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

The public may access the LIVE meeting at:

Watch & Listen	***Listen***
Government Access (Midcontinent) cable channels 2 & 602 HD Streaming LIVE at: tinyURL.com/FreeTV-602 and on Roku or Apple TV	*Radio Access 102.5 FM RadioAccess.org*
Or Telephone:	***Web:***
Dial: *+1 312 626 6799*	*https://us02web.zoom.us/j/84692816484*
Webinar ID*: 846 9281 6484*	

*The City of Mandan is encouraging citizens to provide their comments for agenda items via email to info@cityofmandan.com. Please provide your comments before **Noon** on the day of the meeting. Include the agenda item number your comment references. Comments will be forwarded to the Commissioners and appropriate departments.*

A. ROLL CALL

1. Roll call of all City Commissioners

B. THE PLEDGE OF ALLEGIANCE

C. ANNOUNCEMENTS

1. Introduction of new employees

a. Amy Berger, Human Resources Director

b. Sherie Johnston, Administrative Assistant

D. APPROVAL OF AGENDA

E. MINUTES

1. Consider approval of the minutes from the January 16, 2024 Board of City Commissioners regular meeting

F. PUBLIC HEARING

1. Consider the Resolution Determining Insufficiency of Protest for Street

Improvement District No. 235

2. Consider Right of Way Vacation for portion of Oxbow Trail SE in Lakewood 6th Addition

G. BIDS

H. CONSENT AGENDA

1. Consider the following abatements

a. Larson Commercial Rentals LLC Abatement

b. Ressler Veteran Credit Abatements

c. Anderson Abatement

2. Consider Proclaiming Giving Hearts Day, February 8, 2024

3. Raffle Permit Approval, Breast Cancer Benefit Amy Bullinger

4. Raffle Permit Approval, Mandan Backboard Boosters Girls Basketball Club

5. Authorization to Bid Mandan Street Lighting LED Replacement Project

I. OLD BUSINESS

J. NEW BUSINESS

1. Consider accepting a "Plowing for Pizza" donation

2. Consider Development Agreement for Schaff Estates 2nd Addition

3. Mandan 2024 Street Rehabilitation Design Task Order, Amendment 1

4. *Consider 8th Avenue NW Engineering Service Agreement Amendment*

K. RESOLUTIONS AND ORDINANCES

1. Second and final consideration of Ordinance 1443, an ordinance to amend and re-enact Section 2-1-2 of the Mandan Code of Ordinances relating to Municipal Judge and elections

2. Resolution Vacating Portion of Right-of-Way of Oxbow Trl. SE in Lakewood 6th Addition

L. OTHER BUSINESS

M. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS

1.

- February 20, 2024, 5 p.m.
- March 5, 2024, 5:30 p.m.
- March 19, 2024, 5:30 p.m.

N. ADJOURN

The Mandan City Commission met in regular session at 5 p.m. on September 16, 2024 in the Ed "Bosh" Froehlich Meeting Room at City Hall, Mandan, North Dakota. Mayor Helbling called the meeting to order.

A. ROLL CALL

1. Roll Call of all City Commissioner. Those present were Mayor Helbling and Commissioners Braun, Camisa, Olson, and Rohr. Department heads present were City Administrator Neubauer, Finance Director Welch, Assessor Markley, Engineering Director Wigness, Deputy Police Chief Bier, Fire Chief/Public Works Director Bitz, Business Development & Communications Director Cermak, Planner Stromme, and City Attorney Oster.

B. PLEDGE OF ALLEGIANCE

C. ANNOUNCEMENTS

D. ARRROVAL OF AGENDA

E. MINUTES

1. Consider approval of the minutes from the January 2, 2024 Board of City Commission Regular Meeting. Commissioner Braun moved and Commissioner Camisa seconded to approve the minutes as presented. Roll Call vote: Aye 5, Nay 0, Absent 0. The motion passed.

F. PUBLIC HEARING

G. BIDS

H. CONSENT AGENDA

1. *Consideration of the following abatements:*
    a. *Ripplinger 2022 and 2023*
    b. *Everson 2022 and 2023*
    c. *Horner 2023 Veterans Credit*
2. *Consider approval of the Blackstone Tavern Class C Liquor license*
3. *Consider Ohnstad Twichell Consultation Agreement*
4. *Consider WBI Agreement Authorization*
5. *Consider classification changes to Morton Mandan Public Library positions*
6. *Consider approval of monthly bill*s

Commissioner Camisa moved and Commissioner Braun seconded to approve the consent agenda items 1, 2, 5 & 6 including all sub items as presented. Roll Call vote: Aye 5, No 0, Absent 0. The motion passed. Commissioner Camisa pulled items 3 and 4 for discussion. City Engineer Wigness presented the items. Commissioner Camisa moved and Commissioner Braun seconded to approve consent agenda item 3. Roll Call Vote: Aye 5, No 0, Absent 0. The motion passed. Commissioner Camisa moved and Commissioner Braun seconded to approve consent agenda item 4. Roll Call Vote: Aye 5, No 0, Absent 0. The motion passed.

I. OLD BUSINESS

J. NEW BUSINESS

1. Consider a Remodeling Exemption application for Texas Omkar LLC (Former Blackstone). Assessor Markley presented the remodeling exemption application. Commissioner Camisa moved and Commissioner Rohr seconded to approve. Roll Call vote: Aye 5, No 0, Absent 0. The motion passed.

2. *Consider Authorization of Urban Program Submittals*. Engineer Wigness presented the

Urban Program application submittals and explained the projects being applied for. Mandan residents Kermit Harr and Leo Bruner spoke on funding for the project submittal that would complete the 8th Ave NW reconstruction. Commissioner Camisa moved and Commissioner Rohr seconded to approve. Roll Call vote: Aye 5, No 0, Absent 0. The motion passed.

K. RESOLUTIONS AND ORDINANCES

1. Second and final consideration of Ordinance 1442, a moratorium on self-storage developments to take effect February 15, 2024. Planner Stromme explained there have been no changes since the first consideration. Commissioner Camisa moved and Commissioner Rohr seconded to approve. Roll Call vote: Aye 5, No 0, Absent 0. The motion passed.

2. First consideration of Ordinance 1443, an ordinance to amend and re-enact Section 2-1-2 of the Mandan Code of Ordinances relating to Municipal Judge and elections. Administrator Neubauer presented the first consideration of Ordinance 1443, which changes the number of signatures required for a person to get their name on the ballot for Municipal Judge from 300 to 125. This aligns the requirement for Municipal Judge with the other the elected positions for the City of Mandan. Commissioner Camisa moved and Commissioner Rohr seconded to approve. Roll Call vote: Aye 5, No 0, Absent 0. The motion passed.

L. OTHER BUSINESS

N. ADJOURNMENT

There being no other business to come before the Board, Commissioner Rohr motioned and Commissioner Camisa seconded to adjourn the meeting at 5:31 p.m. The motion received unanimous approval of the members present.

James Neubauer	Timothy Helbling
City Administrator	Board of City Commissioners

City Commission

Agenda Documentation

MEETING DATE: February 6, 2024
PREPARATION DATE: January 22, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider the Resolution Determining Insufficiency of Protest for Street Improvement District No. 235

STATEMENT/PURPOSE:
To review protests and consider the resolution determining the insufficiency of protest for Street Improvement District 235

BACKGROUND/ALTERNATIVES:
On October 17th, 2023, the City of Mandan directed Moore Engineering to complete an engineering study/report for the 2024 Mandan Street Rehabilitation Project. The study allowed us to identify a scope of work for each block and estimate a preliminary cost necessary to create a district.

On December 19th, 2023, the City of Mandan approved the resolutions necessary to create and advertise the district. A public meeting was held on January 10th to share information regarding the district and gather any questions or comments citizens may have. The protest period for the District ended on February 2nd at 4:30 PM.

Protest rate information for the district is shown in the following tables. Protest rates are typically determined by percent of the total district area, but we have included a few other metrics for consideration as well. Maps of the protesting properties are also included in the packet.

Non-public Parcels:	405
Protesting Parcels:	32
Protest Rate by # of Parcels	7.9%

Non-public Acreage in District:	142.5
Total Protest Acreage:	29.7
Protest Rate by Acreage:	**20.9%**

Area 1 Protest Rate by Acreage	34%
Area 2 Protest Rate by Acreage	12%

Some of the common themes among the written protests that we received include:

- Property taxes are too expensive already.
- Major improvements aren't necessary on these streets.
- The estimated special assessment amounts are too high.

If the Commission determines the protest rate to be insufficient, the project would be constructed in 2024. The special assessments would likely be verified in 2025, following project completion.

ATTACHMENTS:

1. Area 1 - Protest Map
2. Area 2 - Protest Map
3. Resolution Determining Insufficiency of Protest

FISCAL IMPACT:

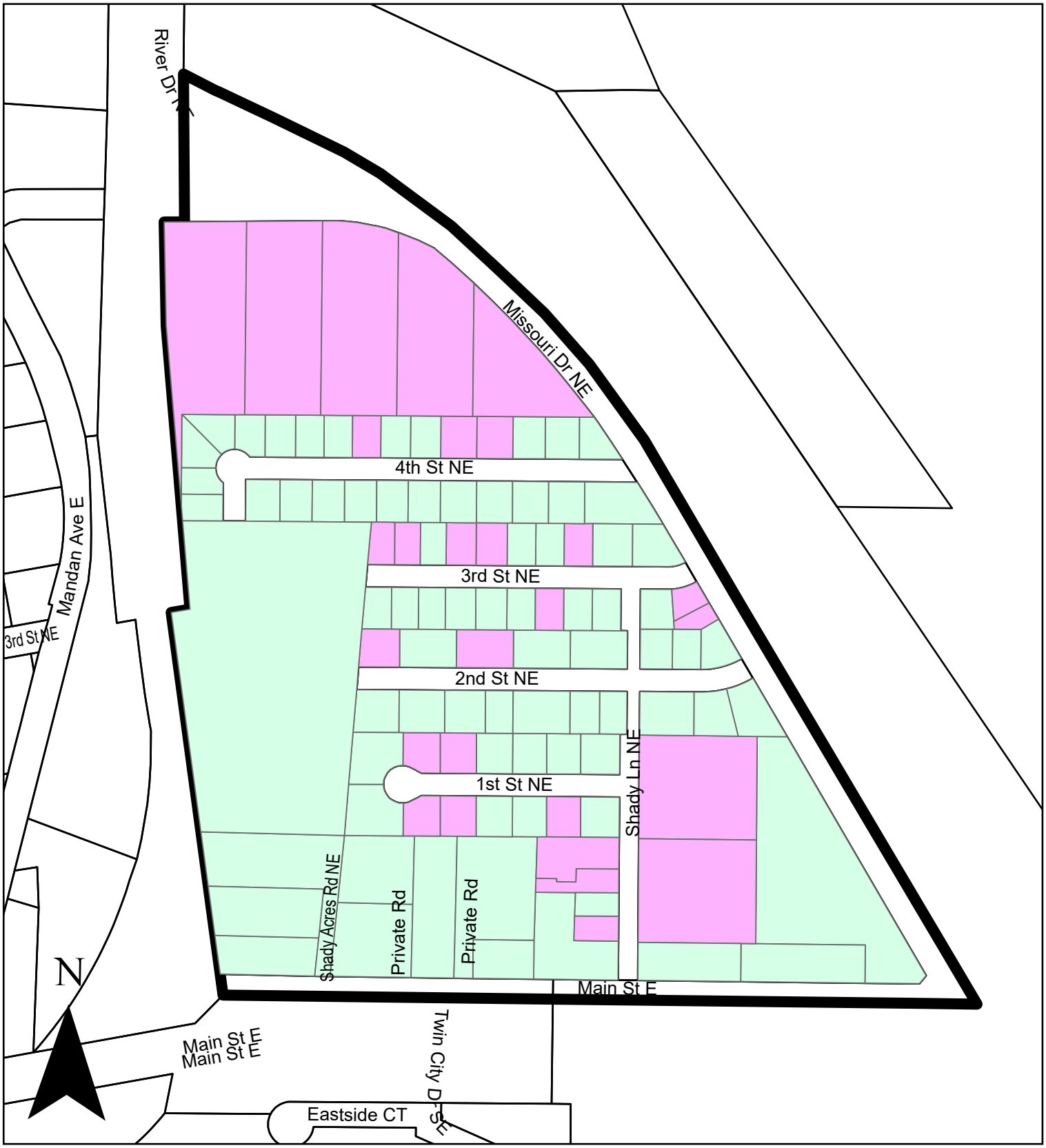
The total project cost for the 2024 project is estimated to be $9,365,000.00. We have sought partial funding for the project through the North Dakota Department of Water Resources (DWR) for all eligible water items. The estimated DWR funding is $1,560,171.41. The remaining water and sewer items that the city would cover is about $499,000. 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 $866,000. The remaining amount to be special assessed to residents within the special assessment district is approximately $6,440,000.

STAFF IMPACT:
Significant time and effort working alongside Moore Engineering to prepare a bid packet would be initiated if the protest rate was determined to be insufficient.

LEGAL REVIEW:
All commission documents have been forwared to the City Attorney for review.

RECOMMENDATION:
Approve the resolution determining the insufficiency of protest for District No. 235.

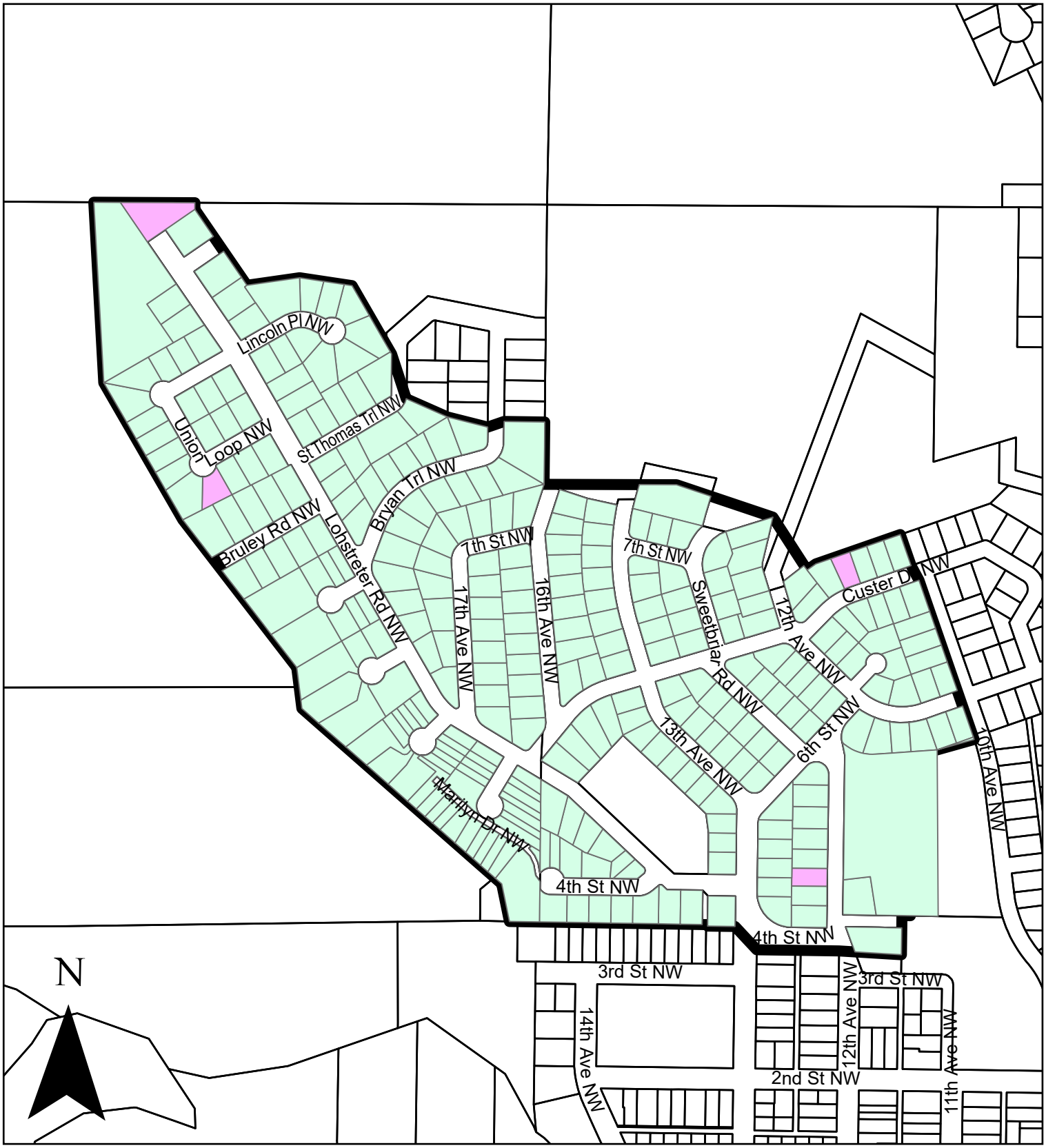
SUGGESTED MOTION:
I move to approve the resolution determining the insufficiency of protest for District No. 235.



