



**AGENDA
CITY COMMISSION
AUGUST 6, 2024
ED "BOSH" FROEHLICH MEETING ROOM
MANDAN CITY HALL
5:30 PM
WWW.CITYOFMANDAN.COM**

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RadioAccess.org

Web: <https://us02web.zoom.us/j/89717488194>

A. ROLL CALL

1. Roll call of all City Commissioners

B. THE PLEDGE OF ALLEGIANCE

C. ANNOUNCEMENTS

D. APPROVAL OF AGENDA

E. MINUTES

1. Consider approval of the minutes from the July 16, 2024 Board of City Commission regular meeting

F. PUBLIC HEARING

1. Consider Right of Way Vacation related to minor plat for Helblings 6th Addition

G. BIDS

1. Consider allowing fire department staff to advertise for bids for source capture exhaust systems

H. CONSENT AGENDA

1. Consider approval of a gaming site authorization for Fort Abraham Lincoln Foundation at Big Stick Cigar Lounge from Aug. 7, 2024 to June 30, 2025

2. Consider approval of an update to the Media Guidelines regarding ballot measures
3. Consider Use of the City of Mandan Utility Fund for up-sizing costs related to Street Improvement District 227
4. Consider amending Street Improvement District 229 to include additional parcels
5. Consider Cost Participation and Maintenance agreement for Old Red Trail Path mill and overlay
6. Consider submitting a sole source request to the North Dakota Department of Transportation for Memorial Highway utility items
7. Consider approval to close 27th Street to accommodate a storm sewer connection
8. Consider approval of the raffle permit for Mandan Braves Volleyball Booster Club
9. Consider Minor Plat for Helblings 5th Addition
10. Consider allowing the fire department to apply for a 50/50 North Dakota Game and Fish grant
11. Consider a request from the fire department to accept the FY (2023) Assistance to Firefighters Grant and amend the 2024 fire department budget by \$20,000

I. OLD BUSINESS

J. NEW BUSINESS

1. Consider commissioner portfolio and committee assignments
2. Consider the Morton Mandan Public Library 2025 Budget
3. Consider the Mandan Airport Authority 2025 Budget
4. Consider appeal from TRX Developers regarding use of City of Mandan Right-of-Way for irrigation crossings
5. Consider Change Order 3 for Street Improvement District 224
6. Consider Raw Water Intake project change orders

7. Consider the 2025 Street Reconstruction project Pavement Condition Report and district creation resolutions
8. Consider engineering services amendment for Street Improvement District No. 224
9. Consider sale of 1.5 acre portion of Lot A of NW 1/4 SE 1/4 & Lot A Of Gov LOT 7 (Less 12.32A Of Lot 7) 44.28 Acres (9001C), a City-owned property
10. *Consider a request from the Mandan Progress Organization for funding for Holiday Display and Streetlight Pole displays.*

K. RESOLUTIONS AND ORDINANCES

1. Second and Final Consideration of Ordinance 1451 to amend the Mandan Code of Ordinances Section 2-3-3 Groups created by ordinance, related to word changes to the Mandan Architectural Review Commission
2. First consideration of Ordinance 1453, an ordinance to amend and re-enact Article 2 of the Mandan Code of Ordinances, relating to city sales, use and gross receipts tax under the Home Rule Charter of the City of Mandan.
3. Consider the introduction and first consideration, and call for a public budget hearing of Ordinance No. 1452 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2025, and ending December 31, 2025, and making the annual tax levy for the year 2024.
4. Consider Right of Way Vacation related to minor plat for Helblings 6th Addition

L. OTHER BUSINESS

M. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS

- August 20, 2024 at 5:30 p.m.
- September 3, 2024 at 5:00 p.m.
- September 17, 2024 at 5:30 p.m.

N. ADJOURN

The Mandan City Commission met in regular session at 5:30 PM on July 16, 2024 in the Ed “Bosh” Froehlich Meeting Room at City Hall, Mandan, North Dakota. Mayor Froelich called the meeting to order.

A. ROLL CALL

1. *Roll call of all City Commissioners.* Those present were Dennis Rohr, Mike Braun, James Froelich, Craig Sjoberg. Department heads present were City Administrator Neubauer, Assistant Finance Director Schulz, Assistant Engineer McAdoo Roesler, Assessor Markley, Human Resource Director Berger, Police Chief Ziegler, Building Official Singer, Fire Chief/Public Works Director Bitz, Business Development & Communications Director Cermak, Planner Stromme and Attorney Oster.

B. THE PLEDGE OF ALLEGIANCE

C. ANNOUNCEMENTS

D. APPROVAL OF AGENDA Commissioner Rohr moved and Commissioner Braun seconded to approve the agenda as presented. Roll Call vote: Aye 4, Nay 0, Absent 0. The motion passed.

E. MINUTES

1. *Consider approval of the minutes of the following meetings: .*

a. *July 2, 2024 Board of City Commissioners regular meeting.* Commissioner Sjoberg moved and Commissioner Braun seconded to approve. Roll Call vote: Aye 4, Nay 0, Absent 0. The motion passed.

b. *July 9, 2024 Board of City Commissioners special meeting.* Commissioner Rohr moved and Commissioner Braun seconded to approve. Roll Call vote: Aye 4, Nay 0, Absent 0. The motion passed.

F. PUBLIC HEARING

G. BIDS

H. CONSENT AGENDA

1. *Consider approval of monthly bills.*

2. *Consider an amendment to extend the Sensus - Advanced Metering Infrastructure Agreement (A.M.I.).*

3. *Consider an amendment to the 2024 Budget for Building Inspections.*

4. *Consider approval of the following special event permits: .*

a. *Stage Stop Liquors-ND State Arm Wrestling Tournament.*

b. *Stage Stop Mid-Summer Foam Party.*

5. *Consider Minor Plat(s) for Shores at Lakewood 1st Addition.*

6. *Consider the following abatements:.*

a. *Wentz 2023 Veteran's Credit.*

b. *Hit Inc. 2024 Abatement.*

Commissioner Sjoberg moved and Commissioner Rohr seconded to approve consent agenda items 1-6 including all sub-items as presented. Roll Call vote: Aye 4, Nay 0, Absent 0. The motion passed.

I. OLD BUSINESS

J. NEW BUSINESS

1. *Consider Appointing Austin Lafferty to the Morton Mandan Public Library Board of Trustees as city-wide representative.* Library Director Sandstrom presented the library board appointment recommendation. Commissioner Rohr moved and Commissioner Braun seconded to approve appointing Austin Lafferty to the Morton Mandan Library Board of Trustees for a three-year term ending June 30, 2027. Roll Call vote: Aye 4, Nay 0, Absent 0. The motion passed.

2. *Consider options related to the vacant City Commission seat.* City Administrator Neubauer presented the options to the board for filling the vacant City Commission seat. Commissioner Rohr expressed interest in filling the term sooner rather than later, due to the upcoming budget discussions. Commissioner Sjoberg said he recently spoke with both Victoria Vayda-Hammond and Ryan Heinsohn who submitted letters of interest, and he felt it was best to appoint someone to the vacancy using the election as the tool for picking the person to appoint noting Ryan Heinsohn was the third highest vote-getter in the June 11, 2024 local election. Commissioner Braun agreed that it's best to appoint now, versus waiting for the November general election. Commissioner Sjoberg moved and Commissioner Braun seconded to appoint Ryan Heinsohn to the unexpired term. Roll Call vote: Aye 4, Nay 0, Absent 0. The motion passed.

K. RESOLUTIONS AND ORDINANCES

1. *Second and final consideration of Ordinance 1448, an ordinance to amend and re-enact Section 24-1-2(c) of the Mandan code of ordinances, relating to penalties for parking violations.* Police Chief Ziegler presented the second and final consideration of Ordinance 1448. He noted the change includes the addition of fire lanes and fire hydrants, however the fire hydrant fee cannot go higher than \$20 per state law. Commissioner Sjoberg moved and Commissioner Braun seconded to approve. Roll Call vote: Aye 4, Nay 0, Absent 0. The motion passed.

ORDINANCE NO. 1448 An Ordinance to Amend and Re-enact Section 24-1-2(c) of the Mandan Code of Ordinances, Relating to Penalties for Parking Violations

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

Sec. 24-1-2. – Penalties.

(c) The fine for violating article 7 of this chapter is \$15.00 unless another amount for a specific infraction is established by ordinance or resolution of the board of city commissioners. The fine for any loading zone or fire lane violation is \$50.00. The fine for parking within ten feet of a fire hydrant is \$20.00.

By:/s/James Froelich

James Froelich, President, Board of City Commissioners

Attest:

/s/James Neubauer

James Neubauer, City Administrator

First Consideration: July 2, 2024

Second Consideration and Final Passage: July 16, 2024

Publication: August 16, 2024

Effective Date: January 1, 2025

2. *Second Consideration of Ordinance 1450, related to the corrected annexation of Rock Prairie Estates Addition and the NW Trunk Sewer route.* Planner Stromme presented the second consideration of Ordinance 1450, noting no changes. Commissioner Braun moved and Commissioner Rohr seconded to approve. Roll Call vote: Aye 4, Nay 0, Absent 0. The motion passed.

3. *Second Consideration of Ordinance No. 1449, related to the Annexation of the Heart River Correctional Center Property.* Planner Stromme presented the ordinance, noting no changes. Commissioner Braun moved and Commissioner Rohr seconded to approve. Roll Call vote: Aye 4, Nay 0, Absent 0. The motion passed.

4. *First Consideration of Ordinance 1451 to amend the Mandan Code of Ordinances Section 2-3-3 Groups created by ordinance, related to word changes to the Mandan Architectural Review Commission.* Building Official Singer presented the first consideration of Ordinance 1451 in regard to changing some of the wording related to the make-up of the Mandan Architectural Review Commission. The language change would allow the Fire Chief and City Engineer to appoint qualified staff from their department to be in attendance in their absence. Commissioner Braun moved and Commissioner Sjoberg seconded to approve the first consideration of Ordinance 1451. Roll Call vote: Aye 4, Nay 0, Absent 0. The motion passed.

L. OTHER BUSINESS

M. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS

August 6, 2024 at 5:30 p.m..

August 20, 2024 at 5:30 p.m..

September 3, 2024 at 5:00 p.m..

N. ADJOURN There being no other business to come before the Board, Commissioner Braun moved and Commissioner Rohr seconded to adjourn at 05:57 p.m. Roll Call vote: Aye 4, Nay 0, Absent 0. The motion received unanimous approval of all the members present.

James Neubauer
City Administrator

James Froelich
President, Board of City Commissioners



City Commission

Agenda Documentation

MEETING DATE: August 6, 2024
PREPARATION DATE: July 29, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider Right of Way Vacation related to Helblings 6th Addition

STATEMENT/PURPOSE:

Consider Right of Way Vacation related to Helblings 6th Addition

BACKGROUND/ALTERNATIVES:

Helbling Land Company and Donald Helbling request consideration of vacation of an alley and a minor plat for a subdivision replat to be titled Helbling 6th Addition. The property is located at 612 3rd Street SE.

Project Overview

The request is to vacate a 20' alley so it may be converted to a 20' utility easement on the Helblings 6th Addition plat. The minor plat combines Lots 4, 5 & 6, Block 1, in Helblings Addition into 2 lots.

Minor Plat Overview / Property Info

The proposed minor plat is 2.85 acres in size and contains two lots in one block.

The property is zoned MA - Heavy Commercial/Light Industrial and MB - Heavy Commercial/Heavy Industrial. The current land uses comply with zoning.

Right of Way Vacation

The right-of-way proposed for vacation contains no public utilities and does not play a critical role in the City's growth and maintenance. It has been privately maintained and appears to be public property to the casual observer. The requested right-of-way vacation meets the City's criteria for approval of a vacation.

Adjacent Zoning, Land Use, Future Land Use

The adjacent properties are zoned CB – Commercial Business, R3.2 - Residential

Single & Two-Family, MA - Heavy Commercial/Light Industrial, and LSMHS - Trailer Park Subdivision. The Future Land Use Plan identifies this area for Medium Density Residential.

Findings of Fact

Minor Plat

1. All requirements for approval of a minor subdivision plat have been met;
2. The proposed subdivision is generally consistent with the intent and purpose of the zoning ordinance;
3. The proposed subdivision is consistent with the Future Land Use Plan, other adopted plans and policies, as well as accepted planning practice; and
4. The proposed subdivision would not adversely affect public health, safety and general welfare.

Agency & Other Department Comments

- This item has been reviewed by agencies and other departments. No conflicts or concerns have been identified.

ATTACHMENTS:

1. Application
2. Helblings 6th Addition
3. Helblings 6th Addition ex. features
4. draft Resolution of Vacation
5. Vacation Exhibit
6. Images of Property
7. Helbling 6th Location Map

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

The City Attorney has reviewed this agenda document as part of the agenda packet.

RECOMMENDATION:

Staff recommends a motion to approve the minor plat under Public Hearings and for a motion regarding the right-of-way vacation to be made under Resolutions and Ordinances, item no. 4.

SUGGESTED MOTION:

I move to approve the minor plat for Helblings 6th Addition.

City Commissioners: proceed to Resolutions and Ordinances item no. 4 for a motion on the right-of-way vacation.

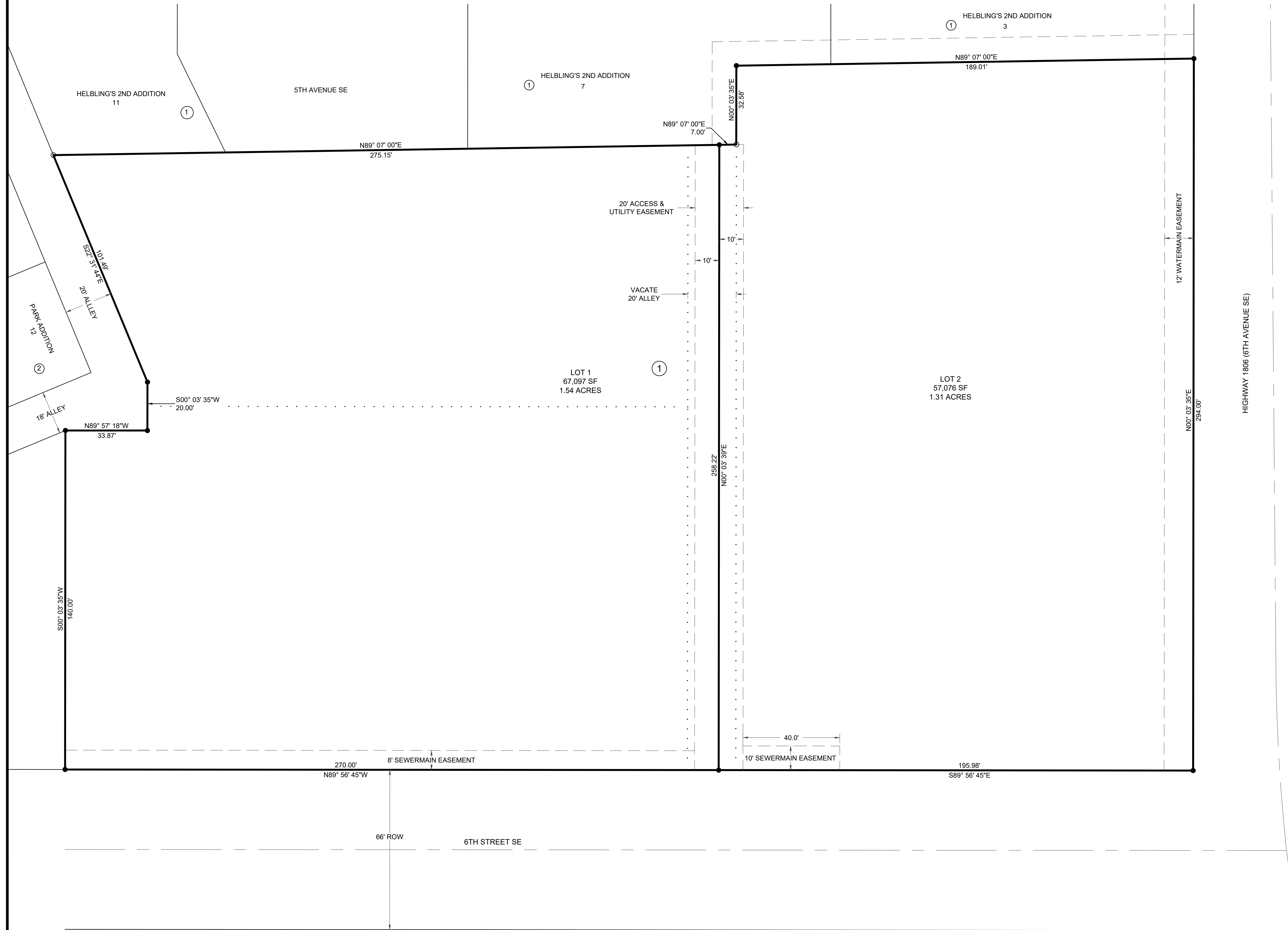
CITY OF MANDAN	
Development Review Application	
☒ Minor Plat (\$300)	☐ Zone Change (\$600)
☐ Preliminary Plat up to 20 acres (\$400)	☐ Planned Unit Development (\$700)
☐ Preliminary Plat more than 20 acres (\$450)	☐ Land Use and Transportation Plan Amendment (\$1,000)
☐ Final Plat up to 20 lots (\$400)	☒ Vacation (\$500)
☐ Final Plat 21 to 40 lots (\$550)	☐ Variance (\$400)
☐ Final Plat more than 40 lots (\$700)	☐ Special Use Permit (\$450)
☐ Annexation (\$450)	☐ Stormwater submittal (\$300)
☐ Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	☐ Stormwater 2 nd & subsequent resubmittal (\$50)
☐ Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	
Summary of Request (Add separate sheet(s) as necessary)	
Combine lots 5 & 6, Block 1 in Helblings 2nd Add. into 1 lot and reconfigure Lot 4, Block 1 in Helblings 2nd Add.	

Engineer/Surveyor			Property Owner or Applicant		
Name Mark R. Isaacs, RLS - ILSE, Inc.			Name L & H Manufacturing, Inc. & Helbling Land Company		
Address 4215 Old Red Trail NW			Address 410 6th Street SE		
City Mandan	State ND	Zip 58554	City Mandan	State ND	Zip 58554
email mark@ilsurveynd.com			email corralrv@midco.net		
Phone 701-595-2079		Fax	Phone 701-663-9538		Fax
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name
☒ City	☐ ETA	☐ New	☒ Addition	MA & MB		Helbling 6th Addition
Property Address				Legal Description		
612 3rd St. SE, Mandan, ND				Lots 4, 5, & 6, Block 1 in Helblings Addition		
Current Use						
Commercial				in the Northeast Quarter		
Proposed Use						
Commercial				Section 34	Township 139	Range 81
Parcel Size 2.85 Acres	Building Footprint	Stories	Building SF	Required Parking	Provided Parking	

Print Name Tim Helbling, Managing Partner for Helbling Land Co.		Signature <i>Tim Helbling</i>		Date 6-4-24	
DONALD W. HELBLING, PRESIDENT - L & H MANUFACTURING, INC. <i>[Signature]</i> 6-4-24					
Office Use Only					
Date Received:	Initials: <i>ym</i>	Fees Paid: \$ 300	Date: 6-5-2024	- plat	
Notice in paper	Mailed to neighbors	P&Z meeting			
☐ Approved	Approved with conditions:		\$500 6-14-2024 - vacation		
☐ Denied					

HELBLINGS 6TH ADDITION
TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA
LOTS 4, 5, & 6, BLOCK 1 HELBINGS 2ND ADDITION
IN THE NE 1/4 OF SECTION 34, T139N, R81W



AREA TABLE		LEGEND	
LOT 1	1.54 ACRES (67,097 SF)	○	FOUND SURVEY MONUMENT
LOT 2	1.31 ACRES (57,076 SF)	●	SET CAPPED REBAR "LS-9628"
TOTAL	2.85 ACRES (124,173 SF)	· · · · ·	VACATED LOT LINE

NOTES:
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS.
2. SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.
3. THE 20' ACCESS EASEMENT IS FOR THE BENEFIT OF LOTS 1 AND 2, BLOCK 1.

OWNER:
HELBLING LAND COMPANY
PO BOX 639
MANDAN, ND 58554

OWNER:
L & H MANUFACTURING, INC.
410 6TH STREET SE
MANDAN, ND 58554

SITE ADDRESS:
410 6TH STREET SE
MANDAN, ND 58554

BASED ON NORTH DAKOTA SOUTH ZONE-NAD83, INTERNATIONAL FEET.
MEASUREMENTS HAVE BEEN ESTABLISHED BY RTK FROM THE "BSMK" CORS STATION AND ARE REPORTED IN GRID.

PROPERTY DESCRIPTION

LOTS 4, 5, AND 6, BLOCK 1 IN HELBLINGS 2ND ADDITION TO THE CITY OF MANDAN, SITUATED IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA, CONTAINING 2.85 ACRES (124,173 SQUARE FEET), MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, MARK R. ISAACS, A NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 9628, HEREBY CERTIFY THAT I HAVE CAUSED TO BE A SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT; FURTHER, THAT DISTANCES INDICATED HEREON ARE IN FEET AND HUNDREDTHS OF FEET THEREOF, AND BEARINGS ARE INDICATED IN QUADRANTS AND DEGREES, MINUTES, AND SECONDS THEREOF; FURTHER, THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MARK R. ISAACS, RLS 9628

OWNER'S CERTIFICATE OF DEDICATION

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

WE, DO HEREBY DEDICATE A 20 FOOT ACCESS EASEMENT FOR THE BENEFIT OF LOTS 1 AND 2, BLOCK 1, WHICH WILL RUN WITH THE LANDS.

DONALD W. HELBLING
L & H MANUFACTURING CO., INC.
LOT 1, BLOCK 1

TIM HELBLING, MANAGING PARTNER
HELBLING LAND COMPANY
LOT 2, BLOCK 1

SUBSCRIBED AND SWORN BEFORE ME, AND NOTARY PUBLIC, THIS ____ DAY OF _____, 20__.

NOTARY PUBLIC.

APPROVAL OF THE BOARD OF CITY COMMISSIONERS

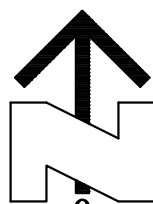
THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND SHOWN HEREON, HAS ACCEPTED THE DEDICATION OF ALL STREETS, ALLEYS, AND PUBLIC WAYS SHOWN HEREON LYING WITHIN THE CORPORATE LIMITS OF THE CITY OF MANDAN, HAS ACCEPTED THE DEDICATION OF ALL PARKS AND PUBLIC GROUNDS SHOWN HEREON, FURTHERMORE, SAID BOARD OF CITY COMMISSIONERS HAS APPROVED THE STREETS, ALLEYS, AND OTHER PUBLIC WAYS AND GROUNDS SHOWN HEREON AS AN AMENDMENT TO THE MASTER STREET PLAN OF THE CITY OF MANDAN, THE FOREGOING ACTION BY THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, HAS TAKEN BY RESOLUTION APPROVED THE ____ DAY OF _____, 20__.

JIM NEUBAUER - CITY ADMINISTRATOR

-PRESIDENT OF THE BOARD
OF CITY COMMISSIONERS

I, JAREK WIGNESS, CITY ENGINEER FOR THE CITY OF MANDAN, NORTH DAKOTA, HEREBY APPROVES "HELBLINGS 6TH ADDITION" OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JAREK WIGNESS, PE



SCALE: 1" = 16'
0 8 16

DATE: MAY 31ST, 2024

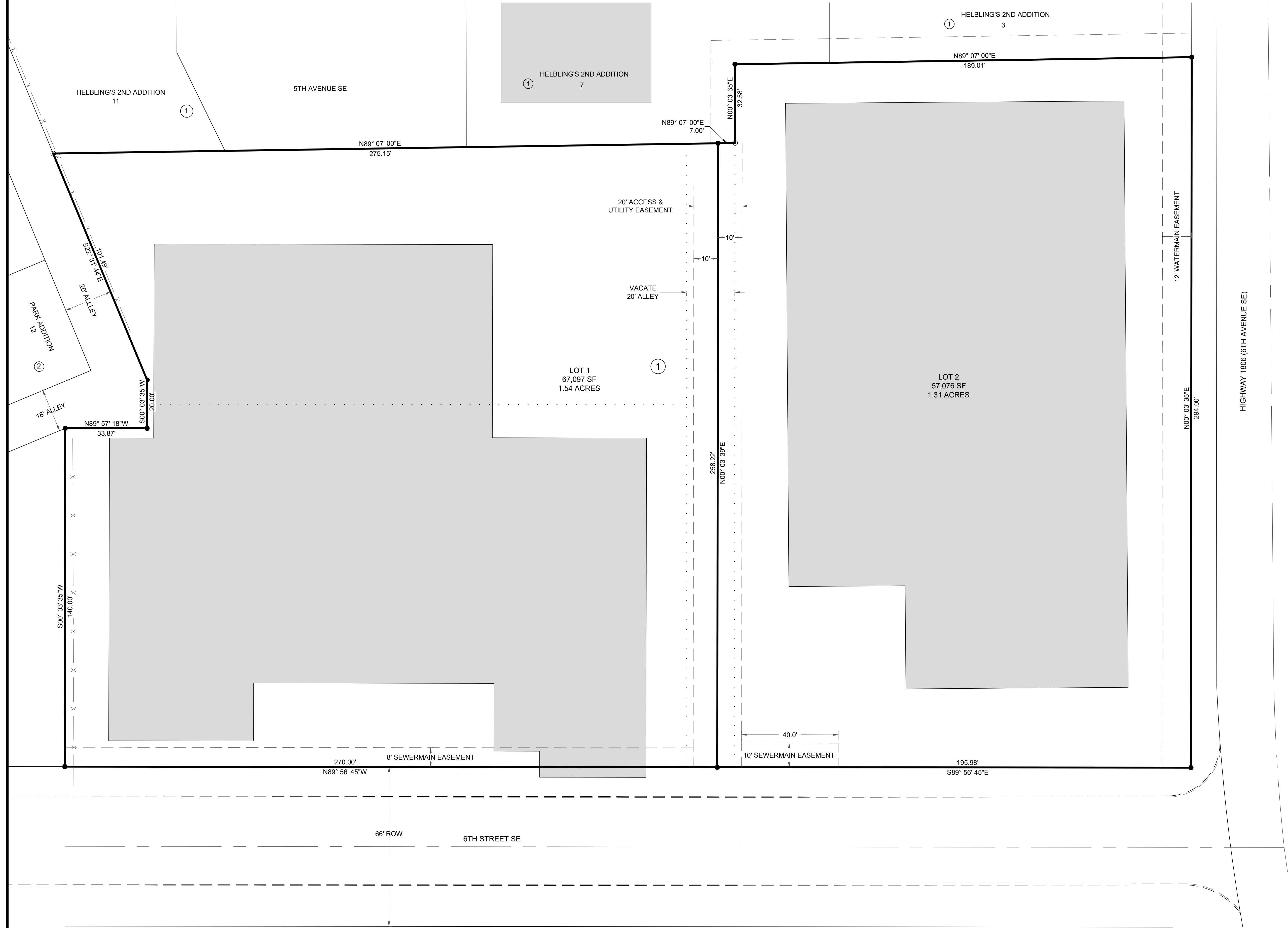
VERTICAL DATUMN - NAVD 1988.

HELBLINGS 6TH ADDITION
LOTS 4, 5, & 6, BLOCK 1
HELBLINGS 2ND ADDITION
MANDAN, NORTH DAKOTA

Independent
Land
Surveying &
Engineering
4215 Old Red Trail NW
Mandan, ND 58554
Phone: 701-663-5184
Cell: 701-595-2079
mark@ilsurveynd.com

SHEET: 1 OF 1	JOB NUMBER: 24019
SCALE: 1"= 16'	DWG REVISION DATES
DRAWN BY: MRI	- -
DWG DATE: 5/31/24	- -
DWG NAME: 24019 Survey.dwg	

HELBLINGS 6TH ADDITION
TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA
LOTS 4, 5, & 6, BLOCK 1 HELBINGS 2ND ADDITION
IN THE NE 1/4 OF SECTION 34, T139N, R81W



AREA TABLE	
LOT 1	1.54 ACRES (67,097 SF)
LOT 2	1.31 ACRES (57,076 SF)
TOTAL	2.85 ACRES (124,173 SF)

LEGEND	
○	FOUND SURVEY MONUMENT
●	SET CAPPED REBAR "LS-9628"
----	VACATED LOT LINE

NOTES:
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BASED ON NORTH DAKOTA SOUTH
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MEASUREMENTS HAVE BEEN ESTABLISHED
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AND ARE REPORTED IN GRID.

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SURVEYOR'S CERTIFICATE

I, MARK R. ISAACS, A NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 9628, HEREBY CERTIFY THAT I HAVE CAUSED TO BE A SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT; FURTHER, THAT DISTANCES INDICATED HEREON ARE IN FEET AND HUNDREDTHS OF FEET THEREOF, AND BEARINGS ARE INDICATED IN QUADRANTS AND DEGREES, MINUTES, AND SECONDS THEREOF; FURTHER, THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MARK R. ISAACS, RLS 9628

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L & H MANUFACTURING CO., INC.
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TIM HELBLING, MANAGING PARTNER
HELBLING LAND COMPANY
LOT 2, BLOCK 1

SUBSCRIBED AND SWORN BEFORE ME, AND NOTARY PUBLIC, THIS ____ DAY OF _____, 20__.

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APPROVAL OF THE BOARD OF CITY COMMISSIONERS

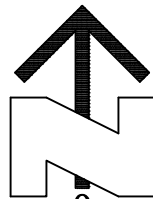
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-PRESIDENT OF THE BOARD
OF CITY COMMISSIONERS

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JAREK WIGNESS, PE



SCALE: 1" = 16'
0 8 16

DATE: MAY 31ST, 2024

VERTICAL DATUMN - NAVD 1988.

HELBLINGS 6TH ADDITION
LOTS 4, 5, & 6, BLOCK 1
HELBLINGS 2ND ADDITION
MANDAN, NORTH DAKOTA

SHEET: 1 OF 1
SCALE: 1"= 16'
DRAWN BY: MRI
DWG DATE: 5/31/24
DWG NAME: 24019 Survey.dwg

JOB NUMBER: 24019

DWG REVISION DATES

Independent
Land
Surveying &
Engineering

4215 Old Red Trail NW
Mandan, ND 58554
Phone: 701-663-5184
Cell: 701-595-2079
mark@ilsurveynd.com

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

WHEREAS, the owners of Lots 4, 5, & 6 in Helbling's 2nd Addition in Section 34, Township 139N, Range 81 W of the 5th Principal Meridian, City of Mandan, Morton County, North Dakota have requested that an adjacent 20' alley be vacated; and

WHEREAS, the subject property is to be replatted as a 20' access & utility easement on Helbling 6th Addition.

WHEREAS, the City of Mandan has no use for an alley at this location and deems this alley unnecessary; and

WHEREAS, the required public notices were published for four consecutive weeks on July 12, 19, 26, and August 2, 2024.

WHEREAS, the required public hearing was conducted by the Board of City Commissioners on August 6, 2024.

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

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

Approved and passed August 6, 2024, by at least two-thirds vote of all the members of the Board of City Commissioners.

President, Board of City Commissioners

ATTEST:

City Administrator

Public Notice Dates: July 12, July 19, 26, and August 2, 2024

Public Hearing: August 6, 2024

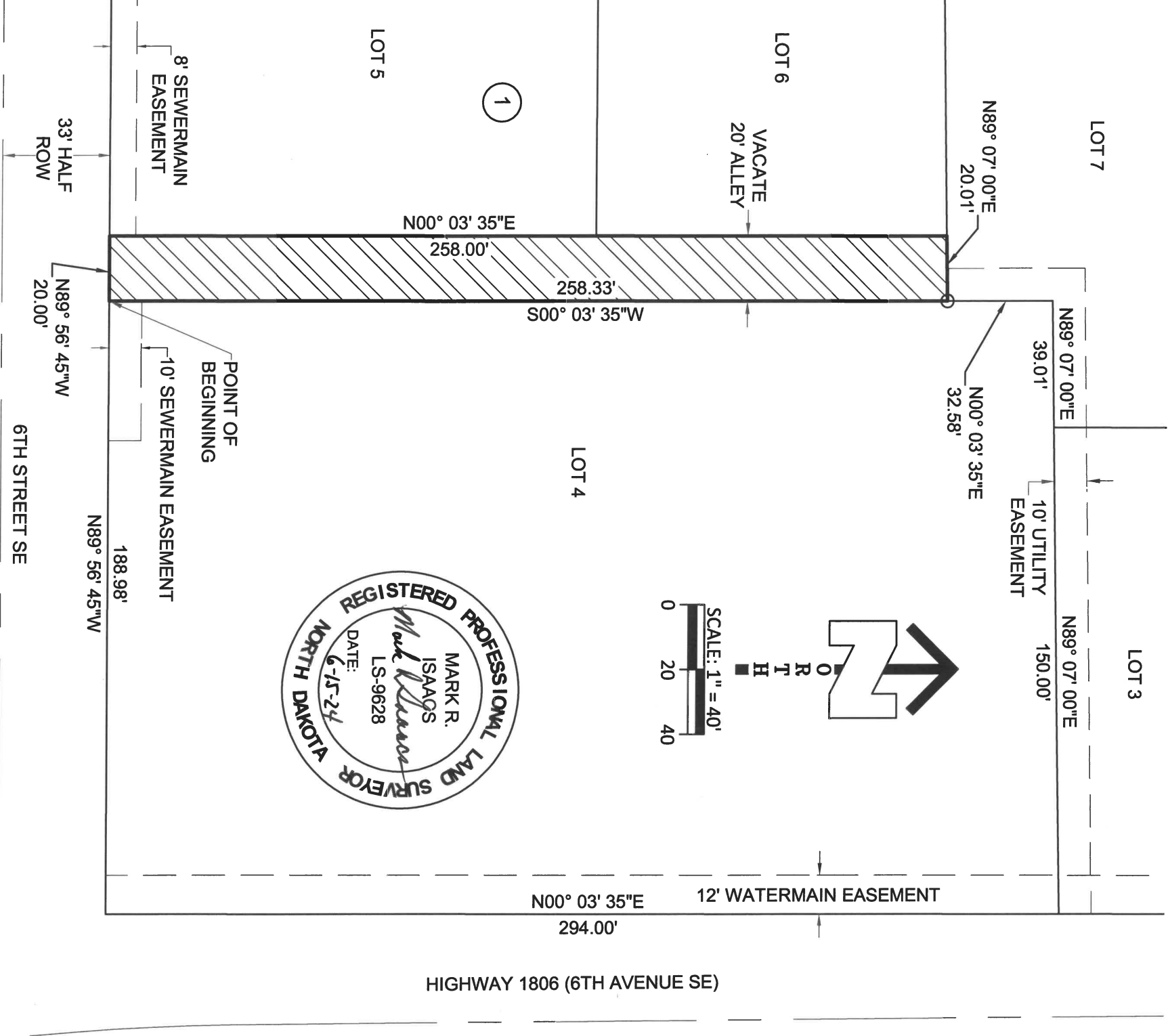
Final Passage: August 6, 2024

Publication Date:

RIGHT OF WAY VACATION DESCRIPTION

A TRACT OF LAND BEING ADJACENT TO LOTS 4, 5, & 6 IN HELBLINGS' 2ND ADDITION IN SECTION 34, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 4, BLOCK 1 IN HELBLINGS' 2ND ADDITION; THENCE NORTH 89° 56' 45" WEST A DISTANCE OF 20.00 FEET TO THE SOUTHEAST CORNER OF LOT 5, BLOCK 1 IN HELBLINGS' 2ND ADDITION; THENCE NORTH 00° 03' 35" EAST A DISTANCE OF 258.00 FEET TO THE NORTHEAST CORNER OF LOT 6, BLOCK 1 IN HELBLINGS' ADDITION; THENCE NORTH 89° 07' 00" EAST A DISTANCE OF 20.01 FEET TO THE WEST LINE OF THE AFORESAID LOT 4; THENCE SOUTH 00° 03' 35" WEST A DISTANCE OF 258.33 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 5,163 SQUARE FEET, MORE OR LESS.



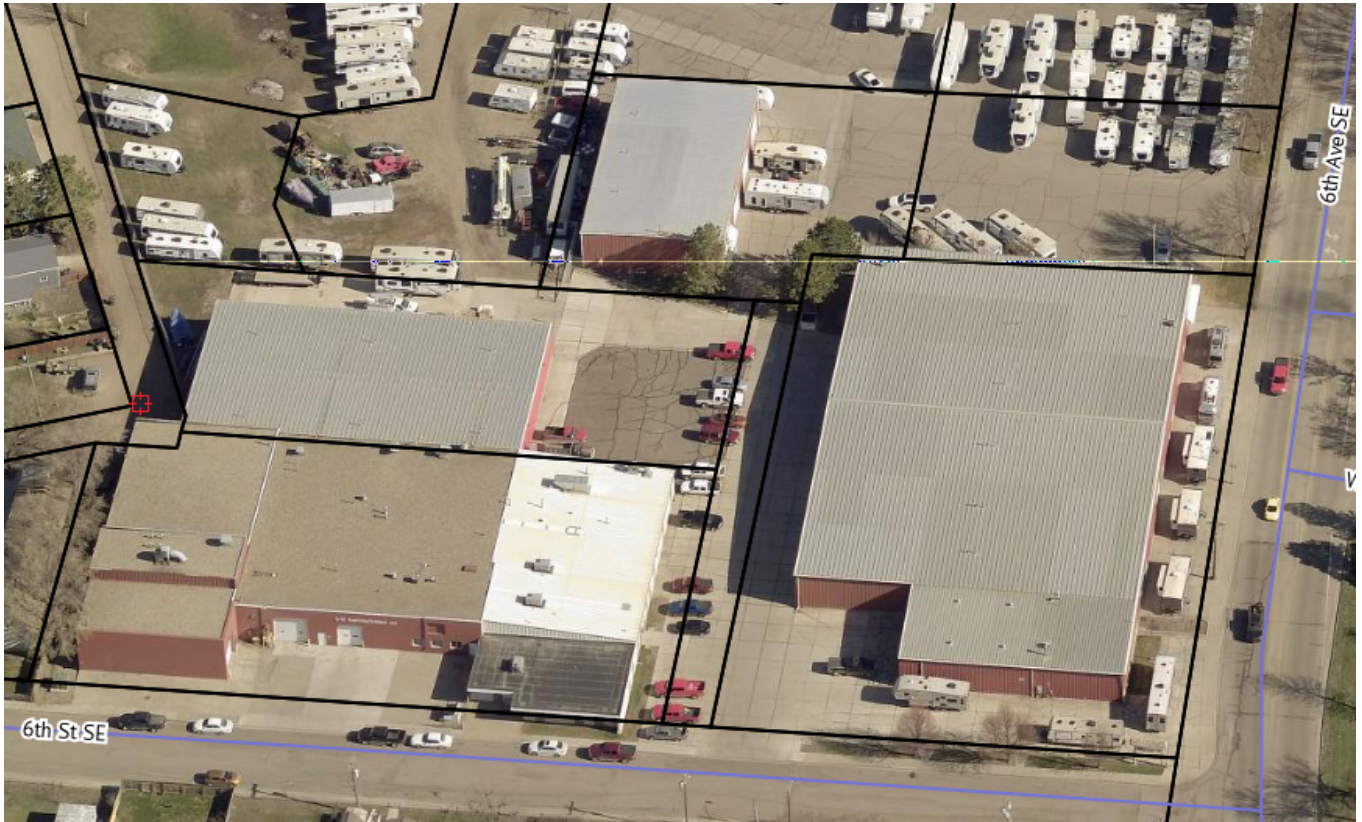
SHEET: 1 OF 1	JOB NUMBER: 24019
SCALE: 1"= 40'	DWG REVISION DATES
DRAWN BY: MRI	—
DWG DATE: 6/15/24	—
DWG NAME: 24019 ROW Vacation.dwg	

20' ALLEY VACATION
HELBLING'S 2ND ADDITION
LOTS 4, 5, 6; BLOCK 1
SEC. 34, T139N, R81W

4215 Old Red Trail NW
Mandan, ND 58554
Cell: 701-595-2079
mark@iisurveynd.com

Independent
Land
Surveying &
Engineering

Images of Property



Looking north



Looking south



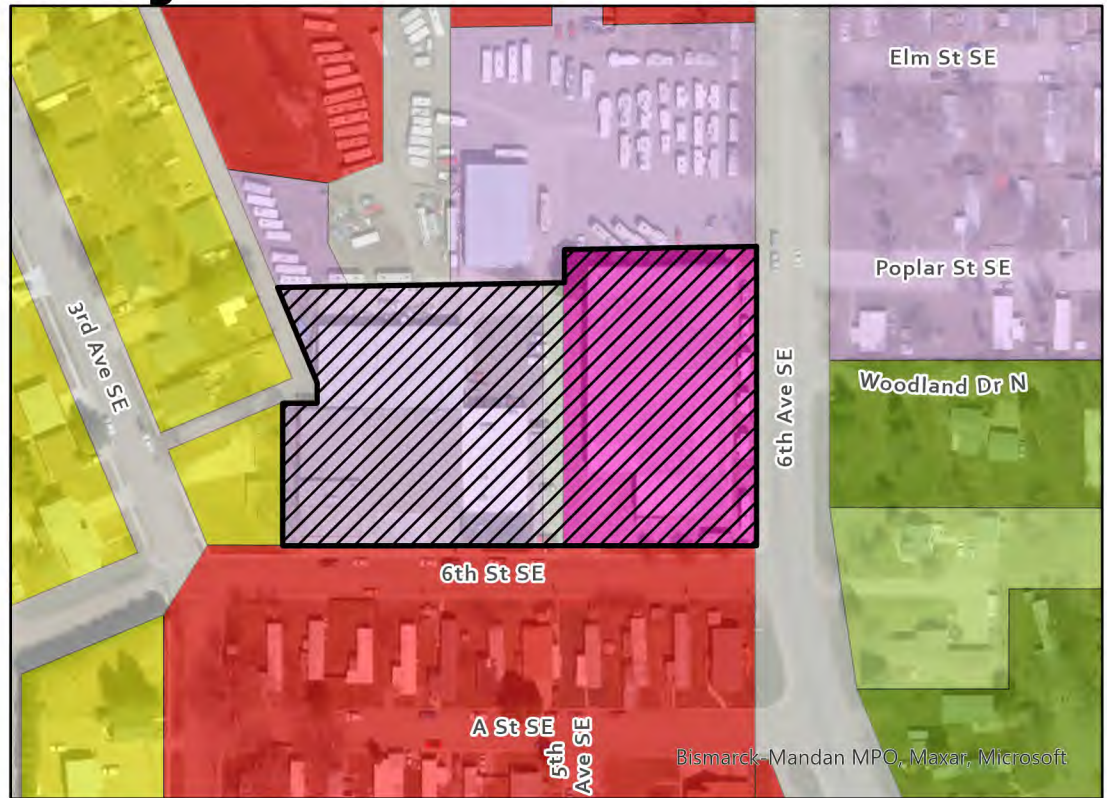
Zoning and Future Land Use Reference Map

Helbling 6th Addition

Zoning Map Key

- Agriculture - City of Mandan
- Agriculture - Morton County
- CA - Neighborhood Commercial
- CB - Business Commercial
- CC - Commercial/Light Industrial Transition
- DC - Downtown Core
- DF - Downtown Fringe
- Industrial - Morton County
- LSMHS - Trailer Park Subdivision
- MA - Heavy Commercial/Light Industrial
- MB - Heavy Commercial/Heavy Industrial
- MC - Heavy Commercial/Light Industrial Restricted
- MD - Heavy Commercial/Heavy Industrial Restricted
- MHS - Trailer Park
- PUD - Planned Unit Development
- R3.2 - Residential Single & Two Family
- R7 - Residential Single Family
- RH - Residential Mobile Home Park
- RM - Residential Multi-family Dwellings
- RMH - Residential Mobile Home Subdivision
- Residential - County Residential Zoning
- ROW - Right-of-Way
- City Limits
- RGB
- Red: Band_1
- Green: Band_2
- Blue: Band_3
- July '24 Planning Items

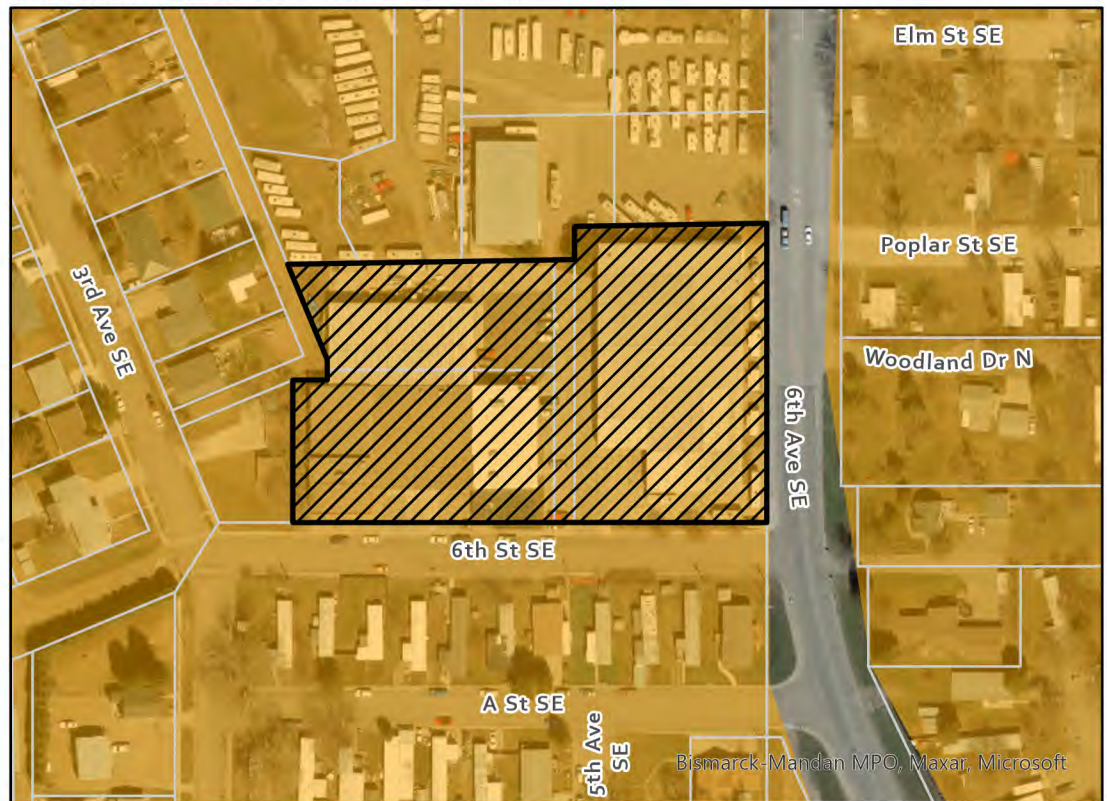
Zoning



Future Land Use Plan Key

- Rural Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Industrial
- Public/Semi-Public
- Public Land
- Park
- Greenways
- Open Space
- Open Water
- Parcels
- City Limits
- ETA Line
- July '24 Planning Items

Future Land Use Plan





City Commission

Agenda Documentation

MEETING DATE: August 6, 2024
PREPARATION DATE: July 31, 2024
SUBMITTING DEPARTMENT: Fire
DEPARTMENT DIRECTOR: Mitch Bitz
PRESENTER: Mitch Bitz, Public Works Director
SUBJECT: Advertisement for bids for source capture exhaust system

STATEMENT/PURPOSE:

To allow staff to advertise for bids for source exhaust systems for fire stations 1 and 2

BACKGROUND/ALTERNATIVES:

In July of 2024, the Mandan Fire Department was awarded a federal grant to obtain and install source capture exhaust systems for fire stations 1 and 2. As part of our city procurement process, it is required that we complete a formal advertisement for bids. Therefore, we are respectfully requesting permission to advertise the source capture exhaust systems for bids. We anticipate advertising in the official newspaper on 08/16/2024 as well as 08/23/2024 with a bid opening on Monday, September 9th, 2024.

ATTACHMENTS:

1. Bid Advertisement

FISCAL IMPACT:

Minimal advertising fees.

STAFF IMPACT:

Staff will draft bid documents and coordinate with Attorney Oster as well as the official newspaper.

LEGAL REVIEW:

Staff will coordinate with Attorney Oster's office to ensure all bidding procedures are followed.

RECOMMENDATION:

To allow fire department staff to advertise bids for source capture exhaust systems for fire stations 1 and 2.

SUGGESTED MOTION:

I move to allow fire department staff to advertise bids for source capture exhaust systems for fire stations 1 and 2.

**ADVERTISEMENT FOR BIDS
CITY OF MANDAN**

Proposal for Source Capture Exhaust Systems

The Mandan Fire Department will be accepting sealed bids at its Headquarters Fire Station located at 110 Collins Avenue Mandan, North Dakota, 58554 until September 9th 2024 at 10 a.m. CST at which time bids will be publicly opened and reviewed at that location. All bidders are invited to be present at the opening of the proposals.

All bids shall be sealed and clearly marked “Bid for Source Capture Exhaust Systems” with the name of the person, firm or corporation submitting the bid. Each bid must be accompanied by a separate envelope containing the contractors license and bid security. Bids must be submitted on forms provided by the City of Mandan Fire Department and in accordance with detailed specifications and conditions therein contained. Copies of the bid proposal forms and detailed specifications may be obtained from the Mandan Fire Department at 110 Collins Avenue, Mandan, ND or at www.cityofmandan.com.

Work will be completed at Mandan Fire Station 1 located at 110 Collins Avenue and Fire Station 2 located at 2009 40th Avenue SE in Mandan, ND and consists of installing all electrical, structural, and mechanical components of a source capture exhaust system.

Any inquiries regarding this bid shall be made in writing via E-Mail to Shane Weltikol with Mandan Fire Department.
sweltikol@cityofmandan.com

The Mandan Fire Department reserves the right to hold all bids for a period of thirty (30) days after the date fixed for opening thereof and to reject any and or all bids and to waive irregularities whenever it is for the best interest of the City of Mandan.

Date: July 31st, 2024

**City of Mandan
Jim Neubauer
City Administrator**

Legal Publications: August 16th 2024 and August 23rd 2024



City Commission

Agenda Documentation

MEETING DATE: August 6, 2024
PREPARATION DATE: July 19, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Kari Schmidt, Communications Specialist
SUBJECT: Gaming Site Authorization for FALF at Big Stick Cigar Lounge

STATEMENT/PURPOSE:

To consider gaming site authorization for Fort Abraham Lincoln Foundation (FALF) at Big Stick Cigar Lounge from Aug. 7, 2024 to June 30, 2025.

BACKGROUND/ALTERNATIVES:

Received July 19, 2024.

ATTACHMENTS:

1. Gaming Site Aut - FALF at BIG STICK CIGAR LOUNGE

FISCAL IMPACT:

n/a

STAFF IMPACT:

n/a

LEGAL REVIEW:

n/a

RECOMMENDATION:

Approve as presented

SUGGESTED MOTION:

I move to approve the gaming site authorization for Fort Abraham Lincoln Foundation at Big Stick Cigar Lounge from Aug. 7, 2024 to June 30, 2025.

City Commission

Agenda Documentation

August 6, 2024

Subject: Consider approval of a gaming site authorization for Fort Abraham Lincoln Foundation at Big Stick Cigar Lounge from Aug. 7, 2024 to June 30, 2025

Page 2 of 2



RENTAL AGREEMENT
OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 9413 (7-2023)

License Number (Office Use Only)

Site Owner (Lessor) BSCL LLC DBA Big Stick Cigar Lounge		Site Name Big Stick Cigar Lounge		Site Phone Number 701-751-1029	
Site Address 104 2nd Ave. NW		City Mandan	State ND	Zip Code 58554	County Morton
Organization Fort Abraham Lincoln Foundation		Rental Period July 29, 2024 to June 30, 2025			Monthly Rent Amount
1. Is Bingo going to be conducted at the site?				☒ No ☐ Yes	
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? - If Bingo is the primary game, enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				☐ No ☐ Yes	\$
2. Is Twenty-One conducted at this site?				☒ No ☐ Yes	\$
Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____					
Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____					\$
3. Is Paddlewheels conducted at this site?				☒ No ☐ Yes	\$
Number of Tables _____ X Rent per Table \$ _____					
4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site?				☐ No ☒ Yes	\$ 400
Please Check: ☐ Jar Bar ☒ Standard Dispensing Device					
5. Are Electronic Pull-Tabs conducted at this site?				☐ No ☒ Yes	\$ 950
If "Yes" please indicate the number of devices 6					
Total Monthly Rent					\$ 1,350
6. If the only gaming activity to be conducted at the site is a raffle drawing, please check here. ☐					

TERMS OF RENTAL AGREEMENT:

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

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

The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a credit ticket voucher from an electronic tab device, winning pull tab involving a dispensing device, 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 lessors on call or temporary or permanent employee(s) 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 credit ticket vouchers from an electronic pull-tab device, or pull tabs or prize boards involving a dispensing device, the lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.

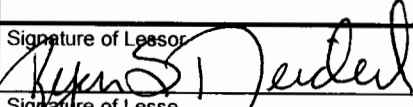
The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

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.

A LESSOR who is an officer or board member of an organization may not participate in the organization's decision-making that is a conflict of interest.

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

Signature of Lessor 	Title Managing Member	Date 7-15-2024
Signature of Lessee 	Title Executive Director	Date 7/17/2024

North Dakota Century Code § 53-06.1-11 (Gross Proceeds - Allowable Expenses - Rent Limits)

4. For a site where bingo is conducted:
 - a. If bingo is the primary game, the monthly rent must be reasonable
 - b. If bingo is not the primary game, but is conducted with twenty-one, paddlewheels, or pull tabs, no additional rent is allowed.
5. For a site where bingo is not the primary game.
 - a. If twenty-one or paddlewheels is conducted, the monthly rent may not exceed two hundred dollars multiplied by the necessary number of tables based on criteria prescribed by gaming rule. For each twenty-one table with a wager greater than five dollars, an additional amount up to one hundred dollars may be added to the monthly rent. If pull tabs is also conducted involving only a jar bar, the monthly rent for pull tabs may not exceed an additional one hundred seventy-five dollars. If pull tabs is conducted involving only a dispensing device or a jar bar and dispensing device, the monthly rent for pull tabs may not exceed an additional three hundred twenty-five dollars.
 - b. If twenty-one and paddlewheels are not conducted but pull tabs is conducted involving either a jar bar or dispensing device, the monthly rent may not exceed four hundred dollars.
 - c. If pull tabs is conducted using one or more electronic pull tab devices, the monthly rent may not exceed one hundred seventy-five dollars per machine for the first five machines in the same venue. For each additional machine in the same venue beyond five, the monthly rent may not exceed seventy-five dollars per machine up to a maximum of one thousand two hundred fifty dollars per month for all electronic pull tab devices in a single venue.

North Dakota Administrative Code § 99-01.3-02-06 (Rental Agreement)

3. Rent must be a fixed dollar amount per month
 - a. A participatory or graduated rate arrangement based on gross proceeds or adjusted gross proceeds is prohibited.
 - b. If bingo is the primary game or if a site is leased by an organization that has the alcoholic beverage license for that site, the monthly rent must be reasonable. Factors include time usage, floor space, local prevailing rates, and available sites and services. An organization may pay seasonal expenses, such as snow removal, air-conditioning, and heating, to a vendor.
 - c. If bingo is not the primary game, the maximum monthly rent must be according to subsection 5 of North Dakota Century Code section 53-06.1-11.
Special considerations are:
 - (1) If two or more organizations conduct twenty-one or paddlewheels, or both, involving a table and pull tabs for less than a month at a temporary site which is a public or private premise, or if two or more organizations are issued site authorizations to conduct games at a site on different days of the week, the maximum monthly rent, in the aggregate, may not exceed the limit set by subsection 5 of North Dakota Century Code section 53-06.1-11; and
 - (2) If a raffle, calcutta, sports pool, or poker is conducted with twenty-one, paddlewheels or pull tabs, no additional rent is allowed.
 - d. Except for applying subsection 3 or 4 of section 99-01.3-03-04, and additional rent paid to a lessor for simulcast racing, an organization or employee may not pay any additional rent or expense, from any source, or for any other purpose, including office or storage space, snow removal, maintenance or cleaning fees, equipment, furnishings, entertainment, or utilities. Except for a leased site at which bingo is the primary game conducted, an organization may not pay for any capital or leasehold improvements or remodeling.
- *4. If there is a change in the monthly rent or any other material change to a rental agreement, the agreement must be amended and a copy received by the attorney general before its effective date.

North Dakota Administrative Code § 99-01.3-08-01 (Restrictions and Requirements)

4. An organization may pay monthly rent for more than one table provided that each additional table is used at least thirteen times a quarter. This level of activity is based on a site's historical experience, or seasonal activity, for each of the previous four quarters, regardless of which organization conducted twenty-one at the site. For a new site or a site that has been completely remodeled in appearance and function, the level of activity must be reviewed and reestablished after the first full quarter. If an additional table is used at least thirteen times in at least one but not all of the previous four quarters, the allowable monthly rent for that table must be prorated over all the active months of the licensing year. For example, if a second table was used at least thirteen times in only two of the previous four quarters, the additional monthly rent for the second table would be a maximum of two hundred dollars per month (or three hundred dollars per month if a wager greater than five dollars is accepted on the table) multiplied by six months (totaling one thousand two hundred dollars) and prorated to one hundred dollars per month for the licensing year. The organization shall document each table's usage, which includes the date, table number, and drop box cash amount for each table and how the prorated rental amounts were determined. This documentation must be retained with the organization's twenty-one records for three years.



GAMING SITE AUTHORIZATION
ND OFFICE OF ATTORNEY GENERAL
SFN 17996 (4-2023)

G - _____ (_____) _____
Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization

Fort Abraham Lincoln Foundation

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

Name of Location

Big Stick Cigar Lounge

Street

104 2nd Ave. NW

City

Mandan

ZIP Code

58554

County

Morton

Beginning Date(s) Authorized

Ending Date(s) Authorized

6/30/2025

Number of Twenty-One
tables, if zero, enter "0"

0

Specific location where games of chance will be conducted and played at the site (required)

The whole Lounge area except the restrooms

If conducting Raffle or Poker activity provide date(s) or month(s) of the event(s) if known

RESTRICTIONS FOR CITY/COUNTY USE ONLY

The organization **must** provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must thoroughly explain each game type to be conducted. The City/County can only approve these games at the site.

