AGENDA
CITY COMMISSION
OCTOBER 1, 2024
ED "BOSH" FROEHLICH MEETING ROOM
MANDAN CITY HALL
5:30 PM
WWW.CITYOFMANDAN.COM

The public may access the LIVE meeting at:

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Webinar ID: *884 9978 8688*	

A. ROLL CALL

1. Roll call of all City Commissioners

B. THE PLEDGE OF ALLEGIANCE

C. ANNOUNCEMENTS

1. Quarterly work anniversary recognition
2. Congratulations Dennis Rohr, recipient of the North Dakota League of Cities Lifetime Achievement Award
3. New Employee Introduction, Public Works Director Shane O'Keefe
4. Recognition of Fire Prevention Week and Fire Department Open House

D. APPROVAL OF AGENDA

E. MINUTES

1. Consider approval of the minutes of the September 17, 2024 Board of City Commissioners regular meeting
2. Consider approval of the minutes of a September 23, 2024, quorum of City Commissioners

F. PUBLIC HEARING

G. BIDS

H. CONSENT AGENDA

1. Consider Water Treatment Plant Phase III cost share amendment
2. Consider submitting the following 2027 Transportation Alternatives (TA) Grant applications to the Bismarck-Mandan Metropolitan Planning Organization

a. TA Grant for 3rd Street SE Sidewalk Installation

b. TA Grant for Memorial Highway Pedestrian Ramp Realignment

3. Consider Police Department 2025 budget amendment for K-9 vehicle
4. Consider change order 1 for the 2024 Street Reconstruction project
5. *Consider approval of an employee request for unpaid leave*

I. OLD BUSINESS

J. NEW BUSINESS

1. Update on activities of the Bismarck Mandan Chamber EDC
2. Consider Street Improvement District 224 turn lane change order
3. Consider Capital Improvement Planning (CIP) assistance Task Orders
4. Consider a 2024 budget amendment for Task Order 2 - services supporting water distribution

K. RESOLUTIONS AND ORDINANCES

1. Second Consideration of Ordinance 1454, a PUD (Planned Unit Development) Amendment for the Shores at Lakewood
2. Consider resolutions creating a street improvement district for the Memorial Highway Project
3. *Consider the resolutions necessary to create Water and Sewer Improvement District 65*

L. OTHER BUSINESS

M. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS

- October 15, 2024 at 5:30 p.m.
- November 5, 2024 at 5:30 p.m.
- November 19, 2024 at 5:30 p.m.

N. ADJOURN

City Commission

Agenda Documentation

MEETING DATE: October 1, 2024
PREPARATION DATE: September 5, 2024
SUBMITTING DEPARTMENT: HR
DEPARTMENT DIRECTOR: Amy Berger
PRESENTER: Amy Berger, HR Director
SUBJECT: Quarterly work anniversary recognition

STATEMENT/PURPOSE:
To recognize the work anniversaries of quarter three.

BACKGROUND/ALTERNATIVES:
Beginning in 2024, employees that are eligible to receive a service award will be recognized each quarter. This was recognized annually in previous years.

Employees who have completed three, five, ten, fifteen, twenty, twenty-five, thirty, thirty-five, forty, forty-five, or fifty years of employment with the City will be recognized and receive a service award each quarter.

The City of Mandan would like to congratulate the following employees for their years of service. These employees will also be receiving an email on Wednesday to redeem their service award gift.

3 years:
Angela Wicks - Detective
Sara Schulender - Bookmobile Services Associate

5 years:
Edward Kear - Public Works Seasonal Laborer

15 years:
Kayla Steinwand - Library Page

20 years:
Shane Weltikol - Battalion Chief

30 years:
Terry Aasand - Part-time Firefighter

ATTACHMENTS:
None

FISCAL IMPACT:
Two employees were awarded three years of service recognition gift not to exceed twenty-five dollars.
One employee was awarded five years of service recognition gift not to exceed a value of fifty dollars.
One employee was awarded fifteen years of service recognition gift not to exceed a value of one hundred fifty dollars.
One employee was awarded twenty years of service recognition gift not to exceed a value of two hundred dollars.
One employee was awarded thirty years of service recognition gift not to exceed a value of three hundred dollars.

The total fiscal impact of the second quarter will be $750.00

STAFF IMPACT:
NA

LEGAL REVIEW:
NA

RECOMMENDATION:
Recognition only. No action required.

SUGGESTED MOTION:
Recognition only. No action required.

City Commission

Agenda Documentation

MEETING DATE: October 1, 2024
PREPARATION DATE: September 23, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: James Froelich
PRESENTER: James Froelich, Mayor
SUBJECT: North Dakota League of Cities Lifetime Achievement Award

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STATEMENT/PURPOSE:
To congratulate Commissioner Rohr on receiving the NDLC Lifetime Achievement Award.

BACKGROUND/ALTERNATIVES:

- Dennis's involvement in law enforcement has spanned 43 years, 21 years as Mandan's Police Chief
- Has transitioned to the role as a city commissioner, first elected in 2010
- Serves on various committees
- Active in community events, Art in the Park Committee, Musicians Association among a few
- Continues to be an active member of the North Dakota Police Chief's Association
- Has been an adjunct professor at Bismarck State College
- Handwriting expert
- Ordained Roman Catholic Deacon
- This year marks nearly 40 years Dennis and his wife Vesta attending the North Dakota League of Cities Annual Conference.
- Experienced Drummer in several bands
- His long-standing commitment to Mandan has earned him respect and admiration from both colleagues and residents alike. Rohr’s leadership and dedication have played a significant role in shaping the safety and well-being of the Mandan community.

ATTACHMENTS:
None

FISCAL IMPACT:
n/a

STAFF IMPACT:
n/a

LEGAL REVIEW:
n/a

RECOMMENDATION:
n/a

SUGGESTED MOTION:
n/a

City Commission

Agenda Documentation

MEETING DATE: October 1, 2024
PREPARATION DATE: September 25, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Introduction of Public Works Director Shane O'Keefe

STATEMENT/PURPOSE:
To introduce Public Works Director Shane O'Keefe

BACKGROUND/ALTERNATIVES:
Shane is a Bismarck High Graduate, currently pursuing a degree through Southern New Hampshire State University.
Has worked for BNSF since 2012, as a Trackman, Machine Operator, Track Inspector, Assistant Roadmaster, Structures Supervisor and a project Engineer.

Shane started with us on September 16.

Welcome, Shane.

ATTACHMENTS:
None

FISCAL IMPACT:

STAFF IMPACT:

LEGAL REVIEW:

RECOMMENDATION:

SUGGESTED MOTION:

The Mandan City Commission met in regular session at 5:30 PM on September 17, 2024 in the Ed "Bosh" Froehlich Meeting Room at City Hall, Mandan, North Dakota. Mayor Froelich called the meeting to order.

A. ROLL CALL

1. *Roll call of all City Commissioners*. Those present were Dennis Rohr, James Froelich, Craig Sjoberg, Ryan Heinsohn, Mike Braun. Department heads present were City Administrator Neubauer, Finance Director Welch, Engineering Director Wigness, Senior Real Property Appraiser Johnson, Deputy Police Chief Bier, Captain Haug, Building Official Singer, Fire Chief Bitz, Public Works Director O'Keefe, Business Development & Communications Director Cermak, Planner Stromme and Attorney Oster.

B. THE PLEDGE OF ALLEGIANCE

C. ANNOUNCEMENTS Mayor Froelich announced that it is Free Fall Landfill Week and the landfill is open from 8 a.m. to 4:45 p.m. He also shared that this weekend is the ND Roughrider Cup at the rodeo arena.

D. APPROVAL OF AGENDA Commissioner Rohr moved and Commissioner Sjoberg seconded to approve. Roll Call vote: Aye 5, Nay 0, Absent 0. The motion passed.

E. MINUTES

1. *Consider approval of the minutes of the September 3, 2024 Board of City Commissioners regular meeting*. Commissioner Sjoberg moved and Commissioner Heinsohn seconded to approve. Roll Call vote: Aye 5, Nay 0, Absent 0. The motion passed.

F. PUBLIC HEARING

1. *Consider the Resolution Determining the Sufficiency of Protest for Street Improvement District No. 238*. Engineer Wigness presented the item. The protests were sufficient and the project will not move forward. Mayor Froelich opened the public hearing and invited the public to come forward to comment. Dave Sterna, Judy Schaff, Jim Keller, Tom Schoffstall, and Travis Stremer spoke against the project. A second and third invitation for comment was given. Hearing none, the public hearing closed. Commissioner Sjoberg moved and Commissioner Rohr seconded to close the public hearing. Roll Call vote: Aye 5, Nay 0, Absent 0. The motion passed. Commissioner Rohr moved and Commissioner Sjoberg seconded to approve the resolution determining that protest of Street Improvement District 238 is sufficient. Roll Call vote: Aye 5, Nay 0, Absent 0. The motion passed.

2. *Public budget hearing scheduled at 6 p.m. for Ordinance No. 1452 adopting the 2025 Budget*. Finance Director Welch presented the item. Mayor Froelich opened the public hearing and invited the public to come forward to comment. Resident James Carroll came forward with concerns about the budget regarding the Airport, the 11 new full-time employees, and more. A second and third invitation for comment was given. Hearing none, the public hearing closed. Commissioner Sjoberg moved and Commissioner Braun seconded to close the public hearing. Roll Call vote: Aye 5, Nay 0, Absent 0. The motion passed.

3. *Consider a final plat and PUD Amendment for Shores at Lakewood 2nd Addition*. Planner Stromme presented the item. Mayor Froelich opened the public hearing and invited the public to come

forward to comment. A second and third invitation for comment was given. Hearing none, the public hearing closed. Commissioner Heinsohn moved and Commissioner Sjoberg seconded to approve the final plat for Shores at Lakewood 2nd Addition contingent upon a development agreement. Roll Call vote: Aye 5, Nay 0, Absent 0. The motion passed.

G. BIDS

H. CONSENT AGENDA

1. *Consider approval of monthly bills*.

2. *Consider approval for the Mandan Police Department to close the 200 block of 1st Ave NW on Thursday, October 31, 2024, from 3:30-6:30 p.m.*.

3. *Consider approval of the special event permit for the National Good Neighbor Day celebration*.

4. *Consider the following Abatements:*.

a. *Pulkrabek Abatement*.

b. *Burke Abatement*.

c. *Hoff Abatement*.

5. *Consider request to close 24th Ave SE to make utility connections*.

6. *Consider cost share amendment for the Collins Reservoir Project*.

7. *Consider approval for the fire department to award a bid for source capture exhaust systems to MagneGrip*.

8. *Permission to dispose of obsolete vehicles* .

9. *Consider Minor Plat for Zueger Addition*.

10. *Consider gaming site authorization for the North Dakota Friends of the NRA State Fund Committee LLC*.

11. *Consider a lane closure request for Collins Avenue at Division Street*.

12. *Consider a Flex PACE letter of support for financing of a remodel and build-out for Midwest Rentals, Inc*.

13. *Consider the addition of paddle wheel to the Gaming Site Authorization for The Scapegoat Bar from Oct. 1, 2024 to June 30, 2025*.

14. *Consider a budget amendment for the Engineering Department to purchase a new vehicle* .

15. *Consider Minor Plat for Replat of Lot 1 and Lot 2, Block 2, Rockwood First Addition.* .

Commissioner Sjoberg requested items 6 and 8 be removed for disucssion. Commissioner Rohr moved and Commissioner Braun seconded to approve consent agenda items 1-5, 7, 9-15, including all sub-items, as presented. Roll Call vote: Aye 5, Nay 0 None, Absent 0. The motion passed. Engineer Wigness presented consent agenda item number 6 regarding the cost share amendment for the Collins Reservoir Project. Fire Chief Bitz presented consent agenda item number 8. Commissioner Rohr moved and

Commissioner Braun seconded to approve consent agenda items number 6 & 8. Roll Call vote: Aye 5, Nay 0, Absent 0. The motion passed.

I. OLD BUSINESS

J. NEW BUSINESS

1. *Consider a Renaissance Zone residential rehabilitation application for 206 Sixth Ave NW*. Business Development & Communications Director Cermak presented the residential rehab application. Commissioner Rohr moved and Commissioner Sjoberg seconded to approve the residential rehabilitation application for 206 Sixth Ave NW by Heather Hoover as a Renaissance Zone project to include the five-year 100% property tax exemption on the entire value of the improved structure and the 100% five-year state income tax exemption. Roll Call vote: Aye 5, Nay 0, Absent 0. The motion passed.

2. *Consider issuance of Special Use Permit and approval of a Minor Plat for Missouri Point Shop Condos*. Planner Stromme presented the item. Commissioner Rohr moved and Commissioner Heinsohn seconded to approve the minor plat and special use permit with the contingencies outlined by staff. Roll Call vote: Aye 5, Nay 0, Absent 0. The motion passed.

3. *Considering entering into an Engineering Service Agreement with Moore & Barr Engineering for the Cemetry Geotechincal Evaluation Project*. Assistant City Engineer McAdoo-Roesler presented the item. Commissioner Heinsohn moved and Commissioner Braun seconded to approve the Engineering Service Agreement with Moore and Barr Engineering to complete work on the Cemetery Geotechnical Evaluation Project, and to amend the 2024 budget by $200,720 and the 2025 budget by $211,405 using the City's 1% sales tax fund. Roll Call vote: Aye 5, Nay 0, Absent 0. The motion passed.

K. RESOLUTIONS AND ORDINANCES

1. *Second and final consideration of Ordinance No. 1452 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2025, and ending December 31, 2025, and making the annual tax levy for the year 2024.*. Commissioner Heinsohn moved and Commissioner Sjoberg seconded to approve the second and final consideration of Ordinance No. 1452 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2025, and ending December 31, 2025, and making the annual tax levy for the year 2024. Roll Call vote: Aye 5, Nay 0, Absent 0. The motion passed.

2. *Consider Resolution establishing Rates and Charges for Services from the Water & Sewer Utility Fund*. Commissioner Rohr moved and Commissioner Sjoberg seconded to approve the Resolution establishing rates and charges for services from the Water & Sewer Utility Fund. Roll Call vote: Aye 5, Nay 0, Absent 0. The motion passed.

3. *Consider Resolution establishing Rates and Charges for Services from the Solid Waste Utility Fund*. Finance Director Welch presented the item. Commissioner Braun moved and Commissioner Heinsohn seconded to approve the Resolution establishing rates and charges for services from the Solid Waste Utility Fund. Roll Call vote: Aye 5, Nay 0, Absent 0. The motion passed.

4. *First Consideration of Ordinance 1454, a PUD (Planned Unit Development) Amendment for the Shores at Lakewood*. Planner Stromme presented the ordinance. Commissioner Sjoberg moved and Commissioner Heinsohn seconded to approve the first consideration of Ordinance 1454, contingent upon a development agreement.. Roll Call vote: Aye 5, Nay 0, Absent 0. The motion passed.

L. OTHER BUSINESS

M. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS

October 1, 2024 at 5:30 p.m..

October 15, 2024 at 5:30 p.m..

November 5, 2024 at 5:30 p.m..

N. ADJOURN There being no other business to come before the Board, Commissioner Braun moved and Commissioner Sjoberg seconded to adjourn at 7:16 p.m. Roll Call vote: Aye 5, Nay 0, Absent 0. The motion received unanimous approval of all the members present.

