



AGENDA
MANDAN CITY COMMISSION
JULY 21, 2020
ED "BOSH" FROEHLICH MEETING ROOM,
MANDAN CITY HALL
5:30 P.M.
www.cityofmandan.com

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

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City of Mandan is encouraging citizens to provide their comments for agenda items via email to info@cityofmandan.com

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

- A. **ROLL CALL:**
 - 1. Roll call of all City Commissioners.

- B. **APPROVAL OF AGENDA:**

- C. **MINUTES:**
 - 1. Consider approval of the minutes of the Board of City Commission regular meeting.
 - i. July 1 Budget Working Session
 - ii. July 7 Regular Meeting

- D. **PUBLIC HEARING:**
 - 1. Consider approval of the preliminary plat for Sunset Ave 1st Add. and first consideration of Ordinance 1345 related to a zoning amendment from A Agriculture to RM Residential.

- E. **BIDS:**
 - 1. Consider bids for Raw Water Intake project Update.

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F. CONSENT AGENDA:

1. Consider approval of monthly bills
2. Consider for approval the annual liquor licenses for September 1, 2020 to June 30, 2021:
 - i. Class A –The Drink at Lakewood
 - ii. Class A – Vicky’s Sports Bar
 - iii. Class E – Station West Bar & Grill
 - iv. Class F – Ten Spot Lanes
3. Consider approval of the Special Event Permit for the Mandan Progress Organization Drive In Movie Theater event.
4. Consider approval of the Transportation Alternatives (TA) grant to go to the Park District’s Old Red Tail Phase 2 Shared Use Path Project.
5. ~~Consider approval of minor plat for Lakewood Harbor 3rd Addition First Replat of Block 1.~~
6. Consider approval of Sylvester’s Industrial Park 11th Addition.
7. Consider approval of the City of Mandan JAG and Lottery Grant application to provide funding for the Abused Adult Resource Center.
8. Consider approval of the City of Mandan JAG and Lottery Grant application to provide funding for the Dakota Children’s Advocacy Center.
9. Consider payment of bills for Morton Mandan Public Library / Downtown Parks Project.
10. Consider approval of a driveway variance at 500 4th Avenue NE.
11. Consider approval of the City of Mandan accepting the 2020 COPS Hiring Program Grant that has been awarded to the Mandan Police Department.

G. OLD BUSINESS:

1. Discussion regarding fireworks

H. NEW BUSINESS:

1. Consider appointment for the Mandan Special Assessment Commission.
2. Consider an amendment to our Engineering Services Agreement with Moore Engineering for the Southside Street Improvement project.

I. RESOLUTIONS AND ORDINANCES:

1. Second consideration of Ordinance No. 1344 to Amend and Re-enact Section 20-1-9 of the Mandan Code of Ordinances Relating to Discrimination Prohibited in Employment.

J. OTHER BUSINESS:

K. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

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1. August 4, 2020
2. August 18, 2020
3. September 1, 2020

L. ADJOURN

The Mandan City Commission met in a working session at 5:25 p.m. on July 1, 2020 in the Veterans' Conference Room at Mandan City Hall, 205 2nd Ave NW, Mandan, ND. Commissioners present were Helbling, Rohr, Larson, Braun and Camisa. City Department Heads present were Fire Chief Nardello, Police Chief Ziegler, Business Development and Communications Director Huber, Planning & Engineering Director Froseth, Public Works Director Bitz, Building Official Ouradnik, Finance Director Welch, City Administrator Neubauer, City Attorney Oster, and MMPL Director Hawes, Airport Authority Taylor, City Planner John Van Dyke, Waste Water Treatment Plant Superintendent Himmelspach, Water Treatment Plant Superintendent Friesz, Communications & Community Services Coordinator Kari Moore, and Municipal Judge Kautzmann.

NEW BUSINESS:

Department Managers presented 2021 budget requests. The following departments presented their 2021 budget requests for personnel, capital outlay and construction projects for review and discussion: Mandan Airport Authority, Business Development & Communications, Municipal Court, Assessing, Building Inspection, Information Technology, Finance, Human Resources, Police, Fire, Morton Mandan Public Library, Planning, Engineering (including Water Treatment and Wastewater Treatment), and Public Works. Since the meeting was a working session of the City Commission, no recommendations or decisions were made by the Board.

ADJOURN

There being no further actions to come before the Board Commissioner Rohr, moved and Commissioner Braun seconded to adjourn at 9:10 p.m. The motion received unanimous approval of the Board members present and the meeting adjourned.

James Neubauer,
City Administrator

Tim Helbling
President, Board of City
Commissioners

The Mandan City Commission met in regular session at 5:30 p.m. on July 7, 2020 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Mayor Helbling called the meeting to order.

A. ROLL CALL:

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

2. *Recognition of “If I Were Mayor” Essay Contest Winner Scarlett Chorne.*

Mayor Helbling introduced Scarlett Chorne, Ft. Lincoln Elementary School, who won the 2020 ND League of Cities “If I were Mayor for the Day” contest. A Certificate of Excellence was presented on behalf of the Mandan Progress Organization.

3. Mayor Helbling announced that Attorney Malcolm Brown will be retiring on July 14, 2020 and he will be recognized for his years of service to the City of Mandan. A retirement event will be held in his honor in the near future. This will be his last City Commission meeting.

4. Mayor Helbling extended a thank you to the Mandan Progress Organization (MPO) and the Mandan Rodeo Committee for their efforts in organizing the Mandan Market event and also for the organization of the July 2, 3 and 4, 2020 Mandan Rodeo. A thank you was also extended to Mandan residents and contributing sponsors from both Mandan and Bismarck.

B. APPROVAL OF AGENDA:

C. MINUTES:

1. *Consider approval of the minutes from the June 16, 2020 and June 23, 2020 Board of City Commission meeting minutes.*

Commissioner Larson moved to approve the minutes as presented. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Camisa: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

D. PUBLIC HEARING:

E. BIDS:

F. CONSENT AGENDA

1. *Consider for approval the annual liquor licenses for September 1, 2020 to June 30, 2021:*
(i) Class A – Styrker Enterprises; (ii) Class A – Lonesome Dove; (iii) Class A – Midway Lanes
(iv) Class D – Walmart.

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2. Consider approval for abatement applications: (i) Steven Rudolph 2018 Abatement Application; (ii) Steven Rudolph 2019 Abatement Application; (iii) Steven Rudolph 2020 Abatement Application.
 3. Consider approval of minor plat for Replat of Lots 8 & 9 Block 1 Heart Ridge Addition.
 4. Consider approval of minor plat for Andy's Addition.
 5. Consider approval of a Special Event Permit for the Mandan Moose Lodge Tractor Trek/1st Responder fundraiser on July 18, 2020.

Commissioner Rohr moved to approve the Consent Agenda items 1 through 5 as presented. Commissioner Camisa seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Camisa: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

G. OLD BUSINESS:

1. Consider entering into a purchase agreement for the sale of Lot 30A, Roughriders Estates Pioneer Replat.

City Planner Van Dyke stated this matter was discussed at the last meeting. The City has received an offer for the purchase of Lot 30A, Block 1 of Roughriders Estates Pioneer Replat. The list price for the property is \$1,500. This property was the subject of competing offers, with the Board requesting the neighboring property owners to discuss and determine if an amenable solution could be reached. Planner Van Dyke reported that Mr. Krein has rescinded his offer. Mr. Jorgenson, the property owner immediately in front of the subject property submitted a revised offer of \$800. The Jorgensen's original offer was \$1,500. The property does not have a specials balance. The buyer's intent is to expand their backyard. Staff recommends accepting the offer by the Jorgensen's as shown in Exhibit 1 with line 68 to be marked buyer. Even though there is no specials balance, it is best to not leave anything unmarked on a Purchase Agreement. The Engineering and Planning Department recommended approval of the offer as shown in Exhibit 1 with line 68 marked buyer.

Commissioner Camisa moved to approve the offer provided by the Jorgensen's as presented in Exhibit 1 with line 68 marked buyer. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Camisa: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

H. NEW BUSINESS:

1. Consider Growth Fund Committee recommendations:

Ellen Huber, Business Development & Communications Director presented the following:

- (i) *Funding for two additional Mandan Progress Organization business gift card promotions.* The Mandan Progress Organization (MPO) requested funding of two additional business gift card promotions to support businesses amid COVID-19 challenges. Supported in part with funding from the Mandan Growth Fund, the MPO conducted a successful series of online flash sales of business gift cards (and certificates) in late April and early May. All gift cards were worth \$30, but sold for \$20, with a limit of 5 per customer per sale. Funding from the Mandan Growth Fund (MGF) covered \$5 of the difference and participating businesses were asked to cover \$5 per gift card. In the end, four financial institutions came forward to sponsor the remaining gap so that the participating businesses came out whole at a time when needed.

The MGF Committee at its June 2, 2020, meeting expressed interest in supporting additional business gift card promotions. The MPO presented a proposal to the MGF at its June 22, 2020 meeting, for \$5,600 in funding to cover two additional blitzes with a series of four sales each involving 100 gift cards per sale. The funding request includes costs for credit card fees, marketing and administration. The MGF voted 7-0 to support the request with the condition that all Mandan businesses be allowed to participate without requirement for membership. Dot Frank was available to answer questions. The Growth Fund has an unencumbered balance for economic development projects as of May 31, 2020 of approximately \$231,000. The request is for \$5,600. The MGF voted 7-0 to recommend approval of the MPO request for funding support of \$5,600 toward two additional Mandan business gift card promotions. Mayor Helbling commented that this is a good program and supports the community. He extended a thank you to the MPO and Director Huber for efforts on this project.

Commissioner Larson moved to approve the MPO request for funding support of \$5,600 toward two additional Mandan business gift card promotions. Commissioner Camisa seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Camisa: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

(ii) *Creation of a Mandan Strong business forgivable loan for innovation, adaptability and diversification.* This request is to consider a Mandan Growth Fund (MGF) Committee recommendation for creation of a Mandan Strong Business Match program to help small, locally owned businesses challenged by reduced revenues due to COVID-19 to become more innovative and resilient. The MGF Committee received findings from Bismarck-Mandan business surveys about the impacts of COVID-19 as well as samples of assistance programs being offered in other states and cities in North Dakota. At the June 2, 2020 meeting, the committee instructed staff to develop a proposal for an innovative grant program to assist businesses impacted by the virus.

The MGF committee met on June 22, 2020 to review the proposal. Staff also had apprised the committee about a new plan by the ND Department of Commerce to use \$69 million of federal funding for the state's COVID-19 response for a ND Economic Resiliency Grant Program. The program would provide grants of up to \$50,000 per business for investments in personal protection equipment (PPE), supplies and other improvements for the safety of employees and customers. The ND Emergency Commission approved the request on June 18, 2020. It will be considered on June 25, 2020 by the Legislative Budget Section.

Although there were individuals who thought a local COVID-19 business assistance program may not be needed in light of the unanticipated state program, the majority of committee members concurred there were enough differences to proceed. (1) The proposed state program requires that a business demonstrate financial viability prior to the Coronavirus pandemic. Commercial lenders participating in the meeting noted that start-up businesses may not yet have been operating at a profit, so may have difficulty meeting this parameter and could potentially survive with assistance; (2) The proposed local program offers assistance for other strategies related to innovation, adaptability and diversification. The committee discussed various parameters of the proposed local program in great detail including whether to structure as a grant or forgivable loan, plus eligibility and accountability provisions. They weighed concerns and rights of taxpayers and business needs in making their recommendation.

The Growth Fund has an unencumbered balance for economic development projects as of May 31, 2020 of approximately \$231,000. The recommendation would earmark \$75,000 of this funding for the proposed program through approximately the end of October and likely no later than the end of 2020. Any unused funds would return to an uncommitted status after the last application round and/or the closure of any outstanding projects. The MGF voted 4-2 (with three members absent) to recommend approval of the proposed Mandan Strong Business Match Program. This has only went through the proper committee levels and there has not been many public comments received. Mayor Helbling commented that many of the small businesses have struggled during the COVID and commended the MGF for stepping up and helping out these businesses and for recognizing the importance of keeping these businesses going. He recommended an end date for the program. This program is designed to keep the businesses open and to rebuild and stay within Mandan. The MGF may have to look at other programs in the future. Commissioner Rohr concurred with Mayor Helbling's recommendation to have an end date for the program. Commissioner Larson inquired about the guidelines for handicap doors. It is important to know that the use of these funds is not necessarily used for handicap doors. She agreed with the application process to tie the pandemic to this and if the business was under mandated closure such as hotels and restaurants as those are the businesses that have been the hardest hit. This has not affected all businesses equally. Mayor Helbling commented that if the COVID issue did not exist this would not have even been brought forward. Director Huber referred to the proposed timeline application deadlines for July 27th and September 14th with reviews to be completed by the Committee and City Commission as soon as possible. It states at 6(b) they would get 75% of the funding upon City Commission approval. One signature on a promissory note will be required after submitting receipts, applicant will receive the funds at 90 days upon application approval from the City of Mandan Business Development Office. There is an expectation that these are immediate projects and there is no provision for this to go beyond year 2020. In essence, when the time limits are over the program will come to an end. Commissioner Larson voiced concern with the Ordinance changing the language, will there be an option for putting a sunset on that exemption?

Attorney Brown stated that the City Commission can amend the Ordinance at this time as provided for at item #G. Commissioner Camisa inquired if there are any specific examples of those have difficulty in receiving funds? Director Huber said there are some concerns if the business does not have a full year of history and from the standpoint of the qualifications for the payroll protection program (PPP), if you did not have a healthy revenue, if you were a start up business, often times that is the case, it would be expected that a period of time occur in order for the business to get wrapped up; if a business has been left in a gap, that would be one example. Some businesses are receiving up to \$10,000 in the PPP that they can have forgiven if they turn in the right documentation but many have suffered consequences much higher than \$10,000. Commissioner Larson explained that the funding assistance has been tied to protecting payroll and other costs up to this point and they have not been offset wherein 60% has to be used just to cover payroll. The expenses and closure costs that the businesses have incurred, have been a concern and there are more concerns being brought forward if there is a second closure.

Commissioner Larson moved to approve the proposed Mandan Strong Business Match Program. Commissioner Camisa seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Camisa: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

2. *Presentation by Waste Management regarding Recycling Contract.*

City Administrator Neubauer presented a request to renew the recycling contract with Waste Management (WM) that has been in effect for about 4.5 years. He stated that the original recycling contract was with Dakota Sanitation for a 5-year period with an opportunity for an extension. WM subsequently purchased Dakota Sanitation and became the contractor for the pickup and disposal of recyclable materials. The contract is similar to the previous contract with the exception in pricing and the addition of a fuel surcharge should the price of diesel rise above \$4/gallon, see Section V(e).

The proposed term: 5 years beginning Jan. 1, 2021 thru Dec. 31, 2025, with a possible 3-year extension. Services: Single sort, once every two week pick up; The fee for year 2021 -will increase \$1.00 to \$5.95/month with an increase by 7% per year (by the end of year 5, the rate would be comparable to rate charged to City of Bismarck) The first-year increase is \$1.00 more than the 2020 rate.

Administrator Neubauer explained that if the recycling contract were to be terminated, there would be an additional cost for residential pick up. An average of 100 tons of recycle per month = 1,200 tons per year. To dispose at Bismarck Landfill would be approximately = \$55,320 plus (\$46.10/ton x 1,200 tons) a per load charge of \$7,000 (1,200 tons / 6 tons per truck = 200 truck trips \$35/trip). There may be additional costs as residents may want collection sites for recycling which also has a cost, and common recycle sites generally are not that effective as they become a dumping ground and also the loads are at higher risk for contamination. Should the contract be terminated, there may be requests for additional totes as residents currently have one for recycle and one for other trash. To extend the contract would cost an addition \$1/month first year and increase by 7% each year thereafter. If the contract were terminated, there would be an additional cost for disposal.

The Waste Management (WM) representative came forward and explained WM has serviced this contract since May 2017, and has honored all the pricing under the Dakota Sanitation contract. He reviewed the initial bid WM submitted and stated there is a difference in what is being billed today. He said the contract being presented is a reasonable price for this community. The goal of the program is to keep contamination down with 80% participation from the community residents. Curbside recycling is used throughout the country and he did not believe it would not be a good idea to drop the recycling service since it is saving landfill space.

Mayor Helbling commented there are many other projects within the City that take precedence over recycling, including increase in recycling costs. He said that residents who do not want recycling services, should be allowed to opt out. He recommended looking at the overall budget and to determine how to handle this matter at a later time. Commissioner Larson recommended hearing from the Mandan residents on this matter. Mayor Helbling requested that a poll be taken of Mandan citizens to solicit their input on this matter. Mayor Braun provided recycling stats

throughout the world with most countries with recycling services at 50% in comparison to the United States at 18%. He feels that moving towards getting more people to recycle will benefit everyone, well into future generations. Commissioner Camisa agreed with the recommendation to table this matter until there is more data available and to allow time to look at how the impact will be in the future giving consideration to landfill issues. He said he is in favor of getting input from city residents before a decision is made.

Commissioner Camisa moved to approve table this matter until the City is further into the 2021 budget preparations. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Camisa: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

3. *Consider approval of City funding requests from the Mandan Progress Organization.* City Administrator Neubauer presented a request to consider approval of funding from the City of Mandan grant applications. He stated that several organizations submitting funding requests are required to provide criteria of how city monies are spent and the impact the event has on the Mandan community. This service provides organizations the ability to bring new events to the community and assist in keeping established events a continued growth which allows for the betterment to the citizens of Mandan and its visitors. The grant monies awarded are divided between 50% in Mandan Bucks and 50% in a check. The City sets aside \$20,000 from the cities advertising budget to promote events in the city. The recommendations are based upon information from the grant applications by the MPO and a point system is used to grade the event and this year the MPO designed a new application grading system for applicants.

Administrator Neubauer recommended accepting the funding applications submitted by the MPO Funding Committee. Dot Frank was present to answer questions regarding this request.

Commissioner Larson moved to approve the following organizations amounts approved by the MPO Funding Committee and Board of Directors. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Camisa: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

2020 Grant Funding

Horse and Saddle Club \$ 1,000
Mandan Historical Society \$ 450
Railroad Museum \$ 500
Musician's Association \$ 2,500
Dacotah Speedway \$ 2,500
OktoberFest \$ 1,000
Buggies N Blues \$ 5,000
Mandan Rodeo \$ 2,500
Friends of Ft. Lincoln \$300
Heritage Plaza \$750
Mandan Baseball Babe Ruth Tourney \$ 1,500
Drive In Movie Night \$ 2,000 (New)
Total: \$ 20,000

4. *Consider Approval of an Application for Property Tax Exemption for Improvements for Steven Rudolph at 209 6th Avenue NE.*

City Assessor Markley presented a request to consider a three-year exemption improvement to residential buildings pursuant to North Dakota Century Code 57-02.2. Steven Rudolph is applying for a three year exemption for renovation of structures located at 209 6th Avenue NE. This property consists of 1918 house, 1942 house and a 1991 detached garage. Renovations include replacing plumbing, electrical, sheet rock, remove lathe and plaster, boiler, baseboard heat window and shingles. The value of the renovations is estimated to have a value of \$80,000. Based on that amount, with the 2019 mill levy of 265 mills, the estimated exemption is \$955.76 for all taxing entities and \$228.74 for the City of Mandan. The actual exemption will be subject to prevailing market values and actual mill rates during the three-year exemption period.

Assessor Markley recommended approval of the Application for Property Tax Exemption for Improvements to Commercial & Residential Buildings North Dakota Century Code 57-02.2 located at 209 6th Avenue Northeast.

Commissioner Rohr moved to approve the Application for Property Tax Exemption for Improvements to Commercial & Residential Buildings North Dakota Century Code 57-02.2 located at 209 6th Avenue NE. Commissioner Camisa seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Camisa: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

5. *Consider entering into a purchase agreement for the sale of Lot 8A, Roughriders Estates Pioneer Replat.*

City Planner Van Dyke presented a request to approve the Purchase and Sale Agreement for Lot 8A, Roughriders Estates Pioneer Replat. He stated that Mr. McFerran has presented a full-price offer of \$500 for the purchase of Lot 8A, Roughriders Estates Pioneer Replat. This is one of the rear yards that was separated from the adjoining property for failure to pay taxes. Mr. McFerran owns the home immediately in front of this property. The property does not have a special balance. City Staff is recommending approval of entering into the purchase agreement due to the full price offer. The Engineering and Planning Department recommended acceptance of the offer as shown in Exhibit 1.

Commissioner Larson moved to approve the offer as presented in Exhibit 1. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Camisa: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

6. *Consider entering into a Lease Agreement with Marathon Petroleum for a Raw Water Intake.*

City Administrator Neubauer presented a request to consider a lease agreement with Marathon Petroleum Company (Marathon) and the City of Mandan. City staff has been working with Marathon representatives on a lease agreement for property on which a new RWI would be constructed. We have had several discussions with Marathon about the City purchasing the property, and at this time, Marathon's position is that they would prefer continued ownership and would lease the property. Highlights include the Term of 30 years, with possibility of three

extensions each 10 years. Total term is 60 years; start date is September 1, 2020; Rental at \$10/year; and the taxes will be Marathon responsibility. The agreement also puts in writing how the costs for utilities along with construction, maintenance, and repairs of the facility will be split. Within the facility there are certain pumps and other property that is dedicated to Marathon and they will have responsibility for those items and other items that will be the responsibility of the City. Various other costs will be split on a 50/50 basis. He said that this has been the handshake agreement the City and previous owners (including Marathon) have been operating under since the refinery was constructed. Both parties wish to put this agreement in writing.

Attorney Brown has worked on this lease with City Engineer Justin Froseth, Water Treatment Plant Superintendent Duane Friesz and a representative of AE2S. The City will retain a first right of refusal of the property to acquire it should it ever become available for purchase. It was recommended to approve of the Lease Agreement between Marathon and the City of Mandan. Mayor Helbling commented this is a workable solution and stated he is in favor of the Lease Agreement.

Commissioner Larson moved to approve the Lease Agreement between Marathon and the City of Mandan. Commissioner Camisa seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Camisa: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

7. *Introduction of Engineering Intern, Kaylin Tomac.*

Planning & Engineering Director Froseth introduced the 2020 summer Engineering Intern, Kaylin Tomac. Kaylin has been working in the Planning and Engineering office since Mid-May. She is a student at NDSU and she is going into her 4th year majoring in Civil Engineering. She grew up in Mandan and is planning on moving back with plans to find employment in the Bismarck-Mandan area after graduation in 2021. Outside of school and work, she spends her time in her garden, going on road trips, and hanging out with friends.

8. *Discussion relating to fireworks.*

Mayor Helbling said that every year there are complaints received from citizens about Fireworks. This year he said he received about 33 telephone calls of individuals wanting fireworks banned. As a solution he suggested eliminating fireworks on July 2nd and allow them on July 3rd and July 4th only and allow them until 1:00 a.m. on July 5th (currently, it is 2:00 a.m.).

Administrator Neubauer stated that City Staff has discussed this and one of the issues pertains to purchasing the fireworks in advance of the allowed usage dates.

Chief Nardello came forward to speak on behalf of a report that he and the Police Department compiled with regard to complaints received this year. The Fire Department had 7 actual fire incidents that included fireworks and there was one structure fire. There were 57 firefighters that responded and that equates to \$1,335 in labor expenses and 14 firetrucks responded. There is a cost to the City but fortunately there were no reports from injuries. The Police Department had 45 complaints from June 27th through July 6th but there were no citations written because by the time the officer arrived, the people shooting the fireworks were gone. Mayor Helbling clarified

that the police officer has to witness the individual doing the fireworks, they cannot act on another individual making a complaint. Chief Ziegler came forward and reported that on July 3 & 4, the PD had over 100 calls for services on July 3rd and July 4th. He said that its nearly impossible to catch a violator since they are gone by the time the officer arrives.

Mayor Helbling said that he had a discussion with “Mayor for the Day, Scarlett Chorne” who said that fireworks should be allowed on July 2, 3, and 4. Her favorite fireworks item is the “parachute”. She enjoys shooting off fireworks with her friends and family.

Commissioner Camisa inquired of Chief Ziegler as to how many calls came in that are related to public safety vs. illegal timeframe of shooting off fireworks? Chief Ziegler stated he would have to review the call logs to come up with an answer. The calls are listed as loud noise complaints or fireworks. He guesstimates that the majority of the calls are for loud noise complaints that occur during the middle of the night or early hours of the morning. He said there are more issues with intoxication than with fireworks. Chief Nardello spoke to the Fire Code and how it pertains to the City of Mandan. He said that the Fire Code prohibits the use and discharge of fireworks unless there is a permit on public display so there are no provisions within the fire code to regulate fireworks. The Fire Code was amended in Mandan so the Ordinance allows the discharge of fireworks, but there is nothing that regulates fireworks.

Commissioner Camisa pointed out that the reason he questions the Mandan Fire Code related to fireworks is because there is no recourse in the code to allow the police or fire departments to step in for any safety situations that arise. Going forward, he said that he would not recommend banning fireworks altogether but reducing to a shorter period of time should be considered, He said that tools should be given to the police and fire departments for regulating how fireworks is discharged in the City of Mandan rather than allowing neighborhoods to be a free for all.

Commissioner Rohr commented that it may be hard to define behaviors of how to use or allow fireworks and that would be difficult writing this into the Code.

Mayor Helbling commented that he brought this forward tonight due to Bismarck considering allowing fireworks. He said that if Mandan tightens up the timeframe, that perhaps Bismarck would consider the same restrictions. Commissioner Larson commented that she is hesitant to put too much code restrictions as that could cause concerns with enforcement and would rather like to see the distribution of education on the use-of and dangers-of fireworks. She said she conducted a poll that showed 2:1 of allowing fireworks in the community. She agrees with the recommendation to shorten the timeframe.

Mayor Helbling recommended that City Staff meet and discuss this matter then bring recommendations back to future meeting.

