



ORDINANCE NO.

AN ORDINANCE ENACTING ARTICLE VI (SALES AND USE TAXES (MINOT PARK DISTRICT)), SECTIONS 28½-141 (DEFINITIONS), 28½-142 (COLLECTION AND ADMINISTRATION), 28½-143 (SALES TAX IMPOSED), 28 ½-144 (USE TAX IMPOSED), 28½-145 (GROSS RECEIPTS OF ALCOHOLIC BEVERAGES), 28½-146 (EXEMPTIONS), 28½-147 (CONTRACT WITH STATE TAX COMMISSIONER), 28 ½-148 (DEDICATION OF TAX PROCEEDS), 28½-149 (MAXIMUM TAX IMPOSED), AND 28½-150 (EFFECTIVE DATE) UNDER CHAPTER 28 ½ (TAXATION), CODE OF ORDINANCES, CITY OF MINOT, NORTH DAKOTA TO IMPOSE A ONE-HALF PERCENT SALES AND USE TAX AND DEDICATE THE PROCEEDS THEREOF TO THE MINOT PARK DISTRICT TO FINANCE AND CONTRUCT AN INDOOR TURF FACILITY AND FINANCE GENERAL PARK DISTRICT OPERATIONS AND FUTURE CAPITAL PROJECTS.

WHEREAS, the City of Minot is a political subdivision and home rule city in North Dakota possessing municipal powers and authority pursuant to its Home Rule Charter and the North Dakota Century Code (N.D.C.C.), including Title 40, N.D.C.C., and specifically those municipal powers codified in N.D.C.C. §§ 40-05-01 and 40-05.1-06; and

WHEREAS, the City of Minot's Home Rule Charter explicitly grants the City the power to impose a sales and use tax; and

WHEREAS, the City Council for the City of Minot, North Dakota (City of Minot) has been presented information and data from the Park District for the City of Minot (Minot Park District) relating to their proposed plan for the design, construction, and operation of an indoor turf facility that will be incorporated into the current MAYSA facility located within the City of Minot to be used for health, wellness, athletic, and/or recreational activities which will enhance the quality of life to the Minot community and surrounding area residents; and

WHEREAS, the City Council for the City of Minot has been presented information and data from the Minot Park District for a plan to fund construction for the indoor turf facility and provide funding for Minot Park District operations and future capital projects through the use of an additional one-half percent (½%) gross retail sales and use tax; and

WHEREAS, the Minot Park District also proposes to reduce the property tax assessment cap on its general fund mills from 38 mills to 26 mills for a period of five (5) years, which cap shall sunset June 30, 2030, if the additional one-half percent (½%) sales and use tax is imposed and proceeds of the tax dedicated to the indoor turf facility and Minot Park District operations and future capital projects; and

WHEREAS, the City of Minot has the authority and desires to impose a sales and use tax of one-half percent (½%), with proceeds of the taxes placed in a separate fund and dedicated and expended according to Article VI (Sales and Use Taxes (Minot Park District)) and Sections 28 ½ 121 – 150 as set forth in this ordinance; and

WHEREAS, it is mutually beneficial that the City of Minot and Minot Park District cooperate in providing financing for the indoor turf facility and Minot Park District operations and future

capital projects through an additional one-half percent (½%) sales and use tax, allowing the Minot Park District to reduce the property tax assessment cap on its general fund mills from 38 mills to 26 mills for a period of five (5) years, for the benefit of community residents and surrounding area residents, provided a majority of City of Minot residents express their support by voting at a City election in favor of financing the indoor turf facility and Minot Park District operations and future capital projects through imposition of the additional one-half percent (½%) sales and use tax; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINOT:

§1. That Article VI (Sales and Use Taxes (Minot Park District)), Sections 28½-141 (Definitions), 28½-142 (Collection and administration), 28½-143 (Sales tax imposed), 28 ½-144 (Use tax imposed), 28½-145 (Gross Receipts of Alcoholic Beverages), 28½-146 (Exemptions), 28½-147 (Contract With State Tax Commissioner), 28 ½-148 (Dedication of Tax Proceeds), 28½-149 (Maximum Tax Imposed), and 28½-150 (Effective Date), under Chapter 28 ½ (Taxation), Code of Ordinances, City of Minot, North Dakota, are hereby enacted as follows:

ARTICLE VI – SALES AND USE TAXES (MINOT PARK DISTRICT)

Sec. 28½-141. Definitions.

All terms defined in chapters 40-05.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6 and 57-40.2 of the N.D.C.C. are adopted by reference with respect to this article.

Sec. 28½-142. Collection and administration.

