



AGENDA
MANDAN CITY COMMISSION
MARCH 17, 2020
ED "BOSH" FROEHLICH MEETING ROOM,
MANDAN CITY HALL
5:30 P.M.
www.cityofmandan.com

-
- A. ROLL CALL:
1. Roll call of all City Commissioners.
- B. APPROVAL OF AGENDA:
- C. MINUTES:
1. Consider approval of the minutes from the March 3, 2020 Board of City Commission regular meeting
- D. PUBLIC HEARING:
1. Consider approval of a land use plan amendment, first consideration of Ordinance 1336 related to a zoning amendment, and preliminary plat for Longhorn 2nd Add
 2. Consider approval of the preliminary plat for Lakewood 9th Add. Replat of Lot 1, Block 4
 3. Consider approval of Ordinance 1314 related to outdoor seating
- E. BIDS:
- F. CONSENT AGENDA:
1. Consider approval of monthly bills
 2. Consider the following requests to approve budget amendments and transfers:
 - i. Fire Department
 - ii. Assessing Department
 - iii. Municipal Court
 - iv. Building Inspection Department
 - v. Business Development & Communications Department
 - vi. Human Resources Department
 - vii. Administration Department
 - viii. Utility Billing Department
 - ix. Finance Department
 - x. Public Works
 - xi. Planning and Engineering Department
 - xii. Water Treatment Plant
 - xiii. Wastewater Treatment Plant
 - xiv. Information Technology
 - xv. Police Department

Agenda
Mandan City Commission
March 17, 2020
Page 2 of 3

3. Consider allowing the fire department to apply for an Assistance to Firefighters Grant
 4. Consider payment of bills for Morton Mandan Public Library / Downtown Parks Project
 5. Consider approval of Zander Addition minor plat
 6. Consider approval of a Main Street Initiative Community Action plan and allowing an application for Partners in Planning matching funds
 7. Consider allowing the planning department to apply for an AARP Community Challenge Grant
 8. Consider appointment of Kelbi Pritchett (8th Grade) to Mandan Youth Commission
- G. OLD BUSINESS:
- H. NEW BUSINESS:
1. Abatement applications for Infinity Ventures Inc.
 2. Abatement applications for JDS Holdings LLP
 - i. Abatement application 65-6119750
 - ii. Abatement application 65-6119700
 3. Abatement application for HM4 LLC
 4. Consider appointments to Mandan Visitors Committee
 5. Memorial Highway Preliminary Engineering Presentation
 6. Consider approving the Resolution approving Plans & Specifications and Resolution directing advertisement for bid for Street Improvement District No. 215, Project No. 2019-05 (Midtown East), 215A Project 2020-04 (Public Works Parking Lot) and 215B Project 2020.05 (Grounds Maintenance Parking Lot)
 7. Consider approving the Resolution approving Plans & Specifications and Resolution directing advertisement for bid for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area)
 8. Consider the approval of plans and specifications, Engineers Report, and authorize the call for bids for the 2020 Municipal Sidewalk Improvement Project 2020-02
- I. RESOLUTIONS AND ORDINANCES:
1. Consider approval of the second and final consideration of Ordinance 1335 related to zoning application procedures
 2. Consider approval of a resolution renewing the listing agreement for numerous city properties
- J. OTHER BUSINESS:
1. Census 2020 Announcement
- K. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:
1. April 7, 2020
 2. April 21, 2020
 3. May 5, 2020

L. ADJOURN

The Mandan City Commission met in regular session at 5:30 p.m. on March 3, 2020 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 Braun, Rohr, Davis and Larson. Department Heads present were, Finance Director Welch, Fire Chief Nardello, Planning & Engineering Director Froseth, Business Development and Communications Director Huber, Principal Planner Van Dyke, City Administrator Neubauer, Human Resource Director Cullen, Director of Public Works Bitz, Assessor Markley, Deputy Police Chief Flaten, Building Official Ouradnik and Attorney Brown. Absent: Police Chief Ziegler.

B. APPROVAL OF AGENDA:

C. MINUTES:

1. *Consider approval of the minutes from the February 18, 2020 Board of City Commission regular meeting.* Commissioner Larson stated that under New Business item No 1. *Consider cost share with Morton County related to engineering services to develop interactive, web based flood mapping - she was not present when that item was voted on.* The minutes will be corrected to reflect that she was absent during the vote for that item. Commissioner Larson moved to approve the minutes with that correction. 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:

1. *Consider approval of the first consideration of Ordinance 1335 related to zoning application procedures.* City Planner Van Dyke presented a request for the approval of the first consideration of Ordinance 1335 related to zoning application procedures. He said that the proposed zoning text amendment surrounds application procedures for zoning applications in the City of Mandan. The current application procedures are located throughout the Mandan Code of Ordinances and are not easily identifiable. The application procedures have been created in conjunction with the Zoning Ordinance Workgroup that includes several departments, planning and zoning commissioners, the Morton County Planning Director and legal staff. The amendments are being proposed for the following reasons:

(1) Clarity of procedure is important to the applicant; City staff overseeing and facilitating the process; and general public to ensure the integrity of due process.

(2) Consolidating procedures of land use applications related to zoning creates efficiency for staff by reducing the amount of labor resources required to explain said procedure to prospective applicants.

(3) Future staff may more easily understand the various land use application procedures related to zoning if it is clearly outlined in a step-by-step procedure.

(4) Various nuances of each land use application procedure are more easily compared when consolidated in one section and share the same organizational structure.

Planner Van Dyke said that the Planning and Zoning Commission recommended approval of Ordinance 1335. He provided a flowchart that showed a very clear process, step-by-step to complete an application and what needs to happen for zoning ordinances. He stated that this does not change any current process but that it will make it clearer and it will provide continuity for future applications submitted. This has been sent out to all the contractors so they are aware of the process and they can discuss it with their clients as to what needs to happen when.

Mayor Helbling announced this is a public hearing for the approval of the first consideration of Ordinance 1335 related to zoning application procedures. He invited anyone in the audience to come forward to speak for or against the Ordinance 1335 related to zoning application procedures. A second announcement was made for anyone in the audience to come forward to speak for or against Ordinance 1335. A third and final announcement was made for anyone in the audience to come forward to speak for or against Ordinance 1335 related to zoning application procedures. Hearing none, this portion of the public hearing was closed.

Commissioner Braun moved to approve the first consideration of Ordinance 1335 related to zoning application procedures. 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.

E. BIDS:

F. CONSENT AGENDA

1. *Consider approval of a funding assistance application through the N.D. Department of Commerce for census outreach.*
2. *Consider proclaiming March 2020 Colorectal Cancer Awareness Month in Mandan ND.*
3. *Consider approval of the NDDOT Bridge Inspection and Load Rating Services Agreement.*
4. *Consider approval of an Engineering Service Agreement with KLJ for the Downtown Street Improvement District, #217.*

Commissioner Larson moved to approve the Consent Agenda items 1 through 4 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.

G. OLD BUSINESS:

1. *Consider entering into an agreement with Condrey and Associates for completion of a salary study that encompasses all City of Mandan departments.* HR Director Cullen presented a request to enter into agreement with Condrey and Associates for the completion of a salary study that encompasses all City of Mandan Departments. During the last City Commission meeting, there was discussion about the salary study proposal and it was postponed to gather more information relating to conducting a benefits survey. She reported that Condrey provided a quote of \$12,500 for completion of a benefits survey. When inquiring on details of the benefit survey, she said she was informed that it is a separate survey from the salary survey. While the surveys are sent out at the same time, the results are kept completely separate. Condrey also

noted that the benefits survey would decrease the response rate from roughly 90% down to about 50%. The results of the benefit survey will only tell us where we are leading or lagging within the market. It will not tie into the overall compensation picture. Condrey recommended not doing the benefit survey if the City of Mandan knows where its weaknesses are in the benefit package. She stated that it would be more beneficial to retain the \$12,500 and put it towards the salary study or use it to address the weaknesses in the current benefit package. She provided a chart showing the top 10 cities in ND to compare the ratio of benefits expenses to the total compensation costs (salaries + benefits). Further, the family health insurance vesting schedule seems to be an area of concern that she hears about most frequently in regards to the benefits package. She reported that the City has lost several new hires over the last year that needed family health insurance but could not afford the monthly premium. She explained that new employees who need family health insurance coverage are expected to pay \$1,039.92 per month out of their own pocket during their first year of employment. She provided data showing how the health insurance benefits convert into an hourly rate. The employer paid portion would be added to the employee's hourly rate. The employee paid portion was included to show how the family vesting schedule affects the employer paid portion. The difference is the hourly rate that would actually be added to the employee's hourly rate. She explained that single health insurance coverage equates to an additional \$4.23 per hour to an employee's hourly rate. For family health insurance coverage after seven (7) years of employment, adds an extra \$10.23 per hour to an employee's hourly rate. If the employee needs family health insurance coverage during his/her first two years of employment, it decreases the hourly rate by \$1.77 the first year, and \$.57 the second year. If the salary study is approved at this meeting, Condrey & Associates said the schedule of activities would remain the same.

Director Cullen stated that if Condrey's proposal is accepted, their timeline to complete the project would start in March 2020 and conclude in June 2020 with a follow up provided July 2020-2021. Finance Director Welch provided information that the funding source would be the General Fund 2019 Budget for the amount of \$42,500.

Commissioner Davis stated that the outline provided has been explained in depth. He said that Mandan is within the top tier for benefits in the state. He agreed with Director Cullen's recommendation to do the benefit study in-house. Director Cullen said that the League of Cities has information available to accomplish a benefits study if conducted in-house by the City. Mayor Helbling stated that he is not in favor of studies and that if there are issues within the city, we should concentrate on that area and address it and be fair to our employees. Commissioner Braun commented that he concurs with Mayor Helbling and also, in previous years, Finance Director Welch has been in contact with similar size counties with regard to wages and benefits. He agreed that the study can be done in-house, rather than being conducted by an outside contractor. Commissioner Rohr commented that when studies are done, he has seen over the years, that comparisons are made and when cleaning up pay plans, things get off-kilter over time. You have to make sure that whatever pay plan is followed is fair and consistent with finance operations. He agreed that if you have staff within your system that is capable of doing an internal study, that it should be considered. Commissioner Larson agreed with the comments made and stressed the importance of having a fresh look at what we are doing within our own departments and are appropriate. It has been a long time since a thorough salary compensation

process has been looked at over time and she stated she is in support of Director Cullen's recommendation.

Mayor Helbling stated that the salary study portion cost is \$42,500. Attorney Brown stated that when considering professional services such as this, it is not unusual to waive the public bidding requirements.

Commissioner Davis moved to approve the City Commission waive the public bidding requirements for the selection of a human resources consulting firm to complete a salary study, job description review, and classification analysis. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: No; Mayor Helbling: No. The motion passed.

Mayor Helbling pointed out that he appreciated the view of other commissioners stating that it is good to have a competitive discussion occasionally such as this one. He extended a thank you to Director Cullen for her research done on this matter.

Commissioner Larson moved for the approval of the proposed contract with Condrey and Associates to complete a salary study, job description review, and classification analysis for the City of Mandan. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: No; Mayor Helbling: No. The motion passed.

H. NEW BUSINESS

I. *Consider appointments to the Mandan Youth Commission.*

City Administrator Neubauer presented a request to appoint individuals to the Mandan Youth Commission (MYC). He explained the background of this event, wherein the City Commission created the MYC in 2012 and the MYC was active for a few years and then became dormant. In discussions with representatives from Mandan Public Schools the City would like to resurrect the MYC. Mandan Public Schools extended an invitation to students at the High School and Middle School to find interested students. Subsequently ten (10) applications were received which included these students: Michaela Kuntz, 6th; Hayden Mehlhoff, 7th; Andaleen (Andi) Nelson, 8th; Tenisyn Brugh, 9th; Abby Eckroth, 10th; Kahleesia Chapman, 10th; Lyseaunna Ressler, 10th; Alexandria Dirk, 10th; Austin Horn, 11th and Breanna Horner, 11th to the Mandan Youth Commission. Administrator Neubauer stated that the request before the Commission is to reinstate the Mandan Youth Commission and to appoint the ten students interested in sitting on the MYC. The purpose of the MYC is to have students involved in local government. The first meeting will be held in March at the Brave Center and parents of the students have been notified of their student's appointment to the MYC. Several of the students were in the audience and came forward to be introduced. Mayor Helbling commented that this is an opportunity for students to become involved in the community. Commissioner Larson extended a welcome to the students who stepped up to participate in this organization and stated she is looking forward to mentoring them in the future.

Commissioner Larson moved to approve appointing the following individuals to the Mandan Youth Commission; Michaela Kuntz, Hayden Mehlhoff, Andaleen (Andi) Nelson, Tenisyn

Brugh, Abby Eckroth, Kahleesia Chapman, Lyseaunna Ressler, Alexandria Dirk, Austin Horn and Breanna Horner to the Mandan Youth Commission. 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.

2. *Consider approval of the resolutions and supporting documents necessary for Street Improvement District No. 215A, Project No. 20-04 (Public Works Parking Lot).*

Planning and Engineering Director Froseth presented a request to move forward with the resolutions necessary to approve the Public Works Parking Lot Street Improvement District project. He stated that the Public Works Department staff approached City Engineering staff about including the work necessary to construct a parking lot and other hard surfaces as part of the improvements at the Public Works main facility. The plan would include these improvements as part of the Mid-Town East project's scope of work with those costs being assessed to the City only. In order to do so, an amendment is required to the City district boundaries and scope to include this work. The total project cost would be assessed to the City only. By including the scope as part of the Mid-Town East project it will mutually benefit the Mid-Town East assessments scope and the Public Works scope because more work in a contract generally reduces each item per unit cost on the bid. This work is estimated at \$1,200,000. This will create a new district 215A, a sub-district of the main district and other resolutions necessary. Mayor Helbling inquired of the Public Works Facility as shown on the map, what is the plan if there is more work done to the roads adjacent to Public Works and they are not included in this drawing? Director Froseth said that the Southside District Project is still open so the roads that surround the Public Works site are within that district, so if there are adjustments those would go through the Southside Project. The Southside Project is due to be completed this year so if there are adjustments those would have to be made before that project closes.

Commissioner Larson cautioned the Commission on the importance of being very clear on this district assessment on behalf of the residents so they are informed if they are in either of those special assessment districts mentioned. This request is not to tack on to the assessments going to the home owners, however, this will go directly back to Public Works and will not be going back to those districts, it is just to add this one project to that bidding process. Director Froseth stated that is correct and furthermore, it will slightly help the costs within the Mid-Town street improvement district and may expedite the Mid-Town project.

Finance Director Welch pointed out that in order to pay for these special assessments, these assessments will be added to the City's share of special assessments mill levy over the assessment period so it will be part of the levy which everyone pays on their property tax.

Commissioner Davis moved to approve the resolution creating the district, approve the engineer's report, approve the feasibility report and approve the resolution of necessity for Street Improvement District No. 215A, Project No. 2020-04 (Public Works Parking Lot).

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 approval of the resolutions and supporting documents necessary for Street Improvement District No. 215B, Project No. 20-05 (Grounds Maintenance Building at the Cemetery).* Planning and Engineering Director Froseth presented a request to move forward with the resolutions necessary to approve the Grounds Maintenance Parking Lot Street Improvement District project No. 215B to construct a parking lot and other hard surfaces needed at the Public Works Grounds Maintenance Facility adjacent to the City Cemetery. The City plans to include these improvements as part of the Mid-Town East project's scope of work with those costs being assessed to the City only. In order to do so an amendment is required to amend the district boundaries and scope to include this work. He clarified that this will include pavement around the entire building. The total project cost would be assessed to the City only. Including the scope as part of the Mid-Town East project will mutually benefit the Mid-Town East assessments scope and the Public Works scope because more work in a contract typically helps to reduce each item per unit cost on the bid. This work is estimated to cost about \$130,000.

Commissioner Braun moved to approve the resolution creating the district, approve the engineer's report, approve the feasibility report and approve the resolution of necessity for Street Improvement District No. 215B, Project No. 2020-05 (Grounds Maintenance Parking Lot). 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.

4. *Consider approval of the resolutions and supporting documents necessary for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area).* Planning and Engineering Director Froseth presented a request to move forward with the resolutions necessary to approve the Northwest area Street Improvement District project. He reported that City Engineering staff has been working on this street improvement district project that will address the poor street conditions located in the northwest part of the City. The areas of focus includes the streets north of Old Red Trail Highland Road starting at Highland Road on the east and ending with Old Red Trail at the Intersection with 56th Avenue on the west. It does not include all streets within this area, rather strategically selected streets and construction methods to address those streets will give the City best value to extend life of the streets. In areas where the pavement is in poor condition a reconstruction may be the best value for those segments. The Engineering Department held a public meeting on this project on Thursday, February 27, 2020. There were approximately 450 properties drawn within the district that were invited to attend the meeting held at the Red Trail Elementary School. Over 50 residents attended. A brief review of the presentation was given. There were several Divisions determined and he explained how the project will affect the Divisions. The assessment for Division 1 is estimated to be under \$6,700 after the 20% buy down is applied as was set in January for local street improvement districts. Divisions 2-4 were reviewed and followed by Divisions 5-8. He explained that assessments are not fully determined until the project is complete and all costs come in and there is further discussion however the residents are informed of possible estimate of costs at this point.

If the necessary resolutions and associated documents are approved at this meeting the project plans will be brought to the next Commission meeting before the 30-day protest period will start wherein letters of protest will be accepted. In addition to the state requirement of posting in the Mandan News, the information will be posted on the City of Mandan our website and letters will

be sent to property owners with their individual estimate of assessment. After the 30-day protest period transpires, the results of the protest will be brought to an April City Commission meeting to determine sufficiency. Concurrently, it is being proposed to start the advertisement for bids with the intent to bring that request to next Commission meeting. Information to determine sufficiency of protests will be presented to the City Commission meeting on April 7, 2020 and if determined insufficient, bids would open during the week of April 13, 2020 for consideration at the April 21, 2020 City Commission meeting. Most of the project will be completed in 2020 with minor carryovers such as chip seal to be completed in 2021. At the public hearing held there was a question/answer period and Director Froseth reviewed some of those questions for the City Commission to be aware. The estimated construction cost is about \$2.5 million. He pointed out the cost savings step specific to this district is to design and inspect this project out of the City Engineering office instead of hiring a consultant to help with it. There is an estimated cost savings of roughly 10% to approach it this way. This particular district is less complex and therefore less time-consuming on the design side because the engineering staff is not proposing underground improvements. The total project cost that would be divided among district participants if no other funding support is obtained is estimated at \$3.1 million. With Municipal Infrastructure Funds (formerly Prairie Dog Funds) buy down at a rate of 20%, that amount would be reduced by \$616,000 and would come to about \$2,464,000.

Commissioner Rohr inquired if any of this project would qualify for state or federal funding. Director Froseth presented a map, explaining that Old Red Trail, an arterial road, would qualify for federal funds, however it has not been a top priority of Metropolitan funds (MPO). Commissioner Rohr encouraged looking at whatever sources are available to help the residents living in that area.

Commissioner Braun commented that if the plan is to fix the road now, there are no funds available to the residents however that is one of the amenities of living in a city is that you have to expect to pay for streets, services, lights, etc. If the plan is to go back in that area in 5-6 years to reconstruct the roads, that is another burden on the property owners who live in that area.

Mayor Helbling commented that he attended the recent public meeting and stated that he has a concern assessing 54 property owners \$21,000 in specials to rebuild the street. He inquired as to what funds could be available to apply towards this project since the City has projected to spend all of the Prairie Dog Funds through the processes put in place with the 20% buy down. There are the other projects that are in line with that buy down so there is no money available there and the City Sales Tax Fund is being tapped into for other projects throughout the City. The only resolution to help pay for this project, or any other project that comes in under budget would be if there are any Prairie Dog Funds leftover that could be applied towards this project - if that's even a possibility. The project(s) may be protested out and that will delay the project(s) into the future. He invited any residents present at this meeting to come forward to speak to this matter, noting that typically that has not been the process in the past; however, given the depth of this project, he felt it necessary to allow residents to comment should they wish to do so.

Mark Landeis, 5901 Horseshoe Bend Roughrider Addition came forward to speak. In particular, Special Assessment, District 7, Old Red Trail. He suggested if an overlay were put on that road, that would help the situation for a while. He brought up one problem that has not been discussed

tonight and that is the truck traffic on that road. This is not a residential street, it's an arterial road. The trucks head use this road to get to the industrial park. They come off Hwy 25, follow County Road 139, then proceed to Old Red Trail City portion. That is a big contributor to that road being destructed over the years. A suggestion at the meeting was to place load restrictions but they were told that is not appropriate but there was no reason given why. It will require coordination with the county for the road restrictions, coming off Hwy 25 and County Road 139. Another concern is the assessment district for that project. Since it is arterial road, and used for commercial, it is not fair the residents pay for this. He and other neighbors feel the assessment district should include the commercial properties.

Mayor Helbling commented that the district could not be expanded without starting over which would involve all the legal processes and legal notices and that would take this project out of year 2020. Mayor Helbling inquired of Director Froseth that if road restrictions were placed would that take it out of the Urban Roads with the MPO? Director Froseth replied that question came up at the meeting and his reply was to not put load restrictions on an arterial road. He was not clear if putting road restrictions on Old Red Trail would take it out of an arterial classification or not. Because it is an arterial road the trucks should be allowed to use it. Mayor Helbling stated that the City needs to find some way to buy down that portion of Old Red Trail. Commissioner Davis stated that the policy of 20% buy down, was set as a precedent with the Southside Project, and now questions if there are different ways to buy down the Prairie Dog fund. Is there a sliding scale for different properties for buy down? Could it be adjusted for this project? Mayor Helbling commented there is a way to do that but there are only so many Prairie Dog Funds and Sales Tax Funds available and those have been designated out. He said it would be preferred to find a buy down for the 54 residents. Commissioner Davis summarized what will happen when the next district comes up for review? Maybe the districts should be looked at individually rather than all of them at "20%"? Commissioner Larson suggested taking District 7 out, what would be the potential for continued repair for Old Red Trail until it could be properly addressed with state or other funding? Director Froseth stated that it would be as much as the current practice, putting something in the hole as they are recognized. Commissioner Davis inquired if some of the commercial properties could be factored in without starting over? Mayor Helbling commented that the City would have to find money internally do accomplish that – to expand the district. Director Froseth replied that it would have to be a separate action to amend the district right now because of the legal description of the district being discussed. Any amendment to the district could not be done on the fly right now. Mayor Helbling recommended that if this project goes forward, that a further look internally will be necessary to see what the City can do to buy down the Old Red Trail section before obtaining bids to try to bring the costs down.

Mr. Landeis stated that he is in agreement that the project is needed and that he is not protesting it out, rather he came forward to point out concerns. He also stated that in the Roughrider area the residents are still paying over \$1,000 a year in specials from a 2014 project, that needed to also be done, but there are still specials out there to be paid. Director Froseth provided an answer to a previous question having to do with what the assessment was for Division 7, and after the 20% buy down it would be about \$884 per parcel (that's total).

Ken Bollinger came forward to speak and stated that he has been living in this area since 1982. He said he does not mind doing some of the streets in the district but when he goes down to Roughrider and turns off he only uses that road a dozen times a year and he does not think he should pay for a road that he doesn't use. He inquired how the city decides where to start and stop the road repairs and who is to pay for it.

Mayor Helbling stated that when Old Red Trail was reconstructed to the west, everything north of 40th Avenue East was assessed for that 40th Avenue and west was not. Director Froseth stated that they were both in that District but they were on different tiers. West of 40th Avenue at that time had half the costs east of 40th Avenue. The logic in the dividing point with this project is west of 40th gets an overlay and the east does not. This is the proposal and is debatable and changing the size of the district will not be determined tonight.

Mayor Helbling extended a thank you to everyone attending this meeting and the public hearing meeting and for voicing concerns. He commented that the City Commission has been working to resolve the issues and concerns brought forward.

Commissioner Larson stated she lives in this neighborhood and commented that special assessments are hard to deal with and present a challenge. She agreed with the recommendations presented and the importance of looking for additional ways to buy down this project. She suggested looking at recent projects and scaling back on some of them and named a few. She wants to entice economic development but the need to take care of residents should come first. Commissioner Davis commented that with the Prairie Dog fund, some coffers are available and that now is the time to strike on the top to do these projects, because for upcoming sessions, the legislature might not do this again. Commissioner Rohr commented that the City relies on external resources to help out for these projects. Mayor Helbling commented that consideration may be given to raising taxes city wide in the future in order to meet costs. He stated that the City Commission will do what they can to come up with addition funds or considering taking funds out of existing projects.

Commissioner Larson moved to approve the resolution creating the district, approve the engineer's report, approve the feasibility report and approve the resolution of necessity for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area). 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.

I. RESOLUTIONS AND ORDINANCES

1. *Consider approval of a resolution adopting the Arrive 2045 Metropolitan Transportation Plan (MTP).* Rachel Drewlow, Bis-Man MPO, presented a request on behalf of the Bismarck-Mandan MPO, along with consultant Wade Kline from KLJ, to hold a public hearing and to present a request for the adoption of the final Arrive 2045 MTP. She explained that Arrive 2045 is the Metropolitan Transportation Plan (MTP) for the Bismarck-Mandan Metropolitan Planning Organization (BMMPO) which encompasses the City of Bismarck, City of Mandan, City of Lincoln and portions of Burleigh County and Morton County. The MPT is a long-range transportation planning tool that covers a planning horizon for the future 25 years. As a master

document it will help set up federal transportation spending for the next five (5) years. Likewise, it must be presented to the governing boards of all BMMPO jurisdictions for their review and approval. She invited Wade Kline to present.

Wade Kline, of KLJ, provided a slide presentation (via telephone conference call assisted by Rachel Drewlow). He stated that the City of Mandan staff has been involved with the Arrive 2045 effort throughout its development from its beginning of the RFP to the final document review. The process included multiple steering committee meetings, three public meetings, a study website, input/review by local, state and federal partners, and monthly progress updates to the BMMPO Technical Advisory Committee and Policy Boards. He presented both the short range and long range plans in particular, the financial plan. The focus is to get the short range federal funds. Overall, the mid and long range list is felt to be balanced as is the urban program. There is no immediate financial impact for the City. Impact would occur if the City pursued a transportation project through the BMMPO's annual solicitation and was awarded federal funds by NDDOT. The City of Mandan staff would assist in the implementation of the 2020-2045 MTP through the annual project solicitation process. The Arrive 2045 MTP was presented to the City of Mandan Planning and Zoning Commission at their February 24, 2020 meeting. The Planning and Zoning Commission recommended approval of the Arrive 2045 MPT.

Ms. Drewlow opened the public meeting for any questions. Commissioner Larson inquired about the financial plan and what analysis has been done for Mandan versus Bismarck as far as population is concerned? Mr. Kline explained that the urban program is not to be sub-allocated based on population anymore rather it is based on which projects meet the highest criteria so that is what is followed. On the regional system there are the three phases of Memorial Highway that will unfold over the next 5-8 years and overall it is balanced when looking at the needs faced by each region. Mayor Helbling commented that he believes it has been a fair process overall and supports the programs. Director Froseth commented that for the two major programs, Urban Roads and Urban Regional, he believes Mandan has been a beneficiary with a lot of funds going to principle arterials; and that regarding the urban roads, it has been a little different, that might have some catch up on minor arterials wherein Mandan has not benefited as much in recent history. Ms. Drewlow said that the Executive Summary gives a breakdown of the projects that have been selected for potential funding spaced out over the next eight (8) years.

Mayor Helbling announced this is a public hearing and invited anyone in the audience to come forward to speak for or against the approval of a resolution adopting the Arrive 2045 Metropolitan Transportation Plan (MTP). A second announcement was made for anyone in the audience to come forward to speak for or against the resolution. A third and final announcement was made for anyone in the audience to come forward to speak for or against the approval of a resolution adopting the Arrive 2045 Metropolitan Transportation Plan (MTP). Hearing none, this portion of the public hearing was closed.

Commissioner Braun moved to approve Arrive 2045, the 2020-2045 Metropolitan Transportation Plan by Resolution of Adoption. 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:

1. *Census 2020 Announcement.*

City Planner Van Dyke announced that this is a reminder to keep the public informed of census activity and reiterated the importance of everyone in North Dakota to be counted in the 2020 census. Beginning this month all households will receive notice to complete the census for everyone living in their home. Census Day is April 1, 2020. Data collection begins March 12, 2020 and continues through July 2020. This is the first year responses can be submitted online, but the option to mail or call in responses will be available. The Morton Mandan Public Library will have computers available for the public to respond online. Census data is used to help better our community and region and it also helps determine funding provided by federal and state agencies for social services and infrastructure projects.

2. Commissioner Davis announced that he will not run for another term as City Commissioner.

K. ADJOURNMENT:

There being no other business to come before the Board, Commissioner Rohr motioned to adjourn the meeting at 7:40 pm. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present.

James Neubauer
City Administrator

Tim Helbling, Mayor
Board of City Commissioners



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: February 25, 2020
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: Land Use Plan Amendment, First Consideration of Ordinance 1336 related to a Zoning Amendment, and Preliminary Plat for Longhorn 2nd Add.

STATEMENT/PURPOSE: Consider approval of a land use plan amendment, first consideration of Ordinance 1336 related to a zoning amendment, and preliminary plat for Longhorn 2nd Add.

BACKGROUND/ALTERNATIVES:

The applicants seek to amend the land use and transportation plan of the City, rezone their property, and obtain approval for the preliminary plat of Longhorn 2nd Add.

Land Use and Transportation Amendment

The land use designation is currently rural residential. The applicant would like to amend the land use and transportation plan to accommodate the existing use of commercial and expand that to apply to adjoining property owned by Mr. and Mrs. Alvina which is presently a platted residential subdivision – Longhorn 1st Add. Replat (See Exhibit 2).

No roads were constructed to serve the platted subdivision and many of the lots created are encumbered by transmission line easements that would likely prohibit any future residential construction as it is platted currently.

The proposed land use amendment would keep the rural residential designation for any lands adjacent to the property subject to this application. Central Dakota Humane Society plans to expand their operations in the coming years and this would allow them to grow in-place rather than move from the existing location.

There are presently industrial uses across 37th St. to the north. This land is located outside the extra-territorial area of the City. The applicants have consulted with P&Z

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Land Use Plan Amendment, First Consideration of Ordinance 1336 related to a Zoning Amendment, and Preliminary Plat for Longhorn 2nd Add.

Page 2 of 3

Director Natalie Pierce who has informed the Morton County P&Z Commission of this application.

The proposed land use aligns with the existing use in the area to the north and on part of the subject property.

Staff is recommending approval due to the existing character of area near the intersection of 37th St. and 1806 N., to establish a commercial node accessible by neighboring residents, and its adjacency along a future minor arterial. (A commercial node at this location would be similarly spaced as those planned for in other areas of the City/ETA). The rationale for the land use amendment is summarized in Exhibit 5.

Zone Change

The applicants seek to change the zoning from A-Agriculture and R-7 Residential to CB-Commercial and A-Agriculture (See Exhibit 3). The CB-Commercial zoning designation would accommodate the existing use of kennel and allow for the expansion onto adjoining land in the future. The CB-Commercial zoning district would apply to the same area that is being proposed through the amendment to the land use and transportation plan. The A-Agriculture zone would apply to the remainder of property and align with the neighboring land to the south. The applicant would like to preserve this land as A-agriculture at this time to ensure the ability to farm.

Planning and Zoning Commission recommends approval of the rezone with RESTRICTIONS as follows:

CB-Commercial:

- Kennel
- Dog Daycare
- Animal Hospital or Clinic
- Pet Grooming
- Pet Hospital or Clinic

A-Agricultural:

- Field crop farming;
- Commercial flower growing;
- Fruit growing;
- Tree, shrub or plant nursery; and
- Livestock raising or feeding

Preliminary Plat

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Land Use Plan Amendment, First Consideration of Ordinance 1336 related to a Zoning Amendment, and Preliminary Plat for Longhorn 2nd Add.

Page 3 of 3

The preliminary plat shows two lots (See Exhibit 4). One lot will be served by a 40' access easement. No access lines have been required along 1806 N. and along 37th St. to ensure the same access point is utilized for both proposed lots.

Staff recommends approval of the preliminary plat as proposed in Exhibit 4 with the following requirements:

37th St. right-of-way will dedicate additional right-of-way as needed to meet arterial road width as planned for 37th. St. in the future.

Planning and Zoning Commission recommended unanimous approval of the land use and transportation plan amendment, zone change, and preliminary plat subject to minor relaxation of some restrictions applied to the CB-Commercial zone change. These are incorporated into the DRAFT ordinance contained in Exhibit 6.

ATTACHMENTS:

Exhibit 1 – Application

Exhibit 2 – Current-Proposed Future Land Use Map

Exhibit 3 – Zone Change Map

Exhibit 4 – Preliminary Plat

Exhibit 5 – Resolution Amending Mandan Land Use and Transportation Plan

Exhibit 6 – DRAFT Ordinance 1336

FISCAL IMPACT: N/a

STAFF IMPACT: N/a

LEGAL REVIEW: Ordinance 1336 has been reviewed and approved by both City Attorney Brown.

RECOMMENDATION: The Planning and Zoning Commission approved the amendment to the land use and transportation plan as outlined in Exhibit 5, recommended approval to the change in zoning as outlined in Exhibit 6, and approved the preliminary plat presented in Exhibit 4.

SUGGESTED MOTION: I move to approve the amendment to the land use and transportation plan as outlined in Exhibit 5, the first consideration of Ordinance 1336 as outlined in Exhibit 6, and approve the preliminary plat as presented in Exhibit 4.

EXHIBIT 1

CITY OF MANDAN			
Development Review Application			
<input type="checkbox"/>	Minor Plat (\$300)	<input checked="" type="checkbox"/>	Zone Change (\$600)
<input checked="" type="checkbox"/>	Preliminary Plat up to 20 acres (\$400)	<input type="checkbox"/>	Planned Unit Development (\$700)
<input type="checkbox"/>	Preliminary Plat more than 20 acres (\$450)	<input checked="" type="checkbox"/>	Land Use and Transportation Plan Amendment (\$1,000)
<input type="checkbox"/>	Final Plat up to 20 lots (\$400)	<input type="checkbox"/>	Vacation (\$500)
<input type="checkbox"/>	Final Plat 21 to 40 lots (\$550)	<input type="checkbox"/>	Variance (\$400)
<input type="checkbox"/>	Final Plat more than 40 lots (\$700)	<input type="checkbox"/>	Special Use Permit (\$450)
<input type="checkbox"/>	Annexation (\$450)	<input type="checkbox"/>	Stormwater submittal (\$300)
<input type="checkbox"/>	Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	<input type="checkbox"/>	Stormwater 2 nd & subsequent resubmittal (\$50)
<input type="checkbox"/>	Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	<input type="checkbox"/>	
Summary of Request (Add separate sheet(s) as necessary)			
Replat Longhorn 1st Add. Replat, and combine with Aud. Lot "A" of NE1/4 Sec. 9 T139N-R81W			

Engineer/Surveyor			Property Owner or Applicant		
Name Mark Isaacs/Toman Engineering Co			Name Central Dakota Humane Society		
Address 501 1st St NW			Address 2104 37th St		
City	State	Zip	City	State	Zip
Mandan	ND	58554	Mandan	ND	58554
email			email		
mark@tomanengineering.com					
Phone		Fax	Phone		Fax
701-663-6483		701-663-0923			
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name			
<input type="checkbox"/>	<input checked="" type="checkbox"/> City	<input type="checkbox"/>	<input checked="" type="checkbox"/> ETA	<input type="checkbox"/>	<input checked="" type="checkbox"/> New	<input checked="" type="checkbox"/> Addition	A & R7	CB	Longhorn 2nd Addition
Property Address					Legal Description				
N/A					All of Aud. Lot "A" of NE1/4, Section 9 &				
Current Use					Longhorn 1st Addition Replat				
Industrial (Humane Society)/R7(Longhorn)									
Proposed Use									
Lot 1-Expansion of Humane Society/Lot 2-No Change					Section 10	Township 139	Range 81		
Parcel Size	Building Footprint	Stories	Building SF		Required Parking		Provided Parking		
21.07 AC±									

<i>Jerald C Kennel</i>	Print Name	<i>Jerald C Kennel</i>	Signature	Date
		CDHS		1/24/2020

Office Use Only				
Date Received:	Initials: <i>nm</i>	Fees Paid: \$2000	Date 1/24/2020	
Notice in paper	Mailed to neighbors	P&Z meeting		
<input type="checkbox"/> Approved	Approved with conditions:			
<input type="checkbox"/> Denied				

CITY OF MANDAN		
Development Review Application		
<input type="checkbox"/>	Minor Plat (\$300)	<input checked="" type="checkbox"/> Zone Change (\$600)
<input checked="" type="checkbox"/>	Preliminary Plat up to 20 acres (\$400)	<input type="checkbox"/> Planned Unit Development (\$700)
<input type="checkbox"/>	Preliminary Plat more than 20 acres (\$450)	<input checked="" type="checkbox"/> Land Use and Transportation Plan Amendment (\$1,000)
<input type="checkbox"/>	Final Plat up to 20 lots (\$400)	<input type="checkbox"/> Vacation (\$500)
<input type="checkbox"/>	Final Plat 21 to 40 lots (\$550)	<input type="checkbox"/> Variance (\$400)
<input type="checkbox"/>	Final Plat more than 40 lots (\$700)	<input type="checkbox"/> Special Use Permit (\$450)
<input type="checkbox"/>	Annexation (\$450)	<input type="checkbox"/> Stormwater submittal (\$300)
<input type="checkbox"/>	Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	<input type="checkbox"/> Stormwater 2 nd & subsequent resubmittal (\$50)
<input type="checkbox"/>	Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	
Summary of Request (Add separate sheet(s) as necessary)		
Replat Longhorn 1st Add. Replat, and combine with Aud. Lot "A" of NE1/4 Sec. 9 T139N-R81W		

Engineer/Surveyor			Property Owner or Applicant		
Name Mark Isaacs/Toman Engineering Co			Name Elmer & Alvina Madler		
Address 501 1st St NW			Address 3740 Highway 1806		
City Mandan	State ND	Zip 58554	City Mandan	State ND	Zip 58554
email mark@tomanengineering.com			email		
Phone 701-663-6483		Fax 701-663-0923	Phone		Fax
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location	Type	Existing Zone	Proposed Zone	Project Name
City <input checked="" type="checkbox"/> ETA <input type="checkbox"/>	New <input type="checkbox"/> Addition <input checked="" type="checkbox"/>	A & R7	CB	Longhorn 2nd Addition
Property Address N/A		Legal Description All of Aud. Lot "A" of NE1/4, Section 9 &		
Current Use Industrial (Humane Society)/R7(Longhorn)		Longhorn 1st Addition Replat (incl. Entzel Drive)		
Proposed Use Lot 1-Expansion of Humane Society/Lot 2-No Change		Section 10	Township 139	Range 81
Parcel Size 21.07 AC±	Building Footprint	Stories	Building SF	Required Parking
				Provided Parking

Elmer Madler Print Name	<i>Elmer Madler</i> Signature	1-24-20 Date
Alvina Madler Print Name	<i>Alvina Madler</i> Signature	1-24-20 Date

Office Use Only				
Date Received:	Initials: nm	Fees Paid: \$2000	Date: 1/24/2020	
Notice in paper	Mailed to neighbors	P&Z meeting		
<input type="checkbox"/> Approved	Approved with conditions:			
<input type="checkbox"/> Denied				

January 27, 2020

City of Mandan
Planning & Zoning
205 2nd Ave. NW
Mandan, ND 58554

Attn: John Van Dyke

RE: Amendment to Mandan Land Use Plan
Longhorn 2nd Addition Preliminary Plat
TECo #4470

The Central Dakota Humane Society has entered into a Purchase Agreement with Elmer and Alvina Madler for the purchase of all of Longhorn 1st Addition Replat Lying in and Being Part of the NW1/4 of Section 10, T139N-R81W. This property lies within the City of Mandan 2 mile ETA. We are hereby requesting a land use amendment.

