



AGENDA
MANDAN CITY COMMISSION
MAY 19, 2020
ED "BOSH" FROEHLICH MEETING ROOM,
MANDAN CITY HALL
5:30 P.M.
www.cityofmandan.com

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

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

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

A. ROLL CALL:

1. Roll call of all City Commissioners.

B. APPROVAL OF AGENDA:

C. MINUTES:

1. Consider approval of the minutes from the May 5, 2020 Board of City Commission regular meeting.

D. PUBLIC HEARING:

1. Consider approval of preliminary plat and development agreement for Schaff Estates.

E. BIDS:

F. CONSENT AGENDA:

1. Consider approval of monthly bills.
2. Consider approval of annual site authorizations for Fort Abraham Lincoln Foundation for July 1, 2020 to June 30, 2021.

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- i. Lonesome Dove
- ii. Seven Seas
- iii. Midway Lanes
3. Consider payment of bills for Morton Mandan Public Library / Downtown Parks Project.
4. Consider recommendation from the Pension Committee related to fund changes within the plan.
5. Consider approval of a raffle for Mandan Police Explorer Post at the Mandan Municipal Golf Course on June 19, 2020.
6. Consider amendment to the ND DOT contract concerning additional funding for a video camera for the patrol vehicle.
7. Consider approval of Construction Engineering services for the Mid-Town East, SID #215, 215A and 215B project.
8. Consider approval of ad for bids for the Emergency Generators project.
9. Consider approval of agreement to cross BNSF lines required as part of the Raw Water Intake project.
10. Consider approval of Memorandum of Understanding between the Mandan Police Department and Custer District Health regarding security for Points of Dispensing.

G. OLD BUSINESS:

H. NEW BUSINESS:

1. Consider Growth Fund Committee recommendation on Storefront Improvement Application for 107 4th Ave NW.
2. Update on Morton Mandan Public Library & Downtown Parks Project & request to go out for bid.
3. Consider approval of the Decision Document for the Memorial Highway Reconstruction project as completed by the Engineering Department.

I. RESOLUTIONS AND ORDINANCES:

1. First consideration of Ordinance No. 1339 an Ordinance to Amend and Re-enact Section 4-2-14 of the Mandan Code of Ordinances Relating to Expiration of Alcoholic Beverage Licenses.
2. First consideration of Ordinance No. 1340 an Ordinance to Amend and Re-enact Section 119-1-9(a) of the Mandan Code of Ordinances relating to Residential Area Garbage Collection.

J. OTHER BUSINESS:

K. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS

1. June 2, 2020
June 16, 2020
July 7, 2020

L. ADJOURN

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

A. ROLL CALL:

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

B. APPROVAL OF AGENDA:

C. MINUTES:

1. *Consider approval of the minutes from the April 21, 2020 Board of City Commission regular meeting minutes and May 1, 2020 Board of City Commission special meeting minutes.* Commissioner Braun moved to approve the minutes as presented. Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

D. PUBLIC HEARING:

E. BIDS:

1. *Consider approval of the low bid for the Midtown East Street Improvement District SID, #215.* Planning and Engineering Director Froseth presented a request to approve the bid for Street Improvement District No. 215. He said that the bid opening was held on April 14, 2020 and Strata Corporation submitted the low bid. This was discussed at the City Commission meeting in April but the matter was postponed to allow additional time for internal discussions on the items that could be removed from the project and to discuss funding if the Prairie Dog Funds are not available. Updated packet information was provided today (May 5), from what was sent out on Friday (May 5). The Friday bid had an incorrect amount in the post bid review sheet summary that included the items suggested to be removed from the project in order to bring the costs down. The information sent out Friday had the water main improvement Part B at close to \$1.8 million for the construction and in actuality that construction bid was about \$1.45 million and that is reflected in the revision. It brought the bid percent back down to a more reasonable percentage. The percent over the final estimate for these bids is 8.4% and that changed from 14% at the last meeting.

Focusing on the items that are subject to special assessments, the bid came in at 2.4% over the final estimate and came in at 15.1% over the estimate that was used in the December notice letters. The reason for that difference in percentage was attributed to adding items, such as the widening of 3rd Avenue that was not initially accounted for during the preliminary engineering estimate but was added into the final design.

In an effort to bring the costs back down closer to the estimate, cost savings were identified within the special assessment portion of the project outlined in the post bid summary as shown in Attachment #1. He explained this is similar to the Southside SID project, Cement Stabilized Base (CSB) was bid as an alternate in lieu of aggregate base under the asphalt pavement. CSB is a viable alternative in this neighborhood. For both the significant cost savings and to limit some disruption during construction, this is the best alternative. Electing the CSB represents a construction cost savings of \$354,530 or 8.3% off the assessed portion of the project as compared to the noticed estimate. The second major cost saving would be a separate step and it would have to be brought back as a cost reduction change order, and, we would have to receive the bid as is, or not as is. There has been communication with the contractor who indicated by email that they would be willing to work with the City and to move forward with a cost reduction change order should this item be approved today.

Director Froseth stated that in order to move forward with this project it would be his recommendation to remove the widening of 3rd Avenue from the plan and that would represent a savings of about \$480,000 of the cost of the project. Construction engineering services will be needed for the construction phase of this project so pending approval of the award he would bring back an amendment to Moore's Engineering Service Agreement. There will also be a change order that incorporates the items recommended to reduce costs. The contractor has indicated a willingness to execute these cost saving changes identified in order to participate in a successful project for all. With regard to the underground utility, he recommended a cost savings change order to remove items 1-5 from the project scope to realize construction savings of an estimated \$101,412. He said this is the best we can do at this time since we are expecting an absence of Municipal Infrastructure Funds that were previously counted on. He reviewed other items that were recommended for removal however, some items would stay intact because they may cost more in the future. In working with the Finance Department, a funding summary attachment was provided to summarize the cost categories of this project as well as the funding sources identified to pay for each. The scope changes are a result of discussions between the staff of the Engineering, Public Works, Finance Departments and the City Administrator.

The City previously stated it had intentions to buy-down 20% of the assessed portion of the project with Municipal Infrastructure Funds (MIFs) after seeing the projections of Mandan's share after approved by legislature last year. With that funding source now very much in doubt, alternatives have been considered in order to buy-down at that 20% rate. The Finance Department has indicated utilizing an inter-fund loan out of the water and sewer utility fund as a means to do this. Should the MIFs materialize as previously anticipated the inter-fund loan pay back would be with MIFs. Instead of removing some items from the underground utility scope, sanitary lining funds were identified for a future lining project. It is a sacrifice for our older sewer lines in the downtown region, but it would be wise to take care of these immediate needs now while the contractor is in the Mid-Town East construction area which is expected to cost more in long-term. The special assessments will be 3.9% over the estimate, which is appropriate. The overage on the special assessment side will not be assessed because that is covered by the Utility Fund but that was not included in the special assessments from the beginning and the parking lots were not included in the project. For clarification purposes, the assessment is 3.9% over per the letters that were sent out to the property owners. That information is summarized in the attachment that supports the recommendations.

Mayor Helbling stated that the initial attempt was to use Prairie Dog Funds for this project but at this time it is uncertain if Prairie Dog funds will be available. There are other sources for funding and the plan will be to move forward with the project. Commissioner Rohr commented that 3.9% over the estimate is far better than 30% over as was the initial plan. Commissioner Larson inquired about the 3.9% over, is the cost savings universally applied for some in the assessment district that had that, while others did not. She is assuming that some of the cost savings are not necessarily going to mean everyone will see a 3.9% over. Will some properties be assessed greater than 3.9%? Director Froseth replied that the 3.9% is the total overage in the overall special assessment portion if the recommended items are cut from the project explaining how some properties will or will not be assessed. Compared to the December letter, an average person will see a 3.9% more assessment and some will see more or less than the 3.9%. The Special Assessment policy will be followed and subject to the Special Assessment Committee recommendation for all properties. Mayor Helbling commented that when this project was put out for protest, there were 8 properties within the street project and 8 properties outside the street project indicating this was a very low number. Director Froseth explained the use of the stabilized base recommendation and how the water mains will be managed. Commissioner Larson inquired if the properties with specials estimated at 13,000-15,000 range, what would their special assessment be at the 3.9% increase. Director Froseth said he will look into that and report back.

Mayor Helbling stated that if this project is delayed again, the 20% buy down may not be available at that time indicating there are many more street projects that need to be done and if they are also delayed, additional engineering fees may result. He recommended staying within 5% of the engineer estimate when approving projects. Commissioner Braun agreed that by putting off projects will only add to the future costs. Commissioner Rohr expressed he has the same concerns about not delaying projects. Director Froseth said that some change orders will be anticipated conservatively at 5%. This project has a lot to it with all the water mains so change orders could happen anywhere from 2% to 5%. Commissioner Larson stated she is concerned about the buydown now, versus in the future; and now we are taking funds from the water and sewer utility funds, there are special assessment districts that are of concern, and if the infrastructure funds will not be there and funds will be to be taken from other sources, she stated she is concerned that city funds will be spread too thin. As a result taxes will have to increase and she is concerned that by committing City funds that were earmarked for other things to help keep this project going in addition to possible overages that are coming to the citizens. This feels like a trend of engineering estimates that are not reliable when working with budgets that have been set. Mayor Helbling commented on the processes and possible monopoly of local contractor processes. Regarding the use of the Prairie Dog Funds, he believes that is a temporary loan from the Water and Utility Fund with intent to use other city funds and get those back in the future. Finance Director Welch commented that the inter-fund loans are temporary until the buckets fill for the Prairie Dog Fund and if that money does not come to Mandan, then the inter-fund loans are permanent. Mayor Helbling stated that some of the Prairie Dog funds have come in with hopes of receiving enough for the southside project and for this project but other future projects may have to be funded differently.

Commissioner Larson inquired if it is possible to make sure none of the street improvement assessments are over 5% over what was in the letters that were sent to homeowners? Director

Froseth replied that the decision to allocate is decided by the City Commission and that is decided after the project is completed with the special assessment amount. It would take a deviation from the special assessment policy and if there is good reason to deviate from that as determined by the Special Assessment Board and the City Commission that would have to be justified, but it can be done. Commissioner Rohr inquired if Mr. Carmichael, if available, has any comments at this time.

Mr. Carmichael, via teleconference, was present and commented that he owns the property located at 304 4th Street Northeast. He received his letter on December 13, 2019, stating special assessments of \$23,229.12. He talked with representatives in the engineer's office and was told that the actual project estimate never has been as high as the engineer's bid. He said he could handle the \$23,229 because the City does need roads and infrastructure. He has a problem with ambiguity. He heard it when the engineer said 2%, then 3% and now its at 5% and could go up as high as 20%. As a business owner, if he ran his business like that, he believes he would not be in business very long. He also stated that the quality of the homes surrounding his, are less than sub-par. Many homes in the area are not in compliance with City ordinances (curbside appeal of the property such as lack mowed lawns; old and dilapidated vehicles stored on the properties, etc.). What is in place for the City to enforce homeowners to be accountable to take care of their properties?

Commissioner Rohr asked if a motion would be appropriate in line with what Commissioner Larson suggested previously to not go over the 5% over the estimate. Commissioner Davis agreed with Commissioner Rohr's comments. Director Froseth stated that the City could put the bid into the formula into all the properties and come up with a new roll of assessments for each property and he could have that ready for the next meeting.

Attorney Brown stated that as a procedural point, this Agenda item is to award the bid, or not. This is not the time to determine who is going to get special assessments as that is up to the Special Assessment Commission when the project is completed. Per Director Froseth, in following the policy, at such time as the project is completed the assessments are determined, and this is not the time to do that.

Commissioner Davis moved to approve the Resolutions approving contract and contractor's bond for Street Improvement District No. 215, 215A and 215B and award the base bid with alternate 2 along with the electrical bid to Strata Corporation. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: No; Commissioner Davis: Yes; Commissioner Larson: No; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

2. *Consider rejecting the low bid for the Main Street signals, reallocation and Concrete Pavement Repair project.* Planning and Engineering Director Froseth presented a request to consider the bids for the Main Street signals and the reallocation and Concrete Pavement Repair (CPR) project. He stated that the City has been working with the DOT and KLJ on this project since 2016. It started as a traffic signals replacement project only at that time. After the Urban Grant Program (UGP) became a funding option from the Main Street Initiative the City applied for funds based on the Downtown Subarea Study results. After the original project scope, an add-on that came about was a CPR project to perform preventative maintenance on the concrete

panels on Main Street extending through city limits. In order to limit Main Street disruption and in an effort to take advantage of economies of scale, the City worked with the DOT to incorporate all construction scope into one project.

Director Froseth reported that the Main Street project bid opening was held on April 17, 2020 and stated that the results were not good, in particular, the city's new local share estimate. The low bid received was about 25% higher than estimated and that estimate was higher than the estimate given last summer when budgeting for the project. The items that most excessively came in over-estimate related to the curb bulb outs. Those are items that were covered under the UGP instead of the Urban Regional Program. The City anticipated using both programs on this project to fund it. The Urban Regional Program allows for the federal and state shares to move up if the bids are over estimate so that our match stays at 10% of project, however, the UGP has a fixed maximum of federal and state participation. The estimates compounded a change in the local share estimate that was about \$323K last summer to an estimated \$1,501K after opening bids. The City has asked the DOT about options such as cutting some of the UGP scope out of the project or perhaps all of the UGP scope out of the project. The DOT cannot allow that and instead stated that the City could rebid in the fall and decide if we want to leave the UGP scope out of that bid opening effort at that time.

Director Froseth stated that in reviewing the bids, it appears as though the contractors put a premium price on items that are needed to accomplish the curb bulb-outs. Items such as concrete removal and new concrete to replace including the decorative concrete are a couple examples. Given the nature of those items, it was concluded that a premium price has been put on working in the downtown environment and up against historic buildings. He stated that the recommendation is to reject the bids due to fiscal impact at this time is minimal with the understanding between the City and the DOT that the city will bring this project back to bid in the fall. Director Froseth recommended rejecting all bids submitted for this project. Mayor Helbling stated that some of the downtown businesses will not be in support of not doing this project.

Commissioner Braun moved to reject the low bid by Diamond Surface, Inc. Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

F. CONSENT AGENDA

1. *Consider approval of a final plat for Longhorn 2nd Addition.*
2. *Consider approval of a minor plat for McKiver Addition.*
3. *Consider abatement applications: (i) PM Koski Properties Inc. 3022 Marina Road SE; (ii) PM Koski Properties Inc. 3018 Marina Road SE.*
4. *Consider approval of annual site authorizations for Mandan American Legion at The Paddle Trap for May 1, 2020 – June 30, 2020.*
5. *Consider approval of annual site authorizations for Mandan Baseball Club for July 1, 2020 to June 30, 2021: (i) Powerhouse/501; (ii) Broken Oar; (iii) The Drink (Lakewood Bar & Grill); (iv) Last Call Bar; (v) Silver Dollar;*

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6. *Consider approval of annual site authorization for New Salem Civic Club, Inc. at Bennigan's for July 1, 2020 – June 30, 2021.*
 7. *Consider approval of annual site authorization for Mandan American Legion at The Paddle Trap for July 1, 2020 – June 30, 2021.*
 8. *Consider approval of site authorization of Mule Deer Foundation at Prairie Public Firearms on June 1, 2020.*
 9. *Consider approval of the advertisement for bids of the Raw Water Intake, Phase IB and Phase II contracts.*

Commissioner Rohr moved to approve the Consent Agenda items 1 through 9 as presented. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

G. OLD BUSINESS:

H. NEW BUSINESS:

1. *Consider Renaissance Zone Committee recommendations: Business Development & Communications Director Huber presented two requests:*

ii. Consider Renaissance Zone Committee recommendation for new construction at 222 E Main St by RNR, LLC. Huber stated the Mandan Renaissance Zone Committee met on April 28, 2020, to consider a new construction application by Dan Anderson of RNR, LLC at 222 E Main St. She noted Anderson was participating in the meeting and would be available for questions. Huber stated this is a two-story, 8,050 square foot professional office building to be constructed across the street to the west of M&H on a long vacant dirt lot. She added some folks in the community may recognize the lot as the place where there was a seasonal, temporary greenhouse, but she was unaware of anything ever having been constructed on the lot historically. The construction cost for the project is estimated at \$2.2 million. Huber stated it will add density and significant value to the property in terms of increasing tax base, improve the aesthetic value of the area and create space for two local expanding businesses, both in the professional services sector. There is a provision for some parking on the lot, on the northern end of the lot. The applicant did receive approval from the Mandan Parking Authority and City Commission last fall for additional boulevard parking which will be public parking. The off-street parking will be for tenants of the building. Huber said the construction cost comes in at almost \$280 per sq. ft. which far exceeds the minimum thresholds on a new construction project in the Renaissance Zone.

Huber shared that the Mandan Renaissance Zone Committee voted unanimously to recommend approval of the application for the five-year 100% property tax exemption on the building upon completion and the 100% five-year state income tax exemption. She explained the income would be derived from lease of the building and once the committee takes action on this application, they will turn to the lease of the building. Huber also noted the land does remain taxable and is not subject to any exemption. Rohr asked if the building abuts to the barbershop next door. Helbling said that was correct.

Huber explained the applicant is in the process of obtaining a certificate of good standing from the N.D. Tax Department, and will be submitting the business incentive agreement required by the N.D. Department of Commerce.

Larson asked if the other tenant, ICON Architects, is able to get the same exemptions. Huber stated that ICON Architects is aware that they may apply for the state income tax exemption but would need to do so before signing the lease agreement. She said that ICON does qualify for the exemption because they are expanding their business, but does not believe ICON will seek the exemption.

Larson moved to approve the application for new construction at 222 E Main Street by RNR, LLC as a Renaissance Zone project to include the five-year 100% property tax exemption on the building upon completion and the 100% five-year state income tax exemption. Davis seconded. Roll call vote: Commissioner Rohr: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Commissioner Davis: Yes; Mayor Helbling: Yes. The motion passed.

iii. Consider a Renaissance Zone Committee recommendation for lease of 222 E Main St by Legacy Law Firm, PLLP. Huber explained Dan Anderson is a partner in the Legacy Law Firm. The firm has been in the community for five or more years and is currently located on Old Red Trail. They are out-growing their 1,800 sq. ft. of lease space at their current location. They will have almost 5,000 sq. ft. in the new building. Huber noted the law firm currently has four attorneys and an assistant, plus contracts with two to four landmen and has at least one law student working with them during the summer months. They focus mainly on estate planning, real estate and criminal law, but have plans to add family law to the practice and look to hire two additional attorneys in the next two to five years. They plan to continue practicing with law students during summer months, providing office space for landmen, and expect to hire additional assistants.

Huber stated adding to the professional services of the community in downtown Mandan is part of the downtown redevelopment plan. These are employees that when located here are in proximity of restaurants and retail businesses and become customers for those, so it's all part of an overall community development strategy.

Huber reported the Renaissance Zone committee voted unanimously to recommend the approval of this lease application for the 100% state income tax exemption. She explained that would be on income derived from the law firm's business income. She noted that the new construction project would be Renaissance Zone project number 80 for the community and this lease project would be 81.

Larson moved to approve the application for lease of 222 E Main St. by Legacy Law Firm as a Renaissance Zone Project to include the 100% five-year state income tax exemption. Rohr seconded. Roll call vote: Commissioner Larson: Yes; Commissioner Braun: Yes; Commissioner Davis: Yes; Commissioner Rohr: Yes; Mayor Helbling: Yes. The motion passed.

Helbling thanked Anderson. He stated that this is a very exciting project for Mandan, it is a beautiful two-story building, and that it adds to an already growing downtown.

2. *Consider approval of the sale of Lot 5, Block 73 First Northern Pacific Addition.*

City Planner Van Dyke presented a request on behalf of Mr. Bracht who resented an offer for Lot 5, Block 73 First Northern Pacific Addition (604 1st Ave NE/Parcel Number 65-3286000). The buyer wishes to purchase it for a sale price of \$500. The list price is \$1,000. A specials payoff balance through April 30, 2020 of \$803.55 exists on the property and the buyer would be responsible for this. He stated that the lot does have alley access but the water and sewer are not directly adjacent, being approximately 140 ft. south from the lot boundary. Since the water and sewer are not directly adjacent to the property and the existing specials balance, staff is recommending approval to enter into a purchase agreement with Mr. Bracht for the sale of Lot 5, Block 73 First Northern Pacific Addition to place the property back into private ownership.

Planner Van Dyke stated that the City Engineering and Planning Department is recommending approval to enter into a purchase agreement for the sale of Lot 5, Block 73 First Northern Pacific Addition as presented.

Commissioner Rohr moved to approve entering into the Purchase Agreement provided in the Exhibit 1. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

3. *Consider reduction in certain liquor license fees for 2020 – 2021.*

City Administrator Neubauer presented a request to consider adjusting 2020-2021 certain liquor license fees. He reported that due to COVID-19 issues, certain industries have been hit hard. Those include, but are not limited to, restaurants and bars. The annual renewal applications for the 2020-2021 period are subject to City Commission approval prior to June 30, 2020. In order to provide some relief to these businesses the following is proposed:

(1) The time to renew licenses will remain the same.

(2) No need for license fee breaks to (strict off sale): (a) Class D; (b) Class D1.

(3) Grant a two month waiver (1/6) of fees for all those other than D or D1, to be collected with the applications due in May/June, 2020, a two month (1/6) fees for licenses other than D or D1 results in a general fund revenue loss of \$17,465 based upon renewals of existing licenses. Administrator Neubauer stated that this is brought for discussion and if the City Commission approves this, the necessary adjustments will be made to the applications. He will then bring a resolution reflecting the revisions to an upcoming City Commission meeting.

Commissioner Larson expressed extending the 2019-2020 renewal, to give them an opportunity to not having an expense during limited operation and it focuses on the existing businesses in Mandan. Commissioner Davis agreed with Commissioner Larson. He inquired if any other businesses might ask for waivers? Administrator Neubauer replied he is not aware of any other business with a similar situation. Attorney Brown commented that an emergency resolution would authorize the mayor to suspend or restrict the sale of alcoholic beverages which he did with regard to the sale and off sale of beverages. He is not aware of if the Commission can

authorize the extension of licenses that are due. They are due on June 30th. However, there is time to amend the resolution.

Finance Director Welch stated that this is the time of the year the City also sends out other annual licenses for mobile homes, trailer courts, tobacco licenses, etc. They do not rival the amount paid for the beer and liquor licenses although there are other licenses that go out this time of the year. Mayor Helbling stated he did not think those licenses are affected like the alcohol licenses. Attorney Brown stated that the Ordinance provides that the license applications are good through June 30th. The fees are not part of the Ordinance. It would take two meetings to amend the Ordinance and there is time to do that prior to June 30th.

Mayor Helbling inquired that if the City allows the sale of mixed drinks for take out and that has been extended until the end of the current license period, would that also need to be extended until the next renewal period or would that stay as it currently is as of today? Attorney Brown was not sure and it was recommended that be addressed at the same time. He will work with Administrator Neubauer and bring this matter back to the next meeting, to draft a revised Ordinance and address the to-go beverages, the Ordinance and Resolution that establishes the fees for 2020-2021 will also be addressed. This will only be in place for the upcoming renewal period, not a permanent resolution.

Commissioner Davis moved to approve amending the Ordinance for the current licenses period by moving the renewal date back two months and to address the upcoming renewal period for 2020-2021. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

I. RESOLUTIONS AND ORDINANCES:

J. OTHER BUSINESS:

1. Mayor Helbling announced that due to COVID-19 social distancing, community events are still in question waiting on guidance from the governor's office.
2. Business Development and Communications Director Huber reported that the annual Community Clean-up date is set for Saturday, May 16th and routes will be assigned. Sign up is due by May 12th. Only the route leaders will come to the site and they will go to the fields from there. More than 100 volunteers are registered. Treat boxes will be provided and door prizes will be held on-line. Kari Moore is the route care leader coordinator.

K. ADJOURNMENT:

There being no other business to come before the Board, Commissioner Rohr motioned to adjourn the meeting at 7:03 pm. Commissioner Davis seconded the motion. The motion received unanimous approval of the members present.

James Neubauer
City Administrator

Tim Helbling, Mayor
Board of City Commissioners



Board of City Commissioners

Agenda Documentation

MEETING DATE: May 19, 2020
PREPARATION DATE: May 12, 2020
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: Preliminary Plat and Development Agreement for Schaff Estates

STATEMENT/PURPOSE: Consider approval of a preliminary plat and development agreement for Schaff Estates.

BACKGROUND/ALTERNATIVES:

The subject property is located about 1,800 ft. north of roughriders within the Mandan ETA. The applicant seeks to plat this auditor's lot of approximately 20 acres into two equal sized lots (See Exhibit 1). No zoning change is requested and the use would be for rural residential.

The planned future land use is for commercial and medium density residential. 56th Ave NW (paved) which runs along the east of Roughriders Estates before changing into 24th Ave (gravel road) is a planned collector roadway. 37th St. to the north is the planned future bypass and future principal arterial. The two newly created lots would require a variance to the requirement that a paved road would be required in order to obtain a building permit for a residence.

The Planning and Zoning Commission recommended approval subject to conditions contained within a development agreement amenable by both parties (See Exhibit 2). The conditions are as follows:

1. The Development is restricted to one buildable area on each lot as shown in the attached Ghost Plat illustrated by hashed lines on each respective lot in the Development.
2. Any improvements, whether permitted or otherwise, whether above or below ground such as a septic system and land designated for a secondary septic system, are to be contained within the buildable area boundaries.

3. At the request of the Mandan Building Official, a building permit application will denote the boundaries of the buildable area to ensure the location of any structure is contained within the buildable area.
4. Access to Lot 1 of the Development will be restricted to the existing approach located in the northeast corner.
5. Access to Lot 2 of the Development will be restricted to the depicted right-of-way immediately north of the buildable area.
6. Upon future development of the Property outside the buildable areas of the respective lot, the Developer will vacate the corresponding approach for the construction of a public road or access easement intended to provide access to future lots and utilize said public road or access easement in lieu of the existing private driveway or approach.
7. The Developer will not be required to improve the road 24th Ave. or 37th St. to a standard urban section including paving, curb, and gutter, for the purposes of obtaining a single-family residential building permit or related accessory structure(s) within the buildable area on each lot of the Property.
8. Future development on the Property will align with the adopted land use and transportation plan of the City of Mandan at the time of application unless approved by the Board of City Commissioners.

