



**AGENDA**  
**MANDAN CITY COMMISSION**  
**FEBRUARY 4, 2020**  
**ED "BOSH" FROEHLICH MEETING ROOM,**  
**MANDAN CITY HALL**  
**5:30 P.M.**  
**[www.cityofmandan.com](http://www.cityofmandan.com)**

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- A. ROLL CALL:
1. Roll call of all City Commissioners.
- B. APPROVAL OF AGENDA:
- C. MINUTES:
1. Consider approval of the minutes from the January 21, 2020 Board of City Commission regular meeting.
- D. PUBLIC HEARING:
- E. BIDS:
- F. CONSENT AGENDA:
1. Consider approval to amend the 2020 Landfill Budget by \$28,000 to allow Public Works to lease a 744L Wheel Loader with the landfill protection package from RDO of Bismarck.
  2. Consider approval of a Memorandum of Understanding between the Mandan Police Department and Centre, Inc regarding the Prison Rape Elimination's Act (PREA).
  3. Consider approval of a charity raffle permit for the Laurie Bender Benefit at the Mandan Eagles on March 14, 2020.
  4. Consider imposing a deadline for 2020 Street Improvement District projects requesting funding by special assessments.
  5. Consider approval to allow the Police Department to apply for a FY2020 COPS Hiring program grant for 2 police officers.
  6. Consider entering into a purchase agreement Alvin Schaff for 8th Ave. N.W. Sanitary Sewer Lift Station.
- G. OLD BUSINESS:
- H. NEW BUSINESS:
1. Presentation and consideration of amendment with AE2S for additional services including a rebid of the Raw Water Intake project.
  2. Consider approval of revised construction details and specifications.
- I. RESOLUTIONS AND ORDINANCES:

*Agenda*  
*Mandan City Commission*  
*February 4, 2020*  
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1. Second consideration and final passage of Ordinance No. 1334 granting a franchise to Montana-Dakota Utilities Co., to construct, maintain and operate, within, upon, in and under the streets, alleys and public grounds of the City of Mandan, a gas distribution system for transmitting and distributing natural or manufactured gas or mixture of both for public and private use.

J. OTHER BUSINESS:

K. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. February 18, 2020  
March 3, 2020  
March 17, 2020

L. ADJOURN

The Mandan City Commission met in regular session at 5:00 p.m. on January 21, 2020 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Mayor Helbling called the meeting to order.

A. ROLL CALL:

1. *Roll Call of All City Commissioners.* Present were Mayor Helbling, Commissioners Davis, Rohr and Commissioner Larson via teleconference. Department Heads present were, Finance Director Welch, Fire Chief Nardello, Planning & Engineering Director Froseth, Business Development and Communications Director Huber, Principal Planner Van Dyke, Police Chief Ziegler, City Administrator Neubauer, Assessor Markley, Human Resource Director Cullen, Director of Public Works Bitz and Attorney Brown. Absent: Commissioner Braun and Building Official Ouradnik.

B. APPROVAL OF AGENDA:

C. MINUTES:

1. *Consider approval of the minutes from the January 7, 2020 Board of City Commission regular meeting.* Commissioner Davis moved to approve the minutes as presented. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Absent; Mayor Helbling: Yes. The motion passed.

D. PUBLIC HEARING:

E. BIDS:

F. CONSENT AGENDA

1. *Consider approval of monthly bills.*

MONTANA-DAKOTA UTILITIES	24,539.03
BEK	2,698.31
AQUA-PURE INC.	7,316.00
BANK OF NORTH DAKOTA	107,147.12
BIS-MAN CONVTVN & VISITOR	484.07
BROOKE/PATRICK	50.00
BUFFALO CONCRETE LLP	5,500.00
CAPITAL CITY CONSTRUCTIO	161,851.00
CENTURYLINK	226.94
GEORGE STROH TRUCKING IN	8,275.00
HARVEY CHRISTIAN	75.00
HUB INTERNATIONAL OF ND	254.00
INFORMATION TECHNOLOGY D	1,251.17
JAN FASCHING	72.30
KK BOLD	1,900.00
MEADOWLANDS PARK LLC	500.00

ND YOUTH CORRECTIONAL CE	734.50
NDHFA % KARIE SMALL	63.76
NDLTAP - UGPTI/ND SU	300.00
NISC	22,994.36
SCHLOSSER EXCAVATING INC	750.00
TORI MATHERN	240.00
ADVANCED ENGINEERING SVC	51,969.30
ARMSTRONG SANIT & ROLL O	195.00
BRAUN INTERTEC ENGINEERI	3,678.00
DOUGHERTY & COMPANY LLC	1,500.00
HDR ENGINEERING, INC	33,027.64
HOBBS INC	8,751.25
HOUSTON ENGINEERING, INC	1,254.00
JMAC RESOURCES READY MIX	5,152.87
KADRMAS, LEE & JACKSON,	2,118.51
MOORE ENGINEERING, INC	32,333.22
MORTON COUNTY AUDITOR	7,192.08
ND DEPT OF TRANSPORTATIO	79,777.70
NISC	8,330.80
PEACE OFFICER S&T BOARD	135.00
S.J. LOUIS CONSTRUCTION,	507,762.14
TERRACON CONSULTANTS, IN	2,863.00
WEST RIVER STRIPING COMP	23,502.27
MONTANA-DAKOTA UTILITIES	36,643.16
ARMSTRONG SANIT & ROLL O	44,644.08
AT & T	336.62
BRAUN INTERTEC ENGINEERI	3,700.00
CORE & MAIN	19,614.96
DIRECTMED	23.99
FETZER ELECTRIC, LLC	509.47
MANDAN PARK BOARD	1,000.00
MARINER CONSTRUCTION	6,803.56
MISSOURI VALLEY PETROLEU	14,395.55
MOORE ENGINEERING, INC	7,197.30
RAZOR TRACKING INC.	450.00
RICOH USA, INC	134.83
ARMSTRONG SANIT & ROLL O	55,214.21
BALABAN LAW OFFICE	1,750.00
DAKOTA MEDIA ACCESS	11,730.00
DEARBORN LIFE INSURANCE	2,484.89
GLASS/THOMAS J.	1,750.00
HP INC.	14,760.00

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KELSCH KELSCH RUFF & KRA	5,000.00
MORTON COUNTY TREASURER	78,354.07
ND LEAGUE OF CITIES	12,061.00
NDWPCC	40.00
PETTY CASH	82.67
NDWPCC	40.00
VAULT1440, LLC	2,925.00
RADIOTRONICS, INC	6,194.57
BANK OF NORTH DAKOTA TRU	14,124.88
BEK COMMUNICATION COOPER	186.03
BIS-MDN TRANSIT BOARD	60,226.30
BISMARCK MANDAN CHAMBER	23,750.00
C S DOORS INC	543.91
CAPITAL CITY CONSTRUCTIO	117,982.00
COMPANION LIFE	10.00
CROWLEY FLECK PLLP	6,000.00
CUSTER DISTRICT HEALTH U	1,139.00
DTE, INC	3,456.05
ELECTRONIC COMMUNCIATION	2,200.00
FETZER ELECTRIC, LLC	737.54
GOVQA	2,090.00
GRAYMONT (WI) LLC	5,100.29
HUB INTERNATIONAL OF ND	174,854.00
INFORMATION TECHNOLOGY D	886.67
KAUTZMANN/DENAE	27.00
KNOLL/DOLORES	50.39
KRONOS SAASHR, INC	2,130.95
MANDAN AIRPORT AUTHORITY	120,442.97
MANDAN MUNICIPAL COURT	3,821.43
MILLER/RYAN	1,645.00
MISSOURI RIVER CONTRACTI	106,107.13
MISSOURI VALLEY PETROLEU	17,048.83
MORTON COUNTY	40,701.90
MORTON MANDAN PUBLIC LIB	183,877.85
ND CLERK'S OF COURT ASSO	100.00
ND YOUTH CORRECTIONAL CE	831.50
NISC	4,748.64
ONE CALL CONCEPT INC	83.00
SCHLOSSER EXCAVATING INC	1,275.00
THREE AFFILIATED TRIBES	21,483.18
UNITED PRINTING INC	10,791.81
VE LAND COMPANY LLC	250.00

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MY GOV, LLC	960.00
WELLS FARGO COMMERCIAL C	140,466.35
ADVANCED ENGINEERING SVC	6,288.97
ARMSTRONG SANIT & ROLL O	1,385.00
BILL BARTH FORD INC	24,000.00
BIS-MAN MOBILE PHONE INC	9,000.00
BURLEIGH-MORTON DETENTIO	10,761.46
CENTURYLINK	226.94
HP INC.	963.00
HUB INTERNATIONAL OF ND	12.00
JIRAN ARCHITECTS & PLANN	15,154.51
KK BOLD	450.00
LEINGANG HOME CENTER	400.00
MANDAN PROGRESS ORGANIZA	180.00
MISSOURI WEST WATER SYST	47.40
MORTON COUNTY AUDITOR	1,816.00
MORTON COUNTY RECORDER	65.00
MUNICIPAL CODE CORPORATI	468.00
ND DEPT OF ENVIRON QUALI	37.08
ND HEALTH DEPT MICRO DIV	400.00
ND STATE RADIO COMMUNICA	600.00
NISC	7,694.95
SWANSTON EQUIPMENT CORPO	201,900.00
T-MOBILE USA, INC	2,046.00
TS SECURITY LLC	107.25
VERIZON WIRELESS - VSAT	402.00

2. *Consider designation of financial institutions as depositories for funds.*
3. *Consider letter of interest from Arntson Stewart Wegner to serve as bond counsel.*
4. *Consider approval of an amendment to our agreement with Moore Engineering to include final design and bidding services for the MidTown East Street Improvement District project.*
5. *Consider approval of an agreement with AE2S to provide engineering and bidding services for our Emergency Generators project.*
6. *Consider approval of submission of 'Bicycle Friendly Community' designation renewal application.*
7. *Removed for discussion.*
8. *Consider approval of a gaming site authorization for the Mule Deer Foundation at Baymont Inn on Feb. 8, 2020.*
9. *Consider approval of a charity raffle for the Kiwanis Club at Midway Lanes on Feb. 8, 2020.*

Commissioner Larson requested Consent Agenda Item No. 7 be removed for discussion.

Commissioner Davis moved to approve the Consent Agenda items No. 1 through 6 and No. 8 and No. 9 as presented. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Absent; Mayor Helbling: Yes. The motion passed.

*Consent Agenda Item No.7:*

7. *Consider payment of bills for Morton Mandan Public Library / Downtown Parks Project.* Commissioner Larson stated that up to this point, she has abstained from voting on this agenda item and she questioned if that is necessary since this item has become part of the typical function of the commission. Attorney Brown stated that he agrees with Commissioner Larson that she can abstain, however, she could vote. She does not have personal interest in this contract. Commissioner Larson responded that she does not think there is a conflict with this payment even though it involves her employer. Mayor Helbling commented that Commissioner Larson will not be receiving any financial gain regarding this matter, and stated he does not consider her voting on the matter a conflict of interest. Commissioners Rohr and Davis concurred.

Commissioner Rohr moved to approve the payment of bills for Morton Mandan Public Library / Downtown Parks Project. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Absent Mayor Helbling: Yes. The motion passed.

G. OLD BUSINESS:

1. *Consider approval of an amendment to the Purchase and Sale Agreement for parcel 65-3156000.* Principal Planner Van Dyke presented a request for the approval of an amendment to the Purchase and Sale agreement for parcel 65-3156000. He reported that Jake Axtman provided an amendment to the Purchase and Sale Agreement surrounding parcel 65-3156000 to change the price and closing date. The revised offer from \$6,500 to \$1,900 is due to the proposed specials that may be placed on the property following the Mid-town East improvement district. The potential specials for that project on that property are \$4,639.79. The property has title issues that need to be rectified that add to Mr. Axtman's risk. There is a question as to the properties total acreage whether it is 0.73 acres or 1.3 acres. A survey will be required to determine the total acreage.