Madler's property (Longhorn 1st Addition Replat) lies adjacent to the Central Dakota Humane Society Complex north of Mandan, which opened in 1994.

Currently, the Society is planning to expand their facility, create safe and open walking trails within the property, and enlarge their outside facility areas. This makes the adjacent property ideal because of its location.

Longhorn 1st Addition Replat is currently zoned R7 and the Central Dakota Humane Society property is Zone A. Part of the Purchase Agreement is to secure a zone change approval prior to the land sale.

Central Dakota Humane Society and the Madlers have submitted applications for Preliminary Plat, Zone Change and Land Use Amendment approvals. This is for all of the Longhorn 1st Addition and Humane Society property which will be combined into 2 lots. The request is for a Zone Change to CB Commercial for the entire property.

Zoning as it exists today is:

To the North (37th St.) which lies in Morton County is zoned Industrial (See attached exhibit).

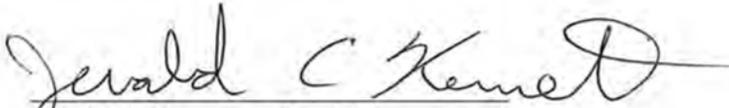
To the West (1806) the land is currently zoned Agricultural and Rural Residential (See attached exhibit).

The property to the East is shown as land for Public Use on the current Regional Land Use Plan.

With the proposed Zone Change request the properties use will remain as they are today. The request as submitted will enhance the Central Dakota Humane Societies property to expand and fulfill our mission statement.

The property as proposed (Longhorn 2nd Addition) both platting and zoning will blend into the existing area as it has over the last 26 years and continue to serve the community.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Gerald C. Kemmet". The signature is written in black ink and is positioned above a horizontal line.

Gerald C. Kemmet, President
Central Dakota Humane Society

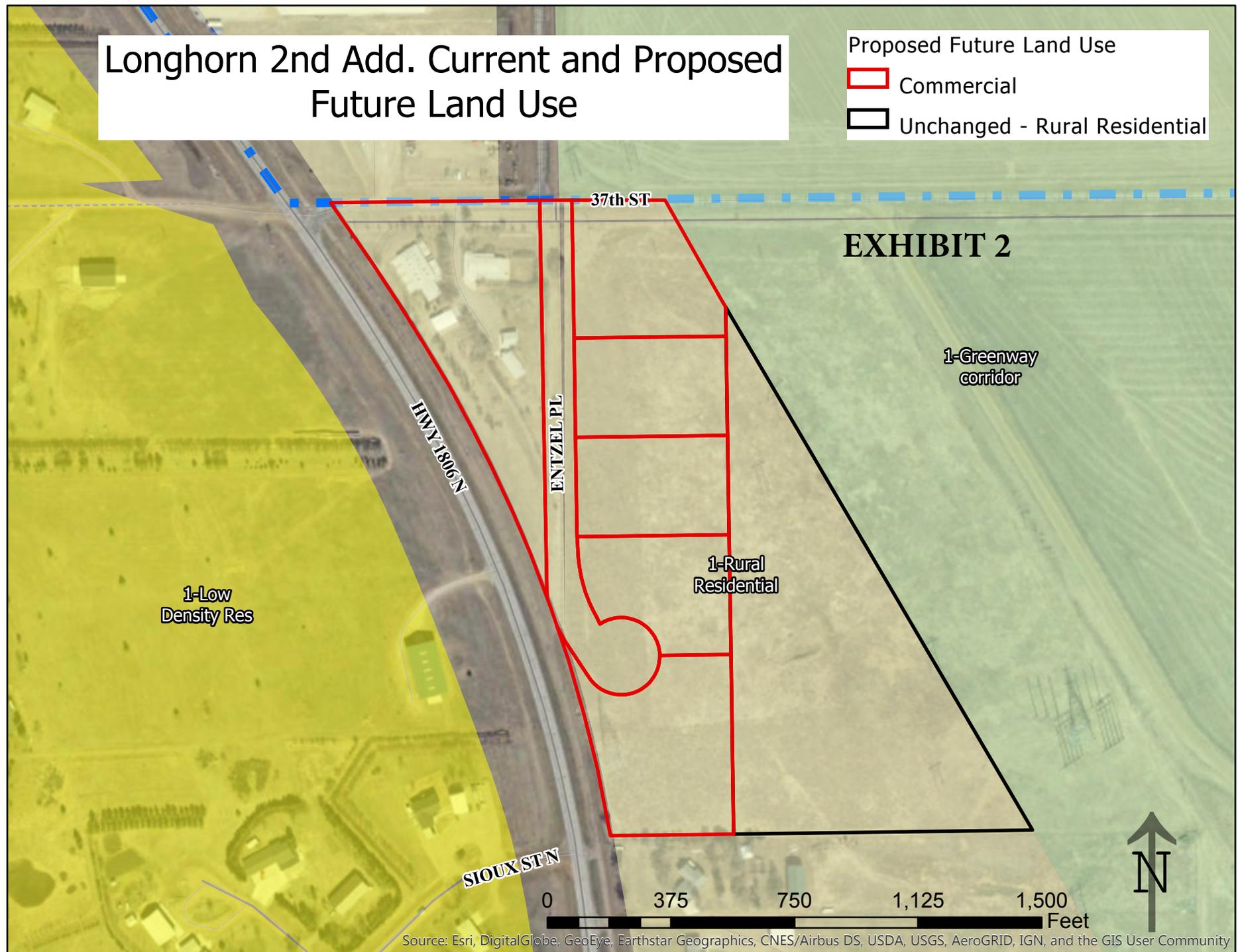
Cc Toman Engineering Co.
Enc Zoning Maps
GIS Maps

Longhorn 2nd Add. Current and Proposed Future Land Use

Proposed Future Land Use

-  Commercial
-  Unchanged - Rural Residential

EXHIBIT 2

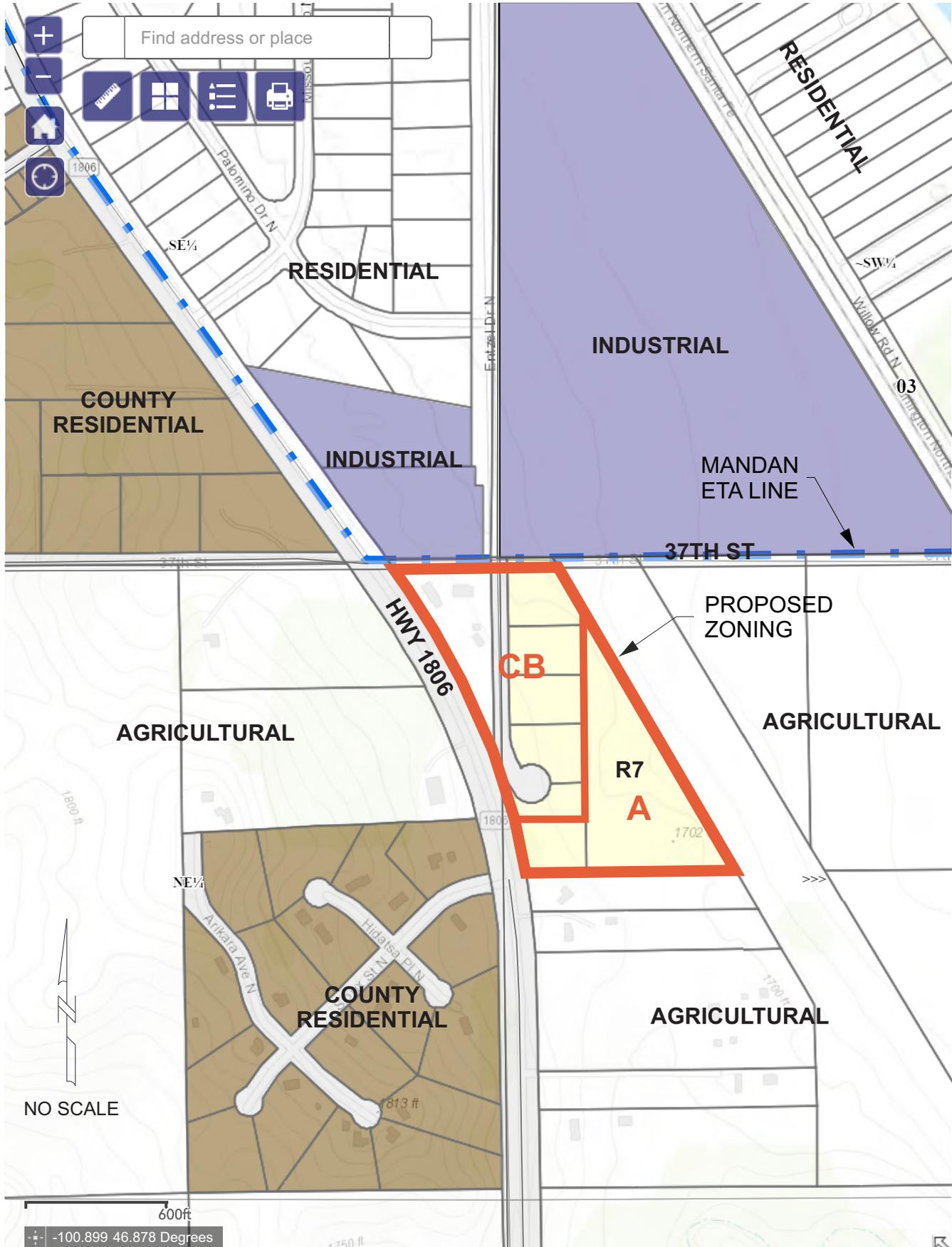


ZONE CHANGE MAP

EXHIBIT 3

1/27/2020

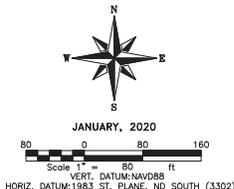
Zoning Map Online - Public



PRELIMINARY PLAT LONGHORN 2ND ADDITION

ALL OF AUDITOR'S LOT "A" OF THE NE1/4 OF SECTION 9 AND LONGHORN 1ST ADDITION REPLAT (INCLUDING ENTZEL DRIVE) OF THE NW1/4 OF SECTION 10, T139N-R81W OF MORTON COUNTY, NORTH DAKOTA LYING WITHIN THE 1-MILE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MANDAN

EXHIBIT 4



PROPERTY DESCRIPTION:

A TRACT OF LAND BEING ALL OF AUDITOR'S LOT "A" OF THE NE1/4 OF SECTION 9, AND PART OF LONGHORN 1ST ADDITION REPLAT (INCLUDING ENTZEL DRIVE) NW1/4 OF SECTION 10, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 9, T139N-R81W; THENCE SOUTH 00°35'02" EAST ALONG THE WEST BOUNDARY LINE OF SAID SECTION 9 FOR 33.00 FEET TO THE NORTHWEST CORNER OF LONGHORN 1ST ADDITION REPLAT OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 89°35'49" EAST ALONG THE NORTH BOUNDARY LINE OF SAID LONGHORN 1ST ADDITION REPLAT FOR 237.26 FEET TO THE NORTHEAST CORNER OF SAID LONGHORN 1ST ADDITION REPLAT; THENCE SOUTH 30°39'08" EAST ALONG THE EAST BOUNDARY LINE OF SAID LONGHORN 1ST ADDITION REPLAT FOR 1486.69 FEET TO THE SOUTHEAST CORNER OF SAID LONGHORN 1ST ADDITION REPLAT; THENCE SOUTH 89°30'17" WEST ALONG THE SOUTH BOUNDARY LINE OF SAID LONGHORN 1ST ADDITION REPLAT FOR 875.91 FEET TO THE SOUTHWEST CORNER OF SAID LONGHORN 1ST ADDITION REPLAT; SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF ND HIGHWAY 1806, SAID POINT ALSO BEGINNING ON THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2939.79 FEET; THENCE ALONG SAID CURVE TO THE LEFT AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE (THE CHORD OF WHICH BEARS NORTH 20°06'15" WEST, 1056.81 FEET) AN ARC LENGTH OF 1061.56 FEET TO THE C.S. (CURVE TO SPIRAL) OF A CURVE TO THE LEFT HAVING A RADIUS OF 2939.79 FEET; THENCE ALONG SAID SPIRAL CURVE, AND CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE (THE CHORD OF WHICH BEARS NORTH 33°00'03" WEST, 348.70 FEET) A SPIRAL CURVE LENGTH OF 349.07 FEET TO THE NORTHWEST CORNER OF AUDITOR'S LOT "A" OF THE NE1/4 OF SECTION 10, T139N-R81W; THENCE NORTH 89°49'51" EAST ALONG THE NORTH BOUNDARY LINE OF SAID AUDITOR'S LOT "A" FOR 434.01 FEET TO THE POINT OF BEGINNING, SAID TRACT OF LAND CONTAINING 21.08 ACRES, MORE OR LESS.

OWNERS:
CENTRAL DAKOTA HUMANE SOCIETY
2104 37TH ST
MANDAN, ND 58554

BASIS OF BEARING:
NORTH BOUNDARY LINE NE1/4 SEC. 9
NORTH 89°35'49" EAST

- NOTES:**
- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
 - TOTAL ACREAGE: 21.09 AC.
 - ND HWY 1806 CENTERLINE CURVE DATA PER HIGHWAY ROW MAP:
SC = 5'0"
XC = 14.54'
YC = 499.6'
LC = 500'
TS = 1150.6'
L = 1243.3'
 - LOTS 1-6, BLOCK 1 AND THE RIGHT-OF-WAY OF ENTZEL DRIVE IN LONGHORN 1ST ADDITION REPLAT DOC. (#460938) SHALL BE VACATED BY THIS PLAT.
 - TOTAL AREA: 21.08 ACRES±
THE 40' ACCESS EASEMENT SHOWN HEREON IS FOR JOINT-USE, AND TO THE BENEFIT OF LOTS 1 AND 2 EQUALLY.



TOMAN ENGINEERING
501 1st Street NW, Mandan, ND 58554
Phone: 701-663-6483 * Fax: 701-663-0923

11/20/2020 10:45 AM, MANDAN 2ND ADDITION REPLAT, SHEET 1 OF 1, T139N-R81W, SECTION 9 AND 10, TOWNSHIP 139 NORTH, RANGE 81 WEST, MORTON COUNTY, ND

LONGHORN 2ND ADDITION

EXHIBIT 5

RESOLUTION AMENDING THE COMPREHENSIVE PLAN FOR THE DEVELOPMENT OF THE CITY OF MANDAN, NORTH DAKOTA

Planning and Zoning Commission City of Mandan, North Dakota

WHEREAS, North Dakota Century Code Section 40-48-08 requires that the planning commission make and adopt a master plan for the physical development of the municipality and of any land outside its boundaries which, in the commission's judgement, bears a relation to the planning of the municipality; and

WHEREAS, North Dakota Century Code Section 40-48-09 requires that the planning commission make careful and comprehensive surveys and studies of present conditions and future growth of the municipality with due regard to its relation to neighboring territory; and

WHEREAS, North Dakota Century Code Section 40-48-10 requires that before adopting the master plan or any part of it or any substantial amendment thereof, the planning commission hold at least one public hearing thereon; and

WHEREAS, City staff met with the applicants/property owners and their consultant numerous times to discuss the proposed amendment; and

WHEREAS, The owners of the subject property submitted an application to amend the land use and transportation plan for the land as illustrated in Exhibit 'A' from Rural Residential to Commercial; and

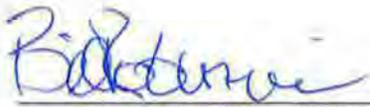
WHEREAS, The application has been evaluated by numerous internal departments and external agencies and found to be favorable to the existing land use planned for the subject property; and

WHEREAS, The amendment is greatly informed by the existing use as commercial on part of the property subject to this resolution, the planned future minor arterial to run along 37th St., and existing industrial/commercial uses to the north of the subject property located outside the extra-territorial area of the City at this time, and existing plan's practice of utilizing commercial nodes to serve area residents.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF MANDAN, NORTH DAKOTA, THAT:

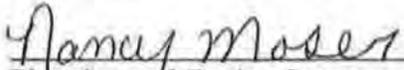
1. The Future Land Use Map of the Comprehensive Plan is hereby amended; and
2. The Comprehensive Plan shall be presented to the City Commission for approval as required by North Dakota Century Code Section 40-48-11; and
3. Upon approval by the City Commission, staff is instructed to publish and distribute the plan; and
4. Staff is instructed to report back to the Planning and Zoning Commission at least annually regarding implementation of the plan.

Dated this 24th day of February 2020

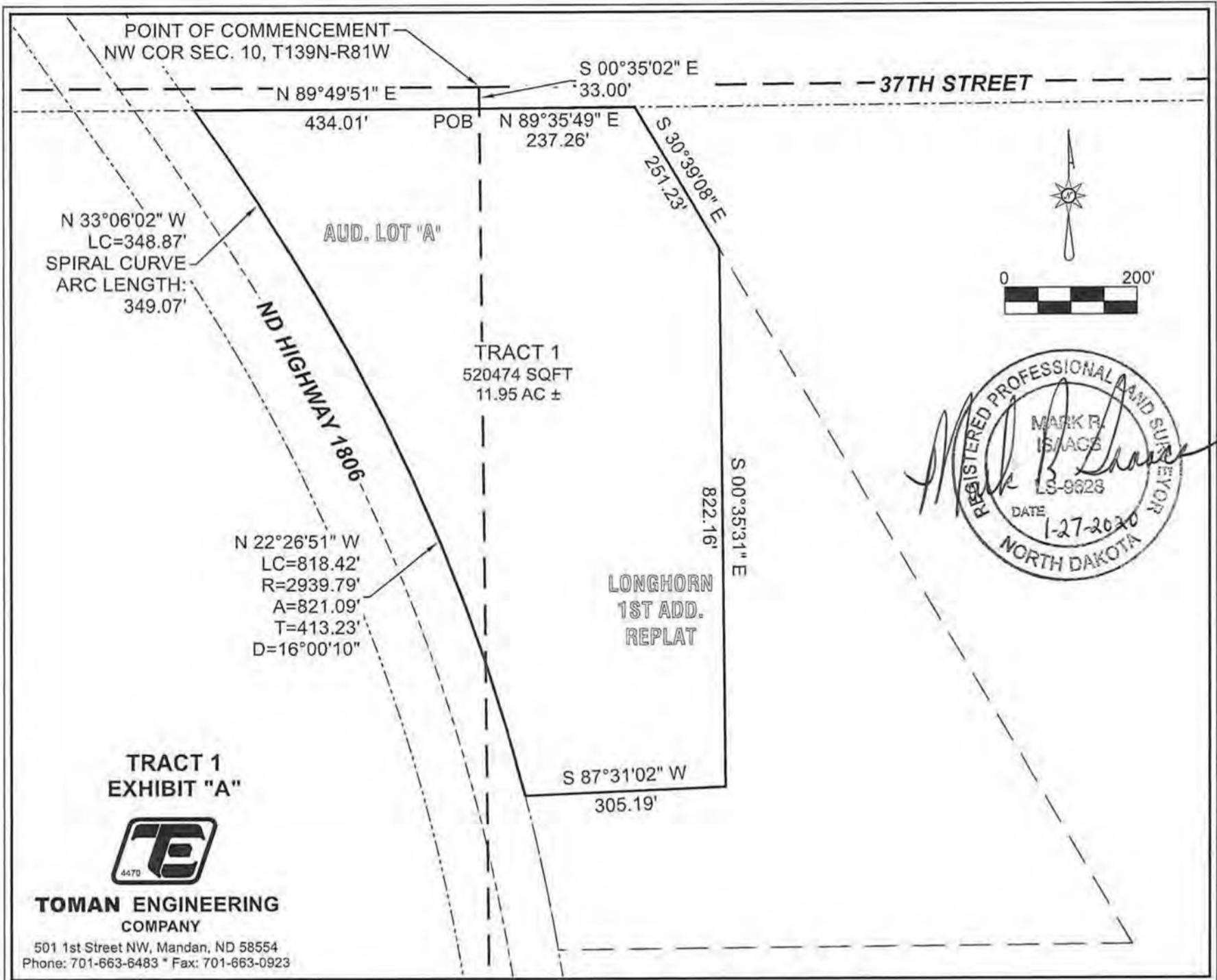


President, Planning and Zoning Commission

ATTEST:



Planning and Zoning Secretary



ORDINANCE NO. 1336

AN ORDINANCE TO AMEND AND REENACT SECTION 105-2-2 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA.

WHEREAS, The zoning district amendment for TRACT 1 is found to align with the City of Mandan Future Land Use and Transportation Plan; and

WHEREAS, The zoning district amendment for TRACT 2 is found to create harmony with the adjacent properties to the east and west, which are similarly zoned; and

WHEREAS, The RESTRICTIONS provided for herein for TRACT 1 are necessary to facilitate the existing commercial use and mitigate traffic impacts to the intersection of 1806 N and 37th St. without the benefit of a traffic impact study and necessary improvements stemming from more intense commercial uses; and

WHEREAS, The RESTRICTIONS provided for herein for TRACT 2 are necessary to allow limited agricultural uses as requested by the applicant and allow the City of Mandan the ability to reevaluate the suitability of the property for alternative uses moving forward; and

WHEREAS, There exists commercial uses north across 37th St., presently outside of the City of Mandan's extraterritorial jurisdiction; and

WHEREAS, The City of Mandan Land Use and Transportation Plan calls for utilizing commercial nodes, where one at this location would be appropriate given the similar geospatial distribution of the others contained in said document; and

WHEREAS, 37th St. is a planned future minor arterial intersecting with 1806 N, an existing major arterial, lending itself to be a prime commercial location in the future.

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

SECTION 1. ZONING AMENDMENT. Section 105-2-2 of the Mandan Code of Ordinances is amended to read as follows:

TRACT 1 OF EXHIBIT 'A' (**PROPOSED LOT 1, BLOCK 1 OF LONGHORN 2ND ADDITION**) BEING ALL OF AUDITOR'S LOT "A" OF THE NE1/4 OF SECTION 9, AND PART OF LONGHORN 1ST ADDITION REPLAT (INCLUDING ENTZEL DRIVE) OF THE NW1/4 OF SECTION 10, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 9, T139N-R81W; THENCE SOUTH 00°35'02" EAST ALONG THE WEST BOUNDARY LINE

OF SAID SECTION 9 FOR 50.00 FEET TO A POINT ON A LINE 50 FEET SOUTH OF AND PARALLEL TO THE NORTH BOUNDARY LINE OF SAID SECTION 9, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 89°35'49" EAST ALONG SAID PARALLEL LINE FOR 247.12 FEET TO A POINT ON THE EAST BOUNDARY LINE OF LONGHORN 1ST ADDITION OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA; THENCE SOUTH 30°39'08" EAST ALONG THE EAST BOUNDARY LINE FOR 231.55 FEET; THENCE SOUTH 00°35'31" EAST FOR 822.16 FEET; THENCE SOUTH 87°31'02" WEST FOR 305.19 FEET TO A POINT ON THE EASTERLY BOUNDARY LINE OF ND HIGHWAY 1806, SAID POINT ALSO BEING ON THE ARCE OF A CURVE TO THE LEFT HAVING A RADIUS OF 2939.79 FEET RADIUS; THENCE ALONG SAID CURVE TO THE LEFT, AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE (THE CHORD OF WHICH BEARS NORTH 22°26'51" WEST, 818.42 FEET) AN ARC LENGTH OF 821.09 FEET TO THE C.S. (CURVE TO SPIRAL) OF A CURVE TO THE LEFT HAVING A RAIDUS OF 2939.79 FEET; THENCE ALONG SAID SPIRAL CURVE, AND CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE (THE CHORD OF WHICH BEARS NORTH 32°59'16" WEST, 328.03 FEET) A SPIRAL CURVE LENGTH OF 328.12 FEET TO A POINT ON A LINE 50 FEET SOUTH OF AND PARALLEL TO THE NORTH BOUNDARY LINE OF SECTION 10, T139N-R81W; THENCE NORTH 89°49'51" EAST ALONG SAID PARALLEL LINE FOR 422.35 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 11.69 ACRES, MORE OR LESS.

Said tract shall be removed from the A-Agricultural and R-7 Residential District and be included in the CB – Commercial District **WITH RESTRICTIONS**. The allowable uses are limited to the following:

- **Kennel**
- **Dog Daycare**
- **Animal Hospital or Clinic**
- **Pet Grooming**
- **Pet Hospital or Clinic**

AND

TRACT 2 OF EXHIBIT 'A' (**PROPOSED LOT 2, BLOCK 1 OF LONGHORN 2ND ADDITION**) BEING A PART OF AUDITOR'S LOT "A" OF THE NE1/4 OF SECTION 9, AND PART OF LONGHORN 1ST ADDITION REPLAT OF THE NW1/4 OF SECTION 10, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 9, T139N-R81W; THENCE NORTH 89°35'50" EAST ALONG THE NORTH BOUNDARY LINE OF SAID SECTION 9 FOR 218.12 FEET TO THE NORTHEAST CORNER OF LONGHORN 1ST ADDITION REPLAT OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA ; THENCE SOUTH 30°39'08" EAST ALONG THE EAST BOUNDARY LINE OF SAID LONGHORN 1ST ADDITION REPLAT FOR

289.43 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 30°39'08" EAST FOR 1235.45 FEET TO THE SOUTHEAST CORNER OF SAID LONGHORN 1ST ADDITION REPLAT; THENCE SOUTH 89°30'17" WEST ALONG THE SOUTH BOUNDARY LINE OF SAID LONGHORN 1ST REPLAT FOR 875.91 FEET TO THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2939.79 FEET, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID LONGHORN 1ST ADDITION REPLAT; THENCE ALONG SAID CURVE TO THE LEFT, AND ALONG THE WEST BOUNDARY LINE OF SAID LONGHORN 1ST ADDITION REPLAT (THE CHORD OF WHICH BEARS NORTH 12°06'10" WEST, 240.41 FEET) AN ARC LENGTH OF 240.48 FEET; THENCE NORTH 87°31'02" EAST FOR 305.19 FEET; THENCE NORTH 00°35'31" WEST FOR 822.16 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 9.14 ACRES, MORE OR LESS.

Said tract shall be removed from the R-7 Residential District and be included in the A-Agricultural District **WITH RESTRICTIONS**. The allowable uses are limited to the following:

- **Field crop farming;**
- **Commercial flower growing;**
- **Fruit growing;**
- **Tree, shrub or plant nursery; and**
- **Livestock raising or feeding**

SECTION 2. RE-ENACTMENT. Section 105-2-2 of the Mandan Code of Ordinances is hereby re-enacted as amended. The city principal planner is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

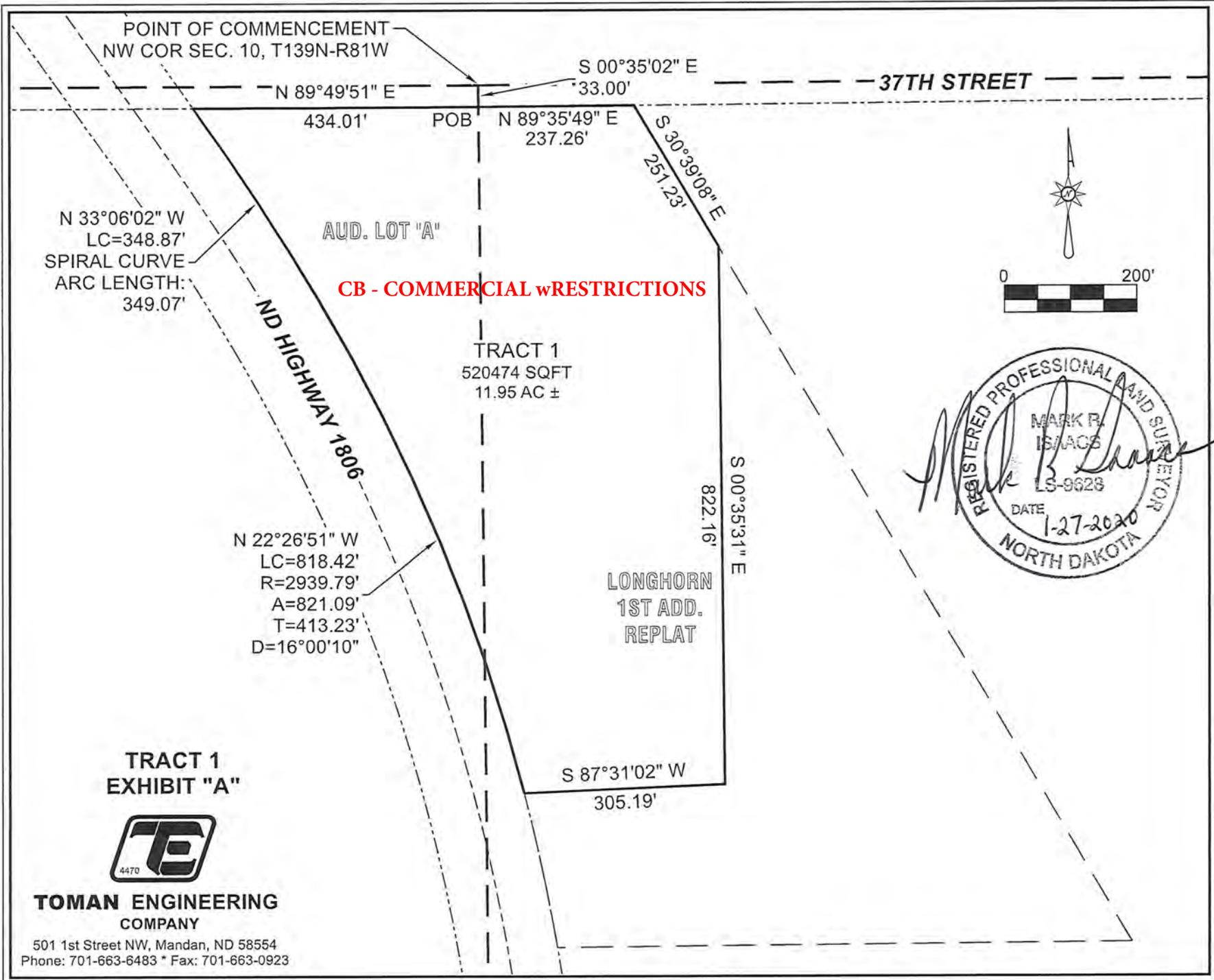
Tim Helbling, President
Board of City Commissioners

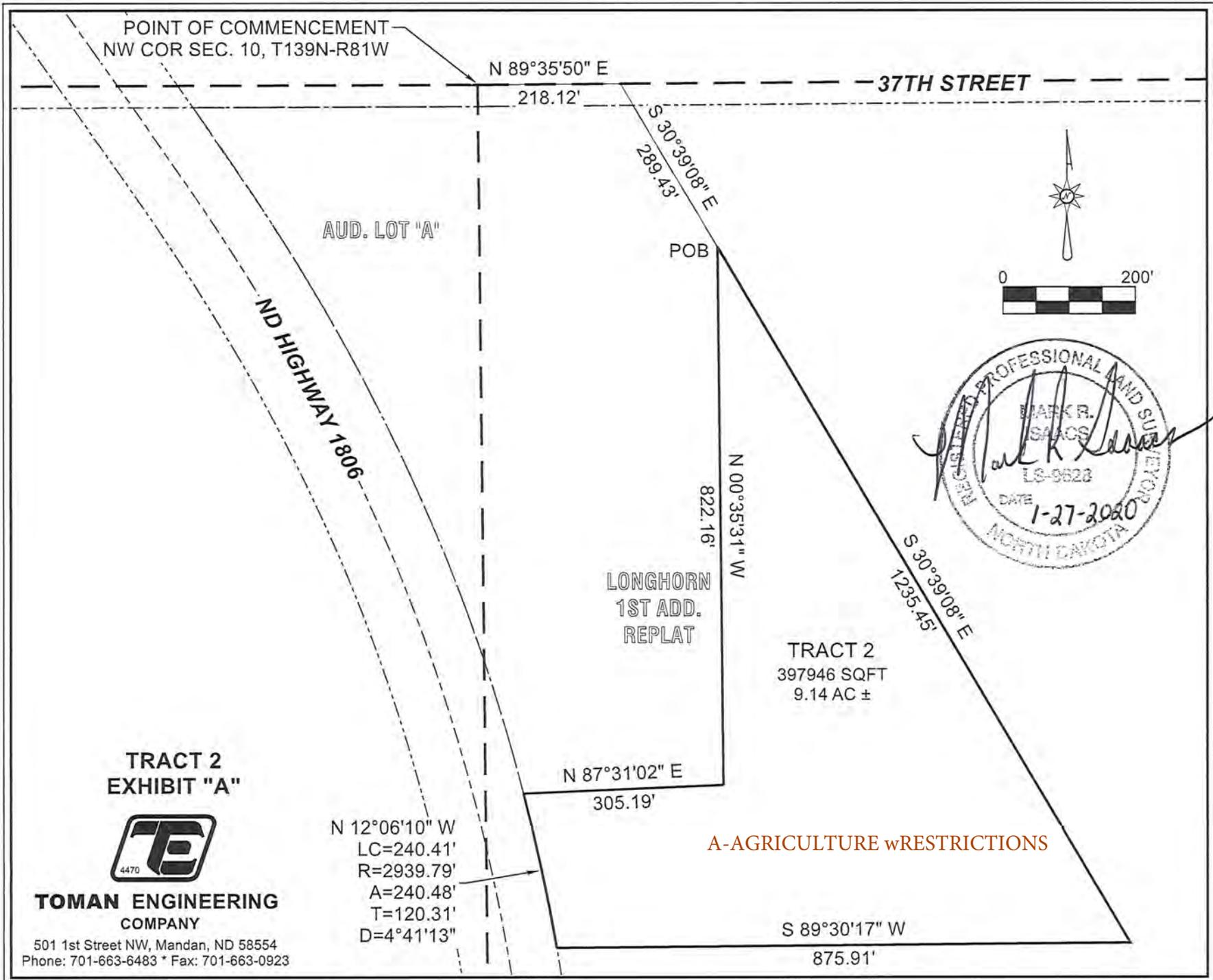
Attest:

Jim Neubauer
City Administrator

Planning and Zoning Commission:
First Consideration:
Second Consideration and Final Passage:
Recording Date:

February 24, 2020
March 17, 2020
April 7, 2020







Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 2, 2020
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: Preliminary Plat for Lakewood 9th Add. Replat of Lot 1, Block 4

STATEMENT/PURPOSE: Consider approval of the preliminary plat for Lakewood 9th Add. Replat of Lot 1, Block 4.

BACKGROUND/ALTERNATIVES: Art Goldhammer, on behalf of the VE Land Company, seeks approval for a preliminary plat to Lot 1, Block 4, Lakewood 9th Add.

The property is currently a stormwater retention pond that was over built as the surrounding developments utilized the dirt from this lot to fill and elevate out of the floodplain. Due to the stormwater pond being developed over capacity, there is potential for the lot to be partially filled and elevated thereby creating four new lots (See Exhibit 2). Three of the lots will have street frontage along 21st St. SE. The lot in the rear will continue to function to facilitate stormwater flows and be held in common ownership by the three street-fronting lots proposed.

The property is zoned PUD, where these lots will continue to be restricted to limited uses in the CB-Commercial District.

Staff received two calls from neighboring property owners. One neighbor indicated that he was happy to hear that the lot abutting their property would still function as a stormwater pond and provide a buffer to the development near 21st. The other property owner was just curious what was being proposed.

Staff and Planning and Zoning Commission recommend approval of the preliminary plat subject to a few conditions already shared with the applicant (See Exhibit 3). The applicant indicated they were amenable to the conditions.

Planning and Zoning Commission unanimously recommended approval at the February P&Z hearing.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Preliminary Plat for Lakewood 9th Add. Replat of Lot 1, Block 4

Page 2 of 2

FISCAL IMPACT: N/a

STAFF IMPACT: N/a

LEGAL REVIEW: The staff report and corresponding attachments have been provided to Malcolm as part of the agenda packet for review.

RECOMMENDATION: Engineering and Planning recommend approval of the preliminary plat as presented in Exhibit 2 subject to the conditions of approval contained in Exhibit 3.

SUGGESTED MOTION: I move to approve the preliminary plat as presented in Exhibit 2 subject to the conditions of approval contained in Exhibit 3. .

