



**PRELIMINARY AGENDA
MANDAN CITY COMMISSION
JANUARY 7, 2020
ED "BOSH" FROEHLICH MEETING ROOM,
MANDAN CITY HALL
5:30 P.M.
www.cityofmandan.com**

- A. ROLL CALL:
1. Roll call of all City Commissioners.
- B. APPROVAL OF AGENDA:
- C. MINUTES:
1. Consider approval of the minutes from the December 17, 2019 Board of City Commission regular meeting.
- D. PUBLIC HEARING:
1. Public hearing and consideration of sufficiency of protests for Mid-Town East Street Improvement District 215. (See Resolution and Ordinances #4).
2. Consider approval of a variance to the front setback from 20' to 9' on Lot, Block 2, Diane's 1st Addition for the construction of an accessibility ramp.
- E. BIDS:
- F. CONSENT AGENDA:
1. Consider approval of a raffle permit for Lewis & Clark School PTO on 1-15-20 to 3-31-20 at the Lewis & Clark School.
2. Consider reduction in 2019 value of the property at 3721 Gale Circle owned by Spence Koenig.
3. Consider appointment of Malcolm Brown as City Attorney, Amy Oster as Assistant City Attorney and legal retainer agreement.
4. Consider approval of the voting locations for the June 9, 2020 election.
5. Consider approval of the transfer of General Fund operating savings from the 2019 budget to the Police Department 2020 budget for the purchase of 2 Ford Interceptor vehicles.
6. Consider approval of a raffle permit for Guardian Warrior Foundation on 7/18/2020 at the Mandan Eagles Club.
7. Consider approval of Indigent Defense and Prosecution contracts along with 2020 budget amendment.
8. Consider approval of acceptance of a FEMA grant as administered through the North Dakota Department of Emergency Services (NDDDES) for the installation of two generators at select facilities.

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G. OLD BUSINESS:

H. NEW BUSINESS:

I. RESOLUTIONS AND ORDINANCES:

1. Introduction and First Consideration of Ordinance 1333 to amend and re-enact Chapter 10, Fire Prevention and Protection, of the Mandan Code of Ordinances. The purpose of this ordinance is to adopt the 2018 International Fire Code (IFC) with proposed amendments.
2. Second Consideration and final passage of Ordinance 1331 pertaining to Building Codes.
3. Second Consideration and Final Passage of Ordinance 1332 to Amend and Re-enact the Mandan Code of Ordinances Relating to Criminal Trespass
4. Resolution determining insufficiency of protests for Street Improvement District No. 215

J. OTHER BUSINESS:

K. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. January 21, 2020
2. February 4, 2020
3. February 18, 2020

L. ADJOURN

The Mandan City Commission met in regular session at 5:30 p.m. on December 17, 2019 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Mayor Helbling called the meeting to order.

A. ROLL CALL:

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

Absent: Commissioner Davis and Human Resource Director Cullen.

B. APPROVAL OF AGENDA:

C. MINUTES:

1. *Consider approval of the minutes from the December 3, 2019 Board of City Commission regular meeting.* Commissioner Braun moved to approve the minutes as presented.

Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes;

Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor

Helbling: Yes. The motion passed.

D. PUBLIC HEARING:

E. BIDS:

F. CONSENT AGENDA

1. *Consider approval of monthly bills.*

MONTANA-DAKOTA UTILITIES	19,142.09
CENTURYLINK	3,825.47
ADVANCED ENGINEERING SVC	106,849.22
AJ HEIM	252.22
AMERICAN RESURFACING	266.92
BANK OF NORTH DAKOTA	189,726.81
BIS-MAN CONVTN & VISITOR	5,423.99
BIS-MDN TRANSIT BOARD	5,594.47
BRADY, MARTZ & ASSOCIATE	7,400.00
BRAUN INTERTEC ENGINEERI	6,899.00
CILESSA MANEUEL	14.57
COAST TO COAST SOLUTIONS	634.13
CROSS COUNTRY COURIER	88.55
DAKOTA CHILDREN'S ADVOCA	2,323.90
EVARISTO CRUZ	111.71
GOV OFFICE LLC	475.00

HARVEY CHRISTIAN	225.00
HDR ENGINEERING, INC	34,354.97
K & L COMMERCIAL RENTAL	81,414.33
KADRMAS, LEE & JACKSON,	1,650.38
KRONOS SAASHR, INC	2,251.74
L & E DEVELOPMENT	60.10
MANDAN AIRPORT AUTHORITY	11,136.15
MANDAN PARK BOARD	1,000.00
MISSION CRITICAL CONCEPT	3,200.00
MKS PROPERTIES LLC	148.07
MOORE ENGINEERING, INC	226,200.49
MORTON COUNTY AUDITOR	1,841.87
MORTON COUNTY RECORDER	50.00
MORTON MANDAN PUBLIC LIB	33,534.21
ND DEPT OF TRANSPORTATIO	12,041.40
ND YOUTH CORRECTIONAL CE	168.75
NDSU	400.00
NORTHERN IMPROVEMENT CO	308,436.59
POLLERT/TREVOR	2,087.32
RAILROAD MANAGEMENT CO I	258.95
SANFORD BISMARCK	3,820.00
SPRINT	2,376.00
STANTEC CONSULTING SERVI	8,720.50
T-MOBILE USA, INC	1,163.00
TERRACON CONSULTANTS, IN	5,797.75
BASARABA EXCAVATING & DI	374,435.25
MARINER CONSTRUCTION	455,805.75
NELSON LEASING INC DBA	84,563.00
ND POST	25.00
MONTANA-DAKOTA UTILITIES	32,083.04
POST BOARD	720.00
BUREAU OF CRIMINAL INVES	50,424.30
AA TREE SERVICE	250.00
ADVANCED ENGINEERING SVC	6,154.27
ARMSTRONG SANIT & ROLL O	56,816.62
AT & T	336.79
BIS-MDN TRANSIT BOARD	739.28
BISMARCK POLICE DEPARTME	738.00
BNSF RAILWAY COMPANY	202.59
BURLEIGH COUNTY SHERIFF	280.88
BURLEIGH-MORTON DETENTIO	3,931.35
CORE & MAIN	12,371.74

DEARBORN LIFE INSURANCE	2,396.94
DIRK PLUMBING & HEATING	260.56
GREAT NORTHERN ENVIRONME	7,784.80
HAUG/PATRICK	817.76
HUB INTERNATIONAL OF ND	5,948.00
INFORMATION TECHNOLOGY D	869.70
MANDAN AIRPORT AUTHORITY	1,471.64
MANDAN MUNICIPAL COURT	4,809.26
MANDAN PARK BOARD	1,500.00
MISSOURI VALLEY PETROLEU	18,243.40
MORTON COUNTY AUDITOR	90.25
MORTON MANDAN PUBLIC LIB	20,119.28
ND DEPT OF ENVIRON QUALI	180.00
ND RURAL WATER SYSTEM AS	245.00
ND WATER COALITION	1,000.00
ND YOUTH CORRECTIONAL CE	734.50
PNC EQUIPMENT FINANCE	57,288.79
PORTSCHELLER/BEAU	650.00
RAZOR TRACKING INC.	450.00
ROHR/DENNIS	237.80
VAULT1440, LLC	8,775.00
WELLS FARGO COMMERCIAL C	147,326.94
ADVANCED ENGINEERING SVC	1,673.00
ARMSTRONG SANIT & ROLL O	46,246.48
BALABAN LAW OFFICE	1,500.00
BARANKO BROTHERS INC.	2,372.01
CITY OF BISMARCK	44,281.75
COMPANION LIFE	10.00
CROWLEY FLECK PLLP	8,350.00
CUSTER DISTRICT HEALTH U	1,119.00
DAKOTA MEDIA ACCESS	10,998.00
DOLL/ELVIRA	2,285.00
ELECTRIC PUMP INC	18,068.54
FETZER ELECTRIC, LLC	26,882.08
FIRESIDE OFFICE PRODUCTS	2,258.00
GLASS/THOMAS J.	1,500.00
INTERSTATE ENGINEERING	1,872.26
KELSCH KELSCH RUFF & KRA	4,000.00
KIESLER POLICE SUPPLY IN	22,850.00
KRONOS SAASHR, INC	2,092.30
MANDAN PARK BOARD	5,000.00
MANDAN PROGRESS ORGANIZA	3,780.00

MISSOURI RIVER CONTRACTI	117,872.86
MORTON COUNTY RECORDER	40.00
MUNICIPAL CODE CORPORATI	638.00
ND HEALTH DEPT MICRO DIV	400.00
ONE CALL CONCEPT INC	148.25
ONSITE SERVICE SOLUTIONS	801.10
OTTER TAIL POWER COMPANY	418.58
SCHLOSSER EXCAVATING INC	2,250.00
SPARLING CONSTRUCTION, I	750.00
SURE SHRED	37.20
SWEENEY CONTROLS COMPANY	92,464.33
TWIN CITY ROOFING INC	395.00
VANGUARD APPRAISALS, INC	290.00

2. *Consider approval of refund of application fees for vacation of 18th Ave SE.*
3. *Consider approval of Vanguard Appraisals, Inc. services and budget transfer.*
4. *Consider approval of minor plat of Lot 5 & 5A, Roughrider Estates Pioneer Addition.*
5. *Request for permission from Public Works Department to dispose of multiple city department's obsolete vehicles at public auction.*
7. *Consider approval of NDDOT Maintenance Certification.*

Commissioner Larson requested removal of Consent Agenda Item No. 6 due to a conflict that involves her employer regarding this item.

Commissioner Larson moved to approve the Consent Agenda Items No. 1 through 5 and No. 7 as presented. Commissioner Braun seconded the motion.

Commissioner Rohr inquired of Director Bitz to provide information to the public if anyone is interested in the sale of the vehicles Consent Agenda Item No. 5. Director Bitz stated that the vehicles are not listed on the city's website at this time and stated that he will get the information to the website team so they can put it on there for the public to access. The information will be on the website for 30 days and vehicles that don't sell will be taken to the Northland Auction. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

Consent Agenda Item No. 6: Consider payment of bills for Morton Mandan Public Library / Downtown Parks Project. Commissioner Rohr moved to approve payment of bills for Morton Mandan Public Library / Downtown Parks Project Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Abstained; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

G. OLD BUSINESS:

1. *Consider Sale of Lot 1A, Block 1, Roughrider Estates Pioneer Replat.*

City Planner John Van Dyke requested approval of the acceptance of one of two offers received for the purchase of Lot 1A, Block 1, Roughrider Estates Pioneer Replat. He reported that one

offer is from Mr. Ternes for \$500 and the other is from Mr. Pitman for \$556. Mr. Pitman is the adjacent property owner who provided a previous offer. The list price is for \$1,000. He stated that there is a specials balance payoff through September 30, 2019 of \$443.79 existing on the property. Per the Purchase Agreements following proration for this year's installment, the buyers will be responsible for the remaining specials balance. He said that based on a communication with Darren Schmidt the Real Estate agent involved in this transaction, Mr. Ternes is seeking to park personal vehicles on the lot however that is not an approved primary use for an R-7 Residential district. Mr. Pitman is seeking to extend his backyard. City staff recommended the City Commission accept Mr. Pitman's offer due to the higher offer and the proposed use of the property. The offer by Mr. Pitman is what was proposed and countered by the City Commission previously and it takes into consideration the specials balance that will be largely absorbed by the buyer. He stated that the City Commissioners may accept, reject, or counter the offer provided by Mr. Pitman. The Engineering and Planning Department recommended approval of the sale of Lot 1A, Block 1, Roughrider Estates Pioneer Replat to Mr. Pitman pursuant to the purchase agreement outlined in Exhibit 2.

Commissioner Larson moved to approve the sale of Lot 1A, Block 1, Roughrider Estates Pioneer Replat to Geoffrey Pitman pursuant to the purchase agreement attached as Exhibit 2.

Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes;

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

H. NEW BUSINESS

1. Consider Renaissance Zone Committee (RZC) recommendations for appointments.

Business Development & Communications Director Huber presented a request to consider appointments to the Renaissance Zone Committee for the 2020-2022 terms. The RZC makes recommendations to the City Commission regarding applications for investment in the purchase, rehabilitation, new construction and lease of commercial and residential properties in a 28-block area of downtown Mandan in accordance with state and local regulations. There are three positions up for appointment with the following preferences: one representing the financial sector, and two community at-large positions. The terms are 3-years ending on December 31, 2022. Members may be representatives of the business community through ownership or employment with a Mandan business or Mandan residents. Letters of interest were sought through an October 1, 2019 news release with a requested deadline for responses by November 1, 2019 or until positions are filled. Members whose terms expire on December 31, 2019 are: Darren Haugen, representing the financial sector (3rd term); Rhonda Mahlum, community at-large, filling a vacant term since September 2018; and Robert Vayda, community at-large (3rd term). The RZC met December 3, 2019 and reviewed the individuals who submitted letters of interest: Clint Boyd, Darren Haugen, Robert Vayda, Rhonda Mahlum, Amber Rae Bernhardt and Karmen Siirtola. The RZC members were pleased with the qualifications of all applicants with diverse backgrounds for the open positions. They noted Mahlum had only served approximately one year however brought good insight and questions for Renaissance Zone applications. Members also felt Siirtola's past work experience and current ownership of a downtown Mandan business would be valuable to the Committee. The Committee voted 3-0 with three members absent and Haugen abstaining to reappoint Darren Haugen to represent the financial sector for a three-year term ending December 31, 2022. The committee voted 3-0 with three members

absent and Vayda abstaining to appoint Karmen Siirtola and reappoint Rhonda Mahlum to represent the community at-large for three-year terms ending in 2022. Director Huber stated the Renaissance Zone recommended the appointment of Karmen Siirtola and the reappointments of Darren Haugen and Rhonda Mahlum for three-year terms from 2020 thru December 31, 2022.

Commissioner Rohr moved to appoint Karmen Siirtola and reappoint Darren Haugen and Rhonda Mahlum to the Renaissance Zone committee for three-year terms from January 1, 2020 thru December 31, 2022. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

2. *Consider the appointment of Commissioner Rohr as a liaison to the Bis-Man transit Board.* City Administrator Neubauer presented a request to consider the appointment of Commissioner Rohr as a liaison to the Bis-Man Transit Board of Directors. He explained that in order for there to be representation from the Mandan City Commission with the Bis-Man Transit Board, it has been recommended that the City Commission appoint a commissioner as a liaison to the Transit Board. The Bis-Man Transit Board consists of nine members from the community. Bismarck City Commissioner Nancy Guy serves as the Bismarck City Commission liaison to the Board. Commissioner Rohr has volunteered to be the liaison for the Mandan City Commission.

The Bis-Man Transit Board made a request recently for additional monies to be used for the Bis-Man Transit to upgrade their system. There was a vote taken several years ago that the City would levy up to 2 mills to support the Transit Board and we have been levying those 2 mills in support of the Transit Board so the City felt that was their obligation to the entity was met. A request came in for additional funds and when the request was first received, it was later in the fall and past the normal budget time. They were looking for representation from the City of Mandan on their Board. Commissioner Rohr stated that Bis-Man Transit does a lot of service in Mandan and it's important that the Mandan residents are served so it will be good to have our input on the transit system for the Mandan citizens. Mayor Helbling commented that this is a good service and their subsidies have gone up over the years. Administrator Neubauer explained that the Bis-Man Transit Board also includes several City of Mandan residents in addition to Commissioner Rohr so Mandan has been represented through the at-large positions and including one of our City Commissioners is important. Commissioner Rohr's position will not be a voting position on the Board and it will be in equal par with the City of Bismarck wherein Commissioner Guy is a liaison to the Board and if Commissioner Rohr would be appointed as a liaison it would be a non-voting position on the Board. Administrator Neubauer recommended that Commissioner Rohr be appointed as the Mandan City Commission liaison to the Bis-Man Transit Board of Directors.

Commissioner Braun moved to appoint Commissioner Rohr be as the Mandan City Commission liaison to the Bis-Man Transit Board of Directors. Commissioner Larson seconded the motion. Roll call vote: Commissioner Davis: Absent; Commissioner Rohr: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

3. *Consider Growth Fund Committee recommendation for forgivable loan to Latidot Scoop & Gift Shop as the 2019 Business Pitch Challenge Winner.* Business Development &

Communications Director Huber provided a request to consider a Mandan Growth Fund Committee (MGF) recommendation for a forgivable loan to Latidot Scoop & Gift Shop as the winner of the 2019 Mandan Business Pitch Challenge. On June 4, 2019, the Mandan City Commission approved awarding a \$10,000 forgivable loan to the winner of the 2019 Mandan Business Pitch Challenge subject to contingencies: (i) That the contest winner open or grow a business in Mandan or the surrounding 10-mile radius in Morton County by December 31, 2020, that is substantively in harmony with the plan presented to competition judges; (ii) That the business must register with the ND Secretary of State's Office with a Mandan-based address and have a commercial location in Mandan; (iii) Home-based businesses were eligible to apply for the Business Pitch Challenge, but needed to indicate a plan to grow beyond the home. Location in a commercial property required for consideration of the Growth Fund Committee prize money; (iv) That the loan be forgiven in equal increments over a span of five years as long as the business does not relocate to another community.

The Business Pitch Challenge was held on November 12, 2019. The judges of the competition voted Latidot Scoop and Gift Shop by Dot Frank as winner. Ms. Frank plans to open a hand-scooped ice cream and gift shop specializing in unique items such as stationery, greeting cards, toys and novelties plus limited furniture and décor. She hopes to open in December 2019 or January 2020. She has leased space in the east end of the building located at 200 Collins Avenue in the same building with RuLissa Boutique and Express Yourself Salon, located near her other business, Cappuccino on Collins. The space is addressed as 104 First St NE.

The MGF Committee members participated in a question and answer session with Ms. Frank at the December 6, 2019 meeting. Ms. Frank stated that she plans to install new flooring and paint and she is working to clean up the space and complete the merchandising. The space is 800 sq. ft. and the operating hours will be Thursdays and Fridays 10 a.m. to 7 p.m. and Saturdays and Sundays, 10 a.m. to 5 p.m. Hours may be extended in summer months. Ms. Frank has launched a website at www.latidot.com and she has a social media presence on Facebook, Instagram and Pinterest. The \$10,000 forgivable loan for the Business Pitch Challenge winner is a commitment on the Mandan Growth Fund's financial statement.

The MGF voted unanimously (8-0 with one member absent) to recommend approval of a \$10,000 forgivable loan to Latidot Scoop & Gift Shop as winner of the Mandan Business Pitch Challenge with the contingencies as outlined. Ms. Frank was available to answer questions.

Commissioner Braun moved to approve a \$10,000 forgivable loan to Latidot Scoop & Gift Shop as winner of the Mandan Business Pitch Challenge with the contingencies as outlined. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

4. *Consider the update to the City's Budget Policies & Procedures and recommendations from the Budget and Finance Committee.* Greg Welch, Finance Director, on behalf of the Budget and Finance Committee presented the update to the Budget Policies & Procedures and recommendations from the Committee as follows:

The City's Budget Policies & Procedures serve a critical purpose. According to the Government Finance Officers Association (GFOA), "The operating budget is among the most important public documents a government produces. The budget represents; 1) a financial plan, 2) a policy document, 3) an operations guide, and 4) a communications device. The budget is a powerful expression of the governing board's vision for how a government will serve its community." Therefore, "Budget policies provide guidelines to help the board and staff consider the broader implications of their budget discussions and, ultimately, to prepare a budget that is consistent with public finance best practices."

The City's Budget Policies were originally approved by the Board of City Commissioners in September 2010. The Policies at that time were brief statements. The Board approved additional Policy recommendations from the Budget and Finance Committee in May 2011. The Finance department recently updated the Budget Policies & Procedures document by adding more content and detail supporting the Committee's current budgeting practices. The Budget Policies & Procedures provide specific guidance for the Committee or a road map for the City's budget development process in relation to the Municipal Budget Law (NDCC 40-40), the City's Home Rule Charter (Article 3b), the GFOA "Best Practices" and the City's annual Budget Working Session with the Board and department managers.

