



**AGENDA**  
**MANDAN CITY COMMISSION**  
**APRIL 21, 2020**  
**ED "BOSH" FROEHLICH MEETING ROOM,**  
**MANDAN CITY HALL**  
**5:30 P.M.**  
**[www.cityofmandan.com](http://www.cityofmandan.com)**

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*To adhere to public health recommendations to minimize public gatherings during this COVID-19 situation, the following options are being offered to accommodate public attendance and participation in City Commission meetings. City Hall will be closed to the public.*

*The public may access the LIVE meeting at:*

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1 669 900 6833  
Webinar ID: 845 0937 5249

*City of Mandan is encouraging citizens to provide their comments for agenda items via email to [info@cityofmandan.com](mailto:info@cityofmandan.com)*

*Please provide your comments before 3:30 p.m on the day of the meeting. Include the agenda item number your comment references. Comments will be forwarded to the Commissioners and appropriate departments.*

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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 of the Board of City Commission meeting minutes.  
i. April 7, 2020 - Regular Meeting  
ii. April 7, 2020 – Board of Equalization
- D. **PUBLIC HEARING:**
- E. **BIDS:**  
1. Consider the award of bids for Municipal Sidewalk Improvement Project 2020-02 and approving the Resolution approving the contract and contractor's bond.  
2. Discussion regarding bids for Street Improvement Districts 215, 215A and 215B and approving the Resolutions approving the contract and contractors bond.

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3. Consider the award of bids for Street Improvement District 218, and approving the Resolution approving the contract and contractors bond.

F. CONSENT AGENDA:

1. Consider approval of monthly bills.
2. Consider payment of bills for Morton Mandan Public Library / Downtown Parks Project
3. Consider approval of annual site authorization for Matpac Wrestling Club at The Scapegoat Bar from July 1, 2020 – June 30, 2021.
4. Consider allowing the forestry department to apply for America the Beautiful Program Development Grant for \$10,000.00 to assist with the cost of Dutch Elm Disease tree removal on boulevards, right-of-ways and other public property.
5. Consider approval of a driveway variance request from the Mandan Park District for the Dacotah Centennial Park lot.
6. Consider acceptance of the Bank of North Dakota Infrastructure Loan for two projects applied for; SID #215 and SID #218.
7. Consider approval of annual site authorization for ABATE of North Dakota at Hiway Bar from 7-1-2020 to 6-30-2021.

G. OLD BUSINESS:

H. NEW BUSINESS:

1. Bismarck Mandan Chamber EDC, activities update, President, Brian Ritter
2. Waste Management, update on state of recycling, Public Sector Representative, Paul Kalibabky

I. RESOLUTIONS AND ORDINANCES:

1. Second and Final Consideration of Ordinance 1337 related to Multi-use Shops.
2. Second and Final Consideration of Ordinance 1300 related to Telecommunication Towers
3. Second consideration and final passage of Ordinance 1338 which will amend and re-enact section (h) of Sec. 24-7-17 Parking of certain vehicles and trailers restricted; and section (c) of Sec. 24-7-18 Restrictions on consecutive parking of the Mandan Code of Ordinances.

J. OTHER BUSINESS:

1. Consider Mandan Progress Organization funding request for business gift card promotion.

K. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS

1. ~~April 28, 2020 (2021 Budget Working Session)~~
2. May 5, 2020

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3. May 19, 2020

L. ADJOURN

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The Mandan City Commission met in regular session at 5:30 p.m. on April 7, 2020 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Mayor Helbling called the meeting to order. Due to the coronavirus situation, this meeting was held virtually.

A. ROLL CALL:

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

2. *Winner of “If I Were Mayor” Essay Contest announcement.*

Mayor Tim Helbling announced this year’s winner of the essay was Scarlett Chorne, a third grade student in Mr. Streifel’s class at Red Trail Elementary School. Mayor Helbling read the essay out loud. He reported that the essays focused on what makes Mandan great and ways to improve the community. A total of 34 essays were submitted by Mandan third-grade students. When the coronavirus ban is lifted he said that Scarlett will be invited to sit with the Mandan City Commission. No local seventh-grade essays were submitted. Scarlett will be presented with a certificate, City of Mandan t-shirt and \$50 in Mandan Bucks provided by the Mandan Progress Organization. Mayor Helbling extended a thank you to Scarlett and all the students who submitted an essay this year.

B. APPROVAL OF AGENDA:

C. MINUTES:

1. *Consider approval of the minutes from the March 17, 2020 Board of City Commission regular meeting.* Commissioner Larson 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: Yes; Mayor Helbling: Yes. The motion passed.

D. PUBLIC HEARING:

1. *Consider Cloverdale Foods Co. application for a new and expanding business property tax exemption for building additions (see New Business No. 1i).* Business Development & Communications Director Huber presented a request to consider a Mandan Growth Fund Committee recommendation regarding an application for property tax exemption as an expanding business by Cloverdale Foods Company for building additions. Scott Russell, Cloverdale Foods explained the expansion plan with assistance from Scott Stodinger.

Scott Russell introduced himself and via tele-conference he provided a power point entitled “Cloverdale Expansion 2020-2021, dated March 5, 2020 was displayed for viewing. He provided a brief history of the organization of the company and proceeded with reporting:

- Pounds growth 2016 thru 2020

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- Under the current circumstances of the coronavirus, there has been a drop with the food industry business
  - North Dakota, Minnesota, Oregon and California are dense with many other states increasing
  - Current Warehouse Capacity – cooler and freezer utilization
  - FTE Growth 385 FTE and 14 PTE
  - Bacon growth has been a 180 degree turnaround, has significant positive impact
  - Turnover 2018 64%; 2019 41% and 2020 3 month trend 7%
  - Community Impact
    - Job creation from entry to manager level
    - Education, banking, insurance, local businesses
  - Overall Site Plan
    - 5 Parts Warehouse, remodel, NE expansion, parking lot, office area.  
Approximately \$20M expansion
  - Timeline: Start in April 2020, completion spring/summer 2021
  - Parking lot and site improvements including street improvements to 34<sup>th</sup> Street NW; approach variance

Mr. Russel concluded his presentation at this time and was available for questions.

Director Huber presented the following: During a March 25, 2020, MGF teleconference meeting, the MGF Committee reviewed an application for property tax exemption by Cloverdale, a company who has been in Mandan for more than 100 years. Cloverdale is planning to invest \$15-\$20 million on an expansion project to include a 45,63 sf warehouse addition, 6,600 sf plant addition and 3,100 sf office addition, plus a utility upgrade, equipment purchases and site improvements. The expansion is needed to accommodate increasing production. The exemption is sought for the building additions, which have an estimated value of \$5,372,000. Company executives hope to have the additions completed by May 1, 2021. The application is for a Tier 3 exemption under Mandan's Commercial Property Tax Exemption Policy and Guidelines, which allows for a 100% exemption for five years. The application meets the requirements as indicated in the policy for a Tier 3 exemption in terms of job creation. With a \$5.3 million estimated building value, the threshold for this project is 73 FTEs. Cloverdale currently has 384 employees in Mandan, including 64 positions added in 2019. The company expects to add another 24 in year one and that will bring the count needed to meet the threshold to 88. By year five, Cloverdale executives estimate another 104 employees, for a projected total of 512 employees. The payroll from these employees is all new money that otherwise wouldn't exist in the economy. Another section of the local exemption guidelines states: "Projects that are primarily warehousing (for the storage of goods, raw materials or commodities) would not receive an incentive unless the owner proves need or provides other information to justify the exemption." The MGF was satisfied that additional warehouse space is needed to accommodate Cloverdale's significant growth in production and they were satisfied there was no conflict. The MGF recommended approval of the requested 100% five year property tax exemption on the value of the building additions for Cloverdale Foods Company. Representatives of the county, school district and park district were notified of the Mandan Growth Fund Committee meeting as well as the public hearing. No comments or opposition has been received to date.

Based on the current consolidated mill levy of 265.49 mills for property taxes, the estimated value of an annual 100% exemption for the expansion would be \$71,310.61, for a projected five-year total of \$356,553.05. This differs slightly from the amount that appears in the application due to rounding. The actual value of the exemption will depend on mill levies in the five years following project completion and the actual value of the additions:

- (1) Under state law, Cloverdale is eligible for a new and expanding business property tax exemption as a certified primary sector business by the ND Department of Commerce.
- (2) A business incentive agreement is required for any assistance exceeding \$25,000 in value.
- (3) An automatic door opener required for retail, service, office and health/medical projects receiving an incentive does not apply for industrial uses.
- (4) A legal notice to competitors was published in the Mandan News on March 13 and March 20, 2020. This included the date, time and location of the public hearing and the opportunity to submit written comments in advance.

Mayor Helbling announced this is a public hearing to consider Cloverdale Foods Co. application for a new and expanding business property tax exemption for building additions. He invited anyone in the audience or online to come forward to speak for or against the application. A second announcement was made for anyone in the audience to come forward to speak for or against the application. A third and final announcement was made for anyone to come forward to speak for or against the application. Hearing none, this portion of the public hearing was closed. See: New Business Item No. 1(i) and (ii).

2. *Consider approval of the first consideration of Ordinance 1300 related to telecommunication towers in the right-of-way.* City Planner Van Dyke presented a request for the approval of the First consideration of Ordinance 1300 related to telecommunication towers in the right-of-way. Ordinance 1300 includes changes to accommodate wireless facilities located within the public right-of-way, specifying which districts require a special/conditional use permit and which ones require only administrative approval. Further, the proposed ordinance change establishes the requirement for a special use permit for telecommunications towers that are one-hundred-twenty (120) feet tall or greater in any district. The Ordinance attempts to consolidate the numerous definitions and uses of terminology related to communications towers. The City of Mandan was approached in 2018 with regard to placement of infrastructure necessary to provide customers with 5G wireless service. The infrastructure is known as “small cell” technology, which is much smaller than a traditional cellular tower. They are small enough to be attached to other infrastructure that is typically located within the public right-of-way, such as street or traffic light poles or larger street signs. They service a much smaller geography and therefore require a higher concentration than a standard tower. This Ordinance outlines the requirements that must be met in order for a small cell to be placed within the public right-of-way as well as within each zoning district. The Ordinance provides standards for small cells attached to existing poles within the right-of-way, city-owned buildings and privately owned buildings. Fees and process are established by reference to the Wireless Facilities Guidelines. City staff including Principal Planner John Van Dyke, Engineering and Planning Director Justin Froseth, Public Works Director Mitch Bitz, City Administrator Jim Neubauer and City Attorney Brown met to discuss the creation of the ordinance and associated guidelines. Several cities including Grand Forks, Minot, Fargo and Bismarck have adopted a close variant of the proposed ordinance. This has established consistency between the larger cities in North Dakota. The ordinance was sent to

Verizon, T-Mobile/Sprint, and AT&T for comment. Most comments were taken into consideration by Verizon and T-Mobile/Sprint. AT&T has indicated several issues with the proposed ordinance. Attorney Brown's recommendation is to move forward with the proposed Ordinance as presented with no known issues occurring in other cities in North Dakota that have adopted a similar Ordinance.

**Other telecommunication (125 feet or greater)**

While working through the Ordinance changes related to telecommunications some limitations to the height of telecommunication transmissions towers has also been added. The telecommunications transmission towers are exempt from height limitations and in some districts do not require a conditional use permit. This opens the door to the erection of these structures adjacent to residential development with limitless height. The proposed changes would require towers exceeding one-hundred-twenty (120) feet to obtain a conditional use permit. The height of 120 feet was determined based on those in Mandan today. The Planning and Zoning Commission unanimously recommended approval at their March 23, 2020 hearing. No comments or opposition have been received for this iteration of public hearings. The Engineering and Planning Department recommended approval of Ordinance (Exhibit 1). In 2019, it was approved at the first consideration and since then some very minor changes in verbiage were made when reviewed by Attorney Brown and the tele-com companies. This passed the first consideration, then AT&T objected, it was pulled out and reviewed and revised as needed. Mayor Helbling stated that there were two emails received in opposition to this but they were responded to (by Commissioner Rohr) and addressed accordingly. Commissioner Rohr commented that if there has been opposition to this there has been no specific foundation.

Mayor Helbling announced this is a public hearing to consider the first consideration for the approval of Ordinance 1300 related to telecommunication towers in the right-of-way. He invited anyone to come forward from the audience or online to speak for or against the Ordinance. He stated there were two emails received and addressed regarding this matter accordingly. A second announcement was made for anyone to come forward to speak for or against Ordinance 1300. A third and final announcement was made for anyone in the audience or online to come forward to speak for or against Ordinance 1300 related to telecommunication towers in the right-of-way as presented in Exhibit 1. Hearing none, this portion of the public hearing was closed.

Commissioner Braun moved to approve the first consideration of Ordinance 1300 related to telecommunication towers in the right-of-way as presented in Exhibit 1. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: No; Commissioner Braun: Yes; Mayor Helbling: No. The motion passed.

3. *Consider approving the Resolution determining insufficiency of protest for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area).* Planning and Engineering Director Froseth presented a request to move forward with the resolution determining insufficiency of protest for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area). At the March 3, 2020 City Commission approved the resolution creating the district, approved the engineer's report, approved the feasibility report and approved the resolution of necessity for this project. The Resolution of Necessity was published in the

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Mandan News on March 6, 2020 and March 13, 2020 and notification letters were sent out to the property owners within the District. The 30-day protest period started March 6, 2020. Letters of protest were accepted until 4:30 pm on April 6, 2020 and by that time 29 protests were received. The protests received represent 4.9% of the area within the district. This is the percentage that ND Century Code requires the city to consider when determining the amount of protest vs. the 50% that would automatically prohibit moving forward. Other ways to look at the protest amount is if 6.5% of the number of properties protests this project and 24.8% of the estimated cost representation protest the project if the city would decide to not go forward with the Lewis Road segment down-scoping as recommended.

In reviewing the protests received, there is a very strong pattern of protests that are coming from those properties that are along Lewis Road and Clark Place, just west of 37<sup>th</sup> Avenue NW. These protests mostly came in petition style with the same letter contents. Their concerns can be summarized by the following. The Engineering Department expressed concerns stated below:

- Residents do not believe their roads are in that poor of condition and that it is their opinion that a chip seal could be done to extend life.
  - ~ Engineering staff believes that a chip seal or mill and overlay would be minimally effective for this segment. However, staff is willing to recommend trying the chip seal of this segment given the overwhelming request by the property owners and the relatively low cost of a chip seal.
- Residents feel as though non-local traffic resulted in deterioration ahead of schedule.
  - ~ This segment was used as a bypass for traffic during some of the Old Red Trail reconstruct project in 2016. That bypass time period was predominately in late summer, not earlier in the summer when conditions are softer. The project construction traffic would not have used this segment for their work. The increased traffic was predominately passenger vehicles. The conditions of Clark Place are some of the most deteriorated in this area and that would not have received this extra traffic.
- Because of COVID-19, residents were not able to collect enough signatures to cancel the project.
  - ~ Although the City will receive petition style signatures so long as the pertinent information is included, the Engineering office does not consider the lack of that ability necessary when considering protest.

The total project cost that would be divided among district participants is estimated at \$2,257,562. It was previously stated that we would anticipate using Municipal Infrastructure Funds (formerly Prairie Dog Funds) at a buy down rate of 20%. Under that scenario, the reduction would be \$451,512 for a total of 1,806,050. However, because of the current price of oil being down drastically lower than was predicted to fill the Municipal Infrastructure Fund that buy down amount is question at this moment.

Director Froseth recommended approval of the resolution determining insufficiency of protest for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area). The recommendation is to open those bids on Monday April 13, 2020, and the project for Lewis Road would be a chip seal instead of a reconstruct. He stated that the original scope presented to the residents on February 27, 2020, was to reconstruct all of Lewis Road up to 40<sup>th</sup> Avenue to Clark Place. After hearing comments and looking further into what there is up there, the project was down-scoped on a segment of Lewis Road (depicted on the map) from a reconstruct to a chip

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seal. That's what was advertised for and that's what was requested for approval on March 17, 2020. After receiving an overwhelming majority, unanimous, protest letters stating they would like to see a chip seal as well. That is a change from March 17, 2020 to today (April 7, 2020) – To go with a chip seal based on the letters of protest to down-scope this area. The bid package is for a chip seal and not a rebuild on the Lewis Road segment just west of 37<sup>th</sup> and a reconstruct for the other section of the road plus Clark Place. With the City Commission's vote today, an addendum will be issued to down-scope the segment of Lewis Road and Clark Place.

Mayor Helbling commented he did not think that it would be wise to do until after the bids come in. Commissioner Rohr commented that using an oil base will be significant different now as compared to a few months ago. Commissioner Davis commented that with regard to a buy down on this project, using Prairie Dog Funds, wondering about that bucket of funds, in light of COVID19 and oil prices now, what is the insight on that? Administrator Neubauer replied that it is his opinion that the bucket is not yet filling based on the chart that the North Dakota State Treasurer's Office has published on their website that talks about how those buckets fill. He explained how the \$2.5 million dollars of the total \$6.6M if the first push goes out, which might not be until the 4<sup>th</sup> quarter of 2020 and the balance starting in 2021. He said the initial bucket has not started to fill; however, that is only his interpretation. Commissioner Davis wondered if the City can achieve the buy down, if that bucket fills slowly. His concern is the 20% buydown and if the City does not achieve that, it will cost more to the residents in that district. Mayor Helbling commented that we are far enough along on this project that if bids come back on Monday, we will have to see where the bids are before approving or not approving this project. Then discussions will need to occur with Finance Department. Due to COVID19, most cities will not be doing the projects they were going to do, but we will have to wait until the bids come in to see where Mandan will be going with projects. Commissioner Davis concurred with Mayor Helbling's explanation. Commissioner Larson stated that the biggest advantage is that engineering has handled this project up to this point and if it is determined the City does not have the funding, the City would not have put lots of money into the project. Mayor Helbling recommended waiting until the bids come in to decide what to do on the project and that will give the City more time to assess the situation with the Municipal Infrastructure Funds.

Mayor Helbling announced this is a public hearing to consider approval of the Resolution determining insufficiency of protest for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area). He invited anyone in the audience, on the phone or the internet, to come forward to speak for or against the approval of this resolution. A second announcement was made for anyone to come forward to speak for or against this resolution.

Marc Montpleiser came forward to speak and stated he had a few questions regarding a chip seal and reconstruction. He is trying to determine the costs for each. Director Froseth explained that this is in regard to the reconstruct in one segment and the reconstruct on East 37<sup>th</sup>. He said that 8 or 9 years ago, the City worked with the contractor to dig out and replace stretches on Lewis Road and 34<sup>th</sup> Avenue. That cost was not assessed for those properties at that time and the City does not need to re-do that work. He outlined the recommended process, stating that it will have to first go through the Assessment Committee and then to the City Commission after the completion of the project, however, the City already determined it would be best to go segment by segment, and to chip seal the areas that have not been addressed for several years would be

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most fair. That would have to be approved by the Special Assessment Commission for approval of the project.

Marc Montpleiser commented there has been a lot of discrepancy of people trying to figure out how the road reconstruct on both segments can cost each homeowner \$20,000 and now if the Prairie Dog Funds are not available – if this reconstruct job bid comes in higher or lower – what is the next step to deal with this? Director Froseth replied that if the City Commission accepts the City Engineer’s recommendation today, to down-scope Lewis Road from a reconstruct to a chip seal will be much less than the project reconstruction number that was in the letters that were sent out to residents. If the City Commission would still like to go ahead and receive bids calling for a reconstruct of Lewis Road, then there would have to be a re-evaluation of how much is too much, and that number is undetermined at this time because the letters received were to not reconstruct but to consider something else such as a chip seal.

John Lemieux, a resident who lives on Lewis Road inquired about the letters that were sent out because he knows of three residents that did not get letters about these projects. He said he found out from talking to neighbors about the project. He did get notices after he communicated via email with Director Froseth. He inquired if the City is aware of how many residents did not get notification. Director Froseth stated that he exchanged emails with Mr. Lemieux, with questions that are unique to his situation, He said that during the first round when sending letters out to inform people about the public input meeting, four of those letters were returned. He stated that he believes the letters did get to the intended residents with the exception of a few.

Dave Borr, a resident on Lewis Road, came forward and stated an objection to the process. He thinks there could be a significant amount of indifference if there are 450 parcels or homes affected in this district. There are home values of close to \$20,000 amid values that are under \$1,000 all in the same bundle. That’s more than 25 times in amount and that affects individual home owners. The bundling of the assessments in the districts is why you have the results you have protesting this. He objects to the process used in handling this due to the wide value of assessments. Mr. Borr stated he is concerned about the variance across 450 individuals.

Director Froseth said he presented on the percentage of costs and changing the scope, it was 24.5%. Mr. Borr commented that 4% protesting will not be enough to protest out. Some are highly assessed and some are lower assessed.

Mayor Helbling announced a third and final announcement for anyone in the audience to come forward to speak for or against the Resolution determining insufficiency of protest for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area). Hearing none, this portion of the public hearing was closed.

Commissioner Larson commented that the bid amendment for the chip seal for Lewis Road is appropriate however commented that a chip seal on this road is like a temporary band-aid fix that will not solve the issue for a long term and the residents need to be aware that this is only a temporary fix. Mayor Helbling concurred with Commission Larson’s statement. The residents will need to know that this will not last long and a more permanent fix will have to be addressed again in a couple years. Commissioner Davis inquired if there is one more step to this project, in

particular, and that is, will the Prairie Dog funds apply? Mayor Helbling commented there is not enough protest to stop this project. He recommended getting the bids in in order to determine if a chip seal is necessary and if so, that will require another discussion at an upcoming commission meeting.

Commissioner Larson moved to approve the resolution determining insufficiency of protest for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area) and move forward with opening bids on April 13, 2020 and to amend the bid package for chip seal for Lewis Road and Clark Place. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: No. The motion passed.

Mayor Helbling announced the time is 7:00 p.m. which is the time set for the Board of Equalization Meeting. A motion was made by Commissioner Rohr to recess the regular City Commission meeting to move into the Board of Equalization meeting. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

At 7:34 p.m. a motion was made by Commissioner Rohr to reconvene the regular City Commission meeting after the adjournment of the Board of Equalization meeting. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

4. *Consider approval of Mandan Land Use and Transportation Plan Amendment for area north of Mandan Middle School.* Principal Planner Van Dyke presented a request for the approval of a Mandan Land Use and Transportation Plan Amendment for an area north of Mandan Middle School. Eric Belanger and Wendy McNichols have submitted an application for an amendment to the comprehensive plan for approximately 550 acres in north Mandan. City staff from multiple departments met with the applicant or the applicant's representatives Steve Iverson and Jerod Klabunde on a number of occasions to address concerns or issues that needed to be addressed in order to provide a recommendation of approval to this Commission.

Exhibits 1 and 2 highlight the land use and transportation changes overlaid on one another for ease of review of the proposed changes. Exhibit 3 highlights an amendment that was necessary to obtain approval from Planning and Zoning Commission, resulting in no change to the current plan for that specific area. Exhibits 4 and 5 include the broader plan document providing analysis and evaluation related to the provision of utilities, such as water, waste water, and storm sewer. One of the primary changes is a proposed school site at the intersection of 38<sup>th</sup> and Sunset Drive. This site will be used as the anchor for other surrounding residential and commercial development in the vicinity. Other changes include adjustments to the alignment of an extension of Jude Ln. (collector) and to the alignment of Sunset Drive (arterial). Another change is the removal of some high and low density designations and replaced with medium density.

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If approved, this amendment to the comprehensive plan would replace the future land uses and preliminary road layout presently planned for the area. The Planning and Zoning Commission recommended approval of the amendment as presented in Exhibits 1 and 2 with an adjustment of the area west of the Parks District property from medium density residential back to low density residential.

Planner Van Dyke reported there was opposition to a portion of the plan of the ridge regarding low density residential to medium density residential. Mr. Belanger brought back an amended plan and is amenable to changing the section back to low density residential. Planner Van Dyke pointed out that this is a 15-20 year development. The Planning and Zoning Commission recommended unanimous approval of the amendment as presented in Exhibits 1 and 2 with an adjustment of the area west of the Parks District property from medium density residential to low density residential. This is a high level plan.

Mayor Helbling announced this is a public hearing to consider approval of Mandan Land Use and Transportation Plan Amendment for area north of Mandan Middle School. He invited anyone in the audience on the telephone or internet to come forward to speak for or against the approval of this amendment. A second announcement was made for anyone to come forward to speak for or against this amendment. A third and final announcement was made for anyone in the audience or on the telephone or internet to come forward to speak for or against the approval of Mandan Land Use and Transportation Plan Amendment for area north of Mandan Middle School.

Commissioner Davis moved to approve the amendment to the comprehensive plan as presented in Exhibits 1 and 2 with an adjustment of the area west of the Parks District property from medium density residential to low density residential. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

5. *Consider approval of Ordinance 1337 related to Multi-use Shops.*

Principal Planner Van Dyke presented a request for the approval of Ordinance 1337 related to Multi-use Shops. He presented Exhibit 1, a draft Ordinance 1337 related to multi-use shops, commonly referred to as shop condos. The structures have become a popular type of construction and since they have become more popular several issues have arisen. This Ordinance seeks to address these deficiencies moving forward for all NEW multi-use shop construction. Existing shops could voluntarily apply if the owners collectively decide to apply. The purpose surrounding the proposed Ordinance is as follows:

- Multiple complaints have been received from occupants of multi-use shops regarding commercial rates being charged for utilities and insurance when the occupant is utilizing their respective unit for residential storage purposes, requesting the City provide a solution to this issue;
- Multi-use shops are being divided and used for purposes that they were not constructed to accommodate, creating health and safety hazards for all occupants within the structure;
- When the number of units and corresponding square footage of each unit is amended the administration of special assessments for each resulting unit is unnecessarily burdensome.

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The Public Works Department has indicated multiple times that shut-offs for individual units are inaccessible, leading the City to continue providing services without receiving payment for such services. No public testimony on the matter was provided at the meeting and no comments have been received by staff. The Planning and Zoning Commission recommended approval of the proposed Ordinance for multi-use shops at their March 23, 2020 public hearing.

Mayor Helbling announced this is a public hearing to consider approval of Ordinance 1337 related to Multi-use Shops. He invited anyone in the audience or on the telephone or internet to come forward to speak for or against the approval of Ordinance 1337. A second announcement was made for anyone to come forward to speak for or against Ordinance 1337. A third and final announcement was made for anyone in the audience to come forward to speak for or against the approval of Ordinance 1337 related to Multi-use Shops.

Commissioner Larson moved to approve the first reading of Ordinance 1337 related to Multi-use Shops. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

6. *Consider approval of a preliminary plat and final plat, for Replat of Lots 1 & 2, Block 1, Mandan Industrial Park and variances for a setback to I-94 corridor and number of approaches.* City Planner Van Dyke presented a request to consider approval of the preliminary and final plat for Replat of Lots 1 & 2, Block 1, Mandan Industrial Park and variances for a setback to I-94 corridor and number of approaches. He said that the applicant is proposing to combine two industrial lots into one lot for the purposes of building expansion. The City requires a subdivision grading/storm water plan to be submitted in tandem prior to the final plat approval. However, these plans will be required for any commercial/industrial building permits and therefore will be addressed at the building permit phase of the applicant's development. In addition, this plat is simpler than others, as it seeks to dissolve the property line that exists between the two lots to create one, large industrial lot. Staff is recommending approval of the preliminary and final plats as shown in (Exhibits 2 & 3). In addition, there are two setback variances:

#### I-94 Setback Variance

The applicant is also seeking a variance to the Gateway Overlay District setback to I-94 from forty-five (45) feet to twenty (20) feet for the existing structure and from forty-five (45) feet to forty (40) feet for the building expansion.

Below are the requirements under the Mandan Code of Ordinances in granting a variance.

Variance may be granted under the following circumstances (See Sec. 105-1-12):

1. *There are special circumstances or conditions, fully described in the findings of the board, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building, and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant taken subsequent to the adoption of this chapter, whether in violation of the provisions of the chapter, or not;*

The existing building was constructed long before the establishment of the 45' Gateway Overlay setback requirement. The building currently encroaches 25' into the setback (See Exhibit X). The proposed addition is seeking to encroach 5' into this setback. Building expansion options are limited due to the existing building's placement and functionality. Adding square footage to another portion of the building would provide the space but not where the space is needed to work with the layout of the existing facility. If this was an entirely new building then it would be easier to design and construct without encroachment into the setback.

The existing building creates circumstances that are peculiar to any building addition.

2. *For reasons fully set forth in the findings of the board, the circumstances or conditions so found are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of said land or building, and the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the board is the minimum variance that will accomplish the relief sought by the applicant;*

The findings for granting a variance are as follows:

- The existing building was constructed prior to the establishment of the forty-five (45) foot Gateway Overlay District setback requirements.
- The existing structure already encroaches into the setback by twenty-five (25) feet.
- The proposed addition would encroach into the setback by five (5) feet.
- Applying the strict application of the setback requirements would deprive the applicant of the ability to expand the structure as needed to function seamlessly with the existing structure.
- The applicant has designed the facility expansion so as to minimize encroachment into the setback.

3. *The grant of the variance will be in harmony with the general purposes and intent of this chapter, and not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

The granting of the variance will be in harmony with the general purposes and intent of this chapter and not be injurious to the neighborhood or otherwise detrimental to the public welfare.

### **Limit to Number of Approaches Variance**

Cloverdale Foods would like relief from the limit of two approaches. Six approaches currently exist along 840 feet of street frontage (Exhibit 6). Cloverdale is seeking to obtain one additional approach to serve their expansion for a total of seven approaches. In the process, they will relocate one approach and install greenspace along the corridor to allow for storage of snow. Parking currently exists in some locations within the right-of-way and through this redevelopment project these areas will be converted to a landscaped boulevard. Staff is recommending approval for relief from the maximum number of approaches requirement for the reasons specified in Exhibit 7. If approved, staff also recommends that the grass be established prior to the installation of the new driveways. This requirement is also included in Exhibit 7. The Planning and Zoning Commission recommended unanimous approval of the preliminary and final plat, as well as the variance to the setback requirement. The approach setback variance is solely at the discretion of City Commission and staff recommends approval of the request.

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Mayor Helbling announced this is a public hearing to consider approval of a preliminary plat and final plat, for Replat of Lots 1 & 2, Block 1, Mandan Industrial Park and variances for a setback to I-94 corridor and number of approaches and he invited anyone in the audience, on the telephone or internet to come forward to speak or comment. A second announcement was made for anyone to come forward to speak for or against this request. A third and final announcement was made for anyone in the audience, on the telephone or internet to come forward to speak for or against the approval of a preliminary plat and final plat, for Replat of Lots 1 & 2, Block 1, Mandan Industrial Park and variances for a setback to I-94 corridor and number of approaches.

Commissioner Rohr moved to approve the preliminary plat and final plat, for Replat of Lots 1 & 2, Block 1, Mandan Industrial Park and variances for a setback to I-94 corridor and number of approaches. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

E. BIDS:

F. CONSENT AGENDA

1. *Consider approval of annual liquor license for Bis-Man Stock Car Association at Dacotah Speedway for May – October.*
2. *Consider approval of Special B Liquor Permit for Bis-Man Stock Car Association at Dacotah Speedway for July 2, 3, 4, 2020.*
3. *Consider approval of the following proclamations: (i) Proclaiming April 12-18, 2020 as National Public Safety Telecommunications Week in the City of Mandan; (ii) Proclaiming April 7, 2020 Mayors Day of Recognition for National Service in the City of Mandan.*
4. *Consider approval of a Minor Plat for Legacy Law Addition.*
5. *Introduction and First Consideration of Ordinance 1338 which will amend and re-enact section (h) of Sec. 24-7-17 Parking of certain vehicles and trailers restricted; and section (c) of Sec. 24-7-18 Restrictions on consecutive parking of the Mandan Code of Ordinances.*
6. *Consider approval of Memorandum of Offer to Landowner with the NDDOT for small Main Street parcels.*
7. *Consider Abatement Application from HM4 LLC.*
8. *Consider approval of the transfer of \$7,500.00 from the Police Equipment Reserve Fund to the Police Department 2020 Capital Outlay Budget (121-62114) for K9 vehicle equipment.*

Commissioner Rohr moved to approve the Consent Agenda items 1 through 8 as presented. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

G. OLD BUSINESS:

H. NEW BUSINESS

1. *Consider Mandan Growth Fund Committee recommendations:*
  - (i) *Cloverdale Foods Co. application for a new and expanding business property tax exemption for building additions. (In conjunction with Public Hearing No. 1).*

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Commissioner Davis moved to approve the MGF recommendation for the approval of the requested 100% 5-year property tax exemption on the value of the building additions for Cloverdale Foods Company. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

(ii) *Cloverdale Foods Co. application for PACE interest buy down.*

Business Development & Communications Director Huber presented a request from the Mandan Growth Fund (MGF) Committee regarding an application for an interest buy down for Cloverdale Foods to finance building additions and equipment. During a March 25, 2020, a MGF teleconference meeting, the committee reviewed an application for an interest buy down by Cloverdale, a company in existence in Mandan for more than 100 years that makes a variety of meat products. The applicant will be utilizing the Bank of North Dakota (BND) Partnership in Assisting Community Expansion (PACE) program. The BND PACE program is for primary sector businesses with buy down amounts based on minimum investment or jobs creation. The maximum buy down available from the BND under the PACE program is \$500,000. With a required 35% local share, this puts the local match at \$269,231. Cloverdale is seeking half of the required local share, or \$134,615.39 from the City of Mandan and will seek the other half from the City of Bismarck. The buy down will reduce financing costs to 1% for 12 months on a \$12.5 million loan toward permanent financing on building addition and site costs and also for 60 months for a \$2.5 million loan for equipment.

