AGENDA
MANDAN CITY COMMISSION
OCTOBER 1, 2013
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 and Department Heads.

B. APPROVAL OF AGENDA:

C. PUBLIC COMMUNICATIONS;

D. MINUTES:
   1. Consider approval of the following minutes:
      i. September 17, 2013 – Regular Board Meeting
      ii. September 23, 2013 – Special Board Meeting

E. PUBLIC HEARING:
   1. Determine the sufficiency of protest concerning the annexation of certain lands in the general vicinity north of Mandan Middle School and Tesoro Refinery, and west of Highway 1806.
   2. Consider approval of a zone change for a part of the SE ¼ in Section 16, Township 139N, Range 81 West, Eagle Ridge 1st Addition.(First consideration of Ordinance #1169)(*See Ordinances No. 2*).
   3. Consider approval of a zone change for a part of Section 31, Township 139N, Range 80 West, Sylvesters Industrial Park 3rd Addition Lot 1 Block 1.(First consideration of Ordinance #1170)(*See Ordinances No. 3*).
   4. Consider approval of a zone change for a part of Section 31, Township 139N, Range 80 West, Midway 14th Addition Lots 1-3 & 6 Block 1.(First consideration of Ordinance #1171)(*See Ordinances No. 4*).

F. BIDS:

G. CONSENT AGENDA:
   1. Consider games of chance for the following:
      i. Bismarck Single File at Mandan Eagles Club from November 8, 2013 through December 31, 2013.
      ii. Ten Spot Scratch at Ten Spot Lanes from October 7, 2013 through October 13, 2013.
   2. Consider the Acceptance of a Traffic Safety Contract from the North Dakota Department of Transportation, Traffic Safety Office.

3. Consider authorizing a work change order on Street Improvement District No. 185, Project No. 2013-19 (Heart Ridge 2nd Addition).
4. Consider approval of administrative guidelines for City Pay Policies.
5. Consider proclaiming October, 2013 National Disability Employment Month in the City of Mandan.

H. OLD BUSINESS:

1. Consider confirmation of special assessments for Street Improvement District #148.

I. NEW BUSINESS:

1. Consider appointments to the Mandan Youth Commission.
2. Receive an update of the Bismarck Mandan Metropolitan Planning Organization long range transportation plan
3. Consider appointment of Karl Liepitz to the Planning and Zoning Commission.
4. Consider approval of a variance for the E 70' of Lots 1 & 2, Block 18, Helmsworth Mclean Addition.

J. RESOLUTIONS AND ORDINANCES:

1. Consider Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Safe Drinking Water Act.
2. *First consideration of Ordinance No. 1169 Zone Change for Eagle Ridge 1st Addition* – An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.
3. *First consideration of Ordinance No. 1170 Zone Change for Sylvesters Industrial Park 3rd Addition Lot 1, Block 1* – An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.
4. *First consideration of Ordinance No. 1171 Zone Change for Midway 14th Addition Lots 1-3 & 6, Block 1* – An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.
5. *Introduction and first consideration of Ordinance No. 1158, An Ordinance to Amend and Re-enact* Section 21-03-10(1)(a) of the Mandan Code of Ordinances relating to automobile parking.
6. Consider Resolution establishing license fees for the sale of alcoholic beverages.

K. OTHER BUSINESS:

L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. October 15, 2013
2. November 5, 2013 – 4 p.m. start
3. November 19, 2013

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.

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

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The Mandan City Commission met in regular session at 5:00 p.m. on September 17, 2013 in the Ed "Bosh" Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Frank (arrived at 5:30 p.m.) and Braun. Department Heads present were Finance Director Welch, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development and Communications Director Huber, Planning & Engineering Director Froseth, and Engineering Project Manager Fettig. Absent: Police Chief Bullinger, and Assessor/Building Official Lalim.

B. APPROVAL OF AGENDA: Commissioner Braun motioned to approve the Agenda as presented. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present. The motion passed.

C. PUBLIC COMMUNICATIONS:

1. Wayne Papke, a Mandan resident came forward to comment. He extended an appreciation to Greg Welch for the nice job he does with the Budget process from year to year. Papke commented that the expenditure budget this year went up 14% which is a substantial increase from $26.638 million to $30.424 million. He said that is concerning. He stated this is a good time to reflect on the tax policy, in particular the tax incentives given on a discretionary basis. That accounted for $800,000 in revenue that was forfeited coupled with the YMCA project, of which property taxes could have been reduced 20% if not for these items. He pointed out that those were choices made by the City Commission and that's the effects of it.

2. DeNae Kautzmann, a Mandan resident came forward and inquired how the Commission would like to proceed with special assessment District 148. She indicated that she is appealing the assessments and asked if it should be brought forward now or when that item is discussed? Mayor Van Beek requested she present her request at this time. Ms. Kautzmann stated she is speaking on two notices of appeal of assessments.

(1) With regard to her personal property, Parcels 1563, 1563A and 1563B. She stated she is appealing the assessments because she believes the assessment exceeds the benefit which is contrary to state law. She provided an example of her parcel vs. River Bend parcels which are equal distance to Mandan Avenue and the River Bend parcels are assessed $600 lower than her parcels. The second point she made was the water line she is being assessed for is a secondary waterline and that waterline is of no benefit to Parcels 1563A and 1563B as there is no primary waterline to back up at this time. Those parcels are undeveloped at this time. The assessment list is incomplete as there are parcels on 2nd Avenue Northeast that have been missed. She stated she has inquired, but does not know what the resolution was, regarding the steps on Pat Atkinson's property on Mandan Avenue. Atkinson requested those steps and they only benefit him. That should not be spread throughout the district. Finally, the Park District should be assessed for the City Park within the special assessment district and for the bike trail along Mandan Avenue.

(2) The Special Assessment Commission failed to follow Section 40-23-07 NDCC because it did not levy the assessments to the just proportion of the total cost to be paid by special assessments. Assessments were issued per unit that is not allowable per statute or the established case law.

(3) 1563B was determined by the City to be buildable. They never addressed 1563A. She stated that the problem is that she is landlocked with the property surrounding these lots. All the rights of way that abut these lots have been vacated. There are no streets, water, sewer, or fire protection there. She provided a history of this long-standing problem. Based on the history given, Kautzmann believes the lots are not buildable therefore, they should not be assessed. She mentioned the concerns she brought forth at the August 7th and August 14th Special Assessment Commission Public Hearing and meetings have not been addressed. She believes the Special Assessment Committee has shirked its responsibilities and they failed to act on the objections raised at the public hearing. Finally, the special assessment list filed with the City affirms that it is correct. That's found under Section 40-23-11 and 40-23-12.

(4) Kautzmann stated that she has the same concerns regarding property owned by Kautzmann Property and Management.

Kautzmann requested the Commission consider the comments provided and the objections brought forth regarding her property. Her recommendation is to remand the matters back to the Special Assessment Committee to correct the errors and resubmit the corrected versions to the City Commission.

Bernice Thomas, a Mandan resident residing on 3rd Street Northeast, came forward to comment. She stated she does not understand the assessment process for this project. Her recommendation is for the Commission to scrap this assessment plan and that they go back and refigure it so it is equally shared.

Casey Chapman came forward to report information regarding liquor licenses that he obtained after a discussion with Brian Neugebauer, the City Attorney from West Fargo. He stated that West Fargo has unlimited licenses. West Fargo controls liquor licenses by zoning. They zone in certain areas and let the market take care of it. The fees that are charged for licenses are minimal at between $1,000 and $2,000. The West Fargo Commission has taken the position that they are not going to limit the number of liquor licenses in the city.

Deborah Holter, a Mandan resident came forward to comment on the special assessment for District 148. She stated she has 4 parcels that are assessed. She is a member of the Special Assessment Committee even though she did not take part in this special assessment other than to try to move it forward. The reason the objections are here is largely because when she as a commission member and she as a citizen ask questions, she could not get answers. She concurred with the testimony provided by Ms. Kautzmann in that the Special Assessment Committee did not perform its responsibility concerning the objection in looking at the assessments in this district to make sure they were equitable. She provided information on the actions of the Committee when this matter was discussed. She noted that the objections were not dealt with. She voiced concern about the assessments to her property, in comparison to those residents in River Bend. She indicated that she was concerned she received an assessment increase and did not know why. She stated she also has three lots on 3rd Street and the same things apply to them. She indicated that she is being charged for a secondary waterline. Secondly, there is a

16" waterline that runs down Mandan Avenue and the west side of the street has been assessed 70% and the east side of the street has been assessed 30%. She wanted to know why? She provided a transcript of a proceeding that was held in 2007 concerning this. She pointed out discrepancies with the information within the transcript. She believes the west side of Mandan is assessed more than the east side of Mandan and requested the City Commission listen to the objections of the citizens in determining assessments equally.

Commissioner Tibke clarified that a backup taping of any proceeding is good practice. She stated the Commission provides as much transparency as possible to the citizens. Holter replied the concern brought forward is that the problem at the meeting has not been dealt with.

D. MINUTES:

1. Consider approval of the following minutes from the Board of City Commission meeting held on September 3, 2013. Commissioner Rohr moved to approve the minutes from the Board of City Commission meeting held on September 3, 2013. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

E. PUBLIC HEARING:

1. Public Hearing scheduled at 6:00 p.m. to review and discuss the Preliminary 2014 Budget. (See Ordinances and Resolutions #1 and #2). Mayor Van Beek stated this is a public hearing and invited anyone to come forward to speak for or against this matter. A second announcement was made to come forward. Hearing none, this portion of the public hearing was closed. Finance Director Welch stated that the Finance Department has not received any written or oral comments in objection to the proposed 2014 Budget. However, this afternoon he indicated that he did receive and responded to two email questions from Wayne Papke. In response to the public comment that was made this evening he replied that at the meeting on August 20th a comprehensive and detailed Budget was presented to this Board, to the public and to the media. Following that meeting the City's preliminary 2014 Budget was posted on the City's website. The information is available and the Finance Department is transparent with financial information. A summary of the information provided at the August 20th meeting was presented by Mr. Welch.

Commissioner Braun extended a thank you to Mr. Welch for his expertise, dedication and hard work in preparing the 2014 Budget.

F. BIDS:

G. CONSENT AGENDA

1, Consider approval of monthly bills.

3. Consider request from Human Resources Department to destroy documents in accordance with the records retention schedule.

4. Consider authorizing a work change order on Street Improvement District No. 174, Project No. 2012-16 (Plainview Heights 13th Addition).
5. Consider authorizing a work change order on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6th and 7th Addition).
6. Consider approval of the following abatements: (i) Street Appraisal – James Wetsch (ii) Street Appraisal – Monte Binstock (iii) Street Appraisal – Theresa Timmerick.
7. Consider proclamation designating September 21, 2013 as Nickelodeon Worldwide Day of Play in the City of Mandan. Mayor Van Beek read the Proclamation.

Commissioner Tibke moved to approve the Consent Agenda items No. 1, 3, 4, 5, 6, 7 as presented. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

Commissioner Tibke requested Consent Agenda Item No. 2 be removed from the Agenda for discussion: *Consider confirmation of special assessments for Street Improvement District #148.* Commissioner Tibke requested City Staff to assist with this item. She inquired how many parcels this affected. Phyllis Hager, Special Assessment Analyst came forward to provide information. Hager stated that within the street project there were 426 property owners who were assessed. Commissioner Tibke suggested that regarding the two presented objections to this matter, those concerns should be addressed. Subsequently, a meeting should be scheduled soon after to review the outcomes of the questions asked and then bring back the Special Assessment Committee recommendations. She asked about the timeline involved in this process. Hager replied that October 15th would be the last meeting that there could be any activity or approval on this project. Commissioner Tibke recommended setting a meeting for Friday (9/21/13) to discuss the concerns brought up and then there would be time to respond and make a decision based on recommendations.

City Attorney Brown stated he did not attend the August 7, 2013 Special Assessment Commission Public Hearing. He attended the meeting of the Special Assessment Commission on the morning of August 14th stating that Holter was there, Kautzmann was not. He indicated the only information he has been provided was that in their opinion their properties were not benefited by the project and by the assessments. He stated he has been waiting for specific information as to why they thought they were not benefited and this is what we have tonight. Commissioner Tibke recommended City Attorney Brown and staff reviews the concerns at a meeting and then provide a response to the City Commission at an upcoming meeting.

Commissioner Tibke moved to table Consent Agenda Item No. 2. Commissioner Braun seconded the motion. Commissioner Tibke requested a meeting be scheduled at a time agreed upon by those who need to be present and subsequently recommendations will be reviewed at the Commission meeting on October 1st. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

H. OLD BUSINESS:

1. Discussion regarding liquor licenses. City Administrator Neubauer stated that at the working session several possibilities were discussed with regard to liquor license issuance. He concurred with Mr. Chapman's earlier information regarding West Fargo license process and fees stating that he also had an opportunity to visit with City Attorney Neugebauer from West Fargo. He stated that Deputy Chief Leingang has visited with the City of Grand Forks and has provided that information in the handouts. Grand Forks also has unlimited number of licenses as West Fargo does. Grand Forks has an application fee and an issuance fee as set by Resolution. Neubauer explained how Mandan determines the number of licenses for the City. As of September 13, 2013, Mandan has seen an increase of 657 water meter units since July 1, 2012. Neubauer reviewed the various ways cities throughout North Dakota have in place stating that they are all a little different. There is one application for a Class A license for consideration at this time. Commissioner Tibke inquired of pros and cons for Grand Forks for the unlimited licenses. Neubauer stated they have 78 licenses out and all are being utilized. Grand Forks and Fargo have server training programs in place. They also do compliance checks on the bars to make sure no one under 21 is being served.

Commissioner Frank stated one of the concerns now is the units being under the 500 number limits. She noted that previous meeting discussions addressed whether to issue a license after the number would hit 500 or if it would be issued at a certain date (June 20th was a suggestion). She stated she is thinking the number of units might be a consideration. Administrator Neubauer mentioned that the May 31st date was picked as the time to determine if the City has met the 500 living units. Subsequently at the next meeting it would be discussed as to whether or not to open up new licenses. If the decision was to open up new licenses that would allow for time to advertise that we had additional licenses so we could get those additional licenses bed and possibly awarded by July 1st, which is the annual renewal time. Commissioner Frank pointed out that there are two decisions to be made: (1) To decide on the Class A liquor licenses and what that really means; and (2) That consideration is given to having the 500 living units being the indicator when to open up, which would allow us at that moment to consider adding license as opposed to waiting on a specific date for them to be available.

Commissioner Frank motioned that the Class A on-sale and off-sale beer and liquor licenses have a requirement of seating for 30 or greater. Commissioner Braun seconded the motion. Commissioner Frank commented that the discussion that occurred regarding measurements of footage would be difficult thus seating requirement will be more manageable considering that the primary focus will be on-sale with off-sale being available. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

Commissioner Rohr motioned to approve unlimited Class D-1 with the fee to be determined. Commissioner Tibke seconded the motion. Commissioner Tibke questioned whether West Fargo has the same classes as Mandan, (Class A, Class D-1, etc.), and are they all unlimited? Neubauer replied "yes" however, they may go by different names.

Commissioner Frank indicated that she is unsure if all classes should be given as an unlimited status. Commissioner Braun suggested assigning "Open" and then come up with figures for each class. Administrator Neubauer said an option would be to issue unlimited licenses for all classes and then charge an issuance fee for new ones. He stated that if the theory on liquor licenses is to provide a source of revenue, because they do have value created by the commission, then a specific amount should be set. Commissioner Frank concurred that the source of revenue from license fees is an important resource the City has in place. Commissioner Rohr pointed out that Class B and Class C licenses do not have any limits placed on them. Class E and F also have no limits. Commissioner Braun seconded the motion for un-limiting the D-1 licenses and setting a fee (to be determined).

Administrator Neubauer stated that the last time two Class D-1 licenses were put out for public bid, one generated $40,000 and the other generated $36,000. Attorney Brown offered a point of reference on this matter stating that Grand Forks has a Class 3 on or off sale and the issuance fee is $5,320 and the annual fee is $1,670. However, they do not allow beer sales in a Convenience Store. Administrator Neubauer suggested that with direction from the Board, an ordinance could be drafted and brought back for First and Second readings and then a Resolution would be drafted setting the issuance fees.

Commissioner Rohr moved to amend the motion to set the fee at $35,000. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: No; Commissioner Frank: Yes; Commissioner Braun: No; Commissioner Van Beek: Yes. The Amended motion passed. Mayor Van Beek returned to vote on the Original motion: to approve unlimited Class D-1 licenses and to add the Amended Motion that allows for a $35,000 license fee. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: No; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The Original motion passed.

Commissioner Braun motioned to approve the Class A, Class D, Class D-1 that includes the Special B on-sale licenses for unlimited. City Administrator Neubauer suggested the motion could be to request City Attorney Brown to draft an Amendment to the Ordinance to un-limit the number of establishments per class of license and then if that Amendment passes, that will be brought back before the Commission and there could be a determination of the issuance fee for each of those.

Commissioner Braun withdrew his motion and entered a new motion to draft an Ordinance to remove the limitations on the number of licenses that currently have limitations. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

Commissioner Frank recommended that when drafting the Ordinance the bid amounts that were previously used be considered as suggested amounts for the Ordinance.

I. NEW BUSINESS:

1. Consider the creation of, approval of the feasibility report for, approve the plans and specifications, approve engineer's report, direct advertisement for bids and approve sufficiency of petition for Street Improvement District No. 189, Project No. 2013-30 (Lakewood 6th Addition Lot 10B Block 2 Replat). (See Resolution No. 3). Engineering Project Manager Fettig stated that the developer is requesting the City to allow special assessment costs to the benefiting properties for the development of Oxbow Trail Southeast. There is about 150 ft. of Oxbow Trail. The location is off 40th and 29th. This will gain access into the adjoining property. The cost of the project is approximately $50,367.20, the engineering and administration costs are $17,628.52 bringing the total cost to $67,995.72. There will be approximately 19 lots receiving $3,578.72 in assessments.

Commissioner Frank moved to approve the creation of, approval of the feasibility report for, approve the plans and specifications, approve engineer's report, direct advertisement for bids and approve sufficiency of petition for Street Improvement District No. 189, Project No. 2013-30 (Lakewood 6th Addition Lot 10B Block 2 Replat). Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. Consider Amendment No. 1 to Agreement Between Owner and Engineer for Professional Engineering Services of the Mandan Water Treatment Plant, Phase II Optimization Project. Justin Froseth, Planning & Engineering Director, reviewed with members a request to consider an Amendment to an agreement between the owner and Engineer for Professional Engineering Services of the Mandan Water Treatment Plan, Phase II Optimization Project. Froseth stated that the City has secured a State revolving fund loan to make improvements to the Water Treatment Plant. The scope of the improvements varied and a list of probable costs was provided for review. The scope has changed since the SRF loan application was submitted and approved and as a result of problems that came about after the loan was approved. AE2S anticipates more work will be required in the construction phase of this project. AE2S has completed the plans for the project which is currently out for bid with an opening date of October 10, 2013.

Commissioner Tibke moved to approve Amendment No. 1 to the Agreement for Engineering Services with Advanced Engineering and Environmental Services for the Phase II Optimization Project of the Water Treatment Plant. Commissioner Braun seconded the motion. Froseth stated that the additional funds required due to the amendment can be applied for under the SRF loan application that is in effect. He also stated that this does not affect water quality because this was considered a spring run-off needed for the pre-treatment. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. Introduction of new employee, Robert Decker, Principal Planner: Justin Froseth Planning & Engineering Director introduced Robert Decker as the new Principal Planner

effective September 16, 2013. Mayor Van Beek welcomed Mr. Decker to his new position with the City of Mandan.

J. RESOLUTIONS AND ORDINANCES*:*

1. Consider the second and final consideration of Ordinance No. 1163 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2014, and ending December 31, 2014, and making the annual tax levy for the year 2013. Commissioner Frank moved to approve the second and final consideration of Ordinance No. 1163 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2014, and ending December 31, 2014, and making the annual tax levy for the year 2013. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. Consider Resolution establishing rates and charges for services from the Water and Sewer Utility Fund. Commissioner Frank moved to approve the Resolution establishing rates and charges for services from the Water and Sewer Utility Fund. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. Consider the Resolutions creating district, approving engineer's report, determining sufficiency of protest, approving the plans and specifications and directing advertisement for bids for Street Improvement District No. 189, Project No. 2013-30 (Lakewood 6th Addition Lot 10B Block 2 Replat). Commissioner Tibke moved to approve the Resolutions creating district, approving engineer's report, determining sufficiency of protest, approving the plans and specifications and directing advertisement for bids for Street Improvement District No. 189, Project No. 2013-30 (Lakewood 6th Addition Lot 10B Block 2 Replat). Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

Engineering Project Manager Fettig clarified that the following two items do not need action at this time as they were carried over from the Consent Agenda.

4. Consider authorizing a work change order on Street Improvement District No. 174, Project No. 2012-16 (Plainview Heights 13th Addition).

5. Consider authorizing a work change order on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6th and 7th Addition).

K. OTHER BUSINESS

There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 6:55 p.m. Commissioner Rohr 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

The Mandan City Commission met in Special Session at noon on Monday, September 23, 2013 in the Dykshoorn Meeting Room at City Hall. Commissioners present via teleconference call were: Van Beek, Tibke, Frank, and Rohr. Commissioner Braun and Department Head City Administrator Neubauer were present. Also present: Deb Zodrow.

NEW BUSINESS*:*

1. Consider approval of a charitable games of chance permit for Natalie Henke for September 28, 2013. Commissioner Frank motioned to approve the charitable games of chance permit for Natalie Henke for September 28, 2013. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

RESOLUTIONS & ORDINANCES:

OTHER BUSINESS:

There being no further actions to come before the Board, Commissioner Frank moved to adjourn the meeting. Commissioner Braun seconded the motion. The motion received unanimous approval of the Board members present and the meeting adjourned at 12:04 p.m.

/s/ James Neubauer
James Neubauer,
City Administrator

/s/ Arlyn Van Beek
Arlyn Van Beek,
President, Board of City Commissioners

Public Hearing No. 1

Board of City Commissioners

Agenda Documentation

MEETING DATE: October 1, 2013
PREPARATION DATE: September 25, 2013
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: North Annexation Public Hearing

STATEMENT/PURPOSE: To consider results from the North Annexation proposal.

BACKGROUND/ALTERNATIVES:

- August 20th, proposed resolution for annexation presented to the City Commission for their consideration
- August 23rd, resolution for annexation published in Mandan News
- August 23rd, certified letters mailed to property owners in annexation area
- August 30th, resolution published for 2nd time
- September 23, 2013, 4:30 p.m. deadline for protests to the annexation
- October 1, 2013, 5:30 p.m. Public Hearing regarding sufficiency of protests

Several large pieces of property have changed hands over the past few years and new owners have requested city services (water, sanitary sewer, streets) in order to develop their property into urban commercial and residential areas. In order to serve these areas, an annexation of approximately 876.66 acres was proposed.

As of September 23, 2013, protests of the annexation amounted to 127.97 acres or 14.6% of the land area in the proposed annexation. In order to prevent the annexation from occurring 219.17 (25%) acres would need to have been protested. Therefore, the area not protesting is above 75% and thus not a sufficient amount of land area protested to halt the annexation.

Should the Board find that there is not a sufficiency of protests, the annexation resolution is signed and in turn recorded with the County recorder. The annexation is effective as of the date of the recording, and for tax purposes, the annexation is effective as of February 1, 2014. The property tax statements that are issued in December 2014 will reflect this.

ATTACHMENTS: Map of the annexation area

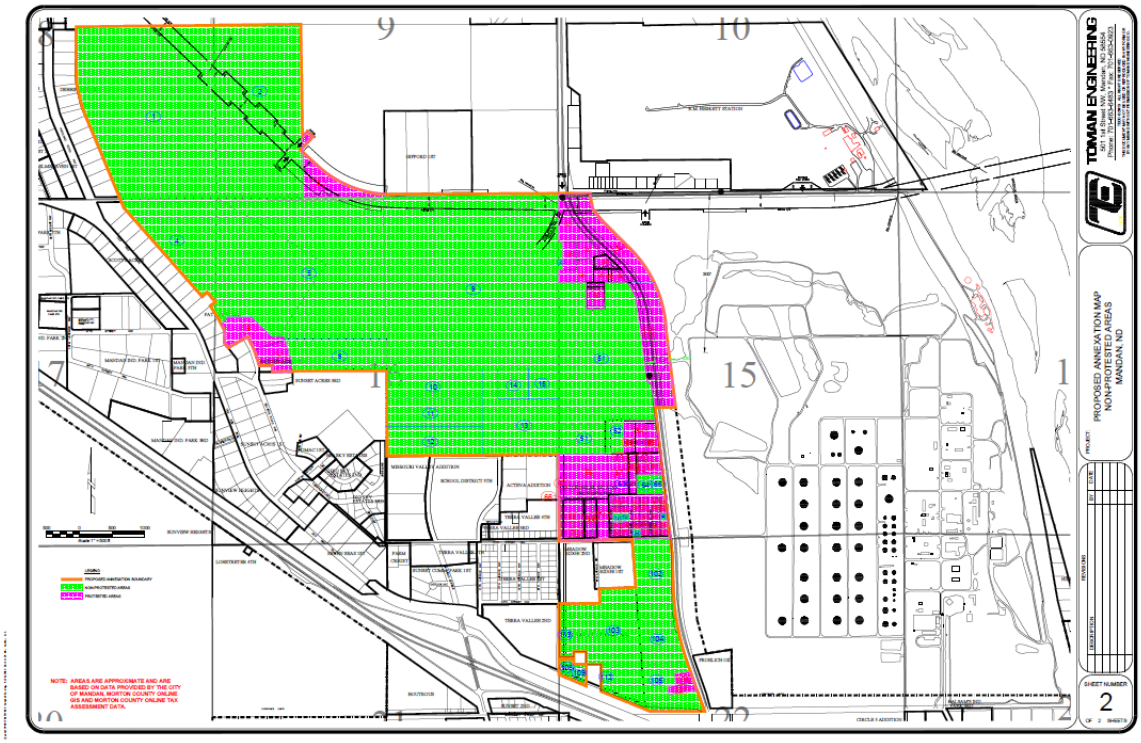
FISCAL IMPACT: uncertain at this time

STAFF IMPACT:

LEGAL REVIEW:

RECOMMENDATION: I recommend the city find that there are insufficient protests to prohibit the proposed annexation.

SUGGESTED MOTION: I move to find there are insufficient protests to prohibit the proposed annexation.



Public Hearing No. 2 & Ord. No. 2

Board of City Commissioners

Agenda Documentation

MEETING DATE:	October 1, 2013
PREPARATION DATE:	September 26, 2013
SUBMITTING DEPARTMENT:	Engineering/Planning
DEPARTMENT DIRECTOR:	Justin Froseth, Planning & Engineering Director
PRESENTER:	Kim Fettig, Project Manager
SUBJECT:	Consider a change of zoning of a part of Section 16, Township 139 N, Range 81W(Eagle Ridge 1st Addition).

STATEMENT/PURPOSE: Request to change the zoning of a part of Section 16, Township 139N, Range 81W from R7 (Single-Family Residential), R3.2 (Two-Family Residential) and RM (Multi-Family Residential) to all RM (Multi-Family Residential).

BACKGROUND/ALTERNATIVES: Request from Dennis Meyer and Eagle Ridge Development for a zone change from R7 (Single-Family Residential), R3.2 (Two-Family Residential) and RM (Multi-Family Residential) to all RM (Multi-Family Residential).The property is the Eagle Ridge 1st Addition plat. The Planning & Zoning Commission voted unanimously to approve the zone change on August 26, 2013.

