



AGENDA
MANDAN CITY COMMISSION
JULY 2, 2019
ED "BOSH" FROEHLICH MEETING ROOM,
MANDAN CITY HALL
5:30 P.M.
www.cityofmandan.com

- A. ROLL CALL:
1. Roll call of all City Commissioners.
- B. APPROVAL OF AGENDA:
- C. MINUTES:
1. Consider approval of the minutes from the June 18, 2019 Board of City Commission regular meeting.
- D. PUBLIC HEARING:
1. Consider vacation of a segment of 8th Ave NE between 16th St. NE and I-94.
 2. Consider ratification of Planning and Zoning Commission recommendation for approval for a Mandan Union Cemetery Columbarium.
- E. BIDS:
- F. CONSENT AGENDA:
1. Consider approval of minor plat for Replat of Lots 17-19, Block 3 Heart View Addition and amendment to a stormwater/surface drainage easement affecting the subject property.
 2. Consider approval of variance to the front setback to lots Lots 17-19, Block 3, Heart View Addition.
 3. Consider approval of Special Event Permit for MPO Mandan Rodeo Days/Art in the Park 2019.
 4. Consider request for permission to advertise for bids for the demolition of the structure at 201 5th St. NW.
 5. Consider approval of the Silver Dollar Bar Beer Garden Special Event Permit Application for July 4th, 2019.
 6. ~~Consider approval of rural water service to a property within the city's extraterritorial jurisdiction.~~
- G. OLD BUSINESS:
- H. NEW BUSINESS:
1. Consider approval of new Class E liquor license for the Copper Dog Café located at 218 West Main Street.
 2. Consider approval of the fire department's request to amend the fire department 2019 building maintenance budget to include a

Agenda
Mandan City Commission
July 2, 2019
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\$20,000 increase with the additional funding to come from the 2019 City general fund.

3. Consider the request from the Police Department to appoint Victoria Vayda to the Code of Enforcement Appeals Board with the term beginning at appointment and ending on December 31st, 2021.
 4. Consider the request from the Library to appoint Linda Ehreth to the Morton Mandan Public Library Board of Trustees to a three-year term to be held through June 2022.
 5. Consider approving the necessary resolutions for set up of Street Improvement District No. 214, Project No. 2019-04 (16th Street NE).
 6. Consider Entering into an Engineering Service Agreement with KLJ for Street Improvement District No. 214, Project No. 2019-04 (16th Street NE).
 7. Consider salary adjustments for Municipal Judge and Clerk of Court.
- I. RESOLUTIONS AND ORDINANCES:
1. First consideration of Ordinance No. 1315 to create a new Article 4-4 of the Mandan Code of Ordinances relating to Special Event Permit.
- J. OTHER BUSINESS:
1. Consider moving into executive session pursuant to North Dakota Century Code § 44-04-19.1(9) and 44-04-19.2(2) to discuss negotiation strategy related to litigation August Kersten, Brian Berube and Lonesome Dove, Inc. vs. City of Mandan.
- K. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:
1. July 16, 2019
 2. August 6, 2019
 3. August 20, 2019
- L. ADJOURN

The Mandan City Commission met in regular session at 5:30 p.m. on June 18, 2019 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Mayor Helbling called the meeting to order.

A. ROLL CALL:

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

B. APPROVAL OF AGENDA:

C. MINUTES:

1. *Consider approval of the minutes from the June 4, 2019 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:

E. BIDS:

F. CONSENT AGENDA

1. *Consider approval of monthly bills.*
2. *Consider approval of the following abatement requests: (i) Reduction in value to the property at 1701 27th St. NW owned by Berreth Properties LLC; (ii) Correction to the 2017 & 2018 assessed value for property at 1904 Ridge Dr. SE owned by Matthew & Leslie Wenger.*
3. *Consider approval of annual liquor licenses for July 1, 2019 to June 30, 2020.*
4. *Consider approval of the following Special Event Permit Applications: (i) Stage Stop Saloon Beer Garden on June 28 & 29, 2019; (ii) Mandan Moose Club Tractor Trek Show street closure on June 29, 2019.*
5. *Consider approval of annual site authorization for Cystic Fibrosis Association from July 1, 2019 to June 30, 2020: (i) Stage Stop; (ii) Colonial Lounge.*
6. *Consider approval of Minor Plat of Replat of Lots 16 & 17, Block 1, Lakewood Harbor Second Addition.*
7. *Consider entering into an agreement with the North Dakota Office of State Tax Commissioner for the administration of Mandan’s local sales, use and gross receipts taxes for the 2019-2021 biennium.*
8. *Consider approval of a charity raffle permit for Messiah Lutheran Church from July 1, 2019 to August 20, 2019.*
9. *Consider approval of JAG grant application for Dakota Children's Advocacy Center to partially fund a forensic interviewer.*

10. *Consider approval to proceed with plans to have building repairs done to the West end of the library building.*

Commissioner Braun moved to approve the Consent Agenda as presented. 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.

G. OLD BUSINESS:

H. NEW BUSINESS

1. *Introduction of summer intern, Tatenda Dzvokora.* Planning & Engineering Director Froseth introduced Tatenda Dzvokora who will be the Engineering Department's 2019 summer intern. He is a student at NDSU in his senior year majoring in Civil Engineering and he is originally from Bismarck. Mayor Helbling extended a welcome to Tatenda.

2. *Consider approval of an appointment to the Community Beautification Committee.* City Administrator Neubauer presented a request for approval of the appointment to a vacant position on the Community Beautification Committee for an unexpired term ending December 31, 2020. The criteria includes that the candidates should be property owners or representatives of property owners in the City of Mandan. Representation is sought from both residents and businesses. Terms are for three years and this vacant position's term ends December 31, 2020. Letters of interest were sought through an April news release with a requested deadline for responses of May 31, 2019 or until the position is filled. He said that the vacant term was held by Kelsey (Kolars) Huber and there was only one letter of interest submitted by Maria Walen, Comfort Inn, Mandan. The Community Beautification Committee unanimously recommended that Ms. Walen be appointed to fill the vacant position for the unexpired term ending December 31, 2020.

Commissioner Braun moved to approve appointing Maria Walen to the Community Beautification Committee for the unexpired term ending December 31, 2020. 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.

On behalf of the City of Mandan, Commissioner Larson extended a thank you to Maria Walen for her participation in the community.

3. *Consider approval of K & K Ressler LLC Exemption Application 3801 Memorial Hwy.* City Assessor Markley presented an application for the request for a 3-year exemption for construction of an addition to a structure pursuant to North Dakota Century Code 57-02.2. She said that K & K Ressler LLC is applying for a 3-year exemption for the construction of a 1200 sq. ft. addition to the structure located at 3801 Memorial Highway. The 30' x 40' addition will be constructed on the south side of the building and will consist of four offices and a conference room. She recommended approval of the request for exemption as presented.

Commissioner Larson moved to approve the 3-year tax exemption for the construction of a 1200 sq. ft. addition to the structure located at 3801 Memorial Highway. 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.

4. *Consider approving the issuance of a Request for Qualifications (RFQ) for architectural services for the Morton Mandan Public Library and downtown parks project.* City Administrator Neubauer presented a request for approval for qualifications for architectural services for the Morton Mandan Public Library and downtown parks project. He explained that the recent Energy Transfer donation of \$3 million for improvements to the library, Dykshoorn Park and Heritage Plaza will require retaining architectural services. Of the donation, \$1.5 million has already been received and \$1.5 will be received in 2020. He reviewed an RFQ that outlined the project for constructing a new facility near the library that will house an area for the bookmobile and accommodate portable equipment used for community events and other project components. A Timeline of Events was presented starting with the advertising for proposals scheduled for June 21, 2019 running through January 29, 2020 when the Bid Opening will be held. Administrator Neubauer recommended approving the issuance of the RFQ as presented. He said that there are immediate repairs needed at the Library right now and those repairs will need to be addressed as outlined and cannot wait until this project begins.

Commissioner Davis moved to approve the issuance of a Request for Qualifications for architectural services for the Morton Mandan Public Library and downtown parks project. 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.

5. *Consider advertisement of Request for Proposal for Mid-Town East Street Improvement District #215.* Planning & Engineering Director Froseth presented a request for the approval of advertising for a Request for Proposals (RFP) for the Mid-Town East Street Improvement District, #215 project. He said that the Planning and Engineering Department recognizes a backlog in local street project needs. He said that with utilization of Prairie Dog funds, there is an opportunity to be more aggressive in addressing those needs by allocating a percentage of those funds towards the local streets similar to the allocation that was approved for the Southside Street Improvement District. In order to move forward on one of those districts that presents challenges the Engineering Department recommends advertising this RFP to start a selection process for a consulting engineer to lead the design of this district. He said this particular area was chosen because of the poor condition of many roadways within the city and the natural progression to the west from SID 199. It is approximately sized for a project that multiple local contractors could handle within one construction season and with an estimate of costs to be \$5 million. This request is to advertise for a consultant to put this project design together. The project timeline will be similar to the one for the South Side project in 2019 in order to bid the project in the spring of 2020. Director Froseth recommended approval of this request. Commissioner Larson inquired if storm water is part of this project. Director Froseth stated that storm water will be part of the RFP.

Commissioner Larson moved to approve the advertisement of the Request for Proposal (RFP) for the Mid-Town East Street Improvement District #215. 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.

6. *Consider ad for bids for pipe replacement project using pipe bursting technique.* Planning & Engineering Director Froseth presented a request to approve advertising for bids for a water main pipe bursting project in the northwest part of the City and the water main is primarily located near Custer Drive in Northwest Mandan. This has been a long standing problem area where frequency of breaks out paces the average in other areas of the City. City staff has identified this area as rising in priority to replace the water main. The traditional method of open cut and installing in the trench is still being considered, however, a preliminary look at estimates indicates that the trenchless method of pipe bursting may be the most cost effective way to replace this stretch, primarily since the roadway is not in need of reconstruction. The City Engineering office has plans drafted for this pipe bursting project and if approved the plan is to receive sealed bids on July 12, 2019. City staff will compare the low bid with the change order price that our Southside contractor is working on to open cut install. Director Froseth recommended approval of the request as presented.

Commissioner Rohr moved to approve the advertisement for bid for the Custer Drive Water main Pipe Bursting project, #2019-06. 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 reported that calls have been received regarding the break ups in pavement in the area by Old Red Trail and the school stating that the city is working on improvements in that area too. A construction project is expected to be brought to the Commission during the 2020 season.

7. *Consider acceptance of Transportation Alternatives grant award for Phase II of 19th Street Trail.* Planning & Engineering Director Froseth presented a request to accept the Transportation Alternatives (TA) Grant for the 19th Street Southeast Trail, Phase II project and commit to providing local funds. He said that all three entities, the Park and Recreation Department, the Mandan School District and the City of Mandan have heard concerns from residents about the absence of a trail and safe crossing from neighborhoods along 19th Street to the west of Ft. Lincoln School. In response, City staff has submitted a request for a TA grant first for Phase I which will be constructed this summer to install the trail from the end of the Ft. Lincoln school to the west and Macedonia Drive. It includes a push button activated crossing at Ridge Drive Southeast for pedestrians to cross 19th Street.

Director Froseth said that with regard to the Phase I, late last year his office submitted another TA grant for Phase II which picks up where Phase I leaves off and extends the trail to Highway 6 to the west where the project would end. Last month, the DOT notified the city that the Phase II application was successful at the maximum amount awarded for any one project \$290,000. The DOT's acceptance letter asked for notification by June 14, 2019 however the City was granted an

extension to this deadline to facilitate the June 18, 2019 City Commission meeting. The DOT's notification letter indicated this would be a 2021 construction project.

The Phase II project is much more extensive and therefore the local cost share is much more than for Phase I. Instead of being able to split the local share three ways and avoid special assessments for this phase the City Engineering Department is recommending a special assessment district for the local share to be spread among benefitting properties. The Planning and Engineering Department held a meeting in May 2018 to relay basic information as a potential project at that time while soliciting feedback from affected residents. At that time the assumption was that the City would not receive grant help for this project and the average per property special assessment amounts were estimated between \$327 and \$654 total. Now with the grant help, the new average per property special assessment estimate has been reduced to be between \$163 and \$326. More details will be presented later on a special assessment district set up for this project. Director Froseth recommended accepting the Transportation Alternatives Grant for the 19th Street Southeast project with the commitment to pay for the local share amount by local special assessments. The grant is for construction year 2021.

Commissioner Davis moved to approve accepting the Transportation Alternatives Grant for the 19th Street Southeast project with the commitment to pay for the local share amount by local special assessments. Commissioner Braun seconded the motion.

Commissioner Larson inquired if this will come before the Commission again when the special assessment district is formalized? She feels that a public input meeting that occurred one year ago on this is probably not the best information to make a determination on the special assessments. Director Froseth stated that with any district assessments there is requirement that a public hearing be held on that set up.

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

8. *Consider Encroachment Agreement with Thomas and Moriarty's for Outdoor Seating within the Right-of-Way on 1st Avenue NW.* City Planner Van Dyke presented a request to accept the Encroachment Agreement with Thomas and Moriarty's for outdoor seating. He said that Thomas and Moriarty's is interested in providing outdoor seating to its patrons along 1st Avenue Northwest. He said that City staff and Mandan Architectural Review Committee (MARC) previously reviewed and approved their proposal based on a site drawing and list of materials or the project of which both the site drawing and materials to be used are part of the proposed Encroachment Agreement. A site visit was also conducted to ensure ADA compliance was maintained and site triangles were not obscured.

He explained that the Encroachment Agreement would provide enough space for outdoor tables and chairs and fencing to enclose the area. Occupancy within the right-of-way would be allowed from April 1st through October 31st. Subsequently, materials would have to be removed until the next season. He said that City Attorney Oster is working on an ordinance to outline this process moving forward and it will be presented to City Commission. The Encroachment Agreement contains similar provisions as the proposed ordinance will include. City Planner Van Dyke recommended approval of this request. Mayor Helbling inquired if this has to be done by Ordinance or can it be a written agreement? Planner Van Dyke said that the City can accomplish

that via the Encroachment Agreement. Attorney Oster said that the Encroachment Agreement that is being considered will be considered without an ordinance which does not require an ordinance change to approve this request. This can be considered as trial period. Mayor Helbling inquired if the agreement is approved by the Commission will the project move forward? Planner Van Dyke confirmed that upon approval of the Encroachment Agreement by the City Commission the project can move forward.

Commissioner Larson moved to approve the Encroachment Agreement with Thomas and Moriarty's for outdoor seating within the right-of-way on 1st Avenue Northwest as presented in Exhibit 1. 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.

I. RESOLUTIONS AND ORDINANCES

J. OTHER BUSINESS:

Commissioner Rohr stated that previously the City Commission dealt with a Crematorium Ordinance and it was established that a crematorium would be allowed and located in the City Cemetery. He said that a request has been received by the Planning and Zoning Commission from David Wise to go back and look at that action, Ordinance 1299 – if that would include an area that Mr. Wise is considering, in particular, located in a light industrial area next to the church at 4209 Old Red Trail area. Commissioner Rohr directed City Planner Van Dyke to take Mr. Wise's request back to Planning and Zoning for a review and to report back to the City Commission with his findings and recommendation.

Commissioner Rohr motioned that Planner Van Dyke take the recent request from David Wise to Planning and Zoning Commission for their review and to present recommendations to the City Commission. 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.

K. ADJOURNMENT:

There being no further actions to come before the Board of City Commissioners, Commissioner Rohr moved to adjourn the meeting at 6:38 p.m. Commissioner Davis seconded the motion. The motion received unanimous approval of the members present. The motion passed.

James Neubauer
City Administrator

Tim Helbling
President, Board of City Commissioners



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 2, 2019
PREPARATION DATE: June 18, 2019
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth, P.E.
PRESENTER: John Van Dyke, City Planner
SUBJECT: Consider Vacation of a Segment of 8th Ave NE
between 16th St. NE and I-94

STATEMENT/PURPOSE: Tee and Ski LLC and the Mandan Park District, in compliance with the requirements of NDCC 40-39-05, has submitted to the City of Mandan a request to vacate a segment of 8th Ave. NE between 16th St. NE and I-94.

BACKGROUND/ALTERNATIVES: Tee and Ski LLC and the Mandan Parks District are seeking to vacate a segment of 8th Ave. NE between 16th St. NE and I-94. The subject property is west of Mandan Ave. NE and south of Old Red Trail NE at the southern end of what would be 8th Avenue NE. The subject property is not paved. The City of Mandan has no plans to extend 8th Ave. NE across I-94 at this location and deems this portion of 8th Ave. NE unnecessary.

The Mandan Parks District owns the adjacent property to the west. Both Tee and Ski LLC and Mandan Park District have entered an agreement to allow Tee and Ski LLC to acquire the entirety of the vacated right-of-way.

Notices were published in the Mandan News for four (4) consecutive weeks leading up to this public hearing and no comments were received.

ATTACHMENTS:

1. Vacation of Right-of-way Agreement between Tee and Ski LLC and Mandan Park District
2. Resolution Vacating a Segment of 8th Ave. NE

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

LEGAL REVIEW: The staff report and attachments have been reviewed and approved by the City Attorney.

RECOMMENDATION: The Engineering and Planning Office recommends approval of this vacation as outlined in Exhibit 2.

PROPOSED ACTION: I move to approve the vacation of a portion of 8th Ave. NE between 16th St. NE and I-94 as outlined in Exhibit 2.

EXHIBIT 1

VACATION OF RIGHT OF WAY AGREEMENT

This Agreement is made this ^{15th} day of May 2019 by and between **Tee and Ski LLC** of 231 Sheehan Road, Bismarck ND 58504 and **Mandan Park District** of 2600 46th Avenue SE, Mandan ND 58554.

Whereas Tee and Ski LLC owns Lot 10, Block 4, Denison, Industrial Park Replat of Block 2, Mandan ND.

Whereas Mandan Park District owns Lot 2, Block 1, Old Red Trail Commercial, Mandan ND.

Whereas Tee and Ski LLC and Mandan Park District agree to join in the and execute the necessary documents to vacate the **8th Avenue NE, Mandan ND** Right of Way between the above-mentioned properties from 16th Street South to I94 at the sole cost and expense of Tee and Ski LLC.

Whereas the Mandan Park District shall maintain all access and easements for it's existing park district trail system that crosses said property.

Whereas Tee and Ski and Mandan Park District agree that all land vacated shall be the property of Tee and Ski LLC.

In Witness Whereof, the parties have caused this Agreement to be executed the day and year first above written.

Tee and Ski LLC

Mandan Park District

By: 

By: 

Date: 5/15/19

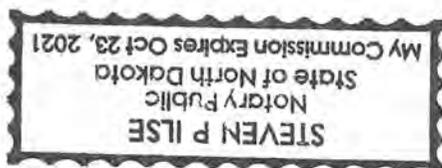
Date: 5-15-19

STATE OF NORTH DAKOTA)

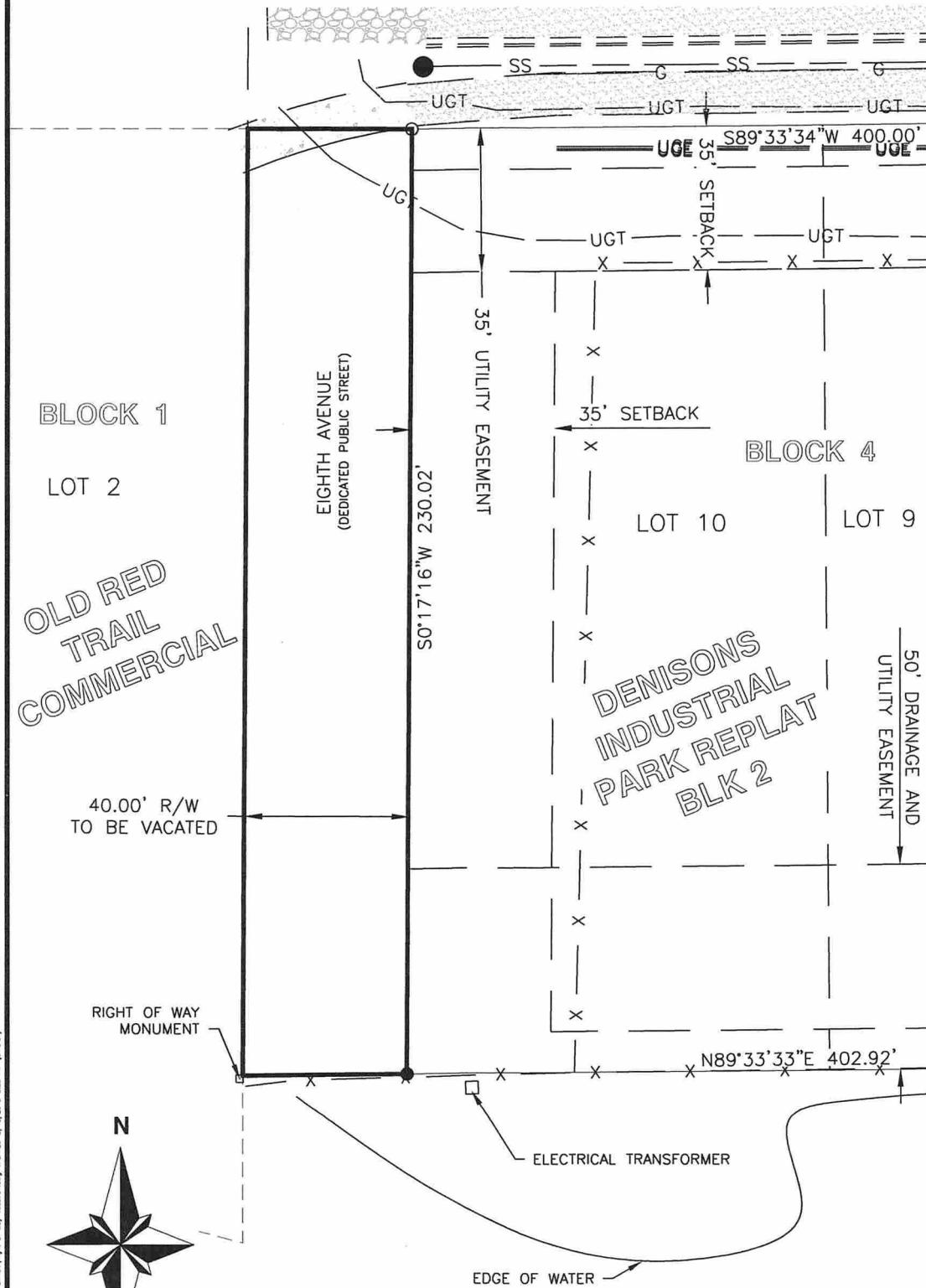
)ss.