Protests

- No Protest
- Protest

Area 1 Protests



Protests

- No Protest
- Protest

Area 2 Protests

RESOLUTION DETERMINING INSUFFICIENCY OF PROTESTS FOR STREET IMPROVEMENT DISTRCIT NO. 235

Whereas, the governing body of the City of Mandan, North Dakota (the "City") adopted a Resolution of Necessity Declaring the Necessity of a Special Assessment District for Street Improvement District No. 235, on December 19, 2023 (the "Resolution"); and

Whereas, the Resolution was published in the City's official newspaper on January 3, 2024 and January 10, 2024; and

Whereas, more than thirty days have passed since the January 3rd, 2024 publication; and

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

1. That written protests filed with the City Administrator, within 30 days after January 3rd, 2024 publications, did not represent a majority of the area of the property included within Street Improvement District No. 235.

2. That proceedings under the Resolution are NOT barred.

Dated and adopted this 6th day of February, 2024

City of Mandan, North Dakota

_____
Timothy Helbling, President
Board of City Commissioners

Attest:

_____
James Neubauer, City Administrator

City Commission

Agenda Documentation

MEETING DATE: February 6, 2024
PREPARATION DATE: January 30, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider Right of Way Vacation for portion of Oxbow Trail SE in Lakewood 6th Addition.

STATEMENT/PURPOSE:
Consider Right of Way Vacation for portion of Oxbow Trail SE in Lakewood 6th Addition

BACKGROUND/ALTERNATIVES:
TRX Developers seeks approval of a right-of-way vacation for a portion of Oxbow Trail SE that was originally platted into Lakewood 6th Addition in 2012. Following the 2012 plat, the street was never constructed in this area, and Oxbow Trail presently terminates approximately one thousand feet east of the requested vacation. No improvements have been made in this area.

With new development plans currently being reviewed by the City, this right-of-way needs to be vacated to allow for the realignment of both the right-of-way and the eventual extension of Oxbow Trail SE to future phases of Shores at Lakewood.

ATTACHMENTS:
1. Development Application
2. Resolution - Vacation of portion of Oxbow Trl SE
3. Exhibit - Vacation of portion of Oxbow Trl SE
4. Location Map - Vacation of portion of Oxbow Trl SE

FISCAL IMPACT:
N/a

STAFF IMPACT:
N/a

LEGAL REVIEW:
This item has been reviewed as part of the agenda packet.

RECOMMENDATION:
Staff recommends to conduct a public hearing for the Right of Way Vacation and to conditionally approve this item under Resolutions and Ordinances No. 2.

SUGGESTED MOTION:

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 2nd & subsequent resubmittal ($50)
☐	Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) ($250)	☐	

Summary of Request (Add separate sheet(s) as necessary)

To vacate part of Oxbow Trail SE right-of-way (Lakewood Sixth Addition) and to realign Oxbow Trail SE into Shores at Lakewood 3rd Addition. See attached map for clarity.

Engineer/Surveyor			Property Owner or Applicant		
Name Nick Nustad - Mountain Plains, LLC			**Name** Arthur Goldammer - TRX Developers, LLC		
Address 1300 Tacoma Ave, Suite A			**Address** 3100 North 14th Street		
City Bismarck	**State** ND	**Zip** 58504	**City** Bismarck	**State** ND	**Zip** 58503
email nnustad@mtnplains.com			**email** arthur@verityhomes.com		
Phone 7019553122	**Fax**		**Phone** 7014260197	**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	N/A	N/A	Shores at Lakewood 3rd Addition

Property Address	Legal Description
Oxbow Trail SE	Lakewood Sixth Addition
Current Use	
public right-of-way	
Proposed Use	
realign public right-of-way for Shores at Lakewood 3rd Addition	Section 1 / Township 138 / Range 81

Parcel Size	Building Footprint	Stories	Building SF	Required Parking	Provided Parking

Arthur Goldammer 11/27/2023

Print Name	Signature	Date
LeeRoy J Mitzel	Leroy J Mitzel	11/27/23

Office Use Only

Date Received:	Initials: NM	Fees Paid:	$500	Date 11-30-2023
Notice in paper	Mailed to neighbors	P&Z meeting		
☐ Approved ☐ Denied	Approved with conditions:			

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

WHEREAS, the owners of the properties located in Lakewood Sixth Addition in Section 1, Township 138N, Range 81 W of the 5th Principal Meridian, City of Mandan, Morton County, North Dakota have requested that a portion of Oxbow Trail SE right-of-way be vacated; and

WHEREAS, the subject property was not fully constructed and

WHEREAS, the City of Mandan has no plans to extend Oxbow Trail SE at this location and deems this portion of the right-of-way unnecessary; and

WHEREAS, the required public notices were published for four consecutive weeks on December 29, 2023, January 5, 12 and 19, 2024.

WHEREAS, the required public hearing was conducted by the Board of City Commissioners on February 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.

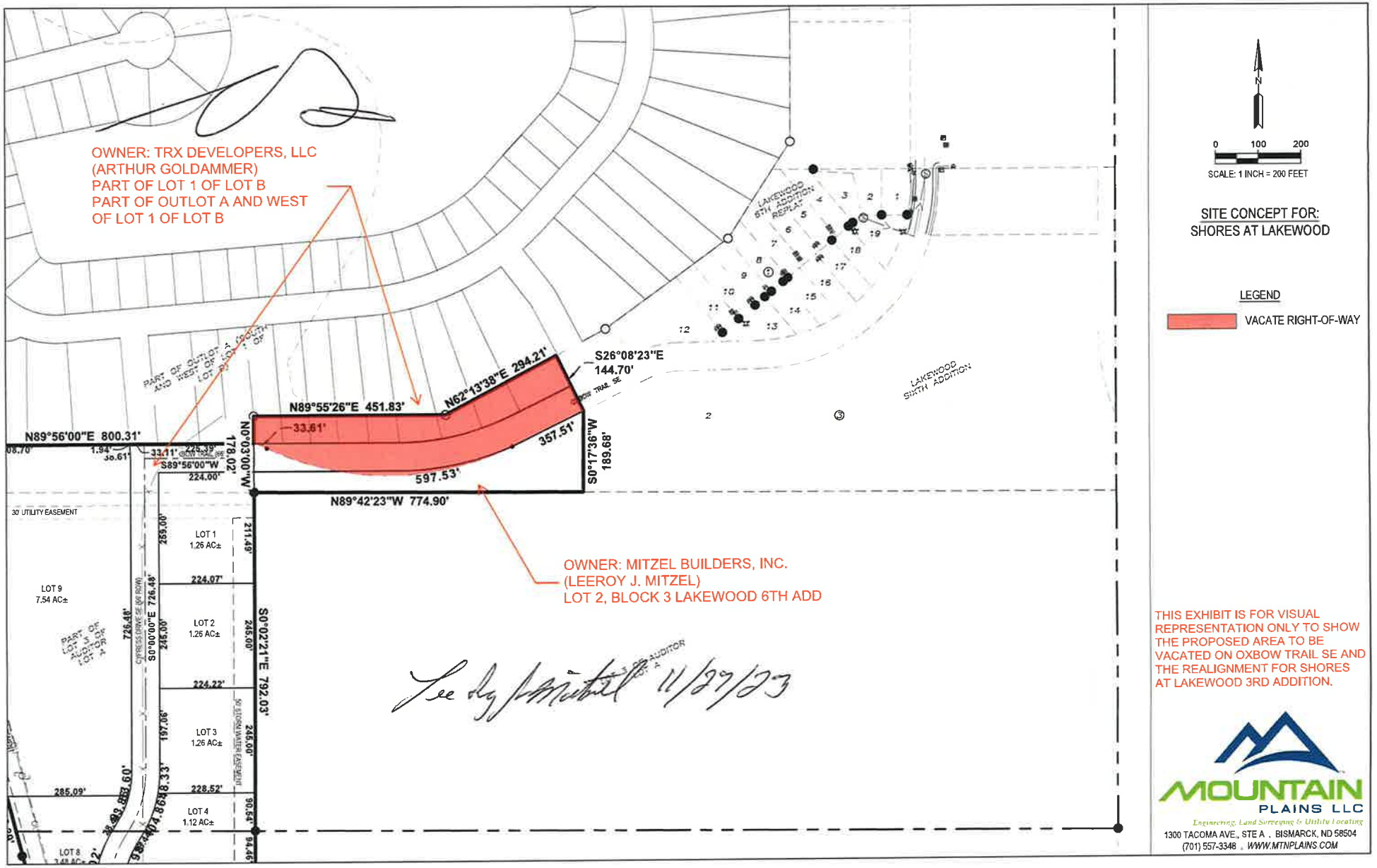
Approved and passed February 6, 2024 by at least two-thirds vote of all the members of the Board of City Commissioners.

_____
President, Board of City Commissioners

ATTEST:

_____
City Administrator

Public Notice Dates: December 29, 2023, January 5, 12, and 19, 2024
Public Hearing: February 6, 2024
Final Passage: February 6, 2024



N

0 100 200

SCALE: 1 INCH = 200 FEET

SITE CONCEPT FOR:
SHORES AT LAKEWOOD

LEGEND

VACATE RIGHT-OF-WAY

THIS EXHIBIT IS FOR VISUAL REPRESENTATION ONLY TO SHOW THE PROPOSED AREA TO BE VACATED ON OXBOW TRAIL SE AND THE REALIGNMENT FOR SHORES AT LAKEWOOD 3RD ADDITION.

MOUNTAIN PLAINS LLC
Engineering, Land Surveying & Utility Locating
1300 TACOMA AVE., STE A . BISMARCK, ND 58504
(701) 557-3348 . WWW.MTNPLAINS.COM

Zoning and Future Land Use Reference Map

Missouri Point Special Use Permit

Zoning

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
- Parcels
- January '24 Planning Items

Future Land Use Plan

Future Land Use Plan Key

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

0 0.13 0.25 0.5 Miles

N

City of Mandan
Planning Department
12/27/23

City Commission

Agenda Documentation

MEETING DATE: February 6, 2024
PREPARATION DATE: January 19, 2024
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Kimberly Markley
PRESENTER: Kimberly Markley, City Assessor
SUBJECT: Abatements for Larson Commercial Rentals LLC at 2921 Twin City Dr SE

STATEMENT/PURPOSE:
To consider corrections to the 2022 & 2023 full & true values for property located at 2921 Twin City Dr SE. To correct building square footages and other property characteristics.

BACKGROUND/ALTERNATIVES:
This parcel is also known as parcel #65-5291000 with a legal description of W 100'of N 300' of NW corner Lot 9 adj to Lots 1-3 Blk 2 Twin City Industrial Sites 1st.

ATTACHMENTS:
1. Larson Commercial Rentals LLC 2022 and 2023 abatement forms

FISCAL IMPACT:
2022 All taxing entities = $7,806.68, City Share = $1,734.49
2023 All taxing entities = $7,277.01, City Share = $1,655.47

STAFF IMPACT:
NA

LEGAL REVIEW:
Submitted to City Attorney Oster

RECOMMENDATION:
I recommend a motion to recommend approval to the Morton County Commission of the 2022 & 2023 Abatement Applications for Larson Commercial Rentals LLC at 2921 Twin City Dr SE as presented.

SUGGESTED MOTION:

I move to recommend approval to the Morton County Commission of the 2022 & 2023 Abatement Applications as presented for Larson Commercial Rentals LLC at 2921 Twin City Dr SE as presented.

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

Assessment District CITY OF MANDAN

County of MORTON

Property I.D. No. 65-5291000

Name LARSON COMMERCIAL RENTALS LLC

Telephone No.

Address ~~3550 ROCKY POINT LN, BISMARCK, ND 58503-5614~~ 2921 Twin City Dr SE

Legal description of the property involved in this application:

W 100' OF N 300' OF NW CORNER LOT 9 ADJ TO LOTS 1-3 BLOCK 2 TWIN CITY INDUSTRIAL SITES 1ST

RECEIVED
JAN 19 2024

Total true and full value of the property described above for the year 2022 is:

Land	$ 120,200
Improvements	$ 1,401,000
Total	$ 1,521,200 (1)

Total true and full value of the property described above for the year 2022 should be:

Land	$ 120,200
Improvements	$ 857,700
Total	$ 977,900 (2)

The difference of $ 543,300.00 true and full value between (1) and (2) above is due to the following reason(s):

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

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

1. Purchase price of property: $_____ Date of purchase: _____
   Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
   Was there personal property involved in the purchase price? _____ (yes/no) Estimated value: $_____
2. Has the property been offered for sale on the open market? _____ (yes/no) If yes, how long? _____
   Asking price: $_____ Terms of sale: _____
3. The property was independently appraised: _____ (yes/no) Purpose of appraisal: _____
   _____ Market value estimate: $_____
   Appraisal was made by whom? _____
4. The applicant's estimate of market value of the property involved in this application is $_____
5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

Applicant asks that CORRECT SQUARE FOOTAGE OF COMMERCIAL BUILDING

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

I declare under the penalties of N.D C C § 12.1-11-02, which provides for a Class A misdemeanor for making a false statement in a governmental matter, that this application is, to the best of my knowledge and belief, a true and correct application.

Signature of Preparer (if other than applicant) _____ Date _____

Signature of Applicant _____ Date 1-19-24

24775

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

On _____, _____, the governing board of this municipality, after examination of this application and the facts, passed a resolution recommending to the Board of County Commissioners that the application be _____

_____

_____

_____

Dated this _____ day of _____, _____.

_____
City Auditor or Township Clerk

Action by the Board of County Commissioners

Application was _____ by action of _____ County Board of Commissioners.
Approved/Rejected

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-23-04, we approve this application. The taxable valuation is reduced from $ _____ to $ _____ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of $ _____. The Board accepts $ _____ in full settlement of taxes for the tax year _____.

We reject this application in whole or in part for the following reason(s) Written explanation of the rationale for the decision must be attached. _____

_____

_____

_____

Dated _____, _____

_____
County Auditor

_____
Chairperson

Certification of County Auditor

I certify that the Board of County Commissioners took the action stated above and the records of my office and the office of the County Treasurer show the following facts as to the assessment and the payment of taxes on the property described in this application.

Year	Taxable Value	Tax	Date Paid (if paid)	Payment Made Under Written Protest?
				yes/no

I further certify that the taxable valuation and the taxes ordered abated or refunded by the Board of County Commissioner are as follows:

Year	Reduction in Taxable Valuation	Reduction in Taxes

_____ _____
County Auditor Date

Application For Abatement Or Refund Of Taxes

Name of Applicant _____

County Auditor's File No. _____

Date Application Was Filed With The County Auditor _____

Date County Auditor Mailed Application to Township Clerk or City Auditor _____
(must be within five business days of filing date)

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

Assessment District CITY OF MANDAN

County of MORTON

Property I.D. No. 65-5291000

Name LARSON COMMERCIAL RENTALS LLC

Telephone No.

Address ~~3550 ROCKY POINT LN, BISMARCK, ND 58503-5614~~ 2921 Twin City Dr SE

Legal description of the property involved in this application:

W 100' OF N 300' OF NW CORNER LOT 9 ADJ TO LOTS 1-3 BLOCK 2 TWIN CITY INDUSTRIAL SITES 1ST

RECEIVED
JAN 19 2024
BY:

Total true and full value of the property described above for the year 2023 is:

Land	$ 150,300
Improvements	$ 1,449,100
Total	$ 1,599,400 (1)

Total true and full value of the property described above for the year 2023 should be:

Land	$ 150,300
Improvements	$ 931,200
Total	$ 1,081,500 (2)

The difference of $ 517,900.00 true and full value between (1) and (2) above is due to the following reason(s):

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

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

1. Purchase price of property: $ Date of purchase:
   Terms: Cash Contract Trade Other (explain)
   Was there personal property involved in the purchase price? (yes/no) Estimated value: $
2. Has the property been offered for sale on the open market? (yes/no). If yes, how long?
   Asking price: $ Terms of sale:
3. The property was independently appraised: (yes/no) Purpose of appraisal:
   Market value estimate: $
   Appraisal was made by whom?
4. The applicant's estimate of market value of the property involved in this application is $
5. The estimated agricultural productive value of this property is excessive because of the following condition(s):

Applicant asks that CORRECT SQUARE FOOTAGE OF COMMERCIAL BUILDING

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

I declare under the penalties of N.D.C.C. § 12.1-11-02, which provides for a Class A misdemeanor for making a false statement in a governmental matter, that this application is, to the best of my knowledge and belief, a true and correct application.

Signature of Preparer (if other than applicant) Date

Signature of Applicant William A Larson 1-19-24 Date

24775

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

On _____, _____, the governing board of this municipality, after examination of this application and the facts, passed a resolution recommending to the Board of County Commissioners that the application be _____

_____

_____

_____

Dated this _____ day of _____, _____.

_____
City Auditor or Township Clerk

Action by the Board of County Commissioners

Application was _____ by action of _____ County Board of Commissioners.
Approved/Rejected

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-23-04, we approve this application. The taxable valuation is reduced from $ _____ to $ _____ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of $ _____. The Board accepts $ _____ in full settlement of taxes for the tax year _____.

We reject this application in whole or in part for the following reason(s). Written explanation of the rationale for the decision must be attached. _____

_____

_____

_____

Dated _____, _____

_____ _____
County Auditor Chairperson

Certification of County Auditor

I certify that the Board of County Commissioners took the action stated above and the records of my office and the office of the County Treasurer show the following facts as to the assessment and the payment of taxes on the property described in this application.

