



**AGENDA
CITY COMMISSION
FEBRUARY 20, 2024
ED “BOSH” FROEHLICH MEETING ROOM
MANDAN CITY HALL
5:00 PM
WWW.CITYOFMANDAN.COM**

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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

1. Winter Decorating Award Presentation to Railway Credit Union

D. APPROVAL OF AGENDA

E. MINUTES

1. Consider approval of the minutes from the February 6, 2024 Board of City Commission regular meeting

F. PUBLIC HEARING

1. Consider Preliminary Plat and Zone Change from A - Agriculture to R3.2 - Residential for Rockwood 2nd Addition

G. BIDS

H. CONSENT AGENDA

1. Ziegler Wheelchair Abatements
2. Underwood 2023 Veterans Credit Abatement
3. Consider approval of a site authorization for MatPac Wrestling Club at Black Lions from March 1 to June 30, 2024
4. Consider Sunset Drive Interchange Engineering Reimbursement Agreement
5. Consider Final Plat(s) for Rafters at Hach Creek and Rock Prairie Estates Additions
6. Consider approval of site authorization for Mandan Hockey Club at Blackstone Tavern from February 21 to June 30, 2024
7. Consider allowing Planning Department to submit AARP Community Challenge Grant Application

I. OLD BUSINESS

J. NEW BUSINESS

1. Consider proclaiming February Career and Technical Education month in the City of Mandan

K. RESOLUTIONS AND ORDINANCES

1. First Consideration of Ordinance 1411, a zone change from A - Agriculture to R3.2 - Residential for Rockwood 2nd Addition

L. OTHER BUSINESS

M. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS

1. March 5, 2024 at 5:30 p.m.
2. March 19, 2024 at 5:30 p.m.
3. Apr. 2, 2024 at 5:30 p.m. (Board of Equalization 7 p.m.)

N. ADJOURN



City Commission

Agenda Documentation

MEETING DATE: February 20, 2024
PREPARATION DATE: February 2, 2024
SUBMITTING DEPARTMENT: Business Development & Communications
DEPARTMENT DIRECTOR: Madison Cermak
PRESENTER: Kari Schmidt, Communications Specialist
SUBJECT: Winter Decorating Award Presentation

STATEMENT/PURPOSE:

To recognize the winner of the 2023-2024 Mandan Winter Decorating Award.

BACKGROUND/ALTERNATIVES:

Nomination for the winter decorating award were accepted online through Dec. 31, 2023. The announcement of finalists and public voting took place at the beginning of January. Nominees were:

- Railway Credit Union
- 5 Star Motors
- Cappuccino on Collins
- Curvy Flamingo Boutique
- The Medicine Shoppe
- Cake Dreams
- Mane Expressions
- Copper Dog Cafe
- Mandan Progress Organization

Of the 324 votes received, Railway Credit Union received 30% of the votes and is our 2023-2024 Winter Decorating Award Winner! Railway Credit Union will receive the traveling award to proudly display until next winter and a social media spotlight.

Finalists for the Golden Shovel award were announced earlier this month and voting wrapped up Feb. 16. That winner will be announced at a future City Commission meeting. Additional information is available at cityofmandan.com/winterawards.

ATTACHMENTS:

1. Railway Credit Union Christmas Decor 2023

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

N/A

RECOMMENDATION:

This is a presentation only.

SUGGESTED MOTION:

No action required. Presentation only.



The Mandan City Commission met in regular session at 5:30 PM on February 6, 2024 in the Ed “Bosh” Froehlich Meeting Room at City Hall, Mandan, North Dakota. Mayor Helbling called the meeting to order.

A. ROLL CALL

1. *Roll call of all City Commissioners.* Those present were Dennis Rohr, Mike Braun, Brad Olson, Tim Helbling. 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/Public Works Director Bitz, Business Development & Communications Director Cermak, Planner Stromme and Attorney Oster.

B. THE PLEDGE OF ALLEGIANCE

C. ANNOUNCEMENTS

1. *Introduction of new employees.*

a. *Amy Berger, Human Resources Director.* City Administrator Neubauer introduced Human Resources Director Amy Berger.

b. *Sherie Johnston, Administrative Assistant.* City Administrator Jim Neubauer introduced Administrative Assistant Sherie Johnston.

D. APPROVAL OF AGENDA

E. MINUTES

1. *Consider approval of the minutes from the January 16, 2024 Board of City Commissioners regular meeting.* Commissioner Rohr moved and Commissioner Olson seconded to approve. Roll Call vote: Aye 4, Nay 0 None, Absent Commissioner Camisa. The motion passed.

F. PUBLIC HEARING

1. *Consider the Resolution Determining Insufficiency of Protest for Street Improvement District No. 235.* City Engineer Wigness presented on the protest rates. Mayor Helbling opened the public hearing and invited the public to come forward to comment. Citizen Don Oterman and Pastor James McHecran spoke in protest to the project. A second and third invitation for comment was given, hearing none the public hearing closed. Commissioner Rohr moved and Commissioner Olson seconded to approve the resolution determining insufficiency of protest. Roll Call vote: Aye 4, Nay 0 None, Absent Commissioner Camisa. The motion passed.

2. *Consider Right of Way Vacation for portion of Oxbow Trail SE in Lakewood 6th Addition.* Planner Stromme presented the right-of-way vacation. Mayor Helbling 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 was closed.

G. BIDS

H. CONSENT AGENDA

1. *Consider the following abatements.*

a. *Larson Commercial Rentals LLC Abatement.*

b. *Ressler Veteran Credit Abatements.*

c. *Anderson Abatement.*

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

3. *Raffle Permit Approval, Breast Cancer Benefit Amy Bullinger.*

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

5. *Authorization to Bid Mandan Street Lighting LED Replacement Project.* Commissioner Rohr moved and Commissioner Olson seconded to approve items 1 through 5, including all sub-items. Roll Call vote: Aye 4, Nay 0 None, Absent Commisisoner Camisa. The motion passed.

I. OLD BUSINESS

J. NEW BUSINESS

1. *Consider accepting a "Plowing for Pizza" donation.* Fire Chief/Public Works Director Bitz presented on the \$25,000 "Plowing for Pizza" donation to be used for snow removal equipment. Commissioner Olson moved and Commissioner Braun seconded to approve. Roll Call vote: Aye 4, Nay 0 None, Absent: Commissioner Camisa. The motion passed.

2. *Consider Development Agreement for Schaff Estates 2nd Addition.* Planner Stromme presented the development agreement. Commissioner Braun moved and Commissioner Rohr seconded to approve. Roll Call vote: Aye 4, Nay 0 None, Absent Commissioner Camisa. The motion passed.

3. *Mandan 2024 Street Rehabilitation Design Task Order, Amendment 1.* City Engineer Jarek Wigness presented the item to amend the design and bidding phases of the contract. Commissioner Rohr moved and Commissioner Olson seconded to approve. Roll Call vote: Aye 4, Nay 0 None, Absent Commissioner Camisa. The motion passed.

4. *Consider 8th Avenue NW Engineering Service Agreement Amendment.* City Engineer Wigness presented the amendment to the 8th Ave NW engineering service agreement. Commissioner Braun moved and Commissioner Olson seconded to approve. Roll Call vote: Aye 4, Nay 0 None, Absent Commissioner Camisa. The motion passed.

K. RESOLUTIONS AND ORDINANCES

1. *Second and final consideration of Ordinance 1443, an ordinance to amend and re-enact Section 2-1-2 of the Mandan Code of Ordinances relating to Municipal Judge and elections.* Commissioner Rohr moved and Commissioner Braun seconded to approve. Roll Call vote: Aye 4, Nay 0 None, Absent Commissioner Camisa. The motion passed.

2. *Resolution Vacating Portion of Right-of-Way of Oxbow Trl. SE in Lakewood 6th Addition.* Commissioner Olson moved and Commissioner Rohr seconded to approve the resolution. Roll Call vote: Aye 4, Nay 0 None, Absent Commissioner Camisa. The motion passed.

L. OTHER BUSINESS

M. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS

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

N. ADJOURN Commissioner Braun moved and Commissioner Rohr seconded to adjourn the meeting

at 6:13 p.m.

James Neubauer
City Administrator

Timothy Helbling
Board of City Commissioners



City Commission

Agenda Documentation

MEETING DATE: February 20, 2024
PREPARATION DATE: February 14, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider Preliminary Plat and Zone Change from A - Agriculture to R3.2 - Residential for Rockwood 2nd Addition

STATEMENT/PURPOSE:

Consider Preliminary Plat and Zone Change from A - Agriculture to R3.2 - Residential for Rockwood 2nd Addition

BACKGROUND/ALTERNATIVES:

EB10 Inc (Eric Belanger) requests consideration of a preliminary plat and zone change for a subdivision to be titled Rockwood Second Addition. The subject property is Lot 3, Block 2, Rockwood First Addition in Section 16, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota, located northeast of Mandan Middle School, east of 12th Avenue NW on the south side of Beretta Street NW.

Overview of Request

This requested zone change and preliminary plat would permit the construction of six single-family homes and one twin-family home (eight total units) on a private drive connecting to Beretta Street NW in the Rockwood development.

Preliminary Plat

The preliminary plat is 5.56 acres in size and consists of nine (9) lots in one (1) block. Eight lots are shown for immediate residential development with Lot 9, Block 1 being reserved for future development and likely being subject to future subdividing. Notable plat details include the common access easement, utility easements, and the Marathon Oil easement which is carried over from the original Rockwood Addition plat.

Requested Zone Change

The proposed zone change from A – Agriculture to R3.2 – Residential aligns with the City’s Future Land Use Plan projections for 5 to 8 dwelling units per acre in the “near

north” development area. The proposed plat would yield 5.6 dwelling units per acre in the portion to be developed.

Adjacent Properties Zoning, Land Use and Future Land Use

Adjacent properties to the north are zoned R3.2 – Residential and are being developed as single and twin-family homes. To the east, properties are R3.2 – Residential and developing as single-family homes. To the south there is RM – Residential multifamily and to the west a mix of RM – Residential multifamily and R3.2 – Residential undeveloped lots. The future land use plan designates this area to be medium-density residential.

Findings of Fact Preliminary Plat

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision would likely not have substantial effects on the safety and circulation of public roadways in the vicinity, and therefore no traffic impact study is required;
3. The proposed plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision;
4. The City of Mandan and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the proposed subdivision at the time of development;
5. The proposed subdivision is not located in the Special Flood Hazard Area, and therefore the proposed development should not adversely impact water quality and/or environmentally sensitive lands, or areas that are topographically unsuited for development,
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed subdivision is consistent with the Comprehensive Plan, the Future Land Use Plan, other plans and studies, policies and accepted planning practice;
8. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Zone Change

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 zone change;
2. The proposed zoning change is consistent with the general intent and purpose of

the zoning ordinance;

3. The proposed zoning change is consistent with the Future Land Use Plan, other adopted plans and policies, and accepted planning practice;
4. The proposed zoning change is compatible with adjacent zoning;
5. The proposed zoning change would not adversely affect public health, safety and general welfare.

ATTACHMENTS:

1. Application
2. Exhibit 2 - Preliminary Plat
3. Exhibit 3 - Development Schematic
4. Exhibit 4 - draft Ord. Rockwood Second
5. Exhibit 5 - Rockwood First Addition(Recorded) reduced size
6. Exhibit 6 - Images
7. Exhibit 7 - Rockwood 2nd Location Map

FISCAL IMPACT:

N/a

STAFF IMPACT:

N/a

LEGAL REVIEW:

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

RECOMMENDATION:

Staff recommends conducting a public hearing for the preliminary plat and zone change request. A motion to approve the preliminary plat may be made under Public Hearing #1, and a motion to approve the first consideration of the zone change ordinance can be made under Resolutions & Ordinances No. 1

SUGGESTED MOTION:

I move to approve the preliminary plat for Rockwood Second Addition.

