes erroneously paid
- 9. Property qualifies for Homestead Credit according to N.D.C.C. § 57-02-08.1. Attach a copy of Homestead Credit Application.
- 10. Other (explain) _____

The following facts relate to the market value of the residential or commercial property described above. For agricultural property, go directly to question #5.

1. Purchase price of property: \$ _____ Date of purchase: _____
 Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
 Was there personal property involved in the purchase price? yes/no Estimated value: \$ _____

2. Has the property been offered for sale on the open market? yes/no If yes, how long? _____
 Asking price: \$ _____ Terms of sale: _____

3. The property was independently appraised: yes/no Purpose of appraisal: _____
 Market value estimate: \$ _____
 Appraisal was made by whom? _____

4. The applicant's estimate of market value of the property involved in this application is \$ _____

5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

Applicant asks that Changes be made to show accurate market value for 2015 year due to reassessment completed

By filing this application, I consent to an inspection of the above-described property by an authorized assessment official for the purpose of making an appraisal of the property. I understand the official will give me reasonable notification of the inspection. See N.D.C.C. § 57-23-05.1

I declare under the penalties of N.D.C.C. § 12.1-11-02, which provides for a Class A misdemeanor for making a false statement in a governmental matter, that this application is, to the best of my knowledge and belief, a true and correct application.

Shirley Shaw 9-25-15
 Signature of Property Owner (if other than applicant) Date Signature of Applicant Date

Board of City Commissioners
 Agenda Documentation
 Meeting Date: October 6, 2015
 Subject: Jack & Mary Ann Paul Reassessment
 Page 3 of 4

Abatement

City of Mandan
 701 3 AVE NW, MANDAN ND 58554
 Current Owner/Address: PAUL JACK D & MARY ANN (D)
 DBA: MANDAN ND 58554
 Legat: S 25' LOT 5 & ALL LOT 6

Subdivision: N.P. 1ST
 Comp ID: 04469
 Section: 085
 Checks/Tags: Lister/Date: RH, 08/12/2015
 Loc/Class: Urban/Residential

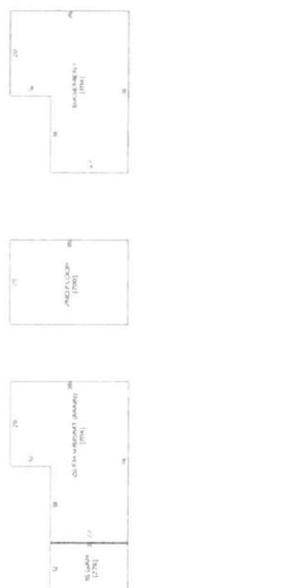
Route #: 000-000-000
 Plat Map:
 Township: 085
 Range: 085
 Decided Acres: 0.240
 Map Area: Zone 1 - Res Lot:
 Reviewer/Date: SS, 09/24/2015
 Tax District: M1
 Entry Status: Estimated

Basement	Front	Rear	Side 1	Side 2	R. Lot	SF	Acres	Unit Price	T/E/O%
Lump						10,500.00	0.241		00/0
Sub Total						10,500.00	0.241		
Grand Total*						10,500.00	0.241		

*Includes all land areas

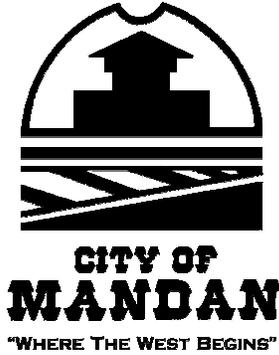
Residential Dwelling	Occupancy	Single-Family / Owner Occupied	Base Price	Appraised	Board of Review	State Equalized	With Exemptions
Style	Split Level Brick		\$109,900	\$18,200			
Arch	Conventional		\$0				
Year Built	EYB 1958		\$0				
Area SF	TLA 1,114		\$0				
Condition	A NML Grade 4+5		\$109,900				
Til Rms 11	Til Bdrms 4 Above 2		\$22,038				
Bsmt/Attic	Full / None		\$0				
Hest/AC	HV / No Heatward / No AC		\$0				
Bsmt Finish 1	Living Ctrs. (Mult) 1025 Avg		\$0				
Bsmt Finish 2			\$0				
Fireplace 1			\$4,800				
Fireplace 2			\$11,700				
Fireplace 3			\$148,520				
Full/Half Baths	2/0		\$179,719				
Decks & Patios			\$146,656				
Porches			\$0				
Ext Wall	Brick		\$0				
Veneer 1			\$0				
Veneer 2			\$179,719				
Bsmt Stalls/Total Garages	0/1		\$0				
Other/Total Fixtures	0/9		\$0				
Roof	Gable/Asph Comp		\$0				
Detached Garages			\$0				
Map Factor (1,000)			\$0				
Total Bldg (RND)			\$146,700				
Area	276						
F/E/O%	0/00						
W	0						
L	0						
Year Grade	1958						
4+5							

City of Mandan	65-3410000	Route #: 000-000-000	PDF 1	WORKING
Additional Notes:				



Permission to Inspect Date

**Sketch has been scaled to fit in this area



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 6, 2015
PREPARATION DATE: September 25, 2015
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Shirley Shaw
PRESENTER: Shirley Shaw
SUBJECT: Reassessment – Craig Ostafin

STATEMENT/PURPOSE: To consider a reduction in the structure value for the 2014 & 2015 year for Mr. Ostafin's property, due to assessment that was made as a street appraisal and final review completed.

BACKGROUND/ALTERNATIVES: This parcel is also known as Parcel #65-2519000 W32' of S10' Lot 5 & W32' Lot 6 Block 24 Mandan Proper (O.T.).

Reason for abatement: To lower the 2014 structure value from \$63,000 to \$50,100, & 2015 structure value from \$62,900 to \$50,100. After a complete review of Mr. Ostafin's property to determine accuracy of our data and conducting a market analysis, I have arrived at a true and full value of \$58,400 for the 2014 year and \$62,100 for the 2015 year, rather than \$71,300 for 2014 a difference of \$12,900 in true & full value; & \$74,900 for 2015 a difference in true and full value of \$12,800.

ATTACHMENTS: Application for 2014 & 2015 and data sheet.

FISCAL IMPACT: Approximately \$185 each year.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend a motion to approve to lower the true and full value for the 2014 & 2015 for Craig Ostafin property values.

SUGGESTED MOTION: A motion to approve a reduction for the Craig Ostafin property in the 2014 & 2015 year.

Application For Abatement Or Refund Of Taxes
 North Dakota Century Code § 57-23-04

File with the County Auditor on or before November 1 of the year following the year in which the tax becomes delinquent.

State of North Dakota City of Mandan
 County of Morton Assessment District City of Mandan
 Name Craig Ostafin Property I.D. No. 65-2519000
 Address 206 1st St. NE Mandan ND 58554 Telephone No. _____

Legal description of the property involved in this application:
W32' of S10' Lot 5 & W32' Lot 6
Block 24 Mandan Proper (OT)

Total true and full value of the property described above for the year 2014 is:
 Land \$ 8300
 Improvements \$ 63000
 Total \$ 71300⁽¹⁾

Total true and full value of the property described above for the year 2014 should be:
 Land \$ 8300
 Improvements \$ 50100
 Total \$ 58400⁽²⁾

The difference of \$ 12,900 true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- 2. Residential or commercial property's true and full value exceeds the market value
- 3. Error in property description, entering the description, or extending the tax
- 4. Nonexisting improvement assessed
- 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- 6. Duplicate assessment
- 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04 i & g)
- 8. Error in noting payment of taxes, taxes erroneously paid
- 9. Property qualifies for Homestead Credit according to N.D.C.C. § 57-02-08.1. Attach a copy of Homestead Credit Application.
- 10. Other (explain) _____

The following facts relate to the market value of the residential or commercial property described above. For agricultural property, go directly to question #5.

1. Purchase price of property: \$ _____ Date of purchase: _____
 Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
 Was there personal property involved in the purchase price? yes/no _____ Estimated value: \$ _____

2. Has the property been offered for sale on the open market? yes/no _____ If yes, how long? _____
 Asking price: \$ _____ Terms of sale: _____

3. The property was independently appraised: yes/no _____ Purpose of appraisal: _____
 Market value estimate: \$ _____
 Appraisal was made by whom? _____

4. The applicant's estimate of market value of the property involved in this application is \$ _____

5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

Applicant asks that Changes be made to show accurate market Value for 2014 year due to reassessment completed.

By filing this application, I consent to an inspection of the above-described property by an authorized assessment official for the purpose of making an appraisal of the property. I understand the official will give me reasonable notification of the inspection. See N.D.C.C. § 57-23-05.1

I declare under the penalties of N.D.C.C. § 12.1-11-02, which provides for a Class A misdemeanor for making a false statement in a governmental matter, that this application is, to the best of my knowledge and belief, a true and correct application.

Signature of Preparer (if other than applicant) Shirley Shaw Date 9-25-15 Signature of Applicant _____ Date _____

Application For Abatement Or Refund Of Taxes
 North Dakota Century Code § 57-23-04

File with the County Auditor on or before November 1 of the year following the year in which the tax becomes delinquent.

State of North Dakota Assessment District City of Mandan
 County of Morton Property LD. No. 65-251900
 Name Craig Ostafin Telephone No. _____
 Address 206 1st St. NE Mandan ND 58534

Legal description of the property involved in this application:
W32' of S10' Lot 5 & W32' Lot 6
Block 24 Mandan Proper (OT)

Total true and full value of the property described above for the year <u>2015</u> is:		Total true and full value of the property described above for the year <u>2015</u> should be:	
Land	\$ <u>12,000</u>	Land	\$ <u>12,000</u>
Improvements	\$ <u>62,900</u>	Improvements	\$ <u>50,100</u>
Total	\$ <u>74,900</u> ⁽¹⁾	Total	\$ <u>62,100</u> ⁽²⁾

- The difference of \$ 12,800 true and full value between (1) and (2) above is due to the following reason(s):
- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
 - 2. Residential or commercial property's true and full value exceeds the market value
 - 3. Error in property description, entering the description, or extending the tax
 - 4. Nonexisting improvement assessed
 - 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
 - 6. Duplicate assessment
 - 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
 - 8. Error in noting payment of taxes, taxes erroneously paid
 - 9. Property qualifies for Homestead Credit according to N.D.C.C. § 57-02-08.1. Attach a copy of Homestead Credit Application.
 - 10. Other (explain) _____

The following facts relate to the market value of the residential or commercial property described above. For agricultural property, go directly to question #5.

1. Purchase price of property: \$ _____ Date of purchase: _____
 Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
 Was there personal property involved in the purchase price? yes/no Estimated value: \$ _____

2. Has the property been offered for sale on the open market? yes/no If yes, how long? _____
 Asking price: \$ _____ Terms of sale: _____

3. The property was independently appraised: yes/no Purpose of appraisal: _____
 Market value estimate: \$ _____
 Appraisal was made by whom? _____

4. The applicant's estimate of market value of the property involved in this application is \$ _____

5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

Applicant asks that changes be made to show accurate market value for 2015 year due to reassessment completed.

By filing this application, I consent to an inspection of the above-described property by an authorized assessment official for the purpose of making an appraisal of the property. I understand the official will give me reasonable notification of the inspection. See N.D.C.C. § 57-23-03.1

I declare under the penalties of N.D.C.C. § 12.1-11-02, which provides for a Class A misdemeanor for making a false statement in a governmental matter, that this application is, to the best of my knowledge and belief, a true and correct application.

Signature of Preparer Shirley Shaw Date 9-25-15 Signature of Applicant _____ Date _____

Abatement 2014 + 2015

City of Mandan
 206 1 ST NE, MANDAN ND 58554
 Legal: W 32' OF S 10' LOT 5 & W 32' LOT 6

Subdivision: MANDAN PROPER (OT)
 Comp ID: 03445
 Section: 024
 Checks/Tags: Lister/Date: RH, 07/10/2015
 Loc/Class: Urban/Residential

Route #: 000-000-000
 Plat Map:
 DBA: OSTAFIN CRAIG (D)
 206 1 ST NE (D)
 MANDAN ND 58554

Map Area: Zone 1 - Res
 Block: 024
 Reviewer/Date: SS, 07/16/2015
 Entry Status: Estimated

PDF 1 WORKING
 Deeded Acres: 0.040
 Map Area: Zone 1 - Res
 Block: 024
 Reviewer/Date: SS, 07/16/2015
 Entry Status: Estimated

Basis	Front	Rear	Side 1	Side 2	R. Lot	SF	Acres	Unit Price	T/E/O%
Lump						1,920.00	0.044		0.000
Sub Total						1,920.00	0.044		
Grand Total*						1,920.00	0.044		

*Includes all land areas

Residential Dwelling
 Occupancy: Single-Family / Owner Occupied
 Style: 1 Story Frame
 Arch Style: Conventional
 Year Built: 1939
 Area SF: 743
 Condition: NML
 Ttl Rms: 5
 Bsm/Altic: Full/None
 Heat/AC: HW - Baseboard / No AC
 Bsmt Finish 1
 Bsmt Finish 2
 Fireplace 1
 Fireplace 2
 Fireplace 3
 Full/Half Baths: 1/0
 Decks & Patios
 Porches
 Ext Wall: Metal
 Veneer 1
 Veneer 2
 Bsmt Stalls/Total Garages: 0/0
 Ttl Additions: 0

EFA 76
 GLA 7430
 F/E/O% 0100
 Grade 5
 Ttl Brms 2
 HW - Baseboard / No AC
 Other/Total Fixtures: 0/3
 Roof: Gable/Asph Comp
 Ttl Additions: 0

Base Price	Base Price	Sale Amt	Sale Date	Nut Code	Recording
\$81,280	\$81,280	\$1	08/26/1998		999999
\$0	\$0			Board of Review	State Equalized
\$0	\$0			Appraised	With Exemptions
\$0	\$0			Land	
\$0	\$0			Land C	
\$0	\$0			Dwig	
\$0	\$0			Impr	
\$0	\$0			Total	
\$0	\$0			PTyr 2015	PTyr 2014
\$0	\$0			\$12,000	\$8,300
\$0	\$0			Land	\$0
\$0	\$0			Land C	\$0
\$0	\$0			Dwelling	\$61,200
\$0	\$0			Impr	\$0
\$0	\$0			Total	\$68,800
\$0	\$0			PTyr 2015	PTyr 2014
\$0	\$0			\$12,000	\$8,300
\$0	\$0			Land	\$0
\$0	\$0			Land C	\$0
\$0	\$0			Dwelling	\$61,200
\$0	\$0			Impr	\$0
\$0	\$0			Total	\$68,800

City of Mandan	65-2519000	Route #: 000-000-000	PDF 1	WORKING
Additional Notes:				

CITY OF MANDAN

SUNDAY ALCOHOLIC BEVERAGE PERMIT

Date of Application: Oct 25th 2015

Name of Licensee: Mandan Messer 425

Address of Licensee: 111 11th Ave. NE

Address of public facility if used: 111 11th Ave NE

State the purpose of organization: Comedy Show

Date(s) of requested Sunday(s): Oct 25th

Time of day which the applicant desires the permit to be in effect: 12:00 noon to 1am

Description of the rooms on the premises, which have been specifically reserved, for the dispensing of alcoholic beverages and dancing during the term of the permit: Hall section of lodge and social quarters

State whether the applicant requests permission to open to the general public, and if so an explanation of the reasons for the request: Open to public - for comedy show and dinner -

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

I the applicant will abide to the following conditions:

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

CITY OF MANDAN

SUNDAY ALCOHOLIC BEVERAGE PERMIT

Date of Application: Oct 11

Name of Licensee: Mandan House 425

Address of Licensee: 111 11th Ave. NE

Address of public facility if used: 111 11th Ave. NE

State the purpose of organization: Dave Harrison Benefit

Date(s) of requested Sunday(s): Oct 11th 2015

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

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

Hall.

State whether the applicant requests permission to open to the general public, and if so an explanation of the reasons for the request:

open to public for benefit.



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 6, 2015
PREPARATION DATE: October 1, 2015
SUBMITTING DEPARTMENT: Business Development and Communications Department
DEPARTMENT DIRECTOR: Ellen Huber, Business Development and Communications Director
PRESENTER: Ellen Huber, Business Development and Communications Director
SUBJECT: Assignment & Consent Agreement for 112 Second Ave NW

STATEMENT/PURPOSE: Consider approval of an assignment and consent agreement for the Storefront Improvement Project at 112 Second Avenue NW.

BACKGROUND/ALTERNATIVES: The building at 112 Second Avenue NW was approved for a Storefront Improvement Project by the City Commission on June 17, 2014. On May 19, 2015, the City Commission approved an extension of the deadline for project completion until Dec. 31, 2015, and on Aug. 4, 2015, approved modifications to the storefront improvement plan.

Property owners Dot and Jared Frank have entered into a purchase agreement to sell the building to Marc Menge. They have requested a transfer of the rights and responsibilities under the agreement to Mr. Menge.

ATTACHMENTS: Assignment and Consent Agreement

FISCAL IMPACT: A forgivable loan equal to 50% of eligible storefront expenditures, not to exceed \$30,000, was previously approved.

STAFF IMPACT: Minimal

LEGAL REVIEW: Attorney Brown prepared the Assignment and Consent Agreement.

Board of City Commissioners

Agenda Documentation

Meeting Date: October 6, 2015

Subject: 112 Second Ave NW Assignment & Consent Agreement

Page 2 of 2

RECOMMENDATION: I recommend approval of the Assignment and Consent Agreement to transfer rights and responsibilities to Marc Menge for the storefront improvement project at 112 Second Ave NW.

SUGGESTED MOTION: I move to approve the Assignment and Consent Agreement to transfer rights and responsibilities to Marc Menge for the storefront improvement project at 112 Second Ave NW.

ASSIGNMENT AND CONSENT

This Assignment and Consent made and entered into this ____ day of _____, 2015, by and between Dot Frank ("Seller") and Marc Menge ("Assignee"), and the City of Mandan ("City").

WHEREAS, Seller and the City entered into a Storefront Rehab Agreement providing for the improvement of the following described real property located in the City of Mandan, Morton County, ND:

112 2nd Avenue NW

WHEREAS, Seller intends to assign her rights and obligations under said Storefront Rehab Agreement to Assignee.

NOW, THEREFORE, For good and valuable consideration, Seller hereby assigns to Assignee, all of her rights and obligations to said Storefront Rehab Agreement; and

Assignee agrees to be bound by all of the obligations in said Storefront Rehab Agreement; and

The City of Mandan consents to said assignment by Seller and assumption by Assignee for said Storefront Rehab Agreement.

SELLER:

CITY:

CITY OF MANDAN

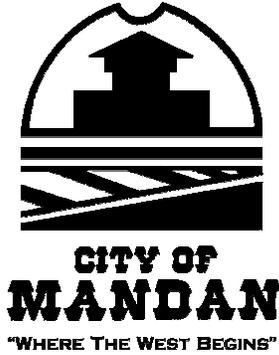
Dot Frank

By: _____

Its _____

ASSIGNEE:

Marc Menge



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 6, 2015
PREPARATION DATE: October 2, 2015
SUBMITTING DEPARTMENT: Planning and Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Inform of approved C.O. #3 for SID #199
(Downtown, east side SID).

STATEMENT/PURPOSE: In accordance with city change order policy, change orders of contract increase between \$25,000 and \$50,000 must be brought to city commission as an information item.

BACKGROUND/ALTERNATIVES: This change order is necessary to modify the approach to reconstruct certain roads since discovering that the existing pavement thicknesses vary from what they were expected to be after the pavement boring report. More detailed explanation is seen below in the change order document.

ATTACHMENTS:
1. Change Order No. 3

FISCAL IMPACT: Adds \$36,747.70 to the contract amount, however, we expect to realize some cost savings as actual quantities are expected to under-run planned quantities as a result of this change in method.

STAFF IMPACT: Minimal

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

RECOMMENDATION: None. This item is for informational purposes.

SUGGESTED MOTION: No motion necessary, for informational purposes.

CONTRACT CHANGE ORDER FORM

DEPARTMENT

Contract between the City of Mandan and MARINER CONSTRUCTION
Contract Number: 2014-28, SID #199 Change Order Number: 3
Project/Subproject: SID #199 Original Contract Amt: 2,641,458⁶⁹
Project Description: STREET IMPROVEMENTS IN NE 1/3RD OF DOWNTOWN MANDAN
Previous Contract Amount: 2,664,371⁰⁴
Change Order Amount: 36,747²⁰
Original Contract Date: PH 1-10-15 Change in Contract Timeline: 0
Within Project Scope: Y / N Within Project Funding: Y / N

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):  9-21-15
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: October 6, 2015

Subject: Inform of approved C.O. #3 for SID #199 (Downtown, east side SID).