James Neubauer
City Administrator

James Froelich
President, Board of City Commissioners

A quorum of city commissioners was present for a Mandan Cares presentation at 401 West Main, Mandan ND. Commissioners present were Sjoberg, Heinsohn, and Rohr. Department heads present were City Administrator Neubauer, Assessor Markley, Human Resource Director Berger, Engineering Director Wigness, Police Chief Ziegler, Building Official Singer, Fire Chief Bitz, Public Works Director O'Keefe, Business Development & Communications Director Cermak, Planner Stromme and Deputy Police Chief Bier.

A presentation was made regarding Mandan Cares by Renee Murrish. No action was taken. Presentation concluded at 12:40 p.m.

James Neubauer
City Administrator

James Froelich, President
Board of City Commissioners

City Commission

Agenda Documentation

MEETING DATE: October 1, 2024
PREPARATION DATE: September 20, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider Water Treatment Plant Phase III cost share amendment

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STATEMENT/PURPOSE:
To consider agreeing to a cost-share amendment with the State Water Commission to include additional engineering services.

BACKGROUND/ALTERNATIVES:
AE2S's approved task order amendment included the design of additional miscellaneous items that were identified during the preliminary design phase. These include improvements to select utility transformers, select high service pump drives, chemical pumps and systems, the fluoride system, the SCADA system, the building exterior, and other process items.

At the August 8th, 2024 State Water Commission (SWC) Meeting, the commission approved a 60% cost share for these additional services. This agenda item is to consider amending our cost-share agreement with the SWC, accepting this additional funding.

ATTACHMENTS:
1. Amendment I Mandan WTP Phase III

FISCAL IMPACT:
The amendment would increase the SWC's contribution to preconstruction engineering from $347,400 to $470,400. This is a $123,000 increase.

STAFF IMPACT:
Minimal.

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

RECOMMENDATION:
To approve the cost-share amendment, as presented.

SUGGESTED MOTION:
I move to approve the cost-share amendment, as presented.

DWR Project No. 2050MAN
Planning and Education Division
August 2024

AMENDMENT I to the Agreement for Cost-Share Reimbursement City of Mandan Water Treatment Plant Phase III Optimization

1. Background. In September 2023, the State of North Dakota (State), by and through the State Water Commission (Commission), and the City of Mandan (Sponsor) entered into the Agreement for Cost-Share Reimbursement City of Mandan Water Treatment Plant Phase III Optimization (Agreement).

2. Intent. The intent of the parties here is to amend the Agreement to provide additional cost-share of up to $123,000 to reimburse 60 percent of the actual eligible costs.

3. Agreement. Commission and Sponsor agree to amend the Agreement as follows:

a. Replace all of the language in paragraph 2 **("COMMISSION'S RESPONSIBILITY AND INTENT")** with the following language:

Commission will provide Sponsor with cost-share, not to exceed $470,400, as approved by Commission on August 10, 2023 ($347,400) and August 8, 2024 ($123,000), to reimburse 60 percent of actual eligible costs incurred in Sponsor's Water Treatment Plant Phase III Optimization (Project), contingent on availability of funds and conditions of this agreement. Commission's intent in providing this funding to Sponsor is merely to help Sponsor financially afford Project. Sponsor retains sole and absolute discretion in the manner and means of carrying out Project, except to the extent specified in this agreement.

b. Replace language in paragraph 3 **("SPONSOR'S RESPONSIBILITIES")** subsection e. with the following language:

Comply with all North Dakota laws applicable to Project.

c. Replace all of the language in paragraph 4 **("PROJECT DESCRIPTION AND LOCATION")** with the following language:

Project is for improvements to the Sponsor's water treatment plant located in the City of Mandan, Morton County, North Dakota.

NORTH DAKOTA STATE WATER COMMISSION

By: _____

ANDREA TRAVNICEK, PH.D.
Secretary

Date: 08/17/2024

CITY OF MANDAN

By: _____

JAMES FROELICH
Mayor

Date: _____

City Commission

Agenda Documentation

MEETING DATE:	October 1, 2024
PREPARATION DATE:	September 23, 2024
SUBMITTING DEPARTMENT:	Engineering Department
DEPARTMENT DIRECTOR:	Jarek Wigness
PRESENTER:	Jarek Wigness, City Engineer
SUBJECT:	Consider submitting Transportation Alternative (TA) Grants for a Memorial Highway Pedestrian Ramp Realignment and 3rd Street SE Sidewalk Installation.

STATEMENT/PURPOSE:
To consider submitting applications for a TA grant for a Memorial Highway Pedestrian Ramp Realignment and 3rd Street SE Sidewalk Installation.

BACKGROUND/ALTERNATIVES:
On July 26th, Mandan Engineering Staff was presented with a TA grant solicitation letter. The Engineering Staff then held an internal meeting to discuss potential projects that could be submitted to the MPO. Three projects were then taken forward and applications developed. These projects have been submitted to and reviewed by the MPO bicycle and pedestrian subcommittee.

ATTACHMENTS:
None

FISCAL IMPACT:
The costs associated with each project is listed under the associated agenda item.

STAFF IMPACT:
Minimal

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

RECOMMENDATION:
To sponsor the TA grant applications for aMemorial Highway Pedestrian Ramp

Realignment and 3rd Street SE Sidewalk Installation.

SUGGESTED MOTION:

I move to sponsor the TA grant applications for a Memorial Highway Pedestrian Ramp Realignment and 3rd Street SE Sidewalk Installation.

City Commission

Agenda Documentation

MEETING DATE: October 1, 2024
PREPARATION DATE: September 23, 2024
SUBMITTING DEPARTMENT: Engineering Department
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider sponsoring a Transportation Alternative (TA) grant for the 3rd Street SE Sidewalk Installation project.

STATEMENT/PURPOSE:
To consider sponsoring an application for a TA grant for the 3rd Street SE Sidewalk Installation project.

BACKGROUND/ALTERNATIVES:
This project would construct approximately 830’ of 6’ sidewalk along 3rd Street SE in Mandan. The construction of this sidewalk would accommodate the path that people already travel daily. This trail shows up on historic imagery as far back as 2008. Construction of this sidewalk has been a community need for many years, as the existing trail/footpath provides access to a grocery store, a public health clinic, Mary Stark Elementary, a laundromat and other essential services. Making this connection will help in creating a safe route to school for many children that live in the surrounding communities. This connection would not only be used by children attending school but people of all ages to reach the essential services along the 6th Ave corridor.

ATTACHMENTS:
None

FISCAL IMPACT:
The estimated total project cost is $254,689.44. If a TA grant is secured, the DOT will provide 80.93% of project costs or approximately $206,120.17. The engineering department has had conversations with the finance department. The discussions will continue as the engineering department navigates the grant process.

STAFF IMPACT:

If a TA grant is secured, engineering staff would need to develop a plan set.

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

RECOMMENDATION:
To sponsor the TA grant application for the 3rd Street SE Sidewalk Installation project.

SUGGESTED MOTION:
I move to sponsor the TA grant application for the 3rd Street SE Sidewalk Installation project.

City Commission

Agenda Documentation

MEETING DATE:	October 1, 2024
PREPARATION DATE:	September 23, 2024
SUBMITTING DEPARTMENT:	Engineering Department
DEPARTMENT DIRECTOR:	Jarek Wigness
PRESENTER:	Jarek Wigness, City Engineer
SUBJECT:	Consider sponsoring a Transportation Alternative (TA) Grant for Memorial Highway Pedestrian Ramp realignment.

STATEMENT/PURPOSE:
To consider sponsoring an application for a TA grant for Memorial Highway Pedestrian Ramp realignment.

BACKGROUND/ALTERNATIVES:
This project would replace the existing pedestrian ramp connection with a realigned ramp connection to provide a better landing platform for pedestrian and cyclists. Realignment of these pedestrian facilities is vital to promoting the pedestrian connection between Bismarck and Mandan for people at all levels of accessibility. This design may meet the design requirements of the Americans with disabilities act, but it does not meet the spirit of the act. The goal of ADA is to make it possible for people with disabilities to participate in everyday life. The crossing is not comfortable and makes it difficult for Mandan to provide a welcoming environment.

.The distance between the crosswalk signal and the curb is only 4 feet. Less than 4 feet is all the stands between pedestrians and traffic traveling at speeds upwards of 40 mph. According the MPO's Safe Route to Service study, if a pedestrian is involved in a collision with a vehicle traveling at 40 mph there is an 80% chance that collision will end in a fatality. The volume of traffic at this intersection only adds to the discomfort at this crossing. In 2022 a traffic count was completed, the data collected shows an ADT of 16,385. Currently, this ramp provides a connection to a trail that goes south along 46th Ave SE. However, once the Memorial Highway project is complete, then this ramp will connect to a trail along Memorial Highway. Having that connection to Memorial Highway will allow many people to reach essential services from both Bismarck and Mandan.

ATTACHMENTS:
None

FISCAL IMPACT:
The estimated total project cost is $49,534. If a TA grant is secured, the DOT will provide 80.93% of project costs or approximately $40,087.87. The engineering department has had conversations with the finance department. The discussions will continue as the engineering department navigates the grant process.

STAFF IMPACT:
If a TA grant is secured, engineering staff would need to develop a plan set.

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

RECOMMENDATION:
To sponsor the TA grant application for Memorial Highway Pedestrian Ramp realignment.

SUGGESTED MOTION:
I move to sponsor the TA grant application for Memorial Highway Pedestrian Ramp realignment.

City Commission

Agenda Documentation

MEETING DATE: October 1, 2024
PREPARATION DATE: September 24, 2024
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Jason Ziegler
PRESENTER: Jason Ziegler, Police Chief
SUBJECT: Police Department budget amendment for 2025.

STATEMENT/PURPOSE:
Consider a budget amendment to the Police Department's 2025 budget for the purchase of a Chevrolet Tahoe instead of a Ford Interceptor.

BACKGROUND/ALTERNATIVES:
The Police Department's 2025 budget includes the purchase of a new Ford Interceptor Utility police vehicle. We would like to upgrade that vehicle to a Chevrolet Tahoe to replace our current aging K9 vehicle. The Tahoe is a larger vehicle, making it more functional to accommodate the extra cargo needed for the K9. The Tahoe will also allow us to add a prisoner transport cage to the vehicle which our current K9 vehicle is not big enough for. The upgrade to a Tahoe will cost an additional $10,000.00. We would like to use funds from the Police Civil Asset Forfeiture Account for this additional cost.

ATTACHMENTS:
None

FISCAL IMPACT:
$10,000 will be used from the Police Civil Asset Forfeiture Account for this budget amendment.

STAFF IMPACT:
None.

LEGAL REVIEW:
None.

RECOMMENDATION:

To approve an amendment to the Police Department's 2025 budget for the purchase of a Chevrolet Tahoe instead of a Ford Interceptor. The $10,000.00 in funds will come from the Police Civil Asset Forfeiture Account.

SUGGESTED MOTION:

I move to approve an amendment to the Police Department's 2025 budget for the purchase of a Chevrolet Tahoe instead of a Ford Interceptor. The $10,000.00 in funds will come from the Police Civil Asset Forfeiture Account.

City Commission

Agenda Documentation

MEETING DATE: October 1, 2024
PREPARATION DATE: September 17, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider Change Order 1 for the 2024 Street Reconstruction project.

STATEMENT/PURPOSE:
To review and consider Change Order 1 for the SID 235 General Construction Contract (Awarded to Strata Corporation). Change Order 1 includes the addition and removal of bid items, quantity adjustments, and DOT ditch grading by the intersection of Shady Lane and Main Street East.

BACKGROUND/ALTERNATIVES:
Based on an existing street and utilities study conducted by Moore Engineering, the City has undertaken a project containing approximately 60 blocks of street rehabilitation and 9 blocks of utility rehabilitation.

Change Order 1 adjusts units of bid items, adds bid items, adjusts bid item quantities, and adds to the scope of the work. Storm sewer work was removed in Area 1 and ditch grading within the DOT right of way was added in area 1. These costs fit within the contingency budget and are included in the overall project budget.

ATTACHMENTS:
1. Change Order 1

FISCAL IMPACT:
Change Order 1 is $67,576.80.

STAFF IMPACT:
Significant effort working alongside Moore Engineering during the project.

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

RECOMMENDATION:

Approve Change Order 1 in the amount of $67,576.80 for the Mandan 2024 Street Rehabilitation Project (SID 235) General Construction Contract.

SUGGESTED MOTION:

I move to approve Change Order 1 for the Mandan 2024 Street Rehabilitation Project (SID 235) General Construction Contract.

CHANGE ORDER NO.: 1

Owner:	City of Mandan	Owner's Project No.:	
Engineer:	Moore Engineering, Inc.	Engineer's Project No.:	23590
Contractor:	Strata Corporation	Contractor's Project No.:	
Project:	Mandan SID 235		
Contract Name:	General		
Date Issued:	9/17/2024	Effective Date of Change Order:	9/17/2024

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

Description: This change order includes work change directive 1, which removes the work associated with removing the trough on Shady Lane and the installation of storm sewer behind the existing trough. It also includes the installation of a storm sewer cleanout on the existing storm sewer near Missouri Drive. This change order also includes work change directive 2, which removes the SY asphalt bid items in Area 2 and adds a corresponding tonnage of asphalt. WCD2 also adds an asphalt leveling course for the milled blocks in Area 2, and removes the paving fabric on milling blocks where running slop exceeds 8%. This change order also includes the DOT ditch grading by the intersection of Shady and Main in Area 1.

