

AGENDA
MANDAN CITY COMMISSION
JUNE 16, 2015
ED "BOSH" FROEHLICH MEETING ROOM,
MANDAN CITY HALL
5:30 P.M.
www.cityofmandan.com

-
- A. ROLL CALL:
1. Roll call of all City Commissioners.
 2. Presentation of retirement award to Dave Mills.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:
1. Consider approval of the following minutes:
 - i. June 2, 2015 - Regular Board Meeting
 - ii. ~~June 15, 2015 - Canvassing Board Meeting~~
- E. PUBLIC HEARING:
1. Conduct public hearing to consider rezoning Lots 1-7, Block 1, Heart Ridge 2nd Addition
- F. BIDS:
- G. CONSENT AGENDA:
1. Consider approval of monthly bills.
 2. Consider for approval replat of Lots 2-4, Block 2, Meadow Ridge 3rd Addition
 3. Consider for Approval University of Mary Physical Therapy Department games of chance at Prairie West Golf Course on July 25, 2015.
 4. Consider for approval replat of Auditor's Lot A of Lot 6, Block 1, Lakewood Commercial Park 3rd Addition
 5. Consider approval of Disabled Veteran Exemption for Todd Simon Miller.
 6. Consider approval of annual Liquor Licenses for July 1, 2015 to June 30, 2016.
 7. Consider approval of Special Sunday Openings for all annual liquor Licenses.
 8. Consider Agreement between the City of Mandan and Armstrong Sanitation & Roll-Offs, Inc. for hauling household garbage to the Bismarck Landfill.
 9. Consider approval of plat for Lakewood 8th Addition

Agenda
Mandan City Commission
June 16, 2015
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H. OLD BUSINESS:

I. NEW BUSINESS:

1. Acting as Board of Adjustment, consider variance request for Lot 43, Block 1, Bridgeview Bay Addition
2. ~~Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for Sewer Improvement Project 2015-14(Kupper Subaru).~~
3. Consider for approval the Abstract of Votes cast by the Voters of the City Mandan in the Special Election held the 9th day of June A.D. 2015.

J. RESOLUTIONS AND ORDINANCES:

1. First consideration of Ordinance No. 1209 rezoning Lots 1-7, Block 1, Heart Ridge 2nd Addition
2. Consider Resolution of Appreciation for Jay Flaa being selected by the Baltimore Orioles in the 2015 Major League Baseball Draft.
3. First consideration of Ordinance No. 1210, An Ordinance to Amend and Re-enact Section 3-03-02 of the Mandan Code of Ordinances Relating to Sales and Use Tax.
4. Consider Resolution of City of Mandan, North Dakota relating to the issuance of bonds and the reimbursement of certain expenditures.

K. OTHER BUSINESS:

L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. June 15, 2015 – Canvassing Board – 8 a.m.
2. June 22, 2015 – Working Session – 6:30 p.m.
3. June 30, 2015 – Special Mtg. via teleconference call - noon
4. July 7, 2015
5. July 21, 2015
6. August 4, 2015

M. ADJOURN

Public Communication

A scheduled time for public participation has been placed on the agenda at Mandan City Commission meetings. The Board desires to hear the viewpoints of citizens throughout the City. Individuals wishing to address the Board are encouraged to make arrangements with the Board President or the City Administrator prior to the meeting. Comments should be made to the Board and not to individuals in the audience and be related to City operations and programs. The Board will not hear personal complaints against any person connected with the City. If a citizen would like to add a topic to the agenda, arrangements must be made in advance with the City Administrator or Board President. The Board reserves the right to eliminate or restrict the time allowed for public participation. The Board requests that comments are limited to three (3) minutes or less. Groups of individuals addressing a common concern are asked to designate a spokesperson.

The Mandan City Commission met in regular session at 5:30 p.m. on June 2, 2015 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Braun and Laber. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development & Communications Director Huber, Planning & Engineering Director Froseth, Planner Decker, and Building Official Lalim. Absent: City Attorney Brown and Assessor Shaw.

B. APPROVAL OF AGENDA: Commissioner Rohr moved to approve the Agenda as presented. Commissioner Laber seconded the motion. The motion received unanimous approval of the members present. The motion passed.

C. PUBLIC COMMUNICATIONS: Mayor Van Beek invited anyone interested to speak for or against any items on the Agenda to come forward. A second announcement was made for anyone to come forward to speak. Hearing none, this portion of the Public Communications was closed.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission regular meeting held on May 19, 2015.* Commissioner Tibke moved to approve the minutes as presented. Commissioner Laber seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

1. *Conduct public hearing to consider approval of Land Use & Transportation Plan adopted by Planning and Zoning Commission.* Planner Decker stated that this action is the final step in the adoption process mandated by state law for a comprehensive plan that governs the zoning of the Mandan Community and is necessary for having a zoning ordinance. At this time the City Commission is to make any comments or suggestions regarding the approval of the plan and if there are any recommended changes it would go back to the Planning and Zoning Commission. The City Commission did not have any questions or comments to bring forward.

Mayor Van Beek invited anyone interested to speak for or against the Land Use & Transportation Plan adopted by Planning and Zoning Commission to come forward. A second announcement was made for anyone to come forward. Hearing none, this portion of the Public Hearing was closed.

Commissioner Rohr moved to approve the Land Use & Transportation Plan adopted by Planning and Zoning Commission. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

F. BIDS:

1. *Consider award of bid and approving Resolution Approving Contract and Contractor’s Bond for Street Improvement District No. 198, Project 2015-03 (Midway*

14th Addition Phase II). Planning & Engineering Director Froseth stated that two bids were received for this project which is an extension of Midway Drive. Northern Improvement Company was the low bidder in the amount of \$159,960.60 which was below the Engineer's estimate of \$185,552.00. The bid is 13.8% lower than the engineer's estimate. It was recommended to approve awarding the contract to Northern Improvement.

Commissioner Laber moved to approve the bid to Northern Improvement Company the low bidder in the amount of \$159,960.60 and to approve the Contract and Contractor's Bond for Street Improvement District No. 198, Project 2015-03 (Midway 14th Addition Phase II). Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider award of bid and approving Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 200, Project 2015-09 (24th Street NW between 6th Avenue NW and 8th Avenue NW)*. Planning & Engineering Director Froseth stated that two bids were received for this project. Mariner Construction was the low bidder in the amount of \$210,454.05 which was below the Engineer's estimate of \$216,899.65. The bid is 3% lower than the engineer's estimate. It was recommended to approve awarding the contract to Mariner Construction.

Commissioner Braun moved to approve the bid to Mariner Construction the low bidder in the amount of \$210,454.05 and to approve the Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 200, Project 2015-09 (24th Street NW between 6th Avenue NW and 8th Avenue NW). Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider bid proposals for the hauling of municipal waste to an approved Municipal Waste Facility*. Director of Public Works Wright said that the current contract with Waste Management expires on June 30, 2015. The automatic renewal option for renewing the contract was not accepted by Waste Management due to the high transportation costs of hauling municipal waste from the transfer station at the landfill to the Waste Management facility in Wishek. Bid proposals were advertised for in April to include hauling and recycling options for the City to consider. On May 6, 2015, the bids were opened. Three hauling proposals were received. Waste Management submitted a 5- year bid with the first year being \$55.71/ton with a 3% increase for the following years up to 5 years. Dakota Sanitation also submitted a 5-year bid starting at \$57.00/ton with a \$1/ton escalator for the next 5 years. Armstrong Sanitation submitted an alternate bid of \$35 per load with the bid including Bismarck's tipping fee of \$45. An average load would be a 6 ton/load so that \$35 would equate to \$5.83 which when adding in the tipping that would come up with \$50.83/ton. That contract proposal was for 1 year. Based on the above Armstrong Sanitation is the low bidder. They would haul the garbage from the curb to Bismarck Sanitation Landfill. Morton County residents and

other small communities that utilize our Landfill would still be allowed to use the landfill at \$45 ton. Director Wright said that Armstrong Sanitation's household garbage collection contract is set to expire on 10/31/17, thus he recommended negotiating the hauling contract to coincide with the garbage collection contract expiration date. He reviewed the fiscal impact figures with the 2015 fiscal impact being \$46,602.50. Additional costs for 2016 and 2017 would be discussed at the upcoming budget meetings.

City Attorney Brown would be requested to draft a new hauling contract with Armstrong Sanitation. Director Wright recommended allowing City Staff and Attorney Brown to negotiate a hauling contract with Armstrong Sanitation as proposed with an expiration date of 10/31/17. Recycling RFP bids will be discussed at a later time. The recycling option is more detailed and is to be compared apples to apples and that would reduce the hauling amount.

Commissioner Rohr moved to allow City Staff and Attorney Brown to negotiate a hauling contract with Armstrong Sanitation as proposed, with an expiration date of 10/31/17. Commissioner Braun seconded the motion. Commissioner Laber suggested that in the future if there is one RFP done both hauling and recycling should be considered together so the Commission can evaluate the whole package.

Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

G. CONSENT AGENDA

1. *Consider plat for Lakewood Commercial Park Third Replat.*
2. *Consider approval of the following site authorizations for the Mandan Hockey Club, Inc. from July 1, 2015 through June 30, 2016: (i) The Silver Dollar (ii) Old Town Tavern (iii) The Ridge Motel Corp. (iv) Vicky's Sports Bar.*
3. *Consider approval of Sales & Use Tax Collection Agreement with the ND Office of State Tax Commissioner for 2015-2017.*
4. *Consider Fire Department 2015 equipment reserve budget amendment.*
5. *Consider Master Meter installation agreement between the City of Mandan and Missouri West Water System.*
6. *Consider appointment of Inspectors and Judges for June 9, 2015 Special Election.*

Commissioner Tibke moved to approve Consent Agenda as presented. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

H. OLD BUSINESS:

1. *Consider Resolution approving revised plans and specifications for, Resolution approving amended engineer's report and Resolution directing re-advertisement for bid for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).*

Planning & Engineering Director Froseth stated that in March of this year, the City Engineer's Office presented a request for approval for this street improvement project and in April the insufficiencies of protests were brought forward. At the City Commission meeting on May 19, 2015, the Engineering Department recommended rejecting the bids because the low bid was much higher than the engineer's estimate. Soon after bid opening, the City Staff and consulting engineer's met with the contractors of the project to get an understanding of why the bid amounts were so far off from the estimate. Since that time, work has been done to revise the plans and specifications based on feedback from the project bidders. Using the revised plans and cost estimate, Director Froseth recommended moving forward with rebidding the project as soon as possible. He reviewed some of the highlights of the revised bid, explaining the cost savings and techniques to be used. He recommended rebidding with the bid opening set for June 23, 2015. The revised figure of \$3.5 million was the previous estimate now reduced to \$2.9 million based on the revised components of the project. These are estimates that are expected to be within the contractor's bids.

Commissioner Laber moved to approve the Resolution approving revised plans and specifications for, Resolution approving amended engineer's report and to approve the Resolution directing re-advertisement for bid for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area). Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

I. NEW BUSINESS:

1. *Consider Growth Fund Committee recommendation regarding an application from Malloy Electric for a Flex PACE interest buy-down.* Business Development & Communications Director Huber stated that the Mandan Growth Fund (MGF) Committee met last week and considered an application from Malloy Electric for E-C Investments LLC which leases to Malloy Electric for an interest buy-down of permanent financing for a new 21,350 sq. ft. building to accommodate sales, service and warehousing of inventory. The buy-down is through the BND Flex Pace Program. The business provides sales and service of electrical equipment, electric motors, variable frequency drivers and mechanical equipment. The business markets include those in agriculture, general industry, and utility industries. The company is based out of Sioux Falls, South Dakota and is family owned. They expect to employ 7 people with expectations of employing 15-20 people by 2020.

