



AGENDA
MANDAN CITY COMMISSION
APRIL 7, 2020
ED "BOSH" FROEHLICH MEETING ROOM,
MANDAN CITY HALL
5:30 P.M.
www.cityofmandan.com

To adhere to public health recommendations to minimize public gatherings during this COVID-19 situation, the following options are being offered to accommodate public attendance and participation in City Commission meetings. City Hall will be closed to the public.

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Mandan City Commission meetings are recorded and played at various dates and times on Government Access, cable channel 2, available in the Bismarck Mandan area. Past meetings are available at www.freetv.org.

The City of Mandan welcomes a person's right to express his/her opinion and asks participants to keep comments related to agenda items. The City of Mandan reserves the right to remove participants from the virtual meeting who are inappropriate or offensive, including those who violate legal rights of others or could harm the safety or well-being of staff and commissioners.

A. ROLL CALL:

1. Roll call of all City Commissioners.
2. Winner of "If I Were Mayor" Essay Contest announcement.

B. APPROVAL OF AGENDA:

C. MINUTES:

1. Consider approval of the minutes from the March 17, 2020 Board of City Commission regular meeting.

D. PUBLIC HEARING:

1. Consider Cloverdale Foods Co. application for a new and expanding business property tax exemption for building additions (see New Business No. 1i).
2. Consider approval of the first consideration of Ordinance 1300 related to telecommunication towers in the right-of-way.

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3. Consider approving the Resolution determining insufficiency of protest for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area).
4. Consider approval of Mandan Land Use and Transportation Plan Amendment for area north of Mandan Middle School.
5. Consider approval of Ordinance 1337 related to Multi-use Shops.
6. Consider approval of a preliminary plat and final plat, for Replat of Lots 1 & 2, Block 1, Mandan Industrial Park and variances for a setback to I-94 corridor and number of approaches.

E. BIDS:

F. CONSENT AGENDA:

1. Consider approval of annual liquor license for Bis-Man Stock Car Association at Dacotah Speedway for May – October.
2. Consider approval of Special B Liquor Permit for Bis-Man Stock Car Association at Dacotah Speedway for July 2, 3, 4, 2020.
3. Consider approval of the following proclamations:
 - i. Proclaiming April 12-18, 2020 as National Public Safety Telecommunications Week in the City of Mandan.
 - ii. Proclaiming April 7, 2020 Mayors Day of Recognition for National Service in the City of Mandan.
4. Consider approval of a Minor Plat for Legacy Law Addition.
5. Introduction and First Consideration of Ordinance 1338 which will amend and re-enact section (h) of Sec. 24-7-17 Parking of certain vehicles and trailers restricted; and section (c) of Sec. 24-7-18 Restrictions on consecutive parking of the Mandan Code of Ordinances.
6. Consider approval of Memorandum of Offer to Landowner with the NDDOT for small Main Street parcels.
7. Consider Abatement Application from HM4 LLC.
8. Consider approval of the transfer of \$7,500.00 from the Police Equipment Reserve Fund to the Police Department 2020 Capital Outlay Budget (121-62114) for K9 vehicle equipment.

G. OLD BUSINESS:

H. NEW BUSINESS:

1. Consider Mandan Growth Fund Committee recommendations:
 - i. Cloverdale Foods Co. application for a new and expanding business property tax exemption for building additions.
 - ii. Cloverdale Foods Co. application for PACE interest buydown.
2. Consider approval of advertisement for bid for the Raw Water Intake project, Phase 1A.
3. Consider altering the 2020 spring cleanup week, specifically eliminating the curbside collection for 2020 Spring Clean Up Event,

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due to Covid-19 Pandemic and waive residential disposal fees the week of April 20.

I. RESOLUTIONS AND ORDINANCES:

1. Second and final consideration of Ordinance 1336 related to a Zoning Map Amendment for proposed Longhorn Second Add.
2. Second and Final consideration of Ordinance 1314 related to outdoor seating.
3. Consider resolution regarding a moratorium pertaining to the retail sale of alcoholic beverages.

II. OTHER BUSINESS:

III. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. April 21, 2020
2. April 28, 2020
3. May 5, 2020
4. May 19, 2020

IV. ADJOURN



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 7, 2020
PREPARATION DATE: March 31, 2020
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: City Administrator, Jim Neubauer
PRESENTER: Mayor Tim Helbling
SUBJECT: "If I Were Mayor" Essay Contest Winner

STATEMENT/PURPOSE: To announce the winner of the local "If I Were Mayor" essay contest.

BACKGROUND/ALTERNATIVES: In February and March, the North Dakota League of Cities (NDLC) held an "If I Were Mayor" Essay Contest for third and seventh grade students across the state. The City of Mandan decided to select a contest winner from the local submissions to the contest. The winner will be invited to participate in a future Mandan City Commission meeting. In addition, the author of the winning essay will be presented a certificate, City of Mandan t-shirt and \$50 in Mandan Bucks provided by the Mandan Progress Organization.

A total of 34 essays were submitted by Mandan third-grade students. Mayor Tim Helbling read the essays and selected the winning essay. Scarlett Chorne is a third grade student in Mr. Streifel's third-grade class at Red Trail Elementary School.

Essays focused on what makes Mandan great and ways to improve the community. Many students listed the schools, community events, the people and outdoor recreation options as their favorite things about Mandan. No local seventh-grade essays were submitted.

ATTACHMENTS: Scarlett's essay

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

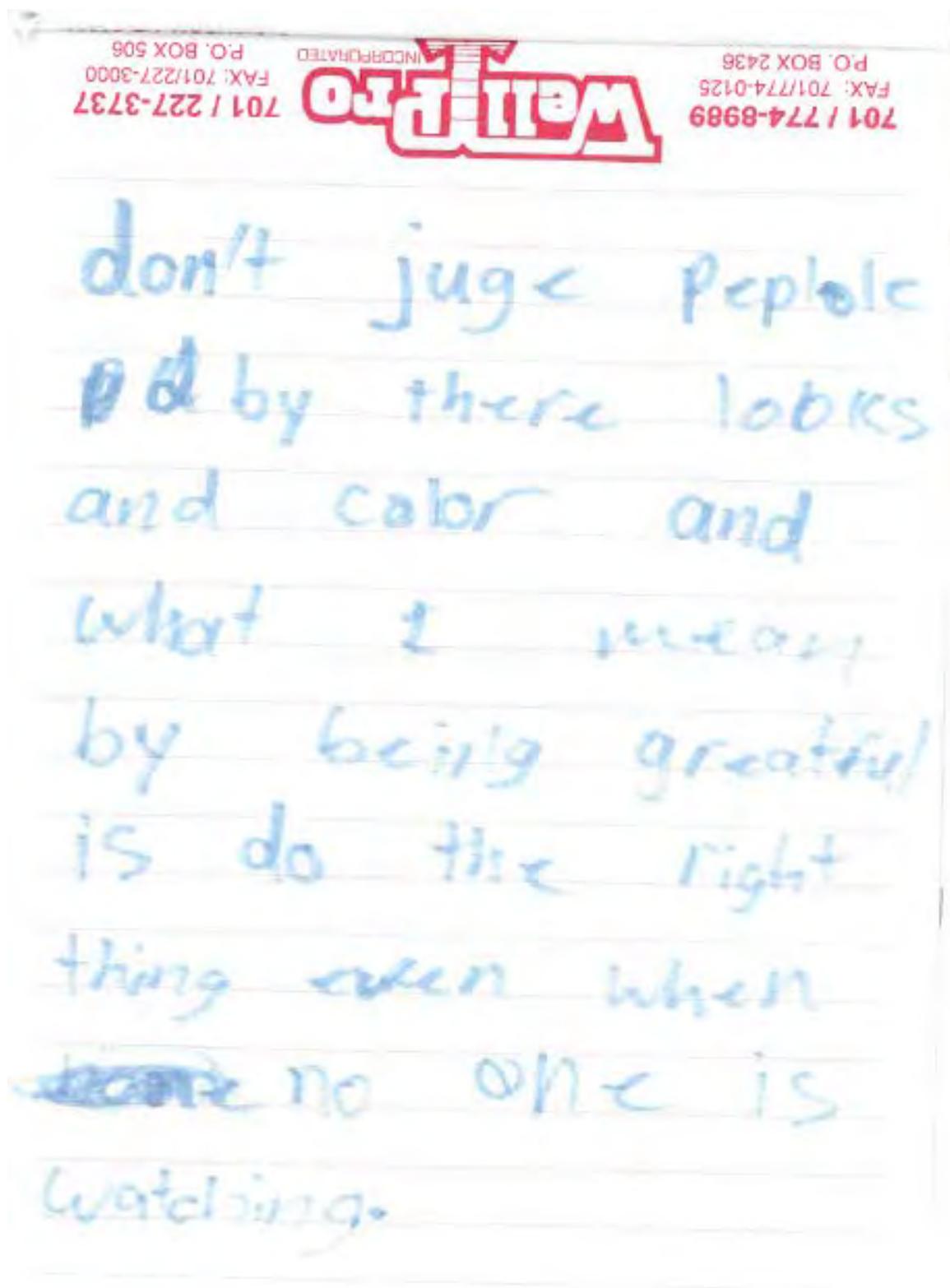
RECOMMENDATION: N/A

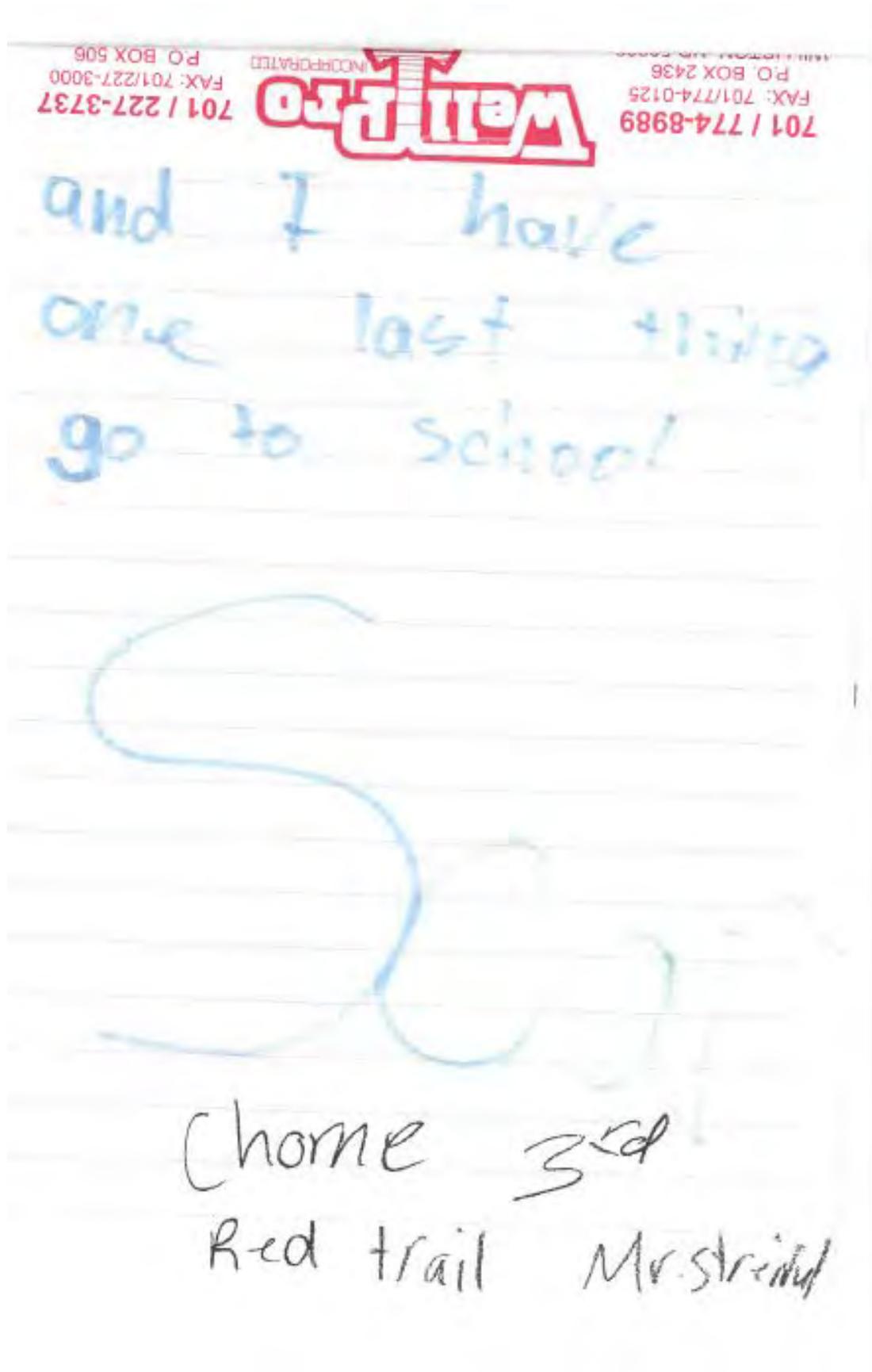
SUGGESTED MOTION: N/A

Scarlett Chorne's essay submission: *(continues on following 2 pages)*



If I were
president I would
make the world a
beter place by being
greatful for what
we have ~~and~~ and
doing the right
thing and right thing
to do is
for





The Mandan City Commission met in regular session at 5:30 p.m. on March 17, 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, Director of Public Works Bitz, Assessor Markley, Deputy Police Chief Flaten, Building Official Ouradnik and Police Chief Ziegler. Absent: Human Resource Director Cullen, Attorney Brown.

B. APPROVAL OF AGENDA:

C. MINUTES:

1. *Consider approval of the minutes from the March 3, 2020 Board of City Commission regular meeting.* Commissioner Larson moved to approve the minutes as presented. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

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 Addition.* City Planner VanDyke presented a request to consider approval of a land use plan amendment, first consideration of Ordinance 1336. The applicants is requesting to amend the land use and transportation plan of the City, rezone their property and obtain approval for the preliminary plat of Longhorn 2nd Addition. The land use designation is currently zoned 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 Addition Replat (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 rather than move from the existing location. There are presently industrial uses across 37th Street to the north. This land is outside the extra-territorial area of the City. The applicants have consulted with P&Z Director 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.

City Staff recommended approval due to the existing character of area near the intersection of 37th Street and 1806 North 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 proposed land use amendment is summarized in Exhibit 5.

As noted, the applicants are requesting to change the zoning from A-Agriculture and R-7 Residential to CB- Commercial and A-Agriculture (Exhibit 3). The CB-Commercial zoning designation would accommodate the existing use of kennel and allow for the expansion to 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 as A-Agriculture to farm the land.

The Planning and Zoning Commission recommended approval of the rezone with these restrictions:

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
- Livestock raising or feeding

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

City staff recommended approval of the preliminary plat as proposed in Exhibit 4 with the following requirements at 37th Street right-of-way that will allow additional right-of-way as needed to meet arterial road width as planned for 37th Street in the future.

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

Mayor Helbling announced this is a public hearing to consider approval of a land use plan amendment, first consideration of Ordinance 1336 related to a zoning amendment and

preliminary plat for Longhorn 2nd Addition. He invited anyone in the audience to come forward to speak for or against the Ordinance 1336.

Jerry Kemmet, President of the Central Dakota Humane Society came forward to speak. He said the Center is celebrating 60 years of business in Mandan and they want to stay in Mandan. This addition of land will allow expansion. They would like to plan on putting in trails for the animals and the public would be welcome to use the trails. They would like to be able to house more animals in anticipation of finding homes for the animals.

A second announcement was made for anyone in the audience to come forward to speak for or against Ordinance 1336. A third and final announcement was made for anyone to come forward to speak for or against Ordinance 1336. Hearing none, this portion of the public hearing was closed.

Commissioner Braun moved 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 outlined in Exhibit 4. 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.

2. *Consider approval of the preliminary plat for Lakewood 9th Add. Replat of Lot 1, Block 4.* City Planner Van Dyke presented a request to approve the preliminary plat for Lakewood 9th Addition Replat of Lot 1, Block 4. He reported that Art Goldhammer, VE Land Company, is seeking approval for a preliminary plat to Lot 1, Block 4, Lakewood 9th Addition. The property is currently a storm water retention pond that was over constructed as the surrounding developments utilized the dirt from this lot to fill and elevate out of the floodplain. Due to the storm water pond being developed over capacity, there is potential for the lot to be partially filled and elevated thereby creating four new lots (Exhibit 2). Three of the lots will have street frontage along 21st Street SE. The lot in the rear will continue to function to facilitate storm water 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. City staff received two inquiries from neighboring property owners. One neighbor indicated that he was happy to hear that the lot abutting their property would still function as a storm water pond and provide a buffer to the development near 21st Street. City staff and Planning and Zoning Commission recommended approval of the preliminary plat subject to conditions already shared with the applicant (Exhibit 3). The Planning and Zoning Commission unanimously recommended approval at the February P&Z hearing. The Engineering and Planning recommended approval of the preliminary plat as presented in Exhibit 2 subject to the conditions of approval contained in Exhibit 3.

Mayor Helbling inquired as to who will be responsible for the maintenance and upkeep on the remaining. People are concerned if this pond is partially filled, will they go across the street and fill the next pond that will downgrade property values? Planner Van Dyke replied that Lot 1A is a common lot included in joint ownership for the three buildable lots and that would be established if this plat is approved, therefore it would not likely come back to the City. It would be tied to those three parcels. That was an action enacted at the City previously to ensure these

types of lots would not become the city's responsibility. Mayor Helbling recommended that there should be assurance that the three lots will jointly be responsible for the 4th lot so that the City is fully released of any responsibility. Planner Van Dyke stated that Attorney Brown was aware that these lots would not be the responsibility of the City.

Mayor Helbling announced this is a public hearing to consider approval of the preliminary plat for Lakewood 9th Addition Replat of Lot 1, Block 4. He invited anyone in the audience to come forward to speak for or against the preliminary plat for Lakewood 9th Addition Replat of Lot 1, Block 4. A second announcement was made for anyone to come forward to speak for or against this request. A third and final announcement was made for anyone in the audience to come forward to speak for or against this request. Hearing none, this portion of the public hearing was closed.

Commissioner Braun moved to approve the preliminary plat for Lakewood 9th Addition Replat of Lot 1, Block 4 in Exhibit 2 subject to conditions of approval contained in Exhibit 3. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: No; Commissioner Braun: Yes; Mayor Helbling: No. The motion passed.

3. *Consider approval of Ordinance 1314 related to outdoor seating.* City Planner Van Dyke presented a request for approval of Ordinance 1314 related to outdoor seating. He said that the City has received numerous requests over the years for outdoor seating located in the public right-of-way. The City has been working with Thomas and Moriarty's to trial 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. The City would require a separate right-of-way encroachment agreement to be signed by both the City and the applicant. Multiple departments, including legal, were involved in the creation of this ordinance. All present recommended approval of the Ordinance (Exhibit 1). This is limited to businesses that would sell food or drink. Minor changes could be made to accommodate businesses, if necessary. This matter has been held up for about 6 months. No adjustments were made to this to accommodate the Moose Club (they built an outdoor seating area, without city approval permit, in the City right of way) but will have to be addressed separately from this matter. This will accommodate businesses that apply upfront and are meant for temporary seasonal purposes. Commissioner Larson commented on the distinguishing between this type of outdoor seating versus putting a bench in front of a business. Mayor Helbling commented this is a good Ordinance if it is followed properly.

Mayor Helbling announced this is a public hearing to consider approval of Ordinance 1314 related to outdoor seating. He invited anyone in the audience to come forward to speak for or against the approval of Ordinance 1314 related to outdoor seating.

A second announcement was made for anyone to come forward to speak for or against this Ordinance. A third and final announcement was made for anyone in the audience to come forward to speak for or against this Ordinance. Hearing none, this portion of the public hearing was closed.

Commissioner Rohr moved to approve Ordinance 1314 related to outdoor seating in Exhibit 1. Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

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;*
 - xiii. *Wastewater Treatment;*
 - xiv. *Information Technology Department;*
 - xv. *Police Department.*
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 the Mandan Youth Commission.*

Commissioner Braun moved to approve the Consent Agenda items 1 through 8 as presented. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

G. OLD BUSINESS:

H. NEW BUSINESS

1. *Abatement applications for Infinity Ventures Inc.*

City Assessor Markley presented a request to consider reduction to the 2018 & 2019 value of the property at 4102 Shoal Loop SE. 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. The applicant has requested a reduction in value based on the income information provided. The owner provided his income and expense data.

The City of Mandan Assessing Office considers three approaches to value property: 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.

Apartment owners contacted the Assessing Office 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 letters were sent to the owners of apartment buildings in December 2018 and some responses were received. In October 2019 another request was sent for the income and expense data anticipating a better response. After the request in 2019 enough data was received to consider the income approach for valuation purposes for the 2020 assessment year.

The Assessing Office used the services from Vanguard Appraisals, Inc. to analyze the income & expense information to update the 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 are being requested are for 2018 & 2019 valuations. The Assessing Office 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.

Assessor Markley stated that all these abatement recommendations will go to the County Board after tonight and they can overrule any decision made here.

Assessor Markley did not recommend abating the 2018 & 2019 values based on the income provided because it will create an inequality to similar properties.

Stacy Zander, 2220 Shoal Loop, Mandan, came forward to speak. He stated that with regard to Assessor Markley's statement "That it will create inequality to the other properties." Mr. Zander stated that those properties have a right to request abatement. If the property is over-assessed that's why you request abatement. The City brought in an outside company to do the assessment and based on my accountant's information that was provided to them, they have my data and my property is over-assessed. He said he is requesting their valuation. He does not know why the City would deny his request, when he is using their numbers.

Mayor Helbling called on Administrator Neubauer to explain how this was managed a few years ago when some large apartment complexes were challenging their valuations.

Administrator Neubauer explained that the sales approach was used since it was difficult getting income and expense data for the large apartment complexes that were evaluated in the past. He said this has been handled by the City in denying the abatement and then the homeowner can appeal to the county and ask the county commission to consider abatement. If the county also denies the request, the next option would be district court. Mr. Zander again stated that he used the figures provided by Assessor Markley. Commissioner Davis offered to meet with Mr. Zander and Assessor Markley to review the Vanguard process, sales vs. income, in hopes of

answering Mr. Zander's questions. Assessor Markley agrees with Mr. Zander, there were not a lot of sales data so the income approach was used with other properties as well. Those values will be lowered in 2020 based on the income and expenses received. Commissioner Rohr said that equity and balance can be difficult and these matters can become complex. As far as the city is concerned, we do the best we can.

Commissioner Davis moved to deny the abatement requests for the property located at 4102 Shoal Loop SE. Commissioner Braun seconded the motion.

Commissioner Larson inquired if the income approach was used for any other valuations and Assessor Markley replied, no. Commissioner Braun stated that when abatements were discussed a couple years ago, it was an arduous task and that was done in good faith to provide the best assessment possible at that time. Having gone through the process at that time, he feels this matter should be addressed in that same manner.

Roll call vote: Commissioner Rohr: No; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

Mayor Helbling stated that Mr. Zander has the right to appeal to Morton County Commission.

2. Abatement applications for JDS Holdings LLP

i. Abatement application 65-6119750

City Assessor Markley presented a request to consider a reduction to the 2019 value of the property at 1619 – 31st Street NW. 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. The applicant has requested a reduction in value based on the income information provided. As previously explained, the City of Mandan Assessing Office considers three approaches to value property: 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.

The City Assessing Office was contacted by 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 letters were sent to the owners of apartment buildings in December 2018 and received a limited response. In October 2019 another request was sent for the income and expense data in hopes of receiving a better response. After the request in 2019 there was enough data to consider the income approach for valuation purposes for the 2020 assessment year. The Assessing Office used the services from Vanguard Appraisals, Inc. to analyze the income & expense information to update the 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 requested is for 2019 valuations. The Assessing Office did not have adequate information to use income approach in our calculations for 2019 valuations. Therefore, allowing such abatement would create inequity for the other properties in this class.

Assessor Markley stated that the Assessing Office does not recommend abating the 2019 value based solely on the income provided because it will create an inequality to similar properties. She recommended a motion to deny the abatement request for the property located at 1619 31st Street NW.

ii. Abatement application 65-6119700.

City Assessor Markley presented a request to consider a reduction to the 2019 value of the property at 1611 31st Street NW. 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. 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: 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.

The Assessing Office was contacted by 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 letters were sent to the owners of apartment buildings in December 2018 and received a limited response. In October 2019 the Assessing Office sent another request for the income and expense data in hopes of receiving a better response. After the request in 2019 the Assessing Office gathered enough data to consider the income approach for valuation purposes for the 2020 assessment year. The Assessing Office used the services from Vanguard Appraisals, Inc. to analyze the income & expense information and to update the 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 requested is for 2019 valuations. The Assessing Office 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.

Assessor Markley did not recommend abating the 2019 value based solely on the income provided because it will create an inequality to similar properties. She recommended a motion to deny the abatement request for the property located at 1611 31st Street NW.

James Moen, Minot, came forward to speak and stated that his property is located at 1619-1611 31st Street. He said he has a problem with the fairness of the process used. He said when he compares his property to adjacent properties he believes his values are 15%-20% higher than those properties. Where is the fairness? He said he has provided Assessor Markley the information she asked for over the last couple years. He gave examples of the values of his properties in comparison to others in the area. Assessor Markley said this was not discussed and she offered to review the information to figure out the disparity. She said that if there is an error found, she can provide that recommendation to the county. She will meet with Mr. Moen to discuss this further.

Commissioner Davis moved to deny the abatement requests of 65-6119750 and 65-6119700.

Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: No; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

3. Abatement application for HM4 LLC

City Assessor Markley presented a request to consider reduction to the 2019 value of the property at 1627 31st Street NW. 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. This property suffered fire damage to the apartment building and heat damage to the garages on July 14, 2019. Ten 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. She reported that the NDCC 57-23-04 states: "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: 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.

The Assessing Office was contacted by 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, letters were sent to the owners of apartment buildings in December 2018 and received a limited response. In October 2019 another request was sent for the income and expense data in hopes of receiving a better response. After the request was sent in 2019 the Assessing Office had gathered enough data to consider the income approach for valuation purposes for the 2020 assessment year. The Assessing Office used the services from Vanguard Appraisals, Inc. to analyze the income & expense information to update the 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 requested is for 2019 valuations. The Assessing Office 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.

Assessor Markley stated that this lot does have a slope. She said she found an error in the calculation of the land value therefore she would recommend a lower value for this property. Assessor Markley recommended abating the 2019 value for the portion of the year that the buildings were damaged and correct the land value.

James Moen, Minot, came forward to speak and stated he agrees with Assessor Markley on the abatement due to the damages to the property.

Commissioner Davis moved to approve the request to approve abatement and adjust the 2019 value to \$2,968,050 for the property located at 1627 31st Street NW. 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.

Mayor Helbling stated that on the abatement matters, the property owners have the right to appeal to Morton County Commission.

4. *Consider appointments to Mandan Visitors Committee.* City Administrator Neubauer presented a request to consider appointments to the Mandan Visitors Committee. He reported there are four positions up for appointment, including one vacant position. Letters of interest were pursued through an October news release with a requested deadline for responses by November 1, 2019 or until the positions are filled.

Members whose terms expired:

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

Unexpired term to be filled:

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

The Mandan Visitors Committee met on March 3, 2020 to discuss the consideration of recommendations for 2020 appointments. Individuals who submitted letters of interest include: Maria Walen, Clint Boyd, Tyler Gangl, Karmen Siirtola. Terry Kraft, withdrew letter of interest 2/21/2020 and Rena Mehlhoff withdrew letter of interest 2/13/2020. Interested individuals, Walen, Boyd, Gangl, and Siirtola were all in attendance.

Administrator Neubauer reported that due to the number of open positions for vacant, renewal or new appointments, he recommended doing a reset on term lengths as outlined in the recommendation and motion. That would prevent not having all positions being up for reappointment at the same time. He said that names were drawn from a jar to determine the recommended terms: The Visitors Committee recommended appointing Tyler Gangl to a two-year term ending December 31, 2021; Maria Walen to a three-year term ending December 31, 2022; Clint Boyd to a four-year term ending December 31, 2023; and Karmen Siirtola to a five-year term ending December 31, 2024.

Commissioner Larson moved to approve the following appointments to the Visitors Committee: Tyler Gangl to a two-year term ending December 31, 2021; Maria Walen to a three-year term ending December 31, 2022; Clint Boyd to a four-year term ending December 31, 2023; and Karmen Siirtola to a five-year term ending December 31, 2024. 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.

5. *Memorial Highway Preliminary Engineering Presentation.*

Planning and Engineering Director Froseth presented a brief update on the status of the Memorial Highway reconstruction project planning as it nears the completion of the preliminary engineering effort. The NDDOT decision document will be presented to the City Commission for review and approval. Director Froseth invited Craig Mizera, the Project Manager with HDR, to present relevant project information on the Memorial Highway Improvement project. Mr. Mizera said that AE2S and City staff have been involved in this project for months. The project overview, starts at Main Avenue and goes to 46th Avenue interchange wherein 15,000 vehicles drive through daily. He outlined the goals and proposed improvements, the funding sources wherein the project cost share would be federal cost share 80.93%, state cost share 9.07% and local cost share 10% plus additional city utility cost, water main and sanitary sewer, would be local costs. The project is tentatively scheduled to commence in spring 2022. Public input meetings have been held and we are currently in the document stage at this point. For further information please contact www.memorialhighwayproject.com or by contacting Craig Mizera, Project Manager.

Mayor Helbling inquired about relocating the two lift stations if they will fall under the road project or will they be the City's responsibility? Mr. Mizera stated that utilities typically need to be addressed with existing roadway easements and would be a cost the City would cover. Mayor Helbling stated he is not in favor of the ponds as there would be no way to drain that water into the Heart River. He does not want ponds on park or city property. He recommended that those will be evaluated as part of the process.

Director Froseth stated this is informational only, and no action is required at this time.

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).* Planning and Engineering Director Froseth presented a request 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). He provided a recap, stating that at the December 3, 2019 City Commission meeting, the resolution creating the district, approved the engineer's report, approved the feasibility report was approved along with the resolution of necessity for SID 215. At the meeting on January 7, 2020 it was determined that there were insufficient protests and the City Commission elected to move forward with this project. On March 3, 2020 the 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 3, 2020 the 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 for parking lots so those costs will not go to the residents in the mid-town east boundaries, rather from the city's assessment fund.

Director Froseth recommended approving the Resolution approving plans and specifications and Resolution directing advertisement for bid for Street Improvement District No. 215, 215A and 215B.

Commissioner Larson moved to approve the Resolution approving plans and specifications and Resolution directing advertisement for bid for Street Improvement District No. 215, 215A and 215B. 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.

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).* Planning and Engineering Director Froseth presented a request the approval of plans and specifications and resolution directing advertising for bids for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area). He stated that at the last City Commission meeting, the Engineering Office brought forward a request to approve resolutions of necessity and to create the district. In order to meet scheduling goals, this request is to approve of plans and specs as well as the advertisement for bid, concurrent with the protest period. After hearing from Mandan residents and City Commission, the City staff had some discussions on what adjustments could be made to the project details or assessment distribution formula.

Director Froseth reported that letters went out to each property owner on March 12, 2020, with their individual lot assessment estimates based on the previously mentioned adjustments (February 27th meeting). The recommended changes since the February 27th meeting pursuant to the letters that went out on March 12, 2020, included reductions of assessments:

(1) A reduction of the segment of Lewis Road, west of 37th Avenue NW, to be reconstructed. It is believed that it will all need to be reconstructed and similar to the approach to other segments in this district with pavement that is not that old. It would be recommended to apply a chip seal as part of this project and continue to assess for the timing of a future reconstruction project. Mayor Helbling inquired if Old Red Trail overlay is included in the Lewis Road? Director Froseth said it is not included.

(2) 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 the City expects in year 2026. Chip sealing is not as valuable as it would be for a project that expects pavement to last for 20 years.

(3) A plan to split 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, the Engineer's Office agrees that it is most fair to assess to each side.

Director Froseth stated that all the adjustments for assessments were included in the letters that went out to property owners. Mayor Helbling inquired as to the fairness of the assessments to the property owners. The City has been working hard to get the numbers down. He inquired about Old Red Trail and noted that to totally reconstruct it using federal money is \$12 million. The plan might be to overlay it to get another 5-7 years out of it. It's on the MPO's Urban Road project and reconstruct at that time using federal and state funds to offset the cost. The chip seal is removed but the overlay is not.

Mayor Helbling said that the homeowners in this area still have the right to protest this district. By moving forward tonight, it will allow plans to move forward and if the project is protested

out, it will not go anywhere. Director Froseth commented that there will be a question and answer segment running and as questions come in and stated that the city will answer them. That can be found on the cityofmandan.com, go to the “Departments” tab dropdown, click on “Engineering & Planning”, click on “Engineering”, click on “Projects”, Project 218.” In order to make it easier to find, the link will be put visible on the city website homepage. Mayor Helbling encouraged residents to use this process if they prefer this over an email or telephone call to the city. The Engineering Department will address all questions.

Director Froseth stated that he is requesting approval to advertise to start the bid process on March 20, 2020. The determination of sufficiency of protests will be presented at the April 7, 2020 meeting and if determined insufficient, bids will open on April 9, 2020 for consideration at the April 21, 2020 City Commission meeting. The plan is to construct most of the project in 2020 with minor tasks to be completed in 2021. Director Froseth recommended approval of 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).

Delton Kroh 4600 Lewis Road came forward to speak. His concern is that Old Red Trail has been damaged by the truck traffic. Director Froseth commented that the concern is from the 2016 construction at that time when Old Red Trail was worked on and traffic was rerouted as a bypass on Lewis Road to get to the school. There is no data on what kind of truck traffic was in that area at that time. The project construction traffic was kept to Old Red Trail.

Mark Montplaisir 3902 Lewis Road came forward to speak. He explained that Delton was referring to was when Old Red Trail was bypassed, every single vehicle coming from east and west was driving on Lewis Road. The amount of traffic in 2016 during the reconstruct was substantial and neighbors now getting hit again with a \$20,000 assessment on the lots are concerned. They paid on the Old Red Trail at that time when damage was done to Lewis Road and now will be getting assessed again. He inquired as to how many notices or letters does the City have to receive to protest this project out? Director Froseth stated that state law dictates that 50% by area of property within the district automatically kills the project from moving forward. The City Commission can kill a project without the protest. Mayor Helbling commented that the problem cannot be completely caused by Old Red Trail, explaining that certain sections of the project area include road-bed sub-base failure. Commissioner Davis commented that some areas may be cut to alleviate the assessments to the property owners and the City is looking for some kind of buy down for this district. He wanted the property owners to know the City is always looking for ways to cut costs. Director Froseth replied that this is what the City has to offer at this time and as far as outside funding there are limited opportunities to put towards the project. Mayor Helbling stated that the City will continue to look in to applying something to relieve the costs somewhat. Commissioner Larson noted that the portion of Lewis Road reconstruction will benefit all the properties on Lewis Road and the Prairie Dog fund can only go so far and they are not benefiting in the way that their project is limited.

Commissioner Larson moved to the approve the resolution approving Plans & Specifications and Resolution directing advertisement for bid 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.

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.* Planning & Engineering Director Froseth presented a request to approve plans and specifications, Engineers Report, and authorize the call for bids for the 2020 Municipal Sidewalk Improvement Project 2020-02. He explained that this is the annual sidewalk construction project 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 are not eligible to participate. This 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 included work that Public Works Department completed using the contract prices and with the work completed through the Engineering Department for improvements related to private properties. He said that by taking into account that Public Works is looking at utilizing this contract to repair some 8” curb and gutter, there are some sidewalk gaps that need to be connected where there are parcels that do not have sidewalk. The project is estimated to cost \$75,032.50 for 2020.

Following approval of this request, the plan will be to advertise the project on March 20, 2020 and March 27, 2020, open bids April 14, 2020 and recommendations would be presented to the City Commission for the bid award on April 21, 2020. Director Froseth stated that the Engineer’s Office supports moving forward with this project.

Commissioner Braun moved 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. 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.

I. RESOLUTIONS AND ORDINANCES

1. *Consider approval of the second and final consideration of Ordinance 1335 related to zoning application procedures.* City Planner Van Dyke stated this is the second and final consideration of Ordinance 1335 related to zoning application procedures. The proposed zoning text amendment surrounds application procedures for zoning applications in the City of Mandan. He reported there were no comments or changes since the first consideration.

Commissioner Braun moved to approve the second and final 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.

2. *Consider approval of a resolution renewing the listing agreement for numerous city properties.* City Planner Van Dyke presented a request for the approval of a Resolution to sell

real property by non-exclusive listing agreement and to extend the listing agreement with Oaktree Realtors. He stated that the listing agreement with Oaktree Realtors is nearing its expiration for the first batch of properties listed for sale. 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. 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. The Engineering and Planning Department, Public Works, and Assessing Departments recommend approval of this resolution as presented.

Commissioner Larson moved to approve the Resolution as presented in Exhibit 1 and enter into the contract as presented in Exhibit 2. 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.

J. OTHER BUSINESS:

1. *Census 2020 Announcement.*

City Planner Van Dyke reported that the grant application that was applied for and has been received in the amount of \$2,000 to be used towards the 2020 census. Survey information should be arriving at homes with a code for them to enter the website to self-respond. That is the No. 1 recommended option to complete the survey. Also, the bureau is monitoring the coronavirus and there are no specific changes at this time. He stated that data collection began 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. Commissioner Larson said she completed hers on the Mandan website if anyone wants to go there to complete their survey.

2. Mayor Helbling said traffic into the City Hall will be limited. He encouraged anyone who wants to pay their water bill should use the website. He stressed there is to be limited contact with all City staff so public contact should be by telephone, emails, or internet.

3. Mayor Helbling reported with the upcoming City election, several individuals have started taking petitions out. However, without the large sporting events and other community events, candidates are limited with how to get signatures. Finance Director Welch provided the following NDCC 40-09-10 Filling vacancies in board:

If a vacancy occurs in the office of a city commissioner or president of the board of city commissioners, the board may call a special city election to fill such vacancy for the unexpired term, or may, after fifteen days from the date of such vacancy appoint a person to fill such vacancy until the next city election, at which election the unexpired term shall be filled. Upon petition of five percent of the qualified electors, as determined by the total number of votes cast in the city in the last city general election, the commission shall call a special city election to fill a vacancy occurring more than six months prior to the next city election, provided such petition has been submitted within fifteen days of the date of such vacancy.

Director Welch summarized that there appears to be two options: call for election or appoint.

Administrator Neubauer commented that under the Home Rule Charter, that would entail a call for a special election, however, that would be impossible to do before the deadline of April 6th.

K. ADJOURNMENT:

There being no other business to come before the Board, Commissioner Davis 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: April 7, 2020
PREPARATION DATE: March 30, 2020
SUBMITTING DEPARTMENT: Business Development & Communications Department
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: Cloverdale Foods Co. Application for New & Expanding Business Property Tax Exemption

STATEMENT/PURPOSE: To consider a Mandan Growth Fund Committee recommendation regarding an application for property tax exemption as an expanding business by Cloverdale Foods Company for building additions.

BACKGROUND/ALTERNATIVES: During a March 25, 2020, MGF teleconference meeting, the committee reviewed an application for property tax exemption by Cloverdale, a company in existence in Mandan for more than 100 years that makes a variety of meat products. Cloverdale is planning to invest \$15 million to \$20 million on an expansion project to include a 45,631 sf warehouse addition, 6,600 sf plant addition, and 3,100 sf office addition, plus a utility upgrade, equipment purchases and site improvements. The expansion is needed to accommodate increasing production. The exemption is sought for the building additions, which have an estimated value of \$5,372,000. Company executives hope to have the additions completed by May 1, 2021.

The application is for a Tier 3 exemption under Mandan's Commercial Property Tax Exemption Policy and Guidelines, which allows for a 100% exemption for five years. Cloverdale meets the requirements as indicated in the policy for a Tier 3 exemption in terms of job creation. The requirement in policy is the creation of at least 3 full-time equivalents (FTEs) plus another two by the first anniversary of certificate of occupancy for each \$150,000 in structural value subject to exemption. The policy allows for a one-year look back on jobs. With a \$5.372 million estimated building value, the threshold for this project is 73 FTEs. Cloverdale currently has 384 employees in Mandan, including 64 positions added in 2019. The company expects to add another 24 in year one, bring the count needed to meet the threshold to 88. By year five, Cloverdale executives estimate they'll add a 104 more employees, for a projected total of 512 employees. The payroll

from these employees is all new money that otherwise wouldn't exist in our economy and it benefits the entire metro area.

Another section of the local exemption guidelines states, "Projects that are primarily warehousing (for the storage of goods, raw materials or commodities) would not receive an incentive unless the owner proves need or provides other information to justify the exemption." The MGF was satisfied that additional warehouse space is needed to accommodate Cloverdale's significant growth in production.

Representatives of the county, school district and park district were notified of the Mandan Growth Fund Committee meeting as well as the public hearing. No comments have been received to date.

ATTACHMENTS: The application. Supplemental and supporting documents available upon request.

FISCAL IMPACT: Based on the current consolidated mill levy of 265.49 mills for property taxes, the estimated value of an annual 100% exemption would be \$71,310.61, for a projected five-year total of \$356,553.05. This differs slightly from the amount that appears in the application due to rounding. The actual value of the exemption will depend on mill levies in the five years following project completion and the actual value of the additions.

STAFF IMPACT: Minimal.

LEGAL REVIEW: 1) Under state law, Cloverdale is eligible for a new and expanding business property tax exemption as a certified primary sector business by the N.D. Department of Commerce. 2) A business incentive agreement is required for any assistance exceeding \$25,000 in value. 3) An automatic door opener required for retail, service, office and health/medical projects receiving an incentive does not apply for industrial uses. 4) A legal notice to competitors was published in the Mandan News on March 13 and 20, 2020. This included the date, time and location of the public hearing and the opportunity to submit written comments in advance.

RECOMMENDATION: The MGF recommends approval of the requested 100% five-year property tax exemption on the value of the building additions for Cloverdale Foods Company.

SUGGESTED MOTION: The MGF recommends approval of the requested 100% five-year property tax exemption on the value of the building additions for Cloverdale Foods Company.

Application For Property Tax Incentives For New or Expanding Businesses

N.D.C.C. Chapter 40-57.1

Project Operator's Application To Mandan
City or County

File with the City Auditor for a project located within a city; County Auditor for locations outside of city limits.

A representative of each affected school district and township is included as a non-voting member in the negotiations and deliberation of this application.

This application is a public record

Identification Of Project Operator

1.	Name of project operator of new or expanding business	<u>Cloverdale Foods Company</u>	
2.	Address of project	<u>3015 34th Street</u>	
	City	<u>Mandan</u>	
	County	<u>Morton</u>	
3.	Mailing address of project operator	<u>3015 35th Street</u>	
	City	<u>Mandan</u>	
	State	<u>ND</u>	
	Zip	<u>58554</u>	
4.	Type of ownership of project		
	<input type="checkbox"/> Partnership	<input checked="" type="checkbox"/> Subchapter S corporation	<input type="checkbox"/> Individual proprietorship
	<input type="checkbox"/> Corporation	<input type="checkbox"/> Cooperative	<input type="checkbox"/> Limited liability company
5.	Federal Identification No. or Social Security No.	<u>[REDACTED]</u>	
6.	North Dakota Sales and Use Tax Permit No.	<u>[REDACTED]</u>	
7.	If a corporation, specify the state and date of incorporation	<u>ND 1915</u>	
8.	Name and title of individual to contact	<u>Miranda Bergquist, CFO</u>	
	Mailing address	<u>3015 34th Street</u>	
	City, State, Zip	<u>Mandan, ND 58554</u>	
	Phone No.	<u>701-471-5372</u>	

Project Operator's Application For Tax Incentives

9.	Indicate the tax incentives applied for and terms. Be specific.	
	<input checked="" type="checkbox"/> Property Tax Exemption	<input type="checkbox"/> Payments In Lieu of Taxes
	<u>5</u> Number of years	<u> </u> Beginning year <u> </u> Ending year
	<u>100%</u> Percent of exemption	<u> </u> Amount of annual payments (attach schedule if payments will vary)
10.	Which of the following would better describe the project for which this application is being made:	
	<input type="checkbox"/> New business project	<input checked="" type="checkbox"/> Expansion of a existing business project

Description of Project Property

11. Legal description of project real property

SUBDIV: MANDAN INDUSTRIAL PARK BLK-1 LOTS 1-2 (LESS PT OF LOT 1) 6.08 ACRES - 2681

12. Will the project property be owned or leased by the project operator? Owned Leased

If the answer to 12 is leased, will the benefit of any incentive granted accrue to the project operator?

Yes No

If the property will be leased, attach a copy of the lease or other agreement establishing the project operator's benefits.

13. Will the project be located in a new structure or an existing facility? New construction Existing facility

If existing facility, when was it constructed? 1979- warehouse/distribution 1987 - concrete production area

If new construction, complete the following:

a. Estimated date of commencement of construction of the project covered by this application April 2020

b. Description of project to be constructed including size, type and quality of construction

Warehouse Addition - 44,631 sq ft. NE Plant Addition - approx. 6,600 sq ft. 2nd floor office area about the new warehouse addition dock area - approx. 3,100 sq ft. Industrial/Commercial Construction

c. Projected number of construction employees during the project construction 30 to 50 workers on site during

14. Approximate date of commencement of this project's operations Between March 1, 2021 to May 1, 2021

15. Estimated market value of the property used for this project:

a. Land \$ N/A

b. Existing buildings and structures for which an exemption is claimed..... \$ N/A

c. Newly constructed buildings and structures when completed \$ 5,372,000

d. Total \$ 5,372,000

e. Machinery and equipment \$ 1,500,000

16. Estimate taxable valuation of the property eligible for exemption by multiplying the market values by 5 percent:

a. Land (not eligible) [REDACTED]

b. Eligible existing buildings and structures \$ 0

c. Newly constructed buildings and structures when completed \$ 268,600

d. Total taxable valuation of property eligible for exemption (Add lines b and c) \$ 268,600

e. Enter the consolidated mill rate for the appropriate taxing district 0.27

f. Annual amount of the tax exemption (Line d multiplied by line e) \$ 72,522.00

Description of Project Business

Note: "project" means a newly established business or the expansion portion of an existing business. Do not include any established part of an existing business.

17. Type of business to be engaged in: Ag processing Manufacturing Retailing
 Wholesaling Warehousing Services

18. Describe in detail the activities to be engaged in by the project operator, including a description of any products to be manufactured, produced, assembled or stored (attach additional sheets if necessary).

The expansion of the warehouse will be needed to store the Finished Goods due to the extra production from this growth projections. The warehouse is currently at capacity. This will expansion will allow us to grow from 35M up to 70M pounds. The NE Plant additions; will provide a dedicuated raw meat dock, extension of our Raw Meat Holding Cooler area, Electrical room expansion, and in line injection process for bacon.

19. Indicate the type of machinery and equipment that will be installed

Racking in the cooler and freezer areas, forklifts, ryder jacks, wrap machines.

20. For the project only, indicate the projected annual revenue, expense, and net income (before tax) from either the new business or the expansion itself for each year of the requested exemption.

Year (12 mo. periods)	New/Expansion Project only				
	Year 1	Year 2	Year 3	Year 4	Year 5
Annual revenue	<u>146,987,000</u>	<u>161,685,000</u>	<u>177,854,000</u>	<u>195,639,000</u>	<u>215,203,000</u>
Annual expense	<u>145,973,000</u>	<u>159,422,000</u>	<u>174,136,000</u>	<u>190,231,000</u>	<u>207,839,000</u>
Net income	<u>1,014,000</u>	<u>2,263,000</u>	<u>3,718,000</u>	<u>5,408,000</u>	<u>7,364,000</u>

21. Projected annual average number of persons to be employed by the project itself at the project location for each year for the first five years and the estimated annual payroll.

Year	Company-wide (before project)	New/Expansion Project only				
		Year 1	Year 2	Year 3	Year 4	Year 5
No. of Employees	(1) <u>384</u>	<u>24</u>	<u>47</u>	<u>72</u>	<u>99</u>	<u>128</u>
	(2) <u>11</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Estimated payroll	(1) <u>18,280,000</u>	<u>1,263,380</u>	<u>2,452,300</u>	<u>3,745,800</u>	<u>5,151,000</u>	<u>6,676,100</u>
	(2) <u>202,500</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

(1) - full time
(2) - part time

Previous Business Activity

22. Is the project operator succeeding someone else in this or a similar business? Yes No

23. Has the project operator conducted this business at this or any other location either in or outside of the state?
 Yes No

24. Has the project operator or any officers of the project received any prior property tax incentives? Yes No
 If the answer to 22, 23, or 24 is yes, give details including locations, dates, and name of former business (attach additional sheets if necessary).
~~1995-1999 for 2017 34th Street Expansion Project. Percent of exemption .22. Commission Meeting Date was held 8/16/1994.~~

Business Competition

25. Is any similar business being conducted by other operators in the municipality? Yes No

If YES, give name and location of competing business or businesses
~~The Cloverdale Country Store is a retail outlet for overstock or byproduct but also has a small retail product section. It could impact local business such as M&W Meats, Butcher Block, Dan's Supermarket and Walmart.~~

Property Tax Liability Disclosure Statement

26. Does the project operator own real property in North Dakota which has delinquent property tax levied against it? Yes No

27. Does the project operator own a greater than 50% interest in a business that has delinquent property tax levied against any of its North Dakota real property? Yes No

If the answer to 26 or 27 is Yes, list and explain

Use Only When Reapplying

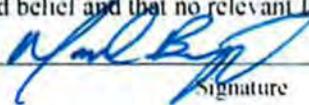
28. The project operator is reapplying for property tax incentives for the following reason(s):

- To present additional facts or circumstances which were not presented at the time of the original application
- To request continuation of the present property tax incentives because the project has:
 - moved to a new location
 - had a change in project operation or additional capital investment of more than twenty percent
 - had a change in project operators
- To request an additional annual exemption for the year of _____ on structures owned by a governmental entity and leased to the project operator. (See N.D.C.C. § 40-57.1-04.1)

Notice to Competitors of Hearing

Prior to the hearing, the applicant must present to the governing body of the county or city a copy of the affidavit of publication giving notice to competitors unless the municipality has otherwise determined there are no competitors.

I, Miranda Bergquist, do hereby certify that the answers to the above questions and all of the information contained in this application, including attachments hereto, are true and correct to the best of my knowledge and belief and that no relevant fact pertaining to the ownership or operation of the project has been omitted.

 CFO - 3-2-20
 Signature Title Date

PRIVACY ACT NOTIFICATION

In compliance with the Privacy Act of 1974, disclosure of a social security number or Federal Employer Identification Number (FEIN) on this form is required under N.D.C.C. §§ 40-57.1-03, 40-57.1-07, and 57-01-15, and will be used for tax reporting, identification, and administration of North Dakota tax laws. Disclosure is mandatory. Failure to provide the social security number or FEIN may delay or prevent the processing of this form.

Certification of Governing Body (To be completed by the Auditor of the City or County)

The municipality shall, after granting any property tax incentives, certify the findings to the State Tax Commissioner and Director of Tax Equalization by submitting a copy of the project operator's application with the attachments. The governing body, on the ____ day of _____, 20____, granted the following:

Property Tax Exemption

____ Number of years

____ Percent of exemption

Payments in lieu of taxes

____ Beginning year ____ Ending year

____ Amount of annual payments (Attach schedule if payments will vary)

Auditor

**APPLICATION FOR PROPERTY TAX INCENTIVES
FOR NEW OR EXPANDING BUSINESSES**

City of Mandan Supplemental Application — Updated March 19, 2019

Name of project operator Cloverdale Foods Company

Address of project 3015 34th Street Mandan, ND 58554

Based on the City of Mandan's commercial property tax exemption policy and guidelines (see separate document), please indicate the level of exemption being sought.

Level of Exemption

- Tier 1 — 100% exemption for 2 years
- Tier 2 — 100% exemption years 1-2, 75% year 3, 50% year 4, and 25% year 5
- Tier 3 — 100% exemption for 5 years

Please indicate all significant public benefits to be provided by the subject project. These are the factors that should serve as the basis for your request. Please check all that apply and provide justification for each claimed benefit through information provided in the "Application for Property Tax Incentives For New and Expanding Businesses" and through this supplemental form. Attach additional sheets and information as needed. If a question is not applicable to the subject project, please indicate such with an "n/a" in the blank.

Public Benefits

- Creation and retention of job opportunities within the community (factors to be considered include numbers of jobs, average wages and benefits)
- Increased local sales & use taxes
- Diversification of economic base
- Synergies with existing businesses in the community (Examples: enhancing an industry sector important to the local economy, filling a gap in the supply chain for a core industry or business sector, providing a product or service needed by other businesses in the region)
- Growth potential of company and industry and potential spin-off benefits
- Adding value to local resources
- Making use of an underutilized asset (either facilities or land)

Project Development

Please describe the overall impact of the expansion, relocation, additional location or new business on the City of Mandan and the surrounding economic base. Please note any necessary investment beyond the building in site or infrastructure improvements.

See attachment

Current assessed land value per square foot: N/A

Cost of land (if purchased as part of this project) per square foot: N/A

Estimated added land value (per square foot): N/A

Sites being considered: N/A

Is this business relocating from another North Dakota site? NO

If yes ...

Where is the business relocating from? N/A

Please explain the reason for the relocation including details of any expansion in square footage, employment, products or service offerings:

N/A

Employment

Total number of permanent employees in full-time equivalents: 384

Total number of permanent employees estimated to live within 50 miles of proposed site: 367

Hourly wage range by key positions or categories of positions

See Attached

Please describe the benefits offered to employees (retirement, health insurance, dental, etc.) and the eligibility requirements for participation. Indicate value of benefits on an hourly basis.

Please see the Cloverdale Employee Benefit Guide Included
Value of Benefits paid for by Cloverdale - \$4/hr

Impact on Local Use Taxes

Estimated value of annual purchases for project location \$120,000,000

Percentage of purchases for project location subject to local sales or use tax 2%

Estimated value of annual sales to be generated from project location \$122,250,000

Percentage of sales subject to local sales or use tax 0.85% (Country Store Sales)

Importance of Incentive (use a separate sheet as needed)

Please describe why an incentive is necessary for the success of this project and how the improvements will benefit the property at the conclusion of the abatement.

The incentive will greatly assist in cash flow and allow us to fund our overall construction costs quicker.

Our cash flow is very unique at Cloverdale because of our commodity based meat proteins as a our main ingredient (70% of Cost of Goods Sold). The commodity market makes us susceptible to large variations of cash flow. Generally in the first quarter, the same time property taxes are due, Cloverdale tries to get ahead of the market spike by buying and storing raw meat proteins or building finished goods inventories, which can make our cash cycle tight. In the first 5 years after the expansion, Cloverdale will be experiencing rapid growth and it will be important to secure supply and margins to stabilize profitability during this growth period. The cash that would be used to pay property taxes can be utilized to generate more EBITDA instead.

Major construction projects result in an immediate higher amounts of depreciation expense to absorb as well as higher debt payments to service. Our expansion plans will not be at capacity until 7 to 10 years from now; as a result this property tax exemption will help supplement the growth period.

The general underlining assumption is our projections is that we will grow approximately 5 to 10 M pounds year over year for the next 5 to 7 years. This growth factor is hard to predict and can have volatile gradients of fast and slow growth patterns. Therefore incentives like the property tax exemption and extremely beneficial in supporting a growth cycle like our industry experiences.

Future Expansion Plans (use a separate sheet as needed)

Please describe any plans for future expansion beyond the initial development. Describe investments and employment associated with those plans on a year-to-year basis.

There is a potential need for an addition to the Bacon area of the plant on the SE corner of the Plant. This would allow us to add additional equipment and lines to produce more bacon; which is our is fasted growing category. This expansion project that could potentially start in 2022. We currently do not have a scope of the size, structural cost or equipment cost at this time. Job creation would be at least 15 to 20 as we would have to service new bacon slicing lines and operate a second bacon press.

I Miranda Bergquist do hereby certify that the answers to the questions above and all of the information contained in this application, including attachments hereto, are true and correct to the best of my knowledge and belief and that no relevant fact pertaining to the ownership or operation of the project has been omitted.

I further agree that I have read the requirement for installation of an automatic door per Mandan Municipal Code 111-2-9 if the building project that is subject of this application is approved for a property tax exemption and if the building is used for a purpose described in the following sections of 105-4-2 of the Mandan Municipal Code: Retail Group A; Retail Group B; Service Group A; Office Bank Group; Commercial Recreation Group; Health Medical Group and Education Group.


Signature

CFO
Title

3/11/2020
Date



Cloverdale Foods Expansion 2020-2021

Project Development

Cloverdale Foods Company is experiencing significant growth and needs a large expansion to accommodate that growth. The impact to the City of Mandan and the surrounding economic base are numerous and beneficial. Job creation ranging from entry level up to manager level will occur. This will increase households in the community, which will intern impact the following sectors: public education, local banking, insurance, housing/rental properties, vehicle purchases, and utility needs. The larger facility will increase utilities, local mechanical, electrical and parts needs. Local grocery stores and customers like US Foods Service and Sysco ND will continue to grow this us.

Project Specifics:

Warehouse Addition/Remodel – 44,000 sf warehouse addition on the northwest side of the plant. It would allow Cloverdale to grow from approximately 35M up to 70M Pounds annually.

NE Plant Addition– 6,600 sf cooler/freezer addition. This addition will allow us to have a dedicated dock for raw meat handling and additions cooler and injection space for processing our Bacon Growth.

Office Addition – 3,000 sf office space additions above the new warehouse dock area.

Major Utility Upgrade – A large electrical and ammonia upgrade will be simultaneously under construction in lieu of these additions.

Total cost of all these components is currently estimated between \$15M to \$20M. As the RFP process wraps up a more specific budget will be available. It will take approximately 18 months to complete the project and be in occupancy.

Cloverdale Foods Company

3015 34th St. NW | Mandan, ND 58554





Hourly Wage Range by Key positions or categories of Positions

Cloverdale Foods Company
3015 34th St. NW | Mandan, ND 58554





Board of City Commissioners

Agenda Documentation

MEETING DATE: April 7, 2020
PREPARATION DATE: March 27, 2020
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: First consideration of Ordinance 1300 related to telecommunication towers in the right-of-way

STATEMENT/PURPOSE: Consider approval of Ordinance 1300 related to telecommunications towers in the right-of-way.

BACKGROUND/ALTERNATIVES: Ordinance 1300 includes changes to accommodate wireless facilities located within the public right-of-way, specifying which districts require a special/conditional use permit and which ones require only administrative approval. Further, the proposed ordinance change establishes the requirement for a special use permit for telecommunications towers that are one-hundred-twenty (120) feet tall or greater in any district. Finally, the ordinance attempts to consolidate the numerous definitions and uses of terminology related to communications towers.

The City of Mandan was approached in 2018 with regard to placement of infrastructure necessary to provide customers with 5G wireless service. The infrastructure is known as “small cell” technology, which is much smaller than a traditional cellular tower. They are small enough to be attached to other infrastructure that is typically located within the public right-of-way, such as street or traffic light poles, larger street signs, etc. They service a much smaller geography and therefore require a higher concentration than a standard tower.

This ordinance outlines the requirements that must be met in order for a small cell to be placed within the public right-of-way, as well as within each zoning district. The ordinance provides standards for small cells attached to existing poles within the right-of-way, city-owned buildings, and privately owned buildings. Fees and process are established by reference to the Wireless Facilities Guidelines.

Staff, including Principal Planner John Van Dyke, Engineering and Planning Director Justin Froseth, Public Works Director Mitch Bitz, City Administrator Jim Neubauer, and City Attorney Brown met to discuss the creation of the ordinance and associated

Board of City Commissioners

Agenda Documentation

Meeting Date: April 7, 2020

Subject: First Consideration of Ordinance 1300 related to telecommunications towers in the right-of-way

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guidelines. Several cities including Grand Forks, Minot, Fargo, and Bismarck have adopted a close variant of the proposed ordinance. This has established consistency between cities.

The ordinance was sent to Verizon, T-Mobile/Sprint, and AT&T for comment. Most comments were taken into consideration by Verizon and T-Mobile/Sprint. AT&T has indicated several issues with the proposed ordinance. Attorney Brown's recommendation is to move forward with the proposed ordinance as presented with no known issues occurring in other cities in ND that have adopted a similar ordinance.

Other telecommunication:

While working through the ordinance changes related to telecommunications, limitations to the height of telecommunication transmissions towers has also been added. Presently, telecommunications transmission towers are exempt from height limitations and in some districts do not require a conditional use permit. This opens the door to the erection of these structures adjacent to residential development with limitless height. The proposed changes would require towers exceeding one-hundred-twenty (120) feet to obtain a conditional use permit. The height of one-hundred-twenty feet was determined based on those in Mandan today.

Planning and Zoning Commission unanimously recommended approval at their March 23 hearing. No comments have been received for this iteration of public hearings.

ATTACHMENTS:

Exhibit 1 – Ordinance 1300 – Wireless Communications Facilities

Exhibit 2 – Wireless Facilities Guidelines

Exhibit 3 – Pictures of Small Cells Wireless Infrastructure

FISCAL IMPACT: N/a

STAFF IMPACT: N/a

LEGAL REVIEW: Attorney Brown has reviewed the ordinance and recommends adoption as written.

RECOMMENDATION: Engineering and Planning recommend approval of Ordinance as presented in Exhibit 1.

SUGGESTED MOTION: I move to approve Ordinance 1300 as presented in Exhibit 1.

Board of City Commissioners

Agenda Documentation

Meeting Date: April 7, 2020

Subject: First Consideration of Ordinance 1300 related to telecommunications towers in the right-of-way

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EXHIBIT 1

ORDINANCE NO. 1300

An Ordinance to Amend and Re-enact portions of Subpart B – Land Development and Public Services of the Mandan Municipal Code related to communications facilities within the right-of-way and telecommunication transmission tower height limitations without first securing a conditional use permit

WHEREAS, The City of Mandan is committed to facilitating the provision for residents' wireless service needs

WHEREAS, Infrastructure necessary to provide for future services may require placement within publicly owned right-of-way

WHEREAS, Care must be taken in order to preserve the integrity of the variety of services supplied through the public right-of-way

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

Section 1 renames the chapter to reflect the right-of-way, as the street is one possible piece of infrastructure contained in a right-of-way.

