



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

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HD Streaming LIVE at: tinyURL.com/FreeTV-602 and on
Roku or Apple TV

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

A. ROLL CALL

1. Roll call of all City Commissioners

B. THE PLEDGE OF ALLEGIANCE

C. ANNOUNCEMENTS

D. APPROVAL OF AGENDA

E. MINUTES

1. Consider approval of the minutes from the Oct. 15, 2024 Board of City Commissioners regular meeting

F. PUBLIC HEARING

1. Consider a request for a minor plat to be named Kendalls Addition, and Annexation Ordinance 1457 for Lots 4A and 4B, Block 1, Keidel Estates First Addition
2. *Public Hearing for Street Improvement District 239 - Memorial Highway*

G. BIDS

1. Consider Old Red Trail Shared Use Path Mill & Overlay bids

H. CONSENT AGENDA

1. Consider appointing a member of the Civil Service Commission
2. Consider proclaiming Nov. 30, 2024 as "Small Business Saturday" in the city of Mandan
3. Consider State Water Commission Cost Share Amendment request for Memorial Highway
4. Consider approval of Urban Grant Program application
5. Consider Final Plat for Mandan Industrial Park 14th Addition
6. Consider a request for a final plat for Biwer Subdivision
7. Consider application for local raffle permit application for Mandan Backboard Boosters Girls Basketball Club
8. Consider Gaming Site Authorization for Mystic Athletic Club at Ten Spot Lanes
9. Consider acceptance of ND Dept of Emergency Services State Homeland Security Grant

I. OLD BUSINESS

J. NEW BUSINESS

1. Consider Engineering Service Agreement to complete the design of 8th Ave NW and 27th Street
2. Consider Cost Participation and Maintenance Agreement for Memorial Highway Project
3. Helbling Land LLP Application for Property Tax Exemption for Improvements to Commercial & Residential Buildings North Dakota Century Code 57-02.2

K. RESOLUTIONS AND ORDINANCES

1. Consider Resolution of Governing Body for State Revolving Fund loan applications
2. Second consideration of Ordinance 1455 for Mandan Industrial Park 14th

Addition

3. Second consideration of Ordinance 1456, an Exclusion/De-Annexation for Biwer Subdivision
4. Consider resolution determining insufficiency of protest for Street Improvement District 239 - Memorial Highway
5. First Consideration of Keidel Estates Annexation Ordinance 1457

L. OTHER BUSINESS

M. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS

- November 19, 2024 at 5:30 p.m.
- December 3, 2024 at 5:30 p.m.
- December 17, 2024 at 5:30 p.m.

N. ADJOURN

Departmental planning meeting will be held the Monday prior to the Commission meeting, all Commissioners are invited, noon, Veterans' Conference Room. Please notify the city administrator by 8:30 a.m. that Monday if you plan on attending. If more than two commissioners plan on attending, proper public notice must be given.

The Mandan City Commission met in regular session at 5:30 PM on October 15, 2024 in the Ed “Bosh” Froehlich Meeting Room at City Hall, Mandan, North Dakota. Mayor Froelich called the meeting to order.

A. ROLL CALL

1. *Roll call of all City Commissioners.* Those present were Dennis Rohr, Mike Braun, James Froelich, Craig Sjoberg, Ryan Heinsohn. Department heads present were City Administrator Neubauer, Finance Director Welch, 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, Communications Specialist Schmidt and Attorney Oster.

B. THE PLEDGE OF ALLEGIANCE

C. ANNOUNCEMENTS

1. *New Employee Introduction, Human Resource Generalist Cassidy Buchholz.* HR Director Berger introduced Human Resource Generalist Cassidy Buchholz. Buchholz started with the city three weeks ago.

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

E. MINUTES

1. *Consider approval of the following minutes of the Board of City Commissioners: .*

a. *Oct. 1, 2024 Regular Meeting.* Commissioner Sjoberg moved and Commissioner Rohr seconded to approve. Roll Call vote: Aye 5, Nay 0. The motion passed.

b. *Oct. 3, 2024 Special Meeting.* Commissioner Sjoberg moved and Commissioner Heinsohn seconded to approve. Roll Call vote: Aye 5, Nay 0. The motion passed.

F. PUBLIC HEARING

1. *Lots 5-7, Block 1, Twin City Industrial Sites Setback Variance.* Planner Stromme presented the setback variance request. 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 Rohr moved and Commissioner Braun seconded to approve the setback variance of twenty feet as presented for the project outlined in the report. Roll Call vote: Aye 5, Nay 0. The motion passed.

2. *Consider Preliminary Plat and Zone Change from A - Agriculture to MA - Industrial for Mandan Industrial Park 14th 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 Braun moved and Commissioner Sjoberg seconded to approve the preliminary plat for Mandan Industrial Park 14th Addition. Roll Call vote: Aye 5, Nay 0. The motion passed.

3. *Consider a request for a preliminary plat and a Exclusion/De-Annexation for Biwer Subdivision.* 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 Sjoberg moved and Commissioner Braun seconded to approve the preliminary plat for Biwer Subdivision. Roll Call vote: Aye 5, Nay 0. The motion passed.

4. *Consider a vacation of 5th Avenue SE and a minor plat to be named Helblings 7th Addition.* Planner Stromme presented the vacation request and minor plat. 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 Braun seconded to approve the minor plat of Helblings 7th Addition. Roll Call vote: Aye 5, Nay 0. The motion passed.

G. BIDS

H. CONSENT AGENDA

1. *Consider approval of monthly bills.*
2. *Consider approval of the following raffle permits:.*
 - a. *North Dakota Simmental Association.*
 - b. *Bismarck State College Mystic Athletic Club.*
3. *Consider proclaiming Nov. 1, 2024 as Extra Mile Day.*
4. *Consider a budget amendment to the 2025 street and utility departments' budgets.*
5. *Consider approval to accept FY2024 COPS hiring grant funding of \$500,000.00 for four Police Officers.*
6. *Consider approval of 2023 and 2024 Abatements for Darin & Megan Helbling.*
7. *Consider approval to apply for 2024 America The Beautiful Program Development Grant.*
8. *Consider Minor Plat for Replat of Lots 15 & 16, Block 1, Shores At Lakewood Addition.*
9. *Consider approval of the 2024 Title VI/Nondiscrimination and ADA Plan.*
10. *Assessments for Weed Cutting of 2024, Health & Safety of 2024, Sidewalks of 2024, Delinquent Alarm System Accounts for 2024, and Delinquent Utility Billing Accounts for 2024.*
11. *Consider Minor Plat for Joseph Addition.* Commissioner Sjoberg moved and Commissioner Braun seconded to approve consent agenda items 1-11 including all sub items as presented. Roll Call vote: Aye 5, Nay 0. The motion passed.

I. OLD BUSINESS

J. NEW BUSINESS

1. *Consider Water and Sewer Improvement District 65 design agreement.* Engineer Wigness presented the design agreement. Commissioner Braun moved and Commissioner Heinsohn seconded to approve the engineer's report, enter into the engineering design agreement and apply for State Water Commission reconstruction funding. Roll Call vote: Aye 5, Nay 0. The motion passed.
2. *Consider approval of the verification of 6 special assessment districts:*
 - i. *Street Improvement District #222, 19th Street Trail*
 - ii. *Street Improvement District #224, Sunrise View Estates & Rockwood*
 - iii. *Street Improvement District #226, West Hills 5th Addition*
 - iv. *Street Improvement District #227, Heck Addition - new high school area*
 - v. *Street Improvement District #229, Shores at Lakewood*

vi. *Street Improvement District #232, 2023 Street Improvement Project.* Engineer Wigness presented the item. Commissioner Heinsohn moved and Commissioner Sjoberg seconded to approve the special assessments for certification on Street Improvement Districts #222, #224, #226, #227, #229, and #232. Roll Call vote: Aye 5, Nay 0. The motion passed.

3. *Consider Financing Resolution for street improvement districts and warrants.* Assistant Finance Director Schulz presented the item. Commissioner Sjoberg moved and Commissioner Heinsohn seconded to approve the Financing Resolution for the following street improvement districts and warrants: Street Improvement District #222 (19th Street Trail, Phase II) Definitive Improvement Warrant, Series 2024A; Street Improvement District #232A (2023 Street Maintenance) Definitive Improvement Warrant, Series 2024B. Roll Call vote: Aye 5, Nay 0. The motion passed.

4. *Consider Refunding Improvement Bonds, Series 2024.* Finance Director Welch introduced John Lundby with Collier's Securities, LLC to present the result of the sale of bonds from earlier in the day on Oct. 15, 2024. The interest rate determined from the sale of the bonds is 3.48%. Moody's reaffirmed the City's existing credit rating of Aa3. Commissioner Sjoberg moved and Commissioner Braun seconded to approve the resolution creating the fund of an improvement district and authorizing the issuance of Improvement Warrants; and approve the resolution authorizing the issuance of \$11,945,000 Refunding Improvement Bonds, Series 2024. Roll Call vote: Aye 5, Nay 0. The motion passed.

5. *Consider a letter of support for Big Sky Passenger Rail Authority and contribution to the Bismarck-Mandan Metropolitan Planning Organization (MPO) membership in the Rail Authority's Government Partners Program.* Planner Stromme presented the letter of support and the request to join the government partners program. Commissioner Heinsohn moved and Commissioner Rohr seconded to join the Big Sky Passenger Rail Authority Government Partners Program. Roll Call vote: Aye 5, Nay 0. The motion passed.

6. *Consider Approval of Construction Engineering Amendment for SID 231 – 8th Ave Reconstruction.* Engineer Wigness presented the construction engineering amendment. Commissioner Sjoberg moved and Commissioner Heinsohn seconded to approve the construction engineering amendment for the 8th Ave NW reconstruction project. Roll Call vote: Aye 5, Nay 0. The motion passed.

7. *Consider Approving and Sponsoring an Application for a 2027 Pedestrian Trail Project.* Engineer Wigness presented the item. Commissioner Sjoberg moved and Commissioner Heinsohn seconded to approve the application and sponsorship of the project, as presented. Roll Call vote: Aye 5, Nay 0. The motion passed.

K. RESOLUTIONS AND ORDINANCES

1. *First Consideration of Ordinance 1455, a rezone from A - Agriculture to MA - Industrial for Mandan Industrial Park 14th Addition.* Planner Stromme presented the ordinance. Commissioner Braun moved and Commissioner Heinsohn seconded to approve the first consideration of ordinance 1455. Roll Call vote: Aye 5, Nay 0. The motion passed.

2. *First Consideration of Ordinance 1456 related to the Exclusion/De-Annexation of 1.5 acres of land related to Biwer Subdivision.* Planner Stromme presented Ordinance 1456. Commissioner Sjoberg moved and Commissioner Braun seconded to approve the first consideration of Ordinance 1456. Roll Call vote: Aye 5, Nay 0. The motion passed.

3. *Consider Resolution of Vacation for 5th Avenue SE (Helbling's 7th Addition).* Planner Stromme presented the resolution. Commissioner Sjoberg moved and Commissioner Heinsohn seconded to approve the right-of-way vacation. Roll Call vote: Aye 5, Nay 0. The motion passed.

L. OTHER BUSINESS

M. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS

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

November 19, 2024 at 5:30 p.m..

December 3, 2024 at 5:30 p.m..

N. ADJOURN There being no other business to come before the Board, the meeting adjourned at 6:29 p.m.

James Neubauer
City Administrator

James Froelich
President, Board of City Commissioners



City Commission

Agenda Documentation

MEETING DATE: November 5, 2024
PREPARATION DATE: October 29, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider a request for a minor plat to be named Kendalls Addition, and annexation for Lots 4A and 4B, Block 1, Keidel Estates First Addition.

STATEMENT/PURPOSE:

Consider a request for a minor plat to be named Kendalls Addition, and annexation for Lots 4A and 4B, Block 1, Keidel Estates First Addition.

BACKGROUND/ALTERNATIVES:

Kendall Zander is requesting consideration of a minor plat to be named Kendalls Addition, and an annexation of Lots 4A and 4B, Block 1, Keidel Estates First Addition & Part of the NW 1/4 of the SW 1/4 of Section 34, 139N, Range 81W. The property is located at 1304 and 1316 8th Avenue SW.

Property History

Keidel Estates 1st Addition was platted in 1976, and Lots 4A and 4B remain undeveloped. Development has progressed around this property since the initial plat, though a few lots are still vacant. The area is served by City water, but it does not fall within a sanitary sewer shed. Previously, development in this area was expected to connect to the municipal sewer system. However, recent changes in approach now support future development of a few homes using municipal water and a septic system. This shift is based on the low development potential in the area, which is unlikely to reach a density that would justify public sewer investment and maintenance.

Minor Plat

The minor plat, totaling 1.51 acres, includes both right-of-way and developable property, and combines Lots 4A and 4B of Keidel Estates First Addition into a single lot. It also carries over a water main easement, along with utility and access easements from the Keidel Estates plat. The private property comprises 1.28 acres, while the right-of-way for 8th Avenue covers 0.23 acres.

Adjacent Properties Zoning, Land Use, and Future Land Use

The property to the east is zoned R7 (Residential), to the west - A (Agriculture), to the south - A (Agriculture) and R7 (Residential), and to the north - R7 (Residential). The Future Land Use Plan identifies this area as low density residential.

Additional Information and Public Outreach

- Morton County was notified of the request for annexation by certified mail on October 18, 2024.
- The annexation request was noticed in the Mandan News as required, in advance of this public hearing.

Staff Comments

- The access easement on the east property line must include a statement that is to serve Lot 2 of Keidel Estates Addition as that is included on the below plat and the access appears in use.
- The annexation exhibit requires a minor update regarding the title of the exhibit.
- Staff has discussed the utility billing and water service to the property. The applicant is responsible for all costs associated with providing water service to the property.

Findings of Fact Annexation

1. The City of Mandan and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by this annexation;
2. The proposed annexation is a contiguous extension of the current limits of the City of Mandan;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed annexation is generally consistent with the Future Land Use Plan, other adopted plans and policies, and accepted planning practice;
5. The proposed annexation would not adversely affect public health, safety and general welfare.

Minor Plat

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

ATTACHMENTS:

1. Application
2. Kendalls Addition Minor Plat
3. Draft Annexation Ordinance 1457
4. Location Map - Keidel Estates Annexation

FISCAL IMPACT:

N/A

STAFF IMPACT:

Considerable staff time has gone into the review of this request.

LEGAL REVIEW:

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

RECOMMENDATION:

Staff recommends approval of the minor plat, Kendalls Addition, and the first consideration of the annexation ordinance. The City Commission should hold a public hearing for the annexation, and make a motion to approve the first consideration of the ordinance under resolutions and ordinances.

SUGGESTED MOTION:

I move to approve the minor plat for Kendalls Addition.

CITY OF MANDAN	
Development Review Application	
☒ Minor Plat (\$300)	Zone Change (\$600)
☐ Preliminary Plat up to 20 acres (\$450)	Planned Unit Development (\$700)
☐ Preliminary Plat more than 20 acres (\$500)	Land Use and Transportation Plan Amendment (\$1,000)
☐ Final Plat up to 20 lots (\$450)	Vacation (\$500)
☐ Final Plat 21 to 40 lots (\$600)	Variance (\$400)
☐ Final Plat more than 40 lots (\$750)	Special Use Permit (\$450)
☒ Annexation (\$450)	Stormwater submittal (\$300)
☐ Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	Stormwater 2 nd & subsequent resubmittal (\$50)
☐ Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	Document Recording (\$30)
Summary of Request (Add separate sheet(s) as necessary)	
Annexation for home construction.	

Engineer/Surveyor			Property Owner or Applicant		
Name			Name <i>Kendall J. Zander</i>		
Address			Address <i>1208 8th Ave SW</i>		
City	State	Zip	City	State	Zip
			<i>Mandan</i>	<i>ND</i>	<i>58554</i>
email			email <i>Zander958@gmail.com</i>		
Phone		Fax	Phone		Fax
			<i>701 202 0168</i>		<i>or Ken 595-9455</i>
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request. 663-1485					

Location		Type		Existing Zone	Proposed Zone	Project Name
City	☒ ETA	New	Addition	R7	R7	<i>Kendall Zander Annexation</i>
Property Address				Legal Description		
<i>1316 8th Avenue SW, Mandan, 58554</i>				<i>Lot 4B, Block 1 (.64 acres)</i>		
Current Use				Current Use		
<i>Vacant</i>				<i>Keidel Estates 1st</i>		
Proposed Use				Proposed Use		
<i>Residential</i>				Section <i>34</i>	Township <i>13N</i>	Range <i>8E</i>
Parcel Size	Building Footprint	Stories	Building SF	Required Parking	Provided Parking	
<i>.64 ac</i>				<i>3 spaces</i>	<i>3+</i>	

Print Name <i>Kendall J. Zander</i>	Signature <i>Kendall J. Zander</i>	Date <i>8-23-24</i>
--	---------------------------------------	------------------------

Office Use Only			
Date Received:	Initials: <i>hm</i>	Fees Paid: <i>\$450</i>	Date: <i>8-23-2024</i>
Notice in paper	Mailed to neighbors <i>hm</i>	<i>\$300</i>	P&Z meeting <i>10-23-2024</i>
Approved	Approved with conditions:		
Denied			

KENDALL'S ADDITION

ALL OF LOTS 4A & 4B OF KEIDEL ESTATES FIRST ADDITION AND
PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER
OF SEC. 34, T. 139 N., R. 81 W. OF THE 5TH P.M.

TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF MANDAN, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE ____ DAY OF _____, 2024.

JIM NEUBAUER--CITY ADMINISTRATOR

JAMES FRÖELICH--MAYOR

APPROVAL OF CITY ENGINEER

I, JAREK WIGNESS, CITY ENGINEER OF THE CITY OF MANDAN, NORTH DAKOTA, HEREBY APPROVE "KENDALL'S ADDITION", MANDAN, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JAREK WIGNESS
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT KENDALL ZANDER, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "KENDALL'S ADDITION", MANDAN, MORTON COUNTY, NORTH DAKOTA, AND DEDICATE ALL THE STREETS, ALLEYS, PARKS, AND PUBLIC GROUNDS AS SHOWN HEREON, INCLUDING ALL SEWERS, CULVERTS, BRIDGES, WATER LINES, SIDEWALKS, AND OTHER IMPROVEMENTS ON OR UNDER SUCH STREETS, ALLEYS, OR OTHER PUBLIC GROUNDS, WHETHER SUCH IMPROVEMENTS ARE SHOWN HEREON OR NOT, TO PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO RUN WITH THE LANDS FOR WATER, SEWER, GAS, ELECTRICITY, TELEPHONE, OR OTHER PUBLIC UTILITY LINES OF SERVICES UNDER, ON, OR OVER THESE CERTAIN STRIPS OF LAND AS DESIGNATED AS UTILITY EASEMENTS.

STATE OF NORTH DAKOTA)
COUNTY OF MORTON)SS

KENDALL ZANDER
1208 8TH AVE SW
MANDAN, ND 58554

ON THIS ____ DAY OF _____, 2024, BEFORE ME PERSONALLY APPEARED KENDALL ZANDER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC
COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

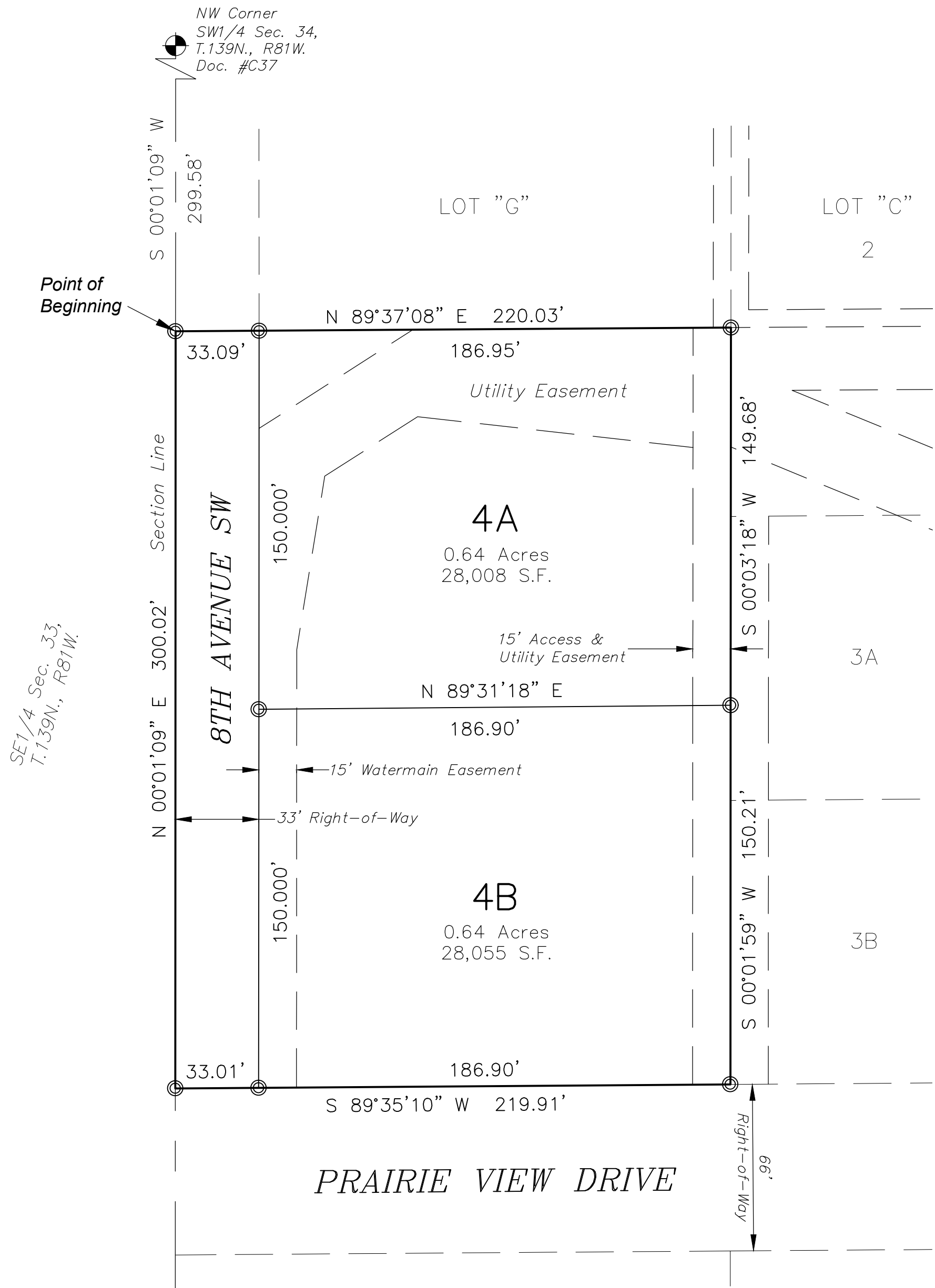
SURVEYOR'S CERTIFICATE

I, LARRY J. SMITH, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____, 2024, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA)
COUNTY OF MORTON)SS

SES GEOMATICS
2321 HARDING AVENUE
BISMARCK, NORTH DAKOTA
58501

LARRY J. SMITH
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 2363



NOTES

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE
BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.

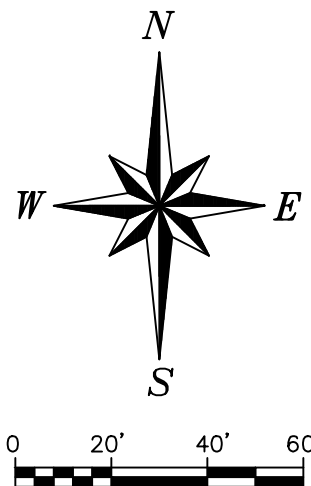
PLAT IS SUBJECT TO EASEMENTS,
COVENANTS, AND RESTRICTIONS OF RECORD.

DESCRIPTION

ALL OF LOTS 4A AND 4B OF BLOCK 1, KEIDEL ESTATES FIRST ADDITION & PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 34; THENCE SOUTH 00 DEGREES 01 MINUTE 09 SECONDS WEST ON THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 299.58 FEET TO THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 4A, BLOCK 1, KEIDEL ESTATES FIRST ADDITION AND THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 37 MINUTES 08 SECONDS EAST ON SAID EXTENSION LINE, A DISTANCE OF 220.03 FEET TO THE NORTHEAST CORNER OF SAID LOT 4A; THENCE SOUTH 00 DEGREES 03 MINUTES 18 SECONDS WEST ON THE EAST LINE OF SAID LOT 4A, A DISTANCE OF 149.68 FEET TO THE NORTHEAST CORNER OF LOT 4B, BLOCK 1, KEIDEL ESTATES FIRST ADDITION; THENCE SOUTH 00 DEGREES 01 MINUTE 59 SECONDS WEST ON THE EAST LINE OF SAID LOT 4B, A DISTANCE OF 150.21 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4B; THENCE SOUTH 89 DEGREES 35 MINUTES 10 SECONDS WEST ON THE SOUTH LINE OF SAID LOT 4B A DISTANCE OF 219.91 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 00 DEGREES 01 MINUTE 09 SECONDS EAST ON SAID WEST LINE A DISTANCE OF 300.02 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 1.51 ACRES, MORE OR LESS.



