



**AGENDA  
CITY COMMISSION  
MARCH 5, 2024  
ED “BOSH” FROEHLICH MEETING ROOM  
MANDAN CITY HALL  
5:30 PM  
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*The City of Mandan is encouraging citizens to provide their comments for agenda items via email to [info@cityofmandan.com](mailto: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. Recognition of Community Beautification Program Property, 4521 34th Ave NW
2. Recognition of the 2023-2024 Golden Shovel Award

**D. APPROVAL OF AGENDA**

**E. MINUTES**

1. Consider approval of the minutes from the February 20, 2024, Board of City Commission regular meeting

**F. PUBLIC HEARING**

**G. BIDS**

1. Consider Bids for Street Lighting LED Replacement Project

**H. CONSENT AGENDA**

1. Consider approval of monthly bills
2. Consider Class H Liquor License - Catered Retail Beer, Wine and Liquor On Premises, Application for Bareknuckle Events LLC.
3. Consider Class E – Restaurant On Sale Beer and Liquor License Application - GD Hooker LLC (dba) Black Lions
4. Consider the Approval of Plans and Specifications and Authorization to Advertise for Bids for Street Improvement District 235.
5. Consider State Water Commission Grant for Street Improvement District 235
6. Consider the approval of plans and specifications, Engineer's Report, and authorize the call for bids for the 2024 Municipal Sidewalk Improvement Project 2024-05
7. Consider approval of a site authorization for ABATE of North Dakota at the HideAway from July 1, 2024 to June 30, 2025
8. *Consider Sunset Drive Interchange Project Commitment Letter*

**I. OLD BUSINESS**

**J. NEW BUSINESS**

1. Mandan 2024 Rectangular Rapid Flashing Beacon Installations Task Order
2. Consider Change Order for Street Improvement District 229

**K. RESOLUTIONS AND ORDINANCES**

1. Second and Final Consideration of Ordinance 1444, a zone change from A - Agriculture to R3.2 - Residential for Rockwood Second Addition

**L. OTHER BUSINESS**

**M. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS**

- March 19, 2024 at 5:30 p.m.

- April 2, 2024 at 5:30 p.m. (Board of Equalization at 7 p.m.)
- April 16, 2024 at 5:30 p.m.

**N. ADJOURN**



## City Commission

### Agenda Documentation

**MEETING DATE:** March 5, 2024  
**PREPARATION DATE:** February 16, 2024  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer  
**PRESENTER:** Layn Mudder  
**SUBJECT:** Community Beautification Recognition Program

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#### **STATEMENT/PURPOSE:**

To recognize a property nominated for recognition in the Community Beautification Recognition program.

#### **BACKGROUND/ALTERNATIVES:**

The Community Beautification Committee (CBC) Beautification Recognition program, is a program recognizing properties that enhance the aesthetic appeal of the community. Projects must meet at least one of the following criteria:

- Landscape maintenance or enhancements (existing or new)
- Structural maintenance or enhancements (existing or new)
- Overall aesthetic improvements; or
- Appealing, attention getting seasonal or holiday displays.

Both residential and commercial properties located within the city limits are eligible for the program. Projects must be street facing, river view or other publicly viewable areas and/or landscapes.

Nominations are submitted to Communications Specialist Kari Schmidt and then forwarded to the CBC for review. The CBC reviews nominations and determines those receiving recognition – which requires a majority vote. Those being forwarded on for recognition are invited to a City Commission meeting, receive a certificate, be featured on the City's website, recognized in the monthly newsletter and via the City's social media pages. Nominations must be submitted with at least one photo of the property's current state. However, photos are only shared with the public if the property owner(s) receiving recognitions sign and return the photo release form.

At its Dec. 14 meeting, the CBC reviewed a nomination and voted unanimously to forward it on for recognition.

The residential property at 4521 34th Ave NW, owned by Chris & Billie Scott, was nominated for appealing, its attention-getting seasonal or holiday display over Halloween. Brittney Haff nominated the property. She said "The home owners go above and beyond for Halloween. A lot of work goes into decorating this home. Lights on the house and garage go to music, they have a lot of blow ups and a cemetery out front. On Halloween day they do a walk through for the community to come too. You can go inside the garage that's all decorated and has animatronics."

**ATTACHMENTS:**

1. Scott Property 1
2. Scott Property 2
3. Scott Property 3

**FISCAL IMPACT:**

N/A

**STAFF IMPACT:**

N/A

**LEGAL REVIEW:**

N/A

**RECOMMENDATION:**

No action necessary. Recognition item only.

**SUGGESTED MOTION:**

No action necessary. Recognition item only.













## City Commission

### Agenda Documentation

**MEETING DATE:** March 5, 2024  
**PREPARATION DATE:** February 20, 2024  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer  
**PRESENTER:** Kari Schmidt, Communications Specialist  
**SUBJECT:** 2023-2024 Mandan Golden Shovel Award Presentation

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#### **STATEMENT/PURPOSE:**

To recognize the winner of the 2023-2024 Golden Shovel Award.

#### **BACKGROUND/ALTERNATIVES:**

#### **ATTACHMENTS:**

None

#### **FISCAL IMPACT:**

As part of our 2023-2024 Winter Business Awards, nominations for the business keeping adjacent sidewalks clear of snow and ice were accepted through Feb. 1, 2024 with public voting taking place Feb. 5-16. Nominees were:

- Mane Expressions
- Cake Dreams
- NarDawahl's Tattoo Emporium/Buffalo Gypsy

The public voted NarDawahl's Tattoo Emporium/Buffalo Gypsy as this year's winner, beating Mane Expressions by just 9 votes. The winner will receive the traveling golden shovel to proudly display for the remainder of the year and a social media spotlight. Despite there not being too much snow on the ground this year, business owners have still had to battle both snow and ice on sidewalks. Staff has always looked to Jon at NarDawahl's as being a great example for shoveling sidewalks throughout the winter, and Buffalo Gypsy shared a post on Feb. 5 saying "Jon is the best and always has the sidewalks shoveled and cleaned off."

The goal of our Winter Business Awards is to continue to improve the city's sparkle, accessibility and pedestrian friendliness during the winter season. Thank you to NarDawahl's and Buffalo Gypsy along with the other businesses and public for participating in these fun contests.

**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 5:00 PM on February 20, 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 Joe Camisa, Dennis Rohr, and Tim Helbling. Commissioner Braun and Commissioner Olson were absent. 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 City Attorney Oster.

B. THE PLEDGE OF ALLEGIANCE

C. ANNOUNCEMENTS

1. *Winter Decorating Award Presentation to Railway Credit Union.* Communications Specialist Schmidt presented Railway Credit Union with the Winter Decorating Award. The winner of the Golden Shovel Award will be announced at the March 5, 2024, meeting.

D. APPROVAL OF AGENDA

E. MINUTES

1. *Consider approval of the minutes from the February 6, 2024 Board of City Commission regular meeting.* Commissioner Camisa moved, and Commissioner Rohr seconded to approve. Roll Call vote: Aye 3, Nay 0, Absent Commissioner Olson and Commissioner Braun. The motion passed.

F. PUBLIC HEARING

1. *Consider Preliminary Plat and Zone Change from A - Agriculture to R3.2 - Residential for Rockwood 2nd Addition.* Planner Stromme presented the preliminary plat. Mayor Helbling opened the public hearing and invited the public to come forward to comment. No citizens came forward. A second and third invitation for comment was given. Hearing none, the public hearing closed. Commissioner Rohr moved, and Commissioner Camisa seconded to approve the preliminary plat. Roll Call vote: Aye 3, Nay 0, Absent Commissioner Olson and Commissioner Braun. The motion passed.

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.*

Commissioner Camisa moved and Commissioner Rohr seconded to approve consent agenda items 1 through 7. Roll Call vote: Aye 3, Nay 0. Absent Commissioner Olson, Commissioner Braun. The motion passed.

I. OLD BUSINESS

J. NEW BUSINESS

1. *Consider proclaiming February Career and Technical Education month in the City of Mandan.* Mayor Helbling read the proclamation declaring February 2024 as the Career and Technical Education month in the City of Mandan.

K. RESOLUTIONS AND ORDINANCES

1. *First Consideration of Ordinance 1444, a zone change from A - Agriculture to R3.2 - Residential for Rockwood 2nd Addition.* Planner Stromme presented Ordinance 1444. Commissioner Rohr moved, and Commissioner Camisa seconded to approve. Roll Call vote: Aye 3, Nay 0. Absent Commissioner Olson and Commissioner Braun. The motion passed.

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 Commissioner Camisa moved and Commissioner Rohr seconded to adjourn the meeting at 5:15 p.m.