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

☐

Bingo

☐

Club Special

☐

Sports Pools

☐

ELECTRONIC Quick Shot Bingo

☐

Tip Board

☐

Twenty-One

☐

Raffles

☐

Seal Board

☐

Poker

☐

ELECTRONIC 50/50 Raffle

☐

Punchboard

☐

Calcuttas

☐

Pull Tab Jar

☐

Prize Board

☐

Paddlewheel with Tickets

☒

Pull Tab Dispensing Device

☐

Prize Board Dispensing Device

☐

Paddlewheel Table

☒

ELECTRONIC Pull Tab Device

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General

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



City Commission

Agenda Documentation

MEETING DATE: August 6, 2024
PREPARATION DATE: July 19, 2024
SUBMITTING DEPARTMENT: Business Development & Communications
DEPARTMENT DIRECTOR: Madison Cermak
PRESENTER: Kari Schmidt, Communications Specialist
SUBJECT: Media Guidelines Update

STATEMENT/PURPOSE:

To consider an update to the media guidelines regarding ballot measures.

BACKGROUND/ALTERNATIVES:

The Media Guidelines document, most recently approved by City Commission in 2022, establishes guidelines for the news media regarding inquiries of the City of Mandan elected officials and staff and likewise guides elected officials and staff regarding their communication with the news media. The document previously did not address ballot measures. This update addresses ballot measures by adding the following text:

Under the North Dakota Corrupt Practices Act, employees and elected officials generally may not use city property or time to advocate for or against a ballot measure. This does not include activities undertaken in the performance of public office or a position taken in any bona fide news story, commentary, or editorial. Factual information may be presented regarding a ballot question solely for the purpose of educating voters if the information does not advocate for or against or otherwise reflect a position on the adoption or rejection of the ballot question. With this in mind, all media inquiries on ballot measures should be directed to the City Administrator.

No other changes were made to the document.

ATTACHMENTS:

1. Media Guidelines - draft update 07 19 2024

FISCAL IMPACT:

n/a

STAFF IMPACT:

Minimal.

LEGAL REVIEW:

Attorney Oster has advised on and reviewed the updated document.

RECOMMENDATION:

Approve as presented.

SUGGESTED MOTION:

I move to approve the Media Guidelines as presented.



City of Mandan Media Relations Guidelines

*Adopted by the Mandan City Commission on March 1, 2022
Updated July 2024*

Premise

The City of Mandan is committed to creating and maintaining consistent, accurate and timely communication with all members of the media and the public regarding programs, projects, planning, activities and policy decisions of the City Commission. The City values the role media play in communicating City news and information to the public and the value of reporting the public's views and opinions of the City of Mandan.

Media representatives are welcome to attend all regular and special meetings for the City Commission as well as the City's various commissions, boards and committees appointed for specific purposes.

This document establishes guidelines for the news media regarding inquiries of the City of Mandan elected officials and staff and likewise guides City of Mandan elected officials and employees regarding their communication with the news media.

Ways to Stay Informed

One of the easiest ways to stay informed is by making use of the city website, cityofmandan.com. You can sign up for e-mail updates to receive notices of various meetings, news and announcements at cityofmandan.com/updates. Other ways to stay informed include:

- **CITY MEETINGS.** Review City meeting agendas, agenda packets, and minutes at cityofmandan.com/meetings. Attendance at City meetings or review of televised meetings via Government Access Channel 2, in high definition on 602, and archived at freetv.org.
 - **City Current.** Dakota Media Access produces *City Current*, a show which provides information on City Commission actions and department activities. New episodes air on Wednesdays with replays available on Radio Access 102.5 FM, Government Access cable channels 2 and 602 HD, and freetv.org.
- **NEWS RELEASES.** Contact the Business Development and Communications Department to be sure you are on the e-mail distribution list at 701-667-3478 or by sending an e-mail to news@cityofmandan.com.
- **MANDAN MESSENGER NEWSLETTER.** This printed, monthly newsletter is mailed with utility bills and copies are available at City Hall around the 10th of each month. Contact the City Business Development and Communications Department to be added to the mailing list.
 - **E-MESSENGER.** Sign up at cityofmandan.com/messenger to receive the monthly e-newsletter. The electronic version of the *Mandan Messenger* is typically e-mailed the first business day of each month. Archives are available on the city website.
- **BUSINESS BRIEF.** Visit cityofmandan.com/bizupdates to sign up or access archives.

- **SOCIAL MEDIA**

- **Facebook**

- City (facebook.com/CityofMandan)
 - Mandan Police Department Facebook (facebook.com/mandanpolice)
 - Morton Mandan Public Library (facebook.com/mortonmandanpl)
 - Made in Mandan community page (facebook.com/MadeInMandan)

- **Instagram**

- City (instagram.com/cityofmandan)
 - Mandan Fire Department (instagram.com/mandanfire)
 - Morton Mandan Public Library (instagram.com/mortonmandanpl)
 - Made in Mandan community page (instagram.com/made.in.mandan)

- **LinkedIn** linkedin.com/company/city-of-mandan

- **Twitter** twitter.com/cityofmandan

- **YouTube** youtube.com/cityofmandan

Inquiries from Reporters

The City Business Development and Communications Department can assist members of the media who need help determining the appropriate contact person(s) for a story. Call 701-667-3485.

Contacting City Staff

Reporters who already know names and phone numbers of staff members they wish to interview may contact those individuals directly. A list of department phone numbers and addresses is available on our [City Departments](#) webpage.

SPOKESPERSON ROLES

All spokespersons shall attempt to provide a timely and thorough response to all media requests for information and interviews, but may ask for and expect to be afforded additional time to research relevant issues and prepare for the interview. The City Administrator and Business Development and Communications Department staff are available to provide assistance and advice in preparation for media encounters.

If the City position on a topic is unclear or if the subject matter is controversial in nature, consultation with the City Administrator and Communications Department is recommended to assure an accurate and consistent response.

Ballot Measures. Under the North Dakota Corrupt Practices Act, employees and elected officials generally may not use city property or time to advocate for or against a ballot measure. This does not include activities undertaken in the performance of public office or a position taken in any bona fide news story, commentary, or editorial. Factual information may be presented regarding a ballot question solely for the purpose of educating voters if the information does not advocate for or against or otherwise reflect a position on the adoption or rejection of the ballot question. With this in mind, all media inquiries on ballot measures should be directed to the City Administrator.

Elected Officials.¹ The mayor is the official spokesperson for the City Commission. The mayor is the designated representative of the Commission to present and speak on the official City position. If the media contacts the mayor or an individual commissioner, the Commission

member should be clear about whether his or her comments represent the official City position or a personal viewpoint.

¹*Leadership Code for Elected Officials, p. 17*

Employees. All employees are permitted to respond directly to the media. Employees should limit their discussion of city operations to those areas where they have specific knowledge, referring other requests to the appropriate subject matter expert. After speaking directly with members of the media, employees are asked to notify their appropriate department director, who will then notify the City Administrator and Business Development and Communications Department.

Exceptions to this policy are for Mandan Police, Mandan Fire, Morton Mandan Public Library, and Mandan Regional Airport, each of which has its own public information policy and procedures.

The City Administrator is the City's official spokesperson for all City departments. Staff assigned with public information responsibilities will promote information about City initiatives, projects and services to the news media and public.

- Business Development and Communications Department staff are available to facilitate communications with the media, including answering questions, responding to developing situations, and offering assistance as needed.
- Business Development and Communications Department staff members are available to all City elected officials and employees for advice, consultation, and assistance in media relations.
- When the City Administrator is unavailable to serve as the City's spokesperson, the Business Development and Communications Director may serve as an alternate unless otherwise designated by the City Administrator.

Public Safety. The Police Chief or Police Department's public information officer serves as the official spokesperson for public safety incidents, including but not limited to criminal reports. The Fire Chief or designated department member may serve as the City's official spokesperson for public safety incidents, including but not limited to fire scene reports. On the scene of an active police or fire incident, the incident commander will serve as the media contact until Police or Fire designee is present. The Police and Fire designees should share news releases and media announcements with the Business Development and Communications Department to coordinate corresponding posting as appropriate to Department and/or City websites and social media.

Morton Mandan Public Library. The Library is a joint service of Morton County and the City of Mandan. The Library Board of Trustees oversees operations of the library and presents recommendations to both the City and County commissions. The library may designate a board or staff member(s) to serve as the Library's official spokesperson. Designees should share news releases and media announcements with the Business Development and Communications Department to coordinate corresponding posting as appropriate to Department and/or City websites and social media.

Mandan Airport. The Airport Authority oversees operations at the airport and presents recommendations to the City Commission. The Airport Authority may designate a member(s), typically the airport manager or board chairman, to serve as the official spokesperson. Designees should share news releases and media announcements with the Business Development and Communications Department to coordinate corresponding posting as appropriate to Department and/or City websites and social media.

Department Representation. Each department director will serve as the media liaison or primary contact for the respective department, unless otherwise approved by the City Administrator. The Business Development and Communications Department will maintain a list of all authorized department media representatives. Their role is to provide official, accurate information to media on behalf of their department and the City. Each liaison will inform the City Administrator of media requests for information and other contacts with the media.

Other City Staff. When employees other than designated liaisons are contacted by the media requesting readily available information about City operations known to be public, employees are encouraged to treat the reporter as a customer with courtesy and professionalism. Please make a reasonable offer to provide basic requested information, or refer the media to the appropriate department director or City Administrator. Such information includes, but is not limited to, City staff names, titles and extensions; public meeting dates, locations and agendas; provisions of City ordinances or City charter; and copies of materials prepared by the City for public distribution.

If the employee is unsure how to respond to the inquiry, he or she should forward the request to the appropriate department director. In passing requests along to others, please help in assuring a timely media response by obtaining the journalist's name, media outlet, contact number, deadline and topic.

MEDIA OUTREACH

Departments may prepare media announcements and news releases for direct distribution to the media as the situation warrants or they may utilize the services of the Business Development and Communications Department as needed. A list of local media contacts may be obtained upon request from the Business Development and Communications Department. Departments should provide the Business Development and Communications Department with a copy of all such announcements and news releases.

EMERGENCY/CRISIS SITUATIONS

The main focus of the City during any emergency will be on the security and safety of the public and on the preservation of property. City officials will work with law enforcement to secure and manage an emergency and to provide information to the community via the news media and direct methods as feasible.

In the event of a declared emergency crisis, the City Administrator will designate a formal media area, if needed. Potential sites include the Ed "Bosh" Froehlich Room at City Hall, 205 Second Avenue NW, or the Morton County Commission meeting room in the basement of the County Courthouse, 210 Second Avenue NW. The City Administrator will also designate an official spokesperson for dissemination of information. The Business Development and Communications Department director or designee will be available in the Emergency Operations Center to assist with dissemination of information to the public and response to media inquiries.

TRAINING

The Business Development and Communications Department will provide or arrange for basic instruction in media relations for all elected officials, department directors and others designated to serve as media contacts for their respective departments. Formal, hands-on training is to be provided approximately on an every other year basis with basic instruction provided as needed with changes in positions.



City Commission

Agenda Documentation

MEETING DATE: August 6, 2024
PREPARATION DATE: July 23, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider Use of the City of Mandan Utility Fund for up-sizing costs related to Street Improvement District 227

STATEMENT/PURPOSE:

To consider the use of city utility funds for up-sizing costs to accommodate future planned use of installed sewer lines.

BACKGROUND/ALTERNATIVES:

During the Street Improvement District 227 project, which included infrastructure improvements around the new high school site, the alignment of a proposed 8" sanitary sewer line was coincident with a planned future trunk main. The City requested that the line be upsized to 18" to accommodate its future use.

ATTACHMENTS:

None

FISCAL IMPACT:

In accordance with City policy, the upsizing cost was calculated as the difference between the 18" line and a 12" alternative, as well as the miscellaneous items that support upsizing. The total upsizing cost to the City is \$104,737.26, which we would propose to be paid for using the Utility Fund.

STAFF IMPACT:

Minimal

LEGAL REVIEW:

Agenda documents have been forwarded to the City Attorney for review.

RECOMMENDATION:

City Commission

Agenda Documentation

August 6, 2024

Subject: Consider Use of the City of Mandan Utility Fund for up-sizing costs related to Street Improvement District 227

Page 2 of 2

To authorize the use of \$104,737.26 City Utility funds to pay for upsizing costs on the SID 227 project.

SUGGESTED MOTION:

I move to authorize the use of \$104,737.26 out of the City Utility fund to pay for upsizing costs, as presented.



City Commission

Agenda Documentation

MEETING DATE: August 6, 2024
PREPARATION DATE: July 23, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Street Improvement District 229 parcel amendment

STATEMENT/PURPOSE:

To consider amending Street Improvement District 229 to include additional parcels to spread the cost of McKenzie Drive to future phases of the shores at Lakewood development.

BACKGROUND/ALTERNATIVES:

The original district boundaries of Street Improvement District(SID) 229 were not drawn to include the parcels for phases 2 and 3 of the shores at Lakewood development. This was likely a clerical error. All discussions with City staff and the developer around special assessment costs over the past couple of years assumed that some of the costs associated with McKenzie Drive would be spread to the other phases of the development.

ATTACHMENTS:

1. 20240724_SID 229_McKenzie Dr Portion

FISCAL IMPACT:

There are no costs directly associated with this agenda item.

STAFF IMPACT:

Minimal.

LEGAL REVIEW:

These documents have been made available to the City Attorney for review.

RECOMMENDATION:

Amend Street Improvement District 229 to include additional parcels and spread the

City Commission

Agenda Documentation

August 6, 2024

Subject: Consider amending Street Improvement District 229 to include additional parcels

Page 2 of 2

cost of McKenzie drive to the newly added parcels.

SUGGESTED MOTION:

I move to amend Street Improvement District 229 to include the additional parcels as requested by the landowners.

**PETITION FOR PERMANENT STREET IMPROVEMENT & STORM SEWER
PROJECT SID 229
McKENZIE DRIVE SE PORTION
For lots Master Planned & Zoned PUD- Planned Unit Development
By SPECICAL ASSESSMENT**

DATE: July 22, 2024

To the Honorable Board of City Commissioners
Mandan, North Dakota

Commissioners:

The undersigned owners of property liable to be assessed for the improvement respectively petition your Honorable Board to have storm sewer and permanent street improvements completed on:

DESCRIPTION OF RIGHT OF WAY (Portions of work):

1. McKenzie Drive SE - from the east line of Lot 1 Block 1 of Shores at Lakewood Addition to the east line of Lot 1 Block 2 of Lakewood 7th Addition.

It is agreed that the necessary storm sewer and permanent street improvements be completed following the installation of the necessary water and sewer service line stubouts by the abutting property owner(s). 100% of the storm sewer cost and paving cost of said permanent street improvement shall be assessed to or other funding arrangements made by the benefitted property according to the Current Development Costs policy, and/or as detailed in Developer provided allocation spreadsheet. It is agreed that 100% of any temporary storm sewer and/or street improvements shall be prepaid by the benefitted petitioned property.

SIGNATURES (Property Owner/s)



TRX Developers, LLC
Arthur Goldammer
3100 N 14th Street
Bismarck, ND 58503

PROPERTY DESCRIPTION

Shores at Lakewood
Addition Including
Minor Plats as filed

Shores at Lakewood 2nd Addition
Shores at Lakewood 3rd Addition
Shores at Lakewood 4th Addition

Including Parcel Numbers:

- 65-6110785
- 65-5511360
- 65-5511352
- 65-5511525
- 65-5513800
- 30-0114100



City Commission

Agenda Documentation

MEETING DATE: August 6, 2024
PREPARATION DATE: July 29, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider Cost Participation and Maintenance Agreement for Old Red Trail Path mill and overlay

STATEMENT/PURPOSE:

To consider the cost participation agreement with the North Dakota Department of Transportation (NDDOT) associated with the Old Red Trail Path mill and overlay project

BACKGROUND/ALTERNATIVES:

The project consists of a 2" mill and 2" asphalt overlay on the existing 10.5' wide shared use trail on the south/southwest side of Old Red Trail from the intersection of Sunset Drive to 120' east of 30th Ave NW. Specific locations will also be identified as part of this project to repair areas of the trail with failing subgrade, which is anticipated to be limited to specific areas and not the entire trail corridor. The proposed project is phase 1 and a continuation of phase 2, which was also a rehabilitation project of Old Red Trail from Collins Avenue to Sunset Drive in 2020.

ATTACHMENTS:

1. Cost Participation and Maintenance Agreement

FISCAL IMPACT:

The estimated construction cost of the proposed trail rehabilitation is \$452,000. The local share is expected to be around 20% of construction cost or \$90,400. This would be assessed entirely to Mandan Parks and Recreation. Mandan Parks would also continue maintaining this segment of trail.

STAFF IMPACT:

Minimal.

LEGAL REVIEW:

All agenda documents have been made available to the City Attorney for review.

RECOMMENDATION:

To approve the Cost Participation and Maintenance Agreement as presented.

SUGGESTED MOTION:

I move to approve the Cost Participation and Maintenance Agreement as presented.

NDDOT Contract No. 38240965

**North Dakota Department of Transportation
COST PARTICIPATION, CONSTRUCTION, AND MAINTENANCE AGREEMENT
LPA FEDERAL AID PROJECT**

Federal Award Information – to be provided by NDDOT

Assistance Listing No: 20.205

Assistance Listing Title: Highway Planning & Construction

Award Name: Federal Aid Highway Program

Awarding Fed. Agency: Federal Highway Admin

NDDOT Program Mgr: Wenger, Pamela J.

Telephone: 701.328.4787

Notice to Subrecipients: Federal awards may have specific compliance requirements. If you are not aware of the specific requirements for your award, please contact your NDDOT Program Manager.

For NDDOT use only.**FHWA Authorization date:****Project No. TAU-1-988(049) PCN: 23914****LPA: City of Mandan****Location: OLD RED TRAIL - MANDAN****Type of Improvement: Shared Use Path Mill & Overlay****Length: 1.75**

This agreement is between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and the Local Public Agency (LPA) of Mandan, North Dakota, hereinafter referred to as the LPA, who agree that:

It is in the best interest of both parties to have the LPA construct and maintain this project according to the terms and conditions set forth in this agreement. NDDOT will assist the LPA with the preparation and distribution of the bid documents and include the project in a scheduled bid opening.

The LPA agrees to the terms and conditions required for this project by the Federal Highway Administration (FHWA).

NDDOT will procure federal funds for the construction of the project, pursuant to Title 23 of the United States Code.

Federal funds obligated for this project shall not exceed 80.93 percent of the total eligible project cost. The total cost of the project is \$415,563, with the LPA's estimated share being \$79,247.86.

Additional Funding Clause
N/A

The total eligible project costs include the cost of those items shown in the engineer's detailed estimate as approved for federal funds and any project changes approved by NDDOT for the use of federal funds.



Federal funds may not be obligated by the LPA, prior to FHWA approval of the program documents for the project.

PART I

LPA Obligation:

1. To comply with the Disadvantaged Business Enterprise (DBE) requirements established by NDDOT for the project.

The LPA shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The LPA shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts. NDDOT's DBE program, as required by 49 CFR Part 26 and as approved by USDOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the LPA of its failure to carry out its approved program, the USDOT may impose sanctions as provided for under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et. Seq.).

Include the following paragraph verbatim in any subcontracts they sign relative to this project:

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the solicitation, award, and administration of USDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as NDDOT deems appropriate.

2. To comply with requirements of 23 CFR Part 633, Required Contract Provisions, and 23 CFR Part 635, Construction and Maintenance.
3. To construct the project in conformity with the construction contract, changes to the plans shall meet the requirements of 23 CFR Part 625, Design Standards for Highways and the current edition of the NDDOT's *Local Government Manual*.
4. To construct the project in conformity with the approved environmental documents and provide for the implementation of any measures mitigating the environmental impact of the project.
5. To comply with the procedures outlined in the current edition of NDDOT's *Local Government Manual*.
6. To comply with the current edition of NDDOT's *Right of Way Acquisition Procedures for Local Public Agency Federal Aid Projects*.
7. The LPA will be responsible for any consideration, avoidance, and minimization of impacts upon real property related to this project, such as changes in the grades of streets, inconvenience to property or business, and any loss of light, air, view, access, egress, drainage, support, or nuisance,
8. To comply with the requirements of Appendices A and E of the Title VI Assurances, attached and incorporated by reference herein.



PART II

Contracting and Construction:

1. On behalf of the LPA, NDDOT will:
 - a. Prepare the bid package, solicit proposals, and include the project in a scheduled bid opening as provided in the North Dakota Century Code, Chapter 24-02.
 - b. Evaluate the bids as to the sufficiency of Disadvantaged Business Enterprise (DBE) participation and the bidder's good faith efforts in satisfying the requirements of the current edition of the DBE special provision, and 49 CFR Part 26. NDDOT shall have exclusive authority in evaluating the adequacy of DBE participation.
 - c. Tabulate the bids and send to the LPA.
 - d. Concur in the award of the contract, after the LPA has executed the contract, for the sole purpose of enabling the LPA to procure federal aid for the construction of the project.
2. The LPA will:
 - a. Review bids to determine the lowest responsible bidder.
 - b. Execute the contract.
 - c. Distribute copies of the executed contract and contract bond to NDDOT.
3. During the construction of the project, the LPA will:
 - a. Provide engineering services, material testing, and inspection of the work as required by the contract documents and the current editions of NDDOT's *Sampling and Testing Manual* and the *Standard Specifications for Road and Bridge Construction*.
 - b. Keep all project records and documentation as required in NDDOT's current editions of the *Construction Records Manual* and the *Construction Automated Records System*.
 - c. Make all records available to NDDOT and FHWA for inspection upon request. The LPA will submit all documents and records to NDDOT for review before final payment is made. NDDOT will maintain the project records for three years from the final voucher date of FHWA and then return them to the LPA.
 - d. Be responsible for any changes in plan, character of work, quantities, site conditions, or any claim for extra compensation. NDDOT will review all contract adjustments to determine if the adjustments are eligible for federal aid. Federal aid shall be limited to the amount stated on page one of this agreement.

PART III

Post Construction:

After the project is completed the LPA agrees to:

1. Control the length and location of curb openings for future entrances and to not permit the length of curb openings for entrances to exceed the length shown on the plans or as shown on a sketch of typical



entrances for similar entrances; and prohibit the construction or use of any entrances along the project within the LPA other than those shown on the plans, without prior approval of NDDOT.

2. Prohibit double parking and diagonal parking within the limits of the project. Additional parallel parking will be allowed within the limits of the project if designed considering the effects the added parking will have on the entire traffic corridor. The design will meet the requirements of 23 CFR Part 625, Design Standards for Highways.
3. If the traffic corridor intersects a state highway, the LPA must justify to NDDOT that any new access allowed will have minimal impact to the state highway. The design will meet the requirements of 23 CFR Part 625, Design Standards for Highways.
4. Prohibit the installation of traffic signals and pedestrian beacons on or in connection with the project, including those installed at the sole cost and expense of the LPA or by others, without NDDOT approval.
5. Maintain all traffic control devices on the project according to the current edition of the *Manual on Uniform Traffic Control Devices for Streets and Highways*, as supplemented and amended.
6. Restrict the speed limit on the project at or below the maximum design speed. Any changes to the speed limit will be pursuant to North Dakota Century Code, Chapter 39-09.
7. Provide maintenance to the completed project at its own cost and expense.
8. Prohibit access and encroachments upon the right of way pursuant to 23 CFR Part 1.23, Rights of Way, and Part 710 Subpart D, Right of Way, Real Property Management.

PART IV

General:

1. NDDOT will make all contract payments on behalf of the LPA. Payment will be made upon receipt of the engineer's estimate. The LPA will reimburse NDDOT for payments made less the amount paid by FHWA. No costs will be incurred by NDDOT for the construction and maintenance of this project.

If the LPA fails to reimburse NDDOT within 60 days after billing for funds advanced on behalf of the LPA, this document will constitute an assignment of funds now or hereafter coming into the hands of the state treasurer, which would otherwise be distributed to the LPA out of the highway tax distribution fund, NDCC 54-27-19. The state treasurer is hereby directed to pay NDDOT all such funds until the total equals the sum billed pursuant to this agreement.

2. The Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.
3. No official, employee, or other person performing services for the LPA who is authorized to negotiate or approve any contract or subcontract in connection with the project shall have any financial or other personal interest in any such contract or subcontract. No officer or employee of such person retained by the LPA shall have any financial or other personal interest in any real property acquired for the project unless such interest is openly disclosed upon public records of NDDOT and of the LPA, and such officer, employee, or person has not participated in such acquisition for and in behalf of the LPA.
4. The failure of the state to enforce any provisions of this contract shall not constitute a waiver by the state of that or any other provision.



5. Entities that receive federal funds through NDDOT may be required to obtain an audit in accordance with 2 C.F.R. Part 200, Subpart F. A copy of such audit shall be submitted to NDDOT. Entities that spend less than \$750,000 of federal funds from all sources may be subject to reviews by NDDOT at its discretion. Additionally, all entities receiving federal funds through NDDOT shall certify whether a Single Audit has been completed as part of the annual Federal award process. These requirements are applicable to counties, cities, state agencies, Indian tribes, colleges, hospitals, and non-profit businesses.
6. All notices, certificates, or other communications shall be sufficiently given when delivered or mailed, postage prepaid, to the parties at the respective places of business as set forth below or at a place designated hereafter in writing by the parties.

Local Government Engineer
ND Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

City Engineer
City of Mandan
205 Second Avenue NW
Mandan, ND 58554

7. The LPA is advised that its signature on this contract or agreement certifies that any person associated therewith is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency; has not been suspended, debarred, voluntarily excluded, or determined ineligible by any federal agency within the past three years; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction on any matter involving fraud or official misconduct within the past three years.
8. This agreement constitutes the entire agreement between the parties. No waiver consent, modification or change of terms of this agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. The LPA, by the signature below of its authorized representative, hereby acknowledges that the LPA has read this agreement, understands it, and agrees to be bound by its terms and conditions.



Executed by the LPA of _____, North Dakota, the date last below signed.

APPROVED:

LPA/STATES ATTORNEY (TYPE OR PRINT)

SIGNATURE

DATE

ATTEST:

AUDITOR (TYPE OR PRINT)

SIGNATURE

DATE

LPA of _____
★

NAME (TYPE OR PRINT)

SIGNATURE

★
TITLE

DATE

Executed by the North Dakota Department of Transportation the date last below signed.

APPROVED as to substance:

BB

Paul Benning

LOCAL GOVERNMENT ENGINEER (TYPE OR PRINT)

Paul Benning

SIGNATURE

07/24/24

DATE

NORTH DAKOTA
DEPARTMENT OF TRANSPORTATION

DIRECTOR (TYPE OR PRINT)

SIGNATURE SS

DATE

*Mayor, President or Chairperson of Commission

CLA 19256 (Div. 38)
L.D. Approved 4-12-93; 10-22



CERTIFICATION OF LOCAL MATCH

It is hereby certified that the LPA of _____ will provide non-federal funds, whose source is identified below, as match for the amount the LPA is obligated to pay under the terms of the attached agreement with the North Dakota Department of Transportation. The certified amount does not duplicate any federal claims for reimbursement, nor are the funds used to match other federal funds, unless expressly allowed by federal regulation.

Non-Federal Match Funds provided by LPA. Please designate the source(s) of funds in the LPA budget that will be used to match the federal funds obligated for this project through the North Dakota Department of Transportation.

Source:

Executed at _____, North Dakota, the last date below signed.

ATTEST:

APPROVED:

AUDITOR (TYPE OR PRINT)

LPA of

SIGNATURE

NAME (TYPE OR PRINT)

DATE

SIGNATURE

*

TITLE

DATE

*Mayor, President or Chairperson of Commission

CLA 19256 (Div. 38)
L.D. Approved 4-12-93; 1-23



**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
APPENDIX A OF THE TITLE VI ASSURANCES**

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees as follows:

1. Compliance with Regulations: The Contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. Non-discrimination: The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. Information and Reports: The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient or the Federal Highway Administration as appropriate, and will set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the Contractor under the contract until the Contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. Incorporation of Provisions: The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.



NORTH DAKOTA DEPARTMENT OF TRANSPORTATION APPENDIX E OF THE TITLE VI ASSURANCES

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).





City Commission

Agenda Documentation

MEETING DATE: August 6, 2024
PREPARATION DATE: July 29, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider submitting a sole source request to the North Dakota Department of Transportation for Memorial Highway utility items

STATEMENT/PURPOSE:

To consider authorization to submit a sole source request letter for various utility items on the Memorial Highway Reconstruction project.

BACKGROUND/ALTERNATIVES:

The Memorial Highway Reconstruction project will include the replacement of many of the City's above- and below-ground utilities. City staff would like to request certain items to be sole-sourced for the project. The proposed letter contains 12 sole source requests to accommodate operational familiarity, technical compatibility, and inventory consistency for City Staff.

ATTACHMENTS:

1. PCN 23277 - Sole Source Memo

FISCAL IMPACT:

There would be minimal fiscal impact caused by this request.

STAFF IMPACT:

Minimal.

LEGAL REVIEW:

Agenda documents have been made available to the City Attorney for review.

RECOMMENDATION:

To authorize City staff to submit the sole source request letter.

City Commission

Agenda Documentation

August 6, 2024

Subject: Consider submitting a sole source request to the North Dakota Department of Transportation for Memorial Highway utility items

Page 2 of 2

SUGGESTED MOTION:

I move to authorize sole sourcing products on the Memorial Highway project, as presented.

July 24, 2024

Ardin Striefel
Local Government
NDDOT
608 East Boulevard Avenue
Bismarck, ND 58505-0700

**RE: Sole Source of Products for Project SU-CPU-1-094(223)919, PCN 23277
City of Mandan Business Loop I-94
(Memorial Highway) 32nd Avenue SE to 46th Avenue SE**

Dear Ardin:

The City of Mandan requests that the following items be sole source specified:

1. APM Performance Infiltration and Inflow (I&I) Barrier by Strike Products.
2. American Flow Control gate valves.
3. Gate valve box debris plugs by Infact Corporation.
4. Gate valve adaptors by Adaptor Inc.
5. 48-inch Red FH800 American Series Fire Hydrant Marker by Flexstake Inc.
6. Tracer wire access box by Copperhead Industries.
7. Rain Bird Irrigation Controls and Sprinklers.
8. Area inlet casting CG96TM by Haala Industries Inc.
9. LED Luminaire model ATB2-60BLEDE70-MVOLT-R3-4000K-NL-NR by American Electric Lighting
10. Penn-Union IPBNA2/0XS Splice Connectors
11. Homac type RAB-X-URD-BUSS Submersible Insulated Subsurface Terminal Splice Connectors
12. Autoscope Vision Video Detection System

The City of Mandan requests to specify the following lift station equipment on the above federal aid project.

- Flygt Submersible Sewage Pumps
- Level Transducer – Keller LevelRat 1023.15807.0513XX.13
- Float Switches – Anchor Scientific GW60NO
- PLC Components – Allen Bradley CompactLogix Platform
- Cellular Antenna – Surecall SC-588W
- Radio – Cradlepoint IBR600C
- Control Panel
 - Managed Ethernet Switch – Allen-Bradley Stratix 5700
- Operator Interface Terminal (OIT) - Allen Bradley Panel View Plus 7 Series 2711P Standard 1000
- Generator Receptacle – Appleton ADR20044RS w/ AJA200 angle adapter
- Alarm Lights

- High Level/Common Alarm: Red Constant On: Edwards Model #: 125XBRMR120AB
- Pump(s) Running: Green Constant On: Edwards Model #: 125XBRMG120AB
- 3-Phase Power OK: Blue Constant On: Edwards Model #: 125XBRMB120AB

The City of Mandan requests the NDDOT certify these items and equipment be installed for the project due to proven reliability of these items within the City, familiarity with these items by City staff, and conformity with existing like items already in use within the City.

I, Jarek Wigness, City Engineer, do hereby certify that, in accordance with the requirements of the NDDOT Design Manual, the above proprietary items are essential for the standardization with existing facilities. The extent of this certification is specific to the City of Mandan Business Loop I-94 (Memorial Highway) project, SU-CPU-1-094(223)919, PCN 23277.

Thank you for your consideration regarding this use. Should you have any questions or if you would like to discuss this matter further, contact my office at 701-667-3225.

Sincerely,

Jarek Wigness, PE
Engineering & Planning Director
City of Mandan



City Commission

Agenda Documentation

MEETING DATE: August 6, 2024
PREPARATION DATE: July 29, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider approval to close 27th Street to accommodate a storm sewer connection

STATEMENT/PURPOSE:

To consider allowing Dakota Alpha to close 27th Street to make a storm sewer connection.

BACKGROUND/ALTERNATIVES:

The Dakota Alpha building, located at 1303 27th Street Northwest, is making parking lot improvements on their property. As a part of these improvements, they are planning to make a connection to the City's storm sewer main, which runs along the north side of 27th Street. Because of the depth of the pipe, the connection isn't possible without a full closure. The work is expected to take 1 week. It would be best to complete this work before the school year starts.

If approved, City staff would coordinate with the owner, contractors, and Communications Specialist to disseminate information to the public.

ATTACHMENTS:

None

FISCAL IMPACT:

None.

STAFF IMPACT:

Minimal.

LEGAL REVIEW:

Agenda documents have been made available to the City Attorney for review.

RECOMMENDATION:

To approve a 1 week street closure, as presented.

SUGGESTED MOTION:

I move to approve closing 27th Street NW for 1 week to accommodate Dakota Alphas storm sewer connection.



City Commission

Agenda Documentation

MEETING DATE: August 6, 2024
PREPARATION DATE: July 29, 2024
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Jason Ziegler
PRESENTER: Jason Ziegler, Police Chief
SUBJECT: Consider approval of the raffle permit for Mandan Braves Volleyball Booster Club.

STATEMENT/PURPOSE:

Consider approval of the raffle permit for Mandan Braves Volleyball Booster Club on October 10th, 15th, and 29th, at Mandan High School.

BACKGROUND/ALTERNATIVES:

Raffle for Mandan Braves Volleyball Booster Club. See attached permit.

ATTACHMENTS:

1. Raffle Permit 2024-43

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

N/A

RECOMMENDATION:

I recommend approving the raffle permit for Mandan Braves Volleyball Booster Club.

SUGGESTED MOTION:

I move to approve the raffle permit for Mandan Braves Volleyball Booster Club.



LOCAL PERMIT OR RESTRICTED EVENT PERMIT
NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
GAMING DIVISION
SFN 17926 (11-2023)

Permit Number
2024-43

Permit Type (check one)	
☒ Local Permit	☐ Restricted Event Permit*
Games Authorized	
☐ Bingo	☒ Raffle
☐ Raffle Board	☐ Calendar Raffle
☐ Sports Pool	☐ Poker*
☐ Twenty-One*	☐ Paddlewheels*

*See Instruction 2 (f) on Page 2. Poker, Twenty-One, and Paddlewheels may be conducted Only with a Restricted Event Permit. Only one permit per year.

LOCAL PERMIT RAFFLES MAY NOT BE CONDUCTED ONLINE AND CREDIT CARDS MAY NOT BE USED FOR WAGERS

ORGANIZATION INFO

Name of Organization or Group		Dates Authorized (Read Instruction 2)	
Mandan Braves Volleyball Booster Club		October 10, through 29.	
Organization or Group Contact Person	E-mail	Telephone Number	
Sarah Holzer	sholzer4@hotmail.com	701-202-5174	
Mailing Address	City	State	ZIP Code
3273 River Place Dr N	Mandan	ND	58554

SITE INFO

Site Name		County	
Mandan High School		Morton	
Site Address	City	State	ZIP Code
2335 4th Ave NW	Mandan	ND	58554

If the city or county is placing restrictions on the permit, please explain

N/A

Provide the exact date(s) & frequency of each event & type (Ex. Bingo every Friday 10/1-12/31, Raffle - 10/30, 11/30, 12/31, etc.)

3 separate ticket raffle drawings on October 10, 15, and 29.

Permits must be issued prior to the 1st event date.

Local governing bodies please see the instructions on the backside of this form on how to complete the permit. Be certain to provide the organization or group with the "Information Required to be Preprinted on a Standard Raffle Ticket" found on the backside of this forms if a raffle is being conducted. If a "Restricted Event Permit" is being issued, either provide organization or group with SFN 52880 "Report on a Restricted Event Permit" or make them aware that the report must be filed with the city or county and the Office of Attorney General within 30 days after the event. Before approving a site location, ensure compliance with the gaming law below

Before approving a local permit or restricted event permit the local governing body should review North Dakota Century Code 53-06.1-03(3)(a) which states:

3. A licensed organization or organization that has a permit shall conduct games as follows:

a. Only one licensed organization or organization that has a permit may conduct games at an authorized site on a day, except that a raffle may be conducted for a special occasion by another licensed organization or organization that has a permit when one of these conditions is met:

(1) When the area for the raffle is physically separated from the area where games are conducted by the regular organization.

(2) Upon request of the regular organization and with the approval of the alcoholic beverage establishment, the regular organization's license or permit is suspended for that specific time of day by the Attorney General.

Local governing bodies should also review North Dakota Administrative Code 99-01.3-01-05 (Permits) for the administrative rules governing permits. These rules may be viewed on the North Dakota Attorney General's website at <https://attorneygeneral.nd.gov/licensing-and-gaming/gaming/gaming-laws-rules-and-publications>

CITY OR COUNTY CONTACT PERSON

Printed Name of City or County Official	Title of City or County Official	Telephone Number	E-mail Address
Michael Breid	Sergeant	701-667-3250	mbreid@mandanpd.com
Signature of City or County Official	Date	Issuing Governing Body	
	07/25/2024	☒ City ☐ County	

City or County must submit a copy of the permit above to the Office of Attorney General within 14 days of issuance.

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 six thousand dollars. However, if there is insufficient space on a ticket to list each minor prize that has a retail price not exceeding twenty-five dollars, an organization may state the total number of minor prizes and their total retail price;
5. 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 the 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 ticket or winning prize is restricted to a person of a 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 non-guaranteed 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 six thousand dollars.

North Dakota Administrative Code 99-01.3-05-02(4) states that an employee may not sell a ticket on a site where another organization is licensed or has a permit unless the employee is granted permission by the lessor and other organization.

North Dakota Administrative Code 99-01.3-05-01 through 99-01.3-05-05 (Raffles) in its entirety can be reviewed on the North Dakota Attorney General's website at <https://attorneygeneral.nd.gov/licensing-and-gaming/gaming/gaming-laws-rules-and-publications>

INSTRUCTIONS:

After a city or county governing board has authorized an organization to receive a local permit or restricted event permit, the city or county must complete the form.

1. Enter the city or county assigned "Permit Number".
2. Enter the beginning and ending date(s) for which the permit is authorized. **Note: Unexact blanket dates will not be accepted**
 - a. A permit must be on a fiscal year basis from July first to June thirtieth or on a calendar year basis.
 - b. A local permit can be issued for one or more events per fiscal year.
 - c. The "Dates Authorized" must only be the actual dates of the event(s) and does not include the dates the organization is selling tickets.
 - d. For a "one time" event permit, the beginning and ending date for "Dates Authorized" is the date of the event date.
 - e. If a local permit is issued for more than one event, enter the date of the first event as the beginning date and the date of the last event as the ending date.
 - f. A permit may not be issued more than twelve months prior to the first raffle drawing date.
 - g. A restricted event permit may be issued for only one event per year. If the organization has received a local permit during a fiscal year, it may not receive a restricted event permit. If the organization received a restricted event permit during the fiscal year, it may not receive a local permit.
3. Permits must provide the specific dates of event(s), site name, and site physical address. If there are multiple event dates that do not fit on the permit, a separate sheet must be submitted with the permit that provides a list of all event dates.
4. Enter any restriction place on the organization or group, such as days of the week or designation of an area at a site where games may be conducted.
5. When a restricted event permit is issued, provide a "Report on a Restricted Event Permit (SFN 52880)" form to the organization or be sure they know the form is available at <https://attorneygeneral.nd.gov/licensing-and-gaming/licensing/charitable-gaming> by scrolling to the bottom of the page.
6. Give the organization or group the completed permit form, keep a copy for your records, and **send a copy within 14 days** by email to agogaming@nd.gov, fax to (701) 328-3535 or by mail to:

Office of Attorney General
Gaming Division
600 E Blvd Ave, Dept. 125
Bismarck, ND 58505-0040

If you have questions on the local permit or restricted event permit process, please call: 1-800-326-9240



APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT
NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
GAMING DIVISION
SFN 9338 (9-2023)

Applying for (check one)

☒ Local Permit ☐ Restricted Event Permit*

Games to be conducted ☐ Raffle by a Political or Legislative District Party

☐ Bingo ☒ Raffle ☐ Raffle Board ☐ Calendar Raffle ☐ Sports Pool ☐ Poker* ☐ Twenty-One* ☐ Paddlewheels*

*See Instruction 2 (f) on Page 2. Poker, Twenty-One, and Paddlewheels may be conducted Only with a Restricted Event Permit. Only one permit per year.

LOCAL PERMIT RAFFLES MAY NOT BE CONDUCTED ONLINE AND CREDIT CARDS MAY NOT BE USED FOR WAGERS

ORGANIZATION INFO

Name of Organization or Group Mandan Braves Volleyball Booster Club		Dates of Activity (Does not include dates for the sales of tickets) October 10, 15, and 29	
Organization or Group Contact Person Sarah Holzer	E-mail sholzer4@hotmail.com	Telephone Number 701-202-5174	
Business Address 3273 River Place Dr N	City Mandan	State ND	ZIP Code 58554
Mailing Address (if different)	City	State	ZIP Code

SITE INFO

Site Name Mandan High School	County Morton
Site Physical Address 2335 4th Ave NW	City Mandan
	State ND
	ZIP Code 58554

Provide the exact date(s) & frequency of each event & type (Ex. Bingo every Friday 10/1-12/31, Raffle - 10/30, 11/30, 12/31, etc.)

Ticket raffle drawings on XX/XX/XX at Mandan High School.

PRIZE / AWARD INFO (If More Prizes, Attach An Additional Sheet)

Game Type	Description of Prize	Exact Retail Value of Prize
Raffle	Cash	\$2,000
	1 x \$250, 10 x \$100, and 15 x \$50	
	15 x \$100 and \$50 split between dates and \$250 on final drawing	
	Total (limit \$40,000 per year)	\$ 2,000

ADDITIONAL REQUIRED INFORMATION

Intended Uses of Gaming Proceeds
Raise money for Volleyball team meals, uniforms, training, and travel expenses.

Does the organization presently have a state gaming license? (If yes, the organization is not eligible for a local permit or restricted event permit and should call the Office of Attorney General at 1-800-326-9240)
☐ Yes ☒ No

Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1 - June 30 (If yes, the organization or group does not qualify for a local permit or restricted event permit)
☐ Yes ☒ No

Has the organization or group received a local permit from an city or county for the fiscal year July 1 - June 30 (If yes, indicate the total retail value of all prizes previously awarded)
☒ No ☐ Yes - Total Retail Value: (This amount is part of the total prize limit for \$40,000 per fiscal year)

Is the organization or group a state political party or legislative district party? (If yes, the organization or group may only conduct a raffle and must complete SFN 52880 "Report on a Restricted Event Permit" within 30 days of the event. Net proceeds may be for political purposes.)
☐ Yes ☒ No

Printed Name of Organization Group's Permit Organizer Sarah Holzer	Telephone Number 701-202-5174	E-mail Address sholzer4@hotmail.com
Signature of Organization Group's Permit Organizer 	Title Board Member-Secretary	Date 7/15/24



City Commission

Agenda Documentation

MEETING DATE: August 6, 2024
PREPARATION DATE: July 29, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider Minor Plat for Helblings 5th Addition.

STATEMENT/PURPOSE:

Consider Minor Plat for Helblings 5th Addition.

BACKGROUND/ALTERNATIVES:

Helbling Land Company and Donald Helbling request consideration of a minor plat for a subdivision replat to be titled Helbling 5th Addition. The property is located at 612 3rd Street SE.

Project Overview

The minor plat combines Lots 1 & 2, Block 2, in Park Addition into 1 lot.

Minor Plat Overview / Property Info

The proposed minor plat is .31 acres in size and contains one lot in one block, with .05 acres of dedicated right-of-way for a portion of Third Street SE that has never been dedicated. Given that it is already a public street, the minor plat process is acceptable.

The lot is zoned R3.2 – Residential.

Adjacent Zoning, Land Use, Future Land Use

The adjacent properties are zoned R3.2 – Residential Single & Two Family, RM - Residential Multi-family Dwellings, and CB – Commercial Business. The Future Land Use Plan identifies this area for Medium Density Residential.

Findings of Fact **Minor Plat**

1. All requirements for approval of a minor subdivision plat have been met;
2. The proposed subdivision is generally consistent with the intent and purpose of

- the zoning ordinance;
3. The proposed subdivision is consistent with the Future Land Use Plan, other adopted plans and policies, as well as accepted planning practice; and
 4. The proposed subdivision would not adversely affect public health, safety and general welfare.

Agency & Other Department Comments

- This item has been reviewed by relevant stakeholders and no issues have been identified.

ATTACHMENTS:

1. Helblings 5th Add. Application
2. Helblings 5th Addition
3. Helblings 5th Addition ex. features
4. Images of Property
5. Helbling 5th Location Map

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

The City Attorney has reviewed this agenda document.

RECOMMENDATION:

Planning staff recommends approval of the minor plat for Helblings 5th Addition.

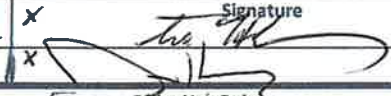
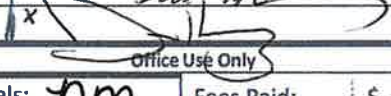
SUGGESTED MOTION:

I move to approve the minor plat for Helblings 5th Addition.

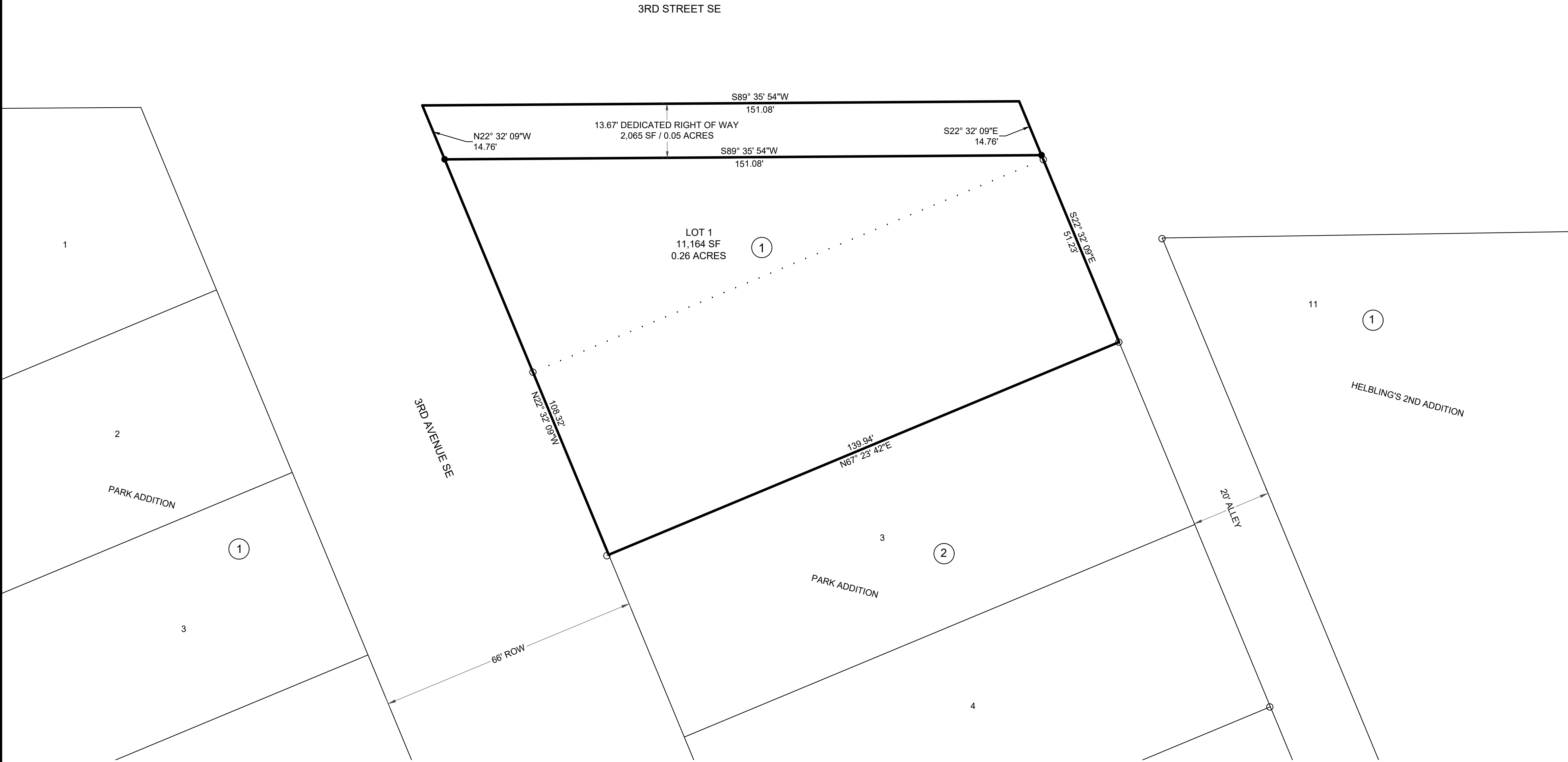
CITY OF MANDAN		
Development Review Application		
☒	Minor Plat (\$300)	Zone Change (\$600)
☐	Preliminary Plat up to 20 acres (\$400)	Planned Unit Development (\$700)
☐	Preliminary Plat more than 20 acres (\$450)	Land Use and Transportation Plan Amendment (\$1,000)
☐	Final Plat up to 20 lots (\$400)	Vacation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

Engineer/Surveyor			Property Owner or Applicant		
Name Mark R. Isaacs, RLS - ILSE, Inc.			Name Donald W. Helbling & Helbling Land Company		
Address 4215 Old Red Trail NW			Address 612 3rd Avenue SE		
City Mandan	State ND	Zip 58554	City Mandan	State ND	Zip 58554
email mark@ilsurveynd.com			email corralrv@midco.net		
Phone 701-595-2079		Fax	Phone 701-663-9538		Fax
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name
☒ City	☐ ETA	☐ New	☒ Addition	R 3.2		Helbling 5th Addition
Property Address				Legal Description		
612 3rd St. SE, Mandan, ND				Lots 1 & 2, Block 2 in Park Addition		
Current Use						
Residential				in the Northeast Quarter		
Proposed Use						
Residential				Section 34	Township 139	Range 81
Parcel Size 0.31 Acres	Building Footprint	Stories	Building SF	Required Parking		Provided Parking

Print Name Tim Helbling, Managing Partner for Helbling Land Co.	☒	Signature 	☒	Date 6-4-24
DONALD W. HELBLING	☒		☒	Date 6-4-24
Office Use Only				
Date Received:	Initials: <i>nm</i>	Fees Paid: \$ 300	Date 6-5-2024	
Notice in paper	Mailed to neighbors	P&Z meeting		
☐ Approved	Approved with conditions:			
☐ Denied				

HELBLINGS 5TH ADDITION
TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA
LOTS 1 & 2, BLOCK 2 IN PARK ADDITION
IN THE NE 1/4 OF SECTION 34, T139N, R81W



SCALE: 1" = 16'
0 8 16
DATE: MAY 31ST, 2024
VERTICAL DATUMN - NAVD 1988.
BASED ON NORTH DAKOTA SOUTH ZONE-NAD83, INTERNATIONAL FEET.
MEASUREMENTS HAVE BEEN ESTABLISHED BY RTK FROM THE "BSMK" CORS STATION AND ARE REPORTED IN GRID.

AREA TABLE	
LOT 1	0.26 ACRES (11,164 SF)
DEDICATED ROW	0.05 ACRES (2,065 SF)
TOTAL	0.31 ACRES (13,229 SF)

LEGEND	
	FOUND SURVEY MONUMENT
	SET CAPPED REBAR "LS-9628"
	VACATED LOT LINE

OWNERS:
HELBLING LAND COMPANY
PO BOX 639
MANDAN, ND 58554

SITE ADDRESS:
612 3RD AVENUE SE
MANDAN, ND 58554

DONALD W. HELBLING
612 3RD AVENUE SE
MANDAN, ND 58554

- NOTES:
- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS.
 - SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.

PROPERTY DESCRIPTION

LOTS 1 AND 2, BLOCK 2 IN PARK ADDITION TO THE CITY OF MANDAN, SITUATED H IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA, CONTAINING 0.31 ACRES (13,229 SQUARE FEET), MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, MARK R. ISAACS, A NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 9628, HEREBY CERTIFY THAT I HAVE CAUSED TO BE A SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT; FURTHER, THAT DISTANCES INDICATED HEREON ARE IN FEET AND HUNDREDTHS OF FEET THEREOF, AND BEARINGS ARE INDICATED IN QUADRANTS AND DEGREES, MINUTES, AND SECONDS THEREOF; FURTHER, THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MARK R. ISAACS, RLS 9628

OWNER'S CERTIFICATE OF DEDICATION

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

DONALD W. HELBLING
LOT 1, BLOCK 1

TIM HELBLING, MANAGING PARTNER
HELBLING LAND COMPANY

SUBSCRIBED AND SWORN BEFORE ME, AND NOTARY PUBLIC, THIS ___ DAY OF ___, 20__.

NOTARY PUBLIC.

APPROVAL OF THE BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND SHOWN HEREON, HAS ACCEPTED THE DEDICATION OF ALL STREETS, ALLEYS, AND PUBLIC WAYS SHOWN HEREON LYING WITHIN THE CORPORATE LIMITS OF THE CITY OF MANDAN, HAS ACCEPTED THE DEDICATION OF ALL PARKS AND PUBLIC GROUNDS SHOWN HEREON, FURTHERMORE, SAID BOARD OF CITY COMMISSIONERS HAS APPROVED THE STREETS, ALLEYS, AND OTHER PUBLIC WAYS AND GROUNDS SHOWN HEREON AS AN AMENDMENT TO THE MASTER STREET PLAN OF THE CITY OF MANDAN, THE FOREGOING ACTION BY THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, HAS TAKEN BY RESOLUTION APPROVED THE ___ DAY OF ___, 20__.

JIM NEUBAUER - CITY ADMINISTRATOR

-PRESIDENT OF THE BOARD
OF CITY COMMISSIONERS

I, JAREK WIGNESS, CITY ENGINEER FOR THE CITY OF MANDAN, NORTH DAKOTA. HEREBY APPROVES "HELBLINGS 5TH ADDITION" OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JAREK WIGNESS, PE

HELBLINGS 5TH ADDITION
LOTS 1 & 2, BLOCK 2
PARK ADDITION
MANDAN, NORTH DAKOTA

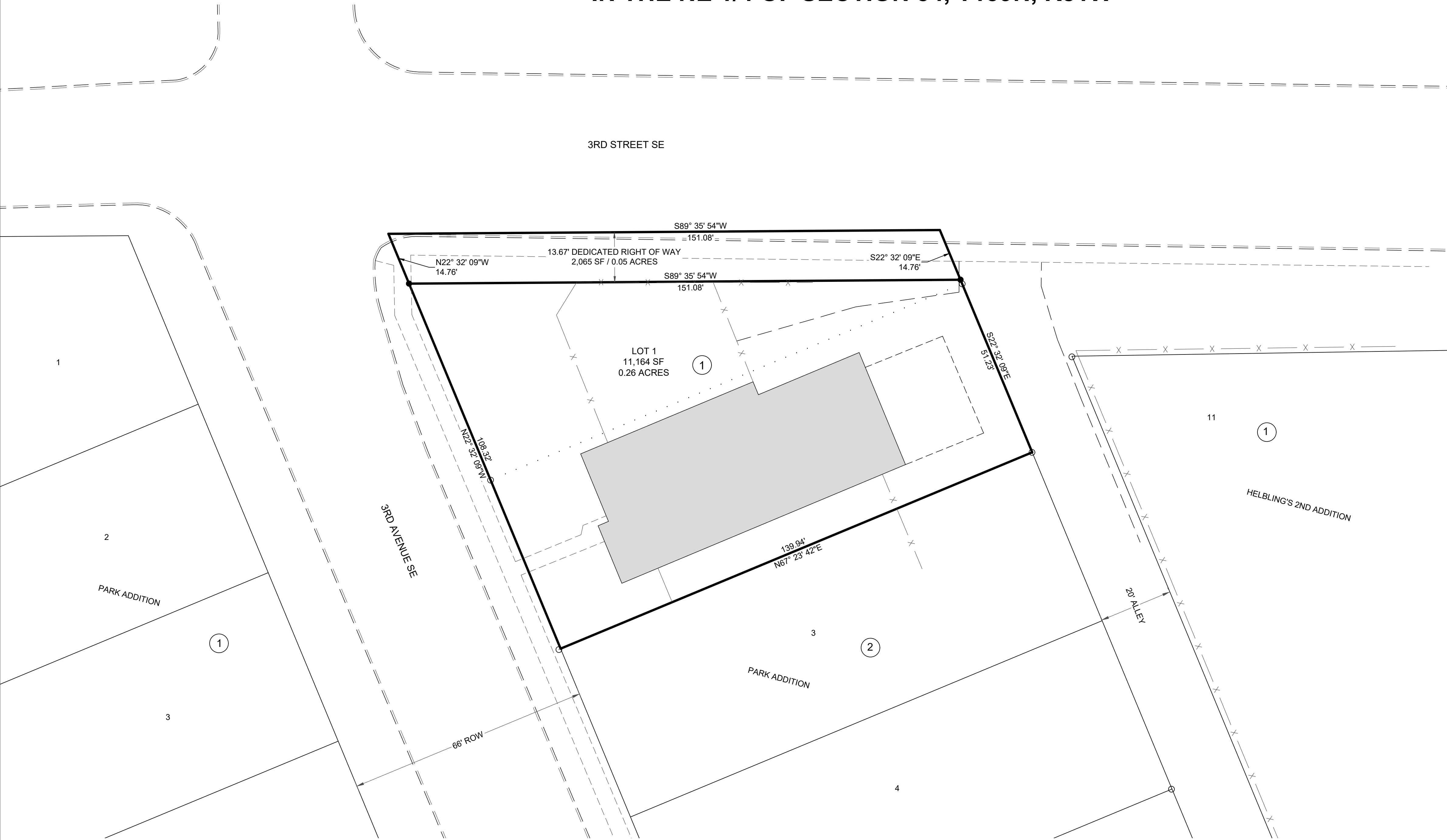
SHEET: 1 OF 1
SCALE: 1"= 16"
DRAWN BY: MRI
DWG DATE: 5/31/24
DWG NAME: 24019 Survey.dwg

JOB NUMBER: 24019
DWG REVISION DATES
- -
- -
- -

Independent
Land
Surveying &
Engineering

4215 Old Red Trail NW
Mandan, ND 58554
Phone: 701-665-5184
Cell: 701-595-2079
mark@isurveynd.com

HELBLINGS 5TH ADDITION
TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA
LOTS 1 & 2, BLOCK 2 IN PARK ADDITION
IN THE NE 1/4 OF SECTION 34, T139N, R81W



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LOTS 1 AND 2, BLOCK 2 IN PARK ADDITION TO THE CITY OF MANDAN, SITUATED H IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA, CONTAINING 0.31 ACRES (13,229 SQUARE FEET), MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, MARK R. ISAACS, A NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 9628, HEREBY CERTIFY THAT I HAVE CAUSED TO BE A SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT; FURTHER, THAT DISTANCES INDICATED HEREON ARE IN FEET AND HUNDREDTHS OF FEET THEREOF, AND BEARINGS ARE INDICATED IN QUADRANTS AND DEGREES, MINUTES, AND SECONDS THEREOF; FURTHER, THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MARK R. ISAACS, RLS 9628

OWNER'S CERTIFICATE OF DEDICATION

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

DONALD W. HELBLING
LOT 1, BLOCK 1

TIM HELBLING, MANAGING PARTNER
HELBLING LAND COMPANY

SUBSCRIBED AND SWORN BEFORE ME, AND NOTARY PUBLIC, THIS ____ DAY OF _____, 20__.