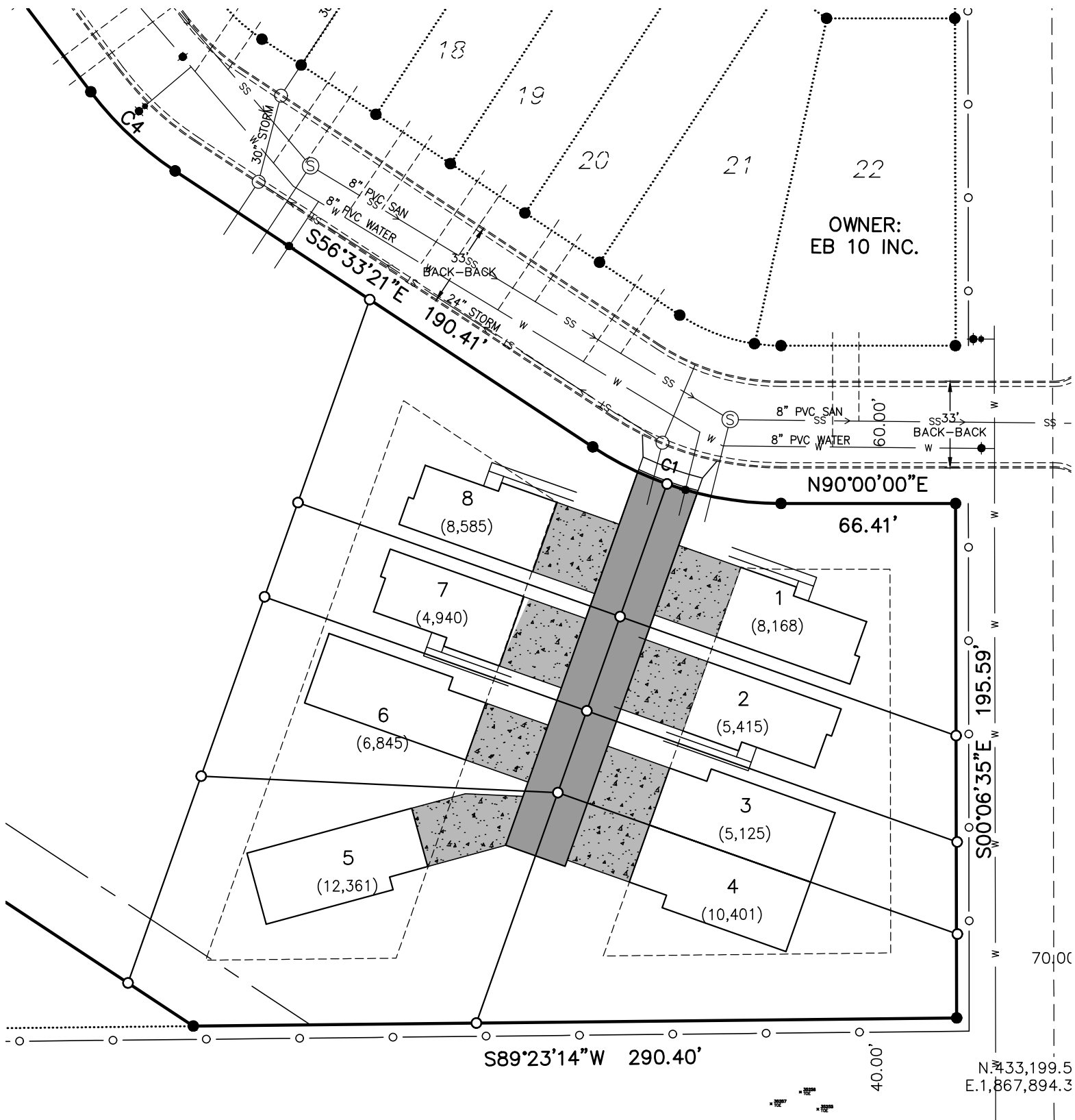
CITY OF MANDAN	
Development Review Application	
☐ Minor Plat (\$300)	☒ Zone Change (\$600)
☒ Preliminary Plat up to 20 acres (\$400)	Planned Unit Development (\$700)
Preliminary Plat more than 20 acres (\$450)	Land Use and Transportation Plan Amendment (\$1,000)
Final Plat up to 20 lots (\$400)	Vacation (\$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)	
Prelim Plat & Zone change	

Engineer/Surveyor			Property Owner or Applicant		
Name Jerod Klabunde			Name EBCMGL 16 LLLP (Eric Belanger)		
Address 4503 Coleman St Suite 105			Address 1540 Clipper Place		
City Bismarck	State ND	Zip 58503	City Bismarck	State ND	Zip 58504
email jerod.klabunde@mooreengineeringinc.com			email ericbelcastle@gmail.com		
Phone 701.751.2954	Fax		Phone 701.934.0730	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	AG	RC-2 Residential	Rockwood Second Addition	
Property Address				Legal Description			
N/A				Lot 3 Block 2 Rockwood First Addition			
Current Use							
Vacant							
Proposed Use							
Residential				Section 16	Township 139N	Range 81W	
Parcel Size 5.56 acre	Building Footprint	Stories	Building SF	Required Parking		Provided Parking	

Print Name Eric Belanger		Signature	Date 12/22/2023
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Office Use Only			
Date Received: 12-22-23	Initials: AB	Fees Paid: \$ 1000	Date 12-22-23
Notice in paper	Mailed to neighbors	P&Z meeting	
☐ Approved	Approved with conditions:		
☐ Denied			



OWNER:
EB 10 INC.

N 433,199.5
E 1,867,894.3

ORDINANCE NO. XXXX

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 Medium-Density Residential; and

WHEREAS, Adjacent properties to the north are zoned R3.2 - Residential, to the west zoned AG – Agriculture, to the east zoned R3.2 – Residential, and to the south RM - Residential. The R3.2 - Residential 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:

ROCKWOOD SECOND ADDITION OF SECTION 16, TOWNSHIP 139N, RANGE 81W, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA:

SAID TRACT OF LAND CONTAINING 5.56 ACRES, MORE OR LESS.

SHALL BE REMOVED FROM THE AG – AGRICULTURE DISTRICT AND SHALL BE INCLUDED IN THE R3.2 – RESIDENTIAL 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.

Tim Helbling, President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

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

January 22, 2024
February 20, 2024
March 5, 2024

PLAT OF ROCKWOOD FIRST ADDITION TO THE CITY OF MANDAN, A PLAT OF PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 81 WEST MORTON COUNTY, NORTH DAKOTA

CERTIFICATE

JAMES ALBER, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "ROCKWOOD FIRST ADDITION" TO THE CITY OF MANDAN, A PLAT OF PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 19TH PRINCIPAL MERIDIAN IN MORTON COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

THAT PART OF SAID NORTH HALF OF THE SOUTHEAST QUARTER AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTH HALF OF THE SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 23 MINUTES 14 SECONDS WEST ON AN ASSUMED BEARING ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE SOUTHEAST QUARTER FOR A DISTANCE OF 1174.15 FEET; THENCE NORTH 00 DEGREES 06 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 751.56 FEET; THENCE NORTH 89 DEGREES 26 MINUTES 18 SECONDS EAST FOR A DISTANCE OF 204.48 FEET; THENCE NORTH 02 DEGREES 09 MINUTES 44 SECONDS WEST FOR A DISTANCE OF 102.74 FEET; THENCE NORTH 80 DEGREES 06 MINUTES 35 SECONDS WEST FOR A DISTANCE OF 467.50 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 89 DEGREES 26 MINUTES 18 SECONDS EAST ON SAID NORTH LINE FOR A DISTANCE OF 973.40 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00 DEGREES 06 MINUTES 35 SECONDS EAST ON THE EAST LINE OF SAID NORTH HALF OF THE SOUTHEAST QUARTER FOR A DISTANCE OF 1320.72 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 32.98 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

James Alber
JAMES ALBER
REGISTERED LAND SURVEYOR
REG. NO. 15-4730

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

ON THIS 19 DAY OF April, 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JAMES ALBER, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

Andrew J. Tuck
ANDREW J. TUCK
NOTARY PUBLIC, BURLEIGH COUNTY, NORTH DAKOTA



OWNER'S CERTIFICATE OF DEDICATION

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 THE 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".

ALL OF LOT 23, BLOCK 1 IS INTENDED AS A STORM WATER POND IN ITS ENTIRETY AND WILL BE OWNED AS UNDIVIDED INTEREST BY ALL LOTS IN THIS SUBDIVISION PLAT.

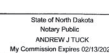
Eric Belanger
ERIC BELANGER
DOCTOR ERIC BELANGER
ALL EXCEPT LOT 24, BLOCK 1

Kristin Schwalb
KRISTIN SCHWALB, M/A KRISTIN WAGNER
LOT 24, BLOCK 1

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

ON THIS 17 DAY OF April, 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DOCTOR ERIC BELANGER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

Andrew J. Tuck
ANDREW J. TUCK
NOTARY PUBLIC, BURLEIGH COUNTY, NORTH DAKOTA



STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

ON THIS 14th DAY OF April, 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED KRISTIN SCHWALB, FORMERLY KNOWN AS KRISTIN WAGNER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME AS HER FREE ACT AND DEED.

Kari Neuhaus
KARI NEUHAUS
NOTARY PUBLIC, BURLEIGH COUNTY, NORTH DAKOTA



MANDAN PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF MANDAN IS HEREBY RECOMMENDED FOR APPROVAL APPROVED THIS 28th DAY OF March, 2022.

Burton
BIL ROBINSON, CHAIRPERSON

MANDAN BOARD OF CITY COMMISSIONERS APPROVAL

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND SHOWN HEREIN AND HAS ACCEPTED THE DEDICATION OF ALL STREETS, ALLEYS AND PUBLIC WAYS SHOWN HEREIN LYING WITHIN THE CORPORATE LIMITS OF THE CITY OF MANDAN, HAS ACCEPTED THE DEDICATION OF ALL PARKS AND PUBLIC GROUNDS SHOWN HEREIN, FURTHERMORE SAID BOARD OF CITY COMMISSIONERS HAS APPROVED THE STREETS, ALLEYS AND OTHER PUBLIC WAYS AND GROUNDS SHOWN HEREIN 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 THIS 19th DAY OF April, 2022.

Jim McBurnie
JIM MCBURNE, CITY ADMINISTRATOR

Justin Froese
JUSTIN FROESE, PRESIDENT OF THE BOARD OF CITY COMMISSIONERS

Parcel ID: 65-5586500 65-5586540

CITY ENGINEER'S APPROVAL

I, JUSTIN FROESE, ENGINEER FOR THE CITY OF MANDAN, NORTH DAKOTA HEREBY APPROVE THE ANNEXED PLAT.

Justin Froese
JUSTIN FROESE, CITY ENGINEER



NOTES
THE COORDINATE VALUES SHOWN HEREON ARE BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE NAD(83)2011 ADJUSTMENT, INTERNATIONAL FEET.

STORMWATER AND DRAINAGE LOT 19, BLOCK 1 WILL BE OWNED AS UNDIVIDED INTEREST BY LOTS 1-19 AND LOT 20, BLOCK 1, LOTS 1-4, BLOCK 2 AND LOT 1, BLOCK 3.

SEE DEVELOPMENT AGREEMENT FILED IN THE OFFICE OF THE MORTON COUNTY RECORDER AS DOCUMENT NUMBER _____

LEGEND

- IRON MONUMENT FOUND
- SET 5/8"X18" REBAR WITH ORANGE PLASTIC CAP (#4730)
- (4810) LOT AREAS IN SQ. FT.
- L ARC LENGTH
- R RADIUS LENGTH
- A CENTRAL ANGLE

BASIS OF BEARINGS:
NORTH DAKOTA STATE PLANE
COORDINATE SYSTEM, SOUTH
ZONE NAD(83)2011,
INTERNATIONAL FEET.

Scale In Feet
MARCH 31, 2023



moore engineering, inc. SHEET 1 OF 1
PROJ. NO. 20707

AREA TABLE			
LOT	BLOCK	SQUARE FEET	ACRES
1	1	8,430	0.19
2	1	5,692	0.13
3	1	5,694	0.13
4	1	5,694	0.13
5	1	5,694	0.13
6	1	10,733	0.25
7	1	4,750	0.11
8	1	4,750	0.11
9	1	4,750	0.11
10	1	4,750	0.11
11	1	4,750	0.11
12	1	4,750	0.11
13	1	4,750	0.11
14	1	4,750	0.11
15	1	4,750	0.11
16	1	5,320	0.12
17	1	4,250	0.10
18	1	4,250	0.10
19	1	4,250	0.10
20	1	4,250	0.10
21	1	5,536	0.13
22	1	7,759	0.18
23	1	116,686	2.68
24	1	364,267	8.32
BLOCK 1 TOTAL		623,068	14.30
1	2	9,007	0.21
2	2	7,460	0.17
3	2	297,706	6.80
4	2	25,582	0.59
BLOCK 2 TOTAL		359,424	8.25
1	3	142,189	3.26
BLOCKS TOTAL		1,124,681	25.82
STREETS		311,973	7.16
TOTAL		1,436,654	32.98

UNPLATTED

NE 1/4

N89°26'18"E 973.40'

NE CORNER
N1/2-SE1/4 OF SEC. 16
CORNER RECORD #5

EAST LINE
N1/2-SE1/4 OF SEC. 16

EAST LINE
N1/2-SE1/4 OF SEC. 16

EXISTING 3" WIDE
DOE NO. 239604

UNPLATTED

UNPLATTED

UNPLATTED

UNPLATTED

UNPLATTED

UNPLATTED

UNPLATTED

UNPLATTED

UNPLATTED

UNPLATTED

UNPLATTED

EXHIBIT 6



View south from Beretta Street NW



Aerial looking north



Zoning and Future Land Use Reference Map

Rockwood 2nd Addition

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
- January '24 Planning Items



Future Land Use Plan Key

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

Future Land Use Plan





City Commission

Agenda Documentation

MEETING DATE: February 20, 2024
PREPARATION DATE: February 8, 2024
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Kimberly Markley
PRESENTER: Kimberly Markley, City Assessor
SUBJECT: Richard Ziegler Wheelchair Abatements for 2022 & 2023

STATEMENT/PURPOSE:

To consider corrections to the 2022 & 2023 full & true values for property located at 2509 6th Ave NW.

BACKGROUND/ALTERNATIVES:

This parcel is also known as parcel #65-6113045 with a legal description of Lot 9B of Lot 9 Block 2 Meadow Ridge 3rd Addition Replat

Reason for Abatement: I have reviewed the 2022 & 2023 Applications for the Property Tax Exemption and documentation, which are on file in my office. This applicant qualifies for the 2022 & 2023 Exemption for Disabled Persons Confined to Use of a Wheelchair.

ATTACHMENTS:

1. Ziegler Wheelchair Abatements for 2022 & 2023
2. Guideline for Wheelchair Exemption 2022-2023

FISCAL IMPACT:

2022 All taxing entities = \$1,280.48, City Share = \$287.33
2023 All taxing entities = \$1,251.27, City Share = \$287.69

STAFF IMPACT:

N/A

LEGAL REVIEW:

Submitted to City Attorney Oster

RECOMMENDATION:

I recommend a motion to recommend approval to the Morton County Commission of the 2022 & 2023 abatement applications for Richard Ziegler at 2509 6th Ave NW as presented.

SUGGESTED MOTION:

I move to recommend approval to the Morton County Commission of the 2022 & 2023 abatement applications as presented for Richard Ziegler at 2509 6th Ave NW as presented.