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James Neubauer  
City Administrator

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Timothy Helbling  
Board of City Commissioners





## City Commission

### Agenda Documentation

**MEETING DATE:** March 5, 2024  
**PREPARATION DATE:** February 28, 2024  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:** Jarek Wigness  
**PRESENTER:** Jarek Wigness, City Engineer  
**SUBJECT:** Consider Bids for Street Lighting LED Replacement Project

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#### **STATEMENT/PURPOSE:**

Consider bids and potentially award a contract for the LED Replacement project.

#### **BACKGROUND/ALTERNATIVES:**

The City is proposing to replace 1,000 old streetlight fixtures with new LED lights throughout the community. The LED lights are energy efficient and provide cost savings for the city.

The project was publicly advertised and bid with project plans and specifications prepared by Moore Engineering. The project received 4 bids. The low base bid was from On-Point Electrical Service with a bid of \$572,073.94. The high base bid was \$829,883.00 from Strata Corporation. Bids were also solicited for Alternate A, this alternate included full luminaire replacements instead of bulb replacements to compare pricing. The alternate would have added around \$500,000 to each bid. We are recommending awarding the base bid. The project schedule allows for material ordering and delivery time. The anticipated project completion date is December 2024.

#### **ATTACHMENTS:**

1. Bid Tabulation

#### **FISCAL IMPACT:**

The low bidder for the project was On-Point Electrical Service at \$572,073.94. The budgeted amount approved for this project was \$500,000. \$24,300 was previously authorized for engineering support throughout the bidding process. This would bring the total project cost to about \$600,000, which would be over budget by about \$100,000. The Street Utility Fund has a sufficient cash balance to cover this gap. This

project will result in annual power draw reductions, saving the City an estimated \$60,000 per year today. These savings would be expected to increase over time as electricity rates rise. The return on investment for this project is about 10 years.

**STAFF IMPACT:**

Moderate effort by Public Works and Engineering, working alongside Moore Engineering during the project.

**LEGAL REVIEW:**

The City Attorney has been provided with all agenda item documents for review.

**RECOMMENDATION:**

Award a base-bid construction contract to On-Point Electrical Service for the Mandan Street Lighting LED Replacement Project and authorize additional contingency funds.

**SUGGESTED MOTION:**

- I move to award the base-bid construction contract to On-Point Electrical Service for the Street Lighting LED Replacement Project, in the amount of \$572,073.94.
- I move to authorize the use of an additional \$60,000 from the Street Utility Fund for construction contingencies.

**BID TABULATION****Street Lighting LED Replacement****City of Mandan, ND****Mandan, North Dakota****Project No. 23795****Bid Date: February 29, 2024**

On Point Electrical Services, LLC

4983 Hatzenbiler Lane

Williston, ND 58801

Edling Electric

PO Box 1456

Bismarck, ND 58502

Skeels Electric Company

217 N 23rd Street

Bismarck, ND 58501

| BID ITEM NO. & DESCRIPTION |                                                     | UNIT | ESTIMATED<br>QUANTITY | BID UNIT PRICE | BID PRICE           | BID UNIT PRICE | BID PRICE           | BID UNIT PRICE | BID PRICE           |
|----------------------------|-----------------------------------------------------|------|-----------------------|----------------|---------------------|----------------|---------------------|----------------|---------------------|
| <b>BASE BID</b>            |                                                     |      |                       |                |                     |                |                     |                |                     |
| 1                          | 704.00001 Traffic Control                           | LSUM | 1                     | \$7,500.00     | \$7,500.00          | \$30,000.00    | \$30,000.00         | \$45,000.00    | \$45,000.00         |
| 2                          | 12000 Mobilization                                  | LSUM | 1                     | \$69,027.35    | \$69,027.35         | \$7,500.00     | \$7,500.00          | \$10,000.00    | \$10,000.00         |
| 3                          | 770.4211 Single Panel LED Street Luminaire          | EA   | 308                   | \$585.58       | \$180,358.64        | \$800.00       | \$246,400.00        | \$890.03       | \$274,130.01        |
| 4                          | 770.4211 Double panel LED Street Luminaire          | EA   | 182                   | \$802.53       | \$146,060.46        | \$960.00       | \$174,720.00        | \$1,132.77     | \$206,165.00        |
| 5                          | 770.4211 Post-Top LED Street Luminaire              | EA   | 36                    | \$1,700.58     | \$61,220.88         | \$1,900.00     | \$68,400.00         | \$2,137.22     | \$76,940.00         |
| 6                          | 770.4211 Post-Top LED Lamp Replacement              | EA   | 353                   | \$182.23       | \$64,327.19         | \$320.00       | \$112,960.00        | \$314.14       | \$110,890.01        |
| 7                          | 770.4211 Purchase Additional Single Panel LED       | EA   | 10                    | \$516.71       | \$5,167.10          | \$550.00       | \$5,500.00          | \$577.50       | \$5,775.00          |
| 8                          | 770.4211 Purchase Additional Double Panel LED       | EA   | 50                    | \$733.36       | \$36,668.00         | \$700.00       | \$35,000.00         | \$820.00       | \$41,000.00         |
| 9                          | 770.4211 Purchase Additional Post-Top LED Luminaire | EA   | 1                     | \$1,631.26     | \$1,631.26          | \$1,600.00     | \$1,600.00          | \$1,820.00     | \$1,820.00          |
| 10                         | 770.4211 Purchase Additional LED Lamp               | EA   | 1                     | \$113.06       | \$113.06            | \$115.00       | \$115.00            | \$125.00       | \$125.00            |
| <b>Alternate A</b>         |                                                     |      | <b>TOTAL:</b>         |                | <b>\$572,073.94</b> |                | <b>\$682,195.00</b> |                | <b>\$771,845.01</b> |
| A1                         | 770.4211 Post-top LED Street Luminaire              | EA   | 353                   | \$1,700.58     | \$600,304.74        | \$1,900.00     | \$670,700.00        | \$1,898.02     | \$670,000.00        |
| A2                         | 770.4211 Post-Top LED Lamp Replacement              | EA   | -353                  | \$182.33       | (\$64,362.49)       | \$320.00       | (\$112,960.00)      | \$314.14       | (\$110,890.01)      |
|                            |                                                     |      | <b>TOTAL:</b>         |                | <b>\$535,942.25</b> |                | <b>\$557,740.00</b> |                | <b>\$559,109.99</b> |

**BID TABULATION****Street Lighting LED Replacement****City of Mandan, ND****Mandan, North Dakota****Project No. 23795****Bid Date: February 29, 2024**

Strata Corporation

PO Box 13500

Grand Forks, ND 58208

| BID ITEM NO. & DESCRIPTION |                                                     | UNIT | ESTIMATED<br>QUANTITY | BID UNIT PRICE | BID PRICE           |
|----------------------------|-----------------------------------------------------|------|-----------------------|----------------|---------------------|
| <b>BASE BID</b>            |                                                     |      |                       |                |                     |
| 1                          | 704.00001 Traffic Control                           | LSUM | 1                     | \$18,000.00    | \$18,000.00         |
| 2                          | 12000 Mobilization                                  | LSUM | 1                     | \$99,400.00    | \$99,400.00         |
| 3                          | 770.4211 Single Panel LED Street Luminaire          | EA   | 308                   | \$810.00       | \$249,480.00        |
| 4                          | 770.4211 Double panel LED Street Luminaire          | EA   | 182                   | \$1,050.00     | \$191,100.00        |
| 5                          | 770.4211 Post-Top LED Street Luminaire              | EA   | 36                    | \$1,825.00     | \$65,700.00         |
| 6                          | 770.4211 Post-Top LED Lamp Replacement              | EA   | 353                   | \$465.00       | \$164,145.00        |
| 7                          | 770.4211 Purchase Additional Single Panel LED       | EA   | 10                    | \$490.00       | \$4,900.00          |
| 8                          | 770.4211 Purchase Additional Double Panel LED       | EA   | 50                    | \$710.00       | \$35,500.00         |
| 9                          | 770.4211 Purchase Additional Post-Top LED Luminaire | EA   | 1                     | \$1,550.00     | \$1,550.00          |
| 10                         | 770.4211 Purchase Additional LED Lamp               | EA   | 1                     | \$108.00       | \$108.00            |
|                            |                                                     |      | <b>TOTAL:</b>         |                | <b>\$829,883.00</b> |
| <b>Alternate A</b>         |                                                     |      |                       |                |                     |
| A1                         | 770.4211 Post-top LED Street Luminaire              | EA   | 353                   | \$1,838.00     | \$648,814.00        |
| A2                         | 770.4211 Post-Top LED Lamp Replacement              | EA   | -353                  | \$465.00       | (\$164,145.00)      |
|                            |                                                     |      | <b>TOTAL:</b>         |                | <b>\$484,669.00</b> |



## City Commission

### Agenda Documentation

**MEETING DATE:** March 5, 2024  
**PREPARATION DATE:** February 27, 2024  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** Consider Class H Liquor License - Catered Retail Beer, Wine & Liquor On - Premises

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**STATEMENT/PURPOSE:**

To consider Class H Liquor License - Catered Retail Beer, Wine & Liquor On - Premises.