The MGF voted to recommend approval of the interest buy down for Cloverdale Foods Company with a local match of \$134,615.39 to be structured as a 0% interest repayable loan, to be repaid within 5-years following the 5-year buy-down period. All origination and service fees are to be paid by the applicant. Contingencies include approval of the other half of the local share by the City of Bismarck plus overall loan approval by the lead lender and Bank of North Dakota.

Commissioner Larson moved to approve the interest buy down for Cloverdale Foods Company with a local match of \$134,615.39 to be structured as a 0% interest repayable loan, to be repaid within 5-years following the 5-year buy down period, subject to all other requirements and contingencies as outlined. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

Mayor Helbling extended a thank you to Scott Russell and Cloverdale Foods Management Staff for their services to the community.

2. *Consider approval of advertisement for bid for the Raw Water Intake project, Phase 1A.* Planning and Engineering Director Froseth presented a request to advertise for the bid of the Raw Water Intake, Phase 1A. AE2S has been working the past couple of months on a plan to change some of the bid packages and design scope in order to bring the cost down from what it was projected to be after opening the Phase 1 bids in October and rebid. Laith Hintz with AE2S was in attendance to present the Raw Water Intake project re-bidding effort and revised costs. This business item today is to consider approval of an advertisement for bid for Phase 1A.

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A summary of the key power point items presented by Laith Hintz, PE, AE2S are summarized:

- Reviewed construction techniques and components for possible cost-savings and discussions with potential contractors
- Funding
  - ~ Revised planning budget is \$29.964M (based on today's budget)
  - ~ Continue coordination with SWC for additional cost-share support (no guarantee)
- Project Budgets
  - ~ Participation established in MOU between City and Marathon
    - i. Based on 50/50 split of local share
  - ~ Anticipated funding
    - i. Approved SWC cost-share assistance of \$12,627,420 as of June 2019
    - ii. City local share funded by SRF loans or bonds
- Proposed Schedule: Design/Bid March-May; April-June Phase 1&II steps staggered and then June 16, 2020 to City Commission to consider bid awards

AE2S and the City have been in contact with all the partners in this project to this point including the Marathon Refinery and the State Water Commission. The bid advertisement allows the City to hold bids for 90 days in order to secure financial commitments. The City may be seeking an increase in commitment from the State Water Commission at the June 2020 meeting after all phases of bids have been opened. With the revised estimate now at \$30M for total project, the City can expect the local match to go from about \$4.1M estimated last year when budgeting to about \$6.0M now based on the new numbers. This estimate is assuming that the other funding partners, Marathon and the State Water Commission, can match at percentages already agreed to. Though they have yet to formally agree to, they have been consulted with and discussions have been favorable to seeing their match. Discussions will continue with SWC and Marathon as the project moves forward. Discussion ensued on the city's cost share if the SWC does not contribute. Mayor Helbling commented that the City would not expect the engineering consultant fees to go above the initially agreed to amount. He stated that as long as the engineering fees are fixed and the cost does not go over the agreed amount he does not have a problem with the request. Mr. Hintz stated that without authorization to go beyond that, he would not go beyond what is in place.

Commissioner Davis moved to approve the advertisement for bid of the Raw Water Intake, Phase 1A contract. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

3. *Consider altering the 2020 spring cleanup week, specifically eliminating the curbside collection for 2020 Spring Clean Up Event, due to Covid-19 Pandemic and waive residential disposal fees the week of April 20.* Director of Public Works Bitz presented a request to consider altering the 2020 Spring Cleanup week, specifically eliminating the curbside collection for 2020 Spring Clean-up event, due to Covid-19 Pandemic and to waive residential disposal fees the week of April 20. He explained that due to an uncertainty if there could be a chance of any cross contamination that could take place from residence to residence or from residence's debris pile to staff working the event. There are many instances when items are set out for disposal and then removed from the curbsides by other residents and subsequently these items are taken home. If

people transport these possibly contaminated items into their family homes, the community stands a risk of increase of Covid-19 cases within or possibly outside of our community. It has been the City's practice to hire outside labor forces to assist during the week of spring cleanup. The hired personnel commonly interact with our staff and our equipment and this also increases risk to Public Works staff, which could prove to be detrimental to the City of Mandan. As an alternate to picking up the debris at the curbside as has traditionally been done, the Public Works Department is proposing to allow all residents that live within the City of Mandan to bring all approved items to the City of Mandan Municipal Landfill free of charge from April 20 – April 25, 2020 and thereby there would not be any curbside pickup conducted. It may be possible to do curbside in the fall of 2020 and that can be visited at a later time.

As a reminder to residents the following items will be charged normal disposal rates or will not be accepted at the Mandan Landfill:

- Tires - During spring clean-up week the landfill will charge \$2 per tire
- Paint must to be dried with the lid off and taken to the landfill. (Paint can be dried using sawdust, sand, or an absorbent)
- Refrigerated appliances must be free of food prior to dumping

Residents were reminded they will need to show proof of residency when asked by staff. Director Bitz recommended eliminating curbside collection for the 2020 Spring Clean Up event due to Covid-19 and a request to waive the disposal fees for City of Mandan residents at the City of Mandan Municipal Landfill starting, April 20 through April 25, 2020. The hours of operation will be 8:00 a.m. to 4:45 p.m. each day the landfill is open for the event.

Commissioner Rohr moved to approve eliminating the curbside collection for the 2020 Spring Clean-Up event due to the Covid-19 Pandemic and to waive residential disposal fees for City of Mandan residents at the City of Mandan Municipal Landfill starting during April 20 through April 25, 2020 and the hours of operation would be 8:00 a.m. to 4:45 p.m. each day the landfill is open for the event. Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

Director Bitz stated a point of clarification that the Mandan Messenger went to print with the caveat that it may be changed, which might be conflictive so he recommended following the City of Mandan website for specific information regarding this 2020 Spring Clean-up Week in the City of Mandan. SEE: [cityofmandan.com](http://cityofmandan.com) Spring Free Landfill Week guidelines or call the Public Works Department (701) 667-3240.

## I. RESOLUTIONS AND ORDINANCES

1. *Second and final consideration of Ordinance 1336 related to a Zoning Map Amendment for proposed Longhorn Second Addition.* City Planner Van Dyke presented a request to approve the second and final consideration of Ordinance 1336 related to a Zoning Map Amendment for proposed Longhorn Second Addition, the Humane Society property. The zone change will align with future land use. The Board unanimously passed a land use amendment, first consideration of the rezone request, and preliminary plat for the property. A final plat will be presented at a future date. For reference, all exhibits related to previously approved portions of this application

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have been included as part of this staff report. The future land use for this property is commercial and rural residential. The proposed zone change aligns with the City's Land Use and Transportation Plan. There were no comments or opposition received since the first reading.

Commissioner Larson moved to approve the second and final consideration of Ordinance 1336 related to a Zoning Map Amendment for proposed Longhorn Second Addition. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

2. *Second and Final consideration of Ordinance 1314 related to outdoor seating.* City Planner Van Dyke presented a request to approve the second and final consideration of Ordinance 1314 related to outdoor seating. There have been no comments or opposition received since the first consideration. This will open up to businesses of all type, not specific to just outdoor seating only and will provide flexibility to all business owners. Commissioner Davis moved to approve the Second and final consideration of Ordinance 1314 related to outdoor seating. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

3. *Consider resolution regarding a moratorium pertaining to the retail sale of alcoholic beverages.* City Administrator Neubauer presented a request to consider a resolution pertaining to the retail sale of alcoholic beverages. Bars and restaurants closures have been hit especially hit hard due to COVID-19. The City has received requests for establishments that have on sale liquor with food to be able to sell alcohol to customers ordering delivery of prepared food. The cities of Fargo, Minot and Jamestown are a few cities that are allowing this. Bismarck has had discussion but at this time, it is not on the table. The resolution would be effective through the date the Governor lifts COVID-19 restrictions. The possible objection would be from owners of establishments where on and off sale is allowed. We have not surveyed these license owners at this time. The other cities have not encountered any problems with this temporary practice and this has allowed businesses to move their inventory. In discussing this with various departments that this would affect, they do not see it as a significant issue. Commissioner Larson requested clarification be sought on what would be considered a sealed container, in particular, mixed drinks would not be served in a to-go cup with a straw. She encouraged coming up with a solution with the Police Chief and the establishments to assure residents remain safe. Attorney Brown stated that the burden for a solution would be on the establishment if they wish to participate, they will have to comply with the ND open container laws.

Commissioner Larson moved to approve the resolution pertaining to the retail sale of alcoholic beverages. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

Commissioner Larson inquired as a point of clarification if this arrangement will expire when the governor's mandate is lifted. Administrator Neubauer drafted the language pursuant to the Governor's Executive order and stated that it will expire when the Executive order expires.

J. OTHER BUSINESS:

1. *COVID-19 Update:* The City of Mandan has been in regular contact with League of City conference calls. Administrator Neubauer reported that:

- Many City Staff employees are working from a home
- Split shifts are in place for certain departments
- Equipment is constantly being cleaned
- Additional rooms in City Hall are being used for office space to allow for social distancing of employees
- City Hall has been closed to the public. Telephone call-in requests are welcome and on-line functions are in place
- Virtual meetings are held rather than in-person
- Technology for public hearings are set up for internet or call in

K. ADJOURNMENT:

There being no other business to come before the Board, Commissioner Davis motioned to adjourn the meeting at 8:30 pm. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present.

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James Neubauer  
City Administrator

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Tim Helbling, Mayor  
Board of City Commissioners

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The Mandan Board of Equalization met in regular session at 7:08 p.m. on April 7, 2020 in the Ed “Bosh” Froehlich Room at City Hall. Present were Mayor Helbling and Commissioners Braun, Rohr, Larson and Davis. Also present were City Administrator Neubauer and City Assessor Kimberly Markley. Mayor Helbling called the meeting to order and invited Assessor Markley to come forward to present the 2020 Annual Board of Equalization Report. This is the City Board of Equalization meeting and this is the only item on the Agenda. Due to the COVID-19 appellants were provided information and encouraged to submit their appeals via email and mail.

Assessor Markley stated that this is the 2020 Annual Assessment Report of the City Assessing Department and is a summary of the 2020 assessment roll. Any changes in value that the local, county or state Boards of Equalization may make will be reflected in the final assessment. She explained that the procedures of assessment and appraisal are conducted under guidance from the North Dakota Tax Commissioner’s Office, the North Dakota Century Code and nationally recognized standards of mass appraisal of real property. North Dakota law requires assessors to value or appraise property at true and full value as of February 1<sup>st</sup> of each year. There are three approaches to valuing real property: (1) Sales approach uses sales of similar properties to determine value. (2) Cost approach is land value and the depreciated cost of improvements. (3) Income approach estimates present value of future benefits.

The City of Mandan has a total parcel count of 8,861 consisting of:

Residential = 6,650

Commercial = 806

Vacant Lots = 864

Exempt Parcels = 538

Ag Land = 3

Property Class

Residential = 69%

Commercial and Vacant Lots = 29.9%

Exempt = 1.1%

Ag Land = 0.003%

The 2020 assessment roll total market value is \$2,172,284,190. This is an increase from the 2019 assessment roll total of \$93,427,590 or 4.5%. Of this increase the new construction contributed \$27,926,300 consisting of: Residential new construction costs were \$17,562,500 and Commercial costs were \$10,363,800.

#### RESIDENTIAL INCREASES

- 340 sales that took place in 2019 were used for determining the 2020 assessment year. There was a small market increase for 2020.
- Residential increased \$68,054,000 or 4.8% overall (new construction, remodel, exemption expired, zone review, annexation)

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## RESIDENTIAL REVIEW

Areas reviewed as part of the normal rotation (a map was shown overhead of the zones)

- Zone 7 (West of 6th Street NW and between Main street and 14th St NW)
  - ~ Sent letters and knocked on doors.
  - ~ If we did not do an interior inspection we reviewed the information we had in our computer system and checked GIS maps.
- Zone 8 (South of Main Street to Heart River and between and 10th Ave SW and Riverwood Ave SE)
  - ~ We reviewed our information in the computer and maps.
- Reviewed and adjusted land values in many residential areas including Zone 1 & 2, Lakewood 9<sup>th</sup> and 34<sup>th</sup> Avenue SE
- Adjusted townhomes in some areas of town as the townhomes are selling higher than assessed value.

## COMMERCIAL INCREASES

A total of 47 sales took place in 2018 & 2019 were used in determining the 2020 assessment year. Commercial increased \$25,373,590 or 3.9% overall. These are overall totals and do not reflect any decreases for example; annexations, taxable to exempt.

## COMMERCIAL REVIEW

- Reviewed commercial lots in the Memorial Hwy and Old Red Trail areas and equalized lots (working on getting them assessed at around \$4.00 sq. ft.).
- Reviewed bays and equalized values.
- Apartments adjusted with income information through Vanguard.

## Notices of Increase

The Assessing Office sent out 867 notices of increase this year (down from the previous year's 439 notices) consisting of:

New construction = 124

Lots-new plats filed = 46

Exemptions removed were 7 and exemptions reduced were 2

1 & 2 year new construction expired = 69

Remodeling & other adjustments = 614

Annexation = 5

## Non-Discretionary Exemptions (Required by law NDCC 28-22-02 & 40-01-07)

Public Hospitals

Cemeteries

Nursing Homes

Non-Profit Organizations

Public Schools

City/County/State owned property (If properties are leased they are taxed)

Blind Exemption

Wheel Chair Exemption

Churches and Non Profit/Clubs

Discretionary Exemptions (These are at the discretion of the local governing body / presented before the commission/offered to the public NDCC 57-02)

- 2 Year New Construction = 99  
2019 & 2020
- 1 Year New Construction = 59  
2020
- Renaissance Zone/TIF = 15
- New Business Exemption = 2
- Payments in Lieu of Taxes = 1
- Total = 176

Percentage Allocation by Exemption Type - Exemptions requiring applications

Non-Discretionary = 2.5% of total assessed value

Blind Exemption

Wheelchair Exemption

Non-Profits/Clubs

Discretionary = 1.4% of total assessed value

2 Year New Home Exemption

Renaissance/TIF

New Business Exemption

Payments in lieu of Taxes Exemption

Commercial/Residential Remodel Exempt

1 year New Home Exemption

Credits Offered – Reimbursed by the State:

1. Homestead Property Tax Credit

The Homestead Property tax credit is a North Dakota property tax credit that reduces the property taxes of eligible individuals. Eligibility requirements:

Individuals who are 65 years of age or older, or individuals who are permanently and totally disabled and if your income is \$42,000 or less per year. There were 312 participants.

2. Disabled Veterans Property Tax Credit

Enacted in 2009 by the North Dakota State Legislature, the disabled veteran's credit is a property tax credit that is available to veterans with disability of 50% or greater. There were 147 participants.

**QUESTIONS REGARDING COVID-19**

There have been several questions regarding the current COVID-19 health crisis. Of note:

- If this health crisis has a negative impact on sales it will be reflected in the 2021 values.
- The 2020 values are based on sales information from 2018 and 2019.

Assessor Markley announced that if any property owner has a question regarding the value of their property they are to email her with their name and phone number. Due to

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social distancing, no sign up sheet is available at this meeting as has been done in the past. Individuals will be contacted within the next few weeks to review their property, and make adjustments if necessary. If adjustments are warranted, the Assessing Office will submit the changes to the Morton County Board of Equalization at the June 4, 2020 meeting @ 7:00 p.m.

For information, please contact the Mandan City Assessing Department at (701) 667-3232, [www.cityofmandan.com](http://www.cityofmandan.com). Attention: Kimberly Markley, City Assessor.

Mayor Helbling opened the meeting via telephone conference to the public and invited anyone to ask questions or provide comments.

That email was sent to acquire information to determine whether or not I should or should not enter a protest. I got the information I requested at 10:45 this morning and I sent all the commissioners an email with my protest. The listings that are shown with my protest in the Agenda is not the material that I had requested nor is it the material that I was sent this morning. If you look at my protest I emailed, the city did a comparison of my home to 8 others that sold in 2019. Most of those homes sold for between \$200,000 and \$210,000. Of these homes, the only assessed valuation that exceeds mine is one home that had an assessed value of \$234,000 in 2019. All the homes that sold are assessed approximately almost \$20,000 less than mine. The selling price of fair market valuation. They make their determination on my home on the basis of those sales And yet those property owners are far less than the opinionated valuation of my home. That's not fair and I don't think it's legal.

Assessor Markley stated that the Commission has received your second email and yes, the sale prices that he mentioned are correct. The list of sales has some of the characteristics of all of the houses and they are not all exactly the same so they will not all be assessed the same. She did a quick review of those properties this afternoon and there are a few things in the subject property that some of the other homes don't have, like a screened-in porch. She feels the assessment is correct and she believes it will sell for what the City has assessed it at.

Mayor Helbling asked Mr. Hohbein if that answered his question. Mr. Hohbein replied that it did not answer his question but is what he expected to hear and that's why he wrote the letter of protest because the city's method of assessment makes no sense.

Assessor Markley replied that she would be willing to work with Mr. Hohbein further before the County Board of Equalization meets, if he agrees to that.

Mr. Hohbein commented that Assessor Markley said that his house has things that other houses don't. He said that most of the homes have at least a single stall garage, some have a double-stall wherein he has no garage. That does not explain the \$20,000 difference in valuation.

Assessor Markley stated she would be willing to look at this again with the appellant before the next Morton County Board hearing.

Mayor Helbling recommended that this matter be set aside allowing time for Mr. Hohbein to meet with Assessor Markley before it goes to the Morton County Board. Upon the City Commission's authorization of any change, Assessor Markley could present a recommendation to Morton County.

Mayor Helbling invited anyone else to come forward and speak.

Ken Royce commented about his property on the strip. He said that this particular piece of property... in last five years from 2015 the property value had risen by 68%, and this is an odd-shaped piece of property, 250 ft wide by 700 ft long, can't build on it, it's in a floodplain, and has easements so it limits my use. My neighbor, RJR rentals, pushes snow on to it

I would like to have you look at it. No income from it and is not useable. Other properties are usable. You said that you base your appraisals on cost basis, sales basis and income basis and I have had no income and a have a hard time selling it. I will send an email to Ms. Markley and we can talk about it at your convenience.

Assessor Markley said she would be happy to review this property with the appellant and she extended a thank you to him for sending the email.

Mayor Helbling stated that Mr. Hohbein and Mr. Royce will work with Assessor Markley to review their property valuations.

Mayor Helbling invited anyone else to come forward and speak or comment. If there is a lapse in communication due to the telecommunication problems occurring, he encouraged anyone to send an email to Kimberly Markley, City Assessor, before midnight tonight. A final announcement was made for anyone to come forward to speak or comment. Hearing none, this portion of the meeting was closed.

Assessor Markley stated that there were individuals who emailed her that were not listed on the Agenda for discussion at this time. Those emails were forwarded to the City Commissioners. Some of the requests on the list may need physical inspections and some requests were communicated to those appellants advising them the City Assessing Office will work on the requests before the Morton County Board meeting in June 2020. Mayor Helbling stated that Assessor's Markley plan is reasonable. He apologized for the tele-communication issues that have occurred at this meeting.

Based on the report provided and testimony provided at this time, the City Assessing Department respectfully recommended that the assessment roll be approved as submitted.

Commissioner Davis moved to approve the 2020 the Assessment Roll as submitted by the City Assessor's Office. Commissioner Larson seconded the motion. Roll call vote: Commissioner Braun: Yes; Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Mayor Helbling. The motion passed.

Commissioner Rohr moved to approve the recommendations for the appeals of protest as submitted by City Assessor Markley and to approve authorization for Assessor Markley to address the appeals. Commissioner Davis seconded the motion. Roll call vote: Commissioner Braun: Yes; Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Mayor Helbling. The motion passed.

There being no further action to come before the Board, Commissioner Rohr moved to adjourn the City Board of Equalization meeting. Commissioner Davis seconded the motion. The motion received unanimous approval of the members present. The meeting adjourned at 7:33 p.m.

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Kimberly Markley  
City Assessor

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Tim Helbling, President  
Mayor, Mandan Board of Equalization



Bid No. 1

## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** April 21, 2020  
**PREPARATION DATE:** April 15, 2020  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth, PE  
**PRESENTER:** Justin Froseth, Planning and Engineering Director  
**SUBJECT:** Consider the award of bids for Municipal Sidewalk Improvement Project 2020-02 and approving the Resolution approving the contract and contractor's bond.

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**STATEMENT/PURPOSE:** To award a contract for bids received for the 2020 Municipal Sidewalk repairs throughout the City.

**BACKGROUND/ALTERNATIVES:** On April 14 we received 3 bids on the project. The Engineer's Estimate was \$75,032.50. The low bid was received from Four Square Concrete LLC in the amount of \$83,062.50. The low bid is 10.7% higher than the engineer's estimate.

Following is a list of the bidder's and their bids:

- |                             |               |
|-----------------------------|---------------|
| 1. Four Square Concrete LLC | \$ 83,062.50  |
| 2. Brandoz Concrete Inc.    | \$ 86,129.50  |
| 3. Knife River Corporation  | \$ 124,789.00 |

**ATTACHMENTS:** 1. Bid Tabulation  
2. Resolution Approving Contract and Contractor's Bond

**FISCAL IMPACT:** Costs may be special assessed to benefitting properties.

**STAFF IMPACT:** Minimal

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

Board of City Commissioners

Agenda Documentation

Meeting Date: April 21, 2020

Subject: Consider the award of bids for Municipal Sidewalk Improvement Project 2020-02 and approving the Resolution approving the contract and contractor's bond.

Page 2 of 4

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RECOMMENDATION: I recommend approving the bid for the 2020-02 Municipal Sidewalk Project that was opened April 14 to Four Square Concrete LLC for the amount of \$83,062.50.

SUGGESTED MOTION: I would move to approve awarding the bid for the Municipal Sidewalk Improvement Project 2020-02 to Four Square Concrete LLC. for the amount of \$83,062.50 and approve the Resolution approving contract and contractor's bond.

**BID TAB - April 14, 2020  
 MUNICIPAL SIDEWALK IMPROVEMENT  
 PROJECT NO. 2020-02**

DESCRIPTION	APPROX QUANTITY	UNIT	PRICE	ENGINEERS ESTIMATE	Four Square Concrete		Brandoz Concrete		Knife River	
					UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
4" CONCRETE SIDEWALK	4,500	SF	\$6.00	\$27,000.00	\$6.75	\$30,375.00	\$6.75	\$30,375.00	\$9.00	\$40,500.00
6" CONCRETE SIDEWALK	750	SF	\$6.50	\$4,875.00	\$7.65	\$5,737.50	\$7.75	\$5,812.50	\$10.00	\$7,500.00
6" CONCRETE DRIVEWAY	1,600	SF	\$6.50	\$10,400.00	\$7.65	\$12,240.00	\$7.75	\$12,400.00	\$10.00	\$16,000.00
6" CURB AND GUTTER	500	LF	\$20.00	\$10,000.00	\$28.00	\$14,000.00	\$30.00	\$15,000.00	\$55.00	\$27,500.00
4" HANDICAP CURB RAMPS	40	SF	\$12.00	\$480.00	\$7.50	\$300.00	\$6.75	\$270.00	\$20.00	\$800.00
4" CONCRETE STEPS	10	SF	\$40.00	\$400.00	\$40.00	\$400.00	\$10.00	\$100.00	\$175.00	\$1,750.00
3/4" FELT EXPANSION MATERIAL	300	LF	\$2.00	\$600.00	\$1.50	\$450.00	\$1.59	\$477.00	\$1.35	\$405.00
UNCLASSIFIED EXCAVATION	100	CY	\$30.00	\$3,000.00	\$15.00	\$1,500.00	\$15.00	\$1,500.00	\$55.00	\$5,500.00
CONCRETE REMOVAL	3,500	SF	\$2.00	\$7,000.00	\$2.00	\$7,000.00	\$2.00	\$7,000.00	\$1.60	\$5,600.00
SAW CUTTING	550	LF	\$6.00	\$3,300.00	\$2.50	\$1,375.00	\$3.00	\$1,650.00	\$4.05	\$2,227.50
ADJUST WATER CURB STOP	2	EA	\$45.00	\$90.00	\$35.00	\$70.00	\$35.00	\$70.00	\$225.00	\$450.00
ADJUST WATER VALVE BOX	2	EA	\$45.00	\$90.00	\$25.00	\$50.00	\$35.00	\$70.00	\$225.00	\$450.00
BLACK DIRT AND SEED	25	SY	\$20.00	\$500.00	\$20.00	\$500.00	\$40.00	\$1,000.00	\$25.00	\$625.00
SOD	5	SY	\$35.00	\$175.00	\$30.00	\$150.00	\$60.00	\$300.00	\$25.00	\$125.00
TREE ROOT REMOV.(2" TO 6")	2	EA	\$50.00	\$100.00	\$25.00	\$50.00	\$100.00	\$200.00	\$175.00	\$350.00
TREE ROOT REMOV. (OVER 6" TO 12")	2	EA	\$75.00	\$150.00	\$50.00	\$100.00	\$150.00	\$300.00	\$300.00	\$600.00
TREE ROOT REMOVAL (OVER 12")	2	EA	\$100.00	\$200.00	\$50.00	\$100.00	\$200.00	\$400.00	\$500.00	\$1,000.00
CWP- CURB & GUTTER	30	LF	\$0.75	\$22.50	\$0.50	\$15.00	\$1.00	\$30.00	\$4.55	\$136.50
CWP- CONCRETE PAVEMENT	300	SF	\$0.50	\$150.00	\$0.50	\$150.00	\$1.00	\$300.00	\$0.90	\$270.00
8" CONCRETE	500	SF	\$7.00	\$3,500.00	\$8.00	\$4,000.00	\$8.75	\$4,375.00	\$13.00	\$6,500.00
REMOVE & REPLACE 8" CURB & GUTTER	100	LF	\$30.00	\$3,000.00	\$45.00	\$4,500.00	\$45.00	\$4,500.00	\$65.00	\$6,500.00
<b>TOTAL BID</b>				<b>\$75,032.50</b>		<b>\$83,062.50</b>		<b>\$86,129.50</b>		<b>\$124,789.00</b>

**I HEREBY CERTIFY FOUR SQUARE CONCRETE LLC TO BE THE APPARENT LOW BIDDER.**

  
**KIM FETTIG**  
**PROJECT MANAGER**

Board of City Commissioners

Agenda Documentation

Meeting Date: April 21, 2020

Subject: Consider the award of bids for Municipal Sidewalk Improvement Project 2020-02 and approving the Resolution approving the contract and contractor's bond.

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**RESOLUTION**  
**APPROVING CONTRACT AND CONTRACTOR'S BOND FOR**  
**SIDEWALK IMPROVEMENT PROJECT 2020-02**

BE IT RESOLVED by the governing body of the City of Mandan, North Dakota (the "City"), as follows:

1. It is hereby found and determined that this Board has heretofore caused Notice for Advertisement for Bids to be made for an improvement Sidewalk Improvement Project 2020-02 of said City, and has duly and publicly opened and considered said bids received pursuant to said Notice.
2. Said improvement is hereby ordered to be constructed in accordance with the plans and specifications therefor as heretofore adopted by this Board pursuant to a resolution duly adopted by this Board.
3. It is hereby found and determined that the lowest responsible bidder for various categories of the work, material and skill required for said improvement is Four Square Concrete LLC. whose bid provides for the construction of said improvement at a total estimated base price of \$83,062.50.
4. The President of the Board of City Commissioners of the City of Mandan and City Auditor are hereby authorized and directed to make and enter into a contract with said bidder on the part of the City, in the form prescribed by Sections 40-22-35 and 40-22-35, N.D.C.C. as amended, provided that said bidder shall within ten (10) days from this date execute said contract and a construction bond conditioned in accordance with the provisions of Sections 40-22-30 and 40-22-32 of said Code.

Dated this 21<sup>st</sup> day of April, 2020

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President, Board of City Commissioners

Attest:

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City Administrator



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** April 16, 2020  
**PREPARATION DATE:** April 21, 2020  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:** Justin Froseth, PE  
**PRESENTER:** Justin Froseth, Planning and Engineering Director  
**SUBJECT:** Presentation of bids for Street Improvement Districts No. 215 (Midtown East) 215A (Public Works Parking Lot) and 215B (Grounds Maintenance Parking Lot).

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**STATEMENT/PURPOSE:** To present the bids for Street Improvement District No. 215, Project No. 2019-05 (Midtown East), 215A Project 2020-04 (Public Works Parking Lot) and 215B Project 2020.05 (Grounds Maintenance Parking Lot).

**BACKGROUND/ALTERNATIVES:** At the December 3rd, 2019 City Commission approved the resolution creating the district, approved the engineer's report, approved the feasibility report and approved the resolution of necessity for SID 215. Commission on January 7<sup>th</sup> found the protests insufficient and elected to move forward with this project. On March 3<sup>rd</sup>, 2020 City Commission approved the resolution creating the district, approved the engineer's report, approved the feasibility report and approved the resolution of necessity for SID 215A and SID 215B. SID 215A and 215B are to pave the Public Work's parking lots at their main facility and the Grounds Maintenance building respectively. On March 17<sup>th</sup> City Commission approved the advertisement of bid for all three Districts.

The bid opening was on April 14<sup>th</sup> and Strata Corporation was the low bidder. Though Strata was the low bidder, their bid did come in over estimate. For the parts that would be special assessed, the bids came in at 15.1% over estimate. For the water and sanitary sewer parts, the bids came in at 10.9% over. Attachment #1 shows a summary of the different estimate parts vs. the amounts estimated for funding purposes.

A couple of notables with attachment #1, it is comparing construction costs only. A conservative amount of 30% could be applied to all dollar amounts to get to the total project cost amounts. That will change the dollar differences by 30% as well, but the percentage of difference will remain the same. Another notable is that this attachment #1 does not show all components bid. Notably, SID 215A and 215B are not summarized on

Board of City Commissioners

Agenda Documentation

Meeting Date: April 21, 2020

Subject: Presentation of bids for Street Improvement Districts No. 215 (Midtown East), 215A (Public Works Parking Lot) and 215B (Grounds Maintenance Parking Lot).

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it. Those bids came in over estimate as well. All bid amounts can be found on attachment #2, the bid tab.

Staff has been discussing possible ways to trim scope to make the project costs come down. Ideas such as eliminating the widening of 3rd Avenue or eliminating the chip seal of all streets are examples of items that we think can be considered and would have significant impact on cost. On the underground side, eliminating some segments of watermain that would accomplish looping of our system for more reliable service or removing a segment of watermain in mind that is separate from this area could be considered in order to relieve some pressure on the utility fund. We believe it is prudent to take more time to flush these ideas out as well as identify funding strategies should the Municipal Infrastructure Funds (MIF, formerly Prairie Dog) no longer be reliable given the dramatic drop in oil prices. We would continue with those discussions and intend to bring back to our next meeting in order to allow the contractor to get started in a timely manner. Our bid instructions allow us to hold bids for no more than 60 days until award.

If this project is awarded, the majority of the project construction is planned for 2020 with some tasks in 2021.

ATTACHMENTS:

- 1) Bid vs. Estimate Summary
- 2) Bid Tab

FISCAL IMPACT: Staff does not feel as though we have a full and complete grasp on how we would recommend to fund all elements of this project at this time. The uncertainty is a result of both the bids coming in higher than estimated and the uncertainty of the MIFs at the moment. We will be having those conversations as touched on in the Background/Alternatives section in order to have confidence in our recommendation when it comes back to the board for requested action.

STAFF IMPACT: Significant time and effort working alongside Moore Engineering on this project.

LEGAL REVIEW: Our agenda information has been forwarded as part of the full packet to the City Attorney for review.

RECOMMENDATION: None. For information.

SUGGESTED MOTION: None. For information only at today's meeting.