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

Assessment District CITY OF MANDAN

County of COUNTY OF MORTON

Property I.D. No. 65-6113045

Name ZIEGLER/RICHARD A L/E

Telephone No. _____

Address 2509 6TH AVE NW, MANDAN, ND 58554-0000

Legal description of the property involved in this application:

LOT 9B OF LOT 9 BLOCK 2 MEADOW RIDGE 3RD ADD REPLAT

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

Land \$ 30,000 -
Improvements \$ 233,300 -
Total \$ 263,300 -
(1)

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

Land \$ 30,000 -
Improvements \$ 133,300 -
Total \$ 163,300 -
(2)

The difference of \$ 100,000 - true and full value between (1) and (2) above is due to the following reason(s):

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

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

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

Applicant asks that 2022 WHEEL CHAIR EXEMPTION

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

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

Signature of Preparer (if other than applicant) _____

Date _____

Signature of Applicant Richard Ziegler

Date 2-7-24

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

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

Dated this _____ day of _____,

City Auditor or Township Clerk

Action by the Board of County Commissioners

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

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

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

Dated _____

County Auditor

Chairperson

Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

County Auditor

Date

**Application For Abatement
Or Refund Of Taxes**

Name of Applicant

County Auditor's File No.

Date Application Was Filed
With The County Auditor

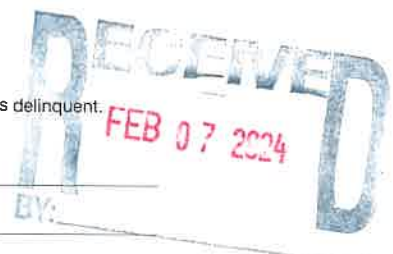
Date County Auditor Mailed
Application to Township
Clerk or City Auditor

(must be within five business days of filing date)

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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



State of North Dakota

Assessment District CITY OF MANDAN

County of COUNTY OF MORTON

Property I.D. No. 65-6113045

Name ZIEGLER/RICHARD A L/E

Telephone No.

Address 2509 6TH AVE NW, MANDAN, ND 58554-0000

Legal description of the property involved in this application:

LOT 9B OF LOT 9 BLOCK 2 MEADOW RIDGE 3RD ADD REPLAT

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

Land \$ 30,000 -
Improvements \$ 259,000 -
Total \$ 289,000 -
(1)

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

Land \$ 30,000 -
Improvements \$ 159,000 -
Total \$ 189,000 -
(2)

The difference of \$ 100,000 - true and full value between (1) and (2) above is due to the following reason(s):

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

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

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

Applicant asks that 2023 WHEEL CHAIR EXEMPTION

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

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

Signature of Preparer (if other than applicant)

Date

Signature of Applicant

Date

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

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

Dated this _____ day of _____, _____
City Auditor or Township Clerk

Action by the Board of County Commissioners

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

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

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

Dated _____

County Auditor

Chairperson

Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

County Auditor

Date

**Application For Abatement
Or Refund Of Taxes**

Name of Applicant

County Auditor's File No.

Date Application Was Filed
With The County Auditor

Date County Auditor Mailed
Application to Township
Clerk or City Auditor

(must be within five business days of filing date)



Guideline

Property Tax Exemption for Qualifying Veterans & Disabled Persons Confined to Use of a Wheelchair

North Dakota Century Code §§ 57-02-08(20) and 57-55-10(1)

July 2011

Property Exempted

1. The exemption is applied to the taxable valuation of fixtures, buildings, and improvements, including mobile homes, up to the eligible amount.
2. The land is taxable.
3. A person may also qualify for homestead credit.

Additional Requirements

4. The applicant must be disabled on the assessment date.
5. Property must be owned and occupied as a homestead (as defined in N.D.C.C. § 47-18-01) by a qualifying veteran or unremarried surviving spouse, or a qualifying disabled person or unremarried surviving spouse.
6. The applicant must file an affidavit showing the facts and description of the homestead with the county auditor when applying for the exemption.
7. If property ownership changes after the assessment date, N.D.C.C. § 57-02-41 provides for proration of the assessment.
8. If a qualifying applicant or unremarried surviving spouse moves to a different homestead, the exemption is portable and may be applied to the person's new homestead.

Paraplegic Disabled Veterans of the United States Armed Forces or Veterans who have been Awarded Specially Adapted Housing by the Veterans Administration

9. The maximum benefit may not exceed \$5,400 taxable value, because the exemption is limited to the first \$120,000 of true and full value of fixtures, buildings, and improvements.
10. Income and assets are not considered in determining eligibility for the exemption.
11. The paraplegic disability does not have to be service connected.
12. The exemption is available to the unremarried surviving spouse of the veteran.

24877

G-11

North Dakota Office of State Tax Commissioner

600 E Boulevard Ave. Dept 127
Bismarck ND 58505-0599

701-328-3127
tax.nd.gov

taxinfo@nd.gov
www.tax.nd.gov

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Permanently and Totally Disabled Persons Permanently Confined to Use of a Wheelchair

- * 22. "Permanently confined to use of a wheelchair" means "that the person cannot walk with the assistance of crutches or any other device and will never be able to do so and that a physician . . . has so certified." [See N.D.C.C. § 57-02-08(20)(b).] An applicant should provide a statement from a physician certifying that the applicant meets the statutory definition.
- 23. The same reduction in assessed valuation applies whether the homestead is owned by the spouse or jointly owned by the disabled person and spouse, provided both reside on the homestead.
- 24. The exemption is available to the disabled person's unremarried surviving spouse.
- 25. Income and assets are not considered in determining eligibility for the exemption.
- 26. The maximum benefit may not exceed \$4,500 taxable value, because a homestead is limited to \$100,000 market value. (See N.D.C.C. § 47-18-01.)
- 27. The exemption does not reduce liability for special assessments.

Cancellation Of Unpaid Taxes

The county commissioners have the authority to cancel the portion of the tax exempted by this subsection for any year that a qualifying owner has held title to the exempt property.

- * Indicates significant change since last revised.



City Commission

Agenda Documentation

MEETING DATE: February 20, 2024
PREPARATION DATE: February 12, 2024
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Kimberly Markley
PRESENTER: Kimberly Markley, City Assessor
SUBJECT: Veteran Credit for Eddie Underwood

STATEMENT/PURPOSE:

To consider 2023 Application for Disabled Veterans Property Tax Credit for property located at 300 Mario CT SE.

BACKGROUND/ALTERNATIVES:

This parcel is also known as parcel #65-6134800 with a legal description of Lot 6A Block 5 Macedonia Hills 1st Addition Replat.

Reason for Abatement: I have reviewed the Disabled Veterans Property Tax Credit Application and documentation, which are on file in my office. This applicant qualifies for Disabled Veterans Property Tax Credit for 2023.

ATTACHMENTS:

1. Underwood 2023 Abatement Form
2. Disabled Veterans Property Tax Credit Flyer

FISCAL IMPACT:

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

STAFF IMPACT:

N/A

LEGAL REVIEW:

Submitted to City Attorney Amy Oster

RECOMMENDATION:

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

2023 Abatement Application for Eddie Underwood at 300 Mario CT SE as presented.

SUGGESTED MOTION:

I move to recommend approval to the Morton County Commission of the 2023 Abatement Application for Eddie Underwood at 300 Mario CT SE as presented.

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

Assessment District CITY OF MANDAN

County of MORTON

Property I.D. No. 65-6134800

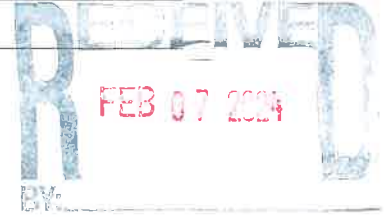
Name UNDERWOOD/EDDIE P & JAYDIN E

Telephone No. _____

Address 300 MARIO CT SE, MANDAN, ND 58554-0000

Legal description of the property involved in this application:

LOT 6A BLOCK 5 MACEDONIA HILLS 1ST ADD REPLAT



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

Land \$ 35,000
Improvements \$ 231,500
Total \$ 266,500
(1)

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

Land \$ 35,000
Improvements \$ 231,500
Total \$ 266,500
(2)

The difference of \$ 0.00 true and full value between (1) and (2) above is due to the following reason(s):

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

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

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

Applicant asks that Apply Veterans Credit

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

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

Signature of Preparer (if other than applicant) _____

Date _____

Signature of Applicant _____

Date 1-7-24

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

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

Dated this _____ day of _____

City Auditor or Township Clerk

Action by the Board of County Commissioners

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

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

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

Dated _____

County Auditor

Chairperson

Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

County Auditor

Date

**Application For Abatement
Or Refund Of Taxes**

Name of Applicant

County Auditor's File No.

Date Application Was Filled
With The County Auditor

Date County Auditor Mailed
Application to Township
Clerk or City Auditor

(must be within five business days of filing date)

DISABLED VETERANS

PROPERTY TAX CREDIT

The Disabled Veterans Credit is a property tax credit that is available to veterans of the United States Armed Forces with service-connected disability. It may reduce the taxable value of a residence and associated taxes due.



ELIGIBILITY

1. You must be a disabled veteran of the United States Armed Forces with an armed forces service-connected disability of 50% or greater in the year for which your application is made.
2. You must have received an honorable discharge or be retired from the United States Armed Forces.
3. You must reside on and have an interest in the property, as of the assessment date.

APPLY

Applicants will need to provide their DD214 and the determination of disability by the VA to your local assessor or county director of tax equalization.

To apply, submit the Application for Disabled Veterans Property Tax Credit to your local assessor. The applications can be found at www.tax.nd.gov/veterans.



ADDITIONAL INFORMATION

The following table shows how taxable values may reduce with the credit.

Disability Percentage	Maximum Reduction
100%	\$8,100
90%	\$7,290
80%	\$6,480
70%	\$5,670
60%	\$4,860
50%	\$4,050

To qualify, veterans must meet all eligibility requirements and file an application with the local assessor or county director of tax equalization, by February 1 in the year that the property is assessed and credit is requested.

To obtain disability and honorable discharge documentation, contact your Veterans Service Office or the United State Department of Veterans Affairs at 866-634-8387.

Office of State Tax Commissioner
600 E. Boulevard Ave. Dept. 127
Bismarck, N.D. 58505-0599
701-328-7088
tax.nd.gov



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

Matpac Wrestling Club, Inc.

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

Black Lions

Street 412 W. Main Street	City Mandan	ZIP Code 58554	County Morton
Beginning Date(s) Authorized 3/1/24	Ending Date(s) Authorized 6/30/24	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)

Games will be conducted in bar area, excluding the restrooms.

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

RESTRICTIONS FOR CITY/COUNTY USE ONLY

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

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

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

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

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

APPROVALS

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



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

License Number (Office Use Only)

Site Owner (Lessor) G. D. Hooker, LLC		Site Name Black Lions		Site Phone Number (701) 751-2770
Site Address 412 W. Main Street	City Mandan	State ND	Zip Code 58554	County Morton
Organization Matpac Wrestling Club	Rental Period 3/1/24 to 6/30/24			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 _____ X Rent per Table \$ _____		☒ No	☐ Yes	\$
Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____				\$
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		☒ 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	\$ 400
5. Are Electronic Pull-Tabs conducted at this site? If "Yes" please indicate the number of devices 8		☐ No	☒ Yes	\$ 1100
Total Monthly Rent				\$ 1,500
6. If the only gaming activity to be conducted at the site is a raffle drawing, please check here. ☐				

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

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

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

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

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

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

Signature of Lessor 	Title Co. owner	Date 12 Feb 2024
Signature of Lessee 	Title President	Date 2/12/24



City Commission

Agenda Documentation

MEETING DATE: February 20, 2024
PREPARATION DATE: February 14, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider Sunset Drive Interchange Engineering Reimbursement Agreement

STATEMENT/PURPOSE:

To review and possibly approve a preliminary engineering reimbursement agreement with the North Dakota Department of Transportation (NDDOT), related to the Sunset Drive Interchange Project

BACKGROUND/ALTERNATIVES:

The NDDOT conducted a study of the Sunset Drive Interchange on I-94 to identify deficiencies and provide direction on improvement alternatives. The study resulted in a decision document recommending to proceed with a Single Point Urban Intersection (SPUI) on the I-94 with either a roundabout or signal at the intersection of Old Red Trail and Sunset Drive.

The NDDOT has programmed this project into the Statewide Transportation Improvement Program (STIP) for 2027. In order to continue with preliminary engineering, the NDDOT is seeking to solidify Mandan's agreement with the NDDOT to proceed with the project development process. The attached agreement outlines the City's engineering cost responsibilities should the City no longer support the project in the future.

ATTACHMENTS:

1. PE Reimbursement Agreement
2. Decision Document

FISCAL IMPACT:

If agreed to and the NDDOT proceeds with project design, the City would be responsible for engineering costs if it wanted the project to halt. If the project proceeds

to construction, the City would participate in improvements made outside of the NDDOT right of way. All estimates for the project are very preliminary at this stage.

STAFF IMPACT:

Minimal.

LEGAL REVIEW:

The agreement has been forwarded to our attorney for review.

RECOMMENDATION:

To enter into the agreement as presented.

SUGGESTED MOTION:

I move to enter into the Preliminary Engineering Reimbursement Agreement with the NDDOT, as presented.

NDDOT Contract No. 38231445
Project No. IM-1-094(231)152
PCN No. 23594

**North Dakota Department of Transportation
PRELIMINARY ENGINEERING REIMBURSEMENT AGREEMENT**

This agreement is between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and Mandan, North Dakota, hereinafter referred to as the City.

WHEREAS, the City agrees that NDDOT proceed with project development activities associated with the Interstate 94 and Sunset Boulevard Interchange replacement, IM-1-094(231)152 (PCN 23594); and;

WHEREAS, the City agrees that the project be developed in accordance with NDDOT policies and with the scope of work identified in Attachment A, attached hereto and incorporated by reference.