The maximum allowed under this is \$153,846 in which BND will provide \$100,000 (65%) and local community will provide \$53,846 (35%). The MGF Committee recommends approval of this application. The total project investment is estimated to be \$2 million. The Lewis and Clark Regional Development Council will be the administrator and provide servicing of the interest buy-down structured loan. The business will pay full property taxes. The company did look at Dickinson and Bismarck for the project but settled on Mandan because of our business system track record. Director Huber stated that the MGF Committee recommends approval of the interest buy-

down for Malloy Electric with a local match of \$53,846 to be structured as a loan repayable within 43 months; and then after the 43 month buy down period with a 3% interest rate and all loan origination and filing fees paid by the borrower, E-C Investments.

Commissioner Braun moved to approve the interest buy down for E-C Investments with Malloy Electric as the operating company for its new building with the local match of \$53,846 to be structured as a loan with the term and rate as recommended.

Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *I-94 Corridor Study presentation and consideration for adoption.* Craig Vaughn of SRF Consulting Group said he has been working with the Bismarck Mandan Metropolitan Planning Organization of Bismarck and Mandan on a study to improve the safety and functionality of the I-94 corridor. He provided a brief overview of the project to look at the corridor limits of the I-94 corridor from ND Hwy 25 to 80th Street. He explained the reason for the study was to address the deficiencies with respect to traffic operation, safety, capacity constraints; as well as system linkage understanding the I-94 corridor in a north-south fashion. The project goal is to offer improvement recommendations that provide a safe and efficient transportation system that would serve not only today but the projects' timeline through 2040. Vaughn reviewed the study process that included three public hearing sessions over a period of time. The corridor issues identified were congestion at the north-south access junctions with I-94 and congestion along I-94/I-194 interchange area and future projected congestion along I-94/I-194. Of further note, the Grant Marsh Bridge section of I-94 corridor is very near the LOS D threshold for unacceptable operations which has been considered as part of the long range plan activities. Another component to the study is the Corridor Concept Alternative wherein a number of alternatives were considered and those locations were reviewed.

The goal is to provide a transportation system that is safe, efficient and effective today and into the future and to present a project implementation plan for all of the projects that were identified in the study. A project sequence has been developed within the implementation plan that includes three implementation phases and varying stages occurring between the years of 2014 – 2040. Vaughn reviewed the cost summary associated with the projects broken down into the three phases of construction stating that the total cost for the improvements along the I-94 Corridor include many interchange improvements. He stated that the construction costs for the total project is approximately \$245 million. This information was used as part of the long range transportation plan activity. This does include project costs that were provided by the DOT and the MPO Long Range Activities Plan. Vaughn reviewed an Implementation Plan Cost Summary for the timeframes and the subsequent stages that the dollars would be needed for implementation throughout the various phases. All this information is available in more detail on the project website. In closing, Vaughn requested a general acceptance and adoption of the project study as presented.

Commissioner Laber moved to adopt the I-94 Corridor Study as presented.

Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes;

Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes;

Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *Second Consideration and Final Passage of Ordinance No. 1208 rezoning Lakewood 8th Addition.* Commissioner Tibke moved to approve the Second Consideration and Final Passage of Ordinance No. 1208 rezoning Lakewood 8th Addition.

Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes;

Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes;

Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS:

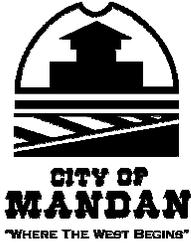
1. Mayor Van Beek encouraged everyone to attend the Buggies-n-Blues activities planned for the upcoming weekend.

2. Mayor Van Beek extended congratulations to the Mandan Baseball Team who won the State Championship this past weekend.

There being no further actions to come before the Board of City Commissioners, Commissioner Rohr moved to adjourn the meeting at 6:30 p.m. Commissioner Laber seconded the motion. The motion received unanimous approval of the members present. The motion passed.

James Neubauer,
City Administrator

Arlyn Van Beek,
President, Board of City
Commissioners



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 16, 2015
PREPARATION DATE: June 3, 2015
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Robert Decker, Principal Planner
SUBJECT: Consider rezoning for Lots 1-7, Block 1, Heart Ridge 2nd Addition

STATEMENT/PURPOSE:

Current zoning is R7. Proposal is to rezone to R3.2

BACKGROUND/ALTERNATIVES:

The Planning and Zoning Commission originally considered a request to rezone 14 lots on both sides of the street. That request was tabled. The request was modified to include only 7 lots on the south side of the street. The Planning and Zoning Commission recommended approval of the revised request.

The Planning and Zoning Commission recommended that conditions be applied to the rezoning.

1. Prepare minor plat to split lots and record plat prior to recording rezoning ordinance.
2. Construct a solid wall or fence along north and east boundary of existing sanitary sewer pumping station.
3. Obtain right-of-way permits to bore in new water services in manner and location approved by Public Works so that each half of each structure has its own water service line.
4. Y sewer service lines and install individual service lines serving each half of each structure in existing utility easement located along front of lot.
5. Record shared use and maintenance agreement for sewer service line. Provide documentation of recording to city.
6. Arrange to have neighborhood mailboxes installed to USPS requirements prior to occupancy.
7. Obtain permit and construct sidewalk within one year of occupancy.
8. Landscape yard within one year of occupancy.
9. If replat and rezoning are not completed and recorded within 6 months, this approval lapses and a new application must be filed.

ATTACHMENTS:

1. Location Map
2. Planning and Zoning staff report

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

LEGAL REVIEW: All of my commission data has been forwarded to the City Attorney for his review.

RECOMMENDATION:

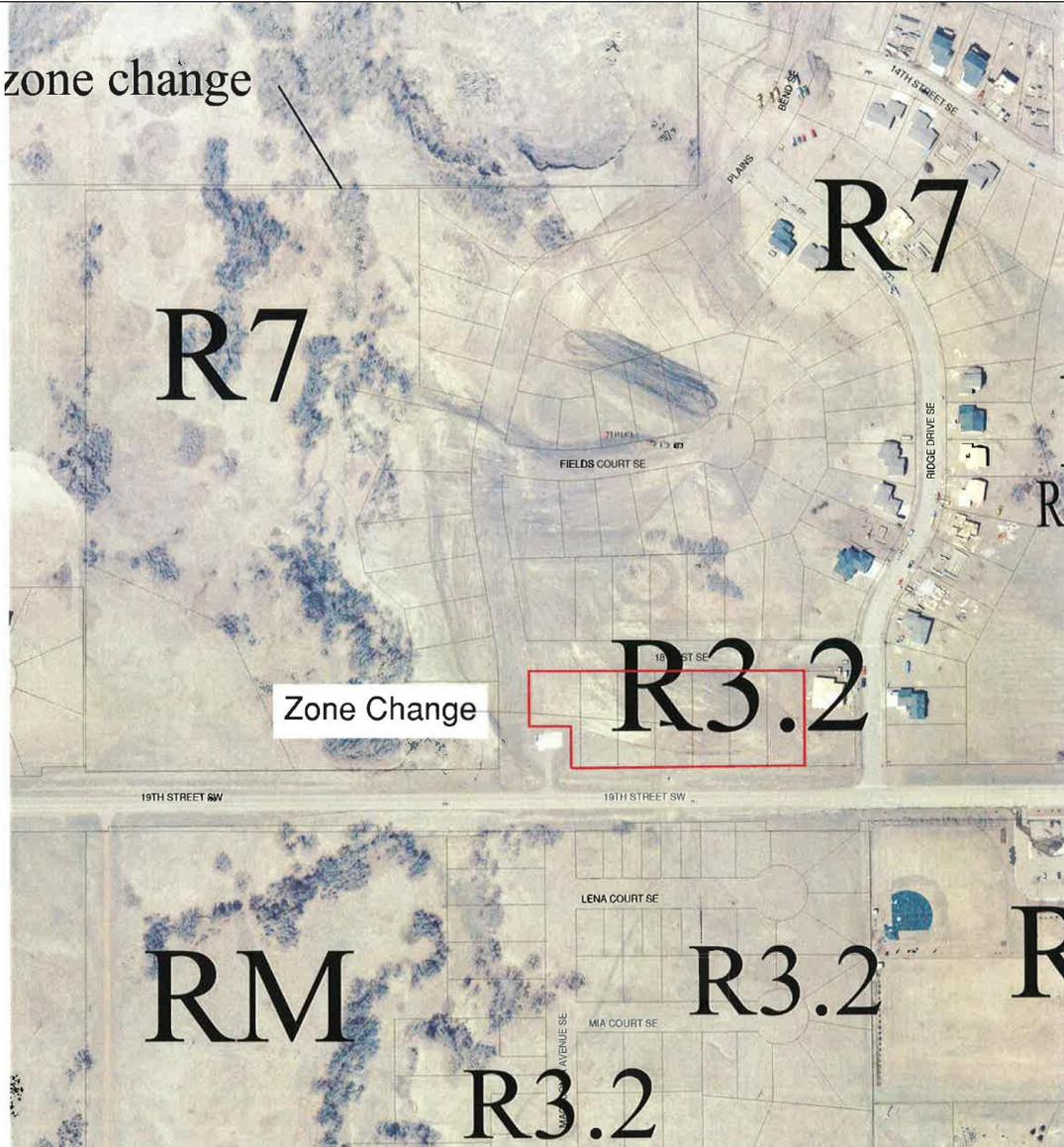
The Planning and Zoning Commission at their May 28, 2015 meeting voted unanimously to recommend approval of this rezoning.

Staff recommends the following conditions:

1. Prepare minor plat to split lots and record plat prior to recording rezoning ordinance.
2. Construct a solid wall or fence along north and east boundary of existing sanitary sewer pumping station.
3. Obtain right-of-way permits to bore in new water services in manner and location approved by Public Works so that each half of each structure has its own water service line.
4. Y sewer service lines and install individual service lines serving each half of each structure in existing utility easement located along front of lot.
5. Record shared use and maintenance agreement for sewer service line. Provide documentation of recording to city.
6. Arrange to have neighborhood mailboxes installed to USPS requirements prior to occupancy.
7. Obtain permit and construct sidewalk within one year of occupancy.
8. Landscape yard within one year of occupancy.
9. If replat and rezoning are not completed and recorded within 6 months, this approval lapses and a new application must be filed.

SUGGESTED ACTION:

1. Open public hearing
2. Close public hearing
3. Move to approve rezoning of Lots 1-7, Block 1, Heart Ridge 2nd Addition with the conditions stated.
4. Consider Resolutions and Ordinance item 1 – Ordinance No. 1209 – Lots 1-7, Block 1, Heart Ridge 2nd Rezoning