Section 1. Chapter 115 is hereby renamed as follows:

Chapter 115 – RIGHT-OF-WAY

Section 2 establishes the reasoning behind the ordinance

Section 2. Enacted. Section 115-10-1 relating to Purpose is hereby enacted to read as follows:

115-10-1 Purpose

To ensure that residents, businesses and public safety operations in the city have reliable access to wireless telecommunications network technology and state of the art mobile broadband communications services, the city desires to accommodate the deployment of wireless communications facilities and services within the public right-of-way. The city also desires to minimize potential negative impacts of wireless facility placement within the public right-of-way. This article applies only to installation in the public right-of-way. All other installations are governed by Chapter 105 of this ordinance, and all other applicable laws and regulations. The impact of wireless facilities can be reduced by maintaining standards and objectives for location, visual impact, structural integrity, compatibility, colocation, and the like, which do not unreasonably discriminate among similar users.

Nothing in this chapter affects the city's right to regulate users of the public right-of-way in a neutral and nondiscriminatory manner. The city intends to exercise its authority with respect to the regulation, placement, construction and modification of wireless facilities in the public right-of-way to the fullest extent permitted by applicable law.

Section 3 provides the definitions to refer to throughout the ordinance.

Section 3. Enacted. Section 115-10-2 relating to Definitions is hereby enacted to read as follows:

115-10-2 Definitions

For purposes of this article, the following definitions apply. References to "sections" are, unless otherwise specified, references to sections in this article.

Antenna means a device used to transmit and/or receive radio or electromagnetic waves for the provision of communication services including, but not limited to, cellular, paging, personal communications services and microwave communications. Such devices include, but are not limited to small wireless facility antennas, small cell antennas, remote radio heads, directional antennae, such as panel antennas, GPS antennas, microwave dishes, and satellite dishes; omnidirectional antennae; and wireless access points (Wi-Fi), including strand-mounted wireless access points.

Applicant means any person who applies for a permit under this article.

Attachment includes any wireless communication facility affixed to, contained in, or placed on or in a structure within the city's public right-of-way.

City means the City of Mandan.

City Engineer means the Mandan City Engineer or his or her designee.

City-Owned Structure means an existing structure owned by the city that is located in the city's public right-of-way. It does not mean State, County or other government entity owned infrastructure within the public right-of-way. It does not mean infrastructure owned by a public utility. It does not mean infrastructure located outside of the public right-of-way or on right-of-way which the city does not control.

Colocation means the mounting or installation of new wireless communication facilities on or within an existing wireless support structure.

Construction Plan means a written plan, and a collection of documents, for construction that:

- (a) demonstrates substantial conformity with adjacent like-structure height, girth, color, material, spacing, and function, where applicable.
- (b) includes the identity and qualifications of each person directly responsible for the design and construction;
- (c) includes signed and sealed documentation to proportional scale from a professional engineer licensed in North Dakota describing the proposed wireless communication facilities in detail, including
 - (1) the proposed location of the wireless support structure and all easements, property boundaries, and existing structures within on the same side of the roadway and within fifty (50) feet of such wireless facility or wireless support structure unless a different distance is specified by the city engineer;
 - (2) a structural, loading, and wind-speed analysis for existing, proposed, and reserved loading, and
 - (3) a schematic describing the communications properties of the facility, including EMF and RF propagation and off-site data connections; and
 - (4) includes such other information as the city engineer may require.

EMF means electromagnetic frequency.

Equipment means accessory equipment serving or being used in conjunction with an antenna or wireless communication facility. Equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables and conduit, equipment buildings, cabinets, storage sheds, shelters, and vaults.

Existing Height means the height of a structure, including wireless communications facilities, as originally approved or as of the most recent approved modification. Height shall be measured from natural grade to the top of all appurtenances.

Existing structure means a structure located in the public right-of-way and capable of supporting wireless communication facilities, erected prior to the application for colocation or substantial modification under this article. An existing structure includes a replacement of an existing structure that is proposed to accommodate the colocation of a wireless communication facility, as long as the replacement structure is substantially similar in appearance to the existing structure and no more than 10% taller than the existing height of the structure to be replaced.

Ground-Mounted Equipment means any equipment that is affixed to the ground and extends above the natural grade.

GPS means Global Positioning System.

Guidelines or Wireless Facility Guidelines means any procedure or description from the city engineer, which may be modified and amended from time to time, concerning wireless facility application process and siting requirements. Any such Wireless Facilities Guidelines shall be consistent with this article.

Interference means any material and harmful impairment, physically or electronically of the operation, views, signals or functions of city property or third party property.

Laws means any and all applicable federal and state laws and applicable local ordinances, resolutions, regulations, administrative orders or other legal requirements.

Land Development Code means the Subpart B – Land Development and Public Services of the Code of Ordinances of the City of Mandan, North Dakota.

MAA means a master attachment agreement between the city and a lessee that defines the general terms and conditions which govern their relationship with respect to particular sites at which the city agrees to permit lessee to install, maintain, and operate communications equipment on existing or new city owned infrastructure.

Installation Permit Holder means any person that has obtained permission through the issuance of an installation permit from the city under this article to locate, install or place wireless facilities in the public right-of-way.

Person means any natural or corporate person, business association or other business entity including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity.

Public Right-of-Way means the area on, below, or above a public roadway, highway, street, cart way, bicycle lane and public sidewalk in which the city has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the city. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other non-wire telecommunications or broadcast service.

RF means radio frequency.

Site or Premises means the area occupied by the wireless support structure, the wireless communications facility, accessory equipment, ground-mounted equipment, and the path of the wire or conduit connecting to an off-site network.

Wireless Communication Facility means any fixed tangible asset usable for the purpose of providing wireless transmission of voice, data, images or other signals or information including, but not limited to, telecommunications, cellular telephone service, personal communications service and paging service. A wireless communications facility includes antennas and accessory equipment. A wireless communications facility does not include an underlying wireless support structure.

Wireless Support Structure means any fixed, above-grade structure in the public right-of-way used to house or support wireless communications facilities and equipment.

Section 4 notes that existing poles and structures will be the priority and that an MAA and permit is required.

Section 4. Enacted. Section 115-10-3 relating to Locating Wireless Communication Facilities is hereby enacted to read as follows:

115-10-3 Locating Wireless Communication Facilities

The location of any new wireless communication facility in the public right-of-way shall be prioritized to locate on existing structures, such as utility poles through agreement with the pole owner, or street lights, or the replacement of an existing structure as provided herein, when said existing structures are present within one-hundred feet of the desired location. Installation of wireless support structures for the purpose of supporting a wireless communication facility within the public right-of-way will be permitted only as deemed appropriate by the city engineer and the applicant must have a franchise agreement with the city for the use of the public right-of-way, MAA, or an encroachment agreement for that specific location and an installation permit.

Section 5 provides four different means by which a wireless facility may be placed in the right-of-way. This section also outlines the necessary additional submittals that must be included with an application for placement of these facilities. This includes an application fee as outlined in the Wireless Facility Guidelines and allows for engineering to subcontract the evaluation similar to what is currently done for stormwater reviews for plats in some instances. This section also encourages colocation and requires the facilities to be installed within 12 months of permit issuance.

Section 5. Enacted. Section 115-10-4 relating to Installation Permit Required is hereby enacted to read as follows:

115-10-4 Installation Permit Required

- (a) No person may construct, install or modify a wireless communication facility within the public right-of-way without having first done one of the following:
- (1) Having entered into an MAA with the city, if the wireless communication facility will be installed on city owned existing or new infrastructure.
 - (2) Having obtained a franchise from the city allowing use of the public right-of-way.
 - (3) Having obtained an encroachment agreement allowing the specific occupation of the public right-of-way.
 - (4) Having entered into an agreement to co-locate with an entity with infrastructure in the right-of-way pursuant to a current franchise. In each case, the person must also obtain an installation permit from the city engineer as set forth in this chapter.
- (b) Installation Permit Issuance. Before a Site License, if applicable, is agreed upon and an installation permit is issued, a written application for each site must be filed with the city engineer containing such information as may be required by the city engineer. The application shall include the following:
- (1) Information required to be provided by a registrant for public right-of-way use and occupancy under this chapter.
 - (2) The name and address of any retail communications service provider for which the facilities are intended to be used, if this is different than the applicant.
 - (3) Evidence that the applicant has obtained all state permits and other licenses, as well as insurance, performance and payment bonds as may be required by the city engineer.

(4) A detailed map, including a digital shapefile, of the location of all proposed facilities for which the permit is sought.

(5) A construction plan and profile, if requested.

(6) Other information required by this article.

(c) Fees. The city may require payment of a nonrefundable installation permit application fee at the time an installation permit application is submitted, as approved by the Board of City Commission and adopted in the Wireless Facilities Guidelines. Such fees shall be set to recoup some or all of the cost of permit review, processing and issuance, and will be in addition to any other applicable fee or any separate payments that may be required in the event an installation permit is granted for use of the public right-of-way or the use of city-owned structures. The city reserves the right to charge applicants for installation permits and a fee for their use of the public right-of-way to the extent that such charges are allowed under state and federal law. All such fees shall be described in the Wireless Facility Guidelines and may be in addition to any fee charged for or cost associated with attachment to city-owned structures.

(d) Where the city determines that it requires expert assistance in evaluating an application, the city may procure technical and other specialized consulting services that may be necessary to promptly and thoroughly review the application. Reasonable fees charged by the consultant shall be paid from the one-time application fee referred to in subpart c above.

(e) Time for Review. The city engineer shall comply with applicable federal, state and local law concerning the time period for review following receipt of a completed application to install or modify a wireless communications facility or wireless support structure in the public right-of-way. Specific timeframes shall be described in Wireless Facility Guidelines.

(f) Nondiscrimination. The city shall evaluate, issue, and deny permit applications under this article on a neutral basis, with no unreasonable discrimination among similarly situated applicants and installations.

(g) The city engineer may impose additional reasonable conditions on any installation permit issued under this article relating to time, place and manner.

(h) The city shall not impose environmental testing, sampling, or monitoring requirements or other compliance measures for RF emissions on wireless communication facilities that are categorically excluded under the FCC's rules for radiofrequency remissions pursuant to 4 CFR 1.1307(b)(1).

(i) Scope and Duration.

- (1) Any installation permit granted pursuant to such application shall be limited in scope to the description submitted in a completed application, as modified by any further agreed-upon conditions or subsequently approved modification.
- (2) The installation permit shall be voided by the city unless in the city's determination the work is commenced within one hundred eighty (180) days from the date of issuance of the permit, unless extended by the city engineer. If the facility is not used for its intended use within twelve (12) months from the date of permit issuance, the city shall revoke the permit unless extended by the city engineer.
- (3) Within sixty (60) days following completion of facility installation as described in the permit application, the permit holder shall submit as-built diagrams in AutoCAD format and digital photographs of the Site to the city engineer. A digital shapefile shall also be provided to include such information as deemed necessary by the city engineer.
- (4) MAAs issued under this article are valid for a period of twenty (20) years. To extend the MAA for an additional period of ten (10) years, the permit holder shall provide proof that it continues to have the legal authority to occupy and use the public right-of-way for the purpose set forth in its permit; shall affirm that its site as it exists at the time of the renewal is in full compliance with the applicable city permit or permits issued for the site, and is in compliance with FCC regulations; and shall pay any permit processing fee required for renewal. Failure to submit such proof of legal authority or affirmation of compliance shall be grounds for non-renewal of the permit. The burden is on the permit holder to demonstrate that the site complies with the requirements herein.
- (j) Conditional Upon Related Agreements. The city engineer may cause a permit under this article to be made temporary or conditional upon the execution of a finalized permit application or attachment agreement further addressing the proposed installation.
- (k) Proximity to Other Facilities. The city reserves the right to deny, but is not obligated to deny, any siting permit application under this article that proposes to install a new wireless support structure within three hundred (300) feet of any other existing wireless support structure. It is the intent of this provision to encourage the colocation of wireless communication facilities on the same wireless support structure or on existing buildings or other structures, and to sensibly limit the overall visual impact of wireless communications in the public right-of-way.
- (l) Denial of Permit. Any denial of permit shall be made in writing, supported by substantial evidence that the proposed installation would be inconsistent with one or more of the provisions of the Code of Ordinances of the City of Mandan, North Dakota or with the health, safety and welfare of the city.

Section 6 provides design guidelines to ensure each facility minimizes its impact to adjacent property owners and does not interfere with necessary maintenance in the right-of-way. Requirements include antennae's can't be higher than 50ft above ground level or block a neighboring window/doorway.

Section 6. Enacted. Section 115-10-5 relating to General Conditions is hereby enacted to read as follows:

115-10-5 General Conditions

The city engineer may approve a permit for the installation of a wireless communication facility in the public right-of-way, provided the applicant certifies compliance with the following general conditions, and subject to other use-specific conditions and other requirements set forth in this article and in any Wireless Application Guidelines.

(a) General Design Standards. The following design standards will apply:

(1) Installation is not to significantly create a new obstruction to property sight lines.

(2) Appropriate clearance from existing utilities.

(3) In a single-family neighborhood, noise limit to be 5dBA above ambient sound, not to exceed 30 dBA as measured at a property line. Other noise regulations may apply. If the facility does not generate noise, include this information in the submittal so information can be shared with neighborhood.

(4) Installations shall match the aesthetics of existing street lights and street furniture in the neighborhood of the proposed small cell locations, if any. These aesthetic considerations and accommodations are to be included in the application submittal.

(5) All equipment located within the public ROW shall be located such that it meets ADA requirements and does not obstruct, impede, or hinder usual pedestrian or vehicular travel or interferes with the operation and maintenance of signal lights, signage, street lights, street furniture, fire hydrants, underground utilities, or business district maintenance.

(6) The height of any wireless communication facility shall be comparable to nearby structures of similar type and not more than 50 feet above normal grade unless otherwise approved by the city engineer in the installation permit.

(7) Antennas shall not exceed the physical dimensions set forth in 47 C.F.R. 1.1312(e)(2).

(8) All riser cabling and wiring must be contained in conduit, affixed directly to the face of the structure, or enclosed within the hollow interior of the pole, for as long as it is technically feasible. No exposed slack or extra cable will be allowed, except for a drip loop as needed.

(9) No signage or advertising will be permitted, except as required by law or as specifically permitted or required by the city engineer.

(10) Wireless communication facilities in historic areas shall comply with any special requirements applicable to such areas, and may be subject to additional city review.

(b) Minimizing Impacts on Adjacent Property Owners.

(1) A permit holder should actively mitigate any unreasonable adverse impact relating to visibility from the adjacent property; access to and from the adjacent property; intrusion of light, sound, or smell; in addition to any other cognizable unreasonable and substantial impact made known by an adjacent property owner. This shall not apply to new developments that were not present at the time of installation; however, this does not mean that specific sites will be included in any renewal agreement between the wireless communication facility permit holder and the city.

(2) No Antenna shall be within five (5) feet of a door, balcony or window nor placed in front of any window within 20 feet. To the extent feasible, antennas shall be located at a similar height to the antenna unit on the adjacent public right-of-way, unless otherwise restricted by the right-of-way width.

(3) An installation shall not interfere with city operations, or the operations of preexisting third-party installations in the public right-of-way. The city will reasonably cooperate with the applicant and/or permit holder to permit activities and modifications that may effectively avoid or correct the interference.

Section 7 limits the increase in height to a pole and ensures that there is no interference of the original service provided by the pole (such as light). Power is the responsibility of the permit holder.

Section 7. Enacted. Section 115-10-6 relating to Wireless Communications Facilities Upon Existing Structures is hereby enacted to read as follows:

115-10-6 Wireless Communications Facilities Upon Existing Structures

In addition to the general conditions described in section 115-10-5 and any specification contained in the Wireless Facility Guidelines, any wireless communication facility for which an installation permit is requested under this chapter shall meet the following requirements:

- (a) The wireless communication facility shall not increase total existing height, including the wireless support structure, by more than 10% over other public utility poles in the area unless, in the city engineer's discretion, an alternative height is accepted depending on the type and structure of the existing facility and the proposed location.
- (b) The wireless communication facility shall not impair nighttime visibility in the area that result from light emanating from a utility structure and shall not otherwise interfere with the original purpose of an existing structure.
- (c) Electrical power. Unless otherwise provided in the applicable Site License, franchise, or encroachment agreement the acquisition of electrical power shall be the sole responsibility of the applicant.
- (d) Minimize impact to the aesthetics of the existing poles.
- (e) Structural calculations, which show that the existing pole(s) can carry the loading of the new proposed facilities, shall be submitted with the permit application package.

Section 8 specifies the requirement for an MAA, which will outline the management of the facilities. Outlines fees collected in the Wireless Facility Guidelines. Specifies financial responsibility of the permit holder for the cost of repairs and holds harmless the City from damages to third parties.

Section 8. Enacted. Section 115-10-7 relating to Attachments to City-Owned Structures is hereby enacted to read as follows:

115-10-7 Attachments to City-Owned Structures

In addition to the requirements set forth in this article and the Wireless Facility Guidelines, the following conditions will apply to a wireless communication facility attached to a city-owned structure:

- (a) The city engineer shall require an applicant for a wireless communication facility attachment to a city-owned structure to execute a separate MAA with the city addressing such attachment.
- (b) The management of attachments to city-owned structures is governed by the MAA between the city and the applicant. The MAA does not waive any zoning, building code or other public right-of-way management requirements that may also apply.
- (c) The city may require payment of rental fee, permit fee, application fee or other compensation, as set forth in the Wireless Facility Guidelines.
- (d) In the event a city-owned wireless support structure is compromised or knocked down, the city and an affected wireless communication facility permit holder will cooperate to reinstall or replace the pole and restore the wireless communication facility. The wireless communication facility permit holder shall be responsible for costs incurred by the repair or reinstallation of the wireless support structure. The MAA shall contain indemnifying language holding the city harmless for damages stemming from third-parties.
- (e) Training. At the request of the city, the permit holder shall host on-site training for city maintenance staff. The training will be offered semiannually or as otherwise agreed between the parties. The training shall include occupational safety, personal protection, proximity limits, emergency procedures and contact information. This information shall also be provided in writing and submitted electronically to the city.

Section 9 notes that if the facility is located on existing infrastructure that it will continue to provide the service (such as lighting) that it was originally intended to do. If a new pole is required then it will provide additional public benefits (such as lighting) and not be solely used as a wireless facility.

It also notes that the poles are the owned by the City, power to supply the facility is the responsibility of the permit holder, and that the permit holder will provide a supply of identical poles to be held by the city.

An agreement will outline the replacement process.

Section 9. Enacted. Section 115-10-8 relating to Replacement of City-Owned Structures or Addition of City-Owned Structures is hereby enacted to read as follows:

115-10-8 Replacement of City-Owned Structures or Addition of City-Owned Structures

In addition to the general conditions described in this chapter and the Wireless Facility Guidelines, the proposed replacement of an existing city-owned structure or placement of a new city owned structure shall be subject to the following requirements.

- (a) Any new or replacement city-owned structure must be able to co-locate at least one additional similar facility.
- (b) So as not to be located along the frontage of a Historic building, deemed historic on a federal, state, or local level.
- (c) So as not to significantly create a new obstruction to property sight lines.
- (d) Equal distance between trees when possible, with a minimum of 15 feet separation such that no proposed disturbance shall occur within the critical root zone of any tree.
- (e) New city-owned structures shall be located in line with trees, existing streetlights, utility poles, and other furniture.
- (f) Before installing a new structure in the right-of-way or replacing an existing structure, the applicant must demonstrate the following, to the satisfaction of the city engineer:
 - (1) That it will not be located within 100 feet of the apron of a fire station, police station, or other adjacent emergency service facility.
 - (2) At the intersection of property lines, or along secondary property frontage for corner lots.
 - (3) Located in line with trees, existing streetlights, utility poles, and other furniture.
 - (4) That the facility is not able to be placed on existing right-of-way infrastructure. The applicant shall provide a map of existing infrastructure in the service area and describe why each such site is not feasible.
 - (5) That city functions for which the original structure was used will be preserved, at a minimum, as part of any replacement structure, at the applicant's expense. Replacement of lighting, electrical power, network connectivity, and any other functional purpose of, on or within the original structure shall be done to the satisfaction of the city engineer.
 - (6) In a manner that does not impede, obstruct, or hinder pedestrian or vehicular travel.
 - (7) New poles should match aesthetics of adjacent poles.

- (g) Ownership. A replacement structure or a new structure under this section shall be dedicated to and owned by the city upon completion, free and clear of all liens and encumbrances.
- (h) Unless otherwise provided in the applicable Site License, franchise, or encroachment agreement, acquisition and use of electrical power to serve a wireless communication facility on a replacement wireless support structure or facility shall be the sole responsibility of the permit holder.
- (i) Stocked Poles. To enable prompt replacement in the event of a knockdown or structural compromise, a permit holder shall provide the city with an inventory of poles to be kept by the city. The inventory shall consist of, for each type/style of pole, one pole substantially identical to the initial city owned replacement pole. For each set of five additional replacement poles of any particular type/style, an additional pole of that type/style.
- (j) Facilities placed in the right-of-way shall be maintained in accordance with the terms of this article and as provided for in the MAA.
- (k) An applicant may be required to enter into such license and other agreements with the city or third parties as the city may require to effect the replacement, consistent with this section.

Section 10 outlines how equipment will be mounted if above or on the ground and instances when it may be required to be located underground. In discussions with Verizon, they've indicated that all equipment will be located underground for those facilities requiring pole replacement.

Section 10. Enacted. Section 115-10-9 relating to Equipment is hereby enacted to read as follows:

115-10-9 *Equipment*

- (a) Equipment other than ground-mounted equipment shall be mounted in one of the manners described below, and as prescribed by the city engineer, utility provider, or applicable health and safety code.

- (1) Equipment shall be mounted in a base shroud of approved design. The base shroud should be coated or painted an approved color to match the pole.
- (2) Equipment shall be mounted directly to the pole a minimum of twelve (12) feet above the existing grade and be coated or painted with an approved color to match the pole.
- (3) Equipment shall be mounted to the pole in an equipment box a minimum of twelve (12) feet above the existing grade. The equipment box shall be coated or painted an approved color to match the pole.
- (4) Equipment shall be attached to the wireless support structure in a manner as approved by the city engineer.

(b) Ground-Mounted Equipment.

(1) A permit for a wireless communication facility that involves ground-mounted equipment will be issued if the city engineer finds the following:

- a. The ground mounted equipment will not disrupt traffic or pedestrian circulation;
- b. Space exists in the public right-of-way to accommodate the ground mounted equipment;
- c. The ground mounted equipment will not create a safety hazard;
- d. The location of the ground mounted equipment minimizes impacts on adjacent property;
- e. In any historical area, that the ground mounted equipment does not detrimentally affect the historical nature of the area, to the satisfaction of the city engineer;
- f. That no reasonable alternative exists that is more favorable to adjacent property owners and to effective use and management of the public right-of-way; and
- g. The ground mounted equipment will not adversely impact the health, safety or welfare of the community.

(2) Underground equipment. Ground mounted equipment and utilities will be placed underground in all locations unless technically infeasible.

(c) Any excavation required for installation of ground-mounted or underground equipment shall be performed in accordance with all applicable local, state, and federal laws and regulations.

Section 11 outlines how a wireless communications facility may be attached to a city owned building such as city hall or public works building for example. In the event the city sells this structure, the city will credit the fees back and assist with identifying an alternative site. The city is not responsible for the costs resulting from the sale of city-owned property.

Section 11. Enacted. Section 115-10-10 relating to Attachment to City-Owned Buildings is hereby enacted to read as follows:

115-10-10 Attachment to City-Owned Buildings

The city may permit the attachment of a facility to a city-owned building upon the recommendation of the city engineer and the approval of a lease by the city commission. An installation permit shall be required for such installations. If a city-owned building is sold the permit for the relevant attachment shall be revoked. The city shall work with the permit holder to identify a suitable alternative site for the replacement of the wireless communication facility and credit the permit holder for the fees already incurred toward the application of a new site. The city shall be held harmless for the permit revocation effectuated by the sale of the city-owned building.

Section 12 adds Wireless communications facility to the list of examples of uses within the utility use group.

Section 12. Amended. Section 105-1-4 (q) **(2)** relating to the Utility service group **examples** is hereby amended **to include the following example of a utility service group use:**

k. Wireless Communications Facility

Section 13 adds definitions for wireless communications facility where none presently exists.

Section 13. Amended and Re-enacted. Section 101-1-3 adding a new definition following Wholesale group to read as follows:

Wireless communications facility means any fixed tangible asset usable for the purpose of providing wireless transmission of voice, data, images or other signals or information including, but not limited to, telecommunications, cellular telephone service, personal communications service and paging service. A wireless communications facility includes antennas and accessory equipment. A wireless communications facility does not include an underlying wireless support structure.

Section 14 Adds definitions for telecommunication transmission tower and telecommunications transmission tower antennae height. There is currently no definition for these in the ordinance. It also removes the existing definition of telecommunication facility, relying solely on wireless communications facility for continuity.

Section 14. Amended and Re-enacted. Section 101-1-3 remove definition of Telecommunication facility and adding a new definition for Telecommunication transmission tower and Telecommunication transmission tower and antenna height following Subdivision, minor to read as follows:

~~Telecommunication facility means any installation composed of wires, cables, pieces of equipment, pieces of machinery, structures and/or supporting elements necessary to produce non-ionizing electromagnetic radiation and operating as a discrete unit to produce a signal or message.~~

Telecommunication transmission tower means any pole, spire, structure or combination hereof, including supporting lines, cables, wires, braces and mast, designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting lattice towers, guyed towers or monopole towers. A telecommunication tower may include, but not be limited to, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and personal communication service towers.

Telecommunication transmission tower and antenna height means the height of a freestanding telecommunication transmission tower and antenna shall be measured as the distance from ground level to the highest point on the tower, including the antenna. The height of a rooftop communication antenna shall be measured as the distance from the point where the base of the tower and antenna is attached to the roof, to the highest point on the supporting structure, including the antenna.

Section 15 Changes terminology to one defined by Section 14 above. There is currently no definition of broadcast or communication towers.

Section 15. Amended and Re-enacted. Section 105-1-2 (1) to read as follows:

- (1) *Structures excluded from height limits.* A building height limit set forth in this chapter shall not apply to belfries, chimneys, domes, flagpoles, flues, monuments, cupolas, ~~broadcast and communication telecommunication transmission~~ towers, spires, tanks,

water towers or similar structures, or to bulkheads, elevators, water tanks or similar roof structures and mechanical appurtenances. No such structure located on a roof shall have a total area greater than 25 percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building. No such structure shall be located closer to the lot line than a distance greater than 110 percent of the height of the structure above ground level, except those structures as permitted or deemed necessary within the public right-of-way as outlined in Chapter 115.

Adding subsection (l) in order to require a conditional use permit for towers greater than 120 feet in height.

Section 16. Enacted. Section 105-1-5 (i) relating to a requirement for telecommunication transmission tower and antennae height in excess of 120' to obtain a conditional use permit to read as follows:

(i) Telecommunication transmission tower and antenna height exceeding one-hundred-twenty (120) feet.

Section 17 thru 24 establishes that utility service group uses require a conditional use permit in residential zoning districts and a permitted use in commercial and industrial zones.

Section 17. Amended and Re-enacted. Section 105-3-4 (d) is amended as follows:

- (d) *Conditional uses.* These uses are permitted on a specific site only after review and approval by the planning and zoning commission and ratification by the city commission. ~~A PUD district will be created to document any conditional use approval.~~
- (1) Accessory dwelling unit.
 - (2) Education group.
 - (3) Public recreation group.
 - (4) Utility service group.
 - (5) Religion group.
 - (6) Bed and breakfast.
 - a. One additional parking space per bedroom.
 - b. One sign no larger than four square feet.

- c. Must maintain state facility license in good standing.

Section 18. Amended and Re-enacted. Section 105-3-5 (d) is amended as follows:

- (d) *Conditional uses.* These uses are permitted on a specific site only after review and approval by the planning and zoning commission and ratification by the city commission. ~~A PUD district will be created to document any conditional use approval.~~
 - (1) Public recreation group.
 - (2) Education group.
 - (3) Utility service group.
 - (4) Religion group.
 - (5) Accessory dwelling unit.
 - (6) Bed and breakfast
 - a. One additional parking space per bedroom.
 - b. One sign no larger than four square feet.
 - c. Must maintain state facility license in good standing.

Section 19. Amended and Re-enacted. Section 105-3-6 (d) is amended as follows:

- (d) *Conditional uses.* These uses are permitted on a specific site only after review and approval by the planning and zoning commission and ratification by the city commission. ~~A PUD district will be created to document any conditional use approval.~~
 - (1) Public recreation group.
 - (2) Education group.
 - (3) Utility service group.
 - (4) Religion group.

Section 20. Amended and Re-enacted. Section 105-3-8 (d) is amended as follows:

- (d) *Conditional uses.* These uses are permitted on a specific site only after review and approval by the planning and zoning commission and ratification by the city commission. ~~A PUD district will be created to document any conditional use approval.~~
 - (1) Education group.

- (2) Religion group.
- (3) Utility service group.
- (4) Public recreation group.
- (5) Site built or modular dwelling unit.

Section 21. Amended and Re-enacted. Section 105-3-9 is amended as follows:

Sec. 105-3-9. - RM Residential District.

In any RM Residential District, the following regulations shall apply:

- (1) *General description.* The RM Residential District is established as a district in which the principal use of land is for residences, including multifamily dwellings and similar high-density residential development. For the RM Residential District, in promoting the general purposes of this chapter, the specific intent of this section is:
 - a. To encourage the construction of, and continued use of, the land for residential purposes.
 - b. To prohibit commercial and industrial use of the land and to prohibit any other use that would substantially interfere with the development and continuation of residential structures in the district.
 - c. To encourage the discontinuance of existing uses that would not be permitted as new uses in the district.
 - d. To discourage any use which, because of its character or size, would generate traffic or require municipal services substantially in excess of traffic and services that would exist if the district was developed solely for multifamily dwellings and similar residential uses.
- (2) *Uses permitted.* The following uses are permitted:
 - a. Single-family dwelling.
 - b. Two-family dwelling.
 - c. Multifamily dwelling.
 - d. Group dwelling.
 - e. Educational group.
 - f. Church.
 - g. Health-medical group.
 - ~~h. Utility service group.~~
 - hi. Public recreation group.
 - ij. Railroad line trackage.

jk. Funeral establishments, provided that the following requirements are met:

1. Each such establishment shall provide an off-street parking area on the premises equal to 35 percent of the lot area and in no case less than 4,900 square feet exclusive of the area needed to park vehicles owned or operated by such establishment. For the purpose of determining such parking area, neither the required side yards nor the area in front of the building setback line shall be included as a part of such parking area.
2. Each parcel upon which a funeral establishment is to be maintained shall have two side yards, one on each side of the building. The sum of the widths of the two side yards shall not be less than 20 percent of the average width of the lot, but in no event shall any side yard be less than ten feet.
3. No parking shall be permitted within ten feet of the side lot lines or in the area ahead of the building setback line.

lk. Office-bank group.

lm. Bed and breakfast facility located in a single-family dwelling, provided that the owner of the dwelling is the holder of a current bed and breakfast facility license for not to exceed four lodging units issued pursuant to the provisions of N.D.C.C. ch. 23-09.1 and that the owner provides one off-street vehicle parking space for each such unit and one off-street parking space for the owner/operator of such facility, and provided, further, that only one sign, not exceeding four square feet in size, advising such facility, may be placed on the premises.

mn. Manufactured home.

(3) Conditional uses. These uses are permitted on a specific site only after review and approval by the planning and zoning commission and ratification by the city commission.

a. Utility service group

~~(43)~~ **Density.** The maximum allowable density is 30.0 families per net acre.

~~(54)~~ **Lot area.**

- a. Each building containing dwelling units hereafter erected shall be located on a lot having an area not less than that shown in the following schedule:

Lot Area in Square Feet	Maximum Number of Dwelling Units
4,000 but less than 5,000	1
5,000 but less than 6,000	2
6,000 but less than 7,000	3

7,000 or more	4
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b. For each 1,000 square feet, or fraction thereof, in excess of 7,000 square feet contained in a lot, the principal building may contain one dwelling unit in addition to the four dwelling units permitted in a principal building located on a lot having an area of 7,000 square feet. Any other permitted building or structure, together with accessory buildings, shall be located on a lot having an area of not less than 7,000 square feet; provided, however, that if a building designed for efficiency apartment units having not more than one-bedroom units, intended to house not more than two persons per dwelling unit, not exceeding the floor area ratio provided in subsection (6) of this section and meeting all other provisions of this section and the provisions of this Code relating to the minimum standards governing the condition and maintenance of dwelling units, a building containing not more than six such efficiency dwelling units may be erected on a lot having not less than 7,000 square feet in area.

~~(65)~~ *Lot width.* Each lot shall have a width of not less than 50 feet measured along the front building line; provided, however, that on a record lot having a width of less than 50 feet at the front building line and corresponding to a record lot shown on a plat or deed recorded prior to the adoption of the ordinance from which this section is derived, the minimum lot width measured along the front building line may be reduced to not less than 40 feet.

~~(76)~~ *Floor area ratio.* The floor area ratio of the principal building and all accessory buildings shall not exceed 0.40 for single-story buildings, nor shall it exceed 1.20 for buildings of more than one story. The ground area occupied by the principal and accessory buildings shall not exceed 40 percent of the total area of the lot. In computing floor area ratio and ground coverage, 200 square feet shall be added to the actual area of the building for each car space required by this chapter, if such space is not furnished within a building.

~~(87)~~ *Front yard.* Each lot shall have a front yard not less than 15 feet in depth.

~~(98)~~ *Side yards.* Each lot shall have two side yards, one on each side of the principal building. The sum of the widths of the two side yards shall be not less than 20 percent of the average width of the lot. On any lot having an average width of 50 feet or less, each side yard shall be not less than ten percent of the width of the lot, and in no case shall a side yard be less than four feet in width. On any lot having an average width greater than 50 feet, neither side yard shall be less than five feet in width. In no event shall any side yard be less than the requirements set forth in this subsection, provided that in computing the side yard width on any lot, the first one foot of any overhang for eaves shall not be counted.

~~(109)~~ *Rear yard.* Each lot shall have a rear yard not less than ten feet in depth.

(110) *Height limits.* Single-family dwellings and two-family dwellings shall not exceed 2.5 stories, nor shall they exceed 35 feet in height. No principal building for any other permitted use shall exceed six stories, nor shall it exceed 60 feet in height. For each one foot or fraction thereof that a building exceeds 35 feet in height, there shall be added two feet to the minimum width of each side yard, two feet to the minimum depth of the front yard and one foot to the minimum depth of the rear yard required by this section. No accessory building shall exceed two stories, nor shall it exceed 25 feet in height.

(124) *Exception.* Notwithstanding the limitations imposed by any other provision of this chapter, upon due application by the owner and the recommendation thereof by the planning and zoning commission, the board may permit the subdivision of an existing lot and approve the replat thereof to show the lot lines along the centerline of a common wall, and the renumbering of the lot upon which multifamily townhouses or row dwelling units are being or have been constructed so as to permit separate ownership of a lot without side yards and having an area and width smaller than that required for a single-family dwelling, subject to the following:

- a. Each of the lots created by the subdivision shall contain an average of not less than 2,400 square feet of area.
- b. Each lot shall front on a dedicated street, or access shall be provided by platting a common driveway area and utility easements.
- c. Except for setbacks along the common property lines, all other setbacks and yard requirements shall be met.
- d. Each lot shall have separate water and sewer service lines into such lot or an appropriate written agreement between the adjoining property owners establishing the manner in which the cost of maintenance and repair of such lines will be shared.
- e. The subdivision of the lot shall be accomplished by the platting thereof in accordance with subdivision regulations of the city ordinances, including required public hearings for the plat approval.

(Ord. No. 1242, § 5, 12-20-2016)

Section 22. Amended and Re-enacted. Section 105-3-10 is amended as follows:

Sec. 105-3-10. - RH Residential District.

In any RH Residential District, the following regulations shall apply:

(1) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Mobile home means a mobile structure manufactured upon a chassis or an undercarriage which is an integral part of the structure and which:

- a. Is transported to the site on wheels;
- b. Comes fully equipped with flush toilet, tub or shower and kitchen facilities;

- c. Is ready for immediate occupancy upon its arrival to the site and its connection with utilities; and
- d. Is designed for long-term use as a single-family residence without permanent foundation.

Mobile home park means a plot or parcel of land, under single ownership, which has been improved for purposes of locating mobile homes as dwellings.

Mobile home site means a parcel of land, within a mobile home park, designed and improved for the accommodation of not more than one mobile home as a single-family residence.

Mobile home stand means that part of a mobile home site which has been reserved and improved for the placement of a mobile home, appurtenant structures or additions to a mobile home.

Self-propelled mobile home means a self-propelled vehicle containing living facilities, including the terms "house car" and "motor home," which was designed for temporary dwelling, generally for travel and recreational use, and licensed by a state as a motor vehicle.

Travel trailer means a vehicular portable structure having no foundation other than wheels or jacks, designed to be used as a temporary dwelling for travel and recreational activities, which is not more than eight feet in body width.

Travel trailer park means a plat or parcel of land, under single ownership, which has been improved for the purposes of locating travel trailers.

Travel trailer site means a parcel of land within a travel trailer park designed and improved for the accommodation of not more than one travel trailer.

Unit, dependent, means a mobile home, travel trailer or self-propelled mobile home without bath or shower and toilet facilities.

Unit, nondependent, means a mobile home, travel trailer or self-propelled mobile home with bath, shower and toilet facilities.

- (2) *General description.* The RH Residential District is established as a district in which the principal use of land is for residences, including mobile homes and travel trailers, located within mobile home parks and travel trailer parks.

(3) Permitted Uses:

a. Mobile homes and travel trailers, located within mobile home parks and travel trailer parks.

- (4) Conditional uses. These uses are permitted on a specific site only after review and approval by the planning and zoning commission and ratification by the city commission:

a. Utility service group

(53) *Location.* All mobile home and travel trailer parks shall be located in approved subdivisions according to the city's subdivision regulations.

(64) *Mobile home and travel trailer park locations.*

- a. *Mobile homes.* All mobile homes in the city shall be located in an approved mobile home park or mobile home subdivision before being occupied. Also, no business shall be conducted out of a mobile home, except administrative duties of the court owner or manager of home occupation uses according to the city's zoning ordinances.
- b. *Mobile home parks.* Mobile home parks shall be located in an RH zoning district according to future provisions. Mobile home parks should be considered medium-density residential.
- c. *Travel trailers.* Travel trailers shall be located in an approved travel or mobile home park.
- d. *Travel trailer parks.* Travel trailer parks shall be located in an RH zoning district according to future provisions.
- e. *Self-propelled mobile homes.* Self-propelled mobile homes shall be located in an approved travel trailer or mobile home park.

(75) *Licenses and/or permit requirements.*

- a. It is unlawful for any person to maintain, operate, alter or expand any mobile home or travel trailer park within the city's jurisdiction (one mile) without first obtaining a valid license and building permit from the designated officials of the city. Alteration or expansion of an existing mobile home or travel trailer park shall include any addition or reduction of a park site or rearrangement of other service buildings within the park.
- b. All mobile home and park license fees shall be set by resolution of the board.
- c. Application for a mobile home or travel trailer park license shall be filed with and issued by the state department of health and the city. The application shall be reviewed by the state health officer and city departments as deemed necessary by the building inspector. The site plans, specifications and zoning shall be reviewed by the city planning and zoning department. Application for subdivision or site plan approval and zoning changes for a mobile home or travel trailer park shall include payment of a planning review fee. These fees shall parallel the fee schedule of the city for subdivision and zone changes. The purpose of these fees is to offset the cost of publication and review by the planning department. An application for mobile home or trailer court approval shall be submitted to the city planner, along with said fee, and shall include the following:
 1. Name and address of the applicant and engineer or surveyor.
 2. Location map and legal description of the proposed or existing trailer or mobile home park.
 3. A complete site plan and specification of the proposed travel trailer or mobile home park or of the alteration or expansion of an existing park indicating:

- (i) Total acreage and all dimensions of the tract of land.
 - (ii) Date of plan.
 - (iii) Lot and block acreage.
 - (iv) Scale and north arrow.
 - (v) Locations and dimensions of all existing and proposed streets, alleys and walkways, and location and size of all sidewalks.
 - (vi) Locations and dimensions of all proposed mobile home sites.
 - (vii) Locations, plans and specifications of all proposed service buildings.
 - (viii) Contours of the land at one-foot intervals for ground slopes between zero and two percent, two-foot contours between two and five percent, and four-foot contours for over five percent.
 - (ix) Finished grade plan for all streets and developed areas as required by the city engineer.
 - (x) Locations and dimensions of all utility easements.
 - (xi) Locations and sizes of water, sewer and storm sewers or open drainage lines.
 - (xii) Locations of fire hydrants.
 - (xiii) Locations of all recreational areas.
 - (xiv) Locations of lighting stands.
 - (xv) All setback dimensions.
 - (xvi) Location and dimensions of mobile home park buffer.
 - (xvii) Such further information as may be required by the health officer to determine if the proposed mobile home park is in compliance with the applicable health regulations.
4. If the applicant desires to alter or expand an existing mobile home park, an additional site plan shall be submitted indicating the locations and dimensions of existing mobile home sites, streets, walkways and service buildings.
 5. A reproducible Mylar and six blue line prints, 24 inches by 36 inches, shall be submitted to the planning and zoning office upon final approval by the board. Said site plan shall have the signatures of the owner, city engineer, planning and zoning commission chairperson and board president.
 6. Within two weeks of moving into a mobile home, the owner will be required to have a certificate of occupancy. Before issuing the certificate of occupancy, the building inspector or designate shall inspect all utility connections, stabilizing devices, anchoring equipment and determine that the address has been properly installed. A fee for the certificate of occupancy, as set by the board, shall be required of the mobile home owner.
 7. All mobile home and travel trailer parks shall be located in an approved subdivision according to the city's subdivision regulations.

(86) *Design requirements for mobile home parks.*

- a. *Minimum size.* Each parcel of land to be used for a mobile home park shall be a minimum of ten acres, and any addition to said park must contain a minimum of four acres and be contiguous to the park with a boundary of at least 100 feet. The ratio of average depth to average width shall not be in excess of 4:1. There shall be a minimum width of 150 feet along any abutting public right-of-way.
 - b. *Streets and parking; access to park.* Direct vehicular access to the mobile home park shall be only from an abutting approved public street. Access shall be so located as to provide minimum congestion on the external streets and to provide for good circulation within the park. Private access right-of-way shall intersect public right-of-way no closer than 150 feet from the intersection of two public streets.
 - c. *Width of streets.* Streets in a mobile home park shall be private, but shall be constructed and paved in accordance with city street specifications and approved by the city engineer, except as to the paved width, which shall be as follows:
 1. Two-way streets with parking on both sides shall be 40 feet in width.
 2. Two-way streets with parking on one side shall be 32 feet in width.
 3. Two-way streets with no parking on either side shall be 24 feet in width.
 4. No streets shall be less than 24 feet in width.
 - d. *Entrance roads; easements and intersections.* All entrance roads into a mobile home park shall have a minimum unobstructed width of 60 feet and a minimum paving width of 36 feet at the point of entry. All streets into the mobile home park shall be designed for two-way traffic. Easements shall be provided on all streets within the mobile home park for the provision of city services, such as police, fire, and refuse collection. Street intersections should be at right angles on all major streets and minor streets, if possible.
 - e. *Curb and gutter and street grades.* Curb and gutter or alternatives shall be laid on all streets according to the city engineer. Street grades shall be sufficient to ensure surface drainage.
 - f. *Parking.* At least two off-street paved parking spaces per mobile home site shall be provided in the mobile home park. Clustered parking to meet the off-street requirements is allowed, but shall not be on the street right-of-way. Off-street parking for guests should be on the basis of one parking space for each four mobile home lots. Off-street parking shall be provided on the basis of one parking space for each 300 square feet of gross floor space in recreational, service and community buildings.
 - g. *Buffer strip.* Mobile homes shall be set back from any public right-of-way 25 feet and not less than 15 feet from any other boundary. Said buffer strip may be platted as part of the mobile home site. The buffer strip may not be designed for streets and utility sites, but may be utilized for drainage structures. No other structures shall be placed within any of the buffer strips.
 - h. *Recreation areas.* Mobile home park owners are encouraged to design parks with recreational areas sufficient for park residents.
- (97) *Design requirements for mobile home site.*

- a. *Minimum size.* Each mobile home site shall have a minimum of 5,000 square feet of area with a minimum average width of 50 feet and minimum average depth of 100 feet. Mobile home sites located on a cul-de-sac may reduce frontage at the street line to 35 feet, but lot area must contain 5,000 square feet.
- b. *Land coverage.* Total structural coverage of a mobile home site shall not exceed 50 percent of the site area. In computing the ground coverage, 400 square feet shall be added to the area of the mobile home site for the two required off-street parking spaces and all accessory buildings. All nonattached storage sheds must be located in the backyard and not within five feet of the side or rear site line.
- c. *Access.* Each mobile home site shall abut on a street within the mobile home park, and access directly to the site shall only be from such an internal street.
- d. *Setback requirements.* No part of the mobile home or other structure upon a mobile home site shall be closer than five feet to a mobile home site boundary line. Mobile homes shall be set back from each other and accessory buildings by at least 15 feet on adjacent lots. There shall be a minimum of ten feet between an individual mobile home and any abutting pavement of a park street.

(108) *Provisions of services in mobile home park.*

- a. *Service buildings.* Service buildings may include management offices, laundry facilities, repair shops and storage areas, sanitary facilities and indoor recreation facilities and incidental commercial uses.
- b. *Service building requirements.* All service buildings shall comply with the city ordinances and state laws and regulations concerning buildings, electrical installations, plumbing and sanitation systems. They shall, at all times, be operated and maintained in a clean, sightly condition by the park management.
- c. *Building height requirements.* No structure erected in a mobile home park shall exceed 25 feet in height.
- d. *Water supply.* Each mobile home park shall be connected with the city's water supply system and designed, constructed and maintained in accordance with the city's ordinances and state laws and regulations. Each mobile home park shall be provided with at least one above-ground water service connection which shall be capped when a mobile home does not occupy the site.
- e. *Sewage disposal.* All mobile home parks shall be connected to the city central sewer system, and sewer lines shall be designed, constructed and maintained in accordance with the city's ordinances and state laws and regulations and shall be capped when not in use.
- f. *Street lighting.* All entrances, exits and streets in mobile home parks shall be well-lighted. Street lighting may be either overhead or low level, but must be reflected onto the street.
- g. *Electricity and grounding.* Each mobile home and mobile home site shall be provided with electricity and proper grounding in accordance with the city's ordinances. Each mobile home site shall be individually metered by the supplying electrical utility company.

- h. *All service utility lines.* All service utility lines for electrical, telephone, gas and television communication shall be placed underground and designed and constructed in accordance with the city's ordinances.
 - i. *Refuse handling.* The storage, collection and disposal of refuse in the mobile home park shall be provided for in accordance with the applicable city ordinances and state laws and regulations.
 - j. *Fire protection.* All mobile home parks shall be subject to the regulations stated in the fire protection codes adopted by the city and state. Mobile home parks shall be kept free of litter, rubbish and other flammable materials. Portable fire extinguishers, rated for class B and C, shall be kept in service buildings, readily accessible for use by all occupants and maintained in good operating condition.
 - k. *Street signs and mobile home site address and design.* The owner of a mobile home park shall provide street name signs. The individual mobile home owner shall be responsible for displaying on the front of the mobile home the address in letters no smaller than two inches in height before occupancy. All street names shall conform to the city's street plan. All existing and new mobile home parks shall construct street signs, and all sign material shall conform to the city's street sign specifications.
 - l. *Register of occupants.*
 - 1. A register of all mobile home occupants and owners of mobile homes in the park shall be maintained with the following information:
 - (i) The name and address of each mobile home occupant.
 - (ii) The name and address of the owner of each mobile home, if different from the occupant.
 - (iii) The dates of arrival and departure of each mobile home.
 - 2. An updated register of occupancy shall be provided to the city every three months with the data in subsection (8)l.1 of this section, as required by the county tax equalization department.
- (119)** *Temporary parking of travel trailers, camper trailers, cargo trailers and boat trailers.*
- a. *Forty-eight-hour parking limit.* No owner of property within the corporate limits of the city shall permit the parking, maintaining or keeping upon his property, and no person shall park, maintain or keep any travel trailer, camper trailer, cargo trailer or boat trailer for more than 48 hours, unless such trailer is located in a garage. Trailer sales of new and used unoccupied trailers, house cars or camp cars by an individual, firm, or corporation, properly licensed and zoned for trailer sales use shall be located in commercial zoning districts.
 - b. *Parking sites in mobile home parks.* A separate travel trailer park site for travel trailers or camper trailers shall be permitted in any mobile home park, provided that:

1. Said camp area comprises less than ten percent of the total area of said mobile home park;
 2. A 25-foot buffer strip exists between said camp site and any mobile home site; and
 3. Toilet, water and garbage disposal facilities are available and easily accessible to users of said camp site.
- c. *Parking of trailers in residential districts.*
1. Travel trailers, camper trailers and boat trailers not in excess of eight feet in width shall be permitted to park on private property in any residential district, provided that they are:
 - (i) Located behind the front building line and not on the public boulevard;
 - (ii) Located in a storage shed or garage; or
 - (iii) Located in a driveway area permitted for the parking of passenger cars.
 2. Collapsible camping trailers, when stored on a residential lot, shall be stored in a collapsed state.
- d. *Parking of self-propelled mobile homes.* Self-propelled mobile homes, not exceeding state department of transportation limits in length, shall be permitted to park as a passenger vehicle, but shall not be permitted to be used as a living unit on any public right-of-way.
- e. *Parking on public property prohibited.* No trailer or mobile home shall be parked upon any public right-of-way, park or other public property within the corporate limits of the city more than 48 hours, and shall not be used for sleeping, housekeeping or living quarters while so parked, unless located in an area publicly designated for such use.
- f. *Parking of construction trailers.* Trailers used for construction offices on a construction site in a subdivision shall be permitted during the period of construction only after a building permit for the construction job has been issued. Such trailers must be removed from the site or subdivision before a certificate of occupancy is issued for the new construction. Such permitted trailers shall not be used for sales, habitation or promotional purposes and shall be permitted only after receiving a permit from the building inspector for each such trailer.
- (120) *Design requirements for travel trailer park.*
- a. *Site plans.* Site plans and specifications for travel trailer parks are required as stated in subsection (10)e of this section.
 - b. *Minimum size.* Each parcel of land to be used for a travel trailer park shall be a minimum of 2.5 acres, and the ratio of average depth to average width shall not be in excess of 4:1. If included as part of a mobile home park, a travel trailer park cannot occupy more than ten percent of the area.
 - c. *Streets and parking.*

1. *Access to park.* Direct vehicular access to the travel trailer park shall be only from an abutting, approved public street. Access shall be located so as to provide minimum congestion on the external streets and to provide for good circulation within the park.
 2. *Width of streets.* Streets in a travel trailer park shall be private and shall be of the following width:
 - (i) Two-way streets with no parking on either side shall be at least 24 feet in width.
 - (ii) Two-way streets with parking on one side shall be at least 32 feet in width.
 - (iii) No roads will be permitted with parking on both sides of the street.
 - (iv) One-way streets are permitted with a minimum width of 24 feet.
 3. *Street surfacing.* All streets shall be paved according to specifications set forth by city ordinances.
 4. *Parking.* At least one off-street parking space per travel trailer site in each travel trailer park is required.
 5. *Travel trailer site.* Each travel trailer site shall be well drained and contain a stabilized vehicular parking pad composed of paving or other suitable material as determined by the city engineer. The remainder of the site shall be grassed and landscaped.
 - d. *Buffer strip.* There shall be a well-landscaped buffer strip not less than 25 feet in depth between travel trailer sites and all public streets abutting the travel trailer park and a landscaped buffer strip of not less than 15 feet in depth between travel trailer sites and all other boundaries of the park. Nothing contained in this subsection is to be construed to require a 25-foot buffer strip or 15-foot buffer strip between individual travel trailer sites. The landscaped buffer shall be separate from travel trailer sites, recreation areas, streets, and the utility sites, but may be utilized for drainage structures and utilities distribution and collection. No other structures shall be placed within any of the buffer strips.
 - e. *Recreation areas.* A minimum of ten percent of the total land area of a travel trailer park shall be devoted to one or more common use areas for recreation activity. These recreation areas shall be storage areas, utility sites, and all nonrecreational service buildings. They shall be easily accessible to all park users and shall be owned and maintained by the park management. Although the required space for recreation usage can be met through more than one recreation area in a travel trailer park, minimum size of any area shall be 5,000 square feet.
 - f. *Tent camping.* Tent camping shall be permitted in a travel trailer park on individual travel trailer sites or as accessory uses to travel trailers, if occupied by members of the same party.
- (134) *Design requirements for travel trailer sites.*
- a. *Minimum size.* Each parking site shall have a minimum of 1,500 square feet of area with a minimum average width of 25 feet and a minimum average depth of 60 feet.

There shall be a maximum of 15 travel trailer sites per acre of land within the travel trailer park.

- b. *Access.* Each travel trailer site shall abut on at least one street within the travel trailer park, and access directly to the site shall be only from such an internal street.
- c. *Setback requirements.* No part of a travel trailer placed on a travel trailer site shall be closer than five feet to a site line.
- d. *Appurtenances.* No permanent external appurtenances, such as cabanas or awnings, may be attached to a travel trailer, and the removal of wheels or the placement of the unit on a permanent foundation is prohibited.

(142) *Provisions of services in travel trailer parks.*

a. *Service buildings.*

- 1. Service buildings may include management offices, laundry facilities, storage areas and any other such buildings necessary to the proper operation of a travel trailer park.
- 2. All service buildings shall comply with the city ordinances and state law and regulations concerning buildings, electrical installations, plumbing and sanitation systems. They shall, at all times, be operated and maintained in a clean, sightly condition by the park management.

b. *Water supply.*

- 1. An adequate supply of water shall be provided in accordance with the state sanitary codes and city ordinances. Travel trailer parks shall be connected to the city's central water system and with water lines designed, constructed and maintained in accordance with the city's ordinances.
- 2. A minimum of one water supply outlet shall be provided for every two travel trailer sites.

c. *Sewage disposal.*

- 1. All sewage disposal facilities shall be designed, constructed and maintained in accordance with the state sanitary codes and city ordinances. All travel trailer parks shall be connected to the central sewer system of the city.
- 2. At least one sanitary dumping station shall be provided for every travel trailer park with at least one connection for every 50 travel trailer sites or fractional part.
- 3. A complete restroom facility shall be located within a travel trailer site in accordance with the following schedule for 30 travel trailer sites or fractional part:
 - (i) Toilets: Two men, four women.
 - (ii) Urinal: Two men.
 - (iii) Washstand: Three men, three women.
 - (iv) Showers: Two men, two women.

- d. *Lighting.* All entrances, exits, streets and service buildings shall be well-lighted during the hours of darkness. Street lighting may be either overhead or low-level, but must be reflected into the street.
 - e. *Electricity and grounding.* Each travel trailer site shall contain at least one approved electrical receptacle having a minimum of 100/115 volt alternating current.
 - f. *Service utility lines.* All service utility lines within a travel trailer park shall be placed underground and designed and constructed in accordance with city ordinances.
 - g. *Refuse handling.* Each travel trailer site shall be provided with either a metal can with a tight-fitting metal covering, of a capacity not less than four gallons and not to exceed 30 gallons, or dumpster containers, one to four cubic yards, for 14 travel trailer sites that can be maintained by the city.
 - h. *Fire protection.* All travel trailer parks shall be subject to the regulations stated in the Fire Protection Code adopted by the city. Travel trailer parks shall be kept free of litter, rubbish and other flammable materials.
 - i. *Animal control.* No owner or person in charge of an animal shall permit said animal to run at large or to commit any nuisance within the limits of any travel trailer park.
 - j. *Street names.* The owner of the travel trailer park shall provide for street name signs. All street names shall conform to the city's street plan. All existing and new travel trailer parks shall construct street signs, and all sign material shall conform to the city's street sign specifications.
- (153) *Operation of travel trailer park.*
- a. *Permitted uses.* A travel trailer park may include travel trailers and any such service buildings or accessory uses necessary for the proper, safe, sanitary operation of the travel trailer park. One mobile home may be located in any travel trailer park for the exclusive use of the owner or park manager as an office or residence.
 - b. *Responsibilities of park management.* The owner of a travel trailer park or the park management shall, at all times, keep the park and its facilities in a clean, orderly and sanitary condition. The park management shall inform all park occupants of the provisions of this article and other related ordinances and state laws and of the responsibilities under this section.
 - c. *Register of occupants.* A register of all travel trailer occupants in the park shall be maintained with the following information:
 1. The name and address of each travel trailer owner or operator making use of the travel trailer park.
 2. The make, model, year and vehicle license number of each travel trailer and motor vehicle.
 3. The state, territory and county in which all vehicles are registered.
 4. The dates of arrival and departure of each travel trailer.
- (164) *Penalty.* Every person violating this section shall, upon conviction thereof, be punished by a fine of not more than \$500.00, by imprisonment for not more than 30 days

or by both such fine and imprisonment in the discretion of the court. The court has the power to suspend the sentence or any part and to revoke the suspension thereof.

(Ord. No. 1242, § 5, 12-20-2016)

Section 23. Amended and Re-enacted. Section 105-3-11 (2) is amended as follows:

(2) *Uses permitted.* The following uses are permitted:

- a. Single-family dwelling.
- b. Two-family dwelling.
- c. Multifamily dwelling.
- d. Group dwelling.
- e. Retail group A.
- f. Service group A.
- g. Filling station.
- h. Office-bank group.
- i. Health-medical group.

j. Utility service group

jk. Bed and breakfast facility located in a single-family dwelling, provided that the owner of the dwelling is the holder of a current bed and breakfast facility license for not to exceed four lodging units issued pursuant to the provisions of N.D.C.C. ch. 23-09.1 and that the owner provides one off-street vehicle parking space for each such unit and one off-street parking space for the owner/operator of such facility, and provided, further, that only one sign, not exceeding four square feet in size, advertising such facility, may be placed on the premises.

Section 24. Amended and Re-enacted. Section 105-4-2 (b) (Use Table) is amended as follows:

Use Table

Proposed Use Category	Definition	Use Standard	District	
			DC	DF
<i>Residential Uses</i>				

Group Dwelling	Residential occupancy of a structure by a group of people who do not meet the definition of household.		P	P
Household dwelling	Residential occupancy of a dwelling unit by a household (related or up to four unrelated).			
Single-family, detached				P
Duplex/single-family attached (2)				P
Single-family, attached (3-8)	e.g., condos			P
Multifamily structure			P	P
Residences on 2nd floor & above			P	P
<i>Commercial Uses</i>				
Drive-through facilities	Drive-through facilities in conjunction with a permitted principal use.	X	SUP	SUP
Entertainment event, major	Activities and structures that draw large numbers of people to specific events or shows. This category does not include outdoor recreation and entertainment uses, such as golf driving ranges and racetracks.		P	P
Office group	Activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services.		P	P
Parking, accessory	Parking that is an accessory to a specific use, but not located on the same parcel as the use - use standards for accessory parking that is adjacent to a residential use.	X	SUP	SUP
Parking, commercial	Parking that is not an accessory to a specific use - fees may or may not be charged.	X	P	SUP
Retail sales and services Retail group A Service group A Service group B Groups are modified by description of this item and other items in this table.	Establishments involved in the sale, lease or rental of any new or used products to the general public - they may also provide personal services or entertainment or provide product repair or services for consumer and business goods — use standards for convenience store/gas stations, mortuaries/funeral homes. This category does not include self-service storage uses, adult	X	P	P

	entertainment centers, animal hospitals or kennels, or off-premises advertising signs.			
Retail group B	Auto, truck, motor cycle, off-road, and boat sales; Feed, grain, and farm supply sales.	X	—	SUP
Auto repair garage	Service to passenger vehicles, light trucks and other consumer motor vehicles generally, the customer does not wait at the site while the service or repair is being performed.	X	SUP	P
Auto service, limited	Direct services to motor vehicles where the driver generally waits in the car or nearby while the service is performed.	X	SUP	P
<i>Institutional Uses</i>				
Colleges	Colleges and institutions of higher learning.		P	P
Community services	Public, non-profit or charitable uses, generally providing a local service to the community.	X	P	P
Day care	Care, protection and supervision for children and adults on a regular basis away from their primary residence for less than 24 hours/day.	X	SUP	P
Health care facilities	Medical or surgical care to patients, with overnight care.		P	P
Parks and open areas	Natural areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, etc.		P	P
Religious institutions	Meeting area for religious activities	X	P	P
Safety services	Public safety and emergency response services.		P	P
Schools	Schools at the primary, elementary, middle, junior high or high school level.	X	—	P
<i>Other Uses</i>				
Detention facilities	Government-operated facilities for the detention or incarceration of people.	X	—	—
Moving of buildings/structures	Moving in of a building or structure that has been previously occupied in another location.	X	—	SUP
Passenger terminals	Passenger terminals for regional bus and rail service.	X	P	P
Public/community events	Planned gathering on public property consisting of 50 or more people or any sized event which blocks, or otherwise reserves, access to public property/right-of-way ¹ .	X	A	A

Telecommunications facilities Wireless communication facilities	Devices and supporting elements necessary to provide telecommunication services.		SUP	SUP
Utilities and essential services	Infrastructure services that need to be located in or near the area where the service is provided.		P	P

¹ Does not apply to spontaneous responses to current events or activities common to public parks/property that do not alter the day-to-day functionality of the site.

(Code 1994, § 21-04-17; Ord. No. 1013, § 2, 10-17-2006; Ord. No. 1296, § 1, 11-6-2018)

Section 25. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 26. Effective Date. This ordinance shall take effect following final passage, adoption and publication.