Meeting Date: April 21, 2020

Subject: Presentation of bids for Street Improvement Districts No. 215 (Midtown East),  
 215A (Public Works Parking Lot) and 215B (Grounds Maintenance Parking Lot).

Street Improvement District No. 215, 215A & 215B Mandan, North Dakota Roadway Reconstruction and Rehabilitation Project No. 20834 POST BID REVIEW				
BID ITEM NO. & DESCRIPTION	BID PRICE	Engineer's Opinion of Cost	Over/Under	% Difference
<b><u>SPECIAL ASSESSMENT RELATED ITEMS</u></b>				
BASE BID - STREETS, ALLEYS, ETC	\$3,390,164.90			
ALTERNATE 2 - CEMENT STABILIZED	\$424,010.00			
<u>TOTAL PART A CONSTRUCTION AMOUNT</u>	<u>\$3,814,174.90</u>	\$3,306,973.00	\$507,201.90	15.3%
PART D - STORM SEWER IMPROVEMENTS - SID 215, PROJECT 2019-05	\$942,627.50	\$764,440.00	\$178,187.50	23.3%
LIGHTING IMPROVEMENTS	\$155,820.00	\$196,125.00	(\$40,305.00)	-20.6%
<u>TOTAL CONSTRUCTION AMOUNT RELATED TO ASSESSMENTS</u>	<u>\$4,912,622.40</u>	\$4,267,538.00	\$645,084.40	15.1%
<b><u>UTILITY ACCOUNT RELATED ITEMS</u></b>				
PART B - WATER MAIN IMPROVEMENTS - SID 215, PROJECT 2019-05	\$1,785,347.50	\$1,368,900.00	\$416,447.50	30.4%
PART C - SANITARY SEWER IMPROVEMENTS	\$382,444.50	\$585,025.00	(\$202,580.50)	-34.6%
<u>TOTAL CONSTRUCTION AMOUNT RELATED TO UTILITY ACCOUNTS</u>	<u>\$2,167,792.00</u>	\$1,953,925.00	\$213,867.00	10.9%



**BID TABULATION**

Street Improvement District No. 215, 215A & 215B

Mandan, North Dakota

Project No. 20834

Bid Date: April 13, 2020

Strata Corporation  
102 12th Ave NW  
West Fargo, ND 58078

Crow River Construction  
9338 187th Ave NE  
New London, MN 56273

Denny's Electric, LLC  
PO Box 1406  
Dickinson, ND 58602

BID ITEM NO. & DESCRIPTION		UNIT	ESTIMATED QUANTITY	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE	
<b>GENERAL</b>										
<b>BASE BID</b>										
<b>PART A - STREET IMPROVEMENTS - SID 215, PROJECT 2019-05</b>										
1.	261.0112	Fiber Rolls 12In	LF	600	\$3.15	\$1,890.00	\$4.00	\$2,400.00	NO BID	NO BID
2.	708.1540	Inlet Protection-Special	EA	75	\$150.00	\$11,250.00	\$175.00	\$13,125.00	NO BID	NO BID
3.	201.0330	Clearing & Grubbing	L SUM	1	\$6,700.00	\$6,700.00	\$10,000.00	\$10,000.00	NO BID	NO BID
4.	201.0390	Removal of Trees 30In	EA	12	\$1,650.00	\$19,800.00	\$1,000.00	\$12,000.00	NO BID	NO BID
5.	202.0114	Removal of Concrete Pavement	SY	15,500	\$20.20	\$313,100.00	\$14.00	\$217,000.00	NO BID	NO BID
6.	202.0130	Removal of Curb & Gutter	LF	12,900	\$3.30	\$42,570.00	\$8.00	\$103,200.00	NO BID	NO BID
7.	202.0132	Removal of Bituminous Surfacing	SY	11,500	\$3.25	\$37,375.00	\$8.00	\$92,000.00	NO BID	NO BID
8.	203.0109	Topsoil	CY	2,300	\$19.95	\$45,885.00	\$45.00	\$103,500.00	NO BID	NO BID
9.	203.0140	Borrow-Excavation	CY	75	\$18.00	\$1,350.00	\$25.00	\$1,875.00	NO BID	NO BID
10.	306.0370	Remove And Relay Blended Material	SY	28,000	\$4.90	\$137,200.00	\$16.00	\$448,000.00	NO BID	NO BID
11.	405-8.2	Rubberized Asphalt Sealants	LF	600	\$0.65	\$390.00	\$4.00	\$2,400.00	NO BID	NO BID
12.	405-8.6	Routed/Sawn Cracks	LF	600	\$0.65	\$390.00	\$5.00	\$3,000.00	NO BID	NO BID
13.	420.0111	Crs2P Emulsified Asphalt	GAL	19,000	\$4.12	\$78,280.00	\$4.00	\$76,000.00	NO BID	NO BID
14.	420.0125	Cover Coat Material CI 41M	TON	600	\$42.53	\$25,518.00	\$42.00	\$25,200.00	NO BID	NO BID
15.	430.0043	Superpave FAA 43	TON	12,300	\$78.90	\$970,470.00	\$105.00	\$1,291,500.00	NO BID	NO BID
16.	430.1000	Cored Sample	EA	40	\$71.00	\$2,840.00	\$150.00	\$6,000.00	NO BID	NO BID
17.	501-4.2	Random Crack Sealing	LF	2,000	\$0.60	\$1,200.00	\$5.00	\$10,000.00	NO BID	NO BID
18.	501-4.3	Saw And Seal Joints	LF	600	\$6.50	\$3,900.00	\$6.00	\$3,600.00	NO BID	NO BID
19.	550.0115	8In Non-Reinf Concrete Pavement CI Ye	SY	400	\$76.80	\$30,720.00	\$125.00	\$50,000.00	NO BID	NO BID
20.	601-4.6	Sidewalk Trench Drain - 12" Inches Wide	LF	6	\$205.00	\$1,230.00	\$600.00	\$3,600.00	NO BID	NO BID
21.	624.0123	Pedestrian Railing	LF	120	\$133.62	\$16,034.40	\$135.00	\$16,200.00	NO BID	NO BID
22.	704.1100	Traffic Control	L SUM	1	\$33,500.00	\$33,500.00	\$75,000.00	\$75,000.00	NO BID	NO BID
23.	748.00001	Valley Gutter Special	SY	550	\$82.40	\$45,320.00	\$110.00	\$60,500.00	NO BID	NO BID
24.	748.0500	Curb Header-Type I	LF	400	\$25.80	\$10,320.00	\$45.00	\$18,000.00	NO BID	NO BID
25.	748.0140	Curb & Gutter-Type I	LF	12,900	\$25.80	\$332,820.00	\$35.00	\$451,500.00	NO BID	NO BID
26.	750.0100	Sidewalk Concrete	SY	3,650	\$51.20	\$186,880.00	\$75.00	\$273,750.00	NO BID	NO BID
27.	750.1000	Driveway Concrete	SY	5,100	\$54.00	\$275,400.00	\$80.00	\$408,000.00	NO BID	NO BID
28.	750.2115	Detectable Warning Panels	SF	910	\$24.00	\$21,840.00	\$20.00	\$18,200.00	NO BID	NO BID
29.	754.9095	Signing	L SUM	1	\$5,500.00	\$5,500.00	\$1,000.00	\$1,000.00	NO BID	NO BID

[C]=Corrected Amount



**BID TABULATION**

Street Improvement District No. 215, 215A & 215B

Mandan, North Dakota

Project No. 20834

Bid Date: April 13, 2020

Strata Corporation  
102 12th Ave NW  
West Fargo, ND 58078

Crow River Construction  
9338 187th Ave NE  
New London, MN 56273

Denny's Electric, LLC  
PO Box 1406  
Dickinson, ND 58602

BID ITEM NO. & DESCRIPTION			UNIT	ESTIMATED QUANTITY	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE
30.	762.1305	Preformed Patterned Pvmt Mk 4In Line-Grooved	LF	700	\$4.60	\$3,220.00	\$3.00	\$2,100.00	NO BID	NO BID
31.	762.1307	Preformed Patterned Pvmt Mk 6In Line-Grooved	LF	100	\$7.10	\$710.00	\$24.00	\$2,400.00	NO BID	NO BID
32.	762.1325	Preformed Patterned Pvmt Mk 24In Line-Grooved	LF	350	\$30.00	\$10,500.00	\$80.00	\$28,000.00	NO BID	NO BID
33.	930.9543	Retaining Wall	LF	498	\$866.25	\$431,392.50	\$425.00	\$211,650.00	NO BID	NO BID
34.	12000	Mobilization	L SUM	1	\$180,000.00	\$180,000.00	\$750,000.00	\$750,000.00	NO BID	NO BID
35.	1202-4.2	Seeding Class II	SY	15,000	\$1.05	\$15,750.00	\$0.50	\$7,500.00	NO BID	NO BID
36.	1204-4.1	Mulching	SY	15,000	\$1.05	\$15,750.00	\$1.00	\$15,000.00	NO BID	NO BID
37.	1206-4.1	Adjust Manhole Casting in Asphalt Pavement	EA	55	\$650.00	\$35,750.00	\$1,500.00	\$82,500.00	NO BID	NO BID
38.	1206-4.11	Adjust Valve Box In Asphalt Pavement	EA	40	\$240.00	\$9,600.00	\$300.00	\$12,000.00	NO BID	NO BID
39.	1206-4.2	Furnish and Adjust Manhole Casting In Asphalt Pavement	EA	5	\$1,100.00	\$5,500.00	\$1,500.00	\$7,500.00	NO BID	NO BID
40.	15000	Storm Water Management	L SUM	1	\$12,500.00	\$12,500.00	\$7,500.00	\$7,500.00	NO BID	NO BID
41.	312500.01	Turf Reinforcement Mat	SF	1,250	\$0.80	\$1,000.00	\$1.00	\$1,250.00	NO BID	NO BID
42.	312500.02	Tied Concrete Block Mat	SF	1,200	\$7.35	\$8,820.00	\$30.00	\$36,000.00	NO BID	NO BID
<b>PART B - WATER MAIN IMPROVEMENTS - SID 215, PROJECT 2019-05</b>										
1.	203.0505	Exploratory Excavation	HR	20	\$840.00	\$16,800.00	\$500.00	\$10,000.00	NO BID	NO BID
2.	724.0430	Remove Hydrant	EA	7	\$1,680.00	\$11,760.00	\$350.00	\$2,450.00	NO BID	NO BID
3.	901-4.10	6 Inch Water Main	LF	160	\$52.50	\$8,400.00	\$55.00	\$8,800.00	NO BID	NO BID
4.	901-4.11	8 Inch Water Main	LF	7,900	\$82.95	\$655,305.00	\$60.00	\$474,000.00	NO BID	NO BID
5.	901-4.50	6" Gate Valve And Box	EA	10	\$1,470.00	\$14,700.00	\$1,800.00	\$18,000.00	NO BID	NO BID
6.	901-4.51	8" Gate Valve And Box	EA	39	\$1,942.50	\$75,757.50	\$2,300.00	\$89,700.00	NO BID	NO BID
7.	901-4.70	6" Hydrant	EA	10	\$6,300.00	\$63,000.00	\$6,400.00	\$64,000.00	NO BID	NO BID
8.	901-4.79	8" X 8" Tapping Sleeve With Tapping Valve And Box	EA	1	\$7,140.00	\$7,140.00	\$5,800.00	\$5,800.00	NO BID	NO BID
9.	901-4.80	12" X 8" Tapping Sleeve With Tapping Valve And Box	EA	1	\$7,350.00	\$7,350.00	\$6,000.00	\$6,000.00	NO BID	NO BID
10.	1209-4.11	1" Water Service Line	LF	2,000	\$42.00	\$84,000.00	\$42.00	\$84,000.00	NO BID	NO BID
11.	1209-4.40	1" Water Service Connection	EA	180	\$1,837.50	\$330,750.00	\$600.00	\$108,000.00	NO BID	NO BID
12.	1209-4.50	1" Curb Stop And 1" Curb Box	EA	22	\$262.50	\$5,775.00	\$600.00	\$13,200.00	NO BID	NO BID
13.	28213.33	Removal of Asbestos Concrete Pipe	LF	10	\$210.00	\$2,100.00	\$40.00	\$400.00	NO BID	NO BID
14.	330130.11	Televiser - Service	EA	7	\$525.00	\$3,675.00	\$500.00	\$3,500.00	NO BID	NO BID
15.	330130.23	Water Main Pipe Burst - 8"	LF	900	\$183.75	\$165,375.00	\$80.00	\$72,000.00	NO BID	NO BID
<b>PART C - SANITARY SEWER IMPROVEMENTS</b>										
1.	202.0210	Removal of Manholes	EA	6	\$1,785.00	\$10,710.00	\$600.00	\$3,600.00	NO BID	NO BID
2.	722.6201	Adjust Manhole Special	EA	1	\$7,560.00	\$7,560.00	\$1,400.00	\$1,400.00	NO BID	NO BID

[C]=Corrected Amount



**BID TABULATION**

**Street Improvement District No. 215, 215A & 215B**

**Mandan, North Dakota**

**Project No. 20834**

**Bid Date: April 13, 2020**

Strata Corporation  
102 12th Ave NW  
West Fargo, ND 58078

Crow River Construction  
9338 187th Ave NE  
New London, MN 56273

Denny's Electric, LLC  
PO Box 1406  
Dickinson, ND 58602

BID ITEM NO. & DESCRIPTION	UNIT	ESTIMATED QUANTITY	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE
3. 801-4.1 8" Sanitary Sewer Pipe	LF	1,090	\$132.30	\$144,207.00	\$65.00	\$70,850.00	NO BID	NO BID
4. 801-4.2 10" Sanitary Sewer Pipe	LF	45	\$304.50	\$13,702.50	\$75.00	\$3,375.00	NO BID	NO BID
5. 801-4.3 12" Sanitary Sewer Pipe	LF	50	\$462.00	\$23,100.00	\$85.00	\$4,250.00	NO BID	NO BID
6. 801-XXXX Connect To Existing Manhole	EA	2	\$3,465.00	\$6,930.00	\$2,500.00	\$5,000.00	NO BID	NO BID
7. 801-XXXX Sanitary Sewer Main Repair	EA	4	\$12,600.00	\$50,400.00	\$3,600.00	\$14,400.00	NO BID	NO BID
8. 1205-4.1 (A) Concrete Manhole (48" Dia)	EA	12	\$5,250.00	\$63,000.00	\$6,000.00	\$72,000.00	NO BID	NO BID
9. 1209-4.1 6" Sewer Service Pipe	LF	600	\$100.00	\$60,000.00	\$45.00	\$27,000.00	NO BID	NO BID
10. 1209-4.6 6" Sewer Pipe Bend	EA	30	\$94.50	\$2,835.00	\$200.00	\$6,000.00	NO BID	NO BID
<b>PART D - STORM SEWER IMPROVEMENTS - SID 215, PROJECT 2019-05</b>								
1. 202.0210 Removal of Manholes	EA	11	\$1,050.00	\$11,550.00	\$800.00	\$8,800.00	NO BID	NO BID
2. 802-4.2 12" Storm Sewer Pipe	LF	540	\$70.35	\$37,989.00	\$65.00	\$35,100.00	NO BID	NO BID
3. 802-4.3 15" Storm Sewer Pipe	LF	320	\$58.80	\$18,816.00	\$70.00	\$22,400.00	NO BID	NO BID
4. 802-4.4 18" Storm Sewer Pipe	LF	900	\$98.70	\$88,830.00	\$75.00	\$67,500.00	NO BID	NO BID
5. 802-4.5 24" Storm Sewer Pipe	LF	810	\$87.15	\$70,591.50	\$80.00	\$64,800.00	NO BID	NO BID
6. 802-4.6 36" Storm Sewer Pipe	LF	400	\$112.35	\$44,940.00	\$100.00	\$40,000.00	NO BID	NO BID
7. 802-4.7 48" Storm Sewer Pipe	LF	1,520	\$184.80	\$280,896.00	\$130.00	\$197,600.00	NO BID	NO BID
8. 901-4.78 Insulate Water Main Or Service	LF	300	\$21.00	\$6,300.00	\$25.00	\$7,500.00	NO BID	NO BID
9. 901-X.XX Adjust Water Main (12 Inch and Under)	EA	1	\$9,135.00	\$9,135.00	\$5,400.00	\$5,400.00	NO BID	NO BID
10. 901-X.XX Adjust Water Main (Over 12 Inch)	EA	1	\$16,485.00	\$16,485.00	\$7,500.00	\$7,500.00	NO BID	NO BID
11. 1205-4.1 (A) Concrete Manhole (48" Dia)	EA	8	\$3,675.00	\$29,400.00	\$5,400.00	\$43,200.00	NO BID	NO BID
12. 1205-4.1 (B) Concrete Manhole (60" Dia)	EA	3	\$6,300.00	\$18,900.00	\$7,800.00	\$23,400.00	NO BID	NO BID
13. 1205-4.1 (C) Concrete Manhole (72" Dia)	EA	1	\$10,500.00	\$10,500.00	\$11,500.00	\$11,500.00	NO BID	NO BID
14. 1205-4.1 (D) Concrete Manhole (84" Dia)	EA	4	\$13,650.00	\$54,600.00	\$16,500.00	\$66,000.00	NO BID	NO BID
15. 1205-4.1 (E) Concrete Manhole (96" Dia)	EA	2	\$15,750.00	\$31,500.00	\$16,600.00	\$33,200.00	NO BID	NO BID
16. 1205-4.1 (F) Concrete Manhole (108" Dia)	EA	1	\$41,780.00	\$41,780.00	\$26,500.00	\$26,500.00	NO BID	NO BID
17. 1205-4.7 Type 36" Inlet	EA	31	\$3,465.00	\$107,415.00	\$4,000.00	\$124,000.00	NO BID	NO BID
18. 1205-4.10 Catch Basin	EA	2	\$2,100.00	\$4,200.00	\$2,800.00	\$5,600.00	NO BID	NO BID
19. 1205-4.11 Remove Existing Catch Basin Or Inlet	EA	35	\$420.00	\$14,700.00	\$400.00	\$14,000.00	NO BID	NO BID
20. 1209-X.XX Adjust Water Service	EA	10	\$3,675.00	\$36,750.00	\$1,600.00	\$16,000.00	NO BID	NO BID
21. 1209-X.XX Sanitary Sewer Service Repair	EA	2	\$3,675.00	\$7,350.00	\$1,600.00	\$3,200.00	NO BID	NO BID



**BID TABULATION**

Street Improvement District No. 215, 215A & 215B

Mandan, North Dakota

Project No. 20834

Bid Date: April 13, 2020

Strata Corporation  
102 12th Ave NW  
West Fargo, ND 58078

Crow River Construction  
9338 187th Ave NE  
New London, MN 56273

Denny's Electric, LLC  
PO Box 1406  
Dickinson, ND 58602

BID ITEM NO. & DESCRIPTION		UNIT	ESTIMATED QUANTITY	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE	
<b>PART E - 8th AVE NORTHWEST WATER REPLACEMENT AREA - SID 215, PROJECT 2019-05</b>										
1.	202.0114	Removal of Concrete Pavement	SY	55	\$24.00	\$1,320.00	\$15.00	\$825.00	NO BID	NO BID
2.	202.0130	Removal of Curb & Gutter	LF	60	\$10.00	\$600.00	\$8.00	\$480.00	NO BID	NO BID
3.	203.0109	Topsoil	CY	21	\$27.00	\$567.00	\$45.00	\$945.00	NO BID	NO BID
4.	430.00001	Patching	SY	800	\$68.00	\$54,400.00	\$55.00	\$44,000.00	NO BID	NO BID
5.	748.0140	Curb & Gutter-Type I	LF	60	\$42.00	\$2,520.00	\$60.00	\$3,600.00	NO BID	NO BID
6.	750.0100	Sidewalk Concrete	SY	25	\$59.00	\$1,475.00	\$125.00	\$3,125.00	NO BID	NO BID
7.	750.1000	Driveway Concrete	SY	30	\$66.00	\$1,980.00	\$120.00	\$3,600.00	NO BID	NO BID
8.	901-4.10	6 Inch Water Main	LF	40	\$56.70	\$2,268.00	\$65.00	\$2,600.00	NO BID	NO BID
9.	901-4.11	8 Inch Water Main	LF	561	\$88.20	\$49,480.20	\$60.00	\$33,660.00	NO BID	NO BID
10.	901-4.50	6" Gate Valve And Box	EA	1	\$1,470.00	\$1,470.00	\$1,800.00	\$1,800.00	NO BID	NO BID
11.	901-4.51	8" Gate Valve And Box	EA	2	\$1,942.50	\$3,885.00	\$2,300.00	\$4,600.00	NO BID	NO BID
12.	901-4.79	8" X 8" Tapping Sleeve With Tapping Valve And Box	EA	2	\$7,140.00	\$14,280.00	\$5,800.00	\$11,600.00	NO BID	NO BID
13.	901-4.70	6" Hydrant	EA	1	\$6,300.00	\$6,300.00	\$6,300.00	\$6,300.00	NO BID	NO BID
14.	1202-4.2	Seeding Class II	SY	125	\$1.05	\$131.25	\$1.00	\$125.00	NO BID	NO BID
15.	1204-4.1	Mulching	SY	125	\$1.05	\$131.25	\$2.00	\$250.00	NO BID	NO BID
16.	1209-4.11	1" Water Service Line	LF	200	\$69.30	\$13,860.00	\$45.00	\$9,000.00	NO BID	NO BID
17.	1209-4.40	1" Water Service Connection	EA	5	\$1,207.50	\$6,037.50	\$600.00	\$3,000.00	NO BID	NO BID
<b>PART F - CEMETERY GROUND MAINTENANCE PARKING LOT - SID 215B, PROJECT 2020-05</b>										
1.	203.0109	Topsoil	CY	150	\$27.00	\$4,050.00	\$45.00	\$6,750.00	NO BID	NO BID
2.	302-4.3	Blended Base	CY	255	\$45.00	\$11,475.00	\$30.00	\$7,650.00	NO BID	NO BID
3.	501-4.1	Portland Cement Concrete Pavement	SY	2,188	\$76.50	\$167,382.00	\$70.00	\$153,160.00	NO BID	NO BID
4.	1001-4.11	Two-Inch Conduit - PVC Laid In Trench	LF	70	\$10.00	\$700.00	\$15.00	\$1,050.00	NO BID	NO BID
5.	1001-4.12	Trenching - 27-Inch Depth	LF	70	\$8.00	\$560.00	\$10.00	\$700.00	NO BID	NO BID
6.	1202-4.2	Seeding Class II	SY	800	\$1.05	\$840.00	\$1.00	\$800.00	NO BID	NO BID
7.	1204-4.1	Mulching	SY	800	\$1.05	\$840.00	\$2.00	\$1,600.00	NO BID	NO BID
<b>PART G - PUBLIC WORKS ADDITION - SID 215A, PROJECT 2020-05</b>										
1.	202.0114	Removal of Concrete Pavement	SY	300	\$22.00	\$6,600.00	\$15.00	\$4,500.00	NO BID	NO BID
2.	202.0130	Removal of Curb & Gutter	LF	500	\$3.30	\$1,650.00	\$8.00	\$4,000.00	NO BID	NO BID
3.	202.0132	Removal of Bituminous Surfacing	SY	6,000	\$2.60	\$15,600.00	\$4.00	\$24,000.00	NO BID	NO BID
4.	202.0310	Removal Of Chain Link Fence	LF	1,260	\$4.50	\$5,670.00	\$4.50	\$5,670.00	NO BID	NO BID
5.	203.0101	Common Excavation-Type A	CY	960	\$23.00	\$22,080.00	\$14.00	\$13,440.00	NO BID	NO BID

[C]=Corrected Amount



**BID TABULATION**

**Street Improvement District No. 215, 215A & 215B**

**Mandan, North Dakota**

**Project No. 20834**

**Bid Date: April 13, 2020**

Strata Corporation  
102 12th Ave NW  
West Fargo, ND 58078

Crow River Construction  
9338 187th Ave NE  
New London, MN 56273

Denny's Electric, LLC  
PO Box 1406  
Dickinson, ND 58602

BID ITEM NO. & DESCRIPTION			UNIT	ESTIMATED QUANTITY	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE
6.	203.0109	Topsoil	CY	450	\$19.95	\$8,977.50	\$45.00	\$20,250.00	NO BID	NO BID
7.	203.0140	Borrow-Excavation	CY	6,300	\$20.50	\$129,150.00	\$14.00	\$88,200.00	NO BID	NO BID
8.	230.00001	Subgrade Preparation-Type A-6In	SY	13,885	\$2.20	\$30,547.00	\$4.00	\$55,540.00	NO BID	NO BID
9.	302-4.3	Blended Base	CY	3,100	\$36.22	\$112,282.00	\$18.00	\$55,800.00	NO BID	NO BID
10.	550.0107	6In Reinf Concrete Pavement Cl Ye	SY	13,330	\$49.80	\$663,834.00	\$75.00	\$999,750.00 [C]	NO BID	NO BID
11.	722.2500	Manhole Special	EA	1	\$10,500.00	\$10,500.00	\$12,000.00	\$12,000.00	NO BID	NO BID
12.	748.00001	Valley Gutter Special	SY	399	\$78.00	\$31,122.00	\$110.00	\$43,890.00	NO BID	NO BID
13.	748.0140	Curb & Gutter-Type I	LF	775	\$23.80	\$18,445.00	\$35.00	\$27,125.00	NO BID	NO BID
14.	750.0100	Sidewalk Concrete	SY	175	\$64.00	\$11,200.00	\$75.00	\$13,125.00	NO BID	NO BID
15.	750.2115	Detectable Warning Panels	SF	24	\$24.00	\$576.00	\$20.00	\$480.00	NO BID	NO BID
16.	752.0600	Fence Chain Link	LF	1,350	\$30.78	\$41,553.00	\$32.00	\$43,200.00	NO BID	NO BID
17.	752.2100	Vehicle Gate	EA	2	\$8,670.00	\$17,340.00	\$10,000.00	\$20,000.00	NO BID	NO BID
18.	752.2120	Remove Vehicle Gate	EA	2	\$342.00	\$684.00	\$350.00	\$700.00	NO BID	NO BID
19.	762.0103	Pvmt Mk Painted-Message	SF	50	\$32.00	\$1,600.00	\$65.00	\$3,250.00	NO BID	NO BID
20.	762.0113	Epoxy Pvmt Mk 4In Line	LF	1,100	\$0.75	\$825.00	\$4.00	\$4,400.00	NO BID	NO BID
21.	802-4.1	8" Storm Sewer Pipe	LF	15	\$37.80	\$567.00	\$65.00	\$975.00	NO BID	NO BID
22.	802-4.2	12" Storm Sewer Pipe	LF	10	\$63.00	\$630.00	\$70.00	\$700.00	NO BID	NO BID
23.	802-4.3	15" Storm Sewer Pipe	LF	108	\$92.40	\$9,979.20	\$75.00	\$8,100.00	NO BID	NO BID
24.	802-4.4	18" Storm Sewer Pipe	LF	502	\$78.75	\$39,532.50	\$80.00	\$40,160.00	NO BID	NO BID
25.	802-4.51	12" Flared End Section	EA	1	\$1,260.00	\$1,260.00	\$500.00	\$500.00	NO BID	NO BID
26.	802-4.52	15" Flared End Section	EA	1	\$1,680.00	\$1,680.00	\$550.00	\$550.00	NO BID	NO BID
27.	802-4.94	Rip Rap - Type M	CY	20	\$140.00	\$2,800.00	\$100.00	\$2,000.00	NO BID	NO BID
28.	1202-4.2	Seeding Class II	SY	2,500	\$1.05	\$2,625.00	\$1.00	\$2,500.00	NO BID	NO BID
29.	1204-4.1	Mulching	SY	2,500	\$1.05	\$2,625.00	\$2.00	\$5,000.00	NO BID	NO BID
30.	1205-4.1 (A)	Concrete Manhole (48" Dia)	EA	3	\$3,990.00	\$11,970.00	\$5,200.00	\$15,600.00	NO BID	NO BID
31.	1205-4.7	Type 36" Inlet	EA	1	\$4,200.00	\$4,200.00	\$4,800.00	\$4,800.00	NO BID	NO BID
32.	1206-4.5	Adjust Type 36" Inlet Casting	EA	1	\$120.00	\$120.00	\$1,200.00	\$1,200.00	NO BID	NO BID
<b>TOTAL GENERAL BASE BID (ALL PARTS)</b>						<b>\$7,721,900.80</b>		<b>\$8,773,500.00 [C]</b>		<b>\$0.00</b>



**BID TABULATION**

Street Improvement District No. 215, 215A & 215B

Mandan, North Dakota

Project No. 20834

Bid Date: April 13, 2020

Strata Corporation  
102 12th Ave NW  
West Fargo, ND 58078

Crow River Construction  
9338 187th Ave NE  
New London, MN 56273

Denny's Electric, LLC  
PO Box 1406  
Dickinson, ND 58602

BID ITEM NO. & DESCRIPTION		UNIT	ESTIMATED QUANTITY	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE	
<b>ALTERNATES</b>										
<b>ALTERNATE 1 - TRADITIONAL BASE STREET SECTION</b>										
1.	203.0101	Common Excavation-Type A (P)	CY	13,100	\$12.00	\$157,200.00	\$18.00	\$235,800.00	NO BID	NO BID
2.	230.00001	Subgrade Preparation-Type A-12In	SY	45,000	\$2.15	\$96,750.00	\$2.00	\$90,000.00	NO BID	NO BID
3.	302.0120	Aggregate Base Course CI 5	TON	15,500	\$29.78	\$461,590.00	\$28.00	\$434,000.00	NO BID	NO BID
4.	709.0161	Geosynthetic Material Type S1	SY	45,000	\$1.40	\$63,000.00	\$3.00	\$135,000.00	NO BID	NO BID
<b>TOTAL ALTERNATE 1</b>						<b>\$778,540.00</b>		<b>\$894,800.00</b>		<b>\$0.00</b>
<b>ALTERNATE 2 - CEMENT STABILIZED</b>										
1.	203.0101	Common Excavation-Type A (P)	CY	4,700	\$12.80	\$60,160.00	\$20.00	\$94,000.00	NO BID	NO BID
2.	12000	Mobilization	L SUM	1	\$28,000.00	\$28,000.00	\$60,000.00	\$60,000.00	NO BID	NO BID
3.	313213.16	Cement	TON	1,200	\$180.50	\$216,600.00	\$200.00	\$240,000.00	NO BID	NO BID
4.	313213.16	Cement Stabilized Base - 8In	SY	45,000	\$2.65	\$119,250.00	\$5.00	\$225,000.00	NO BID	NO BID
<b>TOTAL ALTERNATE 2</b>						<b>\$424,010.00</b>		<b>\$619,000.00</b>		<b>\$0.00</b>
<b>ELECTRICAL</b>										
<b>BASE BID - LIGHTING IMPROVEMENTS</b>										
1.	Division 16	Type B Street Light Unit	EA	8	\$2,200.00	\$17,600.00	NO BID	NO BID	\$2,685.00	\$21,480.00
2.	Division 16	Type B Street Light Luminaire	EA	1	\$400.00	\$400.00	NO BID	NO BID	\$385.00	\$385.00
3.	Division 16	Type B1 Steet Light Luminaire	EA	16	\$450.00	\$7,200.00	NO BID	NO BID	\$445.00	\$7,120.00
4.	Division 16	#4 AWG Citcuitry	LF	10,500	\$4.00	\$42,000.00	NO BID	NO BID	\$2.85	\$29,925.00
5.	Division 16	Trenching - 27-Inch Depth	LF	1,620	\$5.00	\$8,100.00	NO BID	NO BID	\$2.75	\$4,455.00
6.	Division 16	2" Conduit - Laid	LF	8,880	\$4.00	\$35,520.00	NO BID	NO BID	\$6.25	\$55,500.00
7.	Division 16	Junction Boxes	EA	19	\$800.00	\$15,200.00	NO BID	NO BID	\$700.00	\$13,300.00
8.	Division 16	Revise Existing Feedpoint	EA	1	\$2,200.00	\$2,200.00	NO BID	NO BID	\$1,850.00	\$1,850.00
9.	Division 16	Remove Existing Feedpoint	EA	2	\$500.00	\$1,000.00	NO BID	NO BID	\$75.00	\$150.00
10.	Division 16	Type B Street Light Pole	EA	10	\$1,670.00	\$16,700.00	NO BID	NO BID	\$2,300.00	\$23,000.00
11.	Division 16	Spare Pole	EA	2	\$1,400.00	\$2,800.00	NO BID	NO BID	\$1,400.00	\$2,800.00
12.	Division 16	Spare Luminaires	EA	5	\$380.00	\$1,900.00	NO BID	NO BID	\$325.00	\$1,625.00
13.	Division 16	Remove Existing Pole	EA	18	\$150.00	\$2,700.00	NO BID	NO BID	\$175.00	\$3,150.00
14.	Division 16	Relocate Existing Pole	EA	1	\$2,500.00	\$2,500.00	NO BID	NO BID	\$1,050.00	\$1,050.00
<b>TOTAL ELECTRICAL</b>						<b>\$155,820.00</b>		<b>NO BID</b>		<b>\$165,790.00</b>