Attachments:

WCD 1

WCD 2

DOT Ditch Grading Profile

Exhibit A

Change in Contract Price	**Change in Contract Times**
Original Contract Price: $ 6,222,569.05	Original Contract Times: Substantial Completion: October 31, 2025 Ready for final payment: November 21, 2025
Increase from previously approved Change Orders No. 0 to No. 1: $ 0	Increase from previously approved Change Orders No. 0 to No. 1: Substantial Completion: NA Ready for final payment: NA
Contract Price prior to this Change Order: $ 6,222,569.05	Contract Times prior to this Change Order: Substantial Completion: October 31, 2025 Ready for final payment: November 21, 2025
Increase this Change Order: $ 67,576.80	Increase this Change Order: Substantial Completion: NA Ready for final payment: NA
Contract Price incorporating this Change Order: $ 6,290,145.85	Contract Times with all approved Change Orders: Substantial Completion: October 31, 2025 Ready for final payment: November 21, 2025

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	Recommended by Engineer (if required)	Accepted by Contractor
By:	Grant Dockter, PE	By:
Title:	Professional Engineer II	Title:
Date:	9/11/2024	Date:
	Authorized by Owner	Approved by Funding Agency (if applicable)
By:		By:
Title:		Title:
Date:		Date:

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EXHIBIT A
CHANGE ORDER NO. 1

Item No. & Description		*Unit*	*Quantity*	*Bid Unit Price*	*Decrease in Contract Price*	*Increase in Contract Price*
WCD1						
202.03	Remove Retaining Wall	LF	-15	$ 25.00		$ (375.00)
750.00	Pigmented Imprinted Concrete	SY	-275	$ 145.00		$ (39,875.00)
802-4.1	18" Storm Sewer Pipe	LF	-135	$ 116.00		$ (15,660.00)
1205-4.1	Concrete Manhole	EA	-2	$ 7,750.00		$ (15,500.00)
802-2.10	Flared End Sections w/Trash Rack	EA	-1	$ 5,000.00		$ (5,000.00)
202.02	Removal of RCP-All Types & Sizes	LF	-20	$ 110.00		$ (2,200.00)
201-3.2	Tree Removal	EA	-1	$ 1,450.00		$ (1,450.00)
202.01	Removal of Concrete Pavement	SY	-270	$ 36.00		$ (9,720.00)
802-3.5	Cleanout	LS	1	$ 4,642.00		$ 4,642.00
202.01	Removal of Curb & Gutter	LF	1200	$ 6.00		$ 7,200.00
748.01	Curb & Gutter - Type I	LF	1200	$ 28.50		$ 34,200.00
WCD2						
430.00	Superpave FAA 42/43 - 2"	SY	-33650	$ 13.66		$ (459,659.00)
431.00	Superpave FAA 42/43 - 4"	SY	-14500	$ 27.32		$ (396,140.00)
432.00	Superpave FAA 42/43 - 5"	SY	-10800	$ 34.00		$ (367,200.00)
SP01-001	Pavement Reinforcing Fabric	SY	-12000	$ 2.90		$ (34,800.00)
430.42	Superpave FAA 42/43	TON	10000	$ 120.00		$ 1,200,000.00
430.500	Asphalt Leveling Course	TON	1000	$ 150.00		$ 150,000.00
DOT Ditch Grading						
251.310	Seeding Class III	SY	934	$ 1.45		$ 1,354.30
253.200	Mulch	SY	934	$ 1.75		$ 1,634.50
210.127	Ditch Grading	LS	1	$ 8,875.00		$ 8,875.00
750.920	Fence Remove and Reset	LS	1	$ 7,250.00		$ 7,250.00
				TOTALS	$ -	$ 67,576.80
				NET CHANGE IN CONTRACT PRICE		$ 67,576.80

ORIGINAL CONTRACT PRICE	$ 6,222,569.05
AMOUNT FROM PREVIOUS CHANGE ORDER	$ -
CONTRACT PRICE PRIOR TO THIS CHANGE ORDER	$ 6,222,569.05
INCREASE THIS CHANGE ORDER	$ 67,576.80
CONTRACT PRICE INCORPORATING THIS CHANGE ORDER	$ 6,290,145.85

JUSTIFICATION

1. This Change Order includes Work Change Directives 1 and 2, and also includes the DOT ditch grading by the intersection of Shady and Main in Area 1.

City Commission

Agenda Documentation

MEETING DATE: October 1, 2024
PREPARATION DATE: September 30, 2024
SUBMITTING DEPARTMENT: HR
DEPARTMENT DIRECTOR:
PRESENTER: Amy Berger, HR Director
SUBJECT: Consider approval of an employee request for unpaid leave.

STATEMENT/PURPOSE:
To approve the request for unpaid leave.

BACKGROUND/ALTERNATIVES:
City of Mandan employee, Gregg Aune, is requesting leave without pay from 09/24/2024 through 10/09/2024.

Within the municipal code, under section Sec. 20-7-13 -Leave without pay, it states:

All leave without pay exceeding three days must be recommended by the city administrator and approved by the board of city commissioners and shall not be granted for a period longer than six months unless an extension is approved by the board of city commissioners.

ATTACHMENTS:
None

FISCAL IMPACT:
NA

STAFF IMPACT:
NA

LEGAL REVIEW:
Reviewed with Amy Oster.

RECOMMENDATION:
To approve the request as presented.

SUGGESTED MOTION:
I recommend to approve the request for unpaid leave as presented.

City Commission

Agenda Documentation

MEETING DATE: October 1, 2024
PREPARATION DATE: September 17, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER:
SUBJECT: Bismarck Mandan Chamber EDC Update

STATEMENT/PURPOSE:
To receive an update on the activities of the Bismarck Mandan Chamber EDC

BACKGROUND/ALTERNATIVES:
n/a

ATTACHMENTS:
1. Bismarck Mandan Chamber EDC Mandan City Commission Meeting Final

FISCAL IMPACT:
n/a

STAFF IMPACT:
n/a

LEGAL REVIEW:
n/a

RECOMMENDATION:
None needed

SUGGESTED MOTION:
n/a

BISMARCK MANDAN
CHAMBER | EDC
MOVING BUSINESS FORWARD

COMMUNICATIONS

BOARD OF DIRECTORS

MAYOR SERVES ON CHAMBER EDC BOARD REPRESENTING CITY OF MANDAN

COMMUNICATION CHANNELS

CITY ADMINISTRATOR AND STAFF MEMBERS RECEIVE VARIETY OF CHAMBER EDC PUBLICATIONS REGULARLY

ECONOMIC DEVELOPMENT COMMITTEE

MANDAN BUSINESS DEVELOPMENT & COMMUNICATIONS STAFF SERVE ON CHAMBER EDC COMMITTEE

REGULAR MEETINGS

CONSISTING OF CHAMBER EDC, CITY STAFF, AND CITY ADMINISTRATOR

BISMARCK MANDAN
CHAMBER | EDC

INDUSTRIAL AND OFFICE PARK DEVELOPMENT

COLLABORATE

WITH THE CITY OF MANDAN TO GROW INDUSTRIAL AND REAL ESTATE OPTIONS

BISMARCK MANDAN
CHAMBER | EDC

BUSINESS ATTRACTION & MARKETING

TARGETS

PRIMARY SECTOR BUSINESSES

- Value-Added Agriculture
- Value-Added Energy
- Value-Added Manufacturing
- Food & Beverage Industry

MARKETING CHANNELS

DIRECT MARKETING • TRADE SHOWS • WEBSITES

BISMARCK MANDAN CHAMBER | EDC

BUSINESS RETENTION & EXPANSION

BUSINESS VISITS

SCHEDULED IN PARTNERSHIP WITH CITY OF MANDAN STAFF

BUSINESS LIST DEVELOPMENT

A COLLABORATIVE EFFORT BETWEEN CITY OF MANDAN AND CHAMBER EDC

BISMARCK MANDAN
CHAMBER | EDC

MANDAN TOMORROW

CHAMBER EDC PARTNERS WITH CITY OF MANDAN STAFF TO CREATE BUSINESS ASSISTANCE PROGRAMMING

BUSINESS START UP 101

BUSINESS PITCH CHALLENGE

BISMARCK MANDAN
CHAMBER | EDC

WORKFORCE DEVELOPMENT

INTERNSHIP NETWORK

STUDENT LEADERSHIP NETWORK

REGIONAL WORKFORCE IMPACT PROGRAM

NEW AMERICANS LEADERSHIP PROGRAM

BUSINESS DEVELOPMENT

- Taxable Sales & Purchases up 8.57%
- Restaurant & Lodging Tax Collections up 14.34%
- City Sales Tax up 8%

2022-2023

YEAR END ECONOMY AT A GLANCE

BISMARCK MANDAN CHAMBER / EDC

BISMARCK-MANDAN ND MSA
ECONOMY-AT-A-GLANCE
YEAR END - 2023

TAX COLLECTIONS (Source: Office of ND State Treasurer)

	2023	2022	2021	2020
Bismarck City Sales Tax	$38,865,320	$39,444,439	$27,180,283	$25,399,487
Mandan City Sales Tax	$9,987,000	$9,543,417	$8,284,767	$4,553,781
Bismarck Restaurant & Lodging Tax	$4,987,258	$3,729,561	$3,248,748	$2,900,464
Mandan Restaurant & Lodging Tax	$689,780	$568,284	$570,745	$559,676

TAXABLE SALES & PURCHASES (Source: Office of ND State Tax Commissioner)

	2023	2022	2021	2020
Bismarck	$1,770,810,899	$1,719,337,771	$1,484,059,798	$1,357,234,972
Burleigh County	$1,792,243,873	$1,718,282,027	$1,470,180,264	$1,314,441,464
Mandan	$346,213,058	$318,950,841	$290,742,693	$274,488,402
Morton County	$1,451,944,724	$1,377,954,225	$1,178,247,230	$1,010,140,770
Burleigh - Morton Total	$3,437,366,726	$3,277,464,845	$2,978,267,230	$2,810,168,770
North Dakota	$24,092,408,398	$24,741,289,730	$20,363,923,954	$18,630,490,726

REAL ESTATE (Source: Bismarck/Mandan Board of Realtors) *MTD: This does not represent year for sale by owner Transactions

	2023	2022	2021	2020
# of Single Family Units Sold	582	1,110	1,327	1,345
# of all Residential Units Sold	1,205	1,899	1,647	1,663
Average Sale Price - Single Family	$387,356	$364,240	$330,197	$307,697
Average Sale Price - All Residential	$400,404	$358,668	$320,952	$285,566

RESIDENTIAL NEW CONSTRUCTION (Source: City of Bismarck, City of Mandan, Burleigh County, Morton County)

	2023	2022	2021	2020
# of Single Family Permits Issued	109	198	251	420
Single Family Permits Valuation	$73,327,486	$103,190,982	$139,734,200	$193,093,162

TRANSPORTATION (Source: Bismarck Airport)

	2023	2022	2021	2020
Passenger Boardings	256,741	241,927	215,668	158,161

POPULATION (Source: ND Dept. of Health, Bismarck Schools, ND Census Dept.)

	2023	2022	2021	2020
Births	1,900	1,900	1,900	1,900
K-12 Fall School Enrollment (All Schools)	20,257	20,096	19,668	17,222
Median Age	37.4	37.4	37.3	37.4

COST OF LIVING (Source: Job Service ND, Council for Community and Economic Research)

	2023	2022	2021	2020
Burleigh Year-End Wage #'s	$63,868	$59,242	$54,505	$51,216
Morton Year-End Wage #'s	$63,868	$59,242	$54,505	$51,216
Bismarck-Mandan Composite Index	99.9	100.3	101.8	98.5

*The average hourly/weekly piece equal 40 hour participant's base or a percentage of the average for all pieces.

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PRIMARY SECTOR RECRUITMENT

WILLISTON BASIN PETROLEUM COUNCIL

ADDITIONAL FOCUS

STEERING COMMITTEE FOR LAND DEVELOPMENT CODE

KEEP IT LOCAL PROPERTY TAX COALITION

HOSTED EDND CONFERENCE FOCUSED ON POLICY AND LEGISLATIVE PROCESS

BISMARCK MANDAN
CHAMBER | EDC

BISMARCK MANDAN
CHAMBER | EDC
THANK YOU FOR COLLABORATING TO
MOVE BUSINESS FORWARD

City Commission

Agenda Documentation

MEETING DATE: October 1, 2024
PREPARATION DATE: September 17, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider Street Improvement District 224 turn lane change order

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STATEMENT/PURPOSE:
To consider approval of Change Order 4 for Street Improvement District No. 224 to add turning lanes, adjust concrete pricing, and relocate a light pole.

BACKGROUND/ALTERNATIVES:
The Sunrise View Estates developer petitioned to have turn lanes installed in order to access the development from Highway 1806. Change Order 4 includes construction costs to construct turn lanes on the highway. Plans have been completed and approved by the NDDOT. All costs of the turn lanes will be assessed.

During the electrical installation, a light pole needed to be adjusted to accommodate the developers' building plan. Costs associated with the electrical adjustment will be assessed to the development.

The SID 224 Project was initially bid in 2022. The project was bid assuming construction in 2022 and 2023. Due to project delays, concrete work was not able to be completed until 2024. During that time, labor wages and material costs increased. Change Order 4 increases the unit prices to account for the wage and material increases. Concrete work was bid for the work to be done in 2022 and 2023.

The petitioner/developer signed an authorization and waiver related to the change order price.

ATTACHMENTS:
1. Change Order 4 and Supporting Data

FISCAL IMPACT:
The total estimate for the improvements is $777,856.95. These items are being entirely assessed to the benefiting properties.

STAFF IMPACT:
Minimal work coordinating with the Engineer on the project.

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

RECOMMENDATION:
To approve Change Order 4 for the Street Improvement District 224.

SUGGESTED MOTION:
I move to approve Change Order 4 for the Street Improvement District 224.

CHANGE ORDER NO.: 4

Owner:	City of Mandan	Owner's Project No.:	2021-1
Engineer:	Moore Engineering, Inc.	Engineer's Project No.:	22418
Contractor:	Northern Improvement Co.	Contractor's Project No.:	0
Project:	City of Mandan, ND		
Contract Name:	Street Improvement District 224		
Date Issued:	9/9/2024	Effective Date of Change Order:	9/16/2024

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

Description: Price increases due to construction delays and turning lane construction

Attachments: Exhibit A, Fetzer Electric change order form, Knife River change order form, Exhibit B

Change in Contract Price	Change in Contract Times
Original Contract Price: $ 2,525,917.80	Original Contract Times: Substantial Completion: July 15, 2023 Ready for Final Payment: July 25, 2023
Increase from previously approved Change Orders No. 0 to No. 4 $ 228,435.04	Increase from previously approved Change Orders No. 0 to No. 4 Substantial Completion: 14 Months Ready for Final Payment: 14 Months
Contract Price prior to this Change Order: $ 2,754,352.84	Contract Times prior to this Change Order: Substantial Completion: September 1, 2024 Ready for Final Payment: October 1, 2024
Increase this Change Order: $ 777,856.95	Increase this Change Order: Substantial Completion: N/A Ready for Final Payment: N/A
Contract Price incorporating this Change Order: $ 3,532,209.79	Contract Times with all approved Change Orders: Substantial Completion: September 1, 2024 Ready for Final Payment: October 1, 2024

Recommended by Engineer (If required)	Accepted by Contractor
By: Jerod Klabunde, PE	By: Jason Irey
Title: Project Manager	Title: Vice President
Date: 09/10/2024	Date: 9/10/2024
Authorized by Owner	**Approved by Funding Agency (if applicable)**
By:	By:
Title:	Title:
Date:	Date:

EJCDC® C-941, Change Order.
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EXHIBIT A
CHANGE ORDER NO.: 4

Item No. & Description		*Unit*	*Quantity*		*Bid Unit Price*	*Decrease in Contract Price*	*Increase in Contract Price*
BASE BID							
1.	Junction Box Installation	L SUM	1.00	$	3,600.00		$ 3,600.00
Part A							
3.	Curb & Gutter-Type I	LF	9,198	$	26.60	$ (244,666.80)	
4.	Sidewalk Concrete 4In	SY	895	$	62.10	$ (55,579.50)	
5.	Sidewalk Concrete 5In	SY	911	$	59.70	$ (54,386.70)	
6.	6" Concrete	SY	208	$	70.20	$ (14,601.60)	
7.	Detectable Warning Panels	SF	388	$	21.80	$ (8,458.40)	
8.	Adjust Type 36" Inlet Casting	EA	6	$	350.00	$ (2,100.00)	
9.	Adjust Type 72" Inlet Casting	EA	3	$	650.00	$ (1,950.00)	
Part B							
10.	Sidewalk Concrete 4In	SY	80	$	101.00	$ (8,080.00)	
11.	Detectable Warning Panels	SF	160	$	21.80	$ (3,488.00)	
Part A - Change Order 4							
13.	Curb and Gutter	LF	9,198	$	29.10		$ 267,661.80
14.	Sidewalk 4"	SY	895	$	68.55		$ 61,352.25
15.	Sidewalk 5"	SY	911	$	66.90		$ 60,945.90
16.	Driveway 6"	SY	208	$	78.75		$ 16,380.00
17.	Detectable Warning Panels	SF	388	$	25.00		$ 9,700.00
18.	Adjust 36" Inlet	EA	6	$	388.35		$ 2,330.10
19.	Adjust 72" inlet	EA	3	$	681.50		$ 2,044.50
Part B - Change Order 4							
20.	Sidewalk 4"	SY	80	$	106.85		$ 8,548.00
21.	Detectable Warning Panels	SF	160	$	25.00		$ 4,000.00
Turning Lanes - See Exhibit B							
22.	Turning Lane	L SUM	1	$	734,605.40		$ 734,605.40
					TOTALS	**$ (393,311.00)**	**$ 1,171,167.95**

NET CHANGE IN CONTRACT PRICE ***$777,856.95***

JUSTIFICATION:

1. Electrical: Fetzer Electric moved a light pole that was planned to be set in the middle of a twinhome property at the request of the Engineer.