EXHIBIT 1

CITY OF MANDAN	
Development Review Application	
<input type="checkbox"/>	Minor Plat (\$300)
<input checked="" type="checkbox"/>	Preliminary Plat up to 20 acres (\$400)
<input type="checkbox"/>	Preliminary Plat more than 20 acres (\$450)
<input type="checkbox"/>	Final Plat up to 20 lots (\$400)
<input type="checkbox"/>	Final Plat 21 to 40 lots (\$550)
<input type="checkbox"/>	Final Plat more than 40 lots (\$700)
<input type="checkbox"/>	Annexation (\$450)
<input type="checkbox"/>	Masterplanned Subdivision (not accepted without preliminary plat) (\$250)
<input type="checkbox"/>	Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)
Summary of Request (Add separate sheet(s) as necessary)	
Lot split/preliminary plat for future development of Animal Rescue Pet Clinic & Grooming Facility and/or other uses allowed in O1216	

Engineer/Surveyor			Property Owner or Applicant		
Name Swenson Hagen & Co			Name VE Land Company, LLC		
Address 909 Basin Ave			Address 3100 N 14th Street		
City Bismarck	State ND	Zip 58504	City Bismarck	State ND	Zip 58503
email lniemiller@swensonhagen.com			email arthur@verityhomes.com		
Phone 701-223-2600		Fax	Phone 701-663-4117		Fax
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name	
<input checked="" type="checkbox"/>	City	<input type="checkbox"/>	ETA	<input type="checkbox"/>	New	<input type="checkbox"/>	Addition
Property Address				Legal Description			
				Lot 1 Block 4			
Current Use				Proposed Use			
N/A				Lakewood 9th Addition			
			Section 1	Township 138	Range 81		
Parcel Size	Building Footprint	Stories	Building SF	Required Parking	Provided Parking		

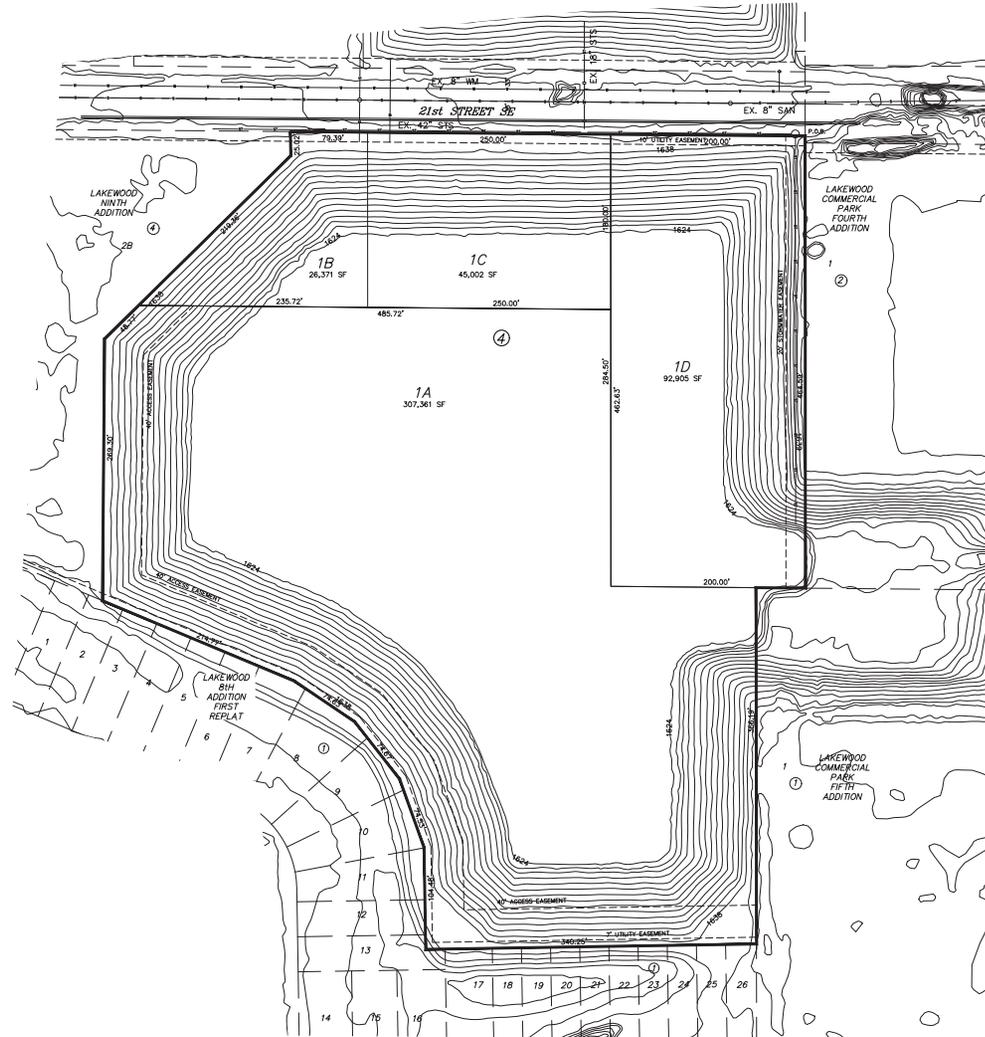
Print Name Arthur Goldammer	Signature 	Date 1/3/2020
---------------------------------------	---	-------------------------

Office Use Only			
Date Received:	Initials: nm	Fees Paid: \$ 400	Date 1/3/2020
Notice in paper	Mailed to neighbors	P&Z meeting	
<input type="checkbox"/> Approved	Approved with conditions:		
<input type="checkbox"/> Denied			

EXHIBIT 2

LAKEWOOD NINTH ADDITION REPLAT OF LOT 1 BLOCK 4

PART OF THE NE 1/4 OF SECTION 1, TOWNSHIP 138 NORTH, RANGE 81 WEST
TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA



LOCATION MAP

10.83 ACRES
EXISTING ZONING: PUD
4 LOTS

OWNER: VE LAND COMPANY, LLC
ADDRESS: 3100 N. 14TH ST.
BISMARCK, ND 58503
PHONE: (701) 354-2846



0 30' 60'
SCALE - 1" = 60"

VERTICAL DATUM: NAVD 88

JANUARY 3, 2019



SWENSON, HAGEN & COMPANY P.C.

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

Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

EXHIBIT 3

Conditions of Approval

- Lot 1A should be a common lot and included as joint ownership for the other three street-fronting lots.
- Lots to be renumbered in numeric sequence (e.g. 1, 2, 3, etc.)
- Necessary submittals demonstrating adherence to the Mandan Code of Ordinance related to F-Floodplain Districts.
- Stormwater plan approved by the City Engineer.
- Access easement from 21st St. SE to Lot 1A (stormwater pond) should be included on final plat.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 6, 2020
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: First Consideration of Ordinance 1314 related to Outdoor Seating

STATEMENT/PURPOSE: Consider approval of the first consideration of Ordinance 1314 related to outdoor seating.

BACKGROUND/ALTERNATIVES: The City has received numerous requests over the years for outdoor seating, located in the public right-of-way. Last year, the City worked with Thomas and Moriarty's to trial what is being proposed as a permanent outdoor seating ordinance.

The outdoor seating ordinance has minimum provisions that need to be met such as fencing that doesn't interfere with Americans with Disability Act sidewalk width requirements, an aesthetic review by Mandan Architectural Review Commission, and other considerations.

The ordinance would require a permit to be approved by Mandan Architectural Review Commission and signed off by the building, fire, and engineering departments prior to establishing an outdoor seating area.

The ordinance is similar to the one Bismarck has in-place for outdoor seating and we would require a separate right-of-way encroachment agreement to be signed by both the City and the applicant.

Multiple departments, especially legal, were involved in the creation of this ordinance. All recommend approval as presented in Exhibit 1.

ATTACHMENTS:

Exhibit 1 – DRAFT Ordinance 1314 related to Outdoor Seating

FISCAL IMPACT: N/a

STAFF IMPACT: N/a

LEGAL REVIEW: Ordinance 1314 has been reviewed and approved by both City Attorney Brown and Assistant City Attorney Amy Oster.

RECOMMENDATION: The city departments with an interest in the matter recommend approval of Ordinance 1314 as presented in Exhibit 1.

SUGGESTED MOTION: I move to approve the first consideration of Ordinance 1314 related to outdoor seating as presented in Exhibit 1.

EXHIBIT 1

ORDINANCE NO. 1314

An Ordinance to Enact a New Article 10 to
Chapter 115 of the Mandan Code of Ordinances
Relating to Outdoor Seating Areas

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

An Ordinance to create a new Article 10 to Chapter 115 of the Mandan Code of Ordinances relating to outdoor seating areas on public sidewalks is hereby enacted as follows:

Article 10. – OUTDOOR SEATING AREAS

Section 115-10-1. - Definitions.

Operator means any person or entity which owns, operates, or manages a business that uses or applies to use an outdoor seating area.

Outdoor seating area means a permitted seating area on a public sidewalk that is used for seating purposes by a permit holder.

Permit holder means any person or entity which holds a current permit for an outdoor seating area.

Permitted business means the business that regularly and customarily sells food or drink and is allowed to use an outdoor seating area as authorized under this section.

Section 115-10-2. - Sidewalk Use Limited; Outdoor Seating Area Permit.

- (1) No business may use a public sidewalk to seat its patrons without first obtaining a permit for an outdoor seating area issued by the City. No person shall place tables, chairs, or other seating on a public sidewalk in conjunction with a business without first obtaining a permit for an outdoor seating area that is issued by the City.
- (2) A business that regularly and customarily sells food or drink may obtain a permit from the City to operate an outdoor seating area on the terms and conditions set out in this section. The permit shall specify the specific area to be used for

outdoor seating, the furniture to be used within the outdoor seating area, and the proposed arrangement of the furniture.

- (3) An outdoor seating area permit authorizes a limited use of the public sidewalk so long as that private use does not interfere with the public interest or public use of the sidewalk.

Section 115-10-3. - Sidewalk Areas Eligible for Outdoor Seating.

An outdoor seating area shall meet all of the following requirements:

- (1) The building in which the permitted business operates must share a common boundary line with a public sidewalk.
- (2) The outdoor seating area shall not extend beyond the boundaries fronting the permitted business.
- (3) The operation of the outdoor seating area must be related to the sale of food or drink from the permitted business.
- (4) The outdoor seating area shall allow a minimum 44-inch wide unobstructed pedestrian corridor at all times. Wider pedestrian corridors or increased clearances may be required where warranted by pedestrian traffic or other circumstances or to comply with applicable building codes, the Americans with Disabilities Act, or other laws.
- (5) A minimum clearance of five feet must be maintained between the outdoor seating area and edge of driveways, alleys, and handicapped ramps.
- (6) Outdoor seating area at corners must not extend to within sight triangles at street intersections or driveway entrances.
- (7) Clear unobstructed height of seven feet must be maintained between the sidewalk surface and overhead objects including umbrellas.
- (8) The outdoor seating area must not block access to public amenities like street furniture, trash receptacles, and way finding, or directional signs.
- (9) Above-ground City public utilities infrastructure or transportation infrastructure shall not be enclosed without written authorization of the Public Works Director.
- (10) Furniture must be made of durable material. No plastic furniture is permitted.
- (11) Planters or pots may be used to define the outdoor dining space but are not required.

- (12) Tabletop signage is limited to menus.
- (13) All privately owned outdoor fixtures, such as fencing or barricades, must be freestanding. No portion of the fencing or barricade materials shall be anchored to the sidewalk or any other object within the public right-of-way.
- (14) The permit holder shall not have on the premises any bell, siren, horn, loudspeaker, or any similar device to attract the attention of possible customers; nor shall the permit holder use any such device to attract attention.
- (15) The permit holder shall comply with the prohibitions on disturbing, annoying, and unnecessary noises set forth in Section 16-6 of this Code.

Section 115-10-4. - Alcoholic Beverages.

- (1) For any outdoor seating area where alcoholic beverages are served, the permit holder shall comply with all state and local regulations for the sale, possession, and/or consumption of alcoholic beverages and shall provide the City with a diagram and/or plans showing the location of the outdoor seating area where alcoholic beverages will be served.
- (2) The area where alcoholic beverages are sold, possessed, and/or consumed must be effectively bordered by a partition, temporary fence, or other rigid device designed and intended to separate the outdoor seating area from passerby. The barrier must be no less than 32 inches in height.
- (3) Permit holders and operators shall ensure that the permitted business obeys all laws related to alcohol service and consumption. Permit holders shall post visible signs at all exit points from the outdoor seating area to the public sidewalk reminding patrons that they cannot possess open containers of alcohol outside the outdoor seating area. To retain an outdoor seating area permit, permit holders and operators shall ensure that no alcohol is served or consumed outside the permitted outdoor seating area.
- (4) If the permitted business does not have direct access to the outdoor seating area, employees of the permit holder for the outdoor seating area must carry all alcoholic beverages in the non-fenced public right-of-way. No alcoholic beverages may be transported by patrons in the non-fenced public right-of-way.
- (5) Employees of the permit holder for the outdoor seating area shall not consume alcoholic beverages while working in the outdoor seating area.

Section 115-10-5. - Application; Permit Requirements.

- (1) A person owning, operating, or managing a business that regularly and customarily serves food or drinks may apply for an outdoor seating area permit on a form approved by the City. Applications are available from the Engineering and Planning Department.
- (2) The permit holder shall comply with all City health and other applicable regulatory agency requirements, including but not limited to the requirements for food service. The permit holder shall display in a conspicuous location all such required permits and/or licenses and shall provide copies of those permits and/or licenses to the City prior to the issuance of a permit for an outdoor seating area. The permit holder shall continuously maintain the required approvals, permits, and/or licenses, and provide evidence to the City upon request.
- (3) Cooking or food preparation shall not be allowed in outdoor seating areas.
- (4) Smoking, including vapor smoking and the use of electronic cigarettes, shall not be allowed in outdoor seating areas. Permit holders shall post visible signs reminding patrons that they cannot smoke in the outdoor seating area.
- (5) No outdoor seating area equipment or furniture may be placed in such a manner as to obstruct a building exit.
- (6) The design of the furniture, canopies, fencing, and/or other accessories of an outdoor seating area must be approved by the City prior to a permit being issued. The applicant must provide a photograph, drawing, or sketch of the design of the furniture and accessories to be used for the outdoor patio area as part of the application for a permit.
- (7) An encroachment agreement with the City shall be obtained prior to implementation of any outdoor dining area. The encroachment agreement is effective up to a five-year term and will expire on December 31 of the whole or partial fifth year, provided there are not significant modifications to the previously approved configuration or street fixtures located within the right-of-way.

Section 115-10-6. - Permit Renewals.

- (1) The permit holder must renew the permit annually. A permit issued under this section shall be valid from the date of issuance and shall expire each year on November 1.
- (2) Permits are effective from April 1 to October 31 each year. Tables, chairs, fences or dividers, and any other structure or item placed on the sidewalk must be removed by November 1 each year and may not be set out until April 1 each year.

By: _____
Tim Helbling, President, Board of
City Commissioners

Attest:

James Neubauer, City Administrator

First Consideration: _____

Second Consideration and Final Passage: _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: February 18, 2020
SUBMITTING DEPARTMENT: Fire
DEPARTMENT DIRECTOR: Chief Nardello
PRESENTER: Chief Nardello
SUBJECT: Budget transfer from FY 2019 to FY 2020 for fire department.

STATEMENT/PURPOSE: Consider transferring available funds for the fire department from the 2019 budget to the 2020 budget to replace a rooftop air handling unit at Fire Station No.1.

BACKGROUND/ALTERNATIVES: Fire station 1 has a roof top heating ventilation air conditioning (HVAC) unit in need of replacement. In the late fall of 2019 one of the three HVAC units at station 1 stopped working and Central Mechanical was called to repair the unit. Upon inspection of the unit, Central Mechanical noted that the unit was installed 17 years old and could no longer be repaired. Central Mechanical advised that a new unit would cost an estimated \$9,300 and should be replaced in the spring of 2020. Our total budget transfer request from the 2019 budget to the 2020 budget for the fire department is \$9,300.

ATTACHMENTS: HVAC proposal

FISCAL IMPACT: The 2019 fire department budget has a current balance of \$15,047 with a request to transfer \$9,300 of those funds to the fire department 2020 budget.

STAFF IMPACT: Personnel will be able to enjoy air conditioning in the office areas during the summer months.

LEGAL REVIEW: N/A

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Budget transfer from FY 2019 to FY 2020 for fire department.

Page 2 of 3

RECOMMENDATION: To approve the transfer of \$9,300 from the fire department 2019 budget to the 2020 budget for building repairs and maintenance.

SUGGESTED MOTION: Move to approve the transfer of \$9,300 from the fire department 2019 budget to the 2020 budget for building repairs and maintenance.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Budget transfer from FY 2019 to FY 2020 for fire department.

Page 3 of 3

Proposal	
CENTRAL MECHANICAL, INC.	
4001 33 RD Ave. NW PO Box 682 Mandan, ND 58554 (701) 663-8552 Fax (701) 667-1821	461 25 th Ave East Dickinson, ND 58801 (701) 225-1472 Fax (701) 225-1473
PROPOSAL SUBMITTED TO Mandan Fire Department	DATE 12-26-19
ADDRESS 110 Collins Avenue	JOB NAME Rooftop Replacement
CITY, STATE, ZIP CODE Mandan, ND 58554	JOB LOCATION 110 Collins Avenue
Attention: Steve Nardello	PHONE FAX 667-3288 Ext 100 667-3289
We hereby submit specifications and estimates for:	
We propose to furnish all tools, materials, labor and supervision for the provision to provide and install a 3-ton fire	
Contained gas/electric rooftop unit, custom curb adapter, demolition and disposal of existing unit, gas piping connections	
Crane fees and start and check of unit.	
We have excluded from this proposal electrical wiring and thermostat.	
We Propose hereby to furnish material and labor – complete in accordance with above specifications, for the sum of:	
\$ Nine Thousand Three Hundred Dollars	\$9,300.00
Payment to be made upon completion of work.	
All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above this estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.	
Authorized Signature _____	NOTE: This proposal price is in effect for thirty days from date of proposal.
Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to complete the work as specified. Payment will be made upon completion of work.	
Signature _____	Date: _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 3, 2020
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Kimberly Markley, City Assessor
PRESENTER: Kimberly Markley, City Assessor
SUBJECT: Transfer of funds from Assessing Department
2019 Budget to 2020 Budget.

STATEMENT/PURPOSE: Consider the request for the transfer of funds from the Assessing department 2019 budget to the 2020 budget.

BACKGROUND/ALTERNATIVES:

The transfer of funds is requested for the items listed below:

- Assessing vehicle purchase for 2020 was a little over budget by \$440.
- Vanguard Appraisals Inc. provided services for commercial property appraisal project which began in 2019 and finished in 2020. There are more projects proposed in 2020 for which we will be seeking Vanguard's assistance. The total requested for these services are \$8,320.
- Assessing/inspections conference room laptop. The assessing office has regular staff meetings and training. A small equipment purchase of a laptop would greatly increase efficiency. Conducting the meetings in our office would be the most effective. The amount for this request is \$700.

ATTACHMENTS: N/A

FISCAL IMPACT: The request is for \$9,460 to be transferred from the 2019 Assessing Department budget to the 2020 budget.

STAFF IMPACT: The items listed above will assist the Assessing Department's daily operations.

LEGAL REVIEW: N/A

RECOMMENDATION: To approve the transfer of \$9,460 from the Assessing Department 2019 Budget to the 2020 Budget.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Transfer of funds from Assessing Department 2019 Budget to the 2020 Budget

Page 2 of 2

SUGGESTED MOTION: Move to approve the transfer of \$9,460 from the Assessing Department 2019 Budget to the 2020 Budget.

MANDAN MUNICIPAL COURT
210 2ND AVE NW
MANDAN, ND 58554

**Board of City Commissioners
Agenda Documentation**

Meeting Date: March 17, 2020

Submitting Department: Municipal Court

Subject: 2019 budget transfer

A handwritten signature in cursive script, appearing to read "Judge Hausman".

Municipal Court is \$15,000 under the 2019 budget. Of this amount the Court is requesting \$2,000 be transferred to the 2020 budget for the purpose of purchasing office furniture. The Judge's office is currently furnished with district court surplus furniture. The office chair is in poor shape and needs to be replaced at a cost of approximately \$1,000. Two standing desk components at a cost of approximately \$399 each will be purchased for the clerk of court and the deputy. These items were not purchased in 2019 because there were no funds available to do it.



Board of City Commissioners

Agenda Documentation

MEETING DATE:
PREPARATION DATE:
SUBMITTING DEPARTMENT: Building Inspections
DEPARTMENT DIRECTOR: Shawn Ouradnik Building Official
PRESENTER: Shawn Ouradnik
SUBJECT: Transfer of funds from Building Inspections 2019 Budget to the 2020 Budget

STATEMENT/PURPOSE: To request the transfer of funds from the Building Inspection Department’s 2019 budget to the 2020 budget.

BACKGROUND/ALTERNATIVES: The transfer of funds is requested to purchase a monitor, mount, and HDMI cord for the conference room. The monitor, mount, and HDMI cord will cost approximately \$1,000.

ATTACHMENTS: N/A

FISCAL IMPACT: The request is for \$1,000 from the 2019 Building inspections Department budget moved to the 2020 budget.

STAFF IMPACT: The monitor will help the Assessing and Building Inspections Departments conduct meetings in a more efficient manner. It will also be used to do day to day work for the assessing department. Assessing will purchase a lap top dedicated for the same purposes.

LEGAL REVIEW: N/A

RECOMMENDATION: To approve the transfer of funds from the Building Inspections 2019 budget to the 2020 budget.

SUGGESTED MOTION: Move to approve the transfer of funds from the Building Inspections 2019 budget to the 2020 budget.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 9, 2020
SUBMITTING DEPARTMENT: Business Development & Communications Department
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: Transfer of funds from 2019 Growth Fund Budget to 2020 Budget

STATEMENT/PURPOSE: To consider transferring funds from the 2019 Growth Fund budget to the 2020 budget for approved economic development projects and business development operations.

BACKGROUND/ALTERNATIVES:

GROWTH FUND. The 2019 budget was underspent by \$173,152.81. The vast majority, \$152,474.84, was for approved economic development projects not completed in 2019 or completed for less than approved amounts. The remainder, \$20,677.97, is for the business development and communications department's operating and management budget, including unspent funds for uncompleted projects. I request to transfer the following amounts to the 2020 budget for completion of specific projects and initiatives:

SUBSIDY-OTHER (224.224.65118) - \$120,971.56

Requesting a transfer from this line item from 2019 to 2020 for the following:

- Local match for Bank of North Dakota Flex PACE interest buydown program
 - \$1,144.76— Balancing Goat Coffee Co.
- Storefront Improvement Projects
 - Not yet finalized or complete as of Dec. 31, 2019
 - \$60,000 — Jason Hagness, 1710 E Main St.
 - \$19,826.80 — 218 W Main LLC (paid in 2/20)
 - \$30,000 — Olson Trust, 1702 E Main St

- Business Pitch Challenge Award
 - \$10,000 — Latidot Scoop & Gift Shop, 104 First St NE (paid 2/2020)

Business Development O&M section — \$12,720

- **PROFESSIONAL FEES & SERVICES (224.224.52110) - \$10,000**
A transfer is requested for Main Street Initiative consultants or similar assistance for programming the N.D. Department of Commerce anticipated making available in 2019, but instead delayed until 2020.
- **ADVERTISING/PUBLIC RELATIONS (224.224.57110) - \$1,970**
A transfer is requested for an e-newsletter delayed from 2019 to 2020, plus for joint community marketing activities yet to be completed, specifically online promotions including videos completed in late 2019.
- **PRINTING (224.224.57113) - \$750**
A transfer is requested for a residential brochure planned as part of the joint community marketing program for 2019 but yet to be completed.

ATTACHMENTS: n/a

FISCAL IMPACT: Finance Director Greg Welch has reviewed the requests and indicates the funding is available.

STAFF IMPACT: n/a

LEGAL REVIEW: n/a

RECOMMENDATION: I recommend transferring the amounts outlined from the FY2019 budget balance to FY2020 budget.

SUGGESTED MOTION: I move to approve the outlined budget transfers for the Growth Fund from the fiscal year 2019 budget balance to the fiscal year 2020 budget.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 6, 2020
SUBMITTING DEPARTMENT: Human Resources
DEPARTMENT DIRECTOR: Brittany Cullen, HR Director
PRESENTER: Brittany Cullen, HR Director
SUBJECT: Transfer of funds from HR Department 2019 Budget to the 2020 Budget

STATEMENT/PURPOSE: To request the transfer of funds from the Human Resource (HR) Department's 2019 budget to the 2020 budget.

BACKGROUND/ALTERNATIVES:

The transfer of funds is requested for the items listed below.

- Funds for resuming Kronos Rebuild – \$5,000
 - Due to staffing turnover in 2019, Finance, Payroll, and HR were unable to commit time and resources to work on the Kronos Rebuild in 2019 as anticipated. Requesting carryover of funds to begin the rebuild in 2020.
- Other/Miscellaneous – Transfer remaining \$480.35 from 2019 Safety and Wellness Committee budget to the 2020 budget to assist the Fire Department in purchasing an additional CPR mannequin. Safety & Wellness Committee approved this transfer as it will assist the Fire Department with providing CPR training for City Employees.

ATTACHMENTS: N/A

FISCAL IMPACT: The request is for \$5,480.35 from the 2019 HR budget to be moved to the 2020 budget.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: To approve the transfer of funds from the HR 2019 Budget to the 2020 Budget.

SUGGESTED MOTION: Move to approve the transfer of funds from the HR 2019 Budget to the 2020 Budget.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 10, 2020
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Consider 2020 budget amendment

STATEMENT/PURPOSE: Consider transferring unused contingency funds from the administration department from the 2019 budget to the 2020 contingency fund budget.

BACKGROUND/ALTERNATIVES: In its 2019 budget the City of Mandan budgets a contingency fund of \$50,000 each year to assist with unexpected expenses such as copier machine breakdowns, additional security cameras or other items that may fall outside the normal course of business. Approval to expend funds must be received by the Finance Director, City Administrator and Mayor.

At year end 2019, there was a balance of \$57,871. We would like to roll these funds into the 2020 contingency fund in order to purchase items such as for the commission room (commissioner chairs, additional monitors, enhancements to the audio visual system, repair or replacement of the lectern and dias), chairs and tables for the Veterans' Conference Room, painting of the lower level of City Hall hallways, large customer service monitor in Finance/Utility Billing to name a few items. We have had discussion with the City of Bismarck and Dakota Media Access (DMA) regarding commission room upgrades and Bismarck is taking the lead on developing specifications as making the Tom Baker Room and the Bosch Froehlich Commission room as compatible (same audio visual system) as possible makes sense from an operations standpoint.

ATTACHMENTS: None

FISCAL IMPACT: The 2019 contingency fund has a balance of \$57,871 which would be rolled into the 2020 contingency fund budget.

STAFF IMPACT: None

LEGAL REVIEW: None

RECOMMENDATION: I recommend to amend the administration 2020 contingency fund budget to include a \$57,871 increase from unexpended 2019 funds.

SUGGESTED MOTION: I move to amend the administration 2020 contingency fund budget to include a \$57,871 increase from unexpended 2019 funds.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 13, 2020
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch, Finance Director
SUBJECT: Budget transfer from FY 2019 to FY 2020 for utility billing department.

PURPOSE

To consider the request to transfer funds from the 2019 Budget to the 2020 Budget for the utility billing department.

BACKGROUND

During November 2019, the Advanced Metering Infrastructure (AMI) Agreement from Sensus was signed. The AMI Agreement is in conjunction with the City's new utility billing system from NISC. Year one of the Agreement became due in FY 2020 for the service period March 2020 to March 2021.

On February 6, 2020, the Assistance Utility Billing Coordinator retired from the City. The employee earned and received a payout for unused vacation and sick leave in accordance with the City's personnel policies (Mandan Code of Ordinances).

ATTACHMENT

None

FISCAL IMPACT

AMI Agreement = \$22,248
Salaries and benefits = \$18,297
Total = \$40,545

The utility billing department and Water & Sewer Utility Fund have available funds remaining from the 2019 Budget.

STAFF IMPACT

None

LEGAL REVIEW

N/A

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Budget transfer from FY 2019 to FY 2020 for utility billing department.

Page 2 of 2

RECOMMENDATION

To approve the request to transfer funds from the 2019 Budget to the 2020 Budget in the amount of \$40,545 for the utility billing department.

SUGGESTED MOTION

Move to approve the request to transfer funds from the 2019 Budget to the 2020 Budget in the amount of \$40,545 for the utility billing department.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 13, 2020
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch, Finance Director
SUBJECT: 2019 Budget amendment for auditor department and budget transfer from FY 2019 to FY 2020 for finance department.

PURPOSES

1. To consider the request to amend the 2019 Budget for the auditor department.
2. To consider the request to transfer funds from the 2019 Budget to the 2020 Budget for the finance department.

BACKGROUND

The City's state aid distribution revenue collections for FY 2019 exceeded the collections for FY 2018 by \$251,250. According to the City's Budget Policies & Procedures, the City remits 30% of the state aid collections to the Mandan Park District. Since the revenue collections for this line item exceeded the prior year, the amount remitted to the Park District increased in the auditor department by \$75,375.

The City's E-911 revenue collections from Morton County for FY 2019 exceeded the collections for FY 2018 by \$78,877. According to the Agreement for the Central Dakota Communications Center, the 911 fees collected shall be remitted to Burleigh County for the purpose of funding the Central Dakota Communications Center. Since the revenue collections for this line item exceeded the prior year, the amount remitted to Burleigh County increased in the auditor department by \$78,877.

Due to vacant staff positions existing in the finance department for many months, the Finance Director is projected to have an unused vacation leave balance of 60 to 70 hours as of July 20, 2010. The request is to payout ½ of the unused vacation hours as of July 20 and to carryover the remaining hours beyond July 20 to be used within a reasonable time period. Previously on July 20, 2019, the Finance Director forfeited 113.80 hours of unused vacation leave back to the City. In addition, the Finance Director worked an additional 156.75 hours during calendar year 2019 and was not able to use the earned compensatory time and consequently forfeited those hours back to the City.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: 2019 Budget amendment for auditor department and budget transfer from FY 2019 to FY 2020 for finance department.

Page 2 of 2

Due to vacant staff positions in the finance department, professional training for several employees was not able to occur during calendar year 2019 because of the increased workload to the existing staff.

ATTACHMENT

None

FISCAL IMPACT

Auditor department:

- Mandan Park District = \$75,375
- Burleigh County = \$78,877
- Total = \$154,252 (2019 Budget amendment)
 - The funds to offset these budget amendments were available through the increase in revenue collections relating to this activity.

Finance department:

- Salaries and benefits = \$4,729
- Training = \$3,985
- Total = \$8,714 (2019 Budget transfer to 2020 Budget)
 - The finance department has available funds remaining from the 2019 Budget.

STAFF IMPACT

None

LEGAL REVIEW

N/A

RECOMMENDATIONS

1. To approve the request to amend the 2019 Budget in the amount of \$154,252 for the auditor department.
2. To approve the request to transfer funds from the 2019 Budget to the 2020 Budget in the amount of \$8,714 for the finance department.

SUGGESTED MOTIONS

1. Move to approve the request to amend the 2019 Budget in the amount of \$154,252 for the auditor department.
2. Move to approve the request to transfer funds from the 2019 Budget to the 2020 Budget in the amount of \$8,714 for the finance department.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 05, 2020
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Mitch L. Bitz
PRESENTER: Mitch L. Bitz, Director of Public Works
SUBJECT: 2019 Budget Amendments and Carryover

STATEMENT/PURPOSE: To consider amending the 2019 Public Works budget as well as allow 2019 funds to be transferred to 2020 for uncompleted projects

BACKGROUND/ALTERNATIVES: As part of the 2019 Budget, Public Works Street Department budgeted approximately \$270,425 for Repairs and Maintenance and we expended \$378,733 in 2019. Some of the larger cost overruns were attributed to roadway maintenance repairs. Items such as small concrete repairs, pothole patch material, crack-sealing material, and hot mix material for general patching overran by approximately \$53K. The Public works department spent over 3,000 hrs. Patching and crack-sealing in 2019. These projects range in scope and location, some larger more notable projects were the crack sealing of 3rd Street SE, the several water-main repairs that were needed, and the concrete apron repair in front of Fire Station 1. In addition, we expended approximately \$85K in heavy equipment repairs, over \$18K on cutting edges, and over \$13K on heavy equipment tire repairs. Though we strive to operate within budget, these repairs were necessary to maintain our infrastructure, fleet and facilities.

As a result of these overages mentioned above along with other smaller overages, we are requesting to amend the 2019 Public Works Street Department Budget Repairs and Maintenance budget by \$108,308.

As of December 31, 2019, the remaining fund balance for the Public Works Facility expansion project was \$4,874,599 therefore; we request to transfer the remaining funds from 2019 Building Capital Outlay to the 2020 Building Capital Outlay to allow for the completion of the Public Works Facility.

We are also requesting to transfer \$5,800 budgeted in 2019 to 2020 in the Solid Waste fund to be used to finalize the Landfill Permit renewal process with Toman Engineering.

The 2019 Street Department budget allocated \$16,000 to be used in outfitting a tandem axle hook truck, there was delay in receiving the truck due to longer than expected

manufacturing time; the truck is currently in the fabrication shop being worked on. We expect the truck will be completed for use this spring, subsequently it requested that this \$16K be transferred to 2020.

ATTACHMENTS: None

FISCAL IMPACT:

Amend 2019 Street Department Repairs and Maintenance Budget - \$108,308

Transfer \$4,874,599 from 2019 Public Works Capital Outlay 100.131.62111 to 2020 Public Works Capital Outlay

Transfer \$5,800 from 2019 Solid Waste fund 620.620.52114 to 2020 Solid Waste fund

Transfer \$16,000 from 2019 Street Department Vehicle Capital Outlay 100.131.62115 to 2020 Street Department Vehicle Capital Outlay

STAFF IMPACT: None

LEGAL REVIEW: Attorney Brown's office has reviewed this document

RECOMMENDATION:

To amend the 2019 Street Department Repairs and Maintenance Budget by \$108,308

To transfer \$4,874,599 from 2019 Public Works Capital Outlay Budget to 2020 Public Works Capital Outlay

To transfer \$5,800 from 2019 Solid Waste fund to the 2020 Solid Waste Fund

To transfer \$16,000 from 2019 Street Department Vehicle Capital Outlay to 2020 Street Department Vehicle Capital Outlay

SUGGESTED MOTION: (Four separate motions)

1: I make a motion to amend the 2019 Street Department Repairs and Maintenance Budget by \$108,308 to allow for the overages encountered in 2019

2: I make a motion to transfer \$4,874,599 from the 2019 Public Works Capital Outlay Budget to 2020 Public Works Capital Outlay Budget to allow for the completion of the Public Works Facility Expansion

3: I make a motion to transfer \$5,800 from the 2019 Solid Waste fund to the 2020 Solid Waste fund to allow for the completion of the landfill permit renewal

4: I make a motion to transfer \$16,000 from 2019 Street Department Vehicle Capital Outlay to 2020 Street Department Vehicle Capital Outlay



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 13, 2020
SUBMITTING DEPARTMENT: Planning and Engineering
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Transfer of funds from 2019 Planning and Engineering Budgets to 2020 Planning and Engineering Budgets.

STATEMENT/PURPOSE: To consider transferring the Planning and Engineering Department's 2019 Expenditure Budget savings to the 2020 Budget for ongoing projects and other items related to department efficiency and effectiveness.

BACKGROUND/ALTERNATIVES:

Planning and Engineering Study and Project Requests:

The Planning and Engineering Departments have seven study and project related items to request budget carry-over into 2020. They are shown on the attached "2019 Expenditure Budget Transfers to Fiscal Year 2020" sheet. The yellow highlighted item is the lone planning study, led by the Metropolitan Planning Organization, that we request funds to be carried into 2020. The remaining projects on the sheet are ongoing projects, with their own line item in the budget, that need to be carried over in to 2020. All of these projects and studies were expected to or considered possible to fall into the 2020 expenditure year, however, the projects were budgeted for expenditure in full within the budget year of project initiation. We would request that all of these items carry-over into the 2020 budget under the same budget code. More info is available from the Planning and Engineering Department upon request for any of these projects or studies.

Additional Survey Equipment Request:

In 2019, the Engineering Department requested \$20,000 for survey grade GPS equipment. We purchased the equipment for \$11,462. However, we decided not to purchase a data collector to pair with it last year to see if we could get by fine without it. Without a data collector, the unit works fine for many of our needs by pairing it with an ipad. The horizontal accuracy with the ipad is survey grade rated at within 2 centimeters. However, pairing with the ipad, does not allow us survey grade vertical accuracy. With the ipad, our vertical accuracy is about 2-feet.

There have been times that we believe we could use that vertical accuracy out in the field when completing tasks such as recording the depth of lines that are buried after a fix, or completing some basic topographic survey for a stormwater issue and to allow that info to work with our software without extra steps. In order to accomplish the 2 centimeter vertical accuracy that we want, the survey grade GPS needs to be paired with a data collector in lieu of an ipad. Another benefit of the data collector is that the screen will be better in sunny conditions as it is made with outdoor use in mind. The ipad screen can be seen outside, but in sunny conditions it can be a challenge.

A data collector that would suffice for our needs and some software associated with it has been quoted by Frontier Precision as costing \$3,250. Therefore, we would like to carry-over that amount into 2020 Equipment Under \$5,000 line item, #100.113.59215.

Possible Stormwater Study in Concern Area:

The Engineering Department has heard persistent stormwater concerns from property owners in the north-central area of the city. One property owner has brought these grievances to the City Commission meetings on a couple of separate occasions. Our department has studied state water rules and have met with representatives from the State Water Commission on this subject. Through our study and meetings, we have yet to conclude anything that the City did wrong in the past. However, we also recognize the seriousness and the persistence in this concern that is being brought to us.

In order to consider a deep dive into this issue with well-studied possible alternatives that could be brought to Commission to decide upon, we believe that working with a consultant would be the best course of action to develop. We are not sure yet if the remainder of the Engineering budget would be enough to cover what we want to accomplish, but we want to carry that over so that we may have the option to put that towards such a study. The amount of carry-over available, after the above survey item, is \$21,628. Therefore, we would request to carry that amount over into the 2020 Engineering Fees line item, #100.113.52114.

ATTACHMENTS:

- 1) "2019 Expenditure Budget Transfers to Fiscal Year 2020" sheet provided by the finance department.

FISCAL IMPACT: Finance Director Greg Welch has reviewed the requests and indicates the funding is available.

STAFF IMPACT: Minimal

LEGAL REVIEW: The City Attorney was forwarded as part of the full agenda packet.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Transfer of funds from 2019 Planning and Engineering Budgets to 2020

Planning and Engineering Budgets.

Page 3 of 4

RECOMMENDATION: I recommend transferring the amounts from the FY2019 budget balance to FY2020 budget as outlined by the Planning and Engineering Department.

SUGGESTED MOTION: I move to transfer the amounts from the FY2019 budget balance to FY2020 budget as outlined by the Planning and Engineering Department.

2019 EXPENDITURE BUDGET TRANSFERS TO FISCAL YEAR 2020

Fund	Purpose	Total	Code
General	Planning and Zoning Department- MPO (Intersection Analysis Study 2019-2020)	\$ 9,840	100.112.52110
1% City Sales Tax	ND Department of Transportation-ND 810 (Memorial Highway to Washington Street)	\$ 28,184	214.214.62210
1% City Sales Tax	ND Department of Transportation-Main Street (Heart River Bridge to Twin City Drive)	\$ 298,943	214.214.62210
1% City Sales Tax	ND Department of Transportation-Memorial Highway (Main Street to 46th Avenue SE)	\$ 35,126	214.214.62210
Water and Sewer Utility	Engineering Department- Kadrmass, Lee & Jackson (Sanitary Sewer Main Extension)	\$ 5,000	601.656.62212
Water and Sewer Utility	Engineering Department- Houston Engineering (Stormwater Management Plan)	\$ 10,950	601.656.62998
Water and Sewer Utility	Engineering Department- HDR Engineering (Memorial Highway Utilities)	\$ 208,463	601.656.62998



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 12, 2020
SUBMITTING DEPARTMENT: Engineering, Water Treatment Facility
DEPARTMENT DIRECTOR: Justin Froseth, PE/Duane Friesz, Facility Superintendent
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Transfer of funds from 2019 Water Treatment Plant Budget to 2020 Water Treatment Plant Budget.