Board of City Commissioners

Agenda Documentation

Meeting Date: June 16, 2015

Subject: Plat and rezoning for Lots 1-7, Block 1, Heart Ridge 2nd Addition

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Mandan Planning and Zoning Commission Agenda Item
 For Meeting on May 26, 2015
 Mandan Engineering and Planning Office Report
Rezone Lots in Heart Ridge 2nd Addition
 Requested Action
Change zoning from R7 to R3.2

| Application Details | | | | | |
|--|---|-------------------------------------|------------------------|-------------------------|-----------------|
| Applicant | Owner | Subdivision | Legal Description | | |
| Patrick Koski | Patrick Koski, Charles & Joscelyn Varland, Tyler Leier | Heart Ridge 2nd | Lots 1-7, Block 1 | | |
| Location | | Proposed Land Use | Parcel Size | Number of Lots | |
| 19 th St. SE & Plains Bend SE | | Twin homes | 14,956 sf to 16,646 sf | 7 | |
| Existing Land Use | Adjacent Land Uses | | Current Zoning | Proposed Zoning | Adjacent Zoning |
| residential | Residential | | R7 | R3.2 | R7 & R3.2 |
| Fees | Date Paid | Adjacent Property Notification Sent | | Legal Notices Published | |

| Project Description |
|--|
| <p>An application was presented and discussed several months ago that included lots on both sides of 18th St. SE. There were concerns voiced by commission members and the application was tabled. This is a revised application that limits the request to the lots along the south side of 18th St. SE.</p> <p>This request is to expand the number of lots for twin homes. Several lots in Heart Ridge 1st to the east are zoned R3.2. Some of those lots have been split and developed with twin homes.</p> <p>This request is governed in part by Subsection 11 of Section 21-04-02 of the Mandan City Code that sets requirements for splitting lots in an R3.2 zone in order to convert duplex lots to twin home lots.</p> <p>The City of Mandan Land Use and Transportation Plan recommends that this area be developed with low density residential. Single family and twin homes are considered to be low density residential. The platted density is only 2 lots per acre. The proposed density is 4 lots per acre. The allowable density for R7 is 5 families per acre and the allowable density for R3.2 is 12 families per acre.</p> |
| Agency & Other Department Comments |
| |
| Engineering & Planning Staff Comments |
| <ul style="list-style-type: none"> • According to county records, Mr. Koski owns Lots 2 & 3. Charles & Joscelyn Varland are the listed owners of Lot 1. Tyler Leier is the listed owner of Lots 4 – 7. • Lots are substantially larger than minimum requirements. • Developer/builder will need to install a solid wall or fence on the rear of Lot 7 to screen and limit access to the existing sanitary sewer lift station. • A replat will be required to accompany this rezoning in order to provide a separate lot for each half of each structure. • Except for Lot 7, these lots are 80 feet in width. The combination of the two side yards must be at least 20% of the lot width or 16 feet. This means that the structures can be 64 feet wide. The minimum side yard requirement in R3.2 for lots wider than 60 feet is 6 feet. Lot 7 is 111.55 feet wide. 20% equals 22.31 feet. Lot 7 is a corner lot that requires a 25 foot front yard setback on one side. The other side can have a minimum setback of 6 feet. The structure on this lot can be up to 80.55 feet wide. The floor plan provided shows a 52 foot wide structure. |

Board of City Commissioners

Agenda Documentation

Meeting Date: June 16, 2015

Subject: Plat and rezoning for Lots 1-7, Block 1, Heart Ridge 2nd Addition

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- Lot 7 is much shallower than the other lots due to the lift station site. If the house is set the minimum of 25 feet from the front lot line, the back yard will be a little over 30 feet deep which is greater than the minimum of 20 feet.
- The R3.2 district has a ground area requirement for principal and accessory buildings of 35%. This translates to a building footprint of between 5,234.6 sq. ft. and 5,826.1 sq. ft.. The proposed floor plan that accompanied the application has a footprint of 2,446 sq. ft..
- Additional water and sewer taps will be needed. Each half of a twin home must have a separate water and sewer service. Only single taps were provided when this subdivision was developed. Because this is a newly paved street, street cuts are to be avoided if at all possible. The technology is available to allow directional boring of utility lines that makes it possible to avoid cutting a paved street.
 - The existing public water line is located on the north side of the street. A new water service must be installed using boring under the street for each half of a structure that does not currently have a water service located in front of it. The plan for installing each new service line must be reviewed and approved by Public Works prior to start of construction. A right-of-way permit is required for each service line installation.
 - The existing sewer services can be shared. A Y needs to be installed and the individual service lines constructed parallel to the front property line in the utility easement before being routed to the structure that is being served. Each service line needs to have a two-way cleanout. A shared use and maintenance agreement must be recorded for the shared sewer line.
- Sidewalks and landscaping must be installed within 1 year of issuance of an occupancy permit.
- Mailboxes meeting USPS requirements need to be provided. City must be provided with evidence of USPS approval of mailbox locations. Mailboxes must be installed prior to issuance of an occupancy permit.

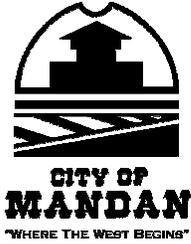
Engineering & Planning Recommendation

Recommend approval of rezoning with the following conditions:

1. Prepare minor plat to split lots and record plat prior to recording rezoning ordinance.
2. Construct a solid wall or fence along north and east boundary of existing sanitary sewer pumping station.
3. Obtain right-of-way permits to bore in new water services in manner and location approved by Public Works so that each half of each structure has its own water service line.
4. Y sewer service lines and install individual service lines serving each half of each structure in existing utility easement located along front of lot.
5. Record shared use and maintenance agreement for sewer service line. Provide documentation of recording to city.
6. Arrange to have neighborhood mailboxes installed to USPS requirements prior to occupancy.
7. Obtain permit and construct sidewalk within one year of occupancy.
8. Landscape yard within one year of occupancy.
9. If replat and rezoning are not completed and recorded within 6 months, this recommendation lapses and a new application must be filed.

Proposed Motion

Move to recommend rezoning to R3.2 of Lots 1-7, Blk 1 of Heart Ridge 2nd Addition with conditions listed in staff report.



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 16, 2015
PREPARATION DATE: June 3, 2015
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Robert Decker, P.E., Principal Planner
SUBJECT: Consider for approval replat of Lots 2-4, Block 2, Meadow Ridge 3rd Addition

STATEMENT/PURPOSE:

Request is to split the lot so that each half of a duplex structure can be sold separately.

BACKGROUND/ALTERNATIVES:

This property is zoned RM that allows duplex structures.

The lots are twice as large as the minimum. The resulting half lots will be between 6955 square feet and 7201 square feet.

Two sewer services were provided to each lot when the area was developed. The waterline is in the boulevard on this side of the right-of-way.

Connection of water and sanitary sewer lines must be coordinated with Public Works.

Final plat must conform to county requirements for recording.

ATTACHMENTS:

1. Subdivision Location Map
2. Plat Map
3. Utility Map

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

LEGAL REVIEW: All of my commission data has been forwarded to the City Attorney for his review.

RECOMMENDATION:

Recommend approval.

SUGGESTED ACTION:

Move to approve replat of Lots 2-4, Block 2, Meadow Ridge 3rd Addition

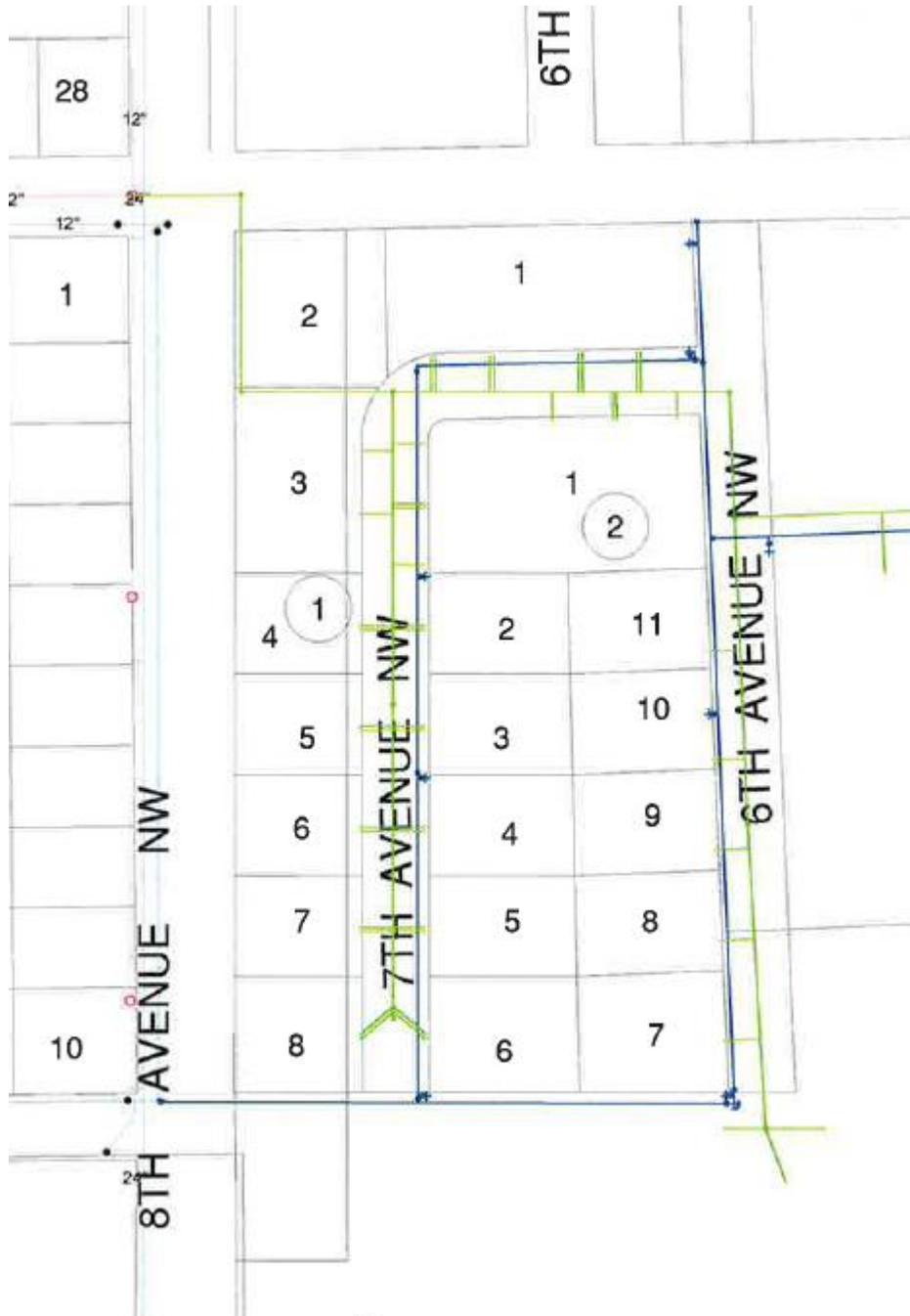
Board of City Commissioners

Agenda Documentation

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Subject: Replat of Lots 2-4, Block 2, Meadow Ridge 3rd Addition

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LOCAL PERMIT OR CHARITY LOCAL PERMIT
 NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 17926 (10/2012)

Consent No. 3

Type: Local Permit * Charity Local Permit

Permit Number
2015-35

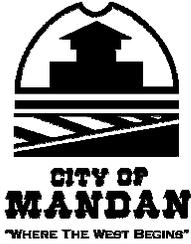
| | | | |
|---|--|--|--|
| Name of Organization University Of Mary Physical Therapy Department | | Date(s) Authorized (Read instruction 2) | |
| Contact Person Mary Dockter | Business Phone Number (701) 355-8045 | 7/25/2015 Beginning | to 7/25/2015 Ending |
| Mailing Address 2600e Rosser Ave | City Bismarck | State ND | Zip Code 58504-0000 |
| Site Name Prairie West Golf Course | Site Address 2709 Longspur Trail | | |
| City Mandan | State ND | ZIP Code 58554-0000 | County Morton |
| Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit. | | | |
| <input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels* | | | |
| Restriction: | | | |
| Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor <u>and</u> Office of Attorney General within 30 days of the event. | | | |
| Date 5/29/2015 | Signature of: <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor | Printed Name of City or County Auditor Patrick B Haug | Auditor Telephone Number (701) 667-3250 |

Please see the instructions on the backside of this form on how to complete the Permit.
 For a raffle or calendar raffle, read "Information Required to be Preprinted on a Standard Raffle Ticket" below.

cut along this line

INFORMATION REQUIRED TO BE PREPRINTED ON A STANDARD RAFFLE TICKET:

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



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 16, 2015
PREPARATION DATE: June 3, 2015
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Robert Decker, P.E., Principal Planner
SUBJECT: Consider for approval replat of Auditor's Lot A of Lot 6, Block 1, Lakewood Commercial Park 3rd Addition

STATEMENT/PURPOSE:

Request is to replat this lot into a subdivided lot instead of an Auditor's plat.

BACKGROUND/ALTERNATIVES:

Auditor's plats are not accepted for issuance of a building permit.

This area was platted but then portions were divided using Auditor's plats. These Auditor's plats were not processed through the city's subdivision process.

State law requires that an auditor's plat be approved by the city engineer. (See highlighted text below)

NDCC 57-02-39. Irregularities of land to be platted into lots if required.