COUNTY OF Burleigh)

The foregoing instrument was acknowledged before me this 15th day of May, 2009 by Matthew Reichert on behalf of Tee and Ski LLC, a Limited Liability Corporation of the State of North Dakota.



VACATION OF RIGHT OF WAY EXHIBIT



OLD RED TRAIL COMMERCIAL

DENISONS INDUSTRIAL PARK REPLAT BLK 2

Scale: 1" = 30'

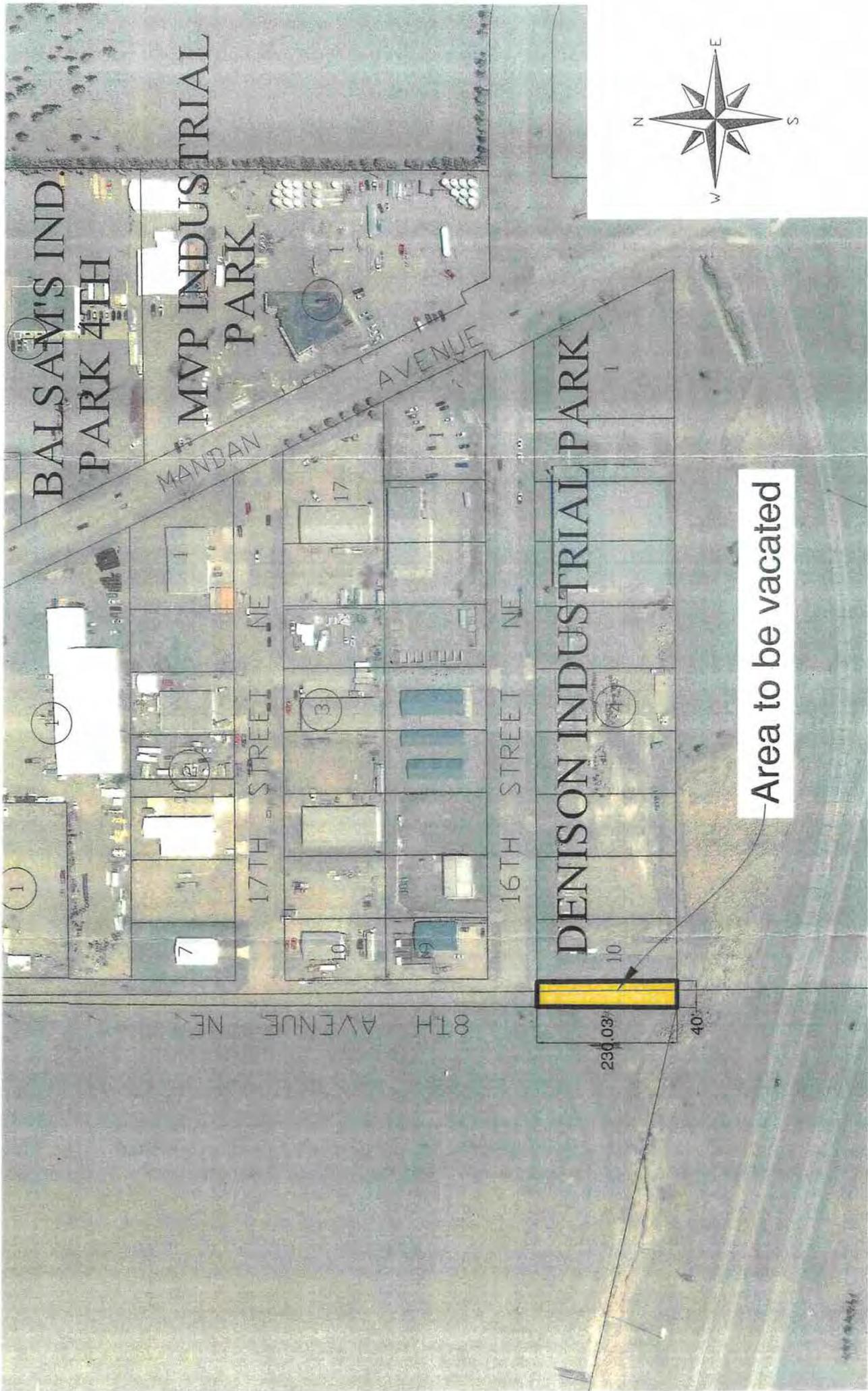
LEGEND
 IRON MONUMENT FOUND ●
 IRON MONUMENT SET ○

K:\JAN\10100\10104_0003\0003\Vacated Right of Way Exhibit.dwg - VACATED-5/13/2019 3:53 PM - (mced)

HOUSTON ENGINEERING INC.

Bismarck
 P: 701.323.0200
 F: 701.323.0300

Prepared for: MATHEW REICHERT MANDAN, NORTH DAKOTA		
Drawn by: EM	Project No. 10104-0003	Date 5-13-19
Checked by: TM	Scale: AS SHOWN	Sheet 1 of 1



BALSAM'S IND.
PARK 4TH

MVP INDUSTRIAL
PARK

MANDAN AVENUE

17TH STREET NE

16TH STREET NE

DENISON INDUSTRIAL PARK

8TH AVENUE NE

230.03'
40'

Area to be vacated

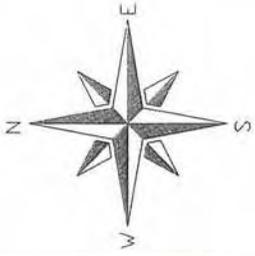


EXHIBIT 2

RESOLUTION OF VACATION Board of City Commissioners City of Mandan, North Dakota

WHEREAS, the owners of the properties located on Lot 10, Block 4, Replat of Block 2 Denison's Industrial Park; and Lot 2, Block 1, Old Red Trail Commercial Addition in Section 23, Township 139N, Range 81 W of the 5th Principal Meridian, City of Mandan, Morton County, North Dakota have requested that a portion of 8th Ave. NE right-of-way between said properties be vacated; and

WHEREAS, the subject property is not paved; and

WHEREAS, the City of Mandan has no plans to extend 8th Ave. NE across I-94 at this location and deems this portion of the right-of-way unnecessary; and

WHEREAS, the required public notices were published for four consecutive weeks on May 31, 2019, June 7, 2019, June 14, 2019, and June 21, 2019; and

WHEREAS, the required public hearing was conducted by the Board of City Commissioners on July 2, 2019.

NOW, THEREFORE, BE IT RESOLVED By the Board of City Commissioners of the City of Mandan, Morton County, North Dakota, that the above described public right-of-way be and the same is hereby vacated.

BE IT FURTHER RESOLVED, that the within and foregoing Resolution shall become effective from the time of its passage and publication.

Approved and passed July 2, 2019, by at least two-thirds vote of all the members of the Board of City Commissioners.

President, Board of City Commissioners

ATTEST:

City Administrator

Public Notice Dates: May 31, 2019; June 7, 2019; June 14, 2019; and June 21, 2019
Public Hearing: July 2, 2019
Final Passage: July 2, 2019
Publication Date: _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 2, 2019
PREPARATION DATE: June 17, 2019
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM,
SUBJECT: Consider Ratification of Recommended Approval
for Mandan Union Cemetery Columbarium

STATEMENT/PURPOSE: Consider ratification of recommended approval for Mandan Union Cemetery columbarium.

BACKGROUND/ALTERNATIVES:

The City of Mandan, which owns and operates the Mandan Union Cemetery, is seeking a special use permit to establish a columbarium park in the green space area (See Exhibit 1 for Application Docs).

Currently, there is green space that is located within the Mandan Union Cemetery. The Mandan Union Cemetery Committee recommended the reuse of the park for the purposes of a columbarium. A columbarium is a location to store urns from loved ones who have been cremated. Currently, the Mandan Union Cemetery only has space available for burial of urns and a columbarium is an alternative placement for those who choose cremation.

The proposed columbarium has 40 “niches”, or areas to place urns. Subsequent columbariums will be installed in a similar manner to the site plan submitted upon reaching the 40-niche capacity.

The Planning and Zoning Commission unanimously approved the recommendation for approval of the Special Use Permit for the Columbarium area in Mandan Union Cemetery.

ATTACHMENTS:

Exhibit 1 – Application Docs, Site Plan, and Images of Columbarium

Board of City Commissioners

Agenda Documentation

Meeting Date: July 2, 2019

Subject: Consider Ratification of Recommended Approval for Mandan Union Cemetery Columbarium

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FISCAL IMPACT: N/a

STAFF IMPACT: N/a

LEGAL REVIEW: The staff report has been submitted for to the City Attorney.

RECOMMENDATION:

The Planning and Zoning Commission recommend approval of the Special Use Permit for the Columbarium area in Mandan Union Cemetery.

SUGGESTED MOTION: I move to approve the Special Use Permit for the Columbarium area in Mandan Union Cemetery.

EXHIBIT 1

CITY OF MANDAN	
Development Review Application	
Minor Plat (\$300)	Zone Change (\$600) <input type="checkbox"/>
Preliminary Plat up to 20 acres (\$350)	Planned Unit Development (\$700)
Preliminary Plat more than 20 acres (\$400)	Zone Change with Minor Plat (\$400)
Final Plat up to 20 lots (\$350)	Vacation (\$500)
Final Plat 21 to 40 lots (\$475)	Variance (\$400)
Final Plat more than 40 lots (\$700)	Special Use Permit (\$450) <input checked="" type="checkbox"/>
Annexation (\$450)	Stormwater submittal (\$300)
Annexation with Minor Plat. (\$200)	Stormwater 2 nd & subsequent resubmittal (\$50)

Summary of Request The Mandan Union Cemetery would like to convert the Park into a columbarium area. The park has been divided into 28 lots to place columbariums. ~~There is also~~ There is also space set aside to install a circular columbarium around the scatter garden. The project will start w/ one 40 niche columbarium. Future columbariums will be added as needed.

Engineer/Surveyor			Property Owner or Applicant		
Name			Name Chad Boehm		
Address			Address 1600 Mandan Ave		
City	State	Zip	City	State	Zip
			Mandan	ND	58554
email			email chad.boehm@CityofMandan.com		
Phone	Fax		Phone	Fax	
			701 425 1321		

If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.

Location		Type		Existing Zone	Proposed Zone	Project Name
City	FTA	New	Addition			
						Columbarium Park
Property Address				Legal Description		
1600 Mandan Ave Mandan, ND						
Current Use						
Park / Green space						
Proposed Use						
Columbarium Park				Section	Township	Range
Parcel Size	Building Footprint	Stories	Building SF	Required Parking		Provided Parking
34,500 ft ²	30 ft ²	1	106 ft ²			

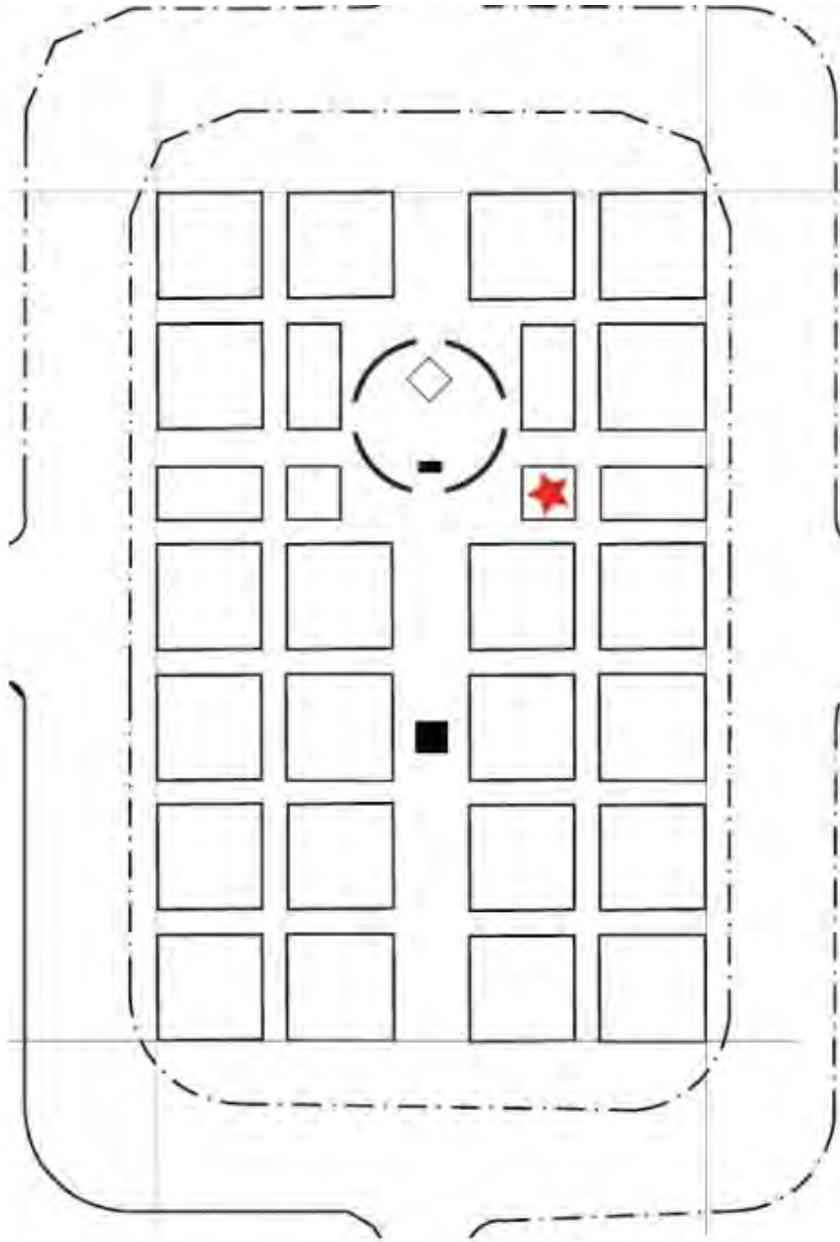
Print Name Chad Boehm	Signature 	Date 4/2/19
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Office Use Only			
Date Received:	Initials:	Fees Paid: \$	Date
Notice in paper	Mailed to neighbors	P&Z meeting	
Approved	Approved with conditions:		
Denied			

Aerial with Site Plan



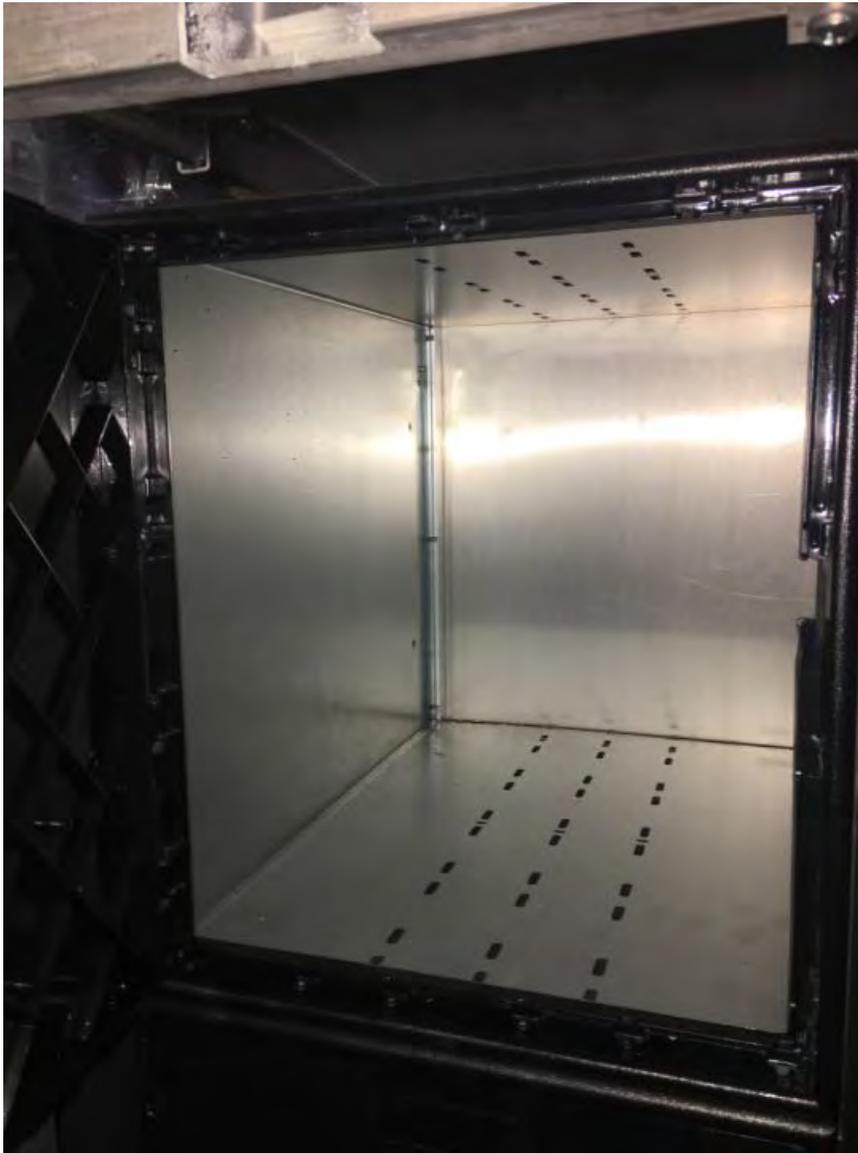
Columbarium Area Zoomed – Red Star is First Columbarium to be Constructed



Columbarium to be Installed



Image of Inside of "Niche"





Board of City Commissioners

Agenda Documentation

MEETING DATE: July 2, 2019
PREPARATION DATE: June 18, 2019
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth, Engineering and Planning Director
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: Consider Approval of Minor Plat for Replat of Lots 17-19, Block 3 Heart View Addition and Amendment to Easement Affecting Subject Property

STATEMENT/PURPOSE:

Consider approval of Minor Plat for Replat of Lots 17-19, Block 3 Heart View Addition and amendment to a stormwater/surface drainage easement affecting the subject property.

BACKGROUND/ALTERNATIVES:

This property is located on the west side of 14th Ave. NW abutting the Lower Heart River.

The properties were recently sold to the applicant by the City of Mandan in Spring 2019. It was understood that the lots would need to be combined in order to build across the property lines. The applicant is replatting to combine two and a half lots into one for the purposes of constructing a home.

This also includes an amendment to an existing stormwater/surface drainage easement affecting the subject property. Upon evaluation by Justin Froseth, Engineering and Planning Director, the easement is oversized for its intended purpose and may be reduced. The reduction in size will provide the property owner additional flexibility in placement of a new dwelling.

ATTACHMENTS:

Exhibit 1 - Aerial and Site Pictures
Exhibit 2 – Easement Amendment Documents
Exhibit 3 - Proposed Minor Plat of Replat of Lots 17-19, Block 3 Heart View Addition

FISCAL/STAFF IMPACT: N/a

LEGAL REVIEW: The subject replat has been sent to the City Attorney as part of the agenda packet for review.

Board of City Commissioners Agenda Documentation

Meeting Date: July 2, 2019

Subject: Consider Approval of Minor Plat for Replat of Lots 17-19, Block 3 Heart View Addition and Amendment to Easement Affecting Subject Property

Page 2 of 2

RECOMMENDATION: Recommend approval the minor plat of Replat of Lots 17-19, Block 3 Heart View Addition and amendment to a stormwater/surface drainage easement affecting the property.

