



AGENDA
MANDAN CITY COMMISSION
AUGUST 20, 2019
ED "BOSH" FROEHLICH MEETING ROOM,
MANDAN CITY HALL
5:30 P.M.
www.cityofmandan.com

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- A. ROLL CALL:
1. Roll call of all City Commissioners.
 2. Introduction of the new MPD K9 dog and his handler, Officer Scott Warzecha.
- B. APPROVAL OF AGENDA:
- C. MINUTES:
1. Consider approval of the minutes from the August 6, 2019 Board of City Commission regular meeting.
- D. PUBLIC HEARING:
1. First consideration of Ordinance 1320 related to crematoriums
 2. Preliminary/final plat and first consideration of Ordinance 1321 related to a zoning district amendment for proposed Midway Fourteenth Addition First Replat
 3. Consider variance for Lot 3, Block 1, Midway 14th Addition to the required setback based on tower height
 4. First consideration of Ordinance 1322 related to a zoning district amendment for select lots in Scott's Acres (Proposed Engage Addition)
 5. Consider approval of the first consideration of Ordinance 1323 related to a zoning district amendment and preliminary plat for Meadow Ridge 4th Addition
 6. Consider approval of the first consideration of Ordinance 1324 related to a zoning district amendment and preliminary plat for Meadow Ridge 5th Addition
- E. BIDS:
1. Consider the award of the bid for the demolition of the structure at 210 5th St NW to Boehm Construction and Spray Foam (Award by Resolution).
- F. CONSENT AGENDA:
1. Consider approval of monthly bills
 2. Consider approval of a renewal Class E liquor license at the Harvest Catering & Events located at 308 W. Main. Street.
 3. Consider approval of an extension of the closing date for the sale of 100 5th St. NW.

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4. Consider amending 2019 Municipal Court budget.
 5. Consider formal acceptance of the Bank of North Dakota Infrastructure Loan for the Southside Street Improvement project.
 6. Consider approval of the Special Event Permit for the Mandan Golden Age Club Car Show.
 7. Consider approval of the Mandan Parking Authority Board's recommendations for expansion of the 90 minute parking zones.
 8. Consider approval of Change Order G-02 to the Mandan 30" Sunset Reservoir Transmission Line Improvements project.
- G. OLD BUSINESS:
1. Consider a variance to our driveway width standards at 4200 Lakewood Drive SE.
- H. NEW BUSINESS:
1. Consider Exemption Application of James B Mellon, Midway Lanes INC., 3327 Memorial Hwy.
 2. Consider a driveway variance for 1401 Action Drive SE.
 3. Consider approval of negotiating with Moore Engineering for Engineering Services related to the Mid-Town East Street Improvement District (SID 215).
 4. Consider selection of Architect firm for Morton Mandan Public Library and Downtown Parks Project
- I. RESOLUTIONS AND ORDINANCES:
1. Second and final consideration of Ordinance 1317 to amend and re-enact Section 18-1-7 and Section 18-1-8 of the Mandan Code of Ordinances relating to the possession of marijuana and drug paraphernalia.
 2. Second and final consideration of Ordinance 1318 to create Section 6-3-1 of Article 6 of the Mandan Code of Ordinances relating to animals on city owned property.
 3. Consider Resolution restricting dogs, cats, or domesticated animals on city property at Dykshoorn Park and Heritage Plaza.
 4. Second and final consideration of Ordinance 1319 to amend and re-enact Section 24-7-17 and Section 24-7-18 of the Mandan Code of Ordinances relating to parking of certain vehicles and unattached trailers and restrictions on consecutive parking.
 5. First Consideration of Ordinance 1325 to amend and re-enact Sections 4 and 5 of Sec. 24-12-8 of the Mandan Code of Ordinances relating to violation for not carrying liability insurance.
- J. OTHER BUSINESS:

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- K. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:
1. September 3, 2019 (5 p.m. start time)
 2. September 17, 2019
 3. October 1, 2019
- L. ADJOURN

The Mandan City Commission met in regular session at 5:30 p.m. on August 6, 2019 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Vice-Chairman of the Board, Commissioner Rohr called the meeting to order.

A. ROLL CALL:

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

B. APPROVAL OF AGENDA: Commissioner Braun moved to approve the Agenda Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes. Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Absent. The motion passed.

C. MINUTES:

1. *Consider approval of the minutes from the July 16, 2019 Board of City Commission regular meeting.* Commissioner Larson moved to approve the minutes as presented. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes. Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Absent. The motion passed.

D. PUBLIC HEARING:

E. BIDS:

1. *Request permission from the Street Department to advertise for private contractor rates for heavy equipment and operators.* Administrator Neubauer presented this item in the absence of Director of Public Works Bitz. This is a request to allow city staff to advertise for private contractor rates for heavy equipment and operators, to assist in hauling snow in the winter. City staff has utilized private contractors for snow hauling efforts. He said the preference is to solicit bids for snow hauling operations however it is beneficial to establish rates for other heavy equipment costs. The contractors were asked to provide rates valid for a one year period, however there is an allowance for a winter rate as well as a summer rate as many of the contractors are more readily available during the winter months.

Commissioner Larson moved to approve staff advertising for bids related to contingency heavy equipment rates for the City of Mandan. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Absent. The motion passed.

F. CONSENT AGENDA

1. *Consider approval of allowing Missouri West water service to property within our city extraterritorial limits.*

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2. *Consider proclaiming September 23-28, 2019 as Free Fall Landfill Week in the City of Mandan.*
 3. *Consider abatement of 2018 assessment for Leon Samuel.*
 4. *Consider approval of the Memorial Highway Preliminary Reimbursement Agreement.*
 6. *Consider approval of a Special Event Permit for Mandan Progress Organization Main Event on August 9, 2019.*

Commissioner Larson requested No. 5 be removed for discussion.

Commissioner Braun moved to approve the Consent Agenda items No. 1-4 and No. 6 as presented. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Absent. The motion passed.

5. *Consider approval of a Special Event Permit for Silver Dollar Bar street dance, beer garden and Dakota Riders Bike Show on August 17, 2019.* Commissioner Larson stated that under Section 6 of the application, the question: *Have the alcohol servers received training in the sale/service of alcoholic beverages?* She pointed out that the answer “No” was checked. She requested clarifying this to make sure that item is answered appropriately and it is taken care of before approval of the request is given. Deputy Police Chief Flaten responded that the Police Department offers training and some businesses take advantage of that training offer and some businesses do not. The Siler Dollar Bar currently has a lot of new staff and many of them have not been through the training program. The training is recommended but is not a requirement.

Commissioner Larson moved to approve the request for a Special Event Permit for Silver Dollar Bar street dance, beer garden and Dakota Riders Bike Show on August 17, 2019. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Absent. The motion passed.

G. OLD BUSINESS:

H. NEW BUSINESS

1. *Consider the Morton Mandan Public Library 2020 Budget.* Public Library Director Hawes presented the Morton Mandan Public Library 2020 Budget that has been recommended for approval by the Library Board of Trustees. The Morton Mandan Public Library serves all citizens of Morton County and the City of Mandan and is governed by a Board of Trustees, who are appointed by the County and City Commission Boards. The Library is fiscally dependent upon the County and the City because the County Commission and the City Commission consider the Library budget, levies taxes and must approve any debt issuances. The Library is reported as a component unit in the City of Mandan audited financial statements. The City currently owns the Library building. Director Hawes presented a presentation of the statistics of library use along with events and actions of the library that have occurred over the last year.

Director Hawes said that the Library Board of Trustees approved the 2020 Budget at their meeting held on June 24, 2019 and it was presented and approved by the Morton County Commission

on July 11, 2019. The City of Mandan will levy 5.50 Mills or approximately \$528,822 as requested by the Library Board of Trustees for the 2020 Budget. The City also provides \$10,650 annually to the Library for their share of State Aid Distribution revenue from the State of North Dakota. Director Hawes reported that the 2006 Memorandum of Understanding (MOU) between the Morton County Public Library and Mandan Public Library, the funding formula from each entity for the Library budget is to be "*based on population statistics*" and "*if in the future the population statistics shift, the future board would then determine the most equitable formula.*" At the time the MOU was approved, the contribution formula was "*2/3 city and 1/3 county since the City of Mandan is approximately 2/3 of the population of Morton County.*"

Director Hawes stated that the Library 2020 Budget reflects the following funding contributions from each entity: Morton County \$218,856 or 28%; City of Mandan \$574,142 or 72% which equals a total of \$792,998 or 100%. The report showed about a 10% increase over last year's budget. She recommended approval of the 2020 Budget as presented.

Commissioner Larson moved to approve the Morton Mandan Public Library 2020 Budget as recommended by the Library Board of Trustees. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Absent. The motion passed.

2. *Consider the Mandan Airport Authority 2020 Budget.* On behalf of the Airport Board Mr. R.D. Reimers presented a request to approve the Mandan Airport Authority 2020 Budget as recommended by the Airport Board. Mr. Reimers provided a power point presentation of the major community projects and engagement events that occurred over the last year at the airport. He explained that the Mandan Airport Authority manages the airport economic activity from all over the region and that activities have increased over the last several years. The Airport 5-member Board is appointed by the City Commission. The airport is fiscally dependent upon the City because the City Commission levies taxes and must approve any debt issuances. The airport is reported as a component unit in the City of Mandan audited financial statements. A summary of the 2020 Budget was presented. Net operating expenses = \$328,117; net capital project inflows/outflows = \$1,570,000; Net financing inflows/outflows = \$452,750; Net budget cash flow is \$789,333. The Hanger Project and Taxilane/Apron projects were reviewed. Additional state funding for these projects is expected to be awarded in 2020 to offset the expenses. He reported that the Airport Board approved the 2020 Budget at their recent meeting held on July 15, 2019. The City of Mandan will levy the maximum of 4 Mills or approximately \$384,596 as requested by the Airport Board for the 2020 Budget. The City also provides \$5,600 annually to the Airport for their share of State Aid Distribution revenue from the State of N.D.

Commissioner Braun moved to approve the Mandan Airport Authority 2020 Budget as recommended by the Airport Board. Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Absent. The motion passed.

3. *Consider a variance to our driveway width standards at 4200 Lakewood Drive SE.* Planning and Engineering Director Froseth reported that the Planning and Engineering office received a variance request to allow two driveways at this residential property whose sum exceeds

the maximum allowable width of 36-feet. The following excerpt outlines the request and was compared to City Code language for consideration:

Subsection (5) of section 115-5-4 of the Mandan municipal code states:

“(5) Residential lots. Each lot may have one or two driveways. The combined total width of the driveway or driveways shall be no greater than 36 feet, plus any required flares, measured at the curb line. If there are two driveways, they must be separated by a distance of at least twenty-four feet measured at the curb line. If there is a fire hydrant located between the driveways, the twenty-four feet shall be measured from the fire hydrant to the edge of a driveway apron not counting any required apron flare. Except for properties with adjoining driveways that are built up to the property line, the driveway apron must be placed a distance from the property line sufficient to allow for construction of a flare.” Director Froseth reviewed the variance requirements under section 105-1-12 of City Code and *City staff comments are noted under each in italics*:

VARIANCES

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

(ii) No adjustment in the strict application of any provisions of this chapter shall be granted by the Board of Adjustment unless it finds that:

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

Building on the west side of the existing garage on the western side of the lot is not an option because of a storm sewer easement and the storm sewer pipe that resides underground and within that easement. In the Lakewood area, there may be 10-20 such easements within a couple hundred lots but they are not common. If not for that storm sewer, the applicant has stated that they would have built on the west side and made use of the existing driveway.

2. For reasons set forth in the findings of the Board the circumstances or conditions 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 City Engineer’s Office does not believe that the strict application of the driveway dimensional rules would deprive the applicant reasonable use of the property. However, the City Engineer’s Office concedes that this is a subjective criteria check and would invite the applicant to speak on the hardship they would endure if not granted.

3. The granting of the variance would 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. This would pertain to snow removal wherein there would be less area to put snow.

The City Engineer's Office does not believe this request to be in harmony with the general purpose of the rules relating to allowable driveway dimensions. It would limit the city's ability to put snow in the boulevard, the main intent of the driveway width rules. That concern is mitigated by the width of the lot. The City Engineer's Office does not see the granting of the variance to be injurious or detrimental to the public.

In conclusion, Director Froseth stated that the Planning and Engineering Office finds that this request does not meet the criteria needed to grant a variance. In particular, it would be appropriate for the applicant to speak of the hardship if not granted, however the City Engineering Department cannot fully and accurately express that component.

Director Froseth recommended denying the variance request because the denial does not result in "...unnecessary hardship that would deprive the owner of a reasonable use of the land or building...", however there is not as much concern with provisions No. 1 and No.2. He suggested the applicant come forward to speak. John Sauber, Jr, came forward to speak on behalf of his parents, John Sr. and Katherine who are requesting this variance. He said that Director Froseth explained No. 1 and No. 3 accurately. He spoke to the hardship and the use of the property if this variance is not granted. The request is for a garage for the storage of an RV to keep it out of the elements. The Sauber's believe there is enough room to build the garage and the request outlines a reasonable use for the property. Commissioner Rohr inquired if the proposed garage would be for reasonable use only? Mr. Sauber replied that the RV leaves in October and comes in April. Commissioner Rohr indicated if the snow removal is an issue, can the driveway be piled with snow during those months? Commissioner Larson stated that she had a similar situation she dealt with recently and she agreed that Commissioner Rohr said that this should not be a hindrance for snow removal. She does not see an issue approving the variance as requested. Commissioner Davis inquired if there was a covenant that would be applicable to Lakewood Association? Mr. Sauber said there is a Lakewood Association covenant group. It was recommended that this matter be discussed with the Lakewood Association to ensure there are no regulations prohibiting the variance or construction that will take place. John Sauber Sr. came to the podium. He explained that he believes the variance request is within the regulations of the Lakewood Association covenants but said he will check it out. Scott Berger, contractor came forward to explain that they did apply for the Architectural Review but they have not heard back from them. He suggested that Lakewood Homeowners Association be contacted. Commissioner Davis suggested tabling this matter until the Sauber's have time to contact the Lakewood Homeowners Association. Administrator Neubauer suggested if the commission is so inclined to approve the variance request it may be contingent upon the outcome of the covenants that may exist in that neighborhood.

Attorney Brown commented that he is aware that Lakewood Homeowners Association is an active association and if the City Commission approves it with a contingency it will be acted on quickly. He stated that is something the Sauber's should have resolved before bringing the vari-

ance request to the City Commission. He recommended that from a procedural standpoint tabling this matter would be more appropriate than approving it with a contingency.

Commissioner Davis moved to table the variance for a driveway request at 4200 Lakewood Drive Southeast, Mandan, North Dakota until the Lakewood Homeowners Association has had a chance to review the request. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Absent. The motion passed.

I. RESOLUTIONS AND ORDINANCES

1. *First consideration of Ordinance 1317 to amend and re-enact Section 18-1-7 and Section 18-1-8 of the Mandan Code of Ordinances relating to the possession of marijuana and drug paraphernalia.* Attorney Brown stated that this is a request to amend and re-enact Section 18-1-7 and Section 18-1-8 of Ordinance 1317 of the Mandan Code of Ordinances relating to the possession of marijuana and drug paraphernalia. Police Chief Ziegler explained that this request is to align the City Ordinances with City Code with the change in the law that states that one-half ounce of marijuana shall be charged as an infraction.

Commissioner Davis moved to approve the First consideration of Ordinance 1317 to amend and re-enact Section 18-1-7 and Section 18-1-8 of the Mandan Code of Ordinances relating to the possession of marijuana and drug paraphernalia. Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Absent. The motion passed.

2. *First consideration of Ordinance 1318 to create Section 6-3-1 of Article 6 of the Mandan Code of Ordinances relating to dogs and cats on public property.* Administrator Neubauer stated that this is a request that was brought by the Mandan Progress Organization wherein there has been problems with people bringing dogs and cats to Dykshoorn Park and not picking up after them. This request is to create Ordinance 1318 Section 6-3-1 of Article 6 of the Mandan Code of Ordinances restricting dogs and cats on public property. It will be a ticket-able offense.

Commissioner Braun moved to approve the First consideration of Ordinance 1318 to create Section 6-3-1 of Article 6 of the Mandan Code of Ordinances relating to dogs and cats on public property. Commissioner Davis seconded the motion. Attorney Brown stated that in alignment with procedure, there needs to be an adoption of the ordinance as drafted. He will then prepare an amendment to that ordinance for review at the second consideration regarding the ticketing part of the ordinance as opposed to it being an infraction. Subsequently a resolution can be prepared that will specifically refer to Dykshoorn Park as a beginning of the public property where dogs and cats will not be permitted. By Resolution other city parks can be included within this Ordinance as restricted when referencing public property. The Park and Recreation Department has restrictions of this nature in place already. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Absent. The motion passed.

3. *First consideration of Ordinance 1319 to amend and re-enact Section 24-7-17 and Section 24-7-18 of the Mandan Code of Ordinances relating to parking of certain vehicles and unattached trailers and restrictions on consecutive parking.* Deputy Police Chief Flaten stated that

this revision was brought forward due to an increasing number of Mandan resident's complaints that have been received by the Police Department over the last several years. This is a request regarding Ordinance 1319 to amend and re-enact Section 24-7-17 and Section 24-7-18 of the Mandan Code of Ordinances related to parking of certain vehicles and unattached trailers and restrictions on consecutive parking. The vehicles can be parked in front of the homeowner's residence only from May 15th to September 15th for 12 hours for loading and unloading purposes. Another change within this Ordinance is that the parking fine will be raised to \$50 and all other fines will be removed. This applies to the parking of certain vehicles and unattached trailers as outlined in the Ordinance.

Commissioner Braun moved to approve the First consideration of Ordinance 1319 to amend and re-enact Section 24-7-17 and Section 24-7-18 of the Mandan Code of Ordinances relating to parking of certain vehicles and unattached trailers and restrictions on consecutive parking. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Absent. The motion passed.

4. *Consider the introduction and first consideration, and call for a public hearing of Ordinance No. 1316 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2020, and ending December 31, 2020, and making the annual tax levy for the year 2019.* Greg Welch, Finance Director, on behalf of the Budget and Finance Committee presented the preliminary 2020 Budget as follows:

The City is required to prepare the annual budget in accordance with the North Dakota Century Code. In addition, the City's Budget Policies and the Board's annual Budget Working Session provide further guidance to the budget development process. The City's budget is coordinated by the Finance Department under the direction of the Budget and Finance Committee with the assistance from Commissioners, Department Managers, Supervisors and staff. The City's preliminary 2020 Budget is submitted to the Board as a recommendation from the Committee.

The City's General Fund is the primary operating fund and accounts for all financial resources not accounted for in another fund. The General Fund has 16 departments with separate operating budgets. The City's Special Revenue Funds account for specific revenue sources that are restricted or committed to expenditure for specified purposes. The City has 18 separate Special Revenue Funds such as the Highway Distribution Fund, Cemetery Fund, 1% City Sales Tax Fund, 0.75% City Sales Tax Fund, Mandan Growth Fund, etc... The City's Debt Service Funds account for the accumulation of resources that are restricted, committed, or assigned to expenditure for principal and interest. The City has 2 separate Debt Service Funds. The City Visitors' Promotion Capital Construction Fund accounts for the 1% City restaurant and lodging tax for the purchase, equipping, improving, construction, maintenance, repair, and acquisition of buildings or property consistent with visitor attraction and promotion. The City's Enterprise Funds account for operations that are financed primarily through user charges and operated in a manner similar to private business enterprises. For instance, the City's monthly utility (water) bill to customers. The City has 3 separate Enterprise funds: 1) Water and Sewer Utility Fund. The City's Water and Sewer Utility Fund has 8 departments with separate operating budgets, 2) Solid Waste Utility Fund, and 3) Street Light Utility Fund. The City Shop Fund accounts for the purchase of fuel.

The total revenues from all Funds = \$35.5M and total expenses from all Funds = \$32.2M. The \$3.3M difference between total revenues and total expenses is primarily due to: 1) \$2.5M of oil and gas production taxes from the State of ND (“Prairie Dog Bill”) to be accounted for in the Municipal Infrastructure Fund for the City’s contribution towards street maintenance projects and 2) \$662K net decrease in debt service as a result of a decrease in debt service payments and special assessment collections.

The total revenues of \$35.5M from all Funds consist of: utility charges = \$11.3M or 32% (utility or water bill, landfill, etc...), intergovernmental = \$6.7M (federal, state and local governments), special assessments = \$5.4M (infrastructure projects), property taxes = \$4.9M or 14%, 1% & 0.75% city sales taxes = \$4.0M (1% = \$2.3M, 0.75% = \$1.7M), and other = \$3.2M. The total expenses of \$32.2M from all Funds consist of: salaries and benefits = \$11.4M or 36%, debt service = \$10.1M or 31%, operations and maintenance = \$8.1M or 25%, and capital outlay = \$2.7M or 8%. The General Fund represents \$12.8M of total expenses and Utility Funds represent \$10.6M of total expenses.

The total salaries of \$8.0M from all Funds consist of: full time employees = \$7.6M and other = \$414K. 2% salary increase for City staff = \$148K. Two new full time employees in the General Fund (police department – police officer-detective, street department – mechanic) = \$132K including benefits. The total benefits of \$3.3M from all Funds consist of: health insurance = \$2.0M or 61%, pension = \$640K, social security and medicare = \$616K, and other = \$58K. 15% increase in health insurance (NDPERS) monthly premiums, effective July 2019 through June 2021 = \$272K. The City will continue to evaluate and review health care plans to manage future costs and attempt to offer employees more selective options. The Human Resource Department has inquired information on the following Health Care Plans: 1) Sanford Health – the City did receive a quote and the comparable plans are similar in price, however, the High Deductible Plans are where savings are noticeable but that does not factor a potential Health Savings Account contribution by the City, 2) Blue Cross Blue Shield – the City should receive quote during August, 3) North Dakota Insurance Reserve Fund – the Associated Health Plan was presented to the NDIRF Board in June. The NDIRF requested additional information and research before a final decision is made, and 4) North Dakota Public Employees Retirement System – the NDPERS Board is considering a High Deductible Plan for political subdivisions. The City is waiting for the NDPERS Board decision. If approved, political subdivisions will be required to find a Health Savings Account Provider. The City will be exploring options for making the monthly premium for family health insurance coverage more affordable. The City is waiting for provider options in order to compare plans before any changes are considered. The total salaries and benefits of \$11.4M from all Funds consist of: salaries = \$8.0M or 71% and benefits - \$3.3M or 29%.