 Timothy A. Helbling, President
 Board of City Commissioners

Attest:

 James Neubauer,
 City Administrator

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

April 22, 2019
 May 21, 2019
 June 4, 2019

Exhibit 2 – City of Mandan North Dakota Wireless Facility Guidelines

Wireless Facility Guidelines City of Mandan North Dakota Draft 7/3/2019

The following guidelines are in addition to the requirements of Section 115-10 Wireless Telecommunication Facilities in the Public Right-Of-Way

Wireless Communication Facility (WCF):

- All-in-One Principle
 - Equipment submitted shall be of a nature which encompasses multiple technologies, frequency bands, protocols, coverage objectives, and capacity goals. Attached equipment shall be compact and scaled to the public utility structure. Equipment that is customary for normal cell site or tower application may not be approved for installation or operation on a City owned structure.
- Infrastructure Providers
 - Infrastructure providers are Permit Holders that do not have FCC licenses to directly operate a WCF, but lease Equipment (or space) to those companies that have FCC license. Infrastructure providers shall design using "all-in-one" principles as described above. Infrastructure providers shall design facilities to accommodate more than one wireless provider, and combine "all-in-one" principles across technologies, frequency band, protocols, coverage objectives, and capacity goals. Infrastructure providers shall disclose, in construction documents, which equipment is for a specific wireless provider and which equipment is for multiple wireless providers at each WCF.

Permit and Fees:

- Permit and Fees required in accordance with Section 115-10.

Type of Installation	Regulatory Approvals Required	Agreements Required	Fees
Installation of new or replacement franchised utility pole and attachment thereto.	Approval of Installation Permit	No	One-time Application review fee of \$500 for the first 5 sites with an additional \$100 per site after 5 No recurring fee
Installation of replacement or new City-owned structure and attachment thereto.	Approval of Installation Permit	Master Attachment Agreement	One-time Application review fee of \$500 for the first 5 sites with an additional \$100 per site after 5 \$150 annual fee per site
Installation of replacement or new Wireless Company	Approval of Installation	No	One-time Application review fee of \$500 for the first 5 sites with

or Wireless Infrastructure Provider owned structure and attachment thereto.	Permit		an additional \$100 per site after 5 \$150 annual fee per site
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- Application: (to be approved within 30 days of receipt from the City)
 - Phase I
 - Required Information:
 - Map on City Coordinates with locations
 - Max number of sites in application (15)
 - Photo of City owned structure that you wish to attach to (if applicable)
 - Applicant Names, Address and Contact info
 - Provider Names, Address and Contact info
 - Synopsis of Project
 - Meeting if requested by staff
 - If new locations are proposed by the applicant, 30 day calendar review is reset for new locations

Move to Phase II or deny full or partial permit. Incomplete applications will be notified within 30 days

- Phase II
- Detailed plan set
 - City Coordinate System
 - Include survey of all utilities private and public
 - Location and size of ground equipment
 - Stamped by a ND professional Engineer
 - Replacement structure or attachment only
- Master Attachment Agreement — No Fee
- A complete as-built, in AutoCAD must be submitted to the City at the completion of the project. Failure to do so may result in the forfeiture of the permit.

The City reserves the right to deny any permit due to health, safety or welfare of the community.



REVISED April 7, 2020 Public Hearing No. 3

Board of City Commissioners

Agenda Documentation

MEETING DATE: April 7, 2020
PREPARATION DATE: April 3, 2020
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Consider approving the Resolution determining insufficiency of protest for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area).

STATEMENT/PURPOSE: To move forward with the resolution determining insufficiency of protest for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area).

BACKGROUND/ALTERNATIVES: At the March 3, 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 this project. The Resolution of Necessity was published in the Mandan News on March 6th and 13th and notification letters were sent out to the property owners within the District. A 30 day protest period started March 6, 2020. We will accept letters of protest in our office until 4:30 April 6, 2020. We will 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.

As of 4:30 PM on Monday, April 6th, we received 29 protests. The protests received represent 4.9% of the area within the district. This is the percentage that ND Century Code requires us to consider when determining the amount of protest vs. the 50% that would automatically prohibit moving forward. Other ways to look at the protest amount; 6.5% of the number of properties protest this project and 24.8% of the estimated cost representation protest the project. However, if we go forward as we have recommended below and reduce the Lewis Road segment just west of 37th from a reconstruct to a chip seal, that percentage will be drastically less.

In reviewing the protests that have come in, there is a very strong pattern of protests that are coming from those properties that are along Lewis Road and Clark Place, just west of 37th Avenue NW. These protests mostly came in petition style with the same letter

contents. Their concerns can be summarized by the following. Engineering has thoughts about the concerns stated below each.

- Residents do not believe their roads are in that poor of condition, their opinion is that a chip seal could be done to extend life.
 - Engineering believes that a chip seal or mill and overlay would be minimally effective for this segment. However, we are willing to recommend trying the chip seal of this segment given the overwhelming request by the property owners and the relatively low cost of a chip seal. We would likely not be back to initiate another project within five years and it will likely be costly and difficult for our maintenance staff to keep up with what is needed to keep drivable before then. We cannot recommend a mill and overlay for this segment. We think that is too much financial commitment for segments of road that have failing base material. We would include the 40th Avenue and adjacent cul-de-sac to be chip sealed instead of reconstructed as well since these are included in the same division of reconstruction.
- Residents feel as though non-local traffic resulted in deterioration ahead of schedule.
 - This segment was used as a bypass for traffic during some of the Old Red Trail Reconstruction project in 2016. That bypass time period was predominately in late summer, not earlier in the summer when conditions are softer. The project construction traffic would not have used this segment for their work. The increased traffic was predominately passenger vehicles, we do not recall or have evidence of excessive heavy loads. The conditions of Clark Place are some of the most deteriorated in this area and that would not have received this extra traffic. For the above reasons, our office believes that the 2016 bypass traffic has minimal impact on today's conditions.
- Because of COVID-19, residents are not able to collect enough signatures to cancel the project.
 - Though we will receive petition style signatures so long as the pertinent information is included, our office does not consider the lack of that ability necessary when considering protest.

ATTACHMENTS:

- 1) Resolution Determining insufficiency of Protest
- 2) Protest Map (Red shading depicts properties that protested by start of April 3rd)
- 3) Letter received on April 3rd or April 6th, before end of protest period

FISCAL IMPACT: The total project cost that would be divided among district participants is estimated at \$2,257,562. It was previously stated that we would anticipate using Municipal Infrastructure Funds (formerly Prairie Dog Funds) at a buy down rate of

Board of City Commissioners

Agenda Documentation

Meeting Date: April 7, 2020

Subject: Consider approving the Resolution determining insufficiency of protest for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area).

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20%. Under that scenario, the reduction would be \$451,512 for a total of 1,806,050. However, because of the current price of oil being down drastically lower than was predicted to fill the Municipal Infrastructure Fund that buy down amount is very much in question at this moment.

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 the resolution determining insufficiency of protest for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area). Because we have advertised for bids of this project and those bids are set to open on Thursday, April 9th, staff firmly believes it is prudent to see the results of those bids. We still have the requirement to present those bids to City Commission at a future meeting in order to decide if we want to go forward with the project after seeing those bids and having a little more time to assess our situation with the Municipal Infrastructure Funds.

SUGGESTED MOTIONS: Move to approve the resolution determining insufficiency of protest for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area) and move forward with opening bids on April 9th.

Board of City Commissioners

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**RESOLUTION DETERMINING INSUFFICIENCY OF PROTESTS FOR
STREET IMPROVEMENT DISTRICT NO. 218**

Whereas, the governing body of the City of Mandan, North Dakota (the "City") adopted a Resolution of Necessity Declaring the Necessity of a Special Assessment District for Street Improvement District No. 218, on March 3, 2020 (the "Resolution"); and

Whereas, the Resolution was published in the City's official newspaper on March 6, 2020 and March 13, 2020; and

Whereas, more than thirty days have passed since the March 6 publication; and

BE IT HEREWITH RESOLVED AND DETERMINED by the governing body of the City as follows:

1. That written protests filed with the City Administrator, within 30 days after March 6, 2020 publications, did not represent a majority of the area of the property included within Street Improvement District No. 218
2. That proceedings under the Resolution are NOT barred.

Dated and adopted this 7th day of April, 2020

Dakota

City of Mandan, North

Timothy Helbling, President
Board of City Commissioners

Attest:

James Neubauer, City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: April 7, 2020

Subject: Consider approving the Resolution determining insufficiency of protest for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area).

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RBC'D
4-3
P

To: City of Planning and Engineering

Date

I have recently ^{received} a letter from you regarding street repair.

Crimson street ~~is~~ included in this improvement.

I live on Crimson street and see standing water a lot of the time. This concerns me as I wonder if street improvement work have to be done all over again in the next five years due to something for drainage.

This work is expensive and hard for retired people to pay for. I don't want to have to do this again because of the standing water and no drainage.

Please consider drainage something that would help. A combination of setting water heavy garbage trucks - I don't think street improvement would help if possible, I am not willing to be assisted my property.

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dan

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Board of City Commissioners

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Meeting Date: April 7, 2020

Subject: Consider approving the Resolution determining insufficiency of protest for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area).

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Rec'd
4-6-2020
KJ

Devon Beehler
4604 40th ave NW
Mandan, ND

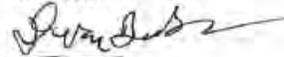
03/28/2020

To whom it may concern,

I am writing this letter in protest of the NW Area Street Improvement District #218

I am in protest of fixing the road in my area due to financial burden on the home owners. The small portion of the road the city wants to fix in our cul-de-sac and charge nearly \$20,000 is beyond ridiculous. The cul-de-sac I live in contains 6 single family residences, so we are looking at nearly \$120,000 of our cost to fix our small portion. The small portion the city wants to fix in our immediate area only goes from Old Red Trail to the end of the Berger household (4608) on 40th. The benefit we will receive out of the road being fixed for what we have to pay is not worth it. How are home owners supposed to sell their property they invested in with 20,000 in specials on it. Feel Free to contact me via email or by phone as am sure the meeting will be limited due to the corona virus.

Devon Beehler



Board of City Commissioners

Agenda Documentation

Meeting Date: April 7, 2020

Subject: Consider approving the Resolution determining insufficiency of protest for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area).

Page 8 of 8

4-6-2020
4:30

April 5, 2020

City of Mandan

Engineering and Planning Department

City Hall

205 2nd Ave NW

Mandan, ND 58554

Re: Northwest Street Improvement District #218

Property Address: 3208 Crimson Street NW Mandan, ND 58554

Dear engineering and planning department:

This letter I am writing today is to **PROTEST** the street reconstruction project on Crimson Street NW and the Northwest street improvement district #218 in Mandan, North Dakota. I do not feel like this "fix" will completely solve the issues that the residents of this street must deal with. The estimated special assessments costs are unrealistic and considering bids of up to 40% over the estimate is ridiculous.

The problem with crimson street is that there is absolutely no water drainage, which in turn will not keep the new road up to par for very long. When we have rainfall or spring snow melt, there is nowhere for the water to run and it ends up just sitting stagnant for days and sometimes even weeks. We have very minimal traffic on our street and there is just no reason to replace the street just for it to be ruined within 6 months to a year from not having any drainage.

There needs to be a better plan put in place and am curious if any of the businesses located along old red trail are going to help pay for the street project? There are many businesses in the area that constantly are running large trucks and semi-trucks around the area destroying the roads. Hopefully they will have to pay their fair share also. I **PROTEST** this project.

Sincerely,

Coleton Schmidt

Homeowner

3208 Crimson Street NW

Mandan, ND 58554

Rec'd
3-31-20
K7

Letter of Written Protest

City of Mandan:

I am submitting a letter of protest for:

Northwest Area Street Improvement District #218

I wish to protest the entire Northwest Area Street Improvement District #218

Property owner: Alicia & Ben Jackson

Address: 4709 Impala Ct

Phone #: 

Date: 3/30/20

Signature:  Ben Z Jackson

Rec'd
3-31-20
K7

Northwest Area Street Improvement District 218

Dear Mandan City Council Members, Justin Froseth & Mayor Helbling,

There has been a lot of concern regarding the cost and need of a complete reconstruct of the portion of Lewis Rd Northwest, West of 37th Avenue to include Clark Place Northwest. For reference on the number of residents that are protesting this project- there is a total of 17 lots in the area described above.

19

All residents of Lewis Rd & Clark Place from 37th Avenue to 40th Avenue use Lewis Rd as a throughway. Additionally speaking, we believe, if this project were to move forward, that we will be assessed again at or around \$19,000 to reconstruct the remaining portion of Lewis Rd. The condition of the road in our minds is not bad enough to justify the extreme cost of a reconstruct at this time and are recommending a chip seal or other measures that are at a more reasonable cost.

Other factors that should be considered in this project is the lack of foresight into allowing the construction of roads without an appropriate aggregate base despite the soil conditions and the use of Lewis Rd during the Old Red Trail reconstruction project. That heavy use incrementally decreased the life of Lewis Rd, which we believe cannot be disputed, yet damage funds were used to decrease the cost of Old Red Trail instead of being used to repair the damage to Lewis Rd.

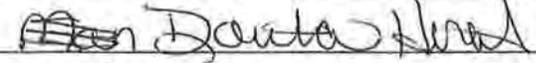
Due to the COVID-19 & social distancing requirements, Residents are unable to get the needed amount of signatures to cancel this project completely. We understand that 225 signatures(half of district 218) are required to protest the entirety of this project, but we are asking that the city would realize and consider that the majority of residents on the west side of 37th Avenue are protesting the reconstruct of the street and are asking the city to consider a simple and much more cost effective approach for now of chip sealing our portion of the road.

After consideration of all the above-mentioned factors, the affected Residents, are protesting this specific section of the project and ask the city to not move forward with the complete reconstruction of this portion of Lewis Road NW & Clark Place NW.

Sincerely,
Concerned Resident of Lewis Road NW and Clark Place NW

Printed Name(s): Dorita Horst

Address: 3804 Lewis Rd NW

Signature: 

Date: 3/26/2020

Rec'd
3-30-20
K7

Northwest Area Street Improvement District 218

Dear Mandan City Council Members, Justin Froseth & Mayor Helbling,

There has been a lot of concern regarding the cost and need of a complete reconstruct of the portion of Lewis Rd Northwest, West of 37th Avenue to include Clark Place Northwest. For reference on the number of residents that are protesting this project- there is a total of $\frac{17}{19}$ lots in the area described above.

All residents of Lewis Rd & Clark Place from 37th Avenue to 40th Avenue use Lewis Rd as a throughway. Additionally speaking, we believe, if this project were to move forward, that we will be assessed again at or around \$19,000 to reconstruct the remaining portion of Lewis Rd. The condition of the road in our minds is not bad enough to justify the extreme cost of a reconstruct at this time and are recommending a chip seal or other measures that are at a more reasonable cost.

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Sincerely,
Concerned Resident of Lewis Road NW and Clark Place NW

Printed Name(s): David Borr

Address: 3910 Lewis Rd

Signature: David Borr

Date: 3/26/20

Duplicate

Rec'd.
3-20-20
KF

March 17, 2020

RE: Northwest Area Street Improvement District #218
Property Address: 3910 Lewis Road

This is a letter in protest of the plans made for this project. The protest is primarily aimed at the assessment distribution but is also in protest regarding moving forward as outlined in the letter we received.

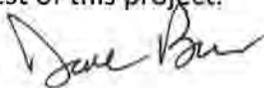
I will begin by saying, that we moved to this address less than a year ago. The condition of the street has little to do with our residence at this particular address, and more to do with the lack of appropriate construction practices for the street base. In my opinion, I feel that the city at large needs to share a much greater financial responsibility for this project. This issue preexisted our residence at this location and the burden should not lie with the current owner.

The original assessment was ~\$25k with ~\$21k after prairie dog funding applied. The letter indicates ~\$19k and I have heard that is due to an adjusted plan for Lewis Road. Reading the March 3 meeting minutes I find this:

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. - ...He said it would be preferred to find a buy down for the 54 residents.

As one of the 54 property owners, I too have a concern for an expense this large, and as such am in protest of this project.

Dave Borr



Rec'd
3-31-20
KJ

Northwest Area Street Improvement District 218

Dear Mandan City Council Members, Justin Froseth & Mayor Helbling,

There has been a lot of concern regarding the cost and need of a complete reconstruct of the portion of Lewis Rd Northwest, West of 37th Avenue to include Clark Place Northwest. For reference on the number of residents that are protesting this project- there is a total of 17 lots in the area described above.

All residents of Lewis Rd & Clark Place from 37th Avenue to 40th Avenue use Lewis Rd as a throughway. Additionally speaking, we believe, if this project were to move forward, that we will be assessed again at or around \$19,000 to reconstruct the remaining portion of Lewis Rd. The condition of the road in our minds is not bad enough to justify the extreme cost of a reconstruct at this time and are recommending a chip seal or other measures that are at a more reasonable cost.

Other factors that should be considered in this project is the lack of foresight into allowing the construction of roads without an appropriate aggregate base despite the soil conditions and the use of Lewis Rd during the Old Red Trail reconstruction project. That heavy use incrementally decreased the life of Lewis Rd, which we believe cannot be disputed, yet damage funds were used to decrease the cost of Old Red Trail instead of being used to repair the damage to Lewis Rd.

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After consideration of all the above-mentioned factors, the affected Residents, are protesting this specific section of the project and ask the city to not move forward with the complete reconstruction of this portion of Lewis Road NW & Clark Place NW.

Sincerely,
Concerned Resident of Lewis Road NW and Clark Place NW

Printed Name(s): Marvin Nelson

Address: 3809 Lewis Road NW

Signature: Marvin Nelson

Date: 3-26-20

Rec'd
3-31-20
KF

Northwest Area Street Improvement District 218

Dear Mandan City Council Members, Justin Froseth & Mayor Helbling,

There has been a lot of concern regarding the cost and need of a complete reconstruct of the portion of Lewis Rd Northwest, West of 37th Avenue to include Clark Place Northwest. For reference on the number of residents that are protesting this project- there is a total of ~~17~~ ¹⁹ lots in the area described above.

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Sincerely,
Concerned Resident of Lewis Road NW and Clark Place NW

Printed Name(s): Shawn Jahner

Address: 4000 Lewis Rd NW

Signature: [Handwritten Signature]

Date: 3/26/2020

Rec'd
3-31-20
K.F.

Northwest Area Street Improvement District 218

Dear Mandan City Council Members, Justin Froseth & Mayor Helbling,

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Sincerely,
Concerned Resident of Lewis Road NW and Clark Place NW

Printed Name(s): JEFFREY P. BERGLH

Address: 3909 LEWIS RD NW

Signature: [Handwritten Signature]

Date: 3/26/20

Rec'd
3-31-20
KZ.

Northwest Area Street Improvement District 218

Dear Mandan City Council Members, Justin Froseth & Mayor Helbling,

There has been a lot of concern regarding the cost and need of a complete reconstruct of the portion of Lewis Rd Northwest, West of 37th Avenue to include Clark Place Northwest. For reference on the number of residents that are protesting this project- there is a total of 19 lots in the area described above.

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All residents of Lewis Rd & Clark Place from 37th Avenue to 40th Avenue use Lewis Rd as a throughway. Additionally speaking, we believe, if this project were to move forward, that we will be assessed again at or around \$19,000 to reconstruct the remaining portion of Lewis Rd. The condition of the road in our minds is not bad enough to justify the extreme cost of a reconstruct at this time and are recommending a chip seal or other measures that are at a more reasonable cost.

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Sincerely,
Concerned Resident of Lewis Road NW and Clark Place NW

Printed Name(s): Heather Burnside

Address: 3913 Clark Pl NW

Signature: Heather Burnside

Date: 3-26-20

Rec'd
3-31-20
K.F.

Northwest Area Street Improvement District 218

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Sincerely,
Concerned Resident of Lewis Road NW and Clark Place NW

Printed Name(s): David & Amy Trudeau

Address: 4003 Clark Pl NW

Signature: [Handwritten Signature]

Date: 3/20/20

Rec'd
3-31-20
KZ

Northwest Area Street Improvement District 218

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Sincerely,
Concerned Resident of Lewis Road NW and Clark Place NW

Printed Name(s): Carey Mohl

Address: 3915 Clark Place NW

Signature: Carey Mohl

Date: 3-26-20

Rec'd
3-31-20
KF.

Northwest Area Street Improvement District 218

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Sincerely,
Concerned Resident of Lewis Road NW and Clark Place NW

Printed Name(s): James Gable
Address: 4001 Clark Place N.W
Signature: James Gable
Date: 3-26-20

Rec'd
3-31-20
K.F.

Northwest Area Street Improvement District 218

Dear Mandan City Council Members, Justin Froseth & Mayor Helbling,

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Sincerely,
Concerned Resident of Lewis Road NW and Clark Place NW

Printed Name(s): Marvin J. Olson

Address: 3911 Clark Place NW.

Signature: Marvin J. Olson

Date: 3-28-20

Rec'd
3-31-20
K.F.

Northwest Area Street Improvement District 218

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Sincerely,
Concerned Resident of Lewis Road NW and Clark Place NW

Printed Name(s): Patsy Otto & Glen Otto

Address: 4005 Clark Place NW

Signature: Patsy & Glen Otto

Date: 3/30/20

Rec'd
3-31-20
K.F.

Northwest Area Street Improvement District 218

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Sincerely,
Concerned Resident of Lewis Road NW and Clark Place NW

Printed Name(s): Arjie Keller

Address: 3808 Lewis Rd NW

Signature: A Keller

Date: 3/26/2020



Rec'd
3-31-20
K.F.

Northwest Area Street Improvement District 218

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Sincerely,
Concerned Resident of Lewis Road NW and Clark Place NW

Printed Name(s): Vanessa Brown

Address: 3000 37th Ave NW

Signature: [Handwritten Signature]

Date: 3-25-20

Rec'd
3-31-20
K.F.

Northwest Area Street Improvement District 218

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19

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Other factors that should be considered in this project is the lack of foresight into allowing the construction of roads without an appropriate aggregate base despite the soil conditions and the use of Lewis Rd during the Old Red Trail reconstruction project. That heavy use incrementally decreased the life of Lewis Rd, which we believe cannot be disputed, yet damage funds were used to decrease the cost of Old Red Trail instead of being used to repair the damage to Lewis Rd.

Due to the COVID-19 & social distancing requirements, Residents are unable to get the needed amount of signatures to cancel this project completely. We understand that 225 signatures(half of district 218) are required to protest the entirety of this project, but we are asking that the city would realize and consider that the majority of residents on the west side of 37th Avenue are protesting the reconstruct of the street and are asking the city to consider a simple and much more cost effective approach for now of chip sealing our portion of the road.

After consideration of all the above-mentioned factors, the affected Residents, are protesting this specific section of the project and ask the city to not move forward with the complete reconstruction of this portion of Lewis Road NW & Clark Place NW.

Sincerely,
Concerned Resident of Lewis Road NW and Clark Place NW

Printed Name(s): Dustan Steffan + Sheena Steffan

Address: 3905 Lewis Rd NW, Mandan

Signature: 

Date: 3-29-2020

Rec'd
3-31-20
KF

Northwest Area Street Improvement District 218

Dear Mandan City Council Members, Justin Froseth & Mayor Helbling,

There has been a lot of concern regarding the cost and need of a complete reconstruct of the portion of Lewis Rd Northwest, West of 37th Avenue to include Clark Place Northwest. For reference on the number of residents that are protesting this project- there is a total of 17 lots in the area described above.

All residents of Lewis Rd & Clark Place from 37th Avenue to 40th Avenue use Lewis Rd as a throughway. Additionally speaking, we believe, if this project were to move forward, that we will be assessed again at or around \$19,000 to reconstruct the remaining portion of Lewis Rd. The condition of the road in our minds is not bad enough to justify the extreme cost of a reconstruct at this time and are recommending a chip seal or other measures that are at a more reasonable cost.

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After consideration of all the above-mentioned factors, the affected Residents, are protesting this specific section of the project and ask the city to not move forward with the complete reconstruction of this portion of Lewis Road NW & Clark Place NW.

Sincerely,
Concerned Resident of Lewis Road NW and Clark Place NW

Printed Name(s): John & Nancy Darling

Address: 3805 Lewis Rd NW

Signature: [Handwritten Signature]

Date: 3/30/2020

Rec'd
3-31-20
K.F.

Northwest Area Street Improvement District 218

Dear Mandan City Council Members, Justin Froseth & Mayor Helbling,

There has been a lot of concern regarding the cost and need of a complete reconstruct of the portion of Lewis Rd Northwest, West of 37th Avenue to include Clark Place Northwest. For reference on the number of residents that are protesting this project- there is a total of ~~17~~¹⁹ lots in the area described above.

All residents of Lewis Rd & Clark Place from 37th Avenue to 40th Avenue use Lewis Rd as a throughway. Additionally speaking, we believe, if this project were to move forward, that we will be assessed again at or around \$19,000 to reconstruct the remaining portion of Lewis Rd. The condition of the road in our minds is not bad enough to justify the extreme cost of a reconstruct at this time and are recommending a chip seal or other measures that are at a more reasonable cost.

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After consideration of all the above-mentioned factors, the affected Residents, are protesting this specific section of the project and ask the city to not move forward with the complete reconstruction of this portion of Lewis Road NW & Clark Place NW.

Sincerely,
Concerned Resident of Lewis Road NW and Clark Place NW

Printed Name(s): John & Nancy Darling

Address: 4401 37th Ave NW (Lewis Rd run along the north side)

Signature: [Handwritten Signature]

Date: 3/29/2020

Rec'd
3-31-20
K.F.

Northwest Area Street Improvement District 218

Dear Mandan City Council Members, Justin Froseth & Mayor Helbling,

There has been a lot of concern regarding the cost and need of a complete reconstruct of the portion of Lewis Rd Northwest, West of 37th Avenue to include Clark Place Northwest. For reference on the number of residents that are protesting this project- there is a total of ~~17~~ ¹⁹ lots in the area described above.

All residents of Lewis Rd & Clark Place from 37th Avenue to 40th Avenue use Lewis Rd as a throughway. Additionally speaking, we believe, if this project were to move forward, that we will be assessed again at or around \$19,000 to reconstruct the remaining portion of Lewis Rd. The condition of the road in our minds is not bad enough to justify the extreme cost of a reconstruct at this time and are recommending a chip seal or other measures that are at a more reasonable cost.

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After consideration of all the above-mentioned factors, the affected Residents, are protesting this specific section of the project and ask the city to not move forward with the complete reconstruction of this portion of Lewis Road NW & Clark Place NW.

Sincerely,
Concerned Resident of Lewis Road NW and Clark Place NW

Printed Name(s): Marc McAtleis

Address: 3906 Lewis Rd NW

Signature: *Marc McAtleis*

Date: 3/20/2020

Rec'd
3-31-20
K.F.

Northwest Area Street Improvement District 218

Dear Mandan City Council Members, Justin Froseth & Mayor Helbling,

There has been a lot of concern regarding the cost and need of a complete reconstruct of the portion of Lewis Rd Northwest, West of 37th Avenue to include Clark Place Northwest. For reference on the number of residents that are protesting this project- there is a total of 19 lots in the area described above.

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After consideration of all the above-mentioned factors, the affected Residents, are protesting this specific section of the project and ask the city to not move forward with the complete reconstruction of this portion of Lewis Road NW & Clark Place NW.

Sincerely,
Concerned Resident of Lewis Road NW and Clark Place NW

Printed Name(s): Marc McAtplisic

Address: 3902 Lewis Rd NW

Signature: [Handwritten Signature]

Date: 3/30/2020

Rec'd
3-31-20
KF

Northwest Area Street Improvement District 218

Dear Mandan City Council Members, Justin Froseth & Mayor Helbling,

There has been a lot of concern regarding the cost and need of a complete reconstruct of the portion of Lewis Rd Northwest, West of 37th Avenue to include Clark Place Northwest. For reference on the number of residents that are protesting this project- there is a total of 19 lots in the area described above.

All residents of Lewis Rd & Clark Place from 37th Avenue to 40th Avenue use Lewis Rd as a throughway. Additionally speaking, we believe, if this project were to move forward, that we will be assessed again at or around \$19,000 to reconstruct the remaining portion of Lewis Rd. The condition of the road in our minds is not bad enough to justify the extreme cost of a reconstruct at this time and are recommending a chip seal or other measures that are at a more reasonable cost.

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After consideration of all the above-mentioned factors, the affected Residents, are protesting this specific section of the project and ask the city to not move forward with the complete reconstruction of this portion of Lewis Road NW & Clark Place NW.

Sincerely,
Concerned Resident of Lewis Road NW and Clark Place NW

Printed Name(s): John + Jessica Lemicur

Address: 4200 Lewis Rd NW, Mandan ND

Signature: [Handwritten Signature]

Date: 3/26/2020

Rec'd
3-31-2020
K.F.

March 26, 2020

Attn: City Auditor

Regarding: Northwest Area Street Improvement District #218

Property address: 4600 Highland Road

To whom it may concern:

I am writing in regard to the proposed street improvement district #218, and in particular division 1, the Highland Road area.

I am opposed to the proposed assessment and I request you note my NO vote. Until some solution can be proposed with the county, and some limiting of semi traffic can be attempted, doing any "mill and overlay" to the existing street is a waste of time and money. With 30 residents on the Highland Road and an average special assessment of greater than \$8000 that is a quarter million dollar assessment for a road that will be in the same condition in a very short time.

I request my vote NO be registered, and division 1 be removed from your proposed improvement project.

Thank you



Rande Zander

**RANDE ZANDER
4600 HIGHLAND RD
MANDAN, ND 58554-1329**

Rec'd
3-30-20
K7

Northwest Area Street Improvement District 218

Dear Mayor Helbling, Mandan City Commissioners and Justin Froseth,

There has been a lot of concern regarding the cost and need of a complete reconstruct of the portion of Lewis Road Northwest, West of 37th Avenue to include Clark Place Northwest. For reference on the number of residents that protesting the project there is a total of 17 lots in the area described above.

All residents of Lewis Road and Clark Place, from 37th Avenue to 40th Avenue, use Lewis Road Northwest as a throughway street. When attending the meeting at Red Trail Elementary, my understanding was that entirety of Lewis Road Northwest would be reconstructed. I have talked with many of the residents in this area and they agree that the entire street should be done consistently instead of reconstruction a portion, reconstruct the entire street up to 40th Ave. If you are going to chip seal, chip seal the entire street to make it last for four to five years.

I would be in favor of the reconstruction of the entire street and if you can find ways to bring down the cost. \$19,000 is a lot of money for any resident in Mandan. If you move forward with getting bids, I would like to have you bid the entire project, as well as adding alternative bids to see if there is cost savings to the City of Mandan and the Residents by doing the entire project vs. doing specific sections. I would also like you to share this information at a public meeting. A discussion with the residents of Lewis Road Northwest giving them options and figuring out the best solution for most of the residents on Lewis Road Northwest would be beneficial.

Other factors that should be considered in this project are the lack of foresight into allowing the construction of roads without an appropriate aggregate base despite the soil conditions and the use of Lewis Road Northwest during the Old Red Trail reconstruction project. The heavy use during the Old Red Trail reconstruction project incrementally decreased the life of Lewis Road Northwest, which we believe cannot be disputed. Yet, damage funds were used to decrease the cost of the Old Red Trail reconstruction project instead of being used to repair secondary streets affected by the project.

Due to COVID-19 and social distancing requirements, residents are unable to get the needed number of signatures to cancel this project completely. We understand that 225 signatures (half of district 218) are required to protest the entirety of this projects. We are asking that the city realize and consider that majority of the residents on the West side of 37th Avenues are protesting the reconstruct of the street. We are asking the city to consider a complete reconstruct of the street with a lower evaluation.

After consideration of all the above-mentioned factors, the affected residents, are protesting this specific section of the project and ask you to not move forward with the proposed plans to reconstruct Lewis Road Northwest and Clark Place Northwest as stated in the current plan, but reevaluate and come up with a different, more cost effective, and comprehensive plan.

Sincerely,



Chad and Amanda Hatzenbuhler

3901 Lewis Road Northwest, Mandan, ND 58554

Rec'd
3-25-20
K.F

Letter of Written Protest

City of Mandan:

I am submitting a letter of protest for:

Northwest Area Street Improvement District #218

I wish to protest the entire Northwest Area Street Improvement District #218

Property owner: Philip + Tessa Miller

Address: 4713 Impala Court

Phone #: [REDACTED]

Date: 3/23/2020

Signature: Tessa Miller

Rec'd
3-25-20
KF

March 24, 2020

City Of Mandan
Engineering and Planning Department
City Hall
205 Second Ave NW
Mandan, ND 58554

Re: Northwest Street Improvement District #218
Property Address: 3206 Crimson St NW

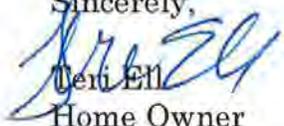
Dear Engineering and Planning Department:

This letter is to **PROTEST** the street reconstruction project on Crimson Street NW and the Northwest Street Improvement District #218 in Mandan, North Dakota. The "fix" you have come up with will not fix the problem. Also, the listed estimated special assessment cost is completely unrealistic, and considering bids of up to 40% higher would be completely unacceptable.

The problem with the street I live on is the fact that there is no drainage, which as you know, is key in long-term pavement performance. Every time it rains, or when the snow melts, the street floods and it takes days and sometimes WEEKS for the water to dry up. Also, as you know, last year when the large garbage trucks came through, **they were what caused the street to be totally destroyed** because of all the moisture that just sits under the street. Your suggested fix will do nothing but make the street look good, for at the most, six months. Every year the sidewalks and driveways heave up from moisture, because there is no place for the water to drain. You need to come up with a better plan. This street gets a very limited amount of traffic. The pavement was in decent shape until last year when the big trucks came through. I **PROTEST** this project.

Regarding Old Red Trail, yes this road needs to be improved out to 56th Avenue, but why is it solely the surrounding home owners that need to pay for it? There are many businesses that use this road on a daily basis and they need to be included in the assessment district. I keep hearing of all these tax breaks businesses are getting, when will it be my turn as a citizen of Mandan for over 20 years?

Sincerely,



Den Ell
Home Owner
3206 Crimson Street NW
Mandan, ND 58554

Rec'd
3-23-20
K7

City of Mandan Engineering Department,

RE: Northwest Area Street Improvement District # 18

This letter is to protest, vote No, for the street reconstruction on Crimson St NW in Mandan ND. The price we are expected to pay for a street the city does not even maintain is outrageous. Ten to fourteen thousand dollars added to our escrow is not going to add any value to our homes.

We have lived here since 2018 and we have had to pay people to plow the street just so we can get to work and school. If we are lucky, the plow MIGHT make one swipe down the middle of the street a few days after a snowstorm. This past summer and fall when we received a large amount of rain, the water had no place to drain because the road was not built correctly to start with. All the water from 30th and the church runs down and sits on our street. Without street drains the water will continue to just sit here and eat away at the street. The picture included is what Crimson St NW looks like when it rains.

The fact that the city allowed slough land to be developed for housing is one of the biggest issues as the water table is already high and there are no street drains for the water to drain into so the water just sit on the streets. You have already admitted that the street wasn't built right in the first place. So if that is the case why as homeowners should we have to pay again to have the road re-done? Also, we live on a corner lot, what happens if 30th street start to deteriorate like Crimson and the city has to come in a few year later to re-do that street? Would we be hit with more special to fix that street? I'm pretty sure the answer would be yes.

There is something else going on with the boulevards on our street. They are sinking. In our yard alone the boulevard has sunk and something has also caused the boulevard sidewalk to raise. We have left multiple messages for the city engineer to return our calls to discuss this issue and to ask questions about the proposed street reconstruction and he will not return our calls.

We bought a home that was within our means and with the proposed plan of the city to assess us with \$10,000 - \$14,000 in specials we may be forced to sell our home because of the specials will increase our mortgage payment to be outside our means.

We have no faith you will do a decent job on a reconstruction or keep it maintained after. We feel you need to come up with a much less expensive option. Also, you should figure out why Crimson is not on the list of streets the city maintains.

Thank you,
Darren and Sundi Eckholm

3200 Crimson St NW
Mandan, ND 58554



Rec'd
3-17-20
KF

03-15-2020

City of Mandan Administrator,

RE: Northwest Area Street Improvement District # 218

This letter is to protest, vote No, for the street reconstruction on Crimson St NW in Mandan ND. The price we are expected to pay for a street the city does not even maintain is outrageous. Ten to fourteen thousand dollars added to my escrow is not going to add equal value to my home and makes it overpriced for selling. Yes, you are putting it on a payment plan, which adds a few thousand dollars more to the bill.

I have lived there since 2012 and have had to use my small 30-year-old hand snow blower to plow the street just so I can get to work. My neighbor also has a relative that plows us a path when it snows because we need to get to work. If we are lucky, the plow MIGHT make one swipe down the middle a few days after a snowstorm. When it rains the water has no place to drain because the road was not built correctly to start with. All the water from 30th and the church yard runs down and sits on our street. Without drains all the water will continue to just sit here and eat away at the street. The picture included is what Crimson St NW looks like when it rains.

The fact that you allowed homes to be built on swamp land is also one of the biggest issues on Crimson. Residents buy in the city limits assuming the homes were built on land that was approved and inspected. 30th is higher than Crimson, the water from the yards on 30th fills up our back yards and street. If you look at our yards this time of year it looks like they are sinking There are no drains or proper grading on Crimson St NW. The water just sits on the streets after a rainstorm or a snow melt. You have also admitted the issue is how the roads were originally allowed to be built. Why should I trust that you are going to do this project any better?

The homeowners here did not destroy the street. I am on a very limited income, which is why I bought a lower priced home to begin with. I bought a home within my budget and the city is in the process of taking my home with these continuous specials. I pay my taxes, but the city of Mandan continues to waste money at the expense of homeowners. I have no faith you will do a decent job on a reconstruction or keep it maintained after even if I could afford that kind of money. I feel you need to come up with a much less expensive option. Also, you should figure out why Crimson is not on the list of streets the city maintains.

Thank you,
Darcy Goetz

3202 Crimson St NW
Mandan, ND 58554





Board of City Commissioners

Agenda Documentation

MEETING DATE: April 7, 2020
PREPARATION DATE: March 31, 2020
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: Mandan Land Use and Transportation Plan
Amendment for area north of Mandan Middle
School

STATEMENT/PURPOSE: Consider approval of an amendment to the Mandan Land Use and Transportation Plan to an area north of Mandan Middle School.

BACKGROUND/ALTERNATIVES:

Eric Belanger and Wendy McNichols have submitted an application for an amendment to the comprehensive plan for approximately 550 acres in north Mandan.

City staff from multiple departments met with the applicant or the applicant's representatives Steve Iverson and Jerod Klabunde on a number of occasions to address concerns or issues that needed to be addressed in order to provide a recommendation of approval to this Commission.

Exhibits 1 and 2 highlight the land use and transportation changes overlaid on one another for ease of review of the proposed changes. Exhibit 3 highlights an amendment that was necessary to obtain approval from Planning and Zoning Commission, resulting in no change to the current plan for that specific area. Exhibits 4 and 5 include the broader plan document providing analysis and evaluation related to the provision of utilities, such as water, waste water, and storm sewer.

One of the primary changes is a proposed school site at the intersection of 38th and Sunset Dr. This site will be used as the anchor for other surrounding residential and commercial development in the vicinity. Other changes, include adjustments to the alignment of an extension of Jude Ln. (collector) and to the alignment of Sunset Dr. (arterial). Another change is the removal of some high and low density designations and replaced with medium density.

Board of City Commissioners

Agenda Documentation

Meeting Date: April 7, 2020

Subject: Mandan Land Use and Transportation Plan Amendment for area north of
Mandan Middle School

Page 2 of 2

If approved, this amendment to the comprehensive plan would replace the future land uses and preliminary road layout presently planned for the area.

Planning and Zoning Commission recommended unanimous approval of the amendment as presented in Exhibits 1 and 2 with an adjustment of the area west of the Parks District property from medium density residential to low density residential.

ATTACHMENTS:

Exhibit 1 – Proposed Land Use Comparison – January 27 meeting

Exhibit 2 – Proposed Transportation Comparison – January 27 meeting

Exhibit 3 – Proposed Land Use and Transportation Plan Amendment REVISED

Exhibit 4 – Sunset AveNew Plan Document

Exhibit 5 – Sunset AveNew Plan Figures

Exhibit 6 – Resolution Amending Mandan Land Use and Transportation Plan

Exhibit 7 – Comments Received from Parks

FISCAL IMPACT: N/a

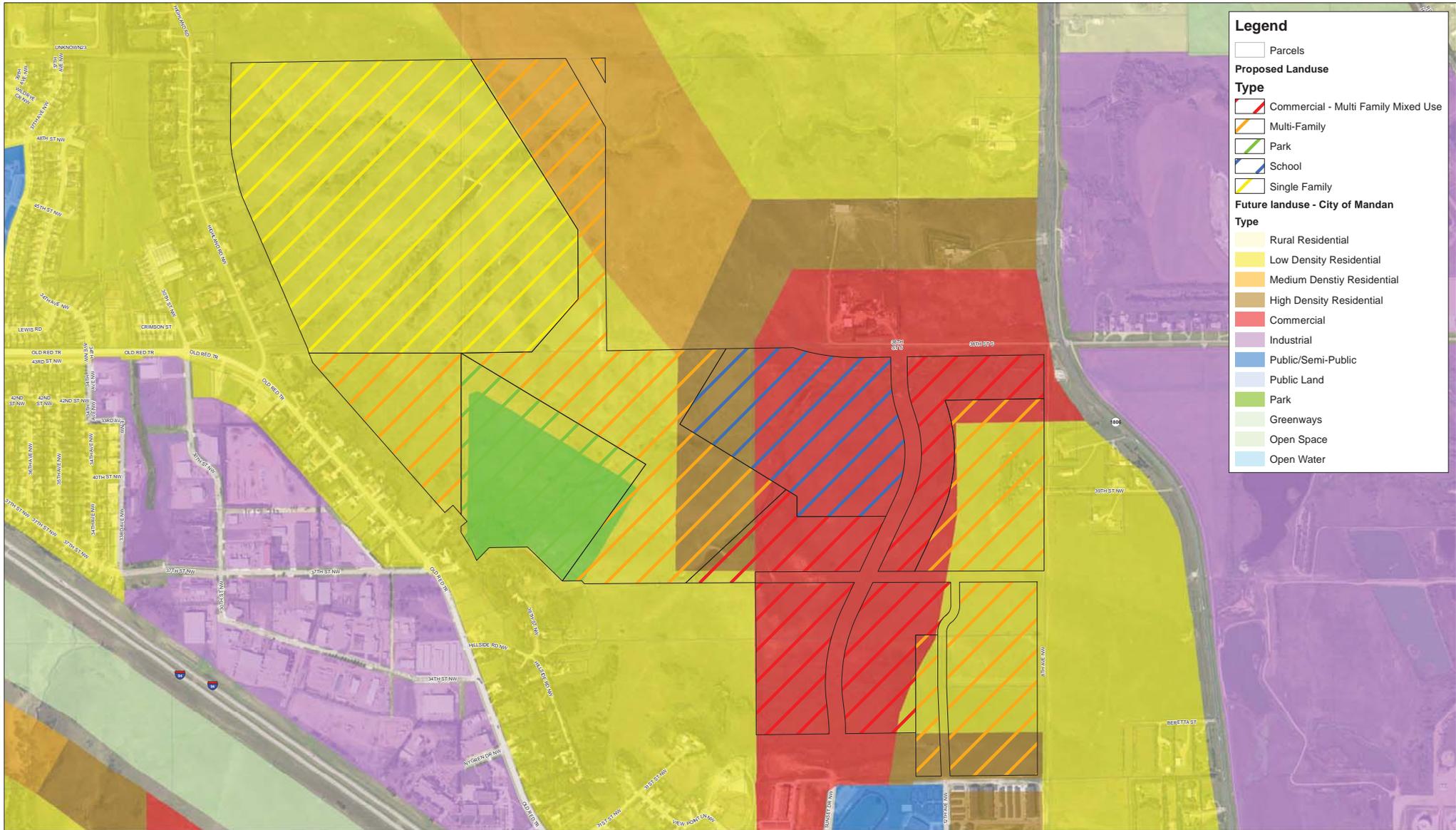
STAFF IMPACT: N/a

LEGAL REVIEW: City Attorney Brown has reviewed the land use and transportation plan amendment.

RECOMMENDATION: Planning and Zoning Commission recommended unanimous approval of the amendment as presented in Exhibits 1 and 2 with an adjustment of the area west of the Parks District property from medium density residential to low density residential.

SUGGESTED MOTION: I move to approve the amendment to the comprehensive plan as presented in Exhibits 1 and 2 with an adjustment of the area west of the Parks District property from medium density residential to low density residential.

EXHIBIT 1



**PROPOSED LAND USE MAP
SUNSET AVE VICINITY
MANDAN, NORTH DAKOTA**

Created By: TJS Date Created: 12/26/19 Date Saved: 01/06/20 Date Plotted: NEVER Date Exported: 01/06/20
 Plotted By: isabell schmidt Parcel Date: N/A Aerial Image: 2018 County NAIP SIDS Elevation Data: Lidar
 Horizontal Datum: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet Vertical Datum: NAVD1988
 T:\Projects\20700\20707\20707_Proposed_Land_Use.mxd

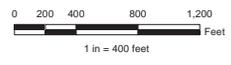


EXHIBIT 2



Legend

- Proposed Roadway Centerlines
- Future Roadway Centerlines - City of Mandan
- ▭ Parcels

**PROPOSED LAND USE MAP
SUNSET AVE VICINITY
MANDAN, NORTH DAKOTA**

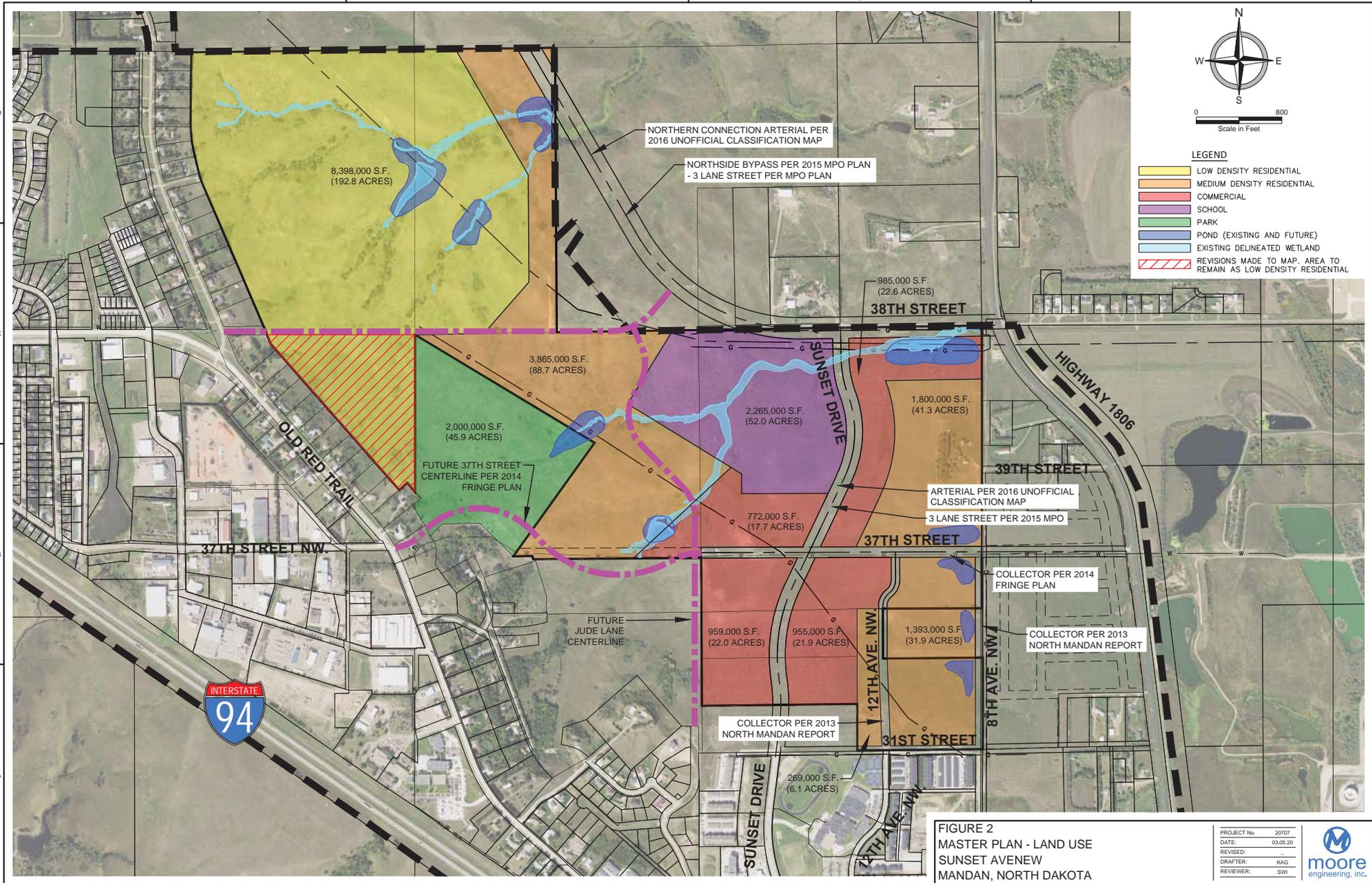


Created By: TJS Date Created: 12/26/19 Date Saved: 01/03/20 Date Plotted: NEVER Date Exported: 01/03/20
 Plotted By: isabernschmidt Parcel Date: N/A Aerial Image: 2018 County NAIP SIDS Elevation Data: Lidar
 Horizontal Datum: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet Vertical Datum: NAVD1988
 T:\Projects\207000\207070\20707_Proposed_Transportation.mxd



EXHIBIT 3

FILE LOCATION: R:\Civil 3D Projects\2017\DRAWINGS\PRESENTATION\2017\EXHIBIT-SunsetAve\New.dwg



8,398,000 S.F.
(192.8 ACRES)

NORTHERN CONNECTION ARTERIAL PER
2016 UNOFFICIAL CLASSIFICATION MAP

NORTHSIDE BYPASS PER 2015 MPO PLAN
- 3 LANE STREET PER MPO PLAN

985,000 S.F.
(22.6 ACRES)

38TH STREET

3,865,000 S.F.
(88.7 ACRES)

SUNSET DRIVE

2,265,000 S.F.
(52.0 ACRES)

1,800,000 S.F.
(41.3 ACRES)

HIGHWAY 1806

39TH STREET

OLD RED TRAIL

2,000,000 S.F.
(45.9 ACRES)

FUTURE 37TH STREET
CENTERLINE PER 2014
FRINGE PLAN

ARTERIAL PER 2016 UNOFFICIAL
CLASSIFICATION MAP

3 LANE STREET PER 2015 MPO

37TH STREET NW

37TH STREET

COLLECTOR PER 2014
FRINGE PLAN

COLLECTOR PER 2013
NORTH MANDAN REPORT



FUTURE
JUDE LANE
CENTERLINE

959,000 S.F.
(22.0 ACRES)

955,000 S.F.
(21.9 ACRES)

1,393,000 S.F.
(31.9 ACRES)

COLLECTOR PER 2013
NORTH MANDAN REPORT

31ST STREET

269,000 S.F.
(6.1 ACRES)

SUNSET DRIVE

12TH AVE. NW

8TH AVE. NW



EXHIBIT 4

2911 N 14th Street
Suite 301
Bismarck, ND 58503

P: 701.282.4692
F: 701.282.4530



December 17, 2019

Mandan City Engineering and Planning Department
205 Second Avenue NW
Mandan, ND 58554

RE: Memorandum
Sunset AveNew
Project No. 20707

This memorandum provides an assessment of the following issues related to the development of the Belanger properties in Mandan, North Dakota to be known as Sunset AveNew:

1. Summary of direction from applicable planning documents, related policies and land use restrictions
2. Development phasing
3. Stakeholder coordination
4. Transportation assessment
5. Utility needs assessment
6. Storm water approach

This information is based on the preferred master plan (See figure 2) under consideration as of the date of this memorandum.

Applicable Planning Documents, Policies, and Restrictions

Mandan Land Use and Transportation Plan (2015)

The Planned Future Land Use Map designates the subject property a mix of all land use designations with the exception of Industrial. The southern end of the property that abuts existing development will be primarily mixed use retail/office/residential along Sunset Drive to the future 38th Street, and the extension of 12th Avenue to 37th Street will be primarily medium-high density residential. The development's core is a 50+/- acre site set aside for the new Mandan High School. South of the school provides areas for mixed use/recreational type uses along with medium-high density residential west and southwest of the school site. Single family residential is anticipated in the northwestern part of the master plan.

The master plan is consistent with the uses shown and the intent of the Planned Future Land Use Map

The Mandan Land Use and Transportation Plan identifies the extension of Sunset Drive to the future arterial/north side bypass that will be 38th Street.

- The master plan follows the future classification system provided in the City Plan.

Fringe Area Road Master Plan (Morton County-Mandan, 2014)

The MPO's Fringe Area Road Master Plan (FARMP) identifies future corridors for arterial and collector roadways across the property. These corridor alignments are similar to what is provided in the Mandan Land Use and Transportation Plan's Future Transportation Classification Map. The exception is that the alignment (8th Avenue NW) that runs north/south along the east edge of property is a collector in the FARMP, rather than an arterial as shown in the City's Plan.

- The master plan follows the future classification system provided in the FARMP.

I-94 Corridor Study

This MPO study identified needed improvements to the Sunset Drive Interchange (south of the property) and identified a future I-94 grade separation to access Old Red Trail 1 mile west of the property.

- The buildout of the master plan is NOT dependent upon the completion of the grade separation.

North Mandan Subarea Transportation Study and Arrive 2045

The North Mandan Subarea Transportation Study and the (2013) and Arrive 2045 (in process) are two relevant studies applicable to the area created by the Bismarck Mandan MPO. These MPO documents mirror the City's Land Use and Transportation Plan Future Transportation

Classification System. Shared-use path alignments are also shown to extend into the site, following the future minor arterial corridors.

- The master plan follows the North Mandan Subarea Transportation Study direction provided for the property's future arterial and collector roadways, as well the need to extend pedestrian and bicycle access to the property with shared-use paths.

Mandan Zoning Classifications

Figure 1 depicts existing land uses for areas adjacent to the master plan. The proposed land uses in the master plan are shown with corresponding city zoning classifications to be considered upon future subdivision.

North Dakota Main Street Initiative

The City of Mandan has been making great strides in recent years to follow the Main Street Initiative, for example by focusing planning and infrastructure investments in the downtown area. Understanding the City's desire to follow the Initiative on a community-wide basis, noted below are the main goals (referred to as "pillars") of the Initiative and how the master plan intends to follow each.

1. Healthy, vibrant communities

Recreation. A central focus of the Sunset AveNew Master Plan is the open space afforded by the site's unique terrain and existing parkland dedication. In conjunction with over 45 acres of open space available onsite, recreation will be a key component of the project, not to mention an attraction for the whole City. The open space corridors in the master plan are envisioned to provide trail corridors for hiking, biking, and other passive recreational opportunities in mixed prairie, woodland, and riparian habitat.

Mixed use neighborhood center. Just to the south of the future high school site will be a large area of mixed use office, retail, and residential uses. The developer envisions a large mixed use complex similar to Three Forks in Winnipeg, MB with a variety of small retail service outlets, office, and residential all incorporated into an indoor/year round entertainment facility.

Support to Downtown Mandan. At buildout, the master plan will accommodate an estimated additional 5,700 residents in the City of Mandan. This will help to increase activity downtown and lead to greater success downtown. The master plan is not intended to compete with Downtown by offering different housing options in a different setting than the unique experience only a downtown can offer. In addition, the mixed use neighborhood center is intended to support the local neighborhood needs of the master plan area, not targeted to the community as a whole. There is a national indoor entertainment franchise tentatively looking at the south end of the project that would provide the City/metro and regional draw.

2. 21st Century workforce

Education. Schools are a critical component of creating a 21st century workforce. The master plan accommodates a future high school site (replacement of Mandan's existing high school—see further detail under the stakeholder coordination section). Schools also serve as centers of community gathering and activity. Based on Mandan School District needs as part of later phases of the development, the master plan is flexible to accommodate any possible elementary school needs.

Jobs. The master plan focuses on creating jobs with wages that can support a family. The retail/commercial and mixed-use areas are intended to provide limited retail, office, entertainment, and professional/personal service opportunities. As a result, capacity is available for an estimated 2,000 family-wage jobs.

3. Smart, efficient infrastructure

The development of infrastructure to support the master plan will depend on a strong public private partnership. This includes Dr. Eric Belanger and his holdings, City of Mandan, State Department of Transportation, School District, Park District, and adjacent property owners. At this initial, conceptual stage of the development these partnerships are still being formed. More information pertaining to coordination with these entities can be found under the Stakeholder Coordination section of this document.

Development Phasing

Given the significant size of the proposed master plan (over 550 acres), a phasing plan has been developed. Four phases are identified, with the first phase to be developed in the southeast corner of the master plan. Refer to figure 3 for the phasing plan.

Stakeholder Coordination

Mandan Public Schools

Development of the master plan has involved close coordination with the Mandan School District. The District is currently looking at multiple sites to relocate the existing high school. The master plan looks to help the District solve the need for a new high school site and identifies the central core of the master plan for the future high school. Discussion is ongoing with the District.

Mandan Park District

Coordination has also taken place with the Park District. At this time, discussion has involved future shared use paths on the property (and connecting the property to the developed portion of the City). Coordination will continue into the future regarding park space needs, use of open space within the master plan, and parks and recreation funding.

JAMS Properties LLP

JAMS Properties LLP, a development company, owns property between the master plan area and the developed portion of the City along Sunset Drive. The owner is open to the use of the property to provide ingress/egress across the property in the form of transportation and sewer improvements. This property is planned for a mix of residential and commercial development in the City's Comprehensive Plan. It is anticipated that infrastructure connections built on the property will help initiate development of the property. Discussion with the development company is ongoing and positive.

Transportation Assessment

Traffic Operations

The purpose of this section is to provide an overview of the preliminary transportation assessment approach, findings, and key considerations. Significant information includes a summary of land uses associated with four development phases, access management, and phasing/implementation considerations. Additional detail with respect to specific traffic controls and turn lanes are expected to be evaluated at a future time.

A key component to evaluating the Sunset AveNew's site transportation system was to review previous Bismarck Mandan Metropolitan Planning Organization (MPO) and City of Mandan planning documents (i.e. Mandan Land Use and Transportation Plan (2015), the Fringe Area Road Master Plan (Morton County-Mandan, 2014), the I-94 Corridor Study, and Envision 2040). These resources have identified key corridors to enhance short-term and long-term vehicular and pedestrian/bicycle connectivity.

Land Use & Traffic Generation

Land uses proposed for each development phase were evaluated to determine associated estimated trip generation per cumulative phases. A summary of the land uses and equivalent average daily traffic volumes for each phase are illustrated in Table 1.

Table 1. Proposed Development Phases Trip Generation Summary

Phases 1 and 2		
Master Plan Land Use Type (ITE Code)	Approximate Size	Daily Trips
Low-Rise Multi-Family Housing (220)	730 DU (10 UPA)	6,205
High School (530)	1,400 Students	2,842
Mixed use office, retail, residential users	3.3 MM SF	6,600
Phases 1 and 2 Subtotal		15,750
Phase 3		
Master Plan Land Use Type (ITE Code)	Approximate Size	Daily Trips
Single Family Housing (210)	75 DU (3 UPA)	725
Low-Rise Multi-Family Housing (220)	800 DU	6,800
Park (411)	45 acres	90
Phase 3 Subtotal		7,625
Phase 4		
Master Plan Land Use Type (ITE Code)	Approximate Size	Daily Trips
Single Family Housing (210)	450 DU	4,275
Low Rise Multi-/Family Housing (220)	200 DU	1,900
Phase 4 subtotal		6,175
Phases 1 - 4 / Full Build - Out, Total Site Trips		28,000

Roadway Connections

Potential future connections are identified in Figure 5. This graphic's focus is on the primary roadways (i.e. arterials and collectors) within the site for all four phases. However, as development occurs, several internal public/private roadways are expected to be included to help circulation and access within the area, reducing dependence on the primary roadways within the site.

A key connection within the development is at the existing terminus of Sunset Drive and also 11th Ave NE. Both thoroughfares will funnel the higher density/intensity uses envisioned for the southerly portion of the development south under the interstate at Sunset Drive or to Old Trail NW and ultimately under/to the interstate at 1806.

An essential component to the property's transportation network is the proposed major north side bypass and bridge crossing at 38th Street which the MPO has studied since 2005. This centrally located roadway provides an additional option to access future northerly growth of Mandan and easy direct access to north Bismarck.

Two collectors have been identified by past studies and reports to bisect and serve the site. The first collector proposed is 31st Street NW, which would connect Sunset Drive to 1806, as would the second collector 37th Street NW. 37th Street NW in concept connects Old Red Trail over to 1806.

Note this master plan DOES NOT require any additional interstate access or over/underpass improvements to service it. As development occurs and traffic counts rise, there will invariably be some level of improvements to intersections along Sunset Drive and 1806, but those can be addressed as time passes and development warrants it during the platting and dedication phase.

Preliminary Trip Distribution

Figure 5 shows anticipated trips generated for Phases 1-4 of the development and buildout. Note that the trip distribution analysis was qualitative and not based from the regional travel demand model. The travel demand model would and will produce a more accurate projection of possible trip distribution from the development as the development advances. Note the heavy share of total trips projected to use Sunset Drive and 12th Avenue NW in Phase I and continuing to grow through buildout. Development of the Seven Winds property to the east will alleviate some of the burden with a future connection to 1806 at 37th Street NW.

Transportation Network Phase Implementation

Results of the proposed transportation network indicates that the roadways illustrated in Figure 5 are expected to provide sufficient capacity to accommodate Phase 1 and most of 2 development conditions. Subsequent phases will likely require additional “ways in and out” to satiate EMS needs and requirements. In this instance, either a connection to 1806 through the Seven Winds land, or a segment of the north side bypass to connect 38th Street NW from Sunset Drive to 1806 would satisfy those requirements.

Access Control

As development occurs and the roadway network is developed, adherence to the Fringe Road Design Criteria – Access Location recommendations (see Table 2 below) should occur.