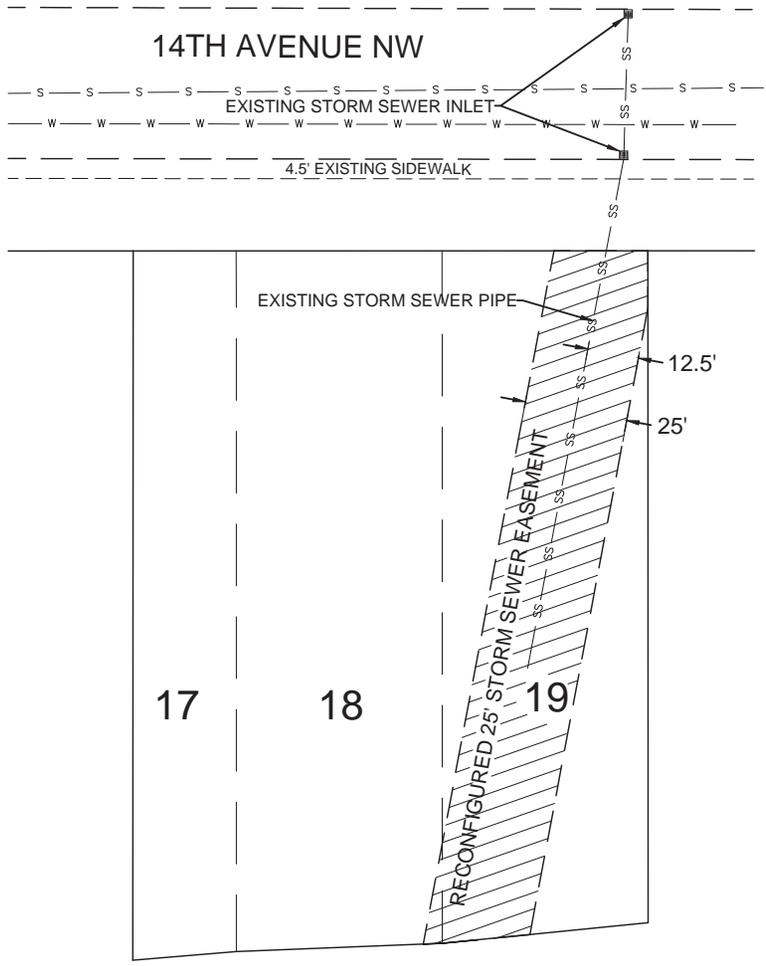
SUGGESTED ACTION: I move to approve the minor plat of Replat of Lots 17-19, Block 3 Heart View Addition and amendment to a stormwater/surface drainage easement affecting the property.

Exhibit 1
Aerial and Site Pictures

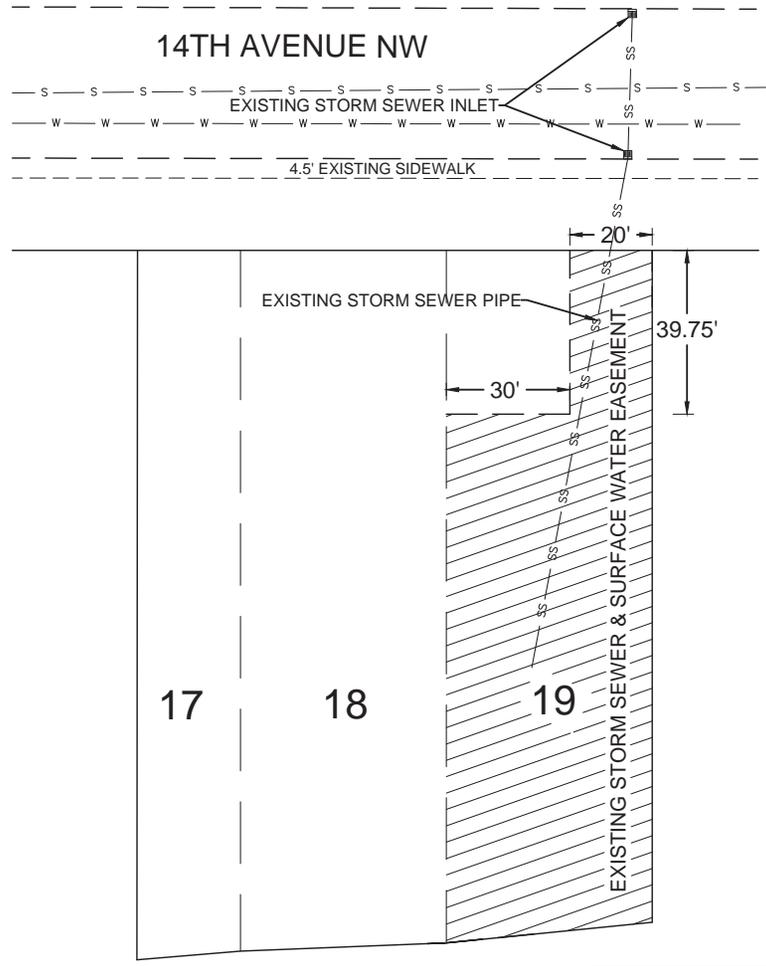




Exhibit 2 - Easement Amendment Docs



**PROPOSED RECONFIGURED
STORM SEWER EASEMENT**



**EXISTING STORM SEWER &
SURFACE WATER EASEMENT
AS SHOWN IN DOCUMENT #271709**

	TOMAN ENGINEERING <small>501 1st Street NW, Mandan, ND 58554 Phone: 701-663-6463 • Fax: 701-663-0923</small>
	109 14TH AVENUE NW <small>LOTS 18, 19, & SOUTH 1/2 OF LOT 17, BLOCK 3 IN HEART VIEW ADDITION TO THE CITY OF MANDAN</small>
<small>RECONFIGURATION OF STORM WATER EASEMENT ON LOT 19 IN HEART VIEW ADDITION SHEET 1 OF 1 MANDAN, ND</small>	
<small>JUNE 13, 2019</small>	
<small>COPYRIGHT TOMAN ENGINEERING CO.</small>	

QUIT CLAIM DEED

THIS INDENTURE, Made this 21st day of July, 1980, between City of Mandan, a municipal corporation, under the laws of the State of North Dakota, grantor, and Norman L. Ciavarella and Leslie Ciavarella, grantee, whether one or more, whose post office address is 600 Sixth Avenue Northwest, Mandan, North Dakota.

For and in consideration of the sum of Three Hundred and No/100 Dollars, grantor does hereby QUIT CLAIM to said grantee, all of the following real property lying and being in the County of Morton and State of North Dakota, and described as followis, to-wit:

Lot Nineteen (19) of Block Three (3) of Heartview Addition to the City of Mandan. Grantor, however, hereby expressly reserves to itself, its successors and assigns the perpetual right and easement to drain storm and surface water over, across, through and to enter upon and perform such work as it may deem necessary in connection with such reserved rights upon the tract of land described as follows, to-wit:

Beginning at the southeast corner of said Lot Nineteen (19), Block Three (3); thence north-westerly along the easterly boundary line of said Lot Nineteen (19), Block Three (3) a distance of 20 feet; thence southwesterly at right angles a distance of 39.75 feet; thence northwesterly at right angles a distance of 30 feet to the northerly boundary line of said Lot Nineteen (19), Block Three (3); thence southwesterly at right angles along the northerly boundary line of said Lot Nineteen (19), Block Three (3), a distance of 128.25 feet to the left bank of the Heart River; thence following the left bank of the Heart River in a southeasterly direction to the intersection with the southerly boundary line of said Lot Nineteen (19), Block Three (3); thence northeasterly along the southerly boundary line of said Lot Nineteen (19), Block Three (3) a distance of approximately 168 feet to the southeast corner of said Lot Nineteen (19), Block Three (3), which is the point of beginning;

and the grantee shall do nothing to impede or reduce the capacity of said land to flow water across the tract of land subject to the easement reserved hereby.

IN TESTIMONY WHEREOF, the said grantor has caused these presents to be executed in its corporate name by its President of the Board of City Commissioners and its City Auditor, and its corporate seal to be hereunto affixed.

CITY OF MANDAN, NORTH DAKOTA

By Donald L. Hertz
Its President of Board of City
Commissioners

By Edwin J. Delude
Its City Auditor





Board of City Commissioners

Agenda Documentation

MEETING DATE: July 2, 2019
PREPARATION DATE: June 16, 2019
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM,
SUBJECT: Consider Approval of a Variance to the Front Setback to Construct a Home West of 14th Ave. NW

STATEMENT/PURPOSE: Consider approval of a variance to the front setback to construct a home west of 14th Ave. NW.

BACKGROUND/ALTERNATIVES: Joe Hillerson recently acquired the property from the City of Mandan with the intention of constructing a single-family residence. He is requesting a front setback variance from 25ft to 6.5ft. (See Application Documents in Exhibit 1).

Several of the properties along 14th Ave NW abut the Lower Heart River. The subject property was brought into possession by the City when in the late 80s and early 90s several homes along 14th Ave. NW suffered damage due to soil erosion. The property was subsequently posted with warning signs (See Aerial and Site Visit Pictures in Exhibit 2).

The sloping topography in the rear of the property is unique to this area. Soil erosion due to adjacency to the Lower Heart River has created unsafe conditions if the full 20ft setback is enforced.

In addition, neighboring residential structures are already located closer (approx. 9 ft.) to the front property line than 20 ft. and the granting of a variance would ensure consistency with the character of the area.

Finally, the right-of-way width for 14th Ave. NW is 80ft. This is larger than the 66 ft. typically required for a local road. The street is no larger than a standard local street. This results in a larger boulevard than normal. Problems with off-street parking encroaching into the street or sidewalk are mitigated by the larger boulevard.

Board of City Commissioners

Agenda Documentation

Meeting Date: July 2, 2019

Subject: Consider Approval of a Variance to the Front Setback to Construct a Home West of 14th Ave. NW

Page 2 of 2

ATTACHMENTS:

Exhibit 1 – Application, Letter of Intent, and Site Drawing

Exhibit 2 – Aerial and Site Visit

Exhibit 3 – Findings of Support to Grant Variance

FISCAL IMPACT: None

STAFF IMPACT: None

LEGAL REVIEW: The staff report, as part of the agenda packet, has been submitted to Attorney Brown for review.

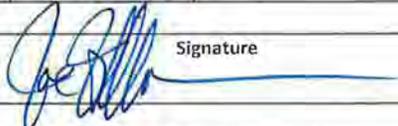
RECOMMENDATION: The Planning and Zoning Commission, through a unanimous decision, recommended approval of the variance subject to the findings in Exhibit 3.

SUGGESTED MOTION: I move to approve the variance from 25' to 6.5' based on the findings specified in Exhibit 3.

CITY OF MANDAN	
Development Review Application	
<input checked="" type="checkbox"/> Minor Plat (\$300)	<input type="checkbox"/> Zone Change (\$600)
<input type="checkbox"/> Preliminary Plat up to 20 acres (\$350)	<input type="checkbox"/> Planned Unit Development (\$700)
<input type="checkbox"/> Preliminary Plat more than 20 acres (\$400)	<input type="checkbox"/> Zone Change with Minor Plat (\$400)
<input type="checkbox"/> Final Plat up to 20 lots (\$350)	<input type="checkbox"/> Vacation (\$500)
<input type="checkbox"/> Final Plat 21 to 40 lots (\$475)	<input checked="" 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"/> Annexation with Minor Plat (\$200)	<input type="checkbox"/> Stormwater 2 nd & subsequent resubmittal (\$50)
Summary of Request	
Minor Plat - combining 3 lots to one lot.	
Variance - requesting a 6.5 feet front yard setback, due to topography of the property.	

Engineer/Surveyor			Property Owner or Applicant		
Name Toman Engineering Company			Name Boulder Homes LLC, Joe Hillerson-Owner		
Address 501 1st Street NW			Address 301 Baker Place, P.O. Box 1421 - 58502		
City Mandan	State ND	Zip 58554	City Bismarck	State ND	Zip 58504
email mark@tomanengineering.com			email joe.hillerson@investcore.com		
Phone 701-663-6483		Fax	Phone 701-400-5554		Fax 701-255-7777
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 type="checkbox"/> New	<input checked="" type="checkbox"/> Addition	RM		Replat Lots 17-19, Heart View Add.
Property Address				Legal Description		
109 4th Street, Mandan				South Half of Lot 17 and all of Lots 18 and 19 in		
Current Use						
Vacant Residential Lot				Heart View Addition to the City of Mandan		
Proposed Use						
New House Construction				Section 28	Township 139	Range 81
Parcel Size	Building Footprint	Stories	Building SF	Required Parking		Provided Parking
21,0006 SF	41 x 62	1	2,423			

Print Name Joe Hillerson	Signature 	Date 6-14-2019
-----------------------------	---	-------------------

Office Use Only			
Date Received:	Initials: nm	Fees Paid: \$ 700	Date 6-14-2019
Notice in paper	Mailed to neighbors	P&Z meeting	
<input type="checkbox"/> Approved	Approved with conditions:		
<input type="checkbox"/> Denied			

Updated 1/1/2019

N:\PLANNING & ZONING\Development Application - January 2019.docx

June 14, 2019

Planning & Zoning City of Mandan
Attn: John Van Dyke, Principal Planner

Subject Property: The South Half of Lot 17 and all of Lots 18 and 19, Block 3 in Heart View Addition to the City of Mandan.

Note: This Property was recently purchased from the City of Mandan.
The current property is zoned RM.

I am requesting a Variance for the front yard building setback for the subject property. The current front yard setback required in the RM zoning is 15 feet, and I am requesting a front yard setback of 6.5 feet. The current property is bound on the east by 14th Avenue NW and the west by the Heart River. The hardship I am having with this property is the buildable area is too small. The western 2/3 of this property is non-buildable, which leaves only a small buildable area due to the existing terrane, change in elevation, and the location of the Heart River.

The two existing houses located to the south of this property are setback approximately 9 feet from the 80 foot right of way line on 14th Avenue NW and the house located at street address 106, which is immediately south of the subject property, has a deck that extends 6 feet farther towards the street leaving a setback of 3 feet from the right of way line. The three existing houses located to the north of this property are setback approximately 17 feet from the 80 foot right of way of 14th Avenue NW.

The right of way width for 14th Avenue NW is 80 feet, which is wider than a typical right of way is for a local street in a new subdivision today. This allows for a wider boulevard area between the back of curb and the right of way line. The existing sidewalk is situated at the back of curb and is approximately 4.5 feet wide. The distance from the back of sidewalk to the right of way line is 17.5 feet. If the variance was granted for the 6.5 foot front yard setback, the total distance from the front of the garage to the back of the sidewalk would be 24 feet. This would leave plenty of room to park a vehicle in front of the garage and not block the sidewalk.

Thank you for your consideration.

A handwritten signature in blue ink, appearing to read "Joe Hillerson", with a long horizontal line extending to the right.

Boulder Homes,
Joe Hillerson, owner

ENC: Site Survey
Cc: Mark Isaacs

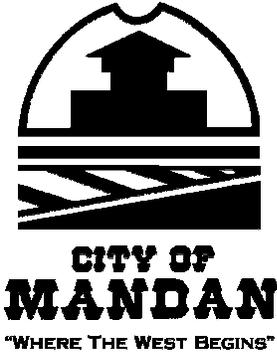
Exhibit 2
Aerial and Site Pictures





Exhibit 3 – Findings of Support to Grant Variance

- The property has unique topographical issues relating to steep slopes and soil erosion
- When the City owned the property warning signs related to the unstable soils were posted near the rear of the property
- Other homes along 14th Ave. NW are as close as 9 ft. to the front property line
- The right-of-way width is 80' and the street is a standard size, resulting in larger-than-normal boulevards that will mitigate encroachment into the sidewalk or street



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 2, 2018
PREPARATION DATE: June 24, 2018
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Chief of Police J. Ziegler
PRESENTER: Deputy Chief of Police L. Flaten
SUBJECT: Special Event Permit Application Mandan Rodeo Days/Art in the Park 2019

STATEMENT/PURPOSE: Consider approval of the Special Event Permit Application for the 2019 MPO Mandan Rodeo Days

BACKGROUND/ALTERNATIVES: The Mandan Progress Organization has completed the City of Mandan's Special Event Application for the Mandan Rodeo Days/Art in the Park events that will occur July 2nd to July 4th, 2019. The application has been approved by each department head to verify that the event is in compliance with Mandan City Ordinance and all necessary permits required have been received by the MPO.

ATTACHMENTS: Special Event Permit Application and all necessary attachments.

FISCAL IMPACT: None

STAFF IMPACT: Police Staff to work normal enforcement.

LEGAL REVIEW: N/A

RECOMMENDATION: To approve the Special Event Permit Application for the Mandan Progress Organization Rodeo Days/Art in the Park 2019.

SUGGESTED MOTION: Move to approve the Special Event Permit Application for the Mandan Progress Organization Rodeo Days/Art in the Park 2019.

Permit Application #: 19-007 Date Complete: _____
(For office use only)

Special Events Permit Application City of Mandan, ND

Mandan Police Department (Special Events) • 205 1st Ave. NW • Mandan, ND 58554
• Phone 701-667-3250 • FAX 701-667-3463

Date of Application: 06/01/19

30 days prior to the event with a **non-refundable administration application fee of \$25 attached**. Late applications are permitted and subject to an **additional \$50 processing fee** for those submitted within 20 days of an event. Any application not submitted prior to 20 days before the event will not be accepted for consideration.

The payment of fees does not guarantee event approval if submitted late. Permits are \$30 per day/Sunday Permit will be \$45, to a maximum of \$150.00 per event not to exceed 14 days (Includes Sundays).

All applicants will be charged fees as appropriate and are expected to fully reimburse the city for all services related to event production which may include, but are not limited to, Police Services, Fire/EMS, Park and Facility Maintenance, Field Services, Sanitation, Street Engineering and Site Supervisors. (See Below Fee and Charges)

A storage fee of **\$500** will be assessed for all equipment not removed from any public venue or premises within 24 hours of the end of the event. Any vendor may request an extension for equipment removal and may be granted by the City Administrator. Full payment is due upon receipt of final invoice. Any property that is abandoned over 15 days will become property of the City of Mandan and may be sold to recoup any expenses accrued by the city.

Comprehensive site plans must accompany this application.

Street Dance: Beer Garden: Both: Parade or Other Public Event:

Section 1 – Applicant Information

Name of Event Manager: Del Wetsch

Driver's License Number: _____ State _____

Date of Birth: _____ Phone Number: 220-2959 Email: dwetsch@mandanprogress.org

Address: _____ City: _____ State: _____ Zip: _____

Have you ever been convicted of a crime? YES NO

If yes please list charge(s) and year of conviction(s):

(List all Jurisdictions where you have been charged with a crime, also list any other names you have used when charged)

Name of Event Manager: _____

Driver's License Number: _____ State _____

Date of Birth: _____ Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Have you ever been convicted of a crime? YES NO

If yes please list charge and year of conviction:

(List all Jurisdictions where you have been charged with a crime, also list any other names you have used when charged)

Permit Application #: _____ Date Complete: _____
(For office use only)

Business Address: 411 West Main City: Mandan State: ND Zip: 58554

Corporation/Organization: Mandan Progress Organization State of Incorporation: ND

Tax ID #: 45-0439012 501(c)3 #: _____ City Sales Tax ID #: _____

Have you ever coordinated/promoted another event/s? YES NO

If yes, please provide the following:

Last event/s Location: _____ Date: _____

Contact Name: _____ Phone: _____

E-mail Contact: _____

Section 2 – Event Information

Event Name: Mandan Rodeo Days Anticipated Daily Attendance: 20000

Event Date(s): July 1-4, 2019 Set-up Date: _____ Hours: _____

Hours of event each day: Hours vary

(begin and end times)

Take Down Date(s): July 5, 2019 Hours: _____

E-Mail address for public information: _____

WEB address for public information: mandanprogress.org

Location of Event/physical address: _____

Sponsors of the Event: _____

Brief Description of Event:

Art in the Park, rodeo, parade

Has this event been held in another location? YES NO

If yes, please provide the following:

Last event/s Location: _____

Date: _____ Contact Name and Phone: _____

Section 3 – Event Features

Will there be an admission charge? Yes No

If yes, Printed ticket count: rodeo Tickets for presale count: _____

Will there be entertainment? Yes No

If yes, please attach an itemized complete list of all entertainment.

(A complete list of entertainment will be required before final approval. Once approved, no changes may be made unless authorized by the City Administrator.)

Will merchandise and/or food items be sold? Yes No

If yes, please attach a complete list of vendors.

(Each vender must have all valid permits and license to sell their product)

Permit Application #: _____ Date Complete: _____
(For office use only)

What type of advertising/promotion will be done prior to the event?

(Attach all promotional material.)

Radio: Yes No What Stations? _____

TV: Yes No What Stations? _____

Fliers/Posters: Yes No How many? _____

Press Releases: Yes No How many? _____

Newspaper Ads: Yes No What publication? _____

Is any other promoter/producer assisting you with your event? Yes No

Name of Promoter and Promotion Company: _____

Address: _____ City: _____ State: _____ Zip: _____

Will the event include any of the following? *(Indicate on site plan and/or vendor list)*

Tents or Canopies: Yes No

Number of Tents: at Art in the Park

(Tents require permits from the Fire Department and inspection fees will be applied.)

Fireworks or Pyrotechnics: Yes No

(Fireworks or Pyrotechnics require permits from the Fire Department and inspection fees will be applied.)

Fireworks or Pyrotechnics Production Company's name: Pyrotechnics
*(A copy of the Production Company's License and Insurance is required with this application, only if fireworks or pyrotechnics are being requested for this event.) *A separate bond may be required for this event.*

Require permits from the City of Mandan

Any person for on- or off-sale alcoholic beverage licensee desiring to conduct a public beer garden shall make application for a special permit to do so to the board, 30 days in advance of the proposed event.

Temporary Fencing: Yes No

Provide accurate dimensions of fenced area on site plan along with the site plan.