The total operations and maintenance of \$8.1M from all Funds consist of: professional fees and services = \$3.1M or 38%, supplies = \$1.1M, repairs = \$999K, utilities = \$935K, and other \$2.0M. The total debt service of \$10.1M from all Funds consist of: special assessment bonds = \$6.0M or 60%, revenue bonds = \$2.7M or 27%, starion sports complex = \$1.1M, and other \$227K. The total debt service consist of: principal = \$7.7M, interest = \$2.2M, and service charges/issuance costs = \$146K. The total capital outlay of \$2.7M from all Funds consist of: Water and Sewer Utility Fund = \$1.7M, General Fund = \$762K, and Other Funds = \$212K. The Board of City Commissioners were provided with a list of capital outlay items recommended by the

Committee. City departments are continuing to develop a long-term equipment replacement plan in order to properly address the City's future capital outlay needs and to establish an Equipment Replacement Fund to budget the expenditures for various departments with anticipated or projected funding sources. The goal for the City is to complete the Equipment Replacement Plan before the end of 2019 and then implement an Equipment Replacement Fund for the 2021 Budget. The following 2020 infrastructure projects (not included in capital outlay) will come before the Board of City Commissioners in the future: 1) Street Improvement – East of Collins Avenue to 4th Avenue NE, 2) Street Improvement – various locations north of Old Red Trail, and 3) Paving at Public Works Facility. City departments are continuing to update the long-term Capital Improvement Plan in order to properly address the City's future infrastructure projects and to match those projects with anticipated or projected funding sources.

The total General Fund revenues of \$12.1M consist of: property taxes = \$4.6M or 38% (the property taxes of \$4.6M do not fully fund the operating expenditures of the police department of \$4.8M and fire department of \$1.5M), state aid distribution = \$1.8M (30% is shared with the Mandan Park District), 1% city sales taxes = \$1.4M (property tax reduction = \$1.2M or 11.99 mills, revenue stabilization = \$211K), highway tax distribution = \$1.2M (street department operating expenditures), and other = \$3.1M. The General Fund revenue increase of \$855K consist of the following: property taxes = \$220K (to pay for two new full time employees = \$132K, operations = \$88K), building inspection permits = \$106K decrease (due to decline in activity), state aid distribution = \$331K (according to the ND League of Cities Revenue Projection), and interest = \$381K (short-term money market savings and CD investment rates). The total General Fund expenditures of \$12.8M consist of: salaries and benefits = \$8.6M or 67%, operations and maintenance = \$3.5M, and capital outlay and debt service = \$777K. The General Fund expenditure increase of \$992K consist of: salaries and benefits = \$506K (salaries = \$209K – primarily due to the 2% salary increase and two new employees, benefits = \$296K – primarily due to health insurance), operations and maintenance = \$321K (Burleigh County = \$100K, Mandan Park District = \$99K, professional fees and services = \$78K, and repairs and maintenance = \$27K), capital lease payments = \$203K decrease (street department), and capital outlay = \$369K (street department). The total General Fund balance of \$3.6M consist of: reserved 17% = \$2.0M (the Government Finance Officers Association recommends, at a minimum, a General Fund Balance Reserve of no less than two months operating revenues or expenditures. The Fund Balance Policy was approved by Board of City Commissioners in subsequent years. The Policy provides for economic & financial stability and assists in maintaining the City's bond rating), police department = \$60K (replacement radios), and unreserved = \$1.5M (future one-time expenditures such as capital outlay).

The total taxable valuation of \$96.1M (projected) for tax year 2019 consist of the following increases: residential = \$1.3M or 2.1% (new construction and expired exemptions = 99.3% of increase, existing property = 0.7% of increase), commercial = \$1.3M or 4.1%, total = \$2.5M or \$2.6M or 2.7%. Currently, for tax year 2018 (2019 Budget), the City levies 62.58 mills or 24% of the total mills of all the Mandan taxing entities combined. Currently, the average city mill levy of the 12 largest ND cities (excluding Mandan) = 76.58 Mills or 27%. The total levy of 63.58 mills or \$6.1M for tax year 2019 consist of: General Fund = 50.14 mills or \$4.8M, Airport = 4.00 mills or \$385K, Library = 5.5 mills or \$528K, and other Funds = 3.95 mills or \$379K. The total City mill levy will increase by 1 mill for the General Fund. The total property tax increase of

\$257K for tax year 2019 consist of: new residential property = \$89K, new commercial property = \$34K, and existing property = \$134K. The total property tax increase for tax year 2019 (2020 Budget) is projected to be \$22K less than the total property tax increase for tax year 2018 (2019 Budget). The total property tax increase of \$134K for existing property pays for two new full time employees in the General Fund. The total City property tax increase for a residential property valued at \$275,000 with no valuation increase in the true and full value, excluding special assessments = \$12 or 1.5%. The total City property tax increase for a residential property valued at \$275,000 with a 1% valuation increase in the true and full value, excluding special assessments = \$20 or 2.5%.

The total increase in the City utility (water) bill for a residential property using 800 cubic feet or 8 units of water = \$1.75 per month or 2.0% or \$21 for the year. The increase in the City's utility bill consist of: water and wastewater base charge = \$1.55 (raw water intake project), solid waste collection and hauling base charge = \$0.05 (solid waste collection and hauling services), and solid waste recycling base charge = \$0.15 (recycling collection, transportation and processing services).

The total annual cost for City services (property taxes and utility bill) for an existing \$275,000 residential property with no valuation increase and using 8 units of water per month, excluding special assessments = \$1,859 or \$33 increase or 1.8%. The total annual cost for City services (property taxes and utility bill) for an existing \$275,000 residential property with a 1% valuation increase and using 8 units of water per month, excluding special assessments = \$1,867 or \$41 increase or 2.2%.

On August 7, 2019, the City will provide a copy of the preliminary 2020 budget statement and budget hearing date to the Morton County Auditor. By August 31, 2019, the Morton County Treasurer will provide a written notice to the owner of each parcel of taxable property the estimated property tax, based on the preliminary 2020 budget statement, and the budget hearing date. On September 17, 2019, the City will conduct a public budget hearing at 6:00 p.m. and pass the second and final consideration of Ordinance No. 1316 adopting the 2020 Budget and approve the Resolutions establishing the rates and charges for services. On September 18, 2019, the City will submit a certified copy of the levy as adopted and a certified copy of the final 2020 Budget to the Morton County Auditor. The preliminary 2020 Budget will be posted on the City's website at cityofmandan.com.

Commissioner Davis moved to approve the introduction and first consideration, and call for a public hearing of Ordinance No. 1316 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2020, and ending December 31, 2020, and making the annual tax levy for the year 2019. Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Absent. The motion passed.

J. OTHER BUSINESS:

1. Consider moving into executive session pursuant to North Dakota Century Code § 44-04-19.1(9) and 44-04-19.2(2) to discuss negotiation strategy related to litigation August Kersten, Brian Berube and Lonesome Dove, Inc. vs. City of Mandan.

Commissioner Braun motioned to move into executive session at 7:37 p.m. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Absent. The motion passed

K. ADJOURNMENT:

Commissioner Larson moved to reconvene in regular session at 8:16 p.m. Commissioner Davis seconded the motion. The motion received unanimous approval of the members present.

Commissioner Larson motioned to recess the regular meeting at 8:17 pm. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Absent; Mayor Helbling and Commissioner Braun. The motion passed.

James Neubauer
City Administrator

Vice-Chairman Dennis Rohr
Board of City Commissioners



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 20, 2019
PREPARATION DATE: August 5, 2019
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: First Consideration of Ordinance 1320 Related to Crematoriums

STATEMENT/PURPOSE: Consider approval of first consideration of Ordinance 1320 related to crematoriums.

BACKGROUND/ALTERNATIVES: An ordinance was recently adopted that would restrict crematoriums to within the Mandan Union Cemetery. The Board of City Commissioners directed staff to reevaluate the ordinance as it pertains to crematoriums following a request by David Wise.

Through the process, funeral homes in the area provided comment, several public hearings were held, and staff reviewed research and land use standards from other communities. The original staff recommendation is provided in Exhibit 1 and the final Planning and Zoning Commission recommendation can be found in Exhibit 2 for reference.

Staff is providing an alternative recommendation at this time based on many public hearings that have occurred on the issue since the original recommendation. This recommendation can be found in Exhibit 3.

The alternative staff recommendation is constructed to provide protections to existing home owners and developments while at the same time not being unnecessarily burdensome on the business owner. Staff is recommending that crematoriums be placed in an industrial zoning district with a 50' setback from the property line. In addition, a 350' setback applies to existing dwellings at the time of building permit issuance. Further, staff is recommending that these standards apply to the use and that no special use permit be required. These restrictions should address the issues that arose in discussion throughout the many hearings that took place in preceding months.

ATTACHMENTS:

Exhibit 1 – Ordinance - Original Staff Recommendation
Exhibit 2 – Ordinance - Planning and Zoning Recommendation
Exhibit 3 – Ordinance - Alternative Staff Recommendation

FISCAL IMPACT: N/a

STAFF IMPACT: N/a

LEGAL REVIEW: This document, including Ordinance 1320, have been reviewed and approved by Attorney Brown.

RECOMMENDATION: Engineering and Planning recommend approval of the first consideration of Ordinance 1320 as presented in Exhibit 3.

SUGGESTED MOTION: I move to approve the first consideration of Ordinance 1320 as presented in Exhibit 3.

EXHIBIT 1 - Draft Ordinance - Staff Recommendation

ORDINANCE NO. 1299

An Ordinance to Amend and Re-enact Sec. 101-1-3 and 105-1-5 (e) of the Mandan Municipal Code related crematoriums

WHEREAS, Changes are necessary to remove conflict within the land-use code related to cremation-related activities

WHEREAS, Clarification is required to ensure health and safety and mitigate potential negative impacts to nearby resident property values

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

Section 1. Sec. 101-1-3 is added and reads:

Insert in Sec. 101-1-3 after the definition for Correctional facility the following:

Crematorium means the establishment for final disposition of deceased remains, either human or pet, by thermal, mechanical, or other dissolution process that reduces remains to bone fragments and is subject to the following requirements:

- a. shall not be the primary use, i.e. it must be accessory or ancillary to a related and legally existing mortuary, funeral home, columbarium, or cemetery use.

Section 2. Sec. 101-1-3, definition for Funeral home or mortuary, is amended to read:

Funeral home or mortuary means a facility for the care and custody for the pre-disposition of deceased human remains, including the sale of services and merchandise for burial, cremation, and other related items, including offices, viewing rooms, chapels, and reception halls for serving the deceased and their families. ~~facility for the pre-burial preparation of human cadavers, including facilities for cremation, and including other areas for offices, purchase of burial items and services, viewing rooms and areas for the conduct of memorial services.~~

Section 3. Sec. 105-1-5 (e) is amended to read:

Cemetery, Mausoleum, Columbarium, and Crematorium. A cemetery, mausoleum, columbarium or crematorium may be permitted in an industrial or A district as a special use, provided that:

- (1) No graves shall be located less than 100 feet distant from any property line;
- (2) There shall be a strip at least 75 feet in width adjacent to all boundaries of the cemetery landscaped and maintained as a green area;

(3) In any cemetery in which there will be permitted monuments and grave markers rising above the surface of the ground, the green area shall include a dense evergreen hedge at least six feet in height; and

(4) No ~~public~~ mausoleum, columbarium, ~~crematory~~ or cemetery chapel shall be erected within 200 feet of any boundary of the lot or parcel on which it is located.

(5) No crematorium shall be erected within 300 feet of a property line.

Section 4. Sec. 101-1-3 and 105-1-5 (e) is amended and re-enacted.

Timothy A. Helbling, President
Board of City Commissioners

Attest:

James Neubauer,
City Administrator

First Consideration:

December 4, 2018

Second Consideration and Final Passage:

December 18, 2018

EXHIBIT 2 - Draft Ordinance - Planning and Zoning Commission Recommendation

ORDINANCE NO. 1299

An Ordinance to Amend and Re-enact Sec. 101-1-3 and 105-1-5 (e) of the Mandan Municipal Code related crematoriums

WHEREAS, Changes are necessary to remove conflict within the land-use code related to cremation-related activities

WHEREAS, Clarification is required to ensure health and safety and mitigate potential negative impacts to nearby resident property values

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

Section 1. Sec. 101-1-3 is added and reads:

Insert in Sec. 101-1-3 after the definition for Correctional facility the following:

Crematorium means the establishment for final disposition of deceased remains, either human or pet, by thermal, mechanical, or other dissolution process that reduces remains to bone fragments and is subject to the following requirements:

- a. shall not be the primary use, i.e. it must be accessory or ancillary to a related and legally existing mortuary, funeral home, columbarium, or cemetery use.

Crematorium equipment means the primary piece of capital performing the task of reducing remains to bone fragments.

Section 2. Sec. 101-1-3, definition for Funeral home or mortuary, is amended to read:

Funeral home or mortuary means a facility for the care and custody for the pre-disposition of deceased human remains, including the sale of services and merchandise for burial, cremation, and other related items, including offices, viewing rooms, chapels, and reception halls for serving the deceased and their families. facility for the pre-burial preparation of human cadavers, including facilities for cremation, and including other areas for offices, purchase of burial items and services, viewing rooms and areas for the conduct of memorial services.

Section 3. Sec. 105-1-5 (e) is amended to read:

Cemetery, Mausoleum, Columbarium, and Crematorium. A cemetery, mausoleum, columbarium or crematorium may be permitted in an industrial or A district as a special use, provided that:

- (1) No graves shall be located less than 100 feet distant from any property line;

- (2) There shall be a strip at least 75 feet in width adjacent to all boundaries of the cemetery landscaped and maintained as a green area;
- (3) In any cemetery in which there will be permitted monuments and grave markers rising above the surface of the ground, the green area shall include a dense evergreen hedge at least six feet in height; and
- (4) No ~~public~~ mausoleum, columbarium, ~~crematory~~ or cemetery chapel shall be erected within 200 feet of any boundary of the lot or parcel on which it is located.
- (5) No crematorium equipment shall be placed within 100 feet of a property line excepting along adjacent right-of-way.

Section 4. Sec. 101-1-3 and 105-1-5 (e) is amended and re-enacted.

Timothy A. Helbling, President
Board of City Commissioners

Attest:

James Neubauer,
City Administrator

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

January 28, 2019
February 19, 2019
March 5, 2019

EXHIBIT 3

ORDINANCE NO. 13XX

An Ordinance to Amend and Re-enact Portions of Sec. 101-1-3, 105-3-14 (2), 105-3-15 (2), and Remove Sec. 105-1-5 (k) of the Mandan Municipal Code related crematoriums

WHEREAS, Changes are necessary to remove conflict within the land-use code related to cremation-related activities

WHEREAS, Clarification is required to ensure health and safety and mitigate potential negative impacts to nearby resident property values

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

Section 1. Sec. 105-1-5 (k) is removed.

~~Crematorium. A crematorium may be permitted as a special use with the following minimum restrictions:~~

- ~~(1) No crematorium equipment shall be placed within 100 feet of a property line excepting along adjacent right-of-way; and~~
- ~~(2) Crematoriums shall be located within the Mandan Union Cemetery.~~

Section 2. Sec. 101-1-3 and is amended and re-enacted.

Crematorium means the establishment for final disposition of deceased remains, either human or pet, by thermal, mechanical, or other dissolution process that reduces remains to bone fragments.

The following standards shall apply:

- (1) Crematorium equipment shall be located a minimum of fifty (50) feet from a property line.
- (2) Crematorium equipment shall be located a minimum of three-hundred-fifty (350) feet from an existing dwelling.

Section 3. Sec. 105-3-14 (2) q. related to permitted uses in the MA Industrial District is added.

q. Crematorium

Section 4. Sec. 105-3-15 (2) v. related to permitted uses in the MB Industrial District is added.

v. Crematorium

Timothy A. Helbling, President
Board of City Commissioners

Attest:

James Neubauer,
City Administrator

Planning and Zoning:

First Consideration:

Second Consideration and Final Passage:

July 22, 2019

August 20, 2019

September 3, 2019



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 20, 2019
PREPARATION DATE: August 5, 2019
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: Preliminary/final plat and first consideration of Ordinance 1321 related to a zoning district amendment for proposed Midway Fourteenth Addition First Replat

STATEMENT/PURPOSE: Consider approval of preliminary/final plat and first consideration of Ordinance 1321 related to a zoning district amendment for proposed Midway Fourteenth Addition First Replat.

BACKGROUND/ALTERNATIVES: E-C ND Investments, LLC is seeking the removal of zoning restrictions to allow for a warehousing addition to their existing structure. Other properties in the same Midway 14th development underwent a zone change in 2013 to remove restrictions. This rezone request would bring the entire development under the same zoning provisions.

The applicant is also seeking a preliminary and final plat to consolidate the three lots into one for the purposes of building expansion.

ATTACHMENTS:

Exhibit 1 – Application
Exhibit 2 – DRAFT Ordinance 1321
Exhibit 3 – Preliminary Plat
Exhibit 4 – Final Plat

FISCAL IMPACT: N/a

STAFF IMPACT: N/a

Board of City Commissioners

Agenda Documentation

Meeting Date: August 20, 2019

Subject: Preliminary/final plat and first consideration of Ordinance 1321 related to a zoning district amendment for proposed Midway Fourteenth Addition First Replat

Page 2 of 2

LEGAL REVIEW: This document, including Ordinance 1321, have been reviewed and approved by Attorney Brown.

RECOMMENDATION: The Engineering and Planning Department recommend approval of the zoning amendment to CC-Commercial without restrictions as presented in Exhibit 2, the preliminary plat as presented in Exhibit 3, and the final plat as presented in Exhibit 4.

SUGGESTED MOTION: I move to recommend approval of the zoning amendment to CC-Commercial without restrictions as presented in Exhibit 2, the preliminary plat as presented in Exhibit 3, and the final plat as presented in Exhibit 4.

EXHIBIT 1

CITY OF MANDAN			
Development Review Application			
x	Minor Plat (\$300)		Zone Change (\$600) <input type="checkbox"/>
	Preliminary Plat up to 20 acres (\$350)		Planned Unit Development (\$700)
	Preliminary Plat more than 20 acres (\$400)		Zone Change with Minor Plat (\$400)
	Final Plat up to 20 lots (\$350)		Vacation (\$500)
	Final Plat 21 to 40 lots (\$475)		Variance (\$400)
	Final Plat more than 40 lots (\$700)		Special Use Permit (\$450)
	Annexation (\$450)	x	Stormwater submittal (\$300)
	Annexation with Minor Plat (\$200)		Stormwater 2 nd & subsequent resubmittal (\$50)
Summary of Request			
Combining lots 4-6 of Midway 14th Addition into 1 lot. All lots have the same owner.			