2. Concrete Price Increase: The contractor requested a price increase on all concrete work. This work was bid to be done in 2022 and 2023. Labor and material have both increased in 2024 when the work was done, and the prices in this change order reflect those increases.

3. Turn lanes are to be added to the project per NDDOT requirements. Turn lanes will be constructed on Highway 1806 to access the Sunrise Estates Subdivision.

Fetzer Electric LLC

2104 Lee Avenue Bismarck, ND 58504
Phone: (701) 751-3389
Fax: (701) 751-3390
farrell@fetzerelectricllc.com

Customer:	Phone #	Fax #	Date:	Attention :
Northern Improvement Company			9/3/2024	Jason

Address:	Project Name:
1721 Burlington Drive	SID 224 - Change Order E-1
City - State - Zip Code:	Project Location:
Bismarck, ND 58502	Mandan ND

Trench in new circuitry to allow a light pole to get relocated due to conflict with the existing location.
Install a in grade junction box to splice the underground conductors on 1 side to avoid underground splices (as per Engineer)

Fetzer Electric LLC proposes to supply and install materials and labor according to above specifications for the amount of:

Three Thousand Six Hundred and 00/100 dollars $ 3,600.00

Terms of payment for work: _____ % down before start of project - progress payments for work completed - remainder due upon completion of project.

This proposal may be withdrawn by Fetzer Electric LLC if not accepted within 20 days from proposal date

Authorized Signature: Farrell Fetzer

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alterations or deviation from above specifications involving extra cost will be executed only upon written orders, and will become an extra charge over and above the proposal price. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Acceptance of Proposal

I (We) understand the terms and conditions of this proposal, and agree to pay the proposal cost for the work described above. Payment will be made according to terms of payment stated above:

Authorized By: Date:

Authorized By: Date:

KNIFE RIVER
AN MDU RESOURCES COMPANY

Knife River Corporation - North Central
5654 134th Ave NW
Williston, ND 58801
(701) 774-2066
(701) 774-2127

CHANGE ORDER #01

Project: Mandan SID #224

Date: 6/25/2024
KR Project ID: 34222016
Original Contract Date 4/20/2022
Project Superintendent: Lloyd Dosch
Project Manager: Cody Fourre

Description:
Bid item escalation from quote dated 3/23/2022 for work to be completed in 2024

Bid Item	Description	Quantity	Unit	Unit Price	Amount
8	CURB & GUTTER	9,100	LF	$ 2.50	$ 22,750.00
9	SIDEWALK 4IN	1,720	SY	$ 6.45	$ 11,094.00
10	SIDEWALK 5IN	830	SY	$ 7.20	$ 5,976.00
11	DRIVEWAY 6IN	210	SY	$ 8.55	$ 1,795.50
12	DETECTABLE WARNING PANELS	440	SF	$ 3.20	$ 1,408.00
16	ADJUST 36" INLET	6	EA	$ 38.35	$ 230.10
17	ADJUST 72" INLET	3	EA	$ 31.50	$ 94.50
24	SIDEWALK TRENCH DRAIN 12"	2	EA	$ 1,000.00	$ 2,000.00
73	SIDEWALK 4IN	100	SY	$ 5.85	$ 585.00
74	DETECTABLE WARNING PANELS	180	SF	$ 3.20	$ 576.00

Additional Work Days Requested: 0 **Days** **Total:** **$ 46,509.10**

Original Contract Sum	**$ 480,210.85**
Previously Authorized Change Orders	
Contract Sum prior to this Change Order	**$ 480,210.85**
Current Change Order	**$ 46,509.10**
Revised Contract Sum	**$ 526,719.95**

The Contract Time will not change.

Authorization for work described above:

Client's Representative
Northern Improvement Company
1721 Burlington Dr
Bismarck, ND 58504

Print Name

Authorized Signature Date

Contractor
Knife River Corporation - North Central
5654 134th Ave NW
Williston, ND 58801

Print Name

Authorized Signature Date

Concrete Rates

2022 Rates	Position	2024 Rates
$56.80	Foreman	$60.31
$44.89	Finisher	$48.63
$36.97	Laborer 1	$42.75
$36.72	Laborer 2	$40.26
$37.47	Laborer 3	$43.27
$38.40	Laborer 4	$44.26

KNIFE RIVER
AN MDU RESOURCES COMPANY

3303 ROCK ISLAND PLACE * BISMARCK, ND 58504 * 701-223-5480 * FAX 701-223-5557

DATE:	**March 25, 2022**		
CUSTOMER:	**Knife River Construction**	*WORK PHONE:*	
CONTACT:	**Rob Burrill**	*DIRECT PHONE:*	
PROJECT:	**SID 224**		
LOCATION:	**Mandan, ND**		

CUBIC YARDS	*DESCRIPTION*	*PRICE PER CUBIC YARD*
	4000 Psi Concrete	**$125.00**

A FUEL SURCHARGE will be applied PER LOAD at the weekly rate per the ATTACHED LETTER when the concrete is delivered.

	ADDITIVES AND MIX RELATED CHARGES	*PRICE PER CUBIC YARD*
	VMA	**$5.50**
	RETARDER / HYDRATION STABILIZER PRICE PER 1/2 HOUR PER YARD	**$3.00**
	ACCELERATOR (PER 1% DOSAGE)	**$7.50**
	SUPER PLASTICIZER	**$9.50**
	PURE PORTLAND CONCRETE (NO FLY ASH)	**$7.00**
	FIBER - TUFTSTRAND - price per pound	**$6.50**
	FIBER - POLYMESH MICROFIBER	**$7.50**
	Xypex	**NA**
	On Site Admix Dosing	***$5.00***
	DELIVERY RELATED CHARGES	***PRICE PER UNIT***
	DELIVERY BEYOND 10 MILES FROM PLANT	**NA**
	SPRING LOAD RESTRICTIONS MINIMUM PER LOAD	**$55/LOAD**
	LIGHT LOAD CHARGE 5 CYDS & LESS AND GREATER THAN 3 CYDS*	**$65/LOAD**
	LIGHT LOAD CHARGE 3 CYDS OR LESS*	**$95/LOAD**
	COLORED CONCRETE WASHOUT	**$100/TRUCK/DAY**
	COLD WEATHER CHARGES	***PRICE PER CUBIC YARD***
	WINTER SERVICE NOVEMBER 1ST THROUGH APRIL 15TH	**$16.00**
	HOT WATER ONLY BEFORE AND AFTER WINTER SERVICE AS REQUIRED	**$8.00**

DELIVERIES TO BEGIN AFTER:	**January 1, 2022**	*DELIVERIES COMPLETED BY:*	**December 31, 2022**

- THE ABOVE PRICES DO NOT INCLUDE SALES, TERO, USE OR OTHER TAXES.

- KNIFE RIVER WILL NOT BE HELD RESPONSIBLE FOR ANY DELAYS CAUSED TO THIS PROJECT DUE TO WEATHER, COVID-19, PROTEST OR ANY OTHER ISSUES THAT MAY ARISE.

- THIS QUOTE ASSUMES THAT DELIVERY ROADS, ACCESS POINTS, AND JOBSITE ARE ACCESSIBLE AND MAINTAINED BY OTHERS. KNIFE RIVER HAS THE RIGHT TO REFUSE TO DELIVER MATERIALS IF KNIFE RIVER OR OUR DRIVERS FEEL THAT THE SITE OR DELIVERY ROADS ARE UNSTABLE OR UNSAFE IN ANY WAY-

- THIS KRC PROPOSAL SHALL BE INCORPORATED BY REFERENCE INTO CONTRACT DOCUMENTS. IN THE EVENT OF ANY DISCREPANCY, CONFLICT, OR AMBIGUITY BETWEEN OR AMONG THE CONTRACT DOCUMENTS AND THIS KRC PROPOSAL, THE TERMS AND CONDITIONS OF THIS KRC PROPOSAL SHALL TAKE PRECEDENCE.

- SEQUENCING AND TIMING OF KRC WORK TO BE IN ACCORDANCE WITH A MUTUALLY AGREED UPON SCHEDULE.

- KNIFE RIVER WILL NOT WARRANTY ANY MATERIALS PLACED OR MIXED WITH MATERIALS SUPPLIED BY OTHERS.

- GENERAL CONTRACTOR TO BUILD, MAINTAIN AND REMOVE ADEQUATE WASHOUT OR EXCESS MATERIAL AREAS FOR ALL CONCRETE PRODUCTION AND DELIVERY OPERATIONS.

- ALL QUALITY CONTROL AND TESTING IS TO BE PROVIDED BY OTHERS.

- ANYTHING NOT SPECIFICALLY INCLUDED IS EXCLUDED, AND NOT A PART OF THIS PROPOSAL.

- NEW CUSTOMERS REQUESTING A CREDIT LINE WILL BE SUBJECT TO KNIFE RIVER'S CREDIT POLICY. APPLICATION REVIEW AND PROCESSING MAY TAKE UP TO 14 DAYS.

- ALL INVOICES DUE THE 10TH OF THE MONTH AND IN NO CASE TO RUN OVER 30 DAYS. NO RETAINAGE SHALL BE HELD ON ANY PAYMENTS.

PREPARED BY:	**Eric Johnson / Chuck Falkenstein**	*PHONE:*	**701-390-3791 / 701.934.4571**

QUOTE VALID FOR 30 DAYS. TO ACCEPT PLEASE SIGN AND RETURN TO ADDRESS OR FAX # ABOVE.

ACCEPTED BY:		*DATE ACCEPTED:*	

KNIFE RIVER
AN MDU RESOURCES COMPANY

FUEL SURCHARGE TABLE - PER LOAD

$ 20.00 per load	**$3.51 to $4.50 per gallon**
$ 40.00 per load	**$4.51 to $5.50 per gallon**
$ 60.00 per load	**$5.51 to $6.50 per gallon**
$ 80.00 per load	**$6.51 to $7.50 per gallon**
$ 100.00 per load	**$7.51 to $8.50 per gallon**

Our Fuel Surcharge Calculation will be based on the US government's energy information website for the Midwest region, this website can be viewed at:

www.eia.gov/dnav/pet/pet_pri_gnd_dcus_r20_w.htm

Internal Material Sold to Job

From Sales Order Table

Job 34222016 - CITY OF MANDAN SID 224

Transaction Dates 2024-04-09 - 2024-08-09

Cost Code	Cost_Code_Description	Branch	TR Date	GL_Cl	Item_Number	Item_Description_____	UM	Quantity	Ave UPrice	Ext Price
34111	BUY/HAUL CONCRETE	340132	06/03/24	I004	34CITY	CITY MIX 20% ASH	CY	14.50	$125.00	$1,812.50
34111	BUY/HAUL CONCRETE	340132	06/04/24	I004	34CITY	CITY MIX 20% ASH	CY	16.00	$125.00	$2,000.00
34111	BUY/HAUL CONCRETE	340132	06/13/24	I004	34CITYCRB	CITY MIX 20% ASH FOR C&G	CY	100.00	$125.00	$12,500.00
34111	BUY/HAUL CONCRETE	340132	06/17/24	I004	34CITYCRB	CITY MIX 20% ASH FOR C&G	CY	120.00	$154.00	$18,480.00
34111	BUY/HAUL CONCRETE	340132	06/18/24	I004	34CITYCRB	CITY MIX 20% ASH FOR C&G	CY	110.00	$154.00	$16,940.00
34111	BUY/HAUL CONCRETE	340132	06/19/24	I004	34CITY	CITY MIX 20% ASH	CY	10.00	$164.00	$1,640.00
34111	BUY/HAUL CONCRETE	340132	06/19/24	I004	34CITYCRB	CITY MIX 20% ASH FOR C&G	CY	97.00	$154.00	$14,938.00
34111	BUY/HAUL CONCRETE	340132	06/20/24	I004	34CITY	CITY MIX 20% ASH	CY	20.00	$154.00	$3,080.00
34111	BUY/HAUL CONCRETE	340132	06/20/24	I004	34CITYCRB	CITY MIX 20% ASH FOR C&G	CY	100.00	$154.00	$15,400.00
34111	BUY/HAUL CONCRETE	340132	06/21/24	I004	34CITY	CITY MIX 20% ASH	CY	10.00	$125.00	$1,250.00
34111	BUY/HAUL CONCRETE	340132	06/24/24	I004	34CITY	CITY MIX 20% ASH	CY	21.25	$154.00	$3,272.50
34111	BUY/HAUL CONCRETE	340132	06/25/24	I004	34CITY	CITY MIX 20% ASH	CY	31.00	$154.00	$4,774.00
34111	BUY/HAUL CONCRETE	340132	06/26/24	I004	34CITY	CITY MIX 20% ASH	CY	140.00	$154.00	$21,560.00
34111	BUY/HAUL CONCRETE	340132	06/27/24	I004	34CITY	CITY MIX 20% ASH	CY	33.00	$154.00	$5,082.00
34111	BUY/HAUL CONCRETE	340132	06/28/24	I004	34CITY	CITY MIX 20% ASH	CY	27.50	$154.00	$4,235.00
34111	BUY/HAUL CONCRETE	340132	07/01/24	I004	34CITY	CITY MIX 20% ASH	CY	8.00	$154.00	$1,232.00
34111	BUY/HAUL CONCRETE	340132	08/07/24	I004	34CITY	CITY MIX 20% ASH	CY	17.50	$154.00	$2,695.00
34111 Total								**875.75**	**$2,512.00**	**$130,891.00**
Grand Total								**875.75**	**$2,512.00**	**$130,891.00**

Rows 1 - 19 (All Rows)