Planner Van Dyke stated that city staff is recommending approval of the amendment to the Purchase and Sale agreement as outlined in Exhibit 1. The Commission may accept, deny, or counter the proposed amendment. If the Commission decides to deny the request, then staff would recommend an additional motion to dissolve the original agreement and relist the property as active status. Planner Van Dyke recommended approval of the amendment to the Purchase and Sale Agreement as outlined in Exhibit 1. Attorney Brown stated there are significant title issues in particular, that legally it was owned by a business that no longer exists and the buyer cannot get a corrective deed to the property so the buyer will have to get a quiet title to the property.

Commissioner Rohr moved to approve the amendment to the Purchase and Sale agreement for parcel 65-3156000 as outlined in Exhibit 1. Commissioner Davis seconded the motion. Roll call

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vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Absent; Mayor Helbling: Yes. The motion passed.

H. NEW BUSINESS

1. *Consider approval of the selection committee's choice of KLJ as our project engineer for the Downtown Street Improvement project and authorize the Engineering Department to negotiate an agreement with them.* Planning and Engineering Director Froseth presented a request to confirm the Selection Committee's recommendation of KLJ for consulting engineering services related to the Downtown Street Improvement project and enter into contract negotiations with them. He stated that last year the City was notified of an award of \$2.4 million in Urban Grant Program funds to address the poor conditions of 1<sup>st</sup> Street and Avenues in the downtown area of Mandan including walking elements to downtown. The main intent of the project is to reconstruct 1<sup>st</sup> Street from 1<sup>st</sup> Avenue West to 6<sup>th</sup> Avenue West and 2<sup>nd</sup> to 5<sup>th</sup> Avenues West from Main Street to 2<sup>nd</sup> Street. The project would also include new sidewalks, and street lighting improvements and the underground needs such as replacing original water main storm sewer and sanitary sewer will also be addressed, as needed. In November 2019 the City Commission approved the request to issue a Request for Proposals (RFP) to select a consultant engineering firm to help with this project's planning and preliminary design.

Director Froseth reported that the Selection Committee received seven proposals by the deadline requirements. They reviewed and discussed the proposals and selected three firms to conduct in-person interviews and those interviews were held on January 16, 2020. The firms interviewed were HDR, HEI (Houston) and KLJ. At the conclusion and after Selection Committee discussion, KLJ scored highest. It was noted that KLJ completed the Downtown Subarea study in 2018. They were also chosen for the Main Street Reallocation and Traffic Signals planning and design effort which is coming to a close for a bid opening in April and construction during the summer of 2020.

Director Froseth stated that if the City Commission approves the recommendation presented, negotiation terms of an agreement with KLJ would begin to get them started on planning and design of this project. The preliminary planning and design efforts, including public outreach, would take place starting in February 2020. It is anticipated that the special assessment district would be addressed this summer and if the proposed district does not protest it out the design process would begin later in 2020 for a bid opening in early 2021 for 2021 construction. Director Froseth recommended approving the selection of KLJ and to authorize engineering staff to negotiate for the Downtown Street Improvement project (SID 217) engineering services contract.

Commissioner Larson inquired on the total project cost listed as \$6 million and what is included in that and what other funding sources are being considered in addition to the Urban Grant funding. Director Froseth stated the general scope of the project would be a full reconstruct of all the segments of roadway and portions of the sidewalks that are not in good condition. There are plans to replace the water main in that area and that is included in the estimate and the Utility Fund will be used for that with the Sales Tax fund and city assessments to pay the balance. There may be a buy down the local share and it is anticipated using that. The local share after that is 20% minus the water main components. This project is a part of the Main Street project

and in subsequent years separate projects will be addressed. Director Froseth explained the funding sources including the use of Prairie Dog Funds will be used towards these projects.

Commissioner Davis moved to approve the selection of KLJ and authorize engineering staff to negotiate the Downtown Street Improvement project (SID 217) engineering services contract. Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Absent; Mayor Helbling: Yes. The motion passed.

2. *Consider entering into agreement with Kadrmas, Lee & Jackson (KLJ) and Braun Intertec for services related to potential spring flooding protections.* City Administrator Neubauer stated that there is a high probability of spring flooding and pursuant to that prediction in order for the City to be prepared, he presented a request to enter into an agreement with Kadrmas, Lee & Jackson (KLJ) and Braun Intertec for services related to potential spring flooding protections. KLJ has already been contacted for a proposal as they did considerable work for the City of Mandan during the 2011 flood event and they would be uniquely qualified to perform similarly related services should the need arise in 2020. The agreement with KLJ would include Topographic Survey, Preliminary Design, Entitlements, Final Design and Bidding and negotiating. When completed, this would get us to a point to present bids to the City Commission for consideration. Should the need arise after that point a separate contract would be negotiated. He explained that unlike in 2011 whereby the bays (Bridgeview, Marina, Borden Harbor and Lakewood) were plugged with clay, the installation of plugs via sheet-piling would be the preferred method causing less property and city infrastructure damage from the number of trucks hauling material. Bidding of the project would grant assurances the necessary contractors and material would be available should the installation of plugs be necessary. The contract with Braun is for the geotechnical evaluation and design assistance of the sheet-pile walls. The purpose of this evaluation is to characterize subsurface geologic conditions at selected exploration locations, evaluate their impact on the design and construction of sheet-pile walls and provide a design section to resist the design loads. Administrator Neubauer further stated that NDCC 40-22-01.1 was specifically enacted to enable the creation of a special assessment districts for the assessing of flood protection costs and clean up against the benefitting properties. The creation of a special assessment district for assessment of flood protection costs does not require an emergency declaration. FEMA would not provide reimbursement unless there is a presidentially declared disaster. The need to move on this expeditiously is recommended. Should the Board determine to issue a request for proposals for these services, it could be 60 days out for advertising, interviews and selections and the ability to secure necessary bid documents and secure materials prior to when flooding may occur would not be timely. Morton County Emergency Management is currently researching reimbursement options should the City enter into these contracts prior to a possible emergency declaration. Even if a declaration is not issued, the work done for these contracts would be valuable for years to come. The estimated cost is not expected to exceed \$100,000 and funds would come from the City Sales Tax fund with possible reimbursements from federal, state or local sources.

Administrator Neubauer recommended the City Commission consider the following; Attorney Brown recommended each action item should be voted on separately:

- (1) Waive the public bidding requirements for the selection of an engineering firm and geotechnical firm related to potential flood related projects.
- (2) Approval of the proposed contract with KLJ to provide said engineering services.
- (3) Approval of the proposed contract with Braun for geotechnical services.
- (4) Determine that the funding source for such services to be \$100,000 to come from the City Sales Tax fund with possible reimbursement from federal, state or local sources.

Commissioner Rohr commented that the City will need to be prepared for potential flooding problems in order to not re-live the problems of 2011 and that this is the appropriate time to put a plan in place. Mayor Helbling stated meetings have occurred recently with key staff and it was the consensus to plan accordingly in order for the City to be prepared. Commissioner Davis concurred and agreed with waiving some of the processes and to move forward with a plan. Commissioner Larson concurred with the importance of having a plan in place in order to protect the interests of the citizens.

Commissioner Rohr moved to approve that the City Commission waive the public bidding requirements for the selection of an engineering firm and geotechnical firm related to potential flood related projects. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Absent; Mayor Helbling: Yes. The motion passed.

Commissioner Davis moved to approve the proposed contract with KLJ to provide said engineering services as presented. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Absent; Mayor Helbling: Yes. The motion passed.

Commissioner Rohr moved to approve of the proposed contract with Braun for geotechnical services. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Absent; Mayor Helbling: Yes. The motion passed.

Commissioner Davis moved to approve the funding source for such services estimated to be \$100,000 to come from the City Sales Tax fund, with possible reimbursement from federal, state or local sources. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Absent; Mayor Helbling: Yes. The motion passed.

Mayor Helbling stated there will be several phases including a public input meeting related to this matter.

## I. RESOLUTIONS AND ORDINANCES

1. *Second Consideration and Final Passage of Ordinance 1333 to amend and re-enact Chapter 10, Fire Prevention and Protection, of the Mandan Code of Ordinances. The purpose of this ordinance is to adopt the 2018 International Fire Code (IFC) with proposed amendments.* Fire Chief Nardello reported that there have been no comments or opposition to the ordinance since the first presentation. The main purpose is to adopt the 2018 Fire Code. He provided a

brief background of the code process cycle reviewed by the Code Council and stated that the 2018 version with amendments is the most current. The City of Mandan is using the 2015 version. He said that the City of Mandan is consistent with what the Bismarck Fire Department uses and that there were no major changes to the (2018) code. He provided an overview of the recommended changes for the 2018 version. He recommended that the City of Mandan adopt the 2018 International Fire Code with proposed amendments as presented.

Commissioner Larson moved to approve the second Consideration and Final Passage of Ordinance 1333 to amend and re-enact Chapter 10, Fire Prevention and Protection, of the Mandan Code of Ordinance and adopt the 2018 International Fire Code (IFC) including appendixes A, B, C & D. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Absent; Mayor Helbling: Yes. The motion passed.

2. *Second Consideration and Final Passage of Ordinance 1331 pertaining to Building Codes updating the Mandan Building code to supplement the adoption of the State Building code on January 1, 2020.* Fire Chief Nardello presented this matter in the absence of Building Official Ouradnik and stated this item was tabled from a previous meeting in order to allow time for the City of Mandan to see what the Bismarck City Commission, the Burleigh County Commission and the Home Builders Association decided. Chief Nardello stated he attended that meeting and found that what Building Official Ouradnik recommended is acceptable. The only question the Home Builders Association had was the spring loaded hinges on the garage door between the house and the garage of which the City of Bismarck is not requiring wherein the City of Mandan is requiring. It was recommended (at the meeting) that it be the same for both cities, however, Chief Nardello does not consider it to be an issue if it is not the same. Another question was the footings for decks as to when and why it was required, however they were acceptable to that. Thus, the only difference will be the spring loaded hinges on the garage doors.

Commissioner Davis moved to approve the second Consideration and Final Passage of Ordinance 1331 pertaining to Building Codes and updating the Mandan Building code to supplement the adoption of the State Building code on January 1, 2020. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Absent; Mayor Helbling: Yes. The motion passed.

3. *First Consideration of Ordinance No. 1334 granting a franchise to Montana-Dakota Utilities Company, to construct, maintain and operate, within, upon, in and under the streets, alleys and public grounds of the City of Mandan, a gas distribution system for transmitting and distributing natural or manufactured gas or mixture of both for public and private use.* Attorney Brown reported that Montana-Dakota Utilities Co. currently has a franchise with the City of Mandan to provide natural gas that is due to expire. This meeting tonight was also noted as a public hearing in the newspaper and it was made a public hearing by a Resolution on the Agenda. He stated that and no other party has requested installing a natural gas distribution in the City of Mandan which in his opinion would be very rare. Attorney Brown recommended approval of the Ordinance.

Mayor Helbling announced this is a public hearing to approve the First Consideration of Ordinance No. 1334 granting a franchise to Montana-Dakota Utilities Co., to construct, maintain and operate, within, upon, in and under the streets, alleys and public grounds of the City of Mandan, a gas distribution system for transmitting and distributing natural or manufactured gas or mixture of both for public and private use. He invited anyone to come forward to speak for or against the Ordinance. A second and third announcement was made to come forward to speak for or against the Ordinance. Hearing none, this portion of the public hearing was closed.

Commissioner Davis moved to approve the First Consideration of Ordinance No. 1334 granting a franchise to Montana-Dakota Utilities Co. to construct, maintain and operate, within, upon, in and under the streets, alleys and public grounds of the City of Mandan, a gas distribution system for transmitting and distributing natural or manufactured gas or mixture of both for public and private use. Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Absent; Mayor Helbling: Yes. The motion passed.

J. OTHER BUSINESS:

1. *Announcement of the Metropolitan Transportation Plan, Arrive 2045, final Public Input Meetings: Three meetings over two days at the Mandan City Hall from 11:30-1:00PM on January 23, 2020.* Planning and Engineering Director Froseth encouraged Mandan residents to attend the public hearings coming up related to transportation studies that are being conducted in partnership with the Metropolitan Planning Organization (MPO) scheduled for 1/23/2020 11:30-1:00. The other times scheduled are in Lincoln 6:00-7:30 and a meeting in Bismarck from 5:30-7:00 (tomorrow). All meetings will cover the same material. This study is conducted every five (5) years and this is the last public input opportunity. Information can also be found at [www.Arrive2045.com](http://www.Arrive2045.com) along with various other contact methods were also provided. Commissioner Rohr said that the concerns discussed will be the roadways and the priorities on how those will be arrived at. In summary, this is the discussion of all projects, the federal funding constraints and it will be to prioritize those projects that should go through.