Engineer/Surveyor				Property Owner or Applicant			
Name Tom Weigel (HBSE, Inc.)				Name Chris Houwman (E-C ND Investments, LLC)			
Address 3320 Hamilton ST. Unit 3				Address 809 W Russel St.			
City	State	Zip	City	State	Zip		
Bismarck	ND	58503	Sioux Falls	SD	57104		
email				email			
tweigel@hollybecksurveying.com				chouwman@malloyelectric.com			
Phone		Fax		Phone		Fax	
701-223-3546		-		605-336-3693		-	
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			
x	City	ETA	New	x	Addition	CC	CC	Malloy Electric Phase 2 Expansion			
Property Address						Legal Description					
1401 Action Drive SE						Lots 4-6, Block 1 of Midway 14th Addition					
Current Use											
Commercial / Industrial											
Proposed Use											
Same						Section 31	Township 139	Range 80			
Parcel Size	Building Footprint	Stories	Building SF			Required Parking			Provided Parking		
4 Acres	18,450	1	18,450			-			-		

Print Name Chris Houwman	Signature 	Date 6/20/19
------------------------------------	--	------------------------

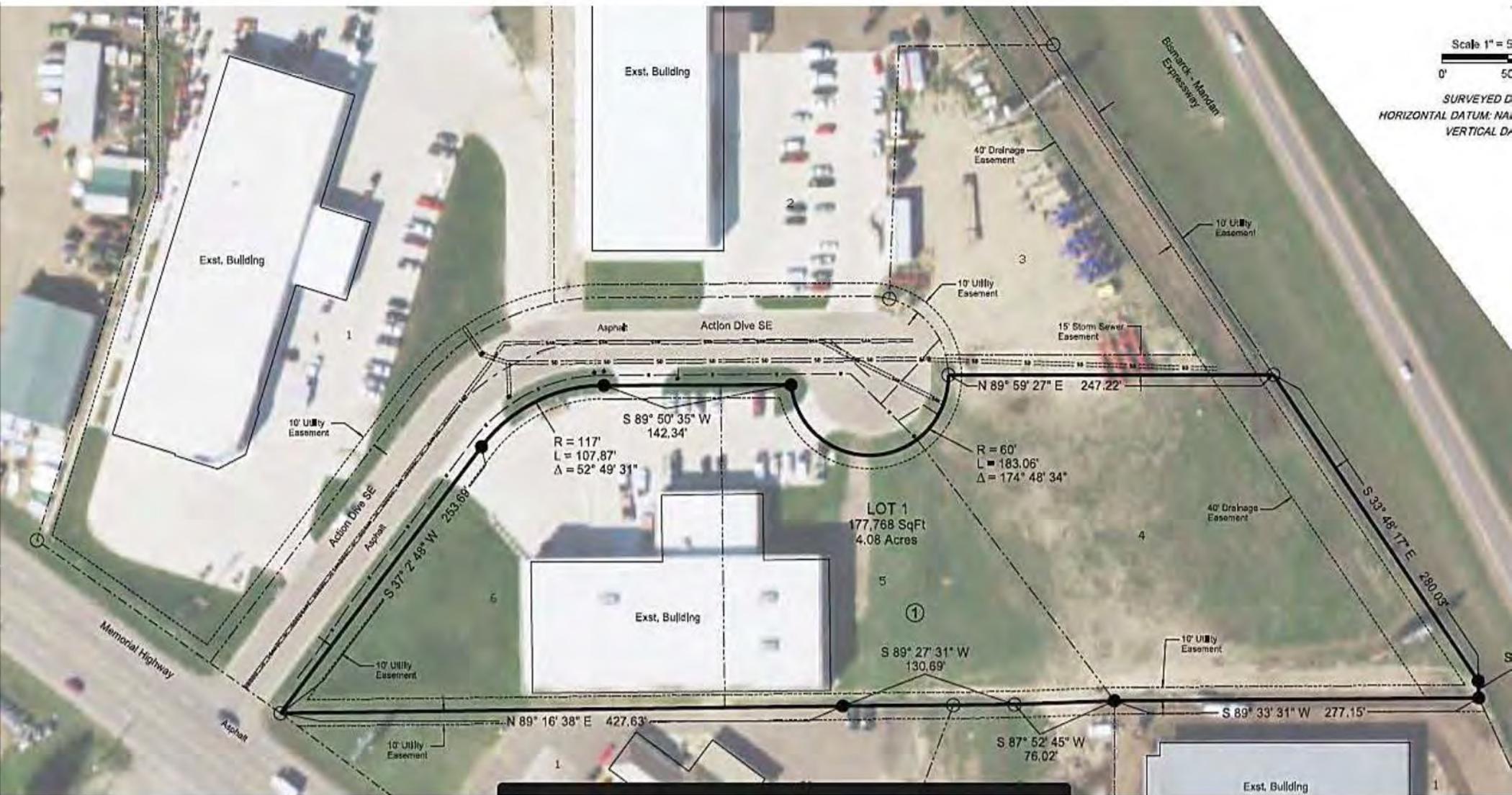
Office Use Only					
Date Received:	Initials:	Fees Paid:	\$	Date	
Notice in paper		Mailed to neighbors		P&Z meeting	
Approved	Approved with conditions:				
Denied					

Updated 1/1/2019

N:\PLANNING & ZONING\Development Application - January 2019.docx

VICINITY MAP





Scale 1" = 50'
 0' 50'

SURVEYED DATA
 HORIZONTAL DATUM: NAD 83
 VERTICAL DATUM: NAVD 83

R = 117'
 L = 107.87'
 $\Delta = 52^\circ 49' 31''$

S 89° 50' 35" W
 142.34'

R = 60'
 L = 183.06'
 $\Delta = 174^\circ 48' 34''$

N 89° 59' 27" E 247.22'

LOT 1
 177,768 SqFt
 4.08 Acres

S 89° 27' 31" W
 130.69'

S 37° 2' 49" W 283.69'

N 89° 16' 38" E 427.63'

S 89° 33' 31" W 277.15'

S 87° 52' 45" W
 76.02'

S 33° 48' 17" E 280.03'

Exst. Building

Exst. Building

40' Drainage Easement

10' Utility Easement

10' Utility Easement

15' Storm Sewer Easement

10' Utility Easement

40' Drainage Easement

10' Utility Easement

10' Utility Easement

10' Utility Easement

Exst. Building

1

MIDWAY FOURTEENTH ADDITION FIRST REPLAT

BEING A REPLAT OF LOTS 4, 5, AND 6, BLOCK 1 OF MIDWAY FOURTEENTH ADDITION
SECTION 31, TOWNSHIP 139 NORTH, RANGE 80 WEST
CITY OF MANDAN, MORTON COUNTY
NORTH DAKOTA

VICINITY MAP



Scale 1" = 50' (in Ft)

0 50 100'

SURVEYED DATE: MAY 2019
HORIZONTAL DATUM: NAD83(2011)-ND S
VERTICAL DATUM: NAVD 88



CURRENT DESCRIPTION OF PROPERTY
ALL OF LOTS 4, 5, AND 6, BLOCK 1 OF MIDWAY 14TH ADDITION TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, SAID TRACT OF LAND CONTAINING 4.09 ACRES, MORE OR LESS.

ZONING
CURRENT ZONING: CC - Commercial / Light Industrial Transition
ZONING CHANGE: NONE

FLOOD INFORMATION
COMMUNITY NO: City of Mandan, 380072
MAP NUMBER: 3805030150
ZONE: X (0.2 PCT ANNUAL CHANCE FLOOD HAZARD)

- LEGEND**
- EXISTING LOT LINE
 - PROPOSED LOT LINE
 - EXISTING WATER MAIN
 - EXISTING SANITARY SEWER
 - EXISTING STORM SEWER
 - FOUND MONUMENT
 - SET #5 REBAR w/ALUM CAP

*** BACKGROUND IMAGE IS FOR APPROXIMATE REFERENCE ONLY ***

PRELIMINARY PLAT

This document is preliminary and not for recording or implementation purposes.

PLAT IS SUBJECT TO ALL PRIOR EASEMENTS OF RECORD

Date Issued: 6/17/2019

EXHIBIT 2

ORDINANCE NO. 1321

AN ORDINANCE TO AMEND AND REENACT SECTION 105-2-2 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP.

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

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

The following described properties shall be excluded from the CC Commercial District with restrictions on Railroad Trackage, Auto Laundry (Car Wash), Auto Repair Garages (as a primary use), Commercial Parking Lot/Garage, Off-premise Advertising Sign, Steam Bath, Tire/Battery Repair, Storage Building/Warehouse or any of the Wholesale Group and be **included in the CC Commercial District (no restrictions)**:

Lots 4 and 5, Block 1 of Midway Fourteenth Addition, Section 31, Township 139 North, Range 80 West, City of Mandan, Morton County, North Dakota

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:

July 22, 2019

August 20, 2019

September 3, 2019

EXHIBIT 3

MIDWAY FOURTEENTH ADDITION FIRST REPLAT

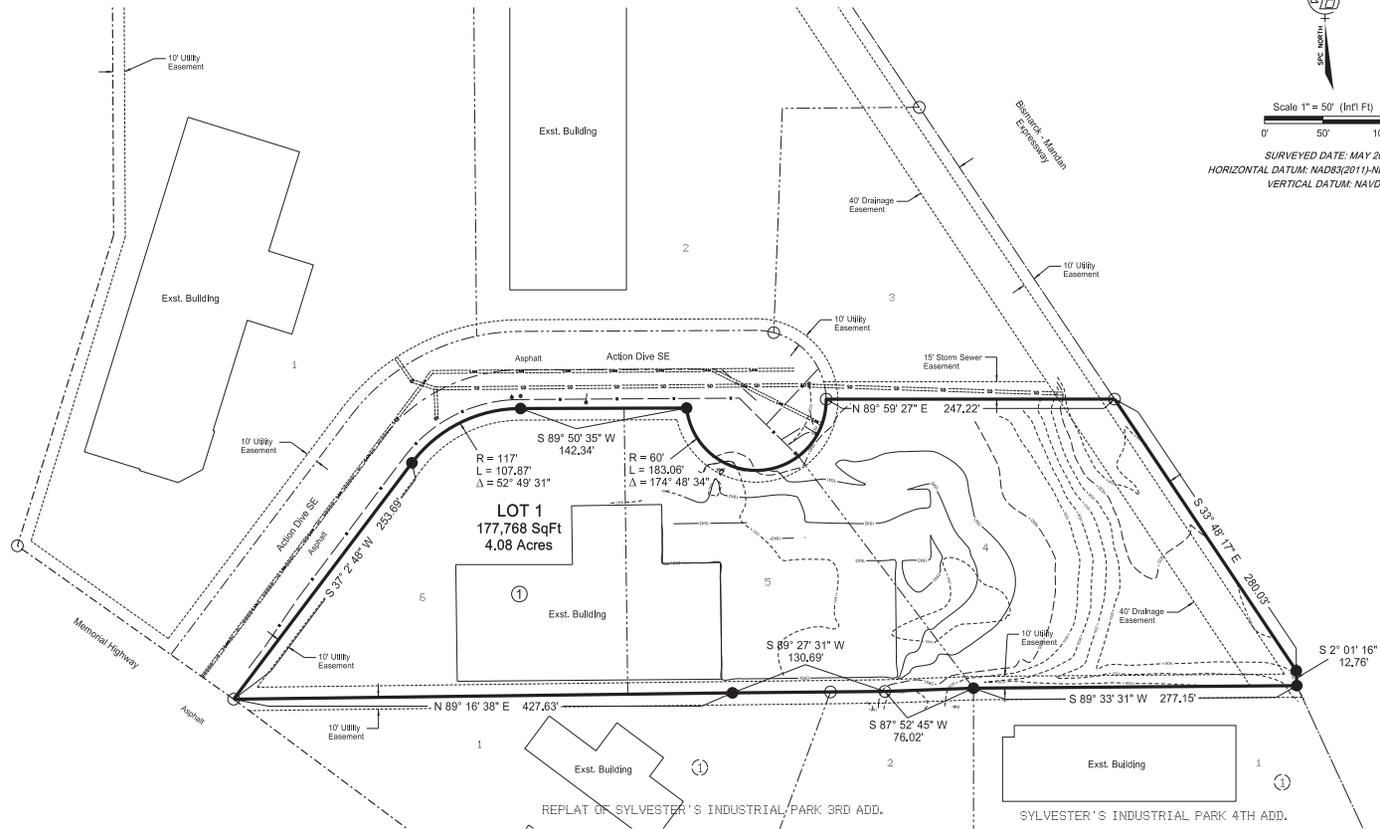
BEING A REPLAT OF LOTS 4, 5, AND 6, BLOCK 1 OF MIDWAY FOURTEENTH ADDITION
SECTION 31, TOWNSHIP 139 NORTH, RANGE 80 WEST
CITY OF MANDAN, MORTON COUNTY
NORTH DAKOTA

VICINITY MAP



Scale 1" = 50' (Int'l Ft)
0' 50' 100'

SURVEYED DATE: MAY 2019
HORIZONTAL DATUM: NAD83(2011)-ND S
VERTICAL DATUM: NAVD 88



CURRENT DESCRIPTION OF PROPERTY

ALL OF LOTS 4, 5, AND 6, BLOCK 1 OF MIDWAY 14TH ADDITION TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, SAID TRACT OF LAND CONTAINING 4.08 ACRES, MORE OR LESS.

ZONING

CURRENT ZONING: Lot 6 - CC (Heavy Commercial Unrestricted)
Lots 4 & 5 - CC (Heavy Commercial with restrictions)
ZONING CHANGE: Lots 4, 5, 6 - CC (Heavy Commercial Unrestricted)

FLOOD INFORMATION

COMMUNITY NO: City of Mandan, 380072
MAP NUMBER: 380520192
ZONE: X (0.2 PCT ANNUAL CHANCE FLOOD HAZARD)

LEGEND

- EXISTING LOT LINE
- PROPOSED LOT LINE
- EXISTING WATER MAIN
- EXISTING SANITARY SEWER
- EXISTING STORM SEWER
- EXISTING CONTOURS (1 FOOT)
- PROPOSED CONTOURS (1 FOOT)
- FOUND MONUMENT
- SET #5 REBAR w/ALUM CAP

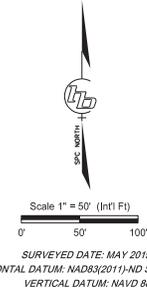
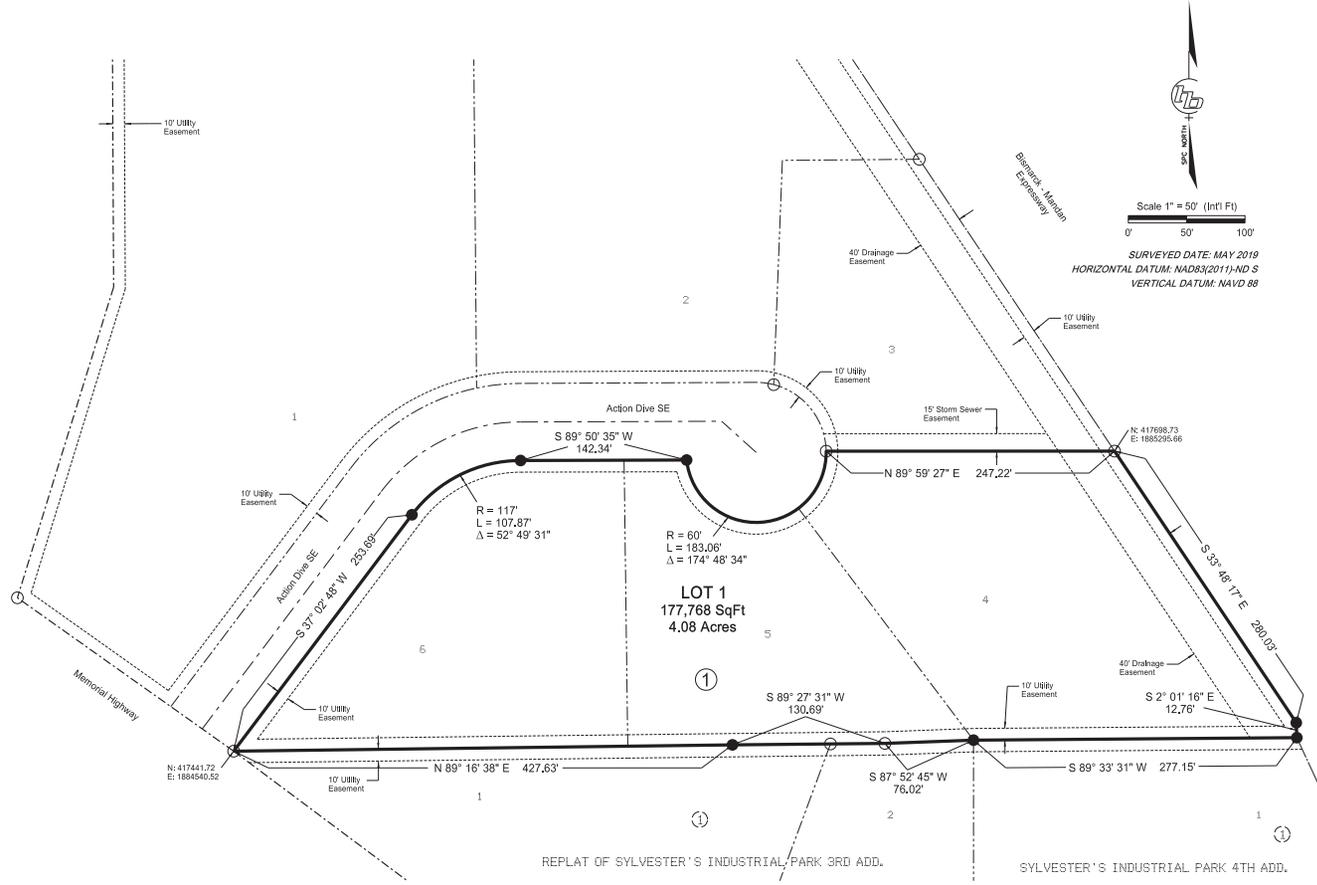
PRELIMINARY PLAT



EXHIBIT 4

MIDWAY FOURTEENTH ADDITION FIRST REPLAT

BEING A REPLAT OF LOTS 4, 5, AND 6, BLOCK 1 OF MIDWAY FOURTEENTH ADDITION
SECTION 31, TOWNSHIP 139 NORTH, RANGE 80 WEST
CITY OF MANDAN, MORTON COUNTY
NORTH DAKOTA



DESCRIPTION OF PROPERTY
ALL OF LOTS 4, 5, AND 6, BLOCK 1 OF MIDWAY 14TH ADDITION TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, SAID TRACT OF LAND CONTAINING 4.08 ACRES, MORE OR LESS.

OWNER'S CERTIFICATE & 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".

Chris Houman
E-C ND Investments, LLC
809 W. Russell St.
Sioux Falls, SD 57104

STATE OF NORTH DAKOTA)
COUNTY OF _____) SS

ON THIS _____ DAY OF _____, 2019, PERSONALLY APPEARED BEFORE ME, CHRIS HOUWMAN, KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATE
I, THOMAS D. WEIGEL, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ACCOMPANYING PLAT WAS SURVEYED UNDER MY SUPERVISION AND THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



THOMAS D. WEIGEL LS-10871
HOLLYBECK SURVEYING & ENGINEERING, INC.
3320 HAMILTON ST UNIT 3
BISMARCK, ND 58501

PLANNING & ZONING COMMISSION APPROVAL
THE SUBDIVISION OF LAND SHOWN HEREON HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MANDAN, NORTH DAKOTA ON THIS _____ DAY OF _____, 2019, 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
KIM FETIG - 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 AS SHOWN HEREON LYING WITHIN THE CORPORATE LIMITS OF THE CITY OF MANDAN AND HAS ACCEPTED THE DEDICATION OF ALL PARKS AND PUBLIC GROUNDS SHOWN HEREON. THE FOREGOING ACTION BY THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, HAS BEEN TAKEN BY RESOLUTION THIS _____ DAY OF _____, 2019.

JIM NEUBAUER - CITY ADMINISTRATOR
MAYOR TIM HELBLING - PRESIDENT

APPROVAL OF CITY ENGINEER
I, JUSTIN FROSETH, CITY ENGINEER FOR THE CITY OF MANDAN, NORTH DAKOTA HEREBY APPROVE "MIDWAY FOURTEENTH ADDITION FIRST REPLAT" MANDAN, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JUSTIN FROSETH - CITY ENGINEER

FINAL PLAT DATE ISSUED: 7/16/2019

LEGEND
○ FOUND MONUMENT
● SET #5 REBAR w/ALUM CAP

FLOOD INFORMATION
COMMUNITY NO: City of Mandan, 380072
MAP NUMBER: 3809028150
ZONE: X (0.2 PCT ANNUAL CHANCE FLOOD HAZARD)





Board of City Commissioners

Agenda Documentation

MEETING DATE: August 20, 2019
PREPARATION DATE: August 6, 2019
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: Consider Variance for Lot 3, Block 1, Midway 14th Addition to the Required Setback based on Tower Height

STATEMENT/PURPOSE: Consider variance for Lot 3, Block 1, Midway 14th Addition to the required setback based on tower height.

BACKGROUND/ALTERNATIVES: Powder River Engineering Services, LLC on behalf of Spence Koenig is applying for a variance to the setback requirement for communications towers. The setback requirement is 110% of the height of the structure to the property line. In this case, the proposed tower is 200 feet tall and would require the structure to be 220 feet from the property line. The applicants are requesting a variance from 220 feet to 22 feet. A site plan is provided in Exhibit 2. The applicants have provided a letter stamped by an engineer outlining the most likely scenario of failure (See Exhibit 3).

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;*

There do not appear to be any special circumstances or conditions that apply to the land or buildings for which the variance is sought.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 20, 2019

Subject: Consider Variance for Lot 3, Block 1, Midway 14th Addition to the Required Setback Based on Tower Height.

Page 2 of 3

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 land does not have a commercial improvement on it at this time, although it is sufficiently sized to accommodate many other commercial uses. A variance does not appear to be necessary to obtain a reasonable use of this land.

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.

Without certainty that a structural failure would NOT result in the structure crossing a property line as the setback ordinance is in place to provide, a grant of a variance does not appear to be in harmony with the general purposes and intent of this chapter or to not be injurious to the neighborhood or otherwise detrimental to the public welfare.

ATTACHMENTS:

Exhibit 1 – Applicant’s Summary of Variance Request

Exhibit 2 – Site Plan

Exhibit 3 – Engineering Letter

Exhibit 4 – Reasons for Denial

FISCAL IMPACT: N/a

STAFF IMPACT: N/a

LEGAL REVIEW: This document has been reviewed and approved by the City Attorney.

RECOMMENDATION: Engineering and Planning recommend denial of the setback of 220’ to 22 feet for failure to meet the requirements of 105-1-12 surrounding variances to the zoning code for the reasons outlined in Exhibit 4.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 20, 2019

Subject: Consider Variance for Lot 3, Block 1, Midway 14th Addition to the Required Setback Based on Tower Height.

Page 3 of 3

SUGGESTED MOTION: I move to deny the setback of 220' to 22 feet for failure to meet the requirements of 105-1-12 surrounding variances to the zoning code for the reasons outlined in Exhibit 4.

EXHIBIT 1



Powder River Development Services, LLC

4332 E Park Ave.

Gilbert, AZ 85234

(614) 389-3914 Office

www.powderriverdev.com

July 3rd, 2019

TO: City of Mandan

FROM: Brandon Peterson, Powder River Development, on behalf of AT&T

RE: Request for variance relief – proposed communications tower (ref. Memorial Hwy & 40th Ave SE)

My name is Brandon Peterson and I work for Powder River Development Services on behalf of AT&T. Thank you for taking the request for setback relief related to a proposed communications tower into consideration and we hope we're able to provide all necessary materials.

The setback relief is being sought in order locate a 200' communications monopole tower in such a way that is most favorable based on the topography of the parcel, surrounding area and to minimize the impact of the property owner's current use of the property due to very limited space available. The current setback requirement is 110% of the tower height and currently we are asking for a setback equal to 22' from the property line. To make up for this difference in distance the tower has been engineered to collapse/buckle into itself if it were to start falling so it would not fall onto the neighboring property and more than likely just lean slightly and stay in that state until removed.

In closing, thank you again for taking this variance request into consideration and I would respectfully request your approval. Thank you.

Sincerely,

Brandon Peterson

Agent on behalf of AT&T

James.ries@powderriverdev.com

612-481-2228

EXHIBIT 3



July 22, 2019

Ms. Karey Vawter
Diamond Communications LLC
820 Morris Turnpike
Suite 104
Short Hills, NJ 07078

RE: Proposed 200' Monopole for Action Drive, ND

Dear Ms. Vawter,

Upon receipt of order, we propose to design and supply the above referenced tower for a Basic Wind Speed of 111 mph with no ice and 60 mph + 1" ice, Structure Class II, Exposure Category C, and Topographic Category 1, in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-G, "Structural Standard for Antenna Supporting Structures and Antennas".

When designed according to this standard, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of 25%. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within the monopole shaft, above the base plate. Assuming that the wind pressure profile is similar to that used to design the monopole, the monopole will buckle at the location of the highest combined stress ratio within the monopole shaft. This is likely to result in the portion of the monopole above leaning over and remaining in a permanently deformed condition. **Please note that this letter only applies to the above referenced monopole designed and manufactured by Sabre Towers & Poles.** This would effectively result in a 22 ft fall zone at ground level.