If any tract or lot of land is divided into irregular shapes which can be described only by metes and bounds, or if any addition or subdivision which already has been platted into blocks and lots and subsequently sold into parts of blocks or lots which can be described only by metes and bounds, or if the courses, distances, and sizes of each lot or fractional lot are not given or marked upon the plat so that the precise location of each lot and fractional lot can be ascertained accurately, surveyed, or laid out, the owner of such tract or tracts, upon the request of the county auditor, shall have such land platted or replatted, as the case may be, into lots or blocks according to deeds on record. If such plat cannot be made without an actual survey of the land, the same must be surveyed and platted and the plat thereof recorded. If the owners of any such tract refuse or neglect to cause such plat and survey, when necessary, to be made and recorded within thirty days after such request, the county surveyor, or some other competent surveyor, upon the request of the county auditor, shall make out such plat from the records of the recorder if practicable, but if it cannot be made from such records, then the surveyor shall make the necessary survey and plat thereof, and the county auditor shall have the same recorded, but no such plat may be recorded until approved by the city engineer of the city affected thereby, and if there is no city engineer, then by the county surveyor. A certificate of the approval of such plat must be made by the officer making the same endorsed on the plat or map. Such certificate also must be recorded and forms a part of the

Board of City Commissioners Agenda Documentation

Meeting Date: June 16, 2015

Subject: Replat of Auditor's Lot A of Lot 6, Block 1, Lakewood Commercial Park 3rd Addition

Page 2 of 5

record. When such plat has been duly certified and recorded, any description of the property in accordance with the number and description set forth in such plat must be deemed a good and valid description of the lots or parcels of land so described. No such plat or description may bear the name or number which already has been applied to any plat or description previously made and recorded as a part of any such city. When the owner of such land fails to comply with the provisions of this section, the cost of surveying, platting, and recording must be paid by the county, upon allowance by the board of county commissioners, and the amount thereof must be added to the taxes upon such tracts or lots the ensuing year. Such taxes, when collected, must be credited to the county general fund. The surveyor making such survey or plat is entitled to receive for services in making the same the compensation allowed by law for doing other county surveying or platting, and such fees become a legal charge upon such tracts of land.

One problem with Auditor's plats is that they may not show all easements and other dedications. This lot has a public storm sewer and storm water easement as well as utility easements.

ATTACHMENTS:

1. Subdivision Location Map
2. Adjoining land use
3. Plat

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

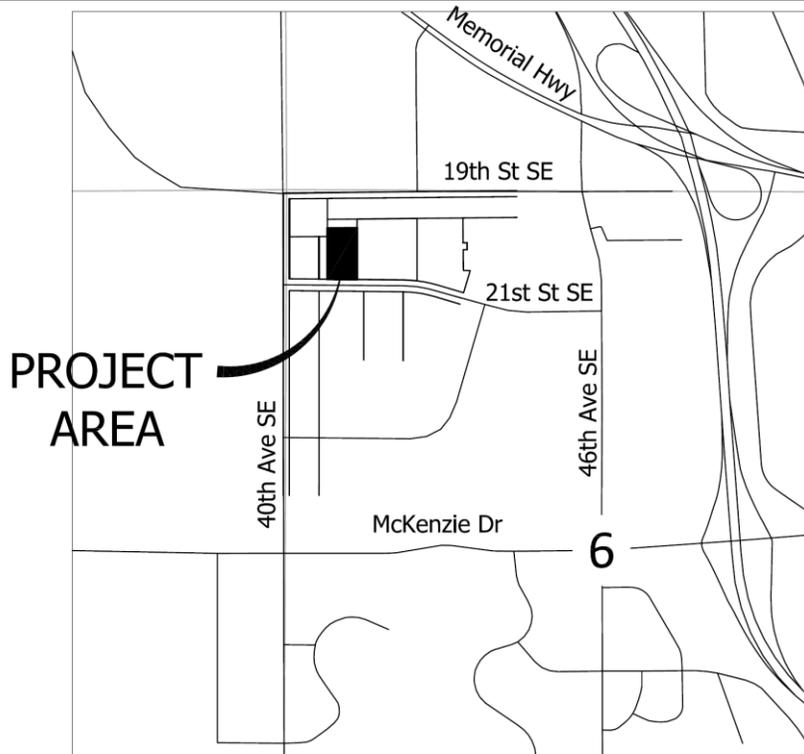
LEGAL REVIEW: All of my commission data has been forwarded to the City Attorney for his review.

RECOMMENDATION:

Recommend approval.

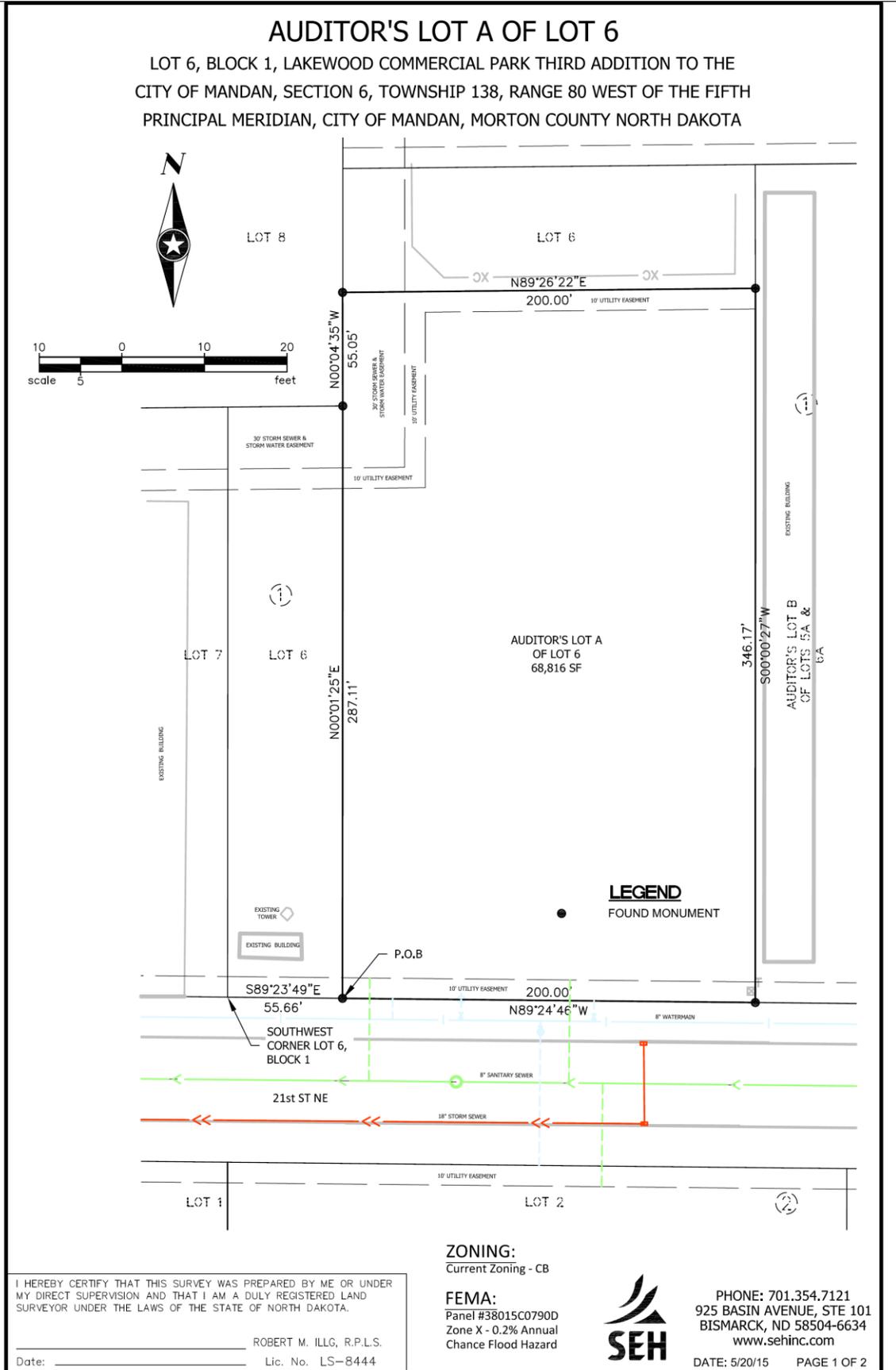
SUGGESTED ACTION:

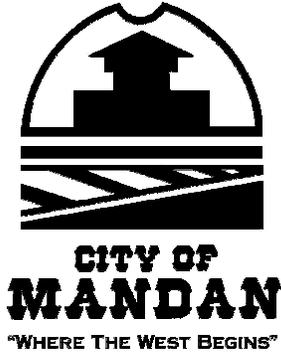
Move to approve replat of Auditor's Lot A of Lot 6, Block 1, Lakewood Commercial Park 3rd Addition



VICINITY MAP

NOT TO SCALE





Board of City Commissioners

Agenda Documentation

MEETING DATE: June 16, 2015
PREPARATION DATE: June 4, 2015
SUBMITTING DEPARTMENT: Assessing Dept
DEPARTMENT DIRECTOR: Shirley Shaw, City Assessor
PRESENTER: Shirley Shaw, City Assessor
SUBJECT: Disabled Veteran Exemption for Todd Simon Miller

STATEMENT/PURPOSE: To consider a 50% disabled veteran exemption for the year 2014.

BACKGROUND/ALTERNATIVES: Todd Simon Miller meets all criteria according to North Dakota Century Code 57-02-08 (20)(b) to receive a 50% disabled veteran exemption.

This property is also known as Lot 9, Block 4, Plainview Heights 12th Addition at 2908 Percheron Dr. SE on Parcel #65-6103718, City ID #10606.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$706 for the year 2014. Please note that this amount is reimbursed by the State and the City is not actually losing any revenue.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval to receive a 50% disabled veteran exemption for the year 2014.

SUGGESTED MOTION: I recommend a motion to approve the application from Todd Simon Miller to receive a 50% disabled veteran exemption for the year 2014 by meeting all criteria according to North Dakota Century Code 57-02-08(20)(b).

Application For Abatement Or Refund Of Taxes
 North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District City of Mandan
 County of Morton Property I.D. No. 65-6103718
 Name Todd Simon Miller Telephone No. _____
 Address 2908 Percheron Dr. SE, Mandan

Legal description of the property involved in this application:
Lot 9 Block 4, Plainview Hts 12th Addn

Total true and full value of the property described above for the year 2014 is:
 Land \$ 17,000
 Improvements \$ 49,800
 Total \$ 116,800
 (1)

Total true and full value of the property described above for the year 2014 should be:
 Land \$ 17,000
 Improvements \$ 49,900
 Total \$ 66,900
 (2)

The difference of \$ 49,900 true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- 2. Residential or commercial property's true and full value exceeds the market value
- 3. Error in property description, entering the description, or extending the tax
- 4. Nonexisting improvement assessed
- 5. Complainer or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- 6. Duplicate assessment
- 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
- 8. Error in noting payment of taxes, taxes erroneously paid
- 9. Property qualifies for Homestead Credit according to N.D.C.C. § 57-02-08.1. Attach a copy of Homestead Credit Application.
- 10. Other (explain) Veterans Exemption @ 50%

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

1. Purchase price of property: \$ _____ Date of purchase: _____
 Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
 Was there personal property involved in the purchase price? yes/no _____ Estimated value: \$ _____

2. Has the property been offered for sale on the open market? yes/no _____ If yes, how long? _____
 Asking price: \$ _____ Terms of sale: _____

3. The property was independently appraised: yes/no _____ Purpose of appraisal: _____
 Market value estimate: \$ _____
 Appraisal was made by whom? _____

4. The applicant's estimate of market value of the property involved in this application is \$ _____

5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

Applicant asks that we abate the 2014 taxes due to the Veteran's Exemption - @ 50%

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

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

Signature of Preparer (if other than applicant) _____ Date _____ Signature of Applicant [Signature] Date 3 JUN 2015

Recommendation of the Governing Body of the City or Township

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

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

Action by the Board of County Commissioners

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

We reject this application in whole or in part for the following reasons. Written explanation of the rationale for the decision must be attached.