2. *Announcement of the Intersection Analysis Study first Public Input Meeting. Two meetings on January 28th with one at Mandan City Hall from 5:00 – 6:30 PM on January 28th.* Planning and Engineering Director Froseth presented information related to another public input meeting, an MPO study that the City of Mandan is involved with. This study entails 2-way stops vs. 4-way stops, etc. This is to double check with experts any factors that are not seen by the Engineering office and will it will provide a second opinion on certain projects. The public meetings for this meeting and similar presentations are as listed.

Director Froseth reviewed the study map that depicted the area of intersections that will be considered in this study. Commissioner Davis pointed out that this is the time for Hwy 6 and Main Street discussion. Director Froseth said the project will move forward. Commissioner Davis requested Director Froseth to explain the reason for the removal of the street light switching to a stop sign as to why that will happen. Director Froseth replied that the study indicated that the traffic analysis report does not have a push button pedestrian crossing because there were only single digit pedestrian crossings recorded.

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3. *The Mandan Remediation Trust (MRT) will meet on Wednesday, January 22, 2020, 6:00 p.m. Mandan City Hall, Veterans' Conference Room, to discuss closure of the Mandan remediation site.* Administrator Neubauer stated that this is a public input meeting that has been called by the ND Department of Environmental Quality (DEQ) regarding the Mandan Remediation project. The MRT members will be in attendance to answer any questions and to show a short presentation on where the City of Mandan stands as the City is near the end of the remediation cleanup activities. The DEQ has issued the City of Mandan a letter that they feel we can start decommissioning the system. This is the time for a public input allowing for an opportunity for anyone to come forward before the system is decommissioned. The settlement with BNSF was in July 2004. It is now January 2020 and the system has been shut down for about 2 years and no issues have arisen and as a part of the site closure plan to shut it down, the city will go in and do some measuring and if nothing has changed, the decommissioning can begin. The date set for the meeting is January 22, 2020, 6:00 p.m. at Mandan City Hall. The public and anyone wishing to comment on this matter are welcome to come forward at that time.

4. Mayor Helbling announced that there are three (3) commission seats up for reelection: Mayor Helbling, Commissioner Davis and Commissioner Braun. He stated that the Bismarck Mandan Board of Realtors along with the Chamber and Home Builders Association will sponsor a campaign training session on February 5, 2020. If anyone is interested in running for a seat, that training session will provide a lot of information. More information can be found on the Homebuilders and Chamber website and also on the City of Mandan website.

5. *Consider moving into executive session pursuant to North Dakota Century Code Code § 44-04-19.1(9) and 44-04-19.2(2) to discuss negotiation strategy related to possible property acquisition.*

Commissioner Rohr motioned to move into executive session pursuant to North Dakota Century Code §44-04-19.1(9) and 44-04-19.2(2) to discuss negotiation strategy related to possible property acquisition. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Absent; Mayor Helbling: Yes. The motion passed.

City Commission met in executive session at 6:06 p.m. present were Mayor Tim Helbling, Commissioners Rohr and Davis with Commissioner via telephone, along with City Attorney Malcolm Brown, Administrator Neubauer and Engineering & Planning Director Froseth.

Executive session adjourned at 6:13 p.m. and reconvened the regular meeting at 6:14 p.m.

K. ADJOURNMENT:

There being no further business to become before the board, Commissioner Rohr motioned to adjourn at 6:14 with Commissioner Davis seconding the motion, all in favor aye, none opposed, meeting adjourned at 6:14 p.m.

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James Neubauer  
City Administrator

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Tim Helbling, Mayor  
Board of City Commissioners



## Board of City Commissioners

### Agenda Documentation

<b>MEETING DATE:</b>	February 4, 2020
<b>PREPARATION DATE:</b>	January 29, 2020
<b>SUBMITTING DEPARTMENT:</b>	Public Works – Landfill
<b>DEPARTMENT DIRECTOR:</b>	Mitch Bitz
<b>PRESENTER:</b>	Mitch Bitz – Director of Public Works
<b>SUBJECT:</b>	Consider purchasing a landfill wheel loader and amending the 2020 Solid Waste budget

**STATEMENT/PURPOSE:** To consider purchasing a John Deere 744L Wheel Loader using the Sourcewell National Purchasing contract as well as amend the 2020 Solid Waste Utility Budget

**BACKGROUND/ALTERNATIVES:** As part of the 2020 Budget process, the Budget and Finance Committee approved the purchase of a wheel loader with the landfill protection package, the budget request was approved for \$18,000 annually. Staff solicited prices from multiple vendors over the past few weeks, and we found the prices with the appropriate guarding and warranty for this machine places the annual lease payments between \$38K - \$74K depending on the machine chosen, lease terms, and warranty options. After reviewing all options and considering the landfill needs, staff recommends leasing a 2020 John Deere 744L Wheel Loader from RDO Equipment of Bismarck utilizing the Sourcewell Cooperative Purchasing contract. In addition, to allow for this purchase we also request to amend the 2020 Solid Waste budget by \$28,000. Staff has been in contact with the Finance Department and the Solid Waste Utility Fund is able to financially support this amendment to allow for the lease. Leasing this machine will provide the landfill operations with a reliable machine, which has a comprehensive warranty for 5 years/6,000 hours, all normal wear items are still the responsibility of the city, some examples of normal wear items are oil changes or tires. Our current landfill loader is a 2015 model and has 6,173 hours on it, the existing lease expires this spring and we will turn that machine back in.

As a point of reference, to purchase our loader that is in use today outright we need to outlay \$170,583 in May of 2020 at that point, we would then own the five-year-old machine with 6,200 hrs on it. To purchase a new 54,000-pound operating weight John Deere machine outright today with the 5 year/6,000hr warranty and the landfill protection package, the outright cash purchase price is \$367,465.00. If we lease this equipment, we make the five annual payments of \$45,230 and at the end of the lease, we have the option to purchase the machine outright for an additional \$193,400, for a grand total of

Board of City Commissioners

Agenda Documentation

Meeting Date: February 4, 2020

Subject: Consider purchasing a landfill wheel loader and amending the 2020 Solid Waste budget

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\$419,550, this option would cost us approximately \$50,000 in capital. Another option we have is to make the five annual lease payments of \$45,230 for a grand total of \$226,150 and simply return the machine to RDO Equipment after 5yrs and approximately 6,000hrs of landfill use and lease another machine. Given the application and environment this loader is used in, we recommend continuing to lease this equipment.

ATTACHMENTS: Quote from RDO Equipment and Lease Schedule

FISCAL IMPACT: \$46,000 annually for five years – Solid Waste Department Capital Outlay 620.620.62114

STAFF IMPACT: Staff will coordinate with vendor

LEGAL REVIEW: Attorney Brown's Office has reviewed

RECOMMENDATION: To amend the 2020 Solid Waste Capital Outlay Budget by \$28,000 and approve the five year lease of a 2020 John Deere 744L Wheel Loader

SUGGESTED MOTION: I make a motion to amend the 2020 Landfill Budget by \$28,000 to allow Public Works to lease a 744L Wheel Loader with the landfill protection package from RDO of Bismarck



# RDO Finance Quote - Lease

RDO Equipment Co.  
 2000 Industrial Drive / PO Box 1098  
 Bismarck ND, 58502

Phone: (701) 223-5798 - Fax: (701) 223-2819

**Prepared For:**  
 CITY OF MANDAN  
 205 2ND AVE NW  
 MANDAN, ND, 585543100  
 (701) 667-3240

**Prepared By:**  
**Name:** Steve Meier  
**Title:** Sales Professional  
**Phone:** (701) 223-5798  
**Mobile:** (701) 471-7134

**Name:** Steve Meier  
**Title:** Sales Professional  
**Phone:** (701) 223-5798  
**Mobile:** (701) 471-7134

## Equipment Information

Status / Year / Make / Model	Serial Number
New 2020 JOHN DEERE 744L	TBD

## Quote Overview

<b>Selling Price:</b>	\$367,465.00
<b>DOC/UCC Fees:</b>	\$650.00
<b>Amount to Finance:</b>	<b>\$368,115.00</b>

## Quote Options

	Lender	Frequency	Term	Number Of Payments	Security Deposit	Number of Advanced Payments	Payment (Plus Applicable Taxes)	Annual Hours	Purchase Option or FMV
Option 1		Annual	60	5	\$0.00	1	\$45,230.16	1200	\$193,400.00 (PO)

## Other Notices

**All Numbers subject to Final Credit Approval**



# Investment Proposal (Quote)

RDO Equipment Co.  
 2000 Industrial Drive / PO Box 1098  
 Bismarck ND, 58502  
 Phone: (701) 223-5798 - Fax: (701) 223-2819

**Proposal for:**  
 CITY OF MANDAN  
 205 2ND AVE NW  
 MANDAN, ND, 585543100  
 MORTON

**Investment Proposal Date:** 1/29/2020  
**Pricing Valid Until:** 2/28/2020  
**Deal Number:** 1276524  
**Customer Account#:** 3240008  
**Sales Professional:** Steve Meier  
**Phone:** (701) 223-5798  
**Fax:** (701) 223-2819  
**Email:** SMeier@rdoequipment.com

## Equipment Information

Quantity	Serial Number Stock Number	Hours (approx.)	Status / Year / Make / Model Additional Items	Cash Price
1	TBD TBD	0	New 2020 JOHN DEERE 744L	\$550,936.00
			Outside Parts and Labor INSTALL BOTTOM GUARDS AND REAR GRILLE GUARD	\$3,585.00
			Freight in Davenport-Trussville-Bismarck	\$10,499.68
			Prep / Reconditioning PDI	\$1,800.00
			MFG Program Member 2313	\$0.00
			Other SOURCEWELL DISCOUNT 38%	(\$209,355.68)
			Warranty -John Deere Comprehensive-60 Months, 6000 Hours,Deductible: 200, Exp Date: 4/15/2025	\$10,000.00
			<b>Equipment Subtotal:</b>	<b>\$367,465.00</b>

## Purchase Order Totals

<b>Balance:</b>	\$367,465.00
<b>Tax Rate 3: (NDEG 0%)</b>	\$0.00
<b>Sales Tax Total:</b>	\$0.00
<b>Sub Total:</b>	\$367,465.00
<b>Cash with Order:</b>	\$0.00
<b>Balance Due:</b>	<b>\$367,465.00</b>

## Equipment Options

Qty	Serial Number	Year / Make / Model	Description
1	TBD	2020 JOHN DEERE 744L	7680DW 744L 4WD LOADER 0810 STANDARD GATHERING GROUP 0924 JD POWERTECH ENGINE 1045 STD WASTE HANDLER ZBAR BOOM 1120 5 SPD PSHIFT TRANSMISSION 1220 150 AMP ALTERNATOR 1310 FLAT BLACK CURVED STACK 1430 AIR INTAKE WITH PRECELANER 1520 AUTO REVERSING HYDRAULIC FAN 1610 FUEL FILTER & STD FUEL FILL 170C JDLINK ULT 5 YEAR SERVICE 1910 PREMIUM CAB 1940 7 INCH MONITOR 1975 HYDRAU XR HYDRAULIC FLUID 2010 STANDARD Z-BAR 2120 STEERING WHEEL ONLY 2240 PREMIUM SEAT 2360 JOYSTICK CONTROLS 2402 TWO FUNCTION HYDRAULICS 2605 ENGLISH DECALS AND MANUALS 2730 30 AMP CONVERTER 2870 NO PAYLOAD SCALE W/ COUNTER 3120 MANUAL AXLE DIFF LOCK 48A1 BRIDGESTONE 26.5R25 VSDT L5 5320 LESS TPMS SYSTEM 5575 NO FRONT FENDERS 5705 LESS AUTOLUBE 5840 NO FORK FRAME 5940 NO TINES 7120 HALOGEN WORK & DRIVE LIGHTS 8130 LESS COUNTERWEIGHT & HITCH 8240 REAR CAMERA ONLY 8298 NO BEACON OR BEACON BRACKET 8350 EXTERIOR MIRRORS-HEAT&POWER 8370 PREMIUM RADIO 8450 CAB WITH AIR A/C CHARGE 8567 FACTORY PIN-ON BUCKET READY 8881 BOLT ON CUTTING EDGE 8953 5.5 CUYD BUCKET W/O PLATES 9020 COLD WEATHER STARTING 9115 CAB FRESH AIR PRECLEANER BYT11345 WASTE HANDLER KIT 744L BYT11348 EXTREME DUTY BOTTOM GUARDS, HYDRAULICALLY OPERATED BYT11353 GRILLE GUARD, REAR 3056 AXLE,STD REAR & HYD FRONT



# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** February 4, 2020  
**PREPARATION DATE:** January 29, 2020  
**SUBMITTING DEPARTMENT:** Police Department  
**DEPARTMENT DIRECTOR:** Chief Jason Ziegler  
**PRESENTER:** Chief Jason Ziegler  
**SUBJECT:** Memorandum of Understanding between the Mandan Police Department and Centre, Inc

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**STATEMENT/PURPOSE:** Consider approval of the Memorandum of Understanding between the Mandan Police Department and Centre, Inc regarding the Prison Rape Elimination's Act (PREA).