Sincerely,

Robert E. Beacom, P.E., S.E.
Engineering Supervisor

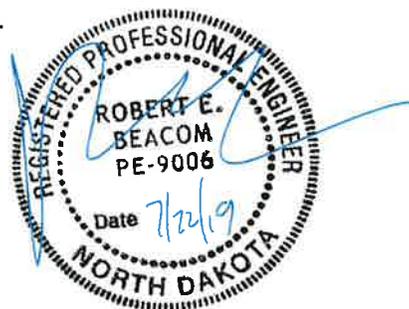


EXHIBIT 4

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;

There do not appear to be any special circumstances or conditions that apply to the land or buildings for which the variance is sought.

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 land does not have a commercial improvement on it at this time, although it is sufficiently sized to accommodate many other commercial uses. A variance does not appear to be necessary to obtain a reasonable use of this land.

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.

Without certainty that a structural failure would NOT result in the structure crossing a property line as the setback ordinance is in place to provide, a grant of a variance does not appear to be in harmony with the general purposes and intent of this chapter or to not be injurious to the neighborhood or otherwise detrimental to the public welfare.



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 20, 2019
PREPARATION DATE: August 6, 2019
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: First consideration of Ordinance 1322 related to a zoning district amendment for select lots in Scott's Acres (Proposed Engage Addition)

STATEMENT/PURPOSE: Consider approval of the first consideration of Ordinance 1322 related to a zoning district amendment for select lots in Scott's Acres. This property is the site of Engage Church off Old Red Trail NW.

BACKGROUND/ALTERNATIVES: Engage Church is seeking to divide their property located to the southwest of the intersection of Old Red Trail NW and Highland Rd. NW and rezone one of the newly created lots to MA Industrial and the other to R7 Residential (See Exhibit 2).

The existing zoning is MA Industrial and R7 Residential. The request is to reorient the zoning district boundaries to align with the proposed lots just noted. The MA Industrial zoning is currently located along the rear of the property. The R7 Residential is located along the front of the property (See Exhibit 1).

Storage Units are located to the west of the proposed industrially zoned property; Utility outdoor storage is to the south. Industrial uses are more appropriate than a single family residence for the land between Engage Church and the rest of this industrial area.

Staff recommends approval of the zoning amendment in Exhibit 3 for the reasons as outlined in Exhibit 4.

These reasons are:

- The property to the west and south are industrial zoned; the properties to the east/north are residentially zoned
- The proposed industrial zoning district boundary abuts one of Mandan's large industrial parks

Board of City Commissioners

Agenda Documentation

Meeting Date: August 20, 2019

Subject: First consideration of Ordinance 1322 related to a zoning district amendment for select lots in Scott's Acres (Proposed Engage Addition)

Page 2 of 2

- The church provides a harmonious transition from more intense industrial uses to lesser intense residential uses to the north and east
- The existing zoning designations of MA Industrial and R7 Residential already exist on the property in a different configuration; this is a reconfiguration of what already exists on the property

ATTACHMENTS:

Exhibit 1 – Current Configuration of Zoning District Boundaries

Exhibit 2 – Proposed Orientation of Zoning District Boundaries

Exhibit 3 – DRAFT Zoning Amendment – Ordinance 1322

Exhibit 4 – Rationale for Approval of Zoning Ordinance Amendment Request

FISCAL IMPACT: N/a

STAFF IMPACT: N/a

LEGAL REVIEW: This document, including Ordinance 1322, have been reviewed and approved by Attorney Brown.

RECOMMENDATION: The Engineering and Planning Department recommend approval of the first consideration of Ordinance 1322 per Exhibit 3 based on the reasons outlined in Exhibit 4.

SUGGESTED MOTION: I move to recommend approval of the first consideration of Ordinance 1322 per Exhibit 3 based on the reasons outlined in Exhibit 4.

EXHIBIT 1

CURRENT ZONING CONFIGURATION

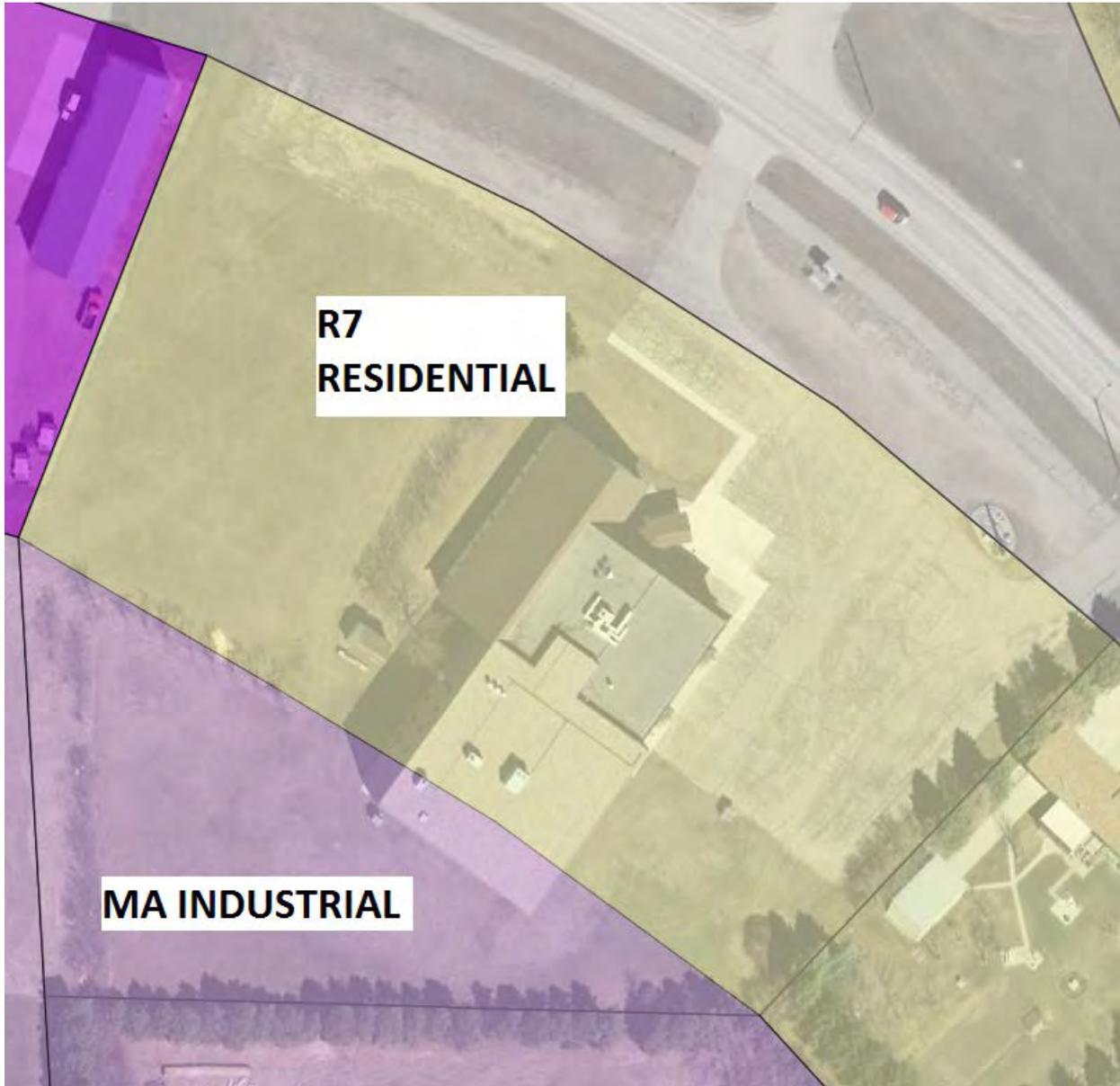
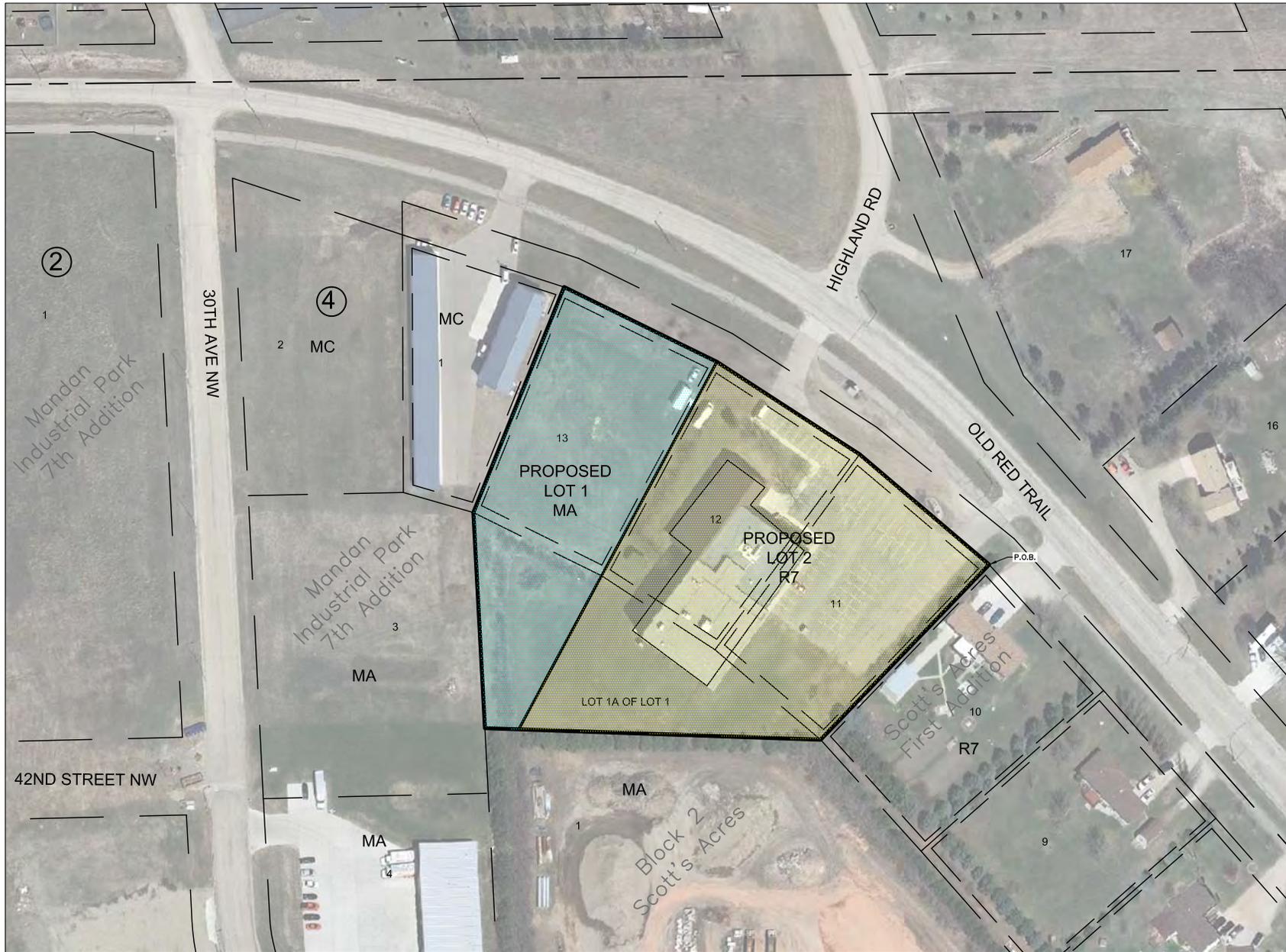


EXHIBIT 2



DRAFTED
ADW
REVIEWED

PROJECT NUMBER
PROJECT#
ISSUE DATE
6/21/19

ENGAGE ADDITION
ENGAGE CHURCH
MANDAN, NORTH DAKOTA
REZONE EXHIBIT

EXHIBIT 3

ORDINANCE NO. 1322

AN ORDINANCE TO AMEND AND REENACT SECTION 105-2-2 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP.

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

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

The following described properties located Section 17, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota shall be excluded from the MA Industrial District and R7 Residential District:

Lots 11-13, Block 1, Scott's Acres First Addition (R7 Residential District)
Lot 1A of Lot 1, Block 2, Scott's Acres (MA Industrial District)

This same property shall be included in the MA Industrial District and R7 Residential District in a reconfigured manner per the proposed plat of Engage Addition as follows:

Lot 1 – MA Industrial District
Lot 2 – R7 Residential District

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:

July 22, 2019
August 20, 2019
September 3, 2019

EXHIBIT 4

- The property to the west and south are industrial zoned; the properties to the east/north are residentially zoned
- The proposed industrial zoning district boundary abuts one of Mandan's large industrial parks
- The church provides a harmonious transition from more intense industrial uses to lesser intense residential uses to the north and east
- The existing zoning designations of MA Industrial and R7 Residential already exist on the property in a different configuration; this is a reconfiguration of what already exists on the property



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 20, 2019
PREPARATION DATE: August 6, 2019
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: First consideration of Ordinance 1323 related to a zoning district amendment and preliminary plat for proposed Meadow Ridge 4th Addition

STATEMENT/PURPOSE: Consider approval of the first consideration of Ordinance 1323 related to a zoning district amendment and preliminary plat for proposed Meadow Ridge 4th Addition

BACKGROUND/ALTERNATIVES: The applicant is requesting approval for a rezone from MC-Industrial to RM-Residential and a preliminary plat to create four new lots. Each lot is planned to be further subdivided in the future once a specific placement for a twin-home has been determined. The lot line would then divide the shared wall so that each side of the structure could be owned independently. Exhibit 2 contains the preliminary plat for Meadow Ridge 4th Addition.

Planning and Zoning Commission recommended approval subject to a restriction only allowing single and two-family construction following concerns raised by adjacent residents. The applicant is amenable to this restriction.

ATTACHMENTS:

Exhibit 1 – DRAFT Ordinance 1323
Exhibit 2 – Preliminary plat for Meadow Ridge 4th Addition

FISCAL IMPACT: N/a

STAFF IMPACT: N/a

LEGAL REVIEW: This document, including Ordinance 1323, have been reviewed and approved by the City Attorney.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 20, 2019

Subject: First consideration of Ordinance 1323 related to a zoning district amendment and preliminary plat for proposed Meadow Ridge 4th Addition

Page 2 of 2

RECOMMENDATION: The Engineering and Planning Department recommend approval of the first consideration of Ordinance 1323 as reflected in Exhibit 1 and the preliminary plat as shown in Exhibit 2.

SUGGESTED MOTION: I move to approve the first consideration of Ordinance 1323 as reflected in Exhibit 1 and the preliminary plat as shown in Exhibit 2

EXHIBIT 1

ORDINANCE NO. 1323

AN ORDINANCE TO AMEND AND REENACT SECTION 105-2-2 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP.

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

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

The following described properties located in part of Lot 44, Block 1, Pioneer Park 1st Additiion, and Part of the NW ¼, Section 22, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota shall be excluded from the MC Industrial District and R3.2 Residential District and shall be included in the RM Residential District **WITH RESTRICTIONS** to single and two-family residential construction:

Meadow Ridge 4th Addition (proposed)

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.

SECTION 3. EFFECT. This ordinance shall go into effect upon the recordation of a final plat of Meadow Ridge 4th Addition as described in Section 1.

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:

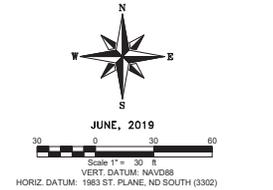
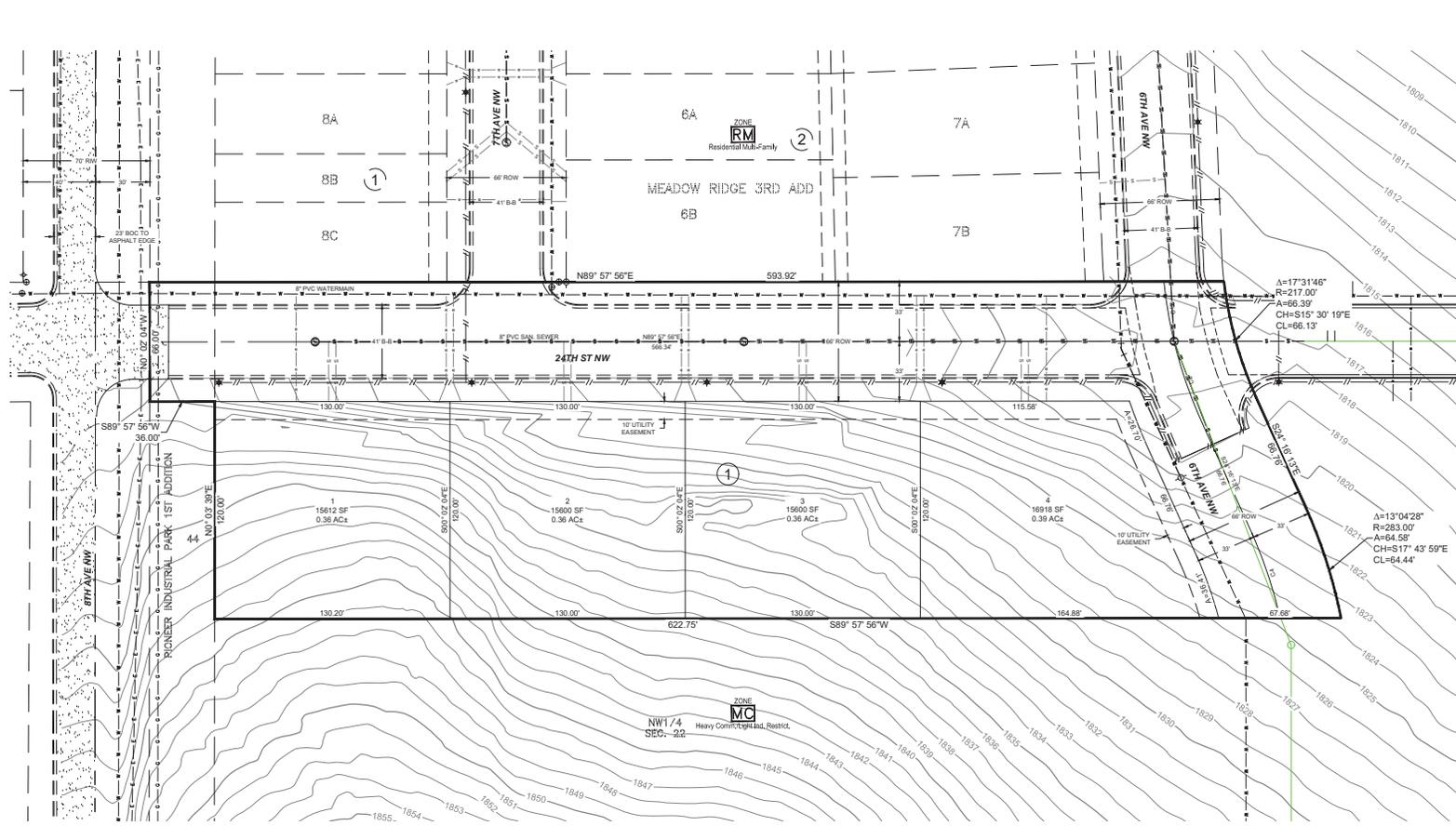
July 22, 2019

August 20, 2019

September 3, 2019

EXHIBIT 2

PRELIMINARY PLAT
MEADOW RIDGE 4TH ADDITION
 TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA
 PART OF LOT 44, BLOCK 1, PIONEER PARK 1ST ADDITION, AND PART OF THE NW1/4,
 SECTION 22, T139N-R81W OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA



- LEGEND**
- ⊙ EXISTING MANHOLE
 - ⊠ EXISTING TELEPHONE PEDESTAL
 - ⊛ EXISTING STREET LIGHT
 - ⊠ EXISTING ELECTRICAL BOX
 - ⊙ EXISTING TREE
 - ⊙ EXISTING FIRE HYDRANT
 - ⊙ EXISTING GAS VALVE
 - ⊙ EXISTING SIGN
 - s-s- EXISTING SANITARY SEWERMAIN
 - w-w- EXISTING WATERMAIN
 - == EXISTING CURB & GUTTER
 - ss-ss- EXISTING STORM SEWER
 - c-c- EXISTING GAS LINE
 - t-t- EXISTING TELEPHONE CABLE
 - cv-cv- EXISTING CABLE TV
 - - - EXISTING WATER SERVICE
 - - - EXISTING SANITARY SERVICE
 - ▨ EXISTING ASPHALT
 - ★ PROPOSED STREET LIGHT
 - - - PROPOSED WATERMAIN
 - - - PROPOSED WATERMAIN
 - - - PROPOSED WATER SERVICE
 - - - PROPOSED SANITARY SERVICE

CENTERLINE STREET CURVE TABLE

CURVE #	DELTA	PC/UBS	LNCHT	CHORD BEARING	CHORD LENGTH
C1	7°40'39"	250.00'	33.50'	S9°41'27"E	33.47'
C2	10°44'28"	250.00'	46.86'	S18°53'59"E	46.80'
C4	11°34'42"	250.00'	50.52'	S18°28'59"E	50.43'

OWNERS:
 WW RANCH, A LIMITED PARTNERSHIP
 PO BOX 638
 BISMARCK, ND 58502
 MONTANA DAKOTA UTILITIES CO
 400 N. 4TH ST
 BISMARCK, ND 58501

BASIS OF BEARING:
 BASIS OF BEARING: NORTH BOUNDARY LINE
 NORTH 89° 57' 56" EAST.

NOTES:
 1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
 2. TOTAL LOT ACREAGE: 1.48
 TOTAL STREET ACREAGE: 1.11
 TOTAL ACREAGE: 2.57

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



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 20, 2019
PREPARATION DATE: August 6, 2019
SUBMITTING DEPARTMENT: Engineering and Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: First consideration of Ordinance 1324 related to a zoning district amendment and preliminary plat for proposed Meadow Ridge 5th Addition

STATEMENT/PURPOSE: Consider approval of the first consideration of Ordinance 1324 related to a zoning district amendment and preliminary plat for proposed Meadow Ridge 5th Addition.