Dated _____
 County Auditor _____ Chairperson _____

Certification of County Auditor

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

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

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

| Year | Reduction in Taxable Valuation | Reduction in Taxes |
|------|--------------------------------|--------------------|
| | | |

County Auditor _____ Date _____

**Application For Abatement
 Or Refund Of Taxes**
 Name of Applicant _____
 County Auditor's File No. _____
 Date Application Was Filed With The County Auditor _____
 Date County Auditor Waived Application to Township Clerk or City Auditor _____
(Date for which the refund will be filed)

Application for Disabled Veterans Property Tax Credit Exemption

Disabled Veteran of United States Armed Forces with Service Connected Disability of 50 Percent or More or Extra - Scheduler Rating that Brings the Total Disability Rating to 100 Percent

This application must be filed with the county auditor by February 1 of the first year for which the credit is claimed. A person shall furnish to the assessor or other assessment officials when requested to do so, any information which is believed will support the claim for credit for any subsequent year. A qualifying disabled veteran who acquires the homestead during the year may apply for credit for the portion of the year during which the veteran owns the homestead.

Property Number: 65-6103718
 Property Owner: Todd Simon Miller
 Property Address: 2908 Percheron Dr SE
Mandan, ND 58554

Legal Description
Lot 9 Block 4
Plainview Hts 12th

Is this property the applicant's homestead? Yes No Taxable valuation of fixtures buildings, and improvements: \$ _____

Enter the percentage of the veteran's disability compensation rating for service-connected disabilities as certified by the Department of Veterans' Affairs for the purpose of applying for a property tax credit. 50 %

The applicant is a: Disabled veteran Unremarried surviving spouse of a disabled veteran
 Unremarried spouse receiving DVA dependency and indemnity compensation
 (100 percent exemption)

Which of the following would best describe the type of ownership of the homestead property (check only one):

| | |
|---|---|
| A. Is recorded in your (and spouse's) name as owner <input checked="" type="checkbox"/> | D. Is held under a life estate in property <input type="checkbox"/> |
| B. Is being purchased by you under a contract for deed <input type="checkbox"/> | E. Is held in a revokable trust <input type="checkbox"/> |
| C. Is held in joint tenancy with one other than spouse <input type="checkbox"/> | |

Credit Claimed Pursuant to North Dakota Century Code Section 57-02-08.8
Instructions

Provide a copy of the DD Form 214 showing veteran's honorable discharge from active military service if claiming exemption for first time. (This document is confidential.)

Provide a certificate from the Department of Veterans' Affairs certifying to the percentage of service-connected disability when claiming exemption for the first time, or if the veteran receives a change in the percentage of certified rated service-connected disability. (This document is confidential.)

I make application for real property tax credit for the year 2014 on the property described above and, in compliance with North Dakota Century Code § 57-02-14.1, certify the information is accurate to the best of my knowledge and belief.

Note: N.D.C.C. § 12.1-11-02 provides that making a false statement in a governmental matter is punishable as a Class A misdemeanor.

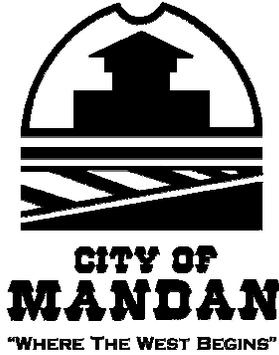
Application is: Approved Disapproved

Percentage approved 50 %

x Eligible Taxable value \$ 3375 -

Valuation exempted \$ 75,000

TOD Applicant 6-3-15 Date
Chanel Hastings Assessor or Director of Tax Equalization 6-3-15 Date



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 16, 2015
PREPARATION DATE: June 12, 2015
SUBMITTING DEPARTMENT: City Administrator
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER:
SUBJECT: Annual Liquor License Renewals

STATEMENT/PURPOSE: All liquor licenses must be approved by the Board of City Commissioners on an annual basis.

BACKGROUND/ALTERNATIVES: All applications and fees have been received by all liquor license applicants.

ATTACHMENTS: List of all liquor license applicants and classes are attached.

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval contingent upon the establishment meeting all Fire Code, Health & Safety Code, Building Inspections and all property taxes paid.

SUGGESTED MOTION: I move to approve all Liquor Licenses for the year of July 1, 2015 – June 30, 2016. Contingent upon the establishment meeting all Fire Codes, Health & Safety Code, Building Inspection Codes and all property taxes are paid.

This is the list of applications for Annual Liquor License for July 1, 2015 - June 30, 2016.

| <u>Names</u> | <u>Class</u> |
|--|--------------|
| Clubs | |
| 1. Mandan Eagles | B |
| 2. Mandan Moose | B |
| Corporations | |
| 1. Stage Stop | A |
| 2. Lonesome Dove | A |
| 3. BW-SS dba Seven Seas | C |
| 4. B & B Inc. dba Broken Oar | A |
| 5. Midway Lanes, Inc. | A |
| 6. Hidden Inc. dba The Hide Away | A |
| 7. Old Town Tavern, Inc. | A |
| 8. The Ridge Motel | C |
| 9. Coborn's Inc. – Bill's Liquor | D |
| 10. Coborn's Inc. – Captain Jacks | D |
| 11. Colonial Lounge, Inc. | C |
| 12. A & B Pizza | F |
| 13. Missouri Valley Pet.dba Southside MVP | D1 |
| 14. Miller & Homes, Inc. | D1 |
| 15. NPC International Inc. dba Pizza Hut | F |
| 16. Peto Serve USA #79 | D1 |
| 17. J & C Investment dba Powerhouse Bar & Grill | A |
| 18. Last Call Bar Inc. | A |
| 19. Superpumper | D1 |
| 20. Ten Spot Lanes, Inc. | F |
| 21. Captain Freddy's | A |
| 22. Lakewood Bar & Grill LLC dba The Drink | A |
| 23. Vicky's Sports Bar & Grill | A |
| 24. Lukes Bar LLC dba Silver Dollar Bar | A |
| 25. Captains Galley Inc. dba Captain Freddy Restaurant | E |
| 26. Red Carpet Car Wash Inc. | D1 |
| 27. Petro Serve USA #78 | D1 |
| 28. Missouri Valley Pet.dba Sunset Tesoro | D1 |
| 29. Stryker Enterprises, LLC/Main Street Drive Thru | A |
| 30. Tri Energy Cooperative (Cenex) | D1 |
| 31. Lynco Enterprise, Co. LTD | F |

Individual & Partnerships

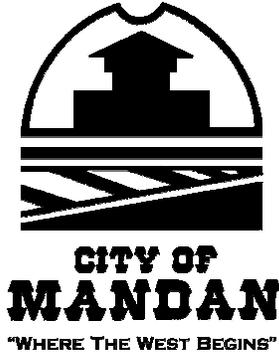
- | | |
|---------------------------------------|---|
| 1. Ozark Spirits LLC/Walmart | D |
| 2. Moscow | A |
| 3. Round Up LLC/Station West | A |
| 4. Harvest LLC dba Harvest Restaurant | E |
| 5. Bar M Steakhouse LLC | E |
| 6. Strawberry LLC | E |
| 7. Bayside LLC | D |

Special B's

- | | |
|-----------------------------|-----------|
| 1. Prairie West Golf Course | Special B |
| 2. Mandan Municipal Golf | Special B |

Wine or Brewery

- | | |
|-----------------------------------|----|
| 1. Buffalo Commons Brewing Co LLC | WB |
| 2. Bird Dog Brewing LLC | WB |



Consent No. 7

Board of City Commissioners

Agenda Documentation

MEETING DATE: June 16, 2015
PREPARATION DATE: June 12, 2015
SUBMITTING DEPARTMENT: City Administrator
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER:
SUBJECT: Annual Special Sunday Openings Renewal

STATEMENT/PURPOSE: All Special Sunday Opening must be approved annually by the Board of City Commissioners.

BACKGROUND/ALTERNATIVES: All Special Sunday applications have been received and 1% Restaurant and Lodging taxes have been paid.

ATTACHMENTS: List of all Special Sunday Openings that have applied.

FISCAL IMPACT: \$260.00

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval contingent upon applications and fees are all up to date.

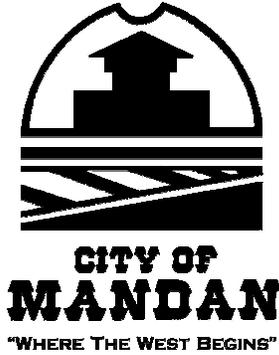
SUGGESTED MOTION: I move that all annual Special Sunday Openings be approved contingent on meeting all necessary requirements.

This is a list of all applications for Special Sunday Opening.
Special Sunday Opening **On-Sale**

1. **The Hide Away**
2. Mandan Municipal Golf (July to October)
3. Prairie West Golf Course (July to October)
4. A & B Pizza
5. Colonial Lounge
6. Ten Spot Lanes
7. Old Town Tavern
8. Lonesome Dove
9. Midway Lanes
10. BW-SS, Inc./Seven Seas (Montana Mike's)
11. Broken Oar
12. Vicky's Bar & Grill
13. The Ridge Motel
14. Pizza Hut
15. Last Call Bar
16. Captain Freddy's
17. The Drink at Lakewood
18. Stryker Enterprise dba Main Street Drive Thur Liquor
19. Moscow Bar
20. Captains Galley
21. Strawberry LLC
22. Station West
23. Harvest
24. Rice Bowl
25. Eagles

Special Sunday Opening **Off-Sale**

1. Petro Serve USA #78
2. Southside MVP
3. Superpumper
4. M & H
5. Red Carpet Car Wash
6. Petro Serve USA # 79
7. Coborn's/Captain Jacks
8. Wal-Mart
9. Tri Engery Cenex
10. Bayside LLC



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 16, 2015
PREPARATION DATE: June 10, 2015
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Jeff Wright, Public Works Director
PRESENTER: Jeff Wright, Public Works Director
SUBJECT: Consider Agreement between the City of Mandan and Armstrong Sanitation & Roll-Offs, Inc. for hauling household garbage to the Bismarck Landfill.

STATEMENT/PURPOSE: To consider Agreement between the City of Mandan and Armstrong Sanitation & Roll-Offs, Inc. for hauling household garbage to the Bismarck Landfill.

BACKGROUND/ALTERNATIVES: The existing residential MSW hauling contract with Waste Management expires on June 30, 2015. The City advertised for bid proposals and on June 2, 2015 the Commission awarded the bid for hauling the residential MSW, collected by Armstrong Sanitation, to Armstrong Sanitation. The bid was to haul directly from the curb to the Bismarck Landfill at \$35/load and a disposal rate of \$45/ton, or approximately \$50.83/ton. Waste Management bid proposal of \$55.71/ton was higher, required full use of our transfer station, and hauling to Wishek for disposal. Hauling directly to Bismarck by the collection contractor minimizes the operation and maintenance costs at the transfer station and cuts down on expensive transportation costs.

ATTACHMENTS: Agreement

FISCAL IMPACT: The 2015 fiscal impact is \$46,602.50.

The 2015 Solid Waste capital outlay budget includes \$70,000 for concrete repairs around the transfer station, minimizing the usage of the transfer station would allow us to reduce this maintenance item to cover the proposed \$46,602.50 increase for 2015. We will include the proposed increase for 2016 and 2017 in the upcoming budget processes.

STAFF IMPACT: Minimize maintenance costs at the transfer station facility.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 16, 2015

Subject: Consider Agreement between the City of Mandan and Armstrong Sanitation & Roll-Offs, Inc. for hauling household garbage to the Bismarck Landfill.

Page 2 of 7

LEGAL REVIEW: Attorney Brown has reviewed the new hauling contract.