ATTACHMENTS:

Exhibit 1 – Preliminary Plat
Exhibit 2 – Development Agreement w/Ghost Plat

FISCAL IMPACT: N/a

STAFF IMPACT: N/a

LEGAL REVIEW: Attorney Brown has reviewed and approved the development agreement and reviewed the staff report containing the preliminary plat as part of the agenda packet.

RECOMMENDATION: The Planning and Zoning Commission recommended approval of the preliminary plat subject to conditions contained in the development agreement in Exhibit 2.

SUGGESTED MOTION: I move to approve the preliminary plat in Exhibit 1 subject to the development agreement in Exhibit 2.

EXHIBIT 2

Development Agreement

Schaff Estates

This Agreement is made and entered into on this **Day** of **Month**, 2020, (hereinafter the “effective date”) by and between the City of Mandan (hereinafter referred to as the “City”) and JB Land, LLC (hereinafter referred to as the “Developer”). The address for the City of Mandan is 205 2nd Avenue NW, Mandan, North Dakota 58554. The address of Developer is 1806 Schaff Dr., Mandan, ND 58554. This agreement is a covenant running with the Property and binding upon any and all future owners of the Property.

WHEREAS, the Developer is the owner of property whose legal description is the W1/2 of Government Lot 1, Section 7, Township 139N, Range 81W of Morton County, North Dakota (hereinafter referred to as the “Property”); and

WHEREAS, the Developer wishes to develop the approximate twenty-one and one-half (21.5) acre Property into a development named Schaff Estates (hereinafter referred to as the “Development”); and

WHEREAS, said Development is currently planned to include two (2) single-family lots of approximately equal acreage; and

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

WHEREAS, the agreement provides the Developer a means to achieve the desired outcome of the Development of two (2) single-family lots and preserve the remaining land for future development to its highest and best use; and

WHEREAS, said agreement utilizes for reference a document (hereinafter referred to as “Ghost Plat”) showing future right-of-way and additional lots as a proof of concept for future development to align with the present average lot size of the future land uses for the Property as presently denoted on the Mandan Future Land Use and Transportation Plan (originally adopted June 2015 and hereinafter referred to as the “Plan”); and

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

WHEREAS, nothing in this agreement prohibits the City from adopting alternative land uses through a new land use plan or amendment to the Plan affecting the Property as prescribed by State

law and the Mandan Code of Ordinances and requiring any future development to align with said plan.

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

1. The Development is restricted to one buildable area on each lot as shown in the attached Ghost Plat illustrated by hashed lines on each respective lot in the Development.
2. Any improvements, whether permitted or otherwise, whether above or below ground such as a septic system and land designated for a secondary septic system, are to be contained within the buildable area boundaries.
3. At the request of the Mandan Building Official, a building permit application will denote the boundaries of the buildable area to ensure the location of any structure is contained within the buildable area.
4. Access to Lot 1 of the Development will be restricted to the existing approach located in the northeast corner.
5. Access to Lot 2 of the Development will be restricted to the depicted right-of-way immediately north of the buildable area.
6. Upon future development of the Property outside the buildable areas of the respective lot, the Developer will vacate the corresponding approach for the construction of a public road or access easement intended to provide access to future lots and utilize said public road or access easement in lieu of the existing private driveway or approach.
7. The Developer will not be required to improve the road 24th Ave. or 37th St. to a standard urban section including paving, curb, and gutter, for the purposes of obtaining a single-family residential building permit or related accessory structure(s) within the buildable area on each lot of the Property.
8. Future development on the Property will align with the adopted land use and transportation plan of the City of Mandan at the time of application unless approved by the Board of City Commissioners.

Mayor Tim Helbling
City of Mandan

Attest:

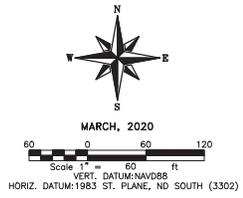
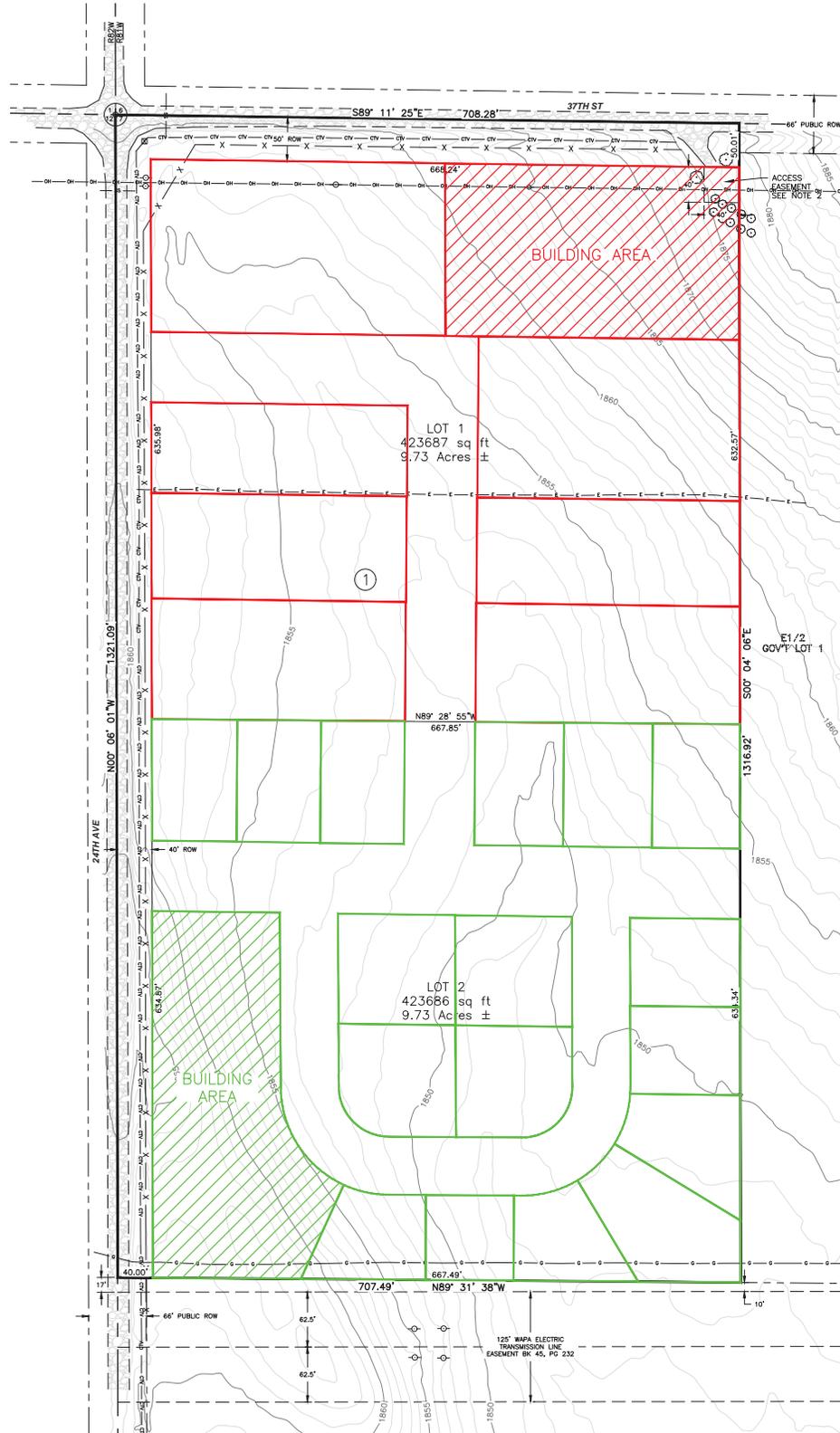
Jim Neubauer
City Manager

Jerry L. Schaff, President
JB Land, LLC

Attest:

SCHAFF ESTATES

ALL OF THE W1/2 OF GOVERNMENT LOT 1, SECTION 7, T139N-R81W
 OF MORTON COUNTY, NORTH DAKOTA
 LYING WITHIN THE 1-MILE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MANDAN
GHOST PLAT



- LEGEND**
- FOUND PROPERTY CORNER
 - TREE
 - ⊠ POWER POLE
 - FENCELINE
 - OVERHEAD POWER
 - GAS LINE
 - UNDERGROUND ELECTRIC
 - CULVERT
 - CABLE TV
 - ▨ GRAVEL
 - ▭ COMMERCIAL LOTS
 - ▭ RESIDENTIAL LOTS

OWNERS:
 JB LAND, LLC
 1806 SCHAFF DR
 MANDAN, ND 58554

BASIS OF BEARING:
 NORTH BOUNDARY LINE NW1/4 SEC. 7
 SOUTH 89°21'18" EAST

- NOTES:**
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
 2. THE ACCESS EASEMENT SHOWN HEREON IS FOR JOINT-USE, AND TO THE BENEFIT OF LOT 1, SCHAFF ESTATES AND THE E1/2 OF GOVERNMENT LOT 1 EQUALLY.
 3. LOT AREA: 19.46 ACRES
 ROAD AREA: 1.97 ACRES
 TOTAL AREA: 21.43 ACRES





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

G - _____	Consent No. C2i
Site License Number (Attorney General Use Only)	

Full, Legal Name of Gaming Organization **Fort Abraham Lincoln Foundation**

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

Name of Location Lonesome Dove			
Street 3929 Memorial Highway	City Mandan	ZIP Code 58554	County Morton
Beginning Date(s) Authorized 7/1/20	Ending Date(s) Authorized 6/30/21	Number of twenty-one tables if zero, enter "0": 2	
Specific location where games of chance will be conducted and played at the site (required) The whole bar area except the bathrooms			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)	
Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)

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

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

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



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

License Number (Office Use Only)

Site Owner (Lessor) Lonesome Dove		Site Name Loneome Dove		Site Phone Number (701) 663-2793
Site Address 3929 Memorial Highway		City Mandan	State ND	Zip Code 58554
County Morton		Rental Period 7/1/2020 to 6/30/2021		Monthly Rent Amount
Organization (Lessee) Fort Abraham Lincoln Foundation				
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$
		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$
Number of Tables with wagers over \$5 <u>2</u> X Rent per Table \$ <u>300.00</u>				
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input checked="" type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ 325.00
<input checked="" type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices <u>5</u>				\$ 500.00
Total Monthly Rent				\$ 1,425.00
5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here. <input type="checkbox"/>				

TERMS OF RENTAL AGREEMENT:

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.

The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.

The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor <i>Regent Karts</i>	Title <i>Pres</i>	Date <i>4-16-20</i>
Signature of Lessee <i>Aaron L Burt</i>	Title <i>Executive Director</i>	Date <i>4/14/2020</i>



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

G - _____ (_____)	Consent No. 2ii
Site License Number (Attorney General Use Only)	

Full, Legal Name of Gaming Organization Fort Abraham Lincoln Foundation
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The above organization is hereby authorized to conduct games of chance under the license granted by the Attorney General of the State of North Dakota at the following location

Name of Location Seven Seas			
Street 2611 Old Red Trail	City Mandan	ZIP Code 58554	County Morton
Beginning Date(s) Authorized 7/1/20	Ending Date(s) Authorized 6/30/21	Number of twenty-one tables if zero, enter "0": 2	
Specific location where games of chance will be conducted and played at the site (required) The whole bar area except the bathrooms			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)	
Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)

ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)		
<input type="checkbox"/> Bingo	<input type="checkbox"/> Club Special	<input type="checkbox"/> Sports Pools
<input type="checkbox"/> ELECTRONIC Quick Shot Bingo	<input type="checkbox"/> Tip Board	<input checked="" type="checkbox"/> Twenty-One
<input type="checkbox"/> Raffles	<input type="checkbox"/> Seal Board	<input type="checkbox"/> Poker
<input type="checkbox"/> ELECTRONIC 50/50 Raffle	<input type="checkbox"/> Punchboard	<input type="checkbox"/> Calcuttas
<input checked="" type="checkbox"/> Pull Tab Jar	<input type="checkbox"/> Prize Board	<input type="checkbox"/> Paddlewheels with Tickets
<input type="checkbox"/> Pull Tab Dispensing Device	<input type="checkbox"/> Prize Board Dispensing Device	<input type="checkbox"/> Paddlewheel Table
<input checked="" type="checkbox"/> ELECTRONIC Pull Tab Device		

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

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

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

Site Owner (Lessor) Baymont Inn And Suites		Site Name Seven Seas Bar & Grill		Site Phone Number (701) 663-7401
Site Address 2611 Old Red Trail	City Mandan	State ND	Zip Code 58554	County Morton
Organization (Lessee) Fort Abraham Lincoln Foundation		Rental Period 7/1/2020 to 6/30/2021		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ <input checked="" type="checkbox"/> Rent per Table \$ _____ Number of Tables with wagers over \$5 <u>2</u> <input checked="" type="checkbox"/> Rent per Table \$ <u>250.00</u>		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ \$ 500.00
3. Is Paddlewheels conducted at this site? Number of Tables _____ <input checked="" type="checkbox"/> Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input checked="" type="checkbox"/> Jar Bar <input type="checkbox"/> Standard Dispensing Device		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ 175.00
<input checked="" type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices <u>3</u>				\$ 300.00
Total Monthly Rent				\$ 975.00
5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here.		<input type="checkbox"/>		

TERMS OF RENTAL AGREEMENT:

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.

The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, **the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.**

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The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor <i>[Signature]</i>	Title General Manager	Date 4/17/2020
Signature of Lessee <i>[Signature]</i>	Title Executive Director	Date 4/14/2020



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

Consent No. 2iii
G - _____ Site License Number (Attorney General Use Only)

Full, Legal Name of Gaming Organization **Fort Abraham Lincoln Foundation**

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

Name of Location Midway Lane			
Street 3327 Memorial Highway	City Mandan	ZIP Code 58554	County Morton
Beginning Date(s) Authorized 7/1/20	Ending Date(s) Authorized 6/30/21	Number of twenty-one tables if zero, enter "0": 1	
Specific location where games of chance will be conducted <u>and</u> played at the site (required) The whole bar area except the bathrooms			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)	
Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)

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

<input type="checkbox"/> Bingo	<input type="checkbox"/> Club Special	<input type="checkbox"/> Sports Pools
<input type="checkbox"/> ELECTRONIC Quick Shot Bingo	<input type="checkbox"/> Tip Board	<input checked="" type="checkbox"/> Twenty-One
<input type="checkbox"/> Raffles	<input type="checkbox"/> Seal Board	<input type="checkbox"/> Poker
<input type="checkbox"/> ELECTRONIC 50/50 Raffle	<input type="checkbox"/> Punchboard	<input type="checkbox"/> Calcuttas
<input checked="" type="checkbox"/> Pull Tab Jar	<input type="checkbox"/> Prize Board	<input type="checkbox"/> Paddlewheels with Tickets
<input type="checkbox"/> Pull Tab Dispensing Device	<input type="checkbox"/> Prize Board Dispensing Device	<input type="checkbox"/> Paddlewheel Table
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APPROVALS	
Attorney General	Date
Signature of City/County Official	Date
PRINT Name and official position of person signing on behalf of city/county above	

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 Bismarck, ND 58505-0040
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RENTAL AGREEMENT
 OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 9413 (Rev. 08-2019)

Consent No. 2iii

License Number (Office Use Only)

Site Owner (Lessor) Midway Lanes		Site Name Kingpin		Site Phone Number (701) 663-0277
Site Address 3327 Memorial Highway	City Mandan	State ND	Zip Code 58554	County Morton
Organization (Lessee) Fort Abraham Lincoln Foundation		Rental Period 7/1/2020 to 6/30/2021		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>300.00</u>		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ \$ 300.00
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input checked="" type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ 325.00
<input checked="" type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices <u>6</u>				\$ 550.00
Total Monthly Rent				\$ 1,175.00
5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here. <input type="checkbox"/>				

TERMS OF RENTAL AGREEMENT:

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The LESSOR agrees that no game will be directly operated as part of the lessor's business.

The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.

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Signature of Lessor <i>Sam B. Mella</i>	Title President	Date 4-29-2020
Signature of Lessee <i>Arion L. Barth</i>	Title Executive Director	Date 4/14/2020 (over)



Board of City Commissioners

Agenda Documentation

MEETING DATE: May 19, 2020
PREPARATION DATE: May 11, 2020
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Payment of Bills related to MMPL & Downtown Parks Project

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

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

The Commission approved moving forward with the project at the February 18 meeting, and work is now being done on the design development. This billing accounts for \$81,000 for development of construction documents pursuant to the contract in place.

ATTACHMENTS: Bartlett & West Invoices.

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

STAFF IMPACT: n/a

LEGAL REVIEW: n/a

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

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



INVOICE Remittance Address:
 For Payments Only:
 P.O. Box 561
 Wichita, KS 67201-0653

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

Jim Neubauer
 City of Mandan
 Mandan, ND 58554

May 8, 2020
 Project No: 020133.000
 Invoice No: 00730075555

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

Project 020133.000 Mandan Morton Public Library
Professional Services from March 28, 2020 to April 24, 2020
 Fee

Basic Services Billing Phase	Fee	Percent Complete	Earned
Schematic Design	81,000.00	100.00	81,000.00
Design Development	60,750.00	100.00	60,750.00
Construction Documents	162,000.00	50.00	81,000.00
Bidding	20,250.00	0.00	0.00
Construction Administration	81,000.00	0.00	0.00
Total Fee	405,000.00		
		Previous Fee Billing	141,750.00
		Current Fee Billing	81,000.00
		Total Basic Services Fee	81,000.00
Additional Services Billing Phase	Fee	Complete	Earned
Additional Services Phase I	51,750.00	90.6805	46,927.18
Total Fee	51,750.00		
		Previous Fee Billing	46,927.18
		Current Fee Billing	0.00
		Total Add'l Services Fee	0.00
Total this Invoice			\$81,000.00

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

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



Board of City Commissioners

Agenda Documentation

MEETING DATE: May 19, 2020
PREPARATION DATE: May 12, 2020
SUBMITTING DEPARTMENT: Human Resources
DEPARTMENT DIRECTOR: Brittany Cullen, HR Director
PRESENTER: Brittany Cullen, HR Director
SUBJECT: Changes to Investment Options

STATEMENT/PURPOSE: The Board of City Commissioners must approve any changes to the City of Mandan's investment options.

BACKGROUND/ALTERNATIVES: An annual review is conducted by the Pension Committee Trustees (Cole Higlin, Jim Neubauer, and Greg Welch) and Pension Committee Members (Teri Welch, Brittany Cullen, Krissy Pfeifer, and Jonathan Mathisen) in order to ensure the best mix possible for the defined contribution retirement plan. The committee met on February 26, 2020 with Troy Nelson from Edward Jones to review past performance and suggested changes. The reason for these recommended changes are to simplify the investment line-ups and to increase the quality of the funds. The Committee has not heard of any problem areas that need to be addressed.

The recommended changes are:

1. Consolidate the PGIM (Jennison Global Equity Income) to American Funds.
2. Move Calamos Growth and Thornburg Core Growth to Franklin Growth.

ATTACHMENTS:

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION:

- The committee unanimously approved the suggested changes as recommended by Mr. Nelson.

SUGGESTED MOTION:

- I move to accept the recommended changes to the City of Mandan's retirement plan investment options.



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

2020-26

Name of Organization Mandan Police Explorer Post #2853		Date(s) Authorized (Read instruction 2)		
Contact Person April Bowman	Business Phone Number (701) 667-3250	6/19/2020 Beginning	to	6/19/2020 Ending
Mailing Address 205 1st Ave Nw	City Mandan	State ND	Zip Code 58554-0000	
Site Name Mandan Municipal Golf Course	Site Address 1002 7th St Sw			
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 5/12/2020	Signature of <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor 	Printed Name of City or County Auditor Lori Flaten		Auditor Telephone Number (701) 667-3455

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

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

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.

2020-26



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

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

Name of Non-profit Organization: Mandan Police Explorer Post #2853
Date(s) of Activity: 6/19/2020 to 6/19/2020
Person Responsible: April Bowman
Business Address: 205 1st Ave Nw, Mandan, ND 58554-0000
Mailing Address: (if different)
Name of Site: Mandan Municipal Golf Course
Site Address: 1002 7th St Sw, Mandan, ND 58554-0000, Morton County
Check the Game(s) to be Conducted: [X] Raffle, [] Bingo, [] Calendar Raffle, [] Sports Pool, [] Poker, [] Twenty-one, [] Paddiewheels

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Table with 6 columns: Game Type, Description of Prize, Retail Value of Prize, Game Type, Description of Prize, Retail Value of Prize. Includes a Total row with a \$12,000 limit note.

Intended uses of gaming proceeds: help fund the Police Explorer Post
Does the organization presently have a state gaming license? [X] No [] Yes
Has the organization received a charity local permit from this or another city or county for the fiscal year July 1 through June 30? [X] No [] Yes
Has the organization received a local permit from this or another city or county for the fiscal year July 1 through June 30? [X] No [] Yes

Signature of Organization's Top Executive Official: [Signature]
Date: 5/12/2020
Title: Advisor
Business Phone Number: (701) 667-3250



Board of City Commissioners

Agenda Documentation

MEETING DATE: May 19, 2020
PREPARATION DATE: May 13, 2020
SUBMITTING DEPARTMENT: Police
DEPARTMENT DIRECTOR: Chief Jason Ziegler
PRESENTER: Chief Jason Ziegler
SUBJECT: Amendment to Department of Transportation
Contract No. 12191184

STATEMENT/PURPOSE: Consider approval of the amendment to the ND DOT contract No. 12191184 concerning additional funding for the purchase of a video camera

BACKGROUND/ALTERNATIVES: The Mandan Police Department has participated for a number of years in safety programs with the North Dakota Department of Transportation. The current contract, No. 12191184, was approved in October of 2019. The ND DOT would like to amend the contract to increase the contract funding to include additional funding for the purchase of a video camera system for a patrol vehicle. The funds provided would be \$4,000.00.

ATTACHMENTS: Amendment to Contract No. 12191184

FISCAL IMPACT: Reimbursement to the City of Mandan for up to \$4,000.00 for the purchase of a video camera

STAFF IMPACT: N/A

LEGAL REVIEW: Reviewed by City Attorney

RECOMMENDATION: To approve the amendment to NDDOT Traffic Contract No. 12191184

SUGGESTED MOTION: Move to approve the amendment to NDDOT Traffic Contract No. 12191184

NDDOT Contract No. 12191184A

**North Dakota Department of Transportation
AMENDMENT TO CONTRACT NO. 12191184
Project No. NOT APPLICABLE**

CFDA No. 20.608

CFDA Title: Minimum Penalties for Repeat Offenders for Driving While Intoxicated

FAIN No. 69A37520300001640NDA

THIS AMENDMENT to the above-referenced contract is entered into by and between the State of North Dakota, acting through its Director of Transportation, hereinafter known as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and Mandan Police Department, hereinafter known as the Contractor, whose address is 205 First Avenue, Northwest, Mandan, North Dakota 58554.

WHEREAS, the parties entered into a contract on October 1, 2019; and

WHEREAS, the Contractor requested additional funding to purchase video camera surveillance equipment; and

WHEREAS, additional funding is available; and

WHEREAS, the Contractor will perform the scope of work in Attachment 1, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the NDDOT and the Contractor agree this amendment will be effective May 1, 2020; and

WHEREAS, the contract will be increased by \$4,000 for video camera surveillance equipment; and

NOW THEREFORE, the Contractor and NDDOT agree that effective May 1, 2020, the contract will be increased by \$4,000 for Project No. PHSPID2010-05-10 for video camera surveillance equipment; and the total contract amount is \$15,200.



VIDEO CAMERA SURVEILLANCE EQUIPMENT

PROJECT NO. PHSPID2010-05-10 / CFDA No. 20.608

SCOPE OF WORK

The Contractor will be responsible to:

- Order the approved digital or video camera surveillance equipment by **September 30, 2020**. *The equipment must also be received on or before September 30, 2020. (Note: This contract will reimburse up to \$4,000 per camera only.)*
- Assure equipment with an acquisition cost of \$5,000 or more receives prior written approval through the Safety Division consistent with 23 CFR § 1300.21(d). The Contractor will not be reimbursed for equipment with an acquisition cost of \$5,000 or more without this advanced written approval.
- Assure equipment purchase is for in-car video equipment only and does not include body cameras and those specific associated components.
- Warranty costs are not included in the reimbursement and are the responsibility of the Contractor.
- Install the digital or video camera surveillance equipment at the expense of the Contractor.
- Maintain the equipment in good working order and make the equipment available for inspection upon request.
- Keep an inventory of equipment valued at \$5,000 or more consistent with NDCC § 54-27-21.
- Assure that all officers are trained in the correct operation of equipment and procedures for securing quality, evidentiary digital files.

The primary use of this equipment must be for the enforcement and adjudication of impaired driving.

REPORTING AND REIMBURSEMENT

Reporting

The Contractor conducts overtime activities throughout the fiscal year and those activities will be monitored to justify the purchase of the equipment. The monitoring of overtime activities by the NDDOT will be in lieu of an end-of-year report.