Year	Taxable Value	Tax	Date Paid (if paid)	Payment Made Under Written Protest?
				yes/no

I further certify that the taxable valuation and the taxes ordered abated or refunded by the Board of County Commissioner are as follows:

Year	Reduction in Taxable Valuation	Reduction in Taxes

_____ _____
County Auditor Date

Application For Abatement Or Refund Of Taxes

Name of Applicant _____

County Auditor's File No. _____

Date Application Was Filed With The County Auditor _____

Date County Auditor Mailed Application to Township Clerk or City Auditor _____ (must be within five business days of filing date)

City Commission

Agenda Documentation

MEETING DATE: February 6, 2024
PREPARATION DATE: January 22, 2024
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Kimberly Markley
PRESENTER: Kimberly Markley, City Assessor
SUBJECT: Vet Credit Abatements for Ronald Ressler at 4101 21 St SE Unit 1

STATEMENT/PURPOSE:
To consider Applications for Disabled Veterans Property Tax Credit for 2022 and 2023 for property located at 4101 21 St SE Unit 1.
I have reviewed the Disabled Veterans Property Tax Credit Application and documentation, which are on file in my office. This applicant qualifies for Disabled Veterans Property Tax Credit for 2022 & 2023.

BACKGROUND/ALTERNATIVES:
This parcel is also known as parcel #65-6101228 with a legal description of Lot 1 Blk 2 Lakewood Comm Park 3rd Unit 1.

ATTACHMENTS:
1. Ressler Vet Credit 2022 and 2023 Abatements

FISCAL IMPACT:
No fiscal impact to the City since the Tax Credit is reimbursed by the State of ND.

STAFF IMPACT:
N/A

LEGAL REVIEW:
Submitted to City Attorney Oster

RECOMMENDATION:
I recommend a motion to recommend approval to the Morton County Commission of the

2022 & 2023 Abatement Applications for Ronald Ressler at 4101 21 St SE Unit 1 as presented.

SUGGESTED MOTION:

I move to recommend approval to the Morton County Commission of the 2022 & 2023 Abatement Applications for Ronald Ressler at 4101 21 St SE Unit 1 as presented.

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota **Assessment District** CITY OF MANDAN

County of MORTON **Property I.D. No.** 65-6101228

Name RESSLER/RONALD **Telephone No.**

Address ~~PO BOX 61~~, MANDAN, ND 58554-0000 4101 21st St SE Unit 1

Legal description of the property involved in this application:

LOT 1 BLOCK 2 LAKEWOOD COMM PARK 3RD UNIT 1

RECEIVED JAN 22 2024 BY:

Total true and full value of the property described above for the year 2022 **is:**

Land	$	24600
Improvements	$	146400
Total	$	171,000 (1)

Total true and full value of the property described above for the year 2022 **should be:**

Land	$	24600
Improvements	$	146400
Total	$	171000 (2)

The difference of $ 0 **true and full value between (1) and (2) above is due to the following reason(s):**

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

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

1. Purchase price of property: $_____ Date of purchase: _____
   Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
   Was there personal property involved in the purchase price? _____ (yes/no) Estimated value: $_____
2. Has the property been offered for sale on the open market? _____ (yes/no). If yes, how long? _____
   Asking price: $_____ Terms of sale: _____
3. The property was independently appraised: _____ (yes/no) Purpose of appraisal: _____
   _____ Market value estimate: $_____
   Appraisal was made by whom? _____
4. The applicant's estimate of market value of the property involved in this application is $_____
5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

Applicant asks that 2022 Veterans Credit

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

I declare under the penalties of N.D.C.C. § 12.1-11-02, which provides for a Class A misdemeanor for making a false statement in a governmental matter, that this application is, to the best of my knowledge and belief, a true and correct application.

_____ _____ Ronald Ressler 1-22-24

Signature of Preparer (if other than applicant) Date Signature of Applicant Date

24775

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

On _____, _____, the governing board of this municipality, after examination of this application and the facts, passed a resolution recommending to the Board of County Commissioners that the application be _____

_____

_____

_____

Dated this _____ day of _____, _____.

_____
City Auditor or Township Clerk

Action by the Board of County Commissioners

Application was _____ by action of _____ County Board of Commissioners.
Approved/Rejected

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-23-04, we approve this application. The taxable valuation is reduced from $ _____ to $ _____ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of $ _____. The Board accepts $ _____ in full settlement of taxes for the tax year _____.

We reject this application in whole or in part for the following reason(s). Written explanation of the rationale for the decision must be attached. _____

_____

_____

_____

Dated _____, _____

_____ _____
County Auditor Chairperson

Certification of County Auditor

I certify that the Board of County Commissioners took the action stated above and the records of my office and the office of the County Treasurer show the following facts as to the assessment and the payment of taxes on the property described in this application.

Year	Taxable Value	Tax	Date Paid (if paid)	Payment Made Under Written Protest?
				yes/no

I further certify that the taxable valuation and the taxes ordered abated or refunded by the Board of County Commissioner are as follows:

Year	Reduction in Taxable Valuation	Reduction in Taxes

_____ _____
County Auditor Date

Application For Abatement Or Refund Of Taxes

Name of Applicant _____

County Auditor's File No. _____

Date Application Was Filed With The County Auditor _____

Date County Auditor Mailed Application to Township Clerk or City Auditor _____ (must be within five business days of filing date)

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota **Assessment District** CITY OF MANDAN

County of MORTON **Property I.D. No.** 65-6101228

Name RESSLER/RONALD **Telephone No.**

Address ~~PO BOX~~ 561, MANDAN, ND 58554-0000 4101 21st St SE Unit 1

Legal description of the property involved in this application:

LOT 1 BLOCK 2 LAKEWOOD COMM PARK 3RD UNIT 1

RECEIVED JAN 22 2024 BY:

Total true and full value of the property described above for the year 2023 **is:**

Land	$	24600
Improvements	$	154000
Total	$	178600 (1)

Total true and full value of the property described above for the year 2023 **should be:**

Land	$	24600
Improvements	$	154000
Total	$	178600 (2)

The difference of $ 0 **true and full value between (1) and (2) above is due to the following reason(s):**

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

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

1. Purchase price of property: $_____ Date of purchase: _____
   Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
   Was there personal property involved in the purchase price? _____ (yes/no) Estimated value: $_____
2. Has the property been offered for sale on the open market? _____ (yes/no). If yes, how long? _____
   Asking price: $_____ Terms of sale: _____
3. The property was independently appraised: _____ (yes/no) Purpose of appraisal: _____
   _____ Market value estimate: $_____
   Appraisal was made by whom? _____
4. The applicant's estimate of market value of the property involved in this application is $_____
5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

Applicant asks that 2023 Veterans Credit

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

I declare under the penalties of N.D.C.C. § 12.1-11-02, which provides for a Class A misdemeanor for making a false statement in a governmental matter, that this application is, to the best of my knowledge and belief, a true and correct application.

_____ _____ Ronald S Ressler 1-22-24

Signature of Preparer (if other than applicant) Date Signature of Applicant Date

24775

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

On _____, _____, the governing board of this municipality, after examination of this application and the facts, passed a resolution recommending to the Board of County Commissioners that the application be _____

_____

_____

_____

Dated this _____ day of _____, _____.

_____
City Auditor or Township Clerk

Action by the Board of County Commissioners

Application was _____ by action of _____ County Board of Commissioners.
Approved/Rejected

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-23-04, we approve this application. The taxable valuation is reduced from $ _____ to $ _____ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of $ _____. The Board accepts $ _____ in full settlement of taxes for the tax year _____.

We reject this application in whole or in part for the following reason(s). Written explanation of the rationale for the decision must be attached. _____

_____

_____

_____

Dated _____, _____

_____
County Auditor

_____
Chairperson

Certification of County Auditor

I certify that the Board of County Commissioners took the action stated above and the records of my office and the office of the County Treasurer show the following facts as to the assessment and the payment of taxes on the property described in this application.

Year	Taxable Value	Tax	Date Paid (if paid)	Payment Made Under Written Protest?
				yes/no

I further certify that the taxable valuation and the taxes ordered abated or refunded by the Board of County Commissioner are as follows:

Year	Reduction in Taxable Valuation	Reduction in Taxes

_____ _____
County Auditor Date

Application For Abatement Or Refund Of Taxes

Name of Applicant _____

County Auditor's File No. _____

Date Application Was Filed With The County Auditor _____

Date County Auditor Mailed Application to Township Clerk or City Auditor _____ (must be within five business days of filing date)

City Commission

Agenda Documentation

MEETING DATE: February 6, 2024
PREPARATION DATE: January 30, 2024
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Kimberly Markley
PRESENTER: Kimberly Markley, City Assessor
SUBJECT: Abatements for Kevin & Lara Anderson 705 South View Pl SE

STATEMENT/PURPOSE:
To consider corrections to the 2022 & 2023 full & true values for property located at 705 South View Pl SE. To correct the 2022 & 2023 full & true values. The correction is to remove basement finish assessed in error.

BACKGROUND/ALTERNATIVES:

This parcel is also known as parcel #65-1838675 with a legal description of LOT 7 BLOCK 3 LINCOLN RIDGE EST 5TH

ATTACHMENTS:
1. 2022 abatement - signed
2. 2023 abatement - signed

FISCAL IMPACT:
2022 All taxing entities = $741.52, City Share = $178.43
2023 All taxing entities = $731.05, City Share = $182.97

STAFF IMPACT:
NA

LEGAL REVIEW:
Submitted to City Attorney Oster

RECOMMENDATION:

I recommend a motion to recommend approval to the Morton County Commission of the 2022 & 2023 Abatement Applications for Kevin & Lara Anderson at 705 South View Pl SE as presented.

SUGGESTED MOTION:

I move to recommend approval to the Morton County Commission of the 2022 & 2023 Abatement Applications as presented for Kevin & Lara Anderson at 705 South View Pl SE

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

Assessment District CITY OF MANDAN

County of MORTON

Property I.D. No. 65-1838675

Name ANDERSON/KEVIN M & LARA R

Telephone No.

Address 705 SOUTH VIEW PL SE, MANDAN, ND 58554-0000

Legal description of the property involved in this application:

LOT 7 BLOCK 3 LINCOLN RIDGE EST 5TH

Total true and full value of the property described above for the year 2022 is:

Land	$ 55,000
Improvements	$ 429,500
Total	$ 484,500 (1)

Total true and full value of the property described above for the year 2022 should be:

Land	$ 55,000
Improvements	$ 367,400
Total	$ 422,400 (2)

The difference of $ 62,100.00 true and full value between (1) and (2) above is due to the following reason(s):

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

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

1. Purchase price of property: $_____ Date of purchase: _____
   Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
   Was there personal property involved in the purchase price? _____ (yes/no) Estimated value: $_____
2. Has the property been offered for sale on the open market? _____ (yes/no) If yes, how long? _____
   Asking price: $_____ Terms of sale: _____
3. The property was independently appraised: _____ (yes/no) Purpose of appraisal: _____
   _____ Market value estimate: $_____
   Appraisal was made by whom? _____
4. The applicant's estimate of market value of the property involved in this application is $_____
5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

Applicant asks that value adjusted, no basement finish existed.

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

I declare under the penalties of N.D.C.C. § 12.1-11-02, which provides for a Class A misdemeanor for making a false statement in a governmental matter, that this application is, to the best of my knowledge and belief, a true and correct application.

Signature of Preparer (if other than applicant) — Date

Kevin M Anderson — Signature of Applicant

1-25-2024 — Date

24775
(2-2016)

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

On _____, _____, the governing board of this municipality, after examination of this application and the facts, passed a resolution recommending to the Board of County Commissioners that the application be _____

_____

_____

_____

Dated this _____ day of _____, _____.

_____
City Auditor or Township Clerk

Action by the Board of County Commissioners

Application was _____ by action of _____ County Board of Commissioners.
Approved/Rejected

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-23-04, we approve this application. The taxable valuation is reduced from $ _____ to $ _____ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of $ _____. The Board accepts $ _____ in full settlement of taxes for the tax year _____.

We reject this application in whole or in part for the following reason(s). Written explanation of the rationale for the decision must be attached. _____

_____

_____

_____

Dated _____, _____

_____
County Auditor

_____
Chairperson

Certification of County Auditor

I certify that the Board of County Commissioners took the action stated above and the records of my office and the office of the County Treasurer show the following facts as to the assessment and the payment of taxes on the property described in this application.

Year	Taxable Value	Tax	Date Paid (if paid)	Payment Made Under Written Protest?
				yes/no

I further certify that the taxable valuation and the taxes ordered abated or refunded by the Board of County Commissioner are as follows:

Year	Reduction in Taxable Valuation	Reduction in Taxes

_____ _____
County Auditor Date

Application For Abatement Or Refund Of Taxes

Name of Applicant _____

County Auditor's File No. _____

Date Application Was Filed With The County Auditor _____

Date County Auditor Mailed Application to Township Clerk or City Auditor _____ (must be within five business days of filing date)

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

Assessment District CITY OF MANDAN

County of MORTON

Property I.D. No. 65-1838675

Name ANDERSON/KEVIN M & LARA R

Telephone No.

Address 705 SOUTH VIEW PL SE, MANDAN, ND 58554-0000

Legal description of the property involved in this application:

LOT 7 BLOCK 3 LINCOLN RIDGE EST 5TH

Total true and full value of the property described above for the year 2023 is:

Land	$ 84,000
Improvements	$ 464,200
Total	$ 548,200 (1)

Total true and full value of the property described above for the year 2023 should be:

Land	$ 84,000
Improvements	$ 400,600
Total	$ 484,600 (2)

The difference of $ 63,600.00 true and full value between (1) and (2) above is due to the following reason(s):

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

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

1. Purchase price of property: $_____ Date of purchase: _____
   Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
   Was there personal property involved in the purchase price? _____ (yes/no) Estimated value: $_____
2. Has the property been offered for sale on the open market? _____ (yes/no). If yes, how long? _____
   Asking price: $_____ Terms of sale: _____
3. The property was independently appraised: _____ (yes/no) Purpose of appraisal: _____
   _____ Market value estimate: $_____
   Appraisal was made by whom? _____
4. The applicant's estimate of market value of the property involved in this application is $_____
5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

Applicant asks that value adjusted, no basement finish existed.

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

I declare under the penalties of N.D.C.C. § 12.1-11-02, which provides for a Class A misdemeanor for making a false statement in a governmental matter, that this application is, to the best of my knowledge and belief, a true and correct application.

Signature of Preparer (if other than applicant) _____ Date _____

Signature of Applicant Kevin M Anderson Date 1-25-2024

24775
(2-2016)

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

On _____, _____, the governing board of this municipality, after examination of this application and the facts, passed a resolution recommending to the Board of County Commissioners that the application be _____

Dated this _____ day of _____, _____.

_____
City Auditor or Township Clerk

Action by the Board of County Commissioners

Application was _____ by action of _____ County Board of Commissioners.
Approved/Rejected

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-23-04, we approve this application. The taxable valuation is reduced from $ _____ to $ _____ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of $ _____. The Board accepts $ _____ in full settlement of taxes for the tax year _____.

We reject this application in whole or in part for the following reason(s). Written explanation of the rationale for the decision must be attached. _____

Dated _____, _____

_____
County Auditor

_____
Chairperson

Certification of County Auditor

I certify that the Board of County Commissioners took the action stated above and the records of my office and the office of the County Treasurer show the following facts as to the assessment and the payment of taxes on the property described in this application.

Year	Taxable Value	Tax	Date Paid (if paid)	Payment Made Under Written Protest?
				yes/no

I further certify that the taxable valuation and the taxes ordered abated or refunded by the Board of County Commissioner are as follows:

Year	Reduction in Taxable Valuation	Reduction in Taxes

_____ _____
County Auditor Date

Application For Abatement Or Refund Of Taxes

Name of Applicant _____

County Auditor's File No. _____

Date Application Was Filed With The County Auditor _____

Date County Auditor Mailed Application to Township Clerk or City Auditor _____ (must be within five business days of filing date)

City Commission

Agenda Documentation

MEETING DATE: February 6, 2024
PREPARATION DATE: January 23, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Consider Proclaiming Giving Hearts Day, February 8, 2024

STATEMENT/PURPOSE:
To consider proclaiming Giving Hearts Day, February 8, 2024

BACKGROUND/ALTERNATIVES:
Consider Proclaiming Giving Hearts Day, February 8, 2024

ATTACHMENTS:
1. Giving Hearts Day

FISCAL IMPACT:
n/a

STAFF IMPACT:
n/a

LEGAL REVIEW:
n/a

RECOMMENDATION:
To approve proclaiming Giving Hearts Day February 8, 2024.

SUGGESTED MOTION:
I move to approve proclaiming Giving Hearts Day February 8, 2024.