NOTARY PUBLIC.

APPROVAL OF THE BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND SHOWN HEREON, HAS ACCEPTED THE DEDICATION OF ALL STREETS, ALLEYS, AND PUBLIC WAYS SHOWN HEREON LYING WITHIN THE CORPORATE LIMITS OF THE CITY OF MANDAN, HAS ACCEPTED THE DEDICATION OF ALL PARKS AND PUBLIC GROUNDS SHOWN HEREON, FURTHERMORE, SAID BOARD OF CITY COMMISSIONERS HAS APPROVED THE STREETS, ALLEYS, AND OTHER PUBLIC WAYS AND GROUNDS SHOWN HEREON AS AN AMENDMENT TO THE MASTER STREET PLAN OF THE CITY OF MANDAN, THE FOREGOING ACTION BY THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, HAS TAKEN BY RESOLUTION APPROVED THE ____ DAY OF _____, 20__.

JIM NEUBAUER - CITY ADMINISTRATOR

-PRESIDENT OF THE BOARD
OF CITY COMMISSIONERS

I, JAREK WIGNESS, CITY ENGINEER FOR THE CITY OF MANDAN, NORTH DAKOTA. HEREBY APPROVES "HELBLINGS 5TH ADDITION" OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JAREK WIGNESS, PE

HELBLINGS 5TH ADDITION
LOTS 1 & 2, BLOCK 2
PARK ADDITION
MANDAN, NORTH DAKOTA

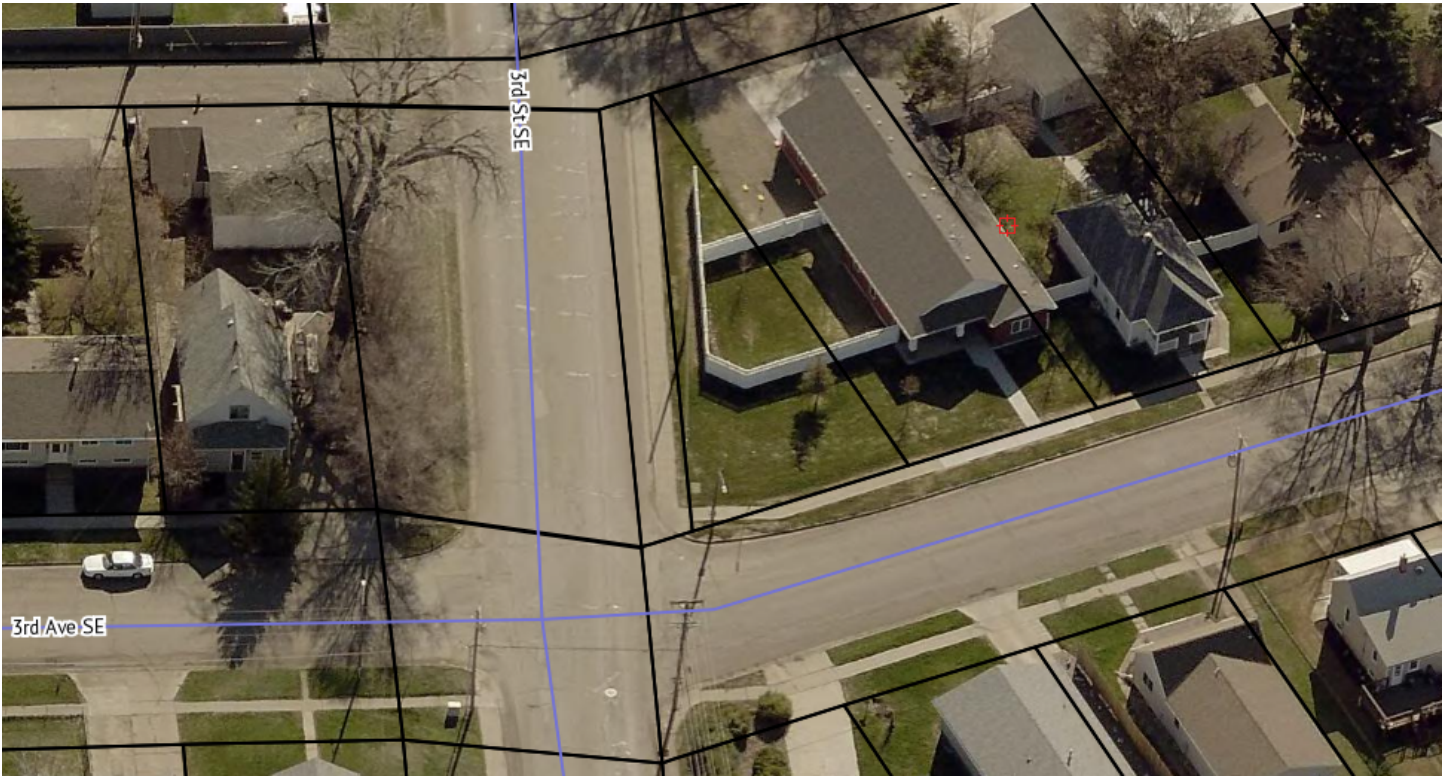
Independent
Land
Surveying &
Engineering

SHEET: 1 OF 1
SCALE: 1"= 16"
DRAWN BY: MRI
DWG DATE: 5/31/24
DWG NAME: 24019 Survey.dwg

JOB NUMBER: 24019
DWG REVISION DATES
- -
- -
- -

4215 Old Red Trail NW
Mandan, ND 58554
Phone: 701-663-5184
Cell: 701-595-2079
mark@ilsurveynd.com

Images of Property



Looking east



Looking west



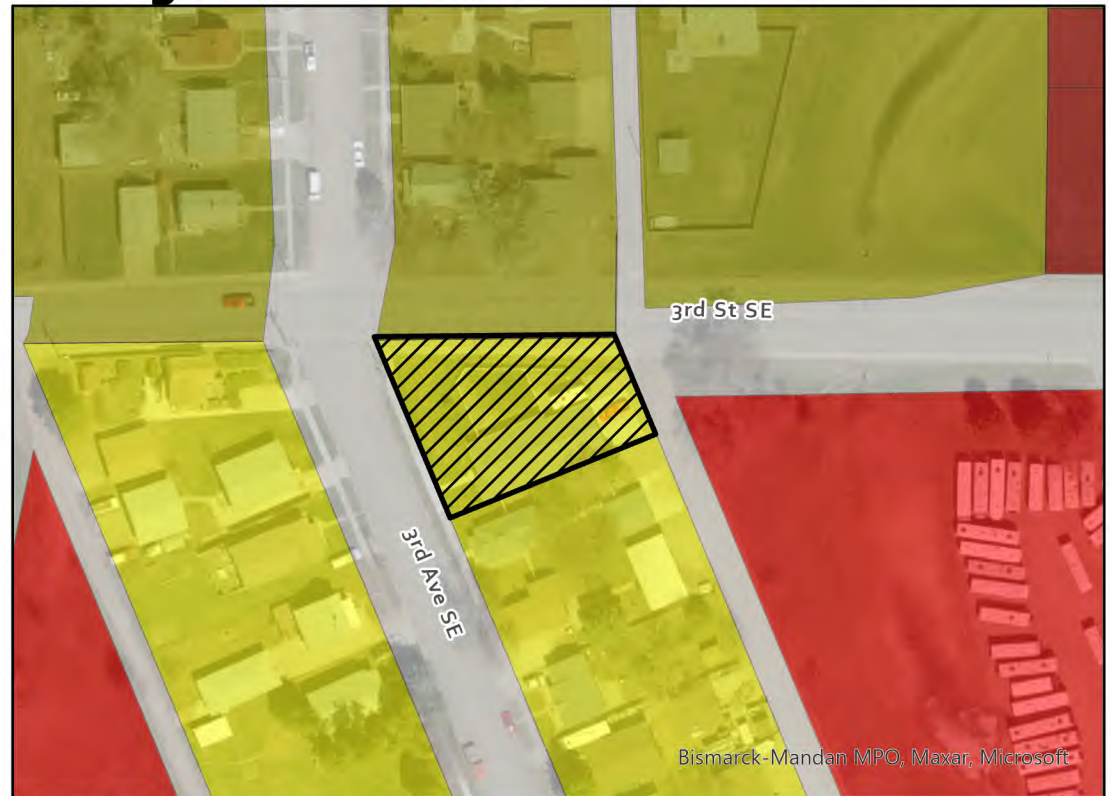
Zoning and Future Land Use Reference Map

Helbling 5th Addition

Zoning

Zoning Map Key

- | | |
|---|---|
| Agriculture - City of Mandan | MHS - Trailer Park |
| Agriculture - Morton County | PUD - Planned Unit Development |
| CA - Neighborhood Commercial | R3.2 - Residential Single & Two Family |
| CB - Business Commercial | R7 - Residential Single Family |
| CC - Commercial/Light Industrial Transition | RH - Residential Mobile Home Park |
| DC - Downtown Core | RM - Residential Multi-family Dwellings |
| DF - Downtown Fringe | RMH - Residential Mobile Home Subdivision |
| Industrial - Morton County | Residential - County Residential Zoning |
| LSMHS - Trailer Park Subdivision | ROW - Right-of-Way |
| MA - Heavy Commercial/Light Industrial | City Limits |
| MB - Heavy Commercial/Heavy Industrial | Red: Band_1 |
| MC - Heavy Commercial/Light Industrial Restricted | Green: Band_2 |
| MD - Heavy Commercial/Heavy Industrial Restricted | Blue: Band_3 |
| | July '24 Planning Items |



Future Land Use Plan Key

- | |
|----------------------------|
| Rural Residential |
| Low Density Residential |
| Medium Density Residential |
| High Density Residential |
| Commercial |
| Industrial |
| Public/Semi-Public |
| Public Land |
| Park |
| Greenways |
| Open Space |
| Open Water |
| Parcels |
| City Limits |
| ETA Line |
| July '24 Planning Items |

Future Land Use Plan





City Commission

Agenda Documentation

MEETING DATE: August 6, 2024
PREPARATION DATE: July 31, 2024
SUBMITTING DEPARTMENT: Fire
DEPARTMENT DIRECTOR: Mitch Bitz
PRESENTER: Mitch Bitz, Public Works Director
SUBJECT: Game and Fish 50/50 Water Rescue Boat Grant

STATEMENT/PURPOSE:

The Mandan Fire Department is planning to fill a significant gap in emergency response capabilities with our water/river rescue operations by applying for a North Dakota Game and Fish grant.

BACKGROUND/ALTERNATIVES:

The Mandan Fire Department has very limited water rescue resources at this time. We see a significant need to bolster our response capabilities as our community continues to grow. One of the major components of water rescue response is a watercraft capable of providing rescue to endangered citizens. Currently, we do not have a specific funding source identified for a watercraft. Therefore, we are requesting permission to apply for a 50/50 grant with the North Dakota Game and Fish Department.

The North Dakota Game and Fish grant provides a mechanism of funding via the federal government for a variety of items to include life safety and water rescue assets. The grant is 50% federal dollars with a 50% local matching requirement. The grant is a reimbursement grant. Therefore, if successfully awarded, a boat purchase would be made by the fire department and then grant dollars would be distributed back to the City of Mandan for 50% of the purchase. We anticipate the total purchase cost to be approximately \$65k. This price includes the purchase of an inflatable watercraft and associated training. We anticipate soliciting the 50% matching funds from local partners and non-profit organizations throughout our community. If we are not successful in soliciting the local matching dollars, we will reevaluate the purchase of a watercraft through the North Dakota Game and Fish grant.

Mandan Fire is well positioned to add a watercraft to our fleet as we already possess a vehicle capable of towing it to where it is needed, as well as adequate storage space at fire station 2 in Lakewood. Expedient response to a water emergency is critical to the

safety of our citizens. We continue to work closely with our neighboring emergency response partners to provide life-saving response to water emergencies. However, the nearest watercraft available to assist Mandan Fire with water related emergencies is housed at the Bismarck Rural Fire Department, which has a minimum response time of approximately 15–20 minutes.

ATTACHMENTS:

1. Example Mandan Fire Department Grant Agreement

FISCAL IMPACT:

Total purchase is approximately \$65k.

(\$32,500 federal/state dollars)

(\$32,500 local matching funds if successfully solicited)

STAFF IMPACT:

N/A

LEGAL REVIEW:

Attorney Osters' office has reviewed these documents.

RECOMMENDATION:

To allow fire department staff to apply for a North Dakota Game and Fish grant to be used for the purchase of a watercraft and solicit associated local matching funds.

SUGGESTED MOTION:

I move to allow fire department staff to apply for a North Dakota Game and Fish grant to be used for the purchase of a watercraft and solicit associated local matching funds.

2024 RBS GRANT AGREEMENT

The **AGREEMENT** is made and entered into by and between the **Mandan Fire Department/City of Mandan** hereinafter referred to as the Grantee, and the North Dakota Game and Fish Department, hereinafter referred to as the Grantor.

Whereas, Grantor agrees to reimburse a share of the allowable expenses incurred by the grantee while performing Boating Law Enforcement or Boating Safety Education activities, pursuant to the guidelines set forth by the National Recreational Boating Safety Program.

Specifically, Grantee shall agree to:

1. Perform activities relating to the **National Recreational Boat Safety Program** as outlined in attached **Exhibit 1**.
2. Establish boat patrol guidelines, if not already in place, to include personal floatation device wear and lanyard cut off wear while the patrol boat is under power.
3. **Provide 50% of non-Federal** match, or a minimum of **\$xx,xxx.xx** towards the allowable costs of the project listed above. Match will be in the form of cash. No portion of the match contribution shall be of Federal origin, and it shall not have been previously used as match for other Federal funds.
4. Submit all requests for reimbursement under this agreement to the ND Game and Fish Department **by July 15, 2024 (for expenditures dated March 15 through June 30) and by September 30, 2024 (for expenditures dated July 1 through September 30)**. Requests are to be accompanied by an itemized listing of expenses and/or photocopies of receipts and must verify match incurred by Grantee.
5. Certify by signing this agreement that it possesses legal authority to apply for the Federal assistance; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
6. Notify the Grantor promptly of all potential claims that arise from or result from this agreement. The Grantee shall take all reasonable steps to preserve all physical evidence and information which may be relevant to the circumstances surrounding a potential claim, while maintaining public safety, and to grant to the State the opportunity to review and inspect such evidence, including the scene of an accident.
7. Perform as an independent entity under this agreement. The Grantee, its employees, agents, or representatives are not employees of the state of North Dakota for any purpose, including but not limited to the application of the Social Security Act, the Fair Labor Standards Act, F.I.C.A., F.U.C.A., the North Dakota Unemployment Compensation and Workers Compensation Acts, and the provisions of North Dakota Century Code Chap. 32-12.2. No part of this agreement may be construed to represent the creation of an employer-employee relationship. The Grantee shall retain sole discretion in the manner and means of carrying out the obligations and responsibilities to be performed under this agreement, except to the extent specified in this agreement. Grantee does not have the authority to contract for or incur obligations on behalf of the State.

8. Certify by signing this agreement that neither them, a Subcontractor, nor their principals, are presently debarred, declared ineligible or voluntarily excluded from participation in transactions with the State or Federal Government by any Department or Agency of the Federal Government.
9. Comply with 41 United States Code (U.S.C.) 4712, Enhancement of Recipient and Subrecipient Employee Whistleblower Protection
 - (a) This award, related subawards, and related contracts over the simplified acquisition threshold and all employees working on this award, related subawards, and related contracts over the simplified acquisition threshold are subject to the whistleblower rights and remedies established at 41 USC 4712.
 - (b) Recipients, their subrecipients, and their contractors awarded contracts over the simplified acquisition threshold related to this award, shall inform their employees in writing, in the predominant language of the workforce, of the employee whistleblower rights and protections under 41 USC 4712.
 - (c) The recipient shall insert this clause, including this paragraph (c), in all subawards and in contracts over the simplified acquisition threshold related to this award.
10. Provide the Grantor with the information necessary to comply with the Grantor's Federal Funding Accountability and Transparency Act (FFATA) requirements (**Exhibit 2**).
11. Take a physical inventory of the property/equipment purchased wholly or in part with Federal funds and the results will be reconciled with their property records at least once every two years.
12. Not encumber, dispose of in any manner, or use for purposes inconsistent with the original project, the property/equipment purchased wholly or in part with Federal funds without prior written approval of Grantor.
13. Give Grantor advanced notice of any proposed equipment purchases costing in excess of \$5000 per unit. Grantor must obtain approval from the Coast Guard prior to purchase.
14. Comply with all applicable program and grant requirements, terms, conditions, and assurances established by Department of Homeland Security for sub-grant recipients of Federal funds including those in **Exhibit 3**.
15. Acknowledge the use of Boating Safety Financial Assistance Funds under the US Department of Homeland Security, CFDA 97.012, in any publications resulting from this grant.

Specifically, Grantor shall agree to:

1. Provide a grant to the grantee for performing boating safety related activities. Grantor agrees to reimburse 50% of the grantee's allowable expenses not to exceed \$XX,XXX.XX in accordance with the guidelines set forth by the National Recreational Boating Safety Program after being furnished legitimate proof of expenditures.
2. Provide the following grant related information:
 - (1) Federal Award Identification.
 - (a) Federal Award Identification Number (FAIN); 3319FAS190138

(b) Federal Award Date; 1/16/2020

(c) Subaward Period of Performance Start and End Date; 3/15/24 – 9/30/24

(d) Amount of Federal Funds Obligated by this action; \$XX,XXX.XX

(e) Total Amount of the Federal Award; \$928,503.00 to date

(f) Contact information for awarding official (Jackie Lundstrom, NDGFD, (701) 328-6606),

(g) Award is not R&D;

(h) NDGFD Indirect cost rate is currently 57.51% thru 6/30/26.

Specifically, it is agreed that:

1. This agreement shall commence on **March 15, 2024**, or the date at which this agreement is signed, whichever comes later, and shall remain in effect until **September 30, 2024**.
2. It is further agreed that this agreement may be amended at any time by written mutual consent.
3. All parties agree that each will assume its own liability for any and all claims of any nature including all costs, expenses and attorney's fees which may in any manner result from or arise out of this agreement.
4. In accordance with 2 CFR 200, all parties agree to cooperate fully to meet the requirements which necessitate a single audit if cumulative federal funds received from all sources is greater than \$750,000. This may include submittal of audit results to the Grantor or to another auditing body.
5. Termination for Lack of Funding or Authority: The Grantor may terminate this agreement upon delivery of written notice, if funding from federal, state, and or other source is not sufficient to allow continuation of this project. This agreement is also contingent upon approval of the State Historical Preservation Officer from an archaeological site maintenance perspective. Termination shall be without prejudice to any obligations or liabilities of either party already accrued prior to termination.
6. Termination for Cause: If through any cause Grantee shall fail to fulfill in a timely and proper manner its obligations under this agreement or shall violate any of the terms of this agreement, the Grantor shall thereupon have the right to terminate this agreement forthwith by giving written notice to Grantee of such termination and specifying the effective date thereof. The rights and remedies of the Grantor provided in the above related defaults by the Grantee are not exclusive and are in addition to any other rights and remedies provided by law or under this agreement.
7. Termination without cause: This Agreement may be terminated by mutual consent of both parties, or by either party upon thirty (30) days written notice and delivered by certified mail or in person.
8. Applicable Law and Venue: This agreement shall be governed by and construed in accordance with the laws of the State of North Dakota. Any action to enforce this contract must be

adjudicated exclusively in the State District Court of Burleigh County, North Dakota

9. **Merger and Modification:** This agreement constitutes the entire agreement between the parties. No alteration, amendment, or modification in the provisions of this agreement shall be affective unless it is reduced to writing and signed by both parties.
10. **Assignment and Subcontracts:** The Grantee shall not have the authority to contract for or on behalf of or incur obligations on behalf of the State. However, the Grantee may subcontract with qualified Vendors of services provided that any such subcontract shall acknowledge the binding nature of this agreement, and incorporate this agreement, together with its attachments as appropriate. The Grantee agrees to be solely responsible for the performance of any subcontractor.
11. **Confidentiality:** The Grantee agrees not to use or disclose any information it receives from the Grantor under this agreement that is confidential or exempt from mandatory public disclosure except as necessary to carry out the purposes of this agreement or as authorized in advance by the Grantor. The Grantor agrees not to disclose any information it receives from the Grantee which the Grantee has previously identified as confidential and which the Grantor determines in its sole discretion is protected from mandatory public disclosure under a specific exception to the North Dakota open records law, North Dakota Century Code § 44-04-18. The duty of the Grantor and the Grantee to maintain confidentiality of information under this section continues beyond the term of this agreement, including any extensions or renewals.
12. **Compliance with Public Records Law:** The Grantee understands that, except for disclosures prohibited in Section 11 - Confidentiality, the Grantor must disclose to the public upon request any records it receives from Grantee. Grantee further understands that any records which are obtained or generated by the Grantee under this agreement, except for records that are confidential under Section 8, may, under certain circumstances, be open to the public upon request under the North Dakota open records law. Grantee agrees to contact the Grantor immediately upon receiving a request for information under the open records law and to comply with the Grantor's instructions on how to respond to the request.
13. **Retention of Records:** The Grantee agrees to retain financial records for a period of three years from the date of submission of the final expenditure report or if subject to audit, until such audit is completed and closed, whichever occurs later. The Grantor, the ND State Auditor, and the federal government (if applicable), and their duly authorized representatives shall have access to the books, documents, papers, and records of the Grantee which are pertinent to the services provided under this agreement.

This contract is not effective until fully executed by both parties.

Grantee

Date

North Dakota Game & Fish Department

Date



City Commission

Agenda Documentation

MEETING DATE: August 6, 2024
PREPARATION DATE: July 31, 2024
SUBMITTING DEPARTMENT: Fire
DEPARTMENT DIRECTOR: Mitch Bitz
PRESENTER: Mitch Bitz, Public Works Director
SUBJECT: FY(2023) Assistance to Firefighters Grant (AFG)

STATEMENT/PURPOSE:

The Mandan Fire Department requests approval to accept the FY(2023) Assistance to Firefighters Grant in the amount up to \$80K and amend the 2024 fire department budget by \$20k to cover the local match and project contingencies.

BACKGROUND/ALTERNATIVES:

Instances of firefighters being diagnosed with cancer are rising at an alarming rate. As you know, the living quarters, offices, and training areas of our fire stations are connected directly to the apparatus bays where our diesel powered apparatus are stored. As an industry, fire departments have noticed a significant increase in harmful diesel exhaust fumes infiltrating from the bays into other areas of fire stations. A way to help reduce this harmful risk to our firefighters is to install source capture exhaust removal systems into the apparatus bays.

In March 2024, Mandan Fire Department staff applied for the FY(2023) Assistance to Firefighters Grant in an effort to obtain source capture exhaust removal systems for fire stations 1 and 2. On July 2nd, 2024, we were notified we had been chosen to receive up to \$80k in federal grant funding. Grant must be formally accepted by the fire department no later than August 10th, 2024. We have obtained two written quotes ranging in price from \$88k to \$120k. We anticipate project costs to be no more than \$100k. Thus, we are requesting to amend the 2024 fire department budget by \$20k (\$8k local matching funds and \$12k project/contingency funds).

ATTACHMENTS:

1. Award Package

FISCAL IMPACT:

Subject: Consider a request from the fire department to accept the FY (2023) Assistance to Firefighters Grant and amend the 2024 fire department budget by \$20,000
Page 2 of 2

Utilize \$20k sales tax to amend the 2024 fire department budget.
(\$8k local matching funds)
(\$12k project and contingency funds)

Accept \$80k AFG grant.

STAFF IMPACT:

N/A

LEGAL REVIEW:

Attorney Oster's office has reviewed these documents.

RECOMMENDATION:

To accept the FY(2023) Assistance to Firefighters grant in the amount of \$80k and utilize \$20k of sales tax funds to amend the 2024 fire department budget.

SUGGESTED MOTION:

I move to accept the FY(2023) Assistance to Firefighters grant in the amount of \$80k and utilize \$20k of sales tax funds to amend the 2024 fire department budget.

Award Letter

U.S. Department of Homeland Security
Washington, D.C. 20472

Effective date: 07/08/2024



Shane Weltikol
CITY OF MANDAN
205 1 AVE NW
MANDAN, ND 58554

EMW-2023-FG-03054

Dear Shane Weltikol,

Congratulations on behalf of the Department of Homeland Security. Your application submitted for the Fiscal Year (FY) 2023 Assistance to Firefighters Grant (FG) Grant funding opportunity has been approved in the amount of \$80,000.00 in Federal funding. As a condition of this grant, you are required to contribute non-Federal funds equal to or greater than 10.0% of the Federal funds awarded, or \$8,000.00 for a total approved budget of \$88,000.00. Please see the FY 2023 FG Notice of Funding Opportunity for information on how to meet this cost share requirement.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the FEMA Grants Outcomes (FEMA GO) system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo - included in this document
- Agreement Articles - included in this document
- Obligating Document - included in this document
- 2023 FG Notice of Funding Opportunity (NOFO) - incorporated by reference

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Sincerely,

A handwritten signature in blue ink that reads "P. Williams".

PAMELA WILLIAMS
Assistant Administrator, Grant Programs

Summary Award Memo

Program: Fiscal Year 2023 Assistance to Firefighters Grant

Recipient: CITY OF MANDAN

UEI-EFT: FB4EB5BGBJK6

DUNS number: 022227719

Award number: EMW-2023-FG-03054

Summary description of award

The purpose of the Assistance to Firefighters Grant program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards. After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the Assistance to Firefighters Grant Program's purpose and was worthy of award.

Except as otherwise approved as noted in this award, the information you provided in your application for Fiscal Year (FY) 2023 Assistance to Firefighters Grant funding is incorporated into the terms and conditions of this award. This includes any documents submitted as part of the application.

Amount awarded table

The amount of the award is detailed in the attached Obligating Document for Award.

The following are the budgeted estimates for object classes for this award (including Federal share plus your cost share, if applicable):

Object Class	Total
Personnel	\$0.00
Fringe benefits	\$0.00
Travel	\$0.00
Equipment	\$88,000.00
Supplies	\$0.00
Contractual	\$0.00
Construction	\$0.00
Other	\$0.00
Indirect charges	\$0.00
Federal	\$80,000.00
Non-federal	\$8,000.00
Total	\$88,000.00
Program Income	\$0.00

Approved scope of work

After review of your application, FEMA has approved the below scope of work. Justifications are provided for any differences between the scope of work in the original application and the approved scope of work under this award. You must submit scope or budget revision requests for FEMA's prior approval, via an amendment request, as appropriate per 2 C.F.R. § 200.308 and the FY2023 FG NOFO.

Approved request details:

Modify facilities

Source Capture Exhaust System(s)

DESCRIPTION

Plymovent Vehicle Exhaust Extraction System. International Mechanical Code and National Fire Protection Association compliant. Plymovent OS3 control box. Plymovent Model SBTA21 connections. Fan sized for three (3) vehicles that will provide coverage for three (3) bays. Pricing includes all labor, materials, Plymovent fan, control box, wireless transmitters, wireless receivers, ducting, magnetic grabbers, miscellaneous hardware, and installation. Pricing also includes all roofing and electrical labor and materials necessary to complete install.

QUANTITY	UNIT PRICE	TOTAL
1	\$32,000.00	\$32,000.00

BUDGET CLASS

Equipment

CHANGE FROM APPLICATION

Unit price from **\$65,354.00** to **\$32,000.00**

JUSTIFICATION

The award reflects a reduction from the amount requested in the application. Cost requested for the Source Capture Exhaust System exceeds the average price range calculated from market research and prior awards for the same item.

Source Capture Exhaust System(s)

DESCRIPTION

Plymovent Vehicle Exhaust Extraction System. International Mechanical Code and National Fire Protection Association compliant. Plymovent OS3 control box. Plymovent Model SBTA21 connections. Fan sized for five (5) vehicles that will provide coverage for three (3) bays. Pricing includes all labor, materials, Plymovent fan, control box, wireless transmitters, wireless receivers, ducting, magnetic grabbers, miscellaneous hardware, and installation. Pricing also includes all roofing and electrical labor and materials necessary to complete install.

QUANTITY	UNIT PRICE	TOTAL
1	\$56,000.00	\$56,000.00

BUDGET CLASS

Equipment

CHANGE FROM APPLICATION

Unit price from **\$95,263.00** to **\$56,000.00**

JUSTIFICATION

The award reflects a reduction from the amount requested in the application. Cost requested for the Source Capture Exhaust System exceeds the average price range calculated from market research and prior awards for the same item.

Agreement Articles

Program: Fiscal Year 2023 Assistance to Firefighters Grant

Recipient: CITY OF MANDAN

UEI-EFT: FB4EB5BGBJK6

DUNS number: 022227719

Award number: EMW-2023-FG-03054

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Article 1**Assurances, Administrative Requirements, Cost Principles, Representations, and Certifications**

I. Recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non- Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances as instructed by the federal awarding agency.

Article 2**General Acknowledgements and Assurances**

Recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in effect as of the federal award date and located at 2 C.F.R. Part 200 and adopted by DHS at 2 C.F.R. § 3002.10. All recipients and subrecipients must acknowledge and agree to provide DHS access to records, accounts, documents, information, facilities, and staff pursuant to 2 C.F.R. § 200.337. I. Recipients must cooperate with any DHS compliance reviews or compliance investigations. II. Recipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities and personnel. III. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports. IV. Recipients must comply with all other special reporting, data collection, and evaluation requirements required by law, federal regulation, Notice of Funding Opportunity, federal award specific terms and conditions, and/or federal awarding agency program guidance. V. Recipients must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receiving the Notice of Award for the first award under which this term applies. Recipients of multiple federal awards from DHS should only submit one completed tool for their organization, not per federal award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active federal award, not every time a federal award is made. Recipients must submit the completed tool, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in these DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>. DHS Civil Rights Evaluation Tool | Homeland Security. The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension to the 30-day deadline if the recipient identifies steps and a timeline for completing the tool. Recipients must request extensions by emailing the request to CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.

Article 3	Acknowledgement of Federal Funding from DHS Recipients must acknowledge their use of federal award funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal award funds.
Article 4	Activities Conducted Abroad Recipients must coordinate with appropriate government authorities when performing project activities outside the United States obtain all appropriate licenses, permits, or approvals.
Article 5	Age Discrimination Act of 1975 Recipients must comply with the requirements of the Age Discrimination Act of 1975, Pub. L. No. 94-135 (codified as amended at 42 U.S.C. § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.
Article 6	Americans with Disabilities Act of 1990 Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101– 12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.
Article 7	Best Practices for Collection and Use of Personally Identifiable Information Recipients who collect personally identifiable information (PII) as part of carrying out the scope of work under a federal award are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.

Article 8**Civil Rights Act of 1964 – Title VI**

Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964, Pub. L. No. 88-352 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21. Recipients of an award from the Federal Emergency Management Agency (FEMA) must also comply with FEMA's implementing regulations at 44 C.F.R. Part 7.

Article 9**Civil Rights Act of 1968**

Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. No. 90-284 (codified as amended at 42 U.S.C. § 3601 et seq.) which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex, as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units— i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

Article 10**Copyright**

Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 to any work first produced under federal awards and also include an acknowledgement that the work was produced under a federal award (including the federal award number and federal awarding agency). As detailed in 2 C.F.R. § 200.315, a federal awarding agency reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work for federal purposes and to authorize others to do so.

Article 11**Debarment and Suspension**

Recipients must comply with the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689 set forth at 2 C.F.R. Part 180 as implemented by DHS at 2 C.F.R. Part 3000. These regulations prohibit recipients from entering into covered transactions (such as subawards and contracts) with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

Article 12	Drug-Free Workplace Regulations Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government- wide implementation (2 C.F.R. Part 182) of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).
Article 13	Duplicative Costs Recipients are prohibited from charging any cost to this federal award that will be included as a cost or used to meet cost sharing or matching requirements of any other federal award in either the current or a prior budget period. (See 2 C.F.R. § 200.403(f)). However, recipients may shift costs that are allowable under two or more federal awards where otherwise permitted by federal statutes, regulations, or the federal financial assistance award terms and conditions.
Article 14	Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. No. 92-318 (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17. Recipients of an award from the Federal Emergency Management Agency (FEMA) must also comply with FEMA’s implementing regulations at 44 C.F.R. Part 19.
Article 15	E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety Recipient State, Tribal, local, or territorial law enforcement agencies must comply with the requirements of section 12(c) of E.O. 14074. Recipient State, Tribal, local, or territorial law enforcement agencies are also encouraged to adopt and enforce policies consistent with E.O. 14074 to support safe and effective policing.
Article 16	Energy Policy and Conservation Act Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. No. 94-163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

Article 17	False Claims Act and Program Fraud Civil Remedies Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§ 3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)
Article 18	Federal Debt Status All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)
Article 19	Federal Leadership on Reducing Text Messaging while Driving Recipients are encouraged to adopt and enforce policies that ban text messaging while driving recipient-owned, recipient-rented, or privately owned vehicles when on official government business or when performing any work for or on behalf of the Federal Government. Recipients are also encouraged to conduct the initiatives of the type described in Section 3(a) of E.O. 13513.
Article 20	Fly America Act of 1974 Recipients must comply with Preference for U.S. Flag Air Carriers (a list of certified air carriers can be found at: Certificated Air Carriers List US Department of Transportation, https://www.transportation.gov/policy/aviation-policy/certificated-air-carriers-list) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.
Article 21	Hotel and Motel Fire Safety Act of 1990 Recipients must ensure that all conference, meeting, convention, or training space funded entirely or in part by federal award funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a.

Article 22	John S. McCain National Defense Authorization Act of Fiscal Year 2019 Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. The statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.
Article 23	Limited English Proficiency (Civil Rights Act of 1964, Title VI) Recipients must comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited and additional resources on http://www.lep.gov.
Article 24	Lobbying Prohibitions Recipients must comply with 31 U.S.C. § 1352 and 6 C.F.R. Part 9, which provide that none of the funds provided under a federal award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification. Per 6 C.F.R. Part 9, recipients must file a lobbying certification form as described in Appendix A to 6 C.F.R. Part 9 or available on Grants.gov as the Grants.gov Lobbying Form and file a lobbying disclosure form as described in Appendix B to 6 C.F.R. Part 9 or available on Grants.gov as the Disclosure of Lobbying Activities (SF-LLL).
Article 25	National Environmental Policy Act Recipients must comply with the requirements of the National Environmental Policy Act of 1969, Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq.) (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

Article 26	Nondiscrimination in Matters Pertaining to Faith-Based Organizations It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.
Article 27	Non-Supplanting Requirement Recipients of federal awards under programs that prohibit supplanting by law must ensure that federal funds supplement but do not supplant non-federal funds that, in the absence of such federal funds, would otherwise have been made available for the same purpose.
Article 28	Notice of Funding Opportunity Requirements All the instructions, guidance, limitations, scope of work, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this federal award are incorporated by reference. All recipients must comply with any such requirements set forth in the NOFO. If a condition of the NOFO is inconsistent with these terms and conditions and any such terms of the Award, the condition in the NOFO shall be invalid to the extent of the inconsistency. The remainder of that condition and all other conditions set forth in the NOFO shall remain in effect.
Article 29	Patents and Intellectual Property Rights Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq. and applicable regulations governing inventions and patents, including the regulations issued by the Department of Commerce at 37 C.F.R. Part 401 (Rights to Inventions Made by Nonprofit Organizations and Small Business Firms under Government Awards, Contracts, and Cooperative Agreements) and the standard patent rights clause set forth at 37 C.F.R. § 401.14.
Article 30	Procurement of Recovered Materials States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. No. 89-272 (1965) (codified as amended by the Resource Conservation and Recovery Act at 42 U.S.C. § 6962) and 2 C.F.R. § 200.323. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

Article 31 Rehabilitation Act of 1973

Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112 (codified as amended at 29 U.S.C. § 794), which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Article 32 Reporting of Matters Related to Recipient Integrity and Performance

If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of the federal award, then the recipient must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated by reference.

Article 33 Reporting Subawards and Executive Compensation

For federal awards that equal or exceed \$30,000, recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation set forth at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated by reference.

Article 34**Required Use of American Iron, Steel, Manufactured Products, and Construction Materials**

Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless: (1) all iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States; (2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and (3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project. Waivers When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. The agency should notify the recipient for information on the process for requesting a waiver from these requirements. (a) When the Federal agency has determined that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that: (1) applying the domestic content procurement preference would be inconsistent with the public interest; (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent. A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described at “Buy America” Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov. Definitions The definitions applicable to this term are set forth at 2 C.F.R. § 184.3, the full text of which is incorporated by reference.

Article 35	SAFECOM Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications. The SAFECOM Guidance is updated annually and can be found at Funding and Sustainment CISA.
Article 36	Terrorist Financing Recipients must comply with E.O. 13224 and applicable statutory prohibitions on transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible for ensuring compliance with the E.O. and laws.
Article 37	Trafficking Victims Protection Act of 2000 (TVPA) Recipients must comply with the requirements of the government-wide financial assistance award term which implements Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, § 106 (codified as amended at 22 U.S.C. § 7104). The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated by reference.
Article 38	Universal Identifier and System of Award Management Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated reference.
Article 39	USA PATRIOT Act of 2001 Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.
Article 40	Use of DHS Seal, Logo and Flags Recipients must obtain written permission from DHS prior to using the DHS seals, logos, crests, or reproductions of flags, or likenesses of DHS agency officials. This includes use of DHS component (e.g., FEMA, CISA, etc.) seals, logos, crests, or reproductions of flags, or likenesses of component officials.
Article 41	Whistleblower Protection Act Recipients must comply with the statutory requirements for whistleblower protections at 10 U.S.C § 470141 U.S.C. § 4712.

Article 42**Environmental Planning and Historic Preservation (EHP) Review**

DHS/FEMA funded activities that may require an Environmental Planning and Historic Preservation (EHP) review are subject to the FEMA EHP review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires the recipient to comply with all federal, state and local laws. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP review process, as mandated by: the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and any other applicable laws and executive orders. General guidance for FEMA's EHP process is available on the DHS/FEMA Website at:

<https://www.fema.gov/grants/guidance-tools/environmental-historic>. Specific applicant guidance on how to submit information for EHP review depends on the individual grant program and applicants should contact their grant Program Officer to be put into contact with EHP staff responsible for assisting their specific grant program. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive orders, regulations, and policies. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archaeological resources are discovered the applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

Article 43**Applicability of DHS Standard Terms and Conditions to Tribes**

The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to sub-recipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.

Article 44**Acceptance of Post Award Changes**

In the event FEMA determines that an error in the award package has been made, or if an administrative change must be made to the award package, recipients will be notified of the change in writing. Once the notification has been made, any subsequent requests for funds will indicate recipient acceptance of the changes to the award. Please call FEMA Grant Management Operations at (866) 927-5646 or via e-mail to: ASK-GMD@fema.dhs.gov if you have any questions.

Article 45**Disposition of Equipment Acquired Under the Federal Award**

For purposes of original or replacement equipment acquired under this award by a non-state recipient or non-state sub-recipients, when that equipment is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. section 200.313. State recipients and state sub-recipients must follow the disposition requirements in accordance with state laws and procedures.

Article 46**Prior Approval for Modification of Approved Budget**

Before making any change to the FEMA approved budget for this award, you must request prior written approval from FEMA where required by 2 C.F.R. section 200.308. For purposes of non-construction projects, FEMA is utilizing its discretion to impose an additional restriction under 2 C.F.R. section 200.308(f) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved. For purposes of awards that support both construction and non-construction work, FEMA is utilizing its discretion under 2 C.F.R. section 200.308(h)(5) to require the recipient to obtain prior written approval from FEMA before making any fund or budget transfers between the two types of work. You must report any deviations from your FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

Article 47**Indirect Cost Rate**

2 C.F.R. section 200.211(b)(15) requires the terms of the award to include the indirect cost rate for the federal award. If applicable, the indirect cost rate for this award is stated in the budget documents or other materials approved by FEMA and included in the award file.

Article 48**Award Performance Goals**

FEMA will measure the recipient's performance of the grant by comparing the number of items requested in its application, the numbers acquired (ordered, paid, and received) within the period of performance. In order to measure performance, FEMA may request information throughout the period of performance. In its final performance report submitted at closeout, the recipient is required to report on the recipients compliance with the applicable industry, local, state and national standards described in the NOFO.

Article 49**EHP Compliance Review Required**

Under the Modification to a Facility, Equipment, or a component in the Wellness and Fitness Activity, this award includes work, such as ground disturbance, that triggers an EHP compliance review. The recipient is prohibited from committing, obligating, expending, or drawing down FY23 Assistance to Firefighters Grant funds in support of the Modification to Facility, Equipment or a component in the Wellness and Fitness Activity that requires the EHP compliance review, with a limited exception for any approved costs associated with the preparation, conducting, and completion of required EHP reviews. See the FY23 Assistance to Firefighters Grant NOFO for further information on EHP requirements and other applicable program guidance, including FEMA Information Bulletin No. 404. The recipient is required to obtain the required DHS/FEMA EHP compliance approval for this project pursuant to the FY23 Assistance to Firefighters Grant NOFO prior to commencing work for this project. DHS/FEMA will notify you when the EHP compliance review is complete, and work may begin. If the recipient requests a payment for one of the activities requiring EHP compliance review, FEMA may not make a payment for that work while the EHP compliance review is still pending. If FEMA discovers that work has been commenced under one of those activities prematurely, FEMA may disallow costs incurred prior to completion of the EHP compliance review and the receipt of DHS/FEMA approval to begin the work. Please contact your DHS/FEMA AFG Help Desk at 1-866-274-0960 or FireGrants@fema.dhs.gov to receive specific guidance regarding EHP compliance. If you have questions about this term and condition or believe it was placed in error, please contact the relevant Preparedness Officer.

Obligating document

1. Agreement No. EMW-2023-FG-03054	2. Amendment No. N/A	3. Recipient No. 456002118	4. Type of Action AWARD	5. Control No. WX03513N2024T		
6. Recipient Name and Address CITY OF MANDAN 210 2ND AVE NW MANDAN, ND 58554		7. Issuing FEMA Office and Address Grant Programs Directorate 500 C Street, S.W. Washington DC, 20528-7000 1-866-927-5646		8. Payment Office and Address FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20742		
9. Name of Recipient Project Officer Shane Weltikol		9a. Phone No. 7014254822	10. Name of FEMA Project Coordinator Assistance to Firefighters Grant Program		10a. Phone No. 1-866-274-0960	
11. Effective Date of This Action 07/08/2024	12. Method of Payment OTHER - FEMA GO	13. Assistance Arrangement COST SHARING		14. Performance Period 07/15/2024 to 07/14/2026 Budget Period 07/15/2024 to 07/14/2026		
15. Description of Action a. (Indicate funding data for awards or financial changes)						
Program Name Abbreviation	Assistance Listings No.	Accounting Data(ACCS Code)	Prior Total Award	Amount Awarded This Action + or (-)	Current Total Award	Cumulative Non-Federal Commitment
FG	97.044	2024-F3-GB01 - P410-xxxx-4101-D	\$0.00	\$80,000.00	\$80,000.00	\$8,000.00
Totals			\$0.00	\$80,000.00	\$80,000.00	\$8,000.00
b. To describe changes other than funding data or financial changes, attach schedule and check here: N/A						
16.FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address) This field is not applicable for digitally signed grant agreements						

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)	DATE
18. FEMA SIGNATORY OFFICIAL (Name and Title)	DATE
PAMELA WILLIAMS, Assistant Administrator, Grant Programs	07/08/2024



City Commission

Agenda Documentation

MEETING DATE: August 6, 2024
PREPARATION DATE: July 24, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Commissioner Portfolio and Committee Assignments

STATEMENT/PURPOSE:

To consider the City Commission portfolio and Committee assignments.

BACKGROUND/ALTERNATIVES:

With the selection of Commissioner Ryan Heinsohn to fill the unexpired term of Brad Olson, a review of existing portfolios and committee assignments is necessary. The attached list is the suggested portfolio and committee assignments.

The suggested changes are highlighted.

ATTACHMENTS:

1. 2024-08-06 Suggestions Commission Portfolio Assignments

FISCAL IMPACT:

n/a

STAFF IMPACT:

n/a

LEGAL REVIEW:

n/a

RECOMMENDATION:

Mayor Froelich recommends the portfolio and committee assignments be approved as presented.

SUGGESTED MOTION:

I move to approve the portfolio and committee assignments as presented.

<u>Portfolio</u>	<u>Regular Meetings</u>	<u>Tuesday July 2, 2024</u>	<u>Suggestions Tuesday August 6, 2024</u>
Health Inspection		Braun, Mike	Braun, Mike
Assessing		Braun, Mike	Braun, Mike
Building Inspection		Braun, Mike	Braun, Mike
Human Resources		Froelich, James	Froelich, James
Budget & Finance Committee		Froelich, James	Froelich, James
Business Development		Froelich, James	Froelich, James
Lower Heart Water Resource District	4th Tuesday - MCH - 2:00 P.M.	Froelich, James	Froelich, James
Public Buildings		Froelich, James	Froelich, James
Municipal Court		Froelich, James	Sjoberg, Craig
Fire		Rohr, Dennis	Rohr, Dennis
Mandan Parking Authority		Rohr, Dennis	Rohr, Dennis
Police		Rohr, Dennis	Rohr, Dennis
Cemetery		Sjoberg, Craig	Heinsohn, Ryan
Information Technology		Not Exist	Heinsohn, Ryan
Engineering		Sjoberg, Craig	Sjoberg, Craig
Mandan Airport Authority	2nd Monday - Airport - Noon	Sjoberg, Craig	Sjoberg, Craig
Morton Mandan Public Library	4th Monday, MMPL - 5:30 P.M.	Sjoberg, Craig	Sjoberg, Craig
Planning & Zoning		Sjoberg, Craig	Sjoberg, Craig
Water and Sewer Treatment		Sjoberg, Craig	Sjoberg, Craig
Safety & Wellness Committee	2nd Thursday, MCH - 10:00 A.M.	Sjoberg, Craig	Sjoberg, Craig
Forestry		Sjoberg, Craig	Heinsohn, Ryan
Solid Waste Utility		Sjoberg, Craig	Heinsohn, Ryan
Street Light Utility		Sjoberg, Craig	Heinsohn, Ryan
Streets		Sjoberg, Craig	Heinsohn, Ryan
Waterline & Sewerline Maintenance		Sjoberg, Craig	Heinsohn, Ryan
<u>Committees</u>			
County Planning & Zoning	4th Wednesday, Courthouse - 5:30 P.M.	Braun, Mike	Braun, Mike
Bismarck Mandan Chamber EDC	2nd Thursday, Chamber EDC Office 7:30 A.M.	Froelich, James	Froelich, James
Law Enforcement Center Advisory Committee		Froelich, James	Froelich, James
Budget & Finance Committee		Froelich, James	Froelich, James
City Planning & Zoning	4th Monday - MCH-5:30 P.M.	Froelich, James	Froelich, James
Mandan Growth Fund		Froelich, James	Froelich, James
Mandan Progress Organization		Froelich, James	Froelich, James
Mandan Visitors Committee		Froelich, James	Froelich, James
Metropolitan Planning Organization	3rd Tuesday: Jan - June Tom Baker July - Dec. MCH 1:30 PM	Froelich, James	Froelich, James
Renaissance Zone		Froelich, James	Froelich, James
City Planning & Zoning (Optional)	4th Monday - MCH 5:30 P.M.	Rohr, Dennis	Rohr, Dennis
CennCom	Feb & Dec As Announced	Rohr, Dennis	Rohr, Dennis
Bismarck Mandan Transit	4th Thursday, Bis Man Transit, 11:30 A.M.	Rohr, Dennis	Rohr, Dennis
County Planning & Zoning	4th Wednesday, Morton County Courthouse - 5:30 P.M.	Rohr, Dennis	Rohr, Dennis
Law Enforcement Center Advisory Committee		Rohr, Dennis	Rohr, Dennis
Cemetery Advisory Committee		Sjoberg, Craig	Heinsohn, Ryan
Dakota Media Access	Generally, 2nd Tuesday, DMA Offices, Noon	Sjoberg, Craig	Sjoberg, Craig



City Commission

Agenda Documentation

MEETING DATE: August 6, 2024
PREPARATION DATE: July 30, 2024
SUBMITTING DEPARTMENT: Library
DEPARTMENT DIRECTOR: Barb Sandstrom
PRESENTER: Barb Sandstrom, Library Director
SUBJECT: Morton Mandan Public Library 2025 Budget

STATEMENT/PURPOSE:

To consider the Morton Mandan Public Library 2025 Budget as recommended by the Library Board of Trustees.

BACKGROUND/ALTERNATIVES:

The Morton Mandan Public Library serves all citizens of Morton County and the City of Mandan, and is governed by a Board of Trustees, which are appointed by the County Commission and the City Commission. The Library is fiscally dependent upon the County and the City because the County Commission and the City Commission consider the Library budget, levies taxes, and must approve any debt issuances. The Library is reported as a component unit in the City of Mandan audited financial statements. The City currently owns the Library building.

The Library Board of Trustees approved their 2025 Budget on July 22, 2024. The Library Director presented the 2025 Budget to the Morton County Commission on July 23, 2024. This meeting was a presentation of the proposed budget and decisions on approval will be done by the end of August, 2024.

ATTACHMENTS:

1. 2025 Budget
2. 2024 - 2029 MMPL Strategic Plan

FISCAL IMPACT:

The City of Mandan will levy 5.50 mills or approximately \$754K as requested by the Library Board of Trustees for the 2025 Budget. The City also provides \$10,650 annually to the Library for their share of state aid distribution revenue from the State of ND.

August 6, 2024

Subject: Consider the Morton Mandan Public Library 2025 Budget

Page 2 of 2

According to the 2006 Memorandum of Understanding (MOU) between the Morton County Public Library and Mandan Public Library, the funding formula from each entity for the Library budget is to be *“based on population statistics”* and *“if in the future the population statistics shift, the future board would then determine the most equitable formula.”* At the time the MOU was approved, the contribution formula was *“2/3 city and 1/3 county since the City of Mandan is approximately 2/3 of the population of Morton County.”*

The most recent population estimates released in 2024 by the U.S Census Bureau (as of July 1, 2023) were as follows:

- > Morton County = 33,895
- > City of Mandan = 24,586

Based on the recent population statistics above, the City of Mandan population is 72.5% of the population of Morton County.

The Library 2025 Budget reflects the following funding contributions from each entity:

- > Morton County = \$270,489 or 26.9%
- > City of Mandan = \$734,137 or 73.1%
- > Total = \$1,004,626

STAFF IMPACT:

None

LEGAL REVIEW:

N/A

RECOMMENDATION:

To consider the Morton Mandan Public Library 2025 Budget as recommended by the Library Board of Trustees.

SUGGESTED MOTION:

I move to approve the Morton Mandan Public Library 2025 Budget as recommended by the Library Board of Trustees.