STATEMENT/PURPOSE: To request the transfer of funds from the Water Treatment Plant fiscal year 2019 capital outlay budget to the fiscal year 2020 capital outlay budget.

BACKGROUND/ALTERNATIVES: 2019 proposals for shingling North house at Water Treatment Plant came in over budget due to high than expected steel prices and last year's hail event in area. We are hoping for better pricing this year.

ATTACHMENTS: N/A

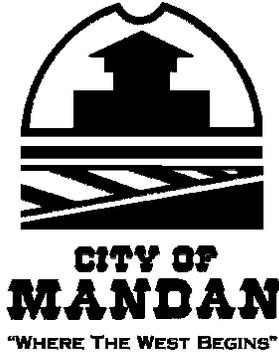
FISCAL IMPACT: Finance Director Greg Welch has reviewed the requests and indicates the funding is available.

STAFF IMPACT: Minimal

LEGAL REVIEW: The City Attorney was forwarded as part of the full agenda packet.

RECOMMENDATION: I recommend the transfer of funds \$15,056.66 from the Water Treatment Plant fiscal year 2019 capital outlay budget to fiscal year 2020 capital outlay budget.

SUGGESTED MOTION: I move to approve the transfer of funds \$15,056.66 from the Water Treatment Plant fiscal year 2019 capital outlay budget to the fiscal year 2020 capital outlay budget.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 12, 2020
SUBMITTING DEPARTMENT: Wastewater Treatment Plant
DEPARTMENT DIRECTOR: Justin Froseth, PE/Steve Himmelspach, Facility Superintendent
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Transfer of funds from 2019 budget to 2020 budget

STATEMENT/PURPOSE: To request a transfers of funds from the 2019 budget to the 2020 budget period.

BACKGROUND/ALTERNATIVES:

Jib Crane:

The wastewater treatment plant would like to purchase a ¼ Ton Jib Crane from Konecranes. The crane would be utilized in the ultraviolet disinfection (UV) room to lift UV modules out of the effluent channel for servicing and maintenance purposes. The modules weigh approximately 100 pounds and are difficult to remove from the channel. There are a total of 14 modules and currently it takes two staff members to lift them by hand. With the use of crane this can be done safely and will only require one staff member. These modules need frequent cleaning to meet E. coli permit limits. The modules are expensive and fragile, so lifting them in and out with the use of a crane will be much safer.

The plant requests \$7,868.32 be transferred from the 2019 budget to the 2020 budget line item 601-659-60321 (Building Repairs and Maintenance) to purchase a ¼ Ton Jib Crane from Konecranes.

Weed Spraying:

The City of Mandan Code Enforcement Officer received a complaint last year about noxious weeds on the City's property surrounding the Wastewater plant. Ternes outdoor Services was contacted to look at the noxious weeds on the property and suggested to spray for wormwood in the month of June and other weeds later in the season.

It is estimated to cost \$2000.0 to spray the 20 acres for the different noxious weeds on the property. The Wastewater Treatment Plant requests to transfer \$2000.00 from the 2019 budget 601-659-60329 Maintenance Contracts to the 2020 budget 601-659-60329.

ATTACHMENTS: None.

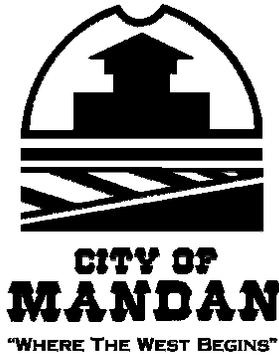
FISCAL IMPACT: Transfer of funds in the amount of \$9,868.32 from the 2019 to the 2020 budget.

STAFF IMPACT: None.

LEGAL REVIEW: Part of Packet for Attorney's Review

RECOMMENDATION: Transfer of funds in the amount of \$9,868.32 from the Mandan Wastewater Treatment Plant 2019 to the 2020 budget as outlined.

SUGGESTED MOTION: I move to approve the transfer of funds in the amount of \$9,868.32 from the Mandan Wastewater Treatment Plant 2019 to the 2020 budget as outlined above.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 13, 2020
SUBMITTING DEPARTMENT: Information Technology
DEPARTMENT DIRECTORS: Lt. Chris Miller
PRESENTERS: Lt. Chris Miller
SUBJECT: Transfer of unexpended funds from the Information Technology Department 2019 Budget to the 2020 Budget.

STATEMENT/PURPOSE:

To request the transfer of unexpended funds of \$41,584.98 from the Information Technology Department 2019 Budget to the 2020 Budget to fund the following IT purchases.

- 1)The purchase of a replacement Exchange Email server and Microsoft licensing previously budgeted for in 2019 for \$25,586 or transition to Exchange 365 cloud based email for the City of Mandan.
- 2)Purchases totaling \$6,000 for the Public Works Department were previously approved for 2019 but put on hold as their construction project was not complete.
- 3)Purchases totaling \$2,250 for the Building Inspections Department were previously approved for 2019, but put on hold due to seeking a new software solution.
- 4)The remaining funds would be used to create a better data storage solution by using one new physical server and creating virtual servers as needed by city departments.

BACKGROUND/ALTERNATIVES:

1) The approved 2019 budgeted amount for a new Email Exchange Server was based on a 2019 cost of \$25,586. These funds were not expended in 2019 as City of Mandan staff is considering the transition to using Microsoft Exchange 365 as a possible email solution or update the current local server based email system.

2) There are advantages to moving from an Exchange Server based email system to a Microsoft Office 365 cloud based system. Some of the advantages on the IT side include the fact we would no longer have to manage and maintain an Exchange Server. Microsoft would handle all Exchange maintenance and updates. We would still control the email accounts by adding new or archiving old mailboxes as needed.

Using Exchange 365 would require an initial investment for the transfer of current mailboxes found on our 2013 Exchange Server to Exchange 365. There is also an ongoing

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Transfer of unexpended funds from the Information Technology Department
2019 Budget to the 2020 Budget.

Page 2 of 2

monthly cost per user for each Exchange 365 account. Currently there is 110 email users/groups on our system, which would require licensed accounts for each at an annual cost of approximately \$5.00 per month, or \$6,600 per year for all citywide employees.

3) By virtualizing our data storage, it will reduce the current and future cost of physical server purchases and maintenance, as new servers can be generated in a virtual environment vs. having several physical servers to maintain by IT staff.

ATTACHMENTS:

- None

FISCAL IMPACT:

The total funds requested to be transferred from 2019 is \$41,584.98. This would cover the cost of either email option chosen by the City of Mandan. Costs covered would include hardware, licensing, and cost to transfer data, mailboxes, and calendars from the current system. The total also includes the unexpended amounts for Public Works and Building Inspections Departments.

All quotes provided via a ND State Bid hardware/software provider.

STAFF IMPACT:

1) Email and data storage are vital parts of almost all city employees' daily operations.

LEGAL REVIEW:

None required.

RECOMMENDATION:

To approve the transfer of unexpended funds from the Information Technology Department 2019 Budget to the 2020 Budget:

- Information Technology Department = \$41,584.98

SUGGESTED MOTION:

Move to approve the transfer of unexpended funds from the Information Technology Department 2019 Budget to the 2020 Budget:

- Information Technology Department = \$41,584.98



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 12, 2020
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Chief Jason Ziegler
PRESENTER: Chief Jason Ziegler
SUBJECT: Budget amendment for 2020 office furniture purchase

STATEMENT/PURPOSE: Consider amending the 2020 Police Department 2020 budget to allow for the purchase of office furniture.

BACKGROUND/ALTERNATIVES: The remodel of the Morton/Mandan Law Enforcement Center is nearing completion. With the remodel, the Police Department has gained additional space. This includes offices and conference rooms. The new office spaces have been furnished with used desk units donated to the City by a local business. However, we do not at this time have chairs for our conference areas and the new offices. There are also several existing offices that have old chairs which are in need of replacement. We are also in need of additional storage for the Chief's office. We received a quote from Fireside Office for conference room chairs. These chairs are the same ones which were purchased for the LEC conference rooms several years ago. They would match existing chairs and have held up very well. The quote for 20 chairs at \$100 each is \$2000.00. This price is good until April 1, 2020. Prices for these chairs were checked with various online merchants and all had higher prices. We have 7 new workstations which are in need of office chairs. We would like to replace 5 existing office chairs. In looking at various models of office chairs at a Mandan office supply store, \$300.00 per chair would be an average price for moderately priced office chairs. Total estimated cost for 12 chairs is \$3600.00. We may be able to locate some used chairs for low or no cost but that is not a certainty at this time. If any used chairs in good shape are located this would reduce the total amount needed. We would like to purchase two storage cabinets for the Chief's office. Total cost for these cabinets is \$423.92.

The total amount we are asking for in the budget amendment is \$6,032.92.

At the end of 2019 a law enforcement consortium composed of the Mandan Police Department, Bismarck Police Department, Morton County Sheriff's Office and the Burleigh County Sheriff's office was disbanded. This consortium had been formed many years ago to provide testing for law enforcement applicants. \$4,227.09 in funds was refunded to the Mandan Police Department when the consortium was disbanded. Those

Board of City Commissioners
Agenda Documentation
Meeting Date: March 17, 2020
Subject: Budget Amendment for the 2020 Police Department budget for office furniture

Page 2 of 2

funds would be available to offset the total cost. This would bring down the total additional cost to \$1,805.83. Use of the consortium funds for this purpose has been reviewed by City Finance Director Welch.

ATTACHMENTS: Quote from Fireside Office Solutions, cabinet prices, consortium refund documentation

FISCAL IMPACT: Total cost for items is \$6032.92. Using consortium refund of \$4,227.09 would bring the total additional cost needed to \$1,805.83. The balance would be from the General Fund Balance Reserve.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Recommend approval of amending the Police Department 2020 budget for the purchase of office furniture.

SUGGESTED MOTION: I make a motion to recommend approval of amending the Police Department 2020 budget to allow for the purchase of office furniture with \$4,227.09 being paid with the LE consortium refund money and \$1,805.83 being paid from the General Fund Balance Reserve.

Our Solutions. Your Success.



February 27, 2020

Lori Flaten
Mandan Police Department
205 1st Ave NW
Mandan, ND 58554
701-667-3250
lflaten@mandanpd.com

SUBJECT: TABLE QUOTE

<u>QTY</u>	<u>MODEL</u>	<u>DESCRIPTION</u>	<u>UNIT PRICE</u>	<u>TOTAL PRICE</u>
20	2794TG	Capri Stackable Guest Chair With Casters for Carpet Floor Stacks 4 High Fabric: Black Frame: Titanium	\$100.00	\$2,000.00



Delivery Approximately 1-2 Weeks

Thank you,

Roxanne Gunderson
Account Manager

Home & Kitchen ▾ gray wardrobe cabinet

Deliver to Mandan
Mandan 58554

Departments

Buy Again

EN

Hello, Lori
Account for Mandan Polic...

Lists

Try
Business Prime

Amazon Home Shop by Room Furniture Home Décor Kitchen & Dining Bed & Bath Garden & Outdoor Lighting Storage & Organization Home

Business Plus selection / 4-star picks for Maintenance (MRO) >>

◀ Back to results

Lower Priced Items to Consider



Sauder Shoal Creek
Armoire, Diamond Ash
finish

\$170⁰⁰

104



Sauder Edge Water
Armoire, Chalked
Chestnut finish

\$253⁴⁴

7



Sauder Cottage Road
Armoire, Soft White Finish

\$260⁹⁰

29

Is this feature helpful? Yes No



Sauder 423333 Cottage Road Armoire, Mystic Oak

by Sauder

29

ratings

| 9 answered questions

List Price: ~~\$289.99~~

Business Price: **\$281.81**
& **FREE**
Shipping

You Save: **\$8.18 (2%)**

Note: Not eligible for
Amazon Prime.

Color: **Mystic Oak**



\$281.81

\$260.90

- Safety tested for stability to help reduce tip-over accidents
- Included garment rod helps keep your clothes organized and wrinkle free. Adjustable shelf behind doors for flexible storage options. Quick and easy assembly with patented T-lock drawer system
- This unit has been thoroughly tested in an ISO 17025 accredited lab that is Underwriters Laboratories certified. It meets ASTM International's industry standard ASTM F2057-19 Safety Specification for

Share

\$281.81
& **FREE Shipping**

Arrives: **March 18 - 20**

Deliver to Mandan - Mandan 58554

In Stock.

Qty: 1

Buying in bulk?

\$281.81 + Free Shipping

Add to Cart

Ships from and sold by **Cymax**
Seller Credentials:
Registered Small Business

Add a Protection Plan:

- 5-Year Furniture Protection for **\$199.82**
- 3-Year Furniture Protection for **\$155.52**

Add to List

Add to Wedding Registry

Have one to sell?

Sell on Amazon

Click image to open expanded view



Home & Kitchen ▾ low storage cabinet with shelves

Deliver to Mandan
Mandan 58554

Departments

Buy Again

EN

Hello, Lori
Account for Mandan Polic...

Lists

Try
Business Prime

Amazon Home Shop by Room Discover Shop by Style Home Décor Furniture Kitchen & Dining Bed & Bath Garden & Outdoor Home Improvement

4-star picks in Office supplies
Business Plus selection



◀ Back to results

Furniture Accent Storage Cabinet with Doors, Cape Cod

Share



furniture

567 ratings

answered questions

5 for "sideboard buffet storage cabinet"

Was: ~~\$148.17~~

Price: **\$142.11** Prime FREE Delivery

You Save: **\$6.06 (4%)**

Save up to 9% with Progressive Discounts

You will unlock discounts as your organization buys more of this product.

\$142.11

Prime FREE Delivery

FREE delivery: **Thursday**

Order within 4 hrs 43 mins [Details](#)

Deliver to Mandan - Mandan 58554

Extended delivery time: This item takes longer than usual to ship due to its size and/or weight.

In Stock.

Buy more, get it as low as **\$133.64**

1

Add to Cart

Ships from and sold by Amazon.

Add gift options

Add to List

Add to Wedding Registry

See 19 user Q&A (bottom)

Other Sellers on Amazon

\$144.66

+ Free Shipping
Sold by: Cymax

Add to Cart

\$160.72

+ Free Shipping
Sold by: AMZPREMIUM

Add to Cart

\$184.98

+ Free Shipping
Sold by: WeLOC (We Love Our Customers)

Add to Cart

Have one to sell?

Sell on Amazon

Cape Cod Gray

\$130.57

\$142.11

\$139.00

Roll over image to zoom in



- Storage Cabinet With Doors Finished in Cape Cod Gray With a Slightly Distressed Touch for a Casual Look
- Storage Cabinet with Doors finished in Cape Cod Gray with a slightly distressed touch for a casual look
- Elegant metal drop pull hardware finished in Tumbled Pewter
- Concealed storage cabinets and open cubby shelves create variety of organization options
- 47W x 13D x 30H Accent Cabinet contains one adjustable shelf behind each door and another in center compartment
- Three distressed finish options include Cape Cod Gray, Vintage Black or a cream colored Antique White with Tumbled Pewter hardware

New 15 from **\$142.11** FREE Shipping

Offers also available from [certified small and diverse sellers](#). [Details](#)

[Report incorrect product information.](#)

VASAGLE

Good match for your bathroom storage

► [Shop now](#)

All feedback

VASAGLE Bathroom Storage Floor Cabinet Free Standing with Double Shutter Door and 533

\$79.99

Invoice Total	(-) Retainage	(-) Discount	(+) Freight	(+) State Tax	(+) City Tax	(+) County Tax	(=) Total Payment
4,227.09	0.00	0.00	0.00	0.00	0.00	0.00	4,227.09

DATE	INVOICE NO.	DESCRIPTION	NET AMOUNT
12/31/2018	LE CONSORTIUM	Discontinuance of LE Consortium	4,227.09

Check No. 1091678

Total: \$4,227.09



City of Bismarck
 PO Box 5503
 Bismarck, ND 58506
 US Bank NA

US Bank NA
 200 N 3rd Street
 Bismarck, ND 58501

77-2
 913

Check No: 1091678

Date
 02/10/2020

Amount
 \$4,227.09

PAY Four Thousand Two Hundred Twenty-Seven and 9/100 Dollars

TO THE ORDER OF
 MANDAN POLICE DEPARTMENT
 205 1ST AVE NW
 MANDAN, ND 58554-3162

[Handwritten Signature]
[Handwritten Signature]

⑈ 1091678 ⑈ ⑆ 091300023 ⑆ 163141400180 ⑈

CITY OF MANDAN

Receipt No: 14282

Date: 2/21 2020

Received of: CITY OF BISMARCK

\$ 4,227.09

Dollars

Description: LE CONSORTIUM-POLICE DEPARTMENT

Code: 100.33.315

Customer #: 81910

Received by: GREG WELCH



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 6, 2020
SUBMITTING DEPARTMENT: Fire
DEPARTMENT DIRECTOR: Chief Nardello
PRESENTER: Chief Nardello
SUBJECT: Consider 2020 Grant Application

STATEMENT/PURPOSE: Consider allowing the fire department to make application for an Assistance to Firefighters Grant (AFG) for the purchase of a new brush truck.

BACKGROUND/ALTERNATIVES: The Mandan Fire Department has scheduled the replacement of a 2001 brush truck for the 2021 budget year. The fire department equipment reserve is the recommended funding source for the entire project however; there is a possibility of obtaining a majority of funding by applying for a grant through the AFG. The total project cost is \$81,200 that includes a \$7,463.64 match with the matching funds coming from the equipment reserve..

ATTACHMENTS: None

FISCAL IMPACT: A grant application and award could save the fire department \$73,736.36 in the equipment reserve fund.

STAFF IMPACT: Several hours of time for grant application process.

LEGAL REVIEW: None

RECOMMENDATION: I recommend to allow the fire department to make application to the AFG for the purchase of a new brush truck.

SUGGESTED MOTION: Move to allow the fire department to make application to the AFG for the purchase of a new brush truck.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 10, 2020
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Payment of Bills related to MMPL & Downtown Parks Project

STATEMENT/PURPOSE: To consider approval of the payment of bills related to the Morton Mandan Public Library (MMPL) & Downtown Parks Project.

BACKGROUND/ALTERNATIVES: Normal course of business would be for invoices to be submitted to the City of Mandan and in turn, those invoices presented with the schedule of bills to be approved by the City Commission the 2nd meeting of the month. Pursuant to the resolution passed by the City Commission and the MMPL Board of Trustees both boards need to approve the bills related to the library expansion and the City Commission approves the bills strictly related to the Downtown Parks project. Subsequent to those approvals, the invoices will be sent to the North Dakota Community Foundation for payment to the vendors.

The Commission approved moving forward with the project at the February 18 meeting, and work is now being done on the design development. This billing accounts for \$15,187.50 for design development and \$17,612.08 for additional services contracted from Stantec on the park layouts.

We remain on schedule with groundbreaking set for the spring 2020.

ATTACHMENTS: Bartlett & West Invoices.

FISCAL IMPACT: Amounts will be paid from the donation from Energy Transfer.

STAFF IMPACT: n/a

LEGAL REVIEW: n/a

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Payment of Bills related to MMPL & Downtown Parks Project

Page 2 of 2

RECOMMENDATION: I recommend the City Commission and MMPL Board of Trustees approve payment of the invoice as submitted, conditioned upon the MMPL Board of Trustees.

SUGGESTED MOTION: I recommend the City Commission and MMPL Board of Trustees approve payment of the invoices as submitted, conditioned upon the MMPL Board of Trustees

Bartlett & West

Driving Community and Industry Forward, Together.

Invoice Remittance Address
For Payments Only:
P.O. Box 653
Wichita, KS 67201-0653

3456 East Century Avenue
Bismarck, ND 58503-0737
701.258.1110 FAX 701.258.1111
F.E.I.N. 48-0770612

Jim Neubauer
City of Mandan
Mandan, ND 58554

March 6, 2020
Project No: 020133.000
Invoice No: 00730074809

Project Manager: Joseph Larrivee
Client Contract No:
PO No:

Project 020133.000 Mandan Morton Public Library
Professional Services from January 25, 2020 to February 21, 2020

Estimated Total Construction = \$4,500,000

\$4,500,000 x 9% = \$405,000

Basic Services Billing Phase	Fee	Percent Complete	Earned
Schematic Design	81,000.00	100.00	81,000.00
Design Development	60,750.00	25.00	15,187.50
Construction Documents	162,000.00	0.00	0.00
Bidding	20,250.00	0.00	0.00
Construction Administration	81,000.00	0.00	0.00

Total Basic Services Fee	405,000.00		
	Previous Fee Billing		81,000.00
	Current Fee Billing		15,187.50

Add'l Services Billing Phase	Fee	Percent Complete	Earned
Additional Services Phase I	51,750.00	53.0621	27,459.65

Total Additional Services Fee	51,750.00		
	Previous Fee Billing		9,847.57
	Current Fee Billing		17,612.08

Total Overall Fee 456,750.00

Total Basic Services Fee \$15,187.50

Total Add'l Services Fee \$17,612.08

Total this Invoice \$32,799.58

email invoice to: Jim Neubauer <jneubauer@cityofmandan.com>

We appreciate your business. Please include invoice no. on check.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 11, 2020
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: Minor Plat of Zander Addition

STATEMENT/PURPOSE: Consider approval of the minor plat of Zander Addition.

BACKGROUND/ALTERNATIVES:

The applicants seek to plat their present auditor's lot in order to obtain a building permit for a residential addition to their existing home.

The auditor's lot is a remnant to the surrounding subdivision of Keidel's Estates 1st, which encompasses this property on three sides. The plat will require the dedication of a segment of 8th Ave SW, a dirt road. Dedicated right-of-way exists north and south of this property and the dedication of this segment will complete the existing right-of-way corridor. This is not a new public right-of-way.

The property is served by rural water and septic. The property, as noted above, is served by 8th Ave SW, a dirt road. Given that no city services are provided to this property or the remainder of Keidel's and that there already exists a dwelling on this property, the City is not requiring the property to be annexed at this time. The circumstances upon replatting will be indiscernible to the circumstances prior to platting. If this was a new lot resulting in a new residential building permit available then staff would recommend annexation prior to approval of a plat.

ATTACHMENTS:

Exhibit 1 – Final Plat

FISCAL IMPACT: N/a

STAFF IMPACT: N/a

LEGAL REVIEW: The staff report along with the minor plat has been sent to Malcolm Brown, City Attorney along with the agenda packet for review.

RECOMMENDATION: The Engineering and Planning Department recommend approval of the minor plat of Zander Addition as presented in Exhibit 1.

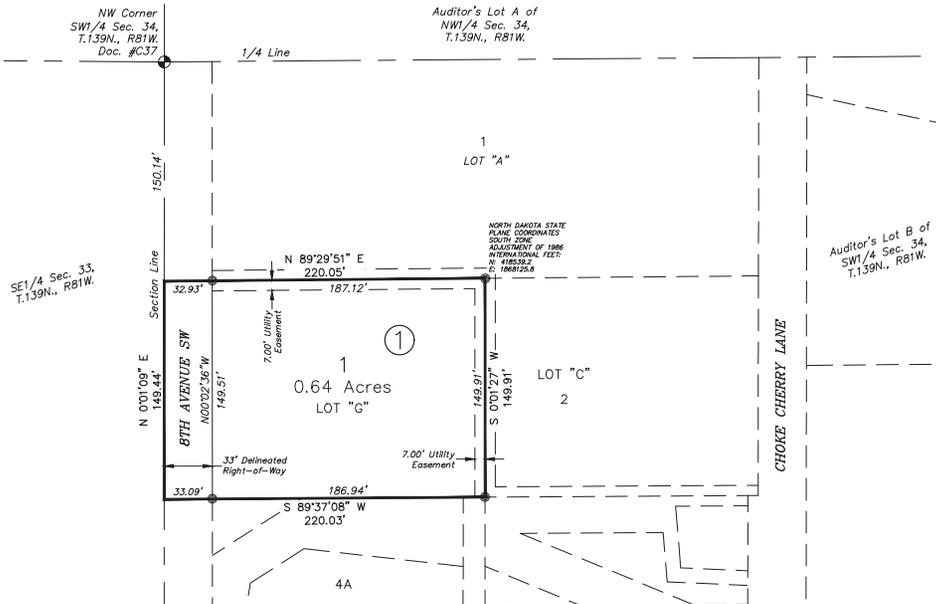
SUGGESTED MOTION: I move to approve the minor plat of Zander Addition as presented in Exhibit 1.

EXHIBIT 1

ZANDER ADDITION

ALL OF LOT G OF THE NW1/4 OF THE SW1/4 &
PART OF THE NW1/4 OF THE SW 1/4,
SECTION 34, TOWNSHIP 139 NORTH, RANGE 81 WEST

TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA



MARCH 10, 2020
MONUMENT IN PLACE

NOTES
BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE
BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.
PLAT IS SUBJECT TO EASEMENTS,
COVENANTS, AND RESTRICTIONS OF RECORD.

DESCRIPTION
ALL THAT PART OF LOT G OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 SECTION 34, TOWNSHIP 139 NORTH, RANGE 81 WEST, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT THAT LIES ON THE WEST LINE OF THE SOUTHWEST 1/4, SECTION 34, TOWNSHIP 139 NORTH, RANGE 81 WEST; SAID POINT LIES SOUTH 00 DEGREES 01 MINUTE 09 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 150.14 FEET FROM THE NORTHWEST CORNER OF SAID SOUTHWEST 1/4; THENCE NORTH 89 DEGREES 29 MINUTES 51 SECONDS EAST, TO AND ALONG THE NORTH LINE OF SAID LOT G, A DISTANCE OF 220.05 FEET TO THE NORTHEAST CORNER OF SAID LOT G; THENCE SOUTH 00 DEGREES 01 MINUTE 27 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT G, A DISTANCE OF 149.91 FEET TO THE SOUTHEAST CORNER OF SAID LOT G; THENCE SOUTH 89 DEGREES 37 MINUTES 08 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT G, A DISTANCE OF 220.03 FEET TO THE WEST LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 00 DEGREES 01 MINUTE 09 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 149.44 FEET TO THE POINT OF BEGINNING.
THE ABOVE DESCRIBED TRACT CONTAINS 0.64 ACRES, MORE OR LESS.

APPROVAL OF BOARD OF CITY COMMISSIONERS
THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF MANDAN, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.
THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE ____ DAY OF _____, 2020.

JM NEUBAUER--CITY ADMINISTRATOR TM HELBLING--MAYOR

APPROVAL OF CITY ENGINEER
I, JUSTIN FROSTH, CITY ENGINEER OF THE CITY OF MANDAN, NORTH DAKOTA, HEREBY APPROVE "ZANDER ADDITION", MANDAN, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JUSTIN FROSTH
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION
KNOW ALL MEN BY THESE PRESENTS THAT KENDALL ZANDER, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "ZANDER ADDITION", MANDAN, MORTON COUNTY, NORTH DAKOTA, AND DEDICATE ALL THE STREETS, ALLEYS, PARKS, AND PUBLIC GROUNDS AS SHOWN HEREON, INCLUDING ALL SEWERS, CULVERTS, BRIDGES, WATER LINES, SIDEWALKS, AND OTHER IMPROVEMENTS ON OR UNDER SUCH STREETS, ALLEYS, OR OTHER PUBLIC GROUNDS, WHETHER SUCH IMPROVEMENTS ARE SHOWN HEREON OR NOT, TO PUBLIC USE FOREVER.
THEY ALSO DEDICATE EASEMENTS TO RUN WITH THE LANDS FOR WATER, SEWER, GAS, ELECTRICITY, TELEPHONE, OR OTHER PUBLIC UTILITY LINES OF SERVICES UNDER, ON, OR OVER THESE CERTAIN STRIPS OF LAND AS DESIGNATED AS UTILITY EASEMENTS.

STATE OF NORTH DAKOTA)
COUNTY OF MORTON) SS

KENDALL ZANDER
1208 8TH AVE SW
MANDAN, ND 58554

ON THIS ____ DAY OF _____, 2020, BEFORE ME PERSONALLY APPEARED KENDALL ZANDER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC
COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

SURVEYOR'S CERTIFICATE
I, LARRY J. SMITH, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____, 2020, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT; THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA)
COUNTY OF MORTON) SS

SES GEOMATICS
2321 HARDING AVENUE
BISMARCK, NORTH DAKOTA
58501

LARRY J. SMITH
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 2363





Board of City Commissioners

Agenda Documentation

MEETING DATE:	March 17, 2020
PREPARATION DATE:	March 11, 2020
SUBMITTING DEPARTMENT:	Business Development & Communications Department
DEPARTMENT DIRECTOR:	Ellen Huber, Business Development & Communications Director
PRESENTER:	Ellen Huber, Business Development & Communications Director
SUBJECT:	Main Street Initiative (MSI) Community Action Plan & Partners in Planning Grant Opportunity

STATEMENT/PURPOSE: To consider approval of a Main Street Initiative Community Action Plan needed to apply for a Partners in Planning grant, and also approval of submitting a grant application for assistance with updating Mandan's strategic plan for economic and community development.

BACKGROUND/ALTERNATIVES: Gov. Burgum and the N.D. Department of Commerce recently announced new Main Street Initiative grants. The Partners in Planning grant supports local governments in completing a comprehensive or economic development/diversification strategic plan. Commerce has \$125,000 available per year for the 2019-2021 biennium, with 70% allocated for rural areas and 30% or \$37,500 for urban areas. Communities receive bonus points if they are declared MSI communities and more if they have an MSI action plan to be considered an MSI Champion Community.

MSI Proclamation & Plan

The City Commission approved a Main Street ND Proclamation on Feb. 5, 2019, that expresses a commitment to developing a healthy, vibrant community through fiscally responsible planning and attracting the talent needed to support our economy. Mandan has taken and will continue to take actions toward these ends. As outlined in the attached action plan, these include Main Street and downtown roadway and sidewalk improvements, library and park enhancements, renewal of the Renaissance Zone program, and a re-activated youth commission.

Partners in Planning Grant Procedures

Grants may be awarded in multiple rounds with the first round due April 1, 2020. The award announcement will occur on May 4, 2020. Due to limited funding, it seems beneficial to apply in the first round.

Need for Strategic Plan Update

Mandan has a comprehensive land use and transportation plan that was completed in 2015 and largely surrounds future land uses, roadways, parks and trails. It has also been updated periodically through applications for changes received from property owners. However, it does not contain a specific and focused economic development component. It has been more than a decade since the community last came together for a plan that more specifically addresses economic and community development.

The 2009 Mandan Tomorrow strategic vision plan was a Chamber-led initiative. Joining private businesses in the effort were Mandan's City Commission, School Board and Park Board. Together, business managers, elected officials and citizens took a look at strategies that should be pursued in the next five and 10 years to make Mandan even better. The process allowed for a review of the entire city across all geographic areas and all sectors involved in community development. A steering committee studied market research and received input through focus groups, individual interviews, and nearly 900 survey responses. More information is available at this link:

<https://www.cityofmandan.com/strategicplan>.

Four work groups were assigned to implementation: 1) Leadership, Pride and Image (LPI), 2) Economic Opportunity and Prosperity (EOP), 3) Quality Places and Destinations, and 4) Education and Workforce. The LPI and EOP committees continue to gather and work toward the overall plan goals, while the other committees disbanded more than five years ago.

Many plan components have been accomplished. Other parts have become irrelevant. Update of the plan, a Mandan Tomorrow 2.0, would help sharpen our vision and goals for the next 5-10 years to better allocate resources, strengthen collaboration and maximize effectiveness of partner programs and initiatives.

Community Support Needed

Applications with commitment and participation from city leadership as well as other local partners will be scored most favorably in the grant process. If the City Commission provides the go-ahead to submit a grant application, I will complete the application requirements and seek letters of support from the Mandan School District, Park District, Mandan Progress Organization, and the Bismarck Mandan Chamber EDC.

If the grant is approved and accepted, we would then need to issue a request for proposals for consulting services to assist with update of Mandan's strategic plan for economic and

community development. If the grant were insufficient to cover a reasonable consulting fee for such services, financial support from partners could be needed or the City Commission could choose not to accept it.

ATTACHMENTS: Mandan's proposed MSI action plan. The Partners in Planning program guidelines and application can be found at this link:
<https://www.nd.gov/sites/www/files/documents/Living%20in%20ND/Main%20Street%20ND/Grants/Partners%20in%20Planning%20Grant%20Program%202020.pdf>

FISCAL IMPACT: MSI Champion Communities, those that have issued a proclamation and have an approved action plan, may receive up to \$30,000 with a minimum award of \$7,500 and a 20% match requirement or up to \$6,000. The Business Development and Communications Department budget for 2020 has \$5,950 remaining in its line item for professional services and with approval of a \$10,000 budget transfer request from 2019, this amount will increase to \$15,950.

STAFF IMPACT: Staff time would be needed to complete the grant application and seek partner entity support by April 1. If ultimately awarded, additional time will be required to create a request for proposals for consulting services, to interview interested consultants and make a recommendation, negotiate contract terms, and oversee the planning process.

LEGAL REVIEW: n/a

RECOMMENDATION: I recommend approval of the proposed MSI action plan and authorization of staff to submit a Partners in Planning grant application for \$30,000 in matching funds to update Mandan's strategic plan for economic and community development.

SUGGESTED MOTION: I move to approve the proposed MSI action plan and authorize the submittal of a Partners in Planning grant application.

MAIN STREET INITIATIVE COMMUNITY ACTION PLAN

NORTH DAKOTA DEPARTMENT OF COMMERCE

SFN 61790 (03/2020)

Community Name or Location		Date Action Plan Approved by City
Action Plan Emphasis (select all that apply)		
<input type="checkbox"/> Healthy, Vibrant Communities <input type="checkbox"/> 21st Century Workforce <input type="checkbox"/> Smart, Efficient Infrastructure		
Community Specific Action Plan Items (minimum of 3)		Target Completion Date
Person(s) Responsible for Implementation and Monitoring		
Submitted By		Telephone Number
		Date

Submit form to: Denise Faber / North Dakota Department of Commerce / PO Box 2057 /
Bismarck ND 58502-2057 / Phone:701-328-7282 / E-mail: dfaber@nd.gov



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 12, 2020
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: Permission to Apply for AARP Community Challenge Grant

STATEMENT/PURPOSE: The Planning Department is seeking permission to apply for the AARP Community Challenge grant.

BACKGROUND/ALTERNATIVES:

AARP is calling on non-profits and communities to establish more livable communities. In doing so, the organization provides grants on a competitive basis for projects that achieve increasing civic engagement, more vibrant public places, and provide a range of transportation and mobility options among others.

The Planning Department is seeking to apply under the vibrant public places category, hoping to secure upwards of \$9,000 toward the design and implementation of a painted mural, either mounted or directly onto the south side (alley side) of the building, at 107 ½ 1st Ave. NW. This building is currently used as a remediation building and upon completion of remediation activities will be utilized by the Police Department for inventory storage.

The Downtown Subarea Study identifies alleyway beautification as a means to improve the aesthetics of downtown overall. There has also been several projects in the downtown area that call for more public art, such as the Main Street Reallocation (four-to-three lane conversion) that will create placeholders for public art to be on display in the ROW at a future time. The recently awarded grant from Energy Transfer Partners will be utilized to provide functional, aesthetic, and artistic improvements to the Library, Dykshoorn Park, and Heritage Plaza, which include railroad ties with led lighting and murals and other artwork throughout.

The Planning Department seeks to work with a local artist to facilitate community input in conceptual design of a mural. A local muralist, Mel Gordon (BearsCat in Mandan), has

indicated excitement at a community-based project directly involving local resident input. Local residents would also be invited to participate in its implementation to physically paint the mural, with the muralist to provide direction.

The grant application is due April 1 and notice of selection status will occur May 26. A memorandum of understanding will be required to be entered into and delivered to AARP near the end of June. More details and specifics can be provided to City Commission at the end of May, if selected. No matching funds are required for this grant.

Staff time will include the grant application, future City Commission updates, and coordination with a local muralist to help facilitate community input on mural design and implementation (painting).

Community Beautification Committee recommended approval to apply for the grant application at their February 13, 2020 meeting.

A picture of the existing alley side of the proposed City-owned building and general location is included in Exhibit 1.

ATTACHMENTS: Exhibit 1 – Proposed Mural Site

FISCAL IMPACT: N/a

STAFF IMPACT: Minimal to moderate in applying for the grant, City Commission updates, and coordinating and facilitating community input and implantation (painting).

LEGAL REVIEW: The staff report has been provided to Attorney Brown as part of the agenda packet.

RECOMMENDATION: The Engineering and Planning Department recommend approval to allow staff to apply for the AARP Community Challenge Grant.

SUGGESTED MOTION: I move to approve to allow staff to apply for the AARP Community Challenge Grant.

EXHIBIT 1



Image 1. Proposed Mural Site (facing west)



Image 2. Proposed Mural Site (facing east)



Image 3. Proposed Mural Site (facing north)



Image 4. Proposed Mural Site (aerial)



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 17, 2020
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Amber Larson, City Commissioner
SUBJECT: Appoint to the Mandan Youth Commission

STATEMENT/PURPOSE: To consider appointing individuals to the Mandan Youth Commission (MYC).

BACKGROUND/ALTERNATIVES: The City Commission created the MYC in 2012 and the MYC was active for a few years and then became dormant. In discussions with representatives from Mandan Public Schools, we would like to resurrect the MYC. Mandan Public Schools put out a call to students at the High School and Middle School for interested parties. Ten applications were received and appointments were made on March 3, 2020. Since that time, we have had one additional applicant, Kelbi Pritchett, an 8th grader at Mandan Middle School.

ATTACHMENTS: n/a

FISCAL IMPACT: n/a

STAFF IMPACT: unknown at this time

LEGAL REVIEW: n/a

RECOMMENDATION: I recommend appointing Kelbi Pritchett to the Mandan Youth Commission.

SUGGESTED MOTION: I move to appoint Kelbi Pritchett to the Mandan Youth Commission.

.....



New Business No. 1

Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 9, 2020
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Kimberly Markley
PRESENTER: Kimberly Markley, City Assessor
SUBJECT: Abatement Applications from Infinity Ventures, Inc.

