

4. Recording.

- a. City staff will notify the applicant when favorable action has been taken by the City Commission and all required city signatures have been affixed to the plat.
- c. The applicant shall pick up the plat from the city and record the plat along with any required documents with Morton County.
- e. Once the plat and documents have been recorded at the county, the applicant shall deliver evidence of same to the city.
- f. Should the applicant fail to record the plat within six months of city commission action, the action of the city commission is void and a new application will need to be filed.

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5. If the proposed subdivision has been classified as a minor subdivision, the subdivider shall present a proposed plan to the planning director and the city engineer for review and comment.

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2. The subdivider shall apply in writing to the secretary of the planning commission for final plat approval at least twenty-one days prior to the meeting of the planning commission at which the item is to be considered and pay the required fee as established by the board.

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3. Eight prints of the final plat and any other documents required under Section 21-09-11 shall be filed with the secretary at the time of application filing.

4. The secretary of the planning commission shall give notice of a public hearing in the official city newspaper for two consecutive weeks prior to the meeting of the planning commission at which the item is to be considered and shall send a certified notice to the owner informing said owner of the time and date of the public hearing.

5. The planning commission shall approve, approve conditionally, or deny said final plat within thirty days from date of application unless an extension is agreed to by the subdivider. Failure by the planning commission to act within such period shall be deemed as approval of the subdivision and the secretary shall issue a certificate to that effect upon demand. If approved conditionally, such conditions shall be recorded in the official minutes. The planning commission may require a revised final plat before granting final approval. If disapproved, such reasons shall be reported in the minutes and on the final plat and a copy returned to the subdivider. Planning commission disapprovals are final, unless appealed to the board.

6. Within fifteen days of final approval of a minor subdivision plat by the planning commission, the plat, as approved, shall be automatically forwarded to the board for review. The board shall approve or deny the final plat.

7. Prior to the board's final plat hearing, one paper copy of the plat containing the signatures of the surveyor, owner and notary public shall be provided to the planning office. Upon approval of the final plat by the board, the surveyor shall submit the original plat with all amendments as approved by the board, on a sheet of good quality reproducible mylar or linen no larger than twenty-five inches by thirty-one and one-half inches. The subdivider shall then have 5 reproduced two mylar copies, one for planning office files and one to be returned to the surveyor and shall record the original final plat,

plat ratifications and required related documents with the county register of deeds. No excavating, grading or building permits shall be issued until all fees are paid and the plat is recorded.

President, Board of City Commissioners

Attest:

City Administrator

Publication Dates:

First Consideration:

Second Consideration and Final Passage:

Recording Date:



Board of City Commissioners Agenda Documentation

MEETING DATE: November 18, 2014
PREPARATION DATE: November 5, 2014
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Robert Decker, P.E., Principal Planner
SUBJECT: Consider adoption of ordinance 1193 amending the language contained in city code relating to terms of office for members of the Planning and Zoning Commission and clarifying who can be appointed to the Planning and Zoning Commission by the president of the board of city commissioners. (second consideration and final passage)

STATEMENT/PURPOSE. Adjustments to the current language are warranted in order to clarify requirements.

BACKGROUND/ALTERNATIVES. The current language related to the term of office for members of the Planning and Zoning Commission does not specify a beginning date. The proposed language adds a beginning date of January 1. Proposed language specifies that the president of the board of city commissioners is not to serve as president of the Planning and Zoning Commission and may appoint a member of the city commission to the Planning and Zoning Commission. The language is also changed to make it clear that the city attorney and city engineer are ex-officio non-voting members of the Planning and Zoning Commission.

RECOMMENDATION.
Approve ordinance 1193.

SUGGESTED ACTION.
Move to approve second consideration and final passage of Ordinance 1193.

ORDINANCE NO. 1193

An Ordinance to Amend Title 21 of the Mandan Code of Ordinances Related to
Appointments and Terms of Office for Planning and Zoning Commission
members

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS THAT:

Title 21 of the Mandan Code of ordinances is hereby amended and re-enacted to read as follows:

SECTION 1. AMENDMENT. The Mandan Code of Ordinances is hereby amended to revise Sections 21-01-02 and 21-01-03.

Plain font text remains

Strike-through text deleted

Underlined text added

Section 21-01-02 Membership.

The Commission shall be composed of up to ten members appointed by the mayor and approved by the Board. The mayor shall appoint one member recommended by the Mandan Park District and one member recommended by the Mandan Public School District. The mayor shall be an ex-officio voting member of the Commission but may not serve as president of the Commission. Two members residing outside the corporate limits of Mandan within the extraterritorial area of the city's zoning authority will be appointed by the Morton County Board of Commissioners, if available and willing to serve. The city engineer and city attorney are ex-officio non-voting members of the Commission. Each member will execute the oath of office requisite to such appointment. The mayor shall endeavor to select individuals that represent other boards, interest groups, professional associations and civic organizations, as well as unaffiliated city residents willing to serve, when recommending appointments. Once there are at least 7 members of the Commission, either current members or newly appointed, the mayor may appoint a member of the Board to serve as a voting member of the Commission.

Section 21-01-03 Terms of Office—Unexcused Absences Cause for Removal.