Company Contact Name: Mandan Progress Organization

Contact phone: _____

Restroom Accommodations: Art in the Park (36) rodeo (12) Parade (18)

Number of required portable toilets: _____

Approved By: _____ Date Approved: _____ Initials: _____

Placement of sanitary toilet facilities must be on site plan.

Permit Application #: _____ Date Complete: _____
(For office use only)

Attach a copy of the letter from the Custer Health that indicates the site plan has been reviewed and the required number of proper sanitation facilities is attendance.

Company Contact name: _____
Contact phone: _____

Electrical Services/Generators Yes No

Generators must be separated from tents by a minimum of 20' and shall be isolated from contact by fencing or other approved means.

Company Contact name: _____

Contact phone: _____

Approved By: _____ Date Approved: _____ Initials: _____

Carnival/Amusement Rides: Yes No

A separate permit from the Fire Department may be required.

Company Contact name: _____

Contact phone: _____

Bonded and Insured Amount: _____

Approved By: _____ Date Approved: _____ Initials: _____

Signs / Banners Yes No

Company Contact name: _____

Contact phone: _____

Approved By: _____ Date Approved: _____ Initials: _____

Inflatables Yes No

Company Contact name: _____

Contact phone: _____

Bonded and Insured Amount: _____

Approved By: _____ Date Approved: _____ Initials: _____

Raffles

Will this event have a raffle? Yes No

If yes you must apply for a City Permit \$25 Raffle Permit (Attach copy of State Gaming License if issued)

Approved By: Flaten Date Approved: 05/30/2019 Initials: LF

Permit Application #: _____ Date Complete: _____
(For office use only)

Section 4 – Transportation

Does the event propose **using, closing or blocking** any of the following:
If yes, specify location and duration on site map, if on a DOT Highway or Roadway DOT authorization will be required.

- City Streets Yes No (Number of locations: _____ attach list of locations.)
- City Sidewalks Yes No (Number of locations _____ attached list of locations)
- City Bus Stops Yes No (Number of locations _____ attached list of locations)
- Public Parking Lots Yes No (Number of locations _____ attached list of locations)
- Public Bicycle Parking Yes No (Number of locations _____ attached list of locations)
- Multiuse Paths Yes No (Number of locations _____ attached list of locations)
- City Alleys Yes No (Number of locations _____ attached list of locations)
- City Right-of-Ways Yes No (Number of locations _____ attached list of locations)

Approved By: [Signature] Date Approved: 6-14-19 Initials: JF
(Section 4 must be approved by Mundan City Engineer, and be approved by the City Commission before the event)

Section 5 – Use of City Utilities

Will any City electric hookups be used? Yes No
Electric Location including amperage _____

Approved By: _____ Date Approved: _____ Initials: _____

Will any City water hookups be used? Yes No
Water Location(s) _____

Approved By: _____ Date Approved: _____ Initials: _____

Will waste water/gray water be generated? Yes No
If so, how will it be disposed? _____

Approved By: _____ Date Approved: _____ Initials: _____

Permit Application #: _____ Date Complete: _____
(For office use only)

Section 6 – Alcohol

Will there be alcohol at the event? Yes No

Will alcohol be given away? Yes No

Will the alcohol be sold? Yes No

Will the alcohol be donated? Yes No

Who is the alcohol being donated by or purchased through: _____

Is alcohol included in the admission price of the event? Yes No

Approved By: _____ Date Approved: _____ Initials: _____

If you answered Yes to any of the above, a City and State Liquor License will be required. Attach copy(s) of all liquor licenses with this application. (If a City Liquor License is needed please contact the City of Mandan's Finance Department to apply at Phone: (701) 667-3213)

Has the applicant/organization ever had a liquor license or event permit denied, revoked or suspended? Yes No

If yes, please explain:

How will attendees be identified as minors or age 21 and over?

Have the alcohol servers received training in sale/service of alcoholic beverages? Yes No

If yes, who provided the training: _____

Date and time of most recent training: _____

Request Mandan Police Server Training: Yes No

If yes provide a contact person and contact information::

Permit Application #: _____ Date Complete: _____
(For office use only)

Section 7 – Event Security

Are you requesting off-duty Mandan Police officers? Yes No
Number of personnel requested: _____

After reviewing the event application, the Chief of Police may require the use of the City of Mandan Off-Duty Police Officers for the event.

To schedule Off –Duty Police Officers, please call 701-667-3250.

Officers must be requested 2 weeks prior to any event and there will be a minimum of 4 work hours per officers per event at \$45 per-hour per officer.

Are you requesting private security? Yes No
Number of security personnel onsite: 3 per day/plus overnight

Include security points and duties on event plans

The City of Mandan requires only security companies that are licensed and bonded in the State of North Dakota.

Security Company and Contact Info: Spartan

Attach a copy of Company's License

Section 8 – Emergency Medical Services

Are you requesting off-duty Mandan EMT's? Yes No
Number of personnel requested: _____

After reviewing the event application the Fire Chief may require the use of the City of Mandan Off-Duty EMT's or paramedics for the event.

EMTs or paramedics must be requested 2 weeks prior to any even and there will be the minimum of 4 work hours per employee per event \$35

Section 9 – Event Maintenance and Cleanup Plan Required

What is your trash removal and cleanup plan?

Armstrong Sanitation totes and containers

(Attach a detailed Cleanup Plan)

Outside refuse company Company's Name: Armstrong Sanitation

Contact Name: Peggy Phone: 220-4949

All costs for containers, dumping and the removing all trash are the responsibility of the applicant/promoter. The City of Mandan's property and or the event site must be returned to its original condition and all equipment removed or daily fees will be accessed.

Permit Application #: _____ Date Complete: _____
(For office use only)

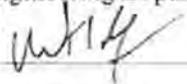
Signature Page from City Officials and Department Heads

Fire Department Date
 06-12-19

Police Department Date

Finance Department Date

Engineering Department Date

 6-12-19

Public Works Date

City Administrator Date

Park District Designee Date

Date Approved by City Commission: _____

Permit Application #: _____ Date Complete: _____
(For office use only)

Signature Page from City Officials and Department Heads

_____/_____
Fire Department Date

_____/_____
Police Department Date

_____/_____
Finance Department Date

Justin F... 16-14-19

_____/_____
Engineering Department Date

_____/_____
Public Works Date

_____/_____
City Administrator Date

_____/_____
Park District Designee Date

Date Approved by City Commission: _____

Permit Application #: 19-07 Date Complete: _____
(For office use only)

Signature Page from City Officials and Department Heads

 6-18-19

Fire Department Date

_____ / _____

Police Department Date

_____ / _____

Finance Department Date

_____ / _____

Engineering Department Date

_____ / _____

Public Works Date

_____ / _____

City Administrator Date

_____ / _____

Park District Designee Date

Date Approved by City Commission: _____

Most of the 4th of July activities remain the same as in previous years. Rodeo and Art in the Park activities are unchanged. Art in the Park street closures are same as previous years.

Major difference this year is with street closure for the Parade. NDDOT would not allow the complete closure of Memorial Hwy as in the past. This is due to the road construction on I94.

NDDOT approved a plan where one west bound lane on Memorial Hwy would remain open throughout the parade. Traffic Safety Services has been hired to install the barricades needed for this.

There will be no parade viewing allowed on the north side of Memorial Hwy, due to the traffic lane being open.

Meetings have been held with Public Works, Engineering and Police regarding street closures and equipment needed.



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 2nd, 2019
PREPARATION DATE: June 24th, 2019
SUBMITTING DEPARTMENT: Building Inspections
DEPARTMENT DIRECTOR: Shawn Ouradnik, Building Official
PRESENTER: Shawn Ouradnik, Building Official
SUBJECT: Request to advertise for bids for the demolition of the structure at 210 5th St NW

STATEMENT/PURPOSE: Request to advertise for bids to demolish the structure at 210 5th St. NW

BACKGROUND/ALTERNATIVES: The structure at 210 5th St. NW was previously declared a Dangerous Building by the city of Mandan Building official. A public hearing was held and 30 days was given to the owner to either demolish the structure or produce an engineer's report, secured funding, and a time line to rehabilitate the structure. The owner of the structure did not act on either of the options presented to her and the 30 day time frame elapsed on June 11th. This inaction by the owner left the City of Mandan the task of demolishing the building and leaving the site in such a condition so it could be developed again in the future. The Building Inspections department is asking to advertise in the Mandan News for an RFP to solicit contractors to perform the actions and upon completion the cost of the demolition will be special assed to the property.

ATTACHMENTS: RFP, Ad to be placed in the Mandan News

FISCAL IMPACT: Cost to pay for advertisement in paper

STAFF IMPACT: None

LEGAL REVIEW: All documents have been sent to the city attorney for review.

RECOMMENDATION: I recommend that the council approve the advertisement for the RFP in the local paper for the demolition of the structure at 210 5th St NW

SUGGESTED MOTION: I move to allow the Building Inspections department to advertise for bids in the Mandan News for the removal of the structure at 210 5th St. NW.

Request for Proposal

Demolition- 210 5th St NW Mandan ND

RFP # 001

**City of Mandan Building Inspections Department
205 2nd Ave NW
Mandan, North Dakota**

June 26, 2019

1. Intent of Request for Proposals (RFP) and Bid Requirements

1.1 Intent of Request for Proposals (RFP)

The purpose of this Request for Proposals is to solicit competitive sealed proposals from qualified and experienced individual(s) or firm(s) to provide demolition services for the City of Mandan. The City of Mandan is requesting bids for the demolition and site clearance of the house located at 210 5th St NW Mandan ND legally described as FIRST NORTHERN PACIFIC ADDITION Block: 76 LOT 7&8 - 4361. The successful Contractor will be expected to provide all tools, transportation, labor, and equipment necessary to perform the required duties herein. **The overall objective of this project is to remove the structure, debris, site components, etc. and to leave the ground empty, level, and ready for future development.**

1.2 Bid Requirements.

Bids must be sealed and submitted in a timely manner. Bidders shall provide (1) sealed copy of the proposal and it MUST be labeled on the outside with **Demolition RFP # 001**. Proposals must be submitted before 10:00a.m. on August 12nd 2019, to the City of Mandan Building Inspections office 205 2nd Ave NW Mandan, North Dakota 58554. Any proposal received after that deadline will be deemed non-responsive and will not be considered for evaluation. **Faxed copies will not be accepted.**

Bids must be typed or written in ink and signed. Bids must be signed by an official of the company authorized to bind the offer. The proposed price shall be good for a period of at least one hundred twenty (120) days from the submittal date. The City of Mandan reserves the right to refuse any and all bids and to waive any technicalities and formalities. The City of Mandan reserves the right to negotiate with all qualified offerors and reserves the right to cancel this solicitation in part or in its entirety if it is in the best interest of the City of Mandan to do so. Any agreement for services is subject to Mandan city commission approval.

Please contact the Mandan Building Inspections Department to schedule a walk-through of the structure prior to bidding if desired. Building Inspections telephone number 701-667-3230

Those wishing to submit a bid for the project must provide, at a minimum, the following items:

- Completed bid with supporting information as rested out in this document.
 - Proof of all other appropriate professional licensing as required by the State of North Dakota
 - A disposal and recycling plan for all structures and debris removed from the site
 - Proof of Insurance: General Liability, Workers Comp, Automobile (must be current)
- This solicitation does not commit the City of Mandan to award a contract, or to pay for any cost incurred in the preparation of your proposals, or to procure or contract for any articles of goods or services.

2. Scope of Service

- 2.1. Fees. Contractor is responsible for all permits, fees, inspections, certifications and approvals necessary to demolish the buildings as outlined by the standards established by federal, state, and local authorities.
- 2.2. Utilities and Terminations. Prior to commencement of work by Contractor, all utility terminations, power/phone/cable, gas, water must be turned off, and the sewer service needs to be secure/abandon before demolition work can begin.
- 2.3. Asbestos Abatement and Inspection Report. If asbestos is encountered during the process it will be the contractor's responsibility to follow all asbestos abatement procedures and provide an asbestos report upon the completion of the removal process. No asbestos bids are required of contractor with the initial bid. The asbestos inspection report and verification of any abatement activity will be provided by the Contractor at the completion of the project. Contractor must have a current license/certification for asbestos and hazardous material removal for a demolition contractor or obtain the assistance of a current licensed/certified contractor for the removal.
- 2.4. Demolition and site clearance. Contractor shall demolish and remove all above and below ground debris and appurtenances including but not limited to; the main structure, all basements, footings, foundations, floors, porches, private sidewalks and debris of any kind. Contractor shall include the demolition and removal of all parking slabs, concrete and/or asphalt flatwork (not including city sidewalk and curb/gutter), any underground piping, junk, or trash which may be present within the structure. No debris shall be left or buried on the site. Demolition methods must include a means of controlling dust generated on the site. Should these means include the use of water, the rental of a Mandan City water meter and cost of water will be the responsibility of the Contractor. AT NO TIME SHALL CONTRACTOR HOOK INTO A MUNICIPAL WATER SOURCE (HYDRANT) WITHOUT CITY APPROVAL AND THE REQUIRED METER. All removal from this site of debris, rubbish, and other materials resulting from demolition operations must be disposed of in a legal manner.
- 2.5. Backfill and Compaction. Excavated areas associated with the removal of the structure should be backfilled with a well-graded. All earth materials placed in excavated areas should be placed in multiple loose lifts and densified to 95% compaction with a compaction report submitted upon completion of the project. Inspections are required after demolition and prior to backfill.
- 2.6. Project Schedule. The contractor will provide, as part of the bid, an acceptable time line with a start and completion date of the project to take no longer **than 45 days** from date that the contract agreed upon signed. The time line is subject to change in the event of unforeseen difficulties such as weather related problems,

equipment failure, unforeseen environmental hazards, or other unforeseen difficulties.

- 2.7. Dumping Requirements: All demolition debris must be taken to a licensed landfill. All landfill receipts (for general debris and hazardous waste) must be turned in before final approval and payment.
- 2.8. Infrastructure Protection: Protect City sidewalk, drive approaches, curb/gutter and street by means acceptable to City of Mandan Engineering. Contractor will be liable for any damage to public property.
- 2.9. Salvage and Recycling: Salvage rights belong to the Contractor after the contract is awarded. All portions of the demolitions must be removed, to include scrap metals, concrete, and other materials. Contractor may sell any and all materials and retain any proceeds from the sale of such materials. It is the expectation of the City of Mandan that any proceeds earned by Contractor through recycling or salvaging will offset the costs of their services.
- 2.10. Safety: Public safety must be considered at all times. The Contractor must take precautions at all times to utilize and store materials and equipment in a way that will prevent injury to citizens. Before leaving for the day, Contractor must ensure that proper signs, caution tape, physical barriers or other devices as needed to signal a hazard or restrict public access are in place. In addition, the Contractor must insure the safety of their workers by adhering to industry best practices, OSHA safety, and traffic safety guidelines as applicable for the activity being performed. The City of Mandan reserves the right to temporarily stop work if they see an unsafe practice and to suspend work until the issue is addressed.

3. Outline of Expectations

- 3.1. Significant experience in demolition and removal of residential and commercial site debris, backfill and grading. The successful bidder shall clearly possess an understanding of the scope of work required including:
 - a. Permitting and clearances
 - b. Asbestos/Universal Waste abatement. Demolition site clearance and backfill/site grading.
 - c. Project completion documentation.
 - d. Possess the required licenses, insurance, bonding, etc.
- 3.2 Contractor will assure that all permitting, abatement, demolition and debris removal will comply with applicable City, State and Federal regulations and procedures covering demolition.

4. **Special Instructions**

- 4.1. Fee Estimate. Proposals should include a detailed cost breakdown of all proposed fees.
- 4.2. Operating Hours: Work shall be performed between 7am and 7pm *only*. No work shall be performed on Sundays unless authorized in advance by the City of Mandan.

5. **Contract Document** The City of Mandan will negotiate a Professional Services Agreement with the winning Contractor.

6. **Insurance Requirements** Contractor shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by Contractor, its agents, representatives, employees or subcontractors. The cost of such insurance shall be included in Contractor's bid. The amount of insurance shall not be less than:

1. Commercial General Liability: \$1,000,000 combined single limit per occurrence and \$2,000,000 general aggregate for bodily injury, personal injury and property damage.
2. Business Automobile Liability: \$1,000,000 combined single limit per accident for bodily injury and property damage for owned, non-owned and hired autos.
3. Workers' Compensation and Employers' Liability: Workers' compensation limits as required by the labor code of the State of Utah and employers' liability with limits of \$1,000,000 per accident.

Each insurance policy required by this Agreement shall contain the following clauses:

-This insurance shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty days prior written notice by certified mail, return receipt requested, has been given to the City of Mandan.

-It is agreed that any insurance or self-insurance maintained by City of Mandan, its elected and appointed officials, employees, agents and volunteers shall be excess of Contractor's insurance and shall not contribute with insurance provided by this policy.

The City of Mandan reserves the right to require complete, certified copies of all required insurance policies at any time.

Any deductibles or self-insured retentions must be declared to and approved by the City of Mandan. At the option of the City of Mandan, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City of Mandan, its elected and appointed officials, employees, agents and volunteers; or Contractor shall

provide a financial guarantee satisfactory to the City of Mandan guaranteeing payment of losses and related investigations, claim administration and defense expenses.

Contractor shall include all subcontractors and insured under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverage for subcontractors shall be subject to all of the requirements stated herein.

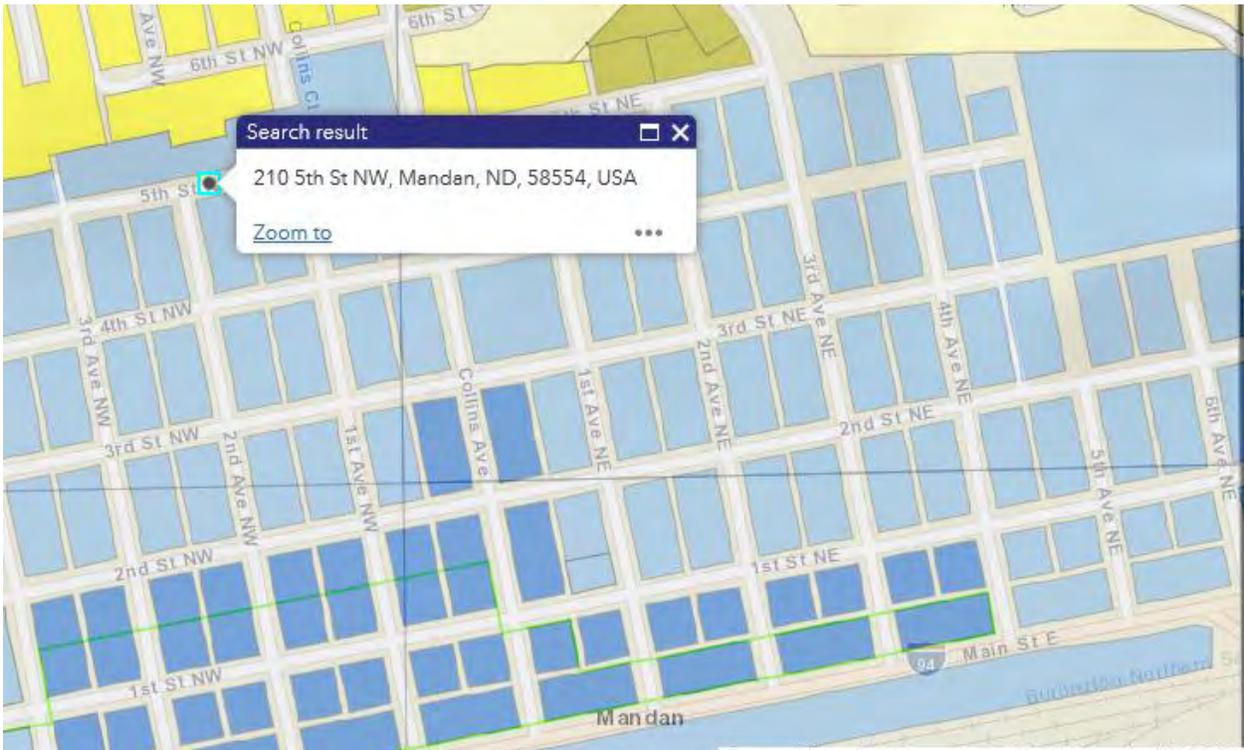
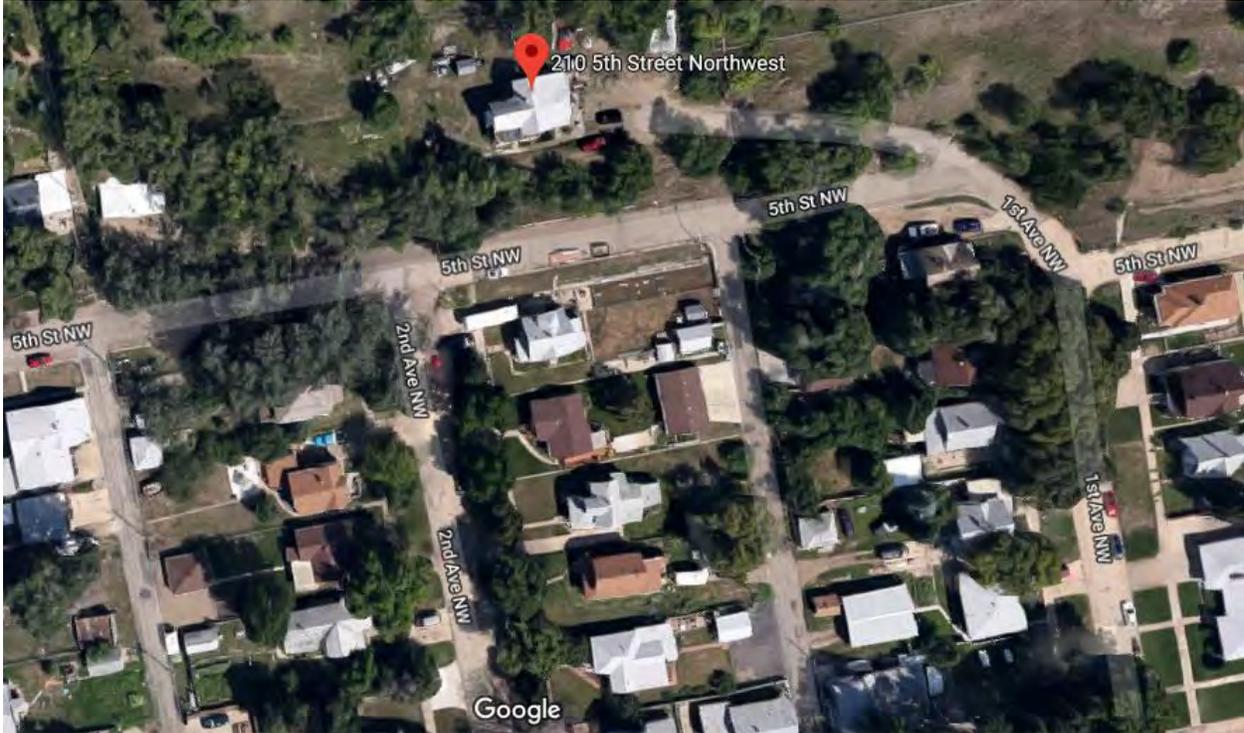
Nothing contained herein shall be construed as limiting in any way the extent to which Contractor may be held responsible for payments of damages to persons or property resulting from Contractor's or its subcontractor's performance of the work covered under this Agreement.