NOW, THEREFORE, it is agreed that NDDOT will take all necessary steps in project development to deliver an environmental document and set of design plans approved by the City, and construct the project by scheduling a bid opening at such time as funding and project completion allows.

The City agrees that should it unilaterally and voluntarily terminate this agreement by whatever means or action, it shall reimburse NDDOT for any and all costs it has incurred for engineering services under this agreement.

The City further agrees that should it request or otherwise cause a material alteration to, or a reduction of the scope of the project, it shall reimburse NDDOT for any and all costs it has incurred for engineering services under this agreement.

In the event the City fails to reimburse NDDOT, such failure 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 City, and that the State Treasurer is hereby directed to deliver and pay over to NDDOT all funds credited to the City until the total thereof equals the sum billed pursuant to this agreement.

Appendices A and E of the Title VI Assurances, attached, are hereby incorporated into and made a part of this agreement.

The Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.



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

APPROVED:

CITY ATTORNEY (TYPE OR PRINT)

SIGNATURE

DATE

City of _____

NAME (TYPE OR PRINT)

SIGNATURE

*

TITLE

DATE

ATTEST:

CITY 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:

Paul Benning

LOCAL GOVERNMENT ENGINEER (TYPE OR PRINT)

Paul Benning

SIGNATURE

02/07/24

DATE

SH

NORTH DAKOTA
DEPARTMENT OF TRANSPORTATION

DIRECTOR (TYPE OR PRINT)

SIGNATURE

DATE

SS

*Mayor or President City Commission

CLA 17057 (Div. 38)
L.D. Approved 7-17-89; 10-23



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

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

1. Compliance with Regulations: The Contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. Non-discrimination: The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. Information and Reports: The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient or the Federal Highway Administration as appropriate, and will set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Nondiscrimination 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 nondiscrimination 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 **\$406,250 per person and \$1,625,000 per occurrence**. The minimum limits of liability required of the State are **\$406,250 per person and \$1,625,000 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 11-23



RECONSTRUCTION

Project No.

PCN

IM-1-094(231)152

23594

Sunset Drive Interchange (Exit 152)



DECISION DOCUMENT

Prepared by

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
BISMARCK, NORTH DAKOTA

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

DIRECTOR
Ronald J. Henke, P.E.

PROJECT DEVELOPMENT DIRECTOR
Jon Ketterling, P.E.

Principal Author: Chris M. Rossmiller, P.E. Mead & Hunt Inc
July 2023

23 USC § 407

NDDOT Reserves All Objections

RECONSTRUCTION

Sunset Drive Interchange (Exit 152)

CERTIFICATION



08/02/23

(The Public Involvement Report is included as an attachment at the end of this document.)

A. Project Description

Highway: I-94 *District:* Bismarck *Projects:* IM-1-094(231)152
From: Sunset Drive Interchange (Exit 152)

<u>Project</u>	<u>Current ADT (2022)</u>	<u>Forecast ADT (2045)</u>
I-94 E of Sunset Dr	20,600	36,000
I-94 W of Sunset Dr	12,900	27,600
I-94 Ramps	760 – 6,535	2,300 – 10,300
Sunset Drive N of Old Red Trl	5,350	10,300
Sunset Drive WB Ramps to Old Red Trl	16,200	23,800
Sunset Drive between Ramps	13,100	20,000
Sunset Drive S of EB Ramps	11,120	17,600

B. Project Schedule

<u>Project</u>	<u>Bid Ready</u>
IM-1-094(231)152	April 1, 2026
Median Crossovers*	December 1, 2024

**No project currently set for the median crossovers on I-94.*

C. Purpose of Decision Document:

The purpose of this decision document is to present the proposed build alternatives for the Exit 152 interchange and select which proposed build alternative to move forward into the environmental document. Alternatives not selected will be documented in the environmental document as alternatives not carried forward.

D. Need for Project:

Existing Conditions:

Due to the growth of northwest Mandan, the existing interchange configuration will be unable to meet future traffic demand without unacceptable delays for Sunset Drive intersections, ramp queuing affecting interstate operations, accelerated pavement deterioration, and limitations to freight mobility.

Deficiencies:

- Traffic operational issues at the interchange causing delays from queuing of vehicles. Primarily Westbound to Northbound traffic movements and Southbound to Eastbound traffic movements.
- Traffic growth at this interchange is degrading operations with long queues during peak hours that extend onto the interstate. Most notably at the westbound off-ramp to Sunset Drive.
- The I-94 westbound ramps and Old Red Trail are separated by 325 feet. These short distances create operational challenges as queues developed during peak hours exceed the existing storage capacity at the intersections.

- By the year 2045, many traffic movements through the study area are expected to operate at an unacceptable level of service (LOS) E or F.
- The existing vertical clearance beneath the structure carrying I-94 over Sunset Drive is substandard by more than 2 feet, limiting freight movement beneath the interstate.
- The skew of Sunset Drive to I-94 creates sight distance constraints at the ramp intersections to Sunset Drive.
- Drainage Issues are present in the northwest quadrant of the intersection of Boundary Street and Sunset Drive which cause water to sit on the roadway during heavy rains and snowmelt conditions.

E. Scope of Work

2020 - 2025 STIP: \$30,000,000

2022 Urban Interstate Priorities Process (UIPP) Decision Document: \$50,000,000

Alternatives

No Build

The No Build Scenario would maintain the unmodified existing diamond interchange and conditions at the intersections of Old Red Trail and Boundary Street NW. The pavement would continue to deteriorate at an accelerated rate as traffic volumes increase and the structures carrying I-94 will maintain the current substandard clearance (14 feet). Maintaining the existing interchange configuration will result in failing levels of service before the design year of 2045.

Structure maintenance would be anticipated at a future date anticipated to address deteriorating conditions.

Advantages:

- Lower initial costs

Disadvantages:

- Future maintenance costs to keep this interchange operating at an acceptable level of service.
- By 2045 many intersections degrade to deficient operations.
- Continual queuing impacts to I-94 operations.

Alternative 1 – Single Point Urban Interchange (SPUI)

w/Signals at Old Red Trail and Boundary St. (Estimated Cost = \$45.3 Million)

w/Roundabouts at Old Red Trail and Boundary St. (Estimated Cost = \$47.3 Million)

(See Figures 1 & 2)

This interchange will condense the diamond so that all ramps intersect with Sunset Drive at a single point under the I-94 centerline. The layout has options to construct either signalized intersections or roundabouts at intersection of Old Red Trail and Boundary Street NW with Sunset Drive.



FIGURE 1: ALTERNATIVE #1 SINGLE POINT URBAN INTERCHANGE

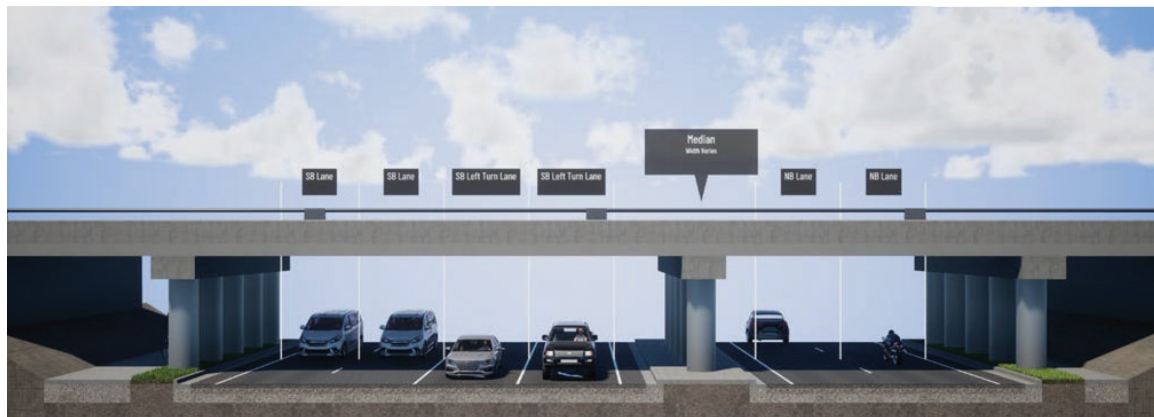


FIGURE 2: SUNSET DRIVE SPUI TYPICAL SECTION UNDER I-94

Advantages:

- This configuration increases the spacing between ramp intersections from Old Red Trail and Boundary Street.
- Provides Acceptable LOS in 2045
- Improved safety with only one signalized intersection rather than two at a conventional diamond interchange, vehicles only cross paths at one location.
- Main intersection operates with three traffic signal phases rather than four phases in a conventional diamond interchange, which reduces overall interchange delay and improves efficiency.

- A single signalized intersection, rather than two intersections at a conventional diamond interchange, improves travel times along Sunset Drive.

Disadvantages:

- Requires four-span structures to carry I-94 to accommodate the wider cross-section of Sunset Drive.
- Less pedestrian and bicycle friendly than other alternatives
- There would be property impacts at the Old Red Trail and Boundary Street intersections. The estimated property impacts would be up to 0.07 acres.
- Highest Cost Alternative

Alternative 2 – Partial Cloverleaf Interchange (Parclo) with Signals
w/Signals at Old Red Trail and Boundary St. (Estimated Cost = \$34.8 Million)
w/Roundabouts at Old Red Trail and Boundary St. (Estimated Cost = \$39.7 Million)
(See Figures 3 & 4)

This interchange would install a loop ramp in the southwest quadrant to serve the Sunset Drive southbound to eastbound movement. The interchange configuration would maintain the existing on-ramp in the southeast quadrant to serve the Sunset Drive northbound to eastbound movement, allowing for free-flow movements for traffic accessing eastbound I-94. This alternative constructs signalized intersections or roundabouts at Old Red Trail and Boundary Street NW intersections.



FIGURE 3: SUNSET DRIVE PARTIAL CLOVERLEAF TYPICAL SECTION UNDER I-94

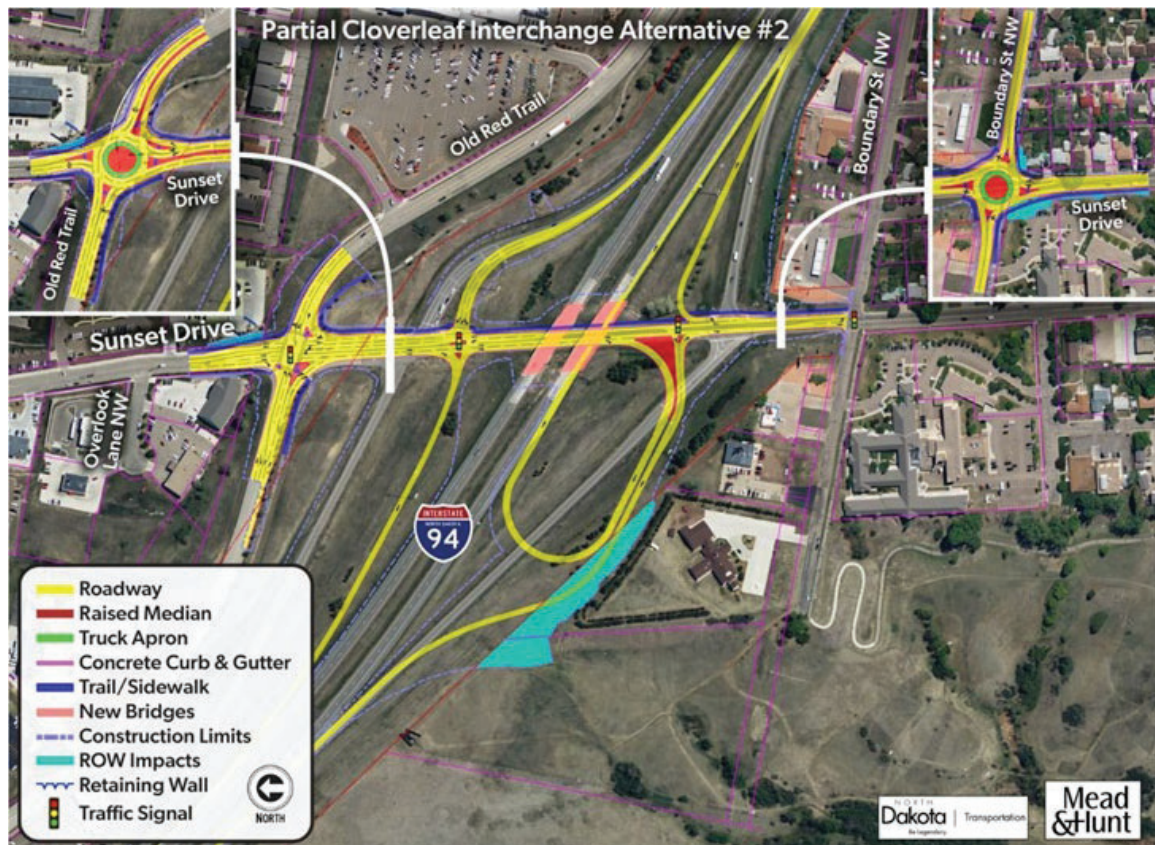


FIGURE 4: ALTERNATIVE #2 PARTIAL CLOVERLEAF INTERCHANGE

Advantages:

- This alternative has the most familiar driver understanding with numerous partial cloverleaf interchange configurations located throughout North Dakota.
- Provides Acceptable LOS in 2045.
- Provides for improved operations on the crossroad by eliminating the left turn onto the eastbound I-94 entrance ramp for eastbound movement.
- Easier access to freeway and improved safety by allowing southbound traffic on Sunset Drive to enter the freeway without crossing opposing northbound lanes of traffic, reducing the number of conflict points.
- A Parclo can have a narrower cross section and relatively low cost.

Disadvantages:

- This alternative has the highest right-of-way impact. There would be property impacts at the Old Red Trail and Boundary Street intersections and the southwest quadrant to accommodate the loop ramp. The estimated property impacts would be up to 1.47 acres.
- I-94 eastbound off-ramp may not meet signal warrants in the build year and may operate as a stop-controlled intersection.