SCALE: 1"=40'

OCTOBER 5, 2024

© MONUMENT IN PLACE

SES GEOMATICS

ORDINANCE NO. 1457

AN ORDINANCE ANNEXING CERTAIN ADJOINING LANDS TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, AND EXTENDING THE CORPORATE BOUNDARIES THEREOF.

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

WHEREAS, the City of Mandan, Morton County, North Dakota has determined it to be its interests to annex the hereinafter described property, which is contiguous to the City of Mandan, Morton County, North Dakota, but not embraced within the limits thereof, and has met all requirements as directed by Section 40-51.2-03 of the North Dakota Century Code.

SECTION 1. PROPERTY ANNEXED. The following described land is situated in the County of Morton, State of North Dakota, and contiguous to the corporate limits of the City of Mandan, North Dakota, and is hereby added to, taken into, annexed and made part of the City of Mandan, namely:

ALL OF LOTS 4A AND 4B OF BLOCK 1, KEIDEL ESTATES FIRST ADDITION & PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 34; THENCE SOUTH 00 DEGREES 01 MINUTES 09 SECONDS WEST ON THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 299.58 FEET TO THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 4A, BLOCK 1, KEIDEL ESTATES FIRST ADDITION AND THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 37 MINUTES 08 SECONDS EAST ON SAID EXTENSION LINE, A DISTANCE OF 220.03 FEET TO THE NORTHEAST CORNER OF SAID LOT 4A; THENCE SOUTH 00 DEGREES 03 MINUTES 18 SECONDS WEST ON THE EAST LINE OF SAID LOT 4A, A DISTANCE OF 149.68 FEET TO THE NORTHEAST CORNER OF LOT 4B, BLOCK 1, KEIDEL ESTATES FIRST ADDITION; THENCE SOUTH 00 DEGREES 01 MINUTE 59 SECONDS WEST ON THE EAST LINE OF SAID LOT 4B, A DISTANCE OF 150.21 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4B; THENCE SOUTH 89 DEGREES 35 MINUTES 10 SECONDS WEST ON THE SOUTH LINE OF SAID LOT 4B A

DISTANCE OF 219.91 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 00 DEGREES 01 MINUTE 09 SECONDS EAST ON SAID WEST LINE A DISTANCE OF 300.02 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 1.51 ACRES, MORE OR LESS.

SECTION 2. CORPORATE BOUNDARY EXTENDED. Upon the taking effect of this Ordinance, the corporate limits and boundary lines of the City of Mandan shall thereafter include said lands.

James Froelich, President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

First Consideration:
Second Consideration and Final Passage:

November 5, 2024
November 19, 2024



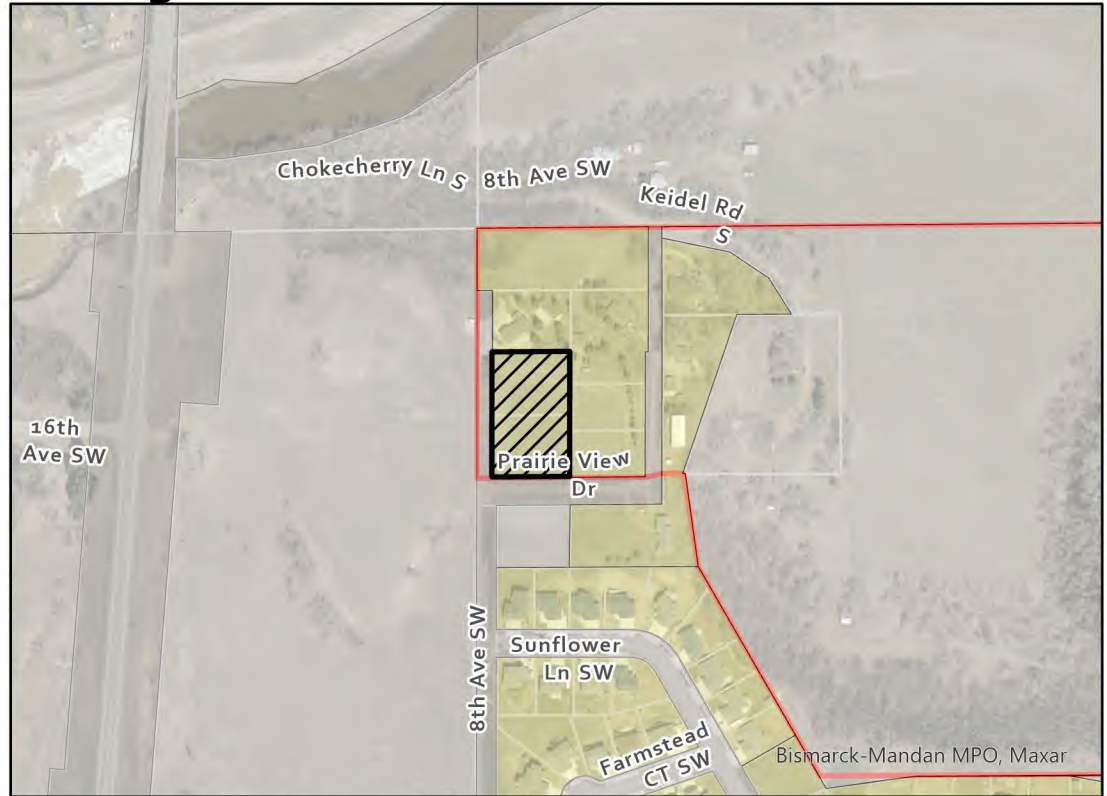
Zoning and Future Land Use Reference Map

Lots 4A and 4B, Keidel Estates

Zoning Map Key

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

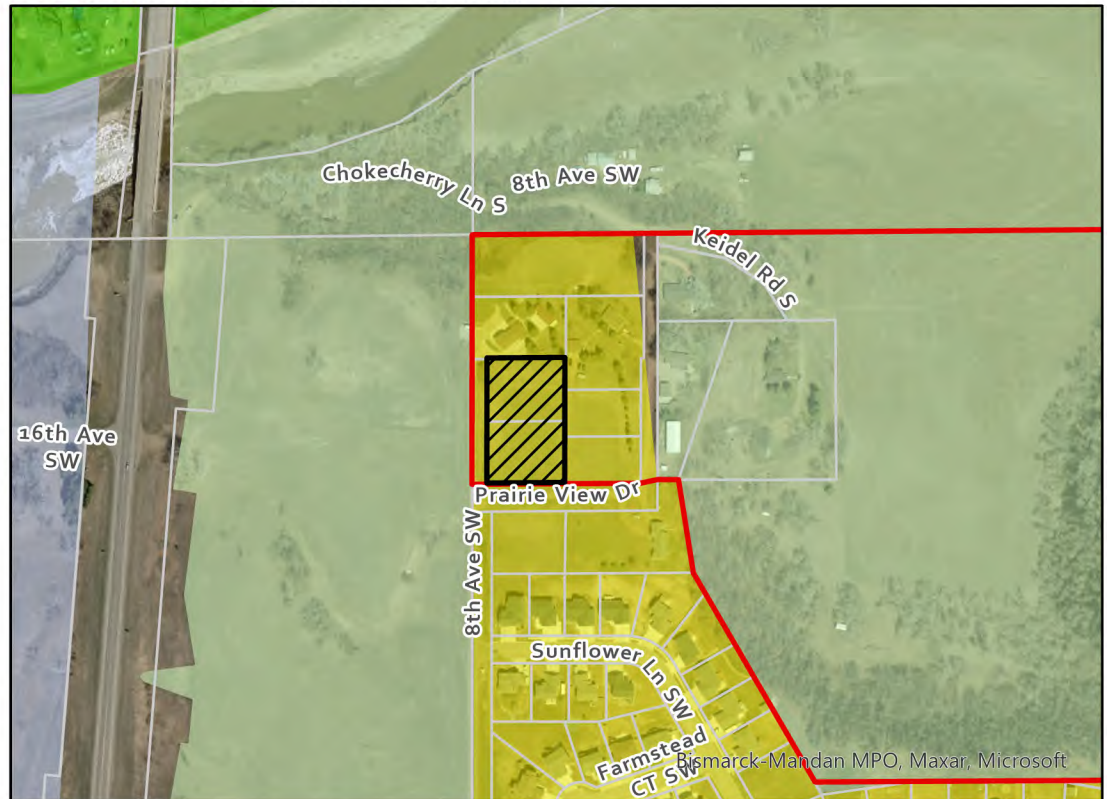
Zoning



Future Land Use Plan Key

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

Future Land Use Plan





City Commission

Agenda Documentation

MEETING DATE: November 5, 2024
PREPARATION DATE: November 5, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider resolution (see Resolutions and Ordinances K.4.) determining insufficiency of protest for Street Improvement District 239 - Memorial Highway.

STATEMENT/PURPOSE:

BACKGROUND/ALTERNATIVES:

ATTACHMENTS:

None

FISCAL IMPACT:

STAFF IMPACT:

LEGAL REVIEW:

RECOMMENDATION:

SUGGESTED MOTION:



City Commission

Agenda Documentation

MEETING DATE: November 5, 2024
PREPARATION DATE: October 15, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider Old Red Trail Shared Use Path Mill & Overlay bids

STATEMENT/PURPOSE:

To consider bids for the Old Red Trail Shared Use Path project.

BACKGROUND/ALTERNATIVES:

On October 11th, the North Dakota Department of Transportation opened construction bids for the Park District's Old Red Trail Shared Use Path mill & overlay project. This project would include an asphalt mill and overlay on the 10' trail on the south/west side of Old Red Trail, from 30th Avenue NW to Sunset Drive.

ATTACHMENTS:

1. Notice of Bids

FISCAL IMPACT:

The low bid was submitted by Strata Corporation in the amount of \$425,558.50. The local share of this is estimated to be \$81,154.01. The City would assess 100% of these costs to the Mandan Parks District.

STAFF IMPACT:

Minimal.

LEGAL REVIEW:

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

RECOMMENDATION:

To award the bid to Strata Corporation, as presented.

SUGGESTED MOTION:

I move to award the bid to Strata Corporation, as presented.

October 14, 2024

Jarek Wigness
City Engineer
205 Second Ave NW
Mandan, ND 58554

**PROJECT: TAU-1-988(049), PCN 23914 -MORTON CO; OLD RED TRAIL, EAST OF 30TH AVE NW
TO SUNSET DRIVE – MANDAN**

Dear Mr. Wigness:

Bids for the construction on the above noted project were taken at our bid opening of October 11, 2024. A copy of the Contract Detail Estimate and Abstract of Bids are enclosed.

The low bid for SHARED USE PATH MILL & OVERLAY was submitted by Strata Corporation of Grand Forks, ND in the amount of \$425,558.50. According to the agreement with the City of Mandan, the City's share for **TAU-1-988(049)** is estimated to be \$81,154.01. Federal Funds obligated for this project shall not exceed 80.93 percent of the total eligible project cost. The balance of the project cost is the obligation of the City.

The Department will review the low bidder's proposal to assure that the Disadvantaged Business Enterprise Program requirements have been met. Upon review of the contractor's Disadvantaged Business Enterprise Program, the Department will advise you via email whether this project may be awarded. The City must award the contract before the Department will concur in the award; therefore, the City must notify the Department in writing as soon as possible after the award is made. Contracts cannot be executed prior to the date of the Department's concurrence.

Questions should be addressed to the Construction Services Division at 701-328-2566.

Sincerely,



Phillip Murdoff, PE
Construction Services Engineer

80/pm/jmm
Enclosure

North Dakota **FEDERAL AID**
Project Number: **TAU-1-988(049)**

PCN: **23914**
Job Number: **23914**

Bid Opening Date: **10/11/2024**
English/Metric: **ENGLISH**
Signed Date:

Contract with **STRATA CORPORATION GRAND FORKS, ND**

County(s): **MORTON**
Location: **OLD RED TRAIL, EAST OF 30TH AVE NW TO SUNSET DRIVE - MANDAN**

Roadway: **URBAN**
L108_059M FR MEASURE 2.0817 TO MEASURE 3.8349
Type: **SHARED USE PATH REHABILITATION MILL AND OVERLAY**

Participating: **Y**

Spec	Code	Item Description	Quantity	Unit	Unit Price	Amount
103	0100	CONTRACT BOND	1.000	L SUM	\$2,600.00	\$2,600.00
202	0114	REMOVAL OF CONCRETE PAVEMENT	208.000	SY	\$90.00	\$18,720.00
202	0130	REMOVAL OF CURB & GUTTER	351.000	LF	\$12.00	\$4,212.00
202	0132	REMOVAL OF BITUMINOUS SURFACING	165.000	SY	\$90.00	\$14,850.00
216	0100	WATER	44.000	M GAL	\$85.00	\$3,740.00
251	0300	SEEDING CLASS III	0.730	ACRE	\$12,500.00	\$9,125.00
251	2000	TEMPORARY COVER CROP	0.730	ACRE	\$760.00	\$554.80
253	0201	HYDRAULIC MULCH	1.460	ACRE	\$3,300.00	\$4,818.00
302	0121	AGGREGATE BASE COURSE CL 5	34.000	CY	\$160.00	\$5,440.00
411	0114	MILLING PAVEMENT SURFACE - 2 INCH	9,838.000	SY	\$3.15	\$30,989.70
430	0500	COMMERCIAL GRADE HOT MIX ASPHALT	1,118.000	TON	\$190.00	\$212,420.00
550	0300	8IN NON-REINF CONCRETE PVMT CL AE-DOWELED	107.000	SY	\$200.00	\$21,400.00
702	0100	MOBILIZATION	1.000	L SUM	\$25,650.00	\$25,650.00
704	1000	TRAFFIC CONTROL SIGNS	318.000	UNIT	\$3.00	\$954.00
704	1060	DELINEATOR DRUMS	9.000	EA	\$15.00	\$135.00
704	1067	TUBULAR MARKERS	110.000	EA	\$4.00	\$440.00
708	1540	INLET PROTECTION-SPECIAL	7.000	EA	\$225.00	\$1,575.00
708	1541	REMOVE INLET PROTECTION-SPECIAL	7.000	EA	\$95.00	\$665.00
748	0140	CURB & GUTTER-TYPE I	351.000	LF	\$75.00	\$26,325.00
750	0140	SIDEWALK CONCRETE 6IN	193.000	SY	\$165.00	\$31,845.00
750	2115	DETECTABLE WARNING PANELS	140.000	SF	\$65.00	\$9,100.00
Subtotal						\$425,558.50
Eng and Contg						\$0.00
Total						\$425,558.50

Length **1.7530 Miles**

Estimated Cost		Construction
		\$425,558.50
TAU FEDERAL FUNDS	80.93%	\$344,404.49
TAU MANDAN CITY FUNDS	19.07%	\$81,154.01

North Dakota **FEDERAL AID**

Project Number: **TAU-1-988(049)**

PCN: **23914**

Job Number: **23914**

Bid Opening Date: **10/11/2024**

English/Metric: **ENGLISH**

Summary for Project

Length

1.7530 Miles

MORTON

1.7530 Miles

Estimated Total Construction Cost:

\$425,558.50

Estimated Total Eng and Contg:

\$0.00

	Construction	Total
Estimated Cost	\$425,558.50	\$425,558.50
TAU FEDERAL FUNDS	\$344,404.49	\$344,404.49
TAU MANDAN CITY FUNDS	\$81,154.01	\$81,154.01

NDDOT TO MAKE CONTRACTOR PAYMENTS
NO CONSTRUCTION ENGINEERING REQUESTED
TA FEDERAL FUNDS ARE NOT LIMITED

ND DEPARTMENT OF TRANSPORTATION				SHEET NO 1 OF 2		ABSTRACT OF BIDS RECEIVED				
PROJECT NO. TAU-1-988(049)				NO. 23914	BIDDER ENGINEERS ESTIMATE		BIDDER STRATA CORPORATION		BIDDER KNIFE RIVER CORPORAT ION - NORTH CENTRAL	
COUNTY & DATE MORTON (059) OCT 11, 2024 09:30AM					GRAND FORKS, ND		SAUK RAPIDS, MN			
LENGTH & TYPE 1.753 MANDAN - OLD RED TRAIL										
COMPLETION TIME 10/14/25 SHARED USE PATH MILL & OVERLAY				C.C. CHECK RANK 00		C.C. BOND RANK 01		C.C. BOND RANK 02		
SPEC. NO.	ITEM DESCRIPTION	UNIT	QUANTITY	BID PRICE	AMOUNT	BID PRICE	AMOUNT	BID PRICE	AMOUNT	
103	CONTRACT BOND	L SUM	1000	6000000	6000000	2600000	2600000	1500000	1500000	
202	REMOVAL OF CONCRETE PAVEMENT	SY	208000	60000	1248000	90000	1872000	23000	478400	
202	REMOVAL OF CURB & GUTTER	LF	351000	30000	1053000	12000	421200	8000	280800	
202	REMOVAL OF BITUMINOUS SURFACING	SY	165000	40000	660000	90000	1485000	25000	412500	
216	WATER	M GAL	44000	40000	176000	85000	374000	130000	572000	
251	SEEDING CLASS III	ACRE	730	6000000	4380000	12500000	9125000	3700000	2701000	
251	TEMPORARY COVER CROP	ACRE	730	1500000	1095000	760000	554800	2250000	1642500	
253	HYDRAULIC MULCH	ACRE	1460	6000000	8760000	3300000	4818000	5125000	7482500	
302	AGGREGATE BASE COURSE CL 5	CY	34000	150000	5100000	160000	5440000	2490000	8466000	
411	MILLING PAVEMENT SURFACE - 2 INCH	SY	9838000	5000	49190000	3150	30989700	3750	36892500	
430	COMMERCIAL GRADE HOT MIX ASPHALT	TON	1118000	230000	25714000	190000	21242000	220000	24596000	
550	8IN NON-REINF CONCRETE PVMT CL AE-DOWELED	SY	107000	250000	26750000	200000	21400000	142000	15194000	
702	MOBILIZATION	L SUM	1000	41000000	41000000	25650000	25650000	52500000	52500000	
704	TRAFFIC CONTROL SIGNS	UNIT	318000	3000	954000	3000	954000	3750	1192500	
704	DELINEATOR DRUMS	EA	9000	30000	270000	15000	135000	18750	168750	
704	TUBULAR MARKERS	EA	110000	6000	660000	4000	440000	5000	550000	
708	INLET PROTECTION-SPECIAL	EA	7000	500000	3500000	225000	1575000	687500	4812500	
708	REMOVE INLET PROTECTION-SPECIAL	EA	7000	100000	700000	95000	665000	143750	1006250	
748	CURB & GUTTER-TYPE I	LF	351000	70000	2457000	75000	2632500	78000	2737800	
750	SIDEWALK CONCRETE 6IN	SY	193000	135000	2605500	165000	3184500	135000	2605500	
750	DETECTABLE WARNING PANELS	SF	140000	70000	980000	65000	910000	56000	784000	
TOTAL					49729400		42555850		45877850	
						NO LIMIT		NO LIMIT		

ND DEPARTMENT OF TRANSPORTATION				SHEET NO. 2 OF 2		ABSTRACT OF BIDS RECEIVED			
PROJECT NO. TAU-1-988(049)				NO. 23914		BIDDER NORTHERN IMPROVEMENT COMPANY		BIDDER	
COUNTY & DATE MORTON (059) OCT 11, 2024 09:30AM						FARGO, ND			
LENGTH & TYPE 1.753						C.C. BOND RANK 03		C.C.	
COMPLETION TIME 10/14/25 SHARED USE PATH MILL & OVERLAY								C.C.	
SPEC. NO.	ITEM DESCRIPTION	UNIT	QUANTITY	BID PRICE	AMOUNT	BID PRICE	AMOUNT	BID PRICE	AMOUNT
103	CONTRACT BOND	L SUM	1000	1104000	1104000				
202	REMOVAL OF CONCRETE PAVEMENT	SY	208000	67900	1412320				
202	REMOVAL OF CURB & GUTTER	LF	351000	18100	635310				
202	REMOVAL OF BITUMINOUS SURFACING	SY	165000	33900	559350				
216	WATER	M GAL	44000	54100	238040				
251	SEEDING CLASS III	ACRE	730	1294400	944941				
253	TEMPORARY COVER CROP	ACRE	730	650000	47450				
302	HYDRAULIC MULCH	ACRE	1460	3472000	506912				
302	AGGREGATE BASE COURSE CL 5	CY	34000	985400	3350360				
411	MILLING PAVEMENT SURFACE - 2 INCH	SY	9838000	4900	4820620				
430	COMMERCIAL GRADE HOT MIX ASPHALT	TON	1118000	220000	24596000				
550	8IN NON-REINF CONCRETE PVMT CL AE-DOWELED	SY	107000	176100	1884270				
702	MOBILIZATION	L SUM	1000	49763500	4976350				
704	TRAFFIC CONTROL SIGNS	UNIT	318000	3700	117660				
704	DELINEATOR DRUMS	EA	9000	18600	16740				
704	TUBULAR MARKERS	EA	110000	5000	55000				
708	INLET PROTECTION-SPECIAL	EA	7000	315000	220500				
708	REMOVE INLET PROTECTION-SPECIAL	EA	7000	133000	93100				
748	CURB & GUTTER-TYPE 1	LF	351000	96700	3394170				
750	SIDEWALK CONCRETE 6IN	SY	193000	167400	3230820				
750	DETECTABLE WARNING PANELS	SF	140000	69400	971600				
TOTAL					52181913				
				NO LIMIT					
ACTION TAKEN BY DEPARTMENT OF TRANSPORTATION				AWARD TO: STRATA CORPORATION		WHEN PRELIMINARY ARRANGEMENTS ARE COMPLETED.			
Deputy Director For Engineering:				3		DEPARTMENT OF TRANSPORTATION Deputy Director For Engineering			
				DATE OF AWARD					



City Commission

Agenda Documentation

MEETING DATE: November 5, 2024
PREPARATION DATE: October 23, 2024
SUBMITTING DEPARTMENT: Human Resources
DEPARTMENT DIRECTOR: Amy Berger
PRESENTER: Amy Berger, HR Director
SUBJECT: Consider appointing a member of the Civil Service Commission.

STATEMENT/PURPOSE:

Consider appointing a member of the Civil Service Commission.

BACKGROUND/ALTERNATIVES:

The duties of the Civil Service Commission are outlined in Chapter 20 of the Mandan Code of Ordinances. The commission consists of three members of the public at large. Brittany Bullinger, a member of the committee, has stepped down from her term due to relocating. This vacant term ends 2026. Brittany previously worked at NISC and recommended another HR professional within NISC to be considered.

August Taylor, a Human Resource Specialist at NISC, has submitted his application of interest, attached.

ATTACHMENTS:

1. AugustTaylor_Civil Service Commission Application_2024

FISCAL IMPACT:

Minimal, each member receives a stipend of \$35/meeting.

STAFF IMPACT:

NA

LEGAL REVIEW:

NA

RECOMMENDATION:

I recommend appointing August Taylor to serve the vacant term that runs through 2026.

SUGGESTED MOTION:

I move to appoint August Taylor to the vacant term of the Civil Service Commission that runs through 2026.

Civil Service Commission Application:

Name (First & Last):

August Taylor

Are you currently a resident of the City of Mandan?:

No, but I own or work at a business in Mandan

Business or Organization Name (if applicable):

National Information Solutions Cooperative (NISC)

Functional Title or Role:

HR Specialist

Please explain your reasons for wanting to serve on this board, commission, or committee:

I am wanting to serve on this commission to use my area of expertise to assist the City of Mandan to execute on their mission. I am passionate about policy, regulations, and benefits and enjoy striving to understand the "why" behind the decisions that local government and businesses make.

Please give a brief explanation of the skills or qualification you could bring to this board, commission or committee:

I have worked in an HR role for nearly 4 years. 2 years in talent acquisition and 2 years in employee engagement and benefits. Prior to these roles I obtained an MBA with HR concentration. I am also currently pursuing my Doctorate in Business Administration with a goal of completion in the fall of 2025. Within my professional and educational journey I have been a part of many boards, commissions, and committees. Starting in high school I was a 4 year member of youth in government. As a senior at the University of Mary I served as the Student Body President. In this role I was involved with a variety of student, faculty, and alumni groups. I am currently a member of the Knights of Columbus and serve on the Parish Council of the Pro-Cathedral of St. Mary's in Bismarck.