7. **Furnishing of W-9:** Payment under this Agreement is contingent upon Contractor furnishing the City of Mandan with a signed and completed W-9 IRS tax form. Contractor shall cooperate with the City of Mandan in furnishing any additional information the City of Mandan may need to comply with rules and regulations of the Internal Revenue Service.
8. **Evaluation and Award** The contractor selection will be based on the total bid amount. The City of Mandan reserves the right to accept or reject any bid that best serves its convenience and/or is found to be in its best interest. The City of Mandan encourages and welcomes bids from women-owned and minority-owned businesses. Bidders must be in good standing with the City of Mandan. Payment will be made to the contractor awarded the contract after the final inspection, completion, and removal of all equipment from the sight.
9. **Bid Submittals** Those wishing to submit a bid for the project must provide, at a minimum, the following items:
 - Proof of all other appropriate professional licensing as required by the State of North Dakota
 - A disposal and recycling plan for all structures and debris removed from the site
 - Proof of Insurance: General Liability, Workers Comp, Automobile (must be current)
 - BONDS: A certified check or bid bond of not less than five percent [5%] of the amount of the bid is to accompany the bid. The bid bonds of the unsuccessful bidders will be returned within 10 days after the award of the bid.

IF YOU REQUIRE ADDITIONAL INFORMATION:

Questions related to the proposal or regarding the bid process should be directed to Shawn Ouradnik at shawn.ouradnik@cityofmandn.com. Please communicate via email so there is a record of correspondence.

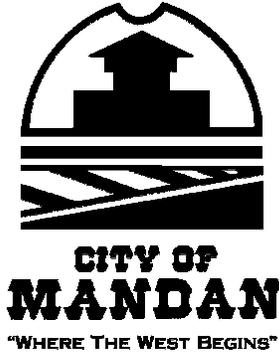
ATTACHMENT 1 – 'DEMOLITION AREA'



ADVERTISEMENT FOR BIDS FOR DEMOLITION OF STRUCTURE AT 205 2ND AVE NW

MANDAN, NORTH DAKOTA

Notice is hereby given, that the City of Mandan, North Dakota, will receive sealed bids at the Office of the Building Inspections Department, City Hall, until August 12th, 2019, at 10 a.m., local time, for the purpose of the demolition of structure at 205 2nd Ave NW Mandan, North Dakota. The work consists of all labor, skill and materials required to properly clear the site, demolish the structure, and grade the site for future development. Contractors and vendors desiring additional information or a copy of the of RFP #001 can contact the Building Inspections Office at 701-667-3230 or email the city Building Official at shawn.ouradnik@cityofmandan.com. The Contractor shall include a copy of his license or certificate or renewal thereof enclosed in the required bid bond envelope. Each bid shall be accompanied by a separate envelope containing a bidder's bond in the amount of five (5) percent of the amount of the bid. The bid bond shall be conditioned that if the principal's bid is accepted and the contract awarded to the principal, the principal, within ten days after notice of award shall execute a contract in accordance with the terms of the bid and a contractor's bonds required by law and the regulations and determinations of the city's governing body. Bids shall be made on the basis of cash payment for the work to be done. All work under this advertisement shall be started on a date to be specified in a written order from the Board of City Commissioners, or no later than ten (10) days after written notice to proceed has been received from the city. All work shall be completed within 45 days of the signing of the contract unless unforeseen circumstances are involved. The bid proposals shall be sealed and endorsed "Proposal for the demolition of structure at 205 2nd Ave NW Mandan, North Dakota". Bids shall be delivered or mailed to: City Building Official, 205 2nd Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:00 a.m., local time, on August 12th, 2019. All bidders are invited to be present at the public opening of the bids. No bid may be read or considered if it does not fully comply with the requirements of RFP#001 and any deficient bid submitted must be resealed and returned to the bidder immediately. The Board of City Commissioners of the City of Mandan, North Dakota, will meet at the City Hall in said city on Tuesday, August 20th, 2019 at 5:30 p.m., local time, to review the bids submitted, consider the building official's recommendation, and to award the contract to the successful bidder. The contract will be awarded on the basis of the low bid submitted by a responsible and responsive bidder deemed most favorable to the City's interest. The Board of City Commissioners reserves the right to hold all bids for a period of thirty(30) days after the date fixed for the opening thereof, and to reject any or all bids and to waive irregularities whenever it is in the best interest of the City of Mandan. Dated this 2nd day of July, 2019. City of Mandan, North Dakota BY: James Neubauer City Administrator Publication Dates: July 12th 2019 and July 19th 2019.



Consent No. 5

Board of City Commissioners

Agenda Documentation

MEETING DATE: July 2, 2019
PREPARATION DATE: June 24, 2019
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Chief of Police J. Ziegler
PRESENTER: Deputy Chief of Police L. Flaten
SUBJECT: Special Event Permit Application for Silver Dollar Beer Garden

STATEMENT/PURPOSE: Consider approval of the Special Event Permit Application for the Silver Dollar Bar Beer Garden for July 4th, 2019.

BACKGROUND/ALTERNATIVES: The Silver Dollar Bar has already received approval for a beer garden on July 3rd, 2019. They would also like to hold a beer garden on July 4th, 2019. The application has been approved by each department head and all necessary permits have been obtained by the Silver Dollar Bar.

ATTACHMENTS: Special Events Permit application w/attachments.

FISCAL IMPACT: None

STAFF IMPACT: Police staff to work normal enforcement activities

LEGAL REVIEW: N/A

RECOMMENDATION: To approve the Silver Dollar Bar Beer Garden Special Events Application.

SUGGESTED MOTION: Move to approve Silver Dollar Bar Beer Garden Special Events Application.

Permit Application #: 19-08 Date Complete: _____
(For office use only)

Special Events Permit Application City of Mandan, ND

Mandan Police Department (Special Events) • 205 1st Ave. NW • Mandan, ND 58554
• Phone 701-667-3250 • FAX 701-667-3463

Date of Application: 05-07-19

30 days prior to the event with a **non-refundable administration application fee of \$25 attached**. Late applications are permitted and subject to an **additional \$50 processing fee** for those submitted within 20 days of an event. **Any application not submitted prior to 20 days before the event will not be accepted for consideration.**

The payment of fees does not guarantee event approval if submitted late. Permits are \$30 per day/Sunday Permit will be \$45, to a maximum of \$150.00 per event not to exceed 14 days (Includes Sundays).

All applicants will be charged fees as appropriate and are expected to fully reimburse the city for all services related to event production which may include, but are not limited to, Police Services, Fire/EMS, Park and Facility Maintenance, Field Services, Sanitation, Street Engineering and Site Supervisors. (See Below Fee and Charges)

A storage fee of **\$500** will be assessed for all equipment not removed from any public venue or premises within 24 hours of the end of the event. Any vendor may request an extension for equipment removal and may be granted by the City Administrator. Full payment is due upon receipt of final invoice. Any property that is abandoned over 15 days will become property of the City of Mandan and may be sold to recoup any expenses accrued by the city.

Comprehensive site plans must accompany this application.

Street Dance: Beer Garden: Both: Parade or Other Public Event:

Section 1 – Applicant Information

Name of Event Manager: Greg DiDonna

Driver's License Number: _____ State _____

Date of Birth _____ Phone Number: 701-595-1650 Email: gregodd@gmail.com

Address: _____ City: Bismarck State: ND Zip: 58501

Have you ever been convicted of a crime? YES NO

If yes please list charge(s) and year of conviction(s):

(List all Jurisdictions where you have been charged with a crime, also list any other names you have used when charged)

Name of Event Manager: _____

Driver's License Number: _____ State _____

Date of Birth: _____ Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Have you ever been convicted of a crime? YES NO

If yes please list charge and year of conviction:

(List all Jurisdictions where you have been charged with a crime, also list any other names you have used when charged)

Permit Application #: _____ Date Complete: _____
(For office use only)

Business Address: 200 E. Main City: Mandan State: ND Zip: 58554
Corporation/Organization: Silver Dollar Bar LLC State of Incorporation: ND
Tax ID #: 3459200 501(c)3 #: _____ City Sales Tax ID #: _____

Have you ever coordinated/promoted another event/s? YES NO

If yes, please provide the following:

Last event/s Location: _____ Date: _____
Contact Name: _____ Phone: _____
E-mail Contact: _____

Section 2 – Event Information

Event Name: Party on the Pavement/July 4th Street Dance Anticipated Daily Attendance: 450

Event Date(s): July 3-4 Set-up Date: July 3 Hours: 7am-5p

Hours of event each day: July 4th 7am-6pm
(begin and end times)

Take Down Date(s): July 4 Hours: 5p-8p

E-Mail address for public information: _____

WEB address for public information: www.thesilverdollarbar.com

Location of Event/physical address: west side of the building, 200 E Main St. Mandan, ND

Sponsors of the Event: Silver Dollar Bar

Brief Description of Event:

Annual Street Dance events held each year:

Party on the Pavement Beer garden on July 4th Same set up as street Dance.
July 4th Street Dance held on July 3rd.

Has this event been held in another location? YES NO

If yes, please provide the following:

Last event/s Location: _____
Date: _____ Contact Name and Phone: _____

Section 3 – Event Features

Will there be an admission charge? Yes No

If yes, Printed ticket count: _____ Tickets for presale count: _____

Will there be entertainment? Yes No

If yes, please attach an itemized complete list of all entertainment.

(A complete list of entertainment will be required before final approval. Once approved, no changes may be made unless authorized by the City Administrator.)

Will merchandise and/or food items be sold? Yes No

If yes, please attach a complete list of vendors.

(Each vender must have all valid permits and license to sell their product)

Permit Application #: _____ Date Complete: _____
(For office use only)

What type of advertising/promotion will be done prior to the event?
(Attach all promotional material.)

Radio: Yes No What Stations? MoJo 107.5 and Hot 97.5

TV: Yes No What Stations? _____

Fliers/Posters: Yes No How many? approx. 15-20 various locations

Press Releases: Yes No How many? _____

Newspaper Ads: Yes No What publication? _____

Is any other promoter/producer assisting you with your event? Yes No

Name of Promoter and Promotion Company: _____

Address: _____ City: _____ State: _____ Zip: _____

Will the event include any of the following? (Indicate on site plan and/or vendor list)

Tents or Canopies: Yes No

Number of Tents: _____

(Tents require permits from the Fire Department and inspection fees will be applied.)

Fireworks or Pyrotechnics: Yes No

(Fireworks or Pyrotechnics require permits from the Fire Department and inspection fees will be applied.)

Fireworks or Pyrotechnics Production Company's name: _____

*(A copy of the Production Company's License and Insurance is required with this application, only if fireworks or pyrotechnics are being requested for this event.) *A separate bond may be required for this event.*

Require permits from the City of Mandan

Any person for on- or off-sale alcoholic beverage licensee desiring to conduct a public beer garden shall make application for a special permit to do so to the board, 30 days in advance of the proposed event.

Temporary Fencing: Yes No

Provide accurate dimensions of fenced area on site plan along with the site plan.

Company Contact Name: None (supply our own temporary fencing)

Contact phone: _____

Restroom Accommodations: 4 inside the Silver Dollar

Number of required portable toilets: 5 and a wash station

Approved By: _____ Date Approved: _____ Initials: _____

Placement of sanitary toilet facilities must be on site plan.

Permit Application #: _____ Date Complete: _____
(For office use only)

Attach a copy of the letter from the Custer Health that indicates the site plan has been reviewed and the required number of proper sanitation facilities is attendance.

Company Contact name: Lanna Schmidt
Contact phone: 701-667-3370

Electrical Services/Generators Yes No

Generators must be separated from tents by a minimum of 20' and shall be isolated from contact by fencing or other approved means.

Company Contact name: _____
Contact phone: _____

Approved By: _____ Date Approved: _____ Initials: _____

Carnival/Amusement Rides: Yes No

A separate permit from the Fire Department may be required.

Company Contact name: _____
Contact phone: _____

Bonded and Insured Amount: _____

Approved By: _____ Date Approved: _____ Initials: _____

Signs / Banners Yes No

Company Contact name: _____
Contact phone: _____

Approved By: _____ Date Approved: _____ Initials: _____

Inflatables Yes No

Company Contact name: _____
Contact phone: _____

Bonded and Insured Amount: _____

Approved By: _____ Date Approved: _____ Initials: _____

Raffles

Will this event have a raffle? Yes No

If yes you must apply for a City Permit \$25 Raffle Permit (Attach copy of State Gaming License if issued)

Approved By: _____ Date Approved: _____ Initials: _____

Permit Application #: _____ Date Complete: _____
(For office use only)

Section 4 – Transportation

Does the event propose using, closing or blocking any of the following:
If yes, specify location and duration on site map, if on a DOT Highway or Roadway DOT authorization will be required.

- City Streets Yes No (Number of locations: 1 _____ attach list of locations.)
- City Sidewalks Yes No (Number of locations 1 _____ attached list of locations)
- City Bus Stops Yes No (Number of locations _____ attached list of locations)
- Public Parking Lots Yes No (Number of locations _____ attached list of locations)
- Public Bicycle Parking Yes No (Number of locations _____ attached list of locations)
- Multiuse Paths Yes No (Number of locations _____ attached list of locations)
- City Alleys Yes No (Number of locations _____ attached list of locations)
- City Right-of-Ways Yes No (Number of locations _____ attached list of locations)

Approved By: [Signature] Date Approved: 06-26-19 Initials: J.S.
(Section 4 must be approved by Mandan City Engineer, and be approved by the City Commission before the event)

Section 5 – Use of City Utilities

Will any City electric hookups be used? Yes No
Electric Location including amperage _____
Approved By: _____ Date Approved: _____ Initials: _____

Will any City water hookups be used? Yes No
Water Location(s) _____
Approved By: _____ Date Approved: _____ Initials: _____

Will waste water/gray water be generated? Yes No
If so, how will it be disposed? Porta Potties and outside wash station will be removed by vendor
Approved By: _____ Date Approved: _____ Initials: _____

Permit Application #: _____ Date Complete: _____
(For office use only)

Section 6 – Alcohol

Will there be alcohol at the event? Yes No

Will alcohol be given away? Yes No

Will the alcohol be sold? Yes No

Will the alcohol be donated? Yes No

Who is the alcohol being donated by or purchased through: _____

Is alcohol included in the admission price of the event? Yes No

Approved By: _____ Date Approved: _____ Initials: _____

If you answered Yes to any of the above, a City and State Liquor License will be required. Attach copy(s) of all liquor licenses with this application. (If a City Liquor License is needed please contact the City of Mandan's Finance Department to apply at Phone: (701) 667-3213)

Has the applicant/organization ever had a liquor license or event permit denied, revoked or suspended? Yes No

If yes, please explain:

How will attendees be identified as minors or age 21 and over?

No minors will be allowed

Have the alcohol servers received training in sale/service of alcoholic beverages? Yes No

If yes, who provided the training: _____

Date and time of most recent training: _____

Request Mandan Police Server Training: Yes No

If yes provide a contact person and contact information::

Permit Application #: _____ Date Complete: _____
(For office use only)

Section 7 – Event Security

Are you requesting off-duty Mandan Police officers? Yes No
Number of personnel requested: _____

After reviewing the event application, the Chief of Police may require the use of the City of Mandan Off-Duty Police Officers for the event.

To schedule Off-Duty Police Officers, please call 701-667-3250.

Officers must be requested 2 weeks prior to any event and there will be a minimum of 4 work hours per officers per event at \$45 per-hour per officer.

Are you requesting private security? Yes No
Number of security personnel onsite: ⁴ _____

Include security points and duties on event plans

The City of Mandan requires only security companies that are licensed and bonded in the State of North Dakota.

Security Company and Contact Info: BisMan Security 701-223-2328

Attach a copy of Company's License

Section 8 – Emergency Medical Services

Are you requesting off-duty Mandan EMT's? Yes No
Number of personnel requested: _____

After reviewing the event application the Fire Chief may require the use of the City of Mandan Off-Duty EMT's or paramedics for the event.

EMTs or paramedics must be requested 2 weeks prior to any even and there will be the minimum of 4 work hours per employee per event \$35

Section 9 – Event Maintenance and Cleanup Plan Required

What is your trash removal and cleanup plan?

All street cleaning and trash removal will be done the same night as the event. on July 4th by 8p.

Garbage disposal will be in the existing Silver Dollar dumpsters

Street will be open by ~~4AM~~ 8pm

(Attach a detailed Cleanup Plan)

Outside refuse company Company's Name: none

Contact Name: _____ Phone: _____

All costs for containers, dumping and the removing all trash are the responsibility of the applicant/promoter. The City of Mandan's property and or the event site must be returned to its original condition and all equipment removed or daily fees will be accessed.

Permit Application #: _____ Date Complete: _____
(For office use only)

Section 10 – ADA Accessibility Requirements

Parking plan requirements

Attach a copy of your parking plan and include in the plan the necessary handicap parking areas and any code required handicap accessibility requirements. Also include medical access points and safe medical response routes for the event.

Section 11– Insurance and Bond Requirements

The City of Mandan has established insurance requirements for those facility users, vendors and contractors entering into agreements with the City for the purpose of special events and activities. Before commencing use or services under an agreement with the City of Mandan, a certificate of insurance or a copy of the required bond that complies with the requirements referenced below must be attached.

All special event applicants shall name the City of Mandan as an “Additional Insured”, per item one below, on all policy(ies), except workers compensation and shall reflect this on a Certificate of Insurance. Applicant agrees that any insurance available to the applicant shall be primary and non-contributory to the city’s self-insured retention.

Applicant shall obtain certificates of insurance from all vendors participating in this event unless covered under applicant’s insurance policy. Vendors must comply with all requirements listed in this section. Complete and accurate certificates must be received by the Special Events Office a minimum of five (5) working days prior to the event. Separate certificates of insurance shall be provided by all carnival and amusement companies and firework production companies with the limits shown in this section and shall name the City of Mandan as “Additional Insured” as per item one below. Additional coverage may be required depending upon the nature and scope of the event. For more information or questions regarding insurance requirements, please contact our City Administrator’s Office at 701-667-3214. The City Administrator reserves the right to evaluate the liability of each event and assess the required insurance limits. Event permits will not be issued until all insurance requirements are satisfactorily met.

The certificate must show:

1. The City of Mandan, its agents, officers, employees and volunteers are named as “Additional Insured.” All Certificate of Insurance policies must reflect this with the exception of workers compensation.
2. The City of Mandan shall be notified at least 30 days prior to cancellation or alteration of any insurance coverage. A 10-day notice of cancellation for non-payment of premium is required..
3. Workers Compensation Policies shall contain a Waiver of Subrogation clause in favor of the City of Mandan.
4. General Liability Including: Bodily Injury Contractual Independent Contractors
Comprehensive Form Product/Completed Operations Hazard
Premises Operation Personal injury Broad Form Property Damage

Permit Application #: _____ Date Complete: _____
(For office use only)

In addition, specific date(s) and locations(s) of the event, to include set up and take down, must be stated clearly on the certificate. Certificates shall be received no less than thirty (30) working days prior to the event.