ATTACHMENTS:
1. Office Report
2. Map
3. Ordinance

FISCAL IMPACT: Minimal

STAFF IMPACT: Minimal

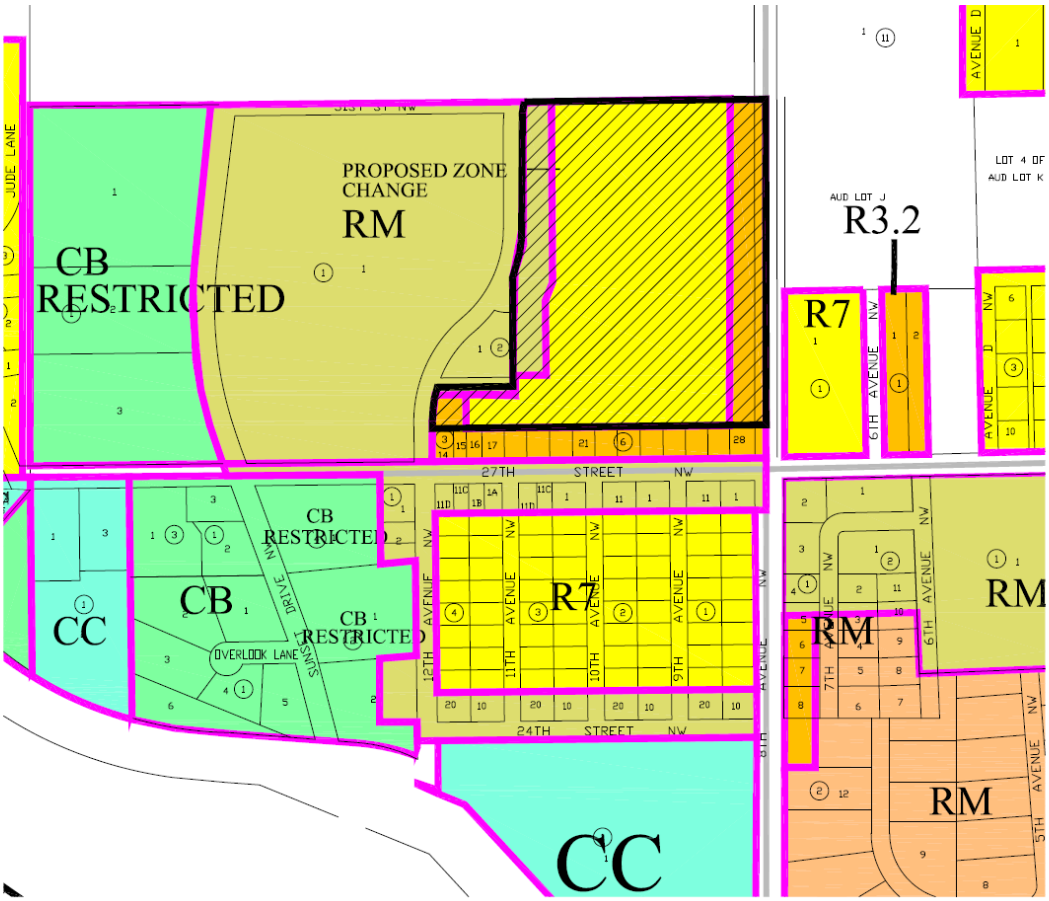
LEGAL REVIEW: All of my commission data has been forwarded to the City Attorney for his review.

RECOMMENDATION: To approve the zone change to RM (Multi-Family Residential).

SUGGESTED MOTION: I move to approve the zone change for Eagle Ridge 1st Addition in Section 16, Township 139 North, Range 81West from R7 (Single-Family Residential), R3.2 (Two-Family Residential) and RM (Multi-Family Residential) to all RM (Multi-Family Residential).

MANDAN PLANNING OFFICE REPORT
September 26, 2013

Applicant(s):	Eagle Ridge Development, LLC
Owner(s):	same
Requested Action:	Zone Change Approval
Name of Subdivision:	Eagle Ridge 1st Addition
Legal Description:	All of Terra Vallee 6th Addition in Section 16, Township 139N, Range 81W
Located:	8th Avenue NW
Parcel Acreage:	24.75
Existing Land Use:	vacant
Proposed Land Use:	two-family and multi-family residential
Adjacent Land Use:	vacant, school and single-family residential
Existing Zoning:	R7 (Single-Family Residential), R3.2 (Two-Family Residential) and RM (Multi-Family Residential)
Proposed Zoning:	RM (Multi-Family Residential)
Adjacent Zoning:	A (Agricultural), R7 (Single-Family Residential) and RM (Multi-Family Residential)
Fee(s) Required:	$250.00 Date Received: August 2, 2013
Adjacent Property Owner Notification:	September 5, 2013
Dates of Legal Notices:	September 13 & 20, 2013
Recommendations:	The Planning Office recommends approval.


PROPOSED ZONE CHANGE
RM
CB
RESTRICTED
R3.2
R7
CB
RESTRICTED
CC
CB
CB
RESTRICTED
R7
RM
RM
RM
CC
27TH STREET NW
24TH STREET NW
OVERLOOK LANE
SUNSET DRIVE NW
12TH AVENUE NW
11TH AVENUE NW
10TH AVENUE NW
9TH AVENUE NW
7TH AVENUE NW
6TH AVENUE NW
5TH AVENUE NW
AVENUE D
JUDE LANE

ORDINANCE NO. 1169

AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF ORDINANCE 1088 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:

The following described property located within the City of Mandan, Morton County, North Dakota shall be excluded from R7 (Single-Family Residential), R3.2 (Two-Family Residential) and RM (Multi-Family Residential) and shall be included in the RM (Multi-Family Residential) zoning namely,

Eagle Ridge 1st Addition in Section 16, Township 139N, Range 81W in the City of Mandan, Morton County, North Dakota

and as so amended said section is hereby reenacted. The city administrator 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:	August 26, 2013
First Consideration:	October 1, 2013
Second Consideration and Final Reading:	October 15, 2013
Publication Date:	_____
Recording Date:	_____

Public Hearing No. 3 & Ord. No. 3

Board of City Commissioners

Agenda Documentation

CITY OF MANDAN
"WHERE THE WEST BEGINS"

MEETING DATE:	October 1, 2013
PREPARATION DATE:	September 26, 2013
SUBMITTING DEPARTMENT:	Engineering/Planning
DEPARTMENT DIRECTOR:	Justin Froseth, Planning & Engineering Director
PRESENTER:	Kim Fettig, Project Manager
SUBJECT:	Consider a change of zoning of a part of Section 31, Township 139 N, Range 80W (Sylvester's Industrial Park 3rd Addition, Lot 1Block 1).

STATEMENT/PURPOSE: To consider a zone change from CC (Heavy Commercial) Restricted(the restrictions being no railroad trackage, auto laundry, auto repair(as a primary use), commercial parking lot/garage, off-premise advertising sign, steam bath, tire/battery repair, storage building/warehouse or any of the wholesale group) to CC (Heavy Commercial) no restrictions for Lots 1-3 & 6, Block 1, Midway 14th Addition.

BACKGROUND/ALTERNATIVES: Our office received a request from Western Partners LLP for a zone change from CC (Heavy Commercial) Restricted to CC (Heavy Commercial) no restrictions for Lots 1 & 2, Block 1, Sylvester's Industrial Park 3rd Addition. I have attached the August 26th Planning and Zoning Minutes(see New Business #1). The Planning & Zoning Commission voted 10 ayes and 3 nayes to approve removing the restrictions from only Lot 1, Block 1.

ATTACHMENTS:
1. Office Report
2. Map
3. Ordinance
4. Planning and Zoning August 26th Minutes

FISCAL IMPACT: Minimal

STAFF IMPACT: Minimal

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

RECOMMENDATION: To approve removing the restrictions from Lot 1, Block 1, Sylvester's Industrial Park 3rd Addition.

SUGGESTED MOTION: I move to approve removing the restrictions from Lot 1, Block 1, Sylvester's Industrial Park 3rd Addition.

MANDAN PLANNING OFFICE REPORT
September 26, 2013

Applicant(s): Western Partners LLP

Requested Action: Zone Change Approval

Name of Subdivision: Sylvester's Industrial Park 3rd Addition

Legal Description: Lots 1 & 2, Block 1, Sylvester's Industrial Park 3rd Addition in Section 31, Township 139N, Range 80W

Located: Memorial Highway SE

Existing Land Use: vacant

Proposed Land Use: convenience store and car wash

Adjacent Land Use: Kroll's Diner across Memorial Highway and vacant

Existing Zoning: CC Restricted (Heavy Commercial with restrictions) no railroad trackage, auto laundry, auto repair (as a primary use), commercial parking lot/garage, off-premise advertising sign, steam bath, tire/battery repair, storage building/warehouse or any of the wholesale group.

Proposed Zoning: CC (Heavy Commercial), removing the restrictions

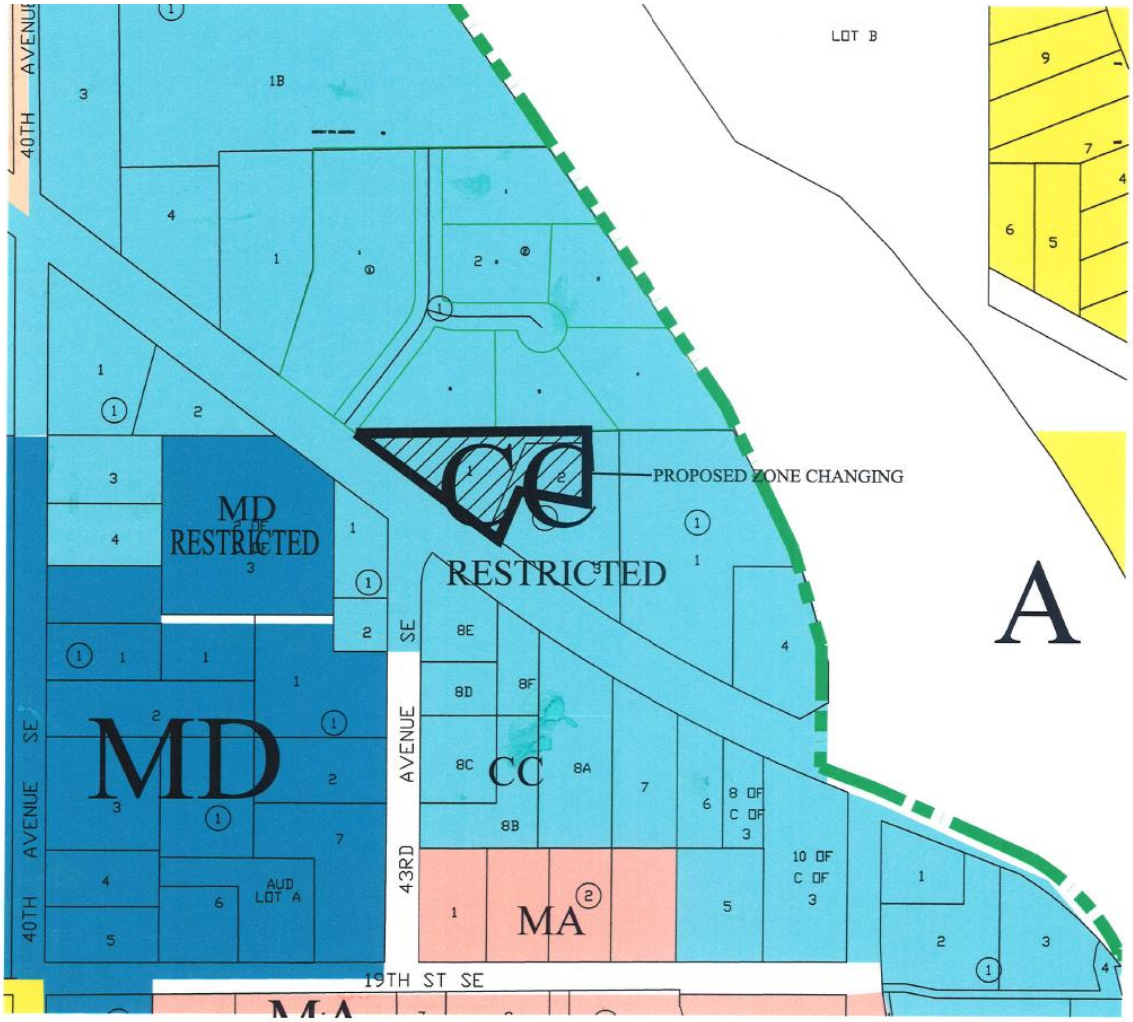
Adjacent Zoning: CC Restricted (Heavy Commercial with same restrictions) and MD Restricted (Heavy Industrial/Heavy Commercial) will allow radio or t.v. transmitting station and all CC heavy commercial uses except: railroad trackage, auto laundry (car wash), auto repair garage (as a primary use), commercial parking lot/garage, off-premise advertising sign, steam bath, tire/battery repair, storage building/warehouse or any of the wholesale group.

Fee(s) Required: $250.00 Date Received: July 17, 2013

Adjacent Property Owner Notification: September 4, 2013

Dates of Legal Notices: September 13 & 20, 2013

Recommendations: The Planning Office recommends approval.


LOT B
PROPOSED ZONE CHANGING
MD
RESTRICTED
RESTRICTED
A
MD
CC
MA
40TH AVENUE SE
43RD AVENUE SE
19TH ST SE
AUD LOT A

ORDINANCE NO. 1170

AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF ORDINANCE 1088 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:

The following described property located within the City of Mandan, Morton County, North Dakota shall be excluded from CC Restricted (Heavy Commercial with restrictions of no railroad trackage, auto laundry, auto repair as a primary use, commercial parking lot/garage, off-premise advertising sign, steam bath, tire/battery repair, storage building/warehouse or any of the wholesale group) and shall be included in the CC (Heavy Commercial removing the restrictions) zoning namely,

Lots 1 & 2, Block 1, Sylvester's 3rd Addition in Section 31, Township 139N, Range 80W, City of Mandan, Morton County, North Dakota

and as so amended said section is hereby reenacted. The city administrator 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:	August 26, 2013
First Consideration:	October 1, 2013
Second Consideration and Final Reading:	October 15, 2013
Publication:	_____
Recording Date:	_____

MANDAN PLANNING AND ZONING COMMISSION

MANDAN CITY HALL BUILDING
August 26, 2013

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall Building on August 26, 2013 at 5:15 p.m. CDT.

Commissioners Present: Zachmeier, Fleischer, Hilfer, Robinson, Klein, Knoll, Van Beek, Leingang, Kelly, Laber, Wetch, Mehlhoff

Commissioners Absent:

Commissioner Fleischer motions to approve the July 22, 2013 minutes. Commissioner Laber seconds. Upon vote, the motion receives unanimous approval of the Board.

New Business

1. A request from Western Partners LLP for a change zoning. The request is to change the zoning of Lots 1 & 2, Block 1, Sylvester's Industrial Park 3rd Addition in Section 37, Township 139N, Range 81W from CC Restricted (Heavy Commercial) to CC (Heavy Commercial), removing the restrictions. The property is located on Memorial Highway SE.

The zone change request is for Lots 1 & 2. The gas station would be built on Lot 1 and extend onto Lot 2 a little ways. The request is to remove the restrictions so a car wash can be added to the back of the building.

The restrictions were placed on the heavy commercial in 2009. The restrictions are no railroad trackage, auto laundry, auto repair (as a primary use), commercial parking lot/garage, off-premise advertising sign, steam bath, tire/battery repair, storage building/warehouse or any of the wholesale group.

Mike Wachter, a partner in Wind River Properties, speaks. They own Lot 3 in this subdivision. Their plans were for a strip mall. He supports lifting the restrictions on Lot 1, but not Lot 2 because it is directly behind his lot. He is concerned about what could be placed behind his building and possible noise and aesthetic issues. In 2009, the city studied what they wanted on this end of the strip. It was determined commercial with the restrictions so if somebody wanted to put up an office building, they would not have a noisy auto repair shop next door. If the restrictions are lifted on Lot 2, he may have to downscale his building plans.

Kim says the building inspection department ok'd the site plan. Right now they could build an auto repair shop on Lot 2 if it was not a primary use.

Tim Miller, Missouri River Contracting, is doing construction on the project. There are no plans for Lot 2 at this time. He had a car wash supplier fax him some information. The decibel level at the entrance of the car wash would be about 95. Forty feet away it would be reduced to 78. The exit would be 101 decibels decreasing to 81 at forty feet away. They planned the car wash on the back to enhance the view from the strip. The lot will be half pavement and half grass.

Mike Wachter says he doesn't have an issue with the car wash, but does have one with the open door on what can be put on Lot 2. The city just passed a noise ordinance. On a commercial property, the noise ordinance is 65. The city and Planning & Zoning sold him on the restrictions three years ago and he wants to stay the course.

There was another adjacent property owner who sent a letter requesting the restrictions be lifted on Lot 1 only.

Kim says the Planning Department supports the request because it becomes difficult to monitor when restrictions are lifted one lot at a time.

Commissioner Zachmeier wants to know if a study was approved by ordinance and if approving this would go against city ordinance. Kim says she did not find evidence of an official study and she was not involved at that time, but thinks the intention was to keep more unsightly uses from that area. She explains this is a change of zoning and every time a zone change is approved it is written as an ordinance.

Commissioner Leingang motions to approve lifting the restrictions on Lot 1 only. Commissioner Klein seconds. Upon vote, the motion passes with the following vote: Zachmeier-nay, Fleischer-aye, Hilfer-aye, Robinson-aye, Klein-aye, Knoll-aye, Van Beek-nay, Leingang-aye, Kelly-aye, Laber-nay, Wetch-aye, Mehlhoff-aye.

2. A request from M & P, LLP for a change of zoning. The request is to change the zoning of Lots 1-6, Block 1, Midway 14th Addition in Section 31, Township 139N, Range 81W from CC Restricted (Heavy Commercial) to CC (Heavy Commercial), removing the restrictions. The property is located on Memorial Highway SE.

This request is similar to item one. Dwight Pletan, Action Sports is requesting the restrictions be lifted so they can build a warehouse for the store. The warehouse would be located behind the store. One of the restrictions is no storage/warehouse. He wants to market the remaining lots. Kim says the Planning Department supports the request because the storage is for the store and it would be sightlier to have things stored outside.

Action Sports would be on Lot 1. There is a letter from an adjacent property owner, Randy Rhone, Developers LLC, supporting the request except for Lots 4 & 5. These two lots are next to his lot and Wachter's lot. They want to protect their interests from

anything that could potentially cause problems for their projects such as noise or visual pollution.

Mayor Van Beek doesn't know why Dwight Pletan's lots should be restricted when Wachter has not developed his property and has not brought in plans to do so since 2009.

Wachter says they are not opposed to this request. The letter came from Randy Rhone.

Commissioner Leingang motions to approve removing the restrictions on Lots 1-3 & 6, but not on Lots 4 & 5. Commissioner Fleischer seconds. Upon vote, the motion passes with the following vote: Zachmeier-nay, Fleischer-aye, Hilfer-aye, Robinson-aye, Klein-aye, Knoll-aye, Van Beek-nay, Leingang-aye, Kelly-aye, Laber-nay, Wetch-aye, Mehlhoff-aye.

3. A request from Andrew Meldahl, Pinnacle Homes Inc. for final plat approval of the Replat of Lot 2A, Block 3, Lakewood Commercial Park 3rd Addition in Section 6, Township 138N, Range 80W. The property is located on Shoal Loop SE.

The plat splits the property into four lots.

Jane Huizenga, 2503 Nash Lane, lives directly behind this property. She is here to find out exactly what they are building there.

A representative from Swenson Hagen says the plans are a four unit building. These units will be for purchase and will not be rentals. The entrance will be off Shoal Loop.

Commissioner Leingang motions to approve the final plat. Commissioner Van Beek seconds. Upon vote, the motion passes unanimously.

4. A request from Wade Vogel for final plat approval of the Replat of Lots 4b & 5, Block 3, Lakewood Commercial Park 3rd Addition in Section 6, Township 138N, Range 80W. The property is located on Shoal Loop SE.

The map in the commissioner's packets is not the correct map. A correct one was handed out before the meeting. The correction names the private drive *Lexi Loop SE*. This street is not wide enough to be a public street. Lot 5 is designated as undivided interest equally to the property owners so it cannot come back to the city. The property is zoned CC, which allows dwellings. The lot lines extend back to the center of the bay, which is unbuildable.

Commissioner Labor motions to approve the final plat. Commissioner Knoll seconds. Upon vote, the motion passes unanimously.

5. A request from Dennis Meyer and Eagle Ridge Development for final plat approval of Eagle Ridge Addition. Said addition is all of Terra Vallee 6th Addition in Section 16, Township 139N, Range 81W. The property is located on 8th Avenue NW.

This property was platted as Terra Valle 6th Addition at the beginning of this year. Eagle Ridge Development is in the process of purchasing the property. All the streets that were platted in Terra Vallee 6th are in the process of being vacated. This plat gives a bigger right-of-way for 8th Avenue NW allowing the city to go around gas lines that run along there.

Commissioner Fleischer comments about redoing this plat again and rezoning the whole property to RM.

Kim says they are planning three apartment buildings on the north side and twin homes for the rest of the property.

The water runoff will come through what will be the vacated 28th Avenue NW and come into a detention pond on Lot 7.

A sidewalk is planned behind the apartment buildings for pedestrian access. There is an access easement on the backside of Lots 1 and 5. Lots 2 and 3 will have a private drive for twin homes on both sides.

Rick Hofferber, 904 27th Street NW, lives against the proposed detention pond. He does not have too many objections. He wants to know what portion is going to be home ownership and how much is going to be rentals. He is also concerned about where the water is going to escape from after the detention pond since there is no storm sewer in Terra Vallee. If there is a detention pond, is he going to have problems with mosquitos? He wants to know the project will be fulfilled and not unfinished.

Justin Froseth, Engineering and Planning Director, says the plan is for a retention pond that would not fully drain and would be a water feature. The developers mentioned aeration and landscaping to make it a nice feature.

Doug Erhardt, 1203 27th Street NW, also owns property next to this water retention pond. He is worried the water will be coming his way. He said he has been surrounded by detention ponds and if it worked that would be fine, but so far it has not. He would like to see improvement.

Commissioner Leingang asks if the Wal-Mart stormwater plan helps Terra Vallee. Doug agrees it did help some, but not all the area.

Kim says a stormwater plan has to be approved before they are issued any permits.

Kevin Kluge, 2803 8th Avenue NW, says this year is the first year he has had to use a sump pump. He wants to know how this pond will affect him.

Justin Froseth says good engineering practices would involve using clay as a base to stop seepage. The stormwater plan would have to be reviewed.

Commissioner Robinson says water issues are the number one issue that keeps coming up, so the neighbors' concerns are valid.

Jon Youness, Eagle Ridge Development, says the detention pond will be designed in accordance with required specifications. The development is planned to incorporate the location of the large storm sewer pipe and pond. Their intention is to have the pond act as a buffer between the development and the homes to the south. The units planned would all be rentals.

Commissioner Laber motions to approve the final plat. Commissioner Mehlhoff seconds. Upon vote, the motion passes unanimously.

6. A request from Dennis Meyer and Eagle Ridge Development for a change of zoning. The request is to change the zoning of Terra Vallee 6th Addition (the proposed Eagle Ridge 1st Addition) in Section 16, Township 139N, Range 81W. from R7 (Single-Family Residential), R3.2 (Two-Family Residential) and RM (Multi-Family Residential) to all RM (Multi-Family Residential). The property is located on 8th Avenue NW.

They are requesting RM zoning to accommodate the plans as discussed in the last item. The middle school property is zoned RM.

Rick Hofferber wants to know what kind of rental units are going to be built. Are they going to be low income? He wants to protect his investment. He doesn't want something haphazard.

Jon Youness shows pictures of examples of units they have done and what they plan for this development. Each row house has a double garage with its own entry. The plans call for approximately 46 to 50 row homes. They dropped the elevation of the apartment buildings on the north side to lower the profile from the school.

Commissioner Fleischer asks if R3.2 will work for the townhomes. Kim says the row homes will have 4 or 5 units per building and would need to be zoned RM.

Commissioner Leingang motions to approve the final plat. Commissioner Klein seconds. Upon vote, the motion passes with the following vote: Zachmeier-aye, Fleischer-nay, Hilfer-aye, Robinson-aye, Klein-aye, Knoll-aye, Van Beek-aye, Leingang-aye, Kelly-aye, Laber-aye, Wetch-aye, Mehlhoff-aye.

7. A request from Keidel Family Limited Partnership for final plat approval of Keidel's South Heart Terrace 3rd Addition in Section 3, Township 138N, Range 81W. The property is located on the southeast corner of 19th Street SW and 8th Avenue SW.

This development is south of 19th Street SW and Highway 6 is over to the west and 4th Avenue SW will line up to that same street on the north side. There was concern on the preliminary plat with 8th Avenue SW being only a half street. Kim requested something in writing confirming 8th Avenue SW being installed as a full street. She has received an email stating that will be done. The construction of 8th Street SW will end at this development and continue as developed.

Commissioner Knoll motions to approve the final plat. Commissioner Laber seconds. Upon vote, the motion passes unanimously.

8. A request from Mandan Development Company LLC for final plat approval of Christianson's 1st Addition. Said addition is a replat of Lot A of Lot 3, Block 1, Boutrous Addition of the NE ¼ , a portion of the SW ¼ and a portion of the NW ¼ in Section 21 and a portion of the NW ¼ in Section 28, Township 139N, Range 81W. The property is located south of I94 along the west side of city limits.

Kim says the Planning Department did not make a recommendation because the city still has some concerns. The Park District is still working with the developer with possibly doing some land swaps. She is also waiting for feedback from the DOT about Division Street NW connecting through and Boundary Street NW becoming a collector. It is important to have the DOT's involvement on these two streets. There were also issues with WBI Energy Transmission, Inc. to be resolved. Kim does not know where the developer and WBI are on this. Kim thinks it would be appropriate to table this item until these are resolved.

Commissioner Van Beek would rather make a motion to deny.

Nate Vollmuth, representing Mandan Development Company, says they received correspondence from Kim last week regarding the DOT and they are fine with that. They also have a meeting set up with WBI tomorrow morning. He requests that it is tabled.

President Robinson says it sounds like there are half a dozen holes to plug on this development.

DaNae Kautzmann, owns property with her siblings (Kautzmann Land) that is immediately south of Sunset Park. There is a drainage area below Davenport Hill that drains under 7th Street. Because of the water, her family has concerns if storm sewer is going to be put in. She also asks if Division Street is going to be extended, what is the plan? Is the water going to be dammed or culverts put in? Is the water going to run along the current drainage area? If that is the case, they are going to lose more property than they have already lost because of the way the water runs currently. Is a lift station going to be put in? That will be needed. Her last question is how is it going to be funded? DaNae and her partners do not want to pay specials on somebody else's development. They are not ready to development at this time.

Nate says there will be three lift stations installed. The one to the very north and the one to the south would go in on this phase and the last one would be located to the west and would go in on the last phase. There is an existing pond that will be made larger. There will be added retention on part of the park land. He believes the Park District will try to get funding for some of the street construction. He understands the rest would probably be assessed to their development and the development to the south. He thinks if they want access to the new Division Street they have to talk to Engineering and the Park District.

Karl Liepitz, resident, is here to speak on Sunset Park. The park has one of a kind green space. It provides mountain biking, hiking, frisbee golf, walking, etc. He uses the park probably three days a week. He knows a lot of people that do the same. He seen a map that looks like this development would be quite an infringement on the park. To him it sounds like the land swap with parks is a concession to the developer. He is concerned as a park user that the park should remain continuous. The park could become a great city landmark for the future.

Division may take up some of the park property. Kim says it is critical to extend Division. The extension of Division may have a greater assessment area because of the benefit it would have to the area.

Commissioner Leingang agrees that Division has to continue even though some park land may be lost.

Lee Froelich, 2506 Lohstreter Road (old Lohstreter farmstead). He is currently county. He wants to know what this development would do to him. Would he be annexed?

Kim says it is unknown if property around Lee will want to come into the city. This development is already annexed into the city. There are no plans to annex further at this time.

Lee is concerned he will end up being annexed and what it could do to his specials.

Commissioner Leingang asks how he gets to downtown. Lee said he comes down Lohstreter and agreed it would be nice to take Division. He wants to know if he is going to be county or city. He can't get anybody to come out and plow or fix his road. He had to get Bruce Strinden with the county to come out and look to get the road fixed.

Kim tells Lee he can request to be annexed if he wants to. But until other requests come in for annexation, there is nothing planned now.

Lee asks if he were annexed will he get paved streets, lights, city water and sewer and who pays for it. Right now he is on a well and septic. Kim tells him it would be assessed and would be his choice for city services.

Zachary Allen, 1900 Lincoln Place. He did not receive notice about this plat, but believes he would be in the assessment area. Kim tells him notices are sent to property owners within 300' of the development. His concern is it sounds like Division assessment is a lot larger. Kim tells him they will be notified if the street project is proposed.

Commissioner Laber motions to deny the final plat. Commissioner Klein seconds. Upon vote, the motion passes unanimously.

9. A request from Mandan Development Company LLC for a change of zoning. The request is to change the zoning of a Replat of Lot A of Lot 3, Block 1, Boutrous Addition (the proposed Christianson's 1st Addition) of the NE ¼, a portion of the SW ¼ and a portion of the NW ¼ in Section 21 and a portion of the NW ¼ in Section 28, Township 139N, Range 81W from A (Agricultural) and CC (Heavy Commercial) to R7 (Single-Family Residential), R3.2 (Two-Family Residential) and RM (Multi-Family Residential). The property is located south of I94 along the west side of city limits.

Commissioner Leingang motions to deny the zone change. Commissioner Klein seconds. Upon vote, the motion passes unanimously.

OTHER BUSINESS

1. Election of Commission officers and nominations for Vice President and President of the board. Commissioner Wetch's term expires this month.

Commissioner Wetch will not seek a second term. He plans on traveling a lot.

Commissioner Leingang motions to nominate Bill Robinson as President and Shauna Laber as Vice President. Commissioner Klein seconds. Upon vote, the motion passes unanimously.

2. Reminder: Joint meeting Mandan City Commission and Planning & Zoning Commission Tuesday, October 8, 2013, 5:30 p.m. – City Hall

Commissioner Leingang motions to adjourn. Commissioner Laber seconds. Upon vote, the motion passes unanimously.

The meeting adjourns at 6:22 p.m.

nm

Public Hearing No. 4 & Ord. No. 4

Board of City Commissioners

Agenda Documentation

CITY OF MANDAN
"WHERE THE WEST BEGINS"

MEETING DATE:	October 1, 2013
PREPARATION DATE:	September 26, 2013
SUBMITTING DEPARTMENT:	Engineering/Planning
DEPARTMENT DIRECTOR:	Justin Froseth, Planning & Engineering Director
PRESENTER:	Kim Fettig, Project Manager
SUBJECT:	Consider a change of zoning of a part of Section 31, Township 139 N, Range 80W (Midway 14th Addition, Lot 1-3 & 6, Block 1).

STATEMENT/PURPOSE: To consider a zone change from CC (Heavy Commercial) Restricted(the restrictions being no railroad trackage, auto laundry, auto repair(as a primary use), commercial parking lot/garage, off-premise advertising sign, steam bath, tire/battery repair, storage building/warehouse or any of the wholesale group) to CC (Heavy Commercial) no restrictions for Lots 1-3 & 6, Block 1, Midway 14th Addition.

BACKGROUND/ALTERNATIVES: Our office received a request from M&P, LLP for a zone change from CC (Heavy Commercial) Restricted to CC (Heavy Commercial) no restrictions for Lots 1-6, Block 1, Midway 14th Addition. I have attached the August 26th Planning and Zoning Minutes(see New Business #2). The Planning & Zoning Commission voted 10 ayes and 3 nayes to approve removing the restrictions from only Lot 1-3 & 6, Block 1.

ATTACHMENTS:
1. Office Report
2. Map
3. Ordinance
4. Planning and Zoning August 26th Minutes

FISCAL IMPACT: Minimal

STAFF IMPACT: Minimal

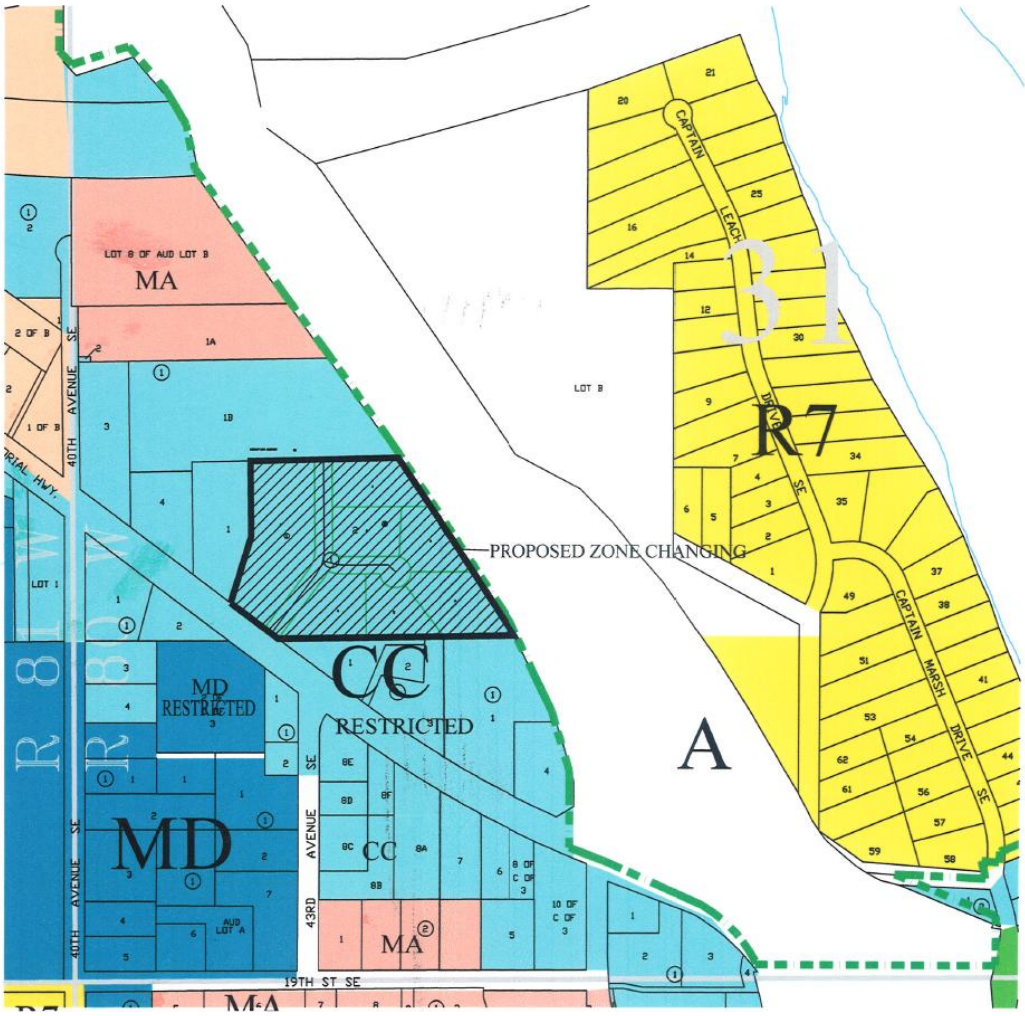
LEGAL REVIEW: All of my commission data has been forwarded to the City Attorney for his review.

RECOMMENDATION: To approve removing the restrictions from Lots 1-3 & 6, Block 1, Midway 14th Addition.

SUGGESTED MOTION: I move to approve removing the restrictions from Lots 1-3 & 6, Block 1, Midway 14th Addition.

MANDAN PLANNING OFFICE REPORT
September 26, 2013

Applicant(s):	M&P, LLP
Owner(s):	same
Requested Action:	Zone Change Approval
Name of Subdivision:	Midway 14th Addition
Legal Description:	All of Lots 1 – 6, Block 1, Midway 14th Addition in Section 31, Township 139N, Range 80W
Located:	Memorial Highway SE
Parcel Acreage:	11.66
Existing Land Use:	vacant
Proposed Land Use:	commercial
Adjacent Land Use:	Agriculture, trailer sales and proposed Cenex
Existing Zoning:	CC Restricted (Heavy Commercial) no railroad trackage, auto laundry, auto repair (as a primary use), commercial parking lot/garage, off-premise advertising sign, steam bath, tire/battery repair, storage building/warehouse or any of the wholesale group.
Proposed Zoning:	CC (Heavy Commercial), removing the restrictions
Adjacent Zoning:	A (Agricultural) and CC Restricted (Heavy Commercial with restrictions)
Fee(s) Required:	$250.00 Date Received: July 24, 2013
Adjacent Property Owner Notification:	September 5, 2013
Dates of Legal Notices:	September 13 & 20, 2013
Recommendations:	The Planning Office recommends approval.


MA
MD
RESTRICTED
CC
RESTRICTED
MD
CC
MA
A
R7
31
PROPOSED ZONE CHANGING
40TH AVENUE SE
43RD AVENUE SE
19TH ST SE
CAPTAIN LEACH DRIVE SE
CAPTAIN MARSH DRIVE SE
LOT 8 OF AUD LOT B
LOT B

ORDINANCE NO. 1171

AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF THE MANDAN MUNICIPAL CODE 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 Municipal Code is amended to read as follows:

The following described property located within the City of Mandan, Morton County, North Dakota shall be excluded from the CC Restricted (Heavy Commercial with restrictions of no railroad trackage, auto laundry, auto repair as a primary use, commercial parking lot/garage, off-premise advertising sign, steam bath, tire/battery repair, storage building/warehouse or any of the wholesale group) zoning and shall be included in the CC (Heavy Commercial removing the restrictions) namely,

Lots 1-3 and 6, Block 1, Midway 14th Addition in Section 31, Township 139N, Range 81W in the City of Mandan, Morton County, North Dakota

and as so amended said section is hereby reenacted. The city administrator 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:	August 26, 2013
First Consideration:	October 1, 2013
Second Consideration and Final Reading:	October 15, 2013
Publication Date:	_____
Recording Date:	_____

MANDAN PLANNING AND ZONING COMMISSION
MANDAN CITY HALL BUILDING
August 26, 2013

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall Building on August 26, 2013 at 5:15 p.m. CDT.

Commissioners Present: Zachmeier, Fleischer, Hilfer, Robinson, Klein, Knoll, Van Beek, Leingang, Kelly, Laber, Wetch, Mehlhoff

Commissioners Absent:

Commissioner Fleischer motions to approve the July 22, 2013 minutes. Commissioner Laber seconds. Upon vote, the motion receives unanimous approval of the Board.

New Business

1. A request from Western Partners LLP for a change zoning. The request is to change the zoning of Lots 1 & 2, Block 1, Sylvester's Industrial Park 3rd Addition in Section 37, Township 139N, Range 81W from CC Restricted (Heavy Commercial) to CC (Heavy Commercial), removing the restrictions. The property is located on Memorial Highway SE.

The zone change request is for Lots 1 & 2. The gas station would be built on Lot 1 and extend onto Lot 2 a little ways. The request is to remove the restrictions so a car wash can be added to the back of the building.

The restrictions were placed on the heavy commercial in 2009. The restrictions are no railroad trackage, auto laundry, auto repair (as a primary use), commercial parking lot/garage, off-premise advertising sign, steam bath, tire/battery repair, storage building/warehouse or any of the wholesale group.

Mike Wachter, a partner in Wind River Properties, speaks. They own Lot 3 in this subdivision. Their plans were for a strip mall. He supports lifting the restrictions on Lot 1, but not Lot 2 because it is directly behind his lot. He is concerned about what could be placed behind his building and possible noise and aesthetic issues. In 2009, the city studied what they wanted on this end of the strip. It was determined commercial with the restrictions so if somebody wanted to put up an office building, they would not have a noisy auto repair shop next door. If the restrictions are lifted on Lot 2, he may have to downscale his building plans.

Kim says the building inspection department ok'd the site plan. Right now they could build an auto repair shop on Lot 2 if it was not a primary use.

Tim Miller, Missouri River Contracting, is doing construction on the project. There are no plans for Lot 2 at this time. He had a car wash supplier fax him some information. The decibel level at the entrance of the car wash would be about 95. Forty feet away it would be reduced to 78. The exit would be 101 decibels decreasing to 81 at forty feet away. They planned the car wash on the back to enhance the view from the strip. The lot will be half pavement and half grass.

Mike Wachter says he doesn't have an issue with the car wash, but does have one with the open door on what can be put on Lot 2. The city just passed a noise ordinance. On a commercial property, the noise ordinance is 65. The city and Planning & Zoning sold him on the restrictions three years ago and he wants to stay the course.

There was another adjacent property owner who sent a letter requesting the restrictions be lifted on Lot 1 only.

Kim says the Planning Department supports the request because it becomes difficult to monitor when restrictions are lifted one lot at a time.

Commissioner Zachmeier wants to know if a study was approved by ordinance and if approving this would go against city ordinance. Kim says she did not find evidence of an official study and she was not involved at that time, but thinks the intention was to keep more unsightly uses from that area. She explains this is a change of zoning and every time a zone change is approved it is written as an ordinance.

Commissioner Leingang motions to approve lifting the restrictions on Lot 1 only. Commissioner Klein seconds. Upon vote, the motion passes with the following vote: Zachmeier-nay, Fleischer-aye, Hilfer-aye, Robinson-aye, Klein-aye, Knoll-aye, Van Beek-nay, Leingang-aye, Kelly-aye, Laber-nay, Wetch-aye, Mehlhoff-aye.

2. A request from M & P, LLP for a change of zoning. The request is to change the zoning of Lots 1-6, Block 1, Midway 14th Addition in Section 31, Township 139N, Range 81W from CC Restricted (Heavy Commercial) to CC (Heavy Commercial), removing the restrictions. The property is located on Memorial Highway SE.

This request is similar to item one. Dwight Pletan, Action Sports is requesting the restrictions be lifted so they can build a warehouse for the store. The warehouse would be located behind the store. One of the restrictions is no storage/warehouse. He wants to market the remaining lots. Kim says the Planning Department supports the request because the storage is for the store and it would be sightlier to have things stored outside.

Action Sports would be on Lot 1. There is a letter from an adjacent property owner, Randy Rhone, Developers LLC, supporting the request except for Lots 4 & 5. These two lots are next to his lot and Wachter's lot. They want to protect their interests from anything that could potentially cause problems for their projects such as noise or visual pollution.

Mayor Van Beek doesn't know why Dwight Pletan's lots should be restricted when Wachter has not developed his property and has not brought in plans to do so since 2009.

Wachter says they are not opposed to this request. The letter came from Randy Rhone.

Commissioner Leingang motions to approve removing the restrictions on Lots 1-3 & 6, but not on Lots 4 & 5. Commissioner Fleischer seconds. Upon vote, the motion passes with the following vote: Zachmeier-nay, Fleischer-aye, Hilfer-aye, Robinson-aye, Klein-aye, Knoll-aye, Van Beek-nay, Leingang-aye, Kelly-aye, Laber-nay, Wetch-aye, Mehlhoff-aye.

3. A request from Andrew Meldahl, Pinnacle Homes Inc. for final plat approval of the Replat of Lot 2A, Block 3, Lakewood Commercial Park 3rd Addition in Section 6, Township 138N, Range 80W. The property is located on Shoal Loop SE.

The plat splits the property into four lots.

Jane Huizenga, 2503 Nash Lane, lives directly behind this property. She is here to find out exactly what they are building there.

A representative from Swenson Hagen says the plans are a four unit building. These units will be for purchase and will not be rentals. The entrance will be off Shoal Loop.

Commissioner Leingang motions to approve the final plat. Commissioner Van Beek seconds. Upon vote, the motion passes unanimously.

4. A request from Wade Vogel for final plat approval of the Replat of Lots 4b & 5, Block 3, Lakewood Commercial Park 3rd Addition in Section 6, Township 138N, Range 80W. The property is located on Shoal Loop SE.

The map in the commissioner's packets is not the correct map. A correct one was handed out before the meeting. The correction names the private drive *Lexi Loop SE*. This street is not wide enough to be a public street. Lot 5 is designated as undivided interest equally to the property owners so it cannot come back to the city. The property is zoned CC, which allows dwellings. The lot lines extend back to the center of the bay, which is unbuildable.

Commissioner Labor motions to approve the final plat. Commissioner Knoll seconds. Upon vote, the motion passes unanimously.

5. A request from Dennis Meyer and Eagle Ridge Development for final plat approval of Eagle Ridge Addition. Said addition is all of Terra Vallee 6th Addition in Section 16, Township 139N, Range 81W. The property is located on 8th Avenue NW.

This property was platted as Terra Valle 6th Addition at the beginning of this year. Eagle Ridge Development is in the process of purchasing the property. All the streets that were platted in Terra Vallee 6th are in the process of being vacated. This plat gives a bigger right-of-way for 8th Avenue NW allowing the city to go around gas lines that run along there.

Commissioner Fleischer comments about redoing this plat again and rezoning the whole property to RM.

Kim says they are planning three apartment buildings on the north side and twin homes for the rest of the property.

The water runoff will come through what will be the vacated 28th Avenue NW and come into a detention pond on Lot 7.

A sidewalk is planned behind the apartment buildings for pedestrian access. There is an access easement on the backside of Lots 1 and 5. Lots 2 and 3 will have a private drive for twin homes on both sides.

Rick Hofferber, 904 27th Street NW, lives against the proposed detention pond. He does not have too many objections. He wants to know what portion is going to be home ownership and how much is going to be rentals. He is also concerned about where the water is going to escape from after the detention pond since there is no storm sewer in Terra Vallee. If there is a detention pond, is he going to have problems with mosquitos? He wants to know the project will be fulfilled and not unfinished.

Justin Froseth, Engineering and Planning Director, says the plan is for a retention pond that would not fully drain and would be a water feature. The developers mentioned aeration and landscaping to make it a nice feature.

Doug Erhardt, 1203 27th Street NW, also owns property next to this water retention pond. He is worried the water will be coming his way. He said he has been surrounded by detention ponds and if it worked that would be fine, but so far it has not. He would like to see improvement.

Commissioner Leingang asks if the Wal-Mart stormwater plan helps Terra Vallee. Doug agrees it did help some, but not all the area.

Kim says a stormwater plan has to be approved before they are issued any permits.

Kevin Kluge, 2803 8th Avenue NW, says this year is the first year he has had to use a sump pump. He wants to know how this pond will affect him.

Justin Froseth says good engineering practices would involve using clay as a base to stop seepage. The stormwater plan would have to be reviewed.

Commissioner Robinson says water issues are the number one issue that keeps coming up, so the neighbors' concerns are valid.

Jon Youness, Eagle Ridge Development, says the detention pond will be designed in accordance with required specifications. The development is planned to incorporate the location of the large storm sewer pipe and pond. Their intention is to have the pond act as a buffer between the development and the homes to the south. The units planned would all be rentals.

Commissioner Laber motions to approve the final plat. Commissioner Mehlhoff seconds. Upon vote, the motion passes unanimously.

6. A request from Dennis Meyer and Eagle Ridge Development for a change of zoning. The request is to change the zoning of Terra Vallee 6th Addition (the proposed Eagle Ridge 1st Addition) in Section 16, Township 139N, Range 81W. from R7 (Single-Family Residential), R3.2 (Two-Family Residential) and RM (Multi-Family Residential) to all RM (Multi-Family Residential). The property is located on 8th Avenue NW.

They are requesting RM zoning to accommodate the plans as discussed in the last item. The middle school property is zoned RM.

Rick Hofferber wants to know what kind of rental units are going to be built. Are they going to be low income? He wants to protect his investment. He doesn't want something haphazard.

Jon Youness shows pictures of examples of units they have done and what they plan for this development. Each row house has a double garage with its own entry. The plans call for approximately 46 to 50 row homes. They dropped the elevation of the apartment buildings on the north side to lower the profile from the school.

Commissioner Fleischer asks if R3.2 will work for the townhomes. Kim says the row homes will have 4 or 5 units per building and would need to be zoned RM.

Commissioner Leingang motions to approve the final plat. Commissioner Klein seconds. Upon vote, the motion passes with the following vote: Zachmeier-aye, Fleischer-nay, Hilfer-aye, Robinson-aye, Klein-aye, Knoll-aye, Van Beek-aye, Leingang-aye, Kelly-aye, Laber-aye, Wetch-aye, Mehlhoff-aye.

7. A request from Keidel Family Limited Partnership for final plat approval of Keidel's South Heart Terrace 3rd Addition in Section 3, Township 138N, Range 81W. The property is located on the southeast corner of 19th Street SW and 8th Avenue SW.

This development is south of 19th Street SW and Highway 6 is over to the west and 4th Avenue SW will line up to that same street on the north side. There was concern on the preliminary plat with 8th Avenue SW being only a half street. Kim requested something in writing confirming 8th Avenue SW being installed as a full street. She has received an email stating that will be done. The construction of 8th Street SW will end at this development and continue as developed.

Commissioner Knoll motions to approve the final plat. Commissioner Laber seconds. Upon vote, the motion passes unanimously.

8. A request from Mandan Development Company LLC for final plat approval of Christianson's 1st Addition. Said addition is a replat of Lot A of Lot 3, Block 1, Boutrous Addition of the NE ¼ , a portion of the SW ¼ and a portion of the NW ¼ in Section 21 and a portion of the NW ¼ in Section 28, Township 139N, Range 81W. The property is located south of I94 along the west side of city limits.

Kim says the Planning Department did not make a recommendation because the city still has some concerns. The Park District is still working with the developer with possibly doing some land swaps. She is also waiting for feedback from the DOT about Division Street NW connecting through and Boundary Street NW becoming a collector. It is important to have the DOT's involvement on these two streets. There were also issues with WBI Energy Transmission, Inc. to be resolved. Kim does not know where the developer and WBI are on this. Kim thinks it would be appropriate to table this item until these are resolved.

Commissioner Van Beek would rather make a motion to deny.

Nate Vollmuth, representing Mandan Development Company, says they received correspondence from Kim last week regarding the DOT and they are fine with that. They also have a meeting set up with WBI tomorrow morning. He requests that it is tabled.

President Robinson says it sounds like there are half a dozen holes to plug on this development.

DaNae Kautzmann, owns property with her siblings (Kautzmann Land) that is immediately south of Sunset Park. There is a drainage area below Davenport Hill that drains under 7th Street. Because of the water, her family has concerns if storm sewer is going to be put in. She also asks if Division Street is going to be extended, what is the plan? Is the water going to be dammed or culverts put in? Is the water going to run along the current drainage area? If that is the case, they are going to lose more property than they have already lost because of the way the water runs currently. Is a lift station going to be put in? That will be needed. Her last question is how is it going to be funded? DaNae and her partners do not want to pay specials on somebody else's development. They are not ready to development at this time.

Nate says there will be three lift stations installed. The one to the very north and the one to the south would go in on this phase and the last one would be located to the west and would go in on the last phase. There is an existing pond that will be made larger. There will be added retention on part of the park land. He believes the Park District will try to get funding for some of the street construction. He understands the rest would probably be assessed to their development and the development to the south. He thinks if they want access to the new Division Street they have to talk to Engineering and the Park District.

Karl Liepitz, resident, is here to speak on Sunset Park. The park has one of a kind green space. It provides mountain biking, hiking, frisbee golf, walking, etc. He uses the park probably three days a week. He knows a lot of people that do the same. He seen a map that looks like this development would be quite an infringement on the park. To him it sounds like the land swap with parks is a concession to the developer. He is concerned as a park user that the park should remain continuous. The park could become a great city landmark for the future.

Division may take up some of the park property. Kim says it is critical to extend Division. The extension of Division may have a greater assessment area because of the benefit it would have to the area.

Commissioner Leingang agrees that Division has to continue even though some park land may be lost.

Lee Froelich, 2506 Lohstreter Road (old Lohstreter farmstead). He is currently county. He wants to know what this development would do to him. Would he be annexed?

Kim says it is unknown if property around Lee will want to come into the city. This development is already annexed into the city. There are no plans to annex further at this time.

Lee is concerned he will end up being annexed and what it could do to his specials.

Commissioner Leingang asks how he gets to downtown. Lee said he comes down Lohstreter and agreed it would be nice to take Division. He wants to know if he is going to be county or city. He can't get anybody to come out and plow or fix his road. He had to get Bruce Strinden with the county to come out and look to get the road fixed.

Kim tells Lee he can request to be annexed if he wants to. But until other requests come in for annexation, there is nothing planned now.

Lee asks if he were annexed will he get paved streets, lights, city water and sewer and who pays for it. Right now he is on a well and septic. Kim tells him it would be assessed and would be his choice for city services.

Zachary Allen, 1900 Lincoln Place. He did not receive notice about this plat, but believes he would be in the assessment area. Kim tells him notices are sent to property owners within 300' of the development. His concern is it sounds like Division assessment is a lot larger. Kim tells him they will be notified if the street project is proposed.

Commissioner Laber motions to deny the final plat. Commissioner Klein seconds. Upon vote, the motion passes unanimously.

9. A request from Mandan Development Company LLC for a change of zoning. The request is to change the zoning of a Replat of Lot A of Lot 3, Block 1, Boutrous Addition (the proposed Christianson's 1st Addition) of the NE ¼, a portion of the SW ¼ and a portion of the NW ¼ in Section 21 and a portion of the NW ¼ in Section 28, Township 139N, Range 81W from A (Agricultural) and CC (Heavy Commercial) to R7 (Single-Family Residential), R3.2 (Two-Family Residential) and RM (Multi-Family Residential). The property is located south of I94 along the west side of city limits.

Commissioner Leingang motions to deny the zone change. Commissioner Klein seconds. Upon vote, the motion passes unanimously.

OTHER BUSINESS

1. Election of Commission officers and nominations for Vice President and President of the board. Commissioner Wetch's term expires this month.

Commissioner Wetch will not seek a second term. He plans on traveling a lot.

Commissioner Leingang motions to nominate Bill Robinson as President and Shauna Laber as Vice President. Commissioner Klein seconds. Upon vote, the motion passes unanimously.

2. Reminder: Joint meeting Mandan City Commission and Planning & Zoning Commission Tuesday, October 8, 2013, 5:30 p.m. – City Hall

Commissioner Leingang motions to adjourn. Commissioner Laber seconds. Upon vote, the motion passes unanimously.

The meeting adjourns at 6:22 p.m.

nm

LOCAL PERMIT OR CHARITY LOCAL PERMIT

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 17926 (10/2012)

Consent No. 1i

Type: [x] Local Permit *[ ] Charity Local Permit

Permit Number: 2013-46

Name of Organization: Bismarck Single File		Date(s) Authorized (Read instruction 2): 11/8/2013 (Beginning) to 12/31/2013 (Ending)	
Contact Person: Dorothy Simon	Business Phone Number: (701) 258-1447		
Mailing Address: 912 East Owens Avenue #2	City: Bismarck	State: ND	Zip Code: 58501-0000
Site Name: Mandan Eagles Club	Site Address: 1400 Collins Avenue		
City: Mandan	State: ND	ZIP Code: 58554-00(	County: Morton

Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.

[ ] Bingo [ ] Raffle [x] Calendar Raffle [ ] Sports Pool [ ] Poker* [ ] Twenty-one* [ ] 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 **and** Office of Attorney General within 30 days of the event.

Date	Signature of: [x] City Auditor [ ] County Auditor	Printed Name of City or County Auditor	Auditor Telephone Number
9/17/2013	Jay Gruebele	Jay Gruebele	(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.

APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT

OFFICE OF ATTORNEY GENERAL
SFN 9338 (9-2009)

Rec 9/16

Application for: [X] Local Permit *[ ] Charity Local Permit (one event per year)

Name of Non-profit Organization: Bismarck Single File		Date(s) of Activity: ~~Sept 20~~, Nov 8 to Dec 13, Dec 3	
Person Responsible for the Gaming Operation and the Disbursement of Net Income: Dorothy Simon		Title: Pres	Business Phone Number: 701-258-1447
Business Address:	City:	State:	Zip Code:
Mailing Address (if different): 912 E Owens Ave #2	City: Bismarck	State: ND	Zip Code: 58501
Name of Site Where Game(s) will be Conducted: Mandan Eagles	Site Address:		
City: Mandan	State: ND	Zip Code: 58554	County: Morton

Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.

[ ] Bingo [ ] Raffle [X] Calendar Raffle [ ] Sports Pool [ ] Poker * [ ] Twenty-one * [ ] Paddlewheels *

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize	Game Type	Description of Prize	Retail Value of Prize
50/50	half of money collected	?			

Total: (Limit $12,000 per year) $ 1,000

Intended uses of gaming proceeds: Pay for bands/DJ's for dancing purposes

Does the organization presently have a state gaming license? [X] No [ ] Yes - If "Yes," the organization is not eligible for a local permit or charity local permit and should call the Office of Attorney General at 1-800-326-9240.

Has the organization received a charity local permit from this or another city or county for the fiscal year July 1 through June 30? [ ] No [X] Yes - If "Yes," the organization does not qualify for a local permit or charity local permit.

Has the organization received a local permit from this or another city or county for the fiscal year July 1 through June 30? [ ] No [X] Yes - If "Yes," indicate the total value of all prizes previously awarded: $ 33.50 . *This amount is part of the total prize limit of $12,000 per year.*

Signature of Organization's Top Executive Official	Date	Title	Business Phone Number
Dorothy Simon	9-16-13	President	

Certificate No. [illegible]

State of North Dakota

CERTIFICATE OF AMENDMENT

OF

"SINGLE FILE"

The undersigned, as Secretary of State of the State of North Dakota, hereby certifies that duplicate originals of Articles of Amendment to the Articles of Incorporation of "SINGLE FILE"

duly signed and verified pursuant to the provisions of the North Dakota Non-Profit Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Amendment to the Articles of Incorporation of "SINGLE FILE" amendment attached.

and attaches hereto a duplicate original of the Articles of Amendment.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State at the Capitol in the City of Bismarck, this 30th day of March A.D., 19 87.

Ben Meier Secretary of State.

File No. 7177 NP

By _____, Deputy.

DUPLICATE

LOCAL PERMIT OR CHARITY LOCAL PERMIT

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 17926 (10/2012)

Consent No. 1ii

Type: [x] Local Permit *[ ] Charity Local Permit

Permit Number: 2013-49

Name of Organization: Ten Spot Scratch		Date(s) Authorized (Read instruction 2): 10/7/3013 (Beginning) to 10/13/2013 (Ending)	
Contact Person: Shannon Schauer	Business Phone Number: (701) 425-3205		
Mailing Address: 120 West Deer Street	City: Mandan	State: ND	Zip Code: 58554-0000
Site Name: Ten Spot Loanes	Site Address: 107 11 Avenue Ne		
City: Mandan	State: ND	ZIP Code: 58554-00(	County: Morton

Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.

[ ] Bingo [x] Raffle [ ] Calendar Raffle [ ] Sports Pool [ ] Poker* [ ] Twenty-one* [ ] 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 and Office of Attorney General within 30 days of the event.

Date	Signature of: [x] City Auditor [x] County Auditor	Printed Name of City or County Auditor	Auditor Telephone Number
9/23/2013	Jay Gruebele	Jay Gruebele	(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.

10-11

Rec 9-20-13

APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT

OFFICE OF ATTORNEY GENERAL
SFN 9338 (9-2009)

Application for: [X] Local Permit *[ ] Charity Local Permit (one event per year)

Name of Non-profit Organization: Ten Spot Scratch		Date(s) of Activity: ~~10-7-13 to 10-6-13~~ 9-30-13 to 10-6-13	
Person Responsible for the Gaming Operation and the Disbursement of Net Income: Shannon Schauer		Title: President	Business Phone Number: 701-425-3205
Business Address: 120 West Deer Street	City: Mandan	State: ND	Zip Code: 58554
Mailing Address (if different):	City:	State:	Zip Code:
Name of Site Where Game(s) will be Conducted: Ten Spot Lanes	Site Address: 107 11th Ave NE		
City: Mandan	State: ND	Zip Code: 58554	County: Morton

Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.

[ ] Bingo [X] Raffle [ ] Calendar Raffle [ ] Sports Pool [ ] Poker * [ ] Twenty-one * [ ] Paddlewheels *

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize
Raffle	bowling items	$200.00

Game Type	Description of Prize	Retail Value of Prize

Total: $ 200.00 (Limit $12,000 per year)

Intended uses of gaming proceeds: help pay for our home matches and trophies at the end of the year

Does the organization presently have a state gaming license? [X] No [ ] Yes - If "Yes," the organization is not eligible for a local permit or charity local permit and should call the Office of Attorney General at 1-800-326-9240.

Has the organization received a charity local permit from this or another city or county for the fiscal year July 1 through June 30? [ ] No [ ] Yes - If "Yes," the organization does not qualify for a local permit or charity local permit.

Has the organization received a local permit from this or another city or county for the fiscal year July 1 through June 30? [X] No [ ] Yes - If "Yes," indicate the total value of all prizes previously awarded: $ _____. *This amount is part of the total prize limit of $12,000 per year.*

Signature of Organization's Top Executive Official	Date	Title	Business Phone Number
Shannon L Schauer	9-2013	President	701-425-32

CA11 permit #

Consent No. 2

Board of City Commissioners

Agenda Documentation

MEETING DATE:	October 1, 2013
PREPARATION DATE:	September 25, 2013
SUBMITTING DEPARTMENT:	Police
DEPARTMENT DIRECTOR:	Chief Dennis A. Bullinger
PRESENTER:	Chief Dennis A. Bullinger
SUBJECT:	Consider the Acceptance of a Traffic Safety Contract from the North Dakota Department of Transportation, Traffic Safety Office.

STATEMENT/PURPOSE: The Mandan Police Department is requesting Board approval with accepting a traffic safety grant/contract from the North Dakota Department of Transportation Traffic Safety Office. The grant/contract provides reimbursement for overtime and mileage when working, Occupant Protection Enforcement, Impaired Driving Enforcement blitz, and Underage Drinking.

BACKGROUND/ALTERNATIVES: In agreement with the North Dakota Department of Transportation Traffic Safety Office, the Mandan Police Department would receive reimbursement of cost in conducting extra patrols during state wide campaigns efforts with reducing the number of motor vehicle crash fatalities and enforcement efforts addressing underage drinking. The grant/contract identifies reimbursement funding of $12,050, for overtime and mileage. The grant/contract period is October 1, 2013 through September 1, 2014.

ATTACHMENTS: Copy of contract.

FISCAL IMPACT: $12,050 reimbursable funding to the city for cost with salaries and mileage. The cost of these additional enforcement efforts are part of the approved 2013 budget and requested in the 2014 budget.

STAFF IMPACT: Off -duty officers will be working overtime hours on a voluntary basis.

LEGAL REVIEW: N/A

RECOMMENDATION: Approve the acceptance of the Traffic Safety Grant/Contract #12121715 for $12,050.

SUGGESTED MOTION: Move to approve the acceptance of Traffic Safety Contract #12131643 from the North Dakota Department of Transportation, for the time period of October 1, 2013 to September 1, 2014.

North Dakota Department of Transportation

Safety Division

Grant Levi, P.E.
Director

Jack Dalrymple
Governor

September 13, 2013

Sergeant Brent Wilmeth
Mandan Police Department
205 First Avenue, Northwest
Mandan, ND 58554

TRAFFIC SAFETY CONTRACT #12131643, THREE PROJECTS

The contract that has been awarded to the Mandan Police Department is enclosed. Please read the **entire contract with appendices**, as new information is provided and/or requested. Not fulfilling these requirements may delay processing or lead to a cancellation of the contract.

1. The contract **must** be signed by a person with **contracting authority** (e.g., mayor; commissioner).
2. A witness **must** sign to the **left** of the contractor's signature.
3. **Return the ENTIRE ORIGINAL CONTRACT, INCLUDING ALL APPENDICES.**
4. A complete and executable copy of the contract will be emailed to you.
5. You must review the requirements listed on the enclosed **Risk Management Appendix.**
6. A copy of your current **Certificate of Liability Insurance** information may be required.
   - If your agency is a state agency insured through the **North Dakota Insurance Reserve Fund** (NDIRF) or is a political subdivision (county/city agencies), do not submit insurance information now; however, you may be asked for confirmation of coverage at a later date.
   - If your agency is not insured through NDIRF, your **insurance certificate(s) must name the state as an additional insured and a waiver of subrogation must be provided**.
7. As a contractor, your agency is a sub-recipient of federal funds and therefore subject to the reporting requirements of the Federal Funding Accountability and Transparency Act (FFATA). Please complete or have your county auditor complete the Sub-Recipient Information (SFN 60019) on-line at www.nd.gov/forms/sfn60019.pdf and forward the completed form to me.

Key Notes:

- **CFDA No. 20.616 is included in the contract. This relates to Map 21 funding (section 405), which will be used after other funding is depleted.**
- Periodic desk and onsite monitoring by program managers are required.
- Progress reports, if necessary, are required to be submitted prior to reimbursement.
- Per OMB Circular A-133, Subpart B, §_.200; Non-federal entities that expend $500,000 or more in a year in federal awards shall have a single or program-specific audit conducted for that year.

We look forward to the many safety benefits your program will provide to the state of North Dakota. If you have any questions, feel free to contact me by email at lharsche@nd.gov or by phone at 328-2402.

Lory Harsche

LORY HARSCHE – CONTRACT MANAGER

12/kf
Enclosure

608 East Boulevard Avenue • Bismarck, North Dakota 58505-0700
Information: (701) 328-2500 • FAX: (701) 328-0310 • TTY: 1-800-366-6888 • www.dot.nd.gov

NDDOT Contract No. 12131643
Project No. PHSPOP1405-05-14,
PHSPID1410-03-14, & PHSPID1410-03-69

North Dakota Department of Transportation
TRAFFIC SAFETY CONTRACT

Federal Award Information – to be provided by NDDOT

CFDA No.: 20.600 & CFDA No.: 20.616	CFDA Title: State & Community Highway Safety & CFDA Title: National Priority Safety Programs
Award Name: Click It or Ticket	Awarding Fed. Agency: National Highway Traffic Safety Administration
NDDOT Program Mgr.: Carol Thurn	Telephone: 701-328-4354

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

Federal Award Information – to be provided by NDDOT

CFDA No.: 20.601 & CFDA No.: 20.616	CFDA Title: Alcohol Highway Safety & CFDA Title: National Priority Safety Programs
Award Name: Alcohol Enforcement	Awarding Fed. Agency: National Highway Traffic Safety Administration
NDDOT Program Mgr.: Sandy Wilson	Telephone: 701-328-2899

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

This contract is between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and Mandan Police Department, hereinafter referred to as the Contractor, whose address is 205 First Avenue, Northwest, Mandan, North Dakota 58554.

WHEREAS, NDDOT has been delegated the responsibility to administer the state's Annual Highway Safety Plan as authorized in Section 54-07-05 of the North Dakota Century Code; and

WHEREAS, the Contractor requests participation in the state's Annual Highway Safety Plan;

THEREFORE, in consideration of the mutual promises herein set forth, NDDOT and the Contractor agree:

I.

The Contractor shall perform the project(s) set forth in Appendix A, a copy of which is attached hereto and made a part hereof.

The Contractor shall comply with the provisions of Appendix B, a copy of which is attached hereto and made a part hereof.

II.

The term of this contract shall begin October 1, 2013, and shall end September 30, 2014.

III.

NDDOT shall reimburse the Contractor for costs incurred under the terms of this contract, not to exceed $12,050. Reimbursement of all costs under this contract is contingent on federal participation. Expenses incurred by the Contractor for travel, meals, and lodging, shall be reimbursed according to applicable state rates. Allowable costs are covered under 49 CFR Part 18.22. All requests for reimbursement must be submitted to NDDOT within 45 days of the termination date of this contract.

IV.

Equipment acquired under this agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the Contractor; or the Contractor, by formal agreement with appropriate officials of a political subdivision or State agency, shall cause such equipment to be used and kept in operation for highway safety purposes. (Reference: 23 CFR 1200.21 and 49 CFR 18.32)

V.

Appendix A of the Title VI Assurances, attached, is hereby incorporated into and made a part of this agreement.

VI.

The Contractor agrees to cooperate with NDDOT in meeting its commitments and goals with regard to the maximum utilization of disadvantaged business enterprises and will use its best efforts to ensure that disadvantaged business enterprises shall have the maximum practicable opportunity to compete for subcontract work under this agreement. The Contractor shall comply with requirements of 49 CFR Part 26.

VII

The Contractor shall ensure that no qualified handicapped individual, as defined in 29 USC 794 and 49 CFR Part 27 shall, solely by reason of this handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives benefits from the assistance under this agreement.

VIII.

Grants or services that generate revenues as a result of funding through the National Highway Traffic Safety Administration (NHTSA) must be reported. Written notification of the source and amount of such income must be made to the NDDOT at the earliest opportunity. A separate account must be maintained for the collection, expenditure, and disposition of program income. Program income generated shall be used to further the objectives of the grant or service or reduce current grant or service costs. Records shall be maintained in accordance with state and federal guidelines.

IX.

The Contractor certifies that it will comply with the retention and access requirements for records established by 49 CFR Part 18.42. The required records and documentation relating to the grant and/or

subcontract shall be retained for a minimum of three years after the starting date of the retention period as defined in Section 18.42. The NDDOT or their authorized representative shall have the right of access to any books, documents, papers, or other records of grantees, contractors, or subcontractors which are pertinent to the grant and/or contract, in order to make audits, examinations, excerpts and transcripts. The right of access is not limited by the required retention period and shall last as long as the records are retained.

The Contractor will comply with all applicable state, local, and federal procurement procedures and will maintain a financial management system that complies with the minimum requirements of 49 CFR 18.20.

X.

The Contractor must have a seat belt use policy in place before requesting reimbursement for any work completed under this agreement. The NDDOT's Traffic Safety Office's (TSO) program managers will locate and review the policy during scheduled on-site monitoring visits, if applicable. Absence of a policy may result in the NDDOT withholding payment until a policy is in place.

All contracted personnel are required to wear seat belts and obey traffic laws while on official business of this project.

XI.

Termination:

a. This contract may be terminated by mutual consent of both parties, or by either party, upon 30 days' notice in writing or delivered by certified mail or in person.

b. In addition, NDDOT may terminate this contract effective upon delivery of written notice to the contractor, or at such later date as may be established by NDDOT, under any of the following conditions:

   i. NDDOT funding from federal, state, or other sources is not obtained and continued at levels sufficient to allow for purchase of the indicated quantity of services. The contract may be modified by agreement of the parties in writing to accommodate a reduction in funds.

   ii. If federal or state regulations or guidelines are modified, changed, or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this contract or are no longer eligible for the funding proposed for payments authorized by this contract.

   iii. If any license or certificate required by law or regulation to be held by the contractor to provide the services required by the contract is for any reason denied, revoked, or not renewed.

   Any such termination of this contract under (i), (ii), or (iii), above, shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination.

c. NDDOT, by written notice to the contractor, may terminate the whole or any part of this agreement:

i. If the Contractor fails to provide services called for by this contract within the time specified herein or any extension thereof; or

ii. If the Contractor fails to perform any of the other provisions of this contract, or so fails to pursue the work as to endanger performance of this contract in accordance with its terms, and after receipt of written notice from NDDOT, fails to correct such failures within ten days or such longer period as NDDOT may authorize.

XII.

The Contractor shall not assign any portion of the work under this agreement, execute any contract, or obligate itself in any manner with a third party with respect to its rights and responsibilities to this agreement without written consent of NDDOT. Any agreement with a subcontractor does not create a contractual relationship between the NDDOT and the subcontractor.

XIII.

The Contractor agrees that NDDOT and NHTSA, or their designated representative(s), shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this agreement. The Contractor agrees to maintain such records for possible audit for a minimum of three years after final payment, unless a longer period of records retention is stipulated. The Contractor agrees to allow the auditor(s) access to such records during normal business hours and to allow interview of any employees who might reasonably have information related to such records. Further, the Contractor agrees to include a similar right of the state to audit records and interview staff in any subcontract related to the performance of this agreement.

Audits must be in accordance with OMB Circular A-133, as amended on June 24, 1997. The Contractor shall submit copies of audits covering the term of this agreement to NDDOT. This requirement is applicable to counties, cities, state agencies, Indian tribes, colleges, hospitals, and nonprofit businesses.

XIV.

This agreement constitutes the entire agreement between the parties. No waiver, consent, modification, or change of terms of this agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. The Contractor, by the signature below of its authorized representative, hereby acknowledges that the Contractor has read this agreement, understands it, and agrees to be bound by its terms and conditions.

XV.

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

XVI.

The Contractor is advised that his or her signature on this contract certifies that the company or any person associated therewith is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency; has not been suspended, debarred, voluntarily excluded, or determined ineligible by any federal agency within the past three years; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction on any matter involving fraud or official misconduct within the past three years.

XVII.

The Contractor shall not assign nor transfer the Contractor's interest in this agreement without the express written consent of the state.

XVIII.

The provisions of this agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective successors and assigns.

XIX.

The failure of the state to enforce any provisions of this contract shall not constitute a waiver by the state of that or any other provision.

XX.

All notices, certificate, or other communications shall be sufficiently given when delivered or mailed, postage prepaid, to the parties at their respective places of business as set forth below or at a place designated hereafter in writing by the parties.

_____
NAME AND ADDRESS

_____

_____

XXI.

No official or employee of a state or any other governmental instrumentality who is authorized in his official capacity to negotiate, make, accept, or approve, or to take part in negotiating, making, accepting, or approving any contract or subcontract in connection with a project shall have, directly or indirectly, any financial or other personal interest in any such contract or subcontract. No engineer, attorney, appraiser, inspector, or other person performing services for a state or a governmental instrumentality in connection with a project shall have, directly or indirectly, a financial or other personal interest, other than his employment or retention by a state or other governmental instrumentality, in any contract or subcontract in connection with such project. No officer or employee of such person retained by a state or other governmental instrumentality shall have, directly or indirectly, any financial or other personal interest in any real property acquired for a project unless such interest is openly disclosed upon the public records of NDDOT and of such other governmental instrumentality, and such officer, employee, or person has not participated in such acquisition for and in behalf of the state.

XXII.

All work products and copyrights of the contract which result from this contract are the exclusive property of NDDOT, with an unlimited license for use by the federal government and its assignees without charge.

MUST BE SIGNED BY CITY MAYOR

EXECUTED the date last below signed.

WITNESS:

NAME (TYPE OR PRINT)

SIGNATURE

To be signed by **Owner; Partner; Corp. Pres., Vice Pres.,** or **other authorized Corp. Officer**. (If signed by other authorized Corp. Officer, please attach copy of Power of Attorney or other documentation showing authority to sign.)

CONTRACTOR:

NAME (TYPE OR PRINT)

SIGNATURE

TITLE

DATE

WITNESS:

NAME (TYPE OR PRINT)

SIGNATURE

NORTH DAKOTA
DEPARTMENT OF TRANSPORTATION

DIRECTOR (TYPE OR PRINT)

SIGNATURE

DATE

APPROVED as to substance by:

Karin Mongeon

TRAFFIC SAFETY MANAGER (TYPE OR PRINT) FOR THE DIRECTOR OF SAFETY DIVISION

Karin Mongeon

SIGNATURE

9-12-13

DATE

CLA 16870 (Div. 12)
L.D. Approved 7-17-89; 8-13

APPENDIX A

OCCUPANT PROTECTION (OP) ENFORCEMENT BUDGET

PROJECT NO. PHSPOP1405-05-14

DIRECT COSTS

Overtime wages		$ 4,100
Mileage		$ 450
PROJECT TOTAL		$ 4,550

Participation

Federal	100%	$ 4,550
State	-	
Local	-	

IMPAIRED DRIVING (ID) ENFORCEMENT BUDGET

PROJECT NO. PHSPID1410-03-14

DIRECT COSTS

Overtime wages		$ 6,000
Mileage		$ 500
PROJECT TOTAL		$ 6,500

Participation

Federal	100%	$ 6,500
State	-	
Local	-	

UNDERAGE DRINKING (UA) LAWS ENFORCEMENT BUDGET

PROJECT NO. PHSPID1410-03-69

DIRECT COSTS

Overtime wages		$ 1,000
Mileage		$ 0
PROJECT TOTAL		$ 1,000

Participation

Federal	100%	$ 1,000
State	-	
Local	-	

Consent Agenda No. 3

Board of City Commissioners

Agenda Documentation

MEETING DATE:	October 1, 2013
PREPARATION DATE:	September 27, 2013
SUBMITTING DEPARTMENT:	Engineering & Planning
DEPARTMENT DIRECTOR:	Justin Froseth, Planning and Engineering Director
PRESENTER:	Kim Fettig, Project Manager
SUBJECT:	Consider authorizing a work change order on Street Improvement District No. 185, Project No. 2013-19 (Heart Ridge 2nd Addition).

STATEMENT/PURPOSE: To authorize a change order to extend the contract completion date for the storm sewer, curb and gutter, electrical trenching and base lift of asphalt of September 17th, 2013 to September 30th, 2013 to allow for rain days.

BACKGROUND/ALTERNATIVES: Change order is being requested to allow for the rain days that took place in delaying the work.

ATTACHMENTS: 1. Change Order Request.
2. Swenson and Hagen's Recommendation

FISCAL IMPACT: None

STAFF IMPACT: Minimal

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

RECOMMENDATION: This office supports the change order for the project.

SUGGESTED MOTION: I move to authorize a change order on Street Improvement District No. 185, Project No. 2013-19 to extend the contract completion date for the storm sewer, curb and gutter, electrical trenching and base lift of asphalt of September 17th, 2013 to September 30th, 2013.

SWENSON, HAGEN & CO. P.C.
civil engineering . surveying . land planning . hydrology
landscape & site design . construction management

September 16, 2013

Mr. Bryce Wuori
Project Manager, Northern Improvement Company
PO Box 1254
Bismarck, ND 58502

Re: Time Extension - Mandan SID #185
Heart Ridge 2nd Addition

Dear Mr. Wuori:

The contract was completed and signed on July 23, 2013. Markwed Excavating was completed with construction on August 2, 2013. Swenson, Hagen & Co. staked the storm sewer for the project on August 7, 2013. No request for construction staking was made at the time. The construction stakes were present at the time of the pre-construction meeting (August 19, 2013). The shops drawings for the storm sewer were completed on August 14, 2013 and sent to the sub contractor for his approval, they were returned to Cretex and sent to Swenson, Hagen & Co. on August 15, 2013 and Swenson, Hagen & Co. returned, approved and sent back shop drawings on August 19, 2013.

The sub-contractor for the storm sewer portion of the project started the project on September 6, 2013 with tree removals at all three outfalls. To date the storm sewer has yet to be completed.

A pre construction meeting was held on August 19th, 2013. It was indicated at that time by the prime and sub contractors a schedule to install storm sewer the week before Labor Day weekend and part of the first week of September seeing the completion of the storm sewer. It was also indicated at the meeting electrical conduits would be installed the first week of September. Curb would follow the second week along with the trenching of the electrical and bases for poles in the third week of September. The base lift was indicated to be wrapped up in the third week of September.

After consultation with the Engineering Department it is my recommendation that an extension to the deadline for the project from September 17, 2013 to October 17, 2013 not be approved. The shops were not completed any earlier than August 19, 2013, meaning the construction of the manholes and inlets were not completed before mid August. To date no other work has progressed other than the storm sewer to date.

909 Basin Avenue . Bismarck, North Dakota 58504
(701) 223-2600 . (701) 223-2606 Fax
sheng@swensonhagen.com

On a related item, there has been 13 rain days from July 23, 2013 to September 16, 2013. This count is based on the day of rainfall and an additional day due to the wet conditions unless the rain fell on a weekend which the additional day would only apply. This would extend the completion of the project from September 17, 2013 to September 30, 2013 if approved by the City Commission.

Please call if you have any questions.

Sincerely,

Jason Petryszyn, PE
Project Engineer

JP

attachment

c: Lance Wachter
Kim Fettig, City of Mandan

HOME OFFICE
FARGO, NORTH DAKOTA
4000 12th Avenue N.W.
58108-2846
P.O. Box 2846
Phone 701-277-1225
Fax 701-277-1516

OFFICE AT
BISMARCK, NORTH DAKOTA
58502-1254
P.O. Box 1254
Phone 701-223-6695
Fax 701-224-0937

OFFICE AT
DICKINSON, NORTH DAKOTA
58602-1035
P.O. Box 1035
Phone 701-225-5197
Fax 701-225-0207

Northern IMPROVEMENT COMPANY

Thomas McCormick, President/CEO
Steve McCormick, Executive Vice-President

August 23, 2013

Mr. Jason Petryszyn
Swenson, Hagen & Company
909 Basin Ave.
Bismarck, ND 58504

RE: Mandan SID 185

Dear Mr. Petryszyn:

Per our discussion, the underground utility work was recently completed in mid August. Quam will be starting the storm sewer next week. We will follow with grading, gravel, curb & gutter and paving. However, we are requesting a change order moving the completion date to October 17, 2013 for the storm sewer, curb and gutter, electrical trenching and base lift of asphalt. These dates are based on the fact that the underground was not completed until the middle of August which postponed the start date for Northern Improvement Company until the end of August. The project can only be started behind schedule through no fault of Northern Improvement Company. Your positive consideration would be appreciated . Any questions please let me know, thank you.

Sincerely,

NORTHERN IMPROVEMENT COMPANY

Bryce Wuori
Project Manager/Estimator

Consent #4

Board of City Commissioners

Agenda Documentation

MEETING DATE:	October 1, 2013
PREPARATION DATE:	September 26, 2013
SUBMITTING DEPARTMENT:	Finance
DEPARTMENT DIRECTOR:	Greg Welch
PRESENTER:	Greg Welch
SUBJECT:	Administrative guidelines for City Pay Policies

STATEMENT/PURPOSE:
Consider administrative guidelines for City Pay Policies.

BACKGROUND/ALTERNATIVES:

Promotion Policy
On May 7, 2013, the Board of City Commissioners approved Ordinance No. 1145 and the current Promotion Policy. However, the following revisions are necessary to the existing Policy at this time:

- The additional 5% will require written justification submitted from the Department Manager to the Human Resources Department and the City Administrator to support the increase.
- Compensation above the mid-point will require the prior approval of the City Administrator.

Salary Policy
The Salary Policy will provide consistency for Departments when prospective employees receive compensation offers from the City. For compensation above the minimum range of the pay grade for new employees, the Policy will require written justification submitted from the Department Manager to the Human Resources Department and the City Administrator, and will also require the prior approval of the City Administrator.

The Human Resources Department has been directed to review Title 4 of the Mandan Code of Ordinances to recommend proposed changes relating to City's Classification and Salary Plans.

ATTACHMENTS:

- Promotion Policy
- Salary Policy

FISCAL IMPACT:
N/A

STAFF IMPACT:
The Policies will provide better administrative guidelines for the City's Department Managers.

LEGAL REVIEW:
Submitted to Malcolm Brown, City Attorney.

RECOMMENDATION:
To approve the administrative guidelines for City Pay Policies.

SUGGESTED MOTION:
Move to approve the administrative guidelines for City Pay Policies.

PROMOTION POLICY

Employees receiving a promotion shall receive at least a 5% increase or the minimum of the range for the new position. After the probationary period of employment, ~~new or~~ promoted employees in the position may receive another salary consideration of up to a 5% increase with written justification submitted from the Department Manager to the Human Resources Department and the City Administrator. Compensation above the mid-point will be offered in exception and only with the consent of the City Administrator. ~~However, the additional 5% salary increase will be given only up to 95% of the new range. In other words, no additional salary increase will be given to the employee, after the probationary period in the new position, if such an increase would put the employee over 95% of the mid-point of the new salary range.~~ *Mandan Code of Ordinances 4-06-10.*

Approval Date: 5/7/13
Revision Date: 10/1/13

SALARY POLICY

Department heads are responsible for assigning pay rates to newly hired employees within the established pay grade of the position occupied by the employee within the following guidelines. Department heads are authorized to extend fair and equitable offers not to exceed the minimum of the range of the new position. Compensation above the minimum requires written justification submitted from the Department Manager to the Human Resources Department and the City Administrator and will be offered in exception and only with the consent of the City Administrator. *Mandan Code of Ordinances 4-06-10.*

Approval Date: 10/1/13

Consent No. 5

CITY OF MANDAN

"WHERE THE WEST BEGINS"

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

PROCLAMATION

NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH:

WHEREAS, Workplaces welcoming of the talents of all people, including people with disabilities, are a critical part of our efforts to build an inclusive community and strong economy; and

WHEREAS, In this spirit the city of Mandan North Dakota is recognizing **October** as National Disability Employment Awareness Month; and

WHEREAS, To celebrate the many and varied contributions of people with diverse abilities activities should reinforce the value and talent people with disabilities add to our workplaces and communities and affirm Mandan North Dakota's commitment to an inclusive community.

NOW THEREFORE, I, Arlyn Van Beek, do hereby proclaim October 2013 as National Disability Employment Awareness Month in the city of Mandan. In so doing, I call upon employers, schools and other community organizations in Mandan North Dakota to observe this month with appropriate programs and activities, and to advance its important message that people with disabilities are equal to the task throughout the year.

Dated this 1st day of October, 2013

Arlyn Van Beek, President
Board of City Commissioners

Attest:

James Neubauer, City Administrator

Old Business No. 1

Board of City Commissioners

Agenda Documentation

MEETING DATE:	October 1, 2013
PREPARATION DATE:	September 27, 2013
SUBMITTING DEPARTMENT:	Special Assessments
DEPARTMENT DIRECTOR:	Justin Froseth, Planning & Engineering Director
PRESENTER:	Kim Fettig, Project Manager
SUBJECT:	Confirmation of special assessments for Street Improvement District #148.

STATEMENT/PURPOSE: To consider confirmation of special assessments for Street Improvement District #148.

BACKGROUND/ALTERNATIVES: The project, along with cost and description of the improvements provided within the district, are as follows:

- **Street Improvement District #148 - ($967,489.29)** provided for the improvement to said streets within this district shall include, but not limited to, concrete streets with curb and gutter, installation of storm sewer, water mains, sanitary sewer mains, street lighting, and bike trails from Division Street NE to Main Street (Mandan Avenue).

The assessment list for this district was published in the Mandan News and the public hearing before the Special Assessment Commission was held on August 7, 2013. There were three residents with objections relative to this project (Deborah Holter, Denae Kautzmann and Bernice Thomas) at the August 7th public hearing. The Special Assessment Commission voted to table this project. On August 14th the Special Assessment Commission met again with City staff and City Attorney Brown. At this meeting it was voted on by the Special Assessment Commission to move the project on to the City Commission with commission members Jacobsen and Winks voting aye and Holter voting naye. See attached memo for more information on this project. Assessments will be certified to Morton County by November 1st, 2013 to be included on December 2013 Tax Statements.

City Staff, City Attorney Brown and Commissioner Tibke met on September 27, 2013 to discuss DeNae Kautzmann and Deb Holter's concerns on their specials. City staff had written comments to address Ms. Holter and Ms. Kautzmann's written concerns brought up at the last City Commission meeting on September 17th. Ms. Holter indicated that she

would like to respond to the staff's written comments. Commissioner Tibke asked for Ms. Holter's written comments to be submitted by Monday September 30th for each commissioner's review prior to the October 1st City Commission meeting.

ATTACHMENTS: 1. Written responses to DeNae Kautzmann and Deb Holter's comments.
2. Copy of the special assessment list and map of the respective district and memo to City Commissioners.

FISCAL IMPACT: Total Amount Assessed:

Street Improvement District #148 - **($967,489.29**)
Years Assessed: 15
Interest Rate: 5.1475%
No Interest Charged for the First Year

STAFF IMPACT: maximum

LEGAL REVIEW: n/a

RECOMMENDATION: I would recommend the proposed assessments as confirmed by the Special Assessment Commission be certified on this project.

SUGGESTED MOTION: Move to approve the special assessments for certification on Street Improvement District #148.

Following attachment is the comments from Denae Kautzmann and Deb Holter with City Staff's comments inserted in bold and italics that was given to Ms. Kautzmann and Ms. Holter at the September 27th meeting.

To: Greg Welch
City of Mandan

From: Deborah Holter
PO Box 483
Mandan, ND 58554

RE: Special Assessment District #148
Notice of Objection and Appeal of Special Assessment NDCC 40-23-14 Mandan City Commission meeting September 17, 2013

1587 1101 Crying Hill Dr $1067.08
1480 Third St NE $931.03
1486 Third St NE $931.03
1490 Third St NE $931.03
And any other assessments charged to me in this special assessment district.

I own the above cited property within special assessment district # 148 and am a member of the Special Assessment Commission (SAC). I did not take part in the determination of these assessments in this district except to vote move the matter forward. I am appealing the assessments made on my properties as inequitable, arbitrary and in excess of the benefit to my properties. Further these same issues apply to a number of other properties in the district and should be corrected.

This appeal is before the City Commission as a result of the engineering department repeatedly failing to provide me with the information it used to determine the dollar amount of these assessments. Most of the information on which this appeal is based was not obtained until the day of the SAC public meeting to hear property owners objections prior to certifying these assessments to this Commission for today's meeting. At the beginning of that SAC public meeting, the SAC chairman made it clear that he was going to certify these assessments as presented regardless of any objections and was verbally abusive to me as a SAC member and to the property owners who objected. The City has lost the tape recording of that meeting.

Thereafter, the engineering department refused to deal with questions raised by this newly acquired information or answer the objections of property owners. The engineering department stated that the City Commission should deal with these matters.

(1) Properties within Special Assessment District # 148 are assessed differently and the engineering department has been unable to explain how the cost of the benefits to my specific properties were determined. My home is .8 mile from Mandan Avenue and is assessed $1062. Forty plus homes that are the same distance from Mandan Avenue and receive the same benefits are assessed $382 or $417. When asked to explain the difference, Ms. Hager repeatedly said that I could not compare apples and oranges. I would like to know how my property is benefitted by this project and why I am paying a greater amount that other property owners within the district.

Comment in comparing apples to oranges, referenced the various elements of construction in this district and that a parcel of land may benefit from one item of cost whereby another parcel could receive benefits from up to four items of cost making it difficult to compare one parcel to another.

Parcel #1587 (your home) benefits from the waterline, street and storm sewer basin construction. Assessments are allocated on a per lot basis. All parcels within a benefiting area are entered within the computer and a unit cost is determined. Assessments are made to large parcels by adjusting the units of cost. The property assessment as published on September 21, 2012 was listed as $6,079.78 due to size of the parcel. Properties on 3rd Street were reduced from $1,983.48 to $931.03 (single family Lot). Assessments were revised on Ms. Holter's and Ms. Kautzmann's properties after claims that the city was unable to provide city services to these tracts of land causing them to be unbuildable and that covenants existed preventing the land from being subdivided. Without proof of written evidence of a signed and recorded document predating the assessment district, these parcels should be assessed based on size and potential for subdivision.

Also, the assessment on my home was increased $130 just prior to publication with no explanation for the increase. There was a prior discussion that it was included in a water drainage unit to the east, but it was not increased at that time.

In reviewing the final edit, it was apparent portions of Parcels $1563, #1563A, #1563B and #1587 are within the storm sewer basin and added to the assessment list.

At the SAC hearing, Ms. Fettig stated that a topographical map"proved that"my property drained east onto Mandan Avenue. However, the age of that map is unknown, the distance of several blocks of open field from my property to Mandan Avenue was not considered; there is a raised road on the eastern edge of my property and on the neighbor's property that does not appear on that map and it is of a higher elevation preventing drainage to the east and my property boundaries were not considered. When these issues were raised, Ms. Fettig replied that they could not look at the individual properties. Further, Ms. Hager stated that this would cause my assessment to increase only by $20, such a small amount that it didn't matter if I paid for a benefit that did not accrue to my property.

No assessment increased by $20.00. The assessment for Parcel #1587 increased by $136.05 for storm sewer construction.

The assessment of the home to the west was also increased in a like manner, apparently for the same reason and is even more unlikely to drain in that direction.

Ms. Fettig also stated that my home was in an additional drainage district to the south. This is disproved by both the map used by the engineering department which shows the cost benefits provided to the properties (attachment 1) and the minutes of the public meeting wherein the engineers explained the benefits provided to the properties (attachment 2 is a part thereof). Further, the cost of this benefit had already been included in my assessment---thus I was assessed for TWICE for the same benefit and that

benefit does not accrue to my property.

These facts also apply to my three properties on Third Street. They are being assessed for benefits not received in that they are not in the drainage basin. Also, they are vacant lots and do not have a primary source of water, yet they are being assessed for a secondary source of water and are being assessed for that unused water line at rate more than twice the rate of most of the rest of the district who do have a primary source of water and use for a secondary line.

The eastern 2/3 of the northernmost and eastern ½ of the center of Ms. Kautzmann's properties and the northernmost 60% of Ms. Holter's property are in the Storm Sewer Basin B. The properties on 3rd Street are not in either storm sewer basin and are not assessed any costs.

(2) The engineering department decided to assess the costs of a 16" secondary water line running under Mandan Avenue 70% to properties west of Mandan Avenue and 30% to the properties east of Mandan Avenue. Even though I repeatedly asked how this discrepancy in benefit was determined, I was told it was an engineering decision. On the day of the SAC public hearing I was able to obtain the one document on which this decision was based and only after learning of its existence from a non-city source.

This apportioning of cost was based on one ambiguous statement made by Tom Little at a public meeting on April 25, 2007. This meeting occurred prior to the publication of the district boundaries so there was no public notice. There is one sentence that could be read that the City would pay 25% of the cost of that water line and the remaining 70% would be special assessed. Or that sentence could be combined with the next partial sentence to read that there would be a 70/30 split. The next two sentences negate the latter reading in that they state that the estimated cost to the lots west of the railroad tracks (Mandan Avenue) would only be $339 while the costs on this side would be $337. These numbers are just estimates, but there is only a $2 difference not a 2 1B times difference. (Attachment 2). I have been informed by the engineering department that Mr. Little has declined to clarify these statements.

On April 17, 2007 the Board of City Commissioners authorized the publication of the district map showing the boundaries for Street Improvement District #148. Former City Engineer, Tom Little gave a slide presentation on the project which indicated how the district was broken into quadrants along with the percentages of cost based on the benefit each area received from all elements of construction. The Board of City Commissioners voted to move forward with SID #148. On April 25, 2007 there was an open house and public meeting at which a formal presentation took place and again the maps showing the potential assessments were reviewed by all individuals present.

The waterline costs were split 70% to the west of Mandan Avenue and 30% to the east side. Based on the number of parcels served by waterlines tapped directly into this new line, this is an appropriate proportion due to the larger number of properties west of Mandan Avenue. The flow of water in this new line will primarily go west. The cost to property owners to the west of Mandan Avenue for the waterline was $502.84 and to those

east of Mandan Avenue was $228.51. Property owners east of Mandan Avenue did not pay for the pipe on the Mandan Avenue waterline, only for a stub in for their newly constructed line off of Division St.

When assessing the costs for the street construction, in order for the east side to receive any benefit from Mandan Avenue, it was necessary to construct a portion of Division Street NE for Eastwood Acres area and a new entrance off of Division St NE for the Riverbend Additions in order to gain access to Mandan Avenue. These areas main access is off of Missouri Drive onto I-94 and Main Street.

The remaining document speaks to the benefits this water line provides to the lots east of Mandan Avenue, not to the lots west of Mandan Avenue and that another (?) 16" water line would be divided 25% to the city and the remaining 75% EQUALLY assessed to the property owners.

The properties west of Mandan Avenue have been assessed more than twice as much for the cost of this water line as those east of Mandan Avenue when the benefit is the same or even greater for the those properties to the east. This clearly violates North Dakota statutes. .

(3) Even though the boundaries of Special Assessment Districts #147, #148 and #52 are the same; the property assessments of each district must be determined separately based upon the benefit derived from that district only. The engineering department did not do this. It took into account the costs already assessed to homeowners in Districts #147 and #52 in determining the cost of the assessments in #148. This caused some property owners in District #148 to pay more and some less than their fair share.

Each district was assessed separately. In order to get services and sufficient capacity, property owners in Water and Sewer Improvement District #52 still needed to connect to the waterline installed as part of SID #148 and were assessed accordingly, thus the difference between the 70% cost vs. 30% cost ($502.84 vs. $228.51).

(4) In addition to lessening some property owners District # 148 assessments because of assessments they paid other districts for benefits conferred by those districts, the City did not apply District #148 costs equally throughout the District #148 as required by statue. Some District #148 property owners their # 148 assessments lessened by both actions.

Street Improvement District #148 had several components that had different benefit areas. This caused different assessment amounts for properties based on whether or not they benefited from each component of SID #148. The benefit area for the road improvements was divided into 6 separate areas with different assessment percentages. The total number of parcels assessed for road improvements was 426, 386 parcels were for water improvements, 5 parcels were assessed for sanitary sewer improvements, 8 parcels were assessed for storm sewer Basin B and 75 parcels were assessed for storm

sewer Basin A.

Attachment 1 is the map the engineering department used to determine the individual assessments for Districts #147, #148 and #52. It shows the common outside boundary of these districts. That large area was divided into smaller areas. Each smaller area has an estimated cost of the benefit accrued within that area of the three special assessment districts COMBINED. The cost benefit of the individual special assessment districts cannot be separated. It is not known what information was used to divide the boundary area into smaller areas or how the cost benefit of each area was determined.

A professional engineer having the knowledge and understanding of the workings of the city's water system and traffic flows on roadways determined the logic to generate original estimates. This logic was found to be reasonable and was used as a guide in spreading the costs.

When comparing the actual District # 148 assessments with the estimated cost of benefit conferred; the Riverbend Area and the Eastwood Acres Area are assessed hundreds less than the estimate. Tesoro Refinery and the Mandan Cemetery are assessed several thousand less than the estimate. The amounts for the Industrial Park Area, the sewer area west of Mandan Avenue and the green area west of Mandan Avenue were not calculated because of lack of information. However the remaining property owners west of Mandan Avenue are assessed several hundred and, in the case of at least one property owner, several thousand, more than the estimated benefit. When asked to explain the discrepancy, Ms. Hager stated that the map showed only estimates, and did not have to be followed and she was happy that many of the assessments were lower. She did not explain why others were higher. This is especially egregious in that the estimates are for the three special districts combined and the property owners paying a higher assessment were benefitted by only one district while the property owners paying a lower assessment were benefitted by two or three districts.

All areas on the map do indicate original estimates. These estimates can bear change due to actual bids and change orders after the bid.

The property owners deserve an explanation of why they are paying hundreds more than the original estimated benefit and Tesoro is paying almost $7000 less. I am also curious why the pastureland laying largely to the west of Mandan Avenue with a small part abutting Mandan Avenue is assessed 6 times (an additional $120,000 at least)more than Tesoro or the Mandan Cemetery. How much does area figure into the benefit determination? Future benefit vs present benefit?

Tesoro's original estimate was $36,477.03 and proposed assessment is $32,555.01. This amount equals 7.69% of the total street construction costs as the determined benefit to the area. Within the Mandan Union Cemetery area costs are 3 tracts of land – the assessments combined for the waterline and street construction equals $39,598.75 being above the original estimate.

Wetzstein's property benefits both from the waterline and street construction

and is also within the storm basin. Assessments for specific parcels are based on best and highest land usage regardless of present use. Size, location and benefits the property receives are major components in allocating costs to these lands.

Costs are assessed to the District that should be assessed to the city as a whole. The asphalt trail that runs from Third Street NE north to the end of the assessment area is part of a comprehensive walking trail and should be assessed to the Park District. This is referred to repeatedly in the above cited transcript of the public hearing held April 25 and contemporary newspaper articles.

The Park District is assessed for the Park (City Parcel ID 1376 on assessment list). The bike path was built in lieu of a sidewalk to satisfy the requirement by NDDOT for pedestrian access. The cost of construction of an asphalt bike path is comparable to the cost of construction of a concrete sidewalk. When the right-of-way is wide enough to permit it, construction of a multi-use path separated from the roadway surface is safer than a narrower sidewalk along the side of the roadway.

(5) Costs are assessed to the District that should be assessed to the abutting property owners. The retaining walls on Mandan Avenue north of Third Street NE benefit the abutting property owners and should not be paid for by the entire District. Although an argument may be made for the homeowner not bearing the entire cost, this is not true of the vacant lot adjacent. Much of the length of that wall is unnecessary: parts of the wall are higher than the land behind it that it is supposed to support and the city property immediately to the north does not have a retaining wall and the slope is higher. The steps below the Mandan sign not necessary and benefit the property owner only.

When these questions were first raised, the engineering department stated that I could not question the individual costs contained within the project. Thereafter, my questions were ignored until raised by another property owner to another city department who suggested to the engineering department that the costs should be determined. One the day of the SAC public hearing, the cost was determined, but Ms. Fettig said that it was such a small dollar amount that even though it did not benefit my property or any of the other properties it would not be broken out of our assessments.

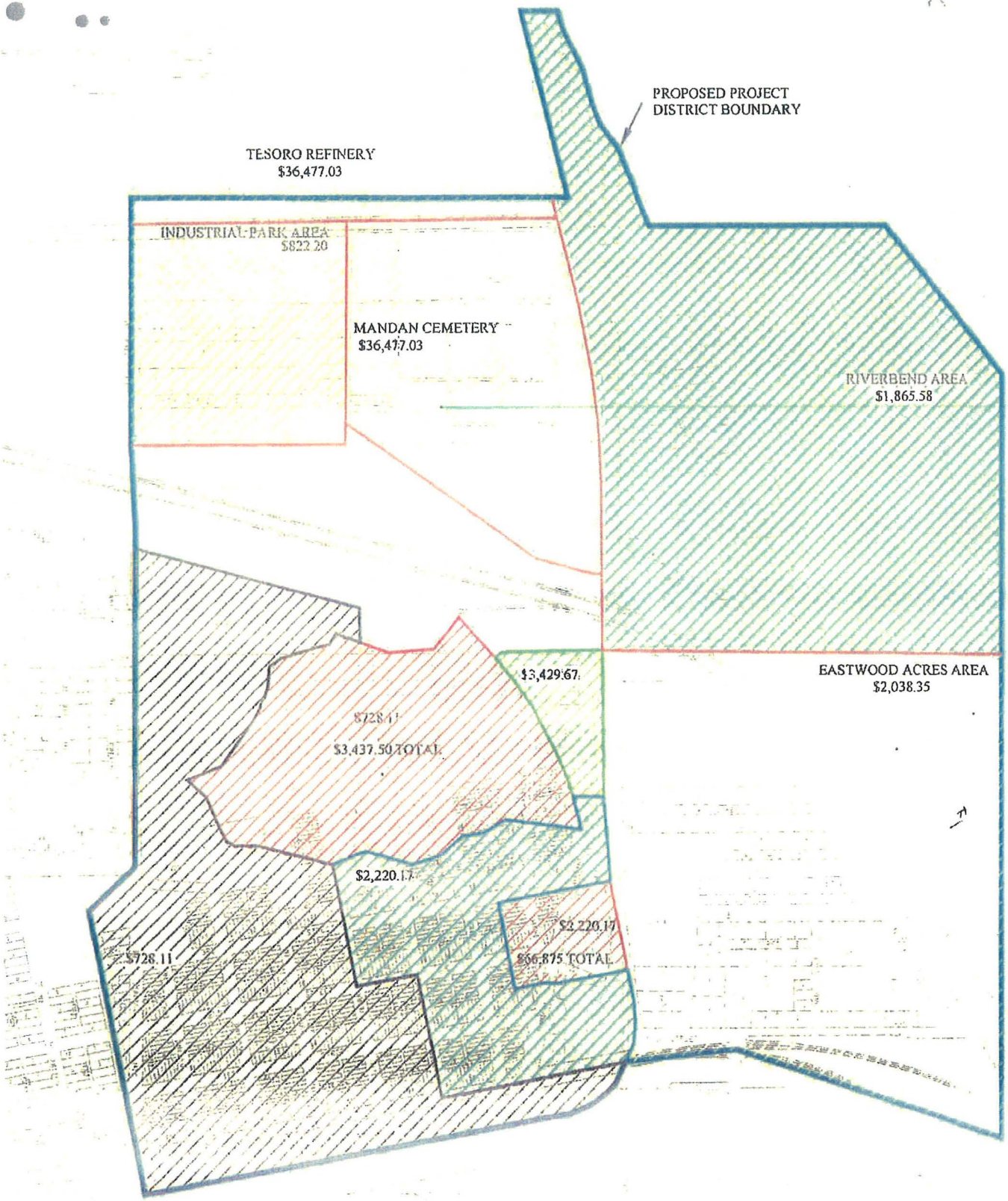
Retaining walls are designed to protect the public right-of-way from erosion dumping mud and debris on the road surface. It is therefore a legitimate district cost. The steps are at the widest point of the right-of-way on that side of the road and provide access to the Mandan sign. There is a path from the steps to the sign.
We have no record in our office to show that the steps were requested by Pat Atkinson. The retaining wall and steps were built by the block and when we looked at the difference between if the wall was built versus the steps what kind of impact it would have and it was determined to be minimal. The difference in cost was approximately 289 square feet @ $28.70/s.f. = $8294.30 x 18% being the total cost of $1492.97 divided by 426 parcels = $3.50 per parcel in special assessments.

I apologize for the length of this document. Some of these matters/questions should have been dealt with before this hearing. The engineering department refused to do so and stated that you, as Commissioners, should deal with it.

For all of the reasons stated, I object to the assessments for my four properties and, as a SAC member, for any one else who has not filed a written objection before you today as required by statue. I ask that the Commission allow a few days for anyone who, after listening to this meeting, chooses to file an objection be allowed to.

Thank you for your time and attention.

Attachment 1



3/19/07

Attachment 2

Public Question *But it is enhancing Memorial Highway water supply ....*

Response by Tom Little ok, I understand where you're coming from.

I guess I'd recommend that you put your comments in writing and provide that to the City, not specifically to the city, Ulteig Engineering, but address it to the City, funding is not really a portion of the concept report, but make you're thoughts known and that goes for all of this, any comments or thoughts you might have on the funding, the aspects of construction, what's included, what's not included, make your thoughts know, please.

Tom Little continues presentation

OK, here we go, into the various layered aspects of the project. Along Mandan Avenue, now we're going to have another slide for Division, but along Mandan Avenue, we are installing a 16" water line. That will be tied into the water line that comes across Division, you'll see that in a little bit, that will be a solid line. We will be going all the way down to Main Street where we'll tie in to a 12" line that goes down to Twin City Drive, and a 12" line that goes down Memorial Highway, a 12" line on Main Street, and a 12" line on 1st Street. This is to bring the water around another direction so we can help pull through the water system in that location. We have a distribution system master plan going on and that 16" water line was in our first master plan back in '77 and it's still in and highly recommended like the one that is about to be completed sometime in 2007.

The 16" water line, now, the funding on that water line, there is no federal funding on it, it is all locally funded. The City of Mandan, because it is a 16" water line, we would be picking up 25% of utility funds. The balance of the cost would be special assessed and we're looking at special assessing for this 16" water line, 70% of the cost of that 16" water line. In this area, the Burlington Northern Railroad track west and south of the Interstate and 30% of the area east of the railroad tracks. The cost per parcel to the west of the railroad tracks would be $339 per parcel, a parcel west of the railroad tracks is 50 x 140. A parcel on this side, is on a per count basis however, you see a number of large areas we have estimated the number of parcels. So if you own a lot here or here, you would be paying for the water line on Mandan Avenue at $337 per parcel.

Moving on to the storm sewer, as indicated earlier, there are 3 areas of 3 different divisions of the water line. The storm sewer for directly benefiting Mandan Avenue has been incorporated. The cost of that has been incorporated into the cost of the streets. So you'll see, well, you won't see those numbers but they are a part of the street construction. However, because of the flooding caused by that area contributing water to Mandan Avenue, we have a 60% federal cost participation 7.5% state, 32.5% local. Of that local share, we have 15.4 with the property tax mill levy, 15.4 sales tax, and 69.2% special assessed. Now this is a little bit different than what you see, but what I've done is broken that down a little bit more so that you can see it a little bit

Notice of Appeal of Assessments Special Assessment District #148

The assessments to Parcels 1563, 1563A, and 1563B are appealed for the following reasons:

1. The special assessment exceeds the benefit which is contrary to state law.
   a) These parcels and Riverbend subdivision parcels are equal distance to Mandan Ave with a greater benefit to Riverbend because Mandan Ave serves this subdivision as the primary ingress and egress. Riverbend parcels are assessed approximately $600 lower than parcels 1563, 1563A, and 1563B.

      Street Improvement District #148 had several components that had different benefit areas. This caused different assessment amounts for properties based on whether or not they benefited from each component of SID #148.

   b) The waterline is a secondary line to the primary waterline. This waterline is of no benefit to Parcels 1563A and 1563B since there is no primary waterline to back up.

      All of these parcels are within the City's corporate limits therefore have the benefit of being able to connect to City water and sewer. Benefit is based on the potential of the property to be developed and receive city services, not the current condition of the property.

   c) The special assessment list is incomplete, parcels on 2nd Ave. NE were missed.

      Second Avenue NE is not part of this Improvement District. If Second Street NE was the intended reference, one parcel on 2nd Street NE was unbuildable and not assessed.

   d) Steps built on Pat Atkinson's property at his request solely benefit him and the cost should not be spread to other parcels in the Special Assessment District.

      Retaining walls are designed to protect the public right-of-way from erosion dumping mud and debris on the road surface. It is therefore a legitimate district cost. The steps are at the widest point of the right-of-way on that side of the road and provide access to the Mandan sign. There is a path from the steps to the sign.
      We have no record in our office to show that the steps were requested by Pat Atkinson. The retaining wall and steps were built by the block and when we looked at the difference between if the wall was built versus the steps what kind of impact it would have and it was determined to be minimal. The difference in cost was approximately 289 square feet @ $28.70/s.f. = $8294.30 x 18% being the total cost of $1492.97 divided by 426 parcels = $3.50 per parcel in special assessments.

e) The Park District should be assessed for the Park within the Special Assessment District and for the bike trail along Mandan Ave.

The Park District is assessed for Lil Haven Park (City Parcel ID 1376 on assessment list). The bike path was built in lieu of a sidewalk to satisfy the requirement by NDDOT for pedestrian access. The cost of construction of an asphalt bike path is comparable to the cost of construction of a concrete sidewalk. When the right-of-way is wide enough to permit it, construction of a multi-use path separated from the roadway surface is safer than a narrower sidewalk along the side of the roadway.

The Special Assessment Commission failed to follow Section 40-23-07 of the North Dakota Century Code because it did not levy the assessments to its just proportion of the total cost to be paid by special assessment. The Commission apportioned the cost of the Mandan Ave reconstruction and the waterline costs into units with separate costs which is not permissible under statute and precedent under ND caselaw.

The Special Assessment Commission acted in full compliance with the provisions of Section 40-23-07 by assessing each parcel its fair share of the full cost of the improvements benefiting each parcel. The focus of 40-23-07 is on the requirement that parcels owned by political subdivisions are not exempt from being assessed. The section title is: 40-23-07. Determination of special assessments by commission – Political subdivisions not exempt.

Parcels 1563A and 1563B are not buildable due to the City being unable to provide city services to these lots. All rights of way surrounding these lots have been vacated. There is no city street leading to these lots, there is no water and sewer, and no fire protection. The development of these parcels cannot go forward and therefore the lots are not buildable and should not be specially assessed.

Our office received a letter from the City Building and Assessing office stating these lots are buildable. These parcels are within the City's corporate limits therefore having the benefit of being able to connect to City water and sewer. These lots are in common ownership with the adjoining lot that has public right-of-way access. Thus these lots have access to City services. These lots cannot be sold without providing access. Therefore these lots are capable of having city services provided now and in the future.

Our objections were brought forth at the August 7, 2013 public hearing before the Special Assessment Commission and ignored. Our objections were not discussed by the Commission at the hearing or at the August 14, 2013 meeting. In fact, the City Attorney instructed that they need to get this to the City Commission as they have the final say and the Special Assessment Commission only makes suggestions. The Special Assessment Commission shirked its duty by failing to determine whether an error was made based upon the objections raised at the public hearing. By filing the special assessment list with the City Commission they are confirming it is correct. See Sections 40-23-11, 40-23-12 NDCC.

Notice of Appeal of Assessment, Special Assessment District #148

The assessment to Parcel 1513 is appealed for the following reasons:

1. The Special Assessment Commission failed to follow Section 40-23-07 of the North Dakota Century Code (NDCC) because it did not levy the assessment to its just proportion of the total cost to be paid by special assessment. The Commission apportioned the cost of the Mandan Ave reconstruction and the waterline costs into units with separate costs which is not permissible under statute and ND case law.

   The Special Assessment Commission acted in full compliance with the provisions of Section 40-23-07 by assessing each parcel its fair share of the full cost of the improvements benefiting each parcel. The focus of 40-23-07 is on the requirement that parcels owned by political subdivisions are not exempt from being assessed. The section title is: 40-23-07. Determination of special assessments by commission – Political subdivisions not exempt.

2. The special assessment exceeds the benefit which is contrary to state law.
   a) The special assessment list is incomplete, parcels on 2nd Ave. NE were missed.

      Second Avenue NE is not part of this Improvement District. If Second Street NE was what was intended in item c, there is one lot that is unbuildable that did not receive assessments.

   b) Steps built on Pat Atkinson's property at his request solely benefit him and the cost should not be spread to other parcels in the special assessment district.

      We have no record in our office to show that the steps were requested by Pat Atkinson. The retaining wall and steps was built by the block and when we looked at the difference between if the wall was built versus the steps what kind of impact it would have and it was determined to be minimal.

   c) Park District should be assessed for the Park within the District and for the bike trail built on Mandan Ave.

The Park District is assessed for Lil Haven Park (City Parcel ID 1376 on assessment list). The bike path was built in lieu of a sidewalk to satisfy the requirement by NDDOT for pedestrian access. The cost of construction of an asphalt bike path is comparable to the cost of construction of a concrete sidewalk. When the right-of-way is wide enough to permit it, construction of a multi-use path separated from the roadway surface is safer than a narrower sidewalk along the side of the roadway.

Our objections were brought forth at the August 7, 2013 public hearing before the Special Assessment Commission and ignored. Our objections were not discussed by the

Commission at the hearing or at the August 14, 2013 meeting. In fact, the City Attorney instructed that they need to get this to the City Commission as they have the final say and the Special Assessment Commission only makes suggestions. The Special Assessment Commission abdicated its duty by failing to determine whether an error was made based upon the objections raised at the public hearing. By filing the special assessment list with the City Commission they are confirming it is correct. See Sections 40-23-11 and 40-23-12 NDCC.

NOTICE OF HEARING OF OBJECTIONS TO SPECIAL ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #148

Notice is Hereby Given, that the Special Assessment Commission of the City of Mandan, North Dakota will meet at Mandan City Hall, 205 2nd Avenue NW on August 07, 2013 at 6:00 p.m. to hear objections which may be made to any of the foregoing assessments in Street Improvement District #148 as shown in the foregoing list by any person interested or his agent or attorney.

Phyllis Hager

NOTICE OF ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #148

We the undersigned, constituting the Special Assessment Commission of the City of Mandan, do hereby certify that the following is a true and correct list of the particular lots and tracts of land which, in the opinion of the Commission, are especially benefited by the construction performed in Street Improvement District #148 of the City of Mandan, showing the amount against each lot or tract, the same is a true and correct assessment of the property therein described to the best judgment of the members of the Commission. The items of expense in said improvement district and the assessments are as follows, to-wit.

Construction	$5,230,406.07
Engineering, Legal, Admin., Insp. & Construction Interest	156,011.46
Bonding Costs	54,399.60
Less Federal, State and/or City Funding	(4,473,327.84)
Amount to be Assessed	$967,489.29

Seq#	Lot	Blk	Address	Amount Assessed
HELMSWORTH-MCLEAN 1ST				
1160	1 & 2	1	811 1 ST NE	931.03
1161	3 & 4	1	109 8 AVE NE	931.03
1162	5 & 6	1	107 8 AVE NE	931.03
1163	7-18	1	710 E MAIN ST	2, 793.10
1164	19 & S 1/2 of 20	1	106 6 AVE NE	931.03
1165	N 1/2 of 20 & 21	1	108 6 AVE NE	1, 862.06
1166	22 & S 8' of 23	1	110 6 AVE NE	931.03
1167	N 17' of 23 & 24	1	112 6 AVE NE	931.03
1168	E 50' of 1-3	2	911 1 ST NE	931.03
1169	E 50' of 4-6	2	107 9 AVE NE	931.03
1170	W 50' of E 100' of 1-6	2	909 1 ST NE	931.03
1171	W 50' of 1-6	2	907 1 ST NE	931.03
1172	7-9 & S 90' of E 21' & N 40' of E 19' of 10	2	820 E MAIN ST	1,862.06

1174	W 4' of S 90' of 10 & W 6' of N 40' of 10 & 11-18			
		2	814 E MAIN ST	1,862.06
1175	E 40' of 19-24 & W 10' ADJ ALLEY			
		2	905 1 ST NE	931.03
1176	E 50' of W 100' 19-24	2	903 1 ST NE	931.03
1177	W 50' of 19-21	2	106 8 AVE NE	931.03
1178	W 50' of 22-24	2	110 8 AVE NE	931.03
1179	E 50' of 1-3	3	1011 1 ST NE	931.03
1180	E 50' of 4-6	3	107 10 AVE NE	931.03
1181	W 50' of E 100' of 1-6 & N1/2 of E/W vac alley-500 sq ft.			
		3	1009 1 ST NE	931.03
1182	W 40' of 1-6 & N1/2 E/W vac alley-400 sq ft.			
		3	1007 1 ST NE	931.03
1183	7-13 & S1/2 E/W vac alley adj to 9-12/900 sq ft.			
		3	1006 E MAIN ST	2,793.10
1187	14-18	3	1000 E MAIN ST	1,862.06
1188	19 & 20	3	106 9 AVE NE	931.03
1189	21 & 22	3	108 9 AVE NE	931.03
1190	W 81' of 23 & 24	3	1001 1 ST NE	931.03
1191	E 59' of 23 & 24	3	1005 1 ST NE	931.03
1192	1-3	4	111 11 AVE NE	1,862.06
1193	4-6	4	107 11 AVE NE	1,862.06
1194	7-16	4	1120 E MAIN ST	2,793.10
1195	17 & 18	4	1100 E MAIN ST	1,862.06
1196	19 & 20	4	106 10 AVE NE	931.03
1197	21 & 22	4	108 10 AVE NE	931.03
1198	E 70' of 23 & 24	4	1105 1 ST NE	931.03
1199	W 70' of 23 & 24	4	110 10 AVE NE	931.03
1200	1-6	5	107 12 AVE NE	1,862.06
1203	7-10 & E 18'of 11	5	1210 E MAIN ST	1,862.06
1205	11-18 (less E 18' of 11)	5	1200 E MAIN ST	1,862.06
1206	19 & 20	5	106 11 AVE NE	931.03
1207	21 & 22	5	108 11 AVE NE	931.03
1208	23 & 24	5	110 11 AVE NE	931.03
1210	1-3	6	1311 1 ST NE	3,457.44
1211	4 & N 8' of 5	6	107 13 AVE NE	2,526.41
1212	S 17' of 5 & 6	6	105 13 AVE NE	2,526.41
1213	7 & 8	6	1310 E MAIN ST	3,457.44
1215	9 & 10	6	1308 E MAIN ST	3,457.44
1216	11-18	6	1300 E MAIN ST	4,255.13
1217	19 & 20	6	106 12 AVE NE	3,457.44
1218	21 & 22	6	108 12 AVE NE	2,526.41
1219	23 & 24	6	110 12 AVE NE	3,457.44
1220	22-24 & W1/2 vac alley			
		7	105 MANDAN AVE NE	3,457.44

1220A	PTS of 14-16 &17-21 & PTS of N/S & E/W vac alleys			
		7	1400 E MAIN ST	5,186.17
1221	1-6	8	9460	5,493.03
1223	1-6	9	9462	5,493.03
1228	Part of 7 & 8	9	1406 1 ST NE	3,457.44
1230	9-16	9	1406 1 ST NE	4,255.13
1238	17 & 18	9	1400 1 ST NE	3,457.44
1239	19 & 20	9	206 13 AVE NE	2,526.41
1240	21 & S 13.7' of 22	9	208 13 AVE NE	3,457.44
1241	N 11.3' of 22 & 23 & 24			
		9	210 13 AVE NE	2,526.41
1242	1 & 2	10	211 13 AVE NE	2,526.41
1243	3 & 4	10	209 13 AVE NE	2,526.41
1244	5 & 6	10	207 13 AVE NE	2,526.41
1245	7 & 8	10	201 13 AVE NE	2,526.41
1246	9 & 10	10	1308 1 ST NE	2,526.41
1247	11 & 12	10	1306 1 ST NE	2,526.41
1248	13 & 14	10	1304 1 ST NE	2,526.41
1249	15 & 16	10	1302 1 ST NE	3,457.44
1250	17 & 18	10	1300 1 ST NE	2,526.41
1252	19-22	10	208 12 AVE NE	2,526.41
1253	23 & 24	10	210 12 AVE NE	2,526.41
1254	W 70' of 1 & 2	11	1207 2 ST NE	931.03
1255	E 70' of 1 & 2	11	211 12 AVE NE	931.03
1256	3 & 4	11	209 12 AVE NE	931.03
1257	5 & 6	11	207 12 AVE NE	931.03
1259	7-8-9	11	1208 1 ST NE	931.03
1260	10 & 11	11	1206 1 ST NE	931.03
1261	12 & 13	11	1204 1 ST NE	931.03
1262	14 & 15	11	1202 1 ST NE	931.03
1263	16-18	11	1200 1 ST NE	931.03
1266	19	11	206 11 AVE NE	931.03
1267	20	11	208 11 AVE NE	931.03
1268	21 & 22	11	210 11 AVE NE	931.03
1269	23 & 24	11	212 11 AVE NE	931.03
1270	1 & 2	12	211 11 AVE NE	931.03
1271	3 & 4	12	209 11 AVE NE	931.03
1272	5 & 6	12	207 11 AVE NE	931.03
1273	7 & 8	12	1110 1 ST NE	931.03
1274	9 & 10	12	1108 1 ST NE	931.03
1275	11 & 12	12	1106 1 ST NE	1,862.06
1276	13 & 14	12	1104 1 ST NE	931.03
1277	15 & 16	12	1102 1 ST NE	931.03
1278	S 1/2 17 & 18	12	1100 1 ST NE	931.03
1279	N 1/2 17 & 18	12	202 10 AVE NE	931.03
1280	19 & S 15' of 20	12	204 10 AVE NE	931.03

1281	N 10' of 20 & 21	12	206 10 AVE NE	931.03
1282	22 & S 6' of 23	12	208 10 AVE NE	931.03
1283	N 19' of 23 & 24	12	210 10 AVE NE	931.03
1284	1 & 2	13	211 10 AVE NE	931.03
1285	3 & 4	13	209 10 AVE NE	931.03
1286	5 & 6	13	207 10 AVE NE	931.03
1287	7	13	1014 1 ST NE	931.03
1288	8 & 9	13	1012 1 ST NE	931.03
1289	N 45' of 10 & 11 & S 85' of W 1/2 of 11& all of 12 & 13 & E 1/2 of 14			
		13	1008 1 ST NE	3,724.13
1290	S 85' of 10 & S 85' of E1/2 of 11			
		13	1010 1 ST NE	931.03
1293	W 10' of S 65' of 14 & S1/2 of 15			
		13	1004 1 ST NE	931.03
1294	W1/2 of 14 & N1/2 of 15 (less W 10' OF S1/2)			
		13	1004 1/2 1 ST NE	931.03
1295	16 & 17	13	1002 1 ST NE	931.03
1296	18	13	1000 1 ST NE	931.03
1297	19 & 20	13	206 9 AVE NE	931.03
1298	21 & 22	13	208 9 AVE NE	931.03
1299	23 & 24	13	1001 2 ST NE	931.03
1300	1	14	213 9 AVE NE	931.03
1301	2	14	211 9 AVE NE	931.03
1302	3 & 4	14	209 9 AVE NE	931.03
1303	5 & 6	14	207 9 AVE NE	931.03
1304	7 & 8	14	201 9 AVE NE	1,862.06
1305	9 & 10	14	908 1 ST NE	931.03
1306	11 & 12	14	906 1 ST NE	931.03
1307	13 & 14 & Part of 15	14	904 1 ST NE	931.03
1308	15 & 16(less dr. way)	14	902 1 ST NE	931.03
1309	17 & 18	14	900 1 ST NE	931.03
1310	19 & 20	14	206 8 AVE NE	931.03
1311	21 & 22	14	208 8 AVE NE	931.03
1312	23 & 24	14	210 8 AVE NE	931.03
1314	2-6 & 16 &17 & vac street area			
		15	9540	1,862.06
1315	7-15	15	200 6 AVE NE	2,793.10
1317	1-6 & W 1/2 vac 8 Ave NE & S ½ Vac 3 ST NE & E ½ Vac 7 Ave NE			
		16	309 8 AVE NE	2,793.10
1318	7 & 8	16	301 8 AVE NE	931.03
1319	9 & 10	16	808 2 ST NE	931.03
1320	11 & 12	16	806 2 ST NE	931.03
1321	1 & 2 & S 15' vac 3 Street NE			
		17	309 9 AVE NE	931.03

1322	3 & 4	17	307 9 AVE NE	931.03
1323	5 & 6	17	305 9 AVE NE	931.03
1324	7-10	17	910 2 ST NE	931.03
1326	11 & 12	17	906 2 ST NE	931.03
1327	13 & 14	17	904 2 ST NE	931.03
1328	15 & 16	17	902 2 ST NE	931.03
1329	17 & 18	17	900 2 ST NE	931.03
1330	19-22 & E 1/2 vac 8 Ave NE & S ½ Vac 3 Street NE			
		17	310 8 AVE NE	931.03
1331	E 70' of 1 & 2	18	311 10 AVE NE	931.03
1332	W 70' of 1 & 2	18	1007 3 ST NE	931.03
1333	3 & 4	18	309 10 AVE NE	931.03
1334	W 45' of 5 & 6	18	307 1/2 10 AVE NE	931.03
1335	E 95' of 5 & 6	18	307 10 AVE NE	931.03
1336	7 & 8 (less W 5'of 8)	18	1010 2 ST NE	931.03
1337	W 5' of 8 & 9-10	18	1008 2 ST NE	931.03
1338	11 & 12	18	1006 2 ST NE	931.03
1339	13 & 14	18	1004 2 ST NE	931.03
1340	15 & 16	18	1002 2 ST NE	931.03
1341	17 & 18	18	1000 2 ST NE	931.03
1342	19 & 20	18	306 9 AVE NE	931.03
1343	21 & 22	18	308 9 AVE NE	931.03
1344	23	18	1005 3 ST NE	931.03
1344A	23A	18	1003 3 ST NE	931.03
1344B	24	18	1001 3 ST NE	931.03
1345	1 & 2	19	311 11 AVE NE	931.03
1346	3 & 4	19	309 11 AVE NE	931.03
1347	5 & 6	19	307 11 AVE NE	931.03
1349	7 & 8(less15X15 of 8)	19	1110 2 ST NE	931.03
1350	9 & 10 & E 2' of 11	19	1108 2 ST NE	931.03
1351	W 23' of 11 & 12 & E 11 1/2' of 13			
		19	1106 2 ST NE	931.03
1352	W13 1/2' of 13 & 14-15	19	1104 2 ST NE	931.03
1353	N 50' of 16-18	19	304 10 AVE NE	2,327.58
1354	S 80' of 16 & S 80' of E 15'of 17			
		19	1102 2 ST NE	931.03
1356	19 & 20	19	306 10 AVE NE	931.03
1357	21 & 22	19	308 10 AVE NE	931.03
1358	23 & 24	19	310 10 AVE NE	931.03
1359	E 1/2 of 1 & 2	20	311 12 AVE NE	931.03
1360	W 1/2 of 1 & 2 & E 15' of vac...etc.	20	1207 3 ST NE	2,526.41
1361	3-6	20	309 12 AVE NE	2,526.41
1362	7 & 8 (less W 8'of 8)	20	1210 2 ST NE	2,526.41
1363	W 8' of 8 & 9-10	20	1208 2 ST NE	2,526.41

1364	11 & 12	20	1206 2 ST NE	2,526.41
1365	13-20	20	1202 2 ST NE	3,324.10
1366	E 1/2 of 21-24 & W 5' of vac. alley			
		20	1203 3 ST NE	2,526.41
1367	W 1/2 of 21-24	20	310 11 AVE NE	2,526.41
1368	1 & 2	21	311 13 AVE NE	2,526.41
1369	3 & 4	21	309 13 AVE NE	2,526.41
1370	5 & 6	21	305 13 AVE NE	2,526.41
1371	7 & 8	21	1310 2 ST NE	2,526.41
1372	9 & 10	21	1308 2 ST NE	2,526.41
1373	11 & 12	21	1306 2 ST NE	2,526.41
1374	13 & 14	21	1304 2 ST NE	2,526.41
1375	15 & 16	21	1302 2 ST NE	2,526.41
1376	17 & 18	21	300 12 AVE NE	2,526.41
1377	19 & 20	21	306 12 AVE NE	2,526.41
1378	21 & 22	21	308 12 AVE NE	2,526.41
1379	23 & 24	21	1301 3 ST NE	2,526.41
1380	1-14 & 1-22& blk 23 (less road &10' vac. alley)			
		22	1500 2 ST NE	29,994.75
1381	15 & 16 & 10' vac. alley			
		22	1402 2 ST NE	3,457.44
1382	17 & 18 & 10' vac alley			
		22	1400 2 ST NE	3,457.44
1383	19-21 & 10' vac. alley	22	306 13 AVE NE	3,457.44
1386	22-24 & 10' vac. alley	22	310 13 AVE NE	3,457.44
1391	1-6 & vac portion of alley & streets			
		24	9599	5,850.50
1393	7-11	24	1504 3 ST NE	3,324.10
1394	12 & 13	24	1502 3 ST NE	2,526.41
1395	14 & 15 & vac. Pt alley & vac. Pt 14 Ave NE			
		24	1500 3 ST NE	2,526.41
1407	1-6 & All vac. Streets & alley			
		25	9600	5,983.85
1413	7-9 & All vac. Streets & alleys			
		25	1410 3 ST NE	3,324.10
1415	10-24 & All vac. Streets & alleys			
		25	1400 3 ST NE	8,510.26
1431	S 10' of3 & All 4-6 & W ½ vac.13 Ave. NE & N ½ vac. alley			
		26	405 13 AVE NE	3,324.10
1432	7-9 & S 1/2 vac. Alley & W ½ vac.13 Ave. NE			
		26	1312 3 ST NE	3,324.10
1433	10-13 & S 1/2 vac. alley			
		26	1304 3 ST NE	2,526.41
1434	14 & 15 & E ½ of 16 & S ½ vac. alley			
		26	1302 3 ST NE	2,526.41

1435	W 1/2 of 16 & all of 17 & 18 & S ½ vac. alley			
		26	1300 3 ST NE	2,526.41
1436	19-21 & S 10' of 22 & N ½ & W ½ vac. alley			
		26	406 12 AVE NE	2,526.41
1462	7-10	27	1218 3 ST NE	6,250.54
1466	11-15	27	1210 3 ST NE	7,048.23
1471	16-18	27	1202 3 ST NE	2,526.41
1480	15-18	28	1101 CRYING HILL DR NE	931.03
1486	7-10	28	1110 3 ST NE	931.03
1490	11-14	28	1120 3 ST NE	931.03
1510	7 & 8	29	1010 3 ST NE	931.03
1511	9 & 10	29	1008 3 ST NE	931.03
1512	11 & 12	29	1006 3 ST NE	931.03
1513	13-18	29	1000 3 ST NE	5,586.19
1519	19 & 20	29	408 9 AVE NE	931.03
1520	21 & 22	29	410 9 AVE NE	931.03
1521	23 & 24	29	412 9 AVE NE	931.03
1522	1 & 2 & vacated pt of public right-of-way (4,934 sq. ft.)			
		30	409 9 AVE NE	931.03
1523	3 & 4	30	407 9 AVE NE	931.03
1524	5 & 6	30	405 9 AVE NE	931.03
1525	N 65' of 7-12	30	403 9 AVE NE	931.03
1526	7-12 (less N 65') & N 65'vac. 3 ST NE			
		30	401 9 AVE NE	931.08
1563	3 AUD Plat "A"	32	1001 CRYING HILL DR NE	1,067.08
1563A	1 AUD Plat "A"	43	999	1,067.08
1563B	2 & 4 AUD Plat "A"	43	999	1,203.12
1587	1-12 & S2 vac. 5 ST NE & W2 vac. 11 Ave NE & N2 vac. 4 ST NE & vac. parts of alley etc.	33	1101 CRYING HILL DR NE	1,067.08
1659	1-24 & all vacated streets & alleys			
		36	9635	4,927.25
1683	1-6 & 19-24 (less access parcel R/W)			
		37	9636	3,860.18
1683A	7-18 & part of vac. 14 Ave adj. of 18	37	9636B	3,860.18

N.P. 1ST

4166	3-6	59	8282A	1,862.06

MANDAN PROPER (OT)

3512	1-4	29	300 6 AVE NE	931.03

RIVERBEND 1ST

5554	1	1	1800 RIVER DR NE	382.07
5555	2	1	1708 RIVER DR NE	382.07
5556	3	1	1704 RIVER DR NE	382.07

5557	4	1	1700 RIVER DR NE	382.07
5558	5	1	1612 RIVER DR NE	382.07
5559	6	1	1608 RIVER DR NE	382.07
5560	7 & N 10' of 8	1	1604 RIVER DR NE	382.07
5561	8 (less N 10')	1	1600 RIVER DR NE	382.07
5562	9	1	1512 RIVER DR NE	382.07

RIVERBEND 1ST

5563	10	1	1508 RIVER DR NE	382.07
5564	1	2	1713 RIVER DR NE	382.07
5565	2	2	1709 RIVER DR NE	382.07
5566	3	2	1705 RIVER DR NE	382.07
5567	4	2	1701 RIVER DR NE	382.07
5568	5	2	1613 RIVER DR NE	382.07
5569	6	2	1609 RIVER DR NE	382.07
5570	7	2	1605 RIVER DR NE	382.07
5571	8	2	1601 RIVER DR NE	382.07
5572	9	2	1517 RIVER DR NE	382.07
5573	10	2	1513 RIVER DR NE	382.07
5574	11	2	1509 RIVER DR NE	382.07

EASTSIDE

761	E 80' of 1	1	1708 2 ST NE	417.78
762	W 70'1 & 2	1	1706 2 ST NE	417.78
763	3	1	1702 2 ST NE	417.78
764	4	1	1614 2 ST NE	417.78
765	5	1	1610 2 ST NE	417.78
766	E 72' of 1	2	1711 2 ST NE	417.78
766A	W 78' of 1	2	1709 2 ST NE	417.78
767	2	2	1707 2 ST NE	417.78
768	3 (less W 75')	2	1705 2 ST NE	417.78
769	W 75' of 3 & E 30' of 4	2	1703 1/2 2 ST NE	417.78
770	4 (less E 30')	2	1703 2 ST NE	417.78
771	5	2	1701 2 ST NE	417.78

EASTWOOD TERRACE

7800	1A	1	405 SHADY LN NE	417.78
7802	3	1	1800 3 ST NE	417.78
7803	4	1	1716 3 ST NE	417.78
7804	1	2	310 SHADY LN NE	417.78
7805	Tract A of 2	2	313 MISSOURI DR NE	417.78
7805A	S 55' of 2	2	311 MISSOURI DR NE	417.78
7806	3	2	301 MISSOURI DR NE	417.78
7807	4	2	1802 2 ST NE	417.78
7808	5	2	300 SHADY LN NE	417.78

7809	1 & 2 (less E 8'of 2)	3	210 SHADY LN NE	417.78
7811	3 & E 8' of 2	3	1901 2 ST NE	607.06
7812	4	3	1905 2 ST NE	417.78
7813	5	3	200 SHADY LN NE	1,671.13
7814	6	3	200 SHADY LN NE	1,671.13

DENISON'S IND PARK 1ST

7721	1	1	1901 MANDAN AVE NE	5,819.76
7722	1	2	1801 MANDAN AVE NE	1,939.92
7723	2	2	1026 17 ST NE	1,939.92
7724	3 & E 71' of 4	2	1016 17 ST NE	1,939.92
7725	4 (less E 71')	2	1000 17 ST NE	1,939.92
7726	5	2	928 17 ST NE	1,939.92
7727	6	2	914 17 ST NE	1,939.92
7728	7	2	900 17 ST NE	1,939.92
7730	1-4	3	1701 MANDAN AVE NE	3,879.84
7733	5 & 6	3	1000 16 ST NE	2,909.88
7735	7	3	928 16 ST NE	1,939.92
7736	8	3	914 16 ST NE	1,939.92
7737	9	3	900 16 ST NE	1,939.92
7738	10	3	901 17 ST NE	1,939.92
7739	11	3	915 17 ST NE	1,939.92
7740	12 & 13	3	929 17 ST NE	2,909.88
7742	14	3	1017 17 ST NE	1,939.92
7743	15	3	1027 17 ST NE	1,939.92
7745	16 & 17	3	1709 MANDAN AVE NE	2,909.88
7746	1-4	4	1101 16 ST NE	4,849.80
7750	5	4	1027 16 ST NE	1,939.92
7751	6	4	1017 16 ST NE	1,939.92
7752	7	4	1001 16 ST NE	1,939.92
7753	8	4	929 16 ST NE	1,939.92
7754	9	4	915 16 ST NE	1,939.92
7755	10	4	901 16 ST NE	1,939.92

EASTWOOD ACRES 1ST

772	1	1	1712 1 ST NE	417.78
773	2	1	1710 1 ST NE	417.78
774	3	1	1708 1 ST NE	417.78
775	4	1	1706 1 ST NE	417.78
776	5	1	1704 1 ST NE	417.78
777	6	1	1702 1 ST NE	417.78
778	7	1	1700 1 ST NE	417.78
779	8	1	1701 1 ST NE	417.78
780	9	1	1703 1 ST NE	417.78
781	10	1	1705 1 ST NE	417.78
782	11	1	1707 1 ST NE	417.78

783	12	1	1709 1 ST NE	417.78
784	13	1	1711 1 ST NE	417.78
785	14	1	1713 1 ST NE	417.78

EASTWOOD ACRES 2ND

786	1	1	1724 4 ST NE	417.78
787	2	1	1722 4 ST NE	417.78
788	3	1	1720 4 ST NE	417.78
789	4	1	1718 4 ST NE	417.78
790	5	1	1716 4 ST NE	417.78
791	6	1	1714 4 ST NE	417.78
792	7	1	1712 4 ST NE	417.78
793	8	1	1710 4 ST NE	417.78
794	9	1	1708 4 ST NE	417.78
795	10	1	1706 4 ST NE	417.78
796	11	1	1704 4 ST NE	417.78
797	12	1	1702 4 ST NE	417.78
798	13	1	1700 4 ST NE	417.78
799	14	1	409 16 AVE NE	417.78
800	15	1	407 16 AVE NE	417.78
801	16	1	405 16 AVE NE	417.78
803	2	2	1721 4 ST NE	417.78
804	3	2	1719 4 ST NE	417.78
805	4	2	1717 4 ST NE	417.78
806	5	2	1715 4 ST NE	417.78
807	6	2	1713 4 ST NE	417.78
808	7	2	1711 4 ST NE	417.78
809	8	2	1709 4 ST NE	417.78
810	9	2	1707 4 ST NE	417.78
811	10	2	1705 4 ST NE	417.78
812	11	2	1703 4 ST NE	417.78

EASTWOOD ACRES 3RD

813	1	1	109 SHADY LN NE	417.78
814	2	1	107 SHADY LN NE	417.78
815	3	1	105 SHADY LN NE	417.78
816	4	1	103 SHADY LN NE	417.78

EASTWOOD ACRES 4TH

819BA	1 (less N 191' & E 105.23')			
		1	1706A E MAIN ST	2,506.70
819BB	S 110' of N 191' of 1 (less E 105.23')			
		1	1706B E MAIN ST	2,506.70
819BC	N 81' of 1 (less E 105.23')			
		1	1706C E MAIN ST	417.78

820	E 105' of 1 (less N 146') & 2			
		1	1710 E MAIN ST	1,253.35
821	3	1	1708 E MAIN ST	417.78
822	4	1	1704 E MAIN ST	1,253.35
823	5	1	1702 E MAIN ST	1,253.35
824	6	1	1700 E MAIN ST	1,253.35

N.P. LEASE

5180	Lease #BF47869		1005 E MAIN ST	2,793.10
5187	Lease #40547258		805 E MAIN ST	2,793.10
5196	Lease # BF35394		1121 E MAIN ST	4,655.16
5201	Lease #40548261		905 E MAIN ST	3,724.13

KASPER

2235	2	1	1714 3 ST NE	417.78
2236	3	1	1712 3 ST NE	417.78
2237	4	1	1710 3 ST NE	417.78
2238	5	1	1708 3 ST NE	417.78
2239	6	1	1706 3 ST NE	417.78
2240	7	1	1704 3 ST NE	417.78
2241	8	1	1702 3 ST NE	417.78
2242	9	1	1700 3 ST NE	417.78
2243	1	2	311 SHADY LN NE	417.78
2244	2	2	1715 3 ST NE	417.78
2245	3	2	1713 3 ST NE	417.78
2246	4	2	1711 3 ST NE	417.78
2247	5	2	1709 3 ST NE	417.78
2248	6	2	1707 3 ST NE	417.78
2249	7	2	1705 3 ST NE	417.78
2250	8	2	1703 3 ST NE	417.78
2251	9	2	1701 3 ST NE	417.78

MANDAN LANDS 139-81

2738	AUD 3 & 4 of SW 1/4			
		23	3751A	5,731.06
2743	PT of 4 & PT SW4 SE4			
		23	1501 RIVER DR NE	12,226.26
2745	A L A S2 S2 less 4.61 A RD & less 1.76A RD			
		23	3753	12,052.21
2747	AUD 10 of SW 1/4	23	3754B	14,896.51
2748	AUD 11 of SW 1/4	23	3754C	1,001.69
2749	SW4 SE4 & L 3-4 less 31.17 & R/W 11.37 etc.			
		23	3755	1,001.69
2751	PT SW4 SE4 & PT SE4 SW4			
		23	3756	29,801.53

2752	NE4 SW4 less R/W .67A less 1.59A & .235A R			
		23	1600 MANDAN AVE NE	26,544.85
2753	PT of 3 & PT SW4 SE4 (Reservoir)			
		23	3758	18,721.48
2785	Bal of L A of Aud Sub Div of NE4 less etc.			
		26	103 SHADY ACRES ST NE	2,271.28
2807	N2 L V NE4(less .16A to ND;W10' N100' L V)			
		26	1800 E MAIN ST	567.82
2812	N 100'of Y of NE1/4	26	3783A	378.55
2815	B of NE4 (less 2 & 3; less PCL 1-1 row .50A; less PCL 1-02 row .03A; less P)			
		26	300 MANDAN AVE NE	48,285.28
2816	2 of Aud of B of NE4	26	200 MANDAN AVE NE	9,748.16
2817	C of NE1/4	26	3787	4,655.16
2822	AD of NE1/4	26	3791	378.55
2823	AE of NE4 S of H/W 94 (less 1 of AE & les PCL 3-1 R-O-W)			
		26	MISSOURI RIVER DR	3,217.65
2826	Part N2NW4	26	2826	107,634.15
10451	Tract A	22	1500 HWY 1806 N	32,555.01

EASTWOOD ACRES 5TH

8376	1	1	101 SHADY ACRES ST NE	417.78
8377	2	1	103 SHADY ACRES ST NE	417.78
8378	3	1	105 SHADY ACRES ST NE	1,671.13

RIVERBEND 2ND

8395	1	1	1801 RIVER DR NE	382.07
8396	1	2	1804 RIVER DR NE	382.07
8397	2	2	1808 RIVER DR NE	382.07
8398	3	2	1900 RIVER DR NE	382.07
8399	4	2	1904 RIVER DR NE	382.07
8400	5	2	1908 RIVER DR NE	382.07
8401	6	2	2000 RIVER DR NE	382.07
8403	7 & 8	2	2008 RIVER DR NE	764.14
8404	9	2	2100 RIVER DR NE	382.07
8405	10	2	2104 RIVER DR NE	382.07
8406	11	2	2200 RIVER DR NE	382.07
8407	12 & 13	2	2204 RIVER DR NE	764.14
8409	14	2	2208 RIVER DR NE	382.07
8410	15	2	2300 RIVER DR NE	382.07
8411	16	2	2304 RIVER DR NE	382.07

BALSAMS IND PARK 3RD

4152	1	1	1930 MANDAN AVE NE	1,939.92

HELMSWORTH-MCLEAN 2ND

345	1	1	102 MANDAN AVE NE	8,776.94

BALSAMS IND PARK 4TH				
206	1	1	1920 MANDAN AVE NE	7,759.68
LADUCER				
208	1	1	201 MISSOURI DR NE	1,892.73
SEIBEL SUBDIVISION				
1264	1	1	1602 DIVISION ST NE	3,724.13
1265	1	2	1601 DIVISION ST NE	7,712.57
CIRCLE 5				
216	1	1	901 OLD RED TRL NE	3,879.84
MVP INDUSTRIAL PARK				
10939	1	1	1722 MANDAN AVE NE	5,819.76

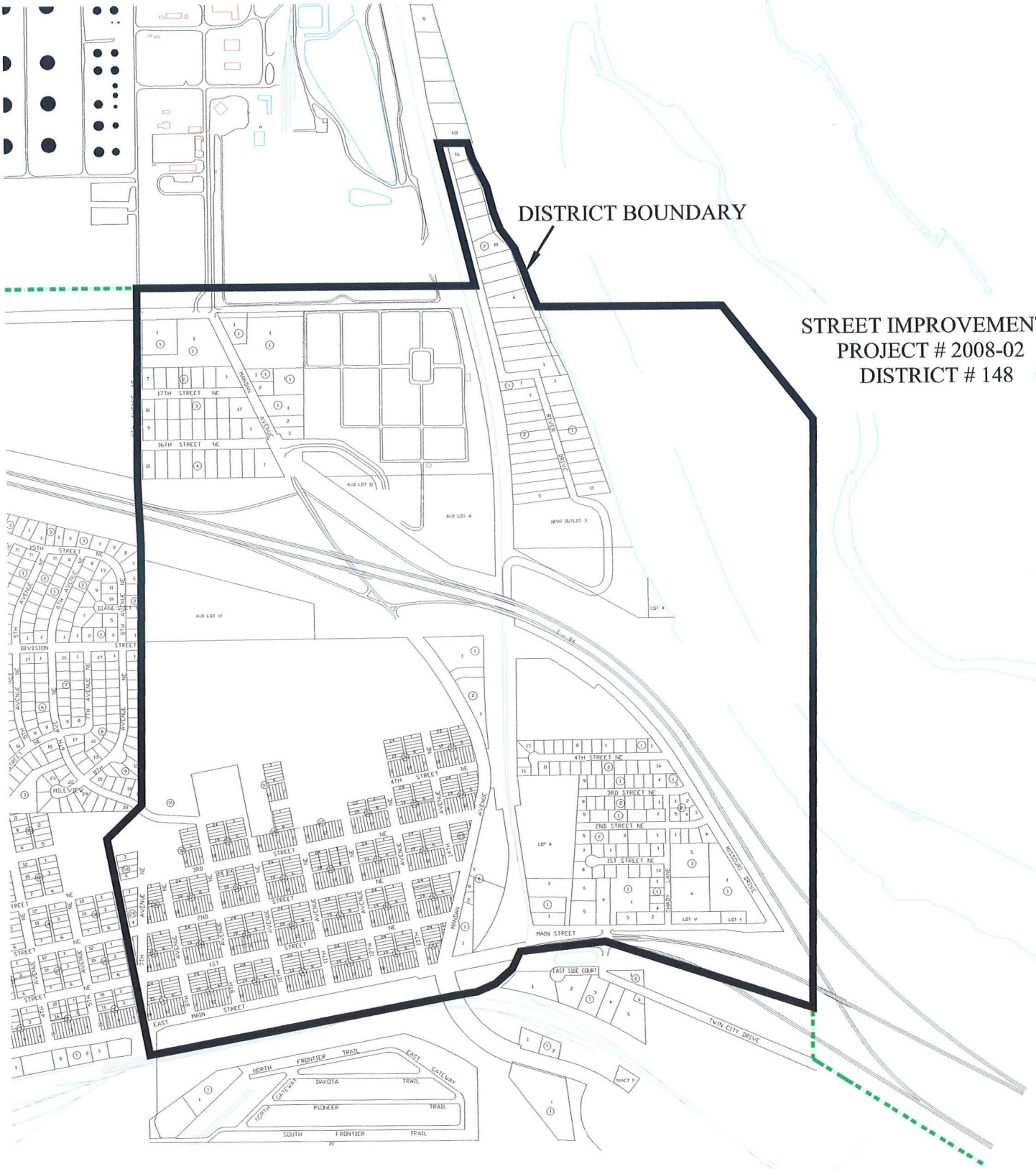
Witness our hands officially as said Commission this 09th day of July, 2013.

/s/ Carl Jacobsen
Chairman

/s/ Keith Winks
Member

/s/ Deborah Holter
Member

Publish: July 19, 2013
July 26, 2013


DISTRICT BOUNDARY
STREET IMPROVEMENT
PROJECT # 2008-02
DISTRICT # 148
17TH STREET NE
16TH STREET NE
DAKOTA AVENUE
RIVER DRIVE
AUD LOT 11
AUD LOT A
NEW OUTLOT 3
LOT 4
AUD LOT 10
I 94
15TH STREET NE
DIANE STREET
DIVISION STREET
HILLVIEW
4TH STREET NE
3RD STREET NE
2ND STREET NE
1ST STREET NE
LOT A
MISSOURI DRIVE
SHADY LANE
LOT V
LOT Y
MAIN STREET
EAST SIDE COURT
TWIN CITY DRIVE
TRACT F
NORTH FRONTIER TRAIL
EAST GATEWAY
DAKOTA TRAIL
NORTH GATEWAY
PIONEER TRAIL
SOUTH FRONTIER TRAIL
EAST MAIN STREET
7TH AVENUE NE
1ST AVENUE NE
2ND AVENUE NE
3RD AVENUE NE
4TH AVENUE NE
MANDAN AVENUE

To: Board of City Commissioners
From: Phyllis Hager, Special Assessment Analyst
Subject: Special Assessments Related to Mandan Avenue & Division Street East of Mandan Ave
Date: September 10, 2013

At the regular City Commission meeting of April 17, 2007 the Board authorized the publication of the district boundaries for Street Improvement District (SID) #148 (installation of water mains, sanitary sewer, storm sewers and street construction on Mandan Avenue NE). Also at this meeting former City Engineer, Tom Little gave a slide presentation on this district. Based on his knowledge and expertise, he indicated how the special assessment district would be broken into quadrants along with percentages of cost based on the benefit each area received from all elements of construction. The Board of City Commissioners voted to move forward with SID #148.

The total construction costs assessed, less federal, state and city funding were $967,489.29. This cost was subdivided into eleven items of cost as follows:

Item 1 -	$211,740.47	(50%) Mandan Ave. construction (area West of RR tracks)
Item 2 -	32,555.01	(7.69%) Mandan Ave. construction (Riverbend 1st & 2nd Additions)
Item 3 -	32,555.01	(7.69%) Mandan Ave. construction (Eastwood Acres area)
Item 4 -	81,476.67	(19.24%) Mandan Ave. construction (MVP & Dennison's Ind. Pk)
Item 5 -	32,555.01	(7.69%) Mandan Ave. construction (Mandan Union Cemetery)
Item 6 -	32,555.01	(7.69%) Mandan Ave. construction (Tesoro)
Item 7 -	256,699.75	70% waterline costs for properties West of Railroad
Item 8 -	77,007.71	30% waterline costs (Eastwood Acres area & Riverbend Additions)
Item 9 -	54,467.55	Sanitary Sewer (benefiting properties)
Item 10 -	2,720.90	Storm Sewer Basin B (benefiting properties)
Item 11 -	153,156.20	Storm Sewer Basin A (benefiting properties)

Special assessments can be determined by either using square footage of a parcel, linear feet or on a per lot basis. The method used for this project because of its complexity was on per lot. A per lot cost is established by taking the item cost and dividing by the number of lots or parcels benefiting from the construction within the specific area. A residential lot is assigned 1 unit of cost whereby a higher factor is used for commercial and industrial tracts of land due to the potential for generating higher usage of the infrastructure. Adjustments are made to large tracts of land or undeveloped lands by increasing the units based upon the land's best and highest use. Some parcels of land received benefit from three to four items of cost.

An open house and public hearing were held in the City Commission meeting room on April 25, 2007. A formal presentation took place and again the maps showing the potential assessments were viewed by all individuals present. According to all meeting minutes, no one present refuted the logic used to determine the estimated assessments for specific areas within the district.

To justify the logic used in assessing this project, the property owners east of Mandan Avenue NE did not have access to Mandan Avenue until the construction of a portion of Division Street NE took place in SID #147(Divison Street East of Mandan Ave). With the newly constructed entrance for the Riverbend Additions (SID #147), the primary flow of traffic for this area is off Missouri Drive. Also, the east side did not receive benefit from the construction of the waterline on Mandan Avenue until the creation of Water & Sewer Improvement District (WSID) #52 constructed an 8" line (assessed to the Eastwood Acres Subdivisions) and a 16" waterline along the portion of Division Street NE. The 16" waterline tied into the new 16" waterline on Mandan Avenue provided a secondary source of water service to the east. Thus the residents to the east received greater benefit from these two improvements and were assessed the total construction costs for both projects. Only after the completion of WSID #52 and SID #147 did the residents to the east received any benefit from SID #148.

The special assessment list for this project was published in 2011, 2012 and now again in 2013. It was pulled twice because of detected errors and missing parcels. Each time the logic used to determine the original estimates were used in the assessing process. I and the Engineering Office have reviewed the logic and concurred in using this method for assessing - just viewing the map determined where benefits lied. To deviate would have created more issues as this information was presented to the public at the beginning of the project and there was little if any opposition to the logic.

With the publication of SID #148, we have met opposition by two individuals being Denae Kautzmann and Deb Holter on how the calculations were done. Ms. Holter is a member of the Special Assessment Commission. It is their opinion that the assessments should be equal between properties on the west vs. east of Mandan Avenue. This, in our opinion would not be based on benefit as east of Mandan Avenue residents had to pay for the benefits received from WSID #60 and SID #147 before receiving any benefits from the construction of SID #148.

There were other issues brought forth at the Special Assessment Commission (SAC) Public Hearing held on August 7, 2013 on SID #148 as are stated in the attached rough draft of the minutes of that meeting. These minutes have not been approved by the SAC as Ms Holter asked us not to approve any committee minutes while she was out of town.

A brief summary of the requests of Denae Kautzmann from the public hearing follow:

a) As to Pat Atkinson paying for the steps constructed on his property and the bike trail being paid by the Park District, these costs remain within the project paid by property owners within the district as they are utilized by the public.
b) Ms. Kautzmann also asked that waterline assessments be removed from her properties #1563A and #1563B. However these properties are considered buildable by the Building Inspector's Office. Note - water and sewer can be placed on

private property and be connected to city services if the property is within city limits. These properties are within city limits thereby receiving a benefit from this improvement.

c) Ms. Kautzmann asked that the total construction cost of the project be assessed throughout the district using total cost vs total parcels of land, her interpretation of NDCC 40-23-07, "shall assess against each of such lots and parcels of land such sum, not exceeding the benefits, as is necessary to pay its just proportion of the total cost of such work, or of the part thereof which is to be paid by special assessment". Note – the total cost was spread to properties within the district based on the benefits received from the construction to various areas. Example, the Dennison's Industrial Park did not receive any benefit from the waterline as they are fed from a major transmission line within the subdivision. To spread specials to this area by total sum would have been wrong since no benefit was received from the waterline.

d) Ms. Holter claimed that her property should not have been in the storm sewer basin since the waters do not run onto that basin. She was presented with a topography map indicating that the waters do indeed run into the newly constructed storm basin. She still refutes that fact.

In summary we have reviewed the logic behind the original method used to spread the costs and found it to be reasonable. The special assessments for this project have been spread in a manner consistent with what was presented at the time the project was proposed and costs are within the range as originally proposed.

SID #148 will be before the Board of City Commissioners for final action on September 17, 2013. It is imperative to have final approval of this project and get the assessments on the tax roll.

The district was very complex and it is a lot to digest, so we ask that if you have questions please contact the Engineering office and speak with Phyllis or Kim.

New Business No. 1

Board of City Commissioners

Agenda Documentation

MEETING DATE: October 1, 2013
PREPARATION DATE: September 23, 2013
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Appointments to Mandan Youth Commission

STATEMENT/PURPOSE: To appoint members to the Mandan Youth Commission.

BACKGROUND/ALTERNATIVES: We have five openings on the Youth Commission and have received 5 applications. Notice was placed in the Mandan News, school announcements and on the marquee.

Recommended appointments are as follows:
(*) = new appointments
Mandan Middle School

- Anderson, Morgan *
- Hammer, Brenna *
- Just, Madison *

Mandan High School

- Beck, Casey
- Kaysee Fry
- Garman, Cole
- Quintus, McKenna *

At-Large

- Wingenbach, Lauren *
- Doll, Ashley
- Leingang, Connor

Liaisons

- City Commissioner, Dot Frank or designee(s)
- City Administrator, Jim Neubauer
- City Business Development & Communications Director, Ellen Huber
- Assistant Superintendent, Jeff Lind or designee (s)
- Middle School Principal, Ryan Leingang or designee (s) Jackie Williamson
- Morton County Extension Service, Karla Meikel or designee(s)

- Mandan Parks & Recreation, Cole Higlin or designee(s)
- Mandan Tomorrow, Pam Mack or designee(s)

ATTACHMENTS:

FISCAL IMPACT: n/a

STAFF IMPACT: minimal

LEGAL REVIEW: n/a

RECOMMENDATION: Recommendations are to appoint McKenna Quintus, Morgan Anderson, Brenna Hammer, Madison Just and Laura Wingenbach to the Mandan Youth Commission.

SUGGESTED MOTION: I recommend appointing McKenna Quintus, Morgan Anderson, Brenna Hammer, Madison Just and Laura Wingenbach to the Mandan Youth Commission.

Bismarck-Mandan
METROPOLITAN PLANNING ORGANIZATION

P.O. Box 5503 • 221 North 5th Street
Bismarck, North Dakota 58506
Telephone 701 355 1840
TDD Dial 711
Fax 701 222 6450
Email cobplan@nd.gov
Web www.bismarck.org

New Business No. 2

MEMORANDUM

TO: Jim Neubauer, Mandan City Administrator

FROM: Ben Ehreth, Bismarck-Mandan Metropolitan Planning Organization BSE

DATE: September 24, 2013

SUBJECT: Bismarck-Mandan MPO 2015-2040 Long Range Transportation Plan

The Bismarck-Mandan Metropolitan Planning Organization (MPO) has recently initiated the update of the area Long Range Transportation Plan. The Bismarck-Mandan MPO respectfully requests to be placed on the **October 1, 2013** City of Mandan Commission Agenda to discuss the update of the 2015-2040 Long Range Transportation Plan and to introduce HDR Inc. the consultant assisting with the update of the document. This item is for informational purposes only and no formal action is requested at this time. The Long Range Transportation Plan is a document updated once every five years and seeks to identify and prioritize existing and future multi-modal transportation needs in Bismarck, Lincoln, Mandan and portions of Burleigh and Morton counties. Transportation projects seeking the use of federal transportation funds must be identified within the Long Range Transportation Plan. Anticipated completion of the document is December 2014.

New Business No. 3

Board of City Commissioners

Agenda Documentation

MEETING DATE:	October 1, 2013
PREPARATION DATE:	September 27, 2013
SUBMITTING DEPARTMENT:	Engineering/Planning
DEPARTMENT DIRECTOR:	Justin Froseth
PRESENTER:	Justin Froseth
SUBJECT:	Consider appointment of Karl Liepitz to the Planning & Zoning Commission

---

STATEMENT/PURPOSE:
Consider appointment of Karl Liepitz to the Planning & Zoning Commission.

BACKGROUND/ALTERNATIVES:
The Planning & Zoning Commission received three letters of interest for the open At Large position. This position became vacant with the resignation of Loren Wetch. The Planning & Zoning Commission voted unanimously to appoint Karl Liepitz to the Commission.

ATTACHMENTS: Letter of Interest

FISCAL IMPACT: Minimal

STAFF IMPACT: Minimal

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

RECOMMENDATION: Appoint Karl Liepitz to the Planning and Zoning Commission

SUGGESTED MOTION: I move to appoint Karl Liepitz to the Planning and Zoning Commission

September 13, 2013

Ms. Nancy Moser
Engineering and Planning Department
City Hall
205 Second Ave. N.W.
Mandan, ND 58554

Dear Ms. Moser,

I am writing to express my interest in being appointed to the Mandan Planning and Zoning Commission. If given the opportunity to serve, I am confident that my background, expertise, and sense of community would add a valuable and unique perspective to the Planning and Zoning Commission.

I enjoy being a resident of Mandan, where I live with my wife Britt who is a teacher at Mandan Middle School. I am an attorney with MDU Resources Group, Inc. in Bismarck, ND. I provide day-to-day legal support for Knife River Corporation, the construction and materials business unit of MDU Resources. In this role, I work on a variety of matters, including real estate transactions, leases, construction contracts, and environmental matters. I also work on business transactions for Knife River and other business units of MDU Resources. In this capacity, I have had tremendous opportunities over the past 10 years to work on mergers, acquisitions, divestitures, and joint ventures.

I was recently included in the Bismarck Tribune's recognition of 40 Under 40 young professionals in North Dakota. It was a great honor to be recognized by the Bismarck Tribune in this annual award. I am also a current participant in the Chamber of Commerce Bismarck-Mandan Leadership Program. This program is regarded as an excellent community leader development program, and I look forward to the challenges and opportunities to grow through this program.

I am interested in serving on the Planning and Zoning Commission to help support and plan for the current growth and development that is occurring in Mandan. From my perspective, it is important to plan for growth and development in a thoughtful and strategic manner. It is also critical to review projects with vision and consider how proposed projects will impact our community on a long term basis. Mandan is currently a great place to live with a balance of residential, commercial, industrial and recreational opportunities. The challenge for Mandan today is to maintain and enhance our community through thoughtful planning in a manner that enhances opportunities for both businesses and residents alike.

I am excited about the opportunity to serve on the Planning and Zoning Commission. Please let me know if you have any questions or if you would like any additional information in connection with your consideration of me serving on the Planning and Zoning Commission. I can be reached at 701-530-1081 or through e-mail at karl.liepitz@mduresources.com.

Respectfully,

Karl A. Liepitz

New Business No. 4

Board of City Commissioners

Agenda Documentation

CITY OF MANDAN
"WHERE THE WEST BEGINS"

MEETING DATE:	October 1, 2013
PREPARATION DATE:	September 24, 2013
SUBMITTING DEPARTMENT:	Engineering/Planning
DEPARTMENT DIRECTOR:	Justin Froseth
PRESENTER:	Justin Froseth
SUBJECT:	Consider for approval a variance request by Norman J. Shafer

---

STATEMENT/PURPOSE: To approve a variance to change the property's building side setback line from 5' to 3' from property line at 311 10th Avenue NE.

BACKGROUND/ALTERNATIVES: Request from Norman Schafer, property owner. The request is to allow a variance to change the property's building setback line from 5' to 3'. This would allow him to build a wider garage with a double door. The planning and zoning commission approved the variance on September 23, 2013 with the following vote: Fleischer-aye, Hilfer-aye,Knoll-nay, Van Beek-nay, Leingang-aye, Laber-nay, Mehlhoff-aye, Robinson-aye.

ATTACHMENTS:
1. Variance Request Application
2. Vicinity Map
3. Pictures of Property from 2011

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 recommends approval.

SUGGESTED MOTION: I move to approve a variance for the E 70' of Lots 1 & 2, Block 18, Helmsworth McLean Addition to change the property's building side setback from 5' to 3' from property line.

CITY OF MANDAN VARIANCE APPLICATION

1. Type of Variance (Ordinance) Lot Size & setback
2. Brief Description of Request Lot size to go wider by 3 FT & a setback on property line
3. Legal Description Allow me to build my garage only 2 FT 8 in wider
4. Property Address 311 10th Ave. N.E. Mandan
4. Name of Owner(s) Norman J. Schafer
   Mailing Address 311 10th Ave. N.E.
   Phone(Home) 701-527-6658 (Business) 255-3700
5. Zoning District Rm
6. Comments this will allow me to get my car off the street and let me put a bigger garage door on my garage.

E 70' of Lots 1+2 Blk 18 Helmsworth McLean

S26-139N-81W

I understand the regulations of the Mandan City Ordinance as they pertain to this request.

Norman J. Schafer — Signature of Applicant

9-3-13 — Date

****

FOR OFFICE USE ONLY

****

Date of Variance Hearing_____

Denied____ Approved____ Approved Conditionally____

Variance Conditions_____

Building Official — Date

Application For A Variance

A variance is a form of relief that may be sought when an application for a building permit has been denied for not being compliant with zoning regulations.

An application must be filed at least 21 days prior to the meeting of the Board of City Commissioners at which consideration is desired. There is a $50 non-refundable filing fee which is to be paid at the time the variance application is filed.

The planning commission and the board shall not approve variances unless the evidence presented in each specific case supports the following findings:

a. Strict compliance with the requirements of these regulations would result in extraordinary hardship to the sub divider, as distinguished from a mere inconvenience, because of the particular physical surroundings, shape or topographical conditions of the specific property involved, or because of other conditions not caused by the action of the sub divider;

b. The granting of the variance would not have the effect of reducing the traffic capacity of any major or secondary street;

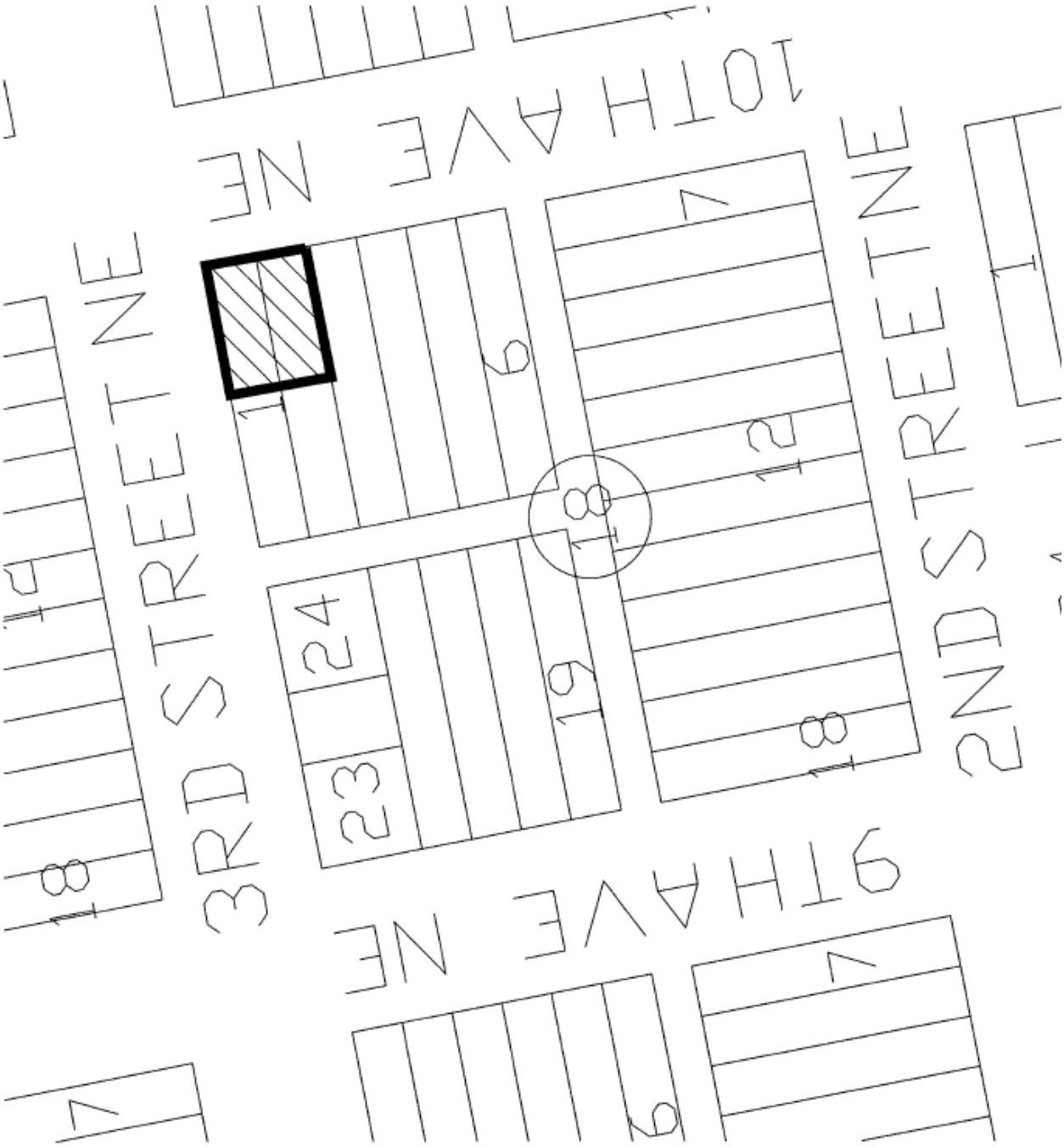
c. The granting of the variance would be beneficial to the public safety, health or welfare, and not injurious to other property located adjacent to the proposed modification;

d. The conditions upon which the request for a variance is based are unique to the property for which the variance is ought and are not applicable generally to other property; and

e. The variance is consistent with provisions of the zoning ordinance, comprehensive plan and proper development of the area.

Revised August 2004

North


3RD STREET NE
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7

Sign in
984 3rd Street Northeast
Exit Street View
N
© 2013 Google
Google earth
Report a problem
© 2013 Google
Tour Guide
Imagery Date: 8/2011 46°49'52.17" N 100°52'38.98" W elev 1695 ft eye alt 1706 ft

Sign in
972 3rd Street Northeast
Exit Street View
© 2013 Google
© 2013 Google
Google earth
Report a problem
Tour Guide
Imagery Date: 8/2011 46°49'52.06" N 100°52'39.45" W elev 1688 ft eye alt 1703 ft

CITY OF MANDAN
"WHERE THE WEST BEGINS"

Board of City Commissioners

Agenda Documentation

MEETING DATE:	October 1, 2013
PREPARATION DATE:	September 25, 2013
SUBMITTING DEPARTMENT:	Finance
DEPARTMENT DIRECTOR:	Greg Welch
PRESENTER:	Greg Welch
SUBJECT:	Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Safe Drinking Water Act.

PURPOSE

To consider a Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Safe Drinking Water Act.

BACKGROUND

With Board of City Commission approval, the Meter Reading Department began replacing old Water Meters/MXUs in 2002. Since then, approximately 2,750 old Water Meters/MXUs have been replaced by the Department. However, due to the lack of consistency and efficiency, the City is now in the process of establishing a water meter/reading replacement strategy for its existing water meter/reading program. The City currently has approximately 6,500 water meters ranging in size from 5/8" to 6" in diameter. The City uses its water meter readings to bill its customers for water and sewer usage on a monthly basis.

On July 18, 2013, Advanced Engineering and Environmental Services completed a review evaluating the water meter/reading inventory to provide a recommended water meter/reading upgrade and possible replacement strategy. The purpose of the study was to bring consistency and efficiency to the City's water meter reading and billing system by identifying incompatible radio read technology and outdated water meters. A practical approach includes integrating all metered users into a single, consistent data collection system by replacing old water meter/reading assemblies with new, compatible components and incorporating the data into the current or new billing software.

On August 20, 2013, Advanced Engineering and Environmental Services presented the recommendations from the Technical Memorandum to Board of City Commissioners. The Board approved the recommendations and requested to enter into a Professional Services Agreement with Advanced Engineering and Environmental Services on September 3, 2013.

The Project will include the upgrade of existing meter assemblies to replace outdated meters and to allow a drive-by reading system to be implemented with a contingency for a future fixed network system.

On September 3, 2013, the Board of City Commissioners approved to enter into an Agreement with Advanced Engineering and Environmental Services for engineering services for the Water Meter Improvements Project.

Construction will begin during the winter of 2013 and will be completed during the fall of 2014.

To finance the Project, the City will apply for a Loan from the State Revolving Fund Program (SRF) through the North Dakota Public Finance Authority. The Loan will be for a period of 20 years at an interest rate of 2.5%, which includes a 0.5% administrative fee. The Loan will be repaid from user fees. The City is only obligated for the Loan draw requests.

ATTACHMENTS

- North Dakota Public Finance Authority's summary of the State Revolving Fund Program.
- North Dakota Drinking Water State Revolving Fund Program (DWSRF) Loan Application Package cover page and list of Contents and Instructions.
- Budget Sheet
- Resolution

FISCAL IMPACT

The total SRF Loan request and Project cost estimate = $2,400,000

- Construction = $2,003,000
- Engineering = $187,000
- Administration = $10,000
- Contingency = $200,000
- Total = $2,400,000

The City included this Project in the 2013/2014 Budgets and adjusted the Water and Sewer Base Rate to service the debt on the Loan.

STAFF IMPACT
None

LEGAL REVIEW
The Resolution is in accordance with the requirements of the North Dakota Department of Health and the North Dakota Public Finance Authority.

RECOMMENDATION
To approve the Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Safe Drinking Water Act.

SUGGESTED MOTION
Move to approve the Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Safe Drinking Water Act.

North Dakota

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1200 Memorial Highway
PO Box 5509
Bismarck, ND 58506-5509

701.328.7100 : phone
800.526.3509 : toll-free
701.328.7130 : fax
ndpfa@nd.gov

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State Revolving Fund Program

The State Revolving Fund Program (SRF) was established in 1990 to enable North Dakota to receive federal capitalization grants as authorized under the Clean Water Act. In 1998, the SRF was amended to enable the State to receive capitalization grants as authorize under the Safe Drinking Water Act. The SRF grants, received from the United States Environmental Protection Agency, are to be used to make below-market interest rate loans to political subdivisions for the purpose of financing authorized projects, to establish reserve funds, and for other purposes allowed under the Clean Water and Safe Drinking Water Acts. Authorized projects under the SRF include wastewater treatment facilities, non-point source pollution control projects, and public water systems. The North Dakota Department of Health and the Authority jointly administer the SRF.

The interest rates on SRF loans are set by the Department of Health in consultation with the Authority. The interest rates are fixed for a term up to 20 years. Currently, the interest rate for all SRF loans is 2.5%, which includes a .5% administrative fee.

The SRF Program has been assigned a rating of "AAA" by Moody's Investors Service, Inc.

Loan Applications

» Clean Water State Revolving Fund (340kb rtf)

» Drinking Water State Revolving Fund (374kb rtf)

Bond Counsel

» Bond Counsel (19kb pdf)

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NORTH DAKOTA DRINKING WATER STATE REVOLVING FUND PROGRAM (DWSRF)

Loan Application Package

North Dakota Department of Health
Division of Municipal Facilities

and

North Dakota Public Finance Authority

Bismarck, North Dakota

CONTENTS AND INSTRUCTIONS

CONTENTS OF APPLICATION PACKAGE

1. SRF Program Application
2. Budget Sheet
3. Request for Supplemental Information
4. Debarment and Suspension Certification
5. Preaward Compliance Review Report
6. Resolution of Governing Body

APPLICATION SUBMISSION

Complete items 1-6 and submit to:

North Dakota Department of Health
Division of Municipal Facilities
918 East Divide Avenue, Third Floor
Bismarck, ND 58501-1947

APPLICATION PROCESS

1. Project must be on the Department of Health's Intended Use Plan (IUP)
2. Application reviewed by ND Public Finance Authority (PFA)
3. Application reviewed by PFA's Advisory Committee
4. Application reviewed by the ND Industrial Commission
5. Political subdivision's bond counsel prepares bond documents
6. Bond documents are filed with the PFA
7. Political subdivision may submit loan draw requests to the Department of Health

IMPORTANT REMINDERS

- The political subdivision is responsible for selecting and retaining bond counsel.
- SRF loans are Federal Funds and subject to specific auditing procedures. Please alert your auditor.
- Revenue bonds require 120% coverage and a reserve fund.
- Audit reports or financial statements must be filed annually with the PFA.

QUESTIONS

Completing pages 1 – 7 of the application:
ND Public Finance Authority
Phone: 1.800.526.3509 or 701.328.7100
Fax: 701.328.7130
Email: ndpfa@state.nd.us
Website: www.nd.gov/pfa

Project Approval & IUP
ND Department of Health
Phone: 701.328.5211
Fax: 701.328.5200
Email: dbruschw@nd.gov
Website: www.ndhealth.gov/MF/

BUDGET SHEET

COST CLASSIFICATION	SRF	CDBG	LOCAL	OTHER	TOTAL
1. Administrative expenses	$10,000				$10,000
2. Land, structures, rights-of-way	---				---
3. Engineering basic fees	$138,500				$138,500
4. Other engineering fees	$8,500				$8,500
5. Project inspection fees	$40,000				$40,000
6. Land development	---				---
7. Relocation expenses	---				---
8. Construction and project improvement	$2,003,000				$2,003,000
9. Equipment	---				---
10. Capitalized interest	---				---
11. Other (describe)	---				---
12. Miscellaneous	---				---
13. **SUBTOTAL**	$2,200,000				$2,200,000
14. Contingencies	$200,000				$200,000
15. **TOTAL**	$2,400,000				$2,400,000

16. SRF Funds $2,400,000
17. CDBG Funds ..... _____
18. LOCAL Funds ..... _____
19. OTHER Funds ..... _____
20. TOTAL All Funds $2,400,000

RESOLUTION AUTHORIZING FILING OF APPLICATION WITH THE NORTH DAKOTA DEPARTMENT OF HEALTH FOR A LOAN UNDER THE SAFE DRINKING WATER ACT

WHEREAS, under the terms of the Safe Drinking Water Act, the United States of America has authorized the making of Loans to authorized applicants to aid in the construction of specific public projects:
Now, Therefore, Be It Resolved by the **Board of City Commissioners of the City of Mandan, North Dakota:**

1. That **Arlan Van Beek, President,** be and is hereby authorized to execute and file an application on behalf of the **City of Mandan** with the North Dakota Department of Health for a Loan to aid in the construction of **the Water Meter Replacement and Auto Read System Improvements Project.**

2. That **Jim Neubauer, City Administrator**, be and is hereby authorized and directed to furnish such information as the North Dakota Department of Health may reasonably request in connection with the application which is herein authorized to be filed, to sign all necessary documents, and, on behalf of city, to accept Loan offer and receive payment of Loan funds.

This resolution shall become effective upon the date of its adoption.

Dated and adopted this 1st day of **October, 2013**.

_____
Arlan Van Beek, President of the Board of City Commissioners

Attest:

_____
Jim Neubauer, City Administrator

CERTIFICATE OF RECORDING OFFICER

The undersigned duly qualified and acting as **City Administrator** of the **City of Mandan** does hereby certify: That the attached resolution is a true and correct copy of the resolution, authorizing the filing of application with the North Dakota Department of Health, as regularly adopted at a legally convened meeting of the **Board of City Commissioners** duly held on the **1st** day of **October, 2013**; and further that such resolution has been fully recorded in the journal of proceedings and records in my office.

In Witness Whereof, I have hereunto set my hand this _____ day of **October, 2013**.

_____
Jim Neubauer, City Administrator

Res. & Ord. No. 2

ORDINANCE NO. 1169

AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF ORDINANCE 1088 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:

The following described property located within the City of Mandan, Morton County, North Dakota shall be excluded from R7 (Single-Family Residential), R3.2 (Two-Family Residential) and RM (Multi-Family Residential) and shall be included in the RM (Multi-Family Residential) zoning namely,

Eagle Ridge 1st Addition in Section 16, Township 139N, Range 81W in the City of Mandan, Morton County, North Dakota

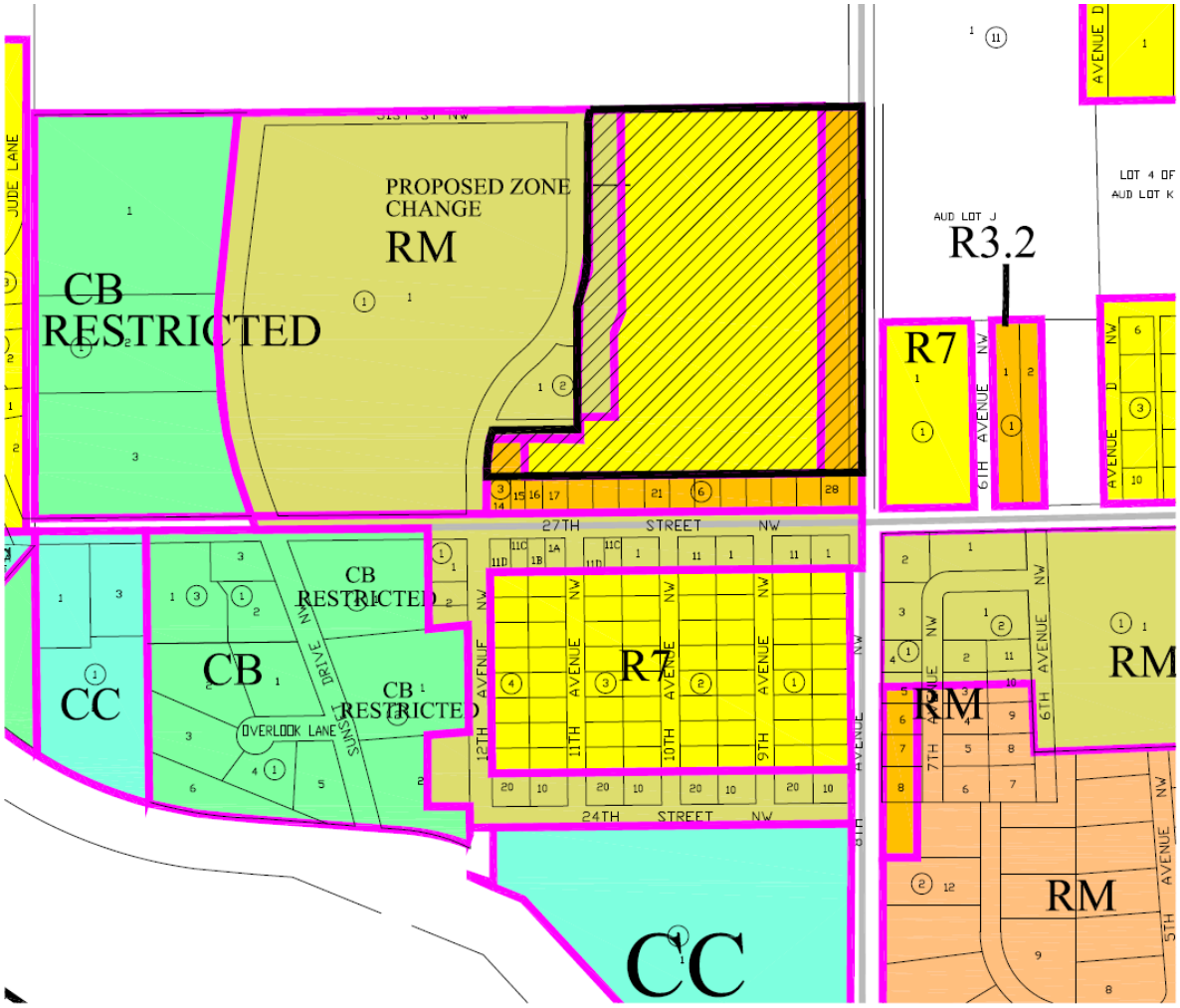
and as so amended said section is hereby reenacted. The city administrator is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

_____
President, Board of City Commissioners

Attest:

_____
City Administrator

Public Hearing:	August 26, 2013
First Consideration:	October 1, 2013
Second Consideration and Final Reading:	October 15, 2013
Publication Date:	_____
Recording Date:	_____


PROPOSED ZONE CHANGE
RM
CB
RESTRICTED
CB
RESTRICTED
CB
RESTRICTED
CB
CC
R7
R3.2
R7
RM
RM
RM
CC
27TH STREET NW
24TH STREET NW
12TH AVENUE NW
11TH AVENUE NW
10TH AVENUE NW
9TH AVENUE NW
8TH AVENUE NW
7TH AVENUE NW
6TH AVENUE NW
5TH AVENUE NW
6TH AVENUE NW
AVENUE D NW
SUNSET DRIVE NW
OVERLOOK LANE
JUDE LANE
AUD LOT J
LOT 4 OF
AUD LOT K

Res. & Ord. No. 3

ORDINANCE NO. 1170

AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF ORDINANCE 1088 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:

The following described property located within the City of Mandan, Morton County, North Dakota shall be excluded from CC Restricted (Heavy Commercial with restrictions of no railroad trackage, auto laundry, auto repair as a primary use, commercial parking lot/garage, off-premise advertising sign, steam bath, tire/battery repair, storage building/warehouse or any of the wholesale group) and shall be included in the CC (Heavy Commercial removing the restrictions) zoning namely,

Lots 1 & 2, Block 1, Sylvester's 3rd Addition in Section 31, Township 139N, Range 80W, City of Mandan, Morton County, North Dakota

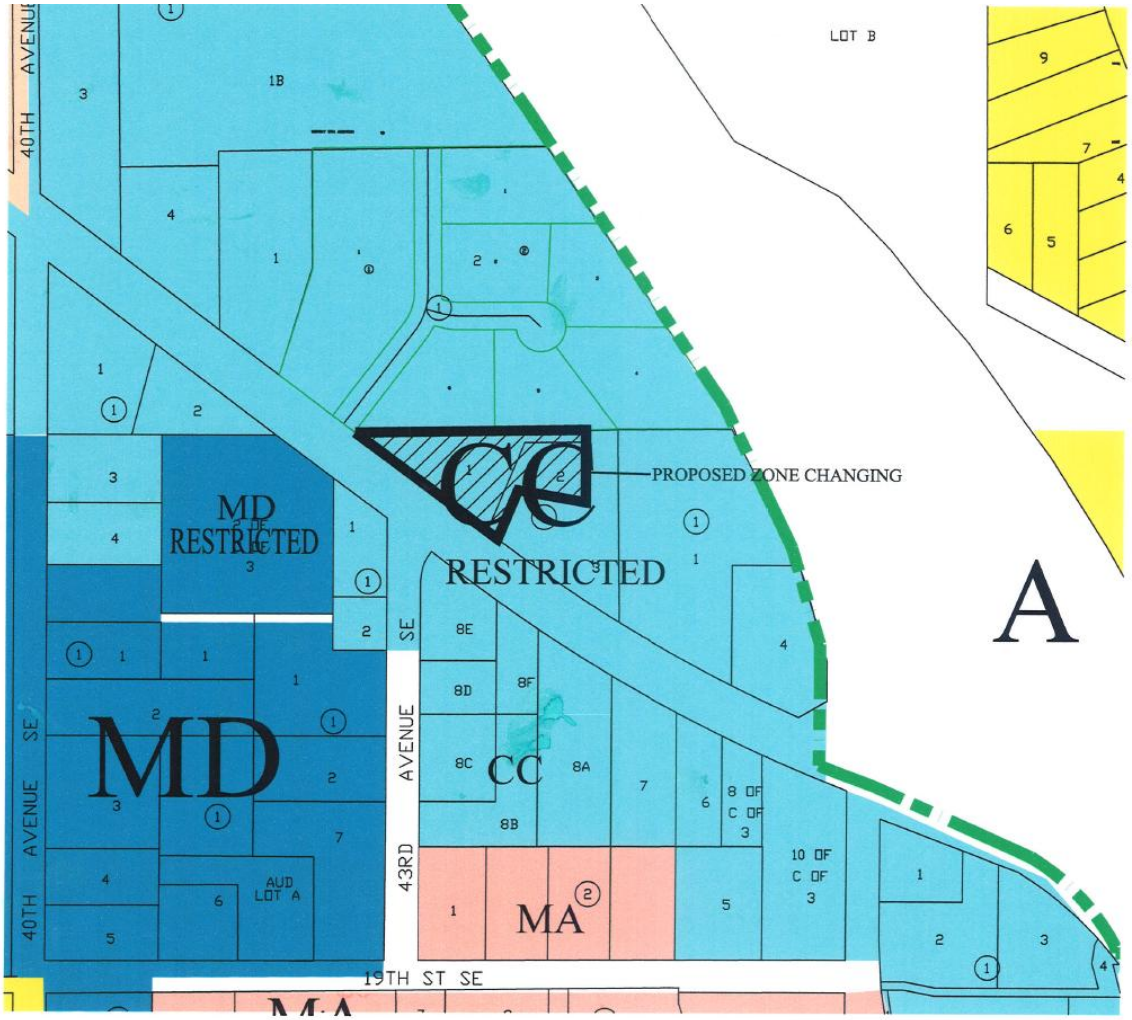
and as so amended said section is hereby reenacted. The city administrator is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

_____
President, Board of City Commissioners

Attest:

_____
City Administrator

Public Hearing:	August 26, 2013
First Consideration:	October 1, 2013
Second Consideration and Final Reading:	October 15, 2013
Publication Date:	_____
Recording Date:	_____


LOT B
40TH AVENUE
PROPOSED ZONE CHANGING
MD
RESTRICTED
RESTRICTED
A
MD
CC
MA
MA
40TH AVENUE SE
43RD AVENUE SE
19TH ST SE
AUD LOT A

Res. & Ord. No. 4

ORDINANCE NO. 1171

AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF THE MANDAN MUNICIPAL CODE 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 Municipal Code is amended to read as follows:

The following described property located within the City of Mandan, Morton County, North Dakota shall be excluded from the CC Restricted (Heavy Commercial with restrictions of no railroad trackage, auto laundry, auto repair as a primary use, commercial parking lot/garage, off-premise advertising sign, steam bath, tire/battery repair, storage building/warehouse or any of the wholesale group) zoning and shall be included in the CC (Heavy Commercial removing the restrictions) namely,

Lots 1-3 and 6, Block 1, Midway 14th Addition in Section 31, Township 139N, Range 81W in the City of Mandan, Morton County, North Dakota

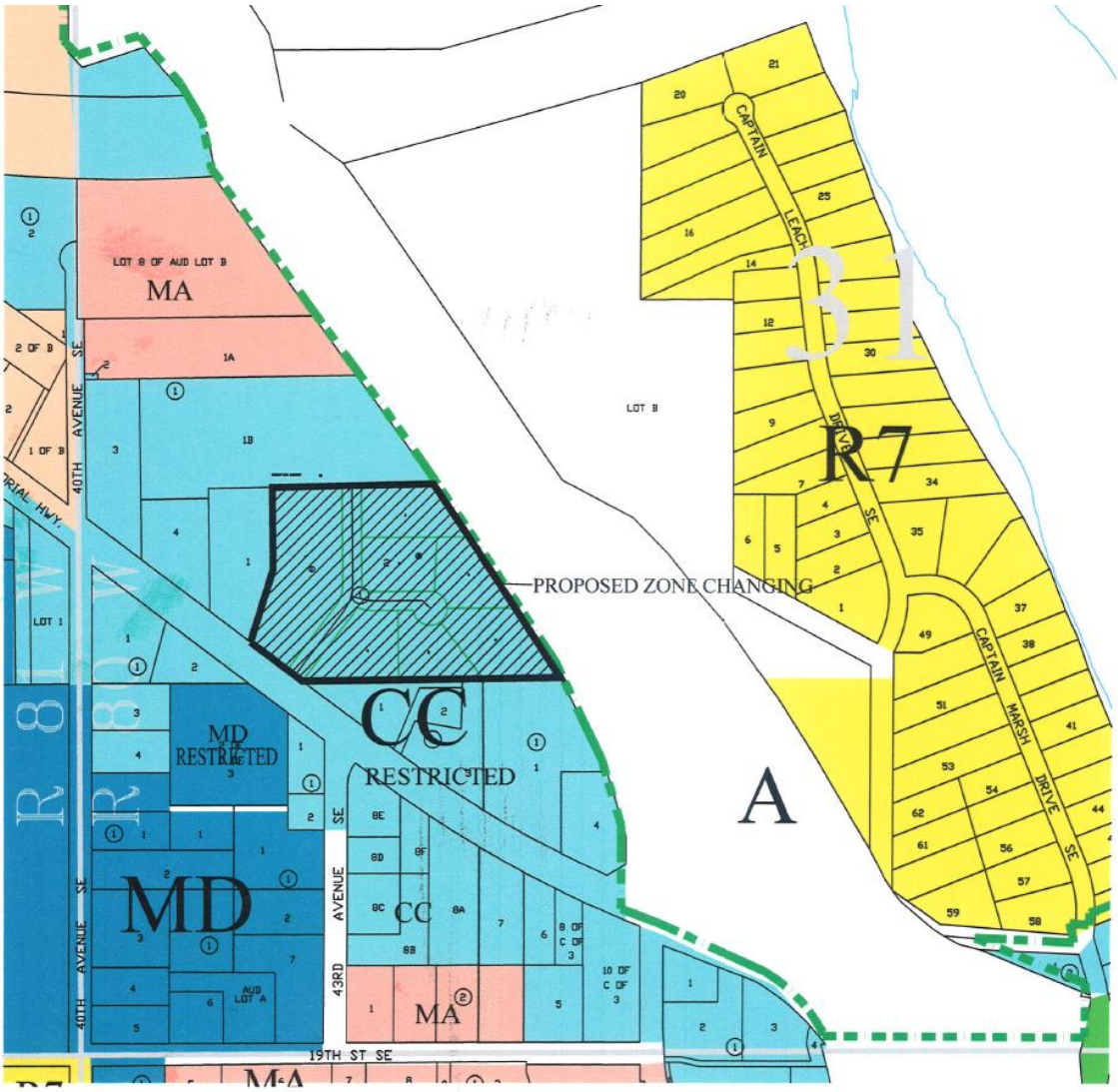
and as so amended said section is hereby reenacted. The city administrator is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

_____
President, Board of City Commissioners

Attest:

_____
City Administrator

Public Hearing:	August 26, 2013
First Consideration:	October 1, 2013
Second Consideration and Final Reading:	October 15, 2013
Publication Date:	
Recording Date:	


MA
LOT 8 OF AUD LOT B
1A
1B
LOT B
R7
A
CAPTAIN LEACH DRIVE SE
CAPTAIN MARSH DRIVE SE
PROPOSED ZONE CHANGING
C/C
RESTRICTED
MD
RESTRICTED
MD
CC
MA
40TH AVENUE SE
43RD AVENUE SE
19TH ST SE
R8
R8
LOT 1
1 OF B
2 OF B
AUD LOT A
8 OF C OF 3
10 OF C OF 3

Res. & Ord. No. 5

ORDINANCE NO. 1158

An Ordinance to Amend and Re-enact
Section 21-03-10(1)(a) of the Mandan Code of Ordinances
Relating to Automobile Parking

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

Section 21-03-10(1)(a) of the Mandan Code of Ordinances is hereby amended and re-enacted to read as follows:

Section 21-03-10. Automobile Parking.

1. Off-Street Parking. Except as provided in this section, no application for a building permit or certificate of occupancy in any zone shall be approved unless there is included with the plan for such a building, improvement or use, a plot plan showing the required open space designated as being reserved for off-street parking purposes to be provided in connection with such a building, improvement or use in accordance with this section; and no certificate of occupancy shall be issued unless the required facilities have been provided in accordance with those shown on the attached plan. Such off-street parking shall be provided on the bases of the following minimum requirements:

   a. Dwellings, including single-family, two-family and multi-family dwelling— ~~one~~ two off-street parking spaces for each dwelling unit; except that for an efficiency apartment of less than 400 square feet, only one off-street parking space shall be required if the parking space is exterior.
   b. 50% of the required minimum parking spaces must be exterior parking.

By:_____
President, Board of City Commissioners

Attest:

_____
City Administrator

First Consideration: October 1, 2013
Second Consideration and Final Passage: _____
Publication Date: _____

Res. & Ord. No. 6

RESOLUTION

Be it resolved by the Board of City Commissioners of the City of Mandan, North Dakota, pursuant to § 12-02-06, of the Mandan Municipal Code, that the license fees for the sale of alcoholic beverages shall be as follows:

ALCOHOL LICENSE FEE SCHEDULE

Annual Renewal

License		Fee
Class A	(General Retail-On & Off sale Beer & Liquor)	$3,100
Class B	(Club-On & Off sale Beer & Liquor)	$2,800
Special B	(Publicly Owned or Operated Facilities-On Sale Beer)	$100
Special B	(Publicly Owned Facilities-On sale Beer & Liquor)	$100
Class C	(Motel & Hotel-On & Off sale Beer & Liquor)	$2,900
Class D	(Exclusive Off sale Beer & Liquor)	$3,100
Class D-1	(Exclusive Off sale Beer & Wine)	$600
Class E	(Restaurant-On sale Beer & Liquor)	$2,500
Class F	(Restaurant-On sale Beer & Wine)	$1,150
Class G	(Commercial passenger vessels)	$1,150
Class WB	(Wine or Brewery)	$600
Class MP	(Member Producer)	$600
Class DY	(Distilled Spirits)	$600

Issuance

License		Fee
Class A	(General Retail-On & Off sale Beer & Liquor)	$60,000
Class D	(Exclusive Off sale Beer & Liquor)	$80,000
Class D-1	(Exclusive Off sale Beer & Wine)	$35,000

Dated this 1st day of October, 2013.

_____
President, Board of City Commissioners

Attest:

_____
City Administrator