STATEMENT/PURPOSE: To consider reduction to the 2018 & 2019 value of the property at 4102 Shoal Loop SE.

BACKGROUND/ALTERNATIVES: This parcel is also known as parcel #65-6101450 with a legal description of Lots 8A & Lot 9 & 10 Block 2 Lakewood Commercial Park 3rd. The property includes three 36 unit apartment buildings and garages.

Reason for abatement: The applicant has requested a reduction in value based on the income information provided.

My first thoughts were to recommend using the income data provided and reduce the 2019 value. After meeting with staff and doing more research using strictly income information to adjust the values on a few properties will create an inequity to similar properties.

The City of Mandan assessing office considers three approaches to value property. The three approaches to value are sales, cost, and income. The sales approach uses sales of similar properties to determine value. The cost approach is land value and the depreciated cost of improvements. The income approach estimates present value of future benefits.

The assessing office has historically used the sales approach to value property. The sales data is readily available. The county recorder sends the sales information monthly.

I was contacted by a few apartment owners in late 2018 and early 2019 concerning their property valuations. They felt they were overvalued compared to the income they were generating. In response to these concerns I sent letters to the owners of apartment

buildings in December 2018 and received a limited response. The following year (October 2019) we sent another request for the income and expense data in hopes of receiving a better response. After the request in 2019 we had gathered enough data to consider the income approach for valuation purposes for the 2020 assessment year.

We used the services from Vanguard Appraisals, Inc. to analyze the income & expense information and update our valuation model. Vanguard Appraisals Inc. has the experience and expertise to assist in determining the 2020 valuations using the income and expense data collected.

The abatements that have been requested are for 2018 & 2019 valuations. We did not have adequate information to use income approach in our calculations for 2018 & 2019 valuations. Therefore allowing such abatements would create inequity for the other properties in this class.

ATTACHMENTS: Application for Abatement, Income information, Sales list

FISCAL IMPACT: If abatements were approved.

2018 All taxing entities = \$17,408.38, City share = \$4107.75

2019 All taxing entities = \$16,482.95, City share = \$3,944.88

STAFF IMPACT: N/A

LEGAL REVIEW: Reviewed by City Attorney Brown

RECOMMENDATION: I do not recommend abating the 2018 & 2019 values based solely on the income provided because it will create an inequality to similar properties. I recommend a motion to deny the abatement requests for the property located at 4102 Shoal Loop SE.

SUGGESTED MOTION: A motion to deny the abatement requests for the property located at 4102 Shoal Loop 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. 65-6101450
 Name INFINITY VENTURES INC Telephone No. _____
 Address PO BOX 1603, BISMARCK, ND 58502-0000

Legal description of the property involved in this application:

LOT 8A & LOTS 9 & 10; PARCELS 10123-1 THRU 10123-99 AND 10123-9A THRU 10123-9G; ALL 3 BLDGS ARE ASSESSED ON THIS MAIN PARCEL

Total true and full value of the property described above for the year 2019 is:

Land \$ _____
 Improvements \$ _____
 Total \$ 11,579,700
(1)

Total true and full value of the property described above for the year 2019 should be:

Land \$ _____
 Improvements \$ _____
 Total \$ 10,338,000
(2)

The difference of \$ 1,241,700 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: \$ 9,966,240 Date of purchase: 2011
 Terms: Cash _____ Contract Trade _____ Other (explain) _____
 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: No 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 \$ 10,338,000

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

Applicant asks that Applicant asks for abatement based on income & expense information provided to assessor.

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.

Stacey Zander 20 Feb 20 _____
 Signature of Preparer (if other than applicant) Date Signature of Applicant Date

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)



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. 65-6101450
 Name INFINITY VENTURES INC Telephone No. _____
 Address PO BOX 1603, BISMARCK, ND 58502-0000

Legal description of the property involved in this application:

LOT 8A & LOTS 9 & 10; PARCELS 10123-1 THRU 10123-99 AND 10123-9A THRU 10123-9G; ALL 3 BLDGS ARE ASSESSED ON THIS MAIN PARCEL

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

Land \$ _____
 Improvements \$ _____
 Total \$ 11,650,800
 (1)

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

Land \$ _____
 Improvements \$ _____
 Total \$ 10,338,000
 (2)

The difference of \$ 1,312,800 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: \$ 9,966,240 Date of purchase: 2011
 Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
 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: No 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 \$ 10,338,000

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

Applicant asks that Applicant asks for abatement based on income & expense information provided to assessor.

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.

Stacey Zander 20Feb20 _____
 Signature of Proprietor (if other than applicant) Date Signature of Applicant

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 the business days of filing date)

Kimberly K. Markley <kimberly.markley@cityofmandan.com>

2:36 PM (1 hour ago)

to me

Good morning Stacey,

I think I am finally rapping this project up!! I met with the county tax director and explained all this information to him.

I am back to work fulltime now so if you have questions with the abatement forms next week just give me a call. You will need to print off two forms one for 2018 and one for 2019.

Assessed Values for your property were:

Infinity Ventures Inc. 65-6101450

2018 Appraised \$12,208,500 county lowered to \$11,202,700

2019 Appraised \$13,295,400 county lowered to \$11,650,800

During our review of the apartment values for the 2020 assessment year we studied the last few years of apt sales. This statistical analysis indicated that the market was coming down.

Based on the income and expense information you provided for our apartment analysis your property would be valued at \$10,338,485.

Parcel Number	65-6101450	
Address	4102 SHOAL LOOP SE	
Gross Potential Income	USED 2019	\$1,180,512.00
Vacancy and Collection Loss	PROJECTION	\$94,440.00
Other Income		<u>\$35,772.00</u>
Effective Gross Income		\$1,121,844.00
Expenses		
Management	\$84,172.00	
Utilities	\$64,740.00	
Maintenance & Repairs	\$130,950.00	
Lawn Care/Parking Lot	\$0.00	
Elevator	\$0.00	
Insurance	\$32,533.07	
Advertising/Legal/Accounting	\$16,640.00	
Miscellaneous	\$5,238.00	
Reserves for Replacement (\$400/Unit)	\$43,200.00	108
Total Expenses		<u>\$377,473.07</u>
Net Operating Income		\$744,370.93
Capitalization Rate		6.00%
Effective Tax Rate		<u>1.20%</u>
Loaded Capitalization Rate		7.20%
Indicated Value		\$10,338,485.14

When you request an abatement for 2018 and 2019 I will recommend to the City Commission and County that they approve a value of 10,338,000.

Here is the estimate of the refund based on the numbers above if the city and county approve the request for an abatement:

	2019		2018
Commercial	Total	Commercial	Total
Assessed	11,579,700	Assessed	11,650,800
	50%		50%
Taxable	0.1	Taxable	0.1
2019 levy	0.26549	2018 levy	0.26521
Taxes	153,714.73	Taxes	154,495.43

	2019		2018
Commercial	Total	Commercial	Total
Assessed	10,338,000	Assessed	10,338,000
	50%		50%
Taxable	0.1	Taxable	0.1
2019 levy	0.26549	2018 levy	0.26521
Taxes	137,231.78	Taxes	137,087.05

difference **16,482.95** **difference** **17,408.38**

We are finishing up the 2020 values in the next two weeks. The statistical analysis shows the decline has continued and we will make adjustments for 2020.

Kimberly Markley
City Assessor
City of Mandan-Assess
Mandan, ND 58554
Office: 701-667-3232

Parcel_Numbr	Sale_Amount	Assessed_Val	Sale_Date	Ratio	Recording	Seller	Buyer	House_Nu	Address
65-1137000	325000.0	250400.0	4/24/2017	77.1	477054	KERZMAN DARYL & VIRGINIA	PETERSON PROPERTY MANAGEMENT LLC	1301	3 ST NW
65-3199000	296500.0	243900.0	6/1/2017	82.3	477669	MISSOURI VALLEY RENTALS LLC	FIFTH & MADISON PROPERTIES LLC	210	3 ST NE
65-3530000	197500.0	142600.0	6/1/2017	72.2	477647	MISSOURI VALLEY RENTALS LLC	FIFTH & MADISON PROPERTIES LLC	804	8 AVE NW
65-3640000	330000.0	215700.0	6/1/2017	65.4	477671	MISSOURI VALLEY RENT LLC	FIFTH & MADISON PROPERTIES LLC	600	9 ST NW
65-2952000	225000.0	215400.0	10/20/2017	95.7	480377	KRAFT RAYMOND A (TRUST)	FAIMAN, BRADLEY & NICHOLE	505	6 AVE NW
65-2162000	450000.0	360900.0	12/6/2017	80.2	480643	RIVINIOUS MERRIL & BEV	FEIL, LONDON & JEROMCHECK, JAMES	1509	1 AVE NW
65-2984000	220000.0	237000.0	1/27/2018	107.7	482081	RALSTON JOYCE	FIFTH AND MADISON PROPERTIES LLC	1205	3 ST NW
65-1475000	180000.0	230900.0	4/30/2018	128.3	483206	TEXOTA PROPERTIES LLC	CLOOSKI PROPERTIES LLP	304	10 AVE NE
65-6101375	12500000.0	11386200.0	6/1/2018	91.1	483775	PLUS FOUR HOLDINGS LLC	EWR MANDAN LAKEWOOD LLC	2303	SHOAL LOOP SE
				82.3					



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 9, 2020
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Kimberly Markley
PRESENTER: Kimberly Markley, City Assessor
SUBJECT: Abatement Application from JDS Holdings, LLP

STATEMENT/PURPOSE: To consider reduction to the 2019 value of the property at 1619 31st Street NW.

BACKGROUND/ALTERNATIVES: This parcel is also known as parcel #65-6119750 with a legal description of Lot 6 Block 1 Missouri Valley Replat. This property includes 36 unit apartment building and garages.

Reason for abatement: The applicant has requested a reduction in value based on the income information provided.

The City of Mandan assessing office considers three approaches to value property. The three approaches to value are sales, cost, and income. The sales approach uses sales of similar properties to determine value. The cost approach is land value and the depreciated cost of improvements. The income approach estimates present value of future benefits.

The assessing office has historically used the sales approach to value property. The sales data is readily available. The county recorder sends the sales information monthly.

I was contacted by a few apartment owners in late 2018 and early 2019 concerning their property valuations. They felt they were overvalued compared to the income they were generating. In response to these concerns I sent letters to the owners of apartment buildings in December 2018 and received a limited response. The following year (October 2019) we sent another request for the income and expense data in hopes of receiving a better response. After the request in 2019 we had gathered enough data to consider the income approach for valuation purposes for the 2020 assessment year.

We used the services from Vanguard Appraisals, Inc. to analyze the income & expense information and update our valuation model. Vanguard Appraisals Inc. has the experience and expertise to assist in determining the 2020 valuations using the income and expense data collected.

The abatement that has been request is for 2019 valuations. We did not have adequate information to use income approach in our calculations for 2019 valuations. Therefore allowing such an abatement would create inequity for the other properties in this class.

ATTACHMENTS: Application for Abatement, Income information, Sales list

FISCAL IMPACT: If abatement was approved. All taxing entities = \$9,566.51, City share = \$2, 313.17

STAFF IMPACT: N/A

LEGAL REVIEW: Reviewed by City Attorney Brown

RECOMMENDATION: I do not recommend abating the 2019 value based solely on the income provided because it will create an inequality to similar properties. I recommend a motion to deny the abatement request for the property located at 1619 31st Street NW.

SUGGESTED MOTION: A motion to deny the abatement request for the property located at 1619 31st Street NW.

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. 65-6119750
Name JDS Holdings, LLP Telephone No. _____
Address 3608 Grayson Drive Burlington, ND 58722

Legal description of the property involved in this application:

Lot:6, Block: 1 Missouri Valley Addition Replat

Total true and full value of the property described above for the year 2019 is:

Land \$ 202,600
Improvements \$ 4,125,500
Total \$ 4,328,100
(1)

Total true and full value of the property described above for the year 2019 should be:

Land \$ 202,600
Improvements \$ 3,397,400
Total \$ 3,600,000
(2)

The difference of \$ 728,100.00 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 according to N.D.C.C. § 57-02-08.1. Attach a copy of Homestead Credit Application.
- 10. Other (explain) Adjusting assessed value to reflect true market value

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

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

Applicant asks that Adjust assessed value for the property to reflect what the true market value is.

See Attached.

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 _____

2-25-2021

Date _____

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? <i>yes/no</i>

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 Visited
Application to Township
Clerk or City Auditor

Printed by a date five business days of filing date!

JDS Holdings Mandan Properties Valuations

The request to adjust the assessed values is supported by the following values based on net revenues from the properties. Net revenues are from the attached schedules from the tax returns adding back in depreciation and interest and for 2019 on the 44 unit building adding back in \$45,000 of RE taxes that were paid early. Also supporting these values is the fact that the buildings have been listed for sale since 4-19 at \$110,000 per unit and have not had any legitimate offers during that time.

1611 31st St 44 unit apartment building:

2018 - \$ 269,565 / 5.5% = \$ 4,901,181

2019 - \$ 196,904 / 5.5% = \$ 3,580,072 Average of \$ 4,242,627

1619 31st St 36 unit apartment building

2018 - \$ 144,478 / 5.5% = \$ 2,629,672

2019 - \$ 170,126 / 5.5% = \$ 3,093,200 Average of \$ 2,861,436

8825

Rental Real Estate Income and Expenses of a Partnership or an S Corporation

Form (Rev. November 2015) Department of the Treasury Internal Revenue Service

OMB No. 1545-0123

Attach to Form 1065 or Form 1120S. Go to www.irs.gov/Form8825 for the latest information.

Name: JDS HOLDINGS, LLP Employer identification number: ***-*****

Table with 4 columns: Property address, Type, Fee Rental Days, Personal Use Days. Rows include 162 9TH AVE E DICKINSON, ND 58601; 2901 & 3001 E ROSSER AVE BISMARCK, ND 58501; 36 PLEX MANDAN, ND 58554; 44 PLEX MANDAN, ND 58554.

Main income/expense table with columns A, B, C, D. Rows include Gross rents (2), Advertising (3), Insurance (7), Depreciation (14), Total expenses (16), Net gain/loss (17), Total gross rents (18a), Total expenses (18b), Net income (20a), and Net rental real estate income (21).

2015-02050 JDS HOLDINGS, LLP

OTHER RENTAL EXPENSES

STATEMENT 13

MULTI-FAMILY RESIDENCE

PROPERTY: 36 PLEX, MANDAN
 LOCATION: 36 PLEX, MANDAN, ND 58554

DESCRIPTION	AMOUNT
MANAGEMENT	15,770.
SUPPLIES	72.
MISCELLANEOUS	381.
TOTAL TO RENTAL SCHEDULE, LINE 15	16,223.

GROSS RENTAL INCOME

STATEMENT 14

MULTI-FAMILY RESIDENCE

PROPERTY: 24 PLEX, BISMARCK
 LOCATION: 2901 & 3001 E ROSSER AVE, BISMARCK, ND 58501

DESCRIPTION	AMOUNT
GROSS RENTAL INCOME	165,098.
RETAINED DEPOSITS	1,825.
LATE FEES	170.
TOTAL TO RENTAL SCHEDULE, LINE 2	167,093.

GROSS RENTAL INCOME

STATEMENT 15

MULTI-FAMILY RESIDENCE

PROPERTY: 36 PLEX, MANDAN
 LOCATION: 36 PLEX, MANDAN, ND 58554

DESCRIPTION	AMOUNT
GROSS RENTAL INCOME	314,133.
RETAINED DEPOSITS	3,541.
LATE FEES	1,112.
VENDING MACHINE INCOME	352.
TOTAL TO RENTAL SCHEDULE, LINE 2	319,138.

 OTHER RENTAL EXPENSES STATEMENT 16

MULTI-FAMILY RESIDENCE

 PROPERTY: 44 PLEX, MANDAN
 LOCATION: 44 PLEX, MANDAN, ND 58554

DESCRIPTION	AMOUNT
MANAGEMENT FEES	21,117.
SUPPLIES	371.
MISCELLANEOUS	491.
TOTAL TO RENTAL SCHEDULE, LINE 15	21,979.

 GROSS RENTAL INCOME STATEMENT 17

MULTI-FAMILY RESIDENCE

 PROPERTY: 44 PLEX, MANDAN
 LOCATION: 44 PLEX, MANDAN, ND 58554

DESCRIPTION	AMOUNT
GROSS RENTAL INCOME	420,126.
LATE FEES	2,040.
RETAINED DEPOSITS	5,821.
TENANT REIMBURSEMENTS	300.
VENDING MACHINE INCOME	477.
TOTAL TO RENTAL SCHEDULE, LINE 2	428,764.

 OTHER RENTAL EXPENSES STATEMENT 18

MULTI-FAMILY RESIDENCE

 PROPERTY: MINOT TIMBER RIDGE
 LOCATION: TIMBER RIDGE, MINOT, ND 58701

DESCRIPTION	AMOUNT
MANAGEMENT FEES	5,835.
SUPPLIES	134.
MISCELLANEOUS	132.
AMORTIZATION	698.
TOTAL TO RENTAL SCHEDULE, LINE 15	6,799.

Rental Real Estate Income and Expenses of a Partnership or an S Corporation

OMB No. 1545-0123

▶ Attach to Form 1065 or Form 1120S.
 ▶ Go to www.irs.gov/Form8825 for the latest information.

Name: **JDS HOLDINGS, LLP** Employer identification number: _____

Show the type and address of each property. For each rental real estate property listed, report the number of days rented at fair rental value and days with personal use. See instructions. See page 2 to list additional properties.

Physical address of each property - street, city, state, ZIP code	Type - Enter code 1-8; see page 2 for list	Fair Rental Days	Personal Use Days
A 2901 E & 3001 E ROSSER AVE BISMARCK, ND 58501	2		
B 162 9TH AVE E DICKINSON, ND 58601	2		
C MANDAN, ND MANDAN, ND 58554	2		
D MANDAN, ND MANDAN, ND 58554	2		

Rental Real Estate Income	Properties			
	A	B	C	D
2 Gross rents			302,640.	400,790.
Rental Real Estate Expenses				
3 Advertising				
4 Auto and travel				
5 Cleaning and maintenance				
6 Commissions				
7 Insurance			13,600.	14,200.
8 Legal and other professional fees			1,069.	1,438.
9 Interest			160,628.	129,228.
10 Repairs			35,947.	43,712.
11 Taxes			56,746.	73,916.
12 Utilities			30,374.	41,666.
13 Wages and salaries				
14 Depreciation (see instructions)			182,228.	140,337.
15 Other (list) ▶ STMT 10 SEE STATEMENT 12 SEE STATEMENT 14 SEE STATEMENT 16			20,426.	20,629.
16 Total expenses for each property. Add lines 3 through 15			501,018.	465,126.
17 Income or (Loss) from each property. Subtract line 16 from line 2			-198,378.	-64,336.
18a Total gross rents. Add gross rents from line 2, columns A through H				1,027,415.
18b Total expenses. Add total expenses from line 16, columns A through H				(1,357,478.)
19 Net gain (loss) from Form 4797, Part II, line 17, from the disposition of property from rental real estate activities				
20a Net income (loss) from rental real estate activities from partnerships, estates, and trusts in which this partnership or S corporation is a partner or beneficiary (from Schedule K-1)				
b Identify below the partnerships, estates, or trusts from which net income (loss) is shown on line 20a. Attach a schedule if more space is needed:				
(1) Name	(2) Employer identification number			
21 Net rental real estate income (loss). Combine lines 18a through 20a. Enter the result here and on:				-330,063.

020141 11-15-18 JWA
 6
 2018-02060 JDS HOLDINGS, LLP

OTHER RENTAL EXPENSES		STATEMENT 12
MULTI-FAMILY RESIDENCE		
PROPERTY: 162 9TH AVE E, DICKINSON		
LOCATION: 162 9TH AVE E, DICKINSON, ND 58601		
DESCRIPTION	AMOUNT	
MANAGEMENT	3,162.	
SUPPLIES	342.	
DEPRECIATION	227.	
TOTAL TO RENTAL SCHEDULE, LINE 15	3,731.	

GROSS RENTAL INCOME		STATEMENT 13
MULTI-FAMILY RESIDENCE		
PROPERTY: 162 9TH AVE E, DICKINSON		
LOCATION: 162 9TH AVE E, DICKINSON, ND 58601		
DESCRIPTION	AMOUNT	
GROSS RENTAL INCOME	50,844.	
LAUNDRY INCOME	1,222.	
TOTAL TO RENTAL SCHEDULE, LINE 2	52,066.	

OTHER RENTAL EXPENSES		STATEMENT 14
MULTI-FAMILY RESIDENCE		
PROPERTY: 36 PLEX, MANDAN		
LOCATION: MANDAN, ND, MANDAN, ND 58554		
DESCRIPTION	AMOUNT	
MANAGEMENT	15,129.	
SUPPLIES	302.	
INITIAL FEES	245.	
MISCELLANEOUS	4,750.	
TOTAL TO RENTAL SCHEDULE, LINE 15	20,426.	

GROSS RENTAL INCOME

STATEMENT 15

MULTI-FAMILY RESIDENCE

PROPERTY: 36 PLEX, MANDAN
 LOCATION: MANDAN, ND, MANDAN, ND 58554

DESCRIPTION	AMOUNT
GROSS RENTAL INCOME	297,913.
RETAINED DEPOSITS	3,609.
STATE FEES	1,118.
TOTAL TO RENTAL SCHEDULE, LINE 2	302,640.

OTHER RENTAL EXPENSES

STATEMENT 16

MULTI-FAMILY RESIDENCE

PROPERTY: 44 PLEX, MANDAN
 LOCATION: MANDAN, ND, MANDAN, ND 58554

DESCRIPTION	AMOUNT
MANAGEMENT FEES	18,957.
UTILITIES	1,032.
STATE FEES	95.
BANK SERVICE CHARGE	15.
MISCELLANEOUS	530.
TOTAL TO RENTAL SCHEDULE, LINE 15	20,629.

GROSS RENTAL INCOME

STATEMENT 17

MULTI-FAMILY RESIDENCE

PROPERTY: 44 PLEX, MANDAN
 LOCATION: MANDAN, ND, MANDAN, ND 58554

DESCRIPTION	AMOUNT
GROSS RENTAL INCOME	392,008.
STATE FEES	2,920.
RETAINED DEPOSITS	5,812.
TENANT REIMBURSEMENTS	50.
TOTAL TO RENTAL SCHEDULE, LINE 2	400,790.

Parcel_Numbr	Sale_Amount	Assessed_Val	Sale_Date	Ratio	Recording	Seller	Buyer	House_No	Address
65-1137000	325000.0	250400.0	4/24/2017	77.1	477054	KERZMAN DARYL & VIRGINIA	PETERSON PROPERTY MANAGEMENT LLC	1301	3 ST NW
65-3199000	296500.0	243900.0	6/1/2017	82.3	477669	MISSOURI VALLEY RENTALS LLC	FIFTH & MADISON PROPERTIES LLC	210	3 ST NE
65-3530000	197500.0	142600.0	6/1/2017	72.2	477647	MISSOURI VALLEY RENTALS LLC	FIFTH & MADISON PROPERTIES LLC	804	8 AVE NW
65-3640000	330000.0	215700.0	6/1/2017	65.4	477671	MISSOURI VALLEY RENT LLC	FIFTH & MADISON PROPERTIES LLC	600	9 ST NW
65-2952000	225000.0	215400.0	10/20/2017	95.7	480377	KRAFT RAYMOND A (TRUST)	FAIMAN, BRADLEY & NICHOLE	505	6 AVE NW
65-2162000	450000.0	360900.0	12/6/2017	80.2	480643	RIVINIOUS MERRIL & BEV	FEIL, LONDON & JEROMCHECK, JAMES	1509	1 AVE NW
65-2984000	220000.0	237000.0	1/27/2018	107.7	482081	RALSTON JOYCE	FIFTH AND MADISON PROPERTIES LLC	1205	3 ST NW
65-1475000	180000.0	230900.0	4/30/2018	128.3	483206	TEXOTA PROPERTIES LLC	CLOOSKI PROPERTIES LLP	304	10 AVE NE
65-6101375	12500000.0	11386200.0	6/1/2018	91.1	483775	PLUS FOUR HOLDINGS LLC	EWR MANDAN LAKEWOOD LLC	2303	SHOAL LOOP SE
				82.3					



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 9, 2020
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Kimberly Markley
PRESENTER: Kimberly Markley, City Assessor
SUBJECT: Abatement Application from JDS Holdings, LLP

STATEMENT/PURPOSE: To consider reduction to the 2019 value of the property at 1611 31st Street NW.

BACKGROUND/ALTERNATIVES: This parcel is also known as parcel #65-6119700 with a legal description of Lot 5 Block 1 Missouri Valley Replat. The property includes a 44 unit apartment building and garages.

Reason for abatement: The applicant has requested a reduction in value based on the income information provided.

The City of Mandan assessing office considers three approaches to value property. The three approaches to value are sales, cost, and income. The sales approach uses sales of similar properties to determine value. The cost approach is land value and the depreciated cost of improvements. The income approach estimates present value of future benefits.

The assessing office has historically used the sales approach to value property. The sales data is readily available. The county recorder sends the sales information monthly.

I was contacted by a few apartment owners in late 2018 and early 2019 concerning their property valuations. They felt they were overvalued compared to the income they were generating. In response to these concerns I sent letters to the owners of apartment buildings in December 2018 and received a limited response. The following year (October 2019) we sent another request for the income and expense data in hopes of receiving a better response. After the request in 2019 we had gathered enough data to consider the income approach for valuation purposes for the 2020 assessment year.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Abatement Application from JDS Holdings, LLP

Page 2 of 2

We used the services from Vanguard Appraisals, Inc. to analyze the income & expense information and update our valuation model. Vanguard Appraisals Inc. has the experience and expertise to assist in determining the 2020 valuations using the income and expense data collected.

The abatement that has been request is for 2019 valuations. We did not have adequate information to use income approach in our calculations for 2019 valuations. Therefore allowing such an abatement would create inequity for the other properties in this class.

ATTACHMENTS: Application for Abatement, Income information, Sales list

FISCAL IMPACT: If the abatement request was approved, all taxing entities = \$18,248.76, City share = \$4,412.54

STAFF IMPACT: N/A

LEGAL REVIEW: Reviewed by City Attorney Brown

RECOMMENDATION: I do not recommend abating the 2019 value based solely on the income provided because it will create an inequality to similar properties. I recommend a motion to deny the abatement request for the property located at 1611 31st Street NW.

SUGGESTED MOTION: A motion to deny the abatement request for the property located at 1611 31st Street NW.

1611 31st NW

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. 65-6119700
Name JDS Holdings, LLP Telephone No. _____
Address 3608 Grayson Drive Burlington, ND 58722

Legal description of the property involved in this application:

Lot: 5 Block: 1 Missouri Valley Addition Replat

Total true and full value of the property described above for the year 2019 is:
Land \$ 276,600
Improvements \$ 5,512,300
Total \$ 5,788,900
(1)

Total true and full value of the property described above for the year 2019 should be:
Land \$ 276,600
Improvements \$ 4,123,400
Total \$ 4,400,000
(2)

The difference of \$ 1,388,900.00 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 according to N.D.C.C. § 57-02-08.1. Attach a copy of Homestead Credit Application.
- 10. Other (explain) Adjusting assessed value to reflect true market value

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 (here 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 Adjust assessed value for the property to reflect what the true market value is.

See Attached.

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 _____

2-25-2021

Date _____

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)

JDS Holdings Mandan Properties Valuations

The request to adjust the assessed values is supported by the following values based on net revenues from the properties. Net revenues are from the attached schedules from the tax returns adding back in depreciation and interest and for 2019 on the 44 unit building adding back in \$45,000 of RE taxes that were paid early. Also supporting these values is the fact that the buildings have been listed for sale since 4-19 at \$110,000 per unit and have not had any legitimate offers during that time.

1611 31st St 44 unit apartment building:

2018 - \$ 269,565 / 5.5% = \$ 4,901,181

2019 - \$ 196,904 / 5.5% = \$ 3,580,072 Average of \$ 4,242,627

1619 31st St 36 unit apartment building

2018 - \$ 144,478 / 5.5% = \$ 2,629,672

2019 - \$ 170,126 / 5.5% = \$ 3,093,200 Average of \$ 2,861,436

Rental Real Estate Income and Expenses of a Partnership or an S Corporation
 Attach to Form 1065 or Form 1120S.
 Go to www.irs.gov/Form8825 for the latest information.

OMB No. 1545-0132

Name **JDS HOLDINGS, LLP** Employer identification number ****-*******

1 Show the type and address of each property. For each rental real estate property listed, report the number of days rented at fair rental value and days with personal use. See instructions. See page 2 to list additional properties.			
Physical address of each property - street, city, state, ZIP code	Type - Enter code 1-8; see page 2 for list	Fair Rental Days	Personal Use Days
A 162 9TH AVE E DICKINSON, ND 58601	2		
B 2901 & 3001 E ROSSER AVE BISMARCK, ND 58501	2		
C 36 PLEX MANDAN, ND 58554	2		
D 44 PLEX MANDAN, ND 58554	2		

Rental Real Estate Income	Properties			
	A	B	C	D
2 Gross rents	2		319,138.	428,764.
Rental Real Estate Expenses				
3 Advertising	3			
4 Auto and travel	4			
5 Cleaning and maintenance	5			
6 Commissions	6			
7 Insurance	7		7,534.	8,160.
8 Legal and other professional fees	8		1,256.	1,226.
9 Interest	9		132,103.	147,198.
10 Repairs	10		38,388.	79,477.
11 Taxes	11		60,400.	123,131.
12 Utilities	12		25,211.	43,887.
13 Wages and salaries	13			
14 Depreciation (see instructions)	14		181,361.	125,444.
15 Other (list) ▶ STMT 11 SEE STATEMENT 12 SEE STATEMENT 13 SEE STATEMENT 16	15		16,223.	21,979.
16 Total expenses for each property. Add lines 3 through 15	16		462,476.	550,502.
17 Income or (Loss) from each property. Subtract line 16 from line 2	17		-143,338.	-121,738.
18a Total gross rents. Add gross rents from line 2, columns A through H	18a			1,044,043.
18b Total expenses. Add total expenses from line 16, columns A through H	18b			1,360,039.
19 Net gain (loss) from Form 4797, Part II, line 17, from the disposition of property from rental real estate activities	19			
20a Net income (loss) from rental real estate activities from partnerships, estates, and trusts in which this partnership or S corporation is a partner or beneficiary (from Schedule K-1) b Identify below the partnerships, estates, or trusts from which net income (loss) is shown on line 20a. Attach a schedule if more space is needed:	20a			
(1) Name _____ (2) Employer identification number _____				
21 Net rental real estate income (loss). Combine lines 18a through 20a. Enter the result here and on: Form 1065 or 1120S: Schedule K, line 2	21			-315,996.

020145 04-01-19 LHA 6
 2019-02050 JDS HOLDINGS, LLP

OTHER RENTAL EXPENSES

STATEMENT 13

MULTI-FAMILY RESIDENCE

PROPERTY: 36 PLEX, MANDAN
 LOCATION: 36 PLEX, MANDAN, ND 58554

DESCRIPTION	AMOUNT
MANAGEMENT	15,770.
SUPPLIES	72.
MISCELLANEOUS	381.
TOTAL TO RENTAL SCHEDULE, LINE 15	16,223.

GROSS RENTAL INCOME

STATEMENT 14

MULTI-FAMILY RESIDENCE

PROPERTY: 24 PLEX, BISMARCK
 LOCATION: 2901 & 3001 E ROSSER AVE, BISMARCK, ND 58501

DESCRIPTION	AMOUNT
GROSS RENTAL INCOME	165,098.
RETAINED DEPOSITS	1,825.
LATE FEES	170.
TOTAL TO RENTAL SCHEDULE, LINE 2	167,093.

GROSS RENTAL INCOME

STATEMENT 15

MULTI-FAMILY RESIDENCE

PROPERTY: 36 PLEX, MANDAN
 LOCATION: 36 PLEX, MANDAN, ND 58554

DESCRIPTION	AMOUNT
GROSS RENTAL INCOME	314,133.
RETAINED DEPOSITS	3,541.
LATE FEES	1,112.
VENDING MACHINE INCOME	352.
TOTAL TO RENTAL SCHEDULE, LINE 2	319,138.

OTHER RENTAL EXPENSES

STATEMENT 16

MULTI-FAMILY RESIDENCE

PROPERTY: 44 PLEX, MANDAN
 LOCATION: 44 PLEX, MANDAN, ND 58554

DESCRIPTION	AMOUNT
MANAGEMENT FEES	21,117.
SUPPLIES	371.
MISCELLANEOUS	491.
TOTAL TO RENTAL SCHEDULE, LINE 15	21,979.

GROSS RENTAL INCOME

STATEMENT 17

MULTI-FAMILY RESIDENCE

PROPERTY: 44 PLEX, MANDAN
 LOCATION: 44 PLEX, MANDAN, ND 58554

DESCRIPTION	AMOUNT
GROSS RENTAL INCOME	420,126.
LATE FEES	2,040.
RETAINED DEPOSITS	5,821.
TENANT REIMBURSEMENTS	300.
VENDING MACHINE INCOME	477.
TOTAL TO RENTAL SCHEDULE, LINE 2	428,764.

OTHER RENTAL EXPENSES

STATEMENT 18

MULTI-FAMILY RESIDENCE

PROPERTY: MINOT TIMBER RIDGE
 LOCATION: TIMBER RIDGE, MINOT, ND 58701

DESCRIPTION	AMOUNT
MANAGEMENT FEES	5,835.
SUPPLIES	134.
MISCELLANEOUS	132.
AMORTIZATION	698.
TOTAL TO RENTAL SCHEDULE, LINE 15	6,799.

Rental Real Estate Income and Expenses of a Partnership or an S Corporation
 Attach to Form 1065 or Form 1120S.
 Go to www.irs.gov/Form8825 for the latest information.

OMB No. 1545-0125

Name **JDS HOLDINGS, LLP** Employer identification number

1 Show the type and address of each property. For each rental real estate property listed, report the number of days rented at fair rental value and days with personal use. See instructions. See page 2 to list additional properties.

Physical address of each property - street, city, state, ZIP code	Type - Enter code 1-8; see page 2 for list	Fair Rental Days	Personal Use Days
A 2901 & 3001 E ROSSEY AVE BISMARCK, ND 58501	2		
B 162 9TH AVE E DICKINSON, ND 58601	2		
C MANDAN, ND MANDAN, ND 58554	2		
D MANDAN, ND MANDAN, ND 58554	2		

Rental Real Estate Income	Properties			
	A	B	C	D
2 Gross rents			302,640.	400,790.
Rental Real Estate Expenses				
3 Advertising	3			
4 Auto and travel	4			
5 Cleaning and maintenance	5			
6 Commissions	6			
7 Insurance	7		13,600.	14,200.
8 Legal and other professional fees	8		1,069.	1,438.
9 Interest	9		160,628.	129,228.
10 Repairs	10		35,947.	43,712.
11 Taxes	11		56,746.	73,916.
12 Utilities	12		30,374.	41,666.
13 Wages and salaries	13			
14 Depreciation (see instructions)	14		182,228.	140,337.
15 Other (list) ▶ STMT 10 SEE STATEMENT 12 SEE STATEMENT 14 SEE STATEMENT 16	15		20,426.	20,629.
16 Total expenses for each property. Add lines 3 through 15	16		501,018.	465,126.
17 Income or (Loss) from each property. Subtract line 16 from line 2	17		-198,378.	-64,336.
18a Total gross rents. Add gross rents from line 2, columns A through H	18a			1,027,415.
18b Total expenses. Add total expenses from line 16, columns A through H	18b			(1,357,478.)
19 Net gain (loss) from Form 4797, Part II, line 17, from the disposition of property from rental real estate activities	19			
20a Net income (loss) from rental real estate activities from partnerships, estates, and trusts in which this partnership or S corporation is a partner or beneficiary (from Schedule K-1)	20a			
20b Identify below the partnerships, estates, or trusts from which net income (loss) is shown on line 20a. Attach a schedule if more space is needed:				
(1) Name	(2) Employer identification number			
21 Net rental real estate income (loss). Combine lines 18a through 20a. Enter the result here and on: Form 1065 or 1120S: Schedule K, line 2	21			-330,063.

For Paperwork Reduction Act Notice, see instructions.

020147 11-15-18 JWA

Form 8825 (Rev. 11-2018)

6
 2018-02060 JDS HOLDINGS, LLP

OTHER RENTAL EXPENSES

STATEMENT 12

MULTI-FAMILY RESIDENCE

PROPERTY: 162 9TH AVE E, DICKINSON
 LOCATION: 162 9TH AVE E, DICKINSON, ND 58601

DESCRIPTION	AMOUNT
MANAGEMENT	3,162.
APPLIES	342.
DEPRECIATION	227.
TOTAL TO RENTAL SCHEDULE, LINE 15	3,731.

GROSS RENTAL INCOME

STATEMENT 13

MULTI-FAMILY RESIDENCE

PROPERTY: 162 9TH AVE E, DICKINSON
 LOCATION: 162 9TH AVE E, DICKINSON, ND 58601

DESCRIPTION	AMOUNT
GROSS RENTAL INCOME	50,844.
LAUNDRY INCOME	1,222.
TOTAL TO RENTAL SCHEDULE, LINE 2	52,066.

OTHER RENTAL EXPENSES

STATEMENT 14

MULTI-FAMILY RESIDENCE

PROPERTY: 36 PLEX, MANDAN
 LOCATION: MANDAN, ND, MANDAN, ND 58554

DESCRIPTION	AMOUNT
MANAGEMENT	15,129.
APPLIES	302.
INITIAL FEES	245.
MISCELLANEOUS	4,750.
TOTAL TO RENTAL SCHEDULE, LINE 15	20,426.

GROSS RENTAL INCOME STATEMENT 15

MULTI-FAMILY RESIDENCE

PROPERTY: 36 PLEX, MANDAN
 LOCATION: MANDAN, ND, MANDAN, ND 58554

DESCRIPTION	AMOUNT
GROSS RENTAL INCOME	297,913.
RETAINED DEPOSITS	3,609.
STATE FEES	1,118.
TOTAL TO RENTAL SCHEDULE, LINE 2	302,640.

OTHER RENTAL EXPENSES STATEMENT 16

MULTI-FAMILY RESIDENCE

PROPERTY: 44 PLEX, MANDAN
 LOCATION: MANDAN, ND, MANDAN, ND 58554

DESCRIPTION	AMOUNT
MANAGEMENT FEES	18,957.
APPLIES	1,032.
STATE FEES	95.
BANK SERVICE CHARGE	15.
MISCELLANEOUS	530.
TOTAL TO RENTAL SCHEDULE, LINE 15	20,629.