City Services

Police..... \$45 per hour, per officer, 4 hour minimum
Fire/EMS..... \$35 per hour, per staff 4 hour minimum
Barricades.....Amount charged by contracted barricade provider
Trash Container drop-off/pick-up..... \$___ prices vary
Custodial..... \$___ per hour, per staff person

Miscellaneous fees

Tent/Canopy Permit.....\$___ per tent or canopy (Check with the Fire Department to ascertain if a permit is necessary)
Fireworks Permit..... \$___ per location

The Park District may require separate fees or permit if on Park District property. It is required that the event host checks with the Park District when planning an event on Park District property to avoid delays with the permitting process.

Permit Application #:

Date Complete:

(For office use only)

Signature Page from City Officials and Department Heads

Per emails &
discussions
all approve.

J Mandella 06-24-19

Fire Department Date

[Signature] 06-24-19

Police Department Date

[Signature] 06-26-19

Finance Department Date

Engineering Department Date

Mitchel B... 06-24-19

Public Works Date

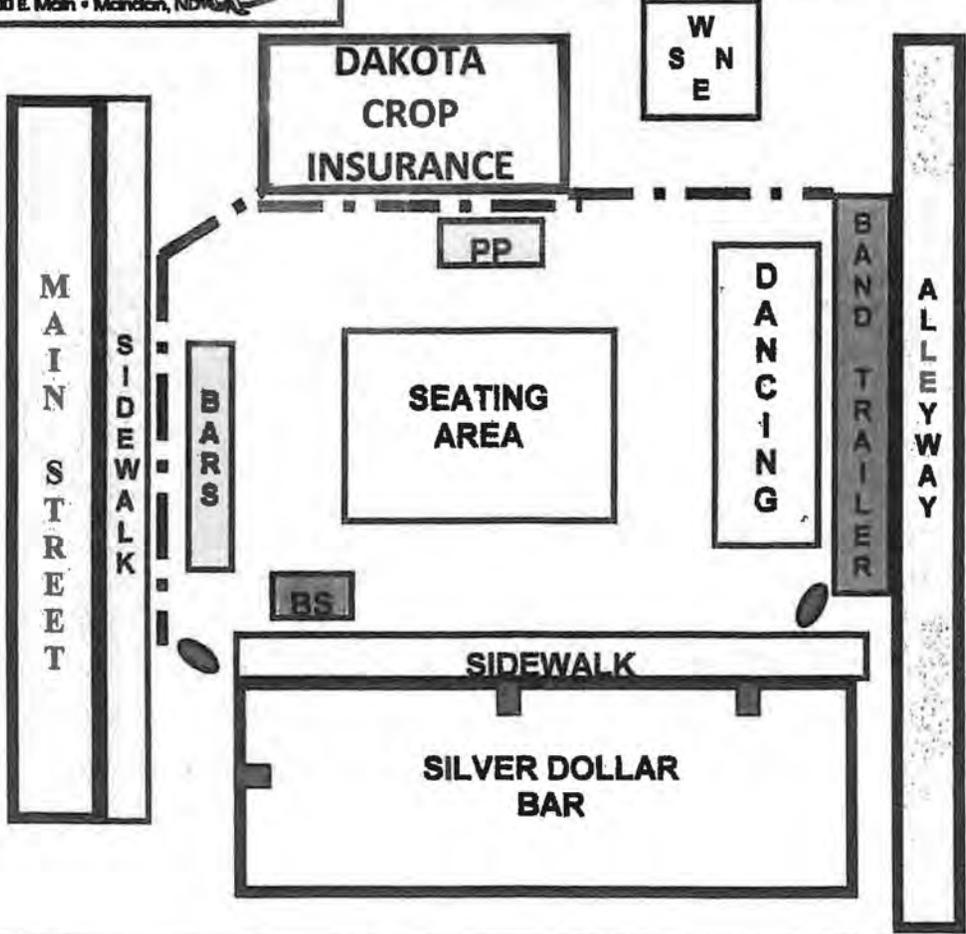
City Administrator Date

Park District Designee Date

Date Approved by City Commission: _____



Silver Dollar Bar Street Dance Site Plan



LEGEND

- FENCING
- ENTRY/EXIT
- PP: RESTROOMS
- BS: BEER STORAGE

***Note: Emergency exit in fencing directly behind bars**

STREET AND SIDEWALK CLOSURE DETAIL:

- **1ST AVE NE from Main Street north to the alleyway. * alley will not be effected**
- **Sidewalk on the west side of the Silver Dollar Bar *as shown on site plan**



i

📍

3D

🧭



* closure area marked in red

☁️ 53°

AQI 25

🔍 Search for a place or address



Serving: Grant • Mercer • Morton • Oliver • Sioux Counties
www.custerhealth.com

Custer Health

For a healthier way of life.

403 Burlington St SE

Mandan, North Dakota 58554

701-667-3370 • Fax: 701-667-3371

1-888-667-3370

May 8, 2019

Doug Fritz
Silver Dollar Bar
Mandan, ND 58554

To Whom It May Concern:

Custer Health was asked to make recommendations regarding portable sewage handling for The Silver Dollar Bars Street dances held June 8^h and July 3rd, 2019. Mr. Fritz told me that maximum capacity is 450 people. I sized the event at 450 attendees with alcohol being served requiring 9 toilet units. This will include the use of the interior restrooms; there are 4 inside the establishment which requires 5 portable toilets outside.

It is also recommended to have at least 1 hand washing unit and 1 handicap accessible restroom.

If there are any questions, please contact me at 701-667-3370.

Sincerely,

Lana Schmidt
Environmental Health Practitioner

State of North Dakota
Sales and Use Tax Permit

Issued under the provisions of North Dakota Sales and Use Tax Acts,
345922 00

**SILVER DOLLAR BAR
SILVER DOLLAR BAR LLC
200 E MAIN ST
MANDAN ND 58554-3329**

is hereby licensed to engage in business as a retailer in the State of North Dakota.
This permit is not transferable. Post conspicuously in licensed place of business.

A person who does a temporary business at one place or who is a transient business (other than on a regular or permanent route) must exhibit this permit to a prospective customer before soliciting a sale.

Ryan Rauschenberger
State Tax Commissioner

ALCOHOLIC BEVERAGE LICENSE

On & Off Sale (Liquor & Beer) (Non Transferable)

No. 9 A

Fee Received \$ 150.00

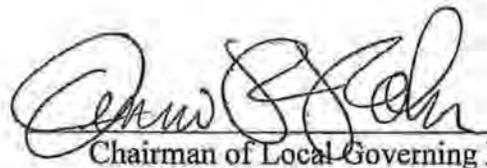
Gregorio C. Didonna dba Silver Dollar Bar of Mandan, North Dakota, is hereby licensed to sell alcoholic beverages as allowed under the provisions of Title V of the North Dakota Century Code, and acts supplemental and amendatory thereto for retail purposes at the following location: **200 East Main on the main floor on lot 15, Block 5, Mandan Proper**

For consumption off of (and on) said premises, for the period ending **June 30, 2019**.

Licensee hereinbefore named, in consideration of the issuance of this license, hereby agrees to abide by all State laws relating to sale of alcoholic beverages and in addition agrees to abide by all local regulations, ordinances, or resolutions regulating or restricting the operation and sale of alcoholic beverages by licensees and by any future amendments thereto **Chapter 4**.

This License Is Not Transferable Without Specific Authority From The Local issuing Governing Body And Only As Provided By The Laws Of The State Of North Dakota.

Dated This **5th** day of March A.D. **2019**


Chairman of Local Governing Body

Mandan City Commission
(State Exact Title of Local Governing Body)

(SEAL)

ATTEST:



- **This License Must Be Posted Conspicuously In Place of Business On Premises Licensed.**

No. AA-02930
Not Transferable
2019

**** NEW ****

is hereby authorized to sell BEER and LIQUOR at retail
at the premises located at the address above.

OFFICE OF ATTORNEY GENERAL

600 E. Boulevard Ave. • Licensing Section • Bismarck, ND 58505-0040

RETAIL ALCOHOLIC BEVERAGE LICENSE

DIDONNA GREGORIO
SILVER DOLLAR BAR
200 E MAIN ST
MANDAN, ND 58554-3329

Fee: \$166.66
Expires Dec. 31, 2019
2019



Wayne Stenehjem
ATTORNEY GENERAL

Dated 04/16/2019

Post Conspicuously in Your Place of Business



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 2, 2019
PREPARATION DATE: June 28, 2019
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Rural Water Allowance

STATEMENT/PURPOSE:

To consider allowing Missouri West Water System to serve a property within the cities extraterritorial zone.

BACKGROUND/ALTERNATIVES:

The Missouri West Rural Water System recently requested to serve a property outside of city limits but within the city's one mile extraterritorial zone. This property is at the NE ¼ of Section 8, Twp 139N, Rng 81W. Parcel ID# is 410032000

This property is about 1,000 feet from our nearest available watermain. There are about six houses between the end of our watermain and this property. Given this distance of available city watermain and the properties between that are not served by the city, staff feels it would be an extraordinary hardship not to allow Missouri West to serve.

With this allowance, the city reserves the right to demand that the properties connect to the city water system at such time that the city installs watermain within 200 feet of each property.

ATTACHMENTS:

1. Map of property (red X denotes subject property, yellow line denotes about 1,000 feet between nearest city watermain and property).
2. Body of email from Karin of Missouri West making the request.

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

RECOMMENDATION:

Recommend allowing Missouri West to serve County Parcel #410032000 with rural

water.

SUGGESTED ACTION:

Move to approve the requests made by Missouri West to serve the two properties requested with rural water.



Hi Jim,

We have an application from Scott Norton to provide rural water service to the NE ¼ of Section 8, Twp 139N, Rng 81W. Parcel ID# is 410032000 (map attached).

As this is within one mile of the city limit of Mandan I am requesting approval from the city to serve this location. At this time the rural water system is providing water to a number of homes near this property.

Please let me know if further information is needed.

Thank you,

Karin Garvie, Assistant Manager
Missouri West Water System



New Business No. 1

Board of City Commissioners

Agenda Documentation

MEETING DATE: June 25, 2019
PREPARATION DATE: July 2, 2019
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: New Class E Liquor License Cooper Dog Café

STATEMENT/PURPOSE: All new Class E liquor licenses must be approved by the Board of City Commissioners at time of application.

BACKGROUND/ALTERNATIVES: The application has been received and background checks have been run with no issues at this time. Also fees will be collected once approved.

ATTACHMENTS: Application is attached with further information in finance department.

FISCAL IMPACT: \$2,500.00 is the fee for the Class E liquor license for July 1, 2019 to June 30, 2020.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval contingent upon the establishment meeting all Fire Code, Health & Safety Code, and Building Inspections Codes and all property taxes paid. Cooper Dog Café is looking to open sometime in July.

SUGGESTED MOTION: I would ask that the board approve a new Class E liquor license for Cooper Dog Café at 218 West Main St. Contingent upon the establishment meeting all Fire Codes, Health & Safety Code, Building Inspection Codes and all property taxes and fees are paid.



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 2, 2019
PREPARATION DATE: June 24, 2019
SUBMITTING DEPARTMENT: Fire
DEPARTMENT DIRECTOR: Chief Nardello
PRESENTER: Chief Nardello
SUBJECT: Consider 2019 budget amendment

STATEMENT/PURPOSE: Consider transferring funds from the 2019 general fund to the fire department building repairs budget.

BACKGROUND/ALTERNATIVES: The Mandan Fire Department station 1 rear door does not open in winter months due to concrete heaving from frost. We had several contractors quote us on repairing the concrete at the rear door and all contractors recommend replacing the entire 49.5 foot x 49.5 foot rear truck apron. The area in question is severely cracked and will only worsen with each winter. There are no provisions within the 2019 fire department building repairs budget for the concrete repair therefore we would need a budget amendment to complete the needed repairs.

ATTACHMENTS: Quotes

FISCAL IMPACT: We received three quotes on the concrete repair work with lowest quote of \$20,000. We discussed the needed repairs and lack of current funding with Finance Director Welch and he advised us to request a budget amendment to the fire department building repairs fund from the City general fund.

STAFF IMPACT: Staff will be unable to use the rear truck apron for several weeks and will need to back fire apparatus into the station from Collins Avenue.

LEGAL REVIEW: None

RECOMMENDATION: I recommend to amend the fire department 2019 building maintenance budget to include a \$20,000 increase with the additional funding to come from the 2019 City general fund.

SUGGESTED MOTION: I move to approve the fire department's request to amend the fire department 2019 building maintenance budget to include a \$20,000 increase with the additional funding to come from the 2019 City general fund.

BRANDOZ
CONCRETE, INC.
 725 S 12TH ST #205
 BISMARCK, ND 58504

Estimate

Date	Estimate #
6/6/2019	1222

CLASS A CONTRACTOR
 BONDED & INSURED
 BISMARCK, MANDAN

Name / Address	
KIM FETTING VANDAN CITY HALL 205 2ND AVE NW MANDAN, ND 58504	
Customer Phone	701-863-4222
Customer Alt. Phone	
Web Site	WWW.BRANDOZCONCRETE.COM
E-mail	BRANDOZCONCRETE@GMAIL.COM

FOR HYDRA AND SAFETY
 UPON RECEIVING THIS
 ESTIMATE, A LOCATE MUST
 BE CALLED FOR THIS
 LOCATION

Phone #	701-475-6376
---------	--------------

Description	Qty	U/M	Rate	Total
FIRE STATION 110 COLLINS AVE				
REMOVE 1" CONCRETE 15.5'X49.5'	2,211	sqft	2.00	4,504.00
REPLACE PARKING LOT 6" INCH CONCRETE WITH REBAR 18" ON CENTER	2,052	sqft	6.25	12,825.00
REMOVE CONCRETE 6' x 8.5'X9'	76.5	sqft	2.00	153.00
REPLACE PARKING LOT 8.5'X9' 6" INCH CONCRETE WITH REBAR	76.5	sqft	6.25	478.13
SAW CUTTING	225	LF	7.00	1575.00

Total \$19,660.13

NOTE: THIS ESTIMATE IS OUR APPROXIMATE COST TO COMPLETE THE WORK STATED ABOVE BASED ON OUR INITIAL INSPECTION. IF ADDITIONAL WORK IS NECESSARY OR A CHANGE ORDER IS ADDED DUE TO UNFORSEEN CIRCUMSTANCES AFTER WORK HAS STARTED, THIS WILL REFLECT THE FINAL PRICE.

TO SCHEDULE A TIME TO COMPLETE THE WORK OR FOR ANY QUESTIONS, PLEASE CONTACT BRANDON 701-475-6376

4 Four Square Concrete LLC
 4150 County Rd 82
 Mandan, ND 58554
 Leonard Leingang Phone # (701) 202-2107
 shellleingang@gmail.com

Estimate

Date	Estimate #
6/25/2019	2181

Name / Address
Mandan City Fire Station Steve Nardello 110 Collins Ave Mandan, ND 58554

Customer E-mail		Project		
mandanfire.hildreth@gmail.com		110 Collins Ave=Driveway		
		Phone #	701-319-0281	
Description	Qty	Rate	Total	
Remove driveway: 49 ft 6 in by 45 ft 6 in square footage is with the service door removed	2,216	1.75	3,878.00	
Remove service door pad: 4 ft 6 in by 8 ft	36	1.75	63.00	
Replace driveway 6": 49 ft 6 in by 45 ft 6 in	2,216	6.50	14,404.00	
Rebar 1 ft on center	2,216	2.50	5,540.00	
Replace service door pad 6": 4 ft 6 in by 8 ft	36	6.50	234.00	
Rebar 1 ft on center	36	2.50	90.00	
Remove parking pad: 36 ft 6 in by 30 ft 6 in square footage is with the Dumpster pad removed	1,723	1.50	2,584.50	
Remove Dumpster pad: 8 ft by 15 ft	120	1.50	180.00	
Replace parking pad 4": 36 ft 6 in by 30 ft 6 in	1,723	5.50	9,476.50	
Rebar 2 ft on center	1,723	1.50	2,584.50	
Replace Dumpster pad 4": 8 ft by 15 ft	120	5.50	660.00	
Rebar 2 ft on center	120	1.50	180.00	
4000 PSI cement 4" sand under cement	<i>Payment terms are 50% upon signing and the balance upon completion</i>			
<p>This estimate is for completing the job as described above. It is based on our evaluation and does not include: material price increases or additional labor and materials which may be required should unforeseen problems, changes made by you the client, or adverse weather conditions arise after the work has started.</p> <p>WE PROPOSE hereby to furnish materials and labor, complete in accordance with these specifications for the sum and payable upon completion.</p> <p>ACCEPTANCE OF PROPOSAL: The prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made upon completion.</p>		Total		\$39,874.50

Any invoice with an outstanding balance after 30 days will accrue an interest charge of 1 1/2% per month

Please sign and date

Signature _____ Date: _____

Kilen Enterprises Inc.
 2115 Missouri Loop N
 Mandan, ND 58554

Invoice No. Estimate

INVOICE

Customer				Date	
Name	City of Mandan			Order No.	
Address	205 2nd ave NW			Rep	
City	Mandan	State	ND	ZIP	58554
Phone	667 3215			FOB	

Qty	Description	Unit Price	TOTAL
1	replace concrete driveway 49.5 x 45.5 b/d to remove and replace the back driveway at the fire department located at 110 Collins ave NE Mandan remove the 6" thick driveway and haul away to landfill prep area with screen fill sand with compaction, put in #5 rebar 18" OC with chairs, pour concrete 6" thick with 4000 lbs mix, add in expando joint where needed all concrete will be saw cut	\$18,216.00	\$18,216.00
1	8X8 slab north side of the dumpster remove and replace option for caulking all new concrete poured \$1200	\$550.00	\$550.00

Payment Details

Cash
 Check
 Credit Card

Name _____
 CC # _____ Expires _____

SubTotal	\$18,766.00
Shipping & Handling	\$0.00
Taxes State	
TOTAL	\$18,766.00

Office Use Only

Thank You

Call 701-527-2465
 Fax 701-663-2560



New Business No. 3

Board of City Commissioners

Agenda Documentation

MEETING DATE: July 2nd, , 2019
PREPARATION DATE: June 25th, , 2019
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Chief Jason Ziegler
PRESENTER: Chief Jason Ziegler
SUBJECT: Code Enforcement Appeals Board Appointment

STATEMENT/PURPOSE: To fill a vacant position on the Code Enforcement Appeals Board

BACKGROUND/ALTERNATIVES: The Code Enforcement Appeals Board consists of 3-5 members. They hear appeals of enforcement action taken by the Code Enforcement Officer. Victoria Vayda, who was on the Board expressed her interest in remaining on the board. As the term for this position started on January 1st, 2019, Ms. Vayda's term would begin at appointment and end on December 31st, 2021.

ATTACHMENTS: Email from Victoria Vayda confirming her interest in serving another term.

FISCAL IMPACT: NA

STAFF IMPACT: NA

LEGAL REVIEW: NA

RECOMMENDATION: Recommend appointment of Victoria Vayda to the position on the Code Enforcement Appeals Board for a term beginning at appointment and ending on December 31st, 2021.

SUGGESTED MOTION: Move to approve the appointment of Victoria Vayda to the Code Enforcement Appeals Board for the position with the term beginning at appointment and ending on December 31st, 2021.

Lori Flaten

From: vv5579@aol.com
Sent: Monday, June 24, 2019 8:49 PM
To: Lori Flaten
Subject: Code Appeals Board

Thank you very much on getting back to me and checking into this. I am honored to serve another term and volunteer my time for the City of Mandan.

The Mandan police department has done an understanding job for this year. All of you should have gold medals. Keep it up!

Warm regards,

Victoria Vayda



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 2, 2019
PREPARATION DATE: June 26, 2019
SUBMITTING DEPARTMENT: Morton Mandan Public Library
DEPARTMENT DIRECTOR: Jackie Hawes, Library Director
PRESENTER: Jackie Hawes, Library Director
SUBJECT: Appoint MMPL Trustees

STATEMENT/PURPOSE: To have the Board of City Commissioners reappoint a City representative to the Morton Mandan Public Library (MMPL) Board of Trustees

BACKGROUND/ALTERNATIVES: Per the Memorandum of Understanding signed by both Commissions, MMPL operates with an equal number of city and county representatives. Since the joint board has equal representation per the Memorandum of Understanding, both the City and County Commissions should approve MMPL trustee appointments.

At the June 24, 2019 meeting, the MMPL Board of Trustees approved a recommendation to appoint Linda Ehreth (City representative) to a second term as trustee on the Morton Mandan Public Library Board of Trustees. She has served from July 2016-June 2019.

ATTACHMENTS: N/A

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: The MMPL Board of Trustees recommends appointing Linda Ehreth to a second term as trustee on the Morton Mandan Public Library Board of Trustees. She has served from July 2016-June 2019. The MMPL Board of Trustees recommended reappointment of Ms. Ehreth at their June 24, 2019 meeting.

SUGGESTED MOTION: To appoint Linda Ehreth to the Morton Mandan Public Library Board of Trustees to a three-year term to be held through June 2022.



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 2, 2019
PREPARATION DATE: June 27, 2019
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Consider Necessary Resolutions for set up of Street Improvement District No. 214, Project No. 2019-04 (16th Street NE).

STATEMENT/PURPOSE: To create and allow the assessments of specials related to, authorize the required paperwork for the requested project, and allow for the project to be bid.