Reimbursement

This contract will reimburse up to \$4,000 for video camera surveillance equipment. ***At the close of the state fiscal year, which is June 30, reimbursement vouchers must be submitted no later than July 15 for any purchase that took place on or before June 30. Vouchers received after July 15 may not be reimbursed. Please note: only equipment that has been received by June 30 is affected by this due date.***

BUDGET

DIRECT COSTS		
In-car video cameras		\$4,000
PROJECT TOTAL		<u>\$4,000</u>
 Participation		
Federal	100%	\$4,000
State	-	
Local	-	

Certificate Of Completion

Envelope Id: 57DB1B02001249539D4BF040D95B14E1
Subject: PD Mandan, Contract Amendment 12191184A
Contract Number: 12191184A
PCN:
Source Envelope:
Document Pages: 3
Certificate Pages: 2
AutoNav: Enabled
Envelopeld Stamping: Enabled
Time Zone: (UTC-06:00) Central Time (US & Canada)

Status: Sent

Signatures: 0
Initials: 0

Envelope Originator:
Lory Harsche
608 E Boulevard Ave
Bismarck, ND 58505
lharsche@nd.gov
IP Address: 165.234.252.245

Record Tracking

Status: Original
5/8/2020 1:09:33 PM
Security Appliance Status: Connected
Storage Appliance Status: Connected

Holder: Lory Harsche
lharsche@nd.gov
Pool: StateLocal
Pool: Carahsoft OBO North Dakota Department of
Transportation CLOUD

Location: DocuSign
Location: DocuSign

Signer Events

Lory Harsche
lharsche@nd.gov
Odney Advertising
Security Level: Email, Account Authentication
(None)
Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Signature

Completed

Using IP Address: 165.234.252.245

Timestamp

Sent: 5/12/2020 4:05:49 PM
Viewed: 5/12/2020 4:06:15 PM
Signed: 5/12/2020 4:06:45 PM

Security Level: Email, Account Authentication
(None)
Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Security Level: Email, Account Authentication
(None)
Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Karin Mongeon
kamongeon@nd.gov
Security Level: Email, Account Authentication
(None)
Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Clint Morgenstern
cdmorgenstern@nd.gov
Security Level: Email, Account Authentication
(None)
Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Signer Events

Robin R. Rehborg
rrehborg@nd.gov

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Sondra Goebel
slgoebel@nd.gov

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

In Person Signer Events**Editor Delivery Events****Agent Delivery Events**

Pete Czapiewski
pczaplewski@mandanpd.com

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Intermediary Delivery Events**Certified Delivery Events****Carbon Copy Events**

DOT Legal Admin
dotlegaladmin@nd.gov

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

DOT Legal Admin
dotlegaladmin@nd.gov

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Witness Events**Notary Events****Envelope Summary Events**

Envelope Sent

Payment Events**Signature****Signature****Status****Status****Status****Status****Status****Signature****Signature****Status**

Hashed/Encrypted

Status**Timestamp****Timestamp****Timestamp****Timestamp**

Sent: 5/12/2020 4:06:48 PM
Viewed: 5/12/2020 5:10:32 PM

Timestamp**Timestamp****Timestamp****Timestamp****Timestamp****Timestamps**

5/12/2020 4:06:48 PM

Timestamps

All other terms and conditions of the above-referenced contract are incorporated herein by reference and remain in full force and effect.

EXECUTED the date last below signed.

WITNESS:

NAME (TYPE OR PRINT)

SIGNATURE

To be signed by Owner; Partner; Corp. Pres., Vice Pres., or other authorized Corp. Officer. (If signed by other authorized Corp. Officer, please attach copy of Power of Attorney or other documentation showing authority to sign.)

CONTRACTOR:

City of Mandan

COMPANY NAME

OFFICER'S NAME (TYPE OR PRINT)

SIGNATURE

TITLE

DATE

WITNESS:

NAME (TYPE OR PRINT)

SIGNATURE

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

DIRECTOR (TYPE OR PRINT)

SIGNATURE

DATE

APPROVED as to substance by:

DIVISION DIRECTOR (TYPE OR PRINT)

SIGNATURE

DATE

CLA 52494 (Div. 06)
L.D. Approved 5-19-00; 5-03





Board of City Commissioners

Agenda Documentation

MEETING DATE: May 19, 2020
PREPARATION DATE: May 14, 2020
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Engineering Service Agreement Amendment for Street Improvement District No. 215, Mid-Town East

STATEMENT/PURPOSE: To consider amending our agreement with Moore Engineering to add Construction Engineering Services.

BACKGROUND/ALTERNATIVES: Now that the Mid-Town East Reconstruction project has been awarded, our department recommends amending our agreement with Moore engineering to make sure that all project management, project inspection, construction staking and related construction phase administrative items are properly handled.

A preconstruction meeting will be held on May 19th. Construction activity is expected to commence soon. Much of the work will be done in 2020 with some items carrying over to 2021 to be finished by July of 2021.

ATTACHMENTS:

- 1) Amendment with breakdown of scope and fee
- 2) District Map

FISCAL IMPACT: The amendment amount for Construction Engineering is based on hours actually worked with an estimated not to exceed without prior approval amount of about \$528K, which is about 7.0% of the construction amount after factoring the cost saving reduction items presented at our last meeting. The total amount of all services previously provided in addition to these services provided through project close-out would then be about \$983K which is about 13.0% of the construction amount after factoring the cost saving reduction items presented at our last meeting. Our office feels these costs are reasonable given the scope and size of project.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 19, 2020

Subject: Engineering Service Agreement Amendment for Street Improvement District
No. 215, Mid-Town East

Page 2 of 10

The Engineering costs will be divided appropriately among the tasks they go to. The Public Works parking lot portions will be paid for by city-wide funds, the utility fund will pick up the appropriate amount for the watermain and sewermain replacement and the majority of the engineering will be paid for by special assessments as part of the total project cost.

STAFF IMPACT: Significant time and effort is anticipated by city staff in addition to answer questions from the public and to resolve issues during construction.

LEGAL REVIEW: Attorney Brown was sent the amendment and replied with no issues.

RECOMMENDATION: Approve the Engineering Service Agreement Amendment with Moore Engineering.

SUGGESTED MOTION: Move to amend the Engineering Service Agreement with Moore Engineering for the Mid-Town East reconstruction project to include Construction Engineering Services.



2911 North 14th Street
 Suite 301
 Bismarck, ND 58503

P: 701.751.8360
 F: 701.751.2954



May 8, 2020

Justin Froseth, PE
 Planning and Engineering Director
 City of Mandan
 205 2nd Ave NW
 Mandan, ND 58554

RE: Letter Agreement – Amendment for Construction Engineering Services
 Mandan Mid-Town East – District 215, 215A and 215B
 Mandan, ND
 Moore Project No. 20834

Dear Mr. Froseth,

In accordance with the direction received by City Engineering Department, Moore Engineering, Inc. (MOORE) is pleased to submit our amendment to provide construction engineering services for your reconstruction project.

Scope of Work

To meet the project objectives above, MOORE proposes to provide the following services, split between four phases:

1. Construction Staking Services

- Staking will be done as per contractor's request. Based on experience, the overall workload and what we estimate the contractor to request, we anticipate 46.5 staking requests distributed as follows through the 3 separate projects.

Construction Staking Task	Number of Trips per District			Total Trips
	215	215 A	215 B	
GPS Data Transfer/BM's	1	0	0	1
Field Topo for Earthwork Calc's	0	1	0	1
Stake Removals/Miscellaneous	1	0	0	1
Stake Water Main	6	0	0	6
Stake Sanitary Sewer	1	0	0	1
Storm Sewer Pipe/Manholes/Inlets	5	1	0	6
Curb and Gutter	8	0.5	0	8.5
Sidewalk/ADA/Driveways	3	0.5	0	3.5
Subgrade for Alleys/Streets/Parking	5	2	1	8
Aggregate Base Blue Tops	5	1	1	7
Retaining Wall, Earthwork Slopes/Toes	1	0	0	1
Post Construction As-Built	2	0.5	0	2.5
Total Estimated Staking Trips	38	6.5	2	46.5



2911 North 14th Street
 Suite 301
 Bismarck, ND 58503

P: 701.751.8360
 F: 701.751.2954



2. Resident Project Representative

- Stationed onsite to observe/photograph progress and quality of work (civil, structural and electrical)
- Prepare as-built project records and daily logs
- Document material testing
- Observe sanitary sewer mandrill testing, water main pressure/bacteria testing
- Inspect all completed storm/sanitary manholes for grouting/leaks/backflow
- Provide clarifications and Interpretations of plans
- Communicate with engineer
- Coordinate construction staking requests
- Measure and record quantities – 159 different bld items.
- Sign weekly quantity sheets. Review applications for payment.
- Communicate with residents
- Inform the engineer of any work that RPR believes is defective
- Generate project punch list at contractor requested substantial completion request
- The overall days of RPR needs are dependent on the contractor's construction schedule. Based on experience and overall workload, we anticipate the following needs

Field Days for RPR	Number of Days per District			Total Days
	215	215 A	215 B	
RPR #1 - 2020 Construction Season	115	12	3	130
RPR #2 - 2020 Construction Season	25	0	0	25
RPR #1 - 2021 Construction Season	40	0	0	40
RPR #2 - 2022 Construction Season	5	0	0	5
Total Estimated RPR Days	185	12	3	200

3. Project Management & Construction Contract Administration

- Manage engineering staff and resources
- Review contracts, NTP, Pre-construction meeting
- Shop drawing and submittal review – Assume 5 Submittals
- Process Contractor Application for Payments & track project budget – Assume 8
- Prepare and distribute monthly progress reports
- Weekly construction meetings: coordinate, attend and follow up.
- Site visits as necessary
- Miscellaneous spot checks/decisions by electrical engineer as needed or requested (subcontractor fee included in Moore's contract)
- Coordination with contractor, owner, utility companies
- Coordinate with field RPR and survey crew
- Post-Construction televising
- Substantial completion walk-through with officials
- Support for city requested change orders
- Evaluate and recommendations for contractor requested change orders or claims
- The intention is to manage this as a single construction contract, with multiple parts split up and

kept separately due to the differing funding sources being used. When preparing monthly payment requests, holding weekly construction meetings, and tracking expenses, all parts will utilize a single CAP. It is difficult to anticipate the exact time split required on each part, but based on preliminary estimates we would anticipate 95% spent on District 215, 4% spent on District 215A and 1% spent on District 215B.

4. Post Construction

- Close out documents, final paperwork, O&M manual review, collect contractor's reports and records
- Digital conversion to files and distribution to owner
- Record drawings
- One-year project walk-through and warranty administration
- Similar to the management phase, we anticipate the closeout phase time to be spent as follows: 90% spent on District 215, 8% spent on District 215A and 2% spent on District 215B.

5. Miscellaneous Services Phase

- Additional days of construction beyond the project completion date.
- Special Assessment support services as requested by the City.
- Professional Land Surveying services as requested by the City.
- Additional work directed by the City, not already included in the plans and specifications that add time beyond that already budgeted for.

Basis of Proposal

The following items form the basis of this Proposal:

- Survey crew hours and trips are based on a two person crew for an 8 hour day. Actual time will be billed per contractor's requests. Owner will be notified if we reach 90% of contract and overrun is anticipated.
- Hold weekly meetings (Estimate 31 Total). The intent is for the Engineer to lead the majority of meetings, but may have to attend via conference call at times.
- City of Mandan will contract for Material Testing services.
- Design was based on the information obtained from the soil borings. Unknown soil conditions may be encountered during construction, thus a contingency fund will need to be established to address those areas if encountered.
- Tasks and estimated hours are included as an attachment that provide further information to the basis of our proposal.
- Prairie Engineering will bill hourly as a subconsultant to Moore. A budgeted amount of \$5,000 of Prairie is included in Moore's contract.
- Addressing unknown utility conflicts with construction engineering staff is expected. Any re-design to accommodate unknown conditions will be considered additional services.
- Budget includes time for meetings if requested by owner. Engineer will attend up to 5 council meetings and 2 special assessment committee meetings.
- The budget for construction services is based on a 31 week construction schedule as follows:
 - o One full time RPR will be on site for no more than 31 weeks at an average of 50 Hr./Week
 - o A second RPR will be needed for 150 hours during critical times such as during paving operations.
 - o Moore's senior construction engineer will spend up to 60 hours (average of 2.0 hours per week) on site to manage RPR's or deal with specific issues that require special attention or experience.
 - o RPR will require mileage, no overtime, no per diem, no hotel rooms.

- Owner understands that contractor controls construction schedule. If the contract is extended or the completion date is not met by the contractor, additional engineer's / RPR time may be needed (with approval by the City Council).
- The Special Assessment Commission is responsible to determine the method of how to specially assess each property within the Improvement District. The Engineer will assist by providing maps and calculations based on the methods chosen by the Special Assessments Commission.
- City will provide copies of project expenses for engineer to track overall project budget (updated monthly).
- Engineer will provide digital copies of all final construction documents, contractor's application for payments, change orders, RPR Logs, testing results, as-built drawings.
- Engineer will utilize as-built drawings and post construction survey to prepare record drawings in CADD / GIS format.
- Post construction services will include a single project walkthrough.

Schedule

MOORE will perform the Scope of Work listed above in accordance the following schedule:

- Notice to Proceed – Assumed May 5, 2020
- Construction Services assumed as follows:
 - 23 Weeks in 2020: May 18, 2020 – October 23, 2020
 - 8 Weeks in 2021: May 10, 2021 - July 2, 2021

Fee

MOORE will perform the tasks specified in the Scope of Work above for the following:

Category Type	District 215	District 215A	District 215B	Total
Construction Staking	\$75,000.00	\$13,000.00	\$4,000.00	\$92,000.00
RPR	\$242,000.00	\$15,000.00	\$4,000.00	\$261,000.00
Mgmt. & Constr. Eng.	\$141,000.00	\$5,000.00	\$1,500.00	\$147,500.00
Post Constr.	\$14,750.00			\$14,750.00
Miscellaneous	\$12,700.00			\$12,700.00
Total Amount	\$485,450.00	\$33,000.00	\$9,500.00	\$527,950.00

The total contract compensation is a not-to-exceed amount unless approved in writing by the Owner. Engineer may alter the distribution of compensation between individual phases (line items) to be consistent with services actually rendered, but shall not exceed the total lump sum compensation amount unless approved in writing by the Owner.

Attachment D includes a full listing of all identified tasks and budgeted hours for each task and is an integral part of this agreement. If a difference arises between the list above and the full list, the information in attachment D will govern.

MOORE will perform the tasks specified in the Scope of Work above on a Category Billing Rate basis using the actual hours worked times the appropriate Category Billing Rate plus the actual direct expenses incurred. Category Billing Rates are provided in ATTACHMENT 1 to this proposal. Category Billing Rates and expense costs are as listed in the original agreement and are valid through the end of the current year. On January 1 in each subsequent year, Category Billing Rates and reimbursable expenses may be adjusted to meet market conditions. If billed to Owner, invoices will be submitted



monthly based on the hours of work completed for the Hourly tasks.

Standard Terms and Conditions

Our services will be provided in accordance with the "Standard Terms and Conditions for Professional Services," which were included in the original agreement.

Closing

Should you find this Proposal acceptable, please have an authorized representative of the City of Mandan sign the Acceptance portion of this letter below and return one (1) fully executed copy of this Proposal to me. Receipt of a fully executed copy of this Proposal will serve as our Agreement and our Notice to Proceed.

We appreciate the opportunity to submit this Proposal to the City of Mandan and we look forward to working with you on this Project. Should you have any questions or need additional information, please contact me by phone at 701.751.8380 or by email at Jerod.klabunde@mooreengineeringinc.com.

Sincerely,



Jerod Klabunde, PE
Senior Project Manager



Kyle J. Meyer, PE
ND Regional Manager

Enclosures: As noted

Acceptance for the City of Mandan

I hereby authorize Moore Engineering, Inc. to proceed with the work described above.

Signature: _____
Name: Justin Froseth, PE
Title: Planning and Engineering Director
Date: _____
Address for Giving Notices: 205 2nd Ave NW
Mandan, ND 58554

Board of City Commissioners

Agenda Documentation

Meeting Date: May 19, 2020

Subject: Engineering Service Agreement Amendment for Street Improvement District

No. 215, Mid-Town East

Page 8 of 10



Project Name: Southside Street Improvement Project
Project Number: 20301
Date: 5/8/2019
Client: City of Mandan

Executive Summary of Agreement

CE Services are based on a 31 week construction Schedule: 23 Wks in 2020 & 8 Wks in 2021

The intention is the track and split project between the City's 3 special assessment districts.

Construction Survey Staking Phase - Hrly Service

216: Estimate 38 Trips for construction staking (8 hour day for 2 Person Survey Crew)
215A: Estimate 6.5 Trips for construction staking (8 hour day for 2 Person Survey Crew)
215B: Estimate 2 Trips for construction staking (8 hour day for 2 Person Survey Crew)

Resident Project Representative - Hrly Phase Service (Assume 26 weeks)

2020: 23 weeks @ 50 hours per week
2021: 8 weeks @ 50 hours per week
Includes 2 Hours per week of Supervisor onsite
Include 2nd Person during 8 Weeks of Paving
Straight pay, no OT charged (2nd Year Civil Engineer billed at Technician's Rate)
If contractor fails to complete by deadline, City would be expected to assess damages.

Project Management & Construction Contract Admin

Sr Project Manager: Jerod Klabunde - 8 hours per week
Eng of Record: Josh Feil - 7 hours per week
Other Moore Eng Staff/Supervisors/Support: 8 Hours Per Week

Post Construction Phase, Record Drawings, Map Updates

Use contractor's As-builts and Post Constr. Survey to do Record Drawings (CADD/GIS)
Digital Conversion of Files, Final Walkthrough, Warranty Inspection

Miscellaneous Services - Hrly Phase Service

Assessment District Services
Professional Land Surveying
Construction Engineering Days beyond Completion Date

**Mid-Town East Street
Improvement District 215**





Board of City Commissioners

Agenda Documentation

MEETING DATE: May 19, 2020
PREPARATION DATE: May 14, 2020
SUBMITTING DEPARTMENT: Planning and Engineering
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Ad for Bid for Mandan 2020 Generators Project

STATEMENT/PURPOSE: To issue and advertisement for bids for the Mandan 2020 Generators project.

BACKGROUND/ALTERNATIVES: The City previously accepted a FEMA grant to purchase and install two emergency generators in order to more reliably serve the citizens. The two generators 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.

AE2S has been putting together project plans and specifications on our behalf for this project. They are complete with those and thus we are requesting to advertise this project for bids at this meeting. If approved, we would receive bids on June 11th and complete the project this year.

ATTACHMENTS:

- 1) Ad for Bids
- 2) Updated Project Costs

FISCAL IMPACT: The updated project estimate indicates an increase of about 2% of additional costs vs. the estimate put together when we applied for the grant. The application estimate assumed 5% contingency, so the 2% is within that. The FEMA grant share is 75% of total project costs with the City's share being 25%. Our 25% is estimated to be about \$120K.

STAFF IMPACT: Minimal

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

RECOMMENDATION: Approve the Generators project Ad for Bid.

SUGGESTED MOTION: I move to approve the ad for bid for the Mandan 2020
Emergency Generators project.

**SECTION 00 11 13
ADVERTISEMENT FOR BIDS**

**MANDAN 2020 EMERGENCY GENERATORS (FEMA)
CITY OF MANDAN, NORTH DAKOTA**

NOTICE IS HEREBY GIVEN, that the City of Mandan, North Dakota, will receive sealed Bids for the construction of the Mandan 2020 Emergency Generators (FEMA) and will be received at Office of the City Administrator, 205 2nd Ave NW, Mandan, North Dakota 58554 until 11:00 AM local time on June 11, 2020, at which time the Bids received will be publicly opened and read aloud at 11:05 AM in the City Commission Chambers.

Bids being mailed or delivered prior to June 11, 2020 can be directed to:

City Administrator
City of Mandan
205 2nd Ave NW
Mandan, ND 58554.

One Bid will be received for Contract No. 1 – Electrical Construction. Bids shall be on a lump sum basis for all Contracts. The Work comprised of Contract No 1 is generally described as follows:

Contract No. 1 – ELECTRICAL CONSTRUCTION (LUMP SUM): Work generally consists of mobilization, bonding, insurance for all Project work shown on the electrical drawings and contained in the specifications including: a 300 kW diesel generator in a "skin-tight" weather protected enclosure and all associated appurtenances, an 80 kW diesel generator in a "skin-tight" weather protected enclosure and all associated appurtenances, including, but not limited to: a remote-mounted automatic load bank (300 kW unit only), automatic transfer switches, remote annunciators and network interface cabinets, generator concrete pads, wiring and cables; conductors; conduits; fittings, boxes; seeding and restoration.

The Issuing Office for the Bidding Documents is: Advanced Engineering and Environmental Services, Inc., 1815 Schafer Street, Ste 301, Bismarck, ND 58501. Contact person for all bidding document interpretations and clarifications is Laith Hintz, 701-221-0530, laith.hintz@ae2s.com. Prospective Bidders may examine the Bidding Documents at the Issuing Office on Mondays through Fridays between the hours of 8:30 AM and 4:30 PM, and may obtain copies of the Bidding Documents from the Issuing Office as described below. Bidding Documents also may be examined at the following locations: Builders Exchanges in Grand Forks, Bismarck, Minot, and Fargo, ND; Rapid City and Sioux Falls, SD; and in Minneapolis, MN.

Complete digital project Bidding Documents are available at www.AE2S.com or www.questcdn.com. You may download the digital plan documents for Twenty-Five Dollars (\$25.00) by inputting Quest project #XXXXXXX on the website's Project Search page. Please contact QuestCDN.com at 952-233-1632 or info@questcdn.com for assistance in free membership registration, downloading, and working with this digital project information. The Bidding Documents are available in digital PDF form on CD by request from the Issuing Office for a **NON-REFUNDABLE** charge of Seventy-Five Dollars and No Cents (\$75.00) and available in the form of printed plans and specifications for a **NON-REFUNDABLE** charge of One Hundred Fifty Dollars and No Cents (\$150.00) for each set requested.

A pre-bid conference is tentatively scheduled for June 2, 2020 at 10:30 AM local time at the Sunset Booster Station Facility located at 3600 Old Red Trail, Mandan, ND 58554. A memorandum to all Plan Holders will be sent formally establishing the final date and time. Attendance at the pre-bid conference is highly encouraged but is not mandatory.

Each bid must be accompanied by a separate envelope containing the contractor's license and bid security. The bid security must be in a sum equal to five percent (5%) of the full amount of the bid and must be in the form of a bidder's bond. A bidder's bond must be executed by the bidder as principal and

Board of City Commissioners
Agenda Documentation
Meeting Date: May 19, 2020
Subject: Ad for Bid for Mandan 2020 Generators Project
Page 4 of 5

by a surety, conditioned that if the principal's bid is accepted and the contract awarded to the principal, the principal, within ten days after notice of the award, shall execute a contract in accordance with the terms of the bid and the bid bond and any condition of the governing body. A countersignature of a bid bond is not required under this section. If a successful bidder does not execute a contract within the ten days allowed, the bidder's bond must be forfeited to the governing body and the project awarded to the next lowest responsible bidder.

All Bidders must be licensed for the highest amount of their Bids, as provided by Section 43-07-12 of the North Dakota Century Code.

Bids that do not fully comply with requirements of NDCC 48-01.2-05 are considered deficient and will be resealed and returned to the bidder immediately.

The City of Mandan reserves the right to reject any and all bids and rebid the project until a satisfactory bid is received.

All Bids will be made on the basis of cash payment for such work and materials. All Bidders are invited to be present at the public opening of the Bids. The City of Mandan reserves the right to hold the three (3) low Bids for a period of sixty (60) days after the date of the Bid opening to complete financial arrangements.

Dated this 19th day of May 2020
Publish: 05/22/2020, 05/29/2020, and 06/05/2020

By: /s/ Jim Neubauer, City Administrator
Mandan, North Dakota

**MANDAN 2020 EMERGENCY GENERATORS (FEMA)
 OPINION OF PROBABLE TOTAL PROJECT COST
 May 13, 2020**

Opinion of Probable Project Cost

Item	Cost	Notes
Sunset BS Generator - Construction	\$253,000.00	
40th Ave LS Generator - Construction	\$101,500.00	
Contingency	\$19,000.00	
Engineering, Grant Management, and Admin	\$116,000.00	080 I&C included with construction
Total Opinion of Project Cost	\$489,500.00	

Funding	Amount
FEMA Grant (75%)	\$358,875.00
Local Share (25%)	\$119,625.00
	\$478,500.00

OPPC over funding amount by \$11,000.00
 2% Increase

Note OPPC includes contingency amount of \$19,000.00
 5% of construction



Board of City Commissioners

Agenda Documentation

MEETING DATE: May 19, 2020
PREPARATION DATE: May 15, 2020
SUBMITTING DEPARTMENT: Planning and Engineering
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: BNSF Railroad Crossing Agreements

STATEMENT/PURPOSE: To consider approval of three crossing agreements with BNSF.

BACKGROUND/ALTERNATIVES: With the Raw Water Intake project, there is a need to cross railroad lines owned by BNSF in three locations. Two of those locations are water line crossings and the other is in order to bring adequate power supply to the new intake facility. In order to allow these, BNSF requires that we enter into an agreement for each crossing.

ATTACHMENTS:

- 1) The Crossing Agreements and exhibits are available upon request, 58 pages.

FISCAL IMPACT: These crossing agreements include a total of about \$32K in permit fees which are accounted for within the total project budget under administrative/legal costs.

STAFF IMPACT: Minimal

LEGAL REVIEW: The City Attorney's office has reviewed and has recommended a change to the terms to revise the duration to be longer than the 25 years drafted. BNSF representation has indicated agreement to that change but has yet to execute that in the agreement language. We have made that a condition of the motion and would require updated agreements that include the revised language before signing.

RECOMMENDATION: Approve the crossing agreements with BNSF with the condition that the length of the term be in perpetuity.

SUGGESTED MOTION: I move to approve the crossing agreements for the Raw Water Intake project with BNSF conditioned on the duration of the agreements be revised to be in perpetuity.



Board of City Commissioners

Agenda Documentation

MEETING DATE: May 19, 2020
PREPARATION DATE: May 14, 2020
SUBMITTING DEPARTMENT: Police
DEPARTMENT DIRECTOR: Chief Jason Ziegler
PRESENTER: Chief Jason Ziegler
SUBJECT: MOU between the Mandan Police Department and Custer District Health

STATEMENT/PURPOSE: To approve a Memorandum of Understanding between the Mandan Police Department and Custer District Health regarding security for Point of Dispensing (POD).