RECOMMENDATION: Recommend to execute the proposed Hauling Agreement between the City of Mandan and Armstrong Sanitation & Roll-Offs, Inc.

SUGGESTED MOTION: Move to execute the proposed Hauling Agreement between the City of Mandan and Armstrong Sanitation & Roll-Offs, Inc.

SOLID WASTE HAULING SERVICES AGREEMENT BETWEEN THE CITY OF MANDAN AND
ARMSTRONG SANITATION & ROLL-OFFS, INC.

This Agreement is made by and entered into between the City of Mandan (hereinafter, City) and Armstrong Sanitation & Roll-Offs, Inc. (hereinafter, Contractor). The purpose of this Agreement is to provide transportation of Municipal Solid Waste (MSW) collected from Mandan residents, to an approved MSW for disposal. The City and the Contractor have mutually agreed to the terms and conditions as stated in this Agreement as follows:

Section 1. Term of Agreement

This Agreement will begin on July 1, 2015 and will end on October 31, 2017, which coincides with their current collection Contract. This Agreement will be re-evaluated by the City and the Contractor no less than 90 days prior to the initial contract term or any extension thereof.

Section 2. Transportation Services

The Contractor agrees to provide adequate transportation of MSW collected from Mandan residents (current collection Contract) to an approved MSW facility, the City of Bismarck Landfill (hereinafter, Facility).

The Contractor agrees to follow all applicable federal, state, or local laws or regulations as to not deliver regulated quantities of hazardous, radioactive, or toxic waste to the Facility. The Contractor shall notify the City of any such special waste and the City at its sole discretion shall either remove and dispose of this waste or pay the special handling cost as determined by the Contractor.

Section 3. Compensation for Transportation Services

The City shall pay to the Contractor the total amount of \$35.00 per load of 6 tons or more for the transportation of the MSW collected from Mandan residents, to the Facility. The cost to transport the garbage will not increase annually and will remain at \$35.00 per load of 6 tons or more until the proposed expiration date of October 31, 2017.

The disposal costs at the Facility shall be reimbursed to the Contractor at the Agreement rate of \$45.00 per ton. In the event there is a cost increase in disposal rates, the parties agree to review the terms and conditions of this agreement for the purpose of modifying and amending the same to reflect these cost changes.

The Contractor must provide monthly billings to the City for transportation services and the disposal fees, including landfill scale receipts showing the amount of Residential and Commercial MSW disposed at the Facility.

The City shall have twenty-one (21) days to pay the Contractor after receiving the billing and landfill scale receipts.

The City may withhold payment, without penalty or interest, if the Contractor fails to submit adequate documentation of the amount of the City's residential MSW collected, transported to and disposed of at the Facility. Loads under six (6) tons will not be paid the transportation service fee of \$35.00 per load.

In the event the Contractor is precluded from using the Facility because of the actions of federal, state, or local government during the term of this agreement, the Contractor and the City agree to meet and renegotiate the terms of Sections 2 & 3 of this agreement. If parties fail to reach an agreement and the Agreement is terminated, the Contractor will be responsible for the hauling and disposal of the residential MSW collected, at the Agreement hauling and disposal rates, during the required 90 days' notice to terminate.

Section 4. Reports and Inspections

The Contractor shall prepare and maintain proper, accurate and complete records and accounts of all transactions, these records shall include, but not be limited to regulatory inspection reports and Facility scale receipts. At the City's request, the Contractor shall allow a City official to do a random inspection of loads to assure loads are Commercial MSW free.

Section 5. Permits and Licenses

The Contractor shall obtain and keep current all applicable federal, state, county and municipal permits and licenses required to transport and dispose of MSW at the Facility.

Section 6. Liability Insurance

Comprehensive general liability insurance including premises – operations coverage, completed operations coverage, independent contractor’s coverage and contractual liability coverage, with limits not less than \$2,000,000 combined single limit, including bodily injury liability and property damage liability.

Workers’ compensation insurance and employers’ liability insurance as required by law.

Comprehensive automobile, bodily injury and property damage, liability insurance, including coverage for all owned and hired vehicles and employers’ non-ownership liability coverage. Limits of liability should be for not less than \$2,000,000 combined single limit bodily injury and property damage liability.

The Contractor shall keep this liability insurance in force at all times this Agreement is in effect.

Section 7. Indemnification

The Contractor shall indemnify and hold harmless the City, its officers, agents, representatives, and employees from and against all claims, damages, losses, costs or expenses, including reasonable attorney fees, which may be asserted against the City or for which it may be held liable, to the extent resulting from the negligence or willful misconduct of the Contractor, its employees, agents, representatives, or subcontractors, in the performance of the Contract.

Section 8. Assignment

No part of this Agreement may be sold, transferred, assigned, or sublet by either party without the prior written consent of the other, which consent will not be unreasonably withheld.

Section 9. Amendments to the Agreement

The terms and conditions of this Agreement may be amended or modified at any time by written mutual agreement signed and dated by each party or the authorized representative of each party.

Section 10. Cancellation and Termination

Either party may terminate this Agreement for a material breach of the Agreement by the other party giving written notice of the breach, as provided in Section 11, and allowing the other party thirty (30) days to correct the breach to the satisfaction of the complaining party.

Section 11. Notice

Any notice required to be given by this Agreement, shall be in writing, signed by the party giving the notice and shall be transmitted by personal delivery or registered mail, return receipt requested and postage pre-paid. Notice shall be effective when delivered or mailed. Notice shall be sent to the last known address of the party. When notice is required to be given by a certain number of days, Saturdays, Sundays, and holidays are to be counted. Notice must be sent to the following addresses unless the parties submit a change of address.

Mr. Jim Neubauer
City Administrator
205 2nd Ave NW
Mandan, ND 58554

Ms. Peggy Becker
Owner
2020 3rd St SE, Bldg. F, Unit 1
Mandan, ND 58554

Section 12. Applicable Law

This Agreement is entered into and governed by the laws of the State of North Dakota.

Section 13. Severability

The invalidity of any portion of this Agreement shall not be deemed to affect the validity of any other provisions. In the event that any provisions is held invalid, the parties agree that the remaining provisions shall be deemed in full force and effect as if they had been executed by both parties subsequent to the deletion of the invalid provision.

Section 14. Non-Discrimination

The Contractor agrees that during the term of this Agreement it will not discriminate against any employee or applicant for employment on the basis of race, color, creed, religion, national origin, gender, disability, marital status, sexual orientation, or status with regard to public assistance.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 16, 2015

Subject: Consider Agreement between the City of Mandan and Armstrong Sanitation & Roll-Offs, Inc. for hauling household garbage to the Bismarck Landfill.

Page 7 of 7

Section 15. Entire Agreement

This Agreement shall constitute the entire Agreement between the parties and any prior understanding or presentation of any kind preceding the date of this Agreement shall not be binding upon either party except to the extent incorporated into this Agreement.

IN WITNESS THEREOF, the dually authorized representatives of the parties hereto have executed this contract as dated.

FOR CONTRACTOR:

Peggy Becker, Owner
Armstrong Sanitation & Roll-Offs, Inc.

Date

FOR CITY:

Jim Neubauer, City Administrator
City of Mandan

Date



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 16, 2015
PREPARATION DATE: June 12, 2015
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Robert Decker, Principal Planner
SUBJECT: Consider approval of plat for Lakewood 8th Addition

STATEMENT/PURPOSE:

This is a continuation of an existing subdivision development. The zoning has been approved. This is the final plat.

BACKGROUND/ALTERNATIVES:

This is the continuation of a previously approved master subdivision plan. This plan generally conforms to the original concept for this area.

The original request was for a larger area. However, recent negotiations with a prospective developer reduced the area to be considered with this request. This delayed submittal of this final plat. The area to the north will be submitted as a separate request.

The recently completed Mandan Land Use and Transportation Plan recommends that this area be developed with a mix of low and medium density residential as this plat proposes.

The zoning for this area was approved at a previous city commission meeting.

The Planning and Zoning Commission has reviewed and recommended approval of this plat. A public hearing was held to consider this plat at a previous city commission meeting.

ATTACHMENTS:

1. Final plat with location map

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

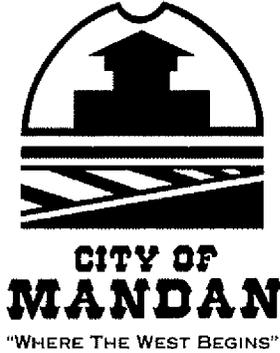
LEGAL REVIEW: All of my commission data has been forwarded to the City Attorney for his review.

RECOMMENDATION:

The Planning and Zoning Commission at their April 27, 2015 meeting voted unanimously to recommend approval of this plat. Staff recommends approval of this plat.

SUGGESTED ACTION:

Move to approve plat for Lakewood 8th Addition



New Business No. 1
REVISED

Board of City Commissioners

Agenda Documentation

MEETING DATE: June 16, 2015
PREPARATION DATE: June 16, 2015
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Robert Decker
SUBJECT: Acting as the Board of Adjustment, consider for approval variance to allow a greater lot coverage for Lot 43, Block 1, Bridgeview Bay Addition

STATEMENT/PURPOSE: This lot is located on a cul-de-sac named Bayview Court SE. The lot partially fronts the straight part of the street and partially fronts the cul-de-sac bulb. The lot is approximately 66 feet wide in front and approximately 83 feet wide in back. The rear of the lot is on the boat canal.

The intent is to build a one story structure rather than a multi-story structure. Incorporating the square footage all on one level increases the footprint of the structure beyond what is normally allowed.

The Chief Building Official has refused to issue a building permit because he has determined that the proposed building is larger than the allowable 40% lot coverage specified for a lot in an RM district. The lot contains 8426 sf. The building includes the living space (2616.5 sf), garage (1186.2 sf), covered entry (85 sf) and covered patio (411.5 sf) for a total of 4299.2 sf. $4299/8426 = 51\%$.

The request is to increase the allowable lot coverage to 51%.

BACKGROUND/ALTERNATIVES: Section 21-06-02.2 of the city code provides a procedure for granting a variance.

Variances. On appeal from an order, requirement, decision or determination made by an administrative official, the board of adjustment may vary or adjust the strict application of any of the requirements of this title in the case of an exceptionally irregular, narrow, shallow or steep lot or other exceptional physical or topographical condition, by reason of which the strict application of the provisions of the title would result in unnecessary hardship that would deprive the owner of a reasonable use of the land or building involved, but in no other case. No adjustment in the

strict application of any provisions of this title shall be granted by the board of adjustment unless it finds:

- a. That there are special circumstances or conditions, fully described in the findings of the board, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building, and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant taken subsequent to the adoption of this title, whether in violation of the provisions of the title, or not;*
- b. That, for reasons fully set forth in the findings of the board, the circumstances or conditions so found are such that the strict application of the provisions of this title would deprive the applicant of the reasonable use of said land or building, and the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the board is the minimum variance that will accomplish the relief sought by the applicant;*
- c. That the grant of the variance will be in harmony with the general purposes and intent of this title, and not be injurious to the neighborhood or otherwise detrimental to the public welfare*

- The lot is the 12th smallest of 50 lots in the subdivision.
- The lot is 47% the size of the largest lot.
- The building has been designed to meet all building setbacks.
- The irregular shape of the building was designed to accommodate the irregular shape of the lot.
- The volume of the building, including all covered decks, is only 43% of what could be built if the building were more than one story.
- Other structures within the development have an equal or greater volume.
- Since the lot has access and use of the water, a portion of the water adjacent to the lot could be considered part of the lot area. This brings the house closer to the lot coverage percentage limitation.
- More than a quarter of the lots in the subdivision would accommodate the size of this building with no adjustment to the lot coverage percentage needed.
- The largest lot could have a building footprint 66% larger than the proposed structure.
- The subdivision's architectural review committee has reviewed and approved the proposed structure.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 16, 2015

Subject: Variance request to allow a greater lot coverage for Lot 43, Block 1, Bridgeview Bay Addition

Page 3 of 8

Granting this variance is the minimum necessary to allow construction of the structure and is in harmony with the general purposes and intent of this title and is not injurious to the neighborhood or otherwise detrimental to the public welfare.

