Unofficial PROCEEDINGS OF THE MOTT CITY COUNCIL
March 26, 2012
HEARINGS & SPECIAL MEETING

The Mott City Council along with the Home Rule Charter Commission met at 7:00 for public hearings on 1) Hearing on Zoning Amendment and 2) Hearing on proposed Home Rule Charter Amendment for a .5 (1/2) percent increase on city sales tax.
There were nine people other than council that were present. Discussion regarding the new zoning and its possible effects was held followed by discussion on the proposed Home Rule Charter Amendment. No one present voiced a "deny" for either hearing presented.
Council continued on with the special meeting. Present were Mosbrucker, Scheeler, Riedlinger, Wangsvick and Messmer. Absent were Steiner and Zich. Also in attendance were Mark Resner, Cory Warner, Roger Senn, Wilbert & Betty Herner, Kurtis Burwick, Bruce Kallis, David Crane, Albert Schulz and John Gibbons.
Messmer moved and Wangsvick seconded awarding the contract for Street Repair and Seal Project 2012-1 to Bituminous Paving as recommended by Kadrmas Lee & Jackson, city engineers. The total estimated project cost to $959,000.00.
Council reviewed the Proposed Amendment to the Home Rule Charter submitted by the Home Rule Charter Commission which reads as follows: PROPOSED AMENDMENT TO CITY OF MOTT HOME RULE CHARTER, As Approved by Home Rule Charter Commission 2/28/2012.
Background: This amendment concerns the City Sales and Use Tax rate and the allocation of revenues collected therefrom. Presently the retail sales and use tax rate is 1.5%, with two-thirds (2/3) thereof, attributed to the 1% sales and use tax, to be dedicated to the improvement, repair and maintenance of the city streets and other infrastructure; and one-third (1/3) thereof, attributed to the.5% sales and use tax, to be dedicated to the Mott Swimming Pool renovation and other activities of the Mott Park District. The half percent dedicated to the Mott Swimming Pool arose out of the need to finance the cost of certain repairs and improvements. The indebtedness related to these repairs and improvements is nearly repaid. The City is initiating a street improvement project to be financed through a bond issue, and the City will need revenue to service this bond debt. The activities of the Mott Park District should continue to be supported, and there is also a need to support economic development in the community. In light of these present needs, additional sales tax revenue, as well as a more flexible way to allocate such revenue, will be required.
Accordingly, the Commission recommends that the retail sales and use tax rate be increased from 1.5% to 2.0%. In addition, the Commission recommends that the revenues collected from such tax be spent each according to these priorities: First: Street maintenance and improvement, Second: Swimming pool maintenance and improvement, Third: Economic development.
It is recommended that the City Council budget all sales and use tax revenues according to these priorities on an annual basis.
This amendment therefore concerns only Article 3 of the Charter. All other provisions of the Charter will remain the same.
Text of Proposed Amendment Section 1. I. Article 3, subsection 16 of the Home Rule Charter to the City of Mott, North Dakota, shall be repealed, amended and reenacted as follows: 16. Among its enumerated powers, which may be implemented by ordinance subject to the limitations specified in this Charter, shall be the authority to impose a retail sales and use tax of no more than two percent (2.0%) of those gross receipts taxed pursuant to Chapters 57-39.2 and 57-40.2, N.D.C.C., subject to the following: a. The revenue collected shall be be used at the discretion of the City Council with first priority given to the improvement, repair and maintenance of the City streets, second priority given to improvement, repair and maintenance of the Mott Swimming Pool, and third priority given to economic development activities within the city. b. The amount of the sales and use tax shall not exceed two half percent (2.0%) of the gross receipts, nor shall the tax exceed twenty-five dollars ($25) on any single purchase or sales transaction involving one or more items. c. Sales and use taxes shall be limited to those items which are taxed by the State of North Dakota pursuant to Chapters 57-39.2 and 57-40.2 of the North Dakota Century Code. d. All revenue shall be maintained in a fund separate and apart from all other funds, except as provided by this section.
Section II. In all other respects, the Home Rule Charter of the City of Mott, North Dakota, shall remain

unchanged.
Submitted by the Home Rule Charter Commission on this 28th day of February, 2012.
Messmer moved to approve and Wangsvick seconded. This amendment will be put on the city ballot in the election on June 12th, 2012.
Wangsvick moved and Scheeler seconded the 1st reading of AN ORDINANCE AMENDING ZONING DISTRICT MAP: BE IT ORDAINED BY THE CITY COUNCIL OF MOTT, NORTH DAKOTA,
Section 1. The Zoning District Map, enacted as part of the City's Comprehensive Zoning Ordinance (Article Four of Chapter Six of the City Ordinances) is amended as follows: a. The area hereinafter described, presently owned by Timber Creek Properties, LLC and zoned as Residential District 1 (R-1), shall be changed to Residential District 2 (R-2). b. Area subject to zoning change: A tract of land located in the SW¼ of Section 36, Township 134 North, Range 93 West of the 5th PM, City of Mott, North Dakota, being more specifically described as follows:Commencing at the southwest corner of a tract of land recorded in Book 135 of Deeds at page 538 with the Hettinger County Recorder's Office, said point located on the easterly right-of-way line of Millionaire Avenue; thence along the west line of said tract recorded in Book 135 of Deeds at page 538 and said easterly right-of way line of Millionaire Avenue on an azimuth of 359°59'26", a distance of 14.78 feet to the point of beginning; thence continuing along said west line of a tract of land recorded in Book 135 of Deeds a page 538 and said easterly right-of-way line of Millionaire Avenue on an azimuth of 359°59'26" a distance of 189.69 feet to a point, said point being on a southerly right-of-way line of 5th Street; thence along said southerly right-of-way line of 5th Street on an azimuth of 089°58'18" a distance of 239.70 feet to a point; thence along the east line of said tract recorded in Book 135 of Deeds at page 538 on an azimuth of 179°55'12", a distance of 164.00 feet; thence on an azimuth of 263°51'33", a distance of 241.28 feet to the point of beginning on said west line of said tract recorded in Book 135 of Deeds at page 538 and said easterly right-of-way line of Millionaire Avenue. Said tract contains 0.97 acres. [This legal description was obtained the Roth Lot Survey prepared by Kadrmas Lee & Jackson, dated 12/09/2011.] Section 2. All other ordinances in conflict herewith are hereby amended or repealed. All voted "aye".
Council discussed the need of extending the city sewer main to accommodate the new apartments. Messmer moved and Wangsvick seconded going from the manhole east of Roger Senn's which is near the intersection of Millionaire Avenue and 4th Street, and go north to the apartments. Council will verify with city engineers.
Messmer moved to adjourn, seconded by Wangsvick.

ATTEST:

Jeri Schmidt	Troy Mosbrucker
Auditor	Mayor