Page 3 of 4



Owner: City of Mandan	Date: September 9, 2015
Contractor: Mariner Construction	

CONSTRUCTION CHANGE ORDER NO. 3
2015 Downtown Street Improvement District #199
City of Mandan Project No.: 2014-28
Stantec Project No.: 193803095

Description of Work

This Change Order reflects a change in the work scope due to discovery of thicker asphalt pavement sections than was identified in the boring reports supplied for the project. As a result, design changes were required and provided by the Project Engineer. The design changes were discussed with the geotechnical firm that provided the original borings and pavement design recommendations as well as a courtesy review from the on-site Independent Assurance geotechnical firm. The scope of this change is as follows: Several of the streets had asphalt fully removed to depths of 7"-8". On these streets, once the asphalt was removed, the grade was then too low. Additional Stabilized Gravel Base was installed to provide proper grades. The contract has a line item for this material and the quantity will be over-run for this additional material. The new design for the remaining residential streets with thicker asphalt sections is to mill 4" of the asphalt material as Remove Bituminous Pavement and then proceed with Cement Stabilized Base 8" per original plan. The design rate of 5% cement will be added to the surface of the milled section and the remaining 3-4" will be reclaimed through the cement stabilizing process. With this approach, there will not be a need to utilize the remaining Remove Millings item as it was designated for removal of millings from previous project water main trenches. This is now unnecessary as a reasonable uniform Cement Stabilized Base 8" section now exists. This new approach, however, will require more time to complete and will cause increased maintenance to the reclaimer. This Change Order adds an increased cost to the remaining quantity of Cement Stabilized Base 8" for this additional work. In the commercial alleys, 8" rather than 4" pavement sections were found. The recommendation for these areas is to mill 4" of the asphalt as Remove Bituminous Pavement and overlay 4 inches of new asphalt. This process will be utilized as long as 1) the thicker asphalt section is evident, and 2) if the remaining asphalt after the 4" milling is not too deteriorated. If those two criteria are not found acceptable, the original plan process will be implemented by removing the clay material as Unclassified Excavation and adding additional Stabilized Gravel Base. A new pavement section would then be installed. With these changes instituted and the commercial alleys being found to meet the two criteria above, the City should realize an overall savings to the project by the underrun of other bid items (Removed Millings, Unclassified Excavation and Stabilized Gravel Base).

			Contract	Unit	Total
	CHANGE ORDER NO. 3				
1	Increase in price for additional process of Cement Stabilized Base 8" from original bid price of \$6.50/SY to \$7.60/SY	SF	33407	\$1.10	\$36,747.70
	TOTAL CHANGE ORDER NO. 3:				\$36,747.70

Board of City Commissioners

Agenda Documentation

Meeting Date: October 6, 2015

Subject: Inform of approved C.O. #3 for SID #199 (Downtown, east side SID).

Page 4 of 4

Original Contract Amount	\$2,641,458.69
Previous Change Orders	\$22,912.35
This Change Order	\$36,747.70
Revised Contract Amount (including this change order)	\$2,701,118.74

CHANGE IN CONTRACT TIMES

Original Contract Times:	
Phase 1 Completion Date	October 16, 2015
Phase 2 Completion Date	October 28, 2015
Final Completion Date	August 15, 2017

Increase of this Change Order:	None
Phase 1 Completion Date	CO#1 October 30, 2015
Phase 2 Completion Date	October 28, 2015
Final Completion Date	August 15, 2017

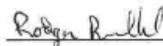
Contract Time with all approved Change Orders:	
Substantial Completion (days or date):	Phase 1 October 30, 2015
Ready for final Payment (days or date):	August 15, 2017

Recommended for Approval by:
STANTEC

Date:

Approved by Contractor:
Mariner Construction Inc

Approved by Owner:
City of Mandan

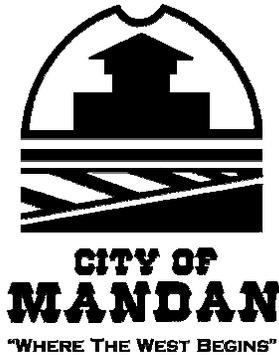




9-10-15
Date

9-21-15
Date

cc: Owner
Contractor
Stantec



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 6, 2015
PREPARATION DATE: October 1, 2015
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Highway 6 and 19th Street Preliminary Engineering Reimbursement Agreement

STATEMENT/PURPOSE: To agree to fully reimburse the NDDOT for cost associated with the design of turn lane and lighting improvements at Highway 6 and 19th Street should the city decide to not go forward with the project.

BACKGROUND/ALTERNATIVES: City staff and NDDOT staff are in agreement with the need to improve the intersection at Highway 6 and 19th Street SW. The drive for this project is primarily to improve the safety of this intersection with the introduction of turning lanes and intersection visibility. Since the project is a state safety project, the city does not have any local cost share responsibility. This agreement assures the NDDOT that if the city should decide not to agree to move forward with the project, that the NDDOT would be fully reimbursed for design costs.

ATTACHMENTS:

1. Preliminary Engineering Reimbursement Agreement

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 approval of Preliminary Engineering Reimbursement Agreement.

SUGGESTED MOTION: I move to approve of Preliminary Engineering Reimbursement Agreement.

NDDOT Contract No. 38151968
Project No. HEU-1-006(023)066

**North Dakota Department of Transportation
PRELIMINARY ENGINEERING REIMBURSEMENT AGREEMENT**

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

WHEREAS, the City has requested that NDDOT proceed with Turn lanes and Lighting project at the Intersection of ND 6 and 19th Street; and;

WHEREAS, the City requests that the project be designed in accordance with Appendices A and E, attached hereto and incorporated by reference.

NOW, THEREFORE, it is agreed that NDDOT will take all necessary steps to design and construct the project in accordance with the Environmental Document and plans approved by the City, and schedule a bid opening at such time as funding and plan completion allows.

The City agrees that should it unilaterally and voluntarily terminate this agreement by whatever means or action, it shall reimburse NDDOT for any and all costs it has incurred for engineering services under this agreement.

The City further agrees that should it request or otherwise cause a material alteration to, or a reduction of the scope of the project, it shall reimburse NDDOT for any and all costs it has incurred for engineering services under this agreement.

In the event the City fails to reimburse NDDOT, such failure shall constitute an assignment of funds, derived from the State Highway Tax Distribution Fund now or hereafter coming into the hands of the State Treasurer to the credit of the City, and that the State Treasurer is hereby directed to deliver and pay over to NDDOT all funds credited to the City until the total thereof equals the sum billed pursuant to this agreement.

Appendices A and E of the Title VI Assurances, attached, are hereby incorporated into and made a part of this agreement.

The Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.



Board of City Commissioners
Agenda Documentation
Meeting Date: October 6, 2015
Subject: Highway 6 and 19th Street Preliminary Engineering Reimbursement Agreement
Page 3 of 7

Executed by the city of Mandan, at Mandan North Dakota, the last date below signed.

APPROVED:

CITY ATTORNEY (TYPE OR PRINT)

City of _____

SIGNATURE

NAME (TYPE OR PRINT)

DATE

SIGNATURE

*

TITLE

DATE

ATTEST:

CITY AUDITOR (TYPE OR PRINT)

SIGNATURE

DATE

Executed for the North Dakota Department of Transportation by the Director at Bismarck, North Dakota, the last date below signed.

APPROVED as to substance by:

NORTH DAKOTA
DEPARTMENT OF TRANSPORTATION

LOCAL GOVERNMENT ENGINEER (TYPE OR PRINT)

DIRECTOR (TYPE OR PRINT)

SIGNATURE

SIGNATURE

DATE

DATE

*Mayor or President City Commission

CLA 17057 (Div. 38)
L.D. Approved 7-17-89; 10-14



Project No. HEU-1-006(023)066

North Dakota Department of Transportation
AUTHORIZATION

At a _____ meeting held on the ____ day of _____ 20____, it was moved by _____ and seconded by _____ that the attached agreement be approved and that the * and city auditor be authorized to execute in behalf of the city of _____ and that two executed copies be returned to the North Dakota Department of Transportation Director.

Adopted on a vote of _____ aye, _____ nay, _____ absent.

ATTEST:

APPROVED:

CITY AUDITOR (TYPE OR PRINT)

SIGNATURE

DATE

City of _____

NAME (TYPE OR PRINT)

SIGNATURE

*

TITLE

DATE

*Mayor or President City Commission



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

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

1. Compliance with Regulations: The Contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. Non-discrimination: The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. Information and Reports: The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient or the Federal Highway Administration as appropriate, and will set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the Contractor under the contract until the Contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. Incorporation of Provisions: The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.



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

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).



Risk Management Appendix

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

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

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

Governments – State and Government Entity, as defined above

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

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

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

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

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

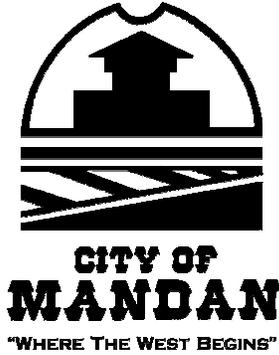
Defend, indemnify, and hold harmless the Governments, its agencies, officers and employees, from and against claims based on the vicarious liability of the Governments or its agents, but not against claims based on the Government's contributory negligence, comparative and/or contributory negligence or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

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

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

RM Consulted 2007
Revised 5-09





Board of City Commissioners

Agenda Documentation

MEETING DATE: October 6, 2015
PREPARATION DATE: October 2, 2015
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Memorial Highway Traffic Signals (40th and 46th)
CPM Agreement

STATEMENT/PURPOSE: To consider approval of the Memorial Highway Traffic Signals Project Cost Participation, and Maintenance (CPM) Agreement.

BACKGROUND/ALTERNATIVES: The city and the DOT have agreed that there is a need to; 1) Improve the traffic signal at Memorial Highway and 46th Avenue SE to make the signals permanent instead of the current temporary span wire, and 2) Install traffic signals at the intersection of Memorial Highway and 40th Avenue SE.

In order for the DOT to bid this project through their system, a requirement of receiving funding, the CPM Agreement must be agreed to. The CPM Agreement lays out which entity is responsible for each task of the project and is a standard DOT agreement. The local share of this project is to be funded by the Mandan sales tax fund.

ATTACHMENTS:

- 1) CPM Agreement
- 2) Risk Management Appendix
- 3) Funding Summary Appendix
- 4) Project Cover Sheet with Map

FISCAL IMPACT: Given the classification of the corridor as being on the Secondary Regional System, the cost share for the city is 10%, which is estimated to be \$77,270 as described on the Funding Summary Appendix.

STAFF IMPACT: Minimal

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

Board of City Commissioners

Agenda Documentation

Meeting Date: October 6, 2015

Subject: Memorial Highway Traffic Signals (40th and 46th) CPM Agreement

Page 2 of 12

RECOMMENDATION: I recommend the board approve the Memorial Highway Traffic Signals (40th and 46th) Cost Participation and Maintenance (CPM) Agreement.

SUGGESTED MOTION: I move to approve the Memorial Highway Traffic Signals (40th and 46th) Cost Participation and Maintenance (CPM) Agreement. _

NDDOT Contract No. 38151916

**North Dakota Department of Transportation
COST PARTICIPATION AND MAINTENANCE AGREEMENT**

Federal Award Information – to be provided by NDDOT	
CFDA No: 20.205	CFDA Title: Highway Planning & Construction
Award Name: Federal Aid Highway Program	Awarding Fed. Agency: Federal Highway Admin
NDDOT Program Mgr: Sengaroun Marohl	Telephone: 701-328-4449
Notice to Subrecipients: Federal awards may have specific compliance requirements. If you are not aware of the specific requirements for your award, please contact your NDDOT Program Manager.	

Project No. SU-1-094(170)919

WHEREAS, the North Dakota Department of Transportation intends to proceed with the construction of the following-described street improvement:

Location: MEMORIAL HWY INTERSECTION OF 46TH AVE S AND 40TH AVE S
Type of Improvement: TRAFFIC SIGNALS
Point of Beginning: RP 919.872
Point of Ending: RP 920.332

NOW, THEREFORE, in consideration of the mutual benefits to be derived therefrom, it is agreed between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and the city of Mandan, North Dakota, hereinafter referred to as the City, that NDDOT will construct the project in accordance with the current edition of NDDOT's *Standard Specifications for Road and Bridge Construction* and with the plans approved by the City, identified as project SU-1-094(170)919, and incorporated into this agreement by reference.

1. The City
 - a. Will pay 10 percent of the cost of rights of way and easements acquired for the project; and
 - b. Will pay 10 percent of the total cost of all items which are determined eligible for federal aid participation. This total cost will include the actual construction cost plus 10 percent for the preliminary and construction engineering; and
 - c. Will pay 100 percent of the construction costs plus 10 percent for the preliminary and construction engineering of all items not eligible for federal aid participation.
2. The City will pay to NDDOT as the work progresses or when completed its share of the total cost of the project as defined in paragraph 1.
3. It is specifically agreed that if at any time the City fails to pay the amount billed to NDDOT within 60 days after billings, this document shall constitute an assignment of funds derived from the State



Board of City Commissioners

Agenda Documentation

Meeting Date: October 6, 2015

Subject: Memorial Highway Traffic Signals (40th and 46th) CPM Agreement

Page 4 of 12

Highway Tax Distribution Fund now or hereafter coming into the hands of the State Treasurer to the credit of the City, and the State Treasurer is hereby directed to deliver and pay over to NDDOT all funds credited to the City until the total thereof equals the sum billed pursuant to this agreement. The preliminary cost estimate of the project is \$772,708.75 include PE & CE (see attached table), with the City's estimated share being \$77,270.88.

4. All signs, signals, markings, and other protective structures erected on or in connection with the project, including those installed at the sole cost and expense of the City or by others, shall be approved by NDDOT. All traffic control devices will be in conformance with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways.
5. The City will control the length and location of curb openings for future entrances and will not permit the length of curb openings for entrances to exceed the length shown on the plans or as shown on a sketch of typical entrances for similar entrances; and will prohibit the construction or use of any entrances along the project within the City other than those shown on the plans, without prior approval of NDDOT.
6. The City will not change any speed limit signs as shown on the plans without prior approval of NDDOT.
7. The City will prohibit double and diagonal parking and will control all parallel parking where allowed within the limits of the project in a manner satisfactory to NDDOT and to the Federal Highway Administration (FHWA), or both.
8. Appendices A and E of the Title VI Assurances, attached, are hereby incorporated into and made a part of this agreement.
9. The Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.
10. Entities that receive federal funds through NDDOT may be required to obtain an audit in accordance with 2 C.F.R. Part 200, Subpart F. A copy of such audit shall be submitted to NDDOT. Entities that spend less than \$750,000 of federal funds from all sources may be subject to reviews by NDDOT at its discretion. Additionally, all entities receiving federal funds through NDDOT shall certify whether a Single Audit has been completed as part of the annual Federal award process. These requirements are applicable to counties, cities, state agencies, Indian tribes, colleges, hospitals, and non-profit businesses.
11. The City is advised that its signature on this contract or agreement certifies that any person associated therewith is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency within the past three years; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction on any matter involving fraud or official misconduct within the past three years.
12. NDDOT is not responsible for any Property Taxes or Special Assessments on property which has been acquired as part of the roadway reconstruction project. The City is responsible to make arrangements for deferral or payment of such Taxes and/or Special Assessments.



13. The City will, at its own expense, maintain or cause to be maintained, all portions of the project unless otherwise noted in this paragraph. The maintenance will be in a manner satisfactory to NDDOT and FHWA. Exact limits of the project are shown on the attached map.

APPROVED: _____ City of _____

CITY ATTORNEY (TYPE OR PRINT)

NAME (TYPE OR PRINT)

SIGNATURE

SIGNATURE

DATE

*

TITLE

DATE

ATTEST:

CITY AUDITOR (TYPE OR PRINT)

SIGNATURE

DATE

Executed for the North Dakota Department of Transportation by the Director at Bismarck, North Dakota, the last date below signed.

APPROVED as to substance by:

NORTH DAKOTA
 DEPARTMENT OF TRANSPORTATION

DIVISION DIRECTOR (TYPE OR PRINT)

DIRECTOR (TYPE OR PRINT)

SIGNATURE

SIGNATURE

DATE

DATE

*Mayor or President City Commission

CLA 17058 (Div. 38)
 L.D. Approved 11-07; 8-15



AUTHORIZATION

At a _____ meeting held on the _____ day of _____, 20____, it was moved by _____ and seconded by _____ that the attached certification and agreement be approved, and that the * _____ and City Auditor be authorized to execute in behalf of the City of _____ and that two executed copies be returned to the NDDOT Director.

Adopted on a vote of ____ aye, ____ nay, ____ absent.

ATTEST:

APPROVED:

CITY AUDITOR (TYPE OR PRINT)

City of _____

SIGNATURE

NAME (TYPE OR PRINT)

DATE

SIGNATURE

*

TITLE

DATE

CERTIFICATION

It is hereby certified that the City of _____ will issue improvement warrants to finance the amounts that the City is obligated to pay under terms of the attached agreement with the North Dakota Department of Transportation and that authority to do so has been obtained in accordance with the Section 40-22-06 of the North Dakota Century Code.

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

ATTEST:

APPROVED:

CITY AUDITOR (TYPE OR PRINT)

City of _____

SIGNATURE

NAME (TYPE OR PRINT)

DATE

SIGNATURE

*

TITLE

DATE

*Mayor or President City Commission



Project SU-1-094(170)919

CERTIFICATION OF LOCAL MATCH

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

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

Source:

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

ATTEST:

APPROVED:

CITY AUDITOR (TYPE OR PRINT)

City of _____

SIGNATURE

NAME (TYPE OR PRINT)

DATE

SIGNATURE

*

TITLE

DATE

*Mayor or President of City Commission

CLA 17058 (Div. 38)
L.D. Approved 11-07; 8-15



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

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

1. Compliance with Regulations: The Contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. Non-discrimination: The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. Information and Reports: The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient or the Federal Highway Administration as appropriate, and will set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the Contractor under the contract until the Contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. Incorporation of Provisions: The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.



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

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).



Risk Management Appendix

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

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

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

Governments – State and Government Entity, as defined above

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

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

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

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

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

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

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

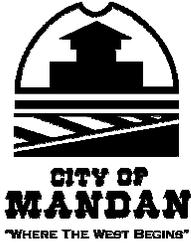
*See *North Dakota Risk Management Manual*, section 5.1 for discussion of "unique" and "routine" agreements.

RM Consulted 2007
Revised 5-09



SU-1-094(170)919 - Memorial Hwy Intersection of 46th and 40th Ave					
Description	Project Estimate	Federal	State	City	
Construction cost	\$533,712.50	\$431,933.53	\$48,407.72	\$53,371.25	
Preliminary Engineering	\$185,625.00	\$150,226.31	\$16,836.19	\$18,562.50	
Construction Engineering	\$53,371.25	\$43,193.35	\$4,840.77	\$5,337.13	
Total	\$772,708.75	\$625,353.19	\$70,084.68	\$77,270.88	

Note: The costs shown are estimates. The City will be billed for actual costs incurred.



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 6, 2015
PREPARATION DATE: October 2, 2015
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Robert Decker, P.E., Principal Planner
SUBJECT: Consider for approval replat of Lot 3, Block 1, Lot 1, Block 2 and Lot 20, Block 3 of West Hills Estates First Addition

STATEMENT/PURPOSE:

Request is to split the lots to allow construction of two and three unit buildings with individual dwelling unit ownership.

BACKGROUND/ALTERNATIVES:

This subdivision is zoned RM that allows multi-family structures.

Subsection 11 labeled Exceptions allows for an average minimum lot size of 2400 square feet. The smallest lot size proposed is 2911 square feet.

Connection of water and sanitary sewer lines must be coordinated with Public Works. If new water service connections are required, the connection must be bored so that the street will not have to be dug up. If common sanitary sewer connections will be used, a joint use and maintenance agreement must be recorded. Depending on the alignment of any joint use sanitary sewer, an access easement may need to be created across the frontage of a lot.

The final fully executed plat must conform to county requirements for recording.

ATTACHMENTS:

1. Subdivision Location Map
2. Draft Plats

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION:

Recommend approval.

Board of City Commissioners Agenda Documentation

Meeting Date: October 6, 2015

Subject: Replat of Lot 3, Block 1, Lot 1, Block 2 and Lot 20, Block 3 of West Hills

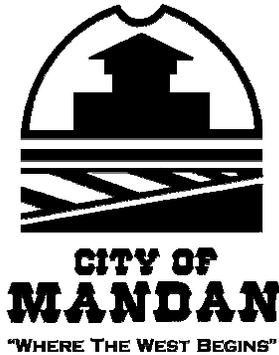
Estates First Addition

Page 2 of 4

SUGGESTED ACTION:

Move to approve replat of Lot 3, Block 1; Lot 1, Block 2 and Lot 20, Block 3 of West Hills Estates First Addition





Board of City Commissioners

Agenda Documentation

MEETING DATE: October 6, 2015
PREPARATION DATE: October 2, 2015
SUBMITTING DEPARTMENT: Public Works Department
DEPARTMENT DIRECTOR: Jeff Wright, Public Works Director
PRESENTER: Jeff Wright, Public Works Director
SUBJECT: Consider for approval Change Order No. 6-Final to Thirkettle Corporation for the Water Meter Improvements Project

STATEMENT/PURPOSE: Consider Change Order No. 6 – final for a net decrease of \$134,471.47 for the Water Meter Improvements Project.

BACKGROUND/ALTERNATIVES: Change Order No. 6 accepts the Contractor’s proposal responses for the additional work requested by the City at the Countryside Meter Vault as well as the costs incurred to provide two encoder signal splitters for the 2 Missouri West master meters to ensure MWWS was able to continue operating its existing AMR reading equipment in conjunction with the City AMI reading equipment. Also included in this final change order is the balancing change order, attached.