**Morton Mandan Public Library
2025 Budget**

General Fund

Revenues

Taxes:

Property (City)	\$ 693,630
Electric Distribution (City)	\$ 338
Mobile Home (City)	\$ 6,214
Total Taxes	<u>\$ 700,182</u>

Intergovernmental:

State Grants (NDSL):

City of Mandan	\$ 23,305
Morton County	\$ 14,489
State Aid Distribution (City)	\$ 10,650
Morton County	\$ 256,000
Total Intergovernmental	<u>\$ 304,444</u>

Charges for Services:

Copier, Fax & Computer Fees	\$ 4,500
Horizon Fees	\$ 1,300
Passport Fees	\$ 31,500
Photo Fees	\$ 16,500
Laminating Fees	\$ 500
Other	\$ 15,336
Total Charges for Services	<u>\$ 69,636</u>

Miscellaneous:

Investment Earnings	\$ 4,000
Meeting Room Rentals	\$ 22,000
Donations	\$ 7,500
Grants	\$ 12,000
Other	\$ 500
Total Miscellaneous	<u>\$ 46,000</u>

Total Revenues \$1,120,262

**Morton Mandan Public Library
2025 Budget**

General Fund

Expenditures

Salaries & Benefits:

Salaries-Full Time	\$ 352,210
Salaries-Part Time	\$ 252,262
Social Security & Medicare	\$ 55,434
Retirement	\$ 36,000
Unemployment Compensation	\$ 2,710
Workers' Compensation	\$ 2,800
Health Insurance	\$ 138,000
Long Term Disability Insurance	\$ 1,700
Term Life Insurance	\$ 900
Total Salaries & Benefits	<u>\$ 842,016</u>

Professional Fees & Services:

Audit Fees	\$ 1,200
Accounting Fees	\$ 15,000
Credit & Debit Card Fees	\$ 2,250
Courier Fees	\$ 3,900
System-Related Charges (CDLN Contract)	\$ 17,500
Technology Support (NRG Server)	\$ 23,500
Total Professional Fees & Services	<u>\$ 63,350</u>

Insurance:

Insurance	\$ 9,200
Total Insurance	<u>\$ 9,200</u>

Travel & Training:

Training	\$ 5,000
Program Mileage	\$ 500
Total Travel & Training	<u>\$ 5,500</u>

Utilities:

Utilities	\$ 30,000
Telephone & Internet	\$ 7,000
Total Utilities	<u>\$ 37,000</u>

Publishing & Printing:

Advertising & Public Relations	\$ 3,000
Total Publishing & Printing	<u>\$ 3,000</u>

**Morton Mandan Public Library
2025 Budget**

General Fund

Library Materials:

Dues & Memberships	\$ 1,000
Adult Materials	\$ 26,516
Electronic Resources	\$ 16,500
Juvenile Materials	\$ 15,500
Periodicals	\$ 4,000
Audiovisuals	\$ 2,500
Young Adult Materials	\$ 6,500
Total Library Materials	<u>\$ 72,516</u>

Supplies:

Office Supplies	\$ 5,000
Postage & Sort Fees	\$ 1,000
Janitorial Supplies	\$ 3,500
Gas, Oil & Grease	\$ 4,500
Copier, Fax & Computer	\$ 6,780
Materials Processing	\$ 3,200
Program Supplies:	
Children	\$ 7,000
Teen	\$ 2,800
Adult	\$ 2,000
Outreach	\$ 1,000
Summer Reading	\$ 2,000
Holiday	\$ 2,000
Passport Services	\$ 2,500
Meeting Room Supplies	\$ 2,000
Total Supplies	<u>\$ 45,280</u>

Repairs & Maintenance:

Equipment Repairs & Maintenance	\$ 900
Building Repairs & Maintenance	\$ 8,000
Maintenance Contracts	\$ 4,000
Vehicle Repairs & Maintenance	\$ 5,500
Total Repairs & Maintenance	<u>\$ 18,400</u>

Capital Outlay:

Office Equipment & Furniture	<u>\$ 4,000</u>
Total Capital Outlay	<u>\$ 4,000</u>

Transfers:

**Morton Mandan Public Library
2025 Budget**

General Fund

Bookmobile Replacement Fund	\$ 10,000
Capital Reserve Fund	<u>\$ 10,000</u>
Total Transfers	<u>\$ 20,000</u>
Total Expenditures	<u><u>\$1,120,262</u></u>

**Morton Mandan Public Library
2025 Budget**

Bookmobile Replacement Fund

Revenues

Transfers:

General Fund	\$ 10,000
Total Transfers	<u>\$ 10,000</u>

Total Revenues	<u><u>\$ 10,000</u></u>
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Expenditures

Capital Outlay:

Bookmobile	\$ -
Total Capital Outlay	<u>\$ -</u>

Total Expenditures	<u><u>\$ -</u></u>
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**Morton Mandan Public Library
2025 Budget**

Capital Reserve Fund

Revenues

Transfers:

General Fund	\$ 10,000
Total Transfers	<u>\$ 10,000</u>

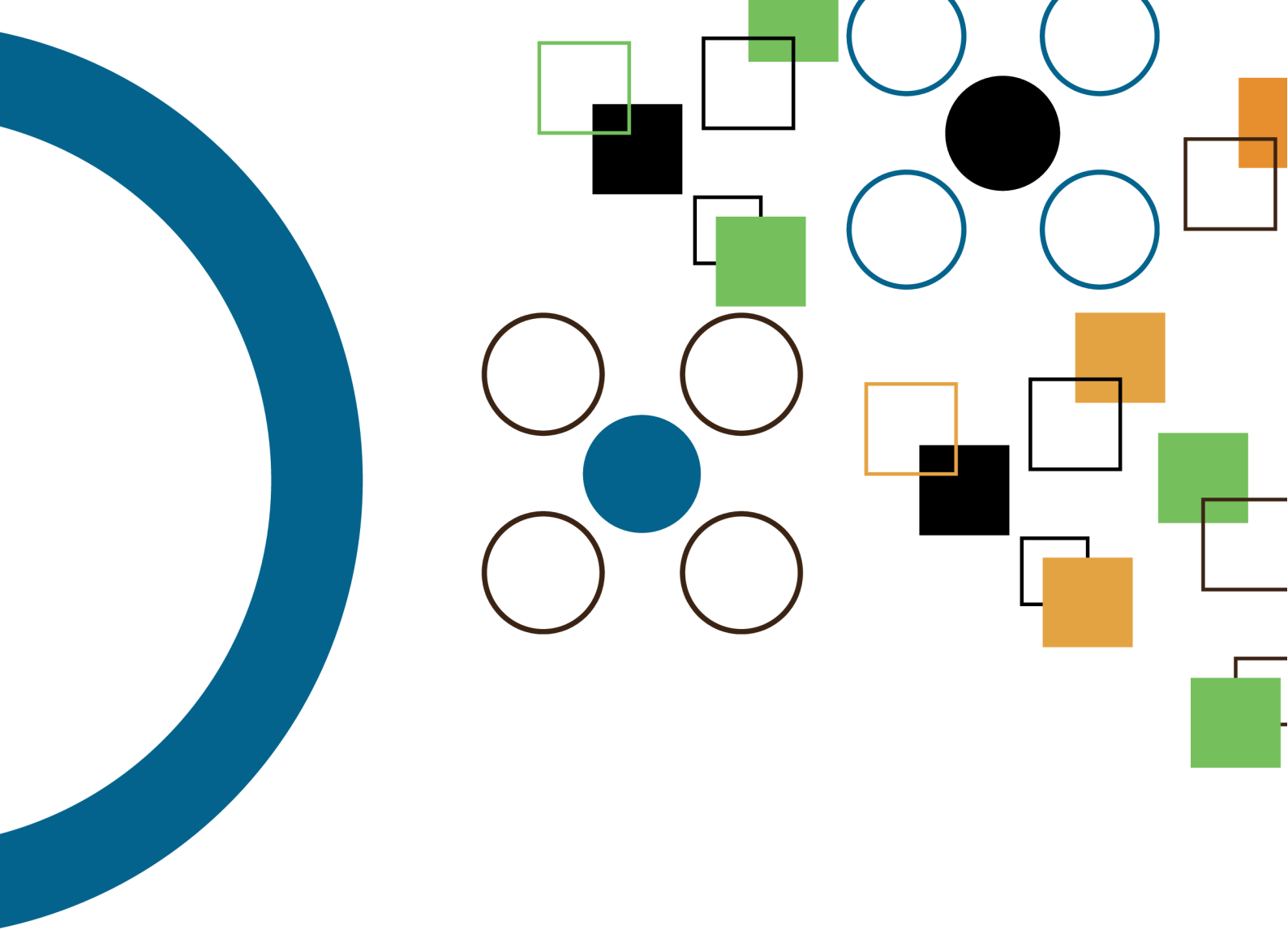
Total Revenues	<u><u>\$ 10,000</u></u>
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Expenditures

Capital Outlay:

Office Equipment & Furniture	\$ 4,000
Total Capital Outlay	<u>\$ 4,000</u>

Total Expenditures	<u><u>\$ 4,000</u></u>
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STRATEGIC PLAN 2024 - 2029



MORTON MANDAN
PUBLIC LIBRARY

609 West Main St
Mandan, ND 58554
(701) 667-5365

(701) 667-5365
www.mortonmandnlibrary.org

WELCOME

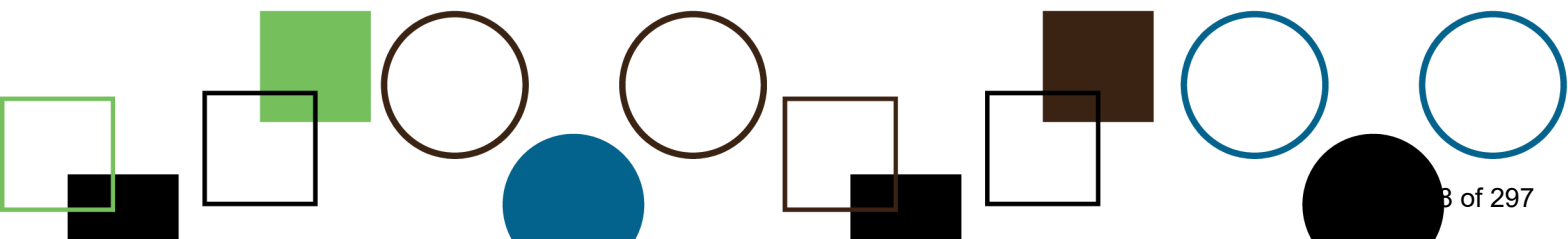
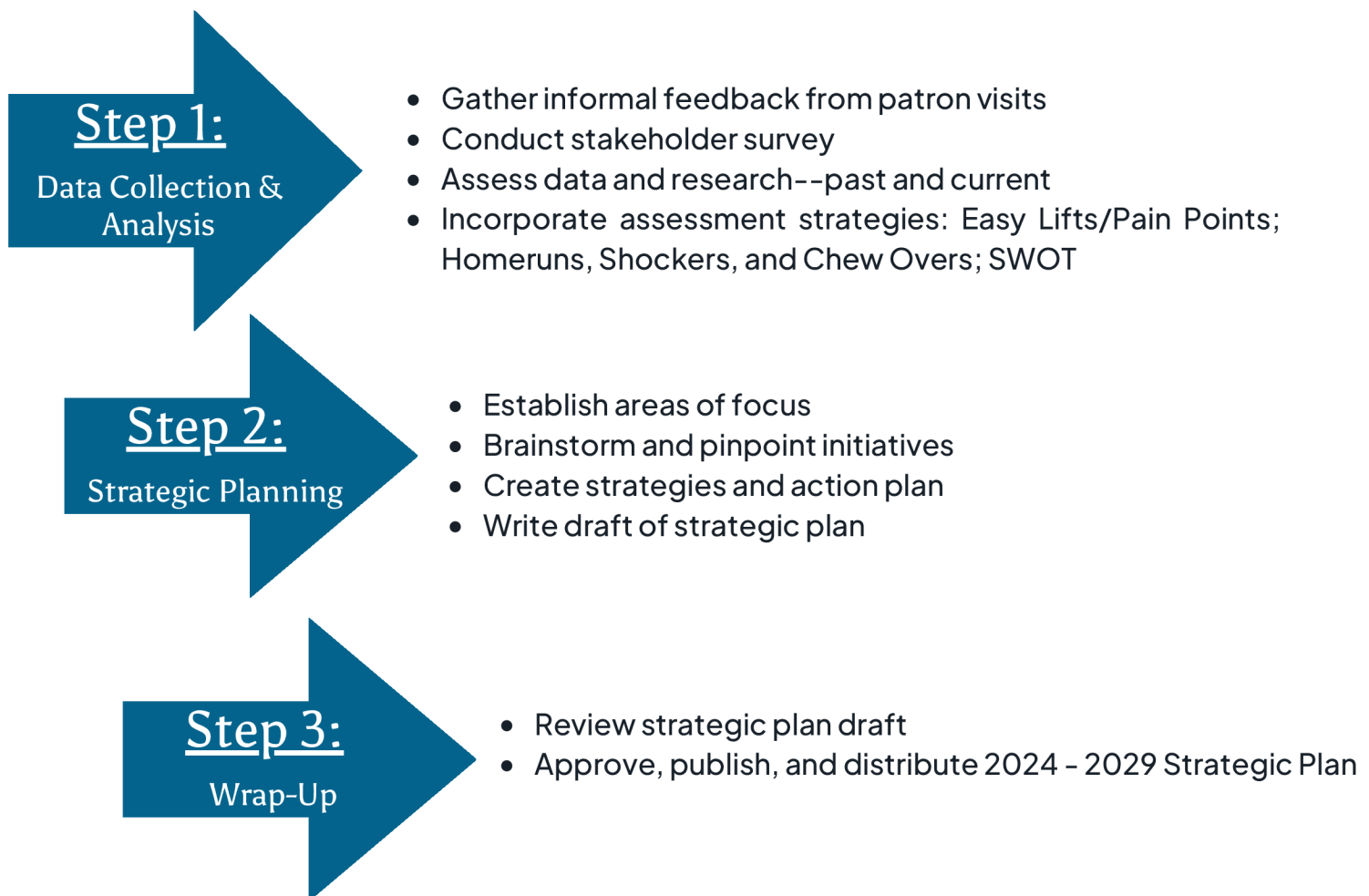
In the fall of 2022, Morton Mandan Public Library started a new chapter to its story with the completion of renovations and an addition.

From the moment patrons were able to walk through the doors, we have been listening - to ideas, insights, recommendations, frustrations, and concerns. This informal collection of feedback culminated with a survey in the fall of 2023.



Through these written and spoken contributions, we have worked to capture the hopes and dreams of Morton County citizens and their families. The following pages map out the storyline that keeps MMPL blazing a trail towards a future that is a reflection of the communities it serves.

PLANNING PROCESS



HOME RUNS, SHOCKERS, AND CHEW OVERS

ANALYSIS



HOME RUNS

- Updated space
- The Nest--area for infants and toddlers
- Bookmobile
- Expanded hours
- Customer service
- Passport services--increased hours
- Outreach to care centers and homebound
- Good resources
- SPARK--children's programming
- Book clubs
- Community events & classes



SHOCKERS

- Limited or poor collection
- "Biased" collection
- Need for tween & teen activities
- More movie selections
- Enjoy bookmobile, but want more options
- Not enough communication about activities, events, and offered services
- Not a lot of information on volunteers



CHEW OVERS

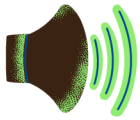
- Offer spaces to gather & share
- More displays throughout the library (critical thinking, as one)
- Expand section on sign language/speech development
- Collection development
- More ebook/databases
- Add email, newsletter and/or social media sites
- Interactive website
- Expand online features
- Advertising and marketing of program and services
- More engagement at the library
- Classes to learn new things
- More library items to check out
- Maker space
- Spanish library cards
- Welcome kits
- Reference/Information desk utilization
- Maps
- Utilize Beanstack more

DISCOVERIES & UNDERSTANDINGS



People can do better when they know better.

Results from community feedback indicated focus be designated to the following areas:



COMMUNICATION

- Inconsistent library information about operations, services, and offerings
- Update strategies on how to share information
- Nonexistent or unclear signage



SERVICES

- Unaware of the various services library provides
- Interest in adding new features or services
- Wanting to know about involvement opportunities



TECHNOLOGY

- Flexible and updated public computers
- Spaces to try new or different equipment
- Technology components that make patron and staff processes faster



COMMUNITY

- Increasing age specific, skill based, and interest focused activities
- Make outside areas conducive for gathering and hanging out
- Encourage informal get-togethers inside the library



COLLECTION

- Analyze current collection throughout all areas
- Improve ordering practices according to collection analysis results
- Provide balanced displays and options to reflect all patrons
- Expand patron options (library of things, video games, streaming, etc)



BUILDING & GROUNDS

- Frustration with current book drop
- Concerns of ice and pooling water throughout parking lot
- "Beautify" the outside: paint, lighting, landscaping, patios, aesthetics
- Remodel upstairs for makerspace or incubator workshop



STAFFING

This focus area resulted from conversations pertaining to overall community feedback and actions the library can take to diminish concerns. In general the community believes MMPL is a welcoming space that offers quality, friendly, and helpful services.



MMPL...

the only community hub that promotes learning out loud.

MISSION

To build an inclusive community
of lifelong learners.

VISION

To be a home away from home
for all Morton County residents.

TAGLINE

Learn out loud.

VALUES

Learn out Loud

We learn through doing.

Kindness

We meet every person with a
cheerful attitude.

Inclusivity

We believe every single
person matters.

Collaboration

We look for ways to partner with
others.

Gratitude

We are thankful for people and
property and treat each with
respect.

COMMUNICATION OUTCOMES



People are up-to-date on MMPL happenings.



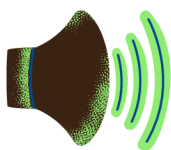
SIGNAGE

- Incorporate Open & Closed signs from multiple locations.
- Enhance signage from park side view of the library
 - Outdoor TV for messaging
 - Morton Mandan Public Library identification feature
- Add digital sign that provides information



COMMUNICATION PANEL

- Form a panel from different areas to:
 - Develop a messaging process
 - Determine various communication tasks and jobs to be done
 - Identify who, when, and how
 - Establish consistency



GET THE WORD OUT

- Generate a communication checklist
 - Examine current strategies
 - Devise different approaches
- Explore additional social media tools
- Expand marketing avenues
 - Locate common gathering spaces throughout communities
 - Submit articles to county newspapers
 - Partner with organizations to “spread the word”
- Produce newsletter
 - Create list serve to email or mail
- Research and formulate MMPL app



WEBSITE

- Study and define essential components of desired website
- Investigate different website designers and costs
- Design website template
- Publish ‘hot off the press’ website

SERVICES OUTCOMES



People visit MMPL for literature, learning, and lots more.



PEOPLE FOCUSED

Provides assistance to patrons in multiple ways

- Showcase current and new services the library offers
- Maintains consistent reference desk schedule
- Implements simple “how to” videos through Niche Academy
- Adds resources, conveniences, and features, such as:
 - Welcome center for new residents or travelers
 - Curbside pick up
 - After Hours Library
 - Anytime lockers
 - Book vending machine
 - NDOT registration machine
 - “Take a book, Leave a book”



AMBASSADORS

- Shares information, gives tours, and books meeting rooms
- Supports Friends of the Library by selling merchandise, taking book donations, and championing events
- Creates a patron program that builds connection between the library, its patrons, and non-users



BOOKMOBILE SERVICES & OUTREACH

- Increases promotion of current amenities, like:
 - Doorstep Program
 - Book Bins
- Seeks other service and outreach opportunities that benefit rural communities
- Forms committee to create timeline regarding replacement of bookmobile

TECHNOLOGY OUTCOMES



People are creative, flourishing explorers.



FRONT & CENTER

Aids in building an environment for patrons to experiment, innovate, invent, grow, and gain critical skills

- Invest in laptops for public use throughout the building
- House a self-scanning kiosk
- Check into installing a public access phone
- Implement an Incubator Workshop where all ages can create, design, discover, and play
 - Organize a team of visionaires and thinkers to map out the space, including equipment
 - Investigate funding sources using 3-D model of space
 - Recruit potential architects and contractors
 - Award according to bids
 - Renovate the space



BEHIND-THE-SCENE

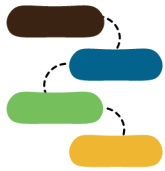
Supports efficient and effective work practices of staff

- Embrace new service models for patrons such as an RFID-based system that allows
 - Quick and accurate check-in and check-out processes
 - Improved inventory tracking of library items
- Find a messaging system that allows for news and information to be simultaneously updated on all monitors
- Acquire a phone or cell phone to be used at reference desk for passing through phone calls and sharing messages
- Add necessary electrical and internet components

COLLECTION OUTCOMES



People find materials, products, tools, and resources that meet their needs.



PROCESSES

Defines the how, what, when, why, and who regarding approaches to making decisions about the books and items that are housed within the library.

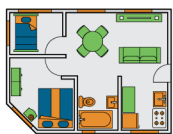
- Perform a collection analysis to determine strengths and flaws
- Scrutinize, revisit, and improve current ordering practices
- Formulate a weeding process that involves collection areas and timelines
- Review and clean-up existing online catalog
 - Delete outdated MMPL collection codes
 - Add new, user friendly collection codes
 - Look at new online catalog alternatives
- Devise a plan for featuring books and materials as faceouts or as monthly exhibits using acrylic inserts, bumpouts, and specified display shelves,



EXPAND & ENHANCE

Launches fresh elements and exciting techniques that draws interest to the MMPL collections with purpose

- Consider options for patron streaming
- Outline a game plan for opening a “Library of Things”
 - Ex: records/record players
 - DVD players
- Add categories such as:
 - Video Games
 - Binge Box concept/Boredom Busters/Explore Kits
- Call attention to under utilized areas, like:
 - Audiobooks or books on CD
 - Nonfiction topics
 - Periodicals
 - Add history magazines



TAKE A LOOK

Consider modifications to size of collections, location of sections, and areas of need that would fine-tune the patron experience

- Clarify demand for large print vs regular print
- Discuss switching layouts for accessibility and draw interest
- Identify areas of need and how to turn them around

COMMUNITY OUTCOMES



People view MMPL as their home away from home--their third place.



PATRON EXPERIENCES

Design enriching, eclectic, dynamic, and diversified experiences

- Make MMPL interactions visible and tangible
 - Fashion outdoor spaces for gathering, conversing, playing, and relaxing
 - Provide inside areas for hanging out, creating, discussing, and exploring
- Infuse engaging and interactive learning opportunities for all ages
 - Form academy days around topics of interests and needs
 - Redefine offerings for children
 - Dig into current and fresh partnerships
 - Incorporate consistent choices for online experiences



CONNECTIONS & PARTNERSHIPS

Build supportive, engaging, and effective relations with local and rural community organizations, businesses, and people

- Make MMPL connections to communities noteworthy and authentic
 - Pursue current and unfamiliar pathways to entities and individuals
 - Attend local and rural conferences, meetings, and committees
- Make MMPL partnerships enduring and synergetic
 - Nurture and amplify alliance interactions
 - Cultivate mutual advantages for working together

BUILDING & GROUNDS OUTCOMES



People locate MMPL with ease and feel welcomed from the moment they enter the parking lot.



OUTSIDE

Make the outside as appealing as the inside

- Parking Lot
 - Paint more arrows to direct traffic
 - Resolve drainage and pooling issues
 - Study a better flow of traffic for entering and exiting
- Bookdrop
 - Solve accessibility concerns
- Landscaping
 - Maintain present-day beds; add plants when needed
 - Enlist a “gardening brigade” to keep planters flourishing
- Holidays
 - Make the parking lot the place to start the “Mandan Holiday Lights on Main” adventure
- Building
 - Develop a plan for routine maintenance that includes painting trim, washing windows, outside lights, etc.
- Addition to the West
 - Build a space that includes
 - All seasons sunroom/patio
 - Drive up book drop and storage



INSIDE

Keep inside spaces clean, inviting, and sparking curiosity for all who enter

- Building
 - Develop a plan for maintenance that goes beyond everyday cleaning, such as: painting, washing windows/walls, cleaning “nooks & crannies”, light fixtures, etc.
 - Analyze use of current used and unused spaces and determine how to best change space to meet staff and patron needs
- Storage & Organization
 - Identify simple solutions to keep work, staff lounge, and collaboration areas orderly
- Infrastructure
 - Increase electrical and internet capacity in circ area, children’s, offices, YA, and hallway
- Upstairs
 - Renovate to house Incubator Workshop

STAFFING OUTCOMES



People share knowledge, talents, interests, and skills to create the library of tomorrow.



VOLUNTEERS

Contributes to the quality and success of the library

- Redesign MMPL's volunteer program with goals that
 - Support staff
 - Assist in patron services
 - Share skills and training expertise



PERKS

Describes working at MMPL as being friendly, uplifting, comfortable, and thoughtful

- Provide ample spaces for staff to
 - House personal belongings
 - Collaborate and plan
 - Experience a grown up recess break--relax, lunch, get away
 - Gather supplies and materials efficiently to do their job
 - Store necessary items using organized systems
- Generate a healthy team culture
 - Attend applicable training opportunities such as library workshops and conferences
 - Arrange regular professional development sessions to increase knowledge and proficiency
 - Encourage creative solutions and critical thinking
 - Use a team decision-making approach
 - Revisit and adjust responsibilities, expectations, and tasks
 - Practice and implement effective communication tools
 - Rethink and reimagine how work gets done



EMPLOYMENT

Driven to help shape what tomorrow will be for the library

- Assess needs and gaps of library expectations
 - Strengthen or support services, offerings, collections, maintenance, and administration
 - Explore alternatives
 - Interns, seasonal, field experiences, etc
- Craft or open positions according to the needs
 - Budget for full or part-time positions in the areas of
 - Collections
 - Collection Coordinator
 - Community Engagement
 - Incubator Workshop Facilitator (maker space in upstairs)



City Commission

Agenda Documentation

MEETING DATE: August 6, 2024
PREPARATION DATE: July 30, 2024
SUBMITTING DEPARTMENT: Airport
DEPARTMENT DIRECTOR: Lindsay Gerhardt
PRESENTER: Lindsay Gerhardt, Airport Manager
SUBJECT: Mandan Airport Authority 2025 Budget

STATEMENT/PURPOSE:

To consider the Mandan Airport Authority 2025 Budget as recommended by the Airport Authority Board.

BACKGROUND/ALTERNATIVES:

The Mandan Airport Authority manages the local airport facility. The Airport five-member Board is appointed by the City Commission. The Airport is fiscally dependent upon the City because the City Commission levies taxes and must approve any debt issuances. The Airport is reported as a component unit in the City of Mandan audited financial statements.

The Airport Authority Board approved their 2025 Budget on July 8, 2024.

ATTACHMENTS:

1. 2025 Budget
2. Airport Budget Presentation 2025

FISCAL IMPACT:

The City of Mandan will levy the maximum of 4 mills or approximately \$549K as requested by the Airport Authority Board for the 2025 Budget. The City also provides \$5,600 annually to the Airport for their share of state aid distribution revenue from the State of ND.

STAFF IMPACT:

None

LEGAL REVIEW:

N/A

RECOMMENDATION:

To consider the Mandan Airport Authority 2025 Budget as recommended by the Airport Authority Board.

SUGGESTED MOTION:

I move to approve the Mandan Airport Authority 2025 Budget as recommended by the Airport Authority Board.

Mandan Regional Airport - Lawler Field
Operating, Capital and Finance Budget Summary
Year Ending December 31, 2025

Fuel Gross Margin	81,000
Hanger Rent	220,000
Office Rental	19,000
Land Lease	30,000
Property Tax & Other	509,431
Interest	1,000
Other	5,000
Total Operating Income	865,431

Avgas Sales	210,000
Avgas Cost of Sales	(150,000)
Avgas Gross Margin	60,000
Jet Fuel Sales	75,000
Jet Fuel Cost of Sales	(54,000)
Jet Fuel Gross Margin	21,000

Payroll	107,127
Fees and Charges	14,000
Insurance	13,000
Travel/Training	4,500
Utilities	31,500
Advertising/Printing	15,000
Dues & Subscriptions	1,500
Supplies & Maintenance, Repairs	80,000
Leasehold Tax	21,000
Interest Expense on Bonds	16,989
Total Operating Expenses	304,616

Hangar 1, Hangar 40, Terminal

Net Operating Income 560,815 A

Runway 13-31 Concrete Maintenance	(430,000)
Wetland Modification Project	(1,555,000)
Airport Pavement Crack Sealing/Polypatch	(27,000)
FAA Project Funding	1,031,732
State Project Funding	508,327

Net Capital Project Inflows / (Outflows) (471,941) B

Principal Payments on Bonds (Outflow)	(85,000)
---------------------------------------	----------

Net Financing Inflows / (Outflows) (85,000) C

Net Budgeted Cash Flow 3,874 A+B+C

Funding Source FAA 90%

165,000
866,732

Funding Source NDAC 5% (FAA Eligible)

21,500
462,527

Funding Source NDAC 90%

24,300

Hangar 1, Hangar 40, Terminal

Projected if we apply the \$500k NDAC grant awarded in 2024



MANDAN REGIONAL AIRPORT

Status update for budget 2025

Stats

- 5 Airport owner t-hangars at capacity
- 1 Airport owned community hangar
- 16 privately owned hangars (land Lease)
- Full-time aviation MX facility on sight
- Ag sprayer operation
- Aerial surveying helicopter company (fleet of 3)
- Aviation medical examiner on sight
- Flight instructor on sight
- Civil Air Patrol headquarters and fleet of 3
- 99 based aircraft on the field
- Certified Flight Sim on Sight



Services

- Snacks and drinks
- Full kitchen
- Picnic Area
- Hangar and tie down
- JetA and 100LL on sight
- Pilots Lounge (entertainment to come)
- Flight planning
- Sleep Room
- Showers
- 2 Courtesy cars to get to town



Revenue

-Fuel

Jet A

Avgas, 100LL

-Hangar Rent

54 units in the t-hangars

-Land Lease

business and private



2024 Developments

New Airport Terminal Purchase

Old Terminal



New Terminal













New Aircraft Hangar



New Parking Area and Beacon Protection



New T-Hangar Parking Lot



2025 Projects

Runway 13-31 Concrete Maintenance





Joints and sealant completely missing



Joint sealant exposing joints



Previous repairs failing

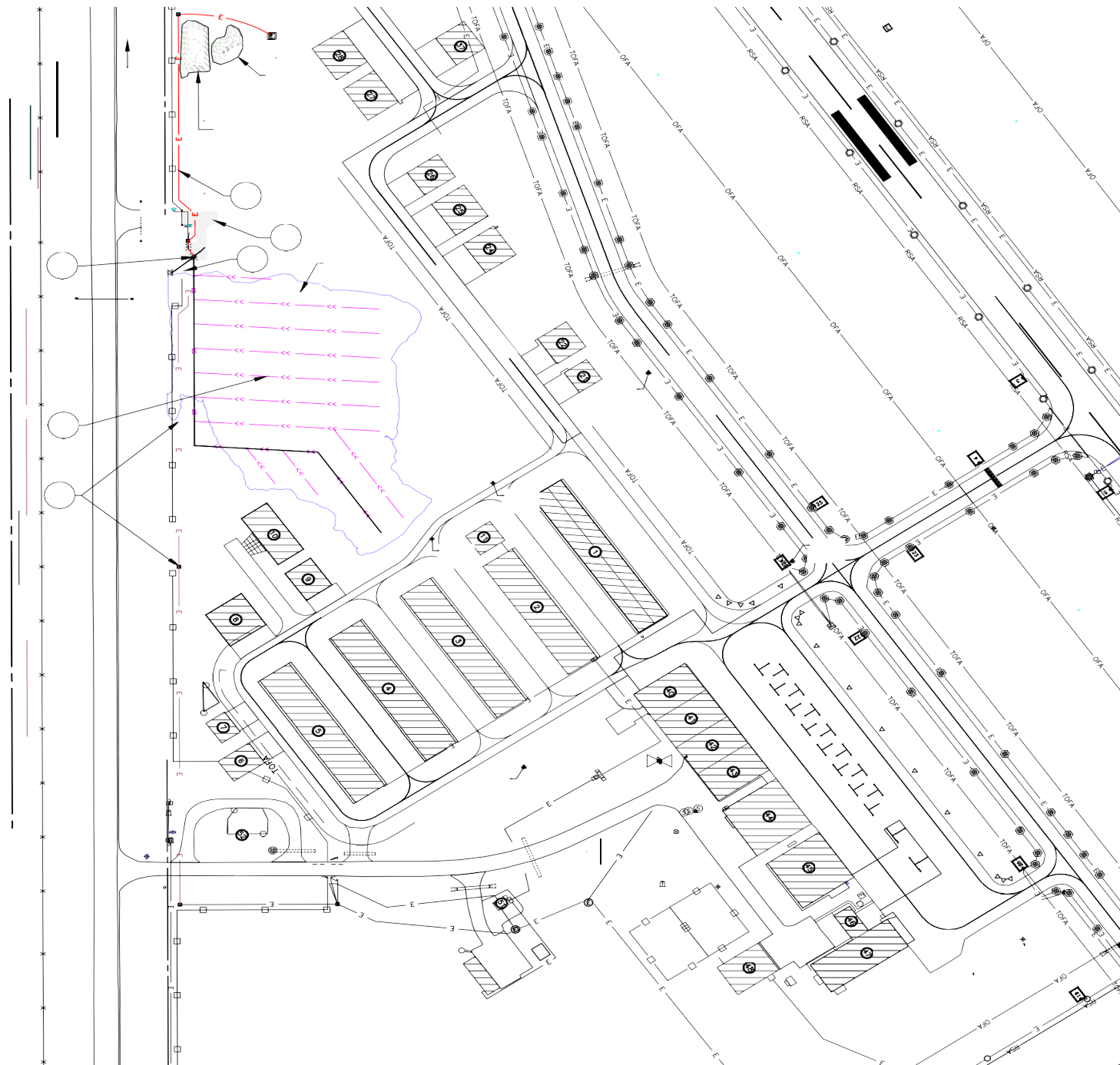
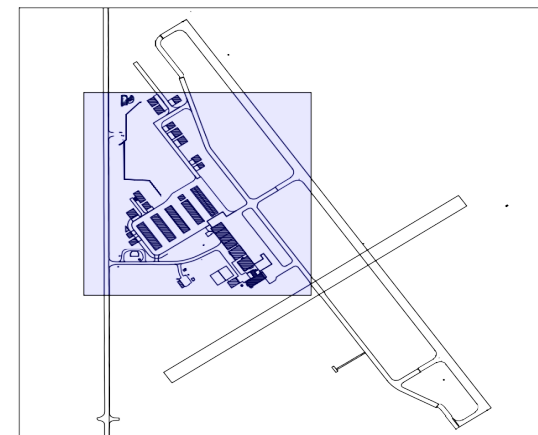
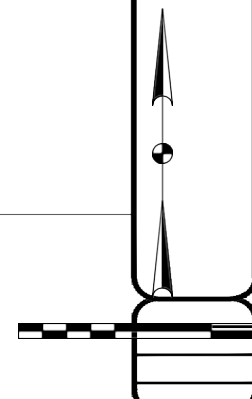


Wetland Modification Project

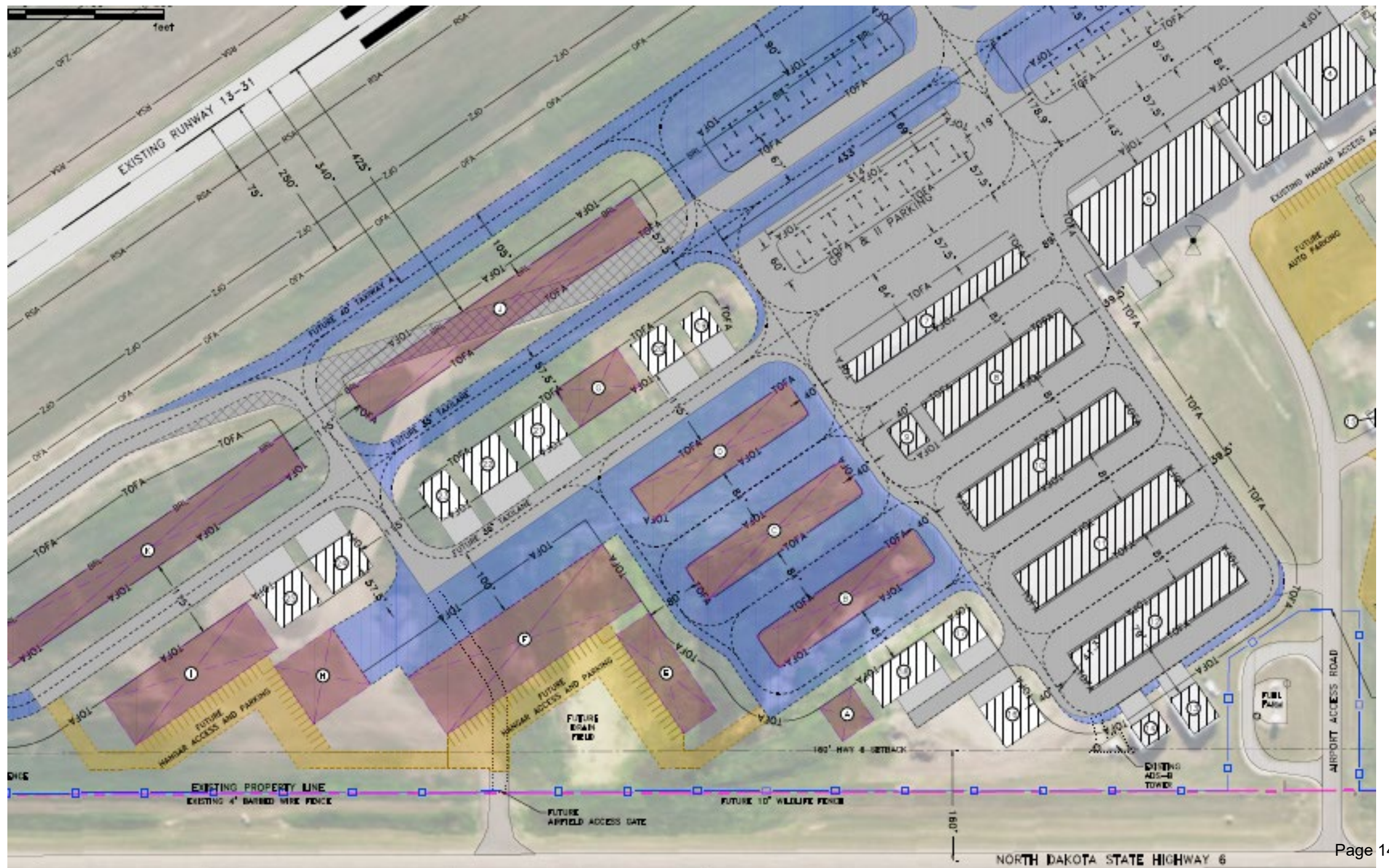












Questions?



City Commission

Agenda Documentation

MEETING DATE: August 6, 2024
PREPARATION DATE: July 31, 2024
SUBMITTING DEPARTMENT: Planning, Engineering, Public Works
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider appeal from TRX Developers regarding use of City of Mandan Right-of-Way for irrigation crossings

STATEMENT/PURPOSE:

Consider appeal from TRX Developers regarding use of City of Mandan Right-of-Way for irrigation crossings

BACKGROUND/ALTERNATIVES:

Background:

TRX Developers appealed to the City Commission following an administrative denial regarding their request to use the City's right-of-way (ROW) for eight private irrigation crossings. The City Commission in June requested the Developer to draft an agreement that would provide assurances to cover maintenance costs. This was in response to the City's concerns that future maintenance liabilities might fall on the City or result in abandoned infrastructure given the unprecedented nature of the request.

As a reminder, Staff has identified the following concerns:

- **HOA Maintenance Capabilities:** Concerns about the HOA's ability to maintain the proposed infrastructure.
- **City Liability:** Potential increase in City liability and responsibility for maintenance given the proposed encroachments co-locate with public infrastructure.
- **Use of Public Right-of-Way:** Unprecedented use of public right-of-way for private property benefit. No peer examples have been identified and peer communities to Mandan would not allow this.
- **Timing of the Proposal:** The Shores at Lakewood is over 25% built, and this request was only brought to City Staff's attention in November 2023, more than a year after plat approval.

- **Future Infrastructure Conflicts:** Possible conflicts with future City infrastructure reconstruction due to the proposed eight crossing locations existing in areas where other City infrastructure is placed. All City infrastructure eventually needs repair, and any proposed encroachments into the right of way will indisputably conflict.
- **Stormwater Pond Concerns:** Issues related to maintaining minimum water levels for the stormwater/amenity pond near the LHWRWD levee.
- **Alternative Solutions:** Viable alternatives such as individual sprinkler systems and meter pits exist and are not being considered as viable. The City sees these as ways for residents to have individual control over their irrigation needs and expenses in a more conventional manner.

Current Status:

The Developer has submitted a draft agreement, but it does not fully address the City's concerns. City Staff have communicated these concerns back to the Developer. Given the recent changes in the City Commission since this issue was first introduced, Staff seeks guidance from the Commission on whether to proceed with further negotiations on this matter.

Recommendation:

Staff recommends that the City Commission provide direction on whether to continue pursuing an agreement with TRX Developers for the use of the ROW for private irrigation crossings. This guidance will help determine the next steps and the extent of further efforts on this matter.

ATTACHMENTS:

None

FISCAL IMPACT:

Unknown, but likely.

STAFF IMPACT:

A significant amount of staff time has gone into the review of this request.

LEGAL REVIEW:

This item has been reviewed as part of the agenda packet and as a specific item given the unprecedented nature of the request.

RECOMMENDATION:

Staff recommends denial of the use of the City's ROW for private irrigation line

City Commission

Agenda Documentation

August 6, 2024

Subject: Consider appeal from TRX Developers regarding use of City of Mandan Right-of-Way for irrigation crossings

Page 3 of 3

crossings.

SUGGESTED MOTION:

I move to deny the request.



City Commission

Agenda Documentation

MEETING DATE: August 6, 2024
PREPARATION DATE: July 29, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider Change Order 3 for Street Improvement District 224

STATEMENT/PURPOSE:

To consider approval of Change Order 3 on Northern Improvement's contract for SID 224.

BACKGROUND/ALTERNATIVES:

During construction of the Sunrise and Rockwood developments, the site was mass graded. In order to meet required roadway grades, several areas required large cut or fill. In two of these locations, the contractor was unable to condition the soil to optimum moisture conditions or pass the required compaction tests. After the required number of re-excavations, re-scarifications and re-compactions, the Geotechnical Engineer was consulted. It was determined that groundwater was the root cause in these areas. The solution involved a combination of soil corrections, the installation of geo-grid and subsurface drain tile to address the unsuitable conditions. Upon completion of the work, the areas passed the required compaction tests and proof roll tests.

The streets in these developments eventually become public streets after project completion, owned and maintained by the City of Mandan. It is important that these roads are built properly and pass the necessary tests to avoid issues for the City.

Additionally, at the request of the United States Post Office, the mailbox sizes needed to be upsized to accommodate the mail route.

ATTACHMENTS:

1. Change Order 3

FISCAL IMPACT:

\$152,921.44, These items would be entirely special assessed to the benefiting properties.

STAFF IMPACT:

Minimal.

LEGAL REVIEW:

All information has been made available to the City Attorney for review.

RECOMMENDATION:

To approve Change Order 3 for Street Improvement District 224.

SUGGESTED MOTION:

I move to approve Change Order 3, as presented.

CHANGE ORDER NO.: 3

Owner: City of Mandan
 Engineer: Moore Engineering, Inc.
 Contractor: Northern Improvement Co.
 Project: City of Mandan, ND
 Contract Name: Street Improvement District 224
 Date Issued: 7/8/2024

Owner's Project No.: 2021-1
 Engineer's Project No.: 22418
 Contractor's Project No.: 0

Effective Date of Change Order: 7/8/2024

The Contract is modified as follows upon execution of this Change Order:

1. During construction, the site was mass graded. New streets needed to be at 7% grade and intersections at 2% grade to accommodate a new subdivision. In several areas this included several feet of cut or fill. In two locations, the contractor was unable to condition the soil to optimum moisture conditions or pass the required compaction tests. After the required number of re-excavations, re-scarifications and re-compactions, the Geotechnical Engineer was consulted. It was determined that groundwater was the root cause in these areas (likely now a problem because of the cut in these areas). The solution involved a combination of soil corrections, the installation of geo-grid and subsurface draitile to address the unsuitable conditions. Upon completion of the work, the areas passed the required compaction tests and proof roll tests. See attached map for a location of the work.

2. At the request of the United States Post Office, the mail box sizes needed to be upsized to accomidate the mail route. See attached map and invoices for the change in work.

Attachments: Exhibit A, C-101, CBU Map, Weisz and Sons Invoices, TSS Invoices

Change in Contract Price	Change in Contract Times
Original Contract Price: \$ 2,525,917.80	Original Contract Times: Substantial Completion: <u>July 15, 2023</u> Ready for Final Payment: <u>July 25, 2023</u>
Increase from previously approved Change Orders No. 0 to No. 3 \$ 75,513.60	Increase from previously approved Change Orders No. 0 to No. 3 Substantial Completion: <u>14 Months</u> Ready for Final Payment: <u>14 Months</u>
Contract Price prior to this Change Order: \$ 2,601,431.40	Contract Times prior to this Change Order: Substantial Completion: <u>July 15, 2023</u> Ready for Final Payment: <u>July 25, 2023</u>
Increase this Change Order: \$ 152,921.44	Increase this Change Order: Substantial Completion: <u>N/A</u> Ready for Final Payment: <u>N/A</u>
Contract Price incorporating this Change Order: \$ 2,754,352.84	Contract Times with all approved Change Orders: Substantial Completion: <u>September 1, 2024</u> Ready for Final Payment: <u>October 1, 2024</u>

Recommended by Engineer (If required)

By: Anthony Setness

Title: Project Engineer

Date: 7/18/2024

Authorized by Owner

By: _____

Title: _____

Date: _____

Accepted by Contractor

By: Jason Irey

Title: VP

Date: 7/23/2024

Approved by Funding Agency (if applicable)

By: _____

Title: _____

Date: _____

EJCDC® C-941, Change Order.

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Page 1 of 1

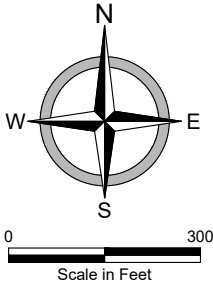
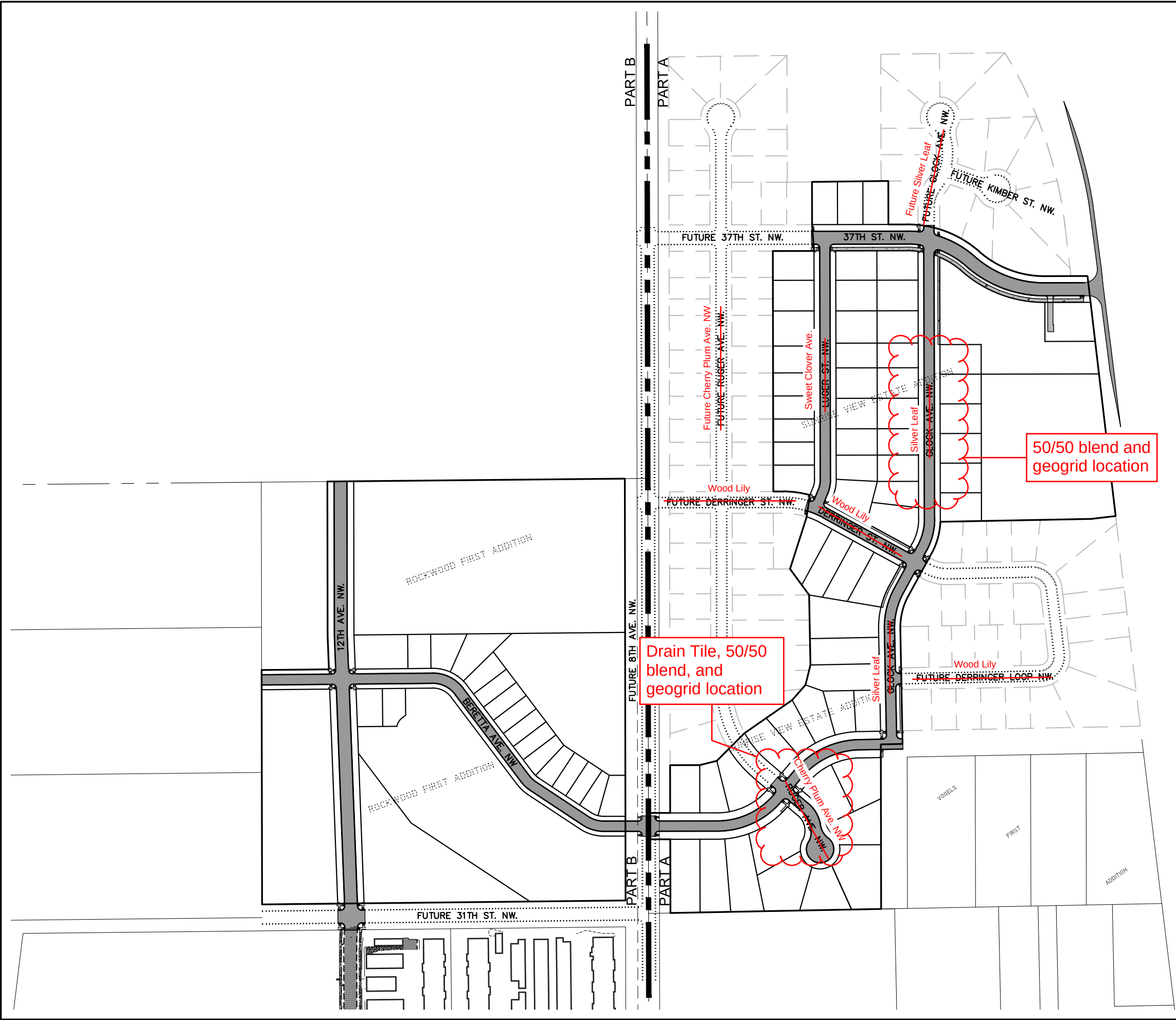
**EXHIBIT A
CHANGE ORDER NO.: 3**

<u>Item No. & Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Bid Unit Price</u>	<u>Decrease in Contract Price</u>	<u>Increase in Contract Price</u>
BASE BID					
1. Subgrade Repair	L SUM	1.00	\$ 113,421.44		\$ 113,421.44
2. Cluster Box Unit-12 Unit	EA	2	\$ 4,000.00		\$ 8,000.00
3. Cluster Box unit-16 Unit	EA	7	\$ 4,500.00		\$ 31,500.00
TOTALS				\$ -	\$ 152,921.44

NET CHANGE IN CONTRACT PRICE \$152,921.44

JUSTIFICATION:

- Upon completion, the City of Mandan will assume ownership of the streets, so it was imperative that they be constructed properly before being handed over. The solution to address the poor/wet soils involved a combination of soil corrections, the installation of geo-grid and subsurface draitile. Upon completion of the work, the areas passed the required compaction tests and proof roll tests. See attached map for a location of the work. A copy of the subcontractor's hours, machinery, days and invoices are attached for reference.



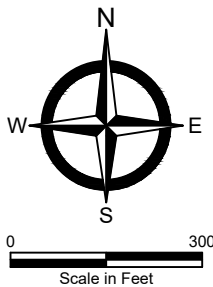
PROJECT LAYOUTS
STREET IMPROVEMENT DISTRICT 224
PROJECT NO. 2021-09
MANDAN, NORTH DAKOTA
OVERALL PROJECT

DATE:	03.04.22
REVISED:	---
REVISED:	---
REVISED:	---
REVISED:	---
REVISED:	---
RECORD:	---
PROJECT No.	22418
MANAGER:	JBK
DESIGNER:	GMD
DRAFTER:	MSG
REVIEWER:	TJK

C-101



- LEGEND
- ◆ HYDRANT
 - ★ LIGHT POLE
 - STORM INLET / MANHOLE
 - ▨ CBU 1
 - ▨ CBU 2
 - ▨ CBU 3
 - ▨ CBU 4
 - ▨ CBU 5
 - ▨ CBU 6
 - ▨ CBU 7



GENERAL LAYOUT
SUNRISE VIEW ESTATES & ROCKWOOD ADD.
MANDAN, NORTH DAKOTA

PROJECT No.	21498
DATE:	05/18/22
REVISED:	04/24/24
DRAFTER:	MSG
REVIEWER:	JOF



WEISZ & SONS INC CONTRACTORS

PO Box 1756
Bismarck, ND 58502
PH: 701-258-9770 FAX: 701-258-2194

Date: December 5, 2023
Invoice No.: 12523

INVOICE

Bill To: Northern Improvement

Project Name: Subgrade Repair
Sunrise Estates

Address: 1721 Burlington Drive

Your Reference No.:
Our Job No. 22-003

City, ST ZIP: Bismarck ND 58504

Date of Work: 10/13/2023

Description of Work: Repair soft spots within the road area.

	Description	QTY	UOM	UNIT PRICE	EXTENDED PRICE
Equipment:	Komatsu D71 Dozer	6	HR	\$ 303.00	\$ 1,818.00
	Caterpillar 613 Scraper	6	HR	\$ 175.00	\$ 1,050.00
	Caterpillar 140 Motorgrader	6	HR	\$ 245.00	\$ 1,470.00
Labor:	Operator (Dozer)	6	HR	\$ 82.00	\$ 492.00
	Operator (Scraper)	6	HR	\$ 82.00	\$ 492.00
	Operator (Motorgrader)	6	HR	\$ 82.00	\$ 492.00
	Total...			\$	5,814.00

Not Included in Change Order

Date of Work: 10/16/2023

Description of Work: Subcut cul-de-sac area to repair soft subgrade.

	Description	QTY	UOM	UNIT PRICE	EXTENDED PRICE
Equipment:	Komatsu 490 Excavator	10.5	HR	\$ 320.00	\$ 3,360.00
	John Deere Skidsteer	3	HR	\$ 50.00	\$ 150.00
	Tandem Axle Dump Truck # 1	11	HR	\$ 60.00	\$ 660.00
	Tandem Axle Dump Truck # 2	11	HR	\$ 60.00	\$ 660.00
	One Ton Pickup - Foreman	12.5	HR	\$ 35.00	\$ 437.50
Labor:	Operator (Excavator)	10.5	HR	\$ 82.00	\$ 861.00
	Operator (Skidsteer)	10.5	HR	\$ 82.00	\$ 861.00
	Truck Driver # 1	11	HR	\$ 77.00	\$ 847.00
	Truck Driver # 2	11	HR	\$ 77.00	\$ 847.00
	Foreman/Lead Pipelayer	12.5	HR	\$ 85.00	\$ 1,062.50
	Pipelayer # 1	11	HR	\$ 65.00	\$ 715.00
	Pipelayer # 2	11	HR	\$ 65.00	\$ 715.00
	Total...			\$	11,176.00

Not Included in Change Order

Date of Work: 10/17/2023

Description of Work: Repair soft subgrade. Haul in 50/50 Blend.

	Description	QTY	UOM	UNIT PRICE	EXTENDED PRICE
Equipment:	Komatsu 490 Excavator	7	HR	\$ 320.00	\$ 2,240.00
	Tandem Axle Dump Truck # 1	7	HR	\$ 60.00	\$ 420.00
	Tractor Truck & Side Dump # 1	2	HR	\$ 73.00	\$ 146.00
	Tractor Truck & Side Dump # 2	2	HR	\$ 73.00	\$ 146.00
	Tractor Truck & Side Dump # 3	2	HR	\$ 73.00	\$ 146.00
	Tractor Truck & Side Dump # 4	2	HR	\$ 73.00	\$ 146.00
	Komatsu Loader	4	HR	\$ 100.00	\$ 400.00
	Cat Packer	7	HR	\$ 50.00	\$ 350.00
	One Ton Pickup - Foreman	12.5	HR	\$ 35.00	\$ 437.50
Labor:	Operator (Excavator)	7	HR	\$ 82.00	\$ 574.00
	Truck Driver # 1	7	HR	\$ 77.00	\$ 539.00
	Truck Driver # 2	2	HR	\$ 77.00	\$ 154.00
	Truck Driver # 3	2	HR	\$ 77.00	\$ 154.00
	Truck Driver # 4	2	HR	\$ 77.00	\$ 154.00
	Truck Driver # 5	2	HR	\$ 77.00	\$ 154.00
	Operator (Packer)	10	HR	\$ 82.00	\$ 820.00
	Operator (Loader)	11	HR	\$ 82.00	\$ 902.00
	Foreman/Lead Pipelayer	12.5	HR	\$ 85.00	\$ 1,062.50
	Pipelayer # 1	3.5	HR	\$ 65.00	\$ 227.50
	Pipelayer # 2	4.5	HR	\$ 65.00	\$ 292.50
Material:	50/50 Blend - Weisz & Sons - Total Used 10/17-10/23	1615	TON	\$ 20.00	\$ 32,300.00
	Geogrid - White Cap - 7 Rolls - 180N	1	L SUM	\$ 12,249.63	\$ 12,249.63
	4" Drain Tile and Fittings	1	L SUM	\$ 1,839.15	\$ 1,839.15

WEISZ & SONS INC CONTRACTORS

PO Box 1756
Bismarck, ND 58502

PH: 701-258-9770 FAX: 701-258-2194

Date: December 5, 2023
Invoice No.: 12523

INVOICE

Class 43 Chips - Strata - 56.56 Tons	1	L SUM	\$ 2,327.16	\$ 2,327.16
		Total...	\$	58,180.94

Date of Work: 10/19/2023

Description of Work: Repair soft subgrade. Haul in 50/50 Blend and Place 4" drain tile and 50/50 blend.

	Description	QTY	UOM	UNIT PRICE	EXTENDED PRICE
Equipment:	Komatsu 490 Excavator	3	HR	\$ 320.00	\$ 960.00
	Komatsu PC88 Excavator	7	HR	\$ 110.00	\$ 770.00
	Tandem Axle Dump Truck # 1	10	HR	\$ 60.00	\$ 600.00
	Tandem Axle Dump Truck # 2	10.5	HR	\$ 60.00	\$ 630.00
	Tandem Axle Dump Truck # 3	11	HR	\$ 60.00	\$ 660.00
	Tandem Axle Dump Truck # 4	3.5	HR	\$ 60.00	\$ 210.00
	Tractor Truck & Side Dump # 1	3	HR	\$ 73.00	\$ 219.00
	Tractor Truck & Side Dump # 2	4	HR	\$ 73.00	\$ 292.00
	Tractor Truck & Side Dump # 3	3	HR	\$ 73.00	\$ 219.00
	Komatsu Loader	6	HR	\$ 100.00	\$ 600.00
	One Ton Pickup - Foreman	12	HR	\$ 35.00	\$ 420.00
Labor:	Operator (Excavator)	10	HR	\$ 82.00	\$ 820.00
	Truck Driver # 1	10	HR	\$ 77.00	\$ 770.00
	Truck Driver # 2	10.5	HR	\$ 77.00	\$ 808.50
	Truck Driver # 3	11	HR	\$ 77.00	\$ 847.00
	Truck Driver # 4	3.5	HR	\$ 77.00	\$ 269.50
	Truck Driver # 5	3	HR	\$ 77.00	\$ 231.00
	Truck Driver # 6	4	HR	\$ 77.00	\$ 308.00
	Truck Driver # 7	3	HR	\$ 77.00	\$ 231.00
	Operator (Loader)	6	HR	\$ 82.00	\$ 492.00
	Foreman/Lead Pipelayer	12	HR	\$ 85.00	\$ 1,020.00
	Pipelayer # 1	10	HR	\$ 65.00	\$ 650.00
	Pipelayer # 2	9	HR	\$ 65.00	\$ 585.00
	Pipelayer # 3	8.5	HR	\$ 65.00	\$ 552.50
	Pipelayer # 4	10.5	HR	\$ 65.00	\$ 682.50
	Pipelayer # 5	9.5	HR	\$ 65.00	\$ 617.50
			Total...	\$	14,464.50

Date of Work: 10/20/2023

Description of Work: Repair soft subgrade. Haul in 50/50 Blend and Place 4" drain tile and 50/50 blend.

	Description	QTY	UOM	UNIT PRICE	EXTENDED PRICE
Equipment:	Komatsu 490 Excavator	10	HR	\$ 320.00	\$ 3,200.00
	Tandem Axle Dump Truck # 1	7	HR	\$ 60.00	\$ 420.00
	Tractor Truck & Side Dump # 1	7	HR	\$ 73.00	\$ 511.00
	Tractor Truck & Side Dump # 2	9.5	HR	\$ 73.00	\$ 693.50
	Tractor Truck & Side Dump # 3	7	HR	\$ 73.00	\$ 511.00
	Tractor Truck & Side Dump # 4	9.5	HR	\$ 73.00	\$ 693.50
	John Deere Skidsteer	6.5	HR	\$ 50.00	\$ 325.00
	Komatsu Loader	11	HR	\$ 100.00	\$ 1,100.00
	One Ton Pickup - Foreman	12	HR	\$ 35.00	\$ 420.00
Labor:	Operator (Excavator)	10	HR	\$ 82.00	\$ 820.00
	Truck Driver # 1	7	HR	\$ 77.00	\$ 539.00
	Truck Driver # 2	7	HR	\$ 77.00	\$ 539.00
	Truck Driver # 3	9.5	HR	\$ 77.00	\$ 731.50
	Truck Driver # 4	7	HR	\$ 77.00	\$ 539.00
	Truck Driver # 5	9.5	HR	\$ 77.00	\$ 731.50
	Operator (Loader)	11	HR	\$ 82.00	\$ 902.00
	Operator (Skidsteer)	6.5	HR	\$ 82.00	\$ 533.00
	Foreman/Lead Pipelayer	12	HR	\$ 85.00	\$ 1,020.00
	Pipelayer # 1	5.5	HR	\$ 65.00	\$ 357.50
	Pipelayer # 2	5.5	HR	\$ 65.00	\$ 357.50
	Pipelayer # 3	9.5	HR	\$ 65.00	\$ 617.50
			Total...	\$	15,561.50

Date of Work: 10/21/2023

WEISZ & SONS INC CONTRACTORS

PO Box 1756
Bismarck, ND 58502

PH: 701-258-9770 FAX: 701-258-2194

Date: December 5, 2023
Invoice No.: 12523

INVOICE

Description of Work: Repair soft subgrade. Haul in 50/50 Blend and Place 4" drain tile and 50/50 blend.

	Description	QTY	UOM	UNIT PRICE	EXTENDED PRICE
Equipment:	Komatsu 490 Excavator	7.5	HR	\$ 320.00	\$ 2,400.00
	Tandem Axle Dump Truck # 1	8.5	HR	\$ 60.00	\$ 510.00
	John Deere Skidsteer	8.5	HR	\$ 50.00	\$ 425.00
	Komatsu Loader	6	HR	\$ 100.00	\$ 600.00
	Komatsu D61 Dozer	8.5	HR	\$ 260.00	\$ 2,210.00
	One Ton Pickup - Foreman	9.5	HR	\$ 35.00	\$ 332.50
Labor:	Operator (Excavator)	7.5	HR	\$ 82.00	\$ 615.00
	Truck Driver # 1	8.5	HR	\$ 77.00	\$ 654.50
	Operator (Loader)	6	HR	\$ 82.00	\$ 492.00
	Operator (Skidsteer)	8.5	HR	\$ 82.00	\$ 697.00
	Operator (Dozer)	8.5	HR	\$ 82.00	\$ 697.00
	Foreman/Lead Pipelayer	9.5	HR	\$ 85.00	\$ 807.50
	Pipelayer # 1	8	HR	\$ 65.00	\$ 520.00
	Pipelayer # 2	7	HR	\$ 65.00	\$ 455.00
	Pipelayer # 3	8.5	HR	\$ 65.00	\$ 552.50
	Total...			\$	11,968.00

Date of Work: 10/23/2023

Description of Work: Repair soft subgrade. Haul in 50/50 Blend and Place 4" drain tile and 50/50 blend.