The Budget Policies & Procedures document covers a variety of topics such as; Budget Calendar, Budget Working Session, Budget Instructions, Preliminary Budget, Major Funds, Operating Reserves, Taxable Valuation, Mill Levy and Property Taxes, Special Assessments, Salaries and Benefits, Capital Outlay, Infrastructure Projects, Debt Service, Annual Cost for City Services, Final Budget, Budget to Actual Expenditure Reports, Budget Amendments and Transfers.

The first recommendation from the Budget and Finance Committee relates to salaries. According to a "best practice" from the GFOA, "Inflation can have a significant impact on payroll forecasting. Cost-of-living adjustments often are used when forecasting personnel costs. The Consumer Price Index (CPI), a broad measure of consumer inflation, is the cost-of-living index used most often for determining salary increases. The U.S. Bureau of Labor Statistics Employment Cost Index might be a better index for this purpose, as it measures the change in the cost of labor, free from the influence of employment shifts among occupations and industries." Therefore, the Committee recommends changing the cost of living adjustment for employee salaries from the increase in the Bureau of Labor Statistics (BLS) Consumer Price Index-W (Midwest region) to the increase in the BLS Employment Cost Index for wages and salaries, for state and local government workers. The recommendation would become effective for the City's 2021 Budget preparation.

The next recommendation from the Budget and Finance Committee relates to infrastructure projects through establishing funding formulas for the City's buy-down of maintenance projects from the Municipal Infrastructure Fund. The Municipal Infrastructure Fund is also known as the "Operation Prairie Dog Bill" or House Bill 1066 which was approved during the recent Legislative Session. The recommendation would become effective for fiscal year 2020.

The four scenarios below pertain to funding for infrastructure (maintenance) projects under \$10M:

NDDOT (90/10)

Federal/State = 90%

Local = 10%

- City's Share of Special Assessments Fund = 2.5%
- 1% City Sales Tax Fund = 2.5%
- Special Assessment District = 5%
- Municipal Infrastructure Fund = 0% since the Federal/State share is above 80%.

NDDOT (80/20)

Federal/State = 80%

- If less than 80% is available, the Municipal Infrastructure Fund will pay for the remaining Federal/State share.

Local = 20%

- City's Share of Special Assessments Fund = 5%
- 1% City Sales Tax Fund = 5%
- Special Assessment District = 10%
 - If a District is not created, the City's Share of Special Assessments Fund and/or the 1% City Sales Tax Fund will pay for the remaining local share.

Street Maintenance District

Local = 100%

- Municipal Infrastructure Fund = 20%
 - If less than 20% is available, the City's Share of Special Assessments Fund and/or the 1% City Sales Tax Fund will pay for the remaining 20% share.
- Special Assessment District = 80%

Water and Sewer Maintenance District

Local = 100%

- Water and Sewer Utility Fund = 100%
 - If less than 100% is available, the Municipal Infrastructure Fund and/or the City's Share of Special Assessments Fund and/or the 1% City Sales Tax Fund and/or special assessments will pay for the remaining balance.

The recommended funding formulas are only guidelines for the Budget and Finance Committee. The funding for each infrastructure maintenance project would still come before the Board of City Commissioners for review and discussion before the funding for a project is approved. Likewise, the funding formula for infrastructure (maintenance) projects of \$10M or more will be determined by the Board for each project.

In summary, the recommendations from the Budget and Finance Committee are as follows; to approve the update to the Budget Policies & Procedures, to change the cost of living adjustment for employee salaries from the increase in the Bureau of Labor Statistics (BLS) Consumer Price Index-W (Midwest region) to the increase in the BLS Employment Cost Index for wages and salaries, for state and local government workers, and to establish funding formulas for the City's buy-down of maintenance projects from the Municipal Infrastructure Fund.

Commissioner Rohr moved to approve the update to the Budget Policies & Procedures and recommendations from the Budget and Finance Committee as presented. Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

5. *Consider reappointing Edgar Oliveira and Julie Haibeck to the Mandan Parking Authority Board.* Police Chief Ziegler presented a request to fill two positions that expire on December 3, 2019 on the Mandan Parking Authority Board. The positions were advertised as per the City of Mandan requirements requesting letters of interest for the positions. Only two responses were received from the current board members holding the positions. They are Edgar Oliveira and Julie Haibeck. The Mandan Parking Authority Board recommended the reappointments of Edgar Oliveira and Julie Haibeck to the Board for terms which begin on January 1, 2020 and end on December 31, 2022.

Commissioner Larson moved to approve the reappointments of Edgar Oliveira and Julie Haibeck to the Mandan Parking Authority Board for terms which begin on January 1, 2020 and end on December 31, 2022. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

6. *Consider Community Beautification Committee recommendation for appointments.* City Administrator Neubauer presented a request to consider two appointments to the Community Beautification Committee. There are two positions up for consideration. Both terms are for three years ending December 31, 2022. Letters of interest were sought through an October news release with a requested deadline for responses by November 1, 2019 or until the positions are filled. Members whose terms are expiring are Jody Skogen (filling a vacancy for an unexpired term; only been on committee for one year) and Laurie Leingang (2nd term: 2017-2019).

The Community Beautification Committee met December 12, 2019 and at that time the Committee discussed consideration for 2020 appointments. People submitting letters of interest included: Jody Skogen, Laurie Leingang and Rena Mehlhoff. Ms. Mehlhoff has been a resident of Mandan for over 15 years and is currently the Communication Specialist for Bismarck Parks and Rec. She is a certified NDSU Extension Master Gardener and has her own certified pollinator garden. Committee members expressed that both Ms. Skogen and Ms. Leingang are very active members and valuable members on the Committee, and that Ms. Mehlhoff would bring great experience and knowledge to the Committee. The Committee is currently made up of six

community at-large representatives. The Committee expressed interest in adding another at-large position. The Committee has two recommendations to bring to the City Commission:

(1) Changing the community at large representation from six positions to a range of six to eight community at-large positions; (2) The appointment of Rena Mehlhoff and reappointments of Jody Skogen & Laurie Leingang for 3-year terms from January 1, 2020 to December 31, 2022.

Commissioner Braun moved to approve changing the community at-large representation on the Community Beautification Committee from six positions to a range of six to eight positions. and to approve the appointment of Rena Mehlhoff and the reappointments of Jody Skogen and Laurie Leingang to the Community Beautification Committee for three-year terms ending December 31, 2022. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

I. RESOLUTIONS AND ORDINANCES

1. *Second and Final Consideration of Ordinance 1330 which will amend and re-enact the penalty sections of 24-1-2, 24-10-1, 24-12-8, 24-15-19, and 24-16-1 of Mandan Code of Ordinances to double the fine amount for each section.* City Attorney Brown presented the second and final consideration of Ordinance 1330 which will amend and re-enact the penalty sections of 24-1-2, 24-10-1, 24-12-8, 24-15-19, and 24-16-1 of Mandan Code of Ordinances to double the fine amount for each section. He stated that the 2019 North Dakota State Legislature permitted cities to double fines by Municipalities at their discretion. Ordinance 1330 would change the fines in those applicable sections to double the current fine amount as provided by ND Century Code with one except to 24-12-8 to double the fine for no liability insurance from \$150 to \$300 and a second offense within a 3-year period would go from \$300 to \$600. There was concern expressed by Judge Kautzman that this amount is already a challenge for people who do not have insurance to get insurance and then pay the \$600 fine. He said he checked with the cities of Bismarck and Fargo and found they did not double the fine for that particular offense. Another consideration that has come up is that there is a threat by an attorney in Fargo to challenge this on equal protection constitutional grounds and that is based on a theory that if a Morton county deputy sheriff stops an individual in the City of Mandan and cites the individual for one of these offenses that because he is not a city peace officer the fine cannot be doubled rather it can only be whatever the state law says. Attorney Brown stated he is not clear if that is an equal protection argument but if there is a lawsuit filed and the results of the law is overturned that will result in providing refunds or whatever fines were collected when doubled. Mayor Helbling stated that he is not in favor of picking out just one of the items; in particular, the people without insurance should not be driving anyway. Attorney Brown commented that stats show that they are also driving with a suspended license. Commissioner Rohr commented that it has been his experience in the past that people who don't have insurance will drive anyway. The fine does not have any detriment to the offender.

Commissioner Rohr moved to approve the second and final consideration Ordinance 1330 which will amend and re-enact the penalty sections of 24-1-2, 24-10-1, 24-15-19, and 24-16-1 of Mandan Code of Ordinances to double the fine amount for each section with exception to the one having to do with driving without insurance at section 24-12-8 will be \$300 and all others will apply. Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes;

Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: No. The motion passed.

2. *Second and Final Consideration of Ordinance 1331 to amend and reenact Article 2 Section 111-2-1 of the Mandan Code of Ordinances.* Building Official Ouradnik presented the second and final consideration to update the Mandan Building code. He stated there have been no changes or comments received since the first consideration.

Dot Frank from the Bismarck Mandan Home Builders Association, requested to speak on this matter. She stated that she attended the first consideration however the opportunity to speak was not presented and subsequently she sent information to each of the Board members for review prior to today's meeting. Ms. Frank voiced concern that there are inconsistencies with building codes in Mandan, Bismarck and Lincoln. She referenced that there is an International Codes Council that is available to provide recommendations on certain codes for community governments and they meet and publish new code books every three years. Subsequently representatives from North Dakota meet to discuss those codes to determine if deviations should be made to our state based on the uniqueness of our communities and our contractors. During that process building officials and contractors are given an opportunity to testify. At the last meeting of the International Building Codes Council of North Dakota there were some changes to the international code that North Dakota supports. There were some omissions that were additions for the City of Mandan. This evening, the City of Bismarck is holding a public hearing to consider some of those codes, which are inconsistent with what Mandan. She stated that some of her peers are attending the meeting in Bismarck and they are supporting that Bismarck and Mandan adopt the same code. She stated that there were some codes that were omitted from the State of North Dakota; however we have the opportunity to testify and challenge the code and move forward based on the decisions made. Those codes were included in the Agenda packet the last time the City Commission met. She stressed the importance of identifying the insufficiencies and discrepancies. At this point in the process, she recommended that the City of Mandan adopt the State Building residential code as suggested. She is aware that administrative amendments may have to occur. She said that Bismarck opted for a public hearing wherein Mandan has addressed this matter in a First and Second Final Consideration.

Mayor Helbling suggested tabling this matter to see what Bismarck decides. Commissioner Rohr commented that he has questions regarding this matter and the practicality of it. He agreed to table the matter to see what direction Bismarck goes in order to have continuity amongst builders in the two communities.

Building Official Ouradnik stated that he has attended some of the public hearings regarding this matter and Fargo put forth the adoptions because most of them were previous adoptions and the only fact finding they do was in the last code, was to add it to this code. Many do not do any additional research so they leave it up to municipalities to change as they deem fit. He said he believes consistency will bring the codes up to a higher standard in Mandan and the surrounding counties. One item that is highly contested is the self-closing doors between a house and a garage and he discussed this one with Chief Nardello. Building Official Ouradnik said that he agrees that it would be appropriate to table this matter until a later time to see what Bismarck does. The State Building Code is scheduled to be adopted and implemented January 1, 2020.

Commissioner Rohr moved to table the discussion on the Second and Final Consideration of Ordinance 1331 to amend and reenact Article 2 Section 111-2-1 of the Mandan Code of Ordinances until the next City Commission meeting. Commissioner Larson seconded the motion. Commissioner Larson commented that it is desirable to have consistency in the building code with Bismarck. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

3. *Introduction and First Consideration of Ordinance 1332 to Amend and Re-enact the Mandan Code of Ordinances Relating to Criminal Trespass.* Police Chief Ziegler presented the Introduction and First Consideration of Ordinance 1332 to Amend and Re-enact the Mandan Code of Ordinances Relating to Criminal Trespass. He stated that the North Dakota Legislature in 2019 made changes to Section 18-4-7 of the North Dakota Century Code relating to Criminal Trespass and this Ordinance 1302 will bring the Mandan Code of Ordinances in compliance with these changes in ND Century Code. Chief Ziegler recommended approval of the Introduction and First Consideration of Ordinance 1332 to Amend and Re-enact the Mandan Code of Ordinances Relating to Criminal Trespass.

Commissioner Rohr moved to approve the Introduction and First Consideration of Ordinance 1332 to Amend and Re-enact the Mandan Code of Ordinances Relating to Criminal Trespass. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

J. OTHER BUSINESS:

K. ADJOURNMENT:

There being no other business to come before the Board, Commissioner Larson motioned to adjourn the meeting at 6:32 pm. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present.

James Neubauer
City Administrator

Tim Helbling, Mayor
Board of City Commissioners



REVISED 1-7-2020 Public Hearing No. 1

Board of City Commissioners

Agenda Documentation

MEETING DATE: January 7, 2020
PREPARATION DATE: January 2, 2020
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Consider approving the Resolution determining insufficiency of protest for Street Improvement District No. 215, Project No. 2019-05 (Mid-Town East).

STATEMENT/PURPOSE: To move forward with the resolution determining insufficiency of protest for the Mid-Town East Street Improvement District project.

BACKGROUND/ALTERNATIVES: At the December 3rd, 2019 City Commission approved the resolution creating the district, approved the engineer's report, approved the feasibility report and approved the resolution of necessity for this project. The Resolution of Necessity was published in the Mandan News on December 6th and 13th and notification letters were sent out to the property owners within the District. The 30 day protest period started on December 6th and ends on January 6th. At the December 3rd City Commission meeting a motion was approved to commit 20% of the Project cost be paid using Prairie Dog Funds and spread it over the 20 year life of the bond.

Property owners had until 4:30 PM on Monday, January 6th to submit letters of protest. In reading the letters that have come to us to date, most state that the cost is too much for them to bear and some question the fairness of the approach.

The protest amount that came in by 4:30 on Monday, January 6th was 18 of 490 properties that submitted letters of protest. As a percentage of the district by area (not including public properties as is viewed by the ND Century Code), 4.1% protest the project. As a percentage of the project assessment cost, 3.7% protest the project.

ATTACHMENTS:

- 1) Resolution Determining Insufficiency of Protest
- 2) District Map
- 3) Protest Map (Yellow shading depicts properties that protested)

Board of City Commissioners

Agenda Documentation

Meeting Date: January 7, 2020

Subject: Consider approving the Resolution determining insufficiency of protest for Street Improvement District No. 215, Project No. 2019-05 (Mid-Town East).

Page 2 of 5

FISCAL IMPACT: The result of today's action if Commission moves forward with the project would be to seek an amendment to our agreement with Moore Engineering to authorize them to move forward to final design. That amendment would come before the board for approval, but is reflected in all of the previous estimates provided.

A recap of project funding from previous meetings is provided below as well:

The total project cost that would be divided among district participants if no other funding support, is estimated at \$5,547,800. With Municipal Infrastructure Funds (formerly Prairie Dog Funds) buy down at a rate of 20%, that amount would be reduced by \$1,109,560 and would become \$4,438,239. Water and sewer improvements would not be part of the assessment costs as per our traditional funding formula. To pay for those water and sewer needs is an estimated \$2,540,102.50. Below is a table that outlines the project funding that was approved at the December 3rd City Commission meeting.

<u>FUNDING</u>	<u>TOTAL</u>	
MUNICIPAL INFRASTRUCTURE FUND	\$ 1,109,560	20% OF TOTAL STREET IMPROVEMENT DISTRICT
MUNICIPAL INFRASTRUCTURE FUND	\$ 997,355	WATER AND SEWER
WATER AND SEWER UTILITY FUND	\$ 800,000	2020 BUDGET
WATER AND SEWER UTILITY FUND	\$ 742,748	ADDITIONAL FUNDING FOR WATER AND SEWER
SPECIAL ASSESSMENTS	\$ 4,438,239	
TOTAL	<u>\$ 8,087,902</u>	

STAFF IMPACT: Significant time and effort working alongside Moore Engineering on this project and answering the public's questions.

LEGAL REVIEW: The City Attorney has been consulted about proper procedure for this item.

RECOMMENDATION: Approve the resolution determining insufficiency of protest and authorize the project to move forward.

SUGGESTED MOTION: Move to approve the resolution determining insufficiency of protests for Street Improvement District No. 215, Project No. 2019-05 (Mid-Town East) and authorize the project to move forward.

Board of City Commissioners

Agenda Documentation

Meeting Date: January 7, 2020

Subject: Consider approving the Resolution determining insufficiency of protest for Street Improvement District No. 215, Project No. 2019-05 (Mid-Town East).

Page 3 of 5

**RESOLUTION DETERMINING INSUFFICIENCY OF PROTESTS FOR
STREET IMPROVEMENT DISTRICT NO. 215**

Whereas, the governing body of the City of Mandan, North Dakota (the "City") adopted a Resolution of Necessity Declaring the Necessity of a Special Assessment District for Street Improvement District No. 215, on December 3, 2019 (the "Resolution"); and

Whereas, the Resolution was published in the City's official newspaper on December 6, 2019 and December 13, 2019; and

Whereas, more that thirty days have passed since the December 7 publication; and

BE IT HEREWITH RESOLVED AND DETERMINED by the governing body of the City as follows:

1. That written protests filed with the City Administrator, within 30 days after December 6, 2019 publications, did not represent a majority of the area of the property included within Street Improvement District No. 215
2. That proceedings under the Resolution are NOT barred.

Dated and adopted this 7th day of January, 2020

City of Mandan, North Dakota

Timothy Helbling, President
Board of City Commissioners

Attest:

James Neubauer, City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: January 7, 2020

Subject: Consider approving the Resolution determining insufficiency of protest for Street Improvement District No. 215, Project No. 2019-05 (Mid-Town East).

Page 4 of 5



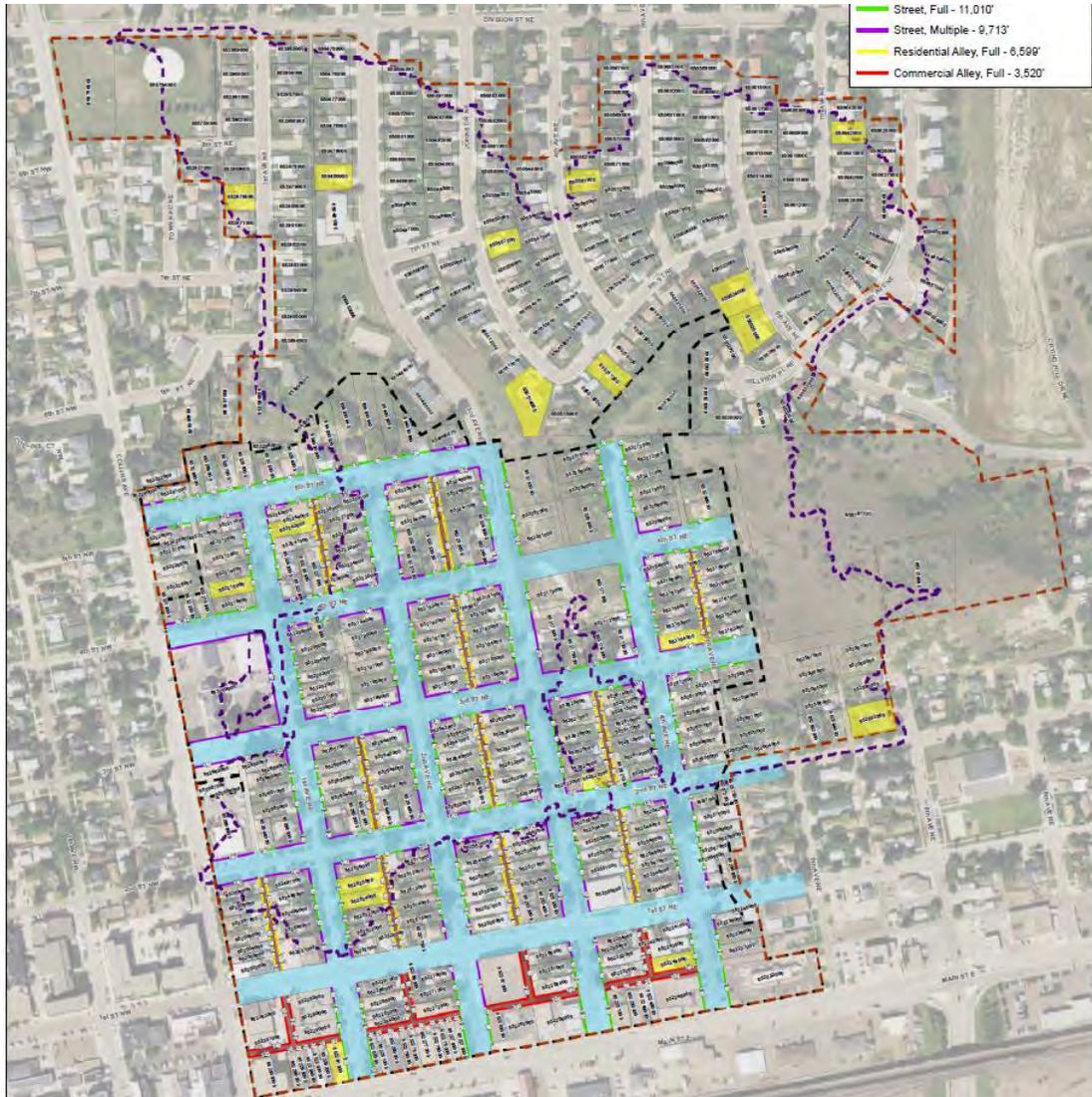
Board of City Commissioners

Agenda Documentation

Meeting Date: January 7, 2020

Subject: Consider approving the Resolution determining insufficiency of protest for Street Improvement District No. 215, Project No. 2019-05 (Mid-Town East).