The Change Order affects the final contract price with a net decrease of \$134,471.47 reducing the final contract price to \$1,373,316.34, also adjusts Substantial Completion by 139 day to May 3, 2015 and final completion is adjusted by 10 days to September 10, 2015 for procurement and installation of the encoder signal splitters.

ATTACHMENTS:

- Letter of Recommendation from AE2S
- Change Order No. 6
- Change order summary for project

FISCAL IMPACT: The total approved SRF Loan = \$2,400,000.

STAFF IMPACT: N/A

LEGAL REVIEW: WCD No. 6 has been forwarded to Attorney Brown.

RECOMMENDATION: Recommend approval of Change Order No. 6 – Final to Thirkettle Corporation for the Water Meter Improvements Project as presented.

SUGGESTED MOTION: Move to approve Change Order No. 6 to Thirkettle Corporation for the Water Meter Improvements Project as presented.

Board of City Commissioners

Agenda Documentation

Meeting Date: October 6, 2015

Subject: Consider for approval Change Order No. 6-Final to Thirkettle Corporation for the Water Meter Improvements Project

Page 2 of 9



October 1, 2015

To the President and Commissioners
of the Mandan Board of City Commission
c/o Jeff Wright, Director of Public Works
205 Second Ave NW
Mandan, ND 58554

**Re: Mandan Water Meter Improvements Project
Change Order No. 6 – FINAL**

Dear Jeff:

Enclosed herewith, please find four (4) copies of Change Order No 6 – FINAL for Thirkettle Corporation for execution along with an updated summary of change orders for your reference. Change Order No 6 – FINAL accepts the Contractor's proposal responses for the the additional work requested by the City at the Countryside Meter Vault as well as the costs incurred to provide two (2) encoder signal splitters for two (2) Missouri West (MWWS) master meters to ensure MWWS was able to continue operating its existing AMR reading equipment in conjunction with the City of Mandan's AMI reading equipment. Also included in this final change order is the balancing change order, described in the included Summary of Balancing Change Order.

Note that this change order will act as the FINAL change order for the above referenced project and, upon final execution, affects the contract price with a net *decrease* of (\$134,471.47). Once fully executed, the FINAL contract price will be \$1,373,316.34. Additionally, the change order adjusts Substantial Completion by 139 days to May 3, 2015 – the date the City began using the AMI equipment for the intended purpose of the project. Final Completion is adjusted by 10 days to September 10, 2015 for procurement and installation of the encoder signal splitters for the aforementioned master meters.

We recommend approval of this Change Order contingent upon review by the North Dakota Department of Health. If acceptable, please sign all four (4) copies in the spaces indicated and return three (3) copies of the change order to this office for our records and distribution to the Contractor and the NDDH.

L:\City of Mandan\P00510-2013-00 Mandan Water Meter Improvements\060 Construction\Change Order\Change Order 6\Change Order 6_Cover Letter to Owner.docx

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: October 6, 2015

Subject: Consider for approval Change Order No. 6-Final to Thirkettle Corporation for the Water Meter Improvements Project

Page 3 of 9

We sincerely appreciate the opportunity to provide professional engineering services to the City of Mandan and look forward to the successful completion of this Project. Should you have any questions or concerns, please do not hesitate to contact us.

Respectfully Submitted,

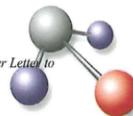
AE2S



Brian J. Viall, EIT
Project Engineer

C: Michael Cartwright – Thirkettle Corp.
Elizabeth Tokach-Duran - NDDH

Encl.



Board of City Commissioners

Agenda Documentation

Meeting Date: October 6, 2015

Subject: Consider for approval Change Order No. 6-Final to Thirkettle Corporation for the Water Meter Improvements Project

Page 4 of 9

Change Order No. 6 FINAL

Date of Issuance: September 30, 2015 Effective Date: August 31, 2015

Table with project details: Project (Mandan Water Meter Improvements Project), Owner (City of Mandan), Contract (General Construction), Date of Contract (April 17, 2014), Contractor (Thirkettle Corp.), Owner's Contract No., Engineer (Advanced Engineering and Environmental Services), Engineer's Project No. (P00510-2013-000)

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

Table with columns: Item, Description, Cost Adjustment. Includes items for additional work at Countryside Park, encoder signal splitters, and contract balance adjustments. Total change order cost: \$134,471.47.

Attachments: Item #1 - Price Quote for "Additional Items Countryside Estates Vault" | Item #2 - Price Quote for "Radio Read Filter-Splitter" | Item #3 - Summary of Balancing Change Order | Item #3 Supporting Material - Memorandum from supplier listing credit quantities dated 9/17/2015

Table comparing 'CHANGE IN CONTRACT PRICE' and 'CHANGE IN CONTRACT TIMES'. Shows original contract price of \$1,520,634.59 and new price of \$1,373,316.34. Shows contract completion dates changing from December 15, 2014 to May 3, 2015.

RECOMMENDED: By: [Signature] Engineer (Authorized Signature) Date: 10/1/2015. ACCEPTED: By: [Signature] Contractor (Authorized Signature) Date: 10/1/15.

Board of City Commissioners

Agenda Documentation

Meeting Date: October 6, 2015

Subject: Consider for approval Change Order No. 6-Final to Thirkettle Corporation for the Water Meter Improvements Project

Page 5 of 9



Mike Cartwright
 Global Efficiencies Inc.
 6700 Guada Coma Dr.
 Schertz, Texas 78154
 Ph. (210) 967-6304
 Fax (210) 967-6305
mcartwright@global-efficiencies.com
www.global-efficiencies.com

August 26, 2015

Quote for AE2S
 Attention Brian Viall
 Address 1815 Schafer Rd, Ste 301
 City, State, ZIP Bismark, ND 58501
 Phone: (701) 221-0530
 Email brian.viall@ae2s.com

Quantity	Description	Unit Price	Extended
1	Additional Items Countryside Estates Vault Search for existing 6" water service line where shown on City as Builty	\$5,500.00	\$5,500.00
1	Install one additional 6" PMC cap on existing pipe inside the meter vault	\$281.25	\$281.25
1	Remove & replace concrete valley gutter for gate valve installation	\$343.75	\$343.75
1	Fill masonry walls of vault with concrete and vertical rebar every 2 feet. Remove random loose block and railroad ties at ground level and replace with a reinforced concrete rim/grade beam on top of the masonry walls to support new precaste concrete cover.	\$5,437.50	\$5,437.50
1	Remove and relay one RDP flared end section and two pipe sections in order to excavate for new gate valve. Install new tie bolts.	\$1,687.50	\$1,687.50
	Total Change Order	\$13,250.00	\$13,250.00

Total \$13,250.00

Item #1

Board of City Commissioners
 Agenda Documentation
 Meeting Date: October 6, 2015
 Subject: Consider for approval Change Order No. 6-Final to Thirkettle Corporation for
 the Water Meter Improvements Project
 Page 6 of 9



September 10, 2015

Mike Cartwright
 Global Electronics Inc.
 6700 Queen Court Dr.
 Schertz, Texas 78154
 Ph: (210) 957-6904
 Fax: (210) 957-6305
mike.cartwright@global-electronics.com
www.global-electronics.com

Quote for AKEZ
Attention Brian Viall
Address 1815 Schuler Rd, Ste 301
City, State, ZIP Bismarck, ND 58501
Phone (701) 727-6530
Email brian.viall@aez.com

Quantity	Description	Unit Price	Extended
2	Radio Head Filter - Splitter	\$266.00	\$532.00
1	Freight	\$37.85	\$37.85
Total			\$569.85

This quotation on the product and services named, may be subject to the conditions stated below:

1. Not to Exceed 30 Days
2. Freight Allowance on orders over \$10,000.00
3. All quotes are valid for 90 days from date of quotation
4. Return product may be subject to 20% restocking fee
5. Quote does not include connecting devices to SCADA System

Item #2

Mandan Water Meter Improvements Project City of Mandan, North Dakota Summary of Balancing Change Order											
ITEM No	DESCRIPTION OF ITEM	Work Included in Bid or By Change Order	Unit Price	Contract Value of Work	Work Completed*	Value of Work Completed	Work Expected to be Completed	Value of Work to be Completed	Shored Materials	Revised Contract Value of Work	Balance Adjustments
		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
A	Bonding	1.00	\$ 10,341.40	\$ 10,341.40	1.00	\$ 10,341.40	0.00	\$ 0.00	\$ -	\$ 10,341.40	\$ -
B	Mobilization	1.00	\$ 1,500.00	\$ 1,500.00	1.00	\$ 1,500.00	0.00	\$ 0.00	\$ -	\$ 1,500.00	\$ -
C1	5/8" x 3/4" AccuStream w/ Radios	279.00	\$ 182.59	\$ 50,939.82	206.00	\$ 37,611.48	0.00	\$ 0.00	\$ 13,328.34	\$ 50,939.82	\$ -
C2	3/4" AccuStream w/ Radios	1128.00	\$ 187.81	\$ 212,734.08	1054.00	\$ 208,691.74	0.00	\$ 0.00	\$ 14,242.32	\$ 222,754.06	\$ -
C3	1" AccuStream w/ Radios	883.00	\$ 231.09	\$ 204,028.98	712.00	\$ 164,514.72	0.00	\$ 0.00	\$ 32,117.34	\$ 196,632.06	\$ (7,383.92)
C4	1" AccuStream w/ Radios	200.00	\$ 231.09	\$ 46,221.00	0.00	\$ -	0.00	\$ 0.00	\$ 46,221.00	\$ 46,221.00	\$ -
D1	1 1/2" Commercial Meter w/ Radio	58.00	\$ 498.54	\$ 28,979.72	38.00	\$ 17,371.90	0.00	\$ 0.00	\$ 11,607.82	\$ 28,979.72	\$ -
D2	2" Commercial Meter w/ Radio	45.00	\$ 697.51	\$ 31,402.41	17.00	\$ 11,865.67	0.00	\$ 0.00	\$ 19,536.74	\$ 31,402.41	\$ -
D3	3" Commercial Meter w/ Radio	21.00	\$ 1,498.21	\$ 31,462.41	3.00	\$ 7,585.57	0.00	\$ 0.00	\$ 23,876.84	\$ 31,462.41	\$ -
D4	4" Commercial Meter w/ Radio	45.00	\$ 2,621.89	\$ 118,000.00	4.00	\$ 10,507.56	0.00	\$ 0.00	\$ 107,492.44	\$ 118,000.00	\$ -
D5	6" Commercial Meter w/ Radio	9.00	\$ 4,269.50	\$ 38,425.50	4.00	\$ 17,097.00	0.00	\$ 0.00	\$ 21,328.50	\$ 38,425.50	\$ -
E1	Radio Transmitters	3800.00	\$ 79.35	\$ 309,465.00	3505.00	\$ 278,201.10	0.00	\$ 0.00	\$ 29,263.90	\$ 309,465.00	\$ (1,745.70)
F1	Scheduling	6328.00	\$ 4.00	\$ 25,304.00	6172.00	\$ 24,688.00	0.00	\$ 0.00	\$ 2,616.00	\$ 25,304.00	\$ (616.00)
F2	Installation of Residential Meters	2288.00	\$ 49.75	\$ 113,828.00	2004.00	\$ 99,696.00	0.00	\$ 0.00	\$ 14,132.00	\$ 113,828.00	\$ (14,129.00)
F3	Installation of Commercial Meters	138.00	\$ 131.00	\$ 18,078.00	86.00	\$ 11,266.00	0.00	\$ 0.00	\$ 6,812.00	\$ 18,078.00	\$ (6,812.00)
F4	Installation of Transmitters on Existing Meters	3900.00	\$ 36.00	\$ 140,400.00	3828.00	\$ 137,808.00	0.00	\$ 0.00	\$ 2,592.00	\$ 140,400.00	\$ (13,362.00)
H1	Curb Stop Replacement	25.00	\$ 4,000.00	\$ 100,000.00	0.00	\$ -	0.00	\$ 0.00	\$ -	\$ -	\$ (100,000.00)
H2	Shut-off Valve Replacement	30.00	\$ 138.89	\$ 4,166.70	0.00	\$ -	0.00	\$ 0.00	\$ -	\$ -	\$ (4,166.70)
A-B4	Net scheme for Flow-Network	1.00	\$ 131,440.00	\$ 131,440.00	1.00	\$ 131,440.00	0.00	\$ 0.00	\$ -	\$ 131,440.00	\$ -
CO1	All Agreement - Handle as Separate Contract	1.00	\$ (131,440.00)	\$ (131,440.00)	1.00	\$ (131,440.00)	0.00	\$ 0.00	\$ -	\$ (131,440.00)	\$ -
CO2	Installation of Transmitters on Existing Meters New	60.00	\$ 36.00	\$ 2,160.00	60.00	\$ 2,160.00	0.00	\$ 0.00	\$ -	\$ 2,160.00	\$ -
CO2	Install 3" Spool Pieces	8.00	\$ 212.28	\$ 1,698.24	8.00	\$ 1,698.24	0.00	\$ 0.00	\$ -	\$ 1,698.24	\$ -
CO2	Install 4" Spool Pieces	3.00	\$ 230.99	\$ 692.94	3.00	\$ 692.94	0.00	\$ 0.00	\$ -	\$ 692.94	\$ -
CO2	Install 6" Spool Pieces	4.00	\$ 279.39	\$ 1,117.56	4.00	\$ 1,117.56	0.00	\$ 0.00	\$ -	\$ 1,117.56	\$ -
CO2	Repair River Water Park Resins	1.00	\$ 1,002.50	\$ 1,002.50	1.00	\$ 1,002.50	0.00	\$ 0.00	\$ -	\$ 1,002.50	\$ -
CO2	Woodland Meter Vault Improvements	1.00	\$ 65,120.00	\$ 65,120.00	0.00	\$ -	1.00	\$ 65,120.00	\$ -	\$ -	\$ 65,120.00
CO3	Countyside Meter Vault Improvements	1.00	\$ 45,000.00	\$ 45,000.00	0.00	\$ -	1.00	\$ 45,000.00	\$ -	\$ -	\$ 45,000.00
CO4	MWWS - Meter Replacements	1.00	\$ 11,801.98	\$ 11,801.98	0.00	\$ -	1.00	\$ 11,801.98	\$ -	\$ -	\$ 11,801.98
CO5	Time Estimation	0.00	\$ -	\$ -	0.00	\$ -	0.00	\$ -	\$ -	\$ -	\$ -
CO6	Total Balance Adjustments										\$ (148,291.32)

*Quantities submitted on Prop Application dated 11/28/14

**Adjusted by Memo from DSO dated 9/7/16 -

NOTE: Thirty-two (32) 510M radios returned as part of line item C3; twenty-two (22) 510M radios returned as part of line item E1; Total = Fifty-four (54) 510M Radios credited per memo.

Item #3



WATERWORKS



Creating Successful Partner
Encounters In Everything We Do.

4500 Carbine Ave.
Bismarck, ND 58501

Phone (701) 221-9070
Fax (701) 221-9069

Toll Free (855) 337-9258
Email bmkwwsales@dsginc.biz

Project City of Mandan Date 9/17/15

Credit

54 570 M Single Port Meters

32 1" Sensus Accustream Meters

ReThread 10/12/15 - Total Backflow

8 3/8 Accustream Meters

13 3/4 Accustream Meters

Warranty & Replace

54 570 M Meters

Board of City Commissioners

Agenda Documentation

Meeting Date: October 6, 2015

Subject: Consider for approval Change Order No. 6-Final to Thirkettle Corporation for the Water Meter Improvements Project

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9/30/2015

**Mandan Water Meter Improvements Project
Summary of Change Orders**

P00510-2013-000
Updated: 9/30/2015

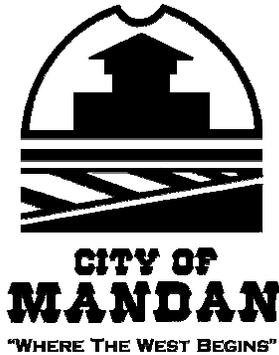
Contractor: Thirkettle Corporation

Original Contract Price \$ 1,520,634.59

CO #	Description	Amount	Status	Contract Price	Over/Under
G-1	1 Deduct price for line item B4 from original contract price. Price transferred to AMI agreement	(\$131,440.00)			
Total Change Order No. 1		(\$131,440.00)	Fully executed.	\$1,389,194.59	(\$131,440.00)
G-2	2 WCD 2 - Woodland Mobile Home Park - Master Meter Vault Installation	\$55,120.00			
	3 Misc. field changes - outlined in Quote Dated November 13, 2014	\$6,671.24			
Total Change Order No. 2		\$61,791.24	Fully executed.	\$1,450,985.83	(\$69,648.76)
G-3	4 WCD 3a - Countryside Mobile Home Park Meter Vault Improvements	\$45,000.00			
Total Change Order No. 3		\$45,000.00	Fully executed.	\$1,495,985.83	(\$24,648.76)
G-4	5 WCD 1 - MWWS Master Meter Replacement	\$11,801.98			
Total Change Order No. 4		\$11,801.98	Fully executed.	\$1,507,787.81	(\$12,846.78)
G-5	6 Time extension for Contractor to obtain AIS Certifications per NDDH requirements and for completion of closeout documents.	\$0.00			
Total Change Order No. 5		\$0.00	Fully executed.	\$1,507,787.81	(\$12,846.78)
G-6	7 Additional work requested at Countryside Park to complete meter vault improvements.	\$13,250.00	Reviewed w/ City 8/18/2015		
	8 Addition of two (2) encoder signal splitters for MWWS master meters at NDSIS and Captain's Landing	\$569.85	Reviewed w/ City 9/1/2015		
	9 Balancing Change Order based on final project quantities.	(\$148,291.32)	Reviewed w/ City 9/17/2015		
Total Change Order No. 6		(\$134,471.47)	PENDING	\$1,373,316.34	(\$147,318.25)
Total Change Orders		(\$147,318.25)			-9.7%

Approximate Total Project Construction Costs

Mandan Water Meter Improvements Project	
Final Contract Price	\$ 1,373,316.34
AMI Agreement with Sensus (Previously Executed)	\$ 115,360.00
MicroComm SCADA service for MWWS	\$ 3,450.00
Total Anticipated Project Construction Costs	\$ 1,492,126.34
Over / (Under) Original Contract Price	\$ (28,508.25)
%	-1.9%



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 6, 2015
PREPARATION DATE: October 2, 2015
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Jeff Wright
PRESENTER: Jeff Wright, Public Works Director
SUBJECT: Consider budget transfer from 2016 Street Department Capital Outlay budget to 2015 budget.

STATEMENT/PURPOSE: Consider budget transfer from 2016 Street Department Capital Outlay budget to 2015 budget for the purchase of office reception furniture and chairs.

BACKGROUND/ALTERNATIVES: The above office furniture was approved in the 2016 Street Department Capital Outlay budget. We had stumbled onto a state demo set of office furniture that was priced at \$4,700 at Brown and Saenger, in Mandan, they only wanted \$3,000, a really good discount, and they agreed to hold the furniture until the 2016 Budget was approved. Along with the furniture, they also had 4 chairs that would work in our office for \$100 apiece. Miscellaneous desk accessories will round off the \$3,500 request.

ATTACHMENTS: N/A

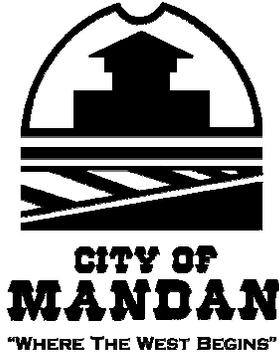
FISCAL IMPACT: \$3,500.00, from the approved 2016 Street Department Capital Outlay budget.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend approval of budget transfer from 2016 Street Department Capital Outlay budget to 2015 budget of \$3,500.00.

SUGGESTED MOTION: Move to approve budget transfer from 2016 Street Department Capital Outlay budget to 2015 budget of \$3,500.00.



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 6, 2015
PREPARATION DATE: October 2, 2015
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Shirley Shaw
PRESENTER: Shirley Shaw
SUBJECT: Reassessment Otis Patton Jr.

STATEMENT/PURPOSE: To consider a reduction in the structure value for the 2015 year for Otis R Patton Jr property, due to assessment that was made as a street appraisal and final review completed.

BACKGROUND/ALTERNATIVES: This parcel is also known as Parcel #65-3954120 Lot 2 Block 2 Nicola's 4th Addition.

Reason for abatement: To lower the 2015 structure value from \$162,500 to \$97,900. After a complete review of Mr. Patton's property to determine accuracy of our data and conducting a market analysis, I have arrived at a true and full value of \$117,900 for the 2015 year, rather than \$182,500 for 2015 a difference of \$64,600 in true & full value.

ATTACHMENTS: Application for 2015 and data sheet.

FISCAL IMPACT: Approximately \$900

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend a motion to approve to lower the true and full value for the 2015 year to Otis Patton Jr's property values.

SUGGESTED MOTION: A motion to approve a reduction for the Otis Patton Jr's property for the 2015 assessment year.