Table 2. Relationship between Functional Classification and Design Characteristics

Functional Classification	Distance Served (and Length of Route)	Intersection Spacing/Access Points	Direct Land Access?
Other Principal Arterial	Multiple miles to across the region	5 per mile (1/880')	No
Major Collector	Multiple miles	9 per mile (1/600')	No
Minor Collector	1 to 2 miles	Could provide direct land access	Allowed

source: Fringe Road Area Master Plan, September 2014

Traffic Controls

Once the internal roadway network has been identified and confirmed with specific and objectively defined end users/trip generation, additional analysis is expected to occur to refine specific traffic control and turn lane needs, as well as the approximate implementation timeframe. This too will occur in conjunction with future platting/dedication activities.

Pedestrian and Bicycle Connections

Discussion with Cole Higlin, Park District Director, confirmed the District's desire to extend existing shared-use paths as contemplated in the Mandan Land Use and Transportation Plan, as well as in Envision 2040.

The developers of Sunset AveNew envision a comprehensive path network throughout the development, creating a walkable/healthy community. Paths will be incorporated with major collector roadway projects, and extended/connected into each subsequent phase of the project as specific projects are developed.

Utility Needs Assessment

There are a number of existing easements and pipelines that cross the development property that need to be incorporated into the master plan. Among them are:

- City of Mandan has an existing water distribution easement and transmission line running east-west across the site. Information provided by the developer's team is currently being coordinated between the City and their consultant.
- Marathon Oil has an existing easement and transmission line running northwest – southeast across the site. The developer has been in contact with their representatives to coordinate future easement widths and access allowances.

A full copy of the easements has been described in the attorney's title opinion, which has been provided to the developer and City. While these easements create obstacles, they are generally conveying below-ground piping which gives the opportunity for green space and multi-use pedestrian trail corridors throughout the development. Although a constraint and consideration, they potentially set the table to create the walkable-community setting that the developers are intending for this neighborhood. The master plan has been designed to avoid conflicts with and considers these utility corridors.

Today, the areas are not yet served with water distribution and sewer collection facilities. High-level, conceptual water and sanitary sewer system extension concepts, based on the City's master plans, have been further developed for the master plan. These conceptual plans are figures 6 & 7 of the master plan.

Mandan Sewer Master Plan

Buildout will require significant extensions to the City’s sanitary sewer system, but land use is generally in line with the intention of the Growth Area a masterplan for the community. The City of Mandan’s comprehensive Wastewater and Collection System Master Plan (2012) analyzed the expansion of the community’s sanitary sewer system and put significant planning into the sizes and locations of future sewer main pipes and lift stations. The study anticipated significant growth for the development area being planned, and refers to this as Growth Area A for the community. A critical 21” trunk sewer main is planned to be installed to accommodate the entire Growth Area A and is planned to be installed under a 2021 NDDOT project, shown in Figure 1. Major development (more than 10-15%) of this area will need to be restricted until the completion of the critical sewer infrastructure in 2021.



Figure 1: 2021 Trunk Sewer Main Extension

The 550+ acres of development property included within this master plan spreads across Growth Area A, more specifically sub-areas A2, A3, A4 and A5. The timing and order of development will require modifications to the phasing and layout of the Master Plan for Growth Area A. Two Amendments to Growth Area A have been submitted to the City for review and approval separate from this Master Plan.

Amendment #1 to Growth Area A proposes that Sunset AveNew Phase 1 sewage flows be diverted to the Terra Vallee lift station. Amendment #1 is included in the Appendix to this report.

Amendment #2 to Growth Area A proposes that the lift stations for Growth Areas A2, A4, and A5 be combined into one lift station located within A5. Amendment #2 is included in the Appendix to this report.

It is important to first note that three separate utility lines currently cross the master plan area. These are shown in Figure 2 (Master Plan graphic) and include the following:

- Gas transmission line running east/west across the center of the site parallel 38th Street NW.
- Oil transmission line running SE/NW bisecting the site.
- Water transmission line running east/west across the southern 1/3 of the site.



Figure 2: Growth Area a Master Plan

Mandan Water System Master Plan (Amended 2013)

There is a 30" water transmission line bisecting the master plan from east to west that is scheduled to be replaced and relocated in 2020.

Stormwater Approach

Existing Condition

The existing land use of the proposed 550+ acre development site consists of pasture land for cattle. Topography is steep, generally sloping toward the northeast towards the Missouri River with a series of coulees that accumulate flow to 3 distinct discharge points from the site. It appears that 3 stock ponds for watering cattle were built with earthen berms through the bottoms of the coulees. These ponds do provide some storm water benefit by reducing peak discharge rates.

Proposed Condition

The proposed 550+ acre development includes the addition of commercial and residential areas, adding roughly 360 acres of new impervious surface. Due to the steep terrain it is assumed that flow patterns will match the existing conditions. The new roadways will have curb and gutter, allowing for roadway and development drainage to be picked up in storm sewer and directed towards the storm water ponds located at the downstream ends of the existing coulees. It is not anticipated that any storm sewer pumping stations will be required.

Regulatory Environment

The project site is located within the City of Mandan City Limits but downstream drainage areas are outside the city limits and fall within the jurisdiction of the Morton County Water Resource District. The City is the local government unit for water resources-related permitting within the District, and the project will have to be designed to meet their requirements.

A wetland field delineation was completed in November 2019 by Wenck Associates in Mandan. They are currently preparing the wetland delineation report that will be used to complete a jurisdictional request with the U.S. Army Corps of Engineers (USACE). The preliminary wetland delineation findings indicate wetlands occur along the creek and ravines on the project site and that these wetlands will likely be considered jurisdictional by the USACE due to the downstream connectivity of the wetlands to the Missouri River. Impacts to jurisdictional wetlands will require permitting and mitigation under Section 404 of the Clean Water Act (CWA), and therefore, the Master Plan will be designed to avoid and minimize potential impacts to wetlands by considering placement of buildings and crossings. These design consideration will be completed with the intent of more efficiently completing permitting and minimizing any potentially required wetland mitigation.

Water Quantity and Volume Control

Storm water generated from the project areas flows into the coulees and exits the site to the northeast. Storm water rules required discharge rates for the 2-year, 10-year and 100-year storm events to be less than or equal to existing peak discharge rates using the Intensity-Duration-Frequency curve. In addition, City rules state that detention basins should provide a minimum of one foot of freeboard above the 100-year surface elevation.

Water Quality

Facilities will be designed to enhance the quality of storm water runoff. For planning level purposes, it is assumed that the storm water detention basins will be sized to provide minimum dead storage volume for water quality treatment.

Pond Design

Preliminary locations are shown for future detention ponds. These ponds will be designed in detail with the development and the appropriate phases.

A HydroCAD hydrologic/hydraulic model was developed to analyze runoff volume and peak flow rates from the site. The model utilizes Atlas-14 precipitation depths as seen below in the table below:

Rainfall Duration	2-Year	10-Year	100-Year
24-Hour	2.06	3.10	5.24

Rainfall distribution was modeled utilizing the SCS Type II 24-hour distribution. Time of Concentration (T_c) was calculated within HydroCAD utilizing tools based on Part 630, Chapter 15 of the National Engineering Handbook. Curve numbers for the site were developed from the Hydrologic Soil Groups (B=15%, C=27%, D=58%) found from the NRCS soil map.

The drainage basin outlet rates were preliminarily established as shown in the table below. As previously stated, the exact location and sizes of each detention pond will be provided at a future date. Note this table does include parts of drainage areas outside of the master planned area (approximately 267 acres not in the master plan).

Basin	Drainage Area (Acres)	2-Year (CFS)	10-Year (CFS)	100-Year (CFS)
North Rock Haven	230	36	98	255
Rock Haven	417	70	163	304
North Terra Vallee	225	40	110	286

Wastewater & Collection System Master Plan (2012)

Amendment #1: Update to Growth Area A (2019)

Prepared for:
City of Mandan – Engineering Department



December 23, 2019

Prepared by
Erik Gilbertson, PE

QC Review:
Jerod Klabunde, PE



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I. Project Background

Advanced Engineering & Environmental Services (AE2S), under the direction of the City of Mandan, prepared a Wastewater and Collection System Master Plan in 2012. This Master Plan provided an analysis of the existing wastewater facilities within the City of Mandan and also provided recommendations for growth inside and outside the current City limits. At the time of the study, the City's existing sanitary sewer system was as shown in Exhibit A. Since the study was finalized, there have been modifications to the City's wastewater collection system and additional improvements are planned in the near future.

The focus of this amendment will be to discuss updates to the planned expansion of the sanitary sewer system on the north side of the community referred to as Growth Area A. Growth Area A is situated in close proximity to the I-94 corridor and has the potential to be an area of great expansion for the community. Complicating things and restricting growth has been the steep terrain, coordinating multiple land owners with varying interest, city limit boundaries, and the extremely high cost to develop.

Within the original study, Growth Area A was divided up into 9 sub areas (Sub Area A1, A2, A3, etc.) which would eventually be served by 6 separate lift stations (see Exhibit B). The original study predicted that sub-areas A1, A2 and A3 would be the first and quickest to develop, but growth trends could happen in a differing order. Ultimately, regardless of which sub area grows first, a trunk sewer main and regional lift station(s) are considered essential infrastructure to serve the entire Growth Area A.

As shown in Exhibit C, the City is currently planning to extend the large diameter gravity trunk sewer main to serve the entire Growth Area A with the work scheduled to be constructed under a NDDOT project during the 2021 construction season. This trunk sewer main is one piece of the essential infrastructure needed to accommodate the overall Growth Area A, regardless of the order in which the sub areas develop.

Today, the sub area identified as A3 is 100% developed and is served by an existing lift station locally referred to as Lift Station #10 or the Terra Vallee Lift Station. Eventually, it is the intention of the community's masterplan to retire the Terra Vallee Lift Station and to serve a much larger area with the future, regional lift station (A2 or other).

II. Potential Growth Being Planned

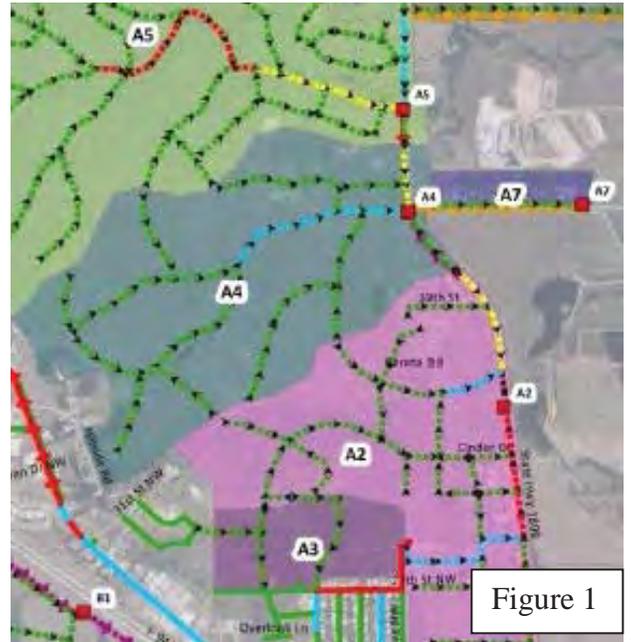
Driving the need for this Amendment is that the City is reviewing the Master Plan of a 500+ acre development referred to as The Sunset AveNew development which is located within portions of Growth Areas A2, A4, and A5 (see Figure 1).

Primarily pasture land, Growth Areas A2, A4, and A5 require the installation of a new wastewater collection system, including gravity sewer mains, lift stations, and sewage force mains. These Growth Areas will converge in a new collection system to be constructed along the Old Red Trail, and ultimately pumped to the trunk sewer being installed in the 2021 NDDOT project.

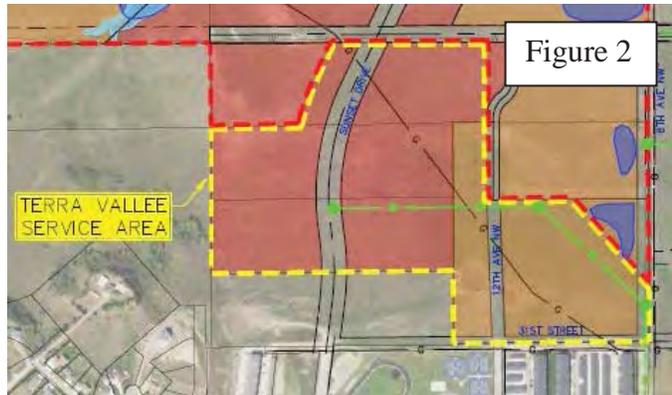
Phase 1 of the Sunset AveNew development is located in the southwest portion of Area A2, just north of Area A3. This report will examine the possibility of modifying the boundaries between the proposed A2 and A3 sub areas because of the order of development being planned. Developers are willing to invest and develop in the western portion of the A2 sub area. The primary issue is that the A2 lift station needs to be built along the far east end of the A2 sub area and is not anticipated to be constructed in the near future.

In order to facilitate this short term growth in the area north of A3, the Terra Vallee lift station could be used in the interim. By adding this portion of A2 to the Terra Vallee lift station, an additional ± 60 acres of land could be developed utilizing infrastructure in place today. Short term, the Terra Vallee lift station would be utilized; however, long term it is understood that when the Terra Vallee lift station is retired, this portion of A2 would be connected to the rest of the A2 sub area and utilize the future regional lift station. In the end, all of the sub areas within Growth Area A would eventually end up in the same location, the trunk sewer main being installed under the planned 2021 project.

This report is needed to analyze the existing capacity of the Terra Vallee lift station, the exact area that could be added (confirm elevations to ensure gravity flow) and that the lift station can sufficiently handle the additional wastewater generated by the growth area.



Sunset AveNew – Phase 1 of the Sunset AveNew Development will be located directly north of the termination point of Sunset Avenue. The Phase 1 development will include approximately 50.6 acres of developable land, but for the purposes of this analysis an additional 13.1 acres of adjacent land owned by others is included. Figure 2 shows the approximate 64 acres of future development land to be included in the Terra Vallee lift station. Exhibit D shows the preliminary rim and invert elevations for the gravity flow sewer system that would serve the area.



The flows for the 64 acres were calculated using the methodology utilized in the Mandan Wastewater Collection System Master Plan. The master plan provided typical flow rates to apply to undeveloped land. These flowrates were developed from existing water usage records within the City.

Land Use	Area	Average Day Flow*	Equivalent Population	Flow gpd	Flow gpm
School	3.3	0.36	17	1,711	1.19
Mixed Use Commercial / Multi Family	30.8	0.36	160	15,967	11.1
Multi Family	16.6	0.50	120	11,952	8.3
Unknown Use (by Others)	13.1	0.50	94	9,432	6.6
	63.8		391	39,061.4	27.1
Peaking Factor		4.03			
Peak Flowrate (gpm)		109			

* Average Day Flow taken from Table 2-6 of the Mandan Wastewater Collection System Master Plan

As shown in the table above, the proposed increase of 64 acres of land being added to the service area of the Terra Vallee lift station will result in an increase of approximately 39,000 gallons per day.

III. Terra Vallee Lift Station Evaluation

The Terra Vallee lift station was constructed in 1997 and consists of a two pump dry well station. The pump capacity of the lift station is measured at 350 gallons per minute.

The run times of the lift station were analyzed over the last 5 years. As shown in Figure 3, there has been a steady increase over that time period, but over the last two years, the flows have averaged approximately 200

minutes per day or about 3.3 hours, which equates to 70,000 gallons per day at a pump flow rate of 350 gallons per day (as shown in the master plan).

Lift stations can reasonably be considered at capacity when at 8 hours/day run time on average, which yields a maximum average day capacity of the Terra Vallee lift station equivalent to 168,000 gal/day.

The Mandan Wastewater Collection System Master Plan identified a 72.7 acre service area for Growth Area A3 which also includes offsite flows from existing areas to the west. The Master Plan calculated a flowrate of 46 gallons per minute (peak of 156 gallons per minute) or 66,240 gallons per day for the Terra Valle lift station. The current flow of approximately 70,000 gpd exceed the estimate from the Master Plan, but is within 10%, which is reasonable.

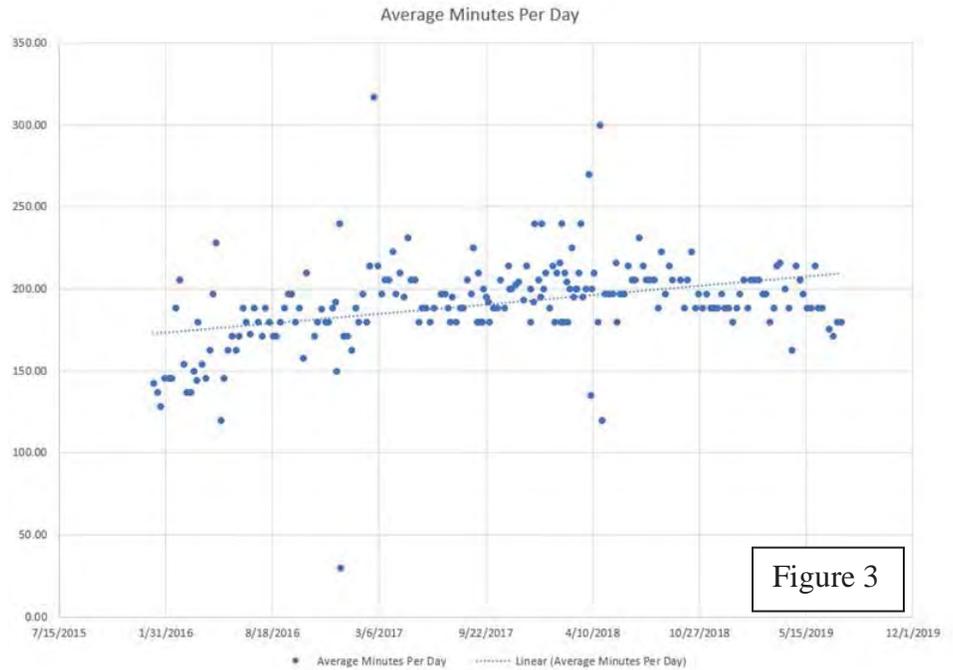


Figure 3

IV. Recommendations

As discussed in the analysis of the Terra Valle lift station, the current daily flows exceed those indicated in the Mandan Wastewater Collection System Master Plan. The table below summarizes the impact to the lift station if Phase 1 of Sunset AveNew is added to the service area (using the existing flows Terra Vallee flows).

	Existing Terra Vallee (A3)*	Sunset AveNew	Total System
Population	523	391	914
Flowrate (gpm)	46	27	73
Peak Flow (gpm)	156	109	265
Total Daily Flow (gpd)	70,000	39,061	109,061

* Higher of Average Day Flow taken from Table 2-6 of the Mandan Wastewater Collection System Master Plan and actual runtime data from Terra Vallee lift station.

As shown in the table, the total daily flow after adding Phase 1 of Sunset AveNew is approximately 109,061 gallons per day, which brings the Terra Valley lift station to 65% of the 168,000 gallons per day capacity discussed above.

Given the data represented in the Mandan Wastewater Collection System Master Plan and the information provided by the City for pump run times, there is capacity to add Phase 1 of Sunset AveNew to the Terra Vallee lift station service area. As previously noted, the Terra Vallee lift station will be decommissioned when Growth Area A2 develops in the future.

We recommend that City Public Works staff provide an inspection of the Terra Vallee lift station to verify the performance, wear, and potential maintenance needs of the lift station before the Master Plan Amendment is approved.

Exhibit A (Exhibit 6-2 of Mandan Wastewater Collection System Master Plan)

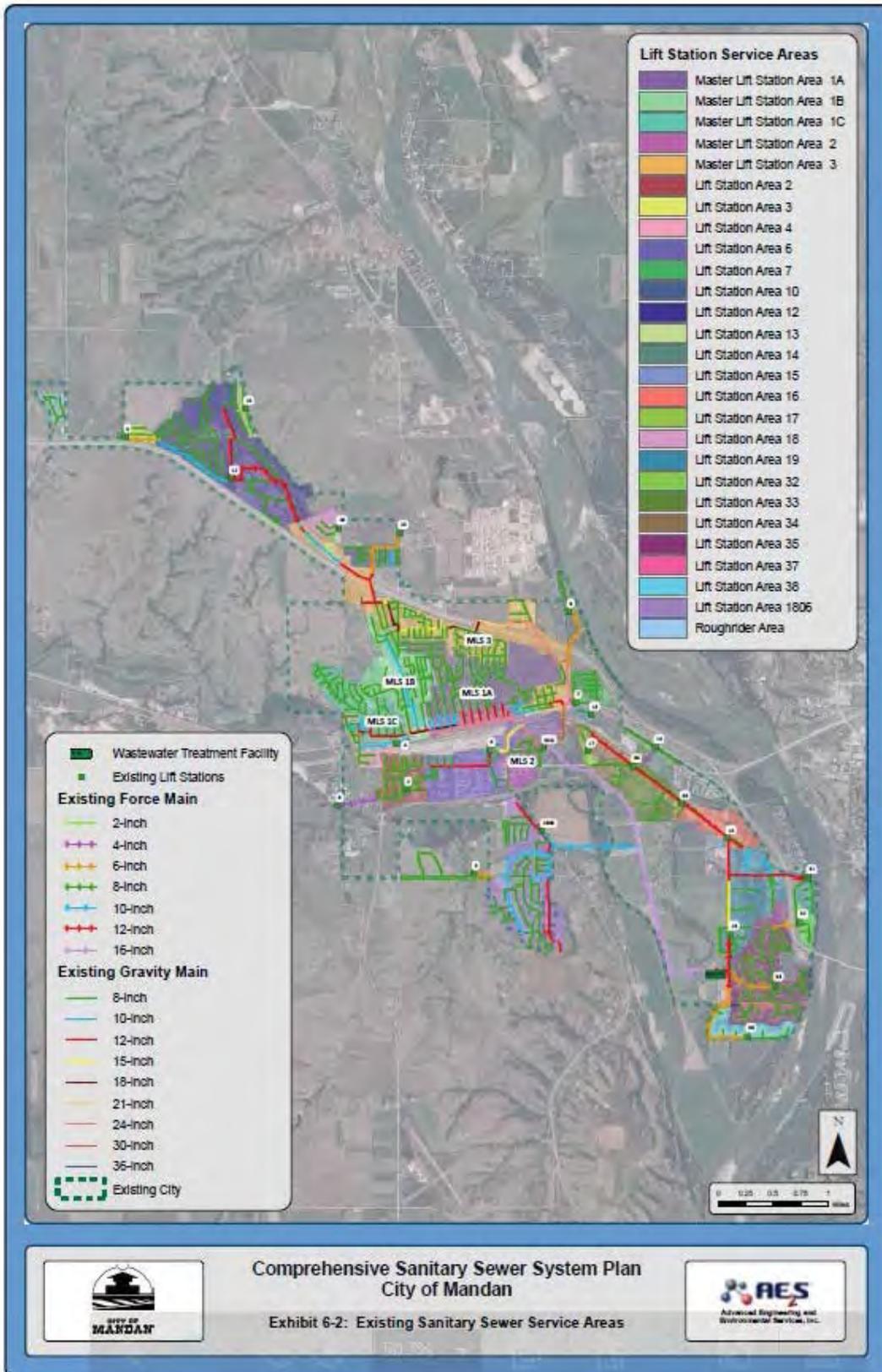


Exhibit B (Exhibit 6-21 of Mandan Wastewater Collection System Master Plan)

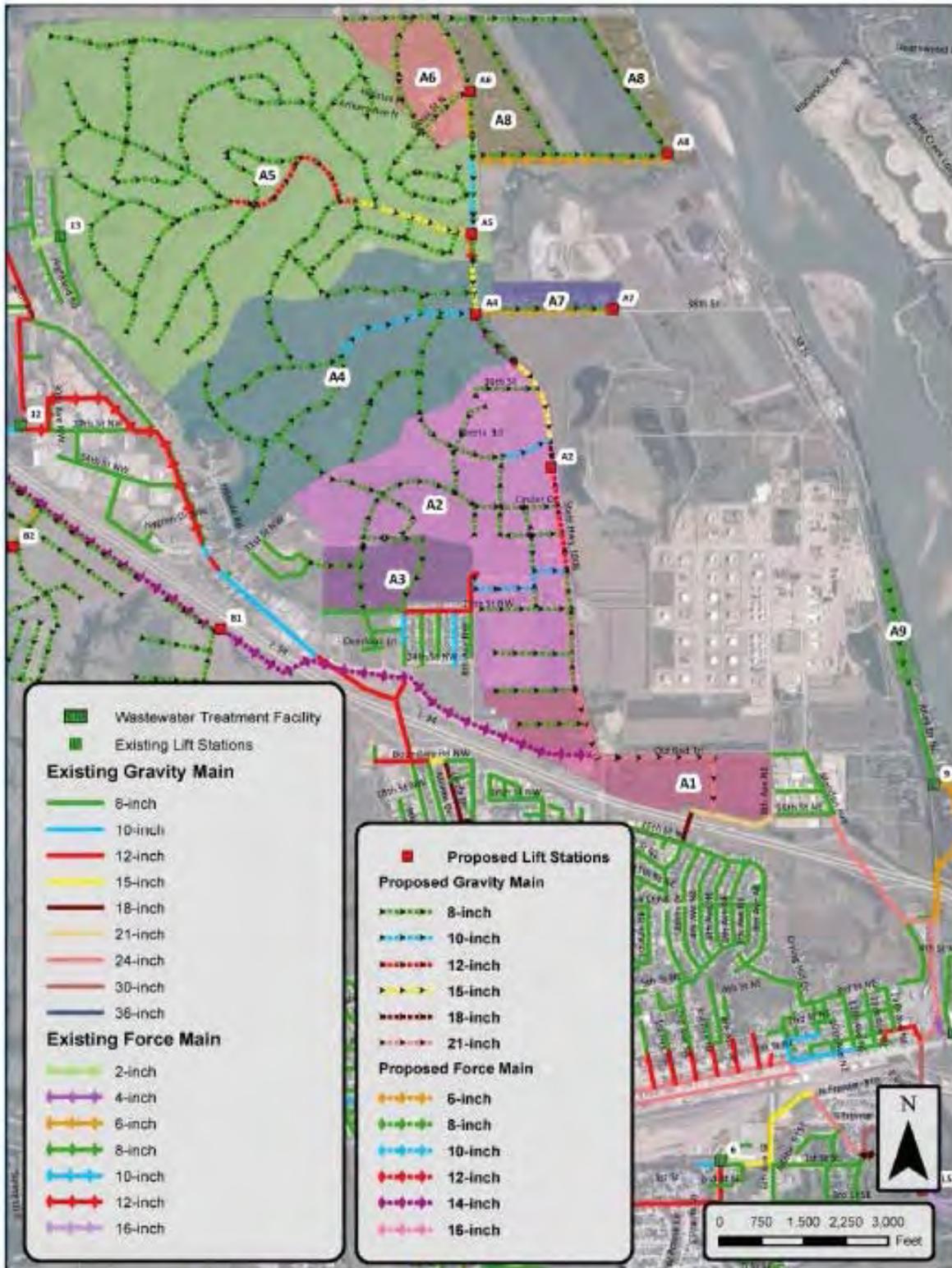


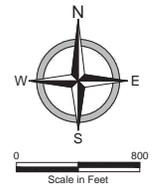
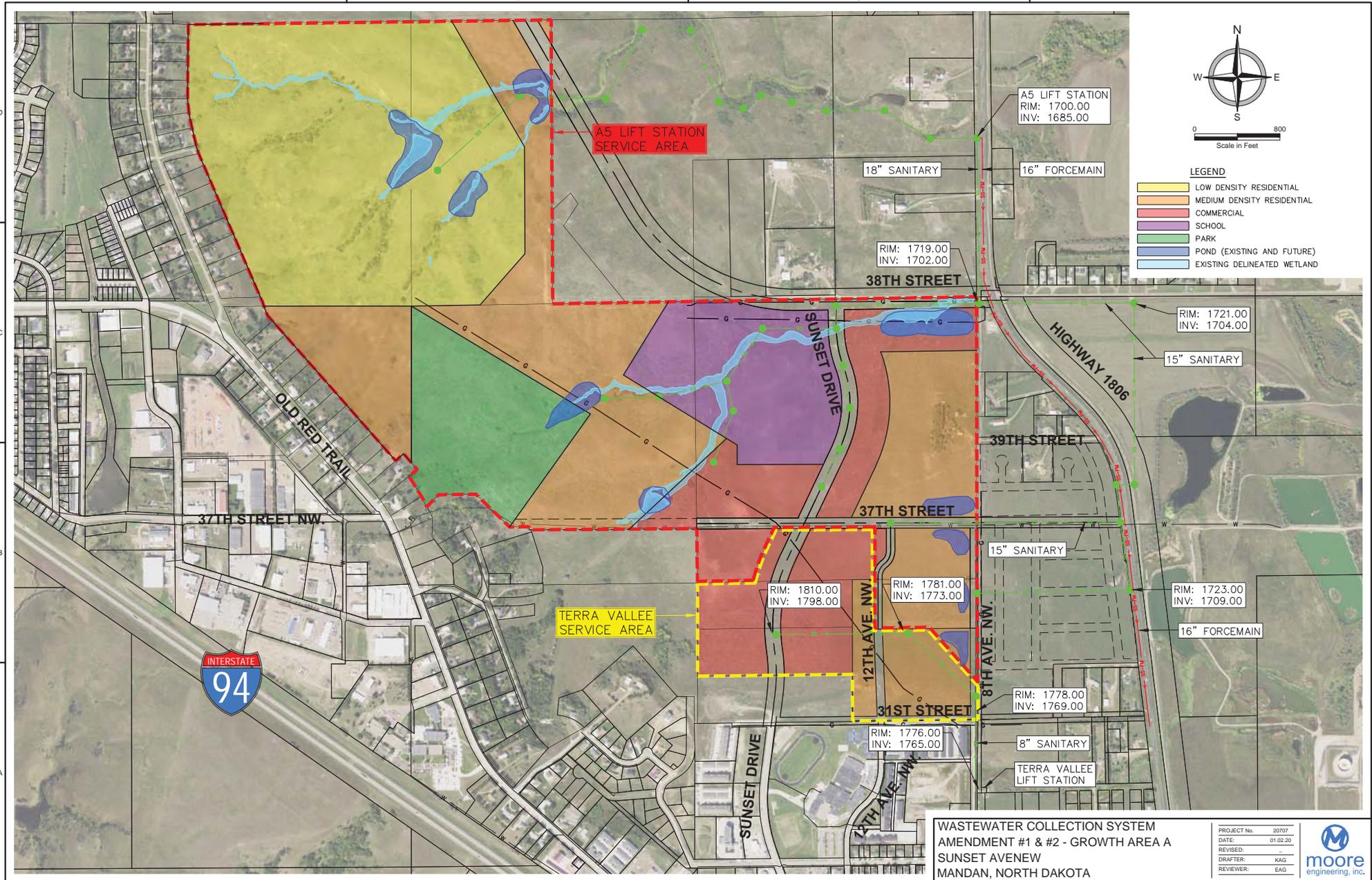
Exhibit 6-21: Conceptual Layout of Growth Area A

Exhibit C (Old Red Trail Sewer Trunk Main)



Exhibit D (Growth Area A)

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LEGEND

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- COMMERCIAL
- SCHOOL
- PARK
- POND (EXISTING AND FUTURE)
- EXISTING DELINEATED WETLAND

PROJECT No. 20707
DATE: 01.02.20
REVISED:
DRAFTER: KAG
REVIEWER: EAG



Wastewater & Collection System Master Plan (2012)

Amendment #2: Update to Growth Area A (2019) Sunset Ave New Master Plan

Prepared for:
City of Mandan – Engineering Department



December 23, 2019

Prepared by
Erik Gilbertson, PE

QC Review:
Jerod Klabunde, PE



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I. Project Background

Advanced Engineering & Environmental Services (AE2S), under the direction of the City of Mandan, prepared a Wastewater and Collection System Master Plan in 2012. This Master Plan provided an analysis of the existing wastewater facilities within the City of Mandan and also provided recommendations for growth inside and outside the current City limits. At the time of the study, the City's existing sanitary sewer system was as shown in Exhibit A. Since the study was finalized, there have been modifications to the City's wastewater collection system and additional improvements are planned in the near future.

The focus of this amendment will be to discuss updates to the planned expansion of the sanitary sewer system on the north side of the community referred to as Growth Area A. Growth Area A is situated in close proximity to the I-94 corridor and has the potential to be an area of great expansion for the community. Complicating things and restricting growth has been the steep terrain, coordinating multiple land owners with varying interest, city limit boundaries, and the extremely high cost to develop.

Within the original study, Growth Area A was divided up into 9 sub areas (Sub Area A1, A2, A3, etc.) which would eventually be served by 6 separate lift stations (see Exhibit B). The original study predicted that sub-areas A1, A2 and A3 would be the first and quickest to develop, but growth trends could happen in a differing order. Ultimately, regardless of which sub area grows first, a trunk sewer main and regional lift station(s) are considered essential infrastructure to serve the entire Growth Area A.

As shown in Exhibit C, the City is currently planning to extend the large diameter gravity trunk sewer main to serve the entire Growth Area A with the work scheduled to be constructed under a NDDOT project during the 2021 construction season. This trunk sewer main is one piece of the essential infrastructure needed to accommodate the overall Growth Area A, regardless of the order in which the sub areas develop.

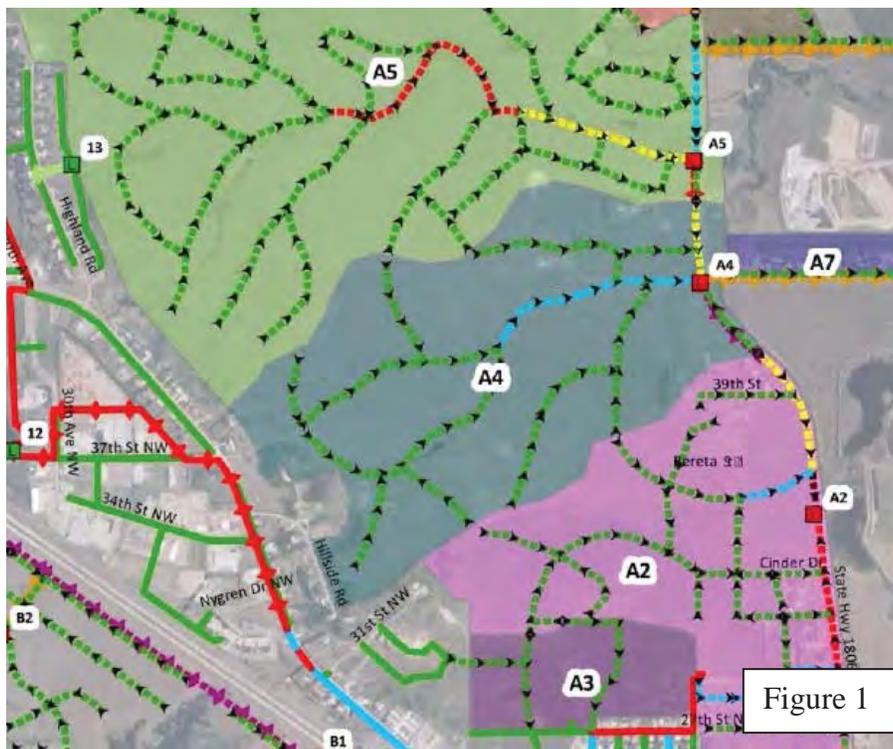
No development has taken place within the Sunset Ave New Master Plan area (Growth Areas A2, A4, and A5).

II. Potential Growth Being Planned

Driving the need for this Amendment is that the City is reviewing the Master Plan of a 500+ acre development referred to as The Sunset AveNew development which is located within portions of Growth Areas A2, A4, and A5 (see Figure 1). The Master Plan and first Addition will be considered by the City of Mandan in the winter of 2019/2020. If the proposed plans are approved construction could take place in 2020. The work that could take place in 2020 will be dependent upon the decisions discussed within this report.

Primarily pasture land, Growth Areas A2, A4, and A5 require the installation of a new wastewater collection system, including gravity sewer mains, lift stations, and sewage force mains. These Growth Areas will converge in a new collection system to be constructed along the Old Red Trail, and ultimately pumped to the trunk sewer being installed in the 2021 NDDOT project.

The original Wastewater & Collection System Master Plan for the City of Mandan depicted a series of lift stations for conveying the wastewater south along Highway 1806. The Sunset AveNew area includes three of these lift stations. Per the Plan, Growth Area A5 will include a lift station that will pump the sewage to a gravity system which will flow to a lift station in Growth Area A4. The lift station in Area A4 will pump the sewage to a gravity system which will flow to a lift station in Growth Area A2. The lift station in Area A2 will pump the sewage to the gravity system proposed on the southern end of Highway 1806 to the system along the Old Red Trail.



III. Collection System Summary

This report is proposing that the three lift stations (A2, A4, and A5), within the Sunset AveNew areas be combined into one lift station. This will include the construction of gravity sewer from the proposed A2 location north to the proposed A4 location, then north from A4 to the proposed A5 location. The gravity sewer will include excavations of approximately 25-28 feet for portions of the route (see Figure 2 and Exhibit D).

The route will cross properties not owned by the developer and will require obtaining easements across those properties. At the time of preparation of this report, the easements are not in place.

The proposed lift station within Growth Area A5 will pump the sewage within a force main that will be constructed south along Highway 1804 to the proposed gravity system on the southern end of the Highway near the Old Red Trail.

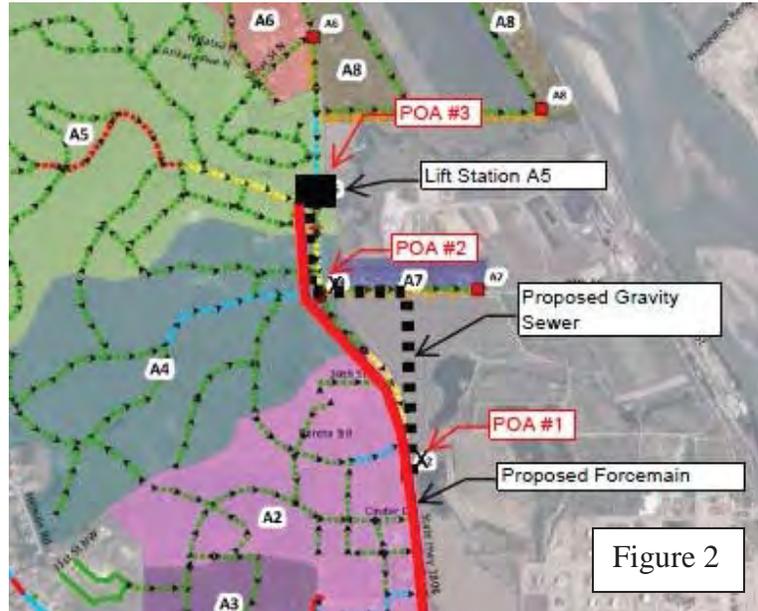


Figure 2

The total service area for the lift station in Growth Area A5 will match that of the total service area of Growth Area A2 in the original Master Plan, yielding a peak flowrate of approximately 2,500 gpm. Table 6-5 of the Master Plan was recreated to account for the lift station service areas. The original table included Areas A1 and A9 which are located outside of this Amendment area and are excluded from the table below.

Area A Characteristics

	Land Area (Acres)				Average Daily Flow (GPM)	Contributing Area Flows (GPM)								Total Average Daily Flow (gpm)	Peak Flow (gpm)	
	Residential (Rural)	Residential (Urban)	Mixed Use	Commercial / Industrial		LS10	LS18	A2	A3	A4	A5	A6	A7			A8
A2		292	30.6	6.2	159	14	1.4	36							211	759
A3		72.7			36	14	1.4								52	207
A4		243.5	59	71.2	167	14	1.4	159	36			9		387	1,315	
A5	16.7	752.4	32.2	12.1	396	14	1.4	159	36	167		23	9	24	830	2,572
A6	58.8	16.3			23										23	91
A7				25.7	9										9	35
A8	95.2				24										24	95
	170.7	1376.9	121.8	115.2	814.1											

The reconfigured alignment and pumping scenario will require modifications to the sizes of the collection system. The collection system was analyzed at three Points of Analysis (POA) as

shown in Figure 2. The location, peak flowrate, and preliminary downstream pipe size is summarized in the table below.

Point of Analysis Summary Table

	POA #1	POA #2	POA #3
Peak Flowrate (GPM)	760	1,320	2,570
Minimum Pipe Size	12"	18"	FM

IV. Proposed Growth Area A5 Lift Station

As previously mention, the proposed service area for Growth Area A5 will match that of Growth Area A2 from the Master Plan, although the pumping conditions will be increased. The peak flowrate of 2,500 GPM is still valid for preliminary sizing. Prior to designing the lift station, the land uses within the final Sunset AveNew Master Plan need to be compared to the assumptions from the Wastewater and Collection System Master Plan.

Attached in the appendix is minimum sizing information for the proposed A5 lift station. The proposed lift station will consist of a typical wet well and valve vault layout with submersible pumps. In reviewing the preliminary sizing information, it was determined that going with a three (3) pump configuration, instead of a typical duplex system, would provide benefits to the power loading (horsepower) of the system. Preliminary pump sizing is included in the appendix for the three (3) pump system. Estimates for constructing the lift station, gravity system from the proposed school to the lift station, and force main to the existing gravity system are included in the Appendix. The cost for this work is estimated at \$2.45 million.

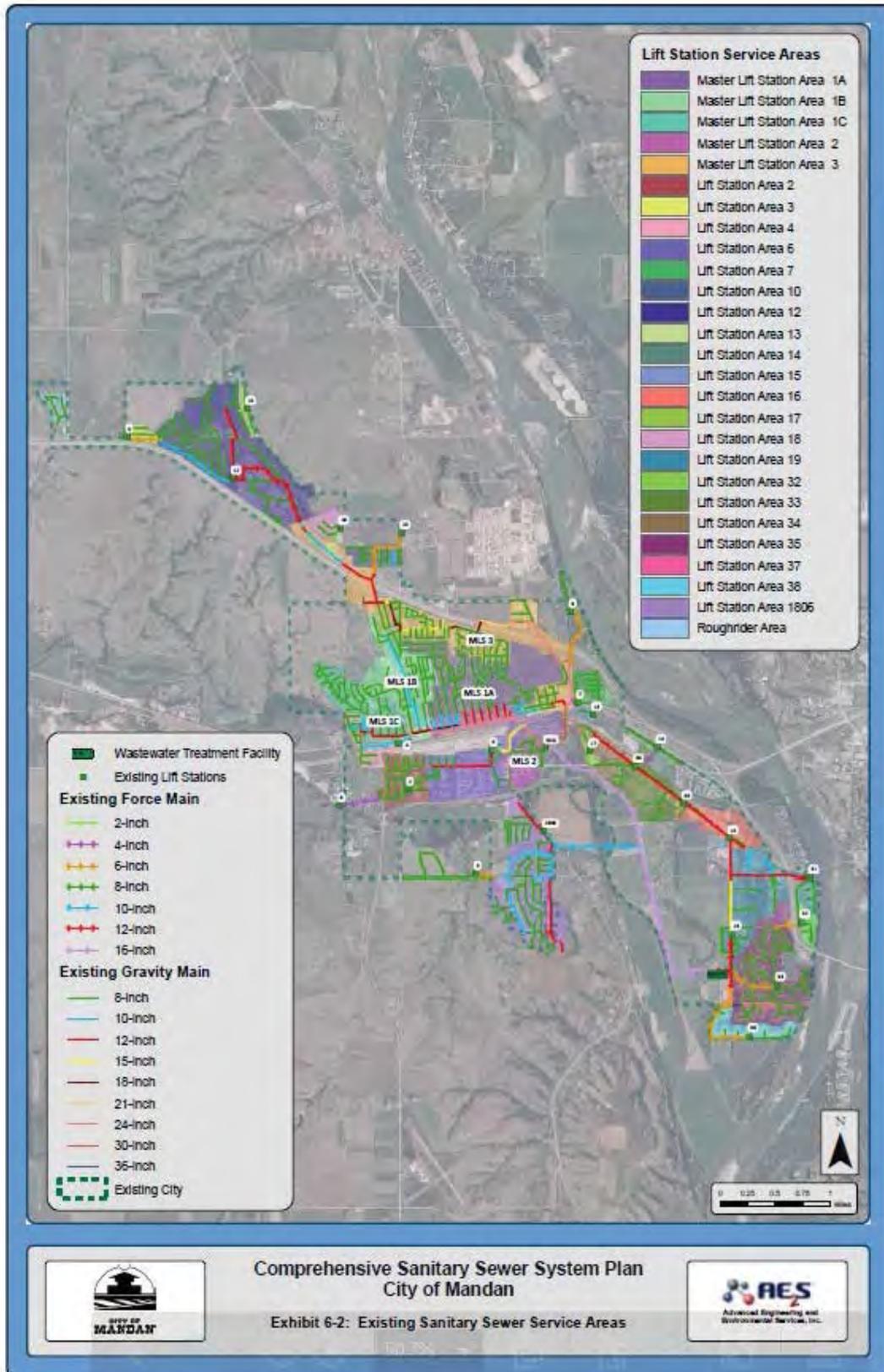
V. Recommendations

The proposed modifications to the layout of Growth Area A provide benefits to the developer and the City. There is an opportunity to reduce the overall capital costs and provide lower operations & maintenance (O&M) costs by reducing the total number of lift stations to be maintained within the system.

Potential development of a school in the northern portions of Growth Area A4 also lends to the modified lift station layout. The original master plan relied on an orderly south to north development schedule. With the multiple property owners involved within this stretch, that sequencing may not take place, especially if the school does develop in the northern region.

As previously stated, the assumptions in this report will need to be validated as development takes place to ensure that the capacity constraints are not exceeded.

Exhibit A (Exhibit 6-2 of Mandan Wastewater Collection System Master Plan)



Comprehensive Sanitary Sewer System Plan
City of Mandan

Exhibit 6-2: Existing Sanitary Sewer Service Areas



Exhibit B (Exhibit 6-21 of Mandan Wastewater Collection System Master Plan)

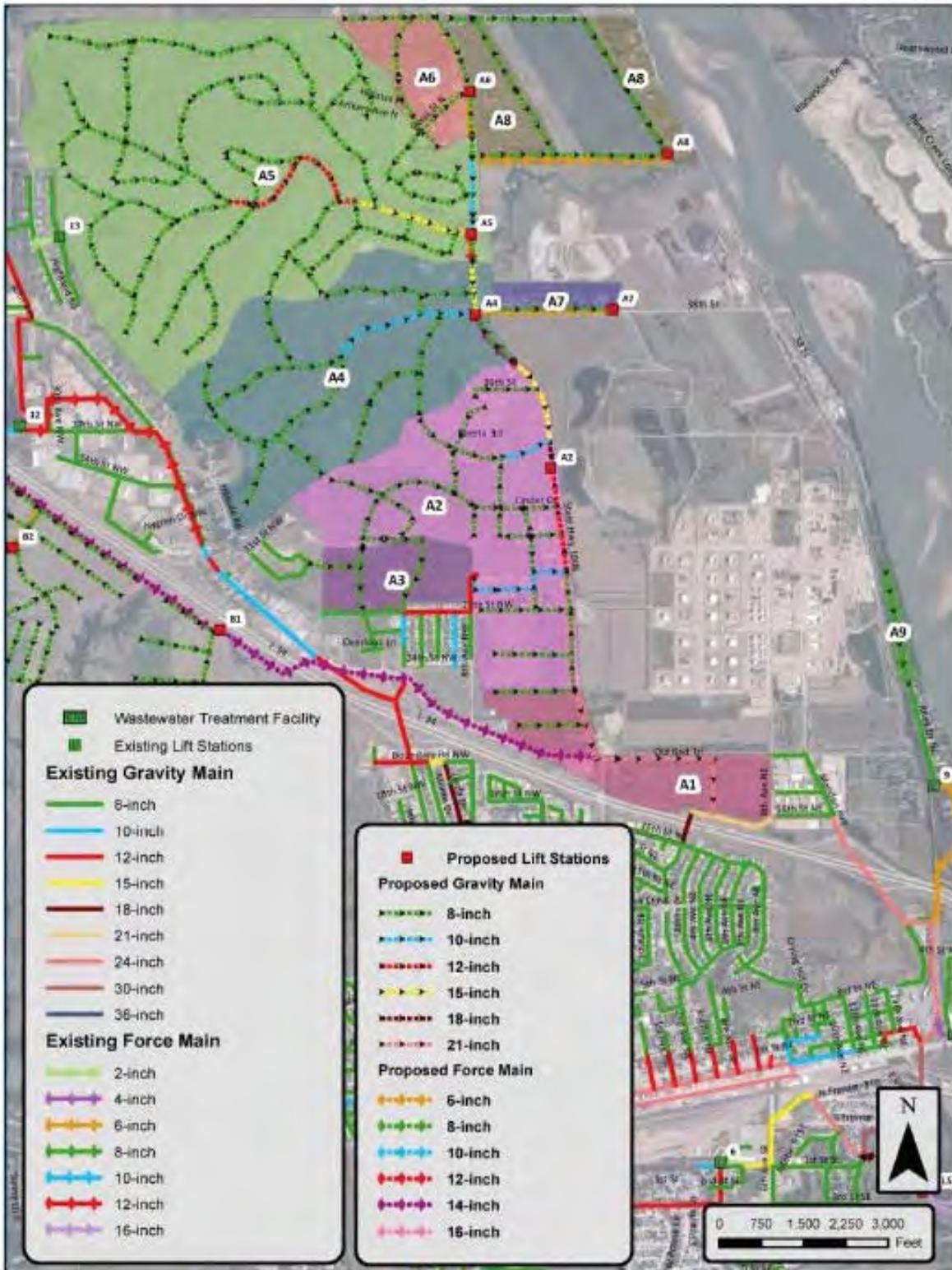


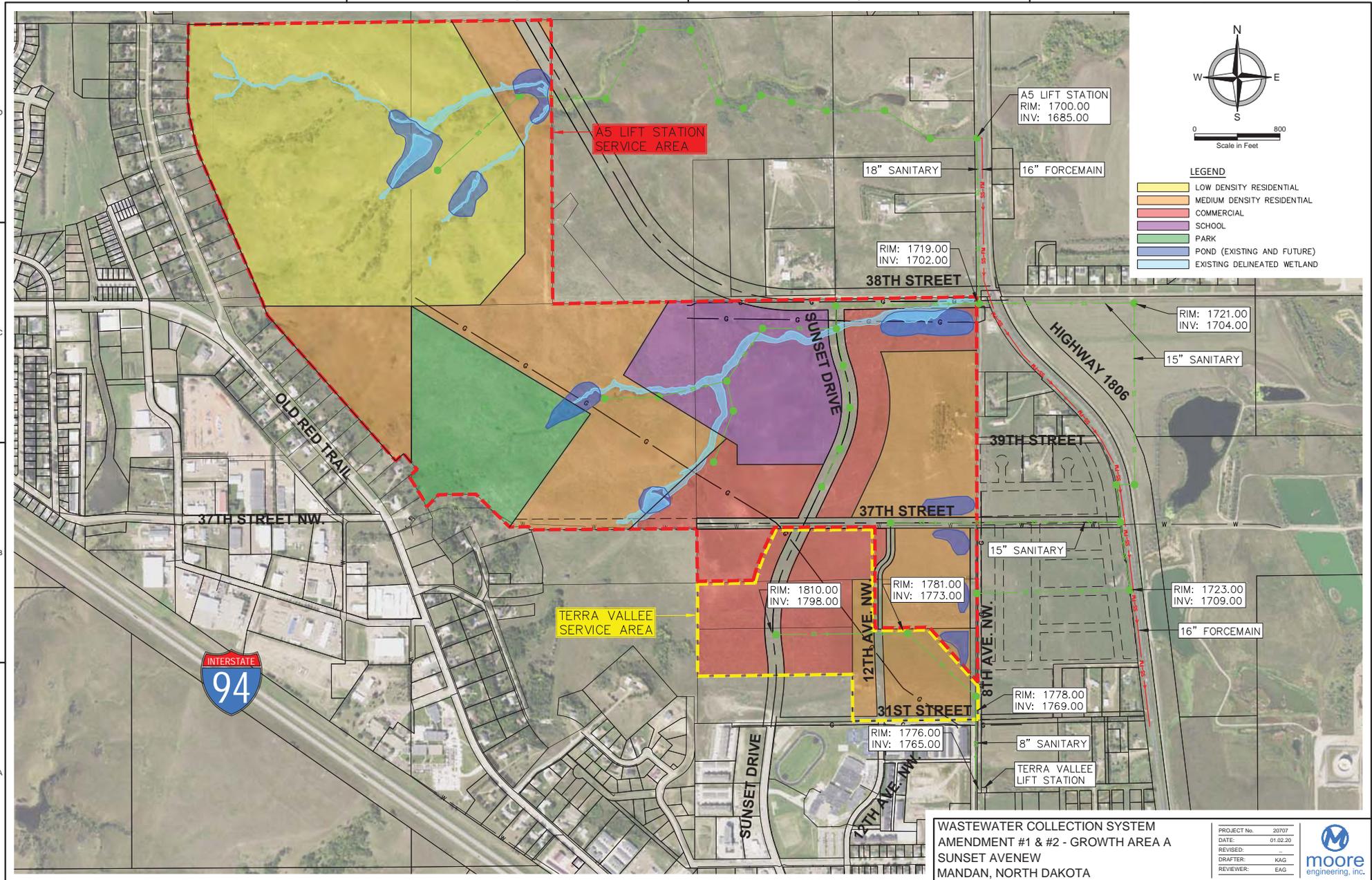
Exhibit 6-21: Conceptual Layout of Growth Area A

Exhibit C (Old Red Trail Sewer Trunk Main)



Exhibit D (Growth Area A)

FILE LOCATION: R:\Civil 3D\Projects\2017\DRAWINGS\PRESENTATION\2017-EXHIBIT-SunsetAve\New.dwg



WASTEWATER COLLECTION SYSTEM
AMENDMENT #1 & #2 - GROWTH AREA A
SUNSET AVENUE
MANDAN, NORTH DAKOTA

PROJECT No. 20707
 DATE: 01.02.20
 REVISED:
 DRAFTER: KAG
 REVIEWER: EAG



Appendix
Lift Station A5 Sizing Information

Mandan Lift Options
Approximate Pump Sizing

	<u>Unit</u>	<u>A5 Force</u>
Flow Rate - Design Point	gpm	2,500
Pipeline Velocity	ft/sec	3.99
Nominal Diameter		16"
Pipe Material		DI
Type/Class		
Actual Pipe Inside Diameter	inches	16.00
Hydraulic Flow Area	ft ²	1.40
Equivalent Roughness (e)	ft	0.0015
Temperature Fluid Assumed	°F	50
Kinematic Viscosity Fluid	ft ² /s	1.41E-05
Specific Weight of Liquid	lb/ft ³	62.40
Reynold's Number		3.77E+05
Calculated Friction Factor (f)		0.021

Pipe Friction Headloss

Length of Pipe (ft)	ft	8,870
Equivalent C Factor		121
Velocity per Hazen-Williams		3.99
h _f per 100 feet		0.39
Total h_f (ft)	ft	34.6

Valve Head Losses

	Qty	Cv	Flow
16" Plug Valve		7,300	0.3
10" Plug Valve			
10" Check Valve			

Total Valve Losses	ft	0.3
---------------------------	-----------	------------

Minor Losses

Pipe Entrance		1.0
Bends		0.6

Minor Losses Total K		1.6
-----------------------------	--	------------

Total Minor Losses	ft	0.4
---------------------------	-----------	------------

Static Head

Pump Station Water Level	ft	1700.00
Discharge Elevation	ft	1795.00
Static Head	ft	95.0

Segment Dynamic Head	ft	130.3
Total Dynamic Head	ft	130.3

Pump Sizing

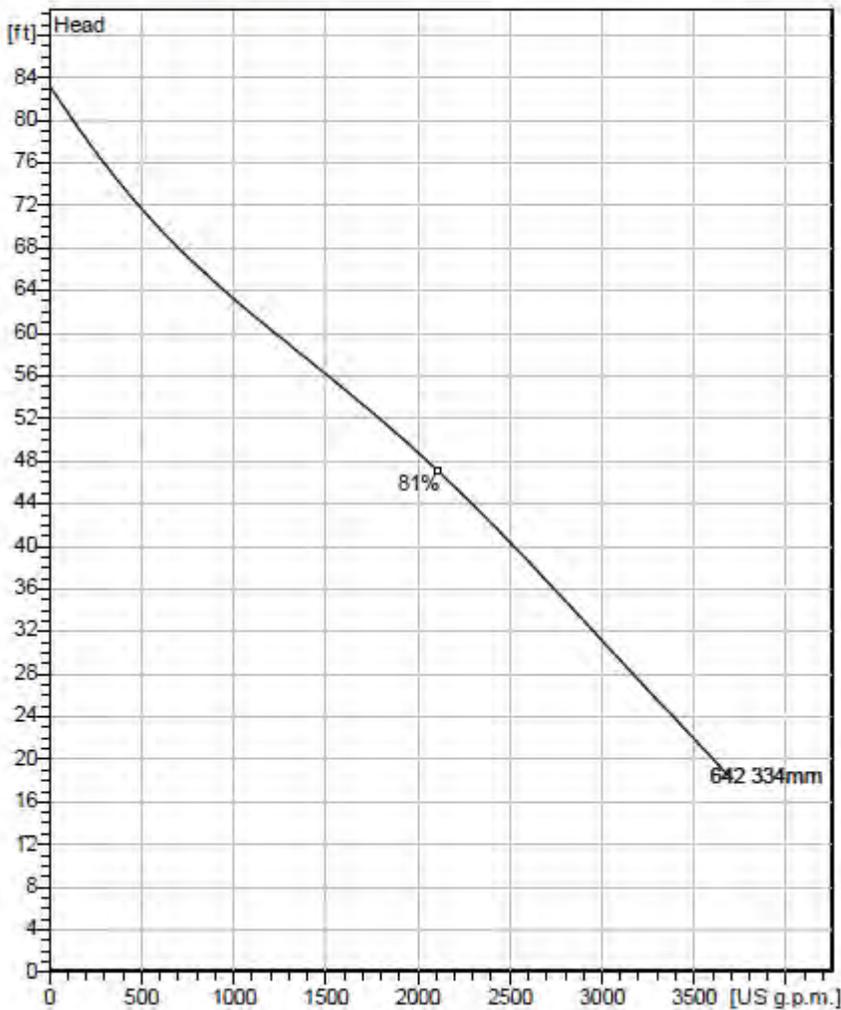
Impeller Efficiency
Total Horsepower Required

Volume and Exchange

Volume in Pipe gal

NT 3202 MT 3~ 642

Technical specification



NP 3202 HT 3~ 456

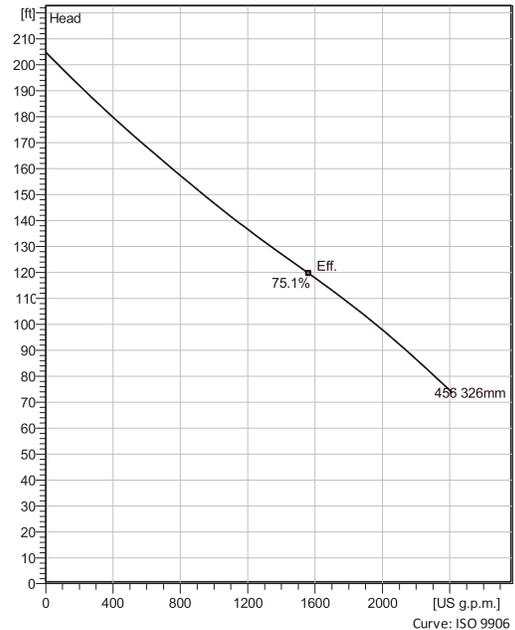
Patented self cleaning semi-open channel impeller, ideal for pumping in waste water applications. Possible to be upgraded with Guide-pin® for even better clogging resistance. Modular based design with high adaptation grade.