	Description	QTY	UOM	UNIT PRICE	EXTENDED PRICE
Equipment:	Komatsu 490 Excavator	5.5	HR	\$ 320.00	\$ 1,760.00
	Tractor Truck & Side Dump Trailer # 1	2	HR	\$ 60.00	\$ 120.00
	Tractor Truck & Side Dump Trailer # 2	2	HR	\$ 60.00	\$ 120.00
	Komatsu Loader	6	HR	\$ 100.00	\$ 600.00
	One Ton Pickup - Foreman	8.5	HR	\$ 35.00	\$ 297.50
Labor:	Operator (Excavator)	7.5	HR	\$ 82.00	\$ 615.00
	Truck Driver # 1	2	HR	\$ 77.00	\$ 154.00
	Truck Driver # 2	2	HR	\$ 77.00	\$ 154.00
	Operator (Loader)	6	HR	\$ 82.00	\$ 492.00
	Foreman/Lead Pipelayer	8.5	HR	\$ 85.00	\$ 722.50
	Pipelayer # 1	4	HR	\$ 65.00	\$ 260.00
	Pipelayer # 2	4	HR	\$ 65.00	\$ 260.00
	Total...			\$	5,555.00

Total Due.... \$ 122,719.94

CHANGE ORDER AMOUNT: \$105,729.94

Please pay from this invoice, no statement will be mailed.

Payment is due 15 days from date of invoice.

Late payments will be assessed a 1.5% late fee.

WEISZ & SONS INC CONTRACTORS

PO Box 1756
Bismarck, ND 58502
PH: 701-258-9770 FAX: 701-258-2194

Date: June 27, 2024
Invoice No.: 62724

INVOICE

Bill To: Northern Improvement

Project Name: Subcut, Install Rock, Underdrain and Geogrid
Sunrise Estates

Address: 1721 Burlington Drive

Your Reference No.:

City, ST ZIP: Bismarck ND 58504

Our Job No. 22-003

Date of Work: 6/5/2024

Description of Work: Repair soft subgrade. Subcut roadway 3' and connected spring area to previously installed underdrain.

	Description	QTY	UOM	UNIT PRICE	EXTENDED PRICE
Equipment:	Komatsu 360 Excavator	6.5	HR	\$ 255.00	\$ 1,657.50
	Caterpillar 730 Haul Truck	3	HR	\$ 270.00	\$ 810.00
	Tractor Truck & Side Dump	1.5	HR	\$ 73.00	\$ 109.50
	One Ton Pickup - Foreman	3	HR	\$ 35.00	\$ 105.00
Labor:	Operator (Excavator)	6.5	HR	\$ 89.00	\$ 578.50
	Operator (Haul Truck)	3	HR	\$ 89.00	\$ 267.00
	Truck Driver	1.5	HR	\$ 83.00	\$ 124.50
	Foreman/Lead Pipelayer	3	HR	\$ 90.00	\$ 270.00
Material:	1 1/2" Crushed Rock - Weisz & Sons	27	TON	\$ 35.00	\$ 945.00
Total...				\$	4,867.00

Not Included in Change Order

Date of Work: 6/6/2024

Description of Work: Repair soft subgrade. Subcut roadway 3' and connected spring area to previously installed underdrain. Installed 1 1/2" subcut rock at 1' thick on the bottom, installed 85' of 4" underdrain. Installed Geogrid 4" above drain tile on rock and then placed 1' of 1 1/2" subcut rock on top of Geogrid. Placed woven fabric on top of crushed rock and backfilled with dirt.

	Description	QTY	UOM	UNIT PRICE	EXTENDED PRICE
Equipment:	Komatsu 360 Excavator	7.5	HR	\$ 255.00	\$ 1,912.50
	Caterpillar 730 Haul Truck	2	HR	\$ 270.00	\$ 540.00
	Komatsu 320 Loader	7.5	HR	\$ 130.00	\$ 975.00
	Hypac Sheeps Foot Compactor	6	HR	\$ 55.00	\$ 330.00
	Tandem Axle Dump Truck	1.5	HR	\$ 65.00	\$ 97.50
	One Ton Pickup - Foreman	3	HR	\$ 35.00	\$ 105.00
Labor:	Operator (Excavator)	7.5	HR	\$ 89.00	\$ 667.50
	Operator (Haul Truck)	2	HR	\$ 89.00	\$ 178.00
	Operator (Loader)	7.5	HR	\$ 89.00	\$ 667.50
	Operator (Packer)	6	HR	\$ 89.00	\$ 534.00
	Truck Driver	1.5	HR	\$ 83.00	\$ 124.50
	Foreman/Lead Pipelayer	3	HR	\$ 90.00	\$ 270.00
	Pipelayer # 1	3	HR	\$ 75.00	\$ 225.00
Material:	1 1/2" Crushed Rock - Weisz & Sons	14	TON	\$ 35.00	\$ 490.00
	4" Drain Tile and Fittings	1	L SUM	\$ 225.00	\$ 225.00
	Geogrid & Geotextile Fabric - Brock White	1	L SUM	\$ 350.00	\$ 350.00
Total...				\$	7,691.50
Total Due...				\$	12,558.50

CHANGE ORDER AMOUNT: \$7,691.50



TRAFFIC SAFETY SERVICES, INC.

1900 Northern Plains Dr; Bismarck, ND 58504 phone (701) 258-4770 fax (701) 258-8002

CHANGE ORDER

<u>Project</u>	<u>Location</u>	<u>State</u>	<u>Date</u>
SID 224	Mandan	ND	June 25, 2024

Traffic Safety Services, Inc. (TSS) will supply and install all post mount signs. All barricades and channelization devices to be stockpiled. All daily maintenance would be the contractor's responsibility. TSS would return to stockpile site to remove all items supplied by us. Our quote is based on the completion date stated in the proposal. Items within a total are tied. Quote excludes flagging.

<u>Item No.</u>	<u>Description</u>	<u>Unit</u>	<u>Approx. Quantity</u>	<u>Unit Price</u>	<u>Bid Amount</u>
<u>Part A</u>					
31	Cluster Box Unit-12 Unit	EA	2	\$ 4,000.00	\$ 8,000.00
31	Cluster Box Unit-16 Unit	EA	7	\$ 4,500.00	\$ 31,500.00
Total					\$ 39,500.00

Cluster Mailboxes does NOT include concrete slab.

Quote does not include sales tax, if applicable.

10 Days advance notice must be given by contractor for scheduling.

Contractor must provide staging area.

Any additional material required over plan quantity will be charged at contract prices.

If the prime contractor requires accelerated scheduling, work on Sundays or Holidays, double shifts, prices are subject to change.

Payment to be made by Progress Payments. Price does not include Bond. Any other contract charges are Not included. Proposal may be withdrawn if not accepted within 10 days.

TSS Must be notified of all change orders.

This proposal, or copy, of will be placed in and become part of the contract word for word in its entirety, if the Contractor/Owner elects to accept and award the work listed above to Traffic Safety Services, Inc.

Authorized

Signature

Darren Olson

Darren Olson
Cell 701-400-8102

Authorized

Acceptance



City Commission

Agenda Documentation

MEETING DATE: August 6, 2024
PREPARATION DATE: July 31, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider Raw Water Intake project change orders.

STATEMENT/PURPOSE:

To consider change orders for the Raw Water Intake project.

BACKGROUND/ALTERNATIVES:

The Raw Water Intake project is nearing completion. The City began using the new intake in August 2023 and the Mandan Refinery (MPC) began using their portion of the intake April 2024. The remaining work primarily includes decommissioning of the existing intake (planned for fall 2024).

The change orders below reflect miscellaneous changes in contract work. Summary as follows:

Swanberg Change Order G-07

- Landscaping modifications at the Intake Pump Station.
- MPC security system modifications.
- Ladder was added to Control Vault 2 for gallery access.
- Other minor contract adjustments for additional work.

YES Change Order E-08

- Minor contract adjustments for additional Work.

ATTACHMENTS:

1. Change Order G-07

2. Change Order E-08

FISCAL IMPACT:

Construction Contract Summary

- Swanberg Construction increase of \$37,438.21 (6.07% total change order rate).
- YES increase of \$6,591.45 (16.75% total change order rate).

Budget Summary:

Summary of Expenditures	Current Contracted	Pending	Total
Construction Contracts	\$31,032,135	\$44,030	\$31,076,165
Engineering Services	\$3,945,000	\$0	\$3,945,000
Other	\$89,456	\$0	\$89,456
	\$35,066,591	\$44,030	\$35,110,620

Total Project Budget/Funding	\$36,587,000
Estimated Total Expenditures	\$35,110,620
Estimated Contingency	\$1,476,380
Remaining	

STAFF IMPACT:

Minimal

LEGAL REVIEW:

All items have been provided to the City Attorney for review.

RECOMMENDATION:

To approve Change Order G-07 with Swanberg Construction and Change Order E-08 with YES for the Raw Water Intake project.

SUGGESTED MOTION:

I move to approve the Raw Water Intake change orders, as presented.

Change Order

No. G-07

Date of Issuance: July 16, 2024

Effective Date: July 16, 2024

Project: <u>Mandan Raw Water Intake - Phase IB</u>	Owner: <u>City of Mandan, ND</u>	Owner's Contract No.: <u>2014-09</u>
Contract: <u>General Construction</u>		Date of Contract: <u>November 24, 2020</u>
Contractor: <u>Swanberg Construction, Inc.</u>		Engineer's Project No.: <u>P00510-2010-001</u>

The Contract Documents are modified as follows upon execution of this Change Order:

Description of Change

Item	Description	Cost Adjustment
1	WCD G-46: Remove one tree and add six trees with landscaping curb and mulch around trees at south side of IPS property.	\$6,072.00
2	WCD G-61: Increase in cost for MPC security camera and card reader equipment at the IPS due to changes to approved MPC contractors/suppliers.	\$16,956.21
3	WCD G-62: Spare eductor for City's powered activated carbon skid system.	\$2,419.00
4	WCD G-63: Add 4" hose and drain piping to extend sand slurry discharge to holding pit north of PSB.	\$2,596.00
5	WCD G-64: Additional trip and day for MPC pump startup services.	\$3,000.00
6	WCD G-65: Addition of an aluminum fixed ladder in CV2 for gallery access as requested by MPC.	\$11,997.00
7	WCD G-66: Elimination of portion of asphalt paving from existing intake to PSB, addition of 3/4" drain valves on 4" sand slurry piping in PRP, and modifications to concrete flume for 4" sand slurry discharge.	(\$6,095.00)
8	WCD G-67: Revise flushing hydrant connections to be 1 1/2" in lieu of 2".	\$493.00

Total Net Change: CO-G-07 \$37,438.21

Attachments: Swanberg WCDs G-46, G-61 - 67

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price:	
\$ <u>11,143,000.00</u>	Substantial completion: <u>December 15, 2022</u>
	Ready for final payment: <u>February 15, 2023</u>
Increase from previously approved Change Orders	Increase from previously approved Change Orders
No. 0 to No. 6	No. 0 to No. 6
\$ <u>639,140.76</u>	Substantial completion: <u>701</u>
	Ready for final payment: <u>685</u>
Contract with Increase from previously approved Change Orders	Contract Times prior to this Change Order:
\$ <u>11,782,140.76</u>	Milestone 1 (Medium Voltage Duct bank and Fiber): <u>November 3, 2022</u>
	Milestone 2 (Building Dry-In): <u>December 24, 2022</u>
	Milestone 3 (Intake Operational): <u>August 14, 2023</u>
Increase of this Change Order	Substantial completion: <u>November 15, 2024</u>
\$ <u>37,438.21</u>	Ready for final payment: <u>December 31, 2024</u>
Contract Price incorporating this Change Order:	Increase Time of this Change Order:
\$ <u>11,819,578.97</u>	Milestone 1 (Medium Voltage Duct bank and Fiber): <u>0</u>
	Milestone 2 (Building Dry-In): <u>0</u>
	Milestone 3 (Intake Operational): <u>0</u>
	Substantial completion: <u>0</u>
	Ready for final payment: <u>0</u>
	Contract Times with all approved Change Orders:
	Milestone 1 (Medium Voltage Duct bank and Fiber): <u>November 3, 2022</u>
	Milestone 2 (Building Dry-In): <u>December 24, 2022</u>
	Milestone 3 (Intake Operational): <u>August 14, 2023</u>
	Substantial completion: <u>November 15, 2024</u>
	Ready for final payment: <u>December 31, 2024</u>

RECOMMENDED:

By:

07/29/2024
Engineer (Authorized Signature)

Date:

Approved by Funding Agency (if applicable):

ACCEPTED:

By:

Owner
(Authorized
Signature)

Date:

ACCEPTED:

By:

7-10-2024
Contractor (Authorized Signature)

Date:

Date:

EJCDC No. C-941, Change Order.

Prepared and published 2013 by the Engineers Joint Contract Documents Committee.

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Change Order

No. E-08

Date of Issuance: July 16, 2024

Effective Date: July 16, 2024

Project: <i>Mandan Raw Water Intake - Phase IB</i>	Owner: <i>City of Mandan, ND</i>	Owner's Contract No.: 2014-09
Contract: <i>Electrical Construction</i>	Date of Contract: November 24, 2020	
Contractor: <i>Ystass Electrical Services (YES)</i>	Engineer's Project No.: P00510-2010-001	

The Contract Documents are modified as follows upon execution of this Change Order:

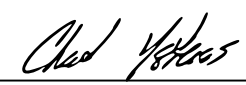
Description of Change		Cost Adjustment
Item	Description	
1	WCD E-44: Install lockable jboxes around MPC condensing unit disconnects located on the exterior of the IPS.	\$2,191.45
2	WCD E-45: Pull additional wires from IPS-SCP1 to MIPS-Jbox in IPS for MPC control of 20" isolation valve in CV3.	\$1,000.00
3	WCD E-46: Install wall mounted thermostats for unit heaters in the IPS mechanical room, MPC electrical room, and City electrical room.	\$3,400.00
Total Net Change: CO-E-08		\$6,591.45

Attachments: WCDs E-44 - 46

CHANGE IN CONTRACT PRICE:		CHANGE IN CONTRACT TIMES:	
Original Contract Price:		Substantial completion:	December 15, 2022
\$	2,557,870.74	Ready for final payment:	February 15, 2023
Increase from previously approved Change Orders No. 0 to No. 7		Increase from previously approved Change Orders No. 0 to No. 7	
	\$421,969.03	Substantial completion:	701
		Ready for final payment:	685
Contract with Increase from previously approved Change Orders		Contract Times prior to this Change Order:	
\$	2,979,839.77	Milestone 1 (Medium Voltage Duct bank and Fiber):	November 3, 2022
		Milestone 2 (Building Dry-In):	December 24, 2022
		Milestone 3 (Intake Operational):	August 14, 2023
Increase of this Change Order		Substantial completion:	November 15, 2024
\$	6,591.45	Ready for final payment:	December 31, 2024
Contract Price incorporating this Change Order:		Increase Time of this Change Order:	
\$	2,986,431.22	Milestone 1 (Medium Voltage Duct bank and Fiber):	0
		Milestone 2 (Building Dry-In):	0
		Milestone 3 (Intake Operational):	0
		Substantial completion:	0
		Ready for final payment:	0
		Contract Times with all approved Change Orders:	
		Milestone 1 (Medium Voltage Duct Bank and Fiber):	November 3, 2022
		Milestone 2 (Building Dry-In):	December 24, 2022
		Milestone 3 (Intake Operational):	August 14, 2023
		Substantial completion:	November 15, 2024
		Ready for final payment:	December 31, 2024

RECOMMENDED:
By: 
Engineer (Authorized Signature)

ACCEPTED:
By: _____
Owner (Authorized Signature)

ACCEPTED:
By: 
Contractor (Authorized Signature)

Date: 07/29/2024

Date: _____

Date: 7/12/24

Approved by Funding Agency (if applicable):

Date: _____

EJCDC No. C-941, Change Order.

Prepared and published 2013 by the Engineers Joint Contract Documents Committee.

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City Commission

Agenda Documentation

MEETING DATE: August 6, 2024
PREPARATION DATE: July 31, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider the 2025 Street Reconstruction project
Pavement Condition Report and district creation
resolutions

STATEMENT/PURPOSE:

To review the Pavement Condition Report (PCR) and consider the resolutions necessary to approve the 2025 Mandan Street Rehabilitation Project.

BACKGROUND/ALTERNATIVES:

On May 7th, 2024 the City of Mandan directed Moore Engineering to complete an engineering study/report for the 2025 Mandan Street Rehabilitation Project. Moore Engineering has worked with city staff to study existing street and utility conditions in the identified areas. The study allowed us to identify a scope of work for each block and estimate a preliminary cost. The intent of the study was to identify needs, complete preliminary cost estimates, and get far enough into preliminary design to answer major questions about project scope. A public meeting will be held in August to share the study findings with the public and gather any questions or comments citizens may have.

The study area included over 200 blocks. The area studied included the Mandan Proper Area, extending from 2nd St NW to Division St NW, between 6th Ave NW and Collins Ave. The area was broken down into several feasible projects based on similarities, location, and needs.

The study is presented as an amendment to last year's Project Concept Report that included infrastructure studies of several areas, including 2 areas that are currently under construction. The PCR is intended to be a living document used to plan future infrastructure projects. PCR Amendment 1 focuses on adding in the Mandan Proper area and updating project costs and proposed assessments for Project Area 2B.

Pending the commission's decision tonight, mailers will be sent out with estimated assessments for the 2025 project.

If the necessary resolutions are approved tonight, a 30-day protest period will start August 9th during which we will accept letters of protest. In addition to the state requirement of posting in the Mandan News, we will also post on our website and social media as well as send another round of letters to property owners with their individual estimate of assessment. After the 30-day protest period we would then bring the results of the protest period back before the board in September to determine sufficiency. If insufficient protests, we would work on final drawings and advertise the project for bid in the spring for 2025 construction. Along with the steps to initiate the project, we are also recommending to commit to buying-down the assessment portion of the costs by 20% with the use of Municipal Infrastructure Funds (aka, Prairie Dog Funds).

ATTACHMENTS:

1. Resolution Approving Engineer's Report
2. Resolution Creating Improvement District 238
3. Resolution of Necessity
4. Pavement Condition Report - Amend 1

FISCAL IMPACT:

The total project cost for the 2025 project is estimated to be \$16,945,000.00. We will be seeking partial funding for the project through the ND Department of Water Resources (DWR) for all eligible water items. The estimated DWR funding is \$3,400,000. The remaining water and sewer items that the city would cover is about \$1,090,000. If the city chooses to buy down the roadway reconstruction portions of the project with Prairie Dog Funds at a rate of 20%, it would cover approximately \$2,270,000. The remaining amount to be special assessed to residents within the special assessment district is approximately \$10,180,000.

STAFF IMPACT:

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

LEGAL REVIEW:

All commission documents have been forwarded to the City Attorney for review.

RECOMMENDATION:

Approve the resolutions necessary to move forward with the 2025 Mandan Street Rehabilitation Project (SID 238).

SUGGESTED MOTION:

1. I move to approve the resolution creating the district, approve the engineer's report, approve the feasibility report and approve the resolution of necessity for Street Improvement District No. 238, Project No. 2025-01 (2025 Mandan Street Rehabilitation Project).
2. I move to approve the dedication of Prairie Dog funds towards the project at a rate of 20% of reconstruction work.

**RESOLUTION APPROVING ENGINEER'S REPORT AND
AUTHORIZING PREPARATION OF THE DETAILED PLANS
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 238**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 238 (Project #2025-01), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

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

a. Construction costs:	\$13,031,500.00
b. Other costs including necessary and reasonable change orders; engineering, fiscal agent's and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$3,913,500.00
c. Total estimated costs of the improvement:	\$16,945,000.00

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

4. This resolution shall be in full force and effect from and after its passage.
Dated this 6th day of August, 2024.

President, Board of City Commissioners

ATTEST:

City Administrator

FEASIBILITY AND EVALUATION OF IMPROVEMENTS FOR STREET IMPROVEMENT DISTRICT #238, PROJECT #2025-01

1.) General Nature of Project

The district has been created to allow for street improvements to the areas identified in the map and includes asphalt resurfacing by reconstruction and mill & overlay, chip seal, spot repair of curb and gutter, and related work.

2.) Location of Proposed Construction

The proposed construction will take place throughout the areas identified on the map including paved alleys.

3.) Environmental Impact

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

4.) Feasibility of Project

In the opinion of the undersigned this project is feasible and needed throughout the indicated area as an improvement to streets that have deteriorated to the point of inadequacy.

5.) Estimate of Cost

Attached is a map showing the area and district boundary. The construction costs are estimated at \$13,031,500.00. Other costs of making the improvement necessary including necessary and reasonable change order, engineering, fiscal agents' and attorneys' fees, publication of legal notices, printing of warrants, and all expenses incurred in the making of the improvement and levy of assessments therefore are estimated at \$3,913,500.00. The total cost for the improvement is estimated at \$16,945,000.00.

Dated this 31st day of July, 2024.

Jarek Wigness
Engineering Director

**Mandan Street Improvements
Project Area 2B Improvements
Mandan, ND**

Engineer's Preliminary Opinion of Cost

BID ITEM NO. & DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
<u>Base Bid - Part A</u>				
1. 12000 Testing Allowance	L SUM	1	\$80,000.00	\$80,000.00
2. 15000 Storm Water Management	L SUM	1	\$20,000.00	\$20,000.00
3. 704.1100 Traffic Control	L SUM	1	\$25,000.00	\$25,000.00
4. 702.0100 Mobilization	L SUM	1	\$350,000.00	\$350,000.00
5. 306.051 Full Depth Reclamation	SY	54,000	\$5.00	\$270,000.00
6. 302.0120 Aggregate Base Course CI 5	TON	18,000	\$50.00	\$900,000.00
7. 430.0043 FAA 43 Asphalt Pavement - PG58-34	TON	17,200	\$135.00	\$2,322,000.00
8. 430.00001 Patching	SY	8,000	\$50.00	\$400,000.00
9. 330130.86 Adjust Manhole Castings	EA	90	\$1,500.00	\$135,000.00
10. 331419 Adjust Gate Valve Box	EA	70	\$1,000.00	\$70,000.00
11. 411.0105 Milling Pavement Surface - 2"	SY	48,000	\$3.00	\$144,000.00
12. 420.0405 Seal Coat	SY	110,000	\$2.00	\$220,000.00
13. 401.0070 Fog Seal	SY	110,000	\$1.00	\$110,000.00
14. 203.0109 Topsoil - 6in	SY	9,000	\$7.00	\$63,000.00
15. 253.0200 Hydraulic Mulch	SY	9,000	\$2.00	\$18,000.00
16. 251.00001 Seeding Class III	SY	9,000	\$2.00	\$18,000.00
17. 230.00001 Subgrade Preparation-Type A-12In	SY	54,000	\$6.00	\$324,000.00
18. 1207-4.1 Geogrid Reinforcement	SY	54,000	\$10.00	\$540,000.00
19. Tree Trimming	HR	200	\$80.00	\$16,000.00
Part A Subtotal				\$6,005,000.00
<u>Base Bid - Part B</u>				
1. 262.0130 Removal of Curb and Gutter	LF	6,000	\$8.00	\$48,000.00
2. 748.1030 Concrete Valley Gutter	SY	1,500	\$160.00	\$240,000.00
3. 748.0140 Curb and Gutter - Type I	LF	6,000	\$60.00	\$360,000.00
4. 748.0500 Curb Header - Type I	LF	1,500	\$60.00	\$90,000.00
5. 750.0100 4" Sidewalk Concrete	SY	4,500	\$90.00	\$405,000.00
6. 750.2115 Detectable Warning Panels	SF	1,000	\$50.00	\$50,000.00
7. 202.0114 Removal of Concrete Pavement	SY	35,000	\$45.00	\$1,575,000.00
Driveway Concrete - 6"	SY	2,500	\$115.00	\$287,500.00
Part B Subtotal				\$3,055,500.00
<u>Base Bid - Part C</u>				
1. 331413.00 Connection to Existing Main	EA	27	\$5,200.00	\$140,400.00
2. 331413.00 Water Main - 8"	LF	7,200	\$140.00	\$1,008,000.00
3. 331413.00 Water Main - 12"	LF	1,400	\$160.00	\$224,000.00
4. 331413.00 Curb Stop & Box - 1"	EA	225	\$750.00	\$168,750.00
5. 331413.00 Water Service Connection - 1"	EA	225	\$1,200.00	\$270,000.00
6. 331413.00 Water Service Line - 1"	LF	6,500	\$50.00	\$325,000.00
7. 331413.00 Gate Valve & Box - 6"	EA	53	\$5,000.00	\$265,000.00
8. 331413.00 Hydrant - 6"	EA	26	\$10,000.00	\$260,000.00
9. 24200.00 Removal of Gate Valve	EA	53	\$800.00	\$42,400.00
10. 24200.00 Removal of Hydrant	EA	26	\$1,200.00	\$31,200.00
Part C Subtotal				\$2,734,750.00

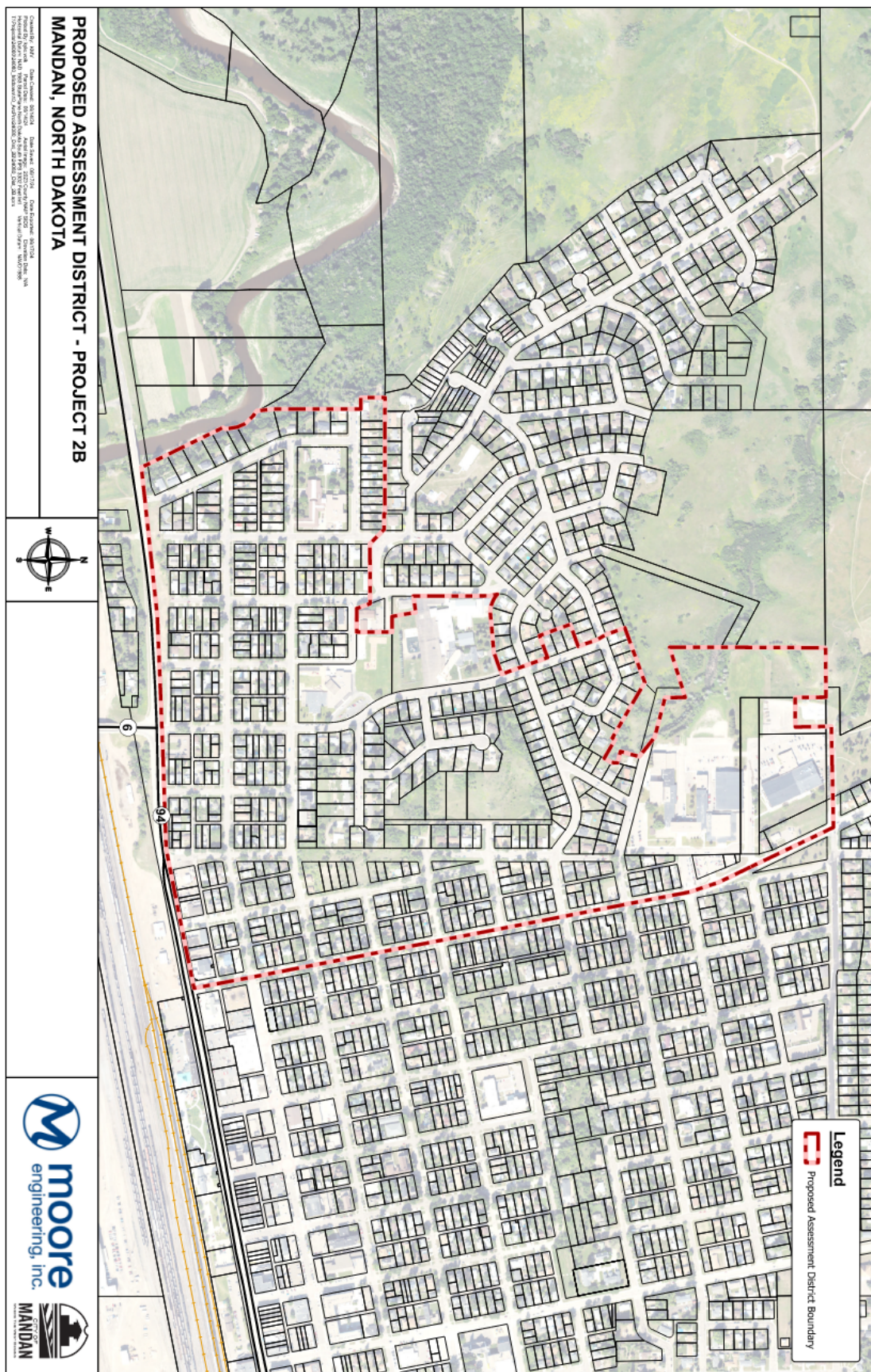
**Mandan Street Improvements
Project Area 2B Improvements
Mandan, ND**

Engineer's Preliminary Opinion of Cost

BID ITEM NO. & DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
<u>Base Bid - Part D</u>				
1. 333111.00 Sanitary Sewer Spot Repair	EA	10	\$8,000.00	\$80,000.00
2. 330130.81 Manhole - Rehabilitate	EA	6	\$8,000.00	\$48,000.00
Part D Subtotal				\$128,000.00

<u>Electrical</u>				
1. Division 26 Type B Street Light Unit	EA	115	\$6,500.00	\$747,500.00
2. Division 26 #4 AWG Circuitry	LF	15000	\$7.25	\$108,750.00
3. Division 26 Trenching (27" Deep)	LF	12000	\$8.00	\$96,000.00
4. Division 26 2" Conduit	LF	5000	\$7.20	\$36,000.00
5. Division 26 New Feed Point	EA	6	\$20,000.00	\$120,000.00
Electrical Subtotal				\$1,108,250.00

Construction Subtotal	\$13,031,500.00
Engineering, Legal, Bonding, Contingencies(30%)	\$3,913,500.00
Total Project Cost	\$16,945,000.00



**RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NO. 238**
Project No. 2025-01

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

1. There is hereby created Street Improvement District No. 238 (the “District”) (Project#2025-01) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, 1st St NW, 2nd St NW, 3rd St NW, 4th St NW, 5th St NW, 6th St NW, 7th St NW, 8th St NW, 8th St NW, 7th Ave NW, 8th Ave NW, 9th Ave NW, 10th Ave NW, 11th Ave NW, 12th Ave NW, 13th Ave NW, 14th Ave NW, and Custer Dr as well as the paved alley ways between, and includes asphalt resurfacing by reconstruction and mill and overlay, chip seal, spot repair of curb and gutter, and related work.

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

Those Additions, and portions of Additions to the City of Mandan, Morton County, North Dakota, described as follows:

Sharon Heights Fifth Addition

School District 1st Addition Replat, LESS Lot 1 Block 1, and LESS Lot 1, Block 2

Lots 1-5, Block 1, Albers Neff Fifth Addition

Auditor’s Lot “E” of the NE1/4 of Section 28, T139N, R81W

Albers-Neff Second Addition

Lots 1-3, Block 1, Block 2, Block 3, and Lots 3-5 Block 5, all in Albers-Neff Third Addition

Albers-Neff Fourth Addition, LESS Lot 1 Block 3

School District Second Addition

Kautzmann’s First Addition

Auditor’s Lot “A” of Lot 10 of Block 1, Kautzmann’s First Addition

Kautzmann’s Second Addition

Alber’s-Neff First Addition

Heart View Second Addition

Buchmiller Addition

Plat of Vacated Portion of 3rd St. N.W. Between 12th & 13th Ave. N.W. & Adjoining Lots with Deeded Portions to City for new 3rd St.

Replat of Lots 17-19, Block 3, Heart View Addition

Lots 2-6 and the E. 20' of Lot 7, Block 1; the north 40 feet of 3rd Street adjoining said Lots 2-6 and the east 20' of said Lot 7, Block 1; Lots 1-26, Block 2; Lots 1-8, 13-16 & 20-24, Block 3; Block 4; Block 5; Block 6; Block 7; Block 8; Block 9; Lots 1-18, Block 10; Lots 1-12, the north half of Lot 26 and Lots 27-38, Block 11; Lots 1-11 and the North Half of Lot 12, Block 12, all in Heart View Addition

Leingang Addition

Auditor's Lots 1-8 & Auditor's Lot 10, all in Block 9, Meads Addition

Auditor's Lots A-H in Block 1, Meads Addition

Auditor's Lots L-N in Block 1, Meads Addition

Don's Addition

Block 1, Block 5, Block 6, Block 7, Block 8, Block 10, Block 11, and Block 13, all in Mead's Addition

Block 12, LESS the south 15.00 feet thereof, Mead's Addition

Dillman Addition

Barneys Addition

Block B, Block 13, Block 14, Block 15, Block 16, Block 42, Block 43, Block 44, Block 45 and Block 58, Plat of Mandan

Block 81, Block, 82 and Block 95, First Northern Pacific Addition

Replat of Lots 4 & 5, Block 81, First Northern Pacific Addition

Lots 7A & 7B, Block 95, First Northern Pacific Addition

And that part of those unplatted portions of the NE1/4 of Section 28, T139N, R81W, Morton County, North Dakota, described as follows:

That part of NE1/4 of Section 28, T139N, R81W; bounded on the easterly side by the westerly line of Albers-Neff First Addition; bounded on the southerly side by the northerly line of Kautzmann's Second Addition and the northerly and easterly lines of Kautzmann's First Addition; bounded on the westerly side by the easterly line of Albers-Neff Fourth Addition; and bounded on the northerly side by the southerly line of Albers-Neff Second Addition.

That part of the NE1/4 of Section 28, T139N, R81W; bounded on the easterly side by the westerly line of Alber's-Neff First Addition; bounded on the southerly side by the northerly line of Meads Addition and the northerly line of Don's Addition; bounded on the westerly side by the easterly line of Kautzman's First Addition; and bounded on the northerly side by the southerly line of Kautzmann's Second Addition.

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

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

President, Board of City Commissioners

ATTEST:

City Administrator

Date of Passage: August 6, 2024

**RESOLUTION DECLARING THE NECESSITY OF AN
IMPROVEMENT PROJECT IN AND FOR
STREET IMPROVEMENT DISTRICT NO. 238 OF THE CITY OF MANDAN
TO BE PAID BY THE LEVY OF SPECIAL ASSESSMENTS
ON PROPERTY BENEFITTED THEREBY**

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

1. It is hereby found, determined and declared that it is necessary for the City of Mandan to construct a street improvement project of the type specified in Subsection 40-22-01(2), North Dakota Century Code, in and for Street Improvement District No. 238 (Project #2025-01) of said City. Said improvement project shall include, but not be limited to the improvements of streets, as well as all other work and materials which are necessary or reasonably incidental to the completion of the project; all in accordance with and as described in the resolution creating said district adopted August 6, 2024; which is on file in the offices of the City Engineer and open for public inspection by anyone interested therein. Most of the proposed construction will take place on streets between 6th Ave NW and 14th Ave NW, and between 9th St NW and Main St.

2. The cost of said improvement project shall be paid for by special assessments to be levied against the respective lots, tracts and parcels of land within said improvement district benefited by the improvement in amounts proportionate to and not exceeding such benefits and the Board of City Commissioners reserves the right to provide for the payment of a portion of the costs of such improvement from such other funds and may be properly available for such purpose.

3. The City Administrator is authorized and directed to cause this resolution, together with a map of the City showing the improvement district, which is attached hereto, to be published once each week for two (2) consecutive weeks in the official newspaper of the City.

4. The owners of property within said improvement district and liable to be specially assessed for said improvement shall be afforded the opportunity to file written protest with the City Administrator at any time within thirty (30) days after the first publication of this resolution. Written protests must be submitted to the City Administrator no later than 4:30 pm, local time, September 9, 2024. The Board of City

Commissioners shall, at its next meeting after the expiration of said period, September 17, 2024 at 5:30 o'clock p.m., meet at the City Hall, 205 2nd Ave N.W., Mandan, ND, to hear and determine the sufficiency of any of the protests so filed and to take such other and further action with reference to said improvement district as may then be deemed necessary and expedient.

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

Dated this 6th day of August, 2024.

A public input meeting will be held on August 27, 2024 at Roosevelt Elementary School Gymnasium (305 10th Ave NW, Mandan, ND 58554) at 6:00 PM. The meeting will provide additional information regarding the project and the special assessment process.

APPROVED:

Jeff Froelich

Mayor

ATTEST:

Jim Neubauer

City Administrator

MANDAN STREET REHABILITATION

AMENDMENT #1

2025 Street Improvement District 238

Project 2025-01



**CITY OF
MANDAN**
"WHERE THE WEST BEGINS"

Prepared by
Moore Engineering, Inc.
Lead Project Engineer
Grant Dockter, P.E.

Originally Published: December 14, 2023

Amendment Prepared: July 29, 2024

Mandan Street Rehabilitation

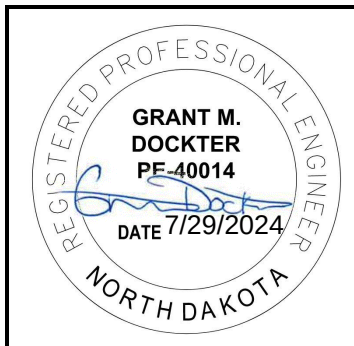
Amendment 1

Project 2025-01

Mandan, North Dakota

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 Grant M Dockter, Registration number PE-40014 on July 29, 2024 and the original document is stored at Moore Engineering, Inc., Bismarck, N.D.



Grant M Dockter, P.E.

07/29/2024

Date

Amendment #1 to Project Concept Report

A. Project Description

City: City of Mandan, North Dakota
Project: Mandan 2025 Street Improvement District 238 – Project 2025-01

B. Study Area

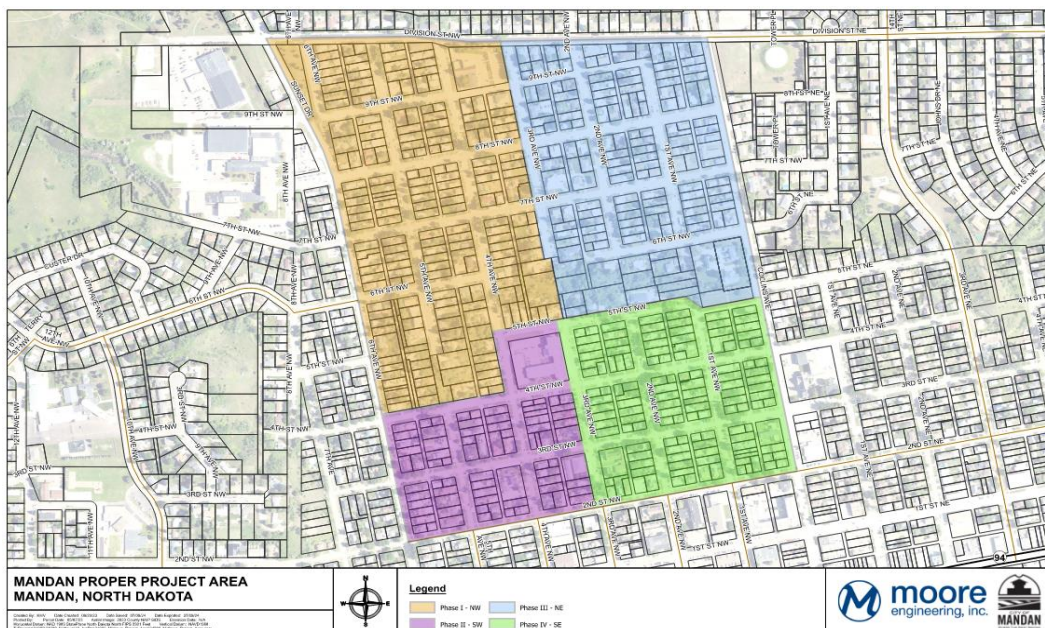
In December 2023, Moore Engineering (“Moore”) prepared a Project Concept Report (PCR) that studied existing streets and utilities in 5 neighborhoods throughout Mandan. This report was presented to the City Commission and approved at the December 19th Commission meeting. At that time, Moore Engineering was directed to prepare plans for Areas 1 and 2A. Construction is now underway for these areas.

In April 2024, Moore Engineering was directed to extend the existing study area to include an additional area. The additional area extends from 6th Avenue NW east to Collins Avenue, and from 2nd Street NW north to Division Street NW. The area, which includes the Mandan Proper subdivision, encompasses approximately 135 blocks and 40 alleys. The neighborhood consists of mainly single and multi-family residential with a minimal amount of commercial businesses. Similar to most downtown Mandan neighborhoods, Mandan Proper is relatively flat on the south end of the neighborhood and steepens sharply to the north. The project area is shown below in Exhibit 1.

The study area is likely too large to be considered in one project. After studying the area as a whole, Mandan Proper was split into 4 phases based on topography and existing utilities to create feasible projects. The infrastructure needs throughout the neighborhood are similar, creating 4 comparable projects.

Moore studied existing water, sanitary sewer, and storm sewer utilities, roadway conditions, and streetlight coverage and conditions. The study evaluated the neighborhood’s deficiencies and identified recommended improvements.

Mandan Proper Project Area - Exhibit 1



C. Existing Conditions

The main goal of the study was to evaluate the roadway conditions. The proposed project will be designed with a 15-year life expectancy. With that in mind, it is important to consider all aspects of the infrastructure within the project area.

The study included evaluation of existing water distribution, sanitary sewer, storm sewer, roadway conditions, and streetlights.

Water Distribution

The existing water distribution within Mandan Proper consists of multiple material types; polyvinyl chloride (PVC), asbestos cement pipe (ACP), and cast iron (CI). The different materials range in age and condition.

- Cast Iron Pipe (CIP) – 1960's and prior
- Asbestos Cement Pipe (ACP) – 1970's
- Polyvinyl Chloride Pipe (PVC) – 1980's-Present

The PVC water mains are in good condition. These water mains do not need to be addressed at this time.

A majority of the ACP water mains remain in good condition. ACP is a strong material that can remain in service for a long time. However, once it is disturbed, it becomes brittle and susceptible to breaks and leaks. In order to determine the condition of the ACP, the City's water main break records were analyzed.

The main problem identified by Mandan's Public Works Department in the Mandan Proper neighborhood is the CI water mains. CI water main typically has a life expectancy of 50 years. These CI water mains have been in service for over 60 years. As CI ages, it reacts with the soil and begins to corrode causing it to become brittle and susceptible to breaks. The public works department has fixed over 20 water main breaks in this neighborhood since 2015. Repairing water main breaks is a very large expense for a City without addressing the complete problem.

Sanitary Sewer

The sanitary sewer in this neighborhood is original vitrified clay pipe (VCP) that has not been rehabilitated during its life. Many of the manholes are formed of brick and are showing signs of deterioration. The study included analyzing the condition, material, and age of the existing sewer and manholes.

Storm Sewer

The storm sewer collection system in Mandan Proper consists mainly of reinforced concrete pipe (RCP). The collection system has reached the end of its useful life and is showing signs of failure. When the storm sewers are flushed, water can be seen spraying out of the ground where cracks have formed in the pipe. The study analyzed the storm sewer condition, material, and age. The study also reviewed the City of Mandan Stormwater Master Plan dated January 2019. This study identified a problem area within the Mandan Proper project area near 5th Avenue and 7th St. This area was analyzed to determine alternatives to address the problem.

Roadway

The project area consists of 135 blocks and 40 alleys. The roadway consists of asphalt and concrete street sections. This area of town has received minimal rehabilitation in the lifetime of

the streets. The study included a visual inspection of each block of roadway. Each asphalt block was given a rating using the PASER rating system for asphalt. The ratings can be found in the appendix. The concrete blocks were visually inspected as well. All concrete roadways within the project area are in poor condition. The roadway sections were then studied in a geotechnical investigation that included bores and ground penetrating radar. This presented a full view of the existing roadway section.

Streetlights

The existing streetlights in the project area include a variety of types of light poles and light panels. The study will identify the types of lights and poles in the area and replace outdated items.

D. Proposed Improvements

Water Distribution

The proposed improvements to the water distribution system include replacing the identified CI water mains. These water mains have reached the end of their useful life. The City of Mandan has records of over 20 CI water main breaks in this area. The water mains will be replaced with PVC water mains with a minimum mainline size of 8". Water pressure and flow are not currently an issue in the area. Hydrant spacing and gate valve spacing will be adjusted to ensure proper coverage throughout the area. Water services will be replaced to the curb stop, with a new curb stop installed for each service, to provide a completely updated water system.

Sanitary Sewer

The sanitary sewer collection system in Mandan Proper is in need of rehabilitation. However, the sewer is located primarily in the alleys. Open cut construction within alleys is difficult and costly. The proposed project would include a trenchless lining method. The sanitary sewer system would be lined with a cured-in-place PVC liner. This forms a new pipe within the existing clay tile pipe. This method provides a cost-effective solution to rehabilitate the aging sanitary sewer system. The sanitary sewer will be televised prior to construction to identify any major concerns. Any spot repairs needed to fix collapsed pipes or major sags will be dug up and replaced prior to lining the pipe.

The manholes within Mandan Proper have also shown signs of failure. Approximately half of the manholes within the area are original brick manholes. As brick manholes deteriorate they become susceptible to infiltration. The added infiltration causes stress on the City's sanitary sewer collection system, lift station pumps, and the lagoons. The proposed project would include lining the brick manholes with an epoxy and mortar to form a new manhole within the existing manhole. The epoxy liner will protect the manhole structure against sanitary sewer gases.

Storm Sewer

Mandan Proper's storm sewer system is failing and undersized. The pipes have exceeded their life expectancy and no longer function as designed. In order to properly address the storm sewer, it is recommended that the existing RCP storm sewer be replaced with properly sized and upgraded storm sewer and inlets.

The storm sewer design process will follow the City of Mandan Stormwater Design Manual (design manual). Analysis will be conducted for a 2-year 24-hour event for residential areas and 5-year 24-hour event for commercial areas. The design manual requires that the pipe be able to contain the required design event.

Inlet capacity modeling will be done separately from the storm sewer pipe sizing. The inlet capture needs to achieve 50% or greater for the area. Spacing and inlet sizes will be determined from extensive modeling and multiple iterations.

As was identified in the City of Mandan Stormwater Master Plan, Problem Site P is under served by storm sewer infrastructure, both in terms of the design manual and citizen observations. The Stormwater Master Plan presented storm sewer pipe/inlet improvements and overland conveyance options. The overland conveyance options do not meet the design manual requirements and do not fully address the issues.

While some better inlet efficiency could be achieved by reconstructing the road and increasing the roadway crown, the most practical solution that fully addresses the issue will include reconstructing the roadway and increasing storm sewer pipe capacity and number of inlets. This area connects to a 72" storm sewer pipe that ultimately discharges across the railroad into a drainage channel that drains to the Heart River. Since the drainage channel is in a Zone AE floodplain and the Heart River contains a floodway, the impact of increased flow from the storm sewer upgrades will need to be evaluated to determine a letter of map change requirements based on FEMA's effective model for the area.

Roadway

During the study process, all streets were studied visually and within the geotechnical report. This data was used to identify pavement needs. A majority of the roadways within Mandan Proper are past the point of rehabilitation. The streets have been overlaid several times, in some areas up to the top of the curb. In order to properly address the roadways and set the City up for proper maintenance in the future, a majority of the streets need to be reconstructed. In areas of reconstruction, the roadway will be completely rebuilt from the subgrade to finished grade.

The project will also address surface drainage, deteriorated curb, and ADA accessibility.

Streetlights

The streetlights within the project area will be updated to meet City standards. Outdated light poles will be replaced and wiring in areas of reconstruction will be completely replaced. Streetlight spacing will also be updated to provide proper coverage for the area.

E. Alternatives

Alternative A – No Build

A No Build alternative does not meet the goals of the project. The infrastructure in this neighborhood has reached the end of its useful life. The City has spent significant funds maintaining and repairing items in need of immediate repairs. However, these are just band-aids. If No Build is selected, the City will continue to maintain the existing infrastructure and repair water main breaks, patch potholes, and repair damage caused by stormwater flooding.

Alternative B – Build

To properly address the infrastructure deficiencies within Mandan Proper, a complete infrastructure improvement project is recommended. The proposed project includes water main replacement, sanitary sewer rehabilitation, storm sewer replacement, electrical upgrades, and roadway improvements.

CI water mains will be replaced where identified. In these areas, water service lines, gate valves, hydrants, and curb stops will also be replaced. This will greatly reduce the number of water main breaks in the area.

The project will also include lining the clay tile sewer mains. This will rehabilitate the sanitary sewer system and protect against infiltration and inflow reducing the strain on the sewer collection system and reduces the risk of collapsed pipes and sanitary sewer backups.

The storm sewer system will be properly built to provide sufficient sizing for all inlets and storm sewer pipe. This will address surface flooding in the project area.

Streetlights will be updated to meet City standards and wiring will be replaced in areas of reconstruction. All streetlights within the project area will be upgraded to LED.

All roadways in the project area will be rehabilitated or reconstructed based on their needs. Roadways were evaluated based on visual inspection and geotechnical investigations. Roadway improvements range from mill and overlay to full reconstruction. Curb and gutters and ADA ramps will be addressed to correct safety issues and drainage issues.

The Build alternative addresses a serious maintenance issue for the City of Mandan. While staff has worked hard to maintain and repair infrastructure as problems arise, a proper infrastructure project is overdue for this neighborhood.

F. Preliminary Estimated Project Costs and Assessments

Preliminary estimated costs are summarized in Table 1. Additionally, a full table, tracking all estimates or actual costs of projects included in the PCR, is located in the appendix. This table is updated to show project estimates and actual project costs for those projects that have been completed or bid.

The preliminary estimated costs are based on similar projects in the area and industry experience with projects of similar scope. All costs are in present dollars and are susceptible to inflation based on construction year. The estimated project costs include construction costs and indirect costs outlined in the detailed project cost estimates. The project estimate is based on the initial project study. Further estimates will be completed when design work is completed. The contingencies reflect the preliminary nature of work scope and evaluation.

Preliminary special assessment rates based upon the Preliminary Estimated Project Costs are shown in Table 2. These special assessment rates are developed using methods summarized below.

Additionally, a full table, tracking average special assessments for each project included in the PCR, is included in the appendix.

Assessment Methodology Summary

The assessments were divided among the project areas based on units. Each residential parcel is equivalent to 1 unit, while commercial and multifamily residential parcels are assigned equivalent area values.

Table 1 - Summary of Preliminary Estimates

Improvement Category	NW Mandan Proper PHASE I	SW Mandan Proper PHASE II	NE Mandan Proper PHASE III	SE Mandan Proper PHASE IV
Infrastructure Improvements	\$10,360,000.00	\$7,810,000.00	\$9,985,000.00	\$10,930,000.00
Total Cost of Improvements	\$39,085,000.00			

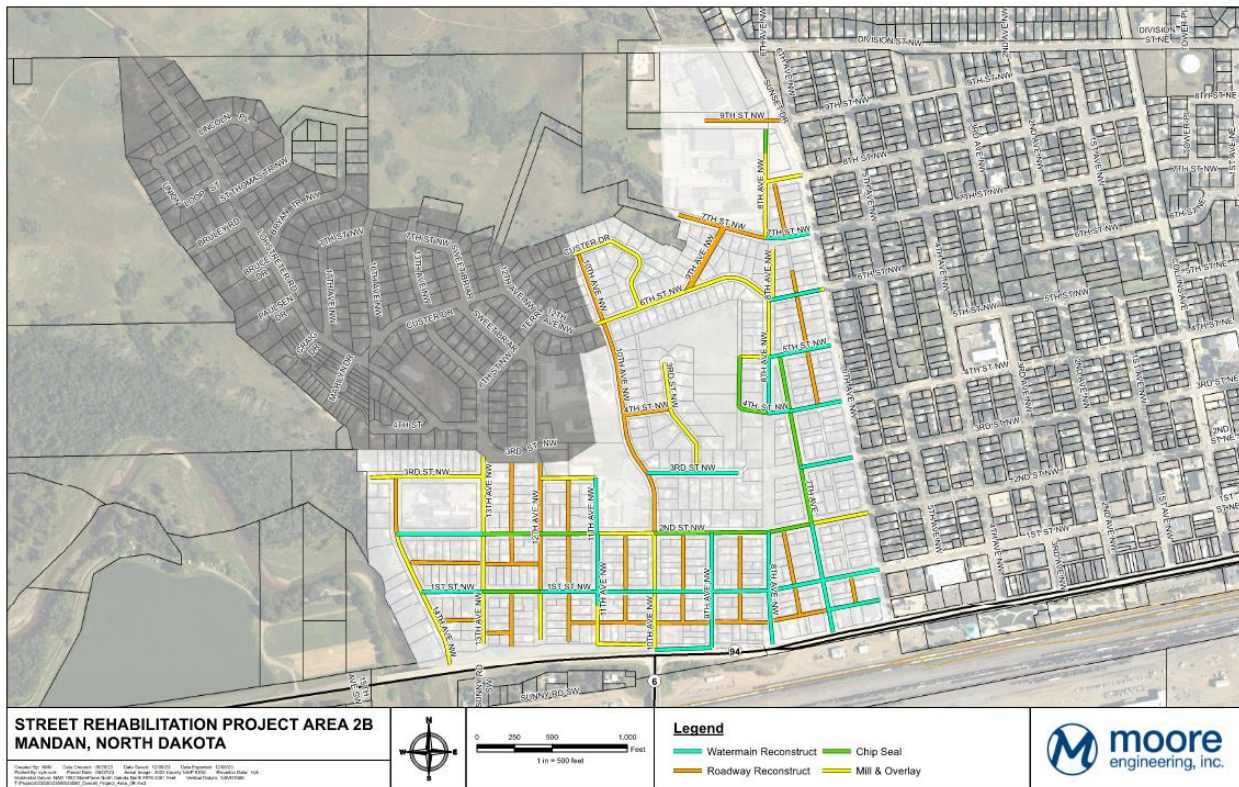
Table 2 – Summary of Preliminary Assessments

Improvement Category	NW Mandan Proper	SW Mandan Proper	NE Mandan Proper	SE Mandan Proper
Total Project Cost	\$10,360,000.00	\$7,810,000.00	\$9,985,000.00	\$10,930,000.00
Maximum DWR Grant	\$2,135,442.00	\$1,703,525.00	\$2,187,674.00	\$2,500,118.00
City Utility Fund	\$694,340.00	\$349,000.00	\$359,200.00	\$476,200.00
20% Reconstruction Buy Down	\$2,072,000.00	\$1,562,000.00	\$1,997,000.00	\$2,186,000.00
Assessed Total	\$5,458,218.00	\$4,195,475.00	\$5,441,126.00	\$5,767,681.00

Project Area 2B

This study also explored and updated the costs for Project 2B shown in Exhibit 2 below. This area was studied in 2023 as a part of the original Mandan Street Rehabilitation PCR. Project Area 2B costs were updated using the bid prices from Mandan Street Improvement District 235 (bid in April 2024) and other bid prices from nearby relevant projects.

Project Area 2B - Exhibit 2



Using the updated cost estimate, preliminary special assessments were prepared. Two scenarios are shown:

- Special assessment district encompassing only Project Area 2B
- Special assessment district encompassing Project Area 2B and 2A

Scenario 1 shows all of the project costs being assessed to the 2B project area. While scenario 2 shows the assessments spread throughout 2A and 2B. Area 2A would receive a reduced benefitting special assessment while 2B would receive a higher direct assessment. Both options were explored and are shown in the appendix.

G. City Decisions

Which alternative should proceed with the project?