BACKGROUND/ALTERNATIVES: The Mandan Police Department and Custer District Health have had an MOU regarding security for a number of years but it has not been updated since 2006. This MOU is an updated version. The Mandan Police Department agrees to assist Custer District Health in assessing the need for and providing security if warranted and if staffing allows for their POD sites. POD sites points of dispensing which are used for mass vaccinations.

ATTACHMENTS: MOU between Mandan PD and Custer District Health

FISCAL IMPACT: Salary of staff to provide security as needed

STAFF IMPACT: Staff to provide security as needed

LEGAL REVIEW: Reviewed by City Attorney

RECOMMENDATION: Recommend approving the MOU between the Mandan Police Department and Custer District Health regarding security for Points of Dispensing

SUGGESTED MOTION: Move to approve the MOU between the Mandan Police Department and Custer District Health regarding security for Points of Dispensing.

**Memorandum of Understanding (MOU)
SECURITY FOR POINT OF DISPENSING (POD)**

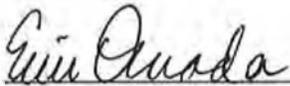
The Mandan Police Department agrees that it assist in the assessing of the need for and provide security in accordance with the POD operations plan and any applicable Appendix to that plan.

The Mandan Police Department will coordinate security at the POD sites that are located within the city limits of the City of Mandan.

The security provided under this agreement includes the following activities as staffing and resources allow or as they are warranted.

1. Security of pharmaceutical storage sites, including locked and limited access to pharmaceutical storage areas.
2. Security for transportation of pharmaceutical and security of POD sites.
3. Restriction of access to the POD by unauthorized personnel. Insuring crowd control and orderly flow of traffic and parking at the POD site. Assists in maintaining orderly movement of pharmaceutical recipients through the clinical process.
4. Provides security for all staff, providers and volunteers at all distribution points and POD sites.
5. Provide ongoing assessment of security risks at distribution and POD sites and modify security in light of changing threats and new intelligence information.

IN WITNESS OF THIS the law enforcement agency named below, agrees to provide security for the distribution site(s) for the dispensing of medicine and supplies, and for the POD facilities of Custer Health located within the city limits of Mandan.



Erin Ourada, MPH, REHS/RS, Administrator

Jason Ziegler, Mandan PD, Chief

5/12/2020

Date

Date



Board of City Commissioners

Agenda Documentation

MEETING DATE: May 19, 2020
PREPARATION DATE: May 12, 2020
SUBMITTING DEPARTMENT: Business Development & Communications
DEPARTMENT DIRECTOR: Ellen Huber
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: MGF Storefront Improvement Application for 107 4th Ave NW

STATEMENT/PURPOSE: To consider a Mandan Growth Fund (MGF) Committee recommendation for approval of a Storefront Improvement application for 107 4th Ave NW.

BACKGROUND/ALTERNATIVES: The MGF Committee met on May 12, 2020. Among agenda items was consideration of an application by Frankie Huang of Dragon Royal LLC for matching funds towards exterior improvements to the building at 107 4th Ave NW. The improvements are proposed for a two-story building, part of a set of adjacent buildings all listed under the same parcel on assessing records. Other buildings added on to the west end of this building are currently leased to Nutrition Wellness Center and Curvy Flamingo. Huang plans to relocate his restaurant, The Rice Bowl, to the main level of the two-story building. The applicant is seeking a \$30,000 match for the exterior renovation that has an estimated cost of \$73,228.

Exterior improvements include fixing and painting the exterior walls, sealing three windows on the south side of the building so it can serve as a firewall, and replacing storefront glass on the east side. The applicant also plans to replace two doors with fire rated exit doors, replace one door with ADA accessibility. The proposal also includes moving signage from the existing location at the library to the new location, utilizing existing sign faces and cabinetry as much as possible, plus moving the existing awning.

The exterior building and site plans have received approval from the Mandan Architectural Review Commission contingent upon elimination of the projecting sign as

proposed or modification to comply with sign code size requirements, plus meeting all engineering requirements for the proposed sidewalk ramp and meeting fire code.

The projecting sign in the application is 47.75 inches plus bracketing. Sign code limits the projection to 36 inches. The applicant plans to eliminate this sign unless he can work with Bismarck Signs to come up a plan that is compatible with the sign code.

Additional improvements include a new roof and an interior remodel to accommodate the restaurant. The applicant intends to seek Renaissance Zone approval in the future for these improvements.

ATTACHMENTS: Key excerpts of application. Full application available upon request.

FISCAL IMPACT: The source of funding would be the MGF unallocated balance for economic development projects as a whole, an amount of \$258,165 as of April 30, 2020. If this application is approved, the uncommitted balance would be reduced to \$228,165.

STAFF IMPACT: Minimal for application processing and finalization.

LEGAL REVIEW: Assistant City Attorney Amy Oster participated in the meeting. A required automatic door is included in the project scope. A business incentive agreement will also be required.

RECOMMENDATION: The MGF voted 8-0 (with one member absent) to recommend approval of the application for \$30,000 in matching funds for the Storefront Improvement project by Dragon Royal LLC for 107 4th Ave NW.

SUGGESTED MOTION: I move to approve providing \$30,000 in matching funds from the Mandan Growth Fund for the Storefront Improvement project by Dragon Royal LLC for 107 4th Ave NW.

East Side – Existing



East Side - Proposed



North side – existing



North Side – proposed



South side – existing



South side – proposed



Note: the windows on the south side now need to be sealed so the wall serves as a fire wall to accommodate the change in use per building code.

BISMARCK
SIGN CO.

CLIENT: Rice Bowl

QUOTE #: 2865

DATE: 2/24/20

SALES REP: WW

DESIGNER: MK

PRODUCTION NOTES:
 Remove the existing awning and re-install at the new location above the right entrance door.



Approximate Scale

BISMARCK
SIGN CO.

CLIENT: Rice Bowl

QUOTE #: 2803

DATE: 2/18/2020

SALES REP: WW

DESIGNER: MK

PRODUCTION NOTES:
 Fabricate & Install: Pan Faces
 Quantity: 2
 Cut Size: 72.25" tall x 47.75" wide
 Material: Polycarbonate
 Background Color: White
 Copy: RICE BOWL,
 CHINESE RESTAURANT, 663-1960

APPROVED
 APPROVED PENDING REVISIONS



pan depth/flange size unknown



X _____ PLEASE SIGN, DATE AND RETURN Date: _____

ALL SIGNS

PROBING IS 100% YOUR RESPONSIBILITY

100% Quality Dr. Bismarck, ND 58501

Board of City Commissioners

Agenda Documentation

Meeting Date: May 19, 2020

Subject: MGF Storefront Improvement Application for 107 4th Ave NW

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BISMARCK
SIGN CO.

CLIENT: Rice Bowl

QUOTE #: 2783

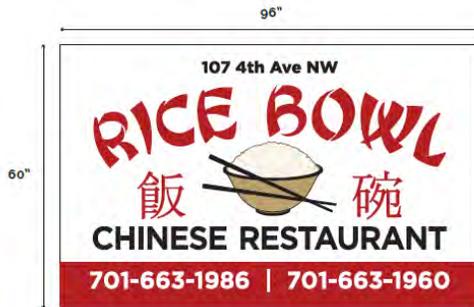
DATE: 2/13/2020

SALES REP: WW

DESIGNER: MK

PRODUCTION NOTES:
Fabricate & Install:
Flat Replacement Faces
Quantity: 1
Cut Size: 60" tall x 96" wide
Material: Polycarbonate
Background Color: White
Copy: RICE BOWL,
CHINESE RESTAURANT, 663-1960

APPROVED



Note: The Mandan Architectural Review Commission did not approve this sign since it would project beyond the 36 inch limitation included in the sign code.



4720 19th St SE, Mandan, ND 58554 chad@creativeconstructionllc.net
Fax: 701-223-2640

The Rice Bowl
107 4th Ave NW
Mandan, ND 58554

May 4, 2020

**** PROPOSAL ****

Exterior Work as per the following:

Glass Storefront:

- * Remove the existing storefront glass windows and doors.
- * Installation of class 2 clear T14000 Thermal framing 2"x4.5" on the East side of the building. 2 - 57"x50", 1 - 108"x68", 1 - 82" x68"
- * 2 - 3'x7' Narrow stile doors with 10" bottom rail.
- * North RH ousting door, 1.5" pair of butt hinges, push / pull, MS lock w/ thumbturn, Powerswing automatic closer, wireless tap plates, transmitter & reciever, Mortise cylinder, sweep, and threshold.
- * South LH ousting door, 1.5" pair of butt hinges, first choice panic, offset pull, rim cylinder, Hager 5700 closure, sweep, threshold.
- * 1" clear tempered glass with Energy Advantage low-e, air infill.
- * Exterior caulking of Aluminum frame to be Sikasil WS-295 Aluminum color.

Electrical:

- * Wire the electric door closure.

Exterior Window Trim:

- * Scrape wood window trim.
- * Prime window frames as some are in bad shape.
- * 2 coats of accent color paint.
- * Caulk window trims when complete.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 19, 2020

Subject: MGF Storefront Improvement Application for 107 4th Ave NW

Page 10 of 10

SOLD TO:	JOB LOCATION:
RICE BOWL 107 4TH AVE NW MANDAN ND 58554	RICE BOWL 107 4TH AVE NW MANDAN ND 58554 REQUESTED BY: Frankie Haug

ORDERED BY	PO NUMBER	SALESPERSON	ORDER DATE	PAYMENT TERMS	DUE DATE
Frankie Haug		Wayne Munson	02/12/20	50.0% Due Upon Receipt	06/15/20

QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1	QUOTE #2783 Provide and install qty (1) 5' x 8' face for the existing sign cabinet.	\$1,353.01	\$1,353.01
1	QUOTE #2784 Convert the existing 5' tall x 8' wide wall sign to LED illumination.	\$971.73	\$971.73
1	QUOTE #2787 Remove the existing sign from the existing location and move it to the new location a block away. Mount the sign on the east side of the building. Exact location is to be determined.	\$821.64	\$821.64
1	QUOTE #2802 Remove the existing flag mounted sign from the existing location and move it to the new location a block away. Mount the sign on the east side of the building. Exact location is to be determined.	\$1,429.09	\$1,429.09
1	QUOTE #2803 Provide and install qty (2) 6' x 4' pan faces for the existing sign cabinet.	\$2,533.39	\$2,533.39
1	QUOTE #2803A Convert existing 6' x 4' flag mounted sign to LED illumination.	\$793.56	\$793.56
1	QUOTE #2804A Provide and install qty (1) 4' x 8' face for the existing sign cabinet.	\$1,076.27	\$1,076.27
1	QUOTE #2804B Convert the existing florescent lighting in the 4' x 8' wall sign to LED illumination.	\$656.65	\$656.65
1	QUOTE #2865 Remove the existing awning and re-install at the new location above the right entrance door.	\$492.98	\$492.98
1	QUOTE #2865A Convert the existing awning illumination to LED illumination.	\$772.93	\$772.93
PLEASE PAY THIS DEPOSIT AMOUNT:			Continued

QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1	QUOTE #3383 Recover the existing awning and eradicate graphics.	\$3,252.44	\$3,252.44
TOTAL PROPOSAL AMOUNT *** FINAL INVOICE AMOUNT MAY VARY UPON COMPLETION ***			\$14,153.69



Board of City Commissioners

Agenda Documentation

MEETING DATE: May 19, 2020
PREPARATION DATE: May 14, 2020
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: MMPL & Downtown Parks Project

STATEMENT/PURPOSE: To consider putting the Morton Mandan Public Library (MMPL) & Downtown Parks project (Project) out for bid.

BACKGROUND/ALTERNATIVES: The donation from Energy Transfer of \$3M kick started an expansion of the Library and improvements to the downtown parks. Bartlett & West along with Stantec have been working on finalizing the bid documents and are ready for the project to go out for bid.

The steering committee, along with the MMPL Board of Trustees met on May 13 to review the plans. The MMPL moved to approve the plans to go to for bid.

ATTACHMENTS: plans for MMPL & Dykshoorn Park

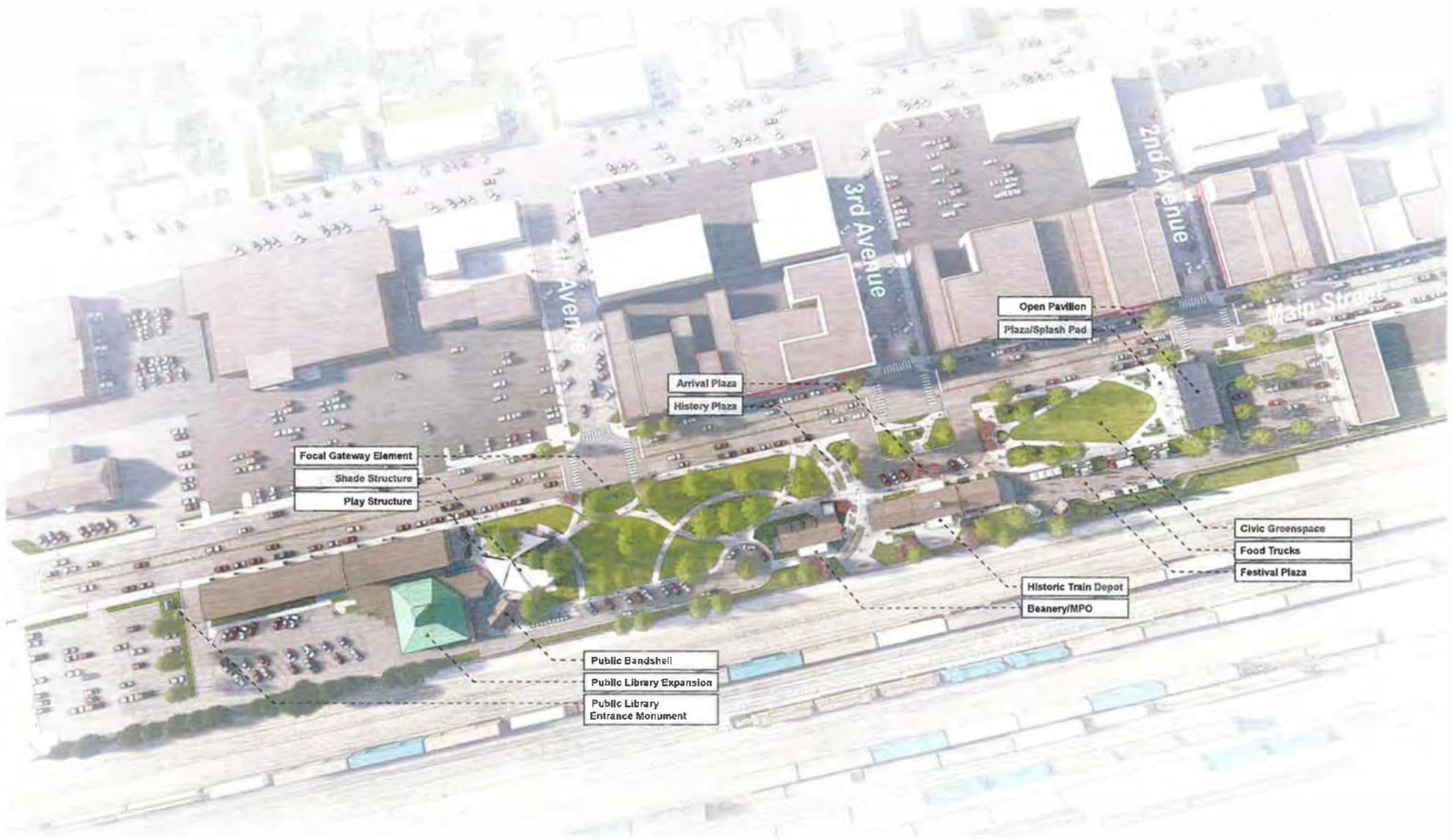
FISCAL IMPACT: unknown until bids received, anticipate utilization of the Energy Transfer grant and possible Visitors Committee

STAFF IMPACT: committee time

LEGAL REVIEW: n/a

RECOMMENDATION: I recommend moving forward the plans as presented for bid.

SUGGESTED MOTION: I move to put forward the plans as presented for bid.



SITE PLAN

MANDAN/MORTON COUNTY PUBLIC LIBRARY, DYKSHOORN PARK, DEPOT PLAZA AND HERITAGE PARK
 MANDAN, NORTH DAKOTA





SITE PLAN ENLARGEMENT

MANDAN/MORTON COUNTY PUBLIC LIBRARY, DYKSHOORN PARK, DEPOT PLAZA AND HERITAGE PARK
 MANDAN, NORTH DAKOTA

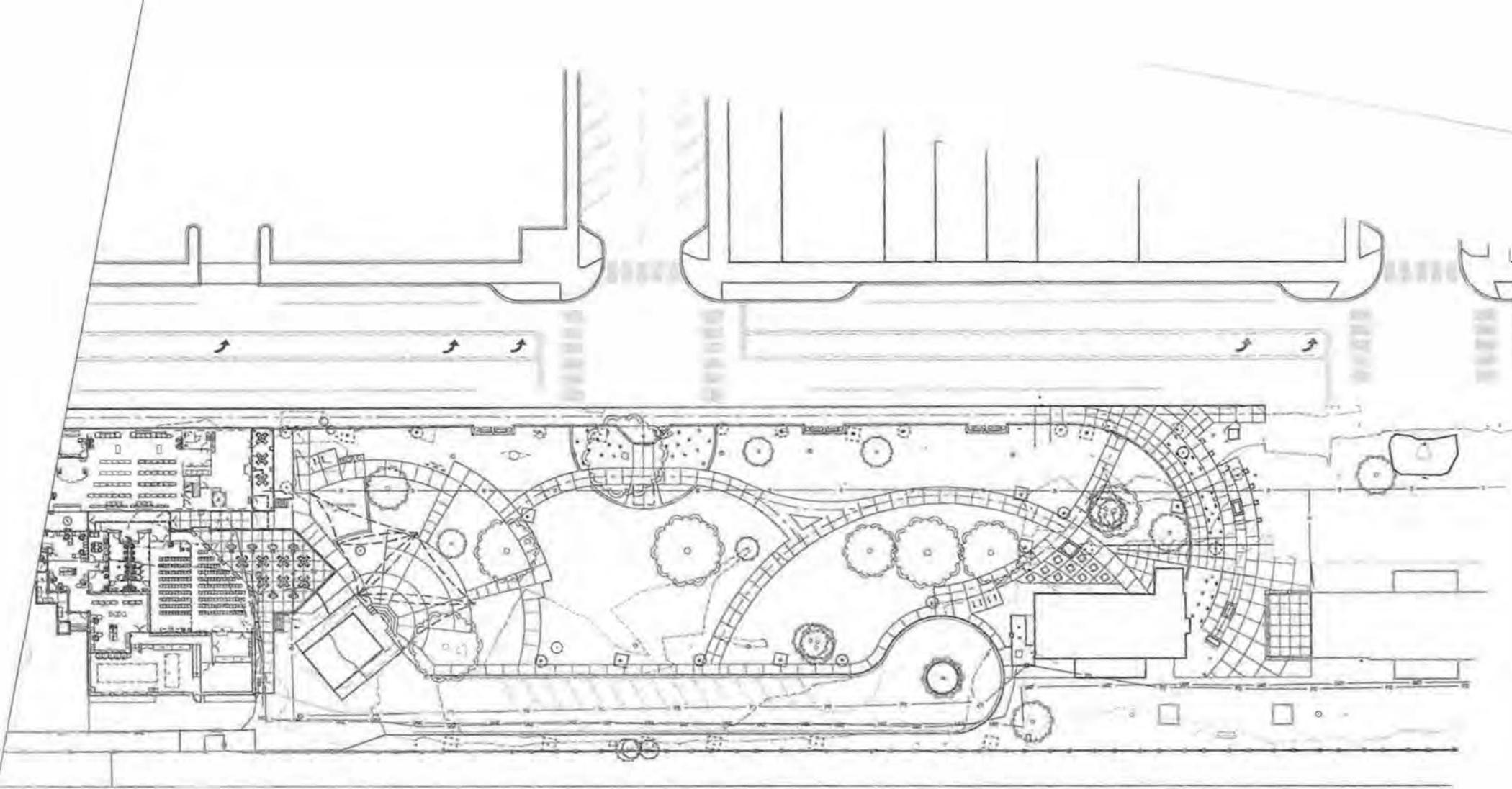










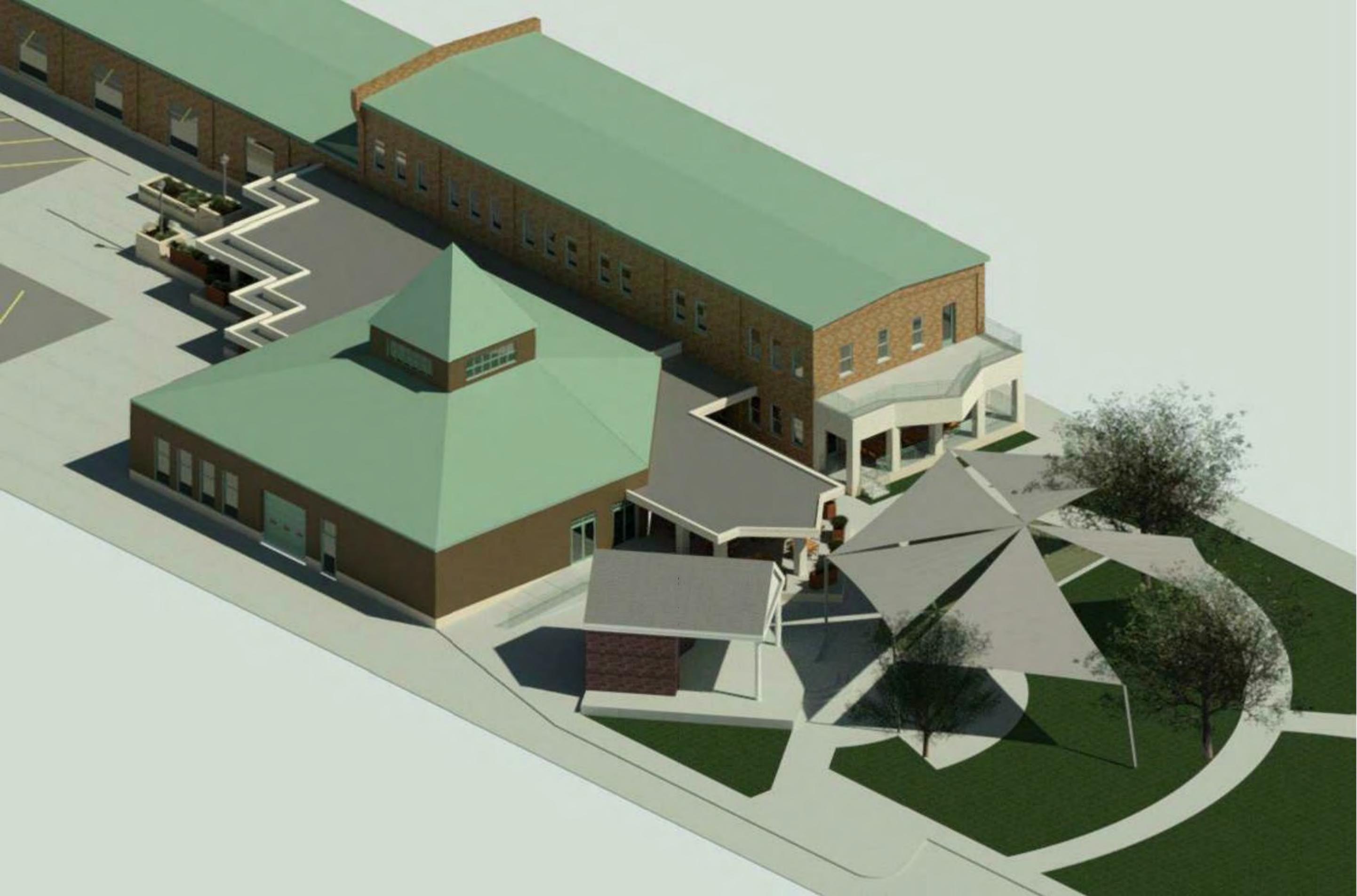


DYKSHOORN PARK

HISTORY PLAZA

- | | |
|--------------------------|--------------------------|
| ELECTRICAL STANDS | ACORN LIGHTING |
| ◻ Existing to Remain | ◉ Existing to Remain |
| ◻ Proposed New Location | ◉ Proposed New Location |
| ◻ Existing to be Removed | ◉ Existing to be Removed |

DYKSHOORN PARK LIGHTING DIAGRAM
2020 MAY 07







St. Michael's Catholic Public Library





 Morton Mandan Public Library



























Board of City Commissioners

Agenda Documentation

MEETING DATE: May 19, 2020
PREPARATION DATE: May 14, 2020
SUBMITTING DEPARTMENT: Planning and Engineering
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning and Engineering
Director/Craig Mizera, HDR
SUBJECT: Memorial Highway Decision Items

STATEMENT/PURPOSE: To bring forward major decisions items of this project that the NDDOT wants our input on to move into the final design phase of the project. The decisions we make today will be promptly relayed to the DOT, however, they may or may not agree when making their final decision.

BACKGROUND/ALTERNATIVES: Included within the Preliminary Engineering effort are two documents; 1) the Draft Documented Catex and 2) the Draft Decision Document. Both require input from the City in order to help with project decisions.

The Draft Documented Catex includes an opportunity for the City to complete major decision items such as whether we agree with the project concepts, whether we agree to move forward and pursue final plans for the build alternative, should we pursue an asphalt or concrete surface for the roadway and trail.

Our office believes we should move this project forward. We recognize the need to reconstruct this major arterial in Mandan and despite current challenges in funding, we do not want to see this project bumped off the DOT's funding program. Should we move forward with the project, the current schedule discussed would be to construct some off-corridor storm and sanitary facilities in 2022 with the corridor reconstruction taking place in 2023 and 2024.

Our office believes we should move forward with the concrete surface option. We want to realize a long-lasting project with relatively minimal maintenance. Part of the deal with taking the federal and state funds to reconstruct this corridor is that the City will maintain after complete. We believe that concrete gives us a distinct advantage over asphalt to accomplish a long-lasting corridor with relatively minimal maintenance. The proposed trail along the south side of the corridor will fill a gap in our trail system. In recent

discussions with Mandan Parks and Rec an asphalt surface would be consistent with the majority of the trail system and provides some cost savings.