Technical specification



Curves according to: Water, pure [100%], 39.2 °F, 62.42 lb/ft³, 1.69E-5 ft²/s



Configuration

Motor number N3202.180 30-29-4AA-W 70hp	Installation type P - Semi permanent, Wet
Impeller diameter 326 mm	Discharge diameter 5 7/8 inch

Pump information

Impeller diameter 326 mm
Discharge diameter 5 7/8 inch
Inlet diameter 200 mm
Maximum operating speed 1775 rpm
Number of blades 2

Materials

Impeller Grey cast iron

Project Block	Created by Created on 8/7/2019	Last update
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NP 3202 HT 3~ 456

Technical specification



Motor - General

Motor number N3202.180 30-29-4AA-W 70hp	Phases 3~	Rated speed 1775 rpm	Rated power 70 hp
Approval No	Number of poles 4	Rated current 79 A	Stator variant 1
Frequency 60 Hz	Rated voltage 460 V	Insulation class H	Type of Duty S1

Motor - Technical

Power factor - 1/1 Load 0.90	Motor efficiency - 1/1 Load 92.5 %	Total moment of inertia 10.6 lb ft ²	Starts per hour max. 30
Power factor - 3/4 Load 0.87	Motor efficiency - 3/4 Load 93.0 %	Starting current, direct starting 550 A	
Power factor - 1/2 Load 0.80	Motor efficiency - 1/2 Load 93.0 %	Starting current, star-delta 183 A	

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Last update

NP 3202 HT 3~ 456

Performance curve

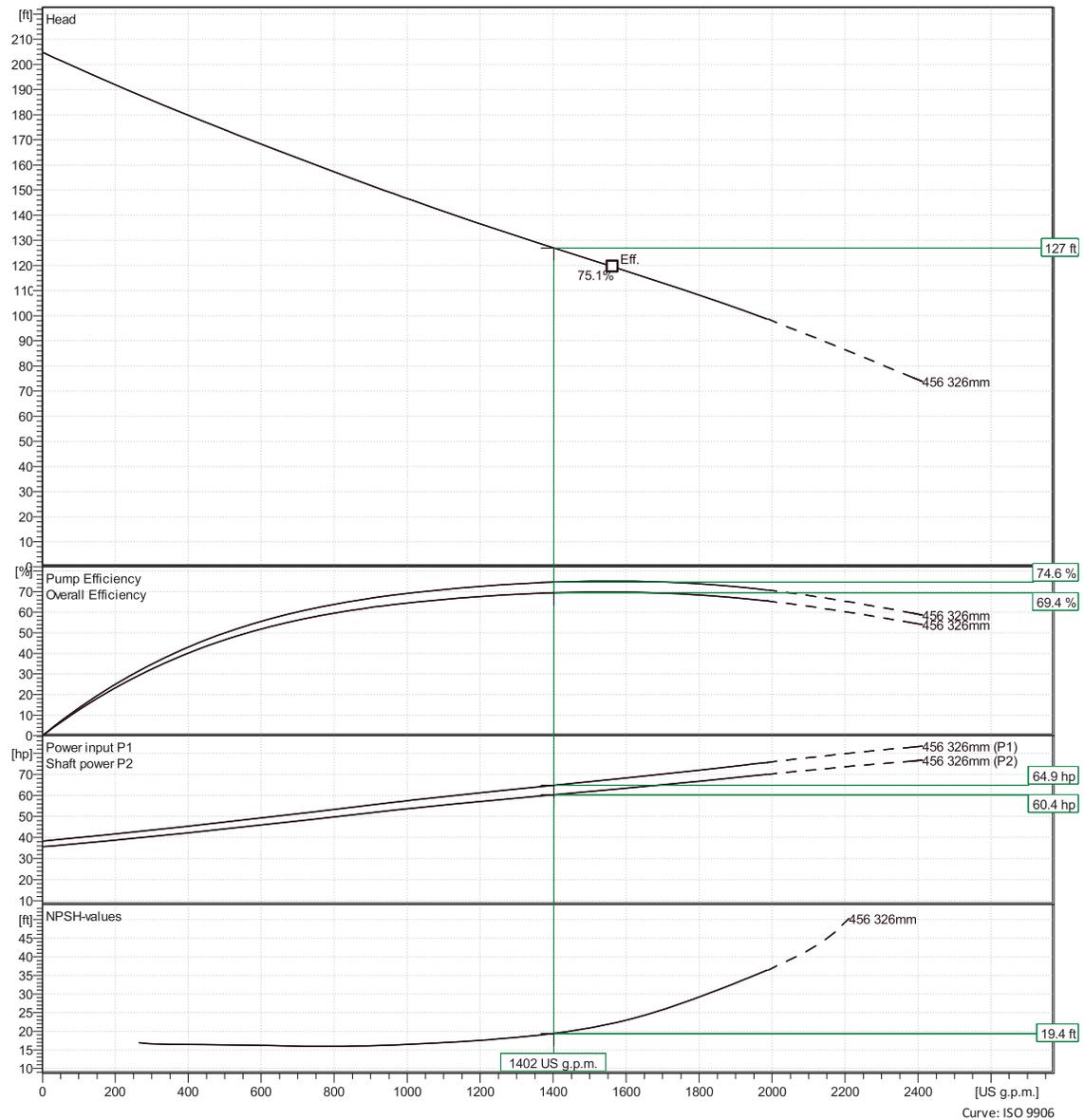


Duty point

Flow
1400 US g.p.m.

Head
127 ft

Curves according to: Water, pure [100%], 39.2 °F, 62.42 lb/ft³, 1.69E-5 ft²/s



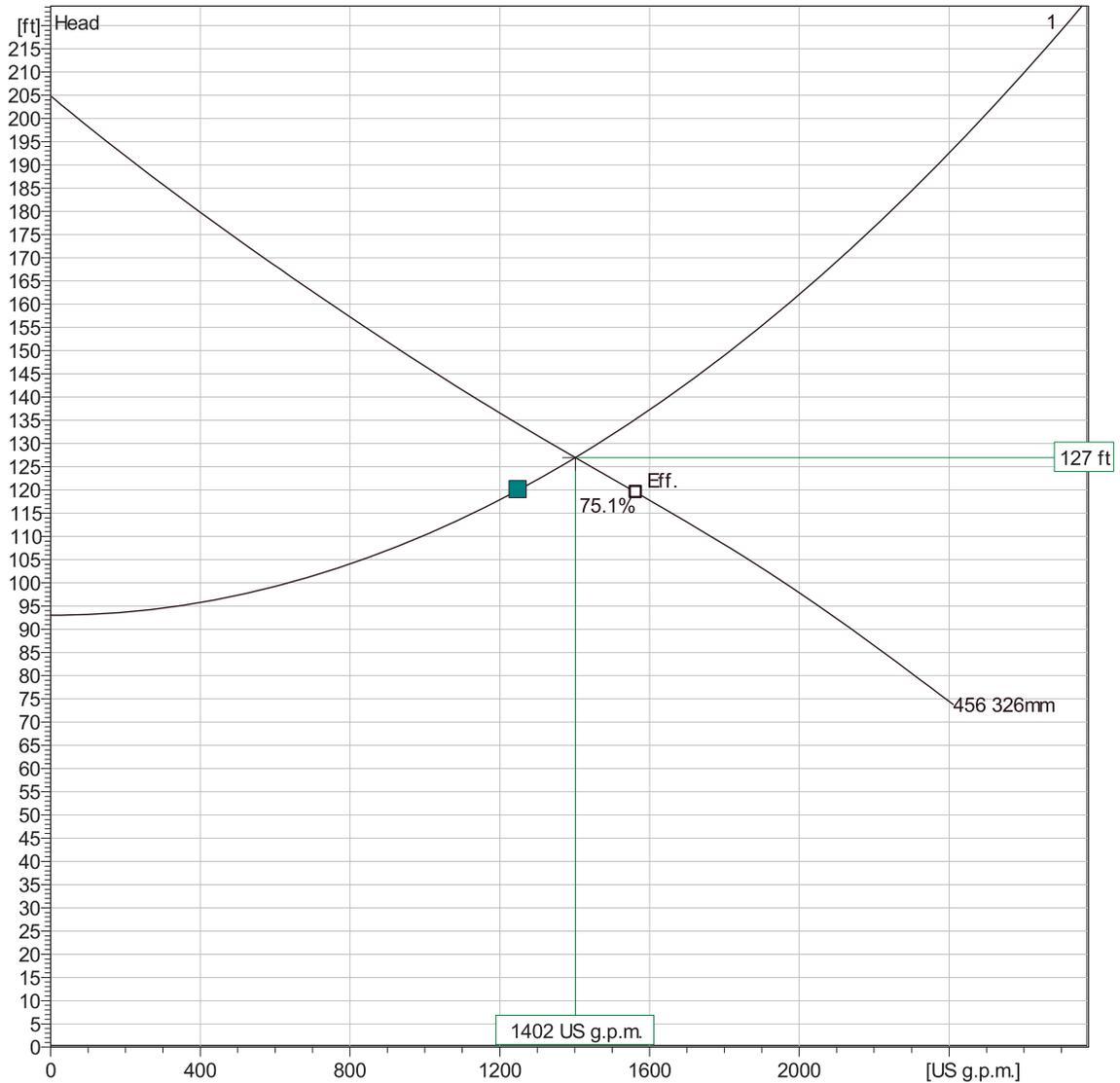
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NP 3202 HT 3~456

Duty Analysis



Curves according to: Water, pure [100%], 39.2 °F, 62.42 lb/ft³, 1.69E-5 ft²/s



Curve: ISO 9906

Operating characteristics

Pumps/Systems	Flow	Head	Shaft power	Flow	Head	Shaft power	Hydr.eff.	Specific energy	NPSHr
1	1400 US g.p.m.	127 ft	60.4 hp	1400 US g.p.m.	127 ft	60.4 hp	74.6 %	575 kWh/US Mcf	19.4 ft

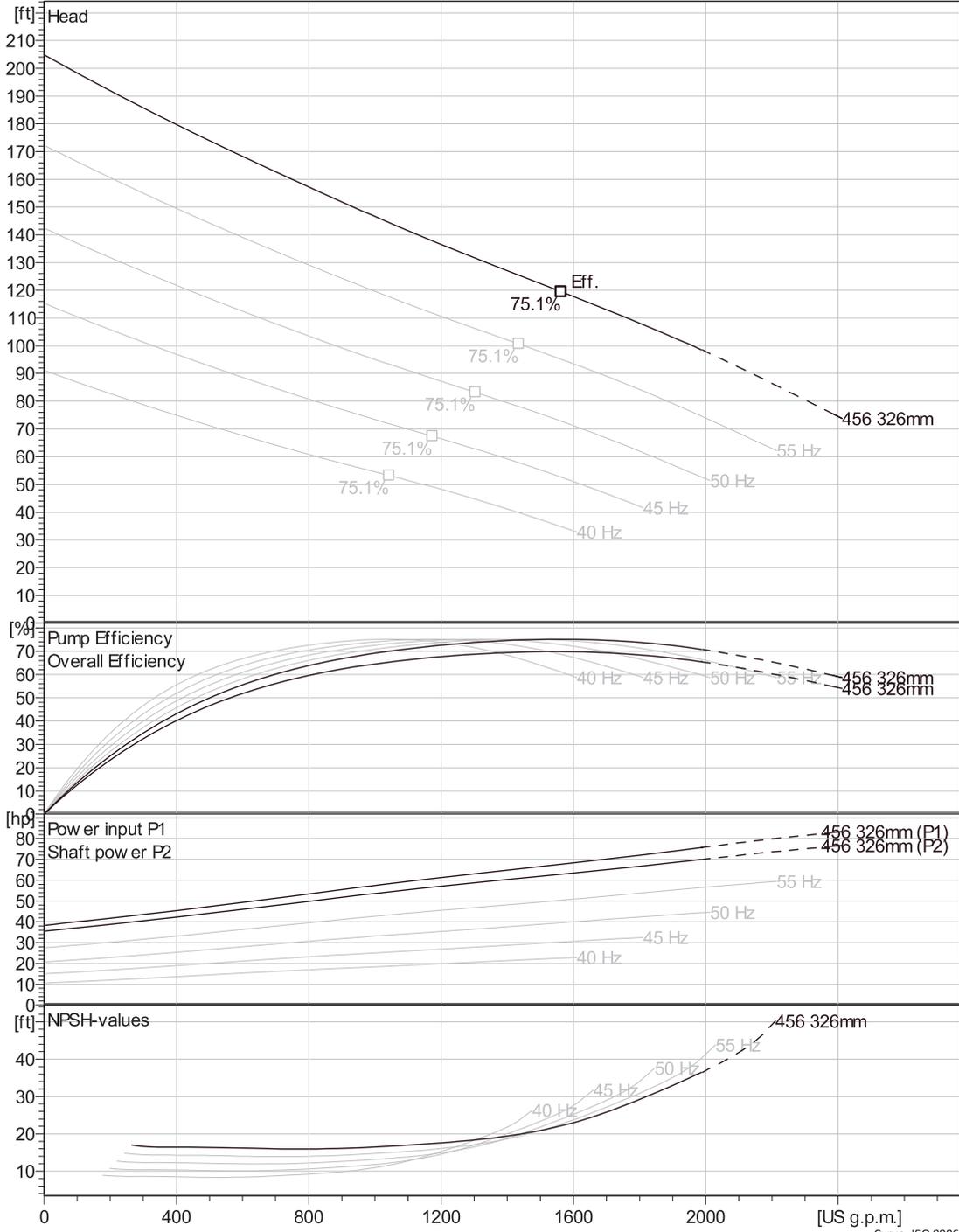
Project	Created by	Last update
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NP 3202 HT 3~ 456

VFD Curve



Curves according to: Water, pure [100%], 39.2 °F, 62.42 lb/ft³, 1.69E-5 ft²/s

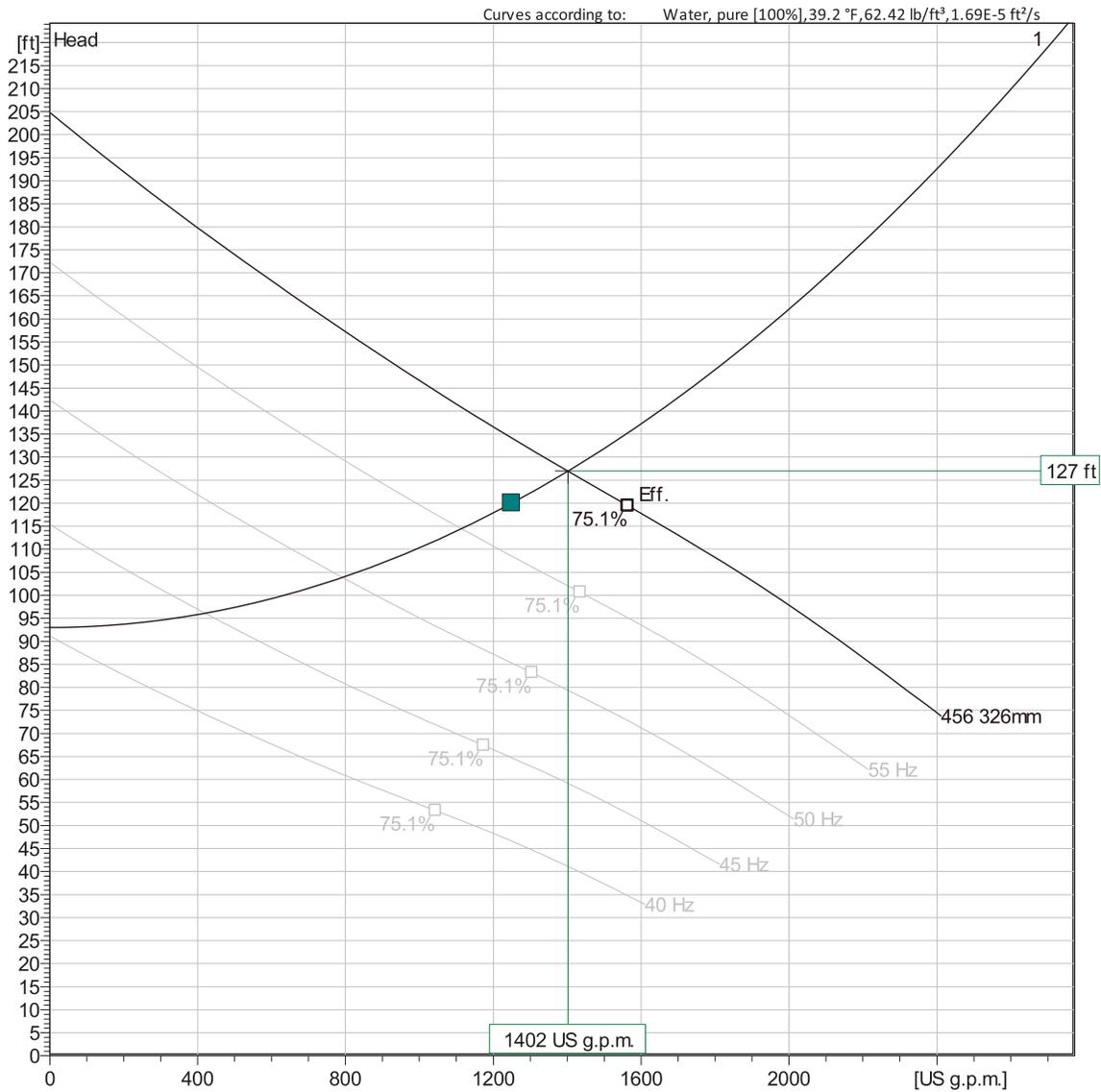


Curve: ISO 9906

Project	Created by	Last update
Block	Created on 8/7/2019	

NP 3202 HT 3~ 456

VFD Analysis



Operating Characteristics

Pumps/Systems	Frequency	Flow	Head	Shaft power	Flow	Head	Shaft power	Hydr. eff.	Specific energy	NPSHr
1	60 Hz	1400 US g.p.m.	127 ft	60.4 hp	1400 US g.p.m.	127 ft	60.4 hp	74.6 %	575 kWh/US M	19.4 ft
1	55 Hz	1110 US g.p.m.	114 ft	44.3 hp	1110 US g.p.m.	114 ft	44.3 hp	72.7 %	531 kWh/US M	15.4 ft
1	50 Hz	792 US g.p.m.	104 ft	30.6 hp	792 US g.p.m.	104 ft	30.6 hp	68 %	518 kWh/US M	12.2 ft
1	45 Hz	421 US g.p.m.	96.1 ft	19.1 hp	421 US g.p.m.	96.1 ft	19.1 hp	53.5 %	620 kWh/US M	10.3 ft
1	40 Hz									

Project	Created by	Last update
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Sunset AveNew
Amendment #2: Update to Growth Area A (2019)
Sanitary Sewer Improvements
Mandan, ND

Engineer's Preliminary Opinion of Probable Cost

<i>BID ITEM NO. & DESCRIPTION</i>	<i>UNIT</i>	<i>QUANTITY</i>	<i>UNIT PRICE</i>	<i>TOTAL</i>
1. 702.0100 Mobilization	L SUM	1	\$180,000.00	\$180,000.00
2. 330561 Sanitary Sewer Manhole	EA	8	\$9,000.00	\$72,000.00
3. 333111 Sanitary Sewer - 10"	LF	1,400	\$70.00	\$98,000.00
4. 333111 Sanitary Sewer - 18"	LF	600	\$120.00	\$72,000.00
5. 333112 Sanitary Sewer - 18" (Deep Excavation)	LF	1,000	\$200.00	\$200,000.00
6. 333123 Sanitary Sewer Force Main - 16"	LF	8,800	\$75.00	\$660,000.00
7. 333211 Sanitary Sewer Lift Station A5	L SUM	1	\$600,000.00	\$600,000.00
8. 302.0120 Aggregate Base Course CI 5	TON	20	\$25.00	\$500.00
9. 251.0350 Seeding Class III	ACRE	5	\$1,500.00	\$7,350.00
10. 253.0201 Hydraulic Mulch	ACRE	5	\$2,000.00	\$9,800.00
11. 704.1100 Traffic Control	L SUM	1	\$5,000.00	\$4,000.00
12. 000.000 Construction Contingencies (10%)	L SUM	1	\$200,000.00	\$200,000.00
Construction Subtotal				\$2,104,000.00
Topographical Survey & Design Engineering				\$170,000.00
Soil Borings & Geotechnical Services				\$10,000.00
Construction Staking				\$10,000.00
Construction Engineering (Contract Admin, Contracts, Shops, Management)				\$50,000.00
Resident Project Representative - Full Time				\$110,000.00
TOTAL PROJECT COST				\$2,454,000.00

List of Assumptions

1. Assume typical sewer depths of less than 15', except as noted
2. Gravity sewer installed from 38th Street north to A5. No other gravity pipe included in the estimate.
3. Force main to be installed from A5 lift to the proposed new gravity (city project).
4. Assume 18 week construction schedule, 5 staking requests from contractor.
5. Assume project is privately constructed; no city bonding expenses.
6. No street, water, or storm sewer infrastructure included in costs.
7. Assume soil borings and recommendations for 1 lift stations
8. Topo, Design, and plan prep. Will be completed in Civil 3D and based on City standards (no NDDOT).
9. Engineering costs are assumed costs only. No agreement in place.
10. Construction staking, RPR and Construction engineering is dependent on contractor's schedule. Full time RPR assumed.

EXHIBIT 5

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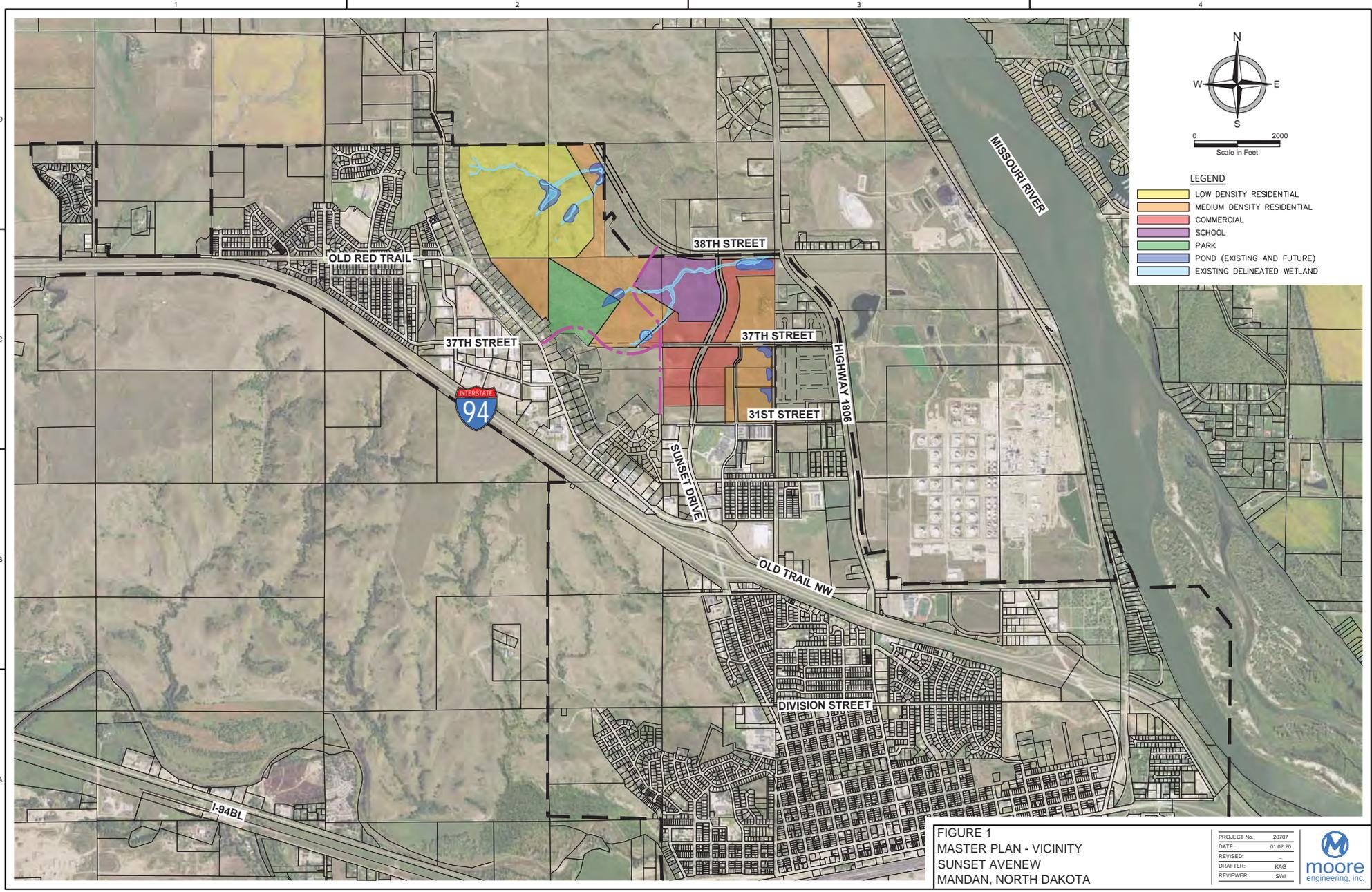
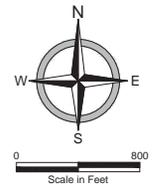
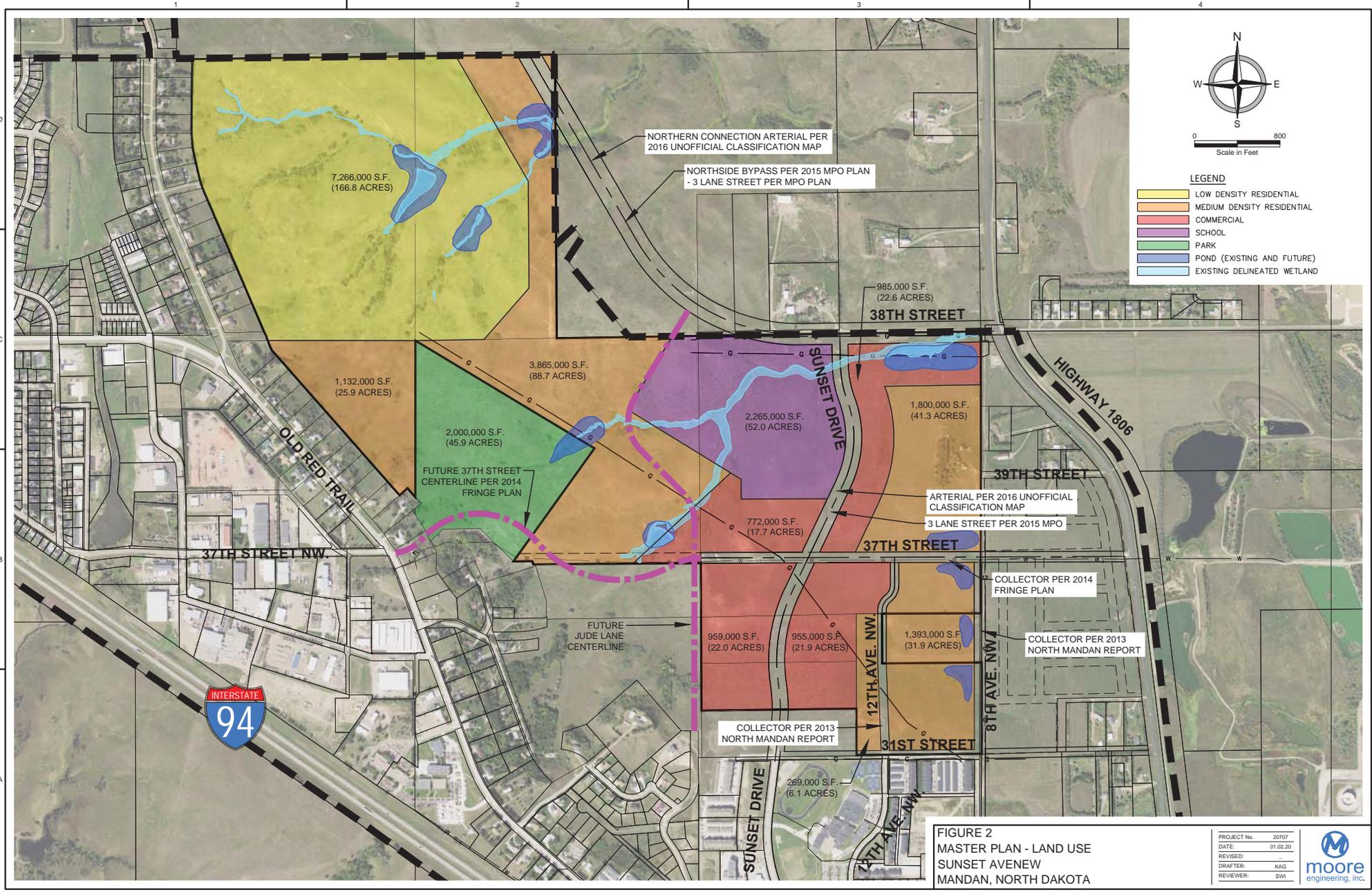


FIGURE 1
 MASTER PLAN - VICINITY
 SUNSET AVENEW
 MANDAN, NORTH DAKOTA

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REVIEWER:	SWI



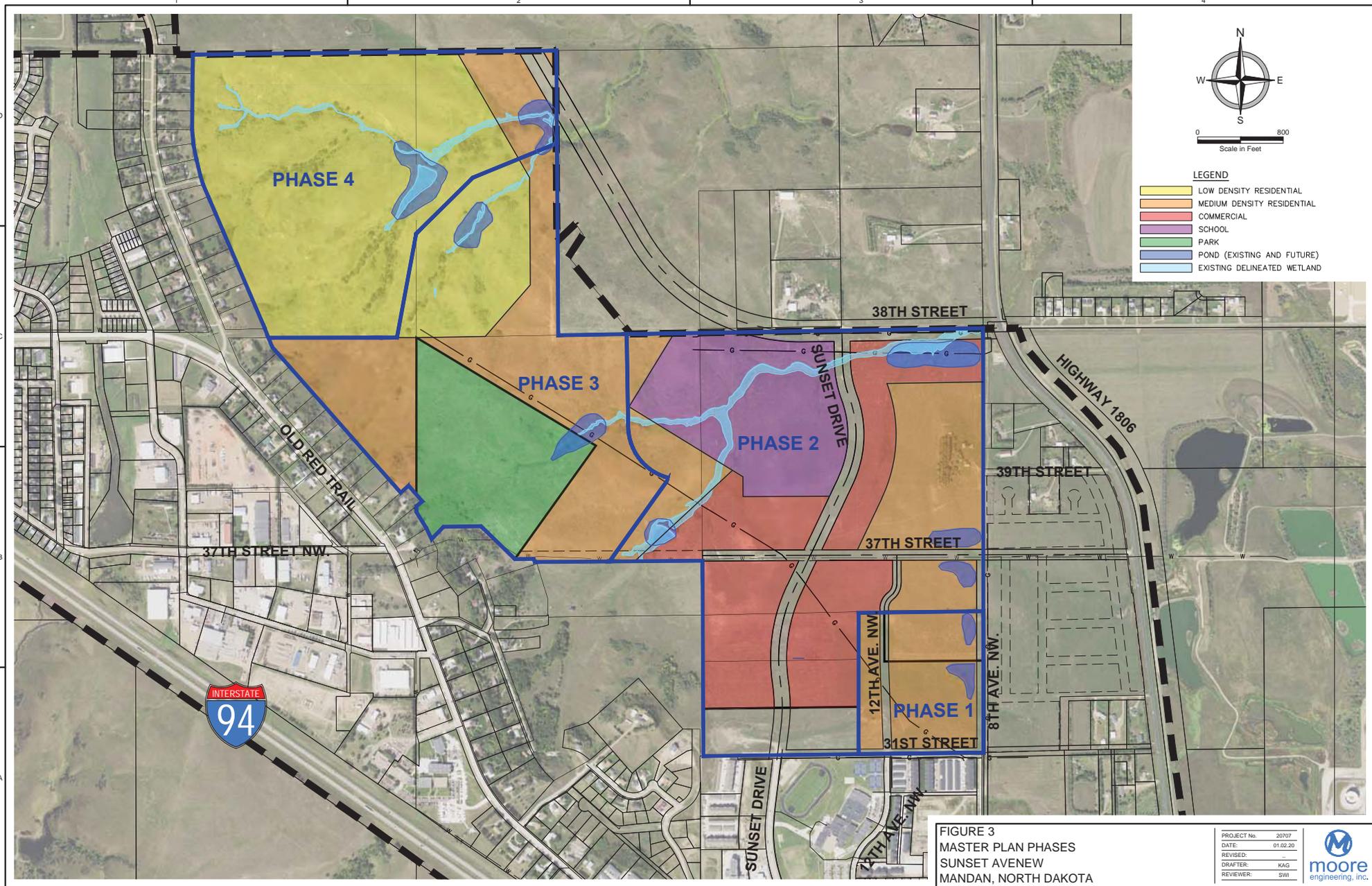


- LEGEND**
- LOW DENSITY RESIDENTIAL
 - MEDIUM DENSITY RESIDENTIAL
 - COMMERCIAL
 - SCHOOL
 - PARK
 - POND (EXISTING AND FUTURE)
 - EXISTING DELINEATED WETLAND

FIGURE 2
MASTER PLAN - LAND USE
SUNSET AVENUE
MANDAN, NORTH DAKOTA

PROJECT No.	20707
DATE	01.02.20
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DRAFTER	KAG
REVIEWER	SWI





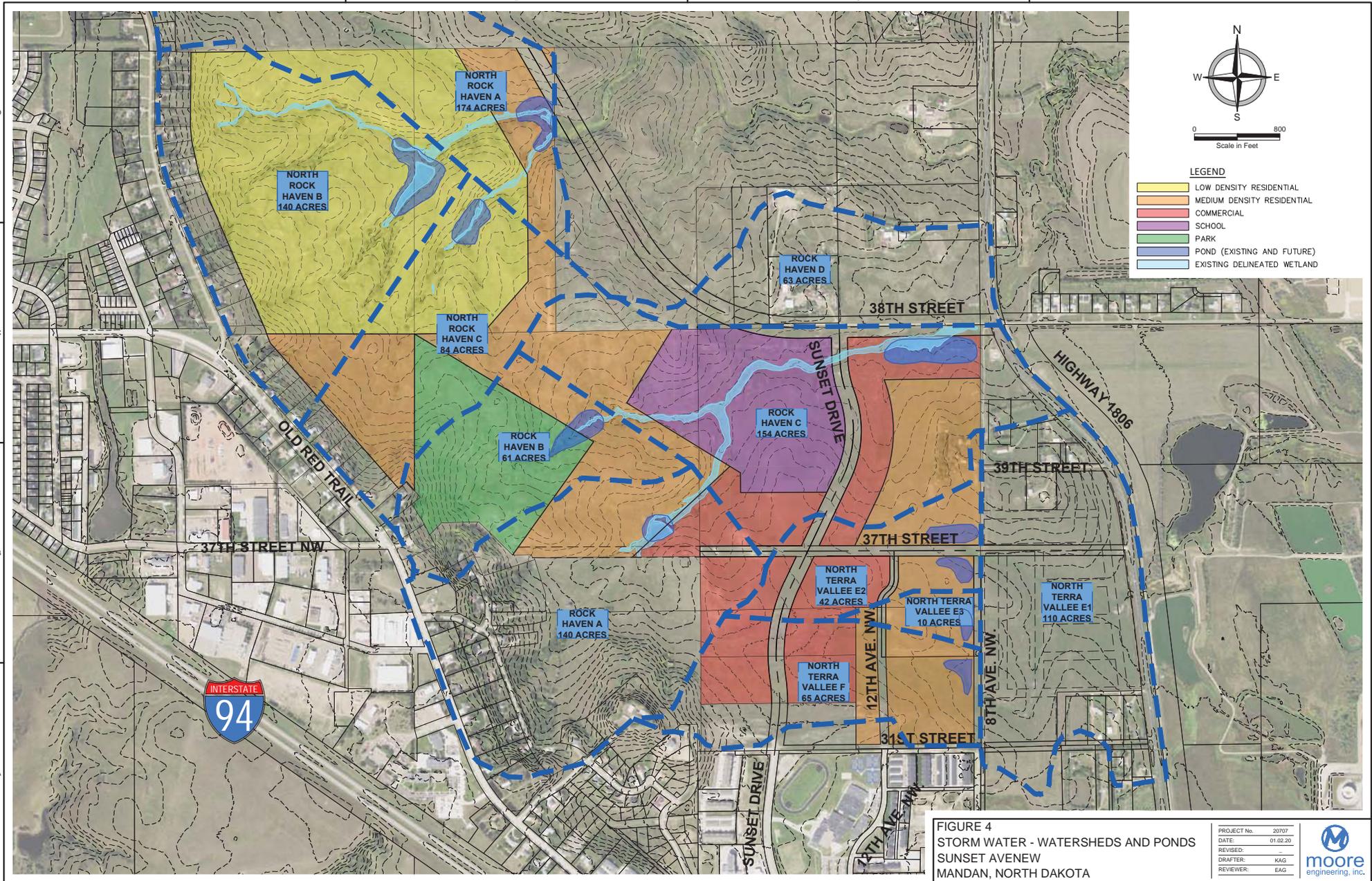
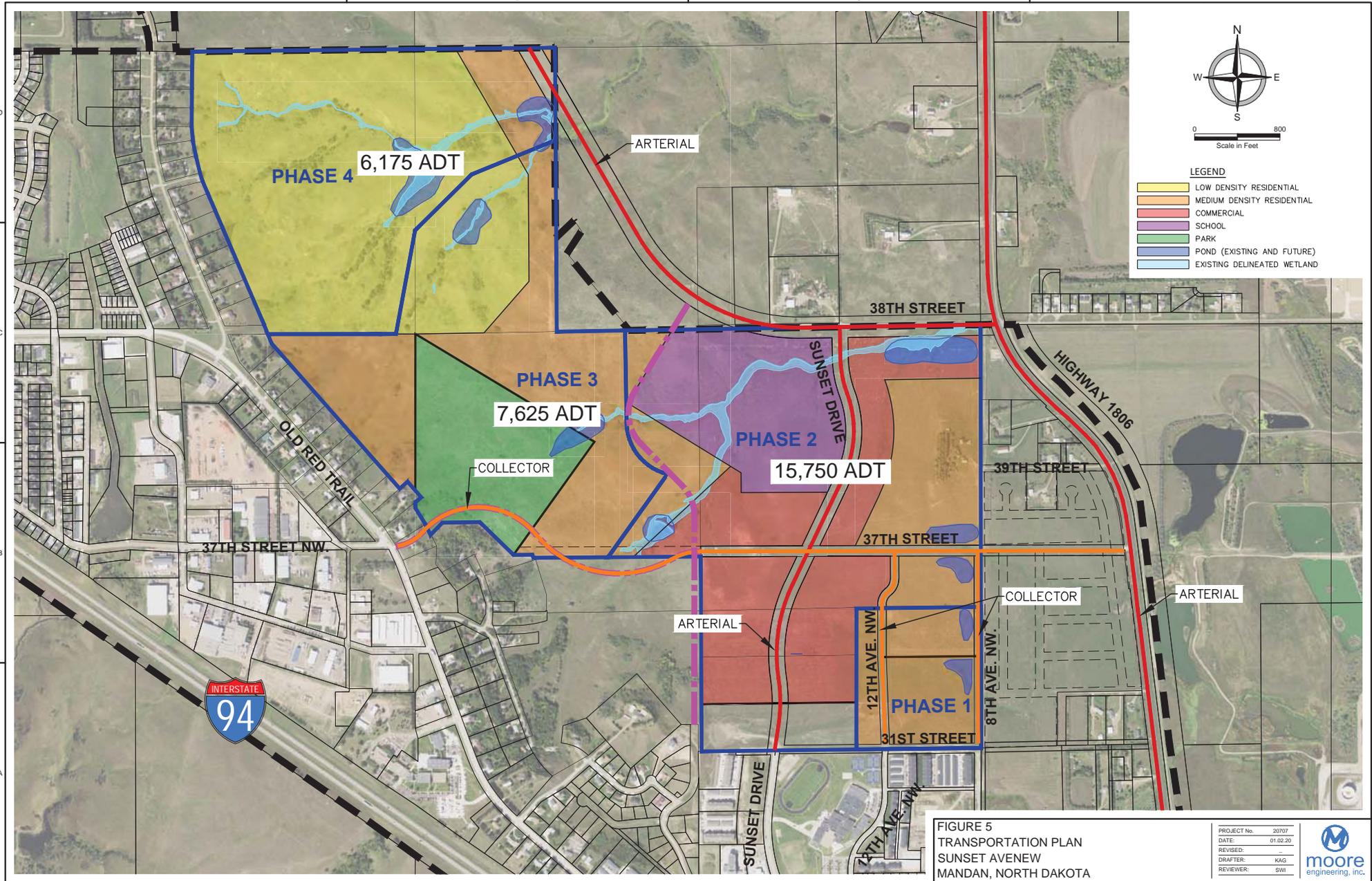
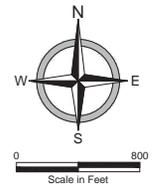
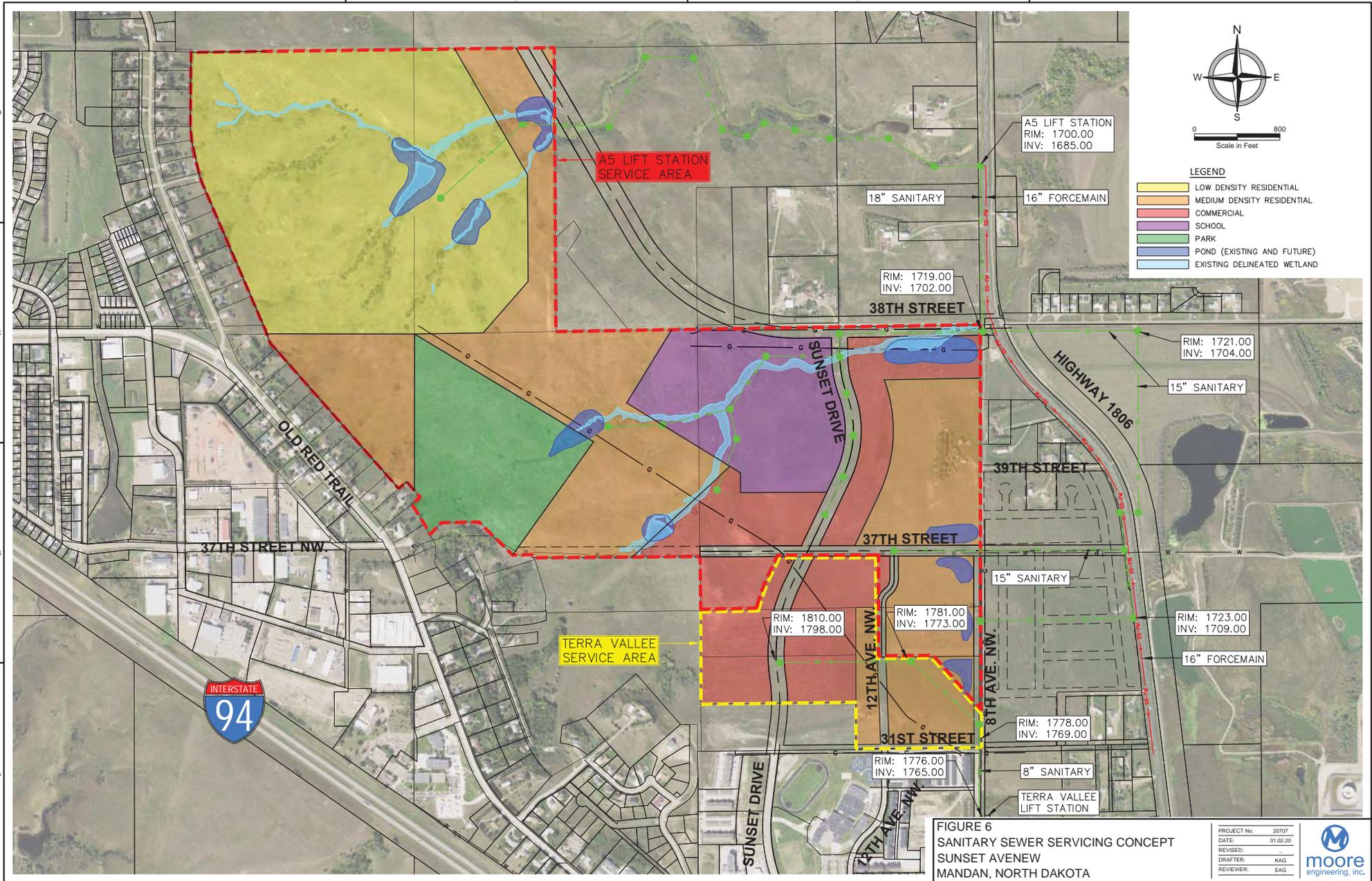


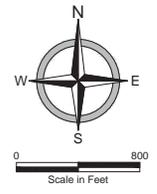
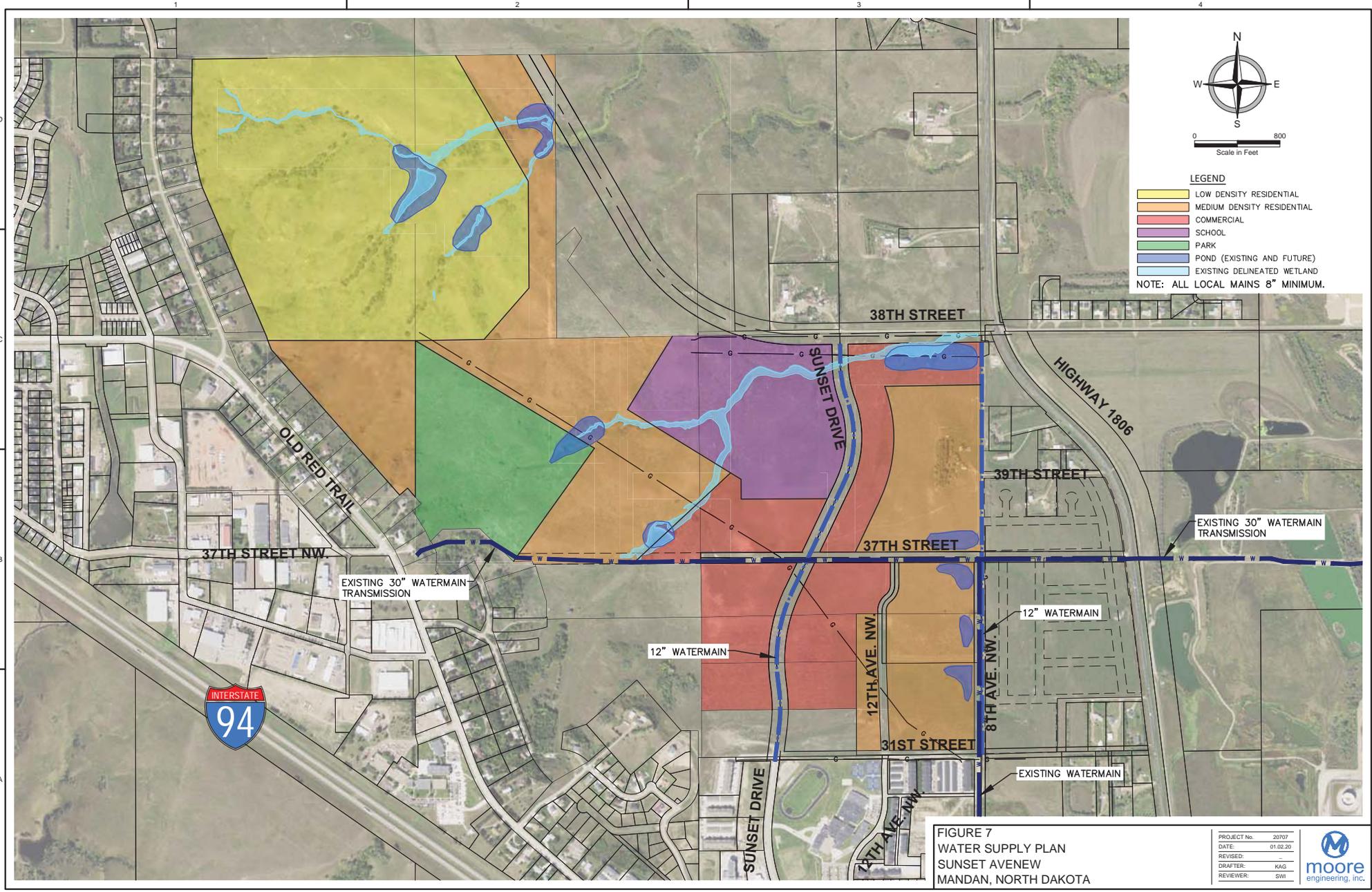
FIGURE 4
STORM WATER - WATERSHEDS AND PONDS
SUNSET AVENUE
MANDAN, NORTH DAKOTA

PROJECT No.	20707
DATE	01.02.20
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REVIEWER:	EAG









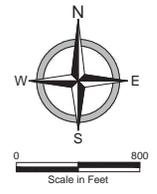
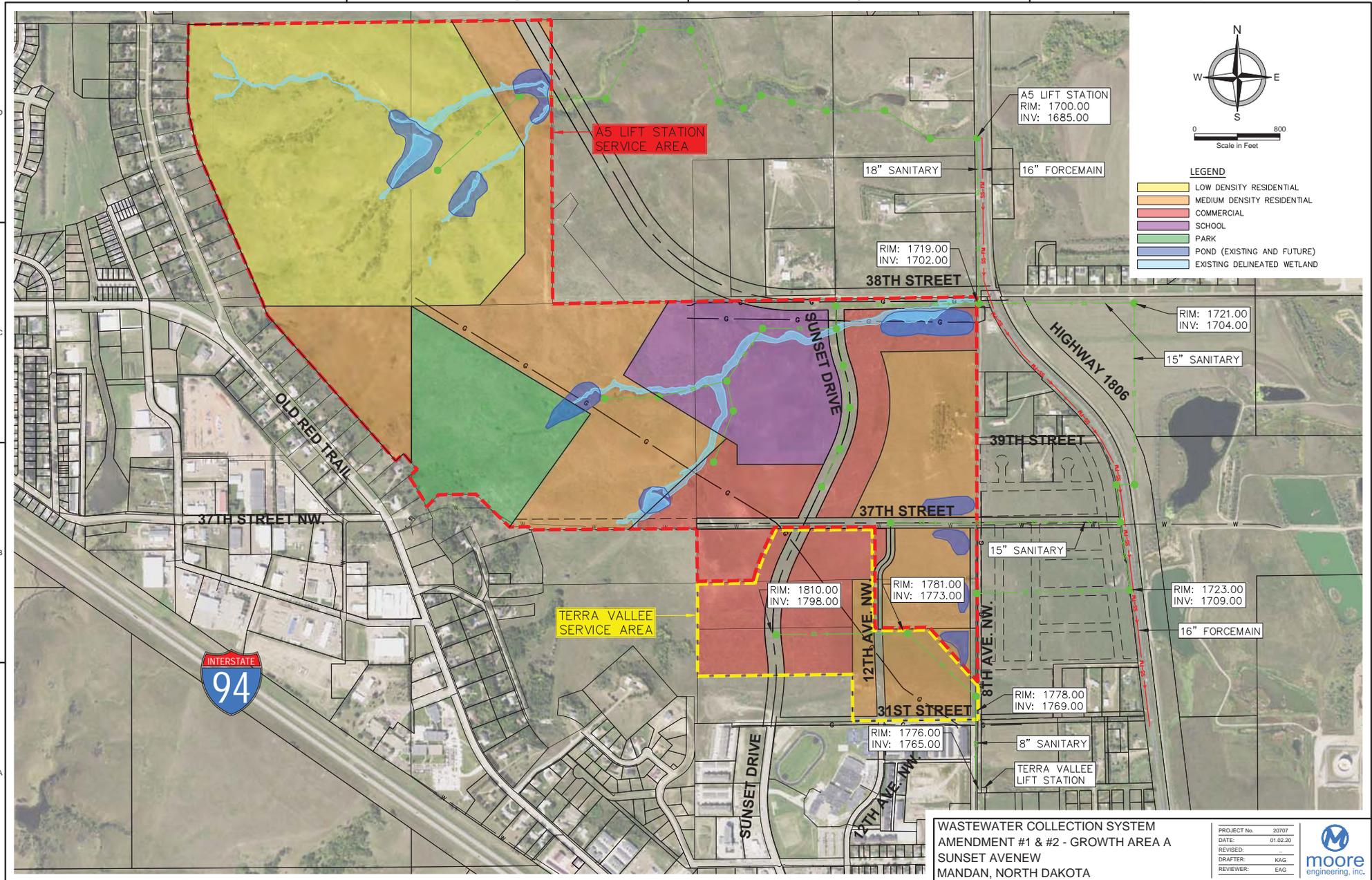
- LEGEND**
- LOW DENSITY RESIDENTIAL
 - MEDIUM DENSITY RESIDENTIAL
 - COMMERCIAL
 - SCHOOL
 - PARK
 - POND (EXISTING AND FUTURE)
 - EXISTING DELINEATED WETLAND
- NOTE: ALL LOCAL MAINS 8" MINIMUM.

FIGURE 7
WATER SUPPLY PLAN
SUNSET AVENUE
MANDAN, NORTH DAKOTA

PROJECT No.	20707
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REVIEWER:	SWI



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LEGEND

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- COMMERCIAL
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- POND (EXISTING AND FUTURE)
- EXISTING DELINEATED WETLAND

PROJECT No. 20707
DATE: 01.02.20
REVISED:
DRAFTER: KAG
REVIEWER: EAG



EXHIBIT 6

**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, The property owner, in consultation with Moore Engineering, Inc., have conducted an in-depth evaluation of the subject area named "Sunset AveNew", as included in Exhibit A; and

WHEREAS, The amendment is greatly informed by other plans, including the Mandan Land Use and Transportation Plan, Fringe Area Road Master Plan, I-94 Corridor Study, and Envision 2040; and

WHEREAS, The amended configuration of roads and land uses are found to be superior to those previously adopted; and

WHEREAS, City staff met with the applicant and their consultant numerous times to adjust the layout that would solicit staff recommendation of approval and align with the desires of the applicant; and

WHEREAS, Nothing in this amendment is a guarantee of City financial assistance or assurance of support of any development application that is deemed too premature in its timing.

**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. If any goal, objective, or policy of the originally adopted Comprehensive Plan shall be found to be in conflict with the amendment, the originally adopted Comprehensive Plan shall prevail; and
3. The Comprehensive Plan shall be presented to the City Commission for approval as required by North Dakota Century Code Section 40-48-11; and
4. Upon approval by the City Commission, staff is instructed to publish and distribute the plan; and

5. Staff in instructed to report back to the Planning and Zoning Commission at least annually regarding implementation of the plan.

Dated this 23rd day of March 2020

President, Planning and Zoning Commision

ATTEST:

Planning and Zoning Secretary

EXHIBIT 'A'
"SUNSET AVENUE"

All of the Northeast Quarter of Section 16, Township 139 North, Range 81 West of the Fifth Principal Meridian, Morton County, North Dakota.

AND

The north half of the Southeast Quarter of said Section 16, LESS the south one third of the west 1481.78 feet of the north half of the Southeast Quarter of said Section 16.

AND

All of Tract 16A in the Northwest Quarter of said Section 16, according to Document No. 437329 on file and of record in the office of the recorder, said Morton County.

AND

All of Tract 17A in the Northeast Quarter of Section 17, Township 139 North, Range 81 West of the Fifth Principal Meridian, Morton County, North Dakota, according to Document No. 437330 on file and of record in the office of said recorder.

AND

All of Tract 8A in the Southeast Quarter of Section 8, Township 139 North, Range 81 West of the Fifth Principal Meridian, Morton County, North Dakota, according to Document No. 437327 on file and of record in the office of said recorder.

AND

All of the Southwest Quarter of Section 9, Township 139 North, Range 81 West of the Fifth Principal Meridian, Morton County, North Dakota.

AND

The Northwest Quarter of the Southeast Quarter of Section 9, Township 139 North, Range 81 West of the Fifth Principal Meridian, Morton County, North Dakota.

EXHIBIT 7

John W. Van Dyke

From: Cole Higlin <CHiglin@mandanparks.com>
Sent: Thursday, January 09, 2020 2:31 PM
To: John W. Van Dyke
Subject: Sunset Master Plan- Dr. B

John-

The Mandan Park District has no issues with Dr. B proposal for as presented for medium density surrounding our 45.9 acres.

I do support a regional detention pond that we discussed with Steve Iverson and the park district is willing to discuss this matter further while developing a “developers agreement” detailing all parties responsibilities. I do not support having multiple storm water detention ponds throughout this area, unless we cannot agree on cost allocation vs benefits of adjacent property owners.

As far as the road going through park property, I support the new “S” curve route and I am curious how this will be handled. The Park District isn’t willing to give land/right of way for free to construct a road. We will need to discuss potential land swap or special assessment allocations to offset loss of land.

I would like to see a 10’ wide multi-purpose trail placed along the future 37th Street from Old Red Trail east and tie into Highway 1806. In addition a 10’ multi-purpose trail from Hwy 1806 along 38th Street running west connecting to Highland Road.

As part of the road project, the park district would be willing to be special assessed for a small parking area for citizens to access our park along 37th street.

If you have any questions or need some clarifications, give me a call. Cole

COLE HIGLIN

Mandan Park District | Director

Office 701-751-6161 Direct 701-751-6163 Cell 701-220-1494

www.mandanparks.com | 2600 46th Ave, SE, Mandan, ND 58554



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 7, 2020
PREPARATION DATE: March 31, 2020
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: First Consideration of Ordinance 1337 related to Multi-use shops

STATEMENT/PURPOSE: Consider approval of the first consideration of Ordinance 1337 related to multi-use shops.

BACKGROUND/ALTERNATIVES:

Exhibit 1 contains a DRAFT Ordinance 1337 related to multi-use shops, commonly referred to as shop condos. The structures have become a popular type of construction. Since they have become more popular several issues have arisen.

The ordinance seeks to address these deficiencies moving forward for all NEW multi-use shop construction. Existing shops could voluntarily apply if the owners collectively decided to apply.

The purpose surrounding the proposed ordinance is as follows:

- Multiple complaints have been received from occupants of multi-use shops regarding commercial rates being charged for utilities and insurance when the occupant is utilizing their respective unit for residential storage purposes, requesting the City provide a solution to this issue; and
- Multi-use shops are being divided and used for purposes that they were not constructed to accommodate, creating health and safety hazards for all occupants within the structure.
- When the number of units and corresponding square footage of each unit is amended the administration of special assessments for each resulting unit is unnecessarily burdensome; and

- Public Works Department has indicated multiple times that shut-offs for individual units are inaccessible, leading the City to continue providing services without receiving payment for such services.

Planning and Zoning Commission recommended unanimous approval of the DRAFT ordinance for multi-use shops. No public testimony on the matter was provided at the meeting and no comments have subsequently been received by staff.

ATTACHMENTS:

Exhibit 1 – DRAFT Ordinance 1337 related to multi-use shops

FISCAL IMPACT: N/a

STAFF IMPACT: N/a

LEGAL REVIEW: City Attorney Brown has reviewed the DRAFT ordinance.

RECOMMENDATION: Planning and Zoning Commission recommended unanimous approval of the DRAFT ordinance for multi-use shops at their March 23 public hearing.

SUGGESTED MOTION: I move to approve the first consideration of Ordinance 1337 related to multi-use shops.

EXHIBIT 1

ORDINANCE NO. 1337

An Ordinance to Amend and Re-enact Section 101-1-3 and Add Section 105-1-5 (k) of the Mandan Municipal Code related to multi-use shops.

WHEREAS, Multiple complaints have been received from occupants of multi-use shops regarding commercial rates being charged for utilities and insurance when the occupant is utilizing their respective unit for residential storage purposes, requesting the City provide a solution to this issue; and

WHEREAS, Multi-use shops are being divided and used for purposes that they were not constructed to accommodate, creating health and safety hazards for all occupants within the structure.

WHEREAS, When the number of units and corresponding square footage of each unit is amended the administration of special assessments for each resulting unit is unnecessarily burdensome; and

WHEREAS, Public Works Department has indicated multiple times that shut-offs for individual units are inaccessible, leading the City to continue providing services without receiving payment for such services.

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

Section 1. Amended. Section 101-1-3 is hereby amended, adding a definition for multi-use shop immediately after the definition for Mortuary as follows:

Multi-use shop means two or more attached units that are designed and constructed as a single structurally dependent building or designed and constructed to allow individual units to be structurally independent from each other sharing a common wall on one or more sides. These are sometimes referred to as "shop-condos". These structures are unique from a twin/row home in that the residential use is accessory in nature. They are unique from a commercial strip mall in that they often include a large garage or RV bay and rarely include the retail of products and visitation by the general public.

Section 2. Added. Section 105-1-5 (k) related to multi-use shops requiring a special use permit and outlining minimum standards:

Multi-use shops. Each multi-use shop development may be permitted as a special use subject to the following minimum standards:

- (1) Each individual unit within the structure shall have an open space/yard or public way on no more than three sides.
- (2) Each individual unit within the structure shall have its own separate means of egress.
- (3) Such units shall only contain group Business, Factory, Mercantile, or Storage occupancy classifications as set for by Section 3 of the North Dakota State Building Code.
- (4) Uses, whether commercial or accessory to residential, shall be declared at the time of the conditional use permit issuance. No change in use may be conducted unless reevaluated through the special use permitting process and the structure meets all building code requirements for the desired change of use.
- (5) Traditional mixed-use (residential and commercial combined) multi-use shops shall not be permitted. The declaration of either commercial or accessory to residential shall apply to all units within the structure and the structure will be constructed according to the minimum standards of the building code for the declared use.
- (6) Minimum off-street parking requirements shall be planned and provided for based on the declared uses. Any inadequate provision of parking within the development for a combination of uses may result in the revocation of the special use permit.
- (7) Each structure shall be limited to one (1) curb stop accessible by City staff.
- (8) The declaration of commercial or accessory to residential shall in no way affect the way valuation, special assessments, utility rates, and other city fees are determined. These shall remain determined by separate city policy.
- (9) Covenants, Conditions, and Restrictions (CC&Rs) or another form of recorded agreement approved by the City attorney shall set out, at a minimum, provisions for access and responsibility for costs of inspections related to the fire suppression system, if any.

Section 3. Sec 101-1-3 is amended and re-enacted.

Section 4. Sec. 105-1-5 (k) is enacted.

Timothy A. Helbling, President
Board of City Commissioners

Attest:

James Neubauer,
City Administrator

First Consideration:
Second Consideration and Final Passage:

TBD
TBD



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 7, 2020
PREPARATION DATE: April 1, 2020
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: Preliminary and Final Plat for Replat of Lots 1 & 2, Block 1, Mandan Industrial Park and Variances for a Setback to I-94 Corridor and Number of Approaches

STATEMENT/PURPOSE: Consider approval of the preliminary and final plat for Replat of Lots 1 & 2, Block 1, Mandan Industrial Park and variances for a setback to I-94 corridor and number of approaches.

BACKGROUND/ALTERNATIVES:

Preliminary/Final Plat

The applicant is seeking to combine two industrial lots into one for the purposes of building expansion (See Exhibit 1). Generally, we require a subdivision grading/storm water plan to be submitted in tandem prior to the final plat approval. However, these plans will be required for any commercial/industrial building permits and therefore will be addressed at the building permit phase of the applicant's development. In addition, this plat is more simple than others, as it seeks to dissolve the property line that exists between the two lots to create one, large industrial lot.

Staff is recommending approval of the preliminary and final plats as presented in Exhibits 2 and 3.

I-94 Setback Variance

The applicant is also seeking a variance to the Gateway Overlay District setback to I-94 from forty-five (45) feet to twenty (20) feet for the existing structure and from forty-five (45) feet to forty (40) feet for the building expansion.

Below are the requirements under the Mandan Code of Ordinances in granting a variance.

Variance may be granted under the following circumstances (See Sec. 105-1-12):

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;

The existing building was constructed long before the establishment of the 45' Gateway Overlay setback requirement. The building currently encroaches 25' into the setback (See Exhibit X). The proposed addition is seeking to encroach 5' into this setback. Building expansion options are limited due to the existing building's placement and functionality. Adding square footage to another portion of the building would provide the space but not where the space is needed to work with the layout of the existing facility.

If this was an entirely new building then it would be easier to design and construct without encroachment into the setback.