**BID TABULATION**

**Street Improvement District No. 215, 215A & 215B**

**Mandan, North Dakota**

**Project No. 20834**

**Bid Date: April 13, 2020**

Edling Electric  
PO Box 1456  
Bismarck, ND 58502

Fetzer Electric, LLC  
2501 Angus Dr  
Bismarck, ND 58504

BID ITEM NO. & DESCRIPTION			UNIT	ESTIMATED QUANTITY	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE
<b>GENERAL</b>								
<b>BASE BID</b>								
<b>PART A - STREET IMPROVEMENTS - SID 215, PROJECT 2019-05</b>								
1.	261.0112	Fiber Rolls 12In	LF	600	NO BID	NO BID	NO BID	NO BID
2.	708.1540	Inlet Protection-Special	EA	75	NO BID	NO BID	NO BID	NO BID
3.	201.0330	Clearing & Grubbing	L SUM	1	NO BID	NO BID	NO BID	NO BID
4.	201.0390	Removal of Trees 30In	EA	12	NO BID	NO BID	NO BID	NO BID
5.	202.0114	Removal of Concrete Pavement	SY	15,500	NO BID	NO BID	NO BID	NO BID
6.	202.0130	Removal of Curb & Gutter	LF	12,900	NO BID	NO BID	NO BID	NO BID
7.	202.0132	Removal of Bituminous Surfacing	SY	11,500	NO BID	NO BID	NO BID	NO BID
8.	203.0109	Topsoil	CY	2,300	NO BID	NO BID	NO BID	NO BID
9.	203.0140	Borrow-Excavation	CY	75	NO BID	NO BID	NO BID	NO BID
10.	306.0370	Remove And Relay Blended Material	SY	28,000	NO BID	NO BID	NO BID	NO BID
11.	405-8.2	Rubberized Asphalt Sealants	LF	600	NO BID	NO BID	NO BID	NO BID
12.	405-8.6	Routed/Sawn Cracks	LF	600	NO BID	NO BID	NO BID	NO BID
13.	420.0111	Crs2P Emulsified Asphalt	GAL	19,000	NO BID	NO BID	NO BID	NO BID
14.	420.0125	Cover Coat Material CI 41M	TON	600	NO BID	NO BID	NO BID	NO BID
15.	430.0043	Superpave FAA 43	TON	12,300	NO BID	NO BID	NO BID	NO BID
16.	430.1000	Cored Sample	EA	40	NO BID	NO BID	NO BID	NO BID
17.	501-4.2	Random Crack Sealing	LF	2,000	NO BID	NO BID	NO BID	NO BID
18.	501-4.3	Saw And Seal Joints	LF	600	NO BID	NO BID	NO BID	NO BID
19.	550.0115	8In Non-Reinf Concrete Pavement CI Ye	SY	400	NO BID	NO BID	NO BID	NO BID
20.	601-4.6	Sidewalk Trench Drain - 12" Inches Wide	LF	6	NO BID	NO BID	NO BID	NO BID
21.	624.0123	Pedestrian Railing	LF	120	NO BID	NO BID	NO BID	NO BID
22.	704.1100	Traffic Control	L SUM	1	NO BID	NO BID	NO BID	NO BID
23.	748.00001	Valley Gutter Special	SY	550	NO BID	NO BID	NO BID	NO BID
24.	748.0500	Curb Header-Type I	LF	400	NO BID	NO BID	NO BID	NO BID
25.	748.0140	Curb & Gutter-Type I	LF	12,900	NO BID	NO BID	NO BID	NO BID
26.	750.0100	Sidewalk Concrete	SY	3,650	NO BID	NO BID	NO BID	NO BID
27.	750.1000	Driveway Concrete	SY	5,100	NO BID	NO BID	NO BID	NO BID
28.	750.2115	Detectable Warning Panels	SF	910	NO BID	NO BID	NO BID	NO BID
29.	754.9095	Signing	L SUM	1	NO BID	NO BID	NO BID	NO BID

[C]=Corrected Amount



**BID TABULATION**

**Street Improvement District No. 215, 215A & 215B**

**Mandan, North Dakota**

**Project No. 20834**

**Bid Date: April 13, 2020**

Edling Electric  
PO Box 1456  
Bismarck, ND 58502

Fetzer Electric, LLC  
2501 Angus Dr  
Bismarck, ND 58504

BID ITEM NO. & DESCRIPTION			UNIT	ESTIMATED QUANTITY	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE
30.	762.1305	Preformed Patterned Pvmt Mk 4In Line-Grooved	LF	700	NO BID	NO BID	NO BID	NO BID
31.	762.1307	Preformed Patterned Pvmt Mk 6In Line-Grooved	LF	100	NO BID	NO BID	NO BID	NO BID
32.	762.1325	Preformed Patterned Pvmt Mk 24In Line-Grooved	LF	350	NO BID	NO BID	NO BID	NO BID
33.	930.9543	Retaining Wall	LF	498	NO BID	NO BID	NO BID	NO BID
34.	12000	Mobilization	L SUM	1	NO BID	NO BID	NO BID	NO BID
35.	1202-4.2	Seeding Class II	SY	15,000	NO BID	NO BID	NO BID	NO BID
36.	1204-4.1	Mulching	SY	15,000	NO BID	NO BID	NO BID	NO BID
37.	1206-4.1	Adjust Manhole Casting in Asphalt Pavement	EA	55	NO BID	NO BID	NO BID	NO BID
38.	1206-4.11	Adjust Valve Box In Asphalt Pavement	EA	40	NO BID	NO BID	NO BID	NO BID
39.	1206-4.2	Furnish and Adjust Manhole Casting In Asphalt Pavement	EA	5	NO BID	NO BID	NO BID	NO BID
40.	15000	Storm Water Management	L SUM	1	NO BID	NO BID	NO BID	NO BID
41.	312500.01	Turf Reinforcement Mat	SF	1,250	NO BID	NO BID	NO BID	NO BID
42.	312500.02	Tied Concrete Block Mat	SF	1,200	NO BID	NO BID	NO BID	NO BID

**PART B - WATER MAIN IMPROVEMENTS - SID 215, PROJECT 2019-05**

1.	203.0505	Exploratory Excavation	HR	20	NO BID	NO BID	NO BID	NO BID
2.	724.0430	Remove Hydrant	EA	7	NO BID	NO BID	NO BID	NO BID
3.	901-4.10	6 Inch Water Main	LF	160	NO BID	NO BID	NO BID	NO BID
4.	901-4.11	8 Inch Water Main	LF	7,900	NO BID	NO BID	NO BID	NO BID
5.	901-4.50	6" Gate Valve And Box	EA	10	NO BID	NO BID	NO BID	NO BID
6.	901-4.51	8" Gate Valve And Box	EA	39	NO BID	NO BID	NO BID	NO BID
7.	901-4.70	6" Hydrant	EA	10	NO BID	NO BID	NO BID	NO BID
8.	901-4.79	8" X 8" Tapping Sleeve With Tapping Valve And Box	EA	1	NO BID	NO BID	NO BID	NO BID
9.	901-4.80	12" X 8" Tapping Sleeve With Tapping Valve And Box	EA	1	NO BID	NO BID	NO BID	NO BID
10.	1209-4.11	1" Water Service Line	LF	2,000	NO BID	NO BID	NO BID	NO BID
11.	1209-4.40	1" Water Service Connection	EA	180	NO BID	NO BID	NO BID	NO BID
12.	1209-4.50	1" Curb Stop And 1" Curb Box	EA	22	NO BID	NO BID	NO BID	NO BID
13.	28213.33	Removal of Asbestos Concrete Pipe	LF	10	NO BID	NO BID	NO BID	NO BID
14.	330130.11	Televise - Service	EA	7	NO BID	NO BID	NO BID	NO BID
15.	330130.23	Water Main Pipe Burst - 8"	LF	900	NO BID	NO BID	NO BID	NO BID

**PART C - SANITARY SEWER IMPROVEMENTS**

1.	202.0210	Removal of Manholes	EA	6	NO BID	NO BID	NO BID	NO BID
2.	722.6201	Adjust Manhole Special	EA	1	NO BID	NO BID	NO BID	NO BID

[C]=Corrected Amount



**BID TABULATION**

**Street Improvement District No. 215, 215A & 215B**

**Mandan, North Dakota**

**Project No. 20834**

**Bid Date: April 13, 2020**

Edling Electric  
PO Box 1456  
Bismarck, ND 58502

Fetzer Electric, LLC  
2501 Angus Dr  
Bismarck, ND 58504

BID ITEM NO. & DESCRIPTION			UNIT	ESTIMATED QUANTITY	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE
3.	801-4.1	8" Sanitary Sewer Pipe	LF	1,090	NO BID	NO BID	NO BID	NO BID
4.	801-4.2	10" Sanitary Sewer Pipe	LF	45	NO BID	NO BID	NO BID	NO BID
5.	801-4.3	12" Sanitary Sewer Pipe	LF	50	NO BID	NO BID	NO BID	NO BID
6.	801-XXXX	Connect To Existing Manhole	EA	2	NO BID	NO BID	NO BID	NO BID
7.	801-XXXX	Sanitary Sewer Main Repair	EA	4	NO BID	NO BID	NO BID	NO BID
8.	1205-4.1 (A)	Concrete Manhole (48" Dia)	EA	12	NO BID	NO BID	NO BID	NO BID
9.	1209-4.1	6" Sewer Service Pipe	LF	600	NO BID	NO BID	NO BID	NO BID
10.	1209-4.6	6" Sewer Pipe Bend	EA	30	NO BID	NO BID	NO BID	NO BID
<b>PART D - STORM SEWER IMPROVEMENTS - SID 215, PROJECT 2019-05</b>								
1.	202.0210	Removal of Manholes	EA	11	NO BID	NO BID	NO BID	NO BID
2.	802-4.2	12" Storm Sewer Pipe	LF	540	NO BID	NO BID	NO BID	NO BID
3.	802-4.3	15" Storm Sewer Pipe	LF	320	NO BID	NO BID	NO BID	NO BID
4.	802-4.4	18" Storm Sewer Pipe	LF	900	NO BID	NO BID	NO BID	NO BID
5.	802-4.5	24" Storm Sewer Pipe	LF	810	NO BID	NO BID	NO BID	NO BID
6.	802-4.6	36" Storm Sewer Pipe	LF	400	NO BID	NO BID	NO BID	NO BID
7.	802-4.7	48" Storm Sewer Pipe	LF	1,520	NO BID	NO BID	NO BID	NO BID
8.	901-4.78	Insulate Water Main Or Service	LF	300	NO BID	NO BID	NO BID	NO BID
9.	901-X.XX	Adjust Water Main (12 Inch and Under)	EA	1	NO BID	NO BID	NO BID	NO BID
10.	901-X.XX	Adjust Water Main (Over 12 Inch)	EA	1	NO BID	NO BID	NO BID	NO BID
11.	1205-4.1 (A)	Concrete Manhole (48" Dia)	EA	8	NO BID	NO BID	NO BID	NO BID
12.	1205-4.1 (B)	Concrete Manhole (60" Dia)	EA	3	NO BID	NO BID	NO BID	NO BID
13.	1205-4.1 (C)	Concrete Manhole (72" Dia)	EA	1	NO BID	NO BID	NO BID	NO BID
14.	1205-4.1 (D)	Concrete Manhole (84" Dia)	EA	4	NO BID	NO BID	NO BID	NO BID
15.	1205-4.1 (E)	Concrete Manhole (96" Dia)	EA	2	NO BID	NO BID	NO BID	NO BID
16.	1205-4.1 (F)	Concrete Manhole (108" Dia)	EA	1	NO BID	NO BID	NO BID	NO BID
17.	1205-4.7	Type 36" Inlet	EA	31	NO BID	NO BID	NO BID	NO BID
18.	1205-4.10	Catch Basin	EA	2	NO BID	NO BID	NO BID	NO BID
19.	1205-4.11	Remove Existing Catch Basin Or Inlet	EA	35	NO BID	NO BID	NO BID	NO BID
20.	1209-X.XX	Adjust Water Service	EA	10	NO BID	NO BID	NO BID	NO BID
21.	1209-X.XX	Sanitary Sewer Service Repair	EA	2	NO BID	NO BID	NO BID	NO BID



**BID TABULATION**

Street Improvement District No. 215, 215A & 215B

Mandan, North Dakota

Project No. 20834

Bid Date: April 13, 2020

Edling Electric  
PO Box 1456  
Bismarck, ND 58502

Fetzer Electric, LLC  
2501 Angus Dr  
Bismarck, ND 58504

BID ITEM NO. & DESCRIPTION		UNIT	ESTIMATED QUANTITY	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE
<b>PART E - 8th AVE NORTHWEST WATER REPLACEMENT AREA - SID 215, PROJECT 2019-05</b>							
1.	202.0114	Removal of Concrete Pavement	SY	55	NO BID	NO BID	NO BID
2.	202.0130	Removal of Curb & Gutter	LF	60	NO BID	NO BID	NO BID
3.	203.0109	Topsoil	CY	21	NO BID	NO BID	NO BID
4.	430.00001	Patching	SY	800	NO BID	NO BID	NO BID
5.	748.0140	Curb & Gutter-Type I	LF	60	NO BID	NO BID	NO BID
6.	750.0100	Sidewalk Concrete	SY	25	NO BID	NO BID	NO BID
7.	750.1000	Driveway Concrete	SY	30	NO BID	NO BID	NO BID
8.	901-4.10	6 Inch Water Main	LF	40	NO BID	NO BID	NO BID
9.	901-4.11	8 Inch Water Main	LF	561	NO BID	NO BID	NO BID
10.	901-4.50	6" Gate Valve And Box	EA	1	NO BID	NO BID	NO BID
11.	901-4.51	8" Gate Valve And Box	EA	2	NO BID	NO BID	NO BID
12.	901-4.79	8" X 8" Tapping Sleeve With Tapping Valve And Box	EA	2	NO BID	NO BID	NO BID
13.	901-4.70	6" Hydrant	EA	1	NO BID	NO BID	NO BID
14.	1202-4.2	Seeding Class II	SY	125	NO BID	NO BID	NO BID
15.	1204-4.1	Mulching	SY	125	NO BID	NO BID	NO BID
16.	1209-4.11	1" Water Service Line	LF	200	NO BID	NO BID	NO BID
17.	1209-4.40	1" Water Service Connection	EA	5	NO BID	NO BID	NO BID
<b>PART F - CEMETERY GROUND MAINTENANCE PARKING LOT - SID 215B, PROJECT 2020-05</b>							
1.	203.0109	Topsoil	CY	150	NO BID	NO BID	NO BID
2.	302-4.3	Blended Base	CY	255	NO BID	NO BID	NO BID
3.	501-4.1	Portland Cement Concrete Pavement	SY	2,188	NO BID	NO BID	NO BID
4.	1001-4.11	Two-Inch Conduit - PVC Laid In Trench	LF	70	NO BID	NO BID	NO BID
5.	1001-4.12	Trenching - 27-Inch Depth	LF	70	NO BID	NO BID	NO BID
6.	1202-4.2	Seeding Class II	SY	800	NO BID	NO BID	NO BID
7.	1204-4.1	Mulching	SY	800	NO BID	NO BID	NO BID
<b>PART G - PUBLIC WORKS ADDITION - SID 215A, PROJECT 2020-05</b>							
1.	202.0114	Removal of Concrete Pavement	SY	300	NO BID	NO BID	NO BID
2.	202.0130	Removal of Curb & Gutter	LF	500	NO BID	NO BID	NO BID
3.	202.0132	Removal of Bituminous Surfacing	SY	6,000	NO BID	NO BID	NO BID
4.	202.0310	Removal Of Chain Link Fence	LF	1,260	NO BID	NO BID	NO BID
5.	203.0101	Common Excavation-Type A	CY	960	NO BID	NO BID	NO BID

[C]=Corrected Amount



**BID TABULATION**

**Street Improvement District No. 215, 215A & 215B**

**Mandan, North Dakota**

**Project No. 20834**

**Bid Date: April 13, 2020**

Edling Electric  
PO Box 1456  
Bismarck, ND 58502

Fetzer Electric, LLC  
2501 Angus Dr  
Bismarck, ND 58504

BID ITEM NO. & DESCRIPTION			UNIT	ESTIMATED QUANTITY	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE
6.	203.0109	Topsoil	CY	450	NO BID	NO BID	NO BID	NO BID
7.	203.0140	Borrow-Excavation	CY	6,300	NO BID	NO BID	NO BID	NO BID
8.	230.00001	Subgrade Preparation-Type A-6In	SY	13,885	NO BID	NO BID	NO BID	NO BID
9.	302-4.3	Blended Base	CY	3,100	NO BID	NO BID	NO BID	NO BID
10.	550.0107	6In Reinf Concrete Pavement Cl Ye	SY	13,330	NO BID	NO BID	NO BID	NO BID
11.	722.2500	Manhole Special	EA	1	NO BID	NO BID	NO BID	NO BID
12.	748.00001	Valley Gutter Special	SY	399	NO BID	NO BID	NO BID	NO BID
13.	748.0140	Curb & Gutter-Type I	LF	775	NO BID	NO BID	NO BID	NO BID
14.	750.0100	Sidewalk Concrete	SY	175	NO BID	NO BID	NO BID	NO BID
15.	750.2115	Detectable Warning Panels	SF	24	NO BID	NO BID	NO BID	NO BID
16.	752.0600	Fence Chain Link	LF	1,350	NO BID	NO BID	NO BID	NO BID
17.	752.2100	Vehicle Gate	EA	2	NO BID	NO BID	NO BID	NO BID
18.	752.2120	Remove Vehicle Gate	EA	2	NO BID	NO BID	NO BID	NO BID
19.	762.0103	Pvmt Mk Painted-Message	SF	50	NO BID	NO BID	NO BID	NO BID
20.	762.0113	Epoxy Pvmt Mk 4In Line	LF	1,100	NO BID	NO BID	NO BID	NO BID
21.	802-4.1	8" Storm Sewer Pipe	LF	15	NO BID	NO BID	NO BID	NO BID
22.	802-4.2	12" Storm Sewer Pipe	LF	10	NO BID	NO BID	NO BID	NO BID
23.	802-4.3	15" Storm Sewer Pipe	LF	108	NO BID	NO BID	NO BID	NO BID
24.	802-4.4	18" Storm Sewer Pipe	LF	502	NO BID	NO BID	NO BID	NO BID
25.	802-4.51	12" Flared End Section	EA	1	NO BID	NO BID	NO BID	NO BID
26.	802-4.52	15" Flared End Section	EA	1	NO BID	NO BID	NO BID	NO BID
27.	802-4.94	Rip Rap - Type M	CY	20	NO BID	NO BID	NO BID	NO BID
28.	1202-4.2	Seeding Class II	SY	2,500	NO BID	NO BID	NO BID	NO BID
29.	1204-4.1	Mulching	SY	2,500	NO BID	NO BID	NO BID	NO BID
30.	1205-4.1 (A)	Concrete Manhole (48" Dia)	EA	3	NO BID	NO BID	NO BID	NO BID
31.	1205-4.7	Type 36" Inlet	EA	1	NO BID	NO BID	NO BID	NO BID
32.	1206-4.5	Adjust Type 36" Inlet Casting	EA	1	NO BID	NO BID	NO BID	NO BID
<b>TOTAL GENERAL BASE BID (ALL PARTS)</b>						<b>\$0.00</b>		<b>\$0.00</b>



**BID TABULATION**

Street Improvement District No. 215, 215A & 215B

Mandan, North Dakota

Project No. 20834

Bid Date: April 13, 2020

Edling Electric  
PO Box 1456  
Bismarck, ND 58502

Fetzer Electric, LLC  
2501 Angus Dr  
Bismarck, ND 58504

BID ITEM NO. & DESCRIPTION		UNIT	ESTIMATED QUANTITY	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE
<b>ALTERNATES</b>							
<b>ALTERNATE 1 - TRADITIONAL BASE STREET SECTION</b>							
1.	203.0101	Common Excavation-Type A (P)	CY	13,100	NO BID	NO BID	NO BID
2.	230.00001	Subgrade Preparation-Type A-12In	SY	45,000	NO BID	NO BID	NO BID
3.	302.0120	Aggregate Base Course CI 5	TON	15,500	NO BID	NO BID	NO BID
4.	709.0161	Geosynthetic Material Type S1	SY	45,000	NO BID	NO BID	NO BID
<b>TOTAL ALTERNATE 1</b>					<b>\$0.00</b>		<b>\$0.00</b>
<b>ALTERNATE 2 - CEMENT STABILIZED</b>							
1.	203.0101	Common Excavation-Type A (P)	CY	4,700	NO BID	NO BID	NO BID
2.	12000	Mobilization	L SUM	1	NO BID	NO BID	NO BID
3.	313213.16	Cement	TON	1,200	NO BID	NO BID	NO BID
4.	313213.16	Cement Stabilized Base - 8In	SY	45,000	NO BID	NO BID	NO BID
<b>TOTAL ALTERNATE 2</b>					<b>\$0.00</b>		<b>\$0.00</b>
<b>ELECTRICAL</b>							
<b>BASE BID - LIGHTING IMPROVEMENTS</b>							
1.	Division 16	Type B Street Light Unit	EA	8	\$3,100.00	\$24,800.00	\$3,300.00 \$26,400.00
2.	Division 16	Type B Street Light Luminaire	EA	1	\$550.00	\$550.00	\$550.00 \$550.00
3.	Division 16	Type B1 Street Light Luminaire	EA	16	\$800.00	\$12,800.00	\$550.00 \$8,800.00
4.	Division 16	#4 AWG Circuitry	LF	10,500	\$4.20	\$44,100.00	\$3.50 \$36,750.00
5.	Division 16	Trenching - 27-Inch Depth	LF	1,620	\$7.10	\$11,502.00	\$8.00 \$12,960.00
6.	Division 16	2" Conduit - Laid	LF	8,880	\$7.10	\$63,048.00	\$9.25 \$82,140.00
7.	Division 16	Junction Boxes	EA	19	\$925.00	\$17,575.00	\$1,000.00 \$19,000.00
8.	Division 16	Revise Existing Feedpoint	EA	1	\$2,200.00	\$2,200.00	\$3,500.00 \$3,500.00
9.	Division 16	Remove Existing Feedpoint	EA	2	\$250.00	\$500.00	\$800.00 \$1,600.00
10.	Division 16	Type B Street Light Pole	EA	10	\$2,800.00	\$28,000.00	\$2,950.00 \$29,500.00
11.	Division 16	Spare Pole	EA	2	\$1,550.00	\$3,100.00	\$1,500.00 \$3,000.00
12.	Division 16	Spare Luminaires	EA	5	\$400.00	\$2,000.00	\$350.00 \$1,750.00
13.	Division 16	Remove Existing Pole	EA	18	\$700.00	\$12,600.00	\$800.00 \$14,400.00
14.	Division 16	Relocate Existing Pole	EA	1	\$1,500.00	\$1,500.00	\$1,800.00 \$1,800.00
<b>TOTAL ELECTRICAL</b>					<b>\$224,275.00</b>		<b>\$242,150.00</b>



Bid No. 3

## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** April 21, 2020  
**PREPARATION DATE:** April 16, 2020  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:** Justin Froseth, PE  
**PRESENTER:** Justin Froseth, Planning and Engineering Director  
**SUBJECT:** Presentation of bids for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area).

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**STATEMENT/PURPOSE:** To award the bids for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area).

**BACKGROUND/ALTERNATIVES:**

On March 17<sup>th</sup>, 2020, City Commission approved the resolution creating the district, approved the engineer's report, approved the feasibility report and approved the resolution of necessity for this project. The resolution of necessity was published in the Mandan News on March 6<sup>th</sup> and 13<sup>th</sup> and notification letters were sent out to the property owners within the District. The 30 day protest period started on March 6, 2020 and ended on April 6, 2020.

On March 17<sup>th</sup> the City Commission approved the plans and specifications and resolution directing the advertisement of bids for this street project.

On April 7<sup>th</sup> Commission approved the Resolution determining insufficiency of protests.

The bid opening for Street Improvement District No. 218, Project 2019-12 was held on April 13, 2020. Bids were received from two contractors; Northern Improvement Company and Strata Corporation. Strata Corporation was the low bidder at \$983,715.09. The low bid is about 31% lower than the engineer's estimate.

**ATTACHMENTS:**

- 1) Bid Tab
- 2) District Map
- 3) Resolution Approving Contract and Contractor's Bond

Board of City Commissioners

Agenda Documentation

Meeting Date: April 21, 2020

Subject: Presentation of Bids for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area).

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**FISCAL IMPACT:** The total project cost that would be divided among district participants is estimated at about \$983,715.09. Additional costs for the project for Engineering, testing and administrative cost for the project give the project a total cost of \$1,180,458.11.

Previously, The City indicated buying-down the project at a rate of 20% through the Municipal Infrastructure Fund (MIF, formerly Prairie Dog Fund). With recent concerns stemming from Covid-19 and a sharp drop in oil prices, some significant uncertainty exists with those funds. Therefore, the current plan is to accomplish the 20% buy-down from the cash reserve in the 1% City Sales Tax Fund. The 1% City Sales Tax Fund will be reimbursed from the MIF if those projected funds are collected from the State of ND.

The City was approved for a low interest loan from the Bank of North Dakota for favorable loan terms to help with costs.

**STAFF IMPACT:** Engineering staff has spent significant time and effort working on this project. The plans and specifications were put together out of the Engineering office. We used Braun Intertec as a geotechnical engineering consultant, but no others to put the plans together. We plan to use internal staff for the construction phase of this project as well in order to inspect the work.

**LEGAL REVIEW:** Our agenda information has been forwarded as part of the full packet to the City Attorney for review.

**RECOMMENDATION:** Approve the Resolution approving contract and contractor's bond for Street Improvement District No. 218 and award the bid to Strata Corporation.

**SUGGESTED MOTION:** Move to approve the Resolutions approving contract and contractor's bond for Street Improvement District #218 (Northwest Area) and award the bid to Strata Corporation.

BID TAB - APRIL 13, 2020  
 FOR STREET IMPROVEMENT DISTRICT 218 FOR  
 PROJECT NO. 2019-12

Division 1 - Highland Road					Strata Corp.		Northern Improvement	
ITEM	APPROX QUANTITY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
AC Superpave (FAA 43)	967	Ton	\$ 95.00	\$ 91,865.00	\$ 76.00	\$ 73,492.00	\$ 92.70	\$ 89,640.90
Bituminous Tack Coat	791	Gal	\$ 5.00	\$ 3,955.00	\$ 2.25	\$ 1,779.75	\$ 2.00	\$ 1,582.00
Bituminous Seal Coat	7,909	S.Y.	\$ 3.50	\$ 27,681.50	\$ 2.29	\$ 18,111.61	\$ 2.10	\$ 16,608.90
AC Patch (FAA 43)	220	Ton	\$ 200.00	\$ 44,000.00	\$ 130.00	\$ 28,600.00	\$ 270.00	\$ 59,400.00
Milling Pavement Surface - 2 Inch	7,909	S.Y.	\$ 10.00	\$ 79,090.00	\$ 3.40	\$ 26,890.60	\$ 2.60	\$ 20,563.40
TOTAL DIVISION 1 COST				\$ 246,591.50		\$ 148,873.96		\$ 187,795.20

Division 2 - 30th Ave NW Intersection of 30th and Crimson								
ITEM	APPROX QUANTITY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
Unclassified Excavation	743	C.Y.	\$ 30.00	\$ 22,290.00	\$ 18.83	\$ 13,990.69	\$ 19.70	\$ 14,637.10
Watering	35	Mgal	10.00	350.00	\$ 55.00	\$ 1,925.00	\$ 16.50	\$ 577.50
Fiber Rolls 12-Inch	80	L.F.	3.00	240.00	\$ 5.00	\$ 400.00	\$ 6.10	\$ 488.00
Subgrade Preparation (1 FOOT DEEP)	2,675	S.Y.	2.50	6,687.50	\$ 2.25	\$ 6,018.75	\$ 4.30	\$ 11,502.50
Class 5 Aggregate Base	1,397	Ton	25.00	34,925.00	\$ 33.00	\$ 46,101.00	\$ 36.10	\$ 50,431.70
AC Superpave (FAA 43)	654	Ton	95.00	62,130.00	\$ 76.00	\$ 49,704.00	\$ 97.10	\$ 63,503.40
Bituminous Tack Coat	268	Gal	5.00	1,340.00	\$ 2.25	\$ 603.00	\$ 2.00	\$ 536.00
Bituminous Seal Coat	5,173	S.Y.	3.50	18,105.50	\$ 2.29	\$ 11,846.17	\$ 2.10	\$ 10,863.30
Milling Pavement Surface - 2 Inch	128	S.Y.	15.00	1,920.00	\$ 6.50	\$ 832.00	\$ 10.30	\$ 1,318.40
Rubberized Asphalt Sealants	700	L.F.	1.25	875.00	\$ 1.00	\$ 700.00	\$ 0.70	\$ 490.00
Asphalt Removal	2,729	S.Y.	15.00	40,935.00	\$ 4.34	\$ 11,843.86	\$ 3.70	\$ 10,097.30
6" Concrete - Driveway	483	S.F.	10.00	4,830.00	\$ 9.00	\$ 4,347.00	\$ 6.60	\$ 3,187.80
8" Concrete-Valley Gutter	864	S.F.	12.00	10,368.00	\$ 10.00	\$ 8,640.00	\$ 8.30	\$ 7,171.20
Adjust Manhole Casting in Asphalt Pavement	3	Each	700.00	2,100.00	\$ 700.00	\$ 2,100.00	\$ 973.90	\$ 2,921.70
Geogrid Reinforcement Fabric	2,675	S.Y.	5.00	13,375.00	\$ 2.10	\$ 5,617.50	\$ 2.40	\$ 6,420.00
TOTAL DIVISION 2 COST				\$ 220,471.00		\$ 164,668.97		\$ 184,145.90

Board of City Commissioners  
 Agenda Documentation

Meeting Date: April 21, 2020

Subject: Presentation of Bids for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area).