Proclamation

City of Mandan Mayor Proclaims February 8th, 2024 Giving Hearts Day

WHEREAS, the goals of Giving Hearts Day are to raise awareness for the charitable non-profit sector and its organizations in North Dakota and northwest Minnesota, to promote online giving, volunteerism, and the donation of goods, and to provide donors with the opportunity to multiply the results of their giving; and

WHEREAS, Giving Hearts Day is a powerful example of the private sector providing assistance to charitable, non-profit organizations that offer vital services to improve the quality of life for many members of our community; and

WHEREAS, the charitable, non-profit sector supports individuals and families with quality programs, materials and funds that promote, encourage, and sustain independence and self-sufficiency; and

WHEREAS, in order to provide these benefits, charities need ongoing funds, volunteers, and goods to continue providing long-term, sustainable services to our residents in need; and

WHEREAS, there charities have demonstrated a need for collaboration and resources, and have joined together for this 24-hour fundraising event that is dedicated to inspiring online donations for charities at givingheartsday.org;

NOW, THEREFORE, DO I, Timothy Helbling, Mayor of the City of Mandan, hereby proclaim February 8, 2024, as Giving Hearts Day in Mandan, and call upon public officials, business and community leaders, and all Mandan, residents to observe this day with appropriate activities and programs; recognize charitable nonprofits, their staffs and volunteers who provide essential services to our community; and support Giving Hearts Day by volunteering or providing financial support to local charities in Mandan and across North Dakota and northwest Minnesota at givingheartsday.org.

Mayor Proclaims February 8, 2024, as “Giving Hearts Day”

_____

Timothy A. Helbling, Mayor, Mandan

_____

Jim Neubauer, City Administrator

City Commission

Agenda Documentation

MEETING DATE: February 6, 2024
PREPARATION DATE: January 25, 2024
SUBMITTING DEPARTMENT: Mandan Police Deparment
DEPARTMENT DIRECTOR: Jason Ziegler
PRESENTER: Jason Ziegler, Police Chief
SUBJECT: Raffle Permit Approval

STATEMENT/PURPOSE:
Consider approval of a raffle permit for Amy Bullinger benefit.

BACKGROUND/ALTERNATIVES:
Breast Cancer Benefit for Amy Bullinger

ATTACHMENTS:
1. Raffle Permit 2024-15

FISCAL IMPACT:
N/A

STAFF IMPACT:
N/A

LEGAL REVIEW:
N/A

RECOMMENDATION:
To approve the raffle permit for the Amy Bullinger benefit.

SUGGESTED MOTION:
Move to approve a raffle permit for the Amy Bullinger benefit.

LOCAL PERMIT OR RESTRICTED EVENT PERMIT

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
GAMING DIVISION
SFN 17926 (11-2023)

Permit Number
2024- 15

Permit Type *(check one)*

☒ Local Permit ☐ Restricted Event Permit*

Games Authorized

☐ 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	Dates Authorized *(Read Instruction 2)*		
Breast Cancer Benefit Amy Bullinger	**March 2. 2024**		
Organization or Group Contact Person	E-mail	Telephone Number	
Tara Liscomb	**Luv2sk83@hotmail.com**	**701-426-2997**	
Mailing Address	City	State	ZIP Code
4000 36 Ave NW	**Mandan**	**ND**	**58554**

SITE INFO

Site Name		County	
Baymont Hotel		**Morton**	
Site Address	City	State	ZIP Code
2611 Old Red Trail 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.)

One time raffle drawing on March 2, 2024 at Baymont hotel in a ball room separate from Bar.

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
		01/24/2024	☒ 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. N**ote: 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 (5-2023)

paid

Applying for *(check one)*

[X] Local Permit [ ] Restricted Event Permit*

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

[ ] Bingo [X] 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 of Activity *(Does not include dates for the sales of tickets)*	
Breast Cancer Benefit Amy Bullinger		march 2, 2024	
Organization or Group Contact Person	**E-mail**	**Telephone Number**	
Tara Liscomb	Luv2sk83@hotmail.com	701-426-2997	
Business Address no business, personal Address	**City**	**State**	**ZIP Code**
4000 36 AVE NW	mandan	ND	58554
Mailing Address (if different)	**City**	**State**	**ZIP Code**

SITE INFO

Site Name			County
Baymont Hotel			morton
Site Physical Address	**City**	**State**	**ZIP Code**
2611 Old Red Trail	mandan	ND	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.)*

Raffle drawing during cancer benefit on march, 2 2024

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

Game Type	Description of Prize	Exact Retail Value of Prize
~~Traeger~~ Raffle	Traeger Smoker	1299.00
Raffle	Gift Card (Visa)	250.00
Raffle	Fishing Bundle	600.00
Raffle	Restaurant/Stores Gift Card Package 400.00	
	Total *(limit $40,000 per year)*	$ 2549.00

Intended Uses of Gaming Proceeds

All proceeds will to Amy Bullinger for medical bills (Chemo, surgery), 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 [X] 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 [X] 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)*

[X] 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 [X] No

Printed Name of Organization Group's Permit Organizer	Telephone Number	E-mail Address	
Tara Liscomb	701-426-2997	Luv2sk83@hotmail.com	
Signature of Organization Group's Permit Organizer	**Title**		**Date**
Tara Liscomb	Registered Nurse		1-24-2024

City Commission

Agenda Documentation

MEETING DATE: February 6, 2024
PREPARATION DATE: January 25, 2024
SUBMITTING DEPARTMENT: Mandan Police Department
DEPARTMENT DIRECTOR: Jason Ziegler
PRESENTER: Jason Ziegler, Police Chief
SUBJECT: Raffle Permit Approval

STATEMENT/PURPOSE:
Consider approval of a raffle permit for Mandan Backboard Boosters Girls Basketball Club.

BACKGROUND/ALTERNATIVES:
Raffle permit for Mandan Backboard Boosters Girls Basketball Club.

ATTACHMENTS:
1. Raffle Permit 2024-13

FISCAL IMPACT:
N/A

STAFF IMPACT:
N/A

LEGAL REVIEW:
N/A

RECOMMENDATION:
To approve the raffle permit, Mandan Backboard Boosters Girls Basketball Club.

SUGGESTED MOTION:
I move to approve the raffle permit for Mandan Backboard Boosters Girls Basketball Club.

LOCAL PERMIT OR RESTRICTED EVENT PERMIT

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
GAMING DIVISION
SFN 17926 (11-2023)

Permit Number
2024-13

Permit Type *(check one)*

☒ Local Permit ☐ Restricted Event Permit*

Games Authorized

☐ 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	Dates Authorized *(Read Instruction 2)*		
Mandan Backboard Boosters Girls Basketball Club	**02/06/2024 - 02/16/2024**		
Organization or Group Contact Person	E-mail	Telephone Number	
Pamela K. Bitz	**pkhorner@yahoo.com**	**701-400-8738**	
Mailing Address	City	State	ZIP Code
PO Box 1066	**Mandan**	**ND**	**58554**

SITE INFO

Site Name		County	
Mandan High School		**Morton**	
Site Address	City	State	ZIP Code
905 8th 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.)

50/50 raffle during Girls Bball game at Mandan High School. Dates of raffles are 2/6, 2/9, 2/13, and 2/16 all in 2024.

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
		01/24/2024	☒ 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. N**ote: 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)*

[X] Local Permit [ ] Restricted Event Permit*

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

[ ] Bingo [X] 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 of Activity *(Does not include dates for the sales of tickets)*	
Mandan Backboard Boosters Girls Basketball Club		~~Jan~~ Feb 6 2024 – ~~March~~ Feb 16, 2024	
Organization or Group Contact Person	**E-mail**	**Telephone Number**	
Pamela K. Bitz, Treasurer	pkhorner@yahoo.com	701-400-8738	
Business Address	**City**	**State**	**ZIP Code**
P.O. Box 1066	Mandan	ND	58554
Mailing Address (if different)	**City**	**State**	**ZIP Code**
P.O. Box 1066	Mandan,	ND	58554

SITE INFO

Site Name		County	
Mandan High School – During Girls Basketball games		Morton	
Site Physical Address	**City**	**State**	**ZIP Code**
905 8TH Ave NW	Mandan	ND	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.)*

2/6/24 – 2/9/24 – 2/13/24 - 2/16/24 – ~~2/23/24~~

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

Game Type	Description of Prize	Exact Retail Value of Prize
50/50 Raffle	Cash	$100 – $250
		depending on sales
	Total *(limit $40,000 per year)*	$ 500.00 – 1250.00

ADDITIONAL REQUIRED INFORMATION

Intended Uses of Gaming Proceeds
All proceeds will go towards girls basketball Activities

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 [X] 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 [X] 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 [X] 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 [X] No

Printed Name of Organization Group's Permit Organizer	Telephone Number	E-mail Address	
Pamela K. Bitz	701-400-8738	pkhorner@yahoo.com	
Signature of Organization Group's Permit Organizer	**Title**		**Date**
Pamela K. Bitz	Treasurer		1/23/24

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 eight 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. For an organization that has a permit, print the authorizing city or county and permit number;
6. A statement that a person is or is not required to be present at a drawing to win;
7. Date and time for each drawing 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 physical street address of the drawing;
9. If a merchandise prize requires a title transfer involving the Department of Transportation, a statement that a winning player is or is not liable for sales or use tax;
10. If a purchase of a ticket or winning prize is restricted to a person of 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 unguaranteed cash or merchandise prize, a statement that the prize is not guaranteed to be won and odds of winning the prize based on numbers of chances; and
13. If a prize is live beef or dairy cattle, horse, bison, sheep, or pig, a statement that the winning player may convert the prize to a cash prize that is limited to the lesser of the market value of the animal or six thousand dollars.

PRIZE RESTRICTIONS:

A single cash prize cannot exceed $8,000

The retail value of a merchandise prize cannot exceed $8,000.

The **total** of all cash prizes and retail value of all merchandise prizes for all games cannot exceed $40,000 per year.

If the value of the planned cash and merchandise prizes exceed $40,000, the organization or group must reduce the prizes to this limit or a nonprofit corporation may apply for a state gaming license with the Office of Attorney General.

LOCAL PERMIT AND RESTRICTED EVENT PERMIT DIFFERENCES:	**Local Permit**	**Restricted Event Permit**
Number of events per year	Limited by prizes	One
Must file an information report	Yes, if political party	Yes
May pay employees compensation	Yes	No
Must use chips as wagers	No	Yes
Use of net income	Unrestricted	Restricted
Games allowed	Bingo Raffles Sports Pools	Bingo Raffles Sports Pools Poker Twenty-One Paddlewheels

Compared to a "Local Permit," an organization or group with a "Restricted Event Permit" may conduct three more game types, but is restricted to one event per year, must file a "Report on a Restricted Event Permit" with the city or county and Office of Attorney General, and disburse net income to eligible uses. These uses are described by North Dakota Century Code 53-06.1-11.1(2) and North Dakota Administrative Code 99-01.3-14-02. Refer to the backside of the "Report on a Restricted Event Permit" form for a general list of eligible uses.

For a Restricted Event Permit, one method to ensure that the total of all cash prizes and retail value of all merchandise prizes do not exceed $40,000 is to charge each player a standard amount at the start of the event for a certain number or value of chips. If a player loses all of the player's chips, the player may re-buy chips. The player would play games and, at the end of the event, the organization would auction merchandise prizes to the players. The player who bid the highest number or value of chips for a prize would win that prize. For those players who have chips but did not successfully bid on a prize, the organization may redeem the chips for a predetermined cash value per chip. For this method, the value of the players' chips redeemed for cash is no a prize.

City Commission

Agenda Documentation

MEETING DATE: February 6, 2024
PREPARATION DATE: January 31, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Authorization to Bid Mandan Street Lighting LED Replacement Project

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STATEMENT/PURPOSE:
To consider and potentially approve the advertisement for bids and the plans and specifications for the Mandan Street Lighting LED Replacement Project.

BACKGROUND/ALTERNATIVES:
On December 5, 2023 the City of Mandan approved a task order for Moore Engineering to prepare plans and specifications for the Mandan Street Lighting LED Replacement Project. The project will replace about 1,000 old streetlight fixtures with new LED lights throughout the community. The LED lights are energy efficient and provide an energy cost savings to the city.

The project would be publicly advertised in the Bismarck Tribune February 7, 14, and 21. The bids will be opened on February 29th.

ATTACHMENTS:
None

FISCAL IMPACT:
The estimated construction cost for this project is about $400,000. With a total project cost of $500,000.

STAFF IMPACT:
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 approving plans and specifications and directing an advertisement for bids.

SUGGESTED MOTION:

1. Move to approve the Resolution Approving Plans and Specifications.
2. Move to approve the Resolution Directing Advertisement for Bids.

City Commission

Agenda Documentation

MEETING DATE: February 6, 2024
PREPARATION DATE: January 26, 2024
SUBMITTING DEPARTMENT: Public Works - Streets
DEPARTMENT DIRECTOR: Mitch Bitz
PRESENTER: Mitch Bitz, Public Works Director
SUBJECT: Consider accepting a "Plowing for Pizza" donation

STATEMENT/PURPOSE:
Consider accepting a "Plowing for Pizza" donation

BACKGROUND/ALTERNATIVES:
The City of Mandan was selected to be a recipient of a “Plowing for Pizza” campaign by the Domino’s Pizza Company. This a company campaign for Dominos to give back to the communities they have a footprint in in order to help offset snow removal cost. At this time we are still gathering information, but some example’s of equipment we may purchase could be a true snow hauling box for our roll off trucks, an additional sander insert for a truck, or a plow attachment for either a truck or a piece of heavy equipment

ATTACHMENTS:
1. Plowing For Pizza_Agreement_MANDAN_FNL

FISCAL IMPACT:
$25K in Revenue and expenditure for 2024 Street Department Capital Outlay (100.131.62114)

STAFF IMPACT:
N/A

LEGAL REVIEW:
Attorney Oster’s Office has reviewed the attached documents

RECOMMENDATION:
To accept the $25K “Plowing for Pizza” donation from Domino's Pizza and amend the 2024 Street Department Capital Outlay budget to allow this money to be utilized for the

purchase of snow removal equipment

SUGGESTED MOTION:

I make a motion for staff to accept the $25K “Plowing for Pizza” donation from Dominos Pizza and amend the 2024 Street Department Capital Outlay budget to allow this money to be utilized for the purchase of snow removal equipment

PLOWING FOR PIZZA - PARTNERSHIP AGREEMENT

DOMINO'S "PLOWING FOR PIZZA" AGREEMENT

As we discussed, as part of Domino's Plowing for Pizza Program (the "**Plowing for Pizza Program**"), Domino's would like to help the city of **MANDAN** ("Your Town") improve winter road conditions by providing funds to Your Town, subject to the terms below, to be used to help Your Town plow roads and otherwise remove snow from Your Town roads after snowfalls. Accordingly, Your Town and Work in Progress LLC ("**Agency**"), agency for Domino's Pizza LLC. ("**Domino's**"), agree as follows:

1. Funds: Provided that the Conditions (as described below) have been met, upon execution of this agreement by Your Town and Domino's, Domino's will provide to Your Town funds in the amount of $25,000.00 (the "**Funds**"), on or about **February 9, 2024**

2. Use of Funds: Your Town agrees to use the Funds solely for the purpose of plowing snow, or otherwise in connection with snow removal, from Your Town streets during the 2023/2024 winter season (*i.e.,* from approximately, November 2023 to approximately April, 2024) (to be referred to as the "**Your Town's Snow Removal**"). As a condition of and prior to receipt of the Funds, Your Town will provide Agency with a writing explaining and showing how the Funds will be used to further Your Town's Snow Removal.

3. Materials/Usage: Your Town agrees to film or photograph Your Town's Snow Removal process and provide the film/photographs (collectively, the "**Images**") to Agency for Domino's use. Your Town agrees that Domino's shall have the right, but not the obligation, to use the Images, identify Your Town as an "official partner" of the Plowing for Pizza Program, and indicate that Domino's provided Your Town with Funds to engage in Your Town Snow Removal, in any and all media and materials, anywhere in the world, in perpetuity, for any lawful purpose, including without limitation for purposes of advertising and trade in connection with Domino's "Plowing for Pizza" campaign.

4. Messaging: Domino's agrees that messaging or other materials that reference Your Town, Your Town's Snow Removal and/or the Paving for Pizza Program (as it pertains to Your Town) (collectively, the "Materials"): (a) will not portray Your Town in a negative light, nor will the Materials suggest that Your Town has had difficulty fulfilling Your Town snow removal responsibilities; and (b) will comply with brand protection or compliance guidelines provided by the Your Town to Agency. Accordingly, Agency will provide the Materials to Your Town for its review so that Your Town may confirm that the Materials comply with this "Messaging" provision. Your Town agrees that Your Town will respond to any Agency request for review of Materials within ten (10) business days of receipt of the applicable Materials. If Your Town believes that any Materials do not comply with this "Messaging" provision, Your Town agrees to explain its reasons for this belief in writing and with specificity. If Your Town does not respond within ten (10) business days of Agency's request for review, the applicable Materials will be deemed in compliance with this "Messaging" provision. All Materials may be used as set forth in Section 3 above and shall be and remain the sole and exclusive property of Domino's.