BACKGROUND/ALTERNATIVES: The applicant is requesting approval for a rezone from MC-Industrial to RM-Residential and a preliminary plat to create eight new lots. As with Meadow Ridge 4th Addition, each lot is planned to be further subdivided in the future. Exhibit 2 contains the preliminary plat for Meadow Ridge 5th Addition.

Planning and Zoning Commission recommended approval of the zoning amendment and preliminary plat.

ATTACHMENTS:

Exhibit 1 – DRAFT Ordinance 1324
Exhibit 2 – Preliminary plat for Meadow Ridge 5th Addition

FISCAL IMPACT: N/a

STAFF IMPACT: N/a

LEGAL REVIEW: This document, including Ordinance 1324, have been reviewed and approved by Attorney Brown.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 20, 2019

Subject: First consideration of Ordinance 1324 related to a zoning district amendment and preliminary plat for proposed Meadow Ridge 5th Addition

Page 2 of 2

RECOMMENDATION: The Engineering and Planning Department recommend approval of the first consideration of Ordinance 1324 as reflected in Exhibit 1 and the preliminary plat as shown in Exhibit 2.

SUGGESTED MOTION: I move to approve the first consideration of Ordinance 1324 as reflected in Exhibit 1 and the preliminary plat as shown in Exhibit 2.

EXHIBIT 1

ORDINANCE NO. 1324

AN ORDINANCE TO AMEND AND REENACT SECTION 105-2-2 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP.

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

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

The following described properties located in part of the NW ¼, Section 22, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota shall be excluded from the MC Industrial District and R3.2 Residential District and shall be included in the RM Residential District:

Meadow Ridge 5th Addition (proposed)

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.

SECTION 3. EFFECT. This ordinance shall go into effect upon the recordation of a final plat of Meadow Ridge 5th Addition as described in Section 1.

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:

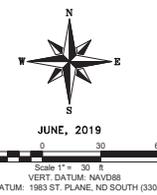
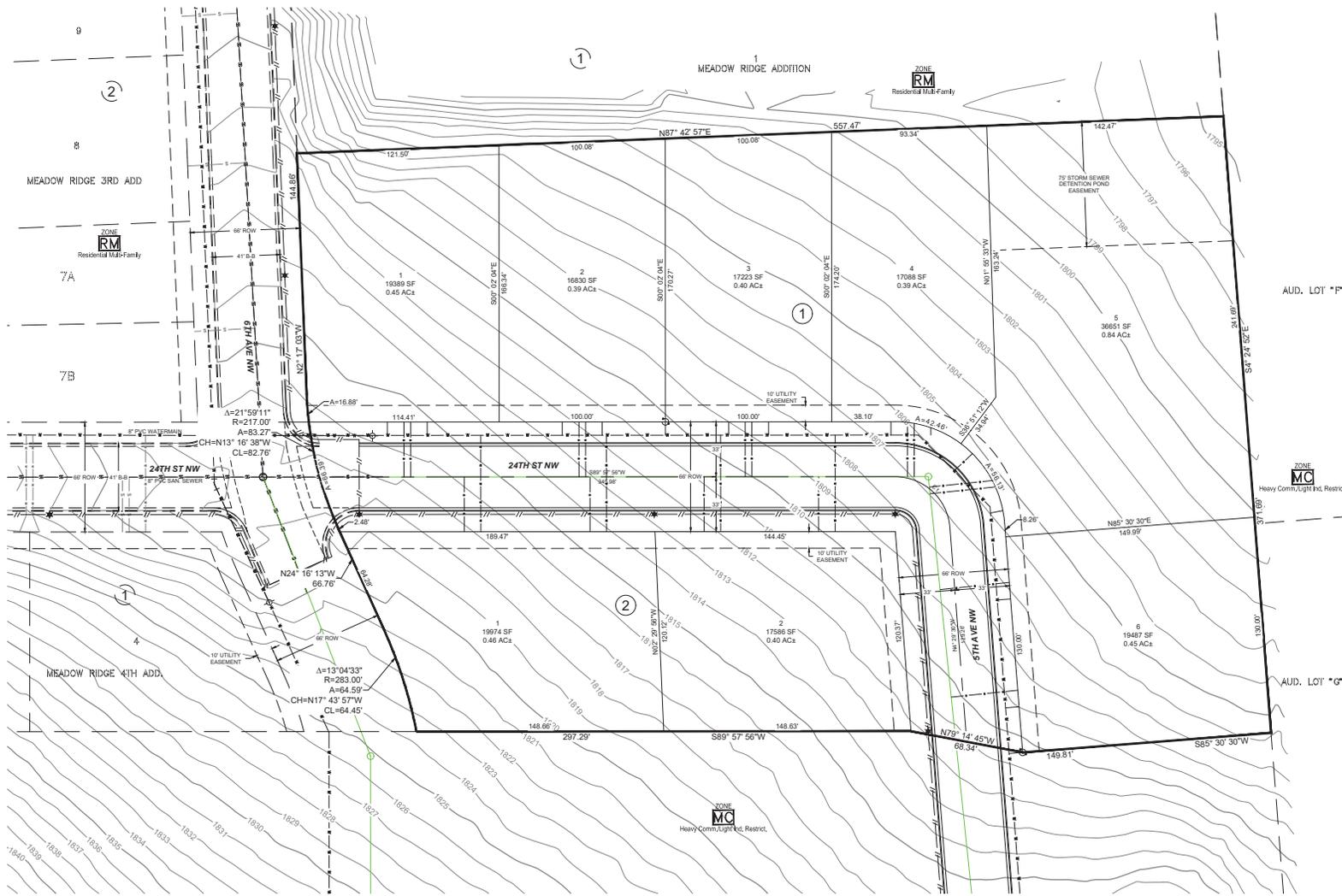
July 22, 2019

August 20, 2019

September 3, 2019

EXHIBIT 2

PRELIMINARY PLAT MEADOW RIDGE 5TH ADDITION TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA PART OF THE NW1/4, SECTION 22, T139N-R81W OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA



- LEGEND**
- ⊙ EXISTING 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
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 - c - c - EXISTING GAS LINE
 - t - t - EXISTING TELEPHONE CABLE
 - cv - cv - EXISTING CABLE TV
 - - - - EXISTING WATER SERVICE
 - - - - EXISTING SANITARY SERVICE
 - ▨ EXISTING ASPHALT
 - ★ PROPOSED STREET LIGHT
 - - - - PROPOSED UNDERGROUND ELECTRIC
 - - - - PROPOSED WATERMAIN
 - s - s - PROPOSED SEWERMAIN
 - - - - PROPOSED WATER SERVICE
 - - - - PROPOSED SANITARY SERVICE

CENTERLINE STREET CURVE TABLE					
CURVE #	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	85°26'02"	33.10'	49.35'	N47°12'31"W	44.90'

OWNERS:
WY RANCH, A LIMITED PARTNERSHIP
PO BOX 639
BISMARCK, ND 58502

BASIS OF BEARING:
BASIS OF BEARING: NORTH BOUNDARY LINE
NORTH 87° 42' 57" EAST.

NOTES:
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
2. TOTAL LOT ACREAGE: 3.77
TOTAL STREET ACREAGE: 0.79
TOTAL ACREAGE: 4.56

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

MEADOW RIDGE 5TH ADDITION



Bid No. 1

Board of City Commissioners

Agenda Documentation

MEETING DATE: August 20, 2019
PREPARATION DATE: August 13, 2019
SUBMITTING DEPARTMENT: Building Inspections
DEPARTMENT DIRECTOR: Shawn Ouradnik, Building Official
PRESENTER: Shawn Ouradnik
SUBJECT: Consider the award of bids for demolition of 210 5th St NW Mandan ND. Request for proposal # 001 and approving the Resolution approving the contract and contractor's bond.

STATEMENT/PURPOSE: To award a contract for bids received for the demolition of 210 5th St NW Mandan ND. The demolition of the structure will include the demolition of the structure, removal of all debris, termination of all utility services, and the placing compacted fill to make the site buildable for the future.

BACKGROUND/ALTERNATIVES: On August 12th we received 1 bid on the project. The low bid amount was \$32,500.00 from Boehm Construction and Spray Foam. Following is the list of the bidder's and their bids:

1. Boehm Construction and Spray Foam \$32,500.00

In addition to the bid received there is a purchase agreement form Jack and Marie Freidt. They would purchase the lot and remove all structures from the lot and construct a new house. The closing date for the purchase would be on or before September 19th 2019 with the demolition to be completed by or before October 31st 2019. The new home construction would then begin with the foundation to be installed in the fall of 2019 and the construction of the home to be completed in the spring/summer of 2020.

ATTACHMENTS:

1. Bid Documentation
2. Resolution Approving Contract and Contractor's Bond
3. Purchase agreement and time line for Jack and Marie Freidt

Board of City Commissioners

Agenda Documentation

Meeting Date: August 20th, 2019

Subject: Consider the award of bids for demolition of 210 5th St NW Mandan ND.

Request for proposal # 001 and approving the Resolution approving the contract and contractor's bond.

Page 2 of 2

FISCAL IMPACT: Costs may be special assessed to property.

STAFF IMPACT: Inspections department will process demolition permit and/or new home permit and inspect site for compliance with city codes.

LEGAL REVIEW: All material forwarded to the City Attorney for review.

RECOMMENDATION: I recommend tabling the bid approval until the purchase of the property at 210 5th St NW is completed or abandon.

SUGGESTED MOTION: I would move to table the award of the contract for demolition of 210 5th St NW Mandan ND and subsequent resolution until the purchase of the property is decided.

Boehm Construction and Spray Foam

4540 Springcreek Dr.
Mandan, ND 58554
(701)667-4345 or (701)400-8477

John R. Boehm
Owner/operator

Bid
08/12/2019

Name/ Address/ Phone number

City of Mandan Building Inspections Department
205 2nd Ave NW Mandan Nd, 58554

Site Location

210 5th St. NW Mandan ND

Item	Description	Unit	Rate	Total
Condemned House	Boehm Construction will supply all equipment, tools and labor for removal of house. All debris will be hauled to Mandan Landfill <i>Bid contingent on aspestos inspection. Findings, and disposal.</i>			\$32,500.00
	TOTAL			\$32,500.00
	Signature -- <i>John R Boehm</i> <i>owner</i>			

State of North Dakota

SECRETARY OF STATE



CONTRACTOR LICENSE

NO: 34912

CLASS: C

The undersigned, as Secretary of State of the state of North Dakota and Registrar of Contractors, certifies that **JOHN R BOEHM** whose address is in MANDAN, ND, has filed in this office proper documents for a Contractor License valid until March 1, 2020, and has complied with all requirements of North Dakota Century Code, chapter 43-07.

JOHN R BOEHM is entitled to bid on and accept contracts as authorized by law under this license provided that any single contract project may not exceed \$300,000 in value.

Dated: March 18, 2019

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State



CERTIFICATE OF PREMIUM PAYMENT
WORKFORCE SAFETY & INSURANCE
EMPLOYER SERVICES
SFN 4920 (04/2007)

1600 EAST CENTURY AVENUE, SUITE 1
PO BOX 5585
BISMARCK ND 58506-5585
Telephone 1-800-777-5033
Toll Free Fax 1-888-786-8695
TTY (hearing impaired) 1-800-366-6888
Fraud and Safety Hotline 1-800-243-3331
www.WorkforceSafety.com

JOHN R BOEHM
BOEHM SALVAGE & CONSTRUCTION
4540 SPRING CREEK RD
MANDAN ND 58554-

Employer Account Number: 1297951

Issued Date: 12/03/2018

Expiration Date: 09/13/2019

CERTIFICATE OF PREMIUM PAYMENT

This is to certify that North Dakota Workers Compensation coverage is effective for the employer named on this certificate. Employees of the named employer are entitled to apply for the rights and benefits of Workforce Safety and Insurance(WSI).

Coverage under this certificate extends to North Dakota based employers for their North Dakota exposure. Limited coverage extends beyond the physical boundaries of North Dakota. Contact the Policyholder Services Department of WSI at 1-800-777-5033 for further information on coverage issues or to inquire into the status of the holder of this certificate.

North Dakota Century Code § 65-04-04 requires that each employer post this Certificate of Premium Payment in a conspicuous manner at the workplace. A penalty of \$250 may apply for failure to comply with this requirement.

A Certificate of Premium Payment may be revoked for failure to make required premium payments.

Barry Schumacher

Barry Schumacher
Chief of Employer Services

Class	Classification Description
5410E 6042 7215	Insulation Installation-Caulking Street & Hwy Const-Maintenance Trucking & Hauling

RESOLUTION
APPROVING CONTRACT AND CONTRACTOR'S BOND FOR
RFP # 001

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

1. It is hereby found and determined that this Board has heretofore caused Notice for Advertisement for Bids to be made for the demolition of the home at 210 5th St NW Mandan ND RFP # 001 of said City, and has duly and publicly opened and considered said bids received pursuant to said Notice.
2. Said demolition is hereby ordered to be carried out in accordance with the plans and specifications therefor as heretofore adopted by this Board pursuant to a resolution duly adopted by this Board.
3. It is hereby found and determined that the lowest responsible bidder for various categories of the work, material and skill required for said demolition is Boehm Construction and Spray Foam whose bid provides for the demolition of said structure at a total estimated base price of \$32,500.00.
4. The President of the Board of City Commissioners of the City of Mandan and City Auditor are hereby authorized and directed to make and enter into a contract with said bidder on the part of the City, in the form prescribed by Sections 40-22-35, N.D.C.C. as amended, provided that said bidder shall within ten (10) days from this date execute said contract and a construction bond.

Dated this 20th day of August, 2019

President, Board of City Commissioners

Attest:

City Administrator

OFFER TO PURCHASE REAL ESTATE

I(We), Jack R Freidt + Marie E. Freidt
hereinafter referred to as purchaser, offer to purchase from Kristi Sample,
hereinafter referred to as seller, the following described real estate situated in the City of
Mandan, County of Morton, State of
North Dakota:

210 5th ST. NW

LOT 7+8 - 4361

subject to seller's acceptance, for the sum of \$25,000.00 twenty five thousand

Purchase price \$25,000

Earnest money herewith \$1,000

Balance of purchase price \$24,000

payable as follows: \$1,000.00 upon contract signing
\$24,000.00 upon closing - at closing date

It is understood that:

Seller will promptly refund earnest money if offer is rejected;

Seller at seller's expense shall furnish purchaser with an abstract of title or owner's title policy showing marketable title in the seller to the described real estate;

Seller is to convey described real estate by WARRANTY deed;

Taxes, and the installment of special assessments (if assumed by the purchaser) for the current year shall be prorated between the seller and purchaser as of: Purchaser will pay 2019 taxes

Possession of the described real estate is to be delivered on or before Sept 15, 2019;

Closing to be on or before Sept 15, 2019;

Other conditions city approval
NO liens

Buyer will pay closing costs.

Date 8-19-2019

Purchaser Marie Freidt

Purchaser Jack R Freidt

I(We) hereby accept the offer and agree to sell the above described property at the price and on the terms and conditions set forth above.

Date 8-19-19

Seller Kristi Sample

Seller _____

This is in reference to the lot at 210 5th ave.

Jack and Marie Freidt to make a down payment to Kristi Sample, August 20, 2019, if the sale of the lot is approved by city of Mandan.

Closing date will be on or around September 15th 2019.
Final payment to be made at that time.

Demolition of house and clean up of lot will be by October 31st 2019 or sooner if required by the City of Mandan.

Jack Freidt
701 426 7866



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 9, 2019
PREPARATION DATE: August 20, 2019
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Renewal Class E Liquor License

STATEMENT/PURPOSE: All new and renewal Class E liquor licenses must be approved by the Board of City Commissioners at time of application.

BACKGROUND/ALTERNATIVES: The application has been received and background checks have been run with no issues at this time. Also fees have been collected. The Harvest has had a Class E liquor license in the past, but choose to go the route of caterer's permits instead of reapplying for liquor license. That option became cumbersome as several catering permits were being issued and they would like to reapply for Class E Liquor license once again.

ATTACHMENTS: Application is attached with further information in finance department.

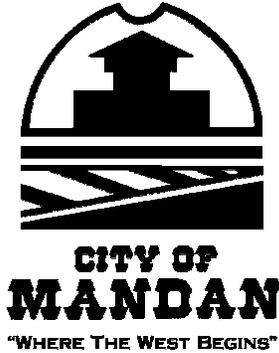
FISCAL IMPACT: \$2,500.00 is the fee for the Class E liquor license for July 1, 2019 to June 30, 2020.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

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

SUGGESTED MOTION: I would ask that the board approve a renewal for Class E liquor license for Harvest LLC at 308 West Main Street. Contingent upon the establishment meeting all Fire Codes, Health & Safety Code, Building Inspection Codes and all property taxes and fees are paid.



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 20, 2019
PREPARATION DATE: August 12, 2019
SUBMITTING DEPARTMENT: Planning and Engineering
DEPARTMENT DIRECTOR: Justin Froseth, Engineering and Planning Director
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: Consider extension of closing date for the sale of 100 5th St. NW

STATEMENT/PURPOSE: Consider extension of closing date for the sale of 100 5th St. NW.

BACKGROUND/ALTERNATIVES: The buyers would like to extend the closing date through September to allow them to absorb the unforeseen costs associated with creating the title abstract.

The original closing date was on or before August 30th.

This is a relatively minor contractual amendment and staff recommends approval to accommodate the transaction.

ATTACHMENTS:

Exhibit 1 – Addendum to Purchase Agreement

FISCAL IMPACT: Minimal

STAFF IMPACT: Minimal

LEGAL REVIEW: This staff report and attachments have been reviewed and approved by City Attorney Brown.

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

Board of City Commissioners

Agenda Documentation

Meeting Date: August 20, 2019

Subject: Consider extension of closing date for the sale of 100 5th St. NW

Page 2 of 2

SUGGESTED MOTION(S): I move to approve the extension of the closing date for the sale of 100 5th St. NW as presented in Exhibit 1.

EXHIBIT 1

ADDENDUM TO PURCHASE AGREEMENT # 100SB



Date: 8/12/2019 Page ____ of ____

In reference to the PURCHASE AGREEMENT for the real property commonly known as

100 5th St NW, Mandan

Dated 7/16/2019 between Clint A. Boyd (Purchasers)

City of Mandan (Sellers) the undersigned Parties hereby

Agree as follows:

Closing date to be on or before
9/13/2019.

The herein agreement, upon its execution by both parties, is herewith made an integral part of the aforementioned PURCHASE AGREEMENT with all other conditions remaining the same as written.

<u>Clint A. Boyd</u>	<small>dotloop verified 08/12/19 4:55 PM CDT TKJ6-YVTX-5S0X-G1WE</small>	_____	_____
Purchaser	Date	Seller	Date

_____	_____	_____	_____
Purchaser	Date	Seller	Date



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 20, 2019
PREPARATION DATE: August 15, 2019
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Municipal Court 2019 Budget Amendment

STATEMENT/PURPOSE: To consider a budget amendment to the 2019 Municipal Court Budget.

BACKGROUND/ALTERNATIVES: Judge Kautzmann has requested a salary increase based upon her review of other cities in North Dakota. Judge Kautzmann has compared the Municipal Judge compensation in Mandan (\$37,627) to that of Dickinson and Devils Lake as being similar in population and caseload. Dickinson's Municipal Judge annual salary is \$44,000 and Devils Lake is \$49,048. Caseload for Criminal and Traffic in Mandan through May 2019 is 1,201, Dickinson, 1,108 and Devil's Lake 664.

In discussions with Mayor Helbling and Commissioner Larson (portfolio holder) the agreed upon increase is \$2,500 as of July 1, 2019. Included in the preliminary budget for 2020, is an additional increase of \$2,500 as of January 1, 2020 and another \$2,500 as of July 1, 2020. Therefore this request is simply for an amendment to the 2019 budget.

ATTACHMENTS: n/a

FISCAL IMPACT: Amendment to the 2019 Municipal Court budget of \$2,500. The full amount of this increase may not affect the overall budget for the Municipal Court as the defense counsel pay will be dropping by \$1,000/month beginning July 1. However the salary for the Municipal Court Judge would need to be adjusted.

STAFF IMPACT: n/a

LEGAL REVIEW: n/a

RECOMMENDATION: I recommend amending the 2019 Municipal Court budget to increase the Municipal Judge salary by \$2,500 effective July 1, 2019.

Board of City Commissioners
Agenda Documentation
Meeting Date: August 20, 2019
Subject: Municipal Court 2019 Budget Amendment
Page 2 of 2

SUGGESTED MOTION: I move to amend the 2019 Municipal Court budget to increase the Municipal Judge salary by \$2,500 effective July 1, 2019.



Board of City Commissioners Agenda Documentation

MEETING DATE: August 20, 2019
PREPARATION DATE: August 15, 2019
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Bank of North Dakota Infrastructure Loan
Acceptance for the Southside SID.

STATEMENT/PURPOSE: To consider accepting a loan from the Bank of North Dakota (BND) for the Southside Street Improvement Project.

BACKGROUND/ALTERNATIVES: A BND Infrastructure loan was applied for last fall and awarded to the City of Mandan shortly thereafter. As part of the award process, the BND has retrieved more information from the city since that time. An important item related to this is the preference of the BND's to know the specific amount we are borrowing for. Therefore, bids were received before formal execution of this loan acceptance. After some more communication on the loan particulars, the BND has now sent a letter of acceptance to the City of Mandan in order to signify agreement to the loan terms and conditions.

ATTACHMENTS: BND Infrastructure Revolving Loan Fund Letter

FISCAL IMPACT: The loan includes terms and conditions more favorable to the city than we could get through an open market loan. Notably, the loan's interest rate is 2% and the term is for 20 years. The loan will cover all costs borrowed to complete this project as the authorized amount is up to \$6M, but we expect that we will need less after all costs come in and the other funds (\$1.5M Prairie Dog funds and about \$545K from the Water and Sewer Utility Fund) are applied. It will be paid back through special assessments to the benefitting properties.

STAFF IMPACT: Minimal

LEGAL REVIEW: All items forwarded to City Attorney for his review.

RECOMMENDATION: Accept the BND Loan.