The existing building creates circumstances that are peculiar to any building addition.

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;

The findings for granting a variance are as follows:

- The existing building was constructed prior to the establishment of the forty-five (45) foot Gateway Overlay District setback requirements.
- The existing structure already encroaches into the setback by twenty-five (25) feet.
- The proposed addition would encroach into the setback by five (5) feet.
- Applying the strict application of the setback requirements would deprive the applicant of the ability to expand the structure as needed to function seamlessly with the existing structure.
- The applicant has designed the facility expansion so as to minimize encroachment into the setback.

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.

The granting 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.

Limit to Number of Approaches Variance

Cloverdale Foods would like relief from the limit of two approaches. Six approaches currently exist along 840 feet of street frontage as seen in Exhibit 6. Cloverdale is seeking to obtain one additional approach to serve their expansion. In the process, they will relocate one approach and install greenspace along the corridor to allow for storage of snow. Parking currently exists in some locations within the right-of-way and through this redevelopment project these areas will be converted to a landscaped boulevard.

This request is similar to that of Malloy Electric for which a variance was granted where the inability to adhere to the requirement is partially due to the lot consolidation as part of their project. As noted earlier, Cloverdale has 840 linear feet of street frontage and limiting approaches to two would be unnecessarily cumbersome.

Staff is recommending approval for relief from the maximum number of approaches requirement for the reasons specified in Exhibit 7. If approved, staff also recommends that the grass be established prior to the installation of the new driveways. This requirement is also included in Exhibit 7.

ATTACHMENTS:

Exhibit 1 – Application

Exhibit 2 – Preliminary Plat

Exhibit 3 – Final Plat

Exhibit 4 – Setback Variance Request

Exhibit 5 – Findings in Support of Setback Variance Request

Exhibit 6 – Approach Variance Request

Exhibit 7 – Findings in Support of Approach Variance Request

FISCAL IMPACT: N/a

STAFF IMPACT: N/a

LEGAL REVIEW: City Attorney Brown has reviewed the plat documents and variance requests.

Board of City Commissioners

Agenda Documentation

Meeting Date: April 7, 2020

Subject: Preliminary and Final Plat for Replat of Lots 1 & 2, Block 1, Mandan Industrial Park and Variances for a Setback to I-94 Corridor and Number of Approaches

Page 4 of 4

RECOMMENDATION: Planning and Zoning Commission recommended unanimous approval of the preliminary and final plat, as well as the variance to the setback requirement. The approach setback variance is solely at the discretion of City Commission and staff recommends approval of the request.

SUGGESTED MOTION: I move to approve the preliminary plat as presented in Exhibit 2, recommend approval of the final plat as presented in Exhibit 3, and recommend approval of the variance to the Gateway Overlay District I-94 Setback as presented in Exhibit 4 based on the findings in Exhibit 5. Additionally, I recommend approval of the variance to the number of approaches as outlined in Exhibit 6 for the findings and requirements outlined in Exhibit 7.

EXHIBIT 1

CITY OF MANDAN			
Development Review Application			
<input type="checkbox"/>	Minor Plat (\$300)	<input 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 type="checkbox"/>	Land Use and Transportation Plan Amendment (\$1,000)
<input checked="" 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 checked="" 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 checked="" 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)			
Cloverdale foods would like to combine Lot 1 & 2 Block 1 Mandan Industrial Park into one lot.			

Engineer/Surveyor			Property Owner or Applicant		
Name Abe Ulmer/Toman Engineering Co			Name Cloverdale Foods Co.		
Address 501 1st St NW			Address PO Box 667		
City	State	Zip	City	State	Zip
Mandan	ND	58554	Mandan	ND	58554
email			email		
abeu@tomanengineering.com			scottr@cloverdalefoods.com		
Phone	Fax	Phone	Fax		
701-663-6483	701-663-0923	701-663-9511	701-663-0690		
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 checked="" type="checkbox"/>	Addition
				MA	No Change		
Property Address				Legal Description			
3015 & 3017 34th St NW				Lots 1 & 2, Block 1 Mandan Industrial Park			
Current Use							
Industrial/Commercial							
Proposed Use							
No Change				Section 17	Township 139	Range 81	
Parcel Size	Building Footprint	Stories	Building SF	Required Parking		Provided Parking	
9.22 AC±							

<i>Scott Russell</i> Print Name	Signature	1-23-20 Date
---------------------------------	-----------	--------------

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

City of Mandan

Applicant:

Development Review Application Cont.

Cloverdale Foods Company

Summary of Request:

Preliminary Plat & Final Plat:

Cloverdale Foods would like to combine Lot 1 & 2, Block 1 of Mandan Industrial Park into one lot.

Cloverdale Foods is currently in the planning stages for a building addition to the west side of the existing main building and will cross the existing property line between the two lots owned by Cloverdale Foods. Due to this Cloverdale Foods is requesting to combine the 2 lots into one lot to eliminate the conflicting property line.

We understand due to the property being over 4 acres, this take a major plat process to include a Preliminary Plat and Final Plat. Both will be submitted at the same time.

Request for Setback Variance:

Cloverdale Foods is requesting a setback variance.

The current setback for MA zoning is 0' for front, side, and rear yard.

However, this property falls within the Gateway Overlay District along the I-94 corridor.

The Gateway overlay district requires a 45' setback from the corridor property line.

A corner of the existing building is within 20' of the corridor property line.

Cloverdale foods is currently in the planning stages for a building addition to the west side of the existing building. With limited space due to the setback and existing storm sewer easement, Cloverdale is finding it hard to plan their necessary building. The new building addition will encroach into the 45' setback a distance between 5' to 15' (proposed building addition is not finalized at this time).

Cloverdale Foods is requesting the 45' setback be reduced to 20'. This would allow ample space for their building expansion, and have the current building within compliance.

Request for Variance to Non-zoning/Non-subdivision regulations:

Cloverdale Foods is requesting an approach variance.

Currently this property has 6 existing approaches along 34th Street NW. Cloverdale Foods is asking to have 7 total approaches. The current property has a total street frontage of 840' along 34th street NW.

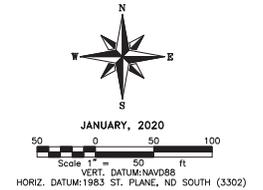
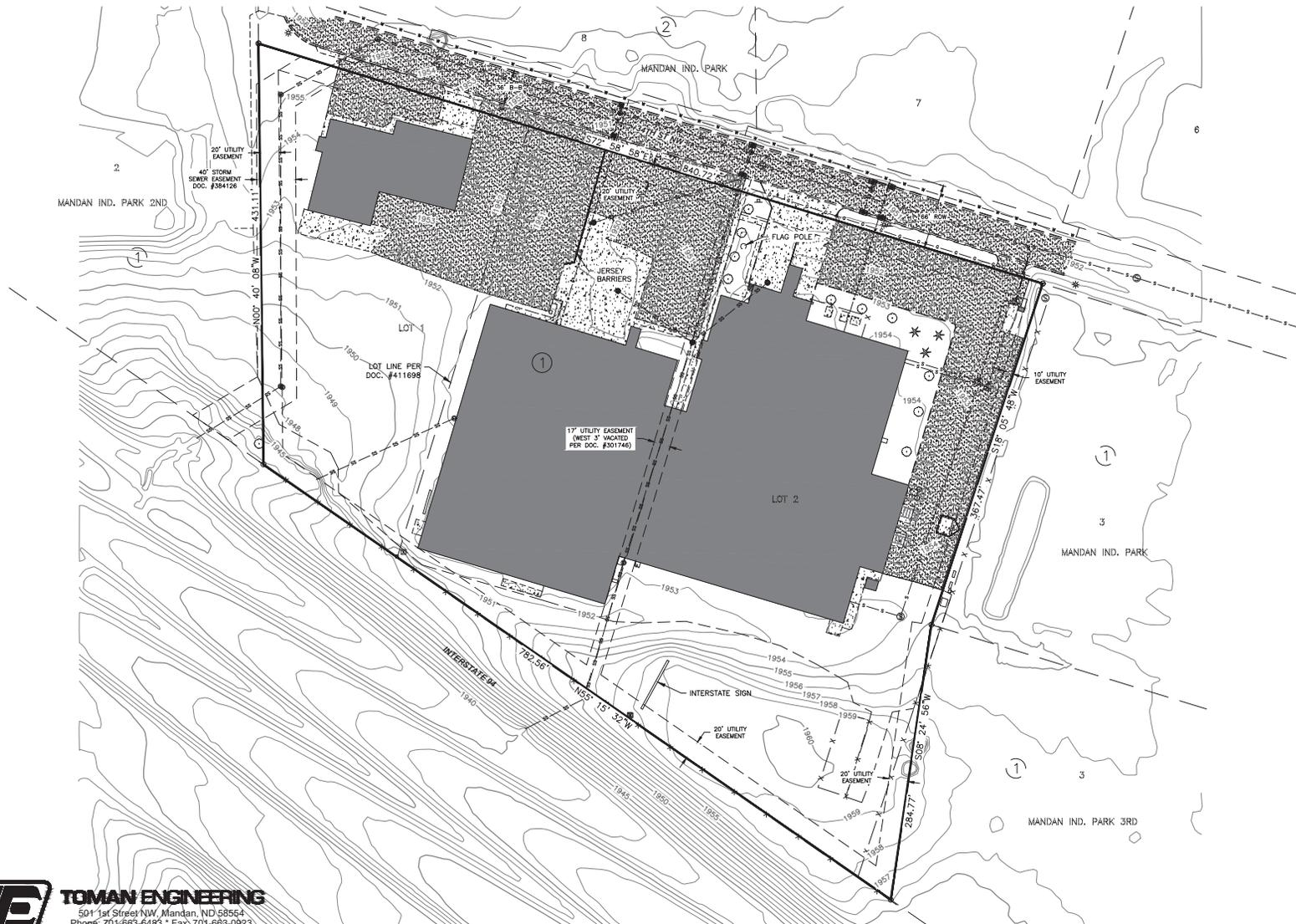
Cloverdale Foods is working to find the best lot configuration for their needs, and is willing to work with the City of Mandan to come up with a solution. Cloverdale is willing to remove one existing approach, and provide more boulevard green space along 34th Street NW to help facilitate the City's requirements.

Cloverdale foods is currently in the planning stages for two building additions, one on the west side of the current building and one on the east side of the current building. Both additions are planning on additional loading docks. These loading docks would be best served with an approach in front of the proposed docks. With limited space due to the existing loading docks and parking lot configuration, Cloverdale is finding it hard to plan their necessary building expansions.

EXHIBIT 2

PRELIMINARY PLAT REPLAT OF LOTS 1 & 2, BLOCK 1, MANDAN INDUSTRIAL PARK

TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA
ALL OF LOTS 1 & 2, BLOCK 1, MANDAN INDUSTRIAL PARK OF THE SE1/4 OF SECTION 17,
T139N-R81W OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA



- LEGEND**
- FOUND PROPERTY CORNER
 - ⊙ EXISTING SANITARY MANHOLE
 - ⊠ EXISTING TELEPHONE PEDESTAL
 - * EXISTING STREET LIGHT
 - EXISTING ELECTRICAL BOX
 - ⊙ * EXISTING TREE
 - ⊙ EXISTING FIRE HYDRANT
 - ⊙ EXISTING GATE VALVE
 - ⊠ EXISTING SIGN
 - s-s- EXISTING SANITARY SEWERMAIN
 - w-w- EXISTING WATERMAIN
 - ≡≡≡ EXISTING CURB & GUTTER
 - ss-ss- EXISTING STORM SEWER
 - t-t- EXISTING TELEPHONE CABLE
 - cv-cv- EXISTING CABLE TV
 - e-e- EXISTING UNDERGROUND ELECTRIC
 - x EXISTING FENCE
 - █ EXISTING BUILDING
 - ▨ EXISTING ASPHALT
 - ▩ EXISTING CONCRETE

OWNERS:
LOTS 1 & 2 LESS PART OF LOT 1:
 CLOVERDALE TRANSPORTATION & CITY OF
 MANDAN-MIDA BONDS
 PO BOX 667
 MANDAN, ND 58554
REMAINDER OF LOT 1:
 CLOVERDALE FOODS CO
 PO BOX 667
 MANDAN, ND 58554

BASIS OF BEARING:
 NORTH BOUNDARY LINE
 SOUTH 72° 58' 58" EAST.

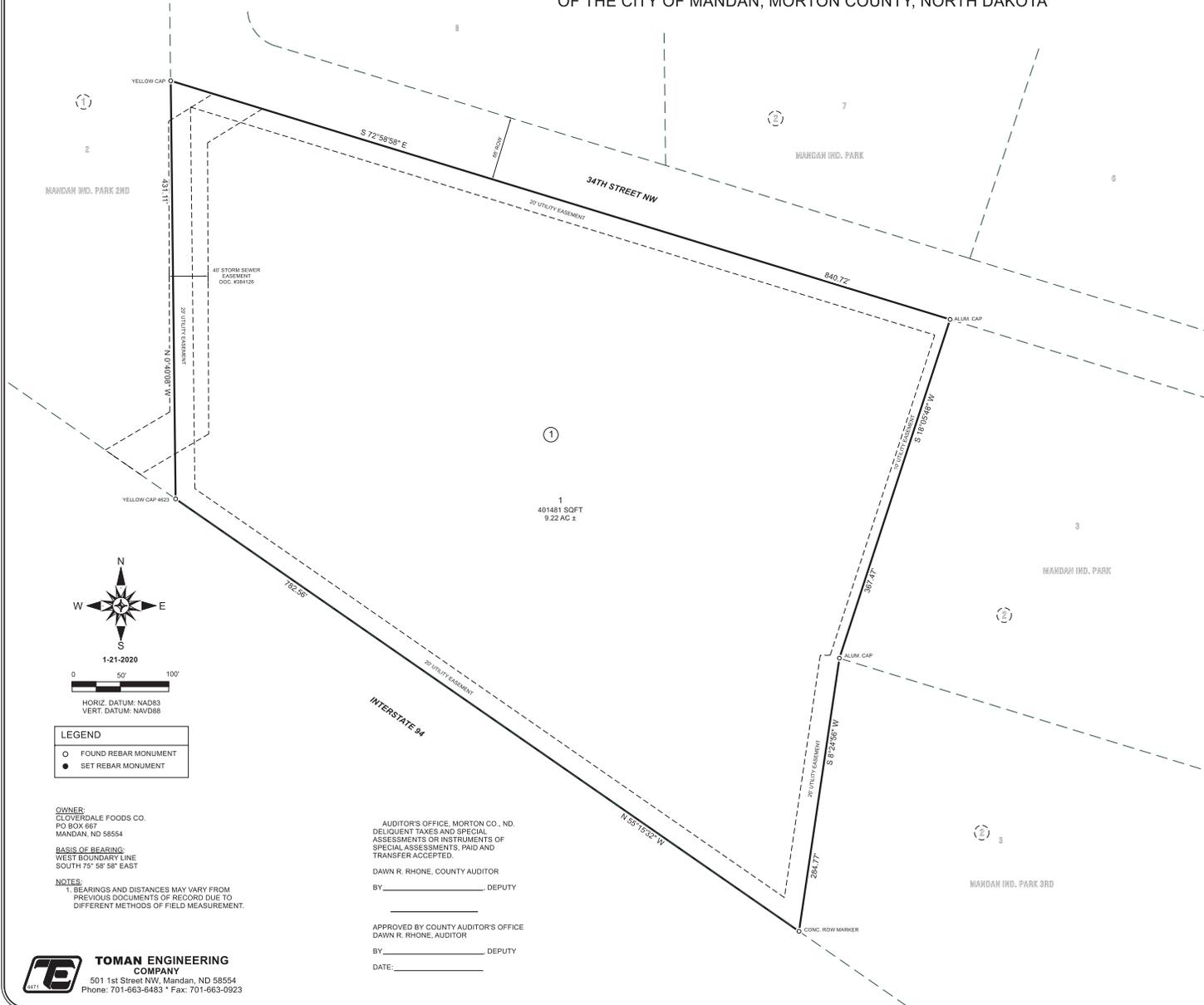
- NOTES:**
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
 2. TOTAL ACREAGE: 9.22

TOMAN ENGINEERING
 501 1st Street NW, Mandan, ND 58564
 Phone: 701-663-6483 * Fax: 701-663-0923

EXHIBIT 3

REPLAT OF LOTS 1 & 2, BLOCK 1, MANDAN INDUSTRIAL PARK

TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA
 ALL OF LOTS 1 & 2, BLOCK 1, MANDAN INDUSTRIAL PARK OF THE SE 1/4 OF SECTION 17, T139N-R81W
 OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA



DESCRIPTION OF PROPERTY

ALL OF LOTS 1 AND 2, BLOCK 1, MANDAN INDUSTRIAL PARK OF THE SE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, SAID TRACT OF LAND CONTAINING 9.22 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, ANDRA L. MARQUARDT, NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 4623, HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT, FURTHER, THAT DISTANCES INDICATED HEREON ARE IN FEET AND HUNDREDS THEREOF, AND BEARINGS ARE INDICATED IN QUADRANTS AND DEGREES, MINUTES, AND SECONDS THEREOF, FURTHER, THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ANDRA L. MARQUARDT, RLS 4623

STATE OF NORTH DAKOTA)
) SS
 COUNTY OF MORTON)

ON THIS ____ DAY OF _____, 2020, THERE APPEARED BEFORE ME ANDRA L. MARQUARDT, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE ABOVE CERTIFICATE AND DID ACKNOWLEDGE TO ME THAT HE EXECUTED THE SAME AS HIS OWN FREE ACT AND DEED.

HARVEY SCHNEIDER
 NOTARY PUBLIC, NORTH DAKOTA

OWNER'S CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED, BEING THE SOLE OWNERS OF THE LAND PLATTED HEREON, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT, AND DO DEDICATE ALL THE STREETS, ALLEYS, PARKS, AND PUBLIC GROUNDS AS SHOWN HEREON, INCLUDING ALL SEWERS, CULVERTS, BRIDGES, WATERLINES, 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. WE 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 DESIGNATED AS "UTILITY EASEMENTS".

CLOVERDALE FOODS CO.

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ____ DAY OF _____, 2020.

 NOTARY PUBLIC
 COUNTY _____
 MY COMMISSION EXPIRES: _____

PLANNING COMMISSION APPROVAL

THE SUBDIVISION SHOWN HEREON HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MANDAN ON THIS ____ DAY OF _____, 2020, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF SAID CITY OF MANDAN, AND REGULATIONS ADOPTED BY THE PLANNING COMMISSION OF SAID CITY, IN WITNESS WHEREOF ARE SET THE HANDS OF THE CHAIRMAN AND THE SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF MANDAN, NORTH DAKOTA.

BILL ROBINSON - CHAIRMAN NANCY MOSER - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

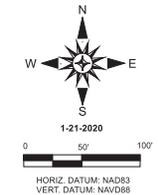
THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND SHOWN HEREON, HAS ACCEPTED THE DEDICATION OF ALL STREETS, ALLEYS, AND PUBLIC WAYS SHOWN HEREON LYING WITHIN THE CORPORATE LIMITS OF THE CITY OF MANDAN, HAS ACCEPTED THE DEDICATION OF ALL PARKS AND PUBLIC GROUNDS SHOWN HEREON, FURTHERMORE, SAID BOARD OF CITY COMMISSIONERS HAS APPROVED THE STREETS, ALLEYS, AND OTHER PUBLIC WAYS AND GROUNDS SHOWN HEREON AS AN AMENDMENT TO THE MASTER STREET PLAN OF THE CITY OF MANDAN, THE FOREGOING ACTION BY THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, HAS TAKEN BY RESOLUTION THIS ____ DAY OF _____, 2020.

JIM NEUBAUER
 CITY ADMINISTRATOR

THI HELBLING - PRESIDENT OF
 THE BOARD OF CITY COMMISSIONERS

I, JUSTIN FROSETH, CITY ENGINEER FOR THE CITY OF MANDAN, NORTH DAKOTA HEREBY APPROVES "REPLAT OF LOTS 1 & 2, BLOCK 1, MANDAN INDUSTRIAL PARK" OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JUSTIN FROSETH, PE



- LEGEND**
- FOUND REBAR MONUMENT
 - SET REBAR MONUMENT

OWNER:
 CLOVERDALE FOODS CO.
 PO BOX 667
 MANDAN, ND 58554

BASIS OF BEARING:
 WEST BOUNDARY LINE
 SOUTH 75° 58' 58" EAST

NOTES:
 1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.

AUDITOR'S OFFICE, MORTON CO., ND.
 DELINQUENT TAXES AND SPECIAL ASSESSMENTS OR INSTRUMENTS OF SPECIAL ASSESSMENTS, PAID AND TRANSFER ACCEPTED.

DAWN R. RHONE, COUNTY AUDITOR
 BY _____ DEPUTY

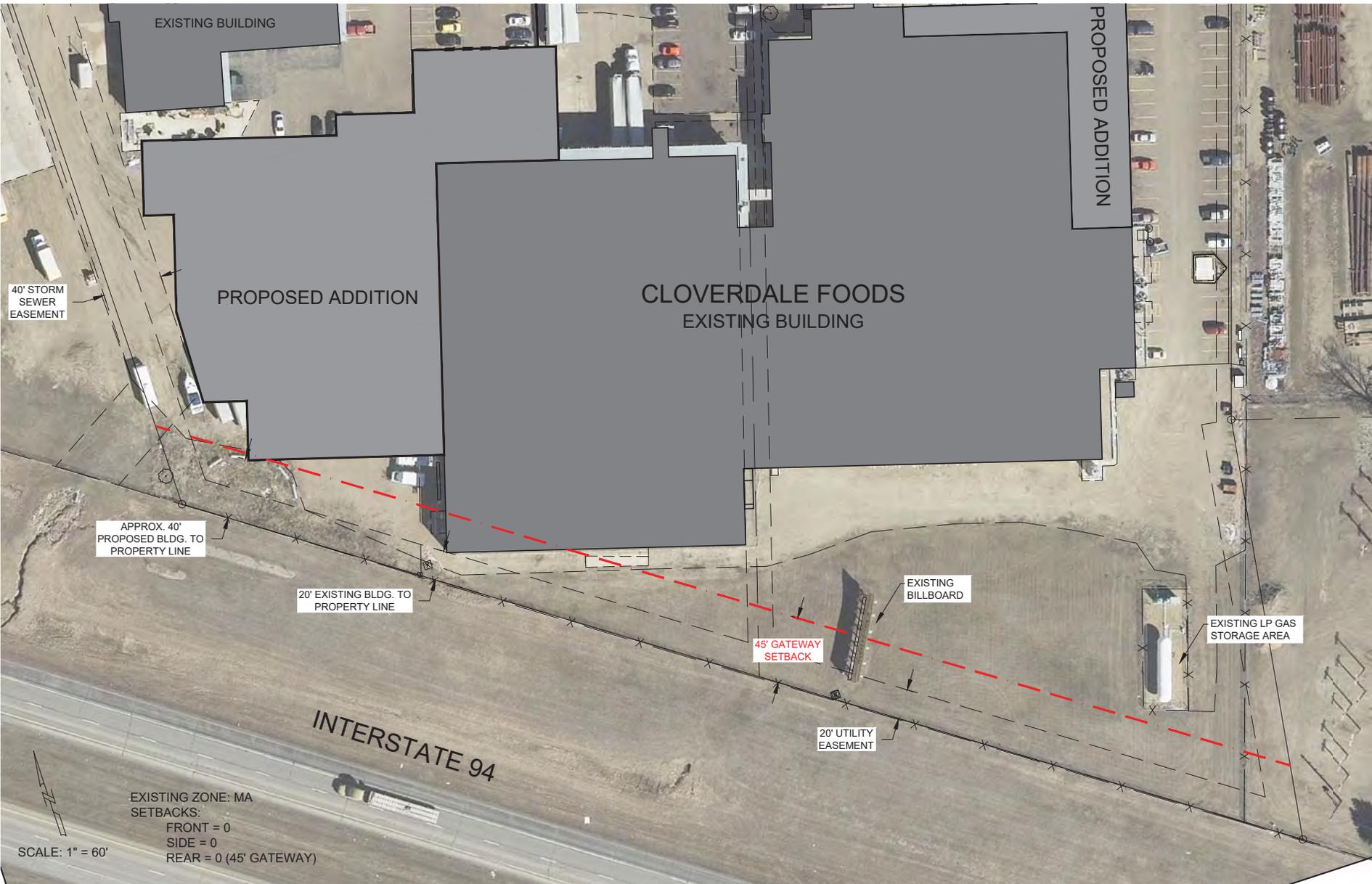
APPROVED BY COUNTY AUDITOR'S OFFICE
 DAWN R. RHONE, AUDITOR

BY _____ DEPUTY
 DATE: _____

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

REPLAT OF LOTS 1 & 2, BLOCK 1, MANDAN INDUSTRIAL PARK

EXHIBIT 4



EXISTING ZONE: MA
 SETBACKS:
 FRONT = 0
 SIDE = 0
 REAR = 0 (45' GATEWAY)

SCALE: 1" = 60'

TOMAN ENGINEERING
 500 S. State St., Muncie, IN 47302
 Phone: 701-583-8443 | Fax: 701-583-0923
THIS DOCUMENT MAY NOT BE USED OR REPRODUCED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF TOMAN ENGINEERING, INC.



PROJECT:
 CLOVERDALE PROPOSED EXPANSION
 LOTS 1 & 2, BLOCK 1, MANDAN IND. PARK
 SETBACK VARIANCE

NO.	DESCRIPTION	REVISIONS	BY	DATE

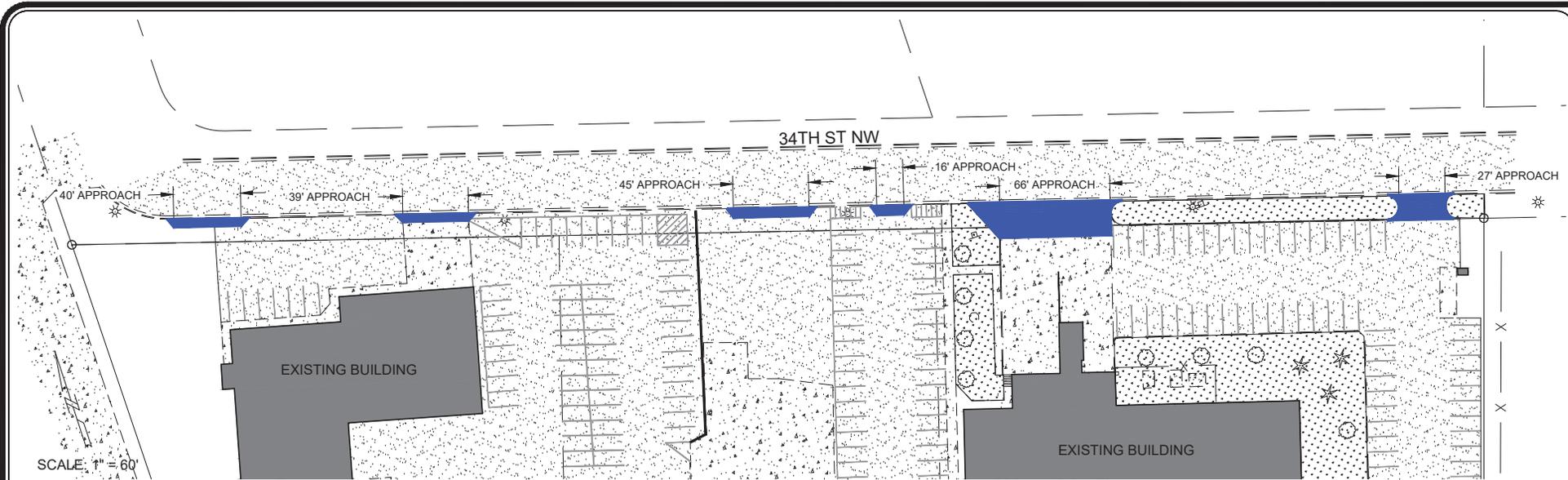
SHEET NUMBER
1
 OF 1 SHEETS

EXHIBIT 5

FINDINGS

- The existing building was constructed prior to the establishment of the forty-five (45) foot Gateway Overlay District setback requirements.
- The existing structure already encroaches into the setback by twenty-five (25) feet.
- The proposed addition would encroach into the setback by five (5) feet.
- Applying the strict application of the setback requirements would deprive the applicant of the ability to expand the structure as needed to function seamlessly with the existing structure.
- The applicant has designed the facility expansion so as to minimize encroachment into the setback.
- The granting 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.

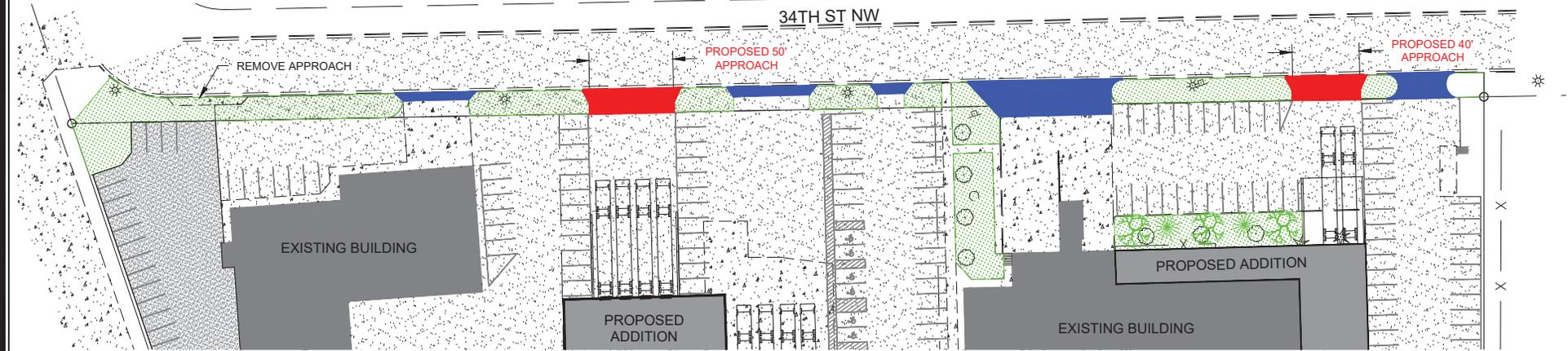
EXHIBIT 6



EXISTING CONDITIONS

TOTAL LENGTH OF STREET FRONTAGE = 840 LF
 TOTAL LENGTH OF EXISTING APPROACHES = 233 LF
 TOTAL LENGTH OF EXISTING GREEN SPACE = 223 LF

- PROPOSED GREEN SPACE (GRASS)
- EXISTING APPROACH
- PROPOSED APPROACH



PROPOSED CONDITIONS

TOTAL LENGTH OF STREET FRONTAGE = 840 LF
 TOTAL LENGTH OF PROPOSED APPROACHES = 283 LF
 TOTAL LENGTH OF PROPOSED GREEN SPACE = 557 LF

TOMAN ENGINEERING
 5000 17th Ave NW, Edgemoor, MN 55424
 PHONE: 763-863-8483 | FAX: 763-863-0923
THIS DOCUMENT MAY NOT BE USED OR REPRODUCED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF TOMAN ENGINEERING



PROJECT: CLOVERDALE PROPOSED EXPANSION
 LOTS 1 & 2, BLOCK 1, MANDAN IND. PARK
 APPROACH VARIANCE

NO.	DESCRIPTION	REVISIONS	BY	DATE

SHEET NUMBER
1
 OF 1 SHEETS

EXHIBIT 7

FINDINGS

- Cloverdale maintains 840 linear feet along the two properties, which is much more than most commercial and industrial lots.
- The nature of the request surrounds a building expansion and makes adhering to the requirements more cumbersome than if it were new construction that could be designed around two approaches.
- The additional greenspace will provide more space for snow removal than exists today and addresses one reason for the two-approach limit.
- The granting of the variance will be in harmony with the general purposes and intent of the Mandan Code of Ordinances and not be injurious to the neighborhood or otherwise detrimental to the public welfare.

REQUIREMENTS

- The grass seeding within the boulevard must be established before the execution of the new driveways.

8. Name of Individual who is to be in Charge of the Day-to-Day Operations and management of the licensed premises: and will be responsible for complying with the municipal ordinances and state laws covering the operation of the premises:

Name: Brad Hellman Address: 1306 West Main Street

City: Mandan State: ND Age: _____ DOB: _____ Citizenship: US

If naturalized, give date and Place of Naturalization: _____

List all Other Places of Residence within last 5 Years:

9. List the occupations and employers of each of the individuals listed in answer to questions 6, 7 and 8 during the last 5 years. (Use a separate page to answer this question).

10. Ownership/Lease: If licensed premises is owned by Applicant, provide date of purchase. (If licensed premises is leased, attach copy of executed and dated Lease.)

11. Does Applicant certify that all property taxes have been paid to date on the licenses premises?

Yes No

12. Have any of the individuals identified in answer to Questions 6, 7, and 8 ever engaged in the sale or distribution of alcoholic beverages (as an owner, manager, or employee) at a location other than in the City of Mandan at any time prior to this application. Yes: No: (If yes, explain in detail on a separate page location, type of business and dates of license or employment).

13. Have any of the individuals identified in answer to Questions 6, 7 and 8 ever had a license of any kind (including alcoholic beverage license, other business licenses or motor vehicle license) suspended, revoked or non-renewed by any political subdivision, state or federal agency. Yes: No: (If yes, explain in detail on a separate page)

14. Have any of the individuals identified in answer to Questions 6, 7 and 8 ever been convicted of a violation of any law of the United States, or of any state or political subdivision, other than minor traffic violations, (but including reckless driving or driving under the influence). Yes No (If yes, explain the violation in detail on a separate page.)

15. Do any of the individuals named in answer to questions 5, 6 or 7 have any interest whatsoever in any other liquor establishment, either at wholesale or retail, within or without the state of North Dakota. (The interest which must disclose also includes a right of inheritance by law or by will). Yes No If, yes please explain in detail on a separate page.

16. Does anyone other than the Corporation applying for this alcoholic beverage license or the business owing the premises have any right, estate, or interest in the lease hold, building, or furniture, fixtures or equipment, in the premises for which the license is requested. Yes No (If yes, explain in detail on a separate page).

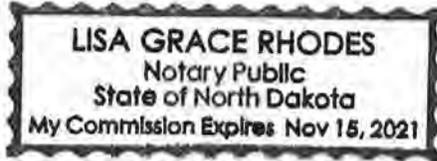
17. Does the Corporation applying for this alcoholic beverage license have any agreement, contract, understanding or intention to have any agreement, contract or understanding, with any person,

sworn statement of licensure conditions and agreement of right to entry by city personnel, that he/she has read each question and statement contained therein and knows the contents thereof to be true and accurate, and that he/she has furnished the answers set forth in said application, and that each one of said answers is true to the best of this knowledge.

Subscribed and sworn to before me on this 24th day of March, 2020.

(Notary Seal)

Lisa Grace Rhodes



No. AA-01847
Not Transferable
2020

OFFICE OF ATTORNEY GENERAL
600 E. Boulevard Ave. • Licensing Section • Bismarck, ND 58505-0040

RETAIL ALCOHOLIC BEVERAGE LICENSE

Fee: \$200.00
Expires Dec. 31, 2020
2020

BISMARCK-MANDAN STOCK CAR ASSOCIATION INC
DACOTAH SPEEDWAY
PO BOX 6272
BISMARCK, ND 58506-6272



is hereby authorized to sell BEER and LIQUOR at retail
at the premises located at 2500 LONGSPUR TRAIL MANDAN

Dated 01/01/2020

Wayne Stenehjem
ATTORNEY GENERAL

Post Conspicuously in Your Place of Business

CITY OF MANDAN

SPECIAL "B" LIQUOR PERMIT

Date of Application: March 23, 2020

Name of Licensee: Bismarck-Mandan Stock Car Association, Inc

Address of Licensee: Box 6272, Bismarck, N.D. 58506

Address of public facility if used: 2500 Longspur Trail, Mandan

State the purpose for which this permit will be used: Mandan Rodeo

Date(s) of requested (not to exceed 3 day) July 2,3,4, 2020

Time of day which the applicant desires the permit to be in effect: 8 am. to Midnight

Does this organization have approval of the Mandan Park District for this application?

Yes No

Hub Bergmann
Signature of Applicant

Julie Frye
Received by:

Date Received: 3-30-2020

Commission Approval: _____

\$100.00 per Event – Amount paid \$ _____



PROCLAMATION

National Public Safety Telecommunications Week

April 12 – 18, 2020

Whereas, emergencies can occur at any time that require law enforcement, fire, or emergency medical services; and

Whereas, when an emergency occurs, the prompt response of law enforcement officers, firefighters, and emergency medical personnel is critical to the protection of life and preservation of property; and

Whereas, the safety of our law enforcement officers, firefighters, and emergency medical personnel is dependent upon the quality and accuracy of information obtained from citizens who call the Central Dakota Communications Center; and

Whereas, Public Safety Communications Specialists are the first, first responders, delivering essential pre-arrival instructions, and providing the most critical link that our citizens have with emergency services; and

Whereas, Public Safety Communications Specialists are the single vital link for our law enforcement officers, firefighters, and emergency medical personnel by monitoring their activities by radio, providing them information and insuring their safety; and

Whereas, Public Safety Communications Specialists of the Central Dakota Communications Center have contributed substantially to the apprehension of criminals, suppression of fires, and treatment of patients; and

Whereas, each Communications Specialist has exhibited compassion, understanding and professionalism during the performance of their duties in the past year; and

Whereas, the Central Dakota Communications Center Board of Directors has declared April 12th – 18th, 2020 as National Public Safety Telecommunications to honor the men and women of the Central Dakota Communications Center who dedicate themselves to helping keep our communities and our citizens safe;

Therefore, Be it Resolved that the Board of City Commissioners for the City of Mandan joins the Central Dakota Communications Center Board of Directors and declares April 12th – 18th, 2020 as National Public Safety Telecommunications Week in the City of Mandan.

Signed this _____ day of April 2020.

Mayor
Board of City Commissioners
City of Mandan, ND



PROCLAMATION

National Service Recognition Day

April 7, 2020

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's elected leaders are increasingly turning to national service and volunteerism as a cost-effective strategy to meet their needs; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our communities; they educate students for 21st century jobs, fight the opioid epidemic, respond to natural disasters, and support veterans and military families; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve, both through their direct service and by managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with local leaders nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, the National Association of Counties, Cities of Service, and local leaders across the country for National Service Recognition Day on April 7, 2019.

NOW, THEREFORE, BE IT RESOLVED that I, Tim Helbling, Mayor of Mandan, ND, do hereby proclaim April 7, 2020, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our community, to thank those who serve; and to find ways to give back to their communities.

Signed this 7th day of April, in the year 2020.

Tim Helbling
Board of City Commissioner



Consent No. 4

Board of City Commissioners

Agenda Documentation

MEETING DATE: April 7, 2020
PREPARATION DATE: April 1, 2020
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: Minor Plat for Legacy Law Addition

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

BACKGROUND/ALTERNATIVES:

Dan Anderson seeks approval of a minor plat for Legacy Law Addition. The plat combines three downtown lots into one for the purpose of building construction. No issues have been identified and staff recommends approval of the lot consolidation.

ATTACHMENTS:

Exhibit 1 – Minor Plat for Legacy Law Addition

FISCAL IMPACT: N/a

STAFF IMPACT: N/a

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

RECOMMENDATION: Staff recommends approval of the minor plat for Legacy Law Addition as presented in Exhibit 1.

SUGGESTED MOTION: I move to approve the minor plat for Legacy Law Addition as presented in Exhibit 1.

EXHIBIT 1

LEGACY LAW ADDITION

BEING A REPLAT AND CONSOLIDATION OF LOTS 4, 5, & 6
OF BLOCK 5 OF THE ORIGINAL TOWNSITE TO
THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

OLD LEGAL DESCRIPTION:

Lots 4, 5, and 6 of Block 5, of the Original Townsite of Mandan to the City of Mandan.

NEW LEGAL DESCRIPTION:

Lot 1, Block 1 of Legacy Law Addition, being a Replat and Consolidation of Lots 4, 5, and 6 of Block 5, of the Original Townsite to the City of Mandan, Morton County, North Dakota.

CERTIFICATE OF SURVEYOR:

I, Aaron Hummert, Interstate Engineering, Inc., a Professional Land Surveyor in the State of North Dakota, do hereby certify that, at the request of Dan Anderson, I made the within and foregoing plat and description of land as herein described and that the lots, distances, areas, and locations as indicated on said plat are true and correct to the best of my knowledge and belief. This survey does not represent a complete title search.

**PRELIMINARY - NOT
INTENDED FOR RECORDATION**

Aaron Hummert, Professional Land Surveyor, Registration No. LS-7512
Interstate Engineering, Inc.

State of North Dakota)
County of Morton)

Subscribed and sworn before me this _____ day of _____, 20____
My commission expires _____, 20____.

Notary Public, Morton County, North Dakota

OWNER'S CERTIFICATE OF DEDICATION:

I, the undersigned, being the sole owner of the land platted hereon, do hereby voluntarily consent to the execution of said plat.

RNR, LLC
500 Augsburg Avenue
Bismarck, ND 58504

By: _____

Its _____

Signature _____

State of North Dakota)
County of _____)

Subscribed and sworn before me this _____ day of _____, 20____
My commission expires _____, 20____.

Notary Public

APPROVAL OF BOARD OF CITY COMMISSIONERS:

The Board of City Commissioners of the City of Mandan, North Dakota, has approved the subdivision of land 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 Mandan, North Dakota, was taken by resolution approved the _____ day of _____, 2020.

Jim Neubauer – City Administrator

Tim Helbling – Mayor

APPROVAL OF CITY ENGINEER:

I, Justin Froseth, City Engineer for the City of Mandan, North Dakota hereby approves the "Legacy Law Addition" of the City of Mandan, Morton County, North Dakota as shown on the annexed plat.

Justin Froseth, PE

Date



LEGEND:

- - FOUND MONUMENT (AS NOTED)
- - SET REBAR W/CAP, LS-7512 (UNLESS NOTED OTHERWISE)

Revision No.	Date	Description

LEGACY LAW ADDITION, BEING A REPLAT AND CONSOLIDATION OF LOTS 4, 5, & 6 OF BLOCK 5 OF THE ORIGINAL TOWNSITE OF MANDAN CITY OF MANDAN, NORTH DAKOTA

Drawn By: _____
Checked By: _____

Project No.: M18-14005
Date: 3/24/2020

Interstate Engineering, Inc.
P.O. Box 178, Suite B
Mandan, North Dakota 58504
Ph: (701) 883-5455
Fax: (701) 883-8577
www.interstateeng.com
Our offices in Minnesota, Missouri and South Dakota





Board of City Commissioners

Agenda Documentation

MEETING DATE: April 7, 2020
PREPARATION DATE: March, 31, 2020
SUBMITTING DEPARTMENT: Police
DEPARTMENT DIRECTOR: Chief Jason Ziegler
PRESENTER: City Attorney Malcolm Brown
SUBJECT: Introduction and First Consideration of Ordinance 1338 regarding Parking

STATEMENT/PURPOSE: Consider Introduction and First Consideration of Ordinance 1338 which will amend and re-enact section (h) of Sec. 24-7-17 Parking of certain vehicles and trailers restricted; and section (c) of Sec. 24-7-18 Restrictions on consecutive parking of the Mandan Code of Ordinances.

BACKGROUND/ALTERNATIVES: The current ordinance references section 24-7-2 as the authority to impound and remove certain vehicles in Sec 24-7-17 and Sec. 24-7-18. This is not the correct section for this authority. The correct section which should be referenced is 24-7-1. This ordinance makes the correction.

ATTACHMENTS: Ordinance 1338

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: Ordinance 1338 was drafted by the City Attorney

RECOMMENDATION: Recommend to approve the Introduction and First Consideration of Ordinance 1338.

SUGGESTED MOTION: Move to approve the Introduction and First Consideration of Ordinance 1338 which will amend and re-enact section (h) of Sec. 24-7-17 Parking of certain vehicles and trailers restricted; and section (c) of Sec. 24-7-18 Restrictions on consecutive parking of the Mandan Code of Ordinances.

ORDINANCE NO. 1338

An Ordinance to Amend and Re-enact
Sec. 24-7-17 (h), Parking of Certain Vehicles and Trailers Restricted,
and Sec. 24-7-18 (c), Restrictions on Consecutive Parking,
of the Mandan Code of Ordinances

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

Sec. 24-7-17. Parking of certain vehicles and trailers restricted.

...

(h) Any person violating the provisions of this section shall pay a fine of \$50.00, and any police officer is authorized to impound and remove any vehicle in violation of this section in accordance with the provisions of section ~~24-7-2~~24-7-1.

Sec. 27-7-18. Restrictions on consecutive parking.

...

(c) Any vehicle or motorcycle left parked or standing on any public street or highway for a consecutive period longer than allowed in this section shall be considered abandoned, and any police officer is authorized to impound and remove any vehicle in violation of this section in accordance with the provisions of section ~~24-7-2~~24-7-1.

By: _____
Tim Helbling, President
Board of City Commissioner

Attest:

James Neubauer, City Administrator

First Consideration: April 7, 2020
Second Consideration and Final Passage: April 21, 2020
Publication: May 15, 2020



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 7, 2020
PREPARATION DATE: April 3, 2020
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning and Engineering Director
Memorandum of Offer to Landowner
SUBJECT:

STATEMENT/PURPOSE: To consider selling small parcels along Main Street to the DOT in order for them to be part of the right of way where the new posts for the intersection traffic signals will be placed.

BACKGROUND/ALTERNATIVES: There are four small areas that The City owns that the DOT needs to acquire in order to properly place the signal poles for the Main Street Signals and Reallocation project. Those areas have been described in four small parcels ranging from 120 square feet to 249 square feet. The sum of the four areas is 750 square feet.

ATTACHMENTS: Memorandum of Offer to Landowner with Exhibits.

FISCAL IMPACT: The NDDOT will compensate The City at their standard rate for such offers of \$10 per square foot for a total of \$7,500.

STAFF IMPACT: Minimal

LEGAL REVIEW: All items are forwarded to the City Attorney.

RECOMMENDATION: Recommend approval of the Memorandum of Offer to Landowner.

SUGGESTED MOTION: I move to approve the Memorandum of Offer to Landowner in order to transfer property needed for the Main Street Signals and Reallocation project.

MEMORANDUM OF OFFER TO LANDOWNER

North Dakota Department of Transportation
 Environmental & Transportation Services
 SFN 6777 (3-2017)

PCN

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Project UGP-NHU-1-094(202)915
County Morton
Parcel(s) 1-2, 3-4, 3-5, 6-3

Landowner(s) City of Mandan			
Landowner Address 205 2nd Ave NW	City Mandan	State ND	ZIP Code 58554

Valuation Type <input type="checkbox"/> Appraisal <input checked="" type="checkbox"/> Waiver Valuation	Approved Compensation \$7,500.00
---	---

On behalf of the North Dakota Department of Transportation, the right of way agent is hereby authorized to offer the above approved amount as full compensation for the permanent and/or temporary acquisition of the above-identified parcels and all damages incidental thereto.

The attached Compensation and Parcel Breakdown is incorporated with this offer and describes the parcels and/or temporary easement areas that are being acquired for highway purposes.

Notes

ROW AGENT

Name (Type or Print) Chris Erickson	
Agency KLJ	
Signature	Date

NDDOT MANAGEMENT APPROVAL

Name (Type or Print) Michael Knox/Program Manager	
Signature	Date

COMPENSATION & PARCEL BREAKDOWN

North Dakota Department of Transportation
 Environmental & Transportation Services
 SFN 61188 (4-2019)

PCN

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Addendum to:

- Memorandum of Offer Page 2 of 2
 Memorandum Agreement Page of

Project UGP-NHU-1-094(202)915
County Morton
Parcel(s) 1-2, 3-4, 3-5, 6-3

Landowner Name(s) (Type or Print) City of Mandan by Its Mayor Tim Helbling	Initial	Date
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The following valuation breakdown describes parcels and/or temporary easement areas that are being acquired for highway purposes:

Permanent Acquisition Yes No

Parcel #	Type of Permanent Acquisition	<input type="checkbox"/> Acres <input checked="" type="checkbox"/> Sqft	X	Value (Per Acre/Sqft)	=	Parcel Values
1-2	FEE Simple	189	X	\$10.00	=	\$1,890.00
3-4	FEE Simple	120	X	\$10.00	=	\$1,200.00
3-5	FEE Simple	249	X	\$10.00	=	\$2,490.00
6-3	FEE Simple	192	X	\$10.00	=	\$1,920.00

Total Permanent Parcel Value	\$7,500.00
Total Permanent Compensation	\$7,500.00

Temporary Acquisition Yes No

Compensation Breakdown	
Total Permanent Compensation	\$7,500.00
Total Temporary Compensation	
Fencing	
Damages	
Total Compensation Due	\$7,500.00

MEMORANDUM AGREEMENT
 North Dakota Department of Transportation
 Environmental & Transportation Services
 SFN 6776 (1-2019)

PCN

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Project UGP-NHU-1-094(202)915
County Morton
Parcel(s) 1-2, 3-4, 3-5, 6-3

Landowner Name(s) City of Mandan			
Landowner Address 205 2nd Ave NW	City Mandan	State ND	ZIP Code 58554

Executed Document(s) (check all applicable): Temporary Construction Easement, Agreement for Entry Without Compensation, Warranty Deed, Subordination of Rights, Permanent Maintenance Easement, Other Easement Type(s)

Date Executed	Total Compensation \$7,500.00
---------------	--------------------------------------

The Landowner(s), listed above, did execute a document on the date listed above, conveying to the state of North Dakota for the use and benefit of the North Dakota Department of Transportation, hereinafter referred to as (NDDOT), the above-identified parcel(s) of property, as shown on the right of way plats.

The attached Compensation and Parcel Breakdown is incorporated with this agreement and describes the parcels and/or temporary easement areas that are being acquired for highway purposes.

Check and initial the following applicable terms of this agreement

Landowner(s) Initials

<input checked="" type="checkbox"/>	1. The state assumes ownership of all trees within the right of way excepting that the Landowner(s) may remove or use said trees prior to construction.	
<input type="checkbox"/>	2. NA feet of fence to be moved by the owner prior to construction of the highway.	
<input type="checkbox"/>	3. The Landowner(s) will be permitted to use any cattle pass or drainage structures installed for a cattle or stock pass at their own risk. The state will provide the necessary maintenance for highway purposes. The Landowner(s) will provide the necessary maintenance for use as a stock pass.	
<input type="checkbox"/>	4. NDDOT will not maintain any service road except those shown on the right of way plat.	
<input checked="" type="checkbox"/>	5. Access will be provided throughout the construction process.	
<input type="checkbox"/>	6. The Landowner(s) agree(s) to joint payment with mortgagee, if requested by the mortgagee.	
<input type="checkbox"/>	7. The Landowner(s) shall inform any and all tenant(s) of proposed work.	

Additionally	Landowner(s) Initials
--------------	-----------------------

This agreement is now made and entered as a memorandum of all of the terms, and the only terms agreed upon in connection with this settlement.

The NDDOT director, or his/her assigns, must approve all settlements. NDDOT will notify the Landowner(s) in writing **if this settlement is not approved**. Payment by the state must await approval of title and processing of a voucher and warrant through the offices of the state auditor and treasurer. Now, therefore, as a memorandum agreement of the parties, the undersigned do hereby execute and deliver this document. This agreement was reached without coercion, or promises other than those shown in the agreement, or threats of any kind whatsoever by, or to, either party. The right of way agent has no direct or indirect present or contemplated future personal interest in the parcels or in any benefit from the acquisition of such property.

This Agreement may be executed in several counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument.

EXECUTED the date last signed below.

LANDOWNER

Name (Type or Print) City of Mandan by Its Mayor Tim Helbling	
Signature	Date

WITNESS

Name (Type or Print)	
Signature	Date

ROW Agent

Name (Type or Print) Chris Erickson	
Agency/Firm KLJ	
Signature	Date

NDDOT ROW Agent

Name (Type or Print) Raymond Barchenger	
Signature	Date

NDDOT Management Approval

Name (Type or Print) Michael Knox/Program Manager	
Signature	Date

COMPENSATION & PARCEL BREAKDOWN

North Dakota Department of Transportation
 Environmental & Transportation Services
 SFN 61188 (4-2019)

PCN

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Addendum to:

- Memorandum of Offer Page of
 Memorandum Agreement Page 3 of 3

Project UGP-NHU-1-094(202)915
County Morton
Parcel(s) 1-2, 3-4, 3-5, 6-3

Landowner Name(s) (Type or Print) City of Mandan by Its Mayor Tim Helbling	Initial	Date
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The following valuation breakdown describes parcels and/or temporary easement areas that are being acquired for highway purposes:

Permanent Acquisition Yes No

Parcel #	Type of Permanent Acquisition	<input type="checkbox"/> Acres <input checked="" type="checkbox"/> Sqft	X	Value (Per Acre/Sqft)	=	Parcel Values
1-2	FEE Simple	189	X	\$10.00	=	\$1,890.00
3-4	FEE Simple	120	X	\$10.00	=	\$1,200.00
3-5	FEE Simple	249	X	\$10.00	=	\$2,490.00
6-3	FEE Simple	192	X	\$10.00	=	\$1,920.00

Total Permanent Parcel Value	\$7,500.00
Total Permanent Compensation	\$7,500.00

Temporary Acquisition Yes No

Compensation Breakdown	
Total Permanent Compensation	\$7,500.00
Total Temporary Compensation	
Fencing	
Damages	
Total Compensation Due	\$7,500.00

NOTIFICATION AND APPRAISAL WAIVER

North Dakota Department of Transportation
 Environmental & Transportation Services
 SFN 60794 (1-2019)

PCN

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Project UGP-NHU-1-094(202)915
County Morton
Parcel(s) 1-2, 3-4, 3-5, 6-3

Landowner(s) City of Mandan			
Landowner(s) Address 205 2nd Ave NW	City Mandan	State ND	ZIP Code 58554

State and federal laws require just compensation be established and that a prompt written offer be made to acquire your property for the full fair market value. In no event will the amount offered be less than the state's approved value. The NDDOT will provide you with a written summary of the value established as just compensation in your offer.

I/we, the undersigned, understand that we are entitled to receive just compensation for our property being acquired by the North Dakota Department of Transportation (NDDOT) to construct the above-named highway project.

Check One of the Following:	
<input type="checkbox"/>	I/we do not wish to receive just compensation, but agree to donate the area, or a portion thereof, necessary for construction as shown on the plat(s).
<input checked="" type="checkbox"/>	I/we acknowledge payment is based on waiver valuation. (NDDOT minimum payment policy is \$300 for temporary acquisition or \$600 for permanent acquisition)
<input type="checkbox"/>	The acquisition was valued over \$10,000 but under \$25,000. I/we agree to receive the payment based on waiver valuation.
<input type="checkbox"/>	The acquisition was valued over \$10,000 but under \$25,000. I/we wish to have my property interest appraised. (Please note that if an Appraisal is requested, the appraised value will replace the value based on waiver valuation.) -In compliance with the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (Public Law 91-646), the owner or their designated representative shall be given an opportunity to accompany the appraiser during the inspection of the property. I/we <input type="checkbox"/> do <input type="checkbox"/> do not wish to accompany the appraiser during the inspection of the property.
<input type="checkbox"/>	I/we acknowledge payment is based on the Appraisal and the opportunity was given to accompany the appraiser during the property inspection. (Appraisals are required if the acquisition is complicated or estimated to be over \$25,000.)

It is understood that any changes in these plans, adverse to our property, will make this agreement null and void.

This Agreement may be executed in several counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument.

LANDOWNER(S)

Name (Type or Print) City of Mandan by Its Mayor Tim Helbling		Name (Type or Print)	
Signature	Date	Signature	Date

ROW AGENT

Name (Type or Print) Chris Erickson		Agency/Firm KLJ	
Signature			Date

AGREEMENT FOR ENTRY AND CONSTRUCTION (NO COMPENSATION)

North Dakota Department of Transportation
Environmental & Transportation Services
SFN 50882 (10-2017)

PCN

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Project UGP-NHU-1-094(202)915
Parcel(s) 1-2, 3-4, 3-5, 6-3

Purpose of Project Traffic signals, Lighting and Landscaping

Landowner(s) City of Mandan			
Landowner(s) Address 205 2nd Ave NW	City Mandan	State ND	ZIP Code 58554

This agreement, is between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505- 0700, and the above-named Landowner.

WITNESSETH, that the Landowner(s), for and in consideration of the sum of one dollar and other valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to the NDDOT, the right to enter upon the property of the Landowner(s) for the purpose of the project stated above and as shown in plans on file with NDDOT. The parcel(s) of land is located in:

Location Lot 1, Block 1, BNSF Commercial Park 3rd Addition	Section 27	Township 138	Range 81	County Morton
Location Lot 5, Block 1, BNSF Commercial Park 3rd Addition	Section 27	Township 138	Range 81	County Morton
Location Lot 8, Block 1, BNSF Commercial Park 3rd Addition	Section 27	Township 138	Range 81	County Morton

This Agreement may be executed in several counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument.

EXECUTED the date last signed below.

GRANTOR(S):

Name (Type or Print) City of Mandan by Its Mayor Tim Helbling	
Signature	Date

WITNESS

Name (Type or Print)	
Signature	Date

ROW AGENT

Name (Type or Print) Chris Erickson	
Agency KLJ	
Signature	Date

NDDOT APPROVAL

Name (Type or Print) Michael Knox	
Title Program Manager	
Signature	Date

WARRANTY DEED

North Dakota Department of Transportation
Environmental & Transportation Services
SFN 2255 (8-2017)

PCN

2	2	2	8	2
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Project UGP-NHU-1-094(202)915
Parcel(s) 1-2, 3-4, 3-5 & 6-3

Grantor(s) City of Mandan			
Grantor(s) Address 205 2nd Ave NW	City Mandan	State ND	ZIP Code 58554

Date	Consideration \$7,500.00	County Morton
------	-----------------------------	------------------

This deed, between Grantor(s) listed above whose address is also listed above and state of North Dakota for the use and benefit of the North Dakota Department of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700.

WITNESSETH, that the Grantor(s), for and in consideration of the sum listed above, to them in hand paid by NDDOT, the receipt whereof is hereby acknowledged, hereby convey unto NDDOT, its successors and assigns, forever, all the tract(s), or parcel(s) of land lying and being listed above, in above county, state of North Dakota, and more specifically described as follows, to wit:

PARCEL NO. 1-2

A portion of Lot 1, Block 1 of BNSF Commercial Park 3rd Addition of Section 27, Township 139 N, Range 81 W, of the 5th Principal Meridian, City of Mandan, County of Morton, State of North Dakota, described as follows and as shown on plat 1 of 6:

A strip of land 13 feet wide, the northerly and southerly lines of which are parallel. The northerly line of said strip being coincident with the following described north line of Lot 1, Block 1 of BNSF Commercial Park 3rd Addition as surveyed.

Commencing at the NW corner of Lot 1, Block 1 of BNSF Commercial Park 3rd Addition, this point is also the beginning of the 13 foot strip; thence easterly along the north line of Lot 1, N 79 deg. 03 min. 45 sec. E a distance of 14.54 feet to the end of the 13 foot strip.

Said tract is shown on the plat as Parcel No 1-2 and contains 189 SF more or less, and is subject to any easements or rights of way previously acquired.

END OF DESCRIPTION.

The legal description was prepared by Brian Heath, KLJ, 1010 4th Ave SW, PO Box 937, Valley City, ND 58072, or obtained from a previously recorded instrument.

PARCEL NO. 3-4

A portion of Lot 5, Block 1 of BNSF Commercial Park 3rd Addition, City of Mandan of Section 27, Township 139 N, Range 81 W, of the 5th Principal Meridian, City of Mandan, County of Morton, State of North Dakota, described as follows and as shown on plat 3 of 6:

A strip of land 8 feet wide, the southerly and northerly lines of which are parallel. The northerly line of said strip being coincident with the following described northerly line of Lot 5, Block 1 of BNSF Commercial Park 3rd Addition as surveyed.

Commencing at the NW corner of Lot 5, Block 1 of BNSF Commercial Park 3rd Addition; thence easterly along the north line of Lot 5, N 79 deg. 03 min. 45 sec. E a distance of 40.71 feet to the beginning of the 8 foot strip; thence easterly along the north line of Lot 5, N 79 deg. 03 min. 45 sec. E a distance of 15.00 feet to the end of the 8 foot strip.

Said tract is shown on the plat as Parcel No 3-4 and contains 120 SF more or less, and is subject to any easements or rights of way previously acquired.

END OF DESCRIPTION

The legal description was prepared by Brian Heath, KLJ, 1010 4th Ave SW, PO Box 937, Valley City, ND 58072, or obtained from a previously recorded instrument.

PARCEL NO. 3-5

A portion of Lot 5, Block 1 of BNSF Commercial Park 3rd Addition, City of Mandan of Section 27, Township 139 N, Range 81 W, of the 5th Principal Meridian, City of Mandan, County of Morton, State of North Dakota, described as follows and as shown on plat 3 of 6:

A strip of land 14 feet wide, the southerly and northerly lines of which are parallel. The northerly line of said strip being coincident with the following described northerly line of Lot 5, Block 1 of BNSF Commercial Park 3rd Addition as surveyed.

Commencing at the NW corner of Lot 5, Block 1 of BNSF Commercial Park 3rd Addition; thence easterly along the north line of Lot 5, N 79 deg. 03 min. 45 sec. E a distance of 113.71 feet to the beginning of the 14 foot strip; thence easterly along the north line of Lot 5, N 79 deg. 03 min. 45 sec. E a distance of 17.80 feet to the end of the 14 foot strip.

Said tract is shown on the plat as Parcel No 3-5 and contains 249 SF more or less, and is subject to any easements or rights of way previously acquired.

END OF DESCRIPTION

The legal description was prepared by Brian Heath, KLJ, 1010 4th Ave SW, PO Box 937, Valley City, ND 58072, or obtained from a previously recorded instrument.