5. Conditions: Domino's has certain requirements that it needs Your Town to fulfill in order to be eligible to receive the Funds, which are referred to in this agreement as the "Conditions". The Conditions shall be as follows: (i) Domino's must receive this agreement fully executed by Your Town and returned to Domino's within ten (10) business days of Your Town's receipt of this agreement, (ii) Your Town must promptly provide Domino's with a properly and fully completed form W-9 and any other vendor forms required by Domino's, and (iii) Your Town must be and remain in full compliance with the terms of this agreement. If Your

Town fails to fulfill the Conditions, Domino's shall have the right, to terminate this agreement (or if this agreement has not yet been executed by Domino's, to deem this agreement void and of no force or effect), and Domino's shall have no further obligation to Your Town whatsoever (including no obligation to provide the Funds to Your Town). Any documents that are required to be returned to Domino's shall be sent to Domino's c/o Agency as follows: _WorkInProgress 2465 Central Ave Suite 110 Boulder, CO 80301_.

6. Representations and Warranties: Your Town and the signatory to this agreement for Your Town represent and warrant that the signatory has the right, power and authority to enter into and bind Your Town to the terms of this agreement.

7. Use of Domino's Name and Trademark: Your Town agrees that Your Town shall not use Domino's name or trademark in any public-facing materials unless Your Town obtains Domino's prior written approval in each instance.

8. Release: Your Town agrees that Your Town shall have no claim to compensation or benefits (other than as specifically set forth in this agreement) nor any claim arising out of or in connection with this agreement, including without limitation, any claim in connection with Your Town's use of the Funds, Your Town's Snow Removal, or the use by Domino's and Agency, in accordance with this agreement, of the Images, Your Town's name, or the Materials.

9. Contingency: Your Town understands and agrees this agreement has been fully executed by both parties, Agency/Domino's shall have the right, but not the obligation, to terminate this agreement, and in such event the terms of this agreement shall be deemed null and void and of no force or effect and neither party shall have any obligation to the other party.

10. Confidentiality: Unless otherwise required by public records law or legal process. Your Town will not disclose the terms of this agreement to any third parties other than, on a confidential basis, to its business representatives and legal counsel.

11. Miscellaneous. This agreement contains the entire understanding between the parties and may not be altered or waived except by a writing signed by both parties. No waiver by either party of the breach of any term or condition of this agreement will constitute a waiver of, or consent to, any subsequent breach of the same or any other term or condition of this agreement. In the event any provision of this Agreement is determined to be invalid by a court or tribunal of competent jurisdiction, such determination shall in no way affect the validity or enforceability of any other provision herein. This Agreement may be executed by electronic signature and may be executed in counterparts, each of which shall constitute an original, but all of which when taken together shall constitute a single contract.

ACCEPTED AND AGREED:

CITY OF MANDAN, ND	Work In Progress, LLC, agency for Domino's Pizza LLC
By: _____	By:__ _____
Authorized Party	[NAME]
Title:	Title:
Date:	Date:

City Commission

Agenda Documentation

MEETING DATE: February 6, 2024
PREPARATION DATE: January 30, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Development Agreement for Schaff Estates 2nd Addition.

STATEMENT/PURPOSE:
Development Agreement for Schaff Estates 2nd Addition

BACKGROUND/ALTERNATIVES:
Schaff Estates 2nd Addition consisted of a final plat and zone change from A - Agriculture to CB - Commercial for a property located in the extraterritorial region to the northwest of the City of Mandan. This request carries over from the previous planning and zoning review for the site, and mainly encompasses the addition of a sixty-seven hundredths acre (.67acre) strip of land to Lot 1, Block 1 Schaff Estates 1st Addition, a lot platted in 2019.

During the 2019 development review, an agreement was established that limited the residential development of the property to a small portion in the northeast corner of the lot. Following the addition of the strip of land with Schaff Estates 2nd Addition, this agreement now requires updating to align with the new legal description and property.

The agreement includes an updated ghost plat exhibit, which is referenced to delineate where residential development has been approved to take place, and where commercial development is to be required in the future. The ghost plat is a proof of concept and is not intended to serve as an approval. At the time of future development it will be reviewed for accordance with ordinances and plans.

ATTACHMENTS:
1. Development Agreement - Schaff Estates 2nd Addition
2. Exhibit - Ghost Plat for Schaff Estates 2nd Development Agreement
3. Final Plat - Schaff Estates 2nd Addition
4. Location Map - Schaff Estates 2nd Addition

FISCAL IMPACT:
N/A

STAFF IMPACT:
N/A

LEGAL REVIEW:
This item has been reviewed as part of the agenda packet.

RECOMMENDATION:
Staff recommends entering into the development agreement for Schaff Estates 2nd Addition.

SUGGESTED MOTION:
I move to approve the development agreement for Schaff Estates 2nd Addition.

Development Agreement

Schaff Estates 2nd Addition

Lot 1, Block 1, Schaff Estates 2nd Addition, Section 7,
Township 139N, Range 81W, Morton County, North Dakota

This Agreement is made and entered into on the 6th day of February, 2024 (hereinafter the "effective date") by and between the City of Mandan (hereinafter referred to as the "City") and David and Alexandria Weinreis **(**hereinafter referred to as the "Developer"). The address for the City of Mandan is 205 2nd Avenue NW, Mandan, North Dakota 58554. The address of Developer is 5010 39th Avenue NW, Mandan, ND 58554. This agreement is a covenant running with the Property and binding upon any and all future owners of the Property.

WHEREAS, the Developer is the owner of property whose legal description is Lot 1, Block 1, Schaff Estates 2nd Addition in Morton County, North Dakota in Section 7, Township 139, Range 81W; and

WHEREAS, the Developer wishes to develop the approximate nine and seventeen-hundreths (9.17) acre Property into a development named Schaff Estates 2nd Addition (hereinafter referred to as the "Development"); and

WHEREAS, said Development is a replat of Lot 1, Block 1, Schaff Estates and is intended for the immediate development of a single-family residence; and

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

WHEREAS, the agreement provides the Developer a means to achieve the desired outcome of the Development and to preserve the remaining land for future development to its highest and best use; and

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

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

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

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

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

_____
Mayor Tim Helbling
City of Mandan

Attest:

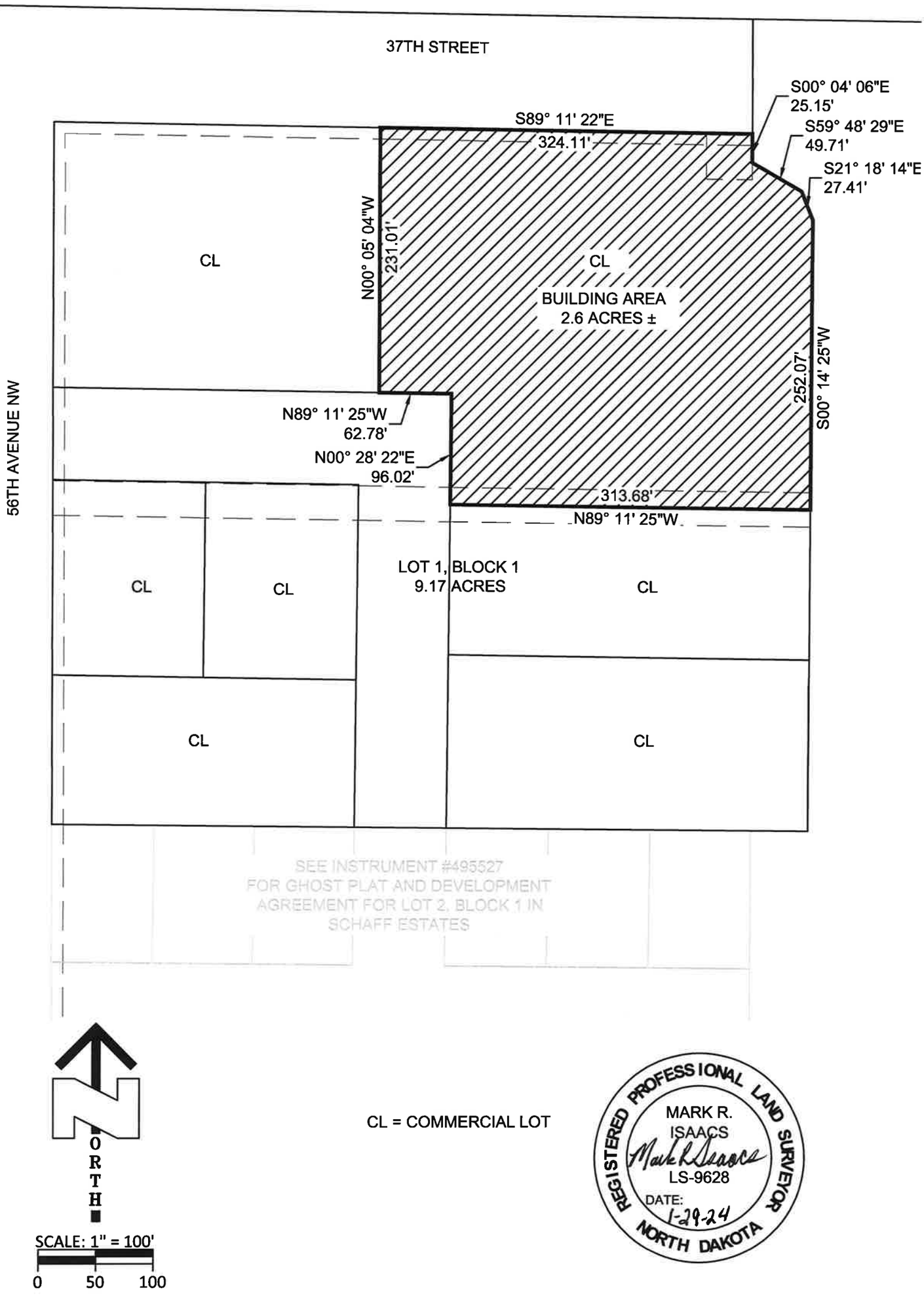
_____
Jim Neubauer
City Administrator

STATE OF NORTH DAKOTA)
)ss.
COUNTY OF MORTON)
On this _____ day of _____, 2024, before me, personally appeared David Weinreis, known to me to be the Owner of Lot 1, Block 1, Schaff Estates 2nd Addition, and that he executed the within instrument.

_____
Notary Public, Morton County,
State of North Dakota

STATE OF NORTH DAKOTA)
)ss.
COUNTY OF MORTON)
On this _____ day of _____, 2024, before me, personally appeared Alicia Weinreis, known to me to be the Owner of Lot 1, Block 1, Schaff Estates 2nd Addition, and that she executed the within instrument.

_____
Notary Public, Morton County,
State of North Dakota



CL = COMMERCIAL LOT

REGISTERED PROFESSIONAL LAND SURVEYOR
MARK R. ISAACS
LS-9628
DATE: 1-29-24
NORTH DAKOTA

SHEET: 1 OF 1	JOB NUMBER: 22153	
SCALE: 1"= 100'	DWG REVISION DATES	
DRAWN BY: MRI	–	–
DWG DATE: 1/24/24	–	–
DWG NAME: 22153 Ghost Plat.dwg		

GHOST PLAT
LOT 1, BLOCK 1 IN SCHAFF ESTATES 2ND ADDITION
SEC. 7, T139N, R81W

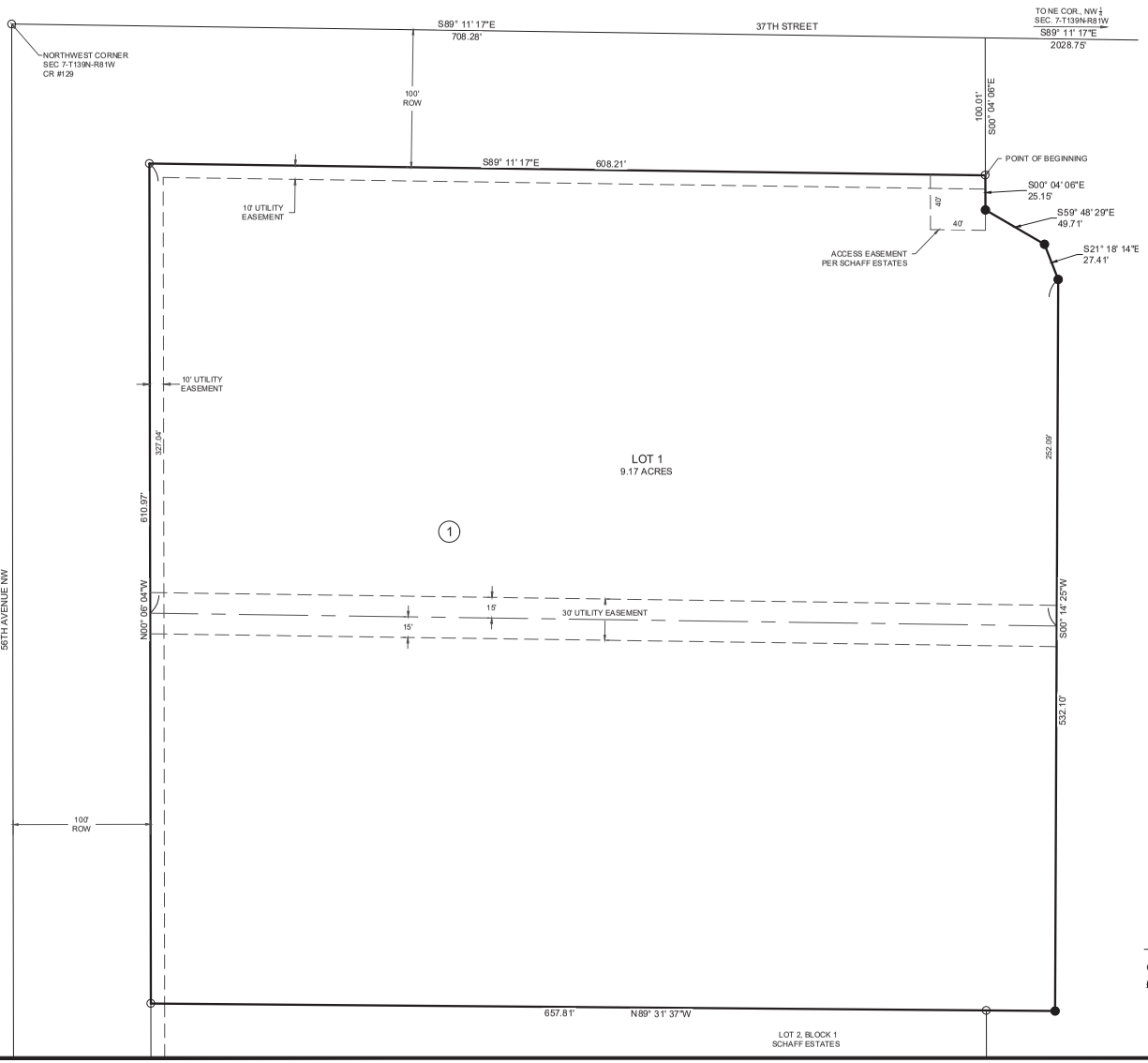
4215 Old Red Trail NW
Mandan, ND 58554
Cell: 701-595-2079
mark@ilsurveynd.com

Independent Land Surveying & Engineering

SCHAFF ESTATES 2ND ADDITION

OF MORTON COUNTY, NORTH DAKOTA

LOT 1, BLOCK 1 SCHAFF ESTATES AND PART OF THE EAST 1/2 OF GOVERNMENT LOT 1 LYING WITHIN THE 1-MILE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MANDAN ALL IN SECTION 7, T139N, R81W



OWNERS:
DAVID & ALEXANDRA WEINREIS
5010 39TH AVE NW
MANDAN, ND 58554

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.

NORTH

SCALE: 1" = 40'
0 20 40

DATE: JULY 24TH, 2023

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	9.17 ACRES
TOTAL	9.17 ACRES

LEGEND

- ○ FOUND REBAR MONUMENT
- ● SET 1/2" CAPPED REBAR "LS-9628"

PROPERTY DESCRIPTION

LOT 1 BLOCK 1 SCHAFF ESTATES AND PART OF THE EAST HALF OF GOVERNMENT LOT 1 ALL IN SECTION 7, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN OF THE CITY OF MANDAN, MORTON COUNTY, AND MORE PARTICULARLY DESCIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 7; THENCE SOUTH 89° 11' 17" EAST ON THE NORTH LINE OF SAID SECTION 7 A DISTANCE OF 708.28 FEET; THENCE SOUTH 00° 04' 06" EAST A DISTANCE OF 100.01 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 1 AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00° 04' 06" EAST ON THE EAST LINE OF SAID LOT 1 A DISTANCE OF 25.15 FEET; THENCE SOUTH 59° 48' 29" EAST A DISTANCE OF 49.71 FEET; THENCE SOUTH 21° 18' 14" EAST A DISTANCE OF 27.41 FEET; THENCE SOUTH 00° 14' 25" WEST A DISTANCE OF 532.10 FEET; THENCE NORTH 89° 31' 37" WEST ON THE SOUTH LINE OF SAID LOT 1 A DISTANCE OF 657.81 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 00° 06' 04" WEST ON THE WEST LINE OF SAID LOT 1 A DISTANCE OF 610.97 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 89° 11' 17" EAST ON THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 608.21 FEET TO THE POINT OF BEGINNING, CONTAINING 9.17 ACRES, MORE OR LESS, AND SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS.

SURVEYOR'S CERTIFICATE

I, MARK R. ISAACS, 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 DISTANCE INDICATES HEREON ARE IN FEET AND HUNDREDTHS THEREOF, AND BEARINGS AND 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".