9. *Consider appointment of Amy Oster as City Attorney.*

City Administrator Neubauer presented a request to consider the appointment of Amy Oster as City Attorney. Attorney Malcolm Brown has announced his retirement effective July 14, 2020. He has served as the City Attorney since 2007. This request is to consider the appointment of Assistant City Attorney, Amy Oster, of Crowley Fleck, as the City Attorney. Should the

Commission approve Ms. Oster as City Attorney, she will bring back a recommendation for an Assistant Attorney for the City of Mandan. Ms. Oster has worked well with all of our departments with her strong suit in employment law. The agreement with Crowley Fleck, may be terminated within 60 days' notice by the parties. Administrator Neubauer recommended the appointment of Amy Oster as the Mandan City Attorney. Mayor Helbling commented that over the years he believes the City Attorney has served the city well.

Commissioner Rohr moved to approve the appointment of Amy Oster as the City Attorney. Commissioner Camisa seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Camisa: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

I. RESOLUTIONS AND ORDINANCES:

1. *Second consideration of Ordinance No. 1342 to Amend and Reenact Section 111-2-9 (c) and (g) of the Mandan Code of Ordinances Relating to Electric Handicap Accessible Doors.* Business Development & Communications Director Huber presented a request to consider an administrative correction and exemption to Section 111-2-9 (c) and (g) of the Mandan Code of Ordinances relating to electric handicap accessible doors. Voters in the November 4, 2008, election in the City of Mandan approved a citizen-initiated ordinance that states, "Installation of electric handicap accessible entrance doors are required on every building open to the public that has received public funds in any form whatsoever."

Correction. Use groups for application of the ordinance appear to have been mistakenly cross-referenced when re-codification occurred a few years ago. Subsection C application to buildings or businesses used for purposes described in section 103-174(2), (3), (4), (6), (7), (9) and (10). Section 103 pertains to cemeteries. The correct reference is now section 105 pertaining to district regulations. The proposed correction restores the use groups to those originally approved by the City Commission at a meeting held Feb. 17, 2009. These are Retail Group A, Service Group A, Office Bank Group, and Health Medical Group.

Exemption. The proposed ordinance would exempt businesses receiving less than \$5,000 from the requirement to install an electric handicap accessible door if the grant or award of public funds to a recipient is less than \$5,000. This exemption is not intended to overturn the voter approved ordinance, but rather to make a minor adjustment to balance the automatic door requirement with the need to sustain and grow the city's business community and commercial tax base.

Since November 2008, as part of participation in incentives such as the Renaissance Zone, Storefront Improvement, Restaurant Rewards, and interest buy down programs, the Mandan community has benefited from installation of automatic doors in approximately 60 buildings, some with multiple units. This will not change under the proposed exemption.

Director Huber stated that the impetus for the suggested change is a proposal from the Mandan Growth Fund Committee to create a program to help businesses negatively impacted by COVID-19 become stronger for the future. It would provide a maximum of \$3,000 as a 2:1 match in the form of a forgivable loan. Eligible investments would be for strategies to make the business more

innovative, adaptable or diverse to better withstand crisis. (See: New Business No. 1ii). Installation of an automatic door on an existing building generally costs the property owner or tenant business \$2,000 or more depending on exact circumstances. An innovation mini-match would be a non-starter for businesses already struggling to pay rent and other expenses if the subject building did not already have an automatic door. Using Growth Fund dollars to pay for the door could be an option, but would use funds to a much greater degree and compete with other needs for business assistance. The Storefront Improvement program allows for a 50% match for automatic doors as part of a façade makeover. Investment in automatic doors and other ADA accessibility improvements are also eligible expenditures toward qualifying for the Renaissance Zone program, which provides property and state income tax exemptions after completion of a project to help offset a portion of the cost.

The Mandan Retail Incentive Program, aimed at filling gaps in the community's market profile, has seen only 9 approved applications since its 2011 launch in part because most potentially interested parties are renting small spaces in which the likely amount of stipend (up to \$5 per square foot, but more often \$3.75 psf) will not cover the cost of installing an automatic door. Increasing the stipend is an option, but this also increases public investment and risk in start-up retail operations.

Director Huber stated that she is not aware of any other city in North Dakota that ties installation of an automatic door to assistance programs boosting business attraction, retention, expansion and start-ups. An attempt at statewide legislation failed in 2009 or 2011. Commercial property and business owners desire to serve as many customers as possible and continue to tackle other accessibility hurdles with renovation projects as their budgets allow. Through a combination of private investment and public incentive programs, Mandan leads the way in North Dakota with regard to installation of automatic doors. Other cities do offer mini-match programs to assist small businesses. A building can meet ADA standards for accessibility without having a door equipped with a power-operated mechanism as long as resistance, door width, and other entrance elements are appropriate. Buildings may have automatic doors and still have other existing accessibility issues such as split foyers and vertical access leading to the entrance platform. This article shall only apply to buildings or businesses that are used for the purposes described in section 105-1-4(c), (e), (g) and (j) of the Mandan Code of Ordinances. This requirement shall not apply to the grant or award of public funds to a recipient of less than \$5,000.00.

Commissioner Rohr inquired if there would be a sunset time limit clause with this. Director Huber replied that decision would be up to the City Commission's discretion. This is the second consideration of this and an amendment would be appropriate. Commissioner Braun agreed there should be a sunset clause.

Commissioner Larson moved to approve the second reading and final passage of Ordinance No. 1342 to Amend and Reenact Section 111-2-9 (c) and (g) of the Mandan Code of Ordinances Relating to Electric Handicap Accessible Doors with the amendment to "Section g" to include that this requirement shall not apply to the grant or award of public funds to a recipient of less than \$5,000, from today, July 7, 2020, to January 1, 2021. Commissioner Braun seconded the motion.

Attorney Brown stated that it would be clearer if the amendment were to note that Subsection g expires on January 1, 2021. Commissioner Camisa stated he supports the amendment. He suggested that this be put out for public vote and see if the public will allow for an exemption to be created. The City Commission can create an emergency exemption for the period referred to but should allow the citizens to put it in as a requirement.

Commissioner Larson moved to amend the motion to the amendment to the ordinance presented, to clarify that this exemption shall expire on January 1, 2021. Commissioner Braun seconded the amended motion.

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

2. *Second consideration of Ordinance No.1343 to Amend and Reenact Section 115-4-7(a) of the Mandan Code of Ordinances Relating to Removal of Trees and Shrubs.*

Director of Public Works Bitz stated that this is the second consideration Ordinance 1343 is a revision to the City of Mandan Municipal code Chapter 115-4-7(a). These changes give the City of Mandan the authority to have property owners trim/remove trees and shrubs that are obstructing street lights, traffic signal, stop signs or similar apparatus or obscuring line of sight for traffic and travel. Director Bitz said that there were no objections or comments received since the first consideration. He recommended passing the second consideration of Ordinance 1343 with the revisions to Sec.115-4-7(a).

Commissioner Camisa moved to approve the Second consideration of Ordinance No.1343 to Amend and Reenact Section 115-4-7(a) of the Mandan Code of Ordinances Relating to Removal of Trees and Shrubs. Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Camisa: Yes; Commissioner Larson: Yes; Commissioner Braun: Absent; Mayor Helbling: Yes. The motion passed.

3. *First consideration of Ordinance No. 1344 to Amend and Re-enact Section 20-1-9 of the Mandan Code of Ordinances Relating to Discrimination Prohibited in Employment.*

HR Director Cullen presented a request for approval of first consideration of Ordinance 1344 related to discrimination prohibited in employment. She reported that on June 15, 2020, the Supreme Court ruled that employment discrimination on the basis of sexual orientation or gender identity is illegal and violates Title VII of the Civil Rights Act of 1964. This amendment will ensure the Mandan Code provision is in accordance with the law, as well as clarifying that pregnancy is a protected category. The Human Resources Department recommends approval of Ordinance 1344 as presented in Attachment 1.

Commissioner Camisa moved to approve the introduction and first consideration of Ordinance No. 1344 to Amend and Re-enact Section 20-1-9 of the Mandan Code of Ordinances Relating to Discrimination Prohibited in Employment. Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Camisa: Yes; Commissioner Larson: Yes; Commissioner Braun: Absent; Mayor Helbling: Yes. The motion passed.

J. OTHER BUSINESS:

K. ADJOURNMENT:

There being no other business to come before the Board, Commissioner Rohr motioned to adjourn the meeting at 7:14 pm. Commissioner Camisa seconded the motion. The motion received unanimous approval of the members present.

James Neubauer
City Administrator

Tim Helbling, Mayor
Board of City Commissioners



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 21, 2020
PREPARATION DATE: July 16, 2020
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: Preliminary Plat and First Consideration of Ordinance 1345 related to a zoning amendment from A Agriculture to RM Residential

STATEMENT/PURPOSE: Consider approval of a preliminary plat and first consideration of Ordinance 1345 related to a zoning amendment from A Agriculture to RM Residential.

BACKGROUND/ALTERNATIVES:

Dr. Belanger requests a zone change from A-Agricultural to RM-Multi-family and a preliminary plat as presented in Exhibit 2.

The previous version of the preliminary plat showed the entirety of Sunset Ave. 1st upon build-out. Marathon Petroleum has a pipeline through this area and required a 100' easement. This has substantially changed the nature of the development and the applicant is attempting to accommodate the needs of Marathon Petroleum and still progress with their plans for development of this area. The applicant seeks to plat 8 residential lots for the initial phase of this area and dedicate the appropriate right-of-way along 8th Ave. NW, 31st St. NW, and 12th Ave. NW, as well as the local road to serve the connection between 8th Ave. NW and 12th Ave. NW. Lot 9, Block 1 and Lots 1 and 2, Block 2 would be reserved for future redevelopment.

Lot 2, Block 2 is presently a super block to be further developed through nine (9) phases and approximately fifty-four (54) lots.

Lot 1, Block 2 will be a stand-alone lot and yet to be determined if it will be further subdivided.

Board of City Commissioners

Agenda Documentation

Meeting Date: July 21, 2020

Subject: Preliminary Plat and First Consideration of Ordinance 1345 related to a zoning amendment from A Agriculture to RM Residential

Page 2 of 4

Exhibit 3 provides a phasing plan where each color represents a similarly sized enlargement of the development, with roughly 8 lots per phase. In total, there are 11 phases.

At this time per Exhibit 3, build-out of Lot 2, Block 2 and Lots 1-9, Block 1 will create 79 residential units across 12.26 acres, or 6.44 units per acre. This aligns with the recently adopted amendment to the Mandan Land Use and Transportation Plan designation of Medium Density Residential.

The local road is a slightly smaller width than is typically permitted. Generally, sixty-six (66) feet is required for local roads. The applicant is seeking a sixty (60) foot right-of-way. Limiting parking on one side of the street will accommodate this request and is supported by Engineering and Planning. Bismarck has recently committed to allowing reduced right-of-way widths in certain instances, as it is less expensive to maintain due to less pavement to repair and less snow to be plowed in the winter.

Staff does have concerns regarding the proximity of driveways to one-another for the first eight residential lots. This can be remedied by shared access driveway easements to provide the necessary amount of space between driveways for placement of snow in the winter. This may include non-access lines in conjunction with the shared access easements. Staff is recommending this as a condition of approval.

Staff also has concerns that Lot 9, Block 1 does not specify the area to be utilized for a storm water detention pond, as was previously done in the original application. Staff is recommending splitting Lot 9, Block 1 into two lots – one dedicated for future redevelopment and one dedicated for the storm water detention pond. In addition, the newly created lot dedicated to storm water detention would be required to be held in undivided interest with all lots within the development so as to ensure that the City does not become owner and responsible for maintenance in the future.

Staff also recommends the creation of a non-access line along the east side of 12th Ave. NW and north side of 31st St. NW except for a 36' width along the farthest northwest and farthest southeast boundary of Lot 1, Block 2. This will place the approach for the lot from the public street furthest away from the intersection of 31st St. NW and 12th Ave. NW.

Fire Chief Nardello requires a temporary turnaround to be established for the first phase on the easterly end of the proposed local road.

These recommended changes to the preliminary plat prior to presentation to the Board of City Commissioners is included in Exhibit 4.

Board of City Commissioners

Agenda Documentation

Meeting Date: July 21, 2020

Subject: Preliminary Plat and First Consideration of Ordinance 1345 related to a zoning amendment from A Agriculture to RM Residential

Page 3 of 4

Finally, given that the first phase of the development showing large lots and blocks does not presently conform to the Mandan Land Use and Transportation Plan AND the developer has indicated that upon build-out as shown in Exhibit 3 via future phases that it can and will conform with the plan, staff is recommending a development agreement tied to this development (See Exhibit 5). This provides the developer with the ability to initiate construction for the first phase and address the details of future phases at a subsequent time and ensure the City develops in an orderly manner. The development agreement is only a DRAFT and may change as the agreement is further refined from discussions between the developer and staff.

The DA revolves around a density range for the entirety of the development, triggering event for the construction of 8th Ave. NW, how specials will be handled, and addresses minor landscaping and pedestrian connectivity requirements.

Planning and Zoning Commission recommended unanimous approval subject to a few changes and entering into a development agreement.

ATTACHMENTS:

Exhibit 1 – Application

Exhibit 2 – Preliminary Plat

Exhibit 3 – Masterplan (Phasing Plan)

Exhibit 4 – Adjustments to the Preliminary Plat

Exhibit 5 – DRAFT Development Agreement

Exhibit 6 – DRAFT Ordinance 1345

FISCAL IMPACT: N/a

STAFF IMPACT: N/a

LEGAL REVIEW: The staff report and exhibits have been reviewed by Attorney Oster as part of the agenda packet. Any modifications to the DRAFT Development Agreement (Exhibit 5) and/or DRAFT Ordinance 1345 (Exhibit 6) will be re-reviewed by Attorney Oster prior to finalization/second consideration.

RECOMMENDATION: Staff recommends approval of the rezone as presented in Exhibit 6 from A-Agriculture to RM Multi-family and the preliminary plat subject to the changes noted in Exhibit 4 and entering into a Development Agreement similar to the one outlined in Exhibit 5.

SUGGESTED MOTION: I move to approve the rezone as presented in Exhibit 6 from A-Agriculture to RM Multi-family and the preliminary plat subject to the changes noted

Board of City Commissioners

Agenda Documentation

Meeting Date: July 21, 2020

Subject: Preliminary Plat and First Consideration of Ordinance 1345 related to a zoning amendment from A Agriculture to RM Residential

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in Exhibit 4 and entering into a Development Agreement similar to the one outlined in Exhibit 5.

EXHIBIT 1

CITY OF MANDAN	
Development Review Application	
Minor Plat (\$300)	<input checked="" type="checkbox"/> Zone Change (\$600) <input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Preliminary Plat up to 20 acres (\$350)	Planned Unit Development (\$700)
<input checked="" type="checkbox"/> 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)
<input checked="" type="checkbox"/> Final Plat more than 40 lots (\$700) ✓	Special Use Permit (\$450)
Annexation (\$450)	Stormwater submittal (\$300)
Annexation with Minor Plat (\$200)	Stormwater 2 nd & subsequent resubmittal (\$50)
Summary of Request	
THIS IS A FOUR PART APPLICATION INCLUDING A MASTER PLAN, PRELIMINARY PLAT, FINAL PLAT & ZONE CHANGE ALL INCLUDED WITH THE SUNSET VALLEY MASTER PLAN AREA	

\$1425 ←

Engineer/Surveyor			Property Owner or Applicant		
Name MOORE ENGINEERING INC			Name DR. ERIC BELANGER (WENDY)		
Address 2911 N 14 TH ST #301			Address 932 SOUTHWEST LOOP		
City BISMARCK	State ND	Zip 58503	City BISMARCK	State ND	Zip 58503
email siverson@mooreengineeringinc.com			email wendymenichals@gmail.com		
Phone (701) 526-3771		Fax N/A	Phone (701) 595-1920		Fax N/A
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	ETA	<input checked="" type="checkbox"/> New	Addition	AG		SUNSET VALLEY		
Property Address				Legal Description				
PID 055586500				SEE ATTACHED				
Current Use				PASTURE				
Proposed Use				MEDIUM DENSITY RESIDENTIAL				
Parcel Size	Building Footprint	Stories	Building SF	Section	Township	Range		
13.13ac	N/A			16	139	31		
				Required Parking		Provided Parking		

Print Name STEVE IVERSON	Signature <i>Steve Iverson</i>	Date 7/26/19
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Office Use Only			
Date Received:	Initials: nm	Fees Paid: \$ 400	Date: 7/26/2019
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

CITY OF MANDAN	
Development Review Application	
<input type="checkbox"/>	Minor Plat (\$300)
<input checked="" type="checkbox"/>	Preliminary Plat up to 20 acres (\$400) <i>7/26/2019</i>
<input type="checkbox"/>	Preliminary Plat more than 20 acres (\$450)
<input type="checkbox"/>	Final Plat up to 20 lots (\$400)
<input type="checkbox"/>	Final Plat 21 to 40 lots (\$550)
<input checked="" type="checkbox"/>	Final Plat more than 40 lots (\$700)
<input type="checkbox"/>	Annexation (\$450)
<input type="checkbox"/>	Masterplanned Subdivision (not accepted without preliminary plat) (\$250)
<input type="checkbox"/>	Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)
<input type="checkbox"/>	Zone Change (\$600)
<input type="checkbox"/>	Planned Unit Development (\$700)
<input type="checkbox"/>	Land Use and Transportation Plan Amendment (\$1,000)
<input type="checkbox"/>	Vacation (\$500)
<input type="checkbox"/>	Variance (\$400)
<input type="checkbox"/>	Special Use Permit (\$450)
<input type="checkbox"/>	Stormwater submittal (\$300)
<input type="checkbox"/>	Stormwater 2 nd & subsequent resubmittal (\$50)
Summary of Request (Add separate sheet(s) as necessary)	
zoning change and plat of Sunset AveNew 1st Addition	

Engineer/Surveyor			Property Owner or Applicant		
Name Steve Iverson			Name Dr. Eric Belanger		
Address 925 10th Avenue E			Address 932 Southport Loop		
City West Fargo	State ND	Zip 58078	City Bismarck	State ND	Zip 58504
email steve.iverson@mooreengineeringinc.com			email		
Phone 701-282-4692	Fax		Phone 701-934-0730	Fax	
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location	Type	Existing Zone	Proposed Zone	Project Name
<input checked="" type="checkbox"/> City <input type="checkbox"/> ETA	<input checked="" type="checkbox"/> New <input type="checkbox"/> Addition	A	RM(PUD)	Sunset AveNew 1st
Property Address not assigned		Legal Description Part of the North 1/2 of the SE 1/4 of Section 16, T139N, R81W		
Current Use Agriculture				
Proposed Use Multiple family housing		Section 16	Township 139	Range 81
Parcel Size 25.61 ac	Building Footprint	Stories 2	Building SF 3,585-10,500	Required Parking 84
				Provided Parking 168

Print Name Eric Belanger	Signature <i>Eric Belanger</i>	Date 2/14/20
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Office Use Only			
Date Received:	Initials: <i>nm</i>	Fees Paid: \$ 400	Date: 7-26-2019
Notice in paper	Mailed to neighbors	P&Z meeting	
<input type="checkbox"/> Approved	Approved with conditions:		
<input type="checkbox"/> Denied			

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

Engineer/Surveyor			Property Owner or Applicant		
Name Steve Iverson			Name Eric Belanger		
Address 925 10 th Avenue E			Address 1540 Clipper Pl.		
City West Fargo	State ND	Zip 58078	City Bismarck	State ND	Zip 58504
email steve.iverson@mooreengineeringinc.com			email wendymnichols@gmail.com		
Phone 701-282-4692		Fax	Phone 701-934-0730		Fax ericbelcastle@gmail.com
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

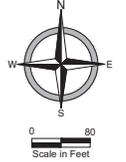
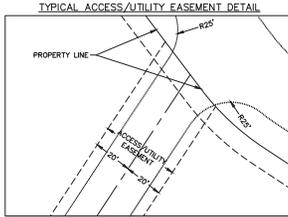
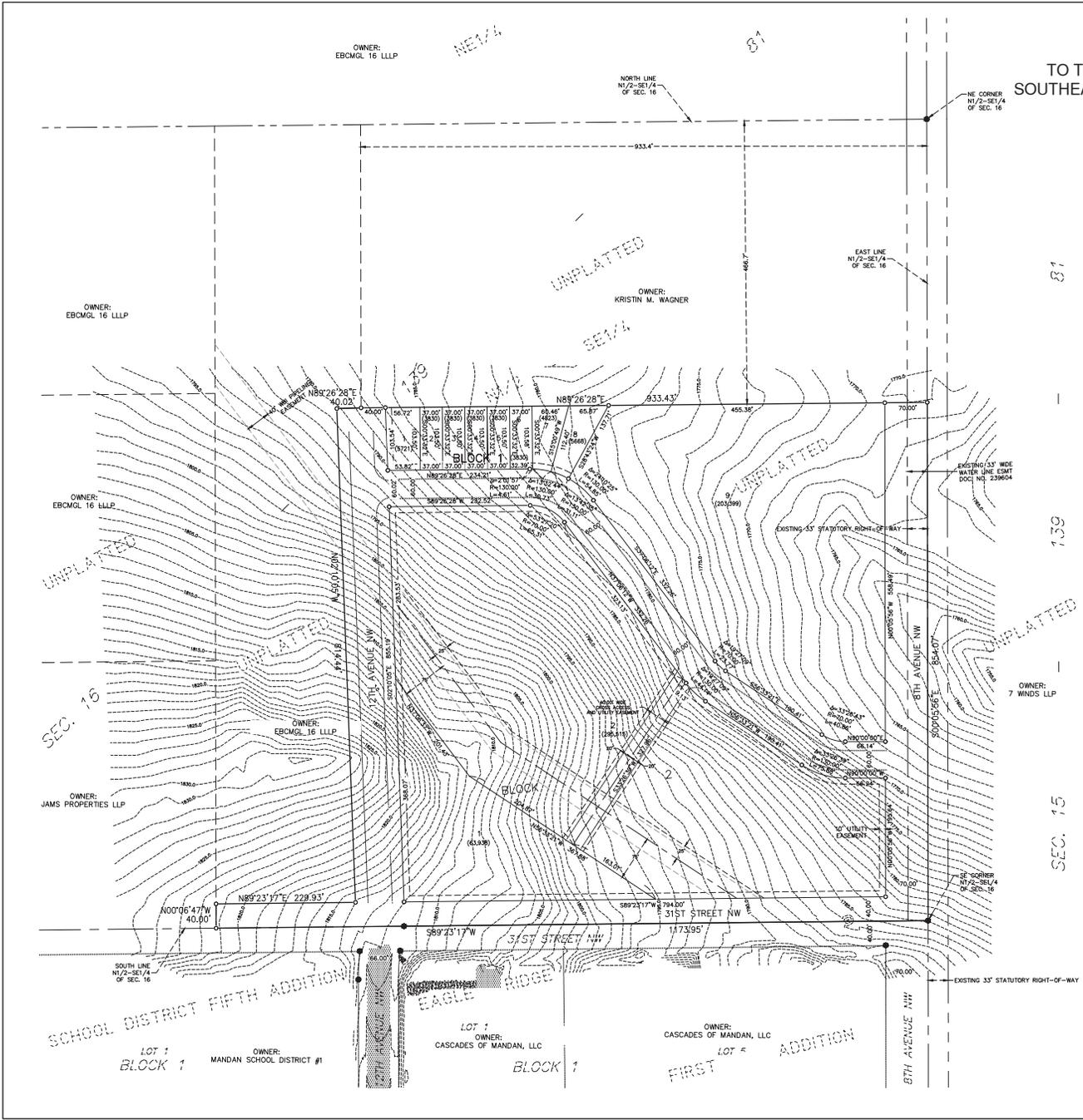
Location		Type		Existing Zone	Proposed Zone	Project Name
City	ETA	New	Addition			
Property Address				Legal Description		
Current Use						
Proposed Use						
Parcel Size		Building Footprint	Stories	Building SF	Required Parking	Provided Parking
				Section	Township	Range

Print Name Eric Belanger Wendy McNichols	Signature Wendy McNichols	Date 2/14/20
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Office Use Only			
Date Received:	Initials: nm	Fees Paid: \$600	Date 2-14-2020
Notice in paper	Mailed to neighbors	P&Z meeting	
Approved	Approved with conditions:		
Denied			

EXHIBIT 2

PLAT OF
SUNSET AVENUE 1ST ADDITION
 TO THE CITY OF MANDAN, A PLAT OF PART OF THE NORTH HALF OF THE
 SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 81 WEST
 MORTON COUNTY, NORTH DAKOTA



BASE OF BEARINGS:
 NORTH DAKOTA STATE PLANE
 COORDINATE SYSTEM, SOUTH
 ZONE NAD(83)/2011,
 INTERNATIONAL FEET.