EXHIBIT B
CHANGE ORDER NO. 4

Item No. & Description		*Unit*	*Quantity*	*Bid Unit Price*	*Increase in Contract Price*
Base Bid					
1.	Removal of Curb & Gutter	LF	17	$ 24.30	$ 413.10
2.	Removal of Bituminous Surfacing	SY	446	$ 20.80	$ 9,276.80
3.	Saw Bituminous Surfacing - Full Depth	LF	4156	$ 1.60	$ 6,649.60
4.	Common Excavation - Type A	CY	923	$ 13.60	$ 12,552.80
5.	Topsoil	CY	2459	$ 12.20	$ 29,999.80
6.	Borrow-Excavation	CY	7095	$ 20.20	$ 143,319.00
7.	Water	M GAL	125	$ 36.00	$ 4,500.00
8.	Seeding Class II	ACRE	2.4	$ 780.00	$ 1,872.00
9.	Temporary Cover Crop	ACRE	2.4	$ 480.00	$ 1,152.00
10.	Straw Mulch	ACRE	4.8	$ 1,800.00	$ 8,640.00
11.	TRM Type 1	SY	81	$ 1.80	$ 145.80
12.	Remove Concrete Erosion Control Blanket	SY	54	$ 22.00	$ 1,188.00
13.	Riprap Grade II	TON	43	$ 114.00	$ 4,902.00
14.	Silt Fence Supported	LF	40	$ 6.00	$ 240.00
15.	Remove Silt Fence Supported	LF	40	$ 2.40	$ 96.00
15.	Fiber Rolls 12In	LF	2360	$ 4.20	$ 9,912.00
16.	Remove Fiber Rolls 12In	LF	1180	$ 1.50	$ 1,770.00
17.	Aggregate Base Course CL5	TON	1641	$ 69.90	$ 114,705.90
18.	Tack Coat	GAL	170	$ 2.70	$ 459.00
19.	Prime Coat	GAL	1351	$ 5.00	$ 6,755.00
20.	Superpave FAA 43	TON	1308	$ 129.80	$ 169,778.40
21.	Cored Sample	EA	9	$ 195.00	$ 1,755.00
22.	PG58H-34 Asphalt Cement	TON	78.5	$ 710.00	$ 55,735.00
23.	Mobilization	L SUM	1	$ 72,200.00	$ 72,200.00
24.	Flagging	MHR	200	$ 62.40	$ 12,480.00
25.	Traffic Control Signs	UNIT	728	$ 2.40	$ 1,747.20
26.	Portable Rumple Strips	EA	2	$ 1,300.00	$ 2,600.00
27.	Stackable Verticle Panels	EA	86	$ 42.00	$ 3,612.00
28.	Pilot Car	HR	100	$ 82.80	$ 8,280.00
29.	Obliteration of Pavement Marking	SF	456	$ 4.80	$ 2,188.80
30.	Geosynthetic Material Type RR	SY	56	$ 18.00	$ 1,008.00
31.	Pipe Conc Reinf 48In CL III	LF	22	$ 584.00	$ 12,848.00
32.	End Sect-Conc Reinf 48In	EA	1	$ 4,590.00	$ 4,590.00
33.	Pipe Corr Steel .064In 24In	LF	8	$ 430.00	$ 3,440.00
34.	Remove & Relay End Section-All Type & Sizes	EA	1	$ 2,180.00	$ 2,180.00
35.	Manhole Riser 48In	LF	5	$ 1,410.00	$ 7,050.00
36.	Remove & Reset Delineators	EA	9	$ 90.00	$ 810.00
37.	Reset Sign Panel	EA	2	$ 120.00	$ 240.00
38.	Reset Sign Support	EA	2	$ 300.00	$ 600.00
39.	Reset Mile Post	EA	1	$ 300.00	$ 300.00
40.	Object Markers - Culverts	EA	4	$ 90.00	$ 360.00
41.	Pvmt Mk Painted-Message	SF	96	$ 8.40	$ 806.40
42.	Short Term 4In Line-Type NR	LF	11964	$ 0.50	$ 5,982.00
43.	Pvmt Mk Painted 6In Line	LF	11158	$ 0.40	$ 4,463.20
44.	Pvmt Mk Painted 12In Line	LF	806	$ 0.90	$ 725.40
45.	Pvmt Mk Painted 24In Line	LF	33	$ 8.40	$ 277.20
				TOTALS	$ 734,605.40

JUSTIFICATION

1. Change order to include work necessary to construct turn lanes on 1806 to access Sunrise Development.

City Commission

Agenda Documentation

MEETING DATE: October 1, 2024
PREPARATION DATE: September 20, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider Capital Improvement Planning assistance Task Orders

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STATEMENT/PURPOSE:
To consider and possibly approve Task Orders with AE2S and Moore Engineering to provide professional services to assist the City in organizing a 5-year Capital Improvement Plan.

BACKGROUND/ALTERNATIVES:
The City Long-Term Financial Planning Policy requires the engineering and public works department managers to develop a capital improvement plan for their associated infrastructure projects for the next five fiscal years. This plan will then assist the City Commission with determining spending priorities for long-term planning purposes.

AE2S has been involved with the City's water and wastewater utility planning documents. Moore Engineering has been assisting the City implement programmatic infrastructure improvement projects. Each firm brings a unique perspective and skill set that will assist the Engineering, Public Works and Finance departments with preparing the robust capital improvement plan.

ATTACHMENTS:
1. Moore Engineering Task Order No.7
2. AE2S Task Order No. 9

FISCAL IMPACT:
AE2S's Task Order for CIP assistance totals $35,000. Moore Engineering's Task Order for CIP assistance totals $38,405.00. These amounts would be paid for out of the sales tax fund.

STAFF IMPACT:
Significant time and effort working alongside the Engineering firms prioritizing and developing projects.

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

RECOMMENDATION:
To approve the Capital Improvement Planning assistance task orders with AE2S and Moore Engineering, as presented.

SUGGESTED MOTION:
I move to approve the Capital Improvement Planning assistance task orders with AE2S and Moore Engineering and approve a 2024 budget amendment for $73,405 out of the sales tax fund.

TASK ORDER

This is Task Order No. 7,
consisting of ___4_ pages.

Task Order No. 7: CIP Consulting

In accordance with Paragraph 1.01 of the Agreement Between Owner and Engineer for Professional Services – Task Order Edition, dated September 5, 2023 ("Agreement"), Owner and Engineer agree as follows:

1. Background Data

A.	Effective Date of Task Order:	October 1, 2024
B.	Owner:	City of Mandan
C.	Engineer:	Moore Engineering, Inc.
D.	Specific Project (title):	CIP Consulting
E.	Specific Project (description):	Capital Improvement Plan Assistance

GENERAL DESCRIPTION OF PROJECT: Owner is undergoing a 5-Year Capital Improvement Plan (CIP) update. Engineer will assist in identifying project priorities for the planning period, developing cost estimates, funding scenarios, and CIP development.

2. Services of Engineer

A. The specific services to be provided or furnished by Engineer under this Task Order are as follows:

1. Weekly internal meetings to track project schedule, review deliverables, and manage overall project scope throughout the duration of the project. (14 weeks)

2. Meetings with Owner's staff and AE2S to discuss project needs, priorities, and scope. (3 meetings)

3. Draft deliverable presentation to Owner to receive feedback for updates to be made prior to project completion. (1 meetings)

4. Identify project priorities for 5-year planning period. (Assume maximum of 8 projects)

5. Develop cost estimates, maps, and funding scenarios for each project.

6. Develop Capital Improvement Plan within Engineer's CIP web based application.

7. Provide access and training for Owner's staff to use the CIP application. (1 meeting)

8. Update CIP in the application based on Owner feedback.

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9. Create a GIS web map showing the projects included in the CIP.

10. Final deliverable will include a GIS web map displaying CIP priorities, 5-year CIP report for expenditures and funding, project summary sheets, and an excel document of the CIP reports.

11. Owner will receive access to the GIS web map and the CIP application.

12. Final CIP presentation at Mandan Commission Meeting.

B. Resident Project Representative (RPR) Services – Not Applicable

If the scope of services established in Paragraph 2.A above includes RPR services, then Exhibit D of the Agreement is expressly incorporated in this Task Order by reference.

C. Designing to a Construction Cost Limit – Not Applicable

D. Other Services – Not Applicable

E. All of the services included above comprise Basic Services for purposes of Engineer's compensation under this Task Order.

3. Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 of the Agreement and in Exhibit B, subject to the following:

- Attend meetings with Engineer and provide input to identify project needs and priorities.
- Provide Owner's records to Engineer as needed.

4. Task Order Schedule

The parties shall meet the following schedule:

- Notice to proceed: October 1
- Kickoff meeting with Owner's staff to identify project needs: 2 weeks after notice to proceed.
- Develop cost estimates, maps, and project list 4 weeks after Kickoff meeting.
- Project ranking, review meeting with Owner's staff: 4-6 weeks after Kickoff meeting.
- Additional project review and ranking meeting with Owner's staff: 2 weeks after 1st review and ranking meeting.
- Draft CIP deliverable sent to Owner for review and feedback with a meeting to discuss draft CIP and Owner's feedback: 8-10 weeks after notice to proceed.
- Final CIP deliverables sent to Owner : 12-14 weeks after notice to proceed.
- Present CIP at January 3rd Mandan City Commission Meeting.

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5. Payments to Engineer

A. Owner shall pay Engineer for services rendered under this Task Order as follows:

Description of Service	Amount	Basis of Compensation
1. Basic Services		
a. Capital Improvement Plan Development	$38,405	Standard Rates
TOTAL COMPENSATION	$38,405	

Compensation items and totals based in whole or in part on Hourly Rates or Direct Labor are estimates only.

B. The terms of payment are set forth in Article 4 of the Agreement and in the applicable governing provisions of Exhibit C.

6. Terms and Conditions

Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is October 1, 2024.

OWNER: City of Mandan, ND

By: _____

Print Name: James Froehlich

Title: Mayor

ENGINEER: Moore Engineering, Inc.

By: _____

Print Name: Kent Ritterman, PE

Title: Sector Leader

Engineer License or Firm's Certificate No. (if required): 011C

State of: North Dakota

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DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: Jarek Wigness, PE

Title: City Engineer

Address: 205 2nd Ave NW
Mandan, ND 58554

E-Mail Address: jarek.wigness@cityofmandan.com

Phone: (701) 667-3227

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: Carl Jackson, PE

Title: Market Leader

Address: 4503 Coleman Street – Suite 105
Bismarck, ND 58503

E-Mail Address: carl.jackson@mooreengineeringinc.com

Phone: (701) 751-8383

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moore engineering, inc.

Project Name: City of Mandan, ND - CIP Consulting

Project Number: 24385

Client: City of Mandan, ND

DATE: 10/1/2024

PHASE	TASK NO.	PHASE DESCRIPTION	Defined Limits	TASK HOURS TOTAL	SR PROJECT MANAGER	SENIOR PE	PE II	SR GIS COORDINATOR	PROJECT ENGINEER
100		**100- Capital Improvement Plan Development**							
100	100.001	Internal project meetings, coordination, and scoping - weekly meeting	14 weeks	42.00	14		14		14
100	100.002	Project development, ranking and review meetings with City Staff and AE2S	4 meetings	24.00	4		10		10
100	100.003	Project cost estimates	Up to 8 projects	30.00	2	4	8		16
100	100.004	Project maps	Up to 8 projects	20.00			4	12	4
100	100.005	Web based GIS map		10.00			2	8	
100	100.006	Enter general project information in CIP application	Up to 8 projects	8.00			8		
100	100.007	Enter project expenditures and funding information in CIP application	Up to 8 projects	8.00			8		
100	100.008	Draft deliverable		12.00			8	4	
100	100.009	Revise deliverable based on City feedback		10.00	2		4	4	
100	100.010	Final deliverable		16.00	2	2	8	4	
100	100.011	Present deliverable to City Commission		8.00	4		4		
100	100.012	City Staff Training	1 - 1 hour training session	3.00	1		2		
				191.00	29	6	80	32	44
					29	6	80	32	44

Task Order 9

In accordance with Paragraph 1.01 of the Agreement Between Owner and Engineer for Professional Services – Task Order Edition, dated January 21, 2020 and as amended January 20, 2023 ("Agreement"), Owner and Engineer agree as follows:

1. Background Data

a.	Effective Date of Task Order:	October 1st, 2024
b.	Owner:	City of Mandan
c.	Engineer:	Advanced Engineering and Environmental Services, LLC
d.	Specific Project (title):	Capital Improvement Planning for Water and Wastewater Utilities
e.	Specific Project (description):	Professional services to assist the Owner with a review of current water and wastewater planning documents, assist with prioritization of capital improvement projects, and organizing in a 5-year Capital Improvement Plan.

2. Services of Engineer

A. The specific services to be provided or furnished by Engineer under this Task Order are as follows:

1. Contract Management and Administration

    a. Project Management including contract coordination, coordinating staff, schedule development and monitoring, budget review and control, and monthly project status reports.

    b. Project Administration including monthly invoicing.

2. Meetings

    a. Project Kickoff – Meet with Owner's staff to review current planning documents and prioritize projects for the planning period. Planning documents include previous master plans and current SRF Intended Use Plan (IUP) applications. Meeting to be in person.

    b. Deliverable Review Meeting – Meet with Owner's staff to review draft deliverables for feedback. Meeting to be in person.

3. Capital Improvement Plan

    a. Identify project priorities for 5-year planning period. Review the following planning documents with Owner's staff for input at Project Kickoff Meeting.

        1) Distribution – based on 2007 MP and current SRF IUP list.

        2) Water Treatment – based on 2006 MP and current SRF IUP list.

        3) Collection – based on 2012 MP and current SRF IUP list.

        4) Wastewater Treatment – based on 2023 MP Update and current SRF IUP list.

        5) Transportation – coordinate transportation project priorities with distribution and collection priorities. Transportation CIP completed by another consultant.

    b. OptX Updates

        1) Update OptX with project priorities previously identified for planning period.

        2) Add/update OptX with transportation projects through planning period.

    c. 5-Year Project Overview Exhibit

        1) Import OptX geometries into Owner's GIS system.

        2) Develop overview of City showing project through planning period.

    d. Project Summaries

        1) Develop one-page project summaries for priority projects through the planning period.

4. Deliverables

    a. OptX MS Excel table export documenting priority projects through the planning period.

    b. GIS exhibit showing overview of the city and priority projects through the planning period. PDF format.

    c. MS Excel workbooks displayingh one-page summaries of priority projects through the planning period.

5. Engineers clarification to scope:

    a. Planning period of 5-years (years 2026-2030).

    b. Meetings – total of two meetings planned.

    c. Transportation project priorities and information to be provided by Owner.

d. Draft deliverables will be updated once per Owner's input from the draft deliverable review meeting.

6. Engineers scope shall exclude the following:

a. City Commission presentation.

b. Rate setting, revenue adequacy review, or other financial reviews.

c. Other services not identified in this scope of services.

B. All of the services included above comprise Basic Services for purposes of Engineer's compensation under this Task Order.

3. Additional Services

A. Additional Services that may be authorized or necessary under this Task Order are:

- Those services (and related terms and conditions) set forth in Paragraph A2.01 of Exhibit A, as attached to the Agreement referred to above, such paragraph being hereby incorporated by reference.

4. Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 of the Agreement and in Exhibit B, subject to the following: None.

5. Task Order Schedule

In addition to any schedule provisions provided in Exhibit A or elsewhere, the parties shall meet the following schedule:

1. Kickoff Meeting approximately 2-weeks from signed agreement.

2. Draft Deliverable Review Meeting within 2 months of Kickoff Meeting.

3. Final Deliverables approximately 1 month from Draft Deliverable Review Meeting.

6. Payments to Engineer

A. Owner shall pay Engineer for services rendered under this Task Order as follows:

Description of Service	Amount	Basis of Compensation
1. Basic Services		
Study and Report Phase	$35,000.00	Hourly
TOTAL COMPENSATION	**$35,000.00**	
2. Additional Services (Part 2 of Exhibit A)	(N/A)	

Compensation items and totals based in whole or in part on Hourly Rates are estimates only. Lump sum amounts and estimated totals included in the breakdown by phases incorporate Engineer's labor, overhead, profit, reimbursable expenses (if any), and Consultants' charges, if any. Engineer may alter the distribution of compensation between individual phases (line items) to be consistent with services actually rendered. Engineer shall not exceed the total lump sum compensation amount unless approved in writing by the Owner.

B. The terms of payment are set forth in Article 4 of the Agreement and in the applicable governing provisions of Exhibit C.

7. **Consultants retained as of the Effective Date of the Task Order:** None.

8. **Other Modifications to Agreement and Exhibits:** None.