DAVID WEINREIS

ALEXANDRA WEINREIS

STATE OF _____)
) SS
COUNTY OF _____)

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC. THIS___DAY OF _____, 2023.

NOTARY PUBLIC _____

PLANNING COMMISSION APPROVAL

THE SUBDIVISION SHOWN HEREON HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MANDAN ON THIS_____DAY OF_____, 20___ IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORINANCES OF THE CITY OF MANDAN, AND REGULATIONS ADOPTED BY THE PLANNING COMMISSION OF SAID CITY, IN WITNESS WHEREOF ARE SET THE HANDS OF THE CHAIRMAN AND THE SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF MANDAN, NORTH DAKOTA.

BILL ROBINSON - CHAIRMAN

NANCY MOSER - SECRETARY

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, 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

TIM HELBLING - PRESIDENT OF THE BOARD OF CITY COMMISSIONERS

I, JUSTIN FROSETH, CITY ENGINEER FOR THE CITY OF MANDAN, NORTH DAKOTA. HEREBY APPROVES "SCHAFF ESTATES 2ND ADDITION" OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JUSTIN FROSETH, PE

SCHAFF ESTATES 2ND ADDITION LOT1,BLOCK1 SCHAFF ESTATES, EAST 1/2 OF GOVN'T LOT 1 SECTION 7, T-139-N, R-81-W MORTON CO., NORTH DAKOTA	Independent Land Surveying & Engineering
SHEET: 1 OF 1	JOB NUMBER: 22153
SCALE: 1"= 40'	DWG REVISION DATES
DRAWN BY: MR	– –
DWG DATE: 7/24/23	– –
DWG NAME:22153 Final Plat.dwg	

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

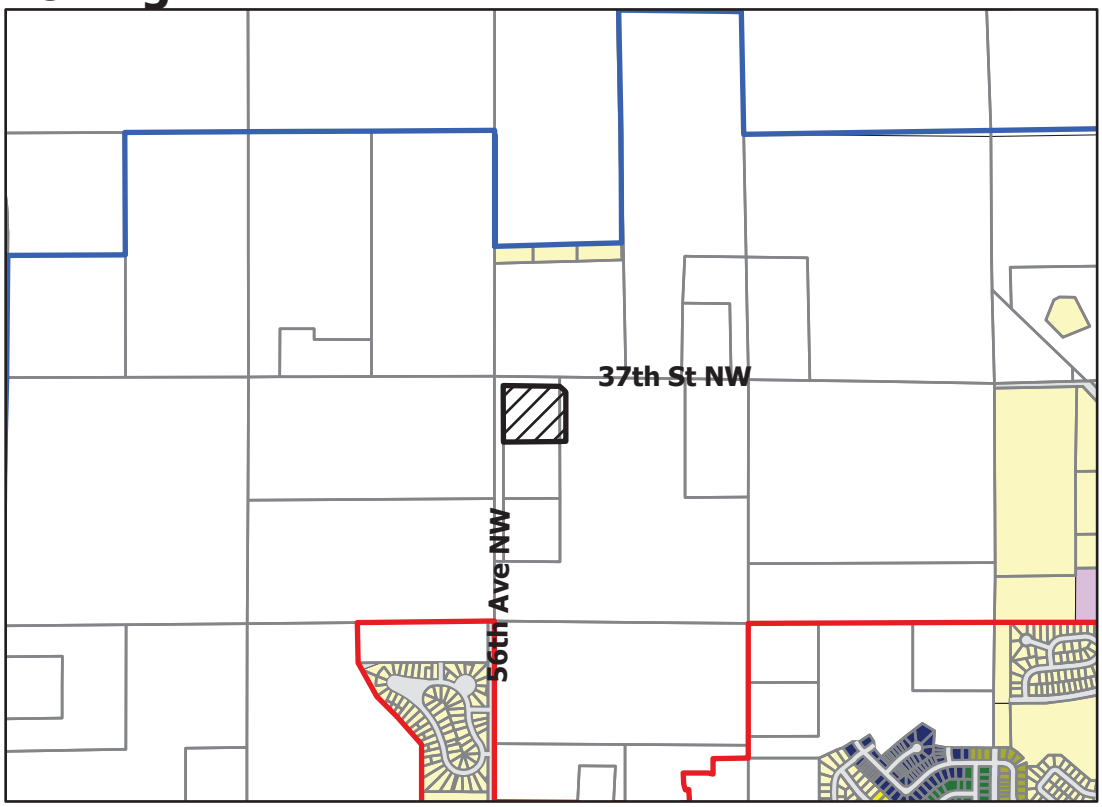
Zoning and Future Land Use Reference Map

Schaff Estates 2nd 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
- Parcels
- May Planning Activities
- City Limits
- ETA Line
- State and Federal Roads

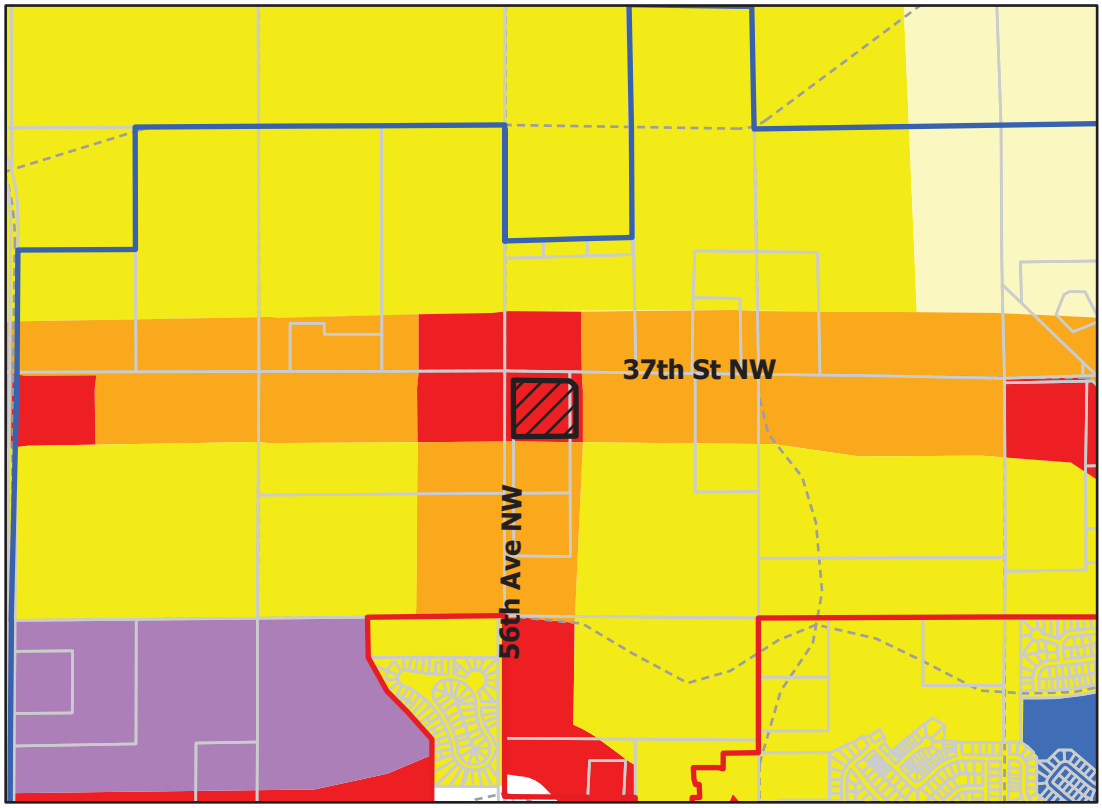
Zoning



Future Land Use Plan

Future Land Use Plan Key

- Rural Residential
- Low Density Residential
- Medium Denstiy Residential
- High Density Residential
- Commercial
- Industrial
- Public/Semi-Public
- Public Land
- Park
- Greenways
- Open Space
- Open Water
- Parcels
- Future Roadway Alignment
- May Planning Activities
- City Limits
- ETA Line
- State and Federal Roads



0 0.38 0.75 1.5 Miles

N

City of Mandan
Planning Department
5/4/23

City Commission

Agenda Documentation

MEETING DATE: February 6, 2024
PREPARATION DATE: January 31, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Mandan 2024 Street Rehabilitation Design Task Order, Amendment 1

STATEMENT/PURPOSE:
To consider and possibly enter into an agreement with Moore Engineering for final design engineering and bidding services for the 2024 Street Rehabilitation Project (SID #235).

BACKGROUND/ALTERNATIVES:
On October 17th, 2023 the City of Mandan directed Moore Engineering to complete an engineering study/report for the 2024 Mandan Street Rehabilitation Project. Moore Engineering worked with City staff to study existing street and utility conditions in the identified areas. The report was approved and a Street Improvement District was created on December 19, 2023.

The study area included over 215 blocks. The area was broken down into several feasible projects based on similarities, location, and needs. The proposed 2024 project includes approximately 60 blocks of street rehabilitation and 9 blocks of utility rehabilitation.

Moore Engineering will prepare plans, specifications and assist with funding for the project. Project design will take place February-March with the bid date in April.

ATTACHMENTS:
1. SID 235 Amendment 1 for Final Design

FISCAL IMPACT:
The project is on the agenda for the February 8th State Water Commission meeting to receive 60% cost share for the design services. The engineering task order is for

$302,335.00.

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 Task Order Amendment 1 with Moore Engineering for design and bidding services for the 2024 Street Rehabilitation Project

SUGGESTED MOTION:
Move to approve Task Order Amendment 1 with Moore Engineering to perform design and bidding services for the 2024 Street Rehabilitation Project.

This is **EXHIBIT K**, consisting of 3 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services – Task Order Edition** dated September 5, 2023.

Amendment No. 1 To Task Order No. 23590

1. Background Data:

A. Effective Date of Task Order: October 17, 2023

B. Owner: City of Mandan

C. Engineer: Moore Engineering, Inc.

D. Specific Project: Mandan 2024 Street Rehabilitation (SID #235)

2. Description of Modifications

A. Engineer shall perform the following Additional Services:

1. Final Design Services. Engineer shall provide Final Design Services in accordance with Part A1.03 of the Agreement. Specifically, the following tasks are included:
    a. Project management, contract and budget administration
    b. Facilitate Department of Water Resources construction funding application and attend two State Water Commission meetings. Assistance with SRF financing is not anticipated.
    c. Progress meetings with Owner, property owners and other stakeholders.
    d. Revise previously created special improvement district documents.
    e. Supplemental design survey for full topographic detail in watermain replacement areas and miscellaneous details for final street and drainage design purposes.
    f. Street design, including ADA ramp rehabilitation and spot repairs for curb, gutter and sidewalk replacement
    g. Lighting design is limited to areas of watermain replacement and full street reconstruction.
    h. Sanitary sewer televising review and summary of recommendations
    i. Storm sewer manhole evaluation for modifications to accommodate paving surface elevation
    j. Construction drawings are anticipated to include the following:
        1) General notes, legend and scope of work
        2) Tables for upgrading storm and sanitary sewer manholes
        3) Details and typical sections
        4) Existing conditions and removals
        5) Plan view paving layouts
        6) Plan and profile for watermain replacement

EJCDC® E-505, Agreement Between Owner and Engineer for Professional Services – Task Order Edition.
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7) Lighting and permanent traffic control
8) SWPPP, phasing and construction traffic control

k. Prepare 60% drawings, technical specifications, special provisions and opinion of cost. Conduct internal QC review and revise prior to submitting to Owner.

l. Facilitate 60% review meeting with Owner.

m. After receiving Owner's feedback and approval to proceed, proceed with 90% design and construction documents preparation.

n. Conduct site visits as needed.

o. Prepare project manual and bid form.

p. Prepare 90% drawings, project manual and opinion of cost. Conduct internal QC review and revise prior to submitting to Owner.

q. Facilitate 90% review meeting with Owner.

r. Prepare final bidding and contract documents.

2. Bidding or Negotiating Phase Services. Upon completion of the above and authorization by Owner to proceed, Engineer shall provide services in accordance with Part A1.04 of the Agreement.

B. The Scope of Services currently authorized to be performed by Engineer in accordance with the Task Order and previous amendments, if any, is modified as follows: N/A

C. The responsibilities of Owner with respect to the Task Order are modified as follows: N/A

D. For the Additional Services or the modifications to services set forth above, Owner shall pay Engineer the following additional or modified compensation: $302,335.00

E. The schedule for rendering services under this Task Order is modified as follows: Final design will occur between January and March 2024, anticipating a bid opening near the end of April 2024.

F. Other portions of the Task Order (including previous amendments, if any) are modified as follows: N/A

G. Attachments:

1. Project 1 and Project 2 Area Maps (2 pages)
2. Work Breakdown Structure (tasks and hours)

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3. Task Order Summary (Reference only)

a.	Original Task Order amount:	$171,229
b.	Net change for prior amendments:	$0
c.	This amendment amount:	$302,335
d.	Adjusted Task Order amount:	$473,564

The foregoing Task Order Summary is for reference only and does not alter the terms of the Task Order, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Task Order as set forth in this Amendment. All provisions of the Agreement and Task Order not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is February 6, 2024.

OWNER: **City of Mandan**		ENGINEER: **Moore Engineering, Inc.**	
Signed:	_____	Signed:	_____
Name:	_____	Name:	_____
Title:	_____	Title:	_____
Date Signed:	_____	Date Signed:	_____

EJCDC® E-505, Agreement Between Owner and Engineer for Professional Services – Task Order Edition.
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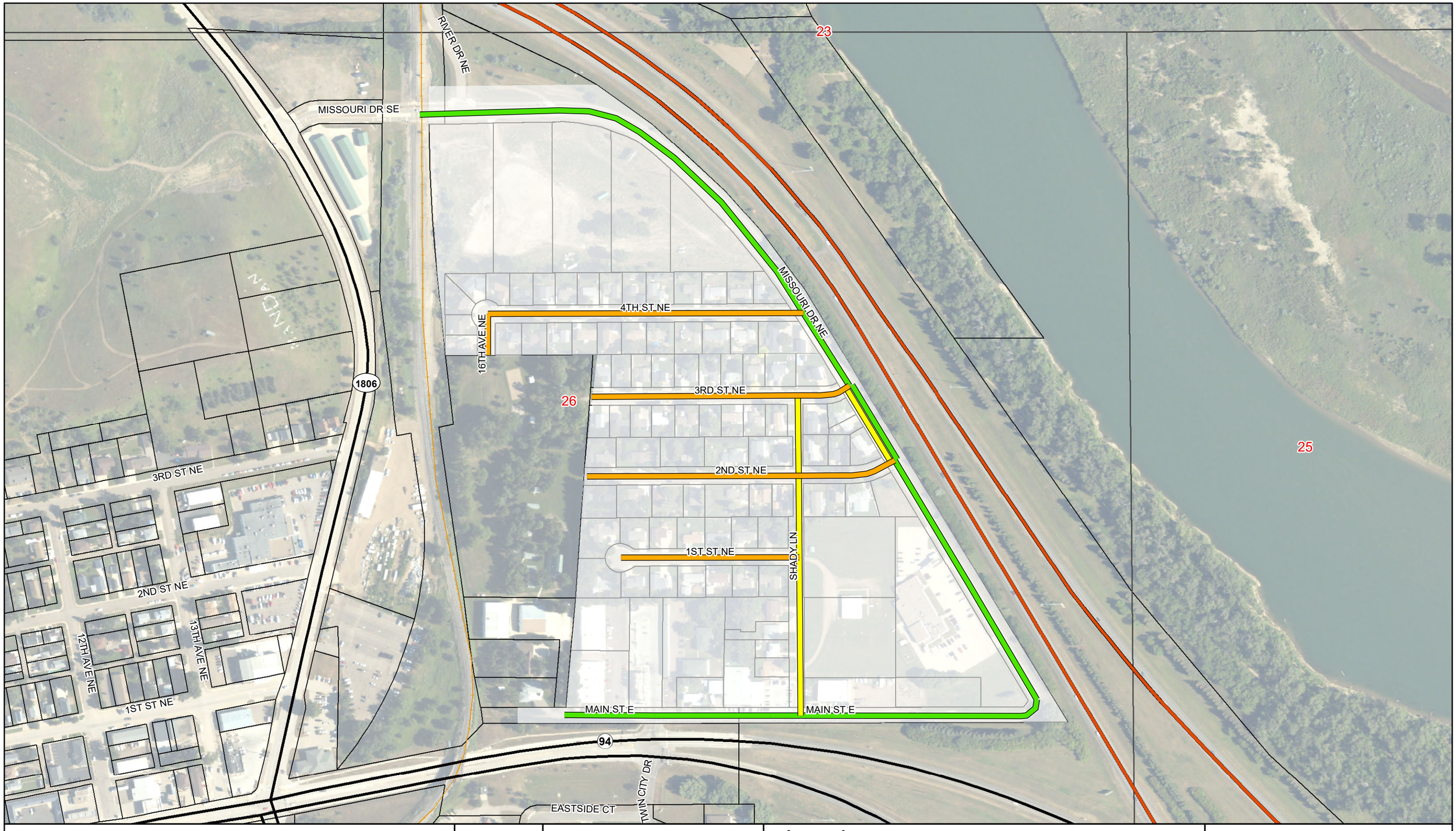