ATTACHMENTS:

1. Plat showing location of lot
2. Building plans
3. Email from subdivision ARC
4. Application

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

LEGAL REVIEW: All of my commission data has been forwarded to the City Attorney for his review.

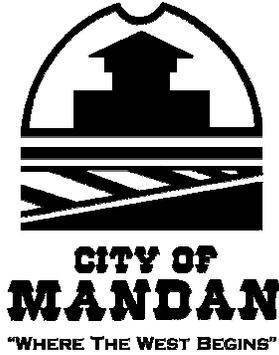
RECOMMENDATION: The subdivision's Architectural Review Committee did not have a problem with the design of this house. That would be the only reason to consider granting a variance.

The Chief Building Official did his job by applying the criteria in the code. From the tone of the email, that has not always been the case in the past.

The applicant has several options to meet the 40% standard:

1. Buy a larger lot in the subdivision
2. Build a 2 story structure
3. Reduce the size of the structure

SUGGESTED MOTION:



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 16, 2015
PREPARATION DATE: June 4, 2015
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Robert Decker
SUBJECT: Acting as the Board of Adjustment, consider for approval variance to allow a greater lot coverage for Lot 43, Block 1, Bridgeview Bay Addition

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The request is to increase the allowable lot coverage to 51%.

BACKGROUND/ALTERNATIVES: Section 21-06-02.2 of the city code provides a procedure for granting a variance.

Variances. On appeal from an order, requirement, decision or determination made by an administrative official, the board of adjustment may vary or adjust the strict application of any of the requirements of this title in the case of an exceptionally irregular, narrow, shallow or steep lot or other exceptional physical or topographical condition, by reason of which the strict application of the provisions of the title would result in unnecessary hardship that would deprive the owner of a reasonable use of the land or building involved, but in no other case. No adjustment in the

strict application of any provisions of this title shall be granted by the board of adjustment unless it finds:

a. That there are special circumstances or conditions, fully described in the findings of the board, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building, and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant taken subsequent to the adoption of this title, whether in violation of the provisions of the title, or not;

b. That, for reasons fully set forth in the findings of the board, the circumstances or conditions so found are such that the strict application of the provisions of this title would deprive the applicant of the reasonable use of said land or building, and the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the board is the minimum variance that will accomplish the relief sought by the applicant;

c. That the grant of the variance will be in harmony with the general purposes and intent of this title, and not be injurious to the neighborhood or otherwise detrimental to the public welfare

- The lot is the 12th smallest of 50 lots in the subdivision.
- The lot is 47% the size of the largest lot.
- The building has been designed to meet all building setbacks.
- The irregular shape of the building was designed to accommodate the irregular shape of the lot.
- The volume of the building, including all covered decks, is only 43% of what could be built if the building were more than one story.
- Other structures within the development have an equal or greater volume.
- Since the lot has access and use of the water, a portion of the water adjacent to the lot could be considered part of the lot area. This brings the house closer to the lot coverage percentage limitation.
- More than a quarter of the lots in the subdivision would accommodate the size of this building with no adjustment to the lot coverage percentage needed.
- The largest lot could have a building footprint 66% larger than the proposed structure.
- The subdivision's architectural review committee has reviewed and approved the proposed structure.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 16, 2015

Subject: Variance request to allow a greater lot coverage for Lot 43, Block 1, Bridgeview Bay Addition

Page 3 of 8

Granting this variance is the minimum necessary to allow construction of the structure and is in harmony with the general purposes and intent of this title and is not injurious to the neighborhood or otherwise detrimental to the public welfare.

ATTACHMENTS:

1. Plat showing location of lot
2. Building plans
3. Email from subdivision ARC
4. Application

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

LEGAL REVIEW: All of my commission data has been forwarded to the City Attorney for his review.

RECOMMENDATION: Based on approval of subdivision ARC, staff recommends granting this variance.

SUGGESTED MOTION: Move to grant a variance for Lot 43, Block 1, Bridgeview Bay Addition to allow construction of a building with lot coverage of 51%.

Board of City Commissioners

Agenda Documentation

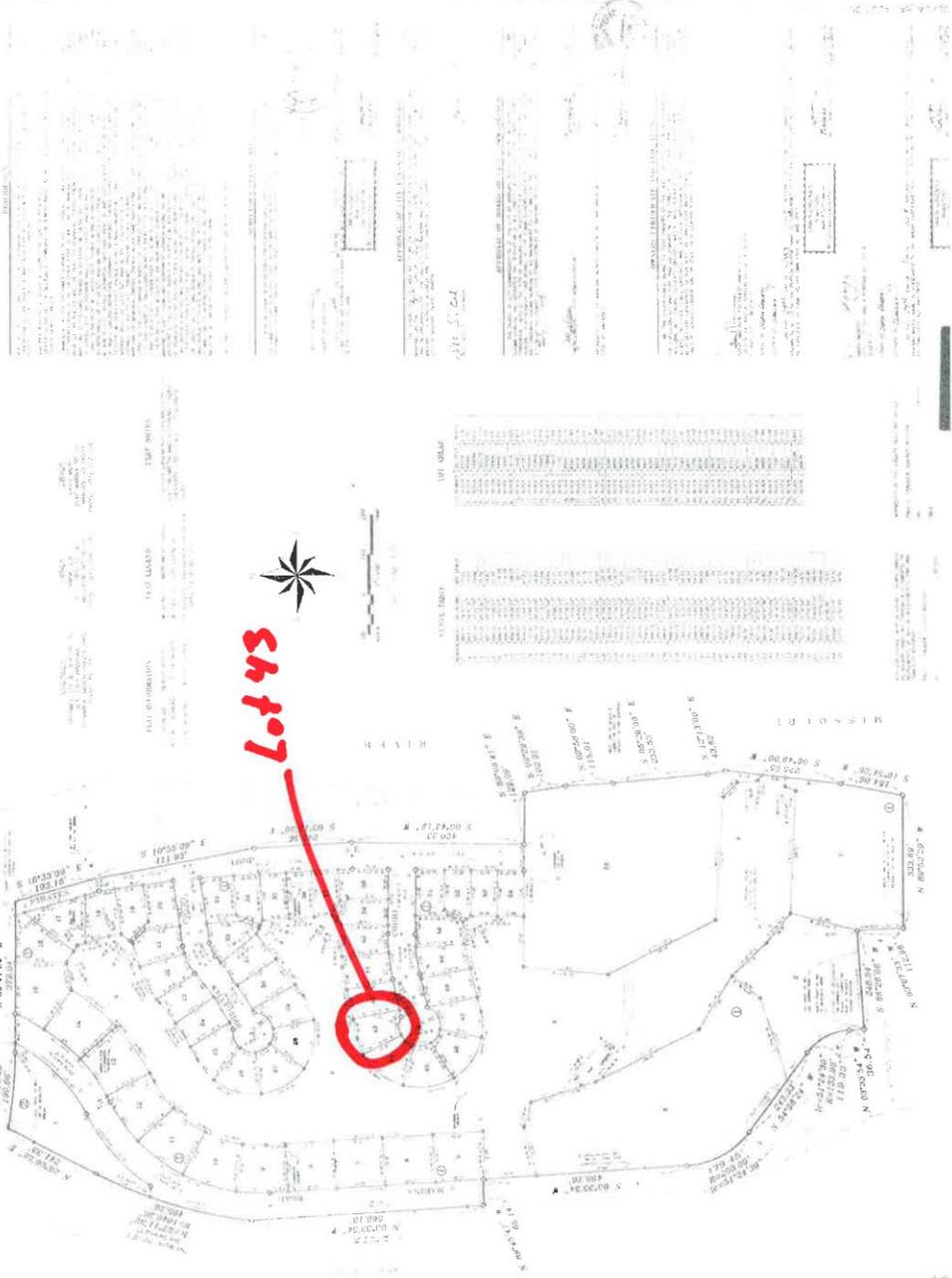
Meeting Date: June 16, 2015

Subject: Variance request to allow a greater lot coverage for Lot 43, Block 1, Bridgeview Bay Addition

Page 4 of 8

BRIDGEVIEW BAY ADDITION TO THE CITY OF MANDAN

BEING ALL OF LOT 1 AND LOT 2 OF GOVERNMENT LOT 1, A PORTION OF MARINA ROAD & E. RIGHT OF WAY AND A PORTION OF 686 BUSINESS (OOP RIGHT OF WAY, A REPEAT OF LOTS 1 & 2, BLOCK 3, AND LOTS 1 & 2, BLOCK 2, CORRECTIVE PLAT OF RICKER'S SECOND ADDITION TO THE CITY OF MANDAN, TOGETHER WITH LOT 2, BLOCK 3, CORRECTIVE PLAT OF RICKER'S SECOND ADDITION TO THE COUNTY OF MORTON, ALL LOCATED IN THE NE 1/4 SECTION 6, TOWNSHIP 128 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA.



K&L

Board of City Commissioners

Agenda Documentation

Meeting Date: June 16, 2015

Subject: Variance request to allow a greater lot coverage for Lot 43, Block 1, Bridgeview Bay Addition

Page 5 of 8

FRONT ELEVATION

REAR ELEVATION

LEFT ELEVATION

RIGHT ELEVATION

Scale: 1/8" = 1'-0"

| | |
|--|--------------------|
| DESIGNED BY: MARGIE FRANKLUND DATE: MAY 22, 2015 | DATE: MAY 22, 2015 |
| PROJECT: BRIDGEVIEW BAY ADDITION PHASE: MAY 23, 2015 | DATE: MAY 23, 2015 |
| DRAWN BY: MARGIE FRANKLUND & LUMBER, INC. PROJECT: 1701235-1038 - PLAN 1701232-0000 MARGIE@FRONTSTREETMILLWORK.COM | |
| SCALE: 1/8" = 1'-0" | |
| DRAWN BY: COLE BERTSCH DATE: MAY 22, 2015 | |

Board of City Commissioners

Agenda Documentation

Meeting Date: June 16, 2015

Subject: Variance request to allow a greater lot coverage for Lot 43, Block 1, Bridgeview Bay Addition

Page 7 of 8

From: Arthur Goldammer <Arthur@verityhomes.com>

Date: June 3, 2015 at 2:15:18 PM CDT

To: cole bertsch <bertschconstruction@hotmail.com>

Subject: RE: Cole Bertsch.pdf

Those will look great!

Arthur Goldammer

Verity Homes

Office - 701-663-4117

www.verityhomes.com

-----Original Message-----

From: cole bertsch [mailto:bertschconstruction@hotmail.com]

Sent: Wednesday, June 03, 2015 1:59 PM

To: Arthur Goldammer

Subject: Re: Cole Bertsch.pdf

Colors are gonna be black stack stone dark tan sides black roof

Sent from my iPhone

On Jun 3, 2015, at 12:52 PM, Arthur Goldammer <Arthur@verityhomes.com> wrote:

Got 3 of 5 approvals so far. Since you have a majority, building is approved.

Get us colors for approval on them once you pick them.

One thing to note, watch out for your lot coverage ratios. City might flag you.

These are zoned RM, which has a 40% coverage max. if you are over, and the city inspector catches it, you may have to get a variance.

At any rate, you're on your own there. That has nothing to do with ARC. :)

Call with any questions.