GROSS RENTAL INCOME STATEMENT 17

MULTI-FAMILY RESIDENCE

PROPERTY: 44 PLEX, MANDAN
 LOCATION: MANDAN, ND, MANDAN, ND 58554

DESCRIPTION	AMOUNT
GROSS RENTAL INCOME	392,008.
STATE FEES	2,920.
RETAINED DEPOSITS	5,812.
INANT REIMBURSEMENTS	50.
TOTAL TO RENTAL SCHEDULE, LINE 2	400,790.



New Business No.3

Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 9, 2020
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Kimberly Markley
PRESENTER: Kimberly Markley, City Assessor
SUBJECT: Abatement Application from HM4 LLC

STATEMENT/PURPOSE: To consider reduction to the 2019 value of the property at 1627 31st Street NW.

BACKGROUND/ALTERNATIVES: This parcel is also known as parcel #65-6119800 with a legal description of Lot 7 Block 1 Missouri Valley Replat. The property included a 42 unit apartment building and garages.

Reason for abatement: This property suffered fire damage to the apartment building and heat damage to the garages on July 14, 2019. 10 of the 43 garages were being rented on 10/16/2019. The applicant has also requested a reduction in value based on the income information provided.

North Dakota Century Code 57-23-04 g. "When any building, mobile home, structure, or other improvement has been destroyed or damaged by fire, flood, tornado, or other natural disaster, the abatement or refund must be granted only for that part of the year remaining after the property was damaged or destroyed."

The City of Mandan assessing office considers three approaches to value property. The three approaches to value are sales, cost, and income. The sales approach uses sales of similar properties to determine value. The cost approach is land value and the depreciated cost of improvements. The income approach estimates present value of future benefits.

The assessing office has historically used the sales approach to value property. The sales data is readily available. The county recorder sends the sales information monthly.

I was contacted by a few apartment owners in late 2018 and early 2019 concerning their property valuations. They felt they were overvalued compared to the income they

were generating. In response to these concerns I sent letters to the owners of apartment buildings in December 2018 and received a limited response. The following year (October 2019) we sent another request for the income and expense data in hopes of receiving a better response. After the request in 2019 we had gathered enough data to consider the income approach for valuation purposes for the 2020 assessment year.

We used the services from Vanguard Appraisals, Inc. to analyze the income & expense information and update our valuation model. Vanguard Appraisals Inc. has the experience and expertise to assist in determining the 2020 valuations using the income and expense data collected.

The abatement that has been request is for 2019 valuations. We did not have adequate information to use income approach in our calculations for 2019 valuations. Therefore allowing such an abatement would create inequity for the other properties in this class.

This lot does have a slope but I do not believe it is unbuildable. I did find an error in the calculation of the land therefore I agree to a lower value for the land.

ATTACHMENTS: Application for Abatement, Income information, Sales list

FISCAL IMPACT: All taxing entities = \$36,004.80, City share = \$8,705.93

STAFF IMPACT: N/A

LEGAL REVIEW: Reviewed by City Attorney Brown

RECOMMENDATION: I recommend abating the 2019 value for the portion of the year that the buildings were damaged and correct the land value. I do not recommend an adjustment to value based on the income provided because it will create an inequality to similar properties. I recommend a motion to approve an abatement and adjust the 2019 value to \$2,968,050 for the property located at 1627 31st Street NW.

SUGGESTED MOTION: A motion to approve an abatement and adjust the 2019 value to \$2,968,050 for the property located at 1627 31st Street NW.

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. 65-6119800
Name HMC, LLC Telephone No. _____
Address 3608 Grayson Drive Burlington, ND 58722

Legal description of the property involved in this application:

Lot 7 Block 1 Missouri Valley Replat

Total true and full value of the property described above for the year 2019 is:

Land \$ 565,200
Improvements \$ 5,143,100
Total \$ 5,708,300
(1)

Total true and full value of the property described above for the year 2019 should be:

Land \$ 325,000
Improvements \$ 1,775,000
Total \$ 2,100,000
(2)

The difference of \$ 3,608,300.00 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. Complaint or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- 6. Duplicate assessment
- 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
- 8. Error in noting payment of taxes, taxes erroneously paid
- 9. Property qualifies for Homestead Credit according to N.D.C.C. § 57-02-08.1. Attach a copy of Homestead Credit Application.
- 10. Other (explain) _____

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 Adjust value due to main structure being destroyed by fire in July 2019. See Attached

Land value is based on attached info. Structure value is using 50% of value as fire loss was early July,

Requested value change is higher than what is support by historical net revenues.

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]

2-25-2021

Date _____

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

Form 20-1 (Rev. 10/15/04) Use business days of filing date.

HM4, LLC Property Valuation

Request to adjust the assessed value is supported by the following values based on the past years net revenues from the property. The 2019 numbers are not the best indicator due to the fire loss and only half of a year income.

The land value is apparently based on total acres. About half of the lot is wasted square footage due to slope, not buildable. The lot value should be in line with the adjacent properties that are owned by JDS Holdings, LLP.

The historical revenues numbers are as follows. The supported value is based on a 5.5% CAP rate.

2017 \$ 227,849 / 5.5% = \$ 4,088,164

2018 \$ 137,818 / 5.5% = \$ 2,505,782 Two year average \$3,296,973

2019 \$ 57,616 / 5.5% = \$ 1,047,564

Revenue is based on tax return schedule, net income with interest and depreciation added back in. For 2019, \$50,000 of prepaid RE taxes is added back along with \$268,648 of fire mitigation and building demolition costs. 2019 numbers are not a good indicator which is why a two year average is used.

2017

Rental Real Estate Income and Expenses of a Partnership or an S Corporation

▶ Attach to Form 1065, Form 1065-B, or Form 1120S.
 ▶ Go to www.irs.gov/Form8825 for the latest information.

OMB No. 1545-0123

Name **HM4, LLC** EIN **3**

1 Show the type and address of each property. For each rental real estate property listed, report the number of days rented at fair rental value and days with personal use. See instructions. See page 2 to list additional properties.				
	Physical address of each property—street, city, state, ZIP code	Type—Enter code 1-8; see page 2 for list	Fair Rental Days	Personal Use Days
A	42 UNIT - MANDAN APARTMENT BUILDING MANDAN APARTMENT BUILDING MANDAN ND 58554	2 MULTI-FAM RESIDRNC	365	
B				
C				
D				

		Properties			
		A	B	C	D
Rental Real Estate Income					
2	Gross rents	358,383			
Rental Real Estate Expenses					
3	Advertising	600			
4	Auto and travel				
5	Cleaning and maintenance				
6	Commissions				
7	Insurance	16,562			
8	Legal and other professional fees	1,908			
9	Interest	150,043			
10	Repairs	51,803			
11	Taxes				
12	Utilities	44,744			
13	Wages and salaries				
14	Depreciation (see instructions)	182,939			
15	Other (list) ▶ SEE STATEMENT 4	17,917			
16	Total expenses for each property. Add lines 3 through 15	466,516			
17	Income or (loss) from each property. Subtract line 16 from line 2	-108,133			
18a	Total gross rents. Add gross rents from line 2, columns A through H			358,383	
18b	Total expenses. Add total expenses from line 16, columns A through H			466,516	
19	Net gain (loss) from Form 4797, Part II, line 17, from the disposition of property from rental real estate activities				
20a	Net income (loss) from rental real estate activities from partnerships, estates, and trusts in which this partnership or S corporation is a partner or beneficiary (from Schedule K-1)				
b	Identify below the partnerships, estates, or trusts from which net income (loss) is shown on line 20a. Attach a schedule if more space is needed. (1) Name (2) Employer identification number				
21	Net rental estate income (loss). Combine lines 18a through 20a. Enter the result here and on: • Form 1065 or 1120S: Schedule K, line 2; or • Form 1065-B: Part I, line 4				-108,133

For Paperwork Reduction Act Notice, see instructions.
 DAA

Federal Statements

Statement 4 - 42 Unit - MANDAN APARTMENT BUILDING - Form 8825, Line 15 - Other

<u>Description</u>	<u>Amount</u>
MANAGEMENT FEES	\$ 15,929
LANDSCAPING	466
OFFICE SUPPLIES	43
SMALL TOOLS & EQUIPMENT	622
SUPPLIES	857
TOTAL	<u>\$ 17,917</u>

**Rental Real Estate Income and Expenses of a
 Partnership or an S Corporation**

OMB No. 1545-0123

2018

▶ Attach to Form 1065 or Form 1120S.
 ▶ Go to www.irs.gov/Form8825 for the latest information.

Name **HM4, LLC**

1 Show the type and address of each property. For each rental real estate property listed, report the number of days rented at fair rental value and days with personal use. See instructions. See page 2 to list additional properties.				
	Physical address of each property—street, city, state, ZIP code	Type—Enter code 1-8; see page 2 for list	Fair Rental Days	Personal Use Days
A	42 UNIT - MANDAN APARTMENT BUILDING MANDAN APARTMENT BUILDING MANDAN ND 58554	2 MULTI-FAM RESIDENCE	365	
B				
C				
D				

		Properties			
		A	B	C	D
2	Rental Real Estate Income Gross rents	329,330			
Rental Real Estate Expenses					
3	Advertising				
4	Auto and travel				
5	Cleaning and maintenance				
6	Commissions				
7	Insurance	17,712			
8	Legal and other professional fees	1,750			
9	Interest (see instructions)	146,144			
10	Repairs	50,680			
11	Taxes	69,428			
12	Utilities	35,923			
13	Wages and salaries				
14	Depreciation (see instructions)	178,943			
15	Other (list) ▶ SEE STATEMENT 4	16,019			
16	Total expenses for each property. Add lines 3 through 15	516,599			
17	Income or (loss) from each property. Subtract line 16 from line 2	-187,269			
18a	Total gross rents. Add gross rents from line 2, columns A through H				329,330
18b	Total expenses. Add total expenses from line 16, columns A through H				516,599
19	Net gain (loss) from Form 4797, Part II, line 17, from the disposition of property from rental real estate activities				
20a	Net income (loss) from rental real estate activities from partnerships, estates, and trusts in which this partnership or S corporation is a partner or beneficiary (from Schedule K-1)				
20b	Identify below the partnerships, estates, or trusts from which net income (loss) is shown on line 20a. Attach a schedule if more space is needed. (1) Name (2) Employer identification number				
21	Net rental real estate income (loss). Combine lines 18a through 20a. Enter the result here and on Form 1065 or 1120S: Schedule K, line 2				-187,269

Federal Statements

Statement 4 - 42 Unit - MANDAN APARTMENT BUILDING - Form 8825, Line 15 - Other

<u>Description</u>	<u>Amount</u>
MANAGEMENT FEES	\$ 15,896
SUPPLIES	28
PET EXPENSES	95
TOTAL	<u>\$ 16,019</u>

Rental Real Estate Income and Expenses of a Partnership or an S Corporation

2019

▶ Attach to Form 1065 or Form 1120S.
▶ Go to www.irs.gov/Form8825 for the latest information.

Name: **HM4, LLC**

1	Show the type and address of each property. For each rental real estate property listed, report the number of days rented at fair rental value and days with personal use. See instructions. See page 2 to list additional properties.	Physical address of each property—street, city, state, ZIP code	Type—Enter code 1-8; see page 2 for list	Fair Rental Days	Personal Use Days
A		42 UNIT - MANDAN APARTMENT BUILDING MANDAN APARTMENT BUILDING MANDAN ND 58554	2 MULTI-FAM RESIDENCE	365	
B					
C					
D					

		Properties			
		A	B	C	D
2	Rental Real Estate Income				
	Gross rents	192,696			
3	Rental Real Estate Expenses				
	Advertising				
	Auto and travel				
	Cleaning and maintenance				
	Commissions				
	Insurance	15,606			
	Legal and other professional fees	865			
	Interest (see instructions)	101,857			
	Repairs	37,523			
	Taxes	127,254			
	Utilities	17,118			
	Wages and salaries				
	Depreciation (see instructions)	104,631			
	Other (list) ▶				
	SEE STATEMENT 6	284,170			
16	Total expenses for each property. Add lines 3 through 15	689,024			
17	Income or (loss) from each property. Subtract line 16 from line 2	-496,328			
18a	Total gross rents. Add gross rents from line 2, columns A through H			192,696	
18b	Total expenses. Add total expenses from line 15, columns A through H			689,024	
19	Net gain (loss) from Form 4797, Part II, line 17, from the disposition of property from rental real estate activities			30,140	
20a	Net income (loss) from rental real estate activities from partnerships, estates, and trusts in which this partnership or S corporation is a partner or beneficiary (from Schedule K-1)				
20a	Identify below the partnerships, estates, or trusts from which net income (loss) is shown on line 20a. Attach a schedule if more space is needed.				
	(1) Name				
	(2) Employer identification number				
21	Net rental real estate income (loss). Combine lines 18a through 20a. Enter the result here and on: Form 1065 or 1120S: Schedule K, line 2			-466,188	

Federal Statements

Statement 6 - 42 Unit - MANDAN APARTMENT BUILDING - Form 8825. Line 15 - Other

<u>Description</u>	<u>Amount</u>
CLEAN UP / MITIGATION EXPENSE	\$ 18,648
MANAGEMENT FEES	15,460
PET EXPENSES	62
BUILDING DEMOLITION	250,000
TOTAL	<u>\$ 284,170</u>

Parcel_Numbr	Sale_Amount	Assessed_Val	Sale_Date	Ratio	Recording	Seller	Buyer	House_Nu	Address
65-1137000	325000.0	250400.0	4/24/2017	77.1	477054	KERZMAN DARYL & VIRGINIA	PETERSON PROPERTY MANAGEMENT LLC	1301	3 ST NW
65-3199000	296500.0	243900.0	6/1/2017	82.3	477669	MISSOURI VALLEY RENTALS LLC	FIFTH & MADISON PROPERTIES LLC	210	3 ST NE
65-3530000	197500.0	142600.0	6/1/2017	72.2	477647	MISSOURI VALLEY RENTALS LLC	FIFTH & MADISON PROPERTIES LLC	804	8 AVE NW
65-3640000	330000.0	215700.0	6/1/2017	65.4	477671	MISSOURI VALLEY RENT LLC	FIFTH & MADISON PROPERTIES LLC	600	9 ST NW
65-2952000	225000.0	215400.0	10/20/2017	95.7	480377	KRAFT RAYMOND A (TRUST)	FAIMAN, BRADLEY & NICHOLE	505	6 AVE NW
65-2162000	450000.0	360900.0	12/6/2017	80.2	480643	RIVINIOUS MERRIL & BEV	FEIL, LONDON & JEROMCHECK, JAMES	1509	1 AVE NW
65-2984000	220000.0	237000.0	1/27/2018	107.7	482081	RALSTON JOYCE	FIFTH AND MADISON PROPERTIES LLC	1205	3 ST NW
65-1475000	180000.0	230900.0	4/30/2018	128.3	483206	TEXOTA PROPERTIES LLC	CLOOSKI PROPERTIES LLP	304	10 AVE NE
65-6101375	12500000.0	11386200.0	6/1/2018	91.1	483775	PLUS FOUR HOLDINGS LLC	EWR MANDAN LAKEWOOD LLC	2303	SHOAL LOOP SE
				82.3					



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 4, 2020
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Consider appointments to Mandan Visitors Committee

STATEMENT/PURPOSE: Consider appointments to the Mandan Visitors Committee.

BACKGROUND/ALTERNATIVES: The Visitors Committee provides recommendations to the City Commission in administering proceeds from the 1 percent city restaurant and lodging tax. Funds may be used for capital construction and promotion projects to attract visitors to the community to use travel and tourism facilities.

There are four positions up for appointment, including Shannon's Gangl's vacant term. Representation is sought from both residents and businesses. Letters of interest were pursued through an October news release with a requested deadline for responses by Nov. 1 or until the positions are filled

Member whose terms are expired:

- Lee Pierce (term: Aug. 2015 - Aug. 2019)
- Terry Kraft (term: Aug. 2015 – Aug. 2019)
- Maria Walen (term: Jan. 2016 – Dec. 2019)

Unexpired term, needing filled:

- Shannon Gangl (term: Aug. 2018 – Aug. 2020)

The Visitors Committee met March 3 to discuss the consideration of recommendations for 2020 appointments. People submitting letters of interest are listed below:

- Maria Walen
- Clint Boyd
- Tyler Gangl
- Karmen Siirtola
- *Terry Kraft (withdrew letter of interest 2/21/2020)*
- *Rena Mehlhoff (withdrew letter of interest 2/13/2020)*

Walen, Boyd, Gangl, and Siirtola were all in attendance.

With the number of folks coming off the committee and new appointments, we would advise doing a reset upon the terms as outlined in the recommendation and motion. This way not all positions would be up for reappointment at the same time. We did draw names from a jar to determine the recommend terms.

ATTACHMENTS: Letters of interest received.

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: The Visitors Committee recommends appointing Tyler Gangl to a two-year term ending Dec. 31, 2021; Maria Walen to a three-year term ending Dec. 31, 2022; Clint Boyd to a four-year term ending Dec. 31, 2023; and Karmen Siirtola to a five-year term ending Dec. 31, 2024.

SUGGESTED MOTION: I move to approve the following appointments to the Visitors Committee: Tyler Gangl to a two-year term ending Dec. 31, 2021; Maria Walen to a three-year term ending Dec. 31, 2022; Clint Boyd to a four-year term ending Dec. 31, 2023; and Karmen Siirtola to a five-year term ending Dec. 31, 2024.

Board of City Commissioners
Agenda Documentation
Meeting Date: March 17, 2020
Subject: Consider Visitors Committee appointments
Page 3 of 6

Walen LOI:

Subject: RE: Visitors Committee
Date: Thursday, October 03, 2019 12:29:08 PM

Yes, I would like to serve another term.

Thank you,
Maria

From: Kari N. Moore <kari.moore@cityofmandan.com>
Sent: Thursday, October 3, 2019 10:48 AM
To: Maria Walen <manager@comfortinnmandan.com>
Subject: Visitors Committee

Hi Maria,

Your term on the Visitors Promotion Fund committee will expire on Dec. 31, 2019. If you are interested in serving another term on the committee, please let me know. There are 2 five-year terms and 1 four-year term up for reappointment. Attached is the news release that was issued on Tuesday, Oct. 1.

Thank you,

Kari Moore

Program Coordinator
Business Development & Communications Department
City of Mandan

Boyd LOI:

To Whom it May Concern,

I am submitting this letter to indicate my willingness to serve on one of the city boards. I will gladly serve on any board where my assistance is needed, but I would prefer the Renaissance Zone Committee or the Visitors Promotion Fund Committee.

My family and I moved to Mandan in January of 2015 and purchased a home here in May of 2018. Though we are not originally from this area, Mandan is our home and we plan to remain here for the long term. Therefore, I wish to be of service to my community and help keep Mandan a wonderful place for businesses and families well into the future.

I have a PhD in Geosciences and bachelor's degrees in geology and biology. I work as the manager of the Paleontology Program for the North Dakota Geological Survey in Bismarck. In that position I oversee the North Dakota State Fossil Collection, organize public fossil digs across North Dakota during the summer, and supervise various educational outreach programs for schools, professional groups, and the general public. Previously, I worked for the National Park Service at Badlands National Park in South Dakota. In both of those positions I sought to serve the public by providing beneficial services to my local community and the general public.

Thank you for taking the time to consider my request. I look forward to hearing from you once a decision is made.

Sincerely,

Clint A. Boyd

Gangl LOI:

I am writing this letter with the hope that I will be considered to serve as a member on the Visitors Promotion Fund Committee. I feel that I am uniquely qualified for this position due to my background. I have grown up in the hospitality industry and have held virtually every position there is within a hotel. I've washed dishes, set up meeting rooms, cooked for banquets, worked at the front desk, and sold rooms and conference space for eight hotels in different markets. This has given me a rare perspective on the entire process from booking an event and making it come to fruition. I understand the challenges the travel and tourism industry in Mandan faces and have ideas to overcome them. Furthermore, I see myself spending my entire career within the hospitality industry which will be an asset to this committee as I will continuously be able to bring unique and first-hand perspectives regarding travel and tourism within the city.

I have two main reasons for my interest in this committee. The first reason is that I want to become more involved in my community and help it grow and thrive any way that I can. The second reason is that I understand the challenges that the Mandan travel and tourism industry faces, and I want to be part of the solution in overcoming them. It is no secret that we are often overshadowed by Bismarck, and when I am selling my hotel the most common objection that comes up is "we don't want to come to Mandan, we want to be in Bismarck." I want to be part of making Mandan every bit as enticing as Bismarck and if I am fortunate enough to be chosen to serve on this committee, I will dedicate my time and effort to making us every bit as enticing of a market as Bismarck.

Sincerely,

Tyler Gangl

Siirtola LOI:

To Whom It May Concern:

My name is Karmen Siirtola. I assumed ownership of the TP Motel on July 1, 2016. If you've driven by, I think you may have noticed we have been busy making some improvements to the grounds as well as parts of the building. My team's main focus, however, has been a focused effort on our guest rooms in order to provide clean, affordable lodging with décor that has seen a facelift and a welcoming ambience for our guests. Mandan Pride and Hospitality are our calling card.

I have work experience in banking as well as all sorts of customer service positions. I have also owned other businesses besides the motel.

I would like to bring my experience to the Visitors and Promotion Fund Committee. During my time at the TP, I have many times thought of ways that we can hold our head high as a community. And other ways in which we can improve the experience of anyone visiting our town based on some of the very things this committee oversees.

It would be my pleasure to serve not only as a business owner but also as a citizen of this great farm/ranch community. Our pride shows in so many ways. I'd like to help it show even more!

Thank you for your time,

Karmen Siirtola



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 13, 2020
SUBMITTING DEPARTMENT: Planning and Engineering
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning and Engineering
Director/Craig Mizera, HDR
SUBJECT: Memorial Highway Planning Presentation

STATEMENT/PURPOSE: To inform the City Commission about the status of the Memorial Highway reconstruction project planning as we near the completion of the preliminary engineering effort.

BACKGROUND/ALTERNATIVES: As we near the end of the preliminary engineering effort, staff thought it was a good time to bring forward an update on the project to commission. Craig Mizera, the Project Manager with HDR, will present some of the more relevant project information.

At a future meeting, we will need to bring forward a DOT required decision document for City Commission review and approval which will include a couple of major scoping decision items.

ATTACHMENTS:

FISCAL IMPACT: None

STAFF IMPACT: Minimal

LEGAL REVIEW: The City Attorney was forwarded as part of the full agenda packet.

RECOMMENDATION: None, for information.

SUGGESTED MOTION: None, for information.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 12, 2020
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Consider approving the Resolution approving Plans & Specifications and Resolution directing advertisement for bid for Street Improvement Districts No. 215 (Midtown East) 215A (Public Works Parking Lot) and 215B (Grounds Maintenance Parking Lot).

STATEMENT/PURPOSE: To approve the Resolution approving Plans & Specifications and Resolution directing advertisement for bid for Street Improvement District No. 215, Project No. 2019-05 (Midtown East), 215A Project 2020-04 (Public Works Parking Lot) and 215B Project 2020.05 (Grounds Maintenance Parking Lot).

BACKGROUND/ALTERNATIVES: At the December 3rd, 2019 City Commission approved the resolution creating the district, approved the engineer's report, approved the feasibility report and approved the resolution of necessity for SID 215. Commission on January 7th found the protests insufficient and elected to move forward with this project.

On March 3rd, 2020 City Commission approved the resolution creating the district, approved the engineer's report, approved the feasibility report and approved the resolution of necessity for SID 215A.

Also on March 3rd, 2020 City Commission approved the resolution creating the district, approved the engineer's report, approved the feasibility report and approved the resolution of necessity for SID 215B.

If approved today, we would advertise to bid March 27 and April 3 with the bid opening on April 14th. We would bring to commission to consider awarding on April 21st. The majority of the project construction is planned for 2020 with some tasks in 2021.

ATTACHMENTS:

- 1) Resolution Approving Plans and Specifications SID 215

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider approving the Resolution approving Plans & Specifications and Resolution directing advertisement for bid for Street Improvement Districts No. 215 (Midtown East), 215A (Public Works Parking Lot) and 215B (Grounds Maintenance Parking Lot).

Page 2 of 18

- 2) Resolution Directing Advertisement for Bid SID 215
- 3) Resolution Approving Plans and Specifications SID 215A
- 4) Resolution Directing Advertisement for Bid SID 215A
- 5) Resolution Approving Plans and Specifications SID 215B
- 6) Resolution Directing Advertisement for Bid SID 215B
- 7) Note: Plans and specifications available upon request

FISCAL IMPACT: The total project cost that would be divided among district participants if no other funding support, is estimated at \$5,547,800. With Municipal Infrastructure Funds (formerly Prairie Dog Funds) buy down at a rate of 20%, that amount would be reduced by \$1,109,560 and would become \$4,438,239. Water and sewer improvements would not be part of the assessment costs as per our traditional funding formula. To pay for those water and sewer needs is an estimated \$2,540,102.50. Below is a table that outlines the project funding that was approved at the December 3rd City Commission meeting.

<u>FUNDING</u>	<u>TOTAL</u>	
MUNICIPAL INFRASTRUCTURE FUND	\$ 1,109,560	20% OF TOTAL STREET IMPROVEMENT DISTRICT
MUNICIPAL INFRASTRUCTURE FUND	\$ 997,355	WATER AND SEWER
WATER AND SEWER UTILITY FUND	\$ 800,000	2020 BUDGET
WATER AND SEWER UTILITY FUND	\$ 742,748	ADDITIONAL FUNDING FOR WATER AND SEWER
SPECIAL ASSESSMENTS	\$ 4,438,239	
TOTAL	<u>\$ 8,087,902</u>	

In addition to those project elements and estimated costs at our December 3rd meeting as outlined above, we agreed to add to the project to pave the parking lots at the Public Works Facility as well as the Public Works' Grounds Maintenance building. Work for these locations is being handled under districts 215A and 215B respectively. The total estimate for both parking lots is \$1,330,000. All of these costs would go directly to the city and be paid for by the City's share of special assessments fund.

STAFF IMPACT: Significant time and effort working alongside Moore Engineering on this project and answering the public's questions.

LEGAL REVIEW: Our agenda information has been forwarded as part of the full packet to the City Attorney for review.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider approving the Resolution approving Plans & Specifications and Resolution directing advertisement for bid for Street Improvement Districts No. 215 (Midtown East), 215A (Public Works Parking Lot) and 215B (Grounds Maintenance Parking Lot).

Page 3 of 18

RECOMMENDATION: Approve the Resolution approving plans and specifications and Resolution directing advertisement for bid for Street Improvement District No. 215, 215A and 215B.

SUGGESTED MOTION: Move to approve the Resolution approving plans and specifications and Resolution directing advertisement for bid for Street Improvement District No. 215, 215A and 215B.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider approving the Resolution approving Plans & Specifications and Resolution directing advertisement for bid for Street Improvement Districts No. 215 (Midtown East), 215A (Public Works Parking Lot) and 215B (Grounds Maintenance Parking Lot).

Page 4 of 18

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR STREET IMPROVEMENT DISTRICT NO. 215
PROJECT # 2019-05**

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project in Street Improvement District No. 215 (Project # 2019-05) of said City be and the same are hereby approved, ratified and confirmed as the plans and specifications in accordance with which said improvement project will be constructed, except as modified by this Board in accordance with law, and the City Administrator shall file the same in his office, open for public inspection.

Dated this 17th day of March, 2020

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider approving the Resolution approving Plans & Specifications and Resolution directing advertisement for bid for Street Improvement Districts No. 215 (Midtown East), 215A (Public Works Parking Lot) and 215B (Grounds Maintenance Parking Lot).

Page 5 of 18

**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS
FOR STREET IMPROVEMENT DISTRICT NO. 215 PROJECT 2019-05**

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

1. The City Administrator, Deputy Auditor and City Engineer shall meet at the time and place specified in the notice authorized in paragraph 2 hereof, for the purpose of opening sealed bids for the work and material needed for the improvement project to be made in Street Improvement District No. 215 (Project # 2019-05) of the City of Mandan, as more fully described and referred to in the resolution creating said improvement district passed and approved by the Board on December 3, 2019, and in the plans and specifications for said improvement now on file in the office of the City Engineer.

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

**ADVERTISEMENT FOR BIDS FOR
STREET IMPROVEMENT DISTRICT NO. 215, 215A & 215B
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota will receive sealed bids at the office of the City Administrator until Tuesday, April 14, 2020, at 10:00 a.m., local time for the purpose of furnishing of materials, labor and skill needed for the construction of asphalt streets and alleys, concrete curb and gutter, street lighting improvements and related work in accordance with the plans and specifications for Street Improvement Districts No. 215 (Project # 2019-05), No. 215A (Project 2020-04) and No. 215B (Project 2020-05) for the City of Mandan. The Projects consist of constructing Storm Sewer, Water Main Replacement, Sanitary Sewer Extension, Sidewalk Improvements, Curb and Gutter Replacement, Street Improvements and Parking Lot Improvements.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider approving the Resolution approving Plans & Specifications and Resolution directing advertisement for bid for Street Improvement Districts No. 215 (Midtown East), 215A (Public Works Parking Lot) and 215B (Grounds Maintenance Parking Lot).

Page 6 of 18

Contractors and vendors desiring plans and specifications for personal use may secure digital copies from www.questcdn.com for a fee of \$25.00. These documents may be downloaded by selecting this project from the "Bid Documents" tab and by entering Quest Project Number #**6906533** on the "Search Projects" page. For assistance and the free membership registration, contact QuestCDN at (952)233-1632 or info@questcdn.com. Paper copies of the bid documents may be obtained from the City of Mandan Engineering office, 205 2nd Avenue Northwest, Mandan, North Dakota 58554 upon non-refundable payment of \$50.00 for each set. If Plans are mailed out and additional fee of \$15.00 will be added for postage and handling.

The issuing Office for the Bidding Documents is: Moore Engineering, Inc.; 2911 North 14th Street, Suite 301, Bismarck, ND 58503; Josh Feil; 701-751-8375; joshua.feil@mooreengineeringinc.com.

The bid proposals must be submitted to the City Administrator by 10:00 a.m., local time, April 14, 2020 and shall be sealed and endorsed "Proposal for Street Improvement District No 215, 215A and 215B. Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2nd Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:00 a.m., local time, on April 14, 2020.

All bidders are invited to be present at the public opening of the Bids.

All Bidders must be licensed for the highest amount of their Bids, as provided by Section 43-07-07 of the North Dakota Century Code. The Bidder shall include a copy of his license or certificate of renewal thereof enclosed in the required bid bond envelope as required pursuant to Section 43-07-12 of the North Dakota Century Code, as amended.

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

Bids shall be made on the basis on cash payment for the work to be done. All work under this advertisement shall be started on a date to be specified in a

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider approving the Resolution approving Plans & Specifications and Resolution directing advertisement for bid for Street Improvement Districts No. 215 (Midtown East), 215A (Public Works Parking Lot) and 215B (Grounds Maintenance Parking Lot).

Page 7 of 18

written order from the Board of City Commissioners, or no later than ten (10) days after written notice to proceed has been received from the City.

Construction work will be substantially completed by October 16, 2020 with final completion date of July 15, 2021.

Liquidated damages will be assessed per calendar day if any completion dates are exceeded per Section 106-2 of City of Mandan specifications.

Should the contractor fail to complete all of the work in a District according to the above date, or within such additional time as may have been granted by formal extensions of time approved by the City Engineer, there shall be deducted from any money due the contractor, the above mentioned sum for each calendar day the completion of the Work is delayed. Liquidated damages will continue to accumulate until the City Engineer determines winter weather prevents further construction. Liquidated damages will restart on the first day of construction in the Spring of 2021 and continue to accumulate until final project acceptance. The Contractor and his surety shall be liable for any excess. Such payments shall be deducted from the final payment and shall be charged as liquidated damages and not as a penalty.

The Board of City Commissioners will meet on Tuesday, April 21, 2020, at 5:30 PM, local time, to review the Bids submitted.

The Board of City Commissioners will meet on Tuesday, April 21, 2020, at 5:30 PM, local time, to consider the engineer's recommendation, and to award the contract to the successful Bidder. The contract will be awarded on the basis of the low Bid submitted, on eligible areas, by a responsible and responsive Bidder deemed most favorable to the City's interest.

The City of Mandan reserves the right reject any or all bids, to waive any informality or irregularity, to hold all bids for a period of Sixty (60) days after the date fixed for the opening thereof, and to accept the Bid deemed most favorable to the best interest of the City of Mandan.

Dated this 17th day of March, 2020

City of Mandan, North Dakota
BY: James Neubauer
City Administrator

Publication Dates: March 27 & April 3, 2020"

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

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider approving the Resolution approving Plans & Specifications and Resolution directing advertisement for bid for Street Improvement Districts No. 215 (Midtown East), 215A (Public Works Parking Lot) and 215B (Grounds Maintenance Parking Lot).

Page 8 of 18

4. The Board of City Commissioners shall meet on Tuesday, April 21, 2020 at 5:30 pm, local time, to review the bids submitted.

5. The Board of City Commissioners shall meet on Tuesday, April 21, 2020 at 5:30 pm, local time, to consider the engineer's recommendation, and to award the contract to the successful bidder, subject to the Board finding that filed protests are insufficient to bar the work.

President, Board of City Commissioners

ATTEST:

City Administrator

Passed: March 17th, 2020

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider approving the Resolution approving Plans & Specifications and Resolution directing advertisement for bid for Street Improvement Districts No. 215 (Midtown East), 215A (Public Works Parking Lot) and 215B (Grounds Maintenance Parking Lot).

Page 9 of 18

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR STREET IMPROVEMENT DISTRICT NO. 215A
PROJECT # 2020-04**

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project in Street Improvement District No. 215A (Project #2020-04) of said City be and the same are hereby approved, ratified and confirmed as the plans and specifications in accordance with which said improvement project will be constructed, except as modified by this Board in accordance with law, and the City Administrator shall file the same in his office, open for public inspection.

Dated this 17th day of March, 2020

President, Board of City Commissioners

ATTEST:

City Administrator

**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS
FOR STREET IMPROVEMENT DISTRICT NO. 215A PROJECT 2020-04**

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

1. The City Administrator, Deputy Auditor and City Engineer shall meet at the time and place specified in the notice authorized in paragraph 2 hereof, for the purpose of opening sealed bids for the work and material needed for the improvement project to be made in Street Improvement District No. 215A (Project # 2020-04) of the City of Mandan, as more fully described and referred to in the resolution creating said improvement district passed and approved by the Board on March 3, 2020, and in the plans and specifications for said improvement now on file in the office of the City Engineer.

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

**ADVERTISEMENT FOR BIDS FOR
STREET IMPROVEMENT DISTRICT NO. 215, 215A & 215B
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota will receive sealed bids at the office of the City Administrator until Tuesday, April 14, 2020, at 10:00 a.m., local time for the purpose of furnishing of materials, labor and skill needed for the construction of asphalt streets and alleys, concrete curb and gutter, street lighting improvements and related work in accordance with the plans and specifications for Street Improvement Districts No. 215 (Project # 2019-05), No. 215A (Project 2020-04) and No. 215B (Project 2020-05) for the City of Mandan. The Projects consist of constructing Storm Sewer, Water Main Replacement, Sanitary Sewer Extension, Sidewalk Improvements, Curb and Gutter Replacement, Street Improvements and Parking Lot Improvements.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider approving the Resolution approving Plans & Specifications and Resolution directing advertisement for bid for Street Improvement Districts No. 215 (Midtown East), 215A (Public Works Parking Lot) and 215B (Grounds Maintenance Parking Lot).

Page 11 of 18

Contractors and vendors desiring plans and specifications for personal use may secure digital copies from www.questcdn.com for a fee of \$25.00. These documents may be downloaded by selecting this project from the "Bid Documents" tab and by entering Quest Project Number #**6906533** on the "Search Projects" page. For assistance and the free membership registration, contact QuestCDN at (952)233-1632 or info@questcdn.com. Paper copies of the bid documents may be obtained from the City of Mandan Engineering office, 205 2nd Avenue Northwest, Mandan, North Dakota 58554 upon non-refundable payment of \$50.00 for each set. If Plans are mailed out and additional fee of \$15.00 will be added for postage and handling.

The issuing Office for the Bidding Documents is: Moore Engineering, Inc.; 2911 North 14th Street, Suite 301, Bismarck, ND 58503; Josh Feil; 701-751-8375; joshua.feil@mooreengineeringinc.com.

The bid proposals must be submitted to the City Administrator by 10:00 a.m., local time, April 14, 2020 and shall be sealed and endorsed "Proposal for Street Improvement District No 215, 215A and 215B. Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2nd Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:00 a.m., local time, on April 14, 2020.

All bidders are invited to be present at the public opening of the Bids.

All Bidders must be licensed for the highest amount of their Bids, as provided by Section 43-07-07 of the North Dakota Century Code. The Bidder shall include a copy of his license or certificate of renewal thereof enclosed in the required bid bond envelope as required pursuant to Section 43-07-12 of the North Dakota Century Code, as amended.

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

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

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider approving the Resolution approving Plans & Specifications and Resolution directing advertisement for bid for Street Improvement Districts No. 215 (Midtown East), 215A (Public Works Parking Lot) and 215B (Grounds Maintenance Parking Lot).

Page 12 of 18

Construction work will be substantially completed by October 16, 2020 with final completion date of July 15, 2021.

Liquidated damages will be assessed per calendar day if any completion dates are exceeded per Section 106-2 of City of Mandan specifications.

Should the contractor fail to complete all of the work in a District according to the above date, or within such additional time as may have been granted by formal extensions of time approved by the City Engineer, there shall be deducted from any money due the contractor, the above mentioned sum for each calendar day the completion of the Work is delayed. Liquidated damages will continue to accumulate until the City Engineer determines winter weather prevents further construction. Liquidated damages will restart on the first day of construction in the Spring of 2021 and continue to accumulate until final project acceptance. The Contractor and his surety shall be liable for any excess. Such payments shall be deducted from the final payment and shall be charged as liquidated damages and not as a penalty.

The Board of City Commissioners will meet on Tuesday, April 21, 2020, at 5:30 PM, local time, to review the Bids submitted.

The Board of City Commissioners will meet on Tuesday, April 21, 2020, at 5:30 PM, local time, to consider the engineer's recommendation, and to award the contract to the successful Bidder. The contract will be awarded on the basis of the low Bid submitted, on eligible areas, by a responsible and responsive Bidder deemed most favorable to the City's interest.

The City of Mandan reserves the right reject any or all bids, to waive any informality or irregularity, to hold all bids for a period of Sixty (60) days after the date fixed for the opening thereof, and to accept the Bid deemed most favorable to the best interest of the City of Mandan.