- LEGEND**
- IRON MONUMENT FOUND
 - SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #6571
 - (4810) LOT AREAS IN SQ. FT.
 - L ARC LENGTH
 - R RADIUS LENGTH
 - Δ CENTRAL ANGLE

PROPOSED ZONING = RM(PUD)

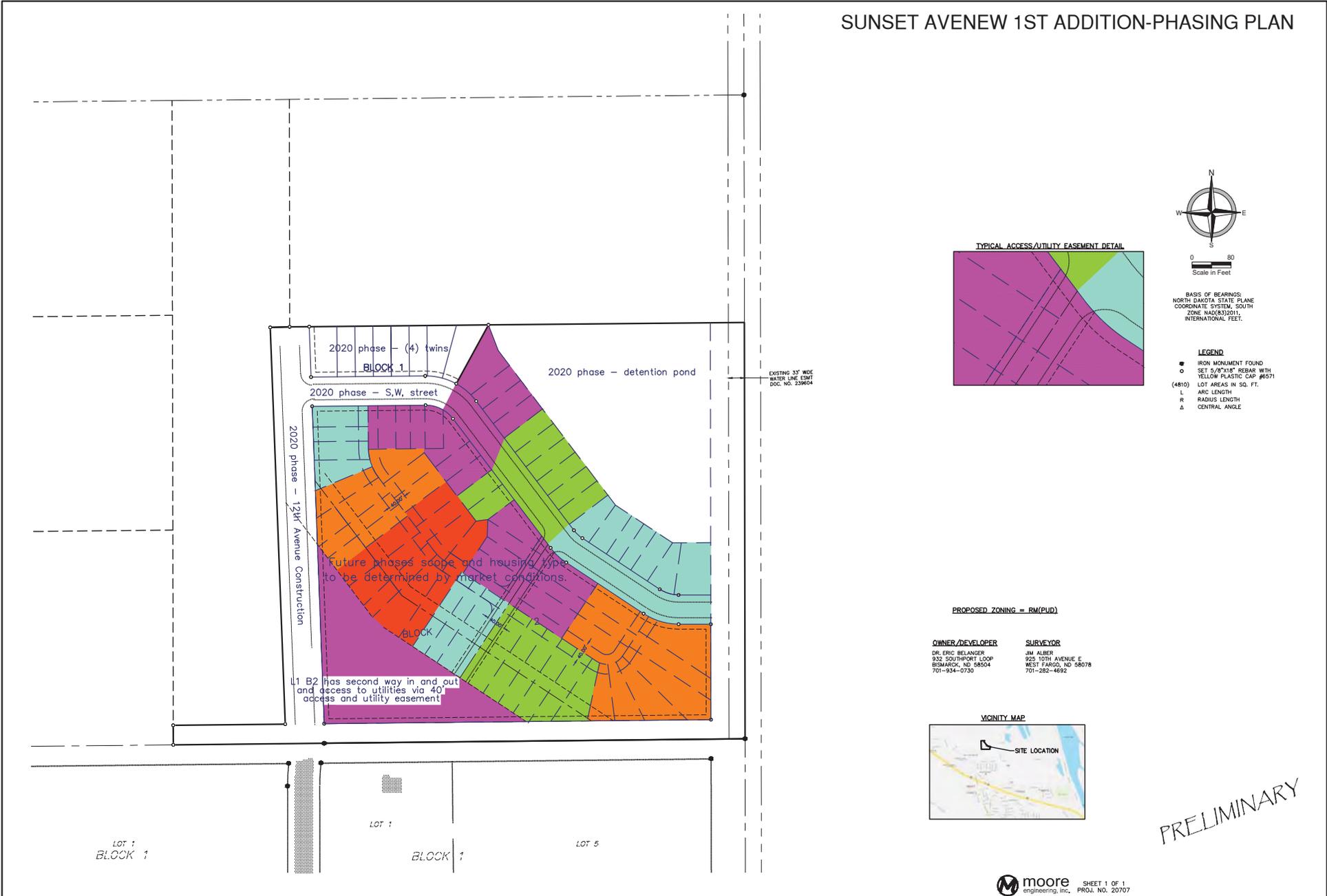
OWNER/DEVELOPER	SURVEYOR
DR. ERIC BELANGER 832 SOUTHWEST LOOP BISMARCK, ND 58504 701-834-0730	JIM ALBER 925 10TH AVENUE E WEST FARGO, ND 58078 701-282-4692



PRELIMINARY

EXHIBIT 3

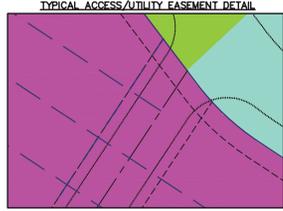
SUNSET AVENUE 1ST ADDITION-PHASING PLAN



0 80
Scale in Feet

BASIS OF BEARINGS:
NORTH DAKOTA STATE PLANE
COORDINATE SYSTEM, SOUTH
ZONE NAD(83)2011,
INTERNATIONAL FEET.

- LEGEND**
- IRON MONUMENT FOUND
 - SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #6571
 - (4810) LOT AREAS IN SQ. FT.
 - L ARC LENGTH
 - R RADIUS LENGTH
 - Δ CENTRAL ANGLE



PROPOSED ZONING = RM(PUD)

OWNER/DEVELOPER	SURVEYOR
DR. ERIC BELANGER 332 SOUTHPORT LOOP BISMARCK, ND 58504 701-934-0730	JIM ALBER 925 10TH AVENUE E. WEST FARGO, ND 58078 701-282-4692



PRELIMINARY

EXHIBIT 4

Adjustments to Preliminary Plat of Sunset Ave New 1st Addition Prior to Presentation of the Final Plat to Board of City Commissioners

- Lots to include shared access easements that result in sufficient boulevard space for snow removal purposes. This may include non-access lines to ensure an apron does not extend beyond the shared access easement.
- Lot 9, Block 1 to be divided into two lots. One lot shall include the area to be dedicated for the storm water detention pond (future lot 10) and the remaining area to be further redeveloped in the future (newly redrawn lot 9).
- Future Lot 10, Block 1 will be held in undivided interest with all lots within the development to ensure the City does not become owner and responsible for maintenance in the future.
- A non-access line along the east side of 12th Ave. NW and north side of 31st St. NW except for a 36' width along the farthest northwest and farthest southeast boundary of Lot 1, Block 2.
- Temporary turnaround as required by the Fire Department meeting standards established by both Fire and Engineering Departments.

Additional requirements stemming from Comments received that were not included in this Exhibit when presented to Planning and Zoning Commission on June 22, but included in the comment section of the staff report.

- Amend the subdivision name to remove potential for misspelling.
- Plat should indicate that the street(s) where appropriate are subject to the Marathon contract (and include the instrument number of the contract for simple reference).
- Address the easement needs of MDU to provide services as follows:
 - A 10' wide easement area be platted along the south and east property boundaries of Lot 9, Block 1.
 - A 7' to 10' wide easement be platted along the north property boundaries of Lots 1-9, Block 1

EXHIBIT 5

Development Agreement

Sunset Ave New 1st Addition

This Agreement is made and entered into on the [Day] of [Month], 2020, (hereinafter the “effective date”) by and between the City of Mandan (hereinafter referred to as the “City”) and EBCMGL 16, LLLP (hereinafter referred to as the “Developer”). The address for the City of Mandan is 205 2nd Avenue NW, Mandan, North Dakota 58554. The address of Developer is [Developer Address]. This agreement is a covenant running with the Property and binding upon any and all future owners of the Property.

WHEREAS, the Developer is the owner of property whose legal description is the Part of the N1/2 of the SE1/4 of Section 16, Township 139N, Range 81W, Morton County, North Dakota, North Dakota (hereinafter referred to as the “Property”); and

WHEREAS, the Developer wishes to develop the approximate thirteen and three-quarter (13.75) acre Property excluding right-of-way dedication into a development named Sunset Ave. 1st Addition (hereinafter referred to as the “Development”); and

WHEREAS, said Development is currently planned to include eight (8) residential lots and three (3) additional lots to be further redeveloped in the future; and

WHEREAS, the wastewater plan for the Development is dependent on the Terra Vallee Lift Station, which is planned for removal at an indeterminate future date per the wastewater masterplan of the City; and

WHEREAS, the Terra Vallee Lift Station requires immediate improvements due to ongoing and frequent maintenance and additional demand created by the Development will exacerbate necessary maintenance and interfere with the City’s ability to provide service to existing users; and

WHEREAS, the costs to strictly follow the wastewater plan of the City for this Development alone are cost-prohibitive for the Developer; and

WHEREAS, the Developer and the City have identified an amenable alternative to facilitate the implementation of the masterplan and provide wastewater services to the Development; and

WHEREAS, the Development, without this agreement, could create disorder in future development, raising costs of public infrastructure and private development for the surrounding lands; and

WHEREAS, the agreement provides the Developer a means to achieve the desired outcome of the Development of eight (8) residential lots and preserve the remaining land for future phases of development of a residential nature; and

WHEREAS, said agreement utilizes for reference a document (hereinafter referred to as “Phasing Plan”) showing future private road access and additional subdivided lots as a proof of concept for future development to align with the Mandan Future Land Use and Transportation Plan (originally adopted June 2015 and hereinafter referred to as the “Plan”); and

WHEREAS, nothing in this agreement prohibits the Developer from revising the layout of the lots of the Phasing Plan subject to the necessary jurisdictional approvals including Mandan Planning and Zoning Commission and the Mandan Board of City Commissioners; and

WHEREAS, nothing in this agreement prohibits the City from adopting alternative land uses through a new land use plan or amendment to the Plan affecting the Property as prescribed by State law and the Mandan Code of Ordinances and requiring any future development to align with said plan.

NOW THEREFORE, it is agreed between the parties as follows:

1. Density upon build-out of the Development to be a minimum of five (5) units per acre and maximum of eight (8) units per acre. If at any subsequent phase of development these thresholds do not appear to be capable of being met as determined by the City the applicant agrees to amend the application to the satisfaction of the City prior to presentation for consideration of approval.
2. Lot 9, Block 1 and Lots 1 & 2, Block 2 are required to be further subdivided as necessary to meet the density requirement above.
3. The Development is restricted to single-family, twin-home, or row-home construction for Lots 1 through 9, Block 1 and Lot 2, Block 1. The Development is restricted to single-family, twin-home, row-home, or multi-family residential construction for Lot 1, Block 1.
4. 8th Ave. NW is considered the secondary access for meeting the secondary access requirements for the Development. No more than thirty (30) dwelling units shall be permitted prior to the construction of 8th Ave. NW to connect said road to 12th Ave. NW via the proposed local public road meandering southeast to northwest.
5. The City recognizes that 8th Ave. NW may be initially constructed as a rural local road if approved by the City Engineer, although its function for the purposes of special assessments will be classified as a collector unless an alternative allocation is determined to be more equitable by the Board of City Commissioners. The portion of special

assessments that would otherwise have been assessed to Lot 10, Block 1 will be equally distributed to all other lots in the Development unless an alternative allocation is determined to be more equitable by the Board of City Commissioners.

6. Boulevard landscaping along 12th Ave. NW shall include a tree of at least one and a quarter (1 ¼) inch caliper within the boulevard for each fifty (50) linear feet of right-of-way beginning at the intersection of 31st St. NW and terminating at the northern boundary of the Development. Boulevard landscaping will be installed by the Developer at the same time as 12th Ave. NW.
7. A sidewalk shall be constructed by the Developer along the east side of 12th Ave. NW for the entirety of the development to provide for pedestrian connectivity to the existing network to the south. A crosswalk across 31st St. NW is required and shall meet standards set forth by the City Engineer. Both shall be installed at the same time as 12th Ave. NW.
8. Lot 10, Block 1 shall be the undivided interest of all lot owners of the Development and used for the purposes of storm water detention. Maintenance, if required by the City, shall be allocated per the special assessment policy in effect at the time unless an alternative allocation is determined to be more equitable by the Board of City Commissioners.
9. All private roads and utilities shall be the maintenance responsibility of all of the lot owners utilizing the respective private road or utility of the Development. Maintenance, if required by the City, shall be allocated per the special assessment policy in effect at the time unless an alternative allocation is determined to be more equitable by the Board of City Commissioners.
10. Future development on the Property will align with the adopted land use and transportation plan of the City of Mandan at the time of application.
11. Additional costs for wastewater infrastructure, stemming from necessary improvements to the Terra Vallee Lift Station and deviation from the existing waste water masterplan, will be determined by the Board of City Commissioners with a recommendation from the City Engineer.
12. All public roads and utilities shall be the maintenance responsibility of the city after final acceptance of the project(s). The water distribution and sanitary sewer components of the public infrastructure need to be installed under a three-way agreement and require following all city standards per the Engineering Department. The above ground public infrastructure including streets, storm sewer, and other above ground improvements such as signs and street lights can be installed under a street improvement district or a three-way agreement by choice of the Developer and require following all city standards per the Engineering Department.

Mayor Tim Helbling
City of Mandan

Attest:

Jim Neubauer
City Administrator

Eric Belanger, Title
EBCMGL 16, LLLP

Attest:

DRAFT

EXHIBIT 6

ORDINANCE NO. 1345

AN ORDINANCE TO AMEND AND REENACT SECTION 105-2-2 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA.

WHEREAS, The Mandan Land Use and Transportation Plan designates the property as Medium Density Residential; and

WHEREAS, The Preliminary Plat and Phasing Plan for Sunset Ave. 1st Add., the area subject to this zoning amendment, align with the Mandan Land Use and Transportation Plan designation as presented; and

WHEREAS, The RM Residential District with a density restriction will ensure compliance with the Mandan Future Land Use and Transportation Plan designation of Medium Density Residential.

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

SECTION 1. ZONING AMENDMENT. Section 105-2-2 of the Mandan Code of Ordinances is amended to read as follows:

A tract of land a part of the North Half of the Southeast Quarter of Section 16, Township 139 North, Range 81 West of the Fifth Principal Meridian in Morton County, North Dakota more particularly described as follows:

BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTH HALF OF THE SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 23 MINUTES 17 SECONDS WEST ON AN ASSUMED BEARING ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE SOUTHEAST QUARTER FOR A DISTANCE OF 1173.95 FEET; THENCE NORTH 00 DEGREES 06 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 40.00 FEET; THENCE NORTH 89 DEGREES 23 MINUTES 17 SECONDS EAST FOR A DISTANCE OF 229.93 FEET; THENCE NORTH 02 DEGREES 10 MINUTES 05 SECONDS WEST FOR A DISTANCE OF 814.44 FEET; THENCE NORTH 89 DEGREES 26 MINUTES 28 SECONDS EAST FOR A DISTANCE OF 40.02 FEET TO THE SOUTHWEST CORNER OF THE NORTHERLY 466.7 FEET OF THE EASTERLY 933.4 FEET OF SAID NORTH HALF OF THE SOUTHEAST QUARTER, AS MEASURED AT A RIGHT ANGLE TO, AND PARALLEL WITH , THE NORTH AND EAST LINES OF SAID NORTH HALF OF THE SOUTHEAST QUARTER; THENCE NORTH 89 DEGREES 26 MINUTES 28 SECONDS EAST ALONG THE SOUTH LINE OF SAID NORTHERLY 466.7 FEET FOR A DISTANCE OF 933.43 FEET TO THE SOUTHEAST CORNER OF SAID NORTHERLY 466.7 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES 56 SECONDS EAST ALONG THE EAST LINE OF SAID NORTH HALF OF THE SOUTHEAST QUARTER FOR A DISTANCE OF 854.07 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 19.00 ACRES, MORE OR LESS.

Said tract shall be removed from the A-Agricultural District and be included in the RM Residential District WITH THE FOLLOWING RESTRICTIONS:

DENSITY TO BE LIMITED TO BETWEEN FIVE (5) AND EIGHT (8) DWELLING UNITS PER ACRE.

SECTION 2. RE-ENACTMENT. Section 105-2-2 of the Mandan Code of Ordinances is hereby re-enacted as amended. The city principal planner is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

Tim Helbling, President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

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

June 22, 2020

July 21, 2020

August 4, 2020



Bids No. 1

Board of City Commissioners

Agenda Documentation

MEETING DATE: July 21, 2020
PREPARATION DATE: July 16, 2020
SUBMITTING DEPARTMENT: Planning and Engineering
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning and Engineering Director
Laith Hintz, PE; AE2S Project Manager
SUBJECT: Raw Water Intake Bid Results

STATEMENT/PURPOSE: To update on the State Water Commission level discussion and options with holding bids.

BACKGROUND/ALTERNATIVES: At the July 16th State Water Commission meeting, the commission again decided to table any decisions on additional funds or any funds to go to newly requested projects. Our project is included since we are asking for additional funds to it. For more explanation and our proposed path forward, please refer to attachment #1, a letter from AE2S with which we concur.

The following is from our June 16th City Commission meeting: Given the high bids for the Raw Water Intake project that we received in October, AE2S worked on value engineering tasks to hopefully lower the cost of the project from what was reflected at that time. Those tasks were completed and we then went forward to opening bids for Phase 1A were opened on May 19th while the bids for Phases 1B and II were opened on June 3rd. The full results are attached below, but in summary, the bids came in well over estimate.

Given that the bids that are over estimate, AE2S and City Staff were prepared to request that the State Water Commission (SWC) continue their commitment to this project at the 60% match given the amount now that bids are received. During the June 9th SWC meeting, the commission decided not to act on any new project funding requests or requests to raise the amounts to any particular project state-wide given budgetary concerns of theirs. They instead decided to reconvene on these requests on July 16th. Our bid specifications allow us to hold these bids into August, therefore we can wait for the decisions that come out of their July 16th meeting before acting and would plan to bring this item back for a decision at our July 21st City Commission meeting. Therefore, we are recommending to take advantage of that time in order to get a clearer picture of the funds, especially that would come from the SWC.

ATTACHMENTS:

- 1) AE2S July 17th Recommendation Letter Following July 16th State Water Commission Meeting
- 2) AE2S Bid Summary and Recommendation Letter (**from June meeting**)
- 3) Bid Tabs for Each Phase (**from June meeting**)

FISCAL IMPACT: No action requested today. With the bids that came in, the new projected total project estimate is about \$36.6M. That compares to an estimate of \$30.0M in April, after final design, but before we advertised for bids. Perhaps more significantly is that it compares to an estimate of \$20.8M from early 2019, which is the estimate that the SWC's cost share commitment is based on.

STAFF IMPACT: Minimal

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

RECOMMENDATION: No action recommended today. We recommend to allow the August SWC meeting to take place and would come back to the City Commission with a recommendation following that.

SUGGESTED MOTION: No action recommended today.



July 17, 2020

To the President and Commissioners of the Mandan Board of City Commissioners
c/o Justin Froseth, PE
Planning and Engineering Director
205 2nd Ave NW
Mandan, ND 58554-3125

**Re: Mandan Raw Water Intake – City Project No. 2014-09
Award Recommendation Letter (Update)**

Honorable Commissioners:

We recommend continuing to hold bids for the referenced Project. Bids can currently be held until August 2nd and we are coordinating with apparent low bidders to extend their bids to August 31st.

Recall that all bids were presented at the June 16, 2020 City Commission Meeting with a recommendation to hold pending a decision by the ND State Water Commission (SWC) on additional cost-share funding. The SWC has approved cost-share funding for this project up to \$20.835M. A revised cost-share has been submitted with current project costs to the SWC but any action has been tabled for consideration at an August 13th meeting. As such, **we recommend holding bids for consideration at a future City Commission Meeting.**

Thank you for the continued opportunity to provide professional engineering services to the City of Mandan. Should you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

AE2S

A handwritten signature in blue ink, appearing to read "L. Hintz", is written over the printed name.

Laith D. Hintz, PE
Project Manager

CC: North Dakota Department of Environmental Quality (electronic)
North Dakota State Water Commission (electronic)
Duane Friesz, City of Mandan (electronic)
Mary Trost, Marathon Petroleum (electronic)

Advanced Engineering and Environmental Services, Inc.
1815 Schafer Street, Suite 301 • Bismarck, ND 58501 • 701-221-0530



6/11/2020

To the President and Commissioners
of the Mandan Board of City Commissioners
c/o Justin Froseth, PE, Planning and Engineering Director
205 2nd Avenue NW
Mandan, ND 58554-3125

**Re: Mandan Raw Water Intake
City Project No. 2014-09
Award Recommendation Letter**

Honorable Commissioners:

Bids for the referenced Project were opened on Tuesday, May 19, 2020 and Wednesday June 3, 2020. The Contractors submitted the required Bid Bonds, Contractor's Licenses, required SRF documents, acknowledged the Addenda, and signed their Bids except where noted below. The Bids were examined for errors and irregularities, and one was found and noted below. A copy of the Bid tabulation summaries are attached.

Phase IA – Intake Structure

Three Contractors submitted Bids for the Work. An alternate was included with the bid and, if selected, will determine the apparent low bid as follows:

- Contract No. 1 – General Construction
 - Engineering & Construction Innovations, Inc.
 - Bid Amount: \$8,997,775.00
 - Opinion of Cost: \$7,500,000.00
- Contract No. 1 with Alternate No. 1 – General Construction
 - Meyer Contracting
 - Bid Amount with alternate: \$9,231,600.00

Engineering & Construction Innovations, Inc. and Meyer Contracting are specialty Contractors from outside of North Dakota. Meyer Contracting has completed projects with AES. They have both provided additional information qualifying capabilities and experience with similar type projects.

Advanced Engineering and Environmental Services, Inc.

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

President and Commissioners
of the Mandan Board of City Commissioners
Re: Mandan Raw Water Intake
6/11/2020
Page 2 of 3

Phase IB – Pump Station, Control Vaults, and WTP Improvements

Seven Contractors submitted Bids for the Work. One bid did not have the required SRF documents and was not opened. The apparent low bids are as follow:

- Contract No. 1 – General Construction
 - Swanberg Construction, Inc.
 - Bid Amount: \$11,143,000.00
 - Opinion of Cost: \$8,970,000.00
- Contract No. 2 – Mechanical Construction
 - Central Mechanical, Inc.
 - Bid Amount: \$628,000.00
 - Opinion of Cost: \$630,000.00
- Contract No. 3 – Electrical, Instrumentation, and Controls Construction
 - Ystaas Electrical Service, LLC
 - Bid Amount: \$2,557,870.74
 - Opinion of Cost: \$2,440,000.00

Swanberg Construction and Central Mechanical are known, reputable Contractors who have completed projects with AE2S and the City of Mandan. Ystaas Electrical Service has primarily served the oil and gas industry but has provided information qualifying capabilities and experience with similar type projects.

Phase II – Raw Water Transmission Line Improvements

Five Contractors submitted Bids for the Work. One bid did not have the required SRF documents and was not opened. There was also a mathematical error on one of the bids but did not affect the outcome. The apparent low bid is as follow:

- Contract No. 1 – General Construction
 - Meyer Contracting
 - Bid Amount: \$6,387,170.24
 - Opinion of Cost: \$4,200,000.00

Meyer Contracting is a specially Contractor from outside of North Dakota and has completed projects with AE2S.

The ND State Water Commission (SWC) has approved cost-share funding for this project up to \$20.835M. A revised cost-share has been submitted with current project costs to the SWC but any action has been tabled for consideration at a July 16th meeting. **As such, we recommend holding bids for consideration at a future City Commission Meeting.**

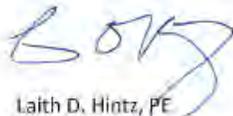


President and Commissioners
of the Mandan Board of City Commissioners
Re: Mandan Raw Water Intake
6/11/2020
Page 3 of 3

Thank you for the continued opportunity to provide professional engineering services to the City of Mandan. Should you have any questions or concerns, please do not hesitate to contact us.

Submitted in Service,

AE2S



Laith D. Hintz, PE
Project Manager

Enclosures Bid Tabulation Summary

- C: North Dakota Department of Environmental Quality (electronic)
- North Dakota State Water Commission (electronic)
- Duane Friesz, City of Mandan (electronic)
- Mary Trost, Marathon Petroleum (electronic)



Mandan Raw Water Intake Phase IA
City of Mandan, North Dakota
AE2S Project No. P00510-2010-001 052
Bid Opening 4:00 PM CDT, Tuesday, May 19, 2020

	Acknowledge Addenda 1-2	Bid Bond	Contractor's License or Renewal	MBE/WBE Solicitation Info	SRF Cert. Requiring Declaration	Qualifications Statement	Bid Form	Contract No. 1 Base Bid - General Construction	Alternate No. 1
Contractor									
Engineering & Construction Innovations, Inc.	✓	✓	✓	✓	✓	✓	✓	\$8,997,775.00	\$455,000.00
Meyer Contracting dba Meyer Con Inc.	✓	✓	✓	✓	✓	✓	✓	\$9,038,400.00	\$193,200.00
Michels Corporation	✓	✓	✓	✓	✓	✓	✓	\$12,720,000.00	\$440,000.00
<i>Engineer's Estimate:</i>								\$7,500,000.00	



Advanced Engineering and Environmental Services, Inc.
 1815 Schafer Street, Suite 301
 Bismarck, ND 58501
 Tel: 701-221-0530



 Laith Hintz, PE

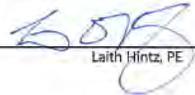
Mandan Raw Water Intake Phase IB
 City of Mandan, North Dakota
 AE2S Project No. P00510-2010-001 052

Bid Opening 11:00 AM CDT, Wednesday, June 3, 2020

Contractor	Acknowledge Addenda 1-2	Bid Bond	Contractor's License or Receipt	NBB/DBE Selection Info	SIF Cert Regarding Disbarment	Qualifications Statement	Bid Form	Contract No. 1 Base Bid General Construction	Contract No. 2 Base Bid Mechanical Construction	Contract No. 3 Base Bid Electrical, Instrumentation, and Controls Construction	Contract No. 4 Base Bid Combined General; Mechanical; and Electrical, and Instrumentation and Controls Construction
Swanberg Construction, Inc.	✓	✓	✓	✓	✓	✓	✓	\$11,143,000.00	No Bid	No Bid	No Bid
John T Jones Construction Co.	✓	✓	✓	✓	✓	✓	✓	\$12,516,900.00	No Bid	No Bid	\$16,390,700.00
Central Mechanical, Inc.	✓	✓	✓	✓	✓	✓	✓	No Bid	\$628,000.00	No Bid	No Bid
Cofell's Plumbing & Heating, Inc.	✓	✓	✓	✓	✓	✓	✓	No Bid	\$692,000.00	No Bid	No Bid
Ystaas Electrical Service, LLC	✓	✓	✓	✓	✓	✓	✓	No Bid	No Bid	\$2,557,870.74	No Bid
Edling Electric, Inc.	✓	✓	✓	✓	✓	✓	✓	No Bid	No Bid	\$2,834,000.00	No Bid
Skeels Electric								Bid Irregularity - Bid not opened			
Engineer's Estimate								\$8,970,000.00	\$630,000.00	\$2,440,000.00	\$12,040,000.00



Advanced Engineering and Environmental Services, Inc.
 1815 Schafer Street, Suite 301
 Bismarck, ND 58501
 Tel: 701-221-0530


 Laith Hintz, PE

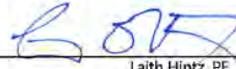
Mandan Raw Water Intake Phase II
City of Mandan, North Dakota
AE2S Project No. P00510-2010-001 051
Bid Opening 11:00 AM CDT, Wednesday, June 3, 2020

	Acknowledge Addendum 1	Bid Bond	Contractor's License or Renewal	MBE/WBE Solicitation Info	SIF Cert Regarding Debarment	Qualifications Statement	Bid Form	
Contractor								Contract No. 1 General Construction
Meyer Contracting	X	X	X	X	X	X	X	\$6,387,170.24
Carstensen Contracting Inc	X	X	X	X	X	X	X	\$6,810,040.00
SJ Louis Construction Inc	X	X	X	X	X	X	X	\$7,769,000.00
Wagner Construction, Inc.	X	X	X	X	X	X	X	\$10,246,858.36
Rachel Contracting	X	X	X	X				Bid Irregularity - Bid not opened.
Engineer's Estimate								\$4,200,000.00

*Differs from as-read results due to mathematical error



Advanced Engineering and Environmental Services, Inc.
 1815 Schafer Street, Suite 301
 Bismarck, ND 58501
 Tel: 701-221-0530



 Laith Hintz, PE



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 21, 2020
PREPARATION DATE: July 17, 2020
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Annual Liquor License Renewals

STATEMENT/PURPOSE: All liquor licenses must be approved by the Board of City Commissioners on an annual basis.