_____ Alternative A – No-Build

(Estimated Initial Cost: \$0)

_____ Alternative B – Proceed with Proposed Improvements

_____ Area 2B (Estimated project cost: \$16,945,000.00)

_____ Area 3A (Estimated project cost: \$1,320,000.00)

_____ Area 3B (Estimated project cost: \$10,830,000.00)

_____ NW Mandan Proper (Estimated project cost: \$10,360,000.00)

_____ SW Mandan Proper (Estimated project cost: \$7,810,000.00)

_____ NE Mandan Proper (Estimated project cost: \$9,985,000.00)

_____ SE Mandan Proper (Estimated project cost: \$10,930,000.00)

Appendix

I. Mandan Proper

- A. Project Area
- B. PASER Ratings Map
- C. Existing Water Distribution
- D. Existing Sanitary Sewer Collection
- E. Existing Storm Sewer Collection
- F. Geotechnical Report
- G. Engineer's Preliminary Opinion of Cost

II. Project Area 2B

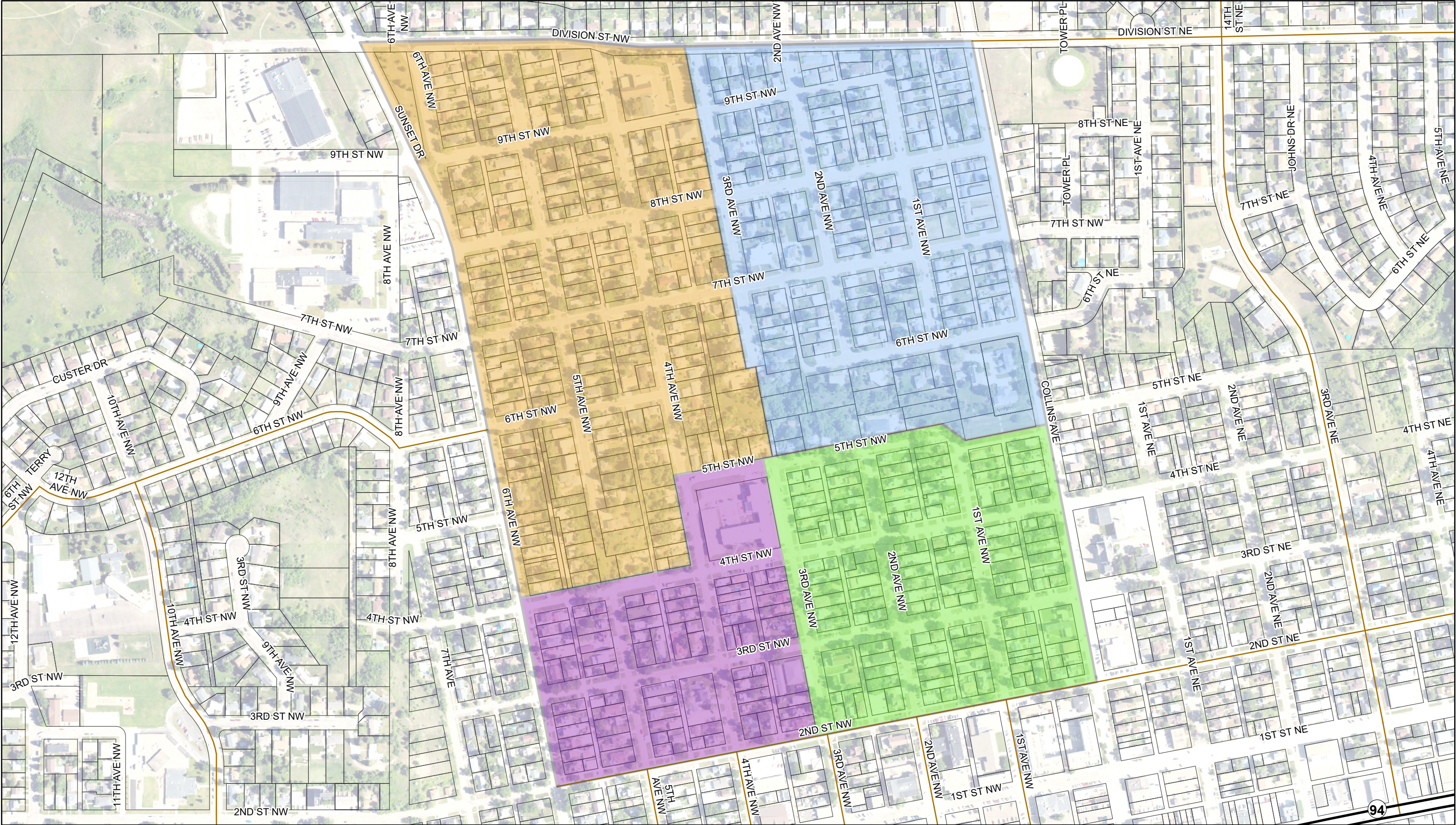
- A. Recommended Improvements
- B. Engineer's Preliminary Opinion of Cost
- C. Proposed Special Assessment District – Scenario 1
- D. Proposed Special Assessment District – Scenario 2

III. Mandan Street Rehabilitation Projects

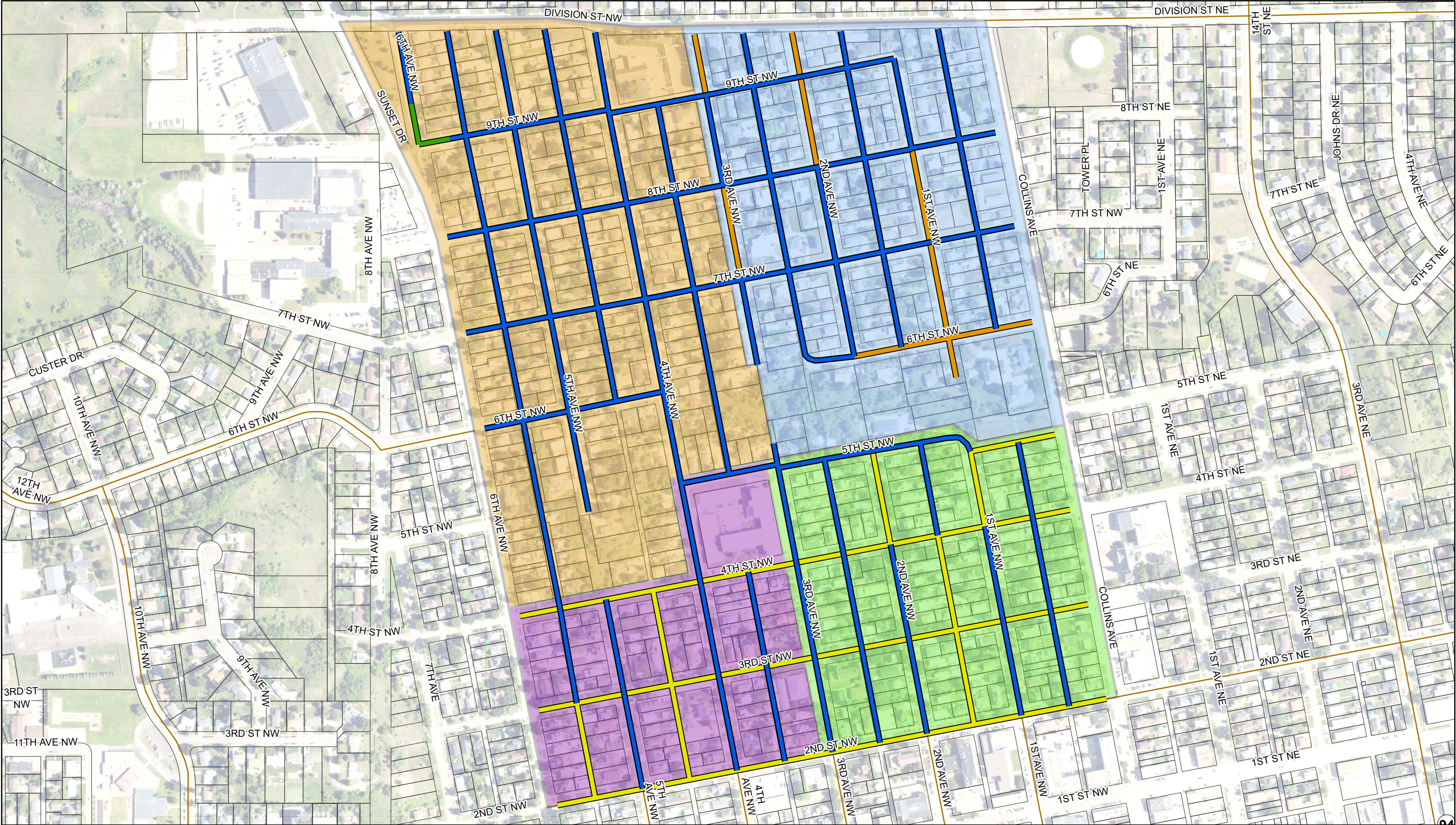
- A. Project Map
- B. Project Table

I. MANDAN PROPER

A. Project Area

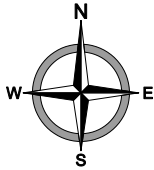


B. PASER Ratings Map



MANDAN PROPER PROJECT AREA
MANDAN, NORTH DAKOTA

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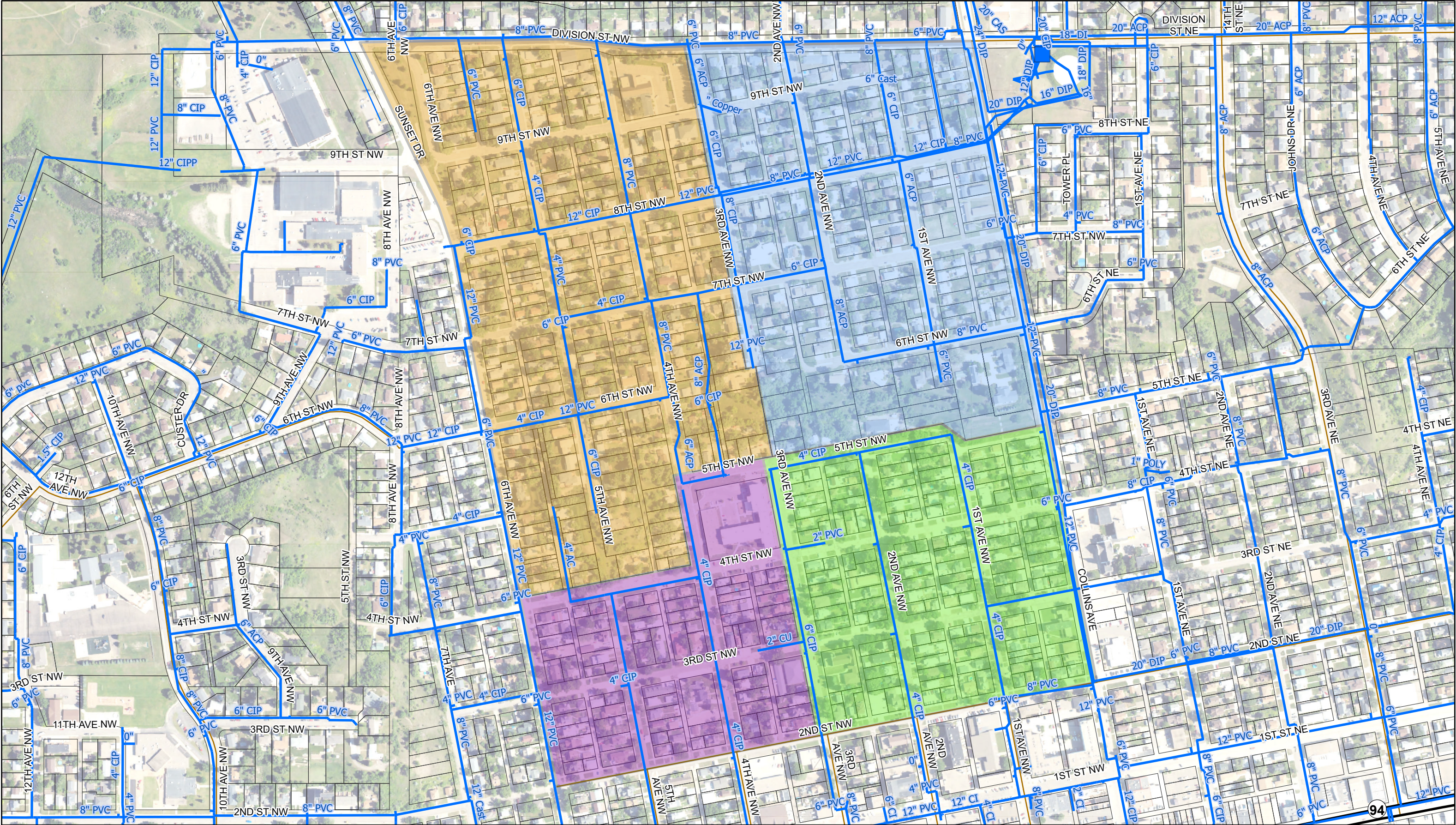


Legend

- | | | | |
|----------------|---------------|------------------|----------|
| Phase I - NW | Phase IV - SE | PASER Rating 1-3 | 7-9 |
| Phase II - SW | | PASER Rating 4-6 | Concrete |
| Phase III - NE | | | |

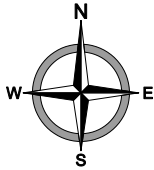


C. Existing Water Distribution



WATER SYSTEM EXHIBIT
MANDAN PROPER PROJECT AREA
MANDAN, NORTH DAKOTA

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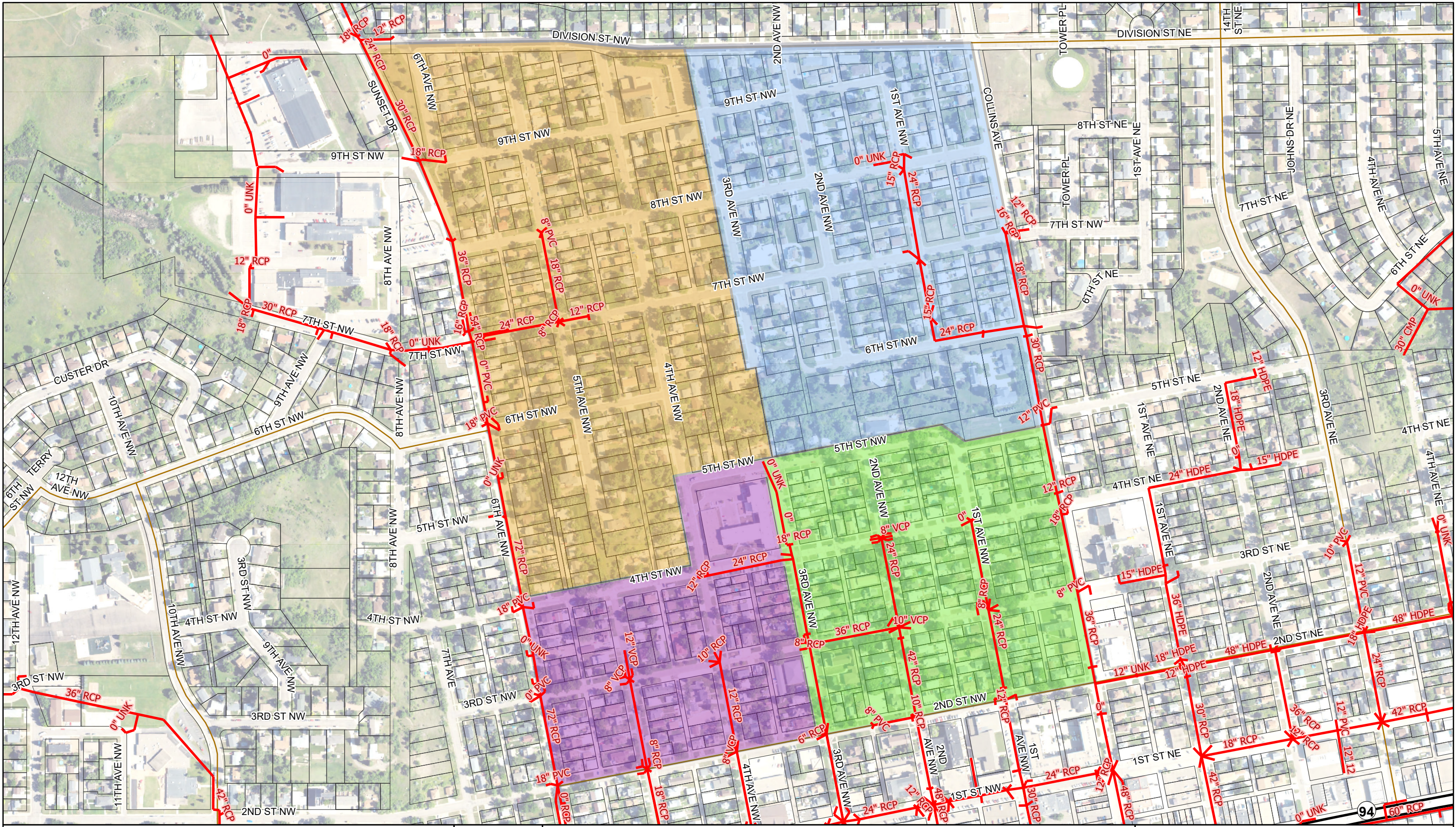
Legend

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|---|--|
|  Phase I - NW |  Phase III - NE |
|  Phase II - SW |  Phase IV - SE |



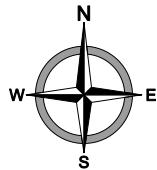
D. Existing Sanitary Sewer Collection

E. Existing Storm Sewer Collection



STORM SEWER SYSTEM EXHIBIT
MANDAN PROPER PROJECT AREA
MANDAN, NORTH DAKOTA

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Legend

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|---|--|
|  Phase I - NW |  Phase III - NE |
|  Phase II - SW |  Phase IV - SE |



F. Geotechnical Report

G. Engineer's Preliminary Opinion of Cost

**Mandan Street Improvements
2025 Street Rehabilitation Project
Mandan Proper - PH I - NW
Mandan, ND**

Engineer's Preliminary Opinion of Cost

BMP

12000	Testing Allowance	L SUM	1	\$50,000.00	\$50,000.00
15000	Storm Water Management	L SUM	1	\$10,000.00	\$10,000.00
704.11	Traffic Control	L SUM	1	\$15,000.00	\$15,000.00
12000	Mobilization	L SUM	1	\$350,000.00	\$350,000.00
203.051	Exploratory Excavation	HR	5	\$800.00	\$4,000.00

Removals

203.0101	Common Excavation - Type A	CY	1,000	\$65.00	\$65,000.00
306.051	Full Depth Reclamation	SY	38,000	\$6.00	\$228,000.00
202.013	Removal of Curb and Gutter	LF	6,000	\$8.00	\$48,000.00
724.043	Removal of Hydrant	EA	13	\$1,000.00	\$13,000.00
202.0210	Removal of Storm Manhole	EA	8	\$2,000.00	\$16,000.00
202.0173	Removal of Storm Sewer	LF	700	\$25.00	\$17,500.00
202.0114	Removal of Concrete Pavement	SY	3,000	\$45.00	\$135,000.00
28213.330	Removal of Asbestos Concrete Pipe	LF	1,200	\$160.00	\$192,000.00
772.3149	Remove Overhead Street Crossing Light	EA	1	\$1,000.00	\$1,000.00

Sanitary

330130.720	CIP Extensive Cleaning	LF	50	\$30.00	\$1,500.00
330130.720	Extensive Root Removal	LF	50	\$25.00	\$1,250.00
330130.110	Protruding Tap Removal	EA	25	\$250.00	\$6,250.00
333111.00	Sanitary Sewer Spot Repair	EA	5	\$15,000.00	\$75,000.00
330130.720	Sanitary Sewer CIPP - 6"	LF	300	\$35.00	\$10,500.00
330130.720	Sanitary Sewer CIPP - 8"	LF	3,200	\$40.00	\$128,000.00
330130.720	Sanitary Sewer CIPP - 12"	LF	1,700	\$50.00	\$85,000.00
330130.810	Manhole Rehabilitate	EA	15	\$7,000.00	\$105,000.00
801-4.64	Television Inspection of Sewers - Pre-Construction	LF	5,100	\$3.00	\$15,300.00
801-4.65	Television Inspection of Sewers - Post Construction	LF	5,100	\$3.00	\$15,300.00
330130.720	Verify Live Sewer Services	L SUM	1	\$20,000.00	\$20,000.00
1205-4.1	Sanitary Sewer Manhole	EA	2	\$12,000.00	\$24,000.00
1206-4.2	Furnish and Adjust Manhole Castings	EA	35	\$2,500.00	\$87,500.00

Water

15000	Temporary Water	LSUM	1	\$40,000.00	\$40,000.00
1206-4.11	Adjust Gate Valve Box	EA	20	\$1,500.00	\$30,000.00
331413.00	Connection to Existing Main	EA	5	\$5,200.00	\$26,000.00
1209-4.50	Curb Stop & Box - 1"	EA	110	\$900.00	\$99,000.00
1209-4.40	Water Service Connection - 1"	EA	110	\$1,200.00	\$132,000.00
1209-4.11	Water Service Line - 1"	LF	3,100	\$50.00	\$155,000.00
901-4.50	Gate Valve & Box	EA	20	\$6,000.00	\$120,000.00
901-4.70	Hydrant - 6"	EA	12	\$8,000.00	\$96,000.00
24200.00	Abandon Gate Valve	EA	10	\$450.00	\$4,500.00
901-XXX	Adjust Watermain (12 Inch and Under)	EA	2	\$7,500.00	\$15,000.00
901-4.11	Water Main - 8"	LF	3,500	\$100.00	\$350,000.00
901-4.12	Water Main - 12"	LF	750	\$125.00	\$93,750.00

Storm

708.154	Inlet Protection - Special	EA	30	\$320.00	\$9,600.00
722.3297	Abandon Storm Sewer	LF	2,000	\$35.00	\$70,000.00
724.0944	Storm Sewer- Connect to Existing Main	EA	3	\$1,500.00	\$4,500.00
802-4.1	Storm Sewer Pipe	LF	2,700	\$170.00	\$459,000.00
802-2.11	Concrete Storm Manhole	EA	8	\$7,300.00	\$58,400.00
1205-2.6	Replace Inlet	EA	26	\$5,000.00	\$130,000.00
722.6160	Adjust Inlet Casting	EA	6	\$750.00	\$4,500.00

Earthwork

203.011	Topsoil - 4"	SY	6,000	\$5.00	\$30,000.00
253.02	Hydraulic Mulch	SY	6,000	\$2.00	\$12,000.00

**Mandan Street Improvements
2025 Street Rehabilitation Project
Mandan Proper - PH I - NW
Mandan, ND**

Engineer's Preliminary Opinion of Cost

1202-4.2	Seeding Class III	SY	6,000	\$2.00	\$12,000.00
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Paving/ Street Reconstruction

430.100	Cored Sample	EA	20	\$65.00	\$1,300.00
230.00001	Subgrade Preparation-Type A-12In	SY	38,000	\$6.00	\$228,000.00
1207-4.1	Geogrid Reinforcement	SY	38,000	\$10.00	\$380,000.00
SP01-001	Pavement Reinforcing Fabric	SY	0	\$4.00	\$0.00
302.012	Aggregate Base Course Cl 5	TON	12,000	\$50.00	\$600,000.00
401-2.3	Superpave FAA 42/43	TON	10,000	\$150.00	\$1,500,000.00
430.00001	Patching	SY	0	\$70.00	\$0.00
401.06	Fog Seal	SY	38,000	\$1.00	\$38,000.00
403-4.1	Seal Coat	SY	38,000	\$2.00	\$76,000.00
405-8.1	Emulsion and Asphalt Cement Sealants	LF	21,500	\$1.00	\$21,500.00
405-8.6	Routed/Sawn Cracks	LF	3,300	\$2.00	\$6,600.00
411.0105	Milling Pavement Surface - 2"	SY	0	\$4.00	\$0.00
1210-4.43	Pavement Marking Film Grooved - 24" Line	LF	65	\$50.00	\$3,250.00
12102.4.4	Pavement Marking Film Grooved - 4" Line	LF	0	\$35.00	\$0.00
570.0700	Concrete Pavement Patching	SY	0	\$140.00	\$0.00

Concrete

748.00001	Concrete Valley Gutter	SY	150	\$175.00	\$26,250.00
748.014	Curb and Gutter - Type I	LF	6,000	\$55.00	\$330,000.00
748.05	Curb Header - Type I	LF	500	\$60.00	\$30,000.00
750.01	Sidewalk Concrete	SY	3,000	\$120.00	\$360,000.00
750.2115	Detectable Warning Panels	SF	1,000	\$65.00	\$65,000.00

Restoration

1212-4	Furnish & Install Sign	SF	8	\$35.00	\$280.00
1212-4	Remove & Reset Sign	EA	10	\$85.00	\$850.00
1212-4	Galvanized Stl. Posts - Telescoping Perf Tube	EA	2	\$250.00	\$500.00
1212-4	Remove Sign Panel	EA	7	\$110.00	\$770.00
766.012	Remove & Reset Mailbox	EA	10	\$300.00	\$3,000.00
201-3.8	Tree Pruning	LSUM	1	\$30,000.00	\$30,000.00
201-3.8	Shrub Pruning	LSUM	1	\$3,000.00	\$3,000.00
201-3.2	Tree Removal	LSUM	1	\$13,000.00	\$13,000.00

Electric

Division 16	Remove Feedpoint	EA	2	\$1,800.00	\$3,600.00
Division 16	Remove Pole and Base	EA	5	\$2,500.00	\$12,500.00
Division 16	Type B Street Light Unit	EA	7	\$7,200.00	\$50,400.00
Division 16	#4 AWG Circuitry	LF	3,800	\$8.85	\$33,630.00
Division 16	#6 AWG Circuitry	LF	2,500	\$6.30	\$15,750.00
Division 16	Trenching (27" DEEP)	LF	1,250	\$5.10	\$6,375.00
Division 16	Junction Boxes	EA	1	\$2,850.00	\$2,850.00
Division 16	2" Conduit (Laid)	LF	1,250	\$19.00	\$23,750.00
Division 16	Directional Boring	LF	6,250	\$19.00	\$118,750.00
Division 16	New Feedpoint	EA	2	\$9,800.00	\$19,600.00

Construction Subtotal	\$7,674,855.00
Engineering, Legal, Bonding, Contingencies(35%)	\$2,685,145.00
Total Project Cost	\$10,360,000.00

**Mandan Street Improvements
2025 Street Rehabilitation Project
Mandan Proper - PH II - SE
Mandan, ND**

Engineer's Preliminary Opinion of Cost

BMP

12000	Testing Allowance	L SUM	1	\$50,000.00	\$50,000.00
15000	Storm Water Management	L SUM	1	\$10,000.00	\$10,000.00
704.11	Traffic Control	L SUM	1	\$15,000.00	\$15,000.00
12000	Mobilization	L SUM	1	\$350,000.00	\$350,000.00
203.051	Exploratory Excavation	HR	5	\$800.00	\$4,000.00

Removals

203.0101	Common Excavation - Type A	CY	250	\$65.00	\$16,250.00
306.051	Full Depth Reclamation	SY	8,850	\$6.00	\$53,100.00
202.013	Removal of Curb and Gutter	LF	8,500	\$8.00	\$68,000.00
724.043	Removal of Hydrant	EA	10	\$1,000.00	\$10,000.00
202.0210	Removal of Storm Manhole	EA	8	\$2,000.00	\$16,000.00
202.0173	Removal of Storm Sewer	LF	700	\$25.00	\$17,500.00
202.0114	Removal of Concrete Pavement	SY	10,500	\$45.00	\$472,500.00
28213.330	Removal of Asbestos Concrete Pipe	LF	400	\$160.00	\$64,000.00
772.3149	Remove Overhead Street Crossing Light	EA	1	\$1,000.00	\$1,000.00

Sanitary

330130.720	CIP Extensive Cleaning	LF	50	\$30.00	\$1,500.00
330130.720	Extensive Root Removal	LF	50	\$25.00	\$1,250.00
330130.110	Protruding Tap Removal	EA	25	\$250.00	\$6,250.00
333111.00	Sanitary Sewer Spot Repair	EA	5	\$15,000.00	\$75,000.00
330130.720	Sanitary Sewer CIPP - 6"	LF	300	\$35.00	\$10,500.00
330130.720	Sanitary Sewer CIPP - 8"	LF	3,150	\$40.00	\$126,000.00
330130.720	Sanitary Sewer CIPP - 12"	LF	1,700	\$50.00	\$85,000.00
330130.810	Manhole Rehabilitate	EA	15	\$7,000.00	\$105,000.00
801-4.64	Television Inspection of Sewers - Pre-Construction	LF	5,100	\$3.00	\$15,300.00
801-4.65	Television Inspection of Sewers - Post Construction	LF	5,100	\$3.00	\$15,300.00
330130.720	Verify Live Sewer Services	L SUM	1	\$20,000.00	\$20,000.00
1205-4.1	Sanitary Sewer Manhole	EA	2	\$12,000.00	\$24,000.00
1206-4.2	Furnish and Adjust Manhole Castings	EA	20	\$2,500.00	\$50,000.00

Water

15000	Temporary Water	LSUM	1	\$40,000.00	\$40,000.00
1206-4.11	Adjust Gate Valve Box	EA	7	\$1,500.00	\$10,500.00
331413.00	Connection to Existing Main	EA	5	\$5,200.00	\$26,000.00
1209-4.50	Curb Stop & Box - 1"	EA	65	\$900.00	\$58,500.00
1209-4.40	Water Service Connection - 1"	EA	65	\$1,200.00	\$78,000.00
1209-4.11	Water Service Line - 1"	LF	2,000	\$50.00	\$100,000.00
901-4.50	Gate Valve & Box	EA	15	\$6,000.00	\$90,000.00
901-4.70	Hydrant - 6"	EA	10	\$8,000.00	\$80,000.00
24200.00	Abandon Gate Valve	EA	10	\$450.00	\$4,500.00
901-XXX	Adjust Watermain (12 Inch and Under)	EA	2	\$7,500.00	\$15,000.00
901-4.11	Water Main - 8"	LF	3,700	\$100.00	\$370,000.00
901-4.12	Water Main - 12"	LF	0	\$125.00	\$0.00

Storm

708.154	Inlet Protection - Special	EA	30	\$320.00	\$9,600.00
722.3297	Abandon Storm Sewer	LF	1,900	\$35.00	\$66,500.00
724.0944	Storm Sewer- Connect to Existing Main	EA	3	\$1,500.00	\$4,500.00
802-4.1	Storm Sewer Pipe	LF	2,600	\$170.00	\$442,000.00
802-2.11	Concrete Storm Manhole	EA	7	\$7,300.00	\$51,100.00
1205-2.6	Replace Inlet	EA	25	\$5,000.00	\$125,000.00
722.6160	Adjust Inlet Casting	EA	5	\$750.00	\$3,750.00

Earthwork

203.011	Topsoil - 4"	SY	5,000	\$5.00	\$25,000.00
253.02	Hydraulic Mulch	SY	5,000	\$2.00	\$10,000.00

**Mandan Street Improvements
2025 Street Rehabilitation Project
Mandan Proper - PH II - SE
Mandan, ND**

Engineer's Preliminary Opinion of Cost

1202-4.2	Seeding Class III	SY	5,000	\$2.00	\$10,000.00
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Paving/ Street Reconstruction

430.100	Cored Sample	EA	20	\$65.00	\$1,300.00
230.00001	Subgrade Preparation-Type A-12In	SY	18,000	\$6.00	\$108,000.00
1207-4.1	Geogrid Reinforcement	SY	18,000	\$10.00	\$180,000.00
SP01-001	Pavement Reinforcing Fabric	SY	0	\$4.00	\$0.00
302.012	Aggregate Base Course Cl 5	TON	6,000	\$50.00	\$300,000.00
401-2.3	Superpave FAA 42/43	TON	4,500	\$150.00	\$675,000.00
430.00001	Patching	SY	0	\$70.00	\$0.00
401.06	Fog Seal	SY	18,000	\$1.00	\$18,000.00
403-4.1	Seal Coat	SY	18,000	\$2.00	\$36,000.00
405-8.1	Emulsion and Asphalt Cement Sealants	LF	21,500	\$1.00	\$21,500.00
405-8.6	Routed/Sawn Cracks	LF	3,300	\$2.00	\$6,600.00
411.0105	Milling Pavement Surface - 2"	SY	0	\$4.00	\$0.00
1210-4.43	Pavement Marking Film Grooved - 24" Line	LF	65	\$50.00	\$3,250.00
12102.4.4	Pavement Marking Film Grooved - 4" Line	LF	600	\$35.00	\$21,000.00
570.0700	Concrete Pavement Patching	SY	600	\$140.00	\$84,000.00

Concrete

748.00001	Concrete Valley Gutter	SY	50	\$175.00	\$8,750.00
748.014	Curb and Gutter - Type I	LF	8,200	\$55.00	\$451,000.00
748.05	Curb Header - Type I	LF	250	\$60.00	\$15,000.00
750.01	Sidewalk Concrete	SY	1,500	\$120.00	\$180,000.00
750.2115	Detectable Warning Panels	SF	500	\$65.00	\$32,500.00

Restoration

1212-4	Furnish & Install Sign	SF	10	\$35.00	\$350.00
1212-4	Remove & Reset Sign	EA	10	\$85.00	\$850.00
1212-4	Galvanized Stl. Posts - Telescoping Perf Tube	EA	2	\$250.00	\$500.00
1212-4	Remove Sign Panel	EA	7	\$110.00	\$770.00
766.012	Remove & Reset Mailbox	EA	10	\$300.00	\$3,000.00
201-3.8	Tree Pruning	LSUM	1	\$30,000.00	\$30,000.00
201-3.8	Shrub Pruning	LSUM	1	\$3,000.00	\$3,000.00
201-3.2	Tree Removal	LSUM	1	\$13,000.00	\$13,000.00

Electric

Division 16	Remove Feedpoint	EA	2	\$1,800.00	\$3,600.00
Division 16	Remove Pole and Base	EA	5	\$2,500.00	\$12,500.00
Division 16	Type B Street Light Unit	EA	7	\$7,200.00	\$50,400.00
Division 16	#4 AWG Circuitry	LF	3,750	\$8.85	\$33,187.50
Division 16	#6 AWG Circuitry	LF	2,500	\$6.30	\$15,750.00
Division 16	Trenching (27" DEEP)	LF	1,250	\$5.10	\$6,375.00
Division 16	Junction Boxes	EA	2	\$2,850.00	\$5,700.00
Division 16	2" Conduit (Laid)	LF	1,250	\$19.00	\$23,750.00
Division 16	Directional Boring	LF	6,250	\$19.00	\$118,750.00
Division 16	New Feedpoint	EA	2	\$9,800.00	\$19,600.00

Construction Subtotal	\$5,785,382.50
Engineering, Legal, Bonding, Contingencies(35%)	\$2,024,617.50
Total Project Cost	\$7,810,000.00

**Mandan Street Improvements
2025 Street Rehabilitation Project
Mandan Proper - PH III - NE
Mandan, ND**

Engineer's Preliminary Opinion of Cost

BMP

12000	Testing Allowance	L SUM	1	\$50,000.00	\$50,000.00
15000	Storm Water Management	L SUM	1	\$10,000.00	\$10,000.00
704.11	Traffic Control	L SUM	1	\$15,000.00	\$15,000.00
12000	Mobilization	L SUM	1	\$350,000.00	\$350,000.00
203.051	Exploratory Excavation	HR	5	\$800.00	\$4,000.00

Removals

203.0101	Common Excavation - Type A	CY	720	\$65.00	\$46,800.00
306.051	Full Depth Reclamation	SY	26,000	\$6.00	\$156,000.00
202.013	Removal of Curb and Gutter	LF	6,000	\$8.00	\$48,000.00
724.043	Removal of Hydrant	EA	10	\$1,000.00	\$10,000.00
202.0210	Removal of Storm Manhole	EA	4	\$2,000.00	\$8,000.00
202.0173	Removal of Storm Sewer	LF	700	\$25.00	\$17,500.00
202.0114	Removal of Concrete Pavement	SY	6,500	\$45.00	\$292,500.00
28213.330	Removal of Asbestos Concrete Pipe	LF	2,450	\$160.00	\$392,000.00
772.3149	Remove Overhead Street Crossing Light	EA	1	\$1,000.00	\$1,000.00

Sanitary

330130.720	CIP Extensive Cleaning	LF	50	\$30.00	\$1,500.00
330130.720	Extensive Root Removal	LF	50	\$25.00	\$1,250.00
330130.110	Protruding Tap Removal	EA	25	\$250.00	\$6,250.00
333111.00	Sanitary Sewer Spot Repair	EA	5	\$15,000.00	\$75,000.00
330130.720	Sanitary Sewer CIPP - 6"	LF	300	\$35.00	\$10,500.00
330130.720	Sanitary Sewer CIPP - 8"	LF	3,200	\$40.00	\$128,000.00
330130.720	Sanitary Sewer CIPP - 12"	LF	1,700	\$50.00	\$85,000.00
330130.810	Manhole Rehabilitate	EA	15	\$7,000.00	\$105,000.00
801-4.64	Television Inspection of Sewers - Pre-Construction	LF	5,100	\$3.00	\$15,300.00
801-4.65	Television Inspection of Sewers - Post Construction	LF	5,100	\$3.00	\$15,300.00
330130.720	Verify Live Sewer Services	L SUM	1	\$20,000.00	\$20,000.00
1205-4.1	Sanitary Sewer Manhole	EA	2	\$12,000.00	\$24,000.00
1206-4.2	Furnish and Adjust Manhole Castings	EA	36	\$2,500.00	\$90,000.00

Water

15000	Temporary Water	LSUM	1	\$40,000.00	\$40,000.00
1206-4.11	Adjust Gate Valve Box	EA	15	\$1,500.00	\$22,500.00
331413.00	Connection to Existing Main	EA	5	\$5,200.00	\$26,000.00
1209-4.50	Curb Stop & Box - 1"	EA	65	\$900.00	\$58,500.00
1209-4.40	Water Service Connection - 1"	EA	65	\$1,200.00	\$78,000.00
1209-4.11	Water Service Line - 1"	LF	1,900	\$50.00	\$95,000.00
901-4.50	Gate Valve & Box	EA	20	\$6,000.00	\$120,000.00
901-4.70	Hydrant - 6"	EA	10	\$8,000.00	\$80,000.00
24200.00	Abandon Gate Valve	EA	15	\$450.00	\$6,750.00
901-XXX	Adjust Watermain (12 Inch and Under)	EA	2	\$7,500.00	\$15,000.00
901-4.11	Water Main - 8"	LF	3,000	\$100.00	\$300,000.00
901-4.12	Water Main - 12"	LF	450	\$125.00	\$56,250.00

Storm

708.154	Inlet Protection - Special	EA	30	\$320.00	\$9,600.00
722.3297	Abandon Storm Sewer	LF	2,000	\$35.00	\$70,000.00
724.0944	Storm Sewer- Connect to Existing Main	EA	5	\$1,500.00	\$7,500.00
802-4.1	Storm Sewer Pipe	LF	3,000	\$170.00	\$510,000.00
802-2.11	Concrete Storm Manhole	EA	4	\$7,300.00	\$29,200.00
1205-2.6	Replace Inlet	EA	25	\$5,000.00	\$125,000.00
722.6160	Adjust Inlet Casting	EA	5	\$750.00	\$3,750.00

Earthwork

203.011	Topsoil - 4"	SY	6,000	\$5.00	\$30,000.00
253.02	Hydraulic Mulch	SY	6,000	\$2.00	\$12,000.00

**Mandan Street Improvements
2025 Street Rehabilitation Project
Mandan Proper - PH III - NE
Mandan, ND**

Engineer's Preliminary Opinion of Cost

1202-4.2	Seeding Class III	SY	6,000	\$2.00	\$12,000.00
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Paving/ Street Reconstruction

430.100	Cored Sample	EA	20	\$65.00	\$1,300.00
230.00001	Subgrade Preparation-Type A-12In	SY	30,000	\$6.00	\$180,000.00
1207-4.1	Geogrid Reinforcement	SY	30,000	\$10.00	\$300,000.00
SP01-001	Pavement Reinforcing Fabric	SY	7,300	\$4.00	\$29,200.00
302.012	Aggregate Base Course Cl 5	TON	10,000	\$50.00	\$500,000.00
401-2.3	Superpave FAA 42/43	TON	9,000	\$150.00	\$1,350,000.00
430.00001	Patching	SY	1,250	\$70.00	\$87,500.00
401.06	Fog Seal	SY	37,300	\$1.00	\$37,300.00
403-4.1	Seal Coat	SY	37,300	\$2.00	\$74,600.00
405-8.1	Emulsion and Asphalt Cement Sealants	LF	21,500	\$1.00	\$21,500.00
405-8.6	Routed/Sawn Cracks	LF	3,300	\$2.00	\$6,600.00
411.0105	Milling Pavement Surface - 2"	SY	6,000	\$4.00	\$24,000.00
1210-4.43	Pavement Marking Film Grooved - 24" Line	LF	65	\$50.00	\$3,250.00
12102.4.4	Pavement Marking Film Grooved - 4" Line	LF	0	\$35.00	\$0.00
570.0700	Concrete Pavement Patching	SY	0	\$140.00	\$0.00

Concrete

748.00001	Concrete Valley Gutter	SY	300	\$175.00	\$52,500.00
748.014	Curb and Gutter - Type I	LF	5,500	\$55.00	\$302,500.00
748.05	Curb Header - Type I	LF	400	\$60.00	\$24,000.00
750.01	Sidewalk Concrete	SY	2,500	\$120.00	\$300,000.00
750.2115	Detectable Warning Panels	SF	1,200	\$65.00	\$78,000.00

Restoration

1212-4	Furnish & Install Sign	SF	10	\$35.00	\$350.00
1212-4	Remove & Reset Sign	EA	10	\$85.00	\$850.00
1212-4	Galvanized Stl. Posts - Telescoping Perf Tube	EA	2	\$250.00	\$500.00
1212-4	Remove Sign Panel	EA	7	\$110.00	\$770.00
766.012	Remove & Reset Mailbox	EA	10	\$300.00	\$3,000.00
201-3.8	Tree Pruning	LSUM	1	\$30,000.00	\$30,000.00
201-3.8	Shrub Pruning	LSUM	1	\$3,000.00	\$3,000.00
201-3.2	Tree Removal	LSUM	1	\$13,000.00	\$13,000.00

Electric

Division 16	Remove Feedpoint	EA	2	\$1,800.00	\$3,600.00
Division 16	Remove Pole and Base	EA	5	\$2,500.00	\$12,500.00
Division 16	Type B Street Light Unit	EA	7	\$7,200.00	\$50,400.00
Division 16	#4 AWG Circuitry	LF	3,750	\$8.85	\$33,187.50
Division 16	#6 AWG Circuitry	LF	2,500	\$6.30	\$15,750.00
Division 16	Trenching (27" DEEP)	LF	1,250	\$5.10	\$6,375.00
Division 16	Junction Boxes	EA	1	\$2,850.00	\$2,850.00
Division 16	2" Conduit (Laid)	LF	1,250	\$19.00	\$23,750.00
Division 16	Directional Boring	LF	6,250	\$19.00	\$118,750.00
Division 16	New Feedpoint	EA	2	\$9,800.00	\$19,600.00

Construction Subtotal	\$7,395,432.50
Engineering, Legal, Bonding, Contingencies(35%)	\$2,589,567.50
Total Project Cost	\$9,985,000.00

**Mandan Street Improvements
2025 Street Rehabilitation Project
Mandan Proper - PH IV - SE
Mandan, ND**

Engineer's Preliminary Opinion of Cost

BMP

12000	Testing Allowance	L SUM	1	\$50,000.00	\$50,000.00
15000	Storm Water Management	L SUM	1	\$10,000.00	\$10,000.00
704.11	Traffic Control	L SUM	1	\$15,000.00	\$15,000.00
12000	Mobilization	L SUM	1	\$350,000.00	\$350,000.00
203.051	Exploratory Excavation	HR	5	\$800.00	\$4,000.00

Removals

203.0101	Common Excavation - Type A	CY	375	\$65.00	\$24,375.00
306.051	Full Depth Reclamation	SY	13,500	\$6.00	\$81,000.00
202.013	Removal of Curb and Gutter	LF	15,000	\$8.00	\$120,000.00
724.043	Removal of Hydrant	EA	12	\$1,000.00	\$12,000.00
202.0210	Removal of Storm Manhole	EA	12	\$2,000.00	\$24,000.00
202.0173	Removal of Storm Sewer	LF	700	\$25.00	\$17,500.00
202.0114	Removal of Concrete Pavement	SY	21,000	\$45.00	\$945,000.00
28213.330	Removal of Asbestos Concrete Pipe	LF	0	\$160.00	\$0.00
772.3149	Remove Overhead Street Crossing Light	EA	1	\$1,000.00	\$1,000.00

Sanitary

330130.720	CIP Extensive Cleaning	LF	50	\$30.00	\$1,500.00
330130.720	Extensive Root Removal	LF	50	\$25.00	\$1,250.00
330130.110	Protruding Tap Removal	EA	25	\$250.00	\$6,250.00
333111.00	Sanitary Sewer Spot Repair	EA	5	\$15,000.00	\$75,000.00
330130.720	Sanitary Sewer CIPP - 6"	LF	300	\$35.00	\$10,500.00
330130.720	Sanitary Sewer CIPP - 8"	LF	3,200	\$40.00	\$128,000.00
330130.720	Sanitary Sewer CIPP - 12"	LF	1,800	\$50.00	\$90,000.00
330130.810	Manhole Rehabilitate	EA	15	\$7,000.00	\$105,000.00
801-4.64	Television Inspection of Sewers - Pre-Construction	LF	5,100	\$3.00	\$15,300.00
801-4.65	Television Inspection of Sewers - Post Construction	LF	5,100	\$3.00	\$15,300.00
330130.720	Verify Live Sewer Services	L SUM	1	\$20,000.00	\$20,000.00
1205-4.1	Sanitary Sewer Manhole	EA	2	\$12,000.00	\$24,000.00
1206-4.2	Furnish and Adjust Manhole Castings	EA	30	\$2,500.00	\$75,000.00

Water

15000	Temporary Water	LSUM	1	\$40,000.00	\$40,000.00
1206-4.11	Adjust Gate Valve Box	EA	15	\$1,500.00	\$22,500.00
331413.00	Connection to Existing Main	EA	5	\$5,200.00	\$26,000.00
1209-4.50	Curb Stop & Box - 1"	EA	115	\$900.00	\$103,500.00
1209-4.40	Water Service Connection - 1"	EA	115	\$1,200.00	\$138,000.00
1209-4.11	Water Service Line - 1"	LF	3,500	\$50.00	\$175,000.00
901-4.50	Gate Valve & Box	EA	15	\$6,000.00	\$90,000.00
901-4.70	Hydrant - 6"	EA	12	\$8,000.00	\$96,000.00
24200.00	Abandon Gate Valve	EA	10	\$450.00	\$4,500.00
901-XXX	Adjust Watermain (12 Inch and Under)	EA	2	\$7,500.00	\$15,000.00
901-4.11	Water Main - 8"	LF	4,800	\$100.00	\$480,000.00
901-4.12	Water Main - 12"	LF	0	\$125.00	\$0.00

Storm

708.154	Inlet Protection - Special	EA	30	\$320.00	\$9,600.00
722.3297	Abandon Storm Sewer	LF	1,900	\$35.00	\$66,500.00
724.0944	Storm Sewer- Connect to Existing Main	EA	5	\$1,500.00	\$7,500.00
802-4.1	Storm Sewer Pipe	LF	2,800	\$170.00	\$476,000.00
802-2.11	Concrete Storm Manhole	EA	12	\$7,300.00	\$87,600.00
1205-2.6	Replace Inlet	EA	25	\$5,000.00	\$125,000.00
722.6160	Adjust Inlet Casting	EA	5	\$750.00	\$3,750.00

Earthwork

203.011	Topsoil - 4"	SY	8,500	\$5.00	\$42,500.00
253.02	Hydraulic Mulch	SY	8,500	\$2.00	\$17,000.00

**Mandan Street Improvements
2025 Street Rehabilitation Project
Mandan Proper - PH IV - SE
Mandan, ND**

Engineer's Preliminary Opinion of Cost

1202-4.2	Seeding Class III	SY	8,500	\$2.00	\$17,000.00
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Paving/ Street Reconstruction

430.100	Cored Sample	EA	20	\$65.00	\$1,300.00
230.00001	Subgrade Preparation-Type A-12In	SY	32,000	\$6.00	\$192,000.00
1207-4.1	Geogrid Reinforcement	SY	32,000	\$10.00	\$320,000.00
SP01-001	Pavement Reinforcing Fabric	SY	0	\$4.00	\$0.00
302.012	Aggregate Base Course Cl 5	TON	10,500	\$50.00	\$525,000.00
401-2.3	Superpave FAA 42/43	TON	8,000	\$150.00	\$1,200,000.00
430.00001	Patching	SY	0	\$70.00	\$0.00
401.06	Fog Seal	SY	32,000	\$1.00	\$32,000.00
403-4.1	Seal Coat	SY	32,000	\$2.00	\$64,000.00
405-8.1	Emulsion and Asphalt Cement Sealants	LF	21,500	\$1.00	\$21,500.00
405-8.6	Routed/Sawn Cracks	LF	3,300	\$2.00	\$6,600.00
411.0105	Milling Pavement Surface - 2"	SY	0	\$4.00	\$0.00
1210-4.43	Pavement Marking Film Grooved - 24" Line	LF	65	\$50.00	\$3,250.00
12102.4.4	Pavement Marking Film Grooved - 4" Line	LF	400	\$35.00	\$14,000.00
570.0700	Concrete Pavement Patching	SY	250	\$140.00	\$35,000.00

Concrete

748.00001	Concrete Valley Gutter	SY	100	\$175.00	\$17,500.00
748.014	Curb and Gutter - Type I	LF	15,000	\$55.00	\$825,000.00
748.05	Curb Header - Type I	LF	300	\$60.00	\$18,000.00
750.01	Sidewalk Concrete	SY	1,500	\$120.00	\$180,000.00
750.2115	Detectable Warning Panels	SF	550	\$65.00	\$35,750.00

Restoration

1212-4	Furnish & Install Sign	SF	10	\$35.00	\$350.00
1212-4	Remove & Reset Sign	EA	10	\$85.00	\$850.00
1212-4	Galvanized Stl. Posts - Telescoping Perf Tube	EA	2	\$250.00	\$500.00
1212-4	Remove Sign Panel	EA	7	\$110.00	\$770.00
766.012	Remove & Reset Mailbox	EA	10	\$300.00	\$3,000.00
201-3.8	Tree Pruning	LSUM	1	\$30,000.00	\$30,000.00
201-3.8	Shrub Pruning	LSUM	1	\$3,000.00	\$3,000.00
201-3.2	Tree Removal	LSUM	1	\$13,000.00	\$13,000.00

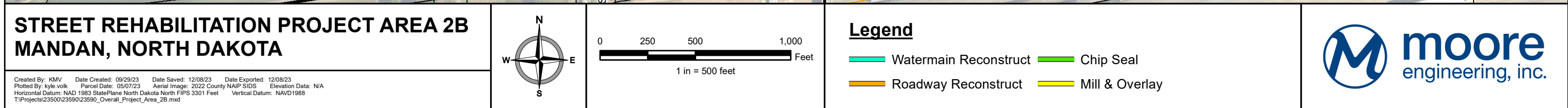
Electric

Division 16	Remove Feedpoint	EA	2	\$1,800.00	\$3,600.00
Division 16	Remove Pole and Base	EA	5	\$2,500.00	\$12,500.00
Division 16	Type B Street Light Unit	EA	7	\$7,200.00	\$50,400.00
Division 16	#4 AWG Circuitry	LF	3,750	\$8.85	\$33,187.50
Division 16	#6 AWG Circuitry	LF	2,500	\$6.30	\$15,750.00
Division 16	Trenching (27" DEEP)	LF	1,250	\$5.10	\$6,375.00
Division 16	Junction Boxes	EA	2	\$2,850.00	\$5,700.00
Division 16	2" Conduit (Laid)	LF	1,250	\$19.00	\$23,750.00
Division 16	Directional Boring	LF	6,250	\$19.00	\$118,750.00
Division 16	New Feedpoint	EA	2	\$9,800.00	\$19,600.00

Construction Subtotal	\$8,095,907.50
Engineering, Legal, Bonding, Contingencies(35%)	\$2,834,092.50
Total Project Cost	\$10,930,000.00

II. PROJECT AREA 2B

A. Recommended Improvements



B. Engineer's Preliminary Opinion of Cost

**Mandan Street Improvements
Project Area 2B Improvements
Mandan, ND**

Engineer's Preliminary Opinion of Cost

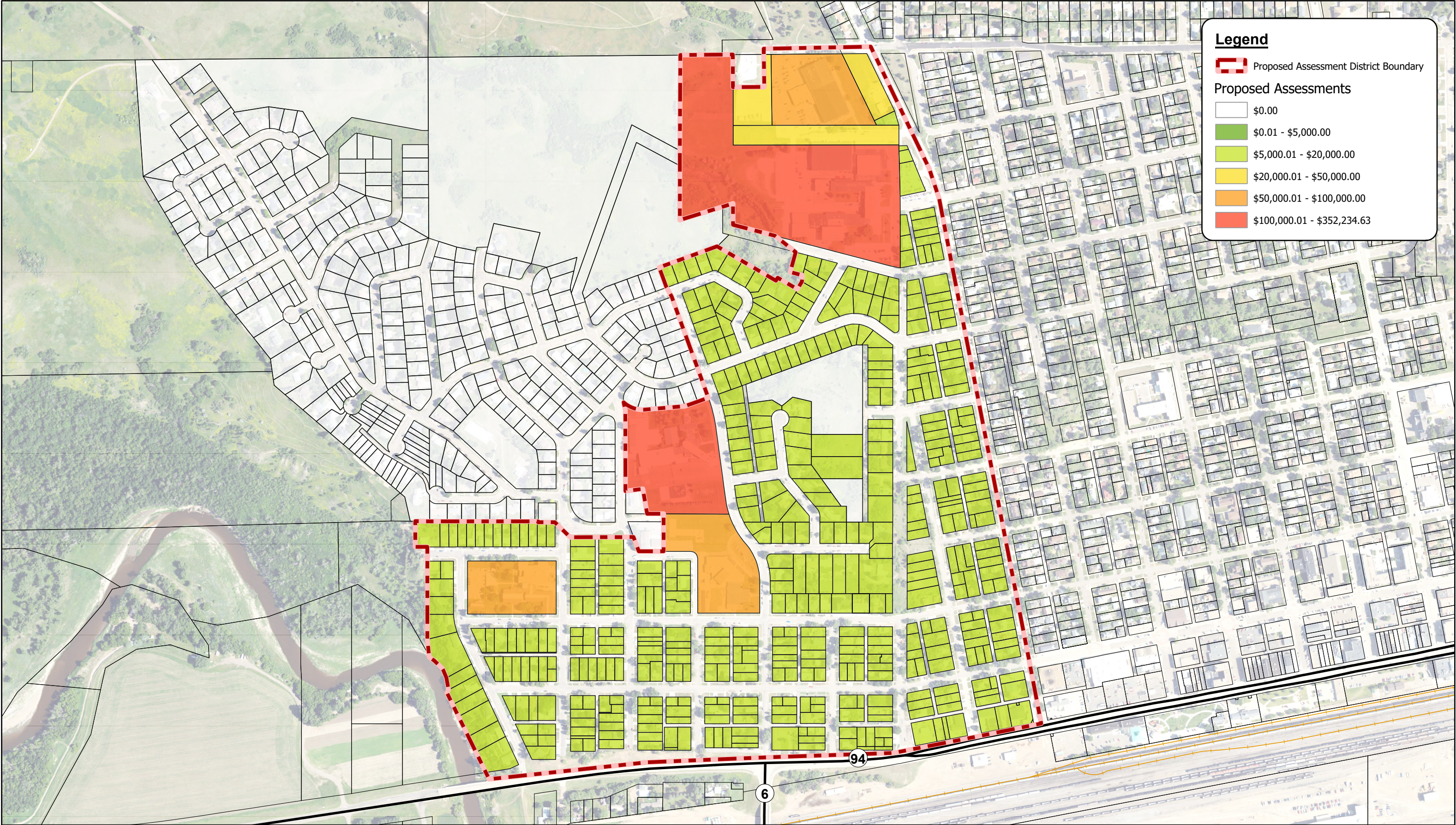
BID ITEM NO. & DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
<u>Base Bid - Part A</u>				
1. 12000 Testing Allowance	L SUM	1	\$60,000.00	\$60,000.00
2. 15000 Storm Water Management	L SUM	1	\$20,000.00	\$20,000.00
3. 704.1100 Traffic Control	L SUM	1	\$25,000.00	\$25,000.00
4. 702.0100 Mobilization	L SUM	1	\$350,000.00	\$350,000.00
5. 306.051 Full Depth Reclamation	SY	54,000	\$5.00	\$270,000.00
6. 302.0120 Aggregate Base Course CI 5	TON	18,000	\$50.00	\$900,000.00
7. 430.0043 FAA 43 Asphalt Pavement - PG58-34	TON	17,200	\$135.00	\$2,322,000.00
8. 430.00001 Patching	SY	8,000	\$50.00	\$400,000.00
9. 330130.86 Adjust Manhole Castings	EA	90	\$1,500.00	\$135,000.00
10. 331419 Adjust Gate Valve Box	EA	70	\$1,000.00	\$70,000.00
11. 411.0105 Milling Pavement Surface - 2"	SY	48,000	\$3.00	\$144,000.00
12. 420.0405 Seal Coat	SY	110,000	\$2.00	\$220,000.00
13. 401.0070 Fog Seal	SY	110,000	\$1.00	\$110,000.00
14. 203.0109 Topsoil - 6In	SY	9,000	\$7.00	\$63,000.00
15. 253.0200 Hydraulic Mulch	SY	9,000	\$2.00	\$18,000.00
16. 251.00001 Seeding Class III	SY	9,000	\$2.00	\$18,000.00
17. 230.00001 Subgrade Preparation-Type A-12In	SY	54,000	\$6.00	\$324,000.00
18. 1207-4.1 Geogrid Reinforcement	SY	54,000	\$10.00	\$540,000.00
19. Tree Trimming	HR	200	\$80.00	\$16,000.00
Part A Subtotal				\$6,005,000.00
<u>Base Bid - Part B</u>				
1. 262.0130 Removal of Curb and Gutter	LF	6,000	\$8.00	\$48,000.00
2. 748.1030 Concrete Valley Gutter	SY	1,500	\$160.00	\$240,000.00
3. 748.0140 Curb and Gutter - Type I	LF	6,000	\$60.00	\$360,000.00
4. 748.0500 Curb Header - Type I	LF	1,500	\$60.00	\$90,000.00
5. 750.0100 4" Sidewalk Concrete	SY	4,500	\$90.00	\$405,000.00
6. 750.2115 Detectable Warning Panels	SF	1,000	\$50.00	\$50,000.00
7. 202.0114 Removal of Concrete Pavement	SY	35,000	\$45.00	\$1,575,000.00
Driveway Concrete - 6"	SY	2,500	\$115.00	\$287,500.00
Part B Subtotal				\$3,055,500.00
<u>Base Bid - Part C</u>				
1. 331413.00 Connection to Existing Main	EA	27	\$5,200.00	\$140,400.00
2. 331413.00 Water Main - 8"	LF	7,200	\$140.00	\$1,008,000.00
3. 331413.00 Water Main - 12"	LF	1,400	\$160.00	\$224,000.00
4. 331413.00 Curb Stop & Box - 1"	EA	225	\$750.00	\$168,750.00
5. 331413.00 Water Service Connection - 1"	EA	225	\$1,200.00	\$270,000.00
6. 331413.00 Water Service Line - 1"	LF	6,500	\$50.00	\$325,000.00
7. 331413.00 Gate Valve & Box - 6"	EA	53	\$5,000.00	\$265,000.00
8. 331413.00 Hydrant - 6"	EA	26	\$10,000.00	\$260,000.00
9. 24200.00 Removal of Gate Valve	EA	53	\$800.00	\$42,400.00
10. 24200.00 Removal of Hydrant	EA	26	\$1,200.00	\$31,200.00
Part C Subtotal				\$2,734,750.00

**Mandan Street Improvements
Project Area 2B Improvements
Mandan, ND**

Engineer's Preliminary Opinion of Cost

BID ITEM NO. & DESCRIPTION			UNIT	QUANTITY	UNIT PRICE	TOTAL
<u>Base Bid - Part D</u>						
1.	333111.00	Sanitary Sewer Spot Repair	EA	10	\$8,000.00	\$80,000.00
2.	330130.81	Manhole - Rehabilitate	EA	6	\$8,000.00	\$48,000.00
Part D Subtotal						\$128,000.00
<u>Electrical</u>						
1.	Division 26	Type B Street Light Unit	EA	115	\$6,500.00	\$747,500.00
2.	Division 26	#4 AWG Circuitry	LF	15000	\$7.25	\$108,750.00
3.	Division 26	Trenching (27" Deep)	LF	12000	\$8.00	\$96,000.00
4.	Division 26	2" Conduit	LF	5000	\$7.20	\$36,000.00
5.	Division 26	New Feed Point	EA	6	\$20,000.00	\$120,000.00
Electrical Subtotal						\$1,108,250.00
Construction Subtotal						\$13,031,500.00
Engineering, Legal, Bonding, Contingencies(30%)						\$3,913,500.00
Total Project Cost						\$16,945,000.00