SUGGESTED MOTION: Move to approve the acceptance of the BND Infrastructure loan for the Southside Street Improvement Project (SID 213).

Board of City Commissioners

Agenda Documentation

Meeting Date: August 20, 2019

Subject: Bank of North Dakota Infrastructure Loan Acceptance for the Southside SID.

Page 2 of 3



PO BOX 5509 3200 Memorial Hwy
Bismarck, ND 58506-5509

(701) 328-5600
TDD 701.328.5600
701.328.5600

1919 nd.gov

August 8, 2019

CITY OF MANDAN
205 2ND AVE NW
MANDAN ND 58554

Dear CITY OF MANDAN,

On August 7, 2019, the Bank of North Dakota (BND) as Administrator for the Infrastructure Revolving Loan Fund established under NDCC 6-09-49, approved a loan, to CITY OF MANDAN under the terms and conditions set forth in this letter.

- A. BORROWER: CITY OF MANDAN
- B. TOTAL LOAN AMOUNT: \$6,000,000.00
- C. PURPOSE: Provide funds to repave, repair and reconstruct Southside area streets.
- D. INTEREST RATE: 2.00% Fixed
- E. TERM: 20.00 Years
- F. REPAYMENT TERMS: At least annual principal and interest, based on 20-year amortization. To be determined in consultation with borrower and bond counsel.
- G. SECURITY: Definitive Improvement Warrant, Series 2019

H. PROGRAM CONDITIONS:

1. All fees and actual costs incurred in connection with the loan application and loan closing must be paid by the Borrower.
2. A resolution of governing body must be provided, authorizing the appropriate officer(s) to borrow and execute, on behalf of the Borrower.
3. Loan funds are to be deposited into an account that will allow them to be monitored closely. All disbursements from the account, along with supporting documentation, are to be tracked by the Borrower. BND may require that the Borrower provide an exact accounting as to the use of the funds at some point in the future.
4. Borrower will approve and sign each draw request. The draw request is to be certified (signed) by the project engineer/architect and the Borrower's authorized officer and submitted to BND via a Certificate of Requisition.
5. The Borrower is required to provide evidence that the security is issued in accordance with the NDCC.
6. All documentation will be drafted by BND counsel and provided to the Borrower's counsel for review.
7. Borrower to complete and return to BND the enclosed Advance and Payment Options form PRIOR to funding.

I. LOAN CONDITIONS:

1. The project will be constructed to comply with all Americans with Disabilities regulations and requirements, per the North Dakota Department of Transportation.

In addition, the following conditions precedent must also be satisfied in a manner satisfactory to BND as determined in its sole discretion:

1. The loan documents are satisfactory in form and substance to BND as determined in its sole discretion and have been agreed to and executed by the obligors and any required third parties.
2. Borrower will notify BND of any adverse change in the condition or operation, financial or otherwise, of the borrower or any guarantors (collectively "obligors") has occurred.
3. Borrower shall provide any documents and assurances deemed necessary by BND.

COMMITMENT EXPIRATION: If this commitment is not drawn upon by August 7, 2020, BND reserves the right to cancel this commitment without further notification to you. Any request for modifications or changes to this commitment must be submitted, in writing, to BND for approval.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 20, 2019

Subject: Bank of North Dakota Infrastructure Loan Acceptance for the Southside SID.

Page 3 of 3

IMPORTANT CONTACT INFORMATION:

Loan Funding Email:	BNDLoanFunding@nd.gov
Advances/Payments Email:	BNDLoanOperations@nd.gov
Advances/Payments Number:	800.472.2166 ext 328.5666 or 701.328.5666
Advances/Payments Fax Number:	701.328.5631

BND will credit for any advances and will apply any payments received at this Bank before 3:30 p.m. (CST). Telephone, fax or email notifications are acceptable.

BND reserves the right to cancel this commitment if the conditions precedent listed above are not satisfied prior to the commitment expiration date set out in this letter. This commitment shall become effective upon your written acceptance by signing and returning this letter and the W-9 (Request for Taxpayer Identification Number and Certification).

This commitment shall become effective upon your written acceptance by signing and returning this letter by **August 21, 2019**. Any request for modifications or changes to this commitment must be submitted to BND in writing for approval.

Document Imaging and Electronic Transactions. All parties hereby acknowledge the receipt of a copy of this Agreement and all other loan documents. Bank may, on behalf of parties, create a microfilm or optical disk or other electronic image of this Agreement and any or all of the loan documents. Bank may store the electronic image of this Agreement and loan documents in its electronic form and then destroy the paper original as part of Bank's normal business practices, with the electronic image deemed to be an original.

Each person signing this Agreement represents and warrants that he or she is duly authorized and has legal capacity to execute and deliver this Agreement. Each party represents and warrants to the other that the execution and delivery of the Agreement and the performance of such party's obligation hereunder have been duly authorized, and that the Agreement is a valid and legal agreement binding on such party and enforceable in accordance with its terms.

Sincerely,



Kylee Merkel
Business Banker
Economic Development & Large Projects

Accepted this _____ day of _____, _____

Estimated Funding Date:

CITY OF MANDAN

By: _____

Title: _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 20, 2019
PREPARATION DATE: August 14, 2019
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Chief Jason Ziegler
PRESENTER: Chief Jason Ziegler
SUBJECT: Mandan Golden Age Club Car Show

STATEMENT/PURPOSE: Consider approval of the Special Event Permit for the Mandan Golden Age Club Car Show

BACKGROUND/ALTERNATIVES: The Mandan Golden Age Club has an annual car show. This year it will be held on September 9th from 5pm to 7:30pm. The car show is held on the one way street which runs inside the housing area of Liberty Heights. The portion used for the car show is 15th St NW from the intersection with 3rd Ave NW, east to the intersection of 2nd Ave NW and 14th St NW. (see attached map) This street is typically only used for access to the housing development and so the impact of its closure is minimal. Police, Fire, Public Works and Engineering departments have approved the events application.

ATTACHMENTS: Special Event Permit Application and attachments.

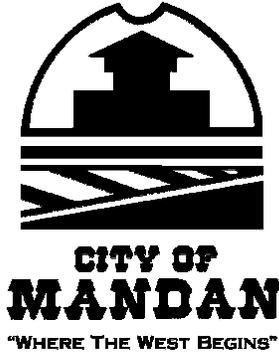
FISCAL IMPACT: None

STAFF IMPACT: none

LEGAL REVIEW: N/A

RECOMMENDATION: To approve the Mandan Golden Age Club Car Show 2019 Special Event Permit Application for September 9, 2019.

SUGGESTED MOTION: Move to approve the Mandan Golden Age Club Car Show 2019 Special Event Permit Application for September 9, 2019.



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 20, 2019
PREPARATION DATE: August 14, 2019
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Chief of Police J. Ziegler
PRESENTER: Chief of Police J. Ziegler
SUBJECT: Expansion of 90 minute parking zones

STATEMENT/PURPOSE: Consider expanding the 90 minute parking zones to include the 400blk of East Main Street and the west side of the 100blk of 2nd Ave NE from the alley south to East Main Street.

BACKGROUND/ALTERNATIVES: The Mandan Parking Board held a meeting on July 30th, 2019. Two requests were made to the board to add to the areas of 90 minute restricted parking.

Jerry Meidinger from Napa Auto Parts, asked to have 90 minute parking on the 400blk of East Main St.

Dan Anderson of Legacy Law Firm will be building on the corner of 2nd Ave NE and East Main St. He asked that an area which is now a grass boulevard, be turned into parking. He also asked that the new parking area have some 90 minute parking restrictions. This new parking area would be on the 100blk of 2nd Ave NE on the west side of the street and north of the alley.

The Mandan Parking Authority Board reviewed and discussed the requests.

Regarding the change to the 400blk of East Main, they asked that Parking Officer Decker check with the other businesses on the block to see if they had issues with the change.

They voted to approve the 90 minute parking zone contingent on the other business owners not objecting to the change. Parking Officer Decker spoke with people at Top Dog, Design Inc, Bisman Cards and NW Tire, which are the other businesses on the block. They had no objections.

Regarding the request for the grass boulevard on the west side of the 100blk of 2nd Ave NE to be made into parking, the Mandan Parking Authority Board voted to approve turning it into parking with 1 handicapped parking spot and 7, 90 minute restricted parking spots. They also voted to make the parking perpendicular parking on advice of the City Engineer.

ATTACHMENTS: Minutes from the July 30, 2019 Parking Authority Board meeting and map.

FISCAL IMPACT: Signs to be purchased and cost of installation.

STAFF IMPACT: Public works personnel to install signs

LEGAL REVIEW: N/A

RECOMMENDATION: To approve the Mandan Parking Authority Board's recommendations for expansion of the 90 minute parking zones.

SUGGESTED MOTION: Move to approve the Mandan Parking Authority Board's recommendations for expansion of the 90 minute parking zones.

PARKING BOARD AUTHORITY MEETING
JULY 30, 2019

A meeting of the Mandan Parking Authority was held in the Veterans' Room at City Hall at 7:45 a.m.

Members attending: Edgar Oliveira, Julie Haibeck, Larry Goetzfridt, Al Kuntz and Crstal Tretbar. Others in attendance: City Administrator Jim Neubauer, Business Development Director Ellen Huber, Planning and Engineering Director Justin Froseth, Commissioner Dennis Rohr, Police Chief Jason Ziegler, Fire Chief Steve Nardello, Parking Enforcement Allan Decker and Records Technician Cheryl Kroh
Guests in attendance: Jerry Meidinger – Napa Auto Parts, Dr. Eve Kostelecky – Every Eye, Dan Anderson – Legacy Law Firm, Dot Frank – Cappucino on Collins and Lee Pierce – Icon Architects

Meeting Agenda:

1. INTRODUCTIONS
 - a. Board members, city personnel and others in attendance introduce themselves.

2. MINUTES
 - a. Review and consider for approval the minutes from the March 22, 2019 meeting. Motion made by Julie Haibeck to approve the minutes and seconded by Al Kuntz. Motion carried.

3. OLD BUSINESS
 - a. None

4. NEW BUSINESS
 - a. Napa wants to request time parking along Main Street in front of their business (400 E Main) Wants enforcement done also
 1. Jerry Meidinger from Napa Auto Parts would like consideration of 90 minute restricted parking along the business at 400 E Main on Main Street. Since his business has grown and there are large delivery trucks, it makes it difficult to get to his business as well as a traffic hazard. Other businesses in the area park all day in front of his business. Allan Decker who is Parking Enforcement was asked to speak to the other businesses about the 90 minute restricted signs. Motion made to make the block 90 minute parking contingent upon other businesses not objecting by Al Kuntz and seconded by Crystal Tretbar. Motion carried.

 - b. Request by Every eye to have a handicap parking space on the west side of 2nd Avenue NW. Currently only a handicap sign on east side. (316 W Main) Also Kids in Motion (306 W Main) is requesting a handicap sign on that block
 1. Dr Eve Kostelecky requested a handicap space on the west side of street by her business. She also spoke for another company, Kids in Motion, who was not present at the meeting. Due to mobility issues of the clients, a handicap space would be helpful. If handicap space is implemented it would take 2 to 3 regular parking spaces and the street is usually full already. It was decided to wait until the 2020 Main Street improvement is done before proceeding with the request.

- c. Dan Anderson from Legacy Law Firm plans on constructing a two-story building at the corner of Main Street and 2nd Avenue NE. Requesting the boulevard to be turned into angle parking and having the area enforced
 - 1. Dan Anderson from Legacy Law Firm requested to have the grassy area removed and angle parking spaces put in place with 90 minute restricted parking. Motion made by Al Kuntz to remove grassy area with perpendicular parking spaces and seconded by Julie Haibeck. Motion carried.
Also requested were 9 parking spaces to be placed where the grass will be removed. It will be 7 parking spaces and 1 handicapped space (this takes 2 regular parking spaces). Handicap space will be placed on the south side of the block and 7 parking spaces will start at the south side and go to the north side. Al Kuntz made the motion to have perpendicular parking spaces and 90 minute parking restriction on all parking spaces and seconded by Julie Haibeck. Motion carried.

- d. Dot Frank requested to have angle parking in front of her business Cappucino on Collins (100 blk of Collins)
 - 1. Dot Frank owner of Cappucino on Collins requested to have angle parking in front of her business instead of the parallel parking. Fire Chief Steve Nardello said that the fire trucks having to use Collins Avenue, it makes it difficult for them to make the turn. The Main Street improvement will start in 2020 and with the bulb-outs and not sure how they will impact the situation wait until the project is done. Justin Froseth also stated to wait until next year. No action taken on this request for now.

- e. Update on the Main Street improvement project slated for 2020
 - 1. Justin Froseth gave a short update on the Main Street improvement project which will begin next year. Main Street will only have 3 lanes instead of 4 lanes. Bulb-outs and decorations will be a part of the improvement. For now 10th Avenue NW has no traffic lights and this is on a trial basis. With the bulb-outs there will be a loss of 14 to 15 parking spaces on the north side of Main but will gain 50 parking spaces on the south side of Main.

5. OTHER BUSINESS

- a. None

6. NEXT MEETING

- a. Next meeting will be held in October and everyone will be notified of the date later

7. ADJOURN

- a. Motion by Julie Haibeck to adjourn the meeting and seconded by Al Kuntz. Adjourned at 9:06 a.m.



2nd Ave NE

New 90 min parking
Proposed Legacy Law Firm Building

M & H

3rd Ave NE

East Main St

New 90 min zone

NW Tire

4th Ave NE

1997

@ 2018 Google

46°49'39.20" N 100°53'13"



Board of City Commissioners Agenda Documentation

MEETING DATE: August 20, 2019
PREPARATION DATE: August 20, 2019
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Mandan 30" Sunset Reservoir Transmission Line, Change Order G-02.

STATEMENT/PURPOSE: To consider approving Change Order G-02 to the 30" Sunset Reservoir Water Transmission Line Improvements project.

BACKGROUND/ALTERNATIVES: The general construction contractor for the project, SJ Louis, has requested compensation for extra work needed to satisfactorily complete up to the first milestone of the project. The first milestone was completed in December which effectively completes the new pipe install from Highway 1806 to the Water Treatment Facility. That stretch of our transmission line, through the refinery property, was our most concerning segment given the groundwater concerns and the history of failure, especially since 2016, being troublesome.

The nature of the change orders are primarily due to change in field conditions from what was expected, especially as the contractor executed construction related to the Water Treatment Facility sitework and tying into the facility. It is not uncommon for conditions to vary from what is expected in these situations as the engineer is relying on record drawings from many years ago to get a complete picture of past infrastructure installation and those are not always correct as was the case here.

The contractor's original request called for a total of nearly \$129K extra for the work performed. Through extensive correspondence and several meetings, city staff and the contractor have agreed to what we believe is a fair compromise of about \$92K and no penalty for Liquidated Damages. Without reaching a fair compromise, we would likely need to go to mediation which would add procedural costs in the form of mitigation and lawyer fees.

Correspondence and invoices to backup this change order are available upon request (52 pages).

Board of City Commissioners

Agenda Documentation

Meeting Date: August 20, 2019

Subject: Mandan 30" Sunset Reservoir Transmission Line, Change Order G-02.

Page 2 of 4

ATTACHMENTS:

- 1) Change Order summary and acceptance sheet.
- 2) Change Order table of requests vs. staff negotiated.

FISCAL IMPACT: Previous change orders are just over \$6K. With this change order, the total amount of change orders amounts to over \$98K. Change orders as a percentage of this project if this is approved come to 3.0%. That is a reasonable percentage for a project of this nature to date. It is within the project's total estimated contingency amount.

We still have to complete pipe replacement on the west side of Highway 1806. Typically one would expect a better chance of change orders coming with the site piping near the tie in points. We are buttoned up now with the Water Treatment Facility tie-in point.

STAFF IMPACT: Minimal

LEGAL REVIEW: The City Attorney's office was actively engaged in conversations during the discussion to arrive at this agreed upon amount.

RECOMMENDATION: Approve the Change order.

SUGGESTED MOTION: Move to approve Change Order G-02 to the contract with SJ Louis for the General Construction contract of the Mandan 30" Sunset Reservoir Transmission Line Improvements project.

Board of City Commissioners
 Agenda Documentation
 Meeting Date: August 20, 2019
 Subject: Mandan 30" Sunset Reservoir Transmission Line, Change Order G-02.
 Page 3 of 4

Change Order
 No. G-02

Date of Issuance: July 11, 2019

Effective Date: August 6, 2019

Project: <u>Mandan 30" Sunset Reservoir Transmission Line Improvements</u>	Owner: <u>City of Mandan, ND</u>	Owner's Contract No.:
Contract: <u>General Construction</u>	Contractor: <u>S.I. Louis Construction, Inc</u>	Date of Contract: <u>August 7, 2018</u>
		Engineer's Project No.: <u>PKS10-2007-003</u>

The Contract Documents are modified as follows upon execution of this Change Order:

Description of Change

Various field conditions identified and claims made during course of construction (see attached summary sheet). Cost and time adjustments presented were negotiated over the course of meetings and phone calls between Contractor, Owner, and Engineer.

Item	Description	Cost Adjustment
1	Negotiation of Supplemental Pay Requests 001-007, 009, and 013-017; Work Change Directive G1, Bedding Cost Claim, Milestone #1 Potential LDs.	\$92,303.00
Total Net Change: CO-G-02		\$92,303.00

Attachments: Change Request Summary Sheet, SPRs 001-007, 009, and 013-017; WCD G1; Bedding Claim

CHANGE IN CONTRACT PRICE:

CHANGE IN CONTRACT TIMES:

Original Contract Price:		Substantial completion:	<u>November 20, 2019</u>
\$ <u>3,277,500.00</u>		Ready for final payment:	<u>June 15, 2020</u>
Increase from previously approved Change Orders No. 00 to No. 01		Increase from previously approved Change Orders No. 0 to No. 01	
\$ <u>6,081.17</u>		Substantial completion:	<u>2</u>
		Ready for final payment:	<u>0</u>
Contract with increase from previously approved Change Orders		Contract Times prior to this Change Order:	
\$ <u>3,283,581.17</u>		Substantial completion:	<u>November 22, 2019</u>
		Ready for final payment:	<u>June 15, 2020</u>
Increase of this Change Order		Increase Time of this Change Order:	
\$ <u>92,303.00</u>		Substantial completion:	<u>0</u>
		Ready for final payment:	<u>0</u>
Contract Price incorporating this Change Order:		Contract Times with all approved Change Orders:	
\$ <u>3,375,884.17</u>		Substantial completion:	<u>November 22, 2019</u>
		Ready for final payment:	<u>June 15, 2020</u>

RECOMMENDED:

By: [Signature]
 Engineer (Authorized Signature)
 Date: 7/11/19

ACCEPTED:

By: _____
 Owner (Authorized Signature)
 Date: _____

ACCEPTED:

By: [Signature]
 Contractor (Authorized Signature)
 Date: 7/15/19

Approved by Funding Agency (if applicable): _____

Date: _____

ECDC No. C-941 (2002 Edition)

Page 1 of 1

Prepared by the Engineers' Joint Contract Documents Committee and endorsed by the Associated General Contractors of America and the Construction Specifications Institute.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 20, 2019

Subject: Mandan 30" Sunset Reservoir Transmission Line, Change Order G-02.

Page 4 of 4

Change Request Summary Sheet- Change Order G-02

Project: Mandan, ND - 30" Sunset Reservoir Water Transmission Line Improvements
Engineer: Advanced Engineering and Environmental Services, Inc (AE2S)
Owner: City of Mandan

SPR	Description	Requested Change \$	Negotiated Change \$	Days Requested	Negotiated Days
SPR-001	Vac-Truck Excavation to located existing utility lines.	\$ 5,028.93	N/A	1.00	N/A
SPR-002	Existing Unmarked Electrical Lines	\$ 3,339.70	N/A	0.50	N/A
SPR-003	Existing Concrete Casing Repairs	\$ 961.64	N/A	0.00	N/A
SPR-004	Removal of Concrete Thrust Blocks	\$ 15,076.58	N/A	1.00	N/A
SPR-005	Removal of Concrete Thrust Blocks	\$ 16,469.00	N/A	1.00	N/A
SPR-006	Removal of Concrete Thrust Blocks	\$ 1,763.47	N/A	0.50	N/A
SPR-007	Removal of Concrete Thrust Block Material from Jobsite	\$ 1,741.76	N/A	0.00	N/A
SPR-009	Existing Concrete Casing Repairs	\$ 1,207.12	N/A	0.50	N/A
SPR-013	Existing Concrete Casing Repairs	\$ 865.65	N/A	0.00	N/A
SPR-014	Refinery Shutdown Delay and Concrete Material	\$ 1,521.25	N/A	0.50	N/A
SPR-015	Fill Existing PCCP with Flowable Fill	\$ 4,860.53	N/A	0.50	N/A
SPR-016	Additional Excavation and Backfill - Mismatched Alignment	\$ 4,196.99	N/A	0.50	N/A
SPR-017	Additional Excavation and Backfill - Mismatched Alignment	\$ 4,196.99	N/A	0.50	N/A
WCD-G1	Additional Excavation and Backfill - Mismatched Alignment	\$ 58,573.33	N/A	1.50	N/A
Milestone #1	Potential 18 days of LDs at \$1500/day.	\$ -	N/A	N/A	N/A
Bedding	SJL bedding cost claim.	\$ 9,000.00	N/A	N/A	N/A
Totals		\$ 128,802.94	\$ 92,303.00	8 Days	5 days

**** Additional days applied toward Milestone #1 completion date.**



Board of City Commissioners Agenda Documentation

MEETING DATE: August 20, 2019
PREPARATION DATE: August 15, 2019
SUBMITTING DEPARTMENT: Planning and Engineering
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: 4200 Lakewood Drive SE Driveway Variance

STATEMENT/PURPOSE: The Planning and Engineering office received a variance request to allow two driveways at this residential property whose sum exceed the maximum allowable width of 36-feet. The following outlines the request as compared to code language for consideration.

BACKGROUND/ALTERNATIVES:

August 16th update: In response to commission’s concerns about their plans conflicting with neighborhood covenants, the Homeowners Association (HOA) has been in communication with the Engineering Department. They have expressed their approval of the second driveway as presented. However, as of the time of writing this agenda document, they have not concluded approval of the entire plan. They were striving towards a decision on the entire plan by the August 20th Commission meeting. More information may be coming between the August 16th distribution of the packet and the August 20th meeting. We will share should we receive word from the HOA.