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Board of City Commissioners

Agenda Documentation

MEETING DATE: January 7, 2020
PREPARATION DATE: December 31, 2019
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: Variance to the front setback from 20' to 9' on Lot 2, Block 2, Diane's 1st Addition for the construction of an accessibility ramp

STATEMENT/PURPOSE: Consider approval of a variance to the front setback from 20' to 9' on Lot 2, Block 2, Diane's 1st Addition for the construction of an accessibility ramp.

BACKGROUND/ALTERNATIVES: Mr. and Mrs. Kerzman are seeking a variance to the front setback from twenty (20) feet to nine (9) feet to install an accessibility ramp. The residence as constructed and lot topography prohibit alternative construction of the ramp. The applicant has provided pictures and a sketch of the ramp to be constructed with their application, if the variance is approved (See Exhibit 1).

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

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

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

The attached garage for the dwelling resides at a different elevation than the main floor for which the ramp is desired. Locating the ramp within the garage would therefore provide no benefit to the applicant. Further, the sloping topography would require substantial excavation and create additional storm water runoff issues that would need to be addressed if the ramp were installed running parallel to the street.

Board of City Commissioners

Agenda Documentation

Meeting Date: January 7, 2020

Subject: Variance to the front setback from 20' to 9' on Lot 2, Block 2, Diane's 1st Addition for the construction of an accessibility ramp

Page 2 of 2

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;

As noted previously, the existing dwelling construction coupled with the topography of the land creates a unique circumstance that does not apply to every building or property individually. A strict application of the front setback would require a substantial excavation resulting in additional storm water mitigation measures being required.

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

The granting of the variance will be in harmony and not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Planning and Zoning recommended unanimous approval and to refund the fees for the variance application at the December 18 public meeting.

ATTACHMENTS:

Exhibit 1 – Application Docs

Exhibit 2 – Findings

FISCAL IMPACT: None

STAFF IMPACT: None

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

RECOMMENDATION: The Planning and Zoning Commission, through a unanimous decision, recommended approval of the variance to the front setback from 20' to 9' for the purposes of accessibility ramp construction based on the findings in Exhibit 2. It was also recommended that a refund of fees be provided to the applicant.

SUGGESTED MOTION: I move to approve the variance to the front setback from 20' to 9' for the purposes of accessibility ramp construction based on the findings in Exhibit 2 and to refund the application fees.

EXHIBIT 1

CITY OF MANDAN	
Development Review Application	
Minor Plat (\$300)	Zone Change (\$600) <input type="checkbox"/>
Preliminary Plat up to 20 acres (\$350)	Planned Unit Development (\$700)
Preliminary Plat more than 20 acres (\$400)	Zone Change with Minor Plat (\$400)
Final Plat up to 20 lots (\$350)	Vacation (\$500)
Final Plat 21 to 40 lots (\$475)	<input checked="" type="checkbox"/> Variance (\$400)
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 <i>Ramp in front of House Material: Azek Decking 100% PVC and Royal Aluminum Railing All Maintenance Free</i>	

Engineer/Surveyor			Property Owner or Applicant		
Name			Name <i>TRAVIS & CALANtha KERZMAN</i>		
Address			Address <i>813 Johns Drive</i>		
City	State	Zip	City	State	Zip
			<i>MANDAN</i>	<i>ND</i>	<i>58554</i>
email			email <i>tkerzmann@hotmail.com</i>		
Phone	Fax		Phone	Fax	
			<i>701-595-1144</i>		
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name	
City	ETA	New	Addition				
Property Address				Legal Description			
				<i>Lot 2, Block 2</i>			
Current Use				<i>Dianes 1st</i>			
Proposed Use							
				Section <i>27</i>	Township <i>139</i>	Range <i>81</i>	
Parcel Size	Building Footprint	Stories	Building SF	Required Parking		Provided Parking	

Print Name <i>TRAVIS KERZMAN</i>	Signature <i>Travis Kerzmann</i>	Date <i>11-15-19</i>
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Office Use Only			
Date Received:	Initials: <i>KF</i>	Fees Paid: <i>\$ 400</i>	Date <i>11-15-2019</i>
Notice in paper	Mailed to neighbors	P&Z meeting	
Approved	Approved with conditions:		
Denied			

Updated 1/1/2019

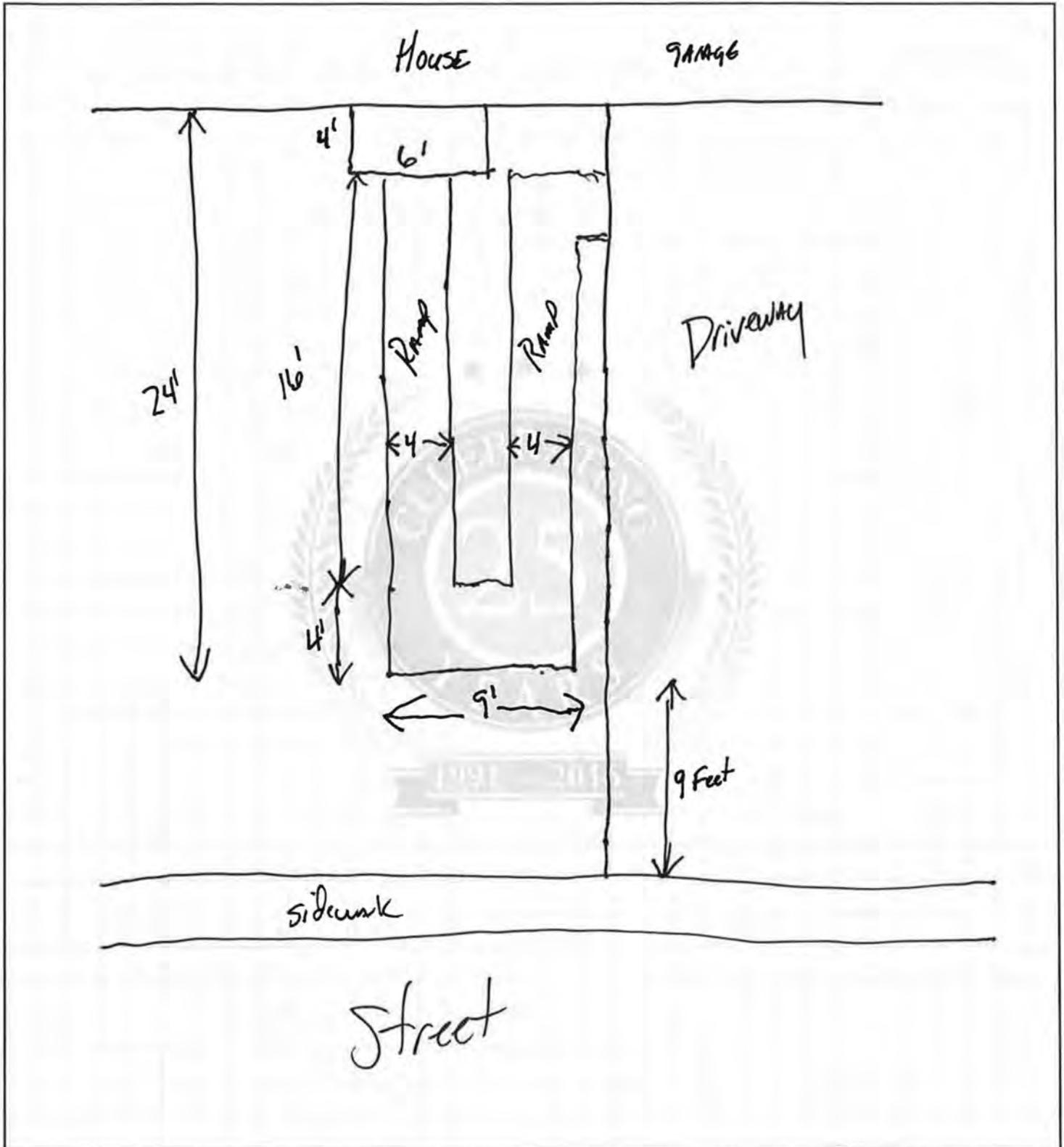
N:\PLANNING & ZONING\Development Application - January 2019.docx



DATE: 11-15-19

PROJECT: Travis Kerzmann

SUNROOMS | PATIO COVERS | WINDOWS | RAILING SYSTEMS | ALUMINUM DECKING | SUNSHADES



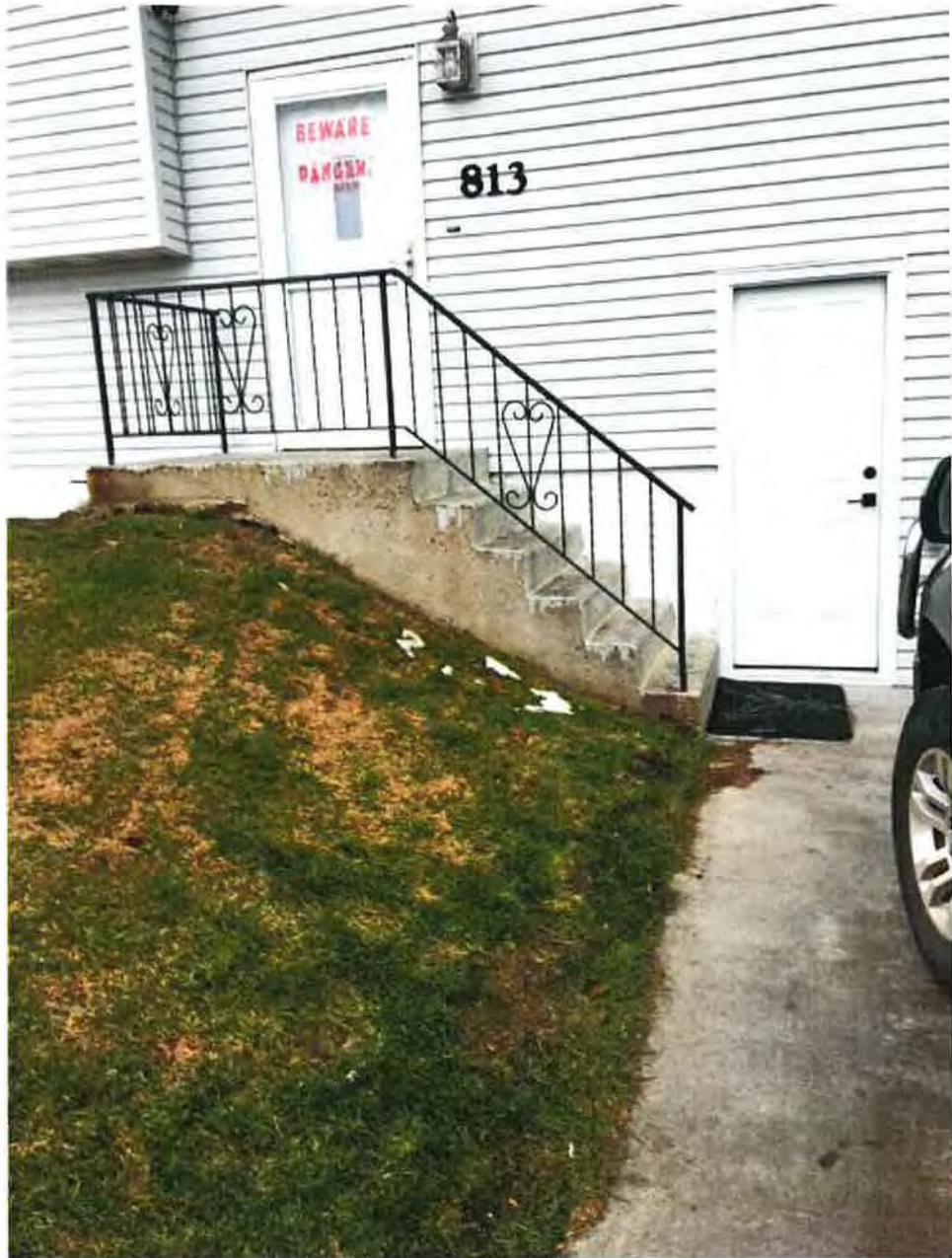








EXHIBIT 2

FINDINGS

- The attached garage for the dwelling resides at a different elevation than the main floor for which the ramp is desired. Locating the ramp within the garage would therefore provide no benefit to the applicant.
- Sloping topography would require substantial excavation, creating additional storm water runoff issues that would need to be mitigated if the ramp were installed running parallel to the street.
- 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.



LOCAL PERMIT OR CHARITY LOCAL PERMIT
 NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 17926 (10/2012)

Type: Local Permit * Charity Local Permit

Permit Number
 2019-56

Name of Organization Lewis & Clark School Pto		Date(s) Authorized (Read instruction 2)	
Contact Person Kristi Schoellkopf	Business Phone Number (701) 471-6210	1/15/2020 Beginning	to 3/31/2020 Ending
Mailing Address 600 14th St Nw	City Mandan	State ND	Zip Code 58554-0000
Site Name Lewis & Clark School	Site Address 600 14th St Nw		
City Mandan	State ND	ZIP Code 58554-0000	County Morton County
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.			
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels*			
Restriction:			
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor and Office of Attorney General within 30 days of the event.			
Date 12/16/2019	Signature of <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor 	Printed Name of City or County Auditor Lori Flaten	Auditor Telephone Number (701) 667-3455

Please see the instructions on the backside of this form on how to complete the Permit.
 For a raffle or calendar raffle, read "Information Required to be Preprinted on a Standard Raffle Ticket" below.

 cut along this line

INFORMATION REQUIRED TO BE PREPRINTED ON A STANDARD RAFFLE TICKET:

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



APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT
 OFFICE OF ATTORNEY GENERAL
 SFN 9338 (9-2009)

2019-56.

pa
+ Rec
12-11-1

Application for: Local Permit * Charity Local Permit (one event per year)

Name of Non-profit Organization Lewis & Clark PTO		Date(s) of Activity Jan 15, 2020 to March 31, 2020	
Person Responsible for the Gaming Operation and the Disbursement of Net Income Kristi Schoellkopf		Title PTO President	Business Phone Number 701-471-6210
Business Address 600 14th St NW	City Mandan	State ND	Zip Code 58554
Mailing Address (if different)	City	State	Zip Code
Name of Site Where Game(s) will be Conducted Lewis & Clark School		Site Address 600 14th St NW	
City Mandan	State ND	Zip Code 58554	County Morton
Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.			
<input type="checkbox"/> Bingo <input type="checkbox"/> Raffle <input checked="" type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker * <input type="checkbox"/> Twenty-one * <input type="checkbox"/> Paddlewheels *			

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize	
Calendar Raffle	Cash	\$1,100	
Total:			(Limit \$12,000 per year) \$

Intended uses of gaming proceeds: School Gym Equipment, play ground equipment, & technology programs

Does the organization presently have a state gaming license? No Yes - If "Yes," the organization is not eligible for a local permit or charity local permit and should call the Office of Attorney General at 1-800-326-9240.

Has the organization received a charity local permit from this or another city or county for the fiscal year July 1 through June 30? No Yes - If "Yes," the organization does not qualify for a local permit or charity local permit.

Has the organization received a local permit from this or another city or county for the fiscal year July 1 through June 30? No Yes - If "Yes," indicate the total value of all prizes previously awarded: \$ _____ . This amount is part of the total prize limit of \$12,000 per year.

Signature of Organization's Top Executive Official <i>Kristi Schoellkopf</i>	Date 12/11/19	Title PTO President	Business Phone Number 701-471-6210
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Consent No. 2

Board of City Commissioners

Agenda Documentation

MEETING DATE: January 7, 2020
PREPARATION DATE: December 23, 2019
SUBMITTING DEPARTMENT: Assessing Department
DEPARTMENT DIRECTOR: Kimberly Markley
PRESENTER: Kimberly Markley, City Assessor
SUBJECT: Abatement application from Spence Koenig

STATEMENT/PURPOSE: To consider reduction to the 2019 value of the property at 3721 Gale Circle

BACKGROUND/ALTERNATIVES: This parcel is also known as parcel #65-6127015 with a legal description of lot 7 Block 3 Lakewood 8th.

Reason for abatement: the 2019 assessment was calculated as 100% complete and it was only 75% complete on February 1, 2019.

ATTACHMENTS: Application for Abatement

ESTIMATED FISCAL IMPACT: All taxing entities = \$959.35, City share = \$229.60

STAFF IMPACT: N/A

LEGAL REVIEW: Reviewed by City Attorney Brown

RECOMMENDATION: I recommend a motion to approve the abatement for Spence Koenig at 3721 Gale Circle.

SUGGESTED MOTION: A motion to approve the abatement as presented for Spence Koenig at 3721 Gale Circle.

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District CITY OF MANDAN
 County of MORTON Property I.D. No. 65-6127015
 Name SPENCE KOENIG Telephone No. _____
 Address MAILING ADDRESS: 2120 40TH AVENUE SE MANDAN, ND 58554

Legal description of the property involved in this application:

LOT 7 BLOCK 3 LAKEWOOD BTH

ADDRESS: 3721 GALE CIRCLE

Total true and full value of the property described above for the year 2019 is:

Land \$ 25,000
 Improvements \$ 246,700
 Total \$ 271,700

Total true and full value of the property described above for the year 2019 should be:

Land \$ 25,000
 Improvements \$ 166,400
 Total \$ 191,400

The difference of \$ 80,300.00 true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- 2. Residential or commercial property's true and full value exceeds the market value.
- 3. Error in property description, entering the description, or extending the tax.
- 4. Nonexempt improvement assessed.
- 5. Complaint or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- 6. Duplicate assessment.
- 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g)).
- 8. Error in noting payment of taxes, taxes erroneously paid.
- 9. Property qualifies for Homestead Credit (N.D.C.C. § 57-02-08.1) or Disabled Veterans Credit (N.D.C.C. § 57-02-08.8). Attach a copy of the application.
- 10. Other (explain) _____

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

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

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

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

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

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

Applicant asks that assessment reflect the percent complete on February 1, 2019. Construction was 75% complete.

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

I declare under the penalties of N.D.C.C. § 12-1-1-02, which provides for a Class A misdemeanor for making a false statement in a governmental matter, that this application is, to the best of my knowledge and belief, a true and correct application.

Signature of Preparer (if other than applicant) _____

Date _____

SPENCE
Koenig

12-22-19

Date _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 7, 2020
PREPARATION DATE: December 26, 2019
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: City Attorney Agreement

STATEMENT/PURPOSE: The Board of City Commissioners appoints the city attorney; therefore this appointment is before you.

BACKGROUND/ALTERNATIVES: Malcolm Brown has been the acting city attorney since Sharon Gallagher took a leave of absence in June of 2006. As a former Mayor of the City of Mandan, Malcolm has unique knowledge of the workings of municipal government.

The only change from the previous agreement is the addition of language for the Assistant City Attorney Amy Oster.