Where not in conflict with the provisions of this article, the provisions of chapters 40-05.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6 and 57-40.2, N.D.C.C., and all administrative rules adopted by the tax commissioner, pertaining to the collection and administration of the retail sales, use, and gross receipts tax, including provisions for liability, refund, penalty, interest or credit, govern the administration by the North Dakota Office of State Tax Commissioner (hereinafter "tax commissioner") of the taxes imposed by this article.

Sec. 28 ½-143. Sales tax imposed.

Subject to the provisions of NDCC § 40-05.1-06, and except as otherwise provided by this article, or the sales and use tax laws of the State of North Dakota, a tax of one-half percent (½%) is imposed upon the gross receipts of retailers from all sales at retail, including the leasing or renting of tangible personal property, within the corporate limits of the City of Minot, North Dakota.

Sec. 28 ½-144. Use tax imposed.

Subject to the provisions of NDCC § 40-05.1-06, and except as otherwise provided by this article, or the sales and use tax laws of the State of North Dakota, an excise tax is imposed upon the storage, use, or consumption within the corporate limits of the City of Minot, North Dakota, of tangible personal property purchased at retail for storage, use, or consumption in this city, at the rate of one-half percent (½%) of the purchase price of the property. An excise

tax is imposed on the storage use, or consumption within the corporate limits of the City of Minot, North Dakota of tangible personal property not originally purchased for storage, use, or consumption in this city at the rate of one-half percent (½%) of the fair market value of the property at the time it was brought into this city.

With respect to the purchase price of tangible personal property used by a contractor or subcontractor to fulfill a contract as defined in NDCC § 57-40.2-03.3, the tax imposed by this section applies only to bids submitted on or after the effective date of this article.

Sec. 28 ½-145. Gross receipts of alcoholic beverages.

This article recognizes enactment of new provisions under chapter 28½, taxation, article IV of the City of Minot Code of Ordinances, with the provisions of this article relating solely to implementation of city sales and use taxes. However, recognizing that article VII (alcoholic beverage gross revenues tax) of ½ of the Minot Code of Ordinances does not have a current expiration date, the terms and provisions of that existing ordinance and tax relating to gross receipts of alcoholic beverages remains intact and is not modified or terminated by this article.

Sec. 28 ½-146. Exemptions.

This article provides for exemptions from imposition and computation of the city sales and use tax for mobile homes, new farm machinery, and new farm irrigation equipment and for any additional exemption provided by state law.

Sec. 28 ½-147. Contract with tax commissioner.

The Minot Finance Director is authorized to contract with the tax commissioner for administration and collection of taxes imposed by this article. The City's Finance Director has all powers granted to the tax commissioner, and in the absence of a valid contract with the tax commissioner or failure of the tax commissioner to perform the delegated duties, shall perform these duties in place of the tax commissioner.

Sec. 28 ½-148. Dedication of tax proceeds.

The proceeds of the one-half percent (½%) tax authorized under this article (the "Minot Park District sales tax") shall be placed in a separate fund, which shall be dedicated exclusively to the Minot Park District to be expended for:

- (1) the financing and construction of an indoor turf facility; and
- (2) to provide general funds for Minot Park District operations and future capital projects and allow the Minot Park District to reduce its property tax assessments for a period of five (5) years.

Proceeds from the tax imposed pursuant to this article may be used by the Park District to make direct payment for costs described hereinabove or may be pledged to pay debt service on bonds or other debt instruments which may be

sold to finance such costs without submitting the question of such issuance to the voters of the city.

Sec. 28 ½-149. Maximum tax imposed.

Any patron or user paying a tax imposed by this article in excess of fifty dollars (\$50.00) upon any single transaction of one (1) or more items may obtain a credit or refund of the excess tax at the time of purchase directly from the vendor or request a refund of the excess tax payment by filing a request for refund upon the forms provided by the tax commissioner.

Sec. 28 ½-150. Effective Date.

This article shall be accepted after its passage and approval on second reading by the Minot City Council. This article and the Minot Park District sales tax authorized hereby shall remain in effect and continue to be collected while the original obligations, or extensions thereof, secured by the Minot Park District sales tax to construct the indoor turf facility remain outstanding, and thereafter until amended or repealed.

§2. Implementation Date of Amendments. The ordinance amendments shall be implemented on July 1, 2025.

§3. Effective Date. This ordinance shall be effective upon the later of second reading and final passage by the Minot City Council and approval by a majority of the electors voting in a special election to be held April 29, 2025 for the purpose of considering whether the ordinance should be ratified. If the voters fail to approve the ordinance, it shall not become effective.

PASSED ON FIRST READING:

PASSED ON SECOND READING:

ATTEST:

APPROVED:

Mikayla McWilliams, City Clerk

Tom Ross, Mayor