Board of City Commissioners

Agenda Documentation

Meeting Date: October 6, 2015

Subject: Consider a reduction in the structure value for the 2015 year for Otis R Patton Jr. property

Page 2 of 4

Application For Abatement Or Refund Of Taxes
North Dakota Century Code § 57-23-04

File with the County Auditor on or before November 1 of the year following the year in which the tax becomes delinquent.

State of North Dakota Assessment District City of Mandan
County of Morton Property I.D. No. 65-3954120
Name Patton, Otis R JR. Telephone No. _____
Address 900 10th St. SE

Legal description of the property involved in this application:

Lot 2 Block 2
Nicola's 4th Addition

Total true and full value of the property described above for the year 2015 is:
Land \$ 20,000
Improvements \$ 162,500
Total \$ 182,500
(1)

Total true and full value of the property described above for the year 2015 should be:
Land \$ 20,000
Improvements \$ 97,900
Total \$ 117,900
(2)

The difference of \$ 64,600 true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- 2. Residential or commercial property's true and full value exceeds the market value
- 3. Error in property description, entering the description, or extending the tax
- 4. Nonexisting improvement assessed
- 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- 6. Duplicate assessment
- 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
- 8. Error in noting payment of taxes, taxes erroneously paid
- 9. Property qualifies for Homestead Credit according to N.D.C.C. § 57-02-08.1. Attach a copy of Homestead Credit Application.
- 10. Other (explain) _____

The following facts relate to the market value of the residential or commercial property described above. For agricultural property, go directly to question #9.

1. Purchase price of property: \$ _____ Date of purchase: _____
Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
Was there personal property involved in the purchase price? yes/no _____ Estimated value: \$ _____

2. Has the property been offered for sale on the open market? yes/no _____ If yes, how long? _____
Asking price: \$ _____ Terms of sale: _____

3. The property was independently appraised: yes/no _____ Purpose of appraisal: _____
Market value estimate: \$ _____
Appraisal was made by whom? _____

4. The applicant's estimate of market value of the property involved in this application is \$ _____

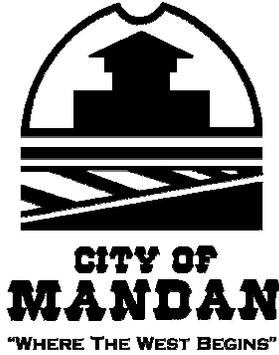
5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

Applicant asks that adjustments be made to reflect Reassessment completed for 2015 value.

By filing this application, I consent to an inspection of the above-described property by an authorized assessment official for the purpose of making an appraisal of the property. I understand the official will give me reasonable notification of the inspection. See N.D.C.C. § 57-23-05.1

I declare under the penalties of N.D.C.C. § 12.1-11-02, which provides for a Class A misdemeanor for making a false statement in a governmental matter, that this application is, to the best of my knowledge and belief, a true and correct application.

Signature of Preparer (if other than applicant) Shirley Shaw Date 10-2-15 Signature of Applicant _____ Date _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 6, 2015
PREPARATION DATE: October 2, 2015
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Robert Decker
SUBJECT: Acting as the Board of Adjustment, consider for approval variance to allow a detached garage to be located in front of the primary structure on Lot 1, Block 1, Patience Subdivision.

STATEMENT/PURPOSE:

This request is to allow relocation of an existing detached garage. The proposed location is in front and to the side of the house. R7 zoning rules require that an accessory building be located behind the primary structure.

BACKGROUND/ALTERNATIVES:

This is a greater than 4 acre lot with the house located approximately in the center of the lot well back from the road. There is an underground power line located where the garage would normally be placed. There is also a drainage issue that limits the possible location of the garage.

Other properties on both sides of the road have structures located much closer to the road than the proposed location of the garage.

ATTACHMENTS:

1. Aerial photo location map
2. Planning and Zoning staff report with supporting documentation

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION:

The Planning and Zoning Commission voted unanimously at their September 28, 2015

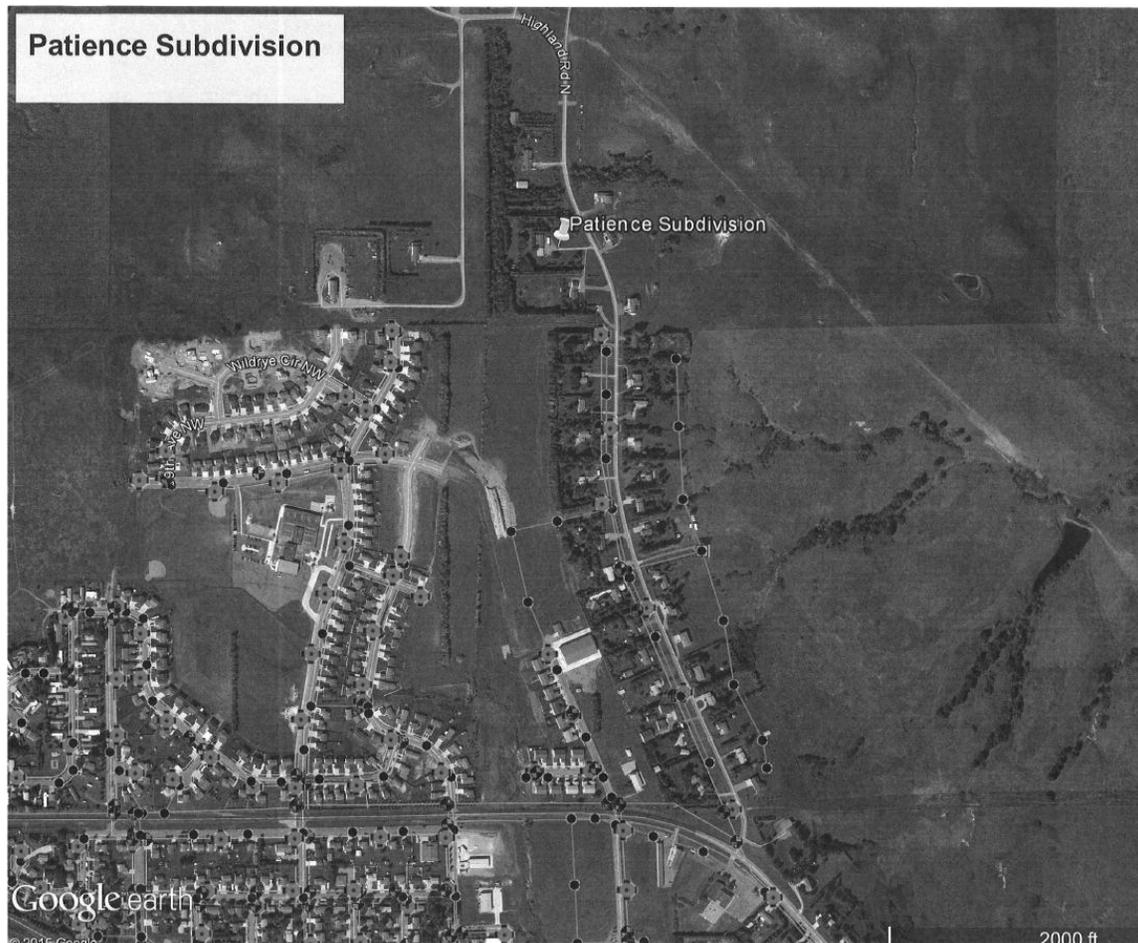
meeting to recommend granting this variance.

Staff recommends granting this variance.

Granting this variance is the minimum necessary to allow construction of the structure and is in harmony with the general purposes and intent of this title and is not injurious to the neighborhood or otherwise detrimental to the public welfare.

SUGGESTED MOTION:

Move to grant variance to allow a detached garage to be located in front of the primary structure on Lot 1, Block 1, Patience Subdivision



Application Details				
Applicant Blaine Engelstad	Owner Blaine Engelstad	Subdivision Patience	Legal Description Lot 1, Block 1	
Location Highland Rd.	Proposed Land Use Single-family	Parcel Size 4.09 acres	Number of Lots 1	
Existing Land Use Single-family	Adjacent Land Uses residential & agriculture	Current Zoning R7	Proposed Zoning R7	Adjacent Zoning R7
Fees	Date Paid	Adjacent Property Notification Sent	Legal Notices Published	

Project Description
<p><u>Request</u></p> <p>The request is to allow relocation of the existing detached garage to a location in front of the primary structure so that a new attached garage can be built onto the primary structure.</p> <p><u>Reason for Request</u></p> <p>21-03-05 subsection 5 requires that all accessory buildings be located in the rear yard.</p> <p><u>Procedure</u></p> <p>21-06-02 subsection 2 provides a procedure for granting a variance.</p> <p><i>Variances. 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 title 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 title 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. No adjustment in the strict application of any provisions of this title shall be granted by the board of adjustment unless it finds:</i></p> <ol style="list-style-type: none"> a. <i>That 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 title, whether in violation of the provisions of the title, or not;</i> b. <i>That, 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 title 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;</i> c. <i>That the grant of the variance will be in harmony with the general purposes and intent of this title, and not be injurious to the neighborhood or otherwise</i>

detrimental to the public welfare.

Justification for granting variance

- a. The primary structure was placed well back from the road in the center of an over 4 acre parcel.
- b. Neighboring lots have structures closer to the road than the proposed garage would be.
- c. There is a new rerouted power line in the area to the side of the primary structure where this garage would normally be located.
- d. The area to the side of the primary structure is a low, wet area.

Agency & Other Department Comments

Engineering & Planning Staff Comments

Engineering & Planning Recommendation

Staff recommends approval of this variance request

Proposed Motion

Move to recommend that the city commission approve a variance to allow placement of an accessory building garage in front of the primary structure on Lot 1, Block 1, Patience Subdivision

CITY OF MANDAN	
Development Review Application	
Annexation petition (\$250)	Minor plat or replat (\$100)
Preliminary Plat up to 20 acres (\$200)	Preliminary Plat greater than 20 acres (\$300)
Final Plat up to 20 lots (\$200)	Final Plat 21 to 40 lots (\$400)
Final Plat greater than 40 lots (\$600)	Zone change (\$400)
Special Use (\$300)	Vacation of ROW (\$250)
Stormwater submittal (\$150)	<input checked="" type="checkbox"/> Variance (\$200)
Stormwater 2 nd and subsequent resubmittal (\$50)	Construction plans per plan & profile sheet (\$25)
Summary of Request <i>place detached garage east of front face of home, due to low/wet yard, and present location of 7.2 KV electric line.</i>	

Engineer/Surveyor			Property Owner or Applicant		
Name			Name <i>Blaine F. Engelstad</i>		
Address			Address <i>5305 Highland Rd. N.W.</i>		
City	State	Zip	City	State	Zip
			<i>Mandan</i>	<i>N.D.</i>	<i>58554</i>
email			email <i>bFengelstad@Live.com</i>		
Phone	Fax		Phone	Cell	Fax
			<i>701-663-3654</i>	<i>701-426-8457</i>	
<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.</i>					

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

Print Name <i>Blaine F. Engelstad</i>	Signature <i>Blaine F. Engelstad</i>	Date <i>9-1-2015</i>
--	---	-------------------------

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

September, 2015

Planning and Zoning request.

I am seeking to place my present detached garage near South shelter belt, East of the 7.2 KV electric line.

I would then replace this building with a new structure, attached to the present home.

I have contacted a cement crew, and a mover. The cement work would need to be done before freeze-up, and the building would be moved in April/May. New building construction would be done after that. Pump house would be demolished, water meter moved.

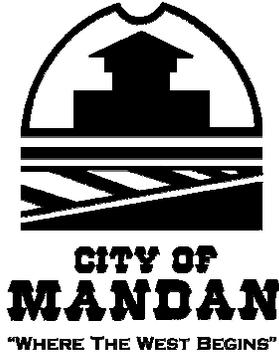
I request a variance, as placement of this building should be year-round. To place it within the detached garage guidelines, (behind the front face of home) would place it on top of 7.2 KV primary line, or near the lowest/wettest part of backyard. 21-09-16

The neighbor to my south, Darrel Jacobson, was granted a variance, due to the same conditions.

Please consider my request.

Blaine J. Kogelstein





Board of City Commissioners

Agenda Documentation

MEETING DATE: October 6, 2015
PREPARATION DATE: October 1, 2015
SUBMITTING DEPARTMENT: Business Development and Communications Department
DEPARTMENT DIRECTOR: Ellen Huber, Business Development and Communications Director
PRESENTER: Ellen Huber, Business Development and Communications Director
SUBJECT: Visitors Committee Recommendation on Visitor Signage & Issuance of a Request for Proposals

STATEMENT/PURPOSE: To consider a Visitors Committee recommendation for updated visitor signage and issuance of a request for proposals.

The Visitors Committee provides recommendations to the City Commission in administering proceeds from the 1 percent city restaurant and lodging tax. Funds may be used for capital construction and promotion projects to attract visitors to the community to use travel and tourism facilities.

BACKGROUND/ALTERNATIVES: The Visitors Fund Committee met Aug. 25, 2015. Among agenda items was consideration of a request for visitor signage to provide a welcome, direction to visitors for various attractions and destinations, and a sense of community branding and character. The request was presented by the Mandan Tomorrow – Leadership, Pride and Image Committee. The committee had previously been asked by city and park district administrators to undertake the project to update Mandan’s visitor signage. The committee had studied potential locations and sign content, but recognized that professional services were needed with respect to the engineering, design and installation of the signs.

ATTACHMENTS: Draft request for proposals for Mandan signage

FISCAL IMPACT: There is no cost to issuing an RFP. The probably cost of the project itself, based on a preliminary, informal estimate from a local engineering firm, is approximately \$175,000 to \$200,000. The Visitors’ Promotion Capital Construction Fund had a balance of \$940,162 at the time of the committee meeting.

STAFF IMPACT: Some staff time will be required for review of proposals and coordination of the selection process plus for project oversight.

LEGAL REVIEW: Legal review is pending.

RECOMMENDATION: The Visitors Committee voted to recommend support of the visitor sign project and the issuance of a request for proposals for subsequent review by the committee.

SUGGESTED MOTION: I move to issue a request for proposals for new visitor welcome and way finding signage.



Draft

**CITY OF MANDAN
REQUEST FOR PROPOSAL
WELCOME & WAYFINDING SIGN SURVEYING, DESIGN, FABRICATION & INSTALLATION**

1. INVITATION & INTENT

The City of Mandan invites all interested, qualified persons or firms capable of providing the required services and products to submit proposals. The city is seeking proposals from engineering firms and sign manufacturers/fabricators with expertise in municipal way finding to prepare and produce welcome and way finding signs for the City. The purpose of this program is to establish a unified signage system throughout the city with signs placed at key locations to help direct residents and visitors to important city destinations.

2. BACKGROUND

The City of Mandan has a population of 20,820, according to a 2014 Census estimate. Mandan offers economic opportunity, a strong sense of community, widespread fun and possibilities for achievement. Mandan will always be “Where the West Begins,” but we also strive to market community attributes that speak to the needs and wants for residents, businesses and visitors.



Mandan’s existing way-finding signs that provide a welcome, direction to visitors for various attractions, and a sense of community branding and character have become dated in appearance and content. The community has relocated some features and added new features, but the signs aren’t easily adaptable to indicate these changes. The signs are also too few in number and locations given community growth.

New signs are among recommendations in a recently adopted Mandan Land Use and Transportation Plan. Goal 7 states: “Ensure that the City’s aesthetic character for residents, visitors and business patrons is enhanced through high quality development and infrastructure and the visual attractiveness of key corridors.” The plan goes on to explain, “Physical character and identity affects quality of life and business success. At entrances and key corridors in Mandan, it is important to create an attractive setting.” Recommended policies include:

- Develop a plan to keep the City’s gateways attractive by maintaining and enhancing signage, landscaping, or other features at key City entrances.
- Include improved signage in beautification efforts to direct residents and visitors to activity areas, landmarks, and downtown.

3. SUBMITTAL REQUIREMENTS

All RFP submittals shall provide the following information at a minimum to be considered:

- a) **Introductory Letter.** A letter summarizing the firm’s background, available resources and relevant experience in surveying, site evaluation for signage, plus the design, manufacture/fabrication and installation of way-finding signage, and final landscaping. Provide a brief narrative highlighting the firm’s experience with similar and relevant projects, as well as a description of the approach the firm will take for completion of the project. Also include a summary of any sub-contracting firm’s qualifications and contact information.
- b) **Project Schedule.** The anticipated timeline is as follows:
 - Issue request for proposals — Oct. 7, 2015
 - Proposals due — Nov. 9, 2015
 - Staff review/Visitor Fund Committee review and recommendation — Nov. 10-12, 2015
 - Consideration of recommendation for contract for visitor signage by City Commission — Nov. 17, 2015
 - Preliminary design concepts — February 2016
 - Surveying, location determination — (may be weather dependent) April 2016
 - Sign fabrication — June 2016
 - Sign installation — July 2016
 - Landscaping around signs if needed and as appropriate to size of sign and site — August 2016
- c) **Schedule and Budget.** Provide a project schedule with a detailed explanation of how the project logistics will be met and itemized costs for all elements listed in the scope of work. Costs per site should be provided as well as a lump sum for the total cost of all work described in the proposal.

Submit proposals to the City of Mandan Business Development and Communications Office, Mandan City Hall, 205 Second Avenue NW, Mandan, ND 58554 until Monday, November 9, 2015, at 5 p.m. Proposals should be clearly labeled “Proposal for Mandan Way Finding Signs” and directed to Ellen Huber, Business Development and Communications Director.

4. SCOPE OF WORK

- a) **Site evaluation**
 - Evaluate up to 15 locations as potential sites for signs. This includes identification of property ownership and right-of-way, particularly whether local, state or federal, and coordination with such entities. The sight evaluation should take into consideration any utility or easement restrictions, grades, traffic patterns and speeds, sight/visibility issues and other factors.
 - Provide recommendations as to the feasibility of requested locations.
 - For feasible sites, provide a site layout and placement plan to include orientation.
 - Obtain approvals as needed from a traffic engineer.
- b) **Sign design and engineering**
 - Provide a unified signage design representative of the city’s identity and consistent in color, font, materials, architectural elements and graphics. Signs should incorporate destinations that make sense for the location of the sign. Signs should be durable,

adaptable/updateable and reflective. Provide at least two initial signage design concepts for City review and consideration.

- Provide sign foundation and support design with review by a structural engineer as needed.
- Coordinate review of sign design and permitting with NDDOT, county and city as needed.
- Provide detailed specifications in a final design intent drawing (exact dimensions, letter heights, materials, mounting details, color specifications, and material performance standards).

c) Sign manufacture/fabrication

- Provide up to 15 signs to the sites to include any shipping and handling. Final quantity and size will depend upon the feasibility of sites and site layouts.

d) Sign installation

- Install signs according to placement plan.

e) Landscaping

- Design, coordinate, monitor and provide for landscape installation around signs where the surrounding environment and size of the sign warrant landscaping. Assume a landscaped area extending up to six feet from one side of each sign.

5. EVALUATION CRITERIA

The City of Mandan will evaluate proposals based on the following criteria:

- Cost to the City
- Responsiveness to City specifications and needs
- Past experience
- Ability to provide requested services and signs by or in advance of proposed timeline

The City of Mandan reserves the right to determine the suitability of all proposals on the basis of these criteria or other criteria that it may deem important not included in the above list. During the evaluation process, the City of Mandan may request additional information or clarifications from the proposers for the intent of making a decision.

The City reserves the right to:

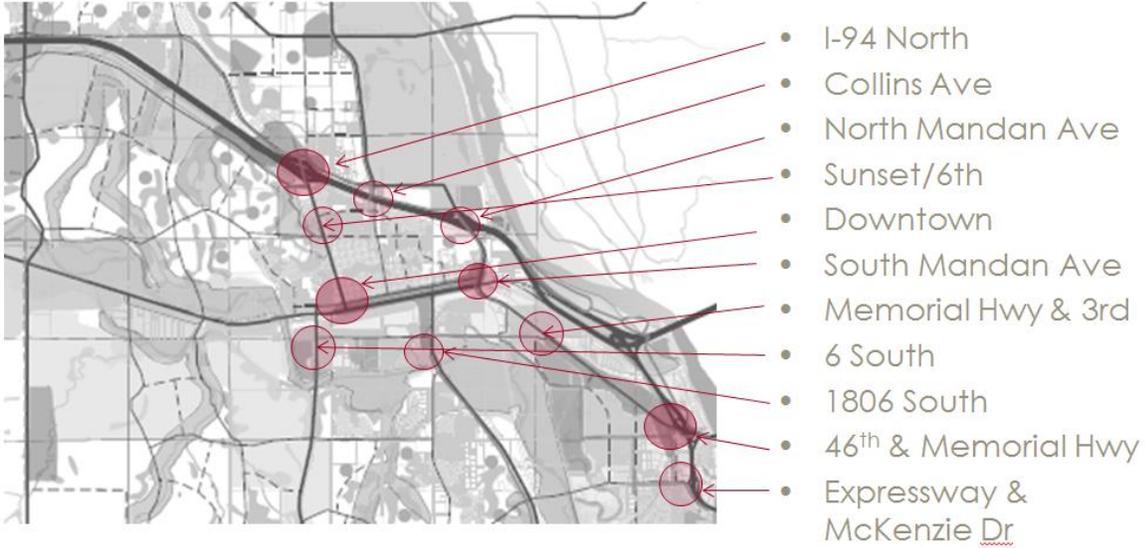
- Modify or cancel the selection process or schedule at any time;
- Waive minor irregularities
- Reject any and/or all responses to this RFP and to seek new proposals when it is in the best interest of the City to do so;
- Negotiate modifications to the RFP with the selected respondent as part of the negotiation process.