**BACKGROUND/ALTERNATIVES:** The Mandan Police Department and Centre, Inc have had a MOU regarding PREA. This new MOU updates the language of the MOU so as to comply with federal law. Federal law now requires a description of the investigating entity's responsibilities in a criminal investigation.

**ATTACHMENTS:** Copy of the MOU

**FISCAL IMPACT:** none

**STAFF IMPACT:** Investigations staff to handle investigations as needed

**LEGAL REVIEW:** Reviewed by the City Attorney

**RECOMMENDATION:** To approve the Memorandum of Understanding between the Mandan Police Department and Centre, Inc regarding the Prison Rape Elimination's Act (PREA).

**SUGGESTED MOTION:** Move to approve the Memorandum of Understanding between the Mandan Police Department and Centre, Inc regarding the Prison Rape Elimination's Act (PREA).

Memorandum of Understanding

Between

Centre, Inc.  
Josh Helmer, Executive Director  
PO Box 1269  
Fargo, ND 58107-1269  
701-365-4162

And

Mandan Police Department  
205 1<sup>st</sup> Avenue NW  
Mandan, ND 58554

This memorandum expresses the responsibilities and obligations of **Centre Inc.** and **Mandan Police Department**.

The obligations of the parties hereto are subject to the terms and conditions as written in this Memorandum of Understanding between Centre Inc. and the Mandan Police Department.

This memorandum is designed to adhere to the Prison Rape Elimination's Act (PREA) Standards 115.222 and 115.271.

**Centre, Inc.** agrees to:

Refer all allegations of sexual abuse or sexual harassment that have the potential for criminal behavior to the Mandan Police Department and or assigned law enforcement agencies who have legal authority to conduct criminal investigation.

Cooperate with the Mandan Police Department and or assigned law enforcement agencies to ensure criminal investigations are completed for all qualifying allegations of sexual abuse and sexual harassment.

Ensure and or request that investigations are prompt, thorough and objective and consider third-party and anonymous reporting.

Act on the guidance of the investigating law enforcement official and prosecutor to determine whether or not conducting compelled interviews would be an obstacle for subsequent criminal prosecution.

Assess the credibility of alleged victims, suspects, and witnesses on an individual basis.

Will not assess the credibility of alleged victims, suspects, and witnesses based on their status as a resident or staff.

Will not require a resident who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

Attempt to determine whether staff actions or failures to act contributed to the abuse.

Complete documented written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings per law enforcement's findings.

Refer substantiated allegations of staff conduct that appears to be criminal to law enforcement for prosecution.

Retain all written reports referenced for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

Will not terminate an investigation based on the departure of the alleged abuser or victim from the employment or control of the facility or agency.

Will Cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

**The Mandan Police Department** agrees to:

Provide necessary law enforcement investigation pertaining to allegations of sexual abuse / harassment / assault occurring at Centre Inc., 100 6<sup>th</sup> Avenue SE, Mandan, ND 58554.

Utilize protocol based on the Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011.

Consider adding or maintain a policy governing the conduct of performing criminal investigations of sexual abuse or sexual harassment in community confinement facilities.

Cooperate with Centre Inc. to ensure criminal investigations are completed for all qualifying allegations of sexual abuse and sexual harassment.

Ensure that investigations are prompt, thorough and objective and consider third-party and anonymous reporting.

Act on the guidance of the criminal prosecutor to determine whether or not conducting compelled interviews would be an obstacle for subsequent criminal prosecution.

Assess the credibility of alleged victims, suspects, and witnesses on an individual basis.

Will not assess the credibility of alleged victims, suspects, and witnesses based on their status as a resident or staff.

Will not require a resident who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

Complete documented written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

Will not terminate an investigation based on the departure of the alleged abuser or victim from the employment or control of the facility or agency.

Use investigators who have received special training in sexual abuse investigations pursuant to § 115.234 which includes, "Specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral."

Will provide such training to its agents and investigators who conduct investigations of sexual abuse in confinement settings.

Will maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.

Will gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.

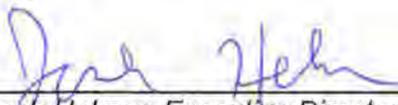
Document criminal investigations in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.

Will keep Centre Inc. informed about the progress of the investigation and will provide final report when or if allowable by law.

**TERMINATION OF MOU:** Termination without cause. This MOU may be terminated by mutual consent of both parties, or by either party upon written notice.

In witness whereof, the parties hereto have caused this agreement to be duly executed as dated and signed below.

**Centre, Inc.**

By:   
Josh Helmer, Executive Director

1-29-20  
Date

**Mandan Police Department**

By: \_\_\_\_\_  
Jason Ziegler, Chief of Police

\_\_\_\_\_  
Date



# LOCAL PERMIT OR CHARITY LOCAL PERMIT

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL

LICENSING SECTION

SFN 17926 (10/2012)

Type:  Local Permit    \*  Charity Local Permit

Permit Number

2020-012

Name of Organization Laurie Bender Benefit		Date(s) Authorized (Read instruction 2)		
Contact Person Cindy Bender	Business Phone Number (701) 498-0126	3/14/2020 Beginning	to	3/14/2020 Ending
Mailing Address 1825 Burnt Boat Dr #206	City Bismarck	State ND	Zip Code 58503-0000	
Site Name Mandan Eagles	Site Address 1400 Collins Ave			
City Mandan	State ND	ZIP Code 58554-0000	County Morton County	
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.				
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels*				
Restriction:				
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor <u>and</u> Office of Attorney General within 30 days of the event.				
Date 1/30/2020	Signature of: <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor	Printed Name of City or County Auditor Lori Flaten		Auditor Telephone Number (701) 667-3455

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

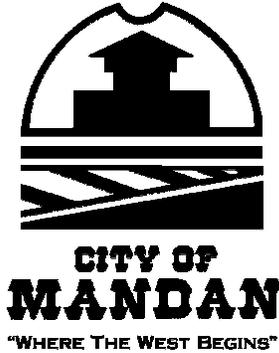
For a raffle or calendar raffle, read "Information Required to be Preprinted on a Standard Raffle Ticket" below.

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cut along this line

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

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





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** February 4, 2020  
**PREPARATION DATE:** January 31, 2020  
**SUBMITTING DEPARTMENT:** Planning and Engineering  
**DEPARTMENT DIRECTOR:** Justin Froseth, P.E.  
**PRESENTER:** Justin Froseth, P.E., Planning and Engineering Director  
**SUBJECT:** SID Bid Opening Deadline

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**STATEMENT/PURPOSE:** To consider the approval of administering a June 30<sup>th</sup> bid opening deadline for 2020 Street Improvement Districts (SIDs) that request funding by special assessment method.

**BACKGROUND/ALTERNATIVES:** For the past few construction seasons, the SID projects have largely been substantially completed by the end of construction season. For those past few construction seasons, City Commission adopted a policy recommended by our office to set a deadline for bid opening of SID projects by special assessment method. We have recommended this deadline to; 1) allow the contractors more time to complete during the construction season and reduce the chances of project completions being rushed at the end of the year or carrying over to the following year and 2) encourage better bid prices since generally the sooner the better for opening bids so that the contractor is not putting a premium on their bid for having a condensed amount of time to complete.

In considering the success of administering such a bid opening deadline in completing projects the past few years, the engineering office recommends setting a bid opening deadline again in 2020 for Street Improvement District projects that request funding by special assessment method. Consistent with last year, we would recommend requiring the bid opening to be held a week before our first July City Commission meeting so that bid results can be considered at that first July meeting.

The June 30<sup>th</sup> date would require that the plans and specs be approved at or before the June 2<sup>nd</sup>, 2020 City Commission meeting. As always, developers would still have the option to build their streets outside of a lot assessed SID, through a 3-way agreement, if they so choose and would not be bound by this deadline.

ATTACHMENTS:

FISCAL IMPACT: Minimal

STAFF IMPACT: Minimal

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

RECOMMENDATION: Staff recommends approving the Street Improvement District bid opening deadline.

SUGGESTED MOTION: I move to approve of administering a bid opening deadline of June 30<sup>th</sup>, 2020 for special assessed Street Improvement District projects for new developments to be completed in 2020.



# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** February 4, 2020  
**PREPARATION DATE:** January 31, 2020  
**SUBMITTING DEPARTMENT:** Police  
**DEPARTMENT DIRECTOR:** Chief Jason Ziegler  
**PRESENTER:** Chief Jason Ziegler  
**SUBJECT:** FY2020 COPS Hiring Program

**STATEMENT/PURPOSE:** Consider approval to allow the Police Department to apply for a FY2020 COPS Hiring program grant for 2 police officers.

**BACKGROUND/ALTERNATIVES:** The COPS Hiring Program grants have recently become available again. The Police Department has applied for and received these grants in the past. CHP awards provide up to 75 percent funding of the approved entry level salaries and fringe benefit of each newly hired and/or rehired full-time sworn career law enforcement officer over the three-year (36-month) award period with a minimum 25 percent local cash match requirement and a maximum federal share of \$125,000 per officer position. All award recipients must retain any CHP-funded officer positions for at least 12 months immediately after the 36 months of federal funding has ended for each position. The Police Department would like to apply for funding for 2 officers to be assigned to the Patrol Division. At this time the Police Department is only asking to be allowed to put in a grant application for 2 officers. Additional info as to total cost to the City is being compiled.

**ATTACHMENTS:** Grant application guide

**FISCAL IMPACT:** This request is only for permission to apply for the grant. Fiscal impact information is being compiled.

**STAFF IMPACT:** minimal

**LEGAL REVIEW:** N/A

**RECOMMENDATION:** To approve allowing the Police Department to apply for a FY2020 COPS Hiring Program grant.

Board of City Commissioners  
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Meeting Date: February 4, 2020  
Subject: FY2020 COPS Hiring Program grant  
Page 2 of 2

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SUGGESTED MOTION: Move to approve allowing the Police Department to apply for a FY2020 COPS Hiring Program grant.



## USER GUIDE

### **DEADLINE**

**MARCH 11, 2020**

**7:59 p.m. EDT**

# Submitting an Application under the FY 2020 COPS Hiring Program (CHP)

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This user guide is a summary of the CHP application guide. For all details and requirements on submitting a CHP application, please refer to the CHP application guide.

# User Guide for Submitting an Application under the FY 2020 COPS Hiring Program (CHP)

This user guide is a summary of the CHP Application Guide. For all details and requirements on submitting a CHP application, please refer to the CHP Application Guide.

CFDA 16.710 Funding Opportunity Number: COPS-HIRING-PROGRAM-APPLICATION-2020

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**WHEN:** Deadline for grant application is March 11, 2020 at 7:59 p.m. EDT.