STREET REHABILITATION PROJECT AREA 1
MANDAN, NORTH DAKOTA

Created By: KMV Date Created: 09/29/23 Date Saved: 11/30/23 Date Exported: 11/30/23
Plotted By: kyle.volk Parcel Date: 05/07/23 Aerial Image: 2022 County NAIP SIDS Elevation Data: N/A
Horizontal Datum: NAD 1983 StatePlane North Dakota North FIPS 3301 Feet Vertical Datum: NAVD1988
T:\Projects\23500\23590\23590_Roads_Project_Area_1.mxd

N
W E
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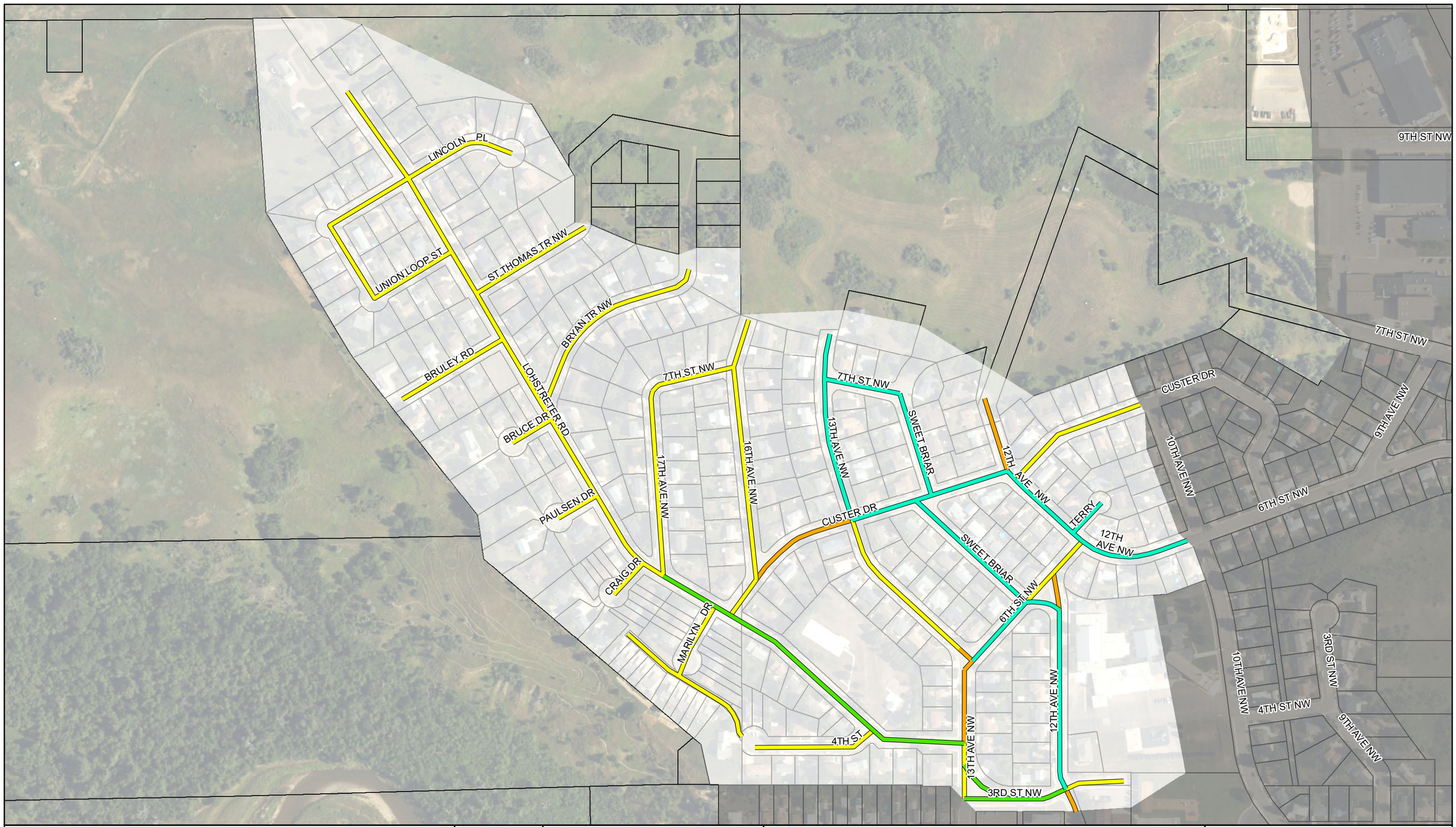
0 150 300 600 Feet

1 in = 300 feet

Legend

- Roadway Reconstruct
- Mill & Overlay
- Chip Seal

moore engineering, inc.



STREET REHABILITATION PROJECT AREA 2A
MANDAN, NORTH DAKOTA

Created By: KMV Date Created: 09/29/23 Date Saved: 11/30/23 Date Exported: 11/30/23
Plotted By: kyle.volk Parcel Date: 05/07/23 Aerial Image: 2022 County NAIP SIDS Elevation Data: N/A
Horizontal Datum: NAD 1983 StatePlane North Dakota North FIPS 3301 Feet Vertical Datum: NAVD1988
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N
W E
S

0 150 300 600 Feet
1 in = 300 feet

Legend

- Watermain Reconstruct
- Roadway Reconstruct
- Chip Seal
- Mill & Overlay

moore engineering, inc.

moore engineering, inc.

Project Name: 2024 Street Rehabilitation Project

Project Number: 23590

Client: City of Mandan

DATE: 1/26/2024

EVM DATE:

				PM		MUNI						SURVEY		AD
				SR PROJECT MANAGER	SR PROJECT ADMINISTRATOR	SENIOR PE	PE I	PROJECT ENGINEER	CADD TECH III	SUBCONSULTANT		SURVEY CREW CHIEF II	SURVEY CREW CHIEF I	SR OFFICE ADMINISTRATOR
				CJ		TK	GD	AK	MG					
PHASE	TASK NO.	PHASE DESCRIPTION	Defined Limits											
320		**320 - Final Design**												
320	320.001	Updates to Special Assessment Lists/Maps - Post PCR Completion Revisions					10							
320	320.002	Supplemental Topographic Survey (Watermain replacement areas/Street reconstruct/Pickup/One Call/Where Digging/Conflicts/Confirm critical tie-in points)	ASCE Level D						32			80	80	
320	320.003	PM: Planning/Scoping/QC of Design Phase Amendment/Invoicing		6	8		6							8
320	320.004	Weekly Project Management Mtgs (PM/Muni/PE)	12 weeks	12			12							
320	320.005	Design Mtgs with Owner (Includes Prep and Follow up)	Assume: 3 in Mandan, 3 conf calls	12			12	12						
320	320.006	Separate Meetings with Interested Parties (School, park, other)	Assume 1 total	3			3							
320	320.007	Set Up Plan & Profiles Sheets	Assume 9 blocks				10	20	80					
320	320.008	Sanitary Sewer Televising Review and Recommendations					10	15						
320	320.009	Storm Structure/Cover/Lid Tables - Elevations/Types					10	15						
320	320.010	ADA Ramp & Sidewalk Spot Repair Design				10	35	30	40					
320	320.011	Street Design	Replacement, M&O, limits, saw cutting			4	40	40	60					
320	320.012	Prepare Typical Sections				2	5	10	20					
320	320.013	Removals, Phasing Plan, Closures	Assume school will request phasing			2	20	20	30					
320	320.014	SWPPP & Traffic Control				2	5	10	20					
320	320.015	Striping Plan for Crosswalks - School, Park Entrances					5	10	20					
320	320.016	Details				2	5	10	20					
320	320.017	Cover, General Notes, Legend					20	20	30					
320	320.018	Separate Meetings with School		2			2							
320	320.019	leave blank - do not use												
320	320.020	Striping Plan (School)					1	2	5					
320	320.021	Prepare 60% Design Phase Documents for Owner					5	10	20					
320	320.022	Revise 60% Design Phase Documents					10	15	30					
320	320.023	Establish Owner requirements for contracting, insurance					3	6						
320	320.024	Prepare final Drawings and Specifications					20	25	30					
320	320.025	Site Visits	Assume 2				5	5						
320	320.026	QMP Review (60%, 90%, Final)	PM, PE, and Project Engineer	8		15	15							
320	320.027	Assist Owner in assembling known reports or drawings of site conditions					4	4						
320	320.028	Prepare Project Manual					5	10						
320	320.029	Prepare Special Provisions to City's Tech Specs				4	5	10						
320	320.030	Prepare 90% Design Phase Documents For Owner					5	10	20					
320	320.031	Revisions to 90% Phase Documents				2	10	15	30					
320	320.032	Tabulate Final Quantities				2	10	10	5					
320	320.033	Revise Opinion of Cost				2	10	10						
320	320.034	Provide Final Bid Tabulation Forms for Contract Documents					5	5						
320	320.035	Final Plan Assembly, Signing, PDFing, Reproduction					10	10	10					
320	320.036	Provide Bid Alternates (Up to 3)				1	5	5						
320	320.037													
320	320.038	Lighting Design Services (Prairie Engineering)	To match scope of PCR	1			2		12	$16,400				

Note: All items that contain no hours are EXCLUDED from the Proposal.

moore engineering, inc.

Project Name: 2024 Street Rehabilitation Project

Project Number: 23590

Client: City of Mandan

DATE: 1/26/2024

EVM DATE:

PHASE	TASK NO.	PHASE DESCRIPTION	Defined Limits	PM		MUNI					SURVEY		AD
				SR PROJECT MANAGER	SR PROJECT ADMINISTRATOR	SENIOR PE	PE I	PROJECT ENGINEER	CADD TECH III	SUBCONSULTANT	SURVEY CREW CHIEF II	SURVEY CREW CHIEF I	SR OFFICE ADMINISTRATOR
				CJ		TK	GD	AK	MG				
				44	8	48	340	364	514	$16,400	80	80	8
330		**330 - Bidding & Negotiation**											
330	330.001	Weekly Project Management Mtgs (PM/Muni/WR)	Assume 2 Total: 0.5 hrs each	2			2						
330	330.002	Mtgs with Owner, Review Contractor Requests	Assume: 4 conf. calls (PW/Engineering)	6			6	6					
330	330.003	Add for Bid, Coordinate Builders Exchange's/Publications						3					1
330	330.004	Upload Plans for Bidding, Quest CDN											3
330	330.005	Answer Bidder questions, establish equals	21 days, assume 15 calls, 4 approved equals			4	10	5					
330	330.006	Prepare and issue addenda	Assume 3 addenda				10	20					3
330	330.007	Attend Bid Opening, Review unit prices, prepare bid tab, recommend award		3			5	5					3
330	330.008	Provide information needed by Owner during reviews or negoitations					4	4					
330	330.009	Consult Owner on contractor qualification	Assume single GC				3	3					
330	330.010	Consult Owner on subcontractor, supplier, and others qualifications					3	3					
330	330.011	Assembly of contracts, review contractor documents, issue Notice of Awards	Assume single GC				5	5					4
				11		4	48	54					14
600		**600 - Additional Services**											
600	600.001	State Water Commission Applications and Coordination	Assume preconstruction & construction	2			4	2					
600	600.002	SRF Funding loan and documents (Billed Hourly if Needed)	(Not included)										
				57	8	52	392	420	514	16,400	80	80	22

Note: All items that contain no hours are EXCLUDED from the Proposal.

City Commission

Agenda Documentation

MEETING DATE:	February 6, 2024
PREPARATION DATE:	February 5, 2024
SUBMITTING DEPARTMENT:	Engineering
DEPARTMENT DIRECTOR:	Jarek Wigness
PRESENTER:	Jarek Wigness, City Engineer
SUBJECT:	Consider 8th Avenue NW Engineering Service Agreement Amendment

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STATEMENT/PURPOSE:
To consider and possibly approve an amendment to the engineering service agreement (ESA) that the City has with Moore Engineering, related to the reconstruction of 8th Avenue NW.

BACKGROUND/ALTERNATIVES:
In January 2022, the City entered into an agreement with Moore Engineering to create preliminary and semi-final plans for a project that would include the reconstruction of 8th Avenue NW and 27th Street NW from Old Red Trail to Highway 1806. The assessment district for this original project failed. In the interest of retaining federal funds that were authorized for the project, the City scaled back the scope to what it is today: the reconstruction of 8th Avenue NW from Old Red Trail to 24th Street NW.

The final designs were completed and submitted to the North Dakota Department of Transportation (NDDOT) for a bid letting in November 2022. There were two bidders, but neither had fully satisfied the NDDOT's bidding requirements and both bids were rejected. The federal funds were reauthorized for a bid letting in fiscal year 2023. After careful reevaluation of the project scope and schedule, final plans were updated and resubmitted to the NDDOT for a November 2023 bid letting. Strata Corporation was awarded the project, as the apparent low bidder.

This amendment would account for additional design phase services related to this project, as well as construction engineering through final project acceptance. Moore Engineering has worked closely with the City's Engineering and Administration departments to scope this amendment to be as efficient as possible, while still meeting NDDOT project requirements.

ATTACHMENTS:
1. 8th Ave NW - ESA Amendment

FISCAL IMPACT:
This amendment would add $258,649 to the existing engineering service agreement with Moore Engineering. The new total agreement amount would be $806,248. These engineering costs would be assessed to the benefiting properties.

STAFF IMPACT:
Minimal

LEGAL REVIEW:
Commission meeting documents have been forwarded to the City Attorney for review.

RECOMMENDATION:
To approve the proposed amendment to the engineering service agreement with Moore Engineering.

SUGGESTED MOTION:
I move to approve the engineering service agreement amendment, as presented.

4503 Coleman Street
Suite 105
Bismarck, ND 58503
P: 701-751-8360
F: 701-751-2954

moore engineering, inc.

January 17, 2024

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

Subject: Letter Agreement – Amendment #3 for Design Phase Additional Services & Construction
Engineering Services for 8th Ave NW
Urban Roads Project
City of Mandan, ND
Mandan, ND
Moore Project No. 22183

Dear Mr. Wigness,

Moore Engineering, Inc. (MOORE) is pleased to submit our amendment to provide civil engineering services for the design phase additional services and construction engineering services of your 8th Avenue NW reconstruction project.

Project Understanding

BACKGROUND:

The City of Mandan hired Moore to complete a preliminary engineering project so that the proposed improvement project could be presented to the public. In order to meet NDDOT submittal requirements to ensure funding, Moore has completed design to a PSE level for the full 8th and 27th Corridor. It was requested that Moore complete plans for 8th Ave NW from Old Red Trail to 24th Street for the November 2023 NDDOT bid letting. Answers to Moore's specific questions during this process were provided by City Engineer, Justin Froseth.

GENERAL DESCRIPTION OF PROJECT:

The project consists of the scope of work identified in the agreement signed on January 4, 2022. The work specifically includes street and utility reconstruction on 27th Street from 1806 North to 8th Ave. NW as well as 8th Avenue NW from Old Red Trail and 27th St. NW.

PROJECT OBJECTIVES:

Moore previously provided additional design services due to changes in the project scope and limits. Moore will provide Owner with construction engineering services as detailed in the attached task hours document. Moore assisted the City of Mandan to obtain construction bids for 8th Ave. from Old Red Trail to 24th St. NW. These new project limits are the basis for the scope of work for this amendment.

Scope of Work

To meet the project objectives above, Moore proposes to provide the following services:

1. Construction Engineering Services
   - Project Management
   - Pre-Construction Conference
   - Full time Construction RPR and Inspection (10 weeks)
   - Construction Staking
   - Materials testing in accordance with NDDOT standards
   - Construction Administration and documentation (CARS)
   - Project Closeout
   - Weekly Construction meetings
   - QC/QA

Basis of Proposal

The following items form the basis of this Proposal:

- Conduct and attend the pre-construction conference with the contractor, subcontractors, NDDOT and city staff.
- Perform full time on site construction engineering and inspection. The basis of this estimate is to have 1 person onsite full time with an additional person onsite for 2 days a week to inspect when multiple operations are taking place.
- Construction staking.
- Materials testing in accordance with NDDOT standards to be done by Terracon.
- Construction Administration and documentation through NDDOT construction automation records system (CARS)
- Project Closeout through CARS.
- Conduct and attend weekly construction meetings (10).

Schedule

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

- All construction based items, aside from the closeout, will be completed during the 2024 construction period in accordance with the schedule provided by the contractor. This estimate is based on 10 weeks of construction.
- Project closeout – December 1, 2024

Fee

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

- 8th Avenue NW Additional Services Phase –$59,734
- 8th Avenue NW Construction Engineering Services Phase - $198,915

Total fees for this agreement is estimated to be $258,649. The total contract compensation is a not-to-exceed amount unless approved in writing by the Owner.

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. Category Billing Rates will be the attached 2023 billing rates. Rates are valid through the end of the current year and may be adjusted to meet market conditions on January 1 of each year. If billed to Owner, invoices will be submitted monthly based on the hours of work completed for the Hourly tasks. Moore may alter the distribution of compensation between individual phases listed above to be consistent with services actually rendered, but shall not exceed the total contract compensation amount unless approved in writing by the City.