Subsection (5) of section 115-5-4 of the Mandan municipal code states the below:

“(5) Residential lots. Each lot may have one or two driveways. The combined total width of the driveway or driveways shall be no greater than 36 feet, plus any required flares, measured at the curb line. If there are two driveways, they must be separated by a distance of at least twenty-four feet measured at the curb line. If there is a fire hydrant located between the driveways, the twenty-four feet shall be measured from the fire hydrant to the edge of a driveway apron not counting any required apron flare. Except for properties with adjoining driveways that are built up to the property line, the driveway apron must be placed a distance from the property line sufficient to allow for construction of a flare.”

Below are the variance requirements under section 105-1-12 of city code and city staff comments under each in *italics*.

(1) Variances.

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

b. No adjustment in the strict application of any provisions of this chapter shall be granted by the board of adjustment unless it finds that:

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

Building on the west side of the existing garage on the western side of the lot is not an option because of a storm sewer easement and the storm sewer pipe that resides underground and within that easement. In the Lakewood area, there may be 10-20 such easements within a couple hundred lots, but they are not common. If not for that storm sewer, the applicant has stated that they would have built on the west side and made use of the existing driveway.

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;

Our office does not believe that the strict application of the driveway dimensional rules would deprive the applicant reasonable use of the property. However, we concede that this is a subjective criteria check and would invite the applicant to speak on the hardship they would endure if not granted.

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.

Our office does not believe this request to be in harmony with the general purpose of the rules relating to allowable driveway dimensions. It would limit our ability to put snow in the boulevard, the main intent of the driveway width rules. That concern is mitigated by the width of the lot though. Therefore, we do not see the granting of the variance to be injurious or detrimental to the public.

In conclusion, the Planning and Engineering Department finds that this request does not strictly meet the criteria needed to grant. We believe it is appropriate for the applicant to speak of the hardship if not granted however as our department cannot fully and accurately express that component.

ATTACHMENTS:

- 1) Application
- 2) Area Map
- 3) Exhibit from applicant showing plan
- 4) Pictures of house from street

FISCAL IMPACT: Minimal

STAFF IMPACT: Minimal

LEGAL REVIEW: All items forwarded to City Attorney for his review.

RECOMMENDATION: Deny the variance request because denial does not result in "...unnecessary hardship that would deprive the owner of a reasonable use of the land or building..."

SUGGESTED MOTION: Move to deny the variance request because denial does not result in "...unnecessary hardship that would deprive the owner of a reasonable use of the land or building..."

CITY OF MANDAN	
Development Review Application	
Minor Plat (\$300)	Zone Change (\$600) <input type="checkbox"/>
Preliminary Plat up to 20 acres (\$350)	Planned Unit Development (\$700)
Preliminary Plat more than 20 acres (\$400)	Zone Change with Minor Plat (\$400)
Final Plat up to 20 lots (\$350)	Vacation (\$500)
Final Plat 21 to 40 lots (\$475)	Variance (\$400) <input checked="" type="checkbox"/>
Final Plat more than 40 lots (\$700)	Special Use Permit (\$450)
Annexation (\$450)	Stormwater submittal (\$300)
Annexation with Minor Plat (\$200)	Stormwater 2 nd & subsequent resubmittal (\$50)

Summary of Request
 Add additional Driveway to access proposed New garage Addition. Addition cannot be constructed to use existing driveway due to the existance of storm water easement on West side of lot. Request a New driveway width of 14'.

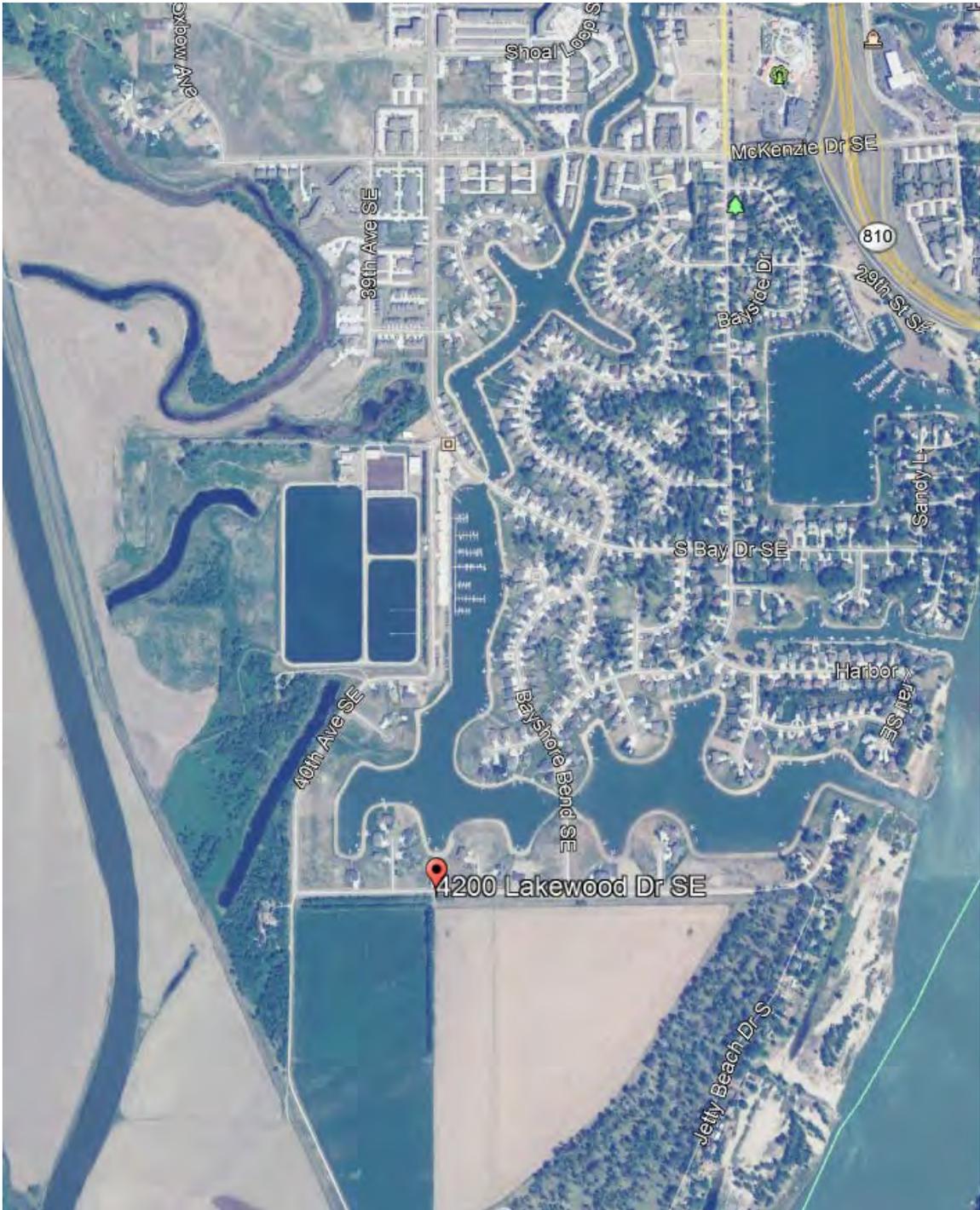
Engineer/Surveyor			Property Owner or Applicant		
Name Sauber Engineering Inc.			Name John D. & Kathryn Sauber		
Address PO Box 399			Address 4200 Lakewood Dr. SE		
City Mandan	State ND	Zip 58554	City Mandan	State ND	Zip 58554
email [REDACTED]			email [REDACTED]		
Phone [REDACTED]			Phone [REDACTED]		
Fax [REDACTED]			Fax [REDACTED]		

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	Residential	Same	
Property Address 4200 Lakewood Drive SE				Legal Description Lot 11, Block 2		
Current Use Residence				Lakewood Harbor 3rd Add.		
Proposed Use Residence						
Parcel Size		Building Footprint		Stories	Building SF	Required Parking
						Provided Parking

Print Name John D. Sauber	Signature <i>John D. Sauber</i>	Date 7-08-2019
------------------------------	------------------------------------	-------------------

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			









New Business No. 1

Board of City Commissioners

Agenda Documentation

MEETING DATE: August 20, 2019
PREPARATION DATE: August 2, 2019
SUBMITTING DEPARTMENT: Assessing Department
DEPARTMENT DIRECTOR: Kimberly Markley
PRESENTER: Lila Teigen, Real Property Appraiser III
SUBJECT: Application for Property Tax Exemption for Improvements to Commercial & Residential Buildings North Dakota Century Code 57-02.2

STATEMENT/PURPOSE: To consider a three year exemption for construction of an addition to a structure pursuant to North Dakota Century Code 57-02.2.

BACKGROUND/ALTERNATIVES: James B Mellon, Midway Lanes INC., is applying for a three year exemption for the construction of a 8000 foot square addition to the structure located at 3327 Memorial Highway. The 40' x 200' addition will be constructed on the east side of the building. The addition will consist of more amusement area, pizza shop and rental space for Northern Trophy. This parcel is also known as Lot 2A of Lot 2 Block 1 Midway 12th Addition, parcel #65-6100142.

ATTACHMENTS: Application, 2015 City of Mandan Guidelines for Property Tax Exemption of Improvements to Commercial & Residential Buildings, plan and current picture of east side of building

ESTIMATED FISCAL IMPACT: The value of the addition is estimated to have a value of \$1,144,300. Based on that amount, with the 2018 mill levy of 265 mills, the estimated exemption is \$15,174 for all taxing entities and \$3,674 for the City of Mandan per year. The actual exemption will be subject to prevailing market values and actual mill rates during the three-year exemption period.

STAFF IMPACT: N/A

LEGAL REVIEW: City of Mandan Municipal Code 111-2-9 requires: "Every building open to public use that has received the benefit of public funds from the city shall provide for the installation of an automatic door for at least one main entrance to the building." Reviewed by Assistant City Attorney Amy Oster.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 20, 2019

Subject Application for Property Tax Exemption for Improvements to Commercial & Residential Buildings North Dakota Century Code 57-02.2

Page 2 of 2

RECOMMENDATION: Approval of the Application for Property Tax Exemption for Improvements to Commercial & Residential Buildings North Dakota Century Code 57-02.2 located at 3327 Memorial Hwy.

SUGGESTED MOTION: A motion to approve the Application for Property Tax Exemption for Improvements to Commercial & Residential Buildings North Dakota Century Code 57-02.2 for the building addition to 3327 Memorial Hwy.

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

Property Identification

1. Legal description of the property for which exemption is claimed	<u>LOT 2A OF LOT 2 BLOCK 1, MIDWAY 12TH ADDITION</u>
2. Address of Property	<u>3327 MEMORIAL HIGHWAY</u>
3. Parcel Number	<u>65-6100142</u>
4. Name of Property Owner	<u>MIDWAY LNS INC/JAMES B MELLON</u> Phone No. _____
5. Mailing Address of Property Owner	<u>1205 6TH AVE NE, MANDAN, ND 58554</u>

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary).	<u>8,000 SQ. FT. MORE AMUSEMENT AREA, PIZZA SHOP AND RENTAL SPACE FOR NORTHERN TROPHY</u>		
7. Building permit No.	_____	8. Year built (residential property)	_____
9. Date of commencement of making the improvements	<u>09/15/2019</u>		
10. Estimated market value of property before the improvements	\$	_____	
11. Cost of making the improvement (all labor, material and overhead)	\$	<u>2,000,000.00</u>	
12. Estimated market value of property after the improvements	\$	_____	

Applicant's Certification And Signature

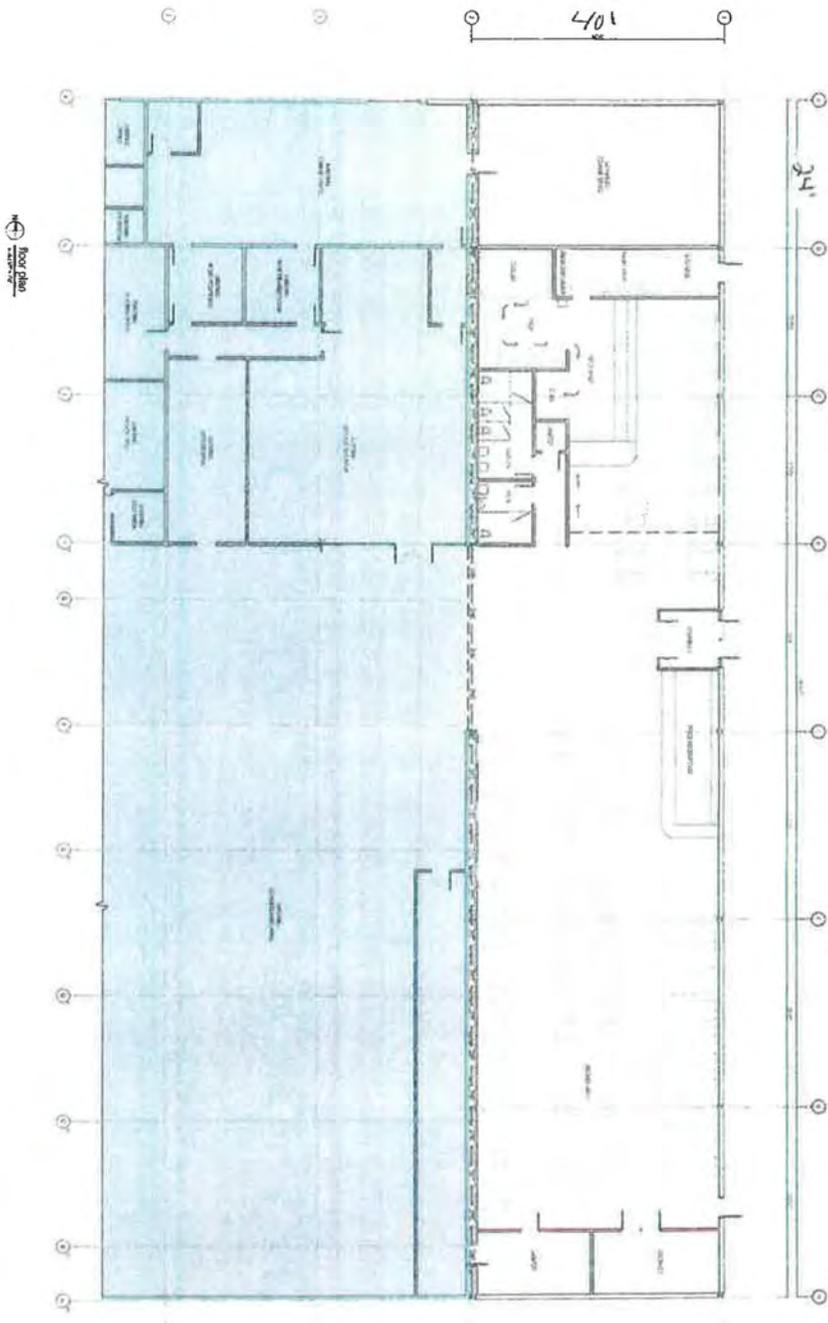
13. I certify that the information contained in this application is correct to the best of my knowledge.
Applicant <u><i>James B. Mellon</i></u> Date <u>8-7-19</u>

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do <input checked="" type="checkbox"/> do not <input type="checkbox"/> meet the qualifications for exemption for the following reason(s): _____
Assessor/Director of Tax Equalization <u><i>Lynhuly Mankley</i></u> Date <u>8-9-2019</u>

Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved <input type="checkbox"/> Denied <input type="checkbox"/>
Approval is subject to the following conditions: _____
Exemption is allowed for years 20____, 20____, 20____, 20____, 20____.
Chairperson _____ Date _____



REV. #1



 LEGAL LANDS RECORDS

SHEET 2

CAMAvision® Sketch, printed on 8/8/2019 at 11:24 AM

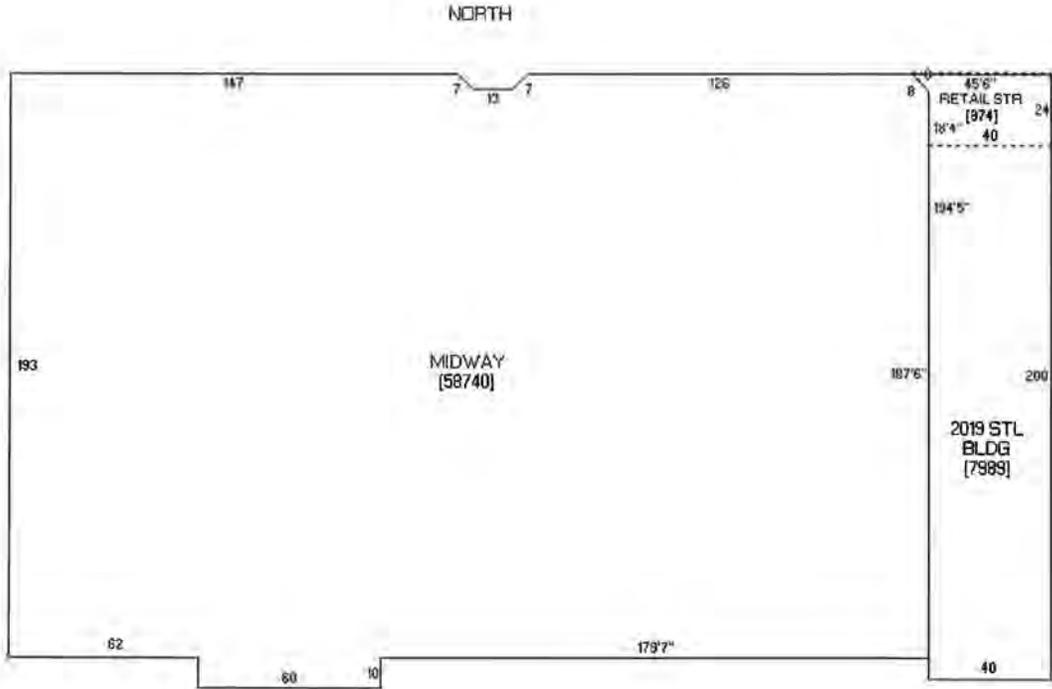
Parcel: 65-6100142, Route: 000-000-000, Address: 3327 MEMORIAL HWY SE

Scale: 1"=50', Sketch 2 of 2, Private: No

Created: Thursday, August 8, 2019 @ 8:21:14 AM, Last Modified: Thursday, August 8, 2019 @ 11:24:11 AM

Title: 2020, Author(s):

Description:



MIDWAY LANES INC.



Taken from the NE corner of the property.



Taken from the SE corner of the property.

MIDWAY LANES INC



AREA SOUTH OF MIDWAY LANES – WILL BE TURNED INTO PARKING



City of Mandan
Assessing Department
205 2nd Ave. NW
Mandan, ND 58554
701-667-3232

2015 CITY OF MANDAN GUIDELINES FOR PROPERTY TAX EXEMPTION OF IMPROVEMENTS TO COMMERCIAL & RESIDENTIAL BUILDINGS

State Guideline Requirements: N.D.C.C. 57-02.2

1. The governing body of the county, for property outside city limits, or the governing body of the city, for property within city limits, must pass a resolution to allow the exemption.
2. The governing body may limit or impose conditions upon exemptions, including limitations on the length of time during which an exemption is allowed, not exceeding five years. The requirements must be applied equitably to all applicants.
3. The exemption is valid for the prescribed period and does not terminate upon the sale or exchange of the property. It is transferable to subsequent owners.
4. The resolution may be rescinded or amended at any time by the governing body of the county or city.

Improvements that Qualify:

5. Improvements to commercial or residential buildings or structures by renovation, remodeling, alteration or an addition to residential may qualify for exemption:
 - a. Renovation- Restoring to a previous condition or to a good state of repair.
 - b. Remodeling- Changing the plan, form or style of a building, to correct functional deficiencies.
 - c. Alteration- Changing, modifying or varying; changing materially.
 - d. Addition- A structure attached to an existing building to increase its size.
6. A residential building must be 25 years old or older on the assessment date to qualify for the exemption. This provision does not apply to commercial buildings.
7. The renovation, remodeling or alteration of an apartment or residential building into a commercial building or structure is eligible for exemption, whether or not the apartment or residential building is 25 years old. However, if a commercial building is renovated, remodeled, or altered into an apartment or residential building, the commercial building must be 25 years old or older to qualify for the exemption.

Improvements that Do Not Qualify:

8. Improvements begun before the governing body passed the resolution do not qualify for exemption.
9. The complete replacement of one building with another building does not qualify for exemption.
10. A separate structure that is not attached to the existing building does not qualify for exemption.

Procedures:

11. The property owner files an application with the assessor of the assessment district where the property is located.
12. The assessor determines if the improvements qualify for exemption. The governing body of the county or city must approve the exemption before it becomes effective.
13. If the renovation, remodeling, or alteration or addition qualifies, the last assessment on the building prior to the start of making the improvement remains for the prescribed period unless equalization or reevaluation of building values is necessary.
14. The exemption is effective beginning with the first assessment date following the date of commencement of making the improvements.
15. Land values may be changed on any assessment date when justified.

City of Mandan Policy:

1. The exemption will be for a maximum of 3 years.
2. Additions to commercial properties could qualify for the exemption upon approval by the city commissioners if the project qualifies or meets the criteria requirements.
3. The property owner must apply for the exemption and be approved with the Assessor's office once a complete reassessment is done and final approval made by city commissioners prior to the commencement of the improvement. Commencement of the improvement means the start of any remodeling, pouring of footings or foundations. The moving of dirt is not considered the commencement of improvement.
4. A permit must be issued prior to commencement of the improvement.
5. The exemption will not be allowed for repairs due to flood, fire, or tornado damages, or other insurable events.
6. A property may be allowed one exemption per property per assessment year. The first remodeling exemption must be complete and expired prior to the approval of the 2nd application for the remodeling exemption. This would include Renaissance, store front improvement matching funds, or new business exemptions.