BACKGROUND/ALTERNATIVES: Applications and fees have been received by the following applicants.

CLASS “A” GENERAL RETAIL ON & OFF-SALE BEER & LIQUOR

1. The Drink at Lakewood
2. Vicky’s Sports Bar

CLASS “F” Food and beverage license permitting on-premises beer and wine sales subject to the restrictions and conditions.

1. Ten Spot Lanes

The applicants were contacted and informed of the possibility of a later due date for their applications. These three applicants indicated they wished to simply move forward for their consideration.

Property taxes are current for these applicants.

ATTACHMENTS: N/A

FISCAL IMPACT: The fees for these applicants have been received based upon the new resolution.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend to approve The Drink at Lakewood, Vicky’s Sports Bar and Ten Spot Lanes licenses for the period of September 1, 2020 – June 30,

2021. Contingent upon the establishment meeting all Fire Codes, Health & Safety Code and Building Inspection Codes.

SUGGESTED MOTION: I move to approve The Drink at Lakewood, Vicky's Sports Bar and Ten Spot Lanes for the period of September 1, 2020 – June 30, 2021. Contingent upon the establishment meeting all Fire Codes, Health & Safety Code and Building Inspection Codes.



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 21th, 2020
PREPARATION DATE: July 14, 2020
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Chief Jason Ziegler
PRESENTER: Deputy Chief Lori Flaten
SUBJECT: MPO Drive In Movie Theater

STATEMENT/PURPOSE: Consider approval of the Special Event Permit for the Mandan Progress Organization Drive In Movie Theater event.

BACKGROUND/ALTERNATIVES: The MPO wants to hold a drive in movie event in the parking lot of the Braves Center on August 1, 2020. There would be two showings, 5pm and 8pm. They have permission from the School District and Park District to use the parking lot. They are requesting that 9th St NW from 6th Ave/Sunset Dr, be closed to traffic and Division St west of Sunset Dr be closed except to traffic exiting the Braves Center parking lot. The application has been reviewed and approved by Engineering, Public Works, Fire and Police departments. Custer Health has also approved the MPO's plans.

ATTACHMENTS: Special Event Permit Application

FISCAL IMPACT: None

STAFF IMPACT: none they will provide their own barricades

LEGAL REVIEW: N/A

RECOMMENDATION: To approve the Special Events application and road closures for the MPO Drive In Special Event Permit Application.

SUGGESTED MOTION: Move to approve the Special Events application and road closures for the MPO Drive In Special Event Permit Application.

Permit Application #: 20-06 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: 7/13/2020

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: Dot Frank
Driver's License Number: State ND
Date of Birth: Phone Number: Email: dot@mandanprogress.org
Address: City: Mandan State: ND Zip: 58554
Have you ever been convicted of a crime? YES NO
If yes please list charge(s) and year of conviction(s):
N/A

(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 W Main Street 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: Mandan Market, Dykshoorn Park Date: 7/3-4/2020

Contact Name: Dot Frank Phone: 701-527-5767

E-mail Contact: dot@mandanprogress.org

Section 2 – Event Information

Event Name: _____ Anticipated Daily Attendance: 124 Cars

Event Date(s): Saturday, Aug. 1, 2020 Set-up Date: 8/1/2020 Hours: _____

Hours of event each day: Tentatively 5 p.m. showing and 8 p.m. showing.
(begin and end times)

Take Down Date(s): 8/1/2020 Hours: _____

E-Mail address for public information: dot@mandanprogress.org

WEB address for public information: www.mandanprogress.org

Location of Event/physical address: Mandan Braves Center 901 Division St. NW, Mandan

Sponsors of the Event: _____

Brief Description of Event:

Drive-in movie event with concessions. Nightlife Music will be the production company. One family-friendly movie will be played on a large LED screen with audio through an FM transmitter. There will be two separate show times.

Has this event been held in another location? YES NO

If yes, please provide the following:

Last event/s Location: N/A

Date: N/A Contact Name and Phone: N/A

Section 3 – Event Features

Will there be an admission charge? Yes No

If yes, Printed ticket count: N/A Tickets for presale count: N/A

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: *N/A* _____

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: _____

Contact phone: _____

Restroom Accommodations: _____

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: Spiffy Biffs
Contact phone: 224-0856

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: 2 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: JUSTIN FROST Date Approved: 7-13-2020 Initials: JF
(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? _____

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: _____

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: _____

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?

On-site garbage totes and volunteers to walk parking lot after each showing to pick up trash.

(Attach a detailed Cleanup Plan)

Outside refuse company Company's Name: Armstrong Sanitation

Contact Name: Peggy Becker

Phone: 663-8219

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.

MPO Drive-In Theater

Permit Application #: 20-06 Date Complete: _____
(For office use only)

Signature Page from City Officials and Department Heads

SN / email, 07-13-20

Fire Department Date
[Signature], 07-13-20

Police Department Date
_____/____

Finance Department Date
[Signature] 07-13-2020

Engineering Department Date
MB - email 07-14-20

Public Works Date
_____/____

City Administrator Date
_____/____

Park District Designee Date

Date Approved by City Commission: _____

Lori Flaten

From: snardello@nd.gov
Sent: Monday, July 13, 2020 2:11 PM
To: Lori Flaten; Justin J. Froseth; Mitchell L. Bitz; Brian L. Dirk
Cc: Jason J. Ziegler
Subject: RE: Event

FD is good as long as they maintain total access on 7th and Division Streets NW

Steve Nardello, Fire Chief

701-667-7901
snardello@nd.gov
110 Collins Avenue
Mandan, ND 58554



From: Lori Flaten <lflaten@mandanpd.com>
Sent: Monday, July 13, 2020 1:08 PM
To: Justin J. Froseth <jfroseth@cityofmandan.com>; Mitchell L. Bitz <mbitz@cityofmandan.com>; Brian L. Dirk <brian.dirk@cityofmandan.com>; 'snardello@nd.gov' <snardello@nd.gov>
Cc: Jason J. Ziegler <jziegler@mandanpd.com>
Subject: Event

All,

The MPO wants to do a drive in movie in the Braves Center parking lot. They want to close 9th St NW from 6th/Sunset into the Braves Center. They would only use it for exiting if people without tickets showed up at the ticket taking "booth". They will turn Division St into a one way outbound from the parking lot. Entrance to the event would be from behind the school/All Seasons Arena. They are working with Nightlife who would be setting up the screen etc. Movie would be a family one but which one hasn't been decided yet. Screen probably at the west side of the lot. Concessions and porta potties on the southwest area by the pool part of the building. They want to do this August 1st so I need to get it on the next commission meeting.

Lori Flaten
Deputy Chief
Mandan Police Department

Lori Flaten

From: Mitchell L. Bitz
Sent: Tuesday, July 14, 2020 7:08 AM
To: Lori Flaten; Justin J. Froseth; Brian L. Dirk; 'snardello@nd.gov'
Cc: Jason J. Ziegler
Subject: RE: Event

I have no issues...

Mitch

From: Lori Flaten <lflaten@mandanpd.com>
Sent: Monday, July 13, 2020 1:08 PM
To: Justin J. Froseth <jfroseth@cityofmandan.com>; Mitchell L. Bitz <mbitz@cityofmandan.com>; Brian L. Dirk <brian.dirk@cityofmandan.com>; 'snardello@nd.gov' <snardello@nd.gov>
Cc: Jason J. Ziegler <jziegler@mandanpd.com>
Subject: Event

All,

The MPO wants to do a drive in movie in the Braves Center parking lot. They want to close 9th St NW from 6th/Sunset into the Braves Center. They would only use it for exiting if people without tickets showed up at the ticket taking "booth". They will turn Division St into a one way outbound from the parking lot.

Entrance to the event would be from behind the school/All Seasons Arena.

They are working with Nightlife who would be setting up the screen etc. Movie would be a family one but which one hasn't been decided yet.

Screen probably at the west side of the lot. Concessions and porta potties on the southwest area by the pool part of the building.

They want to do this August 1st so I need to get it on the next commission meeting.

Lori Flaten
Deputy Chief
Mandan Police Department



Street Closed Until
Movie is Over

Mandan
Skate Park

Mandan Public Schools
Temporarily closed

Heather Fried - State
Farm Insurance Agent

Brooke Wiedrich
Photography

Attendant to
Check Tickets

Street Closed Until
Movie is Over

Pepsi All Seasons Arena

Attendant to Let
Un-ticketed Cars Out

Mandan High School
Temporarily closed

William
Bauknecht
Park

Susie Q's CE &
The Dakota Store
Delivery

Google



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

July 13, 2020

Dot Frank
Mandan Progress Organization
Mandan, ND 58554

To Whom It May Concern:

Custer Health is providing recommendations regarding portable sewage handling for the outdoor movie event hosted by the Mandan Progress Organization on August 1, 2020. The event will be held at the Mandan Brave Center in Mandan. Show times will be at 5pm and 8pm. Event coordinators have estimated an expected turnout of 500 people over both show times.

I recommend installing at least 3 regular portable toilets, 1 handicap accessible toilet and 1 hand washing unit.

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

Sincerely,

Cory Drevecky
Environmental Health Practitioner



Screen may be on west side of lot depending on which way maximizes # of available parking spots



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 21, 2020
PREPARATION DATE: July 16, 2020
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Consider Approval of Concurrence to Accept a Transportation Alternatives Grant

STATEMENT/PURPOSE: To consider approval of a Transportation Alternatives grant that was applied for by the Mandan Park District. The TA grant would go towards resurfacing the multi-use trail between Sunset Drive and Collins Avenue.

BACKGROUND/ALTERNATIVES: The Park District submitted an application for this grant some months back. As with any Park District grant application that goes to the NDDOT, the City must be a supporting agency. We were recently notified of the DOT's selection of this project to receive grant funds. Similar to the support of the application, the City must respond to accept the grant funds as well. Even though the City is looked at by the DOT to accept, the Park District is committed to all of the project management and all of the local cost share associated with this project. The Park District recognizes the project management and local cost share as their responsibility.

ATTACHMENTS:

1. Notice of award letter.
2. Park District's email indication of local cost share and project management responsibilities.

FISCAL IMPACT: The Park District will pay for all local share costs for this project. They will do so by special assessing the costs for the work back to the Park District.

STAFF IMPACT: None. The Park District will manage this project.

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

RECOMMENDATION: We recommend approval of acceptance of this grant.

SUGGESTED MOTION: Move to accept the Transportation Alternatives (TA) funds for the Old Red Trail Phase 2 Shared Use Path Project.



June 25, 2020

The Honorable Tim Helbling
Mayor of Mandan
205 2nd Ave SW
Mandan, ND 58554

Subject: Old Red Trail Phase 2 Shared Use Path Project

Congratulations on the recent award of Transportation Alternatives (TA) funds for your Old Red Trail Phase 2 Shared Use Path Project.

The federal aid project will be funded with 80.93% federal TA funds up to a maximum of \$168,237. These funds are for construction costs only.

Because of the high demand for TA funded projects, please notify us by July 31, 2020, that the local finances needed to plan and design this project are available.

It is presently planned that this project be developed, bids taken, and constructed by the end of the 2022 construction season. To meet this date, we encourage you to start project development and work towards a plan completion date between December 1, 2021, and March 15, 2022. The TA funds are for federal FY 2022 and these funds must be authorized by FHWA before the end of the fiscal year. The latest date that a completed set of plans can be submitted to the NDDOT is August 12, 2022. If you do not meet this date, your award of funds may be rescinded.

The process for the development of DOT projects shall be used and I will be able to assist you in the development of your project.

Once again, please notify us by July 31, 2020, what the wishes of the city of Mandan are in regard to this project. You can contact me at 701-328-4787 if you have any questions.

A handwritten signature in black ink that reads "Pam Wenger".

Pam Wenger
Local Government Division

38/sbh
C: Cole Higlin, Director of Parks

Board of City Commissioners

Agenda Documentation

Meeting Date: July 21, 2020

Subject: Consider Approval of Concurrence to Accept a Transportation Alternatives Grant

Page 3 of 3

From: Cole Higlin <CHiglin@mandanparks.com>

Sent: Monday, July 13, 2020 7:55 PM

To: Justin J. Froseth <jfroseth@cityofmandan.com>

Cc: Teri Welch <twelch@mandanparks.com>

Subject: Re: Transportation Alternative (TA) FY 22 Funding Award

Board approved the grant funding. Let me know if you need anything else. We plan Special assessing the 20% plus engineering fees back to the park district. KLJ will do the engineering.



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 21, 2020
PREPARATION DATE: July 15, 2020
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: Minor Plat for Lakewood Harbor 3rd Addition First Replat of Block 1

STATEMENT/PURPOSE: Consider approval of minor plat for Lakewood Harbor 3rd Addition First Replat of Block 1.

BACKGROUND/ALTERNATIVES:

The property owners would like to adjust the shared property boundary. The adjusted property boundary meets the setback requirements for the two existing dwellings and merely transfers a portion of the side and backyard of one property to another. No lots are created or removed by this minor plat.

Staff is recommending approval of the minor plat as presented in Exhibit 1.

ATTACHMENTS:

Exhibit 1 – Minor Plat for Lakewood Harbor 3rd Addition First Replat of Block 1

FISCAL IMPACT: N/a

STAFF IMPACT: N/a

LEGAL REVIEW: The plat and staff report have been provided to Attorney Oster as part of the agenda packet.

RECOMMENDATION: Staff recommends approval of the minor plat for Lakewood Harbor 3rd Addition First Replat of Block 1 as presented in Exhibit 1.

Board of City Commissioners

Agenda Documentation

Meeting Date: July 21, 2020

Subject: Minor Plat for Lakewood Harbor 3rd Addition First Replat of Block 1

Page 2 of 2

SUGGESTED MOTION: I move to approve the minor plat for Lakewood Harbor 3rd Addition First Replat of Block 1 as presented in Exhibit 1.

EXHIBIT 1

LAKWOOD HARBOR 3RD ADDITION FIRST REPLAT OF BLOCK 1

BEING A REPLAT OF LOTS 1 AND 2 BLOCK 1 LAKEWOOD HARBOR 3RD ADDITION
PART OF THE NW 1/4 OF SECTION 7, TOWNSHIP 138 NORTH, RANGE 80 WEST

TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

DESCRIPTION

BEING A REPLAT OF LOTS 1 AND 2 BLOCK 1 LAKEWOOD HARBOR 3RD ADDITION, PART OF THE NW 1/4 OF SECTION 7, TOWNSHIP 138 NORTH, RANGE 80 WEST TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 00 DEGREES 51 MINUTES 25 SECONDS WEST, ALONG THE BOUNDARY LINE OF SAID LOT 1 AND THE BOUNDARY LINE OF SAID LOT 2, A DISTANCE OF 81.54 FEET; THENCE NORTHWESTERLY AND TO THE LEFT, ON A 500.00 FOOT RADIUS CURVE, CONTINUING ALONG SAID BOUNDARY LINE, AN ARC LENGTH OF 211.39 FEET; THENCE SOUTH 63 DEGREES 25 MINUTES 06 SECONDS WEST, ALONG THE BOUNDARY LINE OF SAID LOT 2, A DISTANCE OF 132.98 FEET; THENCE SOUTH 21 DEGREES 58 MINUTES 12 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 160.16 FEET; THENCE SOUTH 84 DEGREES 25 MINUTES 11 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY LINE AND THE BOUNDARY LINE OF SAID LOT 1, A DISTANCE OF 138.42 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 24 SECONDS EAST, CONTINUING ALONG THE BOUNDARY LINE OF SAID LOT 1, A DISTANCE OF 102.01 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 0.98 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TIM LANGERUD, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF A SURVEY PERFORMED UNDER MY DIRECTION AND COMPLETED ON LINE STL 2016, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA

TIM LANGERUD
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 5770

ON THIS ____ DAY OF _____, 2020, BEFORE ME PERSONALLY APPEARED TIM LANGERUD, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2016

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF MANDAN, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT. THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE ____ DAY OF _____, 2020.

_____-MAYOR
_____-CITY ADMINISTRATOR

ATTEST: JIM NEUBAUER
CITY ADMINISTRATOR

APPROVAL OF _____

I, _____, HEREBY APPROVE "LAKEWOOD HARBOR 3RD ADDITION FIRST REPLAT OF BLOCK 1", MANDAN, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT JEREMY KUKOSKI, JENNIFER KUKOSKI AND JODY MOSBRUCKER, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS LAKEWOOD HARBOR 3RD ADDITION FIRST REPLAT OF BLOCK 1, MANDAN, NORTH DAKOTA. THEY ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES INCLUDING SANITARY SEWER AND WATER MAINS ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENTS.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

JEREMY KUKOSKI
CO-OWNER LOT 2 BLOCK 1
2600 BAY SHORE BEND SE
MANDAN, ND 58554

JENNIFER KUKOSKI
CO-OWNER LOT 2 BLOCK 1
2600 BAY SHORE BEND SE
MANDAN, ND 58554

ON THIS ____ DAY OF _____, 2020, BEFORE ME PERSONALLY APPEARED JEREMY KUKOSKI AND JENNIFER KUKOSKI KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

_____-NOTARY PUBLIC
_____-COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____, 20__

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

JODY MOSBRUCKER
OWNER LOT 1 BLOCK 1

ON THIS ____ DAY OF _____, 2020, BEFORE ME PERSONALLY APPEARED JODY MOSBRUCKER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

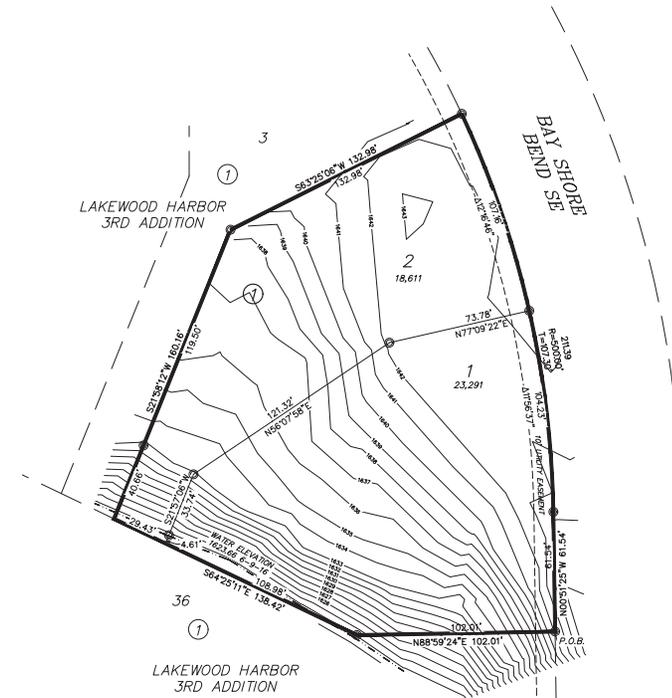
_____-NOTARY PUBLIC
_____-COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____, 20__



MONUMENTS IN PLACE

NOTES

_____-BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE
BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.



SWENSON, HAGEN & COMPANY P.C.
59 Main Avenue
Bismarck, North Dakota 58504
ahc@swensonhagen.com
Phone (701) 221-2400
Fax (701) 221-2400
Services: Surveying, Planning, Land Planning, Civil Engineering, Landscape & Site Design, Construction Management



Consent No. 6

Board of City Commissioners

Agenda Documentation

MEETING DATE: July 21, 2020
PREPARATION DATE: July 15, 2020
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: Minor Plat for Sylvester's Industrial Park 11th Addition

STATEMENT/PURPOSE: Consider approval of minor plat for Sylvester's Industrial Park 11th Addition.

BACKGROUND/ALTERNATIVES:

The property owners part of this application are seeking to create cleaner legal descriptions and exchange a small amount of property between one another. The minor plat consists of a consolidation of two properties and a division of another. Three parcels currently exist as part of the application and three parcels will result. There is no change in the total number of parcels, if approved.

Sylvester's Industrial Park has a history of divisions here and there prior to currently established platting requirements. This plat, if approved, will remove a number of previously created issues from previous plats.

Staff is recommending approval of the minor plat as presented in Exhibit 1. Exhibit 2 provides an aerial with the proposed revised boundaries overlaid for clarity of what structures are involved in the replat.

ATTACHMENTS:

Exhibit 1 – Minor Plat for Sylvester's Industrial Park 11th Addition
Exhibit 2 – Proposed Property Boundaries with Aerial

FISCAL IMPACT: N/a

STAFF IMPACT: N/a

LEGAL REVIEW: The plat and staff report have been provided to Attorney Oster as part of the agenda packet.

RECOMMENDATION: Staff recommends approval of the minor plat for Sylvester's Industrial Park 11th Addition as presented in Exhibit 1.

SUGGESTED MOTION: I move to approve the minor plat for Sylvester's Industrial Park 11th Addition as presented in Exhibit 1.

EXHIBIT 1

SYLVESTER'S INDUSTRIAL PARK 11TH ADDITION

TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

ALL OF LOT 1, BLOCK 1, REPLAT OF LOT 7, BLOCK 1, SYLVESTER'S INDUSTRIAL PARK 2ND ADDITION, ALL OF AUDITOR'S LOT "A" OF LOTS 6 & 7, BLOCK 1, SYLVESTER'S INDUSTRIAL PARK 2ND ADDITION, AND PART OF LOT 6, BLOCK 1, SYLVESTER'S INDUSTRIAL PARK 2ND ADDITION OF THE SW1/4, SECTION 31, T139N-R80W OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

SURVEYOR'S CERTIFICATE

I, ANDRA L. MARQUARDT, NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 4623, HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT. FURTHER, THAT DISTANCES INDICATED HEREON ARE IN FEET AND HUNDRETHS THEREOF, AND BEARINGS ARE INDICATED IN QUADRANTS AND DEGREES, MINUTES, AND SECONDS THEREOF. FURTHER, THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ANDRA L. MARQUARDT, RLS 4623

OWNER'S CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED, BEING THE SOLE OWNERS OF THE LAND PLATTED HEREON, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT, AND DO DEDICATE ALL THE STREETS, ALLEYS, PARKS, AND PUBLIC GROUNDS AS SHOWN HEREON, INCLUDING ALL SEWERS, CULVERTS, BRIDGES, WATERLINES, SIDEWALKS AND OTHER IMPROVEMENTS OR UNDER SUCH STREETS, ALLEYS OR OTHER PUBLIC GROUNDS, WHETHER SUCH IMPROVEMENTS ARE SHOWN HEREON OR NOT, TO PUBLIC USE FOREVER. WE ALSO DEDICATE EASEMENTS TO RUN WITH THE LANDS FOR WATER, SEWER, GAS, ELECTRICITY, TELEPHONE OR OTHER PUBLIC UTILITY LINES OR SERVICES UNDER, ON OR OVER THESE CERTAIN STRIPS OF LAND DESIGNATED AS "UTILITY EASEMENTS".

WE ALSO DEDICATE EASEMENTS LABELED AS "ACCESS EASEMENTS" TO RUN WITH THE LAND FOR USE BY ALL LAND OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, AND FOR THE USE OF ANY GOVERNMENTAL, SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR EMERGENCY SERVICES AND ANY CLEARANCE OF THE EASEMENT IS THE RESPONSIBILITY OF THE LAND OWNING PARTIES AND THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF PROPERTY IN THE SUBDIVISION.

WE FURTHER GRANT ANY OTHER EASEMENTS OR SERVICUTES AS SHOWN AND THOSE THAT ARE RECORDED BUT NOT SHOWN.

LOT 1 - ALL PURPOSE STORAGE SOLUTIONS, LLP

GEORGE HENRY HILTS III, PARTNER JEAN RENEE HILTS, PARTNER

PATRICK JOSEPH WARD, PARTNER GREGORY GARY SICKLER, PARTNER

JULI LINN SICKLER, PARTNER

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ____ DAY OF _____ 2020.

_____, NOTARY PUBLIC
_____, COUNTY,
_____, MY COMMISSION EXPIRES: _____

LOTS 2 & 3

RON MULLER
RJV PROPERTIES LLC

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ____ DAY OF _____ 2020.

_____, NOTARY PUBLIC
_____, COUNTY,
_____, MY COMMISSION EXPIRES: _____

AUDITOR'S OFFICE, MORTON CO., ND.

DELINQUENT TAXES AND SPECIAL ASSESSMENTS OR INSTRUMENTS OF SPECIAL ASSESSMENTS, PAID AND TRANSFER ACCEPTED.