C. Proposed Special Assessment District
– Scenario 1



Legend

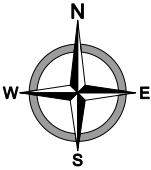
 Proposed Assessment District Boundary

Proposed Assessments

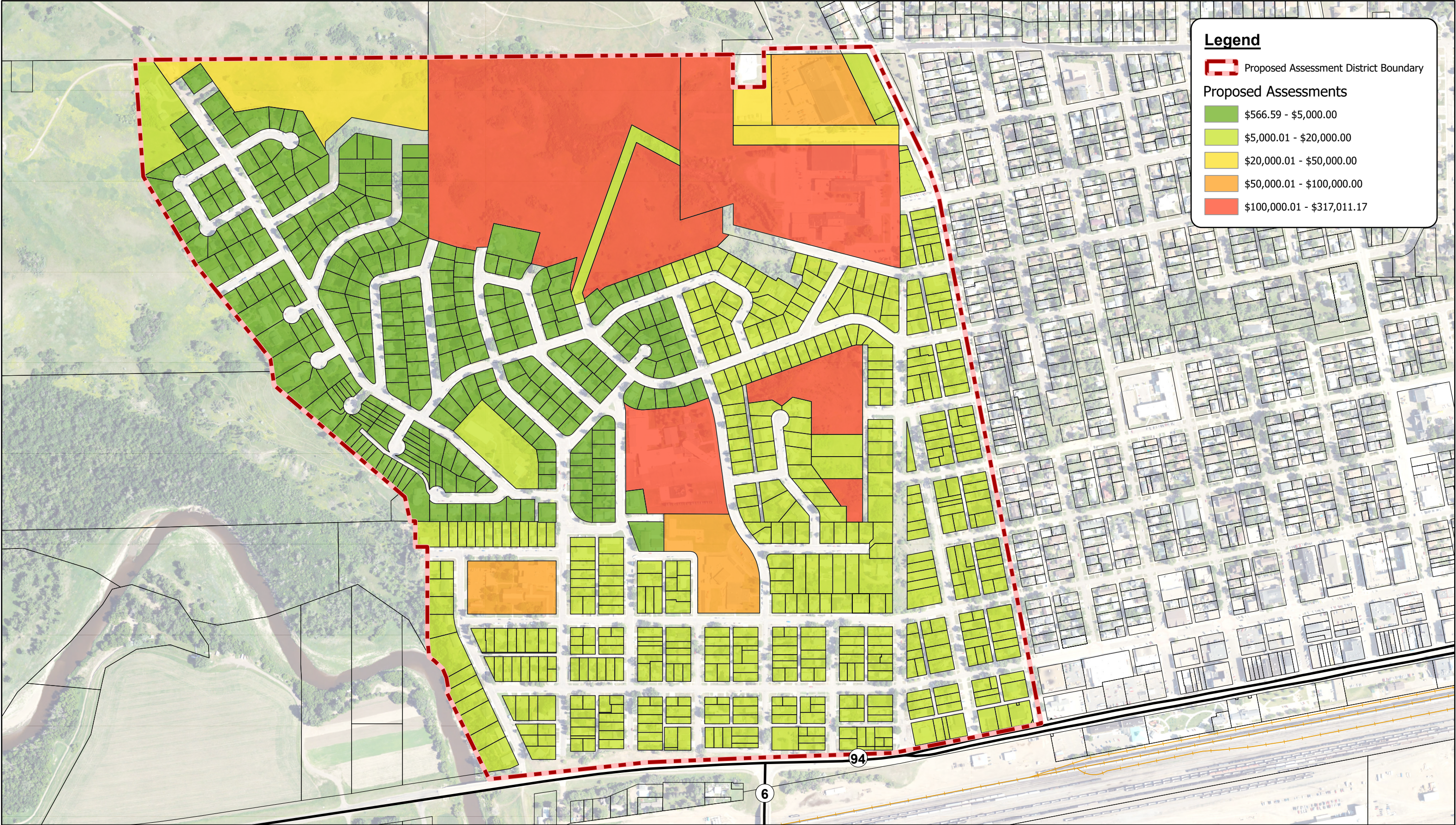
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	\$20,000.01 - \$50,000.00
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	\$100,000.01 - \$352,234.63

**PROPOSED ASSESSMENT DISTRICT - PROJECT 2B
MANDAN, NORTH DAKOTA**

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D. Proposed Special Assessment District
– Scenario 2



Legend

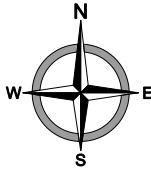
 Proposed Assessment District Boundary

Proposed Assessments

	\$566.59 - \$5,000.00
	\$5,000.01 - \$20,000.00
	\$20,000.01 - \$50,000.00
	\$50,000.01 - \$100,000.00
	\$100,000.01 - \$317,011.17

**PROPOSED ASSESSMENT DISTRICT - PROJECT 2B
MANDAN, NORTH DAKOTA**

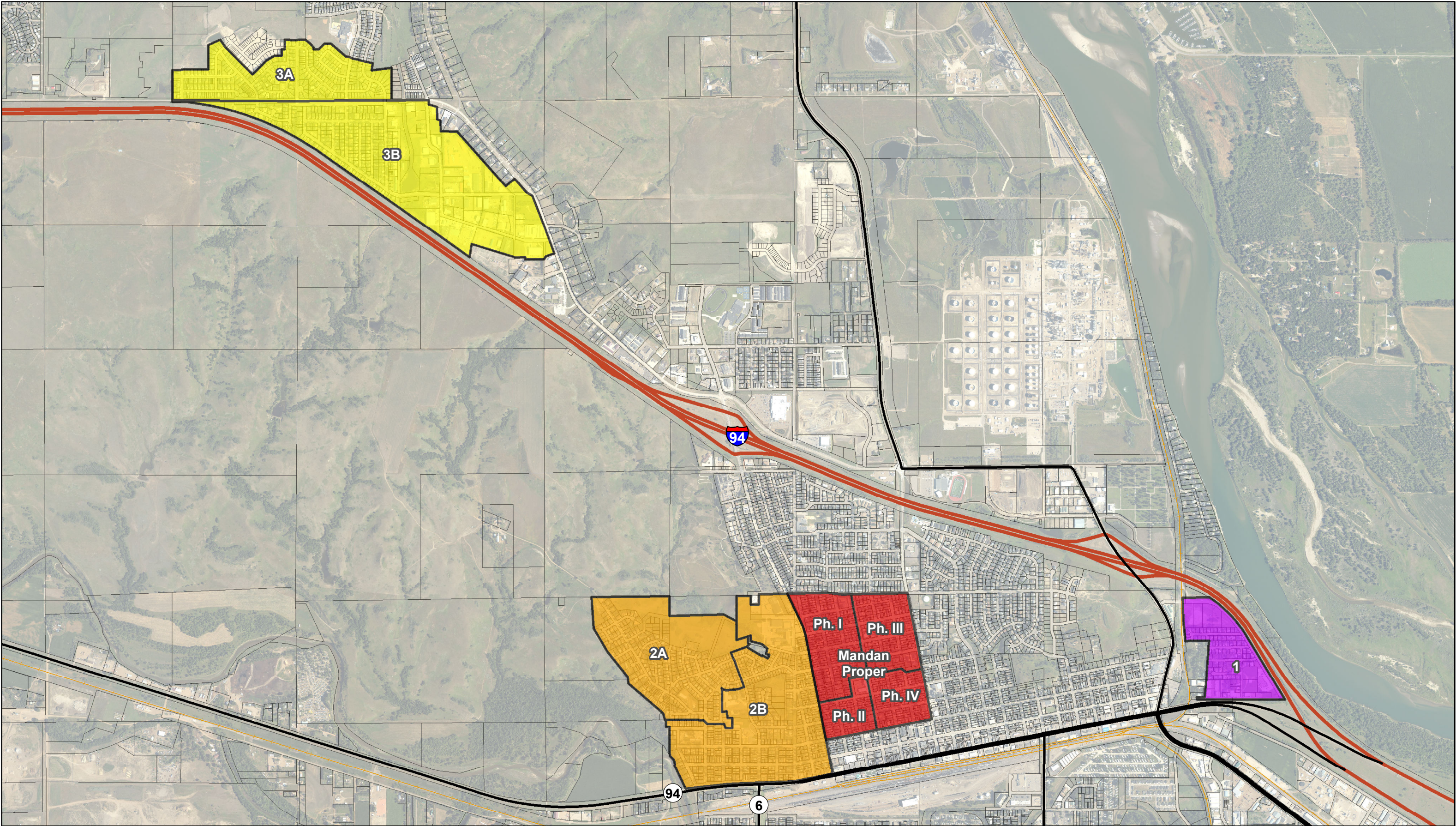
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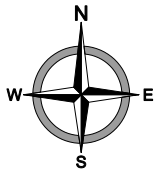
III. MANDAN STREET REHABILITATION PROJECTS

A. Project Map



**STREET REHABILITATION PROJECT AREAS
MANDAN, NORTH DAKOTA**

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Legend

-  Project Area 1  Project Area 2  Project Area 3  Mandan Proper



B. Project Table

Mandan Street Improvements									
Project	1* (2024)	2A* (2024)	2B	3A	3B	Mandan Proper PH I - NW	Mandan Proper PH II - SW	Mandan Proper PH III - NE	Mandan Proper PH IV - SE
Total Project Cost	\$ 1,448,886.79	\$ 7,108,532.01	\$ 16,945,000.00	\$ 1,320,000.00	\$ 10,830,000.00	\$ 10,360,000.00	\$ 7,810,000.00	\$ 9,985,000.00	\$ 10,930,000.00
Estimated DWR Grant	\$ -	\$ 1,680,300.00	\$ 3,399,253.32	\$ -	\$ -	\$ 2,135,442.00	\$ 1,703,525.00	\$ 2,187,674.00	\$ 2,500,118.00
City Municipal Fund	\$ 74,572.40	\$ 472,122.00	\$ 2,272,850.00	\$ 158,818.00	\$ 1,155,630.00	\$ 2,072,000.00	\$ 1,562,000.00	\$ 359,200.00	\$ 2,186,000.00
City Utility Fund	\$ -	\$ 518,987.00	\$ 1,093,900.00	\$ -	\$ -	\$ 694,340.00	\$ 349,000.00	\$ 1,997,000.00	\$ 476,200.00
Total Special Assessment	\$ 1,374,314.39	\$ 4,437,123.01	\$ 10,178,996.68	\$ 876,534.00	\$ 8,205,630.00	\$ 5,458,218.00	\$ 4,195,475.00	\$ 5,441,126.00	\$ 5,767,681.00
Average Special Assessment	\$ 12,362.00	\$ 12,036.00	\$ 19,000.00	N/A	\$ 22,300.00	\$ 27,155.31	\$ 54,486.69	\$ 36,764.36	\$ 44,710.71
*Post Bid Numbers									
Maintenance Projects									
8 Year Chip Seal	\$ 100,500.00	\$ 195,000.00	\$ 330,000.00	\$ 29,100.00	\$ 300,000.00	\$ 87,000.00	\$ 51,900.00	\$ 99,300.00	\$ 90,000.00
15 Year Mill and Overlay	\$ 536,000.00	\$ 1,040,000.00	\$ 1,760,000.00	\$ 155,200.00	\$ 1,600,000.00	\$ 464,000.00	\$ 276,800.00	\$ 529,600.00	\$ 480,000.00



City Commission

Agenda Documentation

MEETING DATE: August 6, 2024
PREPARATION DATE: July 31, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider engineering services amendment for Street Improvement District No. 224

STATEMENT/PURPOSE:

To consider an engineering services amendment for Moore Engineering to complete additional survey, design plans, NDDOT permitting, construction administration, construction inspection, and as-built records for the addition of turning lanes on Highway 1806 to access Sunrise Estates Development.

BACKGROUND/ALTERNATIVES:

The new subdivision, Sunrise View Estates petitioned to have turn lanes installed on Highway 1806 to access the Sunrise Estates Development. A traffic study completed by Transportation Collaborative & Consultants, LLC concluded that turn lanes were warranted on Highway 1806 to provide safe access to the development. The developers have requested that the current paving project in the area (contractor already onsite) be amended to include the turn lanes so that a new separate project need not be completed. The developer has petitioned to have the turn lanes installed as apart of the SID 224 Project. The construction contractor is awaiting NDDOT approved plans in order to complete the work.

Moore Engineering will complete all necessary environmental, right of way, and permitting requirements along with completing signed plans for approval by the DOT. Moore will also provide construction services during the construction of the turn lanes.

Design and construction are anticipated to be completed this year, with final project closeout in spring of 2025.

ATTACHMENTS:

1. Engineering Service Amendment

FISCAL IMPACT:

The overall estimated project will cost \$1.0M. The total cost of the engineering amendment (for design engineering and construction engineering) is \$179,880.00.

These costs would be entirely special assessed to the benefitting properties, and have already been included in the assessments totals for this year.

STAFF IMPACT:

Significant time in discussion and reviewing, meeting with NDDOT.

LEGAL REVIEW:

All agenda item information has been made available to the City Attorney for review.

RECOMMENDATION:

To approve amending our engineering contract with Moore to include the design and construction oversight of a turn lane along 1806 for the Street Improvement District 224 project.

SUGGESTED MOTION:

I move to approve the engineering service amendment, as presented.



4503 Coleman Street
Suite 105
Bismarck, ND 58503
P: 701-751-8360
F: 701-751-2954



8/6/2024

Jarek Wigness, PE
City Engineer
City of Mandan
205 2nd Ave NW
Mandan, ND 58554

Subject: Letter Agreement Amendment No. 3 – Design & Construction Services: 1806 Turn Lanes
SID Name: Street Improvement District for Sunrise View Estates & Rockwood
SID #: Street Improvement District #224, City Project #2021-9
Moore Project No. 22418

Dear Mr. Wigness:

Moore Engineering, Inc. (Moore) is submitting this amendment to our existing Letter Agreement dated February 22, 2022 for the subject project. This amendment is for project development, environmental document, wetland delineation, environmental permitting, design, construction administration, inspection, construction staking services, right-of-way determinations, and boundary survey related to the addition of turn lanes on Highway 1806 for SID #224.

Project Understanding

- **BACKGROUND:** The project developer has petitioned to have turn lanes installed on Highway 1806 as a part of SID #224. The turn lanes were deemed necessary by a traffic study completed by Transportation Collaborative & Consultants, LLC.
- **GENERAL DESCRIPTION OF PROJECT:** The project consists of street, trail, and lighting improvements for the Rockwood and Sunrise View Estates Subdivisions. The addition of turn lanes will provide residents safe access to the development from Highway 1806.
- **AMENDMENT OBJECTIVES:** The project developer has petitioned for turn lanes to be installed on Highway 1806. Amendment 3 provides engineering budget to complete necessary environmental work, permitting, survey, right of way negotiations, project plans, construction administration, and construction inspection for the additional work.

Scope of Work

To meet the project objectives above, Moore proposes to provide the following services under this Amendment:

1. Project Development
 - a. Moore will complete preliminary planning, review Traffic Operation Study, coordination with city/DOT/developer.
 - b. Moore will submit a driveway permit and drainage permit.

2. Boundary Survey
 - a. Moore will provide boundary survey services including office research, establishing survey control, and completing the boundary survey.
3. Topographic Survey
 - a. Moore will complete preliminary topographic survey for the project area (NDDOT Style)
4. Right-of-Way
 - a. Moore will provide Right-of-Way services for the change order work to include:
 - i. Abstract/title information – order title report
 - ii. Negotiation and acquisition
 - iii. Preliminary plat (6 parcels)
 - iv. Final plat (6 parcels)
5. Preliminary Design
 - a. Moore to complete CADD editing, roadway modeling, preliminary utility coordination and engineering, and right of way limits in the preliminary design phase.
 - b. Preliminary design also to include hydraulic modeling for pipe extensions.
 - c. Moore to provide 90% plans to the City for QAQC review.
6. Final Design
 - a. Moore will complete signed change order plans that meet all Local, State, and Federal requirements.
 - b. Final design to include utility conflict plans for all wet and dry utilities in the project area.
7. Resident Project Inspection
 - a. Moore will provide staff to oversee construction of additional work, including earthwork, paving, and restoration.
 - b. We are assuming the additional work will take up to 120 hours.
 - i. 3 5-day work weeks (8 hours/day)
8. Construction Staking
 - a. Moore will provide field stakes for erosion control (2 trips), slope staking (1 trip), gravel blue tops (2 trips), and provide as built topographic survey (1 trip).
9. Construction Contract Administration
 - a. Moore will provide construction administration for the change order work including contractor questions, field quantities, and pay applications (assume 1).
 - b. We are estimating this to include 2 hours per day for 3 weeks of construction.
10. Environmental & Permitting (Included in overall fee, but Phase will not start unless initiated by NDDOT)
 - a. Wetland Delineation
 - i. Moore's wetland delineation services will include office delineation, field delineation (assume 1 12-hour day), wetland delineation report, and soil classification.
 - b. Moore will complete an environmental document (no higher than a DCE document) to meet all Local, State, and Federal requirements.
 - c. Work to include a Section 106 Class I Report, and if needed, a Class II Report (Juniper's fee is not included).
 - d. Moore will prepare SOV's and solicit responses from agencies.
 - e. Moore will complete 2 environmental document submittals: draft and final.
 - f. Moore will prepare for and host a public input meeting.
 - g. After the meeting, a public involvement report will be created, and comments will be incorporated in the draft and final reports.
 - h. Environmental Permitting
 - i. If necessary, Moore will complete a USACE 404 Permit.

Deliverable(s)

Driveway Permit, drainage permit, final stamped engineering plans
 Negotiated change order for work
 Monthly CAP and Change order Recommendation
 Construction journals
 As-Built Drawings

Basis of Proposal

The following items form the basis of this Amendment:

- Hold construction meetings (assume 1 additional). The intent is for the Engineer to lead the meeting but may have to attend via conference call.
- Additional Geotechnical Work is not assumed, but if required, Braun Intertec (geotechnical engineer) will be billed to the city of Mandan directly. City of Mandan will contract for both Geotechnical and/or Material Testing Services.
- Tasks and estimated hours are included to provide further information to the basis of our proposal.
- Addressing unknown utility conflicts with construction engineering staff is not anticipated.
- Any re-design to accommodate unknown conditions will be considered additional services.
- The budget for construction services is based on our estimate of time needed for the contractor to complete the project. We estimate:
 - 5 days for a 2-person survey crew (6 trips)
 - 15 – 8 hour days
 - Construction contract administration as necessary.
- 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 Commission).
- As per the direction from the NDDOT District, cultural, environmental and permitting work will not be required. Moore will not start that phase unless directed to by NDDOT.

Schedule

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

August 6, 2024 – Approval from City Commission
 September 3, 2024 – Final Plans submitted to NDDOT and City of Mandan
 September 2024 – Contractor to Resume Construction (Upon Approval to Proceed from NDDOT)
 October 23, 2024 – Project Substantial Completion
 June 15, 2025 – Final Project closeout and release of retainage

Fee

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, including subconsultant fees, times a multiplier of 1.15. Category Billing Rates are provided in **Attachment 1** to this proposal. Category Billing Rates and expense costs listed in **Attachment 1** 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.

Based on our current understanding of the work, we estimate the fee for this amendment to be \$179,880.00. By adding this additional estimated fee to the current estimated fee for the project, the revised agreement amount is now estimated to be \$538,232.00. A detailed breakdown is shown in **Attachment 2**.

Standard Terms and Conditions

Our services under this amendment will be provided in accordance with same "Standard Terms and Conditions for Professional Services" attached to the original agreement.

Closing

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

We appreciate the opportunity to submit this Amendment to City of Mandan, and we look forward to continuing to work 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 e-mail at jerod.klabunde@mooreengineeringinc.com.

Sincerely,



Jerod Klabunde, PE
Project Manager Group Leader



Jim Jackson, PE
Transportation Sector Leader

Acceptance for City of Mandan

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

Signature	_____	_____
Name	_____	_____
Title	_____ Mayor _____	_____ Auditor _____
Date	_____	_____

MOORE ENGINEERING, INC.
2024 BILLING SCHEDULE

Effective January 1, 2024

Attachment 1

NOTE: Rates contained in this Billing Schedule are valid until December 31, 2024. After December 31, 2024, Hourly Billing Rates will be escalated annually and direct expenses may be adjusted to meet market conditions.

<u>Description</u>		<u>Billing Rate Per Hour</u>
1	Principal - SR Project Manager	\$225.00
2	Project Manager - SR PE - SR Technical Advisor	\$215 - \$220
3	Professional Engineer I, II	\$195 - \$205
4	Graduate - Project Engineer	\$165 - \$180
5	Engineering Designer I,II, SR	\$155 - \$180
6	Engineering Technician I, II, III	\$120 - \$145
7	Environmental Scientist I, II, II, SR	\$135 - \$210
8	Environmental Technician Intern, I, II	\$80 - \$120
9	Landscape Architect I, II, SR	\$155 - \$180
10	Project Administrator I, II, SR	\$135 - \$155
11	Office Administrator I, II, SR	\$115 - \$165
12	CADD Technician I, II, III	\$140 - \$150
13	Senior GIS Coordinator - GIS Manager	\$195 - \$200
14	GIS Analyst - GIS Developer	\$165 - \$180
15	GIS Programmer I,II,III	\$150 - \$170
16	GIS Technician I, II, III	\$140- \$150
17	GIS Specialist I, II, III	\$145 - \$165
18	Land Surveyor - Senior Land Surveyor	\$180 - \$215
19	Survey Manager	\$170.00
20	Survey Crew Chief I, II - Survey Data Analyst	\$150 - \$165
21	Project Coordinator - CADD Standards Coordinator	\$180 - \$200
22	Funding Specialists	\$155- \$165
23	Survey Technician I,II, III	\$105 - \$120
24	Construction Engineer/Specialist, I, II, SR	\$165 - \$185
25	Administrative Assistant I, II	\$95 - \$105

Travel Expenses	Project Mileage	Per current IRS rate per mile	
	Lodging	Cost * 1.15	
	Meals	Cost * 1.15	
	Per Diem	\$60.00	per day
Survey Supplies	Iron Pins	\$1.25	each
	Fence Posts	\$5.00	each
	Motorized Offroad Vehicles Drone Equipment	\$75.00	per day
Miscellaneous	Project Expenses	Cost * 1.15	
	Sub Consultants	Cost * 1.15	

					LABOR TOTAL	SUBCONSULTANT	MISC EXPENSE	MILEAGE	SR PROJECT MANAGER	SENIOR PE	PROJECT COORDINATOR	PROJECT ENGINEER	ENVIRONMENTAL SCIENTIST III	ENVIRONMENTAL SCIENTIST II	ENVIRONMENTAL SCIENTIST I	ENVIRONMENTAL TECHNICIAN II	CONST ENGINEER/SPECIALIST II	ENGINEERING TECH II	CADD TECH III	LAND SURVEYOR	SURVEY MANAGER	SURVEY CREW CHIEF II	SURVEY TECH II																			
Project Name: Mandan Highway 1806 Turn Lanes																																										
Project Number: 22418																																										
Client: Mandan																																										
DATE: 8/6/2024																																										
PHASE	TASK NO.	PHASE DESCRIPTION																						TASK TOTAL																		
\$225 \$220 \$200 \$180 \$195 \$185 \$135 \$120 \$175 \$135 \$150 \$185 \$170 \$165 \$110																																										
105		105 - Project Development			\$3,560																																					
105	105.001	Driveway Permit			\$1,780	\$1,780				4	4																															
105	105.002	Drainage Permit			\$1,780	\$1,780				4	4																															
PHASE 105 - Project Development SUBTOTAL					\$3,560	\$3,560	8	8																																		
200		200 - Environmental Document			\$31,280																																					
200	200.001	Environmental Checklist																																								
200	200.002	Section 106 Coordination - Class I Report			\$1,500		\$1,500																																			
200	200.003	Section 106 Coordination - Class III Report (TBD)																																								
200	200.004	Prepare SOVs and Responses			\$3,690	\$3,690																																				
200	200.005	Prepare and Submit Draft Environmental Document			\$5,800	\$5,800					2						24																									
200	200.006	Prepare and Submit Final Environmental Document			\$5,800	\$5,800					5	5				20																										
200	200.007	Endangered Species Act Documentation			\$2,270	\$2,270					1	1				10																										
200	200.008	Public Input Meeting			\$900	\$900				4																																
200	200.009	Public Involvement Report			\$4,200	\$4,200					2	4				16																										
200	200.010	Public Input Meeting Prep			\$940	\$940						1				4																										
200	200.011	Incorporate Draft Comments			\$3,090	\$3,090					2	4				10																										
200	200.012	Incorporate Final Comments			\$3,090	\$3,090					2	4				10																										
PHASE 200 - Environmental Document SUBTOTAL					\$31,280	\$29,780	\$1,500	4	19	24				92	24																											
205		205 - Wetland Delineation			\$8,900																																					
205	205.001	Office Delineation			\$930	\$930								2		4																										
205	205.002	Field Delineation			\$3,290	\$2,940			\$350					4		16																										
205	205.003	Wetland Delineation Report			\$3,480	\$3,480								4		20																										
205	205.004	Soil Classification			\$1,200		\$1,200																																			
PHASE 205 - Wetland Delineation SUBTOTAL					\$8,900	\$7,350	\$1,200	\$350						10	40																											
240		240 - Env. Permitting			\$2,470																																					
240	240.001	USACE - 404 Permit (TBD)			\$2,470	\$2,470					1	2			10																											
PHASE 240 - Env. Permitting SUBTOTAL					\$2,470	\$2,470					1	2			10																											
310		310 - Preliminary Design			\$36,880																																					
310	310.001	CADD Editing			\$6,000	\$6,000														40																						
310	310.002	Roadway Modeling			\$5,760	\$5,760																																				
310	310.003	Preliminary Utility Coordination and Engineering			\$2,880	\$2,880							32																													
310	310.004	Design Right of Way Limits			\$1,440	\$1,440							16																													
310	310.005	Hydraulics			\$2,880	\$2,880							8																													
310	310.006	Plan Preparation			\$14,400	\$14,400							16																													
310	310.007	QAQC			\$3,520	\$3,520					16																															
PHASE 310 - Preliminary Design SUBTOTAL					\$36,880	\$36,880					16			152						40																						
320		320 - Final Design			\$12,560																																					
320	320.001	Final plans, specifications, and contract documents			\$7,200	\$7,200																																				
320	320.002	Utility Conflict Plans			\$3,600	\$3,600							40																													
320	320.003	QAQC			\$1,760	\$1,760					8																															
PHASE 320 - Final Design SUBTOTAL					\$12,560	\$12,560					8			60																												
410		410 - Resident Project Representative			\$16,200																																					
410	410.001	Construction Inspection			\$16,200	\$16,200														120																						
PHASE 410 - Resident Project Representative SUBTOTAL					\$16,200	\$16,200														120																						
420		420 - Construction Staking			\$11,000																																					
420	420.001	Erosion Control			\$2,200	\$2,200																	8	8																		
420	420.002	Slope Staking			\$2,200	\$2,200																	8	8																		
420	420.003	Gravel Blue Tops			\$4,400	\$4,400																	16	16																		
420	420.004	As-Built			\$2,200	\$2,200																	8	8																		
PHASE 420 - Construction Staking SUBTOTAL					\$11,000	\$11,000																	40	40																		

					LABOR TOTAL	SUBCONSULTANT	MISC EXPENSE	MILEAGE	SR PROJECT MANAGER	SENIOR PE	PROJECT COORDINATOR	PROJECT ENGINEER	ENVIRONMENTAL SCIENTIST III	ENVIRONMENTAL SCIENTIST II	ENVIRONMENTAL SCIENTIST I	ENVIRONMENTAL TECHNICIAN II	CONST ENGINEER/SPECIALIST II	ENGINEERING TECH II	CADD TECH III	LAND SURVEYOR	SURVEY MANAGER	SURVEY CREW CHIEF II	SURVEY TECH II
Project Name:		Mandan Highway 1806 Turn Lanes																					
Project Number:		22418																					
Client:		Mandan																					
DATE:		8/6/2024																					
PHASE	TASK NO.	PHASE DESCRIPTION		TASK TOTAL		15%	15%	\$0.67															
									\$225	\$220	\$200	\$180	\$195	\$185	\$135	\$120	\$175	\$135	\$150	\$185	\$170	\$165	\$110
																						\$6,600	\$4,400
440		440 - Construction Contract Administration		\$14,730																			
440	440.001	Consruction Administration		\$8,770	\$8,770					16							30						
440	440.002	Project Closeout		\$5,960	\$5,960					8							24						
PHASE 440 - Construction Contract Administration SUBTOTAL				\$14,730	\$14,730					24					54								
										\$5,280							\$9,450						
615		615 - Right-of-Way		\$25,070																			
615	615.001	Abstract / Title Information		\$2,120	\$740		\$1,380													4			
615	615.002	Appraisal - Not needed for Temp Const Easements																					
615	615.003	Negotiation and Acquisition		\$10,800	\$10,800							60											
615	615.004	Preliminary Plat		\$9,840	\$9,840													36	24				
615	615.005	Final Plat		\$2,310	\$2,310													8	6				
PHASE 615 - Right-of-Way SUBTOTAL				\$25,070	\$23,690	\$1,380				60								44	34				
												\$10,800						\$6,600	\$6,290				
910		910 - Boundary Survey		\$5,710																			
910	910.001	Office Research		\$1,480	\$1,480															8			
910	910.002	Survey Control		\$550	\$550																	2	2
910	910.003	Boundary Survey		\$3,680	\$3,680															8		8	8
PHASE 910 - Boundary Survey SUBTOTAL				\$5,710	\$5,710													16		10		10	
																			\$2,960		\$1,650	\$1,100	
960		960 - Topographic Survey		\$11,520																			
960	960.001	Preliminary Survey		\$11,520	\$11,520																16	32	32
PHASE 960 - Topographic Survey SUBTOTAL				\$11,520	\$11,520													16		32		32	
PROJECT TOTALS				\$179,880	\$175,450	\$2,700	\$1,380	\$350	12	76	26	272	10	102	40	24	54	120	84	50	16	82	82



City Commission

Agenda Documentation

MEETING DATE: August 6, 2024
PREPARATION DATE: July 31, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider selling a 1.5 acre portion of LOT A OF NW 1/4 SE 1/4 & LOT A OF GOV LOT 7 (LESS 12.32A OF LOT 7) 44.28 ACRES (9001C), a City-owned property

STATEMENT/PURPOSE:

To consider the "sale" of 1.5 acres of a City-owned lot to Tom Biwer.

BACKGROUND/ALTERNATIVES:

The Planning department has been tasked with aiding in the sale of a portion of city-owned land located south of the wastewater treatment plant in southeast Mandan.

A consultant advising the Lower Heart Water Resource District on the Mandan Flood Risk Reduction Project suggested to the City that a portion of this land could potentially facilitate the acquisition of a crucial piece of land in southeast Mandan for the future flood risk reduction project. This could have been achieved by exchanging it for the desired parcel and subsequently transferring it from the City to the Water Resource District. Since the City saw little benefit in retaining ownership of this property and recognized the significant advantages of completing the flood project, it was willing to assist in this initiative. The suggested acreage for the transfer was between one and two acres, hence the proposed description of 1.5 acres.

Following the approval to list this lot, which was obtained at the May 7, 2024 City Commission meeting, this property was listed for public sale on the Bismarck-Mandan MLS with Oaktree Realtors.

Staff has received an offer from Tom Biwer, adjacent property owner to the tract we would be "selling" 1.5 acres of land from. The offer is to trade 1.5 acres of land for 1.5 acres of City land. The 1.5 acres to be transferred to the City is crucial for the flood risk reduction project. The 1.5 acre that would be transferred from the City to Biwer is not critical for City purposes and can be transferred.

The purchase agreement is attached. It is on the agenda for contingent approval.

ATTACHMENTS:

1. City owned lot
2. DRAFT Purchase Agreement

FISCAL IMPACT:

If the property is sold, it may generate a small amount of revenue for the City. Future survey work may incur costs.

STAFF IMPACT:

minimal

LEGAL REVIEW:

This item has been reviewed as part of the agenda packet.

RECOMMENDATION:

Staff recommends approving the purchase agreement contingent upon the completion of future platting to describe the lot before closing.

SUGGESTED MOTION:

I move to approve the purchase agreement, contingent upon the completion of future platting to describe the lot prior to closing.



LAND ONLY PURCHASE AGREEMENT # 4013794DS



PAGE 1

This form is approved by the Bismarck Mandan Board of REALTORS® which disclaims any liability out of use or misuse of this form.

Date **Jul 16 2024** MLS Listing # **4013794** Page 1 of **6** Pages

GOVERNING LAW This agreement shall be governed by, construed and interpreted in accordance with the laws of, and under the jurisdiction of, the State of North Dakota and any actions shall be venued in the county in which the property is located.

References to "day" or "days" in this Purchase Agreement shall be construed as business days. Business days are defined as Monday through Friday, excluding Federal and State holidays.

Time is of the essence in this Purchase Agreement.

ENTIRE AGREEMENT: This Purchase Agreement, and any addenda or amendments signed by the parties, and any attached exhibits shall constitute the entire agreement between Seller(s) and Buyer(s) and supersedes any other written or oral agreements between Seller(s) and Buyer(s). This Purchase Agreement can be modified only in writing signed by Seller(s) and Buyer(s).

Buyer(s) **Biwer Irrevocable Trust Et Al** has/have agreed to

pay **see line 220** Dollars (\$ **0.00**)

for the Property at: Street Address **0000** **Lot A**

City of **Mandan** County of **Morton** State of **ND** Zip **58554**

Legally described as: **1.5 acres of LOT A OF NW 1/4 SE 1/4 & LOT A OF**

GOV LOT 7 (LESS 12.32A OF LOT 7) 44.28 ACRES (9001C)

Is there a manufactured home attached or unattached to the property? Yes ☒ No

The sum of **N/A** Dollars (\$ **0.00**) from Buyer(s) by (Check one):
☐ Check ☐ Cash ☐ EFT/ACH as earnest money to be deposited upon acceptance of Purchase Agreement by all parties, on or before the next business day after acceptance or in the trust account of _____, (Check one): ☐ Listing ☐ Buyer Broker or to be returned to Buyer(s) if Purchase Agreement is not accepted by Seller(s). Buyer(s) agrees to pay in the following manner: Earnest money in the amount mentioned above, and additional earnest money of \$ _____ due on _____. Seller has the right to terminate this Agreement if earnest money is not received as agreed herein. Financing, if any, shall be as follows: _____.

PRE-APPROVAL: Buyer(s) shall provide Seller(s) within ☒ days, at 5 p.m., with written evidence acceptable to Seller(s) from a lender, showing pre-approval of a loan sufficient to allow Buyer(s) to purchase the property. If Buyer(s) fails to timely provide such written evidence, either party has the option to terminate this purchase agreement.

If financing fails after the contingency completion date, earnest money shall be released:

_____ to Buyer _____ to Seller _____ Other Agreement: _____; provided, that nothing herein shall limit the right of Seller to pursue all available remedies for breach of this purchase agreement.

This sale includes the following property, if any, owned by Seller and used and located on said property: garden bulbs, plants, shrubs, and trees; and the following personal property: **land only**

The following personal property is excluded: **land only**

Seller(s) agrees to remove all debris and all personal property not included herein from the Property by possession date.

Includes all government payment, lease, or rental fees received between (date) _____ and (date) _____ unless specified as follows: **closing**.

Homeowner association dues, rents, and all charges for city water, city sewer, electricity, and natural gas shall be prorated between parties as of **closing**.

Buyer(s) Initials: _____ Date: _____ Seller(s) Initials: _____ Date: _____ (Rev. 12/21)

LAND ONLY PURCHASE AGREEMENT # **4013794DS**



PAGE 2

REAL ESTATE TAXES, based on the most current certified tax information available, shall be prorated between Seller(s) and Buyer(s) as of **closing**, 20____. **Buyer(s) is advised to verify all tax information.**

SPECIAL ASSESSMENTS shall be paid as follows: **Annual Installments:** Estimated annual installment due for the year of closing shall be paid by: **(Check one):** _____ Buyer(s) and Seller(s) shall prorate as of the date of closing or _____ Seller(s) shall pay on date of closing. **Buyer(s) is advised to verify all special assessments information.**

UNPAID BALANCE: (Check one): _____ Buyer(s) shall assume or _____ Seller(s) shall pay on the date of closing the balance of special assessments as of the date of closing. Following closing, Buyer(s) shall pay all real estate taxes and any unpaid special assessments payable therewith and thereafter, for which the payment is not otherwise provided. No representations have been made concerning the amount of subsequent real estate taxes or special assessments, including but not limited to assessments for completed special improvements, which have not been certified for collection.

Buyer is aware that there may be new public improvement projects, the cost of which may be assessed against the property. Seller agrees to promptly notify Buyer of any such notice received between the date of this agreement and the date of closing.

CLOSING AND POSSESSION: Closing shall take place on or before **7/8/2025**
Seller shall deliver possession of property on _____
Settlement fee to be paid by (Check one): _____ Buyer(s) _____ Seller(s)
Other: _____. Settlement and commitment fees as defined by VA to be paid by the Seller on VA Financing. Buyer(s) agrees to allow the purchase price to be part of the Multiple Listing Service database and grants permission to use of the information by MLS participants and related government entities for comparable sales reports and statistics.

DEED/MARKETABLE TITLE: Upon performance by Buyer(s), Seller(s) shall deliver a **quit claim** deed (Warranty Deed unless otherwise specified), conveying marketable title, subject to: (A) Building and zoning laws, ordinances, state and federal regulations; (B) Restrictions relating to use or improvement of the Property; (C) Installments of special assessments or assessments for completed special improvements which have not been certified to the County Auditor for collection. (D) Prior reservation of any mineral rights; (E) Utility and drainage easements; (F) Rights of tenants as follows (unless specified, not subject to tenancies):

(G) Others (must be specified in writing):

MINERALS: In accordance with North Dakota Century Code 47-10-24, unless specifically excluded, Minerals and Royalties transfer with the surface estate; and, in accordance with North Dakota Century Code 47-10-25 the Gravel, Clay and Scoria transfer with the surface estate unless specifically reserved by name in deed, grant, or conveyance. Buyer(s) and Seller(s) are advised to seek independent legal counsel regarding any reservation of minerals and to address such reservations in a separate agreement or addendum.

TITLE AND EXAMINATION: Seller(s), at Seller(s)'s expense, shall furnish an updated abstract of title to the property certified to date, compiled pursuant to the NDLTA Abstracting Standards Manual (02/01/06) OR an ALTA Standard Coverage Owner's title policy, insuring the buyer's interest in the property in the amount of the sales price. If, after examination, Seller(s)'s title is not insurable or free of defects and cannot be made so by Closing, then at Buyer's option, this purchase agreement shall be terminated and the earnest money shall be refunded to Buyer(s). However, Buyer(s) may waive defects and elect to purchase. Seller to pay Abstracting Fees and Owner's Policy of Title Insurance as applicable. Buyers to pay Searching Fees, Attorney's Title Examination Fee, and Lender Policy of Title Insurance.

ENVIRONMENTAL CONCERNS: To the best of the Seller(s)'s knowledge, there are no hazardous substances or underground storage tanks unless otherwise noted in Purchase Agreement.

Buyer(s) Initials: _____ Date: _____ Seller(s) Initials: _____ Date: _____ (Rev. 12/21)



RISK OF LOSS: If there is any loss or damage to the Property between the date hereof and the date of closing for any reason, including fire, vandalism, flood, hail, wind, earthquake, or act of God, the risk of loss shall be on the Seller(s). If the Property is destroyed or substantially damaged before the closing date, this Purchase Agreement shall become null and void, at Buyer(s)'s option, and the earnest money shall be refunded to Buyer(s).

INSPECTIONS: Seller(s) shall make the Property available for all inspections and tests upon reasonable notice by Buyer(s).

SQUARE FOOTAGE AND/OR ACREAGE: Buyer(s) is aware that any reference to the square footage and/or acreage of the Property, both the real Property (land) and improvements thereon, is approximate. If square footage and/or acreage is a material matter to the Buyer(s), it must be verified by the Buyer(s).

SELLER(S) WARRANTIES:

Seller(s) warrants that building(s), if any, is/are, or will be, constructed entirely within the boundary lines of the Property.

Seller(s) warrants that there is a right of access to the Property from a public right of way.

Seller(s) warrants that prior to closing, payment in full will have been made for: 1.) All condo and/or home association fees; and 2.) all labor, materials, machinery, fixtures, or tools, furnished within the 90 days immediately preceding the closing, used in connection with construction, alteration, or repair of any structure on, or improvement to, the Property.

Seller(s) warrants that Seller(s) has not received any notice from any governmental authority as to violation of law, ordinance, or regulation for a condition that remains uncorrected, or any other notice from any governmental authority regarding the subject Property.

Seller(s) warrants that, if Property is subject to restrictive covenants, Seller(s) has not received any notice from any person or authority as to a breach of the covenants which remains uncorrected. Any notices received by Seller(s) will be provided to Buyer(s) promptly.

Seller(s) warrants that the Property is directly connected to: City Sewer: _____ yes _____ no Well: _____ yes ☒ no

Water system is: _____ City _____ Rural. If rural, will membership be transferred? _____ yes _____ no ☒ N/A

FINAL WALK THROUGH: The Seller(s) grants Buyer(s) and any representative of Buyer(s) reasonable access to conduct a final walk through of the Property for the purpose of determining that the Property is in substantially the same condition as on the date of acceptance of the contract. If Buyer(s) does not conduct such walk through, Buyer(s) specifically releases Broker(s) of any liability.

BUYER(S) RESPONSIBILITY REGARDING INSPECTIONS AND INVESTIGATIONS: Buyer(s) is advised by Broker to obtain inspections and investigations of the Property. Buyer(s) acknowledges that Buyer(s) should make inquiries and consult government agencies, lenders, insurance agents, architects, and other appropriate persons and entities concerning the use of the Property and the surrounding areas under applicable building, zoning, fire, health, and safety codes, and for evaluation of potential hazards. Buyer(s) shall keep the Property free and clear of liens, shall indemnify and hold Seller(s) harmless from all liability, claims, demands, damages, and costs, and shall repair all damages arising from the inspections. The inspection period is the Buyer(s)'s sole opportunity to discover any existing defects prior to Closing. Buyer(s) waives any claim for an item warranted by the Seller(s) if Buyer(s) becomes aware of such claim during the Inspection Period and does not notify the Seller(s) in writing of such. Buyer(s) specifically releases, holds harmless, and indemnifies Broker(s) from any liability for any defects in the Property. If Buyer(s) requests repairs, Buyer(s) shall provide Seller(s) and Broker(s) upon receipt, at no cost, copies of all reports concerning the Property obtained by Buyer(s).

MEGAN'S LAW DISCLOSURE: If Buyer(s) desires to obtain information regarding persons required to register as sexual offenders under North Dakota Law, Buyer(s) must contact the ND Attorney General's office, or access the Attorney General's web site at <http://www.sexoffender.nd.gov/>.

DEFAULT: If Seller(s)'s title is marketable or insurable and Buyer(s), contrary to this agreement, fails, neglects or refuses to complete the Purchase within ten (10) days after title is proven marketable or insurable, or by the closing date, whichever is later, then, at Seller(s)'s option either the earnest money shall be forfeited to Seller(s) as liquidated damages, since the parties agree the calculation of damages to Seller(s) would be difficult to ascertain with certainty and since parties further agree that the amount of liquidated damages is a reasonable attempt to estimate damages which will be suffered by the Seller(s), and this Agreement thereupon shall be of no further binding effect; or Seller(s) may demand and pursue any and all other remedies including but not limited to actual damages or specific performance of this agreement. If Seller(s), contrary to this Agreement, fails, neglects or refuses to perform as agreed, Buyer(s) may demand and pursue any and all remedies including, but not limited to, specific performance of this Agreement. A claim of either party for specific performance, or the Seller(s)'s claim to the

Buyer(s) Initials: _____ Date: _____ Seller(s) Initials: _____ Date: _____ (Rev. 12/21)



earnest money as liquidated damages, shall be waived, unless legal proceedings are commenced within three (3) months after scheduled date of closing; further, unless the Seller, delivers copies of documents evidencing the Seller's commencement of legal proceedings to claim the earnest money to the Broker who has possession of the earnest money within said three-month time period, then the Broker, who has possession of the earnest money, shall be authorized to return the earnest money to the Buyer, free of any claim by the Seller. Retention of earnest money in any Broker's trust account pending resolution of the default shall not constitute an election of remedies by either party or prejudice their rights to pursue any and all other remedies including, but not limited to, specific performance.

CONTINGENCIES: All applicable contingencies must be initialed by Buyers and Sellers. This purchase agreement is subject to the satisfaction of those contingencies which are initialed below by both parties.

Buyer(s) and Seller(s) agree that, by 5 p.m. on (date) _____ (contingency completion date), all contingencies agreed to in items 1 through 10 below shall be addressed to completion. If Seller is obligated to provide documents to Buyer, the contingency completion date shall be extended so that Buyer has 72 hours following receipt of all such documents within which to deliver notice of termination.

Under the following contingencies, the Buyer, or the Seller, or in certain instances either party, has the option to terminate the purchase agreement; said option to be exercised by giving written notice by the contingency completion date. If such written notice is given by the contingency completion date the Buyer(s) shall receive a full refund of the earnest money. If written notice is not given by the contingency completion date by a party which had the option to terminate the purchase agreement, then the option to terminate the purchase agreement under the applicable contingencies are deemed to be waived. (See "Default" section.)

BUYERS AND SELLERS MUST INITIAL ALL APPLICABLE CONTINGENCIES.		
	BUYER(S) INITIALS	SELLER(S) INITIALS
1. PROPERTY CONDITION STATEMENT: Seller(s) to provide Buyer(s) with a Property Condition Statement. Buyer to review Property Condition Statement. If Buyer does not approve the Property Condition Statement, Buyer has the option to terminate this purchase agreement.		
2. INSPECTIONS: Buyer to complete inspections of Buyer(s) choice. If Buyer does not approve the results of the inspections, Buyer has the option to terminate this purchase agreement. Inspections and tests to be conducted at Buyer's Expense : (check all that apply): Septic System Well Other		
3. FLOOD PLAIN: Buyer(s) to obtain flood plain verification. If Buyer does not approve the results of the flood plain verification, Buyer has the option to terminate this purchase agreement.		
4. LEASES: Seller(s) to provide copies of current leases to Buyer. If Buyer does not approve the leases, Buyer has the option to terminate this purchase agreement.		
5. REGISTERED SEX OFFENDERS: Buyer(s) investigation of the possible presence of registered sex offenders in the vicinity of the property. If Buyer does not approve the findings regarding registered sex offenders, Buyer has the option to terminate this purchase agreement.		
6. RESTRICTIONS AND COVENANTS: Buyer(s) to obtain and review any government and/or private use restrictions and restrictive covenants. If Buyer does not approve the use restrictions or covenants, Buyer has the option to terminate this purchase agreement.		
7. WATER QUALITY TESTS: Buyer(s) obtain water quality tests, at Buyer(s) expense. If Buyer does not approve the results of the water quality tests, Buyer has the option to terminate this purchase agreement.		
8. SURVEY: Buyer(s) to obtain a survey of the property, conducted at (check one): _____ Buyer's expense or _____ Seller's expense. If Buyer does not approve the results of the survey, Buyer has the option to terminate this purchase agreement.		
9. PLANS AND PERMITS: Buyer(s) to obtain all necessary plans and permits for one or more of the following purposes: building plans and specifications, proposed subdivision development plans, rezoning or use permits, approval of building plans and/or specification in accordance with any recorded subdivision covenants, and approval of the architectural control committee. If Buyer does not obtain said plans and permits, Buyer has the option to terminate this purchase agreement.		
10. SOIL TESTS: Buyer(s) to obtain soil tests and percolation tests at _____ Buyer's expense or _____ Seller's expense. If Buyer does not approve the test results, Buyer has the option to terminate this purchase agreement.		

OTHER CONTINGENCIES:

A. APPRAISAL CONTINGENCY: Buyer's obligation to purchase is contingent on the property appraising at or above the agreed upon purchase price. If this contingency fails, Buyer(s) has the option to terminate this purchase agreement.

B. 24/48/72 HOUR CONTINGENCY ADDENDUM: (check one) _____ does ☒ does not apply (see attached addendum made a part of this contract, if applicable).

Buyer(s) Initials: _____ Date: _____ Seller(s) Initials: _____ Date: _____ (Rev. 12/21)

SPECIAL CONDITIONS:

- The property located at 1.5 acres of LOT A OF NW 1/4 SE 1/4 & LOT A OF GOV LOT 7 (LESS 12.32A OF LOT 7) 44.28 ACRES (9001C) currently owned by the city of Mandan shall be traded with buyer's property located at PT OF GOVT LOT 9 A/K/A TRACT #7 1.50 ACRES as that is the legal description of the parent parcel from Morton County data at no dollar amount and no closing costs/expenses applied to the buyer(s).

-Precise legal descriptions shall be determined prior to closing and approved by both buyer & seller.

RELEASE OF BROKER(S): Seller(s) and Buyer(s) hereby expressly release, hold harmless and indemnify all Broker(s) in this transaction from any and all liability and responsibility, including but not limited to, the property condition, square footage, acreage, lot lines or boundaries, value, rent rolls, environmental problems, mold, water, sanitation systems, wind damage, hail damage, wood infestation and wood infestation report, compliance with building codes or other governmental regulations, or any other material matters relating to the Property.

AGENCY DISCLOSURE: Darren Schmidt (___ Agent ☒ Broker)
 Brokerage Oaktree Realtors
 Stipulates that she/he is representing the (Check one): ☒ Seller(s) ___ Buyer(s) ___ Neither Party ___ Both Parties in
 this transaction. The listing agent or broker stipulates that she/he is representing the Seller(s) in this transaction.

APPOINTED AGENCY REPRESENTATION: Applies to in-house transactions only. Appointed agency (Check one): Does X Does Not apply. If Broker has adopted appointed agency policy, dual agency may not apply. However, an appointed agent who singularly represents both Seller(s) and Buyer(s) in the same transaction is considered to be a disclosed dual agent owing fiduciary duties to both parties and must get permission from parties to act.

DUAL AGENCY REPRESENTATION: Dual agency representation (Check one): ☐ Does ☒ Does Not apply in this transaction. If dual agency does not apply, skip this entire section. If dual agency does apply, all parties must sign at the end of this section. Broker represents both the Seller(s) and the Buyer(s) of the Property involved in this transaction, which creates dual agency. This means that Broker and its salespersons owe fiduciary duties to both Seller(s) and Buyer(s). Because the parties may have conflicting interests, Broker and its salespersons are prohibited from advocating exclusively for either party.

Broker cannot act as a dual agent in this transaction without consent of both Seller(s) and Buyer(s). Seller(s) and Buyer(s) acknowledge that:

- (1) confidential information communicated to Broker which regards price, terms, or motivation to buy or sell will remain confidential unless Seller(s) or Buyer(s) instructs Broker in writing to disclose this information. Other information will be shared;
- (2) Broker and its salespersons will not represent the interest of either party to the detriment of the other;
- (3) within the limits of dual agency, Broker and the salespersons will work diligently to facilitate the mechanics of the sale; and with the knowledge and understanding of the explanation above, Seller(s) and Buyer(s) authorize and instruct Broker and its salespersons to act as dual agents in the transactions.

Buyer(s) Signature Tom Bower	Date	Seller(s) Signature City Of Mandan	Date
-------------------------------------	------	---	------

Buyer(s) Signature	Date	Seller(s) Signature	Date
--------------------	------	---------------------	------

Buyer(s) Initials: _____ Date: _____ Seller(s) Initials: _____ Date: _____ (Rev 12/21)



This is an offer to purchase the Property. Unless acceptance is signed by Seller(s) and a signed copy delivered and received by Buyer(s)'s Agent or Broker, or Buyer (if not represented) by (date) _____ at (time) _____ (Check one): ____ am ____ pm CT, or unless this offer to purchase has been previously withdrawn by Buyer(s), this offer shall be deemed withdrawn and the Buyer(s)'s earnest money shall be returned.

Buyer's Signature <u>Tom Biwer</u>	Date _____	Buyer's Signature _____	Date _____
Address _____		Address _____	
City, State, Zip _____		City, State, Zip _____	

ACCEPTANCE

A Counter Offer(s) (Check one): ____ Is ☒ Is not attached and is incorporated herein by reference. Seller(s) and Buyer(s) must sign both the Contract and the Counter Offer(s). If there is a conflict between this Contract and the Counter Offer(s), the provisions of the Counter Offer shall be controlling.

The Listing Broker, or, if applicable, Seller's Appointed Agent is representing (check one): ☒ the Seller(s) exclusively; or ____ both the Buyer(s) and Seller(s).

Listing Broker's name, or, if applicable, Seller's Appointed Agent's name: DARREN SCHMIDT

Brokerage: Oaktree Realtors Telephone: 701-226-5942

The undersigned acknowledge receipt of a copy hereof and grant permission to Selling Broker to deliver a copy to Buyer(s) Agent or, if the Buyer is not represented by an agent, to the Buyer.

The undersigned agree to sell the Property on the terms and conditions herein stated.

Seller's signatures authorizes closing agent to obtain applicable mortgage information (i.e. mortgage balance, interest rate, payoff and/or assumption figures, etc.) and to obtain the aforementioned Owner's Policy of Title Insurance and/or abstract of title and further authorizes the release of this policy and/or abstract to closing agent.

Seller's Signature _____	Date _____	Seller's Signature _____	Date _____
city of Mandan _____		Seller's Name Printed _____	
Seller's Name Printed _____		Seller's Address _____	
Seller's Address _____		City, State, Zip _____	
City, State, Zip _____			

Marital status (**REQUIRED** by Title companies): _____

THIS IS A LEGALLY BINDING CONTRACT BETWEEN BUYER(S) AND SELLER(S). IF YOU DESIRE LEGAL, TAX, OR STRUCTURAL ADVICE, CONSULT AN APPROPRIATE PROFESSIONAL.

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(REV. 12/21)

This contract is for use by DARREN SCHMIDT. Use by any other party is illegal and voids the contract.



City Commission

Agenda Documentation

MEETING DATE: August 6, 2024
PREPARATION DATE: August 5, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Mandan Progress Organization Request related to Holiday Light Display and New Lighting for Street Light Poles

STATEMENT/PURPOSE:

To consider the Mandan Progress Organization (MPO) Request related to Holiday Light Display and New Lighting for Streetlight Poles

BACKGROUND/ALTERNATIVES:

The MPO has requested funding from the Visitors Committee related to the following items.

1. Upgrade to Streetlight Poles decorations on Main St.: 60 new pole decorations and the addition of 18 wreaths for the iron cast poles on Main St. from Collins to 4th Ave NW. The total projected cost for this part of the project is \$83,000 + \$10,000 electrical.
2. Morton Mandan Public Library Entrance: To complement the building's west entrance to the Holiday lights: a proposed Garland Wreath Arch, decorations for the main planter in the front of the main entrance, and the continuation of the LED building lighting to the south and west side. These additions make a focal entrance point to the attraction through the Library public breezeway. The total cost of the library project is estimated at \$45,000.
3. Completion of the LED lighting on the south side of the Depot: Completing the LED lights to the south side of the depot to complete the perimeter illumination for \$5,700.
4. Park Ornament Pieces: A series of smaller pieces accenting the sidewalks and planting areas with a variety of festive ornaments and candy cane sidewalk luminaries. With two additional signature pieces, a whimsical Penguin display, and a North Pole sign prominently featuring "MANDAN". Totaling \$62,000.

Subject: *Consider a request from the Mandan Progress Organization for funding for Holiday Display and Streetlight Pole displays.*

Page 2 of 3

5. Holiday Lights Signature Piece: A traditional Winter Castle which would create a signature photo piece and walk through similar to our Large Gift Box. \$95,000.00

The MPO has conferred with Renee Murrish at Signature Events (Depot) and Barb Sandstrom, Morton Mandan Public Library and both are in support of this request. In addition, the Community Beautification Committee has assisted in picking out the streetlight pole displays.

ATTACHMENTS:

1. 2024 Mandan Visitors Fund Request

FISCAL IMPACT:

The Visitors Fund currently has \$1.1M in unreserved funds.

1. \$93,000
2. \$45,000
3. \$ 5,700
4. \$62,000
5. \$95,000

Total = 300,700

There are some incidentals, and a few unknowns and the motion was to authorize up to \$300,000 for the items listed.

STAFF IMPACT:

minimal

LEGAL REVIEW:

n/a

RECOMMENDATION:

The Visitors Committee met on August 5, 2024, and unanimously recommends funding up to \$300,000 as requested by the Mandan Progress Organization, for Streetlight Pole Displays and a Holiday Lights signature piece.

SUGGESTED MOTION:

I move to approve funding up to \$300,000 as requested by the Mandan Progress Organization, for Streetlight Pole Displays and a Holiday Lights signature piece from the Visitors Fund.

City Commission

Agenda Documentation

August 6, 2024

Subject: *Consider a request from the Mandan Progress Organization for funding for Holiday Display and Streetlight Pole displays.*

Page 3 of 3



*Mandan Progress Organization
Executive Director: Matt Schanandore
Office: 701-751-2983
Email: info@mandanprogress.org*

Jim Neubauer
City Administrator
205 2nd Ave NW
Mandan, ND 58554

Dear Mr. Neubauer,

I am writing to you on behalf of the Mandan Progress Organization to express our sincere gratitude for the city's continued support of the Mandan Holiday Lights on Main event. As you know, this event has rapidly grown, both in popularity and scale, enriching our community and enhancing our city's holiday season allure.

Following the success of the initial project in 2022, we are excited to propose Phase 2 of the Holiday Lights on Main. This phase aims to not only continue the tradition, but also enhance it significantly to attract even more visitors to Mandan.

Project Overview - Phase 2:

- **Upgrade to Street Light Poles decorations on Main St.:** 60 new pole decorations and the addition of 18 wreaths for the iron cast poles on Main St. from Collins to 4th Ave NW. The total projected cost for this part of the project is \$83,000 + \$10,000 electrical.
- **Morton Mandan Public Library Entrance:** To complement the building's west entrance to the Holiday lights: a proposed Garland Wreath Arch, decorations for the main planter in the front of the main entrance, and the continuation of the LED building lighting to the south and west side. These additions make a focal entrance point to the attraction through the Library public breezeway. The total cost for the library project is estimated at \$45,000.
- **Completion of the LED lighting on the south side of Depot:** Completing the LED lights to the south side of the depot to complete the perimeter illumination for \$5,700.
- **Park Ornament Pieces:** A series of smaller pieces accenting the sidewalks and planting areas with a variety of festive ornaments and candy cane sidewalk luminaries. With two additional signature pieces, a whimsical Penguin display, and a North Pole sign prominently featuring "MANDAN". Totaling \$62,000.