The agreement may be terminated upon sixty days notice by either party.

ATTACHMENTS: Agreement

FISCAL IMPACT: Amount has been included in the 2020 budget

STAFF IMPACT: n/a

LEGAL REVIEW: Document was prepared by the firm of Crowley & Fleck.

RECOMMENDATION: I recommend Malcolm Brown be appointed the City Attorney along with Amy Oster as Assistant City Attorney and approval of the legal retainer agreement as provided.

SUGGESTED MOTION: I move to appoint Malcolm Brown as the City Attorney along with Amy Oster as Assistant City Attorney and approval of the legal retainer agreement as provided.

LEGAL RETAINER AGREEMENT
City of Mandan, North Dakota
Effective as of January 1, 2020

The Parties to this Agreement are:

CITY OF MANDAN, North Dakota (hereafter "Mandan"); and

Malcolm H. Brown, Senior Counsel to Crowley Fleck PLLP, or such other Crowley Fleck counsel as may be appointed from time to time (hereafter "Attorney").

RECITALS

The following recitals shall be deemed a part of this Agreement, and the Parties agree that they accurately set forth the circumstances and basis upon which this Agreement has been executed:

Mandan has determined that it is in its best interests to require that legal services be readily accessible to its commissioners, department heads, employees and the citizens of Mandan and to that end determine that Attorney provide a specified number of hours reserved for city matters.

Mandan agrees to pay a monthly retainer for legal services in the amount of \$6,000.00 which retainer shall cover the duties and responsibilities listed in this Agreement and in return for which the Attorney intends to provide an average of 30 hours of legal services per month.

Attorney advises that he has made reasonable inquiry and is unaware of the existence of any conflict of interest under Rule 1.7 (Conflict of Interest: general rule) of the North Dakota Rules of Professional Conduct. Attorney agrees that it will take no position directly adverse to the City of Mandan and will avoid any conflicts of interest with Mandan consistent with Rule 1.7. Notwithstanding that a prospective representation could potentially involve a technical conflict of interest under Rule 1.7, however, if attorney reasonably believes that it would not adversely affect its representation of Mandan under this agreement, Attorney may seek Mandan's consent to undertake that representation, and after consultation, Mandan agrees not to unreasonably withhold its consent.

Duties and Responsibilities of City Attorney Under the Retainer.

Malcolm H. Brown as City Attorney for Mandan, and Amy M. Oster as Assistant City Attorney, shall exercise and perform the following duties and responsibilities, all of which shall be compensated under the monthly retainer:

Advise Officers. Advise the Board of City Commissioners, its committees, and the heads of all departments, agencies, boards, and commissions on all matters relating to their official powers, duties and functions.

Prepare Ordinances, Resolutions and Public Notices. Be responsible for the preparation of all ordinances, resolutions and public notices as requested by the Board or department heads. The City Attorney shall advise the Board as to the form and sufficiency of all ordinances prior to their adoption, and no ordinance shall be introduced until it shall either have been drafted by the City Attorney; approved as to form by the City Attorney, or until the City Attorney has filed with the City Auditor a statement of reasons why the ordinance is defective. No public notice relating to ordinances, zoning changes, vacation of streets or public right of ways, bond issues, advertisements for bids for public improvements shall be published until approved by the City Attorney. The City Attorney shall draft or approve all resolutions creating and relating to the establishment of special improvement districts.

Give Opinions. Render legal opinions upon any question of law submitted by the Board, or the heads of all departments, agencies, boards, or commissions of the City.

Attend Board Meetings. Attend in person or by designee all meetings of the Board of City Commissioners in their entirety for the purpose of giving the Board any legal advice requested by its members, and, at the request of the Board or the President of the Board, attend such other meetings of the City's agencies, boards, committees, or commissions.

Prepare Legal Instruments. Prepare, review and approve all agreements, contracts, deeds, documents and instruments prior to the execution thereof by and on behalf of the City, its departments, agencies, board and commissions.

Make Reports. Promptly report the outcome of any litigation in which the City has an interest to the Board and upon request, transmit such report to the city's insurer or other authorized entity. Prepare an annual report of pending litigation in which the City has an interest and the status thereof, to be filed on or before the 31st day of December of each year with the Office of the City Administrator and the city's insurer.

Keep Records. The City Attorney shall keep records of all suits, opinions and titles. A complete record of all suits in which the City had or has an interest, giving the names of the parties, the court where brought, the nature of the action, the disposition of the case, or its condition if pending, and the briefs of counsel shall be prepared and maintained. A complete record of all written opinions furnished

by the City Attorney shall be indexed and maintained. The City Attorney shall deliver all records, documents and property of every description in his possession belonging to the City, to the successor in office, who shall give him duplicate receipts therefor, one of which shall be filed with the Office of the City Auditor.

Duties and Responsibilities of City Attorney Outside of Monthly Retainer.

The parties agree that the following duties and responsibilities are necessary to the provision of complete legal services to Mandan, but that these items will be compensated outside of the monthly retainer at an hourly rate of Two hundred Dollars (\$200.00), which shall be billed at least bi-monthly.

Initiate Civil Actions on Behalf of the City and Defend Civil Actions Against the City. Prepare, when authorized by the Board, and prosecute all civil actions on behalf of the City and appear in the appropriate court or before the appropriate regulatory body to represent the interests of the City. Civil actions may include annexation proceedings; bankruptcies, collection actions; construction contract disputes, nuisance actions; utility rate, franchise, and valuation disputes; worker's compensation matters; and other actions to enforce the city's ordinances or contract rights. The City Attorney shall be responsible for notification to the North Dakota Insurance Reserve Fund of all civil actions filed against the City, its department heads, agencies and employees and shall defend such actions where defense is refused by NDIRF.

Appeals. Conduct and prosecute appeals from orders, decisions or judgments affecting any interest of the City as the City Attorney may, in the exercise of discretion, determine to be necessary or desirable.

Initial Consultation and Reports. Prior to the initiation of any civil action on the part of or in defense of Mandan, Attorney will meet with the Board of City Commissioners to review its recommendations for pursuit of the action, and to provide a total cost estimate for its legal services. During the course of any litigation, the Attorney shall provide regular reports to the board on the progress and activity in the matter, as well as a report on any adjustments that may need to be made to the initial cost estimate.

Special Circumstances. The parties agree that in cases of special or unusual circumstances duties and responsibilities compensated under the monthly retainer may require services which exceed that contemplated by this Agreement. In that event, the Attorney shall notify the Board of City Commissioners, and upon passage of a resolution of the Board the legal services may be compensated at the hourly rate to be agreed upon by the Board.

This written agreement supersedes and merges all previous written and oral negotiations and commitments of the parties with respect to the matters addressed. This agreement may be waived or amended only in writing. This Agreement shall continue until modified in writing by the parties. Either party may terminate this Agreement on sixty days written notice.

This Agreement shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns.

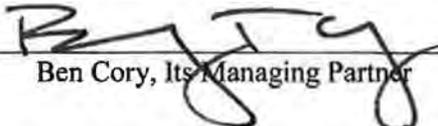
CITY OF MANDAN

Date: _____

By: _____
Tim Helbling, President of the
Board of City Commissioners,
Mandan, North Dakota

CROWLEY FLECK PLLP

Date: 12/26/19

By: 
Ben Cory, Its Managing Partner



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 7, 2020
PREPARATION DATE: December 27, 2019
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Consider approval of the City of Mandan voting locations for June 9, 2020 election.

STATEMENT/PURPOSE: Consider approval of the voting locations for the June 9, 2020 election.

BACKGROUND/ALTERNATIVES: Morton County Commission approved the voting locations at their December 26, 2019 meeting.

ATTACHMENTS: Copies of the list established by the Morton county Auditor's Office.

FISCAL IMPACT: N/A

STAFF IMPACT: Minimal

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend approval of the voting locations for the June 9, 2020 election.

SUGGESTED MOTION: I move to approve the voting locations for the June 9, 2020 election as presented.

Precinct #/ District Voting Location

- 31/5 Mandan Eagles Club
1310 Collins Ave, Mandan
- 31/17 Engage Church
4209 Old Red Trail, Mandan
- 31/18 Midway Lanes
3327 Memorial Highway, Mandan
- 31/24 Mandan Airport
4490 Highway 6, Mandan
- 33/32 Engage Church
4209 Old Red Trail, Mandan
- 34/1 Spirit of Life Catholic Church
700 1st St SE, Mandan
- 34/2 Midway Lanes
3327 Memorial Highway, Mandan
- 34/3 Mandan Eagles Club
1310 Collins Ave, Mandan
- 34/4 Mandan Eagles Club
1310 Collins Ave, Mandan
- 34/6 First Lutheran Church
408 9th St NW, Mandan
- 34/7 First Lutheran Church
408 9th St NW, Mandan
- 34/8 Spirit of Life Catholic Church
700 1st St SE, Mandan

Absentee & early voting precincts to include all precincts located at the Courthouse.



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 7, 2020
PREPARATION DATE: December 30, 2019
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Jason Ziegler, Chief of Police
PRESENTER: Jason Ziegler, Chief of Police
SUBJECT: Budget Transfer for Vehicle Purchases in 2020

STATEMENT/PURPOSE: To consider approval of the transfer of General Fund operating savings from the 2019 budget to the Police Department 2020 budget for the purchase of 2 Ford Interceptor vehicles.

BACKGROUND/ALTERNATIVES: The Police Department was approved for the 2020 budget for the purchase of 2 Dodge Charger Police vehicles. The Department has learned that due to a backlog in production, no new orders of Dodge Charger Police vehicles are being taken. Due to this, the Police Department would like to purchase 2 Ford Interceptor Police Vehicles. The cost per Dodge Charge was \$25, 338. The cost per Ford Interceptor is \$32, 894. The cost difference for 2 vehicles is \$15, 112.

ATTACHMENTS: none

FISCAL IMPACT: \$15, 112

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: To approve the transfer of \$15, 112 from the General Fund operating savings from the 2019 budget to the 2020 Police Department budget to provide the additional funds needed for the purchase of 2 Ford Interceptor police vehicles.

SUGGESTED MOTION: I move to approve the transfer of \$15, 112 from the General Fund operating savings from the 2019 budget to the 2020 Police Department budget to provide the additional funds needed for the purchase of 2 Ford Interceptor police vehicles.

**LOCAL PERMIT OR CHARITY LOCAL PERMIT**

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL

LICENSING SECTION

SFN 17926 (10/2012)

Type: Local Permit * Charity Local Permit

Permit Number

2020-005

Name of Organization Guardian Warrior Foundation		Date(s) Authorized (Read instruction 2)		
Contact Person Drew Kirschenman	Business Phone Number (701) 320-5891	7/8/2020 Beginning	to	7/18/2020 Ending
Mailing Address 1217 Morningside St	City Bismarck	State ND	Zip Code 58501-0000	
Site Name Mandan Eagles	Site Address 1400 Collins			
City Mandan	State ND	ZIP Code 58554-0000	County Morton County	
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.				
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels*				
Restriction:				
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor <u>and</u> Office of Attorney General within 30 days of the event.				
Date 12/30/2019	Signature of: <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor		Printed Name of City or County Auditor Lori Flaten	
			Auditor Telephone Number (701) 667-3455	

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

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

cut along this line**INFORMATION REQUIRED TO BE PREPRINTED ON A STANDARD RAFFLE TICKET:**

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



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 7, 2020
PREPARATION DATE: January 2, 2020
SUBMITTING DEPARTMENT: Municipal Court & City Attorney
DEPARTMENT DIRECTOR: Judge Kautzmann & Malcolm Brown
PRESENTER: Judge Kautzmann & Malcolm Brown
SUBJECT: Indigent Defense & Prosecution Contracts & 2020 Budget Amendment

STATEMENT/PURPOSE: To consider entering into (renewal) contracts for Indigent Defense, Prosecution and 2020 budget amendment.

BACKGROUND/ALTERNATIVES: Judge Kautzmann has been in negotiations with Steven Balaban and Tom Glass for indigent defense along with Dan Nagle for prosecution services.

All parties agree to the following:

Prosecution: (existing contract \$4,000/month since 2007)
Dan Nagle: 2020 - \$5,000/month
2021-2023 = \$5,500/month
Indigent Defense: (existing contract, \$1,500/month since 2008)
Steve Balaban & Thomas Glass: 2020 - \$1,750/month
2021-2023 = \$2,000/month

Based upon the above, the 2020 budget would require an amendment to decrease the prosecution budgeted amount by \$6,000 and the indigent defense contract budget increase by \$13,200 for a net increase in overall budget of \$7,200.

ATTACHMENTS: Indigent Defense Contract, Prosecution Services Contract

FISCAL IMPACT: Budget Amendments for 2020 to the Municipal Court Budget (Indigent Defense, \$13,200), and City Attorney (Prosecution Services) budget amendment to decrease of \$6,000.

STAFF IMPACT: n/a

Board of City Commissioners

Agenda Documentation

Meeting Date: January 7, 2020

Subject: Indigent Defense & Prosecution Contracts & 2020 Budget Amendment

Page 2 of 2

LEGAL REVIEW: Attorney Brown & Judge Kautzmann have reviewed and approves of the documents.

RECOMMENDATION: I recommend approval of the Indigent Defense Contract, Prosecution Services Contract and a 2020 budget amendment to increase the Municipal Court budget of \$13,200 and decrease the City Attorney budget by \$6,000.

SUGGESTED MOTION: I move approval of the Indigent Defense Contract, Prosecution Services Contract and a 2020 budget amendment to increase the Municipal Court budget of \$13,200 and decrease the City Attorney budget by \$6,000.

MANDAN MUNICIPAL PROSECUTION CONTRACT

FROM: KELSCH RUFF KRANDA NAGLE & LUDWIG
ATTORNEYS AT LAW

LEAD ATTORNEY: DANIEL NAGLE

ASSISTING: ALEXANDER KELSCH

OTHER ATTORNEYS AVAILABLE TO ASSIST IN CONTRACT:

GARRETT LUDWIG
NICK SCHMITZ
TODD D. KRANDA

PROPOSED CONTRACT PERIOD

KRKN&L proposes that the contract period run from date of acceptance by the City of Mandan through December 31, 2023, and be renewable for additional years, on the same terms and conditions as indicated for calendar year 2023, unless written notice of intent not to renew is given by either party at least 45 days before December 31 of each year.

CONTRACT PRICE

\$60,000 per year for calendar year 2020 (\$5000 per month)
\$66,000 per year for calendar years 2021-2023 (\$5500 per month)

SPECIFIED SERVICES

KRKN&L agrees to provide all services below:

- A. Authorizes the initiation of criminal and other complaints arising out of violations of any municipal ordinance in the municipal and county courts.
- B. Provides legal representation for the city in the municipal and county courts in all matters involving ordinance violations.
- C. Provides legal representation for the city in the North Dakota Supreme Court on matters appealed from the municipal or county court involving ordinance violations.
- D. Prepares all legal documents relating to the prosecution, trial, and appeal of criminal complaints, including the drafting of complaints, responses to discovery requests, motions, responses, jury instructions, drafting legal briefs, and plea agreements.
- E. Interview of complainants, witnesses and police officers in preparation for trial or to determine the appropriateness of initiating a criminal complaint.
- F. Provides legal advice and counsel for the police department in matters involving the investigation of criminal or ordinance violations, development of policies and procedures,

training needs and personnel matters.

- G. Attends arraignment proceedings when available, and when required by court.
- H. Provides all clerical services necessary to fulfill the duties and responsibilities of this contract in a professional manner.

CONFLICT OF INTEREST

In the event of a conflict of interest where KRKN&L cannot represent the City of Mandan in a specific matter under the contract, KRKN&L will contract with a qualified attorney to handle the matter. KRKN&L will be responsible for paying fees charged by a qualified attorney in handling conflict matter.

STANDARD OF PERFORMANCE

KRKN&L shall inform defense counsel, in writing, of the prosecutor's recommendations within 24 days of a pretrial conference order, if any, or 10 days prior to trial.

EXPENDITURES IN ADDITION TO CONTRACT PAYMENT

The City of Mandan will pay all out-of-pocket costs and expenses, including but not limited to, expert witness fees, deposition costs, travel expenses (at City rate), long distance telephone fees.

For any proposed expenditures in excess of \$100.00 KRKN&L will receive prior approval of the Mandan City Administrator.

TERMINATION OF CONTRACT

Termination of the contract shall be permitted:

- A. For cause at any time; or
- B. Upon 90 days written notice without cause.

MODIFICATION

Contract modification shall be limited to written modification signed by all parties.

CASES NOT CLOSED AT THE EXPIRATION OF THE CONTRACT

The contracting counsel will be responsible for completing work on any cases pending or awaiting trial at the expiration of the contract period.

CONTRACT DISPUTES

Contract disputes shall be resolved by the contracting counsel, the Mandan City Administrator and the Mandan City Commission.

MALPRACTICE INSURANCE

KRKN&L carries and agrees to continue to carry \$1 million dollars of malpractice insurance during the entire contract period.

The City of Mandan shall neither have nor assume liability and shall be indemnified for any and all malpractice claims which may be made by persons pursuant to the contract.

The contracting counsel shall carry malpractice insurance at their expense, during the entire contract period in the amount of at least two hundred fifty thousand (\$250,000) dollars for each attorney.

Date: 1/3/2020


KELSCH RUFF KRANDA NAGLE & LUDWIG

Date: _____

CITY OF MANDAN

**INDIGENT DEFENSE SERVICE CONTRACT
SPECIFICATIONS AND PROCEDURES
FOR THE CITY OF MANDAN, NORTH DAKOTA**

This Contract Agreement is made and entered into as of this 1st day of January, 2020, between Steven Balaban, Attorney at Law and Thomas Glass, Attorney at Law, and the City of Mandan.

1. CONTRACT PURPOSE:

The purpose of this defense services contract is to provide indigent defense legal services to eligible defendants in the City of Mandan during the contract term.

2. CONTRACT COUNSEL:

Steven Balaban is awarded one-half of this contract and Thomas Glass is awarded one-half of this contract. Steven Balaban and Thomas Glass shall be the only attorneys eligible to represent clients under this contract. Any attorneys who are subsequently hired or otherwise become associated with either of the contracting firms shall not represent clients under this contract unless approval of the Municipal Court is obtained prior to the beginning of said representation.

Steven Balaban is designated the representative attorney regarding any contract dispute or other matters involving the administration of this contract.

3. CONTRACT ADMINISTRATION:

The contract will be administered by the Mandan Municipal Judge and services of contract counsel in each case will receive general supervision by the Municipal Judge. General contract administration and decisions regarding the eligibility of individual defendants to receive indigent defense legal services will be made utilizing standards and guidelines adopted by the North Dakota Legal Counsel for Indigent Defense Commission.

4. CONTRACT TERM:

The contract term is from January 1, 2020 to December 31, 2023, and is renewable on the same terms and conditions unless written notice of intent not to renew is given by a party at least 60 days prior to December 31, 2023. The parties may initiate non-renewal of the contract without cause. Contract counsel under this contract will represent persons appointed counsel under this contract during the contract term or until their representation of any pending cases is completed whichever occurs last.

5. CONTRACT GEOGRAPHICAL AREA:

The designated geographical area in which contract services will be provided is the City of Mandan, North Dakota and jurisdiction of the Mandan Municipal Court.

6. CONTRACT SERVICES:

The following services shall be provided by the contract counsel:

- (A) Legal representation of indigent defendants in misdemeanor ordinance violation cases including:
 - 1. Representation in the Mandan Municipal Court.
 - 2. Representation in the Morton County District Court on cases transferred pursuant to N.D.C.C. §40-18-15.
 - 3. Representation in cases appealed for trial anew from the Municipal Court; and
 - 4. Representation in cases appealed to the North Dakota Supreme Court.

- (B) Representation will be provided at all stages of the proceedings until completed, if the defendant is determined to be and continues to be indigent, including:
 - 1. Matters under investigation, after representation has begun;
 - 2. Trial preparations;
 - 3. Preparation and filing of motions;
 - 4. Arguments of motions;
 - 5. Personal counseling when appropriate and referral to appropriate agencies;
 - 6. Trial;
 - 7. Post-trial motions;
 - 8. Appeals to the District Court and North Dakota Supreme Court, including motions, briefing and argument;
 - 9. Any retrials following an appeal; and
 - 10. Proceedings related to orders to show cause or petitions to revoke probation.