**BACKGROUND/ALTERNATIVES:**

The application has been reviewed by the Mandan Police Department and no apparent issues were found. As this is a caterer's application, each event will require a Special Caters Permit which will have a site layout included.

Full application is available upon request.

**ATTACHMENTS:**

None

**FISCAL IMPACT:**

n/a

**STAFF IMPACT:**

n/a

**LEGAL REVIEW:**

n/a

**RECOMMENDATION:**

I recommend approval of the Class H Liquor License - Catered Retail Beer, Wine, & Liquor On - Premises for Bareknucle Events LLC. contingent upon the establishment

City Commission

Agenda Documentation

March 5, 2024

Subject: Consider Class H Liquor License - Catered Retail Beer, Wine and Liquor On Premises, Application for Bareknuckle Events LLC.

Page 2 of 2

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meeting all Fire Code, Health & Safety Code, and Building Inspections for each event.

**SUGGESTED MOTION:**

I move to approve the Class H Liquor License - Catered Retail Beer, Wine, & Liquor On - Premises for Bareknuckle Events LLC. contingent upon the establishment meeting all Fire Code, Health & Safety Code, and Building Inspections for each event.





## City Commission

### Agenda Documentation

**MEETING DATE:** March 5, 2024  
**PREPARATION DATE:** February 27, 2024  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** Class E - Liquor License - GD Hooker LLC (dba) Black Lions

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**STATEMENT/PURPOSE:**

To consider the Class E – Restaurant On Sale Beer and Liquor License Application - GD Hooker LLC (dba) Black Lions.

**BACKGROUND/ALTERNATIVES:**

Garrett Hooker started the Black Lions in 2019 and has had a Beer & Wine Only liquor license. Rob Puttie has come on as a partner in 2023, Black Lions will be at a new location 412 W Main Street (former Station West), and are requesting approval for a Restaurant On Sale Beer and Liquor License. The application has been reviewed by the Mandan Police Department and no apparent issues were found.

Full application is available upon request.

**ATTACHMENTS:**

None

**FISCAL IMPACT:**

n/a

**STAFF IMPACT:**

n/a

**LEGAL REVIEW:**

n/a

**RECOMMENDATION:**

City Commission

Agenda Documentation

March 5, 2024

Subject: Consider Class E – Restaurant On Sale Beer and Liquor License Application - GD Hooker LLC  
(dba) Black Lions

Page 2 of 2

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I recommend approval of the Class E liquor license application, contingent of the establishment meeting all Fire, Health, Safety, and Building Inspection codes.

**SUGGESTED MOTION:**

I move to approval of the Class E liquor license application, contingent of the establishment meeting all Fire, Health, Safety, and Building Inspection codes.



## City Commission

### Agenda Documentation

**MEETING DATE:** March 5, 2024  
**PREPARATION DATE:** February 28, 2024  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:** Jarek Wigness  
**PRESENTER:** Jarek Wigness, City Engineer  
**SUBJECT:** Consider the Approval of Plans and Specifications and Authorization to Advertise for Bids for Street Improvement District 235.

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#### **STATEMENT/PURPOSE:**

To consider and possibly approve the plans and specifications and authorization of the advertisement for bids for the project.

#### **BACKGROUND/ALTERNATIVES:**

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

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

On February 6, 2024 the City of Mandan directed Moore Engineering to prepare plans and specifications for the 2024 Street Rehabilitation project. Moore has worked closely with the City of Mandan staff to incorporate the project scope and collaborate on a weekly basis. The plans and specifications are complete and ready for advertisement and bidding. With Commission approval, the project will be advertised on March 14, 21, and 28, with bids being submitted and opened on April 5. This schedule was set due to Department of Water Resources (DWR) funding for the project. The project has received a 60% grant for watermain design and an application has been submitted for a 60% grant for all watermain construction. In order to receive the DWR Grant, the project must be bid prior to DWR's April 11th meeting.

Subject: Consider the Approval of Plans and Specifications and Authorization to Advertise for Bids for Street Improvement District 235.

Page 2 of 2

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**ATTACHMENTS:**

1. Resolution Approving Plans & Specifications
2. Resolution Authorizing Ad for Bids

**FISCAL IMPACT:**

The project cost estimate is \$9,365,000 including engineering, contingencies, and legal. The City has received a DWR preconstruction grant for \$136,133 and an application has been submitted to the DWR for construction funding for \$1,628,626.

**STAFF IMPACT:**

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

**LEGAL REVIEW:**

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

**RECOMMENDATION:**

To approve Plans and Specifications and authorize the advertisement for bids for the project.

**SUGGESTED MOTION:**

Move to approve plans and specifications and authorize staff to advertise for bids for the project.

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS  
STREET IMPROVEMENT DISTRICT 235  
PROJECT # 2024-02**

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

Pursuant to the requirement of the North Dakota Century Code §40-22-11, the Plans and Specifications for the improvement project in Project # 2024-02 of said City be and the same are hereby approved, ratified and confirmed as the plans and specifications in accordance with which said improvement project will be constructed, except as modified by this Board in accordance with law, and the City Administrator shall file the same in his office, open for public inspection.

Dated this 5th day of March, 2024.

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

\_\_\_\_\_  
City Administrator

**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS  
FOR STREET IMPROVEMENT DISTRICT 235 - PROJECT 2024-02**

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

1. The City Engineer and staff shall meet at the time and place specified in the notice authorized in paragraph 2 hereof, for the purpose of opening sealed bids for the work and material needed for the improvement project to be made in Street Improvement District 235 - Project 2024-02 of the City of Mandan, as more fully described and referred to in the plans and specifications for said improvement now on file in the office of the City Engineer.

2. The City Administrator is authorized and directed to cause notice of advertisement for bids to be published once each week for two consecutive weeks in the Mandan News, the official newspaper, the first of such publications to be at least twenty-one days before the date specified for receipt of bids, which notice shall be in the following form:

3. Each and all of the terms and provisions of the foregoing notice are hereby adopted as the terms and conditions for the award of said contract.

4. The Board of City Commissioners shall meet in April to review the bids submitted, consider the engineer's recommendation, and to award the contract to the successful bidder.

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

\_\_\_\_\_  
City Administrator

Passed: March 5, 2024



## City Commission

### Agenda Documentation

**MEETING DATE:** March 5, 2024  
**PREPARATION DATE:** February 28, 2024  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:** Jarek Wigness  
**PRESENTER:** Jarek Wigness, City Engineer  
**SUBJECT:** Consider State Water Commission Grant for Street Improvement District 235

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#### **STATEMENT/PURPOSE:**

To consider and possibly approve the acceptance of a State Water Commission (SWC) grant for the 2024 street reconstruction project.

#### **BACKGROUND/ALTERNATIVES:**

The City applied for and was awarded State Water Commission funding for the watermain design engineering related to the 2024 Street Reconstruction project. This project includes the reconstruction or rehabilitation of around 60 blocks within the City. Nine of these blocks have been identified for the replacement of cast iron and asbestos cement pipes.

The design of this project has been completed and, if approved, will be bid and constructed in 2024. Some construction is expected to carry over into 2025.

#### **ATTACHMENTS:**

1. State Water Commission Cost-Share Agreement

#### **FISCAL IMPACT:**

The City was awarded \$136,133 of SWC funds, which was 60% of the eligible engineering costs. The City will be responsible for the remaining 40%. The engineering costs related to water main reconstruction are a part of our pre-construction contract with Moore for SID 235, the engineering for would be paid for with a combination of special assessments and utility funds. \$500K of utility funds were budgeted for this effort.

#### **STAFF IMPACT:**

Minimal.

**LEGAL REVIEW:**

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

**RECOMMENDATION:**

We recommend accepting the award of the State Water Commission grant.

**SUGGESTED MOTION:**

Move to accept the award of the State Water Commission grant for the 2024 Street Reconstruction project design, and enter into the cost-share agreement as presented.



**Agreement for Cost-Share Reimbursement  
City of Mandan  
2024 Infrastructure Improvements**

**1. PARTIES.** This agreement is between the State of North Dakota (State), by and through the State Water Commission (Commission), and the City of Mandan (Sponsor).