6. INQUIRIES

Inquiries regarding the RFP should be directed to City of Mandan Business Development and Communications Director Ellen Huber at 701-667-3485 or ehuber@cityofmandan.com.

APPENDIX A – Map

POSSIBLE LOCATIONS Visitor way-finding signage



APPENDIX B – Sign location list

1. I-94/Sunset intersection at Sunset Drive & Boundary Rd
2. I-94/Sunset intersection at Sunset Drive and Old Red Trail
3. Collins Avenue (Hwy 1806) and Old Red Trail
4. I-94 Exit 153 at Mandan Avenue (south side of interstate)
5. Sunset Drive & 6th Ave NW
6. Downtown — Sixth Ave NW & Main
7. Downtown — 10th Avenue NW & Main
8. Downtown — Sixth Ave SE & Main (SW quadrant)
9. Downtown — Sixth Ave SE & Main (SE quadrant)
10. Downtown — intersection of Mandan Avenue, Memorial Hwy & Main St.
11. Hwy 10/10th Ave SW at Third St SW intersection (or another intersection along Hwy 10)
12. Hwy 1806/Sixth Ave SE at Third St SE intersection
13. Memorial Highway & Third St SE (near McDonald's)
14. Memorial Highway & 46th Ave SE
15. Expressway at McKenzie exit — preferably both east and west ramp areas if feasible

APPENDIX C — Photos of potential Locations

Sunset Dr & Boundary Rd

NE quadrant



NW quadrant



Old Red Trail & Sunset Dr NW

NE quadrant (looking north)



NE quadrant (looking west)



Old Red Trail & Sunset Dr NW

SE quadrant (looking south)



SE quadrant (looking north)



Old Red Trail & Collins/Hwy 1806

NW quadrant (looking west)



NW quadrant (looking NE)



NE quadrant (looking east)

I-94 & Mandan Ave

SE quadrant (north of on ramp)



SE quadrant (south of on ramp)



I-94 & Mandan Ave

South off ramp (SW quadrant)



SE quadrant (north of on ramp)



Sunset Dr & 6th Ave NW



Main Street & 6th Ave NW



Main Street & 10th Ave SW

SE Quadrant – looking north



SW Quadrant – looking SE



North side of intersection



Main Street & 6th Ave NE

Existing 2-way sign in SW quadrant



Close-up



Main St – Mandan Ave – Memorial Hwy

NW quadrant



SE quadrant



6th Ave SE (Hwy 1806) & 3rd St SE

NE quadrant



SE quadrant



NW & SW quadrants



Memorial Hwy & 3rd St SE

East side (looking west)



West side (looking east)



Memorial Hwy & 46th Ave SE

SW area



SE area



46th Ave SE & McKenzie Dr

NE quadrant (looking west)



McKenzie interchange (east side)

SE quadrant/off ramp (looking south)



SE quadrant (looking north)

McKenzie interchange (west side)

NW quadrant/off ramp – heading west



Looking east

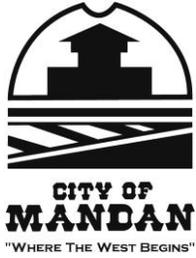


APPENDIX C – Destination list

Note: There may be variation from sign to sign depending upon location and size of signs

1. Harmon Lake
2. High School, Ice Arena, Aquatic Center (Would need to be updated with new sports complex to open the fall of 2017)
3. Dykshoorn & Heritage Parks
4. Main Street, Downtown
5. Football & Track Field (Would need to be updated with new sports complex to open the fall of 2017)
6. Water Park
7. Middle School, Ft. Lincoln Elementary School
8. N.D. Veterans Cemetery
9. Racing, Rodeo, Soccer (Dacotah Centennial Park)
10. Ft. Lincoln State Park
11. Ball Diamonds (baseball, softball)
12. Golf
13. Other considerations:
 - Library
 - Post office

APPENDIX D – Sign content and design guidelines

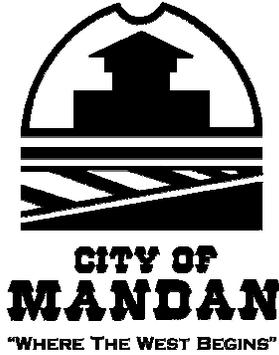


1. Signs should include the City of Mandan logo with the “Where the West Begins” slogan



2. Signs may also include the community marketing theme “FUN: MADE IN MANDAN” with the logo, utilizing the red color for consistency with other community marketing materials.

3. Changeable copy or the ability to update.
4. City’s web address may be included (www.cityofmandan.com).



New Business No. 2

Board of City Commissioners

Agenda Documentation

MEETING DATE: October 6, 2015
PREPARATION DATE: October 1, 2015
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Steve Harmon, President, Bismarck Mandan Musicians Association
SUBJECT: Consider name change from Mandan Band Shell to Vern Cermak Band Shell

STATEMENT/PURPOSE: To consider changing the name of the Mandan Band Shell to the Vern Cermak Band Shell.

BACKGROUND/ALTERNATIVES: Please see attached request from the Bismarck Mandan Musicians Association regarding the positive things Mr. Cermak has brought to the community and request to name the Band Shell the Vern Cermak Band Shell.

ATTACHMENTS: Letter dated September 17, 2015 from Bismarck Mandan Musicians Association

FISCAL IMPACT: n/a – if approved costs will be paid for by the Musicians Association.

STAFF IMPACT: n/a

LEGAL REVIEW: n/a

RECOMMENDATION:

SUGGESTED MOTION: should the Commission decide to change the name from the Mandan Band Shell, I move to change the name of the Mandan Band Shell to the “Vern Cermak Band Shell” to recognize the work of keeping it in operation for the past 21 years and a place he calls home.

September 17, 2015

Members of the Mandan City Commission,

We have been members with the Bismarck-Mandan Musicians Association for many years. As we look at the work that is done by its membership, many names come forward who have given much to the Association and to the City of Mandan. There are those who have served on the Executive Committee, the Building Committee for the Band Shell, participated with various programs such as the annual Kaleidoscope, Music in the Park, Buggies n Blues and other events sponsored by the Musicians Association.

There is however one person in Vernon Cermak who has participated and served and continues to serve in all of the programs with the Musicians Association for the past 40 plus years. His list of work for the Musicians Association includes:

1. Secretary for the Musicians Local 229 from 1975 to 1985.
2. President for the Musicians Association 21 years from 1986 to 2007.
3. Served on the Musicians Association Board of Directors since 1974.
4. Served on the Committee to raise funds, design and build the Band Shell located at the Dykshoorn Park in Mandan, ND.
5. Vern assists in the preparation and announcing of performers for the Summer Band Shell every week for the past 21 years.
6. During the past 20 years, he has written grants and has received approval from the ND Council of the Arts and the Mandan Progress Organization for some \$80,000.00.
7. The Band Shell project has received and contributed some \$250,000.00 for construction of the building and the continued operation for its summer concert series.
8. Mr. Cermak has been an active participant, since its inception with Buggies n Blues, a major fund raiser for the past 22 years. In 2015, over 425 cars were entered in the event with a budget of \$35,000.00.
9. Vern was a founding member and continues to serve for the annual Kaleidoscope event held at the Mandan High School with attendance of some 800 attendees each year.
10. Mr. Cermak orchestrated the annual Grill Fest held each year at the Dykshoorn Park with an annual budget of \$35000.00 and attended by some 6000 persons.
11. The annual summer concert program at the Band Shell has brought thousands of persons to the Mandan Dykshoorn Park. Attendance at events range from small groups to over 600 participants for each evening.

The list above is major events. It does not include the hundreds of hours of work that he did by himself or arranged for others to assist him in his work. The garden close to the band shell needs attention, park tables needed to be purchased and assembled; trees need to cut and trimmed and new trees planted and the list goes on and on.

Perhaps the greatest gift of all that Vern Cermak has given is supporting "live music" in our region. Not only did he work to provide a Band Shell for live performances to its current list of musicians (members and nonmembers with the Association) but he wanted to make every effort available for young people to explore the wonders of music through performance.

Vern was the "brainchild" who established a program that provides instruments for children who want to participate in playing an instrument through the local school music programs. Mr. Cermak established a program that encourages persons to donate used musical instruments, has the instruments repaired and given to students in all private and public school children who otherwise could not afford to participate in band. The program has provided many instruments and provided foundations like the Eckroth Foundation. The program is now part of the Bismarck Public Schools who have taken over the distribution of instruments in 2014. The Waddingham Memorial and the Babeck Memorial now provide scholarships to summer music camps.

It is time that we recognize the work of Mr. Vern Cermak. Of course, we can never repay him for his work with money but we can partially reimburse him by naming the one facility that has been the home of Vern Cermak.

The Band Shell located in the Dykshoorn Park has been the home for Vern for the past 21 years. It ought to have a name and there is no one more deserving than naming the facility as the Vern Cermak Band Shell.

With the approval of the Mandan City Commission, a plaque could be placed on the brick wall; the name placed on the front of the facility – whatever the recommendation, we, the Bismarck-Mandan Music Association will fund the cost for the project.

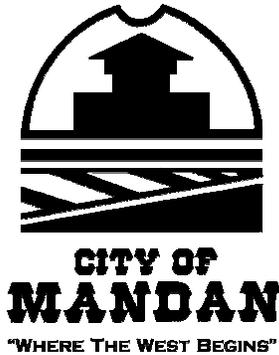
The Bismarck-Mandan Music Association presented this project to its membership on September 13, 2015. The membership gave its full support for naming it the Vern Cermak Band Shell.

The building of the Band Shell was great! The work of keeping it in operation for the past 21 years and its continued operation in the future is the greatest gift of all. Vern Cermak has done that for all of us.

If you have further suggestions or questions, please free to call us.

Steve Harmon
President, Musician Association
1722 North 15 Street
Bismarck, ND 58501

Harvey L. Schilling
3140 Winnipeg Drive
Bismarck, ND 58503
701-226-2860



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 6, 2015
PREPARATION DATE: October 2, 2015
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Old Red Trail Reconstruction Presentation and Decisions Document

STATEMENT/PURPOSE: To present project concept and to decide on items in order to move forward with design.

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

The city has been approved by the NDDOT within their Transportation Improvement Program (TIP) to reconstruct Old Red Trail from Highland Road to as far as 47th Avenue NW in 2016. The DOT has pledged \$3.2M dollars of funding for this project.

The city hired KLJ earlier this year for design of this project. KLJ has been working on design and estimate and is now to a point where critical decisions need to be made and documented with the NDDOT in order to proceed forward.

The decisions to be made are shown within section H of the attached executive summary. In addition to those listed, city staff also recommends that the west limit of construction be just west of 40th Avenue instead of the original west limit of 47th Avenue NW. The average per lot assessment is projected to be near \$3,000 if the limit were to 47th, whereas the average per lot assessment is projected to be near \$1,000 if the limit were to 40th Avenue, refer to attachment 1 for a breakdown of cost and funding.

ATTACHMENTS:

1. Preliminary Cost and Funding Breakdown
2. Executive Summary

FISCAL IMPACT: Minimal

STAFF IMPACT: Minimal

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

RECOMMENDATION: Approve staff recommended decisions.

SUGGESTED MOTION: Move to approve staff recommended decisions for the Old Red Trail reconstruction project.

OLD RED TRAIL RECONSTRUCTION PROJECT

BASED ON PRELIMINARY ESTIMATES

HIGHLAND ROAD TO 40TH AVENUE NW

	<u>PARTICIPATING</u>	<u>NON- PARTICIPATING</u>	<u>TOTAL</u>	
<u>COSTS</u>				
CONSTRUCTION	\$ 3,659,366	\$ 500,000	\$ 4,159,366	
CONSTRUCTION CONTINGENCY	\$ 365,937	\$ 50,000	\$ 415,937	
PRELIMINARY AND DESIGN ENGINEERING		\$ 420,000	\$ 420,000	
CONSTRUCTION ENGINEERING		\$ 457,530	\$ 457,530	
RIGHT OF WAY/EASEMENTS		\$ 25,000	\$ 25,000	
UTILITY RELOCATION		\$ 15,000	\$ 15,000	
TOTAL	\$ 4,025,303	\$ 1,467,530	\$ 5,492,833	
<u>FUNDING</u>				
FEDERAL SHARE	\$ 3,200,000		\$ 3,200,000	MAXIMUM
HUB CITY FUND (WATERMAIN)		\$ 600,000	\$ 600,000	
CITY WIDE PROPERTY TAXES	\$ 206,326	\$ 216,883	\$ 423,208	7.7%
CITY SALES TAX FUND	\$ 206,326	\$ 216,883	\$ 423,208	7.7%
DISTRICT WIDE SPECIAL ASSESSMENTS	\$ 412,652	\$ 433,765	\$ 846,417	15.4%
TOTAL	\$ 4,025,303	\$ 1,467,530	\$ 5,492,833	
			ASSESSMENT COST	
900 PARCELS (Approximate)			\$ 940	PER PARCEL

HIGHLAND ROAD TO 47TH AVENUE NW

	<u>PARTICIPATING</u>	<u>NON- PARTICIPATING</u>	<u>TOTAL</u>	
<u>COSTS</u>				
CONSTRUCTION	\$ 5,785,686	\$ 500,000	\$ 6,285,686	
CONSTRUCTION CONTINGENCY	\$ 578,569	\$ 50,000	\$ 628,569	
PRELIMINARY AND DESIGN ENGINEERING		\$ 420,000	\$ 420,000	
CONSTRUCTION ENGINEERING		\$ 691,426	\$ 691,426	
RIGHT OF WAY/EASEMENTS		\$ 25,000	\$ 25,000	
UTILITY RELOCATION		\$ 15,000	\$ 15,000	
TOTAL	\$ 6,364,255	\$ 1,701,426	\$ 8,065,681	
<u>FUNDING</u>				
FEDERAL SHARE	\$ 3,200,000		\$ 3,200,000	MAXIMUM
HUB CITY FUND (WATERMAIN)		\$ 600,000	\$ 600,000	
CITY WIDE PROPERTY TAXES	\$ 791,064	\$ 15,504	\$ 806,568	10% MAXIMUM
CITY SALES TAX FUND	\$ 791,064	\$ 15,504	\$ 806,568	10% MAXIMUM
DISTRICT WIDE SPECIAL ASSESSMENTS	\$ 1,582,128	\$ 1,070,417	\$ 2,652,545	33%
TOTAL	\$ 6,364,255	\$ 1,701,426	\$ 8,065,681	
			ASSESSMENT COST	
900 PARCELS (Approximate)			\$ 2,947	PER PARCEL



OLD RED TRAIL

EXECUTIVE SUMMARY

SU-1-988(040)051

Prepared for:
City of Mandan

Prepared by:
KLJ



HIGHLAND ROAD TO 47TH AVENUE NORTHWEST

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Appendix A Public Input Meeting Summary

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I. Executive Summary

A. Project Description

Roadway: Old Red Trail NDDOT District: Bismarck Project: SU-1-988(040)051
From: Highland Road to 47th Avenue Northwest

See Exhibit 1, *Project Location Map*.

<u>Project</u>	<u>Current ADT (2016)</u>	<u>Forecast ADT (2040)</u>
SU-1-988(040)051	Total: 3,800; Trucks: 152	Total: 14,400; Trucks: 450

B. Project Schedule

<u>Project</u>	<u>Plans Complete</u>	<u>Bid Opening</u>
SU-1-988(040)051	Spring 2016	Spring 2016

C. Purpose of Project

The purpose of the proposed project is to reconstruct Old Red Trail to accommodate the increased transportation and pedestrian demand in the area. The project would increase the capacity of the roadway, correct roadway deficiencies and improve pedestrian facilities.

D. Need for Project

The need for the proposed project is driven by increases in traffic and pedestrian movements due to rapid growth in northwest Mandan; social and economic demands of growth near the Red Trail Elementary School; and roadway deficiencies attributed to having a rural roadway section within an urban area. The existing roadway geometry does not provide the capacity needed to meet the future traffic demands. The current average daily traffic (ADT) count is projected to more than triple by 2040, from 3,800 to 14,400 vehicles per day. Deficiencies with the current roadway corridor include lack of turn lanes, limited pedestrian facilities and crossing opportunities, and inadequate drainage infrastructure that contributes to roadway flooding.

E. Funding

2016-2019 STIP: \$4,000,000 Total;
 \$3,200,000 Federal Funds (capped)
 \$800,000 City Funds

2015 Estimated Costs: \$6,200,000 to \$7,000,000 construction cost
 \$7,400,000 to \$8,100,000 total cost (includes engineering, right of way and
 utility relocations)



Exhibit 1, Project Location Map

F. Description of Alternatives

1. Alternative A (No Build)

Alternative A consists of the No Build alternative. Old Red Trail from Highland Road to 47th Avenue Northwest would not be reconstructed with Alternative A. Current geometry does not address the capacity, roadway deficiencies or social demand/economic development. Alternative A would not meet the project's purpose and need.

2. Alternative B (Build)

Alternative B would consist of reconstructing Old Red Trail from Highland Road to 47th Avenue Northwest to a three-lane section with a flush median. The section would consist of two 12.5-foot wide driving lanes, a center 12-foot wide left-turn lane; 12-foot wide westbound right turn lanes at 47th Avenue Northwest, 40th Avenue Northwest and 37th Avenue Northwest; and a 12-foot wide eastbound right turn lane at 30th Avenue Northwest. *See Exhibit 2, Typical Section.*

Additional improvements would include curb and gutter, storm sewer, LED lighting system, landscaping and a shared-use path along the south side of the roadway. The existing curb and gutter roadway from Highland Road to 37th Street Northwest would be re-stripped to match the proposed 3-lane section on Old Red Trail. The existing wood pole mounted luminaries would be replaced by breakaway light standards with LED luminaires. As part of the shared-use path, two additional pedestrian crossings would be provided across Old Red Trail at the intersection of Old Red Trail and Crown Point Road and at the intersection of Old Red Trail and 40th Avenue Northwest in addition to the existing crossing at 37th Avenue NW.

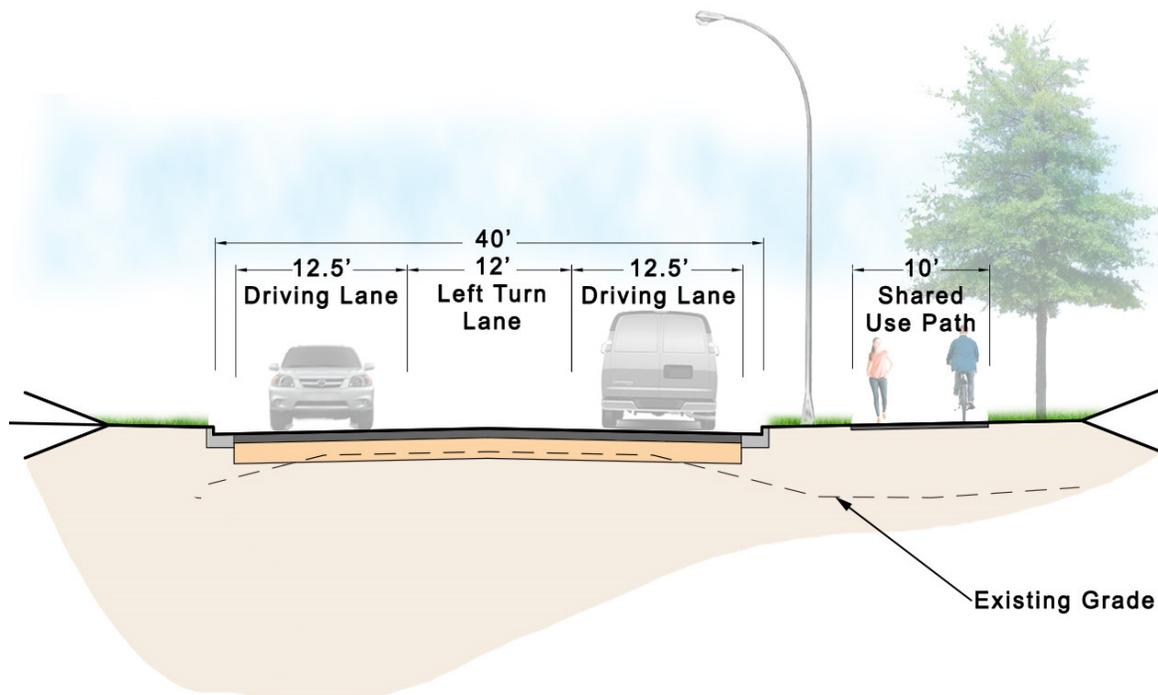


Exhibit 2, Typical Section

3. Optional Work Items

Option 1: Pavement Surfacing Section: This option compares an asphalt roadway section to a concrete roadway section. A comparison was made between an asphalt pavement section, consisting of 5.5 inches of fine angular aggregate (FAA) 45 hot mix asphalt (HMA) on 18 inches of dense graded base, against a concrete section consisting of 8.5 inches of doweled non-reinforced Portland cement concrete (PCC) pavement on 12 inches of dense graded base. While the concrete option has an initial cost \$670,000 greater than asphalt, when factoring in the increased maintenance costs associated with asphalt, the present worth value of concrete is \$50,000 less than asphalt. **See Table 1, Pavement Life Cycle Costs Summary.**

Table 1, Pavement Life Cycle Costs Summary

Analysis Method	Pavement 1A (Asphalt Option)	Pavement 1B (Concrete Option)	Difference (1A-1B)
Initial Cost	\$1,906,166	\$2,574,832	\$(668,666)
In-Service Costs	\$1,566,768	\$320,000	\$1,246,768
Total Expenditures	\$3,472,934	\$2,894,832	\$578,102
Present Worth	\$2,779,307	\$2,721,941	\$57,366
Annual Cost	\$160,728	\$157,410	\$3,318

Option 2: 40th Avenue Intersection: 40th Avenue NW is classified as a collector and the traffic along 40th Avenue NW is expected to continue to grow as the further development occurs north of Old Red Trail. South of Old Red Trail, 40th Avenue terminates at 43rd Street NW frontage road and resumes again 160 feet east to serve the residential development to the south. There is limited traffic on 40th Avenue that merely crosses Old Red Trail with the majority of movements turning onto or off of Old Red Trail. There was no documented crash history at this intersection indicating issues with the current configuration. The following access revisions are presented and shown below. **See Exhibit 3, 40th Avenue Intersection Options.**

2A: Maintain Existing Access Configuration

Pros:

- Maintain local driver expectancy
- Direct crossing of Old Red Trail for 40th Avenue NW traffic

Cons:

- Limited stacking distance between Old Red Trail and 43rd Street NW. Issue would be more critical if the intersection with Old Red Trail were signalized in the future.
- Potentially confusing assignment of right of way between 40th Avenue NW and 43rd Street.