~~All Commission members' terms of office shall be for a period of five years, except in the following cases:~~

1. ~~Members Newly Appointed~~ Term of office.

a. ~~Of members newly appointed at the time of the creation or expansion of the Commission, the first member appointed by the city or the county who are not elected officials will hold office for one year, the second member for two years, the third member for three years, the fourth member for four years, and the fifth member and all others thereafter will serve for five years or until a replacement is appointed with terms beginning on January 1.~~

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b. ~~If members are appointed by the city or county who are elected officials shall serve until their elected term expires, the first member appointed will hold office for three years and the second member appointed will hold office for one year, and thereafter members appointed by the county will serve for five years.~~

2. ~~Present Members. Present members of the Commission shall hold office for the balance of their five-year term.~~

3. ~~Ex-Officio Members. Terms of the ex-officio members will correspond to their respective tenures of office.~~

43. ~~Unexcused Absences. Any member of the Commission who has three unexcused absences within a twelve month period shall be deemed to have resigned and the vacancy shall be filled as provided in Section 21-01-04. Unexcused absence shall be any absence not related to illness, out of town trips, or business related scheduling conflicts. A replacement shall be appointed to serve the remainder of the term.~~

SECTION 2. RE-ENACTMENT. The Mandan Code of Ordinances is hereby re-enacted as amended.

President, Board of City Commissioners

Attest:

City Administrator

First Consideration: _____

Second Consideration and Final Passage: _____

Recording Date: _____

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR STREET IMPROVEMENT DISTRICT NO. 196
PROJECT # 2014-14**

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project in Street Improvement District No. 196 (Project # 2014-14) 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 18th day of November, 2014.

President, Board of City Commissioners

ATTEST:

City Administrator

**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS
FOR STREET IMPROVEMENT DISTRICT NO. 196**

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

1. The City Administrator, Deputy Auditor and City Engineer 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 No. 196 (Project # 2014-14) of the City of Mandan, as more fully described and referred to in the resolution creating said improvement district passed and approved by the Board on March 4th, 2014, and 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 fourteen days before the date specified for receipt of bids, which notice shall be in the following form:

**“ADVERTISEMENT FOR BIDS FOR
STREET IMPROVEMENT DISTRICT NO. 196
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota will receive sealed bids at the office of the City Administrator until Tuesday, December 23, 2014, at 4:00 p.m., CDT for the purpose of furnishing of materials, labor and skill needed for the concrete street reconstruction, spot repair of curb and gutter, asphalt resurfacing by mill and overlay, and related work in accordance with the plans and specifications for Street Improvement District No. 196 (Project # 2014-14), for the City of Mandan. The Work consists of all labor, skill, and materials required to properly construct the improvements.

Contractors and vendors desiring plans and specifications for personal use may secure digital copies from 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 #3597767 on the “Search Projects” page. For assistance and the free membership registration, contact QuestCDN at (952)233-1632 or info@questcdn.com. Paper copies of the bid documents may be obtained from the City of Mandan Engineering office, 205 2nd Avenue Northwest, Mandan, North Dakota 58554 or from Wenck Associates, Inc., 301 1st Street NE, Suite 202, Mandan, North Dakota 58554 upon non-refundable payment of \$100.00 for each set. If Plans are mailed out an additional fee of \$15.00 will be added for postage and handling.

The bid proposals must be submitted to the City Administrator by 4:00 p.m., CDT, December 23, 2014 and shall be sealed and endorsed “Proposal for Street Improvement District No 196.” Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2nd Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 4:00 p.m.,

CDT, on Tuesday, December 23, 2014. All bidders are invited to be present at the public opening of the Bids.

All Bidders must be licensed for the highest amount of their Bids, as provided by Section 43-07-05 of the North Dakota Century Code. The Bidder shall include a copy of his license or certificate of renewal thereof enclosed in the required bid bond envelope as required pursuant to Section 43-07-14 of the North Dakota Century Code, as amended.

Each bid shall be accompanied by a separate envelope containing a bidder's bond in the amount of five (5) percent of the highest amount of the bids as required by Section 48-01.2-05, North Dakota Century Code, as amended, and executed by the Bidder as principal and by a surety, 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 and effect a contract in accordance with the terms of the bid, and a Contractor's Bond as required by law. No bid may be read or considered if it does not fully comply with the requirements of Section 48-01.2-05 of the North Dakota Century Code and any deficient bid must be resealed and returned to the bidder immediately.

Bids shall be made on the basis on 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.

Work shall be completed on or before the following dates with liquidated damages assessed as follows:

October 31st, 2015 for substantial completion date with seal coat by July 15th, 2016.

Liquidated damages of \$500.00 per day will be assessed if any completion dates are exceeded.

Should the contractor fail to complete all of the work in a District according to the above date, or within such additional time as may have been granted by formal extensions of time approved by the City Engineer, there shall be deducted from any money due the contractor, the above mentioned sum for each calendar day the completion of the Work is delayed, for each District. Liquidated damages will continue to accumulate until the City Engineer determines winter weather prevents further construction. Liquidated damages will restart on the first day of construction in the Spring of 2016 and continue to accumulate until final project acceptance. The Contractor and his surety shall be liable for any excess. Such payments shall be deducted from the final payment and shall be charged as liquidated damages and not as a penalty.

The Board of City Commissioners will meet on Tuesday, January 6, 2015, at 5:30 PM, CDT, 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, on eligible areas, by a responsible and responsive Bidder deemed most favorable to the City's interest.

The City of Mandan reserves the right to reject any or all bids, to waive any informality or irregularity, to hold all bids for a period of thirty (30) days after the date fixed for the opening thereof, and to accept the Bid deemed most favorable to the best interest of the City of Mandan.

Dated this 18th day of November, 2014

City of Mandan, North Dakota

BY: James Neubauer
City Administrator”

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 on Tuesday, January 6, 2015 at 5:30 pm, local time, to review the bids submitted, consider the engineer’s recommendation, and to award the contract to the successful bidder, subject to the Board finding that filed protests are insufficient to bar the work.

President, Board of City Commissioners

ATTEST:

City Administrator

Passed: November 18, 2014