Our office has been in contact with the DOT about this project through many regular and called meetings. Within those recent meetings, we have made it clear that the recent funding concerns are affecting Mandan as they are with everyone else, thus making the picture of our ability to fund unclear at the moment. Even so, our office believes this is a good project for the next several decades for the City of Mandan and thus we want to progress it forward. We have included comments in the section provided to that affect.

The Draft Decision Document is the other document attached that includes a request of us to complete. This document is centered on the decision of which storm water control concept to pursue. At our March 17th City Commission meeting, commission was presented three stormwater concepts, all including some detention pond in order to accomplish the desired flow rate releases into major water bodies. Any plan that includes a detention pond or ponds to control releases has been a tough pill to swallow from staff, and we heard that concern at the March City Commission meeting as well.

Following that meeting, the design team reevaluated how we could responsibly control stormwater runoff without detention ponds. Though it requires more length of deeper and larger stormwater pipe as well as another penetration into the Heart River levee vs. the March options, the team has come up with a viable option that eliminates ponds with costs that are in the ballpark of the lowest cost stormwater option.

The option that best accomplishes the above goals is shown within the Draft Decision Document as option #5. It is estimated to cost about 7% more than option #2, but we believe that the ability to accomplish without a detention pond will make up for cost in the long-run. It eliminates a large detention pond from being part of our maintenance responsibilities in perpetuity as well as it does not take up significant acreage off of our busiest corridor that could otherwise be put to better use.

There has been extensive conversation between city staff, HDR and the DOT about the stormwater concepts. Five total options have been laid out in the Stormwater Design Memo at the back of the Draft Decision Document. These are the five that made the cut as distinct, feasible options. Many variations of these concepts and others that didn't have enough support to go forward as feasible were discussed as well.

ATTACHMENTS:

- 1) Draft Documented Catex
- 2) Draft Decision Document

FISCAL IMPACT: Approval today progresses the project forward and will initiate final design of phase I in the coming months. The City has 10% cost share of design and construction for all items related to the roadway and storm sewer or any other above

ground feature of the project. The City has 100% of the costs of design and construction for all the water and sanitary sewer system elements.

Given the recent economic events as a result of the COVID-19 pandemic, our ability to fund projects has been compromised. Comments have been made within the attached documents to clearly convey those concerns to the DOT as they currently stand.

STAFF IMPACT: Minimal

LEGAL REVIEW: The City Attorney was forwarded as part of the full agenda packet.

RECOMMENDATION: Approve the completion of the required documents as completed by the Engineering Department.

SUGGESTED MOTION: Move to approve the completion of the Draft Documented Catex and Draft Decision Document as recommended by the Engineering Department.

Memorial Highway Improvements

Project No.

PCN

1-094(197)917

22005

Memorial Highway
Main Street to 46th Avenue SE
Mandan, North Dakota



Prepared by

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
BISMARCK, NORTH DAKOTA

<http://www.dot.nd.gov/>

DIRECTOR
William T. Panos

PROJECT DEVELOPMENT DIRECTOR
Chad M. Orn, P.E.

Principal Author: HDR
Environmental Reviewer: Patty Winn, ETS
April 2020

Memorial Highway

Main Street to 46th Avenue SE

CERTIFICATION

I hereby certify that this report was prepared by me or under my direct supervision and that I am a duly registered professional engineer under the laws of the State of North Dakota. This document was originally issued and sealed by Craig Mizera, Registration number PE-7475 on **MM/DD/YY** and the original document is stored at the North Dakota Department of Transportation.

This document
is preliminary
and not for
construction or
implementation
purposes.

PRELIMINARY

Craig Mizera, P.E.

Date

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Appendices

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Appendix C	Wetland Information
Appendix D	Section 4(f) Documentation (Pending)
Appendix E	Alternatives Development
Appendix F	Comments from the Draft Documented CATEX (Pending)
Appendix G	Noise Memo
Appendix H	Floodplain Map
Appendix I	Alternatives and Options Considered
Appendix J	Environmental Commitments/Further Study

Supporting Documents

Scoping Report
Decision Document, dated 12/22/2017
Public Involvement Report(s)
Aquatic Resources Delineation Report
Traffic Operations Report
Cultural Resources Reports (Archaeological and Architectural)
Alternative Development Memos:
 HDR October 2019 Draft Design Memo
 HDR January 2020 Roadway Section Alternatives Memo
 AE2S January 2020 Stormwater Design Memo

A. Project Description

Highway: I-94, Memorial Highway

District: Bismarck

Limits: Main Street (RP 917.043) to 46th Avenue SE (RP 920.474)

Associated Project PCN(s) and Description(s): 1-094(197)917, PCN 22005

Table 1 – Traffic Data

	Year	Passengers	Trucks	Totals
Current	2018	16,616	505	17,121
Forecast	2038	22,503	753	23,256

B. Project Schedule

Project: Reconstruction

Plans Complete: September 1, 2021

Bid Opening: November 12, 2021

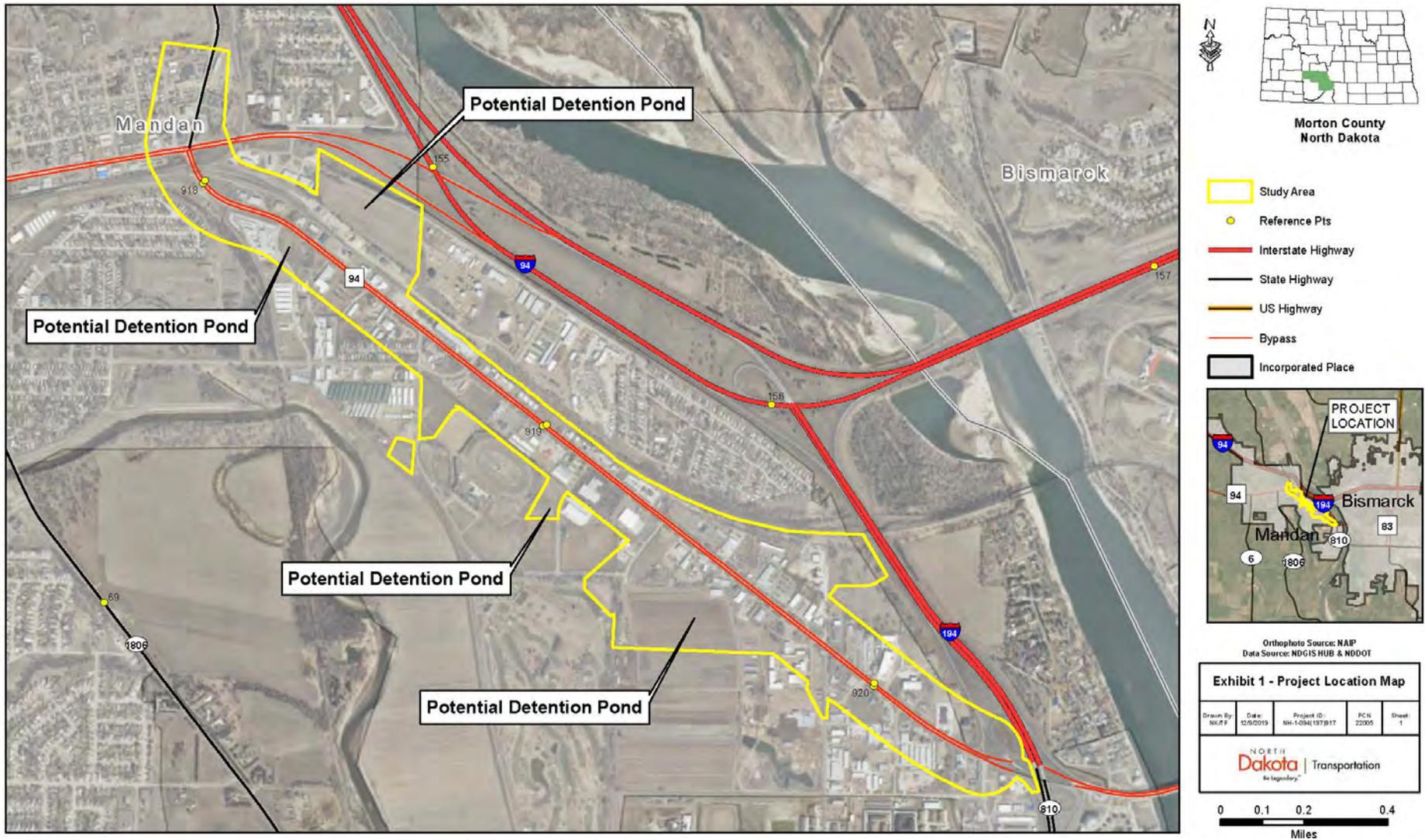


Figure 1 – Project Location Map¹

¹ Note: This project boundary accounts for all potential stormwater options and will be refined for options carried forward.
 Memorial Highway Improvements
 Project No. 1-094(197)917
 April 2020
 Draft Documented CATEX

C. Purpose of Project

The purpose of the project is to address roadway deficiencies, reduce conflict points, and improve multi-modal transportation along Memorial Highway from Main Street (RP 917.043) to 46th Avenue SE (RP 920.474) in Mandan, North Dakota.

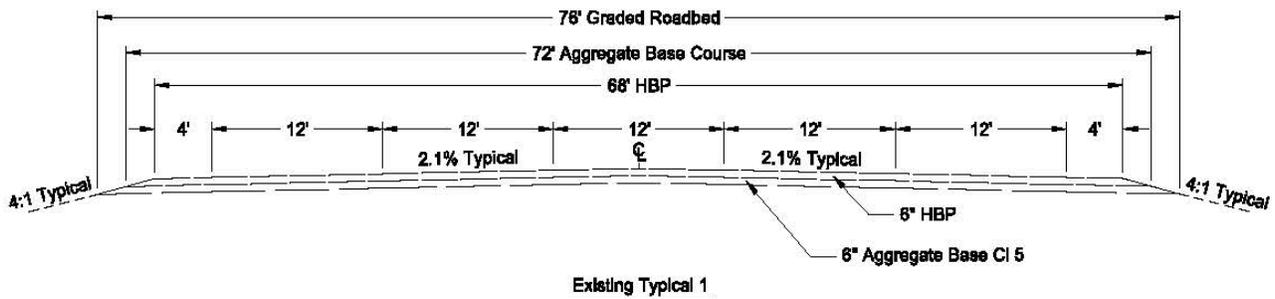
D. Need for Project

The current roadway pavement is at the end of its useful life, drainage issues along the corridor need to be addressed, and existing city utilities within the corridor need to be repaired/replaced. There is a need to reduce conflict points and improve traffic flow due to the high number of access points to area businesses. There are currently no sidewalks along the corridor and the Bismarck-Mandan Metropolitan Planning Organization (MPO) identified a system gap in the existing bike paths to connect the northwest and southeast ends of the corridor². Additionally, bus/transit service is present along the corridor, but there are no pull-over locations to pick up passengers. Opportunities to reduce the number of access points are recommended.

Existing Conditions:

Memorial Highway, a 5-lane undivided, minor arterial, and interregional corridor was designed as a rural roadway. Small ditches paralleling the highway have reduced drainage conveyance. Pedestrian facilities are minimal and expanded development prompts the need for additional non-motorized connections. Standard roadway lighting exists.

Figure 2 – Existing Typical Section



² Bismarck-Mandan MPO, Envision 2040 Long Range Transportation Plan
Memorial Highway Improvements
Project No. 1-094(197)917
April 2020

Deficiencies:

- Pavement is at the end of its useful life.
- Drainage is poor. Water ponds in the adjacent business parking lots and fills corridor ditches. Ditches are partially silted in.
- Sanitary sewer system is deficient with limited operational flexibility.
- There are currently 112 access points along the corridor, which contributes to a high number of crashes.
- Intersections should channelize traffic and accommodate larger turning movements.
- Most of the corridor does not contain shared use paths.
- None of the corridor contains sidewalks.
- There are no stopping locations or pull-offs for transit/bus traffic.

E. Scope of Work

Complete a reconstruction of Memorial Highway from Main Street to 46th Avenue SE in Mandan and associated improvements.

2021-2023 STIP: Phase I - \$10 million
Phase II - \$10 million
Phase III - \$10 million

2012 Scoping Report: \$31.5 million

2020 Documented CATEX: \$45 million to \$68 million for roadway, city utilities, and storm sewer. This range in cost is present due to pending decision items on drainage and pavement material selection.

F. Description of Alternatives Carried Forward for Further Analysis

a. Alternative A: No Build

The roadway would be maintained in its current condition.

b. Alternative B: Build Alternative(s)

Reconstruct roadway to include an urban roadway section, drainage improvements, bike and pedestrian facilities, lighting, landscaping, and signage for approximately 2.5 miles. Conduct City and private utility work concurrently with the roadway reconstruction.

Maintain roadway as a 5-lane section with a 4-lane section and raised median constructed at three intersections: 3rd Street SE, 40th Avenue SE, and 46th Avenue SE. The 5-lane section would consist of four 12-foot-wide driving lanes with a center 12 to 16-foot-wide turning lane. In areas containing raised medians, implement a 12-foot-wide turning lane with a 6-foot-wide raised median.

Construct a 6-foot-wide sidewalk on the north side of the roadway (details pending). It is assumed the sidewalk would extend throughout the entire corridor. Construct a 10-foot-wide shared use path on the south side of the corridor, connecting into existing shared use paths on both ends of the corridor. Pedestrian crossings are tentatively planned at the proposed signalized intersections at 3rd Street and 40th Ave.

Reconfigure Main Street intersection to accommodate wider turning movements. Install traffic signal at 3rd Street SE and add turning lanes north and south of the intersection. Realign 40th

Avenue SE intersection and install turn lanes accommodating wider traffic movements south of the intersection. Construct a 360-foot median and improvements to I-194 east bound off-ramp and turning lanes at 46th Avenue SE.

Potential pull-over locations were identified near Midway Lanes on the SW side of the roadway, and between Sign Pro and Schwan Buick on the NE side of the roadway.

Fully replace existing water lines and partially replace sanitary sewer lines. Relocate private utilities within the right-of-way. Coordinate with utility companies throughout the design phase.

This project is expected to be constructed in three phases during the 2022-2024 construction seasons to reduce impacts to the traveling public. No detours would be required during construction.

c. Stormwater Options

Install storm sewer and curb and gutter. Improve lift stations and construct proposed detention ponds (See AE2S January 2020 Stormwater Design Memo).

- Decision document will determine the storm sewer option.

Figure 3 – Alternative B Proposed Typical Sections

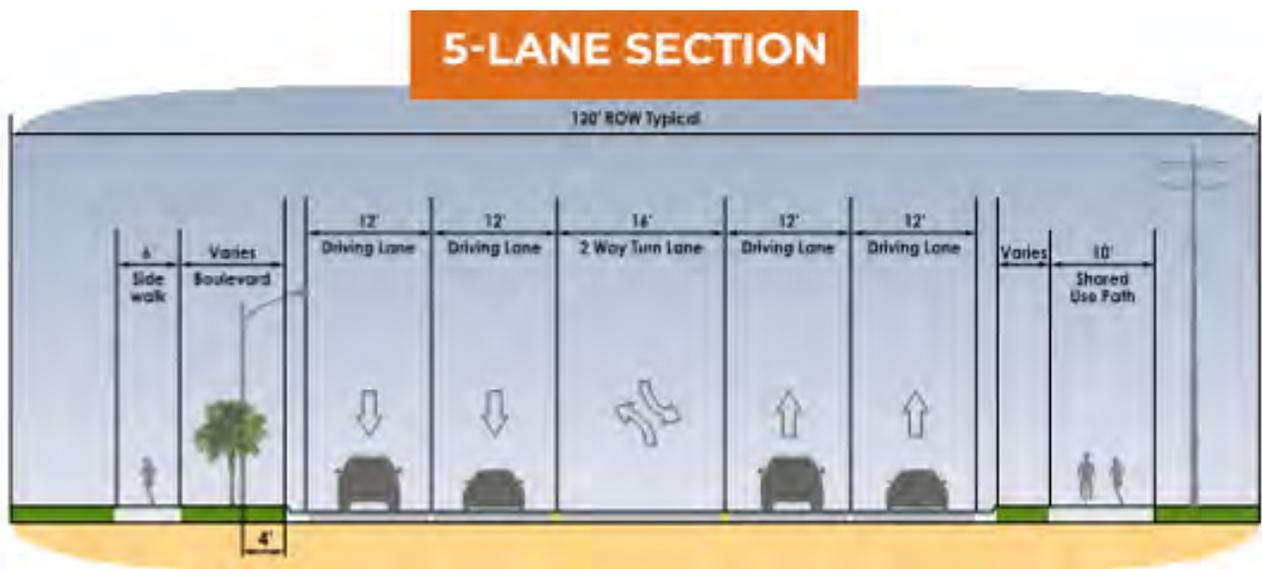
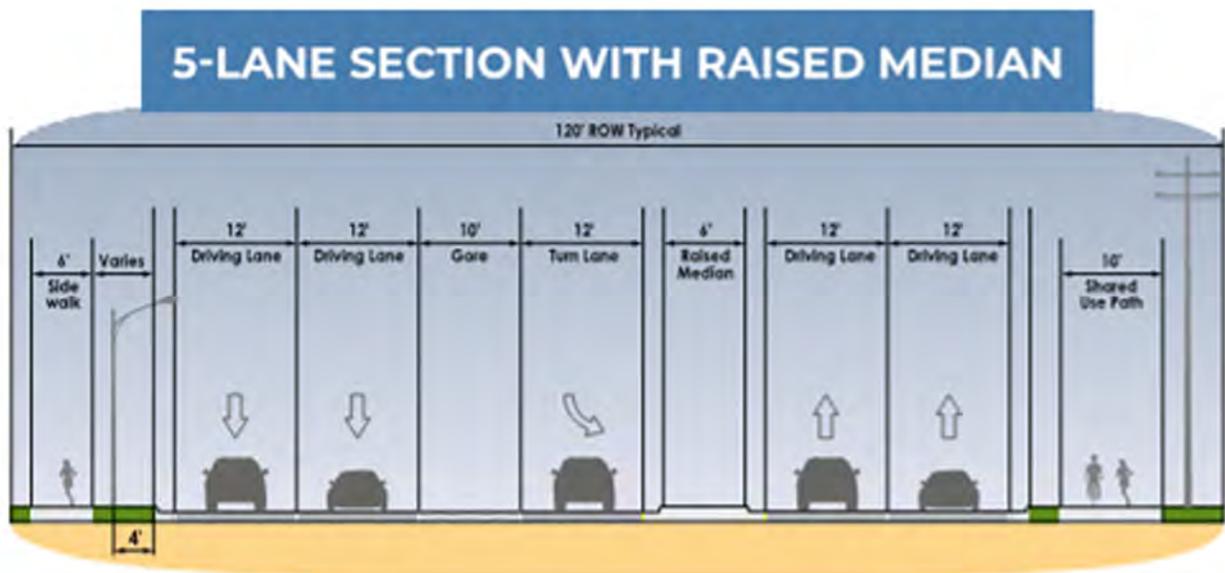


Figure 4 – Alternative B, Proposed Typical Sections for areas with proposed intersection improvements



d. Optional Work Items

There are no optional work items proposed for the Project.

e. Traffic Control Work Zone Safety and Mobility

The Project will comply with the Traffic Control Work Zone Safety and Mobility Rule as it is considered a “significant” project as defined in the work zone regulations at 23 CFR 630 Subpart J.

f. Work Zone Traffic Control

This project is expected to be constructed in phases during the 2022-2024 construction seasons to reduce impacts to the traveling public. No detours would be required and traffic would be maintained during construction. Each year, approximately 0.8 miles of roadway would be under construction. Travel time is expected to increase no more than 15 minutes during construction.

g. Maintenance Responsibility Discussion

Maintenance responsibilities would be transferred to the City of Mandan.

h. Summary of Engineering Issues

City (sewer and water) and private utilities are located within the project area. Coordination has been initiated with those companies. There are existing drainage issues along the corridor such as ponding during spring thaw in roadway ditches and adjacent parking lots.

Drainage improvements would direct flow away from the roadway to better resolve drainage issues.

A preferred stormwater option has not been identified at this time. Additional information can be found in Appendix I: Alternatives and Options Considered and Appendix J: Environmental Commitments/Further Study.

i. Summary of Environmental Issues

Alternative A:

There are no environmental impacts associated with Alternative A.

Alternative B:

Wetlands: At this time, it is assumed that all wetlands along the corridor would be impacted as a result of the project as a “worst-case” estimate. It is anticipated that the project would impact up to 0.54 permanent acres. Approximately 0.37 acres of wetlands would fall under the Corps’ jurisdiction. Wetland impacts will be further refined later in the design process. Efforts are being completed to first avoid impacts, and then to minimize unavoidable wetland impacts. It is anticipated impacts would be mitigated through a bank. Mitigation requirements are pending. See Appendix C.

Cultural: No historic properties would be affected from the project. Kist Livestock was determined to be eligible for the National Register of Historic Places and Midway Lanes was determined to be potentially eligible for listing. Due to the potential for buried cultural resources, ND SHPO has recommended monitoring be completed by a professional archaeologist during any ground disturbance activities and a discovery plan be in place.

Section 4(f): Impact analysis related to Section 4(f) properties is pending. There are several Section 4(f) properties adjacent to the corridor, including a city-owned golf course, community garden, existing bike paths, and Kist Livestock. Minor impacts (temporary occupancy) would occur from construction of the shared use paths to connect with existing paths.

Noise: This project was determined not to be a Type 1 project and no detailed noise analysis was required. See Appendix G.

Trees: Up to 3.5 acres of tree removal may occur. This estimate is a “worst-case” estimate assuming removal of trees associated with the BNSF drainage ditch and trees along the corridor. Actual tree impacts are estimated to be less and will be refined during the design phase. It is anticipated that trees would be replaced for the project at a 1:1 ratio.

Threatened and Endangered Species: Potential tree removal may affect, but is not likely to adversely affect the northern long-eared bat. The project is expected to have no effect on interior least tern, piping plover (and designated piping plover critical habitat), or rufa red knot. See Appendix B for more information.

Section 408: A USACE owned levee would have minimal impacts, specifically to the closure structure, which is non-functioning. Coordination with USACE to determine mitigation and Section 408 permitting requirements has been initiated.

Floodplains: Portions of the project are located within a 100-year floodplain. A floodplain permit would be required. The project is not anticipated to create a rise in flood elevations.

Hazardous Materials: There are known Recognized Environmental Conditions (RECs) along the corridor. Commitments should be implemented during construction if any construction would occur in those areas.

Environmental impacts associated with the stormwater options are preliminary and will be refined in the final design stage. Impacts associated with the stormwater options are not included in the Alternative B summary and are discussed in Appendix J: Environmental Commitments/Further Study.

Table 2 – Right of Way Summary

Alternatives	Temporary ROW Needed	Permanent ROW Needed	US Fish & Wildlife Property Interest?	US Forest Service Property Interest?
Alternative A	0 Acres	0 Acres	No	No
Alternative B	Up to 5 Acres	Up to 5 Acres	No	No

Table 3 - Summary of Estimated Costs

Alternatives	Cost
Alternative A	No Cost
Alternative B	Total Project: \$45 Million to \$68 Million depending on decision items regarding drainage and pavement material selection ³

G. Comments from the Documented CATEX: Pending

H. Public Concerns / Need for Public Input

Solicitation views letters were sent to local, state, and federal agencies with interested within or adjacent to the project area on 3/29/19. Additional mailings were sent on 09/25/19 and 12/12/19 to account for expanded study areas for the project. Solicitation of views letters and responses can be found in Appendix A.

Public input meetings were held for the project on 7/30/2019 and 9/24/2019. Both meetings were held at Midway Lanes in Mandan, ND. Comments and responses for both meetings are summarized in Table 4. The Public Involvement Report contains a complete table of comments and responses received.

Table 4 - Summary of Comments/Responses

Topic	Comments	Responses
Bicycling	<ul style="list-style-type: none"> Comments on shared use paths close to Memorial Hwy 	<ul style="list-style-type: none"> Bike and pedestrian facilities are being evaluated with the proposed improvements. Features such as signage and markings will be evaluated with the proposed improvements.
Business operations	<ul style="list-style-type: none"> Concerns about the median, pickup and semi access, and ability to share access with other landowners Concerns from local business owners about continuing business operations during construction phases 	<ul style="list-style-type: none"> Project improvements include medians near the signalized intersections to reduce the number of turning movements within the functional area of the intersection Traffic is anticipated to be maintained utilizing one lane in each direction and a center turn lane, while maintaining driveway access.
Preliminary design	<ul style="list-style-type: none"> Concerns about the cost to Mandan residents to maintain the road including snow removal and the maintenance of median. Concerns about frontage roads and signalized light by McDonalds 	<ul style="list-style-type: none"> The local share of the roadway and storm sewer project is estimated to be ~\$3.5M to \$4M or 10% of the project cost ~\$35M to \$40M. Annual maintenance costs will vary depending on pavement section chosen and the required snow maintenance.

³ City of Mandan would be responsible for a 10% of federal funding eligible items (roadway and storm sewer) and City utility costs (water and sanitary sewer estimated to be \$10.6 million).