**Start EARLY.** This is more than a one-day process.

**WHERE:** 1. Register at [www.grants.gov](http://www.grants.gov).  
2. Complete the application at [www.cops.usdoj.gov](http://www.cops.usdoj.gov). Click the "Account Access" tab.

**HOW:** Online only. No hard copies sent by U.S. Mail or electronic copies sent via email.

**NOTE:**  
**The COPS Office strongly recommends applicants use Internet Explorer® 11 or a later version.**



## Deadline/application period

The application period for the 2020 COPS Hiring Program (CHP) begins **January 9, 2020**. All applications must be submitted by **March 11, 2020, at 7:59 p.m. EDT**.

Applications submitted after March 11, 2020 will not be considered for funding.

## Eligibility

The FY 2020 CHP program is an open solicitation. All state, local, and tribal law enforcement agencies that have primary law enforcement authority are eligible to apply.

All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law.

## Contact information

► **For technical assistance with submitting the Application for Federal Assistance SF-424**, please call the Grants.gov customer service hotline at 800-518-4726, send questions via email to [support@Grants.gov](mailto:support@Grants.gov), or consult the Grants.gov Organization Applicant User Guide at <http://www.grants.gov/help/html/help/index.htm>. The Grants.gov Support Hotline operates 24 hours a day, 7 days a week, except on federal holidays.

► **For programmatic assistance with the requirements of this program or with submitting the application through the COPS Office Online Application System**, please call the COPS Office Response Center at 800-421-6770 or send questions via email to [AskCopsRC@usdoj.gov](mailto:AskCopsRC@usdoj.gov). The COPS Office Response Center operates Monday through Friday, 9:00 a.m. to 5:00 p.m. EDT, except on federal holidays.

► **To obtain or verify your DUNS number**, please visit [fedgov.dnb.com/webform](http://fedgov.dnb.com/webform) or call 866-705-5711.

► **To register in the SAM database or confirm your SAM number**, please visit [www.sam.gov](http://www.sam.gov) or call 866-606-8220.

## COPS Hiring Program (CHP) (CFDA 16.710) Overview and Goals

CHP is designed to increase the capacity of law enforcement agencies to implement community policing strategies that strengthen partnerships for safer communities and enhance law enforcement's capacity to prevent, solve, and control crime through funding for additional officers.

**Note:** A "career law enforcement officer" is a person hired on a permanent basis who is authorized by law or by a state, local, or tribal agency to engage in or oversee the prevention, detection, or investigation of violations of criminal laws. An agency seeking to rehire officers scheduled to be laid off on a specific future date with CHP funds must continue to fund them with local funds through the award date until the date of the scheduled layoff.

2020 CHP awards will cover up to 75 percent of the approved entry-level salary and fringe benefits of each newly hired or rehired full-time sworn career law enforcement officer over the three-year (36-month) award period, with a minimum 25 percent local cash match requirement and maximum federal share of \$125,000 per officer position.

Funding under this program may be used to do the following:

- Hire new officers
- Rehire officers (laid off as a result of budget reductions)
- Rehire officers (at the time of application, currently scheduled to be laid off as a result of budget reductions)

*For more information, please refer to the CHP Application Guide, pages 7–8.*

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### ► Length of award term

CHP awards provide funding for three years (36 months) for each position awarded. No-cost extensions of time (not additional funding) may be provided on a case-by-case basis.

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### ► Maximum federal share/ local share requirements

CHP awards provide up to 75 percent funding of the approved entry level salaries and fringe benefit of each newly hired and/or rehired full-time sworn career law enforcement officer over the three-year (36-month) award period with a minimum 25 percent local cash match requirement and a maximum federal share of \$125,000 per officer position

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### ► Retention requirement

All award recipients must retain any CHP-funded officer positions for at least 12 months immediately after the 36 months of federal funding has ended for each position.

# Federal Funding

## Allowable Costs

The only allowable costs under CHP are the approved full-time, entry-level salaries and fringe benefits of newly hired or rehired sworn career law enforcement officers hired or rehired on or after the award start date.

## Unallowable Costs

All items other than entry level personnel costs (salaries and fringe benefits) as described in the preceding section are considered unallowable under CHP. Therefore, requests for equipment, training, uniforms, vehicles, and indirect costs are not permitted under CHP. In addition, the following personnel costs are unallowable:

- Salaries and fringe benefits of existing locally-funded officers, unless those officers are currently scheduled to be laid off on a specific future date
- Salaries and fringe benefits over and above an agency's entry-level salary and fringe benefits for officers
- Salaries and fringe benefits for civilian or non-sworn personnel
- Salaries and fringe benefits for part-time officer positions
- Salaries and fringe benefits for furloughed officers
- Overtime costs

This is not an inclusive list, and items not listed here will be reviewed on a case-by-case basis. The COPS Office reserves the right to deny funding for items that may not be included on this list.

# COPS Office Application

## Pre-Application

### Step 1. Obtain or confirm a DUNS number/Confirm DUNS number

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Obtain your Data Universal Numeric System (DUNS) number first; you cannot complete any of the steps below without it.

► **It can take up to 2 business days to obtain the DUNS number.**

Call Dun and Bradstreet at 866-705-5711 to obtain a DUNS number or apply at [www.dnb.com](http://www.dnb.com).

For further guidance, refer to the CHP Application Guide starting on page 16.

### Step 2. Register with SAM database/Confirm SAM number

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System of Award Management (SAM) registration and renewal can take as long as 10 business days to complete.

► **If you do not have an Employer Identification Number (EIN), the process can take up to 5 weeks.**

SAM registration procedures can be accessed at [www.sam.gov](http://www.sam.gov).

The person registering with SAM will be the designated E-Business Point of Contact, who can assign the people who will submit applications for the organization (your Authorized Organization Representatives). **You must have a DUNS number to submit a SAM registration. In addition, you must renew your SAM registration once a year.**

For further guidance, refer to the CHP Application Guide starting on page 18.

### Step 3. Obtain an ORI number

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If you do not currently have an Originating Agency Identification (ORI) number (state abbreviation followed by 5 digits/characters), submit a request for one at <https://portal.cops.usdoj.gov/ORIRequest.aspx> or through the COPS Office Response Center at [AskCopsRC@usdoj.gov](mailto:AskCopsRC@usdoj.gov) or 800-421-6770.

Requests for an ORI number are processed within 2–3 business days.

For further guidance, refer to the CHP Application Guide starting on pages 32 and 38.

### Step 4. Register with Grants.gov/Confirm registration

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► **It can take anywhere from a few days to 2 weeks for your registration to become active and for you to be able to submit an application.**

To register, begin the process at <https://apply07.grants.gov/apply/register.faces>.

For further guidance, refer to the CHP Application Guide starting on page 13.

## **Step 5. Obtain/Confirm Authorized Organization Representative (AOR) Role for rights to submit an application (SF-424)**

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To learn about the process, visit <https://www.grants.gov/web/grants/applicants/registration/authorize-roles.html> or contact the Grants.gov help desk for additional information at 800-518-4726.

*For further guidance, refer to the CHP Application Guide starting on page 13.*

## **Step 6. Register or update your organization's current contact and user information in the COPS Office Agency Portal**

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- Law Enforcement Executive (LE) or Program Official (PO) for Non-Law Enforcement Agencies
- Government Executive (GE) or Government Official (GO) for Non-Law Enforcement Agencies

*For further guidance, refer to the CHP Application Guide starting on page 14 or the Agency Portal Grants Management User Manual for instructions.*

## **Step 7. Set up e-Signatures via COPS Office Agency Portal**

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- Law Enforcement Executive (LE) or Program Official (PO) for Non-Law Enforcement Agencies
- Government Executive (GE) or Government Official (GO) for Non-Law Enforcement Agencies

Add additional user accounts for individual(s) authorized to complete application in the Agency Portal.

*For further guidance, refer to the CHP Application Guide starting on page 15 or the Agency Portal Grants Management User Manual for instructions.*

## **Step 8. Complete the Standard Form (SF) 424 via Grants.gov**

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Complete application package on Grants.gov for funding number: **COPS-CHP-Application-2020**.

*For further guidance, refer to the CHP Application Guide starting on page 13.*

## **Step 9. Complete the COPS Office Application Attachment to SF-424**

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Upon receipt of an email from the COPS Office confirming successful submission of the SF-424 on Grants.gov, complete sections 1–17 below and submit the second part of the application on the COPS Office Online Application System.

*For further guidance, refer to the CHP Application Guide starting on page 33.*

# COPS Office Online Application System

## Section 1. COPS Office program request

**Please ensure that the correct program box is checked.** If you plan to apply for other COPS Office programs, a separate application must be completed for each COPS Office program for which you are applying.

*For further guidance, refer to the CHP Application Guide starting on page 38.*

## Section 2. Agency eligibility information

For this section, check the appropriate box, and choose the appropriate entity from the drop-down menu. In section 2A, you will be asked several questions about your law enforcement agency operations and authority to determine your eligibility to apply for a COPS Hiring Program (CHP) award.

*For further guidance, refer to the CHP Application Guide starting on page 38.*

## Section 3. General agency information

Please provide accurate agency information, as this information is used to identify your agency and may be used along with other data collected to determine funding eligibility.

- Applicant ORI number
- U.S. Department of Justice and other federal funding
- Applicant Data Universal Numeric System (DUNS) number
- System for Award Management (SAM) registration date
- DUNS registered name
- Cognizant federal agency
- Fiscal year
- Law enforcement agency sworn force information
- Civilian staffing
- U.S. Attorney's Office district

*For explanation of each of these terms, see pages 38–39 of the CHP Application Guide.*

## Section 4. Executive information

Please ensure that information listed is current. If these officials are “Interim” or “Acting” at the time of application, check the appropriate box. Please note that this information will be used for any future correspondence regarding this award application, and ultimately, if funding is awarded, this information will be used for any award notifications.

### a. For law enforcement agencies

This is the highest ranking law enforcement official within your jurisdiction (e.g., chief, commissioner, superintendent, or equivalent). This section will be prepopulated from the information listed in your COPS Office Agency Portal account. If this information is no longer correct, please log in to your COPS Office Agency Portal account and make the necessary corrections before proceeding with this application.

### b. For government agencies

This is the highest ranking government official within your jurisdiction (e.g., governor, attorney general, or equivalent). This section will be prepopulated from the information listed in your COPS Office Agency Portal account. If this information is no longer correct, please log in to your COPS Office Agency Portal account and make the necessary corrections before proceeding with this application.

Application contact information: Enter the name and contact information for the person completing this application.

For detailed definitions on agency executive, applicant executive, and applicant contact information please see section 4 of the Application Guide on page 39.

Also note that for this section, we ask that you please log onto the COPS Office Agency Portal to update the agency providing law enforcement services as your Law Enforcement Executive/Agency Executive Information. This information will be prepopulated into section 4 from the COPS Office Agency Portal.

*For further guidance, refer to the CHP Application Guide starting on page 40.*

## Section 5. COPS Office officer hiring request form

2020 CHP award funds cover up to 75 percent of the approved entry level salary and fringe benefits of each newly hired or rehired full-time sworn career law enforcement officer for the three-year (36-month) award period with a minimum 25 percent local cash match requirement up to a maximum federal share of \$125,000 per officer position.

All agencies may request the number of officer positions necessary to support their proposed community policing strategy.

When completing the questions about the number of CHP sworn officer positions your agency is requesting, please base your responses on your agency’s current (at the time of application) needs for funding in the three hiring categories (new hires, rehiring of previously laid-off officers, and rehiring officers who are scheduled to be laid off on a specific future date).

*For further guidance, refer to the CHP Application Guide starting on page 40.*

## **Section 6. Law enforcement and community policing strategy**

In section 6B, the COPS Office requires all CHP applicants to describe how hiring additional officers will assist the applicant in implementing and/or enhancing community policing strategies. Please complete the questions in this section to describe the types of community policing activities that will continue or result from COPS Office funding.

One of the criteria in receiving a CHP award is a minimum community policing score based on responses to this section; agencies that do not meet a minimum community policing score will not be considered for funding.

### **6B section I. Current organization commitment to community policing**

Section I includes five questions about the applicant's current policies and practices as they relate to the three primary elements of community policing.