I am happy to share any other information you may need.



August Taylor

Human Resources Specialist
National Information Solutions Cooperative®
3131 Technology Drive NW
Mandan, ND 58554

 **e-mail:** august.taylor@nisc.coop

 **phone:** 866.999.6472 ext 6483

 **direct:** 701-667-6483



City Commission

Agenda Documentation

MEETING DATE: November 5, 2024
PREPARATION DATE: October 25, 2024
SUBMITTING DEPARTMENT: Business Development & Communications
DEPARTMENT DIRECTOR: Madison Cermak
PRESENTER: Madison Cermak, Business Development & Communications Director
SUBJECT: Small Business Saturday Proclamation

STATEMENT/PURPOSE:

To proclaim Nov. 30 as Small Business Saturday in the city of Mandan.

BACKGROUND/ALTERNATIVES:

The City has recognized the Saturday after Thanksgiving as Small Business Saturday for years in an effort to recognize and celebrate small businesses in our community. We also hope this day encourages citizens to shop locally for gifts this holiday season and support them year round.

ATTACHMENTS:

1. Small Business Saturday Proclamation

FISCAL IMPACT:

n/a

STAFF IMPACT:

n/a

LEGAL REVIEW:

n/a

RECOMMENDATION:

To approve proclaiming Nov. 30, 2024 as Small Business Saturday

SUGGESTED MOTION:

I move to approve proclaiming Saturday, Nov. 30, 2024 as Small Business Saturday in

City Commission

Agenda Documentation

November 5, 2024

Subject: Consider proclaiming Nov. 30, 2024 as "Small Business Saturday" in the city of Mandan

Page 2 of 2

the city of Mandan.



PROCLAMATION

“Small Business Saturday”

November 30, 2024

- WHEREAS** Mandan, North Dakota, celebrates our local small businesses and the contributions they make to our local economy and community; and
- WHEREAS** according to the United States Small Business Administration, there are 34.7 million small businesses in the United States, small businesses represent 99.7% of firms with paid employees, small businesses are responsible for 61.1% of net new jobs created since 1995, and small businesses employ 45.9% of the employees in the private sector in the United States, and
- WHEREAS** 68 cents of every dollar spent at a small business in the U.S. stays in the local community and every dollar spent at small businesses creates an additional 48 cents in local business activity as a result of employees and local businesses purchasing local goods and services; and
- WHEREAS** 59% of U.S. consumers aware of Small Business Saturday shopped or ate at a small, independently owned retailer or restaurant on Small Business Saturday 2023; and
- WHEREAS** Mandan, North Dakota supports our local businesses that create jobs, boost our local economy, and preserve our communities; and
- WHEREAS** advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

Now, Therefore, I, Mayor James Froelich, Mayor of Mandan, North Dakota, do hereby proclaim, November 30, 2024, as **SMALL BUSINESS SATURDAY** and urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday – celebrating its 15th year in 2024 – and Shop Small throughout the year.

James Froelich, President
Board of City Commissioners

Attest:

James Neubauer, City Administrator



City Commission

Agenda Documentation

MEETING DATE: November 5, 2024
PREPARATION DATE: October 25, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider State Water Commission Cost Share
Amendment request for Memorial Highway

STATEMENT/PURPOSE:

To consider submitting a cost share amendment request to include construction costs for the Memorial Highway project.

BACKGROUND/ALTERNATIVES:

The City of Mandan has an approved cost share agreement with the State Water Commission for pre-construction costs. With the construction bid opening for the project approaching, the City will need to formally request an amendment of that agreement to include eligible construction items.

Our engineering consultants, HDR and AE2S, have worked closely with the Department of Water Resources during the development of the utility improvements along Memorial Highway. We expect most, if not all, of the proposed drinking water improvements to be eligible for 60% cost share from the State Water Commission.

ATTACHMENTS:

None

FISCAL IMPACT:

We are currently estimating the eligible water improvements to cost about \$11M overall. We would submit a proposed amendment to the State Water Commission for 60% cost share on the construction items, about \$6.5M.

STAFF IMPACT:

Minor impact related to the amendment request.

LEGAL REVIEW:

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

RECOMMENDATION:

To approve submitting a cost share amendment for the Memorial Highway Project to the State Water Commission

SUGGESTED MOTION:

I move to approve submitting the cost share amendment for the Memorial Highway Project.



City Commission

Agenda Documentation

MEETING DATE: November 5, 2024
PREPARATION DATE: October 25, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider approval of Urban Grant Program application

STATEMENT/PURPOSE:

To consider an Urban Grant Program application for Phase II of the downtown reconstruction project.

BACKGROUND/ALTERNATIVES:

The Metropolitan Planning Organization (MPO) has requested NDDOT funding applications to be submitted to them. The City's Phase II downtown reconstruction project would fit the Urban Grants Program (UGP) solicitation. Phase I was awarded through this program, and we believe that Phase II will be a competitive application.

ATTACHMENTS:

1. Phasing Map
2. Signature Page

FISCAL IMPACT:

The City would be eligible for up to 80% of the eligible costs on the project, this would be about \$3.0M. Phase I was awarded at 65%, so there is potential for partial awards.

STAFF IMPACT:

Minimal

LEGAL REVIEW:

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

RECOMMENDATION:

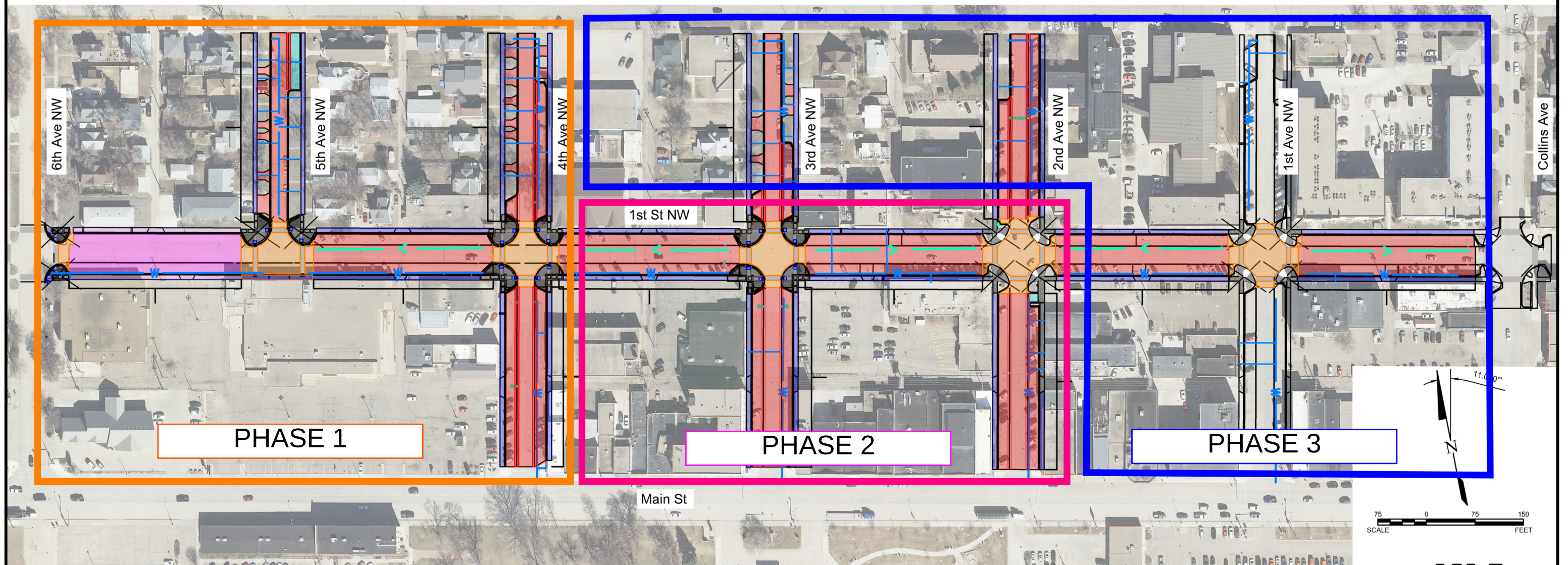
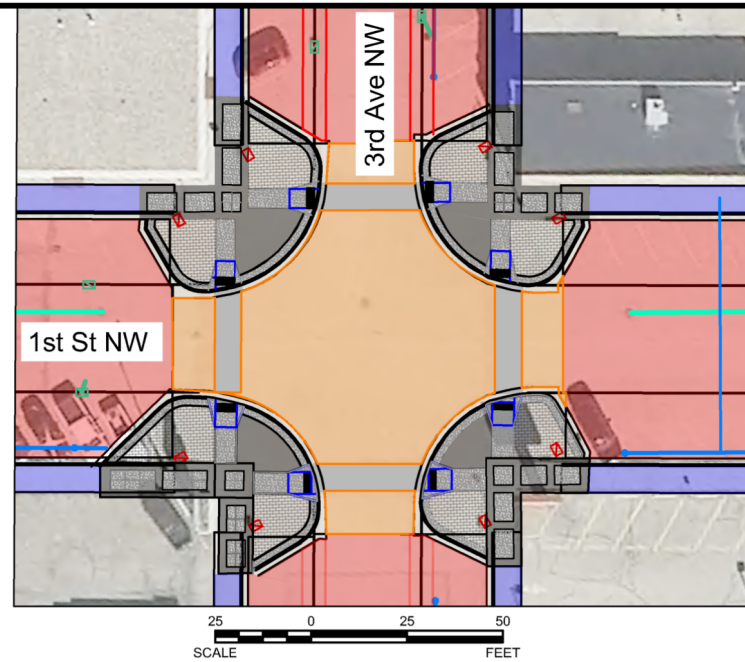
To approve the UGP application.

SUGGESTED MOTION:

I move to approve the UGP application, as presented.

UGP-1-988(045) PCN 22551
 SID 217 Estimate Exhibit
 PER BLOCK PRELIMINARY OPINION OF
 PROBABLE CONSTRUCTION COST
 01/10/2023

- CPR
- Intersection CPR
- Concrete Pavement



PRELIMINARY - NOT FOR CONSTRUCTION



Urban Grant Program Application

Coversheet

LPA

City of Mandan

Contact Person

Jarek Wigness

Title

City Engineer

Address

205 2nd Avenue Northwest, Mandan, ND 58554

Telephone

701-667-3227

Email

jarek.wigness@cityofmandan.com

Project Name

Mandan Downtown 1st Street and Avenues Reconstruct (Phase 2)

LPA Applicant Signature (Highest Elected Official)

James Froelich,
Mayor

NDDOT District Engineer Signature if project is located on/impacts a State Highway

Date Submitted: [Click here to enter a date.](#)

Application Attachment Checklist (check all that have been attached)

☒ Relevant excerpts from adopted plans ☒ Map(s) depicting project location ☒ Cross Section of Roadway/facility

☒ Pictures, Graphics, and/or other visual aids ☒ Relevant supporting data

☒ Other Attachments (describe)

Detailed Total Project Cost Breakdown dated October 2024

Information in this Box is for NDDOT to Complete

Date Received _____

Is this Project Title 23 Code of Federal Regulation Eligible including location on a federal aid route?

Yes ☐ No ☐



City Commission

Agenda Documentation

MEETING DATE: November 5, 2024
PREPARATION DATE: October 28, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider Final Plat for Mandan Industrial Park 14th Addition.

STATEMENT/PURPOSE:

Consider Final Plat for Mandan Industrial Park 14th Addition.

BACKGROUND/ALTERNATIVES:

Central Bottling Company, Inc. is requesting a final plat approval for Mandan Industrial Park 14th Addition. The purpose of this request is to increase the size of the bottling facilities property by combining it with the lot to the east of it, which is in a separate subdivision. The property is located at 2517 34th Avenue NW in the Mandan Industrial Park, west of Old Red Trail NW on the south side of 34th Avenue NW.

Request Overview

The request includes the platting of the existing properties into a single lot and have them all have the same zoning distinction. The property currently consists of two parcels in two separate subdivisions, a vacated right of way that was not platted over to combine, and a property zoned MA - Industrial and a vacant lot zoned agricultural. The property to be combined would result in a 6.12 acre lot to be MA - Industrial zoned and used for that purpose. The preliminary plat and zone change was approved at the September 2024 Planning and Zoning Commission meeting, and the City Commission approved the first consideration of Ordinance 1455 and the preliminary plat at its October 15th, 2024 meeting. The Final Plat was approved at the October 28, 2024 Planning and Zoning Commission meeting.

Property History

Mandan Industrial Park was platted in 1974, and Sunview Heights is believed to have been platted in 1964, based on limited subdivision records. The section line/right-of-way vacation occurred after the platting, in 1981. At the time, it was not standard practice to require a plat to absorb vacated property. Imagery records suggest that the vacant lot in

Sunview Heights was never developed with structures. The central bottling facility, built in 1982, has remained largely unchanged over the years.

Final Plat

The final plat is 6.12 acres in size and would contain one lot in one block. The plat includes various easements including those for public utilities and a water transmission line.

Adjacent Properties Zoning, Land Use, and Future Land Use

Adjacent properties are zoned and used as follows: to the east, residential homes zoned R7 - Residential. To the south, commercial offices zoned CC - Commercial. To the west and north, industrial facilities zoned MA - Industrial. The future land use distinction for this property is industrial.

Additional Information and Public Outreach

- An application and fee of \$1000 was received on September 27, 2024.
- Twenty-three letters were sent to adjacent property owners on October 9, 2024. This item was also noticed in the Mandan News.

Findings of Fact Final Plat

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was approved by the Planning and Zoning Commission;
3. The proposed subdivision generally demonstrates an ability for the property to align with the Future Land Use Plan and other plans and studies;
4. The proposed subdivision is not located in the Special Flood Hazard Area or an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or areas that are topographically unsuited for development;
5. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
6. The proposed subdivision is generally consistent with the master plan, other adopted plans, policies and accepted planning practice; and
7. The proposed subdivision would not adversely affect the public health, safety, and general welfare.

Staff Comments

- Mandan Architecture Review Commission considered and approved plans for a small building addition at their October 8, 2024 meeting.

- Non-access lines may be requested along Old Red Trail NW as a preventative measure for access management of the arterial road system.

ATTACHMENTS:

1. Application
2. Final Plat - Mandan Ind. Park 14th Add.
3. images
4. Location Map

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

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

RECOMMENDATION:

Planning Staff and the Planning and Zoning Commission recommend approval of the final plat.

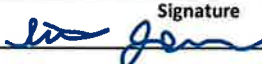
SUGGESTED MOTION:

I move to approve the final plat for Mandan Industrial Park 14th Addition.

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

Engineer/Surveyor			Property Owner or Applicant		
Name Mark R. Isaacs, RLS - ILSE, Inc.			Name Central Bottling Company, Inc.		
Address 4215 Old Red Trail NW			Address PO Box 660937		
City Mandan	State ND	Zip 58554	City Dallas	State TX	Zip 75266
email mark@ilsurveynd.com			email		
Phone 701-595-2079		Fax	Phone		Fax
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name
☒ City	☐ ETA	☐ New	☒ Addition	MA / AG.	MA	Mandan Industrial Park 14th Addition
Property Address				Legal Description		
2517 34th Street NW, Mandan, ND				Lots 4 & 5, Block 1 in Mandan Industrial Park		
Current Use						
Warehouse/Distribution				Part of Lot 2 in Sunview Heights & Vacated ROW		
Proposed Use						
Warehouse/Distribution				Section 16 & 17	Township 139	Range 81
Parcel Size	Building Footprint	Stories	Building SF	Required Parking		Provided Parking
6.05 Acres						

Print Name Steve Jensen	Signature 	Date 08/22/24
----------------------------	--	------------------

Office Use Only			
Date Received:	Initials: <i>nm</i>	Fees Paid: \$ 1000	Date 8-23-2024
Notice in paper		Mailed to neighbors	P&Z meeting
☐ Approved	Approved with conditions:		
☐ Denied			

MANDAN INDUSTRIAL PARK 14TH ADDITION

TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA
LOTS 4 AND 5, BLOCK 1 IN "MANDAN INDUSTRIAL PARK" IN THE
SOUTHEAST QUARTER OF SECTION 17, T139N, R81W;
AND PART OF LOT 2 IN "SUNVIEW HEIGHTS" AND VACATED RIGHT OF WAY
IN THE SOUTHWEST QUARTER OF SECTION 16, T139N, R81W

PROPERTY DESCRIPTION

ALL OF LOTS 4 AND 5, BLOCK 1 IN MANDAN INDUSTRIAL PARK IN SOUTHEAST QUARTER OF SECTION 17 AND LOT 2 IN SUNVIEW HEIGHTS AND VACATED RIGHT OF WAY IN THE SOUTHWEST QUARTER OF SECTION 16; ALL IN TOWNSHIP 139 NORTH, RANGE 81 WEST IN THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 16; THENCE SOUTH 00° 06' 29"EAST A DISTANCE OF 463.53 FEET TO THE SOUTH RIGHT OF WAY LINE OF 34TH STREET NW AND THE POINT OF BEGINNING; THENCE NORTH 89° 52' 09" EAST ON SAID SOUTH LINE A DISTANCE OF 132.91 FEET TO THE WEST RIGHT OF WAY LINE OF OLD RED TRAIL NW; THENCE SOUTH 20° 07' 38" EAST ON SAID WEST LINE A DISTANCE OF 255.78 FEET TO THE SOUTHEAST CORNER OF LOT 2 IN SUNVIEW HEIGHTS; THENCE SOUTH 68° 25' 27" WEST ON THE SOUTH LINE OF SAID LOT 2 A DISTANCE OF 216.06 FEET TO THE CENTER OF THE VACATED RIGHT OF WAY; THENCE SOUTH 00° 06' 29" EAST ON SAID CENTER OF VACATED RIGHT OF WAY A DISTANCE OF 39.67 FEET; THENCE SOUTH 89° 51' 18" WEST PASSING INTO SAID SECTION 17 ON THE SOUTH LINE OF LOT 5 OF MANDAN INDUSTRIAL PARK AND THE EXTENSION THEREOF A DISTANCE OF 403.14 FEET; THENCE NORTH 00° 08' 23" WEST ON A LINE OF LOT 4 IN MANDAN INDUSTRIAL PARK A DISTANCE OF 39.81 FEET; THENCE SOUTH 89° 55' 11" WEST ON A SOUTH LINE OF SAID LOT 4 A DISTANCE OF 216.61 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE NORTH 00° 10' 41" WEST ON THE WEST LINE OF SAID LOT 4 A DISTANCE OF 385.02 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE SOUTH 72° 43' 43" EAST ON THE SOUTH RIGHT OF WAY LINE OF 34TH STREET NW A DISTANCE OF 220.32 FEET; THENCE NORTH 89° 52' 09" EAST ON SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 390.59 FEET TO THE POINT OF BEGINNING; CONTAINING 6.12 ACRES, MORE OR LESS, AND SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS.

OWNER'S CERTIFICATE OF DEDICATION

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

CENTRAL BOTTLING COMPANY, INC.

STATE OF _____)
COUNTY OF _____) SS

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ____ DAY OF _____, 2024.

NOTARY PUBLIC _____

PLANNING COMMISSION APPROVAL

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

BILL ROBINSON - CHAIRMAN

NANCY MOSER - SECRETARY

APPROVAL OF THE BOARD OF CITY COMMISSIONERS

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

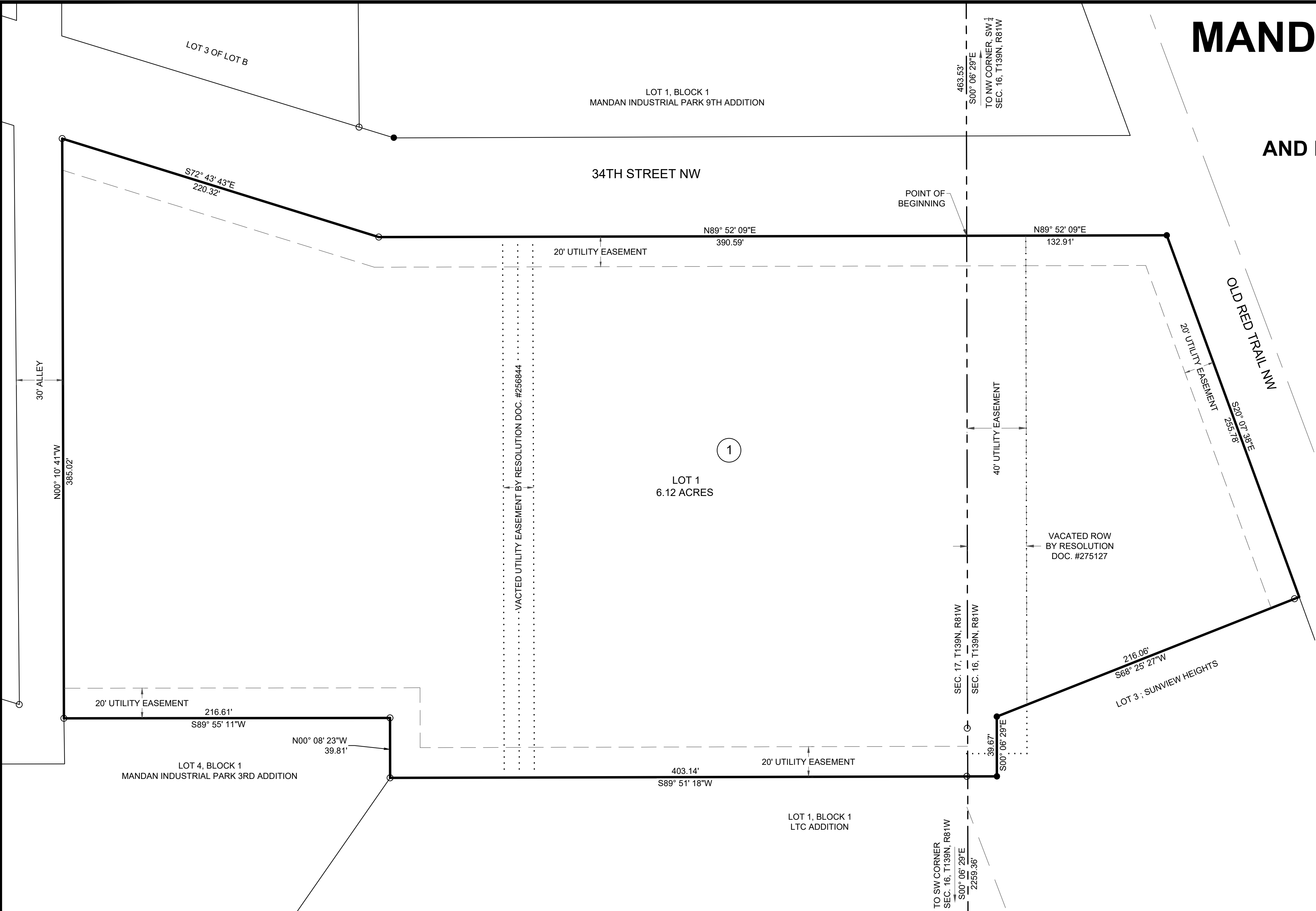
JIM NEUBAUER - CITY ADMINISTRATOR

JAMES FROELICH - PRESIDENT OF THE BOARD
OF CITY COMMISSIONERS

I, JAREK WIGNESS, CITY ENGINEER FOR THE CITY OF MANDAN, NORTH DAKOTA, HEREBY APPROVES "MANDAN INDUSTRIAL PARK 14TH ADDITION" LYING WITHIN THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JAREK WIGNESS, PE

MANDAN INDUSTRIAL PARK 14TH ADDITION SECTION 16, T-139-N, R-81-W SECTION 17, T-139-N, R-81-W MANDAN, NORTH DAKOTA		I ndependent L and S urveying & E ngineering 4215 Old Red Trail NW Mandan, ND 58554 Phone: 701-663-5184 Cell: 701-595-2079 mark@ilsurveynd.com
SHEET: 1 OF 1	JOB NUMBER: 24111	
SCALE: 1"= 40'	DWG REVISION DATES	
DRAWN BY: MRI	- - -	
DWG DATE: 9/26/24	- - -	
DWG NAME: 24111 Final Plat.dwg		



SURVEYOR'S CERTIFICATE

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

MARK R. ISAACS, RLS 9628

AREA TABLE

LOT 1	6.12 ACRES (266,587 SF)
TOTAL	6.12 ACRES (266,587 SF)

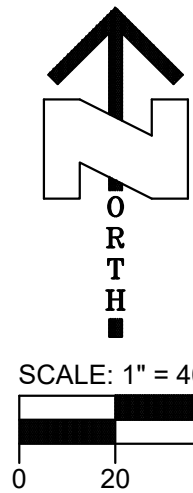
LEGEND

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

OWNER:
CENTRAL BOTTLING COMPANY, INC.
PO BOX 660937
DALLAS, TX 75266

NOTES:

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



DATE: SEPTEMBER 26TH, 2024

VERTICAL DATUMN - NAVD 1988.