**2. PROJECT DESCRIPTION AND LOCATION.** Sponsor is seeking funding for replacement of water mains in the northwest area of the City of Mandan in Morton County, North Dakota (Project).

**3. COMMISSION'S RESPONSIBILITY AND INTENT.** Commission will provide Sponsor with cost-share, not to exceed \$136,133, as approved by Commission on February 8, 2024, to reimburse 60 percent of the actual eligible costs incurred in Project. Commission cost-share is contingent on availability of funds and conditions of this agreement. Commission's intent in providing this funding to Sponsor is to assist Sponsor financially with Project costs. Sponsor retains sole and absolute discretion in the manner and means of carrying out Project, except to the extent specified in this agreement.

**4. SPONSOR'S RESPONSIBILITIES.** Sponsor must:

- a. Complete Project.
- b. Provide continued maintenance for Project.
- c. Ensure all applicable permits (federal, state, and local) are obtained.
- d. Acquire all title to land and easements for Project.
- e. Comply with all North Dakota laws governing the requirements for competitive bids, advertising, and awarding of contracts for construction of Project.
- f. Maintain a Project file containing relevant documents and correspondence generated during the course of Project. Commission is not responsible for maintaining a Project file.
- g. Provide a progress report to Commission at least every four years if the term of Project exceeds four years.
- h. Notify Commission of any changes to Project funding, including additional funding or funding sources. Cost-share may be modified based on the revised local share.
- i. Prior to signature, inform Commission and any other relevant party regarding Project of any errors, misinterpretations, changes, modifications, miscalculations, incorrect Project descriptions, or any other information stated herein that is inaccurate.

- j. Notify Commission of litigation related to the Project. If a Project becomes the subject of litigation before all funds have been disbursed, the Secretary may withhold funds until the litigation is concluded.

**5. ELIGIBLE COSTS.** Commission has sole discretion to determine eligible costs and availability of Commission funds. Additional information is outlined in Commission's cost-share policy. Commission will not cost-share in litigation costs unless there has been a separate authorization.

**6. PAYMENT.** Commission will make partial payments upon receipt and approval of Sponsor's written request. Sponsor must provide Commission verification of actual costs and a Project status report with each payment request. A Commission representative may inspect Project to determine whether the work satisfies Commission's cost share requirements before Commission makes payment(s) to Sponsor. Request for final payment must include a copy of Project.

**7. INDEMNIFICATION.** Sponsor must require all subcontractors, other than state employed subcontractors, before commencement of an agreement between Sponsor and the subcontractor, to defend, indemnify, and hold harmless State, from and against claims based on the vicarious liability of State or its agents, but not against claims based on State's negligence or intentional misconduct. This obligation to defend, indemnify, and hold harmless does not extend to professional liability claims arising from professional errors and omissions. The legal defense provided by subcontractor to State under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for State is necessary. Subcontractor also agrees to reimburse State for all costs, expenses, and attorneys' fees incurred if State prevails in an action against subcontractor in establishing and litigating the indemnification coverage required herein. This obligation continues after the termination of this agreement.

**8. INSURANCE.** Sponsor must secure and keep in force during the term of this agreement, from an insurance company, government self-insurance pool, or government self-retention fund authorized to do business in North Dakota, commercial general liability with minimum limits of liability of \$500,000 per person and \$2,000,000 per occurrence.

In addition, Sponsor must require all subcontractors, other than state employed subcontractors, before commencement of an agreement between Sponsor and the subcontractor, to secure and keep in force during the term of this agreement, from insurance companies authorized to do business in North Dakota, the following insurance coverages:

- a. Commercial general liability, including premises or operations, contractual, and products or completed operations coverages (if applicable), with minimum liability limits of \$2,000,000 per occurrence.
- b. Automobile liability, including Owned (if any), Hired, and Non-owned automobiles, with minimum liability limits of \$500,000 per person and

- \$2,000,000 per occurrence.
- c. Workers' compensation coverage meeting all statutory requirements. The policy must provide coverage for all states of operation that apply to the performance of this contract.
- d. If subcontractor is domiciled outside State, employer's liability or "stop gap" insurance of not less than \$2,000,000 as an endorsement on the workers' compensation or commercial general liability insurance.

The insurance coverages listed above must meet the following additional requirements:

- e. Any deductible or other similar obligation under the policies is the sole responsibility of the subcontractor. The amount of any deductible is subject to approval by State.
- f. This insurance may be in policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and must be placed with insurers rated "A-" or better by A.M. Best Company, Inc., provided any excess policy follows form for coverage. Less than an "A-" rating must be approved by the State. The policies must be in form and terms approved by the State.
- g. State will be defended, indemnified, 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 duty to defend, indemnify, and hold harmless State under this agreement is not limited by the insurance required in this agreement.
- h. State must be endorsed on the commercial general liability policy, including any excess policies, as additional insured. State must have all the benefits, rights, and coverages of an additional insured under these policies that are not limited to the minimum limits of insurance required by this agreement or by the contractual indemnity obligations of Sponsor.
- i. The insurance required in this agreement, through a policy or endorsement, must include:
  - (1) A "Waiver of Subrogation" waiving any right to recovery the insurance company may have against State;
  - (2) A provision that subcontractor's insurance coverage is primary (i.e., pay first) as respects any insurance, self-insurance, or self-retention maintained by State and that any insurance, self-insurance, or self-retention maintained by State must be in excess of the subcontractor's insurance and must not contribute with it;
  - (3) Cross liability/severability of interest for all policies and endorsements;
  - (4) The legal defense provided to State under the policy and any endorsements must be free of any conflicts of interest, even if retention of separate legal counsel for State is necessary;
  - (5) The insolvency or bankruptcy of the insured subcontractor

must 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.

- j. Failure to provide insurance as required in this agreement is a material breach of contract entitling State to terminate this agreement immediately.

**9. BREACH.** Violation of any provision of this agreement by Sponsor constitutes breach of this agreement. A breach obligates Sponsor to reimburse Commission for all funds paid to Sponsor and relieves Commission of all obligations under this agreement.

**10. AGREEMENT BECOMES VOID.** This agreement is void if not signed and returned by Sponsor within 60 days of Commission's signature.

**11. TERMINATION.**

- a. Commission may terminate this agreement effective upon delivery of written notice to Sponsor, or a later date as may be stated in the notice, under any of the following conditions:
  - (1) If Commission determines an emergency exists.
  - (2) If funding from federal, state, or other sources is not obtained and continued at levels sufficient to provide the funds necessary to comply with this agreement. The parties may modify this agreement to accommodate a reduction in funds.
  - (3) If federal or state laws or rules are modified or interpreted in a way that the services are no longer allowable or appropriate for purchase under this agreement or are no longer eligible for the funding proposed for payments authorized by this agreement.
  - (4) If any license, permit, or certificate required by law, rule, or this agreement is denied, revoked, suspended, or not renewed.
  - (5) If Sponsor does not submit a timely progress report under 3.(g.), or the Commission determines after reviewing a progress report that Project has not made sufficient progress.
  - (6) If Commission determines that continuing the agreement is no longer necessary or would not produce beneficial results commensurate with the further expenditure of public funds.
- b. Any termination of this agreement is without prejudice to any obligations or liabilities of either party already accrued prior to termination.
- c. The rights and remedies of any party provided in this agreement are not exclusive.

**12. APPLICABLE LAW AND VENUE.** This agreement is governed by and construed under the laws of State. Any action to enforce this agreement must be adjudicated exclusively in the District Court of Burleigh County, North Dakota.

**13. SEVERABILITY.** If any term of this agreement is declared by a court having jurisdiction to be illegal or unenforceable, the validity of the remaining terms is unaffected, and if possible, the rights and obligations of the parties are to be construed and enforced as if the agreement did not contain that term.

**14. SPOILIATION – PRESERVATION OF EVIDENCE.** Sponsor agrees to promptly notify Commission of all potential claims that arise or result from this agreement. Sponsor must also take all reasonable steps to preserve all physical evidence and information that may be relevant to the circumstances surrounding a potential claim, while maintaining public safety, and grants to Commission the opportunity to review and inspect the evidence, including the scene of an accident.

**15. NONDISCRIMINATION.** Sponsor agrees to comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), N.D.C.C. title 34, and all applicable federal and state laws, rules, and policies relating to nondiscrimination, accessibility, and civil rights.

**16. MERGER AND MODIFICATION.** This agreement constitutes the entire agreement between the parties. There are no understandings, agreements, or representations, oral or written, not specified within this agreement. This agreement may not be modified, supplemented, or amended in any manner, except by written agreement signed by both parties.