For more information about 6B section 1, please see page 43 in the CHP Application Guide.

### **6B Section II (A). Proposed community policing strategy—problem solving and partnerships**

Section II(A) includes six questions about the applicant's proposed implementation of problem solving and partnerships strategies.

### **6B section II (B). Proposed community policing strategy—organizational transformation**

Section II(B) includes two questions about the applicant's proposed implementation of organizational transformation strategies.

### **6B section III. General community support and engagement**

Section III aims to identify the partners your agency consulted with to develop your community policing strategy and to what extent your efforts will complement other initiatives in your jurisdiction.

*For further guidance, refer to the CHP Application Guide starting on page 43.*

## **Section 7. Need for federal assistance**

### **Section 7A. Explanation of need for federal assistance**

All applicants are required to explain their inability to address the need for this award without federal assistance.

### **Section 7B. Service population**

Please note that the actual population and service population may or may not be the same. To the extent possible, all data should come from a publicly verifiable source. Supporting source documentation may be requested by the COPS Office.

Please note: All figures must be rounded to the nearest whole dollar or to the nearest whole percent.

### **Section 7C. Fiscal health**

Section 7C includes six questions pertaining to the applicant organization's fiscal health.

## **Section 7D. Property/Violent crime**

Please select at least one statement below and fill in the corresponding chart.

- My agency can report crime data for all 3 years (please input in table below).
- My agency cannot report crime data for 2017–2019.

Using Uniform Crime Reporting (UCR) crime definitions, enter the actual number of incidents reported by your agency in calendar years 2017, 2018, and 2019. Only those incidents for which your agency had primary response authority should be provided.

*Please see Section 7D. Property/ Violent Crime in the (CHP) Application Guide on page 49.*

If your agency is a National Incident-Based Reporting System (NIBRS) reporting agency, please ensure that your data is reported in UCR Summary Data style.

*For further guidance, refer to the CHP Application Guide starting on page 47.*

## **Section 8. Continuation of project after federal funding ends**

### **Section 8A. For COPS Office awards with a retention plan requirement**

Agencies applying for CHP funding are committing to retain each officer position awarded for at least 12 months following the conclusion of 36 months of federal funding for that position.

Please complete section 8A to indicate any plans you may have to continue this program, project, or activity after the conclusion of federal support.

### **Section 8B. For COPS Office awards with no retention plan requirement—Not applicable under CHP**

*For further guidance, refer to the CHP Application Guide starting on page 50.*

## **Section 9. School safety assessment—Not applicable under the CHP program**

## **Section 10. Executive summary—Not applicable under the CHP program**

## **Section 11. Project description (narrative)—Not applicable under the CHP program**

## **Section 12. Official partner(s) contact information**

The COPS Office asks that all applicants who choose “School Based Policing through School Resource Officers” as their focus area under CHP to provide contact information for each school partner (if known at time of application) where they intend to deploy the SROs.

*For further guidance, refer to the CHP Application Guide starting on page 51.*

## Section 13. Application attachments

This section should be used to submit any mandatory and/or optional application attachments that may be applicable to your agency. CHP applicants should attach the following documents in this section:

- Additional Disclosure of Lobbying Activities forms (SF-LLL) (if applicable)
- An explanation when the applicant is unable to certify to certain statements in “Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements form
- SRO Memorandum of Understanding (MOU)
- Catastrophic incident (if applicable)

Please use appropriately descriptive file names (e.g., Program Narrative, Budget Detail Worksheet and Budget Narrative, Timelines, Memoranda of Understanding, Resumes) for all attachments. Please do not submit executable file types as application attachments. These disallowed file types include but are not limited to the following extensions: .com, .bat, .exe, .vbs, .cfg, .dat, .db, .dbf, .dll, .ini, .log, .ora, .sys, and .zip. The system may reject applications with files that use these extensions.

*For further guidance, refer to the CHP Application Guide starting on page 51.*

## Section 14. Budget detail worksheets

Budget detail worksheets are designed to allow all COPS Office award applicants to use the same budget forms to request funding. Please complete each section of the budget detail worksheets as applicable.

All final calculations will be rounded to the nearest whole dollar. Once the budget for your proposal has been completed, a budget summary page will reflect the total amounts requested in each category and the total project costs.

### Budget worksheet part 1. Full-time sworn officer information

#### Section A

Enter the annual first-year entry-level base salary (referred to as annual base salary or “ABS”) of a full-time sworn officer position in your department. The ABS cannot be higher than what your agency currently pays for this position. Your agency should only provide the ABS for one position in this section; the total number of positions being requested has already been indicated in section 5 of the application.

#### Section B

Social Security cannot exceed 6.2 percent of the ABS. If you enter zero, check the “Exempt” box. Agencies that pay a fixed rate less than 6.2 percent should check the “Fixed Rate” box.

Medicare cannot exceed 1.45 percent of the ABS.

For health insurance, life insurance, vacation, sick leave, retirement, worker’s compensation, and unemployment insurance, your agency should indicate the dollar amount and percentage of the ABS that you pay for fringe benefits in the first year for a full-time entry level sworn officer position. Please use the health insurance rate for a “family plan” for all sworn officer positions. For worker’s compensation and unemployment insurance, agencies may indicate that they are exempt by checking the appropriate box.

There are several other fringe categories that are allowable under this award program, and they are listed in the drop-down menu. Your agency can pick as many of the categories as are applicable to your agency and fill in the dollar amount and percentage of the ABS for each one.

## Section C

The budget worksheet will automatically calculate the total year 1 salary and fringe benefits for one entry level full-time sworn officer position for your agency in section C.

For year 2 and year 3, agencies are required to provide projections for the salary and fringe benefits for an entry level full-time officer position. Agencies are also required to maintain records documenting how they calculated their projections. There are many ways that an agency may calculate and document the salary and fringe benefits projections. For example, the figures can be based on a contractual agreement that guarantees cost of living or other increases; budget projections that the agency is using to calculate other salaries and fringe benefits for future years; or the average percentage increase in salaries and benefits that the agency experienced over the last five years. The important thing is that your agency estimate the costs to the best of its ability and keep the supporting documentation in your agency's award file in case of future audit or monitoring of your CHP award.

Based on the figures for year 1, 2, and 3, the budget worksheet will automatically calculate the total three-year salary and fringe benefits. In addition, the budget worksheet will automatically calculate total project costs based on the number of officer positions your agency requested in section 5 of the application.

Please note that the COPS Office uses the information provided in the budget worksheet to determine the amount of your CHP award, if awarded, so your agency must ensure that the figures are accurate.

### **Budget worksheet part 2. Sworn officer salary information**

All agencies that have an estimated increase in salaries and fringe benefits over the life of the award are required to provide a reason(s) why. Agencies should check all the boxes that apply. In the sample, the agency checked that the increases were due to cost of living adjustments and step raises.

### **Budget worksheet part 3. Federal/Local share costs**

The first chart in part 3 will indicate the total salary and benefits for the three-year award period and the required local share. The minimum local match requirement is 25 percent of the total project cost, and the cap on the amount of funding that can be requested per officer position is \$125,000 over three years (36 months). Any additional cost above the local match and officer funding cap will be the responsibility of the recipient agency. Recipients are also required to pay a progressively larger share of the cost of the award with local funds over the award period. The second chart is a projection of the planned federal and local shares of the total project costs over the three-year period of the award; while your agency may deviate from these specific projections during the award period, it must still ensure that the federal share decreases and the local share increases.

### **Budget summary**

The budget summary will automatically calculate total project costs based on the figures provided in the budget worksheet and the number of officer positions requested in the application. It will also calculate the amount of the local match requirement.

### **Waiver of the local match**

The COPS Office may approve a waiver of some or all of a recipient's local match requirement. During the application review process, your agency's waiver request will be evaluated based on the availability of funding, a demonstration of severe fiscal distress as supported by the fiscal health data provided in section 7 of this application, and comparison of your fiscal health data with that of the overall CHP applicant pool. If your agency wishes to be considered for a waiver, you must respond to question 1 of this section. Question 1a will ask you to indicate the maximum local share (dollar amount) your agency would be able to

contribute to the total project cost in order to implement the award. Therefore, you should carefully determine the maximum local share your agency would be able to contribute if awarded. Please indicate whether we should continue to consider your application if the waiver request is not granted or whether it should be removed from consideration once that determination is made. If your application is funded but for a reduced number of officer positions, the percentage of local share provided above will be applied to the total project cost of the awarded officers.

**To assist you, sample budget detail worksheets are included in the CHP Application Guide as figures 3–7 beginning on page 57.**

**If you need assistance in completing the budget detail worksheets, please call the COPS Office Response Center at 800-421-6770.**

**To assist you with all Legal Sections and Certifications in this application see pages 59–60 of the CHP Application Guide.**

*For further guidance, refer to the CHP Application Guide starting on page 52.*

## **Section 15. Assurances and Certifications**

Your law enforcement executive/agency executive and government executive/financial official are required to sign the forms in Section 15A U.S. Department of Justice Certified Standard Assurances and Section 15B U.S. Department of Justice Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements. Signing these documents assures the COPS Office that you have read, understood, and accept the award terms and conditions as outlined in the Assurances and Certifications.

*For further guidance, refer to the CHP Application Guide starting on page 59.*

## **Section 16A. Disclosure of lobbying activities**

This disclosure form shall be completed by the reporting entity, whether subrecipient or prime federal recipient, at the initiation or receipt of a covered federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. § 1352. If this applies to your agency, you are required to complete the disclosure form. If you need to submit additional forms, please submit them as attachments to your application online in section 13, Application attachments.

*For further guidance, refer to the CHP Application Guide starting on page 60.*

## **Section 16B.—Not applicable**

## **Section 16C. Certification of 287(g) Partnership and Certification of Illegal Immigration Cooperation**

Priority consideration may be given to state or local applicants that cooperate with federal law enforcement to address illegal immigration.

*For further guidance, refer to the CHP Application Guide starting on page 63.*

## **Section 17. Reviews and Certifications**

The law enforcement executive/agency executive, government executive/financial official, and the person submitting this application must sign this section which in part represents to the COPS Office they have the authority to submit the application, the information in the application is true and accurate and the applicant will comply with all relevant legal, administrative and programmatic requirements if awarded funding.

For a complete listing of the reviews and certifications applicants are required to sign please review Section 17 of the CHP Application Guide.

*For further guidance, refer to the CHP Application Guide starting on page 63.*

## **Section 18. Application Data Verification – not applicable at time of application**

After submission of this application, the COPS Office may require your department to verify data provided in the application. This section is to be completed once the data has been reviewed, confirmed, and/or updated. Failure to respond to the request may eliminate the application from funding consideration.

*For further guidance, refer to the CHP Application Guide starting on page 65.*

# COPS Office Application Guide and Additional Assistance

The CHP Application Guide is designed to assist applicants in applying for CHP grants. The guide includes general information on the administrative and legal requirements governing CHP grants as well as detailed program-specific information. Guidance for CHP is contained in the Application Guide, which can be found at <https://cops.usdoj.gov/chp>, and its appendices, which begin on page 65.