*Approved by the Mandan City Commission
January 20, 2015*



Board of City Commissioners Agenda Documentation

MEETING DATE: August 20, 2019
PREPARATION DATE: August 15, 2019
SUBMITTING DEPARTMENT: Planning and Engineering
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: 1401 Action Drive SE Driveway Variance

STATEMENT/PURPOSE: The Planning and Engineering office received a variance request to allow a fourth driveway at a commercial business. The following outlines the request as compared to code language for consideration.

BACKGROUND/ALTERNATIVES: In this instance, the applicant technically still has three lots, but is in the process of combing his three lots into one in order to facilitate a building addition and not have to construct firewalls within the building over the lots lines. Engineering staff originally flagged the concern because the intended plan after lots are combined will have four driveways on one commercial lot. Our city code allows for two per lot. However, technically they still have three lots. Because of that, they are not technically in violation of that section of code at this time. The sections of code that we are concerned with though are section 115-5-3 (c)(2) as highlighted in yellow below and 115-5-4 (6) as highlighted below in blue;

(c) *Application issuance.* The city engineer shall issue a permit if a determination is made that:

(1) The work will be done according to the standard specifications of the city for public work of like character;

(2) The operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of ingress and egress to and from the property affected and adjacent properties; and

(3) The health, welfare and safety of the public will not be unreasonably impaired.

(6) *Nonresidential lots.* Any lot not used for residential purposes may have a maximum of two driveways, each not to exceed 40 feet in width, separated by a distance of not less than 24 feet measured at the curblines of each side of the lot that fronts upon a public street.

The crux of the issue that the Engineering Department has is that we see a problem developing by having the cul-de-sac boulevard loaded up with driveway concrete. The same issue greatly hinders snow removal efforts in other cul-de-sacs throughout the city. Granted, in most of those cases those are in residential areas and Public Works has mentioned to Engineering that they are less concerned with the complaints side of it in a commercial area such as this. Also of note, in those residential cul-de-sacs, those driveways are all necessary as the properties' only point of access.

Below are the variance requirements under section 105-1-12 of city code and city staff comments under each in *italics*.

(1) Variances.

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

b. No adjustment in the strict application of any provisions of this chapter shall be granted by the board of adjustment unless it finds that:

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

The engineering department does not see special circumstances or conditions that apply to this land or building that would require an additional driveway to properly serve this property.

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;

Our office does not believe that the denying the request to add another driveway would deprive the applicant of the reasonable use of this land or building. Three driveways would still be allowed.

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.

Our office does not believe this request to be in harmony with the general purpose of the rules relating to allowable driveways. We are particularly concerned about adequate room to put snow within this cul-de-sac. When lot three to the NE develops, it will be that much more of a challenge.

In conclusion, the Planning and Engineering Department finds that this request does not strictly meet the criteria needed to grant. We believe it is appropriate for the applicant to speak of the hardship if not granted however as our department cannot fully and accurately express that component.

ATTACHMENTS:

- 1) Application
- 2) Area Map
- 3) Exhibit from applicant showing plan

FISCAL IMPACT: Minimal

STAFF IMPACT: Minimal

LEGAL REVIEW: All items forwarded to City Attorney for his review.

RECOMMENDATION: Deny the variance request because the property does not include special circumstances or conditions peculiar to the property, denial does not result in "...unnecessary hardship that would deprive the owner of a reasonable use of the land or building...", and granting the variance is not in harmony with the general purpose and intent of the chapter.

SUGGESTED MOTION: Move to deny the variance request because the property does not include special circumstances or conditions peculiar to the property, denial does not result in "...unnecessary hardship that would deprive the owner of a reasonable use of the land or building...", and granting the variance is not in harmony with the general purpose and intent of the chapter.

CITY OF MANDAN	
Development Review Application	
Minor Plat (\$300)	Zone Change (\$600) <input type="checkbox"/>
Preliminary Plat up to 20 acres (\$350)	Planned Unit Development (\$700)
Preliminary Plat more than 20 acres (\$400)	Zone Change with Minor Plat (\$400)
Final Plat up to 20 lots (\$350)	Vacation (\$500)
Final Plat 21 to 40 lots (\$475)	Variance (\$400) <input checked="" type="checkbox"/>
Final Plat more than 40 lots (\$700)	Special Use Permit (\$450)
Annexation (\$450)	Stormwater submittal (\$300)
Annexation with Minor Plat (\$200)	Stormwater 2 nd & subsequent resubmittal (\$50)
Summary of Request	
Requesting a variance to "Sec. 115-5-4.6 Driveway apron construction standards." for a proposed driveway. See attached exhibit.	

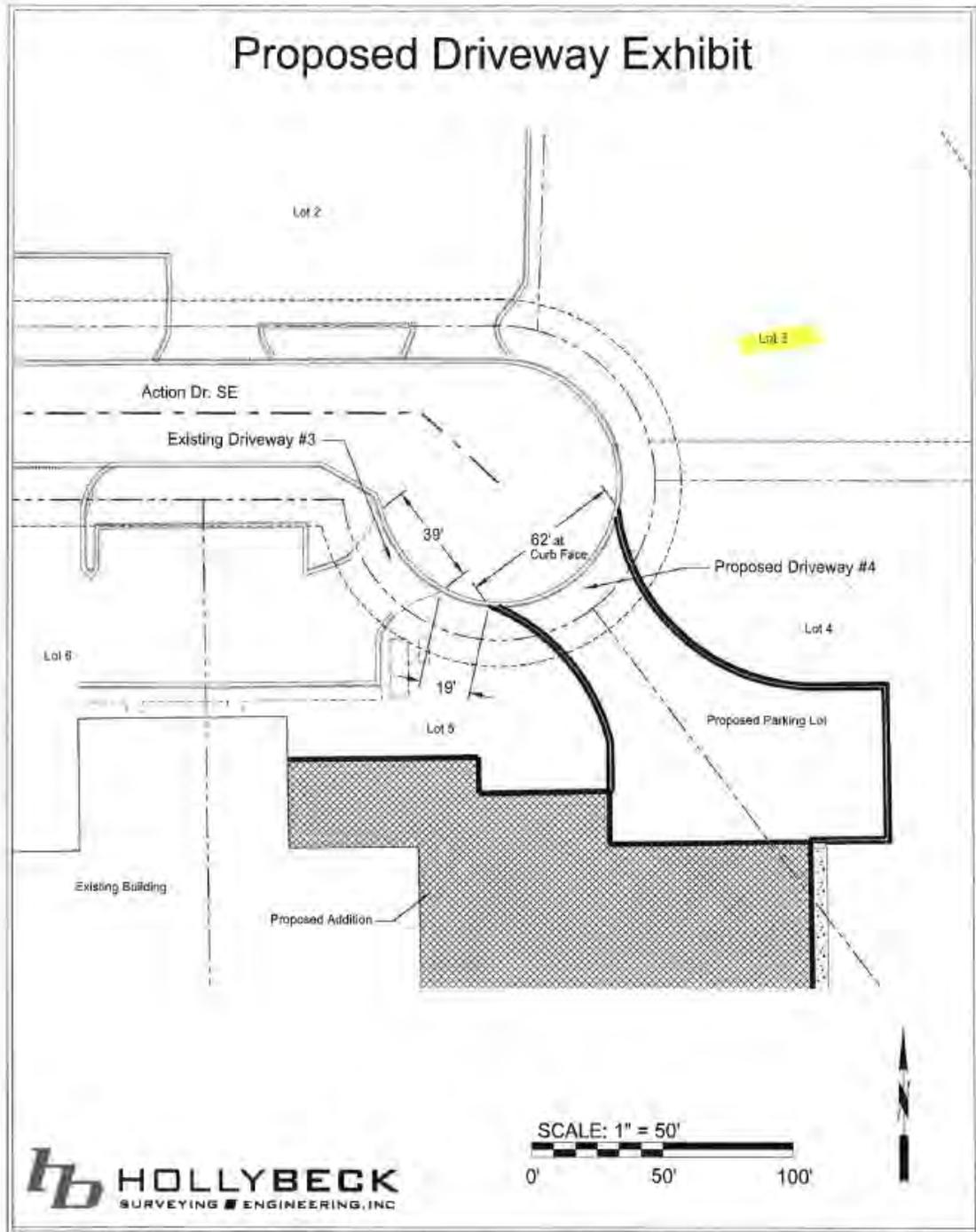
Engineer/Surveyor			Property Owner or Applicant		
Name Tom Weigel (HBSE, Inc.)			Name Chris Houwman (E-C ND Investments, LLC)		
Address 3320 Hamilton ST. Unit 3			Address 809 W Russel St.		
City Bismarck	State ND	Zip 58503	City Sioux Falls	State SD	Zip 57104
email [REDACTED]			email [REDACTED]		
Phone [REDACTED]		Fax -	Phone [REDACTED]		Fax -
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name	
<input checked="" type="checkbox"/> City	<input type="checkbox"/> ETA	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Addition	CC	CC	Malloy Electric Phase 2 Expansion	
Property Address 1401 Action Drive SE				Legal Description Lots 4-6, Block 1 of Midway 14th Addition			
Current Use Commercial / Industrial							
Proposed Use Same							
Parcel Size 4 Acres		Building Footprint 18,450		Stories 1	Building SF 18,450		Required Parking -
				Township 139		Range 80	
				Provided Parking -			

Print Name Chris Houwman	Signature 	Date 7-26-19
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Office Use Only			
Date Received:	Initials: <i>ym</i>	Fees Paid: \$400	Date: 8/6/2019
Notice in paper	Mailed to neighbors	P&Z meeting	
<input type="checkbox"/> Approved	Approved with conditions:		
<input type="checkbox"/> Denied			







Board of City Commissioners

Agenda Documentation

MEETING DATE: August 20, 2019
PREPARATION DATE: August 15, 2019
SUBMITTING DEPARTMENT: Planning and Engineering
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning and Engineering Director
SUBJECT: Selection of Engineering Consultant for the Mid-Town East Street Improvement Project (SID 215)

STATEMENT/PURPOSE: To confirm the selection committee's qualifications based selection of Moore Engineering for consulting engineering related to the Mid-Town East Street Improvement project and enter into contract negotiations with them.

BACKGROUND/ALTERNATIVES: The local street conditions in this area of town can be generally classified as unsatisfactory as determined by a street assessment effort completed in 2012. Additionally, there are watermain pipes pushed beyond their useful life and storm sewer issues throughout the project area. This area is also challenging in the way of ADA compliant access. Though it will not be feasible to address all ADA issues because of existing grade and construction limit constraints, we believe we can greatly improve accessibility with this project.

Given the observed issues, the project scope will generally be to reconstruct and resurface streets and possibly alleys as well as replace the watermain and repair the sanitary and storm sewermain components as needed.

The roadways in mind are local so the funds for this project would primarily come special assessments. A special assessment district will be created and the typical special assessment process will take place along with this design effort. The special assessment process will be lead by city staff with help from the consultant.

A Request for Proposals (RFP) was advertised in June and July for engineering assistance. The city received seven proposals indicating interest in providing these services for the city. A selection committee was created and comprised of Planning and Engineering Department staff and Public Works Department staff. After the selection committee reviewed the seven proposals, three of the competing firms were brought in for interview. After the interview and in evaluating all information available, the selection team scored the three firms. After the scores were tabulated, Moore Engineering came out

Board of City Commissioners

Agenda Documentation

Meeting Date: August 20, 2019

Subject: Selection of Engineering Consultant for the Mid-Town East Street Improvement Project (SID 215)

Page 2 of 4

on top with Houston Engineering scoring in a relatively close second place. Therefore, we would like to move forward with contract negotiations with Moore Engineering. HDR was the third firm invited in for an interview and finished third in scoring after Moore and Houston. Note; Scoresheets available upon request.

ATTACHMENTS:

1) 2012 Pavement Condition Map Zoomed in to Mid-Town East area.

2) Full Pavement Condition Index Map:

http://www.cityofmandan.com/vertical/sites/%7B38C3EFDC-F4D8-4D02-9E13-0987A081A7A4%7D/uploads/Dynatest_PCI.pdf

3) DRAFT Project Schedule

FISCAL IMPACT: No direct cost at this time. Designing a project of this scope and size is expected to cost under, but in some cases near, 10% of the construction. The specific limits and scope of project have not been set yet. A preliminary opinion of cost for this project is about \$6M-\$8M before going too far into project assessment.

STAFF IMPACT: Minimal

LEGAL REVIEW: All documents have been forwarded to the City Attorney.

RECOMMENDATION: Approve the selection of Moore Engineering, and authorize engineering staff to negotiate for the Mid-Town East Street Improvement project (SID 215) engineering services contract.

SUGGESTED MOTION: I move to confirm the selection of Moore Engineering, and authorize engineering staff to negotiate for the Mid-Town East Street Improvement project (SID 215) engineering services contract.

2012 Pavement Condition Index (PCI)

-  Adequate (PCI > 70)
-  Degraded (55 < PCI < 70)
-  Unsatisfactory (PCI < 55)
-  Not Inspected



DRAFT SCHEDULE

Mid-Town East (SID 215)

Date(s)	Milestone or Task
2-Aug	Meet to discuss who interviews and invite them to interview.
15-Aug	Conduct interviews
20-Aug	Make a consultant recommendation to City Commission
3-Sep	Agree to terms of contract with consultant
September	Survey and conditions assessment
October	Work on design options and draft assessment district to present at optional Public Input meeting (PIM). Advertise an optional PIM.
November	Host PIM and solicit comment from public. Bring to Commission as a resolution of necessity and start protest period.
December	Determine sufficiency of protests and move forward with final design if deemed insufficient.
Spring of 2020	Finish design and advertise for bids.
Summer/fall of 2020	Conduct the majority of construction activities.
2021	Finish some construction activities and verify final construction costs for December of 2021 start of special assessments.



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 20, 2019
PREPARATION DATE: August 16, 2019
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Architectural Services for Morton Mandan Public Library, Dykshoorn Park and Heritage Plaza Improvements

STATEMENT/PURPOSE: To consider selection and permission to enter into negotiations for architectural services for Morton Mandan Public Library, Dykshoorn Park and Heritage Plaza Improvements

BACKGROUND/ALTERNATIVES: A Request for Qualifications (RFQ) was issued on June 21, 2019 for architectural services for Morton Mandan Public Library, Dykshoorn Park and Heritage Plaza Improvements. Three proposals were received; Bartlett & West, Al Fitter Architect PC in conjunction with Ciavarella Design Architects & Buffalo Design Architects and a proposal from Image Group Architecture & Interiors.

The team that consisted of Mayor Tim Helbling, MMPL Board of Trustees President Linda Ehreth, City Administrator Jim Neubauer, Business Development & Communications Director Ellen Huber, Program Coordinator Kari Moore and City Planner John Van Dyke reviewed the proposals and also participated in the interviews of each the proposers. In person interviews were conducted on August 13th and August 14th.

All three groups interviewed did very well and were excited about the opportunity to work on this project. The recommendation is to move forward on contract negotiations with Bartlett & West. Their work on the Dickinson Public Library renovation and expansion along with work on several public gathering spaces hit upon many of the points our project entails.

The goal is to bring back a contract to the City Commission for their consideration at the September 3, 2019 meeting.

ATTACHMENTS: n/a

Board of City Commissioners

Agenda Documentation

Meeting Date: August 20, 2019

Subject: Architectural Services for Morton Mandan Public Library, Dykshoorn Park and Heritage Plaza Improvements

Page 2 of 2

FISCAL IMPACT: to be determined

STAFF IMPACT: to be determined

LEGAL REVIEW: n/a

RECOMMENDATION: I recommend we move begin contract negotiations with Bartlett & West for architectural services for Morton Mandan Public Library, Dykshoorn Park and Heritage Plaza improvements.

SUGGESTED MOTION: I move to begin contract negotiations with Bartlett & West for architectural services for Morton Mandan Public Library, Dykshoorn Park and Heritage Plaza improvements.

ORDINANCE NO. 1317

An Ordinance to Amend and Re-enact
Section 18-1-7, Possession of Marijuana, and
Section 18-1-8, Drug Paraphernalia (Marijuana).
of the Mandan Code of Ordinances

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

Sec. 18-1-7. Possession of Marijuana.

(a) Any person in possession of ~~not~~ more than one-half ounce of marijuana, as that term is defined by N.D.C.C. §19-03.1-01, within the City of Mandan, shall be charged with an offense.

(b) Any person in possession of not more than one-half ounce of marijuana, as that term is defined by N.D.C.C. §19-03.1-01, within the City of Mandan, shall be charged with an offense infraction.

Sec. 18-1-8. Drug Paraphernalia (Marijuana).

A person may not use or possess with the intent to use drug paraphernalia to ingest, inhale, or otherwise introduce into the human body marijuana in violation of N.D.C.C. ch. 19. A person violating this subsection shall be charged with an offense infraction.

By: _____
Tim Helbling, President
Board of City Commissioners

Attest:

James Neubauer, City Administrator

First Consideration: August 6, 2019

Second Consideration and Final Passage: August 20, 2019

Publication: September 13, 2019

ORDINANCE NO. 1318

An Ordinance to Create Sec. 6-3-1 of
Article 6 of the Mandan Code of Ordinances
Relating to Dogs and Cats

Be it Ordained by the Board of City Commissioners:

An Ordinance to create Section 6-3-1 of Article 6 of the Mandan Code of Ordinances relating to dogs and cats is hereby created to read as follows:

Sec. 6-3-1. – Public Property Prohibition.

(a) By resolution, the City Commission may prohibit the presence of dogs and cats in or upon any ~~publicly~~ City owned property. Appropriate signage explaining the prohibition must be posted in and upon the ~~publicly~~ City owned property.

(b) ~~A violation of this section is an infraction.~~ A violation of this section can be ticketed by an officer authorizing a fine of \$20.00.

CITY OF MANDAN

By: _____
Tim Helbling, President
Board of City Commissioners

Attest:

James Neubauer, City Administrator

First Consideration: August 6, 2019
Second Consideration and Final Passage: August 20, 2019
Publication: September 13, 2019

RESOLUTION

WHEREAS, the City Commission of the City of Mandan has adopted Ordinance No. 1318 permitting the restriction of dogs and cats on certain City owned property; and

WHEREAS, the City Commission of the City of Mandan hereby adopts the following policy pursuant to said Ordinance:

The bringing of a domesticated dog, cat or any other animal or permitting any animal to remain on the following city property is prohibited: Dykshoorn Park and Heritage Plaza.

Dogs for the visually impaired and other domesticated animals especially trained to assist persons with disabilities are excluded from the provisions of this resolution when they are accompanied by persons with disabilities for purposes of providing such assistance with the appropriate permit.

CITY OF MANDAN

By: _____
Tim Helbling, President
Board of City Commissioners

ORDINANCE NO. 1319

An Ordinance to Amend and Re-enact
Section 24-7-17, Parking of Certain Vehicles and Unattached Trailers Restricted,
and Section 24-7-18, 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 ~~unattached~~ trailers restricted.

(a) It is unlawful for any person to park or leave standing on any public street in a residential district, mobile home park or trailer court in the city between sunset and sunrise any attended or unattended truck or other motor vehicle licensed for a gross weight in excess of ~~4,000~~ 10,000 pounds.

(f) It is unlawful for any person to park or leave standing any trailer, boat trailers, bumper-pull travel trailers, pull-type campers, fifth wheelers, pickup camper, mini-home, house car or motor home which exceeds a width of ~~eight~~ 8 feet or a length of 20 feet on any street or alley within any residential district, mobile home park or trailer court in the city.

(g) A person may park or leave standing, directly in front of the registered owner's residence, any trailer, boat trailers, bumper-pull travel trailers, pull-type campers, fifth wheelers pickup camper, mini-home, house car or motor home excluding those described in subsection (f), ~~or vehicle described in subsections (e) and (f) of this section~~ on a street for the limited purpose of loading and unloading, provided that the period of loading and unloading does not exceed 12 hours. ~~For the time from May 15th to September 15th, a trailer or vehicle may be parked on a street for a period not to exceed 24 hours.~~

(h) Any person violating the provisions of this section shall pay a fine of ~~\$10.00~~ \$50.00, and any ~~police officer of the police department~~ is authorized to impound and remove any vehicle in violation of this section in accordance with the provisions of section 24-7-2.

Sec. 24-7-18. - 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.

~~(e) No trailer, boat, motor home, bus, camper, fifth wheel trailer or travel trailer may be parked on a public street between December 1 and March 31. The fine for violating this section is \$15.00 per day. After 48 hours, the vehicle or equipment will be considered abandoned and may be towed at the owner's expense.~~

By: _____
Tim Helbling, President
Board of City Commissioners

Attest:

James Neubauer, City Administrator

First Consideration: August 6, 2019

Second Consideration and Final Passage: August 20, 2019

Publication: September 13, 2019

ORDINANCE NO. 1325

An Ordinance to Amend and Re-enact
 Sections 4 and 5 of Sec. 24-12-8 of the Mandan Code of Ordinances
 Relating to Violation for Not Carrying Liability Insurance

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

4. Violation of subsection 1 ~~is an infraction and the sentence imposed~~ must include a fine of ~~at least~~ one hundred fifty dollars which may not be suspended. A person convicted for a second or subsequent violation of driving without liability insurance within a three-year period must be fined ~~at least~~ three hundred dollars which may not be suspended. For a second or subsequent conviction for a violation of subsection 1 or equivalent ordinance, the court shall order the motor vehicle number plates of the motor vehicle owned and operated by the person at the time of the violation to be impounded until that person provides proof of insurance and a twenty dollar fee to the court. The person shall deliver the number plates to the court without delay at a time certain as ordered by the court following the conviction. The court shall deliver the number plates to the office of the police officer that made the arrest and notify the department of the order. A person who does not provide the number plates to the court at the appropriate time is guilty of a class B misdemeanor.

5. Upon conviction for a violation of subsection 1 or equivalent ordinance, the person who has been convicted shall provide proof of motor vehicle liability insurance to the department in the form of a written or electronically transmitted certificate from an insurance carrier authorized to do business in this state. This proof must be provided for a period of ~~three~~ one years and kept on file with the department. If the person fails to provide this information, the department shall suspend that person's driving privileges and may not issue or renew that person's operator's license unless that person provides proof of insurance.

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

Attest:

 James Neubauer, City Administrator

First Consideration: August 20, 2019

Second Consideration and Final Passage: September 3, 2019

Publication: September 17, 2019