BASED ON NORTH DAKOTA SOUTH ZONE-NAD83, INTERNATIONAL FEET.

MEASUREMENTS HAVE BEEN ESTABLISHED BY RTK FROM THE "BSMK" CORS STATION AND ARE REPORTED IN GRID.

Images



Looking south towards the property.



Looking west towards the property.



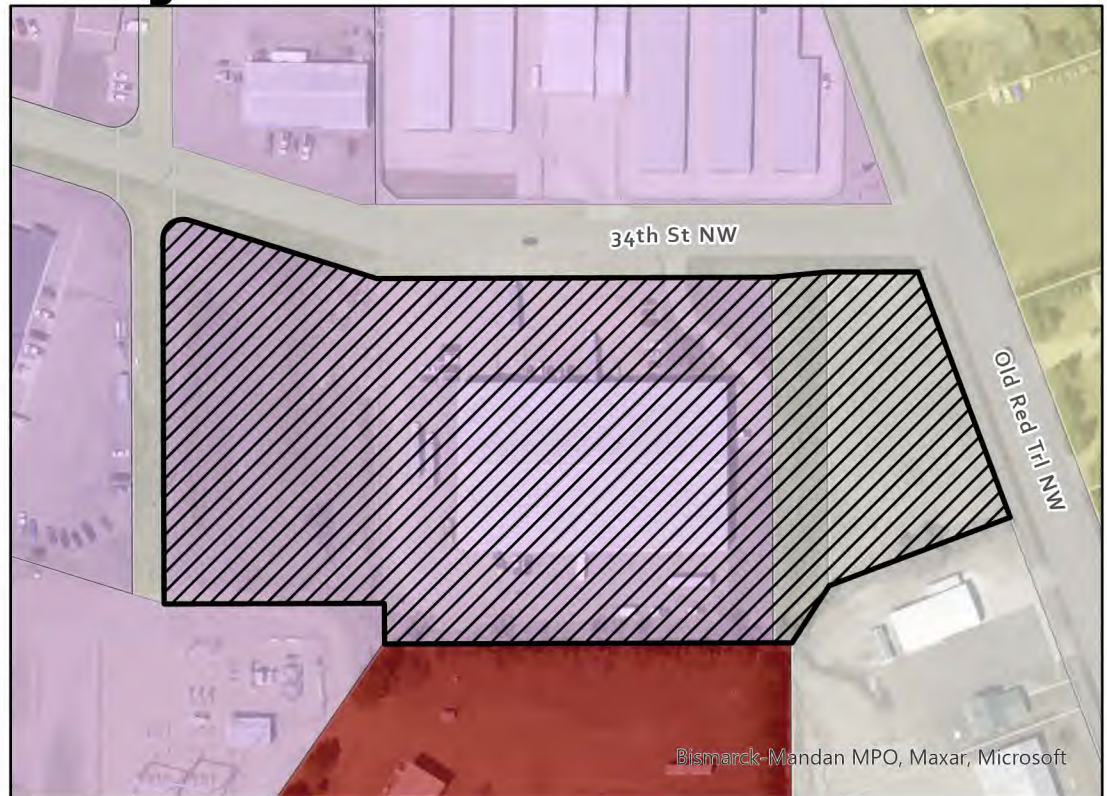
Zoning and Future Land Use Reference Map

Mandan Industrial Park 14th Addition

Zoning

Zoning Map Key

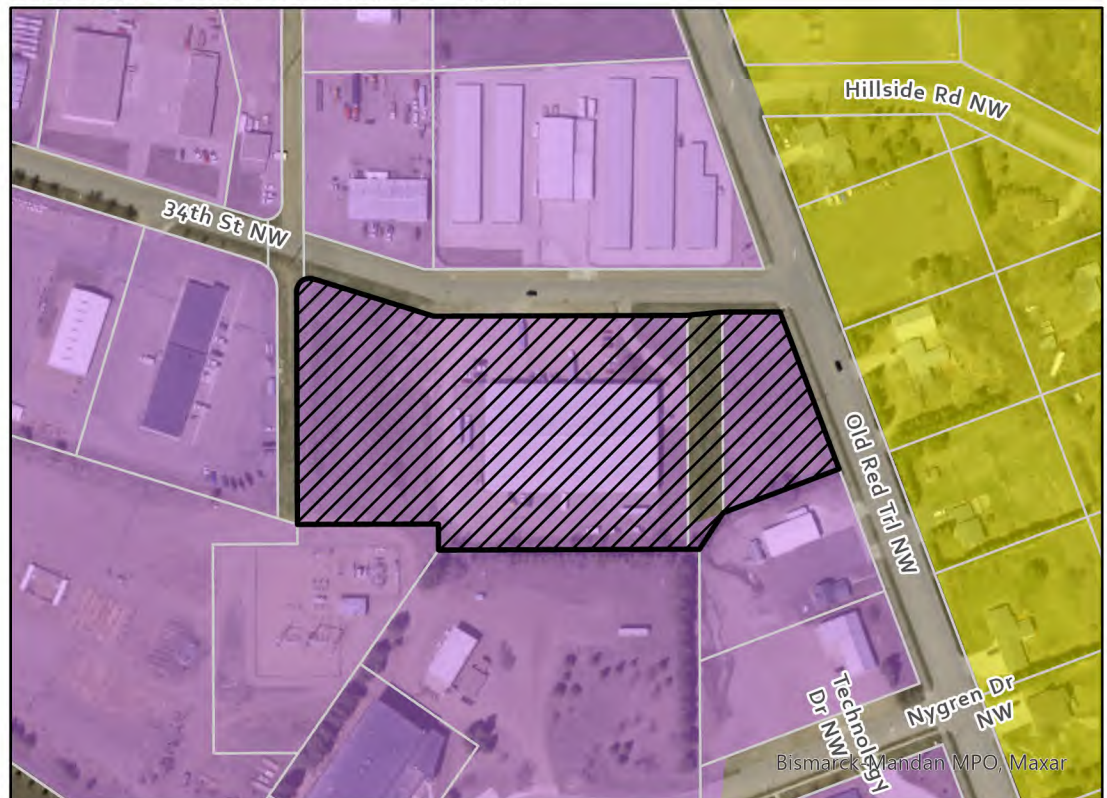
- | | |
|---|---|
| Agriculture - City of Mandan | MD - Heavy Commercial/Heavy Industrial Restricted |
| Agriculture - Morton County | MHS - Trailer Park |
| CA - Neighborhood Commercial | PUD - Planned Unit Development |
| CB - Business Commercial | R3.2 - Residential Single & Two Family |
| CC - Commercial/Light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



Future Land Use Plan Key

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

Future Land Use Plan





City Commission

Agenda Documentation

MEETING DATE: November 5, 2024
PREPARATION DATE: October 29, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider a request for final plat for Biwer Subdivision

STATEMENT/PURPOSE:

Consider a request for final plat and second consideration of Ordinance No. 1456, an exclusion/de-annexation for Biwer Subdivision

BACKGROUND/ALTERNATIVES:

Thomas Biwer, et al., and the City of Mandan, on behalf of the Lower Heart River Water Resource District (LHRWRD), are requesting consideration of a final plat for the Biwer Subdivision, an 11.14-acre development in southeast Mandan. This request would facilitate the transfer of a 1.5-acre portion from the City of Mandan's parcel (LOT A of NW 1/4 SE 1/4 & LOT A of GOV LOT 7, less 12.32 acres of LOT 7, totaling 44.28 acres, parcel 9001C) to be combined with Thomas Biwer et al.'s parcel (LOT 1 of GOV LOT 8, including the former AUD LOT A of NE 1/4, 9.64 acres) through the platting process.

Property History

The City of Mandan, in partnership with LHRWRD, has been working on transferring land from this parcel to the Biwer parcel as part of a real estate transaction approved by the City Commission. This transfer is intended to support the construction of the Mandan Flood Risk Reduction project. Tom Biwer has offered the City a crucial 1.5-acre piece of land along the levee centerline, near the subject subdivision, in exchange for 1.5 acres of City-owned land adjacent to his property involved in this subdivision. A preliminary plat for this subdivision was introduced at the September Planning and Zoning Commission and was recommended for approval. The City Commission considered and accepted this recommendation, voting to approve the preliminary plat, at its October 15th 2024 meeting. The Planning and Zoning Commission considered and approved the final plat at its October 28, 2024 meeting.

Final Plat

The final plat comprises 11.14 acres in size and include open lot in one block. It details

the property being located in a special flood hazard area. The portion of land to be acquired from the City and combined with the Biwer lot is roughly 103 feet by 630 feet and is the southwest most portion of the plat.

Adjacent Properties Zoning, Land Use, and Future Land Use

Adjacent properties to to the east are zoned R7 - Residential and used for single-unit residential purposes. To the south and west, properties are undeveloped and zoned A - Agriculture. To the north, the City's wastewater treatment plant is located and is zoned A - Agriculture. The future land use plan designates this area as open space.

Additional Information and Public Outreach

- An application was received on September 19, 2024.
- Twenty-seven letters were sent to adjacent property owners on October 8, 2024. This item was also advertised as a public hearing in the Mandan News.
- The State of North Dakota Historic Preservation Office has commented that prior to development on this property, a cultural survey should be conducted. No development is proposed in association with this subdivision. It is solely a land transfer, at this point in time.

Staff comments:

- The City portion of this plat is presently in the City Limits. Subject to City Commission review, it may be "excluded" from the corporate limits, based on the request from Tom Biwer et. al.. The Biwer's desire the property they own in this area to be excluded from the corporate boundaries. The City Commission, at its 10/15/24 meeting, approved the first consideration of the exclusion ordinance no. 1456. It will return to City Commission for a second consideration at the November 5, 2024 meeting.

Findings of Fact Final Plat

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was approved by the Planning and Zoning Commission;
3. The proposed subdivision generally demonstrates an ability for the property to align with the Future Land Use Plan and other plans and studies;
4. Portions of the proposed subdivision are located in the Special Flood Hazard Area or an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or areas that are topographically

unsuited for development, however, no development is proposed on the lands within the subdivision;

5. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
6. The proposed subdivision is generally consistent with the master plan, other adopted plans, policies and accepted planning practice; and
7. The proposed subdivision would not adversely affect the public health, safety, and general welfare.

ATTACHMENTS:

1. Final Plat Application
2. Final Plat
3. images
4. Location Map - Biwer Sub.

FISCAL IMPACT:

N/A

STAFF IMPACT:

Considerable staff time has gone into the review of this request.

LEGAL REVIEW:

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

RECOMMENDATION:

Staff and the Planning and Zoning Commission recommend a motion to approve the final plat.

SUGGESTED MOTION:

I move to approve the final plat for Biwer Subdivision.

CITY OF MANDAN	
Development Review Application	
☐ Minor Plat (\$300)	☐ Zone Change (\$600)
☐ Preliminary Plat up to 20 acres (\$450)	☐ Planned Unit Development (\$700)
☐ Preliminary Plat more than 20 acres (\$500)	☐ Land Use and Transportation Plan Amendment (\$1,000)
☒ Final Plat up to 20 lots (\$450)	☐ Vacation (\$500)
☐ Final Plat 21 to 40 lots (\$600)	☐ Variance (\$400)
☐ Final Plat more than 40 lots (\$750)	☐ Special Use Permit (\$450)
☐ Annexation (\$450)	☐ Stormwater submittal (\$300)
☐ Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	☐ Stormwater 2 nd & subsequent resubmittal (\$50)
☐ Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	☐ Document Recording (\$30)
Summary of Request (Add separate sheet(s) as necessary)	
Plat to file land swap between City of Mandan and Biwer Irrevocable Trust for Lower Heart River Water Resource District Project.	

Engineer/Surveyor			Property Owner or Applicant		
Name Todd Norton/AE2S			Name Biwer Irr. Trust/City of Mandan		
Address 1815 Schafer St. Suite 301			Address 3718 Kingston Drive		
City Bismarck	State ND	Zip 58501	City Bismarck	State ND	Zip 58503
email todd.norton@ae2s.com			email biwer@bis.midco.net		
Phone 701-220-6642		Fax 701-221-0531	Phone 701-258-0297		Fax
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location			Type			Existing Zone	Proposed Zone	Project Name		
☐ City	☒ x	☐ ETA	☒ x	☐ New	☐ Addition	A	A	Biwer Subdivision		
Property Address						Legal Description				
3817 Lakewood Drive SE						Lot 1 Gov't Lot 8				
Current Use						and Portion of Gov't Lot 7				
Ag										
Proposed Use										
Ag						Section 12		Township 138N		Range 81W
Parcel Size 11.14	Building Footprint		Stories	Building SF		Required Parking		Provided Parking		

Print Name Thomas Biwer	Signature <i>Thomas Biwer</i>	Date 27 Sept 2024
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Office Use Only			
Date Received:	Initials: <i>nm</i>	Fees Paid: \$ <i>450</i>	Date <i>9-19-2024</i>
Notice in paper		Mailed to neighbors	P&Z meeting
☐ Approved	Approved with conditions:		
☐ Denied			

BIWER SUBDIVISION

ALL OF LOT 1 OF GOVERNMENT LOT 8 & A PORTION OF LOT A OF GOVERNMENT LOT 7,
NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 138 NORTH, RANGE 81 WEST OF THE 5TH P.M.
TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

DESCRIPTION

ALL OF LOT 1 OF GOVERNMENT LOT 8, PER DOC. NO. 414323, MORTON COUNTY RECORDER'S OFFICE, AND A PORTION OF AUDITOR'S LOT A OF GOVERNMENT LOT 7, PER DOC. NO. 193013, MORTON COUNTY RECORDER'S OFFICE, IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 138 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MANDAN, MORTON COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 12; THENCE SOUTH 00°02'03" EAST, PERPENDICULAR TO THE NORTH LINE OF SAID EXISTING LOT 1 OF GOVERNMENT LOT 8, A DISTANCE OF 872.44 FEET; THENCE SOUTH 89°57'57" WEST ON THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID EXISTING LOT 1 A DISTANCE OF 554.88 FEET TO THE NORTHEAST CORNER OF SAID EXISTING LOT 1 AND THE POINT OF BEGINNING; THENCE SOUTH 00°22'46" EAST ON THE EAST LINE OF SAID EXISTING LOT 1 A DISTANCE OF 10.82 FEET; THENCE SOUTH 29°00'53" WEST CONTINUING ON SAID EAST LINE A DISTANCE OF 971.43 FEET; THENCE NORTH 00°02'51" EAST CONTINUING ON SAID EAST LINE A DISTANCE OF 79.39 FEET; THENCE SOUTH 31°05'53" WEST CONTINUING ON SAID EAST LINE A DISTANCE OF 431.49 FEET TO THE SOUTHWEST CORNER OF SAID EXISTING LOT 1; THENCE NORTH 89°57'09" WEST PERPENDICULAR TO THE WEST LINE OF SAID EXISTING LOT 1 A DISTANCE OF 103.50 FEET; THENCE NORTH 00°02'51" EAST PARALLEL WITH SAID WEST LINE OF EXISTING LOT 1 A DISTANCE OF 631.30 FEET; THENCE SOUTH 89°57'09" EAST PERPENDICULAR TO SAID WEST LINE OF EXISTING LOT 1 A DISTANCE OF 103.50 FEET TO SAID WEST LINE OF EXISTING LOT 1; THENCE NORTH 00°02'51" EAST ON SAID WEST LINE A DISTANCE OF 518.71 FEET TO THE NORTHWEST CORNER OF SAID EXISTING LOT 1; THENCE NORTH 89°57'57" EAST ON THE NORTH LINE OF SAID EXISTING LOT 1 A DISTANCE OF 692.97 FEET TO THE POINT OF BEGINNING.

TOTAL TRACT CONTAINS 485.057 SQ FT OR 11.14 ACRES, MORE OR LESS.

SURVEYORS CERTIFICATE

I, TODD NORTON, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON 2024, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

SURVEY WAS BASED ON A SURVEY COMPLETED BY THOMAS M LAMBRECHT IN 2024. ALL NOTES AND PROCEDURES APPLIED TO THAT SURVEY ACCEPTED AND PERTINENT TO THIS SURVEY.

AE2S
1815 SCHAFER STREET STE. 301
BISMARCK, NORTH DAKOTA 58501

TODD NORTON
PROFESSIONAL LAND SURVEYOR
NORTH DAKOTA REGISTRATION NO. 4624

STATE OF)
COUNTY OF) SS

ON THIS ____ DAY OF ____ 2024, BEFORE ME PERSONALLY APPEARED TODD NORTON, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYORS CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC

COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MANDAN, ON THE ____ DAY OF ____ 2024, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF MANDAN AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF MANDAN.

BILL ROBINSON - CHAIRMAN

NANCY MOSER - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF MANDAN, NORTH DAKOTA AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE ____ DAY OF ____ 2024.

JAMES FROELICH - MAYOR

ATTEST: JIM NEUBAUER
CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, JAREK WIGNESS, CITY ENGINEER, HEREBY APPROVE "BIWER SUBDIVISION", MANDAN, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JAREK WIGNESS
CITY ENGINEER

OWNER'S CERTIFICATE

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

THOMAS BIWER
STATE OF)
COUNTY OF) SS

BRENDA BIWER

ON THIS ____ DAY OF ____ 2024, BEFORE ME PERSONALLY APPEARED THOMAS BIWER AND BRENDA BIWER, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING OWNER CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC

COUNTY, _____
MY COMMISSION EXPIRES _____

RACHEL A. BIWER

STATE OF)
COUNTY OF) SS

ON THIS ____ DAY OF ____ 2024, BEFORE ME PERSONALLY APPEARED RACHEL A. BIWER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING OWNER CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC

COUNTY, _____
MY COMMISSION EXPIRES _____

JEROME BIWER

STATE OF)
COUNTY OF) SS

ON THIS ____ DAY OF ____ 2024, BEFORE ME PERSONALLY APPEARED JEROME BIWER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING OWNER CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC

COUNTY, _____
MY COMMISSION EXPIRES _____

ROBERT BIWER

STATE OF)
COUNTY OF) SS

ON THIS ____ DAY OF ____ 2024, BEFORE ME PERSONALLY APPEARED ROBERT BIWER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING OWNER CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC

COUNTY, _____
MY COMMISSION EXPIRES _____

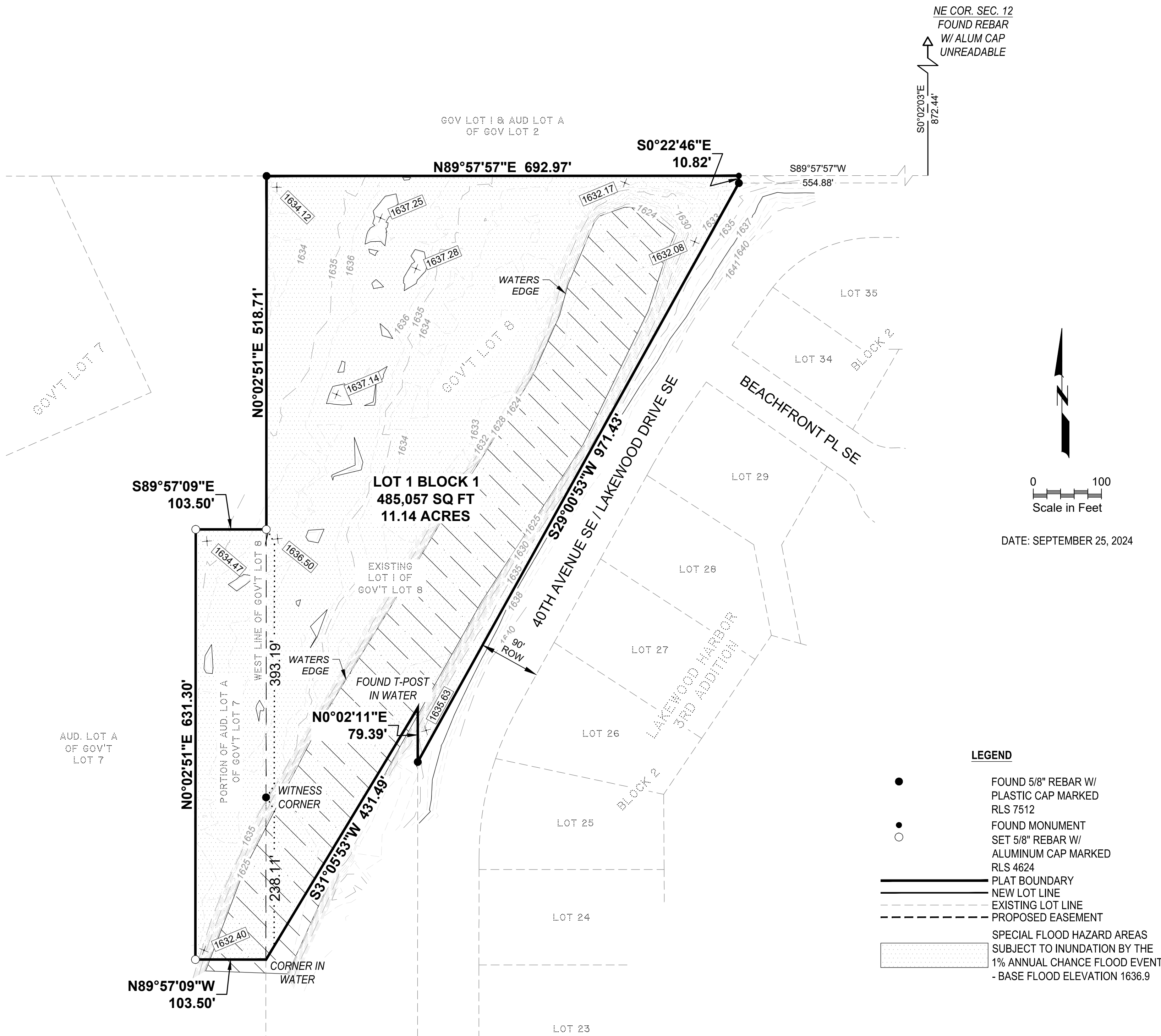
CYNTHIA BEMENT

STATE OF)
COUNTY OF) SS

ON THIS ____ DAY OF ____ 2024, BEFORE ME PERSONALLY APPEARED CYNTHIA BEMENT, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING OWNER CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC

COUNTY, _____
MY COMMISSION EXPIRES _____



LEGEND

- FOUND 5/8" REBAR W/ PLASTIC CAP MARKED RLS 7512
- FOUND MONUMENT SET 5/8" REBAR W/ ALUMINUM CAP MARKED RLS 4624
- ===== PLAT BOUNDARY
- ===== NEW LOT LINE
- EXISTING LOT LINE
- PROPOSED EASEMENT
- Special Flood Hazard Areas
- SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD EVENT - BASE FLOOD ELEVATION 1636.9

BASIS OF BEARING

NAD83 (CONUS) ND STATE PLANE
SOUTH ZONE. DISTANCES ARE GRID,
INTERNATIONAL FEET.
GRID TO GROUND CONVERSION:
1.0001515230

FLOODPLAIN NOTES

FIRM PANEL: 0515D
MAP NUMBER: 38059C0515D

NOTES:

- 1) BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF MEASUREMENT.
- 2) SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.

Draft

Images



Looking south towards the property.



Looking west towards the property.