Alternative 3 – Diverging Diamond (DDI) with Signals
 w/Signals at Old Red Trail and Boundary St. (Estimated Cost = \$45.4 Million)
 w/Roundabouts at Old Red Trail and Boundary St. (Estimated Cost = \$45.5 Million)
 (See Figures 5 & 6)

This alternative would consist of a diverging diamond which prioritizes on-ramp movements by crossing Sunset Drive traffic directions between the eastbound and westbound ramp terminals. The alternative constructs either signalized intersections or roundabouts at Old Red Trail and Boundary Street NW intersections.

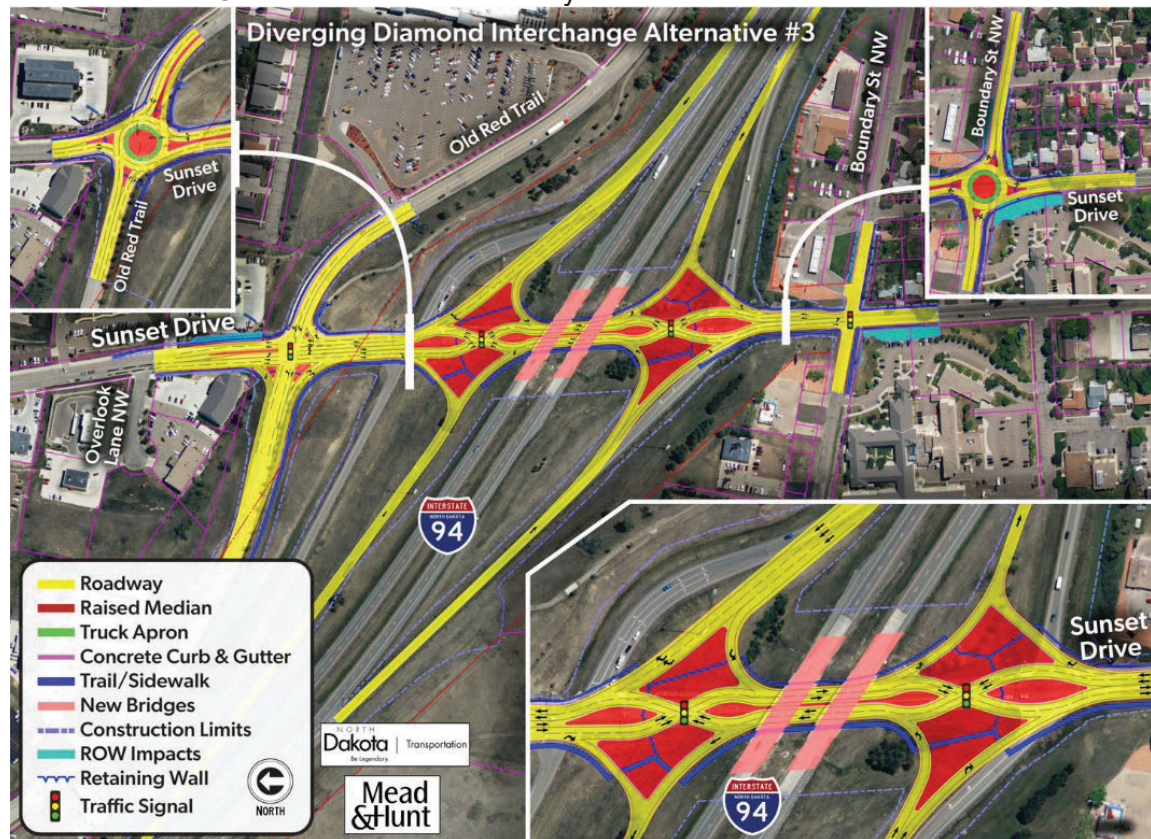


FIGURE 5: ALTERNATIVE #3 DIVERGING DIAMOND INTERCHANGE



FIGURE 6: SUNSET DRIVE DDI TYPICAL SECTION UNDER I-94

Sunset Drive Interchange (Exit 152)
 Project No. IM-1-094(231)152
 July 2023

Page 6
 PCN 23594

Advantages:

- This configuration moderately increases the distance between ramp intersections from Old Red Trail and from Boundary Street.
- The alternative reduces conflicts by removing left turning movements through the signalized intersections.
- It improves operations at the interchange by no longer needing left turn phases at the traffic signals.
- Provides Acceptable LOS in 2045

Disadvantages:

- Requires additional driver education due to crossovers and complexity of the movements.
- There would be property impacts at the Old Red Trail and Boundary Street intersections. The estimated property impacts would be up to 0.40 acres.
- Second highest cost alternative
- While increasing efficiency for the ramp movement to and from Sunset Drive, the alternative increases the delay for the through movement traveling north-south along Sunset Drive.

Alternative 4 – Diamond Interchange with Roundabouts

(Estimated Cost = \$28.3 Million)

(See Figures 7 & 8)

This alternative would replace the signalized intersections of the interchange with roundabouts. This allows all traffic to operate generally with continuous flow and removes signal infrastructure. This alternative constructs roundabouts at Old Red Trail and Boundary Street NW intersections.

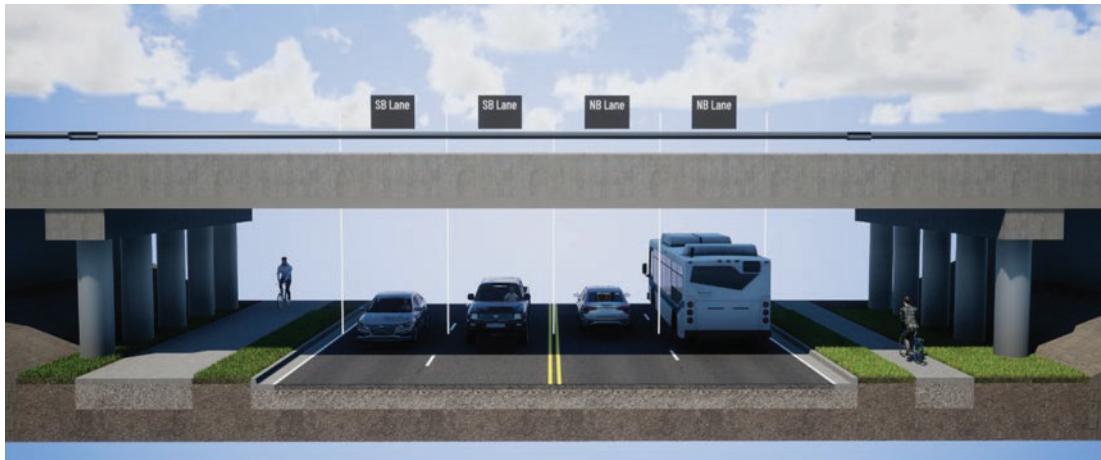


FIGURE 7: SUNSET DRIVE DIAMOND INTERCHANGE W/ROUNDBABOUTS TYPICAL SECTION



FIGURE 8: ALTERNATIVE #4 DIAMOND INTERCHANGE WITH ROUNDABOUTS

Advantages:

- Potential reduction in queue lengths along Sunset Drive
- Reduces the number of points where vehicles can cross paths and eliminates the potential for right-angle and head-on crashes.
- Eliminates signal coordination between the two ramp terminals.
- Allows for a narrower bridge as it eliminates at least two turning lanes.
- No raise to the mainline profile required as the structure depths of the bridges are relatively similar.
- Lowest cost alternative

Disadvantages:

- Little to no increase in spacing between adjacent intersections.
- Queues along the WB Off-ramp may impact I-94 WB mainline operations.
- Due to potential ramp backup on WB off-ramp, this alternative does not provide adequate traffic operations in the design year.

Optional Work Items:

Sunset Drive at Old Red Trail Intersection Options

At the intersection of Sunset Drive and Old Red Trail, two options were analyzed to improve traffic operations in the future year. The intersection would tie-in with interchange alternative #1, #2, and #3 as described above to the south and is assumed to narrow down to a three-lane cross-section north of the intersection. The intersection capacity analysis summary table for all alternatives is shown in Table 11 of the Traffic Operations Report. Table 1 highlights the advantages and disadvantages of the intersection options.

(a). Additional Turn Lanes

This option would mitigate the failing operations of the intersection by providing eastbound and westbound left turn lanes with protected phasing, an additional southbound and northbound through lane, and an additional eastbound right turn lane. The additional lanes will reduce the average intersection delay and reduce 95th percentile queue lengths below the length at which they would exceed the available queuing distance, specifically at the northbound approach. The intersection operates at LOS C during both the AM and PM peaks in the 2045 analysis year.

The second northbound through lane on Sunset Dr is necessary to provide adequate capacity through the intersection in the 2045 scenario and manage queue lengths. Initial analysis of the intersection had the second lane dropping as a merge approximately 400 ft beyond the signal, however, NDDOT prefers to avoid midblock lane drops as they may cause uneven lane utilization (i.e. the outer through lane may be underutilized as motorists would prefer the inner lane to avoid merging). Therefore, it is assumed that the lane drop would occur further downstream, at an intersection as an exclusive turn lane. Initial discussion suggested dropping the outer lane as a right-turn only lane at 27th Street N, however, this is beyond the limits of the study area. Further coordination with the Bismarck-Mandan Metropolitan Planning Organization and City of Mandan may be necessary to determine how to accommodate an additional northbound lane on Sunset Dr north of Old Red Trail and tie-in with the proposed three-lane cross-section of the Sunset Drive Corridor Study.

(b). Roundabout

This option would be a two-lane roundabout, which would remove the existing signal control and allow for near constant vehicular flow. The proposed lane configuration would improve the operation of the northbound approach, reducing the 95th percentile queue length to below the distance between the approach and the upstream intersection with I-94 WB ramps. The second eastbound right turn lane would allow vehicles from Old Red Trail bound for I-94 EB to make the movement into the inner southbound lane of Sunset Dr, eliminating the need for a lane change. The intersection operates at LOS C and B in the AM and PM peak hours, respectively, in 2045. All movements would operate at LOS D or better.

Sunset Drive at Boundary Street NW Alternatives Options

Two options were analyzed at the intersection of Sunset Dr and Boundary St NW to improve operations of the side streets. The intersection would tie-in with interchange alternative #1, #2, and #3 as described above to the north and is assumed to narrow down to a three-lane cross-section south of the intersection. The intersection capacity analysis summary table is shown in Table 12 of the traffic operations report.

TABLE 1: OPTION ADVANTAGES AND DISADVANTAGES AT OLD RED TRAIL AND BOUNDARY STREET

Option	Advantages	Disadvantages
Sunset Dr at Old Red Trail Intersection Alternatives		
Additional Turn Lanes	- Acceptable 2045 LOS - Driver understanding	- No increase in spacing between adjacent intersections. - Increases intersection footprint and may require retaining walls
Roundabout	- Fewer conflict points - Potential reduction in queue lengths - Acceptable 2045 LOS - Provides U-turn capability for emergency services and maintenance vehicles	- Large intersection footprint and may require retaining walls. - No increase in spacing between adjacent intersections
Sunset Dr at Boundary St NW		
Signalization	- Acceptable 2045 LOS - Operational improvement of Boundary St NW	- Disruption of Sunset Dr traffic - Potential for queueing issues between intersection and I-94 EB Ramps
Roundabout	- Minimal disruption of Sunset Dr traffic - Operational improvement of Boundary St NW - Provides U-turn capability for emergency services and maintenance vehicles	- Unacceptable degree of saturation in 2045 with single lane configuration - Large intersection footprint and may require retaining walls

Engineering Issues:

Bridge Retention

Of the four new interchange alternatives being considered, only two had a potential to retain the existing bridges with some geometric modifications, the partial cloverleaf interchange (Alternative #2), and the diamond interchange with roundabout ramp intersections Alternative #4). The diverging diamond interchange and single point urban interchange cannot operate within the limitations of the existing bridges.

The partial cloverleaf interchange alternative could be constructed under Span 2 of the existing bridges without modification. However, the eastbound bridge would need to be widened to accept the new auxiliary lane in addition to the minimum required rehabilitation described under the No Build alternative. For this reason, the partial cloverleaf geometric option was eliminated as a retention alternative.

The diamond interchange with roundabout ramp intersections alternative would need to be modified to a two- or three-lane roadway section below the bridge. A three-lane roadway was considered with a single lane in the northbound direction. It was determined that the bridge could not remain in service in this condition for a minimum of 20 years before Sunset Drive would require a fourth lane. For this reason, the geometric option was eliminated as a retention alternative.

Considering the information noted above, our conclusion is that a retention alternative that meets traffic needs and keeps the existing Sunset Drive bridges in service for a minimum of 20 years does not exist.

Mainline Profile

The alternatives were evaluated for options to eliminate or minimize the need to modify the I-94 profile through the project. In general, the design team found lowering Sunset Drive to provide the standard clearance (16'-6") and meet roadway standards and provide drainage through the interchange was feasible. However, this configuration would not be constructable without a full closure of Sunset Drive. This is due to the vertical clearance reduction due to the proposed structure depth over the existing Sunset Drive roadway during construction (< 12 feet) and the inability to maintain traffic lanes adjacent to the deep cuts upwards to 5 feet.

For these reasons, the alternatives #1, #2, and #3 show raising I-94 by a distance equal to the difference between the existing and the proposed structure depth for each alternative. This allows the existing 14-foot clearance to be maintained throughout construction stages and reduces the lowering of Sunset Drive to approximately 2.5 feet to achieve a 16'-6" vertical clearance.