Topic	Comments	Responses
	<ul style="list-style-type: none"> Concerns about lack of transparency about the project cost Concerns recommending to remove power lines as part of reconstruction 	<ul style="list-style-type: none"> Roadway alternatives including a center median for the entire length of the corridor and frontage roads were evaluated. Frontage roadways would require a significant amount of right of way from adjacent businesses. Property owners have communicated that impacts to their property would have a significant impact on their parking and vehicle movements within their parcels Project construction costs have been communicated in the Statewide Transportation Improvement Plan, updated and published annually by the North Dakota Department of Transportation Utility coordination is ongoing with affected utility companies, including related to the overhead power line along the corridor.
Median	<ul style="list-style-type: none"> Concerns of adding a median to the project. 	<ul style="list-style-type: none"> Median is utilized at the signalized intersections to reduce conflict points by limiting accesses and turning movements within the functional area of the intersection and providing a refuge for pedestrians.
Property damage	<ul style="list-style-type: none"> Concerns of access locations and property damages 	<ul style="list-style-type: none"> Access locations will be reviewed by the project team with business owners and property owners prior to relocating or moving accesses.
Resurfacing	<ul style="list-style-type: none"> Concerns with sharing access and tracking gravel from neighbor onto his pavement. 	<ul style="list-style-type: none"> Maintenance of access is responsibility of property owners. Existing, proposed and temporary pavement is anticipated to be used to maintain traffic on Memorial Highway.
Right Turns	<ul style="list-style-type: none"> Concerns of being able to take a right turn on 3rd Street 	<ul style="list-style-type: none"> Traffic operations determined the intersection layouts including a signal and right turn lane from 3rd Street to EB Memorial Highway.
Road access	<ul style="list-style-type: none"> Concerns with 40th access being blocked 	<ul style="list-style-type: none"> Median is utilized at the signalized intersections to improve conflict points by limiting accesses and turning movements within the functional area of the intersection and providing a refuge for pedestrians.

Table 5 - Comparison of Alternatives

Alternative	Advantages	Disadvantages
Alternative A	<ul style="list-style-type: none"> No change in environmental or social impacts. No cost for improvements aside from the cost of routine maintenance. 	<ul style="list-style-type: none"> Does not meet the purpose and need of the Project. Does not provide necessary improvements to the roadway, intersections, lighting, drainage, or pedestrian and bike bath improvements.
Alternative B	<ul style="list-style-type: none"> Would improve roadway, intersection, pedestrian and bike path, and drainage deficiencies. Would extend the life of the roadway in a way that accommodates forecasted traffic. 	<ul style="list-style-type: none"> Environmental impacts would occur. Right-of-way would be required to accommodate improvements.
Roadway Surfacing Options	Advantages	Disadvantage
Option 1: Hot Bituminous Pavement (HBP)	<ul style="list-style-type: none"> Reduced construction cost. (Range of \$45 Million to \$63 Million, depending on storm alternative) 	<ul style="list-style-type: none"> Typically 20 year design life. Requires additional routine maintenance when compared to PCC pavement.
Option 2: Portland Cement Concrete (PCC) Pavement	<ul style="list-style-type: none"> Typically 30 year design life. Requires less routine maintenance than HBP 	<ul style="list-style-type: none"> Higher construction cost. (Range of \$50 Million to \$68 Million depending on storm alternative)

Table 6 - Recommendations

	1. Do you concur with the project concepts as proposed?	2. Which alternative should proceed with the project? (A or B)	3. Which pavement option should proceed with the project? (1 or 2)
Office of Project Development			
Office of Transportation Programs			
Office of Operations			
Bridge Division			
Construction Services Division			
Design Division			
District			
Environmental and Transportation Services Division			
Local Government Division			
Maintenance Division			
Materials and Research Division			
Programming Division			
Planning/Asset Management Division ⁴⁵			
City			
FHWA			

⁴ James Styron: There are no at-grade crossings within the project limits. The grade separation has been addressed on the north end of the project.

⁵ Terry Woehl: There are no existing ATR/WIM sites within project limits.

I. Executive Decisions

1. Do you concur with the projects concepts proposed?

Yes

No

2. Which alternative should proceed with the project?

Alternative A – No-Build Alternative

Alternative B – Proposed Build Alternative (\$45 million to \$68 million, depending on alternatives)

3. Which pavement option should proceed with the project?

Option1 – Hot Bituminous Pavement (\$45 million to \$ \$63 million, depending on storm alternative)

Option 2 – Portland Cement Concrete Pavement (\$50 million to \$68 million, depending on storm alternative)

Amendments/Comments for Project No. 1-094(197)971:

The City of Mandan has been financially compromised by the recent COVID-19 pandemic. We
are currently unclear about how major of an impact this will be on our ability to fund projects,
especially one as large as Memorial Highway. Though our local funding picture is unclear at this
time, we believe this project is vital for the success of the City of Mandan for decades to come
and we will continue to work through the funding concerns to make this project happen. We
understand that this step does not require us to specify all of our funding means to pay for the
local share of this project at this time.

Ronald J. Henke, P.E., Deputy Director For Engineering

Reconstruction

Project No.

PCN

SU-1-094(197)917

22005

Memorial Highway
Main Street to 46th Avenue SE
Mandan, North Dakota



Prepared by

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
BISMARCK, NORTH DAKOTA

<http://www.dot.nd.gov/>

DIRECTOR
William T. Panos

PROJECT DEVELOPMENT DIRECTOR
Chard M. Orn, P.E.

Principal Author: HDR
April 2020

Memorial Highway Improvements

Main Street to 46th Avenue SE

CERTIFICATION

I hereby certify that this report was prepared by me or under my direct supervision and that I am a duly registered professional engineer under the laws of the State of North Dakota. This document was originally issued and sealed by Craig Mizera, Registration number PE-7475 on MM/DD/YY and the original document is stored at the North Dakota Department of Transportation.

This document
is preliminary
and not for
construction or
implementation
purposes.

PRELIMINARY

Craig Mizera, P.E.

Date

EXECUTIVE SUMMARY

Attachments: Storm Water Design Memorandum

A. Project Description

Project Number: SU-1-094(197)917
Highway: I-94B, Memorial Highway
Project Limits: Main Street to 46th Avenue SE
Project Description: Reconstruction
District: Bismarck
Current ADT: 17,121 (2018)
Forecast ADT: 23,256 (2038)

B. Project Schedule

Project: Reconstruction
Plans Complete: September 1, 2021
Bid Opening: November 12, 2021

C. Purpose of Project

The purpose of the project is to address roadway deficiencies, reduce conflict points, and improve multi-modal transportation along Memorial Highway from Main Street (RP 917.043) to 46th Avenue SE (RP 920.474) in Mandan, North Dakota.

D. Need for Project

The current roadway pavement is at the end of its useful life, drainage issues along the corridor need to be addressed, and existing city utilities within the corridor need to be repaired/replaced. There is a need to reduce conflict points and improve traffic flow due to the high number of access points to area businesses. There are currently no sidewalks along the corridor and the Bismarck-Mandan Metropolitan Planning Organization (MPO) identified a system gap in the existing bike paths to connect the northwest and southeast ends of the corridor in the *Envision 2040 Long Range Transportation Plan*. Additionally, bus/transit service is present along the corridor, but there are no pull-over locations to pick up passengers. Opportunities to reduce the number of access points are recommended.

Existing Conditions:

Memorial Highway, a 5-lane undivided, minor arterial, and interregional corridor was designed as a rural roadway. Small ditches paralleling the highway have reduced drainage conveyance. Pedestrian facilities are minimal and expanded development prompts the need for additional non-motorized connections. Standard roadway lighting exists.

Deficiencies:

- Pavement is at the end of its useful life.
- Drainage is poor. Water ponds in the adjacent business parking lots and fills corridor ditches. Ditches are partially silted in.
- Sanitary sewer system is deficient with limited operational flexibility.
- There are currently 112 access points along the corridor, which contributes to a high number of crashes.
- Intersection should channelize traffic and accommodate larger turning movements.
- Most of the corridor does not contain shared use paths.
- None of the corridor contains sidewalks.
- There are no stopping locations or pull overs for transit/bus traffic.

E. Scope of Work

2021-2023 STIP: Phase I - \$10,000,000
 Phase II - \$10,000,000
 Phase III - \$10,000,000

2012 Scoping Report: \$31,500,000

2020 Preliminary Design: \$45,000,000 - \$ 68,000,000 for roadway, city utilities, and storm sewer

This range in cost is present due to pending decision items on drainage and pavement material selection.

F. Purpose of Decision Document

A storm water design memorandum was completed that summarizes potential storm water collection system improvements along the corridor, including the recommended option. The purpose of this decision document is to define options for storm water collection system improvements and require NDDOT's decision on which option to move forward with in design.

Existing Storm Water Collection System

A majority of the storm water runoff from the corridor and surrounding properties is collected in roadside ditches, which flow to a drainage easement that parallels the BNSF railroad within the railroad right-of-way, and eventually to the Interstate 194 drainage system. The roadside ditches have limited conveyance capacity due to minimal grade; siltation occurs further reducing the capacity. Highway storm water runoff periodically overloads the existing roadside ditches resulting in water ponding on adjacent properties. Currently runoff from smaller rainfall events doesn't freely drain out of the system and tends to collect in the roadside ditches and other low areas along the corridor where it evaporates and infiltrates into the ground. Figure 1 shows current drainage patterns along the corridor.

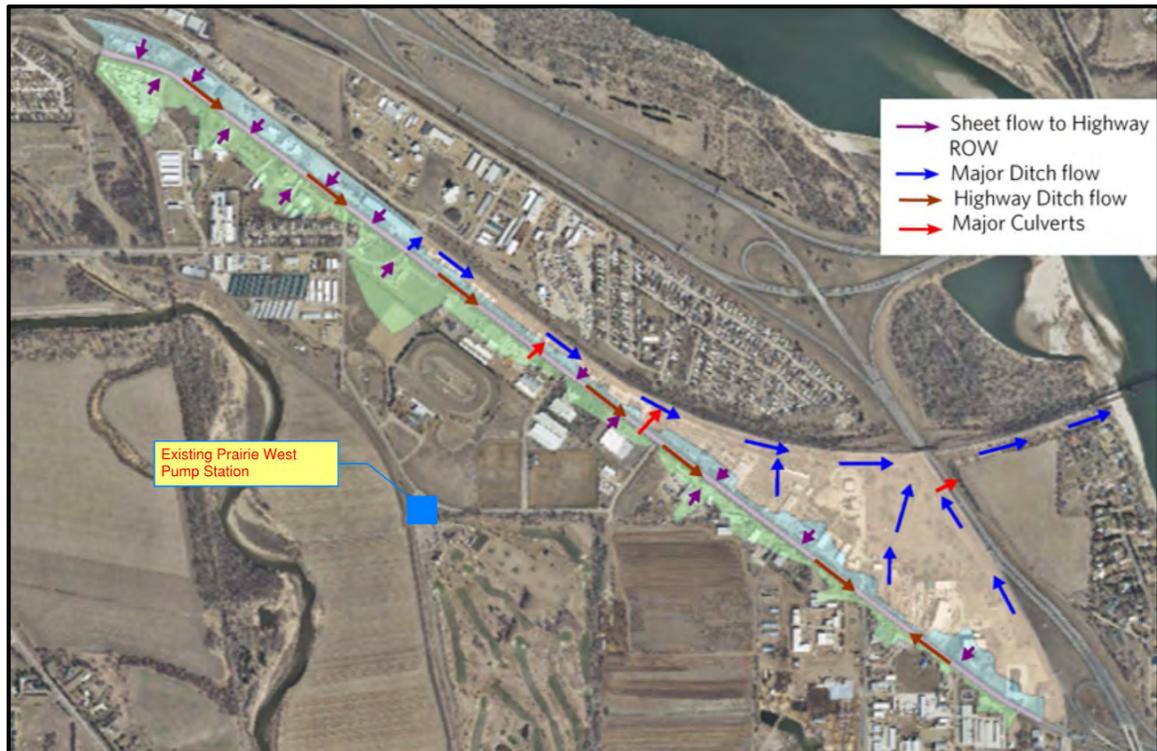


Figure 1 : Existing Drainage Patterns

Storm Water Collection System Improvements Not Carried Forward

A number of storm water concepts were discussed and vetted with project team members and area stakeholders that were not carried forward in Decision Item #1. Below is a brief summary of these concepts:

- Roadway Median Storage, improve storm water quality.
 - *Discarded after further evaluation by NDDOT Management.*
- Pond and Underground Storage within Dacotah Centennial Park and Prairie West Golf Course
 - *Open space within the park is utilized for parking for the race track and soccer fields.*
 - *Additional storm water creates an issue for current operations at the golf course due to current water treatment activities and water quality concerns.*
 - *Underground detention or storage options were deemed financially infeasible. Double the cost of surface storm water ponds.*
- Larger Diameter Pipe for Storage, improve system hydraulics during peak events.
 - *Hydraulically required trunk lines are 72"+ diameter.*
 - *Depth of large pipes create groundwater and utility conflict concerns.*
 - *Lower inverts create additional outlet constraints for gravity system options.*
- Storm Water Surface Pond Locations.
 - *Pond locations presented to project team and stakeholders were discussed with landowners that were unwilling to support a pond on their property.*
 - *Pond locations within close proximity to the levee system create permitting constraints and result in significant costs for the required infrastructure improvements.*

Decision Item #1 – Storm Water Collection System Improvements

The following sections summarize the design and implementation recommendations for the storm water system associated with the reconstruction of Memorial Highway. The proposed storm water system will collect water from the road corridor at sag inlets and from area drains near the outside edge of the roadway right-of-way to reduce ponding; then gravity drain to pump stations or to existing drainage channels. The options discussed will provide storage and discharge locations.

The City of Mandan is evaluating local drainage improvements that may be incorporated into the Memorial Highway project improvements. A portion of the drainage improvements benefiting the local drainage off of the Memorial Highway corridor will require additional funding from the City of Mandan.

The northern portion of the project corridor extending from Main Street south to the levee will not require storm water improvements. Initial modeling of the existing storm water infrastructure indicates that the inlets and pipes are appropriately sized to meet NDDOT design criteria. Minor improvements to the inlets in this area are not included in the options discussed in this decision document.

The options for decision item #1 are generally described as:

- Option 1 – West Portion Gravity to Heart River & East Portion Kist Pond (\$15.4M)
- Option 2 – West Portion Garden Pond & East Portion Gravity to Lakewood (\$12.9M)
- Option 3 – West Portion Garden Pond & East Portion to 19th Street Pond (\$16.5M)
- Option 4 – West Portion Gravity to Large Pump Station & East Portion Gravity to Lakewood (\$27.2M)
- Option 5 – West Portion Gravity to Heart River & East Portion Gravity to Lakewood (\$13.8M)

The following sections provide a description of each option.

Option 1 – West Portion Gravity to Heart River & East Portion Kist Pond

This option consists of splitting storm water collection into two regions divided near the intersection of 3rd Street SE, as shown in Figure 2.



Figure 2 : Conceptual Layout of Option 1

The west region consists of a gravity collection system from 3rd Street SE to approximately the intersection with Riverwood Avenue and a gravity pipe system to the Heart River Levee. A proposed storm water pump station with pumping capacity of approximately 2,500 gpm with a 24-inch force main discharging through the Heart River Levee. Due to the corridor elevation being lower than the action stage of the Heart River this pump station would be utilized when the Heart River reaches action stage or higher and actual pumping capacity would be confirmed through the USACE 408 permitting process.

The east region consists of a gravity collection system from approximately 3rd Street SE to the intersection with 46th Avenue and a gravity pipe to a proposed pump station and pond on undeveloped property adjacent to the Kist Livestock Sales Yard. A proposed storm water pump station with pumping capacity between 5,000 and 7,500 gpm with a 24-inch force main discharging to BNSF right-of-way ditch. A surge pond with a surface area between two and three acres is proposed.

Advantages:

- BNSF discharge location is downstream of constricted ROW area.
- Kist pump station can be configured to account for future development of adjacent undeveloped properties or future bays that connect to the Missouri River could be used as a gravity or force main discharge point.
- Eliminates coordination with Lakewood Landowners compared to Option 2.

Disadvantages:

- BNSF coordination and permitting.
- Land acquisition is from multiple entities.
- USACE 408 permitting with Heart River outlet.
- Kist Pond located within the 100-year floodplain.
- Requires additional environmental review and potential additional fieldwork.
- Two pump stations.

Option 1 has an estimated cost of \$15,400,000 (2020\$). See Table 4 in the attached Storm Water Design Memorandum for a detailed breakdown of associated costs.

Option 2 – West Portion Garden Pond and East Portion Gravity to Lakewood

This option consists of splitting storm water collection into two regions divided near Schwan Buick GMC, as shown in Figure 3.



Figure 3 - Conceptual Layout of Option 2

The west region consists of a gravity collection system from Schwan Buick GMC to approximately the intersection with Riverwood Avenue and a gravity pipe to a proposed pump station and pond on undeveloped property adjacent to the Mandan Speedway. The property is owned by the Mandan Parks and Recreation Board and is utilized as community garden plots and parking area. This location is designated the Garden Pond. A proposed storm water pump station with pumping capacity between 5,000 and 7,500 gpm with a 24-inch force main discharging to BNSF right-of-way ditch or to the Heart River. A surge pond with a surface area between two and three acres is proposed.

The east region consists of a gravity collection system from approximately Schwan Buick GMC to the intersection with 46th Avenue and a gravity pipe to discharge in the Lakewood Development.

Advantages:

- Lowest initial cost.
- Major land acquisition is from one entity.
- One pump station.
- Avoidance of BNSF Ditch if Heart River outlet is chosen.
- Potential elimination of the current Prairie West Pump Station.

Disadvantages:

- BNSF discharge location requires additional maintenance compared to Option 1.
- Coordination with Lakewood landowners.
- USACE 408 permitting with Heart River outlet alternative.
- BNSF coordination and permitting process with BNSF ROW ditch outlet alternative.
- Section 4(f) impacts, may require alternatives analysis and selection of avoidance option.
- Requires additional environmental review and potential additional fieldwork.

Option 2 has an estimated cost of \$12,900,000 (2020\$). See Table 5 in the attached Storm Water Design Memorandum for a detailed breakdown of associated costs.

Option 3 – West Portion Garden Pond and East Portion to 19th Street Pond

This option consists of splitting storm water collection into two regions divided near Schwan Buick GMC, as shown in Figure 4.

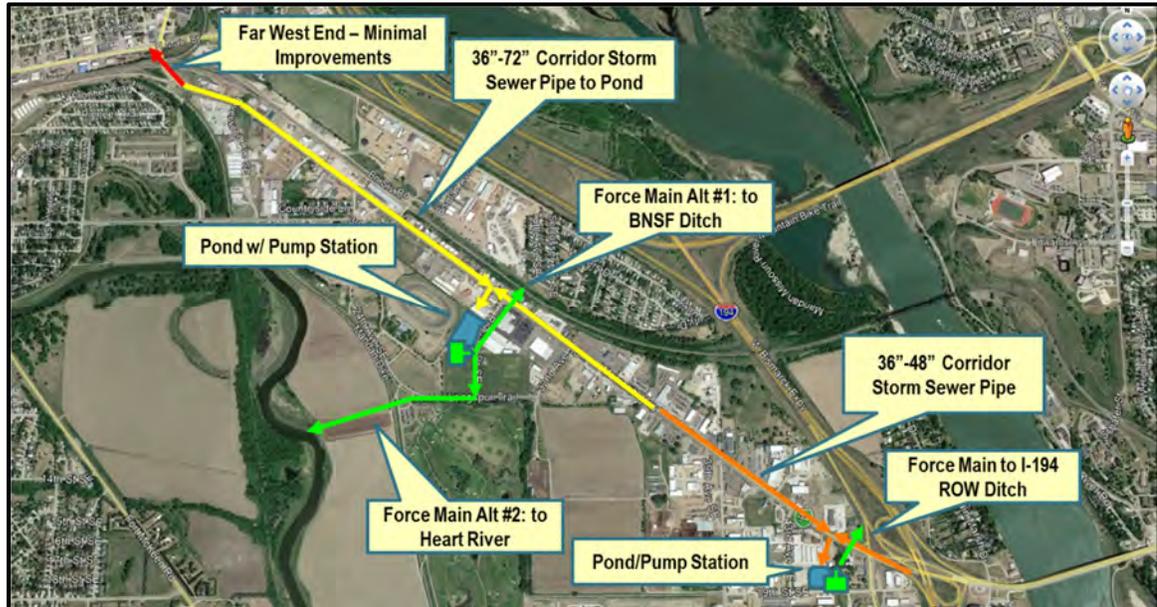


Figure 4 - Conceptual Layout of Option 3

The west region consists of a gravity collection system from Schwan Buick GMC to approximately the intersection with Riverwood Avenue and a gravity pipe to a proposed pump station and pond on undeveloped property adjacent to the Mandan Speedway. The property is owned by the Mandan Parks and Recreation Board and is utilized as community garden plots and parking area. This location is designated the Garden Pond. A proposed storm water pump station with pumping capacity between 5,000 and 7,500 gpm with a 24-inch force main discharging to BNSF right-of-way ditch or to the Heart River. A surge pond with a surface area between two and three acres is proposed.

The east region consists of a gravity collection system from approximately Schwan Buick GMC to the intersection with 46th Avenue and a gravity pipe to a proposed pump station and pond on undeveloped property along 19th Street SE. This location is designated the 19th Street Pond. A proposed storm water pump station with pumping capacity between 5,000 and 7,500 gpm with a 24-inch force main discharging to the Interstate 194 right-of-way drainage ditch. A surge pond with a surface area between one and two acres is proposed.

Advantages:

- Eliminates coordination with Lakewood Landowners compared to Option 2.
- Avoidance of BNSF ROW ditch with Heart River outlet alternative.
- Potential elimination of the current Prairie West pump station.

Disadvantages:

- BNSF discharge location requires additional maintenance compared to Option 1.
- Results in two pump stations.
- Land acquisition is from multiple entities.
- USACE 408 permitting with Heart River outlet alternative.
- BNSF permitting process with BNSF ROW ditch outlet alternative.
- Higher cost compared to gravity options.
- Section 4(f) impacts, may require alternatives analysis and selection of avoidance option.
- Requires additional environmental review and potential additional fieldwork.

Option 3 has an estimated cost of \$16,500,000 (2020\$). See Table 6 in the attached Storm Water Design Memorandum for a detailed breakdown of associated costs.

Option 4 – West Portion Gravity to Large Pump Station & East Portion Gravity to Lakewood

This option consists of splitting storm water collection into two regions divided near 40th Avenue SE, as shown in Figure 5.



Figure 5 - Conceptual Layout of Option 4

The west region consists of a gravity collection system from 40th Avenue SE to approximately the intersection with Riverwood Avenue and a gravity pipe to a proposed pump station that will replace the existing Prairie West pump station. A proposed storm water pump station with pumping capacity of 100,000 gpm with a dual 60-inch force main discharging to through the Heart River Levee to the Heart River. A concrete wet well at the pump station is proposed.

The east region consists of a gravity collection system from approximately 40th Avenue SE to the intersection with 46th Avenue and a gravity pipe to discharge in the Lakewood Development.

Advantages:

- Discharges all storm water to the Heart and Missouri Rivers.
- No storm water ponds.
- Replaces the current Prairie West pump station.

Disadvantages:

- Highest initial cost.
- Maintenance of one large pump station.
- USACE 408 permitting with Heart River outlet.
- Coordination with Lakewood landowners.
- Requires additional environmental review and potential additional fieldwork.

Option 4 has an estimated cost of \$27,200,000 (2020\$). See Table 7 in the attached Storm Water Design Memorandum for a detailed breakdown of associated costs.

Option 5 – West Portion Gravity to Heart River & East Portion Gravity to Lakewood

This option consists of splitting storm water collection into two regions divided near 40th Avenue SE, as shown in Figure 6.



Figure 6 - Conceptual Layout of Option 5

The west region consists of a gravity collection system from 3rd Street SE to approximately the intersection with Riverwood Avenue and a gravity pipe system to the Heart River Levee. A proposed storm water pump station with pumping capacity of approximately 2,500 gpm with a 24-inch force main discharging through the Heart River Levee. Due to the corridor elevation being lower than the action stage of the Heart River this pump station would be utilized when the Heart River reaches action stage or higher and actual pumping capacity would be confirmed through the USACE 408 permitting process.

The east region consists of a gravity collection system from approximately 40th Avenue SE to the intersection with 46th Avenue and a gravity pipe to discharge in the Lakewood Development.

Advantages:

- No storm water ponds.
- No major land acquisition.
- Discharges all storm water to the Heart and Missouri Rivers.

Disadvantages:

- Spring river flooding scenario still requires a pump station.
- USACE 408 permitting with Heart River outlet.
- Coordination with Lakewood landowners.
- Requires additional environmental review and potential additional fieldwork.

Option 5 has an estimated cost of \$13,800,000 (2020\$). See Table 8 in the attached Storm Water Design Memorandum for a detailed breakdown of associated costs.

Recommendations Table

	1. Do you concur with the project concepts as proposed?	2. Which option should proceed with the project?
Office of Project Development		
Office of Transportation Programs		
Office of Operations		
Bridge Division		
Construction Services Division		
Design Division		
District		
Environmental and Transportation Services Division		
Local Government Division		
Maintenance Division		
Materials and Research Division		
Programming Division		
Planning/Asset Management Division		
City		
FHWA		

H. Executive Decisions

1. Do you concur with the project concepts as proposed?

Yes

No

2. Which option should proceed with the project?

Option 1 – West Portion Gravity to Heart River & East Portion Kist Pond
@ \$15,400,000

Option 2 – West Portion Garden Pond & East Portion Gravity to Lakewood
@ \$12,900,000

Option 3 – West Portion Garden Pond & East Portion to 19th Street Pond
@ \$16,500,000

Option 4 – West Portion Gravity to Large Pump Station & East Portion Gravity to Lakewood
@ \$27,200,000

Option 5 – West Portion Gravity to Heart River & East Portion Gravity to Lakewood
@ \$13,800,000

Amendments/Comments for Project No. SU-1-094(197)917:

The City of Mandan has been financially compromised by the recent COVID-19 pandemic. We are currently unclear about how major of an impact this will be on our ability to fund projects, especially one as large as Memorial Highway. Though our local funding picture is unclear at this time, we believe this project is vital for the success of the City of Mandan for decades to come and we will continue to work through the funding concerns to make this project happen. We understand that this step does not require us to specify all of our funding means to pay for the local share of this project at this time.

Ronald J. Henke, P.E., Deputy Director for Engineering

Date

Attachments:

Storm Water Design Memorandum

Purpose

This memorandum summarizes the recommended stormwater collection system improvements included in the North Dakota Department of Transportation (NDDOT) Memorial Highway Reconstruction Project No. 1-094(197)917, PCN 22005 (Project). The Project limits are from Main Street to 46th Avenue and will consist of approximately 2.4 miles of highway reconstruction and drainage improvements.