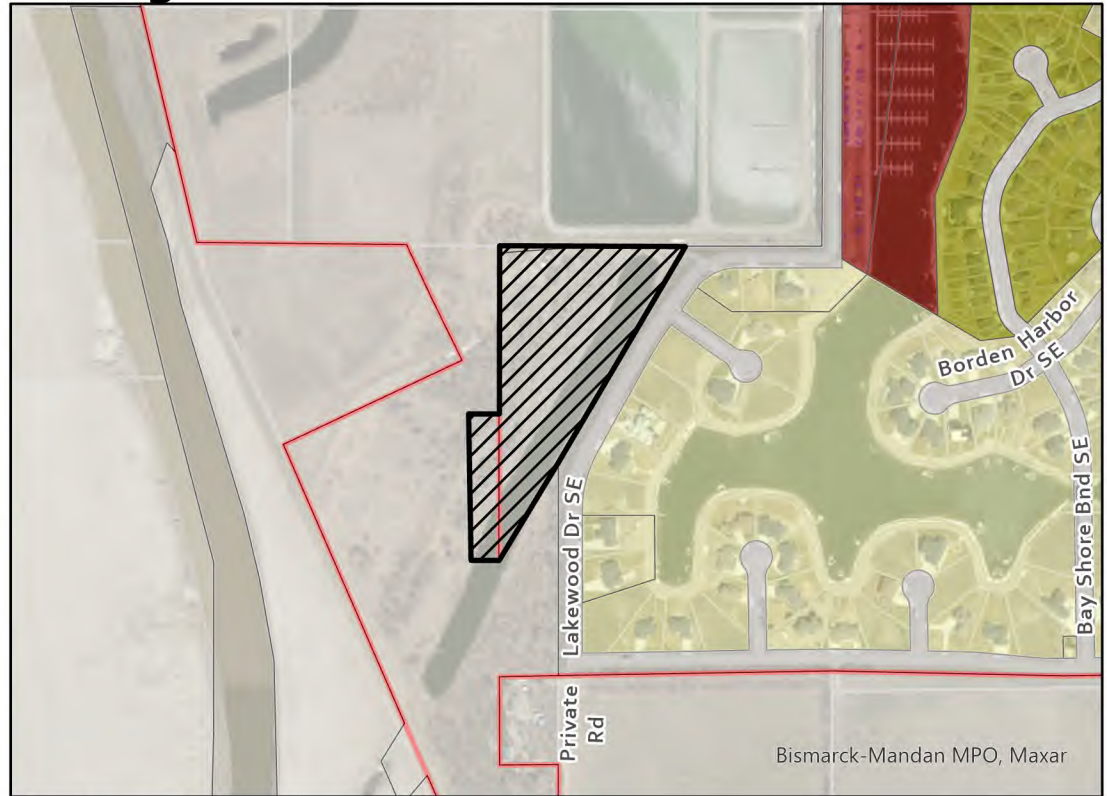
Zoning and Future Land Use Reference Map

Biwer Subdivision

Zoning

Zoning Map Key

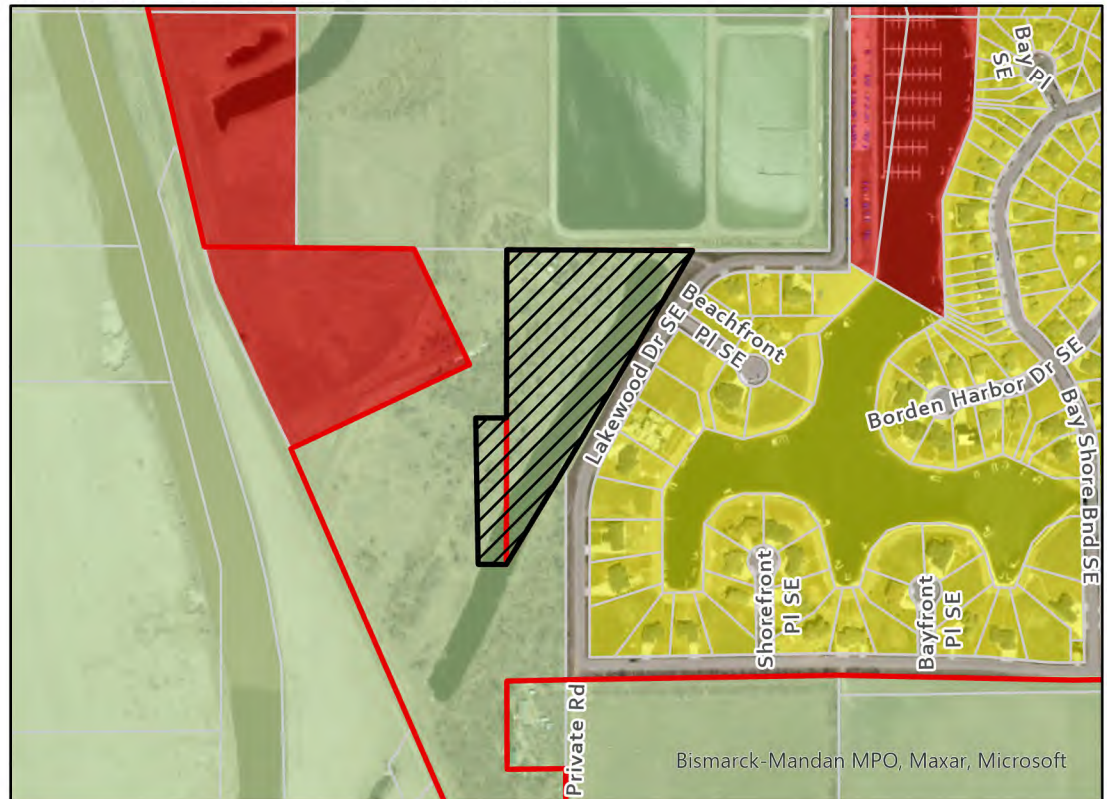
- | | |
|--|--|
| Agriculture - City of Mandan | MD - Heavy Commercial/ Heavy Industrial Restricted |
| Agriculture - Morton County | MHS - Trailer Park |
| CA - Neighborhood Commercial | PUD - Planned Unit Development |
| CB - Business Commercial | R3.2 - Residential Single & Two Family |
| CC - Commercial/Light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



Future Land Use Plan Key

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

Future Land Use Plan





City Commission

Agenda Documentation

MEETING DATE: November 5, 2024
PREPARATION DATE: October 31, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Raffle permit Application Mandan Backboard Boosters Girls Basketball Club

STATEMENT/PURPOSE:

To consider the local raffle permit application for Mandan Backboard Boosters Girls Basketball Club.

BACKGROUND/ALTERNATIVES:

Application for Dec. 6, 2024 various dates through February 21, 2025.

Mandan Police Dept has reviewed and found no issues.

ATTACHMENTS:

1. Mandan Backboard Boosters Girls Basketball Club Raffle Permit

FISCAL IMPACT:

n/a

STAFF IMPACT:

n/a

LEGAL REVIEW:

n/a

RECOMMENDATION:

I recommend approval as presented.

SUGGESTED MOTION:

City Commission

Agenda Documentation

November 5, 2024

Subject: Consider application for local raffle permit application for Mandan Backboard Boosters Girls Basketball Club

Page 2 of 2

i move to approve the raffle permit application for the Mandan Backboard Boosters Girls Basketball Club from Dec. 6 2024 through Feb. 21, 2025.

Information required to be preprinted on a standard raffle ticket:

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

PRIZE RESTRICTIONS:

A single cash prize cannot exceed \$8,000

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

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

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

LOCAL PERMIT AND RESTRICTED EVENT PERMIT DIFFERENCES:

	<u>Local Permit</u>	<u>Restricted Event Permit</u>
Number of events per year	Limited by prizes	One
Must file an information report	Yes, if political party	Yes
May pay employees compensation	Yes	No
Must use chips as wagers	No	Yes
Use of net income	Unrestricted	Restricted
Games allowed	Bingo Raffles Sports Pools	Bingo Raffles Sports Pools Poker Twenty-One Paddlewheels

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

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



City Commission

Agenda Documentation

MEETING DATE: November 5, 2024
PREPARATION DATE: October 31, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Gaming site authorization and rental agreement
between the Mystic Athletic Club and Ten Spot Lanes.

STATEMENT/PURPOSE:

To consider a gaming site authorization and rental agreement between the Mystic Athletic Club and Ten Spot Lanes.

BACKGROUND/ALTERNATIVES:

Nov. 15 2024 through June 30, 2025.

Mandan Police Dept has reviewed the application and found no issues.

ATTACHMENTS:

1. Mystic Athletic Club Gaming Site Authorization

FISCAL IMPACT:

n/a

STAFF IMPACT:

n/a

LEGAL REVIEW:

n/a

RECOMMENDATION:

I recommend approval as presented.

SUGGESTED MOTION:

I move to approve the gaming site authorization and rental agreement between the

Mystic Athletic Club and Ten Spot Lanes for the period of Nov. 14, 2024 through June 30, 2025.



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

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

Full, Legal Name of Gaming Organization

Mystic Athletic Club

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

Name of Location

Ten Spot Lanes

Street 107 11th Ave NE	City Mandan	ZIP Code 58554	County Morton
Beginning Date(s) Authorized Nov. 15th	Ending Date(s) Authorized June 30th	Number of Twenty-One tables, if zero, enter "0" 0	

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

Will be in the Southwest corner of the building

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

N/A

RESTRICTIONS FOR CITY/COUNTY USE ONLY

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

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

☐ Bingo	☐ Club Special	☐ Sports Pools
☐ ELECTRONIC Quick Shot Bingo	☐ Tip Board	☐ Twenty-One
☐ Raffles	☐ Seal Board	☐ Poker
☐ ELECTRONIC 50/50 Raffle	☐ Punchboard	☐ Calcuttas
☐ Pull Tab Jar	☐ Prize Board	☐ Paddlewheel with Tickets
☐ Pull Tab Dispensing Device	☐ Prize Board Dispensing Device	☐ Paddlewheel Table
☒ ELECTRONIC Pull Tab Device		

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

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

APPROVALS

Attorney General	Date
Signature of City/County Official	Date

PRINT Name and official position of person signing on behalf of city/county above

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



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

License Number (Office Use Only)

Site Owner (Lessor) Leroy Krein		Site Name 10 Spot Lanes		Site Phone Number (701) 663-3779
Site Address 107 11TH AVE NE	City Mandan	State ND	Zip Code 58554	County Morton
Organization Mystic Athletic Club	Rental Period November 1st, 2024 to June 30th, 2025			Monthly Rent Amount
1. Is Bingo going to be conducted at the site?		☒ No ☐ Yes		
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? - If Bingo is the primary game, enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		☒ No ☐ Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 <u> </u> X Rent per Table \$ <u> </u>		☒ No ☐ Yes		\$
Number of Tables with wagers over \$5 <u> </u> X Rent per Table \$ <u> </u>				\$
3. Is Paddlewheels conducted at this site? Number of Tables <u> </u> X Rent per Table \$ <u> </u>		☒ No ☐ Yes		\$
4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site? Please Check: ☐ Jar Bar ☐ Standard Dispensing Device		☒ No ☐ Yes		\$
5. Are Electronic Pull-Tabs conducted at this site? If "Yes" please indicate the number of devices <u> 4 </u>		☐ No ☒ Yes		\$ 700
Total Monthly Rent				\$ 700

6. If the only gaming activity to be conducted at the site is a raffle drawing, please check here. ☐

TERMS OF RENTAL AGREEMENT:

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

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

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

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

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming credit ticket vouchers from an electronic pull-tab device, or pull tabs or prize boards involving a dispensing device, **the lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.**

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

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

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

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

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

Signature of Lessor <i>Leroy Krein</i>	Title owner	Date 10-19-24
Signature of Lessee <i>Jason H...</i>	Title GAMING MANAGER	Date 10-19-24



City Commission

Agenda Documentation

MEETING DATE: November 5, 2024
PREPARATION DATE: October 31, 2024
SUBMITTING DEPARTMENT: Fire Department
DEPARTMENT DIRECTOR: Mitch Bitz
PRESENTER: Mitch Bitz, Public Works Director
SUBJECT: ND Dept of Emergency Services State Homeland Security Grant

STATEMENT/PURPOSE:

To consider acceptance of ND Dept of Emergency Services State Homeland Security Grant.

BACKGROUND/ALTERNATIVES:

The Homeland Security Grant was applied for through the ND Dept of Emergency Services. The grant application was to provide for cameras and door access to Station 1 and Station 2. We were notified on Oct. 31 that the grant application was successful.

We have three different quotes and will be evaluating the quotes and work with the selected contractor. Grant performance period is through March 31, 2026. Expected completion date would be spring 2025 if not sooner.

ATTACHMENTS:

1. Fire Dept NDDES Homeland Security Grant

FISCAL IMPACT:

Total project cost is estimated to be \$50,335, There is no match to this grant.

STAFF IMPACT:

Minimal

LEGAL REVIEW:

Has been submitted to Attorney Oster for review.

RECOMMENDATION:

I recommend acceptance of the grant as written.

SUGGESTED MOTION:

I move to approve the acceptance of the ND Dept of Emergency Services State Homeland Security Grant for the purchase and installation of security cameras and card access for Mandan Fire Station 1 and 2, and amend the 2024 Fire Dept Capital Outlay Budget to include grant award of \$50,335.

October 30, 2024

Mandan Fire Department
Mr. Shane Weltikol, Battalion Chief
110 Collins Avenue
Mandan, ND 58554

Dear Mr. Shane Weltikol:

Congratulations on behalf of the North Dakota Department of Emergency Services (NDDDES) Division of Homeland Security, your grant application submitted for the FY 2024 State Homeland Security Grant Program (SHSP) has been approved for award in the amount of \$50,335.00.

To accept the award and the terms and conditions complete the following steps **within 10 days** from the date of this letter. If you need additional time to obtain signatures due to local administrative requirements, please inform NDDDES within the 10-day period.

- Step 1: Print or download the Notice of Grant Award and Special Conditions
- Step 2: Sign page 1 of the Notice of Grant Award
- Step 3: Initial all pages of the Special Conditions
- Step 4: Upload the signed Notice of Grant Award and Special Conditions pages into the NDDDES Grants System (<https://grants.des.nd.gov>) to the Project page. (See directions at the end of this letter.)
- Step 5: Upload a copy of your jurisdiction's/entity's procurement policy to the Project page. (Note: A documented procurement policy is required per 2 CFR §200.318.)

Do NOT begin any portion of your project including obligating or expending funds until the following requirement is met:

- Environmental and Historical Preservation (EHP) Review approval from DHS/FEMA. NDDDES will inform you when the EHP is approved and provide you with a copy of the DHS/FEMA approval letter for your records. Review by DHS can take several weeks. Starting your project prior to receiving approval from DHS will result in loss of funding for this project.

Procurement Requirements

Federal 2 CFR §200.318-200.326 Procurement Standards as well as applicable state and local procurement laws and regulations must be followed when purchasing goods (example: equipment) and services (example: planning, training, or exercise activities).

Projects with an aggregate cost of \$10,000 or more **must** obtain a **minimum** of **three quotes** (each from a different vendor). Subrecipients must accept the quote from the vendor providing the lowest aggregate cost of the goods or services. Quotes must be obtained within the project period of performance. Quotes obtained prior to the project period of performance, or after the work has already been completed will not be accepted.

Quotes must match in quantity and type of product or service. Therefore, to aid subrecipients NDDDES has provided the Quote (Informal) Request Form at grants.des.nd.gov. It is recommended that subrecipients use this form or a similar jurisdiction/entity specific form when requesting quotes to ensure that all vendors are quoting on the same specifications.



Doug
Burgum
GOVERNOR

Major General
Alan S. Dohrmann
DIRECTOR - DEPARTMENT
OF EMERGENCY SERVICES

Darin
Hanson
DIRECTOR - DIVISION
OF HOMELAND SECURITY

Darin
Anderson
DIRECTOR - DIVISION
OF STATE RADIO

Ensuring a safe and secure homeland for all North Dakotans

Please contact our office at 701-328-8250 or at drice@nd.gov for any questions about procurement. Upon request, NDDes prior to you accepting a quote will review the quotes for compliance with federal procurement standards and provide feedback.

NOTE: If your application included a name brand or a particular contractor/vendor, the award is **NOT** an approval of that brand name or contractor/vendor. All procurement transactions must be conducted in a manner providing full and open competition (2 CFR §200.319). Please see the *NDDes Fiscal Requirements and Other Program Rules, Regulations, Laws, and Policies for Federal Programs* as well as the Reimbursement Processing checklist at [HSGP - grants.des.nd.gov](https://grants.des.nd.gov) for more information on the types of documentation you will need to provide to NDDes to show compliance.

Finally, the North Dakota State Procurement Office has cooperative purchasing contracts that can be used by eligible entities, including cities, counties, townships, public education, and tribal entities. See [CooperativePurchasing.pdf\(nd.gov\)](#) for more information. A current list of State Contracts can be found at [ND State Contracts](#). If under the column entitled **CP** there is a **Y** then it has a cooperative purchasing contract.

Project Reporting

Project status reports are required quarterly, with a final report due at closeout. Quarterly reports are due fifteen (15) days after the end of the reporting period of each quarter. Reports should show a steady progression of the project. If there is no progression during a quarter and explanation as to why the project is not progressing is required. Failure to complete the reports will result in delays to reimbursement requests being processed. Reports are completed in the grants management system at <https://grants.des.nd.gov> on the Project page under Progress Monitoring tab.

Reporting Period	Report Due Date
October 1 – December 31	due by January 15
January 1 – March 31	due by April 15
April 1 – June 30	due by July 15
July 1 – September 30	due by October 15

DES Grants System Document Upload Instructions

1. Log in at <https://grants.des.nd.gov/>
2. On your home page click on **FY 2024 SHSP** - this takes you to a screen with a **red** banner at the top.
3. On the left-hand side, click on **Projects**, then click on the project that shows to the right – this takes you to a screen with a **blue** banner at the top.
4. Toward the bottom of the page on the right, click on **Add Document** – follow the directions on your screen and click **Upload** to upload your documents.

Please contact Karen Hilfer or Dave Rice at 701-328-8100 with any questions.

Sincerely,



Debbie LaCombe
Preparedness Chief



Doug
Burgum
GOVERNOR

Major General
Alan S. Dohrmann
DIRECTOR - DEPARTMENT
OF EMERGENCY SERVICES

Darin
Hanson
DIRECTOR - DIVISION
OF HOMELAND SECURITY

Darin
Anderson
DIRECTOR - DIVISION
OF STATE RADIO

Ensuring a safe and secure homeland for all North Dakotans



NOTICE OF GRANT AWARD

Recipient Contact Name: Debbie LaCombe		Recipient Contact #: 701-328-8119	
Title of Grant Program: FY 2024 State Homeland Security Program			
Federal Award Identification Number: EMW-2024-SS-05087		Federal Award Date: September 19, 2024	
Federal Awarding Agency: U.S. Department of Homeland Security			
CFDA No. 97.067 SHSP			
Subrecipient Name and Address Mandan Fire Department 110 Collins Avenue Mandan, ND 58554		Subrecipient Contact Name: Shane Weltikol Telephone: 701-400-3807 Email: sweltikol@cityofmandan.com	
Subrecipient UEI: FB4EB5BGBJK6	Grant Number: 7	County/Tribe: Morton	
Performance Period	From: October 30, 2024	Through: March 31, 2026	
Grant Amount: \$50,335.00	Subrecipient Cost Share: \$0.00	Total Project Cost: \$50,335.00	
Scope of Service: The intent of this award is to enhance the capability of the subrecipient to prevent, protect against, mitigate, respond to, and recover from acts of terrorism and other catastrophic events in accordance with the federal Notice of Funding Opportunity for this grant program, the approved scope of work and cost line items located in the NDDes grant portal.			
Reporting Requirements: Progress reports on the status of the project must be submitted to NDDes quarterly through the NDDes grant portal. Reports are due January 15, April 15, July 15, and October 15 for the life of the grant. A final report is due with the final reimbursement request.			
Special Conditions: The above grant project is approved subject to the special conditions or limitations as indicated on the attached page.			
Terms and Conditions: This award is subject to the terms and conditions incorporated directly or by reference in the following: 1) Fiscal Requirements and Other Program Rules, Regulations, Laws, and Policies for Federal Programs which can be found at https://grants/des/nd.gov/site/HSGP.cfm. 2) Applicable Federal and State laws and regulations. 3) The recipient agrees by signing this document that all allocations and use of funds under this grant will be in accordance with the Federal/State Notice of Funding Opportunity (https://www.fema.gov/grants/preparedness/homeland-security/fy-24-nofo) & FEMA Preparedness Grants Manual (https://www.fema.gov/grants/preparedness/manual) for this grant program.			
This contract is not effective until fully executed by both parties. By signing below, you are accepting the terms and conditions of the award. Please make sure you read and understand these documents before signing. Maintain a copy of these documents in your official file for this award.			
Evidence of Subrecipient's Acceptance		Evidence of NDDes Approval	
Signature	Date	Signature	Date
Typed Name and Title of Authorized Representative Shane Weltikol, Battalion Chief		Typed Name and Title of Authorized Representative Darin Hanson Director, Division of Homeland Security	

SPECIAL CONDITIONS

State Homeland Security Grant Program (SHSP)

DHS Standard Terms and Conditions Generally

The Fiscal Year (FY) 2024 Department of Homeland Security (DHS) Standard Terms and Conditions apply to all new federal awards of financial assistance (federal awards) for which the federal award date occurs in FY 2024 and flow down to subrecipients unless an award term or condition specifically indicates otherwise. The United States has the right to seek judicial enforcement of these terms and conditions.

They FY 2024 DHS Standard Terms and Conditions are maintained on the DHS website at <https://www.dhs.gov/publication.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions>.

1. Assurances, Administrative Requirements, Cost Principles, Representations and Certifications

By accepting this agreement, sub-recipients, and their executives, as defined in 2 C.F.R. section 170.315, certify that their policies are in accordance with OMB's guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

2. General Acknowledgements and Assurances

Recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in effect as of the federal award date and located at **2 C.F.R. Part 200** and adopted by DHS at 2 C.F.R. § 3002.10. All recipients and subrecipients must acknowledge and agree to provide DHS access to records, accounts, documents, information, facilities, and staff pursuant to 2 C.F.R. § 200.337.

- I. Recipients must cooperate with any DHS compliance reviews or compliance investigations.
- II. Recipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities and personnel.
- III. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
- IV. Recipients must comply with all other special reporting, data collection, and evaluation requirements required by law, federal regulation, Notice of Funding Opportunity, federal award specific terms and conditions, and/or federal awarding agency program guidance.
- V. Recipients must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receiving the Notice of Award for the first award under which this term applies. Recipients of multiple federal awards from DHS should only submit one completed tool for their organization, not per federal award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active federal award, not every time a federal award is made. Recipients must submit the completed tool, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in these DHS Standard Terms and Conditions. **Subrecipients are NOT required to complete and submit this tool to DHS.**

3. Acknowledgement of Federal Funding from DHS

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

4. Activities Conducted Abroad

Recipients must coordinate with appropriate government authorities when performing project activities outside the United States and ensure that appropriate licenses, permits, or approvals are obtained.

Initial

5. Age Discrimination Act of 1975

Recipients must comply with the requirements of the Age Discrimination Act of 1975, Public Law 94-135 (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

6. Americans with Disabilities Act of 1990

Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101 - 12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

7. Best Practices for Collection and Use of Personally Identifiable Information

Recipients who collect personally identifiable information (PII) as part of carrying out the scope of work under a federal award are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.

8. Civil Rights Act of 1964 - Title VI

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

9. Civil Rights Act of 1968

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

10. Copyright

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

11. Debarment and Suspension

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

Initial

12. Drug-Free Workplace Regulations

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).

13. Duplicative Costs

Recipients are prohibited from charging any cost to this federal award that will be included as a cost or used to meet cost sharing or matching requirements of any other federal award in either the current or a prior budget period. (See 2 C.F.R. § 200.403(f)). However, recipients may shift costs that are allowable under two or more federal awards where otherwise permitted by federal statutes, regulations, or the federal financial assistance award terms and conditions.

14. Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX

Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. No. 92-318 (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17. Recipients of an award from the Federal Emergency Management Agency (FEMA) must also comply with FEMA's implementing regulations at 44 C.F.R. Part 19.

15. E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety

Recipient State, Tribal, local, or territorial law enforcement agencies must comply with the requirements of section 12(c) of E.O. 14074. Recipient State, Tribal, local, or territorial law enforcement agencies are also encouraged to adopt and enforce policies consistent with E.O. 14074 to support safe and effective policing.

16. Energy Policy and Conservation Act

Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. No. 94-163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

17. False Claims Act and Program Fraud Civil Remedies

Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§ 3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)

18. Federal Debt Status

All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)

19. Federal Leadership on Reducing Text Messaging while Driving

Recipients are encouraged to adopt and enforce policies that ban text messaging while driving recipient-owned, recipient-rented, or privately owned vehicles when on official government business or when performing any work for or on behalf of the Federal Government. Recipients are also encouraged to conduct the initiatives of the type described in Section 3(a) of E.O. 13513.

Initial

20. Fly America Act of 1974

Recipients must comply with Preference for U.S. Flag Air Carriers (a list of certified air carriers can be found at: Certificated Air Carriers List | US Department of Transportation, <https://www.transportation.gov/policy/aviation-policy/certificated-air-carriers-list>) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

21. Hotel and Motel Fire Safety Act of 1990

Recipients must ensure that all conference, meeting, convention, or training space funded entirely or in part by federal award funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a.