DAWN R. RHONE, COUNTY AUDITOR

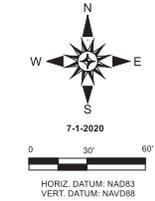
BY _____ DEPUTY

APPROVED BY COUNTY AUDITOR'S OFFICE

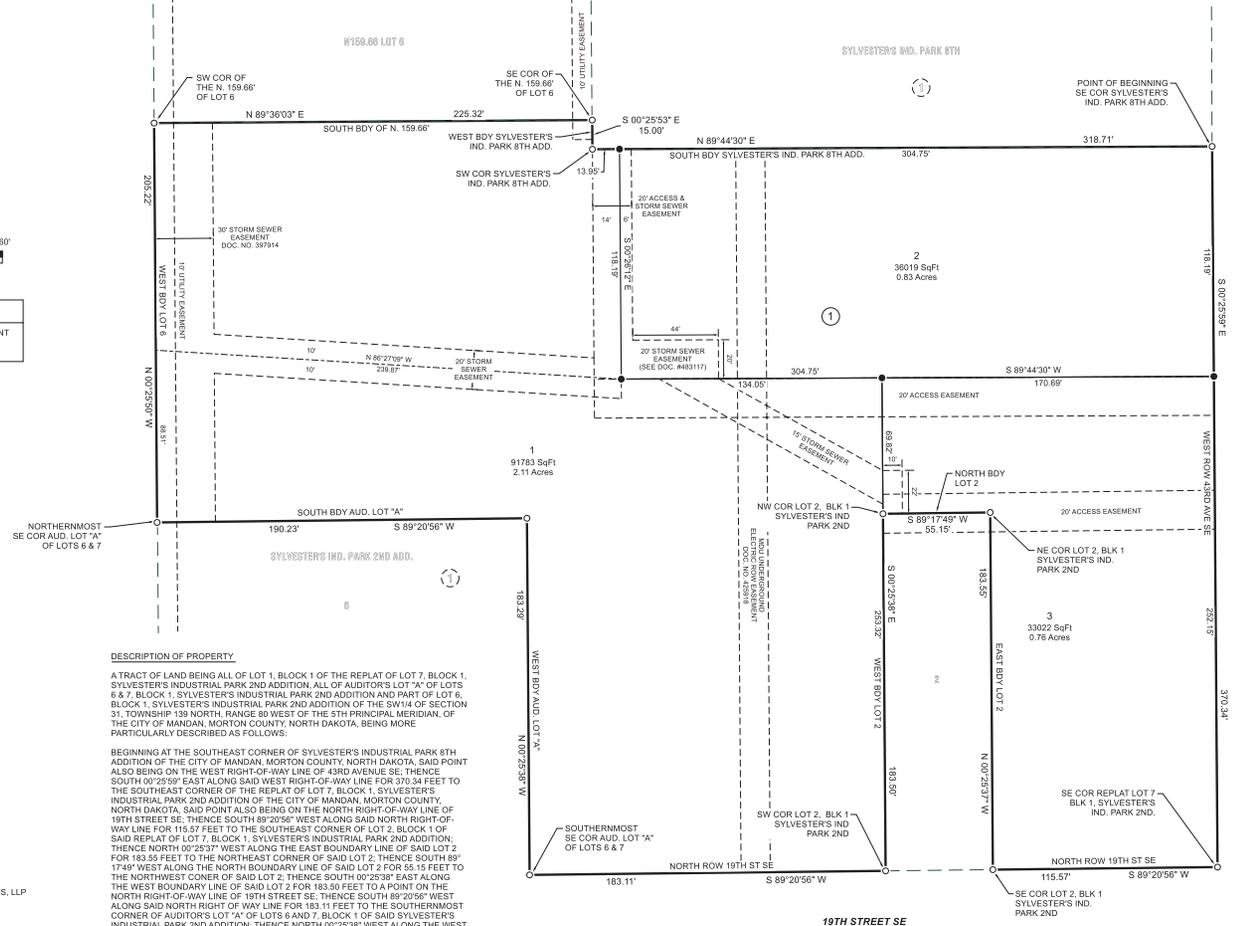
DAWN R. RHONE, AUDITOR

BY _____ DEPUTY

DATE: _____



LEGEND
 ○ FOUND REBAR MONUMENT
 ● SET REBAR MONUMENT



DESCRIPTION OF PROPERTY

A TRACT OF LAND BEING ALL OF LOT 1, BLOCK 1 OF THE REPLAT OF LOT 7, BLOCK 1, SYLVESTER'S INDUSTRIAL PARK 2ND ADDITION, ALL OF AUDITOR'S LOT "A" OF LOTS 6 & 7, BLOCK 1, SYLVESTER'S INDUSTRIAL PARK 2ND ADDITION AND PART OF LOT 6, BLOCK 1, SYLVESTER'S INDUSTRIAL PARK 2ND ADDITION OF THE SW1/4 OF SECTION 31, TOWNSHIP 193 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SYLVESTER'S INDUSTRIAL PARK 8TH ADDITION OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, SAID POINT ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF 43RD AVENUE SE; THENCE SOUTH 02°25'53" EAST ALONG SAID WEST RIGHT-OF-WAY LINE FOR 370.34 FEET TO THE SOUTHEAST CORNER OF THE REPLAT OF LOT 7, BLOCK 1, SYLVESTER'S INDUSTRIAL PARK 2ND ADDITION OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF 19TH STREET SE; THENCE SOUTH 89°20'56" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 115.57 FEET TO THE SOUTHEAST CORNER OF LOT 2, BLOCK 1 OF SAID REPLAT OF LOT 7, BLOCK 1, SYLVESTER'S INDUSTRIAL PARK 2ND ADDITION; THENCE NORTH 00°25'37" WEST ALONG THE EAST BOUNDARY LINE OF SAID LOT 2 FOR 183.55 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 89°17'49" WEST ALONG THE NORTH BOUNDARY LINE OF SAID LOT 2 FOR 55.15 FEET TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE SOUTH 00°25'38" EAST ALONG THE WEST BOUNDARY LINE OF SAID LOT 2 FOR 183.55 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 19TH STREET SE; THENCE SOUTH 89°20'56" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 183.11 FEET TO THE SOUTHWEST CORNER OF AUDITOR'S LOT "A" OF LOTS 6 AND 7, BLOCK 1 OF SAID SYLVESTER'S INDUSTRIAL PARK 2ND ADDITION; THENCE NORTH 00°25'38" WEST ALONG THE WEST BOUNDARY LINE OF SAID AUDITOR'S LOT "A" FOR 190.23 FEET TO THE NORTHERNMOST SOUTHEAST CORNER OF SAID AUDITOR'S LOT "A"; SAID POINT ALSO BEING ON THE WEST BOUNDARY LINE OF LOT 6, BLOCK 1 OF SAID SYLVESTER'S INDUSTRIAL PARK 2ND ADDITION; THENCE NORTH 00°25'38" WEST ALONG SAID WEST BOUNDARY LINE FOR 205.22 FEET TO THE SOUTHWEST CORNER OF THE NORTH 159.96 FEET OF SAID LOT 6; THENCE NORTH 89°36'03" EAST ALONG THE SOUTH BOUNDARY LINE OF SAID NORTH 159.96 FEET FOR 225.32 FEET TO THE SOUTHEAST CORNER OF SAID 159.96 FEET SAID POINT BEING ON THE WEST BOUNDARY LINE OF SYLVESTER'S INDUSTRIAL PARK 8TH ADDITION; THENCE SOUTH 02°25'53" EAST ALONG SAID WEST BOUNDARY LINE FOR 15.00 FEET TO THE SOUTHWEST CORNER OF SAID SYLVESTER'S INDUSTRIAL PARK 8TH ADDITION; THENCE NORTH 89°44'30" EAST ALONG THE SOUTH BOUNDARY LINE OF SAID SYLVESTER'S INDUSTRIAL PARK 8TH ADDITION FOR 304.75 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 3.69 ACRES, MORE OR LESS.

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND SHOWN HEREON, HAS ACCEPTED THE DEDICATION OF ALL STREETS, ALLEYS, AND PUBLIC WAYS SHOWN HEREON LYING WITHIN THE CORPORATE LIMITS OF THE CITY OF MANDAN, HAS ACCEPTED THE DEDICATION OF ALL PARKS AND PUBLIC GROUNDS SHOWN HEREON, FURTHERMORE, SAID BOARD OF CITY COMMISSIONERS HAS APPROVED THE STREETS, ALLEYS, AND OTHER PUBLIC WAYS AND GROUNDS HEREON AS AN AMENDMENT TO THE MASTER STREET PLAN OF THE CITY OF MANDAN, THE FOREGOING ACTION BY THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, HAS TAKEN BY RESOLUTION THIS ____ DAY OF _____ 2020.

JIM NEUBAUER -
CITY ADMINISTRATOR

TIM HELBLING - PRESIDENT OF
THE BOARD OF CITY COMMISSIONERS

I, JUSTIN FROSETH, CITY ENGINEER FOR THE CITY OF MANDAN, NORTH DAKOTA HEREBY APPROVES SYLVESTER'S INDUSTRIAL PARK 11TH ADDITION OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JUSTIN FROSETH, PE

TOMAN ENGINEERING COMPANY
 501 1st Street NW, Mandan, ND 58554
 Phone: 701-663-6483 | Fax: 701-663-0923

EXHIBIT 2





Board of City Commissioners

Agenda Documentation

MEETING DATE: July 21, 2020
PREPARATION DATE: July 15, 2020
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Chief Jason Ziegler
PRESENTER: Deputy Chief Lori Flaten
SUBJECT: JAG and Lottery Grant for AARC

STATEMENT/PURPOSE: Consider approval of the City of Mandan JAG and Lottery Grant application to provide funding for the Abused Adult Resource Center.

BACKGROUND/ALTERNATIVES: The City of Mandan has participated in previous years in the JAG and Lottery Grants to provide funding for the Abused Adult Resource Center. This grant application is for the time period of 01-31-2021 through 12-31-2021. The grant request is for \$56,383, which will provide salary for a Sexual Assault Advocate, along with office supplies. The Mandan Police Department utilizes the services of the AARC and their Sexual Assault Advocates in the investigation of sexual assault cases.

ATTACHMENTS: Grant application and MOU between the City of Mandan and the AARC.

FISCAL IMPACT: none

STAFF IMPACT: none

LEGAL REVIEW: Reviewed by City Attorney

RECOMMENDATION: To approve the City of Mandan JAG and Lottery Grant application and applicable MOU to provide funding to Abused Adult Resource Center.

SUGGESTED MOTION: Move to approve the City of Mandan JAG and Lottery Grant application and applicable MOU to provide funding to the Abused Adult Resource Center.

JAG AND LOTTERY GRANT APPLICATION
OFFICE OF THE ATTORNEY GENERAL

Project Period 1/1/2021-12/31/2021

I – APPLICATION OVERVIEW

Subrecipients are state agencies, units of local government (such as a city or county), or other general-purpose political subdivisions of a state or Indian Tribe.			
Subrecipient Level of Government (Check One)			
<input type="checkbox"/> State	<input type="checkbox"/> County	<input checked="" type="checkbox"/> City/Town	<input type="checkbox"/> Indian Tribe

Name of Subrecipient (City, County, State Agency) City of Mandan		DUNS # 05-826-1421		Subrecipient Phone 667-3223	
Suprecipient Street Address 205 Second Ave. NW		City Mandan		State ND	Zip Code 58554
Suprecipient Contact Name Pat Haug		Title Police Officer			
Email Address phaug@mandanpd.com					

The authorized official must have the legal authority to commit the subrecipient to a contract or other agreement. Overall responsibility for the administration of the project rests with this individual. Examples: mayor, city or county auditor, director of the state agency, or Tribal Chairperson.					
Name of Authorized Official Tim Helbling		Title Mayor		Phone 667-3215	
Street Address 205 Second Ave. NW		City Mandan		State ND	Zip Code 58554
Email Address phaug@mandanpd.com					

The Project Director has the direct responsibility for implementation of the project activities. This person will prepare and submit all progress reports as required by the Office of Attorney General. Examples: task force coordinator or executive director.					
Name of Project Director Michelle Erickson		Title Executive Director		Phone 222-8370	
Street Address 218 W. Broadway		City Bismarck		State ND	Zip Code 58501
Email Address michellee@aacnd.com					

The Implementing Agency has direct responsibility for carrying out the activities of the grant.

Type of Implementing Agency (Check all that apply) Prosecution Corrections Domestic Violence
 Law Enforcement Treatment Courts Victim/Witness Other

Name of Implementing Agency
Abused Adult Resource Center

The Fiscal Officer has the responsibility of the financial administration of the project. This person prepares and submits all financial reports as required by the Office of Attorney General. Examples: city or county auditor, fiscal designee, or it can also be the project director.

Name of Fiscal Officer (Project Director)	Title	Phone	
Street Address	City	State	Zip Code
Email Address			

Authorized Program Area: (select all that apply)

Law Enforcement Prevention/Education Drug Treatment Crime Victim and Witness Programs (other than compensation)
 Prosecution/Courts Corrections/Community Corrections Planning/Evaluation/Technology Improvement

Multi-agency Project (two or more)?	Multijurisdictional Project (two or more)?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

II - BUDGET NARRATIVE & CALCULATIONS - Totals must equal budget summary total for each section. Applicants should indicate the total cost for each category of the proposed project. Please round to the nearest dollar.

A. Personnel - List each position by type. Compensation for employees engaged in grant activities must be consistent with that paid for similar work within the surrounding areas. Fringe benefits should be based on actual known costs or an established formula. Fringe benefits may include common items such as payroll taxes, health and life insurance, and retirement contributions. NOTE: Salary Cap (Wages and Fringe) \$52,000 for prosecutors and \$42,000 all other personnel. Attach a sheet using [this](#) format if you have additional items.

Name/Position	Rate/ Month or Hour	Fringe/Month or Hour	# of Months or Hours	Total Personnel Cost
Sexual Assault Advocate	\$22.11/Hr	\$4.42/hr	2080	\$55,183
Total Personnel Salary/Fringe:				\$55,183

Narrative – Please provide a detailed description for all personnel expenses.

The funding would be used for salaries for a sexual assault/crisis advocate to carry out their normal duties of providing appropriate services to victims and families.

Narrative – Please provide a detailed description for all communication expenses.

E. Fuel/Oil/Vehicle Maintenance - List fuel usage, oil changes, and vehicle maintenance for all vehicles, leased or owned. Attach a sheet using [this](#) format if you have additional items.

Fuel/Oil/Vehicle Maintenance Items	# of Items	Cost per item or month	Total Fuel Cost
			0
			0
			0
			0
			0
			0
			0
			0
			0
Total Fuel/Oil/Vehicle Maintenance:			0

Narrative – Please provide a detailed description for all fuel/oil/vehicle maintenance expenses.

F. Contractual Services - List service to be provided, anticipated hourly, daily, or monthly rates. Also include expenses to be paid to the consultants in addition to their fees (i.e., travel, meals, lodging, etc.) The maximum rate for consultants is \$650 for an 8-hour day.

Description of products or services	Purpose of the contract	Total Contractual Cost
Total Contractual Services:		0

G. Equipment Rent/Lease - List equipment items to be rented or leased.

Item	# of Items	Cost per item	Total Equipment Rent/Lease Cost
			0
			0
			0
			0
			0
			0
			0
			0
			0
			0
Total Equipment Rent/Lease:			0

Narrative – Please provide a detailed description for all equipment rented or leased expenses.

H. Travel & Training - List travel expenses for attending trainings, meetings, conference, and other work related travel. State rates will be used for in-state travel, GSA rates for out-of state travel.				
Purpose of Travel	Type of Expense (Lodging, Meals, , Registration, Etc.)	Cost	# of Staff	Total Travel Cost
				0
				0
				0
				0
				0
				0
				0
				0
				0
Total Travel/Training:				0

Narrative – Please provide a detailed description for all travel expenses.

I. Equipment - List non-expendable items that are to be purchased that are **\$5000** or more for each item. Items that do not meet these criteria should be considered Supplies. Rented or leased equipment should be listed in the Equipment Rent/Lease category. Attach a sheet using this format if you have additional items.

Equipment Item	# of Items	Cost per Item	Total Equipment Cost
			0
			0
			0
			0
			0
			0
			0
			0
			0
			0
			0
			0
			0
Total Equipment:			0

Narrative – Please provide a detailed description for all equipment expenses. Please list which agency will maintain ownership of the equipment at the end of the grant.

III – BUDGET SUMMARY

Category	Total Budget
A. Personnel	55183
B. Supplies	1200
C. Rent	0
D. Communications	0
E. Fuel/Oil/Vehicle Maintenance	0
F. Contractual Services	0
G. Equipment Rent/Lease	0
H. Travel/Training	0
I. Equipment	0
J. Other Costs	0
Total Budget Request	\$56,383

Grant Funds	\$ 36,649	Enter 65% of Total Budget
Match	\$ 19734	Enter 35% of Total Budget

Source of Matching Funds:
 United Way, donations, thrift store and unrestricted grants

IV. AGENCY FUNDING SOURCES

Please list any direct **JAG grant awards** your agency received from the Bureau of Justice Assistance program and list the projects supported by these grant funds.

Direct Justice Assistance Grant (JAG) Program	Amount
Projects Supported:	
	\$
	\$
	\$
TOTAL FY ____ AWARD AMOUNT	\$ 0

Please list all other sources of grant funding that support this project's activities.

Funding Sources	Amount
Other (specify):	\$
United Way (total program grant listed)	\$12,000
Sexual Assault Support Program (total program grant listed)	\$65,000
Justice Assistance Grant (total grant funds)	\$9,100
	\$
	\$
	\$
	\$
	\$
	\$
TOTAL FUNDING	\$ 86,100

If the operations of this project are expected to generate income, please discuss possible sources and how it will be used (i.e. asset forfeiture, training fees collected as a result of grant-funded training):

N/A

V. PROJECT NARRATIVE

I. Project Description: Briefly describe the project that is proposed. How will this project address specific problems? Include specifics about the services to be provided, how the services will be provided (how often and by whom), and the project accomplishments.

(see attachment)

II. Current Efforts: *Clearly define what efforts are currently underway in responding to the problem described in the Project Description.*

(see attachment)

III. Collaboration with Other Agencies: *Describe coordination and cooperation between agencies during the past year.*

(see attachment)

IV. Describe in detail what plans or steps are being taken to assure continuation of your agency's project after grant funding ends.

(see attachment)

VI. PROJECT GOALS, OBJECTIVES, AND PERFORMANCE MEASURES

Stated goals, objectives, and performance measures will be used by the Office of Attorney General to monitor and assess the project's progress in achieving the intended results. Project goals, objectives, and performance measures should be listed in the format below and not referred to in a narrative format.

Overall Project Goals: State the project's goals, in general or broad terms. Goals should address the specific problem/need identified in the application. Goals should be stated in terms of the outcomes that the project wants to achieve. (Example: Reduce the amount of crime committed by persons under the influence of illicit drugs.)

1.	(see attachment)
2.	
3.	
4.	

Objectives (Activities directed at achieving goals): State the project's objectives, in terms of specific steps or benchmarks that will eventually lead to accomplishing the goals. Objectives must be clearly expressed and in measurable terms. (Example: Increase the number of drug-related arrests by 10 percent.)

1.	
2.	
3.	
4.	

Performance Measures (How you measure your project's success): (Example: Number of drug-related arrests)

1.	
2.	
3.	
4.	

VII. ADDITIONAL REQUIRED INFORMATION (Please Attach)

The Drug and Violent Crime Policy Board has adopted a policy stating that applicants failing to submit the following documents with the application will not be considered for funding.

Non-government Agency Applicants (Domestic Violence and Victim Services):

A third party contract between the agency and the authorized official of the unit local government stating that the unit of local government will be the legal recipient of the federal funds granted to this agency.

Multi-jurisdictional Drug Task Forces:

Memorandum of Understanding (MOU) between the participating agencies. A copy of the previous year's MOU may be submitted if the participating agencies have remained the same. If any agencies have been removed or added to the task force, a new MOU must be submitted.

Continuation projects (Excludes non-governmental agencies and multijurisdictional drug task forces):

Letters of continued commitment and collaboration efforts (no more than three) outlining joint collaboration efforts between agencies, OR provide copies of formal agreements between agencies and jurisdictions.

UCR Reporting Requirements:

If the implementing agency is a local law enforcement agency, it:

1. must report crime statistics to the State's Uniform Crime Reporting system
2. must be current in its reporting
3. or must have a plan to become current by January 1, 2021.

In order to keep a JAG award, the implementing agency must maintain current UCR stats through the award period (January 1, 2021, through December 31, 2021). Failure to maintain current UCR statistics will result in award sanctions and/or deobligation.

Please indicate **most recent crime statistics** submitted: _____
month year

AUTHORIZED SIGNATURES

I certify that the project proposed in this application meets applicable requirements of the Justice Assistance Grant (JAG) Program and Lottery Program, if applicable, that all information presented is correct, and that the applicant will comply with the provisions of the subgrant program and all other applicable federal laws. By appropriate language incorporated in each grant, sub-grant, or other document under which funds are to be disbursed, the undersigned shall assure that the applicable conditions shown above apply to all recipients of these grant funds.

Signature of Authorized Official

Signature of Project Director

Signature of Fiscal Officer

Date

7.14.2020

Date

7.14.2020

Date

I PROJECT NARRATIVE:

AARC's Sexual Assault Support Program provides crisis intervention, support and advocacy for victims of sexual assault through operation of a 24-hour crisis hotline and intervention services. Under this project, specialized advocates are trained to provide the expertise needed in responding to a crime of rape and assisting victims and their families in dealing with the trauma this crime creates.

These advocates are key to providing a coordinated community response to sexual assault. It is the advocate that calls out the sexual assault response team (SART) anytime a victim reports within the time frame to collect forensic evidence. In the community, the advocate also works to create awareness about the crime of rape and works with other responders as well as the community to ensure program services are visible for rape victims. This includes providing training to other responders or community professionals. Also, this program focuses on improving services for victims of sexual assault .Through community coordination, PULSE (which stands for People United for Living in Safe Environments) is the community taskforce on domestic violence and sexual assault. The protocols for all SART members are coordinated through this group. SART members include an investigator, advocate, and Sexual Assault Nurse Examiner. PULSE members include counselors, nurses, law enforcement, prosecutor and college representatives. By providing better victim services and encouraging a high standard of forensic evidence collection, a SART response helps to increase the prosecution of sexual offenders, leading to reducing the incidence of rape.

Problems to be addresssed: Through this program, the AARC served 101 new rape victims in 2019. The number of victims served underscores the need for crisis intervention and advocacy services for victims of sexual assault. Additionally it highlights the need for a Sexual Assault Response Team that is often key to providing a specialized response to this crime, offering the best hope victims have in finding justice following a sexual assault.

II CURRENT EFFORTS

This program primarily provides individual and systems advocacy as well as undertaking awareness efforts within the community. In 2019, this program served 101 new rape victims. Victims were provided crisis intervention and advocacy services at the time of a forensic exam as well as working with victims to obtain protection orders and providing support throughout the criminal justice process. Also, when needed, shelter services are provided for victims. AARC Advocates also work with secondary victims of sexual violence - the mothers, fathers, and partners of victims who are also affected by this crime. AARC has included steps to improve services and justice for victims by initiating and maintaining the SANE program, updating SART protocols and implementing evaluations by victims. Ultimately, we believe our program will increase the prosecution of sexual offenders and reduce the incidence of rape. Justice Assistance Grant monies are essential in supporting our efforts.

III COLLABORATIONS

Collaborative efforts involving this program can be shown by the following achievements: establishing the Coordinated Community Response Protocol (that is, an established community-wide process or procedure for serving victims), the Domestic Violence Action Team and the Sexual Assault Action Team which are specific committees within PULSE operating to ensure a streamline

provision of services to victims of these crimes. In addition, cooperative work with other agencies occurs daily with each step as AARC advocates work with victims of sexual violence.

IV. CONTINUATION PLANS

This project has always been part of our ongoing funding requests and fundraising efforts. We typically write 50-60 grants per year, and in that process, we are constantly looking for new sources of grant funding. We will continue that in order to fund our mission, including these two projects. In addition, we have several fundraising activities, including the ongoing community support through our thrift store, which raises about 27 percent of our gross total revenue for our mission. Again, we continually evaluate our current fundraising projects to improve them or to focus on a new avenue that might be better.

PROJECT GOALS, OBJECTIVES AND PERFORMANCE OBJECTIVES

Goals

1. Continue community-based awareness efforts regarding sexual violence within the seven-county region served by the AARC.
2. Provide crisis intervention and advocacy services to victims of sexual assault within this region.
3. Enhance or create collaboration by agencies in the community.

Objectives

1. To conduct an annual sexual assault awareness campaign in April.
2. To participate in the meetings of PULSE, the community taskforce on domestic violence and sexual assault.
3. To provide training to advocates and other responders.
4. To maintain adequate staffing for rape crisis intervention services.
5. To provide the 24-hour crisis intervention hotline, peer support, medical, legal and personal advocacy, information, shelter, clothing, transportation, medical assistance, prophylactic medications, and support services as needed.

6. To continue coordinating services for victims with a Sexual Assault Response Team (SART).

Performance Measures

1. Document all awareness activities.

2. Document the number of victims served and what services were provided to all sexual assault victims and their families.

4. Continue operating under the auspices of a written Coordinated Community Response Protocol for sexual assault

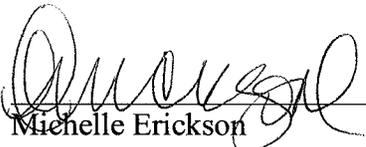
5. Document meetings of PULSE.

**AGREEMENT BETWEEN
THE CITY OF MANDAN
AND THE ABUSED ADULT RESOURCE CENTER**

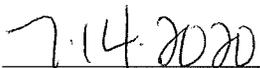
1. The City of Mandan (**City**) shall apply for a Justice Assistance Grant (**the Grant**) for the year 2021 and provide any proceeds received under the Grant to the Abused Adult Resource Center (**AARC**), a nonprofit agency, conditioned upon **AARC**'s compliance with all the terms and conditions of **the Grant** and in accordance with any subsequent provisions, requirements and assurances promulgated by the State of North Dakota that apply to **the Grant**. Any subsequent requirements shall be specifically incorporated herein.
2. The **City** shall provide **the Grant** funds to the **AARC** only on the condition that said funds shall be available from the State of North Dakota. Failure of the **City** to receive grant funds from the State of North Dakota shall cause this agreement to be terminated. If the **City** receives funds less than the full amount anticipated in the contract, the **AARC** will receive the lesser amount.
3. The **AARC** agrees to, and shall follow and adhere to, all the provisions, requirements, and assurances of the Financial Assistance Award as set forth in Federal Register Vol. 78, No. 248, OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Further, the **AARC** agrees to and shall follow any subsequent provisions, requirements and assurances promulgated by the State of North Dakota and applicable to **the Grant**. Failure to adhere to the above mentioned requirements, provisions, and assurances shall cause this Agreement to be terminated at the discretion of the **City** and/or State.
4. The **AARC**, its officers, agents and employees and assigns agree to hold the **City** and State of North Dakota harmless from any and all liability, claims, damages and litigations arising from, or under the terms of this Agreement.
5. The **AARC** and the **City** understand that the ownership of any equipment purchased under the terms and conditions of this agreement and costing \$5000 or more remains with the City and ownership of any equipment costing less than \$5000 shall remain with the **AARC** upon completion of the project.
6. This Agreement shall be binding upon the **AARC** and Assigns, except that the **AARC** may not assign or transfer its rights without prior written consent of the **City** and the State. This Agreement shall inure to the benefit of the **City** and its Successors and Assigns.
7. All federal and state laws insofar as are applicable shall be specifically made a part of this Agreement.
8. This Agreement shall be governed by the laws of the State of North Dakota. In the event any provision of this Agreement shall be held invalid or unenforceable by any court of

competent jurisdiction, such holding shall not invalidate or render unenforceable the remaining provisions.