9. **Attachments:**

- Hourly Fee and Expense Schedule

10. **Other Documents Incorporated by Reference:** None.

11. **Terms and Conditions**

Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is October 1, 2024.

OWNER:
City of Mandan

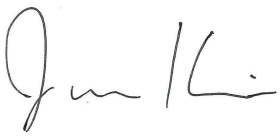
By:

Print name: Mayor James Froelich

Title: President of the Board of City Commissioners

Date Signed:

ENGINEER:
Advanced Engineering and Environmental Services, LLC

By: 

Print name: Jasper Klein

Title: Operations Manager

Date Signed: 9/27/2024

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: Jarek Wigness, PE

Title: City Engineer

Address: 205 2nd Ave NW
Mandan, North Dakota 58554
United States

E-Mail Address: jarek.wigness@cityofmandan.com

Phone: 701-667-3227

DESIGNATED REPRESENTATIVE FOR ORDER:

Name: Laith Hintz, PE

Title: Senior Project Manager

Address: 1815 Schafer Street, Suite 301
Bismarck, ND 58501

E-Mail Address: laith.hintz@ae2s.com

Phone: 701-221-0530

City Commission

Agenda Documentation

MEETING DATE: October 1, 2024
PREPARATION DATE: September 20, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider a 2024 budget amendment for Task Order 2 - services supporting water distribution

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STATEMENT/PURPOSE:
To consider and possibly approve an amendment with AE2S for continued professional services related to the on-call services requested by our Public Work Director or City Engineer.

BACKGROUND/ALTERNATIVES:
We have an on-call services agreement with AE2S to assist with hydraulic modeling, instrumentation and controls, and other general engineering support for the water distribution and storage system. The amount budgeted for 2024 has been exceeded and this amendment allows continued assistance for this year.

ATTACHMENTS:
1. AE2S Water Distribution On-Call Services Amendment

FISCAL IMPACT:
This amendment adds $10,000 to the hourly cap for continued support.

STAFF IMPACT:
Minimal.

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

RECOMMENDATION:
To enter into the amendment with AE2S for continued services related to the Water Distribution and Storage hourly assistance.

SUGGESTED MOTION:

I move to approve entering into Amendment No. 1 for Task Order No. 2 with AE2S for engineering services related to the Water Distribution and Storage Hourly Assistance, as presented.

Amendment No. 1 To Task Order No. 2

1. Background Data:

a.	Effective Date of Task Order:	January 1, 2023
b.	Owner:	City of Mandan
c.	Engineer:	Advanced Engineering and Environmental Services, LLC
d.	Specific Project:	On-call, or on demand, services as requested by Owner's Public Works Director or City Engineer to provide hydraulic modeling support, instrumentation and controls, and other general engineering support for the water distribution and storage system.

2. Description of Modifications

A. 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:

- Annual compensation budget for 2024 was used and this Amendment provides continued hourly assistance as requested.

B. For the modifications to services set forth above, Owner shall pay Engineer the following additional compensation, on an hourly basis in accordance with the current Hourly Fee Schedule attached hereto, not to exceed $10,000.00 without written authorization from Owner, plus reimbursement for all project related expenses.

3. Task Order Summary (Reference only)

a.	Original Task Order amount:	$25,000
b.	Net change for prior amendments:	$0
c.	This amendment amount:	$10,000
d.	Adjusted Task Order amount:	$35,000

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 October 1, 2024.

OWNER:		ENGINEER:	
By:		By:	
Print Name:	Mayor James Froelich	Print Name:	Jasper Klein, PE
Title:	President of the Board of City Commissioners	Title:	Operations Manager
Date Signed:		Date Signed:	

City Commission

Agenda Documentation

MEETING DATE: October 1, 2024
PREPARATION DATE: September 25, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Second Consideration of Ordinance 1454, a PUD (Planned Unit Development) Amendment for the Shores at Lakewood

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STATEMENT/PURPOSE:
Second Consideration of Ordinance 1454, a PUD (Planned Unit Development) Amendment for the Shores at Lakewood

BACKGROUND/ALTERNATIVES:
Second Consideration of Ordinance 1454, a PUD (Planned Unit Development) Amendment for the Shores at Lakewood. This item was approved by the Planning and Zoning Commission in August and the first consideration approved by the City Commission at its previous, 9/17 meeting. No changes have been made to the ordinance.

ATTACHMENTS:
1. PUD Amendment Narrative
2. DRAFT Shores at Lakewood 2nd PUD

FISCAL IMPACT:
N/a

STAFF IMPACT:
Considerable staff time has gone into reviewing this request.

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

RECOMMENDATION:

Staff recommends approval of the second consideration of Ordinance 1454, contingent upon a development agreement.

SUGGESTED MOTION:

I move to approve the second consideration of Ordinance 1454, contingent upon a development agreement.

Planned Unit Development Amendment Narrative

Request for Shores at Lakewood Master Plan

TRX Developers, LLC is proposing to plat and develop approximately 132 acres located southwest of 21st Street SE, intersected by McKenzie Dr SE, and West of 39th Ave SE/Oxbow Trail SE/34th Ave SE, Mandan, ND. The area is currently blend of approved Master Plan, FLUP Amended, and Zoning to PUD on entire project, with Shores Addition platted/developed (including Minor Plats resulting from lot combinations), and unplatted otherwise agriculture land in the City of Mandan ETZ zoning district.

TRX Developers, LLC is considering further developing the property into a mixed-use site with a combination of single family detached (stand-alone single family), single family attached (twin home) residential, 2 lots RM for 3-plex condo, and limited non-residential commercial/storage, which will all address many of the housing and land use needs for the City of Mandan and it's residents.

TRX Developers, LLC proposes amending the current Master Plan & PUD Zoning regulations, in order to accommodate the intended project which will result in a logical and orderly development pattern that will be consistent with surrounding land uses and will conform to the City of Mandan Municipal Code and Future Land Use Plan. The proposed plat for Shores 2nd Addition has been adjusted significantly from the previous submission, using feedback and in consideration of some area resident concerns, reducing overall lot count by adjusting lot sizes to be larger overall, and also including 2 lots identified to be used in a general RM zoning allowable perspective, for two 3-plex condo buildings.

Development within the district is characterized by four main types as mentioned above, single family detached housing, single family attached housing, RM Condo, and commercial/storage. Considering the majority of land zoned RM to the east, a smaller area of land zoned R7 also to the east, the Golf Course to the north, the City Wastewater Treatment Facility to the SE, and the agriculture to the south, the proposed zoning change would not adversely affect property in the vicinity.

The proposed PUD will reduce urban sprawl, put less demand on city services per capita compared to traditional developments, encourage walk/live/play, and provide interconnectivity to trails, while contributing much needed architecturally appealing and diverse homes to the landscape.

Platting: Shores at Lakewood is platted as a master plat, using a Planned Use Development, to ensure future conformity with the PUD and to give the City assurance that any changes in the future must follow the PUD amendment process and be very clearly outlined and defined.

Phasing: Shores at Lakewood will be developed in 4 phases, as defined in the master plat and phasing map. Shores 3rd Addition will initially be identified as a super block, requiring the developer to submit a site plan and architectural standards/design to the City of Mandan, prior to commercial development in this phase, as per standard ordinance set forth by the City of Mandan. Each Phase will be a separate addition to the City of Mandan, with a plat for each to define clearly the legal descriptions outlined.

Issuance of Building Permits: Building permits shall not be issued in each phase until said phase is deemed substantially complete by City standards.

Zoning & Taxation: After plat and PUD approval, Shores at Lakewood will be zoned as a PUD. Additions (Phases) 2 through 4 will remain taxed as entitled but undeveloped lands, until development of each phase, independently, is significantly complete and the lots are building permit ready. Once complete, the properties included in the completed phase shall be taxed as determined by the Mandan City Auditor for the appropriate use and zoning.

Location: Combined parcel located in the City of Mandan, Morton County, North Dakota, City Parcel Number(s) 65-5511350, 65-5511360, 65-5511352, 65-5511525, 65-5513800, & 30-0114100. The project consists of approximately 132 acres.

Details: The subdivision master plan provides for 209 residential lots. The subdivision master plan provides for 155 single family detached residential lots (R7), 52 (26 twin buildings) R3.2 type lots, , 2 RM Condo type lots, one private dog park, two amenity based private parks, one walk/bike/buffer zone/stormwater lot, one limited non-residential commercial super lot/block, & two pond/borrow lots. The pond/borrow lots will serve to provide fill for the site to bring it out of the 100 year flood plain, as well as, to fulfil the storm water retention needs. The project will be zoned and defined as a PUD as the overlay zoning with the R7, R4, R3.2, RM, and CB as the underlying zoning. Housing types are limited to RM 3-plex Condo, single family attached (twin/town/row homes), and single-family detached homes. The private parks will also serve as an amenity to Heart River Villas residents.

Infrastructure Installation: The Developer of the Project will install all sanitary sewer, & water. Mountain Plains, LLC will provide the engineering and design for the Project. Infrastructure layout and design parameters are found on the submitted PUD Site Plan. The Developer will design and submit for approval the storm water plans. Installation of storm sewer, street lighting, curb/gutter/paving, and road base prep will be handled by the City of Mandan via a special assessment district.

The required sanitary sewer lift station and screening fencing shall be included on the special assessment district requested to be created.

The sanitary sewer and water 3-way agreement and SID storm sewer projects to be advertised for bid and awarded together, to ensure least ground disturbance and also to hold awarded contractor firmly to installation standards and criteria. The Developer shall approve the final bid award, based on blended criteria of price and performance of the contractor.

Infrastructure Funding: The Developer of the Project will fund the cost of engineering design, sanitary sewer, grading, and water installation. The storm sewer (separate SID), street lighting, curb/gutter/paving, screening fencing, and road base prep shall be handled via Bids awarded by the City of Mandan and assessed in two Special Assessment Districts per the City of Mandan Ordinance. The sanitary sewer and water 3-way agreement and SID storm sewer projects to be bid and awarded together, to ensure least ground disturbance and also to hold awarded contractor firmly to installation standards and criteria.

Infrastructure Maintenance and Repair: The City of Mandan shall be responsible for future repairs and maintenance of public right of way and roads.

Lot Combination Alternative: Lots may be combined to accommodate larger homes. If single family R4 or R7 based lots are combined, the regulations of R7 zoning district shall apply. If twin home R3.2 lots are combined, the regulations of the R3.2 zoning district shall apply. In no circumstances shall the below setback requirements be adjusted.

Residential Lot Setbacks: In order to simplify the residential lot setbacks, all residential lots shall be governed by the following setbacks:

- Front Yard – 25’ from public street
- Front Yard – 15’ from public street for alley (rear) private drive access homes
- Side Yard – 5’
- Street Side Yard – 15’
- Rear Yard – 20’

Underlying Zoning Regulations: Except for regulations provided within the PUD District, the underlying zoning regulations shall apply to residential lots as follows and aligned with attached zoning exhibit; R7, R4, R3.2, RM (Shores Addition, Shores 2nd Addition, & Shores 4th Addition), with CB (all service & utility groups allowed, with exception of occupied residential) for Shores 3rd Addition.

Community Parks: Two private parks and one private dog park will be constructed for the use and enjoyment of the residents of Shores at Lakewood and Heart River Villas on Lots 56 Block 1 & 35 Block 2, Shores 2nd Addition, and Lot 21 Block 2 of Shores Addition. These properties to be owned and managed by the Home Owners Association.

HOA: An HOA has been formed for the purpose of maintaining the private parks and to also provide services to residents. It will facilitate the grounds maintenance, snow removal, and care of the properties in Shores at Lakewood. The HOA Board of Directors shall be solely responsible for the hiring and direction of professional companies to perform mowing, residential snow removal, pond maintenance, and other HOA responsible items.

Golf Course Access: Access easements and paths will be provided to ensure resident access to the Mandan City Golf Course.

Parking and Traffic Rules and Regulation: Parking and enforcement will be handled by the City of Mandan. Garage orientation to be pre-determined to ensure maximum parking available on street.

Snow Removal: Snow removal on public streets will be by the City of Mandan. Individual residence driveway and apron snow removal shall be provided by the HOA. Lead walks/patio/deck snow removal shall be provided by the property owner.

Garbage Collection: Garbage collection shall be performed by the City of Mandan to the single family and twin home residential parcels. The CB parcels shall arrange for their own garbage collection services.

Fencing: 6 ft or 5 ft wrought iron fencing along the north boundary, and monument markers on the westerly boundary, will be provided and installed by developer to ensure LHWRD/USACE levee system and golf course are not encroached upon. Concrete precast architectural 5 ft or 6 ft fences are also be allowed at the discretion of the Developer and/or ARC.

Internal Nocturnal Illumination: Internal downward nocturnal illumination shall be provided and installed to provide safety and security. Funding to install and procure the lights shall be provided by a Special Assessment District per City of Mandan Ordinance.

Special Assessments: Existing and future special assessments will assessed per the City of Mandan Ordinance. Pond/Borrow/Parks lots are to remain clear and free of any special assessments. The storm sewer, street lighting, curb/gutter/paving, road base prep, sanitary sewer lift station, screening fencing along local/collector ROW, and any Park Improvements (per the Mandan Parks District) shall be vetted, facilitated, and installed via Bids awarded by the City of Mandan and assessed via Special Assessment Districts per the City of Mandan Ordinance.

Easements: Any and all easements shall be shown on the plat.

Grantor/Grantee of Easements: The Developer shall be the Grantor of the easements. The City of Mandan, & the State of North Dakota, and any others named on the plat shall be the Grantees of all easements.

Street Design: Street design for public streets and private drives shall follow the City of Mandan Municipal Code. Future adjustments to align with proposed City Development Standards may be proposed.

USACE Review: A pre-submittal development review request was provided to the USACE, following Executive Order 11988. On September 9th, 2021, the USACE provided a letter confirming final review with final comments that have been incorporated into the design and development plans, in addition to the requirements identified by the local sponsor that have been included in the ratified Developer's Agreement with the Lower Heart Water Resource District.

Developer Agreement Lower Heart Water Recourse District: Developer's agreement is in place outlining the criteria for development and future use/maintenance in regard to the overall community and also the Levee system. The agreement is to remain in of effect and all conditions and criteria to follow the chain of title/deeds. Covenants and HOA documents to reflect the criteria outlined in the Development Agreement.

Overall Density: Overall density upon buildout for residential units/area shall be no greater than 4 units per gross acre.

Shores 3rd Addition: Shall be platted as a single block limited to CB or lower. Occupied residential use shall not be allowed until such a time a tertiary access and right of way is granted from the south end of the property to Lakewood Drive SE. Any development of this area shall be subject the City of Mandan review and site plan approval process.

Finished Floor Elevations: Building foundation height shall be set at a minimum of 2' higher than the curb and shall conform to the City of Mandan Code.

Capital Improvement & Maintenance Fund: A capital improvement fund shall be created to provide future reserves for any and all capital improvements needed by the HOA for repairs and maintenance to the Private Community Parks, the Pond, and also for other community enhancements, maintenance, and/or repairs that should arise. The fund will be created by an initial transfer fee of $500 per home sold/closed to 3rd parties (home buyers), with subsequent transfer fees of 0.5% of the sale price per home re-sold and closed.

CBU for Postal Service: Cluster boxes will be used to facilitate mail delivery. The developer shall install cluster mailboxes to serve the development by the United State Postal Services (USPS) and other private carriers. The location of the cluster mailbox(s) shall meet the requirements of the City and USPS and be approved at each phase of development.