22. John S. McCain National Defense Authorization Act of Fiscal Year 2019

Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. The statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

23. Limited English Proficiency (Civil Rights Act of 1964 - Title VI)

Recipients must comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: <https://www.dhs.gov/guidance-published-help-department-supportedorganizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

24. Lobbying Prohibitions

Recipients must comply with 31 U.S.C. § 1352 and 6 C.F.R. Part 9, which provide that none of the funds provided under a federal award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification. Per 6 C.F.R. Part 9, recipients must file a lobbying certification form as described in Appendix A to 6 C.F.R. Part 9 or available on Grants.gov as the Grants.gov Lobbying Form and file a lobbying disclosure form as described in Appendix B to 6 C.F.R. Part 9 or available on Grants.gov as the Disclosure of Lobbying Activities (SF-LLL).

25. National Environmental Policy Act

Recipients must comply with the requirements of the National Environmental Policy Act of 1969, Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq.) (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

Initial

26. Nondiscrimination in Matters Pertaining to Faith-Based Organizations

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

27. Non-Supplanting Requirement

Recipients of federal awards under programs that prohibit supplanting by law must ensure that federal funds supplement but do not supplant non-federal funds that, in the absence of such federal funds, would otherwise have been made available for the same purpose.

28. Notice of Funding Opportunity Requirements

All the instructions, guidance, limitations, scope of work, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this federal award are incorporated by reference. All recipients must comply with any such requirements set forth in the NOFO. If a condition of the NOFO is inconsistent with these terms and conditions and any such terms of the Award, the condition in the NOFO shall be invalid to the extent of the inconsistency. The remainder of that condition and all other conditions set forth in the NOFO shall remain in effect.

29. Patents and Intellectual Property Rights

Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq. and applicable regulations governing inventions and patents, including the regulations issued by the Department of Commerce at 37 C.F.R. Part 401 (Rights to Inventions Made by Nonprofit Organizations and Small Business Firms under Government Awards, Contracts, and Cooperative Agreements) and the standard patent rights clause set forth at 37 C.F.R. § 401.14.

30. Procurement of Recovered Materials

States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. No. 89-272 (1965) (codified as amended by the Resource Conservation and Recovery Act at 42 U.S.C. § 6962) and 2 C.F.R. § 200.323. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

31. Rehabilitation Act of 1973

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

32. Reporting of Matters Related to Recipient Integrity and Performance

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

33. Reporting Subawards and Executive Compensation

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

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

Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

- (1) all iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
- (2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
- (3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

Waivers: When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. The agency should notify the recipient for information on the process for requesting a waiver from these requirements. (a) When the Federal agency has determined that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that:

- (1) applying the domestic content procurement preference would be inconsistent with the public interest;
- (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
- (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described at "Buy America" Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov. Definitions The definitions applicable to this term are set forth at 2 C.F.R. § 184.3, the full text of which is incorporated by reference.

35. SAFECOM

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications. The SAFECOM Guidance is updated annually and can be found at Funding and Sustainment | CISA.

36. Terrorist Financing

Recipients must comply with E.O. 13224 and applicable statutory prohibitions on transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible for ensuring compliance with the E.O. and laws.

Initial

37. Trafficking Victims Protection Act of 2000 (TVPA)

Recipients must comply with the requirements of the government-wide financial assistance award term which implements Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, § 106 (codified as amended at 22 U.S.C. § 7104). The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated by reference.

38. Universal Identifier and System of Award Management

Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated reference.

39. USA PATRIOT Act of 2001

Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.

40. Use of DHS Seal, Logo and Flags

Recipients must obtain written permission from DHS prior to using the DHS seals, logos, crests, or reproductions of flags, or likenesses of DHS agency officials. This includes use of DHS component (e.g., FEMA, CISA, etc.) seals, logos, crests, or reproductions of flags, or likenesses of component officials.

41. Whistleblower Protection Act

Recipients must comply with the statutory requirements for whistleblower protections at 10 U.S.C § 470141 U.S.C. § 4712

42. Environmental Planning and Historic Preservation (EHP) Review

DHS/FEMA funded activities that may require an Environmental Planning and Historic Preservation (EHP) review are subject to the FEMA EHP review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires the recipient to comply with all federal, state and local laws. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP review process, as mandated by: the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and any other applicable laws and executive orders. General guidance for FEMA's EHP process is available on the DHS/FEMA Website at: <https://www.fema.gov/grants/guidance-tools/environmental-historic>. Specific applicant guidance on how to submit information for EHP review depends on the individual grant program and applicants should contact their grant Program Officer to be put into contact with EHP staff responsible for assisting their specific grant program. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive orders, regulations, and policies. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archaeological resources are discovered the applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

43. Applicability of DHS Standard Terms and Conditions to Tribes

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

Initial

44. Acceptance of Post Award Changes

In the event FEMA determines that an error in the award package has been made, or if an administrative change must be made to the award package, recipients will be notified of the change in writing. Once the notification has been made, any subsequent requests for funds will indicate recipient acceptance of the changes to the award.

45. Disposition of Equipment Acquired Under the Federal Award

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

46. Prior Approval for Modification of Approved Budget

Before making any change to the FEMA approved budget for this award, you must request prior written approval from NDDDES (NDDDES will forward the request to FEMA) where required by 2 C.F.R. section 200.308. For purposes of non-construction projects, FEMA is utilizing its discretion to impose an additional restriction under 2 C.F.R. section 200.308(f) regarding the transfer of funds among direct cost categories, programs, functions, or activities.

47. Indirect Cost Rate

North Dakota does not have an approved Indirect Cost Rate with the federal government. Therefore, indirect costs are not eligible.

48. Summary Description of Award and Sub-programs

The purpose of the FY 2024 HSGP is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States. The HSGP provides funding to implement investments that build, sustain, and deliver the 32 core capabilities essential to achieving the National Preparedness Goal of a secure and resilient Nation. Among the five basic homeland security missions noted in the DHS Quadrennial Homeland Security Review, HSGP supports the goal to Strengthen National Preparedness and Resilience. The building, sustainment, and delivery of these core capabilities are not exclusive to any single level of government, organization, or community, but rather, require the combined effort of the whole community. This HSGP award consists of State Homeland Security Program (SHSP) and Operation Stonegarden (OPSG). These grant programs fund a range of activities, including planning, organization, equipment purchase, training, exercises, and management and administration across all core capabilities and mission areas.

49. HSGP Performance Goal

In addition to the Biannual Strategy Implementation Report (BSIR) submission requirements outlined in the Preparedness Grants Manual, recipients must demonstrate how the grant-funded project addressed the core capability gap associated with this project and identified in the Threat and Hazard Identification and Risk Analysis (THIRA) or Stakeholder Preparedness Review (SPR) or sustains existing capabilities as applicable. The capability gap reduction must be addressed in the Project Description of the BSIR for each project.

50. National Cybersecurity Review (recommended)

For FY 2024 SHSP it is recommended (not required) that sub-recipients complete the Nationwide Cybersecurity Review (NCSR) to benchmark and measure their progress of improving their cybersecurity posture. The NCSR can be found at <https://www.cisecurity.org/ms-isac/services/ncsr>.

Initial

51. NDDDES Fiscal Requirements and Other Program Rules, Regulations, Laws, and Policies for Federal Programs

Sub-recipient is required to also follow the applicable provisions of the NDDDES Fiscal Requirements and Other Program Rules, Regulations, Laws, and Policies for Federal Programs as well as State or local provisions that may be stricter than Federal or State laws, regulations, or policies. This document can be found under the HSGP tab on the NDDDES Grants website at <https://grants.des.nd.gov>.

52. Reimbursements, Quarterly Status Reports, Time Extension Requests, Scope Changes, and Project Closeout

Sub-recipient must submit all reimbursement requests, quarterly reports, time extension requests, scope change requests, and project closeouts along with required documentation in the NDDDES Grants Management System at <https://grants.des.nd.gov>.

53. Un-expended Funds

At the conclusion of the period of performance as noted on the Notice of Grant Award, upon completion of the project, or withdrawal of the project by the sub-recipient; whichever comes first, unexpended funds will be de-obligated. By signing the Notice of Grant Award, the sub-recipient is authorizing NDDDES and the State of North Dakota to expend the de-obligated funds on program costs.

54. Award Acceptance

The Notice of Grant Award and these Special Conditions constitute the operative document obligating and reserving the Federal funds for use by the sub-recipient. By signing the Notice of Grant Award sub-recipients is certifying acceptance of the terms and conditions of the award.

Initial



City Commission

Agenda Documentation

MEETING DATE: November 5, 2024
PREPARATION DATE: October 16, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider Engineering Service Agreement to complete the design of 8th Ave NW and 27th Street

STATEMENT/PURPOSE:

To consider approval of a design services task order with Moore Engineering for Mandan Urban Roads Project – 8th Ave NW Phase II. The project area includes 8th Ave NW from 24th St N to 27th St N and 27th St N from 8th Ave NW to Highway 1806.

BACKGROUND/ALTERNATIVES:

The City of Mandan was awarded an NDDOT Urban Roads Grant for Phase II of the 8th Ave NW Urban Roads Project. Construction is slated for 2027, but in order to have bidding documents ready in case of advanced construction, we are prepared to have the project designed and bid ready this winter.

Phase I was completed in October, 2024. Phase II will include a similar scope to Phase I, reconstructing the roadway, utility replacement, and urbanization of the project corridor.



ATTACHMENTS:

1. 8th Avenue NW Phase II Design Agreement

FISCAL IMPACT:

Task Order 8 is for \$243,760. The engineering services will be carried by the City until construction is scheduled, and then special assessed to a future improvement district

STAFF IMPACT:

Moderate time and effort working with Moore Engineering on the project.

LEGAL REVIEW:

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

RECOMMENDATION:

To approve Task Order 8 with Moore Engineering for Design Engineering Services for Mandan Urban Roads Project – 8th Ave NW Phase II

SUGGESTED MOTION:

I move to approve Task Order 8 with Moore Engineering, as presented.

Task Order: Mandan Urban Roads Project – 8th Ave NW Phase II

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: November 5, 2024
- B. Owner: City of Mandan
- C. Engineer: Moore Engineering, Inc.
- D. Specific Project (title): Mandan Urban Roads Project – 8th Ave NW Phase II
- E. Specific Project (description): Design engineering services including project design, environmental review and reports, and special assessment support for the project area including 8th Ave. NW from 24th St. N to 27th St. N and 27th St. N from 8th Ave. NW to Highway 1806

2. Services of Engineer

- A. The specific services to be provided or furnished by Engineer under this Task Order are as follows:
Per the attached scope of services
- B. 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:

- Provide existing drawings and data for the project area
- Provide project review and feedback as requested by Engineer
- Attend design meetings during project duration

4. Task Order Schedule

The parties shall meet the following schedule: The project is currently programmed for 2027. However, Owner has asked for plans and specifications to be prepared and construction ready in anticipation of a potential early bid date if funding were to become available.

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. Design Engineering Services		
a. Engineering Report	\$8,900	Hourly, Standard Rates
b. Environmental and Planning	\$26,510	Hourly, Standard Rates
c. Coordination and Implementation	\$41,310	Hourly, Standard Rates
d. Design Services	\$109,560	Hourly, Standard Rates
e. Right of Way	\$41,790	Hourly, Standard Rates
f. Topographic Survey	\$15,690	Hourly, Standard Rates
TOTAL COMPENSATION (lines 1.a-f)	\$243,760	
2. Additional Services	(N/A)	Hourly, Standard Rates

Compensation items and totals based in whole or in part on Hourly Rates or Direct Labor 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, but shall not exceed the total 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.

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

7. Attachments:

- A. Scope of Services
- B. Work Breakdown Structure
- C. Project Map

8. 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 November 5, 2024.

OWNER: City of Mandan, ND

ENGINEER: Moore Engineering, Inc.

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

Title: _____

Engineer License or Firm's
Certificate No. (if required): _____
State of: _____

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: _____

Name: _____

Title: _____

Title: _____

Address: _____

Address: _____

E-Mail
Address: _____

E-Mail
Address: _____

Phone: _____

Phone: _____

ATTACHMENT A

SCOPE OF SERVICES

DESIGN ENGINEERING SERVICES

Mandan Urban Roads Project – 8th Ave NW Phase II
8th Ave NW From 24th to 27th and 27th St N from 8th to HWY 1806

November 5, 2024

THIS SCOPE OF SERVICES PERTAINS TO THE FOLLOWING WORK ITEMS

Moore Engineering Inc. (Moore) will complete the following tasks.

DESIGN ENGINEERING SERVICES

110.0 ENGINEERING REPORT

110.001 HYDRAULIC REPORT

Moore will evaluate the drainage area and develop a stormwater report for approval by the City of Mandan and the NDDOT. The report will help determine the sizes and quantities of Storm Sewer Pipe throughout the corridor.

TASK 110.0 DELIVERABLES

- Hydraulic Report

200.0 ENVIRONMENTAL AND PLANNING

200.001 CATEX AMENDMENT

Moore will complete the CATEX Amendment in accordance to NDDOT Design Manual and submit to NDDOT & The City of Mandan for review. This document will also serve as the PCR for the city when creating the assessment district.

200.002 WETLAND REVIEW

Moore will complete an on-site wetland delineation as specified in section I-02 of the design manual and submit a report and shape files. All information will be transmitted to the NDDOT for review, along with an SOV letter, to Environmental Services. The intent is for this review to account for the drainage area north of the project site. The remaining project area was covered in the previous project. Moore will also coordinate with USFWS for any easement impacts in the area.

200.003 CULTURAL REVIEW

Moore will work with a subconsultant to identify and clear all cultural resources, in the area north of the original project area, by the guidance on SHPO.

200.004 PERMITTING

Moore will complete the floodplain permit application package and submit to the DOT for submission to the floodplain administrators.

200.005 PUBLIC INPUT MEETING

Moore will prepare and conduct 1 public input meeting. These meetings will meet all the requirements of FHWA and NDDOT (if deemed necessary by CATEX amendment). The meetings will also encompass the assessment district.

TASK 200.0 DELIVERABLES

- CATEX Amendment
- Section 106 Compliance
- Wetland report
- Public Input meeting report

230.0 COORDINATION AND IMPLEMENTATION

230.001 ASSESSMENT DISTRICT

CONSTRUCTION COST ESTIMATE

Moore will determine preliminary construction cost estimate for inclusion in the environmental document and Assessment District Report.

DEVELOP ASSESSMENT BOUNDARY MAPS/PROPERTY DESCRIPTION

Professional Land Surveyor will describe and map the property boundary that will officially be included within the special assessment district.

PRELIMINARY SPECIAL ASSESSMENT CALCULATIONS

Moore will utilize City of Mandan special assessment protocols and precedents to prepare the estimated special assessment totals for each parcel included within the special assessment district boundary.

MAILING TO PROPERTY OWNERS

Moore will prepare a letter to each property owner within the special assessment district describing their estimated special assessment from the project. This will be done in conjunction with the official publishing process, so that each owner gets additional exposure to what is happening.

PROJECT SUPPORT FOR PROTEST PERIOD

Moore will provide technical support to initiation, conduct and conclude the 30 day protest period. Tasks estimated to include preparation of a F.A.Q. section for the City website, resolutions, time dealing with phone calls, meetings with major stakeholders, and RFI's based on assessment policies, procedures and amounts.

SPECIAL ASSESSMENT HEARINGS – ATTEND AND SUPPORT

Moore will prepare supporting data such as maps, posters, resolutions and presentations to be used at official meetings. Moore will input the amount of protests into system, score the results based on a percentage of land area and prepare a GIS map to show the parcels that protested within the official special assessment district boundary. This information will then be used by stakeholders on how to proceed.

230.002 COORDINATION AND SUPPORT FROM FINAL DESIGN TO BID

Moore will assist the City of Mandan in coordinating efforts pertaining to the bid opening. Moore will also assist in answering questions for the public during this time. It is assumed that this time period covers 2 years.

TASK 230.0 DELIVERABLES

- Preliminary Construction Cost Estimate
- Assessment map and report

300.0 DESIGN SERVICES

300.001 STORMWATER DESIGN

Moore will complete all stormwater design for the corridor. Much of this task was completed in the previous project but additional design is necessary to analyze and design the outflow north of the project area. This will include adding additional plan sheets to the north.

300.002 ROADWAY DESIGN

Moore will complete the remainder of the roadway design. Much of this task was completed in the previous project but additional design is necessary due to new intersection grades, iterations to the stormwater model, and updates to existing conditions.

300.003 ADA DESIGN

Moore will evaluate ADA and complete design.

300.004 PSE PLAN PREPARATION

Moore will complete PSE plans for submittal to the NDDOT and City of Mandan for review.

300.005 FINAL PLAN PREPARATION

Moore will review comments for the PSE plans and revise the plan set. Moore will submit bid ready final plans to the NDDOT and City of Mandan.

300.006 PROJECT MANAGEMENT

Moore will provide project management for the design services.

300.007 UTILITY CONFLICT PLANS

Moore will coordinate with Utilities and develop Utility Conflict plans for submittal.

TASK 300.00 DELIVERABLES

- PSE Plans
- Final Plans
- Utility Conflict Plans

935.0 GROUND SURVEY

935.001 TEMPORARY EASEMENT PLATS

Moore will provide permanent and temporary right of way limits and construction easements for the purpose of obtaining easements. It is assumed that no permanent acquisition will be required.

935.002 EASEMENT NEGOTIATION

Moore will negotiate with landowners for temporary easements. Negotiation will consist of creating the proper paperwork required by the "Uniform Act". This task is limited to contacting landowners 2 times through the course of negotiation.

TASK 935.0 DELIVERABLES

- Temporary Easements Plats

960.0 TOPOGRAPHIC SURVEY

960.001 TOPOGRAPHIC SURVEY

It is anticipated that additional survey will be required north of the project area. Surface breakline and linear features will be collected at intervals to assist in the development of a preliminary plan and construction estimate. Features to be collected by this survey include: Road centerline and edges, approaches and driveways, fence lines, tree rows, water edges, ditch toes and top of ditch slopes.

It is anticipated that pickup survey will also be required due to changes in existing conditions.

TASK 960.0 DELIVERABLES (IF NECESSARY)

- Original project field book
- DTM surface files
- Geopak database
- Aareadme.doc



 Project Name: Mandan Urban Roads Project - 8th Ave NW Phase II Project Number: 22183A Client: City of Mandan DATE: 11/5/2024				TASK HOURS TOTAL	SR PROJECT MANAGER	SENIOR PE	PE II	PE I	PROJECT COORDINATOR	PROJECT ENGINEER	ENVIRONMENTAL SCIENTIST III	CADD TECH III	CADD TECH II	LAND SURVEYOR	SURVEY MANAGER	SURVEY CREW CHIEF II	SURVEY TECH I	
PHASE	TASK NO.	PHASE DESCRIPTION	Defined Limits															
110	110.001	Hydraulic Report (to NDDOT)		44	4	8		32										
				44	4	8		32										
200		200 - Environmental and Planning																
200	200.001	CATEX Amendment		50	12					32	6							
200	200.002	Wetland Review		12							12							
200	200.003	Cultural Review																
200	200.004	Permitting		20	4						16							
200	200.005	Public Input Meeting		40	8	8				12		12						
				122	24	8				44	34	12						
230		230 - Coordination & Implementation																
230	230.001	Assessment District		98	6	20	60					12						
230	230.002	Coordination and support from Final Design to Bid	(2 years)	112	16	16				80								
				210	22	36	60			80		12						
300		300 - Design Services																
300	300.001	Stormwater Design		112	4	12		48		24		24						
300	300.002	Roadway Design		132	4	8				120								
300	300.003	ADA Design		58	2	12				44								
300	300.004	PSE Plan Preparation		120	4	16				60		40						
300	300.005	Final Plan Preparation		114	6	8				60		40						
300	300.006	Project Management		18	18													
300	300.007	Utility Conflict Plans		50	2	4				12		32						
				604	40	60		48		320		136						
935		935 - Right of Way																
935	935.001	Temporary Easement plats		60	4							32	24					
935	935.002	Easement negotiation	2 contacts/landowner	162	2					120	40							
				222	6					120	40	32	24					
960		960 - Topographic Survey																
960	960.001	Topographic Survey Pickup		110	2							16		12	40	40		
				110	2							16		12	40	40		
					98	112	60	80	120	484	34	196	12	24	12	40	40	

Mandan, ND

8th Ave NW and 27th St NW
Phase 2

Legend



Google Earth

Image © 2024 Airbus

700 ft

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City Commission

Agenda Documentation

MEETING DATE: November 5, 2024
PREPARATION DATE: October 23, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider Cost Participation and Maintenance Agreement for Memorial Highway Project

STATEMENT/PURPOSE:

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 15th. 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.

This Cost Participation and Maintenance (CPM) Agreement outlines the City's financial responsibilities for the improvements. Generally, this is 100% of the Water and Sanitary Improvements and a portion of the Street and Storm improvements, which were capped years ago. This agreement also outlines maintenance responsibilities after project completion. The City would be responsible for routine maintenance operations, which include plowing, sweeping, catch basin cleaning, etc. There would also be a local responsibility for maintenance of the shared-use path on the south west side of the corridor. Public Works and Mandan Parks agreed to split maintenance of the trail seasonally, with the City clearing snow during the winter and the Parks Department mowing during the summer.

BACKGROUND/ALTERNATIVES:

The Memorial Highway Reconstruction Project has been a topic of conversation for two decades.

ATTACHMENTS:

1. CPM Agreement

FISCAL IMPACT:

This agreement would have major financial impacts to the City. We are anticipating around \$27M of local costs. The proposed local funding sources are:

- American Rescue Plan Act (ARPA) funds
- State Water Commission matching funds
- City-wide special assessments for roadway improvements
- Localized special assessments for utility and roadway improvements

The City and State did agree to cap the City's street and storm cost-participation years ago, which has saved the City millions of dollars on the project.

STAFF IMPACT:

This agreement shifts maintenance responsibility to the City and would have a major impact on Public Works staff after the project. The City would need to accompany the additional maintenance responsibilities with additional employees and equipment in order to maintain current levels of service around the rest of the City.

LEGAL REVIEW:

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

RECOMMENDATION:

To approve the CPM agreement and obligate ARPA funds to the project.

SUGGESTED MOTION:

1. I move to enter into the cost participation and maintenance agreement, as presented.
2. I move to obligate \$3M of American Rescue Plan Act (ARPA) funds for water and sanitary sewer improvements for the Memorial Highway project.
3. I move to obligate the remaining \$600K for Water & Sewer Utility Fund infrastructure improvements included in the City's Capital Improvement Program.

MEMO TO: Ronald J. Henke
Director

FROM: Zacher, Wayne A.

DATE: 09/25/2024

SUBJECT: CPM Agreement - SU-CPU-FTF-1-094(223)919, PCN 23277

This is the Cost Participation and Maintenance Agreement between NDDOT and the city of Mandan for the reconstruction of Memorial Highway from West of 32nd Ave to East of 46th Ave. The project includes PCC Pavement, Grading, Storm Sewer, Shared Use Path, Sidewalk, Lighting, Signals, Watermain, Sanitary Sewer, etc.

Please contact Wayne Zacher at 701-328-4828 if there are any questions on this agreement.

38/mej

DocuSign Workflow:
Stacey Hanson, LGD Review
Derek Pfeifer, LGD Signature
Shannon Sauer, Finance
Jarek Wigness, City Engineer
City Attorney
City Auditor
Mayor or President of Commission
Wayne Zacher, LGD Review
Clint Morgenstern, Legal
Chad Orn, DDP

**North Dakota Department of Transportation
COST PARTICIPATION AND MAINTENANCE AGREEMENT**

Federal Award Information – to be provided by NDDOT

Assistance Listing No: 20.205

Assistance Listing Title: Highway Planning & Construction

Award Name: Federal Aid Highway Program

Awarding Fed. Agency: Federal Highway Admin

NDDOT Program Mgr: Zacher, Wayne

Telephone: 701-328-4828

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

Project No.SU-CPU-FTF-1-094(223)919**PCN: 23277****Location: MEM HWY-W 32ND AVE TO E 46TH AVE****Type of Improvement:** Reconstruction, Median, Drainage, Shared Use Path, Lighting, Landscaping, Signage, Signals, Sidewalk, Sanitary Sewer, Storm Sewer, Watermain & Lift Station**Point of Beginning:** RP 919.320**Point of Ending:** RP 920.383

In consideration of the mutual benefits to be derived therefrom, it is agreed between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and the Local Public Agency (LPA) of city of Mandan, North Dakota, hereinafter referred to as the LPA, the project will be constructed in accordance with the current edition of NDDOT's *Standard Specifications for Road and Bridge Construction* and with the plans incorporated into this agreement by reference.