- **Appendix A.** A Helpful Online Resources
- **Appendix B.** U.S. Department of Justice Certified Standard Assurances
- **Appendix C.** U.S. Department of Justice Certifications regarding Lobbying; Debarment, Suspension, and other responsibility matters and Drug-Free workplace requirements
- **Appendix D.** Blank SF-LLL, Disclosure of Lobbying Activities
- **Appendix E.** Award Condition for Citizenship and Immigration Status
- **Appendix F.** Certification of Illegal Immigration Cooperation

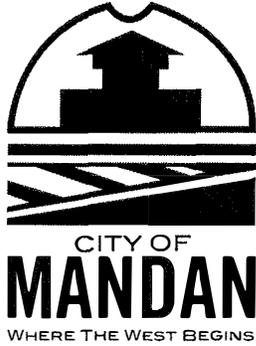
- **Appendix G.** 2 C.F.R. Part 200, Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts
- **Appendix H.** C.F.R. Part 200, Appendix XII to Part 200—Award Term and Condition for Recipient Integrity and Performance
- **Appendix I.** 41 U.S.C. 4712 – Enhancement of contractor protection from reprisal for disclosure of certain information
- **Appendix J.** Intergovernmental Review Process, Points of Contact by State
- **Appendix K.** Federal Funding Accountability and Transparency Act (FFATA)—Reporting Subaward and Executive Compensation Award Term
- **Appendix L.** System for Award Management (SAM) and Universal Identifier Award Term
- **Appendix M.** Step-by-step instructions for two-part application submission process



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## RESOURCES AND ASSISTANCE

- **All CHP materials and resources can be found at <https://cops.usdoj.gov/chp>.**
- **For additional assistance, please contact the COPS Office Response Center at [AskCopsRC@usdoj.gov](mailto:AskCopsRC@usdoj.gov) or 800-421-6770.**



# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** February 4, 2020  
**PREPARATION DATE:** February 3, 2020  
**SUBMITTING DEPARTMENT:** Legal Department  
**DEPARTMENT DIRECTOR:** Malcolm H. Brown  
**PRESENTER:** Malcolm H. Brown  
**SUBJECT:** Purchase Agreement with Alvin Schaff for 8<sup>th</sup> Avenue NW Sanitary Sewer Lift Station

STATEMENT/PURPOSE: To consider entering into a purchase agreement for a .06 acre tract of land for the 8<sup>th</sup> Avenue NW sanitary sewer lift station.

BACKGROUND/ALTERNATIVES: As part of the maintenance of the sanitary sewer system the City needs ownership of a tract of land to install and maintain the sanitary sewer lift station along 8<sup>th</sup> Avenue NW.

ATTACHMENTS: Purchase Agreement signed by Alvin Schaff.

FISCAL IMPACT: \$35,000 from the Sanitary Sewer Fund, as well as an estimated \$3,500 for engineering and survey work.

STAFF IMPACT: Legal and engineering will complete this matter.

LEGAL REVIEW: Prepared by Attorney Malcolm H. Brown.

RECOMMENDATION: To enter into a purchase agreement with Alvin Schaff for the purpose of Lot 1 of Lot J of the SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of Section 15, Township 139 North, Range 81 West, Morton County, ND.

SUGGESTED MOTION: I move to enter into a purchase agreement with Alvin Schaff for Lot 1 of Lot J of the SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of Section 15, Township 139 North, Range 81 West, Morton County, ND.

## PURCHASE AGREEMENT

**THIS AGREEMENT** is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2020, between Alvin Schaff of 1125 Huff Avenue, Huff, ND 58554, whether one or more, "SELLER," and the City of Mandan, a municipal corporation, of 205 Second Avenue NW, Mandan, ND 58554, whether one or more, "BUYER," under which Seller agrees to sell and Buyer agrees to purchase, upon the terms and conditions hereinafter set forth the following described real property located in the County of Morton, State of North Dakota:

Lot 1 of Lot J of the SW¼SW¼ of Section 15, Township 139 North, Range 81 West

(the "Property").

The terms and conditions of such sale and purchase are as follows:

1. **PURCHASE PRICE:** The purchase price shall be \$35,000.00, payable in cash, subject to adjustments herein set forth, at closing. Payment shall be in certified funds or by wire transfer.

2. **AS IS:** Buyer has made or will make an inspection of the Property and is relying on its own inspection and judgment as to the condition of the premises and not on any representations of Seller. This sale is made "as is" and without any warranties of any kind, except those set out in this Agreement, and without any implied warranties whatsoever, including those of fitness or merchantability. Furthermore, Seller has not made any representations as to the presence of hazardous substances located on the Property, and Buyer agrees to rely solely upon Buyer's own examination and testing (which is to be done, if at all, at Buyer's expense) in regard to the possible existence of hazardous substances upon the Property. Hazardous substances is intended to include, but not be limited to, the following: asbestos, urea formaldehyde, polychlorinated biphenyls, nuclear fuel or materials, chemical waste, radioactive materials, explosives, known carcinogens, petroleum products or other dangerous, toxic or hazardous pollutant, contaminant, chemical material or substances defined as hazardous pollutant, contaminant, chemical material or substances defined as hazardous or as a pollutant or contaminant in, or the release of disposal of which is regulated by any law or regulation. The provisions of this paragraph shall survive the closing of this Purchase Agreement regardless of whether it appears in any further documentation implementing the closing of this Purchase Agreement. Should Buyer in its inspection of the premises, discover unacceptable environmental conditions/hazardous substances, or unacceptable soil conditions which would prevent utilization of the property as planned, then Buyer, at its option, may cancel this Agreement prior to closing and demand the return of all monies paid to Seller by Buyer.

3. **EARNEST MONEY:** Buyer has paid \$1,000.00 as earnest money to be credited on the purchase price to be held by the Crowley Fleck PLLP Trust Account. Buyer agrees to perform the other terms and conditions of this contract to be kept and performed by Buyer upon the delivery of the warranty deed by Seller, conveying the Property to Buyer.

4. **DEFAULT:** Should Buyer default in completing the terms and conditions of this Purchase Agreement, the earnest money hereunder paid by Buyer shall be forfeited as liquidated damages. Should Seller default in completing the terms and conditions of this Purchase Agreement, Buyer, at its option, may demand specific performance under the contract or may demand the return of all monies paid by Buyer to Seller. In establishing the amount of earnest money paid hereunder and in designating such as liquidated damages, the undersigned Seller and Buyer specifically acknowledge that actual damages resulting from Buyer's breach are impractical or extremely difficult to ascertain. Seller and Buyer have made a reasonable endeavor to fix a fair and reasonable compensation for Buyer's breach and that the amount thus established is acknowledged by both Seller and Buyer to bear a reasonable relation to probable damages and is not disproportionate to any damages that could reasonably be anticipated.

5. **TAXES AND SPECIAL ASSESSMENTS:** Taxes and installments of special assessments for 2019 and all prior years shall have been paid by date of closing. Taxes and installments of special assessments for 2020 and subsequent years shall be the responsibility of the Buyer. Buyer shall be obligated for the balance of unpaid special assessments on the Property.

6. **CLOSING AND POSSESSION:** Closing and possession of the Property shall occur on or before April 1, 2020, subject to any extension of time herein granted in the event that title to the Property should be found unmarketable and subject to change by mutual agreement of Seller and Buyer.

7. **CLOSING COSTS:** Buyer shall be responsible for all closing costs including:

- (a) title memo and title examination fees,
- (b) preparation of warranty deed, and
- (c) preparation and recording of releases, satisfactions and corrective documents, including plats, replats and costs of engineering and surveying.

8. **CUSTODY OF EARNEST MONEY:** The earnest money paid hereunder shall be held by Crowley Fleck PLLP Trust Account.

9. **SURVEY:** The parties acknowledge that a plat of the Property was made and filed with the Morton County Recorder on June 11, 1997 as Document No. 344873. The parties acknowledge that this plat will be vacated by Seller and a new plat of the Property will be created at Buyer's expense. Seller to cooperate in said vacation and replat.

10. **BINDING EFFECT:** This Purchase Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective personal representatives, successors and assigns.

11. **GOVERNING LAW:** This Purchase Agreement shall be governed by the laws of the State of North Dakota.

12. **COUNTERPARTS:** This Purchase Agreement shall be executed in counterparts (duplicate originals) with both Seller and Buyer having a fully executed counterpart.

13. **TIME:** Time is of the essence of each provision of this entire contract and of all the conditions thereof.

**IN TESTIMONY WHEREOF,** Seller and Buyer have hereunto set their hands the day and year first above written.

“SELLER”

  
Alvin Schaff

“BUYER”

THE CITY OF MANDAN, a municipal corporation

By: \_\_\_\_\_  
Name \_\_\_\_\_  
Its \_\_\_\_\_



New Business No. 1

## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** February 4, 2020  
**PREPARATION DATE:** January 30, 2020  
**SUBMITTING DEPARTMENT:** Planning and Engineering  
**DEPARTMENT DIRECTOR:** Justin Froseth, PE  
**PRESENTER:** Justin Froseth, Planning and Engineering Director  
Laith Hintz, PE; AE2S Project Manager  
**SUBJECT:** Raw Water Intake, Engineering Amendment

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STATEMENT/PURPOSE: To consider an amendment to our Engineering Services Agreement with AE2S to include services through rebidding.

BACKGROUND/ALTERNATIVES: Following our office's recommendation on November 19<sup>th</sup> to reject bids, we have continued discussion with AE2S to identify the best path forward. They have communicated with contractors/plan holders to gain a sense of the bid results and how we might be able to retool and re-advertise to bring costs down.

AE2S is here to present on the Raw Water Intake project bidding effort with emphasis on future steps. The business item today is to consider an amendment that would include all efforts that are estimated to be needed to rebid which includes potential redesign efforts and bid component separation. The first part of the amendment that would be completed is Phase 090, additional services. This will be completed by mid-March and will provide a much better understanding of potential redesign and bidding approach changes and their impacts to the estimated construction budget. Staff would get back together with AE2S and discuss if the final design and bidding tasks outlined in today's amendment are all appropriate and necessary.

AE2S and the City have been in contact with our partners in this project as we come to this point. Notably, the Marathon Refinery and the State Water Commission.

ATTACHMENTS:

- 1) Amendment for Additional Services.

FISCAL IMPACT: The amendment is for \$225K. We are still under the cost share formula whereby the State Water Commission shares in 60% of the cost for services and

the Marathon Refinery splits the remaining share with us, 50/50. Therefore, the share to the city is estimated be \$45K for these additional services.

STAFF IMPACT: Minimal

LEGAL REVIEW: All items have been forwarded to our Attorney for review.

RECOMMENDATION: Move forward with these additional services.

SUGGESTED MOTION: I move to approve the amendment for additional services with AE2S.

**AMENDMENT NO. 2  
TO  
AGREEMENT BETWEEN OWNER AND  
ENGINEER FOR PROFESSIONAL SERVICES  
DATED  
February 20, 2018**

This Amendment No. 2 is effective as of February 4, 2020 ("Effective Date") between City of Mandan, 205 2<sup>nd</sup> Avenue NW, Mandan, ND 58554-3125 ("OWNER") and Advanced Engineering and Environmental Services, Inc., 1815 Schafer Street, Suite 301, Bismarck, ND 58501 ("ENGINEER").

The document amends the Agreement between Owner and Engineer for Professional Services (the Agreement) dated

February 20, 2018 for:

**Mandan Raw Water Intake Improvements** (Project).

All provisions not amended remain in full effect.