PARCEL NO. 6-3

A portion of Lot 8, Block 1 of BNSF Commercial Park 3rd Addition of Section 27, Township 139 N, Range 81 W, of the 5th Principal Meridian, City of Mandan, County of Morton, State of North Dakota, described as follows and as shown on plat 6 of 6:

A strip of land 8 feet wide, the northerly and southerly lines of which are parallel. The northerly line of said strip being coincident with the following described north line of Lot 8, Block 1 of BNSF Commercial Park 3rd Addition as surveyed.

Commencing at the NE corner of Lot 8, Block 1 of BNSF Commercial Park 3rd Addition; thence westerly along the north line of Lot 8, S 79 deg. 03 min. 45 sec. W a distance of 22.38 feet to the beginning of the 8.00 foot strip; thence westerly along the north line of Lot 8, S 79 deg. 03 min. 45 sec. W a distance of 24.00 feet to the end of the 8.00 foot strip.

Said tract is shown on the plat as Parcel No 6-3 and contains 192 SF more or less, and is subject to any easements or rights of way previously acquired.

END OF DESCRIPTION

The legal description was prepared by Brian Heath, KLJ, 1010 4th Ave SW, PO Box 937, Valley City, ND 58072, or obtained from a previously recorded instrument.

hereinafter referred to as the Property;

NDDOT is acquiring the right of way described in this deed for use as a public highway.

Excepting and reserving to the Grantor(s) herein, their successors and assigns, all oil, oil rights, natural gas, natural gas rights, and other fluid minerals that may be within or under the property of land herein described without, however, the right ever to drill, dig, or mine through the surface of said land therefore or otherwise in such manner as to endanger or interfere in any way with the safety or use of any highway that may be constructed on or near the lands hereby conveyed.

TO HAVE AND TO HOLD THE SAME, together with all the hereditaments and appurtenances running with or related to the Property, to NDDOT, its successors and assigns, forever; and the Grantor(s), for their heirs, executors, and administrators, do covenant with NDDOT, its successors and assigns, that the Grantor(s), are well seized in fee of the Property that the Grantor(s) have good right to sell and convey the Property in manner and form provided above; that the Property is free from all encumbrances, whatsoever; other than the easements, prior reservations and rights of way previously granted; and that the Grantor(s) shall warrant and defend NDDOT's quiet and peaceable possession and use of the Property against all persons lawfully claiming interest in the whole or any part of the property.

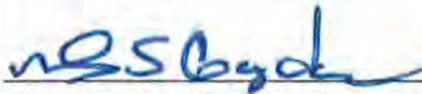
This Agreement may be executed in several counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument.

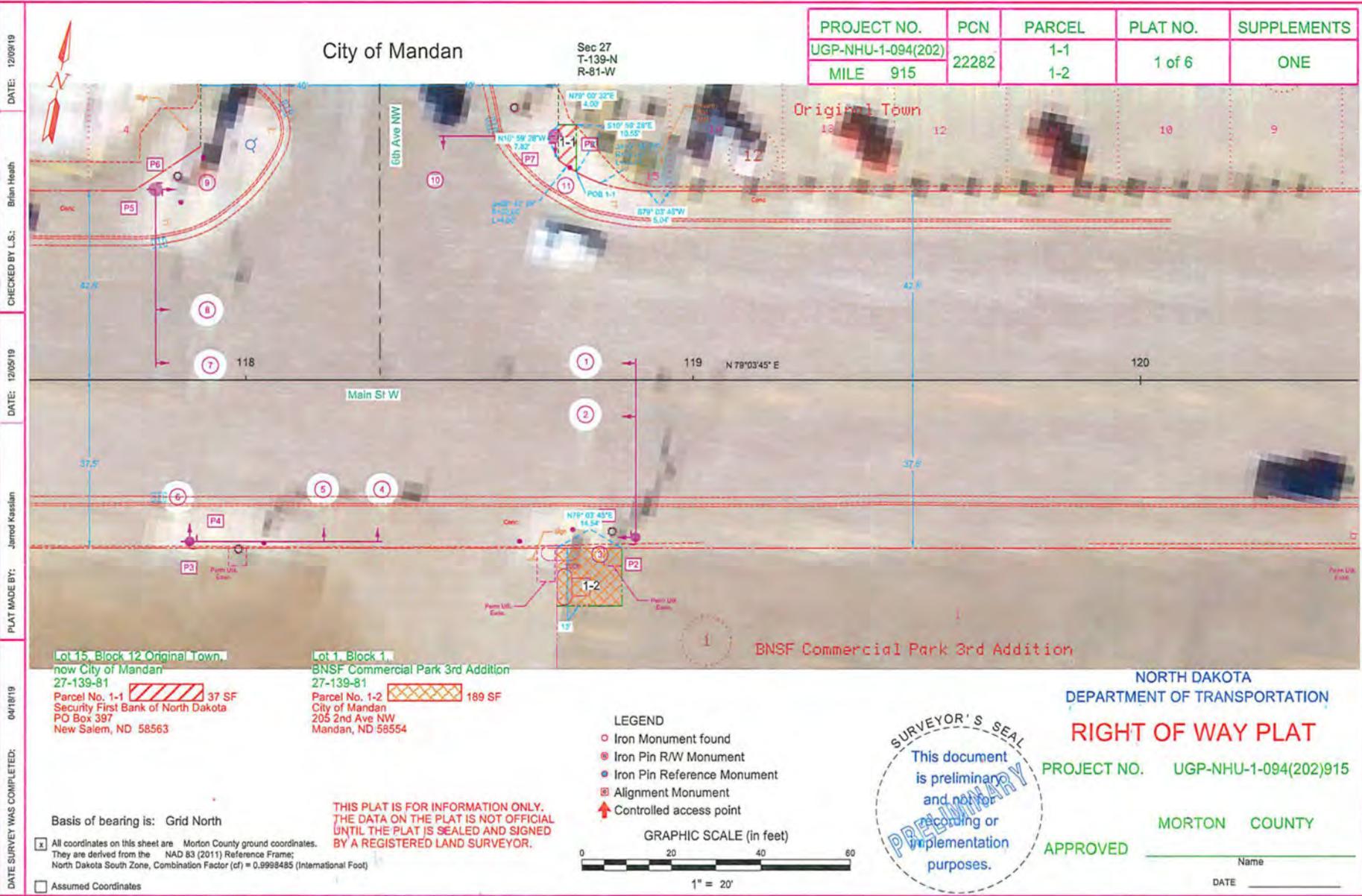
EXECUTED the date last signed below.

GRANTOR(S):

Name (Type or Print) City of Mandan by Its Mayor Tim Helbling	
Signature	Date

ACKNOWLEDGEMENT	
Name(s) (Type or Print) Tim Helbling	
State	County
Executed & acknowledged before me on	Date
Name of Notary Public (Type or Print)	Affix Notary Stamp
Signature of Notary Public	
Commission Expiration Date (if not listed on stamp)	

<p>NDDOT Use Only</p> <p>I certify that the full consideration paid for the property described in this deed is</p> <p>\$ _____</p> <p>North Dakota Department of Transportation</p> <p> As Agent</p> <p>MARK S. GAYDOS, Director of Environmental & Transportation Services</p> <p>Date </p>	<p>For Recording Purposes Only</p>
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PROJECT NO.	PCN	PARCEL	PLAT NO.	SUPPLEMENTS
UGP-NHU-1-094(202)	22282	1-1	1 of 6	ONE
MILE 915		1-2		

DATE: 12/05/19
 CHECKED BY L.S.: Brian Heath
 DATE: 12/05/19
 PLAT MADE BY: Jarrod Kassian
 DATE SURVEY WAS COMPLETED: 04/18/19

Lot 15, Block 12 Original Town,
 now City of Mandan
 27-139-81
 Parcel No. 1-1 37 SF
 Security First Bank of North Dakota
 PO Box 397
 New Salem, ND 58563

Lot 1, Block 1,
 BNSF Commercial Park 3rd Addition
 27-139-81
 Parcel No. 1-2 189 SF
 City of Mandan
 205 2nd Ave NW
 Mandan, ND 58554

- LEGEND**
- Iron Monument found
 - Iron Pin R/W Monument
 - Iron Pin Reference Monument
 - Alignment Monument
 - ▲ Controlled access point



NORTH DAKOTA
 DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY PLAT

PROJECT NO. UGP-NHU-1-094(202)915

MORTON COUNTY

APPROVED

Name _____
 DATE _____

Basis of bearing is: Grid North

1 All coordinates on this sheet are Morton County ground coordinates. They are derived from the NAD 83 (2011) Reference Frame; North Dakota South Zone, Combination Factor (cf) = 0.9998485 (International Foot)

2 Assumed Coordinates

THIS PLAT IS FOR INFORMATION ONLY. THE DATA ON THE PLAT IS NOT OFFICIAL UNTIL THE PLAT IS SEALED AND SIGNED BY A REGISTERED LAND SURVEYOR.

PROJECT NO. UGP-NHU-1-094(202)915
PCN. 22282
SUPPLEMENT TO PLAT NO. 1 OF 6

PARCEL NO. 1-1

A portion of Lot 15, Block 12 of Original Town now City of Mandan of Section 27, Township 139 N, Range 81 W, of the 5th Principal Meridian, City of Mandan, County of Morton, State of North Dakota, described as follows and as shown on plat 1 of 6:

Commencing at the SE corner of Lot 15, thence westerly along the south line of Lot 15, S 79 deg. 03 min. 45 sec. W a distance of 5.04 feet to the beginning of a tangent curve concave to the right (northeasterly), having a radius of 32.00 feet; thence northwesterly along said curve 16.74 feet through a central angle of 29 deg. 58 min. 01 sec. to the point of beginning; thence continuing along said curve having a radius of 32.00 feet a distance of 4.86 feet through a central angle of 06 deg. 42 min. 28 sec. to the end of the curve; thence N 10 deg. 59 min. 28 sec. W a distance of 7.82 feet; thence N 78 deg. 00 min. 32 sec. E a distance of 4.00 feet; thence S 10 deg. 59 min. 28 sec. E a distance of 10.65 feet to the point of beginning.

Said tract is shown on the plat as Parcel No 1-1 and contains 37 SF more or less, and is subject to any easements or rights of way previously acquired.

END OF DESCRIPTION.

The legal description was prepared by Brian Heath, KLJ, 1010 4th Ave SW, PO Box 937, Valley City, ND 58072, or obtained from a previously recorded instrument.

PARCEL NO. 1-2

A portion of Lot 1, Block 1 of BNSF Commercial Park 3rd Addition of Section 27, Township 139 N, Range 81 W, of the 5th Principal Meridian, City of Mandan, County of Morton, State of North Dakota, described as follows and as shown on plat 1 of 6:

A strip of land 13 feet wide, the northerly and southerly lines of which are parallel. The northerly line of said strip being coincident with the following described north line of Lot 1, Block 1 of BNSF Commercial Park 3rd Addition as surveyed.

Commencing at the NW corner of Lot 1, Block 1 of BNSF Commercial Park 3rd Addition, this point is also the beginning of the 13 foot strip; thence easterly along the north line of Lot 1, N 79 deg. 03 min. 45 sec. E a distance of 14.64 feet to the end of the 13 foot strip.

Said tract is shown on the plat as Parcel No 1-2 and contains 169 SF more or less, and is subject to any easements or rights of way previously acquired.

END OF DESCRIPTION.

The legal description was prepared by Brian Heath, KLJ, 1010 4th Ave SW, PO Box 937, Valley City, ND 58072, or obtained from a previously recorded instrument.

DATE: 12/09/19

CHECKED BY L.S.: Brian Heath

DATE: 12/05/19

PLAT MADE BY: Jarrod Kaslian

DATE SURVEY WAS COMPLETED: 04/18/19

Lots 4, 5 and 6, Block 10 Original Town, now City of Mandan 27-139-81

Parcel No. 3-1 56 SF
TEMPORARY CONST. EASEMENT, Lewis & Clark Building, LLP a North Dakota limited liability partnership
409 West Ave F Bismarck, ND 58501

Lot 15, Block 9 Original Town, now City of Mandan 27-139-81

Parcel No. 3-2 23 SF
TEMPORARY CONST. EASEMENT The Dr. A. L. Larson Estate (A Trust) 104 3rd Ave NW Mandan, ND 58554

Lot 14, Block 9 Original Town, now City of Mandan 27-139-81

Parcel No. 3-3 24 SF
TEMPORARY CONST. EASEMENT Three Sons Investments, LLC PO. Box 308 Mandan, ND 58554

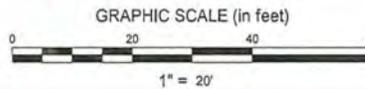
PROJECT NO.	PCN	PARCEL	PLAT NO.	SUPPLEMENTS
UGP-NHU-1-094(202)	22282	3-1	3 of 6	ONE
MILE 915		3-5		



Lot 5, Block 1, BNSF Commercial Park 3rd Addition 27-139-81
Parcel No. 3-4 120 SF
City of Mandan 205 2nd Ave NW Mandan, ND 58554

Lot 5, Block 1, BNSF Commercial Park 3rd Addition 27-139-81
Parcel No. 3-5 249 SF
City of Mandan 205 2nd Ave NW Mandan, ND 58554

- LEGEND
- Iron Monument found
 - Iron Pin R/W Monument
 - Iron Pin Reference Monument
 - Alignment Monument
 - ▲ Controlled access point



SURVEYOR'S SEAL
This document is preliminary and not for recording or implementation purposes.
PRELIMINARY

DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY PLAT

PROJECT NO. UGP-NHU-1-094(202)915

MORTON COUNTY

APPROVED

Name _____
DATE _____

Basis of bearing is: Grid North

All coordinates on this sheet are Morton County ground coordinates. They are derived from the NAD 83 (2011) Reference Frame; North Dakota South Zone, Combination Factor (cf) = 0.9998485 (International Foot)

Assumed Coordinates

THIS PLAT IS FOR INFORMATION ONLY. THE DATA ON THE PLAT IS NOT OFFICIAL UNTIL THE PLAT IS SEALED AND SIGNED BY A REGISTERED LAND SURVEYOR.

PROJECT NO. UGP-NHU-1-094(202)915
PCN: 22282
SUPPLEMENT TO PLAT NO. 3 OF 6

PARCEL NO. 3-1

A portion of Lots 6, 5 and 4 Block 10 of Original Town now City of Mandan of Section 27, Township 139 N, Range 81 W, of the 5th Principal Meridian, City of Mandan, County of Morton, State of North Dakota, described as follows and as shown on plat 3 of 6:

A strip of land 0.90 feet wide, the northerly and southerly lines of which are parallel. The southerly line of said strip being coincident with the following described south lines of Lots 6, 5 and 4, Block 10 of Original Town as surveyed.

Commencing at the SW corner of Lot 6, Block 10 of Original Town; thence easterly along the south line of Lot 6, N 79 deg. 03 min. 45 sec. E a distance of 13.66 feet to the beginning of the 0.90 foot strip; thence easterly along the south line of Lots 6, 5 and 4, N 79 deg. 03 min. 45 sec. E a distance of 61.73 feet to the end of the 0.90 foot strip.

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the state of North Dakota and North Dakota Department of Transportation by this instrument shall terminate upon completion of construction of said project, or in five years from the date of conveyance, whichever comes first.

Said tract is shown on the plat as Parcel No 3-1 and contains 66 SF more or less, and is subject to any easements or rights of way previously acquired.

END OF DESCRIPTION

The legal description was prepared by Brian Heath, KLJ, 1010 4th Ave SW, PO Box 937, Valley City, ND 58072, or obtained from a previously recorded instrument.

PARCEL NO. 3-2

A portion of Lot 15, Block 9 of Original Town now City of Mandan of Section 27, Township 139 N, Range 81 W, of the 5th Principal Meridian, City of Mandan, County of Morton, State of North Dakota, described as follows and as shown on plat 3 of 6:

A strip of land 0.98 feet wide, the northerly and southerly lines of which are parallel. The southerly line of said strip being coincident with the following described south line of Lot 15, Block 9 of Original Town as surveyed.

Commencing at the SW corner of Lot 15, Block 9 of Original Town, this point is also the beginning of the 0.98 foot strip; thence easterly along the south line of Lot 15, N 79 deg. 03 min. 45 sec. E a distance of 23.74 feet to the end of the 0.98 foot strip.

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the state of North Dakota and North Dakota Department of Transportation by this instrument shall terminate upon completion of construction of said project, or in five years from the date of conveyance, whichever comes first.

Said tract is shown on the plat as Parcel No 3-2 and contains 23 SF more or less, and is subject to any easements or rights of way previously acquired.

END OF DESCRIPTION

The legal description was prepared by Brian Heath, KLJ, 1010 4th Ave SW, PO Box 937, Valley City, ND 58072, or obtained from a previously recorded instrument.

PARCEL NO. 3-3

A portion of Lot 14, Block 9 of Original Town now City of Mandan of Section 27, Township 139 N, Range 81 W, of the 5th Principal Meridian, City of Mandan, County of Morton, State of North Dakota, described as follows and as shown on plat 3 of 6:

A strip of land 1.15 feet wide, the northerly and southerly lines of which are parallel. Together with a strip of land 1.97 feet wide, the northerly and southerly lines of which are parallel. The southerly line of said strips being coincident with the following described south line of Lot 14, Block 9 of Original Town as surveyed.

Commencing at the SW corner of Lot 14, Block 9 of Original Town, this point is also the beginning of the 1.15 foot strip; thence easterly along the south line of Lot 14, N 79 deg. 03 min. 45 sec. E a distance of 7.54 feet to the end of the 1.15 foot strip; this point is also the beginning of the 1.97 foot strip; thence along the south line of Lot 14, N 79 deg. 03 min. 45 sec. E a distance of 7.94 feet to the end of the 1.97 foot strip.

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the state of North Dakota and North Dakota Department of Transportation by this instrument shall terminate upon completion of construction of said project, or in five years from the date of conveyance, whichever comes first.

Said tract is shown on the plat as Parcel No 3-3 and contains 24 SF more or less, and is subject to any easements or rights of way previously acquired.

END OF DESCRIPTION

The legal description was prepared by Brian Heath, KLJ, 1010 4th Ave SW, PO Box 937, Valley City, ND 58072, or obtained from a previously recorded instrument.

PARCEL NO. 3-4

A portion of Lot 5, Block 1 of BNSF Commercial Park 3rd Addition, City of Mandan of Section 27, Township 139 N, Range 81 W, of the 5th Principal Meridian, City of Mandan, County of Morton, State of North Dakota, described as follows and as shown on plat 3 of 6:

A strip of land 8 feet wide, the southerly and northerly lines of which are parallel. The northerly line of said strip being coincident with the following described northerly line of Lot 5, Block 1 of BNSF Commercial Park 3rd Addition as surveyed.

Commencing at the NW corner of Lot 5, Block 1 of BNSF Commercial Park 3rd Addition; thence easterly along the north line of Lot 5, N 79 deg. 03 min. 45 sec. E a distance of 40.71 feet to the beginning of the 8 foot strip; thence easterly along the north line of Lot 5, N 79 deg. 03 min. 45 sec. E a distance of 15.00 feet to the end of the 8 foot strip.

Said tract is shown on the plat as Parcel No 3-4 and contains 120 SF more or less, and is subject to any easements or rights of way previously acquired.

END OF DESCRIPTION

The legal description was prepared by Brian Heath, KLJ, 1010 4th Ave SW, PO Box 937, Valley City, ND 58072, or obtained from a previously recorded instrument.

PARCEL NO. 3-5

A portion of Lot 5, Block 1 of BNSF Commercial Park 3rd Addition, City of Mandan of Section 27, Township 139 N, Range 81 W, of the 5th Principal Meridian, City of Mandan, County of Morton, State of North Dakota, described as follows and as shown on plat 3 of 6:

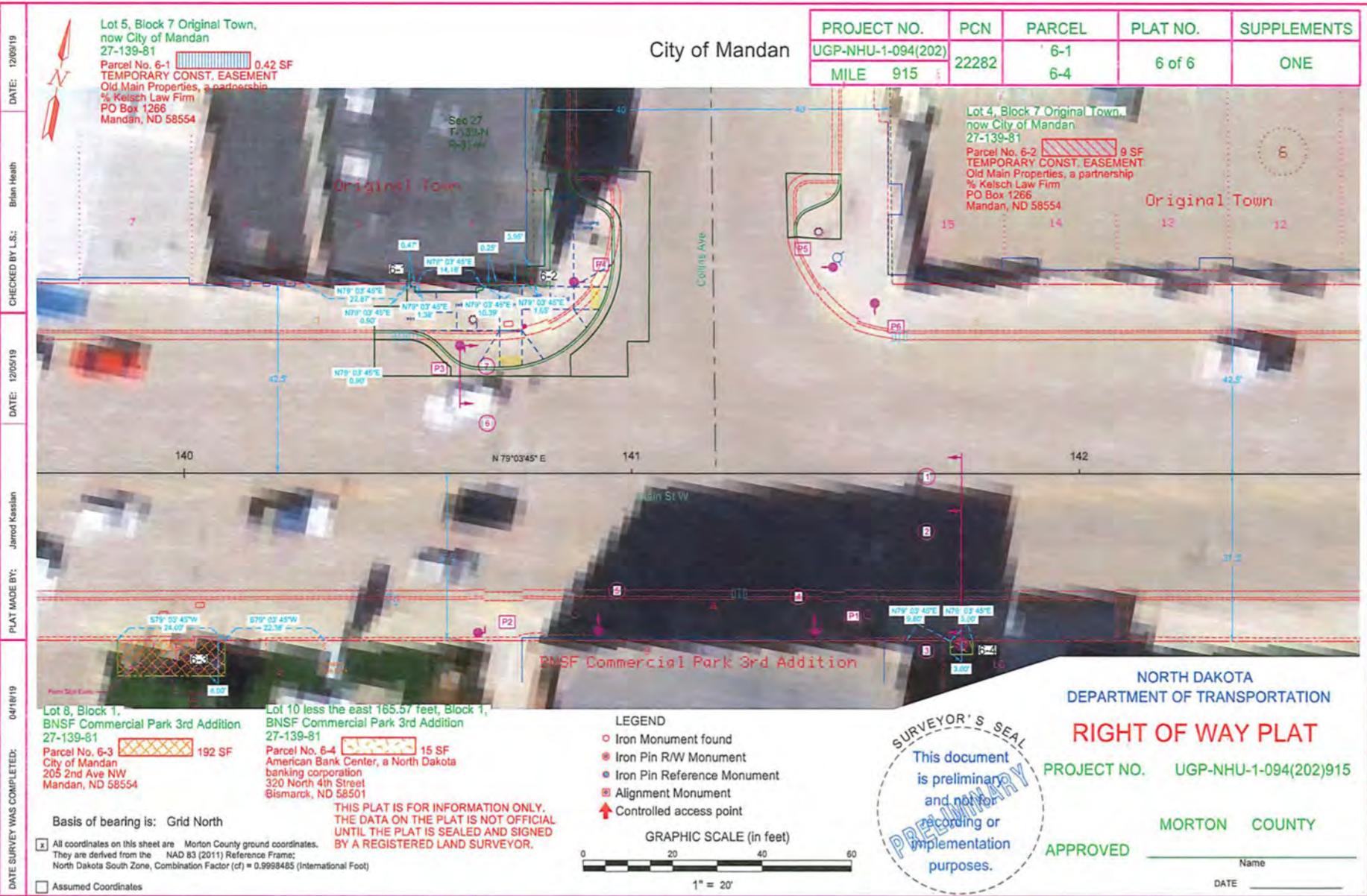
A strip of land 14 feet wide, the southerly and northerly lines of which are parallel. The northerly line of said strip being coincident with the following described northerly line of Lot 5, Block 1 of BNSF Commercial Park 3rd Addition as surveyed.

Commencing at the NW corner of Lot 5, Block 1 of BNSF Commercial Park 3rd Addition; thence easterly along the north line of Lot 5, N 79 deg. 03 min. 45 sec. E a distance of 113.71 feet to the beginning of the 14 foot strip; thence easterly along the north line of Lot 5, N 79 deg. 03 min. 45 sec. E a distance of 17.80 feet to the end of the 14 foot.

Said tract is shown on the plat as Parcel No 3-5 and contains 249 SF more or less, and is subject to any easements or rights of way previously acquired.

END OF DESCRIPTION

The legal description was prepared by Brian Heath, KLJ, 1010 4th Ave SW, PO Box 937, Valley City, ND 58072, or obtained from a previously recorded instrument.



PROJECT NO.	PCN	PARCEL	PLAT NO.	SUPPLEMENTS
UGP-NHU-1-094(202)	22282	6-1	6 of 6	ONE
MILE 915		6-4		

DATE: 12/09/19
 CHECKED BY L.S.: Brian Heath
 DATE: 12/05/19
 PLAT MADE BY: Jarrod Kaslian
 DATE SURVEY WAS COMPLETED: 04/18/19

Lot 5, Block 7 Original Town, now City of Mandan 27-139-81
 Parcel No. 6-1 0.42 SF
 TEMPORARY CONST. EASEMENT
 Old Main Properties, a partnership
 % Kelsch Law Firm
 PO Box 1266
 Mandan, ND 58554

Lot 4, Block 7 Original Town, now City of Mandan 27-139-81
 Parcel No. 6-2 9 SF
 TEMPORARY CONST. EASEMENT
 Old Main Properties, a partnership
 % Kelsch Law Firm
 PO Box 1266
 Mandan, ND 58554

Lot 8, Block 1, BNSF Commercial Park 3rd Addition 27-139-81
 Parcel No. 6-3 192 SF
 City of Mandan
 205 2nd Ave NW
 Mandan, ND 58554

Lot 10 less the east 165.57 feet, Block 1, BNSF Commercial Park 3rd Addition 27-139-81
 Parcel No. 6-4 15 SF
 American Bank Center, a North Dakota banking corporation
 320 North 4th Street
 Bismarck, ND 58501

THIS PLAT IS FOR INFORMATION ONLY. THE DATA ON THE PLAT IS NOT OFFICIAL UNTIL THE PLAT IS SEALED AND SIGNED BY A REGISTERED LAND SURVEYOR.

LEGEND

- Iron Monument found
- Iron Pin R/W Monument
- Iron Pin Reference Monument
- Alignment Monument
- Controlled access point

GRAPHIC SCALE (in feet)

0 20 40 60

1" = 20'

SURVEYOR'S SEAL
 This document is preliminary and not for permitting or implementation purposes.

NORTH DAKOTA
 DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY PLAT
 PROJECT NO. UGP-NHU-1-094(202)915
 MORTON COUNTY
 APPROVED _____
 Name _____
 DATE _____

PROJECT NO. UGP-NHU-1-094(202)915
PCN. 22282
SUPPLEMENT TO PLAT NO. 6 OF 6

PARCEL NO. 6-1

A portion of Lot 5, Block 7 of Original Town now City of Mandan of Section 27, Township 139 N, Range 81 W, of the 5th Principal Meridian, City of Mandan, County of Morton, State of North Dakota, described as follows and as shown on plat 6 of 6:

A strip of land 0.47 feet wide, the northerly and southerly lines of which are parallel. The southerly line of said strip being coincident with the following described south line of Lot 5, Block 7 of Original Town as surveyed.

Commencing at the SW corner of Lot 5, Block 7 of Original Town; thence easterly along the south line of Lot 5, N 79 deg, 03 min, 45 sec. E a distance of 22.87 feet to the beginning of the 0.47 foot strip; thence easterly along the south line of Lot 5, N 79 deg, 03 min, 45 sec. E a distance of 0.90 feet to the end of the 0.47 foot strip.

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the state of North Dakota and North Dakota Department of Transportation by this instrument shall terminate upon completion of construction of said project, or in five years from the date of conveyance, whichever comes first.

Said tract is shown on the plat as Parcel No 6-1 and contains 0.42 SF more or less, and is subject to any easements or rights of way previously acquired.

END OF DESCRIPTION

The legal description was prepared by Brian Heath, KLJ, 1010 4th Ave SW, PO Box 937, Valley City, ND 58072, or obtained from a previously recorded instrument.

PARCEL NO. 6-2

A portion of Lot 4, Block 7 of Original Town now City of Mandan of Section 27, Township 139 N, Range 81 W, of the 5th Principal Meridian, City of Mandan, County of Morton, State of North Dakota, described as follows and as shown on plat 6 of 6:

A strip of land 0.25 feet wide, the northerly and southerly lines of which are parallel. Together with a strip of land 3.95 feet wide, the northerly and southerly lines of which are parallel. The southerly line of said strips being coincident with the following described south line of Lot 4, Block 7 of Original Town as surveyed.

Commencing at the SW corner of Lot 4, Block 7 of Original Town; thence easterly along the south line of Lot 4, N 79 deg, 03 min, 45 sec. E a distance of 14.18 feet to the beginning of the 0.25 foot strip; thence easterly along the south line of Lot 4, N 79 deg, 03 min, 45 sec. E a distance of 10.39 feet to the end of the 0.25 foot strip; this point is also the beginning of the 3.95 foot strip; thence easterly along the south line of Lot 4, N 79 deg, 03 min, 45 sec. E a distance of 1.65 feet to the end of the 3.95 foot strip.

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the state of North Dakota and North Dakota Department of Transportation by this instrument shall terminate upon completion of construction of said project, or in five years from the date of conveyance, whichever comes first.

Said tract is shown on the plat as Parcel No 6-2 and contains 9 SF more or less, and is subject to any easements or rights of way previously acquired.

END OF DESCRIPTION

The legal description was prepared by Brian Heath, KLJ, 1010 4th Ave SW, PO Box 937, Valley City, ND 58072, or obtained from a previously recorded instrument.

PARCEL NO. 6-3

A portion of Lot 8, Block 1 of BNSF Commercial Park 3rd Addition of Section 27, Township 139 N, Range 81 W, of the 5th Principal Meridian, City of Mandan, County of Morton, State of North Dakota, described as follows and as shown on plat 6 of 6:

A strip of land 8 feet wide, the northerly and southerly lines of which are parallel. The northerly line of said strip being coincident with the following described north line of Lot 8, Block 1 of BNSF Commercial Park 3rd Addition as surveyed.

Commencing at the NE corner of Lot 8, Block 1 of BNSF Commercial Park 3rd Addition; thence westerly along the north line of Lot 8, S 79 deg, 03 min, 45 sec. W a distance of 22.38 feet to the beginning of the 8.00 foot strip; thence westerly along the north line of Lot 8, S 79 deg, 03 min, 45 sec. W a distance of 24.00 feet to the end of the 8.00 foot strip.

Said tract is shown on the plat as Parcel No 6-3 and contains 192 SF more or less, and is subject to any easements or rights of way previously acquired.

END OF DESCRIPTION

The legal description was prepared by Brian Heath, KLJ, 1010 4th Ave SW, PO Box 937, Valley City, ND 58072, or obtained from a previously recorded instrument.

PARCEL NO. 6-4

A portion of Lot 10 less the east 165.57 feet, Block 1 of BNSF Commercial Park 3rd Addition of Section 27, Township 139 N, Range 81 W, of the 5th Principal Meridian, City of Mandan, County of Morton, State of North Dakota, described as follows and as shown on plat 6 of 6:

A strip of land 3 feet wide, the northerly and southerly lines of which are parallel. The northerly line of said strip being coincident with the following described north line of Lot 10 less the east 165.57 feet, Block 1 of BNSF Commercial Park 3rd Addition as surveyed.

Commencing at the NW corner of Lot 10 less the east 165.57 feet, Block 1 of BNSF Commercial Park 3rd Addition; thence easterly along the north line of Lot 10, N 79 deg, 03 min, 45 sec. E a distance of 9.80 feet to the beginning of the 3.00 foot strip; thence easterly along the north line of Lot 10, N 79 deg, 03 min, 45 sec. E a distance of 5.00 feet to the end of the 3.00 foot strip.

Said tract is shown on the plat as Parcel No 6-4 and contains 15 SF more or less, and is subject to any easements or rights of way previously acquired.

END OF DESCRIPTION

The legal description was prepared by Brian Heath, KLJ, 1010 4th Ave SW, PO Box 937, Valley City, ND 58072, or obtained from a previously recorded instrument.



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 7, 2020
PREPARATION DATE: March 31, 2020
SUBMITTING DEPARTMENT: Assessing Department
DEPARTMENT DIRECTOR: Kimberly Markley
PRESENTER: Kimberly Markley, City Assessor
SUBJECT: 2018 Abatement application from HM4 LLC

STATEMENT/PURPOSE: To consider reduction to the 2018 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 in 2018.

Reason for abatement: There was an error in the listing of the lot size. The size was listed as 226,083 square feet and should have been 142,263 square feet.

ATTACHMENTS: Application for Abatement, copy of plat

ESTIMATED FISCAL IMPACT: All taxing entities = \$2782.34, City share = \$665.90

STAFF IMPACT: N/A

LEGAL REVIEW: Reviewed by City Attorney

RECOMMENDATION: I recommend a motion to approve an abatement and adjust the 2018 value from \$5,564,000 to \$5,354,400 for the property located at 1627 31st Street NW.

SUGGESTED MOTION: A motion to approve an abatement and adjust the 2018 value from \$5,564,000 to \$5,354,400 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 or Mandan
County of Morton Property I.D. No. 65-6119800
Name HM4 LLC Telephone No. _____
Address 3608 DRAYSON DR BURLINGTON ND

Legal description of the property involved in this application:

LOT 7 BLOCK 1 MISSOURI VALLEY REPLAT 42 UNIT APARTMENT BLDG

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

Land \$ 565,200
Improvements \$ 4,998,800
Total \$ 5,564,000
(1)

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

Land \$ 355,600
Improvements \$ 4,998,800
Total \$ 5,354,400
(2)

The difference of \$ 209,600.00 true and full value between (1) and (2) above is due to the following reason(s):

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

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

1. Purchase price of property: \$ _____ 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 correct land value.

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

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

Signature of Preparer (if other than applicant) _____

Date _____

Signature of Applicant Jan Moran, Member

Date 3/24/20



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 7, 2020
PREPARATION DATE: March 31, 2020
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Chief Jason Ziegler
PRESENTER: Chief Jason Ziegler
SUBJECT: Transfer of Funds from Police Equipment Reserve Fund

STATEMENT/PURPOSE: Consider approving the transfer of \$7,500.00 from the Police Equipment Reserve Fund to the Police Department 2020 Capital Outlay Budget (121-62114) for K9 vehicle equipment.

BACKGROUND/ALTERNATIVES: Our first K9 vehicle needed an upgrade to the cage unit to function effectively for the handler and dog. This funding request is to pay for part of the upgraded K9 insert cage and electronics and for the installation. The additional costs will be taken from the 2020 operating budget.

ATTACHMENTS: Invoices

FISCAL IMPACT: \$7, 500.00 transfer

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Recommend the transfer of \$7,500.00 from the Police Equipment Reserve Fund to the Police Department 2020 budget.

SUGGESTED MOTION: Move to approve the transfer of \$7,500.00 from the Police Equipment Reserve Fund to the Police Department 2020 Capital Outlay budget for the purchase of equipment for the K9 vehicle.

Submit Payment to:



dba Radiotronics, Inc.
1315 SW COMMERCE WAY
Stuart, FL 34997-7231

PHONE: 772-600-7574
E-MAIL:
K9Sales@acek9.com

Invoice

121-62114
Abies 1/8/2020

Date	Invoice #
1/6/2020	269617

Account #	Mandan Police Dept.-ND
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Bill To
Mandan Police Dept.-ND 205 1st Ave. NW Mandan, ND 58554

** Mail a check for payment*

Ship To
Mandan Police Dept.-ND 205 1st Ave. NW Scott Stromsodt Mandan, ND 58554

P.O. Number	Terms	Rep	Ship	Via	Invoice Delivery
ORDER 3252	Net 30	B	1/6/2020	UPS	

QTY	Item Code	Description	Unit Serial #	Price Each	Amount
1	HP51F110	K9 Hot-N-Pop(R) PRO For 2011-UP INTERCEPTOR UTILITY, SEDAN, EXPLORER (Excluding XLT, Limited and Sport Models) w/ S.O.S. Horn activation, Siren activation, Light Bar activation, Dual Window Drop Module and Integrated Remote Door Sys.	BC15526 BiX7446	1,299.00	1,299.00
1	H-NKLBK-P	PART # H-NKLBK-P No K9 Left Behind Kit for Pro series products with PRM		69.00	69.00
1	HAP-EVS-K	Engine Vibration Stall Sensor. Will not work with vehicles with Hybrid or "Stop/Start" technology. NOTE: Stall Monitor needs to be Enabled in Menu		129.95	129.95
1	HA-FKT-10-P	10" Fan, Activation Module, Manual Switch & Materials		239.00	239.00
1	HA-FWG-10	PART# HA-FWG-10 Heavy-Duty Fan Guard for use with 10-inch fan (Fan Not Included)		85.00	85.00
1	AWD-7040	AceWatchDog(TM) Pro for use with PRO Alarm systems. Includes the first year of Server Service. Server Service is \$168.00 Per Year Per Unit.	WP04938	899.00	899.00
1	HA-CMD-P	PART # HA-CMD-P CARBON MONOXIDE DETECTOR AND INTERFACE MODULE (LOC:A003-A01)		165.00	165.00
1	HA-SDM-D	PART # HA-SDM-D SMOKE DETECTOR & INTERFACE MODULE (LOC: A004-A01)		104.95	104.95
1	COMMENT	2018 FORD EXPLORER INTERCEPTOR		0.00	0.00
1	HP51F110	K9 Hot-N-Pop(R) PRO For 2011-UP INTERCEPTOR UTILITY, SEDAN, EXPLORER (Excluding XLT, Limited and Sport Models) w/ S.O.S. Horn activation, Siren activation, Light Bar activation, Dual Window Drop Module and Integrated Remote Door Sys.	BC15527 BiX7447	1,299.00	1,299.00
1	H-NKLBK-P	PART # H-NKLBK-P No K9 Left Behind Kit for Pro series products with PRM		69.00	69.00
1	HAP-EVS-K	Engine Vibration Stall Sensor. Will not work with vehicles with Hybrid or "Stop/Start" technology. NOTE: Stall Monitor needs to be Enabled in Menu		129.95	129.95
1	HA-FKT-10-P	10" Fan, Activation Module, Manual Switch & Materials		239.00	239.00

Total
Payments/Credits
Balance Due

Submit Payment to:



dba Radiotronics, Inc.
1315 SW COMMERCE WAY
Stuart, FL 34997-7231

PHONE: 772-600-7574
E-MAIL:
K9Sales@acek9.com

Invoice

Date	Invoice #
1/6/2020	269617

Account #	Mandan Police Dept.-ND
-----------	------------------------

Bill To
Mandan Police Dept.-ND 205 1st Ave. NW Mandan, ND 58554

Ship To
Mandan Police Dept.-ND 205 1st Ave. NW Scott Stromsodt Mandan, ND 58554

P.O. Number	Terms	Rep	Ship	Via	Invoice Delivery
ORDER 3252	Net 30	B	1/6/2020	UPS	

QTY	Item Code	Description	Unit Serial #	Price Each	Amount
1	HA-FWG-10	PART# HA-FWG-10 Heavy-Duty Fan Guard for use with 10-inch fan (Fan Not Included)		85.00	85.00
1	AWD-7040	AceWatchDog(TM) Pro for use with PRO Alarm systems. Includes the first year of Server Service. Server Service is \$168.00 Per Year Per Unit.	WP04939	899.00	899.00
1	HA-CMD-P	PART # HA-CMD-P CARBON MONOXIDE DETECTOR AND INTERFACE MODULE (LOC:A003-A01)		165.00	165.00
1	HA-SDM-D	PART # HA-SDM-D SMOKE DETECTOR & INTERFACE MODULE (LOC: A004-A01)		104.95	104.95
1	COMMENT Freight	2017 FORD EXPLORER INTERCEPTOR Shipping		0.00 212.77	0.00 212.77
		IZX330200345117675 IZX330200343101686 IZX330200345075096			

RETURN POLICY

Items purchased from Radiotronics, Inc. and returned within 30 days from the date of purchase with original receipt or invoice is eligible for refund or exchange. No refunds or exchanges are allowed after 30 days from the date of purchase. Items must be in the original box, packaging, manuals and accessories. An open box fee equal to 20% of the purchase price will be charged on any opened item. Items that have been installed, used or altered cannot be returned. Original shipping cost to customer will not be refunded.

Total	\$6,194.57
Payments/Credits	\$0.00
Balance Due	\$6,194.57



DAKOTA COMMUNICATIONS inc.

1402 Basin Ave
Bismarck ND 58504
(701) 223-9581



Invoice SI-200280

Bill To: MANDAN PD

MANDAN POLICE DEPARTMENT
c/o JASON ZIEGLER
205 - 1ST AVE NW
MANDAN, ND 58554

Ship To:

MANDAN POLICE DEPARTMENT
205 - 1ST AVE NW
MANDAN, ND 58554

121-60110

Order Date	Ship Date	Ship Via	Terms	Salesperson	Customer PO
3/9/2020	3/19/2020		Net 10	14VAUGHAN, NICK	

Qty	B/O	Ship	Item	Description	Price	Disc	Total
			ACTION	REMOVE OLD KENNEL AND INSTALL NEW K9 EQUIPMENT			
			BROUGHT IN BY MAKE LICENSE # UNIT NUMBER:	BRENT WILMETH FORD UTILITY POLICE 7			
1	0	1	CK2136ITU12-10	K-9 Containment Unit Occupies Full Back Sea	2,800.00		2,800.00 T
				FOR USE WITH 10" Fan NOT INCLUDED INCLUDES REQUIRED: -#7VS Stationary Window Vinyl Coated Expanded Metal Front Partition With Sliding Door -#12VS Stationary Window Vinyl Coated Expanded Metal Cargo Area Rear Partition"			
1	0	1	TK0233ITU12	CARGO BOX - DSK- Drawer, Sliding with Key Lock - BSN- Base Sliding with No Lock	1,200.00		1,200.00 T
1	0	1	TPA9289	CARGO RADIO TRAY - TRN STANDARD	339.00		339.00 T
1	0	1	EQ FREIGHT	Freight For Above Equipment	250.00		250.00 T
1	0	1	MISC	Interstate 55Ah Battery	210.00		210.00 T
10	0	10	#4	4ga wire	3.00		30.00 T
20	0	20	#8	# 8 WIRE HOOKUP MISC COLORS	1.50		30.00 T
2	0	2	SFBIMAX	MAXI GOLD PLATED FUSEHOLDER (4 OR 8 GA)	15.00		30.00 T
1	0	1	SHOP SUPPLIES	TIES, TAPE, SCREWS, ETC.	40.00		40.00 T
				Labor To Install K9			
				Labor \ Install \ Nick			1,900.00

121-62114

Brien 3/30/2020

*Please mail a check for payment.

Please place our Invoice No. on all remittances and inquires. INTEREST WILL BE CHARGED ON PAST DUE ACCOUNTS AT THE RATE OF 1 1/2 PERCENT PER MONTH
We sell MOTOROLA Batteries and Accessories

Thank You

Subtotal:	7,039.00
Freight:	0.00
Other:	0.00
0.00 % Sales Tax 1:	0.00
0.00 % Sales Tax 2:	0.00
Total:	7,039.00



DAKOTA
COMMUNICATIONS inc.

1402 Basin Ave
Bismarck ND 58504
(701) 223-9581



Invoice SI-200280

Bill To: MANDAN PD

MANDAN POLICE DEPARTMENT
c/o JASON ZIEGLER
205 - 1ST AVE NW
MANDAN, ND 58554

Ship To:

MANDAN POLICE DEPARTMENT
205 - 1ST AVE NW
MANDAN, ND 58554

Order Date	Ship Date	Ship Via	Terms	Salesperson	Customer PO
3/9/2020	3/19/2020		Net 10	14VAUGHAN, NICK	

Qty	B/O	Ship	Item	Description	Price	Disc	Total
				Labor To Install Second Battery And Charger			
				Labor \ Install \ Nick			210.00
				THANK YOU FOR YOUR BUSINESS			

Please place our Invoice No. on all remittances and inquires. INTEREST WILL BE CHARGED ON PAST DUE ACCOUNTS AT THE RATE OF 1 1/2 PERCENT PER MONTH We sell MOTOROLA Batteries and Accessories

Thank You

Subtotal:	7,039.00
Freight:	0.00
Other:	0.00
0.00 % Sales Tax 1:	0.00
0.00 % Sales Tax 2:	0.00
Total:	7,039.00



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 7, 2020
PREPARATION DATE: March 30, 2020
SUBMITTING DEPARTMENT: Business Development & Communications Department
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: Cloverdale Foods Co. Application for PACE Interest Buydown

STATEMENT/PURPOSE: To consider a Mandan Growth Fund Committee recommendation regarding an application for an interest buydown for Cloverdale Foods Company to finance building additions and equipment.

BACKGROUND/ALTERNATIVES: During a March 25, 2020, MGF teleconference meeting, the committee reviewed an application for an interest buydown by Cloverdale, a company in existence in Mandan for more than 100 years that makes a variety of meat products. The applicant will be utilizing the Bank of North Dakota (BND) Partnership in Assisting Community Expansion (PACE) program.

The BND PACE program is for primary sector businesses with buydown amounts based on minimum investment or jobs creation. The maximum buy-down available from the BND under the PACE program is \$500,000. With a required 35 percent local share, this puts the local match at \$269,231. Cloverdale is seeking half of the required local share, or \$134,615.39 from the City of Mandan and will seek the other half from the City of Bismarck.

The buydown will reduce financing costs to 1% for 12 months on a \$12.5 million loan toward permanent financing on building addition and site costs and also for 60 months for a \$2.5 million loan for equipment.

ATTACHMENTS: Application

FISCAL IMPACT: The Growth Fund unencumbered balance as of Feb. 29, 2020, for economic development projects is \$374,942. If the request is approved, the uncommitted balance will be reduced to \$240,327.

The local match is recommended to be structured as a loan, with an interest rate of 0 percent over a five-year buy-down period, and repayable within five years thereafter, for a total maximum loan length of approximately 10 years. The LCRDC will administer and service the loan for the City of Mandan for a flat fee of \$1,500 to be paid by the applicant.

Cloverdale is also applying for a property tax exemption as an expanding, primary sector business. The MGF recommendation regarding that application will be considered as New Business No. 1i.

STAFF IMPACT: Minimal.

LEGAL REVIEW: City Attorney Malcolm Brown has reviewed the application. There will be a separate agreement with the Lewis and Clark Development Group for administration and servicing of the loan.

The applicant will need to enter into a business incentive agreement with the Bank of North Dakota and City of Mandan and will need to submit an annual jobs verification report for five years after receipt of the interest buy-down.

RECOMMENDATION: The MGF voted 8-0 (with one member absent) to recommend approval of the interest buy-down for Cloverdale Foods Company with a local match of \$134,615.39 to be structured as a zero percent interest repayable loan, to be repaid within five years following the five-year buy-down period. All origination and serving fees are to be paid by the applicant. Contingencies include approval of the other half of the local share by the City of Bismarck, plus overall loan approval by the lead lender and Bank of North Dakota.

SUGGESTED MOTION: I move to approve the interest buy-down for Cloverdale Foods Company with a local match of \$134,615.39 to be structured as a zero percent interest repayable loan, to be repaid within five years following the five-year buy-down period, subject to all other requirements and contingencies as outlined.



MANDAN GROWTH FUND PACE & FLEX PACE APPLICATION

Please complete and return to: City of Mandan Business Development & Communications Dept., 205 Second Ave. NW, Mandan, ND 58554 or ehuber@cityofmandan.com. For more information, call 667-3485. Applications will be reviewed at Mandan Growth Fund Committee meetings, scheduled as needed. Please allow 3 – 4 weeks for consideration.

GENERAL CONTACT INFORMATION				FOR INTERNAL USE ONLY				
Business Name: Cloverdale Foods Company				Date Received:				
Business Address: 3015 34th Street				Date to Growth Fund:				
City: Mandan		State: ND		Zip Code: 58554		Date to Commission:		
Project Address: 3015 34th Street				Date Commission Approved:				
City: Mandna		State: ND		Zip Code: 58554		Funding Amount Approved:		
Contact: Miranda Bergquist				Phone #: 701-663-9511 Ext. 414				
Cell #: 701-471-5372		Fax #:		Payment Status:				
E-mail: mirandab@cloverdalefoods.com				Payment Entry Date:				
Website: www.cloverdalefoods.com Federal				Date Payment Mailed:				
Tax ID #:				Other:				
Date Business Established: 1915								
Amount of Growth Funds Requested: \$134,615.39								
TYPE OF FUNDING REQUESTED (Please check one)								
<input checked="" type="checkbox"/> PACE Loan		<input type="checkbox"/> Flex PACE Loan		<input type="checkbox"/> Flex PACE Affordable Housing Loan				
PROJECT DESCRIPTION								
<input type="checkbox"/> New Business		<input type="checkbox"/> Business/Equipment Updates		<input type="checkbox"/> Community Development				
<input checked="" type="checkbox"/> Business Expansion		<input type="checkbox"/> Purchasing Existing Business		<input type="checkbox"/> Other _____				
BUSINESS OWNERSHIP INFORMATION								
Ownership Structure:								
<input type="checkbox"/> Sole Proprietorship		<input type="checkbox"/> Partnership		<input type="checkbox"/> Limited Liability Company				
<input checked="" type="checkbox"/> Corporation		<input type="checkbox"/> Other _____						
Key Owner Names (list all with a 20% interest or more)				% Ownership				
Thomas Russell				37.15%				
Scott Russell				23.58%				
Craig Russell				23.43%				
Key Management Name/Phone #				Titles				
Scott Russell / 701-228-9204				President/CEO				
Miranda Bergquist / 701-471-5372				CFO				
Sam Towner / 701-228-5540				VP of Operations				
KEY ADVISORS								
	Name	Firm/Company	Phone Number					
Attorney:	KrisAnn Norby-Jahner	Vogel Law	701-258-7899					
Accountant:	Stacy DuToit	Brady Martz	701-223-1717					
Other:								
FINANCIAL INFORMATION								
Total Project Cost: \$20 Million				Owner's Equity: 39.5% or \$11.6M				
BANKING INFORMATION								
LOAN TYPE		Part of Construction Finance <input type="checkbox"/> Yes <input type="checkbox"/> No		OR		Permanent Finance <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
FINANCIAL INSTITUTION	CONTACT PERSON	PHONE NUMBER	E-MAIL					
First International Bank & Trust	Brad Thompson	701-390-7383	bthompson@firstintbank.com					
EMPLOYEE INFORMATION								
Current Employees	F.T.	384	Avg. Salary	\$48,000	P.T.	11	Avg. Salary	\$20,000
3-Year Projection	F.T.	456	Avg. Salary	\$50,000	P.T.	12	Avg. Salary	\$22,000
5-Year Projection	F.T.	512	Avg. Salary	\$52,000	P.T.	15	Avg. Salary	\$24,000

A. EXECUTIVE SUMMARY

Please fill out this form if you are not submitting a full business plan or an executive summary that answers these questions.

Business Name	Cloverdale Foods Company							
Funding Requested	\$134,615.39							
Total Square Feet	54,500	Industry Type	Food Manufacturing					
What is the outline of the proposed project?								
See Project Summary Memo								
What is the primary purpose of the business?								
Wholesale Processed Meats Manufacturer								
What products and services are provided by the business?								
Bacon, Summer Sausage, Ham, Sausage, and Franks								
Who are the local competitors?								
The Cloverdale Country Store is a retail outlet for overstock on by-product but also has small retail product section. It could impact local business such as M&W Meats, Butcher Block, Dan's Supermarket, and Walmer								
What percentage of business income comes from the following:								
<i>Mandan/Bismarck</i>	4.6	%	<i>Other In-State</i>	12	%	<i>Outside of North Dakota</i>	83.4	%
How many jobs will this project create?		Full Time	128 over 5 years	Part Time	1 over 5 years			
Average Salary of New Jobs		\$42,000						
How will this project benefit the community?								
See Project Summary Memo								
Additional information regarding this project:								
See Project Summary Memo								
Has or will this project receive any other incentives <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								
If yes, please explain:								
Cloverdale has or will be applying for the following other incentives: Property Tax Exemption, **Community Development Block Grant, SBA 504 Loan, **ND Development Fund Loan, Automation tax credit, Workforce 20-20, APUC Grant ** These 2 incentives may result in awards of \$1,500,000; which would reduce the amount Part B down; but will still be over the limit of \$4.5M for the full \$500,000 interest buydown								

B. PROJECT FINANCING BREAKDOWN

Costs	Equity	Bank	Mandan Growth Fund
Site Work	0	0	0
Land Acquisition	0	0	0
Purchase of/Improvements to Building	0	18,500,000	0
Purchase of Machinery/Equipment	0	1,500,000	0
Inventory Purchased	0	0	0
Working Capital	0	0	0
Interest Buy Down	0	500,000 (BND)	134,615.39
Other: Bismarck Vision Fund	0	0	134,615.39
Other:	0	0	0
Desired terms of financing requested from Growth Fund			
Loan Type	<input type="checkbox"/> Forgivable Loan <input checked="" type="checkbox"/> Repayable Loan <input type="checkbox"/> Other (please specify):		
If a repayable loan, requested interest rate	0%		
Requested length of buy-down period (# of months or years)	5 Years		
Please attach the following:			
<ul style="list-style-type: none"> • Copies of bids received that support cost assumptions • A commitment letter from a financial institution that indicates terms for project financing. • Bank of North Dakota Exhibit A payment schedule with proposed loan & interest buy-down 			

C. CURRENT AND PROJECTED EMPLOYMENT

CURRENT AND PROJECTED EMPLOYMENT									
Type of Employment	Existing Jobs At Date of Application		Employment Projection Year 1		Employment Projection Year 2		Employment Projection Year 3		Starting Wage/Salary
	FT	PT	FT	PT	FT	PT	FT	PT	
Professional	50	1	51	1	52	1	53	1	\$40,000 to \$120,000
Managerial	14	0	15	0	16	0	17	0	\$50,000 to \$90,000
Technical	48	2	53	2	58	2	63	3	\$18 to \$28/hr
Skilled	16	0	16	0	18	0	18	0	\$18 to \$22/hr
Unskilled	3	0	3	0	3	0	3	0	\$15 to \$20 /hr
Semi-skilled	253	8	270	8	284	8	302	8	\$16 to \$20 /hr
Totals	384	11	408	11	431	11	456	12	

Salary and benefit total amounts should be provided for each job category.

Do salary and wage employees receive the same benefits? Yes No

The data which you supply to the Growth Fund will be used to assess your firm's qualifications for a business loan. We will not be able to process your financial application without it. There is a possibility this data might constitute a public record if and when a loan is approved, and, at this time, the data may be examined by anyone.

The undersigned says he/she is duly authorized to verify the foregoing application, that he/she has read the same and is familiar with the statements contained herein and that the same are true in substance and in fact. The undersigned specifically authorizes the Mandan Growth Fund to do a background check on the applicant, including the checking of references and the verification of any information on the application.

Additional information or documentation may be requested if deemed necessary.

Be advised as per North Dakota open records law that applications may be released to the public if requested except for portions subject to NDCC 44-04-18.4 pertaining to confidentiality of trade secret, proprietary, commercial, and financial information.

Certification and Authorization

I / We certify that all information set forth in this application is a true representation of the facts pertaining to the proposed business for the purpose of obtaining funding under the City of Mandan Restaurant Incentive Program. I / We understand and acknowledge that any willful misrepresentation of the information contained in this application could result in disqualification from the program, requiring any funds already disbursed to be repaid in full to the City of Mandan.

The undersigned specifically authorizes the City of Mandan Business Development Office or its representatives to conduct a background check on the applicant, including the checking of references and the verification of any information on the application.

I understand that personal and/or business information may be requested pursuant to this applicant for an incentive and I hereby give my consent for such information to be provided to the City of Mandan Business Development Office, the Mandan Growth Fund Committee or its representatives. I also understand that the Mandan Growth Fund Committee and the Mandan City Commission retain the decision as to whether this incentive application is approved, disapproved, or modified. It is my right to accept or decline the incentive amount and terms approved by the program.

The applicant further certifies that he/she has read and understands the Mandan Growth Fund Interest Buy Down Guidelines. The applicant must comply with all local, state and federal regulations. It is understood that all funding commitments are contingent upon the availability of program funds.

Release of information

The applicant hereby authorizes any third party to release to the City of Mandan Business Development Office without limit, any and all financial information regarding the applicant that is requested by the City of Mandan Business Development Office, its representatives or employees. Further, the applicant hereby authorizes release of said records and information by the City of Mandan Business Development Office to a third party, as deemed necessary by the City of Mandan Business Development Office, its representatives or employees.

All owners, officers or partners must sign this application.

Special Notice

Voters in the Nov. 4, 2008, election in the City of Mandan approved an initiated ordinance that states, "Installation of electric handicap accessible entrance doors are required on every building open to the public that has received public funds in any form whatsoever." Any property receiving an incentive since Nov. 14, 2008, is subject to the requirement in accordance with municipal code 111-2-9. Plan to install an automatic door for at least the main entrance of your business location if you do not have one.

Signatures:



Applicant/Business Owner

3/19/20

Date

Applicant/Business Owner

Date

Type of Cost	Area	Sq Ft	Cost/Sq Ft	Cost
Structural Cost	Warehouse Addition	44,631	\$ 95	\$ 4,239,945
Structural Cost	NE Plant Additions	6,600	\$ 120	\$ 792,000
Structural Cost	2nd Floor Office	3,100	\$ 110	\$ 341,000
Remodel	Existing Warehouse	37,800		\$ 2,835,000
Ammonia	Warehouse and NE Additoin			\$ 4,000,000
Site/Civil Work	Site/Civil Work			\$ 833,000
Equipment	Warehousr Racking and Forklifts			\$ 1,200,000
Not itemized yet	Electrical Upgrade, Parking lot, and other miscellenouse			\$ 5,759,055
				<u>\$ 20,000,000</u>



3/12/2020

Mandan City Commission
Mandan Growth Fund Committee

First International Bank & Trust has reviewed financing for Cloverdale Foods Company to assist with the expansion of their warehouse and manufacturing plant. Please see the attached Bank of North Dakota interest buydown schedule for details. The commitment is subject to Bank of North Dakota approval, execution of satisfactory loan documentation, no material change in the borrower's financial condition and other loan closing requirements.

Sincerely,

FIRST INTERNATIONAL BANK & TRUST

Brad Thompson
Senior Ag/Commercial Loan Officer

2 EXTRAORDINARY
0 BANK OF THE YEAR
1
8 Winner



Exhibit A: Cloverdale - RE

LOAN TYPE: PACE
 LOAN NUMBER:
 LEAD BANK:

NOTE: The borrower and originating lender should be aware that the fund will provide a set stream of subsidy payments (interest buydown) based upon the payment schedule below. The amount of the borrower's payment, the amortization and all other terms of the loan shall be governed by the promissory note.
 The balances shown here, other than the specific buydown amounts, are intended for illustrative purposes only.

Buydown Account Details

INTEREST BUYDOWN AMOUNT: \$445,848.33
 BND BUYDOWN AMOUNT: \$289,801.43
 COMMUNITY BUYDOWN AMOUNT: \$156,046.90
 PRESENT VALUE BND: \$288,764.54
 PRESENT VALUE COMMUNITY: \$155,488.57
 CREATED DATE: 2/25/2020

Loan without buydown

PRINCIPAL: \$12,500,000.00
 YIELD RATE: 4.75
 AMORTIZATION (MONTHS): 240
 PAYMENT: \$81,251.60

Loan with buydown

PRINCIPAL: \$12,500,000.00
 BORROWING RATE: 1.00
 AMORTIZATION (MONTHS): 240

Period	Payment	Principal	Interest	Balance
1	\$81,251.60	\$30,123.13	\$51,128.47	\$12,469,876.87
2	\$81,251.60	\$31,891.67	\$49,359.93	\$12,437,985.20
3	\$81,251.60	\$30,376.79	\$50,874.81	\$12,407,608.41
4	\$81,251.60	\$32,138.15	\$49,113.45	\$12,375,470.26
5	\$81,251.60	\$30,632.49	\$50,619.11	\$12,344,837.77
6	\$81,251.60	\$30,757.78	\$50,493.82	\$12,314,079.99
7	\$81,251.60	\$32,508.37	\$48,743.23	\$12,281,571.62
8	\$81,251.60	\$31,016.56	\$50,235.04	\$12,250,555.06
9	\$81,251.60	\$32,759.82	\$48,491.78	\$12,217,795.24
10	\$81,251.60	\$31,277.42	\$49,974.18	\$12,186,517.82
11	\$81,251.60	\$31,405.36	\$49,846.24	\$12,155,112.46
12	\$81,251.60	\$36,345.21	\$44,906.39	\$12,118,767.25
	\$975,019.20	\$381,232.75	\$593,786.45	

Period	Payment	Principal	Interest	Balance
1	\$40,887.02	\$30,123.13	\$10,763.89	\$12,469,876.87
2	\$42,283.23	\$31,891.67	\$10,391.56	\$12,437,985.20
3	\$41,087.28	\$30,376.79	\$10,710.49	\$12,407,608.41
4	\$42,477.82	\$32,138.15	\$10,339.67	\$12,375,470.26
5	\$41,289.14	\$30,632.49	\$10,656.65	\$12,344,837.77
6	\$41,388.06	\$30,757.78	\$10,630.28	\$12,314,079.99
7	\$42,770.10	\$32,508.37	\$10,261.73	\$12,281,571.62
8	\$41,592.36	\$31,016.56	\$10,575.80	\$12,250,555.06
9	\$42,968.62	\$32,759.82	\$10,208.80	\$12,217,795.24
10	\$41,798.30	\$31,277.42	\$10,520.88	\$12,186,517.82
11	\$41,899.31	\$31,405.36	\$10,493.95	\$12,155,112.46
12	\$45,799.19	\$36,345.21	\$9,453.98	\$12,118,767.25
	\$506,240.43	\$381,232.75	\$125,007.68	

Period	Interest Buydown	BND (65.00%)	Community (35.00%)
1	\$40,364.58	\$26,236.98	\$14,127.60
2	\$38,968.37	\$25,329.44	\$13,638.93
3	\$40,164.32	\$26,106.81	\$14,057.51
4	\$38,773.78	\$25,202.96	\$13,570.82
5	\$39,962.46	\$25,975.60	\$13,986.86
6	\$39,863.54	\$25,911.30	\$13,952.24
7	\$38,481.50	\$25,012.98	\$13,468.52
8	\$39,659.74	\$25,778.51	\$13,880.73
9	\$38,282.98	\$24,883.94	\$13,399.04
10	\$39,453.30	\$25,644.64	\$13,808.66
11	\$39,352.29	\$25,578.99	\$13,773.30
12	\$12,521.97	\$8,139.28	\$4,382.69
	\$445,848.33	\$289,801.43	\$156,046.90

Exhibit A: Cloverdale - equipment

LOAN TYPE: PACE

LOAN NUMBER:

LEAD BANK:

Buydown Account Details

INTEREST BUYDOWN AMOUNT:	\$323,382.36
BND BUYDOWN AMOUNT:	\$210,198.57
COMMUNITY BUYDOWN AMOUNT:	\$113,183.79
PRESENT VALUE BND:	\$207,105.39
PRESENT VALUE COMMUNITY:	\$111,518.23
CREATED DATE:	3/21/2018

Loan without buydown

PRINCIPAL:	\$2,500,000.00
YIELD RATE:	4.75
AMORTIZATION (MONTHS):	84
PAYMENT:	\$35,121.20

NOTE: The borrower and originating lender should be aware that the fund will provide a set stream of subsidy payments (interest buydown) based upon the payment schedule below. The amount of the borrower's payment, the amortization and all other terms of the loan shall be governed by the promissory note.