BACKGROUND/ALTERNATIVES: The property owners within this district have unanimously requested a special assessment district be implemented for the purpose of constructing a street and storm sewer improvements. The property owners would like to see this project move ahead for construction in 2020 and are therefore requesting now to start with the planning and engineering of the project.

ATTACHMENTS:

- 1) Resolution creating district
- 2) District Map
- 3) Engineer's Estimate
- 4) Resolution Approving Engineer's Report
- 5) Petitions
- 6) Resolution determining sufficiency of petition
- 7) Feasibility Report

FISCAL IMPACT: The total project cost that would be divided among district participants through special assessments.

STAFF IMPACT: Coordination with property owners and the project's engineer.

LEGAL REVIEW: We have consulted with the City Attorney for advisement of the creation of this project. Our agenda information has been forwarded as part of the full packet to the City Attorney for review.

Board of City Commissioners

Agenda Documentation

Meeting Date: July 2, 2019

Subject: Consider Necessary Resolutions for set up of Street Improvement District No. 214, Project No. 2019-04 (16th Street NE).

Page 2 of 14

RECOMMENDATION: Our office supports moving forward with this project.

SUGGESTED MOTION: : I move to approve the Resolution creating district, approve Resolution approving Engineer's Report, approve Resolution determining sufficiency of petition, and approve feasibility report for Street Improvement District No. 214, Project No. 2019-04 (16th Street NE)

Board of City Commissioners

Agenda Documentation

Meeting Date: July 2, 2019

Subject: Consider Necessary Resolutions for set up of Street Improvement District No. 214, Project No. 2019-04 (16th Street NE).

Page 3 of 14

**RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NO. 214**

Project No. 2019-04

BE IT RESOLVED By the Board of City Commissioners of the City of Mandan, North Dakota, as follows:

1. There is hereby created Street Improvement District No. 214 (the "District")(Project# 2019-04) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, 16th Street NE, and includes new asphalt surface construction, curb and gutter, and related work.

2. Consultation with respect thereto having been had with the City Engineer, as to the property to be benefitted by said improvement project and the most practical size, form and location of said District, said District shall include all the lots, tracts and parcels of land lying within the City of Mandan and its additions within the following boundary lines: namely:

The following lots and blocks are included in said District:

Lots 1-7 Block 1 Old Red Trail Commercial Addition

Lots 1-2 Block 1 Old Red Trail Commercial 2nd Addition

3. Pursuant to section 40-22-10 of the North Dakota Century Code, the City Engineer is hereby authorized and directed to prepare a report as to the general nature, purpose and feasibility of the proposed improvement and an estimate of the probable cost of the improvement.

4. This resolution shall be in full force and effect from and after its passage.

President, Board of City Commissioners

ATTEST:

City Administrator

Date of Passage: July 2nd, 2019

Board of City Commissioners

Agenda Documentation

Meeting Date: July 2, 2019

Subject: Consider Necessary Resolutions for set up of Street Improvement District No. 214, Project No. 2019-04 (16th Street NE).

Page 5 of 14

ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST
Street Improvement District 214 (16th Street)
Old Red Trail Commercial Addition and Old Red Trail Commercial 2nd Addition
CITY OF MANDAN, NORTH DAKOTA

General Conditions				16th Street (41' B-B)	
No.	Item	Unit	Unit Price	Quantity	Total
1	Mobilization	LS	\$ 100,000.00	1	\$ 100,000.00
2	Contract Bond	LS	\$ 10,000.00	1	\$ 10,000.00
3	Construction Staking	LS	\$ 30,000.00	1	\$ 30,000.00
4	Construction Testing	LS	\$ 15,000.00	1	\$ 15,000.00
5	Erosion Control	LS	\$ 5,000.00	1	\$ 5,000.00
6	Traffic Control	LS	\$ 5,000.00	1	\$ 5,000.00
Estimated Construction Total					\$ 165,000.00
Contingency, Design, Topo Survey, Construction Observation & Administration				35%	\$ 57,750.00
Estimated Project Total					\$ 222,750.00

Storm Sewer				16th Street (41' B-B)	
No.	Item	Unit	Unit Price	Quantity	Total
1	15" Storm Pipe	LF	\$ 65.00	365	\$ 23,725.00
2	24" Storm Sewer	LF	\$ 95.00	265	\$ 25,175.00
3	30" Storm Sewer	LF	\$ 115.00	110	\$ 12,650.00
4	Type 36" Inlet	EA	\$ 3,600.00	4	\$ 14,400.00
5	Type 72" Inlet	EA	\$ 7,500.00	2	\$ 15,000.00
6	60" Storm Manhole	EA	\$ 7,500.00	1	\$ 7,500.00
7	30" Flared end Section	EA	\$ 1,500.00	1	\$ 1,500.00
8	Bedding - Storm	TON	\$ 45.00	260	\$ 11,713.37
9	Subcut Gravel - Storm	TON	\$ 55.00	74	\$ 4,070.00
Estimated Construction Total					\$ 115,733.37
Contingency, Design, Topo Survey, Construction Observation & Administration				35%	\$ 40,506.68
Estimated Project Total					\$ 156,240.04

Streets				16th Street (41' B-B)	
No.	Item	Unit	Unit Price	Quantity	Total
1	Subgrade Preparation	SY	\$ 4.25	9,325	\$ 39,632.67
2	Class 5 Aggregate Base	TON	\$ 35.00	3,206	\$ 112,195.42
3	Standard Curb & Gutter	LF	\$ 25.00	3,924	\$ 98,100.00
4	Concrete Valley Gutter	SF	\$ 12.00	138	\$ 1,656.00
5	Adjust MH Casting	EA	\$ 700.00	8	\$ 5,600.00
6	Adjust Inlet Casting	EA	\$ 700.00	6	\$ 4,200.00
7	Adjust valve box in Pavement	EA	\$ 500.00	2	\$ 1,000.00
8	Bituminous Tack Coat	GAL	\$ 2.50	896	\$ 2,239.91
9	Asphalt Pavement	TON	\$ 100.00	2,240	\$ 223,990.56
10	Asphalt Cement - (PG58-28)	TON	\$ 680.00	139	\$ 94,434.42
11	Bituminous Seal Coat	GAL	\$ 6.00	2,769	\$ 16,616.03
12	Blotter Sand	TON	\$ 25.00	8	\$ 203.63
13	Cover Aggregate	TON	\$ 55.00	114	\$ 6,271.74
14	Sweeping - Removal of Excess Agg.	LS	\$ 5,000.00	1	\$ 2,500.00
15	4" Concrete Sidewalk (w/CI 5)	SY	\$ 65.00	1,516	\$ 98,547.22



Board of City Commissioners

Agenda Documentation

Meeting Date: July 2, 2019

Subject: Consider Necessary Resolutions for set up of Street Improvement District No. 214, Project No. 2019-04 (16th Street NE).

Page 6 of 14

16	LED Street Lights	EA	\$ 10,000.00	12	\$ 120,000.00
17	Street Name post with 2 Signs	EA	\$ 300.00	2	\$ 600.00
18	Crosswalk Signs with posts	EA	\$ 300.00	4	\$ 1,200.00
19	Painted Pavement Marking - 24 inch	LF	\$ 25.00	100	\$ 2,500.00
20	Painted Pavement Marking - 6 inch	LF	\$ 5.00	48	\$ 240.00
21	No Parking Signs	EA	\$ 300.00	10	\$ 3,000.00
22	4" Topsoil Replacement - Boulevards	CY	\$ 15.00	888	\$ 13,321.85
23	Seed Boulevards	SY	\$ 1.50	8001	\$ 12,001.50
24	Hydromulch Boulevards	SY	\$ 2.50	8001	\$ 20,002.50
Estimated Construction Total					\$ 880,053.42
Contingency, Design, Topo Survey, Construction Observation & Administration					35%
Estimated Project Total					\$ 1,188,072.12

Estimated Project Total \$ 1,567,062.17

In providing estimates of probable construction cost, the Client understands that the Consultant has no control over the cost or availability of labor, equipment or materials, or over market conditions or the Contractor's method of pricing and that the Consultant's estimates of probable construction costs are made on the basis of the Consultant's professional judgment and experience. The Consultant makes no warranty, express or implied, that the bids or the negotiated cost of the Work will not vary from the Consultant's estimate of probable construction cost. The Client assumes all liability if using this Probable Construction Cost for determining project feasibility or securing project funding/financing.

Basis of Estimate		
Bedding Material	2" Pipe	0.1 Ton/LF
	4" Pipe	0.2188 Ton/LF
	6" Pipe	0.2543 Ton/LF
	8" Pipe	0.2878 Ton/LF
	15" Pipe	0.2247 Ton/LF
	18" Pipe	0.2712 Ton/LF
	21" Pipe	0.2975 Ton/LF
	24" Pipe	0.3437 Ton/LF
	30" Pipe	0.4291 Ton/LF
	Manholes / FES	5.0 Ton/EA
	Clean Out	2.5 Ton/EA
	Hydrants	2.5 Ton/EA
	Compaction Shrinkage	15 %
Subcut Gravel	0.1 Ton/LF	
Stabilized Gravel Base	1.875 Ton/CY	
Stabilized Gravel Base Thickness	6 Inches	
Asphalt Pavement	2 Ton/CY	
Asphalt Pavement Thickness	4.5 Inches	
Asphalt Cement - (PG58-28)	6.20% %	
Bituminous Tack Coat	0.1 Gal/SY	
Bituminous Seal Coat	0.34 Gal/SY	
Cover Aggregate	28 Lb/SY	
Blotter Sand	2 Lb/SY	
Street Light Spacing	170 Feet	
Concrete Sidewalk Width	5 Feet	



**RESOLUTION APPROVING ENGINEER'S REPORT AND
AUTHORIZING PREPARATION OF THE DETAILED PLANS
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 214**

BE IT RESOLVED By the Board of City Commissioners of the City of Mandan, North Dakota, as follows:

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 214 (Project # 2019-04), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

2. The probable costs of the of the improvement project are estimated to be as follows:

a. Construction costs:	\$1,160,786.79
b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$406,275.38
c. Total estimated costs of the improvement:	\$1,567,062.17

3. The Engineer is hereby authorized and directed to prepare detailed plans and specifications for the project to be constructed.

4. This resolution shall be in full force and effect from and after its passage.

Board of City Commissioners

Agenda Documentation

Meeting Date: July 2, 2019

Subject: Consider Necessary Resolutions for set up of Street Improvement District No. 214, Project No. 2019-04 (16th Street NE).

Page 8 of 14

Dated this 2nd day of July, 2019

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: July 2, 2019

Subject: Consider Necessary Resolutions for set up of Street Improvement District No. 214, Project No. 2019-04 (16th Street NE).

Page 9 of 14

PETITION FOR PERMANENT STREET, STORM SEWER, SIGNAGE & LIGHTING IMPROVEMENTS

To the Honorable Board of City Commissioners
Mandan, North Dakota

Commissioners:

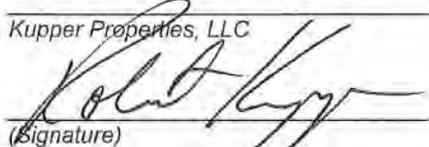
The undersigned owners of the property liable to be assessed for the improvement respectfully petition your Honorable Board to have permanent streets, storm sewer, signs and street lighting improvements completed on the following City right-of-ways (see attached maps):

(Serving Old Red Trail Commercial Addition and Old Red Trail Commercial 2nd Addition)

16th Street NE

PROPERTY OWNER(S)

Kupper Properties, LLC


(Signature)

Robert Kupper
(Printed Name)

6-25-19
(Date)

PROPERTY DESCRIPTION

Lot 1, Block 1;
Old Red Trail Commercial 2nd Addition

Board of City Commissioners

Agenda Documentation

Meeting Date: July 2, 2019

Subject: Consider Necessary Resolutions for set up of Street Improvement District No. 214, Project No. 2019-04 (16th Street NE).

Page 10 of 14

PETITION FOR PERMANENT STREET, STORM SEWER, SIGNAGE & LIGHTING IMPROVEMENTS

To the Honorable Board of City Commissioners
Mandan, North Dakota

Commissioners:

The undersigned owners of the property liable to be assessed for the improvement respectfully petition your Honorable Board to have permanent streets, storm sewer, signs and street lighting improvements completed on the following City right-of-ways (see attached maps):

(Serving Old Red Trail Commercial Addition and Old Red Trail Commercial 2nd Addition)

16th Street NE

PROPERTY OWNER(S)

Mandan Parks and Recreation



(Signature)

Cole Higley

(Printed Name)

6-25-19

(Date)

PROPERTY DESCRIPTION

Lots 1-2, Block 1;
Old Red Trail Commercial Addition

Board of City Commissioners

Agenda Documentation

Meeting Date: July 2, 2019

Subject: Consider Necessary Resolutions for set up of Street Improvement District No. 214, Project No. 2019-04 (16th Street NE).

Page 11 of 14

PETITION FOR PERMANENT STREET, STORM SEWER, SIGNAGE & LIGHTING IMPROVEMENTS

To the Honorable Board of City Commissioners
Mandan, North Dakota

Commissioners:

The undersigned owners of the property liable to be assessed for the improvement respectfully petition your Honorable Board to have permanent streets, storm sewer, signs and street lighting improvements completed on the following City right-of-ways (see attached maps):

(Serving Old Red Trail Commercial Addition and Old Red Trail Commercial 2nd Addition)

16th Street NE

PROPERTY OWNER(S)

Mandan 94 Investors, LLP



(Signature)

Niles Hushka
(Printed Name) Managing Partner

6-26-2019

(Date)

PROPERTY DESCRIPTION

Lot 2, Block 1;
Old Red Trail Commercial 2nd Addition

Board of City Commissioners

Agenda Documentation

Meeting Date: July 2, 2019

Subject: Consider Necessary Resolutions for set up of Street Improvement District No. 214, Project No. 2019-04 (16th Street NE).

Page 12 of 14

**RESOLUTION DETERMINING SUFFICIENCY OF FORMS OF PETITION, WAIVER
AND CONSENT TO ASSESSMENT FOR STREET IMPROVEMENT DISTRICT NO.
214**

BE IT RESOLVED, By the Board of City Commissioners of Mandan, North Dakota:

1. The City having received and filed executed written forms of Petition, Waiver and Consent to Assessment executed by Mandan Park District, Mandan 94 Investors, LLP and Kupper Properties, LLC, the owners of a majority of property area, for the improvement in and for Street Improvement District No. 214, Project No. 2019-4("the District"), and true and correct copies of said executed forms being attached hereto, it is hereby determined that said forms are signed by the owners of a majority of the area of property included within the District.

2. This Board is authorized to cause the improvement in and for the District to be made, and to levy and collect assessments therefore.

Dated this 2nd day of July, 2019

President, Board of City Commissioners

ATTEST:

City Administrator

**FEASIBILITY AND EVALUATION OF IMPROVEMENTS
FOR STREET IMPROVEMENT DISTRICT #214, PROJECT #2019-04**

1.) General Nature of Project

The District has been created to allow for new street 16th Street NE. Installation of new curb & gutter, asphalt street, storm sewer, street lights & chip seal, and related work.

2.) Location of Proposed Construction

The proposed construction will take place on 16th Street NE.

3.) Environmental Impact

It is anticipated that there will be some dirt, noise and pollutants during the construction period as a result of the use of the necessary equipment. There will also be some surplus or waste construction materials that will need to be disposed of by the contractor at his or her expense. The contractors will be responsible for leaving the area in an attractive and neat condition. Sensitivity to contaminants from construction will be addressed with the contractor of the job as part of the storm water management permitting procedures.

4.) Feasibility of Project

In the opinion of the undersigned this project is feasible and needed throughout the indicated area as new development spreads in this area.

5.) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$1,160,786.79. Other costs of making the improvement including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; publication of legal notices printing of warrants; and all expenses incurred in the making of the improvement and levy of assessments therefore are estimated at \$406,275.38. The total cost for the improvement is estimated at \$1,567,062.17.

Dated this 2nd day of July, 2019



Justin Froseth

Planning and Engineering Director



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 2, 2019
PREPARATION DATE: June 27, 2019
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Consider Entering into an Engineering Service Agreement with KLJ for Street Improvement District No. 214, Project No. 2019-04 (16th Street NE)

STATEMENT/PURPOSE: To enter into an Engineering Service Agreement with KLJ outlining responsibilities for them to plan and design the 16th Street NE project.

BACKGROUND/ALTERNATIVES: The property owners within this district have unanimously requested a special assessment district be implemented for the purpose of constructing a street and storm sewer improvements. They have also unanimously indicated KLJ as their engineers of choice for the planning and design of it. Our staff agrees that KLJ is the best consultant engineering firm for this project given their experience and success with projects adjacent to this one as outlined in their cover letter. The property owners would like to see this project move ahead for construction in 2020 and are therefore requesting to start now with the planning and engineering of the project.

ATTACHMENTS:

- 1) KLJ's Engineering Service Agreement Cover Letter
(Note; full agreement document available upon request, 46 pages)
- 2) District Map

FISCAL IMPACT: The total project cost, including these engineering costs, would be divided up among benefitting properties of the district.

STAFF IMPACT: Coordination with property owners and the project's engineer.

LEGAL REVIEW: We have consulted with the City Attorney for advisement of the creation of this project. Our agenda information has been forwarded as part of the full packet to the City Attorney for review.

Board of City Commissioners

Agenda Documentation

Meeting Date: July 2, 2019

Subject: Consider Entering into an Engineering Service Agreement with KLJ for Street Improvement District No. 214, Project No. 2019-04 (16th Street NE)

Page 2 of 5

RECOMMENDATION: Our office supports hiring KLJ as the project's engineer for the 16th Street NE improvements.

SUGGESTED MOTION: I move to approve entering into an Engineering Service Agreement with KLJ for Street Improvement District No. 214, Project No. 2019-04 (16th Street NE)

Board of City Commissioners

Agenda Documentation

Meeting Date: July 2, 2019

Subject: Consider Entering into an Engineering Service Agreement with KLJ for Street Improvement District No. 214, Project No. 2019-04 (16th Street NE)

Page 3 of 5

4585 Coleman Street
PO Box 1157
Bismarck, ND 58502-1157
701 255 8400
kljeng.com



March 6, 2019

Cole Higlin
Mandan Parks and Recreation District
2600 46th Avenue SE
Mandan, ND 58554

Re: Civil Engineering and Survey Services - 16th Street NE - Mandan, ND

Mr. Higlin:

We are pleased to present our proposal to provide Engineering and Surveying services for the construction of 16th Street NE, adjacent to the Starion Sports Complex, in Mandan, North Dakota.

KLJ has a great history working on projects surrounding future 16th Street NE. We analyzed 16th Street and the drainage as part of the Starion Sports Complex design. We completed the preliminary sanitary sewer design for the City of Mandan. We have designed multiple projects along Old Red Trail to the north and designed the Park District trail to the south. We also completed two plats for this area and a stormwater management plan. We are familiar with the interests of the project stake holders and understand the project's constraints and opportunities. This knowledge will allow us to create a design that minimizes construction costs and decreases the project construction time line while efficiently staging the project to run concurrently with the NDDOT Old Red Trail project and the City 16th Street NE sanitary sewer project.

The proposed scope of work includes topographic survey, preliminary and final design, bidding assistance, construction observation and administration, construction staking, and post-construction services for rough and finish grading, water main, storm sewer, asphalt paved roadway surface with concrete curb and gutter, sidewalks, and street lights for the 2000-foot length of 16th Street NE. The roadway is assumed to be 40-feet wide from face of curb to face of curb. The watermain will be located along the entire length of the roadway and is assumed to be 8" PVC. The storm sewer will be located on the southern portion of the roadway and will collect runoff from the roadway and commercial development to the north and discharge south into the existing wetland. The stormwater design will be included in an updated stormwater management plan for the surrounding properties to the west and north.

The general scope for each service is as follows:

Topographic Survey & Basemap - Provide topographic ground survey of the existing roadway right-of-way and 100' on either side plus any utility connections.

Preliminary Design - Provide conceptual grading, roadway layout, sidewalk layout, water layout, storm sewer, and street lighting layout along with an estimate of construction costs.

Final Design - Provide construction plans, specifications, and construction cost estimate for grading, curb and gutter, asphalt roadway, sidewalks, watermain and services, storm sewer collection and discharge, signage and street lighting. The grading plan should attempt to balance earthwork onsite. If this is not possible, recommendations will be made for potential fill source or waste location alternatives. Provide a stormwater management plan for 16th Street and offsite contributing drainage areas. Plans and specifications to coordinate with the construction plans, specifications, and phasing for the Old Red Trail/ND 1806 project and the 16th Street Sanitary Sewer project.

Board of City Commissioners

Agenda Documentation

Meeting Date: July 2, 2019

Subject: Consider Entering into an Engineering Service Agreement with KLJ for Street Improvement District No. 214, Project No. 2019-04 (16th Street NE)

Page 4 of 5



Bidding - Provide full bidding services. Project should be ready for the November 2019 NDDOT bid opening but the Owner may wait to bid until after a contractor is selected for the Old Red Trail/ND 1806 and 16th Street Sanitary Sewer projects.

Construction Administration/Observation - Provide full time administration and observation with a resident project engineer. Engineer shall attend the regular Old Red Trail/ND 1806 and the 16th Street Sanitary Sewer project meetings to properly coordinate between the three projects. Construction testing will be by the contractor but the Engineer shall coordinate with the testing company.