Dated this 17th day of March, 2020

City of Mandan, North Dakota
BY: James Neubauer
City Administrator

Publication Dates: March 27 & April 3, 2020"

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

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider approving the Resolution approving Plans & Specifications and Resolution directing advertisement for bid for Street Improvement Districts No. 215 (Midtown East), 215A (Public Works Parking Lot) and 215B (Grounds Maintenance Parking Lot).

Page 13 of 18

4. The Board of City Commissioners shall meet on Tuesday, April 21, 2020 at 5:30 pm, local time, to review the bids submitted.

5. The Board of City Commissioners shall meet on Tuesday, April 21, 2020 at 5:30 pm, local time, to consider the engineer's recommendation, and to award the contract to the successful bidder, subject to the Board finding that filed protests are insufficient to bar the work.

President, Board of City Commissioners

ATTEST:

City Administrator

Passed: March 17th, 2020

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider approving the Resolution approving Plans & Specifications and Resolution directing advertisement for bid for Street Improvement Districts No. 215 (Midtown East), 215A (Public Works Parking Lot) and 215B (Grounds Maintenance Parking Lot).

Page 14 of 18

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR STREET IMPROVEMENT DISTRICT NO. 215B
PROJECT # 2020-05**

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project in Street Improvement District No. 215B (Project #2020-05) of said City be and the same are hereby approved, ratified and confirmed as the plans and specifications in accordance with which said improvement project will be constructed, except as modified by this Board in accordance with law, and the City Administrator shall file the same in his office, open for public inspection.

Dated this 17th day of March, 2020

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider approving the Resolution approving Plans & Specifications and Resolution directing advertisement for bid for Street Improvement Districts No. 215 (Midtown East), 215A (Public Works Parking Lot) and 215B (Grounds Maintenance Parking Lot).

Page 15 of 18

**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS
FOR STREET IMPROVEMENT DISTRICT NO. 215B PROJECT 2020-05**

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

1. The City Administrator, Deputy Auditor and City Engineer shall meet at the time and place specified in the notice authorized in paragraph 2 hereof, for the purpose of opening sealed bids for the work and material needed for the improvement project to be made in Street Improvement District No. 215B (Project # 2020-05) of the City of Mandan, as more fully described and referred to in the resolution creating said improvement district passed and approved by the Board on March 3, 2020, and in the plans and specifications for said improvement now on file in the office of the City Engineer.

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

**ADVERTISEMENT FOR BIDS FOR
STREET IMPROVEMENT DISTRICT NO. 215, 215A & 215B
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota will receive sealed bids at the office of the City Administrator until Tuesday, April 14, 2020, at 10:00 a.m., local time for the purpose of furnishing of materials, labor and skill needed for the construction of asphalt streets and alleys, concrete curb and gutter, street lighting improvements and related work in accordance with the plans and specifications for Street Improvement Districts No. 215 (Project # 2019-05), No. 215A (Project 2020-04) and No. 215B (Project 2020-05) for the City of Mandan. The Projects consist of constructing Storm Sewer, Water Main Replacement, Sanitary Sewer Extension, Sidewalk Improvements, Curb and Gutter Replacement, Street Improvements and Parking Lot Improvements.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider approving the Resolution approving Plans & Specifications and Resolution directing advertisement for bid for Street Improvement Districts No. 215 (Midtown East), 215A (Public Works Parking Lot) and 215B (Grounds Maintenance Parking Lot).

Page 16 of 18

Contractors and vendors desiring plans and specifications for personal use may secure digital copies from www.questcdn.com for a fee of \$25.00. These documents may be downloaded by selecting this project from the "Bid Documents" tab and by entering Quest Project Number #**6906533** on the "Search Projects" page. For assistance and the free membership registration, contact QuestCDN at (952)233-1632 or info@questcdn.com. Paper copies of the bid documents may be obtained from the City of Mandan Engineering office, 205 2nd Avenue Northwest, Mandan, North Dakota 58554 upon non-refundable payment of \$50.00 for each set. If Plans are mailed out and additional fee of \$15.00 will be added for postage and handling.

The issuing Office for the Bidding Documents is: Moore Engineering, Inc.; 2911 North 14th Street, Suite 301, Bismarck, ND 58503; Josh Feil; 701-751-8375; joshua.feil@mooreengineeringinc.com.

The bid proposals must be submitted to the City Administrator by 10:00 a.m., local time, April 14, 2020 and shall be sealed and endorsed "Proposal for Street Improvement District No 215, 215A and 215B. Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2nd Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:00 a.m., local time, on April 14, 2020.

All bidders are invited to be present at the public opening of the Bids.

All Bidders must be licensed for the highest amount of their Bids, as provided by Section 43-07-07 of the North Dakota Century Code. The Bidder shall include a copy of his license or certificate of renewal thereof enclosed in the required bid bond envelope as required pursuant to Section 43-07-12 of the North Dakota Century Code, as amended.

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

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

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider approving the Resolution approving Plans & Specifications and Resolution directing advertisement for bid for Street Improvement Districts No. 215 (Midtown East), 215A (Public Works Parking Lot) and 215B (Grounds Maintenance Parking Lot).

Page 17 of 18

Construction work will be substantially completed by October 16, 2020 with final completion date of July 15, 2021.

Liquidated damages will be assessed per calendar day if any completion dates are exceeded per Section 106-2 of City of Mandan specifications.

Should the contractor fail to complete all of the work in a District according to the above date, or within such additional time as may have been granted by formal extensions of time approved by the City Engineer, there shall be deducted from any money due the contractor, the above mentioned sum for each calendar day the completion of the Work is delayed. Liquidated damages will continue to accumulate until the City Engineer determines winter weather prevents further construction. Liquidated damages will restart on the first day of construction in the Spring of 2021 and continue to accumulate until final project acceptance. The Contractor and his surety shall be liable for any excess. Such payments shall be deducted from the final payment and shall be charged as liquidated damages and not as a penalty.

The Board of City Commissioners will meet on Tuesday, April 21, 2020, at 5:30 PM, local time, to review the Bids submitted.

The Board of City Commissioners will meet on Tuesday, April 21, 2020, at 5:30 PM, local time, to consider the engineer's recommendation, and to award the contract to the successful Bidder. The contract will be awarded on the basis of the low Bid submitted, on eligible areas, by a responsible and responsive Bidder deemed most favorable to the City's interest.

The City of Mandan reserves the right reject any or all bids, to waive any informality or irregularity, to hold all bids for a period of Sixty (60) days after the date fixed for the opening thereof, and to accept the Bid deemed most favorable to the best interest of the City of Mandan.

Dated this 17th day of March, 2020

City of Mandan, North Dakota
BY: James Neubauer
City Administrator

Publication Dates: March 27 & April 3, 2020"

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

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider approving the Resolution approving Plans & Specifications and Resolution directing advertisement for bid for Street Improvement Districts No. 215 (Midtown East), 215A (Public Works Parking Lot) and 215B (Grounds Maintenance Parking Lot).

Page 18 of 18

4. The Board of City Commissioners shall meet on Tuesday, April 21, 2020 at 5:30 pm, local time, to review the bids submitted.

5. The Board of City Commissioners shall meet on Tuesday, April 21, 2020 at 5:30 pm, local time, to consider the engineer's recommendation, and to award the contract to the successful bidder, subject to the Board finding that filed protests are insufficient to bar the work.

President, Board of City Commissioners

ATTEST:

City Administrator

Passed: March 17th, 2020



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 12, 2020
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Consider the approval of plans and specifications and resolution directing advertising for bids for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area).

STATEMENT/PURPOSE: Consider the approval of plans and specifications and resolution directing advertising for bids for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area).

BACKGROUND/ALTERNATIVES: At our last City Commission meeting, our office brought forward a request to approve resolutions of necessity and to create the district. In order to meet scheduling goals, and because we are providing in-house engineering services for this project, we are now requesting the approval of plans and specs as well as the advertisement for bid, concurrent with the protest period.

After hearing from residents and City Commission, our staff had some discussions on what adjustments we could make to the work details or assessment distribution formula. The changes between last meeting and now include:

- A reduction of the segment of Lewis Road, west of 37th Avenue NW, to be reconstructed. We believe that it will all need to be reconstructed in the not too distant future, but similar to the approach to other segments in this district with pavement that is not that old, we will apply a chip seal as part of this project and will continue to assess for the timing of a future reconstruction project.
- An elimination of the chip seal scope as part of the Old Red Trail overlay portion of the project. As previously mentioned, this part of the project is planned in order to bridge to the federal funds that we expect near the year 2026. As such, chip sealing is not as valuable as it would be for a project that we expect the pavement to last for 20 years.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider the approval of plans and specifications and resolution directing advertising for bids for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area).

Page 2 of 7

- A splitting of the 40th Avenue chip seal scope so that half of the cost goes to the properties to the east and half to the west. This segment of road is basically adjacent to back yards on either side of it with each of those sides taking access from the other road. As such, upon further review, our office agrees that it is most fair to assess to each side.

Letters went out to each property owner on March 12th with their individual lot assessment estimates based on the previously mentioned adjustments. A 30 day protest period started March 6, 2020. We will accept letters of protest in our office until 4:30 April 6, 2020. Concurrently, we are asking approval to advertise for bid with today's item. We would bring the determination of sufficiency of protests to our April 7th meeting and if determined insufficient, we would open bids April 9th for consideration at our April 21st City Commission meeting. We would construct most of the project in 2020 with minor tasks to complete in 2021.

ATTACHMENTS:

- 1) Resolution Approving Plans & Specifications
- 2) Resolution Directing Advertisement for Bid

FISCAL IMPACT: The total project cost that would be divided among district participants if no other funding support, is estimated at \$2,247,000. With Municipal Infrastructure Funds (formerly Prairie Dog Funds) buy down at a rate of 20%, that amount would be reduced by \$449,000 and would become \$1,798,000.

STAFF IMPACT: Significant time and effort working on this project.

LEGAL REVIEW: All Commission documents have been forwarded to City Attorney for review.

RECOMMENDATION: Approve resolution approving plans and specifications and the resolution directing advertisement for bid for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area).

SUGGESTED MOTIONS: Move to approve the resolution approving plans and specifications and the resolution directing advertisement for bid for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area).

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider the approval of plans and specifications and resolution directing advertising for bids for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area).

Page 3 of 7

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR STREET IMPROVEMENT DISTRICT NO. 218
PROJECT # 2019-12**

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project in Street Improvement District No. 218 (Project #2019-12) of said City be and the same are hereby approved, ratified and confirmed as the plans and specifications in accordance with which said improvement project will be constructed, except as modified by this Board in accordance with law, and the City Administrator shall file the same in his office, open for public inspection.

Dated this 17th day of March, 2020

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider the approval of plans and specifications and resolution directing advertising for bids for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area).

Page 4 of 7

**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS
FOR STREET IMPROVEMENT DISTRICT NO. 218 PROJECT 2019-12**

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

1. The City Administrator, Deputy Auditor and City Engineer shall meet at the time and place specified in the notice authorized in paragraph 2 hereof, for the purpose of opening sealed bids for the work and material needed for the improvement project to be made in Street Improvement District No. 218 (Project # 2019-12) of the City of Mandan, as more fully described and referred to in the resolution creating said improvement district passed and approved by the Board on March 3, 2020 and in the plans and specifications for said improvement now on file in the office of the City Engineer.

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

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider the approval of plans and specifications and resolution directing advertising for bids for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area).

Page 5 of 7

**ADVERTISEMENT FOR BIDS FOR
STREET IMPROVEMENT DISTRICT NO. 218
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota will receive sealed bids at the office of the City Administrator until April 9, 2020 at 10:00 a.m., local time for the purpose of furnishing of materials, labor and skill needed for the new construction of storm sewer mains, asphalt streets, concrete curb and gutter and street lights and related work in accordance with the plans and specifications for Street Improvement District No. 218 (Project # 2019-12), for the City of Mandan. The Work consists of all labor, skill, and materials required to properly construct the improvement.

Contractors and vendors desiring plans and specifications for personal use may secure digital copies from www.questcdn.com for a fee of \$25.00. These documents may be downloaded by selecting this project from the "Bid Documents" tab and by entering Quest Project Number #**6906883** on the "Search Projects" page. For assistance and the free membership registration, contact QuestCDN at (952)233-1632 or info@questcdn.com. Paper copies of the bid documents may be obtained from the City of Mandan Engineering office, 205 2nd Avenue Northwest, Mandan, North Dakota 58554 upon non-refundable payment of \$50.00 for each set. If Plans are mailed out and additional fee of \$15.00 will be added for postage and handling.

The bid proposals must be submitted to the City Administrator by 10:00 a.m., local time, Tuesday, April 9, 2020 and shall be sealed and endorsed "Proposal for Street Improvement District No 218. Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2nd Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:00 a.m., local time, on April 9, 2020. All bidders are invited to be present at the public opening of the Bids.

All Bidders must be licensed for the highest amount of their Bids, as provided by Section 43-07-05 of the North Dakota Century Code. The Bidder shall include a copy of his license or certificate of renewal thereof enclosed in the required bid bond envelope as required pursuant to Section 43-07-12 of the North Dakota Century Code, as amended.

Each bid shall be accompanied by a separate envelope containing a bidder's bond in the amount of five (5) percent of the highest amount of the bids as required by Section 48-01.2-05, North Dakota Century Code, as amended, and executed by the Bidder as principal and by a surety, conditioned that if the principal's bid is accepted and the contract awarded to the principal, the principal, within ten days after Notice of Award, shall execute and effect a contract in accordance with the terms of the bid, and a Contractor's Bond as required by law. No bid may be read or

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider the approval of plans and specifications and resolution directing advertising for bids for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area).

Page 6 of 7

considered if it does not fully comply with the requirements of Section 48-01.2-05 of the North Dakota Century Code and any deficient bid must be resealed and returned to the bidder immediately.

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

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

Construction of the gravel base, curb, gutter and base lift of asphalt is to be completed no later than October 31, 2020. Liquidated damages for these items will start if the October 31, 2020 deadline is not met. The remaining work will have a completion date of July 15, 2021.

Liquidated damages will be assessed per calendar day if any completion dates are exceeded per Section 106-2 of City of Mandan specifications.

Should the contractor fail to complete all of the work in a District according to the above date, or within such additional time as may have been granted by formal extensions of time approved by the City Engineer, there shall be deducted from any money due the contractor, the above mentioned sum for each calendar day the completion of the Work is delayed, for each District. Liquidated damages will continue to accumulate until the City Engineer determines winter weather prevents further construction. Liquidated damages will restart on the first day of construction in the Spring of 2021 and continue to accumulate until final project acceptance. The Contractor and his surety shall be liable for any excess. Such payments shall be deducted from the final payment and shall be charged as liquidated damages and not as a penalty.

The Board of City Commissioners will meet on Tuesday, April 21, 2020, at 5:30 PM, local time, to review the Bids submitted, consider the engineer's recommendation, and to award the contract to the successful Bidder. The contract will be awarded on the basis of the low Bid submitted, on eligible areas, by a responsible and responsive Bidder deemed most favorable to the City's interest.

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

Dated this 20th day of March, 2020

City of Mandan, North Dakota

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider the approval of plans and specifications and resolution directing advertising for bids for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area).

Page 7 of 7

BY: /s/ James Neubauer
City Administrator"

Publication Dates: March 20 & March 27, 2020

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

4. The Board of City Commissioners shall meet on Tuesday, April 21st, 2020 at 5:30 pm, local time, to review the bids submitted, consider the engineer's recommendation, and to award the contract to the successful bidder, subject to the Board finding that filed protests are insufficient to bar the work.

President, Board of City Commissioners

ATTEST:

City Administrator

Passed: March 17, 2020



Board of City Commissioners

Agenda Documentation

MEETING DATE:	March 17, 2020
PREPARATION DATE:	March 12, 2020
SUBMITTING DEPARTMENT:	Engineering & Planning
DEPARTMENT DIRECTOR:	Justin Froseth, PE
PRESENTER:	Justin Froseth, Planning & Engineering Director
SUBJECT:	Consider the approval of plans and specifications, Engineers Report, and authorize the call for bids for the 2020 Municipal Sidewalk Improvement Project 2020-02.

STATEMENT/PURPOSE: To move forward with the project to repair sidewalks, driveways, and other concrete items throughout the City.

BACKGROUND/ALTERNATIVES: This is an annual sidewalk construction project that is for the removal and replacing of existing sidewalks or aprons in need of repair. Residents may elect to have sidewalk and/or apron work done to their existing sidewalk and/or apron that is adjacent to their property under this project, and to have that work assessed to their property. Sidewalks and/or aprons for new construction however are not eligible to participate. Work includes any concrete item within the public right-of-way that needs to be done. Last year this sidewalk project totaled approximately \$74,064.19 in construction costs. That includes the work that Public Works completed using the contract prices and with the work completed through the Engineering Department for improvements related to private properties.

Taking into account that Public Works is looking at utilizing this contract to repair some 8" curb and gutter, and that we have some sidewalk gaps that need to be connected where there are parcels that do not have sidewalk, we are estimating the project at \$75,032.50 for 2020.

We sent out 106 letters to contractors that have done work in the city to invite them to a meeting to discuss this project and to answer any questions they may have in order to prompt the most interest for this project. The meeting will be held on March 18th, 2020..

Pending approval today, we would advertise the project on March 20 and 27, open bids April 14 and bring back our recommendations to the City Commission for award of bid on April 21.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider the approval of plans and specifications, Engineers Report, and authorize the call for bids for the 2020 Municipal Sidewalk Improvement Project 2020-02.

Page 2 of 8

ATTACHMENTS:

1. Engineer's Estimate
2. Resolution Approving Plans and Specifications
3. Resolution Approving Engineer's Report
4. Resolution Directing Advertisement for Bids

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

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

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

RECOMMENDATION: This office supports moving forward with this project.

SUGGESTED MOTION: I move to approve the resolution approving plans and specifications, approve the resolution approving engineer's report and approve the resolution directing advertisement for bids for the 2020 Municipal Sidewalk Improvement Project 2020-02.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider the approval of plans and specifications, Engineers Report, and authorize the call for bids for the 2020 Municipal Sidewalk Improvement Project 2020-02.

Page 3 of 8

ENGINEER'S ESTIMATE

MUNICIPAL SIDEWALK IMPROVEMENT

March 17, 2020
PROJECT NO. 2020-02

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE BOARD OF CITY COMMISSIONERS
CITY OF MANDAN, MANDAN, NORTH DAKOTA

GENTLEMEN:

I HEREWITH SUBMIT AN ESTIMATE OF THE PROBABLE COST OF THE CONSTRUCTION OF
MUNICIPAL SIDEWALK PROJECT NO. 2020-02 IN THE CITY OF MANDAN, N.D.

BID NO.	ITEM NO.	ITEM	APPROX QUANTITY		UNIT PRICE	AMOUNT
1	601	4" CONCRETE SIDEWALK	4,500	SF	\$6.00	\$27,000.00
2	601	6" CONCRETE SIDEWALK	750	SF	\$6.50	\$4,875.00
3	602	6" CONCRETE DRIVEWAY	1,600	SF	\$6.50	\$10,400.00
4	603	6" CURB AND GUTTER	500	LF	\$20.00	\$10,000.00
5	601	4" HANDICAP CURB RAMPS	40	SF	\$12.00	\$480.00
6	601	4" CONCRETE STEPS	10	SF	\$40.00	\$400.00
7	601	3/4" FELT EXPANSION MATERIAL	300	LF	\$2.00	\$600.00
8	202	UNCLASSIFIED EXCAVATION	100	CY	\$30.00	\$3,000.00
9	1504	CONCRETE REMOVAL	3,500	SF	\$2.00	\$7,000.00
10	1503	SAW CUTTING	550	LF	\$6.00	\$3,300.00
11	1505	ADJUST WATER CURB STOP	2	EA	\$45.00	\$90.00
12	1506	ADJUST WATER VALVE BOX	2	EA	\$45.00	\$90.00
13	1507	BLACK DIRT AND SEED	25	SY	\$20.00	\$500.00
14	1203	SOD	5	SY	\$35.00	\$175.00
15	201	TREE ROOT REMOVAL (2" TO 6")	2	EA	\$50.00	\$100.00
16	201	TREE ROOT REMOVAL (OVER 6" TO 12")	2	EA	\$75.00	\$150.00
17	201	TREE ROOT REMOVAL (OVER 12")	2	EA	\$100.00	\$200.00
18	501	COLD WEATHER PROTECTION- CURB & GUTTER	30	LF	\$0.75	\$22.50
19	501	COLD WEATHER PROTECTION- CONCRETE PAVEMENT	300	SF	\$0.50	\$150.00
20	1513	8" CONCRETE	500	SF	\$7.00	\$3,500.00
21	1513	REMOVE & REPLACE 8" CURB & GUTTE	100	LF	\$30.00	\$3,000.00
TOTAL PROJECT COST						\$75,032.50

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider the approval of plans and specifications, Engineers Report, and authorize the call for bids for the 2020 Municipal Sidewalk Improvement Project 2020-02.

Page 4 of 8

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR MUNICIPAL SIDEWALK IMPROVEMENTS
PROJECT # 2020-02**

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project in Project # 2020-02 of said City be and the same are hereby approved, ratified and confirmed as the plans and specifications in accordance with which said improvement project will be constructed, except as modified by this Board in accordance with law, and the City Administrator shall file the same in his office, open for public inspection.

Dated this 17th day of March, 2020.

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider the approval of plans and specifications, Engineers Report, and authorize the call for bids for the 2020 Municipal Sidewalk Improvement Project 2020-02.

Page 5 of 8

**RESOLUTION APPROVING ENGINEER'S REPORT AND
AUTHORIZING PREPARATION OF THE DETAILED PLANS
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE
IMPROVEMENT IN MUNICIPAL SIDEWALK IMPROVEMENTS PROJECT 2020-02**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Municipal Sidewalk Improvement Project 2020-02, as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

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

a. Construction costs:	\$75,032.50
b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$7,503.25
c. Total estimated costs of the improvement:	\$82,535.75

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

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

Dated this 17th day of March, 2020

President, Board of City Commissioners

ATTEST:

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider the approval of plans and specifications, Engineers Report, and authorize the call for bids for the 2020 Municipal Sidewalk Improvement Project 2020-02.

Page 6 of 8

**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS
FOR MUNICIPAL SIDEWALK IMPROVEMENT PROJECT 2020-02**

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

1. The City Administrator and City Engineer shall meet at the time and place specified in the notice authorized in paragraph 2 hereof, for the purpose of opening sealed bids for the work and material needed for the improvement project to be made in Municipal Sidewalk Improvement Project 2020-02 of the City of Mandan, as more fully described and referred to in the plans and specifications for said improvement now on file in the office of the City Engineer.

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

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider the approval of plans and specifications, Engineers Report, and authorize the call for bids for the 2020 Municipal Sidewalk Improvement Project 2020-02.

Page 7 of 8

**ADVERTISEMENT FOR BIDS FOR
2020 MUNICIPAL SIDEWALK IMPROVEMENT PROJECT #2020-02
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota, will receive sealed bids at the Office of the City Engineer, City Hall, until Tuesday, April 14, 2020, at 11:00 a.m., local time, for the purpose of the construction and repair of sidewalks, curb and gutters, and all other work related to the 2020 Municipal Sidewalk Improvement Project 2020-02. The work consists of all labor, skill and materials required to properly construct the improvement.

Contractors and vendors desiring plans and specifications for personal use may secure digital copies from www.questcdn.com for a fee of \$25.00. These documents may be downloaded by selecting this project from the "Bid Documents" tab and by entering Quest Project Number **#6905821** on the "Search Projects" page. For assistance and the free membership registration, contact QuestCDN at (952)233-1632 or info@questcdn.com. Paper copies of the bid documents may be obtained from the City of Mandan Engineering office, 205 2nd Avenue Northwest, Mandan, North Dakota 58554 upon non-refundable payment of \$50.00 for each set. If Plans are mailed out and additional fee of \$15.00 will be added for postage and handling.

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

Each bid shall be accompanied by a separate envelope containing a bidder's bond in the amount of five (5) percent of the amount of the bids as required by Section 48-01.1-05, North Dakota Century Code, as amended, and executed as provided by law. The bid bond shall be conditioned that if the principal's bid is accepted and the contract awarded to the principal, the principal, within ten days after notice of award shall execute a contract in accordance with the terms of the bid and a contractor's bond as required by law and the regulations and determinations of the city's governing body.

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

All work shall be completed no later than December 31, 2019. If the contractor fails to complete all the work within this time, or such additional time as has been granted for excusable delays, there shall be deducted from any money due the contractor the sum of One Hundred Dollars for each calendar day the completion of the work is delayed. Such deducted amounts shall be charged as liquidated damages and not as a penalty.

The bid proposals shall be sealed and endorsed "Proposal for the 2020 Municipal Sidewalk Improvement Project #2020-02". Bids shall be delivered or mailed

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Consider the approval of plans and specifications, Engineers Report, and authorize the call for bids for the 2020 Municipal Sidewalk Improvement Project 2020-02.

Page 8 of 8

to: City Engineer, 205 2nd Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 11:00 a.m., local time, on Tuesday April 14, 2020. All bidders are invited to be present at the public opening of the bids. No bid may be read or considered if it does not fully comply with the requirements of NDCC '48-01.1-05 and any deficient bid submitted must be resealed and returned to the bidder immediately.

The Board of City Commissioners of the City of Mandan, North Dakota, will meet at the City Hall in said city on Tuesday, April 21, 2020 at 5:30 p.m., local time, to review the bids submitted, consider the engineer's recommendation, and to award the contract to the successful bidder, subject to the Board finding filed protests are insufficient to bar the work. The contract will be awarded on the basis of the low bid submitted by a responsible and responsive bidder deemed most favorable to the City's interest.

The Board of City Commissioners reserves the right to hold all bids for a period of thirty (30) days after the date fixed for the opening thereof, and to reject any or all bids and to waive irregularities whenever it is in the best interest of the City of Mandan.

Dated this 17th day of March, 2020.

City of Mandan, North Dakota
BY: James Neubauer
City Administrator

Publication Dates: March 20 & March 27, 2020"

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

4. The Board of City Commissioners shall meet on Tuesday, April 21, 2020 at 5:30 pm, local time, to review the bids submitted, consider the engineer's recommendation, and to award the contract to the successful bidder.

President, Board of City Commissioners

ATTEST:

City Administrator

Passed: March 17, 2020



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 2, 2020
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: Second and Final Consideration of Ordinance 1335 related to Zoning Application Procedures

STATEMENT/PURPOSE: Consider approval of the second and final consideration of Ordinance 1335 related to zoning application procedures.

BACKGROUND/ALTERNATIVES: The proposed zoning text amendment surrounds application procedures for zoning applications in the City of Mandan. Presently, application procedures are located throughout the Mandan Code of Ordinances and not easily identifiable. The application procedures have been created in conjunction with the Zoning Ordinance Workgroup, which is comprised of several departments, two planning and zoning commissioners, the Morton County Planning Director, and City legal staff. The amendments are being proposed for the following reasons:

- 1) Clarity of procedure is important to the applicant, city staff overseeing and facilitating the process, and general public to ensure the integrity of due process.
- 2) Consolidating procedures of land use applications related to zoning creates efficiency for staff by reducing the amount of labor resources required to explain said procedure to prospective applicants.
- 3) Future staff may more easily understand the various land use application procedures related to zoning if it is clearly outlined in a step-by-step procedure.
- 4) Various nuances of each land use application procedure are more easily compared when consolidated in one Section and share the same organizational structure.

Planning and Zoning Commission unanimously recommended approval of Ordinance 1335 as presented in Exhibit 1.

ATTACHMENTS:

Exhibit 1 – DRAFT Ordinance 1335 related to Zoning Application Procedures

FISCAL IMPACT: N/a

STAFF IMPACT: N/a

LEGAL REVIEW: Ordinance 1335 has been reviewed and approved by both City Attorney Brown and Assistant City Attorney Amy Oster.

RECOMMENDATION: The Planning and Zoning Commission recommend approval of Ordinance 1335 as presented in Exhibit 1.

SUGGESTED MOTION: I move to approve the second and final consideration of Ordinance 1335 related to zoning application procedures as presented in Exhibit 1.

EXHIBIT 1

ORDINANCE NO. 1335

An Ordinance to Amend and Re-enact Sec. 101-1-13 related to Amendments, Amend and Re-enact Sec. 105-1-5 related to Special Uses, Amend and Re-enact Sec. 105-1-12 related to Board of Adjustment, and Remove Sec. 105-3-1 related to Applicability of Standards of the Mandan Code of Ordinances

WHEREAS, Clarity of procedure is important to the applicant, city staff overseeing and facilitating the process, and general public to ensure the integrity of due process; and

WHEREAS, Consolidating procedures of land use applications related to zoning creates efficiency for staff by reducing the amount of labor resources required to explain said procedure to prospective applicants; and

WHEREAS, Future staff may more easily understand the various land use application procedures related to zoning if it is clearly outlined in a step-by-step procedure; and

WHEREAS, Various nuances of each land use application procedure are more easily compared when consolidated in one Section and share the same organizational structure.

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

Section 1. Sec. 105-1-5 is Amended and Re-enacted.

Sec. 105-1-5. - ~~Special uses~~Use Standards.

- (a) *Purpose.* In order to carry out the purposes of this chapter, the board of city commissioners finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area or other reasons, include additional standards to ensure the health, safety, and overall harmony on and surrounding be reviewed by the planning and zoning commission prior to the board voting on whether or not to approve the use at a specific site.
- ~~(b) — Application submittal. An application for a special use shall be submitted to the city planner. Whenever possible, applications should be submitted electronically.~~
- ~~(c) — General provisions. The uses listed in this section are conditional uses that require increased investigation before considering approval.~~
- ~~(1) — The planning and zoning commission must conduct a public hearing on such application, notice of the time and place of which hearing has been given in a newspaper of general circulation in the city at least ten days prior to the date of such hearing.~~
- ~~(2) — Notices must be mailed at least ten days prior to the hearing to all property owners within 500 feet of the boundary of the proposed project.~~

~~(3) In order to give a favorable recommendation, the planning and zoning commission must consider the following:~~

~~a. The proposed use is in harmony with the purpose and intent of this chapter;~~

~~b. The proposed use is not in conflict with the adopted comprehensive plan of the city;~~

~~c. The proposed use will not adversely affect the health and safety of the public and the workers and residents in the area;~~

~~d. The proposed use will not be detrimental to the use or development of adjacent properties or of the surrounding neighborhood; and~~

~~e. The proposed use meets all appropriate regulations for the district in which it will be located.~~

~~(4) The planning and zoning commission may require the submission of additional plans, special studies or reports during review of the application.~~

~~(5) The planning and zoning commission may recommend special requirements for the proposed use. The reasons for the special requirements must be documented.~~

~~(6) Once the planning and zoning commission has acted, the city commission must hold a public hearing and then act to ratify the recommendation of the planning commission, modify the recommendation of the planning commission or reject the application.~~

~~(db)~~ *Airports and heliports.* An airport may be permitted as a special use in an A agricultural district in the extraterritorial zone and a heliport may be permitted as a special use associated with a medical facility within the zoning jurisdiction of the city, provided that:

(1) The area is sufficient to meet the federal requirements for the class of airport or heliport proposed;

(2) There are no existing flight obstructions, such as towers, chimneys, or other tall structures, or natural obstructions outside the boundaries of the proposed airport or heliport which would fall within the approach zone to any of the proposed runways or landing strips of the airport or heliport;

(3) There is sufficient distance between the end of each useable landing strip and the airport boundary to satisfy the requirements of the federal aviation administration or any other appropriate authority. In cases where air rights or easements have been acquired from the owners of abutting properties, in which approach zones may fall, satisfactory evidence thereof shall be submitted with the application;

(4) Any building, hangar or other structure shall be at least 100 feet from any street or property boundary;

(5) Adequate space for off-street parking has been provided. A traffic study must be submitted to document the need for the number of spaces proposed; and

(6) The application for authorization of an airport or heliport shall be accompanied by plans meeting the requirements of the FAA, other regulatory agencies and the city.

~~(ec)~~ *Cemetery.* A cemetery, mausoleum, or columbarium may be permitted in an industrial or A district as a special use, provided that:

(1) No graves shall be located less than 100 feet distant from any property line;

- (2) There shall be a strip at least 75 feet in width adjacent to all boundaries of the cemetery landscaped and maintained as a green area;
- (3) In any cemetery in which there will be permitted monuments and grave markers rising above the surface of the ground, the green area shall include a dense evergreen hedge at least six feet in height; and
- (4) No mausoleum, columbarium, or cemetery chapel shall be erected within 200 feet of any boundary of the lot or parcel on which it is located.

(fd) *Golf driving range or miniature golf course.* A golf driving range or miniature golf course may be permitted in an A or industrial district as a special use, provided that:

- (1) The area within 500 feet of all boundaries of the lot is not developed in residences to a greater density than one family per acre;
- (2) Any flood-lights used to illuminate the premises are so directed and shielded as to prevent the direct lighting area from extending beyond the property boundary;
- (3) When the area within 500 feet of the property boundary is undeveloped, any approval is limited to one year and must be renewed annually. If residential development exceeding a density of one dwelling unit per acre is approved within this 500-foot area, the approval for this use may be withdrawn unless all property owners within the 500-foot area sign written consents to allow the use to continue on a year to year basis.

(ge) *Fire or emergency medical response.* A facility providing fire and/or emergency medical response services may be permitted in any zoning district as a special use, provided that:

- (1) Ingress and egress from the street shall be so designed and constructed as to provide safe traffic movement. A demand activated traffic control signal for emergency vehicle egress from the site may be required,
- (2) Sufficient parking shall be provided to accommodate the maximum number of personnel per shift plus at least two visitor spaces; and,
- (3) If the use is approved, landscaping, signage and design of the building exterior shall be reviewed and approved by the Mandan Architectural Review Commission.

(hf) *Day care center.* A day care center is a facility providing services to more than 12 children or any number of adults. A day care center requires a special use approval and must comply with the following criteria:

- (1) The facility must receive state approval before an occupancy permit can be issued;
- (2) For a facility catering to children, each building shall provide not less than 35 square feet of interior play area per child;
- (3) For a facility catering to children, a fenced outdoor play area of not less than 75 square feet per child shall be provided that is located no closer than ten feet to an adjoining residential lot;
- (4) For a facility catering to adults, there shall be an outdoor lawn area and covered porch offering either active recreation or passive activities for groups or individuals;
- (5) As a minimum, onsite parking shall be provided at the ratio of one space per manager and employee per shift plus one space for each 12 clients; and

(6) Drop off and pickup of clients shall be in an area off the public street that is separate from parking spaces.

(ig) *Correctional facility.* A correctional facility may be permitted in an industrial or A district as a special use, provided that:

- (1) The facility fronts on an arterial street;
- (2) There are no churches, schools or residentially developed property within 500 feet;
- (3) The primary illumination field for exterior lighting shall not extend beyond the property boundary;
- (4) No building shall be closer than 35 feet to any property line; and
- (5) As a minimum, onsite parking shall be provided at a ratio of one space for each employee per shift plus one space per four inmates.

(jh) *Drug or alcohol outpatient treatment or counseling facility.* A drug or alcohol outpatient treatment or counseling facility may be permitted as a special use in a regional commercial, industrial or A district and must comply with the following criteria:

- (1) The facility fronts on an arterial street;
- (2) As a minimum, onsite parking shall be provided at a ratio of one space for each employee per shift plus one space per two clients per hour;
- (3) Hours of operation are limited to between 6:00 a.m. and 8:00 p.m.;
- (4) The facility is no closer than 1,000 feet to a school, daycare facility or residentially developed property; and
- (5) The facility is no closer than 500 feet to an establishment selling alcohol.

(k) *[Reserved.]*

(Code 1957, § 14-0210; Code 1994, § 21-03-08; Ord. No. 534, § 1, 1976; Ord. No. 535, § 4, 1976; Ord. No. 610, § 1, 1979; Ord. No. 636, § 2, 1981; Ord. No. 657, § 2, 1982; Ord. No. 923, § 3, 7-17-2001; Ord. No. 963, § 7, 6-17-2003; Ord. No. 1223, § 7, 11-3-2015; Ord. No. 1299, §§ 3, 4, 4-16-2019; Ord. No. 1320, § 1, 9-3-2019)

Section 2. Sec. 105-1-12 is Amended and Re-enacted.

Sec. 105-1-12. - Board of Adjustment.

- (a) The board of city commissioners may create a board of adjustment as authorized by N.D.C.C. or may perform the functions themselves.
- (b) The board of adjustment is an administrative board whose powers and duties are limited generally by state laws and particularly by the powers and duties set forth in this section. The board of adjustment shall not have the power to amend this chapter on zoning, nor to permit nor prohibit any actions which accomplish an amendment of this chapter on zoning, nor to permit any action nor fail to prohibit any action which would violate this chapter. However, it is the declared intent of this section that any actions taken by the

board of adjustment, in full compliance with the provisions of this section, shall be deemed to be administrative actions and shall not be interpreted as unauthorized amendments to the chapter. In addition to the powers provided by law, the board of adjustment shall have the following powers and duties:

- (1) Variances. On appeal from an order, requirement, decision or determination made by an administrative official, the board of adjustment may vary or adjust the strict application of any of the requirements of this chapter in the case of an exceptionally irregular, narrow, shallow or steep lot or other exceptional physical or topographical condition, by reason of which the strict application of the provisions of the chapter would result in unnecessary hardship that would deprive the owner of a reasonable use of the land or building involved, but in no other case.
 - ~~a. On appeal from an order, requirement, decision or determination made by an administrative official, the board of adjustment may vary or adjust the strict application of any of the requirements of this chapter in the case of an exceptionally irregular, narrow, shallow or steep lot or other exceptional physical or topographical condition, by reason of which the strict application of the provisions of the chapter would result in unnecessary hardship that would deprive the owner of a reasonable use of the land or building involved, but in no other case.~~
 - ~~b. No adjustment in the strict application of any provisions of this chapter shall be granted by the board of adjustment unless it finds that:
 1. There are special circumstances or conditions, fully described in the findings of the board, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building, and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant taken subsequent to the adoption of this chapter, whether in violation of the provisions of the chapter, or not;
 2. For reasons fully set forth in the findings of the board, the circumstances or conditions so found are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of said land or building, and the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the board is the minimum variance that will accomplish the relief sought by the applicant;
 3. The grant of the variance will be in harmony with the general purposes and intent of this chapter, and not be injurious to the neighborhood or otherwise detrimental to the public welfare.~~
- (2) Conditional variance. In granting any variance, the board of adjustment shall prescribe any conditions applying thereto that it may deem necessary or desirable to carry out the general purposes of this chapter or preserve the neighborhood or general welfare from injury.
- (3) Allocation of unlisted uses. Upon application of a property owner, or upon a request of the building official or other administrative official or of any official, agency or board of the city, or on its own initiative, the board of adjustment shall add to any use group

established by section 105-1-4, any other similar use which conforms to the conditions set forth in the special finding required and listed in this subsection:

- a. Such use is not listed in any other use group, nor is it listed individually as a permitted use.
 - b. Such use is more appropriate in the use group to which it is added than in any other use group.
 - c. Such use conforms to the basic characteristics of the use group to which it is added as set forth in the general description of the use group.
 - d. Such use does not adversely affect the character of any of the districts in which the use group to which it is added is permitted.
 - e. Such use is not likely to create any more traffic than the other uses listed in the use group to which it is added, nor does it create any more offensive noise, vibration, dust, heat, smoke, odor, glare, health or safety hazard or other objectionable influence than the minimum amount normally resulting from the other uses listed in the use group to which it is added.
 - f. When any use has been added to any use group in accordance with the procedure set forth in this section, such use shall thereafter be deemed to be permitted in any district in which such use group is permitted, and to be prohibited from any district in which such use group is prohibited. Such use shall be added to the use group in the published text of this chapter at the first convenient opportunity, with a notation indicating that the addition was made in accordance with this section.
- (4) Renewal of certificate of occupancy for nonconforming use. The board of adjustment shall have the power to renew a certificate of occupancy for nonconforming use in accordance with the provisions of section 105-1-1. In granting such renewal, the board of adjustment shall determine that the temporary continuation will not be injurious to the neighborhood, nor to the public welfare, and that there are unusual circumstances or conditions which would create an unnecessary hardship on the applicant for extension if such extension were refused. The board of adjustment may refuse to grant an extension to the certificate of occupancy for a nonconforming use if application for such extension is received by the board of adjustment less than 15 days prior to the expiration of the original certificate of occupancy.
- (5) Renewal of automatically revoked building permit. Upon appeal by any person holding a building permit automatically revoked by the provisions of this Code, the board of adjustment shall hear and determine whether or not such revoked building permit will be renewed. The board of adjustment shall authorize such renewal only where it specifically finds:
- a. Construction of the building has, in fact, been started.
 - b. Substantial expenditures have been made for such construction.
 - c. The plans for the building and actual construction of the building are in full compliance with the zoning ordinances in effect at the date of issuance of the building permit and in full compliance with the building code and any other city ordinances.