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

**1. Exhibit C: Replace Paragraph C4.01-A-3 with the following:**

3. The total compensation for services under paragraph C4.01 is estimated to be \$1,655,500.00 based on the following assumed distribution of compensation:

a. Preliminary Design Engineering Ph 030	\$	385,000
b. Final Design Engineering (2 Phases) Ph 040 and 041	\$	820,000
c. <b>Final Design Engineering Ph 042</b>	\$	<b>120,000*</b>
d. Bidding and Negotiations (2 Phases) Ph 050 and 051	\$	87,000
e. <b>Bidding and Negotiations Ph 052</b>	\$	<b>75,000*</b>
f. Construction Engineering Ph 060	\$	TBD
g. Post Construction Warranty Ph 070	\$	TBD
h. I&C Services Ph 080	\$	TBD
i. <b>Additional Services Ph 090</b>	\$	<b>30,000*</b>
j. Legal Survey Ph 100	\$	52,500
k. Funding Assistance (Design) Ph 120	\$	86,000
l. Funding Assistance (Construction) Ph 122	\$	TBD

\*Added/or modified this Amendment

2. **Exhibit E: Add the following major elements to the Project Description**

**III. PHASE 042 FINAL DESIGN ENGINEERING PHASE**

The Final Design Phase is anticipated to be comprised of the primary tasks identified below:

1. Plans, Specifications, and Bid Documents – Prepare plans, specifications, and bid documents for the construction of the Raw Water Intake Improvements project. Final design is anticipated to include:
  - a. Based on written authorization from Owner obtained during the Additional Services phase, the project shall generally consist of the following:
    - i. Phase IA – Raw Water Intake Improvements (specialty construction)
      1. Caisson
      2. Intake Line
      3. Intake Structure and Marine Work
      4. Includes:
        - a. Limited relocation and resizing of caisson within current site.
        - b. Conversion to wet well.
    - ii. Phase IB – Raw Water Intake Improvements (no significant changes anticipated to size or location)
      1. Raw Water Pump Station
      2. Intake and Water Plant Site Improvements
      3. Control vault structures (intake, Marathon, WTP)
      4. Presedimentation basin
      5. Demo and Modifications to the existing Raw Water Intake
    - iii. Phase II – Raw Water Transmission Line
      1. Dual transmission lines (30" and 24").
  - b. Prepare plans and specifications to outline work necessary to receive bids for the project as described above.
2. Opinion of Probable Construction Cost: ENGINEER will prepare Opinions of Probable Construction Cost and revise as required for 90%, and 100% plan and specification reviews.
3. Summary of Deliverables
  - a. 90% Plans and Specifications
  - b. 100% Plans and Specifications
  - c. SWC Cost-Share Application update and submitted by April 27, 2020.
4. Summary of Design Phase Meetings
  - a. 90% Plan and Spec Review.
5. Marathon Petroleum Coordination
  - a. Work with Marathon staff to develop operational requirements and related plan details.
6. Permit Coordination
  - a. Coordinate and submit information to agencies for approvals as needed to support permitting efforts. All fees associated with each permit shall be the Owner's responsibility.
    - i. US Army Corps of Engineers – Nationwide permits.
    - ii. ND State Water Commission – Sovereign Lands and Change in Point of Diversion
    - iii. ND Department of Environmental Quality
    - iv. BNSF – Utility Crossing (two locations).
7. Other Activities
  - a. None identified.
8. Schedule
  - a. Complete all final design tasks by June 1, 2020.
  - b. Phase IA tasks on or around April 10, 2020.
  - c. Phase IB tasks on or around May 1, 2020.
  - d. Phase II tasks on or around May 1, 2020.

#### IV. PHASE 052 BIDDING

The Bidding Phase is comprised of the primary tasks identified below:

1. General Bidding: This phase shall support Phase 042 Design Engineering and consist of bidding Phases IA and IB.
  - a. Advertisement: ENGINEER to coordinate with the OWNER for the advertisement of Bids in the official newspaper and regional construction plan exchanges.
  - b. Interpretation and Clarifications: ENGINEER to communicate with prospective bidders and issue addenda as required.
  - c. Meetings: ENGINEER to arrange and conduct one Pre-bid meeting and attend bid opening for each of the projects.
  - d. Bid Evaluation and Recommendations: ENGINEER to prepare Bid Tab and Recommendations for City.
  - e. Notice of Award: ENGINEER will coordinate the execution of the Notice of Award.
2. Schedule
  - a. City Commission approval to advertise April 7, 2020.
  - b. Bid Opening Phase IA May 12, 2020.
  - c. Bid Opening Phase IB June 9, 2020.

#### VIII. PHASE 090 ADDITIONAL SERVICES PHASE

The Additional Services Phase is resulting from significant changes in scope, extent, or character of the Work. Services are anticipated to be comprised of the primary tasks identified below:

1. Value Engineering Evaluation: Conduct engineering evaluation of construction techniques and components, identify potential cost savings measures, and confirm the overall project budget. Consists of the following primary tasks related to discussions with Contractors.
  - a. Specialty Construction: Coordination with specialty contractors to confirm constructability and possible design modifications (location and/or caisson size), consider performance-based bid specifications, gauge general interest, and identify additional bidding information. Evaluate the following construction methods along with others that may be identified:
    - i. Caisson: Clam and sink, secant piles, and open excavation.
    - ii. Intake Pipe: Trench and lay, micro tunneling, jack and bore, and HDD.
    - iii. Intake Structure: Investigate concerns and risk.
  - b. General Contract Construction: Includes pump house, control vaults, and WTP work.
    - i. Gauge general interest and identify potential cost savings.
  - c. Mechanical Contract Construction: Gauge general interest and identify potential cost savings.
  - d. Electrical Contract Construction: Gauge general interest and identify potential cost savings.
2. Opinion of Probable Construction Cost: Engineer will update Opinions of Probable Construction Cost to outline potential changes in project components and the overall project budget.
3. Summary of Deliverables
  - a. Bidding and Budget Evaluation Recommendations (letter format)
4. Summary of Meetings
  - a. Review findings and Recommendations with City Staff: Week of March 2, 2020.
  - b. City Commission Update – April 7, 2020.
5. Schedule
  - e. Complete additional services tasks by March 13, 2020.

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

OWNER:

ENGINEER:

\_\_\_\_\_  
By: Mayor Tim Helbing  
Title: President of Board of City Commissioners  
Date Signed: \_\_\_\_\_

\_\_\_\_\_  
By: Lisa Ansley, PE  
Title: Operations Director  
Date Signed: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Name: Jim Neubauer  
Title: City Administrator

ATTEST: \_\_\_\_\_  
Name: Jasper Klein, PE  
Title: Operations Manager

Address for giving notices:  
City of Mandan  
205 2<sup>nd</sup> Avenue NW  
Mandan, ND 58544-3125

Address for giving notices:  
Advanced Engineering and Environmental Services, Inc.  
1815 Schafer Street, Suite 301  
Bismarck, ND 58501

Designated Representative (paragraph 6.02.A):  
Duane Friesz  
Title: WTP Superintendent  
Phone Number: (701) 667-3275  
Facsimile Number: (701) 667-1680  
E-Mail Address: mandanwtp@midconetwork.com

Designated Representative (paragraph 6.02.A):  
Laird D. Hintz, PE  
Title: Project Manager  
Phone Number: (701) 221-0530  
Facsimile Number: (701) 221-0531  
E-Mail Address: Laird.Hintz@ae2s.com



# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** February 4, 2020  
**PREPARATION DATE:** January 30, 2020  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:** Justin Froseth, PE  
**PRESENTER:** Justin Froseth, Planning and Engineering Director  
**SUBJECT:** Updated Construction Details and Specifications

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

**BACKGROUND/ALTERNATIVES:** The previous specification had not been substantially addressed since 2009. Many items in the spec book were in need of updating. The specifications were based the Bismarck construction specs and a collaborative of past years of changes. The revised water and sewer specifications are updated to meet the Ten State Standards promoted by the Department of Environmental Quality. The revised specifications effort included consultation with the City of Bismarck Engineering office as well to be in sync with them as much as reasonably possible. The final product was reviewed by the Public Works and Engineering Departments and is now complete and ready for use.

**ATTACHMENTS:** Revised construction specifications and details available upon request.

**FISCAL IMPACT:** N/A

**STAFF IMPACT:** Significant staff time to review and revise based on changes to other entities specifications as well as consultation with field staff to improve.

**LEGAL REVIEW:** All documents have been forwarded to the City Attorney.

**RECOMMENDATION:** Approve and adopt the revised construction specifications and details.

**SUGGESTED MOTION:** I move for the adoption of the revisions to our construction specifications and details.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** February 4, 2020  
**PREPARATION DATE:** January 17, 2020  
**SUBMITTING DEPARTMENT:** Legal  
**DEPARTMENT DIRECTOR:** Malcolm H. Brown  
**PRESENTER:** Malcolm H. Brown  
**SUBJECT:** New Gas Franchise for Montana-Dakota Utilities Co.

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STATEMENT/PURPOSE: Montana-Dakota Utilities Co. has requested that the City grant MDU a new 20-year ordinance for the purpose of supplying natural or manufactured gas for public and private uses within the City of Mandan.

BACKGROUND/ALTERNATIVES: MDU currently has a franchise to provide natural gas within the City of Mandan. This would be a granting and renewal of a new 20-year franchise.

ATTACHMENTS: Ordinance No. 1334.

FISCAL IMPACT: N/A.

STAFF IMPACT: N/A.

LEGAL REVIEW: Reviewed by the undersigned.

RECOMMENDATION: Legal recommends that the commission pass Ordinance No. 1334 granting Montana-Dakota Utilities Co., a franchise to construct, maintain and operate, within the streets, alleys and public grounds of the City of Mandan, a gas distribution system.

SUGGESTED MOTION: I move the first consideration of Ordinance No. 1334 granting a franchise to Montana-Dakota Utilities Co., to construct, maintain and operate, within, upon, in and under the streets, alleys and public grounds of the City of Mandan, a gas distribution system for transmitting and distributing natural or manufactured gas or mixture of both for public and private use.

ORDINANCE NO.1334

AN ORDINANCE GRANTING TO MONTANA-DAKOTA UTILITIES CO., A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE AND RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE, WITHIN AND UPON, IN AND UNDER THE STREETS, ALLEYS AND PUBLIC GROUNDS OF THE

**City of Mandan, Morton County**

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A GAS DISTRIBUTION SYSTEM FOR TRANSMITTING AND DISTRIBUTING NATURAL OR MANUFACTURED GAS, OR A MIXTURE OF BOTH, FOR PUBLIC AND PRIVATE USE.

BE IT ORDAINED BY

**The City Commission Of The City Of Mandan, North Dakota**

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SECTION I. For convenience, herein, said municipal corporation is designated and referred to as "Municipality" and Montana-Dakota Utilities Co. is designated and referred to as "Grantee." Any reference to either includes their respective successors and assigns.

SECTION II. There is hereby granted to Montana-Dakota Utilities Co., a corporation, Grantee, its successors and assigns, subject to the limitations herein stated, the right and franchise to occupy now and use the streets, alleys and public grounds of the Municipality as now, or hereafter constituted, for the purpose of constructing, maintaining, and operating, within, upon, in and under the same, a gas distribution system for transmitting and distributing natural or manufactured gas, or a mixture of both, for public and private use.

SECTION III. Grantee shall maintain an efficient distribution system for furnishing natural or manufactured gas, or a mixture of both, for public and private use at such reasonable rates as may be approved by the Public Service Commission of the State of North Dakota and under such orders, rules or regulations as may be issued by a federal or state agency having jurisdiction thereof.

SECTION IV. This franchise shall not be exclusive and shall not be construed to prevent the Municipality from granting to any other party the right to use the streets, alleys, and public grounds of the Municipality for like purposes.

SECTION V. The Municipality reserves any right it may have, under its police power, or otherwise, to control or regulate the use of said streets, alleys, and public grounds by Grantee. The Municipality will give Grantee reasonable notice of plans for

improvements of streets, alleys and public grounds where the Municipality has reason to believe Grantee's gas distribution system may be affected by the improvement. If during the period of this franchise the Municipality shall lawfully elect to alter, or change the grade of any street, alley or public grounds, Grantee, upon reasonable notice by the Municipality, at its own expense may remove, relocate or rearrange its gas distribution facilities that would be a substantial interference with the change to the street, alley or public grounds, provided, however, if relocation, removal or rearrangement of any gas distribution facility is made necessary to accommodate construction of a project on a federal aid highway or extension thereof within the Municipality, Grantee shall be paid the costs of the relocation, removal or rearrangement in accordance with the laws of the State of North Dakota.

SECTION VI. Unless otherwise provided in any permit or regulation of the Municipality under separate ordinance, Grantee may trim trees and shrubs in and over the streets, alleys and public grounds to the extent Grantee determines is necessary to avoid interference with the construction, operation, maintenance and repair of the gas distribution facilities, provided Grantee shall hold the Municipality harmless from any liability arising therefrom.

SECTION VII. Grantee shall indemnify and save and hold the Municipality harmless from any loss or damage due to the construction, installation, and maintenance of its distribution system, and its use of the streets, alleys, and public grounds of the Municipality.

SECTION VIII. Grantee shall have the right to assign this franchise to any party, or corporation, but all obligations of Grantee hereunder shall be binding upon its successors and assigns.

SECTION IX. Within thirty (30) days after Grantee is notified of passage and final approval of this Ordinance, Grantee shall file with the clerk or auditor of the Municipality its written acceptance of this franchise.

SECTION X. This franchise shall continue and remain in full force and effect for a period of twenty (20) years from the date upon which this ordinance shall become effective as provided by law.

By:

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

Attest:

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

First Consideration: January 21, 2020

Second Consideration: February 4, 2020