2B: Close South Access

Pros:

- Cost savings by not replacing approach
- Reduce access points along Old Red Trail

Cons:

- Non continuous 40th Avenue
- Displaces vehicle trips to adjacent intersections with Old Red Trail
- Increase traveling distance/time for some residential traffic Non continuous 40th Avenue

A) Maintain Existing Access Configuration



B) Close South Approach



C) Left-Right Offset T-Intersection

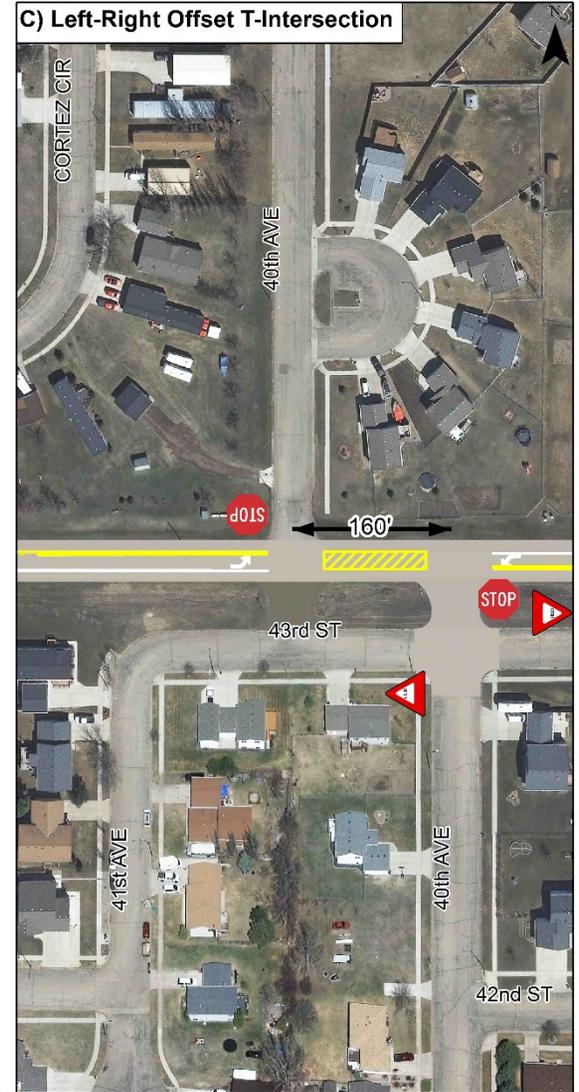


Exhibit 3, 40th Avenue Intersection Options

2C: Offset T-Intersection with 40th Avenue NW

Pros:

- The majority movement on 40th Avenue NW of northbound to eastbound right turns can be made without impacting other intersections
- Eastbound and westbound left turn movements can queue without conflicting with each other
- No impacts from south approach to potential signalization of 40th Avenue (north approach)
- Reduced conflict points
- Assigns right of way to 40th Avenue NW over 43rd Street NW

Cons:

- “Jog” in 40th Avenue NW occurs on Old Red Trail rather than less traveled 43rd Street NW

According to FHWA’s “Signalized Intersections: Information Guide” (August 2004) converting a four-leg intersection to two T-intersections reduces the number of conflict points from 32 to 18. A referenced study by Hanna et al. (1976), showed that collision rates at offset T intersections in both signalized and unsignalized intersections were approximately 43 percent lower than at comparable four-leg intersections. There is no documented crash history now at this intersection, but it has the potential to increase as development occurs and traffic increases.

Option 3: Install 12-Inch Watermain: There is an existing 6-inch watermain, serving the developments along Old Red Trail, which runs along the north edge of the corridor. This watermain is undersized to serve anticipated development in the surrounding areas. The existing watermain needs to be upgraded to a 12-inch main to meet the needs of future development. The watermain could be replaced with this project or could be constructed with a separate future project. The watermain would be located in the north boulevard to minimize impacts to improvements that are being made along the Old Red Trail. The estimated cost to construct the watermain would be \$500,000.

4. Work Zone Traffic Control

The roadway would be closed to through traffic during construction. The road closure would coincide with school being closed for summer. A signed detour would be in place for local traffic. The detour route would utilize local streets within the proximity of Old Red Trail and additional delay would be minimal to local traffic. Two-way traffic would be maintained on Old Red Trail when school is in session. The shared-use path would be closed during construction and a detour would not be provided.

5. Maintenance Responsibility Discussion

The City of Mandan would be responsible for maintenance of the project.

6. Summary of Environmental Issues:

Section 4(f)

The proposed project would impact the Old Red Trail Section One, a shared-use path owned by the City of Mandan and managed by the Mandan Parks and Recreation. The roadway reconstruction would require approximately 2,000 feet of shared-use path reconstruction from 475 feet south of Highland Road to 34th Avenue Northwest due to changes in roadway width and grade. **See Exhibit 4, Pedestrian Accommodations.**

Old Red Trail Section One connects to the to the existing, larger trail system that Mandan Parks and Recreation uses to connect people and neighborhoods to parks, open space and other public facilities. The proposed improvements would include temporarily impacting approximately 2,000 feet of the shared-use path and being closed during reconstruction. No additional right-of-way would be required and disturbance would be limited to the 10-foot width.

Wetlands

All wetlands within the project have been identified by the US Army Corps of Engineers as non-jurisdictional. Impacts to wetlands include approximately 0.20 acres of temporary impacts and 0.47 acres of permanent impacts. Impacts to natural wetlands will be mitigated onsite or in a bank.

Trees

The reconstruction would require the removal of five trees; including Siberian Elm, green ash, Eastern cottonwood and peachleaf willow.



Exhibit 4, Pedestrian Accommodations

G. Public Concerns / Need for Public Input

A solicitation of views package was sent to federal, state, local agencies, emergency services, transit and other interested parties on June 15, 2015. The scoping package included a brief description of the proposed project; as well as a project location map.

In addition, utilities, local emergency services, schools and transit were contacted regarding this project through the Solicitation of Views process. During construction, these entities would be invited to a weekly team meeting to discuss updates on construction and potential issues to their services.

At the conclusion of the 30-day comment period, eight responses were received. These comments provide valuable insight into the evaluation of potential environmental impacts and help ensure that social, economic and environmental effects were taken into consideration in the development of this project. The comments were considered within the environmental impact categories addressed in this document.

A Public Input Meeting was held on August 20, 2015 at the Red Trail Elementary School. A direct mailing was sent to all adjacent and potentially impacted landowners and businesses near the reconstruction area informing them of the public input meeting. The purpose of the meeting was to initiate early and open communication with the public about the project. The meeting was held with an open house format during which participants were able to talk with the project team individually. A formal presentation was given and an informational handout was also available. A total of 64 people attended the meeting and three comments were received during the two-week comment period that followed. The public comments included concerns revolving around the cost and funding of the project, access and detour routes during construction, drainage and shared-use path maintenance. Please refer to **Appendix A, Public Input Comments**.

H. City Decisions

1. Do you concur with the project concepts as proposed?

Yes

No

2. Which alternative should proceed with the project?

Alternative A – No-Build Alternative

- This alternative would leave the road as it exists today.
- The estimated cost for this alternative is \$0.

Alternative B – Build Alternative Three-Lane Roadway Section

- The estimated total cost for this alternative is \$8,100,000
- This cost includes concrete pavement as the surfacing option

3. Option 1: Which pavement surfacing section should be constructed with this project?

1A: Asphalt Pavement

- Initial cost of \$1,906,166
- Present day value of total expenditures \$2,779,307

1B: Concrete Pavement

- Initial cost of \$2,574,832
- Present day value of total expenditures \$2,721,941

1C: Bid Concrete and Asphalt Pavement as Alternatives

- Additional engineering cost of \$18,000 to prepare bidding documents for both alternatives.

4. Option 2: Which option should be constructed for the 40th Avenue Intersection?

2A: Maintain Existing Access Configuration

- Estimated cost of \$35,500

2B: Close South Access

- Estimated total cost of \$27,700

2C: Left-Right Offset T-Intersection with 40th Avenue NW

- Estimated total cost of \$45,500

APPENDICES

Appendix A
Public Input Comments

Meeting Minutes

Old Red Trail - Highland Road to 47th Avenue NW Public Input Meeting #1 SU-1-988(040)051; PCN 20854

Date: 8/20/2015

Facilitator: Jim Jackson, PE

Time: 5:00-7:00 PM

Room: Red Trail Elementary School Cafeteria

Question and Answer Session

A Public Input Meeting was held on August 20, 2015 at Red Trail Elementary School. A direct mailing was sent to all landowners within the adjacent subdivisions along the project area along with the local public officials informing them of the public input meeting. The purpose of this meeting was to initiate early and open communication with the public about the project, inform the public of the project and receive comments on the project and alternatives. The meeting was held with an open house format during which participants were able to talk with the project team individually. A formal presentation was given at 5:30 pm and an informational handout was also available. A total of 64 people attended the meeting and three comments were received during the two-week comment period that followed. Most discussion related to the special assessments for the project.

The following is a summary of the question and answer session held during the public input meeting. Responses were collectively given by the project team. Written comments that were received are attached at the end of the memo.

Comment: Audrey Willhelm (Highland Road) When Highland Road was paved, they paid \$9,000 and when Old Red Trail was paved, they paid for \$11,000 for a total of \$20,000. When Highland Road was paved the people paid for it, \$20,000 in special assessments, will people be paying for this project?

Response: There likely will be an assessment for this project. The City doesn't know the assessment district boundary yet because the project length and cost has not been determined. Decisions will be made in the next couple of months. After the decisions are made, the estimate can be updated. The process will be similar to what has happened in the past. Landowners will get notified in the mail and will have the opportunity to protest it. The project is not to that point yet.



Comment: Bruce Meyer (40th Avenue) How long will construction take?

Response: The construction should last one construction season.

Comment: Mark Landis (Roughrider Addition) -Crown Point Road to 56th Avenue is paved, but it is not in the best condition. This project goes to 47th Avenue. He expressed that he would like to see the project go all the way to 56th Avenue.

Response: This project has only been approved to the project limit of 47th Avenue NW.

Comment: Blaine Engelstad (Highland Road) Tentative underpass aligned with 34th. Are you planning on trying to do that?

Response: We are aware of some of those tentative plans. As of now, those plans will not be incorporated as part of this project as they are beyond the limits and scope of this project.

Comment: Frank Saule (Roughrider) - Where does the 14,400 traffic come from?

Response: The MPO which consists of Mandan, Morton, Burleigh, Lincoln, and Bismarck all put money together to fund projects such as the Long Range Transportation Plan and the traffic model. So most of the traffic that is showing up (14,400) compared to what is there today is based on the section of land between Old Red Trail and Highland Road being converted to a residential land use. People wanting to go to other areas of Mandan would use Old Red Trail to make those trips. The model does not have an underpass at 30th so all that traffic is what is in this area.

Comment: James Weigel (37th Avenue) The detour is on 37th Street. The condition of 37th Street is already pretty poor and will be worse after the detour traffic is on it. Are there any plans to reconstruct 37th Avenue after the detour is done?

Response: 37th Street will act as a detour road. There shouldn't be truck traffic on it. The city has discussed a project on 37th Street. Using this as a detour route will get additional local traffic. There was a street improvement project planned for 37th Street last year but the bids came back high. Rather than revise the project and come back with a different scope, they decided to wait and do the Old Red Trail project first, since it was programmed in and they would receive federal dollars. 37th Street project will go on hold since it would act as a detour for this project. The plan would be to revive the project after the Old Red Trail project is completed and fix some of the local roads in the area.

Comment: There was a protest for that project. I remember signing it.

Comment: Alex Neigum (3300 Block of Old Red Trail) Four lane causes faster traffic, why is it going to three lane road instead of four lane road. Squeezing traffic from four lane road onto a two lane road has created a problem. Explain how this project wouldn't continue to cause



this problem. Did you consider the impact of keeping the transition from a four lane roadway to a three lane roadway?

Response: Capacity of a three lane road with a center left turn lane is similar to the capacity of a four lane road. The transition may not be as ideal, but there would be less right of way impacts with a similar capacity by constructing a three lane roadway as compared to a four lane roadway. Economically, it makes more sense, since it can handle the traffic without building a wider road.

Originally four lane roads were seen as being able to move a lot of traffic but in reality that inside lane becomes a de facto left turn lane so then there is driver aggressiveness jockeying for position knowing there will be left turns on the inside lane. The NDDOT did a statewide safety project that has identified these road sections as one of the easiest recommendations to make, turning those four lane roads into three lane roads. If the whole thing was a three lane, you wouldn't have any of that jockeying for position since you would stay in the same lane throughout the area. As part of this project, we are looking into how to convert the intersection of 37th Street into a three lane instead of the four lane that is there. There are proposed safety projects to convert the four lane into a three lane all the way down to the interstate and Sunset, however that is outside the boundaries of this project.

Comment: Dale Munson (41st Avenue NW) Has there been a study done on road surface underneath of Old Red Trail? During the spring and summer there are a bunch of heaves along Old Red Trail. Are they going to be able to remedy this in some way? From Highland to 37th Street, is it going to be striped as a two lane with a center left turn lane?

Response: Highland would be striped as a three lane. There is enough width to restripe it to a three lane road. Generally in the past, we have had success with obliterating the existing road bed all the way down and blending it with new material. It's not just going to be removing the pavement that is there and putting new pavement on top, it will be reconstructing the road bed.

Comment: Pat Schwartzberger (36th Avenue) You showed \$4.0 million that is currently allocated for the project and the project cost is \$8.1 million. How is the \$4 million difference going to be funded? Is it going to be special assessed to certain parts of the city of Mandan or the whole city of Mandan?

Response: We don't have an answer yet and the district lines haven't been drawn yet. The project cost includes everything from 37th Street up to Highland as a striping project and from Highland to 47th Avenue as a reconstruct. One option currently being evaluated is to start from Highland Road and see how far west \$4 million will go and then performing a future project to take care of the rest.

Comment: Usually special assessments are about \$2,000 more per household than what is expected. How are they going to estimate a close figure for what will be special assessed? Are



they going to come up with the actual figure, or will it be a close figure with the 1% interest and the actual number will come later?

Response: We will have an answer to the project limits in a few months. The City and KLJ will work together to set the potential special assessment districts and cost with the project estimate. The residents in the special assessment district would be notified with the most accurate cost pre bid. This project is looking at an early spring bid letting. The City of Mandan has rejected bids in the past when they come in too high. Analyze the bid, if it's reasonable, then the project moves forward with it. There is also the protest period.

Comment: What would be reasonable as far as putting this burden on every household? What is the danger price as far as special assessments? The special assessments had doubled compared to what was expected. How strongly will the City be working with KLJ as far as putting the prices out? How will it get to the citizens? Will a letter be mailed out?

Response: A letter will be sent to everyone in the district. It notifies them that they are within a special assessment district. The special assessment district is then given the opportunity to protest.

Comment: Will you lose federal money if you don't do the project?

Response: The 3.2 million federal funding would be jeopardized if we don't do the project. So some form of the project we discuss tonight we are hoping to move forward with. For this project we get 80% federal share and 20% local. Recent past project have used property tax and sales tax money to 10% and special assess the remaining 10%. That will likely be the case for this project. The number is something that the City and KLJ will need to work on for the next few months.

Comment: James Weigel - Explain the process. What is the time frame for planning it? What are the drawbacks to waiting and analyzing the project longer? Consider reapplying for the project. What would the time frame be for doing that? What options are included in the preliminary constructions cost? None of the options have much of a shoulder. Still need to drive until you find an approach somewhere to pull off.

Response: Construction costs include watermain, full length of project, and storm water improvements. The cost is separated into the two different pavement options. As far as programming for budgets - the City works with MPO to put together a list of projects to submit to the NDDOT to put in their TIP (Transportation Improvement Program) list. Programmed out 4 years ahead. Each year the MPO goes through and reprograms for the next 4 years. If the City chooses to wait and not do this project and wait to get more funding to make sure the project goes all the way to 47th, run the risk of losing the project for perhaps another 4 years or more. The city allocation for urban road projects is a little under 1 million dollars and the money would need to be pooled again to get a project of similar size or bigger.



Comment: Alex Neigum (3300 ORT) - When the other portion of Old Red Trail was constructed, the residents were informed it was going to cost them \$8,000. The first bill was about \$27,000. Informed other attendees that they need to show up to the meetings and know what is going on. The former city engineer said that if I told you the actual cost you would have protested it out.

Response: Pulled all the files from the first Old Red Trail project. The high cost was from water and sewer and street project. There was a small amount that everyone in the city paid for with the previous Old Red Trail project. The rest of the street part was separated out as you got closer to the reconstructed cost. Roughriders Addition received \$700 in special assessments and then the closer the residence was to the area, the more assessments they received. The majority of the cost was from the storm and water done at the same time.

Comment: At the meetings they mentioned that storm and water was going to be put in, but they did not give us the cost. Be careful. There is not the whole cost. They only mention part of the cost.

Comment: Is there going to be sewer and water at this project?

Response: One of the decision items is replacing the existing watermain, updating the existing 6" watermain to 12" watermain.

Comment: Are these costs added into this project right now?

Response: The watermain is included as a part of the preliminary costs. The storm sewer is also a part of these estimates.

Comment: Frank Saule (Roughrider) A project was built to pump our sewer into the city's system. We used to have own system and the City took that system away. Is this part of the project?

Response: Sanitary sewer is not part of this project. A lift station was put in last year and was funded by utility funds so it is not part of the cost of this project. The lift station allows the sewage to be pumped to the wastewater plant in SE Mandan.

Comment: Ken Gieser (37th Street) - This project is in part because of all the anticipated development north of Old Red Trail up to Highland Road that is currently undeveloped, but the project cost will be put onto existing property owners. Existing property owners will be paying for development cost of undeveloped properties. The developers will not have to pay these costs but reap the benefits.

Response: Not sure how districts are set up with undeveloped land. We are not able to special assess properties unless annexed to the city. If they are annexed to the city and would benefit from the project, then they would special assessed. One thing to keep in mind is that there is 80% federal funding, likely 10% from the property and sales tax, and the 10% remaining would be special assessed for benefiting properties.



Comment: MPO says we need the project because the city will be expanding in that area. Then why do this project to benefit that area, and those developers will reap the benefits of the project and don't have to pay for it. Mandan favors the developer.

Response: Even if traffic remained at the 5,000 today that it is today, there is still a benefit to upgrading the road from its current two lane rural road.

Comment: That's a really expensive road.

Response: There are benefits and costs to putting in a road. That's why we are here to make informed decisions with that input in hand.

Comment: How is the cost separated to those who benefit from the project? Why do we have roads improving access to those properties and the developers don't need to pay for those improvements.

Response: Thanks for the comment

Comment: Only halfway through and everyone here will pay for it and someone else will make a lot of money based on what we are paying for.

Response: Thank you.

Comment: Ryan Kiser (34th Avenue) Discussed the development that will be occurring between Old Red Trail and Highland Road and the watermain expanding from 6" to 12", do you know if that will be enough? Have there been studies done? Or will it need to be ripped out in a few years when it is not big enough?

Response: The upsize from 6" to 12" - a consultant has studied it and that would be enough to feed the whole area north of the interstate, northwest Mandan.

Comment: Is 12 inch really necessary? I live in the northwest area and I just had sprinklers put in and I get 90 lbs at my house.

Response: It is a matter of the volume carried to the houses. The pressure at your house doesn't necessarily reflect what the pipe size is.