Pond Water Quality: Two to three aeration fountains to be installed by developer and maintained by the HOA to ensure water quality throughout the summer season and to mitigate algae growth and mosquito breeding habitat.

Community Irrigation Master System: One to two irrigation pumps and main line supply lines to be installed by developer and maintained by the HOA to provide landscaping irrigation for the Community and Residents for lots in Shores 2nd, 3rd, and 4th Additions. City water supply will provide irrigation needs for the residents of Shores Addition, north of McKenzie Drive, through dedicated meter pits.

DRAFT **ORDINANCE NO. 14XX**

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

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

WHEREAS, Adjacent properties to the north and south are zoned A – Agriculture, to the east zoned R7 – Residential and RM – Residential, to the south zoned A – Agriculture and the west A – Agriculture. The Planned Unit Development District would be appropriate; and

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

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

Subsection 1: Establishment of Planned Unit Development (PUD)

The area known as Shores at Lakewood 2nd Addition, located within Section 1, Township 139N, Range 81W in City of Mandan, Morton County, North Dakota, shall be excluded from the A (Agricultural District) and included in a PUD (Planned Unit Development) District with the following conditions and restrictions:

Section 2: Zoning Districts and Applicable Areas

a. **PUD based in R7 Residential** shall be applied to:

- Lots 2-11 and 56-63, Block 1
- Lots 1-12 and 20-35, and Lot 37, Block 2
- Lots 1-3, Block 3

b. **PUD based in R3.2 Residential** shall be applied to:

- Lots 12-55, Block 1
- Lots 13-19, Block 2

AS 8/20/2024

c. **PUD based in RM Residential** shall be applied to:

- Lot 1, Block 1
- Lot 36, Block 2

Section 3: Housing Types

a. In the **R7 Residential** areas, housing types are limited to single-family detached homes and designs/styles approved in the original PUD submittal.

b. In the **R3.2 Residential** areas, housing types are limited to single-family attached homes, up to twin homes and designs/styles approved in the original PUD submittal.

c. In the **RM Residential** areas, housing types are limited to 3-plex condominiums and designs/styles approved in the amended PUD submittal.

Section 4: Lot Combinations

a. Lots within the PUD may be combined subject to City of Mandan platting requirements and utility policies.

b. If lots identified as R3.2 or RM are combined subject to the above rules, the regulations of the R7 zoning district shall apply.

Section 5: Residential Lot Setbacks

a. Front Yard – 25’ from Public Street

b. Street Side Yard (for alley-loaded homes) – 15’ from Public Streets

c. Side Yard – 5’

d. Street Side Yard (on corner lots) – 15’

e. Rear Yard – 20’

Section 6: Designated Uses and Amenities

a. **Lot 56, Block 1** shall be designated as a dog park but be zoned R7 / PUD.

b. **Lots 35 and 37, Block 2** shall be designated as a stormwater amenity pond but be zoned R7 / PUD.

c. **Lot 1, Block 1** shall be designated as a City lift station and be zoned R7 / PUD.

Section 7: Monument Markers

a. Monument markers will be installed along the LHRWRD levee per USACE and LHRWRD standards and agreements.

Section 8: Density Regulations

a. The overall density for residential units/area shall not exceed 4 units per gross acre.

Section 9: Finished Floor Elevations

a. All finished floor elevations must be at least 2 feet above the curb elevation.

b. All home elevations must adhere to the original Shores at Lakewood PUD narrative and elevations or conform to the amended Mansionettes design standards.

Section 10: Amendments

a. Any changes to this PUD must follow the PUD amendment process and be clearly outlined and defined.

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

_____
Joe Camisa, Vice President
Board of City Commissioners

Attest:

_____
Jim Neubauer
City Administrator

Planning and Zoning Commission:	August 26, 2024
First Consideration:	September 17, 2024
Second Consideration and Final Passage:	October 1, 2024

City Commission

Agenda Documentation

MEETING DATE:	October 1, 2024
PREPARATION DATE:	September 17, 2024
SUBMITTING DEPARTMENT:	Engineering
DEPARTMENT DIRECTOR:	Jarek Wigness
PRESENTER:	Jarek Wigness, City Engineer
SUBJECT:	Consider resolutions creating a street improvement district for the Memorial Highway Project.

STATEMENT/PURPOSE:
To provide a high level review of the Memorial Highway project and consider resolutions creating the street improvement district to fund portions of the local costs.

BACKGROUND/ALTERNATIVES:
The Memorial Highway Reconstruction Project has been a topic of conversation for over 20 years. The project generally includes the lowering and urbanization of Memorial Highway from East Main Street to the Memorial Bridge, along with water, sanitary, and storm improvements.

The North Dakota Department of Transportation (NDDOT), along with the City, have been working with HDR to prepare Phase I construction plans to be ready for bid on November 8th. The first phase of the project would include all of the mainline

improvements east of 32nd Ave SE. The remaining improvements would be included in a subsequent bid package. The construction is estimated to be completed during the 2025-2027 construction seasons. The proposed project phasing is shown in the graphic below:

ATTACHMENTS:

1. Resolution Creating Improvement District 239
2. Resolution Approving Engineer's Report
3. Resolution of Necessity

FISCAL IMPACT:

The most up-to-date estimate for the project is $119M. This estimate includes the two anticipated bid packages to be prepared by the NDDOT, as well as other indirect costs which include engineering, utility relocation, Right of Way acquisition, and more. The federal and state contributions to this project are estimated to total about $89M. The remaining $30M would be paid for through American Rescue Plan Act funds, State Water Commission cost-share, a City-wide street assessment, and a tiered, localized utility assessment. The multi-tiered assessments would be achieved through the proposed SID 239.

STAFF IMPACT:

Significant effort creating communication documents and answering questions related to this district are anticipated.

LEGAL REVIEW:

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

RECOMMENDATION:

To approve the resolutions necessary to create Street Improvement District 239.

SUGGESTED MOTION:

I move to approve the resolutions necessary to create Street Improvement District 239.

RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NO. 239
Project No. 2019-02

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

1. There is hereby created Street Improvement District No. 239 (the "District") (Project#2019-02) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, Memorial Highway from East Main Street to 46th Avenue SE and adjacent side streets Mandan Avenue, East Main Street, Riverwood Avenue SE, 24th Avenue SE, 3rd Street SE, Bisman Avenue, Redwing Drive SE, 32nd Avenue SE, 40th Avenue SE, Action Drive SE, 43rd Avenue SE, and 46th Avenue SE, and includes roadway reconstruction and concrete pavement with curb and gutter on Memorial Highway, sidewalks, shared use path, underground utilities including storm sewer, sanitary sewer, water main and associated services, and related work.

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

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

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

_____
President, Board of City Commissioners

ATTEST:

_____
City Administrator

Date of Passage: October 1, 2024

RESOLUTION APPROVING ENGINEER'S REPORT AND AUTHORIZING PREPARATION OF THE DETAILED PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 239

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 239 (Project #2019-02), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

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

a. Construction costs:	$92,600,000.00
b. Other costs including necessary and reasonable change orders; engineering, fiscal agent's and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	$26,500,000.00
c. Total estimated costs of the improvement:	$119,100,000.00

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

4. This resolution shall be in full force and effect from and after its passage.
Dated this 1st day of October, 2024.

_____
President, Board of City Commissioners

ATTEST:

_____
City Administrator

FEASIBILITY AND EVALUATION OF IMPROVEMENTS FOR STREET IMPROVEMENT DISTRICT #239, PROJECT #2019-02

1.) General Nature of Project

The district has been created to allow for roadway reconstruction to the areas identified in the map and includes concrete pavement, curb and gutter, sidewalk, shared use path, underground utilities including storm sewer, sanitary sewer, water main and associated services, and related work.

2.) Location of Proposed Construction

The proposed construction will take place throughout the areas identified on the map. The improvement to said streets within this improvement district shall include, but not be limited to, Memorial Highway from East Main Street to 46th Avenue SE and adjacent side streets Mandan Avenue, East Main Street, Riverwood Avenue SE, 24th Avenue SE, 3rd Street SE, Bisman Avenue, Redwing Drive SE, 32nd Avenue SE, 40th Avenue SE, Action Drive SE, 43rd Avenue SE, and 46th Avenue SE

3.) Environmental Impact

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

4.) Feasibility of Project

Reconstruction of Memorial Highway between Main Street and 46th Ave SE will address roadway deficiencies, reduce conflict points and improve multi-modal transportation along the corridor. Key components include the addition of sidewalks and a multi-use path; improved traffic flow, intersection improvements and stormwater drainage; and addressing pavement at the end of its useful life. In the opinion of the undersigned this project is feasible and needed throughout the indicated area as an improvement to streets that have deteriorated to the point of inadequacy.

5.) Estimate of Cost

Attached is a map showing the area and district boundary. The construction costs are estimated at $92,600,000.00. Other costs of making the improvement necessary including necessary and reasonable change order, engineering, fiscal agents' and attorneys' fees, publication of legal notices, printing of warrants, and all expenses incurred in the making of the improvement and levy of assessments therefore are estimated at $26,500,000.00. The total cost for the improvement is estimated at $119,100,000.00.

Dated this 1st day of October, 2024.

_____
Jarek Wigness
City Engineer

Opinion of Probable Project Cost

	Construction Cost	Other Costs	Total Cost
East End of Memorial Highway - PCN 23277 32nd Ave SE to 46th Ave SE (2025)	$ 36,900,000.00	$ 12,400,000.00	$ 49,300,000.00
West End of Memorial Highway - PCN 23278 Main St to 32nd Ave SE (2026)	$ 55,700,000.00	$ 14,100,000.00	$ 69,800,000.00
Total	$ 92,600,000.00	$ 26,500,000.00	$ 119,100,000.00

RESOLUTION DECLARING THE NECESSITY OF AN IMPROVEMENT PROJECT IN AND FOR STREET IMPROVEMENT DISTRICT NO. 239 OF THE CITY OF MANDAN TO BE PAID BY THE LEVY OF SPECIAL ASSESSMENTS ON PROPERTY BENEFITTED THEREBY

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

1. It is hereby found, determined and declared that it is necessary for the City of Mandan to construct a street improvement project of the type specified in Subsection 40-22-01(2), North Dakota Century Code, in and for Street Improvement District No. 239 (Project #2019-02) of said City. Said improvement project shall include, but not be limited to roadway reconstruction and concrete pavement with curb and gutter on Memorial Highway, sidewalks, shared use path, underground utilities including storm sewer, sanitary sewer, water main and associated services as well as all other work and materials which are necessary or reasonably incidental to the completion of the project; all in accordance with and as described in the resolution creating said district adopted October 1, 2024; which is on file in the offices of the City Engineer and open for public inspection by anyone interested therein. Most of the proposed construction will take place on Memorial Highway from East Main Street to 46th Avenue SE and adjacent side streets Mandan Avenue, East Main Street, Riverwood Avenue SE, 24th Avenue SE, 3rd Street SE, Bisman Avenue, Redwing Drive SE, 32nd Avenue SE, 40th Avenue SE, Action Drive SE, 43rd Avenue SE, and 46th Avenue SE.

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

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

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

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

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

Dated this 1st day of October, 2024.

APPROVED:

_____

President, Board of City Commissioners

ATTEST:

_____

City Administrator

STATE OF NORTH DAKOTA)

) ss.)

COUNTY OF MORTON

I, Jim Neubauer, the duly appointed, qualified and acting City Administrator of the City of Mandan do hereby certify the foregoing to be a full, true and correct copy of the resolution adopted by the City Commission of the City of Mandan at the meeting of the Commission held on the 1st day of October, 2024, and that such Resolution is now a part of the permanent records of the City of Mandan, as such records are filed in the office of the City Administrator.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of October, 2024.

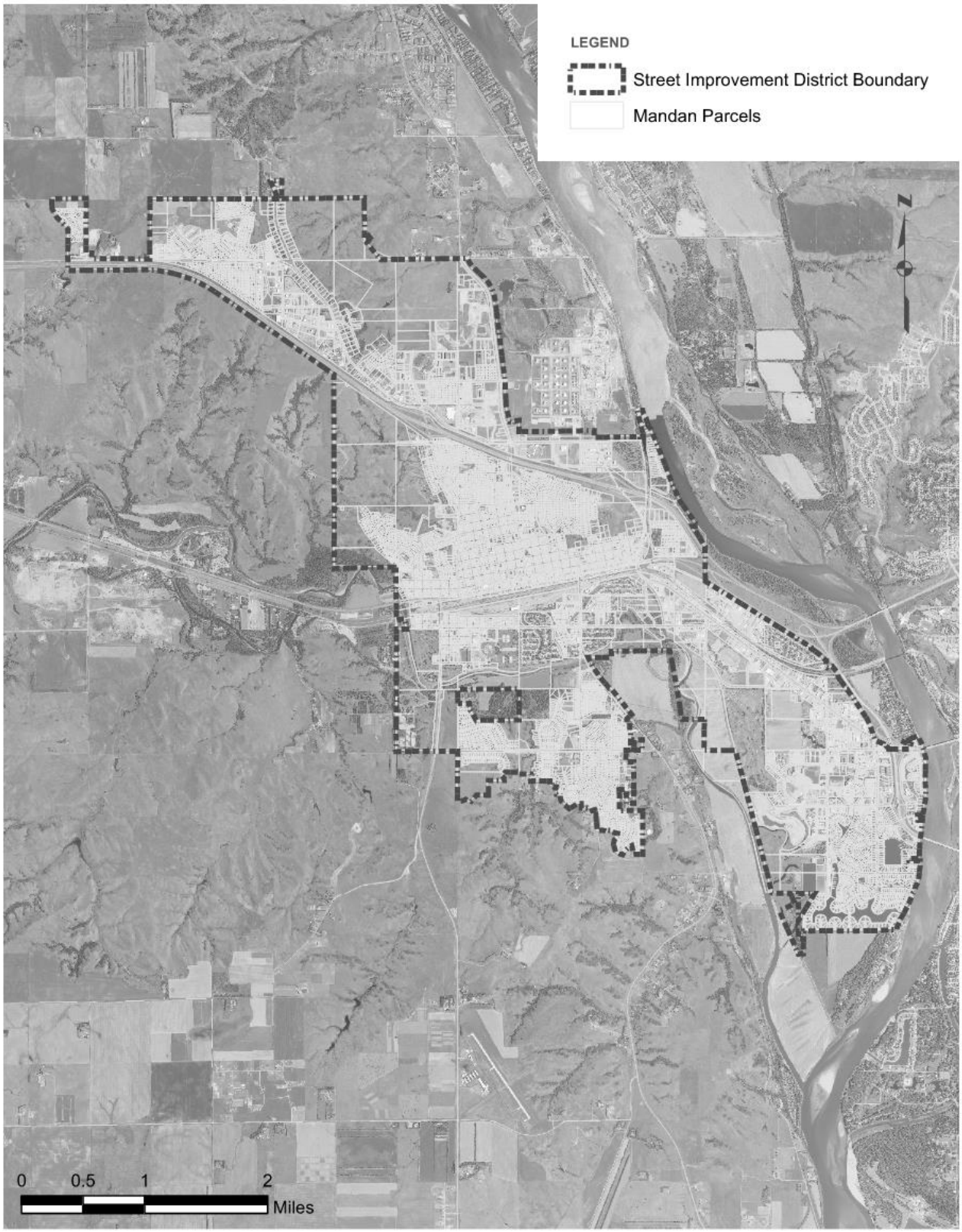
_____

City Administrator
Mandan, North Dakota.