7. CONFLICT OF INTEREST:

If at any time after an appointment has been made, the contract attorney discovers a conflict of interest pursuant of the North Dakota Code of Professional Responsibility, the contract attorney shall promptly notify either the judge who made the appointment or the judge of the court in which the matter is pending. If the judge agrees that there is a conflict of interest, the judge shall revoke the appointment and appoint other counsel for the indigent person.

8. INTERVIEW SCHEDULE:

For clients that are in custody, the attorney shall contact the client within 24 (twenty-four) hours following the close of the next business day from the time appointment of counsel is made. For clients who are not in custody when the appointment is made, attorney should contact that client within 72 (seventy-two) hours. Exigent circumstances may dictate whether contact is in person or by other means.

9. NON-PRIVILEGED INFORMATION:

Contract attorneys shall advise all clients serviced by this contract that financial information related to indigent status eligibility is not privileged information unless the information is probative of the guilt or innocence of the client in which case the information shall be protected by the lawyer-client privilege. The contracting attorneys have a continuing duty to bring information regarding a defendant's financial status

which is related to indigent status eligibility promptly to the attention of the judge presiding in the case.

10. PAYMENT FOR SERVICES:

(A) For the year January 1 2020 through December 31 2020, the total annual contract price of \$42,000.00 will be paid as follows:

- (1) To Steven Balaban, the sum of \$1,750.00 per month for handling 50% of the cases; and
- (2) To Thomas Glass, the sum of \$1,750.00 per month for handling 50% of the cases.

(B) Subject to budgetary approval by the City Commission, for the years January 1 2021 through December 31 2023, the total annual contract price of \$48,000.00 will be paid as follows:

- (1) To Steven Balaban, the sum of \$2,000.00 per month for handling 50% of the cases; and
- (2) To Thomas Glass, the sum of \$2,000.00 per month for handling 50% of the cases.

Payments for contract services shall be made monthly by the office of the City Finance Director, on or before the third Wednesday of each month. The contract attorneys shall not receive compensation in any form from or on behalf of persons represented under this contract.

11. TERMINATION OF CONTRACT:

Any party may terminate this contract immediately for cause at any time or without cause upon 90 days written notice. All cases assigned and not completed within 90 days after expiration or notice of termination of this contract may be completed following consultation between the parties:

- (A) By the contract attorney assigned to the case;
- (B) On an assigned counsel basis;
- (C) By inclusion of uncompleted cases in a subsequent contract; or
- (D) Or through any combination of the above.

12. REIMBURSABLE EXPENSES:
Expenditures, such as investigation services, or medical examinations, or any expenses exceeding \$100.00 may be reimbursed, only if such expenditures receive prior approval of the judge presiding in the case. Any other expenditures amounting to less than \$100.00, may be reimbursed only if the Mandan Municipal Court has negotiated reimbursement of identified expenses with the contract attorneys and the Mandan Board of City Commissioners has approved a budget for said expenditures.
13. MODIFICATION: This contract may be modified by the parties, but any modifications must be in writing and signed by all parties.
14. CASES NOT CLOSED AT EXPIRATION OF CONTRACT:
The contracting attorneys will be responsible for completing work on any cases pending or awaiting trial at the expiration of the contract term.
15. CONTRACT DISPUTES:
Contract disputes shall be resolved by the contracting attorneys and the Mandan Municipal Judge. The Mandan City Attorney may mediate a dispute upon request of the Municipal Judge or the attorneys. The next level of recourse is to the Mandan City Commission. If the contract disputes cannot be resolved by the Commission, the parties may use appropriate legal remedies.
16. MALPRACTICE INSURANCE:
The City of Mandan shall neither have nor assume any liability under the terms of this contract for any malpractice claims against the contracting attorneys. The contracting attorneys shall indemnify and hold harmless the City against all malpractice claims which may be made by persons represented by them pursuant to this contract. The contracting attorneys shall each carry malpractice insurance, at their expense, during the entire contract period in the amount of at least Two hundred fifty thousand Dollars (\$250,000.00) per attorney and provide proof of such insurance to the Municipal Judge within 30 days of the effective date of this Contract.
17. RECORDS AND REPORTING:
The contracting attorneys shall maintain individual case records and shall submit, if requested by the Municipal Judge, quarterly reports showing the services provided and hours served in each case. Contract service case files and itemized statements of account on each case shall be available for inspection by the Mandan Municipal Judge upon request.
18. TERMS OF AWARD OF CONTRACT:
This contract binds the contracting attorneys to furnish and deliver legal services at the price agreed to herein, and in accordance with these specifications, and binds the City of Mandan on its part to pay for, at the agreed price, the services specified herein.

19. **INDEPENDENT CONTRACTORS:**

It is mutually agreed that the contracting attorneys providing the legal services under the terms of this contract are independent contractors and not employees of the City of Mandan.

IN WITNESS WHEREOF, the Parties do hereby execute this contract.

CITY OF MANDAN

By: _____
Tim Helbling, President
Board of City Commissioners

Date: _____

Attest:

James Neubauer, City Administrator

CONTRACT ATTORNEYS:

By: _____
Steven Balaban
Attorney at law

Date: _____

By: _____
Thomas Glass
Attorney at Law

Date: _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 7, 2020
PREPARATION DATE: January 3, 2020
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Consider Accepting a FEMA Grant through the NDDDES for emergency generator installs

STATEMENT/PURPOSE: To consider accepting a FEMA Grant as administered by the ND Department of Emergency Services (NDDDES) for the purpose of purchasing and installing two emergency generators for select facilities.

BACKGROUND/ALTERNATIVES: City staff has identified two locations that would especially benefit from backup generators to our existing facilities. They are 1) The Sunset Booster station that is part of our water distribution system and located off of Old Red Trail in the Northwest part of the City and 2) The 40th Avenue Sanitary Lift Station which is part of our sanitary sewer collection system and is located off of 40th Avenue SE in the southeast part of the City. Locations were identified as critical infrastructure and the generators will make these facilities more dependable and reliable. As is the goal with any modern generator setup, should the power go out, they would automatically kick in and keep the facilities running.

We were recently notified that our two project locations were selected to receive FEMA grant funding. Therefore, we would like to accept the funds and move forward with the projects. Though we don't have the agreement for commission today, we plan to hire AE2S to put the plans and bid specs together for this project and would follow with that. We were fortunate with the same program a few years ago, with that grant we installed a generator at our Southside Reservoir and used AE2S's services for plans and bid specs on that project.

ATTACHMENTS:

- 1) The execution sheets of the agreement followed by Attachment A which summarizes the project. All agreement pages available upon request, 26 pages.

Board of City Commissioners

Agenda Documentation

Meeting Date: January 7, 2020

Subject: Consider Accepting a FEMA Grant through the NDDES for emergency generator installs

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FISCAL IMPACT: The full project is included in the 2020 budget within the water and sewer utility fund. Grant funding is 75% match.

STAFF IMPACT: Work with AE2S to design and execute the project.

LEGAL REVIEW: The City Attorney has been copied on all commission items.

RECOMMENDATION: Accept the FEMA grant as issued by the NDDES.

Board of City Commissioners

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SUGGESTED MOTION: Move to approve the FEMA grant as issued by the NDDDES for the emergency generators project.

ARTICLE XXIX. Designation of Agent. Subgrantee hereby designates the following agents to execute any Request for Advance or Reimbursement, certification, or other necessary documentation:

Primary Agent

Alternate Agent

Name and Title

Name and Title

Phone Number

Phone Number

E-mail

E-mail

STATE OF NORTH DAKOTA
DEPARTMENT OF EMERGENCY SERVICES

SIGNATURE PAGE

HAZARD MITIGATION GRANT PROGRAM SUBGRANT AGREEMENT
FOR
FY 2018 NON-DISASTER GRANT AWARDS

IN WITNESS HEREOF, the Grantee and Subgrantee have executed this Agreement:

FOR THE SUBGRANTEE:

Name and Title

Signature Date

Federal Employer Identification Number (FEIN): _____

DUNS Number: _____

Board of City Commissioners

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STATE OF NORTH DAKOTA
DEPARTMENT OF EMERGENCY SERVICES

SIGNATURE PAGE

HAZARD MITIGATION GRANT PROGRAM SUBGRANT AGREEMENT
FOR
FY 2018 NON-DISASTER GRANT AWARDS

IN WITNESS WHEREOF, the Grantee and Subgrantee have executed this Agreement:

FOR THE GRANTEE:

DEPARTMENT OF EMERGENCY SERVICES



Justin Messner – Disaster Recovery Chief

11-15-2019

Date

ATTACHMENT A

Approved Project Data

CFDA Title and Number: Disaster Grants – Pre-Disaster Mitigation Program, 97.047
 Non-Disaster Grant Fiscal Year: 2018
 Subrecipient: City of Mandan
 Project Number: PDMC-PL-08-ND-2018- 006
 Project Cost: 100% - \$478,500.00
Federal Funding: 75% - \$ 358,875.00
Local Funding: 25% - \$ 119,625.00
 Work Schedule: 3 October 2019 to 3 October 2020

Scope of Work:

The City of Mandan proposes the installation of permanent emergency generators at the 40th Avenue Lift Station and Sunset Booster Station to address power outages due to a loss of electrical power. The 40th Avenue Lift Station conveys wastewater from the SE portion of the City, including the Memorial Highway business corridor, directly to the wastewater plant. An emergency generator will keep the lift station functional during power outages, preventing sewer backups to the residents and businesses in SE Mandan. The 40th Avenue Lift Station generator will be a 48KW natural gas generator with automatic transfer switches and installed on a concrete pad. The Sunset Booster Station provides potable water to the NW part of the City. An emergency generator will keep this critical infrastructure functional during power outages to continue providing adequate potable water supply and fire protection to the residents of the NW part of the City. The Sunset Booster Station generator will be a 300KW diesel generator with automatic transfer switches and installed on a concrete pad.

The City will solicit bids for the purchase of each generator, installation, and wiring of each generator, and construction of a properly elevated concrete slab at each location. The 40th Avenue Lift Station generator will be hooked up to already existing natural gas lines with some modifications. Once construction is complete, all necessary staff will be properly trained on how to use and maintain each generator and be provided with any necessary troubleshooting techniques to ensure proper operation of the generators. Upon completion and successful training of the final project, the City will work to get all costs reimbursed and submit the project for closeout at the state and federal levels.

Work Schedule:

Engineering	2 Months
Bidding	1 Month
Acceptance of Bids	1 Month
Order Materials and Generators	3 Months
Installation of Generators	2 Months
Project Acceptance and Closeout	2 Months
Funding Reimbursement Request	1 Month
Total:	12 Months

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Cost Estimate:

40th Ave Lift Sta Generator Engineering & Legal	\$ 40,000.00
40th Ave Lift Sta Generator Grant Mgmt & Admin	\$ 5,000.00
40th Ave Lift Sta Generator Contingencies	\$ 5,000.00
40th Ave Lift Sta Generator General Conditions	\$ 7,000.00
40th Ave Lift Sta Generator Site Work	\$ 5,000.00
40th Ave Lift Sta Generator Concrete	\$ 7,500.00
40th Ave Lift Sta Generator Gas Line Mechanical	\$ 5,000.00
40th Ave Lift Sta Gen Ele (Generator, ATS, Wire, etc)	\$ 75,000.00
Sunset Booster Sta Generator Engineering & Legal	\$ 60,000.00
Sunset Booster Sta Generator Grant Mgmt & Admin	\$ 10,000.00
Sunset Booster Sta Generator Contingencies	\$ 13,000.00
Sunset Booster Sta Generator General Conditions	\$ 17,000.00
Sunset Booster Sta Generator Site Work	\$ 10,000.00
Sunset Booster Sta Generator Concrete	\$ 10,000.00
<u>Sunset Booster Sta Gen Ele (Generator, ATS, Wire, etc)</u>	<u>\$209,000.00</u>
Total	\$478,500.00

Other Conditions:

Environmental requirements, as noted below and in the attached FEMA REC Report must be met and documented. The attached environmental form must be completed and submitted before grant can be closed out.

1. The 40th Avenue Lift Station generator must be elevated or protected to the BFE plus 2 feet, or 500-year flood elevation, whichever is higher. A floodplain development permit must also be obtained from the local and/or County floodplain administrator.
2. Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.
3. This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.
4. If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 7, 2020
PREPARATION DATE: November 12, 2019
SUBMITTING DEPARTMENT: Fire
DEPARTMENT DIRECTOR: Chief Nardello
PRESENTER: Chief Nardello
SUBJECT: Introduction and First Consideration of Ordinance 1333 relating to Chapter 10 of the Mandan Code of Ordinances.

STATEMENT/PURPOSE: Consider Ordinance 1333 to amend and re-enact Chapter 10, Fire Prevention and Protection, of the Mandan Code of Ordinances. The purpose of this ordinance is to adopt the 2018 International Fire Code (IFC) with proposed amendments.

BACKGROUND/ALTERNATIVES: The International Code Council reviews and adopts new fire codes every three years to ensure that we enforce current life safety procedures in public buildings. The Mandan Fire Department currently uses the 2015 IFC and we have compared the 2018 edition for any significant changes. The most significant change that our office found between the 2015 IFC and the 2018 IFC is the requirement of automatic sprinkler systems in all existing Group A-2 occupancies with an occupancy load of 300 people or more and where alcoholic beverages are consumed. Our review of the 2018 IFC could not find any additional significant changes that would have a major impact on business owners. We try to maintain uniformity with the City of Bismarck's adopted IFC so that business owners receive the same standards within the two communities. Our proposed amendments to the 2018 IFC are consistent with the City of Bismarck with exception of the allowance of fireworks within the City of Mandan.

ATTACHMENTS: Ordinance 1333

FISCAL IMPACT: None

STAFF IMPACT: Review changes from the 2015 to the 2018 International Fire Code and recommend amendments.

LEGAL REVIEW: City Attorney has reviewed the ordinance proposal

RECOMMENDATION: To amend and re-enact Chapter 10 of the Mandan Code of Ordinances Relating to Fire Code and adopting the 2018 International Fire Code including appendixes A, B, C, & D with recommended amendments as presented.

SUGGESTED MOTION: Move to approve the first consideration of ordinance 1333 an ordinance to amend and re-enact Chapter 10 of the Mandan Code of Ordinances Relating to Fire Code and adopting the 2018 International Fire Code including appendixes A, B, C, & D with recommended amendments as presented.

ORDINANCE NO. 1333

An Ordinance to Amend and Re-enact Chapter 10 of the Mandan Code of Ordinances Relating to Fire Code

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

Section 10-2-1 of the Mandan Code of Ordinances is hereby amended and re-enacted to read as follows:

Section 10-2-1 Adoption of the International Fire Code.

That a certain document, at least one copy of which is on file in the office of the City Administrator of the City of Mandan, being marked and designated as the *International Fire Code*, including Appendix Chapters A, B, C, and D, as published by the International Code Council, be and is hereby adopted as the code of the City of Mandan for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City and providing for the issuance of permits for hazardous uses or operations; and each and all of the regulations, provisions, conditions and terms of such *International Fire Code, 2015 2018* edition, published by the International Code Council, on file in the offices of the City Administrator and Fire Chief are hereby referred to, adopted and made a part hereof as if fully set out in this chapter. The International Fire Code as adopted and amended by the Board of City Commissioners of the City and the provisions of Chapters 10-1 and 10-2 shall be known as the Fire Prevention Code.

(Code 1979, § 14-01-01; Code 1994, § 7-01-01; Ord. No. 669, § 1, 1983; Ord. No. 719, § 1, 1987; Ord. No. 757, § 1, 1989; Ord. No. 851, 1996; Ord. No. 953, § 1, 1-21-2003; Ord. No. 1092, 4-19-2011; Ord. No. 1172, 11-19-2013; Ord. No. 1255, § 1, 12-20-2016)

Cross reference — Amendments to International Fire Code, [§ 10-2-10](#).

Section 10-2-10 Amendments to International Fire Code.

The ~~2015~~ 2018 edition of the International Fire Code adopted by the provisions of this chapter and all subsequent editions adopted by resolution of the Board are amended, changed and altered as follows:

1. Code official means the fire chief appointed by the board of city commissioners and charged with the duties of administration and enforcement of the code, fire inspector, or other duly authorized representative as designated by the fire chief.
2. Fire prevention code means those portions of the International Fire Code adopted or amended by the city as well as this article.
3. Jurisdiction means the City of Mandan, North Dakota.
4. Whenever the word "municipality" or the word "city" is used in any code adopted pursuant to this title, it means the City of Mandan, North Dakota.
5. Whenever the words "corporate counsel" or "city attorney" is used in any code adopted pursuant to this title, it means the city attorney of the City of Mandan, North Dakota.
6. Whenever the term "International Building Code" is used in the International Fire Code, it shall mean the "Mandan Building Code."
7. Whenever the term "International Plumbing Code" is used in the International Fire Code, it shall mean the "North Dakota State Plumbing Code."
8. Whenever the term "ICC Electrical Code" is used in the International Fire Code, it shall mean the "Wiring Standards of North Dakota."

Chapter 1 Scope and Administration

Section 101 Scope and General Requirements, is amended as follows:

101.1 Title. These regulations shall be known as the *Fire Code* of [~~NAME OF JURISDICTION~~] the City of Mandan, hereinafter referred to as "this code."

Section 103 Department of Fire Prevention

Section 103 Department of Fire Prevention is deleted in its entirety.

Section 105 Permits, is amended as follows:

105.1.1 Permits Required. A property owner or owner's authorized agent who intends to conduct an operation or business, or install or modify systems and equipment which is regulated by this code, or to cause any such work to be performed, shall first make application to the *fire code official* and ~~obtain the~~ may be required to obtain a permit.

Sections 105.6.1 through 105.6.48 are amended as follows:

The specified permits identified in each operational section as "~~being-required~~" are amended to "required upon the determination of the code official."

Section 105.7 Required Construction Permits, is amended as follows:

Section 105.7 Required Construction Permits. The fire code official is authorized to issue constructions permits for work as set forth in Sections 105.7.1 through 105.7.25. The fire code official may utilize existing permitting and approval process already established in Building Inspections, Engineering or other department.

Section ~~109.4~~ 110 Violations, is amended as follows:

~~109.4~~ 110.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the *approved construction documents* or directive of the *fire code official*, or of a permit or certificate used under provisions of this code, shall be guilty of a ~~[SPECIFY OFFENSE] Class B misdemeanor, punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [number of days], or both such fine and imprisonment.~~

Section ~~111.4~~ 112 Stop Work Order, is amended as follows:

~~111.4~~ 112.4 Failure to comply. Any *person* who shall continue any work after having been served with a stop work order, except such work as that *person* is directed to perform to remove a violation or unsafe condition, shall be charged with a Class B misdemeanor liable to a fine of not less than [AMOUNT] or more than [AMOUNT] dollars.

Chapter 2 Definitions

Section 202 General Definitions, is amended as follows:

Commercial Motor Vehicles is amended to read as follows:

A motor vehicle used to transport passengers or proper, or motorized equipment where the motor vehicle(s) or equipment:

1. Has a gross vehicle weight rating of 10,000 pounds or more or
2. Have combined weights greater than 26,000 lbs. or
3. Is designed to transport 16 or more passengers, including the driver

Fireworks, 1.4G is deleted in its entirety and replaced with the following:

Small fireworks devices containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion or deflagration that complies with the construction, chemical composition and labeling regulations of the DOTn for Fireworks, UN 0336, and the U.S. Consumer Product Safety Commission as set forth in CPSC 16 CFR Parts 1500 and 1507, or otherwise listed and defined in NDCC 23-15-01.

Occupancy Classifications Educational Group E, day care facilities, is amended to read as follows:

Occupancy classifications Educational Group E, day care facilities.

Educational group E.

Occupancy classifications Educational Group E, day care facilities, is amended to read as follows:

This group includes buildings and structures or portions thereof occupied by more than ~~five~~ twelve children older than 2 ½ years of age who receive educational, supervision or personal care services for less than 24 hours per day.