The NDDOT

- a. Will provide federal and state funds at 100 percent of the total actual cost of preliminary engineering, right of way and utility relocations; and
- b. Will provide federal funds for mainline and the urban side streets at 80.93 percent of the total actual cost of construction and construction engineering which are determined eligible for funding participation; and
- c. Will provide state funds for mainline at 9.07 percent as match to the federal funds for construction and construction engineering; and
- d. May supplement, pending availability, the federal and state funds with state flexible transportation funding, if needed. An estimate is shown on the attached Funding Split Table and will be updated throughout the project with the Contract Detail Estimate and Final Voucher.

The LPA

- a. Will provide local funds for construction and construction engineering at 10 percent as match to the federal funds for Mainline. The LPA will also provide local funds for construction and construction engineering at 19.07 percent as match to federal funds for Urban Roads side streets. Local matching funds will be capped at \$2,568,162; and



- b. Will pay 100 percent of the actual construction, preliminary engineering, construction engineering, utility relocation, right of way, and any other costs incurred of all items as requested by the LPA and determined to be non-participating or ineligible for federal aid.

Additional Funding Clause:

Funding splits for the contributing queue project drainage will be 80.26 percent federal funds, 9.00 percent state funds and 10.74 percent local funds. The capped amount above applies to these funding splits.

PART I

LPA Obligation:

1. The LPA will pay to NDDOT as the work progresses or when completed its share of the total cost of the project as defined above.
2. It is specifically agreed that if at any time the LPA fails to pay the amount billed to NDDOT within 60 days after billings, this document shall constitute an assignment of funds derived from the State Highway Tax Distribution Fund now or hereafter coming into the hands of the State Treasurer to the credit of the LPA, and the State Treasurer is hereby directed to deliver and pay over to NDDOT all funds credited to the LPA until the total thereof equals the sum billed pursuant to this agreement. The preliminary cost estimate of the project is \$50,591,668, with the LPA's estimated share being \$9,365,094.
3. All existing LPA right of way within the project limits will be provided by the LPA with clear title and available for use in the project.

PART II

Post Construction

After the project is completed the LPA agrees to:

1. The LPA will control the length and location of curb openings for future entrances and will not permit the length of curb openings for entrances to exceed the length shown on the plans or as shown on a sketch of typical entrances for similar entrances; and will prohibit the construction or use of any entrances along the project within the LPA other than those shown on the plans, without prior approval of NDDOT.
2. The LPA will not change any speed limit signs as shown on the plans without prior approval of NDDOT.
3. The LPA will prohibit double and diagonal parking and will control all parallel parking where allowed within the limits of the project in a manner satisfactory to NDDOT and to the Federal Highway Administration (FHWA), or both.
4. All signs, signals, markings, and other protective structures erected on or in connection with the project, including those installed at the sole cost and expense of the LPA or by others, shall be approved by NDDOT. All traffic control devices will be in conformance with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways.
5. All right of way for the project will be maintained free of all encroachments except utilities and others in accordance with the current edition of NDDOT's "A Policy for Accommodation of Utilities



on State Highway Right-of-Way". All obstructions to, interference with, or hazards to traffic flow will be removed by the LPA at the request of NDDOT. The LPA will be responsible for any consideration, avoidance, and minimization of impacts upon real property related to this project, such as changes in the grades of the streets, inconveniences to property or business, and any loss of light, air, view, access, egress, drainage, support, or nuisance.

PART III

Maintenance

The LPA will, at its own expense, maintain or cause to be maintained, all portions of the project unless otherwise noted. The maintenance will be in a manner satisfactory to NDDOT and FHWA. Exact limits of the project are shown on the attached map.

LPA agrees to the following maintenance items in addition to the above:

The LPA will maintain the drainage system and roadway surface, including the outlet to Lakewood, as detailed in the project Urban Storm Drain Drainage System Report.

PART IV

General:

1. Appendices A and E of the Title VI Assurances, attached, are hereby incorporated into and made a part of this agreement.
2. The Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.
3. Entities that receive federal funds through NDDOT may be required to obtain an audit in accordance with 2 C.F.R. Part 200, Subpart F. A copy of such audit shall be submitted to NDDOT. Entities that spend less than \$750,000 of federal funds from all sources may be subject to reviews by NDDOT at its discretion. Additionally, all entities receiving federal funds through NDDOT shall certify whether a Single Audit has been completed as part of the annual Federal award process. These requirements are applicable to counties, cities, state agencies, Indian tribes, colleges, hospitals, and non profit businesses.
4. The LPA is advised that its signature on this contract or agreement certifies that any person associated therewith is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency within the past three years; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction on any matter involving fraud or official misconduct within the past three years.
5. NDDOT is not responsible for any Property Taxes or Special Assessments on property which has been acquired as part of the roadway reconstruction project. The LPA is responsible to make arrangements for deferral or payment of such Taxes and/or Special Assessments.



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

APPROVED:

LPA of _____

LPA ATTORNEY (TYPE OR PRINT)

NAME (TYPE OR PRINT)

SIGNATURE

SIGNATURE

DATE

*
TITLE

DATE

ATTEST:

AUDITOR (TYPE OR PRINT)

SIGNATURE

DATE

Executed for the North Dakota Department of Transportation by the Director at Bismarck, North Dakota,
the last date below signed.

APPROVED as to substance by:

NORTH DAKOTA DEPARTMENT OF
TRANSPORTATION

Derek Pfeifer

DIVISION DIRECTOR(TYPE OR PRINT)

DIRECTOR (TYPE OR PRINT)

Derek Pfeifer *SH*

SIGNATURE

SS

SIGNATURE

09/27/24

DATE

DATE

*Mayor or President of Commission

CLA 17058 (Div. 38)
L.D. Approved 10-17, 1-23; D.K. 09/20/2024



CERTIFICATION OF LOCAL MATCH

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

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

Source:

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

ATTEST:

APPROVED:

AUDITOR (TYPE OR PRINT)

SIGNATURE

DATE

LPA of

NAME (TYPE OR PRINT)

SIGNATURE

*

TITLE

DATE

*Mayor or President of Commission

CLA 17058 (Div. 38)
L.D. Approved 02-18; Rev. 1-23; D.K. 09/20/2024



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

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

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



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

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

Pertinent Non-Discrimination Authorities:

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



Risk Management Appendix

Routine* Service Agreements with Sovereign Entities and Political Subdivisions of the State of North Dakota:

Parties: **State** – State of North Dakota, its agencies, officers and employees

Governmental Entity – The Governmental Entity executing the attached document, its agencies, officers and employees

Governments – State and Government Entity, as defined above

Each party agrees to assume its own liability for any and all claims of any nature including all costs, expenses and attorney's fees which may in any manner result from or arise out of this agreement.

Each party shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds, authorized to do business in North Dakota, the following insurance coverages:

- 1) **Commercial general liability and automobile liability** insurance – minimum limits of liability required of the Governmental Entity are **\$437,500 per person and \$1,750,000 per occurrence**. The minimum limits of liability required of the State are **\$437,500 per person and \$1,750,000 per occurrence**.
- 2) **Workers compensation** insurance meeting all statutory limits.
- 3) The policies and endorsements may not be canceled or modified without **thirty (30) days prior written notice** to the undersigned State representative.

The State reserves the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time.

Each party that hires subcontractors shall require any non-public subcontractors, prior to commencement of work set out under an agreement between that party and the non-public subcontractor, to:

Defend, indemnify, and hold harmless the Governments, its agencies, officers and employees, from and against claims based on the vicarious liability of the Governments or its agents, but not against claims based on the Government's contributory negligence, comparative and/or contributory negligence or fault, sole negligence, or intentional misconduct. The legal defense provided by the Subcontractor to the Governments under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for the Governments is necessary. Subcontractor also agrees to defend, indemnify, and hold the Governments harmless for all costs, expenses and attorneys' fees incurred if the Governments prevail in an action against Subcontractor in establishing and litigating the indemnification coverage provided herein. This obligation shall continue after the termination of this agreement.

Subcontractor shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds authorized to do business in North Dakota: 1) commercial general liability; 2) automobile liability; and 3) workers compensation insurance all covering the Subcontractor for any and all claims of any nature which may in any manner arise out of or result from this agreement. The minimum limits of liability required are \$500,000 per person and \$2,000,000 per occurrence for commercial general liability and automobile liability coverages, and statutory limits for workers compensation. The Governments shall be endorsed on the commercial general liability policy and automobile liability policy as additional insureds. The Governments shall have all the benefits, rights and coverages of an additional insured under these policies that shall not be limited to the minimum limits of insurance required by this agreement or by the contractual indemnity obligations of the Contractor. Said endorsement shall contain a "Waiver of Subrogation" waiving any right of recovery the insurance company may have against the Governments as well as provisions that the policy and/or endorsement may not be canceled or modified without thirty (30) days prior written notice to the undersigned representatives of the Governments, and that any attorney who represents the State under this policy must first qualify as and be appointed by the North Dakota Attorney General as a Special Assistant Attorney General as required under N.D.C.C. Section 54-12-08. Subcontractor's insurance coverage shall be primary (i.e., pay first) as respects any insurance, self-insurance or self-retention maintained by the Governments. Any insurance, self-insurance or self-retention maintained by the Governments shall be excess of the Contractor's insurance and the Subcontractor's insurance and shall not contribute with them. The insolvency or bankruptcy of the insured Subcontractor shall not release the insurer from payment under the policy, even when such insolvency or bankruptcy prevents the insured Subcontractor from meeting the retention limit under the policy. Any deductible amount or other obligations under the Subcontractor's policy(ies) shall be the sole responsibility of the Subcontractor. This insurance may be in policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and be placed with insurers rated "A-" or better by A.M. Best Company, Inc. The Governments will be indemnified, saved, and held harmless to the full extent of any coverage actually secured by the Subcontractor in excess of the minimum requirements set forth above. The Government Entity that hired the Subcontractor shall be held responsible for ensuring compliance with the above requirements by all Subcontractors. The Governments reserve the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time.

*See *North Dakota Risk Management Manual*, section 5.1 for discussion of "unique" and "routine" agreements.

RM Consulted 2007
Revised 6-24



Funding Split for Mandan Memorial Highway East Half
Project: SU-CPU-FTF-1-094(223)919, PCN 23277

Description of Cost	Engineering Estimate	Engineering Cost (10%)	Total Estimate	Federal Funds	State Funds	Flexible Transportation Funds	Local Funds	Total
Preliminary Engineering ¹	\$ 7,049,539		\$ 7,049,539	\$ 5,705,192	\$ 1,344,347	\$ -	\$ -	\$ 7,049,539
Right of way - PCN 23133	\$ 1,625,000		\$ 1,625,000	\$ 1,315,113	\$ 309,888	\$ -	\$ -	\$ 1,625,000
Right of way - PCN 23277	\$ 1,300,000		\$ 1,300,000	\$ 1,052,090	\$ 247,910	\$ -	\$ -	\$ 1,300,000
Subtotals =	\$ 9,974,539		\$ 9,974,539	\$ 8,072,394	\$ 1,902,145	\$ -	\$ -	\$ 9,974,539

Description of Cost	Engineering Estimate	Engineering Cost (10%)	Total Estimate	Federal Funds	State Funds	Flexible Transportation Funds	Local Funds ²	Total
Construction Cost - Mainline	\$ 25,595,553	\$ 2,559,555	\$ 28,155,109	\$ 21,746,643	\$ 2,513,752	\$ 2,005,520	\$ 1,889,194	\$ 28,155,109
Construction Cost - Urban Side Streets	\$ 769,807	\$ 76,981	\$ 846,788	\$ 685,305	\$ -	\$ -	\$ 161,482	\$ 846,788
Construction Cost - City Side Streets	\$ 671,639	\$ 67,164	\$ 738,802	\$ -	\$ -	\$ -	\$ 738,802	\$ 738,802
Construction Cost - Drainage	\$ 4,380,273	\$ 438,027	\$ 4,818,300	\$ 3,867,168	\$ 433,647	\$ -	\$ 517,485	\$ 4,818,300
Construction Cost - City Utilities	\$ 5,507,391	\$ 550,739	\$ 6,058,130	\$ -	\$ -	\$ -	\$ 6,058,130	\$ 6,058,130
Subtotals =	\$ 36,924,663	\$ 3,692,466	\$ 40,617,129	\$ 26,299,116	\$ 2,947,399	\$ 2,005,520	\$ 9,365,094	\$ 40,617,129

GRAND TOTAL =	\$ 46,899,202	\$ 3,692,466	\$ 50,591,668	\$ 34,371,511	\$ 4,849,543	\$ 2,005,520	\$ 9,365,094	\$ 50,591,668
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Local Government Division: September 18, 2024

These costs are an estimate at the time of development, they may vary between now and final voucher.

1 - PE estimate is cumulative for the entire Memorial Highway corridor

2 - Local funds as match to federal funds for construction on Mainline, Urban Side Streets and Drainage are capped at \$2,568,162

DESIGN DATA - RP 918.780 to 920.320				
Traffic	Average Daily			
Current 2023	Pass: 16,825	Trucks: 370	Total: 17,195	
Forecast 2043	Pass: 21,710	Trucks: 560	Total: 22,270	
Clear Zone Distance: 14'		Design Speed: 40 MPH		
Minimum Sight Dist. for Stopping: 305'		Bridges: N/A		
Limited Access Control				
Pavement Design Life 30 (years)				
Design Accumulated One-way Heavy Truck: 3,451,090				

NORTH DAKOTA

DEPARTMENT OF TRANSPORTATION

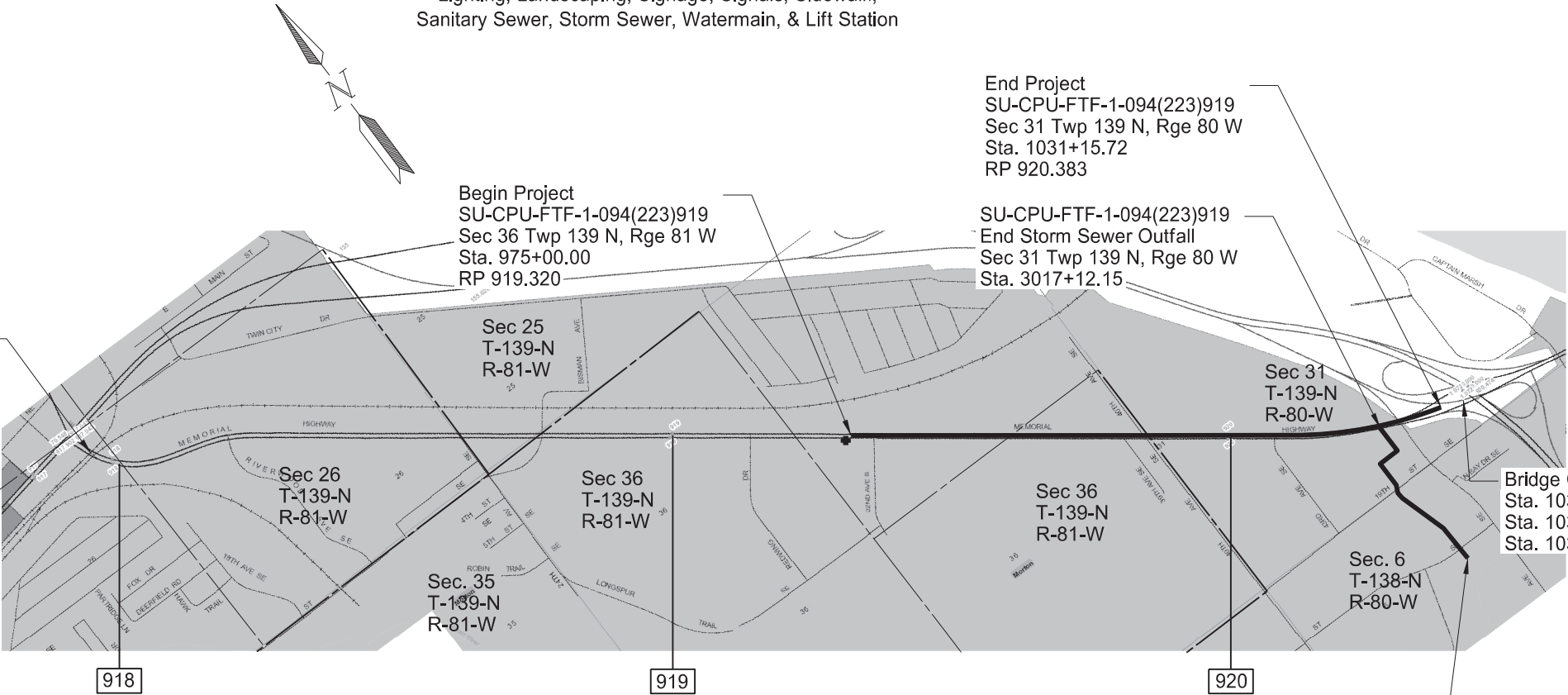
SU-CPU-FTF-1-094(223)919

Morton County
Business 94 (Memorial Highway)
32nd Avenue SE to 46th Avenue SE
Reconstruction, Median, Drainage, Shared Use Path,
Lighting, Landscaping, Signage, Signals, Sidewalk,
Sanitary Sewer, Storm Sewer, Watermain, & Lift Station

GOVERNING SPECIFICATIONS	Date Published and Adopted by the North Dakota Department of Transportation
Standard Specifications	07/01/2024
Supplemental Specifications	NONE

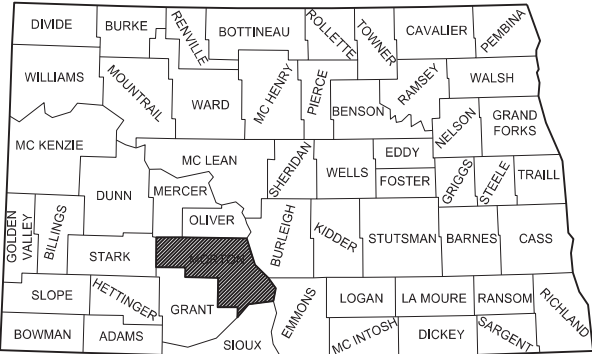
PROJECT NUMBER \ DESCRIPTION	NET MILES	GROSS MILES
SU-CPU-FTF-1-094(223)919	1.06	1.06

Railway Bridge Overpass
Sta. 902+42.57 (0094-917.953)
Sta. 903+28.59 (0094-917.969)



Bridge Overpass
Sta. 1031+80 (0094-920.395)
Sta. 1034+09 (0194-001.048R)
Sta. 1034+73 (0194-001.054L)

DESIGNER Daniel Joseph Bergerson, PE
DESIGNER John Michael Erickson, PE
DESIGNER Laith D Hintz, PE
DESIGNER Moamer Maslesa, PE
DESIGNER Christopher Michael Bobzien, PE
DESIGNER Raphael J Schill, EI
DESIGNER Etta J Arrigoni, EI
DESIGNER Sarah B Peterson
DESIGNER Karl Hector
DESIGNER Timothy Wood
DESIGNER Derek VanLuik
DESIGNER Ron Ceroll
DESIGNER Dustin Kulseth

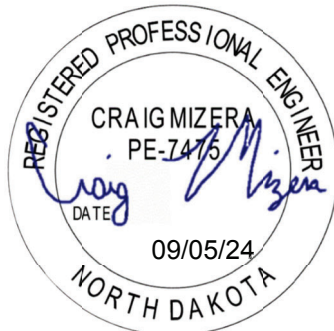


STATE COUNTY MAP

ND DEPARTMENT OF TRANSPORTATION
OFFICE OF PROJECT DEVELOPMENT

Jon Ketterling
09/05/24

HDR Engineering, Inc.



Certificate Of Completion

Envelope Id: 0876E50EB2B24EAFA3C98A993F575AE6

Status: Sent

Subject: Contract #20241169: Please DocuSign: PCN 23277 Cost Participation & Maintenance Agreement

Contract Number: 20241169

PCN: 23277

Source Envelope:

Document Pages: 11

Signatures: 1

Envelope Originator:

Certificate Pages: 4

Initials: 2

Michael Johnson

AutoNav: Enabled

608 E Boulevard Ave

Enveloped Stamping: Enabled

Bismarck, ND 58505

Time Zone: (UTC-06:00) Central Time (US & Canada)

mijohnson@nd.gov

IP Address: 165.234.92.125

Record Tracking

Status: Original

Holder: Michael Johnson

Location: DocuSign

9/25/2024 2:02:44 PM

mijohnson@nd.gov

Security Appliance Status: Connected

Pool: StateLocal

Storage Appliance Status: Connected

Pool: Carahsoft OBO North Dakota Department of
Transportation CLOUD

Location: DocuSign

Signer Events**Signature****Timestamp**

Stacey Hanson

smhanson@nd.gov

Assistant Local Government Engineer

Carahsoft OBO North Dakota Department of

Transportation CLOUD

Security Level: Email, Account Authentication
(None), Authentication

St

Signature Adoption: Pre-selected Style

Using IP Address: 165.234.253.12

Sent: 9/25/2024 2:10:36 PM

Viewed: 9/25/2024 2:19:51 PM

Signed: 9/25/2024 3:10:38 PM

Authentication Details

SMS Auth:

Transaction: cdb44189-efc2-436a-985a-ab54b3853347

Result: passed

Vendor ID: TeleSign

Type: SMSAuth

Performed: 9/25/2024 2:19:46 PM

Phone: +1 701-527-8879

SMS Auth:

Transaction: dff12491-a447-461d-a7fa-00174cdbd4a7

Result: passed

Vendor ID: TeleSign

Type: SMSAuth

Performed: 9/25/2024 3:09:06 PM

Phone: +1 701-527-8879

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Derek Pfeifer

ddpfeifer@nd.gov

Local Government Engineer

Security Level: Email, Account Authentication
(None), Authentication

Derek Pfeifer

Signature Adoption: Pre-selected Style

Using IP Address: 165.234.253.12

Sent: 9/25/2024 3:10:41 PM

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Signed: 9/27/2024 8:52:37 AM

Authentication Details

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Result: passed

Vendor ID: TeleSign

Type: SMSAuth

Performed: 9/27/2024 8:49:55 AM

Phone: +1 701-471-5516

Signer Events	Signature	Timestamp
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Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Shannon Sauer
ssauer@nd.gov
Security Level: Email, Account Authentication
(None), Authentication

SS

Signature Adoption: Pre-selected Style
Using IP Address: 165.234.253.12

Sent: 9/27/2024 8:52:39 AM
Viewed: 9/30/2024 9:42:51 AM
Signed: 9/30/2024 9:42:56 AM

Authentication Details

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Result: passed
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Type: SMSAuth
Performed: 9/30/2024 9:42:44 AM
Phone: +1 701-426-9825

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Jarek Wigness
jarek.wigness@cityofmandan.com
Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Wayne Zacher
wzacher@nd.gov
Security Level: Email, Account Authentication
(None), Authentication

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Clint Morgentstern
cdmorgentstern@nd.gov
Security Level: Email, Account Authentication
(None), Authentication

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Signer Events	Signature	Timestamp
Chad Orn corn@nd.gov Security Level: Email, Account Authentication (None), Authentication Electronic Record and Signature Disclosure: Not Offered via DocuSign		
In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Michael Johnson mijohnson@nd.gov Assistant Design Division Engineer North Dakota Department of Transportation Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	VIEWED Using IP Address: 165.234.253.7	Sent: 9/25/2024 2:03:02 PM Viewed: 9/25/2024 2:03:40 PM Completed: 9/25/2024 2:10:36 PM
Agent Delivery Events	Status	Timestamp
Jarek Wigness jarek.wigness@cityofmandan.com Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign		Sent: 9/30/2024 9:42:59 AM Viewed: 9/30/2024 2:38:36 PM
Intermediary Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
Legal Admin dotlegaladmin@nd.gov Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign		
Legal Admin dotlegaladmin@nd.gov Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign		
District Engineer lgangl@nd.gov Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign		
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	9/25/2024 2:03:02 PM
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Envelope Updated	Security Checked	9/25/2024 3:03:31 PM
Payment Events	Status	Timestamps



City Commission

Agenda Documentation

MEETING DATE: November 5, 2024
PREPARATION DATE: October 28, 2024
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Kimberly Markley
PRESENTER: Kimberly Markley, City Assessor
SUBJECT: Application for Property Tax Exemption from Helbling Land LLP

STATEMENT/PURPOSE:

To consider a three-year exemption for construction of an addition and remodeling to the existing building pursuant to North Dakota Century Code 57-02.2.

BACKGROUND/ALTERNATIVES:

Helbling Land LLP is applying for a three-year property tax exemption for the addition and remodeling to the structure at 408 5th Avenue SE. The exemption will be applied to the value added due to the addition and remodeling. This parcel is known as Lot 7 Block 1 Helblings 2nd, parcel number 65-1290560. This parcel is in the process of being replatted. The new legal description will be Lot 2 Block 1 Helblings 7th Addition.