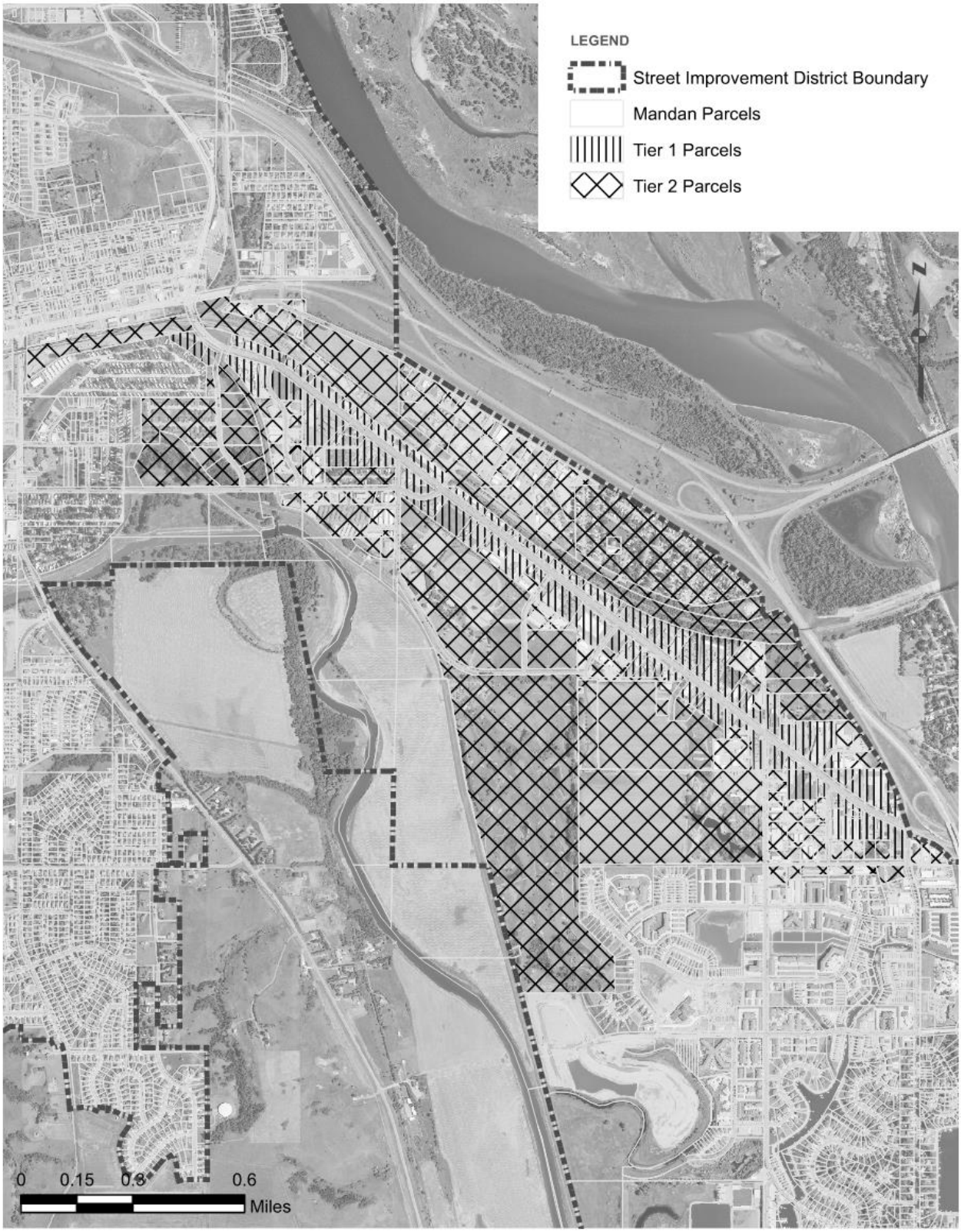
Publication Dates: October 4 & October 11, 2024

Map of District must also be published.

2024 STREET IMPROVEMENT DISTRICT #239 – CITY-WIDE
(ROADWAY & STORM SEWER)



2024 STREET IMPROVEMENT DISTRICT #239 – TIERED ASSESSMENTS
(CITY UTILITIES)



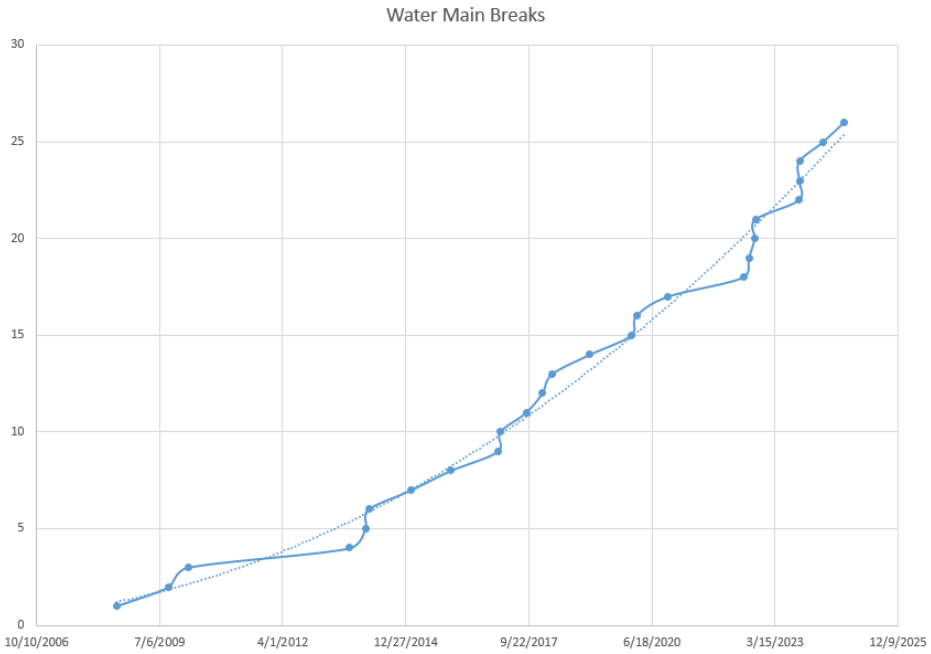
City Commission

Agenda Documentation

MEETING DATE:	October 1, 2024
PREPARATION DATE:	October 1, 2024
SUBMITTING DEPARTMENT:	Engineering
DEPARTMENT DIRECTOR:	Jarek Wigness
PRESENTER:	Jarek Wigness, City Engineer
SUBJECT:	Consider the resolutions necessary to create Water and Sewer Improvement District 65

STATEMENT/PURPOSE:
To consider and possibly approve the resolutions necessary to create Water and Sewer Improvement District 65.

BACKGROUND/ALTERNATIVES:
Since 2008, this portion of town has experienced 26 water main breaks. The frequency of these breaks have been accelerating in the last few years. 9 have occurred since 2022, with 5 of those taking place in the last 12 months. The following map and graph show the quantity and accelerating frequency of water main breaks in this area.



Several of these breaks occurred during the recent apartment fire event, complicating an emergency situation and compounding the strain on City resources. The most recent break took place last Thursday. These breaks are not only inconvenient. They are becoming increasingly expensive to address, they are a health risk to those affected by water shutoffs, and they are especially high-risk since they are likely to coincide with pressure fluctuations related to fire flows.

This area was evaluated as a part of Moore's infrastructure improvement project decision document creation. The water main is cast iron pipe installed in the 1950's. Planned improvements are to include water main replacement and restoration. Resolutions creating the district and to direct the engineer to prepare a report are included as attachments to this document.

An exhibit is attached displaying the boundaries of Water and Sewer Improvement District 65.

ATTACHMENTS:

1. Resolution Creating Water and Sewer Improvement District 65
2. Improvement District Map
3. Resolution Directing Preparation of Engineering Report & Cost Estimate

FISCAL IMPACT:

The engineer's report and estimate haven't been completed yet, but early estimates

indicate a total project cost of about $8.2M. The proposed funding sources are as follows:

- $3.9M would be eligible for state water commission funding,
- $1.2M would be paid out of the utility fund,
- $1.1M of Municipal Infrastructure Funds would be allocated to the project,
- $2M would be assessed to benefitting properties.

The creation of the district would not obligate the City to any of these costs at this time.

STAFF IMPACT:
Significant effort working alongside the consultant would be required

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

RECOMMENDATION:
To approve the resolutions, as presented.

SUGGESTED MOTION:
I move to approve the resolutions necessary to create Water and Sewer Improvement District 65.

RESOLUTION CREATING
WATER AND SEWER IMPROVEMENT DISTRICT NO. 65
Project No. 2025-03

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

1. There is hereby created Water and Sewer Assessment District No. 65 (the "District") (Project#2025-03) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(1), N.D.C.C., to improve those parts of the municipal system listed below. The improvements shall include water main replacement, asphalt restoration, ADA improvements, concrete repairs necessary for water main installation, and tree trimming.

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

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

Sunset Second Addition, Block 1, Block 2, Lots 1-19 and Lots 31-37 in Block 3, Block 4, Block 5 and Block 6, all in Sharon Heights Second Addition, Replat of Lots 8 and 9, Block 1, Sharon Heights Second Addition, Lot 1 of Lot "A" of the Replat of Lots 8 and 9, Block 1, Sharon Heights Second Addition, Lot 1 of Lot "B" of the Replat of Lots 8 and 9, Block 1, Sharon Heights Second Addition, Lots 18-31 in Block 1, Block 2, Block 3, Block 4 and Block 5, all in Sharon Heights First Addition, Plat of Portions of Lots 1 and 2 of Block 4, Sharon Heights First Addition, Lot A being a part of Lots 1 & 2, Block 4, Sharon Heights First Addition, Lot 8, Block 1, Replat of Sunset Addition, Lots 7-10 in Block 2, Lot 10 in Block 3, all in Hillcrest Second Addition, Lots 4-7 in Block 1, Lots 4 and 5 in Block 2, all in Siegel's Third Addition, School District 4th Addition, Gullickson's First Addition

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

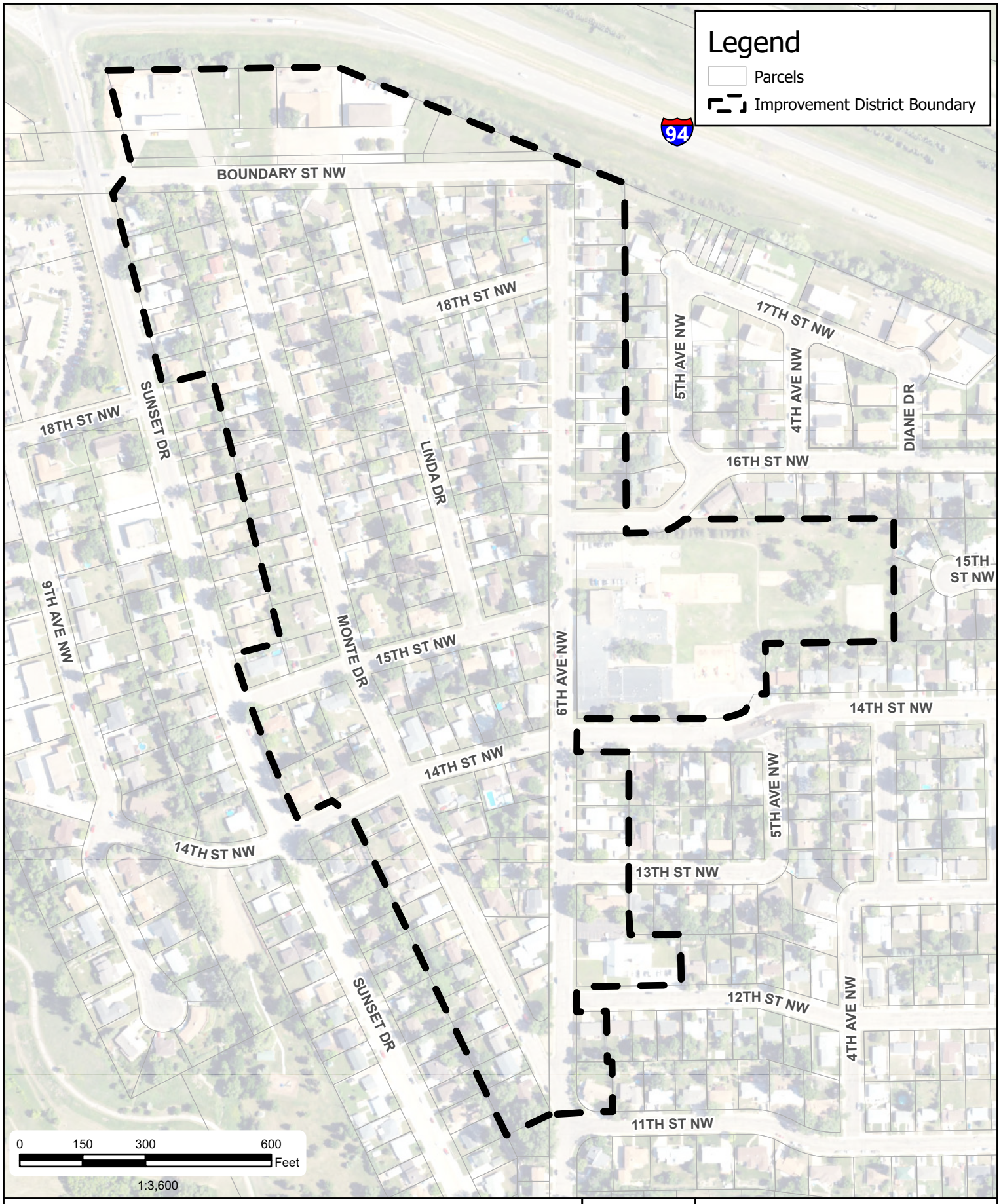
4. This resolution shall be in full force and effect from and after its passage.

_____
President, Board of City Commissioners

ATTEST:

_____
City Administrator

Date of Passage: October 1, 2024



WATER & SEWER IMPROVEMENT DISTRICT
MONTE DRIVE PROJECT AREA
MANDAN, NORTH DAKOTA

Created By: TJS Date Created: 09/27/24 Date Saved: 09/30/24 Date Plotted: N/A Date Exported: 09/30/24
Plotted By: Parcel Date: N/A Aerial Image: 2019 County NAIP SIDS Elevation Data: Lidar
Horizontal Datum: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet Vertical Datum: NAVD1988
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moore engineering, inc.

RESOLUTION DIRECTING PREPARATION OF
ENGINEER'S REPORT AND COST ESTIMATE
WATER AND SEWER DISTRICT 65
Project No. 2025-03

BE IT RESOLVED by the governing body of the City of Mandan, County of Morton, North Dakota (the "City") as follows:

1. This governing body of the City of Mandan, Morton County, North Dakota has created Mandan Water and Sewer District 65.
2. The engineer planning the improvement, being a competent engineer, is hereby authorized and directed to prepare a report as to the general nature, purpose and feasibility of the proposed improvement to be made in and for the District and estimate of the probable cost of the work therein.
3. The report shall contain (i) a separate statement of the estimated cost of the work for which proposals must be advertised and (ii) a separate statement of all other items of estimated cost not included under (i) which are anticipated to be included in the cost of the improvement to be specially assessed against benefited property.

Dated this 1st day of October, 2024.

_____

President, Board of City Commissioners

ATTEST:

_____

City Administrator

Date of Passage: October 1, 2024