9. The terms and conditions of this Agreement may only be amended or supplemented by written agreement of both parties and with state concurrence to make amendment or supplement. The **City** and the **AARC** agree that no oral change or modification of this Agreement shall be allowed and no claim based upon any purported oral change or modification shall be made.
10. It is agreed between the parties that this Agreement is the full and complete agreement between the parties and that there are no oral agreements or understandings between the parties other than what has been reduced to writing herein.
11. All information contained in the application as stated by the **AARC** is correct and accurate, any material misstatement verified by the State of North Dakota may be considered a breach of the grant award document, and may result in the termination of the grant award at the discretion of the state.
12. The Grant Award and Acceptance and the Certified Conditions Justice Assistance Grant (JAG) Program are incorporated and made a part of this Agreement. All of the requirements of the grant regarding activities to be performed, time schedules, project policies, flow-through requirements, dollar limitations of the agreement, cost principals used in determining allowable costs and all other grant conditions, policies and procedures must be followed by the **AARC**
13. This Agreement shall be effective upon the signature of all parties.

By: 
Michelle Erickson
Executive Director
Abused Adult Resource Center
PO Box 5003
Bismarck, ND 58502

Tim Helbling
Mayor
City of Mandan
205 Second Avenue NW
Mandan, ND 58554



Date

Date



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 21, 2020
PREPARATION DATE: July 15, 2020
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Chief Jason Ziegler
PRESENTER: Deputy Chief Lori Flaten
SUBJECT: JAG and Lottery Grant for Dakota CAC

STATEMENT/PURPOSE: Consider approval of the City of Mandan JAG and Lottery Grant application to provide funding for the Dakota Children’s Advocacy Center.

BACKGROUND/ALTERNATIVES: The City of Mandan has participated in previous years in the JAG and Lottery Grants to provide funding for the Dakota Children’s Advocacy Center. This grant application is for the time period of 01-31-2021 through 12-31-2021. The grant request is for \$18,000, which will provide 25% of the salary for a forensic interviewer. The Mandan Police Department utilizes the services of the Dakota CAC and their forensic interviewers in the investigation of child abuse and child sexual abuse cases.

ATTACHMENTS: Grant application and MOU between the City of Mandan and the Dakota Children’s Advocacy Center.

FISCAL IMPACT: none

STAFF IMPACT: none

LEGAL REVIEW: Reviewed by City Attorney

RECOMMENDATION: To approve the City of Mandan JAG and Lottery Grant application and applicable MOU to provide funding to the Dakota Children’s Advocacy Center.

SUGGESTED MOTION: Move to approve the City of Mandan JAG and Lottery Grant application and applicable MOU to provide funding to the Dakota Children’s Advocacy Center.

JAG AND LOTTERY GRANT APPLICATION
OFFICE OF THE ATTORNEY GENERAL

Project Period 1/1/2021-12/31/2021

I – APPLICATION OVERVIEW

Subrecipients are state agencies, units of local government (such as a city or county), or other general-purpose political subdivisions of a state or Indian Tribe.			
Subrecipient Level of Government (Check One)			
State	County	City/Town	Indian Tribe

Name of Subrecipient (City, County, State Agency)		DUNS #		Subrecipient Phone	
Suprecipient Street Address		City		State	Zip Code
Suprecipient Contact Name		Title			
Email Address					

The authorized official must have the legal authority to commit the subrecipient to a contract or other agreement. Overall responsibility for the administration of the project rests with this individual. Examples: mayor, city or county auditor, director of the state agency, or Tribal Chairperson.					
Name of Authorized Official		Title		Phone	
Street Address		City		State	Zip Code
Email Address					

The Project Director has the direct responsibility for implementation of the project activities. This person will prepare and submit all progress reports as required by the Office of Attorney General. Examples: task force coordinator or executive director.					
Name of Project Director		Title		Phone	
Street Address		City		State	Zip Code
Email Address					

The Implementing Agency has direct responsibility for carrying out the activities of the grant.				
Type of Implementing Agency (Check all that apply)		Prosecution	Corrections	Domestic Violence
Law Enforcement	Treatment	Courts	Victim/Witness	Other
Name of Implementing Agency				

The Fiscal Officer has the responsibility of the financial administration of the project. This person prepares and submits all financial reports as required by the Office of Attorney General. Examples: city or county auditor, fiscal designee, or it can also be the project director.			
Name of Fiscal Officer		Title	Phone
Street Address	City	State	Zip Code
Email Address			

Authorized Program Area: (select all that apply)			
Law Enforcement	Prevention/Education	Drug Treatment	Crime Victim and Witness Programs (other than compensation)
Prosecution/Courts	Corrections/Community Corrections	Planning/Evaluation/Technology Improvement	

Multi-agency Project (two or more)?		Multijurisdictional Project (two or more)?	
Yes	No	Yes	No

II - BUDGET NARRATIVE & CALCULATIONS - Totals must equal budget summary total for each section.

Applicants should indicate the total cost for each category of the proposed project. Please round to the nearest dollar.

A. Personnel - List each position by type. Compensation for employees engaged in grant activities must be consistent with that paid for similar work within the surrounding areas. Fringe benefits should be based on actual known costs or an established formula. Fringe benefits may include common items such as payroll taxes, health and life insurance, and retirement contributions. NOTE: Salary Cap (Wages and Fringe) \$52,000 for prosecutors and \$42,000 all other personnel. Attach a sheet using [this](#) format if you have additional items.

Name/Position	Rate/ Month or Hour	Fringe/Month or Hour	# of Months or Hours	Total Personnel Cost
Total Personnel Salary/Fringe:				

Narrative – Please provide a detailed description for all personnel expenses.

C. Rent - List buildings or locations that require a rent payment.

Rent Item	Cost per Month	# of Months	Total Rent Cost
Total Rent:			

Narrative – Please provide a detailed description for all rent expenses.

D. Communications - List items used for communications (telephone, cell phone charges, etc.) Attach a sheet using [this](#) format if you have additional items.

Communication Items (number of phones)	Cost per month	Number of months	Total Communication Cost
Total Communications:			

Narrative – Please provide a detailed description for all communication expenses.

E. Fuel/Oil/Vehicle Maintenance - List fuel usage, oil changes, and vehicle maintenance for all vehicles, leased or owned. Attach a sheet using [this](#) format if you have additional items.

Fuel/Oil/Vehicle Maintenance Items	# of Items	Cost per item or month	Total Fuel Cost
Total Fuel/Oil/Vehicle Maintenance:			

Narrative – Please provide a detailed description for all fuel/oil/vehicle maintenance expenses.

F. Contractual Services - List service to be provided, anticipated hourly, daily, or monthly rates. Also include expenses to be paid to the consultants in addition to their fees (i.e., travel, meals, lodging, etc.) The maximum rate for consultants is \$650 for an 8-hour day.

Description of products or services	Purpose of the contract	Total Contractual Cost
Total Contractual Services:		

G. Equipment Rent/Lease - List equipment items to be rented or leased.

Item	# of Items	Cost per item	Total Equipment Rent/Lease Cost
Total Equipment Rent/Lease:			

Narrative – Please provide a detailed description for all equipment rented or leased expenses.

H. Travel & Training - List travel expenses for attending trainings, meetings, conference, and other work related travel. State rates will be used for in-state travel, GSA rates for out-of state travel.

Purpose of Travel	Type of Expense (Lodging, Meals, , Registration, Etc.)	Cost	# of Staff	Total Travel Cost
Total Travel/Training:				

Narrative – Please provide a detailed description for all travel expenses.

I. Equipment - List non-expendable items that are to be purchased that are **\$5000** or more for each item. Items that do not meet these criteria should be considered Supplies. Rented or leased equipment should be listed in the Equipment Rent/Lease category. Attach a sheet using this format if you have additional items.

Equipment Item	# of Items	Cost per Item	Total Equipment Cost
Total Equipment:			

Narrative – Please provide a detailed description for all equipment expenses. Please list which agency will maintain ownership of the equipment at the end of the grant.

J. Other Costs - List other items that do not fall into the other budget categories.

Other Items	# of Items	Cost Per Item	Total Cost
Total Other:			

Narrative – Please provide a detailed description for all other expenses.

III – BUDGET SUMMARY

Category	Total Budget
A. Personnel	
B. Supplies	
C. Rent	
D. Communications	
E. Fuel/Oil/Vehicle Maintenance	
F. Contractual Services	
G. Equipment Rent/Lease	
H. Travel/Training	
I. Equipment	
J. Other Costs	
Total Budget Request	

Grant Funds	\$	Enter 65% of Total Budget
Match	\$	Enter 35% of Total Budget

Source of Matching Funds:

IV. AGENCY FUNDING SOURCES

Please list any direct **JAG grant awards** your agency received from the Bureau of Justice Assistance program and list the projects supported by these grant funds.

Direct Justice Assistance Grant (JAG) Program	Amount
Projects Supported:	
	\$
	\$
	\$
TOTAL FY ____ AWARD AMOUNT	\$

Please list all other sources of grant funding that support this project's activities.

Funding Sources	Amount
Other (specify):	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
TOTAL FUNDING	\$

If the operations of this project are expected to generate income, please discuss possible sources and how it will be used (i.e. asset forfeiture, training fees collected as a result of grant-funded training):

V. PROJECT NARRATIVE

I. Project Description: Briefly describe the project that is proposed. How will this project address specific problems? Include specifics about the services to be provided, how the services will be provided (how often and by whom), and the project accomplishments.

II. Current Efforts: *Clearly define what efforts are currently underway in responding to the problem described in the Project Description.*

III. Collaboration with Other Agencies: *Describe coordination and cooperation between agencies during the past year.*

IV. Describe in detail what plans or steps are being taken to assure continuation of your agency's project after grant funding ends.

VI. PROJECT GOALS, OBJECTIVES, AND PERFORMANCE MEASURES

Stated goals, objectives, and performance measures will be used by the Office of Attorney General to monitor and assess the project's progress in achieving the intended results. Project goals, objectives, and performance measures should be listed in the format below and not referred to in a narrative format.

Overall Project Goals: State the project's goals, in general or broad terms. Goals should address the specific problem/need identified in the application. Goals should be stated in terms of the outcomes that the project wants to achieve. (Example: Reduce the amount of crime committed by persons under the influence of illicit drugs.)

1.

2.

3.

4.

Objectives (Activities directed at achieving goals): State the project's objectives, in terms of specific steps or benchmarks that will eventually lead to accomplishing the goals. Objectives must be clearly expressed and in measurable terms. (Example: Increase the number of drug-related arrests by 10 percent.)

1.

2.

3.

4.

Performance Measures (How you measure your project's success): (Example: Number of drug-related arrests)

1.

2.

3.

4.

VII. ADDITIONAL REQUIRED INFORMATION (Please Attach)

The Drug and Violent Crime Policy Board has adopted a policy stating that applicants failing to submit the following documents with the application will not be considered for funding.

Non-government Agency Applicants (Domestic Violence and Victim Services):

A third party contract between the agency and the authorized official of the unit local government stating that the unit of local government will be the legal recipient of the federal funds granted to this agency.

Multi-jurisdictional Drug Task Forces:

Memorandum of Understanding (MOU) between the participating agencies. A copy of the previous year's MOU may be submitted if the participating agencies have remained the same. If any agencies have been removed or added to the task force, a new MOU must be submitted.

Continuation projects (Excludes non-governmental agencies and multijurisdictional drug task forces):

Letters of continued commitment and collaboration efforts (no more than three) outlining joint collaboration efforts between agencies, OR provide copies of formal agreements between agencies and jurisdictions.

UCR Reporting Requirements:

If the implementing agency is a local law enforcement agency, it:

1. must report crime statistics to the State's Uniform Crime Reporting system
2. must be current in its reporting
3. or must have a plan to become current by January 1, 2021.

In order to keep a JAG award, the implementing agency must maintain current UCR stats through the award period (January 1, 2021, through December 31, 2021). Failure to maintain current UCR statistics will result in award sanctions and/or deobligation.

Please indicate **most recent crime statistics** submitted: _____
month year

AUTHORIZED SIGNATURES

I certify that the project proposed in this application meets applicable requirements of the Justice Assistance Grant (JAG) Program and Lottery Program, if applicable, that all information presented is correct, and that the applicant will comply with the provisions of the subgrant program and all other applicable federal laws. By appropriate language incorporated in each grant, sub-grant, or other document under which funds are to be disbursed, the undersigned shall assure that the applicable conditions shown above apply to all recipients of these grant funds.

_____ Signature of Authorized Official	_____ Date
<i>Paula Conoble</i>	
_____ Signature of Project Director	_____ Date
<i>Paula Conoble</i>	
_____ Signature of Fiscal Officer	_____ Date

**AGREEMENT BETWEEN THE
CITY OF MANDAN AND DAKOTA
CHILDREN'S ADVOCACY CENTER**

1. The City of Mandan (**City**) shall apply for a Justice Assistance Grant (the **Grant**) for the year 2021 and provide any proceeds received under the Grant to the Dakota Children's Advocacy Center (**DCAC**), located at 1303 East Central Avenue, Bismarck, ND, conditioned upon **DCAC's** compliance with all the terms and conditions of the **Grant** and in accordance with any subsequent provisions, requirements and assurance promulgated by the State of North Dakota that apply to the **Grant**. Any subsequent requirements shall be specifically incorporated herein.
2. The **City** shall provide the **Grant** funds to **DCAC** only on the condition that said funds shall be available from the State of North Dakota. Failure of the **City** to receive grant funds from the State of North Dakota shall cause this agreement to be terminated. If the **City** receives funds less than the full amount anticipated in the contract, **DCAC** will receive the lesser amount.
3. **DCAC** agrees to, and shall follow and adhere to, all the provisions, requirements, and assurances of the Financial Assistance Award as set forth in Federal Register Vol. 78, No. 248, December 26, 2013, OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Further, **DCAC** agrees to and shall follow any subsequent provisions, requirements and assurances promulgated by the State of North Dakota and applicable to the **Grant**. Failure to adhere to the above mentioned requirements, provisions, and assurances shall cause this Agreement to be terminated at the discretion of the **City** or State.
4. **DCAC**, its officers, agents, and employees and assigns agree to hold the **City** and State of North Dakota harmless from any and all liability, claims, damages and litigations arising from, or under the terms of this Agreement.

- DCAC** and the **City** understand that the ownership of any equipment purchased under the terms and conditions of this agreement and costing \$5000 or more remains with the City and ownership of any equipment costing less than \$5000 shall remain with **DCAC** upon completion of the project.
- 5.

- This Agreement shall be binding upon **DCAC** and its successors and assigns, except that **DCAC** may not assign or transfer its rights without prior written consent of the **City** and the State. This Agreement shall inure to the benefit of the **City** and its successors and assigns.
- 6.

- All federal and state laws insofar as are applicable shall be specifically made a part of this Agreement.
- 7.

8. This agreement shall be governed by the laws of the State of North Dakota. In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable the remaining provisions
9. The terms and conditions of this Agreement may only be amended or supplemented by written agreement of both parties and with the concurrence of the State of North Dakota to make amendment or supplement. The **City** and **DCAC** agree that no oral change or modification of this Agreement shall be allowed and no claim based upon any purported oral change or modification shall be made.
10. It is agreed between the parties that this Agreement is the full and complete agreement between the parties and that there are no oral agreements or understandings between the parties other than what has been reduced to writing herein.
11. All information contained in the application as stated by **DCAC** is correct and accurate, any material misstatement verified by the State of North Dakota may be considered a breach of the grant award document, and may result in the termination of the grant award at the discretion of the state.
12. The Grant Award and Acceptance and the Certified Conditions Justice Assistance Grant (JAG) Program are incorporated and made a part of this Agreement. All of the requirements of the grant regarding activities to be performed, time schedules, project policies, flow-through requirements, dollar limitations of the agreement, cost principals used in determining allowable costs and all other grant conditions, polices and procedures must be followed by **DCAC**.
13. This Agreement shall be effective upon the later date below.

By: Paula Conoble
Dakota Children's Advocacy Center

7/11/2020
 Date

 Tim Helbling Mayor,
 City of Mandan

 Date

Attest: _____

Mandan City Administrator



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 21, 2020
PREPARATION DATE: July 8, 2020
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Payment of Bills related to MMPL & Downtown Parks Project

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

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

Bids were received on July 14 and are being reviewed at this time. We expect to bring them before the commission at the Aug. 4 meeting. This billing accounts for \$20,250 plus the advertisement of bids in the Mandan News of \$329.40

ATTACHMENTS: Bartlett & West Invoices. And Bismarck Tribune.

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

STAFF IMPACT: n/a

LEGAL REVIEW: n/a

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

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



INVOICE Remittance Address:
 For Payments Only:
 P.O. Box 653
 Wichita, KS 67201-0653

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

Jim Neubauer
 City of Mandan
 Mandan, ND 58554

July 10, 2020
 Project No: 020133.000
 Invoice No: 00730076357
 Project Manager: Joseph Larrivee
 Client Contract No:
 PO No:

Project: 020133.000 Mandan Morton Public Library
Professional Services from May 23, 2020 to June 26, 2020
 Fee

Billing Phase	Fee	Percent Complete	Earned
Schematic Design	81,000.00	100.00	81,000.00
Design Development	60,750.00	100.00	60,750.00
Construction Documents	162,000.00	100.00	162,000.00
Bidding	20,250.00	100.00	20,250.00
Construction Administration	81,000.00	0.00	0.00
Total Fee	405,000.00		
		Previous Fee Billing	355,500.00
		Current Fee Billing	20,250.00
		Total Fee	20,250.00
		Total this Task	\$20,250.00
		Total this Phase	\$20,250.00
Add'l Services Billing Phase	Fee	Percent Complete	Earned
Additional Services Phase I	51,750.00	100.00	51,750.00
Total Fee	51,750.00		
		Previous Fee Billing	51,750.00
		Current Fee Billing	0.00
		Total Add'l Services Fee	\$0.00
		Total this Invoice	\$20,250.00

mail Invoice to: Jim Neubauer <jneubauer@cityofmandan.com>

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



FIRST INVOICE



PO Box 540
 Waterloo, IA
 50704-0540
 888-418-6474

CITY OF MANDAN
 205 NW 2ND AV
 MANDAN ND 58554

Customer Nbr: 60022557
 Phone: (701) 667-3215
 Date: 06/22/2020
 Page: 1

Amount Paid: _____ Card #: _____ Exp Date: ____/____/____
 Check #: _____ Signature: _____

Date: 06/19/2020 Ref #: 8736 Total: 329.40

Enterprise no longer accepts credit card payments sent via e-mail. Emails containing credit card numbers will be blocked. Please use the coupon above to send credit card payment to the remittance address located in the upper right corner.

Date	Reference #	Type	Description	Lines	Total
7/19/20	8736	INV	July 14, 2020 - Improvements to the Morton/Mandan Public Library and Dykshorn Park Advertisement PO # Joe Lammie	122	329.40

*all
 JW
 Add to MMPL Parks Project
 Email copy to Jim*

	Total Due:	329.40
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Board of City Commissioners Agenda Documentation

MEETING DATE: July 21, 2020
PREPARATION DATE: July 16, 2020
SUBMITTING DEPARTMENT: Planning and Engineering
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: 500 4th Avenue NE Driveway Variance

STATEMENT/PURPOSE: The Planning and Engineering office received a variance request to allow an additional driveway at 500 4th Avenue NE.

BACKGROUND/ALTERNATIVES: The Engineering Department received a request for a driveway variance at this address. This variance actually addresses three items in our driveway code that this request does not precisely meet.

- 1) The allowance would create three driveways for the lot if considering the apron that is continuous with the alley apron a driveway for the lot. We believe it is, but there is some interpretation involved in that belief since there is no break between it and the alley apron.
- 2) If considering the apron at the alley, the total width would be 49'. If not, the width of the apron by the house plus this one would still exceed maximum by one foot, at 37'.
- 3) The allowance would not allow for 24' between the existing driveway by the house and the new driveway. This is in code primarily to allow for a parking space in between so that less curb footage is taken up between spaces.

The city code section immediately below addresses residential lot driveways. The highlighted text is the text that requires an appeal to our code.

(5) Residential lots. Each lot may have one or two driveways. The combined total width of the driveway or driveways shall be no greater than 36 feet, plus any required flares, measured at the curb line. If there are two driveways, they must be separated by a distance of at least twenty-four feet measured at the curb line. If there is a fire hydrant located between the driveways, the twenty-four feet shall be measured from the fire hydrant to the edge of a driveway apron not counting any required apron flare. Except for properties with adjoining driveways that are built up to the property line, the driveway apron must be placed a distance from the property line sufficient to allow for construction of a flare.

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

(1) Variances.

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

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

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

The Engineering Department finds that the special circumstance that applies to this lot is that it exists without a garage today and the existing drive is centered about the house where it would not be reasonable to put a garage. It also exists as a wide lot on the south side since it is a corner lot, therefore lessening the snow removal concern.

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

Currently, the property does not have a garage. The property owner is in the process of building a garage for this house in the location that best makes sense for one, on the east side of the house. In order to access the garage if this variance request were to be denied, the existing driveway a little to the west of this proposed one would need to be removed or they would need to access through it. We do not believe that is a reasonable demand of this property. Therefore, our office finds that denying would deprive the applicant reasonable use of property. The applicant expressed their hardship in their own words, which I have attached.

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

Our office does not believe that the allowance would be injurious or detrimental to the neighborhood or general public. Snow removal is always a concern with adding more driveway against a city street because it both adds more hard surface to remove the snow from and limits the locations we have to put it. However, we feel that there is still adequate room for snow storage here and our other concerns outweigh that relatively minor concern our office has.

In conclusion, the Planning and Engineering Department finds that this request does satisfy the conditions to approve a variance.

ATTACHMENTS:

- 1) Application
- 2) Area Map
- 3) Pictures

FISCAL IMPACT: Minimal

STAFF IMPACT: Minimal

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

RECOMMENDATION: Approve the variance request.

SUGGESTED MOTION: Move to approve the variance request in order to allow the residential property at 500 4th Avenue NE to add the driveway in the location requested.

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

Summary of Request (Add separate sheet(s) as necessary)
Driveway - NEW ATTACHED GARAGE 24' X 28' NEW
FACING SOUTH TO STREET. UTILITY POLE IN THE WAY (CURB CUTOUT) SIDEWALK

Engineer/Surveyor Contractor			Property Owner or Applicant		
Name Viking Builders			Name LISA & CHRIS JAHNER		
Address Leeland			Address 500 AVE NE		
City	State	Zip	City	State	Zip
			MANDAN	ND	58551
Phone			Phone		
[REDACTED]			[REDACTED]		
Fax			Fax		
[REDACTED]			[REDACTED]		

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			
Property Address 500 AVE N.E.		Legal Description		
Current Use RESIDENCE				
Proposed Use RESIDENCE		Section	Township	Range
Parcel Size	Building Footprint	Stories	Building SF	Required Parking
				Provided Parking

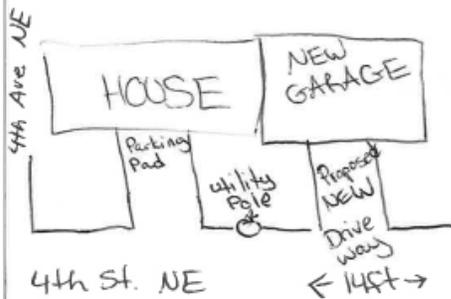
Print Name Lisa Jahner	Signature <i>Lisa Jahner</i>	Date 6/15/20
----------------------------------	---------------------------------	------------------------

Office Use Only			
Date Received:	Initials: nm	Fees Paid: \$ 400	Date: 6-15-2020
Notice in paper	Mailed to neighbors	P&Z meeting	
Approved	Approved with conditions:		
Denied			

Mandan City Hall Engineering
CO: Justin Froseth

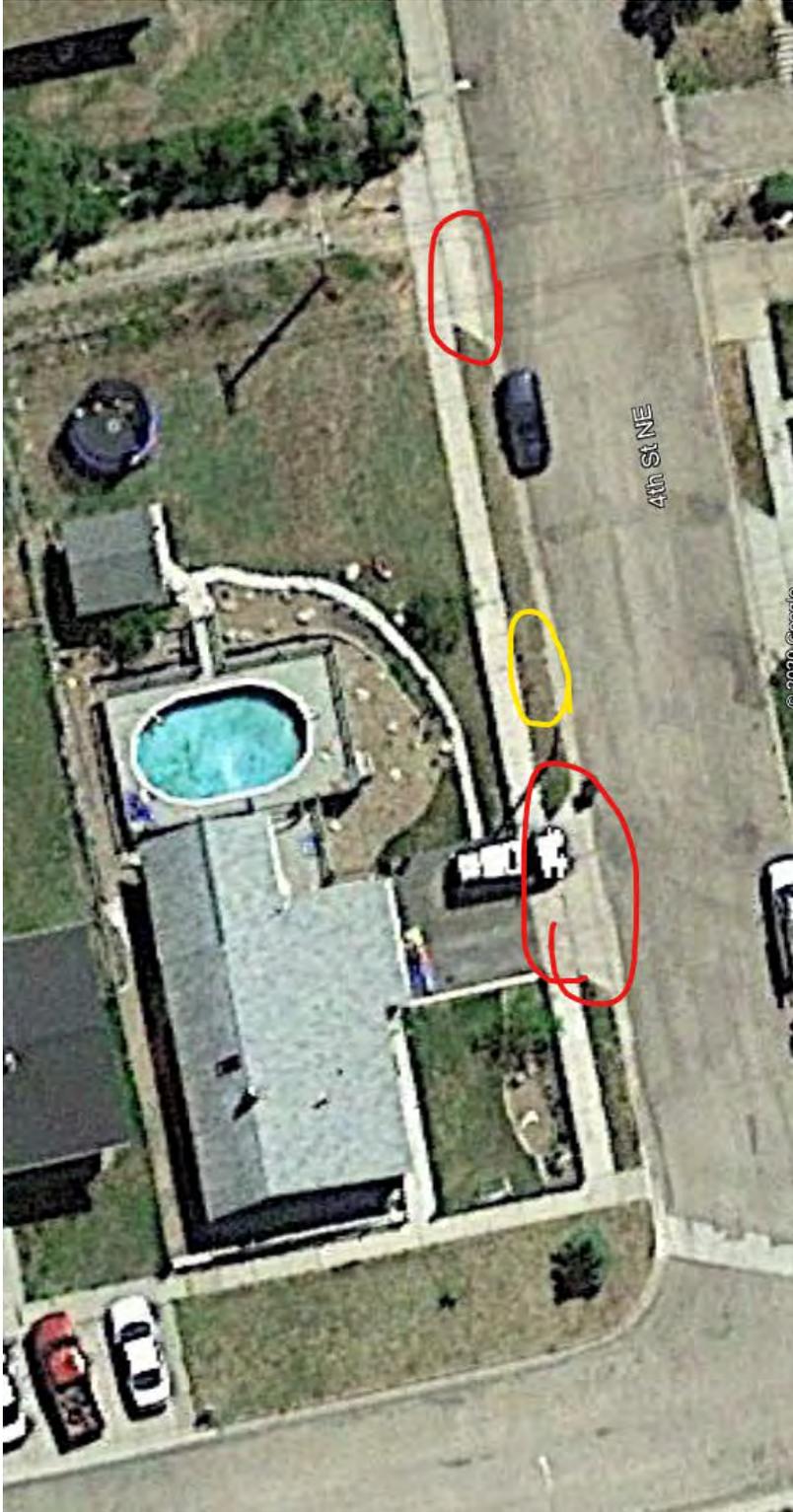
7/8/20

We would like to apply for variance to break curb at 500 4th Ave NE. We are building a new garage on our property, and want to create a driveway straight into the new garage. As is, we have a parking pad. The new driveway would be 14ft wide, to the east side of the utility pole. If we are not able to break curb, we would have to pull onto the existing parking pad on the west side of the utility pole, drive over grass to get around utility pole, then turn onto new parking pad to get into garage. We live on the corner of 4th Ave and 4th St NE, which is a double dead end location, which gets very little traffic.