Project Background

Memorial Highway was reconstructed in 1979 and consists of four 12-foot travel lanes and one 12-foot center turn lane. Most of the stormwater runoff from the highway and surrounding properties is collected in roadside ditches, which flows to a drainage easement that parallels the BNSF railroad within the railroad right-of-way, and eventually to the Interstate 194 drainage system. The ditches have limited conveyance capacity due to minimal grade and siltation also occurs, further reducing capacity. Highway stormwater runoff periodically overloads the existing drainage ditches resulting in water ponding on adjacent properties. In the current condition, runoff from smaller rainfall events doesn't freely drain out of the system and tends to collect in the drainage ditches and other low areas where it evaporates and infiltrates into the ground.

Two previous studies have provided drainage improvement recommendations for the Memorial Highway corridor. These studies were:

- Memorial Highway Drainage Study, Memorial Highway (Strip) – Business Loop, Mandan, North Dakota, July 2004 prepared by the NDDOT (NDDOT Study)
- Mandan Memorial Highway Corridor Study, December 2010, prepared by KLJ (Corridor Study)

The NDDOT Study proposed two options both consisting of a piped collection system capable of collecting and conveying the runoff from the reconstructed highway for the 10-year storm event. Where the options differ is the location of the stormwater discharge. NDDOT Option 1 proposed collecting the runoff, pumping to the BNSF right-of-way ditch which ultimately discharges to the Missouri River via the Interstate I-194 drainage system. NDDOT Option 2 consisted of a pump station with gravity discharge to the 46th Avenue stormwater system. Detailed designs, easement requirements, and property acquisition recommendations were not included in the NDDOT Study.

The Corridor Study recommended utilizing NDDOT Option 1 with minor modifications for the future highway reconstruction. In general, the Corridor Study determined that the runoff from the 10-year event should be collected in a stormwater system and pumped to an improved ditch on the BNSF right-of-way with ultimate discharge to the Missouri River via the Interstate 194 drainage system. The Corridor Study recommended that the BNSF ditch be concrete lined to reduce maintenance and increase flow capacity.

Recommendations for Design & Implementation

The following sections summarize the design and implementation recommendations for the stormwater system associated with the Memorial Highway reconstruction.

Stormwater Collection System Overview

With the proposed urban road section including curb and gutter, the proposed stormwater system will collect water from the road corridor at sag inlets and from outside the corridor at area drains and then gravity drain to a combination of ponds and pump stations, or directly to the Heart River and Missouri River systems.

The pump stations will consist of a pumping station and storage. Storage consists of either a large pump station wet well, or pump station wet well plus pond storage. The storage size will be maximized to fit the available land and the pumping station will be sized to work with the storage to meet the design criteria.

The options discussed in this memo will provide options for storage and discharge locations.

Design Criteria

Both the NDDOT and the City of Mandan require street stormwater collection systems to be designed to collect and convey the 10-year 24-hour rainfall event. The City of Mandan also requires that the 100-year 24-hour runoff event be collected and conveyed in a manner that does not inundate surrounding property. Due to the proposed project being in a largely developed commercial urban area it is recommended that the stormwater collection system be designed with the following performance requirements shown in Table 1:

Table 1 – Stormwater Collection System Performance Requirements

Performance Criteria	Project Recommendation
Rainfall Depth Source	NOAA Atlas 14 with a 24-Hour Duration
Roadway Collection System Design Event	10-Year 24-Hour
100-year Flood Event	Within ROW/Drainage Easements Depth limited to 3" over road crown
Spread Width	Shoulder plus 1/2 outer lane for design event
Pipe Size	Pipes flowing 80% full for design event
Pipe Velocity	Min 3 fps Max 20 fps
Pipe Slope	Minimum based on 2-year velocity Maximum based on 10-year velocity
Pond Freeboard	1' freeboard over 100-Year HGL
Post Construction Water Quality	None for the Project, future water quality will be managed by the City of Mandan

Stormwater Discharge Location

Based on the proposed options, four potential stormwater discharge locations were considered, which are listed and described below:

1. *Heart River*: Along the current levee system there are two areas south of the corridor that drain to the Heart River through two separate levee penetrations:
 - a. Gravity drain near the corner of Riverwood Avenue and 3rd Street SE; and
 - b. Forcemain from the Prairie West pump station located at the Prairie West Golf Course

Both locations lack additional hydraulic capacity to accommodate additional corridor drainage due to existing flooding issues and known pumping capacity.

Routing additional water to the Heart River would require the use of either large stormwater retention structures or enlarged levee penetrations. Adequate land is not available to site large retention structures and permitting new levee penetrations could add 6-12 months to the design schedule.

Gravity storm sewer pipes that penetrate the Heart River flood control level will require a flood gate at the outfall. This flood gate will be closed when the Heart River water surface elevation reaches action stage or higher. During a gate closed situation, a pump station is needed to lift stormwater, that would normally gravity discharge, over the levee and into the Heart River.

The design flow for the gate closed condition will be determined during the 408-permitting process. Based on recent work for the Heart River recertification process it is assumed that the gate closed design storm will consist of the 10-day snow melt event with a 1-year rainfall event.

The design flow for the gate closed condition will be determined during the 408-permitting process. Based on recent work for the Heart River recertification process it is assumed that the gate closed design storm will consist of a springtime flood event including the 100-year 10-day snow melt and 1-year rainfall.

2. *Dead Heart*: A Heart River oxbow lake located south of Prairie West golf course was isolated from the main channel by the flood levee. This lake serves as the discharge point for local drainage including most of the Prairie West golf course. Draining project stormwater to the Dead Heart will require approximately 1,800 lineal feet of forcemain dug adjacent to, and through, the Prairie West golf course.
3. *BNSF Ditch*: Existing corridor drainage currently runs through the BNSF railroad drainage ditch. This ditch ties into the I-194 ROW ditch system, which drains through a single 36-inch culvert under I-194 to the Missouri River.
4. *Lakewood*: The private Lakewood development extended river access north from the Missouri River up to 21st Street, or roughly three city blocks south of the corridor. An existing drainage channel connects from Memorial Highway near North Sky Pawn down to the Lakewood development. Proposed pipe routing would be through this channel and

use existing drainage easements or acquire other easements if needed. The City's current drainage discharge into Lakewood would be upsized to accommodate a portion of the highway corridor.

Groundwater Design Elevation

The Project lies within the Missouri River floodplain. Bore logs published by the North Dakota State Water Commission (SWC) show soils to be sandy clays with groundwater elevations ranging from 1622 to 1629. Groundwater elevations in the project area are closely tied to the Missouri River water surface elevation and can change over time. Since the project will include pump stations, storage ponds and piping, groundwater elevation will be a key component of design.

A groundwater elevation of 1627 is assumed for the project design. This elevation is low enough to provide adequate depth for pipes and ponds and high enough to limit the frequency of groundwater inflows into the system. Concept level designs of the proposed storm sewer and pond system indicates that groundwater elevations below 1627 impact the available pond storage, pipe installation methods, and add significant project cost.

If necessary, during periods of high groundwater, pump station set points can be adjusted higher to prevent ground water pumping. This adjustment will limit the available storage in the ponds, which will be considered during the pond design process.

Heart River Water Surface Elevation

Discharge and Stage exceedance probabilities of the Heart River were recently determined by modeling the 25th, 50th, and 75th Percentile flows in a HEC-RAS model created for the Heart River Levee Recertification project. The flow statistics were compiled USGS daily discharge records during the period of 1994 through 2020. Table 2 summarizes the results, showing that the water surface elevation of the Heart River would exceed elevations of 1622 and 1623 approximately 75% and 50% of the time, respectively. The location for these elevations is near the current levee penetration at 3rd Street and Riverwood Ave, or just downstream of the Trolley Bridge.

Table 2 - Flow and Elevation Exceedance Probability for the Heart River downstream of the Trolley Bridge

Exceedance	Discharge (cfs)	Stage (ft NAVD 88)
75th	102	1621.6
Median	354	1623.0
25th	1170	1625.3

Railroad Underpass

The north portion of the project corridor extending from East Main Street south to the Levee will not require significant stormwater improvements. Initial modeling of the existing stormwater infrastructure indicates that the inlets and pipes are appropriately sized to meet the NDDOT design criteria. Minor improvements to the inlets in this area are not included in the opinion of cost in this report and are assumed to be covered in the project contingencies.

The overall drainage concept for the railroad underpass area will not change because of the current project. Runoff that collects in the underpass is captured by the storm drain collection system and pumped to the East Main storm sewer system.

Replacing the existing underpass storm drain system would at most include 400 feet of trunk pipe, 12 inlets or manholes, and minor other appearances. The existing pipe sizes range from 12-inch to 21-inch in diameter. AE2S did not recommend full replacement but this can be included in the final design phase if requested.

Hydrologic and Hydraulic Modeling System

It is recommended that the project utilize a dynamic modeling system that combines the hydrologic and hydraulic analysis for the stormwater system design. The NDDOT Hydraulics Manual requires hydrologic calculations using the rational method and the City of Mandan allows the use of rational method, NRCS TR-55, or USGS regression equations. Due to the urban nature and complex drainage systems in the project, it is recommended to use NRCS TR-55 runoff/infiltration with a Dimensionless Type-II Unit Hydrograph rainfall to estimate runoff hydrographs for the contributing drainage areas. InfoSWMM (commercial model based on the EPA SWMM engine) software will be used to complete the analysis. To fully meet the NDDOT design requirements, the rational method will also be used to size the inlets and confirm that spread width requirements are met.

Construction Phasing

Reconstruction of Memorial Highway will occur in multiple phases over several construction seasons requiring the stormwater system design to consider constructability for multiple phases.

To accommodate phased construction, each storm sewer layout being proposed can be split into two or three phases, allowing phasing flexibility and allowing contractors options for dealing with runoff during construction.

Opinions of Construction Costs

Opinion of probable construction costs are included for the options described in detail below. There are many factors that will affect project costs for these options including costs to secure right-of-way, contractor competition, ground water management, and construction phasing. Cost presented are in 2020 construction dollars and do not include preliminary engineering and construction costs as they are included in the overall project cost.

Options for Stormwater Management

The following sections describe options for stormwater management of the project corridor. Selection of the preferred option is dependent on the ability to secure land for pump stations and detention ponds. Based on meetings with City of Mandan staff, NDDOT staff, and local landowners, the options presented represent the most favored.

The options are generally described as:

Option 1 – West Portion Gravity to Heart River & East Portion Kist Pond

Option 2 – West Portion Garden Pond & East Portion Gravity to Lakewood

Option 3 – West Portion Garden Pond & East Portion 19th Street Pond

Option 4 – West Portion Gravity to Large Pump Station & East Portion Gravity to Lakewood

Option 5 – (Preferred Option) West Portion Gravity to Heart River & East Portion Gravity to Lakewood

The following sections provide a description of each option including a schematic plan layout, benefit summary, and an opinion of probable construction costs.

Option 1 – West Portion Gravity to Heart River & East Portion Kist Pond

Option 1 - West Portion of the stormwater system consists of (Figure 1):

- i. Stormwater gravity collection system from approximately the intersection of Riverwood Avenue on the west end to the 3rd Street SE.
- ii. Gravity pipe through Titan Machinery to Riverwood Ave SE and then south through the Heart River Levee.
 - a. Gravity pipe outfall requires a flood gate that will be closed during flood stage events on the Heart River.
- iii. Spring Runoff pump station with:
 - a. The pump station is needed during high river levels. The Heart River flood action stage is higher than Memorial Highway, which means any runoff during a flood will need to be pump up into the Heart River.
 - b. Pumping capacity of 2,500 gpm – actual capacity will need to be confirmed through the USACE 408 permitting process.
 - c. 24-inch forcemain south through the Heart River Levee.

Option 1 - East Portion of the stormwater system consists of (Figure 1):

- i. Stormwater gravity collection system from approximately 3rd Street SE on the west end to 46th Avenue on the east.
- ii. Gravity pipe from the project corridor south to a proposed pump station and pond on undeveloped property adjacent to the Kist Livestock Sales Yard.
- iii. Stormwater pump station with:
 - a. Pumping capacity of 5,000-7,500 gpm,
 - b. Surge pond with a surface area of two to three acres, and
 - c. 24-inch forcemain discharging to the BNSF right-of-way ditch.

Opinion of Project Construction Costs

Based on 2020 dollars, the project construction cost for Option 1 is \$15.4 million. This opinion includes construction and land acquisition costs. Detailed breakdown of the costs associated with this option are shown in Table 4 following the option analysis. Offsite restoration costs are included for the pipe corridor.



Figure 1 – Conceptual Layout of Stormwater Option 1

Benefits & Challenges

This option results in the slightly higher estimated project costs due to the high cost of land used for detention ponds and the installation of two pump stations.

Benefits	Challenges
<ul style="list-style-type: none">• Accommodates two or three phases of construction.• BNSF discharge location is downstream of constricted ROW area.• Kist pump station can be configured to account for future development of adjacent undeveloped properties or future bays that connect to the Missouri River could be used as a gravity or forcemain discharge point.• Provides drainage improvements to the Riverwood Ave SE area.	<ul style="list-style-type: none">• BNSF Coordination and Permitting• Land acquisition is from multiple entities• USACE 408 Permitting Process

Option 2 – West Portion Garden Pond & East Portion Gravity

Option 2 - West Portion of the stormwater system consists of (Figure 2):

- i. Stormwater gravity collection system from approximately the intersection of Riverwood Avenue on the west end to the Schwan property on the east.
- ii. Gravity pipe from the project corridor south to a proposed pump station and pond on undeveloped property adjacent to the Mandan Speedway that is owned by Mandan Parks and Recreation and is currently used as a location for community garden plots and parking area. This location is designated the Garden Pond.
- iii. Stormwater pump station with:
 - a. Pumping capacity of 5,000-7,500 gpm,
 - b. Surge pond with a surface area of two to three acres, and
 - c. 24-inch forcemain discharging to the Interstate BNSF right-of-way drainage ditch (Alt #1) or
 - d. 24-inch forcemain discharging to the Heart River through a levee penetration (Alt #2).

Option 2 - East Portion of the stormwater system consists of (Figure 2):

- i. Stormwater gravity collection system from approximately the intersection with 39th Avenue on the west to the intersection of 46th Avenue on the east.
- ii. Gravity pipe from the project corridor south to an existing discharge point in the Lakewood Development.
 - a. Easement or ROW is required to be obtained from Memorial Hwy south to 19th St SE, and
 - b. From 19th St SE to the outfall there is an existing drainage easement that could be utilized for the gravity pipe.

Opinion of Project Construction Costs

Based on 2020 dollars, the project construction cost for Option 2 ranges from \$12.5 million to \$12.9 million depending on the forcemain alternative selected. Detailed breakdown of the costs associated with Option 2 Alt #1 are shown Table 5 and Option 2 Alt #2 are shown in Table 6 following this option analysis. Offsite restoration costs are included for the pipe corridor.

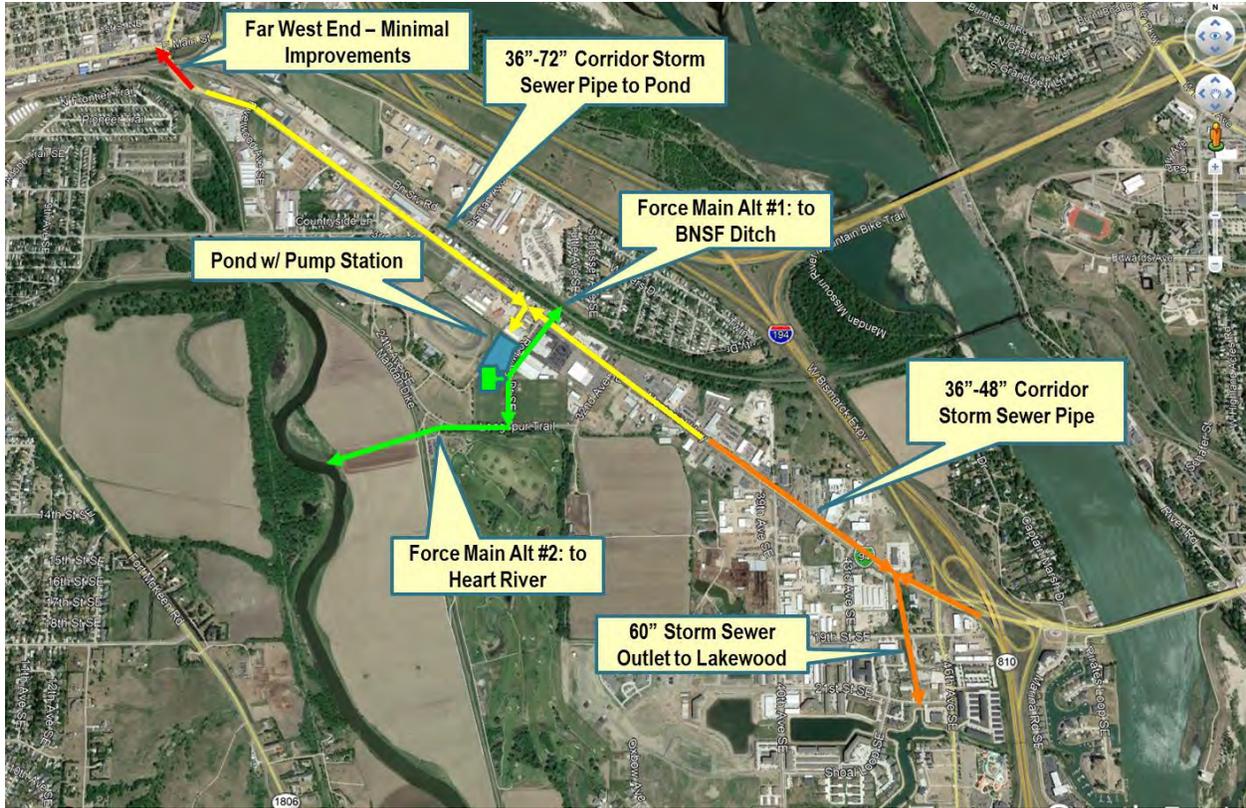


Figure 2 – Conceptual Layout of Stormwater Option 2

Benefits & Challenges

The key benefit of Option 2 is that much of the land is owned by a one landowner, a public entity and only requires one pump station.

Benefits	Challenges
<ul style="list-style-type: none"> • Lowest Initial Cost. • Major land acquisition is from one entity. • Accommodates two or three phases of construction. • One pump station. • Potential to avoid BNSF Ditch (depends on chosen forcemain alternative). • Potential elimination of the current Prairie West Pump Station. 	<ul style="list-style-type: none"> • BNSF discharge location is an area that will require more maintenance than Option 1. • Coordination with Lakewood landowners. • USACE 408 Permitting or BNSF Permitting Processes (depends on chosen forcemain alternative). • Section 4f impacts

Option 3 – West Portion Garden Pond & East Portion 19th Street Pond

Option 3 - West Portion of the stormwater system consists of (Figure 3):

- i. Stormwater gravity collection system from approximately the intersection of Riverwood Avenue on the west to the Schwan property on the east.
- ii. Gravity pipe from the project corridor south to a proposed pump station and pond on undeveloped property adjacent to the Mandan Speedway that is owned by the Mandan Parks and Recreation Board and is used as a location for community garden plots and parking area. This location is designated the Garden Pond.
- iii. Stormwater pump station with:
 - a. Pumping capacity of 5,000-7,500 gpm,
 - b. Surge pond with a surface area of two to three acres, and
 - c. 24-inch forcemain discharging to the Interstate BNSF right-of-way drainage ditch or two the Heart River System.

Option 3 - East Portion of the stormwater system consists of (Figure 3):

- i. Stormwater gravity collection system from approximately the intersection with 39th Avenue on the west to the intersection of 46th Avenue on the east.
- ii. Gravity pipe from the project corridor south to a proposed pump station and pond on undeveloped property along 19th Street SE. This location is designated the 19th Street Pond.
- iii. Stormwater pump station with:
 - a. Pumping capacity of 5,000-7,500 gpm,
 - b. Surge pond with a surface area of one to two acres, and
 - c. 24-inch forcemain discharging to the Interstate 194 right-of-way drainage ditch.

Opinion of Project Construction Costs

Based on 2020 dollars, the project construction cost for Option 3 is \$16.1 to \$16.5 million depending on the forcemain alternative selected. Detailed breakdown of the costs associated with this Option 3 Alt #1 are shown in Table 7 and Option 3 Alt #2 are shown in Table 8 following the option analysis. Offsite restoration costs are included for the pipe corridor.



Figure 3 – Conceptual Layout of Stormwater Option 3

Benefits & Challenges

Option 3 is a good substitute for Option 2 if discharge to Lakewood is not possible.

Benefits	Challenges
<ul style="list-style-type: none"> • Accommodates two or three phases of construction. • Eliminates coordination with Lakewood Landowners as compared to Option 2. • Avoidance of BNSF Ditch (depends on chosen forcemain alternative). • Potential elimination of the current Prairie West Pump Station. 	<ul style="list-style-type: none"> • BNSF discharge location is an area that will require more maintenance than Option 1. • Results in two pump stations. • Land acquisition is from multiple entities • USACE 408 Permitting or BNSF Permitting Processes (depends on chosen forcemain alternative). • Higher cost compared to gravity options. • Section 4f impacts

Option 4 – West Portion to Large Pump Station and East Portion Gravity to Lakewood.

Option 4 - West Portion to Large Pump Station consists of (Figure 4):

- i. Stormwater gravity collection system from approximately the intersection of Riverwood Avenue on the west to the Schwan property on the east.
- ii. Gravity pipe from the project corridor south to a proposed pump station, which will replace the existing Prairie West pump station.
- iii. Stormwater pump station with:
 - a. Pumping capacity of 100,000 gpm,
 - b. Concrete wet well at pump station, and
 - c. Dual 60-inch forcemains discharging through the Heart River Levee.

Option 4 - East Portion of the stormwater system consists of (Figure 4):

- i. Stormwater gravity collection system from approximately the intersection with 39th Avenue on the west to the intersection of 46th Avenue on the east.
- ii. Gravity pipe from the project corridor south to a discharge in the Lakewood Development.

Opinion of Project Construction Costs

Based on 2020 dollars the project construction cost for Option 4 is \$27.2 million. This opinion includes construction and land acquisition costs. Detailed breakdown of the costs associated with this option are shown in Table 9 following the option analysis. Offsite restoration costs are included for the pipe corridor.



Figure 4 - Conceptual Layout of Stormwater Option 4

Benefits & Challenges

The benefit of Option 4 is that it does not use any stormwater ponds and limits discharge to the BNSF ditch.

Benefits	Challenges
<ul style="list-style-type: none"> • Discharges all stormwater to Heart River and Missouri River. • Accommodates two or three phases of construction. • No Stormwater Ponds. • Replaces the current Prairie West Pump Station. 	<ul style="list-style-type: none"> • Highest Initial Cost. • Maintenance of one large pump station. • BNSF Coordination • USACE 408 Permitting Process. • Coordination with Lakewood landowners.

Option 5 – (Preferred Option) West Portion Gravity to Heart River and East Portion Gravity to Lakewood.

Option 5 - West Portion Gravity to Heart River consists of (Figure 5):

- i. Stormwater gravity collection system from approximately the intersection of Riverwood Avenue on the west end to the Schwan property on the east.
- ii. High flow bypass system from the highway gravity sewer system to convey a portion of flows from less frequent rainfall events to the BNSF ditch.
 - a. The anticipated flows to the BNSF ditch will be equal to or less than the rates previously submitted to BNSF for review.
 - b. Most of the runoff will be collected by the storm sewer system with a portion of the overall peak runoff overflowing, or diverting, to the BNSF ditch during low frequency rainfall events (25-year and greater).
 - c. More frequent rainfall events (likely 10-year and less) will be collected and conveyed by the storm sewer collection system with minimal impact to the BNSF ditch.
 - d. The actual rate and volume of runoff that will overflow to the BNSF ditch will be a function of the chosen highway elevation and storm sewer system design.
- iii. Gravity pipe from the project corridor through Titan Machinery to the southwest through a new levee penetration to the Heart River.
- iv. Spring Runoff pump station with:
 - a. Pumping capacity of 2,500 gpm – actual capacity will need to be confirmed through the USACE 408 permitting process.
 - b. 24-inch forcemain south through the Heart River Levee.

Option 5 - East Portion of the stormwater system consists of (Figure 5):

- i. Stormwater gravity collection system from approximately the intersection with 39th Avenue on the west to the intersection of 46th Avenue on the east.
- ii. Gravity pipe from the project corridor south to a discharge in the Lakewood Development.

Opinion of Project Construction Costs

Based on 2020 dollars the project construction cost for Option 5 is \$13.8 million. This opinion includes construction and land acquisition costs. Detailed breakdown of the costs associated with this option are shown in Table 10 following the option analysis. Offsite restoration costs are included for the pipe corridor.



Figure 5 - Conceptual Layout of Stormwater Option 5

Benefits & Challenges

Option 5 is the preferred option because, under normal operation, all stormwater is routed by gravity to the Heart and Missouri Rivers. A pump station is required on the west portion of the improvements to remove water during a “gate-closed” event on the Heart River.