~~(6) Special uses. The board of adjustment shall, on application, hear a request for a special use in accordance with the provisions of section 105-1-5. The board of adjustment shall grant a permit for such special use if and only if it finds that such use is in full conformity with all standards relating thereto as specified in section 105-1-5, and with any other conditions, regulations and standards specified elsewhere in this chapter and applicable to said special use.~~

(76) Off-street parking. The board of adjustment shall, upon application, hear and decide any question relating to the decrease of required off-street parking or off-street loading spaces, as set forth in section 105-1-6.

(78) Airport zoning. The board of adjustment shall have all powers and duties granted to it by this chapter relating to airport zoning regulation.

(89) Recommendations to planning and zoning commission. The board of adjustment is authorized to recommend to the city planning and zoning commission, for study or action, any changes or amendments to the text or district zoning maps that the board finds desirable. The planning and zoning commission shall consider such recommendations and may prepare appropriate amendments for the consideration of the board of city commissioners to carry out said recommendation.

(94) Special permit for large-scale development. The board of adjustment shall hear and pass upon an application for a special permit for a large-scale development in accordance with the provisions of section 105-4-5.

(104) Miscellaneous powers and duties. The board of adjustment shall have such other powers and duties as may be authorized by this chapter, or any amendment thereto.

(112) Rules. The board of adjustment is authorized to establish such rules of procedure, not in conflict with any provisions of the laws of this state, this chapter, or any other ordinance of the city, as it may deem necessary to carry out the provisions of this chapter.

(Code 1957, § 14-0224; Code 1994, § 21-06-02)

Section 3. Sec. 105-1-13 is Amended and Re-enacted.

Sec. 105-1-13. - Zoning Application Procedures Amendments.

~~Whenever the public necessity, convenience, general welfare or good zoning practice requires, the board of city commissioners may amend, supplement or change the regulations in the zoning ordinance, or the zoning boundaries or classification of property on the zoning map, as set forth in this chapter.~~

~~(a) Initiation of amendments. A proposed amendment may be initiated by the board of city commissioners upon its own motion, or upon receipt of a request therefor from the planning and zoning commission, or upon receipt of a petition therefor from any interested person or their agents.~~

~~(b) Report by planning and zoning commission; public hearing. The board shall require a report from the planning and zoning commission on a proposed amendment before taking final action thereon. The planning and zoning commission shall thereupon make a~~

~~tentative report and hold a public hearing thereon with notice the same as required for a public hearing by the board of city commissioners, before submitting its final report. Such final report shall be submitted within 90 days of the referral of the proposed amendment to the planning and zoning commission unless the board is agreeable to an extension of time.~~

~~(e) *Action by board of city commissioners; public hearing.* After the receipt of the required final report on any amendment from the planning and zoning commission, or in the event of the failure of the planning and zoning commission to so report within 90 days following the time of referral of the proposed amendment to the planning and zoning commission, the board shall hold a public hearing, after which the board may make a final determination on the proposed amendment. A hearing shall be granted to any person interested at the time and place specified.~~

(a) General Provisions.

(1) Purpose. The following Section outlines the requirements and procedures for land use applications that fall within the purview of Chapter 105. Specific application and procedural requirements for planned unit developments and large-scale developments shall follow those provided within Sec. 105-4-3 and Sec. 105-4-5 respectively.

(2) Definitions. For the meanings of zoning terms or words not found in Section 101-1-3 related to definitions, the city staff shall rely upon the latest A Planners Dictionary, edited by Michael Davidson and Fay Dolnick, American Planning Association and Planning Advisory Service, for interpretation purposes.

(3) Complete Application. A complete application shall include the following:

a. Development application as established by the Engineering and Planning Department.

b. Fee, as established by the board of city commissioners.

c. Site plan.

d. Letter of intent containing:

1. A summary of the purpose for the application; and

2. How negative externalities resulting from the change in land use will be addressed.

e. Additional submittals as required by the respective land use application that falls within the purview of this Section.

f. Additional plans, studies, or other information as may be required from time to time from the Planning and Zoning Commission or city staff.

(4) Period of Review. The planning office shall review a submitted application within ten (10) business days to determine whether an application is complete. If the application is determined to be a complete application, the planning office shall notify the applicant or applicant representative of the determination and the application shall be considered accepted. If the application is determined to be incomplete, the planning office shall notify the applicant or applicant representative of the missing components necessary to consider the application complete.

(b) Zoning Ordinance Map Amendment. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the board of city commissioners may amend, supplement, or change the zoning boundaries or classification of property on the zoning map as set forth in this Section.

(1) Initiation of Amendments. A proposed zoning map amendment as described in Section 105-2-2 may be initiated by the board of city commissioners upon its own motion, or upon receipt of a request therefor from the Planning and Zoning Commission, or upon receipt of a petition therefor from any interested person or their agents.

(2) Additional Submittals. A zoning ordinance map amendment application shall include the following additional submittals:

a. Map or written statement evidencing conformity with the future land use map of the City of Mandan Land Use and Transportation Plan and/or any corresponding goals, objectives, policies, and other information contained therein. Evidence of conformity shall include:

1. Where the requested zoning district(s) aligns with the future land use map designation(s); OR

2. Where two or more future land use map designations apply to an area that is part of the application for a zoning ordinance map amendment and only one future land use map designation aligns with the requested zoning district, the applicant shall outline how the application also aligns with the goals, objectives, policies, and other information contained within the City of Mandan Land Use and Transportation Plan; OR

3. If no future land use designations apply to the area that is part of the zoning ordinance map amendment, the applicant shall be required to successfully amend the future land use map as outlined in this Section.

b. An ESRI shapefile (.shp) of the zoning ordinance map amendment area projected in spatial reference well-known ID (WKID) 102721.

c. Map of area, including the subject property and surrounding three-hundred (300) feet. The map shall include the current and proposed zoning of the subject property and neighboring property's current zoning, including street names and base aerial imagery for reference. If the nearest road is greater than three-hundred (300) feet from the subject property, the map shall be scaled back to incorporate the nearest street intersection for reference but is not required to include zoning information for properties outside the three-hundred (300) foot surrounding area.

(3) Complete Application Received. A complete application shall be received no less than 30 days prior to the desired planning and zoning commission meeting date.

(4) Public Hearing Noticing Requirements. Notice of the hearings described in subsections 5 and 6 must be published once a week for two successive weeks before the time set for the hearing in the official newspaper of the city. Property owners within three-hundred (300) feet of the boundary of the area of the proposed amendment shall be notified by mail. The property owner notice requirement shall be considered to be met if reasonable effort is made to contact applicable property owners, even if some are inadvertently omitted from notification. The notice must contain the following items:

a. The time and place of the hearing.

b. A description of any property involved in any zoning change, by street address if streets have been platted or designated in the area affected.

c. A description of the nature, scope, and purpose of the proposed regulation, restriction, or boundary.

d. A statement of the times at which the application will be available to the public for inspection and copying at the office of the city auditor or his/her designee.

(5) Planning and Zoning Public Hearing Required. The planning and zoning commission shall hold a public hearing to review the application for a zoning ordinance map amendment. The planning and zoning commission may recommend approval, recommend approval with restrictions, recommend denial, or table the public hearing

to a future date. A recommendation shall include or reference findings of fact related to the application and forwarded to the board of city commissioners. A motion to table the application to a future date shall be limited to no longer than 60 days.

(6) City Commission Public Hearing Required – First Consideration. The board of city commissioners shall hold a public hearing no sooner than is possible to follow the public hearing noticing requirements. The public hearing shall be the first consideration of the ordinance. The board of city commissioners may approve, approve with restrictions, deny, or table the public hearing to a future date. A decision shall include or reference findings of fact related to the application. A motion to table the application to a future date shall be limited to no longer than 60 days. A decision to deny the application is final and no second consideration is required. If substantial changes to the zoning map amendment are required the public hearing shall be repeated and follow the public hearing noticing requirements.

(7) City Commission Public Meeting Required – Second Consideration. The board of city commissioners shall hold a public meeting no sooner than ten (10) days following the first consideration of the zoning ordinance map amendment. The zoning ordinance map amendment shall not substantially differ from that presented at the preceding public hearing. The board of city commissioners may, at their discretion, hear public testimony related to the application. The board of city commissioners may approve, approve with restrictions, deny, or table the public hearing to a future date. A decision shall include or reference findings of fact related to the application. A motion to table the application to a future date shall be limited to no longer than 60 days. A decision to deny the application is final.

(8) Required Vote for Passage. If a protest against an amendment is signed by the owners of twenty percent or more:

a. Of the area of the lots included in such proposed change; or

b. Of the area adjacent, extending one-hundred-fifty (150) feet from the area to be changed, excluding the width of streets,

the amendment shall not become effective except by the favorable vote of four of the five members of the governing body of the city.

(9) Restrictions. Zoning ordinance map amendments which list allowable uses shall not be construed to be permission to conduct uses in perpetuity. Listed allowable uses shall be further limited by any zoning ordinance text amendment that affects, excludes, alters, or relates to a use contained in said list. The required land use application procedure shall be followed per Chapter 105 DISTRICT REGULATIONS (ZONING) at the time of initiation of any use.

(10) Evaluative Criteria. In order to provide a favorable recommendation by the Planning and Zoning Commission or final decision by the board of city commissioners, the following must be considered:

a. How the proposed zoning district aligns with the City of Mandan Land Use and Transportation Plan and other plans as may be adopted by the board of city commissioners. Alignment includes:

1. Fulfilling the goals, objectives, and policies of the future land use plan;
2. Fulfilling the goals, objectives, and policies of other plans as may be adopted by the city; and
3. Fulfillment of the zoning-future land use crosswalk where one is adopted by the planning and zoning commission.

(c) Zoning Ordinance Text Amendment. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the board of city commissioners may amend, supplement, or change the regulations in the zoning ordinance as set forth in this Section.

(1) Initiation of Amendments. A proposed zoning text amendment may be initiated by the board of city commissioners, Planning and Zoning Commission, the planning office, or any interested person or their agent.

(2) Additional Submittals. A zoning text amendment application shall include the following additional submittals:

- a. Summary of the goal(s) intended to be achieved by the amendment; and
- b. Word document with tracked changes enabled, showing all mark-up of the existing ordinance and proposed changes.

(3) Complete Application Received. A complete application shall be received no less than 30 days prior to the desired planning and zoning commission meeting date.

(4) Public Hearing Noticing Requirements. Notice of the hearing must be published once a week for two successive weeks before the time set for the hearing in the official newspaper of the city. The notice must contain the following items:

- a. The time and place of the hearing.
- b. A description of the nature, scope, and purpose of the proposed regulation, restriction, or boundary.

c. A statement of the times at which the application will be available to the public for inspection and copying at the office of the city auditor or his/her designee.

(5) Planning and Zoning Public Hearing Required. The planning and zoning commission shall hold a public hearing to review the application for a zoning ordinance text amendment. The planning and zoning commission may recommend approval, recommend approval subject to changes, recommend denial, or table the public hearing to a future date. A motion to table the application to a future date is limited to no longer than 60 days.

(6) City Commission Public Hearing Required – First Consideration. The board of city commissioners shall hold a public hearing no sooner than is possible to follow the public hearing noticing requirements. The public hearing shall be the first consideration of the ordinance. The board of city commissioners may approve, approve subject to changes, deny, or table the public hearing to a future date. A motion to table the application to a future date shall be limited to no longer than 60 days. A decision to deny the application is final and no second consideration is required. If substantial changes to the ordinance are required the public hearing shall be repeated and follow the public hearing noticing requirements.

(7) City Commission Public Meeting Required – Second Consideration. The board of city commissioners shall hold a public meeting no sooner than ten (10) days following the first consideration of the zoning ordinance text amendment. The zoning ordinance text amendment shall not substantially differ from that presented at the preceding public hearing. The board of city commissioners may, at their discretion, hear public testimony related to the application. The board of city commissioners may approve, approve subject to changes, deny, or table the public hearing to a future date. A motion to table the application to a future date shall be limited to no longer than 60 days. A decision to deny the application is final.

(8) Evaluative Criteria. In order to provide a favorable recommendation by the Planning and Zoning Commission or final decision by the board of city commissioners, the following must be considered:

a. How the proposed zoning ordinance text amendment serves the public interest; and

b. How the proposed zoning ordinance text amendment aligns with the goals, objectives, and policies outlined in the City of Mandan Land Use and Transportation Plan and other plans as may be adopted by the board of city commissioners.

(d) Conditional/Special Use Permit. In order to carry out the purposes of this chapter, the board of city commissioners finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area or other reasons, be reviewed by the planning and zoning commission prior to the board voting on whether or not to approve the use at a specific site.

(1) Additional Submittals. A special or conditional use permit application shall include the following additional submittals:

a. An answer with explanation for each of the following questions:

1. Will the proposed use be designed, constructed, operated, and maintained so as to be compatible in appearance with the existing or intended character of the neighborhood?
2. Will the proposed use involve activities, processes, materials, equipment, or conditions of operation that will be incompatible with the neighborhood due to the production of traffic, noise, smoke, fumes, glare, or odors?
3. Will the hours of operation of the proposed use be different than the adjacent uses?
4. Will the proposed use require exterior lighting of a type and intensity greater than the adjacent uses?
5. Will the site of the proposed use have sufficient area to provide the parking required for the use?
6. Will the proposed use require adjustments to the normal lot size, height, and setback requirements of the district?

(2) Complete Application Received. A complete application shall be received no less than 30 days prior to the desired planning and zoning commission meeting date.

(3) Public Hearing Noticing Requirements. Notice of the hearing must be published at least ten (10) days before the time set for the hearing in the official newspaper of the city. Property owners within five-hundred (500) feet of the boundary of the area of the proposed conditional use shall be notified by mail. The property owner notice requirement shall be considered to be met if reasonable effort is made to contact applicable property owners, even if some are inadvertently omitted from notification. The notice must contain the following items:

- a. The time and place of the hearing.
- b. A description of the nature, scope, and purpose of development requiring a special use permit.

c. A statement of the times at which the application will be available to the public for inspection and copying at the office of the city auditor or his/her designee.

(4) Planning and Zoning Public Hearing Required. The planning and zoning commission shall hold a public hearing to review the application for a special use permit. The planning and zoning commission may recommend approval, recommend approval with conditions, deny, or table the public hearing to a future date. A recommendation to approve or approve with conditions shall include or reference findings of fact related to the application and forwarded to the board of city commissioners. Conditions of approval shall be related and roughly proportional to mitigate negative externalities affecting nearby property owners and the general public and to fulfill the intent of the adopted plans of the City. A decision to table the application to a future date shall be limited to no longer than 60 days. A decision to deny is final.

(5) City Commission Ratification of Approval Required. If the planning and zoning commission recommends to approve or approve with conditions and no appeal is filed as provided in this Section, the action by the board of city commissioners may be by consent. The board of city commissioners may approve, approve with conditions, deny, or table the item to a future date. Conditions of approval shall be related and roughly proportional to mitigate negative externalities affecting nearby property owners and the general public and to fulfill the intent of the adopted plans of the City. A motion to table the item to a future date shall be limited to no longer than 60 days. A decision to deny is final.

(6) Evaluative Criteria. In order to provide a favorable recommendation by the planning and zoning commission or final decision by the board of city commissioners, the following must be considered:

- a. The proposed use is in harmony with the purpose and intent of this chapter;
- b. The proposed use is not in conflict with the adopted comprehensive plan of the city;
- c. The proposed use will not adversely affect the health, safety, and general welfare of the public and the workers and residents in the area;
- d. The proposed use will not be detrimental to the use or development of adjacent properties or of the surrounding neighborhood;
- e. The proposed use meets all appropriate regulations for the district in which it will be located;

- f. The proposed use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of importance to the community;
- g. The proposed use includes adequate screening or buffering to compensate for any departure that the proposed use has from existing adjacent uses; and
- h. The proposed use includes adequate provisions for those individuals who are mobility impaired.

(7) Permit Expiration. Conditional/special use approval is valid for one year. Should a building permit not be issued within one year of receiving special/conditional use approval from the city commission, the approval will lapse. An extension may be granted by the board of city commissioners upon receipt of a written request prior to the one-year expiration.

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

(1) Additional Submittals. A zoning variance application shall include the following additional submittals:

a. Detailed statement including the following:

1. The circumstances or conditions applying to the land or buildings for which the variance is sought;
2. How the applicant is deprived of a reasonable use of said land or building;
3. How the grant of a variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
4. The minimum variance that will accomplish the relief sought.

(2) Complete Application Received. A complete application shall be received no less than 30 days prior to the desired planning and zoning commission meeting date.

(3) Public Hearing Noticing Requirements. Notice of the hearing must be published at least ten (10) days before the time set for the hearing in the official newspaper of the city. Property owners within one-hundred-fifty (150) feet of the boundary of the area

of the proposed variance shall be notified by mail. The property owner notice requirement shall be considered to be met if reasonable effort is made to contact applicable property owners, even if some are inadvertently omitted from notification. The notice must contain the following items:

- a. The time and place of the hearing.
- b. A description of the nature, scope, and purpose of the variance request.
- c. A statement of the times at which the application will be available to the public for inspection and copying at the office of the city auditor or his/her designee.

(4) Planning and Zoning Public Hearing Required. The planning and zoning commission shall hold a public hearing to review the application for a variance. The planning and zoning commission may recommend approval, recommend approval with conditions, recommend denial, or table the public hearing to a future date. A recommendation shall include or reference findings of fact related to the application and forwarded to the board of city commissioners. Conditions of approval shall be related and roughly proportional to mitigate negative externalities affecting nearby property owners and the general public and to fulfill the intent of the adopted plans of the City. A motion to table the application to a future date shall be limited to no longer than 60 days.

(5) City Commission Public Hearing Required. The board of city commissioners shall hold a public hearing no sooner than is possible to follow the public hearing noticing requirements. The board of city commissioners may approve, approve with conditions, deny, or table the public hearing to a future date. Conditions of approval shall be related and roughly proportional to mitigate negative externalities affecting nearby property owners and the general public and to fulfill the intent of the adopted plans of the City. A motion to table the application to a future date shall be limited to no longer than 60 days. A decision to deny the variance is final.

(6) Evaluative Criteria. No adjustment in the strict application of any provisions of this chapter shall be recommended by the planning and zoning commission or granted by the board of city commissioners unless it finds that:

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

- b. For reasons fully set forth in the findings of the board, the circumstances or conditions so found are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of said land or building, and the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the board is the minimum variance that will accomplish the relief sought by the applicant; and
- c. The grant of the variance will be in harmony with the general purposes and intent of this chapter, and not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(f) Future Land Use Map/Plan Amendment.

- (1) Initiation of Amendments. A proposed future land use map/plan amendment may be initiated by the board of city commissioners upon its own motion, or upon receipt of a request therefor from the Planning and Zoning Commission, or upon receipt of a petition therefor from any interested person or their agents. The amendments are limited to the planned land uses for a subject property and do not include amendments to other components of the Land Use and Transportation Plan or other plans that have been adopted by the city.
- (2) Additional Submittals. A future land use map amendment application shall include the following additional submittals:
 - a. An explanation of how the application aligns with the goals, objectives, policies, and other information contained within the City of Mandan Land Use and Transportation Plan and other plans adopted by the city; and
 - b. How any amendment, if approved, would not further create potential for disharmonious adjacent land uses; and
 - c. An ESRI shapefile (.shp) of the future land use map amendment area and projected in spatial reference well-known ID (WKID) 102721.
- (3) Complete Application Received. A complete application shall be received no less than 30 days prior to the desired planning and zoning commission meeting date.
- (4) Public Hearing Noticing Requirements. Notice of the hearing must be published once a week for two successive weeks before the time set for the hearing in the official newspaper of the city. Property owners within five-hundred (500) feet of the boundary of the area of the proposed amendment shall be notified by mail. The property owner notice requirement shall be considered to be met if reasonable effort is made to contact applicable property owners, even if some are inadvertently omitted from notification. The notice must contain the following items:

- a. The time and place of the hearing.
- b. A description of any property involved in any future land use map amendment, by street address if streets have been platted or designated in the area affected.
- c. A description of the nature, scope, and purpose of the proposed regulation, restriction, or boundary.
- d. A statement of the times at which the application will be available to the public for inspection and copying at the office of the city auditor or his/her designee.

(5) Planning and Zoning Public Hearing Required. The planning and zoning commission shall hold a public hearing to review the application for a future land use map amendment. The planning and zoning commission may approve, deny, or table the public hearing to a future date. The adoption of the amendment shall be by a resolution of the commission carried by the affirmative votes of not less than two-thirds of the members thereof. An attested copy of the amendment shall be certified to the governing body of the municipality, if approved. A decision shall include or reference findings of fact related to the application. A motion to table the application to a future date shall be limited to no longer than 60 days. A decision to deny the land use amendment or failure to approve the amendment by the affirmative of at least two-thirds of the members is final.

(6) City Commission Public Hearing Required. The board of city commissioners shall hold a public hearing no sooner than is possible to follow the public hearing noticing requirements. No change or addition to the master plan or any part of it as adopted by the planning commission shall be made by the governing body until the proposed change or addition shall have been referred to the planning commission for report thereon and an attested copy of the commission's report is filed with the governing body. The failure of the planning commission to report within thirty days after the date of the request for the report by the governing body shall be deemed to be an approval by the commission of the additions or changes. If the additions or changes are disapproved by the commission, a two-thirds vote of the entire governing body shall be necessary to pass any ordinance overruling such disapproval. The board of city commissioners may approve, deny, or table the public hearing to a future date. A motion to table the application to a future date shall be limited to no longer than 60 days. A decision to deny the land use amendment is final.

(7) Evaluative Criteria. In order to provide a favorable decision, the following must be considered:

- a. Does the proposed amendment align with the goals, objectives, policies, and other information contained within the City of Mandan Land Use and Transportation Plan and other plans adopted by the city; and
- b. Will the amendment, if approved, further create potential for disharmonious adjacent land uses; and
- c. Does the amendment contribute toward the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality and its environs, which, in accordance with present and future needs, best will promote the amenities of life, health, safety, morals, order, convenience, prosperity, and general welfare as well as efficiency and economy in the process of development, including adequate provision for light and air, distribution of population, good civic design and arrangement, wise and efficient expenditure of public funds, the adequate provision of public utilities and other public requirements, the improvement and control of architecture, and the general embellishment of the area under its jurisdiction.

(g) Request for Reconsideration.

(1) Request for Reconsideration. The applicant who originally initiated the application may file a one-time appeal with the city planner within thirty (30) days of the final decision for land use applications contained in Chapter 105. The request shall be of reconsideration of a final decision by the board of city commissioners.

(2) Complete Application. The request for reconsideration shall include a complete summary of the reasons for the request, including any new evidence or information if applicable. Public Hearing Noticing Requirements. Public and neighboring property owner noticing of the hearing must follow the public hearing noticing requirements of the respective land use application for the hearing body for which a final decision is rendered. The property owner notice requirement shall be considered to be met if reasonable effort is made to contact applicable property owners, even if some are inadvertently omitted from notification. The notice must contain the following items:

- a. The time and place of the hearing;
- b. A description of any property involved in the request, by street address if streets have been platted or designated in the area affected;
- c. A description of the nature, scope, and purpose of the proposed regulation, restriction, or boundary; and

d. A statement of the times at which the application will be available to the public for inspection and copying at the office of the city auditor or his/her designee.

(3) Public Hearing Required. The board of city commissioners shall hold a public hearing no sooner than is possible to follow the public hearing noticing requirements of the respective land use application of the hearing body for which a final decision is rendered. The board of city commissioners may approve, approve with conditions, deny, or table the public hearing to a future date. Conditions of approval shall be related and roughly proportional to mitigate negative externalities affecting nearby property owners and the general public and to fulfill the intent of the adopted plans of the City. A motion to table the application to a future date shall be limited to no longer than 60 days. A decision rendered for the request for reconsideration is final, and any further appeals must be made to the district court.

If a request for reconsideration results in reversing a denied zoning ordinance map or text amendment, the zoning ordinance map or text amendment will be considered an approval of the first consideration, and a second consideration is required subject to the procedures outlined in this Section.

(Code 1957, §§ 14-0223, 14-0226; Code 1994, §§ 21-06-01, 21-07-01, 21-07-02)

State Law reference— Board of adjustment and appeals, N.D.C.C. § 40-47-07 et seq.; amendments to zoning ordinances, N.D.C.C. § 40-47-05.

Section 3. Sec. 105-3-1 related to applicability of standards is removed.

Sec. 105-3-1. — Reserved. Applicability of standards.

- ~~(a) When making computations to determine compliance with these standards, where appropriate, the result shall be rounded to the nearest whole number. Where a standard sets a minimum requirement, the computation shall not be rounded.~~
- ~~(b) Conditional uses are to be evaluated on the following criteria to the extent applicable to the proposed conditional use:
 - ~~(1) Does the proposed use meet the goals and objectives for the area as expressed in the adopted comprehensive plan?~~
 - ~~(2) Will the proposed use be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the neighborhood?~~
 - ~~(3) Will the proposed use be served adequately by essential facilities and services including streets, police and fire protection, drainage, refuse disposal, potable water and sanitary sewer services, emergency services and schools?~~
 - ~~(4) Will the proposed use not create additional requirements for public facilities and services at public cost and will not be detrimental to the economic welfare of the community?~~~~

- ~~(5) Will the proposed use involve activities, processes, materials, equipment or conditions of operation that will be incompatible with the neighborhood due to the production of traffic, noise, smoke, fumes, glare or odors?~~
- ~~(6) Will the proposed use have vehicular approaches to the property which do not create traffic congestion or interfere with traffic on surrounding public streets?~~
- ~~(7) Will the proposed use result in the destruction, loss or damage of a natural, scenic, or historic feature of importance to the community?~~
- ~~(8) Will the proposed use depreciate surrounding property values?~~
- ~~(9) Will the hours of operation of the proposed use be different than the adjacent uses?~~
- ~~(10) Will the proposed use require exterior lighting of a type and intensity greater than the adjacent uses?~~
- ~~(11) Will the site of the proposed use have sufficient area to provide the parking required for the use?~~
- ~~(12) Will the proposed use require adjustments to the normal lot size, height and setback requirements of the district?~~
- ~~(13) Has adequate provision been made for those individuals who are mobility impaired?~~
- ~~(14) Will screening or buffering be required to compensate for any departure that the proposed use has from existing adjacent uses?~~
- ~~(c) When recommending approval of a conditional use, the planning and zoning commission may specify certain design parameters to be applied to the approval.~~
- ~~(d) Conditional uses approved by the planning and zoning commission shall be ratified by the city commission.~~
- ~~(e) Should any person object to the approval by the planning and zoning commission of a conditional use, they may file an appeal as provided for in Chapter 101, Article 3.~~
- ~~(f) If an appeal is filed and the appeal is scheduled for consideration by the city commission, the action on the appeal by the city commission shall be taken after holding a public hearing.~~
- ~~(g) If no appeal of a planning and zoning recommendation for a conditional use is received, the action by the city commission may be by consent.~~
- ~~(h) Conditional use approval is valid for one year. Should a building permit not be issued within one year of receiving conditional use approval from the city commission, the approval will lapse.~~

(Ord. No. 1242, § 5, 12-20-2016)

Timothy A. Helbling, President
Board of City Commissioners

Attest:

James Neubauer,

City Administrator

Planning and Zoning:

First Consideration:

Second Consideration and Final Passage:

January 27, 2020

March 3, 2020

March 17, 2020

DRAFT



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 17, 2020
PREPARATION DATE: March 6, 2020
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM,
SUBJECT: Resolution to Transfer Real Property by
Nonexclusive Listing Agreement - Extension

STATEMENT/PURPOSE: Consider approval of a resolution to sell real property by non-exclusive listing agreement and extend the listing agreement with Oaktree Realtors.

BACKGROUND/ALTERNATIVES: The listing agreement with Oaktree Realtors is nearing its expiration for the first batch of properties listed for sale around this time last year.

The resolution in Exhibit 1 would extend the listing agreement date to March 19, 2021 for all thirty (30) properties presently listed for sale.

To date, the City has sold several properties amounting to over \$23,000 in revenue and so far resulting in the construction of a new infill residence off of 14th Ave NW.

The sale of non-essential property via listing in the MLS appears to be working well at this time and it is recommended that the listing agreement be extended.

ATTACHMENTS:

Exhibit 1 – Resolution to Transfer Real Property by Nonexclusive Listing Agreement – Extension
Exhibit 2 – Listing Agreement Extension

FISCAL IMPACT: Positive – Future property tax collections will provide revenue on properties currently not producing any tax revenue.

STAFF IMPACT: Minimal – Each offer will require approval by City Commission. Staff time will include summarizing the offer and presenting to City Commission.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 17, 2020

Subject: Resolution to Transfer Real Property by Nonexclusive Listing Agreement -
Extension

Page 2 of 2

LEGAL REVIEW: The resolution and contract have been reviewed and approved by Attorney Brown.

RECOMMENDATION: The Engineering and Planning Department, Public Works, and Assessing Departments recommend approval of this resolution.

SUGGESTED MOTION: I move to approve the resolution as presented in Exhibit 1 and enter into the contract as presented in Exhibit 2.

EXHIBIT 1

RESOLUTION TO TRANSFER REAL PROPERTY BY NONEXCLUSIVE LISTING AGREEMENT

Board of City Commissioners
City of Mandan, North Dakota

WHEREAS, The City has acquired numerous parcels throughout the years; and

WHEREAS, Certain property has been identified to have no public value; and

WHEREAS, The time for staff to establish a separate bid and answer inquiries related to each property is unmanageable given existing staff responsibilities; and

WHEREAS, Section 2-4-8 of the Code of Ordinances of the City of Mandan, North Dakota provides the option to list property for sale through a real estate broker; and

WHEREAS, Utilizing a real estate broker will more efficiently place property back into private ownership to begin collecting property tax revenue

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Mandan, Morton County, North Dakota, that, beginning March 17, 2020 and effective through March 19, 2021, the following shall apply:

1. The commission rate is 6% of the gross selling price of the respective property. The commission may be split 50/50 with another real estate broker. The minimum commission will be \$250 to be split 50/50 by the listing and buying agent.
2. The City of Mandan reserves the right to reject any and all offers determined to be insufficient.
3. The property listed in the attached table titles, " RESOLUTION TO TRANSFER REAL PROPERTY BY NONEXCLUSIVE LISTING AGREEMENT" and dated March 17, 2020 shall be listed for sale through the real estate broker, Oaktree Realtors:

President, Board of City Commissioners

ATTEST:

City Administrator

**RESOLUTION TO TRANSFER
REAL PROPERTY BY
NONEXCLUSIVE LISTING
AGREEMENT**

Date: March 17, 2020

MLS#	PARCEL ID	STREET ADDRESS	List Price
401983	65-5263151	0000 29th St SE	\$ 5,000.00
401984	65-5263155	0000 Bayside Dr SE	\$ 1,000.00
401985	65-3302000	0000 5th St NW	\$ 10,000.00
401989	65-1162000	205 14TH AVE NW	\$ 10,000.00
401990	65-1161000	207 14TH AVE NW	\$ 10,000.00
401991	65-1160000	209 14TH AVE NW	\$ 10,000.00
401992	65-1159000	211 14TH AVE NW	\$ 10,000.00
401993	65-2595500	306 5TH AVE NE	\$ 10,000.00
401994	65-2596000	308 5TH AVE NE	\$ 10,000.00
401995	65-1451500	308 8TH AVE NE	\$ 16,000.00
401996	65-2588000	309 6TH AVE NE	\$ 10,000.00
401997	65-1439000	309 8TH AVE NE	\$ 10,000.00
401998	65-2597000	310 5TH AVE NE	\$ 10,000.00
401999	65-2587000	311 6TH AVE NE	\$ 10,000.00
402000	65-3179000	410 3RD AVE NE	\$ 15,000.00
402001	65-3261000	500 3RD AVE NE	\$ 15,000.00
402002	65-3260000	501 4TH AVE NE	\$ 20,000.00
402003	65-3262000	504 3RD AVE NE	\$ 10,000.00
402004	65-3263000	506 3RD AVE NE	\$ 20,000.00
402005	65-3337000	601 4TH AVE NW	\$ 12,500.00
404306	652971000	0000 2nd St NW	\$ 5,000.00
404317	653286000	604 1st Ave NE	\$ 1,000.00
404312	654434500	35A Horseshoe Bend NW	\$ 1,000.00
404310	654425500	26A Roughrider Cl W	\$ 1,500.00
404311	654429500	30A Roughrider Cl NW	\$ 1,500.00
404318	654406500	8A Wagonwheel Cl NW	\$ 500.00
404309	654423500	24A Roughrider Cl W	\$ 2,500.00
404313	654435500	36A Horseshoe Bend NW	\$ 1,000.00
404315	654402500	4A Wagonwheel Cl NW	\$ 500.00
404307	654410000	0000 Roughrider Cl E	\$ 500.00

STATUS CHANGE FORM

Bismarck Mandan Board of REALTORS®

EXHIBIT 2

MLS # see attached

Date 03/04/2020

Property Address City of Mandan Lots, Mandan, N 58554

Check one of the following boxes: Changes have been made by Broker
 (Price Changes, Withdrawn, Re-Opens and/or Extensions are subject to audit.)
 Please enter changes at the Board Office

Extend

New Expiration Date:
03/19/2021

Price Change

New Price:
 \$ _____

Contingent

Contingency Removal Date:

Sale Conditions:
 01 Financing
 02 Appraisal
 03 Inspection
 04 Other

Pend

Date Pended: _____
 Scheduled Closing Date:

Re-Open*

New Expiration Date:

**To be used within 48 hours after a listing has expired.*

Other:

Back on Market
 Withdraw
 ICI Expire
 ICI Withdraw

24/48/72

Contingency

24hr
 48hr
 72hr
 Other

Sale

Date Pended: _____
 Sale Price \$ _____
 Selling Office _____
 Selling Agent _____
 Closing Date: _____
 Point/Closing Costs Paid by
 Seller: _____
 Type of Financing: _____

Change Listing

Changes to be made:

Owner(s) signature(s) required for Extension, Price Change, and/or Withdrawn. Broker's signature is required for Withdrawns.

Owner Signature _____ Date _____
 Owner Signature _____ Date _____
 Listing Agent Name _____ Date _____
 Brokers Signature _____ Date _____

MLS#	PARCEL ID	STREET ADDRESS	List Price
401983	65-5263151	0000 29th St SE	\$ 5,000.00
401984	65-5263155	0000 Bayside Dr SE	\$ 1,000.00
401985	65-3302000	0000 5th St NW	\$ 10,000.00
401989	65-1162000	205 14TH AVE NW	\$ 10,000.00
401990	65-1161000	207 14TH AVE NW	\$ 10,000.00
401991	65-1160000	209 14TH AVE NW	\$ 10,000.00
401992	65-1159000	211 14TH AVE NW	\$ 10,000.00
401993	65-2595500	306 5TH AVE NE	\$ 10,000.00
401994	65-2596000	308 5TH AVE NE	\$ 10,000.00
401995	65-1451500	308 8TH AVE NE	\$ 16,000.00
401996	65-2588000	309 6TH AVE NE	\$ 10,000.00
401997	65-1439000	309 8TH AVE NE	\$ 10,000.00
401998	65-2597000	310 5TH AVE NE	\$ 10,000.00
401999	65-2587000	311 6TH AVE NE	\$ 10,000.00
402000	65-3179000	410 3RD AVE NE	\$ 15,000.00
402001	65-3261000	500 3RD AVE NE	\$ 15,000.00
402002	65-3260000	501 4TH AVE NE	\$ 20,000.00
402003	65-3262000	504 3RD AVE NE	\$ 10,000.00
402004	65-3263000	506 3RD AVE NE	\$ 20,000.00
402005	65-3337000	601 4TH AVE NW	\$ 12,500.00
404306	652971000	0000 2nd St NW	\$ 5,000.00
404317	653286000	604 1st Ave NE	\$ 1,000.00
404312	654434500	35A Horseshoe Bend NW	\$ 1,000.00
404310	654425500	26A Roughrider Cl W	\$ 1,500.00
404311	654429500	30A Roughrider Cl NW	\$ 1,500.00
404318	654406500	8A Wagonwheel Cl NW	\$ 500.00
404309	654423500	24A Roughrider Cl W	\$ 2,500.00
404313	654435500	36A Horseshoe Bend NW	\$ 1,000.00
404315	654402500	4A Wagonwheel Cl NW	\$ 500.00
404307	654410000	0000 Roughrider Cl E	\$ 500.00