Arthur Goldammer

Verity Homes

Office - 701-663-4117

www.verityhomes.com

-----Original Message-----

From: cole bertsch [mailto:bertschconstruction@hotmail.com]

Sent: Tuesday, June 02, 2015 9:06 PM

To: Arthur Goldammer

Subject: Cole Bertsch.pdf

Board of City Commissioners

Agenda Documentation

Meeting Date: June 16, 2015

Subject: Variance request to allow a greater lot coverage for Lot 43, Block 1, Bridgeview Bay Addition

Page 8 of 8

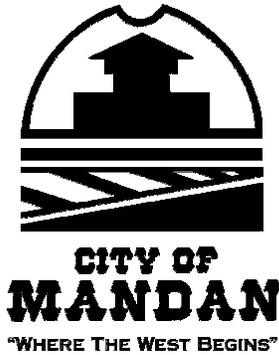
| CITY OF MANDAN | |
|--|--|
| Development Review Application | |
| Annexation petition (\$250) | Minor plat or replat (\$100) |
| Preliminary Plat up to 20 acres (\$200) | Preliminary Plat greater than 20 acres (\$300) |
| Final Plat up to 20 lots (\$200) | Final Plat 21 to 40 lots (\$400) |
| Final Plat greater than 40 lots (\$600) | Zone change (\$400) |
| Special Use (\$300) | Vacation of ROW (\$250) |
| Stormwater submittal (\$150) | <input checked="" type="checkbox"/> Variance (\$200) |
| Stormwater 2 nd and subsequent resubmittal (\$50) | Construction plans per plan & profile sheet (\$25) |
| Summary of Request | |

| Engineer/Surveyor | | | Property Owner or Applicant | | |
|---|-------|-----|---|-----------|--------------|
| Name | | | Name <i>Cole Bertsch</i> | | |
| Address | | | Address <i>2214- Shoal lp</i> | | |
| City | State | Zip | City | State | Zip |
| | | | <i>Mandan</i> | <i>ND</i> | <i>58554</i> |
| email | | | email <i>Bertschconstruction@hotmail.com</i> | | |
| Phone | Fax | | Phone | Fax | |
| | | | <i>527-8660</i> | | |
| If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request. | | | | | |

| Location | | Type | | Existing Zone | Proposed Zone | Project Name |
|------------------------------|--------------------|---------|-------------|----------------------------|------------------|--------------|
| City | ETA | New | Addition | <i>RM</i> | | |
| Property Address | | | | Legal Description | | |
| <i>2333 Bayview Court SE</i> | | | | <i>Lot 43</i> | | |
| Current Use | | | | <i>Block 1</i> | | |
| Proposed Use | | | | <i>Bridgeview Bay Add.</i> | | |
| Parcel Size | Building Footprint | Stories | Building SF | Section | Township | Range |
| | | | | <i>6</i> | <i>138</i> | <i>81</i> |
| | | | | Required Parking | Provided Parking | |

| | | |
|-----------------------------------|---------------------------------|-----------------------|
| Print Name <i>Cole Bertsch</i> | Signature <i>[Signature]</i> | Date <i>6-4-15</i> |
|-----------------------------------|---------------------------------|-----------------------|

| Office Use Only | | | |
|--------------------------------|---------------------------|-------------------------|----------------------|
| Date Received: <i>6-8-2015</i> | Initials: <i>AM</i> | Fees Paid: <i>\$200</i> | Date <i>6-8-2015</i> |
| Notice in paper | Mailed to neighbors | P&Z meeting | |
| Approved | Approved with conditions: | | |
| Denied | | | |
| Notice in paper | Mailed to neighbors | City Comm. Meeting | |
| Approved | Approved with conditions: | | |
| Denied | | | |



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 16, 2015
PREPARATION DATE: June 12, 2015
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Abstract of Votes June 9, 2015

STATEMENT/PURPOSE: To consider approval of the Abstract of votes at the City of Mandan Special Election held June 9, 2015.

BACKGROUND/ALTERNATIVES: the City Canvassing Board met on Monday, June 15, 2015 to consider the abstract of votes. The City Canvassing Board reviewed the votes, of which there were 1,569 “yes” votes and 1,222 “no” votes.

ATTACHMENTS:

FISCAL IMPACT:

STAFF IMPACT:

LEGAL REVIEW:

RECOMMENDATION: see suggested motion

SUGGESTED MOTION: I move to certify the results of the Special City Election Ballot question:

“Shall the City of Mandan amend its Mandan Code of Ordinances to adopt an additional three fourths of a percent (0.75%) tax on gross receipts of retailers from all sales at retail and use tax as permitted by NDCC Ch. 57-39.2, as amended, from time to time, to be dedicated (i) to the financing and construction by the Mandan Park District of:

- a) a new two-rink hockey arena, including gymnastics facilities;
- b) a new football and track field; and
- c) conversion of Lefty Faris football and track field into ball fields;

The estimated cost of the project is \$22,000,000. Such sales and use tax revenues shall be pledged to the payment of bonds issued for such construction in anticipation of

Board of City Commissioners

Agenda Documentation

Meeting Date: June 16, 2015

Subject: Abstract of Votes, City of Mandan Special Election June 9, 2015

Page 2 of 2

the collection and receipt of such sales and use tax, and if so pledged, the sales and use tax may not be repealed so long as any such bonds or bonds refunding the bonds are outstanding.

The sales and use tax shall expire at the time all project costs are paid and the bonds issued to finance construction of the project are paid.”

Yes votes = 1,569

No votes = 1,222

ORDINANCE NO. 1209

AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP.

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

SECTION 1. AMENDMENT. Section 21-03-02 of the Mandan Code of Ordinances is amended to read as follows:

Lots 1-7, Block 1 of Heart Ridge 2nd Addition shall be excluded from the R7 district and included in the R3.2 district.

SECTION 2. RE-ENACTMENT. Section 21-03-02 of the Mandan Code of Ordinances is hereby re-enacted as amended. The city principal planner is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

President, Board of City Commissioners

Attest:

City Administrator

Public Hearing:

June 16, 2015

First Consideration:

June 16, 2015

Second Consideration and Final Adoption:

July 7, 2015

Recording Date:



"WHERE THE WEST BEGINS"

CITY OF MANDAN

MANDAN CITY HALL - 205 2nd Avenue NW

MANDAN, NORTH DAKOTA 58554

701-667-3215 • FAX: 701-667-3223 • www.cityofmandan.com

CITY DEPARTMENTS

| | |
|-------------------------------|----------|
| ADMINISTRATION | 667-3215 |
| ASSESSING/BUILDING INSPECTION | 667-3230 |
| BUSINESS DEVELOPMENT | 667-3485 |
| CEMETERY | 667-6044 |
| ENGINEER/PLANNING & ZONING | 667-3225 |
| FINANCE | 667-3213 |
| FIRE | 667-3288 |
| HUMAN RESOURCES | 667-3217 |
| LANDFILL | 667-0184 |
| MUNICIPAL COURT | 667-3270 |
| POLICE | 667-3455 |
| PUBLIC WORKS | 667-3240 |
| WASTEWATER TREATMENT | 667-3278 |
| SPECIAL ASSESSMENTS | 667-3271 |
| UTILITY BILLING | 667-3219 |
| WATER TREATMENT | 667-3275 |

RESOLUTION OF APPRECIATION

WHEREAS, Jay Flaa a native of Mandan, North Dakota was a member of the 2010 State Class A High School Championship Baseball team and 2011 Class A State American Legion Baseball Championship team.

WHEREAS, Jay Flaa pitched in Walla Walla, Washington last summer in the Northwoods League where he was very successful leading the league in strikeouts while pitching short relief.

WHEREAS, Jay Flaa was ranked 8th amongst pitching prospects in the entire league. He struck out 2 batters per inning pitched.

WHEREAS, the North Dakota State University Bison made it to the NCAA Tournament in Jay's junior year, 2014.

WHEREAS, with the 193rd pick of the 2015 Major League Baseball Draft the Baltimore Orioles selected Jay Flaa from North Dakota State University.

NOW, THEREFORE, I, Arlyn Van Beek, Mayor of the City of Mandan, on behalf of the Board of City Commissioners and all our citizens, do hereby extend this expression of our congratulations on a job well done.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the City of Mandan this tenth day of June, 2015.

CITY OF MANDAN

Arlyn Van Beek, Mayor

ORDINANCE NO. 1210

An Ordinance to Amend and Re-enact
Section 3-03-02 of the Mandan Code of Ordinances
Relating to Sales and Use Tax

Be it Ordained by the Board of City Commissioners as follows:

Section 3-03-02 of the Mandan Code of Ordinances is hereby amended and re-enacted to read as follows:

Section 3-03-02 Sales tax imposed.

~~Except as otherwise expressly provided in this chapter, there is imposed a tax of one percent upon the gross receipts of retailers from all sales at retail, including the leasing and renting of tangible personal property as provided in this section, within the corporate limits of the city, of the following to consumers or users:~~

- ~~1. Tangible personal property, consisting of goods, wares or merchandise;~~
- ~~2. The furnishing or service of communication services, or steam other than steam used for processing agricultural products;~~
- ~~3. Tickets or admissions to places of amusement or entertainment or athletic events, including amounts charged for participation in an amusement, entertainment or athletic activity;~~
- ~~4. Magazines and other periodicals;~~
- ~~5. The leasing or renting of a hotel or motel room or tourist court accommodations;~~
- ~~6. The leasing or renting of tangible personal property, the transfer of title to which has not been subjected to a retail sales tax under this chapter.~~

There is imposed a tax of one percent upon the gross receipts of retailers from all sales at retail, including the leasing and renting of tangible personal property, within the corporate limits of the city, of those items subject to taxation under NDCC Chapter 57-39.2. There is imposed an additional tax of three-fourths percent upon the gross receipts of retailers from all sales at retail, including the leasing and renting of tangible personal property, within the corporate limits of the city, of those items subject to taxation under NDCC Chapter 57-39.2, until such time as bonds for the construction of certain Park District improvements, subject of a June 9, 2015 special election are paid in full, at which time the additional tax of three-fourths percent shall terminate.

By: _____
President, Board of City Commissioners

Attest:

City Administrator

First Consideration: June 16, 2015
Second Consideration
and Final Passage: June 30, 2015

**RESOLUTION OF CITY OF MANDAN, NORTH DAKOTA
RELATING TO THE ISSUANCE OF BONDS AND
THE REIMBURSEMENT OF CERTAIN EXPENDITURES**

BE IT RESOLVED by the Board of City Commissioners of the City of Mandan, North Dakota (the "City") as follows:

Section 1. RECITALS.

(a) Treasury Regulation Section 1.150-2 (the "**Regulations**") restricts the use of tax-exempt bond proceeds to reimburse the City for project expenditures made by the City prior to the date of issuance of such bonds.

(b) The Regulations generally require that (i) the City declare its official intent to reimburse itself for prior expenditures from the proceeds of a subsequent issue of tax-exempt bonds no later than 60 days after making such expenditures, (ii) the bonds be issued within 18 months after making an expenditure or within 18 months after the project is placed in service, but in no event more than three years after the date the original expenditure was made, and (iii) the expenditure be either a capital expenditure or a cost of issuance of the bonds.

(c) The City, in conjunction with the Park District of the City of Mandan, North Dakota, plans to construct certain park and recreation facilities in the City. The City desires to comply with the Regulations in order to preserve the option of the City to be reimbursed for certain expenditures from the proceeds of tax-exempt bonds. The total costs of the improvements to be paid by the City are estimated to be approximately \$ 22,000,000.00. The City currently expects to pay a portion of the costs from funds on hand until the City can be reimbursed for such expenditure from the proceeds of bonds.

Section 2. OFFICIAL INTENT DECLARATION. The City reasonably expects to be reimbursed for all or part of the expenditures made for the construction of the project from the proceeds of bonds to be issued by the City. The maximum principal amount of such bonds or other obligations which may be issued for such purposes is approximately \$ 22,000,000.00

Dated: _____, 2015.

CITY OF MANDAN, NORTH DAKOTA

Attest:

President, Board of City Commissioners

City Administrator

The governing body of the City acted on the foregoing resolution at a properly noticed meeting held in Mandan, North Dakota, on _____, 2015, with the motion for adoption made by _____ and seconded by _____, and the roll call vote on the motion was as follows:

"Aye" _____

"Nay" _____

Absent _____