Benefits	Challenges
<ul style="list-style-type: none"> • No stormwater ponds. • No major land acquisitions. • Discharges all stormwater to Heart River and Missouri River. • Accommodates two or three phases of construction. 	<ul style="list-style-type: none"> • Spring river flooding scenario still requires a pump station. • USACE 408 Permitting Process. • BNSF Coordination • Coordination with Lakewood landowners

Detailed Opinion of Construction Costs

Table 3 – Summary of Options Opinion of Construction Costs

Option	Description	Opinion of Construction Costs (\$2020)
1	West Portion Gravity to Heart River & East Portion Kist Pond	\$15,400,000
2	West Portion Garden Pond & East Portion Gravity to Lakewood	\$12,500,000 - \$12,900,000
3	West Portion Garden Pond & East Portion 19th Street Pond	\$16,100,00 - \$16,500,000
4	West Portion Gravity to Large Pump Station & East Portion Gravity to Lakewood	\$27,200,000
5	West Portion Gravity to Heart River & East Portion Gravity to Lakewood	\$13,800,000

Table 4 - Option 1 Opinion of Construction Costs

SPEC	CODE	DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	COST
West Stormwater Collection System						
702	100	MOBILIZATION	LS	\$ 321,000.00	1	\$ 321,000
714	910	PIPE CONC REINF 36IN CL III-STORM DRAIN	LF	\$ 150.00	480	\$ 72,000
714	1110	PIPE CONC REINF 48IN CL III-STORM DRAIN	LF	\$ 250.00	2,866	\$ 716,500
714	1312	PIPE CONC REINF 60IN CL III-STORM DRAIN	LF	\$ 450.00	2,622	\$ 1,179,900
722	130	MANHOLE 84IN	EA	\$ 15,000.00	14	\$ 209,040
722	3766	INLET SPECIAL-TYPE 2 72IN	EA	\$ 7,500.00	12	\$ 90,000
724		FORCEMAIN 24IN	LF	\$ 125.00	1,200	\$ 150,000
920	90	PUMP STATION - GATE CLOSED CONDITION	EA	\$ 750,000.00	1.0	\$ 750,000
920	265	OUTLET STRUCTURE w/GATE	EA	\$ 500,000.00	1	\$ 500,000
SP		OFFSITE RESTORATION	SF	\$ 0.50	25,000	\$ 12,500
SP		LEVEE EXCAVATION	LS	\$ 150,000.00	1	\$ 150,000
SP		LEVEE REBUILD	LS	\$ 250,000.00	1	\$ 250,000
Construction Subtotal						\$ 4,400,940
Unanticipated & Contingency (35%)						\$ 1,550,000
Subtotal Construction						\$ 5,950,940
Property Acquisition			SF	\$ 15.00	15,000	\$ 225,000
Easement Acquisition			SF	\$ 5.00	45,000	\$ 225,000
Subtotal of Construction & Right-of-Way Acquisition for West Portion						\$ 6,400,940
SPEC	CODE	DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	COST
East Stormwater Collection System						
702	100	MOBILIZATION	LS	\$ 353,000.00	1	\$ 353,000
203	101	COMMON EXCAVATION TYPE A	CY	\$ 6.00	35,000	\$ 210,000
714	910	PIPE CONC REINF 36IN CL III-STORM DRAIN	LF	\$ 150.00	1,604	\$ 240,600
714	1110	PIPE CONC REINF 48IN CL III-STORM DRAIN	LF	\$ 250.00	3,196	\$ 799,000
714	1312	PIPE CONC REINF 60IN CL III-STORM DRAIN	LF	\$ 450.00	3,813	\$ 1,715,850
722	130	MANHOLE 84IN	EA	\$ 15,000.00	19	\$ 288,390
722	3766	INLET SPECIAL-TYPE 2 72IN	EA	\$ 7,500.00	26	\$ 195,000
724		FORCEMAIN 24IN	LF	\$ 125.00	1,200	\$ 150,000
920	90	PUMP STATION	EA	\$ 750,000.00	1	\$ 750,000
SP		OFFSITE RESTORATION	SF	\$ 2.00	30,000	\$ 60,000
Construction Subtotal						\$ 4,761,840
Unanticipated & Contingency (35%)						\$ 1,667,000
Subtotal Construction						\$ 6,428,840
Property Acquisition			SF	\$ 15.00	174,240	\$ 2,613,600
Subtotal of Construction & Right-of-Way Acquisition for East Portion						\$ 9,042,440
Opinion of Total Construction and Land Acquisition Costs (2020\$)						\$ 15,400,000

Table 5 - Option 2 Alt #1 Opinion of Construction Costs

SPEC	CODE	DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	COST
West Stormwater Collection System						
702	100	MOBILIZATION	LS	\$ 418,000.00	1	\$ 418,000
203	101	COMMON EXCAVATION TYPE A	CY	\$ 6.00	25,000	\$ 150,000
203	113	COMMON EXCAVATION - WASTE	CY	\$ 9.00	25,000	\$ 225,000
230	107	RESHAPE DITCH	MILE	\$ 50,000.00	1.5	\$ 75,000
714	910	PIPE CONC REINF 36IN CL III-STORM DRAIN	LF	\$ 150.00	1,820	\$ 273,000
714	1110	PIPE CONC REINF 48IN CL III-STORM DRAIN	LF	\$ 250.00	4,400	\$ 1,100,000
714	1312	PIPE CONC REINF 60IN CL III-STORM DRAIN	LF	\$ 450.00	720	\$ 324,000
714	1512	PIPE CONC REINF 72IN CL III-STORM DRAIN	LF	\$ 650.00	2,370	\$ 1,540,500
722	130	MANHOLE 84IN	EA	\$ 15,000.00	21	\$ 309,300
722	3766	INLET SPECIAL-TYPE 2 72IN	EA	\$ 7,500.00	26	\$ 195,000
724		FORCEMAIN 24IN	LF	\$ 125.00	1,500	\$ 187,500
902	90	PUMP STATION	EA	\$ 750,000.00	1	\$ 750,000
SP		OFFSITE RESTORATION	SF	\$ 5.00	17,500	\$ 87,500
Construction Subtotal						\$ 5,634,800
Unanticipated & Contingency (35%)						\$ 1,980,000
Subtotal Construction						\$ 7,614,800
		Property Acquisition	SF	\$ 15.00	174,240	\$ 2,613,600
Subtotal of Construction & Right-of-Way Acquisition for West Portion						\$ 10,228,400
SPEC	CODE	DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	COST
East Stormwater Collection System						
702	100	MOBILIZATION	LS	\$ 117,000.00	1	\$ 117,000
714	910	PIPE CONC REINF 36IN CL III-STORM DRAIN	LF	\$ 150.00	480	\$ 72,000
714	1312	PIPE CONC REINF 48IN CL III-STORM DRAIN	LF	\$ 250.00	2,200	\$ 550,000
714	1312	PIPE CONC REINF 60IN CL III-STORM DRAIN	LF	\$ 450.00	950	\$ 427,500
722	130	MANHOLE 84IN	EA	\$ 15,000.00	9	\$ 138,900
722	3766	INLET SPECIAL-TYPE 2 72IN	EA	\$ 7,500.00	12	\$ 90,000
920	265	SUBMERGED OUTLET STRUCTURE	EA	\$ 150,000.00	1	\$ 150,000
Construction Subtotal						\$ 1,576,900
Unanticipated & Contingency (35%)						\$ 552,000
Subtotal Construction						\$ 2,128,900
		Easement Acquisition	SF	\$ 5.00	30,000	\$ 150,000
Subtotal of Construction & Right-of-Way Acquisition for East Portion						\$ 2,278,900
Opinion of Total Construction and Land Acquisition Costs (2020\$)						\$ 12,500,000

Table 6 - Option 2 Alt #2 Opinion of Construction Costs

SPEC	CODE	DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	COST	
West Stormwater Collection System							
702	100	MOBILIZATION	LS	\$ 441,000.00	1	\$	441,000
203	101	COMMON EXCAVATION TYPE A	CY	\$ 6.00	25,000	\$	150,000
203	113	COMMON EXCAVATION - WASTE	CY	\$ 9.00	25,000	\$	225,000
714	910	PIPE CONC REINF 36IN CL III-STORM DRAIN	LF	\$ 150.00	1,820	\$	273,000
714	1110	PIPE CONC REINF 48IN CL III-STORM DRAIN	LF	\$ 250.00	4,400	\$	1,100,000
714	1312	PIPE CONC REINF 60IN CL III-STORM DRAIN	LF	\$ 450.00	720	\$	324,000
714	1512	PIPE CONC REINF 72IN CL III-STORM DRAIN	LF	\$ 650.00	2,370	\$	1,540,500
722	130	MANHOLE 84IN	EA	\$ 15,000.00	21	\$	309,300
722	3766	INLET SPECIAL-TYPE 2 72IN	EA	\$ 7,500.00	26	\$	195,000
724		FORCEMAIN 24IN	LF	\$ 125.00	2,000	\$	250,000
724	9030	FORCEMAIN 30IN	LF	\$ 150.00	1,500	\$	225,000
902	90	PUMP STATION	EA	\$ 750,000.00	1	\$	750,000
SP		OFFSITE RESTORATION	SF	\$ 5.00	17,500	\$	87,500
SP		LEEVE EXCAVATION	LS	\$ 25,000.00	1	\$	25,000
SP		LEEVE REBUILD	LS	\$ 50,000.00	1	\$	50,000
						Construction Subtotal	\$ 5,945,300
						Unanticipated & Contingency (35%)	\$ 2,090,000
						Subtotal Construction	\$ 8,035,300
Property Acquisition			SF	\$ 15.00	174,240	\$	2,613,600
Subtotal of Construction & Right-of-Way Acquisition for West Portion						\$	10,648,900
SPEC	CODE	DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	COST	
East Stormwater Collection System							
702	100	MOBILIZATION	LS	\$ 117,000.00	1	\$	117,000
714	910	PIPE CONC REINF 36IN CL III-STORM DRAIN	LF	\$ 150.00	480	\$	72,000
714	1312	PIPE CONC REINF 48IN CL III-STORM DRAIN	LF	\$ 250.00	2,200	\$	550,000
714	1312	PIPE CONC REINF 60IN CL III-STORM DRAIN	LF	\$ 450.00	950	\$	427,500
722	130	MANHOLE 84IN	EA	\$ 15,000.00	9	\$	138,900
722	3766	INLET SPECIAL-TYPE 2 72IN	EA	\$ 7,500.00	12	\$	90,000
920	265	SUBMERGED OUTLET STRUCTURE	EA	\$ 150,000.00	1	\$	150,000
						Construction Subtotal	\$ 1,576,900
						Unanticipated & Contingency (35%)	\$ 552,000
						Subtotal Construction	\$ 2,128,900
Easement Acquisition			SF	\$ 5.00	30,000	\$	150,000
Subtotal of Construction & Right-of-Way Acquisition for East Portion						\$	2,278,900
Opinion of Total Construction and Land Acquisition Costs (2020\$)						\$	12,900,000

Table 7 - Option 3 Alt #1 Opinion of Construction Costs

SPEC	CODE	DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	COST
West Stormwater Collection System						
702	100	MOBILIZATION	LS	\$ 427,000.00	1	\$ 427,000
203	101	COMMON EXCAVATION TYPE A	CY	\$ 6.00	25,000	\$ 150,000
203	113	COMMON EXCAVATION - WASTE	CY	\$ 9.00	25,000	\$ 225,000
230	107	RESHAPE DITCH	MILE	\$ 50,000.00	1.5	\$ 75,000
714	910	PIPE CONC REINF 36IN CL III-STORM DRAI	LF	\$ 150.00	1,820	\$ 273,000
714	1110	PIPE CONC REINF 48IN CL III-STORM DRAI	LF	\$ 250.00	4,400	\$ 1,100,000
714	1312	PIPE CONC REINF 60IN CL III-STORM DRAI	LF	\$ 450.00	720	\$ 324,000
714	1512	PIPE CONC REINF 72IN CL III-STORM DRAI	LF	\$ 700.00	2,370	\$ 1,659,000
722	130	MANHOLE 84IN	EA	\$ 15,000.00	21	\$ 309,300
722	3766	INLET SPECIAL-TYPE 2 72IN	EA	\$ 7,500.00	26	\$ 195,000
724		FORCEMAIN 24IN	LF	\$ 125.00	1,500	\$ 187,500
920	90	PUMP STATION	EA	\$ 750,000.00	1	\$ 750,000
SP		OFFSITE RESTORATION	SF	\$ 5.00	17,500	\$ 87,500
Construction Subtotal						\$ 5,762,300
Unanticipated & Contingency (35%)						\$ 2,020,000
Subtotal Construction						\$ 7,782,300
Property Acquisition			SF	\$ 15.00	174,240	\$ 2,613,600
Subtotal of Construction & Right-of-Way Acquisition for West Portion						\$ 10,395,900
SPEC	CODE	DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	COST
East Stormwater Collection System						
702	100	MOBILIZATION	LS	\$ 232,000.00	1	\$ 232,000
203	101	COMMON EXCAVATION TYPE A	CY	\$ 6.00	25,000	\$ 150,000
203	113	COMMON EXCAVATION - WASTE	CY	\$ 9.00	25,000	\$ 225,000
714	910	PIPE CONC REINF 36IN CL III-STORM DRAI	LF	\$ 150.00	480	\$ 72,000
714	1110	PIPE CONC REINF 48IN CL III-STORM DRAI	LF	\$ 250.00	2,200	\$ 550,000
714	1312	PIPE CONC REINF 60IN CL III-STORM DRAI	LF	\$ 450.00	1,510	\$ 679,500
722	130	MANHOLE 84IN	EA	\$ 15,000.00	10	\$ 155,700
722	3766	INLET SPECIAL-TYPE 2 72IN	EA	\$ 7,500.00	12	\$ 90,000
724		FORCEMAIN 24IN	LF	\$ 125.00	1,000	\$ 125,000
920	90	PUMP STATION	EA	\$ 750,000.00	1	\$ 750,000
SP		OFFSITE RESTORATION	SF	\$ 10.00	10,000	\$ 100,000
Construction Subtotal						\$ 3,129,200
Unanticipated & Contingency (35%)						\$ 1,096,000
Subtotal Construction						\$ 4,225,200
Easement Acquisition			SF	\$ 5.00	30,000	\$ 150,000
Right-of-Way Acquisition			SF	\$ 15.00	90,000	\$ 1,350,000
Subtotal of Construction & Right-of-Way Acquisition for East Portion						\$ 5,725,200
Opinion of Total Construction and Land Acquisition Costs (2020\$)						\$ 16,100,000

Table 8 - Option 3 Alt #2 Opinion of Construction Costs

SPEC	CODE	DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	COST
West Stormwater Collection System						
702	100	MOBILIZATION	LS	\$ 444,000.00	1	\$ 444,000
203	101	COMMON EXCAVATION TYPE A	CY	\$ 6.00	25,000	\$ 150,000
203	113	COMMON EXCAVATION - WASTE	CY	\$ 9.00	25,000	\$ 225,000
714	910	PIPE CONC REINF 36IN CL III-STORM DRAI	LF	\$ 150.00	1,820	\$ 273,000
714	1110	PIPE CONC REINF 48IN CL III-STORM DRAI	LF	\$ 250.00	4,400	\$ 1,100,000
714	1312	PIPE CONC REINF 60IN CL III-STORM DRAI	LF	\$ 450.00	720	\$ 324,000
714	1512	PIPE CONC REINF 72IN CL III-STORM DRAI	LF	\$ 700.00	2,370	\$ 1,659,000
722	130	MANHOLE 84IN	EA	\$ 15,000.00	21	\$ 309,300
722	3766	INLET SPECIAL-TYPE 2 72IN	EA	\$ 7,500.00	26	\$ 195,000
724		FORCEMAIN 24IN	LF	\$ 125.00	2,000	\$ 250,000
724	9030	FORCEMAIN 30IN	LF	\$ 150.00	1,500	\$ 225,000
920	90	PUMP STATION	EA	\$ 750,000.00	1	\$ 750,000
SP		OFFSITE RESTORATION	SF	\$ 5.00	17,500	\$ 87,500
SP		LEVEE EXCAVATION	LS	\$ 25,000.00	1	\$ 25,000
SP		LEVEE REBUILD	LS	\$ 50,000.00	1	\$ 50,000
Construction Subtotal						\$ 6,066,800
Unanticipated & Contingency (35%)						\$ 2,130,000
Subtotal Construction						\$ 8,196,800
		Property Acquisition	SF	\$ 15.00	174,240	\$ 2,613,600
Subtotal of Construction & Right-of-Way Acquisition for West Portion						\$ 10,810,400
SPEC	CODE	DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	COST
East Stormwater Collection System						
702	100	MOBILIZATION	LS	\$ 232,000.00	1	\$ 232,000
203	101	COMMON EXCAVATION TYPE A	CY	\$ 6.00	25,000	\$ 150,000
203	113	COMMON EXCAVATION - WASTE	CY	\$ 9.00	25,000	\$ 225,000
714	910	PIPE CONC REINF 36IN CL III-STORM DRAI	LF	\$ 150.00	480	\$ 72,000
714	1110	PIPE CONC REINF 48IN CL III-STORM DRAI	LF	\$ 250.00	2,200	\$ 550,000
714	1312	PIPE CONC REINF 60IN CL III-STORM DRAI	LF	\$ 450.00	1,510	\$ 679,500
722	130	MANHOLE 84IN	EA	\$ 15,000.00	10	\$ 155,700
722	3766	INLET SPECIAL-TYPE 2 72IN	EA	\$ 7,500.00	12	\$ 90,000
724		FORCEMAIN 24IN	LF	\$ 125.00	1,000	\$ 125,000
920	90	PUMP STATION	EA	\$ 750,000.00	1	\$ 750,000
SP		OFFSITE RESTORATION	SF	\$ 10.00	10,000	\$ 100,000
Construction Subtotal						\$ 3,129,200
Unanticipated & Contingency (35%)						\$ 1,096,000
Subtotal Construction						\$ 4,225,200
		Easement Acquisition	SF	\$ 5.00	30,000	\$ 150,000
		Right-of-Way Acquisition	SF	\$ 15.00	90,000	\$ 1,350,000
Subtotal of Construction & Right-of-Way Acquisition for East Portion						\$ 5,725,200
Opinion of Total Construction and Land Acquisition Costs (2020\$)						\$ 16,500,000

Table 9 - Option 4 Opinion of Construction Costs

SPEC	CODE	DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	COST
West Stormwater Collection System						
702	100	MOBILIZATION	LS	\$ 1,284,000.00	1	\$ 1,284,000
203	101	COMMON EXCAVATION TYPE A	CY	\$ 6.00	30,000	\$ 180,000
203	113	COMMON EXCAVATION - WASTE	CY	\$ 9.00	30,000	\$ 270,000
714	910	PIPE CONC REINF 36IN CL III-STORM DRAIN	LF	\$ 150.00	1,320	\$ 198,000
714	1110	PIPE CONC REINF 48IN CL III-STORM DRAIN	LF	\$ 250.00	2,090	\$ 522,500
714	1312	PIPE CONC REINF 60IN CL III-STORM DRAIN	LF	\$ 450.00	1,580	\$ 711,000
714	1512	PIPE CONC REINF 72IN CL III-STORM DRAIN	LF	\$ 700.00	1,690	\$ 1,183,000
714	1711	PIPE CONC REINF 84IN CL III-STORM DRAIN	LF	\$ 1,000.00	2,000	\$ 2,000,000
722	130	MANHOLE 84IN	EA	\$ 15,000.00	17	\$ 260,400
722	3766	INLET SPECIAL-TYPE 2 72IN	EA	\$ 7,500.00	26	\$ 195,000
920	90	PUMP STATION W/FORCEMAINS	EA	\$ 9,682,000.00	1	\$ 9,682,000
920	265	OUTLET STRUCTURE	EA	\$ 800,000.00	1	\$ 800,000
SP		LEVEE EXCAVATION	LS	\$ 150,000.00	1	\$ 150,000
SP		LEVEE REBUILD	LS	\$ 250,000.00	1	\$ 250,000
SP		OFFSITE RESTORATION	SF	\$ 5.00	17,500	\$ 87,500
Construction Subtotal						\$ 17,773,400
Unanticipated & Contingency (35%)						\$ 6,230,000
Subtotal Construction						\$ 24,003,400
Property Acquisition			SF	\$ 15.00	20,000	\$ 300,000
Easement Acquisition			SF	\$ 5.00	35,000	\$ 175,000
Subtotal of Construction & Right-of-Way Acquisition for West Portion						\$ 24,178,400
SPEC	CODE	DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	COST
East Stormwater Collection System						
702	100	MOBILIZATION	LS	\$ 157,000.00	1	\$ 157,000
714	910	PIPE CONC REINF 36IN CL III-STORM DRAIN	LF	\$ 150.00	480	\$ 72,000
714	1312	PIPE CONC REINF 48IN CL III-STORM DRAIN	LF	\$ 250.00	3,380	\$ 845,000
714	1312	PIPE CONC REINF 60IN CL III-STORM DRAIN	LF	\$ 450.00	1,650	\$ 742,500
722	130	MANHOLE 84IN	EA	\$ 15,000.00	12	\$ 180,900
722	3766	INLET SPECIAL-TYPE 2 72IN	EA	\$ 7,500.00	12	\$ 90,000
SP		OFFSITE RESTORATION	SF	\$ 10.00	3,150	\$ 31,500
Construction Subtotal						\$ 2,118,900
Unanticipated & Contingency (35%)						\$ 742,000
Subtotal Construction						\$ 2,860,900
Easement Acquisition			SF	\$ 5.00	30,000	\$ 150,000
Subtotal of Construction & Right-of-Way Acquisition for East Portion						\$ 3,010,900
Opinion of Total Construction and Land Acquisition Costs (2020\$)						\$ 27,200,000

Table 10 - Option 5 Opinion of Construction Costs

SPEC	CODE	DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	COST	
West Stormwater Collection System							
702	100	MOBILIZATION	LS	\$ 587,000.00	1	\$	587,000
714	910	PIPE CONC REINF 36IN CL III-STORM DRAII	LF	\$ 150.00	1,320	\$	198,000
714	1110	PIPE CONC REINF 48IN CL III-STORM DRAII	LF	\$ 250.00	2,627	\$	656,750
714	1312	PIPE CONC REINF 60IN CL III-STORM DRAII	LF	\$ 450.00	3,543	\$	1,594,350
714	1512	PIPE CONC REINF 72IN CL III-STORM DRAII	LF	\$ 700.00	2,025	\$	1,417,500
722	130	MANHOLE 84IN	EA	\$ 15,000.00	21	\$	315,450
724		FORCEMAIN 24IN	LF	\$ 125.00	1,200	\$	150,000
722	3766	INLET SPECIAL-TYPE 2 72IN	EA	\$ 7,500.00	26	\$	195,000
920	90	PUMP STATION - GATE CLOSED CONDITIO	LS	\$ 750,000.00	1	\$	750,000
920	265	OUTLET STRUCTURE	EA	\$ 800,000.00	1	\$	800,000
930	200	DEWATERING	LS	\$ 250,000.00	1	\$	250,000
SP		OFFSITE RESTORATION	SF	\$ 10.00	60,000	\$	600,000
SP		LEVEE EXCAVATION	LS	\$ 150,000.00	1	\$	150,000
SP		LEVEE REBUILD	LS	\$ 250,000.00	1	\$	250,000
Construction Subtotal						\$	7,914,050
Unanticipated & Contingency (35%)						\$	2,770,000
Subtotal Construction						\$	10,684,050
Property Acquisition			SF	\$ 15.00	20,000	\$	300,000
Easement Acquisition			SF	\$ 5.00	45,000	\$	225,000
Subtotal of Construction & Right-of-Way Acquisition for West Portion						\$	11,209,050
SPEC	CODE	DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	COST	
East Stormwater Collection System							
702	100	MOBILIZATION	LS	\$ 137,000.00	1	\$	137,000
714	910	PIPE CONC REINF 36IN CL III-STORM DRAII	LF	\$ 150.00	480	\$	72,000
714	1312	PIPE CONC REINF 48IN CL III-STORM DRAII	LF	\$ 250.00	2,571	\$	642,750
714	1312	PIPE CONC REINF 60IN CL III-STORM DRAII	LF	\$ 450.00	1,560	\$	702,000
722	130	MANHOLE 84IN	EA	\$ 15,000.00	11	\$	168,330
722	3766	INLET SPECIAL-TYPE 2 72IN	EA	\$ 7,500.00	12	\$	90,000
SP	9028	OFFSITE RESTORATION	SF	\$ 10.00	3,150	\$	31,500
Construction Subtotal						\$	1,843,580
Unanticipated & Contingency (35%)						\$	646,000
Subtotal Construction						\$	2,489,580
Easement Acquisition			SF	\$ 5.00	30,000	\$	150,000
Subtotal of Construction & Right-of-Way Acquisition for East Portion						\$	2,639,580
Opinion of Total Construction and Land Acquisition Costs (2020\$)						\$	13,800,000

ORDINANCE NO. 1339

An Ordinance to Amend and Re-enact
Section 4-2-14 of the Mandan Code of Ordinances
Relating to Expiration of Alcoholic Beverage Licenses

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

Sec. 4-2-14. Expiration.

Licenses issued under the provisions of this chapter shall end on June 30, except for the year 2020 when licenses shall end on August 31, following the date of this issuance unless revoked or suspended as described in this chapter. Any license issued hereunder shall be used by the operations of a facility within six months of its issuance. Failure to use said license within said period of time shall be cause for revocation. In the event of revocation, there shall be no refund of any issuance fee or license fee.

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

Attest:

James Neubauer, City Administrator

First Consideration: _____

Second Consideration and Final Passage: _____

ORDINANCE NO. 1340

An Ordinance to Amend and Re-enact
Section 119-1-9(a) of the Mandan Code of Ordinances
Relating to Residential Area Garbage Collection

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

Sec. 119-1-9. Regulations governing residential area garbage collection.

- (a) Residential area garbage shall be deposited for pickup in ~~durable garbage metal or plastic receptacles equipped with close fitting covers of a capacity of not less than 15 gallons nor more than 35 gallons or in loose garbage bags secured in a cart or other receptable that will prevent the garbage from being strewn about by animals or the wind.~~ 96 gallon or 64 gallon totes as furnished by the residential trash collection contractor. Each property owner or occupant shall furnish and store one or more garbage receptables for disposal of garbage in a secure and unobtrusive location on the property. No earlier than 6:00 p.m. the night before pickup, the receptable or receptables shall be moved to a location within 15 feet of the alley abutting the premises, or, in case no alley abuts upon the premises, or in case the alley is not open, or is otherwise inaccessible, within 15 feet of the curb in front of the dwelling.

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

Attest:

James Neubauer, City Administrator

First Consideration: _____

Second Consideration and Final Passage: _____