Five or fewer children is amended to read:

~~Five~~ Twelve or fewer children. A facility having ~~five~~ twelve or fewer children receiving such day care shall be classified as part of the primary occupancy.

Educational Group E.

Occupancy classifications Educational Group E, Five or fewer children in a dwelling unit is amended to read as follows:

A facility such as the above within a dwelling unit and having ~~five~~ twelve or fewer children receiving such care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code.

Institutional Group I-4, day care facilities, is amend to read:

Institutional Group I-4 occupancy shall include buildings and structures occupied by more than ~~five~~ twelve persons of any age who receive custodial care for fewer than 24 hours per day by persons other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for. This group shall include, but not be limited to, the following:

Adult day care.
Child day care.

Classification as Group E, is amend to read:

A child day care facility that provides care for more than ~~five~~ twelve but not more than 100 children 2 ½ years of age, where the rooms in which children are cared for are located on a level of exit discharge serving such rooms and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

Five or fewer persons receiving care, is amend to read:

A facility having ~~five~~ twelve or fewer persons receiving custodial care shall be classified as part of the primary occupancy.

Five or fewer persons receiving care in a dwelling, is amend to read:

A facility such as above within a dwelling unit having ~~five~~ twelve or fewer persons receiving custodial care shall be classified as a

Group R-3 occupancy or shall comply with the International Residential Code.

Care Facilities within a dwelling, is amend to read:

Care facilities for five ~~five~~ twelve or fewer persons receiving personal care that are within a single-family dwelling are permitted to comply with the International Residential Code.

Chapter 3 General Requirements

Section 308 Open Flames, is amended as follows:

308.1.4 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One- and two-family *dwelling*s.
2. Where buildings, balconies and decks are protected by an *automatic sprinkler system*.
3. LP-gas cooking devices having LP-gas container with a water capacity not greater than ~~2-½ pounds [nominal 1-pound (0.454 kg)]~~ 47.8 pounds [nominal 20 pounds (9 kg)] LP-gas capacity].

~~**308.1.6.3 Sky Lanterns.** A person shall not release or cause to be released an untethered sky lantern. Deleted in its entirety to be consistent with fireworks definition and restrictions.~~

308.3 Group A Occupancies. Open-flame devices shall not be used in a Group A occupancy.

Exceptions:

1. Open-flame devices are allowed to be used in the following situations, provided that *approved* precautions are taken to prevent ignition of combustible material or injury to occupants:

1.1 Where necessary for ceremonial or religious purposes in accordance with Section 308.1.7.

1.2 On stages and platforms as a necessary part of a performance in accordance with Section 308.3.2.

1.3 Where candles on tables are securely supported on substantial noncombustible bases and the candle flames are protected.

1.4 Open-flame devices for food warming.

2. Heat-producing equipment complying with Chapter 6 and the *International Mechanical Code*.
3. Gas lights are allowed to be used provided that adequate precautions satisfactory to the *fire code official* are taken to prevent ignition of combustible materials.

Chapter 4 Emergency Planning and Preparedness

Section 403 Emergency Planning and Preparedness, is amended as follows:

403.10.1.3 Fire Safety and evacuation instructions. Information shall be provided in the fire safety and evacuation plan when required by Section 404 to allow guests to decide whether to evacuate to the outside, evacuate to an *area of refuge*, remain in place, or any combination of the three.

Chapter 5 Fire Service Features

Section 503 Fire Service Features, is amended as follows:

503.2.3 Surface Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus ~~and~~, shall be surfaced so as to provide all weather driving capabilities, and shall meet the specifications of the Mandan City Engineering Department.

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in section 503.2.1 shall be maintained at all times. Parking of motor vehicles or otherwise obstructing a designated fire apparatus access road shall be prohibited and enforcement of such prohibition may be accomplished in the same manner as provided in Section 24-7-1 of the Mandan Code of Ordinances. A violation of this section is a Class B misdemeanor.

Section 510 Emergency Responder Radio Coverage is amended as follows:

510.1 Emergency responder radio coverage in new buildings. When required by the fire code official, new buildings shall have *approved* radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

Chapter 9 Fire Protection and Life Safety Systems

Section 903 is amended as follows:

Section 903.2.8 Group R is amended to read as follows: An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exception: Single-family dwelling or a residential building that contains no more than two dwelling units.

Section 903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 12,000 square feet
2. A Group S-1 fire area is located more than three stories above grade plane
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet.
4. A Group S-1 fire area used for the storage of commercial motor vehicles where the fire area exceeds 5,000 square feet.
5. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet.

Section 903.2.11.3 Buildings 55 feet, or five stories or more in height. An automatic sprinkler system shall be installed throughout buildings that have one or more stories with an occupant load of 30 or more located 55 feet, or five stories or more above the lowest level of fire department vehicle access, measured to the finished floor.

Section 903.3.1 Standards Sprinkler systems shall be designed with a 5-psi safety margin and installed in accordance with Sections 903.3.1.1, 903.3.1.2 or 903.3.1.3 and other chapters of this code, as applicable.

Section 903.3.1.2.1 Balconies and Decks. Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units and sleeping units where either of the following conditions exists:

1. The building is of Type V construction, provided there is a roof, overhang 6 inches or greater, or deck above.
2. Exterior balconies, decks and ground floor patios of dwelling units and sleeping units are constructed in accordance with Section 705.2.3.1, Exception 3 of the *International Building Code*.

Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distance of 14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

Section 905, Standpipe Systems, is amended as follows:

Section 905.1 General. Standpipe systems shall be provided in new buildings and structures in accordance with Sections 905.2 through 905.10. In buildings used for high-piled combustible storage, fire protection shall be in accordance with chapter 32. Class II and III standpipe systems are prohibited. Where required in this section, all standpipe systems shall meet the requirements of a Class I standpipe.

Section 907 Fire Alarm and Detection Systems is amended as follows:

Section 907.2.3 Group E. A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E occupancies. *When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. Where approved by the fire code official, a building's emergency communication system interfaced with the fire alarm system in accordance with NFPA 72 is acceptable.*

907.8.3 Smoke detector sensitivity. ~~Smoke detector sensitivity shall be checked within one year every 5 years after installation and every alternate year thereafter. After the second calibration test, where sensitivity tests indicate that the detector has remained within its listed and marked sensitivity range (or 4 percent obscuration light grey smoke, if not marked), the length of time between calibration tests shall be permitted to extended to not more than 5 years. Where the frequency is extended, records of detector-caused nuisance alarms and subsequent trends of these alarms shall be maintained. In zones or areas where nuisance alarms show increase over the previous year, calibration tests shall be performed.~~

Chapter 11 Construction Requirements for Existing Buildings

Section 1103 Existing multiple-story buildings.

Section 1103.6.1 Existing multiple-story buildings. Existing buildings with occupied floors located more than 50 feet 5 stories above the lowest

level of fire department access or more than ~~50 feet~~ 5 stories below the highest level of fire department access shall be equipped with standpipes.

Chapter 53 Compressed Gases

Section 5307, Compressed Gases no otherwise regulated, is amended as follows:

Section 5307.3 Insulated liquid carbon dioxide systems used in beverage dispensing applications, is amended as follows:

Section 5307.3 Insulated liquid carbon dioxide systems used in beverage dispensing applications. Insulated liquid carbon dioxide systems with more than ~~400~~ 500 pounds of carbon dioxide used in beverage dispensing applications shall comply with Section 5307.3.1.

Section 5307.4 Carbon dioxide enrichment systems, is amended as follows:

Section 5307.4 Carbon dioxide enrichment systems. The design, installation and maintenance of carbon dioxide enrichment systems with more than ~~400~~ 500 pounds of carbon dioxide, and carbon dioxide enrichment systems with any quantity of carbon dioxide having a remote fill connection, shall comply with Sections 5307.4.1 through 5307.4.7.

Chapter 56 Explosives and Fireworks

Section 5601, is amended as follows:

Section 5601.1.3 Fireworks, is amended as follows:

Section 5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited within the city limits.

Exceptions:

1. Storage and handling of fireworks as allowed in Section 5604.

~~2. Manufacture, assembly and testing of fireworks as allowed in Section 5605.~~

3. The use of fireworks for fireworks displays as allowed in Section 5608 is an exception to the prohibition of use of fireworks in the city, provided the requirements of sections 5601.2.3 and 5601.2.4 are met. The possession, use,

discharge, or explosion of fireworks, as defined by § 23-15-01, N.D.C.C., not including bottle rockets, is permitted between the hours of 12:00 p.m. and 12:00 a.m. on July 2 and 3, from the hours of 12:00 p.m. on July 4 to 2:00 a.m. on July 5 of each year, and from the hours of 5:00 p.m. on December 31 to 1:00 a.m. on January 1.

~~4. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided that such fireworks and facilities comply with NFPA 1124, CPSC 16 CFR Parts 1500 and 1507, and DOTn 49 CFR Parts 100-185, as applicable for consumer fireworks.~~

Section 5601.2.4 Financial responsibility, deleted in its entirety and replaced with:

Section 5601.2.4 Financial responsibility. The permittee shall furnish a bond or insurance in an amount deemed adequate by the board of city commissioners, but not less than two hundred and fifty thousand dollars (\$250,000.00) per individual or one million dollars (\$1,000,000.00) per occurrence, conditioned for the payment of all potential damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any act of the permittee, its agents, employees or subcontractors.

Chapter 57 Flammable and Combustible Liquids

Section 5704, Storage, is amended as follows:

5704.2.9.6.1 Locations where above-ground tanks are prohibited.- ~~Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited.~~ Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in all zoning districts within the corporate boundaries of the City of Mandan, except where allowed in zoning districts MA, MB, MC and MD.

Section 5706, Special Operations, is amended as follows:

5706.2.4.4 Permanent and temporary tanks. ~~The capacity of permanent above-ground tanks containing Class I or II liquids shall not exceed 1,100 gallons (4164 L). The capacity of temporary above-ground tanks containing Class I or II liquids shall not exceed 10,000 gallons (37 854 L).~~

~~Tanks shall be of a single compartment design.~~ Storage of Class I and II liquids in permanent above-ground tanks outside of buildings is prohibited in all zoning districts within the corporate boundaries of the City of Mandan, except where allowed in zoning districts MA, MB, MC and MD.

Chapter 58 Flammable Gases and Flammable Cryogenic Fluids

Section 5806, Flammable Cryogenic Fluids is amended as follows:

5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited except for Industrial, Agricultural, and Public districts (MA, MB, MC and MD).

Chapter 61 Liquefied Petroleum Gases

Section 6103 Installation of Equipment is amended as follows:

Section 6103.2.1.6 Use with self-contained torch assemblies, is amended to read as follows:

Section 6103.2.1.6 Use with self-contained torch assemblies. Portable LP-gas are allowed to be use to supply *approved* self-contained torch assemblies or similar appliances. Such containers shall not exceed a water capacity of ~~2.7~~ 12 pounds.

Section 6104 Location of LP-Gas Containers is amended as follows:

Section 6104.2 Maximum capacity within established limits, is deleted in its entirety and replaced with the following:

Section 6104.2 Maximum capacity within established limits. Within residentially zoned districts of the corporate boundaries of the City of Mandan, storage of liquefied petroleum gas used to supply a structure or for any other use shall not exceed a water capacity of 29 gallons. In all other districts, except for Industrial, Agricultural, and Public districts (MA, MB, A, P), the maximum capacity of any one installation shall not exceed a water capacity of 2,000 gallons.

(Code 1994, § 7-01-07; Ord. No. 1051, § 1, 5-5-2009; Ord. No. 1092, 4-19-2011; Ord. No. 1172, 11-19-2013; Ord. No. 1220, 10-20-2015; Ord. No. 1255, §§ 2, 3, 12-20-2016; Ord. No. 1272, 9-5-2017)

Cross reference— Adoption of the International Fire Code, [§ 10-2-1](#).

By:

President, Board of City
Commissioners

Attest:

City Administrator

First Consideration: January 7, 2019

Second Consideration and Final Passage: January 21, 2020

(Ordinance No. 1333 to Amend and Re-enact Chapter 10 of the Mandan Code of Ordinances Relating to Fire Code)



Board of City Commissioners

Agenda Documentation

MEETING DATE:	January 7, 2020
PREPARATION DATE:	December 11, 2019
SUBMITTING DEPARTMENT:	Building Inspections
DEPARTMENT DIRECTOR:	Shawn Ouradnik, Building Official
PRESENTER:	Shawn Ouradnik
SUBJECT:	Second Consideration and final passage of proposed change to Article 2 Section 111-2-1 of the Mandan Municipal code pertaining to Building Codes.

STATEMENT/PURPOSE: Updating the Mandan Building code to supplement the adoption of the State Building code on January 1, 2020.

BACKGROUND/ALTERNATIVES: In the State Building code, that will be adopted and implemented January 1st of 2020, several modifications were made that the Building Inspections Department felt were vital to keep in our code. The modifications are as follows:

- (1) Removing the need for the self-closing self-latching door requirement between an attached garage and a dwelling.
- (2) Window sill height for an emergency escape and rescue opening in the basement of a dwelling from a maximum of 44" to a maximum of 48".
- (3) Eliminating the minimum slope requirements for drainage away from structures.

In addition to the modification on the State level the Building Inspections Department proposes changing the footing and foundation portion of Section 111-2-1 to adopt the State Building code requirements for footings and foundations and adding a requirement for footing on attached decks.

The concerns of this department are echoed by the Mandan Fire Department. These code changes, at the state level were, passed during the voting procedures for code adoption. All of the State Building code changes were contested by additional municipalities other than Mandan but did not receive the required votes to pass.

The amendments to the footings and foundation section are being put in place because they are more consistent with other municipalities and are more in line with current building practices. By placing the requirements into the Mandan Municipal Code we can avoid confusion and be more consistent from during the three year cycle of State Building code adoption increasing safety for our public.

ATTACHMENTS: Code change submission to the state for each change, ordinance for proposed change to the Mandan Municipal Code

FISCAL IMPACT: None

STAFF IMPACT: None

LEGAL REVIEW: All documents have been reviewed by Attorney Brown.

RECOMMENDATION: We recommend passing the amendments to Article 2 Section 111-2-1 of the Mandan Municipal code

SUGGESTED MOTION: I move to amend and reenact Article 2 Section 111-2-1 of the Mandan Municipal code as presented.

ORDINANCE NO. 1331

An Ordinance to Amend and Re-enact
Article 2 of the Mandan Code of Ordinances
Relating to Building Code

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

Article 2 of the Mandan Code of Ordinances is hereby amended and re-enacted to read as follows:

ARTICLE 2. - BUILDING CODE

Sec. 111-2-1. - Adoption of code.

There is adopted by reference that certain building code known as the state building code, as developed by the state, as now or hereafter amended. The purpose of the building code is to establish rules and regulations of erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, uses, height, area, and maintenance of buildings and structures. A copy of the current edition of the State Building Code shall be kept on file in the offices of the building official. The State Building Code, adopted by the provisions of this chapter, and all subsequent editions, is amended, changed and altered as follows:

- (1) IRC Section 108.2 Schedule of Permit Fees, is amended by adding the following sentence to the end of the paragraph;

The fees for any building permit, amendments to permits or required inspections shall be established by resolution of the Board of City Commissioners.

- (2) IBC Section 1603.1.3 Roof snow load is amended to insert a minimum snow load design requirement of thirty pounds per square foot.

- ~~(3) Section 1807 Footings and Foundations of the International Building Code, as adopted by the State Building Code, is amended by adding the following requirements relating to Minimum Requirements for Foundations for Stud Bearing Walls (as depicted in the table below), which shall supersede any of the alternate foundation provisions of Section 1807 of the International Building Code. Those provisions of Section 1807 of the International Building Code which conflict with the minimum requirements established herein by the City may apply, provided the building official approves their application due to unique soil conditions or building materials and provides a written statement verifying the applicable section.~~

~~TABLE NO. 1807.1.6.2(1)
FOUNDATIONS FOR STUD BEARING WALLS
MINIMUM REQUIREMENTS~~

Number of Stories	Thickness of Foundation Wall (Inches)		Width of Footings (Inches)	Thickness of Footings (Inches)	Depth of Foundation Below Grade (Feet)
	Concrete	Unit Masonry			
1	8	8	16	8	4
2	8	8	16	8	4
3	10	10	18	10	4

-

~~(4)~~ Foundation walls up to four feet high shall be eight inches wide and reinforced with (2) No. 4 rebar.

~~(3)~~~~(5)~~ Foundation walls over four feet high up to 10 feet high shall be reinforced as follows: horizontal rebar—two No. 4 rebar within twelve inches of top of foundation, two No. 4 rebar in the lowest twelve inches of the wall, one No. 4 rebar in the middle one-third of the wall height. Any foundation wall that exceeds 10 foot in height needs plans stamped by an engineer.

~~(4)~~~~(6)~~ All footings shall be constructed in accordance with North Dakota State building code bear on undisturbed soil or engineered fill and be designed to distribute sufficiently the super-imposed loads to the particular type of soil upon which they bear and shall be reinforced with a minimum of (2) No. 4 rebar continuous.

~~(5)~~~~(7)~~ Detached garage foundations may be constructed on concrete slabs, providing such slabs are at least four inches thick and thickened to at least twelve inches at all edges, and such thickened edges having a horizontal width of at least eight inches at their bottom and shall be reinforced with a minimum of (2) No. 4 rebar.

~~(6)~~~~(8)~~ In addition to all other requirements, each building permit shall require that off-street parking areas and the driveways leading from the street thereto shall be graded and drained to dispose of all surface water accumulated within the area and paved with Portland cement, concrete or plant-mixed bituminous surface in accordance with the specifications therefore promulgated by the city engineer.

~~(7)~~~~(9)~~ For determining value of a construction job for purposes of calculating a permit fee, the most current chart from the "International Code Council Building Valuation Data" shall be used with the following additions to the chart:

- a. \cup Utility: Carports, Decks, Pole Barns, Sheds, Misc. = $\frac{1}{2}$ value of Utility line.
- b. Crawl Space = \$15.00 per sq. ft.
- c. Finished Basement = \$30.00 per sq. ft.
- d. Single and Two Family second story = $\frac{1}{2}$ value of main cost per sq. ft.
- e. Manufactured Home:
 - i. New on owned lot - Actual cost of home value.
 - ii. Used - under 10 yrs. old = \$50.00 per sq. ft.
 - iii. Used - over 10 yrs. old = \$25.00 per sq. ft.
 - iv. MH Court - set permit fee by resolution.

(8) Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 13/8 inches (35 mm) in thickness, solid or honeycomb-core steel doors not less than 13/8 inches (35 mm) thick, or 20-minute fire-rated doors, equipped with self-closing self-latching hardware.

(9) Window sill height. Where a window is provided as the emergency escape and rescue opening in the basement of a dwelling, it shall have a sill height of not more than 44 inches above the floor; where the sill height is below grade, it shall be provided with a window well in accordance with the State Building Code requirements. Sill height shall be measured from the finished floor to the bottom of the clear opening. A step, ladder, or other means of reducing the on the interior height of floor directly inside the window cannot be supplemented for the finished floor height.

(10) Drainage. Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection that does not create a hazard. Lots shall be grades to drain surface water from the foundation of any structure at a minimum slope of 6 inches within the first 10 feet.

Exception: Where lot lines, walls, slopes, or other physical barriers prohibit the 6 inch fall within 10 feet, drains or swales shall be constructed to ensure drainage away from the structure. Impervious surfaces within 10 feet of the building foundation shall be sloped not less than a minimum of 2 percent away from the building.

(11) Deck Footings. Deck footing shall comply with section R507.3 of the International Residential Code (IRC).