~~_____~~
Chris + Lisa Jahner
500 4th Ave NE
Mandan, ND 58554

Existing circled in red. Proposed circled in yellow.



Existing circled in red. Proposed circled in yellow.







Board of City Commissioners

Agenda Documentation

MEETING DATE: July 21, 2020
PREPARATION DATE: July 16, 2020
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Chief Jason Ziegler
PRESENTER: Deputy Chief Lori Flaten
SUBJECT: 2020 COPS Hiring Program Grant

STATEMENT/PURPOSE: Consider approval of the City of Mandan accepting the 2020 COPS Hiring Program Grant which has been awarded to the Mandan Police Department.

BACKGROUND/ALTERNATIVES: The Mandan Police Department requested permission to submit an application for the 2020 COPS Hiring Program Grant in February of 2020. Permission to apply was given by the Mandan City Commission at the February 4, 2020 meeting. An application was submitted. In June 2020, it was announced that the Mandan Police Department had been awarded a COPS grant to hire 2 police officer positions. The grant award was \$250,000.00 over a three year period for the hiring of 2 police officers. Local match over the three year period is \$223,749.00. The grant award must be formally accepted by the City of Mandan. The letter awarding the grant is dated June 25, 2020. The grant must be accepted and signed electronically within 45 days from the date of this letter. The official start date of the grant is July 1, 2020, however the Police Department would not begin using the funds until at least January 1, 2021.

ATTACHMENTS: Review copy of the grant award.

FISCAL IMPACT: Local cash match is \$223,749.00 over a three year period.

STAFF IMPACT: Police staff to implement grant, hire and train additional officers

LEGAL REVIEW: Reviewed by City Attorney

RECOMMENDATION: To approve the City of Mandan accepting the 2020 COPS Hiring Program Grant which has been awarded to the Mandan Police Department.

SUGGESTED MOTION: Move to approve the City of Mandan accepting the 2020 COPS Hiring Program Grant which has been awarded to the Mandan Police Department.

Board of City Commissioners

Agenda Documentation

Meeting Date:

Subject:

Page 2 of 2



U.S. DEPARTMENT OF JUSTICE
OFFICE OF COMMUNITY ORIENTED POLICING SERVICES
145 N Street, NE, Washington, D.C. 20530

COPS

June 25, 2020

Chief of Police Jason Zeigler
Mayor Tim Helbling

Mandan Police Department
205 1st Avenue NW
Mandan, ND 58554

Re: COPS Hiring Program award number 2020UMWX0129
ORI ND03002

Dear Chief of Police Zeigler and Mayor Helbling:

Congratulations on your agency's award for 2 officer position(s) and \$250,000.00 in federal funds over a three-year award period under the 2020 COPS Hiring Program (CHP). The local cash match required for this award will be \$223,749.00. Your agency may use CHP award funding to (1) hire new officers, (2) rehire officers who have been laid off, or (3) are scheduled to be laid off on a specific future date, as a result of local budget reductions, on or after the official award start date. Please note that any changes to the awarded hiring categories require an official review and approval by the COPS Office.

A list of conditions that apply to your award is included on your Award Document and Award Document Supplement, if applicable. A limited number of agencies may be subject to an Additional Award Notification as a result of an ongoing federal civil rights investigation, other award review, or audit of your agency by the Department of Justice. If applicable to your agency, the Additional Award Notification is included at the end of this letter and is incorporated by reference as part of this letter. In addition, a limited number of agencies may be subject to Special Conditions as a result of high risk designation or other unique circumstances. If applicable to your agency, these Special Conditions will be found in an Award Document Supplement in your award package. You should read and familiarize yourself with these conditions. **To officially accept your award, the Award Document (including the conditions and special conditions, if applicable) must be signed electronically via the Account Access link on the COPS Office website at www.cops.usdoj.gov within 45 days from the date of this letter.**

The official start date of your award is 07/01/2020. Therefore, you can be reimbursed for allowable and approved expenditures made on or after this date. Please carefully review the Financial Clearance Memorandum (FCM) included in your award package to determine your approved budget, as some of your requested items may not have been approved by the COPS Office during the budget review process and award funds may only be used for approved items. The FCM will specify the final award amount and will also identify any disallowed costs.

Supplemental online award information for 2020 COPS CHP recipients can be found on the CHP Program page at <https://cops.usdoj.gov/chp-award>. We strongly encourage you to visit this site immediately to access a variety of important and helpful documents that will assist you with the implementation of your award including the 2020 CHP Award Owner's Manual, which specifies the programmatic and financial terms, conditions, and requirements of your award. In addition, the above website link includes the forms and instructions necessary to begin drawing down funds for your award. Please also ensure that you print out a copy of your application and maintain it with your award file records.

Once again, congratulations on your 2020 CHP award. If you have any questions about your award, please do not hesitate to call your Grant Program Specialist through the COPS Office Response Center at 800-421-6770.



Phillip E. Keith, Director

Date: 06/17/2020

Additional Award Notification





Award Document

COPS Office COPS Hiring Program (CHP)

**CFDA - 16.710 - Public Safety Partnership and Community Policing Grants
Treasury Account Symbol (TAS) 15X0406**

Award Number: 2020UMWX0129

ORI Number: ND03002

OJP Vendor Number: 456002118

DUNS Number: 788206878

Applicant Organization's Legal Name: Mandan Police Department

Applicant's System for Award Management (SAM) name: Mandan, City Of

Law Enforcement Executive / Agency Executive: Chief of Police Jason Zeigler

Government Executive / Financial Official: Mayor Tim Helbling

Award Start Date: 07/01/2020

Award End Date: 06/30/2023

Award Amount: \$250,000.00

Full-Time Officers Funded: 2

New Hires: 2 Rehires Previously Laid Off: 0 Rehires Scheduled for Lay Off: 0

The FY 2020 COPS Hiring Program (CHP) award provides funding to law enforcement agencies to hire and/or rehire career law enforcement officers in an effort to increase their community policing capacity and crime prevention efforts. CHP awards provide up to 75 percent of the approved entry-level salaries and fringe benefits of full-time officers for a 36-month award period, with a minimum 25 percent local cash match requirement and a maximum federal share of \$125,000 per officer position.

The Financial Clearance Memorandum (FCM) and, if applicable, the Cooperative Agreement included in your award package are incorporated by reference in their entirety and shall become part of this Award Document. By signing this Award Document, the recipient agrees to abide by all FY 2020 Community Policing Development Program (CHP) Award Terms and Conditions; the approved budget in the FCM; if applicable, all requirements in the Cooperative Agreement; and, if applicable, the Special Award Conditions and/or High Risk Conditions in the Award Document Supplement.

Phillip E. Keith, Director

Date: 06/17/2020

(Signature Pending)

(Date Pending)

Signature of the Program Official with the Authority to Accept
this Grant Award

Date

(Signature Pending)

(Date Pending)



Signature of the Financial Official with the Authority to Accept Date
this Grant Award

False statements or claims made in connection with COPS office awards may result in fines, imprisonment, debarment from participating in federal awards or contracts, and/or any remedy available by law to the Federal Government.

U.S. Department of Justice
Office of Community Oriented Policing Services

**2020 COPS Hiring Program
Award Terms and Conditions**

By signing the Award Document to accept this **COPS Hiring Program** award, your agency agrees to abide by the following award terms and conditions:

1. Award Owner's Manual

The recipient agrees to comply with the terms and conditions in the applicable 2020 COPS Office Program Award Owner's Manual; COPS Office statute (34 U.S.C. § 10381, et seq.) ; the requirements of 2 C.F.R. Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101; 48 C.F.R. Part 31 (FAR Part 31) as applicable (Contract Cost Principles and Procedures); the Cooperative Agreement as applicable; representations made in the application; and all other applicable program requirements, laws, orders, regulations, or circulars.

2. Assurances and Certifications

The recipient acknowledges its agreement to comply with the Assurances and Certifications forms that were signed as part of its application.

3. Allowable Costs

The funding under this project is for the payment of approved full-time entry-level salaries and fringe benefits over three years (for a total of 36 months of funding) up to a maximum federal share of \$125,000 per officer position for career law enforcement officer positions hired and/or rehired on or after the official award start date. Any salary and fringe benefit costs higher than entry-level that your agency pays a CHP-funded officer must be paid with local funds.

Your agency is required to use CHP award funds for the specific hiring categories awarded. Funding under this program may be used for the following categories:

- Hiring new officers, which includes filling existing officer vacancies that are no longer funded in your agency's budget;
- Rehiring officers laid off by any jurisdiction as a result of state, local, or Bureau of Indian Affairs (BIA) budget reductions; and/or
- Rehiring officers who were, at the time of award application, scheduled to be laid off (by your jurisdiction) on a specific future date as a result of state, local, or BIA budget reductions

If your agency's local fiscal conditions have changed and your agency needs to change one or more of the funded hiring categories, your agency should request an award modification and receive prior approval before spending CHP funding under the new category.

The Financial Clearance Memorandum (FCM), included in your award package, specifies the amount of CHP funds awarded to your agency. You should carefully review your FCM, which contains the final officer salary and fringe benefit categories and amounts for which your agency was approved. Please note that the salary and fringe benefit costs requested in your CHP application may have been adjusted or removed. Your agency may only be reimbursed

for the approved cost categories that are documented within the FCM, up to the amounts specified in the FCM. Your agency may not use CHP funds for any costs that are not identified as allowable in the Financial Clearance Memorandum.

Only actual allowable costs incurred during the award period will be eligible for reimbursement and drawdown. If your agency experiences any cost savings over the course of the award (for example, your award application overestimated the total entry-level officer salary and fringe benefits package), your agency may not use that excess funding to extend the length of the award beyond 36 months. Any funds remaining after your agency has drawn down for the costs of approved salaries and fringe benefits incurred for each awarded position during the 36-month funding period will be deobligated during the closeout process and should not be spent by your agency.

4. Supplementing, Not Supplanting

State, local, and tribal governments must use award funds to supplement, and not supplant, state, local, or Bureau of Indian Affairs (BIA) funds that are already committed or otherwise would have been committed for award purposes (hiring, training, purchases, and/or activities) during the award period. In other words, state, local, and tribal government recipients may not use COPS Office funds to supplant (replace) state, local, or BIA funds that would have been dedicated to the COPS Office-funded item(s) in the absence of the COPS Office award. 34 U.S.C. § 10384(a).

5. Extensions

Your agency may request an extension of the award period to receive additional time to implement your award program. Such extensions do not provide additional funding. Awards may be extended a maximum of 36 months beyond the initial award expiration date. Any request for an extension beyond 36 months will be evaluated on a case-by-case basis. Only those recipients that can provide a reasonable justification for delays will be granted no-cost extensions. Reasonable justifications may include difficulties in filling COPS Office-funded positions, officer turnover, or other circumstances that interrupt the 36 month award funding period. An extension allows your agency to compensate for such delays by providing additional time to complete the full 36 months of funding for each position awarded. **Extension requests must be received prior to the end date of the award.**

6. Modifications

Occasionally, a change in an agency's fiscal or law enforcement situation necessitates a change in its COPS Office CHP award. Award modifications under CHP are evaluated on a case-by-case basis in accordance with 2 C.F.R. § 200.308. For federal awards in excess of \$250,000, any modification request involving the reallocation of funding between budget categories that exceed or are expected to exceed 10 percent (10%) of the total approved budget requires prior written approval by the COPS Office. Regardless of the federal award amount or budget modification percentage, any reallocation of funding is limited to approved budget categories. In addition, any budget modification that changes the scope of the project requires prior written approval by the COPS Office. In addition, please be aware that the COPS Office will not approve any modification request that results in an increase of federal funds.

In addition, modification requests should be submitted to the COPS Office when an agency determines that it will need to shift officer positions awarded in one hiring category into a different hiring category and/or reduce the total number of positions awarded. For example, if an agency was awarded CHP funding for two new, additional sworn officer positions, but due to fiscal distress/constraints the agency needs to change the hiring category from the new hire category to the rehire category for officers laid off or scheduled for layoff on a specific future date post-application, the agency would have to request a modification. The COPS Office will only consider a modification

request after an agency makes final, approved budget and/or personnel decisions. An agency may implement the modified award following written approval from the COPS Office. Please be aware that the COPS Office will not approve any modification request that results in an increase of federal funds.

7. Evaluations

The COPS Office may conduct monitoring or sponsor national evaluations of its award programs. The recipient agrees to cooperate with the monitors and evaluators 34 U.S.C. § 10385(b).

8. Reports/Performance Goals

To assist the COPS Office in monitoring and tracking the performance of your award, your agency will be responsible for submitting semi-annual programmatic progress reports that describe project activities during the reporting period and quarterly Federal Financial Reports using Standard Form 425 (SF-425). 2 C.F.R. §§ 200.327 - 200.328. The progress report is used to track your agency's progress toward implementing community policing strategies and to collect data to gauge the effectiveness of increasing your agency's community policing capacity through COPS Office funding. The Federal Financial Report is used to track the expenditures of the recipient's award funds on a cumulative basis throughout the life of the award.

9. Award Monitoring Activities

Federal law requires that law enforcement agencies receiving federal funding from the COPS Office must be monitored to ensure compliance with their award conditions and other applicable statutes and regulations. The COPS Office is also interested in tracking the progress of our programs and the advancement of community policing. Both aspects of award implementation—compliance and programmatic benefits—are part of the monitoring process coordinated by the U.S. Department of Justice. Award monitoring activities conducted by the COPS Office include site visits, enhanced office-based grant reviews, alleged noncompliance reviews, financial and programmatic reporting, and audit resolution. As a COPS Office award recipient, you agree to cooperate with and respond to any requests for information pertaining to your award. This includes all financial records, such as general accounting ledgers and all supporting documents. All information pertinent to the implementation of the award is subject to agency review throughout the life of the award, during the close-out process and for three-years after the submission of the final expenditure report. 34 U.S.C. § 10385(a) and 2 C.F.R. §§ 200.333 & 200.336.

10. Federal Civil Rights

The Applicant understands that the federal statutes and regulations applicable to the award (if any) made by the Department based on the application specifically include statutes and regulations pertaining to civil rights and nondiscrimination, and, in addition —

- a. the Applicant understands that the applicable statutes pertaining to civil rights will include section 601 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); section 901 of the Education Amendments of 1972 (20 U.S.C. § 1681); and section 303 of the Age Discrimination Act of 1975 (42 U.S.C. § 6102);
- b. the Applicant understands that the applicable statutes pertaining to nondiscrimination may include section 809(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. § 10228(c)); section 1407(e) of the Victims of Crime Act of 1984 (34 U.S.C. § 20110(e)); section 299A(b) of the Juvenile Justice and Delinquency Prevention Act of 2002 (34 U.S.C. § 11182(b)); and that the grant condition set out at section 40002(b)(13) of the Violence Against Women Act (34 U.S.C. § 12291(b)(13)), which will apply to all awards made by the Office on Violence Against Women, also may apply to an award made otherwise;



c. the Applicant understands that it must require any subrecipient to comply with all such applicable statutes (and associated regulations); and

d. on behalf of the Applicant, I make the specific assurances set out in 28 C.F.R. §§ 42.105 and 42.204.

The Applicant also understands that (in addition to any applicable program-specific regulations and to applicable federal regulations that pertain to civil rights and nondiscrimination) the federal regulations applicable to the award (if any) made by the Department based on the application may include, but are not limited to, 2 C.F.R. Part 2800 (the DOJ "Part 200 Uniform Requirements") and 28 C.F.R. Parts 22 (confidentiality - research and statistical information), 23 (criminal intelligence systems), 38 (regarding faith-based or religious organizations participating in federal financial assistance programs), and 46 (human subjects protection).

11. Equal Employment Opportunity Plan (EEO)

All recipients of funding from the COPS Office must comply with the federal regulations pertaining to the development and implementation of an Equal Employment Opportunity Plan (28 C.F.R. Part 42 subpart E).

12. False Statements

False statements or claims made in connection with COPS Office awards may result in fines, imprisonment, debarment from participating in federal awards or contracts, and/or any other remedy available by law.

13. Duplicative Funding

The recipient understands and agrees to notify the COPS Office if it receives, from any other source, funding for the same item or service also funded under this award.

14. Additional High-Risk Recipient Requirements

The recipient agrees to comply with any additional requirements that may be imposed during the award performance period if the awarding agency determines that the recipient is a high-risk recipient (2 C.F.R. § 200.207).

15. System for Award Management (SAM) and Universal Identifier Requirements

The recipient agrees to comply with the following requirements of 2 C.F.R. Part 25, Appendix A to Part 25 – Award Term:

I. System for Award Management and Universal Identifier Requirements

A. *Requirement for System for Award Management*

Unless you are exempted from this requirement under 2 C.F.R. § 25.110, you as the recipient must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

B. *Requirement for unique entity identifier*

If you are authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its unique entity identifier to you.
2. May not make a subaward to an entity unless the entity has provided its unique entity identifier to you.

C. *Definitions*

For purposes of this award term:

1. *System for Award Management (SAM)* means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM Internet site (currently at <https://www.sam.gov>).
2. *Unique entity identifier* means the identifier required for SAM registration to uniquely identify business entities.
3. *Entity*, as it is used in this award term, means all of the following, as defined at 2 C.F.R. Part 25, subpart C:
 - a. A Governmental organization, which is a State, local government, or Indian Tribe;
 - b. A foreign public entity;
 - c. A domestic or foreign nonprofit organization;
 - d. A domestic or foreign for-profit organization; and
 - e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
4. *Subaward*:
 - a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
 - b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 C.F.R. § 200.330).
 - c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.



5. *Subrecipient* means an entity that:
- a. Receives a subaward from you under this award; and
 - b. *Is accountable to you for the use of the Federal funds provided by the subaward.*

16. Reporting Subawards and Executive Compensation

The recipient agrees to comply with the following requirements of 2 C.F.R. Part 170, Appendix A to Part 170 – Award Term:

I. Reporting Subawards and Executive Compensation.

a. Reporting of first-tier subawards.

1. Applicability.

Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).

2. Where and when to report.

i. You must report each obligating action described in paragraph a.1. of this award term to <https://www.fsr.gov>.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. What to report.

You must report the information about each obligating action that the submission instructions posted at <https://www.fsr.gov> specify.

b. Reporting Total Compensation of Recipient Executives.

1. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if —

i. the total Federal funding authorized to date under this award is \$25,000 or more;

ii. in the preceding fiscal year, you received—

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 C.F.R. § 170.320 (and subawards); and

- i. To the recipient.
- ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. *Exemptions*

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

- i. Subawards, and
- ii. The total compensation of the five most highly compensated executives of any subrecipient.

e. *Definitions.* For purposes of this award term:

1. Entity means all of the following, as defined in 2 C.F.R. Part 25:
 - i. A Governmental organization, which is a State, local government, or Indian tribe;
 - ii. A foreign public entity;
 - iii. A domestic or foreign nonprofit organization;
 - iv. A domestic or foreign for-profit organization;
 - v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
2. *Executive* means officers, managing partners, or any other employees in management positions.
3. *Subaward*:
 - i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
 - ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. 210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and



Non-Profit Organizations”).

iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. *Subrecipient* means an entity that:

i. Receives a subaward from you (the recipient) under this award; and

ii. Is accountable to you for the use of the Federal funds provided by the subaward.

5. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 C.F.R. § 229.402(c)(2)):

i. *Salary and bonus.*

ii. *Awards of stock, stock options, and stock appreciation rights.* Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.

iii. *Earnings for services under non-equity incentive plans.* This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.

iv. *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.

v. *Above-market earnings on deferred compensation which is not tax-qualified.*

vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

17. Debarment and Suspension

The recipient agrees not to award federal funds under this program to any party which is debarred or suspended from participation in federal assistance programs. 2 C.F.R. Part 180 (Government-wide Nonprocurement Debarment and Suspension) and 2 C.F.R. Part 2867 (DOJ Nonprocurement Debarment and Suspension).

18. Employment Eligibility

The recipient agrees to complete and keep on file, as appropriate, the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form (I-9). This form is to be used by recipients of federal funds to verify that persons are eligible to work in the United States. Immigration Reform and Control Act of 1986 (IRCA), Public Law 99-603.



19. Enhancement of Contractor Protection from Reprisal for Disclosure of Certain Information

The recipient agrees not to discharge, demote, or otherwise discriminate against an employee as reprisal for the employee disclosing information that he or she reasonably believes is evidence of gross mismanagement of a federal contract or award, a gross waste of federal funds, an abuse of authority relating to a federal contract or award, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or award. The recipient also agrees to provide to their employees in writing (in the predominant native language of the workforce) of the rights and remedies provided in 41 U.S.C. § 4712. Please see appendices in the Award Owner's Manual for a full text of the statute.

20. Mandatory Disclosure

Recipients and subrecipients must timely disclose in writing to the Federal awarding agency or pass-through entity, as applicable, all federal criminal law violations involving fraud, bribery, or gratuity that may potentially affect the awarded federal funding. Recipients that receive an award over \$500,000 must also report certain civil, criminal, or administrative proceedings in SAM and are required to comply with the Term and Condition for Recipient Integrity and Performance Matters as set out in 2 C.F.R. Part 200, Appendix XII to Part 200. Failure to make required disclosures can result in any of the remedies, including suspension and debarment, described in 2 C.F.R. § 200.338.

21. Conflict of Interest

Recipients and subrecipients must disclose in writing to the COPS Office or pass-through entity, as applicable, any potential conflict of interest affecting the awarded federal funding in accordance with 2 C.F.R. § 200.112.

22. Contract Provision

All contracts made by the award recipients under the federal award must contain the provisions required under 2 C.F.R. Part 200, (Appendix II to Part 200 — Contract Provisions for Non-Federal Entity Contracts Under Federal Awards). Please see appendices in the Award Owner's Manual for a full text of the contract provisions.

23. Restrictions on Internal Confidentiality Agreements

No recipient or subrecipient under this award, or entity that receives a contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts the lawful reporting of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information. Consolidated Appropriations Act, 2020, Public Law 116-93, Division C, Title VII, Section 742.

24. Recipient Integrity and Performance Matters

For awards over \$500,000, the recipient agrees to comply with the following requirements of 2 C.F.R. Part 200, Appendix XII to Part 200 – Award Term and Condition for Recipient Integrity and Performance Matters:

A. Reporting of Matters Related to Recipient Integrity and Performance

1. *General Reporting Requirement*

If the total value of your currently active awards, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported



to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2. of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

2. *Proceedings About Which You Must Report*

Submit the information required about each proceeding that:

- a. Is in connection with the award or performance of an award, cooperative agreement, or procurement contract from the Federal Government;
- b. Reached its final disposition during the most recent five year period; and
- c. Is one of the following:
 - (1) A criminal proceeding that resulted in a conviction, as defined in paragraph 5. of this award term and condition;
 - (2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
 - (3) An administrative proceeding, as defined in paragraph 5. of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
 - (4) Any other criminal, civil, or administrative proceeding if:
 - i. It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;
 - ii. It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
 - iii. The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

3. *Reporting Procedures*

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2. of this award term and condition. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under Federal procurement contracts that you were awarded.

4. *Reporting Frequency*

During any period of time when you are subject to the requirement in paragraph 1. of this award term and condition, you must report proceedings information through SAM for the most recent five year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, award, and cooperative agreement awards with a cumulative total value greater than \$10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

5. *Definitions*

For purposes of this award term and condition:

- a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or award. It does not include audits, site visits, corrective plans, or inspection of deliverables.
- b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.
- c. Total value of currently active awards, cooperative agreements, and procurement contracts includes —
 - (1) Only the Federal share of the funding under any Federal award with a recipient cost share or match; and
 - (2) The value of all expected funding increments under a Federal award and options, even if not yet exercised.

25. Citizenship and Immigration Status Communications

Authority to obligate or expend contingent on compliance with this condition.

NOTE: This grant condition is established under the COPS Office's broad authority and discretion to award and administer grants. See, e.g., 34 U.S.C. § 10381, et seq. This condition applies only to state or local government entities or to non-state or local government entities that make subawards with these funds to a state or local government entity.

State or local government entity recipients of this award, and any subrecipient of this award at any tier that is an entity of a State or of a unit of local government, may not obligate or expend award funds if – at the time of the obligation or expenditure – the “program or activity” of the recipient funded in whole or in part with the award funds (which includes any such program or activity of any subrecipient at any tier) is subject to any prohibitions or restrictions on sending to, requesting or receiving from, maintaining, or exchanging information regarding citizenship or immigration status with components of the U.S. Department of Homeland Security or any federal, state or local government entity, as generally described in 8 U.S.C. 1373(a) or (b). This includes any prohibitions or restrictions imposed or established by a state or local government entity or official.