Signature Option- add-on

- **Holiday Lights Signature Piece:** A traditional Winter Castle which would create a signature photo piece and walkthrough similar to our Large Gift Box. \$95,000.00

MPO Commitment and Support:

The Mandan Progress Organization is committed to ensuring the longevity and success of this project. We will cover all insurance and maintenance for the new installations and continue our partnership with the City for the installation and annual setup of the light displays. Building strong relationships with our sponsors and the community, we are dedicated to innovating the event offerings and effectively marketing the attraction to sustain and build upon the current success.



*Mandan Progress Organization
Executive Director: Matt Schanandore
Office: 701-751-2983
Email: info@mandanprogress.org*

Total Request:

To accomplish phase 2 of the Mandan Holiday Lights Project, we are seeking funding of **\$206,000** from the Mandan Visitor Fund. If the committee chooses, with the signature display add-on, our request is **\$298,000**. This funding will cover all material costs, installation, upgrades, shipping, and tax ensuring that these new features are ready for the upcoming holiday season.

Community and Economic Impact:

The Mandan Holiday Lights on Main event, created with a robust \$500,000 investment from the Visitor Fund, has rapidly established itself as a pivotal community and tourist attraction, drawing substantial financial support and community buy-in in its first two years.

In its inaugural year, the event attracted 23,000 visitors. The Mandan Progress Organization, on top of the \$500,000 from the city, used its own funding sources to make an additional \$36,000 investment in infrastructure. The MPO incurred operational expenses of \$51,327, but was able to generate \$120,838 in additional income through sponsorships for the attraction. This financial gain was bolstered significantly by in-kind contributions valued at \$57,775, highlighting strong community and business endorsement.

The second year of the event saw a remarkable increase in both attendance and financial support, with visitor numbers nearly doubling to 48,483. Year two saw a slight growth in sponsorships totaling \$128,706. In-kind contributions increased to \$63,875. The MPO also invested an additional \$51,821 in new infrastructure for the attraction while also covering \$59,872 in operational expenses. The event showcased improved financial efficiency, enhancing its sustainability, and reinforcing community engagement.

The Mandan Holiday Lights on Main is poised for continued success with a promising financial outlook. As of April 2024, the event has accumulated over \$243,686 from community contributions and \$121,650 in in-kind support. With a robust series of multi-year commitments by sponsorship, community funding is expected to contribute an additional \$412,000 by 2026. This projected total support of \$777,336 by 2026 reflects not only the event's capacity to generate significant funding for the attraction and the Mandan Progress Organization, but also its potential to leverage the city's initial investment into substantial economic returns, ensuring the event's sustainability and continued growth as a beloved holiday tradition in Mandan.

It's crucial to understand that the funds received from the initial investment and subsequent contributions from the Visitor's Fund have benefits that extend well beyond their immediate monetary value. These investments enable the Mandan Progress Organization (MPO) to secure the necessary sponsorship support to cover annual operational expenses. This encompasses staffing, overhead, and other operational costs. Additionally, they provide the MPO with extra resources for staff expansion and marketing efforts, which are essential for the execution of various events, programs, and activities orchestrated by the organization.

Thank you for considering this proposal. We look forward to your positive response and to continuing our fruitful collaboration for the betterment of Mandan.

Mandan Progress Organization

Profit & Loss

January through December 2023

	Jan - Dec 23	Jan - Dec 22
Ordinary Income/Expense		
Income		
4000 · Government Contributions		
4002 · City of Mandan		
4002.1 · Events Grant	2,500.00	0.00
4002.2 · Support	0.00	500,000.00
Total 4002 · City of Mandan	2,500.00	500,000.00
Total 4000 · Government Contributions	2,500.00	500,000.00
4010 · Community Contributions/Support		
4017 · Other Income	0.00	5.00
4010 · Community Contributions/Support - Other	668.29	360.00
Total 4010 · Community Contributions/Support	668.29	365.00
4040 · Sale of Goods & Services		
4260 · Event Merchandise Sales	0.00	250.00
Total 4040 · Sale of Goods & Services	0.00	250.00
4045 · Signature Events		
4105 · Admissions	0.00	575.00
4230 · Sponsorships	123,049.71	118,148.19
4265 · Other Event Income	2,488.23	1,500.00
Total 4045 · Signature Events	125,537.94	120,223.19
Total Income	128,706.23	620,838.19
Gross Profit	128,706.23	620,838.19
Expense		
5011 · Advertising and Promo		
5307 · Internet Advertising	243.40	178.00
5308 · Marketing/ Publicity	6,000.00	10,629.00
5309 · Posters/ Brochures	0.00	95.45
Total 5011 · Advertising and Promo	6,243.40	10,902.45
5012 · Bank Fees	120.24	105.37
5014 · Dues & Subscription	0.00	1,345.64
5022 · Meetings/Meals	69.50	29.99
5300 · Permits & Licenses	25.00	0.00
5042 · Postage	59.71	0.00
5044 · Printing	1,108.67	0.00
5050 · Rent	0.00	1,349.24
5046 · City Decorations	5,283.18	10,693.52
5460 · Travel	310.34	0.00
5056 · Office Equipment	0.00	93.30
5060 · Utilities		
5066 · Marquee	0.00	129.00
Total 5060 · Utilities	0.00	129.00
5058 · General Supplies	7,240.98	284.33
5035 · Member Relations	240.00	46.70
5400 · Contract Services		
5403 · Contractor	0.00	2,631.97
5405 · Photography	650.00	0.00
5415 · Equipment Purchases	7,676.29	19,353.91
5416 · Rental Equipment	11,527.84	4,572.68
5400 · Contract Services - Other	13,617.00	0.00
Total 5400 · Contract Services	33,471.13	26,558.56
5340 · Community Contributions		
5342 · Charity of Tree/Lights Donation	5,700.00	305.00
Total 5340 · Community Contributions	5,700.00	305.00
Total Expense	59,872.15	51,843.10
Net Ordinary Income	68,834.08	568,995.09
Net Income	68,834.08	568,995.09



Mandan Progress Organization
Executive Director: Matt Schanandore
Office: 701-751-2983
Email: info@mandanprogress.org

2024 Mandan Holiday Lights Proposal.

Holiday Lights - Phase 2 Request of the Mandan's Visitor Fund

Street Light Poles (Main St.) qty 60 + 18 wreaths for lamp posts from Collins to 4th Ave NW
Total \$68,641.00 + Wreath mounts (approx. \$2,700) + tax (approx. \$4,000) + shipping (approx. \$7,100)
Total Street Lights Project \$83,000.00 + (Approx \$10,000 electrical upgrades for 7 Iron cast poles south side of Main with added 110v plugs)

See attachment for breakdown of Street Decorations Styles

Morton Mandan Library Entrance

\$17,861 – Building lights completion on south & west side of building. Goals to highlight the full perimeter of the building.

\$27,000 – Garland Wreath Arch over stairs on west entrance, + a variety of 32" giftbox & ornament displays in large planting area by entrance.

Total Library Project \$45,000

Depot Building Light Completion

\$5,700 – Building lights completion on south side of building. Goals to highlight the full perimeter of the building.

Total Depot Project \$5,700

LIGHT DISPLAY PARK PIECES

SPONSOR PIECE

\$19,000 + Tax and Shipping

Penguin Whimsical Piece Sponsored Piece



2024 Mandan Holiday Lights Proposal.

LIGHT DISPLAY PARK PIECES CONTINUED

SPONSOR PIECE

\$14,500 + Tax and Shipping

15' North Pole Sign with – MANDAN



Assortment Ornaments – Similar to small gift boxes

2- 30"

2- 36"

3 – 42"

Total \$11,000 + tax & Shipping





Mandan Progress Organization
Executive Director: Matt Schanandore
Office: 701-751-2983
Email: info@mandanprogress.org

2024 Mandan Holiday Lights Proposal.

LIGHT DISPLAY PARK PIECES CONTINUED

3D illuminated Candy Cane – Sidewalk luminaries.

4' high – Qty 30 - \$9,000 + Tax and Shipping

Total hard cost - \$53,500 + Tax (approx. \$3,000) + Shipping
(approx. \$5,350) Approx Total \$62,000



Total request to the City of Mandan Visitors Fund \$206,000

MPO's commitment will be insurance and maintenance of all pieces. City will continue to install the Street Light Poles each year. MPO will hang wreaths.

Signature Display Piece Add-on

3D Winter Castle (Walkthrough Piece).

\$79,890 + Tax (approx. \$4,400) + Shipping
(Approx.\$8,000) Total \$93,000

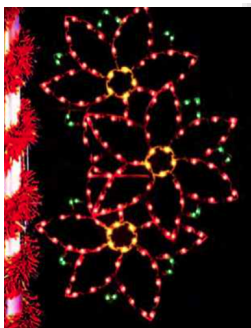


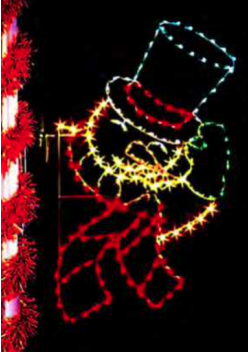
Including add-on request to the City of Mandan Visitors Fund \$298,000



Pole Mounts Quote 2024 City of Mandan

	Description	Cost
	8) 6' Presidential Snowflake with C7 removable bulbs. LED price provided. Item: P-700 Weight: 29lbs	\$6,840
	8) 6' Spiral Snowflake with C7 removable bulbs. LED price provided. Item: PWW-534 Weight: 28lbs	\$7,456
	8) 6' Winterfest Snowflake with C7 removable bulbs. LED price provided. Item: PWW-529 Weight: 28lbs	\$6856
	8) 5'x8' Silhouette Fantasy Tree with C7 removable bulbs. LED price provided. Item: P-120S Weight: Weight: 30lbs	\$5,520

	5) 4'x6' Bells with Bow with C7 removable bulbs. LED price provided. Item: PMCT-76 Weight: 27lbs One red, one green and bow in warm white.	\$4,135
	4) 5'x8' Leaping Buck with C7 removable bulbs. LED price provided. Item: P-1626 Weight: 29lbs	\$3,060
	5) 4'x7' Triple Poinsettia with C7 removable bulbs. LED price provided. Item: PMCT-72 Weight: 34lbs	\$6,765
	5) 5'x8' Candy Canes with C7 removable bulbs. LED price provided. Item: P-478 Weight: 26lbs	\$4,965

	5) 4'x7' Hat Tipping Snowman with C7 removable bulbs. LED price provided. Item: PWW-512 Weight: 24lbs	\$6,390
	4) 4'x7' Christmas Ornament with C7 removable bulbs. LED price provided. Item: PMCT-128 Weight: 30lbs No garland, bow lights red	\$5,520
	1) 5.5'x6' Old Man Winter with C7 removable bulbs. LED price provided. Item: PWW-551 Weight: 25lbs	\$1,234
	18) Post over wreaths with LED C7 bulbs and bows.	\$9,900
Total		\$68,641

Notes:

- All brackets are the same
- Bulb colors can be customized upon request; all white can be warm white, and you can add additional colors to the snowflakes if desired

- Pricing is valid through 4/26/2024
- Price is for product only

Assumptions:

- Shipping will be billed at actual and included in your last invoice total





City Commission

Agenda Documentation

MEETING DATE: August 6, 2024
PREPARATION DATE: July 18, 2024
SUBMITTING DEPARTMENT: Building Inspection
DEPARTMENT DIRECTOR: Jordan Singer
PRESENTER: Jordan Singer, Building Official
SUBJECT:

STATEMENT/PURPOSE:

To amend section 2-3-3 of the Mandan Code of Ordinance

BACKGROUND/ALTERNATIVES:

In the interest of staff meetings, we would like to include engineering and fire department staff to step in for the City Engineer and Fire Chief during meetings for the Mandan Architectural Review Commission meetings

ATTACHMENTS:

1. Ordinance 1451 - MARC(18594507.1)

FISCAL IMPACT:

none

STAFF IMPACT:

LEGAL REVIEW:

sent for legal review

RECOMMENDATION:

To approve the first consideration of Ordinance 1451

SUGGESTED MOTION:

I move to approve Ordinance 1451 related to Section 2-3-3 of the Mandan code of ordinance

City Commission

Agenda Documentation

August 6, 2024

Subject: Second and Final Consideration of Ordinance 1451 to amend the Mandan Code of Ordinances

Section 2-3-3 Groups created by ordinance, related to word changes to the Mandan Architectural

Review Commission

Page 2 of 2

ORDINANCE NO. 1451

An Ordinance to Amend and Re-enact
Section 2-3-3(1) of the Mandan Code of Ordinances,
Relating to the Mandan Architectural Review Commission

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

Sec. 2-3-3. – Groups created by ordinance.

The city has created several permanent groups by ordinance:

- (1) *Architectural review commission.* The Mandan Architectural Review Commission was established by ordinance to provide review of building permit applications. The architectural review commission consists of nine members, including the city building official, fire chief (or the fire chief's qualified staff designee), and city engineer (or the city engineer's qualified staff designee). The remaining six members are appointed by the board of city commissioners and, whenever possible, shall be residents of the city, business owners/operators in the city, or owners of property within the city. The board, when making appointments, shall strive to include members of the design and construction industries or other related professions.

By: _____
James Froelich, President, Board of
City Commissioners

Attest:

James Neubauer, City Administrator

First Consideration: July 16, 2024

Second Consideration and Final Passage: _____



City Commission

Agenda Documentation

MEETING DATE: August 6, 2024
PREPARATION DATE: July 28, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Initiated Measure adding 1/2 cent sales tax

STATEMENT/PURPOSE:

To consider the appropriate language to be added to the Municipal Code of Ordinances as a result of the passing on June 11, 2024 of the initiated measure adding 1/2 cent sales tax for public transportation, police and fire buildings and vehicles.

BACKGROUND/ALTERNATIVES:

A group of citizens submitted petitions asking residents to vote on an additional 1/2 cent sales tax. The measure was placed on the June 11, 2024, ballot and was passed.

The proceeds of this one-half cent city sales, use, and gross receipts tax would be dedicated to public safety and public transportation needs. Three tenths of a cent would be dedicated to public safety specifically, costs associated with the building of police and fire stations, the acquisition of police and fire emergency vehicles, and city hall accessibility needs. Two tenths of a cent would be dedicated to public transportation needs, specifically costs associated with providing reliable service for disabled, elderly, and socio-economically challenged residents.

ATTACHMENTS:

1. Ordinance 1453 - Sales Tax half cent

FISCAL IMPACT:

The collection of the additional sales tax would be begin Jan. 1, 2025 and is estimated to add \$ additional revenue.

STAFF IMPACT:

n/a

Subject: First consideration of Ordinance 1453, an ordinance to amend and re-enact Article 2 of the Mandan Code of Ordinances, relating to city sales, use and gross receipts tax under the Home Rule Charter of the City of Mandan.

Page 2 of 2

LEGAL REVIEW:

City Attorney Oster, in conjunction with the North Dakota Office of State Tax Commissioner, has drafted the attached ordinance.

RECOMMENDATION:

I recommend approval of the first consideration of Ordinance 1453.

SUGGESTED MOTION:

i move to approve the first consideration of Ordinance 1453.

ORDINANCE NO. 1453

AN ORDINANCE TO AMEND AND RE-ENACT ARTICLE 2 OF THE MANDAN CODE OF ORDINANCES, RELATING TO CITY SALES, USE, AND GROSS RECEIPTS TAX UNDER THE HOME RULE CHARTER OF THE CITY OF MANDAN.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA:

ARTICLE 2. - SALES, USE, AND GROSS RECEIPTS TAX

Sec. 22-2-1. – Definitions.

All terms defined in chapters 40-05.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6, and 57-40.2 of the North Dakota Century Code (N.D.C.C.), are adopted by reference. All references to the N.D.C.C. include amendments adopted by the North Dakota Legislative Assembly.

Sec. 22-2-2. - Sales Tax Imposed.

- (a) There is imposed a tax of one percent upon the gross receipts of retailers from all sales at retail, including the leasing and renting of tangible personal property, within the corporate limits of the city, of those items subject to taxation under N.D.C.C. ch. 57-39.2.
- (b) There is imposed an additional tax of three-fourths percent upon the gross receipts of retailers from all sales at retail, including the leasing and renting of tangible personal property, within the corporate limits of the city, of those items subject to taxation under N.D.C.C. ch. 57-39.2, until such time as bonds for the construction of certain Park District improvements, subject of a June 9, 2015 special election are paid in full, at which time the additional tax of three-fourths percent shall terminate.
- (c) There is imposed an additional retail sales, use, and gross receipts tax of no more than one-half percent from and after January 1, 2025 of those gross receipts taxed pursuant to Chapters 57-39.2, 57-39.4, 57-40.2, 57-39.5, and 57-39.6, N.D.C.C.
 - 1. The proceeds of this one-half cent city sales, use, and gross receipts tax shall be dedicated only to public safety and public transportation needs in the following proportions:
 - a. Three-tenths of a cent dedicated to public safety: specifically, costs associated with the building of police and fire stations, the acquisition of police and fire emergency vehicles, and city hall accessibility needs.
 - b. Two-tenths of a cent dedicated to public transportation needs: specifically, costs associated with providing reliable service for disabled, elderly, and socio-economically challenged residents.

Sec. 22-2-3. – Sales and gross receipts tax on alcoholic beverages and tobacco products.

Notwithstanding any other provision of law, the sales taxes imposed by this article apply to the gross receipts of retailers from all sales at retail of alcoholic beverages as defined in N.D.C.C. § 5-01-01, whether mixed or unmixed at the time of sale or thereafter, and whether sold for consumption on the premises or through off-sale outlets for consumption off the premises, and cigarettes, cigars and other tobacco products including electronic cigarettes, provided that gross receipts from the sale thereof shall mean and include any other taxes imposed on such merchandise or its use or on the retail or other sale thereof. Notwithstanding any other provision of law, there is imposed a tax of one percent on the gross receipts of retailers from all sales at retail of alcoholic beverages subject to tax under N.D.C.C. ch. 57-39.2, which is in lieu of and not in addition to any other tax imposed by this chapter.

Sec. 22-2-4. - Sales tax on sales through vending machines.

Gross receipts from the sale of tangible personal property costing sixteen cents or more sold through a coin-operated vending machine shall be subject to the sales tax imposed by this article, and gross receipts from the sale of tangible personal property costing fifteen cents or less sold through a coin-operated vending machine shall be specifically exempted from the provisions of this chapter.

Sec. 22-2-5. - Use tax on alcoholic beverages and tobacco products.

Notwithstanding any other provision of law, the use taxes imposed by this article apply to the storage, use or consumption in this city of alcoholic beverages as defined in N.D.C.C. § 5-01-01, whether mixed or unmixed at the time of sale or thereafter, and whether sold for consumption on the premises or through off-sale outlets for consumption off the premises, and cigarettes, cigars and other tobacco products including electronic cigarettes, provided that gross receipts from the sale thereof shall mean and include any other taxes imposed on such merchandise or its use or on the retail or other sale thereof. Notwithstanding any other provision of law, there is imposed a tax of one percent on the storage, use or consumption in this city of alcoholic beverages, which is in lieu of and not in addition to any other tax imposed by this chapter.

Section 22-2-6. - Use Tax Imposed.

Subject to the provisions of N.D.C.C. § 40-05.1-06, and except as otherwise provided in this article, or the sales and use tax laws of the State of North Dakota, an excise tax is imposed upon the storage, use, or consumption within the corporate limits of this city of tangible personal property purchased at retail for storage, use, or consumption in this city, at the rate of one percent of the fair market value of such property at the time it was brought into this city.

With respect to the purchase price of tangible personal property used by a contractor or subcontractor to fulfill a contract as defined in N.D.C.C. § 57-40.2-03.3, the tax imposed by this section applies only to bids submitted on or after the effective date of this article.

Sec. 22-2-7. - Dedication of tax proceeds.

- (a) Except as otherwise provided, all revenues raised and collected under this article, less administrative expenses, shall be dedicated only to reducing property taxes and municipal debt, street, water and sewer system improvements, and for job and economic development. All revenues shall be maintained in a fund, to be known as the sales tax fund, separate and apart from all other funds, except as provided by this article.
- (b) The board of city commissioners shall determine the amount by which property tax levies will be reduced each year prior to adoption of the city's budget. An amount equivalent to the estimated property tax revenue lost due to the property tax reduction may thereafter be transferred from the sales tax fund to the general fund.
- (c) Additional funds may be transferred to appropriate debt reduction, street, water and sewer system improvements, job and economic development funds, and as directed by the Board.
- (d) Remaining revenues and any income therefrom shall accumulate in the sales tax fund until expended by the board as permitted by this article.

Sec. 22-2-8. – Maximum tax imposed.

No tax in excess of Fifty-Six Dollars and Twenty-Five Cents (\$56.25) shall be imposed upon any single transaction involving one or more item.

Sec. 22-2-9. - Collection and administration.

Where not in conflict with the provisions of this article, the provisions of N.D.C.C. chapters 40-05.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6, and 57-40.2, and all administrative rules adopted by the Tax Commissioner, pertaining to the collection and administration of the retail sales, use, and gross receipts tax, including provisions for liability, refund, penalty, interest or credit, govern the administration by the North Dakota Office of State Tax Commissioner (hereinafter "Tax Commissioner") of the taxes imposed by this article.

Sec. 22-2-10. - Contract with Tax Commissioner.

The Mandan City Auditor is hereby authorized to contract with the Tax Commissioner for administration and collection of taxes imposed by this article. The City Auditor has all powers granted to the Tax Commissioner and in the absence of a valid contract with the Tax Commissioner or failure of the Tax Commissioner to perform the delegated duties, shall perform these duties in place of the Tax Commissioner.

Sec. 22-2-11. - Exemptions.

This article does not provide for any additional exemptions from imposition and computation of the city sales and use tax other than those provided by state law.

By: _____
James Froelich, President, Board of
City Commissioners

Attest:

James Neubauer, City Administrator

First Consideration: August 6, 2024
Second Consideration: August 20, 2024

Effective Date: January 1, 2025



City Commission

Agenda Documentation

MEETING DATE: August 6, 2024
PREPARATION DATE: July 30, 2024
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch, Finance Director
SUBJECT: Preliminary 2025 Budget

STATEMENT/PURPOSE:

To consider the introduction and first consideration, and call for a public budget hearing of Ordinance No. 1452 adopting the 2025 Budget.

BACKGROUND/ALTERNATIVES:

The Budget & Finance Committee consists of the following members:

- > Jim Froelich, Mayor (Finance Portfolio)
- > Jim Neubauer, City Administrator
- > Greg Welch, Finance Director
- > Justin Schulz, Assistant Finance Director

July 9, 2024 – the Board of City Commissioners conducted a Budget Working Session with department managers.

July 12, 2024 – the Budget & Finance Committee reviewed, discussed, and approved recommendations for the preliminary 2025 Budget to be presented to the Board of City Commissioners on August 6, 2024.

August 6, 2024 – the Board of City Commissioners to approve the introduction and first consideration, and call for a public budget hearing of Ordinance No. 1452 adopting the 2025 Budget.

August 7, 2024 – the City to provide a copy of the preliminary 2025 budget statement and notice of the public budget hearing date to the Morton County Auditor.

By August 31, 2024 – the Morton County Treasurer to provide a written notice to the owner of each parcel of taxable property with the total estimated property tax, based on the preliminary 2025 budget statement, and the date, time and location of the public

Subject: Consider the introduction and first consideration, and call for a public budget hearing of Ordinance No. 1452 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2025, and ending December 31, 2025, and making the annual tax levy for the year 2024.

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budget hearing.

September 17, 2024 – the City to conduct a public budget hearing at 6:00 p.m. and approve the second and final consideration of Ordinance No. 1452 adopting the 2025 Budget and approve the Resolutions establishing the rates and charges for services.

September 18, 2024 – the City to submit a certified copy of the levy as adopted and a certified copy of the final 2025 Budget to the Morton County Auditor.

The preliminary 2025 Budget will be posted on the City's website at cityofmandan.com.

ATTACHMENTS:

1. Ordinance No. 1452
2. Preliminary 2025 Budget Presentation
3. Machinery & Equipment and Projects

FISCAL IMPACT:

- > Expenses = \$38.3M
- > Transfers = \$13.7M
- > City property taxes levied = \$8.8M

The increase in property taxes for a residential property valued at \$300,000 plus a 5% (average) valuation increase and based on current City mill rate = \$43 or \$14 per \$100,000 in valuation.

The increase in utility bill base charges for a residential account = \$5.41 per month.

STAFF IMPACT:

The City's budget is coordinated by the finance department under the direction of the Budget & Finance Committee with the assistance from commissioners, department managers, supervisors and staff.

LEGAL REVIEW:

The City is required to prepare the annual budget in accordance with the North Dakota Century Code.

RECOMMENDATION:

To approve the introduction and first consideration, and call for a public budget hearing of Ordinance No. 1452 making the annual appropriations for expenditures or expenses

Subject: Consider the introduction and first consideration, and call for a public budget hearing of Ordinance No. 1452 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2025, and ending December 31, 2025, and making the annual tax levy for the year 2024.

Page 3 of 3

of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2025, and ending December 31, 2025, and making the annual tax levy for the year 2024.

SUGGESTED MOTION:

I move to approve the introduction and first consideration, and call for a public budget hearing of Ordinance No. 1452 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2025, and ending December 31, 2025, and making the annual tax levy for the year 2024.

ORDINANCE NO. 1452

AN ORDINANCE MAKING THE ANNUAL APPROPRIATIONS FOR EXPENDITURES OR EXPENSES OF THE CITY OF MANDAN, NORTH DAKOTA, FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2025, AND ENDING DECEMBER 31, 2025, AND MAKING THE ANNUAL TAX LEVY FOR THE YEAR 2024.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA:

Section 1. There are hereby appropriated the following sums of money for so much thereof that may be necessary for the purpose of paying expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2025, and ending December 31, 2025.

	EXPENDITURES/EXPENSES					TRANSFERS
	SALARIES & BENEFITS	OPERATIONS & MAINTENANCE	DEBT SERVICE	CAPITAL OUTLAY	TOTAL	
GENERAL FUND	\$ 13,549,130	\$ 4,285,788	\$ -	\$ 711,174	\$ 18,546,092	\$ 54,831
<u>SPECIAL REVENUE FUNDS</u>						
HIGHWAY DISTRIBUTION FUND	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,525,186
CITY SHARE OF SPECIAL ASSESSMENTS FUND	\$ -	\$ 194,762	\$ -	\$ -	\$ 194,762	\$ -
MUNICIPAL INFRASTRUCTURE FUND	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,116,430
CEMETERY FUND	\$ 103,279	\$ 57,900	\$ -	\$ 15,000	\$ 176,179	\$ -
CITY VISITORS' PROMOTION FUND	\$ -	\$ 74,684	\$ -	\$ -	\$ 74,684	\$ -
ALARM-EQUIPMENT RESERVE FUND	\$ -	\$ 4,850	\$ -	\$ -	\$ 4,850	\$ -
1% CITY SALES TAX FUND	\$ -	\$ 241,300	\$ -	\$ 221,700	\$ 463,000	\$ 3,275,025
PUBLIC TRANSPORTATION SYSTEM FUND	\$ -	\$ 262,929	\$ -	\$ -	\$ 262,929	\$ -
0.75% CITY SALES TAX FUND	\$ -	\$ -	\$ 955,501	\$ -	\$ 955,501	\$ -
0.5% CITY SALES TAX FUND	\$ -	\$ 730,726	\$ -	\$ 163,800	\$ 894,526	\$ -
FIRE EQUIPMENT RESERVE FUND	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 140,852
MANDAN GROWTH FUND	\$ 243,322	\$ 77,722	\$ -	\$ 28,600	\$ 349,644	\$ -
ABUSED ADULT RESOURCE CENTER GRANT FUND	\$ 80,322	\$ -	\$ -	\$ -	\$ 80,322	\$ -
MANDAN SEP TRUST FUND	\$ -	\$ 850	\$ -	\$ -	\$ 850	\$ -
HEALTH & SAFETY FUND	\$ -	\$ 58,050	\$ -	\$ -	\$ 58,050	\$ -
<u>DEBT SERVICE FUNDS</u>						
LIBERTY MEMORIAL BRIDGE GENERAL OBLIGATION BONDS FUND	\$ -	\$ -	\$ 70,485	\$ -	\$ 70,485	\$ -
REFUNDING IMPROVEMENT BONDS FUND	\$ -	\$ -	\$ 4,191,910	\$ -	\$ 4,191,910	\$ -
<u>BUDGETS NOT REQUIRED UNDER NDCC 40-40-05</u>						
CITY VISITORS' PROMOTION CAPITAL CONSTRUCTION FUND	\$ -	\$ 131,450	\$ -	\$ -	\$ 131,450	\$ -
WATER & SEWER UTILITY FUND	\$ 2,211,908	\$ 1,935,600	\$ 2,793,008	\$ 815,000	\$ 7,755,516	\$ 5,389,968
SOLID WASTE UTILITY FUND	\$ 427,390	\$ 2,285,550	\$ 193,400	\$ 598,000	\$ 3,504,340	\$ 151,650
STREET LIGHT UTILITY FUND	\$ -	\$ 321,950	\$ -	\$ -	\$ 321,950	\$ 23,791
CITY SHOP FUND	\$ -	\$ 259,400	\$ -	\$ -	\$ 259,400	\$ -
TOTAL	<u>\$ 16,615,351</u>	<u>\$ 10,923,511</u>	<u>\$ 8,204,304</u>	<u>\$ 2,553,274</u>	<u>\$ 38,296,440</u>	<u>\$ 13,677,733</u>
MORTON MANDAN PUBLIC LIBRARY	\$ 842,016	\$ 254,246	\$ -	\$ 8,000	\$ 1,104,262	\$ 20,000
MANDAN AIRPORT AUTHORITY	\$ 107,127	\$ 197,489	\$ 85,000	\$ 2,012,000	\$ 2,401,616	\$ -

Section 2. There are hereby levied the following sums of money on all taxable property in the City of Mandan, North Dakota, for the year 2024 for the purpose of paying expenditures or expenses of the City of Mandan, North Dakota.

GENERAL FUND	\$ 6,993,717
<u>SPECIAL REVENUE FUNDS</u>	
CITY SHARE OF SPECIAL ASSESSMENTS FUND	\$ 119,967
PUBLIC TRANSPORTATION SYSTEM FUND	\$ 274,263
<u>DEBT SERVICE FUND</u>	
GENERAL OBLIGATION BONDS FUND:	
LIBERTY MEMORIAL BRIDGE	\$ 76,219
MORTON MANDAN PUBLIC LIBRARY	\$ 754,224
MANDAN AIRPORT AUTHORITY	<u>\$ 548,527</u>
TOTAL	<u>\$ 8,766,917</u>

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Taking Effect. This ordinance shall be in full force and effect from and after its final passage and adoption.

President, Board of City Commissioners

Attest:

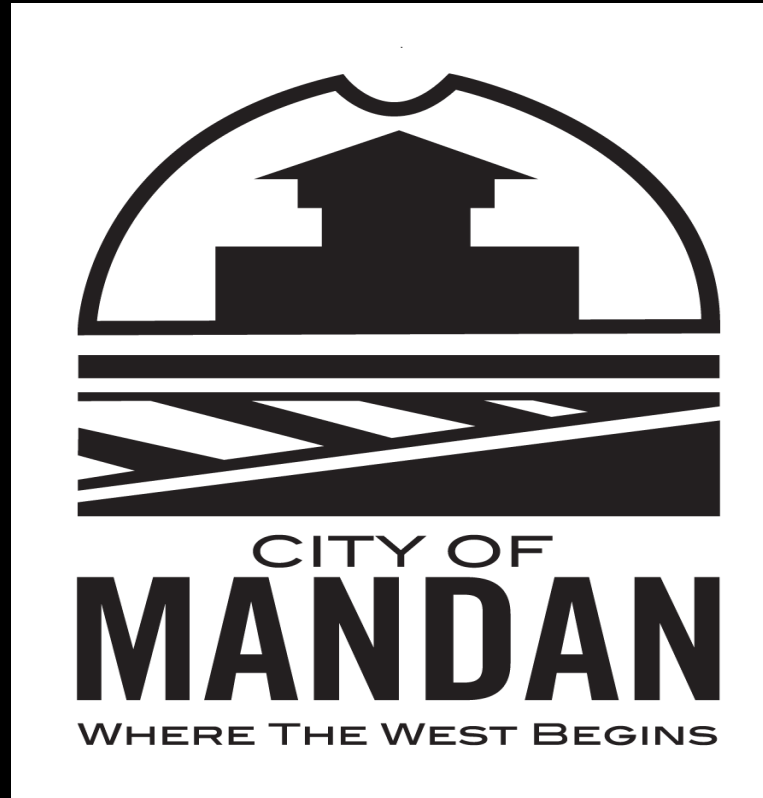
City Administrator

First Consideration: August 6, 2024

Second Consideration: September 17, 2024

Final Passage and Adoption: September 17, 2024

Preliminary 2025 Budget



Budget & Finance Committee

The City of Mandan is required to prepare the annual budget in accordance with the North Dakota Century Code. In addition, the City's budget policies provide further guidance to the budget development process.

The City's budget is coordinated by the finance department under the direction of the Budget & Finance Committee with the assistance from commissioners, department managers, supervisors and staff.

Expenses

Salaries & Benefits = \$16.6M

Operations & Maintenance = \$10.9M

Debt Service = \$8.2M

Capital Outlay = \$2.6M

Total = \$38.3M

Expenses

\$2.4M increase from 2024 budget

Salaries & Benefits = \$2.2M increase

Operations & Maintenance = \$1.0M increase

Debt Service = \$354K increase

Capital Outlay = **\$1.2M decrease**

Salaries & Benefits

\$2.2M increase from 2024 budget

Proposed 5% salary adjustment for full time employees = \$538K

Approved 2024 budget amendment

➤ Health insurance premiums = \$168K

Projected 10% increase in health insurance premiums = \$302K

Salaries & Benefits

11 new full time employees = \$1.1M

General Fund

- Administrative Assistant
- Assistant City Administrator
- Assistant City Planner
- Computer & Information Systems Manager
- Police Officer – 4 positions
- Firefighter/EMT – 2 positions
- Equipment Operator

Operations & Maintenance

\$1.0M increase from 2024 budget

Professional Fees & Services = \$100K increase

Repairs & Maintenance = \$139K increase

Subsidies = \$764K increase

➤ Revenue pass-through payments

Debt Service

Principal payments = \$6.5M

Interest payments = \$1.5M

Service charges/Issuance costs = \$117K

Total = \$8.2M

Capital Outlay

General Fund = \$711K

1% City Sales Tax Fund = \$222K

0.5% City Sales Tax Fund = \$164K

Water & Sewer Utility Fund = \$815K

Solid Waste Utility Fund = \$598K

Total = \$2.6M

See list of machinery & equipment and projects.

Revenues

Charges for Services = \$14.2M

City Sales & Use Taxes = \$8.2M

Property Taxes = \$7.1M

Intergovernmental = \$4.9M

Special Assessments = \$4.1M

Other = \$2.7M

Total = \$41.4M

General Fund

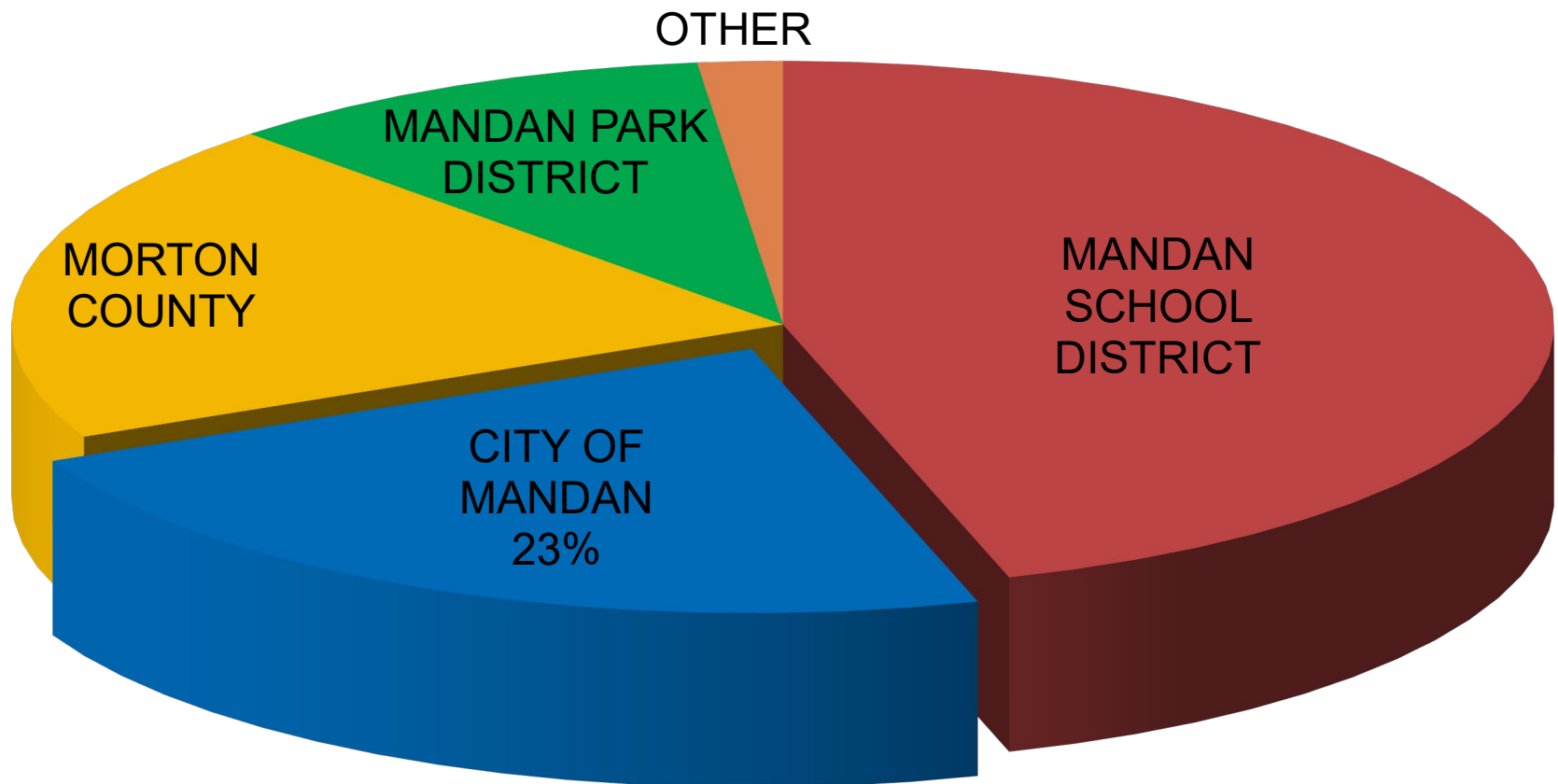
Expenditures = \$18.6M

Funding

- Property Taxes = \$6.6M
- State Aid & Highway Tax Distribution = \$3.9M
- 1% City Sales & Use Taxes = \$2.7M
- Utility Funds Transfers = \$1.7M
- Other Operating Revenues = \$3.2M
- Unreserved Fund Balance = \$457K
- Total = \$18.6M

City Property Taxes

2024 Budget



City Property Tax Levy

\$554K increase from 2024 budget

General Fund = \$559K increase

Other Funds = **\$86K decrease**

Library = \$46K increase

Airport = \$35K increase

No proposed increase in City mill rate from 2024 budget.

City Property Taxes

Residential property valued at \$300K plus 5% (average) valuation increase and based on current City mill rate:



City Utility Bill

Monthly base charge increases

Water & Wastewater

- Projects
 - > Collins Avenue Water Reservoir
 - > Water Treatment Plant Optimization (Phase III)
- Residential account = \$4.75
- Commercial account = \$9.50
- Apartment/Commercial account = \$14.25

City Utility Bill

Monthly base charge increases

Garbage collection & disposal = \$0.05

Recycling collection & disposal = \$0.61

City Utility Bill

Residential account base charges:



Budget Calendar

August 6, 2024 – Introduction and first consideration, and call for public budget hearing of Ordinance adopting preliminary budget.

August 7, 2024 – City to provide copy of preliminary budget and notice of public budget hearing date to Morton County Auditor.

September 17, 2024 – Public budget hearing. Second and final consideration of Ordinance adopting final budget and annual tax levy. Resolutions establishing rates and charges for services.

September 18, 2024 – City to submit certified copy of levy and certified copy of final budget to Morton County Auditor.

MACHINERY & EQUIPMENT AND PROJECTS

GENERAL FUND

PLANNING

EAGLEVIEW-PICTOMETRY (YEAR 3 OF 3) \$ 9,432

INFORMATION TECHNOLOGY

COMPUTER EQUIPMENT \$ 32,600

POLICE

EQUIPMENT FOR NEW POLICE OFFICER \$ 10,000

EQUIPMENT FOR NEW POLICE OFFICER \$ 10,000

EQUIPMENT FOR NEW POLICE OFFICER \$ 10,000

EQUIPMENT FOR NEW POLICE OFFICER \$ 10,000

DRONE (UPGRADE/REPLACEMENT) \$ 10,000

45 FIREARMS (REPLACEMENT FROM .40CAL TO 9MM) \$ 33,600

MOTOROLA-WATCHGUARD SYSTEM (YEAR 3 OF 5) \$ 59,542

FIRE

RESCUE EQUIPMENT \$ 6,000

STREET

FRONT END LOADER SNOW BLOWER \$ 250,000

FRONT END LOADER WITH SNOW PLOW \$ 270,000

CEMETERY FUND

54" ZERO TURN MOWER \$ 15,000

1% CITY SALES TAX FUND

ENGINEERING

RECTANGULAR RAPID FLASHING BEACONS PROJECT \$ 61,700

MEMORIAL BRIDGE PROJECT \$ 160,000

0.5% CITY SALES TAX FUND

POLICE

VEHICLE (PATROL) \$ 81,900

VEHICLE (PATROL) \$ 81,900

MANDAN GROWTH FUND

BUSINESS DEVELOPMENT & COMMUNICATIONS

VIDEO CAMERA/SUPPORTING EQUIPMENT \$ 11,600

SOFTWARE \$ 17,000

WATER & SEWER UTILITY FUND

WATER TREATMENT

RESIDING AND SHINGLING OF GARAGES \$ 40,000

UTILITY MAINTENANCE

VEHICLE WITH UTILITY BOX \$ 75,000

PORSBORG LIFT STATION MAINTENANCE PROJECT \$ 200,000

TERRA VALLEE SANITARY SEWER LIFT STATION (YEAR 2 OF 2) \$ 500,000

SOLID WASTE UTILITY FUND

LANDFILL

20 YD ROLL-OFF BOX (GRASS CONTAINER) \$ 8,000

LANDFILL WHEEL LOADER \$ 590,000



City Commission

Agenda Documentation

MEETING DATE: August 6, 2024
PREPARATION DATE: July 31, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider Right of Way Vacation related to Helblings 6th Addition

STATEMENT/PURPOSE:

Consider Right of Way Vacation related to Helblings 6th Addition

BACKGROUND/ALTERNATIVES:

Detailed background on this request can be found under Public Hearing no. 1.

ATTACHMENTS:

1. Helblings 6th Addition
2. draft Resolution of Vacation
3. Vacation Exhibit

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

The City Attorney has reviewed this agenda document as part of the agenda packet.

RECOMMENDATION:

Staff recommends approval of the resolution of vacation.

SUGGESTED MOTION:

I move to approve the resolution vacating the right of way associated with Helblings 6th Addition.

City Commission

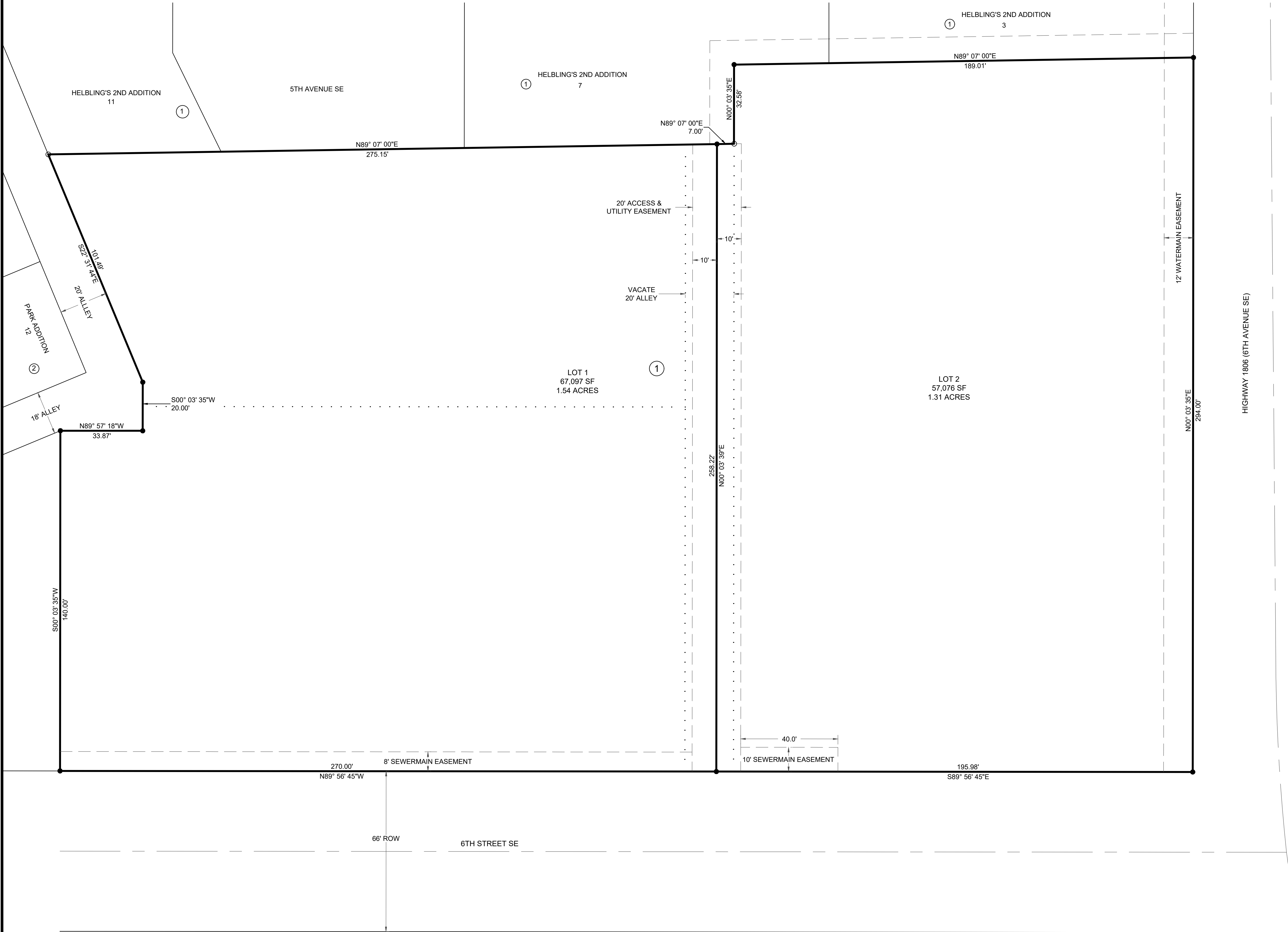
Agenda Documentation

August 6, 2024

Subject: Consider Right of Way Vacation related to minor plat for Helblings 6th Addition

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HELBLINGS 6TH ADDITION
TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA
LOTS 4, 5, & 6, BLOCK 1 HELBINGS 2ND ADDITION
IN THE NE 1/4 OF SECTION 34, T139N, R81W



AREA TABLE		LEGEND	
LOT 1	1.54 ACRES (67,097 SF)	○	FOUND SURVEY MONUMENT
LOT 2	1.31 ACRES (57,076 SF)	●	SET CAPPED REBAR "LS-9628"
TOTAL	2.85 ACRES (124,173 SF)	· · · · ·	VACATED LOT LINE

NOTES:
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS.
2. SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.
3. THE 20' ACCESS EASEMENT IS FOR THE BENEFIT OF LOTS 1 AND 2, BLOCK 1.

OWNER:
HELBLING LAND COMPANY
PO BOX 639
MANDAN, ND 58554

OWNER:
L & H MANUFACTURING, INC.
410 6TH STREET SE
MANDAN, ND 58554

SITE ADDRESS:
410 6TH STREET SE
MANDAN, ND 58554

BASED ON NORTH DAKOTA SOUTH ZONE-NAD83, INTERNATIONAL FEET.
MEASUREMENTS HAVE BEEN ESTABLISHED BY RTK FROM THE "BSMK" CORS STATION AND ARE REPORTED IN GRID.

PROPERTY DESCRIPTION

LOTS 4, 5, AND 6, BLOCK 1 IN HELBLINGS 2ND ADDITION TO THE CITY OF MANDAN, SITUATED IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA, CONTAINING 2.85 ACRES (124,173 SQUARE FEET), MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, MARK R. ISAACS, A NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 9628, HEREBY CERTIFY THAT I HAVE CAUSED TO BE A SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT; FURTHER, THAT DISTANCES INDICATED HEREON ARE IN FEET AND HUNDREDTHS OF FEET THEREOF, AND BEARINGS ARE INDICATED IN QUADRANTS AND DEGREES, MINUTES, AND SECONDS THEREOF; FURTHER, THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MARK R. ISAACS, RLS 9628

OWNER'S CERTIFICATE OF DEDICATION

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

WE, DO HEREBY DEDICATE A 20 FOOT ACCESS EASEMENT FOR THE BENEFIT OF LOTS 1 AND 2, BLOCK 1, WHICH WILL RUN WITH THE LANDS.

DONALD W. HELBLING
L & H MANUFACTURING CO., INC.
LOT 1, BLOCK 1

TIM HELBLING, MANAGING PARTNER
HELBLING LAND COMPANY
LOT 2, BLOCK 1

SUBSCRIBED AND SWORN BEFORE ME, AND NOTARY PUBLIC, THIS ____ DAY OF _____, 20__.

NOTARY PUBLIC.

APPROVAL OF THE BOARD OF CITY COMMISSIONERS

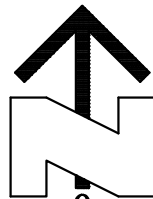
THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND SHOWN HEREON, HAS ACCEPTED THE DEDICATION OF ALL STREETS, ALLEYS, AND PUBLIC WAYS SHOWN HEREON LYING WITHIN THE CORPORATE LIMITS OF THE CITY OF MANDAN, HAS ACCEPTED THE DEDICATION OF ALL PARKS AND PUBLIC GROUNDS SHOWN HEREON, FURTHERMORE, SAID BOARD OF CITY COMMISSIONERS HAS APPROVED THE STREETS, ALLEYS, AND OTHER PUBLIC WAYS AND GROUNDS SHOWN HEREON AS AN AMENDMENT TO THE MASTER STREET PLAN OF THE CITY OF MANDAN, THE FOREGOING ACTION BY THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, HAS TAKEN BY RESOLUTION APPROVED THE ____ DAY OF _____, 20__.

JIM NEUBAUER - CITY ADMINISTRATOR

-PRESIDENT OF THE BOARD
OF CITY COMMISSIONERS

I, JAREK WIGNESS, CITY ENGINEER FOR THE CITY OF MANDAN, NORTH DAKOTA, HEREBY APPROVES "HELBLINGS 6TH ADDITION" OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JAREK WIGNESS, PE



SCALE: 1" = 16'
0 8 16

DATE: MAY 31ST, 2024

VERTICAL DATUMN - NAVD 1988.

HELBLINGS 6TH ADDITION
LOTS 4, 5, & 6, BLOCK 1
HELBLINGS 2ND ADDITION
MANDAN, NORTH DAKOTA

Independent
Land
Surveying &
Engineering
4215 Old Red Trail NW
Mandan, ND 58554
Phone: 701-663-5184
Cell: 701-595-2079
mark@ilsurveynd.com

SHEET: 1 OF 1	JOB NUMBER: 24019
SCALE: 1"= 16'	DWG REVISION DATES
DRAWN BY: MRI	- -
DWG DATE: 5/31/24	- -
DWG NAME: 24019 Survey.dwg	

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

WHEREAS, the owners of Lots 4, 5, & 6 in Helbling's 2nd Addition in Section 34, Township 139N, Range 81 W of the 5th Principal Meridian, City of Mandan, Morton County, North Dakota have requested that an adjacent 20' alley be vacated; and

WHEREAS, the subject property is to be replatted as a 20' access & utility easement on Helbling 6th Addition.

WHEREAS, the City of Mandan has no use for an alley at this location and deems this alley unnecessary; and

WHEREAS, the required public notices were published for four consecutive weeks on July 12, 19, 26, and August 2, 2024.

WHEREAS, the required public hearing was conducted by the Board of City Commissioners on August 6, 2024.

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

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

Approved and passed August 6, 2024, by at least two-thirds vote of all the members of the Board of City Commissioners.

President, Board of City Commissioners

ATTEST:

City Administrator

Public Notice Dates: July 12, July 19, 26, and August 2, 2024

Public Hearing: August 6, 2024

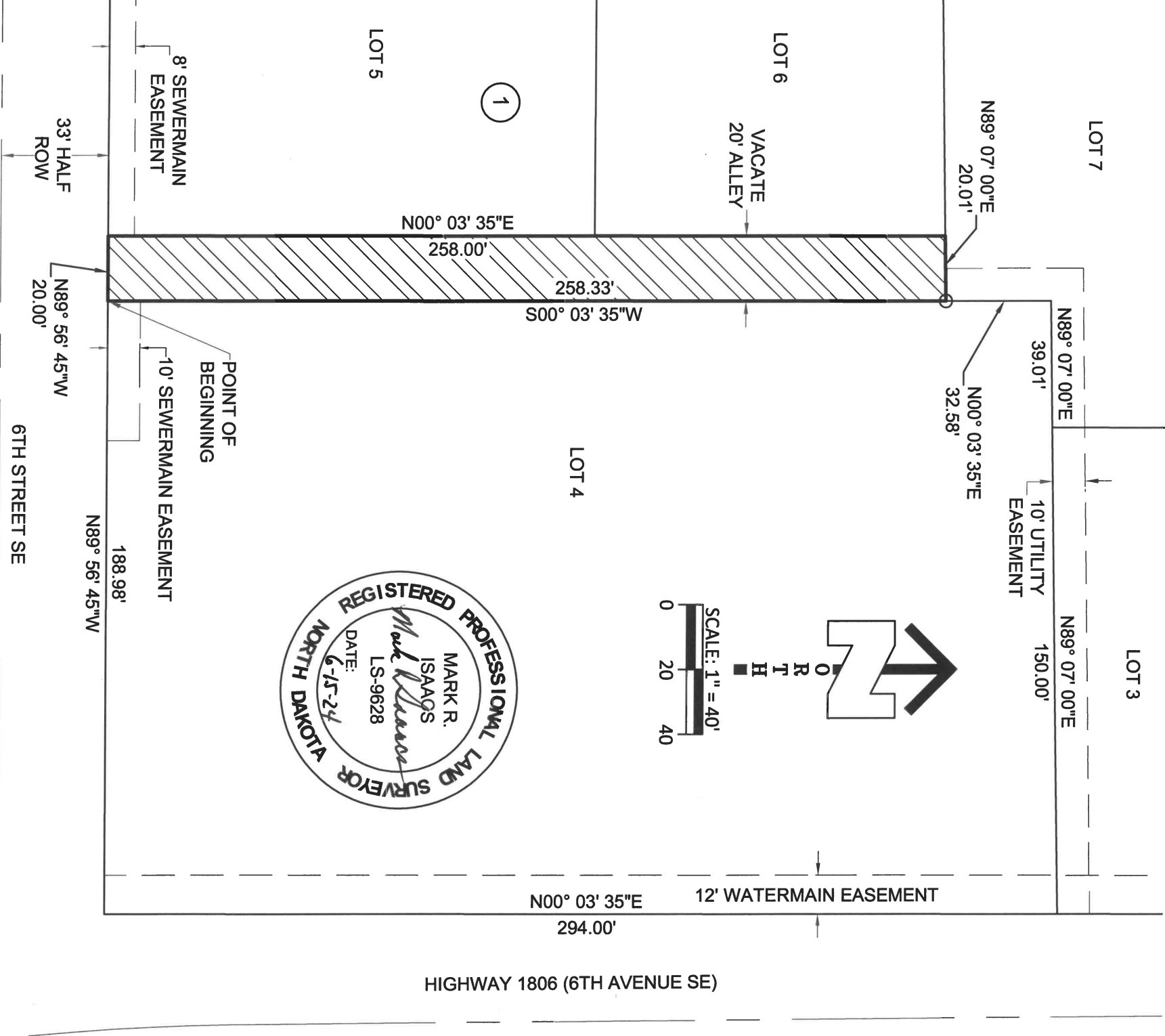
Final Passage: August 6, 2024

Publication Date:

RIGHT OF WAY VACATION DESCRIPTION

A TRACT OF LAND BEING ADJACENT TO LOTS 4, 5, & 6 IN HELBLINGS' 2ND ADDITION IN SECTION 34, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 4, BLOCK 1 IN HELBLINGS' 2ND ADDITION; THENCE NORTH 89° 56' 45" WEST A DISTANCE OF 20.00 FEET TO THE SOUTHEAST CORNER OF LOT 5, BLOCK 1 IN HELBLINGS' 2ND ADDITION; THENCE NORTH 00° 03' 35" EAST A DISTANCE OF 258.00 FEET TO THE NORTHEAST CORNER OF LOT 6, BLOCK 1 IN HELBLING'S ADDITION; THENCE NORTH 89° 07' 00" EAST A DISTANCE OF 20.01 FEET TO THE WEST LINE OF THE AFORESAID LOT 4; THENCE SOUTH 00° 03' 35" WEST A DISTANCE OF 258.33 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 5,163 SQUARE FEET, MORE OR LESS.



SHEET: 1 OF 1	JOB NUMBER: 24019
SCALE: 1"= 40'	DWG REVISION DATES
DRAWN BY: MRI	—
DWG DATE: 6/15/24	—
DWG NAME: 24019 ROW Vacation.dwg	

20' ALLEY VACATION
HELBLING'S 2ND ADDITION
LOTS 4, 5, 6; BLOCK 1
SEC. 34, T139N, R81W

4215 Old Red Trail NW
Mandan, ND 58554
Cell: 701-595-2079
mark@iisurveynd.com

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