**NORTH DAKOTA STATE WATER  
COMMISSION**

By:



ANDREA TRAVNICEK, PH.D.  
Secretary

Date: 02/16/2024

**CITY OF MANDAN**

By:

TIM HELBLING  
Mayor

Date: \_\_\_\_\_



## City Commission

### Agenda Documentation

**MEETING DATE:** March 5, 2024  
**PREPARATION DATE:** February 27, 2024  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:** Jarek Wigness  
**PRESENTER:** Jarek Wigness, City Engineer  
**SUBJECT:** Consider the approval of plans and specifications, Engineer's Report, and authorize the call for bids for the 2024 Municipal Sidewalk Improvement Project 2024-05

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#### **STATEMENT/PURPOSE:**

To move forward with project #2024-05 to repair sidewalks, driveway aprons, and other concrete items throughout the City.

#### **BACKGROUND/ALTERNATIVES:**

This is an annual sidewalk construction project that is for the removal and replacing of existing sidewalks or aprons in need of repair. Residents may elect to have sidewalk and/or apron work done to their existing sidewalk and/or apron that is adjacent to their property under this project, and to have that work assessed to their property. Sidewalks and/or aprons for new construction however are not eligible to participate. Work includes any concrete item within the public right-of-way that needs to be done.

Pending approval today, we would advertise the project on March 15 and 22, open bids April 9 and bring back our recommendations to the City Commission for award of bid on April 16.

#### **ATTACHMENTS:**

1. Resolution Approving Engineer Report
2. Resolution Approving Plans & Specs
3. Resolution Authorizing Ad for Bids
4. Ad for 2024 Sidewalk Project Bids

#### **FISCAL IMPACT:**

Minimal, all work under this project is special assessed to the benefitting property.

Subject: Consider the approval of plans and specifications, Engineer's Report, and authorize the call for bids for the 2024 Municipal Sidewalk Improvement Project 2024-05  
Page 2 of 2

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**STAFF IMPACT:**

The Engineering staff will be performing the construction administration for this project.

**LEGAL REVIEW:**

All commission data has been forwarded to the City Attorney for review.

**RECOMMENDATION:**

This office supports moving forward with this project.

**SUGGESTED MOTION:**

I move to approve the resolution approving plans and specifications, approve the resolution approving engineer's report and approve the resolution directing advertisement for bids for the 2024 Municipal Sidewalk Improvement Project 2024-05.

**RESOLUTION APPROVING ENGINEER'S REPORT AND  
AUTHORIZING PREPARATION OF THE DETAILED PLANS  
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE  
IMPROVEMENT IN MUNICIPAL SIDEWALK IMPROVEMENTS PROJECT 2024-05**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Municipal Sidewalk Improvement Project 2024-05, as required by North Dakota Century Code §40-22-10, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

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

a. Construction costs:

\$200,000

b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:

\$20,000

c. Total estimated costs of the improvement:

\$220,000

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

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

Dated this 5<sup>th</sup> day of March, 2024

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

\_\_\_\_\_  
City Administrator



**RESOLUTION APPROVING PLANS AND SPECIFICATIONS  
FOR MUNICIPAL SIDEWALK IMPROVEMENTS  
PROJECT # 2024-05**

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

Pursuant to the requirement of the North Dakota Century Code §40-22-11, the Plans and Specifications for the improvement project in Project # 2024-05 of said City be and the same are hereby approved, ratified and confirmed as the plans and specifications in accordance with which said improvement project will be constructed, except as modified by this Board in accordance with law, and the City Administrator shall file the same in his office, open for public inspection.

Dated this 5th day of March, 2024.

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

\_\_\_\_\_  
City Administrator

**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS  
FOR MUNICIPAL SIDEWALK IMPROVEMENT PROJECT 2024-05**

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

1. The City Engineer and staff shall meet at the time and place specified in the notice authorized in paragraph 2 hereof, for the purpose of opening sealed bids for the work and material needed for the improvement project to be made in Municipal Sidewalk Improvement Project 2024-05 of the City of Mandan, as more fully described and referred to in the plans and specifications for said improvement now on file in the office of the City Engineer.

2. The City Administrator is authorized and directed to cause notice of advertisement for bids to be published once each week for two consecutive weeks in the Mandan News, the official newspaper, the first of such publications to be at least twenty-one days before the date specified for receipt of bids, which notice shall be in the following form:

3. Each and all of the terms and provisions of the foregoing notice are hereby adopted as the terms and conditions for the award of said contract.

4. The Board of City Commissioners shall meet in April to review the bids submitted, consider the engineer's recommendation, and to award the contract to the successful bidder.

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

\_\_\_\_\_  
City Administrator

Passed: March 5, 2024

**ADVERTISEMENT FOR BIDS FOR  
2024 MUNICIPAL SIDEWALK IMPROVEMENT PROJECT #2024-05  
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota, will receive sealed bids at the Office of the City Engineer, City Hall, until Monday, April 9<sup>th</sup> at 11:00 a.m., local time, for the purpose of the construction and repair of sidewalks, curb and gutters, and all other work related to the 2024 Municipal Sidewalk Improvement Project 2024-05. The work consists of all labor, skill and materials required to properly construct the improvement.

Contractors and vendors desiring plans and specifications for personal use may secure digital copies from [www.questcdn.com](http://www.questcdn.com) for a fee of \$25.00. These documents may be downloaded by selecting this project from the "Bid Documents" tab and by entering Quest Project Number **#9005021** on the "Search Projects" page. For assistance and the free membership registration, contact QuestCDN at (952) 233-1632 or [info@questcdn.com](mailto:info@questcdn.com). Paper copies of the bid documents may be obtained from the City of Mandan Engineering office, 205 2<sup>nd</sup> Avenue Northwest, Mandan, North Dakota 58554 upon non-refundable payment of \$50.00 for each set. If Plans are mailed out and additional fee of \$15.00 will be added for postage and handling.

The Contractor shall include a copy of his license or certificate or renewal thereof enclosed in the required bid bond envelope as required pursuant to §43-07-12 of the North Dakota Century Code, as amended. Unless a bidder obtains a contractor's license for the full amount of its bid within twenty days after it is determined the bidder is the lowest and best bidder, the bid must be rejected and the contract awarded to the next lowest, best, and licensed bidder.

Each bid shall be accompanied by a separate envelope containing a bidder's bond in the amount of five (5) percent of the amount of the bids as required by North Dakota Century Code (NDCC) §48-01.2-05, as amended, and executed as provided by law. The bid bond shall be conditioned that if the principal's bid is accepted and the contract awarded to the principal, the principal, within ten days after notice of award shall execute a contract in accordance with the terms of the bid and a contractor's bond as required by law and the regulations and determinations of the city's governing body.

Bids shall be made on the basis of cash payment for the work to be done. All work under this advertisement shall be started on a date to be specified in a written order from the Board of City Commissioners, or no later than ten (10) days after written notice to proceed has been received from the city.

All work shall be completed no later than December 31, 2024. If the contractor fails to complete all the work within this time, or such additional time as has been granted for excusable delays, there shall be deducted from any money due the contractor the sum of One Hundred Dollars for each calendar day the completion of the work is delayed. Such deducted amounts shall be charged as liquidated damages and not as a penalty.

The bid proposals shall be sealed and endorsed "Proposal for the 2024 Municipal Sidewalk Improvement Project #2024-05". Bids shall be delivered or mailed to: City Engineer,

205 2<sup>nd</sup> Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 11:00 a.m., local time, on Tuesday, April 9, 2024. All bidders are invited to be present at the public opening of the bids. No bid may be read or considered if it does not fully comply with the requirements of NDCC §48-01.1-05 and any deficient bid submitted must be resealed and returned to the bidder immediately.

The Board of City Commissioners of the City of Mandan, North Dakota, will meet at the City Hall in April to review the bids submitted, consider the engineer's recommendation, and to award the contract to the successful bidder. The contract will be awarded on the basis of the low bid submitted by a responsible and responsive bidder deemed most favorable to the City's interest.

The Board of City Commissioners reserves the right to hold all bids for a period of forty-five (45) days after the date fixed for the opening thereof, and to reject any or all bids and to waive irregularities whenever it is in the best interest of the City of Mandan.

Dated this 5<sup>th</sup> day of March, 2024.

City of Mandan, North Dakota

BY: Jim Neubauer  
City Administrator

Publication Dates: March 15 and 22, 2024



## City Commission

### Agenda Documentation

**MEETING DATE:** March 5, 2024  
**PREPARATION DATE:** February 28, 2024  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** Site authorization for ABATE of ND at the HideAway from 7/1/24 to 6/30/25.

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**STATEMENT/PURPOSE:**

To approve a gaming site authorization.