Construction Staking - Provide staking for grade stakes, watermain, culverts, storm sewer, curb & gutter, gravel base centerline blue topping, utility adjustments, sidewalks, street sign locations, electrical feed points and streetlights.

Post Construction - Provide field survey for adjusted utilities, manholes, culverts, etc. and provide record drawings for the project.

See the attached Exhibit A for a more thorough description of the services to be provided.

KLJ's fees to complete the work are summarized as follows:

• Topographic Survey	\$ 1,000.00
• Preliminary Design	\$ 1,600.00
• Final Design	\$ 40,400.00
• Bidding Phase Services	\$ 4,800.00
• Construction Administration & Observation	\$ 37,300.00
• Construction Staking	\$ 26,000.00
• Post-Construction	\$ 2,900.00
• Total Fee	\$ 114,000.00

In summary, we believe that our experience in the project area will bring value to the success of the project. If you have any questions on the proposal or the project, we would be happy to discuss further with you. Please feel free to contact me at 701-355-8437.

If you agree to the proposal, we have enclosed an Engineering Agreement for your review and signature.

Sincerely,

KLJ

A handwritten signature in blue ink, appearing to read 'Brad Krogstad'.

Brad Krogstad, PE
Project Manager

Enclosure(s): Engineering Agreement

Project #: 1415123.8

cc: File

Board of City Commissioners

Agenda Documentation

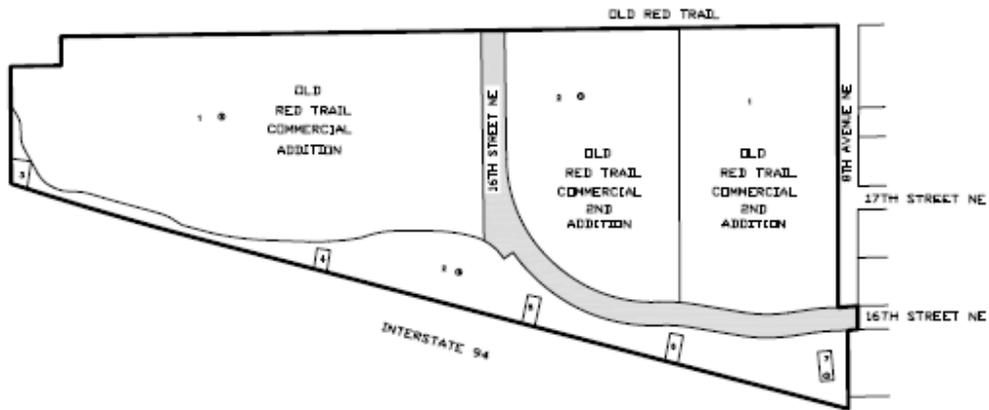
Meeting Date: July 2, 2019

Subject: Consider Entering into an Engineering Service Agreement with KLJ for Street Improvement District No. 214, Project No. 2019-04 (16th Street NE)

Page 5 of 5

IMPROVEMENT DISTRICT MAP STREET IMPROVEMENT DISTRICT 214 CITY OF MANDAN

BENEFITTING PROPERTIES:
LOTS 1-7, BLOCK 1; OLD RED TRAIL COMMERCIAL ADDITION
LOTS 1-2, BLOCK 1; OLD RED TRAIL COMMERCIAL 2ND ADDITION



Meeting Date: July 2, 2019

Submission by: Municipal Court

Presenter: Judge Kautzmann

Subject: 2019 Salary Increases for Municipal Judge and Clerk of Court

Purpose: Consider salary increases to be commensurate with cities of like population and caseload

Background:

The City of Mandan has tried to be competitive in wages with the City of Bismarck with the past goal of paying 80% of Bismarck wages. This was not an achievable goal for the Municipal Judge. Currently, Bismarck's Municipal Judge annual salary is \$117,948. Clerk of Court annual salary is \$75,018. Bismarck Municipal Court holds Court two days a week while Mandan has one dedicated Court day. Both Judges see prisoners on a daily basis via IVN. Bismarck Municipal Court's caseload is significantly higher due to greater population. The Clerk of Court's annual salary is \$75,018 with an office staff of five full-time deputies. Given the distribution of work load in the Bismarck Clerk's office, the Mandan Clerk of Court has a comparable workload and can achieve a goal of 80% of Bismarck's Clerk of Court salary when looking at cities of similar population and caseload.

Dickinson and Devils Lake are similar to Mandan in population and caseload. Dickinson's Municipal Judge annual salary is \$44,000 and the Clerk of Court is paid \$29.00 an hour. Devil's Lake's Municipal Judge annual salary is \$49,048 and the Clerk of Court is paid \$22.33 an hour. (Note: Devil's Lake is working on an increase for the Clerk of Court also.)

I am requesting an increase from \$23.70 to \$28.00 an hour for the Clerk of Court and an increase in the Judge's salary from \$37,627 to \$49,000.

Table of Cases as of end of May 2019

Mandan:	Criminal 263	Traffic 938	Total: 1201
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Dickinson:	Criminal 383	Traffic 725	Total: 1108
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Devil's Lake:	Criminal 317	Traffic 347	Total: 664
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Fiscal Impact: See Attachment

Motion: Move to approve salary increases for the Municipal Judge and Clerk of Court beginning July 1, 2019.

DENAE KAUTZMANN

	<u>TOTAL</u>
<u>SALARY</u>	
PROPOSED	\$ 49,000
CURRENT	\$ 37,627
INCREASE	\$ 11,373
SOCIAL SECURITY AND MEDICARE	\$ 870

FISCAL IMPACT \$ 12,243

Annual
1/2 of 2019 = \$6,121.50

DENICA MALARD

	<u>TOTAL</u>
<u>SALARY</u>	
PROPOSED	\$ 60,320
CURRENT	\$ 49,296
INCREASE	\$ 11,024
SOCIAL SECURITY AND MEDICARE	\$ 843
PENSION	\$ 832

FISCAL IMPACT \$ 12,749

Annual
1/2 of 2019 = \$6,374.50

Meeting Date: July 2, 2019

Submission by: Municipal Court

Presenter: Judge Kautzmann

Subject: 2019 Salary Increases for Municipal Judge and Clerk of Court

Purpose: Consider salary increases to be commensurate with cities of like population and caseload

Background:

The City of Mandan has tried to be competitive in wages with the City of Bismarck with the past goal of paying 80% of Bismarck wages. This was not an achievable goal for the Municipal Judge. Currently, Bismarck's Municipal Judge annual salary is \$117,948. Clerk of Court annual salary is \$75,018. Bismarck Municipal Court holds Court two days a week while Mandan has one dedicated Court day. Both Judges see prisoners on a daily basis via IVN. Bismarck Municipal Court's caseload is significantly higher due to greater population. The Clerk of Court's annual salary is \$75,018 with an office staff of five full-time deputies. Given the distribution of work load in the Bismarck Clerk's office, the Mandan Clerk of Court has a comparable workload and can achieve a goal of 80% of Bismarck's Clerk of Court salary when looking at cities of similar population and caseload.

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DENAE KAUTZMANN

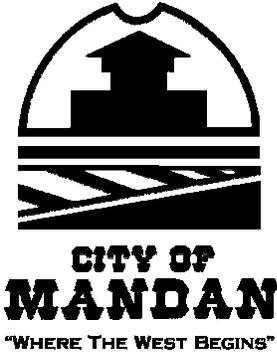
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FISCAL IMPACT \$ 12,243 Annual
1/2 of 2019 = \$6,121.50

DENICA MALARD

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INCREASE	\$ 11,024
SOCIAL SECURITY AND MEDICARE	\$ 843
PENSION	\$ 832

FISCAL IMPACT \$ 12,749 Annual
1/2 of 2019 = \$6,374.50



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 2, 2018
PREPARATION DATE: June 24, 2018
SUBMITTING DEPARTMENT: Mandan Progress Organization
DEPARTMENT DIRECTOR: Del Wetsch
PRESENTER: Layn Mudder, President MPO
SUBJECT: Ordinance No. 1315

STATEMENT/PURPOSE: Consider approval of a variance for the sale of alcohol. To allow alcoholic beverages to be sold and dispensed in a designated outdoor area without required enclosure of fencing. Our request for an ordinance for this event only in 2019.

BACKGROUND/ALTERNATIVES: The Mandan Progress Organization and the Musicians Association are planning an alternate event for the Wild West Grill Fest.

Food and beverage vendors would be set up on the 400 and 500 blocks of West Main Street. The event would be held beginning Friday, August 9 at 4:00 pm until 9:00 pm and on Saturday, August 10 from 11:00 am until 9:00 pm.

Cones, Barrels and security tape would be used to mark the designated areas where beverages would be allowed. Security and volunteer staff would assist in monitoring the area. Designed plastic receptacles would also be utilized to control and monitor sales. Anyone purchasing adult beverages must have a required wrist band that will be printed for this event.

Dykshoorn Park would be utilized for craft and business vendors, kid's games and rides, along with entertainment at the Band Shell. Our goal is to make this a family event for the surrounding communities.

ATTACHMENTS: (1) Map layout (2) Copy of discussion with Fargo

FISCAL IMPACT: Through developing a new concept for a community event we hope to attract and support a greater variety of craft and food vendors. There may be limited financial impact to business in the area regarding increased income.

The fiscal impact to the city would be minimal.

STAFF IMPACT: Hours that are used to plan for the Wild West Grill Fest would be delegated to this event. There will be meetings planned with committee members, the Mandan Police Dept., the Mandan City Works Dept., and with the businesses that may dispense alcoholic beverages.

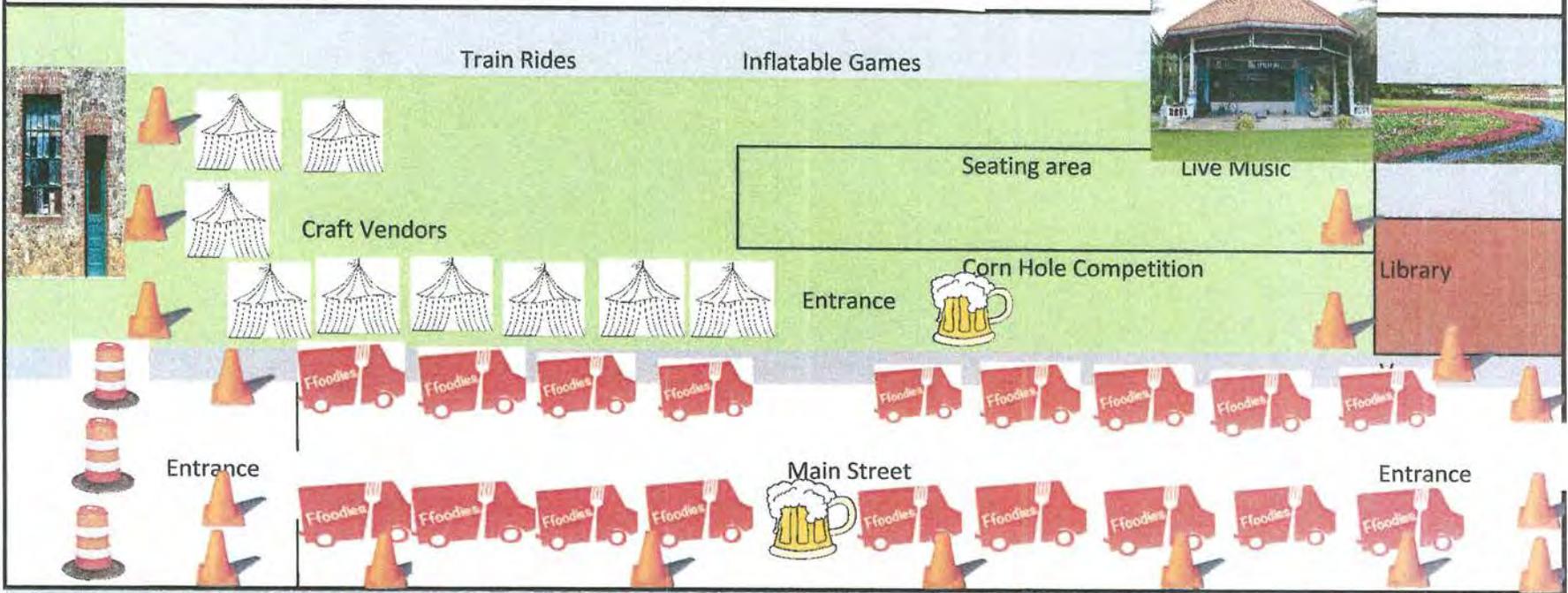
LEGAL REVIEW: Del Wetsch and Vern Cermak met with the Mandan Police Dept. to determine their stance and view of the variance. They felt if approved by the City Commission, that it could be implemented as long as there was security and enforcement.

RECOMMENDATION: The city of Fargo approved an ordinance to allow for the distribution of adult beverages for the 2018 Fargo Street Festival. The MPO office has had conversations with the organizers of that event. The organizers and the Fargo Police Dept. reported that the event was conducted with no issues related to dispensing of adult beverages. We have tailored our event to follow some of their guidelines. We would encourage the commission to contact the organizers of the Fargo Street Fair for their perspective. (Contact: Milissa Rodemacker: 701-241-1570, president@downtownfargo.com)

Secondly, we are aware that other organizations, businesses or entities may request permission for an event similar to the one we are proposing. Therefore there may need to be drafted some guidelines restricting applicants, guidelines limiting the number of such events on Main Street, a very detailed application form. The applicant must be no-profit, or funds must be used to support community endeavors.

SUGGESTED MOTION: Move to approve Ordinance No. 1315 to allow for the sale of adult beverages on 400 and 500 block West Main Street and the distribution on 400 and 500 block West Main and in Dykshorn Park for the dates of August 9 and 10, 2019.

THE MAIN EVENT



RUNNINGS

3 rd Ave NW	Est linear feet PER block	600 to 700	625 ft
	Food Vendors (25 ft each)	25	
	Bars (20 feet each)	1	
	BLOCK LENGTH: 300 TO 350 FEET	4th Ave NW	



Family Event
 Food Vendors & Beer Serving on the street
 Time of Event: Friday 4:00- 9:00
 Saturday: 11:00 to 9:00



Designated area with cones & tape

Traffic Barriers

Discussion with Fargo Downtown Community Partnership Group

Date: Mid October, 2018

Re: Fargo Street Festival

The Downtown Community Partnership (DCP) President, and CEO approached the city to request variance to the open container law as their beginning task.

Research they had done on similar events in other cities found that participants will “sip” if allowed to “roam” freely from venue to venue during the event.

Those drinking in public must have a special event wrist band and event cup and are limited to an area defined by the DCP.

In our discussion, DCP asked the City Commission of Fargo for a *new kind* of liquor license specifically created for special events organized by the DCP.

Our discussion also centered on security for the event. Not all entry and exit points had security guards and/or police presence. DCP used signage at all points of entry and exist stating the following: *“No alcoholic beverages beyond this point.”* According to DCP there were no significant issues with patrons violating the postings.

Among other discussions type of wrist bands, type and size of cups, pricing, number of food and alcoholic vendors along with vendor fees.

In conclusion the DCP and the Fargo Police Dept. felt the addition of alcohol to the Fargo Street Festival created no additional concerns.

ORDINANCE NO. 1315

An Ordinance to Enact a New Article 4-4 of the Mandan Code of Ordinances Relating to Special Event Permit

Be it Ordained by the Board of City Commissioners:

An Ordinance to create a new Article 4-4 of the Mandan Code of Ordinances relating to Special Event Permit is hereby enacted as follows:

4-4-1. Class “MPO” License. – A Class “MPO” license, in the nature of a special permit, shall authorize the Mandan Progress Organization, a non-profit corporation, operated as a business league within the meaning of Section 501(c)(6) of the Internal Revenue Code with the stated purpose of serving the Mandan business community, to apply for a special event “MPO” license, to be issued by the city auditor, for an event that is open to the general public and that is held on certain designated public property, private property or both public and private property, including public rights of way, and in which one or more licensees that are eligible to obtain a Class “A” or Class “WB” license will be allowed to participate in the event and in which certain alcoholic beverages will be lawfully allowed to be possessed and consumed within the designated space, in accordance with the following:

(a) Class “MPO” license application and approval. For each proposed Class “MPO” license event, the Mandan Progress Organization must submit to the city auditor an application on a form provided by the city. The application must describe the event space including a detailed description of public streets that will be closed to the traveling public, adjacent sidewalks, and designated alley ways adjacent to such streets and sidewalks along with any private property included in the event space. To the extent the event space includes any private property, the applicant must provide the written consent by the property owner to the holding of the event.

(1) Licenses non-transferable. – A Class “MPO” license may only be issued to the Mandan Progress Organization and it may not be transferred to, or held by, a person, firm, or entity other than the licensee.

(2) Notice of an intention to seek a Class “MPO” license must be submitted to the city auditor at least 15 days in advance of the requested event. Such notice deadline may be waived for good cause. A complete Class “MPO” license application must be submitted to the city auditor in the manner of a Class “A” or Class “WB” license.

(3) The notice shall provide an estimate of the number of attendees expected to participate in the event, which estimate may be used by the police department to determine the number of additional police department personnel necessary to patrol the event space and surrounding area, and shall state the hours during which alcoholic beverages may be served in event cups, as described in this subsection, and when such beverages may be possessed or consumed within the designated event space.

(4) The Mandan Progress Organization shall be eligible to receive a limited number of licenses per year, in an amount to be determined by the motion or resolution of the Board of Directors of the Mandan Progress Organization, presented with the application.

(5) The city auditor is authorized to issue the Class "MPO" license without notice of hearing.

(6) Effective times and dates of license.- A Class "MPO" license shall be effective for the period or periods of time as approved by the city auditor and as stated on the license. Said license may be structured by the city auditor such that a "MPO" permitted event may run during certain limited time periods on certain specified consecutive days. In no event shall a Class "MPO" license be granted allowing alcoholic beverage open containers or the consumption of alcoholic beverages in a public space after 9:00 p.m.

(7) No Class "A" or Class "WB" licenses other than those issued to an alcoholic beverage retailer as part of a licensed Class "MPO" event may be issued for the event space during the Class "MPO" permitted times or locations.

(8) At any time when a Class "MPO" license is in effect for a particular event and event space, the event shall be specifically excepted from the definition of "street" as set forth more fully in Section 4-1-10 of the Mandan Code of Ordinances.

(9) Applicants holding a Class "A" or Class "WB" license must also apply and receive a catering permit issued pursuant to MCO 4-2-17.

(b) Administration and Coordination of Event. Upon issuance by the city auditor of the Class "MPO" license for the event, the Mandan Progress Organization will be responsible for administration and coordination of the event in accordance with the following:

(1) The Mandan Progress Organization will solicit and accept applications from existing licensees that are eligible to obtain a Class "A"

or Class “WB” licenses to serve as alcohol vendors for the approved and licensed Class “MPO” event.

(2) Mandan Progress Organization, by approval of its board of directors, will select one or more alcoholic beverage retailers for the Class “MPO” event, and will notify the city auditor of its selection or selections.

(3) The Mandan Progress Organization is authorized to charge the selected alcohol vendors a fee for participation. The Mandan Progress Organization will be responsible for making the necessary arrangements for the event, and will be responsible for payment of the costs for additional security personnel.

(c) Terms, Conditions and Restrictions for Event. With respect to an approved Class “MPO” licensed event, the following terms, conditions and restrictions shall be applicable:

(1) The designated event space must be clearly marked with signs, special markings and other demarcations such that participants and the general public are advised as to the boundaries of the event space. The Mandan Progress Organization shall post conspicuously at all entrances and exits of the event space a notice stating that alcoholic beverages shall not be permitted outside of the designated event space. Alcoholic beverages may only be served in clearly identifiable event cups provided by the Mandan Progress Organization. Cans, bottles or other containers containing alcoholic beverages shall not be permitted in the designated event space.

(2) The Mandan Progress Organization will provide the selected Class “A” or Class “WB” license holders for the event a sufficient supply of clearly identifiable wrist bands to be distributed to, and worn by, event participants.

(3) Nothing in this subsection shall be construed to relieve the responsibility of a Class “A” or Class “WB” license holder from the obligation to comply with all laws, including laws regulating the serving of alcoholic beverages and nothing shall be construed to transfer any such obligations or responsibilities to the Mandan Progress Organization.

(4) The Mandan Progress Organization shall be responsible for making arrangements with the Mandan police department for any police department extra duty officers that are required to be provided for the Class “MPO” event, at the sole cost of the Mandan Progress Organization, at such rate or rates as are established by the chief of police.

(5) Nothing in this subsection shall be construed to allow Class “A” or Class “WB” licenses at a “MPO” permitted event to sell off-sale alcoholic beverages at such event.

(6) Only alcoholic beverages that have been served by a Class “A” or Class “WB” permit holder and which beverages are contained within the said clearly identifiable event cap, as described in this subsection, may be consumed within the event space. No other alcoholic beverages shall be permitted to be consumed in the event space. No personal use coolers for individual alcohol consumption will be permitted in the event space.

(7) All other laws and regulations shall be in full force and effect.

(8) Fees for the issuance of a Class “MPO” license shall be as established by resolution of the Board of City Commissioners.

By: _____
Tim Helbling,
Board of City Commissioners

ATTEST:

City Administrator

First Consideration: July 2, 2019

Second Consideration and Final Passage: July 16, 2019