Access

Currently all access points meet guidance as outlined in the Design Manual and the Traffic Operations Manual, other than one commercial driveway located in the northeast quadrant of the Sunset Drive and Boundary Street NW intersection. The western driveway of the Mobil Gas Station is located less than 50-feet from the northbound Sunset Drive travel lanes and falls within NDDOT right-of-way. This driveway also is within the functional area of the adjacent intersection. It is recommended in the NDDOT Traffic Operation Manual (January 2023) section in Functional Area, Frontage Roads, and Driveways, that unsignalized accesses on the same side of the road should not lie within 325 feet of each on a roadway with a 25 MPH posted speed limit. The two driveways for the gas station are 160 feet apart. Therefore, it is recommended that consideration should be given during preliminary design phase to closing the western access and consolidating all access to and from the Mobil station to the eastern driveway.

Drainage Issue

In the northwest quadrant of the intersection of Boundary Street NW and Sunset Drive, standing water on Sunset Drive can be observed after heavy rainfalls and during periods of snowmelt. This due to a lack of drainage ditch adjacent to the roadway due to the proximity to a WBI high pressure gas main facilities at this location. The area is currently drained by a long concrete flume with minimal slope and is ineffective at removing the stormwater away from the roadway quickly. The preliminary design will require additional investigation to develop alternatives to correct the concern while minimizing impacts to this facility. This item applies to all alternatives.

Environmental Issues:

The preliminary environmental screening compiled literature searching on the following items:

- Soils and Farmland
- Land Use/Section 4f
- Visual
- Environmental Justice/Socioeconomics
- Cultural Resources and Historic Properties
- Air Quality
- Noise
- Water Quality
- Wetlands and Aquatic Resources
- Threatened and Endangered Species
- Wildlife
- Floodplains
- Wild and Scenic Rivers
- Coastal Barrier/Coastal Zone
- Hazardous Materials

While each of these will be investigated further in the environmental documentation phase, the sections below summarize some of the key findings of the literature search.

Section 4F

Old Red Trail is a designated City bike trail within the Study Area. The Mandan Park District has a trailhead at the intersection of Sunset Ave and Old Red Trail. The trailhead was funded with federal grants. The trail and associated parcels appear to meet Section 4(f) criteria and would need to be further evaluated for potential project impacts.

Environmental Justice / Socioeconomic

The Federal Highway Administration (FHWA) HEP-GIS and U.S. Environmental Protection Agency (EPA) EJScreen Mapping Tool indicate that the percent minority population, percent of people in poverty, number of people with disabilities, and percent of households without a car are homogeneous throughout the Study Area and immediate vicinity. The residential area north of I-94 business loop and south of I-94 corridor has an increased percentage of people in poverty. As this was a “screening only”, environmental justice will be evaluated further in the preparation of the environmental document.

Cultural Resources and Historical Properties

A Class I Literature review has been completed for the Study Area. There are 96 cultural resources recorded within the one-mile radius study area of the project. In addition, 80 cultural resource investigations have been conducted within the Study

Area. As currently proposed, the project is not anticipated to impact any previously recorded cultural resources, because of the disturbed nature of the area-of-potential effect (APE). Additionally, the project area has been previously inventoried and additional inventories are unlikely to record resources that would meet the 50-year guidelines to be assessed for inclusion on the National Register Historic Places (NRHP) that have not been previously recorded. No NRHP properties are identified within the Study Area. The Study Area is part of the NPS Lewis and Clark National Historic Trail auto tour route. Consultation with the North Dakota State Historic Preservation Office (SHPO) will occur as part of the environmental phase of the project.

Wetlands and Aquatic Resources

A query of the U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) and U.S. Geological Survey (USGS) National Hydrography Dataset (NHD) indicated no wetlands, streams, or other aquatic resources identified within the Study Area. However, desktop analysis of aerial imagery indicates the presence of five potential road ditch wetlands within the Study Area. Field aquatic resource delineations will be performed once a project alternative is selected.

Public Involvement:

For the Sunset Drive Interchange Study, a technical advisory committee was developed, and a stakeholder and public input meeting were held during project development. The stakeholder and public input meeting were held in April 2023. The Public Involvement Summary Report can be found attached to this decision document for reference.

Technical Advisory Committee

The technical advisory committee was comprised of staff from the Bis-Man MPO, NDDOT, City of Mandan, Morton County, and Federal Highway Administration (FHWA). The group was engaged throughout all stages of the project, from data collection to the final report. Steering committee members were tasked with serving as advocates for the planning process by participating in discussion and sharing project milestones within their networks. A total of three meetings were held throughout the study development to review and discuss findings (see Appendix):

- Meeting 1 – Field Review Meeting
- Meeting 2 – Existing conditions review
- Meeting 3 – Draft alternative review

Stakeholder Meeting

A public meeting was held in April of 2023. The meeting was conducted as an in-person open house meeting format with a presentation and was intended for attendees to review alternatives and ask questions of staff. The open house was held at the Mandan Middle School to present findings and alternatives to the city officials, business owners, landowners adjacent to the interchange, and emergency services and ask for input for the study.

Public Input Meeting

A public meeting was held in April of 2023. The meeting was conducted as an in-person open house meeting format with a presentation and available online for a fifteen-day period. The open house was held at the Mandan Middle School to present alternatives to the public and ask for their input. Table 2 below summarizes the responses received in

support of the alternatives via email, online, and in-person comments. In general, alternative #1 (SPUI) received the most support and the option for signals or roundabouts at Old Red Trail and at Boundary Street NW received equal support from the public.

TABLE 2: SUMMARY OF PUBLIC COMMENT RECEIVED

Alternative	Comment supporting as "PRIMARY Choice"	Comments supporting as "Secondary Choice"	Intersection Control Options	
			Signals	Roundabouts
No Build	---	---	---	---
Alternative #1 SPUI	9	3	3	3
Alternative #2 PARCLO	4	2	---	2
Alternative #3 DDI	---	---	---	---
Alternative #4 Diamond w/Roundabouts	4	3	1	1

Comparison of Alternatives:

Traffic Operations

Based on the results of the Alternatives Assessment and Network Analysis section of the Traffic Operations Report, the alternatives were compared and ranked. Table 3 below ranks the four alternatives in seven categories: intersection operations, queueing and intersection spacing, Sunset Dr travel times, total network delay, impact to I-94 mainline operations, intersection safety, and multimodal/pedestrian accommodation. The categories are color coded and scored, dark green showing significant improvement over No Build conditions, worth two (2) points, light green showing moderate over No Build, worth one (1) point, yellow showing no change, worth zero (0) points. The orange and red colors show slight and moderate deterioration compared to No Build, worth negative one (-1) and negative two (-2) points, respectively.

TABLE 3: TRAFFIC OPERATION REPORT ALTERNATIVE RANKING SUMMARY

Alternative	Intersection Operations	Queueing/ Intersection Spacing	Travel Time	Network Delay	I-94 Operations	Safety	Multi-modal	Total Score	Overall Rank
#1 SPUI	2	2	1	2	1	0	-1	7	1
#2 Parclo	2	0	1	2	1	-1	0	5	2
#3 DDI	2	1	-1	2	1	0	-1	4	3
#4 Roundabout	-2	-1	2	2	-2	2	1	2	4

These findings were incorporated into the Alternative evaluations below and combined with other criterion including environmental factors, right-of-way impacts, and preliminary costs.

Alternative Evaluations

Each interchange alternative was developed as a plausible solution to meet the needs of the interchange. Evaluation criteria was created based upon the issues and concerns identified along the corridor. The criteria are intended to provide for a quantitative and/or qualitative evaluation of each of the alternatives, assisting in the refinement of interchange and intersection recommendations. Environmental considerations are included within the criteria to provide a planning-level estimate of potential impacts that may require avoidance, minimization or mitigation during project development and the development of the environmental document (DCE).

Categories were developed based on initial agency input and data collection and provided for the development of measurable criteria for the comparison of alternatives. The prioritized categories include:

- | | |
|--------------------------|---------------------|
| 1. Traffic Operations | 5. Preliminary Cost |
| 2. Safety | 6. Right-of-way |
| 3. Freight Mobility | 7. Complexity |
| 4. Environmental Factors | |

Measurable criteria were developed within each of these categories, described below, and allowing for a comparison of alternatives. The Sunset Drive Interchange alternatives were measured against the criteria to identify the alternatives that best fit the criteria.

Traffic Operations

Efficient traffic operations are vital for maintaining flow of traffic within the transportation system. This category assesses the benefits and impacts to vehicle capacity and mobility within the study interchange and the surrounding network as result of proposed improvements.

1. Intersection Operations

A future year 2045 intersection level of service was developed for each of the alternatives. The 2045 analysis found that all intersections, under all alternatives continued to operate at LOS D or better under future year 2045 conditions.

Alternatives that provided improved levels of service under the future year scored higher than those providing a lower level of service.

2. Queuing/Intersection Spacing

Modeled microsimulations of these alternatives in combination to evaluate the network as a whole and determine any queuing impacts/ interactions between the I-94 ramp terminals and adjacent intersections on Sunset Drive. The average queue length could reveal the operational efficiency and confirm the conclusions from the network delay. Alternatives that reduced or had shorter queue lengths scored higher.

3. Change in Travel Time

Modified turning movements, intersection controls, and spacing may results in improvements or impacts to travel time within the study interchange. This criterion evaluated changes in travel time within the Sunset Drive Interchange scoring alternatives that reduce travel time through the interchange higher than those with increased travel time.

4. Network Delay

The network delay is significant since it correlates with level of service and could reflect the operational efficiency of the proposed alternative. This criterion evaluated changes in total network delay of the proposed changes within the Sunset Drive Interchange.

5. I-94 Operations

I-94 mainline was analyzed from the interchange at ND Hwy 25 to the interchange at Mandan Ave. This criterion evaluated the proposed alternatives effects on I-94 and the adjacent interchanges.

6. Multimodal

Multimodal facilities were also considered in the design of the alternatives. Alternatives that impeded, increased complexity to travel through the interchange, or increase conflict points for bicyclists and pedestrians were evaluated lower than other alternatives in this category.

Safety

Safety analysis plays a key role in the assessment of alternatives. IHSDM models provide two different categories of safety results: predicted crashes and expected crashes. The difference between the expected and predicted crashes is the potential for safety improvements at the interchange. This criterion evaluates the alternative based on the relative difference between the predicted number of crashes in the no-build alternative and the alternatives number of crashes for each severity type noted below.

1. Reduction in Crashes (Fatal or Injury)
2. Reduction in Crashes (Property Damage Only)

Freight Mobility

A transportation system that adequately accommodates heavy commercial traffic, in addition to passenger vehicles, is vital to support existing and future economic growth within the City of Mandan. Alternatives were evaluated for the improvements'

compatibility year-round truck volumes. Criteria in this category is qualitative and was evaluated by the ability of the alternative to accommodate of heavy trucks within proposed geometrics.

Environmental Factors

A review of the potential impacts to environmental factors at the planning level provides an initial review of avoidance, minimization and mitigation considerations that may need to be managed during design and the development of environmental documentation (DCE). This category evaluated the quantifiable and qualitative impacts to various environmental resources within the study area.

The following factors were reviewed and found to have little or no impact to the study interchange alternatives. These

- Soils and Prime Farmland
- Visual
- Threatened or Endangered Species
- Air Quality
- Migratory Birds, Bald and Golden Eagles
- Wildlife
- Floodplains
- Wild and Scenic Rivers
- Coastal Barriers/Coastal Zone
- Hazardous Waste
- Cultural Resources and Historic Properties

The following factors were reviewed and measurable impacts were scored for the alternatives.

1. Land Use/Section 4f

The project area mostly consists of developed land. Old Red Trail is a designated City bike trail within the Study Area. The Mandan Park District has a trailhead at the intersection of Sunset Ave and Old Red Trail. The trailhead was funded with federal grants. The trail and associated parcels appear to meet Section 4(f) criteria and would need to be further evaluated for potential project impacts.

2. Environmental Justice/Socioeconomic

Screening indicated that the percent minority population, percent of people in poverty, number of people with disabilities, and percent of households without a car are homogeneous throughout the Study Area and immediate vicinity. Environmental justice will be considered during further evaluation of the project.

3. Noise

The City of Mandan municipal code and city ordinances were reviewed. The Study Area is an existing highway corridor, and project noise levels are expected to be consistent with the current use. A quantitative analysis of I-94 and the changes to the ramps were analyzed for potential increases to noise levels to adjacent properties. Further analysis will occur as part of the evaluation of the project.

4. Wetlands and Aquatic Resources

U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) and U.S. Geological Survey (USGS) National Hydrography Dataset (NHD) indicated no wetlands, streams, or other aquatic resources identified within the Study Area. However, desktop analysis of aerial imagery indicates the presence of five potential road ditch wetlands within the Study Area. Initial impacts were measured based on these areas. Field aquatic resource delineations will be performed once a project alternative is selected.

Preliminary Costs

Preliminary construction costs were developed for each alternative based on 2023 construction costs. These estimates are based on preliminary engineering, and will require modification during project development; however, they provide for an initial comparison of the proposed intersection improvements.

1. Estimated Construction Cost

Construction estimates were developed for each alternative based on the planning level design and 2023 dollars. Estimates include the overall cost of construction, engineering contingency and estimated right-of-way acquisition. The estimates for the alternatives ranged from \$28.3 million to \$47.3 million dollars.

Right-of-way

This category evaluates right-of-way acquisition required to complete each alternative.

1. Right-of-Way Impacts

This criterion evaluated the estimate acquisitions, in acres, needed to complete the proposed alternatives. Additional acquisition ranging from 0.1 acres to 1.5 or more acres would be required to construct some alternatives.

2. Impacted Parcels

The total number of impact parcels (parcels that right-of-way would be acquired from) were assessed in this criterion. Of the alternatives requiring acquisition, one to five parcels of land would be impacted.