**BACKGROUND/ALTERNATIVES:**

N/A

**ATTACHMENTS:**

1. ABATE ND Gaming Site Auth & Rental Agreement

**FISCAL IMPACT:**

N/A

**STAFF IMPACT:**

N/A

**LEGAL REVIEW:**

N/A

**RECOMMENDATION:**

Approve the site authorization for ABATE of North Dakota

**SUGGESTED MOTION:**

I move to approve the site authorization for ABATE of North Dakota at the HideAway from July 1, 2024 to June 30, 2025



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

G - \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
Site License Number  
(Attorney General Use Only)

Full, Legal Name of Gaming Organization

**ABATE of North Dakota**

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

**HideAway**

|                                                |                                              |                                                             |                         |
|------------------------------------------------|----------------------------------------------|-------------------------------------------------------------|-------------------------|
| Street<br><b>1000 Boundry Rd</b>               | City<br><b>Mandan</b>                        | ZIP Code<br><b>58554</b>                                    | County<br><b>Morton</b> |
| Beginning Date(s) Authorized<br><b>7/01/24</b> | Ending Date(s) Authorized<br><b>06/30/25</b> | Number of Twenty-One tables, if zero, enter "0"<br><b>0</b> |                         |

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

**Bar Area - against South Wall, East Wall, and North Wall**

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

**Raffle Sept 24, 2024**

**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)

|                                                                       |                                                        |                                                   |
|-----------------------------------------------------------------------|--------------------------------------------------------|---------------------------------------------------|
| <input type="checkbox"/> Bingo                                        | <input type="checkbox"/> Club Special                  | <input type="checkbox"/> Sports Pools             |
| <input type="checkbox"/> <b>ELECTRONIC</b> Quick Shot Bingo           | <input type="checkbox"/> Tip Board                     | <input type="checkbox"/> Twenty-One               |
| <input checked="" type="checkbox"/> Raffles                           | <input type="checkbox"/> Seal Board                    | <input type="checkbox"/> Poker                    |
| <input type="checkbox"/> <b>ELECTRONIC</b> 50/50 Raffle               | <input type="checkbox"/> Punchboard                    | <input type="checkbox"/> Calcuttas                |
| <input type="checkbox"/> Pull Tab Jar                                 | <input type="checkbox"/> Prize Board                   | <input type="checkbox"/> Paddlewheel with Tickets |
| <input checked="" type="checkbox"/> Pull Tab Dispensing Device        | <input type="checkbox"/> Prize Board Dispensing Device | <input type="checkbox"/> Paddlewheel Table        |
| <input checked="" type="checkbox"/> <b>ELECTRONIC</b> 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<br><i>Jim Neubauer</i>                                                                     | Date<br><i>2/28/24</i> |
| PRINT Name and official position of person signing on behalf of city/county above<br><i>Jim Neubauer, city Administrator</i> |                        |

**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)<br><b>Hidden Inc. DBA - HideAway</b>                                                                                                                                                                                                                            |                                                     | Site Name<br><b>HideAway</b> |                          | Site Phone Number       |
| Site Address<br><b>1000 Boundry Rd</b>                                                                                                                                                                                                                                              | City<br><b>Mandan</b>                               | State<br><b>ND</b>           | Zip Code<br><b>58554</b> | County<br><b>Morton</b> |
| Organization<br><b>ABATE of North Dakota</b>                                                                                                                                                                                                                                        | Rental Period<br><b>07/01/24</b> to <b>06/30/25</b> |                              |                          | Monthly Rent Amount     |
| 1. Is Bingo going to be conducted at the site?<br><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes                                                                                                                                                               |                                                     |                              |                          | \$                      |
| 1a. If "Yes" to number 1 above, is Bingo the <b>primary</b> game conducted?<br>- 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.<br><input type="checkbox"/> No <input type="checkbox"/> Yes |                                                     |                              |                          |                         |
| 2. Is Twenty-One conducted at this site?<br>Number of Tables with wagers <b>up to \$5</b> <input checked="" type="checkbox"/> Rent per Table \$                                                                                                                                     |                                                     |                              |                          | \$                      |
| Number of Tables with wagers <b>over \$5</b> <input checked="" type="checkbox"/> Rent per Table \$                                                                                                                                                                                  |                                                     |                              |                          | \$                      |
| 3. Is Paddlewheels conducted at this site?<br>Number of Tables <input checked="" type="checkbox"/> Rent per Table \$                                                                                                                                                                |                                                     |                              |                          | \$                      |
| 4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site?<br>Please Check: <input type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device                                                                   |                                                     |                              |                          | \$ 400.00               |
| 5. Are Electronic Pull-Tabs conducted at this site?<br>If "Yes" please indicate the number of devices <u>7</u>                                                                                                                                                                      |                                                     |                              |                          | \$ 1,025.00             |
| <b>Total Monthly Rent</b>                                                                                                                                                                                                                                                           |                                                     |                              |                          | <b>\$ 1,425.00</b>      |

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<br> | Title<br><b>President</b>                        | Date<br><b>2/27/24</b>  |
| Signature of Lessee<br> | Title<br><b>Executive Director - ABATE of ND</b> | Date<br><b>02/22/24</b> |



## City Commission

### Agenda Documentation

**MEETING DATE:** March 5, 2024  
**PREPARATION DATE:** March 5, 2024  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:** Jarek Wigness  
**PRESENTER:** Jarek Wigness, City Engineer  
**SUBJECT:** Consider Sunset Drive Interchange Project  
Commitment Letter

---

#### **STATEMENT/PURPOSE:**

To consider and possibly approve of providing the North Dakota Department of Transportation (NDDOT) a letter of local funding commitment for their Bridge Investment Program (BIP) application to the United States Department of Transportation (USDOT).

#### **BACKGROUND/ALTERNATIVES:**

The NDDOT's Statewide Transportation Improvement Program (STIP) includes the reconstruction of the I-94 Bridge at the Sunset Drive interchange in the construction seasons of 2027-2029. This project addresses traffic mobility issues at the location by constructing a Single-point Urban Interchange (SPUI) underneath the I-94 bridge. In order for the interchange to function satisfactorily, there are immediate improvement needs identified at the intersection of Sunset Drive and Old Red Trail, and future improvement needs identified at the intersection of Sunset Drive and Boundary. The City of Mandan would be responsible for portions of the improvements made outside of the NDDOT's right of way. The local share of these improvements are estimated at about \$1.5M - \$2.0M.

#### **ATTACHMENTS:**

1. Sunset Drive Letter of Commitment

#### **FISCAL IMPACT:**

The City would be responsible for an estimated \$1.5M - 2.0M for improvements made outside of the NDDOT's right of way. The City has identified special assessments, sales tax, and municipal infrastructure funds as the likely funding sources for these costs. The City also recently agreed to a preliminary engineering cost reimbursement



agreement with the NDDOT for this project. We would expect that reimbursement to exceed the local costs for improvements, and would recommend following through with the project.

**STAFF IMPACT:**

Minimal.

**LEGAL REVIEW:**

Commission items have been sent to the City Attorney for review.

**RECOMMENDATION:**

To approve providing the letter of commitment as presented.

**SUGGESTED MOTION:**

I move to approve providing a letter of commitment, as presented.



## Engineering

March 4, 2024

The Honorable Pete Buttigieg  
United States Secretary of Transportation  
U.S. Department of Transportation  
1200 New Jersey Ave, SE  
Washington, DC 20590

RE: Letter of Support for FY 2024 Bridge Investment Program: Reconstruction of Interstate 94  
Bridges over Sunset Drive Project in Mandan, ND

Dear Secretary Buttigieg,

I am writing in support of the North Dakota Department of Transportation's (NDDOT) application for funding through the United States Department of Transportation's Bridge Investment Program (BIP). The BIP funding would facilitate completion of the long-planned replacement of the Interstate 94 (I-94) Bridges over Sunset Drive in Mandan, ND. The project aligns with the goals and priorities of BIP funding opportunity by reducing the total person miles traveled over bridges that do not meet current geometric design standards and by improving the safety, efficiency, and reliability of the movement of people and freight over bridges.

The existing vertical clearance beneath the I-94 bridge is insufficient, resulting in limited freight movement beneath the structure and numerous instances of freight traffic becoming impinged beneath the bridges. The operational challenges are further exacerbated due to the proximity of Old Red Trail intersection to the I-94 westbound ramps. As a result, the existing interchange configuration will not meet future traffic demand without unacceptable delays, ramp queuing, and limitations to overall freight mobility at the I-94/Sunset Drive interchange.