By: _____
President, Board of City Commissioners

Attest:

City Administrator

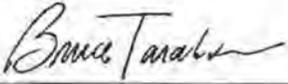
First Consideration: [Dec. 17, 2019](#)

Second Consideration and Final Passage: [January 7, 2020](#)

CODE AMENDMENT SUBMITTAL
ND DIVISION OF COMMUNITY SERVICES
 SFN 50180 (9/18)

Name Bruce Taralson		Jurisdiction/Company/Organization City of Fargo	
Signature 		Address 225 4 th Street N	
City Fargo		State ND	ZIP Code 58102
Telephone Number 701-241-1561		Email inspections@cityoffargo.com	
Code to be Revised			
<input type="checkbox"/> 2015 International Building Code <input type="checkbox"/> 2015 International Residential Code <input type="checkbox"/> 2015 International Mechanical Code <input type="checkbox"/> 2015 International Fuel Gas Code <input type="checkbox"/> 2015 International Energy Conservation Code		<input type="checkbox"/> 2018 International Building Code <input checked="" type="checkbox"/> 2018 International Residential Code <input type="checkbox"/> 2018 International Mechanical Code <input type="checkbox"/> 2018 International Fuel Gas Code <input type="checkbox"/> 2018 International Energy Conservation Code <input type="checkbox"/> Other _____	
Revision of: Section R302.5.1			
Check One and Complete (attach additional pages if necessary)			
<input checked="" type="checkbox"/> Revise as follows: <input type="checkbox"/> Add as follows: <input type="checkbox"/> Delete and substitute as follows: <input type="checkbox"/> Delete			
<p>R302.5.1 Opening Protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1¾ inches (35 mm) in thickness, solid or honeycomb-core steel doors not less than 1¾ inches (35 mm) thick, or 20-minute fire-rated doors, equipped with a self-closing device or automatic-closing device.</p>			
Reason: (attach additional pages if necessary)			
<p>Self-closing doors are more of a nuisance than a safety feature since it is such an easy device to overcome by blocking the door open and is the source of constant complaints from builders and occupants. Add that once closer are defeated a few times they are prone to cease latching which eliminates their effectiveness for fire protection.</p>			
SEND TO: Department of Commerce Division of Community Service PO Box 2057 Bismarck, ND 58502-2057 701-665-4496			

CODE AMENDMENT SUBMITTAL
ND DIVISION OF COMMUNITY SERVICES
 SFN 50180 (9/18)

Name Bruce Taralson		Jurisdiction/Company/Organization City of Fargo	
Signature 		Address 225 4 th Street N	
City Fargo		State ND	ZIP Code 58102
Telephone Number 701-241-1561		Email inspections@cityoffargo.com	
Code to be Revised			
<input type="checkbox"/> 2015 International Building Code <input type="checkbox"/> 2018 International Building Code <input type="checkbox"/> 2015 International Residential Code <input checked="" type="checkbox"/> 2018 International Residential Code <input type="checkbox"/> 2015 International Mechanical Code <input type="checkbox"/> 2018 International Mechanical Code <input type="checkbox"/> 2015 International Fuel Gas Code <input type="checkbox"/> 2018 International Fuel Gas Code <input type="checkbox"/> 2015 International Energy Conservation Code <input type="checkbox"/> 2018 International Energy Conservation Code <input type="checkbox"/> Other _____			
Revision of: Section R310.2.3.1			
Check One and Complete (attach additional pages if necessary)			
<input checked="" type="checkbox"/> Revise as follows: <input type="checkbox"/> Add as follows: <input type="checkbox"/> Delete and substitute as follows: <input type="checkbox"/> Delete			
Section R310.2.3.1 is hereby amended to read as follows: R310.2.3.1 Ladder and steps. Window wells with a vertical depth greater than 44 inches (1118 mm) shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position, <u>or shall be equipped with a permanently-attached platform at least 30 inches by 16 inches. The maximum distance between the top of the window well and a platform shall be 42 inches and shall not impede the operation of the window.</u> Ladders or steps required by this section shall not be required to comply with Sections R311.7 and R311.8 . Ladders or rungs shall have an inside width of <u>not less than at least 12 inches (305 mm), shall project not less than at least 3 inches (76 mm) from the wall and shall be spaced not more than 18 inches (457 mm) on center vertically for the full height of the window well.</u> <u>Exception: Terraced window wells with a maximum of 24 inches per vertical rise and minimum of 12 inches per horizontal projection on each level shall also be allowed.</u>			

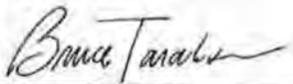
Reason: (attach additional pages if necessary)

This is a current State and local amendment that has served its purpose and should be retained. As long as the egress window served is free to move to the completely open position, the allowance contained in this amendment serves well to raise the bottom of the area well to a complying and useable level.

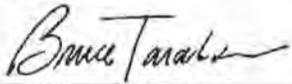
SEND TO:

Department of Commerce
Division of Community Service
PO Box 2057
Bismarck, ND 58502-2057
701-665-4496

CODE AMENDMENT SUBMITTAL
ND DIVISION OF COMMUNITY SERVICES
 SFN 50180 (9/18)

Name Bruce Taralson		Jurisdiction/Company/Organization City of Fargo	
Signature 		Address 225 4 th Street N	
City Fargo		State ND	ZIP Code 58102
Telephone Number 701-241-1561		Email inspections@cityoffargo.com	
Code to be Revised			
<input type="checkbox"/> 2015 International Building Code		<input type="checkbox"/> 2018 International Building Code	
<input type="checkbox"/> 2015 International Residential Code		<input checked="" type="checkbox"/> 2018 International Residential Code	
<input type="checkbox"/> 2015 International Mechanical Code		<input type="checkbox"/> 2018 International Mechanical Code	
<input type="checkbox"/> 2015 International Fuel Gas Code		<input type="checkbox"/> 2018 International Fuel Gas Code	
<input type="checkbox"/> 2015 International Energy Conservation Code		<input type="checkbox"/> 2018 International Energy Conservation Code	
		<input type="checkbox"/> Other _____	
Revision of: Section R401.3			
Check One and Complete (attach additional pages if necessary)			
<input checked="" type="checkbox"/> Revise as follows: <input type="checkbox"/> Add as follows: <input type="checkbox"/> Delete and substitute as follows: <input type="checkbox"/> Delete			
Section R401.3 is hereby amended to read as follows:			
<p>R401.3 Drainage. Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection that does not create a hazard. Lots shall be graded to drain surface water away from foundation walls. The grade shall fall not fewer than a minimum of 6 inches (152mm) within the first 10 feet (3048mm).</p> <p>Exception: Where lot lines, walls, slopes or other physical barriers prohibit 6 inches (152mm) of fall within 10 feet (3048mm), drains or swales shall be constructed to ensure drainage away from the structure. Impervious surfaces within 10 feet (3048mm) of the building foundation shall be sloped not less than a minimum of 2 percent away from the building.</p>			
Reason: (attach additional pages if necessary)			
<p>Existing amendment would dramatically simplify drainage requirements and their enforcement. Essentially the simplification takes the code content back to the basic and original intent of moving drainage away the building foundation and excluded all the extraneous site drainage which has very little if any relevance to the buildings construction.</p>			
SEND TO: Department of Commerce Division of Community Service PO Box 2057 Bismarck, ND 58502-2057 701-665-4496			

CODE AMENDMENT SUBMITTAL
ND DIVISION OF COMMUNITY SERVICES
 SFN 50180 (9/18)

Name Bruce Taralson		Jurisdiction/Company/Organization City of Fargo	
Signature 		Address 225 4 th Street N	
City Fargo		State ND	ZIP Code 58102
Telephone Number 701-241-1561		Email inspections@cityoffargo.com	
Code to be Revised			
<input type="checkbox"/> 2015 International Building Code <input type="checkbox"/> 2015 International Residential Code <input type="checkbox"/> 2015 International Mechanical Code <input type="checkbox"/> 2015 International Fuel Gas Code <input type="checkbox"/> 2015 International Energy Conservation Code		<input type="checkbox"/> 2018 International Building Code <input checked="" type="checkbox"/> 2018 International Residential Code <input type="checkbox"/> 2018 International Mechanical Code <input type="checkbox"/> 2018 International Fuel Gas Code <input type="checkbox"/> 2018 International Energy Conservation Code <input type="checkbox"/> Other _____	
Revision of: Section R507.3			
Check One and Complete (attach additional pages if necessary)			
<input checked="" type="checkbox"/> Revise as follows: <input type="checkbox"/> Add as follows: <input type="checkbox"/> Delete and substitute as follows: <input type="checkbox"/> Delete			
Section R507.3 is hereby deleted in its entirety.			
Reason: (attach additional pages if necessary)			
To avoid confusion with the amendment made to Section R403.1.4.1, exception 3, Frost Protection.			
SEND TO: Department of Commerce Division of Community Service PO Box 2057 Bismarck, ND 58502-2057 701-665-4496			

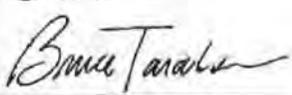
CODE AMENDMENT SUBMITTAL
ND DIVISION OF COMMUNITY SERVICES
 SFN 50180 (9/18)

Name Bruce Taralson		Jurisdiction/Company/Organization City of Fargo	
Signature 		Address 225 4 th Street N	
City Fargo		State ND	ZIP Code 58102
Telephone Number 701-241-1561		Email inspections@cityoffargo.com	
Code to be Revised			
<input type="checkbox"/> 2015 International Building Code <input type="checkbox"/> 2018 International Building Code <input type="checkbox"/> 2015 International Residential Code <input checked="" type="checkbox"/> 2018 International Residential Code <input type="checkbox"/> 2015 International Mechanical Code <input type="checkbox"/> 2018 International Mechanical Code <input type="checkbox"/> 2015 International Fuel Gas Code <input type="checkbox"/> 2018 International Fuel Gas Code <input type="checkbox"/> 2015 International Energy Conservation Code <input type="checkbox"/> 2018 International Energy Conservation Code <input type="checkbox"/> Other _____			
Revision of: Section R507.3.1			
Check One and Complete (attach additional pages if necessary)			
<input type="checkbox"/> Revise as follows: <input type="checkbox"/> Add as follows: <input type="checkbox"/> Delete and substitute as follows: <input checked="" type="checkbox"/> Delete			
Table R507.3.1 is hereby deleted in its entirety.			
Reason: (attach additional pages if necessary)			
Proposed new AMENDMENT. This table is no longer needed if Section 507.3 is deleted.			
SEND TO: Department of Commerce Division of Community Service PO Box 2057 Bismarck, ND 58502-2057 701-665-4496			

CODE AMENDMENT SUBMITTAL
ND DIVISION OF COMMUNITY SERVICES
 SFN 50180 (9/18)

Name James Schmidt		Jurisdiction/Company/Organization North Dakota State Electrical Board	
Signature 		Address 1929 N. Washington St. Ste A-1	
City Bismarck		State ND	ZIP Code 58507-7335
Telephone Number (701) 328-9522		Email jameschmidt@nd.gov	
Code to be Revised			
<input type="checkbox"/> 2015 International Building Code <input type="checkbox"/> 2015 International Residential Code <input type="checkbox"/> 2015 International Mechanical Code <input type="checkbox"/> 2015 International Fuel Gas Code <input type="checkbox"/> 2015 International Energy Conservation Code		<input type="checkbox"/> 2018 International Building Code <input checked="" type="checkbox"/> 2018 International Residential Code <input type="checkbox"/> 2018 International Mechanical Code <input type="checkbox"/> 2018 International Fuel Gas Code <input type="checkbox"/> 2018 International Energy Conservation Code Other <u>2018 International Existing Building Code</u>	
Revision Sections 403.1			
Check One and Complete (attach additional pages if necessary)			
<input checked="" type="checkbox"/> Revise as follows: <input checked="" type="checkbox"/> Add as follows: <input type="checkbox"/> Delete and substitute as follows: <input type="checkbox"/> Delete			
R403.1 General. All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, crushed stone footings, wood foundations, or other approved structural systems that shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill and shall include a concrete encased contiguous rebar stubbed out near the electrical service for grounding of the electrical system as per the requirements of the most recently adopted version of North Dakota State Electrical Board's Laws, Rules and Wiring Standards. Coordinate with the electrical contractor.			
Reason: (attach additional pages if necessary)			
This amendment clarifies references to applicable electrical codes and wiring standards for grounding requirements which are adopted by the North Dakota State Electrical Board.			
SEND TO: Department of Commerce Division of Community Service PO Box 2057 Bismarck, ND 58502-2057 (701) 665-4496			

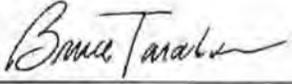
CODE AMENDMENT SUBMITTAL
ND DIVISION OF COMMUNITY SERVICES
 SFN 50180 (9/18)

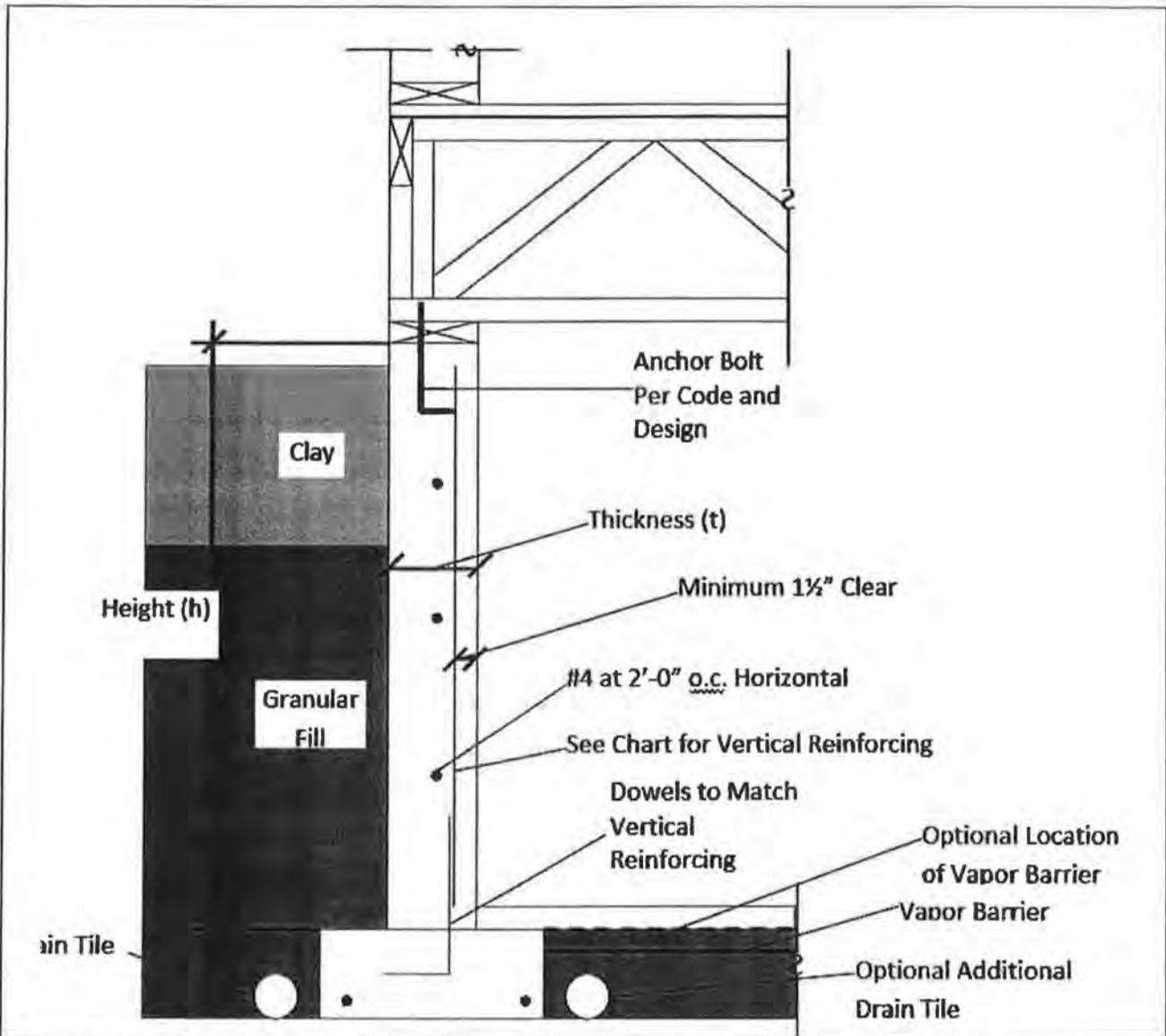
Name Bruce Taralson		Jurisdiction/Company/Organization City of Fargo	
Signature 		Address 225 4 th Street N	
City Fargo		State ND	ZIP Code 58102
Telephone Number 701-241-1561		Email inspections@cityoffargo.com	
Code to be Revised			
<input type="checkbox"/> 2015 International Building Code		<input type="checkbox"/> 2018 International Building Code	
<input type="checkbox"/> 2015 International Residential Code		<input checked="" type="checkbox"/> 2018 International Residential Code	
<input type="checkbox"/> 2015 International Mechanical Code		<input type="checkbox"/> 2018 International Mechanical Code	
<input type="checkbox"/> 2015 International Fuel Gas Code		<input type="checkbox"/> 2018 International Fuel Gas Code	
<input type="checkbox"/> 2015 International Energy Conservation Code		<input type="checkbox"/> 2018 International Energy Conservation Code	
		<input type="checkbox"/> Other _____	
Revision of: Section R403.1.4.1			
Check One and Complete (attach additional pages if necessary)			
<input checked="" type="checkbox"/> Revise as follows: <input type="checkbox"/> Add as follows: <input type="checkbox"/> Delete and substitute as follows: <input type="checkbox"/> Delete			
Section R403.1.4.1, Exceptions 1, 2 and 3, are hereby amended to read as follows:			
<p>R403.1.4.1 Frost protection *** Exceptions:</p> <ol style="list-style-type: none"> 1. Protection of freestanding accessory structures with an area of 600 square feet (56 m²) or less, of light-frame construction, with an eave height of 10 feet (3048 mm) or less shall not be required. 2. Protection of freestanding, accessory structures with an area of 400 square feet (37 m²) or less, of other than light-frame construction, with an eave height of 10 feet (3048 mm) or less shall not be required. <p>Decks not supported by a dwelling need not be provided with footings that extend below the frost line.</p>			
Reason: (attach additional pages if necessary)			
<p>This is an existing amendment in the state code that should be retained as it has served us all well and recognizes commonly acceptable structures constructed without frost-protected foundation systems which have proven themselves serviceable without such foundation systems.</p>			
<p>SEND TO: Department of Commerce Division of Community Service PO Box 2057 Bismarck, ND 58502-2057 701-665-4496</p>			

CODE AMENDMENT SUBMITTAL
ND DIVISION OF COMMUNITY SERVICES
 SFN 50180 (9/18)

Name James Schmidt		Jurisdiction/Company/Organization North State Electrical Board	
Signature 		Address PO Box 7335	
City Bismarck		State ND	ZIP Code 58507
Telephone Number (701) 328-9522		Email jameschmidt@nd.gov	
Code to be Revised			
<input type="checkbox"/> 2015 International Building Code		<input type="checkbox"/> 2018 International Building Code	
<input type="checkbox"/> 2015 International Residential Code		<input checked="" type="checkbox"/> 2018 International Residential Code	
<input type="checkbox"/> 2015 International Mechanical Code		<input type="checkbox"/> 2018 International Mechanical Code	
<input type="checkbox"/> 2015 International Fuel Gas Code		<input type="checkbox"/> 2018 International Fuel Gas Code	
<input type="checkbox"/> 2015 International Energy Conservation Code		<input type="checkbox"/> 2018 International Energy Conservation Code	
		<input type="checkbox"/> Other _____	
Revision R404.1			
Check One and Complete (attach additional pages if necessary)			
<input type="checkbox"/> Revise as follows: <input type="checkbox"/> Add as follows: <input type="checkbox"/> Delete and substitute as follows: <input type="checkbox"/> Delete			
R404.1 Concrete and masonry foundation walls. Concrete foundation walls shall be selected and constructed in accordance with the provisions of Section R404.1.3. Masonry foundation walls shall be selected and constructed in accordance with the provisions of Section R404.1.2. There shall be a concrete encased contiguous rebar stubbed out near the electrical service for grounding of the electrical system as per the requirements of the most recently adopted version of North Dakota State Electrical Board's Laws, Rules and Wiring Standards. Coordinate with the electrical contractor.			
Reason: (attach additional pages if necessary)			
SEND TO: Department of Commerce Division of Community Service PO Box 2057 Bismarck, ND 58502-2057 (701) 665-4496			