The balances shown here, other than the specific buydown amounts, are intended for illustrative purposes only.

Loan with buydown

PRINCIPAL:	\$2,500,000.00
BORROWING RATE:	1.00
AMORTIZATION (MONTHS):	84

Period	Payment	Principal	Interest	Balance
1	\$35,121.20	\$24,895.51	\$10,225.69	\$2,475,104.49
2	\$35,121.20	\$25,323.91	\$9,797.29	\$2,449,780.58
3	\$35,121.20	\$25,100.92	\$10,020.28	\$2,424,679.66
4	\$35,121.20	\$25,523.51	\$9,597.69	\$2,399,156.15
5	\$35,121.20	\$25,307.98	\$9,813.22	\$2,373,848.17
6	\$35,121.20	\$25,411.50	\$9,709.70	\$2,348,436.67
7	\$35,121.20	\$25,825.30	\$9,295.90	\$2,322,611.37
8	\$35,121.20	\$25,621.07	\$9,500.13	\$2,296,990.30
9	\$35,121.20	\$26,028.95	\$9,092.25	\$2,270,961.35
10	\$35,121.20	\$25,832.34	\$9,288.86	\$2,245,129.01
11	\$35,121.20	\$25,938.00	\$9,183.20	\$2,219,191.01
12	\$35,121.20	\$26,922.52	\$8,198.68	\$2,192,268.49
13	\$35,121.20	\$26,154.21	\$8,966.99	\$2,166,114.28
14	\$35,121.20	\$26,547.00	\$8,574.20	\$2,139,567.28
15	\$35,121.20	\$26,369.78	\$8,751.42	\$2,113,197.50
16	\$35,121.20	\$26,756.46	\$8,364.74	\$2,086,441.04
17	\$35,121.20	\$26,587.08	\$8,534.12	\$2,059,853.96
18	\$35,121.20	\$26,695.83	\$8,425.37	\$2,033,158.13
19	\$35,121.20	\$27,073.28	\$8,047.92	\$2,006,084.85
20	\$35,121.20	\$26,915.76	\$8,205.44	\$1,979,169.09
21	\$35,121.20	\$27,286.99	\$7,834.21	\$1,951,882.10
22	\$35,121.20	\$27,137.46	\$7,983.74	\$1,924,744.64
23	\$35,121.20	\$27,248.46	\$7,872.74	\$1,897,496.18
24	\$35,121.20	\$28,111.01	\$7,010.19	\$1,869,385.17
25	\$35,121.20	\$27,474.90	\$7,646.30	\$1,841,910.27
26	\$35,121.20	\$27,830.31	\$7,290.89	\$1,814,079.96
27	\$35,121.20	\$27,701.11	\$7,420.09	\$1,786,378.85
28	\$35,121.20	\$28,050.12	\$7,071.08	\$1,758,328.73
29	\$35,121.20	\$27,929.15	\$7,192.05	\$1,730,399.58
30	\$35,121.20	\$28,043.39	\$7,077.81	\$1,702,356.19
31	\$35,121.20	\$28,382.71	\$6,738.49	\$1,673,973.48
32	\$35,121.20	\$28,274.18	\$6,847.02	\$1,645,699.30
33	\$35,121.20	\$28,606.97	\$6,514.23	\$1,617,092.33
34	\$35,121.20	\$28,506.84	\$6,614.36	\$1,588,585.49
35	\$35,121.20	\$28,623.44	\$6,497.76	\$1,559,962.05
36	\$35,121.20	\$29,358.01	\$5,763.19	\$1,530,604.04
37	\$35,121.20	\$28,860.60	\$6,260.60	\$1,501,743.44
38	\$35,121.20	\$29,176.80	\$5,944.40	\$1,472,566.64

Period	Payment	Principal	Interest	Balance
1	\$27,048.29	\$24,895.51	\$2,152.78	\$2,475,104.49
2	\$27,386.50	\$25,323.91	\$2,062.59	\$2,449,780.58
3	\$27,210.45	\$25,100.92	\$2,109.53	\$2,424,679.66
4	\$27,544.08	\$25,523.51	\$2,020.57	\$2,399,156.15
5	\$27,373.92	\$25,307.98	\$2,065.94	\$2,373,848.17
6	\$27,455.65	\$25,411.50	\$2,044.15	\$2,348,436.67
7	\$27,782.33	\$25,825.30	\$1,957.03	\$2,322,611.37
8	\$27,621.10	\$25,621.07	\$2,000.03	\$2,296,990.30
9	\$27,943.11	\$26,028.95	\$1,914.16	\$2,270,961.35
10	\$27,787.89	\$25,832.34	\$1,955.55	\$2,245,129.01
11	\$27,871.31	\$25,938.00	\$1,933.31	\$2,219,191.01
12	\$28,648.56	\$26,922.52	\$1,726.04	\$2,192,268.49
13	\$28,042.00	\$26,154.21	\$1,887.79	\$2,166,114.28
14	\$28,352.09	\$26,547.00	\$1,805.09	\$2,139,567.28
15	\$28,212.18	\$26,369.78	\$1,842.40	\$2,113,197.50
16	\$28,517.46	\$26,756.46	\$1,761.00	\$2,086,441.04
17	\$28,383.74	\$26,587.08	\$1,796.66	\$2,059,853.96
18	\$28,469.59	\$26,695.83	\$1,773.76	\$2,033,158.13
19	\$28,767.58	\$27,073.28	\$1,694.30	\$2,006,084.85
20	\$28,643.22	\$26,915.76	\$1,727.46	\$1,979,169.09
21	\$28,936.30	\$27,286.99	\$1,649.31	\$1,951,882.10
22	\$28,818.25	\$27,137.46	\$1,680.79	\$1,924,744.64
23	\$28,905.88	\$27,248.46	\$1,657.42	\$1,897,496.18
24	\$29,586.84	\$28,111.01	\$1,475.83	\$1,869,385.17
25	\$29,084.65	\$27,474.90	\$1,609.75	\$1,841,910.27
26	\$29,365.23	\$27,830.31	\$1,534.92	\$1,814,079.96
27	\$29,263.23	\$27,701.11	\$1,562.12	\$1,786,378.85
28	\$29,538.77	\$28,050.12	\$1,488.65	\$1,758,328.73
29	\$29,443.27	\$27,929.15	\$1,514.12	\$1,730,399.58
30	\$29,533.46	\$28,043.39	\$1,490.07	\$1,702,356.19
31	\$29,801.34	\$28,382.71	\$1,418.63	\$1,673,973.48
32	\$29,715.66	\$28,274.18	\$1,441.48	\$1,645,699.30
33	\$29,978.39	\$28,606.97	\$1,371.42	\$1,617,092.33
34	\$29,899.34	\$28,506.84	\$1,392.50	\$1,588,585.49
35	\$29,991.39	\$28,623.44	\$1,367.95	\$1,559,962.05
36	\$30,571.31	\$29,358.01	\$1,213.30	\$1,530,604.04
37	\$30,178.62	\$28,860.60	\$1,318.02	\$1,501,743.44
38	\$30,428.25	\$29,176.80	\$1,251.45	\$1,472,566.64

Period	Interest Buydown	BND (65.00%)	Community (35.00%)
1	\$8,072.91	\$5,247.39	\$2,825.52
2	\$7,734.70	\$5,027.56	\$2,707.14
3	\$7,910.75	\$5,141.99	\$2,768.76
4	\$7,577.12	\$4,925.13	\$2,651.99
5	\$7,747.28	\$5,035.73	\$2,711.55
6	\$7,665.55	\$4,982.61	\$2,682.94
7	\$7,338.87	\$4,770.27	\$2,568.60
8	\$7,500.10	\$4,875.06	\$2,625.04
9	\$7,178.09	\$4,665.76	\$2,512.33
10	\$7,333.31	\$4,766.65	\$2,566.66
11	\$7,249.89	\$4,712.43	\$2,537.46
12	\$6,472.64	\$4,207.22	\$2,265.42
13	\$7,079.20	\$4,601.48	\$2,477.72
14	\$6,769.11	\$4,399.92	\$2,369.19
15	\$6,909.02	\$4,490.86	\$2,418.16
16	\$6,603.74	\$4,292.43	\$2,311.31
17	\$6,737.46	\$4,379.35	\$2,358.11
18	\$6,651.61	\$4,323.55	\$2,328.06
19	\$6,353.62	\$4,129.85	\$2,223.77
20	\$6,477.98	\$4,210.69	\$2,267.29
21	\$6,184.90	\$4,020.18	\$2,164.72
22	\$6,302.95	\$4,096.92	\$2,206.03
23	\$6,215.32	\$4,039.96	\$2,175.36
24	\$5,534.36	\$3,597.33	\$1,937.03
25	\$6,036.55	\$3,923.76	\$2,112.79
26	\$5,755.97	\$3,741.38	\$2,014.59
27	\$5,857.97	\$3,807.68	\$2,050.29
28	\$5,582.43	\$3,628.58	\$1,953.85
29	\$5,677.93	\$3,690.65	\$1,987.28
30	\$5,587.74	\$3,632.03	\$1,955.71
31	\$5,319.86	\$3,457.91	\$1,861.95
32	\$5,405.54	\$3,513.60	\$1,891.94
33	\$5,142.81	\$3,342.83	\$1,799.98
34	\$5,221.86	\$3,394.21	\$1,827.65
35	\$5,129.81	\$3,334.38	\$1,795.43
36	\$4,549.89	\$2,957.43	\$1,592.46
37	\$4,942.58	\$3,212.68	\$1,729.90
38	\$4,692.95	\$3,050.42	\$1,642.53

39	\$35,121.20	\$29,097.99	\$6,023.21	\$1,443,468.65	39	\$30,366.03	\$29,097.99	\$1,268.04	\$1,443,468.65	39	\$4,755.17	\$3,090.86	\$1,664.31			
40	\$35,121.20	\$29,407.47	\$5,713.73	\$1,414,061.18	40	\$30,610.36	\$29,407.47	\$1,202.89	\$1,414,061.18	40	\$4,510.84	\$2,932.05	\$1,578.79			
41	\$35,121.20	\$29,337.30	\$5,783.90	\$1,384,723.88	41	\$30,554.96	\$29,337.30	\$1,217.66	\$1,384,723.88	41	\$4,566.24	\$2,968.06	\$1,598.18			
42	\$35,121.20	\$29,457.29	\$5,663.91	\$1,355,266.59	42	\$30,649.69	\$29,457.29	\$1,192.40	\$1,355,266.59	42	\$4,471.51	\$2,906.48	\$1,565.03			
43	\$35,121.20	\$29,756.60	\$5,364.60	\$1,325,509.99	43	\$30,885.99	\$29,756.60	\$1,129.39	\$1,325,509.99	43	\$4,235.21	\$2,752.89	\$1,482.32			
44	\$35,121.20	\$29,699.50	\$5,421.70	\$1,295,810.49	44	\$30,840.91	\$29,699.50	\$1,141.41	\$1,295,810.49	44	\$4,280.29	\$2,782.19	\$1,498.10			
45	\$35,121.20	\$29,991.95	\$5,129.25	\$1,265,818.54	45	\$31,071.79	\$29,991.95	\$1,079.84	\$1,265,818.54	45	\$4,049.41	\$2,637.12	\$1,417.29			
46	\$35,121.20	\$29,943.65	\$5,177.55	\$1,235,874.89	46	\$31,033.66	\$29,943.65	\$1,090.01	\$1,235,874.89	46	\$4,087.54	\$2,656.90	\$1,430.64			
47	\$35,121.20	\$30,066.13	\$5,055.07	\$1,205,808.76	47	\$31,130.36	\$30,066.13	\$1,064.23	\$1,205,808.76	47	\$3,990.84	\$2,594.05	\$1,396.79			
48	\$35,121.20	\$30,507.31	\$4,613.89	\$1,175,301.45	48	\$31,478.66	\$30,507.31	\$971.35	\$1,175,301.45	48	\$3,642.54	\$2,367.65	\$1,274.89			
49	\$35,121.20	\$30,313.89	\$4,807.31	\$1,144,987.56	49	\$31,325.96	\$30,313.89	\$1,012.07	\$1,144,987.56	49	\$3,795.24	\$2,466.91	\$1,328.33			
50	\$35,121.20	\$30,588.96	\$4,532.24	\$1,114,398.60	50	\$31,543.12	\$30,588.96	\$954.16	\$1,114,398.60	50	\$3,578.08	\$2,325.75	\$1,252.33			
51	\$35,121.20	\$30,563.00	\$4,558.20	\$1,083,835.60	51	\$31,522.62	\$30,563.00	\$959.62	\$1,083,835.60	51	\$3,598.58	\$2,339.08	\$1,259.50			
52	\$35,121.20	\$30,831.02	\$4,290.18	\$1,053,004.58	52	\$31,734.22	\$30,831.02	\$903.20	\$1,053,004.58	52	\$3,386.98	\$2,201.54	\$1,185.44			
53	\$35,121.20	\$30,814.12	\$4,307.08	\$1,022,190.46	53	\$31,720.87	\$30,814.12	\$906.75	\$1,022,190.46	53	\$3,400.33	\$2,210.21	\$1,190.12			
54	\$35,121.20	\$30,940.16	\$4,181.04	\$991,250.30	54	\$31,820.38	\$30,940.16	\$880.22	\$991,250.30	54	\$3,300.82	\$2,145.53	\$1,155.29			
55	\$35,121.20	\$31,197.50	\$3,923.70	\$960,052.80	55	\$32,023.54	\$31,197.50	\$826.04	\$960,052.80	55	\$3,097.66	\$2,013.48	\$1,084.18			
56	\$35,121.20	\$31,194.32	\$3,926.88	\$928,858.48	56	\$32,021.03	\$31,194.32	\$826.71	\$928,858.48	56	\$3,100.17	\$2,015.11	\$1,085.06			
57	\$35,121.20	\$31,444.47	\$3,676.73	\$897,414.01	57	\$32,218.52	\$31,444.47	\$774.05	\$897,414.01	57	\$2,902.68	\$1,886.74	\$1,015.94			
58	\$35,121.20	\$31,450.53	\$3,670.67	\$865,963.48	58	\$32,223.30	\$31,450.53	\$772.77	\$865,963.48	58	\$2,897.90	\$1,883.64	\$1,014.26			
59	\$35,121.20	\$31,579.17	\$3,542.03	\$834,384.31	59	\$32,324.86	\$31,579.17	\$745.69	\$834,384.31	59	\$2,796.34	\$1,817.62	\$978.72			
60	\$35,121.20	\$32,038.61	\$3,082.59	\$802,345.70	60	\$32,687.58	\$32,038.61	\$648.97	\$802,345.70	60	\$2,433.62	\$1,581.85	\$851.77			
\$2,107,272.00				\$1,697,654.30	\$409,617.70	\$1,783,889.64				\$1,697,654.30	\$86,235.34	\$323,382.36			\$210,198.57	\$113,183.79



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 7, 2020
PREPARATION DATE: April 3, 2020
SUBMITTING DEPARTMENT: Planning and Engineering
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning and Engineering Director
Laith Hintz, PE; AE2S Project Manager
SUBJECT: Raw Water Intake, Phase 1A Ad for Bids

STATEMENT/PURPOSE: To consider an advertisement for bid of the Raw Water Intake, Phase 1A.

BACKGROUND/ALTERNATIVES: AE2S has been working the past couple of months on a plan to change some of the bid packages and design scope in order to bring the cost down from what it was projected to be after opening the phase 1 bids in October and rebid.

Laith Hintz with AE2S is here to present on the Raw Water Intake project re-bidding effort. The business item today is to consider approval of an advertisement for bid for Phase 1A.

AE2S and the City have been in contact with our partners in this project as we come to this point. Notably, the Marathon Refinery and the State Water Commission. The bid advertisement allows the City to hold bids for 90 days in order to secure financial commitments. Most notably, we will be seeking an increase in commitment from the State Water Commission at their June meeting after all phases of bids have been opened.

ATTACHMENTS:

- 1) Advertisement for Bid
- 2) Presentation Slides

FISCAL IMPACT: With the revised estimate now at \$30M for total project, we will expect our local match to go from about \$4.1M estimated last year when budgeting to about \$6.0M now based on the new numbers. This estimate is assuming that our other funding partners, Marathon and the State Water Commission, can match at percentages already agreed to. Though they have yet to formally agree to, they have been consulted with and discussions have been favorable to seeing their match.

STAFF IMPACT: Minimal

LEGAL REVIEW: All items have been forwarded to our Attorney for review.

RECOMMENDATION: Approve the advertisement for bid.

SUGGESTED MOTION: I move to approve the advertisement for bid of the Raw Water Intake, Phase 1A contract.

SECTION 00 11 13
ADVERTISEMENT FOR BIDS

MANDAN RAW WATER INTAKE – PHASE IA
INTAKE STRUCTURE (CAISSON, PIPE, AND SCREEN) IMPROVEMENTS
CITY OF MANDAN, NORTH DAKOTA

NOTICE IS HEREBY GIVEN, that the City of Mandan, North Dakota, will receive sealed Bids for the construction of the Mandan Raw Water Intake Phase IA – Intake Structure (Caisson, Pipe, and Screen) Improvements and will be received at Office of the City Administrator, 205 2nd Ave NW, Mandan, North Dakota 58554 until 4:00pm local time on May 12, 2020, at which time the Bids received will be publicly opened and read aloud at 4:05 PM in the City Commission Chambers.

Bids being mailed or delivered prior to May 12, 2020 can be directed to:

City Administrator
City of Mandan
205 2nd Ave NW
Mandan, ND 58554.

One Bid will be received for Contract No. 1 – General Construction. Bids shall be on a lump sum basis for all Contracts. The Work comprised of Contract No 1 is generally described as follows:

Contract No. 1 – GENERAL CONSTRUCTION (LUMP SUM): Work generally consists of mobilization, bonding, insurance for all Project work shown on the civil, structural, and process drawings and as contained in the specifications, constructing a new intake structure, caisson, and intake line. Includes providing four (4) intake barrel screens and crib structure, furnishing and installing intake line, dewatering system, shoring system, installing piles, installing caisson structure, site grading, excavation, filling and backfilling, erosion and sediment control, access roads, aggregate roadway, fencing, and all related appurtenances.

The Issuing Office for the Bidding Documents is: Advanced Engineering and Environmental Services, Inc., 1815 Schafer Street, Ste 301, Bismarck, ND 58501. Contact person for all bidding document interpretations and clarifications is Laith Hintz, 701-221-0530, laith.hintz@ae2s.com. Prospective Bidders may examine the Bidding Documents at the Issuing Office on Mondays through Fridays between the hours of 8:30 AM and 4:30 PM, and may obtain copies of the Bidding Documents from the Issuing Office as described below. Bidding Documents also may be examined at the following locations: Builders Exchanges in Grand Forks, Bismarck, Minot, and Fargo, ND; Rapid City and Sioux Falls, SD; and in Minneapolis, MN.

Complete digital project Bidding Documents are available at www.AE2S.com or www.questcdn.com. You may download the digital plan documents for Twenty-Five Dollars (\$25.00) by inputting Quest project #6968925 on the website's Project Search page. Please contact QuestCDN.com at 952-233-1632 or info@questcdn.com for assistance in free membership registration, downloading, and working with this digital project information. The Bidding Documents are available in digital PDF form on CD by request from the Issuing Office for a **NON-REFUNDABLE** charge of Seventy-Five Dollars and No Cents (\$75.00) and available in the form of printed plans and specifications for a **NON-REFUNDABLE** charge of One Hundred Fifty Dollars and No Cents (\$150.00) for each set requested.

A pre-bid conference is tentatively scheduled for April 28, 2020 at 10:00 AM local time at the Mandan Water Treatment Facility located at 1994 38th St, Mandan, ND 58554. A memorandum to all Plan Holders will be sent formally establishing the final date and time. Attendance at the pre-bid conference is highly encouraged but is not mandatory.

Each bid must be accompanied by a separate envelope containing the contractor's license and bid security. The bid security must be in a sum equal to five percent (5%) of the full amount of the bid and must be in the form of a bidder's bond. A bidder's bond must be 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 the award, shall execute a contract in accordance with the terms of the bid and the bid bond and any condition of the governing body. A countersignature of a bid bond is not required under this section. If a successful bidder does not execute a contract within the ten days allowed, the bidder's bond must be forfeited to the governing body and the project awarded to the next lowest responsible bidder.

All Bidders must be licensed for the highest amount of their Bids, as provided by Section 43-07-12 of the North Dakota Century Code.

Bids that do not fully comply with requirements of NDCC 48-01.2-05 are considered deficient and will be resealed and returned to the bidder immediately.

The City of Mandan reserves the right to reject any and all bids and rebid the project until a satisfactory bid is received.

All Bids will be made on the basis of cash payment for such work and materials. All Bidders are invited to be present at the public opening of the Bids. The City of Mandan reserves the right to hold the three (3) low Bids for a period of ninety (90) days after the date of the Bid opening to complete financial arrangements.

Bidders on this work will be required to comply with Title 40 CFR Part 33– Participation by Disadvantaged Business Enterprises in the United States Environmental Protection Agency Programs. The requirements for bidders and contractors under this regulation concern utilization of Minority Business Enterprises (MBE), Women's Business Enterprises (WBE), and Small Business Enterprises (SBE) and are explained in the specifications.

The goal for MBE is 2% of the total dollar value of the project. The goal for WBE is 3% of the total dollar value of the project.

Bidders shall demonstrate a good faith effort to solicit for MBE and WBE subcontractors. The completed MBE/WBE Solicitation Information sheet must be provided in the outer bid security envelope. Failure to include this information will result in the bid not being opened.

Bidders on this work will be required to comply with the President's Executive Order No. 11246, as amended. The requirements for bidders and contractors under this order are explained in the specifications.

Dated this 7th day of April 2020
Publish: 04/17/2020, 04/24/2020, and 05/01/2020

By: /s/ Jim Neubauer, City Administrator
Mandan, North Dakota



MANDAN RAW WATER INTAKE

CITY COMMISSION UPDATE

Laith Hintz, PE



April 7, 2020

Advanced Engineering and Environmental Services, Inc.



REQUEST FOR THE COMMISSION



**Consider Authorization to
Advertise for bids for the Raw
Water Intake Project**



- **Reviewed construction techniques and components for possible cost-savings and discussions with potential Contractors**
 - Potential Cost-Savings – Identified but rejected due to neighborhood impacts from annual sediment removal from site
 - Repackage work into three phases to increase interest
 - Performance-based bids for specialty work
 - Appears to be good interest from Contractors for various phases
- **Funding**
 - Revised planning budget is \$29.964M
 - Continue coordination with SWC for additional cost-share support

PROJECT BUDGETS



	January 2019 Budget	March 2020 Budget
Total Project Costs	\$20,835,000	\$29,964,000
Total State Water Commission Participation (current)	\$12,627,000	\$12,627,000
Potential Additional SWC Participation	- -	\$5,477,400
City Cost Share	\$4,104,000	\$5,929,800
Marathon Cost Share	\$4,104,000	\$5,929,800

Participation Established in MOU between City and Marathon

- Based on 50/50 split of local share

Anticipated Funding

- Approved SWC cost-share assistance of \$12,627,420 as of June 2019.
- City Local Share funded by SRF loan or bonds.

MOVING FORWARD



- **Proposed Schedule**

- ~~February 2020: Value Engineering~~

- ~~Evaluate caisson diameter, intake pipe diameter, caisson location~~

- **March – May 2020: Design Repackage/Bidding**

- Phase IA – Specialty Construction (caisson, intake line, marine work)
 - Phase IB – General, Mechanical, and Electrical
 - Phase II – Transmission Line

- **April 25, 2020: SWC Cost-Share Application Submitted**

- Already notified SWC for need of additional cost share

- **May 12, 2020: Phase IA Bidding (hold bids 90 days)**

- **June 4, 2020: Phase IB Bidding (hold bids 60 days)**

- **June 4, 2020: Phase II Bid Opening (hold bids 60 days)**

- **June 9, 2020: SWC Meeting (reconfirm and/or update request amount)**

- **June 16, 2020: City Commission Meeting to Consider Bids**



QUESTIONS

Laith Hintz, PE



City Commission Update Meeting

April 7, 2020



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 7th, 2020
PREPARATION DATE: April 1st, 2020
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Mitch Bitz
PRESENTER: Mitch Bitz, Director of Public Works
SUBJECT: 2020 Spring Clean Up-Cancellation of Curbside Collection – Free Landfill Dumping

STATEMENT/PURPOSE: To consider altering the 2020 Spring Cleanup week, specifically eliminating the curbside collection for 2020 Spring Clean up Event, due to Covid-19 Pandemic and waive residential disposal fees the week of April 20.

BACKGROUND/ALTERNATIVES: There is an uncertainty if there could be a chance of any cross contamination that could take place from residence to residence or from residence's debris pile to staff working the event. There are many instances when items are set out for disposal and then removed from the curbsides by other residents and subsequently these items are taken home. If people transport these possibly contaminated items into their family homes, we as a community risk the increase of Covid-19 cases within or possibly outside of our community.

It has been our practice to hire outside labor forces to assist us during the week of spring cleanup. Beings these hired personnel interact with our staff and our equipment, this again increases our risk to Public Works, which could prove to be detrimental to the City of Mandan

As an alternate to picking up the debris at the curbside as we traditionally have, we propose to allow all residents that live within the City of Mandan to bring all approved items out to the City of Mandan Municipal Landfill free of charge from, April 20 - April 25, 2020.

We would like to remind residents that the following items will be charged normal disposal rates or will not be accepted at the Mandan Landfill:

- Tires - During spring clean-up week the landfill will charge \$2 per tire
- Paint must to be dried with the lid off and taken to the landfill. (Paint can be dried using sawdust, sand, or an absorbent)

- Refrigerated appliances must be free of food prior to dumping

Lastly, we would like to remind residents to be prepared to show proof of residency should they be asked by staff.

ATTACHMENTS: 2020 Spring Free Landfill Week Proclamation

FISCAL IMPACT: We expect to save the expense of hired labor and haulers of approximately \$15,000.

STAFF IMPACT: Supervisors will coordinate with landfill personal to assure adequate coverage for the dates of Spring Clean Up.

LEGAL REVIEW: Attorney Brown's office had review the attached documents

RECOMMENDATION: To eliminate curbside collection for the 2020 Spring Clean Up Event due to Covid-19. In addition to also waive disposal fees for City of Mandan residents at the City of Mandan Municipal Landfill starting, April 20th through April 25th, 2020 and the hours of operation would be 8:00 a.m. to 4:45 p.m. each day the landfill is open for the event.

SUGGESTED MOTION: I make a motion to eliminate the curbside collection for the 2020 Spring Clean up Event due to the Covid-19 Pandemic. In addition, I also move to waive residential disposal fees for City of Mandan residents at the City of Mandan Municipal Landfill starting, April 20 through April 25, 2020 and the hours of operation would be 8:00 a.m. to 4:45 p.m. each day the landfill is open for the event.



PROCLAMATION

SPRING FREE LANDFILL WEEK

April 20 – 25, 2020

WHEREAS, Each spring a special week has been set aside to encourage city wide clean-up effort; and

WHEREAS, Experience has shown that the efforts put forth during this week help to prevent accidents and fires and does much to promote a clean, attractive community; and

WHEREAS, The citizens of Mandan can participate in this program to the common benefit of the individual property owners and the community as a whole.

NOW THEREFORE, I, TIMOTHY A. HELBLING, President of the Board of City Commissioners of the City of Mandan, do hereby proclaim the week of April 20th – April 25th, 2020 to be

“SPRING FREE LANDFILL WEEK”

In the City of Mandan and do urge all citizens to participate in the efforts to keep Mandan the clean and attractive community that it is.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Mandan to be affixed on April 7th, 2020.

Timothy A. Helbling,
President,
Board of City Commissioners

Attest:

James Neubauer City Administrator



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 7, 2020
PREPARATION DATE: March 27, 2020
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: Second and Final Consideration of Ordinance 1336 related to a Zoning Map Amendment

STATEMENT/PURPOSE: Consider approval of the second and final consideration of Ordinance 1336 related to a zoning amendment for the proposed plat of Longhorn 2nd Add. .

BACKGROUND/ALTERNATIVES:

This is the second and final consideration for the proposed plat of Longhorn 2nd Add. The Board unanimously passed a land use amendment, first consideration of the rezone request, and preliminary plat for the property. A final plat will be presented at a future date. For reference, all exhibits related to previously approved portions of this application have been included as part of this staff report.

The future land use for this property is commercial and rural residential. The proposed zone change aligns with the City's Land Use and Transportation Plan.

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:

Board of City Commissioners

Agenda Documentation

Meeting Date: April 7, 2020

Subject: Second and Final Consideration of Ordinance 1336 Related to a Zoning Map Amendment

Page 2 of 2

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

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 City Attorney Brown.

RECOMMENDATION: The Planning and Zoning Commission unanimously recommended approval of the zoning map amendment. The Board approved the first consideration of the zoning map amendment unanimously.

SUGGESTED MOTION: I move to approve the second and final consideration of Ordinance 1336 as outlined in Exhibit 6.

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"/>	City	<input checked="" type="checkbox"/>	ETA	<input 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			
<input type="checkbox"/>	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 checked="" type="checkbox"/> Addition <input 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			Elmer Madler Signature		1-24-20 Date
Alvina Madler			Alvina Madler		1-24-20

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).

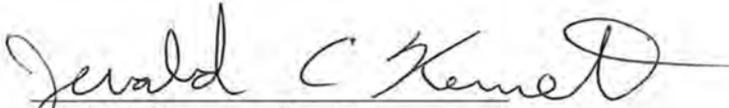
To the West (1806) the land is currently zoned Agricultural and Rural Residential (See attached exhibit).

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

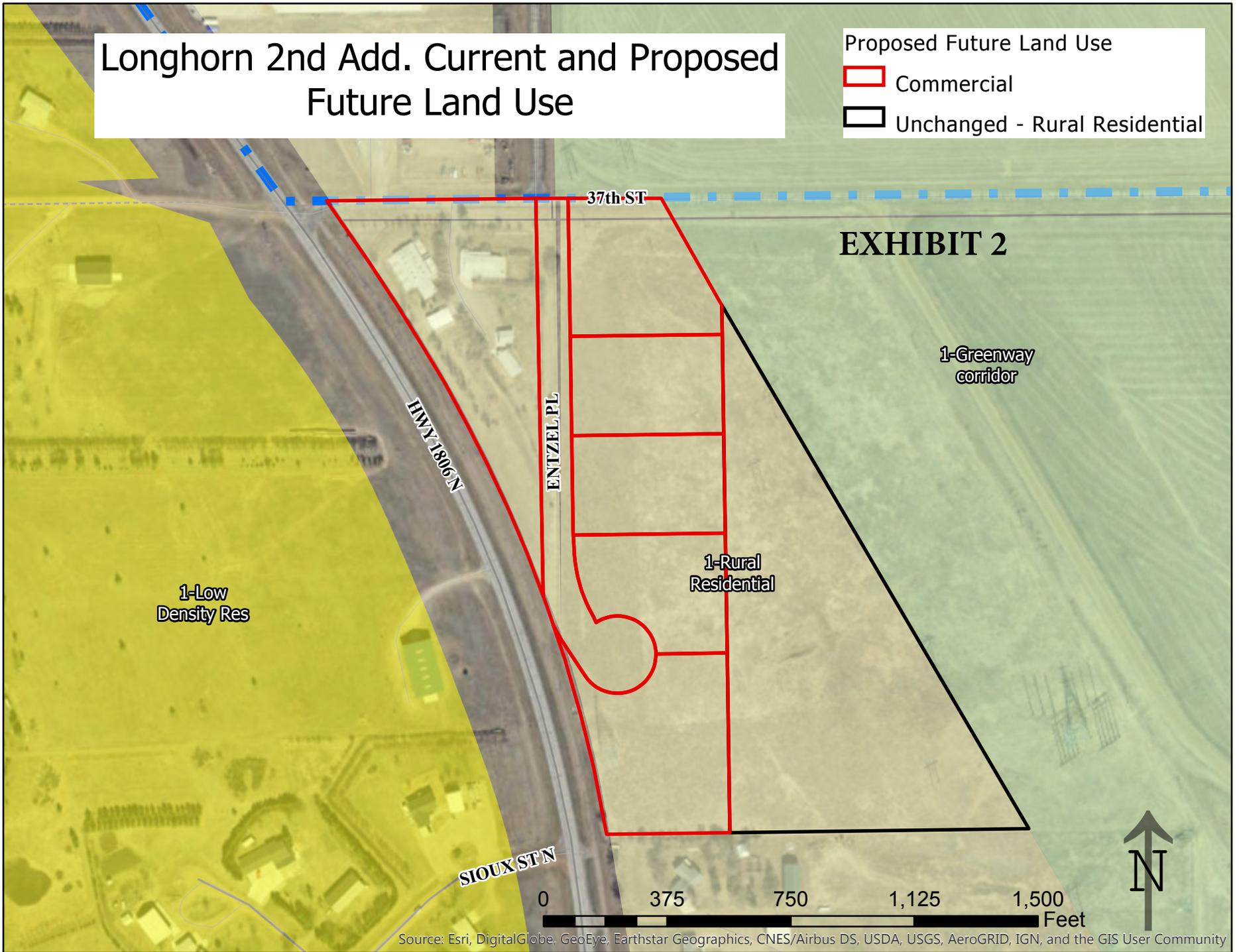
Cc Toman Engineering Co.
Enc Zoning Maps
GIS Maps

Longhorn 2nd Add. Current and Proposed Future Land Use

Proposed Future Land Use

-  Commercial
-  Unchanged - Rural Residential

EXHIBIT 2



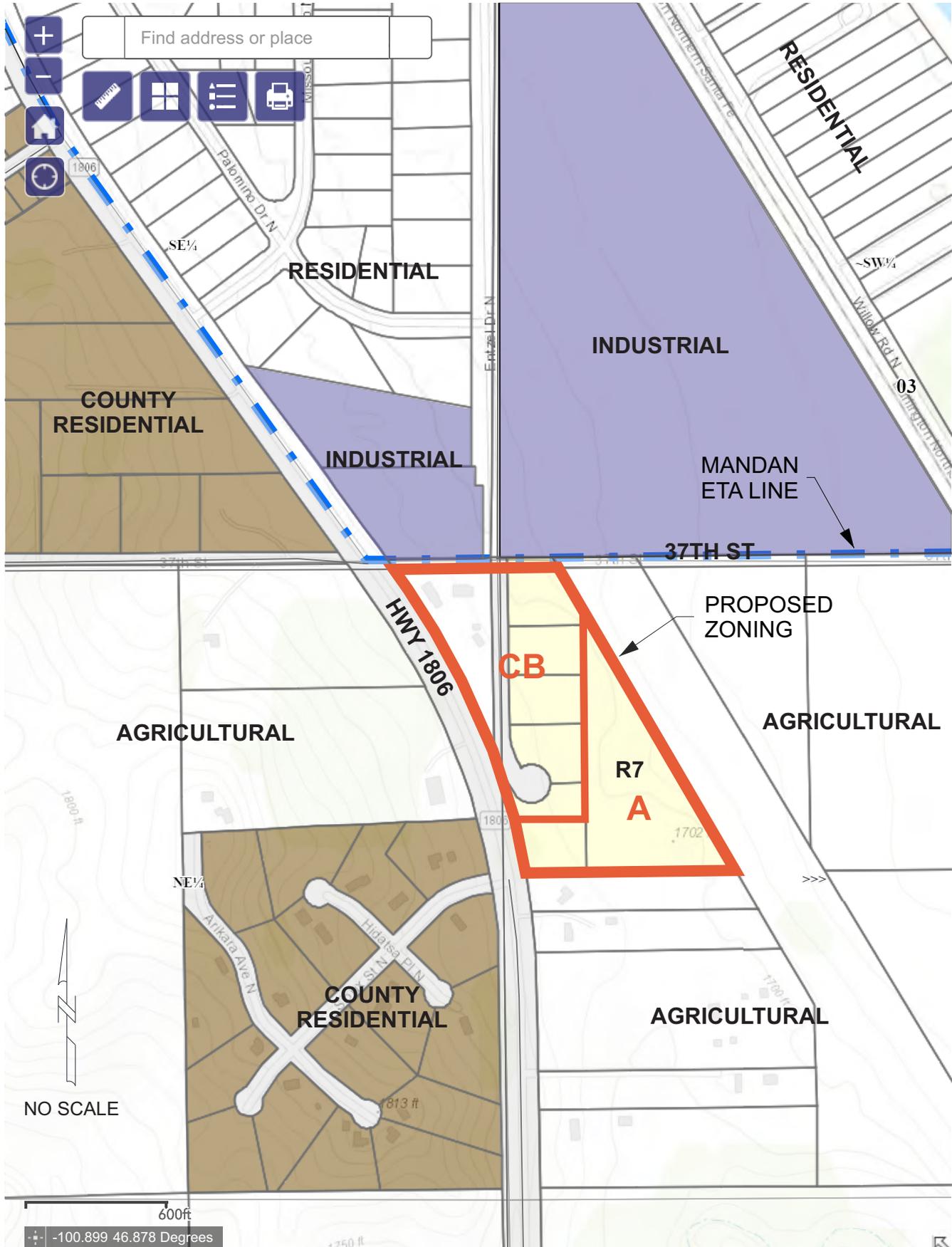
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

ZONE CHANGE MAP

EXHIBIT 3

1/27/2020

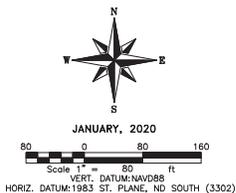
Zoning Map Online - Public



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



- LEGEND**
- FOUND PROPERTY CORNER
 - ⊗ POWER POLE
 - OVERHEAD POWER
 - ▨ ASPHALT
 - ▨ CONCRETE
 - ▨ BUILDING
 - ▨ GRAVEL APPROACH

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

ELMER MADLER
3740 HIGHWAY 1806
MANDAN, ND 58554

BASIS OF BEARING:

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

NOTES:

1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
2. TOTAL ACREAGE: 21.09 AC.
3. ND HWY 1806 CENTERLINE CURVE DATA PER HIGHWAY ROW MAP:
Δ = 34°52' RT
D = 2'-2" 500' SPIRALS
SC = 5'0"
XC = 14.54'
YC = 499.6'
LC = 500'
TS = 1150.6'
L = 1243.3'
4. 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.
5. TOTAL AREA: 21.08 ACRES±
6. THE 40' ACCESS EASEMENT SHOWN HEREON IS FOR JOINT-USE, AND TO THE BENEFIT OF LOTS 1 AND 2 EQUALLY.

VICINITY MAP



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

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

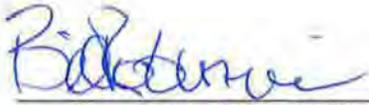
WHEREAS, The application has been evaluated by numerous internal departments and external agencies and found to be favorable to the existing land use planned for the subject property; and

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:

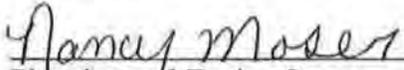
1. The Future Land Use Map of the Comprehensive Plan is hereby amended; and
2. The Comprehensive Plan shall be presented to the City Commission for approval as required by North Dakota Century Code Section 40-48-11; and
3. Upon approval by the City Commission, staff is instructed to publish and distribute 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

A handwritten signature in blue ink, appearing to read "Bill Turner".

President, Planning and Zoning Commission

ATTEST:

A handwritten signature in blue ink, appearing to read "Nancy Moser".

Planning and Zoning Secretary

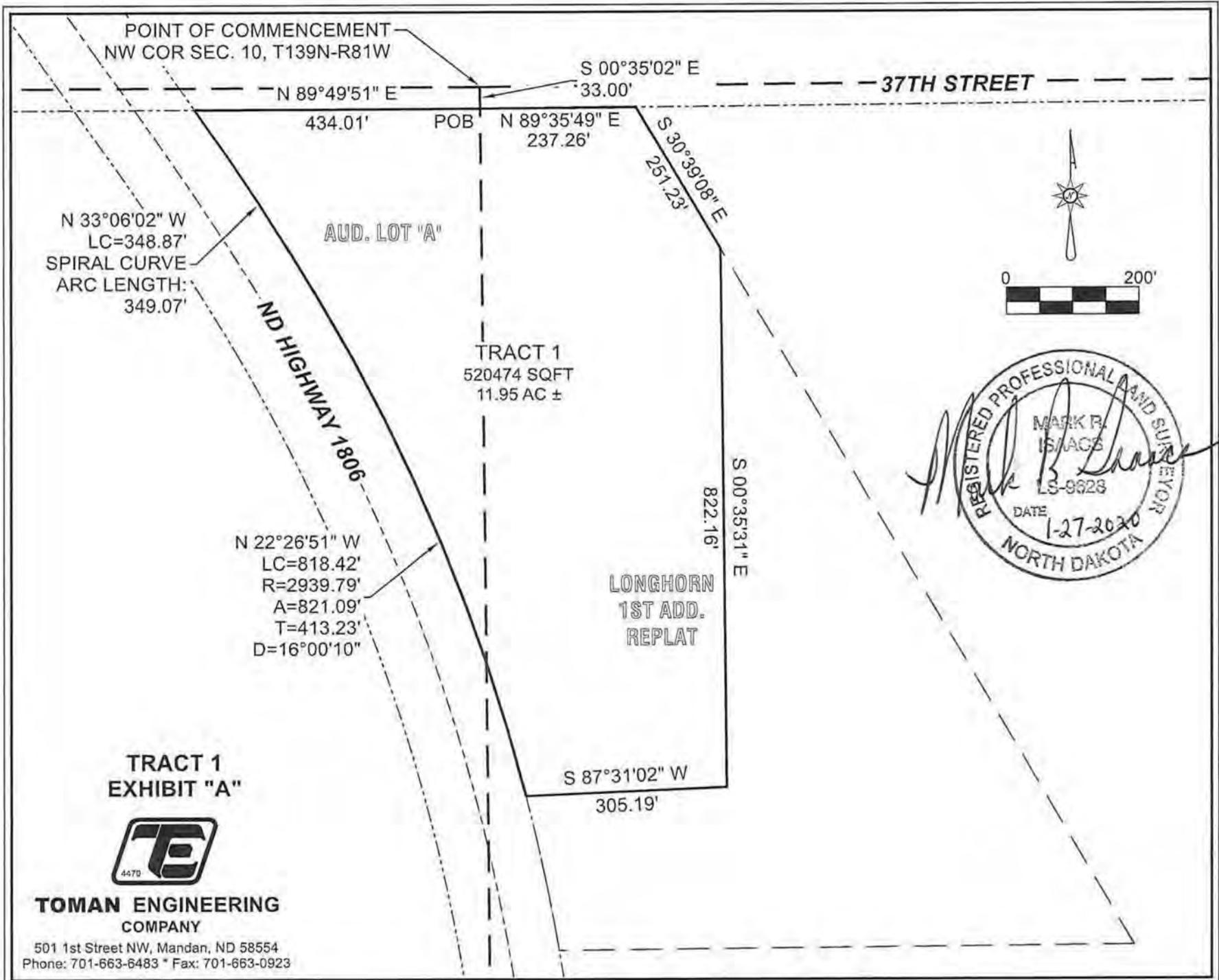


EXHIBIT 6

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.

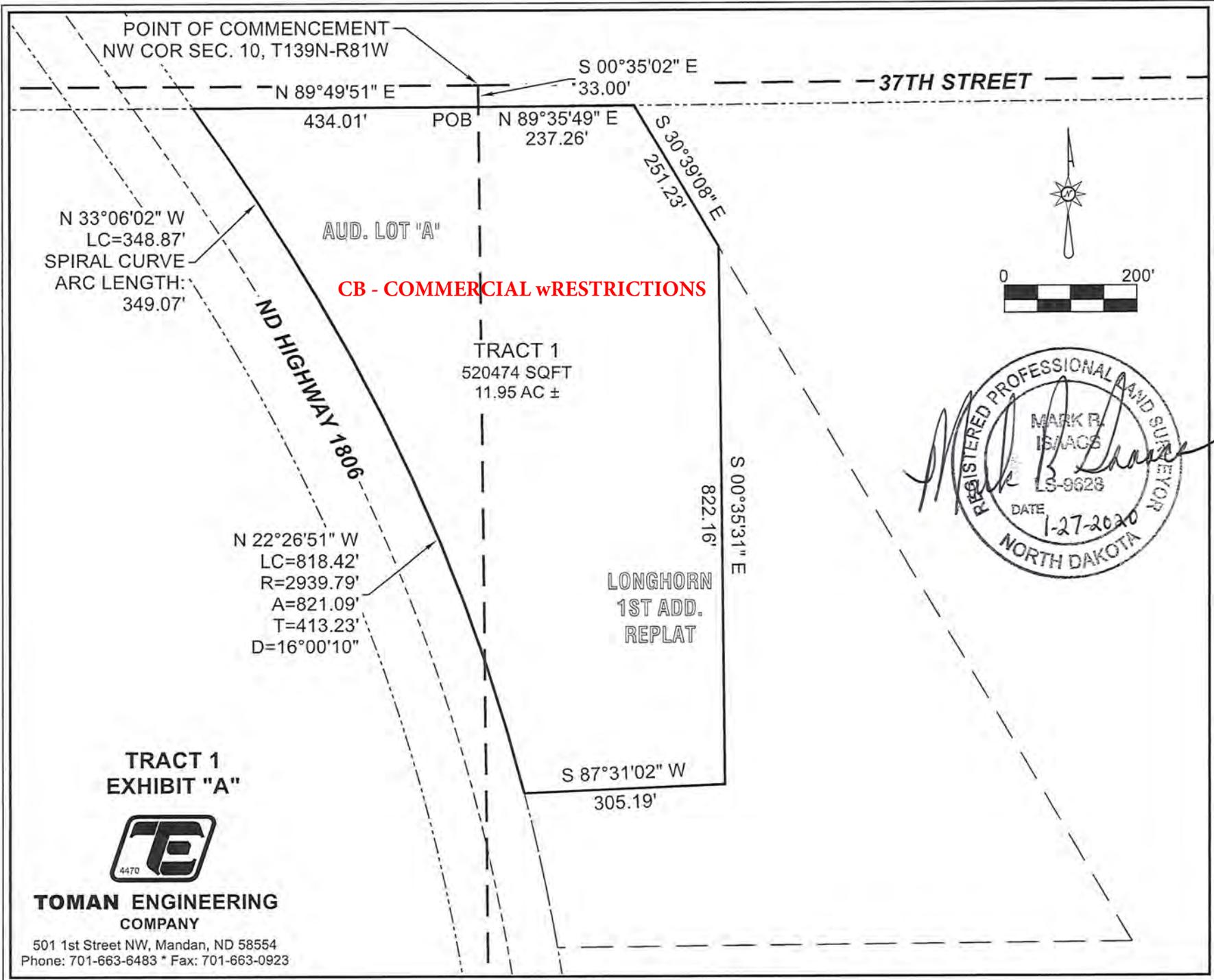
Tim Helbling, President
Board of City Commissioners

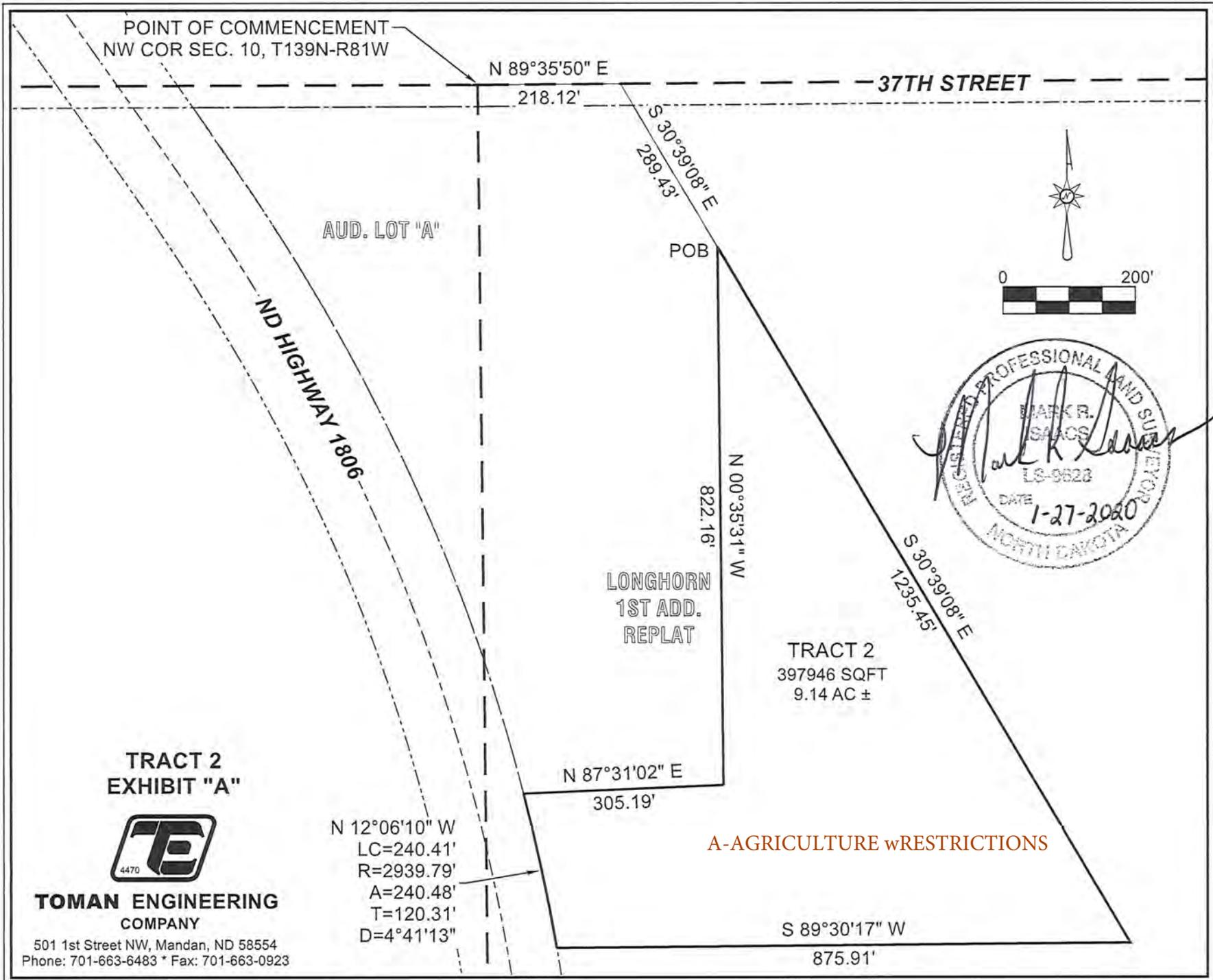
Attest:

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





**TRACT 2
EXHIBIT "A"**



**TOMAN ENGINEERING
COMPANY**

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



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 7, 2020
PREPARATION DATE: March 30, 2020
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: Second and Final Consideration of Ordinance 1314 related to Outdoor Seating/Outdoor Displays

STATEMENT/PURPOSE: Consider approval of the second and final 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.

Outdoor seating 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.

NEW INFO BEGINS HERE

At the first consideration, the ordinance focused solely on allowing outdoor seating for businesses which served food and beverages. Revisions were made that open the right-

Board of City Commissioners

Agenda Documentation

Meeting Date: April 7, 2020

Subject: Second and Final Consideration of Ordinance 1314 related to Outdoor Seating/Outdoor Displays

Page 2 of 2

of-way to other establishments for outdoor display purposes. Exempted from permitting requirements are those items such as flower pots and small benches. They will still need to provide adequate sidewalk width for ADA accessibility and work with North Dakota Department of Transportation for their facilities like Main St.

ATTACHMENTS:

Exhibit 1 – DRAFT Ordinance 1314 related to Outdoor Seating/Outdoor Displays

FISCAL IMPACT: N/a

STAFF IMPACT: N/a

LEGAL REVIEW: Ordinance 1314 has been reviewed and approved by City Attorney Brown.

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 second and final consideration of Ordinance 1314 related to outdoor seating and outdoor displays 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 and Outdoor Display 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 AND OUTDOOR DISPLAY 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 display area means a permitted outdoor display located on a public right-of-way that is used to display merchandise or other items located within the public right-of-way.

Outdoor seating area means a permitted seating area on a public sidewalk-right-of-way 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 or outdoor display.

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

Section 115-10-2. - Sidewalk-Right-of-way Use Limited; Outdoor Seating Area And Outdoor Display Area Permit.

- (1) No business may use a public sidewalk-right-of-way to seat its patrons or display merchandise or other items without first obtaining a permit for an outdoor seating area or outdoor display issued by the City. No person shall place any item tables, chairs, or other seating on a public sidewalk within the public right-of-way in conjunction with a business without first obtaining a permit for an outdoor seating area or outdoor display 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 or outdoor display area on the terms and conditions set out in this section. The permit for outdoor seating area and outdoor display area shall include the following:

a. The specific area of the public right-of-way to be used;

b. ~~for outdoor seating,~~ the furniture or other items to be ~~used~~ placed within the public right-of-way; and

(2)c. the proposed arrangement of the furniture or other items.

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

(4) Exception. Outdoor display areas exempted from the permitting requirements include small benches or flower pots or other store front items as identified as being cosmetically beneficial by the Destination Development Association. Any such items shall allow a minimum 44-inch wide unobstructed pedestrian corridor at all times. The North Dakota Department of Transportation (NDDOT) has operational control over state highways. Additional permissions may be required.

(3)(5)

Section 115-10-3. - Sidewalk-Right-of-way Areas Eligible for Outdoor Seating Areas and Outdoor Display Areas.

An outdoor seating areas and outdoor display areas shall meet all of the following requirements:

(1) The building in which the permitted business operates must share a common boundary line with ~~a~~ the respective public right-of-way of the application for which a permit is being applied. ~~sidewalk.~~

(2) The outdoor seating areas and outdoor display areas shall not extend beyond the boundaries ~~abutting~~ ~~fronting~~ the permitted business.

(3) The operation of the outdoor seating areas and outdoor display areas must be related to the ~~sale of food or drink from the~~ permitted business.

(4) The outdoor seating areas and outdoor display areas 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 areas or outdoor display areas and edge of driveways, alleys, and handicapped ramps.
- (6) Outdoor seating areas and outdoor display areas 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 areas and outdoor display areas 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.—Other than what is required by this Section, all signage shall follow Section 105-1-15 of this Code related to signs.
- ~~(12)~~(13) All privately owned outdoor fixtures, such as fencing or barricades, must be freestanding. No portion of privately owned outdoor fixtures, such as the fencing or barricade materials, shall be anchored to the sidewalk or any other object within the public right-of-way.
- ~~(13)~~(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.
- ~~(16)~~ The North Dakota Department of Transportation (NDDOT) has operational control over state highways. Additional permissions may be required.

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~~ ~~right-of-way~~ 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 or outdoor display 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 or outdoor display 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 area or outdoor display areas.
- (4) Smoking, including vapor smoking and the use of electronic cigarettes, shall not be allowed in outdoor seating area or outdoor display areas. Permit holders shall post visible signs reminding patrons that they cannot smoke in the outdoor seating area.
- (5) No outdoor seating area or outdoor display 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 or outdoor display area must be approved by the City, to include at a minimum the Mandan Architectural Review Commission and Departments of Building, Engineering, and Fire, 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 seating or outdoor display~~ 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 ~~seating area or outdoor display~~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.
- (8) No changes to the permitted arrangement and/or design shall be allowed without first obtaining approval by the City, to include at a minimum the Mandan Architectural Review Commission and Departments of Building, Engineering, and Fire.

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 ~~within~~ the ~~sidewalk~~ public right-of-way 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: April 7, 2020
PREPARATION DATE: April 3, 2020
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Resolution on retail sale of alcoholic beverages

STATEMENT/PURPOSE: To consider a resolution pertaining to the retail sale of alcoholic beverages.

BACKGROUND/ALTERNATIVES: Bars and restaurants closures have been hit especially hit hard due to COVID-19. We have received requests for establishments that have on sale liquor with food to be able to sell alcohol to customers taking delivery of prepared food. The cities of Fargo, Minot and Jamestown are a few that are allowing this. Bismarck has had discussion but at this time, it is not on the table. The resolution would be effective through the date the Governor lifts restrictions.

The possible objection would be from owners of establishments where on and off sale is allowed. We have not surveyed these license owners at this time.

Discussion with various departments that this would affect do not see it as a significant issue.

ATTACHMENTS: City Attorney Brown is drafting a resolution, which will be available prior to the meeting.

FISCAL IMPACT: n/a

STAFF IMPACT: n/a

LEGAL REVIEW: Attorney Brown is crafting the resolution.

RECOMMENDATION: I recommend approval of the resolution.

SUGGESTED MOTION: I move to approve the resolutions pertaining to the retail sale of alcoholic beverages.

RESOLUTION

WHEREAS, the City Commission of the City of Mandan has adopted Mandan Code of Ordinances, Article 4-2 pertaining to the retail sale of alcoholic beverages; and

WHEREAS, the City Commission of the City of Mandan hereby adopts the following policy pursuant to said Ordinance:

WHEREAS, the Mayor has declared a state of emergency as a result of the COVID-19 pandemic, by order and proclamation of March 19, 2020; and,

WHEREAS, the Governor of the state of North Dakota, declared, by executive order of March 19, 2020, that “effective at 12:00 p.m., Friday, March 20th, all restaurants, bars, breweries, cafes and similar on-site dining establishments are closed to on-sale/on-site patrons; take-out, delivery, curbside, drive-through or off-sale services may continue; this requirement will continue through Monday, April 6, 2020, which Order was thereafter extended to April 20; and,

WHEREAS, the City’s “state of emergency” ordinance authorizes the Mayor and City Commission to, among other things, “. . . prohibit or limit the movement of persons or hours of operation of businesses, by curfew or otherwise, within the designated disaster or emergency area, and the occupancy of premises therein” and to “. . . limit or prohibit the sale, dispensing or transportation of alcoholic beverages . . .” ; and,

WHEREAS, North Dakota cities are authorized to enact or adopt all such ordinances, resolutions, and regulations, not repugnant to the constitution and laws of this state, as may be proper and necessary to carry into effect the powers granted to such [cities] . . . as the general welfare of the municipality may require . . . “including the power” [t]o regulate the use and sale of alcoholic beverages . . . [N.D.C.C. §40-04-01 subd.1 and 29]; and,

WHEREAS, it is hereby found and declared that the health, safety and welfare of the City and its occupants will be benefited by providing appropriate means for the delivery of meals, including beverages, to individuals and families that fosters appropriate social distancing for the curbing of the COVID-19 pandemic;

NOW, THEREFORE, BE IT HEREBY RESOLVED:

1. **MORATORIUM ESTABLISHED.** A moratorium is hereby established as to the enforcement within the jurisdictional limits of the City of Mandan of Section 4-2-4(7)(b) of the Mandan Code of Ordinances, as follows:

- a) **On-sales.** As to licensed restaurants within the city of Mandan that are also licensed for on-sale serving of alcoholic beverages, the sale of sealed cans or bottles of alcoholic beverages to customers taking delivery of prepared food or meals from the restaurant on a “take-out”, “curbside delivery”, “drive-through” or delivery by agents

or employees of said restaurant or by other lawful means of delivery shall be deemed to be “on-sale” service or sale of such beverages.

- i) For purposes of this moratorium, the definition of the term “on-sale”, as set forth in Section 4-2-4(7)(b) of the Mandan Municipal Code, limited the “. . . sale of alcoholic beverages for consumption only on the licensed premises . . .” shall be enforced such that sealed cans or bottles of alcoholic beverages along with such food or meals sold by the restaurant and served or delivered by means of such “take-out”, “curbside delivery”, “drive-through” or such lawful means are hereby deemed to have been consumed on the licensed premises so long as said beverages are accompanied by food purchased from the restaurant.

2. **Mayor Authorized to Implement by Further Order or Orders.** The Mayor of the City is hereby authorized to promulgate and issue one or more executive orders as may be necessary to implement and clarify the terms of this moratorium, under the authority of Mandan Code of Ordinances Section 8-1-7 and hereof, which executive orders may be further ratified or amended by the board of city commissioners as may be necessary or appropriate.

3. **Effect of Moratorium – Limitation of Enforcement.** This moratorium as to the enforcement of certain regulations or ordinances of the City shall serve to instruct, order and limit the police officers and prosecutors of the City or any other law enforcement officers or agents to refrain from enforcing City ordinances contrary to the terms hereof and to refrain from charging or citing persons, firms or other entities accordingly and, furthermore, said instruction, order and limitation in enforcement shall survive the termination of this moratorium, whether such termination occurs by lapse of time or by affirmative act.

4. **Effective Date and Term.** This moratorium shall take effect immediately upon the adoption hereof [the “Effective Date”] and shall continue for the duration of the Executive Order of the Governor, unless it is otherwise terminated or extended by resolution or motion of the board of city commissioners of the City of Mandan.

Resolution approved the 7th day of April, 2020.

Tim Helbling, Mayor

Attest:

James Neubauer, City Administrator