The project addresses the transportation challenges in the region and will result in a cohesive network that supports diverse community needs and aligns with USDOT's strategic goals and statutory project requirements of the BIP opportunity. Locally, the improvements to I-94 Interchange Bridge will result in much needed safety and mobility improvements in the immediate area for both vehicles and pedestrians. These improvements will link the community of Mandan more effectively to itself and others in the region.

The City of Mandan supports the NDDOT's application for the funding of Reconstruction of I-94 Bridges over Sunset Drive Project. In the event of an award, the City of Mandan is committing the dollar amount from special assessments, sales tax and municipal infrastructure funds for the project, as noted in the grant application. Please give this FY 2024 BIP funding application your full consideration and if I can answer any questions, please do not hesitate to contact me. I may be reached by phone at 701-667-3225 or by email at [jarek.wigness@cityofmandan.com](mailto:jarek.wigness@cityofmandan.com).

Sincerely,

Jarek Wigness, City Engineer

City of Mandan



## City Commission

### Agenda Documentation

**MEETING DATE:** March 5, 2024  
**PREPARATION DATE:** February 28, 2024  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:** Jarek Wigness  
**PRESENTER:** Jarek Wigness, City Engineer  
**SUBJECT:** Mandan 2024 Rectangular Rapid Flashing Beacon Installations Task Order

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#### **STATEMENT/PURPOSE:**

To consider and possibly enter into an agreement with Moore Engineering for design engineering services for the 2024 Rectangular Rapid Flashing Beacon Installations (RRFB).

#### **BACKGROUND/ALTERNATIVES:**

The City of Mandan has been working to improve pedestrian safety throughout the city. The city was awarded a 90% grant to install Rapid Rectangular Flashing Beacons (RRFB) in four locations. Due to federal funding, the project must be designed by a licensed engineer and publicly bid. The project will include RRFB installation and ADA improvements.

The City of Mandan entered into an MSA with Moore Engineering on September 5, 2023. Moore Engineering has provided Task Order No. 4 to design and bid the RRFB installation project.

This project would be designed and bid in 2024, and constructed in 2025.

#### **ATTACHMENTS:**

1. Task Order No. 4 Rectangular Rapid Flashing Beacon

#### **FISCAL IMPACT:**

The project is identified in our Capital Improvement Plan and the NDDOT's Statewide Transportation Improvement Program. We are expecting to receive about \$198,000 in construction funding from North Dakota Department of Transportation. The City, using estimates available at the time, budgeted \$56,250 out of the sales tax fund for pre-

construction expenses in 2024. This agreement is above that amount by about \$24,000.

**STAFF IMPACT:**

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

**LEGAL REVIEW:**

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

**RECOMMENDATION:**

Approve Task Order No. 4 with Moore Engineering for design services for the 2024 RRFB Installations project.

**SUGGESTED MOTION:**

Move to approve Task Order No. 4 with Moore Engineering for design services for the 2024 RRFB Installations project.

## **Task Order: Rectangular Rapid Flashing Beacon**

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

### **1. Background Data**

- |    |                                 |                                                                                                                                                                                                                                                                                                    |
|----|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A. | Effective Date of Task Order:   | March 5, 2024                                                                                                                                                                                                                                                                                      |
| B. | Owner:                          | City of Mandan                                                                                                                                                                                                                                                                                     |
| C. | Engineer:                       | Moore Engineering, Inc.                                                                                                                                                                                                                                                                            |
| D. | Specific Project (title):       | 2024 Rectangular Rapid Flashing Beacon Installations                                                                                                                                                                                                                                               |
| E. | Specific Project (description): | Professional services to facilitate installation of four Rectangular Rapid Flashing Beacon (RRFB) according to the approved Highway Safety Improvement Program (HSIP) funding application dated November 22, 2019. The NDDOT project is identified as Mandan 2024 HSIP, HEU-1-988(051), PCN 24054. |

### **2. Services of Engineer**

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

Owner desires to construct four Rectangular Rapid Flashing Beacon (RRFB) crossing locations according to the 2016 Safe Routes to School study and the approved Highway Safety Improvement Program (HSIP) funding application dated November 22, 2019. Engineer's services include the following:

#### **Project Management**

- Coordinate with Owner and NDDOT to verify applicable standards and other requirements.
- Facilitate two (2) design review meetings with Owner and NDDOT (if required).
- Attend two (2) City Commission meetings to answer questions and provide feedback.
- Coordinate quality control activities for each phase and deliverable.

#### **Preliminary Design Phase**

- Obtain existing utility information and coordinate one-call locates. Coordinate with utility owners to address conflicts.
- Survey tasks will include control, boundary and design data collection at each location, as well as CAD base map preparation.
- Permitting is expected to be a Categorical Exclusion by Definition (CED) checklist. As part of the CED, a cultural resources Class I Report (literature review) will be completed. Due to the

nature of the project, field investigations and other state and federal permits are not anticipated.

- Complete the necessary civil and electrical design, modeling and preliminary drawings for recommended improvements, RRFB placement and ADA improvements.
- Prepare draft technical specifications and applicable plan notes.
- Calculate quantities and prepare an opinion of construction cost.
- Submit preliminary design phase documents to Owner and NDDOT for review.
- Facilitate a preliminary design phase review meeting with Owner and NDDOT.

#### Final Design Phase

- This phase will begin after attending the review meeting with Owner and NDDOT and receipt of comments for final design changes.
- Prepare utility conflict plans.
- Prepare curb ramp agreements, which is an alternative to temporary construction easements, and ratifies an agreement with the property owner(s) when construction temporarily impacts private property.
- Complete final civil and electrical design and plan preparation.
- Submit preliminary bid documents for Owner's review and comment, then revise based on Owner's comments and complete final bid documents.
- Prepare final bid documents and submit to NDDOT for bidding.

Bidding Phase – Engineer's services are limited to answering prospective bidder questions, but do not include preparation of addenda, bid tabulation, and related services since the project will be bid through the NDDOT system.

Construction Phase – Engineer's construction phase services will be identified following completion of the above phases and defined in a subsequent amendment to this Task Order.

- B. Resident Project Representative (RPR) Services – Not Applicable
- C. Designing to a Construction Cost Limit – Not Applicable
- D. Other Services: None
- E. All of the services included above comprise Basic Services for purposes of Engineer's compensation under this Task Order.

### 3. Additional Services

- A. Additional Services that may be authorized or necessary under this Task Order are those services (and related terms and conditions) set forth in Paragraph A2.01 of Exhibit A, as attached to the Agreement referred to above, such paragraph being hereby incorporated by reference.

### 4. Owner's Responsibilities

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

## 5. Task Order Schedule

The parties shall meet the following schedule: Engineer's services will begin in March 2024, with the final deadline of August 2024 according to the NDDOT bidding schedule.

## 6. Payments to Engineer

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

| Description of Service                       | Amount   | Basis of Compensation |
|----------------------------------------------|----------|-----------------------|
| 1. Design & Bidding Phase                    | \$80,300 | Standard Rates        |
| 2. Construction Phase *                      | TBD      | Standard Rates        |
| 3. Additional Services (Part 2 of Exhibit A) | TBD      | Standard Rates        |

\*Based on a [ ] -month continuous construction period.

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

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

## 7. Consultants retained as of the Effective Date of the Task Order: Prairie Engineering

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

## 9. Attachments: None

## 10. Other Documents Incorporated by Reference: None

## 11. Terms and Conditions

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

The Effective Date of this Task Order is March 5, 2024.

OWNER: City of Mandan

ENGINEER: Moore Engineering, Inc.

By: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

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

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: \_\_\_\_\_

Name: Carl Jackson, PE

Title: \_\_\_\_\_

Title: Market Leader

Address: \_\_\_\_\_

Address: 4503 Coleman Street, Ste. 105  
Bismarck, ND 58503

E-Mail  
Address: \_\_\_\_\_

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

Phone: \_\_\_\_\_

Phone: (701) 751-8389





## City Commission

### Agenda Documentation

**MEETING DATE:** March 5, 2024  
**PREPARATION DATE:** February 28, 2024  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:** Jarek Wigness  
**PRESENTER:** Jarek Wigness, City Engineer  
**SUBJECT:** Consider Change Order for Street Improvement District 229

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#### **STATEMENT/PURPOSE:**

To consider and potentially approve of a change order related to the Shores at Lakewood Phase I street construction project.

#### **BACKGROUND/ALTERNATIVES:**

Northern Improvement Company was awarded a contract of \$2,059,140.15 on July 19, 2022. The project was substantially constructed during the 2022 and 2023 construction seasons. After last year's construction season, a portion of storm sewer that had been included on future phases of the master plan had been identified as an immediate need to properly drain the new roads. The majority of this change order would address that issue, as well as some extra top soil and seeding that is required. The total cost of this change order is \$114,664. This is approximately 5.5% of the original bid. During district creation, 25% of contingencies had been included in the estimate. This change order fall well within that contingency amount. This work would be completed immediately this spring.