CODE AMENDMENT SUBMITTAL
ND DIVISION OF COMMUNITY SERVICES
 SFN 50180 (9/18)

Name Bruce Taralson		Jurisdiction/Company/Organization City of Fargo	
Signature 		Address 225 4 th Street N	
City Fargo		State ND	ZIP Code 58102
Telephone Number 701-241-1561		Email inspections@cityoffargo.com	
Code to be Revised			
<input type="checkbox"/> 2015 International Building Code		<input type="checkbox"/> 2018 International Building Code	
<input type="checkbox"/> 2015 International Residential Code		<input checked="" type="checkbox"/> 2018 International Residential Code	
<input type="checkbox"/> 2015 International Mechanical Code		<input type="checkbox"/> 2018 International Mechanical Code	
<input type="checkbox"/> 2015 International Fuel Gas Code		<input type="checkbox"/> 2018 International Fuel Gas Code	
<input type="checkbox"/> 2015 International Energy Conservation Code		<input type="checkbox"/> 2018 International Energy Conservation Code	
		<input type="checkbox"/> Other _____	
Revision of: Figure R404.1.2(1)			
Check One and Complete (attach additional pages if necessary)			
<input checked="" type="checkbox"/> Revise as follows: <input type="checkbox"/> Add as follows: <input type="checkbox"/> Delete and substitute as follows: <input type="checkbox"/> Delete			
Figure R404.1.2(1) is adopted as shown: FIGURE R404.1.2(1)			

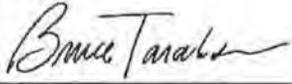


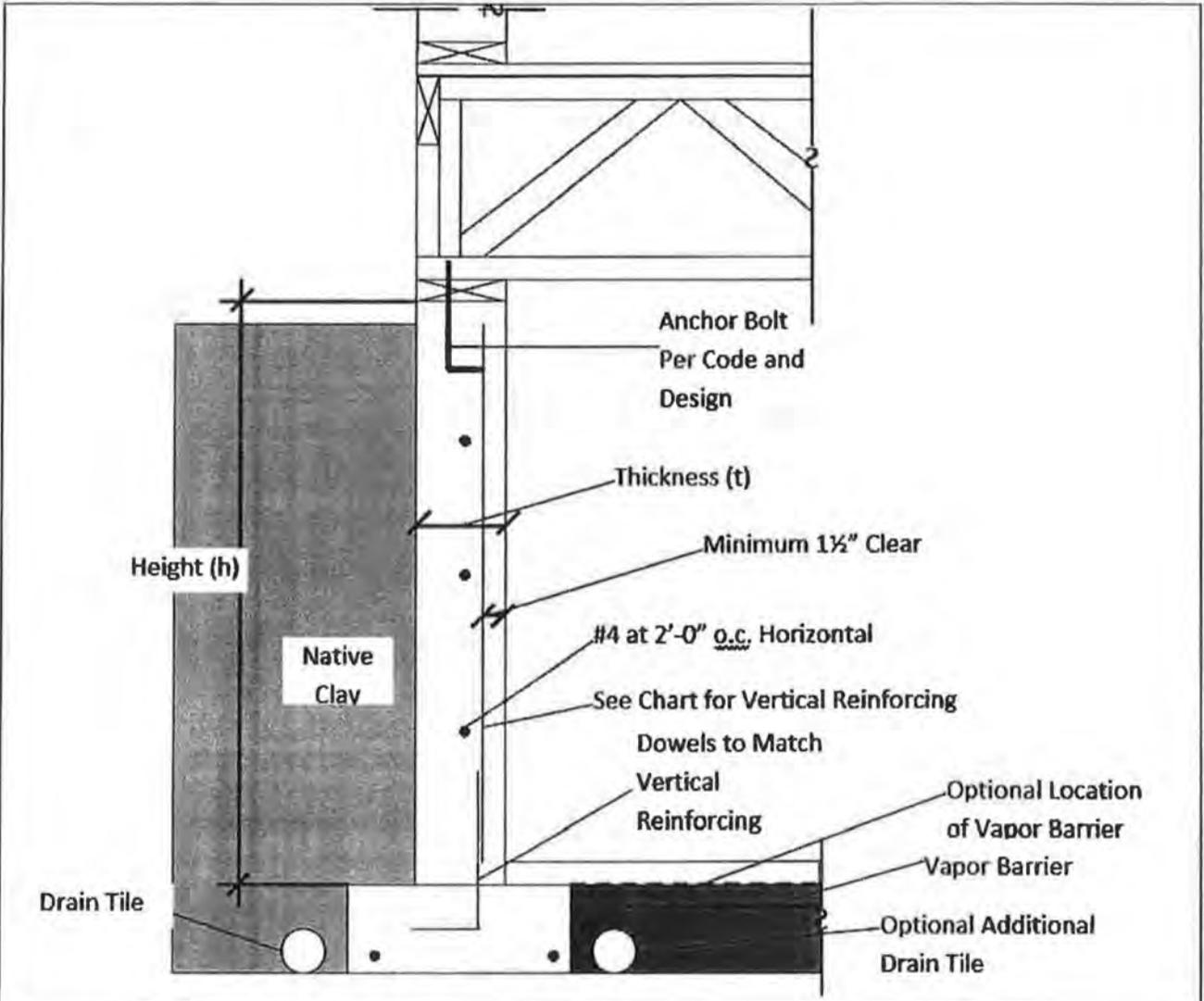
Reason: (attach additional pages if necessary)

This figure is referenced in conjunction with the concrete foundation reinforcing tables that were adopted long ago with the intent simplifying the tables in the code and allowing different sizes of rebar than those specified by the code.

SEND TO:
 Department of Commerce
 Division of Community Service
 PO Box 2057
 Bismarck, ND 58502-2057
 701-665-4496

CODE AMENDMENT SUBMITTAL
ND DIVISION OF COMMUNITY SERVICES
 SFN 50180 (9/18)

Name Bruce Taralson		Jurisdiction/Company/Organization City of Fargo	
Signature 		Address 225 4 th Street N	
City Fargo		State ND	ZIP Code 58102
Telephone Number 701-241-1561		Email inspections@cityoffargo.com	
Code to be Revised			
<input type="checkbox"/> 2015 International Building Code		<input type="checkbox"/> 2018 International Building Code	
<input type="checkbox"/> 2015 International Residential Code		<input checked="" type="checkbox"/> 2018 International Residential Code	
<input type="checkbox"/> 2015 International Mechanical Code		<input type="checkbox"/> 2018 International Mechanical Code	
<input type="checkbox"/> 2015 International Fuel Gas Code		<input type="checkbox"/> 2018 International Fuel Gas Code	
<input type="checkbox"/> 2015 International Energy Conservation Code		<input type="checkbox"/> 2018 International Energy Conservation Code	
		<input type="checkbox"/> Other _____	
Revision of: Figure R404.1.2(2)			
Check One and Complete (attach additional pages if necessary)			
<input checked="" type="checkbox"/> Revise as follows: <input type="checkbox"/> Add as follows: <input type="checkbox"/> Delete and substitute as follows: <input type="checkbox"/> Delete			
Figure R404.1.2(2) is adopted as shown: FIGURE R404.1.2(2)			

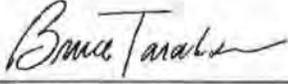


Reason: (attach additional pages if necessary)

This figure is referenced in conjunction with the concrete foundation reinforcing tables that were adopted long ago with the intent simplifying the tables in the code and allowing different sizes of rebar than those specified by the code.

SEND TO:
 Department of Commerce
 Division of Community Service
 PO Box 2057
 Bismarck, ND 58502-2057
 701-665-4496

CODE AMENDMENT SUBMITTAL
ND DIVISION OF COMMUNITY SERVICES
 SFN 50180 (9/18)

Name Bruce Taralson	Jurisdiction/Company/Organization City of Fargo	
Signature 	Address 225 4 th Street N	
City Fargo	State ND	ZIP Code 58102
Telephone Number 701-241-1561	Email inspections@cityoffargo.com	

Code to be Revised

<input type="checkbox"/> 2015 International Building Code	<input type="checkbox"/> 2018 International Building Code
<input type="checkbox"/> 2015 International Residential Code	<input checked="" type="checkbox"/> 2018 International Residential Code
<input type="checkbox"/> 2015 International Mechanical Code	<input type="checkbox"/> 2018 International Mechanical Code
<input type="checkbox"/> 2015 International Fuel Gas Code	<input type="checkbox"/> 2018 International Fuel Gas Code
<input type="checkbox"/> 2015 International Energy Conservation Code	<input type="checkbox"/> 2018 International Energy Conservation Code
	<input type="checkbox"/> Other _____

Revision of: Table R404.1.2(10)

Check One and Complete (attach additional pages if necessary)

Revise as follows: Add as follows: Delete and substitute as follows: Delete

Table R404.1.2(10) is hereby adopted as follows:

Table R404.1.2(10)
 Foundation Wall Reinforcing
 Active Pressure = 45pcf

Minimum Reinforcement for Concrete Foundation Walls		
Wall Height (h) feet	Wall Thickness (t) inches	Vertical Reinforcing
8	8	#4 @ 24" o.c. #5 @ 40" o.c.
	10	#4 @ 30" o.c. #5 @ 50" o.c.
9	8	#4 @ 18" o.c.

		#5 @ 28" o.c.
	10	#4 @ 24" o.c. #5 @ 36" o.c.
10	10	#4 @ 16" o.c. #5 @ 26" o.c.

Notes:

1. Chart is based on an active soil pressure of 45 pounds per cubic foot (pcf).
2. Reinforcing steel shall be ASTM A615 Fy – 60,000 pounds per square inch (psi).
3. The vertical reinforcing bars are to be located on the inside face.
4. Minimum concrete strength $F_c^1 = 3,000$ pounds per square inch (psi).
5. Backfill shall not be placed until first floor framing and sheathing is installed and fastened or adequately braced and the concrete floor slab is in place or the wall is adequately braced.

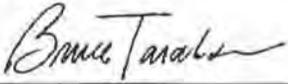
Reason: (attach additional pages if necessary)

These concrete foundation reinforcing tables were adopted long ago with the intent simplifying the tables in the code and allowing different sizes of rebar than those specified by the code.

SEND TO:

Department of Commerce
 Division of Community Service
 PO Box 2057
 Bismarck, ND 58502-2057
 701-665-4496

CODE AMENDMENT SUBMITTAL
ND DIVISION OF COMMUNITY SERVICES
 SFN 50180 (9/18)

Name Bruce Taralson	Jurisdiction/Company/Organization City of Fargo	
Signature 	Address 225 4 th Street N	
City Fargo	State ND	ZIP Code 58102
Telephone Number 701-241-1561	Email inspections@cityoffargo.com	

Code to be Revised

<input type="checkbox"/> 2015 International Building Code	<input type="checkbox"/> 2018 International Building Code
<input type="checkbox"/> 2015 International Residential Code	<input checked="" type="checkbox"/> 2018 International Residential Code
<input type="checkbox"/> 2015 International Mechanical Code	<input type="checkbox"/> 2018 International Mechanical Code
<input type="checkbox"/> 2015 International Fuel Gas Code	<input type="checkbox"/> 2018 International Fuel Gas Code
<input type="checkbox"/> 2015 International Energy Conservation Code	<input type="checkbox"/> 2018 International Energy Conservation Code
	<input type="checkbox"/> Other _____

Revision of: Table R404.1.2(11)

Check One and Complete (attach additional pages if necessary)

Revise as follows: Add as follows: Delete and substitute as follows: Delete

Table R404.1.2(11) is hereby adopted as follows:

Table R404.1.2(11) Foundation Wall Reinforcing
 Active Pressure = 65 pcf

Minimum Reinforcement for Concrete Foundation Walls		
Wall Height (h) Feet	Wall Thickness (t) inches	Vertical Reinforcing
8	8	#4 @ 18" o.c. #5 @ 26" o.c. #6 @ 40" o.c.
	10	#4 @ 24" o.c. #5 @ 36" o.c. #6 @ 52" o.c.

	9	8	#4 @ 12" o.c. #5 @ 18" o.c. #6 @ 26" o.c.
		10	#4 @ 16" o.c. #5 @ 24" o.c. #6 @ 36" o.c.
	10	10	#4 @ 12" o.c. #5 @ 18" o.c. #6 @ 24" o.c.

Notes:

1. Chart is based on an active soil pressure of 65 pounds per cubic foot (pcf).
2. Reinforcing steel shall be ASTM A615 Fy – 60,000 pounds per square inch (psi).
3. The vertical reinforcing bars are to be located on the inside face.
4. Minimum concrete strength $F_c^1 = 3,000$ pounds per square inch (psi).
5. Backfill shall not be placed until first floor framing and sheathing is installed and fastened or adequately braced and the concrete floor slab is in place or the wall is adequately braced.

Reason: (attach additional pages if necessary)

These concrete foundation reinforcing tables were adopted long ago with the intent simplifying the tables in the code and allowing different sizes of rebar than those specified by the code.

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CODE AMENDMENT SUBMITTAL
ND DIVISION OF COMMUNITY SERVICES
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Name Bruce Taralson		Jurisdiction/Company/Organization City of Fargo	
Signature 		Address 225 4 th Street N	
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Telephone Number 701-241-1561		Email inspections@cityoffargo.com	
Code to be Revised			
<input type="checkbox"/> 2015 International Building Code <input type="checkbox"/> 2015 International Residential Code <input type="checkbox"/> 2015 International Mechanical Code <input type="checkbox"/> 2015 International Fuel Gas Code <input type="checkbox"/> 2015 International Energy Conservation Code		<input type="checkbox"/> 2018 International Building Code <input checked="" type="checkbox"/> 2018 International Residential Code <input type="checkbox"/> 2018 International Mechanical Code <input type="checkbox"/> 2018 International Fuel Gas Code <input type="checkbox"/> 2018 International Energy Conservation Code <input type="checkbox"/> Other _____	
Revision of: Section R404.1.3.2			
Check One and Complete (attach additional pages if necessary)			
<input checked="" type="checkbox"/> Revise as follows: <input type="checkbox"/> Add as follows: <input type="checkbox"/> Delete and substitute as follows: <input type="checkbox"/> Delete			
Section R404.1.3.2 is hereby amended to read as follows:			
<p>R404.1.3.2 Reinforcement for foundation walls. Concrete foundation walls shall be laterally supported at the top and bottom. Horizontal reinforcement shall be provided in accordance with Table R404.1.2(1). Vertical reinforcement shall be provided in accordance with Table R404.1.2(2), R404.1.2(3), R404.1.2(4), R404.1.2(5), R404.1.2(6), R404.1.2(7), or R404.1.2(8), or Table R404.1.2(10) and Figure R404.1.2(1) or Table R404.1.2(11) and R404.1.2(2). Vertical reinforcement for flat basement walls retaining 4 feet (1219 mm) or more of unbalanced backfill is permitted to be determined in accordance with Table R404.1.2(9). For basement walls supporting above-grade concrete walls, vertical reinforcement shall be the greater of that required by Tables R404.1.2(2) through R404.1.2(8) or by Section R608.1.6 for the above-grade wall. In Buildings assigned to Seismic Design Category D₀, D₁, or D₂, concrete foundation walls shall also comply with Section R404.1.4.2.</p>			
Reason: (attach additional pages if necessary)			
This is an existing amendment in the state code that refers to the Heyer concrete reinforcing tables and figures that have been used by many contractors as a simpler alternative to the tables in the code.			
SEND TO: Department of Commerce Division of Community Service PO Box 2057 Bismarck, ND 58502-2057 701-665-4496			



Board of City Commissioners

Agenda Documentation

MEETING DATE: January 7, 2020
PREPARATION DATE: December 13, 2019
SUBMITTING DEPARTMENT: Police
DEPARTMENT DIRECTOR: Chief Jason Ziegler
PRESENTER: Chief Jason Ziegler
SUBJECT: Second Consideration and Final Passage of Ordinance 1332 to Amend and Re-enact the Mandan Code of Ordinances Relating to Criminal Trespass

STATEMENT/PURPOSE: Second Consideration and Final Passage of Ordinance 1332 to Amend and Re-enact the Mandan Code of Ordinances Relating to Criminal Trespass.

BACKGROUND/ALTERNATIVES: The North Dakota Legislature in 2019 made changes to Sec 18-4-7 of the North Dakota Century Code relating to Criminal Trespass. Ordinance 1302 will bring the Mandan Code of Ordinances in compliance with these changes in ND Century Code.

ATTACHMENTS: Ordinance 1332 to Amend and Re-enact the Mandan Code of Ordinances Relating to Criminal Trespass.

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: Ordinance 1332 was drafted by the City Attorney.

RECOMMENDATION: Recommend approval of the Second Consideration and Final Passage of Ordinance 1332 to Amend and Re-enact the Mandan Code of Ordinances Relating to Criminal Trespass.

SUGGESTED MOTION: Move to approve the Second Consideration and Final Passage of Ordinance 1332 to Amend and Re-enact the Mandan Code of Ordinances Relating to Criminal Trespass.

ORDINANCE NO. 132

An Ordinance to Amend and Re-enact
Section 18-4-7 (3), (4), (5) and (6)
Criminal Trespass
of the Mandan Code of Ordinances

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

Sec. 18-4-7. Criminal Trespass

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 12.1-22-03.

3.
 - a. An individual is guilty of a class B misdemeanor if, knowing that that individual is not licensed or privileged to do so, the individual enters or remains in any place as to which notice against trespass is given by actual communication to the actor by the individual in charge of the premises or other authorized individual or by posting in a manner reasonably likely to come to the attention of intruders. The name of the person posting the premises must appear on each sign in legible characters.
 - b. Even if the conduct of the owner, tenant, or individual authorized by the owner varies from the provisions of subdivision a, an individual may be found guilty of violating subdivision a if the owner, tenant, or individual authorized by the owner substantially complied with subdivision a and notice against trespass is clear from the circumstances.
 - c. An individual who violates this subsection is guilty of a class A misdemeanor for the second or subsequent offense within a two-year period.
4.
 - a. An individual, knowing the individual is not licensed or privileged to do so, may not enter or remain in a place as to which notice against trespass is given by posting in a manner reasonably likely to come to the attention of intruders. A violation of this subdivision is a non-criminal offense.
 - b. A peace officer shall cite an individual who violates subdivision a with a fine of two hundred fifty dollars for each violation.

c. The peace officer citing the individual shall:

(1) Take the name and address of the individual; and

(2) Notify the individual of the right to request a hearing if posting bond by mail.

d. The peace officer may not take the individual into custody or require the individual to proceed with the peace officer to any other location for the purpose of posting bond. The officer shall provide the individual with an envelope for use in mailing the bond.

e. An individual cited may appear before the designated official and pay the statutory fine for the violation at or before the time scheduled for hearing.

f. If the individual has posted bond, the individual may forfeit bond by not appearing at the designated time.

g. If the individual posts bond by mail, the bond must be submitted within fourteen days of the date of the citation and the individual cited shall indicate on the envelope or citation whether a hearing is requested. If the individual does not request a hearing within fourteen days of the date of the citation, the bond is deemed forfeited and the individual is deemed to have admitted to the violation and to have waived the right to a hearing on the issue of commission of the violation. If the individual requests a hearing, the court for the county in which the citation is issued shall issue a summons to the individual requesting the hearing notifying the individual of the date of the hearing before the designated official.

h. Upon appearing at the hearing scheduled in the citation or otherwise scheduled at the individual's request, the individual may make a statement in explanation of the individual's action. The official may at that time waive or suspend the statutory fine or bond.

i. A citing peace officer may not receive the statutory fine or bond.

j. The bond required to secure appearance before the judge must be identical to the statutory fine established in subdivision b.

2. An individual is guilty of a class B misdemeanor if that individual remains upon the property of another after being requested to leave the property by a duly authorized individual. An individual who violates this subsection is guilty of a class A misdemeanor for the second or subsequent offense within a two-year period.

6. This section does not apply to a peace officer in the course of discharging the peace officer's official duties.

By: _____
Tim Helbling, President
Board of City Commissioners

Attest:

James Neubauer, City Administrator

First Consideration: December 17, 2019

Second Consideration and Final Passage: January 7, 2019