3. Total and Partial Property Acquisitions

Depending on the total right-of-way needed, acquisition will result in total or partial takes. A total property acquisition includes the purchase of an entire parcel for highway right-of-way. In some cases, these total acquisitions can also result in relocations if a residence or business is located on the parcel. This criterion evaluated the number of total and partial property acquisitions required for each alternative.

Complexity

Proposed improvements can vary in complexity related to construction, construction timeline, and driver familiarity. This category was developed to evaluate the complexity of each alternative against these three criteria.

1. Construction Timeline

The estimated construction timeline needed to complete the proposed improvements was evaluated with this criterion. Proposed alternatives are

anticipated for completion in two to three construction seasons, assuming typical conditions and an early phase to setup crossovers and widening in advance of major interchange staging. Alternatives that could be completed within two seasons were considered to meet the evaluation criteria.

2. Constructability

Constructability evaluates the alternatives complexity in staging and evaluates the following:

- Drivers' ability to clearly travel through the work zone.
- Safety from motorized and non-motorized users to travel through the worksite.
- Safety for crews working adjacent to traffic.
- Number of phases to construct the alternative and the necessity of temporary work not utilized as part of the permanent construction (i.e. temporary crossovers/widenings that are not utilized as part of the permanent embankment/grading).

3. Driver Familiarity

This criterion provided a qualitative evaluation of the driver familiarity with the proposed improvements. This analysis utilized the presence of similar transportation solutions within the region that drivers are more familiar with. For example, there are no Diverging Diamond Interchange constructed within NDDOT District 1 or within the State of North Dakota, resulting in a solution (Alternative 3) that will be unfamiliar to most drivers in the region.

Scoring Criteria

Each alternative was assigned a score based on criterion identified in the project feasibility report. Scores were assigned based on the alternative's ability to meet each criterion.

- 5 Points – The alternative demonstrates the highest benefit and/or provides no impact to the screening criteria.
- 4 Points - The alternative is acceptable and provides benefit and/or no impact to the screening criteria but is less desirable than the alternatives receiving 5 points.
- 3 Points – The alternative moderately satisfies the criteria and provides no distinguishing characteristics.
- 2 Points – The alternative demonstrates potential impacts of concern and/or offers little to no benefit to the evaluation criteria when compared to other alternatives.
- 1 Point – The alternative fails to meet the evaluation criteria and demonstrates the highest impact and/or no benefit.

TABLE 4: INTERCHANGE ALTERNATIVE RANKINGS

Weight		No Build		Alternative 1				Alternative 2				Alternative 3				Alternative 4		
				Single Point Urban				Partial Cloverleaf				Diverging Diamond				Roundabout		
				Signalized		Roundabouts		Signalized		Roundabouts		Signalized		Roundabouts		Alternative 4		
		Data	Score	Data	Score	Data	Score	Data	Score	Data	Score	Data	Score	Data	Score			
1.10	Traffic Operations (See Traffic Operations Report)																	
	1	Intersection Operations		5		5		5		5		5		5		5	1	
	2	Queuing/Intersection Spacing		5		5		3		3		4		4		4	2	
	3	Travel Time		4		4		4		4		2		2		2	5	
	4	Network Delay		5		5		5		5		5		5		5	5	
	5	I-94 Operations		4		4		4		4		4		4		4	1	
	6	Multimodal		2		2		3		3		2		2		2	4	
1.50	Safety																	
	1	Reduction in Crashes (Fatal/Injury)	0%	2	-18%	4	-23%	5	5%	1	0%	2	-9%	3	-14%	4	-32%	5
	2	Reduction in Crashes (Property Damage Only)	0%	2	0%	2	-8%	3	-8%	3	-15%	4	-8%	3	-15%	4	-31%	5
1.20	Heavy Commercial Compatability																	
	1	Ability to accommodate year-round heavy commercial traffic	Poor	1	Good	5	Mod	4	Good	5	Mod	4	Good	5	Mod	4	Acc	3
1.10	Environmental Factors																	
	1	Soil and Farmlands	None	5	None	5	None	5	None	5	None	5	None	5	None	5	None	5
	2	Land Use/ Section 4F	None	5	None	4	None	3	None	4	None	3	None	4	None	3	None	3
	3	Visual	None	5	None	5	None	5	None	5	None	5	None	5	None	5	None	5
	4	Environmental Justice/Socioeconomic	None	5	None	5	None	5	None	4	None	4	None	4	None	4	None	4
	5	Cultural Resources and Historic Properties	None	5	None	5	None	5	None	5	None	5	None	5	None	5	None	5
	6	Air Quality	None	2	None	5	None	5	None	5	None	5	None	5	None	5	None	5
	7	Noise	None	5	None	5	None	5	None	3	None	3	None	5	None	5	None	5
	8	Water Quality	None	5	None	5	None	5	None	5	None	5	None	5	None	5	None	5
	9	Wetlands and Aquatic Resources	None	5	0.06	4	0.06	4	0.02	4	0.02	4	0.07	4	0.06	4	0.03	4
	10	Threatended and Endangered Species	None	5	None	5	None	5	None	5	None	5	None	5	None	5	None	5
	11	Wildlife	None	5	None	5	None	5	None	5	None	5	None	5	None	5	None	5
	12	Floodplains	None	5	None	5	None	5	None	5	None	2	None	5	None	5	None	5
	13	Wild and Scenic Rivers	None	5	None	5	None	5	None	5	None	5	None	5	None	5	None	5
	14	Coastal Barrier/Coastal Zone	None	5	None	5	None	5	None	5	None	5	None	5	None	5	None	5
15	Hazardous Waste	None	5	None	5	None	5	None	5	None	5	None	5	None	5	None	5	
1.10	Preliminary Costs																	
	1	Estimated Construction Costs (2023 Dollars)	0	5	45.8	2	47.3	2	34.8	4	39.7	3	45.4	2	45.5	2	34.5	4
1.05	Right-of-Way																	
	1	Right-of-Way Impact Area (acreage)	0	5	0.06	5	0.068	5	1.29	3	1.47	3	0.4	4	0.39	4	0.45	4
	2	Impacted Parcels (number)	0	5	4	3	4	3	5	2	5	2	4	3	4	3	4	3
	3	Total Property Acquisitions (number)	0	5	0	5	0	5	0	5	0	5	0	5	0	5	0	5
	4	Partial Property Acquisitions (number)	0	5	0	5	0	5	0	5	0	5	0	5	0	5	0	5
1.00	Complexity																	
	1	Construction Timeline	Good	5	Good	4		4		5		4		4		4		4
	2	Constructability	Good	5	Good	5		4		3		3		4		3		3
	3	Driver familiarity	Good	5	Mod	3	Low	2	Good	5	Good	4	Low	2	Low	2	Mod	3
Overall Weighted Score		135.5		156.1		155.0		148.8		143.3		148.7		148.6		149.4		
Ranking		**		1		2		3		6		4		5		**		

** Alternative does not meet purpose and need

F. Comments from the Draft Decision Document

Office of Project Development:

"ALT 2 (recommended) I think snow removal for Alt 1 will be difficult. If Alt 1 can be accomplished with limited raised medians, then would lean towards that option. Could carry both Alt 1 and Alt 2 forward to environmental document."

Office of Operations:

"I would lean towards what the city wants. I could go either way but chose Option 1b - Roundabout."

"I would lean towards what the city wants. I could go either way but chose Option 2b - Roundabout."

Bridge Division:

"Alternatives 1 & 2 should both be advanced to the environmental document for further refinement."

"Signals and roundabouts should both be advanced to env. doc. for further refinement."

Design Division:

"Consideration should be given to future expansion of I-94 bridges to 3-lanes in each direction."

"Design Division concurs with the District, however, consideration should be given to the signalized option (at Old Red Trail) if right-of-way impacts to the surrounding businesses are too great for the roundabout."

"The roundabout option (at Boundary Street - not recommended) has significant right-of-way impacts to the surrounding properties."

Environmental and Transportation Services Division:

"#1 SPUI and #2 PARCLO should be carried forward to the environmental document. The SPUI alternative is complicated by the skew of the roadways and requires numerous islands/medians. This complicates the driver actions and snow removal operations. The PARCLO offers simplified operations and similar safety to today. It would be good to develop a 3D simulation model for the two alternatives. I agree with Jon Ketterling in evaluating which alternative allows for future addition of lanes on the interstate."

"There has been no environmental review of the intersection options (Roundabout and Signals). All should be carried forward to the environmental document."

Materials and Research Division:

"This alternative (SPUI) seemed to be preferred by the city and public in the management presentation. It was also ranked #1 among the alternatives."

Bismarck – Mandan Metropolitan Planning Organization

The interchange alternatives proposed by Mead & Hunt as part of the Feasibility Study vary from those proposed by the study team for the Sunset Drive Corridor Study, as do the technical rankings of those alternatives that are similar. This is as might be expected, since the Corridor Study used proposed interchange alternatives only for the purpose of testing alternatives developed for Sunset Drive to the north and south of the interchange. Additionally, a variance in traffic data collection timing and methodologies to calculate future traffic volumes and sensitivity analysis between the two studies would almost certainly account for different outcomes. In reviewing the interchange alternatives, I would like to draw out a few of the observations regarding the proposed alternatives similar to both studies:

The study team for the Sunset Drive Corridor Study examined four interchange alternatives; Single Point Urban Interchange (SPUI); Roundabouts; Diverging Diamond Interchange (DDI); and Northwest Loop Partial Cloverleaf (Parclo).

- Ranked #1 – DDI with signalized intersections north and south – The 2045 growth scenario PM Peak hour Sensitivity Analysis revealed the DDI to have the most consistently favorable LOS for the intersections of Boundary Street, I-94 East on/off ramp, I-94 West on/off ramp; and Old Red Trail (LOS C throughout whereas the other three alternatives produced combinations of LOS B, C, D, and F). Additional benefits of the DDI alternative include reduction of conflict points from crossing vehicles (no left turns on Sunset Drive); the design geometry has traffic calming features and reduces speeds, resulting in fewer and less severe crashes.
- Ranked #2 – SPUI with signalized intersections north and south – Although the same sensitivity analysis resulted in LOS D at both ramps with this alternative, this intersection type would have a familiar feel to drivers. Conflict reduction would also be expected since paths of opposing left turns don't intersect; also, right turns are typically free-flow movements.
- Roundabout interchange option was ranked #4 out of 4. Although the lower speeds and reduced conflicts at roundabouts increases the safety factor, the sensitivity analysis revealed a failing LOS for operations at Boundary and Old Red Trail in the PM peak hour.

Recommendations Table

	1. Which alternative should proceed into the environmental document (DCE)?	2. Which intersection option should proceed at Old Red Trail?	3. Which intersection option should proceed at Boundary Street?
Office of Project Development	Alt. 1 – SPUI & Alt. 2 - PARCLO	Opt. 1A – Signal & Opt. 1B - Roundabout	Opt. 2A – Signal & Opt. 2B - Roundabout
Office of Operations	Alt. 1 - SPUI	Opt. 1B - Roundabout	Opt. 2B - Roundabout
Bridge Division	Alt. 1 – SPUI & Alt. 2 - PARCLO	Opt. 1A – Signal & Opt. 1B - Roundabout	Opt. 2A – Signal & Opt. 2B - Roundabout
Construction Services Division	---	---	---
Design Division	Alt. 1 - SPUI	Opt. 1B - Roundabout	Opt. 2A - Signal
District	Alt. 1 - SPUI	Opt. 1B - Roundabout	Opt. 2B - Roundabout
Environmental and Transportation Services Division	Alt. 1 – SPUI & Alt. 2 - PARCLO	Opt. 1A – Signal & Opt. 1B - Roundabout	Opt. 2A – Signal & Opt. 2B - Roundabout
Local Government Division	Alt. 1 - SPUI	Opt. 1B - Roundabout	Opt. 2B - Roundabout
Maintenance Division			
Materials and Research Division	Alt. 1 - SPUI	Opt. 1B - Roundabout	Opt. 2B - Roundabout
Programming Division	Alt. 1 - SPUI	Opt. 1B - Roundabout	Opt. 2B - Roundabout
Planning/Asset Management Division	---	---	---
City	Alt. 1 – SPUI	Opt. 1A – Signal & Opt. 1B - Roundabout	Opt. 2A – Signal & Opt. 2B - Roundabout
FHWA	---	---	---
Bis-Man MPO	Alt. 2 – DDI	Opt. 1A – Signal	Opt. 2A – Signal

G. Comments from the Management Meeting held May 26, 2023

Key items discussed at the Management Meeting were as follows:

- Noise analysis noted within in the study was limited to a high-level assessment. Further analysis is required in the environmental phase.
- Options to reduce the right-of-way impact of Alternative #2 (PARCLO) will need to be further refined, especially in the southwest quadrant if the alternative is selected.
- Future expansion (third lane) of the interstate was not considered during the feasibility review of the alternatives. Discussion focused on whether future expansion should be considered in the alternatives that are advanced, as it would affect the needs of the bridges.
- The access to the Mobil Gas Station in the NE quadrant of the Boundary Street intersection will need to be evaluated further with the intersection options.

H. Executive Decisions

1. Which alternate should proceed into the environmental document?

☒ No-Build Alternative

☒ Alternative 1 – Single Point Urban Interchange (SPUI)*
(~ \$45.8 million)

☐ Alternative 2 – Partial Cloverleaf Interchange (Parclo)*
(~\$34.8 million)

☐ Alternative 3 – Diverging Diamond (DDI)*
(~\$45.4 million)

☐ Alternative 4 – Diamond Interchange with Roundabouts
(~\$28.3 million)

2. If Alt. #1, #2, or #3 is selected which option should proceed at Old Red Trail?

☒ Option 1a – Additional Lanes - Signalized Intersection

☒ Option 1b– Two-Lane Roundabout**

3. If Alt. #1, #2, or #3 is selected which option should proceed at Boundary Street NW?

☒ Option 2a – Signalized Intersection

☐ Option 2b – Single-Lane Roundabout***

**Additional Lane option for both Old Red Trail and Boundary Street NW included in base alternative costs as listed in question 1.*

***Replacing signalized intersection with roundabout option for Old Red Trail.*

With Alternative #1 (+\$0.4 million)

With Alternative #2 (+\$1.3 million)

With Alternative #3 (-\$1.3 million)

****Replacing signalized intersection with roundabout option for Boundary Street NW.*

With Alternative #1 (+\$1.1 million)

With Alternative #2 (+\$3.6 million)

With Alternative #3 (+\$1.5 million)

Amendments/Comments for Project No. IM-1-094(231)152:

Moving forward, further design details and environmental evaluation can focus on the SPUI alternative.