Page 4 of 7

Division 3 - 34th Ave NW, Lewis Road, and 45th St NW								
ITEM	APPROX QUANTITY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
Unclassified Excavation	2,217	C.Y.	30.00	66,510.00	\$ 18.83	\$ 41,746.11	\$ 19.70	\$ 43,674.90
Watering	70	Mgal	10.00	700.00	\$ 55.00	\$ 3,850.00	\$ 16.50	\$ 1,155.00
Fiber Rolls 12In	40	L.F.	3.00	120.00	\$ 5.00	\$ 200.00	\$ 6.10	\$ 244.00
Drainage Structure Inlet Filter	5	S.Y.	150.00	750.00	\$ 85.00	\$ 425.00	\$ 275.00	\$ 1,375.00
Subgrade Preparation (1 FOOT DEEP)	5,273	Ton	2.50	13,182.50	\$ 2.25	\$ 11,864.25	\$ 4.30	\$ 22,673.90
Class 5 Aggregate Base	4,168	Ton	25.00	104,200.00	\$ 33.00	\$ 137,544.00	\$ 36.10	\$ 150,464.80
AC Superpave (FAA 43)	1,822	Gal	95.00	173,090.00	\$ 76.00	\$ 138,472.00	\$ 97.10	\$ 176,916.20
Bituminous Tack Coat	841	S.Y.	5.00	4,205.00	\$ 2.25	\$ 1,892.25	\$ 2.00	\$ 1,682.00
Bituminous Seal Coat	8,409	S.Y.	3.50	29,431.50	\$ 2.29	\$ 19,256.61	\$ 2.10	\$ 17,658.90
Milling Pavement Surface - 2 Inch	428	L.F.	10.00	4,280.00	\$ 6.50	\$ 2,782.00	\$ 10.30	\$ 4,408.40
Rubberized Asphalt Sealants	650	S.Y.	1.25	812.50	\$ 1.00	\$ 650.00	\$ 0.70	\$ 455.00
Asphalt Removal	7,982	S.F.	15.00	119,730.00	\$ 4.34	\$ 34,641.88	\$ 3.70	\$ 29,533.40
Adjust Manhole Casting in Asphalt Pavement	4	S.F.	700.00	2,800.00	\$ 700.00	\$ 2,800.00	\$ 973.90	\$ 3,895.60
Geogrid Reinforcement Fabric	7,982	Each	5.00	39,910.00	\$ 2.10	\$ 16,762.20	\$ 2.40	\$ 19,156.80
TOTAL DIVISION 3 COST				\$ 559,721.50		\$ 412,886.30		\$ 473,293.90

Division 4A - Lewis Road West of 37th, Clarck Place, 40th Ave (Chip Seal)								
ITEM	APPROX QUANTITY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
Bituminous Seal Coat	6,743	S.Y.	3.50	23,600.50	\$ 2.29	\$ 15,441.47	\$ 2.10	\$ 14,160.30
Rubberized Asphalt Sealants	3,500	L.F.	1.25	4,375.00	\$ 0.60	\$ 2,100.00	\$ 0.70	\$ 2,450.00
TOTAL DIVISION 4A COST				\$ 27,975.50		\$ 17,541.47		\$ 16,610.30

Division 4B - Lewis Road (Chip Seal)								
ITEM	APPROX QUANTITY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
Bituminous Seal Coat	3,830	S.Y.	3.50	13,405.00	\$ 2.29	\$ 8,770.70	\$ 2.10	\$ 8,043.00
Rubberized Asphalt Sealants	1,700	L.F.	1.25	2,125.00	\$ 0.60	\$ 1,020.00	\$ 0.70	\$ 1,190.00
TOTAL DIVISION 4B COST				\$ 15,530.00		\$ 9,790.70		\$ 9,233.00

Division 4C - 40th Ave NW (Chip Seal)								
ITEM	APPROX QUANTITY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
Bituminous Seal Coat	3,146	S.Y.	3.50	11,011.00	\$ 2.29	\$ 7,204.34	\$ 2.10	\$ 6,606.60
Rubberized Asphalt Sealants	1,200	L.F.	1.25	1,500.00	\$ 0.60	\$ 720.00	\$ 0.70	\$ 840.00
TOTAL DIVISION 4C COST				\$ 12,511.00		\$ 7,924.34		\$ 7,446.60

Division 5 - Cortez Circle, Columbus Ct, Lesalle Dr NW (Chip Seal)								
ITEM	APPROX QUANTITY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
Bituminous Seal Coat	7,160	S.Y.	3.50	25,060.00	\$ 2.29	\$ 16,396.40	\$ 2.10	\$ 15,036.00
Rubberized Asphalt Sealants	5,000	L.F.	1.25	6,250.00	\$ 0.60	\$ 3,000.00	\$ 0.70	\$ 3,500.00
TOTAL DIVISION 5 COST				\$ 31,310.00		\$ 19,396.40		\$ 18,536.00

Division 6 - Corvette Street, Impala Court NW, Nova Ave, & 47th Ave NW (Chip Seal)								
ITEM	APPROX QUANTITY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
Bituminous Seal Coat	12,210	S.Y.	3.50	42,735.00	\$ 2.29	\$ 27,960.90	\$ 2.10	\$ 25,641.00
Rubberized Asphalt Sealants	3,500	L.F.	1.25	4,375.00	\$ 0.60	\$ 2,100.00	\$ 0.70	\$ 2,450.00
TOTAL DIVISION 6 COST				\$ 47,110.00		\$ 30,060.90		\$ 28,091.00

Division 7 - Old Red Trail								
ITEM	APPROX QUANTITY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
AC Superpave (FAA 43)	1,722	Ton	\$ 95.00	\$ 163,590.00	\$ 76.00	\$ 130,872.00	\$ 92.70	\$ 159,629.40
Bituminous Tack Coat	1,409	Gal	\$ 5.00	7,045.00	\$ 2.25	\$ 3,170.25	\$ 1.90	\$ 2,677.10
Bituminous Seal Coat	616	S.Y.	\$ 10.00	6,160.00	\$ 3.40	\$ 2,094.40	\$ 10.30	\$ 6,344.80
Milling Pavement Surface - 2 Inch	19,368	S.Y.	\$ 0.50	9,684.00	\$ 0.30	\$ 5,810.40	\$ 0.20	\$ 3,873.60
TOTAL DIVISION 7 COST				\$ 186,479.00		\$ 141,947.05		\$ 172,524.90

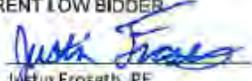
Division General - All Project Area								
ITEM	APPROX QUANTITY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
6" Concrete Removal	375	S.F.	\$ 4.00	\$ 1,500.00	\$ 5.00	\$ 1,875.00	\$ 2.20	\$ 825.00
Standard Curb and Gutter	250	L.F.	\$ 40.00	10,000.00	\$ 35.00	\$ 8,750.00	\$ 22.00	\$ 5,500.00
Traffic Control	1	L.S.	\$ 76,225.00	76,225.00	\$ 20,000.00	\$ 20,000.00	\$ 6,456.30	\$ 6,456.30
TOTAL DIVISION GENERAL COST				\$ 87,725.00		\$ 30,625.00		\$ 12,781.30

	Engineer's Estimate
TOTAL DIVISION 1 COST	\$ 246,591.50
TOTAL DIVISION 2 COST	220,471.00
TOTAL DIVISION 3 COST	559,721.50
TOTAL DIVISION 4A COST	27,975.50
TOTAL DIVISION 4B COST	15,530.00
TOTAL DIVISION 4C COST	12,511.00
TOTAL DIVISION 5 COST	31,310.00
TOTAL DIVISION 6 COST	47,110.00
TOTAL DIVISION 7 COST	186,479.00
TOTAL DIVISION GENERAL - ALL PROJECT AREA	87,725.00
TOTAL ALL DIVISIONS COSTS	\$ 1,435,424.50

Strata Corp.
\$ 148,873.96
164,668.97
412,886.30
17,541.47
9,790.70
7,824.34
19,396.40
30,060.90
141,947.05
30,625.00
\$ 983,715.09

Northern Improvement
\$ 187,795.20
184,145.90
473,293.90
16,610.30
9,233.00
7,446.60
18,536.00
28,091.00
172,524.90
12,781.30
\$ 1,110,458.10

I HEREBY CERTIFY STRATA CORP. TO BE THE APPARENT LOW BIDDER

  
 Justin Froese, PE  
 Project Engineer



**RESOLUTION**  
**APPROVING CONTRACT AND CONTRACTOR'S BOND FOR**  
**STREET IMPROVEMENT DISTRICT NO. 218**

(Project No. 2019-12)

BE IT RESOLVED by the governing body of the City of Mandan, North Dakota (the "City"), as follows:

1. It is hereby found and determined that this Board has heretofore caused Notice for Advertisement for Bids to be made for an improvement Street Improvement District No. 218 of said City, and has duly and publicly opened and considered said bids received pursuant to said Notice.
2. Said improvement is hereby ordered to be constructed in accordance with the plans and specifications therefore as heretofore adopted by this Board pursuant to a resolution duly adopted by this Board.
3. It is hereby found and determined that the lowest responsible bidder for various categories of the work, material and skill required for said improvement is Strata Corporation whose bid provides for the construction of said improvement at a total estimated base price of \$983,715.09.
4. The President of the Board of City Commissioners of the City of Mandan and City Auditor are hereby authorized and directed to make and enter into a contract with said bidder on the part of the City, in the form prescribed by Sections 40-22-35 and 40-22-35, N.D.C.C. as amended, provided that said bidder shall within ten (10) days from this date execute said contract and a construction bond conditioned in accordance with the provisions of Sections 40-22-30 and 40-22-32 of said Code.

Dated this 21<sup>st</sup> day of April, 2020

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President Board of City Commissioners

Attest:

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James Neubauer,  
City Administrator



# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** April 21, 2020  
**PREPARATION DATE:** April 11, 2020  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** Payment of Bills related to MMPL & Downtown Parks Project

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**STATEMENT/PURPOSE:** To consider approval of the payment of bills related to the Morton Mandan Public Library (MMPL) & Downtown Parks Project.

**BACKGROUND/ALTERNATIVES:** Normal course of business would be for invoices to be submitted to the City of Mandan and in turn, those invoices presented with the schedule of bills to be approved by the City Commission the 2<sup>nd</sup> meeting of the month. Pursuant to the resolution passed by the City Commission and the MMPL Board of Trustees both boards need to approve the bills related to the library expansion and the City Commission approves the bills strictly related to the Downtown Parks project. Subsequent to those approvals, the invoices will be sent to the North Dakota Community Foundation for payment to the vendors.

The Commission approved moving forward with the project at the February 18 meeting, and work is now being done on the design development. This billing accounts for \$45,562.50 for design development and \$19,467.53 for additional services contracted from Stantec on the park layouts.

Plans are tentatively scheduled to come before the City Commission at the May 19<sup>th</sup> Commission Meeting

**ATTACHMENTS:** Bartlett & West Invoices.

**FISCAL IMPACT:** Amounts will be paid from the donation from Energy Transfer.

**STAFF IMPACT:** n/a

**LEGAL REVIEW:** n/a

Board of City Commissioners  
 Agenda Documentation  
 Meeting Date: April 21, 2020  
 Subject: Payment of Bills related to MMPL & Downtown Parks Project  
 Page 2 of 2

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**RECOMMENDATION:** I recommend the City Commission and MMPL Board of Trustees approve payment of the invoice as submitted, conditioned upon the MMPL Board of Trustees.

**SUGGESTED MOTION:** I recommend the City Commission and MMPL Board of Trustees approve payment of the invoices as submitted, conditioned upon the MMPL Board of Trustees



**INVOICE** Remittance Address:  
 For Payments Only:  
 P.O. Box 463  
 Wichita, KS 67201-0653

3456 East Century Avenue  
 Bismarck, ND 58503-0737  
 701.258.1110 FAX 701.258.1111  
 F.E.I.N. 48-0770612

Jim Neubauer  
 City of Mandan  
 Mandan, ND 58554

April 10, 2020  
 Project No: 020133.000  
 Invoice No: 00730075224

Project Manager: Joseph Larvee  
 Client Contract No:  
 PO No:

Project 020133.000 Mandan Morton Public Library  
Professional Services from February 22, 2020 to March 27, 2020

Estimated Total Construction = \$4,500,000  
 \$4,500,000 x 9% = \$405,000

Basic Services Billing Phase	Fee	Percent Complete	Earned
Schematic Design	81,000.00	100.00	81,000.00
Design Development	60,750.00	100.00	60,750.00
Construction Documents	162,000.00	0.00	0.00
Bidding	20,250.00	0.00	0.00
Construction Administration	81,000.00	0.00	0.00
<b>Total Basic Services Fee</b>	<b>405,000.00</b>		
		Previous Fee Billing	96,187.50
		Current Fee Billing	45,562.50

Add'l Services Billing Phase	Fee	Complete	Earned
Additional Services Phase I	51,750.00	90.6805	46,927.18
<b>Total Additional Services Fee</b>	<b>51,750.00</b>		
		Previous Fee Billing	27,459.65
		Current Fee Billing	19,467.53

**Total Overall Fee 456,750.00**

**Total Basic Services Fee \$45,562.50**  
**Total Add'l Services Fee \$19,467.53**  
**Total this invoice \$65,030.03**

email invoice to: Jim Neubauer <jneubauer@cityofmandan.com>

We appreciate your business. Please include invoice no. on check.



**GAMING SITE AUTHORIZATION**  
 OFFICE OF ATTORNEY GENERAL  
 SFN 17996 (02/2018)

Consent No. 3

G - \_\_\_\_\_  
 Site License Number  
 (Attorney General Use Only)

Full, Legal Name of Gaming Organization **MATPAC WRESTLING**

The above organization is hereby authorized to conduct games of chance under the license granted by the Attorney General of the State of North Dakota at the following location

Name of Location <b>The Scapegoat Bar</b>			
Street <b>202 E Main Street</b>	City <b>Mandan</b>	ZIP Code <b>58554</b>	County <b>Morton</b>
Beginning Date(s) Authorized <b>7/1/2020</b>	Ending Date(s) Authorized <b>6/30/2021</b>	Number of twenty-one tables if zero, enter "0": <b>1</b>	
Specific location where games of chance will be conducted and played at the site (required) <b>Games are conducted and played throughout the entire facility, excluding the bathrooms.</b>			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

**RESTRICTIONS (City/County Use Only)**

Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)
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**ACTIVITY TO BE CONDUCTED** Please check all applicable games to be conducted at site (required)

<input type="checkbox"/> Bingo	<input type="checkbox"/> Club Special	<input type="checkbox"/> Sports Pools
<input checked="" type="checkbox"/> ELECTRONIC Quick Shot Bingo	<input type="checkbox"/> Tip Board	<input checked="" type="checkbox"/> Twenty-One
<input checked="" type="checkbox"/> Raffles	<input checked="" type="checkbox"/> Seal Board	<input type="checkbox"/> Poker
<input checked="" type="checkbox"/> ELECTRONIC 50/50 Raffle	<input type="checkbox"/> Punchboard	<input type="checkbox"/> Calcuttas
<input checked="" type="checkbox"/> Pull Tab Jar	<input checked="" type="checkbox"/> Prize Board	<input type="checkbox"/> Paddlewheels with Tickets
<input checked="" type="checkbox"/> Pull Tab Dispensing Device	<input type="checkbox"/> Prize Board Dispensing Device	<input type="checkbox"/> Paddlewheel Table
<input checked="" type="checkbox"/> ELECTRONIC Pull Tab Device		

**APPROVALS**

Attorney General	Date
Signature of City/County Official	Date
PRINT Name and official position of person signing on behalf of city/county above	

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

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



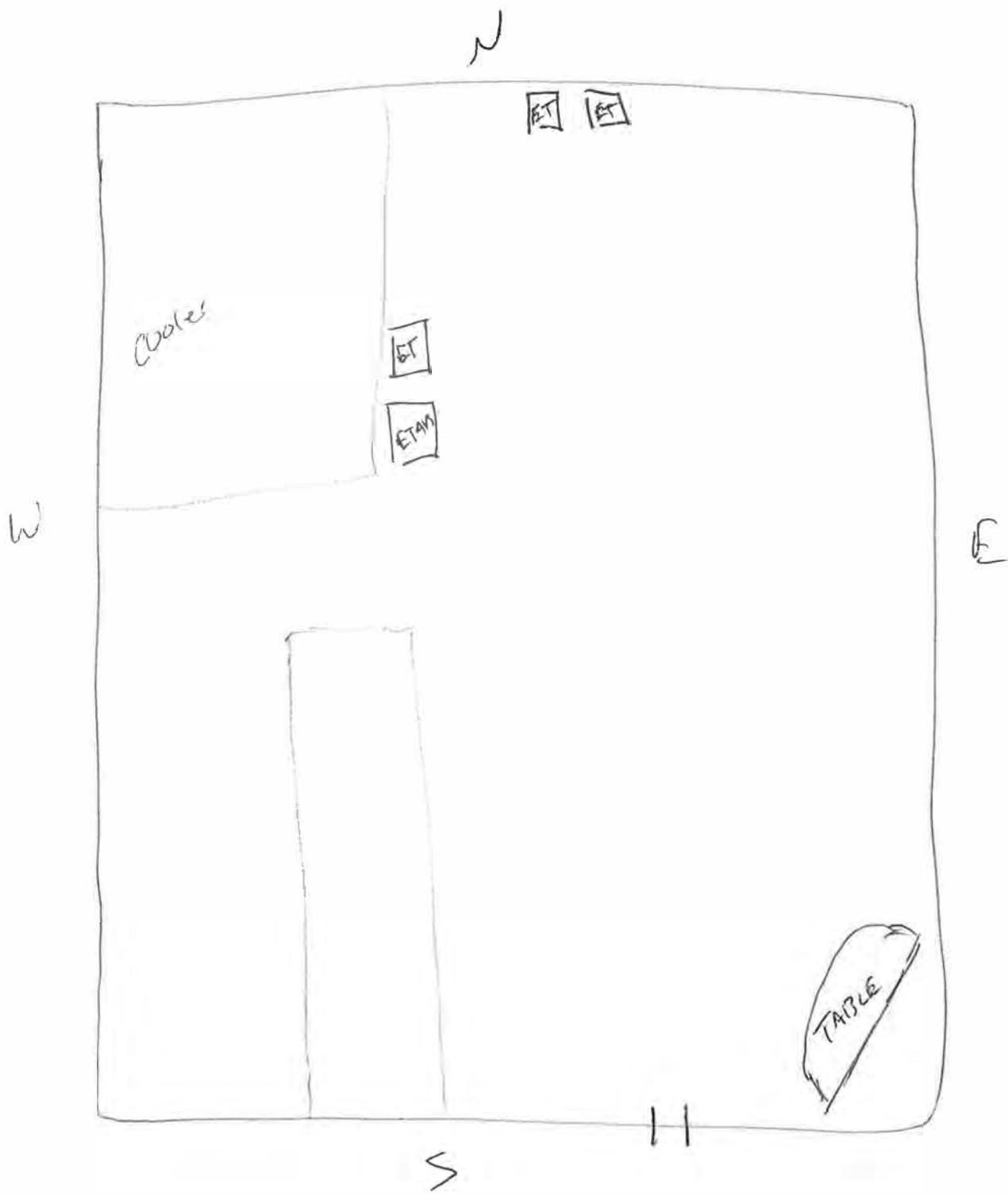
**RENTAL AGREEMENT**  
 OFFICE OF ATTORNEY GENERAL  
 LICENSING SECTION  
 SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor) The Scapegoat Bar, Inc.		Site Name The Scapegoat Bar		Site Phone Number (701) 400-1820
Site Address 202 E. Main Street		City Mandan	State ND	Zip Code 58554
County Morton		Rental Period 7/1/2020 to 6/30/2021		Monthly Rent Amount
Organization (Lessee) Matpac Wrestling Club, Inc.				
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the <b>primary</b> game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>300.00</u>		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ \$ 300.00
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input checked="" type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ 325.00
<input checked="" type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices <u>4</u>				\$ 400.00
<b>Total Monthly Rent</b>				\$ 1,025.00
5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here.		<input type="checkbox"/>		

**TERMS OF RENTAL AGREEMENT:**  
 This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.  
 The LESSOR agrees that no game will be directly operated as part of the lessor's business.  
 The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.  
 The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.  
 If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.  
 The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.  
 The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.  
 The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.  
 At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor 	Title owner	Date 2/10/20
Signature of Lessee 	Title X Representative	Date X 1/31/21 (over)



Scapeboat



# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** April 21, 2020  
**PREPARATION DATE:** April 13, 2020  
**SUBMITTING DEPARTMENT:** Public Works-Forestry  
**DEPARTMENT DIRECTOR:** Mitch Bitz  
**PRESENTER:** Mitch Bitz – Director of Public Works  
**SUBJECT:** Consider 2020 Grant Application

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STATEMENT/PURPOSE: Consider allowing the forestry department to apply for America the Beautiful Program Development Grant for \$10,000.00 to assist with the cost of Dutch Elm Disease tree removal on boulevards, right-of-ways and other public property.

BACKGROUND/ALTERNATIVES: The Forestry Department has applied for this grant every year that is has been available (except for 2016 due to lack of staffing within the department) though the North Dakota Forest Service to help alleviate some of the financial burden that comes with removal of DED trees on public property.

ATTACHMENTS: None

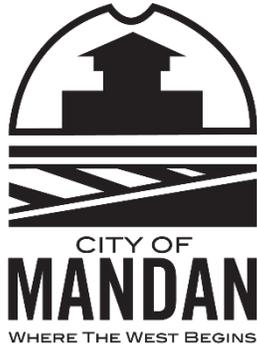
FISCAL IMPACT: A grant awards up to \$10,000 with 50% in kind match from the department which the forestry department has a line item in their budget for tree removal which is where the in kind match comes from. This will help stretch that budget further for other tree removal that ends up getting contracted out.

STAFF IMPACT: Filling out/submitting the grant, which is very similar from year to year.

LEGAL REVIEW: None

RECOMMENDATION: I recommend allowing the forestry department apply for this grant since they have done it in the past and have never been denied.

SUGGESTED MOTION: Move to allow the forestry department to apply for the NDFS American the Beautiful PD grant



## Board of City Commissioners Agenda Documentation

**MEETING DATE:** April 21, 2020  
**PREPARATION DATE:** April 16, 2020  
**SUBMITTING DEPARTMENT:** Planning and Engineering  
**DEPARTMENT DIRECTOR:** Justin Froseth, PE  
**PRESENTER:** Justin Froseth, Planning and Engineering Director  
**SUBJECT:** 2500 Longspur Trail SE Driveway Variance

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**STATEMENT/PURPOSE:** The Planning and Engineering office received a variance request to allow a sixth driveway at Dacotah Centennial Park. The following outlines the request as compared to code language for consideration.

**BACKGROUND/ALTERNATIVES:** The Park District made this request essentially stating that this would allow for more efficient and safer vehicle flows within the property while at the same time allowing them to consider alternative configurations to best utilize the property. More on their reasons to request attached with their application information.

The city code section immediately below addresses nonresidential lot driveways. The highlighted text is the text that requires an appeal to our code since there are already more than two driveways serving this lot.

(6) *Nonresidential lots.* Any lot not used for residential purposes may have a maximum of two driveways, each not to exceed 40 feet in width, separated by a distance of not less than 24 feet measured at the curblines of each side of the lot that fronts upon a public street.

Below are the variance requirements that we consider for such requests under section 105-1-12 of city code and city staff comments under each in *italics*.

(1) Variances.

a. On appeal from an order, requirement, decision or determination made by an administrative official, the board of adjustment may vary or adjust the strict application of any of the requirements of this chapter in the case of an exceptionally irregular, narrow, shallow or steep lot or other exceptional physical or topographical condition, by reason of which the strict application of the provisions of the chapter would result in unnecessary hardship that would deprive the owner of a reasonable use of the land or building involved, but in no other case.

b. No adjustment in the strict application of any provisions of this chapter shall be granted by the board of adjustment unless it finds that:

1. There are special circumstances or conditions, fully described in the findings of the board, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building, and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant taken subsequent to the adoption of this chapter, whether in violation of the provisions of the chapter, or not;

*The Engineering Department finds that there is a special circumstance for this lot that is particularly applicable when considering. That circumstance is the very large size of this lot at almost 60 acres.*

2. For reasons fully set forth in the findings of the board, the circumstances or conditions so found are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of said land or building, and the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the board is the minimum variance that will accomplish the relief sought by the applicant;

*Because of the very large size of this lot and a reasonable expectation to need more than two points of access, our office finds that denying would deprive the applicant reasonable use of property.*

3. The grant of the variance will be in harmony with the general purposes and intent of this chapter, and not be injurious to the neighborhood or otherwise detrimental to the public welfare.

*Our office does not believe that the allowance would be injurious or detrimental to the neighborhood or general public. With other driveway variance requests, we have stated concerns with room for snow removal. With the very large size of the lot, we are not concerned with that here.*

In conclusion, the Planning and Engineering Department finds that this request does satisfy the conditions to approve a variance. The approval is conditioned on that the location of the driveway go in precisely where requested, centered across from where the Prairie West Golf Course driveway exists. Aligning driveways across from each other is a best practice in order to avoid more conflict points that arise when slightly staggered.

ATTACHMENTS:

- 1) Application
- 2) Area Map

FISCAL IMPACT: Minimal

STAFF IMPACT: Minimal

LEGAL REVIEW: All items forwarded to City Attorney for his review.

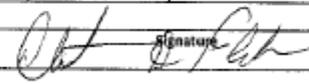
RECOMMENDATION: Approve the variance request.

SUGGESTED MOTION: Move to approve the variance request in order to allow the Dacotah Centennial Park to add the driveway in the location requested, across from the Prairie West Golf Course driveway.

CITY OF MANDAN			
Development Review Application			
<input type="checkbox"/>	Minor Plat (\$300)	<input type="checkbox"/>	Zone Change (\$600)
<input type="checkbox"/>	Preliminary Plat up to 20 acres (\$400)	<input type="checkbox"/>	Planned Unit Development (\$700)
<input type="checkbox"/>	Preliminary Plat more than 20 acres (\$450)	<input type="checkbox"/>	Land Use and Transportation Plan Amendment (\$1,000)
<input type="checkbox"/>	Final Plat up to 20 lots (\$400)	<input type="checkbox"/>	Vacation (\$500)
<input type="checkbox"/>	Final Plat 21 to 40 lots (\$550)	<input type="checkbox"/>	Variance (\$400)
<input type="checkbox"/>	Final Plat more than 40 lots (\$700)	<input type="checkbox"/>	Special Use Permit (\$450)
<input type="checkbox"/>	Annexation (\$450)	<input type="checkbox"/>	Stormwater submittal (\$300)
<input type="checkbox"/>	Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	<input type="checkbox"/>	Stormwater 2 <sup>nd</sup> & subsequent resubmittal (\$50)
<input checked="" type="checkbox"/>	Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)		
Summary of Request (Add separate sheet(s) as necessary)			

Engineer/Surveyor			Property Owner or Applicant		
Name			Name		
			Mandan Park District		
Address			Address		
			2600 46th Ave SE		
City	State	Zip	City	State	Zip
			Mandan	ND	58554
email			email		
			dfleck@mandanparks.com		
Phone	Fax		Phone	Fax	
			701-751-6169		
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location	Type	Existing Zone	Proposed Zone	Project Name
<input checked="" type="checkbox"/> City <input type="checkbox"/> ETA	<input checked="" type="checkbox"/> New <input type="checkbox"/> Addition			DCP Approach
Property Address		Legal Description		
2500 Longspur Trail SE				
Current Use				
Parking Lot				
Proposed Use				
Driveway/ Parking Lot		Section 0	Township 0	Range 0
Parcel Size	Building Footprint	Stories	Building SF	Required Parking
				Provided Parking

Print Name	Signature	Date
Dustin D Fleck		4/7/2020

Office Use Only				
Date Received:	Initials:	Fees Paid:	\$	Date
Notice in paper		Mailed to neighbors		P&Z meeting
<input type="checkbox"/> Approved	Approved with conditions:			
<input type="checkbox"/> Denied				



**Purpose:** Install a new approach directly across from the Prairie West Golf Course approach.

**Location:** 2709 Longspur Trail

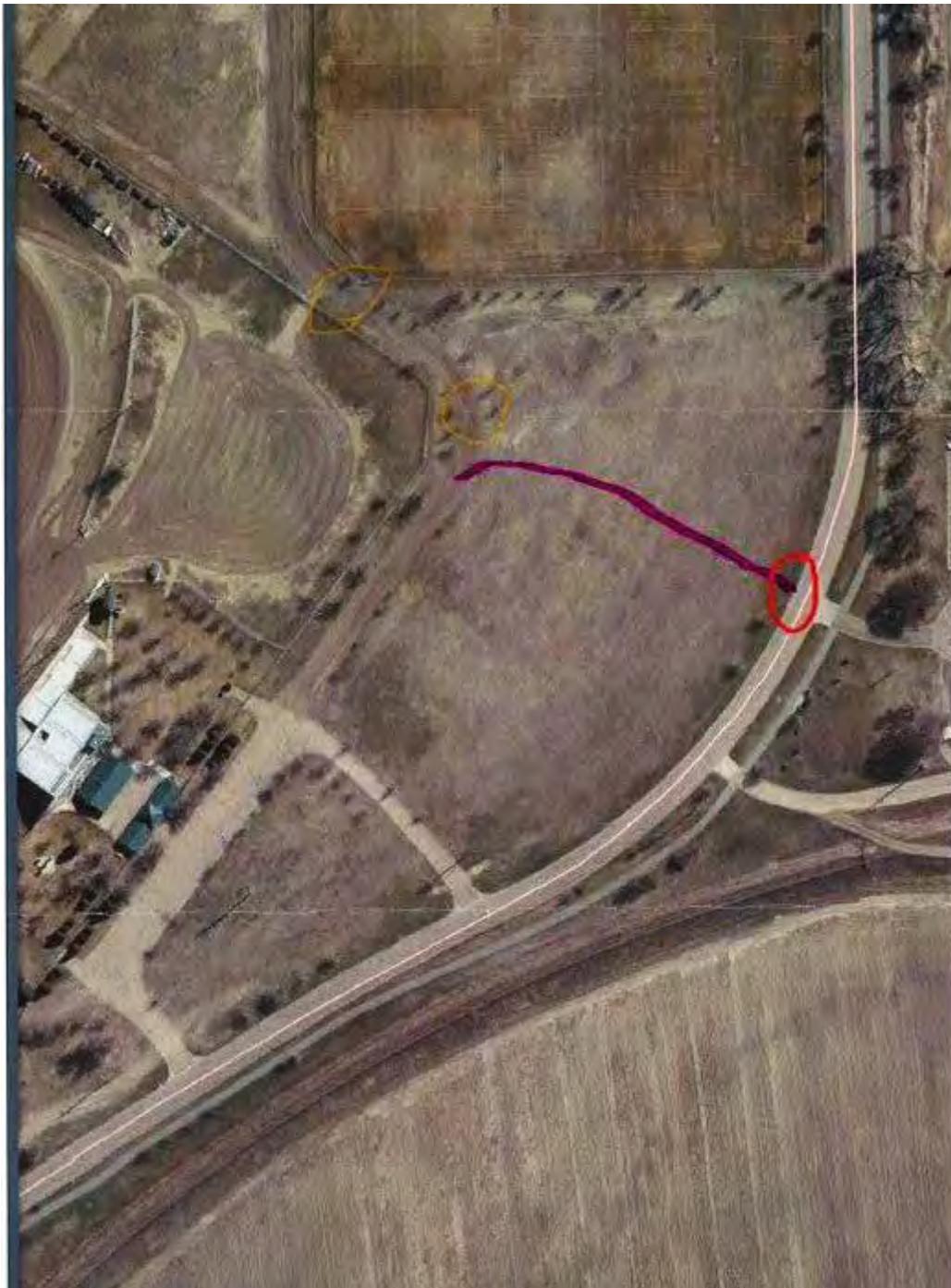
**Background:** The Mandan Park District, Mandan Soccer Club and BMSTCA are looking to explore the option of adding an approach at the above location as another access point into Dacotah Centennial Park. The plan is to block off (yellow circles) the gravel road leading from Redwing Drive to the front of DCP. This road is prone to high speed traffic using it as short cut and local car dealerships test driving their cars at high rates of speed, with the youth soccer fields in close proximity it makes for a dangerous situation. Adding a new approach (red circle) on Longspur and access road (purple line) will give the cars using the large grass parking lot another entry/ exit point. Also the Mandan Soccer Club is looking to expand to the west and this will give them access to off street parking near the fields without interfering with other events at DCP.

Feel free to contact me with any questions.

### **DUSTIN FLECK**

**Mandan Park District | Park Superintendent**

Office 701-731-6161 | Direct 701-731-6163 | Cell 701-391-8768  
www.mandanparki.com | 711 Elk Ave. SW, Mandan, ND 58514







## Board of City Commissioners Agenda Documentation

**MEETING DATE:** April 21, 2020  
**PREPARATION DATE:** April 16, 2020  
**SUBMITTING DEPARTMENT:** Planning and Engineering  
**DEPARTMENT DIRECTOR:** Justin Froseth, PE  
**PRESENTER:** Justin Froseth, Planning and Engineering Director  
**SUBJECT:** BND Infrastructure Loans Acceptance

---

**STATEMENT/PURPOSE:** Consider approving the acceptance of a low interest loan available through the Bank of North Dakota (BND) for infrastructure improvements.

**BACKGROUND/ALTERNATIVES:** In March, the Planning and Engineering office applied for the BND Infrastructure Loan for two of our upcoming projects in order to assist with loan payments. The loan is preferred over a loan on the open market because of the program's favorable terms including a 2% interest rate. The two projects applied for are; 1) the Mid-Town East Street Improvement District, SID 215 and 2) the Northwest Street Improvement District, SID 218.

Our department was notified by April 10<sup>th</sup> letters of their selection of both of our two projects applied for. As outlined in the attached letter, the BND is seeking our acceptance of this loan by May 1<sup>st</sup> in order to proceed to the next step of execution.

Though these projects have not been viewed as dependent on receiving these low interest loans, they will certainly help by reducing the payment amounts over the life of the loan. These are savings that we can share with our residents, and especially those that are part of the special assessment district for each.

**ATTACHMENTS:**

- 1) Mid-Town East, SID #218 Award Letter
- 2) Northwest, SID #215 Award Letter

**FISCAL IMPACT:** The 2% interest offered under this program is surely a better rate than we would be able to find anywhere else for this type of project. The funds originate from the state, not the federal level. Therefore, the conditions of acceptance are not as arduous as they are with federally funded programs.

**STAFF IMPACT:** Minimal

LEGAL REVIEW: All items forwarded to City Attorney for his review.

RECOMMENDATION: Accept the BND Loan Award.

SUGGESTED MOTION: Move to approve the acceptance of the Bank of North Dakota Infrastructure Loan program awards for the Mid-Town East, SID #215 and the Northwest, SID #218 projects.