A subrecipient of this award (at any tier) that is an entity of a State or of a unit of local government may not obligate or expend award funds if – at the time of the obligation or expenditure – the “program or activity” of the subrecipient (which includes any such program or activity of any subrecipient at any further tier) funded (in whole or in part) with award funds is subject to any prohibitions or restrictions on sending to, requesting or receiving from, maintaining, or exchanging information regarding citizenship or immigration status with components of the U.S. Department of Homeland Security or any federal, state or local government entity, as generally described in 8 U.S.C. 1373(a) or (b). This includes any prohibitions or restrictions imposed by a state or local government entity or official.

Any obligations or expenditures of a recipient or subrecipient that are impermissible under this condition shall be unallowable costs for purposes of this award.

Rules of Construction. For purposes of this condition, “program or activity” means what it means under section 606 of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4a).

References to the Immigration and Naturalization Service in 8 U.S.C. 1373 are to be read, as a legal matter, as references to particular components of the U.S. Department of Homeland Security.

Should any provision of a condition of this award be held to be invalid or unenforceable by its terms, then that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law (to any person or circumstance) under this award. Should it be held, instead, that a condition (or a provision thereof) is of utter invalidity or unenforceability, such condition (or such provision) shall be deemed severable from this award.

Any questions about the meaning or scope of this condition should be directed, prior to acceptance of this award, to the Office of Community Oriented Policing Services Legal Division at 202-514-3750.

26. Contracts and/or MOUs with other Jurisdictions

Sworn law enforcement officer positions awarded must be used for law enforcement activities or services that benefit your agency and the population that it serves. The items funded under the CHP award cannot be utilized by other agencies unless the items benefit the population that your agency serves. Your agency may use items funded under the CHP award to assist other law enforcement agencies under a resource sharing, mutual aid, or other agreement to address multi-jurisdictional issues as described in the agreement.

27. Retention

At the time of award application, your agency committed to retaining all sworn officer positions awarded under the CHP award with state and/or local funds for a minimum of 12 months following the conclusion of 36 months of federal funding for each position, over and above the number of locally-funded sworn officer positions that would have existed in the absence of the award. Your agency cannot satisfy the retention requirement by using CHP-funded positions to fill locally-funded vacancies resulting from attrition. 34 U.S.C. § 10382 (c)(8).

28. Community Policing

Community policing activities to be initiated or enhanced by your agency and the officers funded by this award program were identified and described in your CHP award application. In sections VI(A) and (B), your agency developed a community policing plan for the CHP award with specific reference to a crime or disorder problem and the following elements of community policing: (a) problem solving—your agency’s plan to assess and respond to the problem identified; (b) community partnerships and support, including related governmental and community initiatives that complement your agency’s proposed use of CHP funding; and (c) organizational transformation—how your agency will use the funds to reorient its mission to community policing or enhance its involvement in and commitment to community policing. Throughout the CHP award period, your agency is required to implement the community policing plan it set forth in the CHP award application.

The COPS Office defines community policing as a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime. CHP awards through the specific officers funded (or an equal number of redeployed veteran officers) must be used to initiate or enhance community policing activities. All newly hired additional or rehired officers (or an equal number of redeployed veteran officers) funded under CHP must implement your agency’s approved community policing plan, which you described in your award application.

29. Local Match

COPS Hiring Program award recipients are required to contribute a local match of at least 25 percent towards the total cost of the approved award project, unless waived in writing by the COPS Office. The local match must be a cash match from funds not previously budgeted for law enforcement purposes and must be paid during the award period. The local match contribution must be made on an increasing basis during each year of the three-year award period, with the federal share decreasing accordingly. 34 U.S.C. § 10381(g).

30. School Resource Officer (SRO) Training Requirement

COPS Office-funded SRO(s) are required to complete a National Association of School Resource Officers (NASRO) 40 hour basic training course. Course substitutions are not permitted. Training must be completed no later than nine months after the date shown on the award congratulatory letter or six months from the SRO hire date; whichever comes first. If a COPS Office-funded SRO leaves the recipient agency after completing the NASRO training, the recipient agrees to pay for the new SRO, who is assigned to backfill this position, to attend a NASRO 40 hour basic training course. The new SRO must complete the training no later than nine months after being placed in the school. If the officer has completed NASRO 40 hour basic training within the last 12 months prior to the award date, the condition has been fulfilled. Any longer than 12 months will require the officers to retake the course. The agency must contact the NASRO Grant Coordinator if they want funds to cover registration and travel costs.



31. Background Investigations

Recipients agree to ensure that each officer(s) hired with CHP funding will be subject to a background investigation, notify the COPS Office upon completion of the background investigation for each officer hired under the CHP award, and cooperate with the COPS Office and provide updates on the status of background investigations upon request. 2 C.F.R. § 200.207

If the COPS Office determines that CHP funds are being used to pay the salary and fringe benefits of an officer who has not undergone a background investigation, the COPS Office may temporarily suspend grant funds in accordance with 2 C.F.R. §200.338 until the agency can demonstrate the background investigation has been completed.

32. Career Law Enforcement Officer

Officer hiring funds may only be used to pay entry-level salaries and fringe benefits for full-time “career law enforcement officers” for 36 months. The COPS Office’s statute defines a “career law enforcement officer” as “a person hired on a permanent basis who is authorized by law or by a State or local public agency to engage in or supervise the prevention, detection, or investigation of violations of criminal laws.” 34 U.S.C. §10389(1). A recipient agency may use officer hiring funds to pay the salary and benefits of recruits while in academy training to become “career law enforcement officers” if it is the standard practice of the agency to do so with locally-funded recruits. The State of Alaska, and any Indian tribe or tribal organization in that State, may also use officer hiring funds for a “village public safety officer” defined as “an individual employed as a village public safety officer under the program established by the State pursuant to Alaska Statute 18.65.670.” Tribal Law and Order Act of 2010, Pub. L. 111-211, title II, § 247 (a)(2).



Financial Clearance Memorandum

COPS Office COPS Hiring Program Program (CHP)

To: Chief of Police Jason Zeigler and Mayor Tim Helbling

Re: Financial Clearance Memorandum

A financial analysis of budgeted costs has been completed. Costs under this award appear reasonable, allowable, and consistent with existing guidelines. Exceptions / Adjustments are noted below.

Total officer positions awarded: 2

Approved costs per entry-level officer, per year

	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Base salary	\$45,427.20	\$45,427.20	\$45,427.20
Benefits	\$33,530.95	\$33,530.95	\$33,530.95
Social Security	\$2,816.49	\$2,816.49	\$2,816.49
Medicare	\$658.69	\$658.69	\$658.69
Health insurance	\$21,283.20	\$21,283.20	\$21,283.20
Life insurance	\$187.32	\$187.32	\$187.32
Vacation	\$0.00	\$0.00	\$0.00
Sick leave	\$0.00	\$0.00	\$0.00
Retirement	\$4,120.25	\$4,120.25	\$4,120.25
Worker's compensation	\$989.82	\$989.82	\$989.82
Unemployment insurance	\$3,475.18	\$3,475.18	\$3,475.18

Approved total project costs

Per officer Grand total

Salaries and fringe benefits	\$236,874.45	\$473,749.00
Federal share	\$125,000.00	\$250,000.00
Applicant share	\$111,874.50	\$223,749.00

Local match waiver not granted.

Budget Cleared Date: 06/25/2020

Overall Comments:

NA

Additional Comments:

N/A



Award Document Supplement

COPS Hiring Program (CHP)

By signing the Award Document to accept this COPS Hiring Program (CHP) award, the recipient agrees to abide by the following Special Award Conditions and/or High Risk Conditions:

Special Award Conditions

Advancing Department of Justice Priority Crime Problem Awards

Your agency has been selected for a COPS Hiring Program (CHP) award to address a particular Department of Justice priority crime problem/focus area, based specifically on your CHP award application's community policing plan to improve your agency's public safety response to the critical issues of Illegal Immigration, Violent Crime, or Homeland Security.

Please be advised that, in accepting this award, your agency is agreeing to this Special Condition to its CHP award that requires your agency's COPS-funded officers (or an equivalent number of locally-funded officers) to initiate or enhance your agency's community policing plan to address one of the priority crime problems identified above. By signing the 2020 CHP award, your agency understands and agrees to the following:

- Your agency will implement the one specific community policing plan identified in your CHP award application;
- Your agency will address its specific priority crime problem throughout the entire CHP award period;
- Your agency will implement any organizational changes identified in its CHP award application in Section 6B, Questions 12 and 13;
- Your agency will cooperate with any award monitoring by the COPS Office to ensure that it is initiating or enhancing its community policing efforts to address its priority crime problem, which may include your agency having to respond to additional or modified reporting requirements.

Memorandum of Understanding Requirement

(School-based Policing through School Resource Officers Focus Area Only)

By signing the 2020 CHP award, recipients using CHP funding to hire and/or deploy School Resource

Officers into schools understand and agree to the following:

- Your agency must submit a signed Memorandum of Understanding (MOU) between the law enforcement agency and the school partner(s) to the COPS Office before obligating or drawing down funds under this award. The MOU must be submitted to the COPS Office within 90 days of the date shown on the award congratulatory letter.
- Your agency's MOU must contain the following information;
 - The purpose of the MOU
 - Clearly defined roles and responsibilities of the school district and the law enforcement agency, focusing officers' roles on safety
 - Information sharing
 - Supervision responsibility and chain of command for the SRO
 - Signatures

Note: Please refer to the MOU Fact Sheet for a detailed explanation of the requirements under each of the bullets

- Your agency's implementation of the CHP award without submission and acceptance of the required MOU may result in expenditures not being reimbursed by the COPS Office and/or award de-obligation.



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 21, 2020
PREPARATION DATE: July 16, 2020
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Fireworks

STATEMENT/PURPOSE: To consider changes to the existing ordinance regarding fireworks.

BACKGROUND/ALTERNATIVES: The Board of City Commissioners directed staff to discuss potential changes to the fireworks ordinance based upon issues in 2020 related to such.

Police

Between 6/27/20 and 7/6/2020, the police department took 45 complaints of Fireworks violations. With the majority of the complaints, the offenders were not found when officers arrived in the areas of the complaints. Many times officers were busy on other calls when the fireworks complaints were received. There were no citations issued.

*Thank you,
Jason Bier
Deputy Chief of Police*

Fire Department

*June 30th thru July 5th,
2020 7-incidents to include one structure fire all involving fireworks 57 total firefighters responded. Approximately \$1,335 in labor, excluding payroll taxes 14 fire trucks responded*

Same time period previous years

*2019 4-incidents
2018 2-incidents
2017 0-incidents (Ban)
2016 7-incidents*

Current ordinance permits the use of fireworks:

July 2, 12:00 p.m. to 12:00 a.m.

July 3, 12:00 p.m. to 12:00 a.m.

July 4, 12:00 p.m. to July 5, 2:00 a.m.

December 31, 5:00 p.m to Jan. 1, 1:00 a.m.

Noncompliance carries a \$75 ticket

In discussions with Police and Fire Chief the recommendation is below:

~~July 2, 12:00 p.m. to 12:00 a.m.~~

July 3, 12:00 p.m. to 12:00 a.m.

July 4, 12:00 p.m. to 12:00 a.m., ~~July 5, 2:00 a.m.~~

December 31, 5:00 p.m to Jan. 1, 1:00 a.m.

Noncompliance carries a \$~~150~~75 ticket

The removal of July 2, may create the expectation that the public will discontinue use, however, as soon as fireworks can be purchased is when folks begin discharging them. This may lead to additional calls for service on July 2, which is already a busy time for the police department and complaints of this nature are not the highest priority. That said, it may be worth a try, and also an increase in the fine may be a deterrent.

The fire department is always advocating and promoting fire prevention to reduce threats of fires to life and property so eliminating another day of discharging fireworks would be prevention. One could argue that there would be no reduction in fireworks use during the 4th of July holiday but we do not know that for sure but feel that we should try different rules. Some may also say that seven actual fires are not many but even one fire that poses a threat to life and property is too many. The structure fire that occurred this year was a detached garage in very close proximity to an occupied single-family home. The fire occurred late at night with the home occupants sleeping that could have resulted in disaster if not detected in the early stages.

ATTACHMENTS:

FISCAL IMPACT:

STAFF IMPACT:

LEGAL REVIEW:

RECOMMENDATION: Information is provided for discussion and direction from the Commission on how to proceed. Options to consider would be to leave as is, adjust as recommended, or to make other adjustments..

SUGGESTED MOTION:



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 21, 2020
PREPARATION DATE: July 16, 2020
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Consider Appointment for the Mandan Special Assessment Commission.

STATEMENT/PURPOSE: To consider the appointment of Sherwin Wanner for the remaining term ending April of 2025 on the Mandan Special Assessment Commission.

BACKGROUND/ALTERNATIVES: In June a notice was released seeking letters of interest for the open seat on the Special Assessment Commission (SAC) which asked for letters to be submitted by July 14th. This vacancy was due to our office receiving Carl Jacobsen's letter of resignation. We received two letters of interest, one from Sherwin Wanner on July 10th and another letter from Wayne Papke on July 15th. Both are good applicants and have been residents of Mandan 20+ years but our office feels that Mr. Wanner's background experience would be an added benefit to having him on our Special Assessment Commission.

ATTACHMENTS: 1. Notice
2. Letters of Interest

FISCAL IMPACT: None

STAFF IMPACT: Minimal

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

RECOMMENDATION: This office supports the appointment of Sherwin Wanner for the remaining term ending April of 2025 to the Mandan Special Assessment Commission.

SUGGESTED MOTION: I move to support the appointment of Sherwin Wanner for the remaining term ending April of 2025 to the Mandan Special Assessment Commission.



FOR IMMEDIATE RELEASE
June 19, 2020
For information contact:
Engineer & Planning Project Manager Kim Fettig
ph. 701.667.3225

Special Assessment Commission Seeking Appointee

Letters of interest due July 14, 2020

The Mandan City Commission will be considering an appointment for one position on the Special Assessment Commission to fulfill a vacant term through April 2025.

Members of the local business community and residents are encouraged to confirm their interest in serving on the Special Assessment Commission with a letter summarizing their background and reasons for their interest. Letters should be submitted by July 14, 2020 to Kim Fettig in the Engineering Department at 205 2nd Avenue NW, Mandan, ND 58554, or by e-mail to kfettig@cityofmandan.com

The purpose of the Special Assessment Commission is to determine the amount of benefits in improvement districts from street, utility and other public construction projects and properly assess these costs to properties within the applicable district. The Special Assessment Commission consists of three members. The members will be expected to meet as a Commission approximately six times per year to review district maps, assessment amounts, tour completed assessable projects, and preside over public hearings for objections or corrections of the assessments of any affected properties within a district. Compensation for this position is \$35 per meeting. Basic mathematical skills and familiarity with the City of Mandan's special assessment policy is helpful in filling the position. Applicants should also be available during the day for any applicable meetings and have a willingness to participate.

For more information, please call Kim Fettig at phone 701.667.3225

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Board of City Commissioners

Agenda Documentation

Meeting Date: July 21, 2020

Subject: Consider Appointment for the Mandan Special Assessment Commission.

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Sherwin Wanner
4000 35th Ave NW
Mandan, ND 58554

July 10, 2020

Kim Fettig, Engineering Project Manager
City of Mandan Engineering Department
205 2nd Ave NW
Mandan, ND 58554
Email: kfettig@cityofmandan

RE: Letter of Interest

Dear Ms. Fettig,

As a resident of Mandan since 1996 I am pleased to submit this letter of interest to be considered to serve on the Special Assessment Commission. I understand there is a level of commitment to serve on the Special Assessment Commission. I believe that if we care about the community we live in then we need to be involved and contribute.

Within our current project funding mechanisms, special assessments are most often necessary component to help ensure our neighborhood and community public infrastructure is built and maintained for its residents. Special assessments are never popular and often garner a lot of tough discussion. As I understand it the single role of the special assessment commission is review proposed assessment districts and work to ensure that those assessments are correctly and equitably applied to all the benefiting properties in the district area.

My interest in serving on the commission is not because of disappointment of previous commission members, but rather to serving member to our growing city. I know there is always a need for people to serve in different ways. I feel that with my professional employment experiences in both the public and private sector, combined with the leadership experience as a military servicemember, I can be a positive and contributing member to the Special Assessment Commission.

A little bit about myself. I grew up on a small family farm near Dickinson, ND and upon graduating high school in 1985, I enlisted in the North Dakota Army National Guard where I served for 26 years. In 1990 I graduated with my Bachelor of Science degree in Agricultural Engineering from North Dakota State University. Currently I am an Office Manager and Project Manager with Houston Engineering, Inc. where I have had the privilege to work on a wide range of municipal, watershed, water distribution, and environmental projects. Prior to joining Houston Engineering in 2002, I worked for the North Dakota Department of Health for 10 years in the Municipal Facilities Division's Drinking Water Regulatory program.

I appreciate the opportunity and consideration. If you have any questions, please feel free to contact me at 226-6138 or by email at swanner@houstoneng.com.

Sincerely,



Sherwin Wanner

Board of City Commissioners

Agenda Documentation

Meeting Date: July 21, 2020

Subject: Consider Appointment for the Mandan Special Assessment Commission.

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July 15, 2020

City of Mandan
Special Assessment Commission
205 2nd Ave NW
Mandan, ND 58554

Dear Special assessment committee;

I would like to have you consider me for appointment for an opening on the special assessment commission. I would be honored to serve the City of Mandan and our cities residents.

I retired a couple years ago now so now I 1) have the time and 2) have the passion and 3) I have the interest in serving the city of Mandan. Unless I can give a project or undertaking with my fullest effort, I really don't want to give it a half an effort. Today, I have the time to give it my full effort and time.

I have always, or at least the last 26 years, had an interest in the City of Mandan operations. I understand city budgets and process' and I feel that this is important knowledge to have in serving on this commission..

I have a finance background, having come from 21 years in the financial services business closing out and selling my independent firm in June of 2017. Prior to this I worked for Xerox Corporation from 1978 to 1988, I then worked for Eastman Kodak from 1988 to 1991 and I worked for Fireside Office Products, Bismarck, ND from 1991 to 1997. I worked in High end printing equipment and office copier/duplicator sales these 20 years.

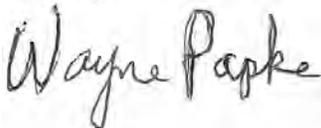
I have live in the city of Mandan since December of 1994 or 26 years. I have lived at one address this entire time which is 1612 River Dr. NE, Mandan, ND 58554. I had owned this property since 1983 or 37 years.

I have seen the value of an understandable and benefit allocation of special assessments. I have also seen some controversial allocations come out in the past. I think we all need to learn from both sides of these.

I thank you for considering my interest in the City of Mandan special assessment commission position. My passion for the affairs of the city of Mandan and my ability to invest ample time into this position should make me a candidate to consider for this position. I can be contacted by phone at 701-226-2739 or by mail at Wayne Papke, 1612 River Dr. NE, Mandan, ND 58554-2235.

I look forward to hearing back from you.

Sincerely;



Wayne Papke
Mandan, ND 58554



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 21, 2020
PREPARATION DATE: July 16, 2020
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Consider Amendment No. 1 to Construction Engineering Agreement for Southside SID

STATEMENT/PURPOSE: To consider approval of an amendment to increase our Engineering Services Agreement to cover increased engineering scope for the Southside Street Improvement District project.

BACKGROUND/ALTERNATIVES: The Southside Street Improvement District project is nearing completion. It is currently at a state of substantial completion whereby all of the major construction items have been installed. There are a few miscellaneous items left to complete. Perhaps most notably, the entire project area is scheduled to be re-seeded later this summer since the seeding effort in May did not take due to very dry conditions until late June. We will need to develop a full list of deficient items for the contractor to correct as well. Correction items have been done as we go as well, but an official list of everything is necessary to address before final acceptance.

Earlier this summer, Moore Engineering staff did give our office a heads up that they were concerned that their Construction Engineering costs would exceed our agreement because of additional scope of services that exceeded our agreement. However, it was not a certainty at that time, and Moore continued on under the original agreement with the goal of staying within. However, it has become evident that they will exceed their estimate for services because of the added scope that they have summarized on the attached. Their estimate for additional work summarized is not to exceed an additional \$24,000. For the additional scope added that they have summarized, our office believes this is fair.

ATTACHMENTS: 1. Amendment to Construction Engineering Services Agreement

FISCAL IMPACT: The additional \$24,000 will be added to the agreement which would raise the total amount from \$363,711 to \$387,711. An

Board of City Commissioners

Agenda Documentation

Meeting Date: July 21, 2020

Subject: Consider Amendment to Construction Engineering Agreement for Southside
SID

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increase of about 6.6%. As with all engineering costs, these would be included in the property special assessments as well.

STAFF IMPACT: Minimal

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

RECOMMENDATION: We recommend approval of this amendment.

SUGGESTED MOTION: Move to approve Amendment #1 to our Construction Engineering Agreement with Moore Engineering for the Southside Street Improvement District.

AMENDMENT TO OWNER-ENGINEER AGREEMENT FOR CONSTRUCTION ENGINEER SERVICES

Amendment No. 1

Project: Street Improvement District 213, Project 2018-07 (Southside Street Project)

Effective Date of Owner-Engineer Agreement: May 7, 2019

The Effective Date of this Amendment is: 7/21/20

Background Data: *The original scope of work in the Owner-Engineer Agreement for construction engineering services is modified as follows:*

Change #1 – Additional Work Completed:

Throughout the project, portions of the neighborhood have requested and petitioned to have additional areas of construction added to the project. The City has modified the contractor's scope of work by adding 3 separate change orders that have added additional blocks of street reconstruction:

- 1. Railway Avenue SW was redesigned to include widening and fully reconstructed to accommodate the new public works facility.*
- 2. 4th Street SW east of 7th Ave (actually an alley) was originally intended to remain a gravel street, but was petitioned to be paved by the benefitting homeowners.*
- 3. The gravel alley between Railway Ave SW and 6th Ave (between 1st St and 3rd St) near the Zander Body Shop was petitioned to be paved by the benefitting homeowners.*

The engineer quickly accommodated these changes by completing additional topographic survey, design work, negotiating contract change orders, construction engineering, construction staking, and RPR work all in an effort to keep the project schedule on track.

Change #2 – Project Completion Date Extended:

The original project completion date was modified to accommodate significant weather events and work added to the project. Record breaking October rains throughout central North Dakota prevented the contractor from completing work in the fall of 2019, significant drought in the month of June, 2020 prevented grass establishment and several contract change orders (which added work to the project) extended to project completion date by 75 days to September 30, 2020.

Nature of Amendment:

- Additional Services to be performed by Engineer
- Modifications of payment to Engineer
- Modifications to time(s) for rendering services

Description of Modifications:

- 1) Phase 410: Additional Resident Project Representative (RPR) time.
- 2) Phase 420: Additional Construction Staking Time.
- 3) Phase 440: Additional Construction Contract Administration time.

Board of City Commissioners

Agenda Documentation

Meeting Date: July 21, 2020

Subject: Consider Amendment to Construction Engineering Agreement for Southside
SID

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- b. For the Additional Services set forth above, Owner shall pay Engineer the following additional compensation:

Adjustment of Contract Scope – Increase in Engineer’s Fee

- Construction Services (HRLY).....\$24,000.00

Agreement Summary:

Original agreement amount:	\$ 363,711.00
Net change for prior amendments:	\$ 0.00
This amendment amount:	\$ 24,000.00
Adjusted Agreement amount:	\$ 387,711.00

Change in time for services:

Final completion date has been extended several times to September 30, 2020.

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement. Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER: CITY OF MANDAN

ENGINEER: MOORE ENGINEERING, INC.

By: _____
Print name: Justin Froseth, PE
Title: Planning & Engineering Director
Date Signed: _____

By:  _____
Print name: Jerod Klabunde, PE
Title: Senior Project Manager
Date Signed: _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: July 21, 2020
PREPARATION DATE: June 30, 2020
SUBMITTING DEPARTMENT: Human Resources
DEPARTMENT DIRECTOR: Brittany Cullen, HR Director
PRESENTER: Brittany Cullen, HR Director
SUBJECT: Ordinance 1344 Related to Discrimination Prohibited in Employment

STATEMENT/PURPOSE: Consider approval of second consideration of Ordinance 1344 related to discrimination prohibited in employment.

BACKGROUND/ALTERNATIVES: On June 15, 2020, the U.S. Supreme Court ruled that employment discrimination on the basis of sexual orientation or gender identity is illegal and violates Title VII of the Civil Rights Act of 1964. This amendment will ensure our Code provision is in accordance with the law, as well as clarifying that pregnancy is a protected category.

ATTACHMENTS:
Attachment 1 – Ordinance 1344

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: Sent to City Attorney for Review.

RECOMMENDATION:
The Human Resources Department recommends approval of Ordinance 1344 as presented in Attachment 1.

SUGGESTED MOTION:
I move to approve Ordinance 1344 as presented in Attachment 1.

ORDINANCE NO. 1344

An Ordinance to Amend and Re-enact
Section 20-1-9 of the
Mandan Code of Ordinances
Relating to Discrimination Prohibited

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

Sec. 20-1-9.

An employee or applicant for employment may not be appointed, promoted, demoted, dismissed, or in any way favored or discriminated against on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, pregnancy, physical or mental disability, or status with regard to marriage or public assistance.

By: _____
Tim Helbling, President,
Board of City Commissioners

Attest:

James Neubauer, City Administrator

First Consideration: July 7, 2020

Second Consideration and Final Passage: _____

ORDINANCE NO. 1344

An Ordinance to Amend and Re-enact
Section 20-1-9 of the
Mandan Code of Ordinances
Relating to Discrimination Prohibited

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

Sec. 20-1-9.

An employee or applicant for employment may not be appointed, promoted, demoted, dismissed, or in any way favored or discriminated against on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, pregnancy, physical or mental disability, or status with regard to marriage or public assistance.

By: _____
Tim Helbling, President,
Board of City Commissioners

Attest:

James Neubauer, City Administrator

First Consideration: July 7, 2020

Second Consideration and Final Passage: July 21, 2020