Continue to develop both the roundabout and signal options at Old Red Trail.

At the Boundary Street Intersection, plan for a future signal at that location, but It is my understanding that it would not be installed until needed/warranted.

Matt Linneman

Matt Linneman, P.E., Deputy Director for Engineering

08/10/23

Date



City Commission

Agenda Documentation

MEETING DATE: February 20, 2024
PREPARATION DATE: February 14, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider Final Plat(s) for Rafters at Hach Creek and Rock Prairie Estates Additions

STATEMENT/PURPOSE:

Consider Final Plat(s) for Rafters at Hach Creek and Rock Prairie Estates Additions

BACKGROUND/ALTERNATIVES:

Red Trail Holdings and Rafter Electric, LLC are seeking approval for the final plats of Rafters at Hach Creek Addition and Rock Prairie Estates Addition. These plats have undergone prior review and approval by the City of Mandan Planning and Zoning and City Commissions in both 2022 and 2023. The reason for revisiting the final plats is due to minor modifications to utility easements, as requested by area utility providers, and to incorporate easements for the ongoing NW Mandan Trunk Sewer project to the Hach plat.

Following the initial approval of the plats, adjustments to the utility servicing plan became necessary, requiring coordination among development teams in this area of the community. Progress continues on the construction of the NW Trunk Sewer, which will serve the lots approved.

With the exception of modifications to utility easements on the Rock Prairie Estates Plat and the addition of the sewer easement on the Rafters at Hach Creek Plat, no further changes have been made.

ATTACHMENTS:

1. Final Plat - Rafters at Hach Creek
2. Final Plat - Rock Prairie Estates 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 updated final plat(s) for Rafters at Hach Creek Addition and Rock Prairie Estates Addition.

SUGGESTED MOTION:

I move to approve the updated final plat(s) for Rafters at Hach Creek Addition and Rock Prairie Estates Addition.

AUDITOR'S LOT E AND LOT A OF TRACT 7B-1, SECTION 7, TOWNSHIP 139 NORTH, RANGE 81 WEST
MORTON COUNTY, NORTH DAKOTA



0

MANDAN, MORTON COUNTY, NORTH DAKOTA



SWENSON, HAGEN & COMPANY P.C.

909 Main Avenue
Bismark, North Dakota 58504
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 Phone (701) 221-3000
 Fax (701) 221-2006

Surveying
 Hydrology
 Land Planning
 Civil Engineering
 Landscape & Site Design
 Construction Management

ROCK PRAIRIE ESTATES ADDITION

BEING PART OF AUDITOR'S LOT H AND PART OF THE SW 1/4
OF SECTION 7, TOWNSHIP 139 NORTH, RANGE 81 WEST OF
THE FIFTH PRINCIPAL MERIDIAN,
TO THE CITY OF

MANDAN, MORTON COUNTY, NORTH DAKOTA

DESCRIPTION

BEING PART OF AUDITOR'S LOT H AND PART OF THE SW 1/4 OF SECTION 7, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN, TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE CORNER OF SAID SW 1/4; THENCE NORTH 89 DEGREES 42 MINUTES 20 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SW 1/4, A DISTANCE OF 668.49 FEET; THENCE NORTH 00 DEGREES 17 MINUTES 40 SECONDS EAST, A DISTANCE OF 98.35 FEET; THENCE NORTH 55 DEGREES 19 MINUTES 43 SECONDS EAST, A DISTANCE OF 229.95 FEET; THENCE NORTH 23 DEGREES 17 MINUTES 36 SECONDS WEST, A DISTANCE OF 276.49 FEET; THENCE WESTERLY AND TO THE RIGHT, ON A 553.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 5 DEGREES 17 MINUTES 55 SECONDS EAST, AN ARC LENGTH OF 26.27 FEET; THENCE WESTERLY, AND TO THE LEFT, ON A 367.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 53.08 FEET; THENCE NORTH 01 DEGREE 31 MINUTES 55 SECONDS EAST, A DISTANCE OF 66.00 FEET; THENCE NORTH 00 DEGREES 13 MINUTES 59 SECONDS EAST, A DISTANCE OF 124.25 FEET; THENCE NORTH 89 DEGREES 46 MINUTES 01 SECOND WEST, A DISTANCE OF 84.38 FEET; THENCE SOUTH 26 DEGREES 20 MINUTES 37 SECONDS WEST, A DISTANCE OF 48.37 FEET; THENCE NORTH 23 DEGREES 19 MINUTES 05 SECONDS WEST, A DISTANCE OF 287.83 FEET; THENCE NORTH 00 DEGREES 11 MINUTES 41 SECONDS EAST, A DISTANCE OF 110.75 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 19 SECONDS EAST, A DISTANCE OF 543.00 FEET; THENCE NORTH 00 DEGREES 11 MINUTES 41 SECONDS EAST, A DISTANCE OF 307.99 FEET TO THE NORTH LINE OF SAID SW 1/4; THENCE SOUTH 89 DEGREES 48 MINUTES 16 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 338.92 FEET TO THE EAST LINE OF SAID SW 1/4; THENCE SOUTH 00 DEGREES 02 MINUTES 55 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 1322.61 FEET TO THE POINT OF BEGINNING.

THE ABOVE TRACT CONTAINS 18.28 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, 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 _____, 2022.

2022, 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.

TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

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 _____, 2022, 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 _____, 2023.

TIM HELBLING - MAYOR

ATTEST: JIM NEUBAUER
CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, JUSTIN FROST, CITY ENGINEER, HEREBY APPROVE "ROCK PRAIRIE ESTATES ADDITION", MANDAN, MORTON COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JUSTIN FROST
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT RED TRAIL HOLDINGS, LLC, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "ROCK PRAIRIE ESTATES ADDITION", MANDAN, MORTON COUNTY, NORTH DAKOTA, AND DO SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF MANDAN TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENTS.

THEY FURTHERMORE DEDICATE UNTO THE CITY OF MANDAN "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DEDICATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THERETO FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

THEY FURTHER DEDICATE TEMPORARY TURNAROUND EASEMENTS TO THE CITY OF MANDAN FOR THE PURPOSES OF EMERGENCY VEHICLE ACCESS, TO BE VACATED AT THE TIME OF RIGHT-OF-WAY EXTENSIONS OF AFFECTED ROADS BY EASEMENT OR PLATTING AND THE CONSTRUCTION OF APPROVED ROADWAYS.

STATE OF NORTH DAKOTA)
COUNTY OF _____) SS

DEREK ZANDER
RED TRAIL HOLDINGS, LLC
5012 37TH AVE NW
MANDAN, ND 58554

ON THIS _____ DAY OF _____, 2023, BEFORE ME PERSONALLY APPEARED DEREK ZANDER OF RED TRAIL HOLDINGS, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____



SWENSON, HAGEN & COMPANY P.C.

Surveying
Engineering
Land Planning
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Landmark & Site Design
Construction Management

501 Bismarck Avenue
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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

Mandan Hockey Club, Inc.

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

Blackstone Tavern

Street

2630 Old Red Trail

City

Mandan

ZIP Code

58554

County

Morton

Beginning Date(s) Authorized

2/7/24

Ending Date(s) Authorized

6/30/24

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

1

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

Bar Area

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

RESTRICTIONS FOR CITY/COUNTY USE ONLY

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

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

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

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

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

APPROVALS

Attorney General

Date

Signature of City/County Official

Date

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



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

License Number (Office Use Only)

Site Owner (Lessor) Om Kanch LLC		Site Name Blackstone Tavern		Site Phone Number 701-663-8686	
Site Address 2630 Old Red Trail		City Mandan		State ND	Zip Code 58554
County Morton		Organization Mandan Hockey Club, Inc.		Rental Period 2-7-24 12/16/23 to 06/30/2024	
Monthly Rent Amount					
1. Is Bingo going to be conducted at the site?		☐ No ☒ Yes			
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? - If Bingo is the primary game, enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		☒ No ☐ Yes		\$	
2. Is Twenty-One conducted at this site?		☐ No ☒ Yes		\$	
Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____					
Number of Tables with wagers over \$5 1 X Rent per Table \$ 300				\$ 300	
3. Is Paddlewheels conducted at this site?		☒ No ☐ Yes		\$	
Number of Tables _____ X Rent per Table \$ _____					
4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site?		☐ No ☒ Yes		\$	
Please Check: ☒ Jar Bar ☒ Standard Dispensing Device				325	
5. Are Electronic Pull-Tabs conducted at this site?		☐ No ☒ Yes		\$	
If "Yes" please indicate the number of devices 10				1125	
Total Monthly Rent				\$ 1750.00	

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

TERMS OF RENTAL AGREEMENT:

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance. The LESSOR agrees that no game will be directly operated as part of the lessor's business.

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

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

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

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

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

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

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

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

Signature of Lessor 	Title Owner	Date 02/07/24
Signature of Lessee 	Title Gaming Manager	Date 2-7-24



City Commission

Agenda Documentation

MEETING DATE: February 20, 2024
PREPARATION DATE: February 14, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider allowing Planning Department to submit
AARP Community Challenge Grant Application

STATEMENT/PURPOSE:

Consider allowing Planning Department to submit AARP Community Challenge Grant Application

BACKGROUND/ALTERNATIVES:

The City of Mandan Planning Department intends to submit an application for the AARP Community Challenge, an annual competitive non-matching grant coordinated by AARP nationally. The grant application would be to cover costs associated with the procurement and install of new bike racks for the downtown Mandan bulbouts and the front of the Morton Mandan Public Library. A total of five racks would be installed if approved and awarded. The City is working to incorporate community branding and imaging into the project where possible.

ATTACHMENTS:

None

FISCAL IMPACT:

No match is required for AARP Community Challenge Grant Award Winners.

STAFF IMPACT:

Some staff time has gone into grant prep. City staff may be asked to install the racks.

LEGAL REVIEW:

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

RECOMMENDATION:

City Commission

Agenda Documentation

February 20, 2024

Subject: Consider allowing Planning Department to submit AARP Community Challenge Grant Application

Page 2 of 2

Staff recommends that an AARP Community Challenge Grant Application be submitted for 2024 to fund bike racks in downtown Mandan.

SUGGESTED MOTION:

I move to approve the grant application.

CITY OF MANDAN

PROCLAMATION

Career And Technical Education Month —February 2024—

WHEREAS, 1214 high school students are enrolled in career and technical education (CTE) in Mandan gain the academic, technical and employability skills necessary for career readiness; and

WHEREAS, students who concentrate in CTE programs participate in authentic, meaningful experiences that improve the quality of their education as indicated by a 97.88% graduation rate from high school compared to 84% among all students statewide; and

WHEREAS, leaders from businesses and industry statewide report increasing challenges related to the skills gap and connecting qualified professionals with available careers in critical and growing CTE related fields, including healthcare, energy, advanced manufacturing, value-added agriculture, and information, technology; and

WHEREAS, CTE prepares students for these and other fulfilling careers by offering integrated programs of study that link secondary and post-secondary education, including work-based learning.

NOW THEREFORE, as mayor of the City of Mandan North Dakota, I do hereby proclaim February 2024, **CAREER AND TECHNICAL EDUCATION MONTH** in the city of Mandan North Dakota.

Tim Helbling
MAYOR

Mike Braun
CITY COMMISSIONER

Joseph Camisa Jr.
CITY COMMISSIONER

Brad Olson
CITY COMMISSIONER

Dennis Rohr
CITY COMMISSIONER





City Commission

Agenda Documentation

MEETING DATE: February 20, 2024
PREPARATION DATE: February 20, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: First Consideration of Ordinance 1411, a zone change from A - Agriculture to R3.2 - Residential for Rockwood 2nd Addition

STATEMENT/PURPOSE:

First Consideration of Ordinance 1411, a zone change from A - Agriculture to R3.2 - Residential for Rockwood 2nd Addition

BACKGROUND/ALTERNATIVES:

Detailed background on this item can be found under Public Hearing no. 1 on this (2/20/24) agenda.

ATTACHMENTS:

1. draft Ord. 1444 Rockwood Second

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 first consideration of Ord. 1444.

SUGGESTED MOTION:

I move to approve the first consideration of Ordinance 1444.

City Commission

Agenda Documentation

February 20, 2024

Subject: First Consideration of Ordinance 1411, a zone change from A - Agriculture to R3.2 - Residential for Rockwood 2nd Addition

Page 2 of 2

ORDINANCE NO. 1444

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 Medium-Density Residential; and

WHEREAS, Adjacent properties to the north are zoned R3.2 - Residential, to the west zoned AG – Agriculture, to the east zoned R3.2 – Residential, and to the south RM - Residential. The R3.2 - Residential 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:

ROCKWOOD SECOND ADDITION OF SECTION 16, TOWNSHIP 139N, RANGE 81W, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA:

SAID TRACT OF LAND CONTAINING 5.56 ACRES, MORE OR LESS.

SHALL BE REMOVED FROM THE AG – AGRICULTURE DISTRICT AND SHALL BE INCLUDED IN THE R3.2 – RESIDENTIAL 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.

Tim Helbling, President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

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

January 22, 2024
February 20, 2024
March 5, 2024