#### **ATTACHMENTS:**

1. CO #2 Storm Sewer Pricing
2. CO #2 Top Soil and Seeding Pricing

#### **FISCAL IMPACT:**

The entirety of this project will be assessed to the benefiting properties within the Shores at Lakewood development.

#### **STAFF IMPACT:**

Minimal.

**LEGAL REVIEW:**

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

**RECOMMENDATION:**

To approve the change order items as presented.

**SUGGESTED MOTION:**

I move to approve Change Order 2 for Street Improvement District 229 as presented.



PO Box 2846  
FARGO, ND  
58108-2846  
Phn: 701-277-1225

PO Box 1254  
BISMARCK, ND  
58502-1254  
Phn: 701-223-6695

PO Box 1035  
DICKINSON, ND  
58602-1035  
Phn: 701-225-5197

**Greg McCormick, President/CEO**  
**Molly Barnes, Executive Vice-President**

December 7, 2023

Mr. Nick Nustad, PE  
Mountain Plains, LLC  
1300 Tacoma Ave, Suite A  
Bismarck, ND 58504

RE: Street Improvement District No. 229 Shores of Lakewood  
Storm Sewer Extension  
Mandan, ND

Dear Mr. Nustad:

Northern Improvement Company submits the following prices for extending the storm sewer from Phase 1 to the retention pond for the above referenced project.

| <u>Item #</u> | <u>Description</u> | <u>Unit</u> | <u>Qty</u> | <u>Unit \$</u> | <u>Total</u> |
|---------------|--------------------|-------------|------------|----------------|--------------|
|               | Storm Sewer Pipe   | LF          | 434        | \$ 121.00      | \$52,514.00  |
|               | Catch Basin        | EA          | 2          | \$ 7,150.00    | \$14,300.00  |
|               | 72" Manholes       | EA          | 2          | \$ 13,750.00   | \$27,500.00  |
|               | Flared End Section | EA          | 1          | \$ 3,850.00    | \$3,850.00   |
|               | Rip Rap            | Ton         | 20         | \$ 121.00      | \$2,420.00   |
|               |                    |             | Total      |                | \$100,584.00 |

This work will be done in spring 2024 once weather allows and load restrictions have lifted. The above prices include prime contractor markup. Your positive consideration is appreciated. If there are any questions please let us know. Thank you.

Sincerely,

Bruce Thompson  
Vice President/Area Manager

CC: Jason Irey, VP/Assistant Area Manager, NIC





PO Box 2846  
FARGO, ND  
58108-2846  
Phn: 701-277-1225

PO Box 1254  
BISMARCK, ND  
58502-1254  
Phn: 701-223-6695

PO Box 1035  
DICKINSON, ND  
58602-1035  
Phn: 701-225-5197

Greg McCormick, President/CEO  
Molly Barnes, Executive Vice-President

February 22, 2024

Mr. Nick Nustad, PE  
Mountain Plains, LLC  
1300 Tacoma Ave, Suite A  
Bismarck, ND 58504

RE: Street Improvement District No. 229 Shores of Lakewood  
Topsoil/Seeding  
Mandan, ND

Dear Mr. Nustad:

Northern Improvement Company submits the following prices for topsoil and seed for the boulevards for the above referenced project.

| <u>Item #</u> | <u>Description</u>       | <u>Unit</u> | <u>Qty</u> | <u>Unit \$</u> | <u>Total</u> |
|---------------|--------------------------|-------------|------------|----------------|--------------|
|               | Topsoil Supply & Install | SY          | 3200       | \$ 3.30        | \$10,560.00  |
|               | Seeding/Hydro mulch      | SY          | 3200       | \$ 1.10        | \$3,520.00   |
|               |                          |             | Total      |                | \$14,080.00  |

This work will be done in spring 2024 once weather allows and load restrictions have lifted. The above prices include prime contractor markup. Your positive consideration is appreciated. If there are any questions please let us know. Thank you.

Sincerely,

Bruce Thompson  
Vice President/Area Manager

CC: Jason Irey, VP/Assistant Area Manager, NIC





## City Commission

### Agenda Documentation

**MEETING DATE:** March 5, 2024  
**PREPARATION DATE:** February 21, 2024  
**SUBMITTING DEPARTMENT:** Planning  
**DEPARTMENT DIRECTOR:** Andrew Stromme  
**PRESENTER:** Andrew Stromme, City Planner  
**SUBJECT:** Second Consideration of Ordinance 1444, a zone change from A - Agriculture to R3.2 - Residential

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#### **STATEMENT/PURPOSE:**

A request by EB10 Inc (Eric Belanger) for second and final consideration of a zone change from A - Agriculture to R3.2 - Residential for Rockwood Second Addition. Said 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.

#### **BACKGROUND/ALTERNATIVES:**

Detailed background on this request can be found under Public Hearing No. F.1. on the February 20, 2024 City Commission agenda where this item was introduced for its first consideration and a public hearing.

#### **Findings of Fact**

##### **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. Zone Change Ordinance

## 2. Location Map

### **ATTACHMENTS:**

1. Ord. 1444 Rockwood Second zone change
2. Rockwood Second Location Map

### **FISCAL IMPACT:**

N/A

### **STAFF IMPACT:**

N/A

### **LEGAL REVIEW:**

The City Attorney has reviewed this agenda document.

### **RECOMMENDATION:**

Staff recommends approval of the zone change from A - Agriculture to R3.2 - Residential for Rockwood Second Addition.

### **SUGGESTED MOTION:**

I move to approve the zone change from A - Agriculture to R3.2 - Residential for Rockwood Second Addition.

**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





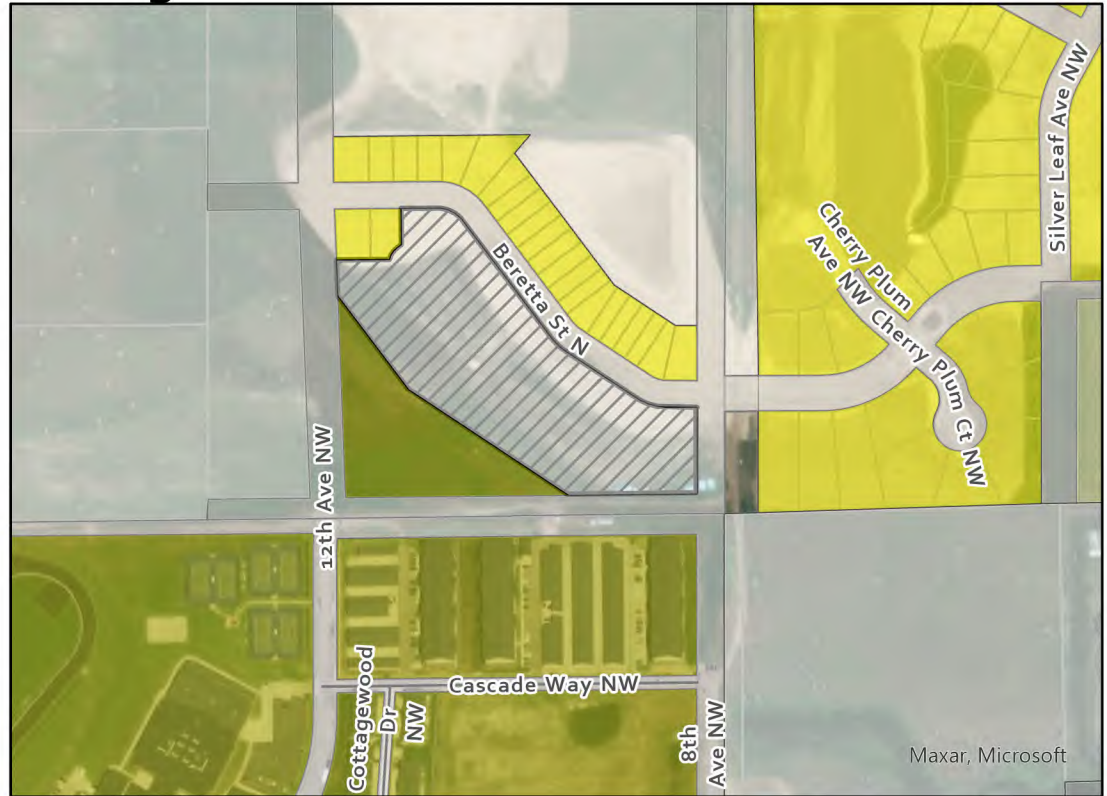
# Zoning and Future Land Use Reference Map

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