The original building was built in 1975. The plan is to add a 30x75x20 addition to the west side of the current RV service building to act as a wash bay. The addition will be lined in white metal and have a small area for a washer, dryer and sink. RVs have become larger, taller and longer. The addition will allow for better utilization of the building, allowing employees to wash and service RVs safely. The existing building will have a new roof, metal siding, windows and larger overhead doors. The phase II plan is to remodel the interior bathrooms and office area starting in fall of 2025.

ATTACHMENTS:

1. Helbling Land LLP Exemption Application
2. Photo of Building

FISCAL IMPACT:

The value of the addition and remodeling is estimated to have a value of \$243,200. Based on that amount, with the 2023 mill levy of 281 mills, the estimated annual

exemption is \$3,417 for all taxing entities and \$777 for the City of Mandan. The actual exemption will be subject to prevailing market values and actual mill rates during the three-year exemption period.

STAFF IMPACT:

N/A

LEGAL REVIEW:

Submitted for review to Attorney Oster

RECOMMENDATION:

Approval of the Application for Property Tax Exemption for Improvements to Commercial & Residential Buildings North Dakota Century Code 57-02.2 located at 408 5th Avenue SE.

SUGGESTED MOTION:

I move to approve the Application for Property Tax Exemption for Improvements to Commercial & Residential Buildings North Dakota Century Code 57-02.2 located at 408 5th Ave SE.

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

Property Identification

1. Legal description of the property for which exemption is claimed LOT 2, BLOCK 1 HELBLINGS 7TH ADDITION
2. Address of Property 617 6TH AVE SE - 408 5TH AVE SE
3. Parcel Number 651290560
4. Name of Property Owner HELBLING LAND LLP Phone No. 701-391-8137
5. Mailing Address of Property Owner P.O. Box 639 MANDAN ND 58554

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). SEE ATTACHED
7. Building permit No. COMM - 24 - 0583
8. Year built (residential property) 1975
9. Date of commencement of making the improvements A.S.A.P.
10. Estimated market value of property before the improvements \$ 286,400
11. Cost of making the improvement (all labor, material and overhead) \$ PHASE I \$571,200⁰⁰ II \$125,000
12. Estimated market value of property after the improvements \$ 400,000 - 450,000

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant

Timothy C. Helbling

Date

10-28-24

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do ☐ do not ☐ meet the qualifications for exemption for the following reason(s): _____

Assessor/Director of Tax Equalization _____

Date _____

Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved ☐ Denied ☐
Approval is subject to the following conditions: _____

Exemption is allowed for years 20____, 20____, 20____, 20____, 20____.

Chairperson _____

Date _____

We are looking to add a 30 foot by 75 foot by 20 foot high addition to the west of the current RV service building to act as a RV wash bay, This area will be lined in white metal and have a small area for a washer/dryer and sink.

Since the original building was built in the late 1970's RV's have become larger, taller and longer and the current setup does not allow for us to safely wash and detail Rv's without intruding into the work areas of the current shop so the expansion will allow us to better utilize the existing building. The current building will also get the garage door heights increased to 16 feet from the current 14 feet with new doors installed to accommodate the taller Rv's.

We have had some hail damage and the building is showing its age so will also replace all of the existing exterior metal siding and replace it with new siding, All doors and windows will be replaced as well as a new roof installed.

In a second phase we will look to re-do the interior bathrooms and office area and expect this to start in the fall of 2025.

We feel the costs of the addition and the improvements will never be realized if we were to sell the building and the building will not appraise for near what we will have into it but it is the only option we have to safely operate out of this location, That is why we are requesting the exception.



Page 4 of 4 05/05/2020



City Commission

Agenda Documentation

MEETING DATE: November 5, 2024
PREPARATION DATE: October 25, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider Resolution of Governing Body for State Revolving Fund loan applications

STATEMENT/PURPOSE:

To consider a resolution authorizing staff to provide information and submit loan applications related to the Memorial Highway reconstruction project.

BACKGROUND/ALTERNATIVES:

The Memorial Highway project has an anticipated bid opening date of December 20th. For larger improvement projects, such as this, the City often utilizes low-interest State Revolving Fund (SRF) loans for financing. These loans require a resolution from the governing body that authorizes staff to provide relevant information and submit loan applications.

ATTACHMENTS:

1. Resolution of Governing Body

FISCAL IMPACT:

The current amount to be financed for the project is approximately \$17.8M. The project would be financed at 2%, resulting in cost savings to the befitting properties.

STAFF IMPACT:

Minimal.

LEGAL REVIEW:

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

RECOMMENDATION:

To approve the resolution as presented.

SUGGESTED MOTION:

I move to approve the presented Resolution related to SRF loan applications.

RESOLUTION OF GOVERNING BODY OF APPLICANT

Resolution authorizing filing of application with the North Dakota Department of Environmental Quality for a loan under the Clean Water Act and/or the Safe Drinking Water Act.

WHEREAS, under the terms of the Clean Water Act and/or the Safe Drinking Water Act, the United States of America has authorized the making of loans to authorized applicants to aid in the construction of specific public projects: Now, Therefore, BE IT RESOLVED the Mandan City Commission:

1. That Jim Neubauer, City Administrator and Greg Welch, Finance Director, be and are hereby authorized to execute and file an application on behalf of the Mandan City Commission with the North Dakota Department of Environmental Quality for a loan to aid in the construction of:

The Memorial Highway Improvements Project.

2. That Jim Neubauer, City Administrator and Greg Welch, Finance Director, be and are hereby authorized and directed to furnish such information as the North Dakota Department of Environmental Quality may reasonably request in connection with the application which is herein authorized to be filed, to sign all necessary documents, and, on behalf of loan recipient, to accept loan offer and receive payment of loan funds.

CERTIFICATE OF RECORDING OFFICER

The undersigned duly qualified and acting Administrator and Finance Director of the City of Mandan does hereby certify:

That the attached resolution is true and correct copy of the resolution, authorizing the filing of application with the North Dakota Department of Environmental Quality, as regularly adopted at a legally convened meeting of the Mandan City Commission, duly held on the 5th day of November, 2024; and further that such resolution has been fully recorded in the journal of proceedings and records in my office.

In WITNESS WHEREOF, I have hereunto set my hand this 5th day of November, 2024.

Signature of Recording Officer
Title of Recording Officer
City Administrator

Signature of Recording Officer
Title of Recording Officer
Finance Director



City Commission

Agenda Documentation

MEETING DATE: November 5, 2024
PREPARATION DATE: October 28, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Second and final consideration of Ordinance 1455, a zone change from AG - Agriculture and MA - Heavy Commercial/Industrial Districts to MA - Commercial/Industrial District for Mandan Industrial Park 14th Addition.

STATEMENT/PURPOSE:

Second and final consideration of Ordinance 1455, a zone change from AG - Agriculture and MA - Heavy Commercial/Industrial Districts to MA - Commercial/Industrial District for Mandan Industrial Park 14th Addition.

BACKGROUND/ALTERNATIVES:

Ordinance 1455 would rezone Mandan Industrial Park 14th Addition from A - Agriculture and MA - Heavy Commercial/Industrial Districts to MA - Commercial/Industrial District. It was approved at the 10/15/24 meeting and there have been no changes made.

ATTACHMENTS:

1. Ord. 1455 - Rezone Mandan Industrial Park 14th Addition

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

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

RECOMMENDATION:

Staff recommends approval of the second and final consideration of Ordinance No. 1455 for Mandan Industrial Park 14th Addition.

SUGGESTED MOTION:

I move to approve the second and final consideration of Ordinance No. 1455 for Mandan Industrial Park 14th Addition.

ORDINANCE NO. 1455

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 Industrial; and

WHEREAS, Adjacent properties to the north are zoned MA- Heavy Commercial/Industrial, to the west zoned MA- Heavy Commercial/Industrial, to the east zoned R7 - Residential, and to the south CC – Commercial. MA – Industrial zoning 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:

MANDAN INDUSTRIAL PARK 14TH ADDITION OF SECTIONS 16 & 17, TOWNSHIP 139N, RANGE 81W, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA:

SAID TRACT OF LAND CONTAINING 6.05 ACRES, MORE OR LESS.

- shall be removed from the AG - Agriculture and MA – Heavy Commercial/Industrial Districts and shall be included in the MA – Heavy Commercial/Industrial District.

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.

James Froelich, President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

Planning and Zoning Commission:
First Consideration:
Second Consideration and Final Passage:

September 23, 2024
October 15, 2024
November 5, 2024



City Commission

Agenda Documentation

MEETING DATE: November 5, 2024
PREPARATION DATE: October 29, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Second and final consideration of Ordinance 1456, an exclusion/de-annexation for Biwer Subdivision.

STATEMENT/PURPOSE:

Second and final consideration of Ordinance 1456, an exclusion/de-annexation for Biwer Subdivision.

BACKGROUND/ALTERNATIVES:

Ordinance 1456 would de-annex Biwer Subdivision. It was approved at the 10/15/24 meeting and there have been no changes made.

ATTACHMENTS:

1. De-Annexation Ordinance No. 1456

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

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

RECOMMENDATION:

Staff recommends approval of the second and final consideration of Ordinance No. 1456 for the de-annexation of Biwer Subdivision.

SUGGESTED MOTION:

I move to approve the second and final consideration of Ordinance No. 1456 for Biwer

City Commission

Agenda Documentation

November 5, 2024

Subject: Second consideration of Ordinance 1456, an Exclusion/De-Annexation for Biwer Subdivision

Page 2 of 2

Subdivision.

ORDINANCE NO. 1456

AN ORDINANCE EXCLUDING CERTAIN ADJOINING LANDS FROM THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, AND REDUCING THE CORPORATE BOUNDARIES THEREOF.

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

WHEREAS, the City of Mandan, Morton County, North Dakota has determined it to be its interests to de-annex the hereinafter described property, which is contiguous to the City of Mandan, Morton County, North Dakota and has met all requirements as directed by Section 40-51.2-04 of the North Dakota Century Code.

SECTION 1. PROPERTY DEANNEXED. The following described land is situated in the City of Mandan, Morton County, State of North Dakota, and contiguous to the corporate limits of the City of Mandan, North Dakota, and is hereby excluded and de-annexed from the City of Mandan, namely:

A portion of Auditor's Lot A of Government Lot 7, per Doc. No. 193013, Morton County Recorder's Office, in the Northeast Quarter of Section 12, Township 138 North, Range 81 West of the Fifth Principal Meridian, Mandan, Morton County, North Dakota described as follows:

Commencing at the Northeast Corner of the Northeast Quarter of Section 12; Thence South 00°02'03" East, perpendicular to the north line of Lot 1 of Government Lot 8, per Doc. No. 414323, Morton County Recorder's Office, a distance of 872.44 feet; thence South 89°57'57" West on the easterly extension of said north line of Lot 1 of Government Lot 8 a distance of 1,247.85 feet to the Northeast Corner of Auditor's Lot A of Government Lot 7, per Doc. No. 193013, Morton County Recorder's Office; thence South 00°02'51" West on the east line of said Auditor's Lot A a distance of 518.71 feet to the Point of Beginning; thence South 00°02'51" West continuing on said east line a distance of 631.30 feet to the Southwest Corner of Lot 1 of Government Lot 8, per Doc. No. 414323, Morton County Recorder's Office; thence North 89°57'09" West perpendicular to the east line of said Auditor's Lot A a distance of 103.50 feet; thence North 00°02'51" East parallel with said east line of Auditor's Lot A a distance of 631.30 feet; thence South 89°57'09" East perpendicular to said east line of Auditor's Lot A a distance of 103.50 feet to the Point of Beginning.

Total tract contains 65,340 sq ft or 1.50 acres, more or less.

SECTION 2. CORPORATE BOUNDARY REDUCED. Upon the taking effect of this Ordinance, the corporate limits and boundary lines of the City of Mandan shall thereafter exclude said lands.

James Froelich, President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

First Consideration:
Second Consideration and Final Passage:

October 15, 2024
November 5, 2024



City Commission

Agenda Documentation

MEETING DATE: November 5, 2024
PREPARATION DATE: October 30, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider resolution determining insufficiency of protest for Street Improvement District 239

STATEMENT/PURPOSE:

To review protests and consider the resolution determining the insufficiency of protest for Street Improvement District 239

BACKGROUND/ALTERNATIVES:

On October 1st, 2024, the City of Mandan approved the resolutions necessary to create and advertise Street Improvement District 239. The protest period ended on November 4th at 4:30 PM. Protest rate information for the district is shown on the following tables. Protest rates are typically determined by percent of the total district area, but we have included a few other metrics for consideration as well.

Tiered Parcels

Non-Public Total 309
 Protesting 34
 Parcels
 Protest Rate by 11.00%
 # of Parcels

 Non-Public 686.2096
 Acreage
 Protest Acreage 29.48349
 Protest Rate by 4.30%
 Acreage

City-Wide

Non-Public Total 8906
 Protesting 34
 Parcels
 Protest Rate by #0.38%
 of Parcels

 Non-Public 5944.067
 Acreage
 Protest Acreage 29.48349
 Protest Rate by 0.50%
 Acreage

ATTACHMENTS:

1. SID 239 Protest Map 11-05-2024
2. Resolution Determining Insufficiency of Protest SID 239

FISCAL IMPACT:

The total project cost is estimated to be about \$119M. After federal, state, and local contributions are considered, we are estimating about \$17.7M to be assessed to the benefiting properties. We are anticipating about \$4M to be assessed to parcels city-wide, with the remaining \$13.7M assessed to near-corridor parcels.

STAFF IMPACT:

The Memorial Highway project will require significant time and effort from City staff.

LEGAL REVIEW:

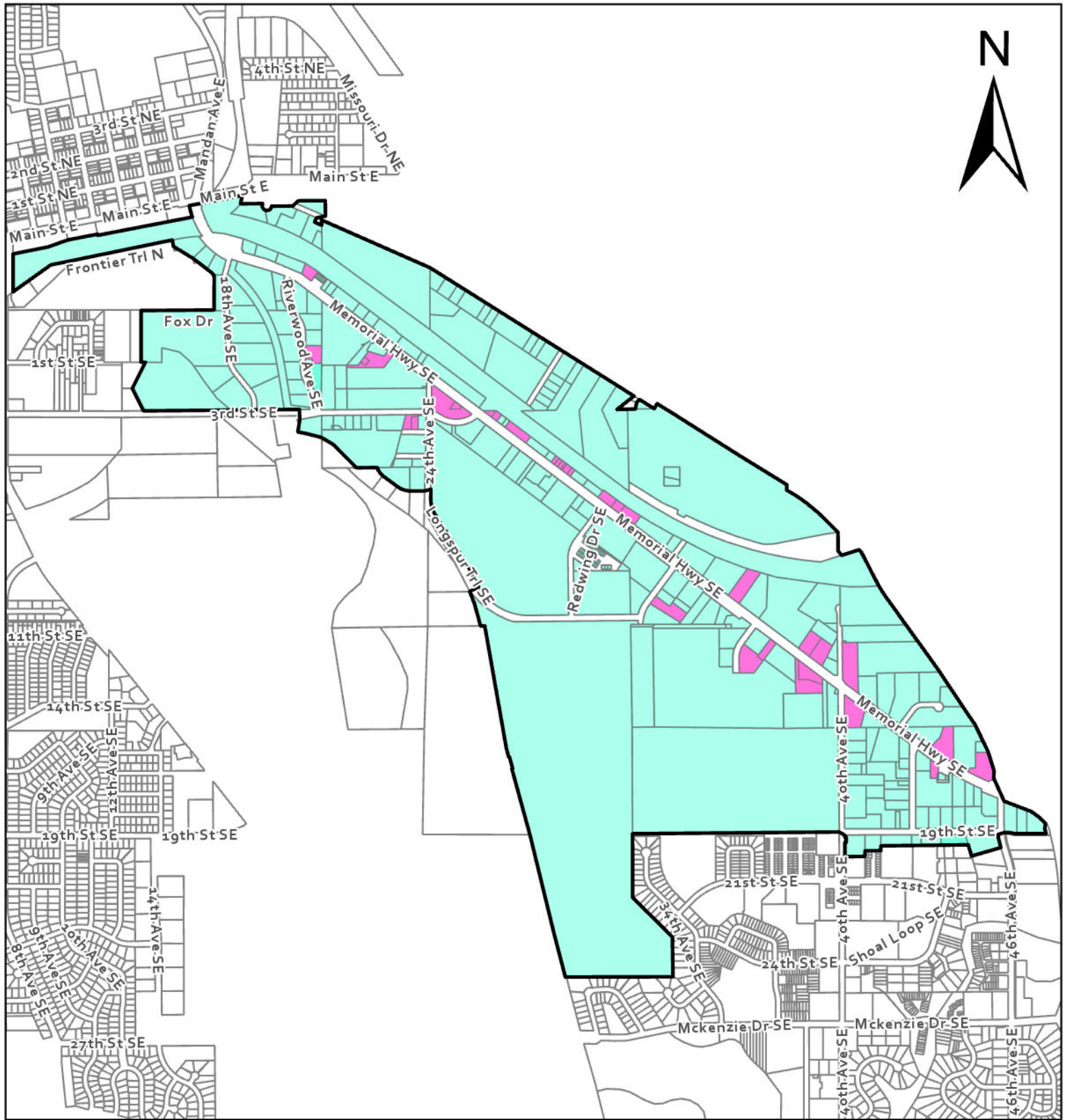
This item has been reviewed as part of the agenda packet.

RECOMMENDATION:

To approve the resolution determining the insufficiency of protest, as presented.

SUGGESTED MOTION:

I move to approve the resolution determining the insufficiency of protest for Street Improvement District 239.



SID 239 Protests

Protests

 Protest

 No Protest



**RESOLUTION DETERMINING INSUFFICIENCY OF PROTESTS FOR
STREET IMPROVEMENT DISTRICT NO. 239**

Whereas, the governing body of the City of Mandan, North Dakota (the "City") adopted a Resolution of Necessity Declaring the Necessity of a Special Assessment District for Street Improvement District No. 239, on October 1, 2024 (the "Resolution"); and

Whereas, the Resolution was published in the City's official newspaper on October 4, 2024 and October 11, 2024; and

Whereas, more than thirty days have passed since the October 4th, 2024 publication; and

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

1. That written protests filed with the City Administrator, within 30 days after October 4th, 2024 publications, did not represent a majority of the area of the property included within Street Improvement District No. 239.
2. That proceedings under the Resolution are NOT barred.

Dated and adopted this 5th day of November, 2024

City of Mandan, North Dakota

James Froelich, President
Board of City Commissioners

Attest:

James Neubauer, City Administrator



City Commission

Agenda Documentation

MEETING DATE: November 5, 2024
PREPARATION DATE: October 31, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: First Consideration of Keidel Estates Annexation Ordinance 1457

STATEMENT/PURPOSE:

First Consideration of Keidel Estates Annexation Ordinance 1457

BACKGROUND/ALTERNATIVES:

Detailed background on this request can be found under public hearing number 1 on this agenda. It will require a second consideration at the November 19, 2024 meeting.

ATTACHMENTS:

1. Draft Annexation Ordinance
2. Location Map - Keidel Estates Annexation

FISCAL IMPACT:

The property will receive water service from the City of Mandan.

STAFF IMPACT:

Minor

LEGAL REVIEW:

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

RECOMMENDATION:

Staff recommends approval of the first consideration of Ordinance 1457.

SUGGESTED MOTION:

I move to approve the first consideration of Ordinance 1457.

ORDINANCE NO. 1457

AN ORDINANCE ANNEXING CERTAIN ADJOINING LANDS TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, AND EXTENDING THE CORPORATE BOUNDARIES THEREOF.

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

WHEREAS, the City of Mandan, Morton County, North Dakota has determined it to be its interests to annex the hereinafter described property, which is contiguous to the City of Mandan, Morton County, North Dakota, but not embraced within the limits thereof, and has met all requirements as directed by Section 40-51.2-03 of the North Dakota Century Code.

SECTION 1. PROPERTY ANNEXED. The following described land is situated in the County of Morton, State of North Dakota, and contiguous to the corporate limits of the City of Mandan, North Dakota, and is hereby added to, taken into, annexed and made part of the City of Mandan, namely:

ALL OF LOTS 4A AND 4B OF BLOCK 1, KEIDEL ESTATES FIRST ADDITION & PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 34; THENCE SOUTH 00 DEGREES 01 MINUTES 09 SECONDS WEST ON THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 299.58 FEET TO THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 4A, BLOCK 1, KEIDEL ESTATES FIRST ADDITION AND THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 37 MINUTES 08 SECONDS EAST ON SAID EXTENSION LINE, A DISTANCE OF 220.03 FEET TO THE NORTHEAST CORNER OF SAID LOT 4A; THENCE SOUTH 00 DEGREES 03 MINUTES 18 SECONDS WEST ON THE EAST LINE OF SAID LOT 4A, A DISTANCE OF 149.68 FEET TO THE NORTHEAST CORNER OF LOT 4B, BLOCK 1, KEIDEL ESTATES FIRST ADDITION; THENCE SOUTH 00 DEGREES 01 MINUTE 59 SECONDS WEST ON THE EAST LINE OF SAID LOT 4B, A DISTANCE OF 150.21 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4B; THENCE SOUTH 89 DEGREES 35 MINUTES 10 SECONDS WEST ON THE SOUTH LINE OF SAID LOT 4B A

DISTANCE OF 219.91 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 00 DEGREES 01 MINUTE 09 SECONDS EAST ON SAID WEST LINE A DISTANCE OF 300.02 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 1.51 ACRES, MORE OR LESS.

SECTION 2. CORPORATE BOUNDARY EXTENDED. Upon the taking effect of this Ordinance, the corporate limits and boundary lines of the City of Mandan shall thereafter include said lands.

James Froelich, President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

First Consideration:
Second Consideration and Final Passage:

November 5, 2024
November 19, 2024



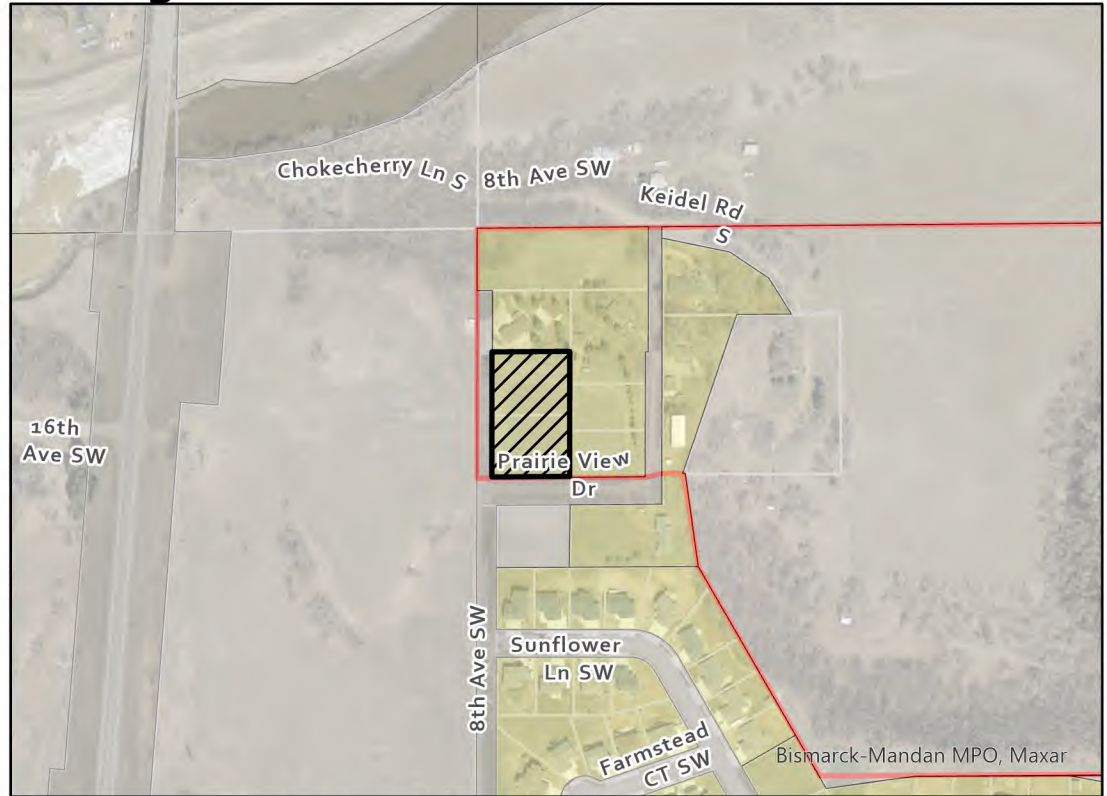
Zoning and Future Land Use Reference Map

Lots 4A and 4B, Keidel Estates

Zoning

Zoning Map Key

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



Future Land Use Plan Key

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

Future Land Use Plan