PO BOX 5509 1200 Memorial Hwy.  
Bismarck, ND 58505-5509  
800.477.2166  
800.366.6888 (TTS)  
701.328.5600  
bnd.nd.gov

April 10, 2020

City of Mandan  
Justin Froseth  
205 2<sup>nd</sup> Ave NW  
Mandan, ND 58554

Dear Justin,

Thank you for your application to the Infrastructure Revolving Loan Fund, administered by the Bank of North Dakota.

We have worked with the Department of Transportation, Public Finance Authority and the Department of Environmental Quality to verify the eligibility of the projects and to score the applications based on health and safety, economic impact and availability of other funding sources. In this application period, the dollar amount of applications received did exceed the amount of funding available. Applications were then prioritized based on the total combined scores from the assisting agencies, with the highest scoring applications being awarded funding.

Congratulations! The City of Mandan has been selected to receive \$4,550,000 of funding for the Mid-Town East street reconstruction and replacement project. This agreement shall become effective upon your written acceptance by signing and returning this letter by May 1, 2020. When the signed letter is returned, we will reach out to request additional information for underwriting and final approval of the loan. If this loan application is not approved within six months of the date of this letter, BND reserves the right to request the borrower to re-apply, in the subsequent application period.

If you have questions, please contact Kylee Merkel at [kmerkel@nd.gov](mailto:kmerkel@nd.gov) or 701.328.5713.

Sincerely,

A handwritten signature in black ink that reads "Kylee Merkel". The signature is written in a cursive, flowing style.

Kylee Merkel  
Business Banker  
Economic Development & Large Projects

City of Mandan

By: \_\_\_\_\_

Title: \_\_\_\_\_



PO BOX 5809, 1200 Memorial Hwy,  
Bismarck, ND 58506-5809  
800.472.2166  
800.366.6098 TTY:  
701.328.5000  
bnd.nd.gov

April 10, 2020

City of Mandan  
Justin Froseth  
205 2<sup>nd</sup> Ave NW  
Mandan, ND 58554

Dear Justin,

Thank you for your application to the Infrastructure Revolving Loan Fund, administered by the Bank of North Dakota.

We have worked with the Department of Transportation, Public Finance Authority and the Department of Environmental Quality to verify the eligibility of the projects and to score the applications based on health and safety, economic impact and availability of other funding sources. In this application period, the dollar amount of applications received did exceed the amount of funding available. Applications were then prioritized based on the total combined scores from the assisting agencies, with the highest scoring applications being awarded funding.

Congratulations! The City of Mandan has been selected to receive \$2,464,000 of funding for the Northwest area street reconstruction and replacement project. This agreement shall become effective upon your written acceptance by signing and returning this letter by May 1, 2020. When the signed letter is returned, we will reach out to request additional information for underwriting and final approval of the loan. If this loan application is not approved within six months of the date of this letter, BND reserves the right to request the borrower to re-apply, in the subsequent application period.

If you have questions, please contact Kylee Merkel at [kmerkel@nd.gov](mailto:kmerkel@nd.gov) or 701.328.5713.

Sincerely,

A handwritten signature in dark ink that reads "Kylee Merkel". The signature is written in a cursive style.

Kylee Merkel  
Business Banker  
Economic Development & Large Projects

City of Mandan

By: \_\_\_\_\_

Title: \_\_\_\_\_





**GAMING SITE AUTHORIZATION**  
 OFFICE OF ATTORNEY GENERAL  
 SFN 17996 (02/2018)

G - \_\_\_\_\_ ( \_\_\_\_\_ ) \_\_\_\_\_  
 Site License Number  
 (Attorney General Use Only)

Full, Legal Name of Gaming Organization **ABATE of North Dakota**

**The above organization is hereby authorized to conduct games of chance under the license granted by the Attorney General of the State of North Dakota at the following location**

Name of Location <b>HideAway</b>			
Street <b>1000 Boundry Rd</b>	City <b>Mandan</b>	ZIP Code <b>58554</b>	County <b>Morton</b>
Beginning Date(s) Authorized <b>07/01/2020</b>	Ending Date(s) Authorized <b>06/30/2021</b>	Number of twenty-one tables if zero, enter "0": <b>0</b>	
Specific location where games of chance will be conducted and played at the site (required) <b>Against South Wall</b>			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known <b>Raffle Sept 26<sup>th</sup> + Raffle June 2021</b>			

**RESTRICTIONS (City/County Use Only)**

Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)
---	---------------------------------

**ACTIVITY TO BE CONDUCTED** Please check all applicable games to be conducted at site (required)

<input type="checkbox"/> Bingo	<input type="checkbox"/> Club Special	<input type="checkbox"/> Sports Pools
<input type="checkbox"/> <b>ELECTRONIC</b> Quick Shot Bingo	<input type="checkbox"/> Tip Board	<input type="checkbox"/> Twenty-One
<input type="checkbox"/> Raffles	<input type="checkbox"/> Seal Board	<input type="checkbox"/> Poker
<input type="checkbox"/> <b>ELECTRONIC</b> 50/50 Raffle	<input type="checkbox"/> Punchboard	<input type="checkbox"/> Calcuttas
<input type="checkbox"/> Pull Tab Jar	<input type="checkbox"/> Prize Board	<input type="checkbox"/> Paddlewheels with Tickets
<input checked="" type="checkbox"/> Pull Tab Dispensing Device	<input type="checkbox"/> Prize Board Dispensing Device	<input type="checkbox"/> Paddlewheel Table
<input type="checkbox"/> <b>ELECTRONIC</b> Pull Tab Device		

**APPROVALS**

Attorney General	Date
Signature of City/County Official	Date
<b>PRINT</b> Name and official position of person signing on behalf of city/county above	

**INSTRUCTIONS:**

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

**RETURN ALL DOCUMENTS TO:**

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



**RENTAL AGREEMENT**  
 OFFICE OF ATTORNEY GENERAL  
 LICENSING SECTION  
 SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor) Hidden Inc. Dbw Hideaway		Site Name Hideaway		Site Phone Number 701-663-8362
Site Address 1000 Boundry Rd	City Mandan	State ND	Zip Code 58554	County Morton
Organization (Lessee) ABATE of North Dakota		Rental Period 7/1/2020 to 6/30/2021		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the <b>primary</b> game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes		\$
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes		\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ 400.00
<input type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices _____				\$
Total Monthly Rent				\$ 400.00

5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here.

**TERMS OF RENTAL AGREEMENT:**  
 This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.  
 The LESSOR agrees that no game will be directly operated as part of the lessor's business.  
 The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.  
 The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.  
 If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.  
 The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.  
 The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.  
 The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.  
 At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor 	Title President	Date 3-9-20
Signature of Lessee 	Title Executive Director	Date 3-24-20

(over)



**BISMARCK  
MANDAN**  
CHAMBER | EDC

# The 'Outbreak' Phase

- ADVOCATE
  - Weekly messages to local, state and federal leaders
  - Provide ideas for a safe re-open of businesses
- SUPPORT
  - Takeout Tuesday, Run It Down with Ross, etc.
  - Provide ideas as to how to support local businesses
- PROVIDE RESOURCES
  - Respond to individual requests for assistance
  - Pro-actively provide resources on our website, video, etc.

# The 'Recovery' Phase

- NEW Video Series
- NEW Business Resource Guide
- NEW Site Selector Guide
- NEW Internship-focused Website
- NEW Economic Development-focused Section at [www.bismarckmandan.com](http://www.bismarckmandan.com)

# The 'Normal' Phase

- 2021 Legislative Agenda Development
- Leadership and Professional Development Opportunities for Business
- Ongoing Economic Development Efforts
- Continued Work with the Mandan Tomorrow Plan – Economic Opportunity & Prosperity (EOP) Committee
- Collaboration with the Mandan Progress Organization (MPO)



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** April 21, 2020  
**PREPARATION DATE:** April 8, 2020  
**SUBMITTING DEPARTMENT:** Engineering and Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth, PE  
**PRESENTER:** John Van Dyke, AICP, CFM  
**SUBJECT:** Second and Final Consideration of Ordinance 1337 related to Multi-use shops

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**STATEMENT/PURPOSE:** Consider approval of the second and final consideration of Ordinance 1337 related to multi-use shops.

**BACKGROUND/ALTERNATIVES:** Ordinance 1337 provides applicants, owners, lessees, and the City some assurances of how multi-use shops will be used in the future. The structures can still be used for commercial or accessory to residential purposes, although the uses will be either/or within the same structures. This addresses several health and safety issues and provides more efficiency for the City.

Since the first consideration of the ordinance, the Finance Department requested additional language that made clear that one bill would be sent to the owner or representative of multiple owners for the entire use of City-provided water. As indicated on April 7, water billing and related shut-offs has been problematic and this would alleviate this issue. This new information is highlighted in red. It should be noted that the entire ordinance language is new and only left black to highlight the differing language between the first and second considerations.

#### **Information Provided at First Consideration on April 7**

Exhibit 1 contains a DRAFT Ordinance 1337 related to multi-use shops, commonly referred to as shop condos. The structures have become a popular type of construction. Since they have become more popular several issues have arisen.

The ordinance seeks to address these deficiencies moving forward for all NEW multi-use shop construction. Existing shops could voluntarily apply if the owners collectively decided to apply.

The purpose surrounding the proposed ordinance is as follows:

- Multiple complaints have been received from occupants of multi-use shops regarding commercial rates being charged for utilities and insurance when the occupant is utilizing their respective unit for residential storage purposes, requesting the City provide a solution to this issue; and
- Multi-use shops are being divided and used for purposes that they were not constructed to accommodate, creating health and safety hazards for all occupants within the structure.
- When the number of units and corresponding square footage of each unit is amended the administration of special assessments for each resulting unit is unnecessarily burdensome; and
- Public Works Department has indicated multiple times that shut-offs for individual units are inaccessible, leading the City to continue providing services without receiving payment for such services.

Planning and Zoning Commission recommended unanimous approval of the DRAFT ordinance for multi-use shops. No public testimony on the matter was provided at the meeting and no comments have subsequently been received by staff.

ATTACHMENTS:

Exhibit 1 – DRAFT Ordinance 1337 related to multi-use shops

FISCAL IMPACT: N/a

STAFF IMPACT: N/a

LEGAL REVIEW: City Attorney Brown has reviewed the DRAFT ordinance.

RECOMMENDATION: Planning and Zoning Commission recommended unanimous approval of the DRAFT ordinance for multi-use shops at their March 23 public hearing.

SUGGESTED MOTION: I move to approve the second and final consideration of Ordinance 1337 related to multi-use shops.

# EXHIBIT 1

## ORDINANCE NO. 1337

An Ordinance to Amend and Re-enact Section 101-1-3 and Add Section 105-1-5 (k) of the Mandan Municipal Code related to multi-use shops.

WHEREAS, Multiple complaints have been received from occupants of multi-use shops regarding commercial rates being charged for utilities and insurance when the occupant is utilizing their respective unit for residential storage purposes, requesting the City provide a solution to this issue; and

WHEREAS, Multi-use shops are being divided and used for purposes that they were not constructed to accommodate, creating health and safety hazards for all occupants within the structure.

WHEREAS, When the number of units and corresponding square footage of each unit is amended the administration of special assessments for each resulting unit is unnecessarily burdensome; and

WHEREAS, Public Works Department has indicated multiple times that shut-offs for individual units are inaccessible, leading the City to continue providing services without receiving payment for such services.

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

**Section 1. Amended. Section 101-1-3 is hereby amended, adding a definition for multi-use shop immediately after the definition for Mortuary as follows:**

Multi-use shop means two or more attached units that are designed and constructed as a single structurally dependent building or designed and constructed to allow individual units to be structurally independent from each other sharing a common wall on one or more sides. These are sometimes referred to as “shop-condos”. These structures are unique from a twin/row home in that the residential use is accessory in nature. They are unique from a commercial strip mall in that they often include a large garage or RV bay and rarely include the retail of products and visitation by the general public.

**Section 2. Added. Section 105-1-5 (k) related to multi-use shops requiring a special use permit and outlining minimum standards:**

Multi-use shops. Each multi-use shop development may be permitted as a special use subject to the following minimum standards:

- (1) Each individual unit within the structure shall have an open space/yard or public way on no more than three sides.
- (2) Each individual unit within the structure shall have its own separate means of egress.
- (3) Such units shall only contain group Business, Factory, Mercantile, or Storage occupancy classifications as set forth by Section 3 of the North Dakota State Building Code.
- (4) Uses, whether commercial or accessory to residential, shall be declared at the time of the conditional use permit issuance. No change in use may be conducted unless reevaluated through the special use permitting process and the structure meets all building code requirements for the desired change of use.
- (5) Traditional mixed-use (residential and commercial combined) multi-use shops shall not be permitted. The declaration of either commercial or accessory to residential shall apply to all units within the structure and the structure will be constructed according to the minimum standards of the building code for the declared use.
- (6) Minimum off-street parking requirements shall be planned and provided for based on the declared uses. Any inadequate provision of parking within the development for a combination of uses may result in the revocation of the special use permit.
- (7) Each structure shall be limited to one (1) curb stop accessible by City staff.
- (8) The declaration of commercial or accessory to residential shall in no way affect the way valuation, special assessments, utility rates, and other city fees are determined. These shall remain determined by separate city policy.
- (9) Covenants, Conditions, and Restrictions (CC&Rs) or another form of recorded agreement approved by the City attorney shall set out, at a minimum, provisions for access and responsibility for costs of inspections related to the fire suppression system, if any.
- (10) For the City's utility billing purposes, a recorded development association or another form of recorded agreement approved by the City Attorney is required if any of the individual units within the development are not owned by the same owner of the development. The recorded development association or recorded agreement shall set out, at a minimum, the allocation of costs and statement of understanding of the collective responsibility of owners for payment of City utilities. If a recorded development association or another form of recorded agreement approved by the City Attorney is in place, the City will issue one utility bill per month to one owner or representative of the structure for the entire structure's base charges and consumption or usage. The monthly utility bill will not be sent to each individual owner within the structure. If ownership is divided after a special use permit has been obtained, the property owner shall furnish a copy of said recorded agreement to the City showing it meets this provision.

**Section 3. Sec 101-1-3 is amended and re-enacted.**

**Section 4. Sec. 105-1-5 (k) is enacted.**

---

Timothy A. Helbling, President  
Board of City Commissioners

Attest:

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James Neubauer,  
City Administrator

Planning and Zoning:

First Consideration:

Second Consideration and Final Passage:

March 23, 2020

April 7, 2020

April 21, 2020



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** April 21, 2020  
**PREPARATION DATE:** April 8, 2020  
**SUBMITTING DEPARTMENT:** Engineering and Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth, PE  
**PRESENTER:** John Van Dyke, AICP, CFM  
**SUBJECT:** Second and final consideration of Ordinance 1300 related to telecommunication towers

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**STATEMENT/PURPOSE:** Consider approval of Ordinance 1300 related to telecommunications towers.

**BACKGROUND/ALTERNATIVES:** This is the second and final consideration of Ordinance 1300 related to telecommunications towers. The ordinance reflects closely that which has been adopted in other communities like Fargo, Bismarck, Grand Forks, and Minot with relation to locating telecommunications towers in the right-of-way. It also creates a requirement to obtain a conditional use permit for towers that are greater than one-hundred-twenty (120) feet tall.

#### **Information Provided at First Consideration on April 7**

Ordinance 1300 includes changes to accommodate wireless facilities located within the public right-of-way, specifying which districts require a special/conditional use permit and which ones require only administrative approval. Further, the proposed ordinance change establishes the requirement for a special use permit for telecommunications towers that are one-hundred-twenty (120) feet tall or greater in any district. Finally, the ordinance attempts to consolidate the numerous definitions and uses of terminology related to communications towers.

The City of Mandan was approached in 2018 with regard to placement of infrastructure necessary to provide customers with 5G wireless service. The infrastructure is known as “small cell” technology, which is much smaller than a traditional cellular tower. They are small enough to be attached to other infrastructure that is typically located within the public right-of-way, such as street or traffic light poles, larger street signs, etc. They service a much smaller geography and therefore require a higher concentration than a standard tower.

This ordinance outlines the requirements that must be met in order for a small cell to be placed within the public right-of-way, as well as within each zoning district. The ordinance provides standards for small cells attached to existing poles within the right-of-way, city-owned buildings, and privately owned buildings. Fees and process are established by reference to the Wireless Facilities Guidelines.

Staff, including Principal Planner John Van Dyke, Engineering and Planning Director Justin Froseth, Public Works Director Mitch Bitz, City Administrator Jim Neubauer, and City Attorney Brown met to discuss the creation of the ordinance and associated guidelines. Several cities including Grand Forks, Minot, Fargo, and Bismarck have adopted a close variant of the proposed ordinance. This has established consistency between cities.

The ordinance was sent to Verizon, T-Mobile/Sprint, and AT&T for comment. Most comments were taken into consideration by Verizon and T-Mobile/Sprint. AT&T has indicated several issues with the proposed ordinance. Attorney Brown's recommendation is to move forward with the proposed ordinance as presented with no known issues occurring in other cities in ND that have adopted a similar ordinance.

**Other telecommunication:**

While working through the ordinance changes related to telecommunications, limitations to the height of telecommunication transmissions towers has also been added. Presently, telecommunications transmission towers are exempt from height limitations and in some districts do not require a conditional use permit. This opens the door to the erection of these structures adjacent to residential development with limitless height. The proposed changes would require towers exceeding one-hundred-twenty (120) feet to obtain a conditional use permit. The height of one-hundred-twenty feet was determined based on those in Mandan today.

Planning and Zoning Commission unanimously recommended approval at their March 23 hearing. No comments have been received for this iteration of public hearings.

**ATTACHMENTS:**

Exhibit 1 – Ordinance 1300 – Wireless Communications Facilities  
Exhibit 2 – Wireless Facilities Guidelines  
Exhibit 3 – Pictures of Small Cells Wireless Infrastructure

**FISCAL IMPACT:** N/a

**STAFF IMPACT:** N/a

Board of City Commissioners

Agenda Documentation

Meeting Date: April 21, 2020

Subject: Second and Final Consideration of Ordinance 1300 related to

Telecommunications Towers

Page 3 of 3

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LEGAL REVIEW: Attorney Brown has reviewed the ordinance and recommends adoption as written.

RECOMMENDATION: Engineering and Planning recommend approval of Ordinance as presented in Exhibit 1.

SUGGESTED MOTION: I move to approve Ordinance 1300 as presented in Exhibit 1 along with the associated guidelines in Exhibit 2.

# EXHIBIT 1

## ORDINANCE NO. 1300

An Ordinance to Amend and Re-enact portions of Subpart B – Land Development and Public Services of the Mandan Municipal Code related to communications facilities within the right-of-way and telecommunication transmission tower height limitations without first securing a conditional use permit

WHEREAS, The City of Mandan is committed to facilitating the provision for residents' wireless service needs

WHEREAS, Infrastructure necessary to provide for future services may require placement within publicly owned right-of-way

WHEREAS, Care must be taken in order to preserve the integrity of the variety of services supplied through the public right-of-way

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

**Section 1 renames the chapter to reflect the right-of-way, as the street is one possible piece of infrastructure contained in a right-of-way.**

**Section 1. Chapter 115 is hereby renamed as follows:**

Chapter 115 – RIGHT-OF-WAY

**Section 2 establishes the reasoning behind the ordinance**

**Section 2. Enacted. Section 115-10-1 relating to Purpose is hereby enacted to read as follows:**

**115-10-1 Purpose**

To ensure that residents, businesses and public safety operations in the city have reliable access to wireless telecommunications network technology and state of the art mobile broadband communications services, the city desires to accommodate the deployment of wireless communications facilities and services within the public right-of-way. The city also desires to minimize potential negative impacts of wireless facility placement within the public right-of-way. This article applies only to installation in the public right-of-way. All other installations are governed by Chapter 105 of this ordinance, and all other applicable laws and regulations. The impact of wireless facilities can be reduced by maintaining standards and objectives for location, visual impact, structural integrity, compatibility, colocation, and the like, which do not unreasonably discriminate among similar users.

Nothing in this chapter affects the city's right to regulate users of the public right-of-way in a neutral and nondiscriminatory manner. The city intends to exercise its authority with respect to the regulation, placement, construction and modification of wireless facilities in the public right-of-way to the fullest extent permitted by applicable law.

**Section 3 provides the definitions to refer to throughout the ordinance.**

**Section 3. Enacted. Section 115-10-2 relating to Definitions is hereby enacted to read as follows:**

### **115-10-2 Definitions**

For purposes of this article, the following definitions apply. References to "sections" are, unless otherwise specified, references to sections in this article.

*Antenna* means a device used to transmit and/or receive radio or electromagnetic waves for the provision of communication services including, but not limited to, cellular, paging, personal communications services and microwave communications. Such devices include, but are not limited to small wireless facility antennas, small cell antennas, remote radio heads, directional antennae, such as panel antennas, GPS antennas, microwave dishes, and satellite dishes; omnidirectional antennae; and wireless access points (Wi-Fi), including strand-mounted wireless access points.

*Applicant* means any person who applies for a permit under this article.

*Attachment* includes any wireless communication facility affixed to, contained in, or placed on or in a structure within the city's public right-of-way.

*City* means the City of Mandan.

City Engineer means the Mandan City Engineer or his or her designee.

City-Owned Structure means an existing structure owned by the city that is located in the city's public right-of-way. It does not mean State, County or other government entity owned infrastructure within the public right-of-way. It does not mean infrastructure owned by a public utility. It does not mean infrastructure located outside of the public right-of-way or on right-of-way which the city does not control.

Colocation means the mounting or installation of new wireless communication facilities on or within an existing wireless support structure.

Construction Plan means a written plan, and a collection of documents, for construction that:

- (a) demonstrates substantial conformity with adjacent like-structure height, girth, color, material, spacing, and function, where applicable.
- (b) includes the identity and qualifications of each person directly responsible for the design and construction;
- (c) includes signed and sealed documentation to proportional scale from a professional engineer licensed in North Dakota describing the proposed wireless communication facilities in detail, including
  - (1) the proposed location of the wireless support structure and all easements, property boundaries, and existing structures within on the same side of the roadway and within fifty (50) feet of such wireless facility or wireless support structure unless a different distance is specified by the city engineer;
  - (2) a structural, loading, and wind-speed analysis for existing, proposed, and reserved loading, and
  - (3) a schematic describing the communications properties of the facility, including EMF and RF propagation and off-site data connections; and
  - (4) includes such other information as the city engineer may require.

EMF means electromagnetic frequency.

Equipment means accessory equipment serving or being used in conjunction with an antenna or wireless communication facility. Equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables and conduit, equipment buildings, cabinets, storage sheds, shelters, and vaults.

Existing Height means the height of a structure, including wireless communications facilities, as originally approved or as of the most recent approved modification. Height shall be measured from natural grade to the top of all appurtenances.

Existing structure means a structure located in the public right-of-way and capable of supporting wireless communication facilities, erected prior to the application for colocation or substantial modification under this article. An existing structure includes a replacement of an existing structure that is proposed to accommodate the colocation of a wireless communication facility, as long as the replacement structure is substantially similar in appearance to the existing structure and no more than 10% taller than the existing height of the structure to be replaced.

Ground-Mounted Equipment means any equipment that is affixed to the ground and extends above the natural grade.

GPS means Global Positioning System.

Guidelines or Wireless Facility Guidelines means any procedure or description from the city engineer, which may be modified and amended from time to time, concerning wireless facility application process and siting requirements. Any such Wireless Facilities Guidelines shall be consistent with this article.

Interference means any material and harmful impairment, physically or electronically of the operation, views, signals or functions of city property or third party property.

Laws means any and all applicable federal and state laws and applicable local ordinances, resolutions, regulations, administrative orders or other legal requirements.

Land Development Code means the Subpart B – Land Development and Public Services of the Code of Ordinances of the City of Mandan, North Dakota.

MAA means a master attachment agreement between the city and a lessee that defines the general terms and conditions which govern their relationship with respect to particular sites at which the city agrees to permit lessee to install, maintain, and operate communications equipment on existing or new city owned infrastructure.

Installation Permit Holder means any person that has obtained permission through the issuance of an installation permit from the city under this article to locate, install or place wireless facilities in the public right-of-way.

Person means any natural or corporate person, business association or other business entity including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity.

Public Right-of-Way means the area on, below, or above a public roadway, highway, street, cart way, bicycle lane and public sidewalk in which the city has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the city. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other non-wire telecommunications or broadcast service.

RF means radio frequency.

Site or Premises means the area occupied by the wireless support structure, the wireless communications facility, accessory equipment, ground-mounted equipment, and the path of the wire or conduit connecting to an off-site network.

Wireless Communication Facility means any fixed tangible asset usable for the purpose of providing wireless transmission of voice, data, images or other signals or information including, but not limited to, telecommunications, cellular telephone service, personal communications service and paging service. A wireless communications facility includes antennas and accessory equipment. A wireless communications facility does not include an underlying wireless support structure.

Wireless Support Structure means any fixed, above-grade structure in the public right-of-way used to house or support wireless communications facilities and equipment.

**Section 4 notes that existing poles and structures will be the priority and that an MAA and permit is required.**

**Section 4. Enacted. Section 115-10-3 relating to Locating Wireless Communication Facilities is hereby enacted to read as follows:**

**115-10-3 Locating Wireless Communication Facilities**

The location of any new wireless communication facility in the public right-of-way shall be prioritized to locate on existing structures, such as utility poles through agreement with the pole owner, or street lights, or the replacement of an existing structure as provided herein, when said existing structures are present within one-hundred feet of the desired location. Installation of wireless support structures for the purpose of supporting a wireless communication facility within the public right-of-way will be permitted only as deemed appropriate by the city engineer and the applicant must have a franchise agreement with the city for the use of the public right-of-way, MAA, or an encroachment agreement for that specific location and an installation permit.

Section 5 provides four different means by which a wireless facility may be placed in the right-of-way. This section also outlines the necessary additional submittals that must be included with an application for placement of these facilities. This includes an application fee as outlined in the Wireless Facility Guidelines and allows for engineering to subcontract the evaluation similar to what is currently done for stormwater reviews for plats in some instances. This section also encourages colocation and requires the facilities to be installed within 12 months of permit issuance.

Section 5. Enacted. Section 115-10-4 relating to Installation Permit Required is hereby enacted to read as follows:

**115-10-4 Installation Permit Required**

- (a) No person may construct, install or modify a wireless communication facility within the public right-of-way without having first done one of the following:
- (1) Having entered into an MAA with the city, if the wireless communication facility will be installed on city owned existing or new infrastructure.
  - (2) Having obtained a franchise from the city allowing use of the public right-of-way.
  - (3) Having obtained an encroachment agreement allowing the specific occupation of the public right-of-way.
  - (4) Having entered into an agreement to co-locate with an entity with infrastructure in the right-of-way pursuant to a current franchise. In each case, the person must also obtain an installation permit from the city engineer as set forth in this chapter.
- (b) Installation Permit Issuance. Before a Site License, if applicable, is agreed upon and an installation permit is issued, a written application for each site must be filed with the city engineer containing such information as may be required by the city engineer. The application shall include the following:
- (1) Information required to be provided by a registrant for public right-of-way use and occupancy under this chapter.
  - (2) The name and address of any retail communications service provider for which the facilities are intended to be used, if this is different than the applicant.
  - (3) Evidence that the applicant has obtained all state permits and other licenses, as well as insurance, performance and payment bonds as may be required by the city engineer.

(4) A detailed map, including a digital shapefile, of the location of all proposed facilities for which the permit is sought.

(5) A construction plan and profile, if requested.

(6) Other information required by this article.

(c) Fees. The city may require payment of a nonrefundable installation permit application fee at the time an installation permit application is submitted, as approved by the Board of City Commission and adopted in the Wireless Facilities Guidelines. Such fees shall be set to recoup some or all of the cost of permit review, processing and issuance, and will be in addition to any other applicable fee or any separate payments that may be required in the event an installation permit is granted for use of the public right-of-way or the use of city-owned structures. The city reserves the right to charge applicants for installation permits and a fee for their use of the public right-of-way to the extent that such charges are allowed under state and federal law. All such fees shall be described in the Wireless Facility Guidelines and may be in addition to any fee charged for or cost associated with attachment to city-owned structures.

(d) Where the city determines that it requires expert assistance in evaluating an application, the city may procure technical and other specialized consulting services that may be necessary to promptly and thoroughly review the application. Reasonable fees charged by the consultant shall be paid from the one-time application fee referred to in subpart c above.

(e) Time for Review. The city engineer shall comply with applicable federal, state and local law concerning the time period for review following receipt of a completed application to install or modify a wireless communications facility or wireless support structure in the public right-of-way. Specific timeframes shall be described in Wireless Facility Guidelines.

(f) Nondiscrimination. The city shall evaluate, issue, and deny permit applications under this article on a neutral basis, with no unreasonable discrimination among similarly situated applicants and installations.

(g) The city engineer may impose additional reasonable conditions on any installation permit issued under this article relating to time, place and manner.

(h) The city shall not impose environmental testing, sampling, or monitoring requirements or other compliance measures for RF emissions on wireless communication facilities that are categorically excluded under the FCC's rules for radiofrequency remissions pursuant to 4 CFR 1.1307(b)(1).

(i) Scope and Duration.

- (1) Any installation permit granted pursuant to such application shall be limited in scope to the description submitted in a completed application, as modified by any further agreed-upon conditions or subsequently approved modification.
- (2) The installation permit shall be voided by the city unless in the city's determination the work is commenced within one hundred eighty (180) days from the date of issuance of the permit, unless extended by the city engineer. If the facility is not used for its intended use within twelve (12) months from the date of permit issuance, the city shall revoke the permit unless extended by the city engineer.
- (3) Within sixty (60) days following completion of facility installation as described in the permit application, the permit holder shall submit as-built diagrams in AutoCAD format and digital photographs of the Site to the city engineer. A digital shapefile shall also be provided to include such information as deemed necessary by the city engineer.
- (4) MAAs issued under this article are valid for a period of twenty (20) years. To extend the MAA for an additional period of ten (10) years, the permit holder shall provide proof that it continues to have the legal authority to occupy and use the public right-of-way for the purpose set forth in its permit; shall affirm that its site as it exists at the time of the renewal is in full compliance with the applicable city permit or permits issued for the site, and is in compliance with FCC regulations; and shall pay any permit processing fee required for renewal. Failure to submit such proof of legal authority or affirmation of compliance shall be grounds for non-renewal of the permit. The burden is on the permit holder to demonstrate that the site complies with the requirements herein.
- (j) Conditional Upon Related Agreements. The city engineer may cause a permit under this article to be made temporary or conditional upon the execution of a finalized permit application or attachment agreement further addressing the proposed installation.
- (k) Proximity to Other Facilities. The city reserves the right to deny, but is not obligated to deny, any siting permit application under this article that proposes to install a new wireless support structure within three hundred (300) feet of any other existing wireless support structure. It is the intent of this provision to encourage the colocation of wireless communication facilities on the same wireless support structure or on existing buildings or other structures, and to sensibly limit the overall visual impact of wireless communications in the public right-of-way.
- (l) Denial of Permit. Any denial of permit shall be made in writing, supported by substantial evidence that the proposed installation would be inconsistent with one or more of the provisions of the Code of Ordinances of the City of Mandan, North Dakota or with the health, safety and welfare of the city.

Section 6 provides design guidelines to ensure each facility minimizes its impact to adjacent property owners and does not interfere with necessary maintenance in the right-of-way. Requirements include antennae's can't be higher than 50ft above ground level or block a neighboring window/doorway.

Section 6. Enacted. Section 115-10-5 relating to General Conditions is hereby enacted to read as follows:

*115-10-5 General Conditions*

The city engineer may approve a permit for the installation of a wireless communication facility in the public right-of-way, provided the applicant certifies compliance with the following general conditions, and subject to other use-specific conditions and other requirements set forth in this article and in any Wireless Application Guidelines.

(a) General Design Standards. The following design standards will apply:

(1) Installation is not to significantly create a new obstruction to property sight lines.

(2) Appropriate clearance from existing utilities.

(3) In a single-family neighborhood, noise limit to be 5dBA above ambient sound, not to exceed 30 dBA as measured at a property line. Other noise regulations may apply. If the facility does not generate noise, include this information in the submittal so information can be shared with neighborhood.

(4) Installations shall match the aesthetics of existing street lights and street furniture in the neighborhood of the proposed small cell locations, if any. These aesthetic considerations and accommodations are to be included in the application submittal.

(5) All equipment located within the public ROW shall be located such that it meets ADA requirements and does not obstruct, impede, or hinder usual pedestrian or vehicular travel or interferes with the operation and maintenance of signal lights, signage, street lights, street furniture, fire hydrants, underground utilities, or business district maintenance.

(6) The height of any wireless communication facility shall be comparable to nearby structures of similar type and not more than 50 feet above normal grade unless otherwise approved by the city engineer in the installation permit.

(7) Antennas shall not exceed the physical dimensions set forth in 47 C.F.R. 1.1312(e)(2).