Comment: Fire department needs to be taken into account too for size of watermain.

Response: One other thing to note with watermain is the cost savings to put it in while the road is being constructed. The last thing that we would want to do it build a road and then in 5 or 6 years need to rip up the shoulder to put in new watermain.

Comment: Do you have a schedule of decisions. When are they going to be as far as which project will be implemented? Would the \$4 million project go ahead or the \$8 million project and when will those decisions be made?

Response: Those decisions will need to be made within a month and a half from today. That is why we are requesting feedback tonight and within the two week period. After those



decisions are made, that will sent the chains in motion for getting the cost estimate, setting up those districts. At this time those decisions are not made.

Comment: Is it the city commissions that makes those decisions?

Response: It would be the city commission with the recommendation from us on which project to move forward with.

Comment: Ryan Kiser (34th Ave) One option discussed was to take \$4 million as far as we could go? Do you know how far we can go with that?

Response: Preliminarily we are looking at stopping between 37th Avenue and 40th Avenue if just a \$4 million project.

Comment: Where does city limits end at as far as going west and north?

Response: Roughriders is in city limits and out about a mile west of town. As far as north, I am not sure. Probably where the houses end and not much further. I would need to follow up and look at the City's map to know that for sure.

Comment: Do you know will there be a lot of development north of 47th, between 47th and Crown Point? Is that land going to be developed? Is there going to be a lot more building?

Response: Yes we anticipate more growth that way. We don't know exactly when or what it will be. The character of the area is residential, so it would be anticipated to be residential.

Comment: What does the city say about rounding out the city? Urban sprawl is kind of a common theme. Pushing to the west and the south that has been talking about being developed. I know there is terrain issues.

Response: Always good to grow a city centric so that you fill in those gaps of areas. We've got a pretty challenging terrain in the Mandan so that has to factor in as well. Ultimately the developer who owns the property when they are ready to develop or not.

Comment: Bryan Zander (Crown Point Road) - Discussed sewer and water in presentation and questions. Are there any other impacts to utilities that have been identified? Would the utility easement have impacts?

Response: Lighting will be added as part of this project. Impacts would be to temporary tying slopes into adjacent land. No expected impacts to existing utility easements.

Comment: Ryan Kiser (34th Ave) Discussed truck traffic briefly. Do you know that traffic won't increase on this road? Are you planning for truck traffic? We don't know what is going to be developed in the north. If it were to become industrial, are we ready for that? They are planning for more industrial development by 34th Avenue.

Response: Truck traffic would be pushed down to the southeast during construction.



Trucks would want to go where there is something it needs to get to. If it's easier to go west then it will continue to go west. What the zoning will be in the future as far as future truck traffic. The MPOs model doesn't get specific as far as how many are cars and trucks. Try to find reasonable number that is expected and then plan for the best from there.

Comment: How far is the water main going from the 6 in. to 12 in. watermain?

Response: The east end would be right at Highland essentially. The initial plan is to go the whole length of the project. If the project limits change then the watermain would stop where the western project limit is.

Comment: Who gets the bill when something happens and they need to rip the lines?

Response: The installation cost would be the estimate from the contractor as far as who received the low bid. Public works takes care of the watermain after it is installed and the cost doesn't get passed to homeowners for routine watermain issues.

Comment: How long have you been looking into this project?

Response: The concept came to light a few years ago. KLJ was hired this past spring as the project engineer, so the survey and preliminary engineering has been taking place since March or April.

Comment: Everyone knew the school was going to be out here.

Response: The school is a driving force behind some of the traffic. I would imagine that was a big consideration when this project was first conceived.

Comment: Going from the 6 to the 12 inch is there going to be more water pressure for people because they don't have a lot of water pressure as far as where you are going to start to the end?

Response: It's more an issue with capacity in the service area for that particular watermain. There has been a previous study that a 12 in watermain would service the whole northeast area. It's more of an issue with capacity with how many homes and businesses can you service with that sized watermain.

Comment: Ryan Kiser (34th Ave) Traffic will basically quadruple or more in the next few years. Four lanes and three lanes are similar to the capacity. Has there been a project for another exit off the interstate so that there isn't so much traffic on a three lane road.

Response: There has been some very preliminary studies of interchanges. That would be a long ways off and we don't know where that would be.

Comment: Years ago when Roughrider was being built the DOT had developed preliminary drawings indicating an interstate onramp at 56th Avenue near Roughrider and a road going to



Old Highway 10 and then Main Avenue. There is a drawing for an interchange at 56th Avenue. It probably won't happen for a few years, but it is there.

Response: An interchange is quite a few years away. In long term planning we have identified a few logical locations such as 56th by Roughriders and then a possible grade separated crossing by Porsborg dam. Very far out and doesn't impact this project.





Old Red Trail

Thursday, August 20, 2015 – Red Trail Elementary School – 5:00 - 7:00 pm

Please use the space below to provide comments regarding the Old Red Trail Public Input Meeting.

PLEASE
PRINT

Name: Dennis Schaner

Address: 4204 Crown Point Road N.W.

—THIS SPACE
OFFICE USE
ONLY—

Drainage problem between West of 37th to Crown Point Rd. and drainage from development on the N. side of ~~the Old Red~~ Lewis Road draining ~~out~~ from the N. side to the south side of Old Red Trail by 40th Ave. N.W.

We lived there 37 years and never had a problem until the development along Lewis Road was put in + we have had water problems since.

If funding stops at 40th how are they going to solve the drainage problem to Crown Point Road. Now there is not enough elevation to handle that drainage problem.

Where are they going to route the traffic?

Please leave comments with meeting conductors or mail comments by September 4, 2015 to:

Jim Jackson, PE
KLJ
4585 Coleman Street
Bismarck, ND 58502-0431
Email: jim.jackson@kljeng.com
Note "Old Red Trail" in the e-mail subject heading

From: [Jim Jackson](#)
To: [Ashley Ross](#)
Subject: FW: "Public Input Meeting" Old Red Trail
Date: Tuesday, September 08, 2015 9:33:07 AM

Could you add these next couple emails to the public input records?

From: Kenneth & Twila Gieser [mailto:oldgzs@bis.midco.net]
Sent: Saturday, September 05, 2015 10:34 AM
To: Jim Jackson <jim.jackson@kljeng.com>
Cc: jfroseth@cityofmandan.com; avanbeek@cityofmandan.com; shauna.laber@cityofmandan.com
Subject: "Public Input Meeting" Old Red Trail

Re: Old Red Trail Reconstruction, Mandan, N.D.

I realize these comments are after the desired date. The meeting on 08/20/15 provided information, raised more questions, and provided few answers, so I suspect (and hope) there will be future meetings to address these and other issues.

1. Funding -- Budgeted amount, approx. \$4 million, estimated cost \$8 million. Bismarck Tribune article, 09/02/15, The city will spend \$6 million, 80% (\$4.8 million) federal funds and the remainder (\$1.2 million) local funds. What happened? Mis-information at the 08/20/15 meeting? Inaccurate reporting? Still a gap between \$6 million and \$8 million. Need clarification!!
2. Funding -- New Fire Hall – Recent Bismarck Tribune article reported the need and plan for a new Fire Hall in Northwest Mandan. Undoubtedly paid for by “user fees” taxes. How much can we afford?
3. Funding -- Street Improvement District (SID), Developer’s West – During the reconstruction of Old Red Trail 37th Street NW will be the main route for diverted traffic. The street is in good repair now. After the reconstruction 37th NW and Developer’s West will probably require repair. Who will pay? “User’s” fees?” The “users” who cause the wear and tear are through traffic, NOT local property owners who will be included in the SID for special assessments!! How much can we afford?
4. Funding -- Red Trail & Sunset Drive -- This intersection is a mess. Numerous accidents have occurred and as development continues, traffic increases, accidents will increase. Hopefully, no one including school children will be seriously injured. Improvements have been mentioned and I believe were mentioned on 08/20/15. Who will pay? “User fees?” How much can we afford?
5. Adequate Access -- Current paved access from the Developer’s West and the area identified by the MPO is limited to Old Red Trail to the East. West bound access is limited to gravel road. East bound traffic must pass by or through the Industrial Park. We now have an

Elementary School and a number of residents in the area, more anticipated. In the event of any industrial accident or incident of any kind closing Old Red Trail to the East, evacuation to the West is by limited maintenance gravel roads. I am NOT implying ANY incompetence of businesses in the Industrial Park, but these things happen. What consideration has been made for emergency outlet from this area?

6. Developer's Benefit – The project calls for a 12 inch water main to serve the anticipated growth area north of Old Red Trail. This will only make the sale of those properties more attractive and serve to benefit the Developer. The Developer is the “user”, the costs need to be assessed to the Developer!!!
7. Developer's Benefit – The slough north of Old Red Trail between 30th and 34th Avenues has been filled through the summer. During the early summer rains, water was channeled to the culverts at Old Red Trail which served to block the flow. How much of the project will be spent on elevating and reinforcing the road bed, installing a large culvert to handle really heavy rain or spring run-off that is channeled from a large area to a small area? All at the Developer's benefit!! “User” fees. If the road and culvert are not adequate or the water flow too heavy, and the road becomes impassable or a hazard, what is the access? Refer to #5. Whether you build on a sand bar or in a slough, when you are looking for trouble, you will find it!!
8. Disclosure – It is known Kadrmas, Lee & Jackson is the engineering partner for the Developer of the area north of Old Red Trail and for which the MPO anticipates growth and recommends the size and scope of this project, i.e. water main, Refer to #6. At the very least, this presents an appearance of conflict of interest.

What is KLJ's participation in the MPO?

In light of the recent Mandan Sports Complex fiasco involving a KLJ partner, I suggest FULL disclosure by ANY and ALL parties involved, public and private.

Ken Gieser

3937 37th Street NW

Mandan, ND

701-202-3313

oldgzs@bis.midco.net

From: [Jim Jackson](#)
To: [Ashley Ross](#)
Subject: FW: Old Red Trail Comments
Date: Tuesday, September 08, 2015 9:33:28 AM

From: Jim & Cindy Weigel [<mailto:fishweigel@bis.midco.net>]
Sent: Monday, September 07, 2015 10:32 AM
To: Jim Jackson <jim.jackson@kljeng.com>
Subject: RE: Old Red Trail Comments

Bottom line is the city only asked for \$4 million so that is the only project they can build. They cannot build an \$8 million project on a budget of \$4 million and the residents can't afford an extra \$4 million in assessments.

Old Red Trail is a state highway so how much is the state DOT paying?

From: Jim & Cindy Weigel [<mailto:fishweigel@bis.midco.net>]
Sent: Friday, September 04, 2015 11:46 PM
To: 'jim.jackson@kljeng.com' <jim.jackson@kljeng.com>
Subject: Old Red Trail Comments



Old Red Trail

Thursday, August 20, 2015 – Red Trail Elementary School – 5:00 - 7:00 pm

Please use the space below to provide comments regarding the Old Red Trail Public Input Meeting.

PLEASE PRINT Name: James Weigel
Address: 4104 37th Ave NW Mandan

Current design has ^{basically} ~~NO~~ ^{road} shoulder (1 1/2') both sides.

10' should use path is too wide - it allows city and contractor vehicles to drive ~~on~~ on it which destroys it as it has no constructed base.

^{current (West bound Lane)}
37th Street ^{Transition} from concrete to asphalt is a dangerous area. The current signage closes the right ^{Lane} and forces all traffic to use middle (left) Lane. The left Lane is also the left turn Lane for 37th Street. Redesignate the right (outside) Lane as a through Lane and ~~to~~ make the middle (left (west bound) Lane a turn Lane. ~~This~~
Att. B would appear to correct this problem with a center left turn Lane.

Construction bypass using 37th St. will require a complete rebuild and associated cost. should be addressed as part of this project as same people will be ~~be~~ ^{implemented}.

Please leave comments with meeting conductors or mail comments by September 4, 2015 to:

Jim Jackson, PE
KLJ
4585 Coleman Street
Bismarck, ND 58502-0431
Email: jim.jackson@kljeng.com
Note "Old Red Trail" in the e-mail subject heading

—THIS SPACE
OFFICE USE
ONLY—



Old Red Trail

Additional space for comments if needed.

-THIS SPACE
OFFICE USE
ONLY-

Explain the programmed (\$4 mill.) ^{of DOT} process.

Esti construction costs includes which options?
(water main + storm sewer)

~~Spent~~ Need to figure out how to pass more of

Who decides which options will be implemented?
Build a \$4 mill. on a \$8 million project?

ORDINANCE NO. 1219

An Ordinance to Adopt Amendments to Chapter 18 Offenses and Miscellaneous Provisions and Chapter 24 Traffic and Vehicles of the New Mandan Code of Ordinances

WHEREAS, Ordinance No. 1207 was recently adopted to revise the city code, and

WHEREAS, The revised city code contains cross-references to NDCC sections; and

WHEREAS, City staff have identified several additional references to NDCC sections that need to be added to the city code.

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 adopted code. The new Mandan Code of Ordinances recently adopted by Ordinance No. 1207 is hereby amended.

a. A new Section 24-12-9 is added and existing section 24-12-9 is renumbered 24-12-10.

Sec. 24-12-9. Use of a wireless communications device prohibited.

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-08-23.

39-08-23. Use of a wireless communications device prohibited.

1. The operator of a motor vehicle that is part of traffic may not use a wireless communications device to compose, read, or send an electronic message.
2. Under this section:
 - a. "Electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. The term includes e-mail, a text message, an instant message, a command or request to access a worldwide web page, or other data that uses a commonly recognized electronic communications protocol. The term does not include:
 - (1) Reading, selecting, or entering a telephone number, an extension number, or voice mail retrieval codes and commands into an electronic device for the purpose of initiating or receiving a telephone or cellular phone call or using voice commands to initiate or receive a telephone or cellular phone call;
 - (2) Inputting, selecting, or reading information on a global positioning system device or other navigation system device;
 - (3) Using a device capable of performing multiple functions, such as fleet management systems, dispatching devices, smartphones, citizen band radios, music players, or similar devices, for a purpose that is not otherwise prohibited;

- (4) Voice or other data transmitted as a result of making a telephone or cellular phone call; or
- (5) Data transmitted automatically by a wireless communication device without direct initiation by an individual.
- b. "Traffic" means operation of a motor vehicle while in motion or for the purposes of travel on any street or highway and includes a temporary stop or halt of motion, such as at an official traffic-control signal or sign. The term does not include a motor vehicle that is lawfully parked.
- 3. This section does not apply if a wireless communications device is used for obtaining emergency assistance to report a traffic accident, medical emergency, or serious traffic hazard or to prevent a crime about to be committed, in the reasonable belief that an individual's life or safety is in immediate danger, or in an authorized emergency vehicle while in the performance of official duties.

b. Correct Section 24-14-4 to read: Sec. 24-14-4. Obedience to any required traffic - control devices.

c. Section 24-14-33 is relocated as Section 24-17-2 and section numbers 24-14-34 through 24-14-44 renumbered 24-14-33 through 24-14-43.

d. New section 24-14-44 is added.

Sec. 24-14-44. Weight limitations for vehicles on highways other than the interstate system.

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-12-05.3.

39-12-05.3. Weight limitations for vehicles on highways other than the interstate system.

- 1. A person may not operate on a highway that is not part of the interstate system any vehicle with a single axle that carries a gross weight in excess of twenty thousand pounds [9071.85 kilograms] or a wheel load over ten thousand pounds [4535.92 kilograms]. A wheel may not carry a gross weight over five hundred fifty pounds [249.48 kilograms] for each inch [2.54 centimeters] of tire width. Axles spaced forty inches [101.60 centimeters] apart or less are considered as one axle. On axles spaced over forty inches [101.60 centimeters] and under eight feet [2.44 meters] apart, the axle load may not exceed nineteen thousand pounds [8618.26 kilograms] per axle, with a maximum of thirty-four thousand pounds [15422.14 kilograms] gross weight on a tandem axle and a maximum of forty-eight thousand pounds [21772.32 kilograms] gross weight on any grouping of three or more axles. The wheel load, in any instance, may not exceed one-half the allowable axle load. Spacing between axles is measured from axle center to axle center.
- 2. Subject to the limitations imposed by subsection 1 on tires, wheel, and axle loads, a person may not operate on a highway that is not part of the interstate system any vehicle the gross weight of which exceeds that determined by the formula of:

$$W = 500 (LN + 12N + 36)$$

N-1

- where W equals the maximum gross weight in pounds on any vehicle or combination of vehicles; L equals distance in feet between the two extreme axles of any vehicle or combination of vehicles; and N equals the number of axles of any vehicle or combination of vehicles under consideration. The gross weight on state highways may not exceed one hundred five thousand five hundred pounds [47854.00 kilograms] unless otherwise posted and on all other highways the gross weight may not exceed eighty thousand pounds [36287.39 kilograms] unless designated by local authorities for highways under their jurisdiction for gross weights not to exceed one hundred five thousand five hundred pounds [47854.00 kilograms]. Local authorities are encouraged to assess all roads under their jurisdiction and designate the roads for the appropriate weight limits allowed under this subsection.
3. The gross weight limitations in subsections 1 and 2 do not apply to equipment the director and the state highway patrol approve for exemption. The exemption may not exceed one hundred five thousand five hundred pounds [47854.00 kilograms]. For every vehicle approved for exemption the highway patrol shall issue a nontransferable permit valid for one year. The highway patrol may charge an administrative fee for the permit.
 4. The director, and local authorities, as to the highways under their respective jurisdictions, may issue permits authorizing a specific motor vehicle to exceed the weight limitations stated in subsections 1 and 2 by ten percent. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47854.00 kilograms]. The permits must provide only for the movement of agricultural products from the field of harvest to the point of initial storage site, and for the collection and transport of solid wastes, during the period from July fifteenth to December first, and for the general movement of products during the period from December first to March seventh. The appropriate jurisdictional authority shall establish an appropriate fee for the permits and direct how they shall be issued. The highway patrol shall issue the permits authorized by the director.
 5. The director, and local authorities, as to highways under their respective jurisdictions, may issue permits authorizing all vehicles carrying potatoes or sugar beets to exceed weight limitations stated in subsections 1 and 2 by ten percent during the period from July fifteenth to December first. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47854.00 kilograms]. The appropriate jurisdictional authority shall establish an appropriate fee for the permits and direct how they shall be issued. The highway patrol shall issue the permits authorized by the director.
 6. The gross weight limitations in subsections 1 and 2 do not apply to movement of a self-propelled fertilizer spreader if the weight of a single axle does not exceed twenty-two thousand pounds [9973.03 kilograms] and does not exceed five hundred fifty pounds [249.48 kilograms] for each inch [2.54 centimeters] of tire width. The gross weight limitations in subsections 1 and 2 do not apply to movement of a self-propelled agricultural chemical applicator if the weight of a single axle does not exceed twenty-two thousand pounds [9973.03 kilograms] and does not exceed five hundred fifty pounds [249.48 kilograms] for each inch [2.54 centimeters] of tire width. The highway patrol shall issue a seasonal permit for the commercial movement of vehicles exempted by this subsection. The seasonal permit issued under

this subsection or under subdivision d of subsection 1 of section 39-12-04 entitles an individual with the permit to operate a vehicle as allowed by either of these provisions. A seasonal permit issued under this subsection is subject to the requirements of subdivision d of subsection 1 of section 39-12-04.

7. The weight limitations in subsections 1 and 2 do not apply to equipment the director and the state highway patrol approve for exemption but the weight limitations in section 39-12-05 do apply to that equipment. For every vehicle approved for exemption, the highway patrol shall issue a nontransferable bridge length permit valid for a single trip or a calendar year.
8. The axle weight limitations in subsection 1 do not apply to movements of implements of husbandry or equipment with pneumatic tires used for construction which is used by an agricultural producer while using the equipment for the producer's agricultural, horticultural, or livestock operations if the maximum wheel load does not exceed five hundred fifty pounds [249.48 kilograms] for each inch [2.54 centimeters] of tire width and if the gross weight limitation in this section is not exceeded.

e. New sections 24-15-5 through 24-15-9 are added and existing sections 24-15-5 and 24-15-6 renumbered 24-15-10 and 24-15-11.

Sec. 24-15-5. Visibility distance and mounted height of lamps.

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-21-02.

39-21-02. Visibility distance and mounted height of lamps.

1. Whenever requirement is hereinafter declared as to distance from which certain lamps and devices must render objects visible or within which such lamps or devices must be visible, said provisions apply during the times stated in section 39-21-01 in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.
2. Whenever requirement is hereinafter declared as to the mounted height of lamps or devices it means from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

Sec. 24-15-6. Taillamps.

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-21-04.

39-21-04. Taillamps.

1. Every motor vehicle, trailer, semitrailer and pole trailer, and any other vehicle which is being drawn at the end of a train of vehicles, must be equipped with at least one taillamp mounted on the rear, which, when lighted as hereinbefore required, must emit a red light plainly visible from a distance of one thousand feet [304.8 meters] to the rear, provided that in the case of a train of vehicles only the taillamp on the rearmost vehicle need actually be seen from the distance specified. Every such above-

- mentioned vehicle, other than a truck tractor, registered in this state and manufactured or assembled after January 1, 1964, must be equipped with at least two taillamps mounted on the rear, on the same level and as widely spaced laterally as practicable, which, when lighted as herein required, comply with the provisions of this section.
2. Every taillamp upon every vehicle must be located at a height of not more than seventy-two inches [182.88 centimeters] nor less than fifteen inches [38.1 centimeters].
 3. Either a taillamp or a separate lamp must be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet [15.24 meters] to the rear. Any taillamp or taillamps, together with any separate lamp for illuminating the rear registration plate, must be so wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted.