Standard Terms and Conditions

Our services will be provided in accordance with our "Standard Terms and Conditions for Professional Services," which are integral to this proposal, and were provided with the Study Phase contract.

Closing

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

We appreciate the opportunity to submit this Proposal and we look forward to working with you on this Project. Should you have any questions or need additional information, please contact me by phone at 701.751.8376 or by email at jim.jackson@mooreengineeringinc.com.

Sincerely,

Jim Jackson, PE
Transportation Sector Leader

Tyson Hajicek, PE
Chief Operating Officer

Enclosures: As noted

Acceptance for City of Mandan, ND:

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

Signature _____

Name Jarek Wigness, PE

Title Planning and Engineering Director

Date _____

Address for giving notices: 205 2nd Ave NW
Mandan, ND 58554

MOORE ENGINEERING, INC.
2023 BILLING SCHEDULE
Effective January 1, 2023

NOTE: Rates contained in this Billing Schedule are valid until December 31, 2023. After December 31, 2023, Hourly Billing Rates will be escalated annually and direct expenses may be adjusted to meet market conditions.

	Description	Billing Rate Per Hour
1	Principal	$215.00
2	Senior Project Manager	$215.00
3	Senior Professional Engineer	$210.00
4	Senior Technical Advisor	$210.00
5	Grants and Funding Specialist	$205.00
6	Project Manager	$205.00
7	Professional Engineer II	$195.00
8	Professional Engineer I	$185.00
9	Project Coordinator	$190.00
10	Funding Specialist	$180.00
11	Project Engineer	$175.00
12	CADD Standards Coordinator	$175.00
13	Senior Construction Engineer/Specialist	$180.00
14	Construction Engineer/Specialist II	$165.00
15	Construction Engineer/Specialist I	$155.00
16	Graduate Engineer	$155.00
17	Senior Engineering Designer	$175.00
18	Engineering Designer II	$155.00
19	Engineering Designer I	$150.00
20	Environmental Scientist III	$185.00
21	Environmental Scientist II	$180.00
22	Environmental Scientist I	$130.00
23	Environmental Technician II	$115.00
24	Environmental Technician I	$100.00
25	Environmental Intern	$80.00
26	Expert Witness	$355.00
27	Sr. Landscape Architect	$170.00
28	Landscape Architect II	$160.00
29	Landscape Architect I	$150.00
30	Project Manager Assistant	$150.00
31	Branch Office Administrator	$115.00
32	Engineering Technician III	$140.00
33	Engineering Technician II	$130.00
34	Engineering Technician I	$115.00
35	CADD Technician III	$145.00
36	CADD Technician II	$140.00
37	CADD Technician I	$135.00
38	Communications Manager	$190.00
39	Marketing Communications Manager	$175.00
40	Communications Specialist	$155.00
41	Videography and Media Specialist	$160.00
42	Media Specialist	$160.00
43	Marketing Manager	$180.00
44	Lead Proposal Specialist	$145.00
45	Marketing Specialist II	$155.00
46	Marketing Specialist I	$105.00
47	Marketing Coordinator	$100.00
48	Marketing Assistant	$85.00
49	GIS Manager	$190.00
50	GIS Developer	$175.00
51	GIS Programmer III	$160.00
52	GIS Programmer II	$150.00
53	GIS Programmer I	$145.00
54	GIS Specialist III	$160.00
55	GIS Specialist II	$150.00
56	GIS Specialist I	$140.00
57	GIS Technician III	$145.00
58	GIS Technician II	$140.00
59	GIS Technician I	$135.00
60	Senior Land Surveyor	$195.00
61	Land Surveyor	$180.00
62	Survey Data Analyst	$155.00
63	Survey Manager	$160.00
64	Survey Crew Chief II	$155.00
65	Survey Crew Chief I	$145.00
66	Survey Technician III	$115.00
67	Survey Technician II	$105.00
68	Survey Technician I	$100.00
69	Administrative Assistant	$100.00

moore engineering, inc.

Project Name:	Mandan Urban Roads Project
Project Number:	22183
Client:	City of Mandan
DATE:	1/12/2024

PHASE	TASK NO.	PHASE DESCRIPTION	Duration	TASK TOTAL	TASK HOURS TOTAL	LABOR TOTAL	SUBCONSULTANT	MILEAGE	SR PROJECT MANAGER	SENIOR PE	PROJECT ENGINEER	ENGINEERING TECH I	SURVEY MANAGER	SURVEY CREW CHIEF II	SURVEY TECH I
								$0.65	$215	$210	$175	$115	$160	$155	$100
400		**400 - Construction Services**		$186,915											
400	400.001	Project Management		$6,840	32.00	$6,840			24	8					
400	400.002	Pre-Construction Conference		$3,100	16.00	$3,100			4	4	8				
400	400.003	Construction RPR	10 Weeks	$101,040	720.00	$98,700		$2,340	20	20	200	480			
400	400.004	Construction Staking		$36,195	268.00	$36,000		$195		8	12	48	20	100	80
400	400.005	Construction Administration (CARS)		$27,450	170.00	$27,450				20	100	50			
400	400.006	Project Closeout		$7,150	38.00	$7,150			2	12	24				
400	400.007	Weekly Meetings		$5,140	26.00	$5,140			6	10	10				
		PHASE 400 - Construction Services SUBTOTAL		$186,915		$184,380		$2,535	56	82	354	578	20	100	80
									$12,040	$17,220	$61,950	$66,470	$3,200	$15,500	$8,000
670		**670 - Subconsultants**		$12,000											
670	670.001	Material Testing		$12,000			$12,000								
		PHASE 670 - Subconsultants SUBTOTAL		$12,000			$12,000								
		PROJECT TOTALS		**$198,915**		**$184,380**	**$12,000**	**$2,535**	**56**	**82**	**354**	**578**	**20**	**100**	**80**

Note: All items that contain no hours are EXCLUDED from the Proposal.

Fee Estimate

Materials Services

SU-1-988(048) PCN 23699 Mandan 8th Ave NW

Terracon Proposal No. PM2231237

DESCRIPTION		RATE	QUANTITY	UNITS		TOTAL
SUBGRADE / AGGREGATE BASE						
Technician Travel Time	$	104.00	7.5	hours	$	780.00
Project Management	$	145.00	2.5	hours	$	362.50
Sieve/Gradation (Soil)	$	150.00	5	each	$	750.00
Modified Proctor	$	231.00	3	each	$	693.00
Vehicle Mileage (Travel)	$	1.55	200	miles	$	310.00
Nuclear Density Tests	$	40.00	38	each	$	1,520.00
Sub Total					**$**	**4,415.50**
CONCRETE						
Project Management	$	145.00	1.75	hours	$	253.75
Concrete Technician (Portal to Portal)	$	104.00	12.25	hours	$	1,274.00
Compressive Strength of 4” x 8” Cylinder	$	25.00	28	each	$	700.00
Vehicle Mileage (Travel)	$	1.55	140	miles	$	217.00
Sub Total					**$**	**2,444.75**
Concrete Cylinder Pickups						
Concrete Technician (Portal to Portal)	$	104.00	3	hours	$	312.00
Vehicle Mileage (Travel)	$	1.55	80	miles	$	124.00
Sub Total					**$**	**436.00**
ASPHALT						
Asphalt Lab Testing						
Technician Travel Time	$	104.00	2.25	hours	$	234.00
Project Management	$	145.00	0.75	hours	$	108.75
Bituminous Extraction Gradation	$	375.00	3	each	$	1,125.00
Fine Aggregate Angularity	$	170.00	3	each	$	510.00
Gyratory Bulk Gravity & Max Gravity	$	400.00	3	each	$	1,200.00
Vehicle Mileage (Travel)	$	1.50	60	miles	$	90.00
Sub Total					**$**	**3,267.75**
Asphalt Coring						
Project Management	$	145.00	0.75	hours	$	108.75
Coring Technician	$	185.00	6	hours	$	1,110.00
Vehicle Mileage (Travel)	$	1.55	60	miles	$	93.00
Bit Wear	$	2.98	24	inches	$	71.52
Sub Total					**$**	**1,383.27**
TOTAL					**$**	**11,947.27**

ORDINANCE NO. 1443

An Ordinance to Amend and Re-enact Section 2-1-2 of the
Mandan Code of Ordinances Relating to Municipal Judge and Elections

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

Sec. 2-1-2. – Municipal judge.

N.D.C.C. provides for the election of a municipal judge. The procedures set forth in N.D.C.C. shall be followed, with the exception that the petition required for nomination under N.D.C.C. section 40-21-07 must be signed by not less than 125 qualified electors of the city. All other provisions of N.D.C.C. section 40-21-07 remain in effect. Procedures for operation of the municipal court are contained in chapter 14.

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

Attest:

_____
James Neubauer, City Administrator

First Consideration: January 16, 2024
Second Consideration and Final Passage: February 6, 2024

City Commission

Agenda Documentation

MEETING DATE: February 6, 2024
PREPARATION DATE: January 31, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Resolution Vacating Portion of Right-of-Way of Oxbow Trl. SE in Lakewood 6th Addition.

STATEMENT/PURPOSE:
Resolution Vacating Portion of Right-of-Way of Oxbow Trl. SE in Lakewood 6th Addition

BACKGROUND/ALTERNATIVES:
Detailed background on this item can be found under Public Hearing No. 2 on this agenda.

ATTACHMENTS:
1. Application
2. Resolution - Vacation of portion of Oxbow Trl SE
3. Exhibit - Portion of Oxbow Trl SE to be vacated
4. Location Map - Vacation of portion of Oxbow Trl SE

FISCAL IMPACT:
N/a

STAFF IMPACT:
N/a

LEGAL REVIEW:
The City Attorney has reviewed this as part of the agenda packet.

RECOMMENDATION:
Staff recommends approval of the vacation contingent upon approval and recording of a new plat for the subject property within one year.

SUGGESTED MOTION:

I move to approve the right-of-way vacation for a portion of Oxbow Trail SE for up to one year or until a plat is approved and recorded for the subject property.

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 2nd & subsequent resubmittal ($50)
☐	Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) ($250)	☐	

Summary of Request (Add separate sheet(s) as necessary)

To vacate part of Oxbow Trail SE right-of-way (Lakewood Sixth Addition) and to realign Oxbow Trail SE into Shores at Lakewood 3rd Addition. See attached map for clarity.

Engineer/Surveyor			Property Owner or Applicant		
Name Nick Nustad - Mountain Plains, LLC			**Name** Arthur Goldammer - TRX Developers, LLC		
Address 1300 Tacoma Ave, Suite A			**Address** 3100 North 14th Street		
City Bismarck	**State** ND	**Zip** 58504	**City** Bismarck	**State** ND	**Zip** 58503
email nnustad@mtnplains.com			**email** arthur@verityhomes.com		
Phone 7019553122	**Fax**		**Phone** 7014260197	**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	N/A	N/A	Shores at Lakewood 3rd Addition

Property Address	Legal Description
Oxbow Trail SE	Lakewood Sixth Addition
Current Use	
public right-of-way	
Proposed Use	
realign public right-of-way for Shores at Lakewood 3rd Addition	Section 1 / Township 138 / Range 81

Parcel Size	Building Footprint	Stories	Building SF	Required Parking	Provided Parking

Arthur Goldammer — 11/27/2023

Print Name	Signature	Date
LeeRoy J Mitzel	Leeroy J Mitzel	11/27/23

Office Use Only

Date Received:	Initials: NM	Fees Paid:	$500	Date 11-30-2023
Notice in paper	Mailed to neighbors	P&Z meeting		
☐ Approved ☐ Denied	Approved with conditions:			

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

WHEREAS, the owners of the properties located in Lakewood Sixth Addition in Section 1, Township 138N, Range 81 W of the 5th Principal Meridian, City of Mandan, Morton County, North Dakota have requested that a portion of Oxbow Trail SE right-of-way be vacated; and

WHEREAS, the subject property was not fully constructed and

WHEREAS, the City of Mandan has no plans to extend Oxbow Trail SE at this location and deems this portion of the right-of-way unnecessary; and

WHEREAS, the required public notices were published for four consecutive weeks on December 29, 2023, January 5, 12 and 19, 2024.

WHEREAS, the required public hearing was conducted by the Board of City Commissioners on February 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.

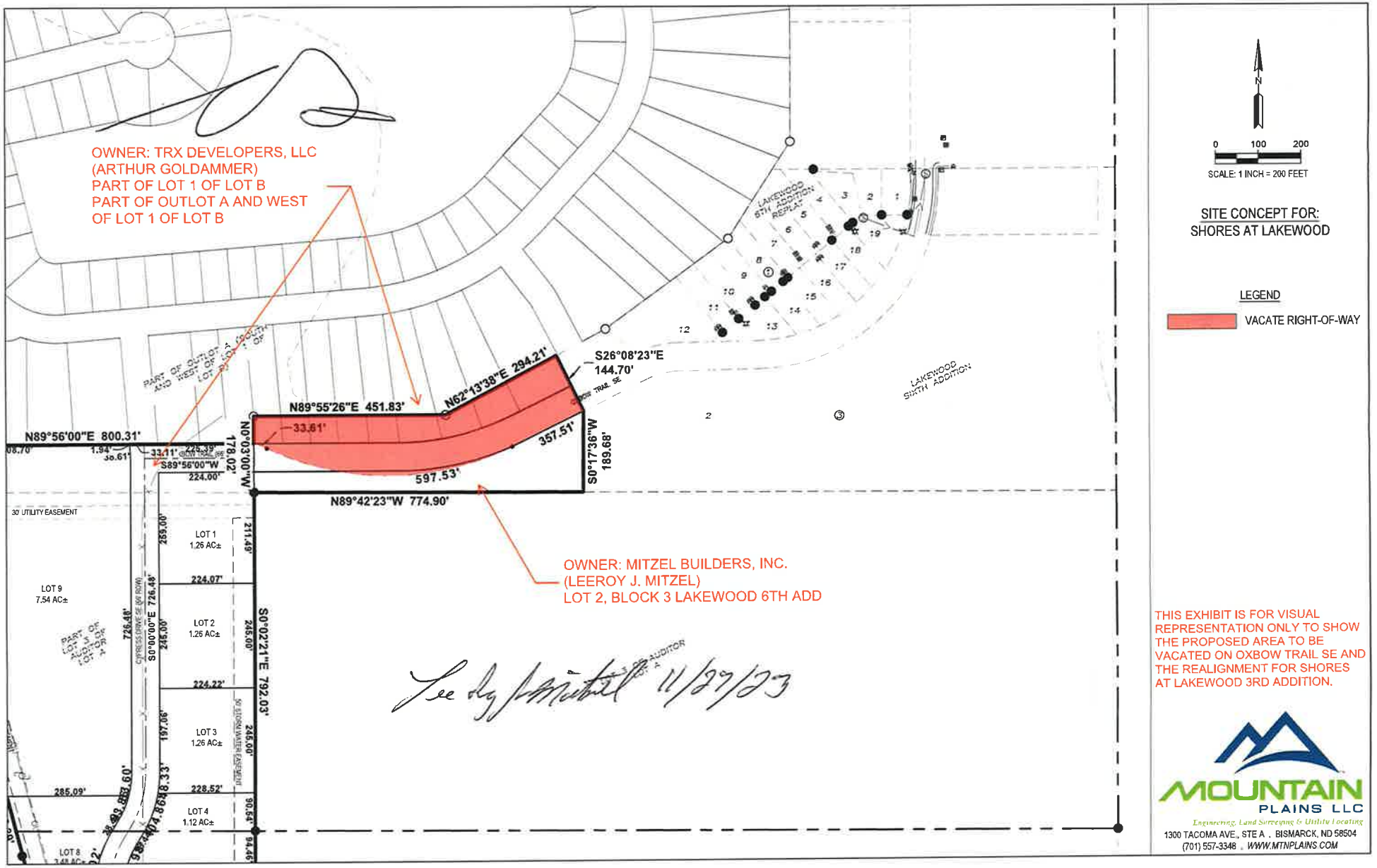
Approved and passed February 6, 2024 by at least two-thirds vote of all the members of the Board of City Commissioners.

_____
President, Board of City Commissioners

ATTEST:

_____
City Administrator

Public Notice Dates: December 29, 2023, January 5, 12, and 19, 2024
Public Hearing: February 6, 2024
Final Passage: February 6, 2024



N

0 100 200

SCALE: 1 INCH = 200 FEET

SITE CONCEPT FOR:
SHORES AT LAKEWOOD

LEGEND

VACATE RIGHT-OF-WAY

THIS EXHIBIT IS FOR VISUAL REPRESENTATION ONLY TO SHOW THE PROPOSED AREA TO BE VACATED ON OXBOW TRAIL SE AND THE REALIGNMENT FOR SHORES AT LAKEWOOD 3RD ADDITION.

MOUNTAIN PLAINS LLC
Engineering, Land Surveying & Utility Locating
1300 TACOMA AVE., STE A . BISMARCK, ND 58504
(701) 557-3348 . WWW.MTNPLAINS.COM

Zoning and Future Land Use Reference Map

Missouri Point Special Use Permit

Zoning

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
- Parcels
- January '24 Planning Items

Future Land Use Plan

Future Land Use Plan Key

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

0 0.13 0.25 0.5 Miles

N

City of Mandan
Planning Department
12/27/23