(8) All riser cabling and wiring must be contained in conduit, affixed directly to the face of the structure, or enclosed within the hollow interior of the pole, for as long as it is technically feasible. No exposed slack or extra cable will be allowed, except for a drip loop as needed.

(9) No signage or advertising will be permitted, except as required by law or as specifically permitted or required by the city engineer.

(10) Wireless communication facilities in historic areas shall comply with any special requirements applicable to such areas, and may be subject to additional city review.

(b) Minimizing Impacts on Adjacent Property Owners.

(1) A permit holder should actively mitigate any unreasonable adverse impact relating to visibility from the adjacent property; access to and from the adjacent property; intrusion of light, sound, or smell; in addition to any other cognizable unreasonable and substantial impact made known by an adjacent property owner. This shall not apply to new developments that were not present at the time of installation; however, this does not mean that specific sites will be included in any renewal agreement between the wireless communication facility permit holder and the city.

(2) No Antenna shall be within five (5) feet of a door, balcony or window nor placed in front of any window within 20 feet. To the extent feasible, antennas shall be located at a similar height to the antenna unit on the adjacent public right-of-way, unless otherwise restricted by the right-of-way width.

(3) An installation shall not interfere with city operations, or the operations of preexisting third-party installations in the public right-of-way. The city will reasonably cooperate with the applicant and/or permit holder to permit activities and modifications that may effectively avoid or correct the interference.

**Section 7 limits the increase in height to a pole and ensures that there is no interference of the original service provided by the pole (such as light). Power is the responsibility of the permit holder.**

**Section 7. Enacted. Section 115-10-6 relating to Wireless Communications Facilities Upon Existing Structures is hereby enacted to read as follows:**

### 115-10-6 Wireless Communications Facilities Upon Existing Structures

In addition to the general conditions described in section 115-10-5 and any specification contained in the Wireless Facility Guidelines, any wireless communication facility for which an installation permit is requested under this chapter shall meet the following requirements:

- (a) The wireless communication facility shall not increase total existing height, including the wireless support structure, by more than 10% over other public utility poles in the area unless, in the city engineer's discretion, an alternative height is accepted depending on the type and structure of the existing facility and the proposed location.
- (b) The wireless communication facility shall not impair nighttime visibility in the area that result from light emanating from a utility structure and shall not otherwise interfere with the original purpose of an existing structure.
- (c) Electrical power. Unless otherwise provided in the applicable Site License, franchise, or encroachment agreement the acquisition of electrical power shall be the sole responsibility of the applicant.
- (d) Minimize impact to the aesthetics of the existing poles.
- (e) Structural calculations, which show that the existing pole(s) can carry the loading of the new proposed facilities, shall be submitted with the permit application package.

**Section 8 specifies the requirement for an MAA, which will outline the management of the facilities. Outlines fees collected in the Wireless Facility Guidelines. Specifies financial responsibility of the permit holder for the cost of repairs and holds harmless the City from damages to third parties.**

**Section 8. Enacted. Section 115-10-7 relating to Attachments to City-Owned Structures is hereby enacted to read as follows:**

### 115-10-7 Attachments to City-Owned Structures

In addition to the requirements set forth in this article and the Wireless Facility Guidelines, the following conditions will apply to a wireless communication facility attached to a city-owned structure:

- (a) The city engineer shall require an applicant for a wireless communication facility attachment to a city-owned structure to execute a separate MAA with the city addressing such attachment.
- (b) The management of attachments to city-owned structures is governed by the MAA between the city and the applicant. The MAA does not waive any zoning, building code or other public right-of-way management requirements that may also apply.
- (c) The city may require payment of rental fee, permit fee, application fee or other compensation, as set forth in the Wireless Facility Guidelines.
- (d) In the event a city-owned wireless support structure is compromised or knocked down, the city and an affected wireless communication facility permit holder will cooperate to reinstall or replace the pole and restore the wireless communication facility. The wireless communication facility permit holder shall be responsible for costs incurred by the repair or reinstallation of the wireless support structure. The MAA shall contain indemnifying language holding the city harmless for damages stemming from third-parties.
- (e) Training. At the request of the city, the permit holder shall host on-site training for city maintenance staff. The training will be offered semiannually or as otherwise agreed between the parties. The training shall include occupational safety, personal protection, proximity limits, emergency procedures and contact information. This information shall also be provided in writing and submitted electronically to the city.

**Section 9 notes that if the facility is located on existing infrastructure that it will continue to provide the service (such as lighting) that it was originally intended to do. If a new pole is required then it will provide additional public benefits (such as lighting) and not be solely used as a wireless facility.**

**It also notes that the poles are the owned by the City, power to supply the facility is the responsibility of the permit holder, and that the permit holder will provide a supply of identical poles to be held by the city.**

**An agreement will outline the replacement process.**

**Section 9. Enacted. Section 115-10-8 relating to Replacement of City-Owned Structures or Addition of City-Owned Structures is hereby enacted to read as follows:**

**115-10-8 Replacement of City-Owned Structures or Addition of City-Owned Structures**

In addition to the general conditions described in this chapter and the Wireless Facility Guidelines, the proposed replacement of an existing city-owned structure or placement of a new city owned structure shall be subject to the following requirements.

- (a) Any new or replacement city-owned structure must be able to co-locate at least one additional similar facility.
- (b) So as not to be located along the frontage of a Historic building, deemed historic on a federal, state, or local level.
- (c) So as not to significantly create a new obstruction to property sight lines.
- (d) Equal distance between trees when possible, with a minimum of 15 feet separation such that no proposed disturbance shall occur within the critical root zone of any tree.
- (e) New city-owned structures shall be located in line with trees, existing streetlights, utility poles, and other furniture.
- (f) Before installing a new structure in the right-of-way or replacing an existing structure, the applicant must demonstrate the following, to the satisfaction of the city engineer:
  - (1) That it will not be located within 100 feet of the apron of a fire station, police station, or other adjacent emergency service facility.
  - (2) At the intersection of property lines, or along secondary property frontage for corner lots.
  - (3) Located in line with trees, existing streetlights, utility poles, and other furniture.
  - (4) That the facility is not able to be placed on existing right-of-way infrastructure. The applicant shall provide a map of existing infrastructure in the service area and describe why each such site is not feasible.
  - (5) That city functions for which the original structure was used will be preserved, at a minimum, as part of any replacement structure, at the applicant's expense. Replacement of lighting, electrical power, network connectivity, and any other functional purpose of, on or within the original structure shall be done to the satisfaction of the city engineer.
  - (6) In a manner that does not impede, obstruct, or hinder pedestrian or vehicular travel.
  - (7) New poles should match aesthetics of adjacent poles.

- (g) Ownership. A replacement structure or a new structure under this section shall be dedicated to and owned by the city upon completion, free and clear of all liens and encumbrances.
- (h) Unless otherwise provided in the applicable Site License, franchise, or encroachment agreement, acquisition and use of electrical power to serve a wireless communication facility on a replacement wireless support structure or facility shall be the sole responsibility of the permit holder.
- (i) Stocked Poles. To enable prompt replacement in the event of a knockdown or structural compromise, a permit holder shall provide the city with an inventory of poles to be kept by the city. The inventory shall consist of, for each type/style of pole, one pole substantially identical to the initial city owned replacement pole. For each set of five additional replacement poles of any particular type/style, an additional pole of that type/style.
- (j) Facilities placed in the right-of-way shall be maintained in accordance with the terms of this article and as provided for in the MAA.
- (k) An applicant may be required to enter into such license and other agreements with the city or third parties as the city may require to effect the replacement, consistent with this section.

**Section 10 outlines how equipment will be mounted if above or on the ground and instances when it may be required to be located underground. In discussions with Verizon, they've indicated that all equipment will be located underground for those facilities requiring pole replacement.**

**Section 10. Enacted. Section 115-10-9 relating to Equipment is hereby enacted to read as follows:**

**115-10-9      *Equipment***

- (a) Equipment other than ground-mounted equipment shall be mounted in one of the manners described below, and as prescribed by the city engineer, utility provider, or applicable health and safety code.

- (1) Equipment shall be mounted in a base shroud of approved design. The base shroud should be coated or painted an approved color to match the pole.
- (2) Equipment shall be mounted directly to the pole a minimum of twelve (12) feet above the existing grade and be coated or painted with an approved color to match the pole.
- (3) Equipment shall be mounted to the pole in an equipment box a minimum of twelve (12) feet above the existing grade. The equipment box shall be coated or painted an approved color to match the pole.
- (4) Equipment shall be attached to the wireless support structure in a manner as approved by the city engineer.

(b) Ground-Mounted Equipment.

(1) A permit for a wireless communication facility that involves ground-mounted equipment will be issued if the city engineer finds the following:

- a. The ground mounted equipment will not disrupt traffic or pedestrian circulation;
- b. Space exists in the public right-of-way to accommodate the ground mounted equipment;
- c. The ground mounted equipment will not create a safety hazard;
- d. The location of the ground mounted equipment minimizes impacts on adjacent property;
- e. In any historical area, that the ground mounted equipment does not detrimentally affect the historical nature of the area, to the satisfaction of the city engineer;
- f. That no reasonable alternative exists that is more favorable to adjacent property owners and to effective use and management of the public right-of-way; and
- g. The ground mounted equipment will not adversely impact the health, safety or welfare of the community.

(2) Underground equipment. Ground mounted equipment and utilities will be placed underground in all locations unless technically infeasible.

(c) Any excavation required for installation of ground-mounted or underground equipment shall be performed in accordance with all applicable local, state, and federal laws and regulations.

Section 11 outlines how a wireless communications facility may be attached to a city owned building such as city hall or public works building for example. In the event the city sells this structure, the city will credit the fees back and assist with identifying an alternative site. The city is not responsible for the costs resulting from the sale of city-owned property.

Section 11. Enacted. Section 115-10-10 relating to Attachment to City-Owned Buildings is hereby enacted to read as follows:

*115-10-10 Attachment to City-Owned Buildings*

The city may permit the attachment of a facility to a city-owned building upon the recommendation of the city engineer and the approval of a lease by the city commission. An installation permit shall be required for such installations. If a city-owned building is sold the permit for the relevant attachment shall be revoked. The city shall work with the permit holder to identify a suitable alternative site for the replacement of the wireless communication facility and credit the permit holder for the fees already incurred toward the application of a new site. The city shall be held harmless for the permit revocation effectuated by the sale of the city-owned building.

Section 12 adds Wireless communications facility to the list of examples of uses within the utility use group.

Section 12. Amended. Section 105-1-4 (q) (2) relating to the Utility service group examples is hereby amended to include the following example of a utility service group use:

k. Wireless Communications Facility

Section 13 adds definitions for wireless communications facility where none presently exists.

Section 13. Amended and Re-enacted. Section 101-1-3 adding a new definition following Wholesale group to read as follows:

Wireless communications facility means any fixed tangible asset usable for the purpose of providing wireless transmission of voice, data, images or other signals or information including, but not limited to, telecommunications, cellular telephone service, personal communications service and paging service. A wireless communications facility includes antennas and accessory equipment. A wireless communications facility does not include an underlying wireless support structure.

**Section 14 Adds definitions for telecommunication transmission tower and telecommunications transmission tower antennae height. There is currently no definition for these in the ordinance. It also removes the existing definition of telecommunication facility, relying solely on wireless communications facility for continuity.**

**Section 14. Amended and Re-enacted. Section 101-1-3 remove definition of Telecommunication facility and adding a new definition for Telecommunication transmission tower and Telecommunication transmission tower and antenna height following Subdivision, minor to read as follows:**

~~Telecommunication facility means any installation composed of wires, cables, pieces of equipment, pieces of machinery, structures and/or supporting elements necessary to produce non-ionizing electromagnetic radiation and operating as a discrete unit to produce a signal or message.~~

Telecommunication transmission tower means any pole, spire, structure or combination hereof, including supporting lines, cables, wires, braces and mast, designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting lattice towers, guyed towers or monopole towers. A telecommunication tower may include, but not be limited to, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and personal communication service towers.

Telecommunication transmission tower and antenna height means the height of a freestanding telecommunication transmission tower and antenna shall be measured as the distance from ground level to the highest point on the tower, including the antenna. The height of a rooftop communication antenna shall be measured as the distance from the point where the base of the tower and antenna is attached to the roof, to the highest point on the supporting structure, including the antenna.

**Section 15 Changes terminology to one defined by Section 14 above. There is currently no definition of broadcast or communication towers.**

**Section 15. Amended and Re-enacted. Section 105-1-2 (1) to read as follows:**

- (1) *Structures excluded from height limits.* A building height limit set forth in this chapter shall not apply to belfries, chimneys, domes, flagpoles, flues, monuments, cupolas, ~~broadcast and communication telecommunication transmission~~ towers, spires, tanks,

water towers or similar structures, or to bulkheads, elevators, water tanks or similar roof structures and mechanical appurtenances. No such structure located on a roof shall have a total area greater than 25 percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building. No such structure shall be located closer to the lot line than a distance greater than 110 percent of the height of the structure above ground level, except those structures as permitted or deemed necessary within the public right-of-way as outlined in Chapter 115.

**Adding subsection (l) in order to require a conditional use permit for towers greater than 120 feet in height.**

**Section 16. Enacted. Section 105-1-5 (i) relating to a requirement for telecommunication transmission tower and antennae height in excess of 120' to obtain a conditional use permit to read as follows:**

(i) Telecommunication transmission tower and antenna height exceeding one-hundred-twenty (120) feet.

**Section 17 thru 24 establishes that utility service group uses require a conditional use permit in residential zoning districts and a permitted use in commercial and industrial zones.**

**Section 17. Amended and Re-enacted. Section 105-3-4 (d) is amended as follows:**

- (d) *Conditional uses.* These uses are permitted on a specific site only after review and approval by the planning and zoning commission and ratification by the city commission. ~~A PUD district will be created to document any conditional use approval.~~
- (1) Accessory dwelling unit.
  - (2) Education group.
  - (3) Public recreation group.
  - (4) Utility service group.
  - (5) Religion group.
  - (6) Bed and breakfast.
    - a. One additional parking space per bedroom.
    - b. One sign no larger than four square feet.

- c. Must maintain state facility license in good standing.

**Section 18. Amended and Re-enacted. Section 105-3-5 (d) is amended as follows:**

- (d) *Conditional uses.* These uses are permitted on a specific site only after review and approval by the planning and zoning commission and ratification by the city commission. ~~A PUD district will be created to document any conditional use approval.~~
  - (1) Public recreation group.
  - (2) Education group.
  - (3) Utility service group.
  - (4) Religion group.
  - (5) Accessory dwelling unit.
  - (6) Bed and breakfast
    - a. One additional parking space per bedroom.
    - b. One sign no larger than four square feet.
    - c. Must maintain state facility license in good standing.

**Section 19. Amended and Re-enacted. Section 105-3-6 (d) is amended as follows:**

- (d) *Conditional uses.* These uses are permitted on a specific site only after review and approval by the planning and zoning commission and ratification by the city commission. ~~A PUD district will be created to document any conditional use approval.~~
  - (1) Public recreation group.
  - (2) Education group.
  - (3) Utility service group.
  - (4) Religion group.

**Section 20. Amended and Re-enacted. Section 105-3-8 (d) is amended as follows:**

- (d) *Conditional uses.* These uses are permitted on a specific site only after review and approval by the planning and zoning commission and ratification by the city commission. ~~A PUD district will be created to document any conditional use approval.~~
  - (1) Education group.

- (2) Religion group.
- (3) Utility service group.
- (4) Public recreation group.
- (5) Site built or modular dwelling unit.

**Section 21. Amended and Re-enacted. Section 105-3-9 is amended as follows:**

Sec. 105-3-9. - RM Residential District.

In any RM Residential District, the following regulations shall apply:

- (1) *General description.* The RM Residential District is established as a district in which the principal use of land is for residences, including multifamily dwellings and similar high-density residential development. For the RM Residential District, in promoting the general purposes of this chapter, the specific intent of this section is:
  - a. To encourage the construction of, and continued use of, the land for residential purposes.
  - b. To prohibit commercial and industrial use of the land and to prohibit any other use that would substantially interfere with the development and continuation of residential structures in the district.
  - c. To encourage the discontinuance of existing uses that would not be permitted as new uses in the district.
  - d. To discourage any use which, because of its character or size, would generate traffic or require municipal services substantially in excess of traffic and services that would exist if the district was developed solely for multifamily dwellings and similar residential uses.
- (2) *Uses permitted.* The following uses are permitted:
  - a. Single-family dwelling.
  - b. Two-family dwelling.
  - c. Multifamily dwelling.
  - d. Group dwelling.
  - e. Educational group.
  - f. Church.
  - g. Health-medical group.
  - ~~h. Utility service group.~~
  - hi. Public recreation group.
  - ij. Railroad line trackage.

**jk.** Funeral establishments, provided that the following requirements are met:

1. Each such establishment shall provide an off-street parking area on the premises equal to 35 percent of the lot area and in no case less than 4,900 square feet exclusive of the area needed to park vehicles owned or operated by such establishment. For the purpose of determining such parking area, neither the required side yards nor the area in front of the building setback line shall be included as a part of such parking area.
2. Each parcel upon which a funeral establishment is to be maintained shall have two side yards, one on each side of the building. The sum of the widths of the two side yards shall not be less than 20 percent of the average width of the lot, but in no event shall any side yard be less than ten feet.
3. No parking shall be permitted within ten feet of the side lot lines or in the area ahead of the building setback line.

**lk.** Office-bank group.

**lm.** Bed and breakfast facility located in a single-family dwelling, provided that the owner of the dwelling is the holder of a current bed and breakfast facility license for not to exceed four lodging units issued pursuant to the provisions of N.D.C.C. ch. 23-09.1 and that the owner provides one off-street vehicle parking space for each such unit and one off-street parking space for the owner/operator of such facility, and provided, further, that only one sign, not exceeding four square feet in size, advising such facility, may be placed on the premises.

**mn.** Manufactured home.

(3) Conditional uses. These uses are permitted on a specific site only after review and approval by the planning and zoning commission and ratification by the city commission.

a. Utility service group

~~(43)~~ **Density.** The maximum allowable density is 30.0 families per net acre.

~~(54)~~ **Lot area.**

- a. Each building containing dwelling units hereafter erected shall be located on a lot having an area not less than that shown in the following schedule:

Lot Area in Square Feet	Maximum Number of Dwelling Units
4,000 but less than 5,000	1
5,000 but less than 6,000	2
6,000 but less than 7,000	3

7,000 or more	4
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b. For each 1,000 square feet, or fraction thereof, in excess of 7,000 square feet contained in a lot, the principal building may contain one dwelling unit in addition to the four dwelling units permitted in a principal building located on a lot having an area of 7,000 square feet. Any other permitted building or structure, together with accessory buildings, shall be located on a lot having an area of not less than 7,000 square feet; provided, however, that if a building designed for efficiency apartment units having not more than one-bedroom units, intended to house not more than two persons per dwelling unit, not exceeding the floor area ratio provided in subsection (6) of this section and meeting all other provisions of this section and the provisions of this Code relating to the minimum standards governing the condition and maintenance of dwelling units, a building containing not more than six such efficiency dwelling units may be erected on a lot having not less than 7,000 square feet in area.

~~(65)~~ *Lot width.* Each lot shall have a width of not less than 50 feet measured along the front building line; provided, however, that on a record lot having a width of less than 50 feet at the front building line and corresponding to a record lot shown on a plat or deed recorded prior to the adoption of the ordinance from which this section is derived, the minimum lot width measured along the front building line may be reduced to not less than 40 feet.

~~(76)~~ *Floor area ratio.* The floor area ratio of the principal building and all accessory buildings shall not exceed 0.40 for single-story buildings, nor shall it exceed 1.20 for buildings of more than one story. The ground area occupied by the principal and accessory buildings shall not exceed 40 percent of the total area of the lot. In computing floor area ratio and ground coverage, 200 square feet shall be added to the actual area of the building for each car space required by this chapter, if such space is not furnished within a building.

~~(87)~~ *Front yard.* Each lot shall have a front yard not less than 15 feet in depth.

~~(98)~~ *Side yards.* Each lot shall have two side yards, one on each side of the principal building. The sum of the widths of the two side yards shall be not less than 20 percent of the average width of the lot. On any lot having an average width of 50 feet or less, each side yard shall be not less than ten percent of the width of the lot, and in no case shall a side yard be less than four feet in width. On any lot having an average width greater than 50 feet, neither side yard shall be less than five feet in width. In no event shall any side yard be less than the requirements set forth in this subsection, provided that in computing the side yard width on any lot, the first one foot of any overhang for eaves shall not be counted.

~~(109)~~ *Rear yard.* Each lot shall have a rear yard not less than ten feet in depth.

(110) *Height limits.* Single-family dwellings and two-family dwellings shall not exceed 2.5 stories, nor shall they exceed 35 feet in height. No principal building for any other permitted use shall exceed six stories, nor shall it exceed 60 feet in height. For each one foot or fraction thereof that a building exceeds 35 feet in height, there shall be added two feet to the minimum width of each side yard, two feet to the minimum depth of the front yard and one foot to the minimum depth of the rear yard required by this section. No accessory building shall exceed two stories, nor shall it exceed 25 feet in height.

(124) *Exception.* Notwithstanding the limitations imposed by any other provision of this chapter, upon due application by the owner and the recommendation thereof by the planning and zoning commission, the board may permit the subdivision of an existing lot and approve the replat thereof to show the lot lines along the centerline of a common wall, and the renumbering of the lot upon which multifamily townhouses or row dwelling units are being or have been constructed so as to permit separate ownership of a lot without side yards and having an area and width smaller than that required for a single-family dwelling, subject to the following:

- a. Each of the lots created by the subdivision shall contain an average of not less than 2,400 square feet of area.
- b. Each lot shall front on a dedicated street, or access shall be provided by platting a common driveway area and utility easements.
- c. Except for setbacks along the common property lines, all other setbacks and yard requirements shall be met.
- d. Each lot shall have separate water and sewer service lines into such lot or an appropriate written agreement between the adjoining property owners establishing the manner in which the cost of maintenance and repair of such lines will be shared.
- e. The subdivision of the lot shall be accomplished by the platting thereof in accordance with subdivision regulations of the city ordinances, including required public hearings for the plat approval.

(Ord. No. 1242, § 5, 12-20-2016)

**Section 22. Amended and Re-enacted. Section 105-3-10 is amended as follows:**

Sec. 105-3-10. - RH Residential District.

In any RH Residential District, the following regulations shall apply:

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

*Mobile home* means a mobile structure manufactured upon a chassis or an undercarriage which is an integral part of the structure and which:

- a. Is transported to the site on wheels;
- b. Comes fully equipped with flush toilet, tub or shower and kitchen facilities;

- c. Is ready for immediate occupancy upon its arrival to the site and its connection with utilities; and
- d. Is designed for long-term use as a single-family residence without permanent foundation.

*Mobile home park* means a plot or parcel of land, under single ownership, which has been improved for purposes of locating mobile homes as dwellings.

*Mobile home site* means a parcel of land, within a mobile home park, designed and improved for the accommodation of not more than one mobile home as a single-family residence.

*Mobile home stand* means that part of a mobile home site which has been reserved and improved for the placement of a mobile home, appurtenant structures or additions to a mobile home.

*Self-propelled mobile home* means a self-propelled vehicle containing living facilities, including the terms "house car" and "motor home," which was designed for temporary dwelling, generally for travel and recreational use, and licensed by a state as a motor vehicle.

*Travel trailer* means a vehicular portable structure having no foundation other than wheels or jacks, designed to be used as a temporary dwelling for travel and recreational activities, which is not more than eight feet in body width.

*Travel trailer park* means a plat or parcel of land, under single ownership, which has been improved for the purposes of locating travel trailers.

*Travel trailer site* means a parcel of land within a travel trailer park designed and improved for the accommodation of not more than one travel trailer.

*Unit, dependent*, means a mobile home, travel trailer or self-propelled mobile home without bath or shower and toilet facilities.

*Unit, nondependent*, means a mobile home, travel trailer or self-propelled mobile home with bath, shower and toilet facilities.

- (2) *General description.* The RH Residential District is established as a district in which the principal use of land is for residences, including mobile homes and travel trailers, located within mobile home parks and travel trailer parks.

(3) Permitted Uses:

a. Mobile homes and travel trailers, located within mobile home parks and travel trailer parks.

- (4) Conditional uses. These uses are permitted on a specific site only after review and approval by the planning and zoning commission and ratification by the city commission:

a. Utility service group

(53) *Location.* All mobile home and travel trailer parks shall be located in approved subdivisions according to the city's subdivision regulations.

(64) *Mobile home and travel trailer park locations.*

- a. *Mobile homes.* All mobile homes in the city shall be located in an approved mobile home park or mobile home subdivision before being occupied. Also, no business shall be conducted out of a mobile home, except administrative duties of the court owner or manager of home occupation uses according to the city's zoning ordinances.
- b. *Mobile home parks.* Mobile home parks shall be located in an RH zoning district according to future provisions. Mobile home parks should be considered medium-density residential.
- c. *Travel trailers.* Travel trailers shall be located in an approved travel or mobile home park.
- d. *Travel trailer parks.* Travel trailer parks shall be located in an RH zoning district according to future provisions.
- e. *Self-propelled mobile homes.* Self-propelled mobile homes shall be located in an approved travel trailer or mobile home park.

(75) *Licenses and/or permit requirements.*

- a. It is unlawful for any person to maintain, operate, alter or expand any mobile home or travel trailer park within the city's jurisdiction (one mile) without first obtaining a valid license and building permit from the designated officials of the city. Alteration or expansion of an existing mobile home or travel trailer park shall include any addition or reduction of a park site or rearrangement of other service buildings within the park.
- b. All mobile home and park license fees shall be set by resolution of the board.
- c. Application for a mobile home or travel trailer park license shall be filed with and issued by the state department of health and the city. The application shall be reviewed by the state health officer and city departments as deemed necessary by the building inspector. The site plans, specifications and zoning shall be reviewed by the city planning and zoning department. Application for subdivision or site plan approval and zoning changes for a mobile home or travel trailer park shall include payment of a planning review fee. These fees shall parallel the fee schedule of the city for subdivision and zone changes. The purpose of these fees is to offset the cost of publication and review by the planning department. An application for mobile home or trailer court approval shall be submitted to the city planner, along with said fee, and shall include the following:
  1. Name and address of the applicant and engineer or surveyor.
  2. Location map and legal description of the proposed or existing trailer or mobile home park.
  3. A complete site plan and specification of the proposed travel trailer or mobile home park or of the alteration or expansion of an existing park indicating:

- (i) Total acreage and all dimensions of the tract of land.
  - (ii) Date of plan.
  - (iii) Lot and block acreage.
  - (iv) Scale and north arrow.
  - (v) Locations and dimensions of all existing and proposed streets, alleys and walkways, and location and size of all sidewalks.
  - (vi) Locations and dimensions of all proposed mobile home sites.
  - (vii) Locations, plans and specifications of all proposed service buildings.
  - (viii) Contours of the land at one-foot intervals for ground slopes between zero and two percent, two-foot contours between two and five percent, and four-foot contours for over five percent.
  - (ix) Finished grade plan for all streets and developed areas as required by the city engineer.
  - (x) Locations and dimensions of all utility easements.
  - (xi) Locations and sizes of water, sewer and storm sewers or open drainage lines.
  - (xii) Locations of fire hydrants.
  - (xiii) Locations of all recreational areas.
  - (xiv) Locations of lighting stands.
  - (xv) All setback dimensions.
  - (xvi) Location and dimensions of mobile home park buffer.
  - (xvii) Such further information as may be required by the health officer to determine if the proposed mobile home park is in compliance with the applicable health regulations.
4. If the applicant desires to alter or expand an existing mobile home park, an additional site plan shall be submitted indicating the locations and dimensions of existing mobile home sites, streets, walkways and service buildings.
  5. A reproducible Mylar and six blue line prints, 24 inches by 36 inches, shall be submitted to the planning and zoning office upon final approval by the board. Said site plan shall have the signatures of the owner, city engineer, planning and zoning commission chairperson and board president.
  6. Within two weeks of moving into a mobile home, the owner will be required to have a certificate of occupancy. Before issuing the certificate of occupancy, the building inspector or designate shall inspect all utility connections, stabilizing devices, anchoring equipment and determine that the address has been properly installed. A fee for the certificate of occupancy, as set by the board, shall be required of the mobile home owner.
  7. All mobile home and travel trailer parks shall be located in an approved subdivision according to the city's subdivision regulations.

**(86)** *Design requirements for mobile home parks.*

- a. *Minimum size.* Each parcel of land to be used for a mobile home park shall be a minimum of ten acres, and any addition to said park must contain a minimum of four acres and be contiguous to the park with a boundary of at least 100 feet. The ratio of average depth to average width shall not be in excess of 4:1. There shall be a minimum width of 150 feet along any abutting public right-of-way.
  - b. *Streets and parking; access to park.* Direct vehicular access to the mobile home park shall be only from an abutting approved public street. Access shall be so located as to provide minimum congestion on the external streets and to provide for good circulation within the park. Private access right-of-way shall intersect public right-of-way no closer than 150 feet from the intersection of two public streets.
  - c. *Width of streets.* Streets in a mobile home park shall be private, but shall be constructed and paved in accordance with city street specifications and approved by the city engineer, except as to the paved width, which shall be as follows:
    1. Two-way streets with parking on both sides shall be 40 feet in width.
    2. Two-way streets with parking on one side shall be 32 feet in width.
    3. Two-way streets with no parking on either side shall be 24 feet in width.
    4. No streets shall be less than 24 feet in width.
  - d. *Entrance roads; easements and intersections.* All entrance roads into a mobile home park shall have a minimum unobstructed width of 60 feet and a minimum paving width of 36 feet at the point of entry. All streets into the mobile home park shall be designed for two-way traffic. Easements shall be provided on all streets within the mobile home park for the provision of city services, such as police, fire, and refuse collection. Street intersections should be at right angles on all major streets and minor streets, if possible.
  - e. *Curb and gutter and street grades.* Curb and gutter or alternatives shall be laid on all streets according to the city engineer. Street grades shall be sufficient to ensure surface drainage.
  - f. *Parking.* At least two off-street paved parking spaces per mobile home site shall be provided in the mobile home park. Clustered parking to meet the off-street requirements is allowed, but shall not be on the street right-of-way. Off-street parking for guests should be on the basis of one parking space for each four mobile home lots. Off-street parking shall be provided on the basis of one parking space for each 300 square feet of gross floor space in recreational, service and community buildings.
  - g. *Buffer strip.* Mobile homes shall be set back from any public right-of-way 25 feet and not less than 15 feet from any other boundary. Said buffer strip may be platted as part of the mobile home site. The buffer strip may not be designed for streets and utility sites, but may be utilized for drainage structures. No other structures shall be placed within any of the buffer strips.
  - h. *Recreation areas.* Mobile home park owners are encouraged to design parks with recreational areas sufficient for park residents.
- (97) *Design requirements for mobile home site.*

- a. *Minimum size.* Each mobile home site shall have a minimum of 5,000 square feet of area with a minimum average width of 50 feet and minimum average depth of 100 feet. Mobile home sites located on a cul-de-sac may reduce frontage at the street line to 35 feet, but lot area must contain 5,000 square feet.
- b. *Land coverage.* Total structural coverage of a mobile home site shall not exceed 50 percent of the site area. In computing the ground coverage, 400 square feet shall be added to the area of the mobile home site for the two required off-street parking spaces and all accessory buildings. All nonattached storage sheds must be located in the backyard and not within five feet of the side or rear site line.
- c. *Access.* Each mobile home site shall abut on a street within the mobile home park, and access directly to the site shall only be from such an internal street.
- d. *Setback requirements.* No part of the mobile home or other structure upon a mobile home site shall be closer than five feet to a mobile home site boundary line. Mobile homes shall be set back from each other and accessory buildings by at least 15 feet on adjacent lots. There shall be a minimum of ten feet between an individual mobile home and any abutting pavement of a park street.

(108) *Provisions of services in mobile home park.*

- a. *Service buildings.* Service buildings may include management offices, laundry facilities, repair shops and storage areas, sanitary facilities and indoor recreation facilities and incidental commercial uses.
- b. *Service building requirements.* All service buildings shall comply with the city ordinances and state laws and regulations concerning buildings, electrical installations, plumbing and sanitation systems. They shall, at all times, be operated and maintained in a clean, sightly condition by the park management.
- c. *Building height requirements.* No structure erected in a mobile home park shall exceed 25 feet in height.
- d. *Water supply.* Each mobile home park shall be connected with the city's water supply system and designed, constructed and maintained in accordance with the city's ordinances and state laws and regulations. Each mobile home park shall be provided with at least one above-ground water service connection which shall be capped when a mobile home does not occupy the site.
- e. *Sewage disposal.* All mobile home parks shall be connected to the city central sewer system, and sewer lines shall be designed, constructed and maintained in accordance with the city's ordinances and state laws and regulations and shall be capped when not in use.
- f. *Street lighting.* All entrances, exits and streets in mobile home parks shall be well-lighted. Street lighting may be either overhead or low level, but must be reflected onto the street.
- g. *Electricity and grounding.* Each mobile home and mobile home site shall be provided with electricity and proper grounding in accordance with the city's ordinances. Each mobile home site shall be individually metered by the supplying electrical utility company.