Sec. 24-15-7. Use of multiple-beam road-lighting equipment.

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-21-21.

39-21-21. Use of multiple-beam road-lighting equipment.

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section 39-21-01, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

1. Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet [152.4 meters], such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in subsection 2 of section 39-21-20 must be deemed to avoid glare at all times, regardless of road contour and loading.
2. Whenever the driver of a vehicle follows another vehicle within three hundred feet [91.44 meters] to the rear, the driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in subsection 1 of section 39-21-20.

Sec. 24-15-8. Special restrictions on lamps.

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-21-26.

39-21-26. Special restrictions on lamps.

1. Any lighted lamp or illuminating device upon a motor vehicle, other than headlamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps and schoolbus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower must be so directed that no part of the high-intensity

- portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet [22.86 meters] from the vehicle.
2. No person may drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red or green light visible from directly in front of the center thereof. This section does not apply to any vehicle upon which a red light visible from the front is expressly authorized or required by this chapter.
 3. Flashing lights are prohibited except on an authorized emergency vehicle, schoolbus, snow-removal equipment or on any vehicle as a means of indicating a right or left turn, or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing.

Sec. 24-15-9. Brake equipment required.

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-21-32.

39-21-32. Brake equipment required.

1. Every motor vehicle, other than a motorcycle or motor-driven cycle, when operated upon a highway must be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means must be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they must be so constructed that failure of any one part of the operating mechanism does not leave the motor vehicle without brakes on at least two wheels.
2. Every farm tractor, motorcycle, and motor-driven cycle, when operated upon a highway, must be equipped with at least one brake, which may be operated by hand or foot.
3. Every trailer or semitrailer when operated upon a highway at a speed in excess of twenty-five miles [40.23 kilometers] per hour must be equipped with safety chains or brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and said brakes must be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes are automatically applied.
4. One of the means of brake operation must be parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice, or loose material. The parking brakes must be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power-assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes must be so designed that when once applied they remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brakedrums, brakeshoes and lining assemblies, brakeshoe anchors, and mechanical brakeshoe actuation mechanism

normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes.

f. New section 24-15-12 is added and existing section 24-15-7 renumbered 24-15-13.

Sec. 24-15-12. Mirror.

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-21-38.

39-21-38. Mirror.

On and after January 1, 1964, every motor vehicle, operated singly or when towing any other vehicle, must be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet [60.96 meters] to the rear of such motor vehicle.

g. New section 24-15-14 is added and existing sections 24-15-8 and 24-15-9 renumbered 24-15-15 and 24-15-16.

Sec. 24-15-14. Restrictions as to tire equipment.

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-21-40.

39-21-40. Restrictions as to tire equipment.

1. Every solid rubber tire on a vehicle must have rubber on its entire traction surface at least one inch [2.54 centimeters] thick above the edge of the flange of the entire periphery.
2. No person may operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway.
3. No tire on a vehicle moved on a highway may have on its periphery any block, stud, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it is permissible to use farm machinery with tires having protuberances which will not injure the highway, and except also that it is permissible to use tire chains of reasonable proportions. It is also permissible to use, from October fifteenth to April fifteenth, pneumatic tires which have metal studs which do not project more than one-sixteenth of an inch [1.59 millimeters] beyond the tread of the traction surface of the tire, except that it is permissible to use such tires on schoolbuses at any time during the year.

h. New sections 24-15-17, 24-15-18 and 24-15-19 are added.

Sec. 24-15-17. Modification of motor vehicle.

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-21-45.1.

39-21-45.1. Modification of motor vehicle.

1. An individual who operates a registered motor vehicle on a highway may not modify that vehicle unless the modification meets the following requirements:
 - a. Any modifying equipment must meet any other requirement applicable to a vehicle under chapter 39-21.
 - b. If tires placed on a motor vehicle have a diameter greater than that of the tires on the motor vehicle as manufactured, those tires must be branded with a United States department of transportation tire identification number.
 - c. The maximum body height permitted for a motor vehicle is forty-two inches [106.68 centimeters]. Measurement of body height is made from a level ground surface to the floor of the cargo area.
2. An individual may not operate a registered motor vehicle on a highway unless the motor vehicle is equipped with front and rear bumpers. The height of the bumper must not exceed twenty-seven inches [68.58 centimeters] and this measurement is made from a level ground surface to the highest point on the bottom of the bumper. A horizontal drop bumper may be used to comply with this subsection and must be at least three inches [7.62 centimeters] in vertical width; extend the entire horizontal body width; and be horizontal, load bearing, and attached to the vehicle frame to effectively transfer impact when engaged.
3. Vehicles owned by law enforcement agencies, the military, firefighting agencies, and ambulances may be modified without regard to this section.
4. The director may adopt rules to implement this section.

Sec. 24-15-18. Scope and effect of equipment requirements - Penalty.

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-21-46.

39-21-46. Scope and effect of equipment requirements - Penalty.

1. It is unlawful for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles which the actor knows does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this chapter, or which the actor knows is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter for which a fee or penalty for its violation is not otherwise provided.
2. A person who drives or moves, or any owner who causes or knowingly permits to be driven or moved upon a highway, any vehicle or combination of vehicles which that person knows is in such unsafe condition as to endanger a person is guilty of an infraction.
3. The superintendent of the state highway patrol shall, under chapter 28-32, adopt necessary rules concerning the safe operation of motor vehicles and when and how

motor carrier audits or inspections will be conducted. The rules must duplicate or be consistent with current motor carrier safety regulations of the United States department of transportation. The superintendent of the state highway patrol may adopt the motor carrier safety regulations by reference, and any adoption must be construed to incorporate amendments as may be made from time to time. A violation of rules adopted under this subsection is a noncriminal violation. A person who fails or refuses to comply with these rules must be assessed a fee in the amount set forth in section 39-06.1-06 for each violation.

4. Nothing contained in this chapter may be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.
5. The provisions of this chapter with respect to equipment on vehicles do not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as specifically made applicable.
6. The provisions of this chapter with respect to equipment required on vehicles do not apply to motorcycles or motor-driven cycles, except as specifically made applicable.
7. The provisions of this chapter and regulations of the department do not apply to vehicles moved solely by human power, except as specifically made applicable.

Sec. 24-15-19. Slow-moving vehicles required to display identification emblem - Penalty.

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-21-50.

39-21-50. Slow-moving vehicles required to display identification emblem - Penalty.

All implements of husbandry, as defined in section 39-01-01, and machinery, including all road construction machinery, designed for operation at a speed of twenty-five miles [40.23 kilometers] an hour or less, must display either a triangular slow-moving vehicle emblem or a rotating or flashing amber light, as authorized for class B emergency vehicles, whenever traveling along the roadway on any county, state, federal highway, or city street in the state of North Dakota. The emblem or light must be mounted so as to be visible from a distance of not less than five hundred feet [152.4 meters] to the rear. The director shall adopt standards and specifications for the design and position of mounting the slow-moving vehicle emblem and light. The standards and specifications for slow-moving vehicle emblems referred to in this section must correlate with and, so far as possible, conform with those approved by the American society of agricultural engineers. No vehicle, other than those specified in this section, must display a slow-moving vehicle emblem, and its use on any type of stationary object is prohibited. Any person who fails or refuses to comply with the provisions of this section must be assessed a fee of twenty dollars for each offense.

i. Sections 24-17-3 and 24-17-4 are added to read:

Sec. 24-17-3. Stopping, standing, or parking prohibited in specified places.

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-10-49.

39-10-49. Stopping, standing, or parking prohibited in specified places.

No person may stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within ten feet [3.05 meters] of a fire hydrant.
5. On a crosswalk.
6. Within ten feet [3.05 meters] of a crosswalk at an intersection.
7. Within fifteen feet [4.57 meters] upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway.
8. Between a safety zone and the adjacent curb or within fifteen feet [4.57 meters] of points on the curb immediately opposite the ends of a safety zone, unless the department or local authority indicates a different length by signs or markings.
9. Within fifteen feet [4.57 meters] of the nearest rail of a railroad crossing.
10. Within twenty feet [6.10 meters] of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet [22.86 meters] of said entrance when properly signposted.
11. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
14. At any place where official signs prohibit stopping.

No person shall move a vehicle not lawfully under the person's control into any such prohibited area or away from a curb such distance as is unlawful.

Sec. 24-17-4. Additional parking regulations.

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-10-50.

39-10-50. Additional parking regulations.

1. Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway must be so stopped or parked with the right-hand wheels of such vehicle parallel to and within twelve inches [30.48 centimeters] of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.
2. Except where otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway must be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches [30.48 centimeters] of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels

- within twelve inches [30.48 centimeters] of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.
3. Local authorities may by ordinance permit angle parking on any roadway, except that angle parking is not permitted on any federal-aid or state highway without first obtaining the written authorization of the director.
 4. The department with respect to highways under its jurisdiction may place official traffic-control devices prohibiting or restricting the stopping, standing, or parking of vehicles on any highway where in its opinion such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person may stop, stand, or park any vehicle in violation of the restrictions indicated by such devices.
 5. The department, with respect to streets, roadways, and parking areas of any state charitable or penal institution and on the state capitol grounds, may authorize the purchase and placement by the supervisory agency of official traffic-control devices prohibiting or restricting the stopping, standing, or parking of vehicles. The placement of signs pursuant to this section must be done when, in the department's opinion, the stopping, standing, or parking is dangerous or would unduly interfere with the free movement of traffic, especially the free flow of traffic required for proper fire protection. No person may stop, stand, or park any vehicle in violation of the restriction indicated by any official traffic-control device. Any registered owner must be presumed to have been the operator of a vehicle that is parked in violation of any official traffic-control device prohibiting or restricting the stopping, standing, or parking of vehicles on any highway, state charitable or penal institution property, or on the state capitol grounds. This presumption may be rebutted by a showing of clear and convincing evidence to the contrary. However, no traffic citation may be issued for a violation of this subsection occurring on the state capitol grounds during a legislative session, except that a written warning must be placed on any vehicle for such a violation.

j. New section 24-19-13 is added to read.

Sec. 24-19-13. Operation by persons under age sixteen.

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-19-13.

39-29-10. Operation by persons under age sixteen.

Except as otherwise provided in this section, an individual under sixteen years of age who is not in possession of a valid operator's license or permit to operate an off-highway vehicle may not, except upon the lands of the individual's parent or guardian or as a participant in an organized sporting event that involves the use of off-highway vehicles, operate an off-highway vehicle. An individual at least twelve years of age may operate an off-highway vehicle if the individual has completed an off-highway vehicle safety training course prescribed by the director of the parks and recreation department and has received the appropriate off-highway vehicle safety certificate issued by the director of the department of

transportation. The failure of an operator to exhibit an off-highway vehicle safety certificate on demand to any official authorized to enforce this chapter is presumptive evidence that that person does not hold a certificate. Fees collected from each individual receiving certification must be deposited in the off-highway vehicle trail tax fund for off-highway vehicle safety education and training programs.

k. New section 18-4-18 is added to read.

Sec. 18-4-18. False information or report to law enforcement officers or security officials.

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 12.1-11-03.

12.1-11-03. False information or report to law enforcement officers or security officials.

A person is guilty of a class A misdemeanor if that person:

1. Gives false information or a false report to a law enforcement officer which that person knows to be false, and the information or report may interfere with an investigation or may materially mislead a law enforcement officer; or
2. Falsely reports to a law enforcement officer or other security official the occurrence of a crime of violence or other incident calling for an emergency response when that person knows that the incident did not occur. "Security official" means a public servant responsible for averting or dealing with emergencies involving public safety.

Section 2. Effective Date. This ordinance shall take effect when adopted.

President, Board of City Commissioners

Attest:

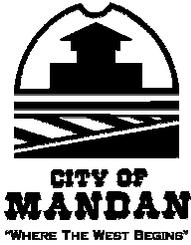
City Administrator

First Consideration:

9/15/2015

Second Consideration and Final Passage:

10/6/2015



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 6, 2015
PREPARATION DATE: October 2, 2015
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Robert Decker, P.E., Principal Planner
SUBJECT: First consideration of Ordinance 1221 renaming street in Lakewood 8th Addition

STATEMENT/PURPOSE: A discrepancy in numbering of streets in this area has been discovered. Rather than revise numbering of existing houses, it is recommended that the new street recently platted in Lakewood 8th Addition be renamed. This project is under development and no houses have yet been built. This is the appropriate time to adjust the street name.

ATTACHMENTS:

1. Ordinance 1221.

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 1221.

ORDINANCE NO. 1221

AN ORDINANCE CHANGING THE NAMES OF CERTAIN STREETS OR PARTS THEREOF SITUATED WITHIN THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA.

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

Section 1. Name of Street. The name of the following street is hereby changed as set forth below, namely;

1. Shoal Loop SE as platted in Lakewood 8th Addition in Section 1, Township 138 North, Range 81 West of the City of Mandan, Morton County, North Dakota is hereby changed to 24th Street SE.

Section 2. Notice. The proper officials of the city are hereby directed to take such action as they may deem necessary or desirable to notify city residents of this change.

President, Board of City Commissioners

Attest:

City Administrator

First Consideration:

October 6, 2015

Second Consideration:

Recording Date:



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 6, 2015
PREPARATION DATE: October 2, 2015
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Robert Decker, Principal Planner
SUBJECT: First consideration of Ordinance No. 1204
establishing requirements for removal of graffiti

STATEMENT/PURPOSE:

There is a need to establish requirements for dealing with graffiti.

BACKGROUND/ALTERNATIVES:

The Community Beautification Committee (CBC) began discussing the issue of graffiti in January, 2015. Graffiti has a negative impact on not only the structure to which it is applied but the community as a whole. Formal procedures are needed to allow the city to deal with the issue.

Wording examples were gathered from the International Property Maintenance Code as well as other communities including Billings, Montana; Duluth, Minnesota; Great Falls, Montana; Gwinnett County, Georgia and St. Paul, Minnesota.

A draft ordinance was prepared by Attorney Brown and then reviewed and edited over several months by the committee.

The proposed ordinance before you was recommended for approval at the September 10, 2015 CBC meeting.

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 ordinance.

SUGGESTED ACTION:

Move to approve the first consideration of Ordinance No. 1204 establishing requirements for removal of graffiti.

ORDINANCE NO. 1204

An Ordinance to Create and Enact Article 7 of Chapter 16 of the Mandan Code of Ordinances Relating to Graffiti

Be it ordained by the Board of City Commissioners:

An Ordinance to create a new Article 7 to Chapter 16 of the Mandan Code of Ordinances relating to graffiti is hereby enacted as follows:

ARTICLE 7. GRAFFITI

Sec. 16-7-1. Abatement of graffiti by property owner or city.

Property or owner responsibility. It is unlawful for any person who is the owner or responsible party of property to permit property that is defaced with graffiti to remain defaced for a period of ten days from the date of written notice of the defacement. Notice under this article is sufficient if served upon the owner or responsible person personally or mailed regular mail to the last known address of the owner or responsible person or the last address of the owner shown on the tax rolls of the city. The notice shall contain the following information:

- (1) The street address and legal description of the property sufficient for identification of the property;
- (2) A statement that the property is a potential graffiti nuisance property with a concise description of the conditions leading to the finding; and
- (3) A statement that the graffiti must be abated within ten days after written notice and that if the graffiti is not abated within that time the city shall cause the graffiti to be abated and the cost thereof shall be assessed against the non-complying real property. In addition, an administrative cost equal to twenty-five percent (25%) of the cost of abatement and a twenty-five dollar (\$25.00) penalty or \$100, whichever is greater, shall be assessed against the non-complying real property.

Sec. 16-7-2. Failure to comply.

- (a) Upon failure, neglect or refusal to abate the graffiti during the prescribed period:
 - (1) The city may, by its own work forces or by contract, cause the graffiti to be abated and the cost thereof shall be assessed against the non-complying real property plus an administrative cost equal to twenty-five percent (25%) of the cost of abatement and a twenty-five dollar (\$25.00) penalty or \$100, whichever is greater; and
 - (2) That the assessed amount together with costs and penalties shall constitute a lien on the non-complying real property and will be taxed as a special assessment against the real property.

(b) *Appeal.* The owner or agent may appeal to the City Commission within ten days of written notice any determination that they have failed to comply with the requirements of any order.

(c) Any person who willfully fails to comply with the provisions of this article is guilty of an offense.

Sec. 16-7-3. Abatement and cost recovery proceedings.

(a) Annually the city shall prepare a list of all lots, tracts and parcels of real property within the city from which the graffiti was abated by the city and for which such charges and penalties have not yet been paid. The list shall include as a minimum the following:

- (1) Name as shown by the tax rolls, common address if known;
- (2) Tax code of the property;
- (3) Legal description of the lot, tract or parcel;
- (4) Cost of the graffiti abatement for that property;
- (5) Administrative costs; and
- (6) Penalty assessed.

(b) The assessment list shall be incorporated into a special assessment resolution in proper form which resolution shall be presented to the City Commission for consideration. From and after passage of the resolution, the assessments stated therein, together with administrative costs and penalty shall constitute a special assessment, as provided in NDCC §40-05-01.1, and a lien on the real property shown on the assessment list. A copy of the resolution after passage shall be certified to the official collecting the city taxes and assessments.

Sec. 16-7-4. Prevention provisions.

Retro-fit existing graffiti-attracting surfaces; non-residential structures. The following provisions may be incorporated in a graffiti eradication order:

- (1) *At owner's expense.* Any surface of a structure on a parcel of land used for non-residential purposes that has been defaced with graffiti more than five times in twelve months shall be declared a public nuisance and may be required to be retro-fitted, at the cost of the property owner, with features or qualities as may be established by the city as necessary to reduce the attractiveness of the surface for graffiti, or as necessary to permit more convenient or efficient abatement of graffiti; and
- (2) *Appeal.* The owner or agent may appeal within ten days of written notice any determination that they are required to retro-fit the property with features or qualities necessary to reduce the attractiveness of the surface for graffiti or to permit more convenient or efficient abatement of graffiti to the City Commission.

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

ATTEST:

James Neubauer, City Administrator

First Consideration:

October 6, 2015

Second Consideration and Final Passage:

Publication:



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 6, 2015
PREPARATION DATE: October 2, 2015
SUBMITTING DEPARTMENT: Fire Department
DEPARTMENT DIRECTOR: Steve Nardello, Fire Chief
PRESENTER: Steve Nardello, Fire Chief
SUBJECT: First consideration of Ordinance No. 1220 adding a prohibition against use of incendiary balloons, sky lanterns and celebration lanterns

STATEMENT/PURPOSE:

The use of fireworks during celebrations is an established custom. However, in a city environment the potential for harm to property is high. Certain types of fireworks are especially problematic.

BACKGROUND/ALTERNATIVES:

Incendiary balloons, sky lanterns and celebration lanterns have become popular. The problem with these is that they are carried uncontrolled by the wind and can set fire to anything they land on.

Tesoro made a request to ban these.

Tom Doering, Morton County Emergency Manager contacted five of the eight licensed fireworks vendors operating in the area and only received one outright objection.

Mr. Doering will be submitting a similar request to the county at their October 8th meeting.

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:

The fire department has studied this issue and in consultation with Morton County is recommending that these items be prohibited for public safety reasons.

SUGGESTED ACTION:

Move to approve the first consideration of Ordinance No. 1220 prohibiting the use of

incendiary balloons, sky lanterns and celebration lanterns.

ORDINANCE NO. 1220

An Ordinance to Amend and Re-enact Chapter 10, Article
2, of the Code of Ordinances of the City of Mandan
Relating to Fireworks

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

Section 10-2-10 Amendments to International Fire Code of the Code of Ordinances of the City of Mandan relating to incendiary balloons and sky lanterns is hereby amended and re-enacted to read as follows:

Section 5601.1.13. *Fireworks.* The possession, manufacture, storage, sale, handling and use of fireworks are prohibited within the city limits.

Exceptions:

c. The use of fireworks for display as permitted in section 5608 is an exception to the prohibition of use of fireworks in the city, provided that the requirements of sections 5601.2.3 and 5601.2.4 are met. The possession, use, discharge, or explosion of fireworks, as defined by N.D.C.C. §23-15-01, not including bottle rockets, or a balloon that requires fire underneath to propel the balloon, or an incendiary balloon, or an unmanned free floating device capable of producing an open flame, such as, but not limited to, sky lanterns or celebration lanterns, is permitted between the hours of 12:00 p.m., and 12:00 a.m. on July 2 and 3, from the hours of 12:00 p.m. on July 4 to 2:00 a.m. on July 5 of each year, and from the hours of 5:00 p.m. on December 31 to 1:00 a.m. on January 1.

By: _____
President, Board of City Commissioners

Attest:

City Administrator

First Consideration:

October 6, 2015

Second Consideration and Final Passage:

Publication:
