



**AGENDA**  
**MANDAN CITY COMMISSION**  
**FEBRUARY 5, 2019**  
**ED "BOSH" FROELICH MEETING ROOM,**  
**MANDAN CITY HALL**  
**5:30 P.M.**  
**[www.cityofmandan.com](http://www.cityofmandan.com)**

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- A. ROLL CALL:
1. Roll call of all City Commissioners
- B. APPROVAL OF AGENDA:
- C. MINUTES:
1. Consider approval of the minutes from the January 22, 2019 Board of City Commission Regular meeting.
- D. PUBLIC HEARING:
1. Conduct a public hearing to consider an appeal of the MARC decision on a mural at Many Visions located at 100 2nd Ave NW.
- E. BIDS:
- F. CONSENT AGENDA:
1. Consider approval of a charity raffle permit for the Mandan Soccer Club at the Mandan Soccer Complex for 6-3-19 to 6-28-2019.
  2. Consider abatements
    - i. Abatement for 304 10<sup>th</sup> Avenue NE Clooski Properties LLP
    - ii. Abatement for 3202 Bay Shore Bend SE James T & Laurretta H Taylor
  3. Consider approval of the moving of liquor licenses for Edgar Oliveira. Moving Class A at Station West to Mandan Depot Bier Hall and move Class E from Mandan Depot Bier Hall to Station West.
  4. Consider approval of a transfer of a Class D-1 Beer License due to ownership/acquisition of Missouri Valley Petroleum d/b/a Southside Amoco.
  5. Consider setting a bid opening deadline for 2019 Street Improvement District projects by special assessment method.
  6. Consider amendment to the Police Department's 2019 budget to allow a change to the Animal Control Officer position from full-time 30 hours per week to full-time 40 hours per week.
  7. Consider a variance to our noise ordinance to allow for certain overnight construction activities related to the I-94 Resurfacing project.
  8. Consider amendment to Municipal Street Lighting and Equipment Rental Agreement with Montana-Dakota Utilities Co.

G. OLD BUSINESS:

H. NEW BUSINESS:

1. Consider proclaiming Mandan a Main Street community.
2. Legislative Update #2.

I. RESOLUTIONS AND ORDINANCES:

J. OTHER BUSINESS:

K. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. February 19 (5 p.m. start time)
2. March 5, 2019
3. March 19, 2019

ADJOURN

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The Mandan City Commission met in regular session at 5:00 p.m. on January 22, 2019 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Mayor Helbling called the meeting to order.

A. ROLL CALL:

1. *Roll Call of All City Commissioners.* Present were Mayor Helbling and Commissioners present were Braun, Davis, Larson and Rohr. Department Heads present were Finance Director Welch, City Administrator Neubauer, Fire Chief Nardello, Building Official Ouradnik, Director of Public Works Bitz, Business Development and Communications Director Huber, Planning & Engineering Director Froseth, Planner Van Dyke, Assessor Markley, Police Chief Ziegler and City Attorney Brown. Absent: Human Resource Director Cullen.

B. APPROVAL OF AGENDA:

C. MINUTES:

1. *Consider approval of the minutes from the January 8, 2019 Board of City Commission Regular Meeting.* Commissioner Davis moved to approve the minutes as presented. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes. Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

D. PUBLIC HEARING:

F. CONSENT AGENDA

1. *Consider approval of monthly bills.*
3. *Consider abatement of 2018 assessments for former Thrifty White and Central Market properties.*
4. *Consider prorated abatements of 2017 assessments for former Thrift White and Central Market properties.*
5. *Consider Abatements: (i) 2017 & 2018 Abatements Maria L Higgins; (ii) 2017 & 2018 Abatements The Ridge Motel Corporation.*
6. *Consider amendment to Engineering Service Agreement with Moore Engineering for final design and bidding of the Southside Street Improvement District project.*
7. *Consider approval of minor plat of Replat of Lots 19 Block 1 & 2-4 Block 6, Macedonia Hills 1<sup>st</sup> Addition (Refer to RESOLUTIONS AND ORDINANCES Item #1).*
8. *Consider approval of a transfer of a Class F Beer License due to an ownership/acquisition for Taylor Made BBQ LLC to Laughing Sun Brewing Company LLC.*
9. *Consider agreement with the Federal DEA to have an officer already assigned to the Metro Area Narcotic Task force become a part of the DEA Task Force.*

Commissioner Rohr requested Item No. 2 be removed for discussion. Commissioner Larson moved to approve the Consent Agenda items 1, 3, 4, 5, 6, 7, 8 and 9 as presented. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

*Consent Agenda No. 2. Consider request to pay annual leave.*

Commissioner Rohr inquired that when an item such as this is brought forward and the circumstances may have been time accrued for an emergency type of situation – is this action of approving the request (for pay) in line with the City Ordinance. He commented that within the annual leave policy it refers to leave time not used will be forfeited. His question is, if the City Commission allows that, is that within compliance of the Ordinance? Attorney Brown replied that the City Commission has the authority to approve that type of request.

Commissioner Rohr moved to approve Consent Agenda No. 2. Consider request to pay annual leave. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

**G. OLD BUSINESS:**

*1. Consider approval of Cost Participation and Maintenance (CPM) Agreement for I-94 resurfacing project.* Planning and Engineering Director Froseth provided a recap of this matter from the meeting held on January 8, 2019 wherein the City Commission moved to table the execution of the Cost Participation and Maintenance (CPM) Agreement and the budget amendment because the Commission requested more explanation why the estimate for Mandan had increased by 190% from June to December. He explained that this request is to consider approval of the CPM Agreement for this project. The project would include the I-94 and I-194 interstate roadways. Some of the improvements would take place on Highway 810, aka Expressway and south of Memorial Highway to the Expressway bridge. This Highway 810 segment is part of the arterial roadway system in which the City has 10% funding participation responsibility, thus the need for the CPM agreement through this stretch. Subsequently, since the last meeting, Director Froseth stated that he and Administrator Neubauer discussed this matter with NDDOT staff and they were able to explain the increase of the local estimated cost. The increase has more to do with the costs not being shown as Mandan's share originally as it should have been. More specifically, the bridge structure work was all shown as only the NDDOT costs with no local share. That part of the project was under the McKenzie bridge work which is part of the Highway 810 system when it should have been under the McKenzie Drive project of which there is a 10% match. That explains most of the adjustments in question from the June to December increase of local estimated cost. There is about \$8,800 cost difference because the DOT planned to do a scope of the work in 2020 as a separate project however they wanted to bring it in to this project in 2019. He reported that the City Engineering DOT staff discussed what would happen to the project if Mandan did not agree to the CPM agreement. There was indication that all of the Highway 810 improvements would be removed from the project and addressed at some future undetermined time with another project. The concerns with that indicated that the future time may be years down the road, and probably would not be in the program that projects four years out and it would result in another time period of disturbance. This is a very large project scheduled to go through Mandan in 2019. It is expected to be comparable to the interstate project that went through the Bismarck city limits in 2017 as far as its working scope and potential for disturbance and delays. The bulk of the project will be resurfacing of the interstate system from the highway 25 exit west of town to all three bridges in town: (1) Grant Marsh I-94 mainline; (2) Veterans' Memorial aka Memorial Highway Bridge; and (3) Expressway Bridge. It will also include some miscellaneous work at the bridge structures

within those segments. In June 2018, the Engineer's Office was given an estimate to budget from of \$35,056 for Mandan's local share of the project. In November, the estimate was revised to \$79,949. In December 2018 the estimate was revised to \$101,210 for the local share. These are estimates, and the actual amount will not be known until after the project is bid, complete, and total costs tabulated. However, staff has been concerned about the nearly 190% increase from the June estimate which was used to budget for 2019. While frustrating that the latest estimate is so much more than the estimate available to us during budgeting, staff does see the importance of this project and agrees to the most recent scope of work put forward by the NDDOT to ensure confidence in a long-lasting project.

Director Froseth noted there was also some discussion at the January 8, 2019 meeting about timing of payment for work done in 2019. The DOT staff indicated they would be able to work with the City to hold off on payment requests for those costs above the \$35,056 the City budgeted for in 2019 even though most of the work would be done in 2019. A budget amendment is required to increase the amount of sales tax fund for this project from the budgeted \$35,056 to the latest estimate of \$101,210. Finance Director Welch was consulted and verified that this amended amount can be utilized from the Sales Tax Fund.

Mayor Helbling commented that it was a good idea to get clarification from the state rather than pushing through as an approval at the last meeting.

Director Froseth recommended approval of the budget amendment from \$35,056 to \$101,210 and the Cost Participation and Maintenance Agreement for the Highway 810 portion of the I-94 resurfacing project.

Commissioner Braun moved to approve the budget amendment from \$35,056 to \$101,210 and the Cost Participation and Maintenance Agreement for the Highway 810 portion of the I-94 resurfacing project. Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

#### H. NEW BUSINESS:

1. *NDDOT presentation and potential comment for increase load limit for segment of 1806.* Planning and Engineering Director Froseth stated that Brad Darr, a NDDOT Maintenance Engineer contacted the City Commission recently regarding load limits above what they currently are and certain segments of road within city limits. This is a request to allow a NDDOT representative to present this topic and to receive any feedback the Commission would be willing to provide about the States Limited 129,000 Pound Large Truck Network.

Brad Darr, a State Maintenance Engineer came forward to present additional information of this matter. He said that a Bill was passed in the 2017 legislative session requiring the NDDOT to permit up to 129,000 lbs. on a specific network of roadways and establish a process to that system. The permit is a \$20 drip permit with a \$10 routing fee \$100 per month or \$700 per year per truck/trailer combination. Legislation required the DOT to establish a mechanism for a commercial entity and for individuals who reside in the state to request specific augmentation of that system. That process includes an Advisory Committee and the system roadways must keep

all axle weights legal and loads must follow a formula and any length limitations. This item stems from a request from Dixon Brothers who requested a portion of 1806 in Mandan to Interstate to the refinery to haul fuel to Minot. He reported that Minot is willing to allow this. There are no bridges on the system. Mr. Darr reviewed maps of the system. He provided copies of the Dixon Brothers application and road restrictions information. He said that Dixon Brothers would take advantage of the increased gross load for their operations. Though the gross loads would increase, the per axle loads would not, therefore the loading impact on the roadways is expected to be negligible. He explained that by allowing more gross load that would reduce the amount of truck trips through this area by roughly 20% for this activity. Dixon Brother's application states that they average 8 loads a day with the current limit as it is. The City Attorney has been informed and sent the above information. Mr. Darr reported that there have also been discussions with Director Froseth regarding the roundabouts leading to the refinery. He said that no formal motion is required for this action but that the DOT would like the City to be informed. The application is approved for Dixon Brothers but anyone else needing that segment of the road if approved would get to use it too. They would exit the refinery, go down Old Red Trail and out to the interstate. Further clarified, he explained that if the piece of 1806 was added to the system, after the purchase of a permit, Dixon Brothers and other haulers for the refinery could use this half mile piece of roadway to get to the interstate and if they wanted to haul 129,000 they would not have to get the same segment added again. The others would have to get a permit and pay the fees and they could haul too. He reported that there are approximately eight daily truck loads going in and out of that area. This concluded Mr. Darr's presentation. Director Froseth indicated this is an informational item and there is no need for a motion on this matter.

2. *Consider approval of Decision Document for the 1806 North reconstruction project.* Planning and Engineering Director Froseth stated this is a request to finalize the 1806 North Project and that the environmental document for this is due. In particular, this would be to complete the City's section of the Decision Document for the DOT to consider the design alternatives. The Design Document is necessary in order for the design team to move forward to create the final design with one configuration in mind for each of these different areas within the project. The environmental document includes a preliminary design of several alternatives among other tasks has been the focus of this project's planning and design effort over the last several months. The design team has come up with different and all technically feasible alternatives for different locations throughout the project and they have pros and cons that will be explained. The project concept report explains each of these design alternatives with a decision table for the City to complete and return to the DOT for their consideration when deciding on which alternative to go forward with at each location.

Director Froseth introduced Troy Ripplinger, KLJ Engineering Project Manager who will provide information on the alternatives referenced. Mr. Ripplinger came forward and explained that the Mandan Avenue Interchange project that has been worked on over the last six months. He provided a power point presentation that included the following:

- Need for the project includes Social Demands and Economic Development
- Alternatives and Options - Mandan Avenue Interchange
  1. Alternative A1 - No Build Alternative
  2. Alternative B1 – Realign Ramps / 90 degree Intersection Alternative
  3. Alternative C1 – Roundabout at ramp Intersections

The Alternatives presented and discussed:

1. Mandan Avenue – not much needs to be done other than upgrading the lighting system.
2. Curve at the Refinery – looked at options to improve radius of the curve.
3. Reconstruct the Curve at the Refinery - to allow 35 mph speeds.
4. Collins Avenue – widen the section and match the stretch on Mandan Avenue. Would also add some landscaping and add street lighting. This will be coordinated with the Park and School Districts.
5. Pedestrian paths would be tied to the sidewalks along Old Red Trail.
6. Considering extending the City sewer system to the north to the properties to allow access to the City's sewer main in the future.
7. The next major decision item is at the intersection of Collins Avenue and Old Red Trail. The Traffic Operations Report, which is available upon request, shows that the traffic volumes are not there to warrant installation of traffic signals.

The cost estimates of the alternatives were presented, depending on which alternative, costs could be up to \$10 million. The sanitary sewer improvements would be \$785,000. On the Mandan Interchange improvement there would be no local share costs and the Highway 1806 local share would be \$750,000 and the sanitary sewer local share would be \$785,000. The Timeline was reviewed with construction being planned in 2020. There was a public input meeting on November 15, 2018 with a good turnout with a lot support for the roundabout. The project concerns were discussed at that time.

Director Froseth stated that the construction project is scheduled to start in 2020. The Engineering Department has discussed the cost estimates of local funding responsibility with the City Finance Department for budgeting purposes. The estimate that comes with this preliminary design is consistent with the budgeted amount from 2018 when discussions were still at planning level estimates.

Members discussed the importance of safety issues and plans to keep the pedestrians from walking on the street and through the ditches. Commissioner Davis commented that he is in favor of the 16<sup>th</sup> Street project in this area in order to have walking paths in place for pedestrian safety. Director Froseth said that 16<sup>th</sup> Street is scheduled to be constructed at the time of the project and the property owners will be asked for input because they will be paying the specials for that street. The (safety) intent is there and the plans for the sidewalk should line up nicely to keep pedestrians from walking down the street or in the ditches.

Director Froseth presented the following recommendations for consideration by the Commission:

1. The Interchange project: The Engineering Department is recommending the realignments and not the roundabouts – to realign and square those sections up. The roundabouts will provide safety. Due to the topography in that area it would be a tough fit for a roundabout.
2. Regarding the curve at the southeast corner of the Refinery: The Engineering Department is recommending increasing the radius so it would allow for the 25 mph design.
3. To the west, at Collins Avenue and Old Red Trail section north: The Engineering Department is recommending installing a roundabout at that intersection. The size would

be the same as the preliminary design as the one located in Bismarck at Hwy 10. Going north, the recommendation is for mill and overlay. To widen, concrete will not work and the plan is to use existing asphalt and overlay the existing asphalt.

4. Going north, if the decision is to resurface, asphalt would be recommended because of the mill and overlay over existing. All the other recommendations given would be to use concrete instead of asphalt except for this one.

Commissioner Larson said she strongly agreed with the City Engineer's Department recommendations presented by Director Froseth to realign the intersection rather than put in a roundabout. There is a lot of impact to the land owners in that area which is of concern. Because there are so many things going on in this area, signage will be important. She said she is concerned about safety in that area. Commissioner Davis stated he agrees with the Engineer Department's recommendations and concurs with Commissioner Larson. He agreed that a roundabout would not be a good idea and he said he agrees that concrete would be a better option than asphalt. He also agreed that the 16<sup>th</sup> Street project is important for safety and inquired if the Park and Rec District could help with that project.

Director Froseth explained the local share of the 1806 project. The plan is to apply the local share through the typical method which is a combination of City sales tax, city wide property tax and special assessments to the benefiting properties. The 16<sup>th</sup> Street project is considered a local road so those adjacent properties would be responsible for the full funding of the 16<sup>th</sup> Street project along with the sidewalks adjacent to it.

Mayor Helbling commented that he would rather see a 35 mph than a 25 mph zone at the curve at the Refinery entrance. This might be an opportunity to request the Refinery to help fund this because it will enhance their entrance. He suggested this option be explored. Director Froseth commented if pursuing the 35 mph speed zone through that curve, the City can mark that on Decision document and send it to the DOT and if negotiations are not favorable to the City there would still be an opportunity to back off and then go with the smaller 25' radius 25 mph curve. That could be adjusted and go back to the 25 mph. Mayor Helbling commented that the speed limit is irrelevant; rather he would like to see a wider angle at that intersection. Commissioner Rohr inquired if this would be approving the design concept, correct? Director Froseth said yes, and for these specific locations the City would go forward with a final design as presented. When talking about the curve, it's clear cut whether to go with a 25 mph or 35 mph curve. By design standards they both have a certain radius associated with them. With the decision being made it will determine how much room is needed to accomplish that. The DOT has the ultimate decision on the final design and they may agree with the City's recommendation or they may go with other departments input. The City provides input and the DOT uses it for part of their decision. There are no new access points being requested other than the 16<sup>th</sup> Street project. There are no other approaches planned for this part of the request.

Commissioner Rohr said that he believes the presentation that was given tonight explains the projects well and that all Commissioners are familiar with that area and what the issues have been in the past. He said that he is comfortable moving ahead with the project as presented.

Commissioner Davis moved to approve to return the Decision Document to the NDDOT with the

Engineering Department's recommended selections. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

3. *Consider moratorium of mural permit applications.*

John Van Dyke, Principal Planner presented a request to consider a moratorium of mural permit applications until a mural ordinance is drafted and is satisfactory to the Mandan Architectural Review Commission (MARC) and Community Beautification Committee (CBC). He said that the mural guidelines were adopted by the Mandan City Commission in August 2018. These guidelines were the product of a sub-committee comprised of the MARC and CBC and staff from various departments. Both the MARC and CBC believe that changes should be made and have recommended that the Principal Planner construct a draft ordinance for review by each of the citizen bodies. This is a request to consider a moratorium on mural applications that will allow the City enough time to review its rules and revise them as needed prior to accepting any applications. He said that with the guidelines as written, the City is able to establish a moratorium that would effectively dictate that we will not accept any applications until there is an opportunity to look at request to determine it is going in the right direction. This was discussed at MARC today and they provided a recommendation for approval of this moratorium.

The timeline for the new (revised) ordinance would be as follows:

- Draft Ordinance Construction – Late January 2019
- Internal Staff/Local Artist Review – Early February 2019
- CBC/MARC Review – Early-to-mid-February 2019
- Planning and Zoning Commission – February 25, 2019
- City Commission – March/April 2019

Planner Van Dyke said that Attorney Brown has been consulted regarding the method to achieve a moratorium. A specific timeframe is recommended and a motion will be required. Planner Van Dyke stated that he visions this as a part of a public art ordinance. He stated that the request before the Commission is a recommendation for a mural permit application moratorium be imposed beginning immediately and in effect for six (6) months or upon adoption of a mural ordinance, whichever is sooner.

Commissioner Davis extended a thank you to Planner Van Dyke for bringing this forward in light of what the City has been attempting to do downtown on Main Street. Commissioner Larson said that she sits on the MARC Committee and they have been discussing this for the last couple months. She believes the Committee did their research and pointed out that there is a business policy that references the mural permit process and the policy is expected to be followed, however at times it has not been followed. She stated this is an appropriate time to revisit the policy and update the verbiage within it as presented by Planner Van Dyke.

Commissioner Larson moved to approve to impose a moratorium on mural permit applications beginning immediately and in effect for six (6) months or upon adoption of a mural ordinance, whichever is sooner. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

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4. *Consider approval of new Class F liquor license for the Rice Bowl LLC at 609 West Main Street, Suite 2.* City Administrator Neubauer presented a request for a new Class F liquor license for the Rice Bowl LLC. They have not served alcoholic beverages for the last couple years. A new owner is now interested in obtaining a liquor license. He stated that all new Class F liquor licenses must be approved by the Board of City Commissioners at the time of new application. The application has been received and fees have been collected. The request is for a new liquor license at 609 West Main Street, Suite 2 for the Rice Bowl LLC. The application and all appropriate paper work have been filed in City Finance Office. Administrator Neubauer recommended approval of the request contingent upon the establishment meeting all Fire Code, Health & Safety Code, Building Inspections Codes and all property taxes are paid to date. The new owner, Frankie Huang is planning on being able to start serving February 1, 2019.

Commissioner Davis moved to approve the new class F Restaurant liquor license for the Rice Bowl LLC at 609 West Main Street, Suite 2 contingent upon the establishment meeting all Fire Codes, Health & Safety Code, Building Inspection Codes and all property taxes are fees are paid. Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

5. *Consider approval of a new Class MP Liquor license for Taylor Made BBQ LLC at 316 West Main Street.* City Administrator Neubauer presented a request for a new Class MP Liquor License for Taylor Made BBQ LLC. The business is under new ownership and has undergone a remodel and plans to open on February 1, 2019. They are interested in obtaining a Class MP license. All new Class MP Liquor licenses must be approved by the Board of City Commission at time of new application. The application has been received and fees have been collected. The request is for a new Class MP Liquor license at 316 West Main Street for Taylor Made BBQ LLC. The application and all appropriate paper work have been filed and are available in Finance Office. Administrator Neubauer recommended approval of the request contingent upon the establishment meeting all Fire Code, Health & Safety Code, and Building Inspections Codes now that renovations are finished and all property taxes paid to date. They would not have an F license, only a new MP license. Attorney Brown clarified that they would need a Class F restaurant license and an MP license. An MP license permits the sale of beer that's produced within the state of North Dakota. The owner of Taylor Made BBQ is Laughing Sun Brewery. The Class MP license will enable them to sell growlers at Taylor Made BBQ. They will have to sell their growlers to a distributor and Laughing Sun will have to buy from that distributor or Taylor Made BBQ in which they can then sell the growlers. There is a middle man in different lo-cals. Mayor Helbling inquired why they would need a separate/another liquor license if they would be buying from a distributor (McQuade Distributing). Administrator Neubauer believes that in order to sell the growler and the liquor is considered off-sale, they need this license in place. Attorney Brown stated that this came up when they informed the City of the change in ownership to Taylor Made BBQ in that Laughing Sun wanted to fill their growlers there. The restaurant license does not permit that. They came up with a Class MP license. He said he did not look at the state regulations that Commissioner Larson referred to. Basically what Administrator Neubauer explained, one has to work through this distributor. Todd Sattler, one of the owners of Laughing Sun Brewery came forward to explain. He said he is also a lawyer and has been involved with the North Dakota Brewers Guild. He said that as long as Laughing Sun

is distributing through one of the licensed wholesalers in the state, and there is no prohibition against the business opening or having an interest in a business such as Taylor Made BBQ and then selling off sale, the reason for the second license, the MP license which allows a restaurant to also sell alcohol (beer and wine in this case) does not allow for off sale, so this would allow the sale of growlers. They also can their product and there is a cooler behind the counter for off sale beer too. Mayor Helbling inquired if it allows them to sell any off sale or just anything that you produce? Mr. Sattler replied it is a North Dakota product. There is no intention of selling anything other than their own product there. Attorney Brown clarified that the MP would have to be a North Dakota product.

Commissioner Larson moved to approve the new Class MP Member Producer liquor license for Taylor Made BBQ at 316 W. Main Street contingent upon the establishment meeting all Fire Codes, Health & Safety Code, Building Inspection Codes and all property taxes and fees are paid. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

#### 6. *Legislative Update.*

Administrator Neubauer presented the 2019 Legislative bills pertinent to the City of Mandan. He provided the list of bills and asked Commissioners to let him know if there are any certain bills that should be followed.

HB 1375, addressing (political) party references. In essence the bill states that if you were in a municipal election you would have to declare a party. Whether that be republican, democrat, or independent. His recommendation from a city standpoint is that municipal offices have always been non-partisan and that it be kept that way. He inquired if the Commissioners had a position as to support or oppose that bill. Commissioner Rohr replied that he would prefer it remain as is and that the Commission represent the community as a whole without party affiliations.

Commissioner Davis concurred with Commissioner Rohr's advice to leave party affiliations out of the county and city government levels. He recommended opposing the bill. Commissioner Larson and Commissioner Braun concurred with Commissioner Rohr and Commissioner Davis. Mayor Helbling stated the Commission is unanimously in favor of opposing the bill.

Administrator Neubauer stated he would put together testimony in opposition on behalf of the Mandan City Commission.

HB 1474, regarding adding a street maintenance fee. This would be when sending out the utility bill, that a street maintenance fee would be added to the utility bill in lieu of special assessments. He stated he is not sure if this would be a good or bad thing. If it passes, the city would have the option to take it to the citizens for a vote and it would require a 60% approval rather than a simple majority. Attorney Brown clarified that this is a tax that will attached to the utility bill. It would be an option for the City to take to the citizens for a vote.

Mayor Helbling extended a thank you to the legislators representing the City of Mandan who he feels are listening to the needs of the residents. Commissioner Davis announced that he and the city staff are working hard to stay on top of any of the bills that will affect the residents of Mandan.

I. RESOLUTIONS AND ORDINANCES:

1. Second and final consideration of Ordinance 1305 related to the annexation/zone change surrounding a correction to a portion of Macedonia Hills 1<sup>st</sup> Addition - Includes Minor Plat (See Consent Agenda Item No. 7). John Van Dyke, Principal Planner stated this is the Second and final consideration of Ordinance 1305 and to consider the approval of a minor plat that addresses the necessary correction. The Planning and Zoning Commission unanimously recommended approval of the annexation and zone change. City Commission approved the first consideration of the annexation and zone change on January 8, 2019. There have been no comments or opposition received since that time. This is a small correction that needs to be made.

Commissioner Braun moved to approve the Second and final consideration of Ordinance 1305 related to the annexation/zone change surrounding a correction to a portion of Macedonia Hills 1<sup>st</sup> Addition that includes minor plat. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

J. OTHER BUSINESS:

Keith Fleck, 2545 Highway 21, Solen, ND came forward and stated he manages Dixon Brothers, Inc. He requested that the City consider installing a left turn signal at the light located by Burger King on Main Street, going east and west. He said his drivers have had two accidents there, most recently in December. Mayor Helbling reported there is a signal project in process. Engineering Director Froseth stated the signals project does not address that intersection. It goes to Sixth Avenue Southeast. Director Froseth noted the request.

K. ADJOURNMENT:

There being no further actions to come before the Board of City Commissioners, Commissioner Davis moved to adjourn the meeting at 6:35 p.m. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

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James Neubauer  
City Administrator

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Tim Helbling  
President, Board of City Commissioners



Public Hearing No. 1

# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** February 5<sup>th</sup>, 2019  
**PREPARATION DATE:** January 9<sup>th</sup> 2019  
**SUBMITTING DEPARTMENT:** Building Inspections  
**DEPARTMENT DIRECTOR:** Shawn Ouradnik, Building Official  
**PRESENTER:** Shawn Ouradnik  
**SUBJECT:** Appeal of MARC decision on the mural at 100 2<sup>nd</sup> Ave NW

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**STATEMENT/PURPOSE:** Bobby Cochran, owner of Many Visions located at 100 2nd Ave NW, is appealing a denial of a mural application by the Mandan Architectural Review Committee (MARC).

**BACKGROUND/ALTERNATIVES:** Many Visions, located at 100 2nd Ave NW, was cited by code enforcement for placing a mural on the front of the building without a mural permit, as is required by Section 105-1-15(j) (9). Mr. Cochran, submitted an application after-the-fact for the mural and was subsequently heard by MARC. The MARC denied the application at the November 13, 2018 meeting on the basis that it violated the mural guideline #1 which prohibits murals being placed on the front of buildings. The MARC also denied the mural application due to zoning regulations surrounding downtown design related to aesthetic harmony with adjacent structures as outlined in Section 111-1-6 (2).

As is the process afforded to applicants that appear before the MARC where an application is denied, an appeal was submitted by the applicant to the City in late December. Staff worked with the appellant to determine an adequate date to present the appeal before City Commission where February 5, 2019 was determined to be appropriate.

**ATTACHMENTS:** MARC Mural Application, MARC Meeting Minutes, Appeal Letter, Notice of Denial, and Notice of Violation from code enforcement

**FISCAL IMPACT:** None

**STAFF IMPACT:** None

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Board of City Commissioners

Agenda Documentation

Meeting Date: February 5, 2019

Subject: Appeal of MARC decision on the mural at 100 2nd Ave NW

Page 2 of 2

LEGAL REVIEW: All documentation has been sent to Attorney Brown for review prior to tonight's hearing.

RECOMMENDATION: I recommend upholding the decision of the MARC and deny the appeal of the mural located at 100 2nd Ave NW for the following reasons:

- 1) Mural Guideline #1
- 2) Section 111-1-6 (2). (related to downtown design and adjacent structure color pallets)

SUGGESTED MOTION: I move to deny the appeal made by Bobby Cochran, the owner of Many Visions and uphold the decision of MARC to remove the mural located at 100 2nd Ave NW based on the Mural guidelines and Section 111-1-6 (2) of the Mandan municipal code.

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MANDAN ARCHITECTURAL REVIEW COMMISSION  
APPLICATION FOR MURALS  
PHONE 667-3248 FAX 667-3623

APPLICATION INFORMATION:

1. Building Address: 100 2nd Ave NW
2. Name of Property Owner: Marian Stoltz 906 Couch St  
D/B/A: \_\_\_\_\_  
Mailing Address: 220 West Main Sammy Obrigewitch - Bismark  
Phone (Cell): 391-3377 (Office): \_\_\_\_\_
3. Name of Artist: Paige Michal Jameson Privatsky 725 S. 12th St Bismark  
Mailing Address: 504 8th St NW  
Phone (Cell): Mandan (Office): \_\_\_\_\_
4. Name of Applicant (if different than artist/owner): Bobby Cochran  
Mailing Address: 1167 West Ave B Bismark  
Phone (Cell): 701-214-8111 (Office): \_\_\_\_\_
5. Estimated Start Date: Sep 22nd 2018 Estimated Completion Date: Nov. 20th 2018

Applicants must present 10 copies of the following requested information to the Planning and Engineering Department no later than Wednesday at 12 p.m. (noon), prior to the scheduled meeting at which consideration is desired.

- Pictures of the project site and surrounding area.
- Mural dimensions and proposed location on building.
- Materials to be used
- Rendering of the mural

A mural permit is required through the Planning and Engineering Department. Cost of the permit is \$50.00 when notice is not required and \$100 if notice is required (see attached guideline 1. a. to determine if notice is required).

By signing this application, I acknowledge it is the responsibility of the property owner to conform to the attached Building Mural Guidelines.

Property Owner: Marian Stoltz Date: 10-28-18

Bobbie Cochran has our permission for mural  
Marian Stoltz  
MMKT Rentals 701-214-8111

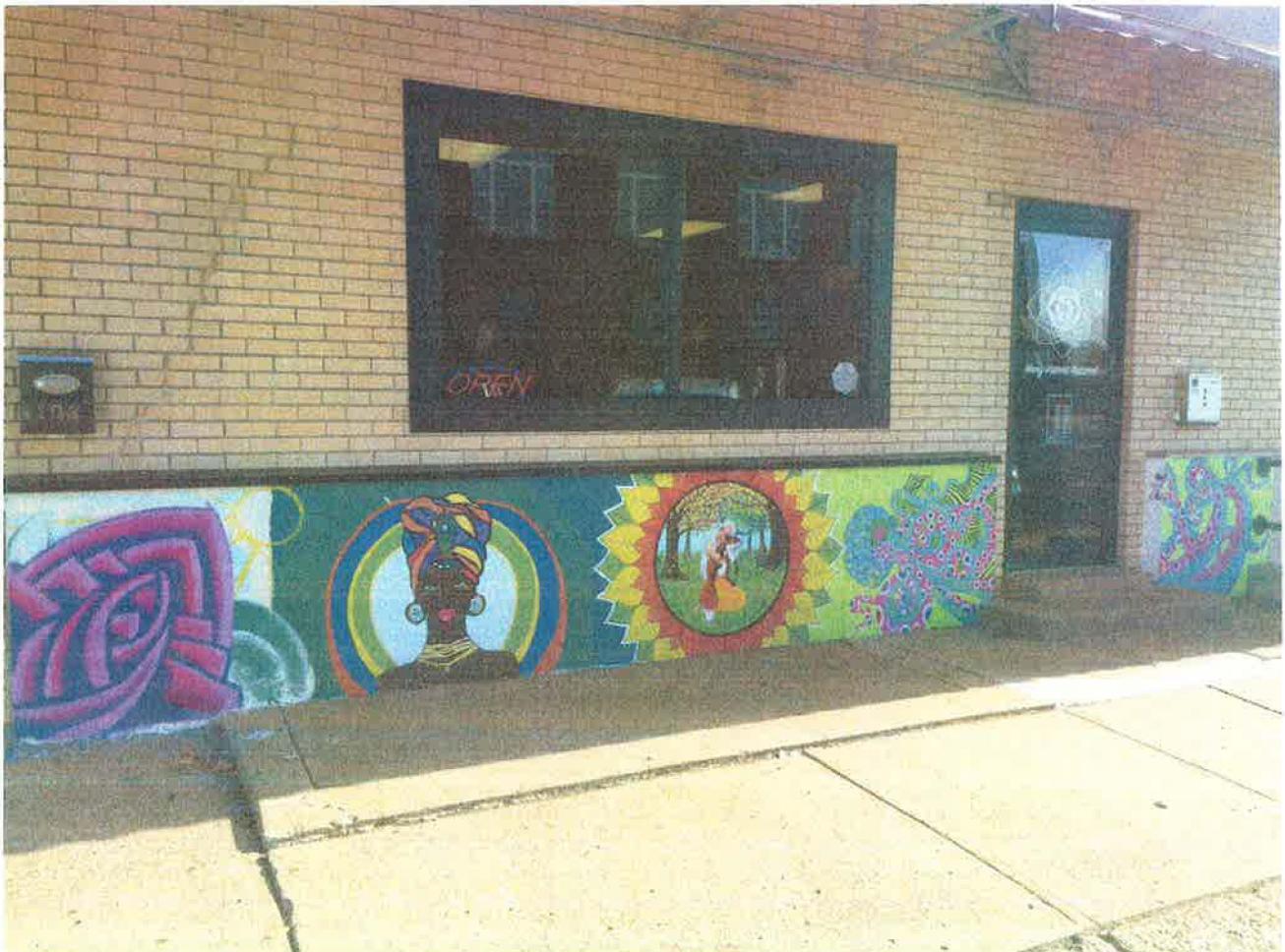
fee pd \$50.00  
11/5/2018

This is a picture of the mural taken on 10-29-18. It is currently about 80% complete. We are hoping to get our application approved so we can finish up before its too cold. Thank you.

Many Visions Apparel  
100 2nd Ave NW  
Mandan, ND 58554

manyvisionsapparel@gmail.com  
(701) 751-2838 store  
(Bobby Cochran- Owner)  
(701) 214-8111 cell

Hour of Operation:  
Mon-Fri 12-7 pm  
sat 11-6 pm



MANDAN ARCHITECTURAL REVIEW COMMISSION MINUTES

Amber  
Katie

November 13, 2018

The meeting was called to order at 1:00 p.m.

**ROLL CALL:** James Jeromchek/ President, Katie Wiedrich/Vice President, Shawn Ouradnik/Building Official, Kim Fettig/City Engineer Dept., Lee Pierce, Ben Zachmeier, Amber Larson.

**MEMBERS ABSENT:** Daniel Walter, Steve Nardello/Fire Chief.

**SPECIAL GUEST:** Ellen Huber, John Van Dyke.

**FIRST ORDER OF BUSINESS:** Proposal by Crystal Tretbar to repaint the Lewis & Clark building located at 103 3 Ave NW. Crystal plans to open up a yoga studio around December/January. Crystal would like to remove the cracked & chipped paint and repaint it with a grey or black colors. Crystal plans on painting the door black. She will bring signage back to MARC.

*Amber motioned to approve as presented.*

*Katie seconded.*

*Upon roll call vote, the motion passes unanimously.*

**SECOND ORDER OF BUSINESS:** Proposal by Cody with Anyleaks for a storefront improvement project for 417 E Main St. Cody plans for a complete interior and exterior remodel for a Restaurant Bar/Grill. Cody stated the roof will need replacing and also plans to remove all the tin. The materials Cody plans on using is a smart siding along with brick on the north and east side along with brick columns. The parking lot will be completely resurfaced. Cody plans on adding 18 windows on the east and north sides. Cody plans on adding new signage on the east side and a smaller hanging sign on the north side. Amber asked where the dumpster location. Cody stated the enclosed dumpster will be located in the SE corner. Ellen stated this project is both a Renaissance Zone as well as Storefront Improvement. Amber asked what the landscaping plans were. Cody indicated they are limited due to the lot being completely hard surfaced. Cody did comment on above ground planters by the patio area. Kim asked how far out will the sign protrude. Cody was unsure and will contact Indigo. The max is 36 inches and has to be a minimum of 8 feet above ground. Katie asked what the colors will be. The main LP siding color will be seal dark brown with oyster shell light tan accented with a light brown brick. Kim commented they have received stormwater plans but hasn't been approved yet.

*Kim motioned to approve as presented contingent on stormwater plans and signage not to protrude more than 36 inches.*

*Shawn seconded.*

*Amber would like to have a revised landscaping plan such as planters on the patio. Ben asked how many parking spots. Cody thought 34 spots. Amber asked if they have contacted Steve/fire chief, Cody has communicated with Steve.*

*Kim amended her motion to include the revised landscaping, parking requirements and access for the fire trucks.*

*Shawn seconded.*

*Upon roll call vote, the motion passes unanimously.*

**THIRD ORDER OF BUSINESS:** Proposal by Bill to install a sign for Puff & Stuff located at 107 Collins Ave. They plan on installing channel lettering sign above the front door mounted on the glass tile. No one was at the meeting to represent the project. With much discussion the members decided to table it for more information.

*Shawn motioned to table this project for more information.*

*Ben seconded.*

*Upon roll call vote, the motion passes unanimously.*

**FOURTH ORDER OF BUSINESS:** Proposal by Bobbi Cochran for a new mural located at 100 2 Ave NW. The mural is 80% completed. John commented he has visited with the applicant and they weren't aware of approval thru this committee. John stated a mural art must not be installed onto the front of the building, in this case this would be considered a front facing mural. Code enforcement did reach out to them several weeks ago for this violation. No one was present to represent the project.

*Shawn denied this project based on violation of the mural guidelines. Specifically a mural art cannot be installed on the front of the building. Also keeping the design of the exterior of the building in harmony with the rest of the buildings around it, and ask for the mural to be removed.*

*Lee seconded it.*

*John wanted to add the code reference would be section 105-4-2.1D3C*

*Upon roll call vote, the motion passes unanimously.*

**FIFTH ORDER OF BUSINESS:** Proposal by August Kersten for a new mural for The Lonesome Dove located at 3929 Memorial Hwy SE. No one was at the meeting to represent the project. John stated this wouldn't be considered a mural due to advertising of the business. Kim stated the sign is painted on a windbreak entrance. Therefor the sign wouldn't be directly on an exterior wall. Amber feels it is part of the building and in violation of the sign guidelines. James agrees with Amber.

*Amber motioned to deny this application due to violation of the sign ordinance and also based on a mural guidelines (if considered as a mural) that it is an advertisement on placed on the front of the building.*

*Shawn seconded.*

*Upon roll call vote, the motion passes unanimously.*

**MINUTES: Approval of the minutes from October 9, 2018.**

*Amber motioned to approve the minutes.*

*Katie seconded.*

*Upon roll call vote, the motion passes unanimously.*

There being no further business, the meeting was adjourned at 1:51 p.m.

Approved by:

Date

11-27-18

Transcribed by:

Carolyn Reisenauer/Admin. Specialist

To the city of Mandan:

My name is Bobby Cochran, and I am the owner of Many Visions. I have received your letter regarding the mural on the outside of our shop, and would like to respectfully appeal your decision. I would like to start by apologizing for not initially going through the proper channels for permitting. As a new business owner, I am still learning my way around things like this.

However, the mural has now been up for 3 months, and we have received nothing but positive responses to it. The mural is so much more than just paint on a wall. For me personally, the mural gave me a positive outlet in which to channel my attention. I was able to gather several artists to work on the mural, and allowed them a creative outlet they may not have otherwise had. During this time, we were able to connect with each other and the community around us. My purpose for opening the Many Visions storefront was to bring art and music to the Mandan community. These expressions offer a different form of therapy and support system that the community so desperately needs. The mural itself has connected the younger generation of Mandan with the older generation in a sense of purpose and pride for our town.

I understand that a large, colorful mural is a stark difference from the brick surrounding it, but why is that a bad thing? Unintentionally, I believe I have created the beginnings of a creative community-building program. We have the chance to not only allow this to continue, but to propose a city-wide effort for businesses to partner with local artists and create more art throughout the city (in approved locations). Mandan can create a connection between artists, community organizations, businesses, government agencies, and our youth by developing a public urban arts program. This mural is no longer a simple painting, but a vivid representation of our local identity. Our intent was not to create a rebellion, but in fact the opposite, to incite a sense of camaraderie between the locals and business owners, and even the city representatives.

Jane Golden, the executive director of Philadelphia, PA's Mural Arts Program said "while...the works of public art are always beautiful, their deeper value lies in the conversations we create, the connections we build, and the legacy of relationships we foster along the way, often with transformative results". There have recently been a multitude of studies on public art and the positive effects it has on the surrounding communities. For example, Dr. Felton Earls of Harvard University conducted a 15-year study across Chicago neighborhoods. Ultimately, he found that levels of health from one neighborhood to the next didn't depend on wealth, healthcare, or crime, but simply "the capacity of people to act together on matters of common interest". These communities developed positive effects by coming together and sharing, seeking common goals, and creating cultural ties.

Street art is viewed around the nation in several different cities as a revitalizing effort, not anything that detracts from the environment around it. This mural is about freedom, expression, and celebrating our diversity in a positive way. In places like Providence, Rhode Island, the community gathers for WaterFire, a public art event that takes place on their downtown waterways. WaterFire became a catalyst for revitalization in the city, and has become a part of the community's identity. In Boston, the Artists for Humanity program serves as a platform for youth to become "socially conscious and engaged entrepreneurs who bridge economic and cultural differences". What started in 1990 as a simple one-time

mural painting turned into a non-profit organization that now allows youth to create art and sell it, and also provides a paid apprentice program for those seeking further artistic development.

Studies have also shown that murals create an increase in foot traffic, while adding character and vibrance to the typical urban environment. In fact, concrete and asphalt have been shown to have negative mental health effects, and a recent Berkeley study showed that art contrasts this with therapeutic benefits. Additionally, multiple murals in a concentrated location can create a feeling of being in an “arts district”. Murals can increase public safety by creating a feeling that the area is well taken care of, which makes “crimes of opportunity” less likely. Murals are something that can ultimately transform Mandan into a more welcoming environment for those who come to visit.

Attached, you will find statements directly from the artists themselves, echoing my sentiments. We have all experienced a newfound love and appreciation for our city and those within it, and hope to continue sharing this experience. It is my hope that you will allow this mural to stand, and possibly support further public art initiatives to bring Mandan to a community full of pride for its downtown areas, as well as a thriving tourist hot spot, welcoming to any travelers who come through.

Sincerely,

Bobby Cochran

“If art is to nourish the roots of our culture, society must set the artist free to follow his vision wherever it takes him... We must never forget that art is not a form of propaganda; it is a form of truth.”

~ John F. Kennedy

The idea of a small mural in Mandan was conceived by like-minded art lovers that wanted nothing more than to bring some color to Mandan. To Bobby, art is his passion. He followed his dreams and opened Many Visions, a store dedicated to art, where you walk in and are awed by the beauty of all his products. Each piece of clothing a beautiful piece of art. Bobby, an art enthusiast, reached out to 4 of us artists to see if we could help him in bringing the beauty inside of his store to the outside, where anybody could enjoy it. To us artists, art is life. Among all the things that have come and gone in my life, art has been there since I could pick up a pencil. Creating art has lifted me out of depression, given me a purpose, and always made life more colorful. When I was asked to paint a mural (my FIRST mural) I was elated! I immediately got to work brainstorming ideas, creating rough drafts, and researching the best kind of paint for outdoor murals. Throughout the mural I experienced a great sense of community and a deep appreciation for art enthusiasts. We received nothing but positive words from the passersby and locals while working on the mural. I heard from multiple people "I am so glad you guys are bringing some color to Mandan!" I could tell by the look in their eyes that we had made their day when they saw us painting the walls with beautiful art. We were out there painting away on even the coldest and/or windiest days. Pay was not discussed when Bobby floated the idea. We were out there freezing our butts just for the love of art, our community, and Many Visions.

This year I have traveled all across the country. As someone who has been thinking about leaving North Dakota I was always in the back of my mind thinking "could this town be the next step in my life?" I traveled from town to town from North Dakota to the coast of Washington wondering "what is so special about THIS town?" One of the main things I noticed was the dedication certain towns had to art. Personally, I think a town with murals everywhere, sculptures on every corner, and just little artsy things seems WAY more welcoming. I've also realized that those towns had kind of a "touristy" vibe and seemed to be thriving. Everybody seemed to be smiling and in a good mood as they strolled downtown, grabbed a bite to eat, shopped locally, and admired all of the beautiful art. I think Mandan would greatly benefit from having some more art around, especially downtown!

We artists put our heart and soul into our mural, to share with our community, hopefully spark creativity in others, and bring some color into their lives. To paint over it with some industrial white would be a huge disappointment to not only us, but the entire community. Please let us keep our mural. We will be sure to do it the right way in the future and run it by you guys first. ☺

Thanks,

**Sammy Obrigewitch**

The mural stands for more than visual appeal, the art showcases a form of creative expression that the locals in Mandan have never been given the opportunity to appreciate: the intriguing, the colorful, the unique. These are all qualities a town like ours needs to continue with the ever-changing times. Instead of shunning the art work we professional North Dakota artists have created for you, please find it in yourself to embrace the beauty in its differences the way we locals embrace the differences in our community. Show us that we, a demographic that is commonly looked past, has a voice and the right to pursue a better, more beautiful environment. We have pride for our community and wish to gift all who live here a chance to see that the youth are just as active in making Mandan great again as the ones that came before us.

While creating the art piece (mine being the beautiful African American) I was given nothing but support by the local stores "Bam Nutrition" and "Vickie's Bar" who went out of their way to be involved in the process by sharing their thoughts and supporting the results through every step. Not only the owners, but the community itself became involved: walking over, intrigued by the art that was being made and I felt the sense of comradery I grew up in again; something I felt was lost when the oil boom hit. Strangers becoming friends under the common interest of seeing this mural be created and their words of "change", and "something new and different" were genuine. They were inspired and intrigued and many wished for more as they believed Mandan needed a new fresh perspective on what art is and what it can be.

The work I made on this concrete wall, a wall that before looked like an unfinished piece of construction, gave new life to the store and the stores around it. I found myself there in the rain and the cold, as I was bound and determined to be the change I wanted to see in the Mandan, where all walks of life are embraced. Please embrace our artwork the way we embrace our community, and we will all see that a little extra color is never a bad thing.

**-Jaimie Privratsky**

In a state so full of seasonal depression, the use of vibrant colors will increase the moods of our fellow patrons through the use of color therapy. Our art work being shown does not hold ties to our location, allowing us to create thought provoking messages that many other murals in our area have not attempted yet. By sharing a visual representation of African Americans on our public walls, we are showing our embrace of different cultures and different skin tones in a state with a high demographic of Caucasians. The work we have created shows no ties to violence, gangs, religion, or use of illegal substances. It is located in an area where it will not create traffic distractions, and it does not support any form of anarchy or civil chaos. Where there is no violence there should be no reprimanding. With the passing times in the US, small civil liberties like this should not be abolished. Please let us keep the art we worked so hard to give you, our gift to the community.

**-Paige Michal**

December 3, 2018

MMKT Rentals  
220 W. Main St  
Mandan, ND 58554

Case ID: MDN-18-12863

**NOTICE OF VIOLATION**

The property located at 100 2<sup>nd</sup> Ave NW had submitted a Mural Application with the MARC committee in which the permit has been denied due to the following:

Mural Guidelines 1 & Mandan Municipal Code 105-4-2.1 (d) & 3 (c) which state, "In order to maintain a sense of harmony within the area, the colors and materials used should generally be compatible with or complementary to those used for buildings on adjoining parcels."

There are 10 days to appeal the decision to the City Commission per 111-1-5 (c). If you intend to appeal please contact City Building Official Shawn Ouradnik at 701.667.3236 by 12/17/18 @ 8:00am for further questions and information to get this matter resolved.

If compliance is not made this violation is an Infraction with up to \$1000 fine.

Sincerely,

Candy Fleck  
Code Enforcement  
Mandan Police Dept.  
205 1<sup>st</sup> Ave NW  
Mandan, ND 58554  
701-667-3250  
[cfleck@cityofmandan.com](mailto:cfleck@cityofmandan.com)



Consent No. 1

Rec  
1-24-19

**APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT**  
OFFICE OF ATTORNEY GENERAL  
SFN 9338 (08/2016)

Application for:  Local Permit  Charity Local Permit (one event per year)

Name of Non-profit Organization Mandan Soccer Club	Date(s) of Activity 6-3-19 to 6-28-19	For a raffle, provide drawing date(s): Weekdays 6-3-19 to 6-28-19	
Person Responsible for the Gaming Operation and Disbursement of Net Income Miles Mehlhoff	Title President	Business Phone Number (701) 226-9633	
Business Address Po Box 923	City Mandan	State ND	Zip Code 58554-0923
Mailing Address (if different)	City	State	Zip Code
Name of Site Where Game(s) will be Conducted Mandan Soccer Complex	Site Address 1101 Redwing Dr SE		
City Mandan	State ND	Zip Code 58554-0000	County Morton
Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit. <input type="checkbox"/> Bingo <input type="checkbox"/> Raffle <input type="checkbox"/> Raffle Board <input checked="" type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker * <input type="checkbox"/> Twenty-one * <input type="checkbox"/> 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
Raffle	Cash	\$1,400.00			
Total:					(Limit \$12,000 per year) \$ 1,400.00

Intended uses of gaming proceeds: To purchase soccer equipment and uniforms, pay coaching and tournament fees.

Does the organization presently have a state gaming license?  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?  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 <i>Miles Mehlhoff</i>	Date 1-16-18	Title President	Business Phone Number (701) 226-9633
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# LOCAL PERMIT OR CHARITY LOCAL PERMIT

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL

LICENSING SECTION

SFN 17926 (10/2012)

Type:  Local Permit    \*  Charity Local Permit

Permit Number  
2019-08

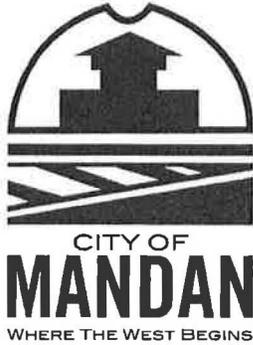
Name of Organization Mandan Soccer Club		Date(s) Authorized (Read instruction 2)		
Contact Person Miles Melhoff	Business Phone Number (701) 226-9633	6/3/2019 Beginning	to	6/28/2019 Ending
Mailing Address Po Box 923	City Mandan	State ND	Zip Code 58554-0000	
Site Name Mandan Soccer Complex	Site Address 1101 Redwing Dr.			
City Mandan	State ND	ZIP Code 58554-0000	County Morton County	
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.				
<input type="checkbox"/> Bingo <input type="checkbox"/> Raffle <input checked="" type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels*				
Restriction:				
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor <b>and</b> Office of Attorney General within 30 days of the event.				
Date 1/25/2019	Signature of: <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor <i>Brent Wilmeth</i>	Printed Name of City or County Auditor Brent Wilmeth		Auditor Telephone Number (701) 667-3455

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

cut along this line

### INFORMATION REQUIRED TO BE PREPRINTED ON A STANDARD RAFFLE TICKET:

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



# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** February 5, 2019  
**PREPARATION DATE:** January 25, 2019  
**SUBMITTING DEPARTMENT:** Assessing Department  
**DEPARTMENT DIRECTOR:** Kimberly Markley  
**PRESENTER:** Kimberly Markley, City Assessor  
**SUBJECT:** Abatement requesting a reduction to 2018 value.

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STATEMENT/PURPOSE: To consider a reduction in value to the property at 304 10<sup>th</sup> Ave NE for Clooski Properties LLP

BACKGROUND/ALTERNATIVES: The property is also known as parcel #65-1475000 with a legal description of N 50' Lots 16-18 Block 19 Helmsworth-Mclean 1<sup>st</sup>

Assessment staff reviewed property, sale data and an appraisal submitted by the applicant. The 2018 true and full value exceeded the market value.

ATTACHMENTS: Application for Abatement and property record card

FISCAL IMPACT: Overall Impact \$669.66 City \$158.01

STAFF IMPACT: NA

LEGAL REVIEW: NA

RECOMMENDATION: I recommend a motion to approve the abatement for Clooski Properties LLP for the property located at 304 10<sup>th</sup> Avenue NE

SUGGESTED MOTION: A motion to approve the abatement as presented for 304 10<sup>th</sup> Ave NE

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

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

State of North Dakota Assessment District City of Mandan  
 County of Morton Property I.D. No. 65-1475000  
 Name Clooski Properties LLP Telephone No. \_\_\_\_\_  
 Address 3731 MONROE DR BISMARCK ND 58501 612 W turnpike Ave

Legal description of the property involved in this application:  
N 50' LOTS 16-18 BLOCK 19 HELMSWORTH-MCLEAN 1ST

Total true and full value of the property described above for the year <u>2018</u> is:	Total true and full value of the property described above for the year <u>2018</u> should be:
Land \$ <u>20,000</u>	Land \$ <u>20,000</u>
Improvements \$ <u>210,900</u>	Improvements \$ <u>160,400</u>
Total \$ <u>230,900</u> (1)	Total \$ <u>180,400</u> (2)

The difference of \$ 50,500.00 true and full value between (1) and (2) above is due to the following reason(s):

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

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

1. Purchase price of property: \$ 180,000 Date of purchase: 4-30-18  
 Terms: Cash \_\_\_\_\_ Contract \_\_\_\_\_ Trade \_\_\_\_\_ Other (explain) Commercial Mortgage  
 Was there personal property involved in the purchase price? NO Estimated value: \$ \_\_\_\_\_  
yes/no

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

3. The property was independently appraised: yes Purpose of appraisal: Determine value for  
yes/no Financing Market value estimate: \$ 180,000  
 Appraisal was made by whom? DAKOTA APPRAISAL & CONSULTING

4. The applicant's estimate of market value of the property involved in this application is \$ 180,000

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

Applicant asks that property be reduced to the appraised/market value.



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

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

Signature of Preparer (if other than applicant) \_\_\_\_\_ Date \_\_\_\_\_ Signature of Applicant [Signature] Date 1-22-19

**Recommendation of the Governing Body of the City or Township**

Recommendation of the governing board of \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
City Auditor or Township Clerk

**Action by the Board of County Commissioners**

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

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

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

\_\_\_\_\_

\_\_\_\_\_

Dated \_\_\_\_\_

\_\_\_\_\_  
County Auditor

\_\_\_\_\_  
Chairperson

**Certification of County Auditor**

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

\_\_\_\_\_  
County Auditor

\_\_\_\_\_  
Date

**Application For Abatement  
Or Refund Of Taxes**

Name of Applicant \_\_\_\_\_

County Auditor's File No. \_\_\_\_\_

Date Application Was Filed With The County Auditor \_\_\_\_\_

Date County Auditor Mailed Application to Township Clerk or City Auditor \_\_\_\_\_

(must be within five business days of filing date)

# 2018 Morton County Real Estate Tax Statement

Statement No: 16044

**Parcel Number**  
65-1475000

**Jurisdiction**  
City of Mandan

**Owner**  
CLOOSKI PROPERTIES LLP

**Physical Location**  
304 10TH AVE NE  
MANDAN, ND 58554

**Legal Description**

SUBDIV:HELMSWORTH-MCLEANS ADDITION BLK:19  
N 50' LOT 16-17-18 (1353)

**Legislative tax relief  
(3-year comparison)**

	2016	2017	2018
Legislative tax relief	1,488.13	1,466.83	1,653.25

**Tax distribution (3-year comparison):**

	2016	2017	2018
True and Full Value	189,400	212,400	230,900
Taxable Value	9,470	10,620	11,545
Less: Homestead credit	0	0	0
Disabled Veteran credit	0	0	0
Net Taxable Value	9,470	10,620	11,545
Total mill levy	267.850	264.220	265.210

**Taxes By District (in dollars):**

	2016	2017	2018
City	557.22	682.56	722.49
County	722.74	699.96	712.20
Other	25.10	26.98	46.18
Park	262.60	292.26	323.26
School (after State Reduction)	959.40	1,093.64	1,246.18
State	9.48	10.62	11.54

Consolidated Tax	2,536.54	2,806.02	3,061.85
Less: 12% state-paid tax credit	304.38	0.00	0.00
<b>Net consolidated tax</b>	<b>2,232.16</b>	<b>2,806.02</b>	<b>3,061.85</b>
<b>Net effective tax rate</b>	<b>1.18%</b>	<b>1.32%</b>	<b>1.33%</b>

**2018 TAX BREAKDOWN**

Net consolidated tax	3,061.85
Plus: Special Assessments	1,069.08
<b>Total tax due</b>	<b>4,130.93</b>
Less: 5% discount, if paid by February 15, 2019	-153.09
<b>Amount due by February 15, 2019</b>	<b>3,977.84</b>

Or pay in two installments (with no discount):

Payment 1: Pay by March 1, 2019	2,600.01
Payment 2: Pay by October 15, 2019	1,530.92

**Special assessments:**

Principal	584.10
Interest	484.98
Installment payment due	1,069.08
Remaining balance due	10,513.92

Penalty on 1st Installment & Specials:	
March 2, 2019 .....	3%
May 1, 2019 .....	6%
July 1, 2019 .....	9%
October 15, 2019 .....	12%
Penalty on 2nd Installment:	
October 16, 2019 .....	6%

**FOR ASSISTANCE, CONTACT:**

Office: Morton County Treasurer  
210 2nd Ave NW  
Mandan, ND 58554

Phone: 701.667.3310

Website: www.co.morton.nd.us

## 2018 Morton County Real Estate Tax Statement

KARI HATZENBUHLER  
**MORTON COUNTY TREASURER**  
210 2ND AVE NW  
MANDAN ND 58554

CLOOSKI PROPERTIES LLP  
3731 MONREO DR  
BISMARCK ND 58503

Parcel Number: 65-1475000  
Statement Number: 16044  
Owner ID: 74965

Total tax due	4,130.93
Less: 5% discount	-153.09
<b>Amount due by February 15, 2019</b>	<b>3,977.84</b>

Or pay in two installments (with no discount):

Payment 1: Pay by March 1, 2019	2,600.01
Payment 2: Pay by October 15, 2019	1,530.92

**MAKE CHECK PAYABLE TO:**

Morton County Treasurer

Your canceled check is your receipt for your payment.  
No receipt will be issued.



\*65-1475000\*

Deed: CLOOSKI PROPERTIES LLP  
 Contract:  
 CID#: 01353  
 DBA:  
 MLS:

Map Area: Zone 2 - Com  
 Route: 000-000-000  
 Tax Dist: M1  
 Plat Page:  
 Subdiv: HELMSWORTH-MCLEAN 1ST

Checks/Tags:  
 Lister/Date: GR, 08/28/2017  
 Review/Date: GR, 01/22/2019  
 Entry Status: Estimated

Urban / Commercial  
 Legal: N 50' LOTS 16-18 BLOCK 19 HELMSWORTH-MCLEAN 1ST

								Land							
Land Basis	Front	Rear	Side 1	Side 2	R. Lot	SF	Acres								
Lump Sum						8,250.00	0.189								
Grand Total						8,250.00	0.189								

Street		Utilities		Zoning		Land Use	
Lump Sum	Paved	City	RM	Commercial			

Sales			Building Permits				Values				
Date	\$ Amount	NUTC	Recording	Date	Number	Tag	\$ Amount	Reason	Type		Pr Yr: 2018
04/30/2018	\$180,000	D023	483206	4/16/2003	44-03	N	\$0	Plumb/Elec	Land		\$20,000
02/15/2007		D021	407070	9/23/1992	509-92	N	\$6,000	Deck/Patio	Dwlg		
11/30/2005	\$101,000	D003	399060	5/12/1986	112-86	N	\$750	Utility Shed	Impr		\$210,900
03/19/1999	\$86,400	D021	131900	4/1/1986	53-86	N	\$8,000	Int-Remodel	Total		\$230,900

Precomputed Structure			Verticals				Plumbing		
Occ. Code	702	Fir & Fdtn					Rough Plumbing	B	Ext
Occ. Descr.	Apartment	Exterior wall							1
		Interior wall							
		Pilasters							
		Wall facing							
Year Built	1952	Windows							
EFF Age/Yr	66/ 1952	Fronts/Doors							
			Horizontals				Adjustments		
Condition	NML	Basement							
		Roof							
		Ceiling							
Description	2S FR APARTMENT BLDG	Struct. Floor					Apt - A/C deduct wall u	4,008	AVG
		Floor Cover							
Style	Frame - Wood	Partitions							
Stories	2	Framing							
Units	4	HVAC							
Grade	4	Lighting							
Base	2,004	Sprinkler							
Basement	0								
Av SF/Unit	0								
1st Fir Inset Adj	0								
Calc Ave. SF/Unit	1,002								

Bldg / Addn	Description	Units		Year				
Bldg	O 702 -Apartment							
Pre	P 702 -Apartment	2,004						
	Uppers Adjustment	2,004						
Plmb	Rough Plumbing - AVG	1						
Adj	Apt - A/C deduct wall units - AVG	4,008						
Ex	Porches,Decks,Patios,etc. 750 SF, Wood Deck, Average Pricing	1		1952				

Prior Year	Comment	Value Type	Location	Class	Land Value	Dwelling Value	Improvement Value	M & E Value	Total Value
2018		Appr	Urban	Comm	\$20,000	\$0	\$210,900	\$0	\$230,900
2017		Appr	Urban	Comm	\$20,000	\$0	\$192,400	\$0	\$212,400
2016		Appr	Urban	Comm	\$20,000	\$0	\$169,400	\$0	\$189,400



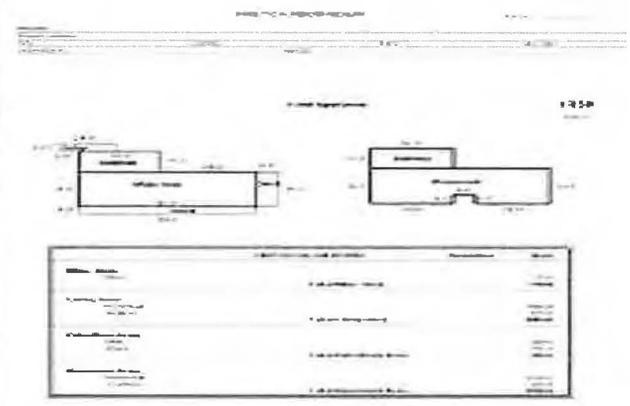


Photo 9 of 9 12/04/2013

imported by Photo/Doc Import

**Notes:**

Note Title: Original AS400 Notes

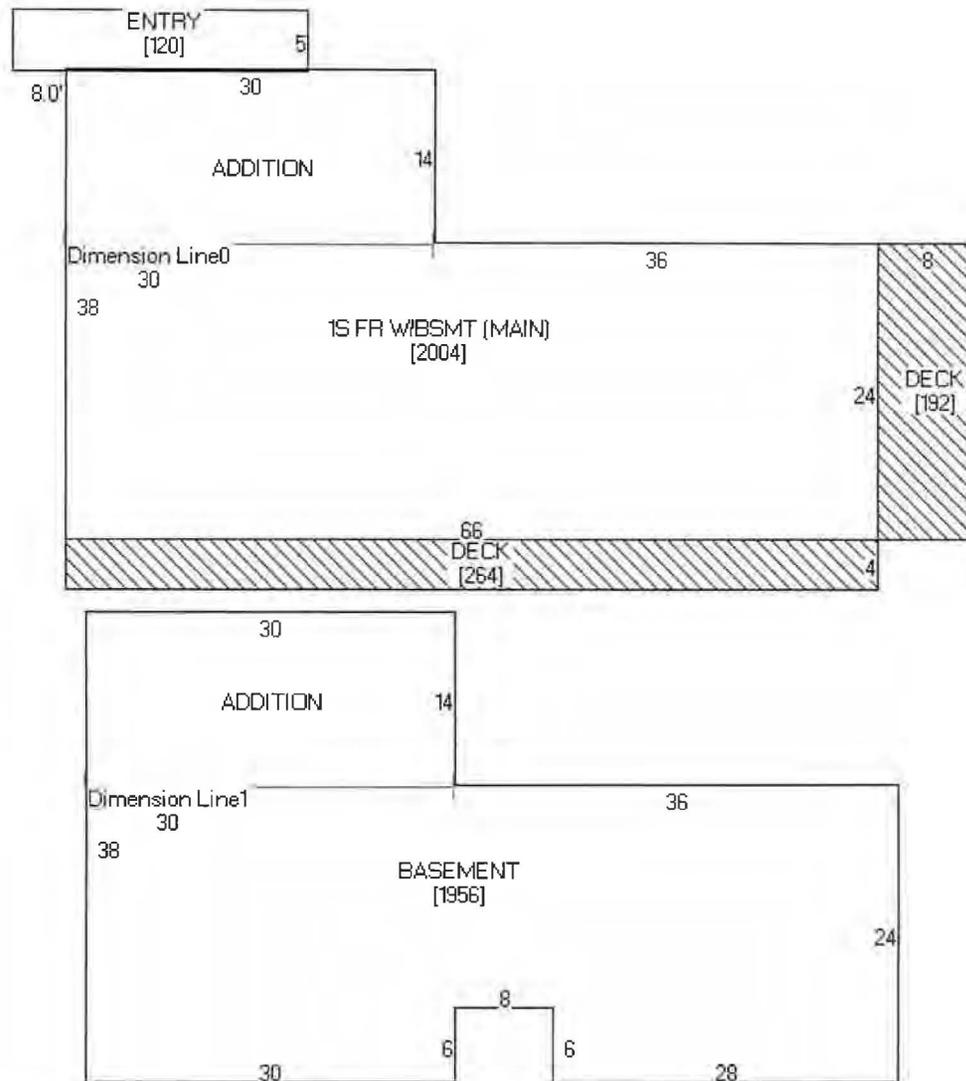
01/22/2019 CHANGED GRADING TO 4 APPLIED 20% OBS FOR LACK OF PARKING AND CONDITION OF SPACES AND CONDITION OF INTERIOR OF STRUCTURE

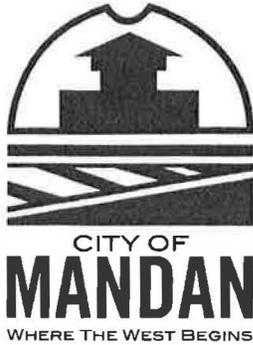
10-31-16 CHECKED PERMITS FROM FILE. MH  
 INSPECTED 4/18/11 STRUCURE REMODELED AND RETROFIT TO ACCOMODATE 5 UNITS ;ALL UNITS DIFFER IN SIZE, AMENITIES AND RENT;NO GARAGES ;FOUNDATION IS BOTH CONCRETE BLOCK AND POURED CONCRETE ;TWO FURNANCES HEAT THE BUILDING, ONE HIE AND ONE FORCED AIR ;ONE BASEMENT APARTMENT IS SET UP AS A WALK OUT BASEMENT ;TWO BASEMENT APARTMENTS ARE IN DEEP BASEMENT, LOWER RENT;TWO APARTMENTS UPSTAIRS, THREE APARTMENTS DOWNSTAIRS ;UNIT 1 IS BASEMENT EFFICIENCY APT--A KIT AND A ROOM \$400/MTH ;UNIT 2 IS 1 BEDROOM, POOR LAYOUT, DEEP BASEMENT \$300/MTH ;UNIT 3 IS LARGEST, NICEST, MAIN LEVEL, \$700/MTH, WOOD STOVE, LAUD, DW UNIT 4 IN WALKOUT PART OF BASEMENT, 2 BED, \$525/MT ;UNIT 5 IS MAIN LEVEL, 2-BED, RENTS \$550/MTH ;ALL HAVE WINDOW AC UNITS

**Permit Details:**

Permit Date Tagged	Reason	Number	Amount	Comments
4/16/2003		44-03	\$0	PLUMBING PERMIT
No	Plumb/Elec			1/1/2014
9/23/1992		509-92	\$6,000	25 X 30 DECK
No	Deck/Patio			1/1/2014
5/12/1986		112-86	\$750	8 X 12 SHED
No	Utility Shed			1/1/2017

5-UNIT APARTMENT





# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** February 5, 2019  
**PREPARATION DATE:** January 25, 2019  
**SUBMITTING DEPARTMENT:** Assessing Department  
**DEPARTMENT DIRECTOR:** Kimberly Markley  
**PRESENTER:** Kimberly Markley, City Assessor  
**SUBJECT:** Abatement requesting a 2018 Blind Exemption

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STATEMENT/PURPOSE: To consider a reduction in value to the property at 3202 Bay Shore Bend SE for Laretta H Taylor

BACKGROUND/ALTERNATIVES: The property is also known as parcel #65-1807300 with a legal description of Lot 24 & W 1' of Lot 25 Block 1 Lakewood 2nd

Property owner is requesting an abatement for 2018 Blind Exemption.

ATTACHMENTS: Application for Abatement, Application for Property Tax Exemption, NDCC 57-02-08(22)

FISCAL IMPACT: Overall Impact \$1909.51 City \$450.58

STAFF IMPACT: NA

LEGAL REVIEW: NA

RECOMMENDATION: I recommend a motion to approve the abatement for Laretta Taylor at 3202 Bay Shore Bend SE

SUGGESTED MOTION: A motion to approve the abatement as presented for 3202 Bay Shore Bend SE

# Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

Assessment District City of Mandan

County of Morton

Property I.D. No. 65-1807300

Name Lauretta H Taylor

Telephone No. \_\_\_\_\_

Address 3202 Bay Shore Bend SE Mandan ND

Legal description of the property involved in this application:

Lot 24 + w/1' of Lot 25 Block 1 Lakewood 2<sup>nd</sup>

Total true and full value of the property described above for the year 2018 is:

Land \$ 60,000  
Improvements \$ 212,200  
Total \$ 272,200  
(1)

Total true and full value of the property described above for the year 2018 should be:

Land \$ 60,000  
Improvements \$ 52,200  
Total \$ 112,200  
(2)

The difference of \$ 160,000 true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- 2. Residential or commercial property's true and full value exceeds the market value
- 3. Error in property description, entering the description, or extending the tax
- 4. Nonexisting improvement assessed
- 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- 6. Duplicate assessment
- 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
- 8. Error in noting payment of taxes, taxes erroneously paid
- 9. Property qualifies for Homestead Credit (N.D.C.C. § 57-02-08.1) or Disabled Veterans Credit (N.D.C.C. § 57-02-08.8). Attach a copy of the application.
- 10. Other (explain) NACC 57-02-08(22)

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

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

Applicant asks that

Blind exemption for 2018 Assessment

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

I declare under the penalties of N.D.C.C. § 12, 1-11-02, which provides for a Class A misdemeanor for making a false statement in a governmental matter, that this application is, to the best of my knowledge and belief, a true and correct application.

Signature of Preparer (if other than applicant)

Date

Signature of Applicant

Date

Crina Taylor POA 1/23/19

# Application For Property Tax Exemption

This application must be filed with the assessor every year by February 1 of the year for which the exemption is claimed.

Property Number: 65-1807300

Legal Description:

Property Owner: TAYLOR/JAMES T & LAURETTA H

LOT 24 & W 1' LOT 25 BLOCK 1 LAKEWOOD 2ND

Property Address: 3202 BAY SHORE BEND SE

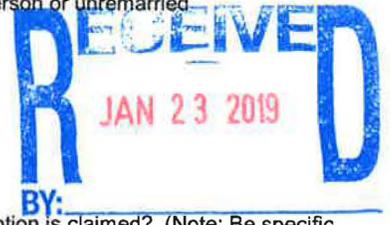
Mailing Address: 3202 BAY SHORE BEND SE

MANDAN, ND 58554-6228

Date property was acquired: \_\_\_\_\_ Market value of property claimed exempt \$ \_\_\_\_\_

### Exemption Claimed Pursuant to One of the Following Sections of the North Dakota Century Code:

- 1. N.D.C.C § 57-02-08(9), property used exclusively for public worship or property belonging to a religious organization and used for religious purposes: Church  Parsonage  Other (attach explanation)
- 2. N.D.C.C § 57-02-08(8), property owned by an institution of public charity and used for the charitable purposes for which it was organized: Public Hospital <sup>(1)</sup> Nursing Home <sup>(1)</sup> Other (attach explanation) <sup>(1)</sup>
- 3. N.D.C.C § 57-02-08(11), property owned by nonprofit lodges, clubs, etc. and used for their meetings and ceremonies:
  - a. If licensed to sell alcoholic beverages, describe each area of the building where these beverages are sold or consumed.
  - b. If food is sold, describe each area of the building where the food is sold or consumed.
- 4. N.D.C.C § 57-02-08(20), buildings owned and occupied as a homestead by one of the following:
  - a. Paraplegic Disabled Veteran or Veteran awarded specially adapted housing or unmarried surviving spouse <sup>(2)(4)(5)(6)</sup>
  - b. Permanently and Totally Disabled Person Confined to a Wheelchair or unmarried surviving spouse <sup>(2)</sup>
- 5. N.D.C.C § 57-02-08(22), buildings owned by a blind person and/or spouse and occupied as a home by the blind person. <sup>(2)</sup>
- 6. N.D.C.C § 57-02-08(26), buildings owned and occupied as a homestead by a paraplegic disabled person or unmarried surviving spouse. <sup>(2)(3)</sup>
- 7. N.D.C.C § 57-02-08(31), group homes owned by nonprofit corporations.
- 8. N.D.C.C § 57-55-10, mobile home is exempt or the provisions of N.D.C.C ch. 57-55 apply.
- 9. N.D.C.C § \_\_\_\_\_ Subsection \_\_\_\_\_



For what purpose(s) was the property used during the 12-month period prior to the year for which this exemption is claimed? (Note: Be specific. If there were several types of use, indicate such usages by square foot areas of the building and floor location. If additional space is needed, attach another sheet.)

Is any income derived from the use of any portion of this property by other individuals or groups, whether considered as rent or reimbursement for expenses or services rendered? Yes  No  If Yes, give details.

- (1) Provide a current copy of organizational documents supporting claim (e.g. articles of incorporation and by-laws, etc.) if claiming exemption for the first time or upon request.
- (2) Provide an affidavit or physician's certificate if claiming exemption for the first time.
- (3) Provide an annual statement that previous year's income did not exceed the amount provided in N.D.C.C § 57-02-08.1.
- (4) Provide a copy of the DD form 214 showing veteran's honorable discharge from active military service if claiming exemption for the first time.
- (5) Provide evidence from the Department of Veterans Affairs showing award of specially adapted housing if claiming exemption for this status for the first time.
- (6) A person shall furnish to the assessor or other assessment officials when requested to do so any information that is believed will support the claim for exemption for a subsequent year.

I (We) make application for real property tax exemption for the year 2018 on the property described above and, in compliance with North Dakota Century Code § 57-02-14.1, certify the information is accurate to the best of my (our) knowledge and belief.

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

Craig A Taylor AOA Applicant 1/23/19 Date

Application is: Approved  Disapproved

Assessor or Director of Tax Equalization \_\_\_\_\_ Date \_\_\_\_\_

also applies to any person who otherwise qualifies under the provisions of this subsection whether or not the person is the head of a family. The board of county commissioners is hereby authorized to cancel the unpaid taxes for any year in which the qualifying owner has held title to the exempt property.

21. Repealed by S.L. 1983, ch. 595, § 3.
22. \* All or any part of fixtures, buildings, and improvements upon any nonfarmland up to a taxable valuation of seven thousand two hundred dollars, owned and occupied as a home by a blind person. Residential homes owned by the spouse of a blind person, or jointly owned by a blind person and spouse, shall also be exempt within the limits of this subsection as long as the blind person resides in the home. For purposes of this subsection, a blind person is defined as one who is totally blind, has visual acuity of not more than 20/200 in the better eye with correction, or whose vision is limited in field so that the widest diameter subtends an angle no greater than twenty degrees. The exemption provided by this subsection extends to the entire building classified as residential, and owned and occupied as a residence by a person who qualifies for the exemption as long as the building contains no more than two apartments or rental units which are leased.
23. All, or any portion of structural improvements other than paving and surfacing to land used exclusively for the business of operating an automobile parking lot within a city open for general public patronage. If a portion of the structure is exempt from taxation as being open for general public patronage, the amount of such exemption shall be computed by determining the value of the public parking area in proportion to the total value of the structure.
24. Repealed by S.L. 1983, ch. 595, § 3.
25. All personal property is exempt except:
  - a. Personal property of entities, other than railroads, required by section 4 of article X of the Constitution of North Dakota to be assessed by the state board of equalization.
  - b. Any property that is subjected to a tax which is imposed in lieu of ad valorem taxes.
  - c. Any particular kind or class of personal property, including mobile homes or housetrailer, that is subjected to a tax imposed pursuant to any other provision of law.
26. Fixtures, buildings, and improvements when owned and occupied as a homestead, as hereinafter defined, by a paraplegic disabled person, or if the person is deceased the unremarried spouse, if the income from all sources of the person and spouse, or if the person is deceased the income from all sources of the unremarried surviving spouse, in the calendar year prior to the year for which the exemption is claimed did not exceed the maximum amount of income provided in section 57-02-08.1 for receiving a homestead credit under that section. To obtain the exemption for the first time, a certificate from a medical doctor who is approved by the board of county commissioners, accompanied by an affidavit, showing the facts herein required and a description of the property, must be filed with the county auditor. The affidavit and accompanying certificate must be opened to public inspection. Any person claiming the exemption for any year after the first year shall furnish to the assessor or other assessment officials when requested to do so any information which the person believes will support the claim for the exemption for any subsequent year. For purposes of this subsection, "homestead" has the meaning provided in section 47-18-01 except that it also applies to any person who otherwise qualifies under the provisions of this subsection whether or not the person is the head of a family. The board of county commissioners is hereby authorized to cancel the unpaid taxes for any year in which the person has held title to the exempt property.
27. Installations, machinery, and equipment of systems in new or existing buildings or structures, designed to provide heating or cooling or to produce electrical or mechanical power, or any combination of these, or to store any of these, by utilization of solar, wind, or geothermal energy; provided, that if the solar, wind, or geothermal

To: City of Mandan, Licensing Division  
From: Edgar Oliveira, owner of Das Boot LLC and Round Up LLC.  
Date: 1/27/19

Liquor License Transfer Request

This letter is a request to transfer liquor licenses between Round UP LLC, and Das Boot LLC.

We would like Das Boot LLC, dba "The Mandan Depot Bier Hall" to hold the "class A" license and Round UP LLC, dba "Station West Bar & Grill" to hold a "class E" restaurant license.

Currently Das Boot LLC holds a beer & wine license only and we additionally requesting that it be changed into a class E after the transfer to Round UP LLC.



EDGAR OLIVEIRA

1/28/19

1722 Mandan Avenue  
P.O. Box 1117  
Mandan, ND 58554-1117  
701.663.5091  
1.800.247.0044  
Fax: 701.663.9445



12972 38th P Street SW  
P.O. Box 278  
Belfield, ND 58622  
701.575.4000  
1.800.247.0044  
Fax: 701.575.4727

[www.mvpinc.net](http://www.mvpinc.net)

January 17, 2019

Karri Motl  
City of Mandan Finance Department  
City Hall  
205 Second Avenue NW  
Mandan, ND 58554

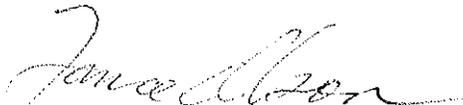
Dear Karri:

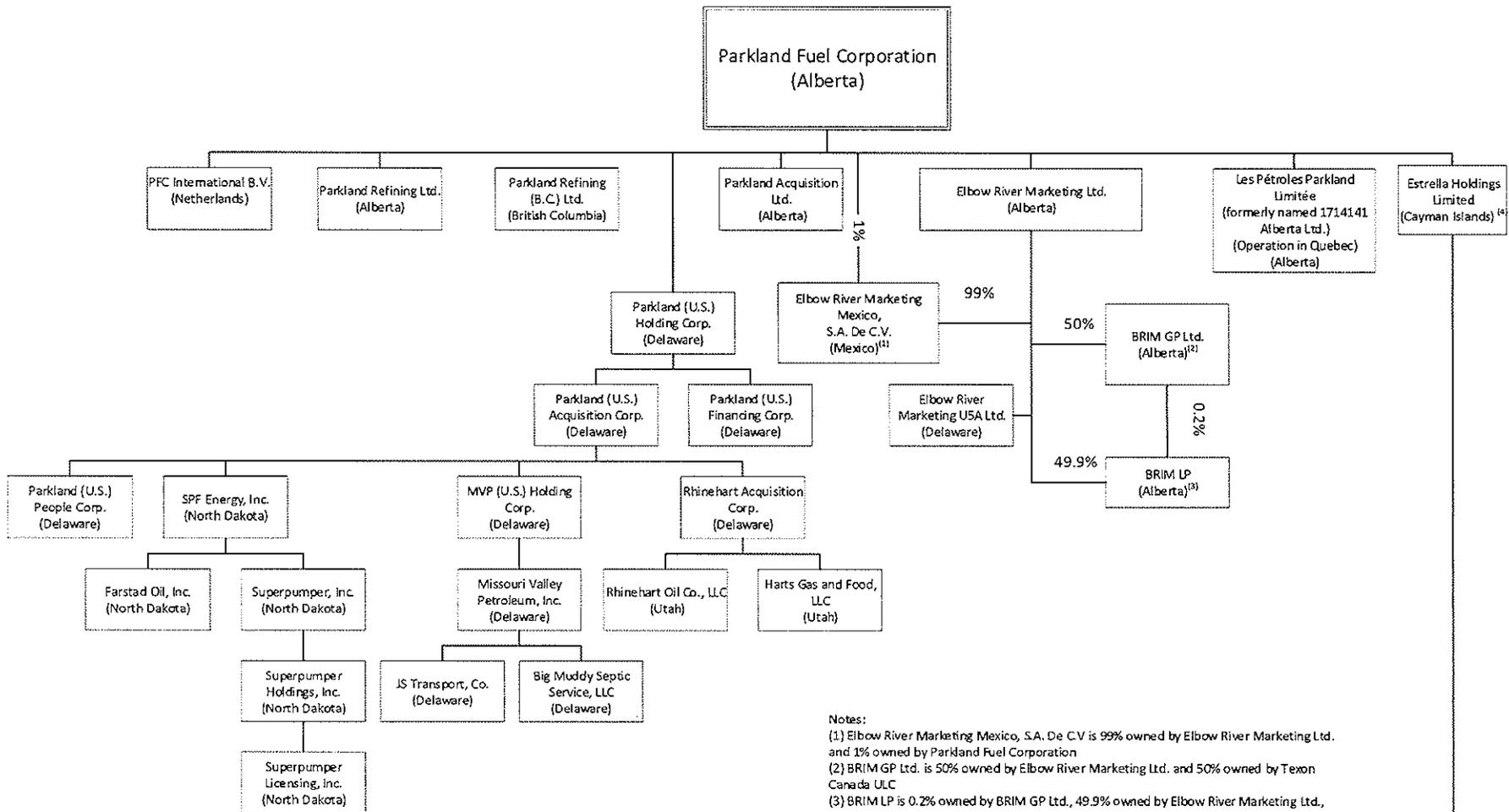
I am writing to inform you that 100% of the stock of Missouri Valley Petroleum (MVP) has been acquired by Parkland USA. Through the City of Mandan, MVP currently has a liquor license which is in use at our MVP Southside Store and a liquor license that was purchased to be used at our MVP Sunset Store, but that license is not currently active.

Attached is a chart that shows the corporations involved with the ownership of MVP after this stock acquisition. MVP remains the entity that has the liquor licenses, but MVP is now owned by a publicly traded company. The new officers of MVP are Doug Haugh - President, Dan Dunstan - Vice President, and Bruce Hest - Secretary-Treasurer. Please let me know if you need any additional information. Thank you.

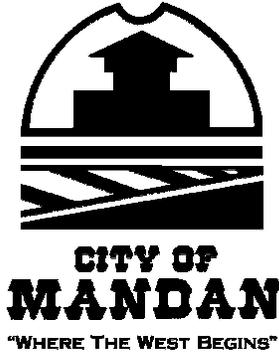
Sincerely,

MISSOURI VALLEY PETROLEUM

  
Lance Olson



Notes:  
 (1) Elbow River Marketing Mexico, S.A. De C.V. is 99% owned by Elbow River Marketing Ltd. and 1% owned by Parkland Fuel Corporation  
 (2) BRIM GP Ltd. is 50% owned by Elbow River Marketing Ltd. and 50% owned by Texon Canada ULC  
 (3) BRIM LP is 0.2% owned by BRIM GP Ltd., 49.9% owned by Elbow River Marketing Ltd., and 49.9% owned by Texon Canada ULC  
 (4) Estrella Holdings Limited Subsidiaries outlined on Page 2



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** February 5, 2019  
**PREPARATION DATE:** January 31, 2019  
**SUBMITTING DEPARTMENT:** Planning and Engineering  
**DEPARTMENT DIRECTOR:** Justin Froseth, P.E.  
**PRESENTER:** Justin Froseth, P.E., Planning and Engineering Director  
**SUBJECT:** SID Bid Opening Deadline

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STATEMENT/PURPOSE: To consider the approval of administering a June 25<sup>th</sup> bid opening deadline for 2019 Street Improvement Districts (SIDs) that request funding by special assessment method.

BACKGROUND/ALTERNATIVES: For the past few construction seasons, the SID projects have largely been substantially completed by the end of construction season. For those past few construction seasons, City Commission adopted a policy recommended by our office to set a deadline for bid opening of SID projects by special assessment method. It was recommended to; 1) give the contractors more time to complete during the construction season and reduce the chances of project completions carrying over to the following year and 2) encourage better bid prices since generally the sooner the better for opening bids so that the contractor is not putting a premium on their bid for having a condensed amount of time to complete.

In considering the success of administering such a bid opening deadline in completing projects the past few years, the engineering office recommends setting a bid opening deadline again in 2019 for Street Improvement District projects that request funding by special assessment method. Consistent with last year, we would recommend requiring the bid opening to be held a week before our first July City Commission meeting so that bid results can be considered at that first July meeting.

The June 25<sup>th</sup> date would require that the plans and specs be approved at or before the June 4<sup>th</sup>, 2019 City Commission meeting. As always, developers would still have the option to build their streets outside of a lot assessed SID, through a 3-way agreement, if they so choose and would not be bound by this deadline.

ATTACHMENTS:

FISCAL IMPACT: Minimal

STAFF IMPACT: Minimal

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

RECOMMENDATION: Staff recommends approving the Street Improvement District bid opening deadline.

SUGGESTED MOTION: I move to approve of administering a bid opening deadline of June 25<sup>th</sup>, 2019 for special assessed Street Improvement District projects for new developments to be completed in 2019.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** February 5<sup>th</sup>, 2019  
**PREPARATION DATE:** January 28<sup>th</sup>, 2019  
**SUBMITTING DEPARTMENT:** Police Department  
**DEPARTMENT DIRECTOR:** Chief Jason Ziegler  
**PRESENTER:** Chief Jason Ziegler  
**SUBJECT:** Animal Control Officer position

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STATEMENT/PURPOSE: To amend the Police Department's 2019 budget to allow a change to the Animal Control Officer position from full-time 30hrs per week to full-time 40hrs per week.

BACKGROUND/ALTERNATIVES: The Animal Control Officer position is presently a full-time position working 30 hours per week. Discussions had been held in the past regarding increasing the hours worked to 40 hours per week. However, due to personal reasons, our long-time Animal Control Officer was unable to work a 40 hour week. Because of this, the decision was made to leave the position at 30 hours per week. The Animal Control Officer has recently accepted another position within the City. The Police Department would like to change the position to a full-time 40 hour per week position at this time. There is enough workload to justify the additional hours. Patrol officers handle some animal calls when the Animal Control Officer is not available. The additional hours added to the position would also allow patrol to handle less animal related calls.

ATTACHMENTS: Job description

FISCAL IMPACT: The City Finance Director recommends a budget amendment increase of \$10,000.00 to cover salary, Social Security/Medicare and pension. Other benefits are already included in the 2019 budget.

STAFF IMPACT: n/a

LEGAL REVIEW: n/a

RECOMMENDATION: Recommend approval of the change to the Animal Control Officer position from full-time 30hrs per week to full-time 40hrs per week and an amendment to the Police Department 2019 budget to allow an additional \$10,000.00 to fund the additional hours for the position.

Board of City Commissioners  
Agenda Documentation  
Meeting Date: February 5<sup>th</sup>, 2019  
Subject: Animal Control Officer position

Page 2 of 2

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SUGGESTED MOTION: Move to approve changing the Animal Control Officer position from full-time 30hrs per week to full-time 40hrs per week and amending the Police Department 2019 budget to allow an additional \$10,000.00 to fund the additional hours for the position.

City of Mandan

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Animal Control Officer

Revised: 2015; 01/2019

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Department: Police

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Reports to: Police Supervisor or Administrator

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Grade: 12

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Finance Director Signature:   
Greg Welch (Jan 21, 2019)

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Human Resources Signature:   
Brittainy Cullen (Jan 28, 2019)

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Dept. Manager Signature:   
Jason Ziegler (Jan 16, 2019)

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City Administrator Signature:   
Jim (Jan 21, 2019)

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Employee Signature: \_\_\_\_\_

1. Job Summary:

- 1.1. Performs fieldwork in the enforcement of animal control ordinances.
- 1.2. Work involves primary responsibility for catching and confining stray, diseased, deceased, vicious, dangerous, and unlicensed, domestic and/or wild animals.
- 1.3. Duties also involve conducting the follow-up investigation of animal related reports generated by police officers, providing for the quarantine of diseased or possible diseased animals, performing cleaning and minor maintenance of kennel facilities, and feeding and caring for impounded animals.
- 1.4. The Animal Control Officer must exercise independent judgment and tact when dealing with the public.
- 1.5. Work assignments are either self-initiated or reactive to calls from the public or police department.
- 1.6. The Animal Control Officer performs other tasks as assigned; such as:
  - 1.6.1. Providing for the recovery of abandoned property (i.e. bicycles),
  - 1.6.2. Delivering money and documents to other city offices,
  - 1.6.3. Reception duties,
  - 1.6.4. Assisting with traffic control and setting up barricades at accident/fire scenes, special events
  - 1.6.5. May conduct maintenance/repairs on department equipment, and
  - 1.6.6. May perform parking enforcement in the business district as needed.
- 1.7. The Animal Control Officer's work schedule includes holidays, weekends, and nights.

2. Supervision Received:

- 2.1. Works under general supervision of an assigned law enforcement sworn supervisor or administrator.

3. Supervision Exercised:

- 3.1. None.

4. Essential Functions:

- 4.1. Investigate and provide for the follow-up investigation on animal related calls for the police department.

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Animal Control Officer

- 4.2. Capture lost or stray animals, return animal to the owner or take the animal to an animal holding area.
  - 4.3. Destroy or arrange for the destruction of severely injured, vicious, or unclaimed/unwanted animals as per ordinance, policy or a court order.
  - 4.4. Clean and perform minor maintenance at any city animal control facility to include any, and all, animal kennels.
  - 4.5. Feed and care for impounded animals and arranges for any required veterinary care.
  - 4.6. Prepare detailed reports of activities and investigations conducted.
  - 4.7. Complete paperwork, forms, and memos to provide supervisors/city attorney with accurate and complete information.
  - 4.8. Maintain records on fees collected on claimed/unclaimed animals.
  - 4.9. Submit yearly statistics for the annual report.
  - 4.10. Deliver property, equipment, animal licenses, bond monies, documents, and mail to and from the police department, city hall, and court.
  - 4.11. Deliver and return police department supplies and equipment to and from repair facilities and suppliers.
  - 4.12. Seek complaints against persons in violation of Animal Control Ordinances and testifies in court as required.
  - 4.13. Respond to requests from other departmental agencies.
  - 4.14. Receive and respond to citizens' inquiries and complaints of alleged code violations.
  - 4.15. Enforce provisions of other ordinances as required.
  - 4.16. Assist the Police Department by serving as a receptionist and/or traffic control officer as requested or assigned.
  - 4.17. Maintain in good working order, the animal control vehicle and equipment.
  - 4.18. Arrange for the purchase of supplies/equipment for the police department.
5. Minimum Qualifications:
- 5.1. Ability to read, write and perform mathematical calculations at a level commonly associated with the completion of high school or equivalent.
  - 5.2. Sufficient experience to understand the basic principles relevant to the major duties of the position usually associated with the completion of an apprenticeship/internship or holding a similar position for one to two years.
  - 5.3. The ability to physically control animals upon capture.
6. Required Knowledge, Skills and Abilities:
- 6.1. Knowledge of City Ordinances, Codes and Zoning Codes.
  - 6.2. Knowledge of city and department policies and procedures.
  - 6.3. Knowledge of the methods and techniques of investigative work.
  - 6.4. Knowledge of legal procedures involved in enforcing municipal, property maintenance and zoning ordinances.
  - 6.5. Knowledge of computers and job related software programs.
  - 6.6. Skill in the preparation of correspondence and reports.

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Animal Control Officer

- 6.7. Ability to establish and maintain communications effectively, both orally and in writing.
- 6.8. Skill in verbal communication and interpersonal skills as applied to interaction with coworkers, supervisors, the general public, etc. sufficient to exchange or convey information and to provide and/or receive work direction.
- 6.9. Ability to learn computer applications for the use of word processors, e-mail, and other modern office equipment.
- 6.10. Ability to operate a motor vehicle safely
7. Necessary Special Requirements:
  - 7.1. Possession of a valid North Dakota operator's license.
8. The physical activities of this position are:
  - 8.1. The worker frequently lifts light and heavy objects, climbs ladders, uses tools or equipment required a high degree of dexterity, distinguishes between shades of color, and utilizes the sense of smell.
  - 8.2. The work is performed in a stockroom.
  - 8.3. The worker may be exposed to dust, dirt, grease, contagious or infectious diseases, and irritating chemicals.
  - 8.4. Work may require the use of protective devices such as masks, goggles, gloves, etc.
  - 8.5. The worker is subject to both environmental conditions: Activities occur inside and outside.
  - 8.6. The work is typically performed while intermittently sitting, standing, or performing the additional physical activities of:
    - 8.6.1. Balancing: Maintaining body equilibrium to prevent falling when walking, standing or crouching on narrow, slippery or erratically moving surfaces.
    - 8.6.2. Stooping: Bending body downward and forward by bending spine at the waist. This factor is important if it occurs to a considerable degree and requires full use of the lower extremities and back muscles.
    - 8.6.3. Kneeling: Bending legs at knee to come to a rest on knee or knees.
    - 8.6.4. Reaching: Extending hand(s) and arm(s) in any direction.
    - 8.6.5. Walking: Moving about on foot to accomplish tasks, particularly for long distances.
    - 8.6.6. Lifting: Raising objects from a lower to a higher position or moving objects horizontally from position-to-position.
    - 8.6.7. Grasping: Applying pressure to an object with the fingers and palm.
    - 8.6.8. Talking: Expressing or exchanging ideas by means of the spoken word.
    - 8.6.9. Repetitive motions: Substantial movements (motions) of the wrists, hand, and/or fingers.



# Police Animal Control Officer Job Description 1.2019

Adobe Sign Document History 01/21/2019

Created:	01/18/2019
By:	Brittany Cullen (brittany.cullen@cityofmandan.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAIAETfK6UJWBhVBBAF2hAziXFRZSroyTPY

## "Police Animal Control Officer Job Description 1.2019" History

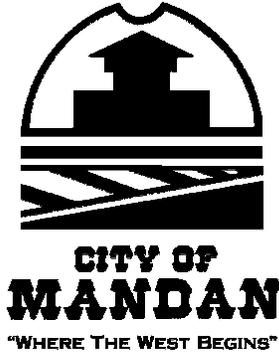
- Document created by Brittany Cullen (brittany.cullen@cityofmandan.com) 01/18/2019 - 2:11:35 PM PST- IP address: 165.234.248.166
- Document emailed to Jason Ziegler (jziegler@mandanpd.com) for signature 01/18/2019 - 2:12:47 PM PST
- Document viewed by Jason Ziegler (jziegler@mandanpd.com) 01/18/2019 - 3:01:27 PM PST- IP address: 165.234.248.166
- Document e-signed by Jason Ziegler (jziegler@mandanpd.com) Signature Date: 01/18/2019 - 3:01:34 PM PST - Time Source: server- IP address: 165.234.248.166
- Document emailed to Brittany Cullen (brittany.cullen@cityofmandan.com) for signature 01/18/2019 - 3:01:35 PM PST
- Document viewed by Brittany Cullen (brittany.cullen@cityofmandan.com) 01/18/2019 - 4:59:23 PM PST- IP address: 216.71.52.214
- Document e-signed by Brittany Cullen (brittany.cullen@cityofmandan.com) Signature Date: 01/18/2019 - 4:59:44 PM PST - Time Source: server- IP address: 216.71.52.214
- Document emailed to Greg Welch (gwelch@cityofmandan.com) for signature 01/18/2019 - 4:59:44 PM PST
- Document viewed by Greg Welch (gwelch@cityofmandan.com) 01/19/2019 - 4:12:25 AM PST- IP address: 174.228.130.223
- Document e-signed by Greg Welch (gwelch@cityofmandan.com) Signature Date: 01/21/2019 - 3:38:24 PM PST - Time Source: server- IP address: 165.234.248.166

 Document emailed to Jim neubauer (jneubauer@cityofmandan.com) for signature 01/21/2019  
- 3:38:24 PM PST

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01/21/2019 - 5:23:57 PM PST- IP address: 96.2.70.49

 Document e-signed by Jim neubauer (jneubauer@cityofmandan.com)  
Signature Date: 01/21/2019 - 5:24:54 PM PST - Time Source: server- IP address: 96.2.70.49

 Signed document emailed to Jim neubauer (jneubauer@cityofmandan.com), Jason Ziegler (jziegler@mandanpd.com), Greg Welch (gwelch@cityofmandan.com), and Brittany Cullen (brittany.cullen@cityofmandan.com)



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** February 5, 2019  
**PREPARATION DATE:** January 31, 2019  
**SUBMITTING DEPARTMENT:** Planning and Engineering  
**DEPARTMENT DIRECTOR:** Justin Froseth, P.E.  
**PRESENTER:** Justin Froseth, P.E., Planning and Engineering Director  
**SUBJECT:** Noise Ordinance Variance for I-94 Resurfacing Project

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**STATEMENT/PURPOSE:** To consider a variance to our noise Ordinance to allow overnight work for certain activity related to the I-94 resurfacing project through Mandan in 2019 and 2020.

**BACKGROUND/ALTERNATIVES:** The NDDOT design staff has requested a variance to the City of Mandan noise ordinance to allow certain construction activity to take place during overnight hours. The activities requested are limited to bituminous milling, hot mix asphalt paving and sealing the roadway with a slurry seal. While some of these activities may exceed our noise ordinance decibel levels, they are not percussive in nature, therefore should be steady noise and not expected to be excessively above our decibel levels at houses which are set back a good distance from the roadway because of wide right of way widths required for the interstate.

Not approving this variance would require the contractor to complete these activities during hours for which the noise ordinance does not apply, which also includes peak traffic hours. This would increase the project cost and cause for much more disruption to the motoring public.

**ATTACHMENTS:** 1) Body of Request Email from NDDOT Employee  
2) Noise Ordinance Section of Municipal Code

**FISCAL IMPACT:** Minimal

**STAFF IMPACT:** Minimal

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

RECOMMENDATION: Staff recommends approving the noise ordinance variance.

SUGGESTED MOTION: I move to approve of a variance to our noise ordinance for construction activity related to the I-94 resurfacing project for the activities specified.

Justin,

We are completing the plans for I-94, I-194 and ND 810 in Mandan. The project consists of bridge deck overlays, concrete pavement repair, a 2" mill and 2" hot mix asphalt overlay. See the attached Title Sheet and Scope of Work plan sheets.

At PS&E held on 8/23/18, we discussed that the contractor will be milling , paving and Micro Surfacing the project during non-peak hours. The non-peak hours are as follows:

- Monday 6:30 PM to Tuesday 6:30 AM (12 hrs)
- Tuesday 6:30 PM to Wednesday 6:30 AM (12 hrs)
- Wednesday 6:30 PM to Thursday 6:30 AM (12 hrs)
- Thursday 6:30 PM to Friday 6:30 AM (12 hrs)
- Friday 6:30 PM to Saturday 10:00 AM (15.5 hrs)
- Saturday 6:30 PM to Monday 6:30 AM (36 hrs)

We are requesting that the City of Mandan waive the noise ordinance to allow the contractor to mill, pave and Micro Surface at night during the 2019 and 2020 construction seasons. We are requiring the contractor to complete the following areas during non-peak hours:

- EB and WB I-94 from the east end of Mandan Avenue Interchange to the Grant Marsh Bridge.
- EB and WB I-194 and ND 810 from I-194 (RP 0) to ND 810 (RP 0.3) located at south end of the Memorial Hwy Interchange.
- East Midway Loop Ramp - close ramp
- East Midway SE Ramp (exiting I-194/entering I-94) – close ramp
- Memorial Highway Loop Ramps – close ramp
- Memorial Highway Flyover Ramp – close ramp

Please work with the City Commission on the variance to the noise ordinance. Let me know if you have any questions or concerns with this request. Please provide me a written email confirmation once the noise ordinance variance has been approved.  
Thanks.

Chad Frisinger, P.E.  
NDDOT Design Division  
608 East Boulevard Avenue  
Bismarck, ND 58505-0700

Sec. 16-6-3. - Noise.

- (a) It is unlawful for any person to make any loud, unnecessary or unusual noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable people within the limits of the city. Loud, unnecessary or unusual noises or noises which annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of reasonable people are defined with reference to subsection (b) of this section.
- (b) The standards which shall be considered in determining whether a violation exists include, but are not limited to, the following:
  - (1) The volume of the noise.
  - (2) The intensity of the noise.
  - (3) Whether the nature of the noise is usual or unusual.
  - (4) Whether the origin of the noise is natural or unnatural.
  - (5) The volume and intensity of the background noise, if any.
  - (6) The proximity of the noise to residential sleeping facilities.
  - (7) The nature and zoning of the area within which the noise emanates.
  - (8) The density of inhabitation of the area within which the noise emanates.
  - (9) The time of the day or night the noise occurs.
  - (10) The duration of the noise.
  - (11) Whether the noise is recurrent, intermittent or constant.
- (c) A noise need not exceed the decibel levels in section 16-6-4(b) to be in violation of this article.

(Code 1994, § 17-05-03; Ord. No. 1090, 3-11-2011; Ord. No. 1098, 8-12-2011)

Sec. 16-6-4. - Tables; exceptions.

- (a) *Generally.* It is unlawful to project a sound or noise, excluding noise emanating from a motor vehicle from one property into another, within the boundary of a use district which exceeds the limiting noise criteria set forth in table I in subsection (b) of this section as measured at the property line of the property from which the noise is emanating.
  - (1) Sound or noise projecting from one use district into another use district with a different noise level limit may not exceed the limits of the district into which the noise is projected.
  - (2) The permissible levels in decibels set forth in table I in subsection (b) of this section are modified so that any noise occurring on property deemed to be nonconforming use property is determined upon the conforming zoning designation of the property.
- (b) *Limiting noise levels for zoning districts.*

Table I	
	Zoning District

	Residential	Commercial	Industrial
Maximum dB(A) permitted from 7:00 a.m. until 11:00 p.m. daily	55	65	80
Maximum dB(A) permitted from 11:00 p.m. until 7:00 a.m. of the following day	50	60	75

- (c) *Limiting noise levels for motor vehicles.* It is unlawful to operate a motorized vehicle within the city limits which creates a noise or sound which exceeds the noise level limits set out in table II in this subsection.

<b>Table II</b>	
	Maximum Allowable Limit
Trucks, buses, construction equipment, or any motor vehicle with a gross weight rating of 10,000 pounds or more	88 dB(A) measured at 25 feet
Passenger cars, pickups, vans, motorcycles, snowmobiles, or any motor vehicle with a gross weight rating less than 10,000 pounds	80 dB(A) measured at 25 feet

- (d) *Exceptions.* The following uses and activities are exempt from noise level regulations under this section:
- (1) Noises of safety signals, warning devices, and emergency relief valves.
  - (2) Noises resulting from any authorized emergency vehicles, when responding to an emergency call or acting in time of any emergency.
  - (3) Noises resulting from work of an emergency nature.
  - (4) Any construction or reasonable and necessary maintenance activities, except in residentially zoned areas between the hours of 11:00 p.m. to 7:00 a.m.
  - (5) Any other noise resulting from activities of a temporary duration permitted by law and for which a special permit therefor has been granted under this section by the city.
  - (6) Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations, and air traffic control instruction used pursuant to and within the duly adopted federal air regulations. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations are also exempt.

- (7) All railroad locomotives and railroad operations and motor carriers engaged in interstate commerce.
- (8) The use of snow removal equipment, including, but not limited to, tractors, plows and snow blowers, in the aftermath of a snowfall.
- (9) The following events will be exempt:
  - a. Buggies-n-Blues sponsored events.
  - b. Fourth of July city-sponsored events.
  - c. Mandan Racetrack.
  - d. Mandan Shell Concerts in the park.
  - e. Use of fireworks as currently set by the city.
- (e) *Application for special permit.* Application for relief from the noise level designated in this section on the basis of undue hardship may be made to the chief of police. Any permit granted by the chief of police shall contain all conditions under which the permit has been granted and shall specify a reasonable time that a permit is effective. The chief of police may grant the relief as applied upon a finding:
  - (1) That additional time is necessary for the applicant to alter or modify the activity or operation to comply with this section; or
  - (2) The activity, operation or noise source will be of temporary duration, and cannot be done in a manner that would comply with other subsections of this section;
  - (3) That no other reasonable alternative is available to the applicant; and
  - (4) The chief of police may prescribe any conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood.

(Code 1994, § 17-05-04; Ord. No. 1090, 3-11-2011; Ord. No. 1098, 8-12-2011)



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** February 5, 2019  
**PREPARATION DATE:** February 1, 2019  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** Consider amendment to Municipal Street Lighting and Equipment Rental Agreement with Montana-Dakota Utilities Co. (MDU)

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**STATEMENT/PURPOSE:** To consider amending a Municipal Street Lighting and Equipment Rental Agreement with MDU.

**BACKGROUND/ALTERNATIVES:** City of Mandan entered into an agreement with MDU in 1994 for them to provide street lights in certain parts of town that were not conducive to be served via various feed points that operate our normal street lighting system. Thus the rental agreement with MDU.

MDU desires to replace the light fixtures owned by them with LED fixtures, and thus requests the parties amend the agreement between us. There are a total of 29 street lights that would be converted. We (MDU representatives and Public Works) have reviewed the locations of these lights to determine if they are still relevant and determined that 4 of the locations can be eliminated.

This Agreement is quite generic: set up more as an acknowledgement that the city has been informed of MDU's mandatory requirement to have all MDU owned Mercury and Sodium Vapor Lights retired from service and replaced with LED fixtures

**ATTACHMENTS:**

- LED Amendment Letter
- 1994 agreement
- Exhibits A, B & C with locations of the 29 lights and 4 to be eliminated

Board of City Commissioners

Agenda Documentation

Meeting Date: February 5, 2019

Subject: Consider amendment to Municipal Street Lighting and Equipment Rental Agreement with Montana-Dakota Utilities Co. (MDU)

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FISCAL IMPACT: \$858 annual estimated increase from the Street Light Utility Fund

STAFF IMPACT: n/a

LEGAL REVIEW: Attorney Brown has reviewed the agreement

RECOMMENDATION: I recommend approval of the Amendment to Municipal Street Lighting and Equipment Rental Agreement

SUGGESTED MOTION: I move to approve the Amendment to Municipal Street Lighting and Equipment Rental Agreement



January 31, 2019

City of Mandan  
205 2nd Av NW  
Mandan, ND 58554

***Re: Amendment of Municipal Street Lighting and Equipment Rental Agreement***

Montana-Dakota Utilities Co., a division of MDU Resources Group, Inc., a Delaware corporation (“Company”) and the city of Mandan, North Dakota, a municipal corporation (“Municipality”), (collectively, the “Parties”) are parties to that certain Municipal Street Lighting And Equipment Rental Agreement dated December 7, 1994 (the “Agreement”).

Company desires to replace light fixtures in the various street lights owned by Company in the Municipality with LED fixtures (the “Replacement Project”) and anticipates filing a proposed tariff with the North Dakota Public Service Commission (“PSC”) to establish appropriate street light rental rates for street lights owned by Company in North Dakota (the “Tariff Rates”). Due to the Replacement Project and anticipated Tariff Rates the Parties desire to amend the Agreement as described in this letter agreement (the “Amendment”).

In consideration of the above recitals and for other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties hereby agree as follows:

1. Capitalized terms used in this Amendment and not otherwise defined herein shall have the meanings assigned to such terms in the Agreement.
2. The Municipality agrees to pay Company the following monthly rental rate for each street lighting facility owned by Company in the Municipality:

a. LED + Overhead Conductor	\$5.40
b. LED + Underground Conductor	\$7.10
c. LED + Overhead Conductor + Street Light Pole	\$10.50
d. LED + Underground Conductor + Street Light Pole	\$12.20
e. Wood Lift Pole	\$7.00
3. This Amendment shall be effective upon Company’s completion of the Replacement Project and Company shall notify Municipality upon the completion thereof.

Board of City Commissioners

Agenda Documentation

Meeting Date: February 5, 2019

Subject: Consider amendment to Municipal Street Lighting and Equipment Rental Agreement with Montana-Dakota Utilities Co. (MDU)

Page 4 of 8

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4. Upon the PSC's approval of the Tariff Rates the Agreement, as modified by this Amendment, shall automatically terminate and the Parties' respective obligations regarding the various street lights owned by Company in the Municipality shall be governed exclusively by the Company's applicable tariffs then in effect and as may be amended by the Company and approved by the PSC from time to time thereafter.

Except as specifically modified by this Amendment, all other terms and conditions of the Agreement remain unchanged. To acknowledge your agreement to the foregoing, please sign in the space provided below and return a fully executed copy of this Amendment to the undersigned.

Respectfully,

Montana-Dakota Utilities Co.  
a division of MDU Resources Group, Inc.

By: \_\_\_\_\_  
Name:  
Title:

Acknowledged and agreed to this \_\_\_\_ day of \_\_\_\_\_, 2019.

City of Mandan

By: \_\_\_\_\_  
Name:  
Title:

2190 (3-88)  
 (Rev. 2/88)

**MUNICIPAL STREET LIGHTING AND EQUIPMENT RENTAL AGREEMENT**

THIS AGREEMENT, made and entered into in triplicate this 7<sup>th</sup> day of December, 19 94  
 by and between MONTANA-DAKOTA UTILITIES CO., a Division of MDU RESOURCES GROUP, INC., a corporation, 406  
 North Fourth Street, Bismarck, North Dakota 58001, hereinafter referred to as "COMPANY" and  
CITY OF MANDAN, NORTH DAKOTA, hereinafter referred to as "MUNICIPALITY."

WITNESSETH: WHEREAS, the MUNICIPALITY wishes to secure and maintain street lights without investing its money  
 in the facilities and wishes to purchase electric energy for street lighting and the COMPANY is willing to construct, operate, maintain  
 and lease street lighting facilities to said MUNICIPALITY on a monthly rental basis and sell electric energy to the MUNICIPALITY  
 for street lighting.

NOW THEREFORE, in consideration of the mutual promises and covenants herein stipulated to be kept and performed  
 by the respective parties to this agreement, it is mutually understood and agreed as follows:

1. The MUNICIPALITY has designated on the ATTACHED PLAT MARKED EXHIBIT "A" the locations at which it  
 desires street lighting facilities and the type of facility it desires at each location. The COMPANY agrees to construct, operate,  
 maintain and lease to said MUNICIPALITY the facilities designated on said Exhibit. The COMPANY's obligation to maintain  
 said facilities includes periodic changing of lamps, cleaning of fixtures and changing of lamps when notified by  
 the MUNICIPALITY.

In cases of vandalism, the MUNICIPALITY agrees to pay for the cost of changing the lamps and repairing or replacing the  
 fixtures, provided such damage and destruction is caused by malicious mischief by a third party or willful negligence by employees  
 of the MUNICIPALITY.

The MUNICIPALITY may request the installation of additional street lights under the terms of the agreement or  
 through a new agreement if the COMPANY agrees to the terms and conditions proposed.

2. The MUNICIPALITY agrees to pay the COMPANY the monthly rental for the facilities set forth on Exhibit "A" attached  
 hereto, which is hereby incorporated herein and made a part hereof.

Whenever existing street lighting facilities, as noted on the plat marked Exhibit "A", are replaced by reason of deterioration,  
 rental rates in effect at the time of replacement will apply to facilities replaced.

If the MUNICIPALITY requests removal of street lighting facilities already in place as shown on the plat marked  
 Exhibit "A", and prior to termination of this Agreement, the COMPANY may charge labor and equipment costs for removal  
 of existing street lighting facilities. At the request of the MUNICIPALITY to reinstall street lighting facilities previously removed  
 at MUNICIPALITY request, the reinstalled street lighting facilities will be charged at the rental rate in effect at the time  
 of reinstallation.

3. During the term of this agreement, the MUNICIPALITY shall purchase electric energy from the COMPANY for the  
 operation of the street lighting system and the COMPANY shall deliver to the MUNICIPALITY all electric energy which is required  
 by the MUNICIPALITY for such purpose. For all electric energy delivered by the COMPANY for such purposes, the  
 MUNICIPALITY shall pay to the COMPANY in accordance with the RATE SCHEDULE ATTACHED HERETO, as may be  
 amended or changed from time to time by the Public Service Commission or similar regulatory body of the state wherein the  
 MUNICIPALITY is located and the law dealing with the change of rates. COMPANY shall have the right to revise the rate charged  
 hereunder by making a unilateral filing with the appropriate regulatory agency.

4. The COMPANY will render monthly bills to the MUNICIPALITY for the rental of the street lighting facilities and the  
 electric energy utilized during the previous month, and the MUNICIPALITY shall pay such monthly bills by the due date shown  
 on the bills.

5. This agreement shall be effective as of the date of this instrument and shall remain in full force and effect for a period of ten  
 (10) years from said date, and thereafter from year to year until terminated by either party upon written notice to the other given  
 at least ninety (90) days prior to the next ensuing contract anniversary date.

IN WITNESS WHEREOF, the parties have caused these presents to be executed in triplicate in their respective names as  
 of the day and year first above written.

CITY OF MANDAN, NORTH DAKOTA

(Municipal Seal)

By: Robert D. Johnson  
 Mayor

Attest: [Signature]  
 Auditor/Clerk

(Corporate Seal)

MONTANA-DAKOTA UTILITIES CO.  
 A Division of MDU Resources Group, Inc.  
 By: Joseph R. Muehl  
 President

Attest: [Signature]  
 Secretary

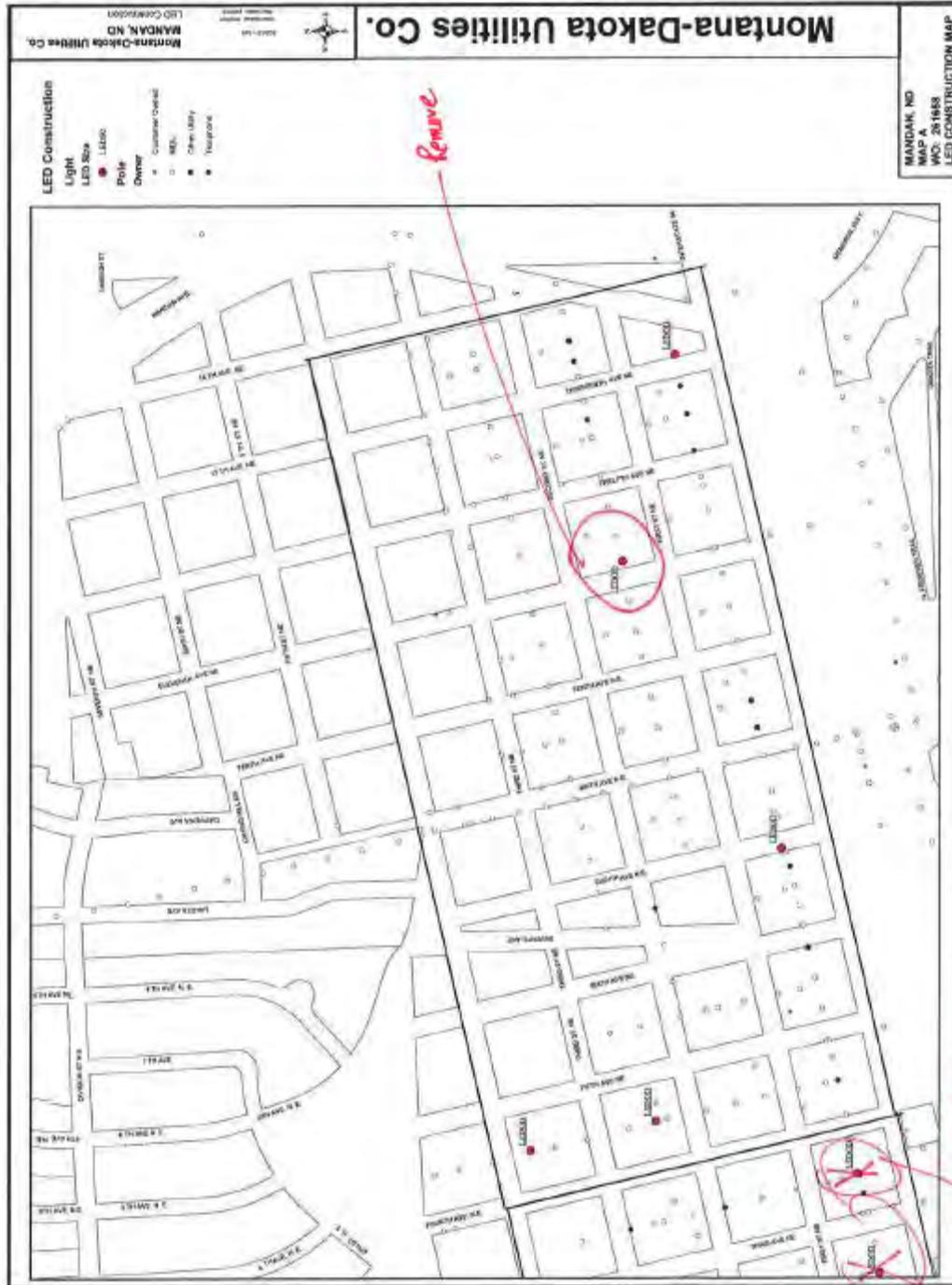
Board of City Commissioners

Agenda Documentation

Meeting Date: February 5, 2019

Subject: Consider amendment to Municipal Street Lighting and Equipment Rental Agreement with Montana-Dakota Utilities Co. (MDU)

Page 6 of 8



Board of City Commissioners

Agenda Documentation

Meeting Date: February 5, 2019

Subject: Consider amendment to Municipal Street Lighting and Equipment Rental Agreement with Montana-Dakota Utilities Co. (MDU)

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## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** February 5, 2019  
**PREPARATION DATE:** January 31, 2019  
**SUBMITTING DEPARTMENT:** Business Development & Communications  
**DEPARTMENT DIRECTOR:** Ellen Huber  
**PRESENTER:** Ellen Huber, Business Development & Communications Department  
**SUBJECT:** Main Street ND Proclamation

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**STATEMENT/PURPOSE:** Consider proclaiming the City of Mandan to be a Main Street community to formally join the Governor's Main Street Initiative.

**BACKGROUND/ALTERNATIVES:** The City of Mandan hosted a Governor's Main Street visit in May 2018. The Governor's Office and N.D. Department of Commerce have since been encouraging cities to make a formal commitment to affirm support for and further strive toward the principles of the Main Street Initiative including its three pillars of healthy, vibrant communities; a 21<sup>st</sup> century workforce; and smart, efficient infrastructure.

Commerce Department Community Engagement Manager Emily Brown shares that so far 16 communities have adopted proclamations. Larger cities are Fargo, Grand Forks, Jamestown, Valley City and West Fargo. Smaller cities are Beach, Cavalier, Carrington, Forman, Hankinson, Harvey, Lakota, Neche, Milnor, Robinson, Tolna. Several others are have expressed interest in consideration proclamations within the next month or so. Brown provides the following additional comments about a community proclamation:

- It does not commit your community to anything, but is an informal commitment to improving local quality of life and pursuing a strong future.
- This proclamation can help guide future policy decisions at the local level and can also build momentum within community improvement projects and other efforts.
- It is also a show of support statewide for the types of programming, partnerships, and ideas related to Main Street Initiative.

**ATTACHMENTS:** Proposed proclamation.

**FISCAL IMPACT:** n/a

STAFF IMPACT: n/a

LEGAL REVIEW: n/a

RECOMMENDATION: Mayor Helbling, who holds the business development portfolio, has supports proclaiming Mandan as a Main Street community along with City Administrator Neubauer.

SUGGESTED MOTION: I move to approve the Main Street ND Proclamation for the City of Mandan.



## Main Street ND Proclamation

**Whereas**, the City of Mandan has made a commitment to developing a healthy, vibrant community through fiscally responsible planning and attracting the talent needed to support our economy; and

**Whereas**, this development has included actively working to differentiate and enhance the quality of life for our residents through new and planned civic spaces and projects to enhance walkability; and

**Whereas**, innovative partnerships and planning have led to more efficient development and infrastructure through new and planned mixed-use development and in-fill; and

**Whereas**, the City of Mandan is committed to increasing the amount of community programming to expand resident and visitor experiences to increase vibrancy in the city.

**Therefore, be it resolved** that I, Tim Helbling, Mayor of Mandan, do hereby proclaim on this day, Tuesday, February 5, 2019, that the City of Mandan shall join the Governor's Main Street ND Initiative and be known as a Main Street ND Community.

Let this proclamation support the continued success and efforts of our commission, staff, businesses, and residents in creating a vibrant, engaged community.

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Tim Helbling, Mayor  
City of Mandan

# North Dakota Legislative Branch

## Legislative Bill Tracking - Sixty-sixth Assembly (2019) - View Bill Tracking

### List: Legislative Update 2

[Tracking Lists](#) | [Today's Calendar](#) | [Committee Hearings](#) | [Conference Committee Hearings](#) | [Bill Status](#) | [Bills Introduced Since 01/30/2019](#)  
[Manage Mobile Devices](#)

Select All   None	Bill	Status	Title	Description	Comment	Action
<input type="checkbox"/>	HB 1041	House: PASSED Senate: INTRODUCED 01/23 S Received from House 01/28 S Introduced, first reading, referred Finance and Taxation Committee	Relating to the homestead tax credit for special assessments; to provide for application; and to provide an effective date.	Increase amount from \$6,000 to \$15,000 and lower interest rate from 9% to 6% Amendments kept \$6,000 and lowered interest rate	Finance - Support PASSED - HOUSE	Follow this Bill - RSS View Edit Delete
<input type="checkbox"/>	HB 1066	House: INTRODUCED 01/03 H Introduced, first reading, referred Finance and Taxation Committee 01/15 H Committee Hearing - 10:00 AM	Relating to infrastructure funds; to amend and reenact subsection 5 of section 57-51-01 and sections 57-51-15, 57-51.1-07.3, and 57-51.1-07.5 of the North Dakota Century Code, relating to oil and gas tax revenue allocations; to provide a continuing appropriation; to provide for a report; and to provide an effective date.	"Prairie Dog Bill" Hearing held, much support from around the state	Support Airport - Support	Follow this Bill - RSS View Edit Delete
<input type="checkbox"/>	HB 1117	House: PASSED 01/22 H Second reading, passed, yeas 89 nays 1 01/23 S Received from House	Relating to publication of legal notices in a newspaper and online.	Place legal notices online	Administration - support PASSED HOUSE	Follow this Bill - RSS View Edit Delete
<input type="checkbox"/>	HB 1182	House: DEFEATED 01/24 H Reported back, do not pass, placed on calendar 10 3 1 01/28 H Second reading, failed to pass, yeas 28 nays 61	Relating to limitations on increases in property assessments for property tax purposes; and to provide an effective date.	Limits increase in valuations to 3%	Assessing - Finance - oppose - would create valuations that would be meaningless DEFEATED	Follow this Bill - RSS View Edit Delete
<input type="checkbox"/>	HB 1184	House: INTRODUCED 01/03 H Introduced, first reading, referred Judiciary Committee 01/22 H Committee Hearing - 08:30 AM	Relating to eliminating the ability of state and local government authorities from using quick take eminent domain; and to repeal sections 11-10-26 and 24-01-22.1 of the North Dakota Century Code, relating to appeals related to acquiring a right of way through the use of quick take eminent domain.	Eliminates authority to use quick take eminent domain which could impact FHWA and FAA project timing and funding	Engineering - Oppose Airport - Oppose	Follow this Bill - RSS View Edit Delete
<input type="checkbox"/>	HB 1207	House: INTRODUCED 01/03 H Introduced, first reading, referred Judiciary Committee 01/21 H Committee Hearing - 10:40 AM	Relating to reasonable costs awarded to a defendant.		Legal - Monitor	Follow this Bill - RSS View Edit Delete
<input type="checkbox"/>	HB 1210	House: INTRODUCED 01/14 H Rereferred to Political Subdivisions 01/25 H Committee Hearing - 09:00 AM	Relating to qualified electors in city elections.	Residents of Extraterritorial zoning jurisdiction of a city is entitled to vote in	Administration & Planning	Follow this Bill - RSS View Edit Delete

				governing body of the city		
	HB 1221	House: DEFEATED 01/24 H Reported back, do not pass, placed on calendar 11 2 1 01/28 H Second reading, failed to pass, yeas 19 nays 70	Relating to the period of property tax delinquency before foreclosure of a tax lien; to provide for application; and to provide an effective date.	allows property tax from 2 years delinquent to 5 years	Administration - monitor DEFEATED	Follow this Bill - RSS View Edit Delete
	HB 1261	House: DEFEATED 01/24 H Reported back, do not pass, placed on calendar 13 0 1 01/28 H Second reading, failed to pass, yeas 27 nays 62	Relating to the disposition of proceeds from tax lien foreclosures.	If proceeds from foreclosure exceed taxes and costs, excess returned to property owner	Administration - Monitor DEFEATED	Follow this Bill - RSS View Edit Delete
	HB 1282	House: PASSED 01/24 H Second reading, passed, yeas 81 nays 11 01/25 S Received from House	Relating to limitations on public employer consideration of criminal background.	Unable to look into or consider criminal background until the applicant is selected for an interview, unless statutory obligation. Currently, we conduct a formal background check after a conditional offer has been accepted. No ND Court searches before setting up interview.	Human Resources - Monitoring Passed House - If Passes Senate will need to adjust job application forms PASSED - HOUSE	Follow this Bill - RSS View Edit Delete
	HB 1286	House: INTRODUCED 01/30 H Committee Hearing - 08:30 AM 02/04 H Committee Hearing - 08:30 AM	Relating to reporting seizures and forfeitures, and prohibiting adoptive seizures; to create and enact sections 29-31.1-04.1, 29-31.1-04.2, 29-31.1-04.3, 29-31.1-04.4, 29-31.1-04.5, 29-31.1-04.6, 29-31.1-04.7, 29-31.1-04.8, and 29-31.1-04.9 of the North Dakota Century Code, relating to manner of forfeiture, forfeiture proceeding as civil action, disposition of property, and hearing on contested forfeiture and proportionality; to amend and reenact sections 12.1-06.1-05 and 12.1-06.1-06, subsection 2 of section 12.1-23.1-03, sections 19-03.1-36, 20.1-10-01, 20.1-10-03, and 20.1-10-07, subsection 1 of section 27-20-03, subsection 1 of section 28-04-03, sections 29-27-02.1, 29-31.1-01, 29-31.1-03, 29-31.1-04, 29-31.1-05, and 29-31.1-06, subsection 1 of section 29-31.1-07, sections 29-31.1-08, 29-31.1-09, 39-03-18, and 39-08-01.3, subsection 2 of	Takes away ability to utilize forfeited assets which would negatively impact Police Department	Police - Oppose	Follow this Bill - RSS View Edit Delete

			section 39-30-03, section 39-30-04, subsection 1 of section 39-30-05, sections 40-11-13, 47-21.1-04, 54-12-14, 57-36-14, and 62.1-01-02, and subsection 2 of section 62.1-05-01 of the North Dakota Century Code, relating to racketeering, forfeiture of controlled substances, forfeiture of confiscated hunting and fishing equipment, juvenile court jurisdiction, property forfeiture and disposition, highway patrol and attorney general assets forfeiture fund, and forfeiture of dangerous weapons and firearms; to repeal sections 19-03.1-36.1, 19-03.1-36.2, 19-03.1-36.3, 19-03.1-36.4, 19-03.1-36.5, 19-03.1-36.6, 19-03.1-36.7, 20.1-10-04, and 29-31.1-10, and chapter 32-14 of the North Dakota Century Code, relating to forfeiture proceedings, forfeiture disposition, and actions to recover forfeitures; and to provide an appropriation.			
	HB 1289	House: INTRODUCED 01/03 H Introduced, first reading, referred Political Subdivisions Committee 01/24 H Committee Hearing - 09:00 AM	Relating to notice filings and property valuation spot checks; and to provide an effective date.		Assessing/Finance - Monitor	Follow this Bill - RSS View Edit Delete
	HB 1307	House: INTRODUCED 01/03 H Introduced, first reading, referred Political Subdivisions Committee 01/31 H Committee Hearing - 02:30 PM	Relating to special assessments.	benefit of special assessments to property	Engineering - Finance - Monitor COMMITTEE DO NOT PASS	Follow this Bill - RSS View Edit Delete
	HB 1328	House: INTRODUCED 01/03 H Introduced, first reading, referred Political Subdivisions Committee 01/25 H Committee Hearing - 09:00 AM	Relating to mill levy limitations in cities and excess levy limitations for cemetery purposes; and to provide an effective date.	city may levy 4 mills for cemetery, but must reduce general fund levy any excess mills over 2	Public Works - Finance - Monitor	Follow this Bill - RSS View Edit Delete
	HB 1375	House: INTRODUCED 01/10 H Introduced, first reading, referred Government and Veterans Affairs Committee 02/01 H Committee Hearing - 08:00 AM	Relating to references to party affiliation in elections; and to repeal section 40-21-06 of the North Dakota Century Code, relating to references to party affiliation in petitions of candidates for city elective offices.		Administration - Oppose	Follow this Bill - RSS View Edit Delete
	HB 1379	House: INTRODUCED 01/10 H Introduced, first reading, referred Political Subdivisions Committee	Relating to adoption and referral of preliminary budgets of cities, counties,	Adopts preliminary budget by July 10, provide	Finance - Oppose	Follow this Bill - RSS View Edit Delete

		02/08 H Committee Hearing - 09:30 AM	school districts, and park districts; and to provide an effective date.	referral vote with petition			
	HB 1380	House: INTRODUCED 01/10 H Introduced, first reading, referred Finance and Taxation Committee 01/28 H Committee Hearing - 09:30 AM	Relating to limitations on property tax levies by taxing districts without voter approval; to amend and reenact subsection 4 of section 15.1-27-04.1 of the North Dakota Century Code, relating to the determination of school district state aid payments; and to provide an effective date.	Cap City Budget at 3%	Finance - Oppose	Follow this Bill - RSS	View Edit Delete
	HB 1390	House: DEFEATED 01/24 H Reported back, do not pass, placed on calendar 9 4 1 01/28 H Second reading, failed to pass, yeas 29 nays 60	Relating to limitations on the true and full valuation of property for tax purposes and limitations on property tax levies by taxing districts without voter approval; to amend and reenact subsection 4 of section 15.1-27-04.1 of the North Dakota Century Code, relating to the determination of school district state aid payments; and to provide an effective date.	limits property valuation increases	Assessing - Monitor DEFEATED	Follow this Bill - RSS	View Edit Delete
	HB 1431	House: INTRODUCED 01/14 H Introduced, first reading, referred Political Subdivisions Committee 02/07 H Committee Hearing - 08:30 AM	Relating to the parts of the state included in the southwest water authority and the membership of the board of directors of the southwest water authority; and to provide an effective date.	Southwest Water Authority remove City of Mandan from mill levy	Administration - Support	Follow this Bill - RSS	View Edit Delete
	HB 1443	House: INTRODUCED 01/29 H Reported back amended, do pass, amendment placed on calendar 9 5 0 01/30 H Amendment adopted, placed on calendar	Relating to historic horse race wagering and rent limits; and to amend and reenact sections 53-06.2-01, 53-06.2-04, 53-06.2-05, and 53-06.2-06, subsection 1 of section 53-06.2-08, and sections 53-06.2-10, 53-06.2-10.1, and 53-06.2-11 of the North Dakota Century Code, relating to the regulation of historic horse racing.			Follow this Bill - RSS	View Edit Delete
	HB 1463	House: INTRODUCED 01/14 H Introduced, first reading, referred Industry, Business and Labor Committee 01/29 H Committee Hearing - 02:30 PM	A BILL for an Act to provide for collective bargaining for law enforcement officers and paid full-time firefighters.	collective bargaining for law enforcement officers and paid full-time firefighters	Police / Fire - Monitor	Follow this Bill - RSS	View Edit Delete
	HB 1474	House: INTRODUCED 01/14 H Introduced, first reading, referred Political Subdivisions Committee 01/31 H Committee Hearing - 02:30 PM	Relating to the authority of a county or city to levy an infrastructure tax in lieu of special assessments; and to amend and reenact sections 11-09.1-05,	Street Maintenance Fee as part of Utility Bill	Administration - Finance - monitor WOULD ALLOW CITY TO ASK VOTERS IF WANTED ANOTHER FUNDING OPTION	Follow this Bill - RSS	View Edit Delete

			11-11-55.1, 40-05.1-06, and 40-23-21 of the North Dakota Century Code, relating to the authority of home rule cities and counties to levy an infrastructure tax in lieu of special assessments and special assessment fund balances.				
<input type="checkbox"/>	HB 1487	House: INTRODUCED 01/29 H Reported back amended, do pass, amendment placed on calendar 12 1 1 01/30 H Amendment adopted, placed on calendar	Relating to an optional residential property tax freeze for seniors; and to provide an effective date.	freeze property valuations on property less than \$400k if 65 years or older, majority of property valuations are less than \$400k thus freezes property tax	Assessing - oppose	Follow this Bill - RSS	View Edit Delete
<input type="checkbox"/>	HB 1494	House: INTRODUCED 01/21 H Committee Hearing - 08:00 AM 01/31 H Reported back amended, do not pass, placed on calendar 12 0 2	Relating to interest rates set by the Bank of North Dakota.	Interest rates must be at Market vs the 2% infrastructure loans	Administration - Oppose Airport - Oppose COMMITTEE - DO NOT PASS	Follow this Bill - RSS	View Edit Delete
<input type="checkbox"/>	SB 2010	Senate: INTRODUCED 01/03 S Introduced, first reading, referred Appropriations Committee 01/08 S Committee Hearing - 08:30 AM	A BILL for an Act to provide an appropriation for defraying the expenses of the insurance commissioner; and to provide an appropriation for the distribution of funds from the insurance tax distribution fund.	Fire Insurance Premium	Fire - Support	Follow this Bill - RSS	View Edit Delete
<input type="checkbox"/>	SB 2047	Senate: INTRODUCED 01/03 S Introduced, first reading, referred Government and Veterans Affairs Committee 01/11 S Committee Hearing - 09:30 AM	Relating to the computation of retirement benefits.	Current multiplier is 2%, reduces benefit to 1.75% for members first enrolled after 12/31/2019	Police & Fire - Monitor	Follow this Bill - RSS	View Edit Delete
<input type="checkbox"/>	SB 2048	Senate: INTRODUCED 01/03 S Introduced, first reading, referred Government and Veterans Affairs Committee 01/11 S Committee Hearing - 09:45 AM	Relating to increased employer and employee contributions under the public employees retirement system defined benefit and defined contribution plans.	Increase employee and employer contributions by 1% beginning Jan. 1, 2020	Police & Fire - Monitor	Follow this Bill - RSS	View Edit Delete
<input type="checkbox"/>	SB 2189	Senate: PASSED 01/23 S Second reading, passed, yeas 47 nays 0 01/24 H Received from Senate	Relating to the meeting of the board of equalization of a township and a city.	Changes BOE date to within first 15 days of April, rather than 2nd Monday	Assessing/Finance - Support PASSED Senate	Follow this Bill - RSS	View Edit Delete
<input type="checkbox"/>	SB 2209	Senate: PASSED 01/22 S Second reading, passed, yeas 47 nays 0 01/23 H Received from Senate	Relating to protection for records related to critical infrastructure and security planning, mitigation, or threats.	certain infrastructure records to be protected	Administration - support PASSED Senate	Follow this Bill - RSS	View Edit Delete
<input type="checkbox"/>	SB 2213	Senate: INTRODUCED 01/11 S Introduced, first reading, referred Political Subdivisions Committee 01/24 S Committee Hearing - 02:15 PM	Relating to district budget tax levies.	Permanent Mill for SW Water	Administration - Oppose	Follow this Bill - RSS	View Edit Delete
<input type="checkbox"/>	SB 2227	Senate: INTRODUCED 01/11 S Introduced, first reading, referred Government and Veterans Affairs Committee	Relating to public employees retirement provisions; and to provide for a transfer.	Increase PERS contributions.. employee 1% and employer 1% and transfer \$265M from SIF	Police & Fire - Monitor	Follow this Bill - RSS	View Edit Delete

		01/31 S Committee Hearing - 09:15 AM		to PERS fund This is not the LE plan that Police and Fire are in		
<input type="checkbox"/>	SB 2259	Senate: DEFEATED 01/29 S Reported back, do not pass, placed on calendar 4 2 0 01/30 S Second reading, failed to pass, yeas 20 nays 25	Relating to the valuation of property for just compensation.		Assessing - Monitor DEFEATED - SENATE	Follow this Bill - RSS View Edit Delete

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