- h. *All service utility lines.* All service utility lines for electrical, telephone, gas and television communication shall be placed underground and designed and constructed in accordance with the city's ordinances.
  - i. *Refuse handling.* The storage, collection and disposal of refuse in the mobile home park shall be provided for in accordance with the applicable city ordinances and state laws and regulations.
  - j. *Fire protection.* All mobile home parks shall be subject to the regulations stated in the fire protection codes adopted by the city and state. Mobile home parks shall be kept free of litter, rubbish and other flammable materials. Portable fire extinguishers, rated for class B and C, shall be kept in service buildings, readily accessible for use by all occupants and maintained in good operating condition.
  - k. *Street signs and mobile home site address and design.* The owner of a mobile home park shall provide street name signs. The individual mobile home owner shall be responsible for displaying on the front of the mobile home the address in letters no smaller than two inches in height before occupancy. All street names shall conform to the city's street plan. All existing and new mobile home parks shall construct street signs, and all sign material shall conform to the city's street sign specifications.
  - l. *Register of occupants.*
    - 1. A register of all mobile home occupants and owners of mobile homes in the park shall be maintained with the following information:
      - (i) The name and address of each mobile home occupant.
      - (ii) The name and address of the owner of each mobile home, if different from the occupant.
      - (iii) The dates of arrival and departure of each mobile home.
    - 2. An updated register of occupancy shall be provided to the city every three months with the data in subsection (8)l.1 of this section, as required by the county tax equalization department.
- (119)** *Temporary parking of travel trailers, camper trailers, cargo trailers and boat trailers.*
- a. *Forty-eight-hour parking limit.* No owner of property within the corporate limits of the city shall permit the parking, maintaining or keeping upon his property, and no person shall park, maintain or keep any travel trailer, camper trailer, cargo trailer or boat trailer for more than 48 hours, unless such trailer is located in a garage. Trailer sales of new and used unoccupied trailers, house cars or camp cars by an individual, firm, or corporation, properly licensed and zoned for trailer sales use shall be located in commercial zoning districts.
  - b. *Parking sites in mobile home parks.* A separate travel trailer park site for travel trailers or camper trailers shall be permitted in any mobile home park, provided that:

1. Said camp area comprises less than ten percent of the total area of said mobile home park;
  2. A 25-foot buffer strip exists between said camp site and any mobile home site; and
  3. Toilet, water and garbage disposal facilities are available and easily accessible to users of said camp site.
- c. *Parking of trailers in residential districts.*
1. Travel trailers, camper trailers and boat trailers not in excess of eight feet in width shall be permitted to park on private property in any residential district, provided that they are:
    - (i) Located behind the front building line and not on the public boulevard;
    - (ii) Located in a storage shed or garage; or
    - (iii) Located in a driveway area permitted for the parking of passenger cars.
  2. Collapsible camping trailers, when stored on a residential lot, shall be stored in a collapsed state.
- d. *Parking of self-propelled mobile homes.* Self-propelled mobile homes, not exceeding state department of transportation limits in length, shall be permitted to park as a passenger vehicle, but shall not be permitted to be used as a living unit on any public right-of-way.
- e. *Parking on public property prohibited.* No trailer or mobile home shall be parked upon any public right-of-way, park or other public property within the corporate limits of the city more than 48 hours, and shall not be used for sleeping, housekeeping or living quarters while so parked, unless located in an area publicly designated for such use.
- f. *Parking of construction trailers.* Trailers used for construction offices on a construction site in a subdivision shall be permitted during the period of construction only after a building permit for the construction job has been issued. Such trailers must be removed from the site or subdivision before a certificate of occupancy is issued for the new construction. Such permitted trailers shall not be used for sales, habitation or promotional purposes and shall be permitted only after receiving a permit from the building inspector for each such trailer.
- (120) *Design requirements for travel trailer park.*
- a. *Site plans.* Site plans and specifications for travel trailer parks are required as stated in subsection (10)e of this section.
  - b. *Minimum size.* Each parcel of land to be used for a travel trailer park shall be a minimum of 2.5 acres, and the ratio of average depth to average width shall not be in excess of 4:1. If included as part of a mobile home park, a travel trailer park cannot occupy more than ten percent of the area.
  - c. *Streets and parking.*

1. *Access to park.* Direct vehicular access to the travel trailer park shall be only from an abutting, approved public street. Access shall be located so as to provide minimum congestion on the external streets and to provide for good circulation within the park.
  2. *Width of streets.* Streets in a travel trailer park shall be private and shall be of the following width:
    - (i) Two-way streets with no parking on either side shall be at least 24 feet in width.
    - (ii) Two-way streets with parking on one side shall be at least 32 feet in width.
    - (iii) No roads will be permitted with parking on both sides of the street.
    - (iv) One-way streets are permitted with a minimum width of 24 feet.
  3. *Street surfacing.* All streets shall be paved according to specifications set forth by city ordinances.
  4. *Parking.* At least one off-street parking space per travel trailer site in each travel trailer park is required.
  5. *Travel trailer site.* Each travel trailer site shall be well drained and contain a stabilized vehicular parking pad composed of paving or other suitable material as determined by the city engineer. The remainder of the site shall be grassed and landscaped.
    - d. *Buffer strip.* There shall be a well-landscaped buffer strip not less than 25 feet in depth between travel trailer sites and all public streets abutting the travel trailer park and a landscaped buffer strip of not less than 15 feet in depth between travel trailer sites and all other boundaries of the park. Nothing contained in this subsection is to be construed to require a 25-foot buffer strip or 15-foot buffer strip between individual travel trailer sites. The landscaped buffer shall be separate from travel trailer sites, recreation areas, streets, and the utility sites, but may be utilized for drainage structures and utilities distribution and collection. No other structures shall be placed within any of the buffer strips.
    - e. *Recreation areas.* A minimum of ten percent of the total land area of a travel trailer park shall be devoted to one or more common use areas for recreation activity. These recreation areas shall be storage areas, utility sites, and all nonrecreational service buildings. They shall be easily accessible to all park users and shall be owned and maintained by the park management. Although the required space for recreation usage can be met through more than one recreation area in a travel trailer park, minimum size of any area shall be 5,000 square feet.
    - f. *Tent camping.* Tent camping shall be permitted in a travel trailer park on individual travel trailer sites or as accessory uses to travel trailers, if occupied by members of the same party.
- (134) *Design requirements for travel trailer sites.*
- a. *Minimum size.* Each parking site shall have a minimum of 1,500 square feet of area with a minimum average width of 25 feet and a minimum average depth of 60 feet.

There shall be a maximum of 15 travel trailer sites per acre of land within the travel trailer park.

- b. *Access.* Each travel trailer site shall abut on at least one street within the travel trailer park, and access directly to the site shall be only from such an internal street.
- c. *Setback requirements.* No part of a travel trailer placed on a travel trailer site shall be closer than five feet to a site line.
- d. *Appurtenances.* No permanent external appurtenances, such as cabanas or awnings, may be attached to a travel trailer, and the removal of wheels or the placement of the unit on a permanent foundation is prohibited.

(142) *Provisions of services in travel trailer parks.*

a. *Service buildings.*

- 1. Service buildings may include management offices, laundry facilities, storage areas and any other such buildings necessary to the proper operation of a travel trailer park.
- 2. All service buildings shall comply with the city ordinances and state law and regulations concerning buildings, electrical installations, plumbing and sanitation systems. They shall, at all times, be operated and maintained in a clean, sightly condition by the park management.

b. *Water supply.*

- 1. An adequate supply of water shall be provided in accordance with the state sanitary codes and city ordinances. Travel trailer parks shall be connected to the city's central water system and with water lines designed, constructed and maintained in accordance with the city's ordinances.
- 2. A minimum of one water supply outlet shall be provided for every two travel trailer sites.

c. *Sewage disposal.*

- 1. All sewage disposal facilities shall be designed, constructed and maintained in accordance with the state sanitary codes and city ordinances. All travel trailer parks shall be connected to the central sewer system of the city.
- 2. At least one sanitary dumping station shall be provided for every travel trailer park with at least one connection for every 50 travel trailer sites or fractional part.
- 3. A complete restroom facility shall be located within a travel trailer site in accordance with the following schedule for 30 travel trailer sites or fractional part:
  - (i) Toilets: Two men, four women.
  - (ii) Urinal: Two men.
  - (iii) Washstand: Three men, three women.
  - (iv) Showers: Two men, two women.

- d. *Lighting.* All entrances, exits, streets and service buildings shall be well-lighted during the hours of darkness. Street lighting may be either overhead or low-level, but must be reflected into the street.
  - e. *Electricity and grounding.* Each travel trailer site shall contain at least one approved electrical receptacle having a minimum of 100/115 volt alternating current.
  - f. *Service utility lines.* All service utility lines within a travel trailer park shall be placed underground and designed and constructed in accordance with city ordinances.
  - g. *Refuse handling.* Each travel trailer site shall be provided with either a metal can with a tight-fitting metal covering, of a capacity not less than four gallons and not to exceed 30 gallons, or dumpster containers, one to four cubic yards, for 14 travel trailer sites that can be maintained by the city.
  - h. *Fire protection.* All travel trailer parks shall be subject to the regulations stated in the Fire Protection Code adopted by the city. Travel trailer parks shall be kept free of litter, rubbish and other flammable materials.
  - i. *Animal control.* No owner or person in charge of an animal shall permit said animal to run at large or to commit any nuisance within the limits of any travel trailer park.
  - j. *Street names.* The owner of the travel trailer park shall provide for street name signs. All street names shall conform to the city's street plan. All existing and new travel trailer parks shall construct street signs, and all sign material shall conform to the city's street sign specifications.
- (153) *Operation of travel trailer park.*
- a. *Permitted uses.* A travel trailer park may include travel trailers and any such service buildings or accessory uses necessary for the proper, safe, sanitary operation of the travel trailer park. One mobile home may be located in any travel trailer park for the exclusive use of the owner or park manager as an office or residence.
  - b. *Responsibilities of park management.* The owner of a travel trailer park or the park management shall, at all times, keep the park and its facilities in a clean, orderly and sanitary condition. The park management shall inform all park occupants of the provisions of this article and other related ordinances and state laws and of the responsibilities under this section.
  - c. *Register of occupants.* A register of all travel trailer occupants in the park shall be maintained with the following information:
    1. The name and address of each travel trailer owner or operator making use of the travel trailer park.
    2. The make, model, year and vehicle license number of each travel trailer and motor vehicle.
    3. The state, territory and county in which all vehicles are registered.
    4. The dates of arrival and departure of each travel trailer.
- (164) *Penalty.* Every person violating this section shall, upon conviction thereof, be punished by a fine of not more than \$500.00, by imprisonment for not more than 30 days

or by both such fine and imprisonment in the discretion of the court. The court has the power to suspend the sentence or any part and to revoke the suspension thereof.

(Ord. No. 1242, § 5, 12-20-2016)

**Section 23. Amended and Re-enacted. Section 105-3-11 (2) is amended as follows:**

(2) *Uses permitted.* The following uses are permitted:

- a. Single-family dwelling.
- b. Two-family dwelling.
- c. Multifamily dwelling.
- d. Group dwelling.
- e. Retail group A.
- f. Service group A.
- g. Filling station.
- h. Office-bank group.
- i. Health-medical group.

j. Utility service group

jk. Bed and breakfast facility located in a single-family dwelling, provided that the owner of the dwelling is the holder of a current bed and breakfast facility license for not to exceed four lodging units issued pursuant to the provisions of N.D.C.C. ch. 23-09.1 and that the owner provides one off-street vehicle parking space for each such unit and one off-street parking space for the owner/operator of such facility, and provided, further, that only one sign, not exceeding four square feet in size, advertising such facility, may be placed on the premises.

**Section 24. Amended and Re-enacted. Section 105-4-2 (b) (Use Table) is amended as follows:**

Use Table

Proposed Use Category	Definition	Use Standard	District	
			DC	DF
<i>Residential Uses</i>				

Group Dwelling	Residential occupancy of a structure by a group of people who do not meet the definition of household.		P	P
Household dwelling	Residential occupancy of a dwelling unit by a household (related or up to four unrelated).			
Single-family, detached				P
Duplex/single-family attached (2)				P
Single-family, attached (3-8)	e.g., condos			P
Multifamily structure			P	P
Residences on 2nd floor & above			P	P
<i>Commercial Uses</i>				
Drive-through facilities	Drive-through facilities in conjunction with a permitted principal use.	X	SUP	SUP
Entertainment event, major	Activities and structures that draw large numbers of people to specific events or shows. This category does not include outdoor recreation and entertainment uses, such as golf driving ranges and racetracks.		P	P
Office group	Activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services.		P	P
Parking, accessory	Parking that is an accessory to a specific use, but not located on the same parcel as the use - use standards for accessory parking that is adjacent to a residential use.	X	SUP	SUP
Parking, commercial	Parking that is not an accessory to a specific use - fees may or may not be charged.	X	P	SUP
Retail sales and services Retail group A Service group A Service group B Groups are modified by description of this item and other items in this table.	Establishments involved in the sale, lease or rental of any new or used products to the general public - they may also provide personal services or entertainment or provide product repair or services for consumer and business goods — use standards for convenience store/gas stations, mortuaries/funeral homes. This category does not include self-service storage uses, adult	X	P	P

	entertainment centers, animal hospitals or kennels, or off-premises advertising signs.			
Retail group B	Auto, truck, motor cycle, off-road, and boat sales; Feed, grain, and farm supply sales.	X	—	SUP
Auto repair garage	Service to passenger vehicles, light trucks and other consumer motor vehicles generally, the customer does not wait at the site while the service or repair is being performed.	X	SUP	P
Auto service, limited	Direct services to motor vehicles where the driver generally waits in the car or nearby while the service is performed.	X	SUP	P
<i>Institutional Uses</i>				
Colleges	Colleges and institutions of higher learning.		P	P
Community services	Public, non-profit or charitable uses, generally providing a local service to the community.	X	P	P
Day care	Care, protection and supervision for children and adults on a regular basis away from their primary residence for less than 24 hours/day.	X	SUP	P
Health care facilities	Medical or surgical care to patients, with overnight care.		P	P
Parks and open areas	Natural areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, etc.		P	P
Religious institutions	Meeting area for religious activities	X	P	P
Safety services	Public safety and emergency response services.		P	P
Schools	Schools at the primary, elementary, middle, junior high or high school level.	X	—	P
<i>Other Uses</i>				
Detention facilities	Government-operated facilities for the detention or incarceration of people.	X	—	—
Moving of buildings/structures	Moving in of a building or structure that has been previously occupied in another location.	X	—	SUP
Passenger terminals	Passenger terminals for regional bus and rail service.	X	P	P
Public/community events	Planned gathering on public property consisting of 50 or more people or any sized event which blocks, or otherwise reserves, access to public property/right-of-way <sup>1</sup> .	X	A	A

<del>Telecommunications facilities</del> <del>Wireless communication facilities</del>	Devices and supporting elements necessary to provide telecommunication services.		SUP	SUP
Utilities and essential services	Infrastructure services that need to be located in or near the area where the service is provided.		P	P

<sup>1</sup> Does not apply to spontaneous responses to current events or activities common to public parks/property that do not alter the day-to-day functionality of the site.

(Code 1994, § 21-04-17; Ord. No. 1013, § 2, 10-17-2006; Ord. No. 1296, § 1, 11-6-2018)

**Section 25. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.**

**Section 26. Effective Date. This ordinance shall take effect following final passage, adoption and publication.**

\_\_\_\_\_  
 Timothy A. Helbling, President  
 Board of City Commissioners

Attest:

\_\_\_\_\_  
 James Neubauer,  
 City Administrator

Planning and Zoning Commission:  
 First Consideration:  
 Second Consideration and Final Passage:

April 22, 2019  
 May 21, 2019  
 June 4, 2019

## Exhibit 2 – City of Mandan North Dakota Wireless Facility Guidelines

### Wireless Facility Guidelines City of Mandan North Dakota Draft 7/3/2019

The following guidelines are in addition to the requirements of Section 115-10 Wireless Telecommunication Facilities in the Public Right-Of-Way

#### Wireless Communication Facility (WCF):

- All-in-One Principle
  - Equipment submitted shall be of a nature which encompasses multiple technologies, frequency bands, protocols, coverage objectives, and capacity goals. Attached equipment shall be compact and scaled to the public utility structure. Equipment that is customary for normal cell site or tower application may not be approved for installation or operation on a City owned structure.
- Infrastructure Providers
  - Infrastructure providers are Permit Holders that do not have FCC licenses to directly operate a WCF, but lease Equipment (or space) to those companies that have FCC license. Infrastructure providers shall design using "all-in-one" principles as described above. Infrastructure providers shall design facilities to accommodate more than one wireless provider, and combine "all-in-one" principles across technologies, frequency band, protocols, coverage objectives, and capacity goals. Infrastructure providers shall disclose, in construction documents, which equipment is for a specific wireless provider and which equipment is for multiple wireless providers at each WCF.

#### Permit and Fees:

- Permit and Fees required in accordance with Section 115-10.

Type of Installation	Regulatory Approvals Required	Agreements Required	Fees
Installation of new or replacement franchised utility pole and attachment thereto.	Approval of Installation Permit/ <u>CUP depending on zoning district</u>	No	One-time Application review fee of \$500 for the first 5 sites with an additional \$100 per site after 5  No recurring fee
Installation of replacement or new City-owned structure and attachment thereto.	Approval of Installation Permit/ <u>CUP depending on zoning district</u>	Master Attachment Agreement	One-time Application review fee of \$500 for the first 5 sites with an additional \$100 per site after 5  \$150 annual fee per site
Installation of replacement or new Wireless Company	Approval of Installation	<del>No</del> <u>Franchise or Encroachment</u>	One-time Application review fee of \$500 for the first 5 sites with

or Wireless Infrastructure Provider owned structure and attachment thereto.	<u>Permit/CUP depending on zoning district</u>	<u>Agreement</u>	an additional \$100 per site after 5 \$150 annual fee per site
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- Application: (to be approved within 30 days of receipt from the City)
  - Phase I
  - Required Information:
    - Map on City Coordinates with locations
    - Max number of sites in application (15)
    - Photo of City owned structure that you wish to attach to (if applicable)
    - Applicant Names, Address and Contact info
    - Provider Names, Address and Contact info
    - Synopsis of Project
    - Meeting if requested by staff
    - If new locations are proposed by the applicant, 30 day calendar review is reset for new locations

Move to Phase II or deny full or partial permit. Incomplete applications will be notified within 30 days

- Phase II
- Detailed plan set
  - City Coordinate System
  - Include survey of all utilities private and public
  - Location and size of ground equipment
  - Stamped by a ND professional Engineer
  - Replacement structure or attachment only
- Master Attachment Agreement — No Fee
- A complete as-built, in AutoCAD must be submitted to the City at the completion of the project. Failure to do so may result in the forfeiture of the permit.

The City reserves the right to deny any permit due to health, safety or welfare of the community.

# EXHIBIT 3

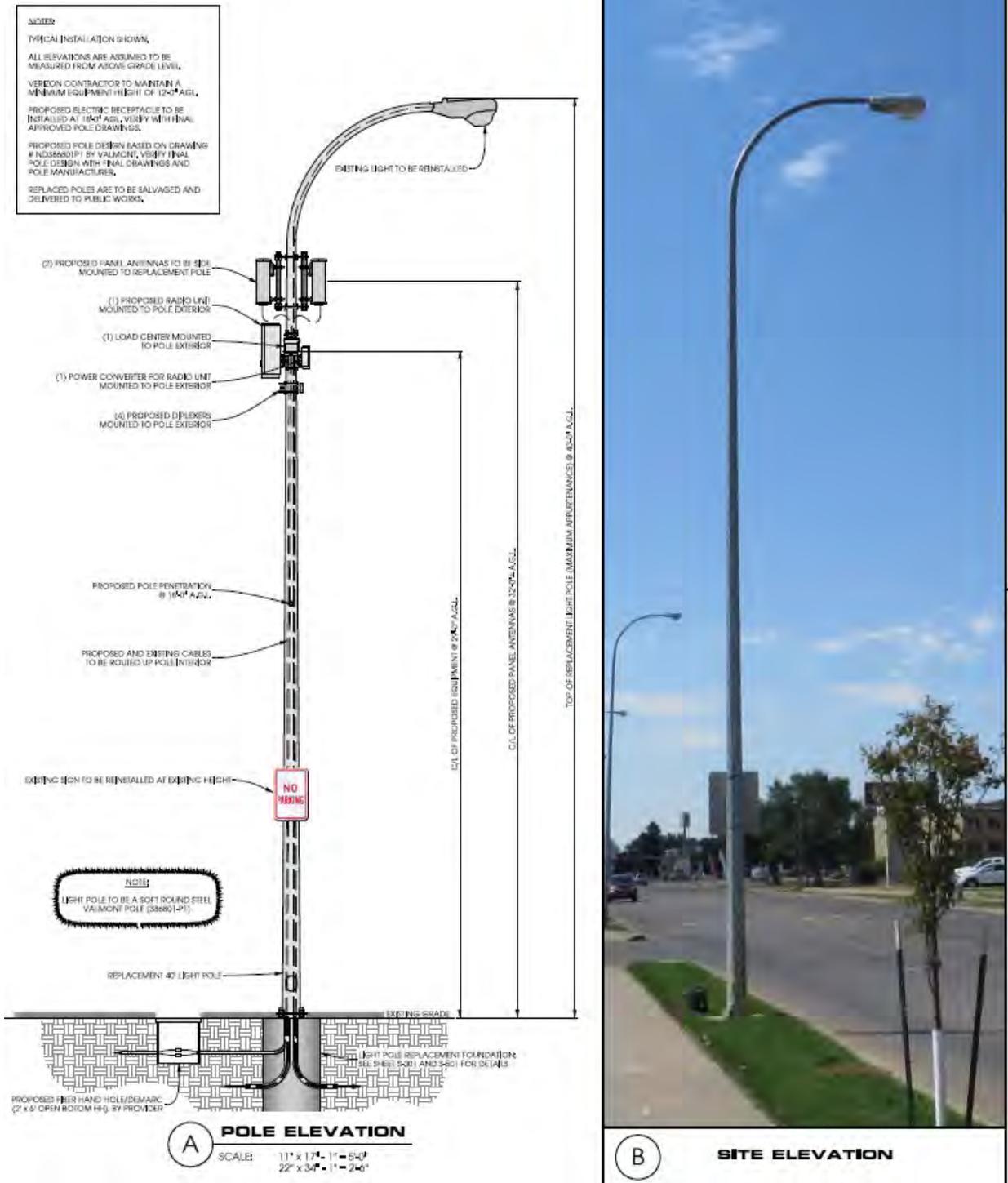


Figure 1 Retrieved from Bismarck Small Cell MAA Dated July 3, 2018 on November 14, 2018



# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** April 21, 2020  
**PREPARATION DATE:** March, 31, 2020  
**SUBMITTING DEPARTMENT:** Police  
**DEPARTMENT DIRECTOR:** Chief Jason Ziegler  
**PRESENTER:** City Attorney Malcolm Brown  
**SUBJECT:** Introduction and First Consideration of Ordinance 1338 regarding Parking

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**STATEMENT/PURPOSE:** Consider Introduction and First Consideration of Ordinance 1338 which will amend and re-enact section (h) of Sec. 24-7-17 Parking of certain vehicles and trailers restricted; and section (c) of Sec. 24-7-18 Restrictions on consecutive parking of the Mandan Code of Ordinances.

**BACKGROUND/ALTERNATIVES:** The current ordinance references section 24-7-2 as the authority to impound and remove certain vehicles in Sec 24-7-17 and Sec. 24-7-18. This is not the correct section for this authority. The correct section which should be referenced is 24-7-1. This ordinance makes the correction.

**ATTACHMENTS:** Ordinance 1338

**FISCAL IMPACT:** N/A

**STAFF IMPACT:** N/A

**LEGAL REVIEW:** Ordinance 1338 was drafted by the City Attorney

**RECOMMENDATION:** Recommend to approve the Second and Final Consideration of Ordinance 1338.

**SUGGESTED MOTION:** Move to approve the Second and Final Consideration of Ordinance 1338 which will amend and re-enact section (h) of Sec. 24-7-17 Parking of certain vehicles and trailers restricted; and section (c) of Sec. 24-7-18 Restrictions on consecutive parking of the Mandan Code of Ordinances.

# ORDINANCE NO. 1338

An Ordinance to Amend and Re-enact  
Sec. 24-7-17 (h), Parking of Certain Vehicles and Trailers Restricted,  
and Sec. 24-7-18 (c), Restrictions on Consecutive Parking,  
of the Mandan Code of Ordinances

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

**Sec. 24-7-17. Parking of certain vehicles and trailers restricted.**

...

(h) Any person violating the provisions of this section shall pay a fine of \$50.00, and any police officer is authorized to impound and remove any vehicle in violation of this section in accordance with the provisions of section ~~24-7-2~~24-7-1.

**Sec. 27-7-18. Restrictions on consecutive parking.**

...

(c) Any vehicle or motorcycle left parked or standing on any public street or highway for a consecutive period longer than allowed in this section shall be considered abandoned, and any police officer is authorized to impound and remove any vehicle in violation of this section in accordance with the provisions of section ~~24-7-2~~24-7-1.

By: \_\_\_\_\_  
Tim Helbling, President  
Board of City Commissioner

Attest:

\_\_\_\_\_  
James Neubauer, City Administrator

First Consideration: April 7, 2020

Second Consideration and Final Passage: April 21, 2020

Publication: May 15, 2020



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** April 21, 2020  
**PREPARATION DATE:** April 20, 2020  
**SUBMITTING DEPARTMENT:** Business Development & Communications Department  
**DEPARTMENT DIRECTOR:** Ellen Huber, Business Development & Communications Director  
**PRESENTER:** Ellen Huber, Business Development & Communications Director  
**SUBJECT:** Mandan Progress Organization Funding Request for Business Gift Card Promotion

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**STATEMENT/PURPOSE:** To consider a Mandan Progress Organization (MPO) request for funding of a business gift card promotion to support businesses amid COVID-19 challenges.

**BACKGROUND/ALTERNATIVES:** The MPO is proposing to conduct a series of online flash sales of business gift cards (and certificates). All Mandan businesses will be eligible to participate. The public will be invited to purchase discounted gift cards to use at present (or a later date for those closed due to the governor's executive orders). All gift cards would be worth \$30, but sold for just \$20, with a limit of 5 per customer per sale.

The participating business would cover \$5 of the differential. The MPO is asking the City of Mandan to provide funding to cover the remaining \$5 gap per gift card. There will also be some credit card fees and promotional expenses. The MPO is planning to conduct a series of four flash sales at different dates and times in the upcoming weeks to give a variety of businesses and customers the opportunity to benefit. The entire request is for \$2,740.

Business gift cards and certificates are the recommended mode instead of Mandan Bucks because it requires participating businesses to make a commitment, too, and it helps assure a greater variety of local businesses benefit.

The Mandan Growth Fund is the potential funding source. Normally, requests for support would be considered by the Mandan Growth Fund Committee with a recommendation then presented to the City Commission for final consideration. Because of the urgency of providing businesses with support now during the COVID-19 pandemic, we are asking the City Commission to directly consider this request for support. In preliminary results

of a business survey, 31% of respondents report a decrease in weekly revenue since COVID-19 of more than 75%. Nearly 40% report concerns of having to permanently close within the next five months.

ATTACHMENTS: 1) MPO letter of request 2) Gift card sales site mock-up.

FISCAL IMPACT: The Growth Fund has an unencumbered balance for economic development projects of approximately \$258,587. The request is for \$2,740.

STAFF IMPACT: Minimal.

LEGAL REVIEW: City Attorney Malcolm Brown has reviewed the request.

RECOMMENDATION: I recommend approval of the MPO request for funding support of \$2,740 toward the Mandan business gift card promotion.

SUGGESTED MOTION: I move to approve the MPO request for funding support for \$2,740 toward the Mandan business gift card promotion.



April 20, 2020

Mandan City Commission  
205 2<sup>nd</sup> St NW  
Mandan, ND 58554

Dear Commissioners,

The Mandan Progress Organization is committed to supporting small businesses during the challenges that COVID-19 has created. To-date, we have kept members aware of information and programs that may benefit their company, hosted a virtual meeting with the Small Business Administration, and promoted Business Bingo to encourage local shopping.

Our efforts continue with the launch of a Gift Card Blitz. Modeled after a successful program that the Wahpeton-Breckenridge Chamber of Commerce and the Southern Valley Economic Development Authority created, the Gift Card Blitz includes a hosted sales site with gift cards from local businesses. The gift cards and certificates are all valued at \$30, but sold for \$20. There is a limit of 100 gift cards available per blitz. The last blitz Wahpeton hosted sold out in 7 minutes. To make up the \$10 discount, the participating business would need to cover \$5 and the MPO would kick in \$5.

I'm requesting funding support from the Mandan Growth Fund to pay for this activity. Mandan businesses are at the mercy of COVID-19 regulations and customer fear, and the MPO is at the mercy of Mandan businesses who may not be able to afford memberships, registrations and sponsorships.

Here is a breakdown of costs associated with a single Gift Card Blitz:

Gift Card Underwriting (\$5 per card).....	\$500.00	
Credit Card Processing Fees.....	\$85.00	
Marketing & Promotion.....	<u>\$100.00</u>	
Total Cost .....	\$685.00 per Blitz	Cost of 4 Gift Card Blitzes \$2,740.00

A successful Gift Card Blitz will generate \$2500.00 in local sales, cost participating businesses \$500.00 and produce a return on the Commission's investment of 438%. Our request is for \$2,740, enough to cover four Gift Card Blitzes in the coming month.

We appreciate the City of Mandan's consistent and continued support of the Mandan Progress Organization, local businesses and community and are grateful for your consideration.

Regards,

Dot Frank, Executive Director

# Mandan Gift Card Sales Blitz Site Mock Up

Share | Edit site | Publish

Shop.Save.Support. Shop All Shop Now

MANDAN BUSINESSES

## Gift Card Blitz

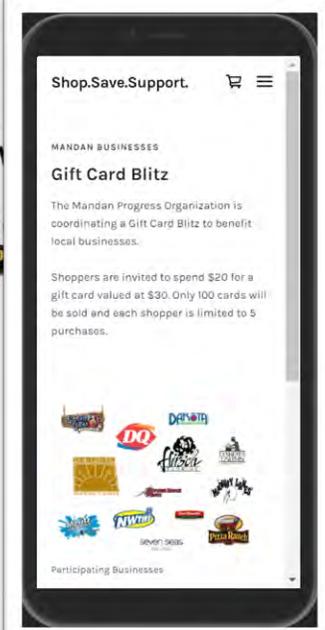
The Mandan Progress Organization is coordinating a Gift Card Blitz to benefit local businesses.

Shoppers are invited to spend \$20 for a gift card valued at \$30. Only 100 cards will be sold and each shopper is limited to 5 purchases.



Participating Businesses

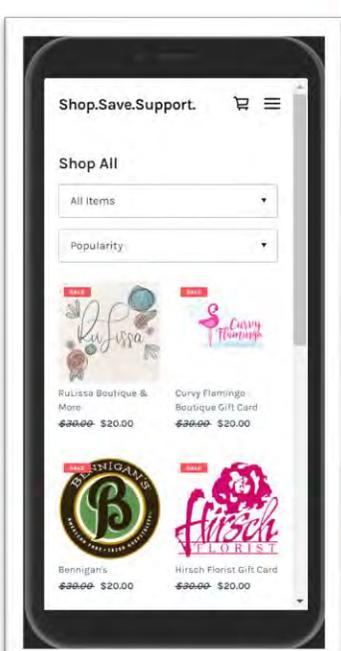
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Shop.Save.Support. Shop All Shop Now

All Items Shop All Popularity



 <p>RuLissa Boutique &amp; More <del>\$30.00</del> \$20.00</p>	 <p>Curvy Flamingo Boutique Gift Card <del>\$30.00</del> \$20.00</p>	 <p>Bennigan's <del>\$30.00</del> \$20.00</p>
 <p>Hirsch Florist Gift Card <del>\$30.00</del> \$20.00</p>	 <p>LATID T SCOOP &amp; GIFT SHOP</p>	 <p>APPUCCINO ON COLLIN</p>